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HOUSE OF REPRESENTATIVES—*Wednesday, March 7, 1973*

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

The Lord is my strength and my song and He has become my salvation.—Exodus 15: 2.

Praise be to Thee, O Lord our God, and God of our fathers. Thou art our refuge and strength, our help in time of trouble and in all of life. Spur us to respond to the leading of Thy Spirit that we may walk with Thee along the paths to peace, justice, and good will.

Prosper our Nation in all her good works that there be no hunger within our borders and that everyone may live and labor for the good of our people.

Hasten the day when the threat of war will cease and when men and women shall realize their oneness with Thee and with one another.

"Lift up our hearts, O King of kings,
To brighten hopes and kindlier things,
To visions of a larger good
And higher dreams of brotherhood."

In the spirit of Him who said, "Let us love one another," we pray. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed bills and a concurrent resolution of the following titles, in which the concurrence of the House is requested:

S. 49. An act to amend title' 38 of the United States Code in order to establish a National Cemetery System within the Veterans' Administration, and for other purposes;

S. 284. An act to amend chapter 17 of title 38, United States Code, to require the availability of comprehensive treatment and rehabilitative services and programs for certain disabled veterans suffering from alcoholism, drug dependence, or alcohol or drug abuse disabilities, and for other purposes;

S. 721. An act to authorize appropriations for the Indian Claims Commission for fiscal year 1974, and for other purposes; and

S. Con. Res. 6. Concurrent resolution making apportionment of funds for the National System of Interstate and Defense Highways.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair would like to make an announcement.

The Chair has been advised that the electronic voting system is at the present time not operable.

Until further notice, therefore, all votes and quorum calls will be taken by the standby procedures which are provided in the rules.

CALL OF THE HOUSE

Mr. ARENDS. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. O'NEILL. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 35]

Ashley
Badillo
Biaggi
Blatnik
Brown, Calif.
Broyhill, Va.
Carey, N.Y.
Chisholm
Clark
Clay
Collier
Conyers
Corman
Dickinson
Diggs
Edwards, Ala.
Evans, Colo.
Fraser
Giaimo
Gray
Hanna
Harvey
Hastings
Hébert
Hinshaw
Hosmer
King
Koch
Long, La.
Martin, N.C.
Milford
Mills, Ark.
Mollohan
Moorhead, Calif.
Moorhead, Pa.
Murphy, Ill.
Price, Tex.
Rooney, N.Y.
Rosenthal
Rostenkowski
Sisk
Stark
Steed
Steiger, Ariz.
Sullivan
Teague, Calif.
Teague, Tex.
Udall
Waldie
Wampler
Whitten
Wright

The SPEAKER. On this rollcall 379 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

AUTHORIZING SPEAKER TO DECLARE A RECESS ON THURSDAY, MAY 24, 1973

Mr. O'NEILL. Mr. Speaker, I ask unanimous consent that it be in order for the Speaker to declare a recess on Thursday, May 24, 1973, subject to the call of the Chair, for the purpose of receiving in this Chamber former Members of the House of Representatives.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

ANNOUNCEMENT OF BREAKDOWN OF WHIP ROLLCALL SYSTEMS

Mr. O'NEILL. Mr. Speaker, I would like to announce that the whip rollcall systems on both sides are experiencing difficulty and are not operating, so we will not be able today to call Members in their offices and urge them to be on the floor.

PERSONAL EXPLANATION

(Mr. O'BRIEN asked and was given permission to address the House for 1 minute.)

Mr. O'BRIEN. Mr. Speaker, on rollcall No. 34 yesterday, a quorum call, I was detained in my office on business concerning my district. I entered the Chamber after the completion of the call. I make this statement in order that the RECORD may show that I was in attendance yesterday.

GOVERNMENT IGNORES ENERGY CRISIS

(Mr. SIKES asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. SIKES. Mr. Speaker, the U.S. News & World Report for March 5 quoted a visitor to Washington as saying:

> I wonder if officials in charge of government buildings are aware of the energy crisis. At midnight, most of those monumental structures are ablaze with light. Surely, there aren't really that many bureaucrats working overtime.

The visitor is not the only one who wonders about these things. I have called attention to this situation on more than one occasion and I invariably received excuses, not corrections. It does not make sense to me that the Government's light bill does not go up when all the lights are on. Mine does. If it costs me more to burn lights unnecessarily, I must assume the Government has the same problem. The question remains, How do we get anything done about it?

THE POW'S COME HOME

(Mr. ADDABBO asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. ADDABBO. Mr. Speaker, while all Americans should be thankful and joyful over the return of our prisoners of war from North Vietnam, we should also reflect on the problems faced by these fine young men. Their future depends in large part on the willingness of Americans to recognize those problems and join together in a national program to help these men meet the daily problems they are now beginning to encounter.

A recent editorial aired on radio station WINS in New York describes the situation briefly and clearly. I insert the text of that editorial at this point in the RECORD for the information of my colleagues:

THE POW'S COME HOME

The first prisoners of war from Vietnam, including 16 men from this area, are coming home, and we share the joy of their families in their safe return. Apparently no effort has been spared in making their homecoming smooth and problem-free, and they soon will be reunited with their loved ones. But, in this hour of happiness, we should remember that this is only the start of a period of readjustment to a way of life that many POW's have not known for years.

Along with thousands of other Vietnam veterans, they will find that life in America has become more complicated and expensive than it was when they went away . . . that problems of crime, drug addiction, environmental pollution and urban decay have increased, as have taxes and the cost of living. They may also discover that many veterans still are having trouble finding civilian jobs. The veterans administration currently is weighing changes in disability benefits which could have a serious effect on this new generation of disabled vets. Let's hope that any cuts made in the name of economy eliminate waste and inefficiency, without hurting veterans who genuinely need help. Congress should make certain that the red carpet which has just been rolled out for our returning POW's is not a hollow promise.

THE LATE CLEO A. NOEL, JR., AND THE LATE GEORGE C. MOORE

(Mr. CULVER asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. CULVER. Mr. Speaker, I sadly rise today to comment upon a national tragedy.

I share the shock of the coldblooded murder of Cleo A. Noel, Jr., our newly arrived U.S. Ambassador to the Sudan, and George C. Moore, the departing charge d'affaires, by Palestinian guerrillas in Khartoum. It is appalling that American diplomats, or diplomats from any country, are being subjected to such acts of terrorism while they faithfully and courageously represent their governments in the many troubled areas of our world.

In speaking to a senior colleague of Ambassador Noel over the past weekend, the Ambassador was described to me as a most dedicated and gifted Foreign Service officer, as well as a "truly outstanding human being." He was greatly respected and admired by those with whom he served.

We were fortunate to have individuals like Ambassador Noel and Mr. Moore representing our country. They had extensive expertise and background in the affairs of that area of the world. In addition, they had a long and distinguished career in the Foreign Service. They, in short, are America's finest Ambassadors. I share, with the rest of the Nation, a sincere sense of loss over their death, and the loss of their invaluable service to the Nation.

I would like to comment further, Mr. Speaker, that I consider it important if an appropriate perspective on the Middle East is to be maintained that all Arab nations disassociate themselves from such irrational, unconscionable, and despicable acts of terrorism. Official acceptance or even silence will only encourage more such tragedies.

Mr. Speaker, I extend my profound sympathy to the families of these two fine Americans who gave their dedicated lives while in the service of our country.

PERSONAL ANNOUNCEMENT

Mr. DULSKI. Mr. Speaker, I was unavoidably detained in my district yesterday, and therefore missed the votes on passage of H.R. 4278, child nutrition programs, rollcall No. 32; and House Joint Resolution 393, extending the authorization of the National Commission on the Financing of Postsecondary Education, rollcall No. 33.

Had I been present, I would have voted "yea" on both measures.

JAWBONING MEAT PRICES WITH "BOSSY"

(Mr. MELCHER asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. MELCHER. Mr. Speaker, the results of yesterday's meeting of the Food Advisory Committee to discuss ways of stabilizing meat prices were discussed with me today. They have agreed on a two-step plan which they hope will bring stability to the livestock markets and therefore the retail meat prices.

The first of these is to increase the slaughter of cows this year by encouraging farmers and ranchers to voluntarily send more of them to market. I believe this will be ineffective because Government jawboning by USDA officials will not cause livestock owners to part with cows that are productive. Causing a movement to bovine genocide for this year will only result in reducing the number of next year's calves and the beef supply in years ahead. The imminent need now is a gradual expansion of cattle numbers to meet the increased demand while the Food Advisory Committee staff points out that USDA figures show cow numbers increasing by 6 percent as compared to a year ago. These are only estimates and could be higher than actual numbers.

Everyone in the meat production chain from farmers and ranchers through the various steps to the final package of meat on the retail counters are hopeful of meat price stabilization. But to expect Bossy's owner to sign her death warrant by sending her to slaughter when she is still pert and productive is expecting too much.

The Food Advisory Committee also agreed to promote a voluntary plan to tighten price controls for meatpackers. The final details have not been worked out, but meatpackers and the American Meat Institute have been working with the staff of the Committee and they have reached a tentative agreement. It will be passed on to the Food Committee of the Cost of Living Council for further action at a meeting in the near future. I encourage Chairman Shultz and the Food Committee to hold public hearings before any final action is taken to permit other parts of the livestock and meat industry as well as the public to have an opportunity to understand what is being proposed and how it will affect meat prices. There is a broad public interest and this proposal should not be one only known to the meatpackers and the American Meat Institute.

Government interference in the livestock industry has had many notable failures and few, if any, successes. Some of the members of the Food Advisory Committee are well aware of this and I would hope will use prudent caution in the proposals they pass on to the Food Committee and Cost of Living Council.

PERSONAL EXPLANATION

Mr. LEHMAN. Mr. Speaker, on March 6, at the time of quorum call No. 34, I was fulfilling my duties as a member of the Select Subcommittee on Education. The subcommittee was meeting jointly with the Senate Education Subcommittee in the New Senate Office Building to hear testimony regarding the National Foundation for the Arts and Humanities.

Since House quorum bells do not ring on the Senate side, I was unaware of this quorum call.

I would hope that arrangements could be made whereby Members of the House who are meeting in official business on the Senate side are promptly notified of House quorum calls or votes.

OPEN COMMITTEE MEETINGS

Mr. PEPPER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 272 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 272

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the resolution (H. Res. 259) to amend the Rules of the House of Representatives to strengthen the requirement that committee proceedings be held in open session. After general debate, which shall be confined to the resolution and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Rules, the resolution shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the resolution for amendment, the Committee shall rise and report the resolution to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the resolution and amendments thereto to final passage without intervening motion except one motion to recommit.

The SPEAKER. The gentleman from Florida is recognized for 1 hour.

Mr. PEPPER. Mr. Speaker, I yield 30 minutes to the able gentleman from Illinois (Mr. ANDERSON), pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 272 provides an open rule with 1 hour of general debate on House Resolution 259, which is a resolution to amend the Rules of the House of Representatives to strengthen the requirement that committee proceedings be held in open session.

House Resolution 259 provides that each meeting for the transaction of business, including the markup of legislation, of each standing committee or subcommittee thereof shall be open to the public except when the committee or subcommittee, in open session with a quorum present, determines by rollcall vote that all or part of the remainder of the meeting on that day shall be closed to the public: *Provided, however,* That no person other than members of the committee and such congressional staff as they may authorize shall be present at any business or markup session which has been closed to the public. This paragraph does not apply to open committee hearings which are provided for by paragraphs (f) (2) and (g) (3) of clause 27 of this rule; or to any meeting that relates solely to internal budget or personnel matters.

Each hearing conducted by each committee or subcommittee thereof shall be open to the public except when the committee or subcommittee in open session and with a quorum present, determines by rollcall vote that all or part of the remainder of that hearing on that day shall be closed to the public because disclosure of testimony evidence, or other matters to be considered would endanger the national security or would violate any law or rule of the House of Representatives.

Hearings pursuant to subparagraph (1) of this paragraph, or any part thereof, shall be held in open session except when the committee, in open session and with a quorum present, determines by rollcall vote that the testimony to be taken at that hearing may be related to a matter of national security.

The Rules Committee granted an open rule on House Resolution 259 so that the Members might have ample time to debate the issue and to offer amendments.

Mr. Speaker, I urge the adoption of House Resolution 272 in order that House Resolution 259 may be considered.

Mr. ANDERSON of Illinois. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I should like to make it clear at the outset that I am going to ask for a "nay" vote on ordering the previous question on House Resolution 272.

I shall do that not because I am opposed to the substantive provisions of House Resolution 259, which has been authored by the gentleman from Florida (Mr. FASCELL), the gentleman from Texas (Mr. ECKHARDT), and the gentleman from Washington (Mr. FOLEY).

In fact, on the 23d of January of this year I introduced an even stronger version of the so-called sunshine bill in the hopper in this House. The legislation that I introduced at that time would have prohibited closed meetings, even markup sessions, unless matters of national security or matters that tended to degrade or to defame or to incriminate an individual were involved.

But I do appreciate the political realities that are at work here today. Therefore, I believe the resolution as it was reported out of the Democratic caucus and as we have it in House Resolution 259 is a reasonable and an acceptable compromise of the position which I originally offered.

Let me also say that we are acting on this resolution today under an open rule. When the gentleman from Missouri, my friend and colleague on the committee (Mr. BOLLING), moved to send the resolution to the floor under an open rule I was delighted, because that was, Members may remember—those who were here a week ago—exactly the procedure I had sought to employ in the consideration of the investigatory and travel resolutions that we considered at that time. But my motion for an open rule was defeated by a party-line vote in the Rules Committee on that occasion, and we were unsuccessful in the effort we then subsequently made to defeat the ordering of the previous question here on the floor of the House.

It was my understanding on yesterday that by the granting of an open rule, as we did, this resolution, which amends clauses 26 and 27 of rule XI, would be open to amendment, and amendments would be in order to other parts of rule XI as well. So I had, therefore, in mind to offer an amendment to clause 32(c) of rule XI which would restore the one-third investigatory minority staffing provision which was contained in the 1970 Legislative Reorganization Act but which was later deleted in the adoption of the rules of the 92d Congress.

Since I have been informed that there is a possibility that even under an open rule such an amendment, an amendment to section 32(c) of rule XI, might be held to be nongermane to this resolution, therefore I have no alternative, I feel, other than to call for a "no" vote on ordering the previous question, when that is up for a vote, so that if we defeat the ordering of the previous question we will then be in a position to offer a substitute rule which would clearly make in order this amendment to section 32(c) and make provision for adequate minority staffing.

Mr. CLEVELAND. Mr. Speaker, will the gentleman yield?

Mr. ANDERSON of Illinois. I yield to the gentleman from New Hampshire.

Mr. CLEVELAND. In other words, the rule under which we are going to consider this so-called sunshine resolution, introduced, sponsored, I suppose, aptly, by a gentleman from Florida among others, is going to be an open rule. However, the rule is not open enough so that we could consider a minority staffing amendment, although it is to the same rule XI. This germaneness business in the House seems to be so strict one has to get right down to the very section involved. Is that the situation?

Mr. ANDERSON of Illinois. The gentleman is correct. I am afraid that this might be the situation if we simply went ahead under the resolution and I tried to offer the resolution in regular course. I am afraid that ruling might come from the Chair, and, therefore, to obviate that I am asking for a "no" vote on the previous question.

Mr. CLEVELAND. And then if we vote down the previous question, the gentleman is going then to offer an amendment to the rule which will permit the House to again address itself to the issue of minority staffing; right?

Mr. ANDERSON of Illinois. The gentleman is correct.

Mr. CLEVELAND. Mr. Speaker, let us make it clear, however.

Is it not also the gentleman's intention to introduce an amendment that will be different from the amendment which was defeated by 13 votes last week?

Mr. ANDERSON of Illinois. Mr. Speaker, I was about to come to that in my remarks.

In answer to the gentleman's question, I have endeavored to draft new compromise language that would meet the objections that were stated here on the floor last week by the gentleman from Missouri (Mr. BOLLING); yes.

Mr. CLEVELAND. Mr. Speaker, I thank the gentleman.

I want to say that we have got to make that point very clear. I was interested to read in the RECORD of either yesterday or the day before that at least one Member of the Democratic Party stated in the RECORD or stated for the record that he had dashed in here from a meeting—I believe it was with the League of Women's Voters—that he had dashed in here and received rather a wrong impression about what he was voting on.

So I wanted to make it crystal clear in my interrogation of the distinguished gentleman from Illinois (Mr. ANDERSON) that the parliamentary procedure is not only that we are going to have another opportunity to vote on minority staffing. Thus those people on the other side of the aisle will now know the situation if they did not mean to vote the way they did. Even more important is the proposition is going to be one that in express, explicit language meets the objections of the gentleman from Missouri (Mr. BOLLING) that were raised in the RECORD just a week ago.

Mr. ANDERSON of Illinois. The gentleman is correct.

Mr. Speaker, let me very quickly address myself to the point the gentleman raises, the point on which we have redrafted the amendment that I would have offered last week. We have redrafted that in such a way as to make minority committee staff appointments subject to the approval of the majority of the committee to take care of the argument that somehow the minority might elect to appoint irresponsible people to the staff of a committee and thus totally frustrate the work of the committee.

So in an effort to meet that argument we have redrafted the amendment. We have included new language that would specifically say that the qualifications and the ethics of the persons we seek to appoint to the committee are subject to the approval of a majority of the committee.

Mr. CLEVELAND. Mr. Speaker, will the gentleman yield further?

Mr. ANDERSON of Illinois. Yes, I will yield further to the gentleman from New Hampshire.

Mr. CLEVELAND. In effect, is the language of the gentleman's amendment which is to be offered today the exact language that the gentleman from Missouri (Mr. BOLLING) stated in the RECORD a week ago, that he was proud to have helped put in the Legislative Reorganization Act which is now part of our rules.

Mr. ANDERSON of Illinois. The gentleman is correct.

Mr. Speaker, I think it is worth perhaps at this point quoting the language, and I have it here before me, the language that the gentleman from Missouri (Mr. BOLLING) used, and I include it here:

> I am for the minority having up to one-third of the committee staff. I helped construct the provision of the Reorganization Act which provided that the minority would get one-third of the professional staff. It had some key language in it which is the crux of the situation. When it gives to the minority an absolute right to select one-third, it reserves to the majority of the committee the right not to retain in its employ people who are of a certain kind.

Mr. Speaker, that is what we did. We went to the rules as they pertain to those so-called professional staff employees, and we included that language in the amendment that I would now propose to offer, so that it refers to the so-called investigatory employees as well.

Mr. GERALD R. FORD. Mr. Speaker, will the gentleman yield?

Mr. ANDERSON of Illinois. I yield to the distinguished minority leader.

Mr. GERALD R. FORD. Mr. Speaker, it seems somewhat inconsistent to me that we have so-called sunshine proposals in substance prospectively before the House, and yet the rule that is coming before us does not have that "sunshine" aspect.

It is a rule that is very restrictive. It seems to me if we are going to move in the direction of the so-called sunshine resolution, we ought to open up the rule which would permit the House to work its will on the resolution itself.

Mr. ANDERSON of Illinois. I thank the gentleman.

I agree, and I think it serves to make the point I would like to make, which is that there may be some who would be critical of my taking the floor this afternoon for the second time in 2 weeks to urge action on this question of minority staffing. Some would say that I am even kicking a dead horse, when actually, ladies and gentlemen, all I am trying to do is to spur on a very live burro, and that live burro I hope is the spirit of reform on the Democratic side of the aisle.

They have inserted in their caucus that they want to reform the procedures of this House, and I thank them for that very commendable suggestion. Here today an opportunity to do that exact thing exists.

And we had occasion to say last week, we have been joined by Common Cause. I think you all got a letter from Mr. Gardner under date of February 26, where he specifically endorsed the proposal that the gentleman from New Hampshire (Mr. CLEVELAND) and I are making. So you are in good company.

Let me encourage you to take the opportunity here and carry out the true spirit of reform on the floor of the House this afternoon.

I am now pleased to yield to the gentleman from Pennsylvania (Mr. DENT).

Mr. DENT. I was going to get up and give you a great big hearty support, but you brought in a name. However, I want it to be clearly known I do want to support minority staffing. I guess you learn best by experience on what is proper in a legislative body. It is idiotic to believe that a minority can function without proper staffing in this particular day and age, because of the multiplicity of problems that come before us. However, the only problem I have in my mind is this: If we adopt your position, staffs have already been named and many of them are continuing staff members. If we are then asked to cut back an approximate 35 percent, I do not think it is a very healthy position or even an equitable position to be in to have to tell your staff that now 35 percent of you must go.

If this is proper—and I believe it to be proper—then it ought not to be a matter of the moment; it ought to be a matter of continuing responsibility on the part of the majority, whoever that majority may be, to staff minorities, and it will take an additional amount of appropriation properly acted upon by the Subcommittee on Accounts of the Committee on House Administration to staff whatever it must be.

Mr. ANDERSON of Illinois. Before the gentleman from Pennsylvania consumes all my time, let me say that I appreciate the very fine statement he has just made in support of the principle of minority staffing, although when I look over rollcall No. 27 for the 28th of February I find his name missing, unfortunately.

Mr. DENT. It was missing because you did not——

Mr. ANDERSON of Illinois. And he did not support the proposition. But be that as it may, I want to commend the committee on which the gentleman serves, the Committee on Education and Labor. They have been one of the committees of this House who have been, I think, very fair and very generous in their apportionment of funds and staff to the minority. If every one of the standing committees of this House had done likewise, we would not have had to be here week after week urging this proposition upon you.

On the specific point that the gentleman raised, perhaps he was not on the floor when I had a colloquy on this subject with the gentleman from Ohio (Mr. HAYS) last week, and he raised almost the identical point then. I said that does not worry me. If to carry out the provisions of this minority staffing resolution we have to, as we would, hire more staff for the committees of Congress, I see nothing wrong with that. Those of us who are interested in improving our performance as one of the three coequal branches of the Government ought not to be afraid to stand for the principle of more adequate staffing for both the majority and minority in this House. That does not worry me a bit.

How much time do I have remaining, Mr. Speaker?

The SPEAKER. The gentleman has consumed 14 minutes.

Mr. ANDERSON of Illinois. I would say to the gentleman from Texas (Mr. ECKHARDT) I would prefer not to yield at this time. I will be glad to yield time later if necessary. I have some requests for time on my side of the aisle that I must honor.

I simply want to close here by urging the Members of this House on both sides of the aisle who want to be fair, who want to be consistent on the proposition of congressional reform, to vote down the previous question.

I am going to support the resolution offered by the gentleman from Florida (Mr. FASCELL). I am totally in agreement with the efforts the gentleman has made, and I commend the gentleman on his initiative. But I think we have made a pretty good case not only this afternoon, but last week, and on other occasions, for the idea that the minority is entitled to some fair treatment with respect to the staffing of our committees.

Mr. PEPPER. Mr. Speaker, I would inquire if the gentleman from Illinois has further requests for time.

Mr. ANDERSON of Illinois. I do, Mr. Speaker.

I now yield 3 minutes to the gentleman from California (Mr. McCLOSKEY).

Mr. McCLOSKEY. Mr. Speaker, I would like in my remarks to address my Democratic colleagues. I read in the paper where some of us are under pressure to change parties; that the ex-Secretary of the Treasury may consider becoming a Republican, for example. There are those on both sides of the aisle, I might say, who have suggested that I should become a Democrat. I would like to say that any consideration a Republican might give to changing parties is inhibited when we look at the recent vote on minority staffing.

I do not believe any of us feel that our committee efforts and our work on committees should be partisan. I do not believe that either the Democrats or the Republicans on any of our committees do a better job by virtue of staffing, but both sides of the aisle are competent to do a better job if they do have adequate staffing.

I serve on a committee which has seven major subcommittees engaged in the legislative oversight of every branch of the Federal Government. We presently have only four minority staff members to serve those seven subcommittees.

I would like to suggest to the Democrats who voted against increased minority staffing a few days ago that this is the only partisan vote since we elected the Speaker, I would like to suggest to my Democratic colleagues that in the interest of fairness minority staffing should be increased as the gentleman from Illinois (Mr. ANDERSON) pointed out. This is not a matter of firing any members on the Democratic staffs; it is a matter of supplementing the minority staffs so that we in the minority can do a better job on the many issues that we will face during the balance of these 2 years. These are not going to be partisan issues for the most part.

If I were to give any consideration to becoming a Democrat, I would have to abandon that thought if we have another partisan vote on this kind of issue.

Mr. ANDERSON of Illinois. Mr. Speaker, I yield 4 minutes to the gentleman from New Hampshire (Mr. Cleveland).

Mr. CLEVELAND. Mr. Speaker, I want to remind the Members that last week when we voted on this same issue there were 14 Members of the Democratic Party who voted with us on this issue. I want to thank those Members from the other side of the aisle who voted with us. I want to remind the Members on the other side of the aisle that there are many others who have stated support for the cause of minority staffing.

There were some who sponsored the original legislative proposal that went into the Legislative Reorganization Act, but since have voted the other way.

I now want to address my remarks at this time in the debate, and I want to speak to those Members of the Democratic Party who feel that the case for minority staffing is sound, but who did not vote with us the last time.

Now I want to make it very clear in the Record—and a letter was sent to every single Member of the Democratic Party and the Republican Party—setting this forth explicitly, that we would be voting on a new proposal for minority staffing.

It is a new proposal. To those of you who felt you could not vote with us the last time, you should know that all objections that were raised during the debate last—any objections that were raised during that debate—have been met by the newly drafted proposal.

There are not many people on the floor here today. It is too bad. This is an issue of congressional reform. When we are discussing congressional reform, it always seems to me unfortunate that so few Members attend the debates.

But I want to make the Record clear at least that this proposal we will be shortly voting on is a different proposal than the one we voted on last week. We have taken the very language that Mr. Bolling said with some pride he had helped write into the Legislative Reform Act of 1970—we have taken that language explicitly as he wrote that language—to meet the chief objection that he raised to minority staffing 1 week ago. So we have walked across the aisle. We have embraced the language of the man who led the fight against the resolution, the Minority Staffing Resolution.

In the name of fairness and congressional reform, what more could we do? What more can you ask?

Let me give you here Mr. Bolling's words:

Floor Debate on House Resolution 18, February 28, 1973, Congressional Record, Page 5926

I am for the minority having up to one-third of the committee staff. I helped construct the provision of the Reorganization Act, which provided that the minority would get one-third of the professional staff.

It had some key language in it which is the crux of the situation. When it gives to the minority an absolute right to select one-third, it reserves to the majority of the committee the right not to retain in its employ people who are of a certain kind. Now, it is understood that people of this particular kind would never be employed by those in the minority, but since the majority is responsible for the orderly management of committees, when it organizes committees it has to retain the responsibility across the board.

Please note that the Anderson-Cleveland amendment contains safeguards identical in language to the provisions of the Legislative Reorganization Act of 1970 to which Mr. Bolling referred.

The amendment follows:

32(c) The minority party on any such standing committee is entitled, upon request of a majority of such minority, to up to one-third of the funds provided for the appointment of committee staff pursuant to each primary or additional expense resolution. The committee shall appoint any person so selected whose character and qualifications are acceptable to a majority of the committee. If the committee determines that the character and qualifications of any person so selected are unacceptable to the committee, a majority of the minority party members may select other persons for appointment by the committee to the staff until such appointment is made. Each staff member appointed under this subparagraph shall be assigned to such committee business as the minority party members of the committee consider advisable.

This vote today should be carefully watched, I hope not only by the press, but by those people who have expressed interest in congressional reform for many years.

To the 14 Members of the Democratic Party who voted with us the last time I want to say thank you. I hope that there will be 10 or 15 more of you. That is all this particular cause needs, and it is a good cause; it is a fair cause. I will not bother you with all of the details. As I told you last week, I have written an essay on it. It is the first chapter in the book "We Propose—A Modern Congress."

There are distinguished political scientists; there are distinguished Members of the Democratic Party; there are distinguished commentators; there is hardly a voice, a logical voice which can be raised against the proposition that if the minority party is to do its proper job of constructive criticism of majority proposals.

The SPEAKER. The time of the gentleman has expired.

Mr. ANDERSON of Illinois. Mr. Speaker, I yield the gentleman from New Hampshire 1 additional minute.

Will the gentleman yield?

Mr. CLEVELAND. I yield to the gentleman from Illinois.

Mr. ANDERSON of Illinois. I wonder if, for the benefit of the new Members of this body on the Democratic side, it might not be also helpful to point out that the original sponsor of this minority staffing amendment when it was offered on the floor of this House in 1970 to the Legislative Reorganization Act was a Democrat, the distinguished gentleman from New Jersey (Mr. Thompson); and it was adopted at that time by a bipartisan majority. I think the vote was 102 to 68.

Mr. CLEVELAND. The gentleman is correct, and it grieved me deeply that Mr. Thompson, for some reason or another, deserted the cause the other day and that is why I hope he will be back with us today. In fact, he has no logical reason not to be back with us today, because we have changed the minority staff resolution to meet the only objection that was raised to it last week.

In conclusion, let me point out one other thing particularly, to meet the objections of Mr. Dent, who used to be with us, but was not with us last week, but will be with us again this afternoon, I am sure. This is a permissive resolution. It does not mandate one-third of the minority staff. It says we can have it if we ask for it and need it.

Mr. Speaker, the letter to all Members to which I referred follows:

Congress of the United States,
Washington, D.C., March 7, 1973.

Dear Colleague: Last week all colleagues received letters calling attention to the minority staffing vote as an invitation to demonstrate "commitment to Congressional reform and to give expression to the bipartisan majority will, originally embodied in the Legislative Reorganization Act of 1970."

Since that time, it has come to our attention that several members of the majority party had not read that letter and voted on the issue without full realization that they were voting against a principle for which they had publicly or privately expressed support.

The same opportunity may arise again today, Wednesday, March 7 in connection with consideration of H. Res. 259. For your information, the amendment which we have prepared was drafted precisely to meet the explicit objections raised by our colleague Mr. Bolling in our floor debate on February 28. An ample supply of copies of his remarks and of the text of our amendment will be available to members at the Majority and Minority desks on the House floor today.

Mr. Bolling has read this language in draft and has assured us that it meets the objections he previously raised. In the same statement, however, he made it clear that at the time of that conversation he was not in a position to support the amendment we would offer.

Members also should be aware that the new language to be offered is identical to House Rule XI, Clause 29(a)(2), governing professional Minority staff members which Mr. Bolling—as he stated during the February 28 debate—personally took a hand in drafting.

We appreciate the action of those majority party members who joined us in the previous vote, express our thanks to others who have indicated inclination to join us now, and invite the remainder to join in enacting this truly bipartisan reform measure.

Sincerely yours,
John B. Anderson.
James C. Cleveland.

Mr. ANDERSON of Illinois. Mr. Speaker, I yield 3 minutes to the gentleman from Minnesota (Mr. Frenzel).

Mr. FRENZEL. Mr. Speaker, today we are again faced with the same kind of situation that we have faced here previously. Each of us probably has had a chance to meet the same kind of question in our individual committees. Each time when we in the minority request not half the staff, but a third of the staff, we are beaten down by a majority, which then consistently tells us that it is interested in reform.

The Democrat caucus beats its breast, and it talks to the press, and it campaigns on the basis of reform. But reform to the majority only means an ability to control beyond its proportionate strength in Congress.

Yesterday in my committee, the great Committee on Banking and Currency—which finally organized itself after more than 60 days of this congressional session—we had the same kind of amendment. We took the language of the Legislative Reorganization Act of 1970 and submitted it as an amendment to the rules.

That amendment was defeated by a straight party line vote, with all the Democrats voting against the amendment and all the Republicans voing for it.

It is getting to be a kind of tiresome thing to try to ask for equity. How indeed can the people of this country expect equity from a majority which will not even grant equity to the elected Representatives of the people who happen to come from districts where a majority of the people support the Republican candidate?

I certainly hope that the majority group, the Democrats here, will have a change of heart, and following the suggestion of the gentleman from New Hampshire (Mr. CLEVELAND), finally give us a chance to get the one-third staffing we need. We need this staff to carry out our legislative duties and to represent the people of our constituency, for which duties I think we have just as high an obligation as the Members of the majority.

It is surely ironic—and still perhaps appropriate—to encounter all this Democratic opposition to minority staff in connection with a so-called "sunshine bill." The majority group may be basking in the artificial warmth of this resolution, but it is pretty cold and damp for the minority.

The Democrats have denied us adequate staff, and then denied us the opportunity to amend this resolution. The sun is allowed to shine only on the Democratic elite.

It is doubly ironical to deny adequate staff at a time when the same Democratic majority is crying about erosion of powers. Adequate staff assistance is essential to the congressional ability to exercise its own powers.

Reform has indeed become a sick and twisted concept in this Congress. The more things change, the less they change. Who will be comforted by "sunshine" when "gag rule" is still used to deny reasonable staff to a group of elected Representatives in this body.

Mr. ANDERSON of Illinois. Mr. Speaker, I have no further request for time, and I reserve the balance of my time.

Mr. PEPPER. Mr. Speaker, I yield 2 minutes to the able gentleman from Texas (Mr. ECKHARDT).

Mr. ECKHARDT. Mr. Speaker, I speak in favor of the rule and in favor of the motion to order the previous question.

I should like to point out to the body that one of the normal ways in which this resolution could have come before the body would have been without a rule. This is a privileged resolution which could have come out of the Rules Committee directly as it is without opportunity to amend. I am a coauthor of the resolution, and that was rather unusual, but I asked the Rules Committee to come out with an open rule, because I believe in open rules.

The Rules Committee could have just as normally brought the resolution out as a privileged resolution, which would have been in effect a closed rule. The authors, at least one of them, specifically asked the committee to make a rule and to make an open rule, so what has been done is the usual thing.

What is being asked is that the rule be amended to make it unusual, that is to permit a nongermane amendment. I argued for an open rule, but I think we ought to deal with the question of whether or not committees should be open and not with the question of whether or not staffs should be assigned in one or another way. These are two different points. There is a real good reason for the germaneness rule. This is not in anywise a closed rule. It is an open rule in exactly the same light that every other open rule is written: "The resolution shall be read for amendment under the 5-minute rule."

Mr. ANDERSON of Illinois. Mr. Speaker, will the gentleman yield?

Mr. ECKHARDT. I yield to the gentleman from Illinois.

Mr. ANDERSON of Illinois. Mr. Speaker, I could appreciate the gentleman's argument completely if we attempted with this amendment to invade the jurisdiction of some other committee, but this is within the jurisdiction of the Committee on Rules to consider any and all amendments to rule XI of the House and I would call the attention of the gentleman to the fact that the words, "committee staff" appear in the resolution.

Mr. ECKHARDT. In reply to the gentleman from Illinois, of course, if we should write a special rule permitting us to go into other matters than the question of opening or closing meetings, we could deal with any matter whatsoever under the amended rule. All I am arguing for is that we follow the ordinary procedures of the House, that we accept the resolution with an open rule in it, that we not waive germaneness, in order that we may deal with the matter now before the House.

Mr. ANDERSON of Illinois. Mr. Speaker, will the gentleman from Florida withhold the moving of the previous question for 1 minute?

Mr. PEPPER. Mr. Speaker, I have another speaker so I will not move to order the previous question just now.

Mr. ANDERSON of Illinois. Mr. Speaker, if the gentleman will yield, I want to reassure the gentleman from Texas (Mr. ECKHARDT) that in the substitute rule, the amended rule which I have drafted, I have specifically provided that this amendment which I seek to offer, an amendment to section 32(c) of rule XI, shall not be subject to amendment.

I am not going to try to open up all of rule XI and go into matters substantially beyond the question of staffing. I have specifically provided appropriate language, so I think the gentleman ought to be reassured, if he is in favor of voting down the previous question and offering a substitute rule, that we are not going to make it an open field day to go into anything and everything, but will limit it to that specific issue.

Mr. ECKHARDT. Mr. Speaker, I simply object to writing any such rule which establishes a certain particular subject matter as germane. It seems to me that we should simply follow the open rule in the ordinary processes of germaneness of the House.

Mr. PEPPER. Mr. Speaker, I yield 3 minutes to the distinguished majority leader, the gentleman from Massachusetts.

Mr. O'NEILL. Mr. Speaker, I hope the previous question is adopted. With the majority in this House goes the responsibility of staffing, whether in 1952 when the Republican Party won the Congress, or when the Democratic Party won the Congress.

This is the only legislative body in the world that acts in this manner. We gave to the opposition party an Assistant Doorkeeper, an Assistant Postmaster, an Assistant Sergeant at Arms with no obligations and no duties. The country has reelected a Democratic Congress at the present time. The Democratic congressional committee has headquarters in the building here of some 2,700 square feet. The Republicans get 7,300 square feet and have 65 employees over there. Most of them are not doing anything except working on the election.

At the present time, we have the problems as the chairmen of the committees, as to staffs.

What does the gentleman want? Does he want to think he runs this Congress?

The Democrats were elected as the majority party. The Republicans do not use the staff they have at the present time. They use it with their eyes on the next election. That is not the way it should be. We are the majority.

Mr. ANDERSON of Illinois. Mr. Speaker, will the gentleman yield?

Mr. O'NEILL. The gentleman does not yield. We are the majority party over here, and my earnest opinion is that we give the Republican Party far too much as it is at the present time.

Mr. ANDERSON of Illinois. Mr. Speaker, I believe I still have some time remaining.

I am surprised; I am deeply shocked and surprised that my friend and former colleague on the Committee on Rules, the distinguished majority leader of this body, would take that kind of partisan view of the situation: "We are in the majority; we have the right to lord it over you with respect to staff; if you were in the majority, you would do the same to us."

I can assure the gentleman that if I were in the majority party of this House, I would be in the well fighting for his rights to have fully one-third of staff on every committee.

Mr. O'NEILL. Mr. Speaker, this is phase II of the Anderson program for working himself into the Republican leadership. I say we should go on.

Mr. PEPPER. Mr. Speaker, I yield 2 minutes to the able gentleman from West Virginia (Mr. STAGGERS).

Mr. STAGGERS. Mr. Speaker, I had not intended to speak on this subject at all, but I thought perhaps, since it has engendered as much fire as it has, that I should say a word or two.

I have been, by the good fortune of being elected long enough, chairman of the Committee on Interstate and Foreign Commerce, now, for 7 years. I have had the privilege of hiring most of the staff that we now have. I have not once asked a man what his politics was when I hired him. All of them have been at the call of both parties. I do not think we can legislate if we do this on a partisan basis, "We are going to have so many on this side, so many on that side," and do a good job. This is impossible.

The Committee on Interstate and Foreign Commerce has worked pretty closely together without politics being brought into it and for the good of the Nation, I dare say. I was hoping that the ranking minority member of the committee would be here, because I am sure that he would say that enough people have been assigned to him so that his party can do a competent job.

We are getting too far afield when we say that we are going to have so many Democrats and so many Republicans serving each committee.

I just do not like to think of saying, "So many Democrats and so many Republicans are needed on the staff," to serve the best interests of America. I do not believe we can operate that may.

Mr. PEPPER. Mr. Speaker, I yield such time as he may consume to the able gentleman from California (Mr. Holifield).

Mr. HOLIFIELD. Mr. Speaker, I was amused by my friend from Illinois (Mr. Anderson) admitting that he was "in bed with" Ralph Nader and the gentleman from "Common Curse", as the gentleman from Ohio (Mr. Hayes) call it, Mr. Gardner.

I assure the Members it is only a temporary alliance that the he will not be "in bed" often with those people. This is an expeditious arrangement, an alliance which I think is more temporary than anything else.

Now let us see about the facts of this matter.

The facts of the matter are that the Democratic Party has been chosen and has the responsibility for the legislative program of this House, and for forming its committees and for electing its Speaker, because the Democrats are the majority party.

Let us just look at how ridiculous this is.

Mr. Nixon was chosen to be the President. He has several thousand appointments. Has he offered one-third of them to the Democrats, in the executive branch? Has he offered one-third of them to the Democratic Party, in the executive branch? I doubt very much that he has offered over five or six to Democrats, and they were of his persuasion, ideologically, or he would not have offered them jobs. So here our Republican colleagues come in and say, "Although you are the majority party, selected by the people by a tremendous vote, in the Congress"—I am talking about the Congress now—"give us one-third of the employees of your committees, without any responsibility for the handling of the studies and for doing the routine work for which the majority party is responsible."

I assure the Members that 40 to 50 percent of the work of my committee is routine work. The minority would not have any of that to do. They would have a free-floating one-third to do what they want them to do, which is, of course, to obstruct and delay the legislative program of the Democratic Party.

Mr. O'NEILL. Mr. Speaker, will the gentleman yield?

Mr. HOLIFIELD. I yield to the distinguished majority leader.

Mr. O'NEILL. Does that not mean the gentleman would have to lay off members of his own staff, competent people who have been with him for years?

Mr. HOLIFIELD. Of course we would have to lay off one-third of the staff, or add another one-third to the staff, which would still make it out of line so far as the control of the committee is concerned.

Let us not be persuaded by the fervent oratory on the other side. We are the majority party. We are in charge of the legislative program of this Congress, not the Republicans.

They have got other ideas. Once in awhile they go along with us, when they cannot get a substitute bill accepted. But we have the responsibility, and we are going to discharge it.

Whenever Mr. Nixon says, "I will give one-third of my appointments in the executive branch," to the Democratic Party, then I will say, "I will give one-third of our committee staff appointments to the Republicans on the other side of the aisle."

Mr. PEPPER. Mr. Speaker, I have just a word to add.

The able gentleman from Illinois has made it clear that he wants to defeat the ordering of the previous question, in order that an amendment having to do with minority staffing for all committees of the House may be considered. That indicates, Mr. Speaker, that the able gentleman is aware or feels that his amendment might not be germane or relevant to the resolution that would follow adoption of this rule, House Resolution 259.

The Committee on Rules tried to be fair to the House in reporting this rule. We did not report a closed rule; we reported an open rule so that the House might work its will upon this resolution. We reported a resolution having to do with the overall character of conduct of committees in open sessions of the committees of the House of Representatives.

Mr. Speaker, the able gentleman from Illinois (Mr. Anderson) now says he should have a right to bring up this amendment because it is within the jurisdiction of the Committee on Rules. Surely the gentleman would not contend that, every time a resolution comes out of the Committee on Rules under its original jurisdiction, any subject within the power of the Committee on Rules would be a relevant amendment or a proper amendment?

Mr. ANDERSON of Illinois. Mr. Speaker, will the gentleman yield?

Mr. PEPPER. I yield to the gentleman from Illinois.

Mr. ANDERSON of Illinois. Mr. Speaker, in answer to the gentleman's question, no, I do not make that contention at all, but I do suggest that, since the resolution does not deal with rule XI, it is perfectly proper to seek to offer an amendment to that particular rule of the House.

Mr. Speaker, I am not trying to open up all of the rules. If the gentleman from Florida (Mr. Pepper) will consult the text of the Fascell resolution, he will find the words: "congressional staff."

That is what we are talking about.

Mr. PEPPER. The resolution only speaks of staff members being permitted to attend committee sessions after they have been closed.

Mr. Speaker, the issue, therefore, is very clear. Any relevant amendment may be offered to the resolution when the rule is adopted.

Mr. Speaker, I have no further requests for time.

Mr. Speaker, I move the previous question on the resolution.

The SPEAKER. The question is on ordering the previous question.

Mr. ANDERSON of Illinois. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 197, nays 196, answered "present" 1, not voting 38, as follows:

[Roll No. 36]

YEAS—197

Abzug
Adams
Addabbo
Anderson, Calif.
Andrews, N.C.
Annunzio
Aspin
Barrett
Bergland
Bevill
Bingham
Boland
Bolling
Bowen
Brademas
Brasco
Breaux
Brinkley
Brooks
Burke, Calif.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Burton
Byron
Carney, Ohio
Casey, Tex.
Cotter
Daniels, Dominick V.
Danielson
Davis, Ga.
Davis, S.C.
de la Garza
Delaney
Dellums
Denholm
Diggs
Dingell
Donohue
Dorn
Drinan
Dulski
Eckhardt
Edwards, Calif.
Eilberg
Evins, Tenn.
Fascell
Fisher
Flood
Flowers
Flynt
Ford, William D.
Fountain
Fulton
Fuqua
Gaydos
Gettys
Giaimo
Ginn
Gonzalez
Grasso
Gray
Green, Oreg.
Green, Pa.
Griffiths
Gunter
Hamilton
Hanley
Hanna
Hansen, Wash.
Harrington
Hawkins
Hays
Hébert
Helstoski
Henderson
Hicks
Holifield
Holtzman
Howard
Hungate
Ichord
Johnson, Calif.
Jones, Ala.
Jones, N.C.
Jones, Okla.
Jones, Tenn.
Jordan
Karth
Kastenmeier
Kazen
Kluczynski
Kyros
Landrum
Lehman
Litton
Long, La.
Long, Md.
McCormack
McFall
McKay
McSpadden
Macdonald
Madden
Mahon
Mann
Mathis, Ga.
Matsunaga
Mazzoli
Meeds
Melcher
Metcalfe
Mezvinsky
Minish
Mink
Mitchell, Md.
Moakley
Mollohan
Moorhead, Pa.
Morgan
Moss
Murphy, Ill.
Murphy, N.Y.
Natcher
Nedzi
Nichols
Nix
Obey
O'Hara
O'Neill
Owens
Passman
Patman
Patten
Pepper
Perkins
Pickle
Pike
Poage
Podell
Preyer
Price, Ill.
Randall
Rangel
Rarick
Reid
Reuss
Roberts
Rodino
Roe
Rogers
Roncalio, Wyo.
Rooney, Pa.
Rose
Rosenthal
Roush
Roy
Roybal
Runnels
Ryan
St Germain
Sarbanes
Schroeder
Seiberling
Shipley
Sisk
Slack
Smith, Iowa
Staggers
Stanton, James V.
Steed
Stephens
Stokes

Stratton
Stuckey
Symington
Taylor, N.C.
Teague, Tex.
Thompson, N.J.
Thornton
Tiernan
Ullman
Van Deerlin
Vanik
Vigorito
Waggonner
White
Whitten
Wilson, Charles H., Calif.
Wilson, Charles, Tex.
Wolff
Wright
Yates
Yatron
Young, Ga.
Young, Tex.
Zablocki

NAYS—196

Abdnor
Anderson, Ill.
Andrews, N. Dak.
Archer
Arends
Armstrong
Ashbrook
Bafalis
Baker
Beard
Bell
Bennett
Biester
Blackburn
Bray
Breckinridge
Broomfield
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Buchanan
Burgener
Burke, Fla.
Butler
Camp
Carter
Cederberg
Chamberlain
Chappell
Clancy
Clausen, Don H.
Clawson, Del
Cleveland
Cochran
Cohen
Collins
Conable
Conlan
Conte
Coughlin
Crane
Cronin
Daniel, Dan
Daniel, Robert W., Jr.
Davis, Wis.
Dellenback
Dennis
Dent
Derwinski
Devine
Downing
Duncan
du Pont
Edwards, Ala.
Erlenborn
Esch
Eshleman
Findley
Fish
Foley
Ford, Gerald R.
Forsythe
Fraser
Frelinghuysen
Frenzel
Frey
Froehlich
Gibbons
Gilman
Goldwater
Goodling
Gross
Grover
Gubser
Gude
Guyer
Haley
Hammerschmidt
Hanrahan
Hansen, Idaho
Harsha
Hechler, W. Va.
Heckler, Mass.
Heinz
Hillis
Hogan
Holt
Horton
Huber
Hudnut
Hunt
Hutchinson
Jarman
Johnson, Colo.
Johnson, Pa.
Keating
Kemp
Ketchum
Kuykendall
Landgrebe
Latta
Lent
Lott
Lujan
McClory
McCloskey
McCollister
McDade
McEwen
McKinney
Madigan
Mailliard
Mallary
Maraziti
Martin, Nebr.
Martin, N.C.
Mathias, Calif.
Mayne
Michel
Miller
Mills, Md.
Minshall, Ohio
Mitchell, N.Y.
Mizell
Montgomery
Mosher
Myers
Nelsen
O'Brien
Parris
Pettis
Peyser
Powell, Ohio
Pritchard
Quie
Quillen
Railsback
Regula
Rhodes
Riegle
Rinaldo
Robinson, Va.
Robison, N.Y.
Roncallo, N.Y.
Rousselot
Ruppe
Ruth
Sandman
Sarasin
Satterfield
Saylor
Scherle
Schneebeli
Sebelius
Shoup
Shriver
Shuster
Sikes
Skubitz
Smith, N.Y.
Snyder
Spence
Stanton, J. William
Steele
Steelman
Steiger, Wis.
Studds
Symms
Talcott
Taylor, Mo.
Teague, Calif.
Thomson, Wis.
Thone
Towell, Nev.
Treen
Vander Jagt
Veysey
Walsh
Ware
Whalen
Whitehurst
Widnall
Wiggins
Williams
Wilson, Bob
Winn
Wyatt
Wydler
Wylie
Wyman
Young, Fla.
Young, Ill.
Young, S.C.
Zion
Zwach

ANSWERED "PRESENT"—1

Culver

NOT VOTING—38

Alexander
Ashley
Badillo
Biaggi
Blatnik
Brown, Calif.
Broyhill, Va.
Carey, N.Y.
Chisholm
Clark
Clay
Collier
Conyers
Corman
Dickinson
Evans, Colo.
Harvey
Hastings
Hinshaw
Hosmer
King
Koch
Leggett
Milford
Mills, Ark.
Moorhead, Calif.
Price, Tex.
Rees
Rooney, N.Y.
Rostenkowski
Stark
Steiger, Ariz.
Stubblefield
Sullivan
Udall
Waldie
Wampler

So the previous question was ordered.

The Clerk announced the following pairs:

On this vote:

Mr. Rooney of New York for, with Mr. Price of Texas against.

Mr. Waldie for, with Mr. Broyhill of Virginia against.

Mr. Rostenkowski for, with Mr. Steiger of Wisconsin against.

Mr. Stark for, with Mr. Dickinson against.

Mr. Blatnik for, with Mr. King against.

Mr. Koch for, with Mr. Hosmer against.

Mr. Carey of New York for, with Mr. Collier against.

Mr. Biaggi for, with Mr. Hinshaw against.

Mrs. Sullivan for, with Mr. Moorhead of California against.

Mr. Ashley for, with Mr. Hastings against.

Mr. Clark for, with Mr. Wampler against.

Mrs. Chisholm for, with Mr. Harvey against.

Until further notice:

Mr. Alexander with Mr. Udall.

Mr. Leggett with Mr. Conyers.

Mr. Brown of California with Mr. Clay.

Mr. Mills of Arkansas with Mr. Evans of Colorado.

Mr. Badillo with Mr. Stubblefield.

Mr. FISHER, Mr. ECKHARDT, and Mrs. GRASSO changed their votes from "nay" to "yea."

The result of the vote was announced as above recorded.

The SPEAKER. The question is on the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. PEPPER. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the resolution (H. Res. 259) to amend the Rules of the House of Representatives to strengthen the requirement that committee proceedings be held in open session.

The SPEAKER. The question is on the motion offered by the gentleman from Florida (Mr. PEPPER).

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the resolution, House Resolution 259, with Mr. WAGGONNER in the chair.

The Clerk read the title of the resolution.

By unanimous consent, the first reading of the resolution was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from Florida (Mr. PEPPER) will be recognized for 30 minutes, and the gentleman from Illinois (Mr. ANDERSON) will be recognized for 30 minutes.

The Chair recognizes the gentleman from Florida (Mr. PEPPER).

Mr. PEPPER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I wish to commend my able colleague, the gentleman from Florida (Mr. FASCELL), and the able gentleman from Texas (Mr. ECKHARDT), and all those who have been associated with them in the introduction of this resolution. It is another step forward in the modernization and, I think, the perfection of the rules of this House, to give a greater opportunity for the public, the people whom we serve, to know what we are doing in the legislative process.

I introduced a resolution to the same effect, House Resolution 71, on January 3 of this year.

Mr. Chairman, this resolution would require all committees of the House of Representatives to hold open sessions and open hearings except in such limited categories which relate to national security and the defamation of the character of any citizen, unless the committee in open session, with a quorum present, by a record vote, resolves to close the committee hearing or the committee discussion and consideration.

It does not take away from the committee the authority to determine whether a hearing or a session of the committee to transact business shall be open or closed, but it establishes a very definite presumption, as it were, that all committees shall be open and all hearings shall be open unless, as I have said, under the circumstances I have defined the committee by a majority of recorded votes a quorum being present shall determine the contrary.

Mr. LANDRUM. Will the gentleman yield?

Mr. PEPPER. I yield to the able gentleman from Georgia.

Mr. LANDRUM. I have listened carefully to the explanation given here by the distinguished Member and the members of the Rules Committee, and I would like his opinion on this proviso at the bottom of the first page.

Let us assume that the Committee on Ways and Means, for example, should decide to close its session during a markup of a social security bill. It is quite necessary to have present oftentimes in the markup sessions people with the expertise of actuaries from the Social Security Administration to provide us with information. If we had closed the hearing and decided we wanted to bring in one of those actuaries, then the whole committee structure would have to be opened up to the public and the press. Is that correct?

Mr. PEPPER. I will say to the able gentleman from Georgia it would be more appropriate, I believe, for one of the able authors of this resolution to respond. Therefore, I yield to the gentleman from Texas (Mr. ECKHARDT).

Mr. ECKHARDT. We have exactly that situation in the Subcommittee on Commerce and Finance in many instances because the committee deals——

Mr. LANDRUM. I did not ask the gentleman for the situation, but I want to know if that is the case.

Mr. ECKHARDT. No.

Mr. LANDRUM. If we decided to close the committee and did so by vote in executive session to mark it up and the committee should later decide we needed an actuary who was not a member of the committee staff from the Social Security Administration and brought the actuary in, it would then be necessary to open up that part of the markup session to the public. Is that correct?

Mr. ECKHARDT. No.

Mr. LANDRUM. Your proviso says so.

Mr. ECKHARDT. The committee could at that time recess. It could hear the expert, but it could not mark up the bill at a time when other than committee members are present.

Mrs. GRIFFITHS. Will the gentleman yield?

Mr. PEPPER. I yield to the distinguished gentlewoman.

Mrs. GRIFFITHS. In my judgment, that is ridiculous. We spent 3 weeks in the Committee on Ways and Means going over the revenue-sharing formulas. One formula after another was suggested, and one time after another the Treasury Department operated its computers. Do you mean to tell me you are sitting here suggesting that we hold a session in which for 5 minutes it is executive and then the next 10 minutes it is open, and then we want to ask another question? How are we going to do that? I think it is ridiculous.

I can vote for an open committee meeting with no problem at all. It is no problem. But you cannot have a situation where no member of the executive department can be present. If you are going to do that, you will have to build another building as large as the Rayburn Building to house the staff.

Mr. ECKHARDT. Will the gentleman yield?

Mr. PEPPER. I yield to the gentleman from Texas.

Mr. ECKHARDT. The authors of the bill are fully cognizant of the problem of bringing in experts to advise a subcommittee or a committee. Indeed, as I was attempting to explain, we have been confronted with that on the Subcommittee on Commerce and Finance very sharply on the very technical question of controlling the stock market. It has been necessary on many occasions to call in counsel for the SEC after the bill has been heard. On those occasions we have in the past and we can in the future simply call in the lawyer for the SEC and discuss it with the whole group present, but after recessing the markup session. We control the room and we control the building, and we do not have to invite everybody in. However, we do not mark up the bill in the presence of the executive department, and I think it is bad policy to do that. If we should have the head of the SEC or one of its counsel sitting there at the time we mark up the bill, we would have pressures on the Democrats or the Republicans on that committee, which is entirely inappropriate to a markup session.

So this change does not in any way restrict the legitimate practices we have engaged in before.

Mr. LANDRUM. Mr. Chairman, will the gentleman yield?

Mr. PEPPER. I yield to the gentleman from Georgia.

Mr. LANDRUM. I understand the basis presented and as stated by the distinguished gentleman from Texas (Mr. ECKHARDT) and I have great respect for the gentleman from Texas and his legal ability—I think he is one of the ablest lawyers in this House—but let me read the precise proviso on which I base my inquiry:

> *Provided, however,* That no person other than members of the committee and such congressional staff as they may authorize shall be present at any business or markup session which has been closed to the public.

Now, look at the Committee on Ways and Means, for example, again. You close a meeting to the public and then decide during the markup of a section of the social security bill that we need the expertise and the information that an actuary from the Social Security Administration can give us, and we bring him in; under this proviso there is no way to get by except to open it up to the public. And I would say to my distinguished friend, the gentleman from Texas, that we would not have another social security bill in the next 40 years on that committee.

Mr. ECKHARDT. Mr. Chairman, if the gentleman will yield further, I believe that my distinguished friend, the gentleman from Georgia (Mr. LANDRUM) has looked at some of the language, but not at all of the language in the resolution. At the very beginning of section (f), in lines 3 and 4, it says:

> Each meeting for the transaction of business, including the markup of legislation,—

It is not a meeting for the transaction of business if the markup session has recessed. Clearly, of course, the chairman of the subcommittee could talk to the attorney for the SEC without any restriction under this resolution, and any member of the committee can talk to the attorney for the SEC, say, without any restriction under this resolution. Every member of the committee can talk to experts as long as they are not in a meeting for the transaction of business. All in the world this says is that you may not transact the business of the House or of the committee in the presence of a witness.

Now, the reason we have to put that in there is because if we did not have it in there we would have a wide-open loophole to the hearing section, which requires that the meeting be open. So all we do is simply say you cannot hold what is called a markup session, which is in effect a hearing session.

Mrs. GRIFFITHS. Mr. Chairman, will the gentleman yield?

Mr. PEPPER. I yield to the gentlewoman from Michigan.

Mrs. GRIFFITHS. That is not the problem; when we were running the various formulas for the distribution of Federal revenue we had the Treasury there with computers. We would talk maybe 10 minutes and someone would make a suggestion for a change in the formula, and at that point you had to have the Treasury there to help you. I would presume from what you are saying that we have to open it all up, talk to him for 10 minutes and figure it out, and then we have to throw him out and go back into private session, talk a while longer, and decide whether we will do it that way. Then somebody says, "Well, that does not take care of my suburb," or "that does not take care of my State," or in a few minutes somebody suggests another formula—so what do we do in that case? Get the Treasury back in and then close the meeting? I do not believe you understand the situation.

Mr. FASCELL. We do understand.

Mrs. GRIFFITHS. No, I do not believe the gentleman does, because we have worked in situations where we would have to have these people about every 10 or 15 minutes, and then by the very answers that were given they have suggested new questions or new formulas.

In my opinion we could not operate. I do not mind an open session. I stated that when I came to the Congress, and I do not care if you know every vote that I cast. But do you mean to say that we cannot have an expert from the Treasury Department or HEW sitting there? If so, we will waste years trying to figure these things out.

Mr. PEPPER. I yield to the gentleman from Texas (Mr. ECKHARDT) for a response.

Mr. ECKHARDT. I thank the gentleman for yielding to me.

As I understand the problem, I think, though, that all of our committees have able staffs, and it is surprising to me to think you may not consult with the executive department, and after consulting excuse them, and do the work of the committee.

Now, certainly, if we are to invite the executive department to sit in on the markup sessions, leaning over our shoulders and writing figures into a bill, this restricts the committee, not aids it. Every one of our committees are well staffed. Every one of our committees, in particular the committee on which the able gentlewoman from Michigan (Mrs. GRIFFITHS) sits, is highly versed in the matters that they are working with. And surely after advice by the experts, in the presence of their staff who may remain after the experts leave, they would not be hampered but actually be aided by being permitted to deal with this matter without the experts and executives looking over their shoulders, I would think.

Mrs. GRIFFITHS. If the gentleman will yield further, I have one further comment.

Mr. PEPPER. I yield to the gentlewoman from Michigan.

Mrs. GRIFFITHS. What kind of weak-kneed people do we have on these committees who in the presence of the executives would not choose to vote the way they think they should vote? I do not know of any who would not so vote.

Mr. DENNIS. Mr. Chairman, will the gentleman yield?

Mr. PEPPER. I yield to the gentleman from Indiana.

Mr. DENNIS. I would like to get the reaction of my friend, the gentleman from Texas, on this. Cannot this difficulty which has been raised here be largely obviated by having those who are present at the business session be persons who would be authorized by the committee, but why should it be confined to staff if the committee wants to authorize it? We could still have a vote. Could not we solve the thing and avoid this recessing business by writing in something like this:

> *Provided, however,* That no person other than members of the committee and such congressional staff or other persons with technical expertise as they may authorize shall be present.

Would that not take care of this?

Mr. ECKHARDT. It depends on whether or not we want to write a rule of this House that prevents the committee from making the determination that, for instance, a member of a lobby or some person who comes before the committee and is a highly expert person but who, let us say, represents railroads or represents labor unions shall be present. We want to write a bill that prohibits anyone from being in at the time when the real gut work is done in drafting a bill in that committee except members of the committee and the staff. We are not trying to prevent the committee from holding open hearings with respect to all experts that may come in or even from getting private advice, but they simply may not sit as a committee marking up a bill at a time when other than the committee and its staff are present.

Mr. STRATTON. Mr. Chairman, will the gentleman yield?

Mr. PEPPER. I yield to the gentleman from New York.

Mr. STRATTON. Mr. Chairman, I think the point which has been raised by the distinguished gentlewoman from Michigan (Mrs. GRIFFITHS) and the gentleman from Georgia (Mr. LANDRUM) is a very appropriate one, and I have planned to offer an amendment to this resolution at the appropriate time which I think will take care of it very simply, which is to insert on line 11, after the words "such congressional staff", the words "and such departmental representatives."

In other words, it will then be up to the committee to decide which members of the staff and which departmental representatives should be admitted during the session. I think this shows the difficulty, Mr. Chairman, of trying to write a general rule with only one or two particular committees in mind. I understand there are some committees—not the Committee on Armed Services, I will say to the distinguished gentleman who is offering the resolution—which are apparently afflicted with the problem of having lobbyists running around during their markup sessions. That may be a proper concern and that certainly ought to be prevented; but there are other committees where the help of certain departmental representatives is required, as the members of the Committee on Ways and Means have just indicated; the same thing is true of the Committee on Armed Services. When we have a reprograming action before us we have to have a representative of the department to explain the effect of the reprograming and to answer questions. Then the committee decides whether to approve the reprograming, and we go on to another one. To suggest that we ought to recess momentarily between these actions and then come back again into session is, of course, idiotic.

My amendment, I think, would take care of the very situation that the Committee on Ways and Means is faced with—as well as one that our committee is faced with—and I intend to offer it at the appropriate time.

Mr. RANDALL. Mr. Chairman, will the gentleman yield?

Mr. PEPPER. I yield to the gentleman from Missouri.

Mr. RANDALL. I thank the gentleman for yielding.

I would say to my colleague on the Armed Services Committee that the only way some of us on that committee could support this resolution is that it specifically provides for a rollcall vote in open session before testimony related to a matter of national security. I am sure the gentleman from New York recalls sometime in the past when Secretary McNamara and as well as some of the Joint Chiefs have said, in effect:

> This is not a matter we can discuss in an open meeting. We have to discuss it in the executive session. If they wish an answer, you will have to clear the room.

Also what is wrong with some clarification on line 11 as to what is meant by "they". We say they "may authorize." Why cannot we insert the words "the committee" for the word "they"?

Mr. PEPPER. Mr. Chairman, I yield now to my distinguished colleague, the gentleman from Florida.

Mr. FASCELL. I thank the gentleman for yielding.

Mr. Chairman, I think the matter is quite clear. It does seem complicated a little in the prepared print. That only follows the rules as they now exist with respect to open committee meetings. If one looks at the prepared print, one will know that what we followed is clause 26 (f) of rule XI, clause 27(f)(2), clause 27 (g)(3), which applies to the Committee on Appropriations. The importance of the pending resolution is, as a matter of substance and style, to make clear that the emphasis is on openness in the Congress; and to change or shift the burden—to closing committee meetings and place the presumption fully on open committee meetings. This is what we are trying to do. It is consistent with the attitude that exists in the country today that Congress must assert itself, to assure our people and to assist in restoring confidence in the Congress. I think we ought to take whatever action we can take in resolving the doubt that might exist in favor of openness rather than the other way around. It seems to me we have enough question, distrust, and frustration in the country today with Congress as an institution without trying to add to it. One of the efforts to change the public attitude to a more favorable tone is the effort which is presented to the Members here today in an amendment of the rules.

The most important and cardinal point in the proposed change is that a committee meeting shall be open unless, by rollcall vote in open session with a quorum present, a majority votes to close the meeting. In a markup, a meeting is presumed open unless, pursuant to the conditions outlined, the Members vote to close the meeting. The same applies to hearings except that closure is limited to specific exceptions enumerated.

This is the thrust. Many committees have already accepted the thrust and revised their rules accordingly.

Mr. STRATTON. Will the gentleman yield?

Mr. PEPPER. I yield to the gentleman from New York.

Mr. STRATTON. I should like to ask the distinguished gentleman from Florida (Mr. FASCELL) whether in view of his explanation he would have any objection to the amendment that I propose to offer since, obviously, it relates to specialized situations that exist in some committees—as we have already heard this afternoon, especially the Committee on Ways and Means.

Mr. FASCELL. I will address myself to the amendment when we have more time to do it, but I will answer the gentleman's question. Again, it is a question of attitude. The gentleman can make it hard; the gentleman can make it easy. The gentleman has chosen to make it hard. I do not think there is anything that difficult about the Committee on Ways and Means or the Committee on Armed Services, in terms of expert testimony, any more than the Committee on Banking and Currency or the Committee on Foreign Affairs or the Committee on Appropriations, or any other committee of the House. The answer is, obviously, I feel personally that I think it is wrong to have executive witnesses sit in on a markup session on a bill, just as if they were Members of Congress, offering their opinions, knocking down ideas, and getting their expertise in the minds of the committee members while the whole long course of the writing of the bill is underway.

I do not think that is right. I think that the judgment of our Members is something I would rather trust myself, once they have heard the experts.

Mr. STRATTON. The gentleman just does not understand the situation that exists in our committee. Certainly, there is nothing which would approximate some of the points he has referred to.

The departmental representatives before our committee are there to answer specific questions; they are not there to influence or to lean on members of the committee in the slightest. As a matter of fact, I think from the way they usually sit in the witness chair, they look to me as though they are a little terrorized by members of the committee.

Mr. FASCELL. I think I would be terrorized too.

Mr. BINGHAM. Mr. Chairman, will the gentleman yield?

Mr. PEPPER. I yield to the gentleman from New York.

Mr. BINGHAM. Mr. Chairman, I thank the gentleman for yielding.

I would like to say in reply to the gentleman from Florida (Mr. FASCELL) and to Mr. ECKHARDT, to thank them for their leadership in this matter with regard to the matter of departmental staffs. I do not see what the problem is with the procedure which has been followed in the Committee on Foreign Affairs.

The departmental staff sits in the adjoining room when there is a markup going on. If there is a question which needs answering, the committee staff walks out to the adjoining room, finds out what the answer is.

I cannot see why that is a complicated procedure. It works perfectly well for the Committee on Foreign Affairs and other committees. If you open the door to having noncongressional staff come into closed committee meetings, I do not know where we are going to go.

The appeal was made that perhaps the committee should be authorized to invite anyone it chooses. It gets us into all kinds of trouble. The people we do not want, if you once opened the door, come in and cause trouble.

I would like to know the gentleman's objection to the procedure of asking to have a departmental staff held in the adjoining room. It is a perfectly practical procedure.

Mr. FASCELL. I would say to the gentleman from New York, if my colleague will yield——

Mr. PEPPER. I yield to the gentleman from Florida.

Mr. FASCELL. I am sure the combined intelligence of the chairmen of the committees and all of the members who sit thereon will work sufficiently so that they are not denied the expert testimony they need in order to answer their questions and mark up a bill, if you pass this resolution just as it is, and defeat all amendments.

Mr. ANDERSON of Illinois. Mr. Chairman, I yield 5 minutes to the distinguished minority leader (Mr. Gerald R. Ford).

Mr. GERALD R. FORD. Mr. Chairman, I have not had the privilege of serving on the Committee on Foreign Affairs. My experience was limited to two committees: one term on the Committee on Public Works and 14 years on the Committee on Appropriations; 12 of those 14 years on the Committee on Appropriations I have served on the Defense Subcommittee on Appropriations under the distinguished leadership of the gentleman from Texas (Mr. Mahon). I served 12 years on the Foreign Aid Subcommittee under the leadership of the gentleman from Louisiana (Mr. Passman).

So, I can only ask questions and raise an issue or two from those experiences. On the Defense Subcommittee on Appropriations, we used to meet from 10 to 12 and 2 to 4, for at least 4 months every year, 5 days a week. On the Foreign Aid Subcommittee, we used to meet for a month or two, usually from 10 in the morning until 12 noon, and from 2 until late on into the day.

I would like to ask the distinguished gentleman from Florida, with that factual statement, does this mean that either one of those two subcommittees, when they meet at 10 o'clock in the morning 5 days a week, 4 months a year; and when they meet again at 2, 5 days a week, 4 months a year, do they have to start their hearings with a quorum, open, and then vote each time to close the meeting if that is the will of the subcommittee?

Mr. FASCELL. Each meeting would have to be closed by vote.

Mr. GERALD R. FORD. So in the morning when they began the subcommittee meeting and in the afternoon when they began, there would have to be a quorum present? It would have to be an open meeting and the vote would have to be taken with a majority of the members of that subcommittee present?

Mr. FASCELL. A quorum, if they are going to close the meeting, yes.

Mr. GERALD R. FORD. I am glad I am not on that subcommittee anymore, or either one of them.

I will be interested in hearing the wise observations of the gentleman from Texas (Mr. Mahon), who has 13 or 14 subcommittees which operate pretty much under the same circumstances.

Mr. FASCELL. The Appropriations Committee has already adopted that rule.

Mr. GERALD R. FORD. I should like to ask the gentleman from Texas: Is every subcommittee of the Committee on Appropriations now following the procedure the gentleman from Florida outlines?

Mr. MAHON. Mr. Chairman, will the gentleman yield?

Mr. GERALD R. FORD. I yield to the gentleman from Texas.

Mr. MAHON. The Committee on Appropriations, aware of the prevailing sentiment, in the House, voted to conduct its hearings in open session unless there is a vote to the contrary.

It is anticipated, even though we do not have adequate hearing rooms at this time, that these hearings will be open. We do not anticipate we will have many visitors, and we do not have room for many visitors, but we will have open hearings. We would not have to vote every day on whether or not the hearings would be open. They would automatically be open unless we felt there was some reason, security-wise or otherwise, that they should be closed.

It would be a little awkward always to have a quorum there when each hearing begins.

In view of the fact that we are trying to change our procedures, we are willing to go through the procedure and do this.

Mr. GERALD R. FORD. Let me make a comment on the observation by my distinguished former chairman. The gentleman from Texas is very persuasive. He has convinced me that we ought to do this. If they get enough rope they will end up perhaps changing it the next time. Experience is the best teacher. But, I think in this Congress we ought to go along with it. I hope it works but I have many reservations.

Mr. ANDERSON of Illinois. Mr. Chairman, I yield 3 minutes to the gentleman from Michigan (Mr. Cederberg).

Mr. CEDERBERG. Mr. Chairman, I agree with my chairman that our meetings should be open, and they are open.

However, I did not realize that if we are going to close a meeting we have to do it on the very day that meeting is going to take place. That is something I did not understand.

As a matter of fact, let me give an example. Our Subcommittee on State-Justice is going to hold a hearing Monday morning, and we are going to meet with the Secretary of State at 10:30 a.m. I believe it is a convenience to the Secretary of State and to the public to know before Monday morning whether that meeting is going to be open or closed.

I cannot see why there should be any objection to taking action ahead of time, which we have done, stating that that meeting with the Secretary of State will be closed, and properly so.

If we are going to have to wait until 10:30 a.m. on Monday morning, we will have everybody there, and we will have the public who may want to come to hear the Secretary of State there. All of a sudden, we are going to have a vote and close the meeting, and say, "Everybody has to leave now except the Secretary of State and his backup witnesses."

In the first place, that is probably going to waste a half hour of the Secretary's time, and we are also going to delude some people who will think that the hearing is open, who would like to come to listen to the Secretary of State.

For security reasons we do not think it is in our best interests or in the best interest of the public to have those meetings open.

What is wrong with our announcing today, for instance, that our meeting with the Secretary of State, and his appearance before our subcommittee, is going to be closed, and will be closed by agreement with the subcommittee?

Mr. ECKHARDT. Mr. Chairman, will the gentleman yield?

Mr. CEDERBERG. I yield to the gentleman from Texas.

Mr. ECKHARDT. They can do that under this measure, and the only thing is that when they do hold a meeting they must follow upon the announcement, and be certain to close the meeting.

Mr. CEDERBERG. This is what I want to understand. Can we state that the meeting with the Secretary of State on Monday morning will be closed?

Mr. ECKHARDT. Then when you meet that point, you vote it closed because of security reasons, and that is permissible.

Mr. CEDERBERG. No, we are voting on it now. They are voting it closed because of security reasons. Why do we have to wait until Monday morning to vote it closed? Why can we not announce now as a matter of good policy that this subcommittee is going to be closed at 10:30 Monday morning so when it appears in the Post, as you know it does, and in every other newspaper, everyone will know whether it is open or closed.

Mr. ECKHARDT. Mr. Chairman, in answer to the gentleman's question, surely you can do that.

Mr. CEDERBERG. So you do not need a vote on Monday morning then?

Mr. ECKHARDT. Yes, you would, under this resolution.

But may I ask, Mr. Chairman, what is the problem? The thing is that is the only time you are going to get together with the committee.

Mr. CEDERBERG. That particular committee.

Mr. ECKHARDT. Right.

The CHAIRMAN. The time of the gentleman has expired.

Mr. ANDERSON of Illinois. Mr. Chairman, I yield 1 additional minute to the gentleman from Michigan (Mr. Cederberg).

Mr. FASCELL. Mr. Chairman, will the gentleman yield?

Mr. CEDERBERG. I yield to the gentleman from Florida.

Mr. FASCELL. Mr. Chairman, the matter of closing committee meetings for security reasons is already provided for.

Mr. CEDERBERG. Well, Mr. Chairman, our point is that the subcommittee has already met, and we may have a meeting with the Director of the Federal Bureau of Investigation, and some of those have to be closed, and we announce it ahead of time. In that situation we do not have to take another vote.

Mr. FASCELL. It could just be announced ahead of time, but on the day of the meeting it is supposed to be closed, and you have to vote on that.

Mr. CEDERBERG. May I ask the gentleman, why is it necessary to do it on the day of the meeting?

Mr. FASCELL. I might ask the gentleman, why is it necessary to do it on the Friday before?

Mr. CEDERBERG. Because it is convenient to do it in advance.

Mr. FASCELL. Mr. Chairman, will the gentleman yield further?

Mr. CEDERBERG. I yield to the gentleman.

Mr. FASCELL. Mr. Chairman, it is more convenient, it seems to me, to have the vote on the day of the called meeting.

Mr. CEDERBERG. What is the difference, may I ask the gentleman, whether you do it before or on the day of the meeting? It seems to me it is much more convenient for use and for the public and for the Secretary of State to know before that time.

Mr. SLACK. Mr. Chairman, will the gentleman yield?

Mr. CEDERBERG. Yes, I will yield to the gentleman.

Mr. SLACK. Mr. Chairman, it states specifically it has to be voted on that same morning.

Mr. CEDERBERG. That is just a complete waste of time.

Mr. SLACK. It is not a waste of time, any more than the other procedure is.

The CHAIRMAN. The time of the gentleman has expired.

Mr. ANDERSON of Illinois. Mr. Chairman, I yield 2 additional minutes to the gentleman from Michigan (Mr. CEDERBERG).

Mr. GERALD R. FORD. Mr. Chairman, will the gentleman from Michigan (Mr. CEDERBERG) yield?

Mr. CEDERBERG. Yes, I will yield to the distinguished minority leader.

Mr. GERALD R. FORD. Mr. Chairman, I intended to make a comment about the observations made by our colleague, the distinguished gentlewoman from Michigan (Mrs. GRIFFITHS). She outlined a practical situation that I understand exists in the Committee on Ways and Means where, for highly technical reasons, experts from the Social Security Administration sit in to answer questions, not on policy, but questions involving actuarial figures and the like.

Mr. Chairman, after listening to the answers that the distinguished gentlewoman from Michigan (Mrs. GRIFFITHS) got, I would make this simple suggestion to the chairman of that Committee on Ways and Means:

They do not have swinging doors now between the outside of that committee room and where the committee room is itself. What you could do—and I think this would be very practicable and would help solve the problem—the committee could install swinging doors between the rooms and they could have these experts sitting outside, and as one of these highly technical questions comes up, they could just swing the door out and ask the expert to come in. This might save time and it would make it a lot easier.

I would like to ask the gentlewoman from Michigan, do you not think that is a good suggestion?

Mrs. GRIFFITHS. Mr. Chairman, will the gentleman yield?

Mr. CEDERBERG. I yield to the gentlewoman from Michigan.

Mrs. GRIFFITHS. Mr. Chairman, I do think that would be a good suggestion. I think also we would have to have stools or seats or something outside the committee room.

Mr. CEDERBERG. How about roller skates?

Mrs. GRIFFITHS. Yes. In addition to that, we are going to have to vote whether we will let them in or exclude them.

If the gentleman will yield, I should like to ask the gentleman from Texas (Mr. ECKHARDT) a question.

Mr. ECKHARDT. Yes, if the gentleman from Michigan will yield.

Mr. CEDERBERG. I will be glad to yield to the gentleman from Texas (Mr. ECKHARDT).

Mrs. GRIFFITHS. If we follow the gentleman's suggestion and ask the Executive to come in so we can ask the question, do we have to have a vote first to close the meeting so he can come in and answer the question, or which procedure do we follow?

Mr. ECKHARDT. No, ma'am.

Mrs. GRIFFITHS. Do we open the meeting, or close the doors, or which?

Mr. ECKHARDT. No. There are two things that can be done.

You can be in closed markup session and you can recess without any vote and consider what the experts have to say at that time and then come in the meeting without another vote, or else you could hold the whole thing open and you would not have to have any votes and you could proceed as a committee.

Mrs. GRIFFITHS. I would like to thank the gentleman from Michigan. I will not object to open meetings.

Mr. ANDERSON of Illinois. Mr. Chairman, I yield 2 additional minutes to the gentleman from Michigan (Mr. CEDERBERG).

Mr. CEDERBERG. Mr. Chairman, I only wanted to raise this point to tell you that this is a matter of great inconvenience to us on the Committee on Appropriations to have to do this every day. It is a real convenience to the public and the witnesses to know in advance whether the meeting is going to be open or closed.

Mrs. GRIFFITHS. Will the gentleman yield?

Mr. CEDERBERG. I yield to the gentlewoman.

Mrs. GRIFFITHS. I do not understand this. We are going to close these meetings so the executive will not be there, but we will open them up for the lobbyists. Is that right? Are you going to have to announce ahead of time when you ask a question which lobbyist asked you to ask that question? Or does that have to appear in the record? You are worried about what the executive will do. Well, what about letting the lobbyists in? What about them?

Mr. CEDERBERG. I think this points out some of the problems that we will get into in this legislation.

Mrs. GRIFFITHS. I do not object to it if we are going to have them open.

Mr. CEDERBERG. If you are going to adopt this legislation, then some of these matters ought to be corrected for the convenience of orderly legislative procedure.

Mrs. GRIFFITHS. Under this system, though, we shut out the President of the United States or his employees and we let in the president of U.S. Steel and his employees. Is that right?

Mr. CEDERBERG. No.

Mr. BOLAND. Will the gentleman yield?

Mr. CEDERBERG. Yes. I yield to the gentleman.

Mr. BOLAND. It would seem to me—and I appreciate the gentleman's yielding—I think the gentleman from Michigan makes good sense. There is no question about it. He makes sense because, as the distinguished chairman of the Committee on Appropriation indicated, all of the Appropriation Committee meeting hearings are now open. If we want to close them, we have to in open session have a rollcall vote with a quorum being present to close a particular meeting. Is that true?

Mr. CEDERBERG. That is right.

The CHAIRMAN. The time of the gentleman has expired.

Mr. ANDERSON of Illinois. Mr. Chairman, how much time do I have remaining?

The CHAIRMAN. The gentleman has 17 minutes remaining.

Mr. ANDERSON of Illinois. I yield 2 minutes additionally to the gentleman from Michigan (Mr. CEDERBERG).

Mr. BOLAND. So if we want to have a closed session, we have to follow the rules as laid down here, but it seems to me it is absolutely unfair, unfair, to witnesses who have been called to Committee on Appropriations meetings or any committee meeting, for that matter. It is absolutely unfair to the public and to the press to finally come in on Monday morning after we have voted on Friday for a closed session on Monday and we have to come back on Monday and again vote for a closed session. Is that the way I understood the gentleman from Texas to interpret this law?

Mr. CEDERBERG. I yield to the gentleman from Texas.

Mr. ECKHARDT. Any time on any day that you want to close a meeting you will have to vote to close it.

Mr. BOLAND. If the gentleman will yield, as far as I am concerned, this rule ought to be defeated. I can think of nothing worse than having a mob of people, whether it is witnesses or the press or the general public, coming to a particular committee meeting and finding out that it is closed after we voted two or three days before to close it. If you will give the proper notice, why is that not a good way to run this business? It is the sensible way.

Mr. CEDERBERG. The gentleman makes my point exactly.

It is only a matter of convenience for everyone. It does not do any damage at all to the idea of open sessions.

Mr. GERALD R. FORD. Will the gentleman yield?

Mr. CEDERBERG. I yield to the gentleman.

Mr. GERALD R. FORD. I would like to ask the gentleman from Florida and the gentleman from Texas a serious question.

Mr. FASCELL. That will be a welcome change. That is good.

Mr. GERALD R. FORD. Supposing a subcommittee or a committee meets and there is not a quorum present but they proceed to close the session.

In the course of that closed session they take certain action, for example, they vote on an appropriation bill or on a legislative proposal. The bill comes to the floor of the House. Is any action taken in that session subject to a point of order?

Mr. FASCELL. If the gentleman will yield, it was under the old rules, as I understand it.

Mr. GERALD R. FORD. I am sorry, I did not hear the gentleman.

Mr. FASCELL. I said it was subject to a point of order under the present rules.

Mr. GERALD R. FORD. So it is the interpretation of the gentleman from Florida that any action taken during that session of the subcommittee or of that full committee would be subject to a point of order when the legislation comes to the floor of the House.

Mr. FASCELL. If the gentleman would yield further, I am not sure about the interpretation on amendments. I have not examined the parliamentary law with respect to that.

These rules do not change any of that or, these proposals which are now pending before this body today do not change that rule one bit, whatever that rule was. If it was out of order under the present rules, and a point of order would be made, it would lie when these are adopted. It would not change that one way or another.

I would hate to come to the floor, I must add, under the circumstances the gentleman describes, with a bill, knowing that I would be vulnerable to that point of order. I would not do it. Personally, I believe that is a bad practice, and if it does not violate our rules it ought to violate the rules.

Mr. GERALD R. FORD. In other words, the gentleman believes that anything done in that session which is contrary to the rules of the House, any part of the bill in whole or in part, would be subject to the point of order?

Mr. FASCELL. If the gentleman will yield further, I did not say that. I said to the gentleman from Michigan that I am not sure about the parliamentary interpretation of an action of a committee or a subcommittee in a markup session taking votes on a bill without a quorum. It is my understanding that under the present rules that any such vote would make the legislation subject to a point of order when it got to the floor. I am saying that House Resolution 259 now pending before us does not change that situation one bit.

I further said that if that was not the present rule, that is, that it would make it subject to a point of order, then it ought to be, because I do not believe it is good procedure to vote on legislation without a quorum present in the committee, and then bringing it to the floor of the House with the stamp of approval of the full committee or the subcommittee.

The CHAIRMAN. The time of the gentleman from Michigan has again expired.

Mr. ANDERSON of Illinois. Mr. Chairman, I yield 1 additional minute to the gentleman from Michigan (Mr. CEDERBERG).

Mr. CEDERBERG. Mr. Chairman, let me raise just one possible problem on appropriations. We have 13 subcommittees working, and the gentleman from Texas is the chairman, and I am the ranking minority member, and we are both listed as members of every subcommittee, for quorum purposes. The point is that we do not really know which of the subcommittees are going to be open or closed. It may be that some are open—it so happens that ours is going to be closed next Monday. I do not know which other ones will be; it is possible they could all be closed.

So, if we have to go to every subcommittee that is going to be closed, then the gentleman from Texas and I are going to be spending a great deal of time moving back and forth between the subcommittees just to get a proper quorum to close them if they want them closed.

It would be more convenient if we know and if the subcommittees know whether they are going to be closed so that we could arrange to do it in advance, but this would be on the same morning, and possibly on every morning, and that means that we are going to have to cover that much more territory, but we will try to.

The CHAIRMAN. The time of the gentleman from Michigan has again expired.

Mr. ANDERSON of Illinois. Mr. Chairman, I yield 3 minutes to the gentleman from Iowa (Mr. GROSS).

Mr. GROSS. Mr. Chairman, I would like to ask the gentleman from Texas a question.

A committee hearing would be closed only for testimony which would endanger the national security; is that correct?

Mr. ECKHARDT. Mr. Chairman, if the gentleman will yield, we have created two types of committees now, one created under the existing rules; the type in which witnesses are brought in and heard can only be closed for security reasons, or for other purposes described by the rule, there being included that rule about defamation of character.

With respect to markups, now, it may be closed for any purpose, but it must be closed by a vote of the majority of the quorum on a rollcall.

Mr. GROSS. We have House committees that do not engage in markup sessions. I have in mind one, the Committee on Ethics, which I understand may hold hearings with respect to some of the Members of the House in regard to certain matters.

Is the gentleman saying this committee ought to conduct open hearings?

Mr. ECKHARDT. Their action would not be in the nature of a hearing, and the first section under (f) of this bill does not deal with those meetings which are not hearings. It excludes that specifically under (f)(2).

Mr. GROSS. This would be a hearing.

Mr. ECKHARDT. If they brought in outside witnesses, I suppose so.

Mr. GROSS. The gentleman is providing then that this committee hold open hearings; is that correct?

Mr. ECKHARDT. There is another exception. That is with respect to any meeting which relates solely to the internal budget and personnel matters which might exclude the Ethics Committee. I think it would depend on the importance of the matter in the beginning.

Mr. GROSS. I will ask the gentleman this question. Was this resolution and the contents thereof subject to consideration by the Democrat caucus of the House?

Mr. ECKHARDT. Was this resolution subject to what?

Mr. GROSS. Were the contents of this resolution subject to discussion before the Democrat caucus in the House?

Mr. ECKHARDT. Yes, it has been discussed. Of course, now it is before the Whole House, and whatever is done here will be final.

Mr. GROSS. And those discussions held before the Democrat caucus are open to the public; I take it?

Mr. ECKHARDT. Oh, no. This only deals with Standing Committees of the House. Pardon me. I thought the gentleman asked if this resolution had been discussed in the Democratic caucus.

Mr. GROSS. Yes.

Mr. ECKHARDT. It has.

Mr. GROSS. It has been?

Mr. ECKHARDT. But, of course, this resolution does not control either the Republican or the Democratic caucus.

Mr. GROSS. Well, but the contents, the text, the objective of this resolution was discussed in the Democrat caucus? Is that what the gentleman is saying?

Mr. ECKHARDT. Yes; that is correct.

Mr. GROSS. All right. Was that an open session, open to the public?

Mr. ECKHARDT. No, sir.

Mr. GROSS. Why not?

Mr. ECKHARDT. Because it is not open.

Mr. GROSS. What is that?

Mr. ECKHARDT. As I understand it, the Republican caucus is not open.

Mr. GROSS. No, it is not, but the gentleman is here contending for this resolution and it apparently has the endorsement of a majority of the Democrats and that endorsement was made in a closed door session.

The CHAIRMAN. The time of the gentleman has expired.

Mr. ANDERSON of Illinois. Mr. Chairman, I yield to the gentleman from Iowa 2 additional minutes.

Mr. GROSS. I am not contending for this rule; the gentleman is and it seems to me the Democrat caucus ought to have been open to the public in the interest of consistency.

Mr. ECKHARDT. Perhaps the gentleman is correct. I am not willing to go that far at this time.

Mr. GROSS. Well, if the gentleman is not willing to go that far at this time how far will the gentleman go?

Mr. ECKHARDT. I will tell the gentleman from Iowa exactly how far I would go. I would go to the extent of requiring that the public be advised as to the factual matter brought before a committee by witnesses upon which the committee makes its decision. That is as far as I desire to go.

Mr. GROSS. Was there a rollcall in the caucus? And, if so, what was the vote?

Mr. ECKHARDT. I do not know. On this particular matter?

Mr. GROSS. Did the gentleman attend the caucus?

Mr. ECKHARDT. Yes, sir; I attended the caucus. The rollcall was in substantial support of the provision. I forget the exact number.

Mr. GROSS. I would assume that in the future, with the offering of this and other rules changes, the Democrats will open their caucuses to the public.

I wonder what would happen if I climbed into the House gallery and there was waiting for the Democrats to hold a caucus in the House chamber. Would I be thrown out of the gallery?

Mr. ECKHARDT. If the gentleman will yield to me, I see nothing wrong with either party engaging in a caucus which is not open to the public with respect to the discussions that occur there. In exactly the same way I see nothing wrong in closing any markup session of the committee. Personally I would vote to close nearly every markup session of the committee. This resolution would permit closing every markup session of a committee, regardless of the subject matter.

Mr. GROSS. In other words the gentleman is saying, do not do as I do but do as I say. The gentleman is saying he believes in open convenants secretly arrived at, is he not?

Mr. ECKHARDT. The gentleman simply misconceives my position. I am not arguing in favor of what Common Cause has brought on the floor and brought to us originally.

Mr. GROSS. Why provide rules for the conduct of committee business in a way that the Democrats decline to use for the conduct of their caucuses?

Mr. ANDERSON of Illinois. Mr. Chairman, I yield 3 minutes to the gentleman from Indiana (Mr. DENNIS).

Mr. DENNIS. Mr. Chairman, I think probably this resolution is one of those resolutions the time of which has come, as they say. I may vote for it because who wants to be against the "sunshine," and besides I could not care less personally about who is in or out of any committee meeting.

But, as a matter of philosophy I just want to consider things with the committee for a minute. Some of the practical difficulties of what we are doing here have already been considered, but the philosophical problems are in my judgment even more severe.

I just wonder whether we are really going to get good legislation out of this sort of resolution or whether it is really a forward-looking resolution or not. I understand we can close a business session and we can close a markup session if we want to. And my friend, the gentleman from Texas, with his usual sagacity, knows very well we had better close most of them if we want to do some business, and yet we are going to have the presumption the other way and somebody is going to have to have the nerve to get up and make this motion and be the friend of secrecy.

I wonder if the presumption for a working session should not be in favor of privacy as a matter of fact? I want to tell the Members why. We have got to have compromise. We all know this and I am not saying anything that everybody here does not know. It just is not popular to hear it. We have to have compromise in a working session. People have to take their hair down and they have to yield from these cement stands they may have taken for the headlines, for the press, and television cameras and they have to meet the other fellow part way or we do not get anywhere. Now we are going to have these business sessions with the television there, and the press there, and the lobbyist there, and the constituents there, and with everybody there, and most of the people, except the bold spirits, are going to get their positions set in cement and they will make their little speeches for the headlines. I just do not think we are going to get as reasonable and practical legislation as we would the other way around. I just throw that thought out for your consideration.

My committee decided to be open the other day, the Judiciary Committee, and after we had gotten through doing that—and my philosophy is we ought to be able to do our work, perhaps not in a goldfish bowl, but when we are through and when we have our product, when we have voted on it, I think we ought to go on record in the committee just as we do here on the floor. What we do in committee is more important many times. So after we had gotten through opening all the meetings in the Judiciary Committee, I proposed to amend the rules so as to provide that in the committee report which accompanies the bill, every time there has been a rollcall on the bill, or a rollcall on an amendment, we should show the rollcall in the report and show just exactly how everybody voted. I think that is right.

The compromising is over then and we have taken our positions, and why should we not have the guts to go on record and put in the committee report what we have done to the bill?

But do Members know what happened? That was voted down. There were a couple of honorable exceptions, but almost all the progressive, liberal, forward-looking, flag-waving members of my committee who voted for these open sessions and for the "sunshine," voted against the suggestion that we put the rollcalls in the committee report.

Life is ironic.

Mr. ANDERSON of Illinois. Mr. Chairman, I yield 2 minutes to the gentleman from Florida (Mr. GIBBONS).

Mr. GIBBONS. Mr. Chairman, I thank the gentleman from Illinois (Mr. ANDERSON) for yielding to me.

I rise to support this amendment. I think it is good, sound legislation. I have not been on the Committee on Ways and Means as long as many distinguished Members of this body, and I certainly would yield to their wisdom and insight into the operation of the committee.

However, in my 4 years of experience I believe I would feel much better had the evidence which we took in markup sessions, with the doors closed, and the large amounts of staff that attend from the executive branch, I would feel much better had the public also had access to the knowledge that was given to me.

I think that the public has a right to know when we take testimony in the committee, even dealing with the sensitive subjects that we deal with. It is with their taxes and their balance-of-payments problems and trade problems. I think the public ought to know what the administration is advising us.

I do not believe it is any particular burden upon us to do this. The rule which has been presented by Mr. FASCELL and Mr. ECKHARDT is carefully drafted. It is a very fine and workmanlike piece of business, and I think we ought to support it.

If it does not work, we can come back and change it. I do not think it is going to have any particular adverse effect upon the Committee on Ways and Means.

Mr. LANDRUM. Mr. Chairman, will the gentleman yield?

Mr. GIBBONS. I am glad to yield to the gentleman from Georgia.

Mr. LANDRUM. Let us have it understood now clearly by all that in regard to closing the meetings, certainly neither the distinguished gentlewoman from Michigan nor I, in the initial colloquy with the gentleman from Florida and the gentleman from Texas, had any such intention.

Our remarks were directed to the proviso at the bottom of the page which says that once you close that meeting, no one can be present in the meeting except members of the committee and committee staff.

Mr. GIBBONS. I agree.

Mr. Chairman, I want a little time for myself.

The CHAIRMAN. The time of the gentleman from Florida has expired.

Mr. GIBBONS. May I have a half minute?

Mr. ANDERSON of Illinois. Mr. Chairman, I yield 1 additional minute to the gentleman from Florida.

Mr. GIBBONS. Mr. Chairman, it is going to make us work a little harder, and rely on our own staff more than we have, and develop a stronger staff. I think this would be healthy for the operation of the Committee on Ways and Means as all other committees, but I think we can work out the difficulties. I certainly resent——

Mr. LANDRUM. Mr. Chairman, will the gentleman yield?

Mr. GIBBONS. Mr. Chairman, the gentleman from Georgia has had more of my time than I have had.

I resent having to sit there, and sometimes there are more people there from the executive branch than there are members of the legislative branch, knowing that when we are marking up bills they are giving testimony, giving advice. I think the public ought to know what they are saying to us just as well as we do.

If it becomes really sensitive, we can close the meeting.

Mr. Chairman, I yield the balance of my time.

Mr. PEPPER. Mr. Chairman, I yield 1 minute to the gentleman from Georgia (Mr. LANDRUM).

Mr. LANDRUM. Mr. Chairman, again I wish to make it clear to my friend from Florida (Mr. GIBBONS) and to all the membership, that no one is trying to close these meetings or conceal from the public anything.

All I am saying, and surely my friend, Mr. GIBBONS, who sits on the committee with me, will verify the fact that under this proviso, if we have to close the meeting we are precluding any expert whatsoever from any department of the Government assisting us. The gentleman very well knows that we could not operate in the field of social security, we could not operate in the field of tariffs, neither could we operate in the field of internal revenue, without the expertise and computers which we have to rely upon.

Mr. GIBBONS. We can open the meeting if we need to do that.

Mr. LANDRUM. Open every 5 minutes and close them every 5 minutes. The gentleman from Michigan (Mr. GERALD R. FORD) said we ought to get revolving doors.

Mr. ANDERSON of Illinois. Mr. Chairman, I rise in support of House Resolution 259.

Mr. PEPPER. Mr. Chairman, I yield 1 minute to the gentleman from Missouri (Mr. HUNGATE).

Mr. HUNGATE. I thank the gentleman for yielding.

Mr. Chairman, I join, very generally, in the remarks of the gentleman from Indiana (Mr. DENNIS). I believe he precisely stated the problem. Certainly, open hearings we should all support.

As to the markup sessions, doing the public's business in public is not necessarily in the public interest.

Dr. Dunlop, former dean of arts and sciences at Harvard, now Director of the Cost of Living Council, remarked that it has been his experience that people do not always say the same things in public that they say in private.

On the Judiciary Committee we have voted in a lot of "sunshine." It is my understanding on the committee that one of the first rules adopted by two subcommittees was to have markup sessions in private, which they should have, because they consider bills and analyze their content and discuss the credibility of witnesses, and matters which might cause unnecessary embarrassment to individuals. The public interest requires public hearings but frequently private markup sessions.

Mr. GROSS. Mr. Chairman, will the gentleman from Florida yield?

Mr. PEPPER. Mr. Chairman, I yield 1 minute to the gentleman from Iowa (Mr. GROSS).

Mr. GROSS. The House of Representatives has been in session since January 3 of this year.

Are we going on through the rest of the year with this "horsing around" with the rules, or are we going to get down to the people's business?

Mr. PEPPER. Mr. Chairman, I yield 1 minute to the gentleman from Texas (Mr. WHITE).

Mr. WHITE. Mr. Chairman, if this amendment is passed in its present form I think this House can forget effective investigations. The rule as proposed provides for closed meetings only in matters of security or where it involves a violation of the rules of the House.

If the pending proposed rule is passed, we will find witnesses not appearing, or declining to come to testify before investigative committees. They will further make celebrated causes for the press. They will drive underground the culprits we are trying to investigate, or trying to find out about in certain investigative hearings. To deny closed meeting in such cases will cause damage to innocent persons.

Mr. PEPPER. Mr. Chairman, I yield my remaining time to the gentleman from West Virginia (Mr. STAGGERS).

Mr. STAGGERS. Mr. Chairman, since I have been the chairman of the Committee on Interstate and Foreign Commerce we have never held one session excluding anyone from the public, but if we open up our executive sessions to the public every lobbyist in America is going to be there.

I do not like that, and I do not believe America would like it. I do not believe the people want the lobbyists of this country and the special interests making the laws of the land, and that is exactly what would happen.

One cannot tell me different, that it would not happen in my committee or in every other committee.

It is important that the elected representatives of this land make its laws, not the special interests or the lobbyists. They will be there filling the halls.

I say the Nation's business ought to be discussed in open in every way, except for the time we come to mark up the bills, when we should exclude those who have special interests.

If we are going to do this we are going to kill democracy as we know it in this land. The very foundation upon which this Nation was founded was that we could get together as special representatives of the people and represent them freely to the best of our ability and conscience.

Mr. RINALDO. Mr. Chairman, I enthusiastically support House Resolution 259 because it has long been my belief that confidence in our Government can come about only when the people are able to observe and participate directly in the deliberative process.

It is abundantly clear that Government, if it is to be truly responsive to the wishes of the electorate, must provide a vehicle with which concerned citizens can better participate in legislative matters. As a State senator in New Jersey, one of the first actions I took after becoming chairman of the law and public safety committee was to make committee business as open as possible.

The bill before the House today amends the House rules so that the people can be absolutely certain that their Representatives are representing them and that when decisions are reached which affect them, they will know about it and have an opportunity to participate in that process.

I hope today's measure, which is part of a more comprehensive proposal I have cosponsored, will be one of many reforms which the Congress enacts so that every citizen knows that America is truly a Government of the people and by the people.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Resolved, That clause 26(f) of rule XI of the Rules of the House of Representatives is amended to read as follows:

"(f) Each meeting for the transaction of business, including the markup of legislation, of each standing committee or subcommittee thereof shall be open to the public except when the committee or subcommittee, in open session and with a quorum present, determines by rollcall vote that all or part of the remainder of the meeting on that day shall be closed to the public: *Provided, however,* That no person other than members of the committee and such congressional staff as they may authorize shall be present at any business or markup session which has been closed to the public. This paragraph does not apply to open committee hearings which are provided for by paragraphs (f)(2) and (g)(3) of clause 27 of this rule; or to any meeting that relates solely to internal budget or personnel matters."

SEC. 2. Clause 27(f)(2) of rule XI of the Rules of the House of Representatives is amended to read as follows:

"(2) Each hearing conducted by each committee or subcommittee thereof shall be open to the public except when the committee or subcommittee, in open session and with a quorum present, determines by rollcall vote that all or part of the remainder of that hearing on that day shall be closed to the public because disclosure of testimony, evidence, or other matters to be considered would endanger the national security or would violate any law or rule of the House of Representatives."

SEC. 3. The first sentence of clause 27(g)(3) of rule XI of the Rules of the House of Representatives is amended to read as follows: "Hearings pursuant to subparagraph (1) of this paragraph, or any part thereof, shall be held in open session, except when the committee, in open session and with a quorum present, determines by rollcall vote that the testimony to be taken at that hearing may be related to a matter of national security."

Mr. ANDERSON of Illinois (during the reading). Mr. Chairman, I ask unanimous consent that the resolution be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

AMENDMENT OFFERED BY MR. ANDERSON OF ILLIONOIS

Mr. ANDERSON of Illinois. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. ANDERSON of Illinois: On page 2, line 24, add a new section 4, to read as follows:
>
> Clause 32(c) of rule XI of the Rules of the House of Representatives is amended to read as follows:
>
> "(c) The minority party on any such standing committee is entitled, upon request of a majority of such minority, to up to one-third of the funds provided for the appointment of committee staff pursuant to each primary or additional expense resolution. The committee shall appoint any persons so selected whose character and qualifications are acceptable to a majority of the committee. If the committee determines that the character and qualifications of any person so selected are unacceptable to the committee, a majority of the minority party members may select other persons for appointment by the committee to the staff until such appointment is made. Each staff member appointed under this subparagraph shall be assigned to such committee business as the minority party members of the committee consider advisable."

POINT OF ORDER

Mr. McFALL. Mr. Chairman, I rise to make a point of order against the amendment.

The CHAIRMAN. The gentleman will state his point of order.

Mr. McFALL. Mr. Chairman, I make a point of order against the amendment on the ground that it is not germane to the matter that we are considering. The matter that we are considering has to do with access to committee meetings, and the amendment has to do with staff makeups, and they are entirely two different subject matters.

The CHAIRMAN. Does the gentleman from Illinois wish to be heard on the point of order?

Mr. ANDERSON of Illinois. Mr. Chairman, I would like to be heard on the point of order.

The CHAIRMAN. The Chair will hear the gentleman.

Mr. ANDERSON of Illinois. Mr. Chairman, House Resolution 259, the resolution we are considering today amends two clauses in rule XI of the Rules of the House of Representatives. I am proposing another amendment to rule XI, namely the provision dealing with minority staffing of committees.

I contend this amendment is germane and in order. Having only Cannon's Procedure of the 87th Congress available to me, I quote from page 201 of that volume dealing with germaneness:

> But where the bill proposes to amend existing law in several particulars, no arbitrary rule can be laid down either admitting or excluding further amendments to the law not proposed in the pending bill, but the question of the germaneness of such additional amendments must be determined in each instance on the merits of the case presented (VIII, 2938).

This ruling was made by Chairman Sydney Anderson of Minnesota on June 10, 1921. I quote from volume VIII of the Precedents:

> The Chair does not think that the general rule can be laid down that where several portions of a law are amended by a bill reported by a committee, it is not in any case in order to amend another section of the bill not included in the bill reported by the committee, nor does the Chair think that the opposite rule can be laid down and rigidly applied in every instance. The Chair thinks that a question of this kind must be determined in every instance in the light of the facts which are presented in the case. In the particular case under consideration it appears that the committee has reported a bill which amends several sections of Title IV of the bill in various particulars. The Chair does not feel that he can hold that no amendment to a section not dealt with by the committee is not in order.

Mr. Chairman, I feel my amendment would clearly be in order.

Mr. Chairman, the substitute rule would not make it possible for any other amendments to be made to rule XI.

It seems to me this further argues in favor of the germaneness of this particular amendment. I ask that the point of order be overruled.

The CHAIRMAN (Mr. WAGGONNER). The Chair is prepared to rule.

House Resolution 259, while it technically amends two different clauses of rule XI, relates solely to the single subject of public access to House committee meetings and hearings. Thus, amendments to other portions of rule XI pertaining to committee jurisdiction such as staffing, and procedures other than access to hearings and meetings would not be germane.

Under the precedents, the fact that a bill amends several sections of a law does not necessarily open the whole law to amendment. The purpose and scope of the bill must be considered. In the 89th Congress, the Committee of the Whole had under consideration a bill amending the National Labor Relations Act to repeal section 14(b) of that law. On that occasion, in several rulings by Chairman O'Brien of New York, the principle was reinterated that where a bill is amendatory of existing law in several particulars, but relates to a single subject affected thereby, amendments proposing to modify the law but not related to the bill are not germane (CONGRESSIONAL RECORD, volume 111, part 14, pages 18631–18645).

For this reason, the chair holds that the amendment is not germane and sustains the point of order.

AMENDMENT OFFERED BY MR. STRATTON

Mr. STRATTON. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. STRATTON; page 1, line 11, after "staff" insert "and such departmental representatives"

Mr. STRATTON. Mr. Chairman, this is the amendment that I referred to earlier in the discussion that took place between the gentlewoman from Michigan (Mrs. GRIFFITHS) and the gentleman from Georgia (Mr. LANDRUM) with respect to the particular situation which exists in the Committee on Ways and Means.

We have, as I stated previously, a similar situation in the Committee on Armed Services, where with reprogramming request, it is the usual procedure to have a witness from the department explain the request and then have the Members vote on the request. Then we move on to the next request.

The idea that we should have some kind of revolving doors or should recess and then reconvene, as has been suggested, or perhaps even use roller skates to get witnesses in and out testifies I think to the ridiculousness of this kind of a proposal, which may be perfectly appropriate for some committees that apparently have been bothered by a proliferation of lobbyists at the time of markup sessions, but which has no relationship to other committees and which would actually impede the work of those committees.

I do not think our Armed Services Committee has any worry about being unduly influenced by members of the department when they are answering questions before us. And I am sure that is not the case in the Committee on Ways and Means either.

If this resolution is being offered genuinely in an effort to open up meetings and also to provide for a reasonable and efficient handling of markup sessions, then the addition of the words in line 11, following the words "congressional staff," "and such departmental representatives as they may authorize" would certainly expedite the basic purpose of this resolution.

I do not think there is any need to describe any amendment in greater detail. It seems to me to be a perfectly sensible one, and I hope it will be unanimously adopted.

Mr. FASCELL. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, the gentleman from New York is very sincere. As accommodating as the amendment seems to be, what it really does is turn around and undo one of the major thrusts in the proposed rule change.

All committee meetings are open now under the present rule. What these changes do in the proposal before us, is simply to clarify the fact that a quorum would be necessary, and the vote to close be taken in an open session. The burden shifts to those who want to close meetings. The presumption is with those who want to keep them open. The thrust is there for open committee meetings. We are just shifting the burden.

It ought not be said that executive witnesses sit in markup sessions of congressional committees and write legislation for the committee, but it is. We can rationalize that we need expert testimony. And there does come a time when we do have to depend on the executive witnesses; you do have to call them in. I do not see anything that prohibits that under the rule. If you want to, or the committee needs to examine the expert witness in an effort to mark up the bill, while you are actually marking it up, then do like some of the other committees do and hold your markup sessions in the open, put that witness on the chair and interrogate him to your heart's content; if that is what your purpose is. Some committees do that right now.

My own personal experience with those kinds of practices is a very healthy one.

As a Member of this body it is ridiculous that I am not permitted to attend any committee session but nonmembers of committees have been excluded, but executive department witnesses permitted. I had by contrast, however, the great privilege recently of sitting in an open session while my colleagues on both sides of the aisle wrote a bill I had introduced. All of those who were for it and all those who were against it were there; the press was there; the executives witnesses and experts were there; the lobbyists were there; and I was there. There was no inhibition; not a single vote was changed. No one makes the allegation that any votes were changed whether it is an open meeting or a closed meeting.

But I do want to tell you that it was a great privilege to meet and see my colleagues as they marked up my bill, with no inhibitions on anyone whatsoever; going through the democratic process on a very controversial bill; they offered their amendments, and voted for me and voted against me. I had no doubts about what had happened. It was a great view of democracy in action.

I do not think that is a bad practice. I think it is a good practice.

It might be said that there are some things you cannot do in an open session, such as on appropriations; national security; defamation of character; and other sensitive matters. The proposed rules take care of that situation.

Now as to the executive witness, their expertise and their need to sit in markup session. All we are saying in the rule is do not let him sit there as a Member of Congress at the table while the markup is going on. That is all we are saying.

The amendment offered by the gentleman from New York (Mr. STRATTON) puts that man right back at the table again, where we have been trying to get him out. You can call him in if you need him, or you can send a staff member out to talk to him, or you can bring him back in. But do not let that expert be sought into that meeting so that he can sit at the table just as though he were a Member of Congress while you are marking up a bill for a whole day, or for 6 days, or for 6 weeks, or for 6 months. He did not get elected to the Congress.

The American people will depend on your judgments any time, and in any closed meeting, but do not tell me that I have to depend on an unelected expert who sits in while the markup is going on, and who is not a Member of the Congress.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. STRATTON).

The question was taken; and on a division (demanded by Mr. FASCELL) there were—ayes 73, noes 45.

So the amendment was agreed to.

AMENDMENT OFFERED BY MR. ICHORD

Mr. ICHORD. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. ICHORD: On amend House Resolution 259, page 1, lines 8 and 9 by striking the words "on that day".

To further amend House Resolution 259, page 2, line 12 by striking the words "on that day".

Mr. ICHORD. Mr. Chairman and members of the committee, this amendment is very simple. I concur in open meetings of the committee session, but I do not believe I can support the bill unless this amendment is adopted.

I concur with the gentleman from Michigan (Mr. CEDERBERG) and this amendment is offered for the convenience of the members of the press and for the convenience of the general public, because they are not going to know until the day of the meeting whether that meeting will be closed or whether it will be open. They may think that the meeting will be open. They will appear, and then by a vote of the committee the meeting will be closed. They may think that it will be a closed meeting. They will not show up, and then the meeting will turn out to be an open meeting.

I do not think we are going to have a workable rule at all unless we follow the recommendations of the gentleman from Michigan and adopt this very simple amendment.

Mr. CEDERBERG. Mr. Chairman, will the gentleman yield?

Mr. ICHORD. I will yield to the gentleman from Michigan.

Mr. CEDERBERG. I congratulate the gentleman on his amendment. It is only a matter of convenience, as the gentleman has said, for the press, for the public and for the witnesses, and I certainly think it should be adopted without any objections whatsoever.

Mr. ICHORD. At the beginning of the hearings, if this amendment is adopted, the committee will still have to have its open recorded vote to determine whether or not the meeting should be closed.

Mr. MAHON. Mr. Chairman, will the gentleman yield?

Mr. ICHORD. I yield to the gentleman from Texas.

Mr. MAHON. Will the gentleman explain just what the wording will be? When will the vote be taken?

Mr. ICHORD. This will make the resolution read as follows:

> Each meeting for the transaction of business, including the markup of legislation, of each standing committee or subcommittee thereof shall be open to the public except when the committee or subcommittee, in open session and with a quorum present, determines by rollcall vote that all or part of the remainder of the meeting shall be closed to the public;

It merely removes the requirement that a separate vote be had on each separate day. The amendment strikes out the words "on that day." The members will have their meeting determine whether the meetings or hearings will be closed or open, and that will be on record. This will suit the convenience of the press and the public.

Mr. BINGHAM. Mr. Chairman, will the gentleman yield?

Mr. ICHORD. I yield to the gentleman from New York.

Mr. BINGHAM. I thank the gentleman for yielding.

Under his amendment could a committee vote that all meetings in an ensuing month or 2 months shall be closed?

Mr. ICHORD. No. The vote would have to refer to a particular hearing or a particular meeting, but we do have several meetings that extend longer than a period of 1 day.

Mr. BINGHAM. If the gentleman would yield further, if the gentleman specified the dates of the meetings that would be closed, would it refer to a large number of meetings?

Mr. ICHORD. As long as the members of the committee vote openly, I have no objection to their voting that a meeting on a certain day to cover a certain subject shall be closed, as long as it falls within the rules and the members are recorded as being in favor of a closed session.

Mr. ECKHARDT. Mr. Chairman, will the gentleman yield?

Mr. ICHORD. I yield to the gentleman from Texas.

Mr. ECKHARDT. I have been trying to understand what the gentleman is attempting to do by his amendment, but I think his amendment may do more. I understand the gentleman is trying to meet the Cederberg objection so that with respect to a precise meeting, a meeting may be closed not only on the precise day that meeting commences but it may be done on a previous day with respect to that precise meeting.

Mr. ICHORD. The gentleman stated there would have to be a vote on a closed meeting on each and every day. This is what I am trying to obviate the necessity of the committee doing, because the public and the press are not going to know whether this meeting will be open or closed, and they are between the devil and the deep blue sea.

Mr. ECKHARDT. If the gentleman will yield further, I understand that, I think that is what I said, and I think that is what the language says, but what I am trying to get at is the gentleman is only trying to cure the Cederberg objection that we ought to be able to notify the Members and vote on a Friday on a meeting to be held Monday as to whether that meeting Monday will be closed, instead of voting on this question after the notice of the meeting.

Mr. ICHORD. Yes. If we are going to have to do it every day we are going to have difficulty because we do not know if we are going to have a quorum or not. Some Members would vote for some part of the meeting to be closed and then at a different meeting others would vote that it be open.

Mr. CEDERBERG. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I can understand the concern that the gentleman from Texas has raised and I do not want in any way to have to have this indicate that our subcommittee can decide in one session that we are going to close meetings for a week or for 2 weeks. I think that is what the gentleman has in mind.

Mr. ECKHARDT. Mr. Chairman, will the gentleman yield?

Mr. CEDERBERG. I yield to the gentleman from Texas.

Mr. ECKHARDT. Mr. Chairman, that

is exactly what I had in mind, because unless we put on that day a vote to apply to a specific meeting, then we could have a single meeting extending throughout the whole term, and then we go right back to this.

Mr. CEDERBERG. I have been discussing some language with the gentleman from Massachusetts (Mr. BOLAND), which I think, from quickly looking at it, will take care of that particular problem. I notice the gentleman from Massachusetts is conferring with the gentleman from Missouri now, but I want to say I do agree with the gentleman that we do not want any misunderstanding on it. We want to be sure that this is a matter of convenience and not an attempt to close meetings, because we do not want that.

Mr. ECKHARDT. If the gentleman will yield further, do I understand what the gentleman wants to do, whichever language is ultimately written, is to permit with respect to a meeting dealing with a single subject matter or a single bill the closing of that meeting either on the day or at some previous time if some notice may be given in advance.

Mr. CEDERBERG. As I said in discussing this matter, I do not want my position to be misconstrued that I want to use this as authority to just close meetings as a blanket arrangement. It is strictly with me a matter of convenience for the public and for the press and for the scheduled witnesses, so that everyone will know a couple of days in advance what is going to happen. That is all we are talking about here.

Mr. MAHON. Mr. Chairman, will the gentleman yield?

Mr. CEDERBERG. I yield to the gentleman from Texas.

Mr. MAHON. I wish to say I am heartily in favor of the procedure the gentleman from Michigan is seeking to provide. I think most of the committees have provided in their rules for open hearings generally. We will have generally open hearings. We are not looking for some excuse so as not to have open hearings. We propose to have open hearings as much as reasonably possible.

But without some amendment I do not see how the Members can support the resolution. I think it is clear we should not have the bill as it is now worded.

Mr. CEDERBERG. I want to make my position very clear on that, and, as far as I am concerned, I will support any language that will clarify this so that there will be an understanding, and I think probably the gentleman from Massachusetts will have something along that line.

Mr. ARCHER. Mr. Chairman, will the gentleman yield?

Mr. CEDERBERG. I yield to the gentleman from Texas (Mr. ARCHER).

Mr. ARCHER. Does the gentleman have in mind, then, that, if the markup sessions are going to consume more than 1 day on one bill, that we would have to take a separate vote on each day in order to extend the closed session for the next succeeding day?

Mr. CEDERBERG. I would consider a markup session as one session until the markup session is completed. That would be my opinion.

Mr. ARCHER. That is not exactly the way the gentleman described it. I think this ought to be clear, as to what congressional intent is as to whether, if the markup session consumes more than 1 day, one vote would take care of closing that markup session.

Mr. CEDERBERG. If the majority of the committee votes that way, I would think that would be true. For instance, in the Committee on Ways and Means, seldom does it mark up a bill in 1 day.

Mr. ARCHER. Correct.

Mr. CEDERBERG. So, I would consider a markup of a tax bill or a tariff bill, which will take 2 or 3 days or perhaps a week or so, probably ought to be able to have enough leeway so that it could consider a markup as a session. That is my own personal thinking. Others may have other opinions.

Mr. ARCHER. Let me next ask this: Is it the intention, as the gentleman understands the amendment, to be able to close a markup session on a single bill by one vote, irrespective of the number of days it takes for that markup session?

Mr. CEDERBERG. I would consider a markup session one complete meeting until it is completed.

Mr. ICHORD. Mr. Chairman, will the gentleman yield?

Mr. CEDERBERG. I yield to the gentleman from Missouri.

The CHAIRMAN. The time of the gentleman from Michigan has expired.

(By unanimous consent, at the request of Mr. ICHORD, Mr. CEDERBERG was allowed to proceed for 3 additional minutes.)

Mr. ICHORD. Mr. Chairman, I have discussed the amendment with the gentleman from Massachusetts, and I certainly have no objection to the amendment of the gentleman from Massachusetts, but I think it does not go far enough.

I think we have to distinguish meetings from hearings. We may have a certain Defense hearing that has to be closed because of national security. Those meetings may continue for 4 or 5 days, so I think we have got to have a vote as to whether that particular hearing will be closed or not, because otherwise if we put it on a designated day and the hearings continue for more than 2 days as anticipated, we have to have another vote to close the hearings.

Mr. CEDERBERG. I think there is some merit in what the gentleman mentions here. This does not happen to be a problem in my committee, but I could see that in others it would. We do not carry on sessions usually that long, but I can understand that the Committee on Ways and Means markup does go along a long time, or a particular witness or a particular subject for some time.

I am amenable to anything to clear it up. As we said, we only want to do one thing, to make it understood in advance to the witness, to the public, to the press, for their convenience and for no other reason.

Mr. Chairman, I yield back the balance of my time.

Mr. FASCELL. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentleman from Florida is recognized for 5 minutes.

Mr. FASCELL. Mr. Chairman, some questions have been raised with respect to this language, but what the amendment does by striking the three words in each one of those paragraphs is simply to undo the pending proposal, at least to an important thrust. One of the things we have been trying to get away from is the continuous closed session concept simply by single vote of the committee.

The pending amendment certainly is not compatible with the thrust or intent of the rules changes which have been brought to this House. There may be other appropriate language which will do what has been objected to and clarify a point. But, by striking these three words we have many different opinions of what constitutes a single session. One view says that it means the whole subject matter. Another person says it means the time, even over a number of days, we are hearing a witness. Another says it means when we are considering a specific bill or an amendment, no matter how many days it takes.

That is why we have provided in this rules change and supported the concept that we would have to vote for each meeting of each day. To say that this is inconvenient to the press and to the witnesses may have some merits; but we have all been in meetings which started out as open meetings in which the press was present, the witnesses were there, who came from long distances, and then we closed the meeting and went into executive session.

Now, that is not unusual around here. It happens all the time.

It may be inconvenient. We would hope we would not have to do that. Frankly, I would rather have the inconvenience for the press and the inconvenience for the witnesses, as against amending the rules so that we go back to an old concept which simply says, in effect, it is really all right, under whatever reasons, to start at the beginning of a congressional session and have the committees adopt rules that all meetings can be closed unless the committee decides otherwise.

Mr. HUNGATE. Mr. Chairman, will the gentleman yield for a question?

Mr. FASCELL. I yield to the gentleman from Missouri.

Mr. HUNGATE. Would this mean if the committee were considering five separate bills on 1 day they would need five separate votes?

Mr. FASCELL. It refers to a meeting on that day. It does not say anything about subject matter.

Mr. HUNGATE. They could handle as many bills as they wanted?

Mr. FASCELL. The way the proposed rule reads, it is the transaction of business on that day. That is the way I would interpret it.

Mr. ICHORD. Mr. Chairman, will the gentleman yield?

Mr. FASCELL. I yield to the gentleman from Missouri.

Mr. ICHORD. If the amendment is not adopted they would have to have a separate vote for a closed meeting on each particular day.

Mr. FASCELL. That was the intent of

the rule, and that is what most committees have already adopted as a rule.

If we strike out that language, to get at what the gentleman calls an inconvenience, what we do is turn the whole concept around.

The inconvenience allegedly affects committee operation, but committees are operating that way now and have the alleged inconvenience but I do not know nor have I heard that it has unduly hampered either the members or the committee.

Mr. ICHORD. Mr. Chairman, will the gentleman yield?

Mr. FASCELL. I yield to the gentleman from Missouri.

Mr. ICHORD. The vote would have to be an open vote for a closed meeting for a particular hearing?

Mr. FASCELL. That is not what the amendment does. It would strike out the three words, "on that day."

Mr. ICHORD. On that particular day. The hearing might last 4 or 5 days, or even 3 weeks. I do not see the necessity of having a vote each and every day for a continuation of the same hearing or same meeting.

Mr. FASCELL. That is the whole idea.

Mr. HUNGATE. Mr. Chairman, will the gentleman yield?

Mr. FASCELL. I yield to the gentleman from Missouri.

Mr. HUNGATE. If the Ichord amendment is not adopted, and the committee wished to take up 10 bills in 1 day, which is not uncommon in the Claims Committee, would the committee have to vote on each session, or would they have to vote only once?

Mr. FASCELL. Each meeting, for the transaction of business is the way the rule change reads in the pending resolution, but I believe the amendment would take us a long way back on the road we have been trying to leave. It should be defeated.

AMENDMENT OFFERED IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. BINGHAM FOR THE AMENDMENT OFFERED BY MR. ICHORD

Mr. BINGHAM. Mr. Chairman, I offer an amendment as a substitute for the amendment offered by the gentleman from Missouri (Mr. ICHORD).

The Clerk read as follows:

Amendment in the nature of a substitute offered by Mr. BINGHAM for the amendment offered by Mr. ICHORD: Delete lines 8 and 9 of page 1 of the resolution and susbtitute the following: "vote that all or part of a particular meeting shall be closed to the public: *Provided, however,* such vote respecting such meeting may be taken only at the meeting to be so closed or at the next preceding meeting of the committee or subcommittee, and *Provided further,*"

Mr. BINGHAM. Mr. Chairman, I believe the gentleman from Michigan and the gentleman from Massachusetts earlier made a very good point about the desirability of being able to announce that the next succeeding meeting of a committee is going to be closed, rather than to have to wait for a quorum at the opening of that meeting to say that it is closed.

What my substitute would do to the Ichord amendment—and I certainly appreciate the purpose of the Ichord amendment—would be to provide that the vote be taken either at the meeting which is to be closed or at the next preceding meeting.

Mr. MAHON. Mr. Chairman, will the gentleman yield?

Mr. BINGHAM. I am glad to yield to the gentleman from Texas.

Mr. MAHON. If the committee should meet on Monday, and it is to have a meeting on Tuesday, if they are hearing the Secretary of State or the head of the CIA, or someone like that, and want to close the meeting, the members would have to vote to close it on Monday for the meeting on Tuesday, the next day, and that would not provide adequate notice, and people would be expecting the meeting to be open, perhaps.

Mr. BINGHAM. As the gentleman from Florida (Mr. FASCELL) pointed out earlier the chairman of the committee could announce that such and such a meeting would be closed. He could make that announcement a week before or two weeks before.

There is no problem about announcing that a certain meeting is to be closed, but the question was raised that it might be difficult to get a quorum at the meeting itself to close it.

So my substitute would simply provide that the vote would take place at the meeting itself or at the preceding meeting. The problem of notice would not be any problem; the chairman could announce the schedule and announce what meetings are going to be closed and what meetings are going to be open.

Mr. MAHON. Mr. Chairman, will the gentleman yield further?

Mr. BINGHAM. I yield to the gentleman from Texas.

Mr. MAHON. Mr. Chairman, it is not necessarily correct to assume that when the announcement is made, the meeting will actually be closed, because the vote will not be taken until the preceding day, so this would leave the situation in a very inconclusive state; maybe people would change their minds and we could get into all manner of complications.

Mr. BINGHAM. Mr. Chairman, the point is that the thrust of Mr. FASCELL's resolution is that there should not be single closing a whole series of meetings. This is what has happened in the past; this is what is intended to be avoided.

Unfortunately, Mr. Chairman, the Ichord amendment is not clear as to what its effect would be, whether you could close a dozen meetings at a time or a whole series of meetings, for instance, of the Committee on Ways and Means on a complicated bill.

Mr. Chairman, my substitute would make it clear that the vote to close a meeting should occur on that day or at the preceding meeting.

Mr. CEDERBERG. Mr. Chairman, will the gentleman yield?

Mr. BINGHAM. I yield to the gentleman from Michigan.

Mr. CEDERBERG. Mr. Chairman, I rise to point out a possible problem. I think we all want the same objective.

In our subcommittee, for instance, we are going to hear the Secretary of State Monday morning, and we decided and we think it is in the best interest of the subcommittee, in order to get information, and so forth, to have it closed.

Now, Mr. Chairman, following the Secretary's testimony we will probably go into testimony from other members of the State Department, including, for instance, Assistant Secretaries. We may have the Assistant Secretary for the Far East; we will have the Assistant Secretary for so and so. They will be coming in, some of them probably on Monday, following the Secretary of State, or later. There are some instances on that same day where it does not particularly make any difference whether the session with the particular Assistant Secretary would be open or closed; on others it might.

Is the gentleman saying that we have then on Monday to make a determination for Tuesday and we could not make that determination, as we did this week, that we want them closed for those particular people? How do we get some of those problems resolved?

Mr. BINGHAM. Mr. Chairman, as was stated in the earlier part of the gentleman's statement, the gentleman said they might want to have some other witnesses at the meeting on Monday and they might want to open it up at that time, and surely there would be nothing to prevent that, and there would be nothing to prevent them from going back into closed session if the committee so desired at that meeting. There would be nothing to prevent the announcement of a schedule that they intended to hold closed sessions.

Mr. CEDERBERG. Mr. Chairman, I will inform the gentleman that I certainly think it is an improvement over what we had before.

Mr. ICHORD. Mr. Chairman, will the gentleman yield?

Mr. BINGHAM. I will be glad to yield to the gentleman from Missouri.

Mr. ICHORD. Mr. Chairman, there would be no problem in striking out the words, "on that day," as my amendment does. The Committee could open the meeting up at any time it desires.

Mr. BINGHAM. Mr. Chairman, with all due respect to the gentleman, I do have a problem, because as the preceding colloquy indicated, under his amendment, the vote could close one meeting, or a number of meetings.

The CHAIRMAN. The time of the gentleman has expired.

Mr. ECKHARDT. Mr. Chairman, I rise in support of the Bingham substitute.

The CHAIRMAN. The gentleman from Texas is recognized for 5 minutes.

Mr. ECKHARDT. Mr. Chairman, the Bingham substitute is not perfect, and in some ways it might open a loophole and in some ways it might not solve all the problems the distinguished chairman of the Committee on Appropriations envisions, but we are dealing with a very narrow point. We are dealing here primarily with the question of that kind of meeting which can be closed.

That kind of meeting which can be closed is a hearing which involves security matters. It seems to me he has reasonably guarded the purposes of the original resolution by his amendment. I would therefore support the amendment as I understand it.

I think the colloquy between Mr. CEDERBERG and myself indicates exactly what we are trying to do. I think the amendment more closely addresses that question and more precisely addresses it than any other approach I have heard here today, that is, we are trying reasonably to permit the committee in the previous week to announce that there will be a closed meeting to hear material which is within the security exceptón and to vote on it in the previous week so that it may be assured the meeting on the next Monday or Tuesday, or whenever it is, will be a closed meeting. That, as I understand it, is the purpose of the Cederberg proposal.

Mr. CEDERBERG. If the gentleman will yield, that is exactly the purpose.

Mr. ECKHARDT. And I am for it. I think this is a reasonable flexibility with respect to the rule, and I urge an "aye" vote on the substitute amendment.

Mr. GROSS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I should like to ask one of the experts on this resolution a question concerning the use of the two words "national security" with regard to hearings. Are those two words not new to clause 27(f)(2) of the rules of the House? I cannot find them in the current edition of the rule book as they are contained in this resolution.

Mr. FASCELL. Will the gentleman yield?

Mr. GROSS. I yield to the gentleman.

Mr. FASCELL. The proposed language in the pending resolution dealing with clause 27(f)(2), the words "national security" are not contained in the present rules. The gentleman is correct on that clause.

Mr. GROSS. What is meant by "national security"? It seems to me that can be construed in a good many ways. What is meant by "national security"?

Mr. FASCELL. It can be construed in a good many ways, like every other word in the rules can. If the gentleman from Iowa is a member of the committee on which that issue arises and on which you have to make a judgment, then I have to rely on his judgment.

Mr. GROSS. Suppose the Post Office and Civil Service Committee is entertaining a bill for an increase in congressional pay to $60,000 a year. Now, if you follow that through in all its ramifications, with the incentive to the unions and to other Federal employees to go for a pay raise commensurate with $60,000 a year for Members of Congress, is it not conceivable that this could endanger the national security? In other words, lead to financial collapse of this Government?

Mr. FASCELL. If the gentleman will yield further, I am sure if he wants to construe it that way, it is conceivable. I would hate to vote that way, and I would hate to think that there is anyone in the Congress who would construe it that way or vote that way.

Mr. GROSS. You would not think that would be a reasonable use of that new provision in the rules?

Mr. FASCELL. I do not think it is. I do not think our constituents would, and I do not think the gentleman from Iowa can get enough votes even to try, let alone to do it.

Mr. GROSS. The increase to $60,000 or the use of the rule?

Mr. FASCELL. Either one, I might say to the gentleman from Iowa, although I happen to be for the $60,000.

Mr. GROSS. You happen to be for it?

Mr. FASCELL. Yes, sir.

Mr. GROSS. But you would not think such an increase and its total effect would in any way endanger the security of this Nation?

Mr. FASCELL. I leave that to your judgment.

Mr. GROSS. Financially or otherwise?

Mr. FASCELL. You mean my getting the pay raise or you?

Mr. GROSS. Yes.

Mr. FASCELL. If I got the pay raise, I do not think it would endanger the national security; I am not sure what would happen if you got the money.

Mr. GROSS. I will say to the gentleman that as far as I am concerned, this resolution is totally unacceptable, for it makes fish of some committees and fowl of others, and I am sure the gentleman knows that.

Mr. FASCELL. I certainly hope, if the gentleman will yield, that it would be properly applied. I hope it would not make fish or fowl.

The CHAIRMAN. The question is on the amendment in the nature of a substitute offered by the gentleman from New York (Mr. BINGHAM) for the amendment offered by the gentleman from Missouri (Mr. ICHORD).

The question was taken; and on a division (demanded by Mr. BINGHAM) there were—ayes 38, noes 55.

Mr. ECKHARDT. Mr. Chairman, I demand tellers.

Tellers were refused.

So the amendment in the nature of a substitute was rejected.

Mr. ECKHARDT. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I would like to have the close attention of the Members to this inquiry. I am not quite sure what the amendment offered by the distinguished gentleman from Missouri (Mr. ICHORD) does. If the amendment offered by the gentleman from Missouri does nothing more than what has been suggested as a needed cure, and as we have described in the discussion on the floor here, I would not find the amendment undesirable if it was so clearly drawn as to make it absolutely certain that it is not intended that this amendment would permit a chairman to open up other than the specific subject matter noted for action in that committee.

Mr. ICHORD. Mr. Chairman, will the gentleman yield?

Mr. ECKHARDT. I yield to the gentleman from Missouri.

Mr. ICHORD. Mr. Chairman, may I say to the gentleman that I am working with the language of the gentleman from Texas, and the gentleman from Florida. All I am doing is striking the language "on that day".

It is the intention of the gentleman from Missouri to permit these meetings to be closed only with an open vote, and for a particular hearing which will extend over more than a period of 1 day. That is the intention of the gentleman from Missouri in offering the amendment.

Mr. ECKHARDT. Therefore, as I understand, the amendment would be offered as a means by which notification could be given respecting a particular subject matter, and a particular meeting in advance, and a vote might be taken in advance applicable to that specific subject matter and that specific meeting?

Mr. ICHORD. The gentleman from Texas is correct. I offer this merely for the convenience of the public and the press because if we do not adopt this amendment they are not going to know whether the meetings will be closed or open. That is the intent of the gentleman from Missouri.

Mr. ECKHARDT. I understand what we are really meeting is solely the Cederberg suggestion?

Mr. ICHORD. That is quite true, I agree with the gentleman from Texas.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Missouri (Mr. ICHORD).

The amendment was agreed to.

Mr. VANIK. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I am strongly in support of House Resolution 259. This legislation will go a long way to provide for an improved climate for legislative action.

In keeping with the spirit of this legislation, I hope we can take appropriate action in this Congress to place on the record the tremendous internal action which takes place in the conference committees.

The real inside manipulation in the Congress occurs secretly in the star chamber operation of a conference committee. Here the thrust of legislation can be diverted and new sections of special advantage to private interests may be inserted. The conference committee is the citadel of bargaining and dealing. In the conference committee session, decisions are usually made by Members with more than 10 years of service. The point of view of newer Members is seldom considered.

I, therefore, urge that the conference committee be made open to at least the members of the committees which constitute the conference, so that this larger group can at least observe the conference deliberations.

Furthermore, I urge that we legislate procedures which will place all decisions of the conference committee on the record, with recorded rollcall votes on every issue in controversy and on every provision added or deleted, to determine the extent to which the conference committee actions conform to the mandate of the legislative bodies out of which the conference was born.

I sometimes believe that the differences between the two Chambers are deliberately created in order to create a special opportunity for the conference insiders to work out some special kind of mischief.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, the Chairman of the Committee of the Whole House on the State of the Union (Mr. WAGGONNER), reported that that

Committee having had under consideration the resolution (H. Res. 259) to amend the Rules of the House of Representatives to strengthen the requirement that committee proceedings be held in open session, pursuant to House Resolution 272, he reported the resolution back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the Is a separate vote demanded on any previous question is ordered. amendment?

Mr. FASCELL. Mr. Speaker, I demand a separate vote on the so-called Stratton amendment.

The SPEAKER. Is a separate vote demanded on any other amendments? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER. The Clerk will report the amendment on which a separate vote has been demanded.

The Clerk read as follows:

Amendments page 1, line 11, after "staff" insert "and such departmental representatives".

The SPEAKER. The question is on the amendment.

Mr. WAGGONNER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 201, nays 198, not voting 32, as follows:

[Roll No. 37]

YEAS—201

Abdnor
Andrews, N.C.
Andrews, N. Dak.
Archer
Arends
Armstrong
Baker
Beard
Bell
Bevill
Blackburn
Boland
Bowen
Bray
Breaux
Brinkley
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Buchanan
Burgener
Burke, Mass.
Burleson, Tex.
Butler
Byron
Camp
Carey, N.Y.
Carter
Casey, Tex.
Cederberg
Chamberlain
Chappell
Clancy
Clausen, Don H.
Clawson, Del
Collins
Conable
Conlan
Cotter
Coughlin
Cronin
Daniel, Robert W., Jr.
Daniel, Dan
Davis, S.C.
Davis, Wis.
Dellenback
Devine
Dickinson
Dingell
Dorn
Downing
Duncan
du Pont
Edwards, Ala.
Erlenborn
Esch
Eshleman
Findley
Fish
Fisher
Flynt
Ford, Gerald R.
Forsythe
Frelinghuysen
Frey
Froehlich
Fulton
Fuqua
Gettys
Gilman
Ginn
Goldwater
Goodling
Griffiths
Grover
Gubser
Guyer
Hammerschmidt
Hanley
Hanrahan
Hansen, Idaho
Harsha
Hastings
Hébert
Heinz
Henderson
Hicks
Hillis
Hogan
Holt
Horton
Huber
Hudnut
Hunt
Hutchinson
Ichord
Jarman
Jones, N.C.
Jones, Tenn.
Keating
Kemp
Kuykendall
Landrum
Latta
Lent
Lott
McClory
McCollister
McEwen
McFall
Madigan
Mahon
Mallary
Mann
Maraziti
Martin, Nebr.
Martin, N.C.
Mathis, Ga.
Michel
Milford
Miller
Mills, Md.
Minshall, Ohio
Mitchell, N.Y.
Mizell
Mollohan
Montgomery
Mosher
Myers
Nelsen
Nichols
O'Brien
Parris
Patten
Pettis
Peyser
Poage
Powell, Ohio
Quie
Quillen
Railsback
Randall
Regula
Reid
Rhodes
Rinaldo
Roberts
Robinson, Va.
Robison, N.Y.
Rogers
Roncallo, N.Y.
Rose
Runnels
Ruth
Sandman
Sarasin
Satterfield
Saylor
Schneebeli
Sebelius
Shoup
Shriver
Shuster
Sikes
Skubitz
Slack
Smith, N.Y.
Spence
Staggers
Stanton, J. William
Steele
Steiger, Wis.
Stephens
Stratton
Stubblefield
Stuckey
Sullivan
Talcott
Taylor, Mo.
Taylor, N.C.
Teague, Calif.
Teague, Tex.
Thornton
Treen
Ullman
Veysey
Waggonner
Walsh
Ware
White
Whitehurst
Widnall
Wiggins
Wilson, Bob
Winn
Wydler
Wylie
Young, S.C.
Young, Tex.
Zwach

NAYS—198

Abzug
Adams
Addabbo
Alexander
Anderson, Calif.
Anderson, Ill.
Annunzio
Ashbrook
Aspin
Bafalis
Barrett
Bennett
Bergland
Biester
Bingham
Bolling
Brademas
Brasco
Breckinridge
Brooks
Broomfield
Burke, Calif.
Burke, Fla.
Burlison, Mo.
Burton
Carney, Ohio
Clark
Cleveland
Cochran
Cohen
Conte
Crane
Culver
Daniels, Dominick V.
Danielson
de la Garza
Delaney
Dellums
Denholm
Dennis
Dent
Derwinski
Donohue
Drinan
Dulski
Eckhardt
Edwards, Calif.
Eilberg
Evins, Tenn.
Fascell
Flood
Flowers
Foley
Ford, William D.
Fountain
Fraser
Frenzel
Gaydos
Giaimo
Gibbons
Gonzalez
Grasso
Gray
Green, Oreg.
Green, Pa.
Gross
Gude
Gunter
Haley
Hamilton
Hanna
Hansen, Wash.
Harrington
Hawkins
Hays
Hechler, W. Va.
Heckler, Mass.
Helstoski
Holifield
Holtzman
Howard
Hungate
Johnson, Calif.
Johnson, Colo.
Johnson, Pa.
Jones, Ala.
Jones, Okla.
Jordan
Karth
Kastenmeier
Kazen
Ketchum
Kluczynski
Kyros
Landgrebe
Leggett
Lehman
Litton
Long, La.
Long, Md.
Lujan
McCloskey
McCormack
McDade
McKay
McKinney
McSpadden
Macdonald
Madden
Mailliard
Mathias, Calif.
Matsunaga
Mayne
Mazzoli
Meeds
Melcher
Metcalfe
Mezvinsky
Minish
Mink
Mitchell, Md.
Moakley
Moorhead, Pa.
Morgan
Moss
Murphy, Ill.
Murphy, N.Y.
Natcher
Nedzi
Nix
Obey
O'Hara
O'Neill
Owens
Passman
Patman
Pepper
Perkins
Pickle
Pike
Podell
Preyer
Price, Ill.
Pritchard
Rangel
Rarick
Rees
Reuss
Riegle
Rodino
Roe
Roncalio, Wyo.
Rooney, Pa.
Rosenthal
Roush
Rousselot
Roy
Roybal
Ruppe
Ryan
St Germain
Sarbanes
Scherle
Schroeder
Seiberling
Shipley
Sisk
Smith, Iowa
Snyder
Stanton, James V.
Steed
Steelman
Stokes
Studds
Symington
Symms
Thompson, N.J.
Thomson, Wis.
Thone
Tiernan
Towell, Nev.
Udall
Van Deerlin
Vander Jagt
Vanik
Vigorito
Whalen
Whitten
Williams
Wilson, Charles H., Calif.
Wilson, Charles, Tex.
Wolff
Wyman
Yates
Yatron
Young, Fla.
Young, Ill.
Zablocki

NOT VOTING—32

Ashley
Badillo
Biaggi
Blatnik
Brown, Calif.
Broyhill, Va.
Chisholm
Clay
Collier
Conyers
Corman
Davis, Ga.
Diggs
Evans, Colo.
Harvey
Hinshaw
Hosmer
King
Koch
Mills, Ark.
Moorhead, Calif.
Price, Tex.
Rooney, N.Y.
Rostenkowski
Stark
Steiger, Ariz.
Waldie
Wampler
Wright
Wyatt
Young, Ga.
Zion

So the amendment was agreed to.

The Clerk announced the following pairs:

Mr. Rooney of New York with Mr. Steiger of Arizona.

Mr. Rostenkowski with Mr. Collier.

Mr. Stark with Mr. Hinshaw.

Mrs. Chisholm with Mr. Corman.

Mr. Koch with Mr. Hosmer.

Mr. Badillo with Mr. Clay.

Mr. Blatnik with Mr. Harvey.

Mr. Mills of Arkansas with Mr. Broyhill of Virginia.

Mr. Davis of Georgia with Mr. Moorhead of California.

Mr. Wright with Mr. Zion.

Mr. Biaggi with Mr. King.

Mr. Ashley with Mr. Diggs.

Mr. Evans of Colorado with Mr. Wyatt.

Mr. Brown of California with Mr. Young of Georgia.

Mr. Waldie with Mr. Conyers.

Mr. Price of Texas with Mr. Wampler.

Messrs. MICHEL, HARSHA and BUTLER changed their votes from "nay" to "yea."

The result of the vote was announced as above recorded.

The SPEAKER. The question is on the resolution.

Mr. GERALD R. FORD. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 371, nays 27, not voting 34, as follows:

[Roll No. 38]

YEAS—371

Abdnor
Abzug
Adams
Addabbo
Alexander
Anderson, Calif.
Anderson, Ill.
Andrews, N.C.
Andrews, N. Dak.
Annunzio
Archer
Arends
Armstrong
Aspin
Bafalis
Baker
Barrett
Beard
Bell
Bennett
Bergland
Bevill
Biester
Bingham
Blackburn
Boland
Bolling
Bowen
Brademas
Brasco
Bray
Breaux
Breckinridge
Brinkley
Brooks
Broomfield
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Buchanan
Burgener
Burke, Calif.
Burke, Fla.
Burke, Mass.
Burlison, Mo.
Burton
Butler
Byron
Carey, N.Y.
Carney, Ohio
Carter
Cederberg
Chamberlain
Chappell
Clancy
Clark
Clausen, Don H.
Clawson, Del
Cleveland
Cochran
Cohen
Collins
Conable
Conlan
Conte
Cotter
Coughlin
Cronin
Daniel, Robert W., Jr.
Daniels, Dominick V.
Danielson
Davis, Ga.
Davis, Wis.
de la Garza
Delaney
Dellenback
Dellums
Denholm
Dennis
Dent
Derwinski
Devine
Dingell
Donohue
Dorn
Downing
Drinan
Dulski
Duncan
du Pont
Eckhardt
Edwards, Ala.
Edwards, Calif.
Eilberg
Erlenborn
Esch
Eshleman
Evins, Tenn.
Fascell
Findley
Fish
Fisher
Flood
Flowers
Flynt
Foley
Ford, Gerald R.
Ford, William D.
Forsythe
Fountain
Fraser
Frelinghuysen
Frenzel
Frey
Froehlich
Fulton
Fuqua
Gaydos
Gettys
Giaimo
Gibbons
Gilman
Ginn
Goldwater
Gonzalez
Grasso
Gray
Green, Oreg.
Green, Pa.
Griffiths
Grover
Gude
Gunter
Guyer
Haley
Hamilton
Hammerschmidt
Hanley
Hanna
Hanrahan
Hansen, Idaho
Hansen, Wash.
Harrington
Harsha
Hastings
Hawkins
Hays
Hechler, W. Va.
Heckler, Mass.
Heinz
Helstoski
Henderson
Hillis
Hogan
Holifield
Holt
Holtzman
Horton
Howard
Hudnut
Hungate
Hunt
Hutchinson
Ichord
Jarman
Johnson, Calif.
Johnson, Colo.
Johnson, Pa.
Jones, N.C.
Jones, Okla.
Jones, Tenn.
Jordan
Karth
Kastenmeier
Kazen

Keating
Kemp
Ketchum
Kluczynski
Kuykendall
Kyros
Landrum
Latta
Leggett
Lehman
Lent
Litton
Long, La.
Long, Md.
Lujan
McClory
McCloskey
McCollister
McCormack
McDade
McEwen
McFall
McKay
McKinney
McSpadden
Macdonald
Madden
Madigan
Mahon
Mailliard
Mallary
Mann
Maraziti
Martin, Nebr.
Martin, N.C.
Mathias, Calif.
Mathis, Ga.
Matsunaga
Mayne
Mazzoli
Meeds
Melcher
Metcalfe
Mezvinsky
Michel
Milford
Miller
Mills, Md.
Minish
Mink
Minshall, Ohio
Mitchell, Md.
Mitchell, N.Y.
Mizell
Moakley
Mollohan
Moorhead, Pa.
Morgan
Mosher
Moss
Murphy, Ill.
Murphy, N.Y.
Myers
Natcher
Nedzi
Nelsen
Nix

Obey
O'Brien
O'Hara
O'Neill
Owens
Parris
Patten
Pepper
Perkins
Pettis
Peyser
Pickle
Pike
Poage
Podell
Powell, Ohio
Preyer
Price, Ill.
Pritchard
Quie
Quillen
Railsback
Randall
Rangel
Rees
Regula
Reid
Reuss
Rhodes
Riegle
Rinaldo
Roberts
Robinson, Va.
Robison, N.Y.
Rodino
Roe
Rogers
Roncalio, Wyo.
Roncallo, N.Y.
Rooney, Pa.
Rosenthal
Roush
Rousselot
Roy
Roybal
Runnels
Ruppe
Ruth
Ryan
St Germain
Sandman
Sarasin
Sarbanes
Saylor
Scherle
Schneebeli
Schroeder
Sebelius
Seiberling
Shipley
Shoup
Shriver
Shuster
Sisk
Skubitz
Slack
Smith, Iowa

Smith, N.Y.
Snyder
Spence
Stanton, J. William
Stanton, James V.
Steele
Steelman
Steiger, Wis.
Stephens
Stokes
Stubblefield
Stuckey
Studds
Sullivan
Symington
Symms
Talcott
Taylor, Mo.
Taylor, N.C.
Teague, Calif.
Teague, Tex.
Thompson, N.J.
Thomson, Wis.
Thone
Thornton
Tiernan
Towell, Nev.
Treen
Udall
Ullman
Van Deerlin
Vander Jagt
Vanik
Veysey
Vigorito
Walsh
Wampler
Ware
Whalen
Whitehurst
Widnall
Wiggins
Williams
Wilson, Bob
Wilson, Charles H., Calif.
Wilson, Charles, Tex.
Winn
Wolff
Wyatt
Wydler
Wylie
Wyman
Yates
Yatron
Young, Fla.
Young, Ill.
Young, S.C.
Young, Tex.
Zablocki
Zion
Zwach

NAYS—27

Ashbrook
Burleson, Tex.
Casey, Tex.
Crane
Daniel, Dan
Davis, S.C.
Dickinson
Goodling
Gross

Gubser
Hébert
Hicks
Huber
Jones, Ala.
Landgrebe
Lott
Montgomery
Nichols

Passman
Rarick
Sikes
Staggers
Steed
Stratton
Waggonner
White
Whitten

NOT VOTING—34

Ashley
Badillo
Biaggi
Blatnik
Brown, Calif.
Broyhill, Va.
Camp
Chisholm
Clay
Collier
Conyers
Corman

Culver
Diggs
Evans, Colo.
Harvey
Hinshaw
Hosmer
King
Koch
Mills, Ark.
Moorhead, Calif.
Patman

Price, Tex.
Rooney, N.Y.
Rose
Rostenkowski
Satterfield
Stark
Steiger, Ariz.
Waldie
Wright
Young, Ga.

So the resolution was agreed to.

The Clerk announced the following pairs:

Mr. Rooney of New York with Mr. King.
Mr. Rostenkowski with Mr. Collier.
Mr. Culver with Mr. Young of Georgia.
Mr. Blatnik with Mr. Camp.
Mr. Evans of Colorado with Mr. Broyhill of Virginia.
Mr. Rose with Mr. Harvey.
Mr. Mills of Arkansas with Mr. Hinshaw.
Mr. Patman with Mr. Steiger of Arizona.
Mr. Wright with Mr. Price of Texas.
Mr. Ashley with Mr. Moorhead of California.
Mr. Badillo with Mr. Hosmer.
Mr. Koch with Mr. Clay.
Mr. Biaggi with Mr. Conyers.
Mr. Waldie with Mr. Diggs.
Mr. Corman with Mr. Satterfield.
Mr. Stark with Mr. Brown of California.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. PEPPER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks in the RECORD on the resolution just agreed to.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

There was no objection.

PERSONAL EXPLANATION

Mr. CULVER. Mr. Speaker, I would like to be recorded as voting "yea." I was in the well and I did not know that they had finished the vote.

The SPEAKER. The Chair will state that the rule is that the gentleman must be in the Chamber and listening for his name, and that he did not hear his name when it was called.

Mr. CULVER. Mr. Speaker, I was in the well, but I did not hear my name called. Had I heard my name called I would have voted "yea."

ORDER OF BUSINESS

(Mr. McFALL asked and was given permission to address the House for 1 minute.)

Mr. McFALL. Mr. Speaker, I take this time to announce that we will take up the rule on the bill H.R. 17, the Vocational Rehabilitation Act amendments today, and that we will call up the bill on tomorrow.

Also that we will take up the rule, and the bill, on H.R. 71, the Older Americans Act, next week.

PROVIDING FOR CONSIDERATION OF H.R. 17, VOCATIONAL REHABILITATION ACT AMENDMENTS OF 1973

Mr. MADDEN. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 274 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 274

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 17) to amend the Vocational Rehabilitation Act to extend and revise the authorization of grants to States for vocational rehabilitation services, to authorize grants for rehabilitation services to those with severe disabilities, and for other purposes, and all points of order against said bill for failure to comply with the provisions of clause 3, rule XIII are hereby waived. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Education and Labor, the bill shall be read for amendment under the five-minute rule. It shall be in order to consider the amendment in the nature of a substitute recommended by the Committee on Education and Labor now printed in the bill as an original bill for the purpose of amendment under the five-minute rule, said substitute shall be read by titles instead of by sections, and all points of order against sections 303 and 700 of said substitute for failure to comply with the provisions of clause 4, rule XXI are hereby waived. At the conclusion of such consideration, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions. After the passage of H.R. 17, it shall be in order in the House to take from the Speaker's table the bill S. 7 and to move to strike out all after the enacting clause of the said Senate bill and insert in lieu thereof the provisions of H.R. 17 as passed by the House.

The SPEAKER. The gentleman from Indiana is recognized for 1 hour.

Mr. MADDEN. Mr. Speaker, I yield 30 minutes to the gentleman from Ohio (Mr. LATTA) pending which I yield myself such time as I may consume.

Mr. Speaker on yesterday the Rules Committee reported out a rule for two major bills that were considered in the last session of Congress by almost a unanimous vote in both Houses of the Congress and later vetoed by the President.

The bill which we are now considering is H.R. 17 to amend the Vocational Rehabilitation Act which is more or less of a modified form of the legislation which was enacted by the Congress last year.

The other bill which we passed a rule on yesterday pertains to the older American, an extension of pending programs for the aging.

H.R. 17 will extend rehabilitation programs previously authorized and make certain improvements in the services provided thereunder with special emphasis on severely handicapped individuals. This legislation will also provide special programs for the deaf, older blind, spinal cord defects and for persons suffering from serious kidney diseases.

This legislation also provides vocational rehabilitation to the physically and mentally handicapped and to prepare them for improvement and productive useful living. It also provides for medical, surgical, and hospital care with related therapy to remove or reduce the disability. It also provides for prosthetic and orthotic devices, counsel, training services, adjustment centers, reader services for the blind and the deaf—recruitment and training programs to provide new careers for handicapped people, construction of rehabilitation facilities and other services necessary to render a handicapped person employable.

HISTORICAL BACKGROUND

The Vocational Rehabilitation program is one of the Nation's oldest grant-in-aid programs which had its origin, when President Woodrow Wilson signed into law the Smith-Fess Act.

In the 52 years since the start of the program its basic concepts have continued mainly unchanged, with substantial enlargement of scope and effectiveness in legislative authority in 1943, 1954, 1965, and 1968.

The program initially offered limited services for the physically handicapped.

In 1967, President Johnson and the Congress took steps to improve and expand rehabilitation programs for the Nation's disabled. The program of basic grants to the States for rehabilitation services was extended and expanded. Provisions were enacted to establish a National Center for Deaf-Blind Youth and Adults and to extend services to migrants, disabled individuals, and their families.

Two years ago legislation similar to the pending bill, H.R. 17, was reported unanimously from the Committee on Education and Labor and was approved by the House on March 20, 1972, by a vote of 327 to 0. A similar Senate bill was approved by the other body by a vote of 70 to 0 on September 26 of last year and the conference report between the House and Senate Conferees was approved unanimously on October 14, 1972.

On October 27 after Congress had adjourned the President pocket vetoed the Rehabilitation Act of 1972.

Since the inception of the Vocational Rehabilitation legislation by the Congress over 3 million handicapped people have been rehabilitated. Most of this number have been benefited in recent years since the program has been expanded and streamlined. The real high mark in benefits was reached in the fiscal year 1971 when for the first time over 1 million handicapped individuals were provided rehabilitation services in 1 year's time. Of this 1 million, 291,272 were rehabilitated. Of those who were rehabilitated in fiscal year 1972, 51,084 were receiving public assistance before they were rehabilitated. For those that were cases of rehabilitation in 1972, it is estimated that public assistance would cost the taxpayers approximately $34 million if it had not been for this rehabilitation program. Each public assistance recipient who has been rehabilitated represents an average saving per person of $650 annually in public assistance payments.

The present bill is a modification of the rehabilitation program passed last year and calls for a reduction of approximately $900 million from the bill which the President pocket vetoed last October.

During the hearings the committee heard overwhelming testimony to the effect that those persons with the most severe types of physical and mental conditions were not receiving adequate services. In addition, there are thousands of physically and mentally handicapped individuals—both severely and partially handicapped—who are eligible under this act and who could reasonably be expected to benefit from these services but are not being served.

The committee testimony revealed that the Department of Health, Education and Welfare expects to spend approximately $129 million in the treatment of alcoholics and $162 million for the rehabilitation of drug addicts. The limited expense for vocational rehabilitation programs and the amount of resources available to programs designed to serve alcoholics and drug abusers far exceeds those who are socially handicapped. Our first priority should be to serve those who are severely mentally and physically handicapped. With our present population of 206 million people, 71 percent of whom live in urban areas, the pressures for rehabilitation services are heavy and many needy individuals are being denied service or are required to wait for service because of the inadequate financial resources of the vocational rehabilitation agencies.

Mr. Speaker, House Resolution 274 provides for an open rule with 1 hour of general debate on H.R. 17. The rule makes the committee substitute in order as an original bill for the purpose of amendment, providing that the substitute be read for amendment by title instead of by section.

All points of order against H.R. 17 for failure to comply with the provisions of clause 3, rule XIII, of the Rules of the House of Representatives, the Ramseyer rule, are waived. All points of order are waived against sections 303 and 700 of H.R. 17 for failure to comply with the provisions of clause 4, rule XXI of the Rules of the House, which prohibits appropriations in authorization legislation.

The rule also provides that after the passage of H.R. 17 it shall be in order to take from the Speaker's table the bill S. 7 and to move to strike out all after the enacting clause of the said Senate bill and insert in lieu thereof the provisions of H.R. 17 as passed by the House.

Mr. Speaker, I urge adoption of House Resolution 274.

Mr. BRADEMAS. Mr. Speaker, will the gentleman yield?

Mr. MADDEN. I yield to the gentleman from Indiana (Mr. BRADEMAS).

Mr. BRADEMAS. Mr. Speaker, I thank the gentleman from Indiana (Mr. MADDEN) for yielding.

Mr. Speaker, I rise in support of the rule. I would also join the gentleman in paying tribute to the distinguished chairman of the Committee on Education and Labor, the gentleman from Kentucky (Mr. PERKINS), who has long been a champion of this legislation, as well as the distinguished ranking minority member of the committee, the gentleman from Minnesota (Mr. QUIE), who has as well contributed so much to making it possible to bring this bill before the House.

Mr. Speaker, the Rehabilitation Act of 1972 approved last year by the House would have replaced the existing Vocational Rehabilitation Act.

This also is the case this year with regard to H.R. 17, the Rehabilitation Act of 1973.

Last year, however, the bill did not specifically repeal the existing act, and accordingly the committee report on the bill did not ramseyer the Vocational Rehabilitation Act.

H.R. 17, however, does specifically repeal the Vocational Rehabilitation Act 90 days after enactment of this bill.

In order for the Members to have a copy of the existing Rehabilitation Act which H.R. 17 proposes to repeal, I will insert at the conclusion of my remarks a copy of the act showing the amendments that would be made by H.R. 17.

Since the entire act is to be repealed each section is enclosed in black brackets.

VOCATIONAL REHABILITATION ACT

[An Act to provide for the promotion of vocational rehabilitation of persons disabled in industry or otherwise and their return to civil employment

[*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

[AUTHORIZATION OF APPROPRIATIONS FOR GRANTS; PURPOSES FOR WHICH AVAILABLE

[SECTION 1. (a) The Secretary is authorized to make grants as provided in this Act for the purpose of assisting States in rehabilitating handicapped individuals so that they may prepare for and engage in gainful employment to the extent of their capabilities, thereby increasing not only their social and economic well-being but also the productive capacity of the Nation.

[(b) (1) For the purpose of making grants to States under section 2, to assist them in meeting the costs of vocational rehabilitation services, there is authorized to be appropriated for the fiscal year ending June 30, 1966, the sum of $300,000,000, for the fiscal year ending June 30, 1967, the sum of $350,000,000, for the fiscal year ending June 30, 1968, the sum of $400,000,000, for the fiscal year ending June 30, 1969, the sum of $500,000,000, for the fiscal year ending June 30, 1970, the sum of $600,000,000, for the fiscal year ending June 30, 1971, the sum of $700,000,000, and for the fiscal year ending June 30, 1972, the sum of $700,000,000.

[(2) For the purpose of making grants under section 3, relating to grants to States to assist them in meeting the costs of projects for innovation of vocational rehabilitation services, there is authorized to be appropriated for the fiscal year ending June 30, 1966, the sum of $5,000,000, for the fiscal year ending June 30, 1967, the sum of $7,000,000, for the fiscal year ending June 30, 1968, the sum of $9,000,000, for the fiscal year ending June 30, 1969, the sum of $3,200,000, for the fiscal year ending June 30, 1970, the sum of $6,000,000, for the fiscal year ending June 30, 1971, the sum of $10,000,000, and for the fiscal year ending June 30, 1972, the sum of $10,000,000.

[(3) For the purpose of (A) making grants under section 4(a) (1) for research, demonstrations, training, and traineeships; (B) making grants under clause (2) (A) of section 4(a) for planning, preparing for, and initiating special programs to expand State vocational rehabilitation services; (C) making contracts and jointly financed cooperative arrangements under clause (2) (B) of section 4(a) for projects for providing jobs to handicapped individuals; and (D) making grants under clauses (2) (C) and (D) of section 4(a) to develop new programs to recruit and train individuals for new career opportunities, there is authorized to be appropriated for fiscal year ending June 30, 1966, the sum of $80,000,000, for the fiscal year ending June 30, 1967, the sum of $104,000,000, for the fiscal year ending June 30, 1968, the sum of $117,000,000, for the fiscal year ending June 30, 1969, the sum of $80,000,000, for the fiscal year ending June 30, 1970, the sum of $115,000,000, for the fiscal year ending June 30, 1971, the sum of $140,000,000, and for the fiscal year ending June 30, 1972, the sum of $140,000,000.

[(4) For the fiscal year ending June 30, 1973, and each of the succeeding fiscal years, only such sums may be appropriated for the purposes described in paragraphs (1), (2), and (3) as the Congress may hereafter authorize by law.

[GRANTS TO STATES FOR VOCATIONAL REHABILITATION SERVICES

[SEC. 2. (a) For each fiscal year each State shall be entitled to an allotment of an amount bearing the same ratio to the amount authorized to be appropriated by paragraph (1) of section 1(b) for meeting the cost of vocational rehabilitation services, as the product of (1) the population of the State and (2) the square of its allotment percentage (as defined in section 11(h)) bears to the sum of corresponding products for all the States. The allotment to any State under the preceding sentence which is less than the amount such State was entitled to receive under subsection (b) of the section for the fiscal year ending June 30, 1965, shall be increased to that amount, the total of the increases thereby required being derived by proportionately reducing the allotments of each of the remaining States under the preceding sentence, but with such adjustments as may be necessary to prevent the allotment of any of such remaining States from being thereby reduced to less than that amount. The allotment to any State (other than the Virgin Islands, Puerto Rico, and Guam) for any fiscal year under the preceding two sentences which is less than $1,000,000 shall be increased to that amount, the total of the increases thereby required being derived by proportionately reducing the allotments of each of the remaining such States under the preceding two sentences, but with such adjustments as may be necessary to prevent the allotment of any of such remaining States from being thereby reduced to less than that amount.

[(b) For each fiscal year the Secretary shall pay to each State an amount equal to the Federal share (determined as provided in section 11(i) of the cost of vocational rehabilitation services under the plan for such State approved under section 5, including expenditures for the administration of the State plan, except that the total of such payments to such State for such fiscal year may not exceed its allotment under subsection (a) for such year and such payments shall not be made in an amount which would result in a violation of the provision of the State plan required by section 5(a)(14), and except that the amount otherwise payable to such State for such year under this section shall be reduced by the amount (if any) by which expenditures from non-Federal sources (except for expenditures with respect to which the State is entitled to payments under section 3) during such year under such State plan are less than such expenditures under such plan for the fiscal year ending June 30, 1969.

[(c) For the purpose of determining the amount of payments to States for carrying out this section and section 3 with respect to expenditures under a State plan approved under section 5, State funds shall, subject to such limitations and conditions as may be prescribed in regulations of the Secretary, include contributions of funds made by any private agency, organization, or individual to a State to assist in meeting the cost of construction or establishment of a public or other nonprofit rehabilitation facility, which would be regarded as State funds except for the condition, imposed by the contributor, limiting use of such funds to construction or establishment of such facility.

[GRANTS TO STATES FOR INNOVATION OF VOCATIONAL REHABILITATION SERVICES

[SEC. 3. (a)(1) From the sums available for any fiscal year for grants to States to assist them in meeting the costs described in paragraph (2) of this subsection, each State shall be entitled to an allotment of an amount bearing the same ratio to such sums as the population of the State bears to the population of all the States. The allotment to any State under the preceding sentence for any fiscal year which is less than $5,000 (or such other amount as may be specified as a minimum allotment in the Act appropriating such sums for such year) shall be increased to that amount, the total of the increases thereby required being derived by proportionately reducing the allotments to each of the remaining States under the preceding sentence, but with such adjustments as may be necessary to prevent the allotment of any of such remaining States from being thereby reduced to less than that amount.

[(2) From each State's allotment under this section for any fiscal year, the Secretary shall pay to such State a portion of the cost of approved projects for vocational rehabilitation services (including their administration) under the State plan which (A) provide for the development of methods or techniques, which are new in the State, for providing vocational rehabilitation services for handicapped individuals, of (B) are specially designed for development of, or provision for, new or expanded vocational rehabilitation services for groups of handicapped individuals having disabilities which are catastrophic or particularly severe. The Secretary shall approve any project for purposes of this section only if the plan of such State approved under section 5 includes such project or is modified to include it.

[(b) Payments under this section with respect to any project may be made for a period of not to exceed five years beginning with the commencement of the first fiscal year for which any payment is made with respect to such project from an allotment under this section. To the extent permitted by the State's allotment under this section, such payments with respect to any project shall be equal to 90 per centum of the cost of such project for the first three years and 75 per centum of the cost of such project for the next two years, except that, at the request of the State, such payments may be less than such percentage of the cost of such project.

[(c) No payment may be made from an allotment under this section with respect to any cost with respect to which any payment is made under section 2.

[(d) Whenever the Secretary determines that any amount of an allotment to a State for any fiscal year will not be utilized by such State in carrying out the purposes of this section, he shall make such amount available for carrying out the purposes of this section to one or more other States which he determines will be able to use additional amounts during such year for carrying out such purposes. Any amount made available to a State for any fiscal year pursuant to the preceding sentence shall, for purposes of this Act, be regarded as an increase of such State's allotment (as determined under the preceding provisions of this section) for such year.

[GRANTS FOR SPECIAL PROJECTS

[SEC. 4. (a) From the sums available therefor for any fiscal year, the Secretary shall (1) make grants to States and public and other nonprofit organizations and agencies for paying part of the cost of projects for research, demonstrations, training, and traineeships, and projects for the establishment of special facilities and services, which, in the judgment of the Secretary, hold promise of making a substantial contribution to the solution of vocational rehabilitation problems common to all or several States, and problems related to the rehabilitation of the mentally retarded and (2)(A) make grants to States and public and other nonprofit organizations and agencies for paying part of the cost of planning, preparing for, and initiating special programs to expand vocational rehabilitation services in those States where, in the judgment of the Secretary, such action holds promise of yielding a substantial increase in the number of persons vocationally rehabilitated, and sums appropriated for grants under this clause shall remain available for such grants through the close of June 30, 1973, (B) make contracts or jointly financed cooperative arrangements with employers and organizations for the establishment of projects designed to prepare handicapped individuals for gainful employment in the competitive labor market under which handicapped individuals are provided training and employment in a realistic work setting and such other services (determined in accordance with regulations of the Secretary) as may be necessary for such individuals to continue to engage in such employment, (C) make grants to State vocational rehabilitation agencies and other public and private nonprofit agencies to enable them to develop new programs to recruit and train individuals for new career opportunities in order to provide appropriate manpower in programs serving handicapped individuals and to upgrade or expand those services, and (D) make grants to vocational rehabilitation agencies and other public and private nonprofit agencies to enable them to develop new programs to recruit and train handicapped individuals to provide them with new career opportunities in the fields of rehabilitation, health, welfare, public safety and law enforcement, and other appropriate public service employment. Grants for training and traineeships under clause (1) of this subsection may include training and traineeships in physical medicine and rehabilitation, physical therapy, occupational therapy, speech pathology and audiology, rehabilitation nursing, rehabilitation social work, prosthetics, and orthetics, rehabilitation psychology, rehabilitation counseling, recreation for the ill and handicapped, and other specialized fields contributing to vocational rehabilitation of the handicapped or to the rehabilitation of the mentally retarded. No grant shall be made under clause (1) or clause (2) of this subsection for furnishing to an individual any one course of study extending for a period in excess of four years. Any grant of funds under this subsection which will be used for direct services to handicapped individuals must have the prior approval of the appropriate State agency.

[(b) Payments under this section may be made in advance or by way of reimbursement for services performed and purchases made, as may be determined by the Secretary; and shall be made on such conditions as the Secretary finds necessary to carry out the purposes of this section.

[(c)(1) There is hereby established in the Department of Health, Education, and Welfare a National Advisory Council on Vocational Rehabilitation consisting of the Secretary, or his designee, who shall be Chairman and twelve members appointed without regard to civil-service laws by the Secretary. The twelve appointed members shall be leaders in fields concerned with vocational rehabilitation or in public affairs, and six of such twelve shall be selected from leading medical, educational, or scientific authorities who are outstanding for their work in the vocational rehabilitation of handicapped individuals. Three of the twelve appointed members shall be persons who are themselves handicapped. Each appointed member of the Council shall hold office for a term of four years, except that any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor is appointed shall be appointed for the remainder of such term and except that, of members first appointed, three shall hold office for a term of three years, three shall hold office for a term of two years, and three shall hold office for a term of one year, as designated by the Secretary at the time of appointment. None of such twelve members shall be eligible for reappointment until a year has elapsed after the end of his preceding term.

[(2) The Council is authorized to review applications for special projects submitted to the Secretary under this section (other than subsection (a)(2)) and recommend to the Secretary for grants thereunder any such projects or any projects initiated by it which it believes show promise of making valuable contributions to the vocational rehabilitation of handicapped individuals. The Secretary is authorized to utilize the services of any member or members of the Council in connection with matters relating to the administration of this section, for such periods, in addition to conference periods, as he may determine.

[(3) Appointed members of the Council, while attending meetings or conferences thereof or otherwise serving on business of the Council or at the request of the Secretary, shall be entitled to receive compensation at rates fixed by the Secretary, but not exceeding $100 per day, including travel time, and while so serving away from their homes or regular places of business they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons in the Government service employed intermittently.

[(4) The Secretary shall transmit to the Congress annually a report concerning the special projects initiated under this section, the recommendations of the National Advisory Council on Vocational Rehabilitation, and any action taken with respect to such recommendations.

[STATE PLANS

[SEC. 5. (a) To be approvable under this Act, a State plan for vocational rehabilitation services shall—

[(1)(A) designate a State agency as the sole State agency to administer the plan, or to supervise its administration in a political subdivision of the State by a sole local agency of such political subdivision, except that (i) where under the State's law the State blind commission, or other agency which provides assistance or services to the adult blind is authorized to provide them vocational rehabilitation services, such commission or agency may be designated as the sole State agency to administer the part of the plan under which vocational rehabilitation services are provided for the blind (or to supervise the administration or such part in a political subdivision of the State by a sole local agency of such political subdivision) and a separate State agency may be designated as the sole State agency with respect to the rest of the State plan, and (ii) the Secretary, upon the request of an agency so designated, may authorize such agency to share funding and administrative responsibility with another agency of the State in order to permit such agencies to carry out a joint project to provide services to handicapped individuals, and may waive compliance with respect to vocational rehabilitation services furnished under such joint project with the requirement of section 5(a)(3) that the plan be in effect in all political subdivisions of the State;

[(B) provide that the State agency so designated to administer or supervise the administration of the State plan, or (if there are two State agencies designated under subparagraph (A)) so much of the State plan as does not relate to services for the blind, shall be (i) a State agency primarily concerned with vocational rehabilitation, or vocational and other rehabilitation, of disabled individuals, (ii) the State agency administering or supervising the administration of education or vocational education in the State, or (iii) a State agency which includes at least two other major organizational units each of which administers one or more of the major public education, public health, public welfare, or labor programs of the State;

[(2) provide, except in the case of agencies described in paragraph (1)(B)(i)—

[(A) that the State agency designated pursuant to paragraph (1) (or each State agency if two are so designated) shall include a vocational rehabilitation bureau, division, or other organizational unit which (i) is primarily concerned with vocational rehabilitation, or vocational and other rehabilitation, of disabled individuals, and is responsible for the vocational rehabilitation program of such State agency, (ii) has a full-time director, and (iii) has a staff employed on such rehabilitation work of such organizational unit all or substantially all of whom are employed full time on such work; and

[(B)(i) that such unit shall be located at an organzational level and shall have an organizational status within such State agency comparable to that of other major organizational units of such agency, or (ii) in the case of an agency described in paragraph (1)(B)(ii), either that such unit shall be so located and have such status, or that the director of such unit shall be the executive officer of such State agency; except that, in the case of a State which has designated only one State agency pursuant to paragraph (1), such State may, if it so desires, assign responsibility for the part of the plan under which vocational rehabilitation services are provided for the blind to one organizational unit of such agency and assign responsibility or the rest of the plan to another organization unit of such agency, with the provisions of this paragraph (2) applying separately to each of such units.

[(3) provide for financial participation by the State, and provide that the plan shall be in effect in all political subdivisions of the State;

[(4) show the plan, policies, and methods to be followed in carrying out the work under the State plan and in its administration and supervision, and in case vocational rehabilitation services cannot be provided all eligible handicapped individuals who apply for such services, show the order to be followed in selecting those to whom vocational rehabilitation services will be provided;

[(5) provide such methods of administration, other than methods relating to the establishment and maintenance of personnel standards, as are found by the Secretary to be necessary for the proper and efficient administration of the plan;

[(6) contain (A) provisions relating to the establishment and maintenance of personnel standards, including provisions relating to the tenure, selection, appointment, and qualifications of personnel, and (B) provisions relating to the establishment and maintenance of minimum standards governing the facilities and personnel utilized in the provision of vocational rehabilitation services, but the Secretary shall exercise no authority with respect to the selection, method of selection, tenure of office, or compensation of any individual employed in accordance with such provisions;

[(7) provide that evaluation of rehabilitation potential, counseling and guidance, personal and vocational adjustment, training, maintenance, physical restoration, and placement and followup services will be provided under the plan;

[(8) provide, that the State agency will make such reports, in such form and containing such information, as the Secretary may from time to time reasonably require to carry out his functions under this Act, and comply with such provisions as he may from time to time find necessary to assure the correctness and verification of such reports;

[(9) provide for cooperation by the State agency with, and the utilization of the services of, the State agency administering the State's public assistance program, and the Social Security Administration (Department of Health, Education, and Welfare) and of other Federal, State, and local public agencies providing Services relating to vocational rehabilitation services;

[(10) provide for entering into cooperative arrangements with the system of public employment offices in the State and the maximum utilization of the job placement and employment counseling services and other services and facilities of such offices;

[(11) provide that vocational rehabilitation services provided under the State plan shall be available to any civil employee of the United States disabled while in the performance of his duty on the same terms and conditions as apply to other persons;

[(12) effective July 1, 1969, provide that no residence requirement will be imposed which excludes from services under the plan any individual who is present in the State;

[(13) provide for continuing statewide studies of the needs of handicapped individuals and how these may be most effectively met; and

[(14) provide that where such State plan includes provisions for the construction of rehabilitation facilities—

[(A) the Federal share of the cost of construction thereof for a fiscal year will not exceed an amount equal to 10 per centum of the State's allotment for such year,

[(B) the provisions of subsections (b)(1), (2), and (4), and (e) of section 12 shall be applicable to such construction and such provision shall be deemed to apply to such construction, and

[(C) there shall be compliance with regulations of the Secretary designed to assure that no State will reduce its efforts in providing other vocational rehabilitation services because its plan includes such provisions for construction.

[(b) The Secretary shall approve any plan which the Secretary finds fulfills the conditions specified in subsection (a) of this section.

[(c) Whenever the Secretary, after reasonable notice and opportunity for hearing to the State agency administering or supervising the administration of the State plan approved under this section, finds that—

[(1) the plan has been so changed that it no longer complies with the requirements of subsection (a) of this section; or

[(2) in the administration of the plan there is a failure to comply substantially with any such provision; the Secretary shall notify such State agency that no further payments will be made to the State under section 2 or 3 (or, in his discretion, that further payments will not be made to the State for projects under or parts of the State plan affected by such failure), until he is satisfied that there is no longer any such failure. Until he is so satisfied, the Secretary shall make no further payments to such State under section 2 or 3 (or shall limit payments to projects under or parts of the State plan in which there is no such failure).

[(d) If any State is dissatisfied with the Secretary's action under subsection (c) of this section, such State may appeal to the United States district court for the district where the capital of such State is located and judicial review of such action shall be on the record in accordance with the provisions of the Administrative Procedure Act.

[METHOD OF COMPUTING AND MAKING PAYMENTS

[SEC. 6. The method of computing and paying amounts pursuant to section 2 or 3 shall be as follows:

[(1) The Secretary shall, prior to the beginning of each calendar quarter or other period prescribed by him, estimate the amount to be paid to each State under the provisions of such section for such period, such estimate to be based on such records of the State and information furnished by it, and such other investigation, as the Secretary may find necessary.

[(2) The Secretary shall pay, from the allotment available therefore, the amount so estimated by him for such period, reduced or increased, as the case may be, by any sum (not previously adjusted under this paragraph) by which he finds that his estimate of the amount to be paid the State for any prior period under such section was greater or less than the amount which should have been paid to the State for such prior period under such section. Such payments shall be made prior to audit or settlement by the General Accounting Office, shall be made through the disbursing facilities of the Treasury Department, and shall be made in such installments as the Secretary may determine.

[ADMINISTRATION

[SEC. 7. (a) In carrying out his duties under this Act, the Secretary shall—

[(1) cooperate with and render technical assistance to States in matters relating to the vocational rehabilitation of handicapped individuals;

[(2) provide short-term training and instruction in technical matters relating to vocational rehabilitation services, including the establishment and maintenance of such research fellowships and traineeships, with such stipends and allowances (including travel and subsistence expenses), as he may deem necessary, except that no such training or instruction (or fellowship or scholarship) shall be provided any individual for any one course of study for a period in excess of four years, and such training, instruction, fellowships, and traineeships may be in the fields of physical medicine and rehabilitation, physical therapy, occupational therapy, speech pathology and audiology, rehabilitation nursing, rehabilitation social work, prosthetics and orthotics, rehabilitation psychology, rehabilitation counseling, recreation for the ill and handicapped, and other specialized fields contributing to vocational rehabilitation; and

[(3) disseminate information relating to vocational rehabilitation services, and otherwise promote the cause of rehabilitation of handicapped individuals and their greater utilization in gainful and suitable employment.

[(b) The Secretary is authorized to make rules and regulations governing the administration of this Act, and to delegate to any officer or employee of the United States such of his powers and duties, except the making of rules and regulations, as he finds necessary in carrying out the purposes of this Act.

[(c) The Secretary is authorized, directly or by contract—

[(1) to conduct research, studies, investigations, and demonstrations, and to make reports, with respect to abilities, aptitudes, and capacities of handicapped individuals, development of their potentialities, and their utilization in gainful and suitable employment; and

[(2) to plan, establish, and operate an information service, to make available to agencies, organizations, and other groups and persons concerned with vocational rehabilitation, information on rehabilitation resources useful for various kinds of disability and on research and the results thereof and on other matters which may be helpful in promoting the rehabilitation of handicapped individuals and their greater utilization in gainful and suitable employment.

[(d) There are authorized to be appropriated for the fiscal year ending June 30, 1966, and each succeeding fiscal year, such sums as may be necessary for carrying out the purposes of this section.

[(e) For any fiscal year ending after June 30, 1968, such portion of the appropriations for grants under section 1 as the Secretary may determine, but not exceeding 1 per centum thereof or $1,000,000, whichever is the lesser, shall be available for evaluation by the Secretary (directly or by grants or contracts) of the programs authorized by this Act.

[PROMOTION OF EMPLOYMENT OPPORTUNITIES

[SEC. 8. The Secretary of Labor and the Secretary of Health, Education, and Welfare shall cooperate in developing, and in recommending to the appropriate State agencies, policies and procedures which will facilitate the placement in employment of individuals who have received rehabilitation services under State vocational rehabilitation programs, and, together with the chairman of the President's Committee on Employment of the Handicapped, shall develop and recommend methods which will assure maximum utilization of services which that committee, and cooperating State and local organizations, are able to render in promoting job opportunities for such individuals.

[REPORTS

[SEC. 9. Annual reports shall be made to the Congress by the Secretary as to the administration of this Act.

[AUTHORIZATION OF APPROPRIATION FOR ADMINISTRATION

[SEC. 10. There are hereby authorized to be included for each fiscal year in the appropriations for the Department of Health, Education, and Welfare such sums as are necessary to administer the provisions of this Act.

[DEFINITIONS

[SEC. 11. For the purposes of this Act—

[(a)(1) The term "vocational rehabilitation services" means the following services:

[(A) evaluation, including diagnostic and related services, incidental to the determination of eligibility for and the nature and scope of services to be provided;

[(B) counseling, guidance, and placement services for handicapped individuals, including followup services to assist such individuals to maintain their employment;

[(C) training services for handicapped individuals, which shall include personal and vocational adjustments, books, and other training materials;

[(D) reader services for the blind and interpreter services for the deaf; and

[(E) recruitment and training services for handicapped individuals to provide them with new employment opportunities in the fields of rehabilitation, health, welfare, public safety, and law enforcement, and other appropriate service employment.

[(2) Such term also includes, after full consideration of eligibility for any similar benefit by way of pension, compensation, and insurance, the following services and goods provided to, or for the benefit of, a handicapped individual—

[(A) physical restoration services, including, but not limited to, (i) corrective surgery or therapeutic treatment necessary to correct or substantially modify a physical or mental condition which is stable or slowly progressive and constitutes a substantial barrier to employment, but is of such nature that such correction or modification may reasonably be expected to eliminate or substantially reduce the handicap within a reasonable length of time, (ii) necessary hospitalization in connection with surgery or treatment, (iii) prosthetic and orthotic devices, (iv) eye glasses and visual services as prescribed by a physician skilled in the diseases of the eye or by an optometrist;

[(B) maintenance, not exceeding the estimated cost of subsistence, during rehabilitation;

[(C) occupational licenses, tools, equipment, and initial stocks and supplies;

[(D) in the case of any type of small business operated by the severely handicapped the operation of which can be improved by management services and supervision provided by the State agency, the provision of such services and supervision, alone or together wtih the acquisition by the State agency of vending stands or other equipment and initial stocks and supplies;

[(E) the construction or establishment of public or other non-profit rehabilitation facilities and the provision of other facilities and services which promise to contribute substantially to the rehabilitation of a group of individuals but which are not related directly to the rehabilitation plan of any one handicapped individual;

[(F) transportation in connection with the rendering of any other vocational rehabilitation service;

[(G) any other goods and services necessary to render a handicapped individual employable; and

[(H) service to the families of handicapped individuals when such services will contribute substantially to the rehabilitation of such individuals.

[(b) The term "handicapped individuals" means any individual who is under a physical or mental disability whch constitutes a substantial handicap to employment, but which is of such a nature that vocational rehabilitation services may reasonably be expected to render him fit to engage in a gainful occupation; except that nothing in the preceding provisions of this subsection or in subsection (a) shall be construed to exclude from "vocational rehabilitation services" any goods or services provided to an individual who is under a physical or mental disability which constitutes a substantial handicap to employment, during the period, not in excess of eighteen months in the case of any individual who is mentally retarded or has a disability designated for this purpose by the Secretary, or six months in the case of an individual with any other disability, determined (in accordance with regulations of the Secretary) to be necessary for, and which are provided for the purpose of, ascertaining such individual will be rendered fit to engage in a gainful occupation through the provision of goods and services described in subsection (a), but only if the goods or services provided to him during such period would constitute "vocational rehabilitation services" if his disability were of such a nature that he would be a "handicapped individual" under such preceding provisions of this subsection.

[(c) The term "rehabilitation facility" means a facility which is operated for the primary purpose of providing vocational rehabilitation services to, or gainful employment for, handicapped individuals, or for providing evaluation and work adjustment services for disadvantaged individuals, and which provides singly or in combination one or more of the following services for handicapped individuals: (1) Comprehensive rehabilitation services which shall include, under one management, medical, psychological, social, and vocational services, (2) testing, fitting, or training in the use of prosthetic and orthotic devices, (3) prevocational conditioning or recreational therapy, (4) physical and occupational therapy, (5) speech and hearing pathology, (6) psychological and social services, (7) evaluation, (8) personal and work adjustment, (9) vocational training (in combination with other rehabilitation services), (10) evaluation or control of special disabilities, and (11) extended employment for the severely handicapped who cannot be readily absorbed in the competitive labor market; but all medical and related health services must be prescribed by, or under the formal supervision of, persons licensed to practice medicine or surgery in the State.

[(d) The term "nonprofit," when used with respect to a rehabilitation facility, means a rehabilitation facility owned and operated by a corporation or association, no part of the net earnings of which inures, or may lawfully inure, to the benefit of any private shareholder or individual and the income of which is exempt from taxation under section 501(c)(3) of the Internal Revenue Code of 1954.

[(e) Establishment of a rehabilitation facility means (1) the expansion, remodeling, or alteration of existing buildings necessary to adapt them to rehabilitation facility purposes or to increase their effectiveness for such purposes (subject, however, to such limitations as the Secretary may, by regulation, prescribe in order to prevent impairment of the objectives of, or duplication of, other Federal laws providing Federal assistance in the construction of such facilities, (2) initial equipment of such buildings, and (3) the initial staffing thereof (for a period not to exceed four years and three months).

[(f) The term "State" includes the District of Columbia, the Virgin Islands, Puerto Rico, and Guam; and, for purposes of sections 4, 7, 12, and 13 only of this Act, American Samoa and the Trust Territory of the Pacific Islands, and for such purposes the appropriate State agency designated as provided in section 5(a)(1) shall be the Governor of American Samoa or the High Commissioner of the Trust Territory of the Pacific Islands, as the case may be.

[(g)(1) The "allotment percentage" for any State shall be 100 per centum less that percentage which bears the same ratio to 50 per centum as the per capita income of such State bears to the per capita income of the United States, except that (A) the allotment percentage shall in no case be more than 75 per centum or less than 33⅓ per centum and (B) the allotment percentage for the District of Columbia, Puerto Rico, Guam, and the Virgin Islands shall be 75 per centum.

[(2) The allotment percentages shall be promulgated by the Secretary between July 1 and September 30 of each even-numbered year, on the basis of the average of the per capita incomes of the States and of the United States for the three most recent consecutive years for which satisfactory data are available from the Department of Commerce. Such promulgation shall be conclusive for each of the two fiscal years in the period beginning July 1 next succeeding such promulgation.

[(3) The term "United States" means (but only for purposes of this subsection) the fifty States and the District of Columbia.

[(h) The term "Federal share" means 75 per centum for the fiscal year ending June 30, 1969, and 80 per centum for each succeeding fiscal year, except that with respect to payments pursuant to section 2(b) to any State which are used to meet the costs of construction of rehabilitation facilities (as provided in section 11(a)(2)(E)) in such State, the Federal share shall be, for the fiscal year ending June 30, 1969, and for each subsequent fiscal year the percentage determined in accordance with the provisions of section 12(c) applicable with respect to that State.

[(i) The population of the several States shall be determined on the basis of the latest figures furnished by the Department of Commerce by October 1 of the year preceding the fiscal year for which funds are appropriated pursuant to authorization provided for in section 1.

[(j) The term "Secretary", except when the context otherwise requires, means the Secretary of Health, Education, and Welfare.

[(k) Except where used in sections 12 and 16, the term "construction" means the construction of new buildings, the acquisition of existing buildings, initial equipment of such new buildings or newly acquired buildings, and initial staffing thereof (for a period not to exceed four years and three months), and the term "cost of construction" includes architects' fees and acquisition of land in connection with construction but does not include the cost of off-site improvements.

[GRANTS FOR CONSTRUCTION AND STAFFING OF REHABILITATION FACILITIES

[SEC. 12. (a) Effective for fiscal years beginning after June 30, 1965, the Secretary is authorized to make grants to assist in meeting the costs of construction of public or other nonprofit rehabilitation facilities. Such grants may be made only for projects for which applications are approved by the Secretary under this section.

[(b) To be approved, an application for a grant for a construction project under this section must—

[(1) contain or be supported by reasonable assurances that (A) for a period of not less than twenty years after completion of construction of the project it will be used as a public or other nonprofit rehabilitation facility, (B) sufficient funds will be available to meet the non-Federal share of the cost of construction of the project, and (C) sufficient funds will be available, when construction of the project is completed, for its effective use as a rehabilitation facility;

[(2) be accompanied or supplemented by plans and specifications which comply with regulations of the Secretary relating to minimum standards of construction and equipment, and with regulations of the Secretary of Labor relating to safety standards for rehabilitation facilities;

[(3) be approved, in accordance with regulations of the Secretary, by the appropriate State agency designated as provided in section 5(a)(1);

[(4) contain or be supported by reasonable assurance that any laborer or mechanic employed by any contractor or subcontractor in the performance of work on any construction aided by payments pursuant to any grant under this section will be paid wages at rates not less than those prevailing on similar construction in the locality as determined by the Secretary of Labor in accordance with Davis-Bacon Act, as amended (40 U.S.C. 276a—276a-5); and the Secretary of Labor shall have with respect to the labor standards specified in this paragraph, the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (15 F.R. 3176; 5 U.S.C. 133z-15) and section 2 of the Act of June 13, 1934, as amended (40 U.S.C. 276c).

[(c) The amount of a grant under this section with respect to any construction project in any State shall be equal to the same percentage of the cost of such project as the Federal share which is applicable in the case of rehabilitation facilities (as defined in section 625(g) of the Public Health Service Act, 42 U.S.C. 291o(g)) in such State except that if the Federal share with respect to rehabilitation facilities in such State is determined under subparagraph (A) of section 625(b)(1) of such Act (42 U.S.C. 291o(b)(1)), the percentage of the cost for purposes of this section shall be determined in accordance with regulations of the Secretary designed to achieve as nearly as practicable results comparable to the results obtained under such subparagraph.

[(d) Upon approval of any application for a grant for a construction project under this section, the Secretary shall reserve from any appropriation available therefor, the amount of such grant determined under subsection (c); the amount so reserved may be paid in advance or by way of reimbursement, and in such installments consistent with construction progress, as the Secretary may determine. In case an amendment to an approved application is approved or the estimated cost of a project is revised upward, any additional payment with respect thereto may be made from the appropriation from which the original reservation was made or the appropriation for the fiscal year in which such amendment or revision is approved.

[(e) If, within twenty years after completion of any construction project for which funds have been paid under this section, the rehabilitation facility shall cease to be a public or other nonprofit rehabilitation facility, the United States shall be entitled to recover from the applicant or other owner of the facility the amount bearing the same ratio to the then value (as determined by agreement of the parties or by action brought in the United States district court for the district in which such facility is situated) of the facility, as the amount of the Federal participation bore to the cost of construction of such facility.

[(f) The Secretary is also authorized to make grants to assist in the initial staffing of any public or other nonprofit rehabilitation facility constructed after the date of enactment of this section (whether or not such construction was financed with the aid of a grant under this section) by covering part of the costs (determined in accordance with regulations of the Secretary of compensation of professional or technical personnel of such facility during the period beginning with the commencement of the operation of such facility and ending with the close of four years and three months after the month in which such operation commenced. Such grants with respect to any facility may not exceed 75 per centum of such costs for the period ending with the close of the fifteenth month following the month in which such operation commenced, 60 per centum of such costs for the first year thereafter, 45 per centum of such costs for the second year thereafter, and 30 per centum of such costs for the third year thereafter.

[(g) The Secretary is also authorized to make grants (1) to the State agency or agencies designated as provided in section 5(a)(1) to assist in meeting the cost of determining the State's needs for rehabilitation facilities and (2) upon application approved by the appropriate State agency so designated for such State, to public or other nonprofit agencies, institutions, or organizations to assist them in meeting the costs of planning rehabilitation facilities and the services to be provided thereby.

[(h) Payment of grants under subsection (f) or (g) may be made (after necessary adjustment on account of previously made overpayments or underpayments) in advance or by way of reimbursement, and in such installments and on such conditions, as the Secretary may determine.

[(i) There is authorized to be appropriated for carrying out this section $1,500,000 for the fiscal year ending June 30, 1966, $7,000,000 for the fiscal year ending June 30, 1967, $9,000,000 for the fiscal year ending June 30, 1968, $10,000,000 for the fiscal year ending June 30, 1969, $20,000,000 for the fiscal year ending June 3, 1970, $30,000,000 for the fiscal year ending June 30, 1971, and $30,000,000 for the fiscal year ending June 30, 1972; and for each of the two succeeding fiscal years only such sums may be appropriated for carrying out this section as the Congress may hereinafter authorize by law. Sums so appropriated shall remain available for payment with respect to construction projects approved or initial staffing grants made under this section prior to July 1, 1974.

[(j) For purposes of this section—

[(1) "constructon" includes construction of new buildings, acquisition of existing buildings, and expansion, remodel, alterations, and renovation of existing buildings, and initial equipment of such new, newly acquired, expanded, remodeled, altered, or renovated buildings;

[(2) the "cost" of construction includes the cost of architects' fees and acquisition of land in connection with construction, but does not include the cost of offsite improvements; and

[(3) a project for construction of a rehabilitation facility which is primarily a workshop may include such construction as may be necessary to provide residential accommodations for use in connection with the rehabilitation of mentally retarded individuals or such other categories of handicapped individuals as the Secretary may designate.

[REHABILITATION FACILITY IMPROVEMENT

[Grants for Projects for Training Services

[SEC. 13. (a) (1) The Secretary is authorized, during the period beginning July 1, 1966, and ending June 30, 1972, to make grants to States and public and other nonprofit organizations and agencies to pay 90 per centum of the cost of projects for providing training services to handicapped individuals in public or other nonpublic rehabilitation facilities.

[(2) (A) Training services, for purposes of this subsection, shall include training in occupational skills; related services, including work evaluation, work testing, provision of occupational tools and equipment required by the individual to engage in such training, and job tryouts; and payment of weekly allowances to individuals receiving such training and related services.

[(B) Such allowances may not be paid to any individual for any period in excess of two years, and such allowances for any week shall not exceed $25 plus $10 for each of the individual's dependents, or $65, whichever is less. In determining the amount of such allowance for any individual, consideration shall be given to the individual's need for such an allowance, including any expenses reasonably attributable to receipt of training services, the extent to which such an allowance will help assure entry into and satisfactory completion of training, and such other factors, specified by the Secretary, as will promote such individual's fitness to engage in a remunerative occupation.

[(3) The Secretary may make a grant for a project pursuant to this subsection only on his determination that (A) the purpose of such projects is to prepare handicapped individuals for a gainful occupation, (B) the individuals to receive training services under such project will include only individuals who have been determined to be suitable for and in need of such training services by the State agency or agencies designed as provided in section 5(a) (1) of the State in which the rehabilitation facility is located, (C) the full range of training services will be made available to each such individual, to the extent of his need for such services, and (D) the project, including the participating rehabilitation facility and the training services provided, meet such other requirements as he may prescribe for carrying out the purposes of this subsection.

[(4) Payments under this subsection may be made in installments, and in advance or by way of reimbursement, as may be determined by the Secretary, and shall be made on such conditions as he finds necessary to carry out the purposes of this subsection.

[Rehabilitation Facility Improvement Grants

[(b) (1) The Secretary is authorized to make grants to public or other nonprofit rehabilitation facilities to pay part of the cost of projects to analyze, improve, and increase their professional services to the handicapped, their business management, or any other part of their operations affecting their capacity to provide employment and services for the handicapped.

[(2) No part of any grant made pursuant to this subsection may be used to pay costs of acquiring, constructing, expanding, remodeling, or altering any building.

[(3) Payments under this subsection may be made in installments, and in advance or by way of reimbursement, as may be determined by the Secretary, and shall be made on such conditions as he finds necessary to carry out the purposes of this subsection.

[Technical Assistance to Rehabilitation Facility

[(c) (1) The Secretary is authorized, directly or by contract with State vocational rehabilitation agencies or experts or consultants or groups thereof, to provide technical assistance to rehabilitation facilities.

[(2) Any such experts or consultants shall, while serving pursuant to such contracts, be entitled to receive compensation at rates fixed by the Secretary, but not exceeding $100 per diem, including travel time, and while so serving away from their homes or regular places of business they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons in the Government service employed intermittently.

[National Policy and Performance Council

[(d) (1) There is hereby established in the Department of Health, Education, and Welfare a National Policy and Performance Council, consisting of twelve members, not otherwise in the regular full-time employ of the United States, appointed by the Secretary without regard to the civil service laws. The Secretary shall from time to time appoint one of the members to serve as Chairman. The appointed members shall be selected from among leaders in the vocational rehabilitation or workshop fields, State or local government, and business and from among representatives of related professions, labor leaders, and the general public. Each appointed member shall hold office for a term of four years, except that any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term, and except that, of the twelve members first appointed, three shall hold office for a term of three years, three shall hold office for a term of two years and three shall hold office for a term of one year as designated by the Secretary at the time of appointment. None of such twelve members shall be eligible for reappointment until a year has elapsed after the end of his preceding term.

[(2) The Council shall (A) advise the Secretary with respect to the policies and criteria to be used by him in determining whether or not to make grants under subsection (a) for a rehabilitation facility which is a workshop; (B) make recommendations to the Secretary with respect to workshop improvement and the extent to which this section is effective in accomplishing this purpose; and (C) perform such other services with respect to workshops as the Secretary may request.

[(3) The Secretary shall make available to the Council such technical, administrative, and other assistance as it may require to carry out its functions.

[(4) Appointed members of the Council, while attending meetings or conferences thereof or otherwise serving on business of the Council, shall be entitled to receive compensation at rates fixed by the Secretary but not exceeding $100 per day, including travel time, and while so serving away from their homes or regular places of business they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons in the Government service employed intermittently.

[(e) The Secretary shall make no grant under this section to any rehabilitation facility which does not comply with safety standards which the Secretary of Labor shall prescribe by regulation.

[(f) There is authorized to be appropriated for making grants under subsection (a), subsection (b), and subsection (c) of this section $1,500,000 for the fiscal year ending June 30, 1966, $9,000,000 for the fiscal year ending June 30, 1967, $140,000,000 for the fiscal year ending June 30, 1968, $10,000,000 for the fiscal year ending June 30, 1969, $20,000,000 for the fiscal year ending June 30, 1970, $30,000,000 for the fiscal year ending June 30, 1971, and $30,000,000 for the fiscal year ending June 30, 1972, and for each of the three succeeding fiscal years only such sums may be appropriated for making grants under subsection (a), subsection (b), and subsection (c) of this section as the Congress may hereafter authorize by law.

[WAIVER OF STATEWIDENESS REQUIREMENTS FOR LOCALLY FINANCED ACTIVITY

[SEC. 14. In the case of any activity which, in the judgment of the Secretary, is likely to assist in promoting the vocational rehabilitation of substantially larger numbers of handicapped individuals or the vocational rehabilitation of individuals with particular types of disabilities in a State or States, the Secretary may waive compliance with respect to vocational rehabilitation services furnished as part of such activity, with the requirement of section 5(a) (3) that the plan be in effect in all political subdivisions of the State to the extent and for such period as may be provided in accordance with regulations prescribed by him, but only if the non-Federal share of the cost of such vocational rehabilitation services is met from funds made available by a political subdivision of the State (including, to the extent permitted by such regulations, funds contributed to such subdivision by a private agency, organization, or individual).

[VOCATIONAL EVALUATION AND WORK ADJUSTMENT PROGRAM

[SEC. 15. (a) (1) For each fiscal year each State shall be entitled to an allotment of an amount bearing the same ratio to the amount authorized to be appropriated by paragraph (2) of this subsection for meeting the costs described in paragraph (3) of this subsection, as the product of (A) the population of the State, and (B) its allotment percentage (as defined in section 11(h)) bears to the sum of the corresponding products for all the States. The allotment to any State under the preceding sentence for any fiscal year which is less than $50,000 (or such amount as may be specified as a minimum allotment in the Act appropriating sums for such year) shall be increased to that amount, the total of the increases thereby required being derived by proportionately reducing the allotments to each of the remaining States under the preceding sentence, but with such adjustments as may be necessary to prevent the allotment of any of such remaining States from being thereby reduced to less than that amount.

[(2) There is authorized to be appropriated for carrying out this section $50,000,000 for the fiscal year ending June 30, 1969, $75,000,000 for the fiscal year ending June 30, 1970, $100,000,000 for the fiscal year ending June 30, 1971, $100,000,000 for the fiscal year ending June 30, 1972, and for each succeeding fiscal year only such sums may be appropriated as the Congress may hereafter authorize by law.

[(3) The Secretary shall pay to each State an amount equal to 90 per centum of the cost of evaluation and work adjustment services furnished to disadvantaged persons under a plan of such State approved under subsection (d), including the cost of any evaluation and work adjustment services furnished by the designated State vocational rehabilitation agency or agencies for other agencies providing services to disadvantaged individuals under another evaluation program of the State, except that the total of such payments to such State for such fiscal year may not exceed its allotment under paragraph (1) for such year. The cost of evaluation and work adjustment services shall not include any amounts paid by another public or private agency for the provision of evaluation or work adjustment services.

[(4) "Evaluation and work adjustment services" include, as appropriate in each case, such services as—

[(A) a preliminary diagnostic study to determine that the individual is disadvantaged, has an employment handicap, and that services are needed;

[(B) a thorough diagnostic study consisting of a comprehensive evaluation of pertinent medical, psychological, vocational, educational, cultural, social, and environmental factors which bear on the individual's handicap to employment and rehabilitation potential including, to the degree needed, an evaluation of the individual's personality, intelligence level, educational achievements, work experience, vocational aptitudes and interests, personal and social adjustments, employment opportunities, and other pertinent data helpful in determining the nature and scope of services needed;

[(C) services to appraise the individual's patterns of work behavior and ability to acquire occupational skill, and to develop work attitudes, work habits, work tolerance, and social and behavior patterns suitable for successful job performance, including the utilization of work, simulated or real, to assess and develop the individual's capacities to perform adequately in a work environment;

[(D) any other goods or services provided to a disadvantaged individual, determined (in accordance with regulations of the Secretary) to be necessary for, and which are provided for the purpose of, ascertaining the nature of the handicap to employment and whether it may reasonably be expected the individual can benefit from vocational rehabilitation services or other services available to disadvantaged individuals;

[(E) outreach, referral, and advocacy; and

[(F) the administration of these evaluation and work adjustment services.

As used in this section, the term "disadvantaged individuals" means (i) handicapped individual as defined in section 11 (b) of this Act, (ii) individuals disadvantaged by reason of their youth or advanced age, low educational attainments, ethnic or cultural factors, prison or delinquency records, or other conditions which constitute a barrier to employment, and (iii) other members of their families when the provision of vocational rehabilitation services to family members is necessary for the rehabilitation of an individual described in clause (i) or (ii).

[(b) No payment may be made from an allotment under this section with respect to any cost with respect to which any payment is made under any other section of this Act.

[(c) The Secretary shall approve a State evaluation and work adjustment plan which—

[(1) Designates as the State evaluation and work adjustment agency the same agency designated under section 5(a) of this Act (other than the State blind commission or other agency providing assistance or services to the adult blind).

[(2) Provides for financial participation by the State, which may include non-Federal funds donated to the State.

[(3) Shows the plan, policies, and methods to be followed in providing services under the State evaluation and work adjustment plan and in its administration and supervision, and, in case evaluation and work adjustment services cannot be provided all disadvantaged individuals who apply for such services, shows the order to be followed in selecting those to whom evaluation and work adjustment services will be provided.

[(4) Provides such methods of administration, other than methods relating to the establishment and maintenance of personnel standards, as are found by the Secretary to be necessary for the proper and efficient administration of the plan.

[(5) Contains provisions relating to the establishment and maintenance of personnel standards and the establishment and maintenance of minimum standards governing the facilities and personnel utilized in the provisions of the State plan for vocational rehabilitation services.

[(6) Provides that evaluation and work adjustment services will be provided without regard to whether or not the disadvantaged individual is in financial need, except to the extent provided for under paragraph (3).

[(7) Provides that the State agency will make such reports, in such form and containing such information as the Secretary may from time to time reasonably require to carry out his functions under this section, and comply with such provisions as he may from time to time find necessary to assure the correctness and vertification of such reports.

[(8) Provides for cooperation by the State agency with other public and private agencies concerned with disadvantaged individuals and joint undertakings to further the effectiveness of evaluation and work adjustment services for such individuals.

[(d) The Secretary shall discontinue payments under this section in the same manner and on the same basis as he is required by section 5(c) to discontinue payments under sections 2 and 3, and judicial review of such action shall be had in the same manner as is provided in section 5(d) for similar action taken by him under section 5(c).

[(e) Payments under this section may be made (after necessary adjustments on account of previously made overpayments or underpayments) in advance or by way of reimbursement, and in such installment and on such conditions, as the Secretary may determine.

[NATIONAL CENTER FOR DEAF-BLIND YOUTHS AND ADULTS

[SEC. 16. (a) In order—

[(1) to demonstrate methods of (A) providing the specialized intensive services, as well as other services, needed to rehabilitate handicapped individuals who are both deaf and blind, and (B) training the professional and allied personnel needed adequately to staff facilities specially designed to provide such services and training such personnel who have been or will be working with the deaf-blind;

[(2) to conduct research in the problems of, and ways of meeting the problems of rehabilitating, the deaf-blind; and

[(3) to aid in the conduct of related activities which will expand or improve the services for or help improve public understanding of the problems of the deaf-blind; the Secretary is authorized to enter into an agreement with any public or nonprofit private agency or organization for payment by the United States of all or part of the costs of the establishment and operation, including construction and equipment, of a center for vocational rehabilitation of handicapped individuals who are both deaf and blind which shall be known as the National Center for Deaf-Blind Youths and Adults.

[(b) Any agency or organization desiring to enter into such an agreement shall submit a proposal therefor at such time, in such manner, and containing such information as may be prescribed by the Secretary. In considering such proposals, the Secretary shall give preference to those proposals which (1) give promise of maximum effectiveness in the organization and operation of the National Center for Deaf-Blind Youths and Adults, and (2) give promise of offering the most substantial skill, experience, and capability in providing a broad program of service, research, training, and related activities in the field of rehabilitation of the deaf-blind.

[(c) The agreement shall—

[(1) provide that Federal funds paid to the agency or organization for the Center will be used only for the purposes for which paid and in accordance with the applicable provisions of this section and the agreement made pursuant thereto;

[(2) provide that the agency or organization making the agreement will make an annual report to the Secretary, which the Secretary in turn shall transmit to the Congress with such comments and recommendations as he may deem appropriate;

[(3) provide that any laborer or mechanic employed by any contractor or subcontractor in the performance of work on any construction aided by Federal funds under this section will be paid wages at rates not less than those prevailing on similar construction in the locality as determined by the Secretary of Labor in accordance with the Davis-Bacon Act, as amended (40 U.S.C. 276a—276a-5); with the Secretary of Labor having, with respect to the labor standards specified in this paragraph, the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (15 F.R. 3176) and section 2 of the Act of June 13, 1934, as amended (40 U.S.C. 276c); and

[(4) include such other conditions as the Secretary deems necessary to carry out the purposes of this section.

[(d) If within twenty years after the completion of any construction (except minor remodeling or alteration) for which funds have been paid pursuant to an agreement under this section the facility constructed ceases to be used for the purposes for which it was constructed or the agreement is terminated, the United States, unless the Secretary determines that there is good cause for releasing the recipient of the funds from its obligation, shall be entitled to recover from the applicant or other owner of the facility an amount which bears the same ratio to the then value of the facility as the amount of such Federal funds bore to the cost of the portion of the facility financed with such funds. Such value shall be determined by agreement of the parties or by action brought in the United States district court for the district in which the facility is situated.

[(e) For purposes of this section—

[(1) the term "construction" means construction of new buildings, acquisition of existing buildings, and expansion, remodeling, alteration, and renovation of existing buildings, and initial equipment of such new, newly acquired, expanded, remodeled, altered, or renovated buildings; and includes the cost of architects' fees and acquisition of land in connection with any of the foregoing, but does not include the cost of off-site improvements;

[(2) the determination of who are both deaf and blind shall be made in accordance with regulations of the Secretary.

[PROJECT GRANTS FOR SERVICES FOR MIGRATORY AGRICULTURAL WORKERS

[SEC. 17. (a) The Secretary is authorized to make grants to any State agency designated pursuant to a State plan approved under section 5, or to any local agency participating in the administration of such a plan, for not to exceed 90 per centum of the cost of pilot or demonstration projects for the provision of vocational rehabilitation services to handicapped individuals who, as determined in accordance with rules prescribed by the Secretary of Labor, are migratory agricultural workers, and to members of their families (whether or not handicapped) who are with them, including maintenance and transportation of such individuals and members of their families where necessary to the rehabilitation of that, individual. Maintenance payments under this section shall be consistent with any maintenance payments made to other handicapped individuals in the State under the Vocational Rehabilitation Act. Such grants shall be conditioned upon satisfactory assurance that in the provision of such services there will be appropriate cooperation between the grantee and other public and private nonprofit agencies having special skills and experience in the provision of services to migratory agricultural workers or their families. This section shall be administered in coordination with other provisions of law dealing specifically with migrant agricultural workers, including title I of the Elementary and Secondary Education Act of 1965, section 311 of the Economic Opportunity Act of 1964, and the Farm Labor Contractor Registration Act of 1963.

[SHORT TITLE

[SEC. 18. This Act may be cited as the "Vocational Rehabilitation Act".]

Mr. LATTA. Mr. Speaker, I might say I have to disagree with the comments made by my chairman just a minute ago that this is an extension of the same act which has been in effect since Woodrow Wilson's time, because as just indicated by the gentleman from Indiana (Mr. BRADEMAS), this is a different act which would repeal the Vocational Rehabilitation Act and then this becomes the Rehabilitation Act rather than the Vocational Rehabilitation Act.

As far as the reason for the veto, I think the committee itself found a very sufficient reason for the veto when the committee itself reduced the amount of the authorization in this bill from $3,477,250,000 to $2,625,300,000. I think perhaps that is a sufficient reason to be found for vetoing this bill.

Mr. Speaker, this rule provides for 1 hour of debate with waiver of points of order on clause 3, rule XIII, the Ramseyer rule, and also all points of order against section 303 and section 700 of the substitute for failure to comply with clause 4 of rule XXI. Section 303 sets up a revolving fund in the bill and section 700 deals with unexpended appropriations under the Vocational Rehabilitation Act itself and sets forth that they may be available under the new act without further appropriation, so these waivers of points of order are necessary.

Mr. Speaker, I yield 3 minutes to the gentleman from Iowa (Mr. GROSS).

(By unanimous consent, Mr. GROSS was allowed to speak out of order.)

Mr. GROSS. Mr. Speaker, in view of the day's revolting development in the House, I have a little piece of poetry I would like to share with the Members. It is rather questionable, but I would like to do it, anyway.

For reasons that are not obvious at the present time, the author must remain anonymous:

Absolute knowledge have I none,
But my Aunt's sister's washerwoman's son,
Heard a policeman on his beat,
Say to a laborer on the street,
That he got a letter just last week,
Written in the finest Greek,
From a Chinese cooly from Timbuktu,
Who heard from the Cubans and the Cubans knew,
Of a colored man from a Texas town
Who got it straight from a circus clown
Who knows a swell society fake
Whose mother-in-law will undertake
To prove,
In a print of piece,
That she has a friend,
Who has a *friend*,
Who knows . . .
How our electronic voting system will end.

Mr. LATTA. Mr. Speaker, I have no further requests for time.

Mr. MADDEN. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

RESIGNATION FROM COMMITTEES

The SPEAKER laid before the House the following resignation from committees:

MARCH 7, 1973.

Hon. CARL ALBERT,
Speaker,
House of Representatives,
Washington, D.C.

DEAR MR. SPEAKER: With my selection by the Republican Committee on Committees for assignment to the Committee on Appropriations, I tender my resignations, effective immediately, from the Committees on the Judiciary, and Science and Astronautics.

While I am delighted by my new committee post, I express my regrets at terminating my association with Judiciary, and Science and Astronautics. My service on these committees was most rewarding. I leave with deep admiration and respect for the distinguished chairmen and the ranking members.

I look forward to my duties with the Committee on Appropriations and thank you for the courtesies you have always extended to me.

With best personal regards,
Cordially,
LAWRENCE COUGHLIN.

The SPEAKER. Without objection, the resignation will be accepted.

There was no objection.

ELECTION AS MEMBER OF COMMITTEE ON APPROPRIATIONS

Mr. GERALD R. FORD. Mr. Speaker, I offer a privileged resolution (H. Res. 275) and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 275

Resolved, That Lawrence Coughlin of Pennsylvania be, and he is hereby, elected a member of the standing committee of the House of Representatives on Appropriations.

The resolution was agreed to.

A motion to reconsider was laid on the table.

THE CARDINAL RIGHT OF MAJORITY RULE

(Mr. CHARLES H. WILSON of California asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. CHARLES H. WILSON of California. Mr. Speaker, the Postal Reorganization Act of 1970 was passed, in part, in order to put the employees of the postal service in the same basic posture with their employer, the U.S. Postal Service, as employees in the private sector of the economy stand with their employers.

There were, however, two very serious omissions, the absence of which vitally affect the bargaining power of the employees and put them at a severe disadvantage in their dealings with the employer. One of these is the prohibition against postal employees striking. Myself and many of my colleagues have already introduced bills during this session of Congress which would guarantee these employees the right to strike.

The second omission concerns the fact that the employees, through their unions, are forbidden the right to seek to negotiate union security provisions in their collective bargaining.

Although the act purports to recognize the need of collective action for workers, it stresses the rights of the individual workers at the expense of the collective-bargaining power. While the union designated by a majority is entitled to be the exclusive representative of the workers and, in fact, is required by law to represent all the workers, the law makes specific provision for prohibiting the negotiation of a union-security clause.

Since the strength of a union usually comes from the numbers it represents, from its cohesiveness, and from its financial position, the act provides a basis for undermining that strength. Under the slogan of protecting the rights of individuals, the act outlaws union-security provisions in collective labor agreements. Obviously, without a union-security clause a union is not in as favorable position to protect its members and will thus lose a considerable part of its strength.

For reasons known only to themselves there appears to be a sizable contingent of Members of both Houses of Congress who absolutely refuse to believe the clear evidence of what experience has taught us. They appear to believe that the majority of American men and women oppose the provisions contained in any decent union contract negotiated in any country in the world; that is, the provisions for union security. They apparently never go back and look at the experience in this country immediately following the Taft-Hartley Amendments of 1947. These were passed on the theory that there was a division between the rank and file employees, on the one hand, and the "labor bosses," on the other hand.

Among other things, the amendments required the National Labor Relations Board to conduct a secret ballot election among the employees before the union could even enter into negotiations on the subject of a union shop with the employer.

Experience, however, taught that this requirement was needless and it was repealed a scant 4 years later. During that period of time almost 47,000 such elections were held. More than 6 million employees in voting voiced their views about the desirability of a union shop agreement; 97 percent in favor of a union shop. Mr. Speaker, I submit that there is no reason at this point in time to believe that the view of the average working person has changed so substantially as to indicate a different result today.

Union security has played a significant role in the development of labor unions in this country. From their very inception, unions looked upon these provisions as a source of security for their existence. The strength of the union could almost be judged from the degree of unionization it exacted in its collective agreements with employers.

Labor reasons, as do I, that since the union, as the bargaining agent for all the workers, helps to determine the wages, hours, and working conditions for all workers that apply equally to all employees—it is only fair and reasonable that all workers who share in the benefits should also share in the burdens—and hence the justification for insisting that union membership be made a condition of employment. It is the view of the unions that the rights of individual workers under collective bargaining become analogous to those of a citizen in a political unit. The worker becomes a member of an economic society when he takes employment. The unions, therefore, consider the requirement of union membership, as a condition of employment, indispensable to their security and to their ability to discharge their functions as unions.

Mr. Speaker, the bill I am introducing today merely removes the prohibition against the unions attempting to negotiate union security provisions with their employer and puts them on an equal footing in that respect with all the employees in the private sector. It would allow union security clauses to be negotiated to cover those employees in all States which do not prohibit such provisions. To do less is to perpetrate a very hypocritical injustice upon the employees of the U.S. Postal Service.

I am inserting a short explanation of the bill in the Record at this point:

Explanation

Section 1209(c) of Title 39, U.S.C., provides that an employee of the Postal Service has the right to join or refrain from joining a labor organization and that the employee will be protected in the exercise of this right.

By striking this provision from the law then the applicable law will revert to those rights set forth in the National Labor Relations Act, made applicable to the Postal Service by Section 1209(a) of 39 U.S.C. Specifically, it will make applicable the provisions of Sections 7, 8(a)(3) and 14(b).

Section 7 sets forth the rights of employees to join or refrain from joining a labor organization subject to the provisions of Section 8(a)(3).

Section 8(a)(3) sets forth the terms and conditions under which a union security agreement can be negotiated.

Section 14(b) provides that a union security agreement can be prohibited by state law.

These provisions do *not* provide that employees must join a union as a condition of employment. Rather, that in the event the employees chose a union to represent them in a National Labor Relations Board secret ballot election, that the union chosen may then seek to negotiate a union security agreement in collective bargaining with the employer.

H.R. 5312

A bill to amend the Postal Reorganization Act of 1970, Title 39, United States Code, to provide for uniformity in labor relations

Be it enacted by the Senate and House of Representatives of the United States of America in Congress duly assembled: That Title 39, United States Code (84 Stat. 719) is amended by striking out subsection (c) of Section 1209 in its entirety, effective upon enactment.

THE SHELTER COULD BECOME A JAIL

(Mr. BENNETT asked and was given permission to address the House for 1 minute to revise and extend his remarks and include extraneous matter.)

Mr. BENNETT. Mr. Speaker, I call attention to the stimulating and thoughtful editorial of the Florida Times-Union and Jacksonville Journal of March 4, 1973, pointing out that a shelter for the news media might in fact become a jail. This editorial reads as follows:

The Shelter Could Become a Jail

Most of the journalistic profession seems to be in favor of a shield law. We believe, however, that instead of preserving the independence of the press the proposed law would present a threat to that independence. The "cure" could well be worse than the "disease."

The push for a shield law—which would in one version give journalists absolute privilege and in another qualified privilege from answering questions before grand juries—is fueled by several recent developments.

One of these is the June 29 decision of the U.S. Supreme Court which says that reporters have the obligation to testify before grand juries just like other citizens.

Reporters have been living with that obligation for years since most assumed it existed. And, if they were worth their salt, they have been protecting confidential news sources when such protection was promised.

Journalism does not need protection against legitimate grand jury investigations. It does need protection against witch hunts or attempts to undermine the freedom of the press through harassment. The Supreme Court, in its June 29 opinion, says such protections now exist.

Here is what the majority opinion, written by Justice Byron White, had to say on that score:

"Newsgathering is not without its First Amendment protections, and grand jury investigations, if instituted or conducted other than in good faith, would pose wholly different issues or resolution under the First Amendment. Official harassment of the press undertaken not for purposes of law enforcement but to disrupt a reporter's relationship with his news sources have no justification."

And Justice Lewis Powell indicated in a concurring opinion that the June 29 ruling was of "limited nature" meaning that government on any level cannot interpret it as granting a hunting license for members of the press.

"Certainly," he said, "we do not hold, as suggested in a dissenting opinion, that state and federal authorities are free to 'annex' the news media as 'an investigative arm of government.' The solicitude repeatedly shown by this court for First Amendment freedoms should be sufficient assurance against any such effort . . ."

As columnist James J. Kilpatrick observed recently, the Constitution is still the protection for freedom of the press and not shield laws.

The shield law is the camel's nose of government in the press tent. Eventually, the camel would be further and further inside.

There are numerous precedents to support this statement, precedents established in other fields where government intervention started with a law "beneficial" to the profession or state government and built into the right to interfere through an accretion of laws.

First would come the shield law and a loose definition of the publications and employes covered. Then would come an abuse and a "need to tighten the law." Then would come government licensing of newspapers and of journalists. And press freedom would be lost more readily through government embrace than through a government attempt to strangle.

The best shield, in addition to the Constitution, is press responsibility. A shield law could represent an invitation to irresponsibility and thus have another destructive effect on what it is designed to save.

The press is better off maintaining arms length from government while still taking its own responsibilities of citizenship seriously. As long as it does that, it will remain free because the American public will insist that it so remain.

LAKE MICHIGAN HIGH WATER LEVEL DEMANDS FEDERAL ACTION

(Mr. McCLORY asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. McCLORY. Mr. Speaker, the extremely high water levels in the Great Lakes—particularly in Lake Michigan—coupled with the threat of an even higher level this spring and the potential damage from spring storms—emphasize the need for action to protect Lake Michigan shoreline properties. In addition, many of my constituents have experienced damage to their homes and are faced with additional damage in the coming weeks.

As a number of my colleagues representing districts bordering the Great Lakes and I have indicated in the past, there is urgent need for comprehensive action to control the water levels in Lake Michigan in order to avert further shoreline and property damages.

My colleague, Congressman Vanik of Ohio, as well as other of my colleagues have joined in recommending an increased diversion of Lake Michigan waters through the Illinois Waterway, as well as the regulation of water levels at Saulte Ste. Marie and to reduce the amount of water received in Lake Superior from the Hudson Bay Basin.

Mr. Speaker, the control of the levels of Great Lakes requires joint action between the United States and Canada—involving the agreement and recommendations by the International Joint Control Commission.

In order to carry out this objective I am introducing a proposed House concurrent resolution identical with that which was presented earlier by my colleague, Congressman Vanik (H. Con. Res. 134). In addition, I am also offering a similar bill to authorize the State of Illinois and the Metropolitan Sanitary District of Greater Chicago under the direction of the U.S. Corps of Engineers to effect an increase in the diversion of water from Lake Michigan into the Illinois Waterway on a 3-year basis. This will require a modification of the decision of the U.S. Supreme Court which presently limits the diversion of such water to 3,200 cubic feet per second. Under the measure which I am proposing, this diversion could be increased to a total of not more than 10,000 cubic feet of water per second.

Mr. Speaker, these two measures are complementary and are both directed toward an imminent and critical problem affecting many of my constituents from the Wisconsin line to the south reaches of Lake County, Ill. Virtually millions of dollars of property are involved. The problem requires action now to the extent that it is humanly possible through governmental and private action in order to avoid the disastrous effects of the high water levels and storms which would erode and destroy shoreline properties as well as the structures which have been erected on or near the Lake Michigan shore.

Mr. Speaker, I am confident that my colleagues who represent districts bordering the Great Lakes—which are experiencing similar destructive action—would concur in support of the measures which my colleague from Ohio, Mr. VANIK, and I are presenting and which I am calling to the attention of this body.

H.R. 2406, TO CONTROL FEDERAL SPENDING

(Mr. FROEHLICH asked and was given permission to address the House for 1 minute, to revise and extend his remarks, and include extraneous matter.)

Mr. FROEHLICH. Mr. Speaker, I join my freshman Republican colleagues in urging the 93d Congress to act now to control Federal spending and reform the congressional budgetary process. Toward this end, I call on the House Rules Committee to schedule hearings immediately on H.R. 2406. This piece of legislation is the single most important bill pending now before Congress.

Our country is faced today with a national crisis that has been brought on by uncontrolled and misdirected spending. H.R. 2406 provides Congress with a mechanism for meeting that crisis by reforming the congressional budgetary process.

Presently, Congress treats the entire budget as if it were a mass of unrelated items. Today's budgetary process is totally incapable of responding to either the Nation's fiscal problems or the obvious need to establish national priorities.

To remedy this situation, H.R. 2406 provides new checks on deficit spending. The key feature of the bill is the establishment of a Joint Congressional Committee on the Budget. This committee would examine the President's budget and the best estimates of Federal revenue and submit to both Houses of Congress a legislative budget. No appropriation bills would be voted upon until these limits were set, and spending bills would be expected to fall within the limits of the legislative budget.

The bill would further require the President to submit spending projections for a 5-year period. It limits spending authorizations to a 3-year period, while actual appropriations would be subject to annual congressional action. Finally, the bill provides that any major new Federal program be initiated on a "pilot basis" to demonstrate its worth before being fully implemented.

H.R. 2406 is a sensible, practical, and effective means of giving taxpayers their money's worth in governmental services. It deserves bipartisan support.

The opponents of reform should not be allowed to sit on this bill. There should be no further delay in scheduling committee hearings.

Congress now faces a challenge—the Nation is watching to see if Congress has the ability to effectively continue in its legislative function. The freshman Republicans in this Congress working for spending reform are facing up to that challenge.

CORPS OF ENGINEERS USE FEES

(Mr. HAMMERSCHMIDT asked and was given permission to address the House for 1 minute, to revise and extend his remarks, and include extraneous matter.)

Mr. HAMMERSCHMIDT. Mr. Speaker, 4½ years ago I joined other Members of this body from both sides of the aisle, to speak in support of section 210 of the Rivers and Harbors Flood Control Act of 1968. This measure, which culminated a series of hearings spanning over a 3-year period, abolished entrance fees for recreation areas located at lakes and reservoirs under the jurisdiction of the Corps of Engineers and sharply defined those recreation facilities for which use fees could be charged. The intent of this body in passing that measure was clear—to preserve for the general public free access to and use of the waters and attendant recreation areas developed by the Federal Government for the use and enjoyment of all its citizens. As a result of the passage of that measure which ultimately became Public Law 90-483, all entrance fees and virtually all user fees were terminated at corps' recreation facilities. It now appears that these efforts will, at least in part, be undone.

On February 1 the Chief of Engineers published in the Federal Register a list of proposed special recreation use fees in compliance with provisions of Public Law 92-347. While this law affirmed the earlier law with respect to admission and entrance fees, it appears to have significantly enlarged the scope of activities and facilities which will be subject to use fees by requiring that comparable fees should be charged by all Federal agencies for comparable services and facilities. It should be noted, Mr. Speaker, that while this law does not expressly repeal the earlier law, it mandates the establishment of fee schedules, which, I believe, are inconsistent with the intent of that law.

In my statement in support of section 210 during the floor debate in 1968 I said that in my judgment the termination of entrance fees and the limitation of use fees were sound and sensible steps. I have seen nothing during the intervening period to indicate that this judgment was incorrect, and I now see no compelling reason to establish new fees that might inhibit any citizen from enjoying the simple benefits of a pleasant lakeside recreation experience. Such fees almost always are primarily disadvantageous to those for whom outdoor recreation opportunities are fewest—the elderly and the economically disadvantaged segments of both our urban and rural populations.

To rectify this situation I have today introduced a bill which will amend section 210 of the Flood Control Act of 1968 to provide that no provisions of law enacted after the date of the original act and authorizing special recreation use fees shall have any application to public recreation areas located at lakes and reservoirs under the jurisdiction of the Corps of Engineers.

This bill clarifies my original understanding of the extent of Public Law 92-347 and would, if enacted, reaffirm the intent of Congress to maintain free access to and use of most public recreation areas at Corps of Engineers projects.

THE BUDGET SITUATION

The SPEAKER pro tempore (Mr. McFALL). Under a previous order of the House, the gentleman from Colorado (Mr. ARMSTRONG) is recognized for 60 minutes.

Mr. ARMSTRONG. Mr. Speaker, I have asked for this special order in order to afford an opportunity to freshman Members to discuss the budget situation.

In preparation for that, a number of Members of both parties have signed a statement which I think it is appropriate to present at the outset, and for that purpose I now yield to the gentleman from Arizona (Mr. CONLAN).

Mr. CONLAN. Mr. Speaker, I thank the gentleman for yielding.

GENERAL LEAVE

Mr. Speaker, I ask unanimous consent, for myself and the other freshman Members of the Congress, for 5 legislative days within which to revise and extend their remarks on the subject of this special order today.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arizona?

There was no objection.

Mr. CONLAN. Mr. Speaker, I rise today, as president of the freshman class of 43 new Republican Congressmen, in an unprecedented plea by new Congressmen for a ceiling on Federal spending, and for reform of archaic congressional budget procedures.

We present today an extraordinary united front in behalf of a firm ceiling on Federal expenditures and a return to fiscal responsibility.

We have extended, and do extend again today, an invitation to our freshman colleagues of the other party and independents, to join us in this effort if they are as truly interested in reform as we young Republicans.

Mr. Speaker, I would like to read to you a resolution for fiscal and budget reform which has been signed by 54 Members of the freshman class of the 93d Congress, Republicans and Democrats alike. While we tried to contact all Members of the freshman class, there may be some who were unable to join us in this resolution who would like to add their names today.

The resolution reads as follows:

RESOLUTION

Whereas, a Joint Study Committee on the Budget has been established in the United States Congress; and

Whereas, that bi-partisan Committee of Democrats and Republicans, Senators and Representatives, has completed its interim study, issued a report and made tentative recommendations favoring an overall ceiling on expenditures and budget authority;

Therefore, be it resolved, that the undersigned freshmen members of the 93rd Congress do hereby express their support for the tentative work of that Committee and do further strongly urge their senior colleagues to take all possible steps to bring about at the earliest possible date Congressional Reform of the Budgeting Process—including an overall spending limit and provision for the necessary committee structure, staff and resources by which Congress may review and control expenditures.

John B. Conlan, William L. Armstrong, Robin Beard, Edward Young, Steven Symms, James P. Johnson, Angelo Roncallo, Joel Pritchard, David Towell, Ralph Regula.

William M. Ketchum, George M. O'Brien, Marjorie S. Holt, David C. Treen, Alan Steelman, E. G. Shuster, Paul W. Cronin, Carlos J. Moorhead, Matthew J. Rinaldo, Stanford Parris.

L. A. Bafalis, Donald J. Mitchell, Samuel H. Young, James G. Martin, Clair W. Burgener, Benjamin A. Gilman, William F. Walsh, Andrew J. Hinshaw, James Abdnor, Robert J. Huber.

William H. Hudnut III, Trent Lott, M. Caldwell Butler, Edward Madigan, William Cohen, Joseph J. Maraziti, Robert W. Daniel, Jr., Robert Hanrahan, Ronald A. Sarasin, Tennyson Guyer.

Gene Taylor, Harold Froehlich, Dale Milford, Thad Cochran, Clem McSpadden.

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Bill Gunter, Jerry Litton, Charles Rose, David Bowen and Steven Symms.

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James R. Jones, Wayne Owens, Pat Schroeder, Bo Ginn.

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GILLIS W. LONG.

Mr. Speaker, we believe the minimum first steps to fiscal sanity which the Congress must now take are a firm ceiling on expenditures to be voted each year, plus creation of a joint budget committee, and new hired staff specialists to assist Congress to determine exactly how taxpayers' money should be used.

We believe we have reached the point where we must call an immediate halt to reckless spending policies that have driven this country towards a half trillion dollar national debt.

We believe this Congress must now reverse that trend, unless it is prepared to force a substantially heavier tax burden on hard-working citizens who must pay the bills for our profligacy.

The fight for fiscal sanity is at its heart not between the Congress and the President. The struggle is between the bureaucracy and the working people of America. Both the President and the Congress need to be united and well-equipped to take control of the bureaucracy before it devours America as it has France and other countries.

While there are varying approaches to reform that Congress can adopt, we strongly support the interim work of the Joint Study Committee on the Budget, which is this very week holding hearings on its interim report.

We are united in our support of its recommended ceiling on expenditures and budget authority.

Congress must find a way for its Members to cast statesmanlike votes on expenditures that will have a direct relation to estimated Federal revenues.

At the present time, each Congressman is pressured by special interests to vote "yes" on each of numerous spending bills, only to wake up at the end of the year finding that Congress has plunged the country further into debt and fueled the merciless fires of inflation.

Unlike the modern procedures in Arizona, California, and other progressive State legislatures, we here have no single overall appropriations bill so that each congressman could cast a statesmanlike vote on expenditures that would have a direct relation to estimated Federal revenues.

Furthermore, there is no professional budget staff available and equipped to aid the Congress in critical evaluations and cuttings of waste and fat in executive department budgets.

This present scatterbrained system of Congress taxing with the left hand and spending with the right, and never the twain shall meet has just got to change. No business corporation could succeed using the antiquated procedures and tools with which the Congress is fumbling.

Congress is facing a challenge that will directly reflect on its ability to effectively continue its legislative function for the Nation.

I want my colleagues in Congress to know that the new Republican Congressmen are up to that challenge. We urge senior Members of Congress to set the example by acting now to control Federal spending and reform Congress own budget process. It is our constitutional duty, and we can do no less.

And we cordially invite the freshmen and senior Members of this House—Democrats, Republicans, and Independents, if they are truly as interested in reform as we young Republicans, to join us in a bipartisan effort toward responsible congressional reform.

We, freshmen Congressmen, raise our voices today to urge, plead, and implore this new Congress to get off the dime and enact comprehensive fiscal and budgetary reform, and to do it now.

That great American poet Edward Everett Hale said it for us when he wrote:

"I am only one, but I am one,
I cannot do everything, but I can do something,
And what I can do, that I ought to do,
And what I ought to do,
By the Grace of God, I shall do!"

Mr. Speaker, the young, new Members of this Congress, almost 80 percent of them, the Members who have signed this resolution, want to work with the responsible Members to bring about these reforms in this Congress.

Mr. CRANE. Mr. Speaker, will the gentleman yield?

Mr. CONLAN. I yield to the gentleman from Illinois.

Mr. CRANE. Mr. Speaker, I thank the gentleman for yielding.

I would like to add further, as one who is not too much senior to this freshman class, that I wholeheartedly endorse this effort. I think it is long overdue, and I think the freshman class particularly, is to be commended for its initiative in trailblazing in this 93d Congress.

Mr. Speaker, let us hope we can get the majority Members, in fact, the Members on both sides of the aisle, to support this proposition.

Mr. ARMSTRONG. Mr. Speaker, I will yield myself as much time as I may consume and then yield 30 minutes to the gentleman from Oklahoma (Mr. JONES) and yield the balance of the hour to the gentleman from Arizona (Mr. CONLAN).

Mr. Speaker, basic budgetary reform is years overdue.

By postponing a major overhaul of the Federal spending process until now, and by abdicating its constitutional prerogatives, Congress has allowed—indeed, has encouraged—the Nation to drift toward a major governmental and economic crisis.

Many Members of this body have criticized the President for impounding funds appropriated by Congress and for taking other actions which invade congressional dominion over the budget. And I agree that Congress, not the President, should be supreme in establishing fiscal policy.

But Congress has acted so irresponsibly, for such a long period of time, that the President has no choice but to exercise his right of impounding funds, an action the President has taken reluctantly to head off a further increase in the already alarming rate of inflation.

Over the years we have been repeatedly warned that runaway inflation will result from continued budget deficits and indeed year after year this prophecy has been realized as Federal debt has increased by $162 billion in the last decade alone.

One consequence of this spending spree has been inflation—inflation so pervasive that even the 40-percent consumer price increase of recent years fails to adequately portray the urgency of this crisis. Even more ominous is the rate of increase which is itself increasing under pressure of mounting Federal deficits.

I agree with the President:

> Common sense tells us that government cannot make a habit of living beyond its means. If we are not willing to make sacrifices in holding down spending, we will be forced to make a much greater sacrifice in higher taxes or renewed inflation.

Yes, we have been warned. Over and over again. By the President, by economists, and by many Members of this body who have cautioned that runaway inflation is certain to result from continued deficit financing. But Congress has played Santa Claus with Federal spending for so long that some of us now find it hard to realize the whole basis of this country's economy is in jeopardy.

This Congress has a chance, possibly the last clear chance, to restore sound financial policies to our Government and thereby avoid the panic inflation which other countries have experienced and the consequences of that kind of inflation: reckless speculation, bank failures, joblessness, civil unrest, and the ultimate breakdown of our system itself—just as has happened in other countries.

The need for reform—including an overall spending limit, establishment of congressional budgetary priorities, and mechanisms by which Congress may review and control expenditures—is obvious and it is urgent.

So today's bipartisan effort by freshman Members is particularly commendable.

It is also most timely in view of yesterday's resumption of hearings by the Joint Study Committee on Budget Control. This committee brings together a number of the most able and most distinguished Members of the House and of the other body. They deserve our wholehearted support.

The committee particularly needs our encouragement to act with all responsible speed and to bring before Congress a resolution to establish a spending limitation and such machinery—including the necessary committee structure, staff, and resources—by which Congress may adopt an overall budget and exercise permanent control over spending at the earliest possible date.

In conclusion, Mr. Speaker, may I call attention of the Members to the stern warning given Members of the other body by the distinguished majority leader. In an address to the Democratic caucus on January 3, Senator MANSFIELD identified the problem with great precision:

> The fault lies not in the Executive Branch but in ourselves, in the Congress. We cannot insist upon the power to control expenditures, and then fail to do so. If we do not do the job, if we continue to abdicate our Constitutional responsibility, the powers of the Federal government will have to be recast so it can be done elsewhere.
>
> . . . Unless the Congress acts now to strengthen coordinated control of expenditures, it is predictable that the Executive Branch will press again for temporary authority to do so. It is predictable, too, that sooner or later a Congressional inertia will underwrite the transfer of this authority on a permanent basis.

I associate myself entirely with Senator MANSFIELD's remarks and in doing so, I underscore my own conviction that this is not a partisan matter. The need to control the Federal budget before reckless spending ruins our country is the proper concern of all Americans and particularly of those of us who serve in the Congress and have the constitutional duty to control spending and a moral obligation to do so wisely.

Let us get on with it.

RESOLUTION

Whereas, a Joint Study Committee on the Budget has been established in the United States Congress; and

Whereas, that bipartisan Committee of Democrats and Republicans, Senators and Representatives, has completed its interim study, issued a report and made tentative recommendations favoring an overall ceiling on expenditures and budget authority;

Therefore, be it *resolved*, that the undersigned freshmen members of the 93d Congress do hereby express their support for the tentative work of that Committee, and do further strongly urge their senior colleagues to take all possible steps to bring about at the earliest possible date Congressional Reform of the Budgeting Process—including an overall spending limit and provision for the necessary committee structure, staff and resources by which Congress may review and control expenditures.

Mrs. SCHROEDER. Mr. Speaker, will the gentleman yield?

Mr. ARMSTRONG. I am glad to yield to my colleague from Colorado.

Mrs. SCHROEDER. Mr. Speaker, I am pleased to join the bipartisan group of freshmen supporting the Joint Committee on Budget Controls. I am very concerned about fiscal responsibility, inflation, the international dollar crisis, tax reform, and our national priorities. Because of the interrelationship of these items, we badly need a committee to develop a budget proposal for Congress.

I have not talked to one Member of Congress who proposes raising the President's $268.7 billion limit. I have talked to many, who, like myself, do not believe his budget should be $19 billion more than last year. We have the largest deficit in American history, $68.7 billion, and, if his budget is adopted, another $12.7 billion will be added. Fiscal responsibility? Humbug.

We have long anticipated the Vietnam peace dividend only to find a higher defense budget now that the war is at an end. It is higher even after many defense-related items such as veterans' benefits and interest on the national debt are put elsewhere. If we added those items, we have a defense allocation of $111.3 billion. And this in a time of peace.

The President's proposals are his prerogative. He overlooks opportunity for tax reform and cuts programs before evaluation. His budget is more political than fiscal, and he tells us he must be domestically irresponsible to achieve fiscal responsibility.

The Congress has the right and duty to examine the President's course and determine its wisdom. The House Committee on Appropriations has recommended and Congress has approved reductions in the Executive's appropriation requests in each of the last 20 congressional sessions. Last year the Congress cut almost $6.5 billion. I am proud to be a Member of that body and tired of the administration labeling it "spendthrift." The facts are all the other way.

It is time to call off the battle. I am tired of seeing so much energy wasted in verbal attacks on Congress by the administration. Stop the power plays, the political pollution, and the charades. Let us get down to business. I support this move; it will help Congress exert its full authority as a separate concurrent branch and give independent analysis of governmental requirements. Only when Congress does this will the people be assured of the full benefits of democratic government.

Mr. ARMSTRONG. Mr. Speaker, I yield such time as he may use to the distinguished gentleman from Ohio (Mr. REGULA).

Mr. REGULA. Mr. Speaker, now is the time for Congress to reassume its constitutional role and control the Federal budget. This task requires an element of overall budget planning that does not exist in the current congressional budget process. At no time does Congress examine the economic indicators and then determine an economic strategy to fit America's economic needs. Nor do we have a practical system for establishing priorities within such a congressional budget policy.

The President's Commission on Financial Structure and Regulation, of which I was a member, proposed numerous actions to improve the financial system of the United States, but we recognized that our efforts were for naught without the exercise of fiscal responsibility in Congress. In our findings the Commission said:

> It is unrealistic to expect any financial system to function smoothly in, and emerge

> unscathed from, the economic and monetary conditions experienced in the United States in recent years. The Commission urges the adoption of more responsible fiscal policies . . . so that moderation will be possible in the conduct of monetary policy. Such moderation would make it easier to generate the capital necessary for a growing, high-employment economy at reasonable rates of interest.

Economists quarrel over which is more important to our economic well being: monetary policy or fiscal policy. Both are important. The crucial point to realize is that bad fiscal policy begets bad monetary policy, and an uncontrolled Federal budget almost inevitably leads to too much growth in the money supply.

Federal deficits are financed by borrowing which often requires the creation of money through the banking system for that purpose. This process is healthy when the economy is slack and needs stimulation. It usually leads to unwanted inflation if the economy is strong. The classic problem of too many dollars chasing too few goods.

Congress has taken the first step toward responsible congressional budget planning with the creation of the Joint Study Committee on Budget Control. I endorse the principles set forth in the interim report by the committee and I commend the report to your attention.

The Joint Committee has recognized the need for "an effective permanent mechanism for budget control which will assure a more comprehensive and coordinated review of budget totals and determination of spending priorities and spending goals, together with a determination of the appropriate associated revenue and debt levels." I wholeheartedly concur.

It is important that the Joint Study Committee on Budget Control move quickly to put its principles into specific proposals so that Congress may regain its proper control of the Federal purse.

Mr. RHODES. Mr. Speaker, will the gentleman yield?

Mr. CONLAN. I am delighted to yield to the gentleman from Arizona (Mr. Rhodes).

Mr. RHODES. Mr. Speaker, I thank the gentleman for yielding. I want to congratulate my colleague, the gentleman from Arizona (Mr. **Conlan**), for having taken this special order for this particular purpose, and also to compliment the other first-term Members of the House of Representatives on both sides of the aisle who are taking part in this discussion. I do this not only as a colleague of those who are taking part, but as a member of the Joint Committee on the Budget, which is the subject of the discussion tonight.

I also would like to report that that committee is holding hearings, and it has listened to some very capable testimony, one from the Chairman of the Federal Reserve Board on yesterday, and also the Comptroller General of the United States was before the committee today. I have hopes that this committee will be able to report out a legislative proposal which will be adopted by this Congress, and which will have the desired effect as expressed by those who have spoken here today, that of once more returning the purse strings to the Congress where our Founding Fathers intended them to be.

Again I thank the gentleman for yielding.

Mr. LANDGREBE. Mr. Speaker, will the gentleman yield?

Mr. CONLAN. I yield to the gentleman from Indiana (Mr. Landgrebe).

Mr. LANDGREBE. Mr. Speaker, I thank the gentleman for yielding to me.

Mr. Speaker, I would like to commend the freshman Members of the House of Representatives on both sides of the aisle for their interest in fiscal responsibility, and to commend all of them, particularly those who have spoken, for fiscal responsibility.

This is now my third term in the Congress, and I have been an advocate of a balanced budget during my time here, and have spoken out on numerous occasions against the irresponsibility of the Congress.

So I want to say as quietly and as pleasantly as I possibly can, my dear young colleagues, the way to reduce spending is to vote against some of these bills that come sailing along here from day to day.

Again I thank the gentleman for yielding to me.

Mr. CONLAN. Mr. Speaker, I now yield to the gentleman from New York (Mr. Mitchell).

Mr. MITCHELL of New York. Mr. Speaker, it is politically popular in Washington these days for Members of Congress to be highly critical of the administration for refusing to spend money appropriated for various programs. But, until such time as Congress assumes its responsibility in the area of fiscal reform, I cannot in good conscience point an accusing finger at the President for filling a void by the impoundment of funds.

Having served in Congress less than 3 months, I feel it would be presumptuous to overly criticize the system and make sweeping recommendations for reform. However, I do feel that more often than not, first impressions are accurate ones.

It is not my intention to put down the system but rather to help make the best even better. I am somewhat mindful of the congressional reforms that have been enacted and certainly these suggestions that we are making today should be viewed as no more than a continuation of these necessary and worthwhile reforms. What we are suggesting is not new, nor do we attempt to take credit for these ideas. We merely feel a definite need to undertake these reforms and we sincerely feel that they are in the best interests of this honorable body and of the Nation as a whole. Congress has been concerned for some time with the apparent erosion of its power. The time to act is now. We want to be sure that Congress assumes its role of an equal partner.

One way to accomplish this goal is through the adoption of a debt ceiling, through a strong system of accounting for the appropriations bills passed, and an evaluation of congressional priorities within that debt ceiling. Toward accomplishing these goals I will support the Robinson bill, H.R. 975, which is designed to control expenditures and upgrade fiscal priorities. This bill establishes a Joint Congressional Committee on the Budget that will have the expertise needed to analyze the executive budget and make recommendations. This legislation also, calls for 5-year spending projections; limits spending authorization by Congress to a maximum of 3 years; and requires that new Federal programs will be initiated on a limited, trial study basis. No one claims that this bill is a panacea for all of our fiscal problems but it is a step in the right direction. We must begin somewhere and I feel that this bill is the right place to begin. This is why, Mr. Speaker, I join my freshman colleagues today in urging that this body seriously consider sound fiscal reform. We certainly do not have all the answers. As a matter of fact, we do not even know all the questions. However, we do recognize the need for action to restore the balance of power between the executive and legislative branches of our Government, and we are determined to move ahead.

Mr. CONLAN. Mr. Speaker, I yield to the gentleman from Oklahoma (Mr. Jones).

Mr. JONES of Oklahoma. Mr. Speaker, I am pleased to join in this bipartisan effort of the freshmen Members of the House.

The time is past due for Congress to firmly assert its responsibilities, especially those responsibilities for fiscal integrity and for closely auditing and scrutinizing the operations of the executive branch.

We cannot live with the huge Federal deficits that seem to increase with each passing year. Yet, Congress today is ill-equipped to improve the situation. We must have the mechanism in Congress to determine what our revenues will be, to set up an overall budget, and to establish a congressionally authorized ceiling on expenditures.

We are at a critical crossroads in our history. If Congress fails to act now, more of the legislative powers will be usurped by the Executive. Once the tradition or custom of letting the Executive assume congressional responsibility develops, it will be very difficult ever to get that responsibility back.

We have seen in our history what results from abdication of responsibility. When our State governments abdicated their powers during the depression, the Federal Government assumed those powers and that trend has been irreversable.

Congress must not abdicate. We are the closest link between the people and their Federal Government. We are available for any citizen to bend our ear and to request action. If Congress loses its powers to the Executive, the real losers will be the people of America who will not have ready access to the White House.

I support those efforts to establish in Congress an integrated budget and appropriations process and to retain the responsibility for fiscal decisions in the Congress.

I further plan to prepare legislation to give the Congress greater responsibility in auditing the spending and operational practices of the executive departments and agencies. We do not have unlimited resources in this country and we as the people's representatives must have the tools and the determination to carefully protect the fiscal integrity of America.

Mr. CONLAN. Mr. Speaker, I yield to the gentleman from Florida (Mr. GUNTER).

Mr. GUNTER. Mr. Speaker, I am pleased to join my freshman colleagues today in urging early adoption of the recommendations of the Joint Study Committee on the Budget. As you know, this bipartisan committee has called for a congressionally established spending limit and a workable structure through which Congress can control expenditures.

We cannot continue to travel down the road of "programed" and perfunctory increases in the Government's debt ceiling. We cannot continue to spend money that we do not have—only a sensible system of budgetary control imposed by Congress can bring about the change that is needed. It is our duty to come to terms with this proposition ourselves, and not abdicate the responsibility by allowing the highly questionable Executive impoundment of funds to continue to be the only avenue through which spending is controlled.

I think we have taken an important first step in the right direction in this discussion today. It is good to know that we can join as freshman colleagues above party affiliation, in this most important effort.

Mr. CONLAN. Mr. Speaker, I yield to the gentleman from California (Mr. BURGENER).

Mr. BURGENER. Mr. Speaker, I join my colleagues on both sides of the aisle in urging, as strongly as I know how, that this House of Representatives, this year 1973, do indeed enact legislation which will:

First, establish a ceiling on spending for fiscal year 1974 and for each succeeding year thereafter.

Second, establish in one committee of each House, or in a joint committee of both Houses, a legislative control point of the budget, a condition which regrettably does not exist today.

I fully support, and do commend the efforts of the bipartisan joint study committee on budget control, cochaired by Mr. WHITTEN of Mississippi and Mr. ULLMAN of Oregon. Their interim report of February 7, 1973, should be carefully studied by every Member of the Congress.

I would briefly like to take a segment of the current proposed budget and view it in the light of controlled spending and an early arrival at a balanced budget.

For some 20 years I have been an activist, both as a private citizen and a State legislator, in the extremely important field of mental retardation. I have consistently supported better programs at both the private sector level and the governmental level for our Nation's mentally retarded. I shall continue to do so, to the best of my ability, as a Member of the House of Representatives.

It is my firm conviction that sound, publicly supported programs at the Federal level can be maintained without. first, new or increased taxation, or second, an increase in the national debt.

I cite as evidence for this point of view a comparison of proposed Federal expenditures—in the President's budget—as compared to fiscal year 1973, in which we find ourselves.

Based on figures I obtained from the Department of Health, Education, and Welfare, we are currently spending in this fiscal year approximately $1,300 million for programs and services to the mentally retarded. Of this total, $800 million are for grants and services and $500 million are for income maintenance. Both areas are vitally important.

By comparison, although figures have not been finalized, the President's new budget appears to propose a total amount of money for services to the mentally retarded for fiscal year 1974 that is slightly higher than the current year.

Now what is the next step? Hopefully the various committees of this House and the other body will scrutinize most critically this $1.3 or $1.4 billion with key questions being as follows:

First. Is this enough money?

Second. Is this too much money?

Third. Is it being spent in the right places?

I believe the Congress will carry out this process. But then, unfortunately, this Congress is not equipped under the present system to take the next logical step. That next step would be to relate this large sum of money to the total budget—to rate it on a priority list and see if it fits under a total budget ceiling as established by the Congress. To fail to enact or achieve such a system would be the height of irresponsibility on our part.

In conclusion, Mr. Speaker, as one who, along with most if not every Member of this House, shares a deep concern for the elderly, the disadvantaged, the ill, and the handicapped, I firmly believe that the most cruel act we could perform is to permit this Nation to spend itself into bankruptcy. In a bankrupt society the strong, the young, and the well might fend for themselves, but the weak, the old, and the handicapped will, indeed, have lost their battle. We cannot permit that to happen.

Mr. CONLAN. Mr. Speaker, I thank the gentleman from California for his remarks.

At this time Mr. Speaker, I yield to the gentleman from Illinois (Mr. ARENDS).

Mr. ARENDS. Mr. Speaker, I thank the gentleman from Arizona for yielding.

Mr. Speaker, I want to take this occasion to thank the new Members of Congress on both sides of the political aisle for doing what they are doing tonight. It seems to me they have chosen well the subject matter that needs to be discussed and about which something must and should be done if we are going to maintain the economic stability in this country that needs to come quickly. I heartily congratulate those who have participated. I am glad to see that in their break-in speeches they have charged in on something so vital to the future of this great Nation of ours. We will hope to hear more from them in a future time.

Mr. CONLAN. Mr. Speaker, I thank the gentleman from Illinois (Mr. ANDERSON).

This exercise gives many of our freshmen Congressmen an opportunity to test their voices and their capacities for greater involvement at a later date.

Mr. Speaker, I yield at this time to the gentleman from New York (Mr. GILMAN).

Mr. GILMAN. Mr. Speaker, as a freshman Congressman I am pleased to join in the bipartisan endeavor for fiscal responsibility. The real power of Congress lies in its ability to open and close the national purse. For years, the exercise of this power of the purse has been almost capricious. The purse strings have been alternately slack and taut, seemingly without rhyme or reason. Often this has been done with no regard for its ultimate effect on the Nation.

The efforts of the Joint Study Committee on Budget Control may enable us to come to grips with this aimless method of taxation and expenditure. The work of the committee merits the full and continued support of everyone in this Congress, regardless of his politics.

Everyone is justifiably dismayed by our present archaic method of raising revenue and appropriating funds. By the end of each year we are left with a fiscal patchwork quilt padded with supplemental budgets.

The interim report of the Joint Study Committee is a laudable first step toward restoring some balance to the fiscal machinery of Congress. The tentative recommendations are comprehensive and responsible. I was particularly impressed with the emphasis on long term budgeting. Our present method of appropriating money year by year and item by item cannot help but lead to irresponsibility and a decline in congressional control.

The time for congressional responsibility in fiscal matters is long overdue. This is not a question of party line but of public principle. I call on the entire Congress to wholeheartedly support the efforts of the Joint Study Committee on Budget Control so that once again Congress can perform its constitutional role of protecting our tax dollars.

I particularly urge my Democratic colleagues to join this movement for fiscal rationality. We can no longer afford to play politics with the people's pocketbook. Let us all join in this move to fiscal responsibility so that the legislative branch can once again assume its rightful place in the structure of American government.

Mr. CONLAN. Mr. Speaker, I thank the gentleman from New York for his remarks.

Mr. STEIGER of Wisconsin. Mr. Speaker, will the gentleman yield?

Mr. CONLAN. I yield to the gentleman from Wisconsin.

Mr. STEIGER of Wisconsin. Mr. Speaker, I appreciate the gentleman yielding.

Although the gentleman from Illinois (Mr. ARENDS) has been serving here for a substantially longer period of time than I and all of the Members who are participating in this special order today, I remember in 1967 as a freshman in the 90th class we undertook an effort similar in nature although not on this subject, however. It was rather on the subject of congressional ethics. The effort of that 90th class, of which I was a part again on a bipartisan basis was to establish some mechanism to insure that the House of Representatives had a means whereby congressional ethics could be more closely watched.

That effort, I think, was an important part of the reason that the House took the action in the 90th Congress to establish a Committee on Standards of Official Conduct.

I would hope that for all of those who participate today, who have done so well, that the same effort that we succeeded in helping to bring about will be as successful in what you are trying to bring about in insisting that Congress does in fact take better control of fiscal and budgetary policy.

I congratulate the new Members. I am just delighted to see the kind of interest and initiative that is being expressed here today. I suspect that there are many more senior colleagues, such as myself, who are only sorry that we were not able to move as quickly as the new Members have been able to do to undertake this kind of a job.

Mr. CONLAN. Mr. Speaker, I yield to the gentleman from North Carolina (Mr. MARTIN).

Mr. MARTIN of North Carolina. Mr. Speaker, judging from the commentators, and from the action thus far, this 93d Congress is about to make legislative history by seeking to reassert congressional authority for controlling spending and budget priorities. This is an important principle to which I subscribe. On the other hand, I also subscribe to the vital principle of requiring greater restraint in Federal spending. Consequently, I will support an insistence upon congressional priorities only where that is coupled with a more responsible congressional fiscal policy. I cannot support, however, efforts to compel the spending of every nickel appropriated by Congress. Such efforts, if successful, might prove a point about the balance of powers, but would do so at an unnecessarily great cost to the taxpayers.

If the Congress is to demonstrate its sense of fiscal responsibility it must put its own house in order by overhauling and retooling its machinery for adoption of the budget. We must put a check rein on this undisciplined beast and harness its power.

I am concerned about unbalanced budgets and no less concerned when they are called "full employment" budgets or "unified" budgets or qualified with some other adjective. No matter how concerned I am about the fact of an unbalanced budget in peacetime, what concerns me even more is that the American people and their representatives, by and large, do not really care very much that, in times of peace and relative prosperity, their Government is going in the red deeper and deeper every year. Instead of delegations demanding more spending, we ought to be receiving delegations outraged about fiscal irresponsibility on the part of both the executive and legislative branches of government. Even if the President's 1974 budget is adopted without an increase and if revenues come in to the penny, the deficit will come to over \$12⅔ billion. That means in 1975 we will have to pay about \$750 million in interest on that one deficit increment alone. Each man, woman, and child would pay in 1975 the sum of \$122 just to pay the interest on the accumulated national debt.

It belabors the obvious to say taxing and spending ought to be looked at together and that there ought to be some similarity between the two totals. It also belabors the obvious to say appropriations bills ought to be enacted before the start of the year to which they apply. Now, we can debate at length as to how to achieve the goals of a balanced budget and an efficient method of enacting that budget in a timely manner, but that debate will reach a dead end unless Congress and the President make a commitment to these goals. There is no real point in our discussion unless we begin with a commitment to do one of two things—either to reduce spending to the level of anticipated receipts or raise receipts to the level of spending.

At the very least, we should—at an early date in each session—set for ourselves a limit on either or both of spending and new budget authority, plus debt, and do so in such a manner as, perhaps with some qualification as to the rate of employment, to produce at least a balanced budget on a unified basis.

If we are to continue the budgetary policy of predicting revenues on the basis of 4 percent unemployment, the so-called "full-employment budget," then I respectfully suggest that our goal should not be merely to balance revenues if full employment is reached, but to produce then a surplus of, say, \$10 billion. If the best we can expect is to break even, then not only will the chances of doing so be slim, but there will never be a surplus realized even in the best of years to help offset the indebtedness of the leaner years. If our policy is to absorb part of the impact of a recession in the lean years, then in boom years when the economy is healthy, we must target our budget to realize a surplus.

The decision is ours, in the Congress, to make. We can either get a hold on the scruff of our collective neck and put some order into our fiscal life, or we can continue on a path of congressional abdication to the point we may as well abdicate our seats as well as our responsibilities.

Mr. ANDERSON of Illinois. Mr. Speaker, will the gentleman yield?

Mr. CONLAN. I yield to the gentleman from Illinois (Mr. ANDERSON).

Mr. ANDERSON of Illinois. Mr. Speaker, I thank the gentleman for yielding.

I express, first of all, regret that the rows in this Chamber cannot be filled with Members on both sides of the aisle listening to this very excellent discussion of this extremely important topic.

I certainly want to join the others today who have expressed appreciation for the initiative and for the efforts which are being made by the Republican freshmen Members of the 93d Congress in debating this very important topic.

As someone, I think, remarked a moment ago, certainly if we are going to get reform, badly needed reform in this area of budgetary procedure, it will have to be on a bipartisan basis. We are, as we saw earlier this afternoon, very much a minority in this House, and yet the initiative has to come from somewhere. I think these gentleman are to be congratulated on asserting this kind of initiative.

Mr. Speaker, I would ask unanimous consent, in connection with these brief remarks which I have just made, to include for the RECORD some figures that my staff has assembled for me which indicate that when we talk about impoundment of Federal funds, percentagewise, the largest percentage of Federal outlays to be impounded has been in the area of defense, in the area of public works.

It has not been in this area of human resources. I believe it would be interesting to spread those figures on the RECORD of these proceedings, so that the many more who will read the RECORD of this discussion tomorrow and the days to come will be aware of them. I believe those figures to a very great extent will show that this whole issue of impoundment has been drawn across the trail of fiscal responsibility pretty much as a red herring. It serves the purpose, really, of detracting our attention from what ought to be our principal goal in this endeavor, and that is to reform the archaic procedures by which we presently deal with this vast and complex budget.

Again I congratulate all of those who are here today taking part in this discussion.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. RINALDO. Mr. Speaker, will the gentleman yield?

Mr. CONLAN. I yield to the gentleman from New Jersey (Mr. RINALDO).

Mr. RINALDO. Mr. Speaker, as a freshman Member of the House who came directly to the Congress from service in a State legislature, the realization that Congress does not have an effective budget control process, that individual Members of Congress do not have the opportunity to review and act upon the budget as a whole, and that there is no procedure for coordinating spending legislation with revenue legislation disturbs me greatly.

Most of us, of course, were aware in an academic sense that such deficiencies existed in the legislative process. But even brief service in this body has served to make us painfully aware of just how disabling the absence of a budget control process can be.

It deprives us of the ability to make rational spending and taxing decisions.

It prevents us from making considered choices among a multitude of competing proposals for Federal financial assistance.

It handicaps us in the task of reordering national priorities.

It encourages legislative irresponsibility in voting on individual spending and taxing bills.

It denies us the opportunity to see in a meaningful way the effect on national economic policy of our individual actions on separate appropriations bills.

In an almost literal sense, it focuses our attention on so many trees that we fail to see the forest.

It tends to hold out promises to the American people on which, ultimately, we are unable to deliver.

It denies to the people, even more than to ourselves, the understanding of congressional action which is necessary for informed political judgments in a democratic society.

It transfers, in effect, a measure of authority to the executive branch which constitutionally belongs to the legislative branch.

It encourages unproductive rivalry and distrust between the two Houses of Congress and between the Appropriations Committee and those committees which report legislation authorizing "backdoor" spending.

Congress, in brief, is paying a heavy—and unnecessary—price for its refusal in the past to reform its procedures in this area and to adopt a comprehensive step-by-step method of controlling expenditures and revenues, a method which, after careful study, will establish a firm and binding limit to Federal spending overall each year.

The analogy between State legislative procedures and the legislative process in Congress cannot be a perfect one, but it may be instructive. In New Jersey, for example, the State constitution requires the Governor to send to the legislature, and the legislature to enact a balanced budget, with anticipated revenues matching anticipated expenditures. As a consequence, the legislature as well as the Governor must review and act on the budget as a whole.

No such constitutional requirement is, or should be, imposed on the Congress or the President. Federal budgetary policy has a direct and often controlling impact on the Nation's economy, and it may sometimes be necessary to enact deficit budgets as a means of combating unemployment, increasing the money supply, and stimulating economic growth.

For this very reason, however—because congressional decisions on the budget directly affect the economic health of the country—these decisions should be made on a more rational basis than is now possible. If it is important for a single State to exercise effective control of its budget, then it is immeasurably more vital for the National Government to do so.

There are grounds for encouragement, Mr. Speaker—in the appointment and the interim report of the Joint Study Committee on Budget Control, in the expressed determination of many Members to support reform, and in the activities of our colleagues who are participating in this special order—that Congress is prepared to deal with the budget control problem this year.

As a member of the five-man committee appointed by my freshman Republican colleagues to study this problem, I have submitted the outlines of a proposal which I hope may have some merit. While it corresponds in general terms with many of the guidelines suggested by the joint committee, it also includes several individual features which I believe are significant.

The budget control procedures I suggest focus on the creation of House and Senate budget committees, as do many similar proposals. My own proposal calls for a committee of 17 members, 10 from the majority and seven from the minority. While members of the Appropriations and Ways and Means Committee would predominate, with five from each committee on the Budget Committee, it would broaden the membership to include one member designated by the Speaker and two each from the three standing committees which in the previous session authorized the highest amounts of "backdoor" spending. Given the extensive authority the proposed new budget committees will have, and the relative decline in the authority of other committees, I would argue that it is crucial to assure as broadly representative a membership as possible, without foregoing the obvious advantages of the expertise of the taxing and appropriating committees.

And to further assure a high degree of representativeness, I would propose that, except for the designee of the Speaker and the chairmen and ranking minority members of the Appropriations and Ways and Means Committees, the remaining members of the Budget Committee be elected by the members of the committees they would represent. This would serve both to maximize the quality of the new committee and increase the confidence of our colleagues in its work.

The work of the budget committee, under this proposal, would be carried out in two stages. The first stage, the preparation of a preliminary, nonbinding budget should take place in early March following overview hearings by the Appropriations, Ways and Means, and Joint Economic Committees in their respective areas of budget jurisdiction, and consultations with other standing committees having jurisdiction over major spending programs.

Indeed, there is every reason to hope, if not to require, that all standing committees would conduct such preliminary overview hearings. It would not only increase the value of their advice to the budget committees, but would also assist them in organizing their own legislative schedules and priorities in a more orderly fashion.

It is important to emphasize three things about the budget committee's preliminary budget resolution:

First, it would not be binding. Expenditure and revenue figures would be advisory only—targets, if you will—both to aim for and to shoot at. The integrity of the legislative process requires that budget and related legislative recommendations continue to be subjected to the most careful study by the responsible committees, that these committees and members generally be assured the opportunity to consider alternative proposals, and that the general public itself be given adequate time to understand what is being proposed and to express their views.

Second, the resolution embodying the budget committee's preliminary expenditure and revenue recommendations would be subject to debate and amendment in both Houses of Congress. Only in this way can there be an open expression of Members' choices and preferences at a crucial stage of the budget control process. Only in this way can a true consensus be reached—a voluntary consensus, not an imposed one.

Third, the experience of reaching this consensus—even at the preliminary stage—will serve the related purpose of acquainting members of the standing committees with a workable idea of how far each body is likely to go in viewing the results of their own subsequent committee actions. In other words, it will help set useful guidelines for committee decisions on spending proposals.

The second, and final, stage of the budget control process would occur immediately after House passage of the final regular appropriations bills, or no later than July 1. Following a review of expenditure and revenue estimates, the latest economic projections, and congressional action on spending—both appropriations and backdoor—and revenue bills, the budget committee would prepare final budget legislation.

This legislation, which would have the effect of law upon enactment, would set final figures for both expenditures and revenues and would make whatever specific changes in previously enacted legislation might be required to meet the overall amounts.

Once again, the Budget Committee's recommendations would be subject to debate and amendment on the floor. Here, the procedure to be followed is crucial. First, Members would debate and vote on the overall budget totals. Then, in considering amendments to the committee's proposed changes in previously enacted bills, any such amendment increasing spending for a particular program must include an equal reduction in one or more other programs so that overall totals would remain the same. A similar requirement would govern amendments to the revenue provisions of the committee bill.

In the likely event of differences between House and Senate versions of the final budget legislation, these differences would be resolved, as usual, in conference followed by final approval by the two Houses and signing by the President.

Since this process could be expected to be completed by mid-summer, the question arises of what to do in the event an emergency or other unusual circumstance should dictate changes either in specific program levels or in the overall budget totals.

Under my proposal, such a situation could be handled in either of two ways. Should the Budget Committee decide to do so, or should either House by simple resolution require it, the committee would report a supplemental bill making the necessary adjustments in overall budget totals and in the appropriate program level.

Otherwise, any legislation initiated by

either House which affected the budget for the current fiscal year would, under revised rules, be required to maintain the expenditure-revenue totals previously agreed upon in the final budget legislation. For example, a housing or pollution bill could increase spending in one or more programs, but that same bill would have to include comparable reductions in other programs or be ruled out of order.

Two advantages of overriding significance, Mr. Speaker, would be achieved at each stage of this budget control process. First, the Congress would at each point be confronted with the need to agree on an overall budget strategy, designed to secure the objectives of maximum employment and minimum inflation. And at each stage, too, Congress would be required to consider and establish effective priorities in social and economic policy.

This is the real work of the Congress, for which the Congress for too long has failed to organize itself. By doing so now, we can take a major step in reasserting the constitutional equality of the legislative branch of the Government and in assuring that Government spending—always a key factor in our economic well-being—will be kept firmly in control.

Mr. TOWELL of Nevada. Mr. Speaker, will the gentleman yield?

Mr. CONLAN. I yield to the gentleman from Nevada (Mr. TOWELL).

Mr. TOWELL of Nevada. Mr. Speaker, during the last several weeks my staff and I have checked the CONGRESSIONAL RECORD, and I find that every responsible leader on both sides of the political aisle, Democrats and Republicans in the House of Representatives and in the U.S. Senate, have called for congressional reform.

Unfortunately, Mr. Speaker, I think many of us who are freshmen feel that this has been lip service, merely a way to appease the public.

Mr. Speaker, I believe the majority of the American public, including my constituents in Nevada and others throughout this country, are, indeed, fed up with political bickering amongst Republicans and Democrats. They are not concerned about our fight regarding whether the President has taken too much power or whether he has not taken too much power. They are calling for true congressional reform. They say, and I say, that the people who represent them at the Federal level have, indeed, gone beyond all bounds of reason when they pass bills, many fine bills and for many fine projects, and then steal away into the night and fail to pass a measure to pay for those projects and those causes.

Mr. Speaker, in closing, let me say that I think we all, not only the freshmen class, but the Members who have been here for many years, owe the American public—the American public from which we collect umpteen billions of dollars worth of taxes—we owe them a full return for every tax dollar collected.

Mr. ABDNOR. Mr. Speaker, will the gentleman yield?

Mr. CONLAN. I yield to the gentleman from South Dakota (Mr. ABDNOR).

Mr. ABDNOR. Mr. Speaker, in the great State of South Dakota it is unconstitutional for the legislature to operate the budget in the red. Yet, here we sit in the Congress paying lipservice to fiscal responsibility with the taxpayer's dollars. Is it not time that the Congress approached its responsibilities of setting spending priorities by voting to keep spending within a $250 billion ceiling as the President has requested?

The Joint Committee on the Budget is the first and most important step that the Congress has taken to give itself the tools with which to analyze budget requests. Now we must make sure the committee does the job it was designed to do so the 93d Congress can work within definable limits of scope and need.

Properly drafted, expenditure limitations are the wheels to the work wagon of fiscal sanity. However, to get the wagon really rolling we have to draft horses here in the Congress that are willing to haul the budget wagon past the gap of backdoor spending, and new program authorizations.

The people do not want more taxes, and I agree. We should be grateful that the President has had the courage to make the Congress face up to its fiscal responsibilities.

Mr. PARRIS. Mr. Speaker, will the gentleman yield?

Mr. CONLAN. I yield to the gentleman from Virginia (Mr. PARRIS).

Mr. PARRIS. Mr. Speaker, since the 93d Congress convened 2 months ago, much has been said about the urgent need for congressional reform. I rise today to add my voice to those who believe serious reform is long overdue and to dedicate myself to the proposition that a matter of first priority, and the first major step in this area, must be improved congressional control over the annual budgetary process.

There is no more pressing matter facing this Congress than the distressing national fiscal situation which has been brought about, in my opinion, at least in part, by a lack of adequate congressional budgetary procedures and thereby direct control over the total expenditures of this Government.

Since the enactment of the Budget and Accounting Act of 1921 "backdoor spending" has dissipated the spending authority of the House Appropriations Committee until today less than 50 percent of the total budget is under the control of that committee. I think it is more than a coincidence that during this 50-year period, as authority over spending was relaxed, the Federal budget has resulted in a deficit 37 times over that 50-year period.

The handwriting on the wall could not be plainer. Lack of congressional control and the steadily increasing size of the annual budget deficits is committing this Nation to a frustrating future of unmanageable red ink. That is not the kind of future any of us should want for America, and it is a condition we cannot long tolerate.

Congress must act now to protect the financial security of this Nation by reassuming its proper responsibility over the spending process. In line with this action, I urge the enactment of legislation which will establish a rigid annual spending ceiling which cannot be exceeded by appropriations, legislation which has been recommended by the Joint Study Committee on Budget Control and which is supported unanimously by the 43 freshmen Republican Members of this House and a number of our colleagues on the other side of the aisle.

We all are aware of the need for an overall view of spending priorities and anticipated revenues, but this view will never be available to us unless we exercise our full authority over the budgetary process by establishing an expenditure ceiling and eliminating extravagance by the use of priority spending.

The Congress must set an example of thrift and sound management. Unless we do that, how can we ask our constituents to do more each year. Already the tax burden in this Nation is all but intolerable. Businessmen, farmers, homeowners and the elderly all see their savings and investments decrease in value with each passing year. Where does it end?

Let us hope it ends here, in this Chamber, with the passage of legislation which not only reestablishes congressional authority over runaway Federal spending but which reestablishes Congress itself as a branch of Government which will not forfeit its responsibility.

Mr. CONLAN. Mr. Speaker, I yield to the gentleman from Virginia (Mr. ROBERT W. DANIEL, JR.).

Mr. ROBERT W. DANIEL, JR. Mr. Speaker, I share with many of my colleagues the concern that the Congress is in danger of losing much of its constitutional authority to the executive in the areas of spending and appropriations.

At the same time, I share the President's goal of attempting to curb the growth of the Federal budget. Spending by the Federal Government has created an inflation-producing deficit that can be eliminated only by increasing taxes—which I strongly oppose—or by curbing the growth of the budget.

The Congress can combine these goals—curbing the growth of the Federal budget, and protecting the historic constitutional powers—by acting responsibly on spending bills.

We cannot spend beyond a reasonable level and then not expect the President to act to control the total level of expenditures. If the Congress is to maintain its rightful role setting national priorities, it must make those hard decisions on individual programs necessary to keep the size of the budget under control.

We must also make the institutional changes that will allow the Congress to maintain rational control over the budget process. As the interim report of the Joint Study Committee on Budget Control states—

> The present institutional arrangements in many cases appear to make it impossible to decide between competing priorities with the result spending is made available for many programs where the preference might have been to make choices and also spending reductions.

We should enact, therefore, some reform like H.R. 3569 which I cosponsored with Representative ROBINSON, that would enable us to set budget priorities. Failing any institutional change, we must examine each spending bill carefully and critically to reduce expenditures wherever possible.

The American Revolution was fought because the people demanded control over taxation and spending that the British Crown would not allow. As the representatives of the people today, we must fight to maintain control over taxation and spending. If the Congress loses control of the budget, more is endangered than a small erosion of power to the President.

Mr. CONLAN. Mr. Speaker, I now yield to the gentleman from Texas (Mr. STEELMAN).

Mr. STEELMAN. Mr. Speaker, there is a battle going on in Washington—a battle to determine who has the power to spend Federal funds, the President or Congress. Constitutionally it is the job of Congress to determine when and where money is spent, but in recent years the executive branch has moved more and more into this area.

The President has seen fit to impound funds that Congress has authorized to be spent. The President has charged that Congress has not acted responsibly when it comes to allocating funds—and I agree that we have been irresponsible in this area.

The time has come when we must take back this responsibility and prove ourselves to the people we represent. The House of Representatives has the reputation of being the body of Government that is closest to the people. Now we must show this to be true.

The way to do this is through budget reform. I have joined this movement by cosponsoring House Resolution 142 with Representative PAUL FINDLEY of Illinois and I feel it could be the most important budget reform measure in years. It would give Congress the power to devise the total Federal budget—deciding what money there was to spend and how to spend it.

No longer would there be any doubt where the money for a particular Federal program was going to come from, we would know how much money was available before it was spent. Federal programs would be drawn up to fit the budget, rather than the reverse which is the present case.

I think the most important point in any budget reform measure is that it give appropriate responsibility for Federal spending to Congress.

It is important that Congress reassert its traditional role as a coequal partner among the three branches of Government. It is just as important that it maintain its traditional role as the voice of the people.

The need for budget reform is evident. Just as evident is the fact that many Members of Congress are willing to take the responsibility for this reform. I urge my colleagues on both sides of the aisle to join together in this effort. This is an issue that goes beyond party. It effects the tax burden of every American citizen and it effects the buying power of his dollar. If we face this challenge and reform our budgeting procedure, Congress will rightfully reassume its role as a coequal partner among the three branches of Government. And the confidence of the American people in this body will be enhanced considerably.

Mr. CONLAN. Mr. Speaker, I now yield to the gentleman from Maine (Mr. COHEN).

Mr. COHEN. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, earlier today I was told the story concerning a freshman legislator who made his maiden speech, and he talked in such a weak and inaudible voice that many of his colleagues wondered whether he had lost his maidenhood. I just hope that since this is my maiden speech you will not confuse the strength of my voice with the strength of my argument, for I would rather prefer the voice of moderation.

Each time I return to my district, the principal question I am asked is, as the gentleman from Texas (Mr. STEELMAN) just talked about, whether Congress is going to win the constitutional confrontation. Who is going to win the battle of the budget? I maintain the people are going to win that particular battle; at least, they have the opportunity to win.

I believe we can have a very strong executive and a strong Congress at the same time; they are not mutually exclusive bodies.

We have heard many who have accused the administration of making an unprecedented power grab, and I, too, share the concern that too much power is being concentrated in the executive branch. I also believe, however, in the verity of the observation that power that is lost through force can likewise be regained through force, but power that is lost by either sloth or default may be lost forever.

I think that we have seen a loss of some power through sloth and through default, and that we have the power to regain it provided we are willing to accept the responsibility that attends the existence and the exercise of power.

I remember that Warren G. Harding once said that in the final analysis government is, after all, a very simple thing. And this prompted Felix Frankfurter at the time to retort that there never was a more pathetic misapprehension of responsibility than Harding's statement.

I think we all know that government is not a simple matter; it is a complex matter, and demands the attention and abilities of our most dedicated, most able, most gifted and, above all, most responsible men and women.

I think if definition is necessary that some of the Members might agree in the view that one Governor recently advocated, that government is much like an infant's alimentary canal—it has a healthy appetite at one end, and little sense of responsibility at the other.

I speak in earnest and not in jest, because never in the history of this country have our people been more concerned about, more critical of, more disenchanted with, or more alienated from the various institutions which exist to bring order, efficiency, and service to those whose dollars support them. I think we by and large have contributed to the problem by overpromising and underperforming. We have raised public expectations well beyond the pale of possible governmental performance.

I happen to believe that persistent failure, no matter how high our goals are or may be, will inevitably breed frustration, so I think we have started on the right answer; that is, to take action to finally bring our budget into focus and to talk realistically. I would like to conclude briefly with the final paragraph of a recent article in a well known newspaper. It says:

> Congress can either contribute greatly toward a constructive and fiscally sane budget, or it can muff the job. Before it can make a positive contribution, however, it must straighten out its own absurd, and self-defeating budgetary and revenue procedures. The present non-system parcels out the budget in so many directions that the overall budget picture is lost sight of and, with it, any real control. If Congress wishes to regain its constitutional powers, it would do well to make a start at precisely this point.

Mr. CONLAN. Mr. Speaker, I yield to the gentleman from Illinois (Mr. O'BRIEN).

Mr. O'BRIEN. Mr. Speaker, as a former member of a State legislature, the Illinois General Assembly, I find the failure of Congress to set up adequate budget controls utterly incomprehensible.

This failure is the crux of the current controversy between the administration and Congress over the President's impoundment of funds.

The Constitution gave the power of the purse to Congress. If we have allowed that power to slip away, it is our own fault. For many years Congress has been spending the taxpayers' money with little regard for effects on our national economy or the international monetary situation.

Why have not we established overall budget control procedures? I have not found anybody yet who can give me a sensible answer to that question. Back in Springfield, the first order of business is the adoption of a budget that fixes a ceiling over total expenditures of the State government. But here in Washington, it works differently. The first and last time that Congress takes even a quick look at the budget as an integrated whole is when the budget message arrives each January from the White House. On Capitol Hill the administration's budget requests are broken down into segments by the Appropriation Committees and parceled off to subcommittees whose members, through years of experience, develop impressive expertise in the financial problems of the agencies and programs within each subcommitee's jurisdiction, but their final product—the departmental appropriation bills—are brought to the floor and voted on as separate spending actions. There is no correlation between the spending called for in these bills and the total Federal revenues anticipated during the fiscal year when the spending will occur. There is no overall spending limit under which the expenditures called for in the unrelated funding bills must fall.

Mr. Speaker, if a man of Irish origins may be allowed to resort to the English style of understatement, this is a very untidy situation.

We must put our house in order. We must act to restore the faith of the people in their representative government. Do not blame President Nixon for his attempt to reduce the outflow of Federal funds to more manageable dimensions. Do not blame previous Presidents for their role in the proliferation of programs that eat up our tax funds. Do not blame the spending lobbies so evident in Washington this year. No, my colleagues on both sides of the aisle, you and I, and our predecessors in this House and in the other body across the Capitol, are mainly responsible for the situation we find ourselves in today.

While, as a Republican, I cannot help but remark on the fact that my party has been in the minority in Congress during 38 of the last 42 years, I do not believe we should make this lack of fiscal responsibility a partisan matter. Early this year the Joint Committee on Budget Control began its work. Created by the last Congress, the joint committee, after only a month's work, has agreed on certain general principles. At this point, I quote verbatim from the joint committee's first tentative recommendation from its interim report dated February 7, 1973:

> There should be a mechanism for Congress to—
>
> (a) determine the proper level of expenditures for the coming fiscal year after full consideration of the fiscal, economic, monetary and other factors involved;
>
> (b) provide an overall ceiling on expenditures and on budget authority for each year; and
>
> (c) determine the aggregate revenue and debt levels which appropriately should be associated with the expenditure and budget authority limits.

I believe that this is a recommendation upon which we can all agree. The joint committee has made a good start. Let us help it finish the job by our encouragement and support for procedures that will show we mean business when we talk about living within our means as a nation.

Mr. CONLAN. Mr. Speaker, I yield to the gentleman from Connecticut (Mr. Sarasin).

Mr. SARASIN. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I, too, wish to join my colleagues on both sides of the aisle in the effort we see starting here today. Let us hope that the effort goes on for a long distance from here. All of us have received a great deal of mail, and certainly we have read the rhetoric about the terrible things the President is doing in the impoundment of funds. I think we know better. The question really is not what the President has done; it is what the Congress has not done. We really simply have not exercised our responsibility as Members of this body. We do have the responsibility of creating and promulgating a budget. We have abandoned that over the years, and we now see that the President feels that he has to operate in the manner in which he has operated.

Senator Scott said the other day that if Congress cannot add, the President will subtract so taxes do not multiply. I think this is a pretty profound statement, so I think what we see today here, with the bipartisan effort by Members on both sides of the aisle, is indeed healthy and will go a long way toward restoring the balance of power and the ability of this body to operate effectively in the three branches of Government.

I thank the gentleman for yielding.

Mr. CONLAN. I thank the gentleman from Connecticut.

Mr. Speaker, I yield to the gentleman from Michigan (Mr. Huber).

Mr. HUBER. Mr. Speaker, like the weather, everybody talks about fiscal responsibility, but nobody does anything about it. This resolution demanding fiscal responsibility, signed by many of the new congressional class of 93, is perhaps the most encouraging sign to the overburdened, overtaxed, and overregulated citizens of our country. This unified bipartisan effort, if adhered to by its original sponsors and if supported by those who repeatedly preach fiscal responsibility, could be the turning point in our Government's history to one of action instead of talk when dealing with budgeting matters and spending programs.

Mr. CONLAN. Mr. Speaker, I thank the gentleman from Michigan for his remarks.

Mr. Speaker, I yield now to the gentleman from South Carolina (Mr. Young).

Mr. YOUNG of South Carolina. Mr. Speaker, first of all I think it would be well to congratulate the president of the freshman class, the gentleman from Arizona (Mr. Conlan) who provided the leadership to give us this platform this afternoon.

We say that we are freshmen Congressmen and, therefore, we do not have a great deal of power to do anything in this Congress, but together as freshmen Congressmen we can do a great deal.

I think it is well to note that we are fiscally responsible in most of our State legislatures, we are fiscally responsible in our own businesses and we feel it would be important here and now to be fiscally responsible in this Congress.

I flew in World War II under the command of a General Kennedy and he had a saying in his headquarters I am reminded of this afternoon. He was faced with the Japanese Imperial Air Force and the outlook was bleak, as it is for us here this afternoon. We are so few with such a tremendous task ahead of us. He had this slogan: The difficult we do right away, the impossible takes a little longer.

Mr. Speaker, with this attitude and this outlook I feel together we can make our mark felt on this Congress. Mr. President, if you will continue to lead us, I believe we can accomplish the goal ahead.

Mr. CONLAN. Mr. Speaker, I appreciate the kind remarks of the gentleman from South Carolina, but I think it is only fair that all the Members of the freshman class on the Republican side be given great credit for this, and our respect goes to those Members on the Democratic side who have joined with us on this venture. I think particular credit belongs to the gentleman from Colorado (Mr. William Armstrong) who in our freshmen group provided the inspiration for the excellent breakthrough on which we are embarked.

At this time Mr. Speaker, I yield to the gentleman from Mississippi (Mr. Lott).

Mr. LOTT. Mr. Speaker, I thank the gentleman from Arizona for yielding.

I, too, would like to join my colleague, the gentleman from South Carolina, in congratulating the President and the committee of five who made this opportunity possible for us to speak here this afternoon. I think it particularly significant that the overwhelming majority of the new Members of Congress are taking this opportunity to say that the No. 1 issue in the minds of the people of this country is the budget and fiscal responsibility. After all, I think it would be very easy to assume that we are the ones most conscious and most sensitive to the desires of the people and we are looking very closely at what the people say and what our mail is saying:

> I fear more what we are doing to ourselves here in this country than I fear the threat of invasion by any foreign power, Communist or otherwise. I fear what we are doing to ourselves in the area of economics. I fear what inflation can do, and is doing, to our cherished form of government.

Mr. Speaker, those are not my words. That eloquent appraisal was spoken here on the floor of the House of Representatives countless times by my distinguished predecessor, former Congressman William M. Colmer. Mr. Colmer spoke those very words 20 years ago. Twenty years and in his farewell speech, yet the message still rings agonizingly true today. Federal spending can, and will eat at the very center of our democratic society. An irresponsible bureaucracy devoured France. It is a cancer that can squeeze the very life out of any form of government. It can kill America.

But it is the American way of life, Mr. Speaker, to protect ourselves if we find ourselves in danger. The time has come for us to protect our form of government, protect our future. The time has come for Congress to cease excessive talk about excessive Government spending: Cease the talk and start the action. We must take sound, reasonable steps now if we are to restore fiscal sanity. We must take that action—even if it hurts. And it will hurt.

We are affluent here in America. We usually get everything we ask for. But if we are to protect our affluence, if we are to guarantee the future for our children, we must tighten our belts now. We must put our feet firmly back on the ground and look down the long, hard road that lies ahead.

And we all know, Mr. Speaker; each of us knows that the overwhelming majority of people in this country want this Government to return to a sound, reasonable, workable economy. The American people want to curb waste and inefficiency in the bureaucracy that engulfs our cherished form of Government. The American people want it. You know it. I know it. And they know we know.

We have simply reached the point where the Government can no longer support the people. The people, Mr. Speaker, must now support the Government.

Congress, too, must support the Government if Congress wants to mold a livable, workable, free world for our children.

So let us take time—even for just a moment—to think, seriously think, about what we are doing to ourselves and to our country each time we vote to increase Federal spending. Think about it long and hard.

It is a sobering thought, Mr. Speaker, but the time has come for Congress to return to sober, meaningful, rational action.

Mr. CONLAN. Mr. Speaker, I might say here that the speeches and remarks and debate this afternoon by the youngest Members of Congress perhaps graphically illustrated their feelings this afternoon when the new electronic voting system in the House went out of commission.

We were appalled, even though most of us have sat in the galleries on previous occasions—we were absolutely appalled sitting here on the floor this afternoon to see the extended time—nigh up to an hour—to conduct a rollcall. We wondered to ourselves how many years it took this body to come to the realization that it should introduce an electronic voting tally to speed up the process and to better utilize the Members' time.

Many State legislatures have had this for 20 or 30 years. We were appalled that the Congress has not pulled itself up by its own bootstraps in instituting a budgetary staffing system to cooperate with those departments and keep them from using and often eating up the taxpayers' hard-earned money.

THE BUDGET SITUATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arizona (Mr. CONLAN) is recognized for 60 minutes.

Mr. CONLAN. Mr. Speaker, I now yield to the gentleman from Indiana (Mr. HUDNUT).

Mr. HUDNUT. Mr. Speaker, I thank the gentleman very much for yielding to me.

Mr. Speaker, I thought I was going to be the caboose of one train, but instead I am going to be the engine of another.

A lot of Americans in my district are afraid that our Nation, like the fellow in the rudderless boat floating down the Niagara River toward the falls, is plunging toward a precipice, which if we topple over it will destroy us in the whirlpool of inflation or on the rocks of bankruptcy.

I ask, is it not possible to erect some sensible dikes against that onrushing torrent? I affirm that I believe that it is.

A lot more of our fellow Americans have to make ends meet in their homes and businesses when it comes to the management of their affairs. They have to balance their budgets. They have to live within their incomes, and some day pay off their debts. I would ask, is it too far afield to suggest the situation with the Federal Government is analogous, particularly as we move into a peacetime economy?

Is it not possible to throw a lasso around runaway spending, bring it under control, and stop deficit financing that leads inevitably to more inflation and more taxes?

Again, I would affirm that I believe that it is.

Mr. Speaker, I appreciate having this opportunity to join my freshman colleagues in speaking in behalf of the need for fiscal responsibility and budget reform. Certainly, next to peace, this is our No. 1 issue as it affects every citizen. I believe, as President Nixon does, that the American people do not want their family budgets wrecked by higher prices and higher taxes, and I intend to do what I can, as a Member of Congress, to fulfill my pledge to bring fiscal responsibility into Federal spending. While specific Federal programs may be important to many people and constituent groups, none is more important to all American taxpayers than a concerted program to hold down the cost of living and the rate of taxes.

The fiscal 1974 budget calls for total outlays of $268.7 billion—a projected deficit of some $12 billion—half of this year's deficit. Of the total amount, $202 billion or 75 percent of the budget is virtually uncontrollable due to existing law and prior year commitments. For this reason, it is most important that every effort be made to hold down spending in the remaining areas.

As he had forewarned, President Nixon has presented to Congress a budget proposal in which he grasps the thistle of reining in the perennial expansion of Federal spending. It is a budget in which increases in spending are limited mostly to commitments previously made. It is one in which a start is made on eliminating or cutting back old programs long rooted in the hallowed ground of social welfare.

There will be prolonged debates on the proposed curtailments and reemphasis of various programs in the field of health, education, and social services, and I can well understand and appreciate the concern that has been expressed by many in these fields. I would point out, however, that the budget as presented to the Congress is not really as austere as some have painted it. It actually calls for almost $19 billion more than the spending figure to which the President hopes to hold in the current fiscal year. An overall look at the budget shows that only 30 percent of the total is allocated for national defense. With the exception of the 7 percent which is for interest on the national debt, most of the remainder will be spent in programs that directly or indirectly touch human needs. This quite graphically is not a budget that ignores people. It is an effort to establish priorities and get services more directly to the people.

To hold down spending wherever possible I feel the Congress should enact into law a firm ceiling on overall expenditures—limiting the total outlays to the amount recommended in the budget. I will support this proposal.

In addition, we should enact legislation to provide Congress with a mechanism to establish national priorities and control Federal expenditures. In this connection, I have joined the gentleman from Virginia (Mr. ROBINSON) and other Members in introducing H.R. 3569. This measure is comprised of these elements:

First. A joint Congressional Committee on the Budget would be established, with membership drawn from the revenue-raising and revenue-spending committees—the House Ways and Means Committee, Senate Finance Committee, and House and Senate Appropriations Committees. The Joint Study Committee on Budget Control, which is meeting this week, is a step in this direction, but it is not a permanent authority.

The joint committee would consider the President's budget and best available Federal revenue estimates for the ensuing fiscal year and submit to the House and the Senate, not later than May 31 of each year, proposed spending limits in major Federal program categories. No appropriation bill would be considered until these limits were set, and the spending bills would be expected to fit the limits fixed in the legislative budget.

Second. Budget data submitted by the President would have to include spending projections for a 5-year period.

Third. Congressional spending authorizations would be limited to a 3-year period, and actual appropriations of funds would be subject to annual congressional action.

Fourth. Major new Federal programs would be required to be initiated on a limited pilot basis.

Budget management must be established if we are to have stability, and a basis for a healthy growth in the economy as a whole. The problem of Federal spending is compounded by the diversity of roles the Federal Government is being asked to play in the Nation's economy. Setting priorities no longer involves simply a determination of how much of the Nation's resources should be devoted to a particular purpose; it also requires a human audit about how each purpose can best be accomplished. At present, however, Congress lacks procedures for determining spending goals and priorities. Therefore, I would urge the speedy enactment of H.R. 3569.

We must always remember that every thing that the Government gives out with one hand it must take back with the other, in higher taxes or more inflation, or both. All new spending proposals should be looked at in this way, by asking whether they are worth either of these costs.

Mr. CONLAN. Mr. Speaker, I yield to the gentleman from Virginia (Mr. BUTLER).

Mr. BUTLER. Mr. Speaker, I thank the gentleman for yielding.

Today's special order should make it abundantly clear that we, the new Republicans of the 93d Congress, are firmly resolved to bring the budget machinery of this Congress under such control that it will be an effective restraint on excessive Federal spending. I am proud to be a part of this effort and I commend all of our colleagues who are participating in it.

Mr. CONLAN. Mr. Speaker, I yield to the gentleman from Washington (Mr. PRITCHARD).

Mr. PRITCHARD. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I would like to join with more than 50 freshman Representatives today in urging our senior colleagues to take all possible steps to bring about reform of the budgeting process—including an overall spending limit and provision for the necessary committee structure, staff, and resources by which Congress may review and control expenditures.

Arthur Burns, Chairman of the Board of Governors of the Federal Reserve System, speculated that the President does not really believe Congress will heed his call for a ceiling on expenditures, instead, the Congress will overspend and thus become responsible for tax increases that will become inevitable.

Unfortunately, I believe Congress, by its own actions, has lent some support to this pessimistic view. In the past Congress has given in to pressure to increase spending while failing to provide for adequate revenues.

I do not see many votes in either House of Congress to increase taxes to match expenditures. This means that we must provide mechanisms for controlling spending and allocating limited funds. If we do not, then the President will continue to designate the Nation's priorities by the impoundment of moneys and budget cuts.

Mr. CONLAN. Mr. Speaker, I wish to thank the gentleman from Washington (Mr. PRITCHARD). Those words were well spoken.

Mr. Speaker, this exercise has moved out into more than 40 congressional districts by TV and radio and the press, so we are not only speaking to ourselves here and the other Members, but we are also speaking to the public and involving them, as the polls show, in some constructive changes that are due to improve the image as well as the workability of this body.

Mr. TREEN. Mr. Speaker, will the gentleman yield?

Mr. CONLAN. I yield to the gentleman from Louisiana (Mr. TREEN).

Mr. TREEN. Mr. Speaker, the hour is late, and I think that I may be the last to speak. I will abbreviate my remarks.

Mr. Speaker, I will merely add this to what my colleague, the gentleman from Washington (Mr. PRITCHARD) has stated: We do wish the older Members of Congress well, and we do offer them our votes, and we do offer them our suggestions, but I think that this exercise this afternoon means more than just that. I think it is a message, and I hope it will be received as a message, to our senior Members of Congress that this freshman class as a group, with Members on both sides of the aisle, will be here as a constant prod to see that something definitive comes out of the work of the joint committee.

Mr. Speaker, I for one—and I think I am joined by many of my freshman colleagues—will go on to say that if prodding is not enough, then we will indeed attempt to develop our own legislation.

Mr. Speaker, I am proud to join my colleagues in calling for a spending ceiling.

The permanent debt limitation for the Federal Government is set by law at $400 billion. Last session the Congress saw fit to expand this limit by the passage of a temporary debt ceiling of $465 billion. Inasmuch as I know of no plans for a $65 billion surplus in the near future, I assume that sometime before June 30 legislation will be proposed to make that extra $65 billion of Federal indebtedness a permanent burden on the American taxpayer.

Yet the Senate deleted an amendment to the debt-ceiling legislation which would have imposed a $250 billion spending ceiling for fiscal year 1973.

Why, Mr. Speaker?

Why did the distinguished Members of the Senate, while forced to acknowledge that the Federal Government's fiscal malaise had grown to such dismal proportions as to require such emergency legislation, refuse to take the only step which presented any hope of impeding the growth of the Federal debt?

Many of my colleagues will recall that 1972 was an election year. The enactment of a temporary debt limit, whose proponents must have realized that it would be permanentized shortly after the election, was the sort of statutory sleight of hand which gives credibility to the charges periodically raised against the Congress, to the effect that its Members are more concerned with structures than with substance, more interested in saving face than in saving the country.

Mr. Speaker, this year the U.S. Government paid out $24.2 billion in interest on the Federal debt. For fiscal year 1974, even if the President's much-maligned budget cuts are upheld, the projected figure is $26.1 billion. That is over $50 billion in 2 years, which the taxpayers will be required to pay, without receiving a penny in services in return. Not a penny of that $50 billion will pay for a school, for a hospital, for new housing starts, for any of the other domestic programs we are told are so necessary. Needless to say, not a penny of it will go toward the national security of the people of the United States. All of it will go down the drain; and it is a fact that with every annual budget deficit, the amount going down the drain will grow larger.

Much has been made of the fact that the dollar is no longer the stable, valuable currency it used to be on the international money markets. The finger of blame has been pointed at imports and exports, at the Indochina war, at our NATO commitments—and all of these factors are important. But the central problem is our runaway Federal debt.

Mr. Speaker, is it reasonable to expect people to lend money to an institution whose debts far exceed its income? Who among us would honor the personal check of a man who was in debt far beyond his means—especially a man who had a printing press in his basement and whose only way to cover his bad checks was by printing more and bigger bad checks? Yet this is what we are asking other nations to do. Every Federal Reserve note is a check drawn on the economy of the United States. In the past, our policy has been to run the printing presses, to write checks without regard to how much money we had in the bank. We cannot afford to do this any longer.

Mr. Speaker, several of my colleagues have expressed their concern over an alleged "constitutional crisis." They have laid the blame for this crisis at the feet of the President, his advisers, his Cabinet members. Most recently, they have singled out the Acting Director of the Office of Economic Opportunity, Mr. Howard Phillips, whose efforts on behalf of fiscal responsibility and accountability represent one of the few rays of hope in this bureaucratic tangle we have created for ourselves.

I suggest, Mr. Speaker, that unless we do something to reduce that $25 billion which goes down the drain every year in interest on the Federal debt; unless we act to reduce the 43 percent of every taxpayer's earnings which are confiscated by government at all levels; unless we stop debauching our currency long enough to restore international confidence in the dollar, we will have a moral, constitutional, and economic crisis on our hands which will dwarf any of the other problems and evils to which we now address ourselves.

Mr. Speaker, I suggest that the responsibility for action is ours; and that the time to act is now.

Mr. CONLAN. Mr. Speaker, I wish to thank the gentleman from Louisiana (Mr. TREEN).

Mr. Speaker, we do appreciate our colleagues being here this afternoon and this evening, and we thank them for being so patient with us.

Mr. WYDLER. Mr. Speaker, will the gentleman yield?

Mr. CONLAN. I yield to the gentleman from New York (Mr. WYDLER).

Mr. WYDLER. Mr. Speaker, as a representative of what you are designating as some of the older members—although I am not particularly accepting that as a proper definition—I just want to say that personally and, I think, in general, the freshman Members are going to find a great deal of support of their efforts to change the methods here in the Halls of Congress. They are going to find that there is opposition, but there is also a great deal of support from the newer Members and the older Members to make things better, and if the freshman Members will come up with constructive ideas and good thoughts and be persistent, they are going to find a lot of allies among us.

Mr. Speaker, I am very proud of the fact that the freshmen Members are having this special order here tonight, and the word and the effect of it will go forth and be felt in many ways and in many places on Capitol Hill. I congratulate them.

Mr. OWENS. Mr. Speaker, will the gentleman yield?

Mr. CONLAN. I yield to the gentleman from Utah (Mr. OWENS).

Mr. OWENS. Mr. Speaker, unfortunately I was in my office waiting for a vote that I thought would take place prior to this special order, and just now learned that this discussion was under way.

I commend my freshman colleagues for this effort. Although I have not been present for the duration of this special order, I did associate myself by signing the resolution which has been circulated.

Mr. Speaker, I do not want to associate myself with any remarks which may have indicated approbation for the President's impoundments. I think that constitutes a very serious constitutional threat to the integrity of this branch of Government, and I will not support that. But I have indicated my complete support for a spending limitation, congressionally imposed, and am pleased to reaffirm that position this afternoon.

For that reason I associate myself with the resolution about which my colleagues have been speaking this afternoon.

I think a congressional limitation on expenditures is absolutely essential for two reasons: one, to bring inflation into check, Federal expenditures must be limited, and two, to restore confidence in the congressional branch it is necessary that we exhibit that sense of responsibility.

I will support what I am confident will be hard-working and forthright House efforts aimed at establishing such a budget limitation. I have full confidence in the congressional leadership under the direction of our distinguished Speaker, Mr. ALBERT. He will be providing direction in establishing this limitation, which will permit Congress to determine spending priorities.

As freshmen, if we will unite behind the bipartisan leadership of both Houses, I know we can have a positive effect—our lack of seniority notwithstanding.

I hope there would be no serious references in the debate which will ensue, and the program my colleagues are following which might reflect a partisan or political nature.

I think we share a particular obligation as new Members of Congress of both parties, to unite and help provide that solution to the very difficult problems of inflation and lack of confidence in the Congress. I hope we might do so in a bipartisan effort.

Mr. CONLAN. Thank you, Mr. OWENS.

Mr. STEELMAN. Mr. Speaker, will the gentleman yield?

Mr. CONLAN. I yield to the gentleman.

Mr. STEELMAN. I want to commend my colleague on the other side of the aisle for having made a very important point, namely, that the question of spending is a bipartisan effort. I did in my own remarks say it was something that went beyond party. I certainly look at it that way, and I think I can speak for the majority of the freshmen on our side of the aisle. We do not intend to use it in that way in the Congress.

Again I commend you and your colleagues for going with us on this matter.

Mr. CONLAN. I yield to the gentleman from Colorado (Mr. ARMSTRONG).

Mr. ARMSTRONG. I have listened to the discussion this afternoon with satisfaction and pleasure. I think all of us can perhaps take a degree of pride in this opportunity to express ourselves.

I want to say to the Members what we have accomplished here today is meaningless unless it culminates in action at an early date.

It is interesting to recall psychologists tell us we remember about 10 percent of what we see, 30 percent of what we hear, and 80 percent of what we say. I hope we will all remember this and it will not be necessary for another freshman to urge this same action at a later date. Let us go on with the work.

Mrs. HOLT. Mr. Speaker, I would today like to join with many of my freshman colleagues who are united in this movement to try seriously to bring fiscal responsibility as the central theme of the budgetary process of the Federal Government.

We have come to the realization that we cannot continue trying to buy popularity as a nation or as individuals. The lesson of the 1960's is that Federal funds are limited both in their quantity and in their ability to cure the myriad social illnesses which afflict our Nation. The philosophy which reveres Government spending as a panacea must be replaced with an ideology which recognizes the limitations of purely governmental solutions.

The task before us in Congress is to obtain the maximum benefits from our national resource. It is mandatory that this objective be realized without burdening the already overtaxed American with another deduction from his wages and without triggering another vicious inflationary cycle.

It is obvious that we will not achieve this end if we continue to operate under the present budgetary process. This process is not properly structured to meet the needs of the multibillion dollar Federal establishment. Reform rhetoric has been prevalent in Washington; it is now time for reform action.

An expenditure ceiling must be established before we can intelligently make decisions on levels of funding for specific departments, agencies, bureaus or programs. We need to effect a coordination of effort between the appropriations and the revenue-raising functions. Future obligations of current and proposed programs must be projected through the development of a budget. Current programs must be analyzed on a cost-benefit basis while new programs should be introduced and refined on a pilot basis.

These are some of the many facets of the budgetary function which are in desperate need of change. It seems clear to me that the only way Congress will be able to maintain its historical control over the budget is through the implementation of meaningful reforms of this entire function. The recently elected minority Members of this distinguished body recognize the need for such reforms. We have got to stop talking and start acting. We invite all our colleagues to join with us in the development of innovative solutions which are in the best interests of Congress and the Nation.

Mr. COCHRAN. Mr. Speaker, I am pleased to rise in concert with my Republican colleagues in praise of the President and in support of financial responsibility on the part of the Congress. We have seen during recent years the awful consequences of inflation, tax surcharges, tax increases, and general economic instability which have been caused or aggravated by the wasteful and unrestrained spending of billions and billions of Federal tax money.

My fellow Mississippians and I believe strongly that the Federal Government can no longer afford to view itself as the nursemaid for all the ills in this country. More responsibility for responding to the individual needs and aspirations of the people must be assumed by State and local governments. The President's "new federalism" approach has my full support.

Mr. MOORHEAD of California. Mr. Speaker, the disturbing fiscal situation in our Nation points up a weakness in our spending system that has been years in the making. Under our Constitution, it is the Congress who is delegated the power to establish spending priorities, and, yet, Congress has failed to set up an effective mechanism for budgetary control.

The time is now to seek remedies to restore to the Congress its constitutional rights. The time is now to establish procedures that will assure the most comprehensive and coordinated review of budget totals and to set up a determination of spending priorities and spending goals. There must be established a relationship between appropriations and availability of funds. In addition, there must be a determination regarding the appropriate associated revenue and debt levels.

We need legislative budgetary control and a coordination with the executive branch to put an end—once and for all—to the total growing irresponsibility of the Congress of the past years which has resulted in the $450 billion debt—a weakening national currency—and which in addition has made us the laughing stock in countries throughout the world.

The long contest between the Congress and the President for control over spending must be brought to a conclusion. The power of the purse rightfully belongs in the legislative rather than the executive branch—but for reasons of the abdication of this responsibility by Congress, the power has been diminished to the point of being a mere shadow of the original intent.

While Congress retains the power of appropriations—its scope and effectiveness are limited by the growing Presidential discretion to disregard or modify congressional intent.

Although the Anti-Deficiency Acts of 1905 and 1906 established the apportionment process which decades later became the basis for Presidential impoundment of appropriated funds—it seems the Budget and Accounting Act of 1921 was the turning point in the loss of congressional power.

Under that act, the Bureau of the Budget was established and the President was given the power to prepare an annual budget. Gradually through its own actions the powers of the legislature have been diluted to the point that the President has been given a powerful budget staff—numbering in the hundreds—for managing the spending process as it wished. The back door has been opened wide to programs and agencies, allowing them to spend or borrow outside the regular appropriations process. Every kind of major program—working or not—has a built-in constituency. People who benefit in one way or another become ardent supporters of the program. The broad categories of congressional appropriations have enabled agencies to shift funds among activities and projects, creating the imbalance of power now in existence.

Congress must find ways to alternative courses of action from the present budget system if it is to fulfill its mission as an independent branch of Government. Without such alternative policies, the Congress cannot make informed and independent judgments.

To regain its independence, Congress must have its own source of information—it must be capable of analyzing the President's budget proposals along with any other alternatives it wishes—and it must have sufficient time to do a responsible job.

Congress must initiate to itself the equivalent to the President's budget office. It must become an equal power in the budget process. Congress should be working with the Executive in preparation of the budget—and it should have the exact information that is available to the Executive. Disclosure of agency estimates could improve congressional action on the budget.

There is an urgent need for improvement of congressional appropriations machinery. The recommendations in the 1970 Legislative Reorganization Act that an annual appropriations review is the best means of insuring that Federal spending receives adequate congressional attention is worthy of consideration.

Another point worthy of consideration is the execution of the budget and whether in practice it is an evasion or manipulation of congressional intent. New approaches to the problem of Executive discretion might be in order.

It seems imperative for Congress to reassert control over Federal spending to correct the irresponsible deficit drift of recent years. For these reasons, I wholeheartedly join with the other freshmen Members of the 93d Congress in urging at the earliest possible date congresional reform of the budgeting process, including an over-all spending limit and provision for the necessary committee structure, staff, and resuorces by which Congress may review and control expenditures.

Mr. GUYER. Mr. Speaker, today, every American faces a fiscal crisis due to uncontrolled and misdirected spending. Spending has become a national pastime in Washington.

Our Federal Government spends cash at the rate of $475,000 a minute. At that rate, the Government spent more money in the first 10 months of our last fiscal year than they did between 1789 and 1942. Proposed expenditures for fiscal year 1974 are $268.7 billion. Just think how much a billion is. If you would have started a clock in the year one, by now it would not even have ticked off a billion minutes.

In 1900, the Government employed one million people; today, there are almost 13 million government employees and 20 percent of all workers are Government employees.

Today our national debt is reaching almost one-half trillion dollars and over 10 percent of the average American family's taxes are used to pay the interest on our national debt. The average family's share of the Federal budget has risen from $2,000 10 years ago to $3,700 today, an increase of over 80 percent.

Now is the time to return our country to fiscal sanity by bringing Federal spending under control. Congress must be given the tools to establish national priorities and control Federal expenditures.

I have introduced legislation this session (H.R. 2842) which would give Congress the needed powers to restore our country to fiscal sanity. Briefly, my bill would establish a congressional budgeting system which would facilitate establishment of national goals and priorities to meet the responsibility to oversee and establish fiscal guidelines for the proper implementation of national goals and priorities; and develop a means for a constant and systematic review of existing programs to be certain that they are achieving the national objectives for which they were created.

We, as the legislative body, responsible for the biggest budget in the world, are rendered almost incapable of meeting our Nation's fiscal problems or the obvious need to establish responsive national priorities. Congress now lacks the tools to determine our spending goals and priorities.

The legislation which I have introduced would give Congress necessary powers by, first, projecting all major Federal expenditures over a 5-year period, then, by evaluating all major Federal programs at least every 3 years. Also, every proposed major Federal program would have a pilot test.

Other proposals included in my legislation would be the designation of a joint congressional comimttee to evaluate the Federal budget in terms of priorities and the subjection of Federal programs financed through trust funds to the annual appropriation process just as other tax-supported programs are.

My proposal will allow this legislative body the congressional control over Federal expenditures that will return our Nation to a state of fiscal sanity.

Mr. MILFORD. Mr. Speaker, I congratulate my colleagues on the other side of the aisle for making possible this opportunity for many of us, new to the House, to express ourselves on an issue which I believe is one of the most important facing Congress and the Nation.

We have taken a good step forward in the fine work of the Joint Committee on Budget Control, and I was pleased to respond to that committee's kind request for my views.

I strongly believe that it is incumbent upon the Congress to balance Federal income against Federal spending, and establish spending priorities within the income.

We need to get accurate estimates of national income, subtract uncontrollable payments—retirement payments, interest on the national debt, and the like—and use the balance for the programs which Congress, representative of the people, believes are most important.

The fact that we are here today underscores the problem. Congress simply has not performed in this area. So, even though it has been distasteful. I have felt compelled to support many of the President's budget cuts. Right now he has the only game in town.

I am looking forward to having the alternative of supporting a congressional budget.

Mr. WALSH. Mr. Speaker, I, too, rise to speak on the matter of fiscal responsibility.

As a new Member of this Congress I am convinced that on many occasions in the past and even at present, Congress has been guilty of fiscal irresponsibility.

I need only call the attenion of the House to an article in the March 4, 1973, Washington Post. In an article about the rejuvenation attempts for Gary, Ind., the story related that in one fiscal year the city received more Federal aid than the entire city budget of Gary authorized for expenditures.

At one point, the situation became so serious, that the city planners had to contact Washington and ask them to stop sending money and start sending people who knew how to spend it, and believe me, Washington can provide the spenders.

This is the type of fiscal mismanagement we seek to stop. Coming from the executive branch of Government, I feel considerable empathy for the President. As the former chief executive of a city, I would not feel compelled to spend money in excess of that which I requested if the legislative body appropriated more than needed.

The President is right in attempting to cut Government expenditures since this is the single most important cause of inflation.

His program to return the wisdom of choice to State and local government is an ideal we should all support. Where else can priorities be better established than at the local level.

I remember very well a public hearing conducted in my city by Members of the Congress when the poverty program was first proposed. The Congressman, since defeated, told me and our city government at the time and I quote

> We don't care what you in your city want, if we in Washington think you should have it, you'll get it—whether you want it or not.

This dictational attitude we also seek to stop.

I intend to support the President in his determination to bring sanity to what I now consider fiscal chaos. I am pleased to join my freshman colleagues in calling for a return to sound governmental fiscal programs and integrity.

Mr. CRONIN. Mr. Speaker, the current controversy over the President's impoundment of appropriated funds has once again illustrated the legislative body's historical inability to adequately oversee the appropriations process. While the Executive's initiatives have disturbed some members of the Congress, the fact remains that the Congress has failed to adequately man the fiscal barriers.

I respectfully submit that the time has come for the Congress to live up to its constitutional appropriations responsibility. Our past failure has not been due to any lack of concern but is, instead, a direct result of our inherent structural inadequacies when it comes to fiscal control. Our task must be to correct these structural flaws. Towards this end, I have great hope that the Joint Committee on Budget Control, which begins hearings this week, may develop an efficient fiscal mechanism by which the Congress can effectively oversee the appropriations process. I am sure that the joint committee understands the urgency of our problem. If they develop, and the Congress adopts, a program that will include a mandatory spending ceiling, coupled with structural reform that includes a committee on the budget for an ongoing review of tax and expenditure policy, the Congress will have taken a major leap forward in regaining our equality with the executive.

Perhaps more importantly, the U.S. Congress will be on record with the international financial community as having finally come to grips with our own fiscal problems. We will be showing the world that we can solve our problems, thus renewing the faith in the stability of the U.S. dollar.

I call upon my colleagues to strive towards achieving an overall spending perspective. Too often in the past we have been concerned only with the funding levels within the purview of our committee assignments, with little concern for the whole picture. The Congress has carried out its fiscal initiatives in piecemeal fashion and, as a result, we have failed dismally in our efforts to control spiraling inflation.

This we must now change. We must reform our fiscal machinery so that a sound budget is the rule, rather than the exception. I am a firm believer in the principles that our Founding Fathers used in setting up our Federal Government. I believe that Congress should be separate from but equal to the executive. I cherish the prerogatives of the Congress. I also recognize that much of our current distortion is the direct result of the Executive making better use of his powers than we have ours. It is time that we faced up to that fact, resolve the problem, and get on with the task at hand. This is no longer an internal partisan difference of opinion but a major structural problem which needs bipartisan attention. I have great hopes that this can be done, and I pledge myself towards that end.

Mr. SHUSTER. Mr. Speaker, I would like to extend my wholehearted support to any effort by this Congress to reassert its constitutional responsibility to establish fiscal priorities for this Nation. In recent years, by failing to exercise its own budgetary control, the Congress has inadvertently abdicated this responsibility to the executive branch. Much of the current conflict and tension between the executive and legislative branches is derived from this shift of responsibility.

I would not be so bold, Mr. Speaker, as to put forth my own specific plan for such budgetary control. I would prefer to defer to more experienced and wiser heads here in the Congress. They can count on my support. I think, however, that we can all agree on some general observations that in all likelihood would have to be recognized in any specific plan.

I think it is clear, for example, that the Congress itself will have to establish some sort of overall budget ceiling, a limit to which all subsequent appropriations bills for a specific fiscal year are subject. We cannot continue to appropriate, appropriate, appropriate without having some overall plan, structure, or limitation. Our national debt now approaches half a trillion dollars with no sign of any abatement of its continued rise. I have seen projections indicating annual $40 billion deficits in just a few years unless we are able to do something. I do not believe our economy could survive such an eventuality.

Similarly, I think we are going to have to establish some sort of relationship between appropriations and revenues. Every organization, from the big corporation down to the individual family unit, plans its spending on the basis of anticipated revenues.

I think it might be useful for the Congress to obtain 5-year projections of revenues as a necessary part of its budgetary deliberations. I even have seen suggestions for the establishment of a formal relationship between appropriation and revenue bills in which any spending bill would be accompanied by a bill showing where the money would come from.

Finally, I think we are going to have to gain better control over the profligate spending tendencies of the Washington bureaucracy. For years, we have been hearing about the application of Keynesian economics in which we pump additional money into the economy when it is sluggish, a sort of priming the pump effect. But that is only one-half of the equation. When the economy is overheated, we have to tighten up on the money supply and curb Federal spending to prevent further overheating. Around here, we seem to know only half of the Keynesian equation.

Mr. Speaker, I believe in this Congress and our ability to make our system work in the best interests of the Nation. I think there is a will in this Congress to return to fiscal responsibility even as it requires some sacrifices on our part to serve the special interests of our constituencies. I believe the Congress recognizes that all the people of this great Nation represent the collective constituency of the entire Congress and that we as individual Members will be willing to make the personal sacrifices needed to serve that constituency. I am looking forward with anticipation to this coming noble effort. Thank you, Mr. Speaker.

Mr. BAFALIS. Mr. Speaker, the dollar is devalued again for the second time in 14 months. Food prices are expected to jump at least 6 percent this year. The national debt now wavers just under the $450 billion mark—$2,100 for every man, woman and child in the United States. Interest alone on this figure is staggering—$24 billion annually.

Seemingly, the entire economy of the United States is on very shaky ground.

Unfortunately, this is a crisis traceable to skyrocketing Federal expenditures. Federal spending, to be frank, has gone out of control and the American people are very aware of it, for when the Government spends beyond its means, the result is runaway inflation. In the last 10 years, Federal spending has increased 100 percent. And in the first 10 months of fiscal year 1973, we spent more money than we did from 1789 until 1942, the first 153 years of our Nation's history.

Congress seems overly willing to adopt new programs with huge price tags with little regard as to where the money will come from, the overburdened American taxpayer. However, since 1950, the share of personal income taken for taxes by all levels of Government has doubled. We must realize that this ever-increasing burden works to dull individual incentive and discourage individual responsibility.

If ever there was a time ripe, or perhaps overripe, for corrective action, surely it is now. And that action can only come from one source, the body vested by the Constitution of the United States with the responsibility for action in fiscal matters of this country, the Congress.

I personally feel the time has now come for us to get our house in order. In an attempt to remedy this situation, I have introduced a proposed constitutional amendment which prohibits deficit spending. While I am convinced that this is the most ideal way to approach this situation, I am aware of the fact that the adoption of an amendment to the Constitution is a very long and involved process and we need remedial action now.

Mr. Speaker, I am not here to point an accusing finger at Congress. My purpose is not destructive, but rather constructive.

At the present time, Congress simply does not have the necessary procedures to assert control over the vast Federal budget. It is my purpose today to encourage Congress to unite and take the steps necessary to reassert its responsible control over the budget of this Nation.

I feel that the formation of the Joint Congressional Study Committee on Budget Control is a giant step in the right direction. In reviewing its interim report which was just issued, I find many valid observations and sound proposals.

The crux of the problem lies with being able to review the revenues coming in and then determining an overall spending ceiling. Then national priorities must be assessed and used to decide how and where the available money should be spent.

Under the procedures of the House now, there is no legislative committee that has the responsibility to decide whether or not total outlays are appropriate. In view of the current fiscal situation, this seems to be responsible for much of the problem. Right now this responsibility is spread out between several different committees, with no correlation between the committee that appropriates and the committee that taxes.

This can only add to the chaos, because, as a result, each spending bill tends to be considered by Congress as a separate entity and any assessment of relative priorities among spending programs is made solely within the context of that bill alone when it is brought before Congress for consideration.

Obviously, in order to make sound and responsible judgments on these appropriations, it is necessary to have a broad view of the overall picture. One solution could be to institute a committee in Congress whose sole responsibility would be to provide us with a total, comprehensive fiscal picture—thereby giving us the facts and figures necessary to make sound, responsible judgments.

The mail coming into my congressional office shows that the number one public concern among my constituents is spending—not just the vast amounts of money we spend, but the lack of coordination in the way these sums are spent. As you know, some very recent public opinion polls show that Congress is held in less than high esteem by the American public today. Surely this is caused in part by our failure to act as a coequal branch of Government. Let us join together and take action to reassert our own constitutional prerogatives by adopting methods and procedures leading to a rational budgetary process which will enjoy, once again, the confidence of the American people.

Mr. SYMMS. Mr. Speaker, as a freshman Congressman, I was surprised and concerned that I was expected to vote on legislation to spend money without ever having a clear picture of what the final total amount of spending would be.

For years the Congress has passed appropriations on a piecemeal basis, and then discovered when all spending was added together that there was a large deficit. Since it is popular to vote for bills which give money to the people "back home," the deficit increases each year. The time has come to say clearly, "No more." This kind of fiscal irresponsibility must stop now.

When we engage in this kind of overspending we force the President to make budget cuts which the Congress should have made. No one man should be forced to accept that much responsibility, and no one man should be allowed to have that much power. The Congress is in a better position to establish spending priorities than the Executive and should have the courage to do so. The time has come when we must stop the political game of voting to spend more than we have and then blaming the President for impounding funds. It is hypocritical to place the blame on the President when we are at fault in the Congress. He is acting in the most responsible way he can with the options we have given to him.

If we have the courage to set a budget limit, and establish spending priorities within that limit, we will not have to live with an expanding Federal debt, and sudden changes in the funding of programs. The people of this country are ready for fiscal responsibility and will support a Congress that has the good sense to intelligently limit its spending to the amount that it takes in.

I urge my colleagues to stop promising programs to the people at home, then trying to pay for them with the printing press on Independence Avenue.

Mr. BEARD. Mr. Speaker, I am pleased to join my freshman colleagues this afternoon in presenting a united front in favor of a more fiscally responsible approach to Federal spending.

Freshman members from both sides of the aisle, many of whom are still confused by the great complexities of this vast Government, do recognize that something is awry. It seems to many of us that the increasing power in control of the Federal Government has become deleterious to the Nation both at home and abroad. Domestically, we are being feted by a vicious inflation. Abroad our currency is no longer "sound as a dollar." In many ways both situations can be traced to spending by the Federal Government in Washington.

The current debate over the right of the executive to impound funds appropriated by Congress is a phony—no more than a distraction from the real issue of the inadequacy of the present congressional budgetary process. It is the failure of Congress to deal with the issue of Federal spending and to provide a method of determining priorities which have forced the President to use his impoundment authority. He has made a commitment to the American people to limit Government spending and thereby, prevent a tax increase. If we exceed his budget we must bear the burden for the resulting rise in taxes. The President has us in an inexorable bind—either we buckle under to his cuts or we present the American people with a tax increase to foot the bill for spending beyond the total budget request. I do not believe the American people will tolerate such an increase.

Mr. Speaker, I think we must ask ourselves what factors have led us to the present monetary crisis. Simply stated, I believe the root cause is that the Congress has no defined system of budgetary procedure. The incredible fact is that the largest single spender in the world, the Federal Government's legislative branch, never adopts a budget of its own. When you think that almost every business, city, municipality and family has some organized system of allotting funds to meet its needs, then the absurdity of Congress's approach to spending and priorities is eminently clear.

The only semblance of control over allocation of funds the Congress has is reactive. All we in the Congress can do is react to the President's budget as it is prepared by the OMB. Even in that reaction, there is no orchestrated analysis, acceptance, or rejection of the priorities set forth by the Executive. No one congressional committee is responsible for judging the relative merits or demerits of the Executive budget or for gleaning the consensus of congressional opinion to establish a responsible plan of expenditures. Therefore, what the Congress has now is a nonsystem—a total void of setting priorities and establishing a budget to meet the priorities it, as a single body, decides are worthy.

The existence of this nonsystem is why we are where we are today. In concrete terms the crisis is even more disturbing and it is getting worse. In the first 10 months of this fiscal year Federal outlays will exceed the total amount spent by the Government in our first 153 years as a nation. We spend almost $28 million every hour of every day in the year. Since 1958, Federal expenditures have risen by more than two-thirds.

Today's average family share of the total budget is $3,700. This is 80 percent above what it was only 10 years ago. The list of such statistics is endless and seemingly everyone is agreed that Federal spending has reached an emergency stage and must be dealt with. Yet, every attempt to exert control over the Federal outlays has failed and failed miserably.

Mr. Speaker, because we are at the point where we can no longer continue to operate in a dream world, because all of our mirrors for showing economic viability have been exhausted, because the people of this Nation are no longer going to tolerate a government which wastes his or her tax dollars, this body must take positive action to establish a means for determining its future and the future of Government. This means must be justifiable within normal economic and moral constraints.

It is for this reason, Mr. Speaker, that I introduce today legislation which offers a positive alternative to our present course. This proposal is identical to that offered by my friend and former member of this body, Senator Bill Brock. I do this not so much in respect for the imagination and far-sightedness of his proposition, but more to demonstrate my concern for the fact that the American people are at their wits ends with a Government which has failed to meet its assigned task of seeking solutions to problems which cannot be solved in the every day context of normal commerce by the private sector.

The bill I am offering today would strike the problem, not at its branches but at the root. It does not carry with it an acceptance of the President's budget, but it can accept its ceiling. It can provide a mechanism to design a system of congressional priorities and allocate funds consistent with an overall ceiling.

Mr. Speaker, the measure I am introducing would:

First, designate a joint congressional committee to formulate a legislative budget to evaluate the Federal budget in terms of national priorities;

Second, require the projection of all major expenditures over a 5-year period;

Third, require all major spending programs to be evaluated at least once every 3 years—zero-based budgeting;

Fourth, require consideration of pilot testing of proposed major Federal programs; and

Fifth, require all Federal expenditure programs to be appropriated annually by Congress.

During my recent campaign I made this particular proposal a major part of my platform for election. Everywhere it received warm acceptance as a feasible solution to our present approach of authorizing and appropriating funds with no design or idea of total spending, nor for the merits of that spending in relation to other national needs.

The all-inclusiveness of this legislation is also what attracts people. It dissolves the impoundment question by removing the President's leverage on the tax issue. It goes to the heart of the need to establish priorities by mandating the establishment of an overall legislative budget. It strikes at congressional overspending by establishing a fixed ceiling for expenditures with an internal design to keep to that limit. It meets the fears of people that the Congress is insensitive to waste by creating evaluative and reevaluative projections on the effectiveness of such spending. It addresses the problem of congressional funding commitments in the far future which exceed our financial capacities as a nation through the zero based budgeting feature. But, most importantly, it reasserts the role of Congress by restoring its means to responsibly determine the future course of this Nation.

Mr. Speaker, I am pleased to address the House with my freshman colleagues to demonstrate our concern in improving congressional control over the budget. I hope we will move quickly in adopting such a mechanism as I have proposed and I ask that the text of my bill appear in the RECORD at this point.

THE CONSTITUTIONAL QUESTION—THE CONGRESS AND THE EXECUTIVE

The **SPEAKER** pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. CRANE) is recognized for 60 minutes.

Mr. **CRANE**. Mr. Speaker, this week a congressional conference on "The Constitutional Question—the Congress and the Executive" has been scheduled. No subject is more deserving of our serious consideration at this time.

More and more, the American people live under a government which is less and less responsive to their own will. Rather than having laws passed and policy determined by the men and women they elect to the Congress, and who must return to them at frequent intervals for their approval or disapproval, Americans are now subjected to a maze of rules, regulations, and policy decisions which are made by nonelected government administrators—"bureaucrats."

Congress, it must be remembered, was considered by the men who wrote the Constitution to be the most important branch of government. It was that branch which was closest to the people and it was Congress which was given the power to declare war. The House, often referred to as 'The People's body," was given the sole authority to originate money bills. The executive was, according to the formulation of the Founding Fathers, meant to administrate the policies determined by the legislative branch. The executive was to be precisely what the term meant, the "executor."

In his important book, The Political Culture of the United States, Prof. Donald Devine of the University of Maryland declares that:

> The American political tradition stresses the importance of limiting the sphere of government. Thus, the tradition emphasizes restrictions both for minorities and even for popular majorities . . . [but] the first and most basic institutional rule of the . . . tradition is that the legislature predominates.

Political philosopher John Locke is also emphatic on the position of the legislature. In his Second Treatise, a volume which had a profound effect upon the men who wrote our Constitution, Locke declares that:

> There can be but one supreme power, which is the legislative, to which all the rest are and must be subordinate.

According to Locke, the legislative is subordinate to the people, but of the institutions of government, the legislative branch is supreme. It is the institution "which has a right to direct how the force of the commonwealth shall be employed for preserving the community and the members of it." The legislative power is best put into "the hands of many who assemble to make laws but who do not administer them." James Madison followed this tradition directly when he declared in Article 1, Section 1 of the Constitution that:

> In Republican government, the legislative authority necessarily predominates.

Professor Devine makes it clear that:

> Presidential dominance is inconsistent with the liberal tradition . . . the legislative must have the ultimate power for a government to be within the tradition.

Our Government was created as one of strict checks and balances. In the Federalist Papers, James Madison states plainly that:

> In framing a government which is to be administered by men over men, the great difficulty lies in this: you must first enable the government to control the governed; and in the next place oblige it to control itself.

Madison also noted that:

> If it be a fundamental principle of free government that the legislative, executive and judiciary powers should be separately exercised, it is equally so that they be independently exercised.

Today, however, we observe Congress abdicating its authority to the Executive. In the Gulf of Tonkin Resolution, Congress told the President that he could do whatever he found necessary with regard to fighting a war in Southeast Asia. In the recent legislation concerning wage and price controls, what was in effect an economic Gulf of Tonkin Resolution, the Congress declared that the President could do whatever he found necessary with regard to fighting a war against inflation. Congress has turned the authority which is granted to it by the Constitution over to the Executive. This is not what it was elected to do.

The entire idea of delegating authority to someone else is based on many false notions, but the most important may be that this "someone else" is acting on the basis of what is best for the country rather than on the more partisan basis of what he believes to be in his own self-interest.

The ancient Greek philosophers understood this dilemma very well. At one point Thrasymachus asked Socrates whether he had a nurse. When he was asked to explain his question, he replied to Socrates in this way:

> Because she leaves you to drivel, and omits to wipe your nose when you require it, so that in consequence of her neglect you cannot even distinguish between sheep and shepherd . . . You think that shepherds and herdsmen regard the good for their sheep and of their oxen, and fatten them and take care of them with other views than to benefit their masters and themselves; and you actually imagine that the rulers in states, those I mean who are really rulers, are otherwise minded toward their subjects than as one would feel towards sheep, or that they think of anything else by night and by day than how they may secure their own advantage.

Experience has shown us that men in political life too often follow policies which they believe will assist them in gaining reelection, rather than policies which will solve any real problems before the country. If such an approach is used by men whom we elect and can recall at the next election, it is a shortcoming we can at least partially correct. But if it is used by a pay board, an administrative commission, or an executive adviser, appointed by the President, whose authority is simply a delegation by Congress which Congress has no real right to delegate, then how do voters express their anguish and dismay? The answer is, of course, that they cannot. In large measure, they are not in control of their own Government.

The majority of Members of Congress oppose school busing to achieve racial balance, as do the majority of the American people as indicated in every poll taken on the subject. Nevertheless, the buses are rolling. Administrative directives which have the force of law but which have never been approved by the elected representatives of the people are, more and more, coming to characterize the nature of American Government.

In his study, "The Rise and Fall of the Roman Empire," Gibbon notes that:

> Augustus was sensible that mankind is governed by names; nor was he deceived in his expectations that the Senate and people would submit to slavery provided that they were respectfully assured that they still enjoyed their ancient freedom.

Our problem is not that we are ruled by evil men, or that evil men are abdicating their authority and responsibility. Adlai Stevenson once spoke of a politician of particularly rancid practices and said:

> If he were a bad man, I wouldn't be so afraid of him. But this man has no principles. He doesn't know the difference.

This may be the real crisis in American politics, in both the executive and legislative branches, that we are losing our ability to tell the difference.

Congress has, of course, not only abdicated its authority to the Executive in such matters as the war in Vietnam and the state of the economy. It has also abdicated much of its authority to bureaucratic governmental organizations, made up of men who were elected by no one and have no obligation to return to the people at specified intervals for their approval or disapproval.

Speaking at this point Dr. Galloway is quoted by James Burnham, in his volume, "Congress and the American Tradition," as stating that:

> Beginning in 1887, when Congress created the Interstate Commerce Commission, more and more commissions have perforce been established . . . in many areas of economic and social activity. To these agencies Congress has usually delegated the power to "issue such regulations and orders as it may deem necessary or proper in order to carry out the purposes and provisions of this act." This practice of delegating to administrative agencies or commissions the power to issue rules and regulations spelling out the general principles of law and applying them to specific cases has grown apace since 1912 . . . Congressmen generally recognize the need for delegating legislative powers as a means of reducing their work load and of taking care of technical matters beyond the competence of Congress. But they believe that the great growth of administrative law making has become a menace to the constitutional function of Congress as the legislative branch of the national government. . . . These commissions have mixed executive, legislative and judicial powers. Taken together, they constitute a "headless fourth branch" of government.

In recent days both liberals and conservatives have argued that the bureaucracy has become a law unto itself, uncontrolled and virtually uncontrollable.

Many, for example, have expressed dissatisfaction with the conduct of General Lavelle. General Lavelle, it was charged, went beyond his specific orders calling only for reaction strikes and the bombing of limited targets. He said that he had not told his superiors of his action, and his superiors argued that they could not have known what was happening in the field.

Writing in the Washington Monthly, Jack Gonzalez and John Rothchild point out that:

> His bombings brought a strange chorus line to Senator John Stennis' Armed Services Committee, all in a scramble to prove their ignorance. The boss' lack of awareness that his hireling was bombing . . . might be grounds for charges of incompetence, but Stennis found it reassuring, even laudable, that Abrams didn't know. The fact that the commander of U.S. forces in Vietnam hadn't the foggiest idea of what Lavelle, the commander of the Seventh Air Force, was up to, was enough to convince Stennis and most other senators that Abrams was qualified for the top post in the army.

Unfortunately, many critics of the military do not recognize that on the domestic scene precisely the same thing takes place, probably with greater frequency. In their effort to end racial, ethnic, and sexual discrimination, for example, Government agencies have become involved in enforcing racial and sexual quotas in hiring—most openly in the construction industry, through the Philadelphia plan, and in universities, threatening a cutoff of Federal aid if the quotas are not met.

Where does the Department of Health, Education, and Welfare get the authority for the imposition of such quotas, which the Department calls guidelines? The answer is that it does not get this authority from any act of Congress, for the elected representatives of the people have never sanctioned this policy. The policy is a creation of the HEW bureaucrats themselves.

What HEW is doing, in effect, is to violate the very law it is seeking to implement. In guidelines issued by the Office of Federal Contract Compliance, implementing Executive Order 11246, as amended by Executive Order 13375, it is specified that any contractor with the Government of 50 or more employees may not practice discrimination in hiring. Failure to comply makes the contractor ineligible for Federal funds.

The order does not say anything about racial, sexual, or ethnic quotas. The guidelines drawn up by the Office of Compliance to determine whether or not a prima facie case of unjust discrimination obtains are, in fact, quite reasonable. They specify that a case of underutilization exists with respect to employment of minorities and women wherever there are appreciably fewer minority members or women in any particular category of work than "would reasonably be expected by their availability." It makes clear that "availability" is to be defined not by the numerical presence or percentage in the general population but by the possession of "requisite skills in the immediate labor area."

The regional offices of the Federal Compliance Board, however, has interpreted these guidelines in a far different way. Prof. Sidney Hook points out that:

> The manner in which they have been interpreted is to disregard completely the all-important criterion of qualification or requisite skills in institutions of higher learning. They have assumed that what might be a legitimate inference in considering the presence or absence of discrimination in hiring individuals for an assembly line or for positions that require no particular or special skills holds for all levels of university instruction. They have proceeded apparently on the assumption that if a disproportion exists between the ratio of minority members employed to the total number employed and the ratio of minority members to the total population, the university is not complying with the presidential directive. It then gives the university thirty days to remedy the situation or face the loss of all its federal contracts.

Prof. Paul Seabury expressed the view that HEW is not fighting discrimination in its interference in the academic world—unsanctioned by the Congress—but is calling for it. He wrote in Commentary magazine:

> A striking contradiction exists between HEW's insistence that faculties prove that they do not discriminate and its demand for goals and timetables which require discrimination to occur. For there is no reason to suppose that equitable processes in individual cases will automatically produce results which are set in the timetables and statistical goals universities are now required to develop. If all that HEW wishes is evidence that universities are bending over backward to be fair, why should it require them to have statistical goals at all? Do they know something no one else knows, about where fairness inevitably leads?

In many respects it does not matter very much who the President designates as Secretary of any given agency. The captains may change, but the players remain the same, and it is almost impossible for political appointees in Washington to learn what the civil service employees in Des Moines or Atlanta or Seattle are really doing. When he was head of the Office of Economic Opportunity and of the Peace Corps, Sargent Shriver tried to find out for himself what was really occurring by forming an independent Office of Evaluation, so that his reports did not come from the very people involved.

The Washington Monthly notes that:

> The traditional bureaucrats didn't like Evaluation because Shriver's inspectors ruined the whole elaborate sanitizing system that made information gradually more palatable as it passed from the field on up the line. The sanitizing occurs in all government agencies, largely because if your report to your boss doesn't enable him to write an optimistic report to *his* boss, then your boss will be out of a job, and so presumably will you.

The bureaucrats' role has become that of not only hiding the facts from the public, "but also to keep them from fellow bureaucrats up the line. When bad news gets into the papers, the superiors will read it too. If the heat is on and there might be leaks in the pipes, the best thing to do is not to send any adverse information through. Both the public and the agency's directors end up suffering from the same ignorance." Thus, Secretary of Defense Robert McNamara kept telling us that the war in Vietnam would be "over by Christmas." The men in the field did not have the heart to tell him the truth—that it would not.

If Americans feel out of control of their Government, it is this trend toward bureaucracy which is, in large measure, responsible.

In 1910 Louis Brandeis told Walter Fischer, who was coming in as Secretary of the Interior:

> I have but two suggestions to offer: approve no documents the contents of which you do not understand; sign no letters which you have not read.

Fischer retorted tersely:

> You ask the impossible.

How much more true are Fischer's words today? Even in 1910 it was recognized that elected leaders and their appointed officials were virtually out of control of the vast complex of Government machinery beneath them.

Even many who advocate an ever expanding National Government recognize this problem, and it is not only critics of big government who are concerned about current trends. In his book, "Bureaucracy and Democracy," Charles Hyneman, a former president of the American Political Science Association, issues a warning about the strength and power of the bureaucracy:

> It is in the power of these men and women to do us great injury, just as it is in their power to advance our well being. It is essential that they do what we want done, the way we want it done. Our concept of democratic government requires that they be subject to direction and control that compel them to conform to the wishes of the people as a whole whether they wish to do so or not.

To the growing trend toward bureaucratic autonomy, Mr. Hyneman takes exception:

> The American people have authorized nobody except their elected officials to speak for them. The administrator may have good

> judgment as to what most of the American people want but he does not know what most of the people want. Those persons, as individuals and as groups, from whom he accepts guidance may speak authoritatively as to what some of the people want but they cannot speak authoritatively for the people as a whole. The elected officials, President and Congress, do not know what most of the people want either, but they speak authoritatively on that subject because they have been authorized to speak on that subject. If they say the wrong things in their instructions to the administrative branch they can be got at and repudiated through the procedure set up for the popular control of the government—the political campaign and the election. That procedure is not available for the direct recall of the administrator who makes decisions which incur widespread displeasure.

In any discussion of the abdication by the Congress of its own Constitutional responsibilities we must turn our attention to the question of the war powers. During the Mexican-American War, American troops were committed to battle without a congressional declaration. Abraham Lincoln, then a Member of Congress, vigorously objected to this course of action. More recently, American troops were committed to war in Korea without a declaration and during the preceding administrations of President Kennedy and Johnson American troops were committed to war in Vietnam without a declaration. In each instance, Congress acquiesced by providing all of the funds necessary to conduct the war. In none of these cases may it be said that the Executive compelled the Congress to follow a course of action which it vigorously and effectively opposed.

The question remains: is this the kind of system the Constitution established, and is this the kind of system we want to have?

In his volume "The Way We Go to War," Merlo Pusey asks:

> Can the United States be committed to war without action by Congress? In 1787, the Founding Fathers resolved that it could not be, and the country held to that principle with little deviation. . . . In recent years, however, the President has been exercising the power to make war with alarming consistency. One-man decisions involving the lives of citizens and the fate of the Nation have become the rule at a time when the President has at his command more power than any other human being has ever had.

Criticism of the use of executive power in foreign policy is, of course, not a new theme in American political history. President John Adams' use of troops in the Mediterranean, President Jefferson's Lousiana Purchase, and the Monroe Doctrine all met with some hostility as usurpations of congressional authority. Unfortunately, fine lines of authority over our foreign relations are not drawn by the Constitution.

The preamble states that a purpose of the new constitutional arrangements adopted in 1787 is to provide for the common defense. This obligation appears to lie upon the executive and legislative branches. Concerning executive responsibility, the Constitution provides the following in article II, section 2:

> The President shall be Commander-in-Chief of . . . the United States, and of the militia of the several states when called into the actual service of the United States.

Article II, section 2 also provides that:

> He shall have power by and with the advice and consent of the Senate to make treaties provided two thirds of the Senators present concur; and he shall nominate and by and with the advice and consent of the Senate shall appoint ambassadors, other public ministers and consuls.

Congress, in turn, is also given certain responsibilities in the field of foreign affairs. Article I, section 8 gives Congress the right to regulate commerce with foreign nations; to declare war and make rules concerning captures on land and water; to raise and support armies; to provide and maintain a navy; to make rules for the Government and regulation of the land and naval forces; and to provide for calling forth the militia to repel invasion.

These powers were purposely divided to prevent excessive domination by one branch. In a letter to James Madison in 1789, Thomas Jefferson wrote:

> We have already given in example one effectual check to the Dog of war by transferring the power of letting him loose from the Executive to the Legislative body, from those who are to spend to those who are to pay.

In recent congressional testimony, Dr. Ruhl Bartlett, of the Fletcher School of Law and Diplomacy of Tufts University, said that the assumption by American Presidents of more and more authority in foreign affairs "leads in the direction of an authorization state." Much of the erosion of the congressional role, he pointed out, resulted from the broad, general grants of authority in the Formosa resolution of 1955, the Middle East resolution of 1957 and the Tonkin Gulf resolution of August 1964.

Recent history has witnessed an increase in the exercise of Presidential power in the area of foreign policy. This increase has occurred under Republican and Democratic Presidents, and has been acquiesced in by Republican and Democratic Members of Congress. Presidents have used U.S. Forces abroad or against foreign nations more than 150 times without a specific declaration of war by Congress, sometimes under the authority of a joint congressional resolution, sometimes in execution of a treaty which envisioned the use of force without further authorization; often to protect American lives, property and shipping; and at times without prior congressional statement.

In 1900, President McKinley sent troops to China to put down the Boxer Rebellion. President Theodore Roosevelt sent U.S. Forces to Panama, Cuba, and the Dominican Republic. President Wilson gave the order to take Vera Cruz in 1914 to enforce respect for the United States. And before World War II, President Roosevelt used the Executive agreement as a convenient instrument at a time when American public opinion was still largely isolationist and congressional approval might not have been forthcoming. In this way, he traded U.S. destroyers for British bases. After Pearl Harbor, the need for secrecy increased the use of Executive agreements.

After the war an attempt by Senators John W. Bricker and Walter George to amend the Constitution to prevent future use of Executive agreements failed. Among the opponents at that time was Senator J. WILLIAM FULBRIGHT. He then advanced the view that the Executive must have a wide latitude in dealing with foreign affairs. Today, when the Executive is acting in a way he disapproves, he is expressing a contrary view.

It is essential that the current debate about the President's power to make war be considered within a proper historical perspective, that it not be permitted to develop into a partisan attack upon particular policies, but that it concern itself with the long-range, post-Vietnam question of the role of Congress in matters of foreign policy.

What is ironical today is that many of the very men in the Congress, in the press, and in the academic community, who now declare that President Nixon has exceeded his authority with regard to the war powers are the same men who, in the 1950's, opposed the conservative-sponsored Bricker amendment to restore congressional prerogatives in matters of foreign affairs.

Men such as Senator J. WILLIAM FULBRIGHT, now leading the campaign against Executive authority, all through the 1950's and early sixties, urged more power for the Executive in foreign affairs. The reason is simple: when the Executive did what liberals agreed with, they supported Executive power. Now that the Executive is acting in a manner with which they disagree, they oppose it. Principle seems not to be an issue at all.

If liberals oppose Executive authority only because of their opposition to the particular acts of the President, many conservatives have themselves adopted a similar double standard. They suddenly find themselves in support of broad Executive power because today the Executive is doing things with which they agree, or because of partisan considerations.

Conservatives and liberals alike, when they discuss the war power, should reflect upon a man who discussed these same problems during the Korean war, another war which we entered without a congressional declaration and to which men such as Senator FULBRIGHT had a far different response.

Discussing the danger of unlimited Executive power—whether used in a particular instance for worthy or unworthy ends—the late Senator Robert A. Taft, declared:

> If in the great field of foreign policy the President has the arbitrary and unlimited powers he now claims, then there is an end to freedom in the United States not only in the foreign field but in the great realm of domestic activity which necessarily follows any foreign commitments. The area of freedom at home becomes very circumscribed indeed.

With regard to President Truman's commitment of troops to Korea without a congressional declaration of war, a commitment which evoked little response in the Congress from members of his own party, as was the case with President Kennedy's and Johnson's commitment of troops to Vietnam, Senator Taft noted that:

> If the President can carry out every recommendation of the Security Council or the General Assembly (of the United Nations) supported by the vote of the American representative whom he can direct, then he has almost unlimited power to do anything in the world in the use of either troops or money.

With fateful prescience, Senator Taft added:

> On the same theory, he could send troops to Tibet to resist Communist aggression or to Indo-China or anywhere else in the world, without the slightest voice of Congress in the matter.

It would be good to believe that liberals who now express concern over too much Executive authority really wish to restore the supremacy of Congress. Unfortunately, the goals of far too many seem more partisan. Equally unfortunate is the fact that now that conservatives have a real opportunity to implement their principle of limited Government and restore Congress to its proper role, many seem subservient to the will of an Executive of their own party. In neither instance is the will or the interest of the people really served.

The result of Congress repeated abdication of its own responsibility, in domestic and foreign affairs, is that the legislative body, meant to be supreme by the authors of the Constitution, is now approaching impotence.

Executive officers, such as prominent advisers to the President, need not submit to congressional approval and may refuse to answer congressional questions. Nonelected bureaucrats may impose rules and regulations which Congress has never approved and which the President himself says that he is against. Now, the President has impounded funds appropriated by the Congress. Many conservatives support this policy because they disapprove of the purposes for which the funds were appropriated.

I share their opposition to these programs to deficit spending and unbalanced budgets. This, however, is not the point at issue. The elected representatives of the people, when they approve legislation, are acting with authority. The Executive, when he fails to carry out the will of the people as expressed by their representatives, is not. A wholly constitutional alternative for the President is a more vigorous exercise of his veto power.

In some respects, the question of President Nixon's impoundment of funds may not be the proper issue upon which the determination as to which branch of Government is meant to be supreme—the Congress or the Executive—should be decided.

How many Democratic liberals who today argue for congressional supremacy, for example, said a word of criticism when Lyndon Johnson did precisely the same thing? In signing an agricultural appropriation bill in 1966, Johnson noted that Congress had added $312.5 million to his budget request. He proclaimed:

> During a period when we are making every effort to moderate inflationary pressures, this degree of increase is, I believe, unwise.

Instead of vetoing the bill, he decided to reduce expenditures—that is, impound—for certain items in the bill "in an attempt to avert expending more in the coming year than provided in the budget." President Johnson also cut back funds for the highway trust fund, for housing, for education, and for a number of other areas.

In assigning legislative powers to Congress and executive powers to the President, the Constitution makes no mention of impoundment. It provides that:

> No money shall be drawn from the Treasury but in Consequence of Appropriations Made by Law.

To the President, the Constitution gives the task of making sure that, "The laws be faithfully executed." The Constitution does not spell out whether the President was required to spend every cent appropriated by Congress, or whether he could make independent judgments on timing and the need for Federal spending.

Presidents have been impounding funds ever since the early years of the Republic. In his annual message to Congress in 1803, for example, President Thomas Jefferson reported that:

> The sum of $50,000 appropriated by Congress for providing gunboats remains unexpended. The favorable and peaceful turn of affairs on the Mississippi rendered an immediate execution of that law unnecessary.

Congress gave some legislative authority for impoundment in passing the Anti-deficiency Act. That act required the executive branch to subdivide appropriations to insure that Government agencies would not make commitments in excess of amounts appropriated. In 1950, an omnibus appropriations act provided additional authority for the executive branch to create reserves to provide for contingencies or for savings made possible by developments after new appropriations were voted.

Whatever we may think of the practice in general terms, the fact is that when President Nixon impounds funds, he has some precedent for doing so. Harry Truman, to cite another example, ordered the impounding of $735 million in additional funds appropriated by Congress to increase to 58 from 48 the President's request for air force groups. His successor, President Eisenhower, impounded $137 million appropriated for initial procurement of Nike-Zeus antimissile system hardware pending completion of full tests.

The fact that previous Presidents have impounded funds, however, does not mean that such action is proper and legal. It has simply not been adequately tested in the courts. The power of the purse remains one of the basic powers of the legislative branch. Unfortunately, that power has been exercised for too long in a fiscally irresponsible manner.

While the question of impoundment is admittedly complex, some critics of the President seem somewhat less than persuasive when they refuse to call for a single money bill rather than the current system under which bills come out of each committee, for separate amounts, with no one concerned with the total and whether or not it is equal to the money available. If the impoundment controversy tells us anything, it is that neither the President's policy of impoundment nor his critics'efforts to prevent it, really deals with our fiscal policy of spending increasingly more money than we have. This is, of course, a more difficult problem to confront and, as a result, it has been largely ignored.

It is not enough to speak of congressional prerogatives. We must be equally concerned with congressional responsibility. For too long, we have ignored both.

Only Congress itself can reverse the trend toward power by the Executive and the bureaucracy and restore it to the place where it properly belongs.

In a study prepared for the American Enterprise Institute, "Congress: The First Branch of Government," Prof. Alfred De Grazia sets forth a number of proposals for strengthening the role of the Congress. He declares that:

> A Charter of Legislative Authority should declare the principle of legislative supremacy of Congress and the position of Congress with respect to the executive branch, and this Charter should be disseminated widely within and outside of the government.

He states that:

> Exemplary legislation should be made a regular feature of each session of Congress; it consists of laws with minimum scope and substance but with vital principles asserting constantly congressional rights to employ a large range of devices—such as the legislative veto—in the full exercise of its powers and control of the executive branch.

Professor De Grazia urges that:

> All representative-type bodies formed by executive agencies should have the direct authorization of Congress, and all members of the hundreds of such agencies in the executive branch should be considered subrogated for Congress and should pass tests to assure their comprehension of the principles of government by legislature.

In this same volume Prof. Lewis Dexter expresses the view that:

> To increase their capacity to check and balance, congressmen must regain their belief in their concept of Congress as an independent branch of government within a system of separate powers and having a definite function to perform vis-a-vis the other two branches, particularly the executive.

Professor De Grazia urges that:

> Congress should recognize that part of its task of checking and balancing the executive is to thwart, hamper, interfere with, criticize and oppose its activities and thus hamper the making of mistakes, thwart the commission of errors, interfere with the imposition of one-sided or unfair decisions, and oppose the adoption of a wrong policy.

To those Members of Congress who permit bureaucrats to make rules of their own, who permit the executive to ignore legislative mandates and to refuse to provide information to legislative bodies, Professor Dexter writes:

> Harassing the specialists ought to be a paramount task of Congress today. Check-and-balance operations must be performed by the standing committees since they are better equipped than any other legislative mechanism to perform the check-and-balance function. Congressmen should make themselves specialists on the kinds of mistakes the bureaucratic specialists make, the kinds of questions bureaucrats ought to be asked, and the kinds of explanations the bureaucrats are likely to put forward in reply. In

> other words, they should acquire an expertness in challenging the specialists.

Presidential and bureaucratic dominance of our Government is a serious threat to our political tradition and to the idea of representative government. In fact, a recent questionnaire of the Survey Research Center shows that the American people support this thesis. Asked a series of questions relating to choices between the President and the Congress, three and one half times as many Americans stated that Congress is in a better position to evaluate and act upon the country's needs than is the President.

In the current debate about executive as opposed to legislative authority, it is a serious mistake to view President Nixon as an enemy of Congressional supremacy.

In his budget message for the 1974 fiscal year, for example, the President indicates that he is himself concerned with the great flow of power to Washington, and that he is committed to returning that power to the people.

He declared that:

> No longer will power flow inexorably to Washington. Instead, the power to make many major decisions and to help meet local needs will be returned to where it belongs—to State and local officials, men and women accountable to an alert citizenry and responsive to local conditions and opinions.

The Congress is properly concerned with maintaining its own authority and prerogatives. It must, however, be equally concerned with fulfilling its responsibilities.

In his budget message, the President points out that:

> The surest way to avoid inflation or higher taxes or both is for the Congress to join me in a concerted effort to control Federal spending . . . If spending is to be controlled, the Congress must establish a spending ceiling promptly.

Unfortunately, Congress rarely concerns itself with budget totals or with the effect of its actions on those totals. The President, far from seeking to act arbitrarily and outside the scope of Executive power, is specifically calling upon Congress to act. He declares clearly that:

> The cooperation of the Congress in controlling total spending is absolutely essential.

The President makes clear in his budget message that his own philosophy is that of the 10th amendment to the Constitution:

> The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

Congress has not lived up to its responsibilities, and it cannot escape such a verdict against itself by simply declaring that the Executive has encroached upon those responsibilities.

In recent years, as we have seen, Congress has permitted many of its areas of jurisdiction, such as the warmaking power, to be usurped by the Executive and by the bureaucracy. In domestic affairs, HEW is spending millions of dollars on programs such as health maintenance organizations, which Congress has never authorized. It seems that bureaucrats are planning programs and appropriating funds entirely on their own—fulfilling their desires, not those of the people.

Are we powerless to combat the growing bureaucratic trend, or is it inevitable that Government will grow larger, cease to be under our control, and make us dependent upon it for our very lives? The answer depends upon us. Thus far, most Americans and most Members of Congress seem not to have understood the problem, and the vital questions which are involved. The feeling that Government is more and more out of control of the people and their elected Representatives is quite correct. Now, it is up to us to reverse this trend.

Mr. SPENCE. Mr. Speaker, in drafting a new charter for the United States, the Constitutional Convention of 1787 established a scheme of checks and balances that would provide a workable system of government somewhere between the extremes of absolute monarchy and mob-rule democracy—in short, a republic. Not only would the legislative, executive, and judicial branches check and balance each other, but also the States would retain powers not delegated to the Nation. Furthermore, the people would retain powers delegated neither to the State governments nor to the National Government.

If the constitutional system that was established by the Founding Fathers and subsequently ratified by the Original 13 States has malfunctioned, it is not the fault of the system itself. Rather, it is due to the surrender, either by design or default, of the legislative branch, the States, and the people. The last four decades have witnessed the steady cession of power by Congress to the President. We have lost much of our lawmaking power to the Supreme Court. State sovereignty has suffered as governors have rushed to Washington to get their share of "free" government money. The people have acquiesced and rationalized the whole business by deluding themselves into believing that someone else would pick up the tab.

In the meantime, the bureaucracy has in effect become a fourth branch of government, able not only to frustrate the will of the Congress—to whom it owes its very existence—but also to hamstring the President who is supposed to head it. While the bureaucracy has not found it necessary to circumvent the Supreme Court, it has supplemented that body's extraconstitutional actions by issuing innumerable regulations that have created havoc—among businessmen especially.

Actually, congressional delegation of power to the other two branches of the National Government is illegal, as was pointed out by the only man who ever served in both the highest elective and the highest appointive offices. In *Hampton, Jr., & Company* v. *United States*, 276 U.S. (1928) 405, 406, William Howard Taft, Chief Justice of the United States, said:

> The well-known maxim *Delegata potestas non potest delegari*,[*] applicable to the law of agency in the general and common law, is well understood and has had wider application in the construction of our Federal and State Constitutions than it has in private law. The Federal Constitution and State Constitutions of this country divide the governmental power into three branches . . . In carrying out that constitutional division . . . it is a breach of the National fundamental law if Congress gives up its legislative power and transfers it to the President, or to the Judicial branch, or if by law it attempts to invest itself or its members with either executive power or judicial power. This is not to say that the three branches are not coordinate parts of one government and that each in the field of its duties may not invoke the action of the two other branches in so far as the action invoked shall not be an assumption of the constitutional field of action of another branch. In determining what it may do in seeking assistance from another branch, the extent and character of that assistance must be fixed according to common sense and the inherent necessities of the governmental coordination.

By reasserting its authority and reassuming its power, Congress would not only be exercising the prerogatives bestowed upon it by the Constitution—it would also be acting in accordance with the law. We must take prompt steps to reverse the flow of power from the Capitol to the White House and to the Court, and from the State capitals to the District of Columbia.

For example, instead of criticizing the President for setting an expenditure ceiling, Congress should establish its own—at a lower figure. Instead of criticizing the Court for usurping congressional functions, Congress should pass legislation limiting its appellate jurisdiction. Instead of criticizing the bureaucracy for flouting the intent of Congress, the latter should cut the executive branch down to size by abolishing useless agencies, consolidating those with overlapping functions, and demanding a reform of the inefficient civil service system.

It is only through this type of assertiveness that Congress can reestablish itself as a full partner and a vital force.

Mr. BAKER. Mr. Speaker, the Constitutional Convention which met in Philadelphia in 1787—in secrecy, incidentally—established a Federal Government. Unfortunately the word Federal, which the Founding Fathers used to designate the partnership between the 13 Original State and the Central Government, which they created, soon came to mean the National Government alone. Because of this redefinition, Americans are apt to forget that it was the States, acting as agents of the people, that formed the National Government.

Soon after the new Central Government began functioning under the Constitution, the requisite number of States ratified the first 10 amendments to that document. One would almost get the impression that the Bill of Rights, as these additions are popularly styled, consists of nine rather than 10 amendments. The 10th amendment states that:

> The Powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

Whether the National Government usurped the powers of the States or the

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[*] Delegated power cannot be delegated.

States have been slowly committing suicide, I am convinced that many of the problems that confront us today had their origins in the failure to respect the 10th amendment. Because of disregard of its plainly-worded provisions, such State, local, and private responsibilities as education, local transportation, and culture, to name but a few, have been shifted to the national level. At the same time, the tax sources have, to a great extent, been preempted by the National Government. Even so, we have a national debt that is destined to exceed half a trillion dollars by the end of fiscal 1974.

If we are to be able to solve such problems as legitimately come before the Congress, it is imperative that we gradually divorce ourselves from those that can still be returned to State and local governments and private organizations and individuals. Along with such shifting of responsibilities back to the grassroots there ought to be a gradual shift of tax sources as an accompaniment to and eventual replacement of revenue sharing. A reduction in individual and corporate income taxes in the near future would help business, industry, and average citizens to solve their own problems with their own money, thus lessening the need for Federal activity.

Mr. Speaker, while restoration of States' powers and return of States' responsibilities would be one step in the right direction, there are other steps that ought to be taken simultaneously. One is the reassertion by Congress of its prerogatives and the reassumption by Congress of its responsibilities. It ought to quit jumping through hoops held by the executive branch and it ought to quit passing the buck to the White House whenever a national emergency calls for the consideration of remedial legislation. Surely there is as much collective wisdom in the two bodies that make up the legislative branch as there is in the upper echelon of the executive branch.

The President cannot justly be blamed for all of the tremendous concentration of power in the executive branch. From 1933, when the National Government began its metamorphosis from a remote and comparatively small establishment to 1973, when it threatens to dominate almost every human activity throughout the Nation, every chief executive, regardless of party affiliation, has to some extent been a prisoner of the bureaucracy. The President proposes, Congress composes, and the bureaucracy disposes.

Mr. Nixon is making a valiant effort to cut the executive establishment down to manageable size by eliminations, consolidations, and shifts. Congress can and must assist him in every possible way and wherever possible take the initiative. It must recapture the power of the purse, cut authorizations and appropriations drastically, and refrain from establishing new programs with expensive price-tags.

Congress ought also to put a stop to the abuse of judicial power. The Supreme Court was not meant to be a super-legislature, consisting of super-brains whose wisdom exceeds that of the people's representatives, and the inferior courts, like the multitude of departments, bureaus, and agencies of the executive branch, are creatures of Congress. It is high time that the Congress ceased waiting for guidelines from the Supreme Court—it ought instead to enact legislation limiting its appellate jurisdiction.

Unless the Congress takes prompt action to restore the separation of powers provided for in the Constitution, with each branch of the National Government checking and balancing the other two, and with the States taking care of intrastate matters, we will have a further concentration of power in the bureaucracy, even greater judicial arrogance, and more severe financial crises. The bureaucracy has failed to solve the problems that have been entrusted to it; witness, for example, the crises in education, housing, and transportation. Why would an even larger bureaucracy do any better? The judiciary has accelerated the problems in many areas by making laws instead of attending to its proper functions. Neither bureaucratic regulations nor judicial guidelines have contributed to meaningful solutions to serious national problems. It is high time that we curbed the power of both the bureaucracy and the judiciary.

Mr. Speaker, it will take courage on the part of the Congress to restore the separation of powers, but I am confident that we have it and will exercise it.

GENERAL LEAVE

Mr. CRANE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the subject of my special order today.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

FACING THE NATION'S ENERGY NEEDS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. WILLIAMS) is recognized for 5 minutes.

Mr. WILLIAMS. Mr. Speaker, every day, newspapers, magazines, radio and television, bring to our attention two major problems confronting this country: first, our declining reserves of natural fuels, and second, the extreme pollution which is being caused by commercial and domestic refuse.

Today, I have the privilege of introducing, along with a number of my colleagues from both sides of the aisle, a bill which would go far to solve those two problems. This legislation, which I originally sponsored late in the 92d Congress, would amend the Internal Revenue Code by giving businesses a tax incentive to promote the construction of power-producing facilities which use waste products to generate that power. Such facilities would help to conserve our dwindling supplies of coal, natural gas and oil, and would also help to reduce the pollution of our environment caused by refuse.

Although there are several such plants now in operation in the United States, probably the best example of this type of facility is an incinerator plant just outside Stockholm, Sweden. This modern incinerator operates with a minimal amount of air pollution, while consuming the domestic and commercial refuse from the Stockholm area. The heat energy which is produced is used in turn to produce electrical power. The output of the plant is approximately 25,000 kilowatts, which is enough power to satisfy the needs of 25,000 persons.

Electrical power is certain to be a precious commodity in years to come, and I believe that a large portion of our electrical power requirements can be generated with clean combustion of otherwise disposed materials. By providing industry with a tax incentive, the Federal Government will be giving the private sector the proper direction and encouragement in these areas of environmental concern. I hope that the 93d Congress will agree with my thoughts, and take the appropriate action.

APPROPRIATIONS COMMITTEE AND APPROPRIATIONS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. HANRAHAN) is recognized for 10 minutes.

Mr. HANRAHAN. Mr. Speaker, the time is past for a major reform of the procedures by which Congress appropriates public funds.

Presently there is no center of authority in Congress that reviews or passes upon the budget as a whole. Throughout the session bills authorizing funds are sent to the Appropriations Committee which in turn provides the necessary funds. And nowhere during this process is there any accounting of how these expenditures compare to the existing revenues.

The House Appropriations Committee, which eventually passes on all the pieces, divides its detailed work among 13 subcommittees. The committee considers the appropriations bills one by one, and sends them separately to the floor of the House for a vote. The question of overall priorities among the various fragments of the budget never really comes up for discussion.

In recent years Federal outlays have been outrunning the revenues which have been generated. The choice of raising taxes or cutting some existing Federal programs has now come to a head. President Nixon has attempted to curb the rising Federal deficit by refusing to spend moneys which we do not have.

The responsibility for reforming the appropriations process now falls on the Congress. Many of the freshman Members have concurred that a joint study committee on the budget be established.

This committee would be composed of a bipartisan group of Representatives and Senators. The committee would conduct an interim study, issue a report, and make tentative recommendations favoring an overall ceiling on expenditures and budget authority.

I would urge all of my colleagues to give their careful consideration and support to the resolution which has been introduced.

SUPPORT FOR H.R. 3910

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. Esch), is recognized for 5 minutes.

Mr. ESCH. Mr. Speaker, I am today adding my name to those supporting H.R. 3910, the Vanik bill. I should first, however, like to preface that support with some very brief remarks.

To my mind, the most frightening reality of today's world is that of two super powers standing opposite each other, both possessing virtually unlimited destructive capabilities and neither one really understanding the other. In Vietnam we have witnessed the tragic consequences of our policy of meeting communism on a conventional battlefield. In a full-scale conflict, we might well witness the destruction of this world as we know it.

To ease East-West tensions and begin to build a lasting peace based on mutual understanding, therefore, is a most important task. In this belief, I have strongly supported the President's initiatives with both the Soviet Union and the People's Republic of China. I have likewise supported the various means, such as the United States-Soviet agreement on a proposed joint space venture, by which we can increase United States-Soviet contact on a nonideological plane. Increased trade is one of these important vehicles and it is a vehicle which I have strongly supported.

However, we must not neglect the plight of the Soviet Jew. We have all seen enough evidence to be aware of the treatment to which he has been subjected. The legislation which I am introducing today recognizes that human suffering and should be a clear sign to our Chief Executive that there are many among my constituents and throughout the country who are vitally concerned about this matter. It is important that we not be misled by those who think that by this legislation alone Congress will solve this problem. It is as I said, rather a clear sign to our President of congressional support for such action. It is only through the extensive efforts of the administration and through foreign diplomatic channels that this problem will eventually be solved.

I am, therefore, urging strong congressional support for the Vanik bill, not in the belief that we should tie the President's hands in his most important negotiations with the Russians but rather as a sign to the President of how deeply we feel that we should make easing of restrictions on Soviet Jews of the highest priority in such negotiations.

EXTEND CHAMPUS MEDICAL BENEFITS TO TOTALLY AND PERMANENTLY DISABLED WORLD WAR II SERVICEMEN AND THEIR DEPENDENTS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. Burke) is recognized for 10 minutes.

Mr. BURKE of Florida. Mr. Speaker, I introduced a bill which would, if enacted, extend to totally and permanently disabled World War II servicemen and their dependents medical benefits under the civilian health and medical program of the uniformed services, known as CHAMPUS.

In January of this year, I met with a number of members of the Paralyzed Veterans Association of Florida. They indicated the hope that one inequity in benefits received by those totally and permanently disabled World War II servicemen, who were discharged before October 12, 1949, can be corrected. They suggested that such veterans be included under the CHAMPUS medical benefits program. In all honesty, this is a most reasonable and fair request.

Mr. Speaker, until October 12, 1949, World War II commissioned officers who suffered severe disabilities in military service automatically received retirement based on such disability. Enlisted personnel, however, who suffered disabilities were discharged from service and received no retirement benefits.

The differences between retirement and discharge were great. Disability retirement carried with it privileges such as medical benefits for the veteran and his family; ability to utilize military facilities, and certain travel arrangements aboard military aircraft. A discharged veteran, however, was only entitled to Veterans' Administration compensation.

The Career Compensation Act changed this. Under this act, any member of the Armed Forces, commissioned officer or enlisted man who was rated as 30 percent or more disabled and determined to be unfit for military service, was automatically retired and, therefore, became entitled to the same residual benefits as the disabled officers of World War II. Members who were retired after October 12, 1949, because of a service-connected disability could waive their retired pay in favor of Veterans' Administration compensation. However, their status on the retired rolls remains in effect making them eligible for all retired benefits, and they may at any time reelect to receive retired pay in lieu of benefits from the Veterans' Administration.

The unfortunate servicemen who were injured before October 12, 1949, is not even afforded a choice. He gets only benefits under the Veterans' Administration. This works hardship with some totally and permanently disabled people who by the nature of their disability find travel difficult for themselves and their families, and who must go miles to a VA facility. While it may be impossible, as the Department of Defense contends, to extend identical benefits to permanently disabled soldiers both before and after October 12, 1949, it seems reasonable that all totally and permanently disabled should be authorized to use civilian medical facilities in their own neighborhoods.

Other attempts at drafting legislation which would bring justice to these men in the area of benefits have failed. In a letter dated June 11, 1968, the Department of Defense wrote to the late Honorable Mendel Rivers, then chairman of the House Armed Services Committee, that:

> When a radical change is made to a system of benefits which is to be applicable to a large group of individuals, it is considered a practical necessity in areas such as disability retirement and separation benefits to establish a demarcation point dividing those whose rights are fixed under previous laws or rules from those whose rights are to be fixed under the new law.

Mr. Speaker, and my colleagues, although I served as both an enlisted man and an officer in World War II, I feel that on the field of combat there are no distinctions among those who are being shot at, or who are being called upon to face the danger of serious injury while serving their country. I am also a practical person and can appreciate the need for definitions particularly since I have been a practicing lawyer for many years. I can appreciate the need to define eligibility under our benefits laws, but I can appreciate more the need for the Congress of the United States with respect to those who justly deserve our help in the matter I have mentioned.

Mr. Speaker, and my colleagues, did the service rendered by those totally and permanently disabled before October 12, 1949, have less value to this Nation than the service of those disabled after that date? Is not 24 years a long enough time to carry on this unequal treatment of equally valiant men? I think so and I hope many of my colleagues will join with me in my effort to extend the CHAMPUS medical benefits program to totally and permanently disabled World War II servicemen and their dependents.

CLOSE OF VIETNAM WAR AND AMERICAN YOUTH WHO FLED

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maryland (Mr. Hogan) is recognized for 15 minutes.

Mr. HOGAN. Mr. Speaker, with the war in Vietnam drawing to a close, we again face the question of what we should do about the thousands of American youths who fled the country rather than serve in the military.

The end of the war has prompted advocates of amnesty to again call for the free return of those who avoided their military obligation to the United States.

There are those who argue that these young men should be granted unconditional amnesty. Others argue that they should be allowed to return, but only if they commit themselves to a period of public service.

I cannot agree with either view. Whatever their reasons for leaving—be it conscience, morality, or cowardice—the young men who fled this country fled in full knowledge that they were breaking the law.

I am today introducing a concurrent resolution that would express the sense of Congress that "no pardon, reprieve, or amnesty be enacted by the Congress or exercised by the President with respect to persons who, first, are in violation of the Military Selective Service Act because of their refusal to register for the draft and/or their refusal to be inducted, or second, being a member of the Armed Forces, fled to a foreign country to avoid further military service in violation of the Uniform Code of Military Justice."

Certainly the right to choose is an

intrinsic part of our American heritage. However, those who have chosen to leave the country rather than serve may have been within their rights to make that decision, but now they must live with the consequences.

Whatever their reasons, they are draft dodgers and deserters who refused to answer their country's call. While they were sitting safely in Canada or Sweden, over a million men were risking their lives in Vietnam and over 55,000 men were dying on the battlefield—for their country.

None of those men who left the country to avoid their military obligation will be marked by the scars of battle for the rest of their lives. None of their wives are widows.

We are all striving to end the divisiveness and bind up the wounds caused by the war, but an amnesty program, rather than accomplishing those great goals would further divide the country.

In a recent Gallup poll it was found that 67 percent of those polled favored some type of punishment for those who left the United States to avoid the draft. Only 29 percent favored unconditional amnesty.

It would be unwise to grant amnesty because it could establish a precedent inviting other young men to "cop out" in the future. It would be unjust because the returning men would in no way have offered equivalent service or sacrifice. It also would condone lawbreaking. The individual does not have the right to choose the laws he will obey and the laws he will disobey.

It would also be grossly inequitable, when returning Vietnam veterans are having such difficulty finding jobs, to allow those who shirked their duty to compete in the job market with men who performed their duty.

If draft dodgers wish to return to enjoy the freedoms and benefits of the country which they were unwilling to serve, then they should return as they left, expecting prosecution.

We pride ourselves on being a nation of law and justice. Law and justice demand that they be prosecuted to the full extent of the law if they return.

Frankly, Mr. Speaker, I think the country is better off without them.

AUBURN POSTMASTER EXPLAINS MAIL PROCESSING OPERATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. WALSH) is recognized for 5 minutes.

Mr. WALSH. Mr. Speaker, I noted with interest an article which appeared in the February 14, 1973, issue of the Citizen-Advertiser in Auburn, N.Y. In this article, Auburn Postmaster Carmelo Signorelli outlined the means used to process mail for dispatch in the Syracuse area. I have been advised that this system, known as area mail processing is part of a nationwide program. The operation in Syracuse has been in effect since early 1971 and efforts are being made to expand its operation.

The full text of the article follows:

AUBURN POSTMASTER EXPLAINS MAIL PROCESSING OPERATION

(By Carmelo Signorelli)

"Do my Auburn letters have to go to Syracuse to be postmarked?" This is a question we are asked quite often at the post office. The answer is "No," not if you mail them in a letter box marked "Auburn" or in the local letter drop in the post office lobby. This mail never leaves Auburn, is postmarked here and delivered the following day.

The mail deposited in boxes not marked specifically for Auburn, does go to Syracuse for postmarking and processing. It's simply a matter of economics. Mail can be processed more efficiently and economically when handled in quantities. Private industry learned long ago that the only way to really bring prices down and make consumer goods available to all was through mass production. The Postal Service is just getting around to this concept. Much of the mail is still sorted by clerks putting letters into pigeon holes one at a time, as it was done a hundred years ago.

Currently there are over 4,000 first class post offices and 27,000 second, third and fourth class offices that do not have sufficient volume to justify their own mechanization. Under the Area Mail Processing program, all of their originating non-local operations are transferred to nearby designated processing centers.

These facilities are equipped with high speed mechanization to postmark, sort, and dispatch mail to its destination. They are normally located in cities which traditionally have served as the hubs of postal operations for the surrounding areas. These cities are major transportation centers that can expedite the movement of mail into and out of the area.

Our mail processing facility is located in Syracuse which is at the crossroads of the state's two principal highways, the Thruway and Route 81, and is served by the Penn Central Railroad and three airlines, American, Eastern and Allegheny.

The Syracuse Sectional Center Facility uses a postmark reading. "U.S. Postal Service N.Y. 132." The number 132 identifies the processing facility and is actually the first three digits of Syracuse city zip codes.

Auburn mail that is sent to Syracuse for processing is normally back the following morning for delivery. Occasionally transportation problems may delay the return of the mail, but this occurs rarely and usually because of severe winter weather.

Often the suggestion is made that the Post Office return to the Railway Mail concept of sorting mail on the trains en route. This, of course, is not possible as the trains no longer exist. And even if it were possible, we would just be going back to sorting letters by hand one at a time into pigeonholes, a far cry from the modern methods we now have available for the sorting of mail.

The U.S. Postal Service is committed to the policy of providing the best possible mail service at the lowest possible cost. To keep down costs we are turning to automation. The alternative would be greatly increased postage rates—not to mention the possible collapse of the Postal Service because of the ever increasing mail volume.

REFORM OF THE CONGRESSIONAL BUDGET PROCEDURE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin (Mr. REUSS) is recognized for 15 minutes.

Mr. REUSS. Mr. Speaker, yesterday I outlined before the Joint Study Committee on Budget Control a proposal for reform of the congressional budget procedure.

The text of my remarks follows:

The Joint Study Committee is off to a good start with the Interim report, published on February 7, 1973, which mapped out the budget problem and made general suggestions for its resolution.

The time has now come for more concrete recommendation, detailing mechanisms and procedures.

My proposal would provide permanent Budget Committees in the House and Senate, a Tentative Budget Resolution by March 1, and a Final Budget Statute passed by August 15.

Here are my suggestions how the tentative recommendations of the February 7, 1973, Interim Report can be expanded to become the final proposal.

Interim Report, recommendation 7:

An organization to implement the control procedures . . . probably should encompass the formation of permanent legislative committees on the budget. The appropriations and tax committees in the case of each House should be adequately represented in the membership of the budget committee. A legislative committee of this type is needed so there will be an opportunity for overall review of tax and expenditure policy.

The traditional right of the House to initiate taxing and spending bills suggests separate House and Senate Committees, rather than a joint committee. But coordination could be obtained by the use of a joint staff, and by frequent joint meetings.

Each committee, along the lines of the present temporary Joint Budget Committee, would be composed of seven members of the House or Senate tax-writing committee (four majority, three minority), seven members of the Appropriations Committee (four majority, three minority), and two members of other committees (one majority, one minority).

Interim Report, recommendation 1:

There should be a mechanism for Congress to—

(a) Determine the proper level of expenditures for the coming fiscal year after full consideration of the fiscal, economic, monetary and other factors involved,

(b) provide an overall ceiling on expenditures and on budget authority for each year, and

(c) determine the aggregate revenue and debt levels which appropriately should be associated with the expenditure and budget authority limits.

Immediately after the President's budget is transmitted to Congress in late January, the House Budget Committee would begin work on a Tentative Budget Resolution. The Senate Budget Committee may desire to sit in with the House Budget Committee at this point.

The Budget Committees would request the Joint Economic Committee to supply by February 15 its estimate of the budget deficit, surplus, or balance needed to produce full-employment-without-inflation in the upcoming fiscal year, together with supporting data.

Interim Report, recommendations 2 and 4:

Any limitation on expenditures and new obligational authority should cover not only budgetary outlays handled through the Appropriations Committees but also any legislation which provides funding separately from the annual appropriation process.

A procedure should be developed for allocating the appropriate portions of expenditure and budget authority ceilings to various committees having jurisdiction over the legislation affecting the budget.

In the 1974 Budget, only 60 percent of requested new obligational authority and 44 percent of actual outlays will require action by the Appropriations Committee (excluding "liquidating" appropriations mandated by previous legislation). Any effective budget control requires that "backdoor" spending be regulated as well as normal appropriations.

Immediately after receiving the Joint Economic Committee's submission on February 15, the Budget Committees would prepare a Tentative Budget Resolution, setting total spending and budget authority limits (both appropriated and "backdoor") and a total revenue target. Within the total spending and authority limits, the Budget Committees would set specific limits—delegating to the Appropriations Committees the subdivision of total spending and authority which is subject to appropriation. The Appropriations Committees would hold hearings and take prompt action to provide target totals for each of the 13 Appropriations Subcommittee categories, adding up to the Appropriations Committee total. As to that portion of total spending and authority not subject to annual appropriation, the Budget Committees would consult with the chairman and ranking minority members of the relevant legislative committees (e.g. Ways and Means and Finance on general revenue-sharing, Banking and Currency on urban renewal, Agriculture on price-support payments), and would set specific totals for each committee.

By March 1, the House Budget Committee and the House Appropriations Committee would jointly report to the House a Concurrent Resolution (since this is internal Congressional housekeeping, the President's signature should *not* be required), setting a total spending and budget authority limit, a total revenue goal, and breaking them down as follows:

a. A total spending limit and budget authority limit for normal appropriations bills, with subtotals for each of the 13 Appropriations Subcommittee categories;

b. Specific spending limits and budget authority limits recommended for legislative action to each committee with mandatory or backdoor spending programs; and

c. A total revenue goal, with recommendations to the Ways and Means Committee to reduce or raise revenues (whether by surcharge, loophole-plugging, or new forms of taxes, is left to the discretion of the tax-writing committee).

The floor rule governing the Tentative Budget Resolution would allow for lengthy debate, and permit amendments from the floor at any point. Present House and Senate procedures allow roll call votes on all points of the Resolution. After House passage, the Senate procedures follow. Differences between the two bodies would be resolved by the usual Conference Committee and floor action. Final action on the Tentative Budget Resolution would be sought by April 15.

Since this action on the Tentative Budget Resolution will be taken early in the year (more than two months prior to the start of the Fiscal Year), it is clear that all the figures will and should be viewed as subject to change. More definitive action would be taken in connection with the Final Budget Statute discussed below.

Interim Report, recommendation 5.

Procedures should be developed to assure compliance with the expenditure and budget authority ceilings.

Enforcement of the expenditure and budget authority ceilings (as well as the revenue goal—not mentioned in Recommendation 5 above) is at this point left essentially to the will of Congress: infringements of the Tentative Budget Resolution are subject to correction in the Final Budget Statute. Action on the appropriations bills, non-appropriation spending bills, and revenues should be completed by July 1.

a. *On appropriation bills*. Under proposed new House and Senate rules, any appropriation bill (and any floor amendment offered to it) that departs from the targeted amount for that category in the Tentative Budget Resolution must contain a provision specifying the amount by which it exceeds or falls short of the tentative targeted amount. There would be no penalty for departing from the Tentative Budget Resolution target at this point; but any legislation departing from the target would be a prime candidate for revision in connection with the later Final Budget Statute.

b. *On non-appropriation spending*. The legislative committees having jurisdiction over the mandatory or back-door spending which was the subject of recommendations in the Tentative Budget Resolution would be expected to report out implementing legislation by May 15. (The respective Budget Committees, immediately following the passage of the Tentative Budget Resolution on April 15, would notify the appropriate legislative committees of the recommendations, and request action by May 15.) As in the case of appropriation bills, departures from the Tentative Budget Resolution would have to be specified in the non-appropriation spending bill (and in floor amendments), but there would be no penalty for departing from the Tentative Budget Resolution target at this point. Again, however, a second look would be taken at this legislation in connection with the Final Budget Statute.

If the legislative committees do not report out the implementing legislation by May 15, it would be in order for the Budget Committees, pursuant to new House and Senate rules, to bring such legislation directly to the floor for a vote (subject, of course, to a rule's being granted and approved by a majority, in the case of the House.)

c. *On revenues*. Since both Ways and Means and Finance Committees would be well represented on the respective Budget Committees, it would seem highly likely that they would respect by the May 15 target date the revenue-raising (or lowering) requests contained in the Tentative Budget Resolution. Failure in this regard would be subject to correction, as with spending bills, in the Final Budget Statute.

Interim Report, recommendation 3.

Initial action taken with respect to expenditure ceilings and new obligational authority limitations should occur early in each session of the Congress, but there should be a procedure established for reconsideration of these ceilings in the latter part of each Congressional session.

Immediately following July 1, at the start of the new fiscal year, the Budget Committees (with the assistance of the Joint Economic Committee) would review revenue and spending estimates, and general economic conditions, in order to determine what changes (if any) are needed in the total spending and revenue targets. Having made the decision on this issue, the respective Budget Committees would then determine what changes should be made in previously-passed appropriations legislation, mandatory and back-door spending legislation, and tax legislation, in order to meet the final spending and revenue targets.

The respective Budget Committees would then report to the House and Senate their Final Budget Statute. Title I of the Statute would specify the final spending and revenue totals agreed on by the Budget Committees. Title II would specify the changes needed in the spending levels for specific programs, and in specific revenue provisions, to meet the spending and revenue totals in Title I.

The rules for floor consideration of the Final Budget Statute would require that Title I be debated, amended, and finally agreed to before Title II could be taken up. (An alternative would be to separate Titles I and II into separate measures, and finally enact the first before addressing the second.) In this way, the decision on the proper overall level of spending and revenue needed for a sound, full-employment-without-inflation economy would be less subject to bias by pressures for greater or lesser spending on individual programs.

With the final spending and revenue totals in Title I firmly set, floor consideration of the specific spending program and tax changes contained in Title II would begin. Amendments could be offered from the floor changing the spending totals for specific programs and/or making specific tax changes, but these amendments could not change the overall budget surplus, deficit, or balance figure agreed to in Title I. Tax changes should probably be confined to general increases and decreases. Thus, for example, a package amendment could be offered cutting $1 billion from Defense Department programs and $2 billion from highway programs, adding $2 billion to water pollution control programs, and reducing taxes by $1 billion. But an amendment cutting $2 billion from some programs and adding $3 billion to others would not be in order.

The beauty of the Final Budget Statute procedure just outlined is that it gives Members a chance to vote for a responsible Budget, after they have been given a full opportunity to work their will on individual spending and revenue bills.

The Final Budget Statute, passed by each House, would then have to be reconciled in Conference, passed in final form, and signed by the President. (The Final Budget Statute must have the effect of law, since it will amend existing spending and taxing measures.) The Final Budget Statute must become law by no later than August 15 (in practice prior to the August recess). During the remainder of the session—from the end of the recess in September until whenever final adjournment occurs—Congress can concentrate on authorizations and other non-budget matters.

Interim Report, recommendation 10.

Provision for authorizations (except in unusual circumstances) at least one year in advance should be required.

Overall Congressional budget control can only work effectively if all authorizing legislation (except for rare emergencies) is completed by the end of the session, well before the submission of the President's Budget in January. (A full year of advance authorization would not seem to be necessary.) With all options in, the Budget Committee would be able to propose meaningful spending, budget authority, and revenue targets, and suggest necessary trade-offs, in its March 1 Tentative Budget Resolution. Otherwise, as the experience of 1947–49—when the Budget Committee was forced to pull spending targets almost out of the air on short notice—shows us, the Budget Committee's recommendations would have little impact.

Interim Report, recommendation 6.

Procedures should be developed to present to Congress the effect on expenditures of existing and proposed legislation, not only in the current year, but also for years up to 3 to 5 years ahead. Such information should be made available currently both with respect to the effect of authorizing legislation and legislation directly making funds available for expenditure.

A way to carry out this sensible recommendation is to require all authorizing bills to include a five-year cost projection for the program. (Such information would be readily available from the General Accounting Office.) For programs already in existence, the President would be required to include in the yearly Budget a five-year fiscal impact projection of every program for which funding is currently requested.

Interim Report, recommendation 11.

The committee recognizes that the study of the subject of impoundments is an important part of its assignment. The subject will be examined carefully, and recommendations will be included in the final report.

The problem of impoundment should be greatly reduced as a result of the foregoing Congressional budget reform. In general, the total spending targets of the Administration and the Congress are not so far apart; it is their composition which differs widely. Under this proposal, the President would sign the Final Budget Statute, and thus in some fashion associate himself with its contents. Should the Final Statute become law only over the President's veto, however, impoundment would still be less likely than under the present system. When Congress is seen to be acting responsibly, public opinion would be unlikely to tolerate Presidential flouting of legislative intent.

Reform of the budget process, as we outlined, could ensure a real debate over national priorities within the limits of fiscal responsibility. I urge this Committee to adopt this proposal—with such changes as seem advisable—as soon as possible, so that the Budget for fiscal 1975 does not catch Congress in such disarray as those of previous years. Indeed, if we act promptly to put budgetary reform into effect, it could well leave its impact on at least part of the fiscal 1974 budgetary process.

REGIONAL MEDICAL PROGRAMS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arkansas (Mr. ALEXANDER) is recognized for 5 minutes.

Mr. ALEXANDER. Mr. Speaker, there can be little doubt in anyone's mind that proper health care is maldistributed in this country. The poor, the elderly and the residents of rural areas are the ones to suffer. It seemed that Arkansas was taking a step in the right direction utilizing Federal funds to set up one of the best regional medical programs in the Nation.

This program took shape under the leadership of Dr. C. W. Silverblatt. Arkansas currently has a completely funded program in west Memphis, the Crittenden County Health Center, which provides the trappings of a solution for the critical health problem which exists in this area, especially among the country's poor.

Last month I received two letters from Dr. Silverblatt, the first outlining the accomplishments of the ARMP thus far, the second informing me that the program was being terminated along with other RMP's over the country.

I think we must once again reexamine our nation's values and priorities. It is apparent that the Congress may have a fight on its hands in order to retain and expand health care for our nation's indigents, elderly and rural citizens.

As an example of what these RMP's can accomplish, I would like to share with my colleagues at this point, a copy of Dr. Silverblatt's original letter to me:

ARKANSAS REGIONAL
MEDICAL PROGRAM,
Little Rock, Ark., January 15, 1973.
Hon. WILLIAM V. ALEXANDER,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN ALEXANDER: We are deeply appreciative of the support that you have extended to our organization in the past. It has helped immeasurably in our successful effort to put ARMP into the top third of all Regional Medical Programs in the nation.

I would like, however, to bring to your attention at the beginning of this legislative year some of what I feel are the solid accomplishments of our program in Arkansas. A fact of major importance should be stressed; that is that RMP continues to be the only federal health program that has gained the confidence and enlisted the cooperative effort of the health care providers.

In Arkansas, more perhaps than in other regions, we have continued to stress the original concept of RMP as "bringing technology to the bedside" through a series of continuing education programs of exceptional quality. In two of these, the Coronary Care Training Programs for Physicians and Nurses, we have trained over 200 doctors and 300 nurses in the most modern techniques of care for the cardiac patient. These programs alone have made possible the establishment and staffing of over 55 coronary care units in Arkansas hospitals within the last four years. We are proud to report that both these training programs are continuing to operate without further federal assistance.

We have funded and are still operating a statewide kidney disease program for victims of end-stage uremia that is already being hailed nationally as a model. This program in its first year of operation performed 23 kidney transplants and trained 25 individuals to dialyze themselves at home. With few exceptions, these patients were enabled to resume their normal activities as productive members of society. We have established dialysis facilities at 10 regional hospitals in the state and have trained 15 physicians and 11 nurses from these communities.

We should emphasize another aspect of our program that we feel is even more important. We attempt to use our limited financial resources to bring individuals and groups together and to catalyze or facilitate their cooperative efforts to solve health care problems. In this area of activity, we can cite the funding of the Arkansas Health Systems Foundation. This agency subsequently was awarded a contract to develop a statewide Emergency Medical Service System in Arkansas that should give us one of the best systems of emergency care in the entire United States.

We hope we can continue to work to improve health care in Arkansas and we are relying on your continued support.

Sincerely,
C. W. SILVERBLATT, M.D.,
Coordinator.

TERRORISM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. PODELL), is recognized for 10 minutes.

Mr. PODELL. Mr. Speaker, today Cleo Noel and George Moore are being laid to rest in Arlington National Cemetery. These men are being accorded this singular honor because they gave up their lives in the service of their country. They were the men murdered in cold blood by a mob of uncivilized assassins last Saturday in Khartoum.

I mourn their passing all the more because their deaths were unnecessary. I share the loss that their families feel, and I offer my heartfelt condolences to them.

But mourning these deaths is not enough. I will not be content until we have reached the point in civilization where terrorists, such as the Black September, will not be able to find a safe haven in any nation. I will not be content until the cancer of political terrorism is completely cut out of the human race.

I assign the primary responsibility for this political surgery to the Arab States, who permitted the cancer to grow unfettered. Indeed, they did all they could to aid it, with arms, money, and propaganda. Even now, as we sit here, the Arab propaganda mills are gearing up with justifications of the action of the Black September murderers.

I am tempted to say that the Sudan reaped its just reward, because the Sudan was one of the chief supporters of Black September. Saudi Arabia was another, and it was the Saudi Arabian embassy in Khartoum that was attacked. Will they realize once and for all that they brought this on themselves?

By keeping the political climate in the Middle East at fever pitch, by fomenting a state of war with Israel when it would have been oh, so, simple to enter proximity talks, by turning the Palestinian refugees on the west bank and in Gaza into political pawns to be manipulated for selfish motives, the Arab states permitted an intolerable situation to go on with the results we have just witnessed. When will they realize what they are doing, not only to the world, but to themselves?

The one Arab state which has begun to take a realistic view is Jordan. King Hussein has shown the Black September terrorists—who, incidentally, once flourished in Jordan—that he will not be intimidated by their Murder, Inc., tactics. He has permitted the death penalty levied against a number of leading Palestinian guerrillas to stand. Among those sentenced to die is Abu Doud, the most important man in the terrorist movement in the Middle East. He was one of those whose release was demanded by the pack of hoodlums in Khartoum. I congratulate King Hussein for the courage he has shown in this incident. Were there a few more men such as he in the leadership of the Arab world, peace would be a reality by now, rather than a prospect for the dim future.

It is now up to the Sudanese Government to demonstrate that the Arab states have not been completely cowed by a creature of their own manufacture. It is incumbent on the Sudanese Government to bring the Black September murderers to trial as soon as possible. We have assurances from Sudan, at the urging of Secretary of State Rogers, that there will be a speedy trial, hopefully in the next months, and that if they are found guilty they will be executed in accordance with Sudanese law. I am, however, distressed at other reports of foot-dragging by the Sudanese Government. It seems that they would like to wait until some of the furor over this incident dies down before bringing the Palestinians to trial, in order to protect themselves from similar attacks elsewhere.

I fervently hope that these reports are false. I believe that if the Sudanese Government waits even a day more than is absolutely necessary before bringing these criminals to trial, it will simply offer more encouragement to terrorists the world over. They will feel, and rightly so, I fear, that they do indeed have a profound influence over the policies of nations and that they are therefore free to act with impunity. Should that happen we would be treated to a spectacle of hijackings, kidnapings, and murders such as the world has yet to see.

The Sudanese Government has an obligation to the world to see to it that the terrorist murderers are punished quickly and severely. Only in this way can we hope to prevent a recurrence of the events that cost the lives of two brave Americans.

DOES CONGRESS KNOW ENOUGH TO LEGISLATE FOR THE NATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. McFALL) is recognized for 5 minutes.

Mr. McFALL. Mr. Speaker, those of us in the Congress are well aware of the importance of information because we barter with ideas and statistics in the legislative process. Nelson W. Polsby asked the question, "Does Congress Know Enough To Legislate for the Nation?" in a paper which he presented for discussion as part of the Time, Inc., project on "The Role of Congress." He does an admirable job in outlining the dimensions of the problem of congressional information gathering, processing and use. I now include this paper, presented on December 7, 1972, at the Century Plaza Hotel in Los Angeles:

Does Congress Know Enough To Legislate for the Nation?

The short answer to this question is, of course, no. Most of the problems facing the nation, and consequently Congress, are manifold, complex and intractable. They are rooted in hard facts of nature as well as "sown in the nature of man," as Madison wisely said. It is doubtful that anyone knows enough to prescribe measures that can be counted upon to ameliorate many of these problems. It is no wonder that Congress fails to do so; indeed, mankind receives little enough comfort from all its other elected officials, bureaucrats, judges, pundits and professors. Does Time Inc. know enough to pronounce its weekly benediction upon the nation? There is a short answer to this question, too.

So let us be modest in our demands as well as our expectations. If each of us recognizes that there are bound to be profound limitations upon the cognitive capacities of people organized into any system of activity, of whatever design, we are better prepared to assess the ways in which the special organizational imperatives of Congress limit and enhance its capacity to collect and deploy knowledge for its own benefit and for that of the nation. And we can search for ways of improving the knowledge-seeking and knowledge-using capabilities of Congress from within the four corners of a more secure understanding of the peculiar sort of organization Congress is.

I

Part of this understanding can be had by asking what sorts of information Congress is best at seeking out and employing. Three kinds of information come readily to mind, and all three suggest how closely information-gathering and using processes are tied to the mainsprings of the organizational life of Congress.

First, Congress is extremely good at finding out who wants what and how badly. Congressmen go about discovering this in a variety of ways, for example by attending legislative hearings, by receiving lobbyists and by reading their mail. It is a central duty of a legislative body in a democracy to find out who wants what and how badly. It also falls to legislative bodies to go well beyond ascertaining this sort of information in determining outcomes. Some observers believe that persistent failures by Congress to enact this or that measure which by some criterion has widespread popular support demonstrate a failure of cognition. In my opinion, cognition is rarely the problem. More often such "failures" can be attributed to two other phenomena: first, an aggregation process in which Congressmen tend to discount unmobilized and unfocused opinion—such as, for example, would be reflected in a nationwide public-opinion poll—and to weigh much more heavily opinion that is focused, mobilized and urgently pressed upon them.

That the wants of "how many" should be discounted against "how badly" some people want things may or may not be a flaw in democratic practice, depending upon the kind of democratic theory in which you believe. There is no doubt, at any rate, that Congressmen do this, and they do it in part because of their problems of simple survival. Mobilized and focused opinion is opinion that moves voters; simple expressions of preference on a poll may or may not be. Congressmen must appeal to voters every second year and Senators every six. To ignore mobilized opinion is to ignore voters; to attend to mobilized opinion is to give voters what many believe to be their due regard. In any event, a popularly elected official who persistently fails to attend to this opinion can not long remain invulnerable to challenge—if not in a general election, then in a primary—and in consequence over the long run Congress does tend to reflect those strands of opinion in the electorate that are well mobilized and highly focused. Likewise over the short run Congressmen come to be disposed to be attentive to opinions that have these characteristics.

A second source of "failure" to reflect certain kinds of opinion in legislation over the short run can be accounted for by structural characteristics of Congress. Even the crudest muckraker knows that a central feature of the congressional system is the committee structure, a device for dividing the work of Congress by subject matter and creating special enclaves of power and expertise. The committee system, and the seniority system by which the populations of committees are stabilized, are customarily the focus of much dissatisfaction. Complainants were right in asserting that home rule for the District of Columbia would have hard sledding so long as John McMillan of South Carolina chaired the House Committee on the District of Columbia. My point here is that it was not a lack of knowledge or information on McMillan's part but rather the firmness of his convictions against home rule, and his use of power, that stymied home rule.

A second realm of information gathering in which Congress does well has to do with the monitoring of the executive bureaucracies. Here Congress operates on two levels: a continuous flow of communication from constituents to individual Congressmen and Senators makes it possible for members of Congress to monitor the delivery of services from bureaucracies to the public. The fact is, of course, that most members pay little personal attention to the ordinary run of constituent casework that comes through the office. Nevertheless, the information is always there, and a flash flood of complaints about the Veterans Administration or the Marine Corps or the Social Security Administration may well pique the interest of a Congressman in ways that an ordinary rainfall of complaints would not. Some people would argue that this continuous flow of intelligence constitutes a significant bulwark of the plain citizen against the growth of arbitrariness in the federal bureaucracy, and thus in a sense the humble casework of Congressmen provides an informational basis for the exercise of the central congressional responsibility of checking and balancing the Executive Branch.

At a somewhat more exalted level this process of monitoring executive agencies also goes on, and this, of course, is through the legislative processes of authorization, appropriation and confirmation themselves. Here the much-maligned committees play their crucial role. Because they are organized by subject matter and are assigned supervisory roles over explicit and limited parts of the Executive Branch, and because they are manned by a substantial number of Congressmen who expect to remain in Congress and in due course receive the blessing of seniority in the form of subcommittee chairmanships, it is possible for Congress to develop a sizable cadre of persons having subject-matter competence approaching expertise. This artifact of the congressional division of labor is not a sufficient condition for effective checking and balancing, since the will and the energy to do so must also be present. But it is a necessary condition. Most critics of Congress fail to see this; it is a fatal mistake. The committee system is the foundation not only of congressional power but of congressional competence. Consequently, as we shall shortly see to improve congressional competence we must improve, not cripple, congressional committees.

A third type of information gathering that Congress does well is embedded neither in the needs of Congressmen to survive nor in the congressional division of labor but in the further ambitions of members of Congress. Many Representatives look forward to being Senators or Governors. Senators have in recent years increasingly cast sheep's eyes at the presidency. Those so situated, and sometimes others as well, seek and exploit information about issues and policy innovations that can win the loyalty of national publics and the attention of the news media.

We are all increasingly aware of the desire members of Congress to be known as "Mr. Health Care," "Mr. Science," "Mr. Crimebuster" and so forth. My point is that the adoption and pursuit of these roles entail a significant investment in information gathering. In order to create or adapt to a national public on a given issue, Congressmen must become knowledgeable about that issue, be capable of defending their positions and of taking new initiatives.

In these three broad ways, then—the organizational imperatives of Congress, the needs of Congressmen to survive and to enhance their careers are created capabilities for the gathering and the deployment of knowledge.

II

As I have said, the conditions that give rise to these capabilities are necessary conditions: remove needs for electoral survival, pathways for ambition, the division of labor or the capacity to check the routines of the bureaucracy and the corresponding Congressional information gathering activities would wither. Necessary conditions, however, are not sufficient conditions.

Many thoughtful observers believe that in the day-to-day experience of Congress these conditions are, in fact, insufficient to produce adequate information relevant to congressional policy making. Two complaints about congressional knowledge are so common that any serious address to the problem must face them. They are: 1) Congress is usually outgunned by the experts from the executive agencies, and consequently lets its prerogatives for shaping legislation lapse; 2) In many subject matter areas, Congress is immobile and ignorant because the Congressmen in charge of those sectors are immobile and ignorant and wish to remain so. This may come about for four reasons: senility or ineptitude of committee chairmen; the opposition of chairmen to legislation in the field; the corruption of chairmen by outside interests; collusion between chairmen and executive agencies.

The two complaints are linked. Congress is by no means necessarily outgunned by executive agencies in the policy-making process when the opposite of these conditions obtains. That is, when committee chairmen are able and intelligent, when they favor legislative activity, when they want to pursue an independent congressional course of action, the means are in general readily at hand for Congress to do the intelligence gathering it needs to do. To all those acquainted with Capitol Hill the instance of tax policy will spring readily to mind. It is doubtful that any agency embodies more knowledge than the professional staff of Congress devoted to this field. Moreover, it is the established practice of the House Ways and Means Committee systematically to co-opt the expertise of the Executive Branch when they deal in their own way with tax matters.

It would be possible for the close observer of Congress to enumerate similar information-gathering activities regularly engaged in by other congressional committees and subcommittees. The Daddario subcommittee of the House Science and Astronautics Committee, for example, commissioned studies by the National Science Foundation, and constituted and regularly met with an advisory group of senior experts in the area of their responsibilities. I note also the recent establishment of an Office of Technology Assessment as an agency of Congress. I assume Congressmen and Senators will watch this new agency closely to see whether it lives up to its promise and becomes an analogue in its field to the staff of the Joint Committee on Internal Revenue Taxation.

I have been painting such a rosy picture that readers will be entitled to ask how it happens that there are so many complaints. One answer is this: it must be borne in mind that what I have been describing is a set of capabilities that Congress possesses only as a collective entity. As individuals, Congressmen by the dozens may rightly feel at the mercy of their ignorance. The Joint Committee on Internal Revenue Taxation does not work directly for them, after all, but rather for the small fraction of members directly charged with writing tax policy. Yet they all must vote on tax measures. Most of them will have at one time or another to pretend to knowledge of what they are doing in this area. And in this private knowledge-gathering enterprise, over the vast range of policies, individual Congressmen and Senators are mostly on their own.

This creates a tension between two clear organizational imperatives: Congressmen and Senators must specialize, or else Congress loses the capacity to shape policy that expert knowledge alone grants. On the other hand, Congressmen and Senators must be generalists, because they believe—and for good reason—that this is what their constituents demand of them.

The resolution of this dilemma that I have in general favored comes down hard on the side of specialization: we must educate constituents to more reasonable expectations of their representatives. We must help them see that the demand for the illusion of omnicompetent Congressmen is a demand for the reality of an incompetent Congress.

Members of Congress are entiled to smile at this prescription; indeed, they are entitled to ask how someone who claims to have taught in a university these last few years comes to place such confidence in the efficacy of education. There is no real answer to this objection except this: alternative solutions entail much higher costs and risks, most significantly the risk of rendering the Legislative Branch utterly impotent.

III

I believe Congress can do more than it has done to systematize the gathering of specialized information in the manifold areas where it must act. Although taxes and some aspects of science policy may be bright spots, there are plenty of subjects on which Congress is less impressively prepared. On another occasion I made the point that in some respects congressional knowledge fell behind that of the Executive Branch in those areas where the Executive was most energetic in adopting professional standards of data collection and analysis. Adopting professional standards means submitting to the rules and practices and craft norms and constraints of a professional community. It is such communities that decree, for example, what respectable economics is—regardless of the politics in whose service the economics is harnessed. In consequence of this commitment to professionalization by the Executive Branch, Democratic Administrations must find Democratic economists and Republican economists to do their economics for them. The age of debate about economic policy is surely not over, but the age of patent-medicine economics in national politics—at least in the Executive Branch—is.

Many bright young economists now have the opportunity early in their careers to serve a tour of duty with the Council of Economic Advisers. There is no reason why Congress cannot tap the same pool of talent, and in much the same way, if it chooses to do so. The same is true of operations researchers or defense analysts. Instead of hearing from experts occasionally at hearings, the relevant committees and subcommittees could hire them for two-year periods, let us say, and gain a much greater familiarity with the thoughtways that underlie expertise. This can also give Congress continuous access to technically advanced criticism of Executive proposals, more sophisticated insight into alternatives and more sensitive awareness of emerging problems in the world.

In saying this, I am of course, suggesting that what Congressmen need on the whole is not information but regular opportunities for self-education. There is, after all, no special training ground for a Congressman or a Senator. Members of Congress must define their jobs their own way and learn what they need to learn as best they can. I think it is remarkable that as many members know as much as they do, given the severe constraints on their time and energy. I do believe that they can do better as knowledge gatherers and analysts, but only one who has considerable respect for the capacities of Congressmen, as I do, is likely to think the effort is worthwhile. How to move toward professionalization of congressional knowledge gathering and analysis? Ultimately, as I have more than hinted, the problem is one of committee staffs. These are uneven in quality and expertise, reflecting most of all their loyalty to the chairman and to the political goals that he sets for the committee. Those chairmen who want to move in the direction I have indicated on the whole know how to go about it. One device they have occasionally used that makes especial sense to me is to constitute a panel of expert—and if possible, distinguished—professional consultants to monitor the output of the staff from the standpoint of its professional adequacy. These chairmen, however, are only a small part of the problem, at least as an outsider sees it.

More common by far is the following complaint: frequently the conditions for immobility and incompetence that I enumerated above are met. So a final question remains: how might Congress be encouraged to minimize senility and ineptitude among its committee chairmen, the opposition of chairmen to legislative activity, the corruption of chairmen by outside interests and collusion with Executive agencies?

The best answer I have heard to this cluster of problems was given a few years ago by Representative Morris Udall. To decrease the influence of outside factors on committee chairmen, increase the influence of inside factors. Udall suggested subjecting all committee chairmen to an automatic, nondiscretionary election, by secret ballot, in the party caucus that precedes the opening of each Congress. Chairmen would be automatically slated against the two next-ranking committee members so an element of choice would be present, but seniority would also be given its due. It was anticipated, of course, that most chairmen most of the time would pass this hurdle without difficulty. Only those chairmen hopelessly out of step with the majority of their party in Congress, or definitely incapable of doing the job would be likely to be replaced in this process. But the mere existence of such a mechanism might reasonably be expected to encourage chairmen to build their alliances within Congress more broadly, and hence more responsively. Some elements of this proposal have been enacted by House Democrats but not all of them. Although it is fairly clear that a more honest reflection of congressional sentiment on the performance of chairmen can be obtained with a secret ballot, so-called public interest lobbying groups have opposed the secret ballot in caucus because it makes it harder for them to keep score on their friends and foes. The automatic, nondiscretionary feature is also missing, thus gratuitously stigmatizing those Congressmen who initiate an election in any particular case. So we have not a full test of the efficacy of Udall's ingenious plan.

Congress has moved slowly but on the whole more effectively in related areas. A gratuitous Supreme Court decision in *Powell v. McCormack* places the establishment of an automatic congressional retirement system beyond the reach of any enactment short of a Constitutional amendment. It is within the power of Congress, however, to restrict the holding of chairmanships to persons below a certain age. Quite understandably, more progress has been made on the carrot than on the stick side of this problem: congressional pensions are now sufficiently generous—as they should be—to help senior members contemplate voluntary retirement with equanimity, and even pleasure.

This paper has ranged far enough even in a short space to suggest at least some of the dimensions of the problem of congressional information gathering, processing and use. At the heart of the discussion as I see it, we must keep the hard fact that Congress is an organization that runs according to a powerful set of imperatives dictated by the nature of our constitutional order, the character of our party system, the vast scale of our land and heterogeneity of our people. Schemes for reforming Congress must first of all come to an understanding of the logic of its organizational structure. This is as surely true for those who despair of Congress as it is for the somewhat smaller, more select group of us who are eager to see Congress prosper.

LIFE INSURANCE COVERAGE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Mississippi (Mr. MONTGOMERY) is recognized for 10 minutes.

Mr. MONTGOMERY. Mr. Speaker, I wish to address myself to H.R. 825 which I introduced on January 3, 1973. Many of you will remember that the House passed a similar bill (H.R. 14742) last year on May 15, 1972, but the bill died when the Senate failed to act on the measure before adjournment.

Basically, this bill would provide full-time life insurance coverage up to $15,000 under Servicemen's Group Life Insurance—SGLI—to members of the Ready Reserve, the National Guard, and certain members of the Retired Reserve up to age 60. Under present law, this insurance coverage under SGLI for reservists and guardsmen is limited to periods of actual participation in active duty or active duty for training such as weekend drills or summer camp or emergency callups and while traveling to and from duty. My bill would provide these same men with the same coverage on a 24-hour basis, 365 days a year.

NEED

The major thrust of this bill is to encourage persons to join and remain in the Reserves and National Guard by providing this full-time coverage under SGLI. The need for this legislation is even more immediate than was the case when the House first considered and passed this bill. I would like to share with you some of the reasons for my very strong support of this measure and the sense of urgency I attach to its passage during this session of Congress.

Total Reserve component strengths as of January 30, 1973, are down 45,279 from an authorized level of 976,559 and a shortfall of 63,000 by June 30, 1973, is projected by the Department of Defense. This occurred in spite of the fact that the Defense Department started 1972 with approximately 5,700 overstrength and had waiting lists of prospective members for all components. The National Guard alone has some 9,839 unfilled places in units throughout the country. The implications for the future—an era of no draft motivation—are quite clear, and the need for additional incentives to enlist and retain reservists and guardsmen is becoming more evident. Defense Department surveys indicate that a probable gain of 8 percent in reenlistment rates for both Army National Guard personnel and Army Reserve personnel in units would result from this insurance coverage. The incentive aspect of this bill cannot be overlooked as an integral part of our efforts to beef-up the manpower in the Reserves and National Guard.

Furthermore, under total force concept enunciated 3 years ago by former Secretary of Defense Laird, the Reserve forces have assumed a much more important role in our national defense. I think we are all aware that in the event we are faced with an emergency situation, the draft will be the last means of resort, not the first. The Reserves will receive the first callup, and we must insure that the strengths are adequate to meet any situation.

With the announced goal of reaching a zero draft by July, 1973, we are striving to attain an all-volunteer posture. Thus, the draft is steadily declining as a motivational factor in Reserve component enlistments. I do not think we have really felt the impact of a zero draft because many presently in the Guard and Reserves enlisted to avoid regular military service. When this group leaves the military, we will indeed be faced with a desperate situation. We are, therefore, faced with a situation in which it is becoming vastly more difficult to attract men in adequate numbers and of acceptable quality right at the time when the maintenance of high strength levels is a crucial importance. I am firmly convinced that the full-time SGLI coverage proposed in H.R. 825 would provide an effective incentive not only to initial enlistments, but to continued service over extended periods as well.

I might caution that this should not be expected to be the only remedy for the situation. Should this proposal result in a net increase of 8 percent in total strengths, that would mean an increase of 28,080 for the Reserves and 30,400 for the National Guard. While this would temporarily cure the under strength, there would still be a deficiency of 7,000 in the Reserves under presently authorized levels. As I pointed out, DOD expects a further drop of 18,000 by this June, so we would be mistaken to rely on this measure as a total remedy. I will address myself to additional incentive legislation at a future date.

PROVISIONS

The major thrust of this bill is to encourage persons to join and remain in the Reserves and National Guard by providing full-time coverage under SGLI. This bill would provide full-time coverage under SGLI for persons who volunteer for assignment to the Ready Reserves of a uniformed service and are assigned to a unit or position in which they may be required to perform active duty or active duty for training, and each year will be scheduled to perform at least 12 periods of inactive duty training that is creditable for retirement purposes under chapter 67 of title 10, United States Code. At the present time, this group along with other reservists, are covered under SGLI only on the days that they are on active duty or active duty for training under a call or order to duty that specifies a period of less than 31 days, during the hours of scheduled inactive duty training, and while traveling to or from such duties.

An illustration of this new coverage is when a guardsman or reservist dies at anytime and under whatever circumstances not connected with service with the Guard or Reserves. He is covered 24 hours a day. He is already covered during the times he is serving time with his Guard or Reserve unit.

The full-time coverage of the Ready Reserve would terminate 120 days after separation or release from an assignment which qualifies him for such coverage. However, if on the date of such separation or release the member was disabled, SGLI coverage would continue in effect during the total disability up to 1 year as is provided in present law for persons in the active duty Armed Forces.

Further, if on the date of separation or release from such an assignment, the member has completed at least 20 years of satisfactory service creditable for retirement purposes, the full-time coverage, unless converted, would continue in force, until receipt of the first increment of retirement annuity by the member or the member's 61st birthday, whichever occurs earliest. Such continued coverage would be subject to the timely payment of premiums under terms prescribed by the administrator directly to the office of serviceman's group life insurance—SGLI.

The second purpose of the bill is to provide full-time coverage under SGLI for persons assigned to, or who, upon application would be eligible for assignment to the Retired Reserve of a uniformed service who are under 60 years of age and have completed at least 20 years of satisfactory service creditable for retirement purposes under chapter 67 of title 10, United States Code. At the present time, members of the Retired Reserve have no eligibility under SGLI. What is needed is protection which will cover the man who has completed all requirements for retirement but has not yet reached age 60.

An illustration of this coverage is when a guardsman or reservist retires after 20 years of service and he is younger than age 60; 45 for example. He cannot receive any retirement pay until he is 60. His wife would receive no benefits should he die before reaching age 60. He is not qualified for any benefits between the ages of 45 and 60. This bill would simply give him full-time coverage under SGLI up to $15,000 during the interim period between his 45th and 60th birthdays.

COSTS

One of the more attractive aspects of this bill is that it will not cost the Government anything. The full cost of the coverage would be borne by the insureds.

The premium charges for members of the Reserve eligible for full-time coverage under the bill—other than members assigned to the Retired Reserve—will be deducted from the active duty pay of the servicemen enrolled in the program.

The bill grants the administrator authority to establish premiums charged members assigned to the Retired Reserve by various age groupings as he may determine to be necessary according to sound actuarial principles. Also, such premiums shall include an amount necessary to cover the administrative cost of such insurance to the commercial underwriters. The costs to the insureds has been estimated to be $3 per month for $15,000 of coverage, indeed a bargain by today's costs of insurance. And yet, the Federal Government is in no way subsidizing this program. Nor is this a scheme so insurance companies can make windfall profits at the taxpayers' expense. It is a sound incentive program filling an existing vacuum in needed insurance coverage for members of the Reserves and National Guard.

Separate accounting may be required of the underwriters by the administrator for insurance issued to or continued in force on the lives of members of the Retired Reserve, and for SGLI issued to others. In such accounting, the administrator is authorized to allocate claims and other costs among such programs of insurance according to accepted actuarial principles. Coverage would be available, in increments of $5,000, $10,000, or $15,000. Coverage will be in the amount of $15,000 unless the member notifies in writing the military department concerned that he does not wish coverage or wishes coverage in an amount less than $15,000.

Premiums are to be established by the Administrator of the Veterans' Administration, and it is estimated that the amount of premium initially will be approximately $1 per month for each $5,000 of coverage. All of the administrative cost of the bill to the VA and to the commercial insurers would be borne by the insured. Insofar as the Veterans' Administration is concerned, the administrative cost would involve amending the group policy, printing the necessary forms, and updating the handbooks and pamphlets.

I might add that this bill has the unqualified support of the Department of Defense, the Veterans' Administration, the National Guard Association of the United States and the Reserve Officers Association.

	Fiscal year 1973 authorized strengths	Unaudited actual strength as of Jan. 30, 1973	Deficiencies
Army National Guard	402, 333	389, 530	—12, 803
Air National Guard	87, 614	90, 578	+2, 964
Total National Guard	489, 947	480, 108	—9, 839
Army Reserve	261, 300	234, 611	—26, 689
Navy Reserve	129, 000	129, 987	+987
Marine Reserve	45, 016	38, 957	—6, 059
Air Force Reserve	51, 296	47, 617	—3, 679
Total reserves	486, 612	451, 172	—35, 440
Grand total	976, 559	931, 280	—45, 279

LAFAYETTE SENIORS COMMENDED

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. FUQUA) is recognized for 10 minutes.

Mr. FUQUA. Mr. Speaker, it is with great pleasure that I bring to the House floor today a story of true brotherhood and humanity. All too often members of the press and certain social commentators tell us that today's young people are apathetic about social problems and too wrapped up in "doing their own thing" to appreciate and respond to the needs of others. While I disagree in general with this contention, I have recently witnessed a display of humanity and sacrifice which belies this idea that modern day youths are uncaring.

On February 9, 1973, Buddy Dale Lyons of Mayo, Fla., suffered a freak and tragic accident while practicing wrestling holds in his high school gymnasium. Young Buddy Dale suffered a broken neck and a fractured vertebra causing virtually total paralysis from the neck down. His road to recovery will be long and arduous and will require a great deal of courage on his part during the rehabilitation period.

Buddy Dale is not alone in his struggle to recovery, however, as an instantaneous outpouring of sympathy and concern was shown him by his friends and classmates in the senior class at Lafayette High School. Every year the senior class sponsors various fund raising activities to enable them to travel to Washington on their senior class trip. This year the seniors were to have visited our Nation's Capital next week on March 13, 1973. The seniors from Lafayette High School, however, will not be here this year. Despite the fact that the senior class has worked long and hard to obtain sufficient funds to make the annual trip, they have decided to forgo the trip because of their love and concern for Buddy Dale.

Renee Beckham, Jimmie Bell, Sandra Bell, Marilyn Brock, Mickey Brooks, and Paul Darby will not be with us this year. Lenita DeVore, Tommy Dorsey, Willard Ducksworth, Kevin Everett, Marvin Ezell, and Larry Folsom have decided there are more important needs to be met than their desire to travel to Washington. Roy Friedman, Ricky Gamble, Candy Goodwin, Sharee Hartman, and Mike Hill have joined their classmates in giving $2,000 of the funds to the family of Buddy Dale to help in defraying the great medical expenses which have been and will be incurred. Margaret Horton, Freddie Johnson, Ernest Jones, Ricky Koon, Louise Land, and Thomas Lawson joined their classmates in such projects as bake sales and car washes to help their injured friend.

Beverly Lee, Leesa Morgan, Yvonne Murray, Ricky Page, Charlotte Santerfeit, and Larry Sessions joined their classmates in realizing that the accident which befell Buddy Dale was of greater priority than the annual trip. Rita Stephens, Stan Swam, Becky Swinson, Owen Thomas, Sheilah Towler, Darrell Walker, and Donna Vickers joined their classmates in this demonstration of love and humanity for their fellow man. The senior class, under the sponsorship of Ms. Jeanne Adams, is to be commended for their selfless devotion to their friend and classmate and know that you share my high esteem of this outstanding group of young people.

The senior class has secured the assistance from other classes and school organizations and have now collected an additional $1,200 for Buddy Dale's family. The Buddy Dale Lyons Fund is in an account in the Lafayette County State Bank in Mayo, Fla., and concerned citizens are encouraged to contribute to Buddy Dale's recovery. The love and humanity shown young Buddy Dale has served to bring this fine community closer together as they strive for a common goal; that of assisting an outstanding young man in his struggle toward rehabilitation.

The story that I have related to you today is most meaningful to me and to Buddy Dale. I want you to know of my great admiration for these young people and their friends and parents who have cooperated so effectively in their efforts.

CHAIRMAN PETER RODINO ANNOUNCES LEAA HEARINGS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. RODINO) is recognized for 5 minutes.

Mr. RODINO. Mr. Speaker, I am pleased to announce that Subcommittee No. 5 of the Committee on the Judiciary will commence legislative hearings regarding the future of the Law Enforcement Assistance Administration—LEAA—on Thursday, March 15, 1973, at 10 a.m., in room 2141, Rayburn Office Building. Our first witness will be the distinguished Attorney General of the United States, Richard G. Kleindienst. Hearings will continue on March 16, 21, 22, 23, and subsequent dates to be announced.

REGIONAL MEDICAL PROGRAMS GET WIDESPREAD SUPPORT AT THE GRASSROOTS LEVEL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. FLOOD) is recognized for 5 minutes.

Mr. FLOOD. Mr. Speaker, when I sponsored regional medical programs in 1965 there was a great gap between the established physicians, surgeons, and hospital administrators on the one hand and those who thought the Nation's medical care delivery system could and should do much more for us all.

The professionals knew they were working hard. I would estimate that most doctors in this country put in more hours of labor per week than most factory workers.

They usually get well paid for it, true. But over the years American medicine, too, has contributed generously to the treatment of charity cases, people who could not pay for adequate medical care.

But back in 1965 we all recognized that this overburdened pay-and-charity system was not able to maintain the health standards that a first-rate nation should uphold and I backed regional medical programs as a way of boosting the quantity and quality of care in this country.

A number of systems reforms came along in just a few years. All of them suffered "gaposis," or the ailment of hard-working doctors feeling imposed upon by would-be systems reformers.

It is entirely clear from my heavy correspondence that regional medical programs have bridged the gap. I am getting a large number of letters from my district daily testifying to the popularity of regional medical programs.

These letters do not come from the far-flung staffs of RMP. Rather they come from church leaders whose parishioners have had new health services; from private practice doctors who have been helped to apply the latest therapies, from nurses who have with their own eyes seen the difference in survival rates among cardiac patients, from community planners, from patients, from hospital administrators grateful for being introduced to new methods they could trust because they were endorsed by a reliable authority.

It is a privilege to include in the CONGRESSIONAL RECORD excerpts of some of the moving letters I have received, all of which encourage me to keep the faith with this excellent program that has brought the medical community together as never before:

OUR LADY OF GRACE CHURCH,
Hazleton, Pa., February 22, 1973.

Hon. DANIEL J. FLOOD,
Member of Congress,
Washington, D.C.

DEAR CONGRESSMAN FLOOD: The planned closing of the Regional Medical Program in our area has been sadly brought to my attention. This indeed has shocked me, as I know it will shock many who are dependent on this noble, and much needed program. As you know it has helped many needy families in the past, to discontinue this needy program at this time would be disservice to both this area and to the Commonwealth of this great state. Its citizens DO look forward to this continued service.

In the immediate Hazleton area, and its sister communities, it is vital that this program continues to exist. Medical facilities are lacking as it is. This program reaches out to those who need it the most. The program phase concerning Pulmonary Care, and especially the Adult Respiratory program which is so essential to this coal region which claimed so much of our citizens in the lung ailment field. As you know this is an important factor and a deep cause of concern to each, not only in this community but throughout the State. You, and your concern, can help to make this program a living reality within the Commonwealth.

Speaking personally, and I do take the liberty to speak for many in the area, I ask and I urge you to give serious consideration and support to the problem. We, the citizens of this area have healthfully gained by having this program in our midst. Your support can make this program a living vital reality which would benefit many needy. Those who have benefited from this Program, and those who will benefit from it, will always appreciate your concern and your support.

Urging your consideration, I remain,

Msgr. Francis Mussari.

Welfare Planning Council,
Wilkes-Barre, Pa., February 21, 1973.
Hon. Daniel J. Flood,
Member of Congress,
Washington, D.C.

My Dear Congressman: I am concerned over the proposed elimination of the Regional Medical Program. This proposal, if adopted, will affect the interests of Luzerne County directly. It was the Greater Delaware Valley Regional Medical Program that responded to our efforts here in Luzerne County to create a comprehensive home care program. Two years ago, with the encouragement and technical assistance of the Regional Medical Program, demonstration funds were obtained to serve as seed money to make the home care program a reality. Obtaining these Regional Medical Program funds was crucial in the beginning stages of this important new community program. Today our home care program here in Luzerne County is serving as a model for other communities interested in developing a continuum of home care.

The Regional Medical Program by virtue of its activities provides an important link to scores of volunteers from all parts of the Congressional District. If the Regional Medical Program is stifled, this region stands to lose this important dimension of community involvement.

I urge you to give serious consideration to the above mentioned problem and urge you to take the most appropriate steps.

Sincerely,

Charles J. Reynolds, Jr.,
Executive Director.

Kistler, Schultz, and Butcofski,
Wilkes-Barre, Pa., February 22, 1973.
Hon. Daniel J. Flood,
Member of Congress,
Washington, D.C.

Dear Congressman Flood: I have been intimately involved with the Regional Medical Program since its inception and have given many hundreds of hours to its work. In my opinion, the greatest benefit derived from the RMP has been the concept of the area hospitals and the area physicians planning as a group or as a region and looking to the medical schools and centers as resource people and consultants. The RMP has also given the medical schools an added sense of social responsibility and an awareness of the needs of the community. This benefit will not be fully manifest for many years but will be great indeed. All parts of this country can greatly benefit from this relationship.

There has been more interchange of ideas and planning between the medical school and the community in the past five years than in the previous twenty-five years that I have been in medicine. This relationship cannot help but improve the quality of care that the patient receives. Had the RMP been in existence ten or fifteen years ago, I doubt that the current shortage of primary care physicians would have existed because the interchange with the outlying areas would have pointed out this defect. The Philadelphia Medical Schools have been most helpful in this work.

Certainly, any Federal Program can be streamlined and made more efficient, but to remove the regional planning impetus and the encouragement of the medical school to get involved in community planning throughout the state, would be a disservice to the medical care delivery system and more important to the people it serves.

I request your support in allowing RMP to bring these benefits to the people.

Sincerely,

D. W. Kistler, M.D.

This agency with a minimum of dramatic drum-beating has instead channeled those efforts into producing visible and palpable accomplishments. We who are far removed from medical centers have found this agency to be the umbilical cord that has nourished us in all its medical aspects. This has been reflected in the increase in both volume and sophistication of medical service that this area is receiving.

The importance of retaining this agency requires no detailed documentation for support. I ask of you that your support be directed to the continued preservation of the Greater Delaware Valley Regional Medical Program.

Sincerely yours,

Eugene K. Weiss, M.D.

The Bloomsburg Hospital,
Bloomsburg, Pa., February 9, 1973.
Hon. Daniel J. Flood,
Member of Congress,
Washington, D.C.

Sir: About one month ago when I happened to be in the Admissions Office of the Hospital, I was introduced to a former occupant of our new 5-bed Coronary Care Unit who was at this time visiting, especially the nurses of the Unit. The introduction was a response from him that "Oh yes, my heart stopped twice and they used the mechanical equipment." I asked "How are you?" and he replied, "Look at me, just fine thanks to the care."

Mr. Congressman, had it not been for your insight and forthright determination to help establish Greater Delaware Valley Regional Medical Program, we cannot help but wonder if this man would have been alive to respond.

Need I say more to encourage you to continue any efforts toward tremendous health rendering accomplishments such as Greater Delaware Valley Regional Medical Program.

Very truly yours,

Robert T. Raker,
Administrator.

A TRUE DOLLAR CRISIS: THE PRICE OF MEAT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. Vanik) is recognized for 5 minutes.

Mr. VANIK. Mr. Speaker, in the last several weeks, the value of the dollar has gone down in the world, while the price of gold has gone up—but every American shopper knows that the most unstable, volatile, and skyrocketing commodity in today's marketplace is really meat—especially beef. Every time the American shopper buys a pound of hamburger, he knows his dollar has been devalued through the process of inflation and uncontrolled food prices. Everytime he buys a pound of sirloin, he gives up a chance to buy "blue chip" stock. When the shopper buys a roast, he may be tempted to place it in a safety deposit box—to keep it as a security more certain than dollars or gold.

THE HISTORY OF MEAT PRICES IN THE 22D CONGRESSIONAL DISTRICT OF OHIO

I am sure that no regular grocery store shopper doubts that there is a "dollar crisis" in meat prices. But I doubt that one realizes just how much meat prices have changed over a year's period. One sees that prices are going up a penny or two a week—but one often forgets how much those pennies mount up to in a year's time.

Beginning in the fall of 1971, a volunteer citizens group in my congressional district formed a Community Committee on Consumer Prices. This group regularly priced a large selection of retail items. The chairman of the group, Mrs. Carolyn Sugiuchi, has just completed another special price check of meat prices and compared the prices which the group found last week with those they first recorded in the last week in October and the first week in November, 1971. Following are some of the results:

[All meats per pound]

Item	Fall 1971	Mar. 1, 1973	Percent change
Beef:			
All beef hot dogs	$0.78	$0.98	26.0
Hamburger	.69	.92	33.0
Ground chuck	.68	.98	44.0
Roasts:			
Chuck, semiboneless	.88	1.14	29.5
Rump	1.28	1.64	28.0
English cut	.89	1.34	50.5
Sirloin butt	1.24	1.68	36.0
Boneless brisket	.89	1.58	77.5
Pot	.74	1.09	47.0
Steaks:			
Chuck, semiboneless	.98	1.24	27.0
Top round	1.09	1.68	54.0
Sirloin	1.34	1.64	22.0
Porterhouse	1.64	1.88	16.0
Pork chops:			
Center cut	.98	1.48	51.0
Loin roast	.64	[1] .98	53.0
Ham, whole, boneless	.69	[2] .98	43.0
Poultry:			
Roasting	.38	[1] .45	18.0
Fryer, whole	.29	.52	79.0
Broilers	.33	.53	61.0
Chicken breasts	.42	.89	112.0

[1] Sale.
[2] Special.

I would also like to list some of the comparisons which the group noted in bread and wheat product prices. It appears that the Russian wheat deal created a weekly "russian bread tax" on American shoppers:

Item	Fall 1971	Mar. 1, 1973	Percent change
Bread:			
Millbrook: White enriched (22 oz.)	.43	.47	
Wonder: Whole wheat (16 oz.)	.39	.43	

WHAT CAN BE DONE TO CONTROL FOOD PRICES?

In an effort to control the spiraling cost of meat—and for that matter, many other foods since the start of phase II, I have been advocating the permanent repeal of the Meat Import Quota Act of 1964, elimination of the acreage set-aside or "soil bank" program, and direct controls on the price of food goods.

It is imperative that when the Congress considers extension of the Economic Stabilization Control Act and the laws governing phase III, that direct controls be applied to foods. It is inflation in the food goods sector which most directly affects those on fixed and low incomes and those with large families.

While the administration is to be commended for reducing the number of farm acres in the set-aside program—a type of "soil bank" program in which the farmer is paid to keep land out of production, there are still some 20 million acres of farm land which are not being fully used and for which the farmer is being paid to keep out of full production. These remaining acres should be brought into full use as soon as possible.

Finally, and in the meat sector particularly, permanent repeal of the meat import quota is needed. The Meat Import Quota Act of 1964—an anticonsumer bill which I opposed at that time—regulates the supply of foreign meat entering the United States, limiting the amount of foreign meat to about 3 percent of total U.S. meat consumption.

We all appreciate the need for an adequate income to American farmers. But the simple fact is that the supply of meat is inadequate at prices which large families and low-income families can afford. This shortage, which is worldwide, will become more acute in the years ahead.

Foreign meat is tougher, leaner, lower grade than U.S. meat. It is almost exclusively of the processing meat variety—hamburger, hot dog, and sausage. It is the type of meat primarily used by large and low-income families. As a recent Tariff Commission report pointed out, it is generally not competitive with domestic meat which specializes in choice, tender steaks and roasts.

I might add here that American meat is just about the finest in the world—with the result that many of the most famous—and expensive—restaurants of Europe and Japan are importing American steaks and roasts. It now appears that while domestic prices continue to soar, we are exporting over 52 million pounds of the finest cuts of "Kansas City steaks" to the gourmet restaurants of the world. These exports further restrict supply at home, with the result that the shopper pays more. Perhaps it is time to place a limitation on this export: judging from its price, meat is obviously becoming a rare national treasure.

Recognizing the crisis in meat prices, the administration temporarily suspended meat import quotas last June for a period of 6 months. In December of this year, it announced suspension of supply restrictions for another year.

But temporary suspension of meat supply restriction does not appreciably increase the supply of this cheaper priced processing meat. Foreign producers will not substantially alter their production and shipping plans for what appears to be a temporary change in the American market—a market which may be suddenly restricted by the stroke of a pen. For example, Australia, one of our principal trading partners, requires its ranchers to sell 1 pound of meat in the world market for every 2.5 pounds sold in the American market—even though they would rather sell more in the American market. The temporary relaxation of import quotas will not substantially increase meat supplies since producers must plan years ahead to increase herds to meet American needs.

THE CONTINUING CRISIS IN MEAT PRICES

The processing or low-grade meat supply situation is reaching crisis proportions. The following table shows prices quoted in the Chicago wholesale market for the month prior to the August 1971 freeze, for alternate months in 1972, and for December 1972, January 5 and a week ago, February 27, 1973.

MEAT PRICES [1]

	August 1971	January	March	May	July	September	November	December	Jan. 5
Choice:									
Steers, 6/700	53½	57½	54½	55½	57½	52½/53	50	57/57½	66/66½
Trimmed loins, 40/50	98	80/81	89/90	97/98	97/98	80/81	78/79	86/87	96
Ribs, 30/35	74	79	73	70	73	63/64	70	79/80	82
Processing:									
Full carcus, bull, fresh	70	71	74	75	75½	76½	77	77½	94
Boneless beef, fresh, 90 percent lean	65	65½	72	72½	74	74½/75	72½/73	73/73½	92/93
Boneless chucks, fresh	66	66	72	72½	74	75/75½	74/74½	75	91½
Trimmings, 85/90	61	60½	68	68½/69	69	69/69½	67/67½	67	88½
Imported:									
Cow, 90 percent	61½	63/63½	65½	68/68½	68½	66/67	67½/67¾	71	92½/93
Bull, 90 percent	63½	65	67	69½/70	71½/72	71/71½	71½/72	74½	94½
Shank meat	64½	65½	67	69½/70	71½/72	70/71	71/71½	74/74½	94½/95

[1] Domestic Meats, f.o.b. Chicago. Imports ex dock, port-of-entry as listed, national provisioner yellow sheets about the middle of each month.

[2] Average prices during 30 days prior to Aug. 14, 1971.

It is obvious from this table that wholesale meat prices are out of control and soaring upward. The effect will soon be felt in the local grocery store. In the 7 weeks between the January figures and the February figures, the wholesale price of choice domestic cuts increased by about 10 percent. But the price of domestic processing meats—the type of meat used in hamburger—the type of meat traditionally used by large families and by those on low and fixed incomes—increased by 19 to 25 percent.

When the recent 10-percent devaluation occurred, I had thought that demand might fall for Australian and New Zealand imported processing meat. I had assumed that there would be a softness in the market for some time and that it was even possible that the increased cost of imported meat would make moves to permanently repeal the Meat Import Quota Act irrelevant. But within a week, the Chicago market had fully absorbed the effect of the devaluation—imported meat had increased in price by 10 percent. In fact, the price bid for this meat even increased more than 10 percent, reaching new highs: price levels as much as 20 percent higher than the early January prices.

It is obvious from the market's response to the devaluation and the continuing heavy demand for foreign processing meat, that the present meat supply crisis will be with us for some time and that repeal of the Meat Import Quota Act is still a vital step—indeed, one of the few steps which the Congress can take to help the American consumer in the months ahead.

It is my hope, Mr. Speaker, that the Ways and Means Committee will be able to consider this repeal legislation in the near future, either separately or as part of the soon-to-be-considered package of trade legislation.

BRAIN SURGERY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. STOKES) is recognized for 5 minutes.

Mr. STOKES. Mr. Speaker, I have requested time to discuss a bill which I have introduced today. My bill would prohibit all forms of brain surgery which control or alter a person's behavior.

Try to imagine this situation if you will. A man has been in prison for several years. Someone comes to him and offers him his freedom, if he will sign on the dotted line and consent to having "minor" surgery performed on his brain. It will not hurt, he is told, and it will not change your personality. All this operation will do, they say, is make you disinclined to commit the crime that put you here in the first place. It will make you less violent. The prisoner signs and when he comes out from under the knife, he feels just about the same—except he can no longer feel happy or sad, and he has trouble making decisions.

While this may sound like the description of a science fiction movie, it is not fiction. It is something that is happening in this country—today. In fact, three prisoners at the California Medical Facility at Vacaville were recently subjected to just this type of operation.

Psychosurgey is a frightening, repugnant, and immoral medical development. It is more serious than the lobotomy—although lobotomies are included under this general heading—because it involves delving and digging deeply into the human brain, an organ that medical science does not yet fully understand. In order for psychosurgeons to reach the inside of the brain, they have to destroy healthy cells whose function is often unknown. Since brain cells do not regenerate, the function which they govern is also obliterated forever.

The term psychosurgery covers a wide range of surgical techniques—from the implantation of electrodes within the brain itself; to the destruction of the anygdaloid nucleus; the thalamus; the cingula; or any of the basal ganglia, each of which does a specific job. All of these operations are being performed in this country today with one end in view: To control or modify the behavior of the person being operated upon. My definition of psychosurgery does not include brain surgery which relieves certain physical symptoms: For example, it does not include operations that alleviate the handicapping physical symptoms of Parkinson's Disease, or surgery that stops the pain felt by terminal disease patients.

Understandably, some of the doctors who perform psychosurgical operations speak only about the good that they believe they are doing for mankind. They are quick to assert that they have found a panacea for crime and urban disorders.

They do not mention the fact that brain dysfunction is only one obscure cause of crime. They are incluned to ignore factors like poverty, hunger, sickness, poor education, indecent living conditions, drug addiction, an antiquated criminal justice system, and plain desperation.

Some of the doctors will tell you that they have the answer to the crime problem, and you will be as shocked as I was to learn that the Federal Government is inclined to agree. Most of the psychosurgery going on in the United States today is conducted under Government grants. The Government has not gone to the trouble to keep track of how many brains it is responsible for destroying, but between 600 and 1,000 psychosurgical operations are being performed every year. This trend is mushrooming. One reason why psychosurgery is expected to become even more popular is that it is much cheaper than drug treatment or psychotherapy as a means of controlling unruly subjects.

Who are the victims? They are prisoners, involuntary mental patients, adolescents, and small children. A very large percentage of them are black. According to Dr. Alyce Gullottee, a psychiatrist of the Freedmen's Hospital of Howard University:

> Most of the psychosurgery that's done is done on blacks—definitely in the South.

Dr. O. J. Andy, of the University of Mississippi, for example, has been known to destroy the thalamus of hyperactive black children. As his assistant was quoted in Ebony magazine:

> These individuals (who receive this operation) will not be contributors to society, but at least they will be tolerated.

Dr. Andy believes deeply in the connection between urban violence and brain dysfunction. As he puts it:

> I think that those who are involved in any uprising such as Watts or Detroit could have abnormal brains. Those people should undergo tests with whatever capacity we now have.

Dr. William Sweet, chief of neurosurgery at Massachusetts General Hospital, thinks along the same lines—but he does his thinking on Federal Government time. Dr. Sweet received a half a million dollars from NIMH to reach conclusions like this:

> The proponents of urban disorders seem to be the people who are most likely to suffer from organic brain diseases.

The Justice Department has paid out $109,000 to Drs. Frank Ervin and Vernon Mark for similar studies into the correlation between violence and brain disorders.

Fortunately for minority, poor and disadvantaged Americans, there are doctors who are willing to resist this dangerous trend. Dr. Peter Breggin has said that—

> No one could pretend to be on the side of the person whom he is screening for the purposes of social control.

Dr. Alvin Poussaint, of Harvard University, speaks directly on point:

> The study is racist. It assumes that black people are genetically damaged—that they're so animal and savage that whites have to carve on their brains to make them into human beings. The whole concept is vicious. When all these institutes around the country decide to study violence, who do they go look at? The *black* man. But who's committing all the violence? The *white* man, white society, white policeman. They don't consider that something's wrong with their brains.

Dr. Bertram S. Brown, Director of the Department of Health, Education, and Welfare of NIMH, opposes psychosurgery for this reason:

> We are sobered by the thought of how very much more there is to know about that marvelous structure, the human brain.

I am sure that there are many more doctors who are opposed to this pernicious use of brain surgery. Credit must also go to Ebony magazine for its courageous reporting about the current uses of psychosurgery.

My bill would outlaw this dangerous and immoral practice. It would fine doctors and institutions up to $10,000 for each operation. A psychosurgery commission would collect the fine on behalf of the patients, and could go to court to obtain injunctions to stop performance of this operation. The commission would be made up of nine nonprofessional members, three of whom represent minority groups.

The reason why a law, such as the one I am proposing, is needed should be obvious. After all, 1984 is just around the corner.

Mr. Speaker, at this point in the Record I insert an excellent article on psychosurgery written by B. J. Mason and published in the February 1972 issue of Ebony magazine:

New Threat to Blacks: Brain Surgery To Control Behavior—Controversial Operations Are Coming Back as Violence Curbs

(By B. J. Mason)

* * * warn, however, that is now being revived—at the rate of 600 operations a year. Targets are supposed to be depressed women, hyperactive children, drug addicts, alcoholics, epileptics, neurotics, psychotics, convicts. Targets are often blacks.

Psychosurgery is the term used to describe the removal of brain tissue to modify or alter behavior without treating a known brain disease. Typical patients include those who display what psychosurgeons refer to as "symptoms of abnormal behavior," such as emotional tension, anxiety, aggressiveness, destructiveness, agitation, distractability, suicidal tendencies, nervousness, mood changes, rage, stealing and explosive emotions. It appears that two aspirins and a few minutes' rest will no longer do the trick. And since every human being exhibits at least one of these traits presumably all one has to do to qualify for such an operation is to rub society the wrong way.

Indeed, the Senate Appropriations Committee recently instructed the National Institute of Mental Health (NIMH) to award a $500,000 grant to Dr. William Sweet, Chief of Neurosurgery at the Massachusetts General Hospital, to determine if there is any connection between violent behavior and brain disease. More specifically, he was asked to develop a way to identify and control persons who commit "senseless" violence, as well as those "who are constantly at odds with the law for minor crimes, assaults and constantly in and out of jail." This perked the interest of the Justice Department's Law Enforcement Assistance Administration (LEAA), which invested $108,930 in further brain research by two of Dr. Sweet's colleagues, Dr. Frank Ervin, a psychiatrist, and Dr. Vernon Mark, Chief of Neurosurgery at the nearby Boston City Hospital.

It didn't matter that the Kerner Commission had already concluded that white racism was at the root of civil violence. The Justice Department ordered the grantees to "determine the incidence of brain disorders in a state penitentiary for men; to establish their presence" in a civilian population; and to "improve, develop and test the usefulness" of electrodes and brain surgery "for the detection of such disorders in Boston City Hospital. The part of the brain which controls their "strange" behavior is called the amygdala—an almond-shaped nerve center located on the inner side of the brain's temporal lobe. Since they believe it moderates emotions and drives, brain specialists agree that removing the amygdala curbs aggressive behavior and makes the patient docile. Dr. Peter Breggin, a Washington, D.C. psychiatrist and vocal opponent of psychosurgery, adds that "the only way this kind of operation can work is by blunting the emotions of the patient. To the extent that it blunts, it will also destroy some of the capacity for violence."

Dr. Mark denies that he and Dr. Sweet have been tampering with their patient's behavior. "Of course not," he says. "People who've had amygdalotomies don't change. If they're psychotic beforehand, this doesn't change their behavior." He stresses that he only operates on patients with temporal lobe epilepsy and feels that "brain surgery should never be done on individuals with a normally functioning brain to control their behavior—if they don't have brain disease."

However, Dr. Mark's psychiatric associate, Dr. Lawrence Razavi, contradicts him in a recent outline of their research objectives, which states that the purpose of the brain studies is to validate a battery of tests on "1) normals 2) epileptics without violent behavior 3) violent epileptics 4) violent individuals *without* apparent epileptic disease." The paper then goes on to state that brain surgery, "particularly where the amygdalus is entirely normal, may be construed as behavioral manipulation."

"No one," says Dr. Breggin, "could pretend to be on the side of the individual whom he is screening for the purposes of social control. The absurdity of saying that they are trying to "help" their clients is pointed out by the fact that their brain studies are funded by the Justice Department." Dr. Alvin Poussaint, associate professor of psychiatry at Harvard University Medical School, puts it more bluntly, "The study is racist," he says. "It assumes that black people are genetically damaged—that they're so animal and so savage that whites have to carve on their brains to make them into human beings. The whole concept is vicious. When all these institutes around the country decide to study violence, who do they go look at? The *black* man. But who's committing all the violence? The *white* man, white society, white policemen. They don't consider that something's wrong with *their* brains."

"But we're talking about *senseless* violence," says Dr. Sweet, who is one of the original lobotomists. "Senseless violence is more likely to be associated with organic brain disease than violence with an ascertainable motive. The individuals who have this ultra-low threshold to violent assault and behavior would be utterly wanton and bring discredit on their movement by excesses of one sort or another. For example, when an individual opens fire on total strangers. A normal individual just doesn't do this." Dr. Mark adds: "What we were looking at were people who behave inappropriately in a riot."

Persons more in tune with the indignities suffered by blacks would argue that there is no such thing as "senseless" violence—that individuals who commit brutal acts in a riot always have reasons, whether whites consider them apparent and valid or not. They would further suggest that ghetto violence is not a symptom of brain disease, but a reaction to the pressures of white racism. One wonders if Drs. Sweet and Mark realize that ghetto *conditions*—not ghetto residents—are abnormal; or if they know that black rage follows no script. As for their concern about the black movement being discredited, there is the nagging suspicion that what is described as "senseless" is in reality that which white society cannot accept.

"Naturally, whites consider black violence senseless," says Dr. Poussaint. "It's their way of not looking at the system and seeing how it produces criminals. Instead of saying that blacks commit crimes because they're out of work or out of a thousand other things, they say it's because of brain damage. It's a spinoff from the old genetic theory, which held that blacks commit crime because of inferior intelligence. The difference is that Sweet and Mark carry it one step farther: not only are blacks retarded and dumb, but they also have something actively out of whack. They forget that everybody is capable of at least one act of violence. For them to try to find an organic reason for that one act is weird—and you can bet that this study will be more directed at black males to make them more docile—even if they only test whites."

Case History No. 2: A black male, 28, unemployed. Married. Wife supports him with meager earnings as clerk. Insecure, suspicious, moody, explosive, he frequently accuses his wife of extra-marital relations, then strikes her about the face and arms. Doctor describes his condition as "uncontrollable rage." Following later brain surgery, patient loses memory of recent events and shows marked decline in simple awareness. Doctor notes: "aggressiveness no longer present."

Dr. O. J. Andy, neurosurgeon at the University of Mississippi Medical Center, has been performing thalamotomies on neurotic adults and aggressive adolescents—as well as hyperactive children as young as age six, some of whom are black. The thalamus is a pair of egg-shaped masses which function as a switchboard in the brain. It analyzes sensations and governs subjective feelings. Partial destruction of it makes patients more manageable.

According to a letter written by Dr. Andy's assistant, Dr. Marion Jurko, "The older children and adolescents have often run afoul of the law." He says that these children "could function in society if it were not for their explosive, impulsive and unpredictable behavior." Apparently, we no longer have to worry about such shocking personality traits because Dr. Jurko tells us that "lesions . . . have reduced the tension level to a degree compatible with society." Describing the results of the operations, he says, "These individuals will not be contributors to society, but at least they will be tolerated." Frightening? But there is more: "The adults are average to above-average in intelligence. Many have low frustration tolerance . . . most of them will tell you that they are tense, nervous, anxious, depressed . . ."

Dr. Andy himself has no doubts about the effect that psychosurgery has on behavior. "There's no question that it can be controlled," he says. "We have performed surgery on patients in which it has been very effective in controlling behavior or resulting in behavior being altered so that it conformed more with a normal human being in contrast to one that's at the extremes of behavior. You can say that his explosive emotional response has not only been blunted—it's no longer present." Although Dr. Andy claims that most of his patients are persons with some evidence of brain damage, he believes that people who are involved in any type of uprising—such as Watts and Detroit—"could have abnormal pathologic brains" and "should undergo tests with whatever capacity we have now." People who are unstable and explosive should then be operated on because "society demands correction or appropriate control."

The citizens of Philadelphia beam with pride when one mentions Hahneman Hospital. They point out that some of the world's best surgeons practice there and that its medical services rank second to none. Part of their praise is reserved for Dr Jewell Osterholm and his associate, Dr. David Matthews, both neurosurgeons who have been performing cingulotomies on drug addicts, alcoholics and neurotics during the past two years. The cingulum contains connections between various parts of the brain. "A cingulotomy is nothing more than the newest version of lobotomy," says Dr Breggin, former consultant for the National Institute of Mental Health. "It can turn a person into a zombie. It makes the patient docile, subdued and easy to manage. In order to be effective, it must pacify the person's personality. If it doesn't it must be repeated and more and more of the patient's brain is removed until he's eventually subdued."

"It is very unrealistic for psychiatrists to think of psychosurgery as a threat," says Dr. Matthews. "The cingulum doesn't control behavior." But disputing his contention is Dr. M. Hunter Brown, senior neurosurgeon at Santa Monica Hospital. Dr. Brown is known as "Father Cingular" because he invented the operation in 1947. "Clinical observation has shown a high degree of successful control," he writes, "in cases of anxiety, phobias, depressions and obsessions. Since 1965 our major thrust has been directed to control or cure hard-core schizophrenic aggression."

Dr. Osterholm believes that persons who kill or beat others without any apparent motive are suffering from undisclosed seizure disorders. When asked about the difference between military killers and trigger-happy policemen on the one hand, and violent slum residents on the other, he says: "Oh, that's a different kind of thing. That's a training kind of thing. That's an *expected* behavior."

One of Dr. Osterholm's patients was a black man who had a pain disorder, a gunshot wound in his leg. "Everything had been done for that boy," Dr. Osterholm says, puffing on his pipe. The doctor operated on his brain for a gunshot wound in his leg, although one understands that the "boy" was a drug addict. There were others, one of whom allegedly committed suicide. "No comment," says Dr. Osterholm: "Psychosurgery is only designed to relieve, suffering, to make people feel better—not control their behavior." And when suffering is relieved, do they act better? "Yes," he says, "they're better people."

Case History #3: Female. Young. Psychiatric history incomplete. Brought in for surgery on emotional part of brain. Electrode implanted, but patient later becomes worse. A second operation is performed, after which she becomes enraged at both psychiatrist and neurosurgeon and refuses to talk. Electrodes removed. Rage dismissed as "paranoid." Patient's mood improves and she is allowed out of hospital to shop. Patient rushes to phone booths, calls her mother to say "goodbye," then poisons herself.

Prisoners seem to be fair game for the psychosurgeons knife. Three convicts recently underwent brain operations at the California Medical Facility at Vacaville. Reportedly designed to make them more manageable, the operations were performed in the prison surgery ward. It is likely that these medical maneuvers would have remained secret had the facts not been accidentally leaked to the public in a letter from Corrections Director R. K. Procunier to the California Council on Criminal Justice, requesting more funds for experiments on "violent inmates." Unfavorable press comment and a barrage of protests from the Berkeley Medical Committee for Human Rights caused prison authorities to temporarily shelve the project.

Prison officials claim that these operations are performed only when or if voluntary consent is obtained from selected inmates, but critics of the program argue that there is no such thing as "freedom of consent" in a penal institution since prisoner "cooperation" is invariably achieved under the threat of sanctions.

"What parole board wouldn't listen," asks Dr. Poussaint, "if an unscrupulous doctor says that a prisoner has a lesion 'associated' with violence? If a convict submits to an operation in order to gain his freedom, he has to pay for it with a piece of his brain. If he *refuses* to submit, he has to risk having more time tacked on his sentence." Perhaps Dr. Poussaint recalls the British judge who ordered a chronic gambler to either agree to a brain operation or serve time in jail.

There is another concern.

The opponents of psychosurgery contend that confused or illiterate patients cannot give informed consent; hence, they can easily be duped into permitting an operation. Indeed, in many cases when a patient is judged incompetent, authorities rely upon the advice of the psychosurgeon who, with the consent of the patient's unsuspecting relatives or guardians, is usually eager to practice his trade.

"At best," says Dr. Breggin, "the choice is a sham. Once you've been labeled a mental patient, you become vulnerable to the worst things society has to offer: massive drug dosing, electroshock and lobotomy." Dr. Breggin once worked as an intern at the Massachusetts Mental Health Center, where he saw the vacant stares of lobotomy victims. Adds Dr. Poussaint: "Mental hospitals have been known to use electroshock in threatening or punitive ways. It's like, 'shape up or get zapped!' "

The advocates of psychosurgery respond that this argument is irrelevant if applied to patients who have been "suffering from continuous depression and anxiety which could not be relieved by any other treatment." Furthermore, they argue, people who are being "offered" the chance of undergoing psychosurgery, after which they *might* be able to lead a life within the law, are referred by a committee of medical consultants who would presumably eliminate coercion.

But Dr. Breggin is skeptical of watch-dog boards, "because control of them is almost never in the hands of the consumer. Besides, the psychiatrists with whom such boards will deal will not present an honest picture of the damaging effects of psychosurgery."

Finally, there is concern about the *effects* of psychosurgery. It is said to produce bad side-effects, such as loss of memory, dreams and daydreams, intellectual emptiness, lack of awareness, shallow religious feelings, lack of creativeness and loss of the ability to get angry. Thus, the crux of the argument against psychosurgery seems to be that *it evokes suffering instead of relief, and that other treatment at less risk is available.* Dr. Charles King, president of the American Ortho-Psychiatric Association, puts it this way: "If such experiments result in a nation of zombies, we might ask if the next step would be mass execution of 'undesirables.'" At present, there are no reliable controls.

Several Congressmen have withdrawn their support of a second research grant for brain studies, totaling $1 million. Among them are Sen. Cornelius Gallagher (N-N.J); Sens. Edward Brooke (R-Mass.) and Ted Kennedy (D-Mass.). The list of opponents grows daily. They have brain surgery on their minds.

MAIL DELIVERY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Alabama (Mr. Flowers) is recognized for 5 minutes.

Mr. FLOWERS. Mr. Speaker, as residents of the metropolitan area around Washington, I am sure we are each aware of personal instances when mail delivery does not measure up to the standards which we would like. Many of us would probably like to join the 700 people who send in a complaint each week to Postmaster General Klassen. But one group of citizens usually does not join in these complaints and actually seem hurt more by the postal system's recent changes than any other group.

My mail seldom reflects discontent on the part of rural postal patrons. As a rule, they are generally one of the most appreciative groups about their mail service and through their smaller post offices they often receive service which is far superior to what the city dweller can expect.

But periodically I receive notice that another one of these rural or rural contract branches is to be closed in my district with the area's residents placed on some alternative form of service at little or no savings to the postal system in a so-called "economy move."

The recently closed contract rural branch at Calcis, Ala., is a classic example of an economy move which seems unjustifiable to me. For savings estimated at $1,000, but which may actually be much less, the service to the 62 families of this community is being put on a rural route. This must undoubtedly mean a deterioration in the service which they have come to expect and deserve.

While this stroke of genius was being carried out, many of our larger post offices continued to operate at tremendous deficits while their patrons watched service become worse and worse. We have all read of instances when a letter from one point to another within a city arrived a week or more after mailing. What is not generally known, however, is the extent of financial loss incurred in some places.

In New York City, for example, last fiscal year's operation ran at a $23.5 million loss. But there is not any plan to close the New York office and route the mail through Newark. Right here in our Nation's Capital the postal system had almost $16 million more in expenses than income and these are the Postal Service's own figures for fiscal 1972.

Mr. Speaker, the Postal Service lost $175,435,000 in 1972. Perhaps they expect the 62 taxpaying citizen families of Calcis to assist in holding this down for 1973. Assuming their figures of a $1,000 loss there in 1972, it will take only 175,434 more such closings for the Postal Service to break even this year. I wonder who will be next?

Those who already receive what they consider efficient service should not be penalized while service grows continually worse for the majority of postal patrons.

GUAM LEGISLATURE EXTENDS BEST WISHES TO PRESIDENT NIXON

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from the Territory of Guam (Mr. Won Pat) is recognized for 5 minutes.

Mr. WON PAT. Mr. Speaker, the 21-member Guam Legislature recently voted unanimously to approve a resolution extending their best wishes, and those of the American citizens of Guam whom they represent, to President Richard M. Nixon on the start of his second term in office.

While similar action may be customary with some of the legislature of the various States, I believe that this resolution by the 12th Guam Legislature is of particular interest in that it represents a true testament of friendship between the people of Guam and the United States, and expresses the esteem in which the President is held.

President Nixon has twice honored Guam with his presence. During his first visit in July 1969, the President announced his now-famous Guam Nixon doctrine, which stated that Southeast Asian countries would henceforth have to assume a greater proportion of their own defense burdens, rather than continue to rely on American arms and dollars. And last year, while on his way to Mainland China, the President stopped over on Guam, during which time he was treated to a tumultuous welcome by thousands of local residents. I am proud to say that President Nixon was extremely pleased at the warm reception he received while on Guam.

That the President was accorded such an enthusiastic greeting by the people of Guam is not surprising. Aside from the rarity of Presidential visits to our islands, the Guamanians are extremely proud of their American citizenship. And they are well aware of what sacrifices the American people have made through the years to preserve the liberties which we all hold dear.

During the years since Guam became a part of this country as a result of the Treaty of Paris in 1898, Guam has continuously benefited, both politically and economically, from our mutual alliance with the United States.

Despite the many benefits which the people of Guam have reaped from our association with America, there are those who continue to insist that Guam is a captive territory of the United States. Last year, and for many years previous, the United Nations Committee on Colonialism, known as the Committee of Twenty-four, has severely criticized this country for its actions in the U.S. territories. In its latest report, for example, the U.N. committee charged that the people of Guam would not benefit from their newly won representation in Congress and demanded that the U.S. military be removed from their bases on the island.

Needless to say, we have consistently refuted these ridiculous and unfounded charges. The people of Guam know full well that, unlike the treatment which many powerful nations accord their outlying territories, the United States has done its best to improve the standard of living in Guam and our sister territories.

The members of the 12th Guam Legislature recognize the generosity of our adopted country. They and all Guamanians appreciate the increased self-government which recent U.S. Congresses have extended to Guam. By their actions in adopting this resolution extending their best wishes to President Nixon, the members of the freely elected Guam Legislature wish to indicate to their fellow Americans and to all persons everywhere the deep and abiding affection which the Guamanians hold for our democratic form of government—an affection which stems not from force or coercion, but from a friendship and loyalty that comes naturally from our hearts.

Patriotism can never be bought; it must be earned through hard work and mutual respect. That the Guam Legislature so willingly expresses its pleasure with the President and Congress speaks highly of the happy state of relations which obviously exists between the Federal Government and the Territory of Guam.

Mr. Speaker, so that all of my colleagues may read the resolution from the 12th Guam Legislature, I include it in the Record:

Relative to Extending to the Honorable Richard M. Nixon the Best Wishes of the 12th Guam Legislature Upon His Inauguration for a Second Term as President of the United States

Be it resolved by the Legislature of the Territory of Guam:

Whereas, the Legislature of Guam is that representative body which is best able to speak for the entire community; and

Whereas, the people of Guam are proud to be a part of the United States of America; and

Whereas, the people of Guam look to Washington for leadership in national and international affairs; and

Whereas, the people of Guam are grateful for the concern the incumbent administration has shown for the welfare and needs of the people of the Pacific Islands; and

Whereas, this concern has been vividly expressed by enactment of legislation providing Guam with a Delegate to the United States Congress and by the opening of negotiations with representatives of the Trust Territory of the Pacific Islands and the northern Marianas Islands relative to the future political status of Micronesia; now therefore be it

Resolved, that the Legislature of Guam, on behalf of all the people of the island, does extend to the Honorable Richard M. Nixon its sincere congratulations and best wishes on the occasion of his inauguration for a second term as President of the United States; and be it further

Resolved, that the Speaker certify to and the Legislative Secretary attest the adoption hereof and that copies of the same be thereafter transmitted to the President of the United States and to the Governor of Guam.

SOUTH ATLANTIC BASIN ENVIRONMENTAL CONSERVATION PROGRAM

(Mr. **SIKES** asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. **SIKES.** Mr. Speaker, I am introducing a bill today to authorize a South Atlantic Basin environmental program. The proposed legislation would provide a long-range regional approach to overcome pollution problems of small streams, rivers, and lakes in the South Atlantic Basin. It would authorize long-range, whole-farm, and nonfarm cost sharing contracts for land treatment to curb pollution by sediment, animal waste, fertilizer, and chemicals which result from soil erosion. It would offer Federal cost-sharing with individual land users to install conservation measures over a period of time in accordance with technically sound conservation plans.

The proposed South Atlantic Basin environmental conservation program is modeled in principle after the Great Plains conservation program authorized by Congress in the 1950's, which has proven to be a successful approach to improving the quality of the environment in that region of our Nation.

The landowner or operator in the Great Plains conservation program develops a conservation plan suited to his land and to the kind of operation he desires. He works out a schedule for applying the plan and enters into a contract with the Secretary of Agriculture to apply all needed conservation work on the entire unit within 3 to 10 years. He obtains help from the specialists of the Soil Conservation Service as he needs it and he receives the Federal share of the cost as he completes each conservation step.

Mr. Speaker, an intensive program of soil erosion prevention, conservation, and land-use adjustment is urgently needed in the South Atlantic Basin, because the soils in this high rainfall region are highly susceptible to erosion. I urge my colleagues to support this proposal.

WELFARE PROGRESS IN A LIMITED WAY

(Mr. **SIKES** asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. **SIKES.** Mr. Speaker, there have been recent reports the welfare spiral may be leveling off. Possibly this is the result of new and enforced regulations in some States and cities which are having the effect of reducing the numbers of those on welfare. The fact remains, however, that with increasing benefit payments the total cost of the program continues to rise.

Improvements have been noted in some States in that welfare recipients now are compelled to come to the welfare office for certification rather than send in a form, or several forms, and wait for the mailman to bring the check or checks.

Those who are able to work now are being offered jobs or training and some locales reduce benefits to those who refuse jobs. Electronic computers are being utilized to weed out those who have an earned income but who draw welfare payments illegally. Computers also are helping to discover those who are drawing welfare through more than one program.

Fathers who desert their families, leaving them to welfare, now are being sought out and efforts made to require them to pay support. Doctors who knowingly falsify medicaid records are coming under fire, as is the dentist who reported pulling a total of 52 teeth from one patient.

Photographs of welfare recipients are appearing on identification cards making it more difficult to cash welfare checks illegally.

Some progress is being made in obtaining prosecution for those who obtain welfare illegally. In a recent check of New York City welfare recipients, 10 percent of those called to the office for recertification declined to show up and were removed from the rolls, and of those who were examined 25 percent were found to be drawing too much money.

Thus, efforts to curb welfare programs are, in fact, slowly gaining impetus. America is very sympathetic toward the unfortunate who have no other means of support and who need welfare payments. The fact remains that for too many Americans, welfare has become a career and there are those who continue to take advantage illegally of the opportunity to draw welfare. More than 16 million Americans continue to draw welfare payments of some kind. There still is much work to be done to bring this program under control. Escalation of the program has been rampant in recent years. In the 10 years between 1963 and 1973, the number of persons on welfare rose from 7.4 million to 16 million, or 116 percent. During the same period costs went from $5 billion to $23.8 billion, or an increase of 376 percent. It is obvious that substitute programs must be found for growing welfare rolls, including work for the able-bodied, and that welfare cheaters be found and eliminated from the rolls.

SOCIAL SECURITY: OURS AND THEIRS

(Mr. **PIKE** asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. **PIKE.** Mr. Speaker, a few weeks ago, I introduced a bill to eliminate the outside earnings limitation imposed on recipients of social security pensions. And while I quite frankly expected a favorable reaction from my constituents in New York's First Congressional District, I was still a bit taken aback by the volume and intensity of favorable reaction which has been pouring in ever since, both from within and without my district, by mail, by press and radio comment, and by word of mouth. Apparently there are more people out there than I had dared hope to think who share my indignation at this classic example of "one law for the rich, another for the poor." Equally impressive has been the extraordinary intelligence and objectivity of these comments. Some are obviously no more eligible to receive a social security pension than I am, but they are still indignant over the principle of a law that says, in effect, if you are rich enough to draw unearned income, your social security pension will not suffer for it; but if you must earn an income by the sweat of your brow and the labor of your hands, the vengeance of the Federal Government will be swift and sure. It will dock you $1 for every two earned over the current $2,100 limitation on income. To avoid sounding unduly abrasive about this, in truth the Federal Government is not quite so cruel as I have painted it: If you can still hack a day's work for a day's pay after you have reached the age of 72, the Government will show its admiration by calling off the dogs. You can keep your wages and your pension, too. Seventy-two, one gathers, is the great equalizer, providing at last equal justice for the poor as well as the rich. Parenthetically, we Democrats "in caucus assembled" late last month decided there was nothing magic about the number 75, at least not to the extent that it would be necessary, when they achieve that many birthdays, to hustle venerable and by no means needy chairmen who dwell among us in this august body into ignominious retirement. No more reason to treat any differently those who have achieved their 65th birthday simply because they happen to be needy.

But I digress. There is another aspect of this provision currently written into the Social Security Act which disturbs me. It concerns the inexcusably overbearing attitude we have taken both with respect to the pensioners who have paid, often in full, into the social security trust fund and with respect to the fund itself which the Federal Government is supposed to administer "in trust"—just as the name implies—for the benefit of others. Not only have we been telling those pensioners that they have no vested interest in the fund they have built up themselves—if they have to work or want to work—but we find ourselves taking an increasing proprietary interest in that fund for the purpose of making the Federal budget picture look rosier than it in fact actually is. When we complain about the "cost" of such a bill as I have introduced, it is as if to suggest that the money is to come out of the General Treasury with which the social security trust fund has been lumped for the purposes of the President's annual endeavor to present the Nation a balanced budget. If this shell game persists, I predict that we will soon begin to have real trouble distinguishing between what is "ours," which is to say the Federal Government's, and what is "theirs," which is to say the social security pensioners'. Questions of the cost of this bill, therefore, need concern us only to the extent of its impact on the actuarial soundness of the program. If the money is there, it should be just as readily available to the pensioner who is obliged to make ends meet by continuing to earn a wage as it already is to the pensioner fortunate enough not to have to continue to do a day's work for a day's pay.

Let me say here that I am continuing to investigate the impact of the alleged "cost" of such proposals as mine. If they prove to be profoundly unsettling to the actuarial soundness of the program, I shall admit it. There is no doubt in my mind that social security pensioners would have me pursue a program that would literally "kill the goose that lays the golden eggs." But their letters indicate they share my doubts about some off-the-cuff estimates that have been bandied about concerning the impact of completely eliminating the outside earnings limitation.

Hearings by the Ways and Means Committee could expedite clearing up these questions once and for all. Until that time, however, with my own limited staff resources I shall continue to investigate the pros and cons, the results of which from time to time I mean to share frankly and fully with you. For the moment, I would simply like to share with you some excellent, articulate responses selected from what on the whole has proven to be an outstandingly intelligent influx of mail to my office in the wake of having introduced my bill:

Dear Congressman Pike: I read with considerable interest your article recently published in some of the local papers in the Hamptons regarding the elimination of the earnings restriction from the Social Security law. The logic behind the restriction was always fuzzy and the passage of years has shown it to be completely erroneous. I have the impression that the number of persons over 65 years of age who continue to forfeit their benefits because of their earning capacity is so small in number that they were simply lost in the shuffle.

Those of us who are affected by this iniquitous situation urge you and your fellow legislators to vigorously press the passage of the necessary law. Many of us have already lost several years of benefits which can never be retrieved and many will soon reach the magical age of 72 when for some mysterious reason our earning capacity no longer is material.

Please let me know how the proposed law is progressing through the Congressional mill and advise me if I can do anything to speed its consideration and passage.

A copy of this letter has been forwarded to the American Association of Retired Persons.

Respectfully yours,

Arthur H. Printz,
Attorney at Law.

How right you are! This income limitation for the newly retired is forcing many healthy, capable people into frustrating and unwanted inactivity—or the alternative, if they continue work, of losing their fairly earned social security payments. . .

Mrs. Ada D. Schnee.

As everyone knows, especially the golden year citizens, it takes more than a small fixed pension to stay alive . . . I retired 9 Nov. 72 from my Air Technician's position in the 106th Refueling Group at Suffolk County Airport at mandatory age 60. After more than 3 months on retirement with *no* pension from the military as yet, I'm forced to work as a crossing guard (Thank God!) in East Quogue. I get paid only when the E.Q. primary school is in session at the rate of a little more than $50 weekly (after taxes).

My request . . . is not for myself, for the Lord has given me the opportunity to prepare for old age by having a few small pensions come my way now and in the future (after 62).

Respectfully,

Sydney Stern.

I am writing to the Ways and Means Committee in support of your bill which provides for the removal of the limitation on earnings above $2100 per year which results in a reduction of benefits from Social Security.

This unjust imposition adversely effects two groups of people:

1. Those whose sole income is from Social Security and consequently living at a poverty level. Obviously this group should be first in your concern as many are at a sub-welfare level.

2. There is a second group of which I am one, with very specialized training who because of a modest additional income from a pension find it inadvisable to earn money beyond the present limits set by Social Security without suffering a large loss in total income. It doesn't take much arithmetic to see that it requires weeks of outside earnings subject to Federal, State and City taxes plus the self-employment tax to balance the loss of benefits from Social Security. As a result there are many instances where specialized skills are needed but rendered unavailable to the economy.

There are many, as in my own case, who because of loyalty to their former organization and colleagues, donate a great deal of time on large urgent projects where their experience and specialized skills are needed. I do not think this situation is fair to the individual who donates such services or to the organization who depends on these services.

Yours truly,

Le Roy Ericson, P.E.,
Consulting Engineer.

I have been working since 1966 and since I started to receive Social Security in 1967, they have taken back each year the equivalent of half of everything I earned over the imposed limit. This amount would have been a help in paying for the daily necessities and fighting the rising cost of living. I am sending to the organization I belong to (the AARP) a copy of this letter and the article in the Daily News of February 15, 1973.

Yours truly,

Gilbert Klein.

I am happy to read in the Three Village Herald that you are trying to remove the limit on outside income that a Social Security pensioner may earn. It is such a wholly unfair and stultifying restriction!

Yours very truly,

Mary Mahoney.

I couldn't agree with you more. I have bought an annuity and why shouldn't I collect its full value just as I might have had if I purchased it elsewhere? Hang in there—

H.L. Redfield.

We all get old sooner or later, Congressman Pike . . . The social security says that at age 72 . . . you can earn without being penalized. That law is a farce because not many live to be 72 years. If you do find one, he is likely to be in a hospital bed.

Sincerely,

Thomas A. Motisi.

I am a Supervisor for the Orbit Instrument Corp. in Syosset, New York . . . I have had several of my people retire, and the experience of one of my retired machinists, who incidently is 69 years old, with the vim and vigor of a 40 year old, is being forced to earn only $1680 for the year without losing his Social Security benefits.

It is really a shame when such an individual, who can be a taxpayer and a contributor to the Social Security Program, is forced to cease working in order to protect his benefits. At his age, he can still contribute a great deal in workmanship to society.

Very truly yours,

Joseph Cascone.

Many people, like myself, have paid in the maximum in Social Security for 30 or more years. Had we put the same money into a private pension fund and lived to this date we would be considerably ahead because we could draw larger pensions while continuing to work.

I work of necessity. There is no way I can retire. I feel very strongly about the fact that I cannot begin drawing out my money that I paid in each month. I feel ever more strongly that I continue to have to pay the maximum benefits right now, without any chance I may ever begin to draw out any of this money. Collecting one's Social Security is one only for the very poor or, as you emphasized, the very rich.

Cordially,

David Eisenberg.

I just sent off a letter to the House Ways and Means Committee in Washington urging passage of your Bill HR 3849. The limit of $1680 and $2100 now in 1973 is ridiculous as I know in my case. When I feel that I will go over that amount, I just lock up the joint and take off!

Sincerely,

Bill Le Mien.

Your proposed Bill to permit oldsters on Social Security, like myself, to earn supplemental income without penalty, is good news indeed. The correction of this unjust and biased law is long overdue.

The contention that the S.S. penalty creates jobs by discouraging people from working, is totally erroneous. It has in fact exactly the opposite effect, because by cutting off a person's S.S. supplemental income, he is right back where he started from and must seek a full time job.

Astoundingly, the present S.S. cut-off policy discriminates against the very people for whom S.S. was established in the first place, the people who reach 65 without pension or other income. It has perverted the "Basic Idea", as stated in the S.S. pamphlet—"to replace a part of the earnings the family has lost", into a grandiose windfall of S.S. checks for the wealthy and the pensioners. The law penalizes the wrong people, and shows a callous disregard for the individual.

Most companies and unions have mandatory retirement policies, closing the door automatically to older people, so it is not necessary to legislate against them. The principal jobs open to older persons are in some specialized skills, part time jobs and the less popular nighttime/holiday fill-ins. However, this is what he wants to do, to keep busy and fill a definite need, and of course, to supplement his S.S. benefits. Certainly not to get rich. Then why this peculiar S.S. cut-off policy, applicable only to the less fortunate who must continue to work?

Social Security is not a welfare handout.

As a charter member, my employers and myself have been paying into my numbered S.S. account for 37 years, interrupted only by 4½ yrs. military service in WW2. And we are still paying into the account at todays higher rates! It is indeed painful that the highly touted S.S. investment of a lifetime will, in all probability, give me nothing in return, penalized only because I choose to be a working citizen on a part time basis.

That is, Mr. Pike, unless your Bill changes things. Oh yes, I am 67 years young, so the change can't come too soon for me.

Yours faithfully,

MAX E. MEYER.

A TRIBUTE TO PEARL S. BUCK

(Mr. LEGGETT asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. LEGGETT. Mr. Speaker, yesterday a life that was full from the moment it began came to an end when Pearl S. Buck, one of the most perceptive and compassionate writers ever to have lived, passed away.

Pearl Buck was uniquely qualified to serve as a conduit of understanding between East and West, and she did so exceptionally well. We have yet to reap the total benefits of Pearl Buck's efforts to help us to understand our Eastern neighbors, for the effects of her work will be with us for a long time to come.

Pearl Buck became successful by writing about what she knew, and those of us who have read her work have no doubt of the depth of her knowledge of the East. Raised in China as the daughter of American missionary parents, she returned to live and teach there for many years. Her knowledge was the first-hand knowledge of one speaking about her own environment, for the East was her home for a large part of her life. This knowledge has been passed on to two generations of Americans, and we are all better for having it. Her prolific works, which brought her the Pulitzer and Nobel Prizes along with the admiration of all who read them, will continue to serve us in our ever-increasing relations with the East for generations to come.

WAR ON ANTIPOVERTY WORKERS WITH HONOR?

(Mr. LEGGETT asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. LEGGETT. Mr. Speaker, the President's proposed fiscal year 1974 budget contains numerous examples of the administration's convoluted set of national priorities, but the best example is the dismembering of the Office of Economic Opportunity. This action demonstrates the President's callous disregard not only for the poor and underprivileged in this country, but also for the Congress of the United States.

The administration's budget submitted for next year contains no requests for funding of the Office of Economic Opportunity for its conduct of programs which it currently administers under the act. The budget states that beginning July 1, 1973, the existence of OEO as a separate Federal agency is no longer necessary and indicates generally that programs now conducted by OEO are to be delegated or transferred to or assumed by other agencies.

In program terms, the budget has scheduled zero funding for: Economic Opportunity Offices, senior opportunities and services, as well as follow through programs. The outlook for legal services is equally grim, as it is to be transferred to an independent corporation when status has not as yet been established.

Despite administration doubletalk about reforming the Federal antipoverty activities and making Federal efforts to aid the poor more effective, these actions amount to no less than the gutting of the Federal antipoverty effort. The administration has promised to transfer some OEO programs to other agencies, but there is a real danger that these programs will not receive the attention they deserve from these other agencies.

The administration also argues that the terminated programs could be continued by local governments with revenue-sharing money, but only last year the President promised the mayors that revenue sharing would not become a substitute for categorically funded programs. Even if a local group did opt to continue a community action or Headstart program with revenue sharing, it would be very difficult to continue the programs at the current funding level, since for all practical purposes, the programs would have to start again from the ground up. All Federal property associated with an OEO program may revert to the Federal Government when Federal funding ends. This means that desks, typewriters, motor vehicles, and other project equipment purchased with Federal funds would have to be replaced in order to continue the project.

These actions, Mr. Speaker, are a clear indication of the President's low regard for the underprivileged in our society. What began as the war on poverty under the late President Johnson has become the war on the poor under President Nixon. It has also become a war on the Congress and the U.S. Constitution.

The Economic Opportunity Act Amendments of 1972 signed by President Nixon on September 19, 1972, before the election provided for a 2-year extension, through fiscal year 1974, of the authorization of appropriations for the Office of Economic Opportunity and programs conducted by the Office under the Economic Opportunity Act of 1964, first proposed and signed by the late President Lyndon B. Johnson. Moreover, the 1972 amendments continued through fiscal 1975 each program authority contained in the act.

Now suddenly we discover that, in the eyes of the Nixon administration, a specific policy of the United States enacted by the Congress and extended twice with the approval of this administration, can be declared null and void by Executive fiat.

My own reading of the Constitution indicates that the President is clearly prohibited from undertaking such an action. If the administration wants to alter the structure of Federal involvement in antipoverty efforts, or if Mr. Nixon seeks a change in the OEO programs that he has twice endorsed, then the proper legal procedure is to present the Congress with a specific plan and let the 535 elected congressional officials debate the relative merits and demerits of the proposal.

Instead, the President has chosen to circumvent the Constitution, and push for a speedy dismantling of OEO before the Congress can mount an effective counterstrategy. Make no mistake about it, this is exactly what the President is attempting to do.

About a week ago, the Washington Post and the New York Times uncovered an OEO interoffice memorandum that spelled out the details of this diabolical plan. This memorandum expressed an arrogant and condescending attitude toward both the people served by OEO and the Congress of the United States.

This strategy paper advised, among other things, that—

> Unless a focus on OEO is politically desirable, program transfers and shutdowns should be prompt, before the opposition musters strength to put Humpty Dumpty together again.

Never mind that the law forbids such an action, the strategy memorandum takes care of all that. It stated that, "a constitutional confrontation may be where the administration is most vulnerable," and advised that the administration should instead try to get support for cutting off poverty agency funds in the House and Senate Appropriations Committee, "whose interests most closely aline with the President's and, which have few members with strong feelings for OEO." The memorandum went on to name those Members of Congress that would most likely lead the fight over OEO.

Mr. Speaker, this strategy paper concerns me not so much for its content, but because of its insolent and insensitive tone.

Acting OEO Director Howard Phillips was quick to argue that the secret memorandum only reflected the views of one staff member. Nevertheless, the pseudo-legal justifications and the condescending rhetoric of the memorandum have found their way into Mr. Phillips' official statements as he has set about to dismantle OEO before the end of the fiscal year.

Let me give an example. Mr. Phillips, in a letter sent to my office describing the destruction of OEO, stated that:

> It has been our goal to . . . return greater authority over the expenditure of public funds to elected officials at the local level who can be credited for their successes and held accountable for their mistakes by the voters from whom they derive political authority.

As an elected official, Mr. Speaker, I strongly object to Mr. Phillips' intimation that I do not derive political authority from my constituents, and that I cannot be held accountable for my mistakes by the voters in California's Fourth Congressional District.

We are being handed a line from the administration. Thankfully, the American public is wise enough to see through it. The public knows that if the President signed a law extending the life of OEO through mid-1974 and providing funds for its operation, it cannot be legally killed this year without the consent of Congress.

In fact, even Howard Phillips, in a fit of honesty, admitted that he originally thought that OEO could not be dismembered this year. Since then he has changed his tune. He now argues that the authority to abolish OEO programs arises out of the fact that, while the 1974 budget requests no funding for them the statutory basis for these activities will remain intact."

This is double-talk in its basest form. Columnist David Broder has exposed it best. He stated:

> To translate those legalisms into the sports metaphors that Mr. Nixon likes, that's the equivalent to saying that while the Washington Senators have 'delegated' their players to the Texas Rangers, their franchise remains intact. That's a comfort to know, but it doesn't mean you'll find any baseball in Washington this summer. Or any anti-poverty programs either.

As we debate, OEO is quickly becoming a thing of the past. Some OEO regional directors have been given a couple of hours notice to terminate their business and clear their offices. The administration is moving ahead in its attempt to kill OEO as soon as possible. It is up to Congress to oppose this unconstitutional action, and preserve the vital function that OEO has served in mobilizing resources for the poor.

Mr. Speaker, it is interesting that the administration has chosen this time to attack the OEO. Only 2 months ago, a comprehensive survey of the community action agencies found that the CAA's had genuinely helped the poor to achieve self-sufficiency.

This utilization test survey indicated that:

> The total emerging picture of Community Action clearly shows that CAA's are rapidly becoming very positive forces in their communities that can play a significant role in helping communities rise to the challenges of revenue-sharing and other forms of government decentralization.

At this point in the RECORD, I would like to insert portions of this study, as well as the February 27 Washington Post article by David Broder:

UTILIZATION TEST SURVEY

The new Community Action Mission Statement developed under the Nixon Administration made it clear that it is not enough for this program simply to spend Federal money for poverty programs. The relatively small OEO investment in CAAs and SEOOs is intended to help them mobilize or stimulate better use of other resources—both public and private. This concept had been in the EOA and OEO rhetoric all the way back to 1964, but it was not made broadly operational until the new Administration leadership turned OEO around from simply spending to mobilizing resources.

The new emphasis has also produced other positive results, including closer working relationships between CAAs and state and local governments, which offer genuine help in making the decentralization of government succeed during the next few years.

OEO recently initiated an experimental effort to determine the degree to which CAAs have mobilized non-OEO resources for the poor, or have gained other improvements in the way community resources are used to help the poor become self-sufficient. There is more work to be done in completing the first phase of this Utilization Test Survey. Reports submitted to Headquarters by OEO Regional Offices are still being analyzed, and some will need to be re-done. Both machine and hand analysis have been slow and imperfect under the difficult conditions of this experiment. The identification of outstanding individual cases of mission impact for detailed study to expand the technical know-how of all grantees, has yet to be accomplished. Nevertheless, there is now emerging for the first time a national picture of Community Action achievements in terms of the basic mission emphasized by this Administration. Machine print-outs of the first broad profiles now include 591 CAAs. (The number should increase to about 850 by the end of January.) Even at this early stage in the project, the picture clearly shows that the Administration's re-direction of Community Action was on target. It is already producing highly constructive mission results in both urban and rural communities and the trends indicate that continued effort in this direction will produce substantially greater returns on a small investment.

SIGNIFICANCE

The data from 591 Community Action Agencies does indicate significant trends in the mobilization of resources and institutional change brought about by Community Action. The direction of these trends, the quantities which are assigned to the various institutions and sources of resources as produced by computer analysis are definitely indicative of the state in which we find Community Action in 1973. It is more than a simple trend, it is a pattern which while possibly not correct in the absolute, is basically correct in the relative values assigned to institutions, types of change, sources of resources and amounts of resources secured.

The methodology employed in obtaining the data for the survey described above provides a manner of significant local input or local perception while simultaneously providing a balanced view of OEO Regional personnel in analyzing the records and current information on the agency held by the Regional Office. It contains both a measure of balanced input and completeness that would not be possible had it not been the product of the OEO Regional Office. While it is not assumed that every single item of resource mobilization was thoroughly validated, in the aggregate these data were validated. While it cannot be known to an absolute truth that the Community Action Agency did in fact cause a particular change in institutional behaviour or responsiveness, in the aggregate it was assessed that these changes did occur as a result of the operation, existence and participation of the Community Action Agency in local community program efforts.

SURVEY FINDINGS—MOBILIZATION OF RESOURCES

The criteria for reporting resource mobilization was based on a test of local significance. It was not so much an amount of money which was generated from the private or public sector, but the significance of a particular effort or series of efforts. No non-Federal share for OEO or other Federal grants were to be reported, therefore the report of resources mobilized are all resources over and above non-Federal share requirements. When we look at the total effort of the 591 CAAs it is significant to note that 58 percent of all resources came from non-Federal sources, that 17 percent came from other federal legislation, and that only 25 percent was attributed to other than OEO from • the Economic Opportunity Act. (A previous sample survey of Community Action Agencies by OEO has shown that approximately 38% of their total operating budget is funded by OEO). These ratios are brought out in similar patterns reported by both urban and rural CAAs. While there were discrete differences in specific categories they followed the same basic trend. The total reported resources mobilized from 1966 through 1973 was equivalent to 1.3 billion dollars. These resources represented the acquisition of funds, space, equipment, manpower of either paid staff or volunteer, training and technical assistance or an "other" category. It is important to note that a hand tabulation of nearly all of the CAAs utilized in the survey report that over 75 percent of the resources mobilized was cash i.e., contributions from private individuals, foundations, churches, civic and service groups, grants from state agencies, appropriations from municipal and county legislatures and grants from Federal agencies. This is a definite indicator that local Community Action Agencies have been receiving considerably more than "in-kind" contributions but have in fact mobilized a substantial amount of cash for anti-poverty work.

A second significant indicator is the amount which was mobilized in any given year. While it is recognized that the erosion of institutional memory and the lack of adequate records might have hindered reporting in some of the earlier years, it is significant to see a growth from $115,000,000 mobilized in 1968 to $396,000,000 mobilized in 1972.

Although the data is from only 65 percent of the total number of Community Action Agencies which received over $1.5 billion in local initiative funds it is significant to note that a substantial increase of resource mobilization has occurred in every year since the publishing of the OEO mission statement and the instruction on the purposes of Community Action dated November, 1970.

The accomplishments of Community Action Agencies mobilizing resources for programs to aid the poor show a significant increase for 1972 following the publication of the OEO mission statement for Community Action. The gradual increase from 1968 through 1971 shows a steady growth of 115 to 256 million dollars for the 591 CAAs included in the data for this portion of the survey, thus a growing capability to mobilize resources from the non-poor. The substantial increase from 1971 to 1972 from 256 million to 396 million dollars for the 591 CAAs indicates an invigorated effort in the years 1971 and 1972 to mobilize other resources toward anti-poverty programs. It is obvious that the President's program to curb inflation and improve the status of the United States economy had some influence on the availability of resources to be mobilized; however, it can be said that this period was also a time when Community Action Agencies were targeting their efforts to mobilize resources as well as generating community support. Therefore, due to the catalytic activities of Community Action Agencies significant effort in local communities in both the private and public sector as well as state government definitely showed a more responsive pattern to the needs of the poor.

A look at the sources of resources which were mobilized by Community Action Agencies shows several factors:

(1) that municipal and county or local government have been extremely supportive of Community Action programs during the period reported.

(2) that state government has been a vital source in providing funds for local anti-poverty work efforts supported by Community Action Agencies.

(3) the Federal government does continue to be a very large source of resource mobilization for local agencies. While this is slightly higher in rural areas than in urban centers this might be as expected, but the fact that non-Economic Opportunity Act resources were mobilized for the benefit of the poor were in such a large percentage is extremely heartening as local communities

have progressed to look beyond the Economic Opportunity Act for sources of funds to assist in programs to aid the poor.

(4) medical and educational institutions or organizations in local communities were a high source of resources for the poor that were leveraged through Community Action. It is not too difficult to see the difference between urban and rural in these two categories where there are more sources of medical or educational money at the local level in the urban centers as opposed to rural areas.

(5) the contribution by business and industry to anti-poverty efforts as mobilized by Community Action Agencies is highly significant. It was not as high as urban centers as one might have anticipated, on the other hand the urban centers have other program sponsored by other Federal agencies directly with business for which a Community Action Agency is not responsible, therefore, it is not unusual to see a lower amount in urban centers for business contributions as in rural areas. The dollars mobilized by Community Action Agencies from business and industry in the rural sector is extremely heartening. The 60-plus million dollars mobilized by 340 rural Community Action Agencies from business and industry showed a high degree of local participation and effort.

(6) the small amounts mobilized by Community Action Agencies from legal organizations and associations and labor organizations is disheartening. It can be said, however, that since there is a national emphasis OEO Legal Services program that some of the legal support was obtained in this manner. It would be hoped, though, that this particular area would increase in the coming years. The extreme low amount from labor can be partially explained by labor participation in the Manpower Administration programs which are not directly attributable to Community Action Agencies, however, even there, the total or absolute number of dollars is definitely low both for urban and for rural agencies.

(7) contributions from churches and church organizations occurred relatively the same in both urban and rural areas, however, it must be noted that it is from churches that local agencies gain a considerable amount of non-Federal share in order to obtain their federal grant and since this report excludes non-Fedreal share the absolute number of dollars is low. It is hoped that a concerted effort with the church organizations of this country might increase the amount of private resources through religious bodies in coming years.

(8) civic and service organizations played a significant role in providing resources over and above non-Federal share to anti-poverty efforts at the behest of local Community Action Agencies. The combination of resources from local government, state government, medical and educational institutions and organizations as well as the large level of business giving and the significant resources obtained from civic and service organizations shows a high level of commitment from the private and public sector at the local level. It substantiates that there is a large universe of local capability as well as local commitment to the problems of the poor. These data support that assumption and give credence to the value of local institutions working to provide solutions to the problems of local communities. And it shows that local CAAs specifically are valuable in-place capability for mobilizing community efforts and resources.

(9) the support provided by foundations to Community Action Agency efforts in a community is realistically indicated by a larger level in the urban center versus the rural area but it does show a substantial amount of support to anti-poverty work.

SACRIFICING LEGALITY FOR EFFICIENCY

(By David S. Broder)

The man of the week in Washington is Howard Phillips, the 32-year-old acting director of the Office of Economic Opportunity. Phillips is obliterating OEO and the federal antipoverty program even faster than his fellow Harvard man, Henry Kissinger, is ending the Cold War—but to much less general applause.

Because he is going about his work with such enthusiasm that he seems likely to have demolished OEO even before his June 30 target date, Phillips is being attacked as a White House hatchet man. It's a bum rap. He is a 100 per cent true believer in what he's doing, and would take on the job for free if they didn't want to pay him.

His philosophy was summed up in an interview the other evening with Martin Agronsky, in which he said: "One of the things that has disturbed me is the view of many of the organizations that we have funded out of OEO, that poverty is a political and cultural fact of life, rather than an economic fact of life. I don't think poverty is a political question. I don't think it's proper for the government to be in a position of trying to solve the poverty problem through political means."

With that view, it was inevitable that the efficient Nixon personnel computer would identify Phillips as the ideal person to administer the poverty program. But it discredits young Mr. Phillips to think he is just an antipoverty program fanatic. He is a libertarian conservative, suspicious of all connections between government and the public. One of the 11 "general principles" he handed me when I went to see him last week says, "My political liberty is diminished when the government subsidizes political activities."

This suspicion of government and its works is no new thing for him. Years ago, when he was a junior staffer at the Republican National Committee, we used to lean against the wall and argue about the evils of the welfare state.

Little did either of us dream then that he would be chosen to preside over the death of OEO. Indeed, Phillips expressed his own astonishment during our visit last week at discovering what power an acting director has to put his own agency out of business.

"My first reaction when they outlined it to me was that it couldn't be done," he said. The President, you see, had signed into law last fall legislation extending the life of OEO through mid-1974 and providing funds for its operations—not its abolition—this year.

But by the time the White House lawyers had finished interpreting that legislation, Phillips began to savor the possibilities of striking a blow for libertarianism.

The lawyers' reasoning is a marvelous example of Orwellian Newspeak. When Sen. Abraham A. Ribicoff (D-Conn.) wrote Phillips asking him to identify his authority to abolish OEO and "terminate" or "transfer" its functions, it all turned out to be a phantom. "While the 1974 budget requests no funding for them," the letter of reply said, "the statutory basis for these activities will remain intact." Some programs may be "delegated" to other agencies, but none, Ribicoff was told, is being "transferred."

To translate those legalisms into the sports metaphor that Mr. Nixon likes, that's equivalent to saying "that while the Washington Senators have delegated" their players to the Texas Rangers, their franchise remains "intact." That's comfort to know, but it doesn't mean you'll find any baseball in Washington this summer. Or any antipoverty program either.

One of the "general principles" Phillips had given me as a guide to his philosophy read, "The elitist notion that our traditional institutions and democratic processes must be bypassed to achieve 'socially desirable' objectives poses a fundamental threat to our system of government."

In light of that statement, I asked him what he thought of Mr. Nixon's end-run around Congress on the abolition of OEO. "That decision," he said, not batting an eye, "was made on the grounds of effectiveness."

For the same reason, it turns out, Mr. Nixon has decided not to submit Phillips' name to the Senate, despite a recent pointed reminder from Sen. Harrison A. Williams Jr. (D-N.J.), the chairman of the Senate Labor and Public Welfare Committee, that the position of OEO director requires Senate confirmation.

"If my name went up," Phillips said with unassailable logic, "I'd have to spend all my time up there getting confirmed and I'd never get the place dismantled."

So there you have it. Having picked as the poverty program administrator a man who believes that poverty is not "a political question," Mr. Nixon has now authorized him to dismantle the agency, rapidly and totally, despite the fact that its life, under law, is supposed to extend at least until mid-1974. And he is doing it right now without the Senate even having a chance to exercise its statutory and constitutional right to give or withhold its "advice and consent" to the nomination.

All this, mind you, in 1973. It makes you wonder what our government will be like by 1984.

NATO BURDEN-SHARING RESOLUTION

(Mr. YATRON asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. YATRON. Mr. Speaker, in 1948 the 80th Congress debated an historic foreign policy resolution sponsored by the late Senator Arthur H. Vandenberg. That congressional declaration put the Senate on record as favoring collective defense arrangements, based upon continuous and effective self-help and mutual aid.

Adoption of the Vandenberg resolution in June of that year paved the way for Senate ratification of the North Atlantic Treaty and creation of the North Atlantic Treaty Organization—NATO.

Today, more than a quarter of a century after the Marshall plan which rebuilt Europe, the 93d Congress seems likely to begin another great debate on the major question: Should the United States, 28 years after World War II, keep its 303,000 troops in Western Europe?

The Nixon administration outlined its position in December 1970 at the opening session of the NATO Foreign Ministers Conference when Secretary of State Rogers commented that "unless there is reciprocal action from our adversaries," there will be no troop reductions. However, this position had softened by December 1972 when, prior to departure for NATO meetings in Brussels, the Secretary of Defense stated:

> There has been great progress during these past four years in achieving a better *sharing of the defense burden* as far as the NATO alliance is concerned. . . . I have great confidence in the future of the Alliance, which means confidence in the U.S. Congress and confidence in the willingness of the NATO

allies to continue their force improvements and to continue with a more proper *sharing of the defense burden.* (Italics supplied)

However, efforts by the distinguished Senator from Montana, MIKE MANSFIELD, and some of my colleagues in the House during the 92d Congress, recommended that we substantially reduce the number of U.S. forces stationed in Europe.

Therefore, Mr. Speaker, while the debate on this critically important question continues, I believe that a number of interim steps could be taken by our NATO allies to ease the financial burden upon the United States. These interim steps represent a middle ground between administration positions and congressional proposals which revolve around the concept of burden sharing.

Burden sharing can be implemented in two principal ways, neither of which involves the withdrawal of American troops: First, our NATO allies could contribute a great deal more to the enormous cost of maintaining our forces in Europe, and second, they could assume some of the military missions and functions now being carried out by the 550,000 U.S. personnel and dependents currently stationed in Europe.

Our allies could also pay the salaries of local nationals employed at American installations; assume responsibility for construction costs; pay for goods purchased on the local market; finance transportation and utility costs; and assume all NATO infrastructure expenses such as roads and runways.

If these recommendations were adopted, a savings of between $500 million and $1 billion would accrue to the American taxpayer. Therefore, while the resolution would not reduce our troops below the present 303,000 level, it would cut back drastically the $16 billion annual cost of maintaining them in Europe. In addition, as ample proof of the need to be frugal, the resolution cites the economic progress Western Europe has made since the end of World War II, the $1.6 billion annual balance-of-payments deficit suffered by the United States because of troop support, and the need to reorder our budget priorities in the effort to solve our critical domestic problems.

Our European allies have come a long way since Senate approval of the North Atlantic Treaty in 1948. While my burden-sharing resolution recognizes this fact, it would keep our military commitment to Europe strong, and, at the same time, reduce the total amount of tax dollars spent for defense—an area which has not yet been cut back. Because of my deep concern for what I consider to be a grossly inequitable situation, I will introduce today, together with 24 of my colleagues, a resolution urging the President to press our NATO allies to contribute their fair share to the cost of their collective security.

Mr. Speaker, the full text of my resolution and a list of cosponsors follows:

NATO BURDEN-SHARING

Whereas our North Atlantic Treaty Organization (NATO) allies have made substantial economic progress since the end of World War II more than a quarter of a century ago; and

Whereas our military presence in Europe—including a total of over five hundred and fifty thousand Department of Defense personnel and dependents—costs the American taxpayer approximately $16,000,000,000 each year; and

Whereas the balance-of-payments deficit resulting from United States defense expenditures in Europe is approximately $1,600,000,000 per year; and

Whereas we must begin to reorder our priorities if we are to solve critical domestic problems; and

Whereas the President has expressed an interest in redistributing the defense burden more equitably among NATO members: Now, therefore, be it

Resolved by the House of Representatives (the Senate Concurring), That it is the sense of Congress that (1) the President vigorously press our NATO allies to assume a greater proportion of the cost of their own defense; and (2) the President, as Commander-in-Chief, take whatever steps he deems necessary to implement this burden-sharing concept; and be it further

Resolved, That no action taken pursuant to this resolution should weaken either our resolve or our ability to fulfill our commitments under the North Atlantic Treaty.

LIST OF COSPONSORS

Mr. Fraser (Minn.), Mr. Mollohan (W. Va.), Mr. Gude (Md.), Mr. Frenzel (Minn.), Mr. Stuckey (Ga.), Mr. Flood (Pa.), Mr. Buchanan (Ala.), Mr. Whitehurst (Va.), Mr. Eilberg (Pa.), Mr. Cleveland (N.H.), Mr. Mazzoli (Ky.), Mr. Brown (Calif.), Mr. Matsunaga (Hawaii), Mr. Won Pat (Guam), Mr. Wolff (N.Y.), Mr. Kemp (N.Y.), Mr. Adams (Wash.), Mr. Roy (Kans.), Mr. Fascell (Fla.), Mr. Henderson (N.C.), Mr. Green (Pa.), Mr. Melcher (Mont.), Mr. Hungate (Mo.), Mr. Shoup (Mont.).

DISTINGUISHED AMERICANS SUPPORT WORK OF THE CRIME COMMITTEE

(Mr. PEPPER asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PEPPER. Mr. Speaker, among the hundreds of letters and telegrams which have come to me commending the work of this House's Select Committee on Crime are those of distinguished Americans in various professions within the criminal justice system. Other communications have come from prominent men and women in vocations affected by hearings held by the Crime Committee these past 4 years.

In the latter category are educators concerned as was our committee with the growing abuse of drugs by students on elementary and secondary school campuses of the country.

During our hearings in six cities across the country we learned much about the problem of drugs in our schools. Much more, I might add, than we could have possibly received by holding hearings in Washington and asking the educators to come to us. We talked to students, police officers, drug counselors, and hundreds of other persons whose ideas we would never have been exposed to in some hearing chamber in Washington.

In short, we went to hear and learn and seek the best advice possible before filing a report and introducing legislation to come to grips with a very significant and critical problem.

In the course of our hearings we had some sharp criticisms to make of many school officials who had not awakened to the extent of the drug problem in the schools and hoped it would simply go away.

Following our hearings in New York City, Miami, Chicago, San Francisco, Los Angeles and Kansas City, we were heartened by the efforts of school officials, parent and teacher associations, drug abuse educators and others to discuss frankly and openly a most serious condition unconfined to any section of the country or any particular neighborhood within a given school district.

Chicago and Los Angeles have asked for a total of nearly $8 million in Federal assistance so that each city's school authorities might begin to institute programs designed to identify and find help for students with drug and drug-related problems. This help must be forthcoming and I am greatly encouraged by the receptive attitude of one of the best friends educators have in America, CARL D. PERKINS, the esteemed chairman of the House Education and Labor Committee.

Among the letters and telegrams I submit today are those of the superintendents of schools in San Francisco, Oakland and Los Angeles, Calif., who testified personally before our committee and are representative of the high caliber of professionals in public education.

I will not attempt to single out any particular communication further as it will become evident that many of those who have commented positively on the work of this body's Select Committee on Crime are, individually, giants in their respective fields.

I would like to express my regret that due to a typographical error yesterday, Mr. Carol S. Vance, president of the National District Attorneys Association, was incorrectly identified.

I, therefore, resubmit Mr. Vance's communication at this point in the RECORD along with other communications on this subject.

NATIONAL DISTRICT ATTORNEYS ASSOCIATION,
Chicago, Ill.:

Honorable Representative Carl Albert, Speaker of the House: As President of the National District Attorneys Association representing 5,000 prosecuting attorneys, as district attorney of Harris County, Texas and as prosecutor I strongly urge the support of House Resolution 205 which is for the continuance of the House Select Committee on Crime. This is one of the few committees in Washington that has been of assistance to the prosecutors of this Nation and has offered invaluable service through its national hearings.

CAROL S. VANCE,
President and District Attorney.

Hon. CARL ALBERT,
Speaker of the House of Representatives, Washington, D.C.:

Urge your favorable consideration of extension of Congressman Claude Pepper's Select Committee on Crime so that the important studies which the committee began can be completed.

Studies promise much useful insights into difficult city problems of narcotics and street crime.

ALLEN E. PRITCHARD, Jr.,
Executive Vice President, National League of Cities.
JOHN GUNTHER,
Executive Director, U.S. Conference of Mayors.

Center for Studies in Criminology and Criminal Law,
University of Pennsylvania,
Philadelphia, Pa.

Hon. Carl Albert,
Speaker of the House:

Continuation of the House Select Committee on Crime is in the national interest. This has been a most important committee. As an university professor of criminology I support the efforts of this committee. Investigating presidential commissions and the work of the Department of Justice need the complement of this House committee to fulfill the government's study of crime.

Marvin E. Wolfgang,
University of Pennsylvania.

Carl Albert,
Speaker of the House,
U.S. Congress,
Washington, D.C.:

I urgently recommend that you continue for two more years the life of the very important house select committee on crime.

Art Linkletter.

February 15, 1973.

Hon. Carl Albert,
Speaker of the House of Representatives,
Washington, D.C.

Dear Congressman Albert: I have recently read that the House Crime Committee is up for reconstitution before the Congress and I hasten to write this letter to you for the continuation of this worthwhile organization.

The Huntington Narcotics Guidance Council has worked with the House Crime Committee for several years in an effort to reduce the output of "speed" on a nationwide basis. This combined effort has culminated in the successful effort of the House Crime Committee to date in reducing the overproduction of "speed" and other drugs.

I sincerely hope that the House Crime Committee will be permitted to continue its most worthwhile efforts on behalf of the people of the United States.

Sincerely yours,

Arthur Goldstein,
Chairman, Huntington Narcotics Guidance Council.

February 20, 1973.

Hon. Carl Albert,
Speaker, House of Representatives, U.S. Senate, Washington, D.C.

My Dear Mr. Albert: As a physician, a pharmacologist and a research scientist. I have devoted essentially my whole professional life to the study of narcotic problems and what can be done about them from the scientific point of view. After more than thirty years association with the efforts of the National Research Council and twenty-two years in Government service at the National Institutes of Health in this connection, twelve years of official retirement have been spent continuously in study of and consultation with Government and other agency activities along the same lines. I have also had the privilege and honor of serving as consultant to the House Select Committee on Crime, Chaired by Congressman Claude Pepper. I have been greatly impressed by the interest shown and the energy devoted by the Committee members to narcotics problems in their broadest aspects, and particularly impressed by the meticulous detail of Committee reports and suggestions for constructive action. But it is my opinion that there are still many facets of the problem to be explored.

It has come to my attention that the House of Representatives will examine shortly the work of the Committee and come to a decision in respect to continuance of its activities. I strongly urge that the Committee be granted the two additional years which it requests to continue its work. We cannot lose and stand to gain much by allowing the Committee to complete its observations and summarize its accumulated experience with interpretation and constructive recommendation which must surely follow.

I have based my urging of the Committee's continuance on its recognition of the role of narcotic and drug abuse in the overall crime problem, because that, I think, is within my field of competence. Whether we judge drug abuse to be presently epidemic or indigenous in our society, its diminution must, among other things, decrease crime, and every road in that direction must be pursued to the fullest benefit attainable.

Respectfully,

Nathan B. Eddy, M.D., D.Sc.,
Consultant, National Institutes of Health, National Research Council, et al.

February 21, 1973.

Hon. Carl Albert,
Speaker of the House of Representatives,
Washington, D.C.:

The continuance of the House Select Committee on Crime is urgently needed that the work of investigation of street crime and narcotic traffic in the United States can be completed. Support of House Resolution 205 is paramount. Their findings can be valued guidance to needed legislation and to enforcement of the law.

Wes H. Bartlett,
Immediate Past President, Kiwanis International.

February 23, 1973.

The Honorable Carl Albert,
Speaker of the House of Representatives,
Washington, D.C.

We urge the extension of the select committee on crime. As an organization greatly concerned with justice for children and our involvement in an investigation of the issue at the present time, we believe that the committee can produce data and develop recommendations for action necessary for the protection of the rights and welfare of children.

Mrs. Eleanor Marvin,
National Council of Jewish Women.

Connecticut Conference of Mayors and Municipalities,
New Haven, Conn., February 20, 1973.

Hon. Carl Albert,
Speaker of the House of Representatives,
U. S. House of Representatives,
Washington, D.C.:

Dear Mr. Speaker: It is very important that the Select Committee on Crime be continued. Street crime and narcotics require Federal attention and action.

Your assistance is essential and will be greatly appreciated.

Sincerely,

John J. Sullivan, *President.*

Jacksonville, Fla., *February 21, 1973.*

The Honorable Carl Albert,
Speaker, House of Representatives,
Washington, D. C.

We urge the adoption of House Resolution 205 to continue the House Select Committee on Crime. Our Association has been most active in the area of drug abuse, and believe the continuation of this Committee work will be most beneficial to the American people.

William J. Dean, M.D.,
President, Florida Medical Association.

Michigan Department of Agriculture,
February 22, 1973.

Hon. Carl Albert,
Speaker of the House of Representatives,
Washington, D.C.:

I support House Resolution 205 to continue Congressman Claude Pepper's Committee. It is recommended that his committee also include investigation of organized crime into professional and college sports. This committee served a good purpose in 1972 by exposing undesirables in racing and other sports. This committee can greatly facilitate the fight against crime in the United States.

Leo C. Shirley,
Racing Commissioner.

Miami, Fla.

Dear Representative Pepper: Today I learned of your fight in Congress to preserve the House Crime Committee. I therefore sent a telegram to Mr. Carl Albert, Speaker of the House with this text:

"As a leader of the church and of the Russian American Community I express my support for the House Crime Committee headed by Rep. Pepper and urge that this important body be retained."

As a Church leader I strongly sympathize with the struggle against crime in our society and the important work of your Committee.

May God's blessing be with you.

Archbishop Nikon.

Dallas, Tex.

Congressman Claude Pepper,
U.S. House of Representatives.

Speaker Carl Albert: H. Res. 205 should be passed continuing the House Select Committee on Crime. The problems it is dealing with are at least as important as any domestic matter. This Committee is nearing a point at which it will be able to propose powerful legislative solutions that will at once reduce crime to manageable proportions and reassert congressional authority as originating source of important legislation. The poor and helpless of this country will be the big losers if the Committee's work now is interrupted. It makes no sense from the standpoint of any concerned person to cut off a project with so much promise at a cost so small. Street crime will decline as organized crime is forced out of the heroin traffic and kept out.

William J. Flittie,
Professor of Law, Southern Methodist University.

Maryland Psychiatric Research Center,
Baltimore, Md.

Hon. Carl Albert,
Speaker of the House of Representatives:

It has come to my attention that the Select Committee on Crime may be discontinued. The work of this Committee is still in its infancy and desperately needed for the safety of our citizens. I hope that you will use your influence to continue it.

John C. Krantz, Jr., Ph. D.,
Maryland Psychiatric Research Center.

Chicago, Ill.

The Honorable Claude Pepper,
Washington, D.C.:

On behalf of the public television and broadcasting community of Illinois we strongly urge that the House Select Committee on Crime be continued for the next two years. The Committee's activity, particularly in the area of drug abuse in the schools, made an indelible impression and had a healthy effect on the Nation's second largest metropolitan area, Chicago, Illinois. All of the television interest worked in tandem with the community to effect a most rewarding result. Again we urge that the committee be continued for two years.

William J. McCarter,
WTTW, Channel 11.

Chicago, Ill.

Carl Albert,
Speaker of the House:

The Chicago Region PTA representing 80,000 members urges you to pass Resolution 205 to continue the operation of the Select Committee on Crime chaired by Congressman Claude Pepper. Since this committee's acceptance of testimony in Chicago, this city and the public school system has finally recognized we have a serious drug problem, this is just the first step, we have only tapped the surface. We need the continued support of this committee to move forward. This committee has served the people of this country. We need them, there is much more to be done.

Barbara Nueske,
Juvenile Protection Chairman.

Chicago, Ill.

Hon. Carl Albert,
House of Representatives.

The Latin community of Chicago through the main Latin rehabilitation and drug education community projects called El Rincon ask of you to support the continuance of the select committee on crime of the House of Representatives. We think highly of that committee because it gives the Congress the opportunity to get in touch with the real problems of drug abuse and very special because it allows the little and forgotten people to communicate with the Congress. The Honorable Pepper should continue as chairman since he is so knowledgeable and resourceful in the matters of the committee. That committee was the best thing that ever happened to Chicago regarding drug education and the problems of drugs in general.

Father Jose Cruzs J. El Rincon,
Chicago.

Chicago, Ill.

Hon. Claude Pepper,
Washington, D.C.

The Illinois drug abuse program supports House Resolution 205 which continues the House Select Committee on Crime for 2 more years. We believe the committee serves the public interest.

Dr. Edward Senay,
Dennis Heston,
Illinois Drug Abuse Program.

Oakland, Calif.

Hon. Claude Pepper,
Chairman, Select Committee on Crime, House of Representatives, Capitol Hill, D.C.

Street crime and narcotics traffic are common concerns of all urban school district administrators. House Resolution 205 continues the Select Committee on Crime for two more years. There is great need for this investigative body to continue. We feel that the information which would be gained by the completion of the committee's work would be of enormous assistance to urban school districts. I wish to indicate my support for the Select Committee on Crime and for House Resolution 205.

Marcus A. Foster,
Superintendent.

Hon. Carl Albert,
Speaker, House of Representatives.

I have just learned of House Resolution 205 which will allow for the continuance of the House Select Committee on Crime.

Today in our schools more than at any time in my 23 years of service to the District, violence in the community poses a threat of such proportions that we are severely hampered in conducting and maintaining an educational environment conducive to learning. The present community unrest requires immediate and decisive attention.

The following figures indicate the seriousness and prevalence of crime in our community as it reflects itself in our schools:

Assaults on school personnel	30
Assaults on school personnel with weapons	37
Assaults and attempted rape of school personnel	2
Assaults on pupils	71
Assaults on pupils with weapons	57
Assault and rape of a pupil	3
Possession of weapons	37
Murder of a pupil	8
Possession or sale of narcotics	8
Arson	1

These figures are for only a part of the first semester of school year 1972–73.

In addition the Los Angeles Police Department has identified 881 hard-core members (these gang members are all school age youngsters). The Los Angeles Police Department has defined hard core as meaning 10 or more arrests of which 5 include felony arrests. The 881 gang members reflect 9,515 arrests. The Los Angeles Police Department made 6,412 applications for petition to the Probation Department to bring these youngsters to court.

In the first 10 months of 1972 there were 504 arrests for murder in the city of Los Angeles, 96 of which were juveniles, reflecting an increase in juvenile arrests for murder of 62.7%.

Personally, I have been impressed with and heartened by the efforts of the House Select Committee on Crime. The activities of that Committee have served as a hope for the improvement of conditions that presently confront the 700,000 young people in my District.

I sincerely hope that you will actively support the continuance of the House Select Committee on Crime.

Respectfully,
Dr. William J. Johnson,
Superintendent, Los Angeles Unified School District.

Los Angeles, Calif.

Hon. Claude Pepper,
Member of Congress and Chairman, House Select Committee on Crime

Wire to Honorable Carl Albert today as follows: Great concern in my jurisdiction that House Select Committee on Crime investigation of street crime and narcotics traffic continue its important functions in areas of immense public concern. Statistics in Los Angeles County give proof to necessity for attack on all fronts. House Committee under Chairman Claude Pepper largely responsible for new action against problem since hearings took place in Los Angeles. I urge that the continuance of the committee investigation in other areas will bring similar results.

Thomas T. Noguchi, M.D.,
County of Los Angeles Medical Examiner.

SELECT COMMITTEE ON CRIME

(Mr. PEPPER asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. PEPPER. Mr. Speaker, I include at this point in the Record further supporting letters and telegrams on the Select Committee on Crime:

The Narcotics Prevention Project of East L.A. endorses House Resolution 205 to continue for two more years the House Select Committee on Crime. This committee must continue its investigation of street crime and narcotics traffic in America.

It needs additional time to complete its work. Street crime and narcotics traffic are the biggest problems among the Mexican American people of East L.A.

This committee is the only constituted committee with authorized jurisdiction to explore these areas of public concern. It would serve the public interest for the House Select Committee on Crime to be continued for another two years.

Juan D. Azevedo,
Executive Director, Narcotics Prevention Project.

Roosevelt High School,
Los Angeles, Calif.

I hereby urge the adoption of Resolution 205 for the House Select Committee on Crime to continue another 2 years.

Dr. Hilario S. Pena,
Principal.

Wichita Council on Drug Abuse,
February 17, 1973.

Hon. Carl Albert,
Speaker, House of Representatives,
Washington, D.C.:

We recommend House Resolution 205 be passed. We understand this resolution will continue the U.S. House Select Committee on Crime for 2 more years. Hearings conducted by this committee have had a significant impact on the serious apathy among school administrators regarding the problem of drugs in our schools. Continued effort against this problem is of top priority for our society as a whole and for crime in particular. Knowledge on which to base legislative actions needed in relation to drugs and crime is seriously inadequate as it is in all other areas of need for responsible actions against drug problems. The members of the House Select Committee on Crime have made progress toward becoming informed and knowledgeable about the issues involved. It would be, in our estimation, a tragic loss if this committee were to discontinue its work before adequate legislative action is formulated. Recommend passage of House Resolution 205.

Dee Hill,
Executive Director, Wichita Council on Drug Abuse, Inc.

Copies of this telegram have been sent to: Claude Pepper, Select Committee on Crime; Garner E. Shriver, U.S. Congressman.

County of Los Angeles,
Department of Health Services,
Los Angeles, Calif., February 22, 1973.

Hon. Claude Pepper,
Chairman, House Select Committee on Crime,
Washington, D.C.

Dear Congressman Pepper: The Interagency Task Force on Drug Abuse of Los Angeles County, the 300 member coordinating and planning body for this County, has voted today to send a telegram to Congressman Albert urging him to continue the House Select Committee on Crime, as per your request which was forwarded to us by Mr. Juan Acevedo, a member of our Steering Committee. We are pleased to have the opportunity to provide whatever assistance we can. This also provides us with an opportunity of making known to you the existence of the Interagency Task Force on Drug Abuse. We would appreciate your contacting us in the future for any investigative activities which you anticipate in Los Angeles County.

Very truly yours,
Joel Simon Hochman, M.D.,
Chairman, Interagency Task Force on Drug Abuse.

Charleston, S.C.

Representative Claude Pepper,
Capitol Hill,
Washington, D.C.

I am asking the House of Representatives to pass House Resolution 205 to continue the house select committee on crime for 2 more years. It is imperative that this nation gain a better understanding of the drug problem since the drug problem is one of many facets. It is vital for the Federal Government to take the leadership in organizing the various institutions of our society to curb this problem. If Congress does not provide the necessary leadership then I am afraid our hope is small.

Michael C. Woodall,
Charleston County School District,
Charleston, S.C.

San Francisco, Calif.

Carl Albert,
House of Representatives.

Mr. Speaker: Hope you will continue the house select committee on crime for two more years. Feel this is a vital committee needing time to complete work.

Steven P. Morena,
Superintendent of Public Schools.

Yonkers, N.Y.

Dear Mr. Speaker: Probably no single social issue is of greater concern to the American people today than crime in the streets and drug abuse. As executive director of a public agency serving the youth of our city, I am continually aware of the impact of these problems on our young people. I believe it is imperative that at the highest level of Government opportunities be created so that the war against crime and narcotics can be intelligently directed.

The House Select Committee on Crime affords such an opportunity.

Yonkers, N.Y.

I believe its work is critical and should be sustained with every possible assistance given to it. We must face up to our responsibilities in this area or face the consequences of seeing our country rot from within because of our unwarranted neglect of these problems.

Therefore, Mr. Speaker, I urge you to permit the House Select Committee on Crime to continue its work. At the local level of government, those of us who face the problem daily are dependent upon your wise leadership in this regard.

Dr. Karl Rasmussen,
Executive Director, Youth Services Agency.

Anaheim Union High School District,
Anaheim, Calif., February 16, 1973.

Carl Albert,
Speaker of the House of Representatives:

I wish to indicate to you my concern relative to the need for the continuing function of the House Select Committee on Crime. I feel that is very important for this committee to continue for at least two more years so that its work may have some impact on the problem of street crime and narcotics traffic in America. I urge you to take whatever steps necessary to assure two more years of life to this very important committee."

Robert Bark,
President, Board of Trustees.

Fort Lauderdale, Fla.,
February 18, 1973.

The House Select Committee on Crime:

We are deeply disturbed to hear that the House Select Committee on Crime, led by the Honorable Claude Pepper, is in danger of being phased out. On behalf of the 2,600 young people who have been through the Seed Drug Rehabilitation Program, and the thousands of parents and friends, I most humbly urge you to please not let this important body phase out. This is a vital key to the well being of our Nation.

Respectfully yours,

Art Baker, *President.*

Fort Lauderdale, Fla.,
February 18, 1973.

Representative Claude Pepper,
Chairman, the House Select Committee on Crime:

The following is a copy of the telegram I sent to Speaker Carl Albert: "Sir, it is with strongest vigor that I support House Resolution 205, from personal experience as a drug abuse counselor, it is my considered opinion that America (in this instance, Congress), urgently needs to investigate street crime and narcotics traffic. To my knowledge the House Select Committee on Crime chaired by Honorable Claude Pepper is the only constituted committee with authorized jurisdiction to explore these areas of enormous public concern. I urge support fo House Resolution 205.

If my presence in Washington would assist in any way, please inform me and I will come at once.

Respectfully,

Sister Therese Margaret,
Drug Abuse Counselor, Archdiocese of Miami.

Spectrum Programs, Inc.,
February 20, 1973.

Hon. Claude Pepper,
House of Representatives, House of Representatives Office Building, Washington, D.C.

Dear Congressman Pepper: Following is the telegram that we sent to The Honorable Carl Albert:

The crime rate of this Nation deems it imperative that we continue the efforts of the House Select Committee on Crime.

Representative Claude Pepper's dedication and his assistance to agencies such as this is needed for our survival.

We encourage the adoption of House Resolution 205.

The Rev. Frederick C. Harrison, Jr.,
Executive Director, Spectrum Programs, Inc.

Houston, Tex.

Hon. Claude Pepper:

In the name of American mankind it is imperative your committee on crime continue to be in operation. If the powers that be, have the decisionmaking skills commensurate with their chronological age they will insist the continuation of your committee investigation on street crime and narcotics in America.

Donna Steuver,
Coordinator of Drug Education, Houston Independent School District.

Sacramento, Calif.

Hon. Carl Albert,
Speaker, House of Representatives, Washington, D.C.:

We strongly urge your approval of House Resolution 205, which would continue for two more years the invaluable work of the House Select Committee on Crime.

You are aware that it is most difficult to legislatively respond to the many ramifications of crime in America. That, more than any other factor, makes the work of the House Select Committee on Crime an immeasurable tool that can be utilized by every Member of Congress.

James Testa,
Executive Director, Seventh Step Foundation.

Marlboro, Mass.

Claude Pepper,
Chairman of House Committee on Crime, Washington, D.C.:

Have just learned of proposed cutback in House Committee on Crime. I believe such action would be disastrous at this time especially in the area of drug counseling in the nation's public schools.

Robert Amastas,
Drug Counselor.

Boston, Mass.

Claude Pepper,
Chairman House Select Committee on Crime:

It is imperative that House Select Committee on Crime be continued next 2 years to implement legislation regarding drug advertising and use. Effective legislation requires collection of all available data which necessitates Congressional support for H. Res. 205.

J. Worth Estes, M.D.

Jackson, Miss.

Representative Claude Pepper,
House Select Committee on Crime:

Street crimes and narcotics traffic are two of the most serious crimes facing our Nation today. I feel that House Resolution 205 would strongly assist law enforcement in combating this problem and would urge passage.

Sincerely,

Kenneth W. Fairly,
Director.

Northwestern University,
Chicago, Ill., February 19, 1973.

Honorable Claude Pepper,
Washington, D.C.

Dear Sir: It is vital to the best interests of law abiding citizens that the House Select Committee on Crime be continued. I urge your support of H. Res. 205.

Sincerely,

Fred E. Inbau,
Professor of Law.

The Cage Teen Center, Inc.,
White Plains, N.Y., February 20, 1973.

Hon. Carl Albert,
The Speaker, House of Representatives, Washington, D.C.:

Crime in the streets and narcotics traffic continue to plague Americans all over the country. Never before have I been so keenly aware of a social problem having such a stultifying and demoralizing impact on a nation as these two have.

I understand that the important work of the House Select Committee is in jeopardy of being discontinued, and that a decision will be reached within the next few days in Washington.

It is my professional opinion (25 years of experience in education and youth work) that a decision to discontinue the work of the House Select Committee would be a serious mistake which could result in our continued failure to solve these problems. It would also illustrate to Americans the insensitivity of their legislators to the problem which seriously affects their safety and welfare.

It is my plea that this important Committee be continued.

Les Fernandez,
Executive Director.

Petersburg Elementary School,
Petersburg, Ind., February 21, 1973.

Representative Claude Pepper:

Today the following telegram was sent to the Honorable Carl Albert:

Pride Drug Council encourages support to the continuance of House Resolution 205 introduced by Representative Claude Pepper.

Mrs. Judy Elkins,
School Nurse.

Faribault, Minn.,
February 22, 1973.

Hon. Carl Albert,
Speaker of House of Representatives, Washington, D.C.:

Urge your support of House Resolution 205 designed to continue the Crime Committee's investigation of street crime and narcotics traffic.

Helen Fleckenstein, R.N.,
Public School Nurse.

Miami, Fla.

Congressman Claude Pepper.

Honorable Carl Albert: I respectfully suggest that you permit Congressman Claude Pepper's crime committee to continue it's important services for the betterment of our community. His investigation concerning the drug scene has been invaluable to all in the rehabilitation field.

Thank you.

Here's Help, Inc.,
Marian Siegel,
Executive Director.

REALITY HOUSE, INC.,
New York, N.Y., February 23, 1973.
Representative CLAUDE PEPPER,
U.S. Congress,
Washington, D.C.

DEAR REPRESENTATIVE PEPPER: I have today sent the following telegram to the Honorable Carl Albert, Speaker of the House of Representatives:

"As Chairman of the Board of Directors of Reality House, Inc., a state and federally funded narcotics addiction rehabilitation program, I must express vehemently my support of the House Select Committee on Crime, and of Resolution #205 which would extend the life of this Committee for an additional two years. Any group whose investigations promise eventual information of such inestimable effectiveness in the battle against drug abuse and crime must not be curtailed at this crucial point.

I, the staff, and the ex-addict population of Reality House implore you to put forth every possible effort to implement the passage of House Resolution #205 as part of our mutual struggle to rid our nation and its people of this destructive and deadly plague.

We offer our thanks for whatever contribution you may make to this endeavor."

Sincerely,
SAMUEL P. PEABODY,
Chairman of the Board.

DRUG ABUSE INFORMATION SERVICE CENTER,
San Jose, Calif., February 21, 1973.
Hon. CARL ALBERT,
The *Speaker,*
U.S. House of Representatives,
Washington, D.C.

DEAR MR. ALBERT: I am deeply concerned that the House committee on crime continue its very important work in bringing to the attention of the Congress and the American people the criminal forces that are attempting to destroy our nation. I would strongly urge that you lend full support to House resolution 205 that would continue the life and work of the committee for two more years so that the committee will be able to complete its work.

Sincerely yours,
GORDON R. MCLEAN,
Executive Director.

DURAN AND DURAN,
McAlester, Okla., February 20, 1973.
Re: House Committee on Crime.
Hon. CARL ALBERT,
Speaker of the House,
Washington, D.C.

DEAR CARL: I understand there is a movement to abolish this most important committee which is doing a commendable job on their investigative work for the House.

It would be my recommendaton you give serious consideration to the reconstitution of the House Crime Committee—as a select committee to do a specific job of investigating.

I have been aware of their work and it seems they might be used in continuing their investigation, even into high Governmental areas, in which there could be information brought to the American people.

Very respectfully,
OTIS S. DURAN.

HOLIDAY, FLA.,
February 22, 1973.
Representative CARL ALBERT,
Speaker of the House,
Washington, D.C.

HONORABLE SIR: At the February 21st meeting of the Holiday Republican Club, after much discussion, the secretary was ordered to write the Speaker of the House of Representatives requesting that the Members of the House vote to continue to maintain the present Commission on Crime, headed by Claude Pepper and a committee of five Republicans and five Democrats.

It is our feeling that this Committee has done a splendid job and their continuing efforts will further aid in the cut down on criminal activity throughout our Nation.

Yours very truly,
DOROTHY W. POGUE,
Secretary, Holiday Republican Club.

LANDOWNER'S CONSERVATION AND PROTECTIVE ASSOCIATION,
February 19, 1973.
Re: Continue Crime Commission Committee.
Speaker CARL ALBERT,
Capitol Building,
Washington, D.C.

SPEAKER ALBERT: Two thousand, three hundred members of the Landowner's Conservation and Protective Association; all owners of land south of Lake Okochobee and whose members are scattered all over the United States, strongly urge you to support the re-creation of the House Crime Committee.

This organization has done a good job and it is badly needed to keep up the fight against crime.

Very truly yours,
JAMES G. PACE,
President.

H.I.D.E., INC.,
Glendale, Wis., February 19, 1973.
Congressman CLAUDE PEPPER,
Capitol Hill,
District of Columbia:

I strongly encourage you to continue the House Select Committee on Crime. We need this important committee.

L. R. HESS,
President.

ACCREDITATION OF HOSPITALS: A RESPONSE TO THE "POST" SERIES

(Mr. SAYLOR asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SAYLOR. Mr. Speaker, our colleagues will recall that I have introduced several bills seeking to improve the accreditation of hospitals and that I have had, along with many others in this Chamber, a long-time interest in the hospital and medical field. Recently, I brought to the attention of the Members, a series of articles which were published in the Washington Post concerning the operation of several hospitals in the Washington area. As an aside, it should be pointed out that the recent action taken with regard to Children's Hospital gives, in the very least, some support to the charges made by the reporter in the Post series.

Kenneth Williamson served for many years as the able Washington director of the American Hospital Association. He performed in an excellent fashion for the association but most important, he never forgot the public interest. Mr. Williamson is now a consultant to the American Protestant Hospital Association. He recently made some comments on the Post series which I wish to include as a part of my remarks.

Mr. Williamson's remarks follow:

REMARKS BY KENNETH WILLIAMSON

"The Washington Post series of five articles on the hospital business has now been widely disseminated and is raising many questions. But anyone who concentrates on its sensationalism is bound to overlook some of its serious implications for the whole field and could possbily overlook the fact that any bias—carried to its conclusions—is intended to prove its own point. The articles are very critical of hospitals and score conflicts of interest of trustees; inflated doctor incomes resulting from hospital service agreements; favoritism and lack of competitive bidding; free care to the rich; and the general lack of "public accountability."

The series alleges that such abuses are common in hospitals throughout the country. No nationwide study was made to support such a sweeping allegation, but several individuals are quoted in support of it. None of these, as far as I know, have made any large-scale studies either, assuming they would even be qualified for such research.

To the extent that the articles provide a checklist useful to any hospital interested in self-analysis, they have provided a service. A first example is that the chairman of the board of the hospital which was the primary target of the series immediately replied to the Post to assure the community that wrongs uncovered would be promptly corrected, and that any actions the hospital could take to better serve the community would be considered carefully.

Because the articles appeared in the Washington "fish bowl," they put the spotlight on issues bound to concern members of various House and Senate committees. These members of Congress will want to know if the circumstances apply to their home town hospitals, and they will confront—with tough questions—individuals responsible for the administration of federal programs which purchase hospital services.

The kinds of information that the Congress could require administrators of federal health programs to establish might well include:

1. The name of every hospital trustee (of any hospital providing services under a federal program), his business, and any amount paid to him for goods or services provided the hospital during the past year;
2. Evidence that goods or services purchased by the hospital were purchased on the basis of competitive bids;
3. Certification that free or discount services were not provided to any trustee or member of the medical staff, or to members of their families, if the cost of those services was passed on to purchasers of hospital services;
4. The details of the current financial relationships between the hospital and its medical specialists; and
5. Evidence that the chief administrator, if on full-time salary, spends all of his working hours on the affairs of the hospital and performs no outside services directly or indirectly related to health care for which he receives payment."

I would change Mr. Williamson's emphasis in the last paragraph. In my opinion, it should read, "the Congress should require" the administrators to furnish the information he has listed. To do less would be to ignore public responsibility. I wonder if the Joint Commission on Accreditation of Hospitals in Chicago will require this sort of action and disclosure of information? I doubt it. That organization seems dedicated to the proposition of not rocking the boat of hospital administration. The association seems to be concerned with the "protection" of hospitals and their administration rather than examining such installations on an objective basis.

Mr. Speaker, there has come to hand a publication of the Washington Hospital Center entitled, "An Evaluation of the Washington Post Series 'The Hospital Business'." The second paragraph of this study states:

> A hundred years ago hospitals were places for poor people to go to die. They have become places for people to go to be made well.

Perhaps a statement made with reference to missionaries in Hawaii has application here—"they went to Hawaii to do good and ended up doing well."

In order to give both sides of the issue an airing, I have included the report from the Washington Hospital Center as a part of my remarks.

The report follows:

A MESSAGE TO EMPLOYEES OF THE WASHINGTON HOSPITAL CENTER

Major changes in public attitudes have occurred in the past decade. Justifiably or not, anything related to the "establishment" has been subject to expressions of mistrust and eroded confidence. This has been especially true of charitable institutions. And that includes hospitals.

A hundred years ago hospitals were places for poor people to go to die. They have become places for people to go to be made well.

With all the advances in science, technology and medical knowledge, changes in governance and organization of hospitals have come slowly. In the past thirty years hospitals have discarded many aspects of the "Lady Bountiful" syndrome and have gradually begun to apply modern administrative methods. Vestiges of the old almhouses are still with us but the modern hospital is managing by objectives, hiring industrial engineers, and looking for ways to cut costs and operate more efficiently.

Hospitals have received public support for the work they do and the people who work in hospitals have always been respected for ministering to the sick and injured.

Over the past few years the image of hospitals—that is, simply, how we are perceived by others—has altered. The high cost of care, long waits for treatment, claims of consumer advocates, strained labor relations, and a growing distrust of large institutions in general—have conspired to alter the excellent reputation hospitals have enjoyed for such a long time.

For institutions like ours—so dependent on public trust, yet so openly criticized for quality, availability and costs of care—it has been a matter of great concern.

The attitudes of the hospital's "publics" are difficult to measure. But we can, by evaluating the reactions of certain segments, examine some of the trends in public thought and suggest certain courses of action to restore confidence in our institutional integrity.

We may seek the easy way out and point immediately to inaccurate attacks in the press (and certainly many aspects of the recent Washington Post series have been inaccurate), but this would seem a retreat from reality.

We must, I think, accept the fact that hospitals do have unsolved problems and to some degree warrant censure. Public accountability is an important issue and we need to be responsive and to provide information on the operation of our hospital. I suggest, however, that, more importantly, public reaction and criticisms of hospitals are an expression of the social ferment of the times. The public is suspicious of all institutions and when it is suggested—rightly or wrongly—that hospitals are losing sight of their public obligations, the public is all too willing to see their suspicions confirmed.

Neither employees nor the public can form intelligent opinions without pertinent facts. To deal effectively with our problems, we need the public's understanding and constructive assistance. We can only receive this assistance if accurate facts are made known. It looks as though this will be a long term process. The end of public scrutiny is not in sight, and indeed we should encourage an informed public. All hospitals, the Washington Hospital Center in particular, should go right on explaining policies and practices. The effects of negative criticism can be mitigated if we show a willingness and determination to deal effectively with legitimate complaints from whatever source.

The erosion of public confidence results understandably in negative feelings among employees and medical staff. But we simply *must* replace these feelings with confidence, determination and pride in our work. Our primary job is still saving lives. The hospital we work for continues to be a leader in providing quality medical care. We are still working for administrative efficiency and cost containment to keep the price of quality hospital care as low as possible.

We must speak out forcefully in support of our goals and programs. The answer to misinformed criticism lies in providing truth in massive doses. Both the good and bad news must be made part of public information. The attached Centerscope special is a beginning.

In our evaluation of the Washington Post series we have not tried to respond to every charge nor to correct every inaccuracy. (The Post devoted *55 column feet* to the series). Instead we have selected the areas which your questions and comments indicate are of greatest interest. We hope your questions are answered here. If not, please call the Centerscope office, 541-6301, for further information.

THE SACS STORY

The Washington Post says:

"How Blanco and Loughery were able to start a private company using hospital center funds, and the effect this had on the center's operation, provide an example of the lack of public accountability of hospitals and give insight into why hospital costs have risen since 1965 at four times the rate of other consumer prices."

Facts: The Post has charged that the Space Age Computer System (SACS) contract increased hospital costs. They never say how this was achieved. We say it decreased costs.

At no time since it became operational has the SACS operation cost patients additional dollars. The percentage of expenditures for data processing has fallen dramatically since the SACS contract was signed in 1970.

See the chart below for the facts.

DATA PROCESSING COSTS—WASHINGTON HOSPITAL CENTER

Years	Accounting	Indirect	Total expenses	Increase per year		Percent to total hospital expense	Data processing	Indirect	Total expenses	Increase per year		Percent to total hospital expense	Hospital total expense
				Amount	Percent					Amount	Percent		
1962	417, 536	75, 574	493, 110			4. 15	173, 614	31, 424	205, 038			1. 73	11, 879, 498
1963	442, 214	80, 041	522, 255	29, 145	5. 91	3. 91	197, 134	35, 681	232, 815	27, 777	13. 55	1. 74	13, 351, 751
1964	478, 738	86, 652	565, 390	43, 135	8. 26	3. 91	207, 090	37, 483	244, 573	11, 758	5. 05	1. 69	14, 472, 635
1965	479, 035	86, 705	565, 740	350	. 06	3. 53	238, 027	43, 083	281, 110	36, 537	14. 94	1. 76	16, 008, 220
1966	505, 237	91, 448	596, 685	30, 945	5. 47	3. 52	266, 444	48, 226	314, 670	33, 560	11. 94	1. 86	16, 927, 952
1967	644, 038	116, 571	760, 609	163, 924	27. 47	4. 03	314, 761	56, 972	371, 733	57, 063	18. 13	1. 97	18, 871, 232
1968	889, 961	161, 083	1, 051, 044	290, 435	38. 18	4. 48	438, 470	79, 363	517, 833	146, 100	39. 30	2. 21	23, 436, 940
1969	883, 861	159, 979	1, 043, 840	(7, 204)	(6. 85)	4. 01	518, 103	93, 777	611, 880	94, 047	18. 16	2. 35	26, 026, 717
1970	1, 002, 490	181, 451	1, 183, 941	140, 101	13. 42	3. 80	599, 738		599, 738	(12, 142)	(1. 98)	1. 99	30, 133, 258
1971	1, 125, 184	203, 658	1, 328, 842	144, 901	12. 24	3. 94	616, 241		616, 241	16, 503	2. 75	1. 83	33, 742, 082
1972 [1]	1, 320, 448	239, 001	1, 559, 449	230, 607	17. 35	4. 05	597, 189		597, 189	(19, 052)	(3. 09)	1. 55	38, 480, 271

[1] Projection.

As total hospital expenses increased (last column), the percentage of increase for data processing services has dropped well below the 18.6 per cent yearly increase projected by independent auditors Arthur Anderson and Company in 1970. (Arrow points to yearly percentage of increase or decrease.)

The rise in hospital costs is in direct proportion to two basic factors:

a. salaries

b. technology

Salaries in the health industry (60% of total costs) have increased more than 80% in the last six years.

Technology cannot be quantitatively measured, but the patients we care for know that restored health and the ability to turn to productive work makes these costs worthwhile.

SACS APPROVAL

The Post says:

"Formation by the hospital's administrators of a company whose first contract, amounting to $616,000 last year, was with the hospital and was awarded without competitive bidding or approval by the hospital's board of trustees."

Facts: (Documentation to support all of the following facts is available for study in the public relations office any weekday between 9 a.m. and 5 p.m.)

The original proposal was a computer corporation owned by the Washington Hospital Center.

This idea was discarded because it was felt other hospitals would be more inclined to participate if the company were free standing and because compensation and motivation of employees could be encouraged through stock offerings not available from a WHC owned corporation.

The original SACS contract was developed during six months of study and discussion in late 1969 and early 1970.

An ad hoc committee consisting of Thomas H. Reynolds, president of the hospital, Richard Loughery, administrator, and Webb C. Hayes, III, Randall H. Hagner, Jr., and S. T. Castleman, officers of the Board of Trustees, met on January 12, 1970 to discuss the data processing setup at WHC. Jose Blanco, controller, was also present. The decision was made to accept a contract with the Space Age Computer System (SACS) at this meeting.

The contract was signed by Thomas H. Reynolds, president of the Board of Trustees on May 1, 1970.

A study by independent auditors Arthur Anderson and Co. of the 1969 data processing expenses showed they increased at a rate of 18.16% over the previous year.

The projection for 1970, based on that figure, was $655,957. Since SACS was offering the same service for $580,568, the determination of a savings to the hospital of $75,389 was made. (See chart on Page 4 which clearly indicates data processing costs from 1962 to 1972.) Note that the yearly percentage of increase has dropped markedly since the contract was signed with SACS. The contract was submitted to WHC attorneys for review. There were no comments or suggested changes.

Loughery and Blanco appeared at a January 13, 1971, meeting of the Computer Committee of the Medical Staff to answer queries concerning SACS. A full discussion was held and minutes of the meeting were reviewed by the February meeting of the Medical Board.

Because some trustees requested additional information, a meeting of the Executive Committee of the Board of Trustees listed SACS as one of the 13 agenda items at a February 10, 1971, meeting. An enclosure to the meeting notice contained information on the development of SACS.

According to the minutes, the meeting on February 10 was attended by Reynolds, Hagner, Castleman, Hayes, Milton Barlow, Justin D. Bowerstock, Dr. Ernest A. Gould, Dr. Charles W. Ordman, Dr. Hugo V. Rizzoli, Judge Samuel B. Sterrett, Mrs. Arthur Roe, Dr. Robert Nelson, Samuel Scrivener, Jr., Walter N. Tobriner and members of hospital management. After other business was completed the meeting went into executive session to discuss the SACS contract. Loughery and Blanco were the only members of management invited to the executive session. No minutes of the executive session were kept, but the minutes of the Annual Meeting of the Board of Trustees on February 23, 1971, contain the following statement by President Reynolds:

"The last resolution of the Executive Committee passed in executive session, during my term of office, was a unanimous resolution of confidence in Richard M. Loughery as Administrator and Jose Blanco as Controller."

Data processing services, which increased at a rate of 12% a year between 1962–1966 and a minimum of 18% between 1967 and 1969, have decreased to a *minus 2%* under the 1969 figure since the contract for data processing services was signed with SACS in May 1970.

1972 projected data processing costs of 1.5% of total budget are within national averages as reported by most companies in the nation.

A $50,000 DEPOSIT

The Post says: "To further help the new company along it was given $50,000 by the hospital. The payment was described as a 'deposit.' "

Facts: A $50,000 *deposit* was made by the hospital.

Advance deposits are common in service industries. For example, the Washington Hospital Center has about $1,000,000 in advance deposits from health insurance companies whose policy holders will be receiving care at the hospital.

Because of the wording of the original contract, the deposit was deemed taxable to SACS. To forestall this, the deposit was returned by SACS in September, 1971.

No money was "given" to the "new" company, which had been in existence since 1967.

MISLEADING THE PUBLIC?

The Post says: "The center cited a number of innovations—including taking patients' temperatures fewer than the standard four times a day—as the primary reasons or the price cuts.

Indeed the hospital center claimed it had found the answer to spiraling hospital costs.

Unfortunately for the center's patients and those who pay health insurance premiums, the center had not found the answer to anything—except perhaps how to reap national publicity by misleading the public.

Facts: The primary reason for the room rate drops was increased Medicaid reimbursement. We said so (Centerscope, Winter 1971). The Evening Star said so on June 29, 1971, and September 15, 1971. The Post reported Medicaid as the primary reason on June 29 and September 15. A Post editorial on September 21, 1971, also mentioned increased Medicaid payments as the primary reason. (See news clips on next five pages.) We were careful to stress this fact in news conferences and interviews with reporters, and they in turn reported this fact correctly.

The clippings on the next five pages clearly contradict Kessler's charge that we misled the public.

Daily Room Charges Reduced $3 by Washington Hospital Center

(By Jeffrey Perlman)

Trustees of the Washington Hospital Center voted yesterday to cut daily room charges for patients by $3 despite the nationwide trend toward spiraling hospital costs.

The decision to lower the rates came one week after hospital administrators disclosed that the hospital's earnings for the first five months of this year were $1.6 million, producing an unexpectedly large surplus.

According to Richard Loughery, chief administrator of the nonprofit, private hospital, this is the first time in reecnt years that a large, metropolitan-area hospital has reduced its charges to patients—anywhere in the United States. Officials of the Washington Area Hospital Council were unavailable for comment.

The rate reduction approved yesterday means that patients will pay $77 instead of $80 per day for a private room in the hospital, and $64 instead of $67 for a semiprivate room.

The rate change takes effect July 5.

In addition to the lower room charges, the trustees voted to:

Study pharmaceutical and other ancillary costs with possible recommendations for further price cutbacks.

Study employee salaries for possible upward adjustment to meet prevailing wage levels elsewhere.

Study proposals for increased community services, with the possible extension of hospital service in the city "where the need for such services is great."

Several factors are cited by hospital officials for the unexpected fund surplus, including increased coverage of charity patients by Medicaid, increased profits from referrals to the hospital's large laboratory test services, and across-the-board cutbacks in most departments, some approaching 10 per cent.

"We asked all departments at the beginning of the year to whittle, and they have," said Loughery.

The hospital has found that by cutting out "useless" procedures for patient care it could get along with fewer employees. One such regulation, recently dropped, required the temperature of all patients—even those with broken bones—to be checked four times a day.

[From the Evening Star, June 29, 1971]

Washington Hospital Center Cutting Room Rates by $3

The Washington Hospital Center will reduce its room rate charges by $3 a day effective July 5 in contrast to the trend of rising hospital costs.

In announcing the reduction the hospital disclosed a $1.6 million income surplus for the first five months of this year and launched a study looking toward expansion of community services within the hospital or at neighborhood health centers.

STEPS APPROVED

The hospital board of trustees approved the rate reduction, which reduces the charge for a private room from $80 a day to $77, and a semi-private room from $67 to $64, and these other steps yesterday:

A study by the hospital management of charge adjustments in such services as pharmacy and inhalation therapy for a report Aug. 1.

A study of the employe wage structure and fringe benefits, which along with that of the community services proposal is expected to take about six months.

Samuel Scrivener, Jr., president of the hospital center, called the community services investigation "a responsibility we and possible every hospital should assume if financially able.

"We have long recognized a moral responsibility to do this, and now for the first time we have the financial ability and we intend to move ahead with planning commitments," he said.

Richard M. Loughery, hospital administrator, attributed the excess earnings showing to better bed utilization, increased Medicaid coverage and "more efficient performance by employees."

The trustees last fall ordered hospital expenditures cut by 10 percent, and this also has had an effect on the hospital's financial position.

A spokesman said the hospital has cut expenses in part by eliminating some of the unnecessary routine procedures which occupy employe time. An example was a previous requirement for checking temperatures of all patients four times a day, even those with broken bones.

THE 11TH BUSIEST IN NATION

The nonprofit hospital, with 843 beds, is the largest private hospital in the Washington metropolitan area. It is rated the 11th busiest of its kind in the country.

The trend of excess earnings became apparent early in the year, and was followed by trustees and administrators until the first five-months figure came out this month, when the board decided to act.

The hospital center is the largest, but not the first, to counter the trend of spiraling medical care costs in the Washington area in recent months. Last August, Sibley Hospital lowered its daily room rates by $3, as other hospitals in the area were instituting a new round of rate increases.

Hospital Trims Room Charges, Cites Medicaid

(By Lurma Rackley)

The Washington Hospital Center has announced it is lowering its room rates by $5 a day beginning tomorrow, marking the second decrease in the past three months.

In July, the Hospital Center reduced room rates by $3 a day. Both reductions, combined with other costs decreases, will save the average patient at the center about $11 a day, according to Samuel Castleman, treasurer of the hospital's board of trustees.

Semiprivate room rates will drop from a daily cost of $64 to $59 and private rooms from $77 to $72. The board yesterday also announced decreases in charges for medications and other services estimated to average a $3 a day reduction in costs to patients.

One of the most significant factors making reductions possible, Castleman said, is increased financial support through the medicaid program for many patients who previously could not meet health care costs.

"With the advent of medicaid, we are being reimbursed at approximately our cost level," Castleman said making it no longer necessary to charge paying patients prices which would make up for the losses on the "medically indigent" patients.

The board also pointed to the hospital's high occupancy level, a "first class" medical staff which is cooperating to achieve economic efficiency, and a decrease in the length of patient hospitalization as factors contributing to the charge decrease.

Jose Blanco, assistant administrator of the center, said the average daily charges for patients this month will be about $109 as opposed to $117 in July.

The board said it did not foresee any problems in keeping the new room rates even though it plans to increase employe wages by as much as 5 percent after the national wage freeze is lifted.

Blanco said the hospital is able to decrease spending by reducing overtime rather than laying off employes or lowering wages. He said in the past year it had reduced overtime from 5 percent to 3 percent of the payroll. He also mentioned the center averages 2.7 employes per bed as opposed to the national average of 3.2.

The rates of semiprivate rooms in 28 metropolitan area hospitals belonging to the Hospital Council range from $40 to $71, according to a Council spokesman.

[From the Washington Post, Sep. 15, 1971]

Rate Again Reduced by Hospital Center

(By Stuart Auerbach)

The Washington Hospital Center will lower its basic room and board charges by $5 Thursday. It marks the second reduction of rates in two months by the center and leaves it the only major hospital in the nation to so act in the face of rising health costs.

In announcing the reduction yesterday, Hospital Center officials cited as reasons unexpected large payments from Medicaid and newly instituted efficiencies in treatment of patients.

In addition, the Hospital Center reduced charges for medicines and other services, which will amount to an average savings of $3 a day for each patient.

Combined with a $3-day decrease in room rates that went into effect July 5, Hospital Center patients are now saving $11 a day over last year's charges.

William Bucher, executive director of the Hospital Council of the National Capitol Area, said the cost-cutting methods used at the Hospital Center "should be explored by other metropolitan area hospitals."

Charges for a semiprivate room at the Hospital Center will drop to $59 a day from $64. In June, they were $67.

Total daily charges at the center, which include medicines, laboratory and other medical services, average $109.

Rates for semiprivate rooms at Georgetown Medical Center are $73 a day. The same rooms cost $80 to $83 at George Washington Medical Center, $63 at Fairfax Hospital, $68 to $70 at Providence Hospital, $51 to $55 at Sibley Hospital and $56 at Suburban Hospital.

In Chicago, a spokesman for the American Hospital Association said, "Congratulations. I don't know how they did it but it's great. A lot of other hospitals would like to have the formula."

Hospital Center officials said the formula is simple.

For one thing, reported controller Jose Blanco, they underestimated the amount of money the hospital would get from Medicaid patients, who make up about 8 per cent of occupants. This gave the hospital a $500,000 surplus, which is being used to offset the rate increase.

Beyond that, said treasurer Samuel T. Castleman, the Hospital Center worked with its doctors to revamp the way medicine is practiced. This allowed the hospital to do more with a smaller staff.

For example, explained Administrator Richard M. Loughery, doctors decided that it was not necessary that the temperature of all patients be taken four times a day.

And doctors' orders for blood pressure readings, weight and fluid intake and output are now good for only 72 hours. A doctor can renew the order if needed, but that work is not performed for the entire patient stay as before.

Doctors also are questioning purchases of new equipment and discharging patients earlier. The hospital's occupancy rate is about 85 per cent—higher than the area and national average.

And in a precedent-setting action, doctors are contributing to the cost of medical educations—paying part of the salaries of interns and residents who help care for their patients.

The amount is not large—only about $100-000—but experts cannot recall doctors doing this at other teaching hospitals.

[From the Washington Post, Sept. 21, 1971]

The Fiscal Fitness of Hospitals

Chalk up a major medical miracle for the Washington Hospital Center, which has—after dedicated research—found a way to reduce patient shock caused by staggering bills. Flying in the face of a frightening national trends, the center has reduced its charges for the second time in two months.

The center first rocked medical circles in July, when officials announced a $3-a-day drop in room rates. Now, citing unexpectedly large payments from Medicaid, and newly instituted efficiencies in the treatment of patients, officials have lowered the basic room and board charges by another $5. In addition, they've lowered charges for medicines and other services, for an average savings of $3 a day for each patient.

This means that the charges for a semiprivate room at the Hospital Center have now dropped from $67 a day in June to $59 a day. Total daily charges, including medicines, laboratory and other medical services, will now average $109, instead of $120, the figures before the cuts.

To officials of the American Hospital Association, which represents 6,300 institutions in this country and Canada, the Hospital Center's action is remarkable; a spokesman, who couldn't recall another general hospital that had reduced its charges in recent years, simply said: "Congratulations. I don't know how they did it, but it's great. A lot of other hospitals would like to have the formula."

Well, fortunately, the center's officials are eager to share it—and we hope it spreads. William Bucher, executive director of the Hospital Council of the National Capital Area, hopes so, too, noting that the cost-cutting methods effected by the center "should be explored by other metropolitan area hospitals."

Basically, center officials simply sat down with doctors and came up with ways to revamp the practice of medicine, thus allowing the hospital to do more with a smaller staff. They concluded, among a number of things, that it really isn't necessary to take everybody's temperature four times a day; that doctor's orders for readings on blood pressures, weights and fluid intake and output can be limited to 72 hours unless renewed by a doctor—instead of doing these chores on everybody for the entire duration of a stay.

The doctors also are ordering fewer duplicate laboratory tests and charging more realistic prices for drugs. And above all, they're still working on still more ideas, spurred by incentive bonuses of up to $100 to employees who can increase efficiency or control costs. In what could be another healthy precedent, doctors at the center are contributing to the cost of medical educations, by paying part of the salaries of interns and residents who help care for their patients.

Obviously, this sort of kick can be carried too far—and we wouldn't want to see them turn off all the lights at night, or cut meals from three to one a day; but it is refreshing to see some serious concern among hospital officials about the high cost of medical attention. Surely, other hospitals could follow suit, for there is evidence that many increases in charges have been more automatic than necessary. For that matter, it is curious that officials and doctors—have not seen fit to act on this score before now.

Only a day before the center's announcement, a management study of Fairfax Hospital, largest in Northern Virginia, charged that the hospital's rising rate structure is based more on prevailing fees at other area hospitals than on its own operation. The draft study alleged that the hospital is overstaffed, is overcharging noninsured patients and is allowing some doctors to charge excessive rates—though it emphasized that in general, the hospital is operated in a "responsible manner."

We are in no position to tell how much fat might be trimmed from the budget at Fairfax Hospital, or any other hospital here, for that matter. But the Washington Hospital Center's progress is worth close scrutiny by every hospital administrator since, as far as the patients are concerned, it's just what the doctor ordered.

Relating Costs to Charges

The Post says: ". . . any relationship between the charges on the bill and the actual costs of providing the services charged for is purely coincidental."

"Chargs for x-rays are . . . marked up by 57 per cent, for abortions by 125 per cent, and for drugs by 107 per cent."

Facts: Relating costs to charges in pharmacy was one topic discussed when room rate drops were first announced. Both Post and Star reporters mentioned this in their stories on June 29, 1971. On September 14 in a memo from Mr. Loughery to trustees, he pointed out that the trustee-authorized study leading to relating costs to charges in all departments might, when implemented, lead to increases in room rates. In the meantime while the study was under way, it was felt substantial savings could be passed on to patients through the room rate drop.

To indicate that progress was being made in this area, a story by Star staff reporter Betty James appeared on February 13, 1972. It documents how drug costs have been related to charges at WHC. The final paragraph of her article says, "The second area that has been traditionally overpriced is laboratory tests, Blanco said, and he is turning his attention to this now."

The Star story is correct; our own records back this up. We stand behind the information we provided the Star reporter.

Post reporter Ron Kessler charges a 107% markup for drugs at WHC, and he gives four examples. We don't know where he got the figures. They are incorrect. He says it is difficult to understand the actual costs of services because they bear no relation to charges. Nationwide, hospitals have followed a policy of averaging costs. This has been the most common way of underwriting expenses of charity patients and other money-losing programs. We think it's time to take a businesslike approach to hospital costs. We think we can promote greater public understanding if accurate figures can be examined easily. That's why we are one of the hospitals providing leadership in doing something about relating costs to actual charges.

Drug Prices Pared at Hospital Center

(By Betty James)

The Washington Hospital Center—attacking an area in which hospitals traditionally have overcharged paying patients to help subsidize poor ones—has reduced the cost of about 95 percent of the drugs it dispenses daily.

The markup on drugs of almost 60 percent, which was used to build up a fiscal reserve to finance poor patients, has plunged to 4 percent.

"I personally think this is the most honest thing we have done in a long time," controller Jose Blanco said.

The drop in drug prices will mean an average saving of roughly $2 for each patient each day, Blanco said.

Based on 250,000 patient days a year, the hospital's yearly income from drug charges will decline more than $500,000, he estimated.

But government funds from Medicaid now cover needy patients, giving the hospital a chance to relate charges to real costs without going into bankruptcy, he said.

"The hospital business is one of the most complex there is," Blanco observed. "We play here God, mama, sister, Robin Hood and everyone else."

Like other hospitals, Washington Hospital Center had been playing Robin Hood in the pricing of drugs it has dispensed.

Before Medicaid began to pump in enough government money actually to cover the costs of poor patients, the hospital center had boosted charges for drugs to paying patients as one way of meeting expenses.

The impact of Medicaid began to be felt last year, Blanco said.

So with the aid of a computer, the Hospital Center reassessed prices on all 2,000 drugs in its pharmacy.

As a result, to take one example, the charge for a 100-milligram tablet of the sleeping pill Seconal dropped from 25 cents to 5 cents. About 11,000 pills are dispensed in six months at the Hospital Center.

Inpatient and outpatient prices for drugs are the same now, but 80 percent of the outpatients qualify for the free medication, Douglas Mowrey, director of pharmacy, said. Most of the remaining 20 percent elect to take their prescriptions to a drug store, he said.

"I will defend to the end the reason why medication here would be more than at Peoples (drug store)," Blanco said.

"We are not here to sell medication. We are here to give a service to the patient." Over-all hospital costs must be reflected in the price of medication, but at the same rate for all, he said.

The new drug prices went into effect Sept. 15, a month after the wage-price freeze began. Blanco feels the change was morally justified. Although some items went up, costs to patients will go down more than half a million dollars in a year, he pointed out.

A spokesman for the price commission said that since no one has filed a complaint against the hospital center, no action is pending.

The District's largest private nonprofit hospital, the Hospital Center, at 110 Irving St. NW, made headlines last year when daily room rates were cut as a result of Medicaid payments and the introduction of staff efficiencies.

The second area that traditionally has been overpriced is laboratory tests, Blanco said, and he is turning his attention to this now.

ACCOUNTS RECEIVABLE

The Post says: "One of the most important duties of a hospital controller is to police accounts receivable. These are the bills owed by patients. By sending frequent bills and following up with systematic telephone calls, a hospital can speed up payments, cut down on delinquent accounts and save its patients money.

A hospital's success in dealing with its accounts receivable is measured by the average number of days before a bill is paid. By this standard, the center's bills took an average of 86.6 days to be paid at the end of last year, compared with 74.1 days for all hospitals and 65.7 days for all Northeast teaching hospitals, American Hospital Association statistics show."

Facts: The first paragraph is correct.

Unfortunately Kessler took Hospital Administrative Services statistics and worked out the averages in the second paragraph himself. He used gross receivables in developing his averages. Financial analysts do not consider *gross* receivables in evaluating financial statements. Hospital figures are based on *net* receivables arrived at after the reserve for bad debts has been subtracted from the total receivables.

Hospital Center net days in receivables averaged 54.7 days for 1971. This information is taken from monthly financial statistics which are sent also to HAS, an affiliate of the American Hospital Association. The Hospital Center's *net figure* was better than the national and regional average for 1971 from HAS by about two days.

BAD DEBTS

The Post says: "While all other hospitals were owed an average of $3.9 million at the end of the year, the center was owed $9.4 million statistics show. And while all other hospitals had written off as bad debts $523,000 of these bills, the center wrote off as uncollectable $3.2 million."

Facts: In this paragraph Kessler does not use percentages. This is unfortunate because it would have presented a far more accurate picture.

The average hospital size is about 150 beds. WHC has 888 beds. To compare the two without taking into account that the Center is more than five times larger is naive at best, malicious at worst.

Volume figures quoted above merely represent the difference between an 888 bed hospital with an average of almost 400 outpatient visits a day and the average hospital which is about 150 beds.

CHANGING THE BOOKS

The Post says: "Former employees of Blanco also say he typically changed the figures on the center's books after they came out of his computer each month to make the accounts receivable and bad debts look more favorable to the center."

Facts: The *estimated* allowances and bad debts figure may vary from the *actual* experience figure, so at the end of every accounting period an adjustment is made based on actual experience. This is normal accounting practice. Financial statements have never been cited for improper entries by outside examiners such as the General Accounting Office, Medicare auditors, Medicaid auditors, Blue Cross auditors, and District of Columbia auditors, as well as Arthur Anderson and Co., independent accountants who audit WHC books.

AVERAGE DAILY CHARGE

The Post says: "Hospital bills don't disclose a number of other costs that have nothing to do with medical care. The average daily charge to patients at the hospital center last year was $170 (including a small amount of miscellaneous income)."

Facts: The average daily charge to *all* patients (when a ratio of 3 to 1 for outpatient visits converted to inpatient days is used) was $130 per day. When only inpatient charges are considered, the average was $133. (Source: *Audited Financial Statements for the Washington Hospital Center for 1973,* Arthur Anderson.)

Not only was Kessler's $170 figure wrong, but the figures in the pie charts based on it don't add up either!

SOME EXPENSIVE EXTRAS

The Post says: "Patients who paid this amount unknowingly spent $8 for educating nurses and doctors, $3 for employee and doctor cafeterias, $8 for other patients who didn't pay their bills, $5 for profit to be used for expanding or remodeling the hospital, and $20 for various discounts, charity care . . ."

Facts: The Post figures are incorrect.

The net cost of all cafeteria services was $1.04 per inpatient day.

The cost of nursing and medical education was $6.70 per *inpatient* day or $5.75 for both in and outpatients combined as above.

Bad debts were 4% of total charges or $5.20 per inpatient day. Only patients who pay cash for hospital care and commercial insurance companies paid this amount. Medicare, Medicaid and Blue Cross, because of their cost formula, *do not* pay bad debt components.

Net income for the hospital (before cost formula adjustments) was 3.1% or $3.90 per paying patient. Medicare, Medicaid, and similar programs do not contribute to this figure.

Reductions in prices to Medicare, Medicaid, District of Columbia Medical Charities and Blue Cross contractual patients are called allowances. Allowances in 1971 amounted to $5.3 million, or an average of $17.00 for inpatients and outpatients.

The Center has assumed leadership in urging the government to expand its support of education for medical and allied health personnel. We have spoken out for full reimbursement by the government for health care for the indigent. Until the government assumes its responsibility, we have no choice but to pass these costs on to paying patients—a form of Robin Hooding that we deplore.

MANAGEMENT CONTRACT FOR CONSTRUCTION

The Post says: "Legal memos to the Washington Hospital Center from its counsel, Hogan and Hartson, show that the hospital earlier this year drew up a contract with George Hyman Construction Co. to build its planned $10.4 million extended care building without any competitive bidding. The building is for recuperating patients who don't need extensive hospital services.

The Hyman contract is called a management contract. This means that Hyman is paid for managing the project and securing bids for the actual construction work. Hyman guarantees the total project will not exceed a given figure. If the completed cost is lower than the guaranteed price, Hyman shares in the savings.

Such a contract is not permitted under regulation of the Hill-Burton program which will fund part of the project, according to Smith, the director of architectural services."

Facts: The Hospital Center has worked with the Department of Health, Education and Welfare's Facilities and Engineering Construction section in the development of its contract with George Hyman Construction Company.

There is ample precedent for such a contract. The Government Services Administration has used the management contract concept. A substantial amount of local commercial construction has been and is being done under this type of contract.

Although Kessler quotes a Hill-Burton official as saying a contract is not being permitted under their regulations, the new Children's Hospital is being constructed using Hill-Burton funds under just such a contract, as are other hospitals and commercial construction in the region.

ANESTHESIA DEATHS

The Post says: "Dr. Gould says breathing or heart beat is stopped by anesthesia in about one in every 2,500 operations at the center, and about 30 per cent of these arrests result in death.

He estimates the center has about five anesthesia deaths a year."

Facts: Dr. Gould denies having made these statements.

The facts concerning anesthesia deaths, as gathered by Dr. William Bageant of the department of anethesiology, are that there were in 1971 a total of 20,807 surgical procedures performed in the hospital in which anesthesia was administered. From this number 103 deaths occurred within 48 hours following surgery.* Investigation of the charts of these patients by Dr. Bageant indicates *one* death directly attributable to anesthesia and a second in which anesthesia was a contributory cause. This amounts to one hundredth of one per cent of total cases receiving anesthesia.

Three doctors quoted in the series have made the statements on the following pages.

WASHINGTON, D.C., *November 8, 1972.*

Mr. BENJAMIN C. BRADLEE,
Executive Editor, the Washington Post, Washington, D.C.

DEAR MR. BRADLEE: When I was first approached by Mr. Ronald Kessler, I declined to discuss his questions concerning the Washington Hospital Center. At the direction of the President of the Board of Trustees, Mr. Samuel Scrivener, I then agreed to an interview with Mr. Kessler. I spent approximately three hours discussing the questions that were asked by Mr. Kessler and answered his questions honestly. I have found, however, in reading the articles about the Washington Hospital Center that there has been gross misrepresentation of facts, quotes have been taken out of context of the immediate topic under discussion and insinuations have been made and attributed to me when in fact Mr. Kessler misrepresented what I had said to him. The "vicious practice" phrase was in reference to incentive contracts with physicians and in some cases the requirement that physicians pay a percentage of their receipts in order to practice their profession. At no time in my discussion with Mr. Kessler did I state that any anethesiologist at the Washington Hospital Center is incompetent, nor did I state how many deaths could be attributed to anesthesia alone. As a matter of fact, we fully discussed the problem of cardiopulmonary arrest in the operating room and he has been well educated as to what it really means.

It is regrettable that a reporter, having been given the cooperation of the staff at the request of the President of the Board of Trustees, should distort facts, take phrases out of context and submit half truths when he knew the entire truth.

Sincerely yours,

ERNEST A. GOULD, M.D.

Letter to the EDITOR:
The Washington Post

NOVEMBER 7, 1972.

DEAR SIR: I am writing to protest most strongly the distortion of my comments by Mr. Kessler in his recent article on the Washington Hospital Center. Mr. Kessler's statement in the article on Wednesday, November 1, reads: "Anesthesiologists normally are assigned to operations through a random rotation process, but another former chief of surgery at the center, Dr. Nicholas P. D. Smyth, says he rejects the anesthesiologists normally assigned and selects his own when the operation to be performed is a major one or when the patient is old or sick."

What I said was quite different. Mr. Kessler asked me if I had any control over who gave anesthesia to my patients, or did I just take the anesthesiologist assigned. I said that of course I had; that I usually accepted the assigned anesthesiologist but when the operation to be performed was a very major one or when the patient was old or sick I would select an anesthesiologist of my choosing.

The selection of a particular anesthesiologist is done in advance, well before the assignments are made, to give him time to see the patient in consultation. No rejection of any anesthesiologist is therefore involved since no assignments have yet been made, nor did I use that word.

I do not believe this is a misrepresentation, or unintended misrepresentation, but rather a deliberate distortion of what I said to further the bias of Mr. Kessler's article. It has done great harm to a group of physicians who do not deserve it, and who enjoy the complete support and confidence of the surgeons at this hospital. It has also done great harm by needlessly frightening patients about to undergo surgery.

I told Mr. Kessler at the start of our talk that physicians had little expectation of fair play from reporters in general and the Washington Post in particular. Many of my colleagues said don't talk to him at all, he will simply misquote you. I gave Mr. Kessler the benefit of the doubt, but they were right.

NICHOLAS P. D. SMYTH, M.D.

Washington, D.C.

WASHINGTON HOSPITAL CENTER,
Washington, D.C.

PHILIP J. LOWENTHAL, M.D.,
Chairman, Department of Anesthesiology.

DEAR DR. LOWENTHAL: Of course, there is little I or anyone can do or say now, but I want you and your associates to understand that like other physicians mentioned in the newspaper article, I was grossly misquoted by the Post. I want to sincerely apologize for what is a most unpleasant and unfortunate situation that I find extremely embarrassing. This is an evil, malicious thing that this newspaper has done to all of us.

Sincerely,

DICK REBA.

The Post says: "Despite the increase in room rates and lab charges, the Center probably would not have cut its prices if it had not been for the unexpected increase in money received from Medicaid.

"The reason for the increase is simple: The hospital previously either had not been applying for the money, or had been applying improperly."

Facts: The hospital had always billed Medicaid for services. However, the original manual system was slow at both the hospital and the Medicaid ends.

It was at Mr. Blanco's suggestion that the Medicaid program of the District of Columbia explored the possibility of "direct" billing by computer of outpatient Medicaid services. As soon as the District developed the criteria for direct billing by computer, the Center was ready and became the first hospital to participate.

Now Medicaid pays more rapidly than any other hospitalization program.

MILLION DOLLAR ACCOUNT

The Post says: "Until two years ago, the hospital's balances in an American Security checking account typically hovered at around $1 million and ranged as high as $1.8 million. The account paid no interest—so the bank had use of the money at no cost."

Facts: During 1969 the checking account did not "typically hover around $1 million and reach as high as $1.8 million." It actually ranged from $207,185.80 to $1,497,891.57. A payroll of over $800,000 had to be paid from this account every two weeks as did other operational and capital expenses.

PRESENT BANKING ARRANGEMENTS

The Post says: "However, there is evidence that the new arrangement with American Security continues to favor the bank at the expense of the hospital."

Facts: The hospital has obtained proposals from other banking institutions and has not found a better proposal than its arrangement with American Security.

The hospital would welcome the specifics as to:

(a) What we should get.
(b) Where we can get it.

INVESTMENT COMMITTEE

The Post says: "Another hospital trustee, Robert W. Fleming, said it would be too difficult for him to compute how much money he received from the center last year.

As executive vice president and secretary of Folger, Nolan Fleming, Douglas, Inc., another local stock brokerage house, Fleming is the broker who buys and sells most of the stock for the center's $4.4 million general investment and endowment fund.

As chairman of the center's six-man investment committee, Fleming is also one of the trustees who decides when to buy and sell the stock on which he receives commissions as broker."

Facts: The Post was correct in pointing out that Fleming receives the same commission as any broker who might handle the stock sales.

The performance of WHC investments was not mentioned and we think it is of importance. In 1971 earnings on an investment of $2,920,036 were 11.4%. In 1972 earnings on an investment of $3,000,051 were 13.4%.

WASHINGTON HOSPITAL CENTER,
Washington, D.C., November 17, 1972.

LETTER TO THE EDITOR:
*The Washington Post,
Washington, D.C.*

DEAR SIR: As President of the Washington Hospital Center, I believe that we have a responsibility to the people of this area, and that they are entitled to hear our response to the recent articles in the public press and to judge whether we have discharged our responsibilities honestly and well. We believe that we have done so.

No trustee or employee of the Washington Hospital Center derives any income except for services openly and honorably rendered, at the going rate or less, and without adding to the charges or prices paid by patients. In the past, policies were followed (such as the ratio of checking account balances to current liability balances) which were fully justified and proper at the time. But other policies have now been adopted without derogation of the earlier policies and long before publication of articles about this hospital. This is true of many aspects of our busy, ever-changing hospital, as it is of any dynamic business. If, after careful study, the published stories reveal anything requiring correction, correction will be made.

Our primary concern is to provide the best medical care at proper prices. As the stories pointed out, we are far from the most expensive hospital in this area. Our medical, surgical and ancillary departments have the full support and confidence of the trustees, administration and employees of the Center. Apparently, they also have the support of the physicians and public, as our bed occupancy is as high now as at any time in the past six months.

Some of the stories critical of certain of our medical services were based on statements purported to have been made by physicians on our staff, and each of these doctors has written a letter to the editor, denying or setting these published remarks in proper context. We *are* responsible people and we would not tolerate medical situations as alleged in the published stories.

Out of our operating budget we have provided medical services to the poor and needy. In the first nine months of this year we lost close to $1,800,000 by providing free services. This included close to $1,000,000 in services only partially supported by the Federal and District of Columbia governments.

Our statistics for the first nine months of this year are:

Bed patients admitted, 24,260.
Outpatients treated, 102,287.
Births, 2,341.
Surgical operations, 15,053.
Interns in training, 46.

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*Medical Board Monthly Statistics.

Residents in training, 147.

Student nurses, 240.

Employees, 2,800.

Physicians on active staff, 544.

Gross receipts, $31,078,898.

Adjustment of all kinds, $4,190,626.

Net loss for first nine months of 1972, $228,890.

Population growth in the metropolitan area has increased referrals to the Hospital Center from smaller suburban hospitals, especially for serious cases. We believed, and still do, that our responsibilities are both those of a downtown neighborhood hospital and also those of an area medical center providing the complicated, sophisticated equipment and services not available at most other hospitals in the Washington area.

May we leave a few thoughts with you:

1. We do provide quality medical care.

2. Our prices are fair.

3. The public has confidence in us. Our bed census is as high since the articles were published as at any time in the past six months.

4. If we find or learn of anything that should be corrected, it will be corrected, as has been our practice since 1958.

5. No institution, public or private, achieves perfection. However, the Center will never cease trying, and in doing so the published articles will be carefully reviewed to determine what aspects of our hospital operations may be improved.

Sincerely yours,

SAMUEL SCRIVENER, Jr.,
President, Washington Hospital Center.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. MOORHEAD of California (at the request of Mr. GERALD R. FORD), on account of official business.

Mr. CORMAN, for today, on account of official business.

Mr. HINSHAW (at the request of Mr. GERALD R. FORD), for today, on account of official business in the 39th Congressional District of California.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. BUTLER) to revise and extend their remarks and include extraneous matter:)

Mr. WILLIAMS, for 5 minutes, today.

Mr. HANRAHAN, for 10 minutes, today.

Mr. ESCH, for 5 minutes, today.

Mr. BURKE of Florida, for 10 minutes, today.

Mr. HOGAN, for 15 minutes, today.

Mr. WALSH, for 5 minutes, today.

Mr. MCKINNEY, for 5 minutes, today.

Mr. BAKER, for 30 minutes, today.

(The following Members (at the request of Mr. GUNTER) to revise and extend their remarks and include extraneous matter:)

Mr. DINGELL, for 15 minutes, today.

Mr. REUSS, for 15 minutes, today.

Mr. ALEXANDER, for 5 minutes, today.

Mr. GONZALEZ, for 5 minutes, today.

Mr. PODELL, for 10 minutes, today.

Mr. MCFALL, for 5 minutes, today.

Mr. MONTGOMERY, for 10 minutes, today.

Mr. FUQUA, for 10 minutes, today.

Mr. RODINO, for 5 minutes, today.

Mr. FLOOD, for 5 minutes, today.

Mr. ADDABBO, for 5 minutes, today.

Mr. VANIK, for 5 minutes, today.

Mr. STOKES, for 5 minutes, today.

Mr. BRADEMAS, for 5 minutes, today.

Mr. FLOWERS, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. MAHON.

Mr. SAYLOR and to include extraneous matter notwithstanding the fact that it exceeds two pages of the CONGRESSIONAL RECORD and is estimated by the Public Printer to cost $977.50.

(The following Members (at the request of Mr. BUTLER) and to include extraneous matter:)

Mr. WILLIAMS.

Mr. SNYDER in three instances.

Mr. ESCH.

Mr. ASHBROOK.

Mr. DON H. CLAUSEN.

Mr. RONCALLO of New York in two instances.

Mr. WYMAN in two instances.

Mr. MCEWEN.

Mr. ROBERT W. DANIEL, JR.

Mr. DELLENBACK.

Mr. HOGAN in three instances.

Mr. ZWACH.

Mr. YOUNG of South Carolina.

Mrs. HOLT.

Mr. GOODLING.

Mr. CRANE in five instances.

Mr. HUNT.

Mr. FRENZEL in three instances.

Mr. MCCLORY.

Mr. MINSHALL of Ohio.

Mr. SPENCE.

Mr. WYDLER.

Mr. TALCOTT in three instances.

(The following Members (at the request of Mr. GUNTER) and to include extraneous matter:)

Mr. YATRON in two instances.

Mr. BRADEMAS in six instances.

Mr. FISHER in three instances.

Mr. ROY.

Mr. MCKAY.

Mr. LEHMAN in three instances.

Mr. NATCHER.

Mr. DRINAN.

Mrs. BURKE of California in 10 instances.

Mr. GONZALEZ in three instances.

Mr. RARICK in three instances.

Mr. FRASER in five instances.

Mr. CLARK in two instances.

Mr. ROUSH in three instances.

Mr. JAMES V. STANTON.

Mr. WALDIE in seven instances.

Mr. STEED.

Mrs. SCHROEDER.

Mr. O'HARA.

Mr. DONOHUE.

Mr. BOLLING.

Mr. BREAUX in three instances.

Mr. HAWKINS in two instances.

Mr. BINGHAM in two instances.

Mr. RANGEL in 10 instances.

Mr. DINGELL in two instances.

Mr. MINISH.

Mr. JARMAN.

Mr. MAZZOLI.

Mr. ZABLOCKI in two instances.

Mr. KOCH in two instances.

SENATE BILLS AND CONCURRENT RESOLUTION REFERRED

Bills and a concurrent resolution of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 49. An act to amend title 38 of the United States Code in order to establish a National Cemetery System within the Veterans' Administration, and for other purposes; to the Committee on Veterans' Affairs.

S. 284. An act to amend chapter 17 of title 38, United States Code, to require the availability of comprehensive treatment and rehabilitative services and programs for certain disabled veterans suffering from alcoholism, drug dependence, or alcohol or drug abuse disabilities, and for other purposes; to the Committee on Veterans' Affairs.

S. 721. An act to authorize appropriations for the Indian Claims Commission for fiscal year 1974, and for other purposes; to the Committee on Interior and Insular Affairs.

S. Con. Res. 6. Concurrent resolution making apportionment of funds for the National System of Interstate and Defense Highways; to the Committee on Public Works.

BILL PRESENTED TO THE PRESIDENT

Mr. HAYS, from the Committee on House Administration, reported that that committee did on March 6, 1973, present to the President, for his approval, a bill of the House of the following title:

H.R. 3694. An act to amend the joint resolution establishing the American Revolution Bicentennial Commission, as amended.

ADJOURNMENT

Mrs. SCHROEDER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 44 minutes p.m.), the House adjourned until tomorrow, Thursday, March 8, 1973, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

546. A letter from the Under Secretary of Agriculture, transmitting a draft of proposed legislation to continue mandatory price support for tung nuts only through the 1976 crop; to the Committee on Agriculture.

547. A letter from the Secretary of Health, Education, and Welfare, transmitting a draft of proposed legislation to amend the Federal Food, Drug, and Cosmetic Act to establish a code system for the identification of prescription drugs, and for other purposes; to the Committee on Interstate and Foreign Commerce.

548. A letter from the Acting Assistant Secretary of State for Congressional Relations, transmitting a draft of proposed legislation to increase benefits provided to American civilian internees in Southeast Asia; to the Committee on Interstate and Foreign Commerce.

549. A letter from the Secretary of Commerce, transmitting a draft of proposed legislation to authorize appropriations for the fiscal year 1974 for certain maritime programs of the Department of Commerce; to the Committee on Merchant Marine and Fisheries.

550. A letter from the Secretary of the Army, transmitting a letter from the Chief

of Engineers, Department of the Army, dated December 11, 1972, submitting a report, together with accompanying papers and illustrations, on Buena Vista, Va., requested by resolutions of the Committees on Public Works, U.S. Senate and House of Representatives, adopted August 6, 1964, and May 8, 1964 (H. Doc. No. 93–56); to the Committee on Public Works and ordered to be printed with illustrations.

551. A letter from the Secretary of the Treasury, transmitting a draft of proposed legislation to amend the Internal Revenue Code of 1954 to provide rules for the tax treatment of survivor benefit plans of the uniformed services; to the Committee on Ways and Means.

552. A letter from the Secretary of the Treasury, transmitting a draft of proposed legislation to amend the Internal Revenue Code of 1954 to permit charges for certain services; to the Committee on Ways and Means.

REPORT OF COMMITTEE ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committee were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. HUNGATE: Committee on the Judiciary. S. 583. An act to promote the separation of constitutional powers by securing to the Congress additional time in which to consider the Rules of Evidence for U.S. courts and magistrates, the amendments to the Federal Rules of Civil Procedure and the amendments to the Federal Rules of Criminal Procedure which the Supreme Court on November 20, 1972, ordered the Chief Justice to transmit to the Congress; with amendment (Rept. No. 93–52). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of the rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Ms. ABZUG:

H.R. 5267. A bill to amend the Vocational Rehabilitation Act to extend and revise the authorization of grants to States for vocational rehabilitation services, to authorize grants for rehabilitation services to those with severe disabilities, and for other purposes; to the Committee on Education and Labor.

By Mr. BENNETT:

H.R. 5268. A bill to authorize additional funds for the elimination of hazards of railway-highway crossing; to the Committee on Public Works.

By Mr. BIAGGI (for himself, and Mr. Roe):

H.R. 5269. A bill to amend the student loan provisions of the National Defense Education Act of 1958 to provide for cancellation of student loans for service in mental hospitals and schools for the handicapped; to the Committee on Education and Labor.

H.R. 5270. A bill to pay grants to students enrolled in psychology, sociology, or social work in institutions of higher education to encourage their part-time employment and clinical training in certain hospitals for mental rehabilitation; to the Committee on Education and Labor.

By Mr. BURKE of Florida:

H.R. 5271. A bill to amend title 10 of the United States Code in order to make certain totally and permanently disabled World War II servicemen and their dependents eligible for CHAMPUS medical benefits; to the Committee on Armed Services.

By Mr. BURTON:

H.R. 5272. A bill to enlarge the Sequoia National Park in the State of California; to the Committee on Interior and Insular Affairs.

By Mr. CLARK:

H.R. 5273. A bill to amend the Gun Control Act of 1968 to provide for separate offense and consecutive sentencing in felonies involving the use of a firearm; to the Committee on the Judiciary.

By Mr. CLARK (for himself, Mr. Murphy of New York, Mr. Grover, Mr. Mosher, Mr. James V. Stanton, Mr. Tiernan, Mr. Biaggi, Mr. Downing, Mr. Bray, Mr. Goodling, Mr. Mills of Maryland, and Mr. Jones of North Carolina):

H.R. 5274. A bill to amend section 40(b) of the Merchant Marine Act of 1970; to the Committee on Merchant Marine and Fisheries.

By Mr. CONTE:

H.R. 5275. A bill to authorize appropriations for certain transportation projects in accordance with title 23 of the United States Code, and for other purposes; to the Committee on Public Works.

By Mr. CULVER:

H.R. 5276. A bill to provide for the establishment of a veterinary biologics facility by the U.S. Department of Agriculture, and for other purposes; to the Committee on Agriculture.

By Mr. FORSYTHE:

H.R. 5277. A bill to amend title 10, United States Code, to equalize the retirement pay of members of the uniformed services of equal rank and years of service, and for other purposes; to the Committee on Armed Services.

H.R. 5278. A bill to assure protection of environmental values while facilitating construction of needed electric power supply facilities, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 5279. A bill to require the Secretary of Transportation to prescribe regulations requiring certain modes of public transportation in interstate commerce to reserve some seating capacity for passengers who do not smoke; to the Committee on Interstate and Foreign Commerce.

H.R. 5280. A bill to amend title 5, United States Code, to correct certain inequities in the crediting of National Guard technician service in connection with civil service retirement, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. FULTON:

H.R. 5281. A bill to permit officers and employees of the Federal Government to elect coverage under the old-age, survivors, and disability insurance system; to the Committee on Ways and Means.

By Mr. GIBBONS (for himself, Mr. Haley, Mr. Young of Florida, and Mr. Bennett):

H.R. 5282. A bill to establish in the State of Florida the Egmont Key National Park; to the Committee on Interior and Insular Affairs.

By Mr. KEMP:

H.R. 5283. A bill to amend the Gun Control Act of 1968 to provide for separate offense and consecutive sentencing in felonies involving the use of a firearm; to the Committee on the Judiciary.

By Mr. LEHMAN:

H.R. 5284. A bill to amend the Controlled Substances Act to move certain barbiturates from schedule III of such act to schedule II; to the Committee on Interstate and Foreign Commerce.

H.R. 5285. A bill to amend the Controlled Substances Act to require identification by manufacturer of each schedule II dosage unit produced; to the Committee on Interstate and Foreign Commerce.

H.R. 5286. A bill to amend the Controlled Substances Act to establish effective controls against diversion of particular controlled substances and to assist law enforcement agencies in the investigation of the diversion of controlled substances into other than legitimate medical, scientific, and industrial channels, by requiring manufacturers to incorporate inert, innocuous tracer elements in all schedule II and III depressant and stimulant substances, and for other purposes; to the Committee on Foreign Commerce.

H.R. 5287. A bill to amend title II of the Social Security Act to provide that an insured individual otherwise qualified may retire and receive full old-age insurance benefits, at any time after attaining age 60, if he has been forced to retire at that age by a Federal law, regulation, or order; to the Committee on Ways and Means.

By Mr. MATHIAS of California (for himself, Mr. Anderson of California, Mr. Bell, Mr. Don H. Clausen, Mr. Del Clawson, Mr. Corman, Mr. Danielson, Mr. Dellums, Mr. Edwards of California, Mr. Goldwater, Mr. Gubser, Mr. Hawkins, Mr. Hosmer, Mr. Leggett, Mr. McCloskey, Mr. Mailliard, Mr. Rees, Mr. Roybal, Mr. Talcott, Mr. Teague of California, Mr. Van Deerlin, and Mr. Veysey):

H.R. 5288. A bill to provide for the establishment of the California Desert National Conservation Area; to the Committee on Interior and Insular Affairs.

By Mr. MATHIAS of California (for himself, Mr. Waldie, Mr. Wiggins, Mr. Bob Wilson, Mr. Ketchum, and Mr. Sisk):

H.R. 5289. A bill to provide for the establishment of the California Desert National Conservation Area; to the Committee on Interior and Insular Affairs.

By Mr. McKAY (for himself, and Mr. Owens):

H.R. 5290. A bill to authorize and direct the Secretary of Agriculture to acquire certain lands and interests therein within the boundaries of the Cache National Forest in the State of Utah; to the Committee on Interior and Insular Affairs.

By Mr. McKINNEY:

H.R. 5291. A bill to provide for repayment of certain sums advanced to providers of services under title XVIII of the Social Security Act; to the Committee on Ways and Means.

By Mr. MOAKLEY:

H.R. 5292. A bill to amend the State and Local Fiscal Assistance Act of 1972 to provide that general revenue sharing payments to local governments may be used only to reduce school taxes; to the Committee on Ways and Means.

By Mr. MORGAN:

H.R. 5293. A bill authorizing continuing appropriations for the Peace Corps; to the Committee on Foreign Affairs.

By Mr. O'HARA:

H.R. 5294. A bill to amend title 5 of the United States Code with respect to the observance of Veterans Day; to the Committee on the Judiciary.

By Mr. PATMAN:

H.R. 5295. A bill to reestablish November 11 as Veterans Day; to the Committee on the Judiciary.

H.R. 5296. A bill to abolish the U.S. Postal Service, to repeal the Postal Reorganization Act, to reenact the former provisions of title 39, United States Code, and for other purposes; to the Committee on Post Office and Civil Service.

H.R. 5297. A bill to authorize construction of the Little Cypress Lake and Reservoir, Texas; to the Committee on Public Works.

H.R. 5298. A bill to amend title 38 of the United States Code to provide that certain beneficiaries of National Service Life Insurance policies may elect lump-sum settlements after attaining age 65; to the Committee on Veterans' Affairs.

By Mr. PEPPER:

H.R. 5299. A bill to abolish the U.S. Postal Service, to repeal the Postal Reorganization Act, to reenact the former provisions of title 39, United States Code, and for other purposes; to the Committee on Post Office and Civil Service.

H.R. 5300. A bill to amend title 39, United States Code, as enacted by the Postal Reorganization Act, to facilitate direct communication between officers and employees of the U.S. Postal Service and Members of Congress, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. PIKE:

H.R. 5301. A bill to amend the Judiciary and Judicial Procedure Act of 1948; to the Committee on the Judiciary.

By Mr. QUILLEN:

H.R. 5302. A bill to amend the Communications Act of 1934 to establish orderly procedures for the consideration of applications for renewal of broadcast licenses; to the Committee on Interstate and Foreign Commerce.

By Mr. RAILSBACK (for himself, and Mr. Veysey):

H.R. 5303. A bill to provide for an overall limit on appropriations for a fiscal year, legislative control over impoundment of Federal funds, and modification of the fiscal year so that it coincides with the calendar year, and for other purposes; to the Committee on Government Operations.

By Mr. REUSS:

H.R. 5304. A bill to amend the Par Value Modification Act; to the Committee on Banking and Currency.

By Mr. ROYBAL (for himself, Mr. Harrington, Mr. Hawkins, Mr. Hechler of West Virginia, Mr. Helstoski, Miss Holtzman, Mr. Koch, Mr. Mathis of Georgia, Mr. Mazzoli, Mr. Moakley, Mr. Moorhead of Pennsylvania, Mr. Moss, Mr. Murphy of Illinois, Mr. Nedzi, Mr. O'Hara, Mr. Owens, Mr. Pettis, Mr. Podell, Mr. Price of Illinois, Mr. Rangel, Mr. Rees, Mr. Riegle, Mr. Rosenthal, Mr. Roy, and Mr. Ryan):

H.R. 5305. A bill to amend the Fair Credit Reporting Act, and to create a new title in the Consumer Credit Protection Act in order to license consumer credit investigators; to the Committee on Banking and Currency.

By Mr. SIKES (for himself and Mr. Bennett):

H.R. 5306. A bill to amend the Soil Conservation and Domestic Allotment Act, as amended, to provide for a South Atlantic Basin environmental conservation program; to the Committee on Agriculture.

By Mr. SISK:

H.R. 5307. A bill to provide for the reimbursement of medical treatment facilities for emergency medical treatment given to aliens unlawfully in the United States; to the Committee on the Judiciary.

By Mr. STUCKEY:

H.R. 5308. A bill to amend the Public Works Economic Development Act of 1965 to extend the authorizations for a 1-year period; to the Committee on Public Works.

By Mr. TIERNAN (for himself, Mr. Fauntroy, Mr. Hechler of West Virginia, Mr. Gibbons, Mr. Moss, Mr. Eilberg, Mr. Pepper, Mr. Podell, Mr. Brasco, Mr. Helstoski, Mrs. Grasso, Mrs. Chisholm, Mr. Brown of California, Mrs. Mink, Mr. Corman, Mr. Fraser, Mr. Rooney of Pennsylvania, Ms. Abzug, and Mr. Rosenthal):

H.R. 5309. A bill to establish an independent agency to be known as the Intergovernmental Officer of Consumers' Counsel to represent the consumers of the Nation before Federal and State regulatory agencies with respect to matters pertaining to certain regulated services; to provide grants and other Federal assistance to State and local governments for the establishment and operation of such consumers' counsels; to improve methods for obtaining and disseminating information with respect to the operation of regulated companies of interest to the Federal Government and other consumers; and for other purposes; to the Committee on Government Operations.

By Mr. TIERNAN (for himself, Mr. Badillo, Mr. Davis of Georgia, Mr. Downing, Mr. Won Pat, Mr. Alexander, and Mr. Mollohan):

H.R. 5310. A bill to amend the Communications Act of 1934 to provide for loan assistance to certain cable television systems; to the Committee on Interstate and Foreign Commerce.

By Mr. WILLIAMS (for himself, Mr. Archer, Mr. Bevill, Mr. Bingham, Mr. Brown of California, Mr. Byron, Mr. Clark, Mr. Conte, Mr. Coughlin, Mr. Dent, Mr. Derwinski, Mr. Eilberg, Mr. Gude, Mr. Huber, Mr. Ketchum, Mr. Lujan, Mr. McClory, Mr. Minshall of Ohio, Mr. Rarick, Mr. Saylor, Mr. Robinson of Virginia, Mr. Veysey, Mr. Ware, Mr. Whitehurst, and Mr. Yatron):

H.R. 5311. A bill to amend section 167 of the Internal Revenue Code of 1954 to provide a special allowance for depreciation with respect to certain byproducts and waste energy conversion facilities; to the Committee on Ways and Means.

By Mr. CHARLES H. WILSON of California:

H.R. 5312. A bill to amend the Postal Reorganization Act of 1970, title 39, United States Code, to provide for uniformity in labor relations; to the Committee on Post Office and Civil Service.

By Mr. ANDERSON of California:

H.R. 5313. A bill to amend the Federal Food, Drug, and Cosmetic Act to include a definition of food supplements, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. BEARD:

H.R. 5314. A bill to improve and implement procedures for fiscal controls in the U.S. Government, and for other purposes; to the Committee on Rules.

By Mr. BERGLAND (for himself, Mr. Karth, Mr. Melcher, Mr. Alexander, Mr. Blatnik, Mr. Riegle, Mr. Kastenmeier, Mr. Reuss, and Mr. Hicks):

H.R. 5315. A bill to require the Secretary of Agriculture to carry out a water bank program; to the Committee on Merchant Marine and Fisheries.

By Mr. BINGHAM (for himself, and Mr. Riegle):

H.R. 5316. A bill requiring congressional authorization for the reinvolvement of American forces in further hostilities in Indochina; to the Committee on Foreign Affairs.

By Mr. BROOMFIELD:

H.R. 5317. A bill to assure the free flow of information to the public; to the Committee on the Judiciary.

H.R. 5318. A bill to provide additional protection for the rights of participants in employee pension and profit-sharing retirement plans, to establish minimum standards for pension and profit-sharing retirement plan vesting and funding, to establish a pension plan reinsurance program, to provide for portability of pension credits, to provide for regulation of the administration of pension and other employee benefit plans, to establish a U.S. Pension and Employee Benefit Plan Commission, to amend the Welfare and Pension Plans Disclosure Act, and for other purposes; to the Committee on Ways and Means.

H.R. 5319. A bill to establish the Advisory Commission on Federal Tax Forms, and for other purposes; to the Committee on Ways and Means.

By Mr. BROYHILL of North Carolina (for himself, Mr. Rooney of Pennsylvania, and Mr. McClory):

H.R. 5320. A bill to amend the Communications Act of 1934 to establish orderly procedures for the consideration of applications for renewal of broadcast licenses; to the Committee on Interstate and Foreign Commerce.

By Mr. COUGHLIN:

H.R. 5321. A bill to authorize the Secretary of the Interior to assist the States in controlling damage caused by predatory animals; to establish a program of research concerning the control and conservation of predatory animals; to restrict the use of toxic chemicals as a method of predator control; and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. COUGHLIN (for himself, Mr. Frey, and Mr. Hastings):

H.R. 5322. A bill to safeguard the professional news media's responsibility to gather information, and therefore to safeguard the public's right to receive such information, while preserving the integrity of judicial processes; to the Committee on the Judiciary.

By Mr. DANIELSON:

H.R. 5323. A bill to amend the Bankruptcy Act of 1898, as amended, to permit the Judicial Conference of the United States to change salaries of Referees in Bankruptcy more often than once in any 2 years; to the Committee on the Judiciary.

By Mr. DELLENBACK:

H.R. 5324. A bill to amend title 38 of the United States Code increasing income limitations relating to payment of disability and death pension, and dependency and indemnity compensation; to the Committee on Veterans' Affairs.

By Mr. DELLUMS:

H.R. 5325. A bill to establish a National Environmental Bank, to authorize the issuance of U.S. environmental savings bonds, and to establish an environmental trust fund; to the Committee on Banking and Currency.

By Mr. de LUGO:

H.R. 5326. A bill to amend the Communications Act of 1934 to establish orderly procedures for the consideration of applications for renewal of broadcast licenses; to the Committee on Interstate and Foreign Commerce.

By Mr. DINGELL:

H.R. 5327. A bill to establish an independent agency to be known as the U.S. Office of Consumers' Counsel to represent the interests of the consumers of the Nation; and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 5328. A bill to prohibit commercial flights by aircraft capable of flying at supersonic speeds within the United States; to the Committee on Interstate and Foreign Commerce.

H.R. 5329. A bill to extend the Solid Waste Disposal Act and the Clean Air Act for 1 year, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 5330. A bill to amend the Internal Revenue Code of 1954 to designate the home of a State legislator for income tax purposes; to the Committee on Ways and Means.

H.R. 5331. A bill to impose a minimum income tax on certain individuals and corporations with substantial incomes; to the Committee on Ways and Means.

H.R. 5332. A bill to amend section 252 of the Trade Expansion Act of 1962 to provide that the President shall impose reciprocal import restrictions whenever such action is necessary or appropriate to obtain the removal of foreign nonduty trade restrictions which are substantially curtailing U.S. exports; to the Committee on Ways and Means.

By Mr. DINGELL (for himself, Mr. Anderson of California, Mr. William D. Ford, and Mr. Moss):

H.R. 5333. A bill to prohibit the leasing or rental of public lands of the United States except on condition that free public access thereto be provided; to the Committee on Interior and Insular Affairs.

By Mr. DINGELL (for himself, Mr. Moss and Mr. Reuss):

H.R. 5334. A bill to promote the abatement of atmospheric sulfur pollution by the imposition of a tax on the emission of sulfur into the atmosphere, and for other purposes; to the Committee on Ways and Means.

By Mr. DONOHUE:

H.R. 5335. A bill to amend the Internal Revenue Code of 1954 to provide an additional income tax exemption for a taxpayer supporting a dependent who is mentally retarded; to the Committee on Ways and Means.

H.R. 5336. A bill to amend the Internal Revenue Code of 1954 to provide that pensions paid to retired policemen or firemen or their dependents, or to the widows or other survivors of deceased policemen or firemen, shall not be subject to the income tax; to the Committee on Ways and Means.

By Mr. DUNCAN:

H.R. 5337. A bill to amend title II of the Social Security Act to extend the time within which certain Federal-State agreements may be modified to give noncovered State and local employees under the divided retirement system procedure an additional opportunity to elect coverage; to the Committee on Ways and Means.

H.R. 5338. A bill to require States to pass along to individuals who are recipients of aid or assistance under the Federal-State public assistance programs or under certain other Federal programs, and who are entitled to social security benefits, the full amount of the 1972 increase in such benefits, either by disregarding it in determining their need for assistance or otherwise; to the Committee on Ways and Means.

By Mr. ESCH:

H.R. 5339. A bill to prohibit most-favored-nation treatment and commercial and guarantee agreements with respect to any nonmarket economy country which denies to its citizens the right to emigrate or which imposes more than nominal fees upon its citizens as a condition to emigration; to the Committee on Ways and Means.

By Mr. ESCH (for himself, Mr. Fraser, and Mr. Steiger of Wisconsin):

H.R. 5340. A bill to provide for the use of certain funds to promote scholarly, cultural, and artistic activities between Japan and the United States, and for other purposes; to the Committee on Foreign Affairs.

By Mr. GRAY:

H.R. 5341. A bill to strengthen and improve the Older Americans Act of 1965, and for other purposes; to the Committee on Education and Labor.

By Mrs. GRIFFITHS (for herself, Mr. Corman, Mr. Bingham, Mrs. Chisholm, Mr. Eilberg, Mr. Fauntroy, Miss Holtzman, Mr. Podell, and Mr. Sarbanes):

H.R. 5342. A bill to create a national system of health security; to the Committee on Ways and Means.

By Mr. GUBSER:

H.R. 5343. A bill to permit American citizens to hold gold; to the Committee on Banking and Currency.

By Mr. GUBSER (for himself, Mr. Collins, Mr. Edwards of California, Mr. Fisher, Mr. Harrington, Mr. Kemp, Mr. Mazzoli, Mr. Ware, and Mr. Rhodes):

H.R. 5344. A bill to establish a commission to encourage, process, and make awards with respect to citizens' suggestions for the improvement of Government operations, and for other purposes; to the Committee on Government Operations.

By Mr. GUDE:

H.R. 5345. A bill to amend the Public Health Services Act and the Federal Food, Drug, and Cosmetic Act to assure that the public is provided with safe drinking water, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. HAMMERSCHMIDT (for himself and Mr. Roberts):

H.R. 5346. A bill to amend section 210 of the Flood Control Act of 1968; to the Committee on Public Works.

By Mr. HARVEY:

H.R. 5347. A bill to prohibit most-favored-nation treatment and commercial and guarantee agreements with respect to any nonmarket economy country which denies to its citizens the right to emigrate or which imposes more than nominal fees upon its citizens as a condition to emigration; to the Committee on Ways and Means.

By Mr. HÉBERT:

H.R. 5348. A bill to permit certain individuals who claim title to certain land in the Parish of Plaquemines, La., to bring an action against the United States to determine ownership of the land; to the Committee on the Judiciary.

By Mr. HECHLER of West Virginia:

H.R. 5349. A bill to assist the States in raising revenues by making more uniform the incidence and rate of tax imposed by States on the severance of minerals, and to impose a countervailing duty on imported minerals; to the Committee on Ways and Means.

By Mr. HUNGATE:

H.R. 5350. A bill to permit American citizens to own gold; to the Committee on Banking and Currency.

H.R. 5351. A bill to amend the Communications Act of 1934 to establish orderly procedures for the consideration of applications for renewal of broadcast licenses; to the Committee on Interstate and Foreign Commerce.

By Mr. McCLORY:

H.R. 5352. A bill to authorize the State of Illinois and the Metropolitan Sanitary District of Greater Chicago, under the direction of the Secretary of the Army, to test, on a 3-year basis, the effect of increasing the diversion of water from Lake Michigan into the Illinois Waterway, and for other purposes; to the Committee on Public Works.

By Mr. McKINNEY (for himself, Mr. Frey, and Mr. Preyer):

H.R. 5353. A bill to permit the transportation in interstate commerce of goods manufactured by prisoners engaged in Federal or State work release programs and to permit the employment of such prisoners under Federal contract; to the Committee on the Judiciary.

By Mr. MELCHER:

H.R. 5354. A bill to require the President to notify the Congress whenever he impounds funds, or authorizes the impounding of funds, and to provide a procedure under which the House of Representatives and the Senate may disapprove the President's action and require him to cease such impounding; to the Committee on Rules.

By Mr. MEZVINSKY:

H.R. 5355. A bill to require States to pass along to individuals who are recipients of aid or assistance under the Federal-State public assistance programs or under certain other Federal programs, and who are entitled to social security benefits, the full amount of the 1972 increase in such benefits, either by disregarding it in determining their need for assistance or otherwise; to the Committee on Ways and Means.

By Mr. MOSS (for himself, Mr. Stuckey, Mr. Eckhardt, and Mr. Helstoski):

H.R. 5356. A bill to regulate interstate commerce to protect health and the environment from hazardous chemical substances; to the Committee on Interstate and Foreign Commerce.

By Mr. NIX:

H.R. 5357. A bill to amend title 5, United States Code, relating to qualifications for appointment and retention in the civil service; to the Committee on Post Office and Civil Service.

By Mr. ROONEY of Pennsylvania (for himself, Mr. Burton, Mr. Clark, Mr. Conyers, Mr. Dent, Mr. Howard, Mr. McDade, Mr. Mazzoli, Mr. Moorhead of Pennsylvania, Mr. Podell, and Mr. Charles H. Wilson of California):

H.R. 5358. A bill to amend section 1130 of the Social Security Act to repeal the provision presently limiting to 10 percent the portion of the total grants for social services paid to a State which may be paid with respect to individuals not actually recipients of or applicants for aid or assistance, and to amend the public assistance provisions of such act to specify the minimum periods within which an individual (not receiving aid or assistance) must have been or be likely to become an applicant for or recipient of aid or assistance in order for expenditures for services provided to him to qualify for Federal matching; to the Committee on Ways and Means.

By Mr. ROYBAL (for himself, Ms. Abzug, Mr. Addabbo, Mr. Alexander, Mr. Anderson of California, Mr. Bingham, Mr. Boland, Mr. Brown of California, Mr. Buchanan, Mrs. Burke of California, Mr. Carney of Ohio, Mr. Clay, Mr. Cleveland, Mr. Conyers, Mr. Corman, Mr. Diggs, Mr. Donohue, Mr. Drinan, Mr. Eckhardt, Mr. Edwards of California, Mr. Fascell, Mr. Fraser, Mr. Gaydos, Mrs. Grasso, and Mrs. Griffiths):

H.R. 5359. A bill to amend the Fair Credit Reporting Act, and to create a new title in the Consumer Credit Protection Act in order to license consumer credit investigators; to the Committee on Banking and Currency.

By Mr. ROYBAL (for himself, Mr. Sandman, Mr. Stark, Mr. Stokes, Mr. Studds, Mr. Tiernan, Mr. Waldie, Mr. Charles Wilson of Texas, Mr. Wolff, Mr. Won Pat, Mr. Wright, Mr. Yatron, Mr. Young of Georgia, Mr. Danielson, and Mr. Roe):

H.R. 5360. A bill to amend the Fair Credit Reporting Act, and to create a new title in the Consumer Credit Protection Act in order to license consumer credit investigators; to the Committee on Banking and Currency.

By Mr. ROYBAL:

H.R. 5361. A bill to amend title VII of the Civil Rights Act of 1964 to protect the employment rights of the elderly; to the Committee on Education and Labor.

By Mr. SAYLOR (for himself, Mr. Udall, Mr. Burton, Mr. Kastenmeier, Mr. O'Hara, Mr. Vigorito, Mr. Roncalio of Wyoming, Mr. Bingham, Mr. Seiberling, Mr. Ketchum, Mr. Won Pat, Mr. Owens, Mr. de Lugo, Mr. Dulski, Mr. Schneebeli, Mrs. Sullivan, Mr. McDade, Mr. Reuss, Mr. Moss, Mr. Lent, Mr. Dingell, Mr. Thompson of New Jersey, Mr. Latta, Mrs. Hansen of Washington, and Mr. Vander Jagt):

H.R. 5362. A bill to designate certain lands as wilderness for inclusion in the National Wilderness Preservation System, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. SAYLOR (for himself, Mr. Eilberg, Mr. Fascell, Mr. Hechler of West Virginia, Mr. Fraser, Mr. Kemp, Mr. Derwinski, Mr. William D. Ford, Mr. Rees, Mr. Pepper, Mr. Heinz, Mr. Corman, Mr. Mazzoli, Mr. Pettis, Mr. Biester, Mr. Rodino, Mr. Sarbanes, Mr. Dennis, Mr. Mailliard, Mr. Grover, Mr. Harrington, Mr. Walsh, Mr. McKinney, Mr. Mann, and Mr. Anderson of Illinois):

H.R. 5363. A bill to designate certain lands as wilderness for inclusion in the National

Wilderness Preservation System, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. SAYLOR (for himself, Mr. Udall, Mr. Burton, Mr. Kastenmeier, Mr. O'Hara, Mr. Vigorito, Mr. Sebelius, Mr. Bingham, Mr. Seiberling, Mr. Ketchum, Mr. Won Pat Mr. Owens, Mr. de Lugo, Mr. Dulski, Mr. Schneebeli, Mrs. Sullivan, Mr. McDade, Mr. Reuss, Mr. Moss, Mr. Lent, Mr. Dingell, Mr. Thompson of New Jersey, Mr. Latta, Mrs. Hansen of Washington, and Mr. Vander Jagt):

H.R. 5364. A bill to provide for the study of certain lands to determine their suitability for designation as wilderness in accordance with the Wilderness Act of 1964, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. SAYLOR (for himself, Mr. Rodino, Mr. William D. Ford, Mr. Rees, Mr. Pepper, Mr. Heinz, Mr. Corman, Mr. Mazzoli, Mr. Pettis, Mr. Biester, Mr. Sarbanes, Mr. Dennis, Mr. Mailliard, Mr. Grover, Mr. Harrington, Mr. Walsh, Mr. McKinney, Mr. Stark, Mr. Collins, Mr. Mann, and Mr. Anderson of Illinois):

H.R. 5365. A bill to provide for the study of certain lands to determine their suitability for designation as wilderness in accordance with the Wilderness Act of 1964, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. SAYLOR (for himself, Mr. Clark, Mr. Denholm, Mr. Green of Pennsylvania, Mr. Minshall of Ohio, Mr. Rosenthal, Mr. Zwach, Mr. Steele, Mr. Esch, Mr. Gibbons, Mr. Frelinghuysen, Mr. Carney of Ohio, Mr. Brown of California, Mr. Riegle, Mr. Preyer, Mr. Helstoski, Mr. McCloskey, Mr. Edwards of California, Mr. Coughlin, Mr. Eilberg, Mr. Fascell, Mr. Hechler of West Virginia, Mr. Fraser, Mr. Kemp, and Mr. Derwinski):

H.R. 5366. A bill to provide for the study of certain lands to determine their suitability for designation as wilderness in accordance with the Wilderness Act of 1964, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. SAYLOR (for himself, Mr. Bafalis, Mr. Bevill, Mr. Lehman, Mr. Kyros, Mr. Buchanan, Mrs. Holt, Mr. Clark, Mr. Denholm, Mr. Green of Pennsylvania, Mr. Minshall of Ohio, Mr. Rosenthal, Mr. Zwach, Mr. Steele, Mr. Esch, Mr. Gibbons, Mr. Frelinghuysen, Mr. Carney of Ohio, Mr. Brown of California, Mr. Riegle, Mr. Preyer, Mr. Helstoski, Mr. McCloskey, Mr. Edwards of California, and Mr. Coughlin):

H.R. 5367. A bill to designate certain lands as wilderness for inclusion in the National Wilderness Preservation System, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. STAGGERS (for himself and Mr. Devine):

H.R. 5368. A bill to assure that the public is provided with safe drinking water, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 5369. A bill to amend section 318 of the Communications Act of 1934, as amended, to enable the Federal Communications Commission to authorize translator broadcast stations to originate limited amounts of local programing, and to authorize FM radio translator stations to operate unattended in the same manner as is now permitted for television broadcast translator stations; to the Committee on Interstate and Foreign Commerce.

By Mr. STEELE:

H.R. 5370. A bill to amend the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 to provide for minimum Federal payments for 4 additional years, and for other purposes; to the Committee on Public Works.

By Mr. STOKES:

H.R. 5371. A bill to prohibit psychosurgery in federally connected health care facilities; to the Committee on Interstate and Foreign Commerce.

By Mr. WHITEHURST:

H.R. 5372. A bill to direct the Secretary of Labor to study the feasibility of and need for a cost of existence index; to the Committee on Education and Labor.

By Mr. WOLFF (for himself and Mr. Rinaldo):

H.R. 5373. A bill to require States to pass along to individuals who are recipients of aid or assistance under the Federal-State public assistance programs or under certain other Federal programs, and who are entitled to social security benefits, the full amount of the 1972 increase in such benefits, either by disregarding it in determining their need for assistance or otherwise; to the Committee on Ways and Means.

By Mr. WYDLER:

H.R. 5374. A bill to repeal the bread tax on 1973 wheat crop; to the Committee on Agriculture.

By Mr. WYMAN:

H.R. 5375. A bill to amend the Federal Food, Drug, and Cosmetic Act to include a definition of food supplements, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. WYMAN (for himself, Mr. Cleveland, Mr. Ketchum, Mr. Rarick, Mr. Camp, Mr. Blackburn, Mr. Ware, Mr. Huber, and Mr. Landgrebe):

H.R. 5376. A bill to amend the Clean Air Act to modify the emission standards required for light duty motor vehicles and engines manufactured during or after model year 1975; to the Committee on Interstate and Foreign Commerce.

By Mr. HECHLER of West Virginia (for himself, Mr. Green of Pennsylvania, Mrs. Heckler of Massachusetts, Mr. Lehman, Mr. Lent, Mr. Moakley, Mr. Moorhead of Pennsylvania, Mr. Nedzi, Mr. Podell, Mr. Roncallo of New York, Mr. Studds, Mr. Waldie, and Mr. Whalen):

H.R. 5377. A bill to provide for the control of surface and underground coal mining operations which adversely affect the quality of our environment, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. CHAPPELL (for himself, Mr. Won Pat, Mr. Brown of California, Mr. Gunter, Mr. Rose, Mr. Huber, Mr. Mitchell of Maryland, Mr. Taylor of North Carolina, Mrs. Chisholm, Mr. Ryan, Mr. de Lugo, Mr. Flynt, Mr. Eshleman, Mr. Stark, Mr. Helstoki, Mr. Davis of Georgia, Mr. Frey, Mrs. Schroeder, Mr. Fauntroy, and Mr. Fulton):

H.J. Res. 409. Joint resolution relating to the war power of Congress; to the Committee on Foreign Affairs.

By Mr. COUGHLIN (for himself and Mr. Taylor of North Carolina):

H.J. Res. 410. Joint resolution to authorize and request the President to issue a proclamation designating the calendar week beginning May 6, 1973, as "National Historic Preservation Week"; to the Committee on the Judiciary.

By Mr. De LUGO (for himself, Mr. Won Pat, Mr. Burton, Ms. Abzug, Mr. Adams, Mr. Alexander, Mr. Buchanan, Mrs. Chisholm, Mr. Clay, Mr. Conyers, Mr. Corman, Mr. Dellums, Mr. Drinan, Mr. Fraser, Mr. Harrington, Mr. Hawkins, Mr. Hechler of West Virginia, Mr. Johnson of California, Mr. Ketchum, Mr. Leggett, Mr. Matsunaga, Mr. Mazzoli, Mr. Meeds, Mrs. Mink, and Mr. Mitchell of Maryland):

H.J. Res. 411. Joint resolution proposing an amendment to the Constitution to provide for the participation of Guam and the Virgin Islands in the election of the President and Vice President; to the Committee on the Judiciary.

By Mr. De LUGO (for himself, Mr. Won Pat, Mr. Moss, Mr. Owens, Mr. Price of Illinois, Mr. Roncalio of Wyoming, Mr. Seiberling, Mr. Stark, Mr. Stokes, Mr. Thompson of New Jersey, Mr. Vigorito, Mr. Ware, Mr. Charles H. Wilson of California, and Mr. Young of Georgia):

H.J. Res. 412. Joint resolution proposing an amendment to the Constitution to provide for the participation of Guam and the Virgin Islands in the election of the President and Vice President; to the Committee on the Judiciary.

By Mr. DINGELL (for himself and Mr. Wiggins):

H.J. Res. 413. Joint resolution to establish the Tule Elk National Wildlife Refuge; to the Committee on Merchant Marine and Fisheries.

By Mr. KEMP:

H.J. Res. 414. Joint resolution calling for an immediate moratorium on the killing of the North American timber wolf; to the Committee on Foreign Affairs.

H.J. Res. 415 Joint resolution to authorize the President to designate April 30, 1973, as "Pledge of Allegiance to Our Flag Day"; to the Committee on the Judiciary.

By Mr. RUNNELS (for himself and Mr. Dan Daniel, Mr. Davis of South Carolina, Mr. Denholm, Mr. Hechler of West Virginia, Mr. Ketchum, Mr. McSpadden, Mr. Murphy of Illinois, Mr. Nichols, Mr. Rangel, Mr. Roe, Mr. Roy, Mr. Sikes, and Mr. Won Pat):

H.R. Res. 416. Joint resolution establishing expenditure priorities between care for American war dead, American prisoners of war, American veterans, and the reconstruction of North Vietnam; to the Committee on Foreign Affairs.

By Mr. HOGAN:

H. Con. Res. 144. Concurrent resolution expressing the sense of Congress that no pardon, reprieve, or amnesty be given to deserters or draft evaders; to the Committee on the Judiciary.

By Mr. McCLORY:

H. Con. Res. 145. Concurrent resolution requesting the President to negotiate with the Government of Canada to establish water levels for the Great Lakes; to the Committee on Foreign Affairs.

By Mr. YATRON (for himself, Mr. Fraser, Mr. Mollohan, Mr. Gude, Mr. Frenzel, Mr. Stuckey, Mr. Flood, Mr. Buchanan, Mr. Whitehurst, Mr. Eilberg, Mr. Cleveland, Mr. Mazzoli, Mr. Brown of California, Mr. Matsunaga, Mr. Won Pat, Mr. Wolff, Mr. Kemp, Mr. Adams, Mr. Roy, Mr. Fascell, Mr. Henderson, Mr. Green of Pennsylvania, Mr. Melcher, Mr. Hungate, and Mr. Shoup):

H. Con. Res. 146. Concurrent resolution expressing the sense of Congress that our NATO allies should contribute more to the cost of their own defense; to the Committee on Foreign Affairs.

By Mr. DUNCAN:

H. Res. 276. Resolution to declare U.S. sovereignty and jurisdiction over the Panama Canal Zone; to the Committee on Foreign Affairs.

By Mr. HOLIFIELD:

H. Res. 277. Resolution to provide funds for the expenses of the investigation and study authorized by rule XI(8) and House Resolution 224; to the Committee on House Administration.

By Mr. MORGAN:

H. Res. 278. Resolution to provide funds for the expenses of the investigation and study authorized by House Resolution 267, 93d Congress; to the Committee on House Administration.

By Mr. O'NEILL:

H. Res. 279. Resolution to create a special committee to investigate campaign expenditures; to the Committee on Rules.

By Mr. STUDDS:

H. Res. 280. Resolution to amend the Rules of the House of Representatives to create a standing committee to be known as the Committee on Transportation, and for other purposes; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BRASCO:

H.R. 5378. A bill for the relief of Domenico Musso; to the Committee on the Judiciary.

By. Mr. DONOHUE:

H.R. 5379. A bill for the relief of John B. Clayton; to the Committee on the Judiciary.

By Mr. GRAY:

H.R. 5380. A bill for the relief of Alfredo Fugaccia and his family: Anna Maria Franchi Fugaccia (wife), Alberto Fugaccia (son), Isabella Fugaccia (daughter); to the Committee on the Judiciary.

By Mr. MITCHELL of Maryland:

H.R. 5381. A bill for the relief of Elijah Stith; to the Committee on the Judiciary.

By Mr. REES:

H.R. 5382. A bill for the relief of Gregory Barrett; to the Committee on the Judiciary.

EXTENSIONS OF REMARKS

SALUTE TO NICOLAUS COPERNICUS AND TO THE PEOPLE OF POLAND

HON. ANGELO D. RONCALLO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 1973

Mr. RONCALLO of New York. Mr. Speaker, on the occasion of the 500th anniversary of the birth of Nicolaus Copernicus, I should like to make the following remarks:

NICOLAUS COPERNICIUS

Nicolaus Copernicus, Polish astronomer, propounded the Copernican theory, which revolutionized planetary astronomy and laid the foundation stone for modern developments. He was born on February 14, 1473, at Torun on the Vistula river where his father was a merchant of some social standing. In 1491 Copernicus went to the University of Cracow. There he came under the influence of the mathematician Wojciech Brudzewski (1445–97), a supporter of the geocentric system of Ptolemy, who is believed to have awakened his genius.

Copernicus became increasingly dissatisfied with the Ptolemaic system of astronomy. He was not alone in this dissatisfaction; indeed he himself said that the many divergent views prevalent in his day gave him cause for profound thought. These difficulties had arisen as the accumulated observations on the position of the sun, moon and planets had made it necessary to elaborate the arrangement of deferents and epicycles which the Ptolemaic system contained. It was therefore an increasingly laborious task to compute the future positions of these bodies and, of course, much of the elegance of the Ptolemaic hypothesis was lost. Ptolemy's system contained not only some original work but also a synthesis of the views of previous Greek philosophers and was based on a purely geocentric basis. By the 16th century this geocentric idea had become not only firmly entrenched in astronomical thought but also had the virtual standing of an article of faith. Although certain Greek philosophers had, as far back as the third century B.C., suggested that the sun and not the Earth was the centre of the universe, their ideas had not been developed. However, Copernicus concluded that, in view of the plethora of epicycles and other complexities needed by the Ptolemaic system so that it might still account for the observed motions of heavenly bodies, it must contain some basic error. In consequence he read many original Greek authors and discovered that heliocentric hypotheses had been suggested. The idea of a moving Earth seemed absurd at first but when Copernicus used this assumption he found that a much simpler and aesthetically superior system resulted even though, as might be expected, he still believed that the planets moved with uniform circular motion. After many years of labour he became convinced of the truth of his new ideas, but made no attempt to publish them. It was only the efforts of his friends and, more particularly, those of his pupil and disciple Georg Joachim Rhaticus (1514–76), who studied with him for two years, that finally resulted in the publication in 1543 of the great *De revolutionibus orbium coelestium*. Although not widely accepted at once, the heliocentric views of Copernicus in due course exerted a vital influence on astronomy. (Extracted from the Encyclopedia Britannica, Inc., Volume 6.)

It is, therefore, with a great deal of pride, Mr. Speaker, that we salute Nicolaus Copernicus and the people of that ancient and noble nation, Poland, who during the year 1973 will be hosts to the educators and scientists of the world on this forthcoming 500th anniversary of the birth of Nicolaus Copernicus.

VOICE OF DEMOCRACY WINNER JEFFREY LEE DETROW

HON. RALPH S. REGULA

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 1973

Mr. REGULA. Mr. Speaker, young Americans today have a greater role in our society than at any time in our history. This expanded role makes it increasingly more important that they fully understand the value of the freedoms and privileges guaranteed by the Constitution and statutes of the United States. It is in this interest that the Veterans of Foreign Wars of the United States and its Ladies Auxiliary conducts the Voice of Democracy program. It is a national broadcast script-writing program designed to give high school students an opportunity to think, write, and speak up for freedom and democracy. This year over 500,000 students from over 7,000 secondary schools participated in the 26th annual Voice of Democracy program. This week the State finalists in the program are competing here in Washington for scholarships provided by the VFW.

I am pleased that the winner of the Ohio program, Mr. Jeffrey Lee Detrow is a resident of the 16th Congressional District. I would like to recognize Mr. Detrow's achievement by calling his speech to the attention of the Members of Congress by inserting it into the RECORD:

VOICE OF DEMOCRACY

The date is November 8th, 1972 . . . the time. . . . 4 a.m. . . . and I am now sleepily pulling myself together after an evening which will be recorded in history. I've spent the last 10 hours compiling results in a presidential election . . . and I guess, one never realizes just how great democracy is until it's seen in action at a time such as this! When I hear of people speaking out against the United States . . . I wonder if there is a single citizen left who still feels the deep cry of America . . . but in these early morning hours when the final votes are trickling in . . . it's evident that many still do consider that undefinable word patriotism as more than just old hat!

When asked why one votes a common answer is . . . "It's my constitutional right" . . . and this reply is an excellent one . . . for whether it be a small town farmer in his fields . . . or a corporate magnate in his New York office building . . . all are granted these same basic freedoms . . . or inalienable rights.

When 56 men banded together at Philadelphia's Independence Hall in 1776 to sign our Declaration of Independence . . . and in 1789 when their dreams for this new nation were more clearly defined in the Bill of Rights . . . what they wrote was not only a revolutionary theory of government . . . it came to be a way of life! These documents are a series of rights which these men and the people whom they represented felt were God given to all human beings.

Now that we have established that freedom has certain responsibilities to us . . . let us stop and think for a moment . . . isn't there something which has been omitted? ? ? . . . something which goes far beyond freedom's basic responsibilities to us? ? ? . . . I believe there is! ! ! An idea which is so often forgotten . . . yet is so important . . . so vital . . . that we dare not forget it! . . . for in all this talk of freedom's responsibilities to us . . . we often forget that we have responsibilities to freedom.

It is easy in a time when we have not recently been posed with an immediate threat on our nation . . . to become indifferent . . . to consider the battle for freedom as already won . . . but this is where we must scrape off the outer cover and look deeper into this thing called freedom. It is often suggested that the American of today is programmed by the government to be the type of citizen that they want him to be . . . the so called "American Machine" . . . but may I offer another suggestion for your consideration? ? ? instead of being run through the American machine. . . . I believe that we are often caught up in the anti-American machine. How many times have you found yourself speaking out against your country? ? ? . . .

Don't get me wrong . . . I'm not denouncing criticism . . . for without it no institution can progress . . . but it becomes rather disenchanting to see defamation of the United States every day. . . . It's important that you as a responsible citizen . . . do your best to avoid becoming another cog in the anti-American machine.

We the young Americans of today are finding it hard to express our patriotic views . . . we don't have the Eddie Rickenbackers . . . Sergeant Yorks . . . and General Eisenhowers to rally behind . . . so we must wage our own personal crusade to preserve freedom. Countless men have died or suffered insurmountable tortures so that we may live in a society such as ours . . . to those men we owe an unpayable debt.

How can I . . . you may ask . . . one little building block in a tower of millions . . . make any impact on this vast land which we call America? But did you ever stop to think of the power of an individual human voice???

Those voters on November 7th were letting America know how they felt . . . don't be afraid to stand up and say . . . America, you are mine and I am yours . . . . . for if one by one . . . the blocks in that tower of millions begin to tumble . . . our society will be nothing more than a faded page in a history book titled "The Fall of the American Nation" . . .

I must say that I am an optimist . . . I believe that the people of this nation can and will . . . defend their freedom in the future as they have done so fervently in the past.

A recent song by the Johnny Mann singers was entitled . . . "America . . . There is so Much to Say . . ." This song is trying to reach you . . . young and old . . . and is telling you to stand up . . . speak out . . . and express your opinions . . . you will be heard ! ! !

Throw a monkey wrench in the mechanism of the anti-American machine. Fight for the ideals of America in your daily life . . . and be willing to die for them. We have got to realize that freedom is our responsibility.

It's 4 a.m. . . . November 8th, 1972. It's time for me to go home and perhaps reflect upon this evening's happenings. It's now my turn to fulfill my responsibilities to freedom. America, there is so much to say . . . let's begin today!

GHANA IS 16 YEARS OLD: THE ACHIEVEMENTS OF THE NATIONAL REDEMPTION COUNCIL

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 1973

Mr. STOKES. Mr. Speaker, the Nation of Ghana will be 16 years old on March 6, 1973. It is an occasion of great moment, and I hope that all of my colleagues will join with me in expressing their congratulations to this vital and growing country.

In honor of the occasion, I would like to share with this House a statement which the Embassy of Ghana has prepared on the occasion of its Government's 16th birthday.

GHANA IS 16 YEARS OLD: THE ACHIEVEMENTS OF THE NATIONAL REDEMPTION COUNCIL

Ghana, which is 16 years old today, has already experienced many vicissitudes. More than one year ago, Ghana had one of the worst balance of payments crises known to the developing world. We were up to our necks in inflation. Food was scarce and the prices were very prohibitive. Today, Ghana is on the way to achieving her first balance of payments surplus in many years. The country's visible balance of trade during 1972 showed a moderate surplus as against a deficit in 1971. We have succeeded at the same time in controlling inflation and our food production has shown a remarkable increase. We have done this from our own resources, without borrowing and adding to our external debt burden.

Our policy of self-reliance has paid off very well for not only have we been able to grow enough food for our people but we are also working hard to produce raw materials for our industries. From the results of "Operation Feed Yourself", we are moving forward to involve all the people in development through a new co-operative programme which will lead to the creation of co-operative societies. We are moving the principle of self-reliance to a new plane where the people will not only feed themselves but will work to change their entire living conditions.

We have launched a campaign to provide houses for the people and we are adapting our educational system to suit our development needs.

The students of our three universities without prompting, voluntarily decided on their own to assist in the harvesting of sugar cane and to plough the land to mark a new turning point in our history inspiring a nation-wide determination to conquer the land and feed ourselves from its resources.

We recognise that the type of education imposed by colonialism has been detrimental to our interests. We have been brought up to hold white collar jobs in reverence and to look on manual labour with scorn. The result is that with our fertile land, abundant water and our proverbial sunshine, Ghana has been one of the greatest importers of food.

We are taking steps to correct this situation. The curricula of our educational systems, from primary to university, are being revised to reflect the needs of our society. The Government is taking steps to involve the institutions of higher learning in the practical problems of development.

The Agricultural Faculties of the University of Science and Technology and the University of Ghana have been asked to join the State Farms Corporation and the Agricultural Development Bank in a consortium to plan and implement a programme of oil palm development designed to make Ghana self-sufficient in oil palm production.

A similar consortium is to be promoted again by the two faculties, the Agricultural Development Bank and the Cattle Development Board to plan and execute a project to make Ghana self-sufficient in the production of cattle and meat preparations.

The Physical Planning and Architectural Departments of the University of Science and Technology have been requested to undertake project studies for the replanning and modernisation of our cities and the planning of new townships which will replace some of our villages.

Priority is being given to the training of Ghanaians for the high technical grades of the mining industry and for all the key sectors of our economy. This is to prevent the domination of our economy by powerful foreign interests.

In our world today, it is impossible for any single country to do it alone. The people and nations of the world must depend upon one another, but this process of inter-dependence must be based on the new concept of partnership expressed in the form of joint ventures. Instead of seeking total ownership of major economic enterprises, we are asking foreign businessmen to think of joint ventures with our people so that the profits they earn may be jointly shared, partly for the development of the land and partly to reward the foreign entrepreneurs.

It is on the basis of this that the National Redemption Council has taken steps to acquire majority shareholding in our main extractive industries. Ghana already has such fruitful partnerships with a number of U.S. businesses.

This is a Government which in just over one year has shown practical understanding of our problems to evolve realistic plans to resuscitate our economy.

The National Redemption Council has recently been described by West Africa, a magazine published in Britain, as purposeful, energetic, honest, and worthy of every help from abroad. The magazine, in addition, has admitted that its earlier misgivings about the Council were wrong.

The people of Ghana, through a determined effort of self-reliance and loyalty, are making their country a much happier place to live in. We shall overcome.

TRIBUTE TO DENNIS D. O'BRIAN

HON. EDWARD YOUNG

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 1973

Mr. YOUNG of South Carolina. Mr. Speaker, one of the outstanding community leaders in my hometown of Florence, S.C., died on Monday morning, February 19, 1973. Dennis D. O'Brian had lived an active and productive life even though he was stricken with heart disease a decade ago but he never let this condition dominate his life. He was a business and civic leader in our area of South Carolina and served as president of O'Brian-Mace Co., an industrial supply firm which he founded shortly after World War II. Mr. O'Brian was a native southerner and possessed those traits of character and genteelness that made him known to all as a true southern gentleman.

The crowd which overflowed the sanctuary and churchyard at his funeral at All Saints Episcopal Church in Florence, where he served as junior warden at the time of his death and where he was a longtime member of the vestry of this church, attested to the esteem in which he was held by our community. He also served as a member of the board of trustees of All Saints Episcopal Day School.

This affable community leader was a member and former president of the Florence Rotary Club, a member of the Southern Industrial Distributors Association, and a past member of the board of directors of the South Carolina Chamber of Commerce, as well as the Florence Chamber of Commerce.

Mr. O'Brian had been active in the Pee Wee Area Council of the Boy Scouts of America and his business ability will be missed by this organization, as well as the many others to which he devoted his time during his productive and useful life.

The city of Florence was particularly fortunate in having Mr. O'Brian serve as a member of the Florence City Council from May 16, 1960, until May 1, 1969. First elected as a Democrat, he later joined the Republican Party and led the county and State in support of U.S. Senator BARRY GOLDWATER, the then presidential nominee of the Republican Party. He, thereafter, was reelected to the city council as a Republican and became the first member of his party ever elected to Florence City Council. He also served the Republican Party as South Carolina's Sixth Congressional Chairman and introduced Senator GOLDWATER at a statewide rally when he came to Charleston in 1966 following his successful South Carolina campaign.

Mr. O'Brian was a member of the Florence-Darlington Technical Education Commission and served as second chairman of the commission. He was one of the original members of that commission and under his leadership, the physical construction of the large TEC Center near Florence was begun.

A graduate of Georgia Tech in Atlanta, he just recently completed service on the Alumni Council for his alma mater.

He served in the Navy during World War II and was always a stanch defender of his country and the need for it to always be prepared.

Dennis O'Brian was an avid sportsman and particularly enjoyed fishing. He maintained a home on the fabulous Grand Strand of South Carolina as well as on the Santee-Cooper Lakes in my congressional district.

He is survived by his widow; a daughter, Maureen; and a son, Scott, all of Florence. He is also survived by his sister, Coleen, and his brother, Bill. Mr. Speaker, it is with a great sense of personal loss and sympathy for the O'Brian family that I recognize Dennis O'Brian's passing.

MORE ABOUT THE TRUE NADER

HON. ROBERT McCLORY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 1973

Mr. McCLORY. Mr. Speaker, broadside attacks on our Government and its officials, including generalizations concerning Members of Congress—are frequently inaccurate and misleading. These can have only a destructive effect on our Nation and its institutions.

The amateurish and highly inept effort of Ralph Nader in his report on the Congress has now been followed by an already discredited proposal that would punish free American citizens who fail to register and vote. While Soviet oriented societies with their one-party governments have embraced such a view it is to be hoped that little support will be accorded Mr. Nader's latest fling in the area of participatory democracy.

Mr. Speaker, this point is eloquently and forcefully expounded in an editorial which appeared in the Monday, January 22, issue of the Chicago Tribune, and is reproduced below:

NADER'S ULTIMATE DEMOCRACY

The ubiquitous Ralph Nader has charged forth on yet another front, this time complaining that not all is right with democracy. The flaw, he asserts, is that too few people are voting in elections. His thoughtful solution is to make voting mandatory. It would be "the ultimate in democracy," he said, and would deal a "decisive blow" to political machines by subverting their control over the voter registration process.

We have long shared Mr. Nader's unhappiness with voter apathy in this country, and have frequently noted the disparity between voter turnout here and in other western nations. But the answer to voter apathy is to increase voter interest, not to drag millions of uninterested voters to the polls where they will be likely to make an indifferent and ill considered choice.

Far from viewing Mr. Nader's proposal as a "decisive blow" to machine politics, we think most machine politicians would welcome it. In Chicago's inner-city wards, for example, the biggest problem the political bosses have right now is in getting the faithful out to the polls. In many of these areas, it has been unfortunately axiomatic to say that the bigger the turnout, the bigger the vote fraud.

Mr. Nader overlooks yet another important point, and that is that, while Americans have the freedom to vote, they also have the freedom not to vote—just as they have the freedom not to worship and the freedom not to patronize a free press. We may lament the exercise of this freedom, but it is a freedom, none the less.

Mr. Nader's "ultimate in democracy" actually has more in common with such countries as the Soviet Union, where failure to vote is a punishable offense. If democracy is Mr. Nader's goat, he is approaching it by a curious route.

ACTION ON PRESS FREEDOM

HON. MICHAEL HARRINGTON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 1973

Mr. HARRINGTON. Mr. Speaker, protecting the confidentiality of the sources of information obtained by our news reporters is one of today's critical issues. The accuracy of information provided to us as citizens depends heavily on the reporter's freedom to go about his work without concern that he will jeopardize the relationships on which the quality of his product depends. Most of us have assumed that the Congress is the natural body to provide that necessary protection, and attention has thus focused principally on what Congress can do at the Federal level. Yet the major part of the problem stems from subpenas issued by State and local authorities in local proceedings. Two of the three cases decided by the Supreme Court last year involved State proceedings. Any legislation that fails to deal with the State and local problem in protecting news sources will fail in its purpose.

We realize, of course, that forced disclosure of confidential information on a State or local level is not purely a State or local problem. In this day of instantaneous communication and rapid mobility, any action which impinges on the ability of news reporters to develop the trust necessary for the development and dissemination of information, no matter where that action may be taken, affects reporting everywhere. Societal groups about which we seriously need accurate information observe that newsmen are vulnerable and therefore less able to be trusted. Members of those groups become more defensive, even though the instances of attempts to force disclosure of sources may have occurred elsewhere. And the quality of reporting about them deteriorates.

Because Congress may have the constitutional power to enact a law to protect news sources does not mean that a Federal law affecting State or local proceedings is the most desirable alternative. The scope of a privilege given to confidential information may well be regarded as a matter for the State legislature, rather than leaving the issue to a Congress which appears remote from local problems. State legislators know State procedures and the needs of State prosecutors and newsmen better and might well be able to develop a more workable shield law. Already, there are States with effective news shield laws, and there should be more. For that reason, it is encouraging to note that efforts are being made on the State level. It would be good for our national well-being if these efforts are successful, although the need for a Federal law will not be obviated. There will then be an active expression of State policy supporting the free flow of information, and no one can say that our State governments are merely passive observers in establishing important legal principles.

At this point, I am inserting a statement describing action taken by WBZ in Boston in support of State legislation on that subject. Massachusetts State bill 704, referred to in the statement, would create a privilege somewhat more narrowly drawn than does the Whalen bill which I have cosponsored. It may not be the most workable legislation, but it is the beginning of the legislative process. I want to take this opportunity to express my support for efforts to develop such legislation at the State level to deal with the problem.

The statement follows:

ACTION ON PRESS FREEDOM

(Delivered by Winthrop P. Baker, General Manager, WBZ-TV; Sy Yanoff, General Manager, WBZ Radio)

Recent events have shown a growing threat to press freedom in America. And we feel there's a serious gap in protection for professional newsmen that should be filled with legislation at both the state and national levels this year.

A special Jerry Williams program from Faneuil Hall Thursday night showed the sharp differences of opinion on this issue within both the press and the government. In our view, qualified newsmen should be given reasonable immunity from having to identify source and disclose confidential information when called before courts, grand juries, government agencies, and legislative committees. There obviously have to be some exceptions to this and some procedure for appeal through the courts. All that's easier said than written into law. But Senate Bill 704 filed by Senator John Quinlan and the New England Press Association comes as close to that goal as possible. Two years ago a similar measure got through the Senate and missed in the House by only four votes. With a real show of support this year, the measure can go all the way. And the process starts with a public hearing before the Judiciary Committee at the State House next Wednesday afternoon.

Some people will claim that this type of shield law creates a special class of citizen. The answer to that argument is that the shield law is really for the benefit of the public, not the reporter. Newsmen are constantly digging into events behind the scenes, and often they have to get a lot of pieces of a story on a confidential basis. Nothing would more effectively destroy the essential trust between a newsman and the people he deals with than the knowledge anything said in confidence would become official property on request. Nineteen other states have laws which grant newsmen the right to protect sources of information. Massachusetts needs such a law, too.

(The Commonwealth of Massachusetts, In the Year One Thousand Nine Hundred and Seventy-Three)

AN ACT PROVIDING PROTECTION FOR SOURCES OF INFORMATION FOR THOSE ENGAGED IN THE PROFESSION OF JOURNALISM

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. Definitions: In this act the following words and phrases shall have the following meanings:

"Professional Journalist", one who, for gain or livelihood, is engaged in the gathering, preparation, presentation or editing of news for a newspaper, journal, press association, wire service, or radio or television station.

"News", written, oral or pictorial information or communication concerning local, national or worldwide events or other matters of public concern, of public interest or affecting the public welfare.

"Newspaper", a paper that is printed and distributed ordinarily not less frequently than once a week, and has been so printed and distributed for at least one year, and that has at least a twenty five percent yearly average of news-editorial contents such as news, articles of opinion (as editorials), features, advertising or other matter regarded as current interest, and that has a general circulation and that must be formed of printed sheets.

"Journal", a publication containing news which is published and distributed periodically, and has been so (published and distributed) for at least one year and must be formed of printed sheets.

"Press Association", an association of newspapers and/or magazines formed to gather and distribute news and journalistic information to its members.

"News Agency", a commercial organization that collects and supplies news to subscribing newspapers, magazines, periodicals and news broadcasters.

"Wire Service", a news agency that sends out syndicated news copy by wire to subscribing newspapers, magazines, periodicals or news broadcasters.

SEC. 2. "No person engaged in the work of, or connected with or employed by any newspaper or any press association or any journal or any radio broadcasting station, or any television station for the purpose of gathering, procuring, compiling, editing, disseminating, publishing, broadcasting or televising news shall be required to disclose the source of any information procured or obtained by such person in the course of his employment, in any legal proceeding, trial or investigation before any court, grand jury or petit jury, or any officer thereof, before the presiding officer of any tribunal, or his agent or agents, or before any commission, department, division or bureau of the state, or before any county or municipal body, officer or committee thereof."

SEC. 3. "In any case where a person claims a privilege conferred by this statute, the person seeking the information or the source of the information may apply to the superior court for an order divesting the privilege. If the court after hearing the parties, shall find that there is substantial evidence that disclosure of the information or of the source of the information is necessary to permit a criminal prosecution for the commission of a specific felony, or to prevent a threat to human life, and that such information or the source of such information is not available from other prospective witnesses, the court may make such order as may be proper under the circumstance. Any such order shall be appealable under section ninety-six of chapter two hundred thirty-one of the General Laws."

HENRY HATHAWAY

HON. ALPHONZO BELL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 1973

Mr. BELL. Mr. Speaker, pioneer film director Henry Hathaway celebrates his 75th birthday on March 13 of this year and 67 of those years have been devoted to making motion pictures. His contributions to the film industry and to Hollywood itself are vast and immeasurable.

Born in Sacramento, Calif. in 1898, Hathaway, a child star at the age of eight made a picture a day, 5 days a week, along the Mexican border and picked up the first smatterings of the Western lore that was to become one of his greatest assets in later years. Hathaway has directed every manner of motion picture in his brilliant career although his first loves are perhaps those with the boots and saddles of the old west. Property boy at 14, to eventual assistant director were giant steps Hathaway took on his way to full directorship at the helm of his first seven pictures, all westerns and every one a hit. He went on to direct the first color film "The Trail of the Lonesome Pine." Among his other memorable films are "How the West Was Won," The House on 92nd Street," "Brigham Young," 13 Rue Madeleine," "The Desert Fox," Lives of a Bengal Lancer," and "True Grit," for which John Wayne won an Academy Award.

In reality Henry Hathaway is the Marquis Leopold de Fiennes, although few of his closest friends know it. He is a humble man whose meticulous direction has left and continues to leave a permanent mark on the screen. His current effort, Brut Productions' "Hang-up," a black/white, police/suspense drama adds another dimension to the Hathaway list of credits. "It is, after all, for both audiences," he says, "It's about people, not color or creed."

The Hathaway films will live as long as the entertainment industry endures as will the careers he has fostered, bringing "new" faces to the screen. Gary Cooper, Jeanne Crain, Julie London, Karl Malden, E. G. Marshall, Lee Marvin, Shirley Temple, Jack Warden, Richard Widmark.

Henry Hathaway's career is a tribute to the democracy which is the American way of life. He started on the lowest rungs and has reached heights that are known throughout the world.

ILLEGALITY INCREASINGLY BECOMES A PATTERN IN THE NIXON ADMINISTRATION

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 1973

Mr. RANGEL. Mr. Speaker, although Howard Phillips, Acting Director of the Office of Economic Opportunity, has decided to bring his wild attack on programs for poor people under some slight but insidious control, the blatant illegality of his actions in this matter still stand as an insult to the Congress and the Constitution.

Mr. Phillips, with bloody hatchet still in hand, has now seen fit to circulate memoranda stipulating that most OEO delegate agencies have some hope of being funded for another year, while community action agencies must work their last, based on a potential refunding period of 6 months.

This appointee of President Nixon, who has still not been put before the Senate for confirmation, repeatedly ignores the specific legal mandates contained in the Economic Opportunity Act of 1964 as amended and continued.

Hundreds of thousands of jobs and hundreds of extremely worthwhile programs have hung in the balance as this man has acted out his reactionary vendetta against the poor of America.

Certainly, the war on poverty needs strengthening from top to bottom, but Mr. Phillips appears to see strength only in the capability to destroy. In this instance, it is the lives of millions of disadvantaged Americans that will be destroyed; Americans who had come to view community action programs as a chance for a new beginning through self-help.

With all the talk of transferring programs to old-line Federal agencies, it is incredible to me that the memory of this administration is so short that it cannot remember the days before the war on poverty. During those years, each Federal agency totally buried any effective service to the poor in its own brand of bureaucratic quagmire.

The cold fact is that the number of poor people in America has decreased since the beginning of the war on poverty and OEO at a faster rate than at any time in recent decades, according to Bureau of the Census figures. Only since Richard M. Nixon became President of the United States in 1969 has this decrease become an increase.

For these reasons, I introduced the "Economic Opportunity Compliance Act of 1973" last month along with 24 of my colleagues. This bill, now in two introductions, would clearly direct that the kind of callous illegal actions carried out by Mr. Phillips be stopped at once. It also clearly reasserts the authority of Congress and Congress alone to carry out extensive overhauls of the philosophy of programs funded under the Economic Opportunity Act of 1964.

The OEO Director's authority to insure sound management would not be limited, but his arrogant insensitivity to the will of Congress, which he demonstrated before the Equal Opportunities Subcommittee of the House Education and Labor Committee recently, would be unmistakably challenged and curtailed.

The strengths and weaknesses of the war on poverty are not the issue in this bill. The only issue is whether or not Congress will allow itself to be bullied and have its clear legislative and legal mandates ignored on the whim of one bureaucrat and the forces that support him.

Columnist David Broder, in a column in the Washington Post recently, described the scope of the threat to our Constitution and law that Mr. Phillips is attempting to pose. I hope my colleagues will join me in stopping this misguided effort.

The column follows:

Sacrificing Legality for Efficiency

(By David S. Broder)

The man of the week in Washington is Howard Phillips, the 32-year-old acting director of the Office of Economic Opportunity. Phillips is obliterating OEO and the federal antipoverty program even faster than his fellow Harvard man, Henry Kissinger, is ending the Cold War—but to much less general applause.

Because he is going about his work with such enthusiasm that he seems likely to have demolished OEO even before his June 30 target date, Phillips is being attacked as a White House hatchet man. It's a bum rap. He is a 100 per cent true believer in what he's doing, and would take on the job for free if they didn't want to pay him.

His philosophy was summed up in an interview the other evening with Martin Agronsky, in which he said: "One of the things that has disturbed me is the view of many of the organizations that we have funded out of OEO, that poverty is a political and cultural fact of life, rather than an economic fact of life. I don't think poverty is a political question. I don't think it's proper for the government to be in a position of trying to solve the poverty problem through political means."

With that view, it was inevitable that the efficient Nixon personnel computer would identify Phillips as the ideal person to administer the poverty program. But it discredits young Mr. Phillips to think he is just an antipoverty program fanatic. He is a libertarian conservative, suspicious of all connections between government and the public. One of the 11 "general principles" he handed me when I went to see him last week says, "My political liberty is diminished when the government subsidizes political activities."

This suspicion of government and its works is no new thing to him. Years ago, when he was a junior staffer at the Republican National Committee, we used to lean against the wall and argue about the evils of the welfare state.

Little did either of us dream then that he would be chosen to preside over the death of OEO. Indeed, Phillips expressed his own astonishment during our visit last week at discovering what power an acting director has to put his own agency out of business.

"My first reaction when they outlined it to me was that it couldn't be done," he said. The President, you see, had signed into law last fall legislation extending the life of OEO through mid-1974 and providing funds for its operations—not its abolition—this year.

But by the time the White House lawyers had finished interpreting that legislation, Phillips began to savor the possibilities of striking a blow for libertarianism.

The lawyers' reasoning is a marvelous example of Orwellian Newspeak. When Sen. Abraham A. Ribicoff (D-Conn.) wrote Phillips asking him to identify his authority to abolish OEO and "terminate" or "transfer" its functions, it all turned out to be a phantom. "While the 1974 budget requests no funding for them," the letter of reply said, "the statutory basis for these activities will remain intact." Some programs may be "delegated" to other agencies, but none, Ribicoff was told, is being "transferred."

To translate those legalisms into the sports metaphor that Mr. Nixon likes, that's equivalent to saying that while the Washington Senators have "delegated" their players to the Texas Rangers, their franchise remains "intact." That's a comfort to know, but it doesn't mean you'll find any baseball in Washington this summer. Or any antipoverty program either.

One of the "general principles" Phillips had given me as a guide to his philosophy read, "The elitist notion that our traditional institutions and democratic processes must be bypassed to achieve 'socially desirable' objectives poses a fundamental threat to our system of government."

In light of that statement, I asked him what he thought of Mr. Nixon's end-run around Congress on the abolition of OEO. "That decision," he said, not batting an eye, "was made on the grounds of effectiveness."

For the same reason, it turns out, Mr. Nixon has decided not to submit Phillips' name to the Senate, despite a recent pointed reminder from Sen. Harrison A. Williams Jr. (D-N.J.), the chairman of the Senate Labor and Public Welfare Committee, that the posion of OEO director requires Senate confirmation.

"If my name went up," Phillips said with unassailable logic, "I'd have to spend all my time up there getting confirmed and I'd never get the place dismantled."

So there you have it. Having picked as the poverty program administrator a man who believes that poverty is not "a political question," Mr. Nixon has now authorized him to dismantle the agency, rapidly and totally, despite the fact that its life, under law, is supposed to extend at least until mid-1974. And he is doing it right now without the Senate even having a chance to exercise its statutory and constitutional right to give or withhold its "advice and consent" to the nomination.

All this, mind you, in 1973. It makes you wonder what our government will be like by 1984.

A RESOLUTION OF GRATITUDE TO CONGRESS

HON. PAUL W. CRONIN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 1973

Mr. CRONIN. Mr. Speaker, as one of my first public duties, I was invited to attend the installation of new officers of the Merrimack Valley Branch of the Retired Armed Forces Association. I was deeply impressed with the character and dedication of these people who have devoted so much of their lives to their country. At that time I assured them that I would be only too pleased to publish their resolution of gratitude in the Congressional Record:

Special Resolution

To: The Congress of the United States

Whereas, the newly revamped Retired Servicemen's Family Protection plan (the Survivors Benefit Plan) is now law, and is designed to provide lifetime incomes to our widows, and

Whereas, this new plan is so much more attractive and so much less expensive and will allow a much greater number of retired veterans to take advantage of it, and

Whereas, this newly revamped plan was sponsored and supported by the late Armed Services Committee Chairman, Congressman Mendel Rivers; and the present Armed Services Committee Chairman, Congressman Edward Hébert and by such other distinguished U.S. Representatives as Otis G. Pike, Olin E. Teague and a host of others . . . .

Be it resolved that we, the members of the Merrimack Valley Branch (of the Massachusetts Chapter) Retired Armed Forces Association, ask our new Congressman, the Honorable Paul Cronin of Andover, Massachusetts, and the Fifth Congressional District to express our deep gratitude to those who sponsored and supported this legislation, and

Be it further resolved, that he, Congressman Paul Cronin, be requested to ask the Congress of the United States that such expression of gratitude from the retired members of the Armed Forces of the United States be entered in the Congressional Record.

55TH ANNIVERSARY OF LITHUANIAN INDEPENDENCE

HON. THOMAS E. MORGAN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 1973

Mr. MORGAN. Mr. Speaker, I want to join with my colleagues, and our many friends of Lithuanian origin here in the United States, in commemorating the 722d anniversary of the founding of the Lithuanian State and the 55th anniversary of Lithuanian independence.

After a long period of foreign occupation, Lithuania regained its freedom in 1918 and subsequently adopted a constitution which guaranteed its citizens freedom of speech, freedom of assembly, and freedom of communication, with the power of legislation vested in a parliament. The United States recognized that independent Republic of Lithuania on July 27, 1922.

Unfortunately, Lithuania was occupied during the Second World War by the Red Army and on August 3, 1940 was declared a "constituent republic" of the Soviet Union—a status which the United States has never formally recognized.

Ever since, the people of Lithuania have sought to regain their freedom and independence. This struggle for freedom has been manifested in many ways.

All of us remember, for example, the attempted flight to freedom from a Soviet ship of the Lithuanian sailor, Simas Kudirka, off the coast of the United States. In his final statement during his trial, he very poignantly said:

> I have nothing to add to what I have already said, only one wish, more specifically a request to the supreme court and the Government of the Soviet Union: I ask that you

grant my homeland, Lithuania, independence.

Still another expression of Lithuania's desire for freedom was a petition recently signed by 17,000 Lithuanian Catholics, asking the Secretary General of the United Nations to help bring an end to religious persecution in their country.

On this occasion, I want to express my sympathy for the Lithuanian people's wish to be free, and to let them know that they are not forgotten.

MARTIN AGRONSKY—HOWARD PHILLIPS INTERVIEW

HON. MARVIN L. ESCH

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 1973

Mr. ESCH. Mr. Speaker, it has come to my attention that Mr. Howard Phillips, the Acting Director of OEO, was interviewed by Mr. Martin Agronsky on his program, "Evening Edition."

Each Member of Congress will of course come to his own independent decision with regard to this subject, however, since we are all keenly interested I recommend this interview to my colleagues.

The interview follows:

Mr. Howard Phillips, Acting Director, OEO, on "Evening Edition."

Moderator. Mr. Phillips, I think we should begin with you.

You are in charge of liquidating the OEO, and both the President and you are coming in for a lot of heat and criticism as a result of it. Criticism came from five Democratic Senators: Gaylord Nelson; Harrison Williams; Edward Kennedy; Walter Mondale, and Alan Cranston. And they said that to eliminate the OEO saved only one-tenth of one per cent of the federal budget. And that it raised budget cutting—as they put it—above elemental common sense on national priorities.

That's not a bad place to begin. How would you respond?

Mr. Phillips. Well, Mr. Agronsky, I think that one has to look at the decision which is reflected in the President's budget in a broad, philosophical context.

In the 1971 State of the Union Message of President Nixon, which was characterized as his "New American Revolution Message," he began to broadly articulate his social philosophy that to the extent possible, decision-making should be dispersed throughout the nation. The control over the decisions should be in diverse places; should be decentralized. The idea that all knowledge and all wisdom does not repose in Washington, and that there are intelligent people in Peoria, in Chicago, in Boston, and Los Angeles, and that it is a mistake—it's a disservice to them to concentrate control over the decisions that affect their lives, in Washington. OEO, and other similar federal programs, have in many respects had the effect of having unaccountable people within the federal bureaucracy subsidizing private nonprofit organizations to approach social problems in their own way. And it's one thing to delegate the function of policy executing, for government to do that. I believe that's a proper function. I do not believe it is a proper function to delegate—it's proper to delegate policy-setting. I think that must be done in a manner which is accountable to elected officials. And that therefore it is wrong to have an organization which can expend funds in a political way, in a policy-setting way, unaccountable to the electorate.

Moderator. You talk about this as if it were philosophy. It strikes me what you're talking about is an administrative approach. This is an emphasis on the local—or the regional, if you like—as opposed to the federal.

Now, I wouldn't describe that as a philosophy—as a philosophy. I'm asking you what the President thinks about the federal commitment to bettering the lot of the poor, really. I think perhaps that's a more specific way of——

Mr. Phillips. Let's look at the decision which has been made.

If you examine the decision closely—and it is a complex one; it's a decision which, to some extent, has been overshadowed by other budget decisions——

Moderator. Yes.

Mr. Phillips.—You will find that what has happened is that the budgets as henceforth, between now and June 30th, community action agencies, which—whose funding will expire during that period, may be extended for a period of up to an additional six months. After June 30th of this year——

Moderator. Yes.

Mr. Phillips.—no additional federal obligations of funds to community action agencies will be made.

Moderator. Right.

Mr. Phillips. After that point the continuation of community action will be a local option.

In regard to other programs of the Office of Economic Opportunity, their functions are being transferred to other departments and agencies which have the legal authority to continue them. An additional provision for funding has been——

Moderator. As I understand, you are telling me that what is actually happening here is that there's the same commitment to bettering the lot of the poor but it's going to be done in a different way.

Mr. Phillips. Yes. As a matter of fact, I—

Moderator. Is that it?

Mr. Phillips. I believe the effect of the President's decision is not merely justifiable as good social philosophy, or good political philosophy——

Moderator. Yes.

Mr. Phillips.—but it has the effect of helping the poor.

Let me give you one example of what I mean——

Moderator. Okay, you may indeed.

Mr. Phillips. All right.

For example, OEO has been doing some experiments in the area of tuition vouchers, which I believe in very deeply. They are based on the premise that poor people should have the same kinds of choices over their lives and the lives of their children that other people have.

Moderator. Yes.

Mr. Phillips. And for this reason, poor people are given vouchers, which they may expend to send children to the schools of their choice.

Now, decisions about the nature of those tuition voucher experiments, and about what you do with the results of those experiments, should really be made by people who impact on the dollars of major institutions. So for that reason, control of those experiments have gone to the National Institute of Education at HEW.

Similarly, child development experiments will go to the Office of Child Development in HEW, and so on.

Moderator. In effect, we are being told, I think, that there is a more efficient way of doing it.

Voice. Yes. I think there's a couple of points that you make which I'd like to discuss. One is this point you just made about the voucher. Now, there are many people who thought that OEO was getting too big. A lot of Democrats have told me that, and there were a lot of people who wanted to spin off these programs. It seems to me that if you—you told me in that interview the other day that you thought that OEO had done some very good work in research and development. This is one of the areas. Why, then, wouldn't it have made sense to have spun off all these programs to other agencies, done all of these things that the President wanted to do, and still kept this office in the Executive Office of the President, which is kind of, some people think, like a beacon to the poor.

And then the other question that relates to that, that you are talking about, these community action agencies, the ironic thing about it, it seems to me, is that we're closing down the community action agencies—I mean the government is—or throwing them back on the locals at the very time that an evaluation made by your office—but I understand withheld by you—says that the total emerging picture of community action clearly shows that they are becoming very positive forces in their communities that can play significant roles in helping communities rise to the challenges of revenue sharing and other forms of government decentralization.

Mr. Phillips. Let me speak to the second part of your question first, if I may.

You indicated—and there was a report in the New York Times—that a study done by the Office of Economic Opportunity had, in effect, argued against the budget decision, and that this study had been suppressed.

What in fact happened was that a survey was taken, largely anecdotal, which said, "Tell us about some of the successes of community action in your area," and some people in the Office of Economic Opportunity published the survey. The publication of that survey has not been suppressed. As a matter of fact, today we made it available to various committees on Capitol Hill.

We did suggest to people within OEO that they would be wise to delay publication of it pending the revelation of budget decisions.

Moderator. Well, you know, it was a pretty substantial study. It was called the "Utilization Test Survey." Your own personnel did it in the Office of Operations and Regional Offices, and it covered 591 of the 907 local agencies.

Mr. Phillips. First of all, what you have to understand is that many of the people who work at OEO, although they bear the label "Civil Service," are, in effect, people who came in under the Johnson Administration with Sargent Shriver, who have been active in the Democratic Party, active in the work that—

Moderator. Are you saying——

Mr. Phillips. —the Great Society——

Moderator. —that that evaluation was partisan and political? Is that——

Mr. Phillips. I'm—I'm saying that research and evaluation, to a large extent, arises from a person's social values. And——

Moderator. Do you permit that to affect your evaluations, too?

Mr. Phillips. Well, sir, I had no control over that evaluation. I would hope that any official evaluation of OEO would be more methodologically sound than I am told that one was. I received an analysis on it——

Moderator. Okay.

Mr. Phillips. —and I was told it was largely an effort to go out and encourage state OEOs, and other offices——

Moderator. Yeah.

Mr. Phillips. —to tell people good things about community action.

One of the interesting things about the study is that it said that community action is so good that it's been getting more local support. If that's true, then the President's decision is right on with that, because the

President's decision is that community action is a local option.

Voice. Well, I would like to stop you on that one.

Mr. Phillips. You didn't give me a chance at your first question.

Voice. I really hope you'll go back to it, because I think that's—I must say I know that community action people watching us won't agree with me. I think that's a more important question: the question you haven't answered.

But this question of——

Mr. Phillips. If you give me a chance, I will.

Voice. Okay, I know you will.

On revenue sharing, when revenue sharing was being discussed and the local people were being told, "You can do this and that with the money," and the general revenue sharing was being passed, nobody that I know of in the debate—and I covered a part of it—had any idea that out of these general revenue sharing funds that they were going to suddenly be picking up the cost of operating the community action agencies.

It seems to me that there is one question involved if you say that beforehand: "These are some of the things that you are going to do with the money." It seems to me if you say, "You are going to do something else with the money," and some of this money is already, you know, pledged for tax relief and all kinds of things, and then say, "We're dumping this back on you," we don't really know whether—what those local communities would do if they had a different kind of option.

Wouldn't have been squarer to have told them a year ago, "We're going to close this, and if you really like these things, why——"

Mr. Phillips. Well, OEO has been saying for a long time that community action agencies are local institutions. And they should be. It's wrong for people in Washington to say, "This is how you should spend your money here. You should set up this service system which is in competition with the other instruments of the local government and seek to solve your social problems this way."

And I keep hearing very disturbing examples of what can happen. These aren't really, in many cases, representative organizations.

A congressman called me the other day to express concern about the fact that the local people in his community action agency had determined to remove, by proper vote and due process, the official of one of the—of their community action agency. And then had been told, apparently by an official of one of our regional offices, that if they did that their funding would be cut off.

Well, those facts may or may not be precisely correct. We are having them checked out now. But the fact of the matter is—and it certainly can't be denied—it is unfortunate when people who happen to exist in the Washington bureaucracy, or in a regional office, can impose their views on the view of people in the local community. And it makes much more sense, from my standpoint, to have these decisions made by local officials who can be blamed for their failures and praised for their successes when people go to the polls on election day.

The essence of what Richard Nixon is saying is that there should be self-determination at the local level. And when you look at the way that community action money has been spent, roughly 75 to 80 per cent of it doesn't really go directly to help the poor, it goes to pay salaries, in many cases. We have been supporting an agency system, the effect of which in alleviating poverty is, in many cases at least, somewhat questionable. And I would argue that the tremendous increase that the President has made in human resources spending across the board has had a tremendously positive increase—impact on poverty. And that more has been achieved in this Administration than in any previous Administration in dealing with the problems of poverty in this country.

But beyond that, it's not just a question of whether money is well spent, whether it achieves positive results, money can also have a negative impact.

One of the things that has disturbed me is the view of many of the organizations that we have funded out of OEO, that poverty is a political and a cultural fact of life rather than an economic fact of life. I don't think poverty is a political question. I don't think it's proper for the government to be in a position of trying to solve the poverty problem through political means.

I think that which distinguishes poor people from the rest of the population is the fact that their economic resources are less abundant. And what we have to do is deal with those economic resources.

It's my view that there is a social contract in our society, and that government does have responsibility to see to it that the minimum needs of people are met. And——

(Simultaneous voices.)

Voice. Why not keep that office in the Executive Office of the President, then? And do this research and development which wouldn't, by any means——

Mr. Phillips. Of course, HEW is in the Executive Branch——

Voice. But it's not in the President's Executive Office.

Mr. Phillips. Well, one of the——

Voice. And it's a big agency.

Mr. Phillips. —complaints that have been made is that the Executive Office of the President has grown too large, like the rest of the bureaucracy has.

Voice. Who has been making that complaint?

Mr. Phillips. Oh, I've seen it in the press, and I think the President has been consistent in cutting back not just the various departments and agencies, but has been cutting back the Executive Office of the President.

Let me get to your first substantive question.

If you are going to be effective in dealing with the problems of poverty, you've got to impact on the major institutions of society.

You could have multiplied the budget of OEO by 10, by 20, by 30, and it still wouldn't have eradicated poverty in America. The fact of the matter is that you have got to impact on those systems, on those ways of doing things that really do affect poverty.

If OEO—if HEW is working in the area of health services, it makes sense to have health experimentation, to have comprehensive health programs, operating out of HEW. It doesn't make very much sense to have a separate OEO bureaucracy dealing with those problems.

Voice. Didn't you once argue with the agency that there ought to be all these spinoffs, and that there should be a sep—that OEO should be an experimental kind of office? Didn't you take that point of view yourself?

Mr. Phillips. Oh, I believe that the programs that we've been engaged in should be generative in nature. And I think that's an extremely important thing to do.

Voice. Well, how will you generate it if you kill the office?

Mr. Phillips. Well, because I don't think that our loyalty should be to institutions as much as it should be to results. I think the fact of the matter is that the results we will achieve will be greater under the plan which has gone forward.

Moderator. You say you are committed to a program to deal more efficiently with the problems of the poor and those of social welfare. Let's take some numbers; maybe that's a better way to deal with this thing.

In the President's budget—in the 1974 budget proposed by Mr. Nixon, there has been a reduction in the Hill-Burton program, which is to construct public or other nonprofit hospital or clinical facilities of $90 millions; is that correct?

Mr. Phillips. I'm not certain whether it's correct or not. I don't have a copy of his budget in front of me.

Moderator. Well, it is.

The regional medical program has been cut by $60 million.

Voice. By the way, on Hill-Burton it has been well argued by many that the number of beds needed—

Moderator.—that we have an excess now. Granted.

On community mental health clinics, $50 million cut.

On training grants and fellowships, $58 million cut.

On education, including all educations in HEW, the largest component of cutback is reduction of library construction, but the total is $208 million cut.

On public assistance, including all federal welfare assistance programs in HEW, 1,237,000,000.

Office of Economic Development, which is the agency to research and reduce incidence of poverty—

Mr. Phillips. That's OEO.

Moderator:—and that's your outfit—$390 million.

Water pollution control, $3 billion cut.

Manpower programs, to encourage on-the-job and classroom training, summer jobs for youth, $499 million cut.

Housing subsidies to help fulfill the 1949 Housing Act pledge, $305 million cut.

Housing projects—that is projects approved for urban renewal, Model Cities, et cetera—$745 million saving projected by the 1975 budget.

Now, I would regard those as very considerable——

Mr. Phillips. In effect, I would regard what you are saying as an argument in favor of what we are doing in this sense——

Moderator. Oh?

Mr. Phillips. —that for the last 10 years the federal government has proliferated dozens of categorical programs, a number of which you just cited. And what we have done is send layer after layer of programs to be dealt with by state and local officials. And listen to the Governors; listen to the Mayors. They may not agree with particular decisions which have been made. They have constituencies which are urging them to protest this decision and that decision, but one thing on which they will agree—and I think you'd agree with this, Lou—is that they've had an abundance of categorical programs, the programs have been overlapping, one program has gotten in the way of another, and that federal funds have been expended largely on the ability of the kind of grantsmanship a state or local government can develop, rather than on the real need which may exist.

The President's whole philosophy is that you can't decide this kind of question in Washington. You can't send out these dozens and scores of grants and have them make any sense in dealing with the public problem.

It makes far more sense through the revenue sharing approach to put this money in the hands of state and local officials and let them, in a manner accountable to people at the local level, determine what the priorities in that state or that city are.

Reasonable men can disagree over that, but that's the rationale behind the President's decision.

Voice. Can we talk about legal services for a minute?

Mr. Phillips. I'd be happy to.

Voice. It seems the one point upon, if you just take the budget and the statements made by you and by the Senators, is that the Nixon Administration and the Democratic opposition agree is that there should be a legal services corporation of some kind.

Now, again, I have two questions for you. One is:

If the Nixon Administration really wants this legal services corporation, considering it's February, and we all know that Congress is a very deliberative body—why don't they have the bill up there? Which is a technical question and maybe you don't even know the answer to.

The other is your contention that these lawyers are engaging mostly in—or many—many of them are engaging in political action and not representing their clients; that they are doing things that benefit the lawyers.

After we talked last week I dug out that thing from the American Bar Association, the Chairman of their Committee on Legal Aid and Indigents wrote that the professional record of legal service lawyers has been exemplary. This record, far from showing these lawyers have been irresponsible, or unresponsive to their clients' needs, show that they have vigorously in the preponderance of cases, successfully represented their indigent clients.

Are you saying that that's not true? And if it is true, why are you so critical of legal services?

Mr. Phillips. We just have one or two minutes left to respond.

Let me simply say that the corporation issue—whether or not there should be a corporation—is not the real issue. I am committed to seeing enacted the kind of corporation which the President will propose. And I hope that we'll be able to send the bill to the Congress in the very near future.

The real issue in legal services is whether the program will be one which seeks to achieve equal access to justice for the poor—a concept which I strongly favor—on the one hand; or, on the other hand, it will be a program which seeks to achieve law reform in a manner defined not necesarily by the clients but by the legal services' attorney.

The way legal services have been delivered, by and large, in a system of noncompetition, has produced a result where the client doesn't have as much power as he should have over the kind of case which is brought. Some of the regulations in the program have encouraged legal services' attorneys to organize groups, to get involved in lobbying activities, to reach the conculsion that it's inefficient to represent individual clients, but that the real need to help poor people is to change the law, to change society.

It's my contention that changes in the law should be within the purview of the legislative branch of government, the executive branch, and in some cases of the courts through properly litigated cases.

It's not appropriate, in my opinion, for federally funded people to use the subsidy which they receive as a jumping-off point for organizing rent strikes,—

Voice. How many of them have done this, though?

Mr. Phillips. A great many, sir.

Voice. Do you think that *Crouse(?)* is wrong in what he's writing, then?

Mr. Phillips. Well, I haven't studied Mr. Crouse's statement.

I know for a fact that legal services' attorneys have been politicizing institutions like prisons, like schools, like nursing homes, which in my opinion shouldn't be politicized.

Voice. Your own legal services division says that that represents less than one-half of one per cent of the cases, Mr. Phillips.

Mr. Phillips. Well, I would point to you the rules and regulations governing the program, and hope that we can work closely with people in the area and develop a program which has as its main goal equal access to justice for poor people. That's a goal to which I am committed.

Moderator. Well, unfortunately, we can't carry this any further.

I would think everyone would certainly hope that the President's shift in emphasis and philosophy will work in the end to the benefit of the poor. And I suppose that we are going to have to sit and watch now for a while and see if indeed it does work.

IS THIS REALLY WELFARE REFORM?

HON. JAMES A. BURKE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 1973

Mr. BURKE of Massachusetts. Mr. Speaker, on February 16, 1973, the Department of Health, Education, and Welfare announced proposed regulations that would cut back and perhaps undermine the social services programs for the aged, blind, poor families with dependent children, and the disabled. I am very concerned by this action on the part of the administration, for it continues an obvious callous, indifferent attitude held toward the needy people of America. This attitude was demonstrated in President Nixon's recent nationwide radio address and message to Congress on human resources by a constant distortion of the social priorities of America.

The HEW regulations would cut back on social services in various ways. Perhaps the one regulation which will hurt the most is that private funds will no longer be figured in State shares to achieve Federal matching grants. This would be truly tragic, Mr. Speaker. Community organizations such as the United Fund and the United Way of America have long participated in aiding the disabled, poor, and unfortunate of our country. Last October I addressed the House and warned against this very proposal saying it was not Congress' intent to eliminate the public-private partnership. Mr. Elliot Richardson, then Secretary of HEW, wrote a letter in support of the public-private partnership, which I am including in the Record, in which he said: I am convinced that this kind of partnership between private donations and public agencies should be encouraged rather than discouraged.

To what do we owe the total, sudden reversal of this policy?

A new leadership at HEW under Secretary Caspar Weinberger has decided to eliminate abuse of the social service contracting provision. Certainly it is acknowledged that there are abuses within the operation of this program but that is no cause for blanket prohibition. Regulations can be proposed, examined, and tightened up, but to completely discontinue this program would not only be utterly disastrous to the needy involved, it would maim what is left of private charity and public philanthropy in this country today. Private funds are widely used in some States to support day-care programs. Thousands of children will be deprived of the guidance and attention they need in their formative years. The welfare rolls will swell in response to this proposed regulation. Mothers currently working to support their families will be unable to continue in the work force without day care for their children and subsequently will file for public assistance.

The new proposals will also reduce the number of required services a State must provide. Child care, and counsel to those with alcoholic and drug addiction problems are clearly needed in today's society, yet it is likely they will go down the drain. Eligibility to receive social services will also be affected. Currently, former welfare recipients are entitled to receive social service help for 2 years after losing eligibility and potential welfare recipients within 5 years also are eligible for social services. This had the effect of keeping people off the welfare rolls and providing services their incomes could not afford. The HEW proposals cut back the periods to 3 months after and 6 months before eligibility. Mr. Speaker, the harsh realities of these arbitrary proposals is that thousands of people, especially children, will be denied the opportunities for good care, education, health services, and improved nutrition that are so crucial to their development.

Part of the proposals includes elimination of group eligibility which allows services to low income neighborhoods. This particular program has been especially beneficial for senior citizens under title XVI. I have long been a protector of our Nation's elderly. They are a resource which our Nation should be proud of. This ruinous proposal would resume the indifference with which our elderly were once treated. Wonderful programs such as meals on wheels and service centers for the elderly stimulate their lives to a degree only they can fully appreciate. But, once again, when priorities are formed, our senior citizens take a back seat.

These are only the highlights of the proposals—changes that are certainly reprehensible and inhumane. This is a further crippling of the welfare system, not reform. It appears that we in the United States continue to opt for stopgap measures to clean up the welfare mess. Social services is in need of regulation, no one will deny this fact. But now the opposite extreme has been reached.

Last session, in the hasty drive to adjourn, a ceiling of $2.5 billion was placed on social services contracting. This was a ceiling, however, and not a mandate to emasculate the program as the Department of HEW seems to think. This worthy program is being made one of many scapegoats for the austerity the President so staunchly desires. Mr. Speaker, it is time the double standard of welfare criticism was ended. The administration feels quite comfortable in chastizing the individual welfare seeker, severely punishing his incompetence while they lavishly subsidize large enterprises and special interest groups whose inefficiency boggles the imagination.

Millions of dollars are given away because of mismanagement. But when day-care centers, drug addiction and alcoholism counseling, mental retardation assistance, coordinated job training, and the elderly are mentioned, the cold, sharp steel of the meat ax falls because of inefficiency. The situation is truly deplorable. All the emotion that the word welfare stirs up is being exploited by our supposed responsible leaders. The administration appears to be tiring of subsidizing the poor person who is living on the poverty line income or no income at all. Well, Mr. Speaker, many, many more people are tired of subsidizing inefficient conglomerates. Certainly it is time to stop deluding ourselves. Jean Jacques Rousseau warned:

> Nature never deceives us, it is we who deceive ourselves.

We have learned, too late indeed, that the answer to curing society's ills did not lie in throwing money at them. Are we now to make the mistake of believing the answer is cutting, cutting and more cutting? I would hope not.

The welfare mess will never be solved by stopgap proposals. History has taught us that difficult lesson, although some have not learned it well. It is past time we realized wholesale reform is required. Federal assumption of all welfare costs is the most basic need and should be our ultimate goal. The provisions of H.R. 1 last session were a big step in this direction but after a conference committee was through, the bill emerged as a mere shadow of its former self. The Congress has been continually reluctant to take the initiative in reforming our welfare system. We have been the object of much criticism, deservingly so, for this practice. It is time we stopped dragging our proverbial heels. It is time we took a good, long, hard, responsible look at the welfare mess. We should not fall prey to the emotionalism that the word welfare brings with it and which the administration seeks to exploit. America has made great social progress in the last 40 years. Are we to turn this around by overreacting to the problems and adopting oppressive, shortsighted regulations such as those presented on February 16 by the Department of Health, Education, and Welfare? I would hope not, Mr. Speaker. I urge all of my colleagues to examine the welfare issue in their States, the thousands of children, aged, handicapped, and disabled who will suffer tremendously if these HEW proposals are adopted. I also urge my colleagues to contact Secretary Weinberger concerning the tragic impact these changes will have. We must stop the tide from turning against social progress in America. Reform is timely, but austerity at the expense of human suffering never is.

I include the following letter:

[From the CONGRESSIONAL RECORD Mar. 6, 1973]

OCTOBER 13, 1972.

Hon. WILBUR D. MILLS,
Chairman, House Ways and Means Committee, Washington, D.C.

DEAR MR. CHAIRMAN: As we have discussed, I am most concerned about the legislative history which has been made regarding use of donated private funds for social services matching under Title IV A of the Social Security Act. In its report on H.R. 1, the Senate Finance Committee directed HEW to issue regulations prohibiting the use of such funds for this purpose.

Having served as United Fund chairman in the past, I am convinced that this kind of partnership between private donations and public agencies should be encouraged rather than discouraged, and I would strongly urge that the legislative history so far created on this point be modified.

United Fund representatives have indicated that their contributions to state social service agencies now amount to approximately $17 million dollars per year, some 60% of which is being used for child care. They acknowledge that in a few cases, the social service agencies have in turn contracted with United Fund agencies to provide services which may be more directed toward United Fund priorities than the state social service plan priorities. They would be very much willing to accept the limitation that donated funds may be used for matching purposes only if the funds are spent for services in accordance with the state plans and not merely to provide for United Fund priorities.

I thank you for your key role in obtaining Congressional acceptance of the ceiling on social services spending as part of the general revenue sharing bill. With this provision, I am sure that we can now begin to obtain the necessary control over this important program. However, I believe a prohibition public-private partnership in this field would be a great mistake, and your assistance in correcting this point in the legislative history on H.R. 1 would be very much appreciated.

With best wishes,
Sincerely,

ELLIOT L. RICHARDSON.

AMNESTY

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 1973

Mr. DERWINSKI. Mr. Speaker, one of the more emotional subjects resulting from the Vietnam period is the issue of amnesty. There is an obvious controversy inherent in this subject.

In my judgment, we must maintain necessary objectivity which in turn must be based on an appreciation of precedents in this field. A very objective, timely, and thoughtful commentary on this subject was a WBBM (CBS) radio, Chicago, Ill., editorial of February 13, 1973, with which I concur. I insert it into the RECORD since I believe it deserves thoughtful reading by my colleagues in the House:

AMNESTY

Insofar as there have been relatively few cases of amnesty in all of American history, we find it easy to agree with President Nixon in his interpretation of the historical precedents for amnesty. Some critics of Mr. Nixon contend that President Lincoln was far more compassionate on the subject of amnesty. However, careful reading of the history of the Civil War era argues to the contrary—as does consideration of such facts concerning alleged draft dodgers in wars in intevening years. Pardons and amnesties have been granted—true—but such actions have been taken after sentences had been completed.

We do not wish to prejudge anyone who has acted to avoid Viet Nam service. However, as our prisoners-of-war return home from their ordeal, we find it easier to turn our attention to them and to those who are returning from active military service. We think that Illinois Secretary of State Howlett hit the right note when he remarked in an address over the weekend that we should turn our attention first to those who have served their country—to insure that they have jobs and return to normal civilian life. When that is accomplished, then, as Secretary Howlett suggested, we can turn our attention to those who—in the view of many—fled to avoid military service.

Without debating the agonizing question of Viet Nam *per se*, we think that the proper course for those who fled is to come back and face the music. In a nation and world which has difficulty defining honor, we think that such a course is truly the honorable one.

GEOTHERMAL ENERGY

HON. VICTOR V. VEYSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 1973

Mr. VEYSEY. Mr. Speaker, our Nation is facing an energy crisis.

Early this year, we stood by helplessly as areas of this country became subservient to their dwindling fuel supplies. Schools shut down; homeowners could not hook up to gas lines; gas companies called in emergency supplies—all due to the energy crisis now at hand.

Scientists have testified that within 25 years, our energy needs will multiply by 600 percent. Yet, we have only a 10-year supply of oil and natural gas at the present rate of use.

The warnings of an impending energy disaster are now being displayed. But most of us promptly regard the problem as being beyond solution in contemporary America. Clearly we need to develop every possible source of energy to meet the crisis. One important possible answer to the energy crisis is the development of our geothermal resources.

John Chancellor, on his NBC nightly news program of February 19, 1973, presented a report partially filmed in the 43d District's Imperial Valley and partially in northern California's Geysers area, by California correspondent Don Oliver which examines the present state of geothermal development in the valley.

I have presented Mr. Oliver's report for the RECORD in hopes that others may realize the value of geothermal energy as one method of solving this crisis while continuing to preserve the environment.

The material follows:

CALIFORNIA'S GEOTHERMAL RESOURCES—I

Hot steam from deep in the earth . . . forced out of cracks in the ground under great pressure.

Geysers of boiling water . . . shooting into the air.

Interesting, unusual, even spectacular, but until lately, hardly thought to be useful.

This is the only place in the United States where underground steam is being used to produce electricity. It's north of San Francisco at a spot called the geysers. For ten years, they've been tapping the steam here—piping it out of deep wells—and into power plants.

The steam forces turbines to go around and creates electricity.

Some think that by 1975 the steam here will produce enough power for the whole city of San Francisco. Engineers say there are many other areas of geothermal energy that could produce as much or more power.

It's argued geothermal energy could produce 20 percent of the nation's power by the year 2000—thus helping relieve the energy crisis.

There are obstacles.

California's Geothermal Resources—II

Drilling for steam or boiling water is expensive and difficult.

Geothermal resources have been found mainly in scenic areas. The pipes and power plants are unsightly. There is noise associated with power production and some noxious gases released in the air.

Engineers say they can solve these problems. Environmentalists haven't been too worried so far because they don't see geothermal energy as much of a threat.

Oil companies, power companies and others are going right ahead—exploring—drilling—looking for geothermal energy.

They are being secretive about what they are finding. Within a couple of months the Federal government will release millions of acres for exploration and leasing. The competition for geothermal energy under this land is expected to be fierce.

Don Oliver, NBC News, in California's Imperial Valley.

Mr. Speaker, we must commit ourselves now to the goal of utilizing our geothermal resources to their fullest extent. The Federal land soon to be open for geothermal exploration must be thoroughly searched in hopes of discovering and implementing this method of relieving the energy crisis.

Some estimate that with the geothermal resources now mapped in southern California, the area could be supplied with energy for the next 50 years and beyond.

That figure alone should be encouragement to more seriously appraise geothermal resources as an alternative to halt the energy crisis.

Geothermal energy holds the promise of being environmentally the most acceptable source of energy, and also being lower in cost than any other sources. It behooves us to move for its early development.

TERROR IN KHARTOUM

HON. JOHN E. HUNT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 1973

Mr. HUNT. Mr. Speaker, another 60 hours of terror and death was blatantly exposed to the whole world last week in Khartoum by the so-called Black September movement.

The calculated, cold-blooded murders of U.S. Ambassador to the Sudan Cleo A. Noel and the outgoing Chargé, George C. Moore, along with Belgium Chargé Guy Eid, shocked the entire world.

I speak out now to offer my prayers and condolences to the families of the victims. Ambassador Noel had served his country before in Sudan. He knew the country and the people intimately. Moore was being recalled from the country he had served since 1969. He did not want to leave. It was at a party in his honor that the tragedy took place.

My words at this time are spoken from the heart. But they are words which are spoken needlessly. It is time for the world community to take firm steps to see that terrorism, no matter what form it may take, is eliminated once and for all. Until action is taken the world community can only share some of the guilt.

Our words of sorrow and shock must be replaced with swift and firm action.

HOWARD PHILLIPS, IN AN ABC-NEWS INTERVIEW, ANSWERS SOME QUESTIONS ABOUT THE WAR ON POVERTY

HON. LAMAR BAKER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 1973

Mr. BAKER. Mr. Speaker, ABC-News recently interviewed Howard Phillips, Acting Director of OEO. Because of all of the misconceptions and misinformation about what is supposed to happen to the war on poverty, I feel that Mr. Phillips' statements and his answers to questions in this inteview will be of interest to all of us.

Under leave to extend my remarks, I insert this interview transcript at this point in the Record. The interview follows:

ABC-News Interview of Howard Phillips

Mr. Phillips. The primary factor is that government should operate by consent of the governed. Unfortunately, in OEO and in some other agencies, money has been expended in a manner which is unaccountable to the control of the people through their elected representatives; people in Washington who haven't been able to be held to account have been dispensing large sums of money, often in an arbitrary fashion to people in cities and towns throughout the nation. And what the President is saying: that it's the elected official at the state and local level, the official who can be blamed for his failures and cheered for his successes, who should determine how federal funds should be expended.

He is also saying that it's not a wise policy to establish a separate bureaucracy for one element of the population. One of the underlying conceptual flaws on the "war on poverty" was the notion that poor people should be treated as a class apart with interests and aspirations separate from those of society as a whole. That's a denial of the tradition of individual liberty and individuality, which has characterized our main political thought since the beginning of this country. I believe that it's wrong to judge people on the basis of their collective identity rather than their individual identity. Yes, people who have less income than other people have special problems, and those problems should be addressed—and I would submit to you that the policies of the President are doing more for them than the policies of any other President—but it's wrong to say that poor people should be sustained in their poverty; that all poor people are the same. They're not. Poor people are as different as non-poor people. They have different aspirations, different abilities, different backgrounds, and the policies of the United States Government should be shaped to take into account those differences.

The policies of the government should be shaped to reinforce the kinds of values, the kinds of policies which will help people move out of poverty rather than stay in. I would submit that some of the activities that this agency has subsidized—the idea that you have to politicize the poor, the idea that you have to politicize institutions in order to overcome poverty—are a faulty notion; that it does a disservice to the poor to claim that boycotts and disorders and demonstrations, and what-have-you, are a way of overcoming poverty. I don't believe that's the case.

If people want to demonstrate on their own time with their own funds, that's their privilege. But it's a violation of my civil liberties when government funds are used to subsidize private political activity in a manner which is unaccountable to the public.

Question. All right. Let's get into the area of to what extent the war on poverty is continued in better-directed ways that you are talking about. And let me ask the question: Is it hearts and flowers, do you think, to say that war on poverty has ended, or the thrust of the national—you know, the thrust of this Administration is away from it? And I'm looking specifically for saying, "What is the ongoing thing?"

Mr. Phillips. Essentially what is happening is that community action becomes a local option. Community action ceases to be a creature of the federal government. It is entirely up to local officials and state officials to determine whether community action is an effective way to overcome the problem of poverty.

The fact of the matter is that roughly 80 percent of the money that has been spent by the federal government in that way has been used not to help people get out of poverty, but to support a group of professionals in a poverty-industrial complex. It hasn't really been shown to be very effective in helping people overcome poverty.

In terms of the other programs that have been carried on by OEO, in the research and development area, for example, are experiments in the area of tuition vouchers and education are being transferred to the National Institute of Education at HEW. It is our feeling that this is a logical and a wise step. It makes very little sense to have people in a small agency, apart from the major institutions of society, deciding that which is to be researched and what shall be done with the results of research. It makes far more sense for the decision-makers who control large dollar figures in major bureaucracies to be able to direct the research in a manner that it becomes relevant to the decision-making process.

The same could be said of the decision to switch our child development experiments to the Office of Child Development at HEW. To switch our health projects to the Department of Health, Education, and Welfare. The decision to transfer community economic development activities to the Office of Minority Business Enterprise at Commerce. I think these decisions make eminent good sense, not just for the public as a whole, not just governmentality, but in terms of making these programs more effective for the people that they are intended to serve.

Question. You talk about the authority and the expenditure of funds to be on a local level to the extent that that is possible. I'm wondering if that isn't the reason it all gravitated to the federal level in the first place, because the locals weren't doing the job?

Mr. Phillips. Well, I would deny the view held by some people that the people in Washington, because they happen to live in the D.C. area, happen to be wiser or smarter than the people who live in Peoria, in Chicago, or Los Angeles.

Question. Was the job getting done?

Mr. Phillips. I suggest to you that the job hasn't been done very well here; that there is a difference between policy executing and policy setting. And if we truly believe in the democratic process, then it's important to have policies set by elected officials. In the social program area, unlike, say the General Services Administration, where you're building buildings or carrying out policies, the role of people in the Civil Service is not policy-executing, but policy-setting. Policy-setting should be done by people accountable to elective authority. Richard Nixon won a substantial mandate in the election in 1972. He stood for certain values in that election: the work ethic rather than the welfare ethic, for example. Yet there have been programs subsidized by this agency which have worked against the values in which Richard Nixon campaigned and was elected. And I think it's very sound, very proper, and very correct that decisions about values and policies should be in the hands of people at the local level.

In his 1971 State of the Union address, called "The New American Revolution," the President articulated his desire that we try to take advantage of the genius of the American people, the talent which exists in every section of this country, and that we develop new centers of power, not just in Washington but all over America so that the important decisions aren't just made in OEO or HEW, or even the Defense Department—although it's a little bit different there—but that the decisions are made to the greatest extent possible in the city halls and statehouses and the town halls.

QUESTION. So isn't the war on poverty continuing?

Mr. PHILLIPS. The work of dealing with the problems of poverty in America has been substantially accelerated and rendered more effective under the presidency of Richard Nixon. The idea that the way to overcome poverty—the ideas to radicalize and politicize the poor—that idea has not been furthered in this Administration. We think that does a disservice to the poor and does a disservice to the nation as a whole.

CORNWALLIS FRUSTRATED AT DAN 192 YEARS AGO, FEBRUARY 15, 1781

HON. DAN DANIEL

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 1973

Mr. DAN DANIEL. Mr. Speaker, in preparation for the American Bicentennial in 1976, a good deal of historical study and development is now being carried on in many quarters. This renewed emphasis on the historic beginnings of our Nation will be of immeasurable value to historians and students for many years to come.

Our people are gaining new interest in and indeed new insights into the significant contributions which were made by many in gaining our national freedom.

In the course of this reemphasis on the Revolutionary period, many interesting stories are gaining popular attention. All of this is very graphically told in a splendid article by Mr. Spurgeon Compton, editor of the South Boston News, South Boston, Va. The article entitled "Cornwallis Frustrated at Dan 192 Years Ago, February 15, 1781," calls attention to one of the lesser known but vitally important confrontations in the period before the American victory.

Mr. Compton is a student of American history and is in his own right a most outstanding citizen and leader in his community. In this article he has captured the significant facts of this engagement and I commend this to the reading of the Members of the House.

The article follows:

CORNWALLIS FRUSTRATED AT DAN 192 YEARS AGO, FEB. 15, 1781

(By Spurgeon Compton)

While Virginia and the nation prepare to celebrate the Bicentennial of America's Independence in 1976, an anniversary of one event that assured independence for the United States passed this week with scant notice here in Halifax County, where it occurred.

Exactly 192 years ago today, February 15, 1781, Lord Cornwallis, at the head of the British army, rode up to the banks of the Dan River at Boyd's Ferry, now Riverdale, and stared across the swollen, impassible stream at the Continental Army of the South behind the breastworks on the north bank of the river and camped up the hill where South Boston's Ferry Street now runs.

What Lord Cornwallis actually saw, whether or not he knew it at the time, was the frustration of his last chance to win the Battle of the South in the Revolutionary War and the road that would henceforth lead to Yorktown and surrender by the British.

That chance had eluded Cornwallis in the darkening hours of the preceding day, when General Light Horse Harry Lee ended his rear-guard skirmishing with the British, swam his horses across the river, took his men across in boats, and then pulled the boats ashore.

The main body of the Continentals and militia, under the command of General Nathaniel Greene, had crossed safety in the boats at Boyd's Ferry and at Irwin's Ferry, three miles upstream.

Thus ended the famous "Retreat to the Dan," credited by most historian's as the turning point of the Revolutionary War in the South, with Greene's masterful maneuvering saving the South from complete domination by the Redcoats.

For things had been going badly for the American patriots in the South since 1779, when Georgia fell to Cornwallis. In the following May, Charleston surrendered, and Cornwallis soundly defeated the Continental Army at Camden, S.C., where Gen. Horatio Gates, then in command, fled the field in disgrace.

It was then that General Washington placed Greene in command of the shattered remnants of the Army of the South, and sent Light Horse Harry Lee's Legion to reinforce what was left of the Continentals and militia.

Two victories for the American cause, at Cowpens and Kings Mountain, were insignificant, for by this time, Cornwallis had been able to regroup his Army, swelling it with recruits, and was ready to move against Greene for a final, decisive battle. There is no doubt that such a battle would have resulted in victory for the British, giving them control of all of the Carolinas and Georgia, and possibly paving the way for the defeat of Washington's army.

At Salisbury, N.C., Greene was convinced that his ragged Army had no chance against the surperbly-trained and equipped Redcoats. It was then that Greene's superior military genius was seen.

Sending a small force into South Carolina to hang upon Cornwallis' rear, cut off supplies and pick up stragglers, Greene began his retreat. Col. Edward Carrington, a native of Halifax County, was sent to Irwin's and Boyd's Ferry to collect boats for the crossing, and the Polish patriot, Kosciusko to construct fortifications on the north bank of the Dan and at Halifax.

A picked infantry unit and Lee's Legion were ordered to stay in front of Cornwallis and delay his march as much as possible without actually engaging in battle.

It was Cornwallis' conclusion that Greene would swing his army to the west, crossing the Dan at its shallow fords there rather than attempt a crossing of the swollen river downstream. Lee gave credance to this belief by maneuvering his Legion westward, screening Greene's movement by continued sniping and skirmishng.

Meantime, Greene was marching his army as straight as the crow flies, along the old stage route from Guilford Courthouse to Boyd's Ferry. The eighty-odd miles was covered in three days of marching by a ragged, barefoot army that often left bloody footprints in the February mud.

Greene's Army successfully crossed the rising Dan on February 14 at Irwin's and Boyd's Ferry and at dusk on the same day, Lee broke off his skirmishing with the British in the vicinity of Turbeville, skirted Irwin's Ferry to determine that the main army had crossed there, and trotted on to Boyd's Ferry, to cross the river in the gathering darkness.

Cornwallis camped at Boyd's Ferry on February 15 and 16, and on February 17, turned his exhausted army back toward Guilford Courthouse. In pursuing Greene, he had burned his baggage and destroyed the rum ration in an attempt to gain speed and overtake Greene for the final battle.

Greene, on the other hand, had been able to move his supplies safely across the river in the boats provided by Col. Carrington. While Greene rested briefly, picked up supplies and recruits, Lee's Legion immediately recrossed the Dan and continued to harass Cornwallis.

When the battle between Greene's strengthened forces and Cornwallis was finally enjoined at Guilford Courthouse, the British claimed victory. It was a victory that cost so much in men, especially British officers, and so exhausted Cornwallis' supplies that he was never again able to mount an effective offense.

From there on, Cornwallis moved toward his inevitable date with destiny at Yorktown on October 19, 1781.

Today, 192 years later, only a highway marker on Route 58 recalls this turning point of the Revolution. There is no battlefield park, no monument to mark the famous river crossing. But it will receive the attention of historians as the Bicentennial approaches.

RESTRICTIVE REGISTRATION LAWS: THREAT TO THE DEMOCRATIC PROCESS, THE POOR, AND MINORITIES

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 1973

Mr. RANGEL. Mr. Speaker, on February 27, I introduced the "National Voter Registration Rights Act of 1973." Joining me in launching this proposal were a bipartisan coalition of over 30 other Members of Congress from across the country, a number of States attorneys general, civic and social organizations, and other concerned individuals.

It represents the most comprehensive overhaul of registration and voting for Federal elections ever offered in the House of Representatives.

My decision to place this proposal before my colleagues, the people of New York and the Nation was based on careful research aimed at discovering causes and solutions to the grim trend toward nonparticipation and voter disenfranchisement in America.

The conversations and correspondence my staff and I have had in every State in the Union with concerned citizens, election officials, lawmakers and legal minds such as former U.S. Attorney General Ramsey Clark, States attorneys general, authors and educators, such as Prof. Penn Kimball, led me to a clear conclusion. This conclusion was that, although the general political climate of the Nation played a significant role in this nonparticipation, the administrative and legal obstacles to registration and voting also played a tremendous role in this dangerous trend.

In New York City alone, there were estimates that as many as 130,000 registered voters were disenfranchised by these kinds of obstacles, with thousands more unable to register.

Dave Dinkins, as president of the New York City Board of Elections, has waged a courageous battle to reform these procedures. But in New York, as in almost every other State in the Union, laws have not changed to meet the demand of an America in the 1970's.

THE REGISTRATION RIGHTS ACT

This is why I have introduced the "National Voter Registration Rights Act of 1973." This bill will create a system of national registration for Federal elections.

The system would be coordinated by a new registration agency in the Bureau of the Census. It would enable eligible individuals to be registered in their precinct by this agency through information the individual sends the agency by mail on a postcard.

Under this bill the role of the Federal voter registration agency would be to constructively augment local registration systems. Grants would be available to reimburse State expenses for the basic part of the program, as well as grants to encourage States and local jurisdictions to modernize and bolster their own systems.

All local governments would be required to open registration for most of the year, and generally make greater efforts to insure that all of their citizens have freer access to registration and voting. One of the ways included in the bill is the requirement that handicapped, but otherwise eligible, voters be assisted in registering and voting.

If this plan is implemented, I believe that approximately 90 percent of potentially eligible American voters will be registered by the next presidential election, with a minimum of 75 percent registration in any one State. When this minimum is achieved and sustained for at least 4 years, the national agency can devote itself to the overall improvement of our electoral process.

TIME FOR CHANGE

Action by Congress is long overdue to abolish the "survival of the fittest" registration procedures being practiced all across the Nation. The political parties, candidates, and civic organizations that expend so much time, money, and effort attempting to register individuals should be dedicating themselves to voter education drives and raising the standard of political dialog. By enacting the program that I have set forth, Congress can see to it that this will be possible.

THE NATIONAL PICTURE

Nationally in 1960, 64 percent of those eligible to vote in that exciting presidential election actually voted. In 1968, another election that was closely contested, the figure dropped to 60.6 percent.

In last November's presidential election, the figure dropped to less than a dismal 55 percent.

Local elections across the country are far worse. Recently, 4.4 percent of the eligible voters turned out for local elections in Oklahoma City, Okla. In Dallas, Tex., there was a 9.1-percent turnout.

This rapidly developing phenomena of political nonparticipation is threatening to destroy our society as we now know it, even faster than pollution or inflation.

However, this problem as an area of concern is far from new. In 1963, President Kennedy's Commission on Registration and Voter Participation reported:

> Restrictive legal and administrative procedures for registration and voting are a major reason for low participation.

The Commission described these procedures as, "unreasonable, unfair and outmoded" and said they, "disenfranchised millions." Since 1963, the situation has gotten worse—not better.

RESEARCH TELLS THE STORY

In 1960, Stanley Kelley, Jr., and associates analyzed the rates of registration in 104 of the Nation's largest cities. Prof. Penn Kimball, in his book, "The Disconnected," reports on their findings:

> They (Kelley and associates) discovered in statistical tests of twelve variables possibly affecting registration in the one hundred four cities under study that the most significant relationship of all was between the percentage of the population of voting age that is registered and the date which the registration rolls are closed.

Idaho, which keeps it rolls open until the Saturday night before the election, had approximately 90 percent of its eligible citizens registered to vote in the last election. This is extremely significant when we consider that 80 percent of persons who register—do vote.

Professor Kimball of Columbia University, the League of Women Voters, the National Urban League, Frontlash, Richard Scammon, director of the Elections Research Center, and many other organizations and individuals who have made registration studies and reports also cite the effect of registration on voting statistics.

PROGRESS CAN BE MADE

The past decade saw the passage of laws that began to liberalize registration procedures. The Voting Rights Act of 1965, applying mainly to Southern States, abolished literacy tests and assigned Federal examiners to areas with low registration and voting turnout. This had an astounding effect on registration, especially among minority peoples.

In Mississippi, black registration jumped from 6.7 percent of blacks potentially eligible in 1965 to 59.8 percent in 1967. In Alabama, the increase was from 19.3 to 51.6 percent. Progressive advancements in registration laws and procedures can clearly bring nonvoters into our participatory process.

For most Americans, the primary contact with government and politics is registration and voting. We must endeavor in every way to make this contact as trouble-free as possible. Only then can we begin to develop a progressive and participating electorate; a goal and hope in which I believe we all should share.

LITHUANIAN FREEDOM

HON. CLAUDE PEPPER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 1973

Mr. PEPPER. Mr. Speaker, Friday, the 18th of February 1973, marked the 55th anniversary of the declaration of independence of Lithuania. On that day the Lithuanian Council of Miami assembled and unanimously adopted and passed a resolution requesting the U.S. Government to continue in its stance of nonrecognition of the incorporation of Lithuania and the other Baltic States into the Soviet Union. I support these efforts. I also commend the courage of 17,000 Lithuanian Catholics in Lithuania who recently petitioned the Secretary General of the United Nations, Kurt Waldheim, charging the Soviets with religious persecution.

The plight of the Lithuanian people and of all those trapped behind the Iron Curtain deserves considerable attention at the upcoming European Security Conference. I would urge that our delegates to the conference initiate talks on this matter.

I would like to affirm my support for the cause of the Lithuanians and for any and all persons striving for freedom.

Mr. Speaker, I ask that at this point the text of the resolution adopted by the Lithuanian Council be included in the RECORD:

RESOLUTION

We, Lithuanian Americans of Miami, Florida, assembled this 18th day of February, 1973, at the Lithuanian American Citizens Club, 3655 N.W. 34th St., Miami, to commemorate the 55th anniversary of the restoration of independence to the more than 700 year old Lithuanian state, have hereby unanimously adopted and passed the following resolution:

Whereas, on February 16, 1918, the Lithuanian nation proclaimed the restoration of its independence as a free democratic republic which was won and secured by the bloody sacrifice of the Lithuanian people during 1919–20, and which was subsequently recognized by the international community; and

Whereas, on June 15, 1940, the Russians forcibly occupied and illegally annexed the independent Republic of Lithuania and maintain illegal and overlordship in Lithuania to this very day; and

Whereas, the Russian invaders are unable to suppress the aspirations of the Lithuanian people for freedom and the exercise of their right of self-determination, as most strikingly demonstrated by riots in Kaunas on May 18, 1972, following the funeral of a Lithuanian youth, Romas Kalanta, who had immolated himself in a public square in Kaunas in a dramatic protest against the Russian enslavement of Lithuania and by a petition to the Secretary General of the United Nations, Kurt Waldheim, signed by 17,000 Lithuanian Catholics in the occupied country charging the Soviets with religious persecution; now, therefore be it resolved

That we express our sincerest gratitude to the Administration and Congress of the

United States of America for the continued nonrecognition of the incorporation of Lithuania and the other Baltic States into the Soviet Union;

That we again demand that the Soviet Union withdraw its military forces and administrative apparatus from Lithuania, thus permitting the Lithuanian people to freely exercise their sovereign rights;

That we request the President of the United States of America to instruct his delegation at the European Security Conference in Helsinki to demand the restoration to the Lithuanian people of independence and self-government in their own land; and

That copies of this Resolution be forwarded to the President of the United States, to the Secretary of State, to the U.S. Senators and Congressmen from our State, and to the press.

DRUG ABUSE

HON. G. WILLIAM WHITEHURST

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 1973

Mr. WHITEHURST. Mr. Speaker, the military has for some time expressed great concern about drug abuse and addiction among members of the Armed Forces. Efforts to bring the dangers of drugs to the attention of its personnel have been accelerated in recent years.

An outstanding example of the drug-abuse campaign was recently brought to my attention; an article published in the Fall 1972 edition of Fathom, a journal of surface ship and submarine safety. The article was written by R. T. Forbush, of the Norfolk Naval Safety Center. I insert the article at this point in the RECORD:

CHAINED

(By R. T. Forbush)

(NOTE.—During the past 8 months, the author has had numerous meetings with Detective Lieutenant Lewis W. Hurst, Head, Narcotics and Dangerous Drugs Squad, Norfolk, Va. Police Department. What follows is a true account of how the lives of two young men were tragically affected by drug addiction. The main locale of this story is the Tidewater area of Virginia. However, the events could just as easily have taken place anywhere. If you are presently on drugs, thinking about experimenting with them, or are a parent, then read this article—it's meant for you.)

A few months ago, a young man entered a men's lavatory in an establishment located in Norfolk, Va. Once inside, he walked to the washbasin and went through the ritual of preparing a hit. When it was ready, he drew the contents into a syringe and injected the needle into his arm. As he was working the heroin into his bloodstream, he fell to the floor dead. His drug-laden body could take no more, and his heart just stopped beating. He was no longer chained to narcotics.

Lieutenant Hurst estimates there are 4,000 drug addicts residing in the Tidewater area. His squad has personally interviewed and identified nearly 1,300 of them by visually inspecting addiction wounds of their arms, hands and legs.

Last year in Norfolk 12 people, most of them young, died following an overdose of heroin. Another 92 were hospitalized for the same reason and 121 addicts attempted suicide. Of the 771 arrests made by the Norfolk Narcotics Squad in 1971, 290 involved the sale of illegal drugs, 475 the possession of illegal drugs, and six, the forgery of doctors' prescriptions. There were 153 more drug arrests in 1971 than in 1970.

It would be great to report that no navymen or women, or their dependents, were among those arrested for the sale or possession of drugs but, unfortunately, this isn't the case. Drug abuse is as much a problem in the Navy as it is in the civilian community.

I'd like to tell you about another young man, who, prior to enlisting in the military, was a Navy dependent. He became addicted to heroin. What happened to him is typical of what happens to a good many drug addicts.

I have known this young man, whom I'll call Don, since he was born. During his early years he was like most other boys his age—active in Boy Scouts, little league baseball, and the like. He was intelligent, personable, and well-liked by those who knew him.

However, things began to change as Don neared his 15th birthday. He made it known to his parents that he resented their discipline. In fact, it was soon evident that he resented authority of any kind. His grades in high school began to deteriorate; he barely managed to pass. At 16, Don was involved in a couple of minor altercations with the local police whom he disliked intensely because of, in his own words, "their browbeating tactics."

It's hard to believe that this teenager's parents couldn't see he was headed for serious trouble. Had they sought help for him at that time, it's unlikely he'd be where he is today. However, they didn't. The following year his father was transferred to the Tidewater area for duty, and the family took up residence there.

Things settled down for a while and it looked like Don, now 17, was going to overcome his problems. It didn't last. Within 6 months he took to drinking, and on several occasions became intoxicated. His parents had to bail him out of jail twice for being drunk in public.

On his 18th birthday, Don announced he was leaving home. His parents tried to talk him out of it, but it was to no avail. He took to the open road to "do his own thing" and led a hippie existence for several months. Surprisingly, the following summer he returned home and told his parents he would like to return to high school and get his diploma—which he did.

After graduation Don enlisted in the military and headed for recruit training. He received excellent grades on the tests administered by the training center and as a result, was assigned to the schools command of his choice. Don told me later that this is where his drug addiction problem began.

He stated that marijuana and hard narcotics were easy to purchase at his base. Starting with marijuana, he rapidly progressed to heroin. In a matter of 6 weeks he was a graduate junkie.

Twice Don went AWOL from his unit, but each time he voluntarily returned. On the second occasion he was sent before a disciplinary board which recommended that he be given a less than honorable discharge. This was approved by higher authority, and Don was discharged. His parents were unaware that he had been discharged under less than honorable conditions because of *drug addiction*.

Back home again, he was a changed young man. The brashness and disrespect for authority were replaced by a complete sereneness. He talked to his parents of the wrongs done by mankind to mankind. There seemed to be an aura of religion about him. He had stopped smoking and drinking.

Don got a job, and his parents were convinced he was leading a normal life. How wrong they were. Don was as much a junkie now as he was before. He was careful not to alert his parents, however. He took his fixes away from home.

In the summer of 1971, Don came down with a serious case of hepatitis. His father took him to a veteran's hospital for treatment. Several days later he was released because his less than honorable discharge didn't entitle him to veteran's benefits. Unfortunately, the medical authorities didn't tell his parents that hepatitis can be a definite clue to narcotics addiction.

Don didn't know it, but he was now under surveillance by an undercover agent of the Norfolk Narcotics Squad. He was to be arrested on two counts of selling and possessing drugs. However, before the arrest could be made, Don decided to visit a friend who was going to college in the western part of the state.

The two friends did the drug bit together for a few weeks. In their midst was an undercover agent attached to the state police. As soon as he had sufficient evidence, both were arrested and charged with three counts of selling and possessing narcotics. Don was tried, convicted, and sentenced to 10 years in prison. For him the world of fantasy had ended.

After the conclusion of these first trials, Lt. Hurst picked Don up and returned him to Norfolk to stand trial on similar charges pending against him here. Because of mitigating circumstances, which I won't go into, the Commonwealth's attorney decided not to prosecute. Don was sent to Richmond and is now in prison serving his sentence.

Why did this young man end up in prison? Was it his fault alone? How about the vermin who make drugs available and profit from their sale? Knowing how widespread drug abuse is, why didn't Don's family take the time to learn the signs of drug addiction? Is our society uniting to help the police and others who are trying to stamp out the sale and use of illegal drugs? Is enough being done to promote drug education? Are our rehabilitation facilities adequate? I'll let you answer each of these questions for yourself.

No segment of our society is free from the evils of narcotics and dangerous drugs. Drug addicts can be counted among the rich and the poor. We have them in our Navy. In larger cities throughout the United States, drug addicts account for more than 50 percent of the crimes committed. Every taxpayer in the country pays his share of the drug abuse cost.

But, in the final analysis, the one who pays the greatest penalty is the drug addict himself. Besides his freedom, Don has lost the right to vote; the right to run for public office; the chance to be a licensed doctor, dentist, C.P.A., engineer, lawyer, architect, osteopath, pharmacist, schoolteacher, and/or stockbroker. He can never get a job where he has to be licensed or bonded. He can't work for the city, county or Federal Government. Anyone convicted of a felony has to live with it all of his life unless he receives a pardon from the governor of the state. And, believe me, these aren't being handled out in large batches.

Don is somewhat luckier then the young man discussed at the beginning of this article. Someday, he will have a second chance to make something of himself. Only time will tell what it will be. I can assure you that his parents will be standing by to give him all the love and understanding he will need to start his life anew. How can I be sure of that? Don is my son.

(Our thanks to Lt. Lewis Hurst for allowing his name to be used in the article, and for providing photos and statistical data concerning drug abuse in Norfolk, Va.—Ed.)

FREEDOM OF EMIGRATION

HON. CHARLES A. VANIK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 1973

Mr. VANIK. Mr. Speaker, recently the Communications Workers of America issued a hard-hitting, thoughtful statement expressing their strong opposition to the Soviet education head tax.

This statement includes much information of interest to the 270 cosponsors of H.R. 3910 which Chairman Mills and I introduced.

Head Tax on Soviet Jews

(Statement by Executive Board of Communications Workers of America)

The Soviet Union, since August 3, 1972, has been imposing a head tax on Russian Jews who seek to emigrate to Israel.

The amount of the tax ranges from $5,000 to $37,000, depending on the amount of education completed, on each Jew granted a visa to leave the country. The schedule of fees is carefully calculated with $5,000 per visa for those who have not finished high school, $6,600 for those with a high school diploma, and ranging up to $37,000 for holders of the equivalent of an American Ph.D. It would take most Soviet citizens at least 10 years to save the necessary funds for even the lower head taxes, based on an average Russian worker's income of 140 rubles a month.

There is no doubt that this oppressive new Communist edict is specifically directed against Soviet Jews and particularly against educated ones. Jews make up the largest and most vocal minority group who have expressed a desire to leave Communist Russia. In addition, they are the most highly educated of the ethnic minorities in the USSR. Eighty-five percent of the adult Jews in the USSR have received at least a high school education. Current official figures show also that only 3.15 percent of the Jewish population are university students, when it is well known that Jewish cultural emphasis is on higher education.

Ironically, the head tax levied on the Russian Jewish community violates the Soviet Constitution, which specifically grants Russian citizens the right of emigration.

Also, this tax is in conflict with the Universal Declaration of Human Rights passed in December, 1948 by the U. N. General Assembly with the affirmative vote of the USSR. The Declaration expresses in Article 13 the right of everyone "to leave any country including his own, and to return to his country." The Declaration also expresses in Article 14 the right of everyone "to seek and enjoy in other countries asylum from persecution." Article 15 affirms the universal right to change one's nationality.

The Soviet government's bigotry strikes out at Jews in jobs, housing, education and activities of every kind. Synagogues have been arbitrarily closed down in community after community for the past 30 years. Fifteen years ago, in 1957, there were 450 synagogues; in April of 1963, almost 10 years ago, 100; and today the figure has dwindled to less than 60 synagogues which remain to serve a population of 3 million. This total compares with 120 synagogues in Chicago, which serve a Jewish population of only 200,000. Moreover, those who do attend synagogues in the Soviet Union are intimidated by agents of the KGB, the dreaded communist secret police.

The study of Hebrew is systematically and forcefully discouraged in the USSR. Although the 3 million Soviet Jews represent one of the two largest Jewish communities in the world, the last Hebrew-language book published in the Soviet Union was published in 1928. Recently, Moscow's only Hebrew teacher was imprisoned on vague charges of "hooliganism."

Judaism is not even permitted any central or coordinated structure, unlike the other 10 recognized religions in the USSR. The publication of religious literature and the manufacture of religious articles for Jews are prohibited.

It is indeed a tragic irony that the Soviet government will not let its Jewish citizens live in peace, as productive citizens of their country, yet at the same time refuses to permit them to find peace in other countries which have indicated a willingness to accept them as emigrants.

The United States itself is a nation founded and populated by the refugees of an earlier era. We or our forefathers were all emigrants from somewhere. Our commitment to the cause of aiding those who flee repression and persecution is inscribed on the base of the Statue of Liberty.

The Communications Workers of America has always held that it is unconscionable to place price tags on human freedom. We condemn this reprehensible form of extortion practiced by the Russian government.

We urge the Soviet Union to allow all members of its Jewish community and other members of minority groups and all other citizens who desire to leave to emigrate to the land of their choice, in accordance with national and international law.

ANNIVERSARY OF ESTONIAN INDEPENDENCE PROCLAMATION

HON. EDWIN B. FORSYTHE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, March 5, 1973

Mr. FORSYTHE. Mr. Speaker, February 24, 1973, marked the 55th anniversary of the proclamation of the independence of Estonia. The Estonian-American organization deserves our support in commemorating this anniversary.

Although Estonia has been a captive nation behind the Iron Curtain for many years, the light of freedom still burns in that country. This light is demonstrated in the following resolution adopted by the Lakewood, N.J., Estonian Association, Inc., and I commend it to the attention of my colleagues.

The text of the resolution follows:

Resolution

We, Americans of Estonian ancestry, gathered on the 24th day of February 1973 at the Estonian House in Jackson, New Jersey to observe the 55th anniversary of the Proclamation of Independence of Estonia, and mindful of the fact that the homeland of our forefathers is still oppressed and suffering under the totalitarian rule of Soviet Russia, declare the following:

Whereas all peoples have the right to self-determination; by virtue of that right they freely determine their political status and freely pursue their economic, social, cultural, and religious development; and

Whereas the peoples of Estonia and the other Baltic countries of Latvia and Lithuania have been forcibly deprived of these rights by the Soviet Russia; and

Whereas it has been the firm and consistent policy of the Government of the United States to support the aspirations of the Baltic peoples for self-determination and national independence:

Now, therefore be it

Resolved, that we Americans of Estonian descent reaffirm our adherence to the principles for which the United States stands and pledge our support to the President and the Congress to achieve lasting peace, freedom, and justice in the world; also be it

Resolved, that we urge the President of the United States, in fulfillment of the provisions of House Concurrent Resolution 416 unanimously adopted by the Eighty-Ninth Congress, to direct the attention of world opinion at the United Nations and at other appropriate international forums to the denial of the rights of self-determination for the peoples of Estonia, Latvia, and Lithuania; also be it

Resolved, that the United States delegation to the proposed Conference on Security and Cooperation in Europe seek the inclusion on the agenda of the Conference the question of freer movement of people, ideas, and information and the application of the principle of self-determination in the Soviet controlled territories in East-Central Europe; also be it

Resolved, that Radio Free Europe and Radio Liberty seek ways to initiate broadcasts on a regular basis, in the Estonian, Latvian, and Lithuanian languages; also be it

Resolved, that the President request that all maps published by the United States governmental agencies delineate the Baltic States in their original boundaries, with a footnote explaining that their military occupation and forced incorporation into the Soviet Union has never been recognized by the United States; also be it

Resolved, that the Secretary of State produce "Background Notes" on the Baltic States as a source of information for federal agencies, educators, schools, librarians and general public, and that all U.S. Government publications and lists of the nations of the world include the names of Estonia, Latvia, and Lithuania as separate entities; also be it

Resolved, that copies of this resolution be forwarded to the President of the United States, the Secretary of State, the U.S. Ambassador to the United Nations, the U.S. Senators of New Jersey, the Representatives of the Third and Sixth Congressional Districts of New Jersey, and the area press.

WHAT IS RIGHT ABOUT AMERICA?

HON. JACK BRINKLEY

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 1973

Mr. BRINKLEY. Mr. Speaker, at the dedication of the New York Monument at Andersonville, Ga., the statement was made by Commissioner McKenzie, of New York City, as I remember reading the narrative, that that occasion marked the happiest day of his life. For, he related:

> When I was released from Andersonville Prison, caught a train at Millen to Savannah and a ship from Savannah to New York, I thought surely "this was the best hour of my life."

But he went on to say that the dedication day of that year, in 1916, surpassed that earlier day so many years before, because in his words, in a land of free speech, free religion and one country—

> We are all now comrades and friends and live in the finest country upon which the sun has ever shown.

It still is—as illustrated by Terri Kay Finley, daughter of Mr. and Mrs. Alex V. Finley, Jr., of Columbus, Ga. A lovely finalist in the Miss Georgia teenage pageant this year, Terri wrote an essay entitled, "What Is Right About America?" and I would like to share that essay with my colleagues.

What Is Right About America?

We are indeed fortunate to live in America where the rights of a free people was established when our forefathers wrote "The Bill of Rights," long ago. This assured every American equality and justice. It is the same democratic government in our country today that upholds the rights of every American. Citizens in our society may live securely knowing that "the laws of the land" are written for the protection of all. Americans are able to speak freely on any legislation introduced by our government and have the right to support any representative in public office. Our country's foundation, a true democratic form of government is what is right about America.

Blackstone, in differentiating "natural liberty" from "civil liberty", wrote that an orderly society is introductive of liberty rather than being derogation thereof. I am glad many of our fine young people today are accentuating the positive as is so ably illustrated by my youthful constituent.

MR. ANTHONY PERSICO

HON. LESTER L. WOLFF

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 1973

Mr. WOLFF. Mr. Speaker, on Saturday, March 10, I will be privileged to join with the Sons of Italy in New Hyde Park, N.Y., to honor one of its past venerables, Mr. Anthony Persico.

Tony Persico moved to New Hyde Park in 1953 and still lives there with his wife Fannie and his daughter Arlene. As a New Hyde Park resident he immediately became involved in community activities. He became a member of the New Hyde Park Council No. 2852 of the Knights of Columbus and served as its advocate from 1960 to 1967. He also served as a director and associate counsel of the Columbus Club of New Hyde Park, Inc. from 1964 to 1972.

In 1968 he became a charter member and assisted in the organization of Cellini Lodge No. 2206, Order of Sons of Italy in America and was elected orator on the first officers' council of that organization. After serving as assistant venerable in 1969, he was elected as venerable of the Cellini Lodge in 1970.

Anthony Persico belongs to the Notre Dame parish in New Hyde Park and has been a member of the Holy Name Society since he took up residency in our community. He is a member of the Sperandeo Brothers Post 1472, Kings County American Legion; New Hyde Park Council No. 2852 of the Knights of Columbus; Cellini Lodge No. 2206, Order Sons of Italy in America; Columbian Lawyers Association of Queens County, and the Queens County Bar Association.

During World War II he served in the Armed Forces of the United States with the infantry and military intelligence service. Upon his discharge from the Armed Forces in January 1946 he organized and obtained a charter for the Sperandeo Brothers Post 1472 American Legion, Department of New York, which organization he served as its first commander. Nine years thereafter, in 1955, he was elected as county commander of the Kings County American Legion, Department of New York.

For the past 18 years, in spite of being a resident of Nassau County, he has served as vice chairman and ceremonial chairman for the Cypress Hills National Cemetery Pilgrimage Committee of the Kings County American Legion.

I am looking forward to joining with Tony's many friends in honoring him for his loyal and dedicated service to his community over the years and I am privileged to be able to bring his distinguished record to the attention of my colleagues in the House.

VOICE OF DEMOCRACY CONTEST

HON. STEVEN D. SYMMS

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 1973

Mr. SYMMS. Mr. Speaker, each year the Veterans of Foreign Wars of the United States and its ladies auxiliary conducts a Voice of Democracy contest. From across the Nation our young people—tomorrow's homemakers, businessmen, public officials, and community leaders—make some remarkable contributions to the country's store of patriotic thought and literature.

I was particularly impressed this year with the words of a young lady from my own congressional district—Miss Shawna Marie MacGregor of Grangeville, Idaho. I would like to have it printed in the CONGRESSIONAL RECORD at this point for the benefit of my colleagues:

MY RESPONSIBILITY TO FREEDOM

"The meaning of America flows from one pure source. Within the soul of America is the freedom of mind and spirit in man. Here alone are the open windows through which pours the sunlight of all the human spirit. Here alone human dignity is not a dream but a major accomplishment."

These words, of former President Herbert Hoover, made me realize that the spirit of freedom in America can be thought of as "sunlight."

For sunlight is the prime source of energy for plants and animals. Without sunlight all living things on our planet would starve.

Is not freedom a source of energy for every American? Without our cherished liberty would we not hunger for the privileges and happiness that we once had? Are we not just as dependent upon our rights, such as freedom of religion and freedom of speech, as plants and other animals are on sunlight?

My answer is "yes."

When a beam of pure light passes through a prism it is broken up into a rainbow band of colors called a spectrum. By using a prism we learn that white light is a mixture of many colors.

Our one pure source of light in America is freedom. We the people make up the United States, and each one of us is uniquely different. We form a wide "spectrum" of ideas, opinions, and racial colors. All of us together produce that one pure source of light "freedom."

When the sun's rays are reflected from raindrops, a rainbow appears. In a rainbow various colors are shown.

It takes both sunshine and a rainstorm to produce a rainbow.

In America the sun shines through in a variety of ways, free enterprise, democratic elections, community service organizations, and most of all our Bill of Rights and Constitution. However, we do have several "rainstorms" . . . The Vietnam War, racial prejudices, and economic and social difficulties. A rainbow of opinions appears on how these problems should be solved.

But no matter how terrible a storm may be, it passes. The sun does shine, and finally, all the colors in the rainbow become one, once again.

So it is in America. For only in our country do we have the right to voice our opinions, no matter with whom they coincide or with whom they disagree. That is why our rainbow of opinions is so precious and vital to our way of life.

Former president Hoover stated that within the soul of America "are the open windows through which pours the sunlight of all the human spirit."

If the light of freedom is to warm us with its rays we must keep our windows open, clean, and bright.

Today many people have let their windows become dirty, covered with smoke. Because of this smoke everything appears to be soiled. These people cannot be warmed by the light of freedom.

Others have rose-tinted window glass. Because they do not face up to the realities of life they cannot reap its benefits.

Still others have put locks and bolts and boarded up their windows. They have become fed up with life and refuse to accept any new ideas. They want nothing to reach them.

The light of freedom shines equally from the minds of both men and women. It is this light that illuminates their interests and opinions without prejudice. The light of freedom is composed of love, support, and a willingness to defend one's countrymen from their enemies.

This light can be kept alive by *"realizing"* that with every right there is a responsibility, by *"respecting"* the rights of others, and by *"responding"* to the challenge of freedom.

My responsibility is to keep my window open, and clean, even in stormy weather, so that I can appreciate the brilliant colors of the rainbow and watch them once again merge into the unified *light of freedom.*

POST OFFICE-FEDERAL BUILDING WORTH ITS PRICE

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 1973

Mr. ASHBROOK. Mr. Speaker, in a day when we quite often question justifiably where our Federal tax dollar is being spent and whether we are getting any value for our money, it is heartening to be able to pass along a note of optimism.

In Mansfield, Ohio, an $8 million post office and Federal building complex was recently completed. The new facility is a welcome addition to the Mansfield area and an editorial which appeared in the Mansfield News-Journal points out the benefits of this project.

Like many of my colleagues, I have been receiving complaints relative to the operation of the Postal Service and it is good to know that improvements are being made. I would like to insert at this point the editorial which appeared in the News-Journal:

POST OFFICE-FEDERAL BUILDING WORTH ITS PRICE

If you want to know what $8 million looks like, drive past the new Mansfield Post Office and Federal Building at 200 North Diamond St. Then go through the building as some 500 persons did on Thursday afternoon and as others will have an opportunity to do some evening or Sunday afternoon in the near future.

The site, covering 11 level acres, was selected by the former Post Office Department (now the U.S. Postal Service) with the assistance of General Services Administration. It has been the butt of some controversy. However, local residents were invited to submit site proposals before this one was chosen. Nobody could come up with at least nine level acres in the downtown area, which was the basic requirement, in any other spot.

And now that the structure is up, it surely does stand out as a major improvement in an area that had been slowly declining for years. New growth around the site can be expected as the postal facility swings into operation.

The postal facility will be headquarters for 67 associate post-offices with a total employment of more than 1,000 persons and an annual payroll of $12 million.

Three hundred thirty-four postal employes will work in the Mansfield building; the payroll there will total $3,500,000. About 200 million letters will be handled annually and local receipts will top $3 million.

What these statistics and the functional design of the building add up to is an example of the efficiency which the U.S. Postal Service is seeking to build into its operations.

Automatic sorting machines next August will replace the present hand sorting of mail.

Customers can buy stamps and even determine the amount of postage needed for parcel post packages in a newly automated area in the long foyer.

The low clean-lined building is really two structures. Its southern wing will house federal offices with a separate parking area provided for employes and customers.

Already in the federal office wing are Selective Service, Internal Revenue Service, Labor Department, and Federal Bureau of Investigation. Scheduled to join them are the Agriculture Department and several others. Room for expansion of these departments is available.

To bring this project to fruition has required almost a decade. Long before a site could be chosen or a plan drawn it was necessary to make the proper political contacts in Washington. There was nothing irregular about this; it is an integral part of government operations whether people like to admit it or not. These alignments were completed first under the Johnson administration. Then, with Johnson's retirement, the whole process had to be done again, working with Republican officials. It was even necessary at one point to quash political efforts from outside this area which would have diverted the project to another site merely as a political and business favor.

Once the federal commitment was made, design and construction moved ahead with remarkable smoothness.

At the very center of all this was Mansfield's genial and modest Postmaster Ralph M. Hardy. Because of his position, Hardy resolutely refrained from any part in the political goings-on but he kept a conscientious eye on every detail of planning and progress.

It was with justifiable pride that he noted Thursday that local postal operations now will expand from their former cramped 34,000 square feet of space to 156,000 square feet of floor. Actually the building has three acres under roof and is expected to prove as Hardy said, "one of the best postal facilities in the country."

If you haven't taken a look at the facility since its completion, do so. Eight million dollars is a lot of money. Mansfield and the 67 communities to be served from the new postal building appear to have received every dollar's full worth.

HOMESTEAD SPORTSMEN OBSERVE MILESTONE

HON. JOSEPH M. GAYDOS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 1973

Mr. GAYDOS. Mr. Speaker, on February 17 the Homestead District Sportsmen's Association Inc., the first organized hunting and fishing oriented organization in America, observed a historic milestone. It celebrated the 50th anniversary of its founding as an active, aggressive group of people dedicated to solving the problems of conservation and ecology as well as to provide fraternity and recreation for its members.

The Homestead Association was formed in December 1923, through the efforts of Mr. Charles Hobson of Homestead, who along with Ross L. Leffler of McKeesport, Pa. and Colin Reed of Washington, Pa., recognized the need for a united organization to protect the interests of sportsmen in western Pennsylvania. This trio, meeting in Mr. Hobson's office, laid the foundation for the present county, State, and national sportsmen's organizations.

Mr. Hobson, unselfishly contributing his time, ability, and personal funds, selected the first locations throughout Allegheny County where local groups could be formed, then knitted together to form a countywide association. The first branch chapter was established in Homestead but within a few months representatives from 21 districts in the county met and put together the Allegheny County Sportsmen's League. Over the years, other communities and counties joined the league and finally in February 1932, the Pennsylvania Federation of Sportsmen's Clubs came into existence with Mr. Hobson as the vice president. In 1936 Mr. Hobson, Mr. Leffler and Mr. Reed saw the realization of their dreams with the creation of a national sportsmen's organization.

Although illness restricted the participation of Mr. Hobson in later years, he still retained a keen interest in the activities of sportsmen's groups. Mr. Leffler, however, went on to become president of the Pennsylvania Game Commission, and Mr. Reed the president of the Pennsylvania Federation of Sportsmen's Clubs.

The Homestead Association, the heart of the sprawling national organization, still is active today. Its members continue to instruct young Americans in the sport of hunting, the joys of the outdoors, the importance of conservation, and the vital need for effective ecological programs. Over the past 25 years the Homestead Association has been led by its current president, Mr. Andrew Schultz.

I take great pride in representing the birthplace of our sportsmen's organizations and bringing the accomplishments of the Homestead Association to the attention of my colleagues. I commend the efforts of its members and the men who led them: Mr. Schultz, president; Andrew Kovacs, vice president; Edward Cuttler, treasurer; Stanley S. Rakoski, secretary; William Kovacs, delegate and the board of directors; Carlton Elrick, Charles Sidlauskas, Carl Cappasso, Lloyd L. Passmore, and Richard Allison.

Mr. Speaker, I extend to the Homestead District Sportsmen's Association, Inc., my congratulations upon its 50th anniversary and I wish the members many years of continued health, happiness, and good hunting.

JOHN BORLING DAY

HON. ROBERT P. HANRAHAN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 1973

Mr. HANRAHAN. Mr. Speaker, Sunday, March 4, 1973, was "John Borling Day" in Riverdale, Ill., which is part of the Third Congressional District.

Capt. John Borling is a returning prisoner-of-war. He arrived back in Riverdale after 6 years of imprisonment in North Vietnam.

Mayor Selvig of Riverdale signed a proclamation in honor of the POW which reads as follows:

PROCLAMATION

Selvig's proclamation reads as follows:

"Whereas, Captain John Borling is a resident of the village of Riverdale and has recently been released as prisoner of war of the Viet Nam war; and

"Whereas, the president and board of trustees of the village of Riverdale, and the entire community, are deeply proud and honored to have Captain John Borling as a resident of said village; and

"Whereas, the entire community has a deep debt of gratitude to Captain Borling,

"Now, therefore, I, Robert C. Selvig, mayor of the village of Riverdale, on behalf of the board of trustees and the entire community, do hereby proclaim Sunday, March 4, 1973, as "John Borling Day" in the village of Riverdale and do hereby ask the entire village to honor him accordingly by flying their American flags on said date.

"The village clerk be and she is hereby authorized and directed to deliver a copy of this proclamation to Captain John Borling."

Captain Borling was honored in a parade at which over 4,000 area residents turned out to pay tribute to a great American.

During the official ceremonies I read a letter to Borling expressing the feeling of his fellow citizens for such courageous men who served their country so well.

The letter is as follows:

Capt. JOHN BORLING,
Riverdale, Ill.

DEAR CAPTAIN BORLING: Our nation has been both proud and moved by the great sacrifices you and your fellow POW's have made for the benefit of this country during your captivity in Vietnam. We know that no words of praise nor honor bestowed upon you can adequately replace the years of your life spent in a foreign prison or give back the time away from home and family. But as your Congressman I want to express to you the deep feeling of gratitude the American people have felt by your courage.

While our country was in mourning over the deaths of two former Presidents, the return of our POW's became a cause for celebration. It was perhaps one of the greatest moments of joy the citizens of this nation have felt in many years.

On behalf of the State of Illinois and of the United States of America, I wish you both happiness and prosperity for the life you have yet to live. Welcome home.

With warmest regards,

ROBERT P. HANRAHAN,
U.S. Congressman.

HARNESSING THE TECHNOLOGY OF SPACE

HON. ELLA T. GRASSO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 1973

Mrs. GRASSO. Mr. Speaker, this Nation's pressing domestic problems must be at the heart of our concern. Housing and pollution, crime, education and transportation are areas that require a firm national commitment on the part of all.

Richard F. Gamble is division president of United Aircraft Corp.'s Hamilton Standard Division, which is located in my hometown of Windsor Locks, Conn. On January 17, 1973, he spoke to the southern New England section of the Society of Automotive Engineers. His remarks suggest that the systems approach—with its long-range strategy, well-defined priorities and goal—which was most effective in sending man to the moon, would provide the best method of coping with our multifaceted domestic needs.

Mr. Gamble points out that this Nation can redirect its technological thrust. By harnessing the technology of space, he says, the efforts of the scientific and engineering communities could again be fully utilized with great benefit to the Nation as a whole.

Mr. Gamble's speech is an important one, and I am pleased to insert it in the RECORD:

REMARKS BY RICHARD F. GAMBLE, DIVISION PRESIDENT, HAMILTON STANDARD DIVISION OF UNITED AIRCRAFT CORP., BEFORE THE SOUTHERN NEW ENGLAND SECTION, THE SOCIETY OF AUTOMOTIVE ENGINEERS, JANUARY 17, 1973

On a Sunday night in the fall of '64, just a little over eight years ago, a crew-cut young Navy pilot arrived on a commercial flight at Bradley Field to take part in an event called Connecticut Aviation Week. Even though he was billed as guest of honor and was a new member of America's then-small corps of astronauts, his arrival couldn't have been heralded less. Only one man was on hand to bid him welcome and drive him to his hotel.

The outlook for the young astronaut's appearance at a luncheon the next day was rather grim. At the very hour he was to give his talk on the budding Apollo program at the Hartford Club, the campaigning Lyndon B. Johnson had scheduled an appearance in the portico of the Hartford Times building half-a-block down the street. Here was an unknown flier competing against the President of the United States. In fact, the astronaut said he wouldn't mind going down the street to see the President himself. All turned out well, however, every seat at the luncheon was filled, and he was roundly applauded when he spoke of the hopes and promises represented in the Apollo program's drive to put men on the moon.

The astronaut rounded out his day in Connecticut with visits to plants developing hardware that would be used on Apollo. He stopped at Pratt & Whitney Aircraft to look in on progress of the fuel cell powerplants, and at Hamilton Standard to see how it was going with the LM's environmental control system, the life-support backpacks for the moon walks, and the abort sensor assembly for lunar module's backup guidance system. At each stop he was photographed with people working on Apollo, and later he personally autographed each picture.

Those photos are something of a treasure today to the people who own them. The astronaut who signed them is Gene Cernan, no longer an unknown, and the recipient of a somewhat more rousing reception when he returned from the moon last month than when he landed at Bradley eight years ago. In those eight short years, Gene Cernan traversed the distance from promise to finale. As the last American to walk on the moon for the foreseeable future, Cernan ironically symbolizes how things have gone in this country in a very short time as regards science and technology, research and development.

As members of the engineering profession we are all too aware of the souring of America's love affair with technology. When Gene Cernan visited Connecticut in '74, technology was riding a wave of popularity. When he returned from America's last planned moon flight, technology, in the eyes of far too many people, and their legislators, had become a devil that needed to be exorcised.

Repeatedly the critics say it's wrong to spend money on the moon and space. They are apt to ask, "If we can send a man to the moon, why can't we . . . ," leaving a blank which each and every critic fills in according to his own whims.

For our own good we should at least set straight such wobbly thinking in our own minds. The money that financed Apollo and our other space efforts was not, repeat not, spent on the moon. It was spent right here on earth, and, at one point in the build up—in 1966—Apollo provided employment for 400,000 persons working for prime and subcontractors, as well as NASA.

By the time Apollo 17 was launched last month, employment attributable to the program had plunged to 130,000—with more cuts in the offing.

Secondly, we can solve earth-bound problems, just as we solved the myriad problems of lofting men to our satellite, keeping them alive there, and bringing them home safely. But the scatter-shot approach now so much in evidence is the wrong path to follow. Apollo must set the example in this arena—it succeeded because it was a concerted, focused effort with a national commitment and adequate funding behind it. Although 20,000 contractors were involved, each had a well-mapped, detailed goal, all brought together in the ultimate application of the systems approach to a knotty problem.

In recent years there has been a general uproar nationwide over protecting the environment and solving the problems of air and water pollution, waste disposal, urban decay, and mass transportation. Unfortunately more passion than productive energy has been generated in this sphere. True, individual programs have been launched at national and state levels, and money is being spent. But the money is fragmented, not focused on a recognized, well-outlined goal. The search for solutions to domestic ills has not been pulled together, has not been precisely defined—everything is too nebulous, too general. A clearcut objective has not been laid down, and a systematic approach planned.

For too long the aerospace industry has been belabored with demands by the activists that it redirect itself, that it put its energies and talents to use on the social scene.

All too often, however, attempts by the industry to redirect its technological thrust toward the pressing problems of the nation have run headlong into a harsh economic fact—there just isn't a market for this redirected effort. The industry is ready, but there are few buyers, and available money is being spread rather thin in the absence of a definitive national commitment.

If the verbiage written or spoke about the need for high-speed ground transportation in short-haul intercity markets were compiled, the volumes would probably stretch the length of the Northeast Corridor. Yet orders for Sikorsky Aircraft's proven TurboTrain have been few and slow in coming. The TurboTrain represents a commitment by Sikorsky's parent, United Aircraft, in one of the domestic problem areas we hear so much about. The corporation invested heavily in the new generation train, yet a respectable production order has yet to be made. This is just one close-to-home example. There are many others where companies found only fragile or nonexistent markets when they responded to urgings that they do something to make things better in this country.

It's easy for activists to say to our industry, "change your ways," but without customers, it's pretty tough for a company to meet a payroll. Too much of our scientific and engineering talent has been dissipated already. Total aerospace employment is down about 40 percent since 1968, a startling drop in so short a time span. Closer to home, the Aerospace Industries Association projected last month that employment of scientists and engineers would continue to decline, hitting a level of about 157,000, compared to peak employment of 235,000 in 1967.

The sad fact is, that once a highly skilled engineer has departed a job in aerospace, it is unlikely he would be eager to return, if the opportunity presented itself. Ironically, so soon after the breakup of many of the advanced technology teams that gave us Apollo and world dominance in commercial air transports, the threat of a shortage of engineers—due to the drop in engineering enrollments in college—is appearing on the horizon. And who can blame a fresh-out-of-high school teenager for shunning training in a profession that has had more downs than ups in just a few years.

The amazing technological advances of the late 1950s and the '60s in transportation, both within and outside the atmosphere, in communications, medicine, materials, and even Space Age foods were the fruits of research and development. Today, unfortunately, that miracle producer known as R&D has been downgraded to the point where technological advance in the years ahead is threatened. Since 1966, the annual growth rate in government-supported R&D has slumped from nine percent to one percent. At the same time, non-federal R&D has held steady with a growth rate of nine to ten percent a year. Hardest hit by the fall off in R&D are basic research and highly advanced projects that traditionally were financed by the federal government. It seems to me we are sacrificing tomorrow's progress by today's shortsightedness.

This loss of momentum in digging out and developing technology for tomorrow endangers the nation's ability to meet the growing needs of the people here at home, as well as the competitive threats of technologically oriented countries in Europe and the Far East. Our once lush trade balances now glow with red ink. Aerospace exports, long a contributor of billions of dollars toward a positive trade balance, are threatened by competition from abroad. In 1972, for example, aerospace exports earned $3.4 billion more than we spent on similar imports from overseas. As impressive as that sounds, it represents a drop of nearly seven percent from 1971.

Further threats to this plus in foreign trade already are airborne in the shape of the

Concorde SST and the A-300B airbus. Both projects are moving ahead under the thrust of financial support of the various European governments involved, particularly Britain. France, and Germany.

This country, on the other hand, responded to the scare tacticians, turned its back on the inevitable, and buried a superonsic transport that assuredly would have been a better competitor for airline equipment dollars than the Concorde. If the U.S. continues to abuse, rather than encourage, technical advance, we're doomed to see more and more instances where lost trade dollars are reflected in fewer jobs for our people.

The scientific and engineering communities and the aerospace industry, flush from years of high employment, good sales, and adulation by the public, were appalled by the shift in the public and Congressional mood that began in the late '60s. Venomous criticism replaced praise. Instead of being lauded for contributions to transportation, communications, and the exploration and utilization of space, our community was damned. The militants said technology either was responsible for fouling the world, or was guilty of gobbling up money that could be better used in other, more socially oriented, endeavors. They are demonstrably wrong, considering the great imbalance in spending for social welfare as opposed to advanced techology, but the public, the Congress, and state legislatures bought their message.

In truth, those who live by and for technology smugly felt the love affair would never end, and failed to communicate to the public all of the positive aspects of technology. The public didn't get the message that such down-to-earth benefits as patient monitoring devices, instant global TV, new power sources, better materials, to name a few, came to them courtesy of technical advance. The public took them for granted, at the same time building an antagonism toward technology.

Hopefully, we are beginning to turn the tide, at least as far as attitudes are concerned. We in industry, science, and engineering are speaking up, and not just in a defensive tone. Critics still abound, many of them in powerful and influential places, so we must continue to present our case in emphatic and positive terms.

On the national scene, there is coming into being a new arm of Congress that, also hopefully, will be a major instrument for weeding fact from fuzzy thinking as far as technology is concerned. That is the Office of Technology Assessment. As envisioned, the office will serve Congress by assessing the impact of new technology, weighing all sides of a question, much like a court, and then present its findings. It's job isn't to make recommendations one way or another, but to serve as an impartial source of information. If such an office had existed when contination of the SST was battled in Congress, perhaps the supersonic transport wouldn't have been shot down amid a cloud of passionate, but often faulty, scientific and economic testimony.

Too much misinformation has been spread under the mantle of improving the quality of life. This is particularly true in that area I mentioned earlier, redirecting our technological thrust. The first thrust, however, must come at the executive and legislative levels of government. They must put it together in the form of a unified national commitment to attack, in an Apollo-like way, these domestic problems of housing, pollution, crime, education, transportation and waste disposal. A hard-nose, no-nonsense systems approach must be adopted. Unless this happens, the problems are bound to worsen. Long-range strategy, a well-defined goal, and priorities are essential.

Those who call for overnight solutions must be ignored. After all, Apollo, the most complex technological problem ever tackled, took the better part of a decade to bear fruits. The domestic ills facing the U.S. are at least as complex, if not more so. Instant solutions are out of the question. And so are any solutions unless there is a unity of purpose and commitment—as well as adequate funding to create markets where few now exist.

I'm not advocating handouts. Competition in skill and cost at all contracting levels was the hallmark of Apollo. In that same way, the search for solutions to domestic problems must be carried out entirely within the framework of the free enterprise system.

Obviously not every national ill is open to technological solution, but many, such as pollution control, waste management, housing, and transportation are. First we must identify those areas showing promise or potential for solution through technology. Then we must adopt an R&D approach to explore promising concepts and develop the best systems to meet the national goal. Sociologists likely would disdain this idea. But since sociological approaches haven't been all that successful—as we can see in the continuing burgeoning problems—I think it's time the technologist is given a chance.

Beneficial fallout is inevitable. Serendipity abounded in the space program, why not on the domestic scene. One happy result could be returning technology itself from the outer reaches back to the ranks of the good guys. And if that happens, we're bound to see a resurgence in engineering school enrollment. With a clearly outlined national program to confront our problems on the frontiers of technology, young blood and new ideas will be drawn to science and engineering. The threatened shortage of such talent, happily, would be headed off—much to the benefit of this country.

What I have said may seem idealistic. But didn't Apollo have more than an aura of idealism when first proposed? In the end, it proved to be man's greatest technical conquest. Eight years ago when Gene Cernan visited Connecticut, he was asked why he wanted to go to the moon. He replied: "We have to begin somewhere. It gives us the crutch to go into space. It also will be used to prove out the systems and problems in the space program before we go deeper into space."

Man's personal stride into that space beyond the moon has been ruled out, at least for a while, assuredly not forever. If we must redirect, as Gene Cernan said, "We have to begin somewhere." That somewhere is a genuine national commitment to use technology to cure domestic problems that have defied solutions by other means.

NIXON'S PRESIDENCY, EXPANSION OF POWER

HON. MICHAEL HARRINGTON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 1973

Mr. HARRINGTON. Mr. Speaker, I would like to bring to the attention of my colleagues a series of articles appearing in the New York Times, beginning March 4, entitled "Nixon's Presidency, Expansion of Power." As we are all aware, the President seems to be pursuing a policy which will make the Executive office the strongest it has yet been—at the expense of the powers of Congress. This series of articles, written by John Herbers, puts this problem into a scholarly and historical context. Herbers quotes Thomas E. Cronin, a presidential scholar at the Center for the Study of Democratic Institutions, as saying:

> He (President Nixon) has systematically gone about trying to strengthen the Presidency in a great number of ways, frequently by circumventing the Constitution or expanding on past practices that were ambiguous or questionable.

Mr. Herbers takes the situation and conducts an excellent analysis, approaching it from angles that are very thought provoking.

Herbers first points out ideological shifts. Conservatives who have traditionally favored a strong Congress with a weakened Presidency and liberals who have looked to the Presidency as a means of achieving reforms in governmental policy at home and abroad are now, according to Herbers, advocating the reverse. Another irony that Herbers points out is that Mr. Nixon seems to be expanding the powers of his office to attain a more conservative period in which the Presidency and the National Government would play a lesser role.

Mr. Nixon promised a strong, active Presidency and he is achieving his goal. Herbers quotes Nixon's 1968 Radio Address as saying:

> The days of a passive President belong to a simplier past . . . the next president must take an active view of his office. He must articulate the nation's values, define its goals and marshal its will. Under a Nixon Administration, the Presidency will be deeply involved in the entire sweep of the American public concern. The first responsibility of leadership is to gain mastery over events and to shape the future in the image of our hopes.

This is the kind of Presidency that liberal Democrats have been advocating for years but with more checks.

Much of his new power is accumulative, with trends that began during or after World War II. Herbers gives the example of the shift from treaties to executive agreements.

The President has usurped power in many areas. Herbers points out two of these areas which we will all agree are two of the most important. First, in foreign affairs, the President no longer follows the practice of advising and consulting Congress as in the past. The war powers are now viewed as so institutionalized in the executive branch that the American President is free to take military action on his own. This new practice has its roots in the precedents set by Mr. Johnson when he ordered the bombing of North Vietnam.

The second is in domestic affairs where Mr. Nixon is using his office to reverse some aspects of the growth of the national Government as the chief instrument for public policy and services.

Herbers also points out that Mr. Nixon is attempting to stop this trend by public persuasion—

> By impounding funds that exceed his budget, by deciding which programs will be reduced or eliminated and by threatening to eliminate others if Congress does not turn back more authority to state and local governments.

Herbers goes on to say that in this regard—

> He is going farther than any other President not involved in total war.

Herbers quotes Dr. Commager, author and historian, as saying:

> He (Mr. Nixon) has usurped or aggrandized authority in almost every field. . . . Even in wartime the only thing comparable is the Civil War, which was a very special kind of war and therefore the kind of instantaneous action that Lincoln took was domestically required . . . there was no such broad-guaged and wide-fronted assault on the integrity of the constitutional system as we now have.

Apparently we cannot look to the Supreme Court for help in solving this Constitutional dilemma between the Executive office and Congress. Herbers points out that the Supreme Court traditionally stayed away from fights between the other two branches. Furthermore, there is a long tradition of Presidents making their own powers. Woodrow Wilson said:

> The President is at liberty both in law and conscience to be as big a man as he can. His capacity will set the limits.

Mr. Nixon seems to take President Wilson at his word. The presidential assistants and supporters seem surprised that anyone is questioning his use of power. They insist that he is reacting to the mandate issued last November by the electorate.

This series of articles can give us a thoughtful perspective on this deep-rooted conflict between this branch of Government and the executive. If we are to hold the ground the President is bent on taking we must have a thorough understanding of the problem we face. I, therefore, commend this series which was too lengthy to include without cost in the RECORD, to my colleagues.

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 1973

Mr. SCHERLE. Mr. Speaker, for more than 3 years, I have reminded my colleagues daily of the plight of our prisoners of war. Now, for most of us, the war is over. Yet, despite the cease-fire agreement's provisions for the release of all prisoners, fewer than 600 of the more than 1,900 men who were lost while on active duty in Southeast Asia have been identified by the enemy as alive and captive. The remaining 1,220 men are still missing in action.

A child asks: "Where is Daddy?" A mother asks: "How is my son?"

A wife wonders: "Is my husband alive or dead?" How long?

Until those men are accounted for, their families will continue to undergo the special suffering reserved for the relatives of those who simply disappear without a trace, the living lost, the dead with graves unmarked. For their families, peace brings no respite from frustration, anxiety, and uncertainty. Some can look forward to a whole lifetime shadowed by grief.

We must make every effort to alleviate their anguish by redoubling our search for the missing servicemen. Of the incalculable debt owed to them and their families, we can at least pay that minimum. Until I am satisfied, therefore, that we are meeting our obligation, I will continue to ask, "How long?"

NEWSMEN'S PRIVILEGE

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 1973

Mr. ANDERSON of California. Mr. Speaker, today I am introducing legislation which would insure the freedom of the mass media.

Thomas Jefferson, in 1787, stated:

> The basis of our government being the opinion of the people, the very first object should be to keep that right; and were it left to me to decide whether we should have a government without newspapers, or newspapers without a government, I should not hesitate a moment to prefer the latter.

It is difficult to improve upon that statement, but I am going to explain why I believe Mr. Jefferson to be correct.

A free, unbridled press is essential to our society, and to our democracy.

Why? Because the people are the "rulers" in this Nation.

Ultimately, the people tell the Government what, when, how, and where to act. Some seem to have forgotten that we are a nation of, by, and for the people; but until we reject the principles on which this great country was founded, the people are the "kings" and those of us in elected office are the "servants."

And for the people to be fully informed on the activities of their Government, the press serves as a conduit for a free flow of information.

Our Nation's Founding Fathers knew what they were doing when they wrote the first amendment to include protection of the press. They had learned through bitter experience that no government official can be entrusted with censorship of the news media.

Any power to censor the media destroys all the freedom of speech to which they are entitled. Those who are only partially safeguarded are not safeguarded at all.

If the people of our Nation truly want freedom, they must be willing to insure the freedom of the press—the people's most easily accessible way of auditing the conduct of their elected officials.

The press and those who serve in the news media are human, and as humans they are prone to error. They have biases—like all of us. They make mistakes—like all of us. And, I dare say, that all of us in public office feel that we have been maligned, or ill-treated by the press at one time or another.

In their effort to uncover the truth, the press steps on sensitive and often powerful toes. The resulting story can lead to an embarrassed official and the end of an otherwise promising career.

On rarer occasions, the press has been wrong.

Yet, that is the price we must pay if the public—the ultimate judges in our democracy—are to be kept fully informed.

The press is not the judge and the jury—that function rests with the people.

The people can accept or reject a news item; they can accept or reject an editorial opinion.

It is not the right of any branch of government to restrain the press. It is the public who must decide, and in their collective wisdom, they have kept our Nation free.

I have no illusions of perfection of the press. But none of its faults is so grave as to justify abridgment of freedom.

There is no persuasive evidence that a free press will cause the collapse of our Nation. Rather, it is more likely that government management to keep news away from the people could contribute to the downfall of the American system of government.

Yet, there are elements in our society who would restrain the free press and thus deny the people the information needed to make decisions.

Today, the freedom assured under the first amendment is in jeopardy. The Supreme Court decision in the 1972 Caldwell case, dramatically shows that the freedom of the press has been gradually sifting away—yielding to a policy that threatens to eliminate the newsmen's sources of information and the public's right to know.

The history of the battle for newsmen's privilege to inform the public goes back to President George Washington's jailing of a correspondent for refusing to tell the Senate his source for the publication of a proposed treaty between the United States and Mexico.

But newsmen have long fought to protect their rights. In the first 190 years of our Nation, in only 4 out of 80 cases have newsmen yielded to judicial pressure and revealed their sources.

Since 1934, the American Newspaper Guild's newsman's code of ethics has read:

> Newspapermen shall refuse to reveal confidences or disclose sources of confidential information in court or before other judicial or investigating bodies . . .

Today, the issue of newsman's privilege has gone beyond merely protecting a confidential source.

Incidents which have occurred since September 1972, have made it especially necessary to devise legislation which would protect newsmen from subpoena and contempt citations, and thus assure the public a free, uncensured press.

John Lawrence and William Farr—two newsmen—have been jailed for protecting their sources of information. In effect, they were jailed for seeking the truth; they were jailed for assuring the peoples' right to a free flow of information.

The objective of the press—to inform—cannot be met unless sources of information are willing to give assistance on the highest level of confidentiality.

Every time one newsman covering sensitive sources is pressed to violate a confidence, all other reporters covering similar sources must pay the penalty.

Which means that in the long run, it is society which loses.

If the press is bridled and fails to expose injustices and scandals, then our democratic society will diminish, and we will be even closer to the Orwellian 1984—when, the news is controlled and serves only to mold the people to the government's wishes.

"Freedom of the press" not only protects the newsman from governmental interference, it protects the people from an autocratic, dictatorial government.

Ultimately, the people are the judges and the jury, and no bureaucrat, no legislator, no judge, and no governmental official should stand in the way of their free and uninhibited collection of information.

It is the job of Congress to guarantee the people a free press. The Supreme Court's language in last year's Branzburg decision clearly invites Congress to enact legislation "as narrow or as broad" as deemed necessary to "to refashion those rules as experience—may dictate."

I believe the legislation we enact must be as unqualified as possible to insure the survival of the first amendment.

A prominent newsman, A. M. Rosenthal, managing editor of the New York Times, explained his belief in unqualified protection as only a newsman can.

Testifying before subcommittee No. 3 of the House Judiciary Committee yesterday, Rosenthal said:

> In 1959, after a year and a half in Poland, I was expelled on the charge of probing too deeply into the internal affairs of the government, the party and the leadership. Believe me, every bit of information I received came from Poles who trusted my word that I would protect them. I was lucky. The Polish Communists did not put me on trial; they just threw me out. If I had been called into a Polish court and asked to reveal who told me what, I believe that every member of Congress would have supported my refusal to testify had I had the strength to do so.
>
> And I was by no means the only foreign correspondent who found himself in this kind of situation. It happens all the time. Henry Raymont, a former foreign correspondent for *The New York Times*, was arrested in Cuba and grilled as to the sources of some of his information having to do with the Bay of Pigs. Mr. Raymont was even threatened with execution but he did not reveal his sources.
>
> And now, fourteen years later, we have a debate in our country on whether an American newsman has the right to do and act in our own society as I did in a Communist society—to inquire, to write, to protect his sources and information and thus his existence as a conveyor of information to the public.
>
> I never dreamed in Warsaw that the day would come when I would be arguing this point in Washington.

Unfortunately, the battle for newsman's rights has come to Washington. Now that the responsibility is ours we must accept it quickly.

This Congress has shown a great concern over the limitation of the free flow of information.

Only one out of five of the approximately 30 bills introduced in the second session of the 92d Congress offered an absolute protection to newsmen. Half, of the over 38 newsman's privilege bills introduced in this Congress, offer absolute protection.

None of the old bills offered protection to newsmen in State, as well as, Federal proceedings. Many of the new bills do.

Many journalistic organizations have come out in strong support for unqualified protection. The American Newspaper Publishers Association and the American Society of Newspaper Editors' Boards of Directors have both voted support for legislation to grant newsmen unqualified privilege from subpena.

The public generally supports newsman's privilege, according to a Gallup poll taken last November. The Gallup researchers found 57 percent of the persons polled supported the right of newsmen to protect sources.

Mr. Speaker, Congress must join with these citizens to protect newsmen's first amendment rights.

In summary, Mr. Speaker, the Congress must:

First, enact a strong Federal law, such as the bill I introduced today, to lay to rest any possible doubt of the ability and right of newsmen to protect confidences obtained in their gathering of news;

Second, protect the news media from being utilized as agents of the Government;

Third, reaffirm the first amendment guarantees of freedom of the press.

For nearly 200 years, we rarely challenged the right of the press to investigate and report to the American people. Today, that is no longer true. Thus, it falls to us—the Members of Congress—to assure a press which is not shackled by the bonds and restraints of those who would turn our news agencies into propagandists for the Government or any of its representatives.

THE VIEW OF COPERNICUS

HON. FRANK ANNUNZIO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 1973

Mr. ANNUNZIO. Mr. Speaker, Americans of Polish descent in the city of Chicago and the 11th Congressional District of Illinois, which I am proud to represent, and all over the Nation this year are celebrating the 500th anniversary of the birth of Nicolaus Copernicus, a man who changed the world's view of the universe.

It is most fitting that the Postal Service has authorized the issuance of a commemorative postage stamp in honor of Copernicus. As part of this continuing national celebration, the Smithsonian Institution and the National Academy of Sciences will sponsor an international symposium next month.

An editorial from the March 6 Washington Post highlights one of Copernicus' contributions to man's view of himself. The editorial follows:

> THE VIEW OF COPERNICUS
>
> Revolutionary has become a cheapened word lately, claimed by all varieties of sophomores who think they know how things should be run. Occasionally a true revolutionary does appear, and recently the world has marked the 500th anniversary of one, Nicolaus Copernicus. Fittingly, the Copernican revolution involved exactly that—the question of whether the earth was in revolution around the sun or the sun around the earth. A large vision was needed for that, to raise assertions that man did not live at the center of the created universe, but dwelled instead on a small rotating planet that lumbered through the skies around a stationary sun. A formal tribute to Copernicus' birth will occur in late April when an international symposium will be held in Washington, co-sponsored by the Smithsonian and the National Academy of Sciences.
>
> The applause of history did not begin for this Polish astronomer until long after his death in 1543. His study, "On the Revolution of the Heavenly Bodies," was, as they say, 17 years in the making. Even then, caught between publishing and perishing, Copernicus needed 13 more years to find a printer. The book reviewers of the day, as nasty as ever to wild thinkers, provided no blurbs for the jacket. "This fool," said Martin Luther, "will turn the art of astronomy upside down, but the Scripture shows and tells another lesson, where Joshua commanded the sun to stand still, and not the earth." John Calvin asked: "Who will venture to place the authority of Copernicus above that of the Holy Spirit?" The Vatican damned Copernican theory as "philosophically false and formally heretical."
>
> Rather than seeing Copernican theory as insulting to the importance of man in God's universe, the theologians should have seen it as the enlargement of a mystery, one whose totality we will never know. As Copernicus understood—and as modern men like Whitehead, de Chardin and others understand in our times—science and religion are not opposed; they are complementary. Copernicus himself experienced no loss of faith as a result of his findings, and there was no reason any of his contemporaries should have either.

BYELORUSSIAN INDEPENDENCE

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 1973

Mr. RANGEL. Mr. Speaker, this March 25 marks the 55th anniversary of the establishment of the Byelorussian Democratic Republic. The history of this small Eastern European nation dates back almost 1,000 years, and those years have been filled with a remarkable number of accomplishments.

Perhaps what is most noteworthy about the Byelorussian people is their longstanding belief in democratic principles. During the 16th century, Byelorussia established a tolerance for diverse ideas, both religious and political, that was unequaled anywhere else in Europe.

Other achievements of the Byelorussian people are literally too numerous to mention. But it is clear that Americans of Byelorussian descent can be extremely proud of their native land.

Unfortunately, only 2 years after the founding of the republic, Byelorussia was occupied by the Soviet Union. Although their independence was shortlived, the Byelorussian people have never lost their desire for national freedom.

On March 25, Americans of Byelorussian descent will commemorate the creation of the Byelorussian Republic. On that day, it should be the sincere wish of every American that the Byelorussian people will someday be free of foreign domination.

NEW OPPORTUNITIES FOR WOMEN IN POLICE WORK

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 1973

Mr. FRASER. Mr. Speaker, the winter 1972 Occupational Outlook Quarterly features an article surveying the "New Opportunities for Women in Police Work." Written by Gloria Stevenson, a staff member of the Bureau of Labor Statistics, this essay records the leadership role taken by the District of Columbia Metropolitan Police Department in the employment of women as police officers.

No longer are female employees of American law enforcement agencies automatically assigned to typewriters and filing cabinets. While "only 6,000 of the Nation's 400,000 municipal police officers were women" in early 1972, we have reached the point where the Secret Service suggests the possibility of growing opportunities for women in law enforcement, saying:

> A girl in high school, preparing for college, may find wider opportunities by the time she graduates.

We invest billions of dollars of Federal Law Enforcement Assistance Administration funds in local and State law enforcement agencies. But the best investment we can make today in police work is to open up law enforcement jobs to women, taking advantage of a vast pool of almost untouched talent. The following article is a useful guide to those counseling young women concerning their vocational futures. The counselors must become aware, if they are not already aware, of the changes chronicled by Ms. Stevenson's article if we are to make progress in women's rights and improved law enforcement.

The article follows:

THE FORCE OF CHANGE—NEW OPPORTUNITIES FOR WOMEN IN POLICE WORK

(By Gloria Stevenson)

On a typical workday, Officer Joyce Hicks of the Washington, D.C. Metropolitan Department dons her blue uniform, straps on her 38 service revolver, and patrols a relatively high crime neighborhood in a marked scout car. Her 8-hour shift is usually busy and varied. She might ticket an illegally parked car, investigate a complaint about a disorderly person, try to settle a husband-wife squabble, and speed to a site where a crime is in progress. In between, she fills out report forms covering each activity.

Like her male counterparts, Officer Hicks, 25, spends most of her time in nonviolent social service activities and seldom needs to resort to physical force or to use her gun in the course of duty. However, she is prepared to do so if necessary. Late one night, for example, Officer Hicks was in one of several scout cars dispatched to break up an unruly crowd of 200 people that was harassing a policeman who had attempted to break up a street fight between two women. Officer Hicks waded into the crowd, was thrown to the ground several times, and used physical tactics to help disperse the group. She came out of the melee with several bruises, a gashed ear, and high praise from her male colleagues.

Officer Hicks is one of the relatively few women now performing law enforcement functions traditionally reserved for men. The movement of women into such areas—patrol work, traffic control, investigative and detective work, and guard duty, for example—is now in its infancy. Should this movement continue, however, women interested in careers in law enforcement may find an increasing number and range of job opportunities available to them in the years ahead.

WOMEN'S PLACE

The range of law enforcement jobs open to American women traditionally has been very limited. In 1911, Los Angeles became the first U.S. city to appoint women to its police force, hiring them to protect young girls and to prevent or minimize social evils such as the sale of liquor to minors. Fifty-six years later, the President's Commission on Law Enforcement and the Administration of Justice reported that the role of women on local police forces "is today what it has always been. Female officers serve in juvenile divisions, where they perform investigative and social service oriented activities for women, teenage females, preteen youngsters (both male and female), and infants."

Moreover, according to "Women in Policing," a report by Catherine Milton of the Police Foundation,[1] "It is not unusual for trained policewomen to be permanently assigned to typewriters or file cabinets." Mrs. Milton concludes that the vast majority of the nation's policewomen "have been hired to do jobs that women are thought to perform better than men, such as working with juveniles, female prisoners, or typewriters."

The number of police jobs open to women also has been small. Mrs. Milton reports that in early 1972, only 6,000 of the Nation's 400,000 municipal police officers were women, and that only a third of 1,330 law enforcement agencies surveyed in 1969 by the International Association of Chiefs of Police had any full-time sworn women officers. In departments that did, women made up less than 2 percent of the total force.

Although opportunities for women have been very limited in local police departments, they have been virtually nonexistent in many areas of State and Federal law enforcement. Until very recently, for example, no State trained women for all-around duty on a State police force, and Federal investigative and protective positions requiring the use of firearms were open only to men.

During the past several years, law enforcement agencies have felt mounting pressure to examine the validity of the limits on women's role in police work. Women's liberation advocates, for example, maintain that women are perfectly able to perform police jobs traditionally believed to be too dangerous or difficult for them, and that barring women from such assignments is discriminatory. At the same time, Federal efforts to assure equal job opportunity for women are spurring law enforcement agencies to take a hard look at their employment and staffing patterns for women.

The increasing need for police officers also is prompting some agencies to seek better ways of utilizing woman power. The Bureau of Labor Statistics reports that employment of local police officers will grow moderately through 1980, and that State police employment is expected to rise very rapidly. About 17,000 openings a year are expected for local police officers and 2,900 are projected for State police officers.

Examining the difficulties police departments often have in recruiting top-quality personnel under traditional employment policies, the President's Commission on Law Enforcement and the Administration of Justice in 1967 said, "Policewomen can be an invaluable asset to modern law enforcement, and their present role should be broadened . . . Their value should not be considered as limited to staff functions or police work with juveniles; women should also serve regularly in patrol, vice, and investigative divisions."

ON THE BEAT

In "Women in Policing," Catherine Milton reports that Indianapolis, Indiana, was the first American city to place women on regular patrol duty; two women were assigned to "Car 47" in September 1968. Various other cities, including New York and Miami, have followed suit, as have some smaller communities. Morro Beach, California, for example, a small beach town, recently assigned three policewomen to its three patrol cars.

In the late summer of 1972, Washington, D.C., which assigns policewomen to a wider range of duties than any other city, had about 95 women on regular patrol duty in cars, on motor scooters, and on foot. Several of these women have advanced from the rank of officer to that of sergeant, and supervise both male and female patrol officers. Like Officer Joyce Hicks, women on patrol assignments perform duties identical to those of Washington's patrolmen.

Other Washington policewomen direct traffic, conduct criminal investigations, and work as radio dispatchers. Several are assigned to specialized patrol work in high-crime areas and at demonstrations and other mass gatherings. Working in civilian clothes, others pose as decoys in areas where purse snatchings and rapes are frequent.

About a dozen policewomen are assigned to the Washington, D.C. police department's Administrative Services Bureau, where they work in community relations, public affairs, and personnel. Women instructors train both male and female recruits.

"Women in Policing" reports other innovative assignments:

The Indianapolis police force has women working as radio dispatchers and plain-clothes narcotics investigators. One woman serves as an "Officer Friendly" in the community relations department. She frequently visits local elementary schools to tell children about the work of police officers.

In early 1972, all but two of the 37 policewomen in Miami were in the field operations unit, where they were assigned to patrol, traffic direction, automobile accident investigations, and criminal investigations, including homicides.

Several Philadelphia policewomen serve on the city's Civil Disobedience Unit. During demonstrations, picketing, or other protests, these women, who work in plain clothes, try to keep the lines of communications open between opposing factions.

STATE POLICE JOBS

The main duty of State police officers—sometimes called highway patrol officers or State troopers—is to enforce laws governing the use of highways. They patrol highways to make sure drivers obey traffic laws, help at the scene of traffic accidents, and perform other road duties. They also investigate crimes and apprehend lawbreakers.

For several years, the State police departments of Massachusetts and Connecticut have employed women officers for work with women and youth, and several other State police departments have hired women without police training for uniformed duty in clerical and other support areas. In mid-1972, however, Pennsylvania was the only

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[1] The Police Foundation, a nonprofit agency funded by the Ford Foundation, finances local police department projects designed to improve police services. Copies of the report "Women in Policing" are available for $3 each from the Police Foundation, 1015 18th Street, N.W., Washington, D.C. 20036.

State to hire women for State police duties identical to those performed by men.

Women became eligible for the Pennsylvania State police department in late 1971, and the first 14 women to become troopers were graduated from the department's training academy in July 1972. As this article was being written, the new graduates had been assigned to stations throughout the State, and were completing a 30-day period of on-the-job training. A department spokesman said the women will be appointed to highway patrols, criminal investigations, desk duty, and other jobs as the need arises.

Like women performing nontraditional jobs in some local police forces, Pennsylvania's female troopers wear uniforms which include both skirts and slacks; the nature of the trooper's asisgnment and the weather dictate which should be worn.

AT THE FEDERAL LEVEL

Several Federal law enforcement and protective agencies recently opened their ranks to women. For example, the first two women selected for training as FBI Special Agents were sworn in during July 1972, and the first five women to become Special Agents in the U.S. Secret Service were appointed in December 1971. The Executive Protective Service—a uniformed security unit formerly known as the White House Police—also recently began employing women, after 48 years as an all-male force.

The new women Special Agents for the Federal Bureau of Investigation are Jeanne E. Pierce, who had previously worked for the FBI in a clerical capacity, and Susan Lynn Roley, formerly a first lieutenant in the U.S. Marine Corps. They joined a highly-trained corps of 8,500 male Special Agents who investigate violations of Federal law, including bank robberies, kidnapings, frauds against the Government, thefts of Government property, espionage, and sabotage.

The women's first mission was the rugged 14-week training program required of all FBI Special Agents. This program includes a comprehensive physical fitness program as well as training in defensive tactics, regulations, and procedures.

After passing the required tests, including a demonstration of proficiency with a revolver, shotgun, and rifle, these two women, like all new agents, will be assigned to FBI field offices where they will work closely with experienced agents for about 2 weeks before handling assignments independently. The Acting Director of the FBI has declared that the women will be assigned the same types of duties given men, and will not be exempted from dangerous duty.

Seven women are now working as Special Agents for the U.S. Secret Service. This 107-year-old agency suppresses counterfeiting, detects forged Government checks and bonds, and protects the President and his immediate family, the Vice President, the President-elect, the Vice President-elect, major Presidential and Vice-Presidential candidates, former Presidents and their families, visiting heads of foreign states or foreign governments, and official representatives of the United States performing special missions abroad.

The 1,200 Special Agents of the Secret Service also may perform other protective duties on a temporary basis. For example, several years ago, agents protected Leonardo da Vinci's painting "Mona Lisa" while it was on exhibit in the United States.

For security reasons, the Secret Service will not reveal the assignments of female Special Agents. It does say, however, that male and female Special Agents perform the same kinds of duties.

Secret Service Special Agents who protect the President wear civilian clothes, but the Secret Service also supervises the Executive Protective Service which guards the White House, the President and his immediate family, buildings which house Presidential offices, and foreign diplomatic missions located in and around Washington, D.C. Officers on this force, known as the Executive Protective Service, protect their stations through a network of car patrols, foot patrols, and fixed posts.

Since 1970, this agency has been recruiting women for work at the White House. Duties of female Executive Protective Service officers include supervising the questioning and, when necessary the custody of juveniles and women whose activities arouse the attention of Executive Protective Service officers and Secret Service Special Agents.

TRAINING

As law enforcement agencies open nontraditional areas to women, they are more likely to offer men and women recruits similar training than to continue the old practice of preparing men for general assignments and training women for specialized work with youth or women.

In Washington, D.C., for example, men and women recruits train together, and the only aspect of their training which differs is the physical fitness regime; different programs of situps, pushups, and other physical activities have been tailored for men and women. Both men and women receive 63 hours of self-defense training, including instruction in use of a night stick, use of firearms, and judo and karate holds. Both also study constitutional law, local ordinances, and procedures to be followed in accident investigation, patrol, traffic control, and other police work. All new recruits learn how to make arrests, administer first aid, and deal with various types of emergencies.

Men and women preparing to become Pennsylvania State troopers must complete a rigorous 6-month resident training program, which includes a daily 3-mile run before breakfast. Trainees learn karate and use of firearms. They also learn how to ride and care for horses, which troopers occasionally use in crowd control and parades. Classroom training includes the study of criminal law and the motor vehicle codes of Pennsylvania.

Like FBI Special Agents, male and female Secret Service Special Agents receive identical training as do male and female Executive Protective Service officers. In all three cases, recruits learn use of firearms, self-defense techniques, and the specialized law enforcement and protective techniques used in each agency.

QUALIFICATIONS

Like their male counterparts, women who do police work generally must be U.S. citizens who can meet physical and educational standards, which vary from agency to agency. Departing from past policies, agencies which assign women to nontraditional roles increasingly set identical entrance qualifications for men and women, except that height and weight requirements may be lower for women. The minimum height for women is often 5 feet 2 inches or 5 feet 4 inches. (In Washington, D.C., it is 5 feet 7 inches.) Weight must be in proportion to height.

Both male and female applicants generally must be at least 21 years old and have very good eyesight. They must be in very good health and may have to undergo background investigations to determine if their character is suitable for police work. Usually, they must do well on competitive civil service examinations.

Traditionally, according to Catherine Milton, some police agencies have set higher educational standards for women than for men; women needed a college degree—on the assumption that higher education would help them perform social work duties—while men needed only a high school diploma. Now a high school diploma or its equivalent is the minimum educational requirement for both men and women in many agencies, including police departments in Dallas, Indianapolis, New York City, Miami, Washington, D.C., and Peoria, Illinois, as well as in the Pennsylvania State police department, and the Federal Executive Protective Service.

At the same time, however, law enforcement agencies, like many other employers, are eager to hire workers with post high-school training. A spokesman from the International Association of Chiefs of Police recommends that both men and women interested in police work get at least junior college training in law enforcement.

The same authority strongly recommends that women interested in police work make sure they can meet the physical requirements of the police forces they are interested in joining before investing time and money in college-level preparation.

Applicants for the positions of FBI and Secret Service Special Agent must meet standards more stringent than those of other law enforcement agencies. Both men and women who wish to become FBI Special Agents must be U.S. citizens between 23 and 40 who are willing and available to serve in any part of the United States or Puerto Rico. They must have graduated from a State-approved resident law school or a 4-year resident college with a major in accounting. The law school training must have been preceded by at least 2 years of resident undergraduate college work. Accounting graduates also must have had at least 1 year of accounting or auditing experience.

Applicants for FBI Special Agent jobs must be at least 5 feet 7 inches tall and able to perform strenuous physical activity; they must have excellent hearing and vision, normal color perception, and no physical defects which would interfere with their use of firearms or their participation in raids or other dangerous assignments. A valid driver's license also is required, and a thorough background investigation is made of all potential appointees.

Secret Service Special Agents must be U.S. citizens, at least 21, and graduates of a 4-year college. No specific major is required, but courses in law enforcement and criminology are desirable. Applicants must be in excellent health and have good eyesight—20/20 vision in one eye and at least 20/30 in the other. There are no specfic height or weight requirements, but weight must be in proportion to height.

Starting salaries in law enforcement are the same for men and women doing the same work. The Washington, D.C. police department, for example, pays $10,000 annually, as does the Executive Protective Service. After completing training, Pennsylvania State troopers earn $10,400 a year, Secret Service Special Agents are paid either $7,319 or $9,053, and FBI Special Agents earn $12,151.

SOME PROBLEMS

Women interested in nontraditional police work may anticipate various difficulties, including both police and public skepticism about their ability to perform such duties. Women in nontraditional police roles also must accept the disadvantages of their assignments as well as the challenges. They must risk injury, work outdoors in all kinds of weather, and be available for shift work.

Getting into nontraditional police work is likely to remain rather difficult for women for some time. The total number of policewomen on duty in most local police forces is still very small. In mid-1972, for example, Washington, D.C., had only 175 policewomen on its 5,000-member force, and was recruiting another 35. Inasmuch as many law enforcement agencies which now assign women to nontraditional duties also continue to hire women for specialized activities involving youth and women, the number of openings for nontraditional work is even smaller than the number of policewomen hired.

Moreover, competition for some available jobs—those with the better paying and more prestigious agencies—is acute. About 3,100 persons recently took the qualifying examination for appointment to the Pennsylvania State police department, and only 150 men and women will be selected for the next training class. Explaining that applicants with college training stand a better chance of being appointed when competition is keen, a representative of the department noted that 11 of the 14 women who became troopers in 1972 held degrees.

A spokesman from the International Association of Chiefs of Police says that if police departments are satisfied with women's performance in nontraditional areas, increasing opportunities will probably become available during the next several years. He reports that the Association is receiving inquiries from many police departments interested in opening new areas to women.

The Secret Service also suggests the possibility of growing opportunities for women. This agency says that although vacancies for women Special Agents and Executive Protective Officers are currently filled, "a girl in high school, preparing for college, may find wider opportunities by the time she graduates."

Catherine Milton of the Police Foundation recommends that women interested in law enforcement jobs be "aggressive and determined." She warns that women must often fight "an uphill battle to get the opportunity to take the examination."

FOR MORE INFORMATION

Women who wish to learn more about police work should contact their local police department, State police department, or local or State civil service commission. More information about the job of FBI Special Agents is available from the Director, Federal Bureau of Investigation, U.S. Department of Justice, Washington, D.C. 20535. Details about the positions of Secret Service Special Agent and Executive Protective Service officer may be obtained from the United States Secret Service, Personnel Division, Room 912, 1800 G Street, N.W., Washington, D.C. 20226.

Under Federal law, it is illegal to deny a woman solely on the basis of her sex the opportunity to compete with men for any police position in local or State government. Further details about equal job opportunity law are available from local offices of the Equal Employment Opportunity Commission, listed in the white pages of the telephone directory under U.S. Government.

GUN CONTROL

HON. MICHAEL HARRINGTON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 1973

Mr. HARRINGTON. Mr. Speaker, the subject of gun control is one that has produced a vast amount of debate in this body. If the need for strict controls on the possession of handguns has not been clear up to now, the shooting of a senior Member of the Congress, Senator John Stennis, should make it clear.

A copy of an editorial on WEEI radio in Boston has come to my attention. I believe it speaks eloquently to the need for gun control and the tragic shooting of Senator Stennis. I recommend this editorial to each Member's attention:

Gun Control and the Stennis Shooting

John Stennis wasn't shot because of his position of power as a United States Senator. John Stennis was shot because he was at the wrong place at the wrong time.

The wrong place just happened to have been outside his Washington home. The wrong time was in the early evening hours. The point WEEI is making is that any time or any place can be the *wrong* one, and any one of us can be the next victim of a crime committed with a gun. And this is why we once again call upon our lawmakers in Washington to tighten up gun control.

If past is prologue, the attack on Senator Stennis will lead to increased calls for stronger firearms control laws. Indeed, it already has. However, past evidence also suggests that this pressure will fade before a strong law gets on the books.

After Governor Wallace was shot and permanently disabled last year, the Senate passed a bill outlawing those domestically produced cheap handguns known as "Saturday night specials." However, the House failed to act because gun control legislation never came out of committee. Police officials say one of those inexpensive weapons was used in the assault on Senator Stennis. Now President Nixon is calling for a ban on "Saturday night specials."

WEEI hopes Congress will heed Mr. Nixon's call and then go another step. We feel that the registration of firearms and the licensing of their owners is the only answer to the problem. Join us in this effort. Contact your representative on Capitol Hill and tell him your feelings on gun control. Then make a carbon of the letter and send it to him again in a couple of months.

A BILL TO PLACE METHAQUALONE ON SCHEDULE II OF CONTROLLED SUBSTANCES

HON. PETER A. PEYSER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 1973

Mr. PEYSER. Mr. Speaker, today I am introducing a bill which will place the substance methaqualone on schedule II of controlled substances. It is imperative that swift action be taken on this bill.

Over a month ago I wrote and formally requested the Attorney General and the Secretary of Health, Education, and Welfare to place methaqualone on this schedule through administrative regulations, but to date, this has not been done. Yet every day which we delay in restricting this dangerous substance, the situation gets worse.

Methaqualone is a prescription drug, readily obtainable at local pharmacies. When it entered the pharmaceutical market, it was touted as a safe barbituate. It has proven far from being safe. Currently, it is the most abused drug of the "pill culture" among young drug abusers. It is also one of the most dangerous. The substance has proven to be addictive, with terrible physical and psychological dependency occurring. It may cause fetal deformities in women who become pregnant, and, contrary to certain myths, can be deadly when taken with alcohol.

Recently, there have been a number of methaqualone related deaths. I have information of a suicide in Monroe County, N.Y., attributed to the drug, a young university coed on Long Island, N.Y., allegedly overdosed from taking methaqualone, and in Arizona, a medical examiner has attributed another death to "an overdose of methaqualone and other depressant drugs." All these deaths have occurred since I made my initial request for restriction on January 29.

This is a clear indication that we have delayed too long in taking action. New York State has moved to restrict the drug. It is certainly about time that the Congress took this action.

THE WINNING SPEECH OF MR. MERRILL NELSON

HON. DOUGLAS W. OWENS

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 1973

Mr. OWENS. Mr. Speaker, I am inserting for the benefit of my colleagues, the speech with which Mr. Merrill Nelson of my district won the Utah State Veterans of Foreign Wars 26th Annual Voice of Democracy Contest.

Merrill is truly an outstanding young American. That he has a tremendous love for this country can be seen from his speech. He is also a leader in student government, a 4-year letterman in sports, and has won several scholastic honors. On top of all this, he is an active member in his church, the Church of Jesus Christ of Latter-day Saints.

I am very proud to have Merrill as one of my constituents. I believe he is a fine example of the kind of young Americans to whom we can safely entrust the future of this country.

The speech follows:

My Responsibility to Freedom

There are over 200 million people living in the United States today. I consider myself one of the luckiest people in the world, because I am one of those 200 million. This is a great country, and as it continues to become greater, likewise do our responsibilities to her become greater. I may be just one of 200 million, but this does not lessen my obligations to my country, nor does it decrease the impact for good which I may cause.

Each of us, like it or not, has a responsibility to freedom. Some accept it, others accept it but don't fulfill it, and yet others actually reject it and even go as far as to disregard and abuse the freedom which we now have.

As young Americans we're very blessed. We haven't, as yet, had to fight for our freedoms. They've been won and established by those before us—by men and women who met their responsibilities. Theirs was to gain freedom—ours is to preserve it. The least we can do to show our appreciation to them, is to be happy with what we have, and forget about rioting and making big scenes, that's not our part. We've got to realize what we have and try to capitalize on it. This country, no matter how good it is, can always become better. Other people got us where we are, now it's our job to keep ourselves going, and get future Americans where they should be.

It's our responsibility to exercise our freedoms. Our freedoms could be likened unto talents. If you have a certain talent and don't make use of it, it will become lost to you forever. So it is with our freedoms. If we don't make use of them, the need and desire for them will be lost, and they'll be taken from us. We must realize that they were gained by men, they can also be taken by men.

It's our responsibility to take advantage of what we have. To take an active interest in learning—get all that we possibly can out of school. This is preparing us for future challenges, for future responsibilities.

The very most important requirement we have is to care. Apathy and indifference are our biggest enemies. If this nation falls, it will be caused by weakness from within, not pressure from without. We can't leave it up to the "other guy" to carry our load and bare our burdens. There's a purpose and place for each of us, that each must discover. The strength of a nation lies in its youth, and there's no limit to how strong this nation can become.

We must get behind our leaders and support them, trust in their wisdom, but we must also peacefully voice disapproval if they work against our best needs. Standing behind each other and supporting our leaders will help to unify our country.

America is a nation which has become as great as any other in the history of time. That greatness was achieved by overcoming problems. Adversity is a deterrent only to those who regard it as such. To the true American, it's an opportunity for progress. We have problems now but those problems are merely potential strength, let us think of them in that way.

As a nation, whatever our shortcomings, we have strength and abundance, as a people, much compassion, as a symbol and as a world power, much to offer everyone on earth who loves liberty. Here, we have more opportunities for self-realization. Here, each man has his own voice in his own destiny. In a world where freedom is often at bay, we thrive on it. We can"t take these freedoms for granted, let's not wait to lose them before we realize their value. Let's act now, let's care now, let's do our part now, for that is our responsibility to freedom.

CANADIAN PIPELINE FEASIBLE

HON. LES ASPIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 1973

Mr. ASPIN. Mr. Speaker, recently the Mackenzie Valley Pipe Line Research Ltd. produced a final report on the feasibility of a Canadian alternative route to the trans-Alaskan pipeline. At various times, several companies that are involved in the Aleyska consortium plan have also participated in the Mackenzie Valley Pipe Line Research Ltd.

The Mackenzie Valley group concludes as a result of its research over the past 4 years that construction and operation of a 48-inch diameter crude oil pipeline from the Arctic coasts of Alaska to Edmonton, Alberta, is technically feasible. "It can be designed, built and in operation within a period of 4 years after a final decision to proceed, providing final Government approval is granted within the first year."

The 1,738 mile pipeline with pump stations and terminal facilities can be built for about $3.4 billion. A volume of approximately 1.8 million barrels a day of crude oil can be transported from Prudhoe Bay to Edmonton on a 7-percent flowthrough net income basis at a 30-year average tariff of $1.15 per barrel. The average tariff of delivery from Prudhoe Bay to Chicago would be approximately $1.55 per barrel, and to Puget Sound about $1.40 per barrel.

The Mackenzie Valley Pipe Line Research Ltd. also gives a Canadian pipeline a clean bill of environmental health. They conclude:

> Such a pipeline can be built without major or irreparable damage to the Arctic environment.

I am pleased by the interest shown by the participating companies in the Mackenzie Valley Pipe Line Research Ltd. However, I believe that further environmental studies are needed. I have asked the Interior Department to conduct them, and hope the Canadian Government will cooperate.

There are two basic conclusions which emerge from this report. First, that such a pipeline through Canada is undoubtedly feasible—although all the environmental impact has probably not been evaluated—and second, that several large, major oil companies have indicated an interest in the Canadian pipeline by joining the Mackenzie Valley Pipe Line Research Ltd.

A list of the companies follows:

Amoco Canada Petroleum Company Ltd.
Ashland Oil Canada Limited.
BP Oil Limited.
Cities Service Company.
Elf Oil Exploration and Production Canada Limited.
Gulf Oil Canada Limited.
Hudson's Bay Oil & Gas Company Limited.
Imperial Oil Limited.
Interprovincial Pipe Line Company.
Mobil Oil Canada Ltd.
Shell Canada Limited.
Standard Oil Company of British Columbia Limited.
Texaco Inc.
Trans Mountain Pipe Line Company Limited.
TransCanada Pipe Lines Limited.

POW HOMECOMING

HON. GENE SNYDER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 1973

Mr. SNYDER. Mr. Speaker, in recent days there has been joy in our Fourth District area in Kentucky. It is the kind of joy which has been witnessed elsewhere in America lately—a happy and jubilant homecoming as our POW's returned from their long captivity in Communist jails.

Kentucky's first returning POW was Lt. Col. Bob Purcell of Louisville. He received a heartwarming greeting on his return and I want to add my voice to those who have shown their enthusiasm for him and their happiness for his family. Colonel Purcell was imprisoned for almost 8 years, and we share with him and his loved ones more than simply joy and enthusiasm—we share gratitude that our prayers were answered and that he and his brave compatriots have come back home.

Another real reason for gratitude is that our returning POW's provide an example to all Americans of the power of faith and patriotism to carry a man through the severest trials. As these men landed on American soil after all those years, and as they made their first comments about being back, it was a source of great personal inspiration to me to hear them talk of love of country and love of God as the two things that motivated them and encouraged them in even the darkest days of their captivity. Unfortunately, their words sounded almost out of place after all the words of vituperation we constantly witnessed over the news media. These brave POW's represent the best about America—and throw into high relief the dishonor of those who attack, vilify, and abandon their country in time of need. For this example, we owe these men a great debt.

I know I join all my colleagues here in Congress and Americans everywhere in saying to all of our brave POW's welcome home.

ABDNOR WONDERS—WILL FARM PRICES DROP THROUGH THE FLOOR?

HON. JAMES ABDNOR

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 1973

Mr. ABDNOR. Mr. Speaker, yesterday the Christian Science Monitor came out with an excellent article which forecast the very real possibility that farm prices could drop through the floor next year if no provisions were made for buying surplus crops if the markets dried up. I would like to share this article with my colleagues in the House, and all those who are interested in giving the farmer a fair break in the American marketplace.

The article follows:

WHILE FOOD PRICES HIT THE CEILING—WILL FARM PRICES DROP THROUGH FLOOR?

(By David Mutch)

CHICAGO.—While housewives fret about food prices going through the roof, American farmers worry about crop prices going through the floor.

How can it be, the consumer asks, knowing that in 1972 farmers had the best year in 20 years, with net farm income up $3.1 billion over 1971's $16.1 billion.

Here is how farmer Vere Vollmers of Wheaton, Minn., explains it: "President Nixon's farm policies are a gamble that Russia will have another crop failure. He's put about 40 million acres of idle land back into production and wants to end subsidy payments on wheat, feed grain, and cotton, and other crops.

"Basically the idea of the farmer earning his money from the marketplace is good, but Nixon's plans allow no provision for the government to step in if there is a crop surplus. And so prices could drop faster than they went up this year."

The President says his policies are aimed at cutting the food-price rise, expected to be 6 percent in 1973.

NO SOVIET COMMITMENT

Mr. Vollmers sees the same problem farmers in the U.S. have seen for more than 40 years: Food production is so vigorous in America that overproduction and consequent deflated prices hang constantly over their heads like the sword of Damocles. They see their economic happiness hanging by a hair whenever the government threatens to withdraw its pervasive support in favor of a free market.

The actual volume of farm marketings last year was barely larger than in 1971—it was higher prices and government payments that raised farm income. Therefore, a larger crop in 1973 is easily achievable.

Last year the billion dollar wheat sale to the Soviet Union mopped up a grain surplus, with the Russians getting a bargain price. Already there are reports from Moscow that the weather looks better this year and that Soviet officials will not commit themselves early to large purchases of American wheat. Hence planning in this country to avoid supply fluctuations is not yet possible.

LARGE SURPLUS LIKELY?

At the same time, acreage goes up in this country and government payments to farmers are expected to drop by $1 billion, a record, from $4 billion last year. These factors, plus the high prices farmers in general received last year for their crops, could combine to produce a damagingly large surplus, many experts are beginning to say.

This point was made in a recent study by C. Edward Harshbarger for the Federal Reserve Bank of Kansas City, Mo. In that study he warned that the "wheel of fortune in agriculture is a capricious device that is capable of producing sudden changes with little or no warning."

Farmers interviewed by this newspaper agree with another conclusion drawn by Dr. Harshbarger: Production costs, for fertilizer, fuel, equipment, and credit, have risen much faster than farm income for years, and if farmers push up the crop supply this year, production costs will rise even faster.

Balancing the concern of oversupply is the growing population and improved eating habits in this country as well as demands by consumers elsewhere, such as in Russia, Japan, and Europe, for better diets. China, too, may become a large importer of U.S. agricultural goods. All of this bodes well for keeping demand for U.S. agricultural products strong. Exports are over $11 billion in this sector, a figure few would have believed possible only three or four years ago. Certainly the U.S. balance of trade needs this help.

Farmers are as upset about the President's cuts in farm supports as are big city mayors about cuts in the poverty programs. Mr. Vollmeres had a bad year due to spring floods and then found a loan program dropped just before he applied. Some of his neighbors got in just under the wire. He is also very concerned that if the soil-conservation program is dropped, it will hurt the next generation of farmers worse than this one.

* * * farmers in the U.S. "will be put out of business."

Here is how he explains it: "The Department of Agriculture estimates that it costs a minimum of 32 cents a pound to produce cotton. Last year I got 20½ cents a pound on the market and the subsidy brought it up to 35 cents, with a profit of only 3 cents a pound."

Mr. Grueben and Mr. Vollmeres, along with other farmers, were in Washington last week to testify before Sen. Herman E. Talmadge's Senate Agriculture Committee. Senator Talmadge (D) of Georgia is highly critical of President Nixon's farm proposals. Mr. Grueben says he talked to a farmer from South Dakota who had thouht "the subsidy for cotton was making us rich in Texas. So you see, even other farmers don't understand the subsidy program."

Consumers should, but don't, understand the economic position of farmers. In 20 years the prices farmers get for crop have gone up only 11 percent, while retail food prices have gone up 46 percent. Sixty percent of the family food dollar goes to transportation, processing, and distributing food, and these sectors have risen fastest; in the same period salaries of industrial workers went up 129 percent, food-marketing employees 148 percent. Farm costs in 20 years went up 109 percent, while taxes went up 297 percent.

WORLD FREEDOM DAY

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 1973

Mr. DERWINSKI. Mr. Speaker, yesterday, I inserted into the RECORD addresses by several dignitaries on World Freedom Day held this past January in the Republic of China at which our colleague DAN DANIELS was a featured speaker.

I insert into the RECORD at this point addresses by Mr. Geoffrey Stewart-Smith, British Member of Parliament; the Honorable John Mothepu, Minister of State of Lesotho; and a message from the World Freedom Day rally in Taipei to the Honorable Richard M. Nixon.

The material follows:

SPEECH BY GEOFFREY STEWART-SMITH, BRITISH MEMBER OF PARLIAMENT

It is a very great privilege for me, a British Parliamentarian, to be invited to address so distinguished a gathering. It is right that you should know that by no means all British Members of Parliament have supported the policies of the British Government with regard to your country in recent years. On the contrary, we have deplored publicly your expulsion from the United Nations.

There are those, like myself, who believe that the Republic of China alone is the true custodian of your unique and priceless culture. It is only from the realisation of the ideals of Free China that the great united Chinese people can make their just contribution to Mankind.

Those politicians in the West who believe that Communist China is a trustworthy and reliable member of the comity of nations deceive themselves, and worse still, deceive their people. What they do is merely manifest their ignorance of Maoism and Marxist-Leninism.

Today's appeasers build illusions on sand for they put their trust in unelected Communist Party leaders and their illegal regimes, and they ruthlessly betray the people.

Now there are those in the United Nations who wrongly believe that liberty and tyranny are compatible; that democracy and one party rule can be merged; that legality and lawlessness can be reconciled; that religion and atheism can be harmonised and that nations, and indeed the world, half-free and half-slave can live for ever in peace.

I maintain that such contentions are false.

We in the Free World have our principles and they are not negotiable. We believe in liberty, the inviolability of the individual, self-determination, democracy, the rule of law and our precious civil liberties of religion, speech, association and movement. We will never agree to their denial to any nation or peoples.

Western political leaders should be working for the establishment of these principles on Mainland China not expelling from the United Nations that part of China, the Republic of China, which cherishes them.

There will never be lasting peace in China until the whole Chinese people enjoy these inalienable liberties. To believe otherwise is to live in a world of dangerous fantasy.

It is not natural for any man or woman to live in an inhuman, cruel and degrading manner, and to be subjected to the arbitrary whims of the leaders of irrational regimes based on mass terror, fears and lies. But this is exactly what the people on the mainland endure. It is a condition of life which is the exact opposite of what the United Nations should be standing for and the UN Universal Declaration of Human Rights demands.

The great Chinese people on the mainland will work out their destiny in their own way and strive to seek these liberties, no matter how much certain non-Chinese political leaders may betray them and aid their oppressors.

The aspirations of the people on the mainland for liberty are self-generating, and they are immensely heartened and encouraged by your own support and self-sacrifice.

Now there are times in the history of nations when small countries have to stand alone against what appears at the time to be insuperable odds. Britain stood alone against Nazi occupied Europe in the dark days of 1940, and eventually after great sacrifices liberty was victorious. It was our finest hour.

When the history of China comes to be written. I am certain that your endeavors and your courage now, will be described as your nation's finest era.

When all your enemies appeared so powerful and your friends betrayed you, you stood alone—true to your ideals, true to your Chineseness and worthy guardians of your nation's destiny.

I believe that you have a unique contribution to make to the cause of human liberty in the 20th century. In the eternal fight for Man's freedom, you are the conscience of the world. I beseech you to be true to yourselves. Never waiver from doing what you believe to be right for free China. Never ever, ever give up. Fight on and on, for we are engaged in the most terrible protracted struggle in the history of the world. Be unsparing in your energy and self-sacrifice.

But as you see so clearly here today, you are *not* alone. You have true friends who will stand by you in your darkest hour.

I believe that acting together we will never conquer fear with a greater fear but with love.

We will never defeat irrationality with the denial of reason but with reason.

We will never supplant inhumanity with a greater inhumanity but with humanitarianism.

We will never defeat lies with greater lies but with the truth.

Our cause will be without hope unless we have faith.

We can only defeat daily terror by daily courage.

We will never achieve the brotherhood of man with hatred and fear but with tolerance and understanding.

We will never attain liberty except with the consent of the liberated.

We will never build a world at peace spiritually if all we offer is more matter than the materialists.

We will never restore human dignity until we restore the sanctity of marriage and the family.

We will never attract men of goodwill if we preach hatred either of nation, religion or race.

We will deserve to lose unless all our efforts are devoted to serving the people from whom comes all true and legal power.

Search after truth; find it and proclaim it. The Republic of China has a great case to make. I hope that in future you will make greater efforts to proclaim your magnificent achievements to the world.

With your renown Chinese patience and stoicism, you must wait for history, but in the meantime build your industries; improve the standard and quality of life of your peoples; carry through your social reforms and preserve your faith and culture.

For my part, I can say that your friends in Britain will play an increasingly energetic part in helping you in your noble struggle.

Of one thing I am certain that with God, human nature and the millions of your fellow citizens on the mainland on your side, your final victory is certain.

ADDRESS BY HON. JOHN MOTHEPU, MINISTER OF STATE, LESOTHO

May I, on behalf of my Government, my party and my people give my very sincere thanks to the organizers of this august assembly for having invited me to participate in its deliberations. May I take the opportunity to congratulate them for their excellent arrangements.

May I also thank the President and the people of the Republic of China for their heart-warming hospitality.

To me, this is a very welcome opportunity to put across to the delegates here and to the world at large my people's stand on the menace of Communism. You may wish to note that in 1965 the people of Lesotho gave my party, the Lesotho National Party a mandate to form Lesotho's first points. Our election platform was a relentless fight against Communism. We said in our election manifesto:—

"Our stand against materialistic and atheistic Communism is uncompromising. We believe that, whereas economic under development and disease are the greatest internal problems of the African Countries, Communism is the greatest external danger."

In the event of the 1969 General Elections my party's Government did not hesitate to suspend the constitution and to declare the election null and void when we realized that our opposition colleagues were making no secret of their associations with the forces of international Communism. We had been fore-warned, and we knew of the intricate methods of Communist expansionism.

We know of the Russian approach that relies heavily on indoctrination and brainwashing of the ignorant. We know of the Communist Chinese teaching of violence as a method of introducing political change.

We know of the dangerous overtones contained in their appeals to the young people in our countries. Hence, our bold and fearless stand to stamp out this philosophying, all its forms and manifestations. As long as we live, there is no room for Communism in Lesotho and indeed, we are laying the foundations of economic and political stability to deny it the soil of instability on which it so much thrives.

We fought for and won our National independence from the British; how then can we without contradicting ourselves, allow the new Russian and Communist Chinese Imperialists to steal away from us our hard won independence? How can we abandon our future and that of our children to the whims of the anarchists, the political murderers and the shameless advocates of war and violence?

Mr. Chairman, I will not conclude my talk before appealing to all here present, to visit Lesotho, to organize seminars there and to talk to our people, young and old, both formally and informally, in order to carry across to them the great fight against the greatest enemy of humanity—Communism.

MESSAGE TO PRESIDENT NIXON OF THE UNITED STATES FROM THE WORLD FREEDOM DAY RALLY IN TAIPEI, JANUARY 23, 1973

YOUR EXCELLENCY: On this World Freedom Day, on the third day of your second term as President of the United States, we representatives from various circles of the Republic of China, are gathered in Taipei together with anti-Communist leaders from all of the five continents of the world for an expanded mass rally to bring a new climax to this great movement to win victory for man's freedom. We feel all the more excited and encouraged today because of your inaugural address on the 20th about the need of American endeavor for peace and freedom if both are to be perfect.

Peace and freedom are inseparably related. Peace must have freedom as its prerequisite, and efforts toward peace must have realization of freedom as their simultaneous goal. More than 22,000 Chinese and Korean ex-Communists POWs of the Korean conflict sought freedom at the risk of their lives and under the principle of voluntary repatriation supported fully by the United States. Their action was to fight for freedom for the realization of peace.

As have stated, "we stand on the threshold of a new era of peace in the world" but the major question we face is how to make use of that peace. This statement has prompted us to raise the following four-point suggestion as we express to you our heartiest felicitations on your inauguration for another term.

Firstly, the United States should manifest its founding spirit, firmly abide by the principles of justice, help the other free nations oppose armed Communist aggression, and through truly powerful actions implement your statement about America's adherence to treaty commitments toward allies as well as uncompromising stand against Communist aggression.

Secondly, the bitter experience of Paris talks for peace in Vietnam should serve as a convincing testimony that in any attempt to replace confrontation with negotiation, we must, instead of being tolerant toward the Communists, unflinchingly insist that freedom be the goal of peace talks, or lengthened negotiation can only benefit Communist aggressors.

Thirdly, the center of world turmoil is in Asia and the source of Asian troubles is the Chinese Communists who, in addition to enslaving and oppressing the 700 million people on the Chinese mainland, have been supporting and directing the Communist war of aggression in Indochina and therefore should be branded as true culprits for the killing of Vietnamese and Americans in Vietnam. This being the case, we of the Republic of China pledge to strengthen our unity and, together with all the anti-Communist forces on the Chinese mainland as well as all the other freedom-loving people of the world, fight to the very end to erase Communist tyranny and bring about a final victory for freedom.

Fourthly, in view of the close alliance of the United States and the Republic of China, we earnestly hope that Your Excellency will during the second term of your office continue to strengthen the cooperation between the two nations toward preservation of freedom and peace and against Communist attempts at division and destruction.

With our most sincere wishes for your continued well-being and for the growing prosperity of the United States,

Sincerely yours,

KU CHENG-KANG,

Chairman, World Freedom Day Rally of the Republic of China.

MY RESPONSIBILITY TO FREEDOM

HON. JOHN MOAKLEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 1973

Mr. MOAKLEY. Mr. Speaker, I would like to bring to your attention the accomplishments of two constituents representing the Kennedy Memorial Post No. 5880 in the Veterans of Foreign Wars Voice of Democracy program.

Mr. James Fuccillo, West Roxbury, Mass., speaking on "My Responsibility To Freedom" won the Suffolk District II Competition.

Mr. Arnold Kunian, West Roxbury, was the finalist in the Kennedy Post Competition. Both young men are seniors at Boston Latin School and are deserving of praise for their fine efforts.

The Kennedy Memorial Post, named to Honor Joseph P. Kennedy, Jr., John Kennedy, and Robert Kennedy, must be highly commended along with the national V.F.W. for the rewarding program it has established for the young people of our Nation.

I am pleased to insert at this time an article from the West Roxbury Parkway News which documents the accomplishments of these fine young men.

The article follows:

BOSTON LATIN SENIOR WINNER OF VFW CONTEST

Kennedy Memorial Post 5880 Commander John D. Drummey and Post Voice of Democracy Chairman Edmund J. Rainsford have announced that James E. Fuccillo, representing Post 5880, won the District 2 contest.

Theme of this year's scriptwriting scholarship program is "My Responsibility to Freedom." Jim, who lives at 43 Atwill road, West Roxbury, is a Boston Latin School senior. His father, Pasquale A. Fuccillo, is an alumnus of the school.

The Joseph P., Jr., John F. & Robert F. Kennedy Memorial Post 5880 which sponsored the Boston Latin School has rewarded the winner with a U.S. Savings Bond. Founded in 1946, the post originally named for Navy Lt. Joseph P. Kennedy, Jr., had as its first commander, the late President John F. Kennedy. An early member of the post was the late Senator Robert F. Kennedy. Currently the senior Senator from Mass., Edward M. Kennedy is a member.

For his accomplishment as the district winner, Jim received a certificate and plaque from the Suffolk District 2 Commander William Cassell and District 2 VOD Chairman Philip D'Alessandro.

At the Post level, Arnold M. Kunian, 177 Perham street, West Roxbury, was the runnerup. The son of Mrs. Bernice T. Kunian, he is a senior at Boston Latin School.

The VFW National Broadcast Scriptwriting Program is designed to give all 10th, 11th and 12th grade students the opportunity to voice their opinions on a patriotic theme and to convey their thoughts via the broadcasting media to all America. At the Department of Massachusetts level the district winners are eligible to compete for prizes totaling $1,550.00. State winners are provided with a five day all expense trip to Washington, D.C., and the opportunity to compete for national scholarships totaling $22,500.

The Kennedy Memorial Post meets on the third Tuesday of the month at 8 p.m. at the Parker House, 60 School street, Boston. John D. Drummey served as commander; and William J. Walsh, past post commander and quartermaster, resides at 131 Sanborn avenue, West Roxbury.

MORE ON MEDICAID ABUSES IN NEW YORK

HON. EDWARD I. KOCH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 1973

Mr. KOCH. Mr. Speaker, it is high time Congress and the present administration took a hard look at the problems in our medical care systems. The people of this country are angry because of the high cost of medical care—care which in the case of medicaid in New York is wholly inadequate or even incompetent. In the year between 1970 and 1971 medicaid costs have doubled from $666.3 million to $1.12 billion. In the following article and in the eight previous articles in the New York Daily News series, William Sherman describes how, in instance after instance, extravagant fees are charged for negligent services.

I will be introducing legislation early next week which will help put an end to unscrupulous medicaid profits. My legislation, an amendment to title 19 of the Social Security Act, would give municipalities such as the city of New York the option of using its municipal hospitals and community based medical divisions to treat all medicaid patients. It would not required all localities to treat its medicaid patients in community sponsored clinics; it would simply give those cities that have suffered escalating medicaid costs at the hands of unscrupulous physicians the alternative of creating a network of neighborhood health clinics to be staffed by salaried doctors to treat medicaid patients.

As presently written, title 19 is supposed to give medicaid patients freedom of choice as to which doctor he or she chooses to see. Some may argue that my blil will curtail freedom of choice, but as the following article illustrates so well, freedom of choice does not exist in practice anyway:

[From the New York Daily News, Feb. 5, 1973]

IN RACE FOR MEDIBUCKS, THE CITY'S POOR LOSE

(By William Sherman)

Medicaid was launched in 1966 with two major goals: quality care for the poor, and freedom for the patient to choose his own doctor. Both ideals, so proudly hailed at the beginning, have been buried in the grab for the medicaid dollar.

In New York City this year, about $1.3 billion will be spent on medical assistance for the poor—as much as all other welfare costs combined. Of that sum, about $180 million will go to physicians, dentists, and other individual providers while the rest will be paid out to hospitals, nursing homes and other institutions.

Most doctors refuse medicaid patients, and city records show that only 3,000 of about 23,000 doctors here have ever taken a medicaid case.

4 PERCENT GET LION'S SHARE

Only a small proportion of doctors see medicaid patients on a regular basis. Only 4% of those licensed to practice here are receiving 80% of the medicaid payments to doctors.

The major reason: Few doctors are situated in poor neighborhoods where those eligible for medicaid live.

"Doctors simply do not want to practice in black or Puerto Rican neighborhoods," says Rep. Herman Badillo (D-Bronx).

Another reason most physicians shun medicaid is that the system pays general practitioners only $5.20 for a patient's first visit and $4.16 for subsequent visits. Doctors interviewed say those fees are not worth their time.

Yesterday's disclosure in THE NEWS that some medicaid fees will be raised 25% to 50% was not expected to greatly increase the number of health care providers participating in medicaid.

Last year, 1,457,168 people here were eligible for medicaid. Most of them, records show, live in depressed areas.

So, some doctors and entrepreneurs set up group medicaid centers in those neighborhoods, including multiservice conglomerates of physicians, dentists, podiatrists, chiropractors, psychiatrists, optometrists and pharmacists.

Working together in a large center with no competition from other practitioners, those professionals found not only that they could survive on medicaid payments, but in many cases could realize huge profits. THE NEWS Medicaid Probe found.

One radiologist got $310,420 in medicaid payments during the first six months of last year; a laboratory processing medicaid patients' tests made $616,052 in the same period, and a doctor working in Harlem earned $98,862 at the same time.

In some of the centers, patients were rammed through examining rooms at the rate of one every five minutes. One doctor saw patients at the rate of one every two minutes. The result was low-quality or improper care.

Health Department records show that in some cases, patients were not treated for diseases found in lab tests, records were sloppy and insufficient, and patients were passed from specialist to specialist, regardless of their specific complaints. Meanwhile, there were people in waiting rooms with serious illnesses.

The alternative for the medicaid patient, says Seymour Budoff, director of the city's medicaid program, "is to wait until he gets sick enough to be admitted to a hospital."

"Or he can travel to a clinic and be treated, but there the city must reimburse the clinic at upward of $30 a visit. A private physician would see that same patient, if he paid cash, for $15."

"The result was that even for minor ailments like colds, medicaid patients chose the clinics and the hospitals," said Budoff.

Eligibility restrictions were tightened, the number of medicaid recipients is less than it was six years ago, and physicians' medicaid rates were cut by the state Legislature in 1969, but medicaid costs have soared.

In fact, between 1970 and 1971 costs nearly doubled from $666.3 million to $1.12 billion. The total cost is now $1.3 billion. It will increase at an estimated 10% a year and by 1983 will have reached $2.4 billion, city officials say.

What happened to the patients' freedom of choice?

"The doctor is the man who has the freedom of choice, the right to accept or reject a patient, and not the welfare client. Freedom of choice does not exist for the medicaid recipient," Budoff said.

WOULD CREATE CENTERS

"And the quality of care is lousy because many practitioners use the system for personal gain instead of for providing good health care," he said.

One solution, Budoff says, is to create lower cost neighborhood health centers for medicaid patients.

His proposals for medicaid are:

End freedom of choice—it doesn't exist in practice anyway—and create a network of neighborhood health centers where medicaid patients would go for care.

Pay doctors a flat salary of $35,000 or $40,000 a year to work in the centers instead of paying them on a per-patient basis.

Pay pharmacists, optometrists, dentists and all other professionals on a salary basis to work in the centers.

Have the city buy eyeglasses, hearing aids, drugs, and other medical supplies on a wholesale basis and let professionals prescribe them for patients at the centers instead of paying professionals for resale and profit.

Begin a program of preventive medicine, including immunizations and annual checkups.

Use city and volunteer hospitals as a backup system instead of as a repository for people who can't find care anywhere else.

Pay physicians a salary for house visits. "It's certainly cheaper than the $120-a-day average medicaid rate we're paying hospitals now for people who could be cared for at home," Budoff said.

Hospitalization would be authorized by a doctor at a health center. Emergency cases would be handled immediately.

"All of this could be paid for with medicaid money and we could save $100 million per year and give people high-quality care," said Budoff.

He said the health centers would be managed by the city, and the city would directly audit doctors and other professionals.

"Now we have very little auditing power over physicians and the group medicaid centers. This system would save the taxpayers money and give the poor the quality of care that was promised seven years ago," he said.

CONGRESSMAN CRAIG HOSMER'S WASHINGTON NEWS NOTES

HON. CRAIG HOSMER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 1973

Mr. HOSMER. Mr. Speaker, each month, I send an informal newsletter to various interested individuals and organizations in my district. I am pleased to include the March issue in the RECORD at this point:

CONGRESSMAN CRAIG HOSMER'S WASHINGTON NEWS NOTES, MARCH 1973

AMNESTY, NO; PARDONS, YES

Should the U.S. grant amnesty to the thousands of young men who fled the country rather than serve in Viet Nam? Should the same apply to those who otherwise violated our draft laws during the war? Yes, said KNXT (Channel 2) in a TV editorial recently. No, said Congressman Craig Hosmer in a rebuttal.

Rather than amnesty (which is a general pardon to all members of a group, regardless of individual circumstances), Hosmer argued for a case-by-case review of all expatriates who choose to return to the U.S. Compassionate pardons could then be granted where the ends of justice would be served, he said.

"But to grant wholesale amnesty today would dishonor those who served their country, willingly or unwillingly. To let people easily get away with breaking laws they don't like—to pick and choose what laws they will obey—is the essence of anarchy," he concluded.

THE FEDERAL BUDGETING MESS

Suppose your spouse and five children all had check books on your account. And suppose they went on a spending spree with no consideration of your bank balance. Eventually, you'd have to stop payment on some of their checks and bring discipline to the family budget.

That's basically what the current flap over Presidential impounding of funds is all about. The antiquated Congressional appropriation process puts President Nixon in the position of "stopping payment" on some Congressional "checks." Various Congressional committees authorize expenditures and the Appropriations Committees, in effect, write checks. But only the President keeps track of the total expenditures and income.

The answer to this problem lies not in legislation to prevent the President from impounding Congressionally appropriated funds, but in having the Congress reform its machinery to permit consideration of spending priorities within a realistic budget ceiling.

HELP COMING FOR VETERANS

Several veterans organizations recently urged Congress to permit veterans to receive

Social Security benefit increases without corresponding cuts in their military pensions. Congressman Hosmer has had such a bill under consideration since 1966. However, with a new chairman of the House Veterans Affairs Committee, Rep. William Jennings Bryan Dorn (D-S.C.), Hosmer is hopeful that the bill may receive more favorable consideration this year.

FOR THE RECORD

"The American bombs falling on North Vietnam have dimmed prospects not only for peace in Indochina but for the wider detente for which all mankind has prayed."—New York Times, December 30, 1972.

"He (Nixon) has conducted a bombing policy so ruthless and so difficult to fathom politically as to cause millions of Americans to cringe in shame and wonder at their President's very sanity."—Washington Post, January 7, 1973.

WASTING ENERGY

In light of the acknowledged U.S. energy crisis, Congressman Craig Hosmer notes that automobiles blow 87% of their energy intake out the tailpipe, and the pilot light on a gas range consumes one-third of all the fuel used in the used in average kitchen. Overall, experts estimate we waste 50% of all the energy sources we use.

A CHANCE TO SPEAK YOUR PIECE

The Environmental Protection Agency has scheduled a series of public hearings on its controversial proposals to ration gasoline and otherwise clear the air in Southern California. Two of the hearings will be held at Wilson High in Long Beach (March 10) and the Anaheim Convention Center (March 22). If you'd like to testify, you should notify EPA's Air and Water Division, 100 California Street, San Francisco 94111 at least seven days in advance.

THE ULTIMATE VOTING MACHINE

Congress recently installed an expensive new electronic voting system, but Congressman Hosmer received his own automatic voting machine from a group of Midshipmen at the Naval Academy. When Hosmer went to Annapolis for a speech earlier this month, the Middies presented him with a unique Ship's Order Telegraph, which ordinarily is used to communicate orders between the bridge and engine room. However, on Hosmer's model, the conventional orders (All-Ahead Full, etc.) were replaced with Congressional voting options: Yea, Nay, Present, Paired For, Paired Against (and two originals from the Midshipmen: "Aye, Aye, Sir" and "Hell No.")

NEW 32ND C.D. OFFICE TO OPEN

Early this month, Congressman Hosmer will open a new District office at 17612 Beach Blvd., Suite 14, Huntington Beach. This new office will help serve the needs of Orange County residents in the 32nd District areas of Huntington Beach, Fountain Valley, Seal Beach and Los Alamitos. Carlos Galindo, the Congressman's Field Representative, will be available to provide assistance on a full-time basis.

WELCOME HOME

HON. STEWART B. McKINNEY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 1973

Mr. McKINNEY. Mr. Speaker, after spending nearly 6 years in a North Vietnamese prison camp, Navy Lt. Comdr. Read B. Mecleary is finally coming home.

He was among the gallant men released last weekend, some of them suffering from broken bones and limping, but none of them broken in spirit.

Commander Mecleary must have thought about a lot of things while he was in that prison camp. He must have wondered why America was involved in this conflict, so far from his old Greenwich, Conn., home.

We in America also wondered, but we were not the ones in the prison, we were not the ones who daily had to view the North Vietnamese as keepers.

Commander Mecleary must have wondered about his parents, whom he last saw Christmas Day, 1965. No doubt he knew that he was not forgotten by the American people, and that his Government was doing all it could to free him.

I cannot express adequately my admiration for Commander Mecleary, and others like him, who have endured so much in the fight for their country. He has sacrificed, his family has suffered, but he now knows it was not in vain.

I know I speak for everyone in Connecticut's Fourth Congressional District, and all Americans, in thanking Commander Mecleary and in saying, welcome home.

THE 55TH ANNIVERSARY OF ESTONIAN INDEPENDENCE

HON. CHARLES W. SANDMAN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 1973

Mr. SANDMAN. Mr. Speaker, on February 24, 1918, Estonia proclaimed itself a free and independent democratic republic. This year marked the 55th anniversary of that historic event.

In the town of Seabrook, N.J., which is in my congressional district, reside about 300 Estonians, most of whom are employed by the great Seabrook Farms—one of the largest vegetable producing companies in the country.

I am most impressed by the sincerity of the Estonian people, almost all of whom today in the town of Seabrook are American citizens. Through years of hard work, they have raised their families and have contributed substantially in the development of the community. We can learn a great deal from these people. Their love of country and their respect for law and order is outstanding.

I have found in my travels that people who are born on foreign shores and have endured the hardships of life, as have the Estonian people, are today among the best of Americans. It would be a wonderful thing if all of the native born population of our country had the same amount of respect for our Government as the Estonian people. We would have no difficulty from within and communism would be stopped in its tracks.

It must be remembered that the Estonian people over centuries have been the victims of invasion by the larger countries that surround them. Thousands of their people have given their lives in an effort to have Estonia recognized as a free and independent nation. Although we have made some progress along this line since 1918, on June 17, 1940, the country was again overrun by the Soviet Army as was Latvia and Lithuania. Whole families have been enslaved by the Communists, and in some cases, whole families have been annihilated.

The hope and prayer of all the Estonian people is that one day Estonia will be recognized by all of the world as a free and independent nation.

May I emphasize again that we who are Americans mainly because we were fortunate enough to be born in this country can learn a great deal from the Estonian people. Their love of country and their loyalty to the United States can never be forgotten. I, therefore, urge the Congress of the United States to commend the Estonian-American population on the 55th anniversary of the declaration of independence of Estonia, and also to commend them for their great contribution to the growth of our country.

TIMBER YIELDS IN NORTH IDAHO

HON. STEVEN D. SYMMS

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 1973

Mr. SYMMS. Mr. Speaker, I recently received a copy of a resolution of the North Idaho Hoo-Hoo Club concerning the effects of reduced timber yields in our national forests. I am quoting the resolution in my comments because of the facts it contains. All too few national leaders realize how much standing timber is dying every year which could be made into homes.

The resolution follows:

RESOLUTION OF NORTH IDAHO HOO-HOO CLUB

Whereas, The members of the North Idaho Hoo-Hoo Club in a meeting on February 15, 1973, at Coeur d'Alene, Idaho, discussed with deep concern the alarming downward trend of timber being offered for sale on the National Forests of North Idaho as compared with the allowable annual timber cuts announced by these National Forest Timber Management Plans under sustained yield management; and

Whereas, The lack of making available for sale the announced allowable timber cuts and the reduction in sales volume of 40% or more during the past three years is having an adverse effect on the forest products economy of North Idaho and contributed to the shutdown of several small mills; and

Whereas, over 500 million board feet of merchantable timber is dying each year of overmaturity, insects and disease on the five National Forests of North Idaho including heavy concentrated losses of valuable white pine in roaded areas and in unroaded areas designated as non-wilderness; and

Whereas, most of this dying timber is not being harvested resulting in economic losses of millions of dollars annually to the people, U.S. Treasury and in dollar returns to county governments; and

Whereas, considerable amounts of appropriated timber sale funds and people are diverted to multiple-use and environmental studies leaving a shortage of funds at the ground level to prepare sales; and

Whereas, we recognize the need for balanced multiple-use environmental studies and the growing impact of environmental pressures on the use of land for timber production;

Now, therefore, be it resolved, that the

North Idaho Hoo-Hoo Club, goes on record, on February 20, 1973, requesting that immediate action be taken to increase the sale of National Forest Timber in North Idaho to the full allowable cut as announced by National Forest Timber Management Plans under sustained yield management; and

Be it further resolved, that a more aggressive program be undertaken on all North Idaho forests to harvest the catastrophic losses of dying timber; and

Be it further resolved, that additional funds and personnel be provided to perform the complicated and time consuming jobs associated with environmental studies before timber can be sold.

And be it further resolved, that copies of this resolution be sent to all members of the Idaho Congressional Delegation, the Secretary of Agriculture and the Chief of the U.S. Forest Service.

GILBERT MITCHELL,
Vice President.

MEETING THE RESPONSIBILITIES OF THE REPUBLIC

HON. FRANK E. DENHOLM

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 1973

Mr. DENHOLM. Mr. Speaker, the recent policy decisions of the Nixon administration to reduce the level of Federal spending are arbitrary, inconsistent, and unfairly imposed against the people of this country and in particular the people of rural communities.

President Nixon has requested the Congress to increase the national debt ceiling limit a total of nine times in less than 4 years. The public debt of our country is now $465 billion. It has taken almost 200 years—all of the depressions, all of the hard times, and all of the wars of two centuries to accumulate a national debt of $465 billion—but the fact is, more than one-fourth of the total national debt has been created in the last 3 years. In years of no drought, no depression, no hard times, and no declared war. The current fiscal problems have been compounded by international trade deficits unprecedented in history, plus two decisions in the last year to devaluate the American dollar in the International Monetary Exchange money market.

These are the facts—these are some of the reasons for the recent radical policy decisions of the Nixon administration to "tighten the belt" and to "hold the line" on the level of Federal spending.

The consequences may or may not be the result of error—but they are real. The President has been forced to do inconsistent things contrary to his previous public statements on domestic and foreign policy issues. He imposed wage and price controls after he had said for months that he would not do so. He imposed foreign import duties contrary to stated policies of expanded international trade. He terminated domestic programs he previously endorsed. He has criticized the Congress and pirated our people without notice of cause or reason.

The President has hit hardest at his own people. The people that have given the most in sacrifices and understanding of patriotic duty. He has cut back and terminated public programs for the people of rural America—those most decentralized, those most disorganized and those people most unable to resist adverse policy decisions of Government.

The actions of the President are similar to those of a father in financial difficulty—he has denied American families and the people of this land—to save face in public affairs and among the nations of the world. He continues to take from our people and proposes more to the people of foreign lands.

I do not agree with those that shout we are confronted with a constitutional crisis" or that suddenly this democracy has fallen to the depths of a dictatorship.

The circumstances of our times demand the best of us all.

I disagree with the policies of the President that "hatchet" categorical programs for the aged, for conservation, for education, for farmers, for hospitalization, for those in need and for the veterans of wars that have fought for freedom and offered their lives for liberty.

I have urged the administration to reduce the Federal budget "across the board" that all Americans may share equally the burden of reduced Federal spending.

Now, the Congress has an obligation and responsibility to cooperate in the public interest.

I have introduced legislation as a possible solution to the control of the Federal budget and the level of Federal spending in the future. The legislation that I have introduced is a proposal to amend the Constitution of the United States. The purpose of the legislation that I have introduced is to provide a limitation on annual appropriations to achieve national fiscal responsibility.

The amendment will change article I, section 9, clause 7 of the Constitution to read as follows, to wit:

> No money shall be drawn from the Treasury, but in consequence of appropriations made by law and any sum appropriated to satisfy the annual need of the Federal Government shall not exceed a computed average of the total appropriations for the three consecutive fiscal years immediately preceding the current fiscal year plus the multiple product of the annual per centum rate of interest paid by the federal government, unless Congress shall first declare a national emergency in justification of any appropriation in addition thereto; and a regular statement and account of the receipts and expenditures of all public money shall be published from time to time.

An amendment to the Constitution requires a two-thirds majority of the Congress and the sister States of this Union. I have suggested a continuing method and procedure to control the level of Federal spending. It is a principle of expressed self-discipline of the Congress. It provides for reasonable limitations equal to changing needs with optional controls reserved to the Congress for incidents of national emergency.

HIGH COST OF FEDERAL GOVERNMENT CHARITY

HON. STEVEN D. SYMMS

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 1973

Mr. SYMMS. Mr. Speaker, I had an opportunity to recently review a paper prepared by Dr. F. A. Harper which was presented to the Center for Constructive Alternatives at Hillsdale College.

Dr. Harper's article, "Your Brother's Keeper: From Genesis to Galbraith," addresses itself directly to a question we, in the House of Representatives, will have to face in the near future: The role of Government in charity.

Dr. Harper points out that charity given through the Federal Government costs approximately three times as much as charity directly given to the need. And all Members of Congress should take particular note of this fact.

I include Dr. Harper's article in my remarks at this time.

[From Imprimis, January 1973]

YOUR BROTHER'S KEEPER: FROM GENESIS TO GALBRAITH

(By F. A. Harper)

The theme of the week's program is, in a word, *charity*. We shall be scanning the span of human affairs from Genesis to Galbraith, hoping to find in the recorded history of man some help on that eternal question of the extent and form of one's obligations to his fellow men.

Helping one's fellow men in matters outside those we usually consider economic ones—such as things of the mind and spirit—is doubtless most important of all. But I shall restrict this discussion to economic matters, as implicit in our topic.

At the outset, I should confess to being a sinner of sorts. I have never found that light by which the words in the Bible all shine forth with complete certainty as to what went on and what was meant, devoid of seeming contradictions.

Let me illustrate. We are told in the book of Genesis that Cain was unhappy with the unfavorable balance of trade between the meat farmers (Abel) and the crop farmers (himself). He proceeded to solve the problem by doing away with all meat farmers (Abel). When questioned about it he responded, "Am I my brother's keeper?" Subsequently, we are told, the Lord renounced the death penalty for Cain. What are we to conclude from that about one's charitable responsibilities?

Then, later, we are told that Ephron offered to give Abraham a plot of land for the burial of his deceased wife, Sarah. Abraham refused, insisting on paying for it with—of all things—silver. Does this event help answer our question?

Still later there is an interesting story which goes like this, idiomatically. It seems that there was a lad named Joe who was subject to nightmares. Joe was the favorite son of his father who, one day, gave him a psychedelic coat. His older brothers, who had always been jealous of Joe, were given no such coats. And besides, they probably thought Joe was going "hippie." So they broke off diplomatic relations with him completely and decreed the death penalty. But due to a faulty switch, or something, Joe survived and soon fell into slavery. Now it so happened that Pharaoh also had nightmares about which Joe became the official interpreter. On one occasion Joe interpreted

Pharaoh's dream as forecasting a weather cycle whereby seven years of plenty would be followed by seven of scarcity. Joe, the leading political expert of his time, saw a chance to set up a social security scheme which, though disguised as protection of the people, would eventually enslave them. The scheme appealed to Pharaoh and he appointed Joe as a Cabinet member to carry it out. During the seven good years a twenty percent tax in wheat was collected and put in government warehouses. When the seven years of drought came, Joe sold—*sold*—the wheat back to the starving taxpayers year by year until finally the only property they had left was their land. Joe then said to them, in effect, "Give me the titles to your land, or I'll let you starve." When they signed the deeds to their land over to the government, Joe observed, "Behold, I have bought you this day . . ." Pharaoh was so delighted at now owning not only all the wealth but also the people as slaves that he gave Joe many gifts—gorgeous robes, a chain of solid gold, a priest's daughter, and other loot.

We could go on and on, such as to consider why the lilies of the field get along so well, how the Good Samaritan event worked out, what it means to love thy neighbor as thyself, and other biblical events.

I shall now go on with an analysis of the problem in a manner somewhat in harmony with the view that God helps those who help themselves, as Ben Franklin expressed it. As a preview, I offer my favorite quote on this theme, from Maimonides, the Talmudical philosopher:

"The noblest charity is to perverse a man from accepting charity, and the best alms are to show and enable a man to dispense with alms.[1]

PRODUCTION: THE SOURCE OF GIVING

We might start with the simple fact that giving can come only from what has first been produced. I cannot give bread to the needy from wheat that has not yet been produced. We are speaking, of course, about economic matters because things that are plentiful and free pose no problem.

This brings us face to face with the primacy of production as being unavoidably back of each and every form of helping one's brother.

The producer, then, is the basic benefactor of mankind. The conspicuous dispenser of alms which others have produced is merely a vehicle and not the real source of benevolence. In fact, the dispenser may even be a parasitic factor if his work ignores the discipline of necessity and competitive efficiency. H. L. Wells, as Vice President of Northwestern University, once gave illustrative figures for doing a dollar's worth of charitable work:[2]

	Cost
Give it direct	$1.00
Through a charitable society	1.08
Through local government	1.25
By local bond issue	1.75
Through state government	2.00
Through federal government	3.00

WHAT IS CHARITY?

It seems necessary at the outset to dislodge our thinking from the customary rut about what is charity and what is not. On the surface, superficially, it seems simple enough; it is giving a crust of bread to a starving child, for instance. But that is a myopic view of a matter which extends far into time, form, and space, becoming more and more complex as it goes.

Horace Gray, the distinguished Massachusetts Justice who later became a Supreme Court Justice, once had this to say:

"A charity, in the legal sense, may be more fully defined as a gift, to be applied consistently with existing laws, for the benefit of an indefinite number of persons, whether by bringing their minds and hearts under the influence of education or religion, by relieving their bodies of disease, suffering, or constraint, by assisting them to establish themselves in life, or by erecting or maintaining public buildings or works, or by otherwise lessening the burdens of government."[3]

If there were time, we might dwell at length on this interesting concept of charity as being anything which lessen the burden of government; but with this being the first Tuesday after the first Monday of November and the air so full of dust about such possibilities, we should postpone that until some other time. Suffice to say, the concept probably stands higher in logic than in what passes as "law" in our time.

I would plead that we consider the meaning of "helping our brother" in terms above and beyond any political plan or mechanism. The government, at most, is only one of innumerable organizations that may be presuming to be an agency involved in the process.

If it is an act of charity to give a crust of bread to a starving child, how about giving him a second crust? A third? At some point of rising affluence from added giving does it suddenly become non-charity? If so, precisely where?

Or is some other criterion the one to use? If so, what?

We shall discuss this question after considering other aspects of the problem, and now return to the point that anything to be given as charity must first have been produced.

ALTERNATIVE USES OF WHAT IS PRODUCED

Not only must the loaf of bread for charity first be produced, but it can serve a charitable use only once—it can't be eaten twice, in other words. This being true, alternative uses must be considered in terms of the same charitable objective. Let me illustrate.

Assume that you deem it proper to give blood to the Red Cross. You may not, however, decide to give all your blood to that cause at any one time. As an alternative, at least, you might well consider keeping some of it for yourself, even in the face of being accused of selfishness.

Or let us say that some wheat is under consideration. You might give all of it to persons who are at the point of starvation; or you might use it for seed with the view of having more later to give to more who are starving; or you might sell it and use the proceeds to pay the costs of trying to develop a higher yielding strain of wheat which, even later, will prevent even more persons from starving.

Viewed in terms of real and practical alternatives, in other words, the objective of charitable uses of what has been produced becomes complicated and calls for great wisdom and foresight if benevolence is to be maximized over time.

But in any event, everything produced will help somebody. Once produced, who is to decide among all these alternative possible uses?

WHO SHALL DECIDE?

The one who shall decide the usage of any item produced is, *ipso facto,* the person who owns it.

We do not have time to probe this issue of ownership to the depths it warrants, so I shall merely state my position boldly and clearly.

It seems to me reasonably self-evident that ownership of anything produced belongs to the one who produced it—to the one who bore the costs of necessary inputs of his time and other ingredients. If we were to hold otherwise, we would be denying him the ownership of his own time and body—i.e., we would be prescribing slavery as the proper status of a man. A slave of whom, and by what right on his part?

Having thus identified the placement of ownership of anything produced, we have thus renounced the right of anyone else to do it. To deny anyone else to it is, *ipso facto,* to deny to any aggregate of other persons—be it political, private organizations, gangs, or whatnot—the right to take that thing from the producer, against his will, and assume the rights as owner which have just been denied to him who has produced it. St. Matthew wrapped up this concept neatly when he said, "Is it not lawful for me to do what I will with mine own?"[4]

The just province of the producer as owner—or subsequent owners through valid transfer of ownership—is, then, to decide on matters of usage of what has been produced. It is his right, and his alone, to decide whether to "eat" it, sell it, invest it, give it away. . . . On what basis might he make the choice?

CHOICES AMONG USES OF PRODUCTION

Among possible uses of anything produced, the top priority would seem to be to "eat" it. To illustrate, let us assume, for the sake of clearness and simplicity, that you produce wheat and nothing else; that you have no other property. It would seem foolish for you to either plant all of this year's crop or give it all away, and then starve. So assuming you eat some of the crop and survive, for that part left over you have the choice of either using it as seed or giving it away. (This ignores other possibilities which are only diversionary forms.) What shall it be?

In terms of Austrian economic theory, what you do with your wheat is strictly your problem, not mine.[5] Fortunately, I do not have to decide for you and have enough of a problem deciding for my own. Yet we may all use some general guides for a decision.

Since the initial reaction of most persons is that the charitable thing to do is to give it to the needy, some sticky problems immediately raise their ugly heads: "How do we define 'needy'? Precisely which persons are needy and which are not? Are the 'needy' only persons, or should we include cattle, dogs, field mice . . .?"

WHO ARE THE NEEDY?

The more one thinks about it the more elusive becomes the word "need."

The son of a friend in New Hampshire, then in second grade, was pressed by his teacher as to what he meant by "necessity." To appreciate his response, it is relevant to note that he was one of a family whose gross income for the two decades from 1927 to 1947 had averaged about $200 a year, with taxes taking about $50 of that. The lad replied, "A necessity is something you have to have, or you die." That definition is probably not the one being used by H.E.W., but let us follow through with it a little.

I recall how a famous national philanthropic foundation poured great sums of money, over a long period early in this century, into prevention of yellow fever in India. That seemed clearly to be a "necessity," because without it they would die. The effort was notably successful. Untold millions of Indians were saved from dying of yellow fever—lived to propagate offsprings in great numbers who in turn, lived to face death by starvation. Contemplating this in retrospect, one wonders why those foundation officials at the outset had not asked, "Is it more humane, more charitable, to use our resources to prevent one person from dying of yellow fever or to do something to prevent a larger number of persons—two, three, four . . . —from dying of starvation?"

What I wish to suggest by this illustration is the profound wisdom reflected in the quotation from Maimonides, given at the outset. If human resources are used in such a way as to cure one need but thereby creating an-

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Footnotes at end of article.

other equal need, is it being charitable? Or if in so doing, another and greater need is created, is that being charitable—no matter how well intentioned may be the motives behind it?

What I am suggesting is that perhaps "need," with respect to Maimonides' concept, is to be measured in terms of the effects on *production* of needed things, rather than in terms of the persons who lack these things, per se.

"YE HAVE THE POOR ALWAYS"

A sobering observation is that of St. Matthew, "For ye have the poor always with you . . ."[6] That is a pretty gloomy outlook. Should we just shed a tear, adjourn, and go home to our dry crust of bread? I think not, and I'll tell you why.

Another possible meaning of the St. Matthew observation is one in harmony with everything else in the Bible including certain key points such as the Golden Rule, the Decalogue, and the Sermon on the Mount. It is also affirmed by the interesting interpretations of the Bible by a Mexican scholar, Alberto Salceda, who has said, ". . . only one system can be derived, the one which goes hand in hand with a rational and free human nature, mainly capitalism."[7] In this sense, we might paraphrase St. Matthew as follows, "Mind ye, there will always be some among you who are poorer than others." Let us now explore this alternate meaning and test it with some seemingly valid evidence.

INCOME DIFFERENCES

Wide differences in income are of common knowledge.

In an age saturated with concepts of egalitarianism, justice tends to be equated with the degree of likeness in incomes and wealth. To this is added the human weakness of envy as a powerful catalyst for the egalitarian view.[8]

Many years ago while a graduate student, I began to ponder and study this problem. The fact of wide differences was beyond doubt. But why do they exist?

It seemed clear that if you have more wealth than I do, there are three possible explanations: (1) you earned more, (2) you inherited it, or (3) you stole it. I ruled out "3" as a major cause of these differences because most thieves seem to be poor rather than wealthy. I ruled out "2" because if your rich uncle earned it honestly, it then becomes a "1" problem one generation back. That leaves only "1" as the explanation to be investigated.

In pursuing that line of inquiry, I came across the work of Pareto. He was a man of great genius, curiosity, and persistent devotion to collecting evidence on income differences for every time and clime he could find. When all his evidence was distilled, he found a persistent pattern of variation known to statisticians as a harmonic series.[9] This pattern, incidentally, appears elsewhere in seemingly foreign phenomena such as the distribution of energy among molecules,[10] the populations of cities and towns in a (mature) nation; [11] and others.

The issue now shifts to the question of whether these income differences are basically just or unjust. Can it be that everyone produces about equal amounts in terms of market worth, meaning that inequality of incomes is to be equated with injustice? I found this far from an adequate explanation for reasons we cannot treat fully here. But as a clue, it seemed to me that if all persons produced equally but were paid widely different amounts, employers who paid the top figures would go broke and those who paid the bottom figures would lose their employees to those paying more. In short, the search must go further.

THE LAW OF VARIATION

A good place to start is a bit of biographical reference to the work of Francis Galton, a nineteenth-century scientific genius. Skipping the earlier part of his remarkable life—for instance, learning to read at the age of two and a half years—we find his attention shifting to anthropometry and note his obsession with counting and measuring almost anything observable. ". . . he measured heads, noses, arms, legs, color of eyes and hair, breathing power, . . . reaction time . . . the number of 'fidgets' per minute among persons attending lectures . . . test the dog population with a high-pitched whistle . . ."[12]

Our present interest centers on his arranging each type of data he had collected so as to reveal the persistence pattern, throughout nature, of what has come to be known as the "normal curve." This is the bell shaped curve of frequency, perhaps best recognized as that used by teachers as a pattern for distributing grades among pupils in a class; for instance, in a class of twenty, there would be one A, four B's, ten C's, four D's, and one F.

When Galton discovered this pattern, his exultation is reflected in what he said about it in *Natural Inheritance* (1889):[13]

"I know of scarcely anything so apt to impress the imagination as the wonderful form of cosmic order expressed by the "Law of Frequency of Error." The law would have been personified by the Greeks and deified, if they had known of it. It reigns with serenity and in complete self-effacement amidst the wildest confusion. The huger the mob, and the greater the apparent anarchy, the more perfect is its sway . . . Whenever a large sample of chaotic elements are taken in hand and marshalled in the order of their magnitudes, an unsuspected and most beautiful form of regularity proves to have been latent all along."

Perhaps we can excuse Galton for the excesses of his description. But without going overboard completely for his view, one can at least agree that there appears to be something about the occurrences of variations among different units of things in nature that reminds us of the universality of certain laws of physics and chemistry. In other words, it seems to be true that variation can be predicted with surprising accuracy as to both the fact and the form.

The person who has probably done the finest scientific work on the forms of human variations is Professor Roger Williams, the famous biochemist at the University of Texas. He notes with dismay that almost every textbook of physiology portrays the human parts as though all persons were alike. Yet, for instance, there is quite a variation in the size and shape of human stomachs.[14]

COMPOUNDED VARIATION

The human organism is not a simple, single variant such as height. Mankind is apparently the most complex form of life. Each human is a package of innumerable separate characteristics, each of which may be assumed to vary from person to person by something like the normal curve, with all these characteristics varying independently of one another. Professor J. P. Guilford has, I believe, identified over sixty independent aspects of the mind alone (and suspects there are at least a hundred), each of which varies independently of the others from person to person.

Note the effect this complexity has on the degree to which any person, as a functional unit, varies from other persons. To indicate the magnitude of variation, let us take a simple illustration by considering variations within each characteristic according to the normal curve. Let us say that I am seeking to employ someone who is capable of "A" performance (among seven gradiations) for one relevant characteristic only. You tell me, quite correctly, that I might expect to find one such person from among 26 persons picked at random off the street, so to speak.

Let us say that I come to you again for help in finding a person who is not only "A" grade in the first characteristic but also "A" grade in a second one wherein our first selectee fails to measure up. You now inform me that I might expect to find one such person from among 676 picked at random. We go on in the same way until finally I tell you that I need someone who is "A" grade in each of seven different characteristics, at which point you report to me, "I wish you luck, because it would require more than double the population of the earth to expect to find one such person among them.

Seen in this light, one can understand why, despite the plethora of self-esteemed and freely-advising baseball enthusiasts in the stands, there is only one Willie Mays who can deliver such performance out there on the field. Many other persons can run as fast, perhaps, but they can't also do all the other things as well as Willie. That is why all those people—many with low incomes—pay high prices to see Willie play ball, yet will not come to watch me play, even for free; why Willie Mays, Marilyn Monroe, and many others in different walks of life earn higher incomes than most of the rest of us. It is because consumers vote that way in the market place for what each of us produces. To put it another way, if your mother buys a loaf of bread because she prefers it to the 25 cents which it costs, she cares not whether the one who produced it earns $5,000 a year or $50,000 a year. As far as she is concerned, this is the best bread available for her 25 cents.[15] For if the market is free, we know that the relative incomes of the two producers reflects worth of their services to your mother and others like her.

We can also see why high incomes are fewer than low incomes and why "ye have the poor always with you." It is because, when complex units with variable independent component parts perform, individual weak points nullify strong points like links in a chain so that the chains that will hold the heaviest weight are few. This seems to be in the nature of things and is something we should work with rather than against, as one would with the tides or the winds.

THE BEST WAY TO HELP THE POOR

My basic theme, then, is that the best way to help the poor is to do everything possible to produce more rather than to waste time, energy, and costs trying to forcefully take from the rich the fruits of their labor and place it where they, as producers, consider to be not its best use. Judging best usage takes foresight and courage, in the face of one's inclinations to help the poor who are close at hand and in view of the climate of opinion of most on-lookers. To take an extreme case, it is not easy to refrain from giving a starving person wheat today rather than to use it for seed and grow much more wheat which might be enough to prevent forty persons from starving later. The same principle, likewise, applies at all levels above starvation.[16]

Karl Marx's objective of helping the needy working man has, in fact, been accomplished in the United States to an amazing degree by a method quite the opposite of his "surplus value" approach.

Greater production, in brief, is almost entirely a matter of permitting producers and savers to accumulate wealth for use in developing tools which, with the aid of harnessed energy, provide powerful leverage to human efforts devoted to production.[17]

SUMMARY

How best to be "charitable," in an economic sense, has been a perplexing issue from the time of Genesis to the time of Galbraith. I have suggested places in the Bible where the answer seems a bit confusing so I'll let you read and judge that for yourself. The same goes for Galbraith. What I have at-

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Footnotes at end of article.

tempted to do is to outline an analysis by which to judge both.

We have noted how giving can come only from production, which puts a ceiling on giving irrespective of our hopes and intentions otherwise.

We have noted how production can serve either immediate needs or be saved and used to greatly enhance the serving of needs later.

We have noted that the best route—the just one—along this road of choices and decisions is through private ownership of what is produced and saved.

We have noted that there will always be some who are poorer than others, and that their numbers will be great. This appears to be in the nature of things, because humans are highly complex and variable. As a consequence, production rates are highly variable in amounts and forms so that, under justice, incomes will be highly variable.

The conclusion, then, in a few words is this: attempts to improve the welfare of the poor by forcing redistribution of incomes is likely to reduce the welfare of all. For instance, assume an isolated population of three producers whose production levels are as 1, 2, and 3. If we try to help the first of these by forcing incomes to be equal in spite of production—to divide the total production of 6, in other words, into incomes of 2, 2, and 2—the likely outcome will be reduction of total production to perhaps 3 and incomes of ½, 1, and 1½. If, instead, they accept differences as in the nature of things and allow each to work through the processes of freedom and private property, the total production is likely to rise to perhaps 12 and incomes of 2, 4, and 6; in this event, the poor are still present but at twice the level of welfare as before. This, as I interpret it, is what both St. Matthew and Miamonides were trying to tell us.

FOOTNOTES

[1] Moses Maimonides, *Code of Jewish Law*, chp. X, par. 7. As paraphrased by Mary Baker Eddy.

[2] H. L. Wells, *That Awful Word "Charity"*. Northwestern University Associates, December 4, 1952.

[3] Op. cit. Wells, p. 2

[4] Matthew 20:15. Also, F. A. Harper, *Morals and Liberty*. Institute for Humane Studies, Inc., 1971 reprint.

[5] F. A. Harper, *"Austrian School" Economics: A Résumé*. Institute for Humane Studies, Inc., 1966.

[6] Matthew 26:11

[7] Alberto G. Salceda, "Jesus and the Question of Wealth" in *Toward Liberty*, pp. 334–352. Institute for Humane Studies, Inc., 1971.

[8] Helmut Schoeck, *Envy*. Harcourt, Brace & World, Inc., 1970.

[9] Carl Snyder, *Capitalism The Creator*, pp. 239–244 and 416–418. The Macmillan Company, 1940.

[10] Frank W. Preston, "Gas Laws and Wealth Laws", *The Scientific Monthly*, vol. LXXI, No. 5.

[11] George Kingsley Zipf, *Human Behavior and the Principle of Least Effort*, chps. 9 and 10. Cambridge: Addison-Wesley Press, Inc. 1949.

[12] James R. Newman, "Francis Galton", *Scientific American*, January 1954.

[13] Alan Treloar, *Elements of Statistical Reasoning*, chap. 2, John Wiley & Sons, 1939.

[14] Roger J. Williams, *You Are Extraordinary*. Random House, 1967.

[15] F. A. Hayek, *The Use of Knowledge in Society*. Institute for Humane Studies, Inc., 1972 reprint.

[16] F. A. Harper, *The Greatest Economic Charity*. Institute for Humane Studies, Inc., 1972 reprint.

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AUTO EMISSION CONTROL STANDARDS

HON. JOHN BRADEMAS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 1973

Mr. BRADEMAS. Mr. Speaker, to help clean up the Nation's environment, Congress passed the Clean Air Amendments of 1970, which set tough auto emission control standards.

Within the last 2 weeks, both the Committee on Motor Vehicle Emissions of the National Academy of Sciences and the Environmental Protection Agency have reported that the clean air standards mandated for cars in this law can be met on schedule for model year 1975. Yet the Wall Street Journal last week reported that one of President Nixon's assistants has suggested that the implementation of this law be delayed.

Mr. Speaker, I am particularly concerned about attempts to postpone the advent of cleaner air. Urban dwellers are exposed to particulate lead in the atmosphere, to carbon monoxide and to that combination of sunlight, unburned hydrocarbon and oxides of nitrogen that unite photochemically to form smog.

Mr. Speaker, because I think this issue is of interest to all Members of Congress, urban and rural alike, I include in the Record a copy of this article from the Wall Street Journal of February 27, 1973:

Aide to Nixon Hints Support for Car Firms in Their Bid To Ease 1975–76 Exhaust Rules

Detroit.—A top Nixon aide gave the strongest hint to date that the White House might side with auto companies in their bid to modify the 1970 clean air amendments that set strict standards for control of auto emissions in 1975 and 1976 models.

Presidential assistant John Ehrlichman, in response to a question on whether the administration would ask Congress to delay the 1975–1976 auto emission standards, said, "There are a lot of things about the law that we just don't think (are) common sense."

However, Mr. Ehrlichman wouldn't say whether President Nixon will seek a delay of the standards from Congress and declined to specify the White House's reservations about the current laws. Mr. Ehrlichman said he had already said "300%" more than he should have.

The presidential assistant noted that the Environmental Protection Agency is still considering auto companies' requests for a delay of the 1975 standards. "The ball is in EPA's court," he said.

Thus his remarks, made at a news conference prior to a speech here, left unclear what action the White House will take, if any.

Two weeks ago, a federal appeals court ruled the EPA should hold further hearings on its deadline for installing certain auto pollution devices. The EPA had already turned down one bid by the industry for a delay in implementing the 1975 standards. The new hearings are scheduled to start in March.

EPA officials have indicated that they think the 1970 clean air amendments are basically good legislation but that they would prefer a little more flexibility on deadlines.

The auto companies have criticized existing emissions law in the past. They complain, among other things, that the law includes specific levels to which auto pollution must be reduced and doesn't give the EPA authority to change those levels administratively. The auto companies want the EPA to have such authority. As things stand, relaxation of the levels to which pollution must be reduced requires congressional action.

THE VIETNAM VETERANS

HON. ROBERT W. KASTENMEIER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 1973

Mr. KASTENMEIER. Mr. Speaker, the releasing of American prisoners of war held for so long by the North Vietnamese and the Viet Cong is most welcome news. However, the undue attention focused on these several hundred POW's, to the exclusion of those millions of veterans who served in Indochina, a number of whom were killed and wounded, seems difficult to explain.

Many of those who place this peculiar emphasis on the returning POW's are among the most silent when it comes to demonstrating concern and compassion for the more than 56,000 Americans who died needlessly in the Indochina conflict, for the several hundred thousand men who were wounded, many of whom will bear those scars for the rest of their lives, or for many of the more than 2 million men who served in Indochina and face unemployment and other readjustment problems here at home. The Vietnam veterans, apparently, have been singled out for neglect by the administration, and this is the subject of a Nicholas Von Hoffman article which appeared in the Madison, Wis. Capital Times on March 2, 1973.

Mr. Speaker, the article follows:

POW's Get Parades, Vets Are Forgotten

(By Nicholas Von Hoffman)

Washington.—Contrary to what has generally been reported, we seem to have about 2,500,000 men missing in action. These MIA's are the men who fought in Vietnam and the action they were lost in is the political action coming out of the White House.

The Vietnam vet has disappeared, and if you'd believe what the Nixon Administration wants you to, the war was fought alone by the 600 prisoners of war now coming out of the internment camps. They are the only guys who are getting a victory parade. The other veterans are getting their benefits cut.

The political uses to which this small group of American POW's can be put is next to limitless. For years Nixon offered them as the last excuse for carrying on the war, and now they serve as the focus of a patriotic uproar which distracts people from entertaining the thought that in the end the President bugged out of the war just as he said he'd never do.

All the saluting, gulps and God-bless-America's fill the air with so much random noise it's hard to consider the possibility that Dr. Henry Kissinger and Nixon may also have signed a secret agreement or come to a secret understanding with North Vietnam. Perhaps that much-talked-about two-and-a-half-billion dollars in reparations or goodwill payments is actually the price to ransom those guys out of there.

They're worth the money, to be sure, but this clangorous, red, white and blue fuss almost seems designed to make us think that by taking care of them we've discharged our obligations to the 2,500,000 who are missing in the Washington action. It's fine for these fellows to have their $100,000 in tax-free back pay—make it $200,000—and it's nice they were offered free cars and trips, and even that they play along with the embarrassing tattoo of adulation for "the Commander-in-Chief," but the Commander-in-Chief, in his other, more important capacity of President, is trying to cut the pension benefits to Vietnamese War amputees.

He's doing his level best to keep the GI Bill educational benefits so low as to be next to useless. In terms of the dollar's purchasing power, the Vietnam vet is receiving something like a quarter of the school assistance that his father got when he came back from the Second World War and Korea.

Not ony that, but the Vietnam vet is having trouble actually getting what little is owed him. A recent article in the UCLA campus newspaper estimates that 15 per cent of the vets on campus are finding their payments blocked or delayed for weeks and months.

Clearly, the Commander-in-Chief likes some of his soldiers better than others, and best of all, he likes the POW's. The POW's bristle at the remark that, while the North Vietnamese couldn't brainwash them in years of captivity, their superiors were able to do it in a matter of minutes at Clark Air Force Base in the Philippines. Even so they do display an admirable unity of enthusiasm for peace wtih honor and other such slogans.

The POW's are suited to the Commander-in-Chief's tastes, being overwhelmingly white, obedient, professional officers. In contrast, most of the 2,500,000 missing vets were a racially polyglot horde of conscripted grunts.

Many didn't have the money to buy their way out of the war into college or the clout to get into the National Guard and sit it out. They aren't Nixon's kind of people, and they made it worse on themselves when a few thousands of them marched past the Capitol and tore their medals off their chests and flung them into the street. Even the generals who had phony citations written up for themselves kept the decorations they didn't deserve until they were forcibly removed from their heroic bosoms.

The Vietnam vets are ideal for punishment. They're unorganized, and so have no power either to protect themselves or lobby for their own interests. When they filtered back from the Nam, the idea of joining the old-line veterans organizations like the Legion and VFW was repellent. They are a diffuse mass whom, you might think, remnants of the peace movement would try to help. But the old peacenik crowd is too taken up with rescuing their POW's by getting amnesty for them.

The Vietnam vets are a good group to kick around. They lost the war, didn't they? Peace with honor has to be blamed on somebody, and it can't be Nixon or the diplomats or the generals of the North Vietnamese, so who's left? Those guys went over there and smoked dope when they should have been fighting.

Forget them, and cheer the 600 real Americans who won this war. Believe them when they say peaceniks prolonged it with complaints, and Nixon shortened it with his bombing, but when they're all back and throats are hoarse, let's scout around and try to find our missing in action.

THE KOREAN AMERICAN: FROM LABORER TO LEADER IN 70 YEARS IN HAWAII

HON. SPARK M. MATSUNAGA

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 1973

Mr. MATSUNAGA. Mr. Speaker, America is known as the land of opportunity and indeed has proven so for many people. The Horatio Alger ideal of working one's way from rags to riches has been accomplished time and time again by immigrants and native Americans.

In Hawaii we have had many immigrants come to our shores in search of a better life, including my own parents. One of the most prominent of the immigrant groups are the Koreans, who, since coming to Hawaii 70 years ago as plantation workers, have become leaders in the Hawaiian community. And despite Americanization, they maintained much of their own identity and unique culture.

In commemoration of the 70th anniversary, this year, of Korean immigration to Hawaii, I am submitting for the RECORD the following account by John G. Anderson of the Honolulu Advertiser of the fascinating struggle and success by Americans of Korean ancestry to realize the American dream:

FROM LABORER TO LEADER IN 70 YEARS IN HAWAII

(By John G. Anderson)

It has been 70 years since the first Korean plantation worker stepped off the boat in Honolulu Harbor.

Not many of the approximately 8,000 Koreans in Hawaii today are working on plantations. Some are businessmen, doctors, lawyers, professors, engineers and government workers.

They constitute less than one per cent of the State's total population, but the number of Koreans in influential positions may belie that figure.

A list of prominent persons of Korean descent in Hawaii would have to include State Comptroller KeNam Kim, Federal Judge Herbert Choy, physician and police commissioner Dr. Robert Chung, State Attorney General George Pai and engineer K. D. Park, among others.

A large number of local Koreans will be honored next week when the Korean Consulate General and State of Hawaii co-sponsor a series of events to commemorate the 70th anniversary of Korean immigration to Hawaii.

Through the years, despite intermarriage, the Koreans have maintained their own identity.

The history of their immigration here—which was largely accomplished in a 2½-year period between 1903 and 1905—is striking.

A few small groups of Korean merchants were admitted to the Hawaiian Islands as early as 1899, but not until Jan. 13, 1903, did a major influx begin.

That was the day the S.S. Gaelic docked in Honolulu after a 22-day voyage from Inchon, Korea. On board were 101 passengers—55 men, 21 women and 25 children.

The way to Hawaii had been paved for them on Nov. 15, 1902, when the emperor of Korea lifted a tight restriction on Korean emigration. A severe drought throughout Korea induced the emperor to lift the law, at about the same time Hawaii plantation owners were looking at Korea as a possible source of plantation labor.

A United States law excluded Chinese from entering Hawaii and Japanese workers in Hawaii were creating strike rumblings. So plantation owners were anxious to find a new source of labor.

The first shipload of Korean recruits left their country on the Gaelic on Dec. 22, 1902. Each passenger was given free ocean passage to Hawaii and was provided with $100 by the Hawaiian Sugar Planters Association to clear Customs.

A Hawaii newspaper article which appeared the day the Gaelic arrived said the immigration was "experimental."

"If they (the Koreans) are found to be good laborers on the plantations and take kindly to the country," said the article, "there is no question whatever that each steamer from the Orient will see a large company of these people."

During the next 2½ years, 65 boatloads of Korean laborers arrived in Honolulu Harbor, carrying a total of 7,843 Koreans. Of these, 6,701 were men, the remainder women and children. Some 5,500 of the men were single.

Koreans were still coming to Hawaii in April 1905, when the Korea emperor decreed a stop to emigration from his country.

University of Hawaii historian Arthur L. Gardner said the reason for the decree was "not because the demand for laborers slackened, but because of official Korean concern over rumored distresses suffered by a large band of Koreans who had emigrated to Mexico in the spring of 1905.

"The rumors threw a cloud of suspicion over all labor emigration," Gardner said.

"Also, there was the increased influence in Korea of the Japanese Government, in whose interest it was to block the continued exodis of Korean manpower."

Korean immigrants were scattered to various Oahu and Big Island sugar and pineapple plantations upon their arrival. The first group went to Waialua, the others to a variety of locations.

But the work demanded by plantation managers was extremely difficult, and the pay was barely enough to live on. As a result, there was a steady out-migration of Koreans to the Mainland, where railroad workers were in great demand.

An executive order from the president in 1907 banned the movement of Koreans and Japanese to the Mainland from Hawaii.

The Korean bachelors who had remained in Hawaii saved their pennies, and between 1911 and 1924, many of them sent back to their homeland for "picture brides." The entry of some 800 Korean women, and the subsequent increase of families, stabilized the Korean population in Hawaii and balanced the departure of Koreans to the Mainland and elsewhere.

With the arrival of the women, a new chapter began in the life of the Korean in Hawaii.

The Korean women largely had no desire to live on plantations. And most of the men, who had spent most of their hard-earned money bringing their new mates to Hawaii, had no desire to remain on the plantations.

Some started a new type of business—boarding houses. The Korean couples took in single Korean men as roomers, and the women cooked for the tenants.

As time progressed, these boarding houses grew into apartment houses. During World War II, with the great influx of military personnel and others, the apartments were nearly always full. As a result, many Koreans prospered.

Other Koreans, leaving the plantations, became successful in food manufacturing, talloring, carpentry, laundry and other trades. Their offsprings carried on this tradition to a greater extent, and the third generation of Koreans advanced high in the professions to where they are today.

Outside of their working lives, the Koreans were influenced in Hawaii by their social, political and religious organizations.

Sunday worship became an almost universal feature of plantation life for the Koreans. Non-Christian Koreans were drawn to the church by its social offerings. Soon virtually all Koreans in Hawaii became Christians.

This over-all Christian identity was a major factor in hastening the Americanization of the Koreans. But a significant number struggled to sustain their culture.

For example, a large number of the people broke from the controlling Methodist and Episcopal churches in 1918 and formed the Korean Christian Church.

This local nationalism extended to the world level. The cohesive force in the lives of most of the Koreans was the goal of liberating their native country from Japanese control.

As Gardner said, "The Koreans in Hawaii generated a national sentiment out of all proportion to their numbers in their new land. Apart from immediate economic needs, Koreans independence was the one critical and and dominant issue for the whole community."

This was spurred by the emergence of two strong local leaders, Syngman Rhee and Pak Yong-man.

Pak insisted that military action was the fastest way to achieve Korean independence. He organized a military training school among Korean laborers in the Windward plantations in preparation for a triumphant return to Korea.

Rhee stressed working within the system, through educational and diplomatic means, to attain the same goal Pak sought.

Rhee, who many years later became the first president of independent Korea, won control of the local chapter of Kook Min Hur, the Korean National Association, in 1915. He proceeded to lay the groundwork for an independent Korean school and church in Honolulu.

Kook Min Hur was almost a government within a government in Hawaii. Every year delegates were sent from every plantation or settlement of Korean residents to the general meeting in Honolulu.

As Gardner recalled, "The delegates would discuss and legislate on matters having to do with their own communities in the Territory. They voted on a budget, raised through individual dues, to provide for the special educational needs of their children, for welfare work among their number, for nationalistic activities in Hawaii and abroad and for their own organizational and publishing activities."

Kook Min Hur exists to the present day, as does an offshoot formed by some of Rhee's disciples, the Dong Ji Hoi.

Neither organization is, of course, as influential as it once was. The end of World War II and the departure of many of the alien nationalists for their newly liberated country took much of the basic motivation from the local nationalist movements.

Their primary interests now involve preservation of the Korean cultural identity and various service projects for the Korean community.

Gardner, who has spent much of his time studying Hawaii's Koreans, believes continuing Americanization appears to be the future of the Koreans here.

"The chances of a Korean ethnic group are slim," he said. "The majority of Koreans here want to be known as Americans of Korean descent, not as Koreans."

Five churches in Hawaii still cater primarily to Korean interests. Three of them are in Honolulu—Christ United Methodist Church on Keeaumoku Street, the Korean Christian Church on Liliha Street and Saint Luke's Episcopal Church on North Judd Street.

There are also Korean Christian Churches in Wahiawa and Hilo.

Other important clubs influencing the Korean Chamber of Commerce, the Korean Community Council, the Taeguk Club and several women's clubs. In addition, the Korean University Club offers University of Hawaii scholarships to students of Korean ancestry.

The University's new Center for Korean Studies hopes to make its presence felt as the most unifying body for the local Korean community.

"We want to get more involved with the community in cultural affairs," said Dr. Dae-Sook Suh, director of the center. "We have a community affairs program here, but it is not in full operation yet."

When the program is complete, he said, it will bring cultural events to the Korean community through a series of art, dancing and music presentations, plus history and culture lectures by various professors.

Also projected for the future, with a target date of early 1975, is a new Korean Study Center on the University campus, built in classic Korean architectural style.

"We're trying to relate ourselves academically and culturally to the community," Suh said.

Along those lines, the center is launching a comprehensive study of Korean immigration abroad.

Suh estimated there are 50,000 to 60,000 Koreans or persons of Korean descent living in the United States, with large numbers in Los Angeles, Chicago, New York and Washington, D.C.

But only in Los Angeles have the Koreans reached a status in society close to that they have attained in Hawaii, he said.

"That's because in Hawaii, the Koreans aren't settlers," Suh said. "They're second and third generation, and they were born and raised here. Consequently, they have a much higher position in society."

F-111 AS AIR DEFENSE JAMMER

HON. BOB WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 1973

Mr. BOB WILSON. Mr. Speaker, I am inserting in the RECORD an interesting and important newsstory written by Orr Kelly in the Washington Star-News of February 27, 1973.

The whole story is of interest to all Members of the Congress but I would like to point out one particular section of it for special attention.

Orr Kelly points out that:

> When ordered into action in September, the planes left their home base in Nevada, crossed the Pacific on their own power, landed at Tak Lhi Royal Thai Air Base and began immediately to fly combat missions.
>
> With their terrain-following radar, which permits them to fly only 200 feet off the ground at high speed through darkness and bad weather, they normally flew alone and at night against some of the most highly defended targets in North Vietnam.

The newsstory points out further that:

> In the final week of the bombing campaign against the Hanoi-Haiphong area, the F-111's went in ahead of the slower high-flying B-52's to attack fighter bases, anti-aircraft sites and communication facilities in a successful effort to reduce losses of the B-52's. It is this ability to move anywhere in the world and to operate with—or even ahead of—other planes in intensely defended areas that the Air Force is counting on to make the EF-111 one of its most useful planes.

I will point out that the first strike of the F-111's in North Vietnam was only 33 hours after the F-111's left Nellis Air Force Base in Nevada. We have no other aircraft in our inventory even remotely capable of this kind of operation.

I insert the artice in the appendix as a portion of my remarks:

WASHINGTON CLOSE-UP—F-111 AS AIR DEFENSE JAMMER

(By Orr Kelly)

The Air Force has begun moving somewhat belatedly, to fill in one of the major gaps in its arsenal exposed by the Vietnam war—the need for a modern, specially designed plane to suppress hostile radar and radio transmissions.

The decision has been made to try to go ahead with the development in the current fiscal year of the EF111. Some of the earlier models of the F111 fighter-bomber will be worked over and fitted out with special equipment that can, in effect, "turn off" the enemy's radar, long enough for the attack planes to get in and out of the target area.

In some ways, the EF111 will represent a not entirely satisfactory compromise solution to the problem.

The Air Force was faced with three possibilities. It could design and build an entirely new plane at a very high—probably prohibitive—cost. It could order some of the very effective EA6B radar suppression planes built for the Navy by Grumman. Or it could adapt its own General Dynamics F111 to carry the computer and electronic equipment needed to do the job.

Cost pretty clearly ruled out the first alternative. But the choice between the other two was a tough one.

The EA6B Prowler went into action in July after nine years of development. Operating off carriers in the Tonkin Gulf it sharply reduced the number of surface-to-air missiles fired at attacking Navy planes and cut the number of attack planes lost.

But the Prowler is a relatively slow plane, unable to fight its way in and out of hostile areas. In attacks against North Vietnam, where the Navy planes came in from the sea, the Prowler was able to operate effectively while avoiding the most heavily defended areas.

The F111, on the other hand, was built as a fighter-bomber, specifically designed to survive in the most hostile enemy areas.

Despite the controversy that long surrounded the plane, it now appears to have vindicated itself in operations in Southeast Asia since 48 of the planes were sent to Thailand in September.

The major drawback to the F111 in its new role as a radar suppression plane is that it probably is not big enough.

When Grumman designed the EA6B as an outgrowth of the A6 attack plane, it decided the plane really needed a crew of four men to do the job right. One man flies the plane. Two others operate the equipment that finds and blinds the enemy's radar. The fourth man concentrates on finding and jamming the enemy's voice communications so fighter planes can't be told where to find the attacking planes.

In the EF111, however, there will be room for only two men. With one of them concentrating on flying the plane, that means his partner will have to do the work done on the Prowler by three men.

Balanced against this, however, are some of the advantages demonstrated in the last four months of the fighting in Southeast Asia.

When ordered into action in September, the planes left their home base in Nevada, crossed the Pacific on their own power, landed at Tak Lhi Royal Thai Air Base and began immediately to fly combat missions.

With their terrain-following radar, which permits them to fly only 200 feet off the ground at high speed through darkness and bad weather, they normally flew alone and at night against some of the most highly defended targets in North Vietnam.

In the final week of the bombing campaign against the Hanoi-Haiphong area, the F111s went in ahead of the slower high-flying B52s to attack fighter bases, antiaircraft sites and communications facilities in a successful effort to reduce losses of the B52s.

It is this ability to move anywhere in the world and to operate with—or even ahead of—other planes in intensely defended areas that the Air Force is counting on to make the EF111 one of its most useful planes.

CALIFORNIA CHILD CARE PROGRAMS THREATENED

Hon. Yvonne Brathwaite Burke

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 1973

Mrs. BURKE of California. Mr. Speaker, I am greatly concerned about the proposed Federal regulations issued on February 16, 1973, relating to social and rehabilitation services for children, families, the aged, blind, and disabled. These proposed regulations, if allowed to be implemented, would have a serious impact on the lives of thousands of children and parents of low-income families in California and throughout the country. An incredible two-thirds of all children presently in various child care programs in California would be disqualified and over 5,000 jobs for day care workers would be lost. Here are the unpleasant but realistic facts as reported by the California State Department of Education:

It is estimated that 30,000 out of 45,000 federally eligible children now in California child care programs would be disqualified.

Persons who would lose jobs as a result of the proposed regulations:

California preschool program, administered by the State department of education	2,600
Children's center program, administered by the State department of Education	1,800
Other day care programs, including campus child care, migrant, and child care centers contracted by county welfare department	600
Total jobs	5,000

The proposed regulations would completely undermine California's attempts at developing innovative programs designed at breaking the poverty cycle. They would force many mothers back onto welfare rolls and would eliminate the opportunity of many to become self dependent and productive, working citizens. Most important, they would prevent many children from receiving health, nutrition, education, and social services.

Specifically, these regulations would preclude donated private funds from such sources as the United Fund and church groups from being considered as the State's share in claiming Federal reimbursement. Further, the scope of eligible recipients would be restricted, particularly as they effect past or potential welfare recipients.

Dr. Wilson Riles estimates that California's pre-school programs currently serve about 19,000 children between the ages of 3 and 5. Nearly 3,000 professional and paraprofessional employees of this program, many of whom would otherwise be dependent on welfare, would lose their jobs. The loss of Federal matching funds in the amount of $3,288,000 for the present fiscal year for pre-school activities, would throw this program into chaos and deny health, nutrition, and social services to thousands of these children and deny many mothers the opportunity to become more effective parents. With the loss of over $13 million in Federal funds in 1973–74 for pre-school programs, at least 15,600 children currently in the program would have to be dropped.

Under the new definitions of former and potential welfare recipients, over 11,000 children in California in the children's centers programs would no longer be eligible for Federal funds, forcing many of these children's mothers to give up their jobs and return to welfare. Many employees of these centers would also lose their jobs and would likely be forced onto the welfare rolls.

The impact of the new definitions of former and potential welfare recipients would completely eliminate nearly all children of migrants from receiving day care benefits. Because of the reported accidents and injuries caused to these children in the fields when they are not in day care centers, all efforts should be made to expand, not contract, the Federal participation. In California, this would translate into a loss of $1½ million for fiscal years 1973 and 1974.

Campus child care centers in California and child care contracted out by county welfare departments will feel the ax most heavily as a result of the loss of private funds as an eligible source in claiming Federal reimbursement.

All 25 campus child care centers in California rely on private funds to qualify for Federal funding and would be forced to close immediately if these regulations went into effect. At one California campus, for example, this would mean that 200 mothers per quarter would not have the use of such facilities. Thirty percent of these mothers are currently on welfare and have stated that the only reason they are able to further their education is the availability of campus child care facilities. Moreover, 80 percent of all student-parents in this program report that they would be forced to drop out of school if the centers closed.

Further, I have received reports from county public welfare departments indicating that they will not be able to handle the day care load for even present welfare recipients who would qualify under the new regulations.

In Santa Clara County, for example, this would mean that nearly 55 percent or 300 present welfare families, although entitled, would not be able to receive child care benefits. The other 45 percent or 250 families of former and potential welfare recipients, because of inability to pay the high price of private day care, would be forced onto the current welfare rolls and thus overcrowd already inadequate county facilities.

Mr. Speaker, as you know, the subject regulations are issued pursuant to Public Law 92–512—H.R. 14370—which authorizes State welfare agencies to contract for services which they cannot directly provide economically or effectively. The law says that such contracting is to be "under conditions which shall be prescribed by the Secretary of HEW." However, there is no reference in this law or any other relevant law which authorizes the elimination of private funds or in-kind contributions as a State's share in claiming Federal reimbursement.

Indeed, in a letter from former Secretary of HEW, Elliot Richardson, to the Honorable WILBUR MILLS, concerning day care contributions, the Secretary said:

> I am convinced that this kind of partnership between private funds and public agencies should be encouraged rather than discouraged.

He continued:

> I believe a prohibition on public-private partnership in this field would be a great mistake.

In California we have seen that the use of private funds to qualify for Federal reimbursement has eased the strain on the already overworked social services budget and lifted the burden on State and local tax resources. It has helped encourage cooperation between the public and private sectors in meeting the demanding needs of low-income families.

I believe the proposed regulations would take us back, not ahead, and cause many potentially productive people from escaping the poverty cycle and from becoming productive working citizens. The opportunities that many of these programs provide for meaningful vocational plans and self-support would be lost. And the start that many potential and former welfare recipients have gotten at beating welfare dependency would be undercut.

THE CASE FOR FEDERAL CHARTERS

HON. LESTER L. WOLFF

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 1973

Mr. WOLFF. Mr. Speaker, at this point in the RECORD, I should like to include the text of a recent article by Ralph Nader and Mark Green which appeared in the Nation magazine. I believe that the proposal of a Federal corporations agency to issue Federal charters is one that may be of interest to my colleagues in the House.

The article follows:

THE CASE FOR FEDERAL CHARTERS

(By Ralph Nader and Mark Green)

Concern over corporate activities is rising. Economic concentration and monopolistic practices, environmental pollution, product safety, occupational health, advertising and deception, corporate secrecy, corporate crime, corporate responsbility—the list of inquiry is long. But while focusing on these behavorial effects, it is important also to consider the structural causes of corporate depredations. Where did the corporate form come from? From whom does the corporation get its legitimacy today? Who should bestow that legitimacy?

A corporation may "have no soul," as Edward Coke intoned in 1612, but legally it must have a body. In order to exist it must obtain a charter. A corporate charter is in effect an agreement whereby a government gives the corporate entity existence and that entity, in return, agrees to serve the public interest. Up to the late 1870s, states granted charters to corporations under carefully circumscribed conditions. For example, corporations could not own the stock or assets of other corporations, were granted existence only for a specified period of years, and could not do business or own property outside the state in which they were chartered. These limitations, according to a recent commentator, reflected a prevailing fear "that a corporation was only an artificial personality and therefore did not have a soul or conscience. Lacking a conscience, it had no morals and was *prima facie* dangerous." So long as corporations remained local, contained by the charter's restrictions, states still maintained the control they considered necessary for the public interest to be served.

But corporations did *not* stay local. What these restrictions aimed to avoid is precisely what occurred. In order to attract resident corporations, states made their incorporation laws increasingly permissive. The winner of the race for corporate citizens went to the state of least restriction, and the early victor was undoubtedly New Jersey. In 1866 it allowed its corporations to hold property and do business outside the state; by 1875 it had dispensed with its ceiling on the amount of authorized capital. During the 1880s, in a critical move, it allowed corporations to hold and dispose of the stock of other corporations. The result: between 1888 and 1904, 192 of the 345 American companies with capitalization in excess of $1 million took out New Jersey charters. New Jersey became the home of the infamous Standard Oil Trust, and holding companies declared illegal in other states simply transferred their property to corporations organized under the law of New Jersey.

But New Jersey's dominance was only temporary; Delaware was not to be denied. As an 1899 law review article notes:

"[The citizens of Delaware] had their cupidity excited by the spectacle of their northern neighbor, New Jersey, becoming rich and bloated through the granting of franchises to trusts which are to do business everywhere except in New Jersey. In other words, little Delaware . . . is determined to get her little tiny, sweet, round, baby hand into the grab-bag of sweet things before it is too late."

Delaware's business code of 1899, drafted by a financial reporter and three corporate lawyers, enacted most of New Jersey's liberal code and then some. In a version of Gresham's law, Delaware thus took over the lead in the incorporation game, an advantage it has not to this day relinquished.

In a sense Delaware succeeded too well, since imitative states began to take some of its business away. Although by 1960 one-third of the top 600 industrial corporations were headquartered in Delaware, the state decided to loosen its business code still more. A revision commission, formed in 1964, attempted, in its words, "To ascertain what other states have to attract corporations that we do not have." The basic redrafting was done by three private corporate lawyers working on Saturdays in their private offices. The full commission always assumed that the state legislature—which had to approve the new code—would be a rubber stamp. One member of the commission called the legislature "just a bunch of farmers." No hearings were held on the final statute, and it passed the Delaware legislature unanimously on July 3, 1967.

The new code contained many liberalizations for corporate managers; only directors, not shareholders, could propose amendments to the charter; annual meeting need not be held; officers and directors could be indemnified for court costs and the settlement of criminal and civil cases without shareholder approval. These "reforms" achieved their purpose. Delaware had been chartering corporations at the rate of 300 a month before the new code's enactment; the figure jumped to 800 registrations a month directly afterward. Today, 73,000 corporations have their birth certificates on file in Dover, Del., a number including one-third of all the companies on the New York Stock Exchange and fifty of the top 100 industrial corporations.

"The sovereign state of Delaware is in the business of selling its corporation law. . . ." said the *Pennsylvania Law Review* recently. "In fact, those who buy the product are not only consulted about their preferences, but are also allowed to design the product and even the factory."

The idea that the federal government should charter corporations is quite old. During the Constitutional Convention in 1787, James Madison twice proposed, unsuccessfully, that the Constitution expressly empower Congress to do so. By 1791 the nation was debating whether to incorporate a U.S. bank. Jefferson argued that such a bank would overawe the states and permit vast consolidations of economic power to dominate our economic life. Jefferson won this battle, but lost the war, since great economic consolidations *did* come to dominate our economy, though via state and not federal incorporation.

In the 1880s citizen protest built up against the economic and political power of the huge trusts. Some called for a form of federal licensing of corporations in order to control their excesses. Instead, by passing the 1890 Sherman Antitrust Act, Congress relied on competition rather than regulation. Disillusionment soon set in, as courts handed down a series of restrictive rulings that robbed the Sherman Act of its potential strength. William Jennings Bryan in 1899 went on record as favoring a federal license whenever a corporation wanted to conduct interstate business. Between 1903 and 1914, Presidents Roosevelt, Taft and Wilson all voiced support for a federal incorporation or licensing scheme in their annual messages to Congress. The idea was endorsed by the 1904 Democratic and Republican platforms and the 1912 Democratic platform. Twenty different bills were introduced in Congress between 1903 and 1914.

Despite this array of approval, the Clayton and Federal Trade Commission Acts of 1914 became law instead of federal chartering, support for the latter never having coalesced at any one time. Taft had changed his mind about it by 1912, and the Senate Interstate Commerce Committee, after holding hearings on federal incorporation in 1913, concluded in the final committee report that it was "neither necessary nor desirable at this time."

The depression brought new demands for overhauling the industrial sector. In certain respects, Franklin Roosevelt saw his National Recovery Act (NRA) as a form of federalizing corporations, since it provided "a rigorous licensing power in order to meet rare cases of non-cooperation and abuse." There was brief talk during this time of going further, of replacing the NRA codes by the federal chartering of large companies and trade associations. But the Securities Acts of 1933 and 1934—requiring full and accurate disclosure of material facts in a public offering and regulating the practices of the national exchanges—and New Deal regulatory schemes satisfied many who had looked to the federal government to reform corporations.

Nevertheless, the most sustained drive to date for federal licensing occurred in the late 1930s. Sen. Joseph O'Mahoney, a Populist from Wyoming, energetically and repeatedly promoted the idea of "National Charters for National Business." By emphasizing that "a corporation had no rights; it has only privileges," he sought to return to the days when charters policed, as well as permitted. He chaired the famous Temporary National Economic Committee hearings (TNEC) of the late 1930s, reiterating throughout his belief in federal licensing. But the war checked any momentum Mahoney had generated.

Thus, at nearly every point in our history when federal chartering was considered, an alternate remedy was prescribed. During all these periods, federal chartering was prominent, topical and finally ignored. Clearly, it is an idea whose time has come—and come and come. Our present spectacle of corporate power abused makes it topical again.

The federal chartering of giant corporations is necesary because state incorporation has failed. Even if state business codes and authorities did not so overwhelmingly reflect management power interests, they are no match for the resources of the great corporation. (General Motors, with ninety times Delaware's general revenues, could buy Delaware—if DuPont were willing to sell it.) "The century and a half of state failure," one observer has written, "has been the story of a battle between corporate giants and legal pygmies." To control national power requires, at the least, national authority.

At a time when the federal government becomes increasingly prominent in salvaging our unstable economy, it is an anachronism for the states to create corporations which operate in national and international markets. Quite simply, state borders are not relevant boundaries for corporate commerce, and state incorporation makes as much sense as state currencies or state units of measurements. In other federal systems—German, Mexican, Brazilian—firms that do business between the states or provinces must be formed under federal law.

There are procedural benefits to a system of federal chartering. At present, a charter is an IOU which the corporation signs and then files and forgets. States do not review the firms they have created for violation of their birthright, nor do they impose sanctions for charter violations. In Indiana, AT&T, Penn Central and De Paul University all recently lost their corporate licenses to do intrastate business because they had failed to file annual reports. But no hearings were held and no fines assessed. Until the firms filed their forms, it was business as usual, although they had legally ceased to exist in Indiana. It is quixotic to expect state boards to have either the resources or the will to impose adequate sanctions. A federal chartering authority would be far more likely to do so or would be more accessible to citizens demanding that it do so.

A federal chartering agency could help to equalize the differences of burdens and benefits now experienced by corporations because of differences in state provisions. Incorporation fees, regulatory laws, charter stipulations—powerful corporations can threaten to run away to a different state if these items are not to their satisfaction. And it is easy to see why Textron in Rhode Island or DuPont in Delaware could make its host state anxious. A single federal authority could end this corporate pitting of one state against another.

One can anticipate some of the criticisms to this scheme. Should the government manipulate the rights of private property? Not even the venerable "freedom of contract" is absolute, as the legal qualifiers of duress, coercion and unconscionability, and minimum wage, maximum hour and equal employment legislation have long made clear. It must be realized that private property is not a gift of the gods but a bundle of rights created by our government; it hardly seems valid to condemn the government for legally rearranging this bundle of rights when it created them in the first place. "[T]he corporation, insofar as it is a legal entity, is a creation of the state," the Supreme Court has said. "It is presumed to be incorporated for the benefit of the public. . . . Its rights to act as a corporation are only preserved to it as long as it obeys the laws of its creation."

Would federal chartering merely increase the power of big government; would it be socialistic? Since the guiding purpose of federal chartering is to encourage corporate democracy and competition, it is the precise opposite of a centralized planned economy. To the extent that it attempts to make private firms more accountable to their shareholders and more responsive to competitors, it is a radically conservation idea. Right now we do have a type of corporate socialism, in which cooperating monopolies have freed themselves from the constraints of the competitive market and much law enforcement.

The bureaucracy created would be as trim and nondiscretionary as possible. The top 1,000 firms or so—measured by a combination of sales, asset size, market percentage and number of employees—would be chartered, not the hundreds of thousands of small concerns which account for a small fraction of interstate trade; *intra*-state firms would not be affected. Manpower would thus be marshaled to confront the real problem area. The kind of charter provisions to be enforced would also be as objective as possible. Does the firm's percentage of the market exceed permissible limits or doesn't it; has the corporation provided profits and cost data per plant and division or has it not; did management triple its bonus without notifying the shareholders? There is no such thing as government without any discretion; if there were, we would have computers as Cabinet officials. Yet, excessive discretion must be avoided or else the corporate regulatees would successfully shape their supposed regulators—the situation which now obtains.

What if, because of a federal chartering law, many American firms simply left to incorporate in Bermuda or France? What if they treated us as they treat Canada: a place to do business but not to owe allegiance? Or could companies have no country at all? Carl A. Gerstacker, chairman of the Dow Chemical Company, told a White House conference in February 1972, that he looked forward to the day of the "a national corporation," one without any national ties which could, therefore, operate freely and flexibly around the world. Gerstacker revealed that Dow had for a decade been studying the possibility of locating on an island in the Caribbean. Any of these business runaways could claim that restrictions imposed on them were not required by, say, France, and would create legal conflicts with their charters there. To that, there is only one effective reply: the corporation and foreign government in question either complies with the conditions of the federal chartering law or it cannot trade here. Since the American market is such a large percentage of the world market, we would have the leverage, if we had the will, to make this demand of expatriate firms and foreign authorities.

Assuming that the state incorporation laws are the problem and that existing antitrust mechanisms, regulatory agencies and securities laws are inadequately checking corporate power, a federal chartering law seems the most plausible mechanism for achieving corporate accountability. What is needed is a new agency—call it the Federal Corporations Agency—to issue federal charters for firms engaged in interstate business. What is needed is not a Corporate Bill of Rights but a Corporate Bill of Obligations. Herewith a sketch of possible provisions:

(*1*) *Corporate democracy* would reduce the dominance of the obligarchies commandeering most corporations. The potential areas of coverage are all those which, unchallenged, have permitted management to rule without regard to the wishes of its electorate. Such areas include: corporate loans to officers and directors and other "interested" dealings; access to corporate records and easier use of the proxy machinery; cumulative voting, indemnification and compensation schemes; shareholder rights to amend the bylaws and charter; shareholder rights to nominate candidates for directors and the creation of public interest and community directors.

(*2*) Strict *antitrust* standards must be a condition of the charter. No corporation (unless it clearly proved itself a "natural oligopoly") would be permitted to retain more than 12 per cent of an oligopolistic industry (a percentage recommended by President Johnson's antitrust task force). Large conglomerates should be permitted to acquire only toe-hold positions in concentrated industries and should be made to spin off assets equal in value to any they acquire.

(*3*) *Corporate disclosure* must replace secrecy. What are the earnings of hidden subsidiaries and consolidated divisions; who are the real beneficial owners of the corporations; what is the racial composition of employees and new staff; what product and safety testing has been conducted; what plans exist to meet pollution standards? Since the public is so intimately affected, answers to all these must be made public. Shareholders, investors and government officials need adequate information to act intelligently. If done extensively enough, a corporate information center could be developed, with data by firm, plant and product available on computer tapes to respond to significant topical questions.

(*4*) The corporate charter should *"constitutionalize"* the corporation, in Prof. Arthur S. Miller's phrase, applying constitutional obligations to this private aggregation of power. The logic for this proposal underpins federal chartering: corporations are effectively like states or private governments, with vast economic, political and social impact. A democratic society, even if it encourages such groups for private economic purposes, should not endure such public power without public accountability. Our large corporations represent just the kind of concentrated power which the Constitution and its succeeding amendments aimed to diffuse. If the Constitutional Convention were held today, it would surely encompass *America, Inc.* It makes no public sense to apply the Constitution to Wyoming and West Tisbury (Mass.), but not to General Motors and Standard Oil (N.J.).

Unions, too, are private groups which have been legislated public power, *but* on condition that they behave democratically, with safeguards of due process (that they sometimes violate such safeguards is a problem of implementation, not construction). The same principle holds true for private corporations legislated public power. When a huge corporation deals with its employees, shareholders and outlets, "state action" principles require that it do so fairly. For example, the First Amendment right to free speech means that an employee can publish material critical of the firm in a magazine or underground corporate newspaper; Fourteenth Amendment safeguards mean that if he refuses to perform an illegal task or if he blows the whistle on a corporate crime, he cannot be fired without a due process hearing, complete with charges and evidence; the Fourth Amendment would forbid the firm from searching his private belongings in the shop without a warrant. It is inadequate to depend merely on unions to guarantee these rights; they have enrolled less than a quarter of all employees: the other 75 per cent deserve these protections.

Hovering over all these provisions would be graduated penalties for violation of the charter. Depending on the nature and frequency of the violations, penalties could run from small absolute fines to fines as a percentage of sales; from management reorganization to executive suspensions; from public trusteeship to the dissolution of the charter. A scale of sanctions must be developed to guarantee compliance with the charter.

In formulating a Federal Corporations Agency (FCA), care must be taken that it does not become as unresponsive and inefficient as some of the present regulatory and enforcement agencies. Lessons should be learned from the past; at the same time, it would be defeatist and irresponsible to urge no more federal reform measures because some have failed. Many corporations go bankrupt, yet the corporation is still a viable legal structure for the production and sale of goods and services.

It is important to stress once more the objective nature of the FCA's standards. It would not involve itself in the imbroglios of rate determinations which naturally invite industry lobbying and a dependence on self-serving corporate data. However, the FCA should contain liberal provisions for shareholder and citizen suits—as now institutionalized in the Michigan pollution law—so that agency lethargy or inefficiency could be checked by interested citizens equipped with adequate tools. More liberal rights of intervention into government processes could similarly permit public interest lawyers to monitor any misfeasance or nonfeasance. Mechanisms will have to be provided to help insure that that a "commissioner" of the FCA be vigorous, nonpartisan and independent. Furthermore, whatever, the chances that an FCA could still become as inefficient as an ICC, it would have a great distance to drop before it became as supine and irrelevant as the present state chartering bodies.

While Delaware cannot dictate terms to G.M., an FCA could, but it is not inevitable that it would. Thus, a new federal agency is a necessary but not a sufficient remedy. If it is badly organized with weak powers and no citizen access and participation, it will be ineffective. The form is crucial, and so are the powers. But most crucial of all is the effort—one required by the current state of corporate unaccountability.

ASPIN RELEASES GAO REPORT ON LITTON

HON. LES ASPIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 1973

Mr. ASPIN. Mr. Speaker, I am publicly releasing today a General Accounting Office report detailing low productivity and high labor turnover at Litton Industries' new shipbuilding facility in Pascagoula, Miss., and predicting new cost overruns and schedule delays on the 30-ship DD–963 destroyer program.

I believe that this latest GAO report is yet another sign that more and serious trouble lies ahead in Pascagoula. The only question now is how bad will the situation get?

Litton openly admits that last July its new West Bank shipyard was only 42 percent as productive as the older East Bank facility in Pascagoula. In addition, Litton's annual labor turnover rate is an incredible 57 percent. While Litton does claim productivity is improving, according to the GAO, the labor turnover problem is still continuing at a very high rate.

The GAO also predicts cost overruns and the schedule delays on the DD–963:

> We believe, looking ahead, that some indeterminate cost growth and schedule slippage can be expected.

But the GAO seems encouraged over developments in Pascagoula in recent months. The GAO reports:

> During the past year, Litton has undertaken very aggressive action to bring in shipbuilding expertise and has stabilized top management. Within the next year the government should have clear indications as to whether this stabilization has been achieved.

With an annual labor turnover of 57 percent and predictions from GAO that cost overruns and schedule delays will occur, we now have the first indications that there will be serious problems on the 30-ship destroyer program.

I also believe that unless production methods improve, an incredible backlog in both the LHA and the DD–963 will occur, causing massive cost overruns and significant delays. As many of my colleagues know, originally Litton planned to use a modular construction. This method involves the building of the ship in large sections and fitting them together. But, according to GAO, Litton has given up this method of construction of the first LHA and the first two DD–963 ships.

The GAO warns that—

> Unless full modular construction is undertaken, congestion can be expected which will affect schedules . . . the increased overlap in production of LHA's and destroyers may generate problems not previously anticipated.

Overall, there is no doubt that Litton's Pascagoula shipbuilding program has been a mess and the chances are extremely good that the same cost overruns, delays, and mismanagement that have characterized the yard in the past will continue indefinitely.

YOUTH COUNCIL TO BEGIN IN NEWARK

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 1973

Mr. RODINO. Mr. Speaker, a few short weeks ago in my hometown of Newark, N.J., the first organizational meeting of a citywide youth council took place. Four hundred young people between the ages of 14 and 25 attended. Activities are scheduled to begin this month and judging by the enthusiasm, the determination, the devotion and encouragement of all participants, I have great confidence in the plans and goals of all who are involved in the creation of this most important body.

The task of establishing a governing council is filled with strong challenges and with cherished hopes. Precedents must be set. The fabric of tradition must be threaded and the first stitches woven. The council, sponsored by the United Community Corporation's youth development program is designed to give Newark's young men and women an opportunity to speak out with a united voice and to become involved in the decisionmaking process, in the total operation of city affairs. The program charter reads as follows:

> ### YOUTH DEVELOPMENT PROGRAM
>
> PURPOSE OF PROGRAM
>
> 1. The Youth Development Program attempts to provide poor youth with a formal voice in planning and implementing programs in which youth increase their ability to deal with problems affecting their lives.
>
> 2. Through collective social action, especially on behalf of their own community, YDP attempts to bring about positive changes in their values, aspirations, and behaviors.
>
> 3. Finally, YDP attempts to prepare youth to deal more effectively with the institutions designed to serve them, and by speaking together, to become instrumental in not only expressing their needs to those institutions, but also in being able to orderly change them in order to improve the quality of life in their communities.
>
> The basic purposes of all YDP's are to involve the youth and develop a cadre of youth. Experience has shown that the most successful programs, and the ones in which youth demonstrated the highest degree of responsibility and interest, were those where they were diretcly involved in the activity. Youth involvement both increases the relevance and effectiveness of the program and offers a means of providing leadership training and youth development through participation in the process of planning, operating, and evaluating. The process in this case becomes the product, since their involvement produces constructive attitude changes which are as important as the accomplishment of other specific objectives.
>
> PROJECTS OF YDP FOR 1972
>
> To achieve these ends YDP offers experiences in the following areas:
>
> 1. Project Upgrade (a clerical training program)
> 2. Economic Development (entrepreneurship)
> 3. Year Round Recreation (sports)
> 4. Fund Raising (dances, bus rides, talent shows, fashion)
> 5. After School Program (tutoring and remedial instruction)
> 6. Youth Councils (leadership development)
> 7. Cultural Programs (concerts, plays, dramas, canteens)
> 8. Communications Projects (electronics training)
>
> It is through all of these experiences the problems of today's youth are dealt with.

I was given the honor of addressing the opening council session and I would like to take this opportunity to share my words with you at this time:

> I am pleased to be here wtih you today, for this very important and impressive gathering of young people.
>
> I have always welcomed the opportunity to be with our younger citizens . . . to listen to their opinions of current issues . . . to hear their ideas on current problems . . . to learn how they would handle current social and economic challenges.
>
> As a private citizen and as a member of the House of Representatives, I have found that time spent with our younger people has been time well spent. I was the first congressman to establish a Youth Forum, and found it most helpful. This was an organization made up of delegates from the high schools of the 10th District. They met periodically to discuss vital issues and passed their views along to me in the form of resolutions and reports. And I was a sponsor and a leader in the long and finally successful fight to lower the voting age to 18, so that the NOW Generation could come of age.
>
> There is more to youth than fun and games. You are aware of the world in which you live, and I know you are dedicated to making it a better, safer, cleaner, healthier, fairer place for everyone.
>
> You know right from wrong, and good from bad. No one is going to kid you about it, or mislead you. And you are not satisfied with the way things are, so you take the time to rap among yourselves in the search for solutions.
>
> This conference today is another step in that important direction.
>
> It affords an opportunity to discuss our problems, to create a structure to consider solutions, and to begin sound planning for their implementation.
>
> This is participatory democracy in action. I am proud of you. And I am confident that you will come up with many helpful recommendations, suggestions in our joint effort to find solutions to the vexing problems of today.

Following my remarks, participants broke into workshops, conducted by representatives from educational, governmental and industrial groups. This unity between society's leaders, between a community's builders and the future designers of that community is invaluable. So much is to be learned, to be shared, to be discovered by all involved. Among those attending included: Dr. George Jackson, dean of student affairs at Essex County College; Harold Gibson, director of Newark's Youth Services Administration; Municipal Court Judge Irvin B. Booker; Thomas Mann of the Urban League; Dr. Ralph Ford, a faculty member at Seton Hall University; Jules Lozowick, community relations manager of Western Electric; Mrs. Florence Gaynor, chief administrative officer at Martland Hospital; Mrs. Louis Epperson, coordinator of patient relations at Martland Hospital, and Cornelius Burke, an assistant administrator of this hospital.

Workshops covered such vital areas as community health, human sexuality and venereal disease, drug and alcohol abuse, training and employment, law enforcement, municipal government, recreation, school counseling and college preparation. Theodore H. James, coordinator of the citywide Youth Conference is to be highly commended for his leadership, and insight in bringing together the men and women of our Newark community, individuals from all walks of life, individuals from every generation to grow together, to learn, and to build a better future for themselves for our community, and for this entire Nation.

DOUGLAS MENDEL, JR., DISCUSSES U.S. RELATIONS WITH JAPAN

HON. HENRY S. REUSS

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 1973

Mr. REUSS. Mr. Speaker, the February 25, 1973, Milwaukee Journal contains an analysis of our relations with Japan written by Douglas Mendel, Jr. Dr. Mendel, a professor of political science at the University of Wisconsin-Milwaukee, has been a scholar of American-Japanese relations for 30 years. His article is timely and of great interest:

TOKYO AND WASHINGTON SPAR, BUT MUCH GOODWILL PERSISTS

(By Douglas H. Mendel, Jr.)

The Vietnam peace agreement was welcomed around the world, but especially in Japan where our actions in Vietnam had caused as much bitterness toward us as the surplus of Japanese exports to the United States over our exports to them, the weakening of the dollar and other economic disputes had embittered American views on Japan. But can the U.S. expect any nation to be wholly a partner, giving 100% loyalty to whatever we ask them to do, or a complete rival—hostile toward all our policies? The world today is too polycentric and flexible to permit such simple description of our relations with past enemies or allies.

The Nixon administration has made major concessions toward Peking and Moscow, and perplexed all observers by its support of Pakistan in the Bangladesh dispute. Japan was our national friend from 1854 when Commodore Perry opened her doors to the West until 1918, when the China issue provoked us to regard her as a "yellow peril." The Pacific phase of World War II was the height of American-Japanese hostility, but gave way to a postwar relationship unparalleled for warmth of interpersonal contact, strong economic ties, and security treaties pledging the two nations to work together.

It has seemed obvious to me in my 30 years of intensive study of Japanese-American relations that the average Japanese never hated the US even during WWII, while the typical American GI (over 3 million since 1945 in Japan) liked the Japanese better than he did other Asian peoples.

Today, some Americans claim that Japan is remilitarized, or should be. Others see Japan as a threat to their jobs as more American firms export capital to Asia, while more Americans choose to enjoy Japanese products as "better buys" than their American counterparts in price or quality.

Never since 1945 have Japan and the United States faced such a dilemma of mutual misunderstanding and conflicting expectations. "Look to trade as the big explosive issue," advised the US State Department Japan desk officer in 1969. By January, 1973, he had become a defender of Japan against extreme charges of American protectionists: "What do they mean by 'Japan Inc.'?" he asked me last month. "Such a charge ignores the realities of domestic Japanese business, labor, and government." Maybe misunderstanding underlies the whole problem, so let's discuss it before going into the security and trade topics.

Japanese mass media give far more coverage to American news than our media give to Japan, so one should expect the average Japanese to be far better informed about us than we are about them. About twice as many Japanese visit the U.S. annually as Americans visit Japan, and few heard Japanese complain about their large trade deficit with the US—a deficit which prevailed until the mid-1960s.

But few Japanese really know the facts about American costs of living, union power to push protectionist legislation, or the widespread feeling in this country that Japan is not giving enough attention to defense, foreign aid, and import liberalization.

LIKE MANY US GOODS

A national poll has asked Japanese every month since 1957 about their favorite and most disliked foreign nations: until about 1968, the US was named by three times as many Japanese as their favorite nation as the nearest rival, and only about 3% disliked us the most. Today we rank behind Switzerland as "best-liked," close to Britain, France, and Germany, and 12% name us as "least-liked" far fewer than the 35% who name Russia, but more than those who dislike any other nation (only 3% now name China).

However, the United States still enjoys a large reservoir of goodwill and admiration as a materialistic example, however tarnished by our military adventures and notorious pollution record—which, by the way, the Japanese are emulating.

Japanese are invariably polite and helpful to visiting foreigners, especially Americans, who are the most numerous. US products from films to hamburgers, golf clubs to magazines, remain very popular in Japan.

Japanese have proven their taste for many American products and the public generally favors open trade, whatever their government may feel about the need for restricting imports. There are far more foreign products in Japanese supermarkets than in our own and imports have much appeal to Japanese. Americans, whose views of Japan were surveyed by the Gallup organization for a leading Japanese newspaper recently, reveal far greater ambiguity about Japanese goods and politics. For example, when asked to pick which words came to mind when they hear the phrase "Made in Japan," 59% said cheap; 35% said poor quality; and 33% said imitation, far more than cited high quality, good performance, or other favorable features. But Gallup also used a 1,000 sample of well informed Americans, drawn from "Who's Who in America," 75% of whom spoke favorably of Japanese products.

The Gallup polls in November also showed far greater fear of a revival of Japanese militarism than most U.S. specialists would ever express: the general sample divided 74% yes to 10% no on whether Japan is or may in future go militaristic again. The elite sample divided 76% to 16% on that issue, but 69% said Japan was "the most trustworthy in Asia."

The Japanese polled generally approved Japan's normalization of relations with China as either "serving US interests" (26%) or "contributing to world peace" (23%), but 25% said the abandonment of Taiwan was intolerable while another 8% said the action was a "menace to the world."

It was President Nixon who opened the floodgates to world recognition of Peking as the only real Chinese government; most Japanese long ago favored relations with Peking, but also continued relations (and much trade) with Taiwan.

Finally, when asked whether US-Japan relations would improve, worsen, or remain the same in the months ahead, the Japanese polled were optimistic (45% "improve" compared with 20% for each of the other alternatives).

DISLIKE U.S. BASES

We can conclude that average or even elite Americans have a mixed image of Japan, just as the Japanese do of our country, but are inclined to be friendly and hopeful.

What American officials tend to ignore, at least publicly, is the effect of the Vietnam War and strong-arm economic pressures on all levels of Japanese opinion. I have interviewed thousands at public and elite levels since 1952, and can assure my American friends that no more than 20% of Japanese really approved our military bases in Japan or Okinawa (now belatedly returned to Japan but with US bases retained), or of our role in Vietnam.

Even at the height of the Korean War, most Japanese wanted the war to end. Japan benefitted economically to the extent of billions of dollars in sales as the result of US spending in Korea and Vietnam, but these "war profits" never counterbalanced the sincere pacifism of the Japanese public

We must remember that the American occupation under the late Gen. Douglas MacArthur, that still controversial son of a notable Wisconsin family, promoted Japanese pacifism in every possible way, including a constitution that forbids any war potential. Vice President Nixon called that a "mistake" in 1953, but there have never been more than 25% of Japanese who wish to amend it or acquire strategic weapons. The allergy of all but perhaps 10% of the Japanese to nuclear arms or any overseas use of the 260,000 man Japanese military force is proven by many surveys and by government actions.

Those who claim that Japan is being "remilitarized" cannot cite any credible evidence, basing statements mainly on insignificant events magnified by their fears of the future. Actually, the Japanese military budget is only 1% of Japan's Gross National Product (GNP), compared with 8% here or in most other nations.

WANT BASES REDUCED

Moreover, Japan has no draftees, overseas bases, strategic weapons, or even a Defense Ministry.

As the world's third biggest industrial nation, Japan of course could acquire nuclear arms, missiles, or anything else it decided to attain. But the political deterrents are too numerous. They include the powerful Finance Ministry bureaucrats who decide the Japanese budget, and a fully operating democratic political system, rare in any part of Asia today, as witness events in South Korea and The Philippines. There is also the strong opposition of mainland China and every other Asian neighbor toward Japanese military expansion beyond the present minimal self-defense level.

Secretary of Defense Melvin Laird criticized the obsolete equipment of the Japanese Defense Forces in mid-1969 (to get Japan to buy more weapons from us) and suggested last year that the Japanese should patrol the Indian Ocean to counteract the Soviet Navy, but 90% of the Japanese reject such ideas.

Japan's vice minister of foreign affairs expressed to me last fall what all polls confirm: (1) Japan's willingness to retain the U.S. Security Treaty, but with vastly reduced bases, especially in Okinawa, where there have been ugly incidents with the local population; (2) no Japanese military role in Asia, as Japan rejects the idea that any nation should dominate the region; and (3) Japan will continue gradually to liberalize import rules and expand foreign aid to reduce its trade surplus.

It is indeed ironic that the two biggest anti-Japanese influences in our country today appear to be conservatives on the economic front and leftists who parrot Peking's (now stilled) charges of "Japanese remilitarization."

The economic conflict seems paramount from the Washington side, and Premier Kakuei Tanaka tells his nation that a solution of the $4 billion annual gap in U.S.-Japanese trade is top priority. Both our nations believe in free enterprise, separation of economics from politics whenever possible, and maximum free trade. Yet Japanese exports to the U.S. have grown fantastically while our exports to Japan have not kept pace.

Withdrawal of the 30,000 remaining U.S. forces from Japan would save some money, but the major cause of this imbalance is the U.S. desire to buy Japanese electronics, steel, and other products. Why can't Nixon curtail U.S. imports rather than ask Japan to curtail its exports? There is no simple solution to the trade problem because the 18% currency revaluation in 1971 did not solve it, nor the 10% dollar devaluation this month, nor the fact that Japan has fewer import rules (tariffs or quotas) than the U.S.

BIGGEST OIL IMPORTER

Japan's exports are only 8% of her GNP, while ours are about 6% compared with an average of 23% in West European countries.

Japan imports more oil than any other country in the world and will double her imports by the 1980's. Much of the American problem is not Japanese import restrictions, but the need to understand the Japanese market. The Japanese import more from the U.S. per capita than we import from Japan, but there is still room for liberalization on both sides. What we should recognize is the protectionist tendency of many workers and companies in both nations.

Neither government can fully control the actions of its businessmen: the Japanese deputy foreign minister tried to tell me recently that "government and big business are separate, so we can't tell them what to do in China or Taiwan." That is misleading because business and government are closer in Japan than here, while labor is far less influential in Japan. "When a Japanese builds a better mouse-trap (color TV, rotary auto-engine, camera) the world will beat a path to his door."

But the Japanese worker pays a price for the export boom. Most foods in Tokyo and other major Japanese cities cost twice as much as they do here, and housing costs triple or more its equivalent in the U.S.

Americans should consider Japan an equal to be dealt with as we deal with our major European partners, and not demand that Japan do what Washington won't do. Mutual understanding of common problems and the inevitable disputes is the greatest need or, as the old Indian saying put it: "May I not criticize my neighbor until I have walked a mile in his moccasins."

THE BROWNSVILLE INCIDENT

HON. AUGUSTUS F. HAWKINS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 1973

Mr. HAWKINS. Mr. Speaker, the response of the American public has been overwhelmingly in sympathy with righting the injustices done to the 167 black soldiers of the 25th Infantry Regiment by their summary dismissal from the Army by President Theodore Roosevelt in November 1906. As you recall, this action was taken without benefit of due process of law and the President simply presumed that the men were guilty of the charged offense of shooting up the town of Brownsville, Tex., the night of August 13, 1906.

In changing the summary dismissals of these men from dishonorable to honorable, the Secretary of the Army, Honorable Robert F. Froehlke, last September 28, 1972, termed their removals a "gross injustice."

The support for righting this wrong done these black soldiers is reflected in part in many newspaper articles.

(See attachment 1.)

At this point, I include in the RECORD a list of the soldiers, their birthdates and addresses.

(See attachment 2.)

Also, I present to you some of the correspondence that my office has received in regard to Brownsville.

(See attachment 3.)

In addition, I want the public to be aware of my recent correspondence with the Secretary of the Army in regard to benefits for the families of these men.

(See attachment 4.)

Finally, Mr. Speaker, I feel that this is of great importance that the public see some of this material. On February 20, 1973, I introduced legislation to remedy some of the injustices done the black soldiers of the Brownsville incident.

The attachments follow:

(Attachment 1)

[From the New York Times, Dec. 31, 1972]

HOW BROWNSVILLE RAID CHANGED LIFE OF BLACK GI

(By Andrew H. Malcolm)

MINNEAPOLIS, December 27.—"Nowadays," said Dorsie W. Willis, "I just sit and eat and think."

And what he thinks about most often is the night in 1906 when a gang on horseback rode through Brownsville, Tex., shooting at lighted windows and killing one man.

Mr. Willis remembers how the townspeople blamed the black soldiers at Fort Brown for the shooting, and how the furor reached Washington, and how President Theodore Roosevelt sent an investigator, and how without any trial the President ordered 167 black soldiers "discharged without honor" when they volunteered no information on the culprits.

Mr. Willis also remembers that on Sept. 28, 1972, Secretary of the Army Robert F. Froehlke called the incident a gross injustice and changed all the discharges to honorable.

Mr. Froehlke simply wanted to right a wrong, an Army spokesman said. No official effort was made to find the soldiers, and it did not seem likely that any of them were still alive.

A PRIVATE IN D COMPANY

But one still is.

He is Dorsie William Willis. Once he was a private in what was called D Company, First Battalion, 25th Infantry (Colored). Now he is 86 years old, arthritic and resentful that an administrative order might have ruined much of his working life.

After his dishonorable discharge, the best job that Mr. Willis ever had was as a porter and shoeshine man in the Northwestern Bank Building Barber Shop here.

For 59 years he opened the barbershop every morning, swept hair off the floor, brushed lint off coats, rubbed dirt off shoes and closed the shop at night.

When he started in September, 1913, a shoeshine cost 10 cents plus tip. When he quit last September, it cost 50 cents and maybe a tip.

With income from that job and a little earned on the side, he supported his wife, reared his son, who is now 65, and at the age of 50 went $2,850 into debt to buy his own home.

"Some people feel the world owes them a living," Mr. Willis said as he sat in that same home on this city's southeast side. "I never thought that. And I never took a dime in welfare."

"I did figure the world owed me an opportunity to earn a living myself. But they took that away from me. That dishonorable discharge kept me from improving my station. Only God knows what it did to the others."

The Brownsville Raid was a 10-minute shooting spree by 16 to 20 men on the night of Aug. 23, 1906, in that dusty southern Texas border town. It began 24 hours after a white woman had charged that a Negro had tried to rape her.

After the shooting, one man was dead, another injured and some Army cartridges were found in the street.

Under Presidential orders, the War Department, assuming that the men from the all-black unit were guilty, took them to Oklahoma for questioning. When not one soldier admitted anything, they were all cashiered for their "complicity of silence."

"None of us said anything, cause we didn't have anything to say," said Mr. Willis. "It was a frame-up straight through. They checked our rifles, and they hadn't been fired. Those cartridges were empties we was sending back to the maker. And we was infantry. We never had any horses to ride."

After a lengthy investigation, an author, John D. Weaver, concluded in "The Brownsville Raid: The Story of America's Black Dreyfus Affair" that some local vigilantes, angered by the black soldiers' presence, staged the shootout, and two people got in the way of the bullets.

DISCHARGE PAPER LOST

Mr. Willis remembers his discharge paper, although he said that it was lost years ago. He squinted his eyes and recited, "Dorsie Willis is hereby discharged from the Army of the United States without honor and forever debarred from enlisting in the Army or Navy of the United States or holding any civilian employment under the Government."

A check of Mr. Willis' military folder in the National Archives in Washington showed that his memory was sharp.

It also showed a 1972 amendment by the Department of the Army changing the discharge to honorable and noting, "No back pay, allowances, benefits or privileges shall accrue by reason of the issuance of this order to any heirs or descendants."

But, apparently because all involved were believed dead, there was no mention of what benefits were due those still living. So Mr. Willis' status is confused.

In an effort to clear that up and to help the descendants of the 167 soldiers, Representative Augustus F. Hawkins, Democrat of California, said today that he planned to introduce legislation soon to make available such benefits as payments to widows and medical care at veterans hospitals and perhaps to award some monetary compensation to survivors and heirs.

"The entire case is a real disgrace," Mr. Hawkins said. "The Army must have felt there was some wrong committed when it amended the discharges. But to do so without considering the human tragedies and factors is cold-blooded. The Army owes these men something. Ironically, they were the ones who guarded Teddy Roosevelt's flank at San Juan Hill."

Mr. Willis is somewhat baffled, and apparently he is not alone. A Veterans Administration spokesman asserted that Mr. Willis lived in St. Louis. Mr. Willis said that someone called from Washington recently to say that he was eligible now for veterans hospital treatment, which might have saved him many insurance payments and recent hospital bills.

But when he called the local veterans hospital, he was told that he might still not be eligible.

He said that someone telephoned from Washington last fall and said that his honorable discharge papers were in the mail. However, they have not arrived.

But now a spokesman says that the Army will help Mr. Willis to prove that he is the Dorsie Willis who served at Brownsville, a necessary step before an honorable discharge certificate is issued.

Meanwhile, finances are a bit tight for Mr. Willis and his wife. They have stopped exchanging Christmas presents with relatives. And soon it will be time for $31 worth of medicine for Mr. Willis. He has arthritis, which keeps him indoors. He uses a worn wooden cane that members of the Zion Baptist Church gave him.

Mrs. Olive Willis, who is 55, earns $3.79 an hour boxing hamburgers for a restaurant chain. Then there's Mr. Willis' $180 Social Security check. "We get by barely," Mrs. Willis said.

Mr. Willis' eyesight and hearing are deteriorating, and he moves very slowly, to protect their tiny home at 3724 Minnehaha Avenue, he bought Subrina, an energetic, menacing doberman pinscher.

Long ago, Mr. Willis, who completed sixth grade in an Oklahoma Territory schoolhouse, considered many jobs other than shining shoes. But, he said, no one would post an insurance bond for him, he feared what would happen if employers discovered his discharge and employment at the post office, popular work for many blacks here, was barred by his discharge.

[From the Washington Post, Sept. 29, 1972]

Army Clears Black Soldiers in 1906 Brownsville Incident

(By Robert A. Dobkin)

After 66 years, the Army yesterday cleared the records of 167 black soldiers dishonorably discharged for a frontier shooting in Brownsville, Tex., that resulted in what the Army says is the only documented case of mass punishment in its history.

Declaring it a gross injustice, Secretary of the Army Robert F. Froehlke ordered the discharges changed to honorable for the 167 members of the 1st Battalion 25th Infantry, an all-Negro unit.

President Theodore Roosevelt ordered the men punished in 1906 for their "conspiracy of silence" in refusing to testify against their fellow soldiers during investigation of the shooting that history has come to record as "The Brownsville Affray."

Officials said no attempt will be made to determine if any of the men are still alive and noted that the action rules out any back pay and allowances for their descendants.

A Pentagon spokesman said that while Froehlke's action won't do the men any good now, the "Secretary felt the record should be cleared and did so."

An Army spokesman said the case was brought to Froehlke's attention during a review of administrative and judicial policies. invoked under extreme circumstances during frontier times," Froehlke said, "the concept of mass punishment has for decades been contrary to Army policy and is considered gross injustice."

The spokesman said this is believed to be the only documented case of its kind, in which an entire company was punished.

According to the history books, at about midnight, Aug. 13, 1906, some 16 to 20 armed men rode on horse-back through the streets of Brownsville, firing wildly into the homes of whites. One resident was killed and several others injured.

The shooting followed a fight between a black soldier of the 1st Battalion and a white mrchant, which resulted in the town being placed off-limits for the battalion quartered in nearby Ft. Brown. The incident drew national attention and President Roosevelt ordered an investigation.

The townspeople claimed the riders were Negro trops from Ft. Brown, but a series of military inquiries failed to establish the identity of any of the men involved. No soldier would give evidence against his comrades.

Finally, all members of Companies B, C and D of the 1st Battalion were assembled on the parade ground at Ft. Brown. The guilty were told to step forward and identify themselves or all would be discharged without honor.

No one moved. And on Nov. 5, 1906, Roosevelt ordered 167 privates and noncommissioned officers "discharged without honor from re-enlisting in the Army or Navy" because of the "conspiracy of silence."

[From the Charlotte (N.C.) Observer, Feb. 6, 1973]

1906 Soldiers' Survivors Sought

(By Nellie Dixon)

Lyda W. Hamilton of Greenville, S.C., remembers her uncle, a former member of the all-black 25th Infantry in Texas, talking about his exploits in the Spanish-American War but she can't recall that he ever mentioned the night of Aug. 13, 1906, in Brownsville, Tex.

That was the night, the government charged 66 years ago, that her uncle, James Wadsworth Newton, and 166 other soldiers in Companies B, C and D allegedly shot up the town of Brownsville the day after a white woman claimed she had been attacked by a black soldier.

President Theodore Roosevelt summarily removed all 167 soldiers including 26 Carolinians, from the Army, denying them back pay, allowances, benefits and privileges. Last September, however, the Department of the Army cleared the soldiers' records and granted them honorable discharges.

What the Army didn't do according to United States Rep. Augustus F. Hawkins, D.-Calif., was reinstate the benefits denied to the soldiers. Hawkins has asked the Army to correct its oversight and, at the same time, has started a nationwide search for any survivors of the Companies B, C and D of the 25th Infantry, or their descendants.

So far, Hawkins said, the only known living veteran of the Brownsville incident is 85-year-old Dorsey Willis of Minneapolis.

Mrs. Hamilton, a semiretired school teacher in Greenville, said her uncle died on June 5, 5, 1932, when she was 18 years old. The family Bible, which is more than 100 years old, lists Newton's birthdate as Nov. 20, 1880.

Mrs. Hamilton said Newton had told her about "the rough way they had to fight in the Philippines," about the "jungle" in the Spanish-American War and about the time "they got lost and had to eat dog meat." She said she doesn't remember his mentioning what happened in Brownsville, although she believes it must have been uppermost in his memory.

When he returned home to Greenville, he worked as a house painter. He was also active in the Masons, often marching in their brigade on Armistice Day. He belonged to the Allen Temple A.M.E. Church, and on Christmas caroled with a quartet.

Hawkins, in a letter to Secretary of the Army Robert F. Froehlke, said that ". . . . entitlement to full benefits . . . would be the very least that the United States Army could do after what is obviously in large measure irremediable harm to these men of the 25th Infantry and their families."

Hawkins is also considering holding hearings on the incident, he said.

"If there are hearings, it will be clear what did happen. There will be a lot of concern to people of good will throughout the country," he said.

According to the accounts of the Brownsville incident, on the night of Aug. 12, a white woman claimed she had been assaulted by a black soldier. The following night shots rang out around the town. The townspeople thought black soldiers were attacking them; the soldiers thought townspeople were seeking revenge. When the firing ceased, one white man lay dead and another injured.

The soldiers swore their innocence. Sixty-six years later, the Department of the Army reviewed the incident and changed the men's records from dishonorable to honorable discharges on Sept. 28, 1972.

Here are the names of the North Carolina and South Carolina members of Companies B, C and D of the 25th Infantry and their last known addresses, for whom Hawkin's office is searching.

North Carolina: Joseph Shanks, Charlotte. Alexander Wilson, Glen Alpine. John Cook, Greensboro. Wade H. Watlington, Lawsonville. William McGuire Jr., Lexington. George W. Harris, Littleton. Edward Johnson, Littleton. James E. Armstrong, Lowell. Erasmus T. Dabbs, Oxford. Isaiah Raynor, Raleigh. Charley Hairston, Spray. Shepherd Glenn, Washington, D.C. Edward Lee, Washington, D.C. James Johnson, Williamston.

South Carolina: Henry Barelay, Charleston. James Sinkler, Charleston. William Harden, Chester. Carolina DeSaussure, Eastover. Mingo Sanders, Ft. Niobrara, Neb. James Duncan, Greenville. James W. Newton, Greenville. Calvin Smith, Omaha, Neb. Brister Williams, Savannah, Ga. Julius Wilkins, Spartanburg, Solomon Johnson, Wilkins.

[From Community Informer, Oct. 26, 1972]

Hawkins Pushes for Full Relief for Survivors of Brownsville Incident

Today U.S. Representative Augustus F. Hawkins (D-Calif.) announced that he was in the process of finding out the full details as to the surviving members and descendants of the 167 Black soldiers unfairly removed without benefit of hearings from the U.S. Army as a result of an incident in Brownsville, Texas, on August 13, 1906. The removal came by order of President Theodore Roosevelt and was based upon an incident in which it was alleged that from 5 to 20 of the soldiers had shot up the town around midnight. Much proof was introduced at the time to the contrary, but Roosevelt acted without benefit of any formal proceedings. The entire companies (the B, C, and D companies of the 1st Battalion of the 25th Infantry) were separated "without honor" on the ground that the other men had a duty to inform on their comrades who were presumed guilty. Just three weeks ago, Sept. 28, 1972, the Department of the Army cleared the soldiers' record and changed their separations to honorable discharges.

"From a number of letters received in my office" the Congressman stated, "it is quite clear that these men and their families suffered immeasurably from this unfounded and unjust action." The Congressman added, "Even the words of President Roosevelt in his message to the Senate on Dec. 6, 1906, alone, eloquently attest to the context in which these faithful men and their families were placed:

"A blacker (crime (the shooting up the town)) never stained the annals of our Army. It has been supplemented by another, only less black, in the shape of a successful conspiracy of silence for the purpose of shielding those who took part in the original conspiracy of murder." (at page VII of Reply of the President of the United States to Senate Resolution dated Dec. 6, 1906 concerning the discharge of the three companies of the Twenty-fifth Infantry, U.S. Army)

"At present, I have under consideration introducing legislation to fully compensate the families and descendants of these soldiers and calling for hearings at which the families of these men can testify and give the public a full and complete picture of the agony through which these men and their loved ones went, as well as to give us some idea of what they contributed to the defense of. our nation. I understand that U.S. Senator Vance Hartke, Chairman of the Senate Veterans' Affairs Committee favors appropriate relief in these cases."

"I am also pleased to announce that we are having considerable success in locating the families and descendants of these men," concluded the Congressman.

[From the Los Angeles Times, Jan. 21, 1973]

A 66-YEAR-OLD INJUSTICE BY ARMY STILL RANKLES

(By Dial Torgerson)

Edward Warfield was there during the Brownsville raid.

He recalls the sound of gunfire, the trumpeter blowing the call to arms, and of groping in the dark for his Springfield rifle.

Because of what happened the night of Aug. 13, 1905, Warfield and 166 other soldiers—all Negroes—were given discharges without honor from the United States Army.

The Secretary of the Army last September changed the discharges to honorable, and declared the 1906 action a gross injustice.

No one knew, then, if any of the 167 men were still alive.

In December, Rep. Augustus F. Hawkins (D-Calif.) identified a Minneapolis man as the only known survivor of the incident.

But this weekend Hawkins' office disclosed that a second had been found: Edward Warfield, a retired security guard who lives in South Los Angeles.

The so-called raid, as Warfield recalls it, was the sound of gunfire in the night.

The history books long described it as an incident in which Negro soldiers shot up the border town of Brownsville, Tex., killing one man and maiming a second.

Then, in 1969, Los Angeles writer John D. Weaver, in a book called "The Brownsville Raid," described how the perpetrators of the incident may have been townspeople seeking a pretext for driving black troops from their assignment at Brownsville.

It was Weaver's book which inspired Hawkins' search for the survivors. It was Hawkins' pressure on the Pentagon which resulted in honorable discharges being issued the 167 men.

Warfield, now 89, spread his old Army papers out on a table at his apartment on Avalon Blvd. Friday to compare notes with author Weaver. Warfield's memory hopscotched among the incidents from which Weaver's history was written.

"There was just a mean bunch of people in Brownsville," he said. "They didn't want Negro soldiers there. They had a sign at the park. It said, 'No niggers and no dogs allowed.'

"One of our men was down by the Rio Grande, and some people there threw him into the river."

Brownsville was a small town across the Rio Grande from Mexico. Companies B, C and D of the 1st Battalion of the 25th Infantry had moved into quarters in old Ft. Brown two weeks before.

Brownsville, whose people were Anglo or Mexican-American, did not like the men of the 1st Battalion. On Aug. 12 a white woman reported she had fought off a black soldier who had tried to rape her. Feelings ran high.

Warfield recalled the night of the raid:

"We had been on a march that day and came in late and tired and locked up our rifles without cleaning them. I was in bed in company quarters, asleep, when I heard the shooting. I couldn't tell from the sound what kind of guns they were using.

"The second section gun rack was at the foot of my bed. I got untangled from my mosquito netting, and the man in charge of quarters, Sgt. Jackson, was trying to open the rack. I could hear the call to arms.

CONFUSED RESPONSE

"A soldier named Jamison, he was a mean scoundrel, he yelled, 'Cut that light out, somebody gonna get killed.' The sergeant had a hard time opening the rack. I ran down and fell in. I was the first one, No. 1, and the others fell in around me.

"I heard somebody yell, 'They're shooting the quarters up!' Our squad got all fallen in, but the sergeant told us to fall out and fall in again and do it in the right order. I was supposed to be No. 2 in the second rank."

That was Warfield's contribution to history: he saw no one fire a shot.

He looked at the framed photograph taken of him when he was in the 1st Battalion of the 25th Infantry—just before he went to Brownsville. It showed a handsome man of 21 in his dress blue uniform.

"I was 5 foot 10," he said, "weighed 205. I always tried to be strict through my life. I always tried to keep my word.

"To get ganged up in something like that thing in Brownsville—it's just got to make you sorrowful."

The Army's inquiry found a pile of empty shell casings outside the fort, and found them to be from Springfield rifles, then a new weapon recently issued to the infantry. Weaver said the Army found they had been fired by four rifles—one of which later turned out to be that of a Ft. Brown sergeant on furlough at the time of the Brownsville gunfire.

"At Ft. Reno, they formed us like this," said Warfield, making a three-sided square with his hands on his old discharge papers on the table before him. "A general from the inspector general stood here." He pointed to the fourth side of the square.

"He told us, 'Men, I've come here from Washington, D.C. I want to find out who did the shooting at Brownsville. If I don't find out, I'm going to see that you are dishonorably discharged from the United States Army, and forever debarred from serving in the U.S. Army, or holding civil employment with the government.

"'If I don't find out, you will lose your honor—all your life."

NO CONFESSIONS

"He went to the headquarters to wait for someone to step forward. No one ever did. They discharged us all."

After a 1909–10 inquiry into the case of the Army permitted 14 of the 167 soldiers to reenlist, and Warfield was one of the 14. He had testified before the inquiry, which held the troops to blame. The Army later called the 1906 discharges the only documented case of mass punishment in its history.

Warfield served a hitch, then quit the Army. He reenlisted in 1917, served in France in World War I and was honorably discharged in 1919.

[News Release, Department of Defense, Sept. 28, 1972]

ARMY REVIEWS 1906 DISCHARGES

Secretary of the Army Robert F. Froehlke today announced that the Army has changed to honorable the discharges of some 167 black soldiers of the 1st Battalion, 25th Infantry ("colored") who were discharged in 1906 without honor as a result of a shooting incident which occurred in Brownsville, Texas.

The Secretary of the Army's action grants honorable discharges to all of the individuals concerned.

Around midnight on August 13, 1906, some 16 to 20 individuals on horseback rode through the streets of Brownsville firing their weapons into homes and stores. As a result of the shooting, one man was killed and two were injured. Witnesses alleged that the riders were "colored" soldiers. At the time, the 1st Battalion, 25th Infantry ("colored") was stationed outside the town of Brownsville.

A series of military inquiries and a county grand jury failed to establish the identity of the riders involved. Finally, all members of Companies B, C, and D of the 1st Battalion, were assembled and the guilty told to step forward and identify themselves or all would be discharged without honor. None stepped forward; all maintained their innocence. Their discharge without honor followed.

Subsequent courts of inquiry failed to recommend remedial action and relief legislation introduced on behalf of various individuals was never enacted.

An internal Army review of administrative and judicial policies brought this instance of mass punishment to the attention of the Secretary. Although the practice was occasionally invoked under extreme circumstances during frontier times, the concept of mass punishment has for decades been contrary to Army policy and is considered gross injustice.

[From the Brownsville Herald, Oct. 31, 1972]

AUTHOR PUTS RECORD STRAIGHT ON "RAID"

(By Ward Colwell)

On Thursday, Sept. 28, the U.S. Army got around, after 66 years, to exonerating Negro soldiers who had been dismissed without honor by President Theodore Roosevelt as the result of a disturbance in Brownsville the night of August 13, 1906.

In its press release to the wire services, the Army neglected to credit the action to California Rep. Augustus F. Hawkins and to John D. Weaver, the author of an exhaustively documented volume entitled "The Brownsville Raid," in which detailed evidence showed that the soldiers not only were blameless but received probably the most grotesque injustice of this country's military history.

Weaver spent a good deal of time in Brownsville researching his book. While here he interviewed local historians Eddie Valent, Alfonso Champion and others. He spent many hours viewing back files of The Herald in pinning down the sequence of events surrounding the "Raid."

The Herald reviewed the Weaver book shortly after its publication two years ago, and localized the United Press International dispatch on the exoneration of the soldiers.

Since Brownsville was the focal point of the entire situation, and since the Army's version of the action was so full of discrepancies and inaccuracies, Author Weaver has written another report exclusively for The Herald. Here it is.

REPORT BY JOHN D. WEAVER

Now that the army has cleared the military records of the 167 black soldiers of Companies B, C and D, First Battalion, 25th Infantry, who were dismissed without honor by President Theodore Roosevelt in 1906 following a midnight shooting incident at Brownsville, Texas, the record of the event itself should be set straight.

"Around midnight on August 13, 1906, some 16 to 20 individuals on horseback rode through the streets of Brownsville firing their weapons into homes and stores," states the press release announcing the decision of the Secretary of the Army to grant the black troops honorable discharges.

Actually, there were about 8 to 15 men, and they were on foot. They appeared to fire into the air and at oil lamps which might cast a light on their faces as they ran up the dark alleys of the border town on a moonless night. They killed one man and wounded another. Both victims happened to stumble directly across their path.

"Witnesses alleged that the riders were 'Colored' soldiers," the press release continues.

No mention is made of the character of that eyewitness testimony. One man who took the stand was 72, blind in one eye, and with defective vision in the other. He claimed to have recognized the raiders as black men in army uniforms at a distance of 150 feet on a night so dark that the battalion's white officers were unable to recognize their own men when they were ten feet away.

One witness was convinced the raiders were blacks, because he had heard two men speak nine words. Another witness was a local loafer who had waited five months before telling his story. Meanwhile, he had been rewarded with a job as deputy sheriff.

A white woman testified she had seen black soldiers shooting from B Co. barracks at a time when the men and their officers all swore the company was lining up for roll call.

"A series of military inquiries and a county grand jury failed to establish the identity of the riders involved," the press release states.

The investigations by a citizens' committee, the War Dept. and a county grand jury were based on the fixed belief that the soldiers were guilty. No effort was made to determine whether as local gossip had it, a pack of border ruffians might have staged a mock assault on the town in order to cast suspicion on the black battalion and have it replaced by white troops.

"Subsequent courts of inquiry failed to recommend remedial action," the press release goes on to add, thus implying that the case was reviewed on more than one occasion by objective bodies which had found no reason to remedy the action taken by President Roosevelt and carried out by his Secretary of War and hand-picked successor, William Howard Taft.

In reality, there was only one court of inquiry, and in the opinion of Brig. Gen. Aaron S. Daggett, who had commanded the 25th Infantry in Cuba, it was "packed" against the men. It refused to hear the testimony of a key witness who might have been able to identify the attacking party as civilians.

The army's decision to correct the "gross injustice" done the Brownsville soldiers was taken not because the men were innocent, but because "the concept of mass punishment has for decades been contrary to army policy." Under our system of justice, the men should have been presumed to be innocent until they were taken into a legally constituted court and proved to be guilty. Two of the black battalion's white officers were court-martialed and acquitted, but not a single soldier was ever put on trial and convicted of any wrongdoing.

The War Dept. proceeded on the premise that a handful of soldiers had shot up the town and the rest had joined a "conspiracy of silence" to shield the criminals. To this day the military bureaucracy has refused to abandon this untenable position. Justice demands a candid statement from the Secretary of the Army that the black soldiers have been given honorable discharges posthumously not because of the method by which they were punished but because they were innocent.

[From the Plain Dealer, Oct. 16, 1972]

AUTHOR SEES NO JUSTICE FOR BROWNSVILLE SOLDIERS

(By Thomas J. Brazaitis)

When the Army cleansed the records of 167 black soldiers discharged without honor for their alleged "conspiracy of silence" 66 years ago, most Americans applauded.

But John D. Weaver, a California writer, said the exoneration made last month was an empty gesture.

"Justice has not been done," Weaver said. "For two generations this episode has lain under history's rug. Now the Army has dragged it out for another whitewashing."

Secretary of the Army Robert F. Froehlke last month ordered honorable discharges for the soldiers who were accused and punished without a trial after a band of raiders shot up the town of Brownsville, Tex., in 1906.

"Although the practice was occasionally invoked under extreme circumstances during frontier times," Froehlke said, "the concept of mass punishment has for decades been contrary to Army policy and is considered gross injustice."

Weaver, who wrote "The Brownsville Raid," the only authoritative history of the incident, said the soldiers' records were cleared for the wrong reason. The Army has yet to admit the men were innocent.

"If a gross injustice was done, as the secretary said, the question is, who committed the injustice," Weaver said. "The answer is two Republican presidents."

An Army spokesman said the case was brought to Froehlke's attention during a review of administrative and judicial policies and, after 66 years, the secretary wanted to set the record straight.

With the presidential election only six weeks away, the Nixon administration, eager to win friends among blacks, was pleased to exonerate the unit designated as 1st Battalion, 25th Infantry (Colored).

Officials said no attempt would be made to determine whether any of the men are still alive. The action ruled out any back pay and allowances for their descendants.

Weaver, interviewed by telephone at his Beverly Hills home, said his interest in the case was aroused five years ago when his mother, Mrs. Henry B. Weaver, mentioned a trip she had made to Brownsville "when those soldiers were kicked out the Army."

Weaver's father had been the court reporter during a 1909 Army inquiry in Brownsville. Mrs. Weaver insisted there had been no trial.

Believing at first the soldiers were guilty but wrongfully punished, Weaver began to examine records of what history recorded as "The Brownsville Affray." His search took him to the Cincinnati Historical Society, where he read the papers of Ohio Sen. Joseph B. Foraker, a Republican, who had vigorously opposed the soldiers' dismissal.

"As I read, the odor of venality came from the pages," Weaver said. "What I came to feel was that Foraker had died frustrated that the truth had never gotten out. I had to finish his unfinished work."

For what he termed "two grueling years," Weaver played historical detective.

"I never worked so hard," said the author. "It was an emotional thing. Finally the book came out late in 1970, and promptly died. Here was an incident involving two presidents—Theodore Roosevelt and William Howard Taft—and an assault on 167 black soldiers, and nobody seemed to care."

But U.S. Rep. Augustus F. Hawkins, D.-Calif., read the book and was shocked by the well documented findings. After checking Weaver's sources, Hawkins introduced a bill in March 1971 to clear the soldiers' military records.

"To this day not one of those men has ever been proved guilty of the offense for which all of them were dismissed, with no chance to face their accusers in a public trial," Hawkins said.

"From the outset the War Department took the soldiers' guilt for granted," Hawkins said, "but time and again, as the Weaver book documents, the evidence its investigators dug up to convict the men turned out on further examination to be persuasive evidence of their innocence.

"Two generations of children, black and white, have grown up hearing about Teddy Roosevelt's storming of San Juan Hill, but not about his shameful treatment of the black soldiers who protected his flank at the bloody battle of El Caney."

Eighteen months later, without mentioning Hawkins or Weaver, the secretary of the Army announced the 167 soldiers would be honorably discharged. The question of their innocence was not raised.

In a story filed for national consumption, the Associated Press gave a typical history-book account of the Brownsville Affray, which differed sharply from Weaver's findings. Here, key points are contrasted:

History: "According to the history books, about midnight Aug. 13, 1906, some 16 to 20 armed men rode on horseback through the streets of Brownsville, firing wildly into the homes of whites. One resident was killed and several others injured."

Weaver: The Brownsville raiders were on foot, not horseback. For about 10 minutes, they riddled the town with bullets, killing a young bartender and wounding a police lieutenant. No others were injured."

History: "The shooting followed a fight between a black soldier of the 1st Battalion and a white merchant . . ."

Weaver: Actually, the shooting spree was touched off by a white woman who claimed she had been assaulted by a black soldier. So incensed were the townspeople, the soldiers were ordered to stay at Ft. Brown after 8 p.m. Motive for shooting was on the side of the townspeople.

Brownsville had been hostile to the soldiers from the day they arrived, two weeks before the raid. Lincoln had freed the slaves decades before, but black soldiers were not citizens in the minds of the townspeople.

History: "The townspeople claimed the raiders were Negro troops from Ft. Brown, but a series of military inquiries and a county grand jury failed to establish the identity of any of the men involved. No soldier would give evidence against his comrades."

Weaver: Hours after the shoot out, a citizens committee was formed to gather unsworn testimony from townspeople. Each would-be witness was told, "We know they were Negro soldiers. If there is anything that would throw any light on the subject, we would like to have it."

To Foraker, this testimony seemed "loose, conflicting, disjointed and contradictory." To Roosevelt the same testimony proved conclusively "the soldiers were the aggressors from start to finish."

The committee telegraphed Roosevelt, demanding the black soldiers be replaced by whites. Roosevelt dispatched his own military investigators, not to search for truth, but to find which soldiers were guilty.

"By George! The men's guilt is as clear as the day!" Roosevelt said.

History: "Finally all members of the battalion were assembled. The guilty were told to step forward and identify themselves or all would be discharged without honor. No one moved. And on Nov. 5, 1906, Roosevelt ordered 167 privates and noncommissioned officers discharged . . . because of the 'conspiracy of silence.' "

Weaver: The soldiers were transferred to Ft. Reno, Okla., where for weeks they were badgered, bribed and threatened. Finally, they were given 24 hours to confess or be discharged without honor. When no one came forward, all were branded guilty.

On the "conspiracy of silence" Weaver quoted a Boston lawyer who doubted that even a Roman emperor would have punished men "for not disclosing what they did not know, and therefore could not disclose had they been willing to."

What caliber of soldiers were the men of the 1st Battalion? Maj. Charles W. Penrose, their commanding officer, said they were "the best drilled and best disciplined battalion that I have ever seen in the Army."

Penrose, at first convinced the men were guilty, later declared. "There is a strong, a very strong belief in my mind that my men had nothing to do with it."

Brig. Gen. Andrew S. Burt, who was in command when the 25th Infantry was called up for the war in Cuba in 1898, said of this black battalion: "Fight, did you say? Why they would charge into hell, fight their way out, and drag the devil out by the tail."

Mingo Sanders, first sergeant of Company B and a 26-year veteran of the Indian wars, Cuba and the Philippines, was described by the New York Times as having "a better record as a soldier than Roosevelt."

Weaver, who in researching the Brownsville Affray came to know the soldiers as well as any of their contemporaries, offered this evaluation:

"There were no finer soldiers because they were black, they had to try harder. And they did. They were the best."

Taft, the secretary of war and heir to the presidency, carried out the dismissal order. The soldiers were "discharged without honor," an administrative procedure, rather than "dishonorably discharged," which requires a court-martial.

Later, three of the battalion's five white officers were court-martialed and found innocent of complicity.

Roosevelt was careful to refer to the soldiers' dismissal as discipline, not punishment, because punishment required bringing the men to trial on specific charges. Ironically, in revoking the order 66 years later, Froehlke termed the action "mass punishment."

Forsaker, an eloquent man, persuaded his fellow senators to conduct an investigation. The Senate Military Affairs Committee, after hearing 106 witnesses, voted, 9–4, to uphold Roosevelt's action.

Weaver analyzed the majority vote this way: "Four Republicans found them guilty of trying to embarrass the President and Secretary Taft; five southern Democrats found them guilty of being black."

In 1908 Taft was elected President and Forsaker was forced out of the Senate. Forsaker, who once was offered an ambassadorship of his choice if he would drop the Brownsville matter, pressed on. In his final days in the Senate, he proposed a court of inquiry. Five ex-generals examined official records and visited Brownsville one weekend for the hearing Weaver's father reported. In his book, Weaver said the so-called inquiry could be nothing more than a whitewash:

"A pride of retired generals, serving a southern Democrat secretary of war appointed by the Republican President who had executed the dismissal order of his predecessor, could hardly have been expected to set about their business in such a way as to prove that a scattering of black enlisted men were innocent of any wrongdoing and that two presidents (along with an incalculable number of West Pointers) were guilty of a monstrous injustice."

Curiously, the generals voted, 3–2, to allow 14 of the soldiers, probably picked at random, to re-enlist. The others were barred from making any further appeal.

With that, the government slammed the door on the Brownsville Affray until Froehlke reopened it last month.

"The Army has not granted justice to these soldiers," Weaver said. "The Army repeated the error of two generations ago by assuming the soldiers were guilty. Justice demands that these men be declared innocent and restitution be made to their descendants."

Hawkins, the California legislator, has asked Froehlke to do just that.

"He has not done all that should have been done," Hawkins said. "I commend him on clearing the record, but the decision not to press forward to locate and compensate survivors and their relatives is, in my opinion, unforgiveable.

If Froehlke does not take action, Hawkins said, he would introduce legislation to clear up the Brownsville Affray.

Weaver said a black newspaper in Chicago is printing the names of the 167 soldiers in an effort to locate survivors and descendants.

"This is going to boomerang against the administration," Weaver said.

In gathering information for his book, Weaver spent six months in Brownsville, a dusty Mexican border town of 50,000.

"I hated the place," Weaver said. "It has not changed."

Weaver said the Brownsville raiders probably were vigilantes who could not tolerate black soldiers in their town.

One of the letters Weaver received after the book was published was from a Texas man, who recalled, "My grandfather used to talk about the night they shot the niggers up in Brownsville."

A young newspaper reporter who was raised in Brownsville told Weaver she did not learn of the Brownsville Affray until she went away to college in Austin. After reading the history-book version, she assumed the soldiers were guilty.

"But why has no one ever brought up the subject in my hometown?" she asked Weaver.

"Did it ever occur to you the soldiers might have been framed?", he answered.

In Shirley, Mass., 40 miles west of Boston, Harriet Lyon, whose father, then a captain, had commanded D Company of the 1st Battalion received the Army's announcement with mixed feelings.

"I felt a tremendous surge of thankfulness," she said, "but, at the same time, I was slightly embittered by the fact the men are not alive to see their records cleared."

Miss Lyon, then 3 years old, was asleep at Ft. Brown the night raiders shot up the town.

"My father never had the slightest doubt the men were completely innocent," Miss Lyon said. "He was bitter at President Roosevelt for denying the men the right of trial. Some of these men were within days of retirement, with years of honorable service behind them."

Capt. Lyon, found innocent by a military court in 1910, retired as a lieutenant colonel in 1920 after 30 years of service. He died in 1939.

Miss Lyon said among her father's belongings were several badges and medals earned by the soldiers but not awarded until after the unit had split up.

"When I heard the men were honorably discharged, my first impulse was to go to Arlington National Cemetery, where my father is buried, and read the announcement at his grave," Miss Lyon said.

"He would want to know."

ATTACHMENT 2

LIST BY STATE OF ORIGINAL ADDRESSES, TOGETHER WITH YEAR OF BIRTH, OF BROWNSVILLE SOLDIERS

[The following list contains more than 167 entries, since some names are listed more than once. This is because the State of birth is different from the State of last residence. In these cases, an asterisk appears beside the name]

Rank and name	Year of birth	Birthplace	Last known residence
ALABAMA			
Pvt. Henry Jones*	1882	Courtland, Ala	112 Lookout St., Chattanooga, Tenn.
Cook Leroy Horn*	1873	Meridian, Miss.	Birmingham, Ala.
Pvt. Frank J. Lipscomb	1880	Sumter County, Ala	Bessemer, Ala.
Pvt. George W. Mitchell	1882	Selma, Ala	1325 North St., Selma, Ala.
ARKANSAS			
Pvt. Lawrence Daniel*	1883	Little Rock, Ark	Galveston, Tex.
Sgt. George W. McMurray	1853	Little Rock, Ark	1808 West Sherman, Little Rock, Ark.
CALIFORNIA			
Musician Walter Banks*	1879	Macon, Ga	Sacramento, Calif.
DELAWARE			
Pvt. William A. Matthews*	1882	Symona, Del	407 Welch St., Chester, Pa.
GEORGIA			
Pvt. William Brown	1872	Savannah, Ga	5010 Ninisis Ct., Savannah, Ga.
Pvt. Clifford I. Adair*	1882	Dallas, Ga	709 Dedar St., Chattanooga, Tenn.
Pvt. James Allen	1878	Macon, Ga	(None).
Pvt. James Bailey*	1881	Mewman, Ga	Chattanogoa, Tenn.
Musician Walter Banks	1879	Macon, Ga	Sacramento, Calif.
Pvt. John Butler	1880	Washington, Ga	420 Washington St., Washington, Ga.
Pvt. Wesley Mapp	1879	Atlanta, Ga	Atlanta, Ga.
Cpl. David Powell	1877	Augusta, Ga	1814 Twiggs St., Augusta, Ga.
Sgt. Jerry E. Reeves	1871	Pile County, Ga	Liberty Hall, Pike Co., Ga.
Pvt. George W. Newton	1865	La Grange, Ga	La Grange, Ga.
Pvt. Edward Jordan	1878	Madison, Ga	Madison, Ga.
Pvt. Joseph H. Howard	1880	Columbus, Ga	1322 5th Ave., Columbus, Ga.
Pvt. Samuel McGhee*	1880	Arworth, Ga	524 East Lewison St., Chattanooga, Tenn.
Pvt. Willie Lemons	1879	Macon, Ga	171 Long Lane, Macon, Ga.
Pvt. Brister Williams*		Beaufort, S.C	State St., Savannah, Ga.
Pvt. William Thomas*	1882	Macon, Ga	213 10th St., Chattanooga, Tenn.
Pvt. Isaac Goolsby*	1876	Jasper County, Ga	Post Office Box 284, Leavenworth, Kans.
Pvt. Boyd Conyers	1885	Covington, Ga	Monroe, Ga.
Pvt. Ernest English	1878	Warrenton, Ga	Catskill, N.Y.
Musician Henry Odom	1877	Macon, Ga	Macon, Ga.
Sgt. James R. Reid	1875	Hancock County, Ga	Newman, Ga.
Pvt. James Sinkler	1877	Cartersville, Ga	Cartersville, Ga.
Cpl. John H. Hill	1876	Thomston, Ga	Marrietta, Ga.
Pvt. Mark Garmon	1871	Campbell County, Ga	Douglasville, Ga.
Cook George Grier	1875	Newman, Ga	Newman, Ga.
Pvt. Alphonso Holland	1877	Columbus, Ga	Columbus, Ga.
Pvt. Thomas L. Moseley	1877	Henry County, Ga	Henry County, Ga.
Pvt. George Smith	1878	Augusta, Ga	120 King St., Augusta, Ga.
Pvt. Lewis Williams*	1880	Kingston, Ga	Chattanooga, Tenn.
Pvt. Samuel L. Scott*	1873	Baldwin County, Ga	1517 North 26th St., Omaha, Nebr.
Pvt. John Holomon*	1875	Baldwin County, Ga	Valentine, Nebr.
Pvt. Frank Jones*	1876	Atlanta, Ga	102 East Cain St., Atlanta, Ga.; 562 Cedar St., St. Paul, Minn.
Pvt. Zachariah Sparks	1878	Eatonton, Ga	Macon, Ga.; Mrs. Savannah Sparks, 1198–B McDaniel St., SW. Atlanta, Ga.
Sgt. George Thomas	1878	Carsville, Ga	7245 South Pyror St., Atlanta, Ga.
ILLINOIS			
Cook Robert Williams	1878	Galveston, Tex	2812 South State St., Chicago, Ill.
Cpl. Anthony Franklin*	1871	Prince Edward County, Va.	215 South 3d St., Springfield, Va.
Pvt. Leartis Webb*	1879	Evansville, Ind	Armory Ave., Chicago, Ill.

Rank and name	Year of birth	Birthplace	Last known residence
INDIANA			
Pvt. John R. Jones	1882	Evansville, Ind	Evansville, Ind.
Pvt. Charles E. Rudy*	1870	Dixon, Ky	Mount Vernon, Ind.
Pvt. Thomas Jefferson	1870	Indianapolis, Ind	171 Indiana Ave., Indianapolis, Ind.
Pvt. James Perry*	1867	Russellville, Ky	Evansville, Ind.
Pvt. Leartis Webb*	1879	Evansville, Ind	3731 Armory Ave., Chicago, Ill.
IOWA			
Henry T. W. Brown	1877	Davenport, Iowa	Davenport, Iowa.
KENTUCKY			
Pvt. Henry W. Arrin	1880	Pembooke, Ky	Pembooke, Ky.
Cpl. Ray Burdett	1882	Yosmite, Ky	(None.)
Pvt. Strowder Darnell*		Middletown, Ky	Xenia, Ohio.
Musician Hoytt Robinson	1880	Mount Sterling, Ky	Mount Sterling, Ky.
Pvt. Samuel Wheeler	1865	Clark County, Ky	(None.)
Pvt. Richard Crooks	1876	Bourbon County, Ky	2200 Brooks St., Louisville, Ky.
Pvt. Edward Robinson	1881	Mulborough, Ky	Louisville, Ky.
Pvt. Benjamin F. Johnson	1877	Fayette County, Ky	New Zion, Ky.
Pvt. Charles Jones	1875	Nicholasville, Ky	283 Constitution St., Lexington, Ky.
Musician Joseph Jones	1876	Midway, Ky	Midway, Ky.
Pvt. Thomas Taylor	1880	Clark County, Ky	Winchester, Ky.
Sgt. Luther T. Thornton	1877	Aberdeen, Ohio	Flemingsburg, Ky.
Cpl. Preston Washington	1876	Lexington, Ky	191 Blackwell St., Lexington, Ky.
Pvt. Charles E. Rudy*	1870	Dixon, Ky	Mount Vernon, Ind.
Pvt. James Perry*	1867	Russellville, Ky	Evansville, Ind.
Pvt. William Van Hook	1871	Odville, Ky	Cythiana, Ky.
Pvt. August Williams	1882	Hartford, Ky	Hartford, Ky.
Pvt. Stansberry Roberts	1878	Woodford County, Ky	Lexington, Ky.
Pvt. William Smith	1873	Lexington, Ky	North Limestone, Lexington, Ky.
Pvt. John Green	1881	Mulborough, Ky	Louisville, Ky.
KANSAS			
Pvt. Henry Robinson*	1877	Memphis, Tenn	Wichita, Kans.
Cook Charles Dade*	1855	Culpepper, Va	Abilene, Kans.
Pvt. Isaac Goolsby*	1876	Jasper County, Ga	Post Office Box 284, Leavenworth, Kans.
LOUISIANA			
Pvt. Walter Johnson	1872	1830 St. Peters St., New Orleans, La.	(None).
Pvt. William J. Carlton*	1880	Curtis, La	Franklin, Tex.
MARYLAND			
Pvt. John Brown*	1869	Baltimore, Md	50 Montgomery St., Jersey City, N.J.
Pvt. Elmer Brown	1870	Middletown, Md	Baltimore, Md.
Sgt. Darby W. O. Brawner		Charles County, Md	(None).
Pvt. Elias Gant*	1877	Washington, D.C	Grifton, Md.
Cpl. Winter Washington*	1877	Glouchester, Va	1321 Argyle Ave., Baltimore, Md.
Pvt. Charles H. Hawkins	1877	Baltimore, Md	111 Walnut St., Baltimore, Md.
Alfred N. Williams*	1873	Prince Georges County, Md.	Washington, D.C.
George Jackson	1867	Baltimore, Md	(None).
Pvt. John T. Hawkins	1875	Howard County, Md	Guilford, Md.
Pvt. John Slow	1864	Logtown, Md	Easton, Md.
Pvt. William J. Kernan	1871	Baltimore, Md	214 N. Vincent St., Baltimore, Md
MINNESOTA			
Pvt. William Mapp*	1877	North Hampton, Va	St. Paul, Minn.
Pvt. Dorsie Willis*		Jackson, Miss	Minneapolis, Minn.
Pvt. Frank Jones*	1876	Atlanta, Ga	102 E. Cain St., Atlanta, Ga.; 562 Cedar St., St. Paul, Minn.
MISSISSIPPI			
Pvt. Charles W. Askew	1878	Panola, Miss	Lespedeza, Miss.
Pvt. James C. Gill	1880	Trinidad, S.A	Lyman, Miss.
Cook Leroy Horn*	1873	Meridian, Miss	Birmingham, Ala.
Pvt. Dorsie Willis*		Jackson, Miss	Minneapolis, Minn.
MISSOURI			
Pvt. Edward Wickersham	1873	Lebanon, Mo	Lebanon, Mo.
NEBRASKA			
Cpl. Jones A. Coltrane*	1878	Danville, Va	928–H 23rd St., Omaha, Nebr.
Sgt. Mingo Sanders*	1858	Macon County, S.C	Fort Niobrara, Nebr.
Pvt. Samuel L. Scott*	1873	Baldwin County, Ga	1517 North 26th St., Omaha, Nebr.
Pvt. John Holomon*	1875	Baldwin County, Ga	Valentine, Nebr.
Pvt. Calvin Smith*	1872	Winsboro, S.C	Omaha, Nebr.
NEW JERSEY			
Pvt. Battier Bailey*	1886	Henrico County, Va	722 Van Hook, Camden, N.J.
Pvt. John Brown*	1869	Baltimore, Md	50 Montgomery St., Jersey City, N.J.
NEW YORK			
Pvt. Ernest English*	1878	Warrenton, Ga	Catskill, N.Y.
Sgt. Samuel W. Harley*		Elmira, N.Y	517 State St., Harrisburg, Pa.
NORTH CAROLINA			
James E. Armstrong	1873	Gaston City, N.C	Lowell, N.C.
Pvt. Isaiah Raynor	1877	Raleigh, N.C	Releigh, N.C.
Pvt. Joseph L. Wilson	1883	Glen Alpine, N.C	Glen Alpine, N.C.
Pvt. Alexander Walker*	1877	Fort Lawn, S.C	305 S. Graham St., Charlotte, N.C
Pvt. Shepherd Glenn*	1882	Old Town, N.C	1237 9th St.. NW., Washington, D.C
Pvt. John Cook	1871	Wilksborough, N.C	Greensboro, N.C.
Cpl. Wade H. Watlington	1874	Caswell County, N.C	Lawsonville, N.C.
Pvt. George W. Harris	1874	Littleton, N.C	Littleton, N.C,
Pvt. Erasmus T. Dabbs*	1872	Charlottesville, Va	Oxford, N.C.
Pvt. William McGuire, Jr	1877	Lexington, N.C	Lexington. N.C.
Pvt. Joseph Shanks	1876	Lincolntown, N.C	Charlotte, N.C.
Pvt. Charley Hairston*	1882	Henry, Va	Spray, N.C.
Pvt. James Johnson	1878	Newbern, N.C	Williamston, N.C.
Pvt. Edward Lee*	1871	Yanceyville, N.C	Washington, D.C. (1948); Mother: 1833 Monroe St., Danville, Va.
Pvt. Edward Johnson		Warrenton, N.C	Littleton, N.C.
OHIO			
Pvt. Strowder Darnell*		Middletown, Ky	Xenia, Ohio.
Sgt. Luther T. Thornton*	1877	Aberdeen, Ohio	Flemingsburg, Ky.
Pvt. Frank Bounsler	1874	Champaign County, Ohio	Springfield, Ohio
OKLAHOMA			
Pvt. Elmer Peters*	1883	Henderson, Tex	Guthrie, Okla.
Pvt. Edward Warfield*	1883	Waco, Tex	330 East 2d St., Oklahoma City, Okla.
Cpl. Charles H. Madison*	1872	Staunton, Va	Wallston, Okla.
PENNSYLVANIA			
Pvt. William A. Matthews*	1882	Symona, Del	Chester, Pa.
Pvt. James Newton*	1872	Knoxville, Tenn	107 Elm St., Pittsburgh, Pa.
Pvt. George Cann	1878	Mechanicsburg, Pa	Mechanicsburg, Pa.
Sgt. Samuel W. Harley*		Elmira, N.Y	Harrisburg, Pa.
Pvt. Perry Cisco	1879	Newton Falls, Pa	Allegheny, Pa.
SOUTH CAROLINA			
Pvt. Henry Barelay	1876	Charleston, S.C	(None.)
Pvt. Brister Williams*	1880	Beaufort, S.C	State St., Savannah, Ga.
Pvt. Julius Wilkins	1861	Spartanburg, S.C	Spartanburg, S.C.
Pvt. Alexander Walker*	1877	Fort Lawn, S.C	305 South Graham St., Charlotte, N.C.
Pvt. William Harden	1879	Chester, S.C	Chester, S.C.
Cook Soloman Johnson	1877	Wilkins, S.C	Wilkins, S.C.
Pvt. Carolina DeSaussure	1879	Richland County, S.C	Eastorer, S.C.
Sgt. Mingo Sanders	1858	Marion County, S.C	Fort Niobrara, Nebr.
Pvt. James Sinkler	1876	Sumter, S.C	8 American St., Charleston, S.C.
Pvt. James W. Newton	1880	Greenville, S.C	314 Leach St., Greenville, S.C.
Pvt. James Duncan	1874	Greenville, S.C	521 East McBee St., Greenville, S.C.
Pvt. Calvin Smith*	1872	Winsboro, S.C	Omaha, Nebr.
TENNESSEE			
Pvt. Sam M. Battle	1878	Davidson County, Tenn	Nashville, Tenn.
Pvt. Clifford I. Adair*	1882	Dalles, Ga	709 Cedar St., Chattanooga, Tenn.
Pvt. James Bailey*	1881	Newman, Ga	Chattanooga, Tenn
Pvt. Alonzo Haler	1870	Calhoun, Tenn	Calhoun, Tenn.
Pvt. Henry Robinson*	1877	Memphis, Tenn	Wichita, Kans.
Sgt. Jacob Frazier	1868	Jefferson City, Tenn	57 Russell St. Knoxville, Tenn.
Pvt. James Newton*	1872	Knoxville, Tenn	107 Elm St., Pittsburgh, Pa.
Pvt. Len Reeves*	1877	Bolivar, Tenn	212 Chestnut St., San Antonio, Tex.
Pvt. William R. Jones	1876	Murry County, Tenn	1627 James St., Nashville, Tenn.
Pvt. Barney Harris	1881	Chattanooga, Tenn	109 Elm St., Chattanooga, Tenn.
Pvt. Samuel McGhee*	1880	Arworth, Ga	524 East Lewiston St., Chattanooga, Tenn.
Pvt. William Thomas*	1882	Macon, Ga	213 10th St., Chattanooga, Tenn.
Sgt. Walker McCurdy	1866	Clarksville, Tenn	Cumberland, Tenn.
Pvt. Harry Carmichael	1882	Hawkins County, Tenn	Mooresburg, Tenn.
Cpl. Solomon P. O'Neil	1877	Columbia, Tenn	No. 51 11th St., Columbia, Tenn.
Cpl. Willie H. Miller*	1874	Coal Creek, Tenn	2120 Selden St., Richmond Va.
Pvt. James T. Harden	1882	Knoxville, Tenn	Knoxville, Tenn.
Pvt. Robert L. Collier	1876	Gallatin, Tenn	Gallatin, Tenn.
Sgt. Newton Carlisle	1865	Clarkesville, Tenn	Clarkesville, Tenn.
Pvt. William E. Jones	1877	Knoxville, Tenn	Knoxville, Tenn.
Pvt. West Logan	1881	Elizabethtown, Tenn	Elizabethtown, Tenn.
Pvt. John Streater	1876	Nashville, Tenn	Chattanooga, Tenn.
Pvt. Lewis Williams*	1880	Kingston, Ga	Chattanooga, Tenn.
Pvt. Robert L. Rogan*	1880	Nashville, Tenn	1011 Velvet St., Nashville, Tenn.
Pvt. Henry Jones*	1882	Courtland, Ala	112 Lookout St., Chattanooga, Tenn.
Pvt. John Smith	1878	Carter County, Tenn	Elizabethtown, Tenn.
Pvt. John Kirkpatrick	1873	Davidson County, Tenn	(None.)
TEXAS			
Pvt. William Anderson	1883	Matagorda, Tex	Bay City, Tex.
Pvt. John B. Anderson*	1861	Richmond, Va	Fort Worth, Tex.
Pvt. Elmer Peters*	1883	Henderson, Tex	Guthrie, Okla.

ATTACHMENT 2—Continued

LIST BY STATE OF ORIGINAL ADDRESSES, TOGETHER WITH YEAR OF BIRTH OF BROWNSVILLE SOLDIERS—Continued

[The following list contains more than 167 entries, since some names are listed more than once. This is because the State of birth is different from the State of last residence. In these cases, an asterisk appears beside the name]

Rank and name	Year of birth	Birthplace	Last known residence
Pvt. Len Reeves*	1877	Bolivar, Tenn	212 Chestnut St., San Antonio, Tex.
Cook Robert Williams*	1878	Galveston, Tex	2812 South State St., Chicago, Ill.
Pvt. George Lawson	1881	Houston, Tex	Galveston, Tex.
Pvt. Edward Warfield*	1883	Waco, Tex	330 East 2d St., Oklahoma City, Okla.
Pvt. Lawrence Daniel*	1883	Little Rock, Ark	Galveston, Tex.
Pvt. William J. Carlton	1880	Curtis, La	Franklin, Tex.
VIRGINIA			
Pvt. Butler Bailey*	1886	Henrico County, Va	722 Van Hook, Camden, N.J.
Pvt. John B. Anderson*	1861	Richmond, Va	Fort Worth, Tex.
Pvt. Alexander Ash	1879	Marshall, Va	Marshall, Va.
Cpl. James H. Ballard	1869	Alexandria, Va	617 Altor St., Alexandria, Va.
Pvt. Thomas Jones Green	1866	Prince Williams County, Va.	Prince William County, Va.
Pvt. John A. Jackson	1865	Danville, Va	Danville, Va.
Cpl. Temple Thornton	1878	Gloucester County, Va	Glouchester County, Va.
Sgt. Israel Harris	1870	York County, Va	York County, Va.
Cpl. Winter Washington*	1877	Gloucester County, Va	1321 Argyle Ave., Baltimore, Md.
Cook Charles Dade*	1855	Culpeper, Va	Abilene, Kans.
Pvt. George W. Hall*	1877	218 D St., Washington, D.C.	Cedar Forest, Va.
Cpl. Edward L. Daniels	1876	Charlottesville, Va	Charlottesville, Va.
Cpl. Jones A. Coltrane*	1878	Danville, Va	928–H 23d St., Omaha, Nebr.
Cpl. Anthony Franklin*	1871	Prince Edward County, Va.	215 South 3d St., Springfield, Ill.
Cpl. Albert Roland	1873	Palmyra, Va	Charlottesville, Va.
Cpl. Willie H. Miller*	1874	Coal Creek, Tenn	2120 Selden St., Richmond, Va.
Cpl. Charles H. Madison*	1872	Staunton, Va	Wallston, Okla.
Pvt. Joseph H. Gray	1878	Roanoke County, Va	(None).
Pvt. George W. Gray*	1882	Salem, Va	Sun, W. Va.
Pvt. Erasmus T. Dabbs*	1872	Charlottesville, Va	Oxford, N.C.
Pvt. William Mapp*	1877	North Hampton, Va	St. Paul, Minn.
Pvt. Andrew Mitchell	1877	Catawba, Va	Catawba, Va.
Pvt. George W. Perkins*	1866	Lewis County, Va	1533 P St., NW., Washington, D.C.
Pvt. Oscar W. Reid	1882	Portsmouth, Va	708 Crawford St., Portsmouth, Va.
Pvt. Robert Turner	1876	Chesterfield, Va	Granite, Va.
Pvt. Robert James	1873	Montgomery, Va	113 South McDowell St., Roanoke, Va.
Pvt. John W. Lewis	1878	Roanoke, Va	534 Campbell Ave., Roanoke, Va.
Pvt. Charley Hairston*	1882	Henry, Va	Spray, N.C.
Pvt. George Jackson*	1864	Culpepper, Va	Washington, D.C.
Pvt. Edward Lee*	1871	Yanceyville, N.C	Washington, D.C., (1948) Mother: 1833 Monroe St., Danville, Va.
WEST VIRGINIA			
Pvt. Charles F. Cooper	1877	Harpers Ferry, W. Va	Bolliver, W. Va.
Pvt. George W. Gray*	1882	Salem, Va	Sun, W. Va.
WASHINGTON, D.C.			
Pvt. Elias Gant*	1877	Washington, D.C	Grifton, Md.
Pvt. George W. Hall*	1877	218 D St., Washington, D.C.	Cedar Forest, Va.
Pvt. Alfred N. Williams*	1873	Prince Georges County, Md.	Washington, D.C.
Pvt. Shepherd Glenn*	1882	Old Town, N.C	1237 9th St. NW., Washington, D.C.
Pvt. George W. Perkins*	1866	Lewis Court, Va	1533 P St., NW., Washington, D.C.
Pvt. James A. Simmons	1875	Washington, D.C	354 F St., SW., Washington, D.C.
Pvt. George Jackson*	1864	Culpeper, Va	Washington, D.C.
Pvt. Edward Lee*	1871	Yanceyville, N.C	Washington, D.C. (1948); Mother: 1833 Monroe St. Danville, Va.
UNLISTED			
Pvt. James Woodson			
Pvt. Lewis J. Baker			
Pvt. Taylor Stroudemire			
FOREIGN			
Pvt. Joseph Rogers	1879	St. Michaels, Barbados	St. Michaels, Barbados.

(Attachment 3)

GANGES, BRITISH COLUMBIA, CANADA,
December 8, 1972.

Representative AUGUSTUS HAWKINS,
U.S. House of Representatives,
Washington, D.C.

DEAR MR. CONGRESSMAN: Congratulation on the passage of your bill proposing full exoneration of the men of the 1st Battalion of the 25th Infantry, U. S. Army. Newsweek of October 16, 1972, states that "Hawkins has now demanded that the Army try to locate any survivors or their direct heirs, and to pay them full Army benefits."

This is to state that I am the son, and sole heir of the late John Holloman (private Company B, 25th Infantry) who died at Louisville, Kentucky, on October 2, 1947. I am very grateful to you for your efforts in restoring honor to my father and his comrades. Much success to you in your further efforts to balance the scales in connection with an admitted injustice.

Respectfully yours,
ROBERT HOLLOMAN.

DECEMBER 12, 1972.

Mr. ROBERT HOLLOMAN,
Ganges, British Columbia, Canada.

DEAR MR. HOLLOMAN: I certainly was glad to hear from you.

As you know and indicated in your letter, I and my staff have been engaged in an intensive effort to locate the heirs and survivors of the Brownsville soldiers. The fact that you are John Holloman's son and have gotten in touch with us is excellent.

I would hope that I could ask your assistance in two respects: (1) Could you send me a letter indicating in some detail the hardships (if any) that your father and his family went through as a result of his discharge without honor, as well as what you know about your father's career in the service, and (2) If I hold hearings in Congress on the Brownsville incident and its effect on the families of the soldiers, could you come and testify? The ultimate purpose of the legislation would be to obtain full compensation to the heirs of the soldiers for the wrongs done them.

I hope to hear from you soon.

Sincerely,
AUGUSTUS F. HAWKINS,
Member of Congress.

GANGES, BRITISH COLUMBIA, CANADA,
January 3, 1973.

Mr. AUGUSTUS F. HAWKINS,
House of Representatives
Washington, D.C.

DEAR CONGRESSMAN HAWKINS: In response to your letter of December 12th, the following is offered in the hope that it may be of some benefit in connection with your efforts in behalf of the survivors and heirs of the Brownsville soldiers:

1. Immediately following discharge from the army, my father settled in St. Louis, Mo.; in an effort to re-establish himself in civilian life and re-unite a family of three left stranded in Macon, Georgia. During the next four years life was grim for this family unit of three, consisting of my mother, my sister, and myself who had been partly supported by my father in the days prior to Brownsville.

The realization of his objective came only after the death of my mother (probably from malnutrition), the death of my sister (the victim of a fire while baby-sitting for a fee), and only I was left to re-unite with my father in St. Louis.

2. My father, the late John Holloman, was born in Sandersville, Georgia, February 1, 1876. He died in Louisville, Kentucky, October 2, 1947. At the outbreak of the Spanish American War he enlisted in the U.S. Army and served with the 9th Calvary in Cuba, where he was wounded in action. After Cuba, he transferred to the 25th Infantry and served with this unit in the Philippines, at Fort Niobrara, Nebraska, and Fort Brown, Texas. During a four year stay at Fort Niobrara, John Holloman was "finance man" and money lender to the soldiers of his battalion, supplying them with necessary credit for the fulfillment of their needs and requirements, including transportation over the five miles between the fort and Valentine, Nebraska.

At Brownsville, Texas, he promoted and financially backed the promotion of a saloon, in protest against the discriminatory practices of the community. It was the feeling of John Holloman that "the opening of the saloon and the subsequent economic loss to the white community" was the real cause behind the false charges and the expulsion of the soldiers of the 25th Infantry from Fort Brown.

3. I observed a birthday on December 25, 1972, and suffer from all the normal disabilities of a seventy-five year old man. But I am able, willing and anxious to attend any congressional hearing held in connection with this matter, even at my own expense, if necessary.

I think you should know that I was president (1950–1956) and board chairman (1956–1966) of Mammoth Life and Accident Insurance Company of Louisville, Kentucky. I have been a permanent resident of Canada for the past twenty years, and a Canadian citizen since 1960. My father's experience at Brownsville and my personal experience in

World War I, convinced me that the U.S. was unable or unwilling to defend the rights of the black people who go forth to defend it. It was because of this conviction that I became a voluntary exile from the country of my birth.

My declining years are being spent here in dignity on a small island (Salt Spring) thirty-five miles off the coast of British Columbia. It was first settled in 1858, by ex-slaves and free men of color, who came from the gold fields of California, seeking freedom from persecution. My wife and I have been most happy in researching the history of those early black pioneers who settled in Canada before emancipation.

Sincerely,

ROBERT HOLLOMAN.

PARKESBURG, PA.,
October 12, 1972.

Hon. AUGUSTUS HAWKINS,
U.S. House of Representatives,
Washington, D.C.

DEAR SIR: You are to be congratulated for your efforts to right the wrong done B, C, & D, Cos. 25th US Inf. in the Brownsville Affair.

I served with some of the men who were restored to duty. The greatest hurt was to 1Sgt. Mingo Saunders who was within the retirement bracket but died like many of the others without enjoying the privilege of an honorable discharge.

A review of the GCM of 1st Lt. Henry O. Flipper the first colored graduate of West Point will reveal that the dismissal charge of conduct unbecoming an officer and a gentleman was without foundation.

I served as an enlisted man in the 10th US Cavalry under Col. Charles Young who was my last Commanding officer before being commissioned a Captain in WWI. My last command was as the Commanding Officer 366th Infantry WW2.

Respectfully yours,

H. D. QUEEN,
Colonel, U.S. Army, Retired.

VASSAR COLLEGE,
Poughkeepsie, N.Y., October 3, 1973.

Hon. AUGUSTUS HAWKINS,
House of Representatives,
Washington, D.C.

MY DEAR REPRESENTATIVE HAWKINS: As a young Black historian, I was particularly moved upon reading in the *New York Times* edition of Tuesday, 3 October 1972, of your efforts to bring the Brownsville incident and its allied injustices to the attention of the nation in a speech before Congress on 18 March 1971. It is significant, I think, that the Department of the Army release to the press concerning the clearance of the 167 Black soldiers by the present Secretary of the Army (66 years late) neglected to mention your contribution to this belated act—especially considering that this is an election year. However, I am writing this letter to bring to your attention another case involving Black soldiers in Texas which disputes the Army contention that the Brownsville case of 1906 was the "only documented case of mass punishment in its history." This is regrettably not true

I must bring your attention to the infamous case of the court-martial of 64 Black soldiers of the all-Black 24th Infantry which took place at Houston, Texas, on 1 November 1917, some 11 years after the Brownsville incident. These Black soldiers were tried by an all-White military tribunal in a one-day proceeding which was not only grossly unfair and biased in all its aspects but which also constituted the largest mass murder trial in military and American history! How could the Army have overlooked this flagrant miscarriage of justice when its spokesman told the press this past week that the Brownsville incident was "the only documented case of mass punishment" in its history? It is especially revealing that both the Brownsville and Houston episodes involved all Black soldiers and that "mass punishment" was a feature of both incidents. I must point out that the details were much alike in both instances inasmuch as Black soldiers faced hostile and aggressive White mobs whenever they left their posts in Brownsville and in Houston and attempted to assert their ordinary rights as citizens and soldier. In the case of the 24th Infantry soldiers at Houston, a number of soldiers struck back and killed a number of Whites. But the evidence did not sustain the shocking conclusion of the one-day court-martial when 54 of the accused were convicted and others were retained in custody pending further investigation. At this largest mass murder trial in history, the all-White military tribunal sentenced 13 of the convicted men to death by hanging and 41 to life imprisonment. This court-martial of 1 November 1917 sent a shock wave through the Black community, and badly shook the pride of Blacks and their faith in the decency of White America. A Black Baltimore newspaper proclaimed: "The Negroes of the entire country will regard the Negro soldiers of the 24th Infantry executed as martyrs." The *New York Age* editorialized: "Strict justice has been done, but full justice has not been done . . . And so sure as there is a God in heaven, at some time and in some way full justice will be done."

Representative Hawkins, I think the court-martial of the 24th Infantry Black soldiers is an even more flagrant case of racism and injustice in the Army than the Brownsville incident of 1906, and I wanted to bring this episode to your attention in the hope that the Army can be made to completely purge itself of these tragic remnants of an often racist past.

I am beholden to you as a Black elected office holder for your concern and effort on behalf of all Black Americans in this regard. We have all been sullied by the astonishing acts of discrimination and denigration which can be found in all areas of American institutional life. I think we have a duty to search out these injustices wherever we find them in history in order to set the record straight and to give our young people a truer and clearer vision of themselves and their forebears—not one distorted and calumized by racist deeds.

In my book *Black History,* published by Monarch Press in 1971, and *Breaking the Chains of Bondage,* published by Simon and Schuster this month, I give mention to both the Brownsville and Houston (24th Infantry) incidents as being among the most unhappy examples of racism in Army history.

I hope you will give the matter of the court-martial of the Black soldiers of the 24th Infantry (1 November 1917) your attention—more especially because it refutes so dramatically the Army contention that the Brownsville incident was "the only documented case of mass punishment" in its sometimes shameful history.

Thank you.

With sincerity,

NORMAN E. HODGES,
Associate Professor.

HAMPTON INSTITUTE,
Hampton, Va., October 30, 1972.

Hon. AUGUSTUS HAWKINS,
U.S. House of Representatives,
Washington, D.C.

DEAR SIR: I was pleased to read in the October 26th issue of *Jet Magazine* of the part you are performing in helping to restore the good reputation of the 167 Black soldiers who were dishonorably discharged in about 1906 in Texas.

I wish that someone would investigate the facts and circumstances surrounding the court martial of Cadet James Smith from West Point in 1871 and the facts, circumstances, etc., surrounding the court martial of 1st Lieutenant Henry O. Flipper from the U.S. Army about 1882. Will you try to influence such investigations? It appears that unfairness surrounded each case.

JESSE J. JOHNSON,
Lieutenant Colonel, U.S. Army, Retired.

WYCKOFF, N.J.,
January 1, 1973.

Hon. AUGUSTUS F. HAWKINS,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN HAWKINS: I read in the New York Times yesterday, p. 33N, the report by reporter Andrew H. Malcolm of the case of Dorsie W. Willis, age 86, and other veterans of the 25th Infantry, U.S. Army, who received dishonorable discharges after the Brownsville incident for, of all unconstitutional reasons, remaining silent when charged with a military offense (alleged). I further noted that all such discharges were made honorable by the Department of the Army in 1972, denying veterans' privileges to heirs or descendants. Since this action at least restored Mr. Willis to rights in his own behalf, it would certainly appear to be correct for the Veterans Administration to pay him a pension forthwith and for him to have access, if needed, to Veterans Hospital care: in fact the question would appear to arise as to whether he does not have rights to a pension for some time prior to 1972.

I note with pleasure that you intend introducing legislation to correct the injustice on behalf of the other soldiers and their families. If President Teddy Roosevelt were around, I can hear him say "Bully!" If you will send me a copy of your bill, I will be happy to consider favorably writing my congressman and senators on its behalf. I am writing the Army.

Yours sincerely,

AUSTIN S. PHILLIPS,
Major, JAGC–USAR, (Hon. disch.).

NOVEMBER 6, 1972.

DEAR MR. HAWKINS: I have read very recently about your successful efforts to clear the names of the Negro soldiers dishonorably discharged in WWI for acts allegedly committed against the civilian populace of a Texas community.

You are to be congratulated. I have been on active duty for 20 odd years both in an integrated and segregated Army. Your stand and the subsequent results have made me feel that my service has been worthwhile.

I have a few friends in California residing in your district and I have contacted them and as they are voters I have encouraged them to vote for you.

Your actions transcends partisan politics and I like that.

There isn't much I can do to help you get re-elected being stationed in Thailand but I want you to know that your actions are appreciated.

I have no axes to grind or favors to ask. I assume you have more than enough constituent problems.

My best wishes are yours.

Respectfully,

RUSSELL W. HAWKINS.

COLUMBUS BROADCASTING CO., INC.,
Columbus, Ga., December 11, 1972.

Hon. AUGUSTUS F. HAWKINS,
U.S. House of Representatives,
Washington, D.C.

DEAR MR. HAWKINS: Your letter and enclosures of December 5 have been received.

From this material our News Director has prepared a release calling attention to the former residence, either by birth or by last known residence, in order that survivors or descendants, if any, may be apprised of the cause which you have espoused.

A copy of this release, presented on WRBL–TV and WRBL Radio, is enclosed.

We appreciate your calling this to our attention.

Sincerely,

J. W. WOODRUFF, Jr.

THE EVENING STAR—
THE SUNDAY STAR,
Washington, D.C. December 19, 1972.

Hon. AUGUSTUS F. HAWKINS,
U.S. House of Representatives,
Washington, D.C.

DEAR MR. CONGRESSMAN: Several weeks ago you wrote Star-News Editor Newbold Noyes asking support for your project of trying to locate survivors and descendants of the 167 soldiers of the 25th Infantry Regiment.

At the time, I turned your material over to our staff with the suggestion that they look into it and see what might be done. Today they reported back that we will publish "a good story on it all" before this week is out.

Sincerely,

I. WILLIAM HILL,
Associate Editor.

NATIONAL BROADCASTING CO., INC.,
Washington, D.C., December 18, 1972.

Hon. AUGUSTUS F. HAWKINS,
U.S. House of Representatives,
Washington, D.C.

DEAR MR. HAWKINS: A copy of your letter of December 5, to WRC–TV, in Washington, regarding the 167 soldiers of the 25th Infantry Regiment, has been forwarded for our information. WRC–TV has informed us of their routing of your correspondence through the News Department and they will make every effort to be of assistance.

We would also like to suggest that you may wish to send the same correspondence to the National Association of Broadcasters, 1771 N Street, N.W., Washington, D.C. 20036, to the attention of Vincent T. Wasilewski, President of the Association. As you know, there are thousands of broadcasters in the United States that are members of NAB, and it is entirely possible that the Association may be able to provide some assistance in this project.

Best regards.

Sincerely yours,

PETER B. KENNEY,
Vice President.

WFBC–TV,
Greenville, S.C., December 19, 1972.

Hon. AUGUSTUS F. HAWKINS,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN HAWKINS: WFBC Radio and Television is happy to cooperate in your project to locate the survivors and decendants of the 25th Infantry Regiment. Under the direction of our Public Affairs Director, Bill Wheless, we are making announcements regarding those members in our coverage area.

We will be happy to forward any response.

Most cordially,

DOUGLAS A. SMITH,
Vice President and General Manager.

WSB–TV,
Atlanta, Ga., December 7, 1972.

Hon. AUGUSTUS F. HAWKINS,
U.S. House of Representatives,
Washington, D.C.

DEAR REPRESENTATIVE HAWKINS: WSB–TV will go to work on your project to locate survivors and descendants of the 25th Infantry Regiment. Georgia was heavily represented in that regiment and there may well be descendants back in this area.

Best wishes in your efforts and hope we can be of help.

Cordially yours,

DON ELLIOT HEALD,
Vice President and General Manager.

(Attachment 4)

FEBRUARY 2, 1973.

Hon. ROBERT F. FROEHLKE,
Secretary of the Army,
Washington, D.C.

DEAR Mr. SECRETARY: Enclosed are two copies of the replies I received to my letter to you of November 3, 1972.

Quite frankly, I do not consider the replies responsive to my inquiries, and I would very much appreciate a response that demonstrates in detail and in simple terms why the language in question does not discriminate against the heirs or descendants of these soldiers, if such be the case.

Moreover, the reply of 14 December 1972 in telling me that the survivors themselves (if any) were entitled to benefits was, I presumed, simply stating the obvious. Yet, it is increasingly clear that even the survivors are having their problems getting benefits, as illustrated by the case of Mr. Dorsey Willis of Minneapolis, Minnesota.

It is becoming increasingly clear that both legislation and rather exhaustive hearings here in Congress would be quite helpful in this matter.

Please let me hear from you at your earliest convenience in regard to the discriminatory language aspect.

Thanking you in advance, I am

Sincerely,

AUGUSTUS F. HAWKINS,
Member of Congress.

NOVEMBER 3, 1972.

Hon. ROBERT F. FROEHLKE,
Secretary of the Army,
Washington, D.C.

DEAR MR. SECRETARY: This letter is in regard to the Brownsville incident of August 13, 1906, and your recent action in respect thereto.

I notice in the orders issued by your office amending Paragraph 1, Special Orders 266, War Department, 9 November 1906, the language "No back pay, allowances, benefits or privileges shall accrue by reason of the issuance of this order to any heirs or descendants," is included.

Frankly, I consider this language discriminatory, and I wonder if you would give me the reasoning behind it.

If you could delete this wording, I feel that justice would be far better served. And, in all honesty, it appears to me that entitlement to full benefits, if any, would be the very least that the U.S. Army could do after doing what is obviously in large measure irremediable harm to these men of the 25th Infantry and their families.

I look forward to hearing from you.

Sincerely,

AUGUSTUS F. HAWKINS,
Member of Congress.

DEPARTMENT OF THE ARMY,
Washington, D.C., December 14, 1972.

Hon. AUGUSTUS F. HAWKINS,
House of Representatives,
Washington, D.C.

DEAR MR. HAWKINS: This is in further reply to your letter to the Secretary of Army concerning the recharacterization of the discharges of the soldiers allegedly involved in the Brownsville incident of 13 August 1906, in which you state that you consider the language of the implementing orders to be discriminatory.

The Secretary of the Army recharacterized the discharges after careful and detailed study of the case. He felt that this was a just and proper approach and that all Americans could be proud of this historical action.

After re-examining the matter, I am unable to agree that the language used in the orders is discriminatory. It does not preclude the award of benefits to which any of the discharged soldiers who are still alive may be entitled. Similar wording has been used in the past when changing the characterization of discharges for a group of soldiers, and is also used in private relief bills when the limited purpose, as in this instance, is to remove the stigma of a less than honorable discharge.

Your interest in this matter is appreciated and I hope that the above will be helpful.

Sincerely,

HADLAI A. HULL,
Assistant Secretary of the Army,
(Manpower and Reserve Affairs).

DEPARTMENT OF THE ARMY,
Washington, D.C., November 9, 1972.

Hon. AUGUSTUS F. HAWKINS,
House of Representatives,
Washington, D.C.

DEAR MR. HAWKINS: The Secretary of the Army has asked me to reply to your inquiry concerning certain language in the orders recharacterizing the discharges of the former soldiers involved in the Brownsville incident of 13 August 1906.

Your inquiry has been passed to the Army General Staff, where the orders were prepared. When this office has received sufficient information to be responsive to your comments, a more detailed reply will be provided to you.

TOGO D. WEST, Jr.,
Staff Assistant for Civil Rights.

DEPARTMENT OF THE ARMY,
Washington, D.C., September 28, 1972.

INFORMATION FOR MEMBERS OF CONGRESS: BROWNSVILLE INCIDENT

The following is the substance of a news release being made today.

The Secretary of the Army, Robert F. Froehlke, announced today that the Army has changed the discharges of some 167 black soldiers of the 1st Battalion, 25th Infantry who were discharged without honor as a result of a shooting incident which occurred in Brownsville, Texas in 1906.

Around midnight on August 13, 1906, some 16 to 20 individuals on horseback rode through the streets of Brownsville firing their weapons into homes and stores. As a result of the shooting, one man was killed and two were injured. Witnesses alleged that the riders were black soldiers. At the time, the 1st Battalion, 25th Infantry was stationed outside the town of Brownsville.

A series of military inquiries and a county grand jury failed to establish the identity of the riders involved. Finally, all members of Companies B, C, and D of the 1st Battalion, were assembled and told to step forward and identify the guilty soldiers or all would be discharged without honor. None stepped forward; all maintained their innocence. Their discharge without honor followed.

Subsequent courts of inquiry failed to recommend remedial action and relief legislation introduced on behalf of various individuals was never enacted.

An internal Army review of administrative and judicial policies brought this instance of mass punishment to the attention of the Secretary of the Army. Although the practice was occasionally invoked under extreme circumstances during frontier times, the concept of mass punishment has for decades been contrary to Army policy and is considered gross injustice.

The Secretary of the Army's action grants honorable discharges to all the individuals concerned.

DEPARTMENT OF THE ARMY,
OFFICE OF THE ADJUTANT GENERAL,
Washington, D.C., September 22, 1972.

AMENDMENT OF ORDERS

So much of: Paragraph 1, Special Orders 266, War Department, 9 November 1906.

As reads: "discharged without honor from the Army by their respective commanding officers and forever debarred from reenlisting in the Army or Navy of the United States, as well as from employment in any civil capacity under the Government."

How changed: Is amended to read: "honorably discharged from the Army by their respective commanding officers."

Is amended to add: No back pay, allowances, benefits or privileges shall accrue by reason of the issuance of this order to any heirs or descendants.

Is amended to delete: The discharge certificate in each case will show that the discharge without honor is in consequence of paragraph 1, Special Orders, No. 266, War Department, November 9, 1906.

Pertaining to member(s) of: Company B, 25th Infantry: First Sergeant Mingo Sanders, Quartermaster Sergeant Walker McCurdy, Sergeant James R. Reid, Sergeant George Jackson, Sergeant Luther T. Thornton, Corporal Jones A. Coltrane, Corporal Edward L. Daniels, Corporal Ray Burdett, Corporal Wade H. Watlington, Corporal Anthony Franklin, Cook Leroy Horn, Cook Solomon Johnson, Musician Henry Odom, Private James Allen, Private John B. Anderson, Private William Anderson, Private Battier Bailey, Private James Bailey.

Private Elmer Brown, Private John Brown, Private William Brown, Private William J. Carlton, Private Harry Carmichael, Private George Conn, Private John Cook, Private Charles E. Cooper, Private Boyd Conyers, Private Lawrence Daniel, Private Carolina DeSaussure, Private Ernest English.

Private Shepherd Glenn, Private Isaac Goolsby, Private William Harden, Private Charley Hairston, Private John Holomon, Private James Johnson, Private Frank Jones, Private Henry Jones, Private William J. Kernan, Private George Lawson, Private Willie Lemons, Private Samuel McGhee.

Private George W. Mitchell, Private Isaiah Raynor, Private Stansberry Roberts, Private William Smith, Private Thomas Taylor, Private William Thomas, Private Alexander Walker, Private Edward Warfield, Private Julius Wilkins, Private Alfred N. Williams, Private Brister Williams, Private Joseph L. Wilson.

Company C, 25th Infantry: Quartermaster Sergeant George W. McMurray, Sergeant Samuel W. Harley, Sergeant Newton Carlisle, Sergeant Darby W. O. Brawner, Sergeant George Thomas, Corporal Charles H. Madison, Corporal Solomon P. O'Neil, Corporal Preston Washington.

Corporal Willie H. Miller, Corporal John H. Hill, Cook George Grier, Cook Lewis J. Baker, Musician James E. Armstrong, Musician Walter Banks, Artificer Charles E. Rudy, Private Clifford I. Adair, Private Henry W. Arvin, Private Charles W. Askew, Private Frank Bounsler, Private Robert L. Collier.

Private Erasmus T. Dabbs, Private Mark Garmon, Private George W. Gray, Private Joseph H. Gray, Private James T. Harden, Private George W. Harris, Private John T. Hawkins, Private Alphonso Holland, Private Thomas Jefferson, Private Edward Johnson, Private George Johnson, Private John Kirkpatrick.

Private Edward Lee, Private Frank J. Lipscomb, Private West Logan, Private William Mapp, Private William McGuire, Jr., Private Thomas L. Mosley, Private Andrew Mitchell, Private James W. Newton, Private George W. Perkins, Private James Perry.

Private Oscar W. Reid, Private Joseph Rogers, Private James Sinkler, Private Calvin Smith, Private George Smith, Private John Smith, Private John Streater, Private Robert Turner, Private Leartis Webb, Private Lewis Williams, Private James Woodson.

Company D, 25th Infantry: First Sergeant Israel Harris, Quartermaster Sergeant Thomas J. Green, Sergeant Jerry E. Reeves, Sergeant Jacob Frazier, Corporal Temple Thornton, Corporal David Powell, Corporal Winter Washington, Corporal Albert Roland, Corporal James H. Ballard, Musician Hoytt Robinson, Musician Joseph Jones, Cook Charles Dade.

Cook Robert Williams, Artificer George W. Newton, Private Samuel Wheeler, Private Charles Hawkins, Private Henry Barclay, Private Sam M. Battle, Private Henry T. W. Brown, Private John Butler, Private Richard Crooks, Private Strowder Darnell, Private Elias Gant, Private James C. Gill.

Private John Green, Private Alonzo Haley, Private George W. Hall, Private Barney Harris, Private Joseph H. Howard, Private John A. Jackson, Private Benjamin F. Johnson, Private Walter Johnson, Private Charles Jones.

Private John R. Jones, Private William E. Jones, Private William R. Jones, Private Edward Jordan, Private Wesley Mapp, Private William A. Matthews, Private James Newton, Private Elmer Peters, Private Len Reeves, Private Edward Robinson, Private Henry Robinson.

Private Robert L. Rogan, Private Samuel E. Scott, Private Joseph Shanks, Private John Slow, Private Zachariah Sparks, Private William Van Hook, Private Edward Wickersham, Private Dorsie Willis.

Company A, 25th Infantry: Private James A. Simmons, Private August Williams.

Company G, 25th Infantry: Private James Duncan.

Unassigned, 25th Infantry: Private Perry Cisco.

Troop C, 9th Cavalry: Private Alexander Ash, Private Taylor Stroudemire, Private Robert James.

Troop H, 10th Cavalry: Private John W. Lewis.

By order of the Secretary of the Army.

VERNE L. BOWERS,
Major General, U.S.A.,
The Adjutant General.

THE LIGHT THAT WILL NOT GO OUT

HON. FRANK J. BRASCO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 1973

Mr. BRASCO. Mr. Speaker, today a brave young man rots silently in Russian isolation, living witness to the stifling tyranny the Soviet Union still believes in and practices behind its facade of detente and reasonableness.

This man is only one of many. His name is Misha Ullman. He happens to be a Jew, and is proud of it. He also has been guilty of the heinous crime of wanting to emigrate to Israel.

Misha is 27 years old and a radio construction engineer. Unemployed for almost a year because of his announced desire to leave Russia, he lives or exists alone in Riga, Latvia, U.S.S.R.

This man is seeking to obtain an exit visa to Israel in order to be reunited with his mother. Both mother and son were granted such visas in 1971, but only Mrs. Ullman was allowed to leave. She was told that her son would be allowed to follow her in 2 months. Mother and son are still waiting.

Here is only one of the milder cases. The world little notes nor is aware of the many other people like Ullman, who carry on in their persons the tragic tradition of Russian persecution of the Jewish people.

Russia may live under a different flag than the imperial eagle of the Romanoffs. She may pay lip service to equality and freedom for all men and women. But all these claims are lies, attested to by the living shame of Jewish hostages rotting away in Soviet prisons, damned, and found guilty because they are unashamed of their faith and open about their desire to live in a free Israel.

Until the last of these people are free, and the last Jew who wishes to emigrate from Russia is allowed to go, the Soviet Union will not attain the international respectability and recognition she so ardently seeks.

Several years ago the captive Jews of Russia began to speak out, even more strongly and persistently, demanding the right to live as Jews and to go to Israel. Enraged and apprehensive, the Kremlin struck them down with all its might.

Today this terror continues, marked by suspension from jobs, ostracism, spying, invasion of privacy, and overt violence against any Jew who dares speak out on behalf of his faith and who seeks migration rights to Israel. One after the other of these activists has paid the price. One after another, they have disappeared into the gaping maw of the Russian prison system, operated by the secret police. The world has come to know the names of Sylvia Zalmanson, Edward Kuznetsov, Victor Boguslavsky, Boris Penson, Lassal Kaminsky, Michael Kornblit, Mark Dymshits, Lev Yagman, Yuri Brind and over 35 other Russian Jewish prisoners who now suffer the agonies of Soviet labor camps.

Has anything really changed about Russia for the Jews with the replacement of the despised Romanoffs by the Soviets? Only the names have been altered. The Soviets may have changed the face of Russia physically, but they have not altered the heart of Russia internally. There runs through Russian national life a dark and ugly stain, coursing deep into the very marrow of Russian existence.

It transcends time and regimes, rearing up like some prehistoric beast to rend and tear at innocent people. Anti-Semitism is not just the mark of national immaturity. Rather it is the mark of barbarism upon a people. After thousands of years and tens of millions of lives and hundreds of eras and generations, so-called civilized men still single out the Jew as an enemy because of his faith, his manner, his religious practices and his innocent way of life.

In many areas of the world today, the doors are still closed to these people. In some countries they are just beginning to close, Uganda has just done this. Several north African countries have just taken Arab oil money as a bribe in return for banishing the Jew.

Few are surprised by the actions of Idi Amin. Few are taken aback by the actions of the nations of the southern Sahara. But the Soviet Union is supposed to be a developed nation. It has scientists, modern cities, a well-developed economy, a great cultural tradition and a place in the sun. Why, then, does this mighty state tread so methodically in the footsteps of pharoahs, the Inquisition, the crusaders, the hated Romanoffs, Adolf Hitler and those other degraded creatures who soil the pages of history with their anti-Semitic excesses?

No nation in history has ever countenanced such degraded practices without paying a disproportionate price in return. No matter what their other accomplishments, they are always remembered in the history books as persecutors of an ancient people, marked indelibly by the stain they have applied to themselves.

The Russians are an intelligent people. They seek international respectability and broadened trade relations with our country and other Western nations. How, then, can they be so blind to the consequences of their policies? It is the essence of shortsightedness and immaturity to continue to harass these people, imprison them and hold them up to the world as martyrs.

The same is true of the infamous exit tax imposed only upon Jews as the price for allowing them to emigrate to Israel.

So even while the Russians pose piously to the world as mature rulers of a developed nation, underneath the facade is the same old Russia, the bear that walks like a man.

Until the last Misha Ullman is allowed to shake the dust of Russia from his shoes, the world will know that Russia has not changed. The flag and its symbols may change. The National Anthem may have different music. But the elementary barbarism of Russia's heritage still pursues and haunts her today.

Any civilized man and woman knows that anti-Semitism is the ultimate mark of national juvenile delinquency. It is a confession of intellectual bankruptcy on the part of a society. It says that, "Because we cannot cope with our own problems, we must have a scapegoat to take the heat off the regime, and the Jews are ready made for such a purpose."

That is why these hateful policies are being pursued. And because the Jews of Russia have lit a flame of freedom, and try as the massed might of Russian oppression may, it cannot snuff out that little fire. It flickers and wobbles, but never quite goes out.

The Misha Ullmans shield it with their lives and bodies. Let it never be said that we abandoned them in their hour of need.

RARICK REPORTS TO HIS PEOPLE ON RISING MEDICAL COSTS

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 1973

Mr. RARICK. Mr. Speaker, today I reported to my people on the rising cost of medical care. I include the text of that report in the Record at this point:

MEDICAL CARE

If you or any member of your family or friends have spent any time in a hospital under a doctor's care recently, you know that the cost of medical care has risen dramatically over the last few years. The Consumer Price Index in fact shows that health care expenditures are the fastest rising items.

Critics of the American medical care system are quick to point out that our medical system is a failure, not nearly as successful as the socialized systems of England, Sweden and other countries with similiar national health insurance programs. Our low comparative ranking on international statistical charts are cited to justify the prescription for the medical crisis: more government intervention, more government money and more government control.

But before we are too quick to attack Marcus Welby or Young Dr. Malone—the physicians engaged in the private practice of medicine or the private hospitals as the causes of our so-called medical crisis, let's examine the facts. I thought today we'd look at some of the aspects of the growing national concern over health care costs.

The popular attitude today seems to be to think in terms of "crises"—the fuel crisis, the ecology crisis, the Middle-East crisis, the dollar crisis. So when difficulties or problems arise in the medical field, it may be expected that they be labeled a "medical crisis". The rallying point of these "crisis makers" in medicine is some sort of national health insurance, to provide "free" medical care, equal sevices to everyone. The various critics of the present proven system of private medical care would have you believe that under newly proposed plans, the quality of medical care would be improved, the costs would be lowered, and the alleged crisis would be solved. But even a limited study of the medically socialized nations that are held up as models we should use to reform our system are far from an improvement. Increased governmental intermeddling—political interference—into the medical field would lead in the opposite direction.

Campaigns for federally financed national health plans are certainly nothing new. They have, in one form or another, been proposed for almost 60 years and have been introduced in Congress for almost 30 years. This session of Congress is no exception. The usual socialized medicine schemes have been reintroduced into the 93rd Congress as well.

But there is something different this time: a massive campaign to undermine public confidence in our private medical system. Even the average citizen, who wants to maintain private medical and hospital care in his community, when faced with soaring medical costs, is tempted to throw up his hands in despair and become a part of the growing "free medical care for all" movement. The profit motive in hospital operations comes under attack, as not being an acceptable philosophy for medical care.

Let's look for a moment at one reason for the sharp boost in hospital services during the past year. Last spring, HEW sent out a directive to all hospital facilities requiring them to give a percentage of their facilities and services to charity and non-paying patients. Twenty-five percent of the net income of the hospitals from paying patients was designated for free use by those unable to pay.

Anyone who has watched federally controlled programs grow over the years knows that nothing is free, someone must pay or there is no service. Federal giveaway programs simply return something to the people that the Federal Government has first taken away from others.

In this instance, the intended "free medical service for those unable to pay, constitutes an added tax on the paying patient . . . otherwise, the hospital would go bankrupt. Private hospitals must operate on a fixed budget, and by demanding that these medical care facilities to give "no-charge" treatment to some, the government has forced the hospitals to increase their charges to those patients who pay their bills, or carry insurance to cover such expenditures. They must make the financial loss up somewhere, or the high caliber of medical service they offer must surely suffer. Presently, about 52% of a hospital's income is from private paying patients. Any additional increase in free health benefits, will proportionately increase the discontent among paying patients with the high cost of medical service.

Medical costs generally are rising at a rate of 13 percent a year. These increased costs are tied directly to the overall economic problem in this country of inflation. If you look carefully at government statistics, you'll see that while physicians' fees have risen over the last few years, they have increased at almost exactly the same percentage as the rise in the average hourly earnings of workers on private, non-agriculture payrolls. Many trade and union wage scales have increased at a much higher rate.

Our inflation-ridden society, higher wages for non-technical hospital workers, increased construction costs, and high cost of sophisticated modern equipment have all contributed to driving medical costs up.

In proclaiming an alleged "crisis" in American medicine, critics overlook the fact that most Americans under age 65 are already covered by private insurance plans which are far cheaper than any projected government plans. By 1970, 164 million persons under 65, or about 89 percent of the total, already had some form of protection against medical costs. The vast majority of these people had protection well above the minimum. So when the Assistant Secretary of Health, Education, and Welfare proclaims: that the Administration's aim is to have 90 percent of the population enrolled in Health Maintenance Organizations by 1980, the bureaucratic bumbling in the health field becomes ever so clear. If a national health system were to become law, the government program would replace all of these private plans—at a much higher cost. Since private policies already protect 89 percent of the population, what possible value is there in substituting these health policies for expensive government ones which are expected to increase coverage only one percent by 1980?

The only value would be to create yet another federal bureaucracy for the taxpayer to support. Rather than providing more efficient health care, systems of national health insurance tend to do just the opposite. The citizen no longer deals with his physician in the traditional doctor-patient relationship. Instead, he must deal with a bureaucratic government agency. The efficiency of such agencies can be expected to be no different in the field of medicine than in other areas the federal government has taken over. The classic tail-wagging-the-dog examples of massive growth of Federal Agencies are HEW and the Department of Agriculture. The Agriculture Department has grown into such a monster, at one time there was a bill introduced in Congress to limit the number of Agriculture Department employees to no more than the number of farmers. If a socialized medical agency becomes entrenched in the Federal maze, it is not hard to imagine some day when the administrators of such a program would outnumber the doctors—or, heaven forbid, outnumber the patients.

Let's look for a moment at the medical system we have now. The free interprise system, where a physician practices his healing art on a fee-for-service basis, has produced what is probably the most efficient and effective medical system in the world. Health care facilities in European countries which have national health programs are far below the standards of the United States. With socialized medicine there is no personal treatment and attention—patients are numbers—like cattle—lines and waiting lines without appointments known today. Even the new hospitals in most of these countries would not meet the standards of accreditation used to measure U.S. hospitals. Advances in preventative medicine are being made in the United States, while doctors in medically socialized nations are snarled with the excessive paper work and statistics not remotely connected to treatment of patients.

Life expectancy in the US today is more than 70 years, and half the babies born today can expect to live at least 74 years. The infant mortality rate is 21 per thousand. Tuberculosis and polio have virtually been wiped out. Open heart surgery is almost commonplace. The death rate from certain forms of cancer have been cut in half during the last 30 years. The progress made by American medicine under free enterprise in recent years has been phenomenal. But no more so than in other areas where the private enterprise system has been allowed to operate. The American medical system, without political interference should be a model for improvement not a scapegoat for dismantling.

In the United States today there are 318,000 medical doctors. With a national population of just over 200 million, that is an average of one doctor for every 640 persons. No other major nation in the world enjoys anything close to this ratio. In fact, there is a notable decline in the number of physicians in many of the nations that have nationalized their medical systems. Sweden has experienced such a shortage of medical men that the government has shortened medical studies by two years, filled many positions with interns and medical students, and imported a large number of foreign doctors. From Canada, reports of the exodus of 3,000 medical specialists to escape the clutches of socialized medicine in Quebec province made headlines a few years ago. It caused such a problem that the government passed a law requiring the doctors to return or face a fine and imprisonment. This involuntary servitude of physicians shows the impersonal nature and scope of socialized medical service—where the doctor and patient are regarded as property of the state rather than free individuals.

Certainly there are problems in the medical field. A small percentage of the population is not covered by health insurance, doctors are often scarce in the inner-city and in rural areas, and hospital care is inflated. But we cannot be backed into a position of accepting socialized medicine in this country because of scare rhetoric crying "crisis".

We must not allow our politicians to crowd their way into our doctors' offices, our hospital rooms and into our medical bills.

The promises of political doctors, political medicine and political medical services can only prove to be what politicians promise—"cheaper" in service, but more expensive in price considering the tax cost.

And the image of medical services under the free enterprise system as experienced today must not be confused with socialized medicine. They are two separate systems.

We must not allow this isolated issue to emotionally mislead our people into an inferior, inadequate medical service system just for the sake of change.

THE FACTS ON EXILES

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 1973

Mr. CRANE. Mr. Speaker, much of the current discussion of a policy of amnesty for those who have deserted from the armed services and those who have left the country in order to avoid military service is clouded by a misunderstanding, or a misrepresentation, of the facts.

Some who advocate a policy of conditional amnesty, for example, declare that the number of young Americans living in exile may be as high as 70,000. Others, led by attorney Joseph Rauh, have called for blanket amnesty and declared that—

> There are at least 70,000 and some say as many as 100,000 young American men in Canada, men who have quit the military or refused the draft.

Similar reports have been circulating, unchecked, throughout the news media. What are the real facts in this matter?

Writing in the New York Times, Patrick Buchanan, a special consultant to the President, pointed out that the U.S. Government places the figure of verified deserters and draft dodgers in Canada at just under 4,000. Outside Canada and the United States, it estimates an additional 1,200.

Of the 2,533 "deserters at large" outside of the United States, the Pentagon places about 1,800 plus in Canada, while of the 2,400 "fugitives" from draft law indictments, Selective Service places just under 2,000. Official Canadian statistics do not contradict U.S. estimates.

Considering all of the available information, Mr. Buchanan concludes that the statistics mean that "7,000 to 10,000 seems a more justifiable estimate of the actual Canadian contingent of draft dodgers than the 70,000 to 100,000 we have been constantly fed."

Mr. Buchanan expresses the view that—

> Because of an ideological bias, otherwise competent American newsmen have engaged in inexcusably sloppy journalism, swallowing whole without inspection bogus statistics fed them by . . . anti-war groups.

To set the record straight I wish to share with my colleagues the article by Patrick Buchanan which appeared in the New York Times of February 20, 1973. That article follows:

THE "FACTS" ON EXILES

(By Patrick J. Buchanan)

WASHINGTON—On Dec. 14, 1971, introducing his Amnesty Act of 1972, Senator Robert Taft of Ohio observed, ". . . estimates of the number of young Americans living in exile range as high as 70,000." Therein lies a tale.

Within 72 hours one free-lance journalist found Taft's highest estimate low and reported that "over 70,000 of these young men are now sitting in exile or in prison because of their opposition to the war in Vietnam."

Clearly, the situation called for a manifesto. On Jan. 1, 1972, sixteen worthies, anchored by the indefatigable Joe Rauh, issued a call for a blanket amnesty: "There are at least 70,000 and some say as many as 100,000 young American men in Canada, men who have quit the military or refused the draft. . . . We say: Let them go and let their records be made clean."

The next morning a nationally syndicated columnist redeployed the 70,000-man army somewhat, declaring, "There are 15,000 exiles in Canada, some 55,000 in other countries."

By Jan. 11, however, The New York Times reported from Ottawa, "As many as 40,000 exiles . . . are in Toronto, the favorite haven, and some 10,000 may be in Montreal. Many others of the 50,000 to 70,000 draft resisters in Canada are not fortunate where jobs are concerned."

So it went through '72 and throughout the U.S. media. By early February of 1973, a Washington correspondent was declaring categorically, "There are about 60,000 to 100,000 draft evaders in exile from the United States."

What are the facts? Well, the fact is the United States Government places the figure of verified deserters and draft dodgers in Canada at just under 4,000. Outside Canada and the U.S. it estimates an additional 1,200.

Of the 2,533 "deserters at large" outside the U.S., the Pentagon places about 1,800 plus in Canada, while of the 2,400 "fugitives" from draft law indictments, Selective Service places just under 2,000 with our neighbor.

Official Canadian statistics do not contradict U.S. estimates. Between 1960 and 1964, before Vietnam became an American war, roughly 1,300 U.S. males between the ages of 15 and 29 annually became "landed immigrants" in Canada. If one concedes that every single American male, over 14 and under 30—above that annual average—who became a "landed immigrant" in Canada between January 1965 and January 1972, was either a draft dodger or a deserter—an obvious impossibility—even then the official total for all of Canada could have come to no more than 17,000 at the very time The New York Times located 40,000 in Toronto alone.

What about the "55,000 in other countries"? Well, the second most popular sanctuary for the "over the hill" army has been Sweden. On that situation The Washington Post reported two weeks ago "Sweden, generally believed to have the next (after Canada) largest number of American deserters or war resisters, does maintain an official count of deserters. A count made last fall said there were 602 deserters in Sweden."

This squares with official U.S. figures.

Thanks to the statistic-mindedness of Mr. Palme's regime, we have an idea what the Stockholm crowd is up to when not guarding the national conscience. The Swedish Director of Immigration William Leth was quoted as saying last November that from 1967 to 1970, of the 585 Americans allowed to enter the country, 110 were involved in major crimes, citing the following: 36 thefts; seven robberies; 49 drug-related cases including pushing . . . He said that 52 deserters had been jailed and nearly thirty persons deported. Quite a performance.

What Mr. Leth is telling us in a nice way is that in one three-year period, 20 per cent of our Stockholm Brigade was involved in major crimes; 10 per cent jailed, and 6 per cent deported. Those statistics seem not only a trifle high for "guardians of the national conscience"; they would have been considered an embarrassment by Crazy Joe Gallo and the Brooklyn Mafia.

What do these statistics say? This, I think. First, 7,000 to 10,000 seems a more honest, justifiable estimate of the actual Canadian contingent of draft dodgers and deserters than the 70,000 to 100,000 we have been constantly fed. Secondly, that because of an ideological bias, otherwise competent American newsmen have engaged in inexcusably sloppy journalism, swallowing whole without inspection bogus statistics fed them by Canadian-based anti-war groups—when a few phone calls and a little arithmetic would have shown the number almost certainly outlandish. Third, that, for two years, some of the nation's principal news organizations have thus grossly misled the American people about the magnitude of the problem they confront in the matter of amnesty for runaways. Fourth, that some U.S. journalists and politicians have been characterizing as the "best of our younger generation," and the "guardians of the national conscience" a collection of draft-dodgers and deserters whose statistical profile and performance in exile show them to contain more than the customary complement of malingerers, opportunists, criminals and cowards.

Especially as one watches the genuine heroes of our age and time debark at Clark Field, to hear the boys who ran away to Toronto and Montreal and Stockholm lionized as "moral heroies" is—obscene.

LAKE COUNTY HONORS AUGUST CEPON

HON. ROBERT McCLORY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 1973

Mr. McCLORY. Mr. Speaker, at the end of a long and successful personal and public career, it seems entirely appropriate to commend those who have rendered valuable service. The event which I call to your attention today is the retirement from public life of a distinguished citizen of Waukegan and the 13th Congressional District, the beloved August P. Cepon.

It seems only a brief few years ago that as a candidate for public office myself, I called upon Augie Cepon as one of the great and influential political leaders in the Waukegan area. His service to his community, and his exemplary personal and public life enabled Augie Cepon to attract a substantial following throughout his entire career.

Mr. Speaker, it seems well to recall that Augie Cepon's earliest service was as a successful businessman in the south side of Waukegan. Augie and other members of his family were the successful operators of a meat market and general grocery store. Indeed, the Cepon brothers were synonymous with high quality and faithful service. It was largely upon this initial business reputation that Augie Cepon became a popular choice for member of the Lake County board of supervisors.

During his more than 40 years of public service on the county board and in other offices, Augie Cepon's conscientious service and his talents for leadership attracted a broad and popular following.

This resulted in his election on three different occasions as chairman of the county board where he became, in effect, the titular head of the government of Lake County, Ill.

Mr. Speaker, I will not recount here the achievements of our Lake County government during Augie Cepon's service. However, let me state simply that as our county grew in population and in economic importance, Augie Cepon and his colleagues kept pace with this growth and influence. This enabled our county government to measure up to the challenge of its growth, including the need for improved public services, including the establishment of large open-space areas which came with the creation of the Lake County Forest Preserve—which he supported.

Mr. Speaker, in addition to his four decades of service on the Lake County Board, Augie Cepon served prominently as a trustee of the north shore sanitary district. Through his vision this agency was able to provide the vital collection and treatment facilities of a vast sanitary sewer system, including more recently a successful program to eliminate all effluents from Lake Michigan, and thus to take a great forward step toward improving the quality of this great and precious body of water.

Mr. Speaker, on Thursday, March 8, Augie Cepon will be joined by a great many of his friends at the Swedish Glee Club in Waukegan to pay tribute to him on the occasion of his retirement, to express grateful appreciation on behalf of the public whom he served, and to extend heartfelt wishes for good health and pleasant days to Augie and his wife, Mary.

Mr. Speaker, I expect to be present on that occasion and to present a copy of these remarks from the Congressional Record in behalf of the U.S. House of Representatives in recognition of this outstanding example of the vitality and efficacy of county and local government.

Mr. Speaker, I know that in these paragraphs, I will be communicating in a small measure, the innumerable thoughts and good wishes which are being tendered at this time to a beloved and faithful public official.

HUNGARY'S SEARCH FOR FREEDOM

HON. STANFORD E. PARRIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 27, 1973

Mr. PARRIS. Mr. Speaker, under the leave to extend my remarks in the Record, I include the following excerpt submitted to me by one of my constituents from a dissertation by Dr. Siert Frederick Riepma on the similarity between the search for freedom in Hungary and in the United States:

Young Hungary and Young America Searches for Freedom

(By Siert Frederick Riepma, Ph. D.)

Young Hungary. And Young America. How natural that, in our time, these names should call up image of "new generationism" and youthful rebellion! And indeed both Young Hungary and Young America were, in a real sense, movements of revolt. The times, the places, the conditions, however, were all quite different. For Young Hungary and Young America took place more than a century ago, during the long period of half-repressed struggle which followed the French Revolution. In fact it is correct to think of them as rather unique events that, like sparks from a bursting skyrocket, spun out brilliantly from the French Revolution and over the generation that followed.

History loves comparisons, but also mocks comparisons. These two episodes from nineteenth century history may remind us of modern and other youth movements in mankind's past. But in fundamental ways they were very different. Some definition is needed to put them in their proper time and place.

Young Hungary is a name, a label, applied to the loose, almost formless group of mostly younger men who after 1830 desired and spoke for basic reforms in Hungary. These reforms were several—a national language, a national literature, much greater self-rule within the Hapsburg Empire and, eventually, independence from the empire. In other words, a typical liberal protest movement of the time, in which writers penned books and pamphlets, zealots argued, poets sang, and leaders orated for more freedom and for country.

Young America also is chiefly a name, a label, applied to a literary movement in the United States at about the same time, and which desired American writers to compose with native themes—the American history, character, society, scenery. Young America as a popular expression also came to signify the new generation in the sense of brash, restless youth, a younger generation which seemed to reject many of the ways of its fathers and demanded less restraint, more luxury in living style, long hair and whiskers, and generally a more extravagant attitude toward life and manners.

But most important, Young America became dramatized as a small but influential political project in the early 1850s, aimed to win for Stephen A. Douglas—the "Young Giant of the West"—the presidential nomination by the Democratic party in 1852. The program, if so it may be called, of this interesting event in the history of the times, combined various things and probably meant different things to different people—getting government aid for steamships and railroads, expanding the nation's territory at the expense of other countries, putting younger claimants into political offices; and—above all—asserting the United States in foreign relations as a new, fighting power among the nations of the world.

How different these two events were! On the one hand, those who used or took the name, however temporarily, of Young Hungary had to make as their targets the most basic objectives—legalization of the Magyar language, fostering a sense of national identity and pride, winning even the rudiments of real political independence. Young America commenced with all these achievements well in hand.

Were there connections between the two? Young Hungary as such appears to have been almost unknown in the United States. And Young America existed mainly as a slogan for various things—a slogan few Hungarians ever heard expressed. Nevertheless there was a connection of sorts; or, rather two of them. And in these links lies much of the interest of these two happenings.

For one thing, both Young Hungary and Young America were part of the great movement of western European liberalism and nationalism of that era; for precision, from about 1835 to about 1855. In their individual ways, each reflected a hope, a zeal, a raising of the battle flag, a statement of national identity, a search for freedom. Each was in fact one of the many endeavors to gain more liberty that comprises one of the striking characteristics of European development from the storming of the Bastille to the Crimean War. It was indeed one of the remarkable, stirring epochs of history—so like our own and so unlike.

FREEDOM AND VETERANS

HON. FRANK E. DENHOLM

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 1973

Mr. DENHOLM. Mr. Speaker, the Veterans of Foreign Wars of the United States know freedom because they have never forsaken the cause of liberty.

Liberty includes the freedom of the people to govern at all times with vigilance. I commend the veterans for participation therein. I commend them for vigilance in the public interest. Many have governed—all of them have stood for God and country—others have died for freedom. They gave much for liberty and they understand the cost of victory.

The Veterans of Foreign Wars have gone to foreign lands to defend our homeland. They meet today in the Nation's Capital to honor youth in the contest of "Voice of Democracy."

I am proud to submit the full text of the oration of Miss Ann M. Goltz, the representative and winner of South Dakota. Miss Goltz is an example of the high ideals of the Veterans and her words of expression emphasize the objectives of the Veterans of Foreign Wars.

My Responsibility to Freedom

(By Ann M. Goltz)

"The world has never had a good definition of the word freedom, and the American people, just now, are much in want of one."

I too, believe in these words spoken by former President Abraham Lincoln, and I today, as he did then, have a deep concern for America. It seems logical, that before I talk about freedom and my responsibility toward it, I should first, in the words of Mr. Lincoln, have a good definition of what freedom really is.

Mr. Webster tells us that it is the absence of necessity, coercion, or constraint in choice of action. I disagree. Under a free society there is still room for necessity, coercion, and constraint, there is just no room for them to dominate.

I could redefine freedom as self-expression, liberty, non-discrimination, or unrestraint, but these are all just words, and words are what I am trying to avoid, for words are nice in theory, or in bread and butter politican's speeches, or in Mr. Webster's book, but they don't do much for us in reality. I believe there must be more.

What is a word without concrete and pertinent meaning? Let me dare to lend a hand to Mr. Webster. Freedom is sitting in the front seat of any bus, anywhere, anytime, no matter what color my skin happens to be. It is worshipping God in anyway I want, or not worshipping Him at all if that is my choice. It is voting for whoever I wish, and saying what is on my mind. Freedom is where the people take care of the government. It does not mean that we have no rules to follow, but it does mean that we have a voice in what these rules will be.

Now that the word is defined, how do I fit into it? What can we do to build this freedom? How do we turn an abstract word into a concrete thing? One that we can touch, and label, and look at, saying, "See, over there. See that? That is freedom!" Do we employ an architect, carpenter, mason, and instruct them to build a solid, magnificent, indestructible dome that seemingly no mortal could destroy? Should we call this freedom?

This is not a fairy tale, or some fantasy of my imagination. The great structure freedom really does exist. Not on solid land, but in each of our hearts, where it stands just as firm and sure as if it were built on a rock. This is where it must stand. Here we are free until we ourselves let the great dome crumble. We each have to fight individually to hold freedom secure; and when man fights for something as precious as this, he must be victorious.

My responsibility to freedom is to support what the framers of the Constitution fought to give us. Freedom of speech and expression; of every person to worship God in his own way; freedom from want and freedom from fear. It is up to me, when needed, to advocate dissent and revolution, but only when they are without destruction or riot and ruin. I must question, but then pause long enough to listen to the answers. It is my responsibility to be heard where my voice counts, and to vote where my vote counts. These are the best safeguards of our freedom. The real freeman became that way by making the truth free. I must give freedom to others at every opportunity by dissolving all prejudice and discrimination in my own heart first. These are responsibilities which I cannot shirk in hopes that 'someone else' will take care of them. It's up to me.

No orator has ever made or kept a nation free, and I am far from the greatest of those who have tried to do so. It is not my purpose to have everyone who hears me start waving the flag or memorize the Bill of Rights, for if that were my purpose, I would have failed before I began. My intention is rather to have you know and appreciate freedom as it affects you, and to have you know that you too must take an active part to help retain it.

If everyone would try, not superficially, but genuinely, we could make freedom more than just a word, or an idea, or something that sounds nice in politician's speeches; we could make it a reality.

CHOICES FOR 1976: PLANNING OUR OWN FUTURE

HON. JONATHAN B. BINGHAM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 1973

Mr. BINGHAM. Mr. Speaker, a number of Members of Congress from the Connecticut, New York, and New Jersey metropolitan area would like to call to the attention of our colleagues an unusually important project, Choices for '76, which is aimed at giving citizens a more direct voice in confronting the urban problems facing our region. Congressman William B. Widnall of New Jersey and I are honored to be joined in this bipartisan undertaking by our colleagues Ms. Abzug, Mr. Addabbo, Mr. Brasco, Mr. Fish, Mr. Helstoski, Ms. Holtzman, Mr. Howard, Mr. Koch, Mr. Patten, Mr. Pike, Mr. Podell, Mr. Rangel, Mr. Reid, Mr. Rinaldo, Mr. Rodino, Mr. Roe, Mr. Roncallo of New York, Mr. Rosenthal, Mr. Sarasin, Mr. Thompson of New Jersey, and Mr. Wolff.

Designed to help determine the direction in which the region should move as our Republic enters its third century, the project is a series of 20th century town meetings connecting people through our 20th century mass media—television, the press, radio, magazines.

The region stretches from Trenton to New Haven, from Poughkeepsie to the end of Long Island. It has a population of 20 million people, one-tenth of the Nation. As the oldest urbanized section of the United States, its problems are serious: A severe housing shortage, racial tensions, air and water pollution, financially starved public transportation, high unemployment among minority citizens, valuable open space urbanized and little saved for future generations.

Too often our constituents feel overwhelmed by such problems. Solutions are lost in a torrent of words and pictures which emphasize the difficulties. Plans for solving these problems frequently conflict, and the citizen is confused. The search for improvement is limited because citizens sometimes see only the viewpoint of their local community.

Now, the Regional Plan Association, the oldest and one of the most respected metropolitan planning organizations in the world, has devised a means of allowing our constituents to reason together by using the collective mass media of our region.

Beginning on March 17, the 18 television stations of the metropolitan area will broadcast a series of five 1-hour programs—on housing, transportation, environment, poverty, and cities and suburbs. A sixth on Government will be shown in the fall. These programs, appearing every 2 weeks at various times on Saturday, Sunday, and Monday, will focus on the solutions to our urban ills. In presenting possible solutions, they will use the extensive research of the association, much of which has been funded by Congress. To assist the Regional Plan Association in selecting the issues, in posing the range of solutions, and in formulating the questions, a citizen advisory committee was organized. Headed by Francis Keppel, the former U.S. Commissioner of Education, its diverse membership represents the many political views and ethnic groups of the region. The committee members are local civic leaders, well known in their communities.

An essential aspect of the project is that everyone can respond by filling out ballots that will be run in many newspapers and distributed by the Association.

On the TV programs, alternative policies will be proposed, illustrated, and argued. Newspapers throughout the region will print background articles in advance of the television presentation, and radio stations will offer discussion programs focused on the Choices that will be asked. A paperback book, further explaining the issues and possible solutions, is being published under the title "How to Save Urban America."

Finally, hundreds of thousands of persons are being urged to come together in small groups—in homes, classrooms, meeting halls—to view the programs and then to discuss the issues before filling out their ballots. Churches, civic groups, labor unions, schools, and minority organizations throughout the region are assembling these discussion-viewing groups.

The completed ballots will be returned to the Gallup organization for tabulation and the results will be widely publicized. It is fair to say that we will be watching for the results with great interest.

Never before has the mass media ever participated so massively in a public service project. This is the first time that so many television stations in an area have agreed to cooperate in showing the same program, and it is the first time that newspapers and radio have joined television in the same large-scale enterprise.

The six Senators from our three States, in successfully urging the Department of Housing and Urban Development to provide an initial grant to the program, stated:

> In recent years, the Federal government has been urging greater citizen participation in planning for the expenditure of Federal dollars. The focus has largely been on efforts to involve the poor; but we believe the time has come to find a way to get a cross-section of citizens from all walks of life to talk to each other about common destiny.

One thing is certain. If it can be done in the New York-New Jersey-Connecticut urban region, it can be done anywhere in the country. This project could thus be a major advance for all of urban America.

Additional funding for the project has come from foundations and corporations. Editorials from three of our respected newspapers endorsing Choices for '76 indicate the acclaim this project is receiving.

The New York Times, in its editorial on Choices, stated:

> The Regional Plan Association, an organization of long established usefulness in the metropolitan area, has launched a campaign to involve citizens, to a greater degree than is common, in decisions affecting their future.
>
> The ferment that it should stir up, the focusing of public interest, the informed discussion of pressing problems—these are hopeful products to be expected from what promises to be a constructive and creditable project.

The Westchester-Rockland newspapers of suburban New York State commented:

> Another attempt to bring to the people the urgent message of the need for planning will be undertaken by Regional Plan Association. Through an elaborate and ambitious project called "Choices for '76," RPA will use the mass media and thousands of local "town meetings" to try to break the related logjams of apathy, fear, and status-quo worship that are holding up attempts to solve regional problems.

The Hackensack newspaper, the Record, endorsed Choices for '76, and said:

> The Regional Plan Association may have come up with one of the epoch's more brilliant ideas. Everyone knows the New York urban region is going to change. The trick is to get people who are not associated with government or planning or academia interested enough in what's ahead to inform themselves about the options and come to some conclusions that are sustained by more than prejudice and obstinacy. . . .
>
> The point is not that here we will have a referendum on change and development; the point is rather that if a widely representative part of the public will become informed on what the broad issues are the whole area will be in a better position to proceed, using brains instead of narrow self-interest. It's a bold effort RPA is making. It deserves to succeed.

The Members of Congress from the tri-State region wish Choices for '76 success. Our citizens who participate in it certainly will be well briefed on the possible solutions to urban problems. With well-informed citizens, it is our belief that we can move on a course of our Choice to give our country real reason for celebrating the occasion of our 200th birthday.

NARCOTICS ADDICTION TREATMENT BREAKTHROUGH—AREA OF BRAIN AFFECTED BY HEROIN IS LOCATED

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 1973

Mr. RANGEL. Mr. Speaker, on occasion there is positive news concerning the fight to end drug abuse and drug addiction in America. Two Johns Hopkins scientists have brought us just such news.

During a time when the number of deaths from methadone overdoses is rapidly challenging deaths due to heroin, it is my hope and prayer that this breakthrough will enable us to find a safe antidote to heroin that will allow this Government to stop all aid to the increasingly dangerous practice of methadone maintenance.

The New York Times of Tuesday, March 6, carried the report of this discovery:

> BRAIN TISSUE SITES FOUND TO BE NARCOTIC RECEPTORS
>
> (By Harold M. Schmeck, Jr.)
>
> WASHINGTON, March 5.—A research accomplishment, described by a government agency as a major advance toward understanding and treating narcotics addiction, was announced at the Johns Hopkins University today.
>
> The accomplishment, by Johns Hopkins scientists, was the direct demonstration that narcotic drugs attach to specific sites in brain tissues to produce their effects on the mind. The scientists also showed that narcotics compete with narcotic antagonists for the sites.
>
> A statement by the National Institute of Mental Health called the research findings "a major advance toward understanding and treating narcotic addiction."
>
> An obvious practical application would be to use the techniques of the research to screen drugs rapidly for use as narcotic antagonists—drugs that would tend to block the narcotic "high" sought by the drug abuser.
>
> There are problems associated with currently available antagonists, among them is the basic fact that some addicts do not like the drugs' effects in blocking the "high." The hope of finding better antagonists, however, is only a part of the reason for interest in the new research findings. More important, presumably, is the hope of learning more about the process of addiction itself.
>
> Discovery of the specific sites to which the narcotic drugs attach in the brain might well lead to a better understanding of the chemistry of addiction and hence, better ways of combating it.
>
> The experiments at Johns Hopkins showed that narcotics such as morphine and methadone, and antagonists such as naloxone, bind two specific sites in brain tissue.
>
> Existence of these sites, called opiate receptors, has been suspected but never demonstrated directly, according to the scientists' report, which is published in the forthcoming March 9 issue of Science. The authors are Dr. Solomon H. Snyder, professor of pharmacology and psychiatry, and Mrs. Candace Port, a graduate student of pharmacology.
>
> "Demonstration by Dr. Snyder and Ms. Port of the specific opiate receptors in the animal brain represents a significant step toward understanding how opiates may work in man," Dr. William E. Bunney, Jr., director of the Division of Narcotic Addiction and Drug Abuse of the N.I.M.H., said in the institute's formal statement.
>
> "These findings in laboratory work will help speed progress on many fronts toward better understanding and clinical treatment of addiction," he added.
>
> In their experiments the scientists tagged samples of the narcotic antagonist naloxone with radioactive material so that they could trace it and then poured it over samples of homogenized brain tissue from such animals as rats, mice and guinea pigs.
>
> They could tell the amount of binding by the uptake of radioactivity by the brain tissue. Dr. Snyder said the experiments made it possible virtually to count the receptor sites.
>
> By adding samples of narcotic and noting the decrease in binding of the narcotic antagonist, they demonstrated competition for the sites between the drug and the antagonist.
>
> The scientists found that the known potency of a narcotic paralleled its tendency to bind to the receptor sites in brain tissues. The most potent narcotics seemed most avid in binding to the receptor sites.
>
> CONFINED TO NERVE TISSUE
>
> There was no binding to non-nerve tissue from other organs of the animal's bodies. In short, the opiate receptors appeared to be confined to nerve tissue. Dr. Snyder said the receptors were particularly associated with nerve cells in which the chemical called acetylcholine is the nerve impulse transmitter.
>
> The receptors seemed to be most numerous in a structure in the forward part of the brain called the corpus straitum, but this does not necessarily mean that this part of the brain is important in addiction.
>
> Dr. Snyder said one obvious line of further research would be to see whether animals that are addicted to narcotic drugs have more opiate receptors in their brain tissues than nonaddicted animals.
>
> The answer to this is unknown, but the scientists said the appropriate experiments were in process. If an addicted animal has more of the receptors, this would go far toward explaining the nature of addiction itself, it was felt.
>
> The research has already shed some interesting light on the activity of various drugs in the body. For example, the pain killer codeine proved to have far less affinity for the receptor sites than might be expected, considering that it is a close chemical relative of morphine.

A SALUTE TO MR. WALTER S. DILLON, RETIRING EDITOR, READING EAGLE

HON. GUS YATRON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 7, 1973

Mr. YATRON. Mr. Speaker, another of my hometown's fine journalists and respected citizens, Mr. Walter S. Dillon, is retiring after 56 years of continuous service with the Reading Eagle as editor.

Mr. Dillon was hired in 1911 as a cub reporter on the old Reading Times newspaper. He became assistant city editor in 1928 and 4 years later was named city editor. Mr. Dillon became managing editor in 1934 and succeeded to the top position, editor, in 1967. Therefore, his career spanned an historic period during which the United States became engaged in two World Wars and emerged as a major world leader; the rise of the Soviet Union; prohibition repeal and the depression; the growth and maturity of air transportation; and the entry into the space age.

During his years as managing editor, Mr. Dillon was responsible for a number of changes in the practices and format of the Reading Eagle. He increased the staff in order to provide greater and more effective coverage in the Sunday edition, sports and social departments. He also hired personnel for specialized coverage of urban affairs, politics, business, and labor while adding new, informative, and entertaining features which have put the Sunday Eagle on an even par with other major metropolitan newspapers.

I would like to congratulate Mr. Dillon on his many years of excellent service to the community and to express my sincere best wishes for his continued success in retirement. Walter S. Dillon will certainly be remembered in the fine journalistic tradition of excellence which has personified the 105-year history of the Reading Eagle.

NO AMNESTY, CONDITIONAL AMNESTY, OR GENERAL AMNESTY?

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 7, 1973

Mr. WALDIE. Mr. Speaker, now that the Vietnam War has finally ended, our Nation is faced with the grave problem of amnesty. Just as the war wrought huge divisions among the American people, the issue of amnesty threatens to do the same. Amnesty is indeed a sensitive subject, but I feel that it is an issue that, handled with care and foresight, can be solved without causing irreconcilable divisions to tear at our country's citizenry once again.

If we logically and intelligently analyze the various options involved in this subject, I am sure that we can reach an equitable solution eventually. A panel discussion on this very subject was held in Berkeley at the St. Mary Magdelen Parish, where three different views of amnesty were expressed. The Catholic Voice, December 14, 1972, has published excerpts from this discussion, which I wish to insert into the Congressional Record today. Mr. Holt Ruffin of the World Without War Council describes the reasoning for issuing conditional amnesty. Mr. Quentin Rosenberg, vice chairman of the national security council of the American Legion then states why he feels no amnesty should be issued at all. And finally, Mr. Joseph Skillin, rector of St. Francis de Sales Cathedral and chairman of the social justice commission of the Diocese of Oakland writes in full support of complete and general amnesty. All three of these views are well articulated, and thoughtfully expressed.

In the final analysis, it will be up to our Federal Government to make the final decision in regards to amnesty. Before we make that decision, I feel it is necessary that we have a deep understanding of the various options available. It is for that reason that I insert this article into the Record today, so that my colleagues will have the opportunity to share the thoughts of these men; so that we can reach an equitable solution based on a thorough awareness of the various alternatives involved.

The article follows:

Amnesty?

(By Holt Ruffin)

What is the policy I propose?

Amnesty means, "A general determination that whole classes of offenses and offenders will not be prosecuted."

I favor general amnesty. But I propose that granting amnesty be conditional upon fulfillment of some generously defined and appropriately limited alternative service.

This allows men now outside the law because of presumed moral objections to military service to reenter our political community and find ways of serving it which do not violate their integrity.

Conditional amnesty insists on these men being held accountable to and fulfilling a concept of obligation which others—by going to Vietnam, or to jail, or by doing alternative services as c.o.'s—accepted and without which our nation would not be a nation, of any kind.

What we can do together tonight.

Amnesty is such a large and complicated issue that we can't possibly deal with all its aspects in the two hours we have together tonight. In order to be clear about what we can do, I'd like first to suggest what we cannot.

We can't list all the offenses under the Selective Service Act of 1967 or the Uniform Code of Military Justice for which this amnesty proposal is designed. There are many offenses. Some individuals in exile or underground committed more than one offense.

I also think that we can't decide why these men did what they did.

There are almost as many reasons involved in their rejection of responsibility to the law as there are reasons for wanting to return to our community in a legal way. Some acted out of conscientious opposition to all killing. Some supported Hanoi's reasons for killing and only opposed America's. Some thought carefully of their social and political obligations. Others acted out of narrow personal concerns.

I'm not saying we should disregard their motivations, but for tonight, we should simply recognize that these men acted within a wide range of motivation and that neither the "hero" nor "traitor" terms described them accurately.

How to do it.

If we are going to try to decide what this country should do, we should determine the basis of our values. The religious institution plays an important role at this point. Most of us turn to basic values of our religious heritage. And out of this heritage I see values coming which bear on the amnesty proposal I make.

I see four major values involved: political obligation and responsibility, respect for conscience, equity, and reconciliation.

1. Political obligation. The fact is the United States of America is a political community I want to sustain. It can't be sustained if its members cease to feel obligation toward it and its laws. Acts of conscientious disobedience can be a tremendous spur to good change, but only if they demonstrate a respect for law and legitimate authority.

That's what ending war is about: developing and strengthening the authority of transnational political and legal institutions capable of handling conflicts that would otherwise be violent.

This means affirming not sneering at or rejecting, concepts of law, obligation, and political responsibility.

2. Respect for conscience. On the other hand, I want to strengthen the idea that we have responsibilities to not only the nation, but to all men and to our consciences.

When a nation orders a man to kill, I think he ought to refuse if he sincerely believes that all killing is wrong. And I think this principle should be respected by the community.

Acts of open, nonviolent, civil disobedience based on this principle and which recognize the authority of law by accepting its penalty, can help tremendously to move our society toward desperately needed change in its attitudes toward war.

I recognize that this does not describe the manner by which all men broke the law and refused to participate in the military during the Vietnam War.

Still, I think these men—mixed as their motives and their forms of refusal were—deserve special consideration by our government, deserve a general amnesty policy which allows them to return subject to fulfillment of some appropriate form of alternative service.

My reasons are that the Vietnam War forced these men to make terribly difficult ethical choices. Moreover, the moral and political climate was confusing; the Selective Service law itself was changing rapidly.

3. Equity. The idea that men ought to receive equal treatment before the law is fundamental to the concept of justice. In the present case, it is impossible to treat everyone who faced the agonizing moral choice of military service or refusal during this war equitably.

We would not wish to impose—even if we could find it—an equivalent for loss of life, or for time spent in a POW camp, or for the trauma and stigma of a conscientious objector's jail sentence.

Time magazine recently stated in an essay on amnesty: "Uneven justice is no justice." James Finn, in an article on the same question in Commonweal, very aptly replied: "Uneven justices would be contemptible as an ideal but it is not as an attainment; it is all that men have ever attained."

Clearly, to allow those who denied their responsibilities to return with no conditions would be grossly unfair to those who accepted military service or jail out of a sense of political obligation.

We can, and should try to, achieve a measure of equity by requiring those who evaded or refused their responsibilities to accept an alternative service assignment consistent with a principled opposition to war.

4. Reconciliation. Finally, I think we have to consider the value of reconciliation. All of us are disturbed by the deep divisions and the breakdown of civility our nation has suffered as a result of the Vietnam War.

An amnesty policy which reconciles major differences in point of view spawned by the war could be an essential element in healing a divided country and developing a new sense of community in America.

Unfortunately, arguments for and against amnesty often seem aimed at driving home a particular view of society and Vietnam policy than at finding policy which speaks to the conflicting values at stake and tries to reach agreement.

Moreover, little thought has demonstrated appreciation for the different requirements of a private and a public judgment.

My estimate of the moral and political virtue of men now in exile or underground clearly influences my thinking about amnesty. But we should all recognize that this personal judgment is just that and no more. It cannot serve adequately as a public policy because it does not deal with the values which we, as a nation, wish to sustain, nor does it offer a means of reconciling a divided community.

Amnesty: Conditioned, General, Or None?

(By Quentin Rosenberg)

NO AMNESTY

The suggestion that amnesty be granted astounds anyone devoted to effective government.

Anarchists, those who feel that no government should have the right to exercise any control over the populace, delight in seeing the same government that levied the obligation of military service being called on to grant "oblivion or a general pardon" to those who violated the obligation levied.

Governments that enact legislation carelessly, that repeal the carelessness whimsically; then by way of apology for the carelessness, offer amnesty, those governments are ineffective and short-lived.

Hopefully, no one here is interested in seeing the United States Government rendered unworkable. Unworkable governments are nongovernments, and create a power vacuum.

Let us for a moment approach the situation negatively. Let us declare that the greatest freedom for man is when he bears no restraints of government whatsoever. Therefore man's perfect state is anarchy.

The nature of humankind is such, however, that containment of another's freedom is a real challenge. Show a young lady a freewheeling bachelor and the challenge is often irresistible.

Show a sovereign a productive community and the challenge to convert its productivity to his own use is contained only by the community's ability to resist such conversion.

The world's most magnificently productive society became that way because it originated with the concept that government should be subservient to the society—not the society subordinate to the government.

Lincoln said, "Good government is little government." And in our society where the government is subservient to the people, any determination of the people becomes a mandate on the government.

There are those who, because of religious conviction, ask to be excused from participation in armed conflict. Legislation permits such excuses to be accepted if it can be established that such conviction is sincerely held.

Further, our courts have been increasingly criticized for excessive leniency. And these same courts will hear evidence to mitigate a defendant's defiance of the selective service regulations.

In the past, upon conviction, the levy of atonement for the defiance is minimal compared to the sacrifice made by those men who interposed their bodies between our free society and the threats against it.

It is quite competent to let our courts hear the evidence in each case and give whatever sentence the facts will merit.

It is abominably irresponsible to suggest that the government grant "oblivion or a general pardon" to a citizen who refused to protect the constitutional government when that government asked him to respond to the most basic debt of any free man.

Selective service legislation is essential to national survival. It was not carelessly drafted nor whimsically considered. It was created by solemn and deliberate legislators, fully aware of the constraints imposed on those men it affected, fully aware that their vote on this issue would be noted most carefully by those who elected them, and remembered at election time. And it is the law of the land.

Therefore, to those men who defy the law of our land, may it be proclaimed, "These are our laws. Obey them or leave the land. Or if you defy them and would still dwell in our land, be prepared to pay the penalty."

Amnesty for open and overt defiance of laws preserving our security is, in the minds of patriots, pure heresy.

If we accept the idea that the protection of our free society is superior in importance to the convenience of any individual within it, we cannot condone amnesty. If we believe that our form of government deserves protection from assault by all citizens, most particularly those citizens whose youth and energy is particularly suited to providing such protection, then we cannot condone amnesty.

If you as American citizens recognize the obligation to protect our country from assault, you cannot support propositions that dilute its security.

If you as American citizen would remain free, under a government of our own choosing, you would not support the whimpers of those who defied that government and plead for amnesty for their defiance.

That is why our government is the oldest on earth. It has survived longer than any other. Because it is by design and dedication responsive to the mandates of those governed. It enjoys a continuum because any time a majority of the citizens wants it changed, it gets changed. It survives because its citizens are confident that it is responsive to their needs. That is to say, it survives within its borders because it is responsive.

It survives on earth because it has always been able to resist assaults by force of arms decisively.

Should we ever get so confused in our thinking that we abandon our defenses to the point where resistance to assault becomes ineffective, forget the bounties of freedom. History books are substantially chronicles of those governments who were unable to resist assault effectively.

Simply, if we permit a vacuum in our capacity to resist, there is no more United States of America.

A substantial portion of our ability to resist is trained manpower. All the military hardware on earth without the skilled manpower to direct it is just so much junk.

Therefore, if we would remain a free society, there must be incorporated within our social framework a contribution of time by each member of our society learning the mechanics of operating the military hardware. There must be universal military training.

And, should our elected representatives determine that it is essential to our common welfare that the operation of the military hardware be practiced in earnest on a battlefield, then it is our obligation as free men to respond to the urgency as seen by those we elected to represented us.

This, then, should resolve the issue before us. Our government has survived within its borders because it is responsive to the sentiment of its citizens. Our government has survived between nations because it can resist assaults successfully. So the question is:

If legislation enacted to preserve our security by impressment of selected citizens into military service is distasteful to the citizens selected, and the ones selected defy the legislation, should the government grant "oblivion or general pardon" to those in defiance?

In this instance, as in all preceding instances, the people of our society say "No."

It is one of the paradoxes of freedom. If we would be free, we must on occasion forfeit the freedom we cherish by subjecting ourselves to military service. Such subjection could quite foreseeably require the ultimate forfeiture, id est, our lives. This has been the result in an appalling number of instances. In our history, countless men have given their lives that their posterity may live as free men.

GENERAL

(By Joseph Skillin)

We deal with the issue of amnesty in terms of resisters to the Viet Nam War. We are talking about amnesty for the estimated three thousand to three hundred thousand young men who refused military service, and, therefore, went to jail, went underground, or went to Canada. Another group that could be granted amnesty are those who deserted the military when they came to realize that their participation was immoral. They all broke a civil or military law.

I suggest—and I believe—that all these should be granted complete and unconditional amnesty. I believe this position is urged (if not demanded) by the Gospel of Jesus Christ; and I believe that this position is consistent with the Constitution of the United States and the American Tradition.

Amnesty has been granted many times in United States history, usually by the President, who is given the power by the Constitution to do so.

In doing some research for Senator Robert Taft of Ohio, McJob Etridge from the Library of Congress counted 37 instances of amnesty.

True, none of these instances completely parallels our situation today; but each case is a general pardoning of a class of people who committed a crime.

We must talk about the word "crime". There is no question that evaders, resisters, and deserters committed an illegal act and a crime. But, we cannot, therefore, call them immoral. Illegal, yes; but immoral—not necessarily.

The question of conscience comes in, and that's where mortality is in fact decided. I know deserters and resisters personally who acted in good conscience. And I believe that they acted morally, although illegally.

I think that most people who are generous would agree to some form of amnesty. But most want to make it conditional. It seems to me that those who call for conditional amnesty are asking that some price be paid for violating the law. But, as one author says, "'Paying the price for violating the Law' would serve as a pretty good antonym for amnesty."

Proponents of conditional amnesty or no amnesty feel that evaders and resisters have failed in their duty to their country. They speak of everyone's obligation to society, and feel that these men cannot be forgiven until they "put in" two years or more of service to their country.

Senator Taft, for example, was asked to draft a bill granting amnesty to draft resisters and deserters if they agreed to work for four years at subsistance pay in hospitals, the Peace Corps, the Vista program, or if they were willing to sign up for a four-year hitch in the peace-time armed services.

The fault with such thinking—conditions for amnesty—is a failure to see that prophecy can be as real a service to our nation as can military service or humanitarian endeavors.

I believe that resisters, evaders, and deserters already served this country as prophets.

They have made us examine our national conscience about war—and the Viet Nam War in particular.

I'm not saying they are the heroes of our nation. All I am saying is that they, along with the October and November moratoriums of the last few years, along with people like the Berrigans, Joan Baez and Pope Paul, along with groups like Another Mother for Peace through their varied actions and witness have moved us to think about the horrors of war.

A prophet pricks consciences. I believe that most of these men are part of the corporate prophet that moved this country to change its attitude about war.

Read the polls: more people are against our involvement in Viet Nam now; more want a pull-out. Even the Nixon administration said (after the election) that we should stop trying to be world policeman. That's change; we have changed. As a nation, we have become more conscious of the destructiveness and immorality of war. And I believed that the evaders and resisters are part of the force that changed us.

For that change and for that growth, I say thank you to them.

Presently, we hope the war will end. As a nation we have to decide how we will treat those people who refused to serve in that war and who refused to have anything to do with a system that presumes every young man should go to war unless he can prove that he is a complete and long-standing pacifist.

Legally, we can punish these people, because they broke a law, or we can demand that the president grant amnesty. Values, not law, will be the basis of our decision.

What is our value? Eye-for eye? (They broke the law so they have to pay!). Vengeance? (Look, my kid went over there and risked his life, and I'm not going to let those chicken draft evaders get off free!). Nationalism? (You can't let everyone in the country follow their conscience! What kind of a country would we have then?) Americanism? (I'll do whatever the American government tells me to do; and America is first and honorable and right!).

Or we value life, and the equality of all people, and the brotherhood of man rather than the supremacy of one nation? Do we value forgiveness and reconciliation rather than vengeance? (I emphasize that amnesty does not condemn or in any way judge those who actually served in Viet Nam. I presume their good conscience as much as I presume the good conscience of those who would not serve.)

I can not make any one decision for them. But we can reflect and begin to realize that we can't think about amnesty unless we already made some decisions about the morality of war, about the possibility of alternatives to war as a means of resolving conflict and about the freedom of conscience.

In a democracy, we make the decisions. What will be the nation's decision about amnesty?

Will we make it, or will we pass the buck to the President and his advisors.

FARMERS DO ENCOURAGE WILDLIFE

HON. JOHN M. ZWACH

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 7, 1973

Mr. ZWACH. Mr. Speaker, I was dismayed when the rural environmental assistance program was terminated, because coming from the countryside, I was well aware of its many beneficial aspects.

Even though the House has now repassed a REAP measure, it is facing a veto by the President.

I am preparing legislation on this matter, eliminating the controversial sections. I believe these changes will make this program more acceptable.

Along this line, I recently read an article in the Canby News in our Minnesota Sixth Congressional District, detailing some of the benefits that accrue from the REAP program.

For my colleagues who do not live in the countryside, this article can be of considerable benefit in pointing out to them some of the contributions made to the general welfare by American farmers through the REAP program.

Mr. Speaker, I insert this enlightening article in the RECORD:

FARMERS DO ENCOURAGE WILDLIFE

America's farmers feed not only cattle, hogs, and poultry, but everything that flies, swims, runs, or crawls on farm and ranchlands—an estimated 80 percent of the nation's wildlife.

And, says Mel Niehaus of the Soil Conservation Service, end-of-the-year figures show that farmer encouragement of wildlife is on the increase.

In fiscal year 1972, according to Niehaus, SCS assisted farmers, ranchers and other landowners in the U.S.A. in improving more than 7½ million acres of land and water areas for the benefit of wildlife—a 28 percent increase over last year.

Further, SCS reports, more than half a million acres of other rural land converted from crop or rangeland into wildlife and recreation areas during 1972.

SCS helps landowners improve food, water, and cover for wildlife. Improved habitat, says Mel Niehaus, increases wildlife populations even faster than stocking.

He points out that the 7½ million acres of habitat improvement is only a small part of the American farmer's aid to wildlife.

"Such widespread farm and ranch conservation practices as stripcropping (alternating banks of crops and grass), building ponds, protecting woodland areas, planting wildbreaks and improving rangeland also attract many wild creatures," he said.

Lincoln County farmers in 1972 improved 217 acres of wetland for wildlife and 233 acres of upland for wildlife purposes. Twenty-two ponds were dug in the county for livestock and wildlife purposes.

"These and many other conservation practices indicate that American farmers and ranchers continue to be the 'host with the most' for wildlife," said John Bedish, SCS biologist.

RESOLUTION BY THE RESERVE OFFICERS ASSOCIATION OF THE UNITED STATES

HON. ROBERT L. F. SIKES

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 26, 1973

Mr. SIKES. Mr. Speaker, the National Council of the Reserve Officers Association adopted a resolution on February 16 concerning the right of Congressmen to hold Reserve commissions. This activity on the part of the Reserve Officers Association is in support of an appeal to the Supreme Court following a ruling by a lower court judge who stated that Congressmen may not hold Reserve commissions. Many Members of Congress are interested in continuing their work in the Organized Reserve, and I submit this resolution for reprinting in the RECORD:

PETITION TO SUPREME COURT TO PERMIT ROA TO FILE BRIEF IN CASE TO DETERMINE RIGHT OF CONGRESSMEN TO HOLD RESERVE COMMISSIONS

Whereas, the decision of the United States District Court of the District of Columbia in the case of Reservists Committee to Stop the War v. Laird, 323 F. Supp. 833, held that the Constitution bars members of Congress from holding commissions in the Armed Forces Reserves, and

Whereas, such decision was further affirmed by the United States Court of Appeals for the District of Columbia Circuit, and

Whereas, the Reserve Officers Association of the United States by resolution at its 1971 Convention urged appeal of these decisions, and

Whereas, this vital issue has now been appealed to the United States Supreme Court, and

Whereas, the Reserve Officers Association is committed to the concept of the citizen-soldier and believes that members of Congress who voluntarily continue their activity as military Reservists should be honored for this "twice the citizen" patriotic commitment, and

Whereas, the participation of Congressmen in military reserve activities helps insure the Constitutional mandate of civilian control over the Armed Forces,

Now therefore be it resolved that the Reserve Officers Association of the United States petition the Supreme Court of the United States for permission to file an amicus curiae (friend of the court) brief in the case of Reservists Committee to Stop the War v. Laird in support of the right of members of Congress to hold active commissions in the Armed Forces Reserves.

BACKGROUND OF NATIONAL CIVIL PREPAREDNESS

HON. GEORGE A. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 1973

Mr. GOODLING. Mr. Speaker, Col. John Bex, a prominent constituent of mine, is currently serving as the Director for the Region Two Defense Civil Preparedness Agency located at Olney, Md.

In this day and age of high tax rates, the American taxpayer frequently is left to wonder what he is getting for his tax dollar. I am happy to inform him that in Colonel Bex, he has a talented, energetic, and industrious civil servant that is truly giving him his tax money's worth.

Toward the end of setting the stage for proving this point, I would like to set forth some background information on the Defense Civil Preparedness Agency in general and the Defense Civil Preparedness Agency at Olney, Md., in particular. In sequence, I will outline the superlative part that Colonel Bex has played in catalyzing and implementing the dynamics of this service which has a very vital application to America and to all Americans.

Because these observations shed light on one of those civil servants who provides assurance for and deserves recognition of the American taxpayer, I insert these remarks into the CONGRESSIONAL RECORD and commend them to the attention of my colleagues:

Defense Civil Preparedness Agency, formerly the Office of Civil Defense in the Department of the Army, entered the 70's, with its national programs to provide protection from radioactive fallout becoming less credible.

The 60's had launched and perpetuated a massive effort to survey facilities for shelter, and to stock these shelters with emergency supplies.

The planning for the use of these shelters by the public in time of emergency was undertaken as were programs to develop and deploy radiation measuring instruments.

Doctrine for the conduct of emergency operations by governments was developed and training programs were launched.

Training consisted largely of preparing personnel to operate in a sheltered environment including the management of shelter facilities and the reading of instruments.

In the 60's, the rioting in the cities, the devastation from many severe storms, hurricanes and tornadoes sorely tasked local governments, and even State governments, to maintain order, save lives and restore property losses. The Federal civil defense establishment, i.e., OCD, was only minimally engaged in day-to-day emergencies.

Congressional appropriations that reached a high of $207.6 million in 1962 had receded to $61 million for the 1969 fiscal year.

With the change of administration in 1968, a new national leadership was established by John E. Davis, former Governor of North Dakota. Seeking revitalization for the 70's, he advocated the emergence of two philosophies: One was that governments could only be prepared to protect their people in a nuclear emergency if they were prepared to meet day-to-day emergencies. The second was that the era of the 60's had produced too much sophistication in programs and program development, and that their relevance to State level organization and activities was at best doubtful. To support these philosophies, a policy of redirection for the national civil preparedness effort was established.

BACKGROUND OF ONE REGIONAL AGENCY

The Defense Civil Preparedness Agency, located in Olney, Maryland, was assigned an area of responsibility of delivering the civil defense of the 60's to the District of Columbia and the seven States of Delaware, Maryland, Kentucky, Ohio, Pennsylvania, Virginia, and West Virginia. As a field agency and operating agency, its record of performance was commendable in the terms of the 60's.

These terms were defined as cost effectiveness and quantitative measurement:

41,033 facilities produced Fallout Shelter Spaces for 39,632,000 people.

24,764,000 spaces licensed for public use.

9,304,000 spaces stocked for emergency occupancy.

100% of the political subdivisions of the States had completed community shelter plans for the use of facilities.

Information for 99% of the regional population had been prepared for emergency dissemination. These locally oriented readiness materials tell people what they should do and where they should go.

100% of the States were engaged efficiently in a day by day radiation instrument maintenance effort and 90% of the data required for training in the development of a monitoring capability were automated.

Other statistics were available to support regional efforts to develop then existing national programs including funding support to State Departments of Education to conduct civil defense curricula in public schools.

Public relations activity was minimal. Of the civil defense public relations activity, Congressman Bob Wilson was very kind in his indictment when he said a group of public information specialists, "you people sure have maintained a low profile over the years."

The Federal personnel of the Region, all civil servants, were experienced, well indoctrinated in the programs of civil defense, maintained sound working relationships with the States and their political subdivisions, and in areas of interest were competent, resourceful and dedicated. Their production, like the program effectiveness, was measured in quantified terms.

THEN ALONG CAME JOHN

John E. Bex, age 51, of Mechanicsburg, Pennsylvania, was appointed Regional Director and reported for assignment on January 5, 1971. His background as a small businessman, a public relations consultant, and an Air Force veteran of World War II, with continued Reservist training and Air War College experience, lent extra strength to his qualifications as a manager in the redirection of civil defense. His philosophies of what was going on for the protection of the people and their property, and for the administration of the program spelled revolution.

Based upon his personal research and active observation of public attitudes—of the effectiveness of civil defense education in the schools—of performance of reportedly trained State and local personnel—of the habitability of facilities designated as shelters—of the condition of shelter stocks—of the relevance of community shelter planning and radiation monitoring—of the low visibility of the national effort to the public (even to governments) of the mediocre approach to public relations—and of the tunnel-like version of the regional personnel brought about by the discipline of the 60's, John went public with his heresy.

The primary concern of John Bex was not the inadequacies of the bureaucracy, nor the program effort of the agency. Rather his concern focused on the lack of objectivity of the total effort—

Why was jeopardy expressed more than survival?

Why was threat more significant than protection?

Where was the defense for civil defense?

Why did fact pale and myths prevail?

Where was preparedness evidenced when the emergency occurred?

John felt most strongly that there was a lack of qualitative measurement, and that the government was failing to communicate within itself and with the public.

His bywords became "The Name of the Game is Communications and Public Relations." It became a part of the mast of a house-organ type of publication that he introduced and named SURVIVAL. (He revamped the regional "newsletter" from a wordy leaflet into an award winning potpourri communication. The content aimed at capturing widespread public and private sector readership.) SURVIVAL became the deck from which ensued great rocking of the boat, a dynamic initiative movement toward greater effectiveness in every phase of disaster preparedness.

Some quotes:

"The condition of our (survival supplies) . . . in public shelters is a national disgrace. These stocks should be moved and dumped."

". . . We need to rethink our whole approach to civil defense, disasters and emergencies . . . we need a new agency . . . we need a program to capture the imagination of the American people."

"Emergency preparedness is everyone's business, public and private. It should be considered one of today's Growth Industries . . . of the 'professionals' in civil preparedness, not one could perform or meet his responsibilities . . . unless he improves his communications . . ."

"The crux . . . we have so far failed to sell the American public on the meaning and importance of civil defense. The best four letter word I know is s-e-l-l."

"In general, the situation of the entire civil defense effort is, when seen in proper perspective, quite unsatisfactory."

On the civil defense budget, decrying it at about 1/10th of 1% of the total defense budget: "By this measure, the value this government has been placing on the lives of our civilians and their need for protection doesn't look very good."

"Shelter preparation . . . even compared to smaller countries . . . ever since World War II as a matter of fact, can hardly be regarded with anything but dismay."

Of his effort to stir the pot, to make the people and governments aware, he disdained Armageddon talk:

"You have to tell it like it is," John would say, "You tell me after ten years of survey there is more than 200 million shelter spaces for 200 million people. Then why is it you have a shelter and I don't? The fact is, there is one shelter for the two of us and I'll bet you don't know where yours is."

Of the continuation of the ten year survey effort to locate more shelter spaces in existing buildings, John said, "That should no longer be in our priorities, there should be a moratorium on all survey work."

John Bex was determined to be a doer in the government. He holds to the outstanding principles of management—communicating with employees, peers and superiors, delegating authority, objective setting, guts in decision-making, etc. As to the nature of his personality, one could obtain descriptions from others ranging from the flamboyant to the dynamic. They would all be accurate descriptions.

He persuaded the people with whom he would work to identify the need for a greater visibility in the eyes of the public. The numbers of articles published, media interviews, public speaking engagements and film showings increased a hundred fold. He initiated a person-to-person effort he labeled "Speaking With A Million" and exhorted his office personnel to set the example: talk up civil preparedness and get others to talk is still a theme.

He achieved the reality of the only region throughout the nation where all governors proclaimed December 7th as Civil Defense Day, Civil Defense Week, or Civil Defense Month. When he established the public information office and stressed an upgraded education for school children, live programs came into being. These efforts and accomplishments have set the example throughout all regions as well as at the national level.

He was able to take the motherhood out of civil defense and achieve firm commitments for action and funding from governors and mayors.

West Virginia faced several serious disasters in a two year period. John Bex, communicating in a serious way, became a team with Governor Arch Moore infusing new authority, new support and new concern in the civil preparedness of that State. Today, West Virginia's response to disasters and its threat to its people is a measurable part of effective government in emergency.

As a result of a concentrated effort on the part of DCPA to furnish direct assistance in upgrading governments' emergency operating capability, and with John's insistence on priorities and objectivity of effort, many local governments which otherwise would have collapsed at the onset of Tropical Storm Agnes, as some did, were able to acquit themselves quite credibly by preparedness standards.

John's vitality and advocacy for change proved difficult to cope with within the regional structure. This was particularly true where inbred programs and approaches needed change and change was needed to support the new policies of the national leadership. In some significant areas his energy has prevailed. Public survival education is getting a whole new face, as is survival education in the public schools; non-supporting programs have fallen out of the priorities of activities, plans to heal some old ills are being made.

At the national level John developed the rapport to maintain his influence in court. He was able to convince the national leadership, or as a minimum to confirm suspicions, or intentions, with his eager advice and sound judgments.

Nearly every front where change had to be instituted, John attacked—"Sacred cows make good hamburger," he would quote. He is an ardent persuader, as ardent a listener, and is a masterful tactician in the art of the attack. Where he was constrained from penetration, he outflanked with another attacker, maybe a Congressman, a publisher, an industrialist, maybe a civic organization. A patriot in deed, he believed these actions to be demonstrations of truth with loyalty, and to be touchstones of strength and will in pursuit of his feel for the needs of the country's defense.

But no one bats a thousand. When John was directed to achieve closer harmony with the Office of Emergency Preparedness, currently an agency to be abolished under the President's Reorganization Plan, he had an animal cartoon published showing an angry American eagle wearing a civil defense patch under the same umbrella with a turtle. The turtle represented "remarkable sense of proper direction, planning, and coordinating ability oriented to survival" and was labeled "OEP". The Office of Emergency Preparedness objected vigorously to being a turtle.

John campaigned among the U.S. Civil Defense Council, a social bureaucracy of local government officials and a recognized centerpiece of mediocrity, to open its regular membership to Federal and State professionals. He felt such a move could provide a broader base for communicating preparedness to the public. Typically, change appalled the incumbent membership, and activities continue as before.

It is a truism that the measure of effectiveness in government, any government, has to be in its ability to deliver service to its public and to maintain objectivity in the effort expended.

The formula calls for the bureaucracy to support the leadership if the public trust is to be kept. And the leadership must be a highly personal leadership, the prime qualities—energy, guts and interest—being visible and demonstrable.

John Bex brought life and vitality and new dignity to the bureaucracy. He brought meaning and significance to qualitative achievement, and purpose to effort. It would seem, from the foregoing account that in a measurable way, the truism has received rare edification because John came along.

THE LATE HONORABLE WINTHROP ROCKEFELLER

HON. FLOYD SPENCE

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 1, 1973

Mr. SPENCE. Mr. Speaker, we will hear a great deal about the wide-ranging contributions made by the late former Governor of Arkansas, the Honorable Winthrop Rockefeller, during his short life span. It is entirely proper that those who know his outstanding record best should detail his many contributions here so that all may be aware of what can be accomplished for one's State and Nation in a single lifetime.

We will hear of "Win's" versatility. We will be told of his penchant for hard work—despite the fact that he was born to one of the country's wealthiest families. A philanthropist, a business executive, a tireless worker in civic affairs: Governor Rockefeller was all of these, and he handled each endeavor well.

There is another aspect of "Win's" career upon which I want to focus my brief remarks. In addition to all the above, the Governor was a consummate host at his "Winrock Farms" estate. Once, when I had the occasion to speak in Fayetteville, Ark., I received the full force of that generous hospitality. Practically from the time I crossed the border of his State, my comfort and well-being became the special interest of Gov. Winthrop Rockefeller.

We made a stop at Winrock to change clothes, and then proceeded to the speaking engagement in Fayetteville. After the banquet I was flown back to Winrock to spend the night before returning to Washington the next day. It was during that period that I really came to know Winthrop Rockefeller.

It was clear that Winrock was not merely the lair of a gentleman farmer who had no real knowledge of farming, or a business tycoon looking for a good tax writeoff. This was a real working farm, and I found that my host was an expert in the field of agriculture. He spoke easily about the intricacies of cattle breeding and scientific farming. He had a sincere concern for ecology and the environment, but not because it was fashionable and chic to feel that way. Win had a deep respect for nature that is found in men who work hand-in-hand with her, to the benefit of both.

Just as I will long recall my short visit to Winrock, this country will remember the impression left upon it by Winthrop Rockefeller.

BROADCAST INDUSTRY REQUIRES LICENSE RENEWAL CLARIFICATION

HON. ROBERT McCLORY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 7, 1973

Mr. McCLORY. Mr. Speaker, I am pleased to join my colleagues, Mr. BROYHILL of North Carolina and Mr. ROONEY of Pennsylvania in sponsoring legislation dealing with the renewal of broadcast licenses.

This bill meets problems faced by broadcasters at license renewal time in two significant ways. First, it extends from 3 years to 5 years the period for which the license is granted. And second, it spells out in the law the procedure that must be followed by the Federal Communications Commission in considering a license renewal application.

Under the terms of this bill, a broadcast licensee who has filed with the Federal Communications Commission an application for renewal shall be awarded the grant if he is legally, financially, and technically qualified and if he shows that in his previous licensing period he has, in his broadcast service to the public, made a good-faith effort to serve the needs and interests of the area served by his station. He must also show that he has not demonstrated a callous disregard for law or the regulations of the FCC.

Mr. Speaker, this legislation became necessary as a result of a decision by the U.S. Supreme Court in June, 1971. At that time the Court ruled that the Federal Communications Commission lacked authority to initiate a policy it had followed for years, namely, that preference be given an existing license holder over a competing applicant if the licensee's service has been substantial.

I do not believe the public interest is served by continuing to subject broadcasters to the uncertainty of Commission action which may be brought about by the submission of competing applications from groups whose only claim to better performance is a vague promise.

Certainly, continuity of service is important if the broadcasting industry is to remain a stable, vital, and viable instrument of communication in our society. Both industry stability and the public interest would be well served by the continuity of service that this bill would provide.

THE HANDICAPPED AT WORK: TOMORROW'S CHALLENGE

HON. JOHN JARMAN

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 7, 1973

Mr. JARMAN. Mr. Speaker, I recently received a copy of the winning essay in the 1973 "Ability Counts" contest sponsored by the Governor's Committee on Employment of the Handicapped in my State of Oklahoma. Miss Susan Irwin of my congressional district placed first in the State competition, and I would like to take this opportunity to congratulate her on her outstanding writing abilities. It is with a great deal of pride that I submit for the RECORD Miss Irwin's winning essay:

THE HANDICAPPED AT WORK: TOMORROW'S CHALLENGE

(By Susan Irwin)

The cafeteria in the basement of the Federal Building in downtown Oklahoma City is clean, well organized, efficiently run. Newspapers are brought in every morning and placed on a counter for sale. If a customer asks for a candy bar or a pack of cigarettes as he is leaving, he will notice, if he is observant, that the fingers of the man behind the counter are carefully counting every row of boxes, to make sure they find what the customer wants. All the employees in this cafeteria are blind.

This cafeteria should be an inspiration to employers and to the handicapped. This cafeteria is living proof of the amazing ability of the handicapped at work.

Yet, despite numerous examples of the success of the hard-working handicapped, barriers still remain. There are seven million young Americans who are handicapped. Forty percent of them are underemployed, and twenty-six percent are unemployed.

Tomorrow's challenge—to find jobs for these handicapped people—can be met by accomplishing three things: personal encouragement of the handicapped, rehabilitation for the handicapped, and enlightenment of employers about the abilities of the handicapped. The story of Roger Robb from Fayette, Missouri, shows how these challenges can be met.[1]

A sudden flash of sparks crackled through the air as more than seven thousand volts of electricity struck a young lineman named Roger Robb. On that day in June, 1948, Roger was rushed to the hospital. Both of his arms were amputated soon afterwards.

This tragic accident radically changed the lives of Roger Robb and his family. In one day Roger had lost both his hands and his job. An expression of despair and helplessness must have flickered through his eyes as he wondered what he was going to do. Mrs. Robb bought a platform rocker for him. There Roger would sit for hours and listen to the radio. Roger believed that he would be spending the rest of his life in that rocker.

Then new hope came, Jean Cahill, a rehabilitation nurse, had driven from Chicago to encourage Robb. Though he was skeptical at first, she convinced him that he could work again. By the end of October, Roger was training with artificial arms at a rehabilitation center in Boston.

Roger went back to work for the electric company, and now he is Line Superintendent. Although he is busy with church and American Legion activities, he still finds time to visit recent amputees and to encourage them to go back to work. That old rocking chair has been empty for a long time.

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[1] *Performance*, April 1969, pages 3-6.

Roger built confidence and pride in himself again through the encouragement of his family and his rehabilitation nurse. This is the first vital step to get the handicapped to work: to boost their morale and give them a sense of self-worth and to convince them that they can work.

Step two—rehabilitation—is being met across the country through employment services, welfare agencies, veterans organizations, and rehabilitation centers. Some handicapped at rehabilitation centers learn to use artificial limbs. Others, like David Hardwicke, must learn to talk. Three years ago, David, an honor student in my high school, won seventh place in the Ability Counts contest. After serving six months in the Army, David used his two-year scholarship at Southwestern State College at Weatherford. Last fall the automobile in which he was a passenger rolled off an embankment, killing the driver and leaving David severely disabled with head injuries and partial paralysis. David still does not hear well and cannot speak coherently. Fortunately, through his participation in the essay contest, David's parents knew about the rehabilitation agencies to help him. They are hopeful that, in time and with patient help, David may once again enjoy a productive life.

The most important challenge of all is to encourage employers to hire the handicapped. To accomplish this, doubts of the employers must be replaced by knowledge about the handicapped. Employers would be much more willing to hire the handicapped if they knew that they are not an insurance risk, that they are loyal, careful workers, and that they have good records of observing company rules, attendance, and productivity.

Closed minds often do not recognize how much ability and potential the handicapped actually have. Employers who believe that the handicapped are unproductive should read a history book. The great writers Milton and Homer were blind. Beethoven probably never heard his heroic last symphonies as deafness closed in upon him. The painter Michaelangelo had a deformed back. Franklin Roosevelt was a four-term President in a wheelchair. The electrical wizard Steinmetz and the famous French writer Voltaire overcame twisted bodies to benefit mankind.

Roger Robb did not want sympathy or charity. He wanted to live a life of dignity; he wanted to prove his ability and to become a vital part of society. His rocking chair, still empty, is a beautiful symbol of what a little courage and hope can do. Yet, on David's porch and elsewhere, other rocking chairs are not empty. The former challenge of Roger Robb, met by a few determined and dedicated workers, should give hearts new hope for success with others, like David. The challenge of the future—tomorrow's challenge—is to inform the employer and to encourage the handicapped so that the life of another Roger Robb or David Hardwicke will not be spent in despair and helplessness.

ESTONIA

HON. LAWRENCE J. HOGAN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 7, 1973

Mr. HOGAN. Mr. Speaker, I take pride in offering my congratulations to the people and friends of Estonia as they celebrate the nation's 55th anniversary. Though the Soviet Union's forceful occupation of Estonia has continued since 1944, it is certain that Estonian patriots and their supporters in America still remain committed to the goal of a free and independent Estonia.

In man's quest for liberty few struggles surpass those of Estonian patriots. Between 1721 and 1918, Estonia was under Russia's heavy and oppressive control; however, their music, plays, poetry, and books still flourished. A remarkable tribute to a tenacious people. In addition, this period also nurtured Estonian nationalism which showed itself in the Estonian rebellion of 1905. Though Russian soldiers ruthlessly crushed the revolt, the spark of nationalism still burned and emerged again in 1917–18.

The Estonians proclaimed their independence after the czarist government fell, and from 1918 until 1940, when their country fell to the Communist forces, they enjoyed a period of freedom and progress.

The tragedy and suffering of Estonia's people under Soviet Russia are almost beyond belief. Their ability to endure and continue their own culture in light of Russian occupation and impositions is a truly marvelous feat. But how long can we expect that resistance to continue without more tangible aid from the free world?

As we offer congratulations and cite Estonia's past achievements, let us also consider her future. Let us pledge anew our promise to aid her in her quest for freedom and independence. Estonia's plight must become the concern of all free men.

A NEW CITIZEN, MR. KARL NICOLAI

HON. ANGELO D. RONCALLO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 7, 1973

Mr. RONCALLO of New York. Mr. Speaker, recently I received a letter from a constituent who in his own simple way best expresses the love for his newly adopted country and I should like to insert excerpts of his letter and a poem he has written for the occasion.

Thank you very much for your letter of January 24, last. I was most pleased to receive your congratulations on my new citizenship.

As one of your local constituents, I would like to introduce myself. I came to America from Germany with my family in 1962 to seek a new way of life. In World War II, I fought as a young volunteer on the Russian Front, and spent four years as a P.O.W. In this way I learned first-hand of the bitter life in the Soviet Union. I learned to value democracy and freedom.

At the present I am employed as a machinist, but in my spare time I am studying at night school. I hope soon to better myself. I am a member of Knights of Malta, and Community Leaders of America. I am also an amateur poet and accordingly am proud to present you with my original poem, "The Prayer of the Nation."

The poem is as follows:

PRAYER OF THE NATION

Dear God, where are You in this universe?
I send my pleading with this verse.
Do You see me when I fall,
Or are you far or not at all?

Do You see me when I'm rude,
Am I deceiving You with my mood?
Do You hold me in your arm
To keep me from every harm?

Hold out your hands to my friends,
For we are fearful our faith bends.
Guide the soldiers in the field,
Let the enemy seek right and yield.

Watch over those who seek redress
For evils that grow to great distress.
Our President needs the golden light
To scatter evil and press for right.

Dear God, Master of us all,
Let us not fail and to death fall
Until all men find your hand
With Nations and people from every land.

PEACE WITH HONOR

HON. LAWRENCE G. WILLIAMS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 7, 1973

Mr. WILLIAMS. Mr. Speaker, after 12 long years of war, the guns are becoming quiet throughout all of Indochina. The peace accord was the best news in months. The President is quickly withdrawing the last American troops in accordance with the settlement.

President Nixon has kept his promise of "peace with honor." There can be no doubt that he has brought us through a most difficult period. We have negotiated from a position of strength and honesty. None can doubt that it would have been impossible for the President to have reasoned with Soviet and Chinese leaders last year, had Russian-made tanks been rumbling through the streets of Saigon. I am proud to have supported President Nixon all of the way.

All Americans can be proud of our POW's. As each planeload has arrived at Clark Air Force Base, we have been able to share the joy of seeing them step from the "Freedom Plane." The POW's have shown a deep abiding sense of patriotism and have expressed their pride in having served their country. No nation has been better served than the United States has been by these men. The basic strength of our Republic is mirrored in the way these men came through their ordeal, unbent.

There are still many men not yet accounted for. The lists already released do not include many men who have previously been identified as prisoners, or other men who were seen to escape from their crippled aircraft and parachute to safety. We will continue our efforts to get a full accounting from Hanoi and other sources.

The 93d Congress—On Wednesday, January 3, 1973, it was an honor to take the oath for the fourth time to represent all of the residents of the Seventh Congressional District of Pennsylvania.

Office hours—My Washington office is open from 9 to 5:30 every weekday, and on Saturday mornings from 9 until noon. My district office, located at 50 Powell Road, in the Springfield Township Building, is open from 8:30 to 5 every weekday, on Tuesday evenings from 7:30 to 9, and on Saturday and Sunday by appointment.

To better serve you—If you require assistance or wish to share your views, it is always better to send a letter with full details. In this way, there can be no confusion and there is always a record for reference.

OLDER AMERICANS

I have cosponsored a joint resolution to name May as "National Arthritis Month." Arthritis and rheumatic diseases are second only to heart disease as the most widespread chronic illnesses in America, but they have failed to get the public attention which would lead to more adequate consideration and research into their causes and cures. These diseases are particularly associated with the elderly, and I wish to help ease the pain and suffering caused by these crippling afflictions.

My bill, H.R. 2713, would allow medicare to pay for prescription drugs. Even with medicare, our aged pay a disproportionate share of their income for medical expenses. This bill would allow doctors to prescribe or certify drugs for their elderly patients and know that they would be utilized. I have also cosponsored legislation to allow medicare to pay for the cost of flu shots for the aged. Since influenza strikes the elderly most severely, this proposal is extremely meritorious.

THE ECONOMY

The U.S. economy expanded at an 8-percent rate during the last quarter of 1972, according to the U.S. Department of Commerce. The pace for the noninflated growth of the gross national product did not equal earlier predictions of 8.5 percent, but did indicate a continuing healthy expansion of the Nation's businesses.

During the same 3 months, inflation increased at a rate of 2.8 percent—which satisfied President Nixon's announced goals—while the economy grew by $30.9 billion in terms of dollars. The total gross national product for 1972 grew by $101.4 billion to $1.15 trillion.

Congress must help the President slash unnecessary Federal spending. Last September, the Congress rejected the President's request to place a spending ceiling of $250 billion for the current year. He had my full support on that measure. Now, he has sent a budget calling for $269 billion for the next fiscal year, and the projection for the following year is $288 billion. Each of these budgets contains substantial Federal fiscal deficits.

Such gross overspending is causing the dollar to be worth less—and we have seen inflation accelerate again during January and February. We hope to bring it back under control in the near future. In 1962, the operating budget was supposed to be less than $100 billion but a deficit spending of over $7 billion increased the fiscal year budget to $107 billion. Now the majority party in Congress says that today, even $269 billion is not enough. My promise is to continue to oppose all increases in the debt ceiling and all irresponsible and unnecessary expenditures.

AID FOR IRAQI JEWS

Senators Scott and Schweiker, and seven area Congressmen joined me in calling on President Nixon to personally intervene "to halt the inhumane treatment of the Jewish minorities of Iraq and Syria." In a letter to the President, we cited the recently reported execution of "nine or 10 prominent members of the Jewish community of Iraq.

In 1969, a similar wave of arrests and persecutions swept over Iraq. At that time, 14 persons, including nine Jews, were tried by military courts on trumped-up charges and then hanged in public squares in Baghdad and Basra. Then, just as now, the victims were first taken from their homes and held incommunicado, their property seized, and their families driven from their homes.

Our letter to the President stated that we were aware that in the past, despite the fact that our Government did not have diplomatic relations with Iraq or Syria, the State Department made substantial efforts on behalf of Iraqi and Syrian Jewry. "Now, however, is a time when your personal intervention would be extremely helpful. We urge you to use your good offices, through whatever means you consider appropriate, to aid these helpless persons."

THE ENERGY CRISIS

The United States faces a major energy crisis. The combination of rapid population growth and greater dependence on automatic equipment has caused our energy needs to grow at an astonishing rate. Our reserves of natural fuels are being depleted rapidly. This is the reason we must conduct extensive research and make greater use of nuclear power.

Because of national defense considerations, we cannot become dependent on other countries. Our fuel needs are among our most important. If we were to depend too much on imports, then we would lose some of our power to act independently. Also, other Nations are feeling the shortage of natural fuels and are becoming less willing to export their own supplies.

New energy sources are needed at once. I am reintroducing the same energy bill which I sponsored in the last Congress. This bill grants important tax benefits to businesses for utilizing new technology to provide energy from waste products and providing energy to heat or to produce electrical power. The process is almost totally pollution free and could produce large amounts of energy.

IMPOUNDMENT AND THE NEED FOR FISCAL RESPONSIBILITY

HON. BILL FRENZEL

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 7, 1973

Mr. FRENZEL. Mr. Speaker, one of my constituents has requested that I insert his views in the Record. I offer his letter now:

Bloomington, Minn.,
February 3, 1973.

To all Members of Congress:

As I see it the so-called coming battle between the Executive and the Congress boils down to this. The Executive wants to relinquish some of its powers and responsibility to Congress where they once belonged and the Congress doesn't want them. In other words the Congress would rather continue to "bug out." What we are paying the Congress to do? "Bug out?"

It's a neat trick. The Congress, without the responsibility of leadership, can direct all criticism whether it is much or little (depending on the proximity of the next election) at the Executive when actually it is Congress itself that surrendered its powers willingly in the first place.

I address myself to you, members of Congress. Step forward! We need your vital leadership as well in uniting our country.

Harry W. String,
(*One of the Minnesota voters.*)

MY RESPONSIBILITY TO FREEDOM

HON. ROBERT W. DANIEL, JR.

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 7, 1973

Mr. ROBERT W. DANIEL, JR. Mr. Speaker, first of all I want to congratulate the Veterans of Foreign Wars of the United States for its contribution to American democracy through conducting the Voice of Democracy contest annually.

I am told that this year almost a half million secondary school students participated in the contest competing for the five national scholarships which are awarded as top prizes.

I think it is extremely fitting that this year the contest theme was "My Responsibility to Freedom."

The winning contestant from each State is brought to Washington for the final judging as guests of the VFW. I am proud to announce that the winning contestant from the State of Virginia is Miss Cynthia Alane Ballard, a resident of Petersburg, Va., which is in the Fourth Congressional District of Virginia which I have the honor to represent.

Her first paragraph reads as follows: I commend it to your reading.

During every minute of each day clocks throughout the world are ticking off seconds that can never be repeated. Time can be the menace endangering my responsibility to freedom.

She then questions that the lack of time to give concern to her responsibility as a citizen is a legitimate rationale for lack of action.

Mr. Speaker, I insert at this point in the Record the speech delivered by Miss Cynthia Alane Ballard of Petersburg, Va., a 17-year-old student from Gibbons High School.

I commend it to your reading.

My Responsibility to Freedom

(By Miss Cynthia Alane Ballard)

During every minute of each day clocks throughout the world are ticking off seconds that can never be repeated. Time *can* be the menace endangering my responsibility to freedom.

In the faster than light speeds of activity in our ultra-modern America, it is indeed possible that I could truthfully claim to lack the time to give concern to my responsibility as a United States citizen. But I must question this rationale until all attempts of escape from my duties are found to be fragile and hollow.

My inability to appropriate that precious commodity called time to its best potential, can result in a gross misjudgment. I have no excuse for not responding to the problem of providing enough time in direct social, economic or political dedication to my country's ideals. These ideals have history and depth. They need a future. I have a direct duty to reinforce these ideals in order to insure their future.

When citizenship is involved, it means *action* and *work*. Is there a need for a community center in my city? My responsibility to freedom demands research. It demands that I take time and start to build on that center by contacting specific people to start working on financial problems, construction ideas, activities, and organizational groundwork. Is there an adequate lunch program in my area's school system? My responsibility to freedom demands intelligence. It demands that I think. It demands that I ask school officials why the program isn't sufficient. It demands that I ask what *I can do* to make the program adequate and then take the initiative to actually carry out the plans. Is there an important bill up for decision in state or federal legislature? My responsibility to freedom demands that I not only read about issues, but discuss them intelligently with qualified resource people. It demands that I draw conclusions.

Greatest of all, my responsibility to freedom demands that I have dedication. If I have enough desire and feeling to become involved and stay active, I can efficiently respond to my duties as a citizen. These 3 questions are only a minimal cross section of the issues a responsible person must concern himself within today's America. To fully explore and organize solutions to our problem, I've got to provide the main ingredient of true dedication: *Time*. If I can give this ingredient generously without wasting it, I can meet the demands of freedom. I can make *political* decisions if I take the time to do my citizenship homework. I can provide action and drive in social work if I can allot the time to develop community programs. I can respond to the challenge of America's ideals if I do not rationalize or misjudge daily situations regarding community, state and national government.

Regardless of where or when those clocks tick off the invaluable seconds of my life, I must make sure that those seconds are used to validify my responsibility to freedom.

ANTIWAR ACTIVISTS CHANGING CAUSES

HON. FLOYD SPENCE

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 7, 1973

Mr. SPENCE. Mr. Speaker, some of us have wondered what the bulk of the antiwar rabble will do with themselves now that an honorable peace has been obtained in Vietnam. Surely they would not think of going back to work, or school.

Thanks to a recent column by Jack Anderson, we have at least a partial answer now. So that all of my colleagues will know what to expect from our professional malcontents this summer, I insert an excerpt from that column, which appeared in the Washington Post on March 5, 1973, at this point in the Record:

Washington Whirl: Changing Causes

Antiwar activists have been looking for a new cause since the Vietnam cease-fire was signed. Many are switching to the antipoverty crusade. Already, antiwar leaders are trying to rally their followers to demonstrate against the budget cuts in the antipoverty programs. They're talking about a "summer of discontent" this year and promising to fill the jails to dramatize the plight of the poor.

OCEANSIDE, CALIF., BLADE-TRIBUNE ON "A TRULY FREE PRESS"

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 7, 1973

Mr. WALDIE. Mr. Speaker, an editorial carried recently in the Oceanside, Calif., Blade-Tribune succinctly reminds us that allegations of abuse of press freedom are not new and that such criticism of the press was also weighed by the framers of the Constitution at the time of enactment. Perhaps no more scurrilous attacks by the press directed against public officials have been conducted in our entire history than were directed against some of our Founding Fathers, even including George Washington.

But such men were able to rise above even what must have been frequent resentment and anger over these scurrilous personal attacks in order to preserve the liberty of all of our people, and to restrain the power of government, which are dependent on the exercise of a free press.

We ought to similarly be able today and in the Congress and the executive branch to rise above whatever small or large personal resentments we might possess and to do no less in preserving freedom of the press than did earlier statesmen in their wisdom.

The Blade-Tribune editorial follows:

A Truly Free Press

In the context of current court efforts to force newspapr reporters to reveal the sources of their information, it seems appropriate to recall Thomas Jefferson's famous assessment of the Fourth Estate. On January 16, 1787 he said:

". . . were it left to me to decide whether we should have a government without newspapers or newspapers without a government, I should not hesitate a moment to prefer the latter."

Jefferson, of course, was not arguing for an anarchic nation, nor was he advocating an anarchic press. He was, we have to believe, stressing the essentiality of a truly free press . . . a press that can probe and report the activities of the public, of the world of business, of governments in the light of the public interest. The great antidote to anarchy and to despotism alike is an informed public.

Jefferson did not see freedom of the press as freedom from all restraints, but rather as freedom to carry out decently, diligently and fully its responsibilities to the people.

Becoming a newspaperman does not miraculously make a man decent or trustworthy, any more than does election to office, although we like to think it may sometimes help. There are boundaries that must be respected, news sources carries with it a very large responsibility not to use it fraudulently but intelligently and in high principle as a means of providing information essential to the public.

To jeopardize that privilege would not destroy the newspaper industry, but it would be a significant diminution of the public's right to know.

U.S. SYSTEM WORKS BETTER THAN MOST AMERICANS ADMIT

HON. RICHARD BOLLING

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 7, 1973

Mr. BOLLING. Mr. Speaker, the John Roche column which follows appeared in the March 3 issue of the AFL–CIO News and makes a lot of sense:

U.S. System Works Better Than Most Americans Admit

(By John P. Roche)

The one unforgivable sin that the United States commits—at least in the eyes of the intellectuals—is that it works.

Thus a distinguished European statesman put it during my recent trip.

"For example," he continued, "a few hundred kilometers from here (Zurich) Italians and Germans are busy tearing down street signs. It seemed like an intelligent compromise in an area contested by Austria and Italy to put the signs in both languages, but extremists at both ends want all or nothing. Belgium has the same problem."

"Do you realize," he added, "that the Bretons have been engaged in some violent separatist activities in France? And the Basques, too? The Bretons are up in arms because under French law they cannot give their children ethnic names (Breton is a version of Gaelic). It's rather as though American law forbade Negroes from giving their children Muslim first names. And I hardly need to mention Ulster."

"What you Americans have, without realizing it," he concluded, "is one of the most stable societies in history. You absorb and thus neutralize your potentially disruptive elements: a movement that in Europe would become an ideological cult becomes in the United States a club that meets regularly, wears funny clothes on feast days, and gets letters of felicitation from the President."

After the past decade, I confess that my fundamental optimism about the United States has on occasion been shaken a bit. The combination of the civil rights movement, the upsurge of youth, and the antiwar militancy often seemed to be bringing the nation close to the abyss.

One reassuring thing was that the prophets of "revolution" and "disintegration" were intellectuals whom I had known for years and their compasses were locked on True South. That is, in specific terms, if they predicted X, one could invariably count on the occurrence of anti-X. But first in Washington and then on the campus the noise-level was horrendous: it was like being in a steel drum being hit with baseball bats.

This dicusssion with an impartial observer who spent years as a diplomat in the United States, was therefore reassuring. When, for instance, I raised the question of turmoil in American colleges and universities, he asked me, "How many universities do your leftists control?" Now, although various elements of the counter-culture have gained considerable power within certain schools, the correct answer is "none."

They may have a veto power, they may drive non-conforming faculty members insane and send despairing administrators off to religious retreats. But no university is in fact controlled by the leftists. He chuckled and said: "I could name you a dozen in Europe—all state schools, of course—which are now the private property of the extreme left."

Moreover, he went on to point out, we Americans tend to blame everything on the war in Vietnam: drugs, venereal disease, inflation, student unrest. But everywhere in Europe precisely the same problems exist.

Indeed, the United States has the lowest inflation rate of any major industrial power, the student riots in France made Berkeley look like a fraternity prank, Sweden has the highest venereal disease rate going, and the drug crisis exists across the board. "And," he noted, "we have had no war in Vietnam."

As I have suggested here before, we Americans have a fondness for flagellation, a rather likeable characteristic. Yet, every so often it is worthwhile to stand back a bit and look at what we have accomplished in a positive way. There is much left to be done, but if we look around the only world we have, we can take some modest pride in our accomplishments.

"911": A NEEDED CONCEPT

HON. J. EDWARD ROUSH

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 7, 1973

Mr. ROUSH. Mr. Speaker, as I promised last week, I now submit an updating on the place where the emergency telephone number "911" is now in operation:

911 REPORT, DECEMBER 1972 (A.T. & T. SYSTEM)

	Date in service	Scheduled	Services provided[1]	Population served (thousands)
ALABAMA				
Alexander City	October 1972		PFA	32.0
Athens	December 1969		PFA	33.0
Birmingham	July 1970		PFA	506.0
Childersburg	October 1971		PFA	10.0
Clanton	July 1968		PFA	15.0
Dadeville	October 1972		PFA	3.0
Decatur	February 1972		PFA	52.0
Demopolis	December 1971		PFA	18.0
Eufaula	December 1971		PFA	20.0
Evergreen	July 1970		PFA	10.0
Fairhope	December 1971		PFA	13.0
Fort Deposit		February 1975	PF	1.0
Goodwater	October 1972		PFA	2.0
Greensboro		December 1974	PFA	26.0
Hartselle	February 1972		PFA	20.0
Jackson		January 1973	PFA	14.0
Jasper	June 1969		PFA	42.0
Livingston	July 1969		PFA	2.0
Madison County (Gurley, Hazel Green, Huntsville, Laceys Spring).	January 1972		PFA	168.0
Marion	August 1971		PFA	4.0
Moulton-Town Creek-Courtland.		February 1975	PFA	25.0
Prattville		October 1973	PF	23.0
Selma	August 1970		PFA	30.0
Sylacauga	September 1971		PFA	32.0
Tuscaloosa	December 1970		PFA	114.0
Tuskegee	April 1969		PFA	21.0
ARIZONA				
Grand Canyon		Indefinite		1.0
Sierra Vista	October 1969		PFA, S	20.0
ARKANSAS				
Jonesboro	November 1969		PFA	29.0
West Memphis	July 1972		PFA, HP, S	27.6
CALIFORNIA				
Alameda	April 1970		PFA	66.0
Dunsmuir		January 1973	PFA	2.2
Gustine	March 1970		PFA, O	3.0
Monterey County		March 1973	PFA, O	308.0
Mount Shasta		January 1973	PFA, O	4.5
Rancho Santa Fe	December 1970		PFA, HP, O	2.0
San Clemente	September 1970		PFA	17.0
Sunnyvale	November 1972		PF	100.0
Yreka-Montague	January 1973		PFA, O	3.5
COLORADO				
Boulder	April 1971		PFA, S	70.0
Denver	May 1971		PFA	600.0
Estes Park		July 1973	PF, S	9.0
Greely		September 1974	PF, S	40.0
Longmont	May 1972		PFA, S	30.0
Loveland-Berthoud	February 1971		PFA, S	17.0
CONNECTICUT				
Ansonia	January 1970		PF	20.0
Cheshire	January 1970		PF	16.0
Derby	January 1970		PF	15.0
Glastonbury	December 1972		PFA, O	21.0
Guilford	September 1970		PFA, O	11.0
Huntington	January 1970		PF	24.0
Middlebury	October 1969		PF	6.0
New Britain	June 1970		PFA	87.0
Newington	April 1970		PF	22.0
Simsbury	January 1969		PFA	16.0
Seymour	January 1970		PF	12.0
Shelton	January 1970		PF	24.0
Walcott	September 1970		PF	13.0
Waterbury	October 1969		PF	109.0
Watertown	October 1969		PF	18.0
West Haven	December 1971		PFA, O	52.0
DISTRICT OF COLUMBIA				
Washington, D.C	January 1972		PFA	764.0
FLORIDA				
Gainesville	January 1974		PFA, S.	70.0
GEORGIA				
Albany	July 1970		PF	89.0
Macon	May 1970		PF, O	130.0
Thomasville	May 1971		PF, S, HP, O	35.0
IDAHO				
Ada County-Boise		December 1973	PFA, S	112.2
ILLINOIS				
Brookfield		July 1973	FPA	20.0
Evanston	March 1970		F&P	88.0
Forest Park, River Forest		July 1973	F&P	29.0
Mount Vernon	May 1970		F&P	16.0
Oak Park		March 1973	F&P	63.0
Plano	June 1972		F&P	5.0
Salem	December 1969		F&P	6.0
Vandalia	September 1970		FPA	6.0
INDIANA				
Anderson		March 1973	PFA	71.8
Bluffton		November 1973	PF	8.0
Huntington	March 1968		PFA	16.0
Kendallville	October 1972		PFA	9.0
IOWA				
Burlington	October 1970		PF	35.0
Clinton	February 1972		PF	37.0
KANSAS				
Dodge City	March 1971		PFA, S	15.0
El Dorado	April 1971		PFA	13.0
Elwood	July 1972		PFA	1.2
Lawrence	November 1969		PF, S, HP	34.0
Neodesha	February 1972		PFA, O	4.0
Salina		August 1973	PFA, S, O	42.0
KENTUCKY				
Frankfort	March 1970		PFA	21.0
Mayfield	April 1970		PFA	11.0
Paris	June 1970		PFA	17.0
LOUISIANA				
Alexandria	April 1970		PFA	110.0
Baton Rouge	September 1970		PFA	287.0
Bunkie	January 1972		P&F	10.0
Lake Providence		July 1973		13.0
Rayne	July 1971		PFA	17.0
Ruston	July 1972		PFA	44.0
Tallulah	January 1971		PFA	14.0
Thibodaux		September 1974	PFA	53.0
MAINE				
Boothbay	April 1972		F&P	.6
Boothbay Harbor	April 1972		F&P	1.9
Camden	October 1969		F&P	3.5
Southport	April 1972		F&P	.7
MARYLAND				
Prince Georges County		4th qtr., 1973	PFA, O	750.0
MASSACHUSETTS				
Amherst	November 1970		PFA	10.3
Auburn		March 1973	PFA	16.0
Boston	November 1972		PF	800.0
Brookline	November 1972		PFA	52.8
Clinton	October 1972		PFA	15.4
Dalton	June 1971		PFA	7.4
Easton	April 1972		PF	12.0
Framingham	September 1971		PFA	63.
Hamilton-Wenham		May 1973	PFA	10.1
Haverhill and Groveland		April 1973	PFA	51.2
Mattapoisett	March 1971		PFA	5.0
Medfield		February 1973	PF	7.7
Middleboro		April 1972	PF	13.6
Millbury		March 1973	PFA	17.2
Newton		November 1973	PF	91.0
Northampton	November 1972		PFA	29.6

Footnote at end of article.

911 REPORT, DECEMBER 1972 (A.T. & T. SYSTEM)

	Date in service	Scheduled	Services provided[1]	Population served (thousands)
MASSACHUSETTS—Con.				
Quincy	August 1971		PF	89.3
Randolph	August 1971		PFA	28.4
Southbridge	December 1971		PFA	19.4
Southwick	February 1971		PFA	1.2
Springfield	April 1969		PFA	174.5
Topsfield		May 1973	PF	5.4
Westboro		March 1973	PFA	19.2
Westfield	February 1970		PFA	26.3
Woburn	August 1971		PFA	35.0
Worcester	August 1970		PFA	186.6
Wrentham	January 1972		PFA	7.2
MICHIGAN				
Detroit		September 1973	PFA	1,511.0
Monroe	October 1970		PF	8.0
Oak Park	October 1970		PF	30.0
Sterling Heights	April 1972		PFA	61.4
MINNESOTA				
Austin	February 1972		PFA	30.0
Windom	May 1969		PFA	5.0
MISSISSIPPI				
Belzoni	January 1971		PFA	4.0
Canton	August 1970		PFA	11.0
Crystal Springs	October 1970		PFA	5.0
Greenville	June 1971		PFA	55.0
Greenwood	February 1971		PF	24.0
Indianola	October 1970		PFA	10.0
Jackson	April 1969		PFA	165.0
Laurel	January 1974			35.0
Leland			PFA	NA
Lexington	October 1971		PF	4.0
Louisville	September 1970		PFA	5.0
Magee	January 1971		PFA	5.0
McComb	July 1970		PFA	17.0
Mendenhall	January 1971		PFA	3.0
Moss Point	April 1971		PFA	7.0
Pascagoula	June 1971		PF	28.0
Philadelphia	December 1970		PFA	5.0
Vicksburg	December 1969		PFA	24.0
MISSOURI				
Cape Girardeau	November 1969		PFA	30.0
Poplar Bluff	March 1971		PF, S, HP	20.0
St. Joseph	December 1971		PFA, HP, S	80.5
MONTANA				
Billings	August 1972		PFS	75.0
Conrad	February 1971		PFA	7.2
Glendive	May 1970		PFA, S, HP	11.2
NEBRASKA				
Ainsworth		1st qtr. 1973	PFA	2.7
Alliance	October 1971		PF	8.5
Chadron	August 1971		PFA	6.2
Crawford	February 1972		PFA	4.0
Fremont	September 1972		PFA	25.0
Gordon	November 1971			4.0
Gothenburg	December 1971			3.0
Grand Island	May 1970		PFA	40.0
Holdrege	September 1972			7.0
Kimball	March 1971		PFA	5.8
Lexington	September 1971			7.0
Minden	September 1972			3.0
Norfolk	January 1971		PFA	16.0
North Platte	September 1970		PFA	20.0
Ogallala	May 1971		PFA	5.7
Omaha	April 1970		PFA	475.0
O'Neill		1st qtr. 1973	PFA	4.5
Schuyler	January 1972		PFA	2.0
Sidney	August 1969		PFA	8.0
NEVADA				
Humboldt County and City of Winnemucca.	June 1971		Yes	5.0
NEW HAMPSHIRE				
Dover	July 1972		No	26.0
NEW JERSEY				
Atlantic City	July 1970		PFA	58.0
Bayonne	November 1971		PFA	69.9
Jersey City	December 1972		PFA	305.9
Trenton	April 1972		PFA	102.2
NEW MEXICO				
Albuquerque	November 1971		PFA, S, HP, O	300.0
Las Cruces	August 1970		PF, S, HP, O	40.0
Las Vegas		March 1974	PFA, S, HP	21.0
Los Alamos	February 1970		PF	16.0
Roswell	November 1969		PFA, S, HP	40.0
NEW YORK				
Batavia	March 1970		PFA	20.0
Broome County		June 1973	PFA	221.8
Buffalo	July 1969		PFA	530.0
Lockport	September 1972		PFA	25.4
Nassau County		April 1973	PFA	1,413.0
New York City	July 1968		PFA	8,000.0
Olean	August 1970		PFA	20.0
Riverhead	June 1969		P	20.0
Salamanca	April 1972		PFA	7.9
Southold	June 1969		P	20.0
Suffolk County	June 1969		P	1,000.0
Wellsville	June 1971		PFA	5.8
NORTH CAROLINA				
Newland	August 1969		City police A, rescue squad, S.	10.0
NORTH DAKOTA				
Grand Forks	November 1969		PFA	47.0
OHIO				
Sandusky	January 1969		PF, O	50.0
Springfield		March 1973	PF	80.0
Toledo		Indefinite	PF	400.0
OKLAHOMA				
Alva	December 1968		PFA	7.0
Duncan	May 1972		PFA	21.9
Fairview	November 1970		PFA, S	3.0
Lawton	December 1970		PFA, HP, S	73.0
Woodward	September 1970		PFA, S	8.0
OREGON				
Douglas County		March 1974	PFA	7.1
Echo		February 1973	PFA	.9
Florence		January 1973	PFA	6.1
Heppner		June 1974	PFA	3.3
Hermiston	May 1972		PFA	12.2
Milton-Freewater		February 1973	PFA	8.4
Seaside	January 1972		PFA	10.6
Stanfield		February 1973	PFA	1.3
The Dalles		February 1974	PFA	19.0
Toledo	September 1971		PFA	4.2
Yamhill County		December 1974	PFA	1.7
PENNSYLVANIA				
Allentown	April 1973		PFA	110.0
Bradford	November 1970		PFA	27.0
Clearfield	December 1970		PFA	22.0
Du Bois	September 1968		PFA	18.0
Greensburg	November 1970		PFA, O	60.0
Milton	February 1970		PFA	10.0
Norwood	December 1969		PFA	30.0
Tarentum	January 1970		PFA	54.0
SOUTH CAROLINA				
Florence	April 1972		PFA, S	40.0
SOUTH DAKOTA				
Rapid City		1st qtr. 1974		
Sioux Falls		2d qtr. 1973		
Yankton	March 1972		PFA	10.0
TENNESSEE				
Athens		January 1973	PFA, S, HP	35.0
Bolivar	August 1972		PF	22.0
Brownsville	August 1969		PFA	17.0
Carthage	June 1972		PFA, S, HP	6.0
Cleveland	June 1970		PFA	55.0
Clinton	October 1971		PFA, S, HP, O	33.0
Columbia	November 1969		PFA	48.0
Cumberland Gap	October 1971		PFA, S, HP	
Daisy-Soddy	August 1972			
Dayton	June 1969		PFA	17.0
Decatur	November 1971		PFA, S, HP	NA
Dickson	August 1970		PFA	26.0
Franklin	March 1971		PFA	25.0
Gallatin	June 1969		PFA	28.0
Gatlinburg	May 1972		PFA, S	3.0
Germantown		July 1973		2.0
Halls	October 1971		PF	
Harriman	June 1969		PFA	36.0
Hendersonville	June 1972		PFA, S, HP	
Humboldt	July 1969		PFA	9.0
Jefferson City	December 1972		PFA, HP	52.0
Knoxville		January 1973		266.0
Lawrenceburg	May 1971		PFA, HP	17.0
Lebanon	October 1969		PFA	28.0
Lyles	December 1971		PFA, S, HP	
Madisonville	September 1971		PFA, S, HP	
Maryville	November 1968		PFA	65.0

Footnote at end of table.

	Date in service	Scheduled	Services provided[1]	Population served (thousands)
TENNESSEE—Continued				
Memphis		July 1973		701.0
Milan	July 1971		PFA	5.0
Morristown	July 1971		PFA	48.0
Murfreesboro	January 1969		PFA	56.0
Nashville	April 1972		PFA, HP, S, O	485.0
Newport	July 1971		PFA	26.0
Oakridge	May 1971		PFA	32.0
Portland		October 1973		
Pulaski	July 1972		PFA, S, HP, O	19.0
Rockwood	April 1971		PFA, S, HP	5.0
South Pittsburg	August 1972		PFA, HP, S, O	20.0
Spring City	August 1972		PFA, HP	4.0
TEXAS				
Alice	September 1970		PFA	21.0
Galveston	August 1970		PF	65.0
Hearne	August 1972		PFA, S	5.0
Huntsville	October 1971		PFA, HP	18.5
Odessa	April 1970		PFA	80.0
Quanah	October 1971		PF	5.0
UTAH				
Bountiful	July 1969		PFA	30.0
VIRGINIA				
Nelson County	March 1970		PFA	10.0
WASHINGTON				
Mercer Island	April 1971		PF	19.8
Port Angeles	October 1972		PF	16.5
Puyallup	December 1969		PF	15.0
Renton	May 1971		PF	22.0
Seattle	April 1971		PF, rescue	600.0
WEST VIRGINIA				
Richwood	May 1972		PFA	4.1
Summersville	January 1970		PF	4.0
WISCONSIN				
Eau Claire	September 1971		P & F	38.0
Ladysmith		June 1973	PFA, S	3.0
Menomonie		2d qtr., 1974	PF, S	14.0
New London	October 1971		PF, S	6.0
Whitewater	October 1969		PF, S	20.0
WYOMING				
Afton	June 1971		PFA, S	3.5
Basin	July 1970		PFA, S	3.5
Cody	April 1972		PF, S, O	6.0
Evanston	April 1970		PF, S, HP	4.9
Gillette	August 1969		PS, O	4.5
Glendo	October 1972		PFA, S	2.0
Green River	January 1970		PF, S, O	3.5
Greybull	June 1970		PFA, S	2.0
Jackson	June 1970		PFA, HP, S	1.4
Kemmerer	March 1972		PFA, S	3.0
Powell	August 1972		PF, S, O	5.0
Riverton	February 1970		PFA, S	6.8
Rock Springs	January 1970		PF, O	10.3
Thermopolis	November 1969		PFA, S	3.9
Wheatland	January 1970		PF, O	2.3

Total—249 systems in service, 20,729,000 population; 60 systems scheduled, 6,788,400 population.

[1] Note the following abbreviations are used—Service provided: A—Ambulance; F—Fire; HP—Highway patrol; O—Other, e.g., poison control, suicide prevention, etc.; P—Police; S—Sheriff.

LINCOLN AND JIMMY BATTS

HON. DONALD J. MITCHELL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 7, 1973

Mr. MITCHELL of New York. Mr. Speaker, during the month of February, a great many people from all walks of life took advantage of the opportunity to honor our 16th President. The legend of Abraham Lincoln is familiar to us all and we each have our own favorite anecdote relating to his life. I need not elaborate on the qualities of Lincoln nor on how much he means to us all. However, I did recently read an interesting commentary on Lincoln that was reported in the Utica Observer-Dispatch, a widely respected newspaper in my district. The writer of this column was Mr. Joseph Ray, a member of the newspaper's copy desk staff. Mr. Ray has been the recipient of several Freedom Foundation Awards and is well known in our area for his writings on America and its heritage.

I would like, Mr. Speaker, to share this article with my colleagues in the House and with all Americans:

LINCOLN AND JIMMY BATTS

(By Joseph E. Ray)

The trim six-foot National Park Service Ranger concluded his brief lecture at the base of the 19-foot marble figure of Abraham Lincoln with these words: "The forces that unite us today are greater than the forces that would destroy us."

The crowd drifted away to study the beautiful timeless words of the Second Inaugural engraved on one great wall and the Gettysburg Address on the other and the young man in his neat forest green uniform and Boy Scout campaign hat gathered up his portable mike and speaker and carried them to a tiny office in one corner of the Lincoln Memorial.

I walked up to the young man and seeing his nameplate on his jacket, said: "Mr. Batts, what is your title?"

"I'm called a technician," he said.

"Why did Daniel Chester French (sculptor of the heroic figure) form Lincoln's hands that way?"

"Mr. French was a great supporter of the work for the deaf and dumb and as Lincoln was for ALL people Mr. French wanted all people to see something in the statue. You will notice Lincoln's left hand is closed and the right open. The left forms the letter A in the deaf alphabet and the right forms the letter L."

Taxis were leaving Lincoln lovers at the foot of the broad steps on this magic spring evening.

A man and his wife came up to us leading a small boy, and the mother said to Mr. Batts: "He wants to know where Lincoln is buried."

"In Springfield, Illinois," said Jimmie Batts. (That is the 5th most frequent question Batts gets, the first being when the Memorial was started and completed).

"You gave a very nice speech," I said.

"I wrote it myself. I do my own fact-finding," said Batts. "They tell us what we have to include and let us throw in what else we want.

Some more of what Jimmie Batts "threw" into his speech was this line: "Ladies and gentlemen, you can look out across the reflecting pool as Lincoln does and you see the Washington Monument and beyond it the Capitol. Well, Washington formed the government, represented by the Capitol. We erected the Monument to honor Washington and now Mr. Lincoln sits here and can gaze out at the nation that he saved for us," said he.

The 84 broad steps were alive with people, going up, going down, children all over, old couples resting on the landings, men silently studying the stark, chiseled, living words of the Railsplitter's Second Inaugural.

The evening air was sprinkled with the smell of linden and tulip tree buds. It was not Virginia air, or Maryland air but the fragrant scent of Freedom.

Every minute or two the beautiful spectacle of common Americans honoring the man who considered himself as common as any (yet surely in his ever-honest heart Abe knew better) was shattered by a jet arriving or departing, its roar an intrusion at this shrine to a simple man who lived in a simple but bloody time.

"I'm alone tonight. One of the other men called in sick," Jimmie Batts said finally.

He left to get his equipment and prepare to deliver his speech again. As he walked away he said to me in his jasmine soft North Carolina accent: "Lincoln was a simple man and a complex man, but also a very great man," and I began the long descent to the street congratulating myself and America that the story of the world's foremost advocate of Government by the People was entrusted to people like Jimmie Batts, a black American who looks up his own facts about our 16th President. And again his closing words drifted down to me on the soft night air . . . "the forces that unite us today are greater than the forces that would destroy us."

And I felt certain, as I gazed once more at those three beautiful glowing beacons of Freedom gracing L'Enfant's spacious Mall, that they and all they represented would last a thousand years.

TELEVISION BIAS

HON. JOHN E. HUNT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 7, 1973

Mr. HUNT. Mr. Speaker, I rise today to bring to the attention of my colleagues an interesting advertisement in this morning's Washington Post, page A–21. The advertisement is entitled "Letters the Editor of the Washington Post Refused to Print," and cost, I might add, approximately $1,800. The ad was paid for by Accuracy In Media, Inc., 1232 Pennsylvania Building, 425 13th Street, N.W., Washington, D.C. 20004.

The point the insertion is trying to

make, and it does it very, very well, is that the media is biased. In this case the Washington Post.

Out of the five letters that the Post refused for one reason or another to run selected by the AIM, I am inserting one concerned with TV bias for the Record. It will be found at the conclusion of my remarks.

All I would like to say in this regard is that it is a shame that when the administration is being villified for being "down" on the press, and supposedly wanting to "twist" the news, the media itself is doing that very thing. The free press in this case has certainly taken several steps backward when it is necessary to set the record straight with an $1,800 advertisement.

I commend Accuracy In Media, Inc., for bringing this to the attention of the public. They seem to know that the public does indeed have a right to know—in this case it seems, if the price is right.

The insertion concerns itself with previous biases we have all become all to accustomed to recently on network television:

More TV Bias

Sir. In a recent speech the president of NBC, Julian Goodman, charged that "some Federal Government officials are waging a continuing campaign aimed at intimidating and discrediting the news media." Singling out an official who recently charged that there was bias in TV network news, Mr. Goodman said: "He did not say how we are biased."

Accuracy in Media, Inc. has spelled out in detail many specific cases of TV network bias. Many of these involve NBC, and Mr. Goodman knows of them. He misleads the public when he implies that charges of bias are lacking in documentation.

In the Aim Report for February 1973, we cite the following cases of bias in NBC News programs in recent months.

1. An attack on private pension plans in America in a documentary called "Pensions: The Broken Promise." The program was very one-sided.

2. An attack on private health care systems in a documentary called "What Price Health?" Another one-sided presentation.

3. A documentary on San Francisco's famed Chinatown based entirely on the carping criticisms of two radical youths whose sympathies for Mao Tse-tung came through loud and clear.

4. A documentary about the drug traffic in Southeast Asia transmitting the views of those who wanted to portray America and its Southeast Asian allies in a bad light. At the same time, NBC did not report the testimony on the other side that was given by Marine General Lewis W. Walt before the Senate Internal Security Subcommittee.

It is not the government that is discrediting the networks. The networks are discrediting themselves by their one-sided presentations of controversial issues of public importance.

JAYCEES ESTABLISH CENTER FOR IMPROVED CHILD NUTRITION

HON. BILL FRENZEL

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 7, 1973

Mr. FRENZEL. Mr. Speaker, this week two young men from the U.S. Jaycees' Center for Improved Child Nutrition in Bloomington, Minn., are walking the Halls of Congress in an attempt to make the Congress more aware of the Jaycee program to improve child nutrition.

Center director, Bob Benedict, is credited with exciting the interest of the national Jaycee organization toward child nutrition. With him in Washington is David Jones, who also works full time for the center.

Most of the Jaycees' work is done directly with school district boards in helping to inform them of the opportunities and alternatives that are available to them in nutritional programs. However, a certain amount of their activities must be legislative. The Jaycees have found that no matter how good the nutritional programs are, they cannot be put into effect in some of our schools because of a lack of adequate kitchen or food handling facilities. Therefore, their principal legislative aim this year is to improve funding for kitchen facilities in schools where no nutrition programs are now being offered.

In the hope that many Members of Congress may be interested in the Jaycee program and in the Center for Improved Child Nutrition, I include here in the Record the first edition of the center's newsletter, Common Sense:

Jaycees Establish Center for Improved Child Nutrition

Following a national campaign last August and September to expand the School Food Program, the U.S. Jaycees have established a National Center for Improved Child Nutrition. The headquarters, located in Bloomington, Minnesota, will serve as the nerve center in the Jaycees effort to involve nearly 8.7 million children in over 18,000 "no-program" schools.

According to the Center's director, Robert Benedict, who led last fall's legislative campaign, "Studies have shown that it is far less costly and far more humane to deal with a child nutritionally during his formative years than to pay for him both medically and on welfare in later years."

As a result, the new office's primary goal is to individually locate and ascertain the needs of these no-program schools, providing them with up-to-date, concise information and assistance in overcoming the particular obstacles they now face.

"Many school officials just don't know what is available, what costs they will incur, or specifically how to get involved. Moreover, many do not understand how utterly imperative proper nutrition is to a child's physical, mental, and emotional development. This country can make no greater investment than to feed its children."

Recent studies have shown that where school food programs have been introduced into economically deprived areas, they have greatly aided in:

1. Drastically reducing the drop out rate
2. Increasing overall academic performance by up to a grade and a half
3. Substantially decreasing health care problems and costs

In the coming months, the Center will be formulating brochures, organizing statewide workshops, and adding its lobbying impact to the goal of better nutrition for America's children.

American School Food Service Applauds Jaycees Effort

True builders of peace

"Who are the real builders of peace? Certainly peace is more than merely the absence of war. It is more than merely uprooting the weeds of a garden and letting it lie fallow. Rather, it is the planting of that which will grow and bring forth fruit. It is the establishment of an environment where a child can progress as far as his God-given abilities will allow him. And in the building of a real 'generation of peace', the true builders of peace are in the audience today."

So began Robert Benedict, National Jaycees Director for Improved Child Nutrition, as he addressed the American School Food Services, Seventh Annual Industry seminar. Speaking to the top members of the food industry and school food service, Benedict continued,

"Proper nutrition is the imperative prerequisite for a child's physical, mental and emotional development. America can make no greater investment than to feed her children."

Benedict, who in 1967 founded a nationwide organization (Teen Corps of America) which has provided millions of dollars worth of goods and services to America's poverty areas, and in 1972 wrote a book (*The Possible Dream*) about his years in the poverty areas, pointed out that,

"It is senseless to talk about improved education in poverty areas, without first talking about improved nutrition.

"And talking about improved medical or dental health, without first regarding improved nutrition, is about the same as putting a bandaid on a broken leg.

"If we really intend to build a 'generation of peace', we must provide our children with the necessary environment. It is the people in the business of feeding children who are the true builders of peace."

Dr. John Perryman, Executive Director of the 49,000 member American School Food Service Association, returned Benedict's visit and addressed the Jaycees Bosses Night in Minneapolis, Minnesota:

"I believe that the Jaycees will add a sizeable and highly significant force to the long and difficult battle of feeding America's children. We of the American School Food Service Association welcome your efforts in this highly crucial endeavor."

In an address met with great response, Perryman was given a standing ovation for 25 years of dedicated service in feeding America's children.

Breakthrough in Baltimore

Officials from the Maryland School Food Program, the F.N.S., the U.S.D.A., as well as representatives from 30 non-public, "no-program" schools, welcomed the Jaycees into the fight to involve all children in School feeding programs. In his address to the Notre Dame College Child Nutrition Seminar, David Jones, Associate Director of the U.S. Jaycees Center for Improved Child Nutrition, explained that,

"We as Jaycees do not intend to tell non-public schools what your needs are, but rather to listen to your needs and do all we can to help you feed your students."

The seminar, which materialized through the imagination and hard work of Miss Eleanor Weagly, Coordinator of Maryland Food Service Programs, provided such school food service experts as Dewey Wood and Tom Heafy of the F.N.S. and Dave Overbagh of the U.S.D.A.

According to Overbagh:

"One of the major road blocks facing these private schools is lack of information. I think the Jaycees can have a tremendous impact in this area through publicity and through direct contact with the schools. We must also convince these schools that government aid in the kitchen does not lead to government control in the classroom."

The seminar apparently did a superior job of informing and convincing. At the day's end, four schools were ready to begin programs and most of the other schools requested in-depth information as to how programs could be most economically instituted in their situations.

Legislative Help

The Chicago Jaycees were there in force at the Jaycees "mini-seminar", and were interested not only in seeing Chicago's children fed, but in viewing the national plan of action for reaching over eight million children in 18,000 "no-program" schools.

The Chicago Jaycees effort is led by a young "fireball" named Amy Nielson, who is already lining up allies for the nutritional campaign.

"If the real need is to increase the awareness of parents, the public, and politicians, as well as increasing our legislative impact, we are going to need other community groups beyond the Jaycees."

Nielson has already laid the ground work for a joining of efforts with the national P.T.A., and will be meeting with the P.T.A., national president later this month.

Jaycees Center receives funding

Convinced that the Jaycees effort to involve "no-program" schools will work, two organizations have already granted their economic support. The National Child Nutrition Project, headed by Mr. Lewis Straus, has contributed $20,000 for the period from March 1, 1973 to February 28, 1974.

"I fully believe the impact of the U.S. Jaycees entrance into this field will be felt heavily. They are a well respected national group that will swing a good deal of weight in locales across the country. Their approach of having local people talk to local people, about a local situation, is going to have impact."

The National Child Nutrition Project will also be providing the Jaycees effort with technical and resource assistance.

Also received to date is a $2,000 grant by the Eli Lilly Foundation, which has long been active in the fields of human improvement.

Yet, while the Jaycees effort is really gathering steam, it is still in need of funding. According to Jerry Kane, Publicity Director for the Center,

"We still need from $50–60,000 to conduct the type of effort necessary to reach those eight million kids."

If you are interested in supporting the Jaycees effort, please write:

Jerry Kane, U.S. Jaycees Center for Improved Child Nutrition, 8200 Humboldt Avenue, Bloomington, Minnesota 55431.

Excitement in Chicago

With over 235 non-public schools unable to obtain access to the School Food Program, the Jaycees scheduled a "mini-seminar" in Chicago to see what could be done. Sponsored by Swift and Company, the all day session brought together some of the "big guns" in the nutrition field, including Dr. Paul LaChance of Rutgers University; Dr. John Murphy of Swift's Research and Development Center; and Jaycees personnel from throughout the country.

The main problem facing Chicago's non-public schools was outlined by a determined and capable Irishman named Jim O'Malley,

"Just getting parents and residents to understand the program is the major obstacle we face. Once they understand it, they're sold."

A coordinated effort emerged from the seminar, designed to do just that. O'Malley, Director of School Lunch for the archdiocese of Chicago, and Robert Cobb of the South East Jaycees have set the wheels of progress in motion. O'Malley stated—

"We're keying on 35 core-city schools that desperately need the program, and will work out to the peripheral 200 schools from there."

The Jaycee "Plan of Action" includes the door-to-door dissemination of circulars, placing posters in local stores, and securing major publicity about the positive effects of the program in local publications.

According to Robert Cobb, who is leading the effort for Chicago's South End Jaycees:

"We fully understand the necessary of this program, and if it takes going door-to-door to tell about it, we've got the manpower and desire to do just that. We intend to see the children of Chicago fed."

Swift makes it happen

The Jaycees Chicago "mini-seminar" was made possible through the kindness of Swift and Company. Swift not only provided the excellent meeting facilities at their Research and Development Center, but a $2,000 grant to get the top nutritional and Jaycees personnel to the conference. The success of the Chicago effort is due in large part, to the concern and generosity of Swift and Company.

MICHIGAN AND MINNESOTA—NEXT TARGET AREAS

Michigan goal—Over 600,000 children

A statewide Jaycees seminar is planned for late April, to involve over 600,000 children in Michigan's more than 1,000 "no-program" schools. Jaycee chapter presidents, local school personnel, and city mayors are being invited to an all day seminar that will:

1. Explain the program's value in investment terms. This will include specific information dealing with the relationship between introduction of the school Food Program and:

(a) Decreased drop-out rate.

(b) Upgrading of academic achievement.

(c) Reduction of health care problems and costs.

(d) Increased federal revenue into a community, as well as increased employment.

Overall emphasis will be on the role of the School Food Program in producing a healthier, more educated citizenry, that is far more able to break the poverty cycle.

2. Provide testimonials of a teacher, principal, and school board member as to the value of the program to the students physical, mental and emotional performance.

3. Outline presentations on the numerous methods available for installing breakfast and lunch programs.

4. Distribute an information packet, containing:

(a) Application form

(b) Simplified version of regulations and steps required for involvement

5. Displays and presentations by food industries involved in breakfast, lunch systems.

The seminar will be preceded by a major mailing of Jaycees brochure and cover letter, as well as a massive public campaign.

Minnesota—Minneapolis' 19 schools

"It is tragic that these children should not have some type of feeding opportunity."

So stated Lowell C. Kruse, President of the Minneapolis Jaycees, in referring to Minneapolis' 19 "no-program" schools:

"This is especially detestable, since it was the Minneapolis chapter that sponsored the school Lunch Resolution to the U.S. Jaycees National Convention. It is highly important to clear up this problem in our own back yard."

The Jaycees nutritional center has organized a seminar for mid-March to do just that—feed American children whoever they might be.

ARE RISING FOOD PRICES PART OF "PEACE WITH PROSPERITY?"

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 7, 1973

Mr. WALDIE. Mr. Speaker, recently I received a rather eloquent letter from one of my constituents, Mr. Frank H. Hitchcock of Martinez, Calif., regarding the soaring price of food, and his reaction to the present administration's handling of this problem. Mr. Hitchcock began the letter by enclosing two articles from the front page of the San Francisco Examiner, February 21, 1973, which pointed out the disparity between the goals of President Nixon's programs, and the actual results. The relative excerpts from the articles follow:

NIXON PREDICTS PEACE WITH PROSPERITY

(By David Barnett)

WASHINGTON.—President Nixon said today the United States can look forward to a prolonged period of "genuine prosperity in a time of peace" for the first time in nearly 20 years.

MEATLESS DAY A WEEK IS URGED

WASHINGTON.—The Nixon administration disclosing that food prices last month took the biggest jump in a generation, says consumers might consider going meatless one day a week, or maybe switching from hamburger to cheese.

After quoting the above articles, Mr. Hitchcock continues, as follows:

Frankly I would be happy to settle for *one* meatless day per week in lieu of the two or three that we must have in these days of high prices and a fixed income.

I don't know what you can do about it but I am sure that one voice raised in the House of Representatives can be heard better than one in two hundred million people.

So please stand up and yell.

Sincerely,

FRANK H. HITCHCOCK.

P.S. It is difficult to remain calm when a high salaried appointed member of the Administration says that consumers might consider going meatless one day a week, or switching from hamburger to cheese, when you know that he is going home to a nice slice or roast beef, and if he isn't it's not because he can't afford it.

It is unbelievable that the Administration can't do something to stop the inflation and rising food prices. 2.5% for January—Ridiculous!

It is ridiculous, indeed, and as an elected representative of people like Frank Hitchcock, I feel it is my obligation to stress the thorough discontent running throughout our country over the inflationary trend in the price of foodstuffs. The administration uses wage controls to maintain the levels of income received by the average laborers, the people on fixed incomes, while at the same time does relatively little to keep prices low in our neighborhood supermarkets. In fact, we are told to expect prices to continue to rise. We can also expect to continue receiving thousands of letters like the one Mr. Hitchcock has sent until the administration makes a successful effort at keeping prices down.

Frank Hitchcock has asked me to stand up and yell in the House of Representatives because he is only one in 200 million. However, I stand here today not because of one individual, but because hundreds of thousands of people like him across the land are affected in exactly the same way Mr. Hitchcock describes. And Mr. Hitchcock, who faces the daily hardships inflicted by the present economic state of affairs, perhaps states it more eloquently, more personally at least, than I could ever hope to. Thank you, Mr. Hitchcock. Although you are only one in 200 million, your voice has been heard in the U.S. Congress. Perhaps it can have an effect. Hopefully, someday soon, your family and families across the country, will be able to enjoy a complete meal, including the meat that you now forego, without worrying where the next meal is coming from, or how frightfully expensive it will be.

THE URGENT NEED TO INSURE THE RIGHT TO LIFE

HON. CLEMENT J. ZABLOCKI

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 7, 1973

Mr. ZABLOCKI. Mr. Speaker, I am deeply distressed at the recent Supreme Court ruling on abortion. The Court, in its decision striking down the laws of Texas and Georgia regulating abortion, has in my opinion misapplied the exercise of the power of judicial review. I can find no justification in the Constitution for the imposition of this improvident decision on the people and the legislatures of the 50 States. The Supreme Court has proscribed definite standards and criteria with regard to what kind of fetuses may have their lives extinguished and what type may be given the right to be born. Such a ruling fails to protect the most basic human right—the right to life.

Mr. Speaker, this new legal arrangement is a step backwards in the protection of the sanctity of life. The Court holdings are contrary to the fundamental principles of morality, and contrary to the best interest of the American people. In an attempt to bring about a reversal of the Supreme Court decision and to restore respect for unborn human life in our society, I have recently introduced an amendment to the Constitution which would insure that due process and equal protection are afforded to an individual from the moment of conception.

Mr. Speaker, I have received over a thousand letters of protest against the Supreme Court decision within a month after the abortion ruling. One letter which caught my attention in particular was from an understandably distraught mother who included a letter written by her 14-year-old daughter. The genuineness and sense of deep concern expressed in the letter of Mrs. Joyce Josten's daughter, Charlotte, reveals the conscience, the ideals, and the aspirations of this young lady. The affirmations of Miss Josten are a response on behalf of the many voiceless, unreplying lives that have been condemned by the Court in the interests of convenience and expediency.

Mr. Speaker, I am proud to insert Miss Josten's letter in the Record and commend it to the attention of our colleagues:

WAUWATOSA, WISC.,
February 22, 1973.

Dear Hon. Clement Zablocki: I am enclosing, along with my letter, a letter written by my fourteen year old daughter.

She has been asking questions, such as, what is abortion, how is it done, and most important, why. When you raise children to respect even the smallest form of life, it is difficult to answer the question, why abortion. Because of her concern, I told her she should write her feelings down.

I feel that no human being has the right to play God or has the power to say who lives and who doesn't. I also feel everyone has to answer for the things one has done. It is extremely difficult for me to understand how anyone could take part in abortion and feel that they have done a service to humanity.

I could go on, but, I wanted to be brief, so that this letter would be read.

Sincerely,

Mrs. Joyce Josten.

Dear Hon. Clement Zablocki: I really feel that I have something to say on the decision the Supreme Court made on abortion recently.

I'm really very concerned about this. I feel the babies that had been and still are being aborted have as much right to live as anybody else.

I asked myself this one question, "What if one of those unfortunate babies were me?" This really set me thinking. If the Constitution promises anyone life, liberty, and the pursuit of happiness why deprive those babies of what the Constitution promises them—Life?

Who can tell what those aborted babies had to give this world? They might have been doctors, lawyers, scientists, manual labor workers, and who knows what else, but somebody didn't give them a chance.

My personal opinion of abortion is that it is nothing short of murder, yet worse because those innocent babies cannot fight back, or in any way protect themselves.

Although this is only one letter I sure hope this can change someone's thinking on this very controversial topic—abortion.

Sincerely,

Charlotte Josten.

STATE AND LOCAL OFFICIALS SHOULD BEWARE OF GIFTS

HON. AUGUSTUS F. HAWKINS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 7, 1973

Mr. HAWKINS. Mr. Speaker, as one who has supported revenue sharing in the past, I am amazed that many State and local officials have not learned, as I am forced to admit, the bitter lesson that what President Nixon is advocating is not a sharing of anything but the chaos of a dispersal of the Nation's problems and a reduction in social programs in order that certain favored Federal taxpayers will not be forced into assuming a greater share of the burden.

No one doubts that most of the local governments are hard pressed and need financial assistance—no one, that is, except the President, who flatly asserts the "hour of crisis has passed," and on that rosy note he is willing to turn great national problems of housing, health, manpower, and transportation over to local officials, but with limited cash, glowing promises, and assurances that "they know best" how to deal with the multitudinous problems which will be on their doorstep by July of this year.

If these local officials are depending on sharing revenues collected by a Federal Government as heavily in debt as the present one—and are expecting the Congress to back the President's "deals" being made with them, they should take the time to read the editorial in the Washington Post under date of March 7, 1973.

In order that this notice of caution may be given greater public attention, I offer it for the Record and suggest that my friends in local government take heed:

POVERTY WITH HONOR

President Nixon seems to be applying to the cities the strategy that Senator Aiken recommended years ago for Vietnam: He is declaring victory and withdrawing his troops. It can only be a matter of time before the President declares that he has achieved—what? Poverty with honor? "The hour of crisis has passed," Mr. Nixon proclaimed last weekend. "The ship of state is back on an even keel, and we can put behind us the fear of capsizing." In fact, this suggests that the administration's urban mission over the past four years was primarily to quiet the cities and put down the poor. It is a curious, approach, heralding a retreat which is neither warranted nor wise.

Mr. Nixon's assessment of the state of the cities indicates that a few items might have been left out of his daily news summaries recently. "City governments are no longer on the verge of financial catastrophe," he stated. But there is Detroit, where the public schools are fast running out of funds. There is Philadelphia, where the school system has barely avoided collapse. There is Newark on the edge of bankruptcy. There is Gary, Indiana, where—according to a sobering analysis by Godfrey Hodgson and George Crile in Sunday's Outlook section—the white community which dominates the local economy is pulling out, leaving a largely black, poor population unable to cope. There is the massive concentration of physical decay and social devastation in New York's South Bronx, surveyed recently in the New York Times. There is the fear and desolation in the highest-crime blocks of Washington along 14th Street, which John Saar described in this newspaper on Sunday.

When Mr. Nixon's claims of progress are measured against these realities, the gains don't disappear—but they certainly shrink. The President emphasized, for instance, that crime is dropping "in more than half of our major cities." To the extent that crime statistics relate to actual crime, any reduction is an accomplishment. But reported crime is still rising, though slowly, in the suburbs, and violence and fear still permeate too many urban neighborhoods. Similarly, the urban air may be getting cleaner, as Mr. Nixon announced but in more than two dozen cities it is still so unhealthy that traffic controls will have to be imposed to meet the 1975 air quality standards. And to say that a poor child in a rat-ridden ghetto might be breathing slightly more easily these days is not to say that child has any better prospects for a decent home, a solid education, a productive job or a healthy life. To say that a working-class family in an aging neighborhood might be slightly less afraid is not to say that family has been relieved of its heavy tax burdens or its sense of insecurity.

The situation in the cities is nowhere near as rosy as the President maintains. But the same token, federal programs for the cities, in the aggregate, have not been ruinous, as he pretends. Some of those programs were hastily conceived, many were under-funded, and most have come due for review. But his complaint about "high-cost, no-result boondoggling" is wide of the mark. Indeed, most cities could not have achieved even limited gains since the "hour of crisis" unless some federal assistance had been timely and well-targeted.

It is worth recalling that federal intervention in the cities, as in other areas of national need, has had two aims: to provide resources which state and local governments lacked, and to focus public effort on serious problems which communities were not equipped or inclined to take on by themselves.

Mr. Nixon used to recognize this. The heart of his welfare reform program, now abandoned, was the national assumption of responsibility for the problem of poverty. Back in the early days of his first term, there were even a few attempts to shape an enlightened urban strategy, one which recognized that the underlying social and economic woes of central cities often require regional solutions.

But those constructive efforts have now been junked, along with everything else. Mr. Nixon seems to believe, despite all the evidence to the contrary, that urban governments have been so enhanced, and urban problems somehow so reduced, that all the cities need from Washington is money—and less of that than before, it comes down to a prescription for self-reliance coupled with the elimination of those programs that could help people achieve it.

A BILL TO AMEND SECTION 40(b) OF THE MERCHANT MARINE ACT OF 1970

HON. FRANK M. CLARK

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 7, 1973

Mr. CLARK. Mr. Speaker, the purpose of the bill I have introduced today is to correct a gross inequity caused by circumstances unknown to the Congress at the time the Merchant Marine Act of 1970 was being considered and passed.

The Merchant Marine Act of 1936 (sec. 805(c)) contained a limitation of $25,000 upon amounts which could be paid to seagoing personnel for which subsidy reimbursements could be made. This limitation did not have any practical effect until about the middle 1960's, when a number of the officer ratings aboard American-flag vessels began to receive in excess of $25,000. As the ensuing years went on, the amounts paid out in excess of the limitation grew considerably.

When the Merchant Marine Act of 1970 was drawn up, one of the purposes was to reimburse companies for payments in excess of the limitation amount. However, as a prerequisite to entitlement for this payment, a company must have had an operating-differential subsidy contract on October 21, 1970, the date the act was signed, and also must give up its existing contract in exchange for a new operating-differential subsidy contract containing the new subsidy formula contained in the 1970 act.

At the time the bill was drawn—sometime during the year 1969—all the subsidized lines were, of course, covered by operating-differential subsidy contracts and, therefore, eligible to recover the excess subsidy payments. However, the contract covering the vessels owned and operated by United States Lines was due to expire late in 1969. United States Lines applied for a 2-year extension of its contract.

Just about that time, this particular company was in the process of converting its conventional break-bulk vessels to containerships. In view of this, the Maritime Subsidy Board, by action dated February 16, 1970, extended the subsidy contract only for 6 months, which was the period estimated for complete conversion of the vessels to container types.

The Maritime Administration felt that this revolutionary new type of vessel was so efficient and so vastly superior to the types of vessels then being operated by foreign competitors that they could be operated profitably without the assistance of Government subsidy. United States Lines was willing to accept this challenge, and to try to operate the vessels without subsidy.

Had United States Lines been granted the extension of 2 years for which it applied, the matter of "over $25,000" participation would have been resolved, with the payments called for by the 1970 act. Thus, as a consequence of the action taken by the Maritime Subsidy Board, and by reason of the courage and enterprise displayed by the company in trying to make a go of it without Government aid, United States Lines did not have an operating-differential subsidy on the date the 1970 act was passed—namely, October 21, 1970—and therefore was not eligible to receive substantial back amounts paid out over a period of almost 10 years, which exceed the $25,000 limitation.

This resulted in the anomalous situation of companies which continued on subsidy—albeit a different formula for subsidy—being able to recoup the excess salary amounts, but a company like United States Lines, which elected to try to make it on its own—without Government assistance—was foreclosed from recouping the excess salary payments.

I firmly believe that this is a very inequitable situation, one which neither the Congress nor the executive branch intended, and one which Congress should now remedy. That is the purpose of this bill.

STUDENT AID

HON. JOHN DELLENBACK

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 7, 1973

Mr. DELLENBACK. Mr. Speaker, with some sobering decisions on aid to education, and particularly aid to students, close at hand for the Congress, I want to share with my colleagues excerpts from an address recently delivered to the Southern Association of Student Financial Aid Administrators by R. Frank Mensel, vice president of the American Association of Community and Junior Colleges.

Mr. Mensel has done an excellent job of projecting the great possibilities for expanded learning opportunities which are at hand for student aid in the basic educational opportunity grants enacted last year. This program takes dead aim on one of President Nixon's highest priority goals—to give the Americans who need college and career studies the chance to get them, and not be locked out of the system by financial need as many presently are.

Those colleges hurt by leveling enrollments should look very hard, as Mr. Mensel suggests, at the potential of the basic grants. BOG's brings to higher and postsecondary education an opportunity floor that was never possible under the old programs. In our judgment, BOG not only gives the student greater entry power, but transfer power and staying power as well.

In recognizing these great possibilities, Mr. Mensel's views run very much in harmony with the stand that the National Association of Student Financial Aid Officers has just taken. It is very important that Congress proceed with dispatch to fund President Nixon's fiscal year 1973 and fiscal year 1974 requests for the BOG.

Excerpts from Mr. Mensel's talk follow:

ADDRESS TO THE SOUTHERN ASSOCIATION OF STUDENT FINANCIAL AID ADMINISTRATION, JACKSONVILLE, FLA., FEBRUARY 20, 1973

(By F. Frank Mensel)

I would fly a thousand miles any time to visit with such a group of college student financial aid officers. I think there is nothing on the campus today more important to higher education and its future than you and the work you are doing. And I say this to college presidents every chance I get. There seem to be many colleges still that have novices running their student aid programs. Such colleges are losing untold enrollment and income. The loss to community colleges is incalculable. Student financial aid work should be among the highest professional posts on the campus.

Your leadership asked me here to talk about two things—the Educational Amendments of 1972 and the struggle to get them funded with, of course, special emphasis on the student aid. I know I don't have to explain to this audience the difference between the two. Between authorization and fundings. At this moment, the gap between the two runs almost $5 billion.

If we're candid with ourselves, we know the gap is partly of our own making. It is one more yardstick of the credibility gap that education must contend with.

And to our credit, we are, I think, stepping up the fight on both fronts. Against the funding gaps. And against information, or credibility, gaps.

Essentially, I hope I can get just three points across here today that relate to the '72 Amendments and the funding outlook. Naturally, funding looms biggest in all of our minds. But let me make two other points first, and than get back to funding.

All of us are going to make the most of the new authorization only if we do our best to see what Congress had in mind in writing it. So first, let's examine Congressional intent.

I think I can sum it up very simply. Congress did not write P.L. 92–318 for the benefit of institutions. Or the benefit of educators. It wrote it for the benefit of people. The people who want and need more postsecondary opportunity, which in part means new and more comprehensive kinds of college programs.

The Congress is asking the States to put their postsecondary houses in order. To get the graduate school, the community college, the private college, and the vocational leadership all working together as peers. And to plan and coordinate programs that give first priority to the need, the interest, and the convenience of the consumer—not the interest and convenience of the institution.

The focus of this bill is the student. The consumer of our services. We're going to have to show that we are meeting this interest and this challenge, if we want to sustain and hopefully expand our base of federal support.

With the consumer, we get to my second point. It is this same focus which accounts for the advent of Basic Educational Opportunity Grants—or BOG's or Pell Grants, for short. Here, I know, we get on to touchy ground for many of you.

Understandably so. Many of you have worked with the old student aid programs for a long time. You have grown very comfortable with them. You have a great pride in them, and a protective instinct toward them. Rightly so. Much good has come into the lives of thousands upon thousands of students through these programs.

In Basic Grants, you are in some degree moving from the known into the unknown. That is not easy. But I hope you can see the enormous promise of the BOG concept, and the much greater dollar potential for students over the long haul.

While we are on touchy ground, too, let me make a point about slumping enrollments. The colleges that are hit by falling or leveling enrollments should look especially hard at Basic Grants. If we can ever succeed in getting BOG well funded, a lot more students will be showing up at your doors. New students. Older students.

Remember that roughly a quarter of our students are emancipated students, who are running their own households. They are not living in the dormitories. They are not living off mom and dad. They are getting their own start in life—on their own—and they are trying to complete their education at the same time.

I happen to think, from my own experience, that this too has been part of the new dawn that came to the campus with the old GI bill. I was in high school when World War II ended, so I just missed by a year or two the usual stint in the service and the GI benefits. Most of the friends I made in college were veterans, living on the GI bill. They weren't waiting around for a sheepskin to get a job and start a family. So neither did I. I got a job. I started a family. And in my own sweet time, I finished my education.

This is typical of great numbers of our students today. I find it especially true of community college students. The luxury of higher education was beyond their reach when they left high school, so they got a job. As they have gained economic security, and with it perhaps a better sense of what they would like to study for, they are returning to the campus. In the urban community colleges, the average student age runs 26 or 27 years.

BOG's will help many, many more such students go to college. BOG's will bring a lot more full-time students into higher education.

Do colleges have something against the part-time student? I don't really think so. But it easily looks that way—from the way most colleges operate, and from the way most of our laws have worked in the past.

Up to now the full-time student has been getting all the breaks, while the part-time student who has a job and possibly a family is paying taxes that support both his own schooling and that of the non-working student.

More and more colleges are getting into curricula that suit the convenience of the working student. But I think we have hardly scratched the surface in going to the lengths we ought to go in flexibility, diversity and comprehensiveness.

I still hear college leaders say, "Oh, we just can't get our faculty to take those evening courses—or those week-end courses." When are we going to get over the notion that the institution exists for the benefit of the teacher? Or for the convenience of any other professional? If twenty people on the graveyard shift in the nearest plant want sociology, or Spanish, at 11 p.m., then your college ought to furnish the teacher. And you ought to go looking for such chances to serve. If you don't meet the need, your competition soon will.

Recruit part-time faculty, from your business world, for those irregular courses! It will often turn out that they know more about the field they are teaching, anyway, because they work in it every day. Just watch—the more such part-time faculty you enlist, the faster your regular faculty will make themselves available at special hours.

So much for the sermonizing, and back to BOG's. Let me talk specifically for a moment to my junior college colleagues.

Imagine that for the next fiscal year—1974—BOG were fully funded. Should the program go full bore, $1.5 billion might handle the student demand. We're talking now about grants to be made in the 1974–75 school year—a year from next September.

Bear in mind, too, that the Nixon Administration has already requested $959 million for BOG for that school year. So the figures—our estimate and the Nixon request—are not that far apart. Parenthetically, that would be one of the great advantages of having the BOG partially installed and running in the coming school year—it would give us a much clearer fix on just how heavy the BOG demand would be.

Right now all we have are "educated" guesses—and I use the modifier loosely.

But if BOG were fully funded, the community college share of the dollars would run in the neighborhood of 20 to 25%. A recent estimate from the College Entrance Examination Board's Washington staff is 22% for the community college students.

Figures can be confusing. I want to emphasize again that the figures I've just given are a division of the dollars—not of enrollments. If we looked at total enrollment in higher education, the percentage of community college students receiving BOG's would run still higher, of course, because their grants would be smaller on the average than those going to students in the resident, private, and higher-cost colleges.

Just to give you CEEB's full projection, based on BOG funding of $1.5 billion, it reads as follows:

22%—community college.
2%—private junior colleges.
24%—public universities.
30%—public four-year colleges.
5%—private universities.
17%—private four-year colleges.

Like so many of higher education's leadership in Washington, we use CEEB's data because, up to now, CEEB has been the most diligent collector of information and analysis on students and student aid. If any of you have data you think is better, we would love to hear from you.

This could easily get me off on another great woe of higher education—the lack of data.

All of us are increasingly vulnerable—the community colleges, the state colleges, the vocational schools, everybody! On our lack of strong figures to give the Congress and the Administration. Those who fear that the federal commitment to higher education is peaking out, or in fact has already peaked—and I personally do not for a moment concede that it has—had better get down to some heavy, heavy, old-fashioned homework.

Who are you serving? What are their needs? What are you giving them? And more important, what is the applied value—where are they going on what you give them?

And equally important, who are the constituencies you might serve but are not yet reaching? What are their needs?

Some educators are now aruging that education, and particularly higher education, cannot be all things to all people. I won't settle for that. When higher education ceases to be open-ended, it will cease to be education.

If we think in terms of a more modest beginning for BOG—say $200 million to $250 million for the current fiscal year, and thus for students starting next September; or better still, the $622 million that the President's budget asks for—then the community college students are going to draw a still larger percentage, perhaps as much as 30%. That should be obvious, since the concept of rated reduction would apply, and the smaller grants would be cut less, relatively speaking.

Compare this, community colleges, with what you've been getting as a share of EOG.

In California, where the community colleges now enroll one out of every 11 or 12 Americans pursuing any program of higher education and now claim three-fourths of California's freshman, the community colleges have been getting less than 4% of the EOG funds allocated to that state.

Think of it—community colleges—CEEB estimates that more than 50% of all students presently enrolled in your programs would be eligible for BOG!

There are some other figures the community colleges and the rest of higher education ought to take to heart.

Did you know that of all the students enrolled in colleges in the 1970–71 school year, more than 40% of those from family incomes of $4,000 or less were in the community colleges? The community colleges are carrying almost a million more students now than they were in 1970—so that figure has to be still higher.

Did you know that of all the Blacks in college, well over 40% are in the community colleges? That figure today could be crowding 50%. Our minority enrollment now dwarfs that of any other segment of higher education—and I make no exception for the Black colleges. Did you know that more than 50% of the Chicanos in college are in community colleges? At least that is CEEB's calculation for the five States of the great Southwest.

I also see BOG as the way around the stratification in higher education that my figures have brought into the picture.

Yes, BOG is going to bring more students into the community college. Coupled with SOG and Work-Study, it is going to bring more students into every other kind of college—proprietary as well as non-profit, public as well as private.

It not only helps more kids start college. It will help a lot more finish.

It will smooth and ensure the transfer of a lot more junior college students to four-year colleges. A lot more of the Blacks and Chicanos who are starting two-year programs at Dallas' El Centro, or in Los Angeles City Colleges, will wind up finishing four-year and higher degrees at the SMU's and UCLA's.

The bigger, more comprehensive the foundation that the community colleges become, the more all colleges have at stake. The worst mistake education could make is to let the community colleges become the slums of higher education, as some recent articles have speculated. And you can be sure the community colleges are not about to let that happen.

Within the minority enrollment itself, there are some startling facts that I think all of us have to worry about. If you look at all the Blacks who made A averages in high school, and compare them with the white segment that got A's, three times as many Blacks as whites, in proportional terms, wind up in community colleges.

If you then compare the segments that earned B averages in high school, twice as many Blacks as white attend community colleges.

If I sound divisive, believe me, I intend quite the opposite. I do not give these figures to boast about what the community colleges are doing. I give them out of deep concern for all of higher education.

Some may feel the urge to say. if the community colleges are doing all of that, or if the community colleges are going to get all of that—all the more reason to fight for the old programs, and forget BOG. Such thinking, in my view, is the road to oblivion for student aid programs.

It is not your job to save old programs. It is not your job—and I do not care whether you are a university SFA officer or a community college SFA officer—to decide what is good for the whole institution. Or what is good for the student. This smacks of the elitism that has been strangling higher education. Many voices must be considered. Besides, that battle is over. BOG is the law of the land. I also think it is the road to the future, and a much greater future both for student financial aid and the SFA administrator. It takes little imagination to see the possibilities.

I mentioned the heyday of the GI bill. Many remember it as the high mark, the golden day of our long proud march forward in higher education. It all happened quite simply because a multitude of Americans who once could only dream of going to college suddenly could afford to go. The concept was simple—entitlement.

The concept of BOG is simple—entitlement. And through it, higher education, all the colleges here, can reach still greater heights.

What then is the funding outlook?

I see at least two major battles ahead. The first is to settle the student support for this fiscal year, 1973—the aid that will flow to students in the coming academic year. This could be settled in a Supplemental Appropriations Act, or perhaps added to some other funding vehicle. All of us agree it has to be settled quick.

Some in Congress, including Committee leaders who helped lead the bi-partisan drive for the adoption of the 1972 Amendments, are calling for both the approval of the President's requests and the application of the law. The student lobbies in Washington have another way of saying it—the harder we push for BOG, the better our chances of getting the ongoing programs, because the law requires the latter to be funded first. I really think all of us are saying the same thing, and working for the same thing.

The simple arithmetic is that, if we get both, the total student aid could break the billion-dollar mark. If the Congress voted what the President wants this year for BOG, $622 million, and for Work-Study, $250 million, then added what the law requires for Supplemental Grants, $130 million, that's $1 billion!

Then, too, if Congress also funds in this package, or in the FY 1974 package, what the law provides for direct loans (NDSL), which is another $293 million (this is not necessarily a forward-funded program, as the others are), next year's students would draw benefits of $1.3 billion—far more help to far more people than ever before.

More important than any immediate total is the long-range potential of the entitlement concept—the prospect it may hold for less stringent budgetary times.

Please forgive another digression, but let me toss in one more consideration for the colleges that are worried about levelling enrollments and partially filled campus housing. Why not revamp regulations to open your married student housing—and your housing for singles, for that matter—to students, man or wife, who are taking a half-time load?

Educators like to think they have a sense of history. We like to talk about perspective, continuity and continuum. Let's remember that if those of us working for higher education have wanted anything from federal support over the years, it has been institutional aid, or capitation grants. Choose your own term for it. It is higher education's oldest and fondest dream.

Congress has breathed the first real life into that dream. Congress has met us half-way, yes more than half-way. It has said to the college world, prove to us that you can make your great gifts work for the nation as a whole—show us you can serve the less-affluent generally, as well as the affluent; show us that you can embrace more options and more needs—then bring us the proof, bring us the supporting data, document what it is you are doing and who is benefitting—and the institutional dollars can flow. Such provision is right there in the '72 Amendments. And you hold the key to all of this. The key is the student aid. You labor in a great challenge, and we are glad to be a part of it, and to be working with you.

COST OF TRADE BARRIERS PUT OVER $7.5 BILLION

HON. BILL FRENZEL

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 7, 1973

Mr. FRENZEL. Mr. Speaker, the Washington Post of March 5 carried an article under the by-line of Post staff writer Hobart Rowen which does a good job of outlining the economic impact of trade barriers and protectionism. The article reviews a Brookings Institution paper by Professor Magee of the University of Chicago. It reports Magee finding that the total cost to the United States of existing tariff and quota barriers now runs from $7½ billion to $10½ billion per year. Mr. Rowen indicates that that cost "would ultimately be doubled" if the controversial Burke-Hartke quota bill should become law.

Professor Magee's analysis indicates that 15 years after passage, losses from the Burke-Hartke bill would mount so rapidly that they could not be calculated.

In my judgment, the Rowen-Magee article is must reading for every Member of Congress now. The article follows:

Cost of Trade Barriers Put Over $7.5 Billion

(By Hobart Rowen)

For the first time, a serious effort to "measure the unmeasurable"—the economic impact of trade barriers and protectionism—has produced dollar estimates of the costs.

The results are staggering, and although they are represented to be no better than "ballpark" estimates, they were considered important enough to be included in the latest edition of Brookings Institution papers.

The author is Prof. Stephen Magee of the University of Chicago, who found that the total costs to the U.S. of existing tariff and quota barriers now runs $7.5 to $10.5 billion a year—a cost that would ultimately be doubled if the controversial Burke-Hartke quota bill should become law.

Of current restrictions, the cost of U.S. import barriers of one kind or another is estimated at $3.3 to $5.0 billion a year, mostly due to quotas. Foreign restrictions on U.S. agricultural exports cost the nation $4 to $5 billion a year. Foreign tariffs on manufactured U.S. goods cost relatively little—$300 million to $500 million a year.

The Burke-Hartke proportional quota provisions, Magee said, would cost the United States $1.1 billion a year for the first five years, $3.5 billion per year in the second five years, and at least $7 billion a year in the third five years after enactment. Losses from Burke-Hartke after that mount so rapidly that Magee said they couldn't be calculated.

Looking at it another way, Magee reports that the U.S. has already suffered a "welfare loss" of $120 billion because of existing restrictions on imports, and that foreign restrictions on our exports account for another $137 billion loss.

The Burke-Hartke bill, which he labels "an extreme protectionist proposal," would ultimately create a new welfare loss of $130 billion, $80 billion of which would come within the first 15 years after enactment.

Magee's "welfare loss" concept capitalizes the gains that would result from free trade over time, using an interest rate factor of 8 per cent. Thus, taking 8 per cent, he calculates that existing U.S. restrictions on imports impose a net welfare loss of $120 billion. Or, turning it the other way around, if there were free trade, the nation would gain the equivalent of an investment of $120 billion yielding 8 per cent in perpetuity, now lost because of import restrictions; and $137 billion lost because of export restrictions.

Magee's paper relies on highly technical mathematical formulae. To over-simplify, his cost figures represent a "welfare loss," which means the reduction in overall benefits to consumers when tariffs and quotas result in the payment of higher prices or less efficient goods and services.

Some of the higher price burden, he concedes, merely represents a shift of income from American consumers to American producers. But a part of the added cost is a "deadweight loss," with no offsetting benefits to other Americans, and thus represents a loss of "welfare."

For example, a high tariff causes a real loss when less satisfactory products must be substituted for protected ones. Quota restrictions cause a loss in two ways—creating an artificial scarcity that drives up prices, and in the loss of potential tariff revenue.

Quotas, Magee, said, also "stimulate monopoly behavior" and "hide the actual rate of protection given."

Similarly on the export side: restrictions raise costs to American producers, and deter some production that would be the most economic, resulting in the loss of jobs and profits.

In publishing Magee's paper, the Brookings Institution mentioned that there is no precise evidence on the extent to which consumers shift buying habits because of price. "He (Magee) has to rely on bits and scraps of evidence and on heroic assumptions," Brookings said.

Thus, the dollar estimates should be considered as "gauges of orders of magnitude, rather than pinpointed amounts."

Nonetheless, the amounts suggested by Magee are so vast that they are expected to evoke wide discussion, particularly with the debate over trade legislation and the Burke-Hartke bill promising to be bitter this year.

Magee's number work underscores the especially high cost of quota restrictions, the main device of the Burke-Hartke bill. Of the $120 billion welfare loss on the import side, nearly $90 billion is traced to quotas on oil, steel, textiles, sugar and a few other commodities, and only $33 billion from tariffs.

As to exports, the overwhelming loss is associated with foreign protectionist devices on agriculture. He says these cost $125 billion of the $137 billion total, which explains why the U.S. is anxious to get the Common Market to modify its restrictive variable-levy pricing system.

Magee concedes that a shift to free trade would cause a "transitional" loss of jobs in industries here that compete with imports. He also admits that free trade would alter the job mix, with a redistribution of income away from low-wage earners. But he argues that over the long run, trade restrictions do not increase total employment.

Apart from the "welfare loss," Magee notes that trade restrictions waste a portion of economic growth on protected industries; stultify gains from economies of scale that would be possible in an open world economy; encourage anticompetitive and monopoly forces; and result in costly political-lobbying efforts.

PROTESTING THE CONFIRMATION OF ROBERT LONG

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 7, 1973

Mr. WALDIE. Mr. Speaker, I have just yesterday sent a letter to the Honorable HERMAN TALMADGE, chairman of the Senate Agriculture Committee, vigorously protesting the confirmation of Robert Long as Assistant Secretary of Agriculture.

After seeing how Mr. Long dealt with agricultural loans for small farmers in California as senior vice president in charge of agriculture for the Bank of America, I have grave reservations about how he would handle the $1.3 billion budget in taxpayer funds for the Department of Agriculture.

Mr. Speaker, the family farmers of California and elsewhere must be allowed to maintain their farms, and in this age of the frightening growth of corporate agribusiness, the family farmer needs even more assistance from the Department of Agriculture. I am afraid that Mr. Long will not be inclined to provide that assistance.

Mr. Speaker, I would like to place my letter to Senator TALMADGE and my statement before the Senate Committee on Agriculture regarding Robert Long's confirmation into the RECORD for the benefit of my colleagues.

The letter and statement follows:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., March 6, 1973.

Hon. HERMAN E. TALMADGE,
Chairman, Senate Agriculture Committee, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: This letter is written to express and register my strong opposition to the confirmation of Robert W. Long to be Assistant Secretary of Agriculture for Conservation, Forestry, Research, and Education.

With his appointment, yet another advocate of agribusiness would be positioned in a key role within the Department of Agriculture, an agency which we would hope has as its first priority the interests of the family farmer and all the working people of rural America.

Tied with recent scandals involving the wheat deals with the Soviet Union, Mr. Long's nomination raises the most serious questions about the direction of farm policy in America—by whom and for whom is that policy being administered?

Mr. Chairman, rural America is dying. In California, more than 50% of our family farms have closed up in the past decade. Machines are replacing our people, and farms are controlled not only from corporation offices in San Francisco and Los Angeles, but also from boardrooms in Houston, Chicago, and New York. While California remains the richest farming region in the world and food remains California's number one industry, the people of rural California are confronting social problems most Americans think are confined to Appalachia.

And one of the reasons why rural California—and rural America—is dying is because of people like Robert W. Long.

As vice-president and head of the agricultural section of the Irvine Land Company, Mr. Long presided over that company's evolution from a farming operation to a land speculator and developer, and with it the destruction of much of rural Orange County. Now, as senior vice president for agricultural loans of the Bank of America, Mr. Long has been in charge of 50% of California's farm loans. Mr. Long has always insisted that the business of agriculture must be kept separate and distinct from the rural and social environment of rural America. Therefore, as a "businessman," lines of credit were much more easily extended to conglomerates than to family farmers. During periods of "tight money" such as we have been experiencing lately, this philosophy simply meant that many family farmers were forced off the land for lack of credit, and damn the social consequences—which were of little interest to "businessmen" like Mr. Long.

Men like Mr. Long maintain that the new technology dictates that the family farmer "adapt or die." These men call themselves "realists" dedicated to "progress and efficiency."

But in reality, Mr. Chairman, these businessmen mean policies that can only lead to bankruptcy and frustration for the family farmer; if "progress" means a decaying rural America; and if "efficiency" means that the national farm policies of the United States mean throwing the people off the land and onto the welfare rolls of our crowded cities, then we can rightly ask if "reality" is worth what it is costing our nation and our society.

Mr. Chairman, if Mr. Long is allowed to administer an annual budget of $1.3 billion in taxpayer funds for the Department of Agriculture in much the same manner in which he administered the $1.5 billion in California agricultural loans, then the independent family farmer will be the unmistakable loser.

The research and extension that we do today will determine the shape and substance of agriculture tomorrow. America needs someone who can look beyond the components of an agricultural portfolio to direct our government programs in this area.

Mr. Chairman, I ask that the Committee give the most serious consideration to this important nomination, and that the Committee then deny confirmation because Mr. Long's posture is antithetical to the best terests of rural America.

Sincerely,

JEROME R. WALDIE,
Member of Congress.

STATEMENT OF REP. JEROME R. WALDIE, D-CALIF., BEFORE THE SENATE COMMITTEE ON AGRICULTURE, REGARDING THE CONFIRMATION OF ROBERT W. LONG AS ASSISTANT SECRETARY OF AGRICULTURE

Mr. Chairman and Members of the Committee,

The Senate should not confirm the nomination of Robert W. Long as Assistant Secretary of Agriculture.

The Department of Agriculture is already led by a Secretary whose commitment to the Corporate Farm concept over the Family Farm was well understood when President Nixon appointed him Secretary.

To further consolidate corporate agribusiness in the policymaking position of the Department of Agriculture would clearly spell a hastening of the demise of the small farming in America and a further expansion of the agribusiness concept of farming in America.

In California alone, during the decade of the 60's the number of California farms declined from about 100,000 to 50,000—and the loss was in the small family owned and operated farm.

And this decline was largely financed and encouraged by Robert Long and the policies of agricultural finance that he implemented as Senior Vice President for Agriculture Loans of the Bank of America.

The Bank of America financed over 40% of the agricultural loans made in California during that 10 year period marking the rapid decline of the family farm and the growth of the corporate farm.

Mr. Long's record is equally suspect with respect to his concern for or understanding of the small farmer in regard to his consistent efforts to render useless the excess Land Law. Mr. Long does not accept the law of the land since 1902 that landowners who utilize federally subsidized water must agree to sell off their excess acreage over 160 acres or four multiples thereof after 10 years of reaping profits from the taxpayers' water subsidy. He has sought to avoid the purpose of the law, namely to create and encourage land ownership of farms by many small farmers rather than by huge corporate owners.

Mr. Long calls the desire for a family farm that has been traditional in America to be a "myth", "a tangle of sentiment", and "economic unreality". It is clear that as an Assistant Secretary reinforcing Secretary Butz' views of antipathy toward the small farmer, that the family farm will soon be "the myth" that he suggests it already is.

There is certainly no myth about the corporate farm and there certainly is no "useless sentimentality" connected with corporate agribusiness.

Not only does Mr. Long have no sympathy for the "myth" and the "sentimentality" of the small family farm, but he also has no sympathy or sentimentality for the agricultural workers who labor in the fields of the corporate farms.

His attitude toward their sad and exploited status is best illustrated by the fact that the Bank of America conributed $10,000 in favor of the big grower sponsored anti-agricultural labor Proposition 22 on last November's ballot.

When this contribution was made by Bank of America, Mr. Long was Senior Vice President in charge of Agriculture for the Bank of America and it is unlikely the contribution to this rejected attempt to continue exploitation of the field workers was made without his consent. It is more likely to assume and more consistent with his record, that it was made at his urging.

It is clear that President Nixon seeks to place the Nation's agricultural policies in the hands of Corporate Agribusiness. His designation of Secretary Butz and his nomination of Banker Long attest to that conviction.

But it should be equally clear that the small farmer in America is entitled to one small voice at least in the determination of agricultural policies that today are destroying him by the thousands each year.

That small voice will not be present in a man whose background only involves corporate farm finance and a firm and frequently expressed contempt for the continued presence of the small farmer in the agricultural scheme of things.

The Senate should reject Mr. Long and clearly state to the President that they insist on representation in the Department of Agriculture for the small farmer. There aren't many left to be represented. There will be none left to be represented if Mr. Long and Secretary Butz continue to make agricultural policy in America."

A WORKING JOURNALIST TALKS SENSE ABOUT PRESS FREEDOM

HON. CLEMENT J. ZABLOCKI

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 7, 1973

Mr. ZABLOCKI. Mr. Speaker, each year the Marquette University College of Journalism, Milwaukee, presents its "By-Line Award" to one of its outstanding graduates who has distinguished himself in the practice of journalism or a related field. It is an honor highly prized by the school's alumni.

The 1973 award was given on February 24 to William R. Burleigh, managing editor of the Evansville, Ind., Press, and a 1957 "magna cum laude" graduate of the College of Journalism.

In his acceptance address, Mr. Burleigh touched on many of the issues affecting the American press, including the question of freedom of the press. He observed that the constitutional right of a free press is guaranteed to the American people—not to publishers or reporters as a special caste.

He also emphasized the obligations which the press owes to our society—the matter of its responsibility.

Because it is a thoughtful approach to the question of journalistic freedom and responsibility at a time when Congress is debating a so-called shield law and other press-related issues, I am pleased to insert Editor Burleigh's remarks in the RECORD at this point:

BY-LINE AWARD ACCEPTANCE ADDRESS, FEBRUARY 24, 1973

(By William R. Burleigh)

Wherever journalists gather these days, there is much anguish—and rightly so—over the problems facing American journalism in this trying period of our history. A national administration wages declared war on segments of the press which dare to criticize members of the ruling family. Reporters languish in jails while the situations they sought to report go unprosecuted. Prosecutors, grand juries and legislatures seek to make newsmen unwitting handmaidens of the official state apparatus. Suddenly we seem to have forgotten the rules of the game. Thoughtless men are tinkering with the delicate system of checks and balances in which a free press operates. In essence, when you strip away the artifice, they are saying they don't trust freedom; liberty is not the wisest course. They are forgetting that everywhere the rule is the same and has been through the ages: whatever inhibits criticism distorts history. We should never forget that journalists are historians of the modern world; if we think of ourselves always as historians, then our duty will be clear. So a great issue is joined, one that surpasses in scope the grand jury subpoenas and the punitive court orders. It is not overstating the question to ask whether we as a free people can endure.

But before we sound the Macedonian war cry, I think it would be well to contemplate some of the wisest counsel I ever received. It came from Dean O'Sullivan and I am somewhat embarrassed to recall the circumstances for they date my college years more tellingly than my bald spot.

The Marquette Tribune had broken a story the dean of women didn't want out—that coeds were being forbidden to kiss their dates goodnight in front of the dormitories. Such orgiastic osculation was giving Marquette a bad image, she ruled. Well, that wasn't half the image the school received as soon as we published the story. In keeping with our strongly-held conviction that the Tribune should never sensationalize, it's my recollection we played the dean's edict as the lead story. Immediately the Milwaukee press hopped aboard with glee and we editorialized with our usual profundity about the injustice of it all. At length the no-kissing story hit a national TV talk show at the time the university president was in New York shaking the corporate and foundation bushes for money. He saw the TV show, was horrified at the "unfavorable" light in which his school was being cast and promptly ordered an end to all this nonsense. The full force of the university's repressive hand was visited upon the Tribune's brash editor and I soon got the idea I'd better be looking for another school in which to practice my youthful enthusiasms. But about this time Dean O'Sullivan stepped in, banished the wolves howling at the door and gave me one sentence worth of advice. With the best O'Sullivan scowl, he snorted: "Don't let the bastards scare you."

That, I submit, is especially sound advice for journalists today.

The press, of course, *is* in the doghouse with a lot of people. I certainly wouldn't want to entrust our fate to a referendum. A U.S. senator sympathetic to our side recently polled 20,000 of his constituents and found an alarming number think "reporters as a class are almost as crooked as politicians." This is but one dramatic example in a growing number which reflect our problem. Abe Rosenthal, managing editor of The New York Times, says he doesn't need polls to tell him the press is in trouble with the public; he has a watch. He says the average time between his arrival at a party and the moment somebody starts flaying the Fourth Estate is 2 minutes, 42 seconds.

Some recent experience of mine indicates New Yorkers might be a little slow on the trigger.

However, as any student of Journalism history knows, this state of affairs is really nothing new. It's been with us from the beginning and has ebbed and flowed in intensity ever since. Those who see today's cause celebre as being without precedent in American history are being profoundly unhistorical.

But the shrill nature of the current assault might be useful if it should shake the smugness which has infected too much of journalism for too long. It's not enough to cloak ourselves in the First Amendment and pity the poor public for misunderstanding the constitutional nuances and niceties that we think we grasp so well. Did it ever occur to us that they really don't understand? We must, I think, explain ourselves in ways we have never bothered to do before and in the process fearlessly examine the validity of some of the basic tenets of our faith. Are we so sure we possess the holy writ that we can airily dismiss all of those who don't understand as unenlightened Agnewites?

Times change, and so do our reasons for doing things. Intransigence born of smugness can lead us only to extinction. I am reminded of a haunting observation made at a conference here at Marquette a decade ago by Douglas Cater, the magazine writer. It is said the dinosaur became obsolete, Cater noted, principally because his system of communication broke down. His communications were too slow and too inaccurate; as a result, by the time his foot has sent word to the brain about what was going on, and the brain had sent word back, it was too late to do anything about it. This should serve as a rather grim warning to all of us who have a role in communications.

I am not suggesting that we blithely toss overboard the principles undergirding American journalism. Indeed, the time is at hand to defend those principles of liberty with vigor and vigilance, to resist the controls which control-happy social planners would impose on our profession, no matter how subtly or under what guise.

But beyond that, what I am suggesting is that we have the courage, in light of the evidence confronting us in 1973, to examine how we should apply those principles, while at the same time defending them. Too many in journalism concern themselves only with that part of the First Amendment which guarantees a free press. Too few, it seems to me, concern themselves with the other half of the equation in which any freedom must be weighed, the question of responsibility. The Bill of Rights recognizes the right of *the people* to a free press. Note well, that doesn't say right of publishers or reporters. Neither is a special caste. The right belongs to the people. And to the degree that this confers any privilege on the press, it at the same time places obligations on us, obligations to compile and publish useful, sound, thoughtful information for the citizenry. It is to that end that we must soberly focus our attention and energies.

Now we obviously are not approaching a nirvana in which everyone loves us and smothers us in paeans of praise. If that condition should ever arrive, it would be a sure signal that the press was not doing its job. But I hardly think we are in danger of that happening. The man who said the duty of the newspaper is to print the news and to raise hell was really not far off the mark.

What we must strive for, in my judgment, is increased understanding of our role by the body politic and increased respect for the way we do business.

Certain obvious challenges face us.

First—and most fundamentally—we must strive for ever greater accuracy. This may strike you as so basic and rudimentary as to be assumed. But I think not. We must remind ourselves relentlessly that the integrity of a newspaper is built first on the accuracy of its news report, even ahead of the gutsiness of its editorial page. I am speaking of a positive passion for accuracy both in the small sense of getting names spelled correctly to the larger sense of presenting human happenings with perspective and proportion.

I hope I am not sounding too Faulknerian in saying we need accuracy, and accuracy, and accuracy. Mind you, that's accuracy, not advocacy. It's a distinction which appears lost on some of the misty-eyed partisans of the New Journalism. And spare me those arguments of the psychologists that no man can observe objectively. A professional reporter can and must be fair regardless of personal feelings or he has no business being called a reporter. That fine Hoosier teacher of language, Raymond Woodbury Pence of DePauw University, used to tell his students it is not enough to write so you can be understood; you must write, he said, so that you cannot possibly be misunderstood. That must become our first marching order—and it leads me to the second point of what I conceive to be the major responsibilities facing the press today.

If we're going to be accurate, just what are we going to be accurate about?

News is easier to write than to define. All definitions take sides. The prevailing definition holds that news embraces those events which flow through the tried-and-tested bottlenecks of human behavior—the police blotter, city hall, the hospital, the press conference, the corporate PR office, the White House. What comes off those beats is news, we say. Conversely, because we have thus stationed ourselves at the bottlenecks through which "news" flows, there is little inclination to look elsewhere. The approach is not entirely invalid. The material coming off those beats is frequently highly important, occasionally somewhat interesting and over the years has helped to sell a lot of newspapers.

The only trouble is, the formula—if rigidly followed, as it is on most newspapers—really doesn't tell the story of how people live. At least not fully.

Basically, we still dwell on the extraordinary—man biting dog. Unfortunately, this approach offers little insight into the ordinary concerns of man, the problems that cut across the social strata and touch all mortals. A classic example is consumer affairs reporting. Until recent years newspapers ignored consumer news even though each reader is a consumer in many ways every day. This is what the real world is all about; it is proper grist for the journalist. The cops and robbers tales, the romantic sagas of the good guys versus the bad, really aren't pertinent unless they somehow are related to the average reader.

What comes our way through the traditional bottlenecks of news gathering is not entirely bad. But what is wrong, and what must be changed, is the notion that the bottleneck approach is the magic formula, that we need search no further to fill our reader needs, that when we go through the motions, sterling-pure news automatically will emerge.

A necessary corollary of expanding our concept of news is to tell the story of people through people. We know that names make news. That's part of our credo. Yet, according to much present practice, we make things as abstract as possible, boiling away the human insight, resorting always to the official spokesman and the faceless functionary.

Assume, for a moment, that we are able to translate an expanded definition of news into reality, and that we are able to do so accurately—how then shall it be delivered to our readers?

This takes us to the third and final challenge facing the press which I would like to discuss today.

We are on the threshold of wondrous technological innovation. An industry which hadn't come up with a basically new idea since the Linotype machine is suddenly fairly bursting with dazzling electronic wizardry. These machines promise not just to change, but to revolutionize the way a newspaper is produced. It will be possible shortly, for example, to transmit news from a master computer in New York directly into a storage unit in a newspaper plant, edit it on a video terminal—"message" it, in the new vernacular—and convert it into photographic type—all without ever touching human hands. It will be possible to take this a step farther through pagination by using the video display terminal and a laser pencil to make up and produce a page complete with news stories, photos and ads, again all before emerging from the computer and its satellite gadgetry.

Farther in the future, but nonetheless deserving of our thoughtful consideration, is an array of techniques for shortcircuiting the present cumbersome system of placing the completed package in the hands of the reader.

Editorial people have traditionally stood aloof from the production process, again with a certain smugness. No longer can this be the case. The CRTs and the OCRs and the VDTs are fundamentally altering our concepts of processing the news. When he sits down to his Selectric typewriter that is direct-wired to the computer, the reporter of tomorrow will, whether he likes it or not, be part of the newspaper production process. This carries vast implications for those whose concern is quality journalism. Will we rule the computers or the computers rule us? Will we use the technology as an ingenious tool to improve our editorial excellence or will we become, like man and his automobile, its captive?

These are questions which at once are both worrisome and potentially rewarding. Will we seize the moment or be seized by it?

It is not difficult to see that the press is passing through some exraordinary times.

Under seige from without, its liberties again being tested, the press at the same time faces challenges from within—challenges to generate self-criticism, to safeguard old virtues and to chart an innovative future.

Despite any problems, it's an invigorating moment in history to be a journalist. The sense of mission and the sheer joy of the profession are still there, beckoning eager minds.

Almost 2,500 years ago, Thucydides, a journalist of sorts, made clear what that mission is and what remains our reward today. He wrote: "If he who desires to have before his eyes a true picture of the events which have happened, and of the like events which may be expected to happen hereafter . . . shall pronounce what I have written to be useful, then I shall be satisfied."

NORTHVILLE HISTORICAL SOCIETY

HON. MARVIN L. ESCH

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 7, 1973

Mr. ESCH. Mr. Speaker, we are all familiar with the work of the National Register of Historic Places and its efforts to preserve those structures of historical value in America. Equally important to that effort is the work of local historical societies who have been responsible for the preservation and promotion of many historical areas throughout the country. I would like to bring to the attention of my colleagues in the House one such local group which exemplifies the best in such local initiatives.

Two years ago, the Northville Historical Society of Northville, Mich. began a detailed study of Northville homes which it felt had historical significance. As a result of their work, a square mile of Northville is now a National Historical District with some 75 homes being placed in the National Register of Historic Places. Most of the houses in the historic district are Victorian, Italianate or Queen Ann style of architecture. Although some of the homes date back to the 1840's, most were built in 1860 and 1880. The city and the Northville Historical Society are also planning a 7-acre Historic Village in Northville. The society is further active in the area of restoration and is currently working on an 1845 building which has been used as a library, church, and school office in past years.

The Northville Historical Society has not only worked hard at preserving those structures of historical significance, but has promoted the concept of preservation to the point that other citizens have become active participants in this process. A fine example of this participation is the progress of a local group of restaurant owners who have converted a former Methodist Church building into a fine restaurant, the Drawbridge. This is the first building within the Historical District to be transformed into a different use while preserving the gothic character of the architecture. It is a fine example of what can be done to keep an historic building while making it serve a useful purpose. Because of their fine work in this area, I would hope that other historical societies will take note of the success of this group in Northville.

TIGER CAGES AND OUR FOREIGN POLICIES

HON. AUGUSTUS F. HAWKINS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 7, 1973

Mr. HAWKINS. Mr. Speaker, some time ago, the then Congressman from Tennessee, the Honorable William R. Anderson and myself, reported to the Congress our findings on the tiger cages on Conson Island off the shores of South Vietnam.

The direct connection of the United States in this outrage was established by financial assistance to the South Vietnamese Government in the operation of this prison and of our U.S. officials, who clearly had knowledge of the inhumane torture practiced and participated in concealing it.

Our Government's denials and excuses only served to exacerbate the hardshps which our own prisoners of war suffered and to damage our international reputation for humane justice.

Recently, the "tiger cages" appeared in the news with details corresponding almost identically with those included in our report. The article from the Washington Post follows:

"TIGER CAGE" VICTIMS CITE SOUTH VIET TORTURE

(By Jacques Leslie)

SAIGON, March 3.—Displaying their paralyzed and atrophied legs, political detainees from South Vietnam's Conson Island Prison said in interviews this weekend that they were tortured, chained and deprived of food during captivity.

Thirteen prisoners from a contingent of 124 conditionally released by South Vietnamese government authorities more than two weeks ago agreed to be interviewed despite being warned by police not to talk to foreign journalists.

The prisoners all said they had lived in Conson Island's "tiger cages" and told of being beaten with clubs, sprayed with lime, and having to drink their own urine because of thirst.

"We were determined to live so that we could struggle for peace," one prisoner said.

The prisoners said they ranged in age from 24 to 53 and had spent a minimum of five and a maximum of 10 years in prison.

Asked why they had been arrested, a leader of the group said most "had demanded the right to live and the right to peace." This seemed a tacit acknowledgment that many prisoners supported the Vietcong.

Although it is possible that the prisoners exaggerated the severity of their experiences in confinement, their physical condition alone seemed to verify much of what they said.

The prisoners were examined by an American doctor, John G. Champlin, who was formerly associated in Saigon with Children's Medical Relief International, a charity organization which operates a plastic surgery unit here.

[In a separate report to The Washington Post, Champlin said the prisoners have written to the Vietnam truce delegations and called for an investigation at the prison but have received no reply, either from the four-nation International Commission on Control and Supervision or the four-party Joint Military Commission.

[He said further that the prisoners alleged that since Feb. 12 nearly 300 prisoners have disappeared after leaving Conson by government aircraft, that 400 prisoners have been consigned to the prison since the Paris agreement was signed, and that 30 "tiger cage" prisoners have been in ankle irons continuously for the past year.]

"The prisoners are not only paralyzed below the waist," Champlin said, "but they are also insensate below mid-high level. I think their leg problems are due to disuse, atrophy and malnutrition. A number of them have deep scars around their ankles which they said came from leg irons."

With proper food, exercise, and physical therapy, Champlin said, "the younger prisoners have a better chance of fully recovering the use of their legs than the older ones."

Champlin said he had listened to them discuss their imprisonment and "nothing they said flatly contradicted the results of my examination."

The prisoners said 124 of them were flown to Bienhoa, 15 miles northeast of Saigon, on Feb. 16. The Conson prison is 150 miles south of Saigon. Five days later, they were taken to a Buddish pagoda in Bienhoa. They were then warned against going to Saigon and talking to foreign journalists, but were permitted to visit families not living in the Saigon area.

They were released on the condition that they return to Bienhoa police headquarters 10 days later with two relatives who would then be responsible for their whereabouts.

The reason for their conditional release is unclear. The leaders speculated that the South Vietnames government was preparing for an inspection of Conson in accordance with the cease-fire agreement, and was therefore evacuating the most seriously ill prisoners.

Some prisoners said that immediately after arrest they were tortured with electric shock instruments or beaten. Prisoners were forced to drink water, then were struck on their bloated stomachs.

When prisoners refused to salute the government flag on Feb. 22, 1967, they were moved to Conson's "tiger cages"—cells of about three yards by two yards whose ceilings consisted of bars.

At first, they said, there were four prisoners per cell, but each week four more prisoners were added, until by the third week there were 12 prisoners per cell.

"This was the toughest period," the leader said. When prisoners wanted to lie down they had to do so on top of each other. "When the people on the bottom couldn't stand it any further, we switched," one prisoner said. While he explained, other prisoners gave a physical demonstration.

They said that after a visit by two American congressmen to the tiger cages in June 1970, they were moved to cells which had formerly been cattle stalls.

CALIFORNIA CONGRESSMEN RESPOND TO DAY CARE REGULATIONS

Hon. Yvonne Brathwaite Burke

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 7, 1973

Mrs. BURKE of California. Mr. Speaker, I am pleased at the important, broad-based support I received from my California colleagues in cosigning a telegram to Secretary Weinberger asking that he withhold the immediate implementation of the proposed child care regulations until at least June 30, 1973. They also urged that Secretary Weinberger hold public hearings in the interim to assess the impact that these regulations would have on the future of child care programs in California and throughout the Nation.

Twenty-five Members of Congress from California and our two Senators joined in sending the following telegram:

> We are greatly disturbed over the effects of the proposed HEW regulations regarding social services—particularly those affecting the operation under title IV-A of the Social Security Act. Eleven thousand children will lose eligibility in one program alone for Federally funded day care services. Migrant children will be almost totally excluded and many campus facilities will be shut down. These regulations, if implemented in their proposed form, will force many presently employed parents back onto welfare roles. Therefore, we urge you immediately to withhold implementation until at least June 30 and hold public hearings in the interm.

In addition to myself, the telegram was signed by Senators Alan Cranston and John Tunney, and California Congressmen Harold Johnson, John Moss, Robert Leggett, Phil Burton, Ronald Dellums, Fortney Stark. Donald Edwards, Jerome, Waldie, B. F. Sisk, Pete McCloskey, Chet Holifield, Augustus Hawkins, James Corman, Charles Wiggins, Tom Rees, Alphonzo Bell, George Danielson, Edward Roybal, Charles Wilson, Richard Hanna, Glenn Anderson, William Ketchum, George Brown, Jr., and Lionel Van Deerlin.

R. C. BALLARD THRUSTON CHAPTER OF THE SONS OF THE AMERICAN REVOLUTION OPPOSES AID TO NORTH VIETNAM

HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 7, 1973

Mr. MAZZOLI. Mr. Speaker, I would like very much to call to the attention of my colleagues the following resolution regarding proposed U.S. aid to North Vietnam. This resolution was unanimously adopted on February 17, 1973, at the annual meeting of the R. C. Ballard Thruston Chapter of the Sons of the American Revolution at Louisville, Ky. I ask permission to have the resolution reprinted in the Congressional Record.

Louisville, Ky.,
February 17, 1973.

Whereas, news dispatches indicate that the Hanoi Government expects financial help from the United States rehabilitation program for North Vietnam, and

Whereas, such help from the United States would enable North Vietnam to maintain its armed forces in South Vietnam, and

Whereas, the armed aggression of North Vietnam has caused such great sacrifices of blood and treasure by the United States, therefore

Be it resolved, that the R.C. Ballard Thruston Chapter vigorously opposes the contributions of the taxes of United States citizens for such purposes after fourteen years of suffering caused by the Communist Government of North Vietnam.

Colgan Norman,
Chapter President.

"ARTS" PROGRAM FOR SAFER SKIES COMPLETED

HON. JOSEPH E. KARTH

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 7, 1973

Mr. KARTH. Mr. Speaker, I am pleased to note that the automated radar terminal systems (ARTS) which will provide air travelers with increased safety and efficiency has been completed. Especially pleased since the 64 ARTS were ordered by the Federal Aviation Administration from the UNIVAC Defense Systems Division of the Sperry Rand Corporation in Minnesota's Fourth Congressional District. To bring this significant achievement in air traffic control to the attention of our colleagues I place in the Record the Department of Transportation's announcement of the ARTS completion:

DEPARTMENT OF TRANSPORTATION NEWS

Production has been completed on all 64 of the new computerized automated radar terminal systems (ARTS III) ordered by the Federal Aviation Administration from the UNIVAC Defense Systems Division of the Sperry Rand Corporation, Secretary of Transportation Claude S. Brinegar announced today.

Production of the last ARTS III system was completed on 15 February. This system is scheduled for installation at San Francisco International Airport later this year when construction of a new terminal radar control room is completed.

The closeout of ARTS III production is the second important milestone within a month in FAA's air traffic control automation program. On 13 February, the agency completed Phase One automation of its air route traffic control centers when the Memphis center linked up with the other 19 centers serving the contiguous United States in a nationwide computer network for automatic exchange of flight data.

"I am pleased to find this program moving ahead at such an accelerated pace," Secretary Brinegar said. "I think we must continue to improve efficiency in all our transportation modes if we are to meet the needs of an increasingly mobile America."

FAA Administrator John H. Shaffer said, "ARTS III unquestionably has been one of the most successful technical programs ever undertaken at FAA. The equipment already is in operation at most of our major airports and has yielded significant benefits in terms of our ability to handle increasing traffic demands safely, efficiently and in a more expeditious manner. This is truly remarkable when you consider that only four years has elapsed since the initial contract award to UNIVAC in February 1969."

In the ARTS III system, radar blips are electronically tagged with luminous letters and numbers called alphanumerics. This data tag lessens the air traffic controllers workload, while providing him with continous, positive identification of the various aircraft under his control. The "tag" also displays the actual altitude of the aircraft under control, its ground speed and other pertinent information. In addition, ARTS

III automatically updates each aircraft position from the time the aircraft enters the terminal approach area until final touchdown.

To date, 47 ARTS III systems have been commissioned at the nation's busy airports and three others are in use at FAA training and experimental facilities. The remaining 14 will be commissioned by years end and with 10 of these in operation by 1 July.

The ARTS III hardware is modular, permitting the capacity of the system to be expanded by adding units. Each system contains three basic elements: the data acquisition subsystem, the data processing subsystem and the data entry display subsystem.

The data acquisition subsystem receives signals from beacon transponders in aircraft, sorts them out, converts them into a suitable digital formats and transmits them to the data processing subsystem.

The data processing subsystem correlates the information on beacon targets, tracks them and computes their ground speed and then feeds this information into the data entry and display subsystem.

The data entry and display subsystem generates the alphanumerics and other radar information for presentation on 22-inch bright displays. It also has a keyboard device which permits controllers to communicate with the computer.

With the ARTS III programmable computer base established, there are many potentially beneficial functions which can be added. The system could track radar as well as beacon targets; receive, process and display weather and map data with the use of fully-digitized displays; provide for computer-aided metering and spacing of aircraft; and permit computer-aided collision prediction.

ARTS III is an integral part of FAA's master plan for automating the air traffic control system. Each of 61 airport installations will be linked to the automated system now being implemented at the 20 air route traffic control centers, permitting automatic data transfer between these facilities.

In addition to ARTS III, FAA is proceeding with a program to provide automated air traffic control services at lower activity airports. A contract for development of a prototype "ARTS II" was awarded last June and field evaluation of this unit will begin this month at the Wilkes Barre/Scranton Airport.

THOMAS GARRIQUE MASARYK

HON. ELLA T. GRASSO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 7, 1973

Mrs. GRASSO. Mr. Speaker, March 7 marks the 123d anniversary of the birth of Thomas Garrique Masaryk, a remarkable statesman, scholar, journalist, and philosopher who is recognized as one of the premier figures in the struggle for independence in Czechoslovakia. Masaryk's ideals and dedication of purpose were at the very foundation of the democracy and personal freedom which he helped to establish in modern Czechoslovakia.

The son of a Slovak coachman, Masaryk though firm commitment and hard work, became the distinguished and revered President of Czechoslovakia. His stature as one of the foremost scholars, journalists, and philosophers of his day had an inspiring effect on freedom-loving Czechs. Many of Masaryk's countrymen were influenced by his belief that spiritual, intellectual, and political values stand together as an integral whole. Because he was a commanding statesman, Masaryk, who had helped his country secure independence, was elected President at the age of 68 to serve a 7-year term.

Masaryk's policies embodied his virtues. The goodness, sincerity, and brilliance of this man was reflected in his promises of individual freedom to all Czechoslovakians. Because Masaryk remained faithful to his ideals and promises, the Czechoslovakians were given hope in the creation of a new democratic state.

Thomas Masaryk should be given tribute on this day as a great democratic hero. His dedication to his work and ideals gave the Czechoslovakians faith in themselves and pride in their nation. His legacy of achievement endures, as the spirit, if not the reality of freedom flourishes in Soviet-dominated Czechoslovakia.

A SALUTE TO MR. GORDON R. WILLIAMS, RETIRING EDITOR, READING TIMES

HON. GUS YATRON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 7, 1973

Mr. YATRON. Mr. Speaker, I would like to share with my colleagues the fine accomplishments and achievements of my good friend, Gordon R. Williams of Reading, Pa.

Mr. Williams completed six decades of newspaper work in February when he retired from the Reading Times as editor. Gordon, a native of Scranton, began his career in journalism as an office boy with the Scranton Truth. He later moved to the New York Evening World and then to the New York Herald Tribune, the Pittsburgh Post and the Philadelphia Evening Ledger. He began his 40-year career with the Reading Times in 1933, starting as sports editor, becoming managing editor in 1954, and editor in 1967.

This long and distinguished career is indeed notable. Nevertheless, Mr. Williams is probably best remembered for his 21 years as the editor of the sports desk. As many of you know, I may well be the first Member of Congress who was a prizefighter and I think it is interesting to note that Mr. Williams was one of the first licensed boxing referees in the State of Pennsylvania. He handled the first boxing match sanctioned under the McBride Act.

Accordingly, I have known Gordon for many years stretching back to my high school and college days in and around my hometown of Reading. For these reasons, I would like to congratulate Gordon for his many years of excellent service to the community and to thank him for his wise counsel and warm friendship. Gordon has made an indelible mark upon Reading which will not be forgotten and I would like to extend my best wishes to him for his continued success in retirement. Gordon R. Williams will certainly be remembered in the fine jounralistic tradition of excellence which has personified the long history of the Reading Times.

INTENT OF AMENDMENT HAS NOT BEEN SERVED

HON. LAWRENCE J. HOGAN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 7, 1973

Mr. HOGAN. Mr. Speaker, A. James Golato, past president of the Prince Georges County Maryland School Board, recently testified before the Maryland Senate on busing. Because of cogency of his remarks, I inserted them in the RECORD:

INTENT OF AMENDMENT HAS NOT BEEN SERVED

(By A. James Golato)

Mr. Chairman, and Honorable Members of the Maryland State Senate: A 1954 Federal Court decision mercifully removed skin color as a factor in determining where children go to school.

The recent Federal Court decision restores color as a factor—with a vengeance—in Prince George's County.

That 1954 decision held that Lynda Brown could not be kept out of her neighborhood school because of her color.

The recent decision deliberately keeps children out of their neighborhood schools in Prince George's County because of their color.

These contradictory decisions, apparently using different standards for different color, raise some fundamental questions about participatory and publicly responsive government. Not the least of these questions is the uncontrolled policy-making power assumed by the publicly unaccountable Federal judiciary, through the process of interpreting Supreme Court decisions more and more narrowly with each new case.

The judges hold that school integration is required by the 14th Amendment to the Constitution, as it was intended by its framers and ratifiers.

That is ridiculous. The same Congress that approved the 14th Amendment provided for segregated schools in the District of Columbia.

The obvious intention of that Constitutional Amendment was not to require integration, but to prevent discrimination by state action.

The court's recent breath-taking decision to reorder the lives of thousands of Maryland residents, is another development which will unfortunately further erode the already low public confidence in the judicial system of this country—and even in the democratic processes of government.

The decision appears to make a travesty of a written Constitution and changes government by the consent of the people to one by judicial decree.

As State Senators still committed to responsive government—and accountable to your constituents—I urge you to do something to "clip the wings of these high-flying Federal judges."

I urge you to do two things:

1. Pass a resolution asking the Congress of the U.S. to pass legislation to restrict the jurisdiction of Federal courts from ordering mandatory transfer of Students in order to achieve a racial balance or quota; and

2. Initiate procedures for a Constitutional Amendment or Convention which will simply prohibit the assignment of students to any public school on the basis of race, color or creed.

You must do something to stop the destruction of our public school system especially in Prince George's, where the recent draconian decision also threatens the County's social and economic development.

THE OTHER SIDE OF THE STORY

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 7, 1973

Mr. ASHBROOK. Mr. Speaker, on December 19 of last year the National Broadcasting Co. ran a TV news special entitled "What Price Health?" which, according to the president of the Ohio State Medical Association, left much to be desired in the way of accuracy. Dr. William R. Schultz of Wooster, Ohio, called my attention to his protest to Mr. Julian Goodman, president of NBC, in a letter dated January 26, 1973. In his letter Dr. Schultz stated, in part:

This was a deliberate, planned distortion and misrepresentation of the medical and health care picture in the United States today. It was a tremendous disservice to my profession, to the health care industry, to the voluntary and private insurance industry, to existing government medical care programs, and, above all, to the people.

In order that the other side of the story might be better known I insert at this point the two letters by Dr. Schultz addressed to Mr. Goodman of NBC and myself:

OHIO STATE MEDICAL ASSOCIATION,
Columbus, Ohio, January 30, 1973.
Congressman JOHN M. ASHBROOK,
House Office Building,
Washington, D.C.

DEAR JOHN: Enclosed for your information is a letter I have sent to the President of the National Broadcasting Company in protest of an NBC-TV program of December 19, 1972.

Because of the serious misrepresentations in that telecast, and because of the current Congressional concern over broadcasting practices, I hope you will read my letter very carefully.

If you would like any additional information, I will be happy to respond wherever and whenever possible.

I particularly want to call to your attention the fact that the little girl in Cleveland (referred to in my letter to NBC) was eligible for full assistance under two different programs established by the United States Congress, had her father's private health insurance not provided full coverage. This fact never was mentioned or even as much as hinted in the NBC program. Also, there was no mention that her father's insurance paid in full for the medical services and facilities.

The broadcast industry in general and NBC in particular could perform a great public sevice by informing the public of those government programs available to help those Americans who need help. In this case, NBC apparently preferred to practice "blindfold broadcasting."

NBC could perform an even greater service by concerning itself more with accuracy rather than sensationalism. The entire broadcast industry has that responsibility to the people and to the Congress.

Sincerely,
WILLIAM R. SCHULTZ, M.D.,
President, Ohio State Medical Association.

OHIO STATE MEDICAL ASSOCIATION,
Columbus, Ohio, January 26, 1973.
Mr. JULIAN GOODMAN,
President, National Broadcasting Co., New York, N.Y.

DEAR MR. GOODMAN: The Ohio State Medical Association would appreciate NBC's support of the Broadcast Security Act, which will be proposed as federal legislation to assure broadcast accuracy, quality, scope and public participation by setting up a federal program administered by the Federal Communications Commission.

Under this program, a Federal Radio and Television Institute would be established to fix standards, guidelines and regulations to govern all programs of the broadcasting industry.

Radio and television in most other nations enjoy the benefit of government control and/or government ownership in order that government policies and programs be accurately presented to the people. For their own good, the people are enabled to see news casts and documentaries that are fashioned, directed and aired under direct government control. It is the purpose of our legislation to bring the benefits of all this government largesse to the poor, backward citizens of the United States.

Of course, this national institute will be made up of a majority of consumers. In order for the broadcast industry to be fully represented, each network will submit to the Chairman of the FCC the names of six vice presidents, from which he would select one for appointment to the Commission.

Since the costs of television and radio advertising have increased in recent years at a rate in excess of the cost-of-living index, there will be levied a tax on all radio and television networks, all radio and television stations and all radio and television receivers.

There will be no advertising. Funds from the tax would be apportioned to the various networks and stations on a quarterly basis, with the amount determined by an efficiency rating system promulgated by the Institute.

All officers and employees, all newscasters, entertainers, commentators, writers, producers and directors, etc., will be placed on salary scales fixed by the Institute.

All of this would be carried out on a nonprofit basis.

To paraphrase Senator Edward M. Kennedy, we in the United States have progressed far beyond the point where obtaining radio and television broadcast services, information and entertainment can be left as a matter of survival of the fittest. Caveat emptor, a wise admonition in dealing with the practices of many radio and television interests, can no longer be tolerated as an operating principle in obtaining protection from the broadcast industry. Such a principle is not in the national interest.

This proposed Broadcast Security Act would protect the American people from inaccuracy, misrepresentation, poor performance, callousness and excess profits in the broadcast industry by establishing a government-controlled, efficiently functioning broadcast system that would benefit all the people while controlling excessive and highly escalating costs.

What I have done so far, Mr. Goodman, is apply the same misrepresentation, emotionalism and downright inaccuracy to the broadcast industry as your network applied to my profession December 19, 1972.

I am referring to the NBC special entitled "What Price Health?"

This was a deliberate, planned distortion and misrepresentation of the medical and health care picture in the United States today. It was a tremendous disservice to my profession, to the health care industry, to the voluntary and private insurance industry, to existing government medical care programs and, above all, to the people.

For example, consider the gross misrepresentation of the Kurstin Knapp case in Cleveland as presented by NBC. This was depicted as being a cold, cruel, and inhuman treatment of a little girl whose life is not as important as money.

The true facts, Mr. Goodman, the true facts are that this little girl's problem was recognized immediately after her birth, her case was referred to an excellent pediatrician and a specialist in cardiovascular diseases was involved.

The child was too young for the very serious surgery she required, so she was watched very carefully until she was old enough for an operation.

Further, although her father had been laid off at his place of employment, he was recalled to work with his medical and hospital insurance in full effect at the time of surgery on the child last November 8 by a widely recognized thoracic surgeon.

Even if there had been no private insurance, this child would have qualified for full assistance under the Ohio Crippled Children Program. Also, she would have qualified under the Aid to Dependent Children of the Unemployed. This child, regardless of her father's employment or unemployment, received the finest medical attention.

We produced all this accurate information regarding Kurstin Knapp in a matter of a few hours. A college journalism freshman could have done the same thing. Instead of producing accuracy, "What Price Health?" produced a travesty. And this is not the first time NBC health care "specials" have grossly and deliberately misrepresented the American health care picture.

Well-informed radio audiences and television viewers are concerned today with threats, some real and some implied, of a federal radio-TV take-over. I am one of these because I feel free expression is so essential to both the individual and the collective liberties of all Americans.

However, when the public is confronted with such inaccuracies, misrepresentations and diatribes as "What Price Health?" et al, one can not help but see an erosion of public support of your industry's right of selfdetermination. Why? The right of self-determination carries with it a moral and social responsibility that requires honesty and accuracy. If the broadcast industry destroys the confidence of its audiences—the people—then the destruction of your independence is only a matter of time.

And, speaking of destruction of independence, let us consider the legislation so highly touted as the great panacea for all health problems. Why does NBC, by airing such distortions as "What Price Health?" want to impose upon the American people the Kennedy plan—a national health care dictatorship?

That plan permits only a single source of payment—the federal government—for all providers of health care services and facilities. Does NBC equally advocate that all the radio and television be similarly controlled by the federal government?

Why does NBC advocate for the medical profession federal controls when federal controls are totally repugnant to the broadcast industry?

Why does NBC advocate legislation that would completely destroy one of the nation's major industries—the voluntary and private health insurance industry? If these policies are so terrible, why does the broadcast industry accept dollars to air health insurance advertisements?

Why does NBC advocate destroying the nation's pharmaceutical industry? The Kennedy plan would do that.

Why does NBC advocate destroying the private, independent practice of medicine, particularly solo practitioners, partnerships and small group practices? The Kennedy plan would accomplish that.

Why does NBC advocate a totalitarian health care program that could cost the American family triple its present annual health care expenses? The Kennedy plan would do that.

Why does NBC so consistently support the Kennedy plan that proposes to take an additional $38.5 billions from general revenues that already suffer an annual deficit of more than $25 billions? The Kennedy plan would do that.

Why does NBC not investigate why the estimated costs of the Kennedy plan are four to six greater than costs of other legislative proposals?

The United Nations Demographic Yearbook warns emphatically: "Lack of international comparability between area statistics arises primarily from differences in definition." Why does NBC wrongfully continue to cite false comparisons of United States health statistics with other nations in face of this strict international warning?

NBC most certainly would fight socialization of its industry. Why, then, does NBC so strongly advocate the Kennedy Plan, which is socialized medicine? "Socialized Medicine (is) any of various systems to provide the entire population with complete medical care through government subsidization of medical and health services, general regulation of those services, etc." (Random House Dictionary of the English Language, 1966 unabridged).

Why doesn't NBC interview for a "special" Dr. Robert Myers, who is one of the world's foremost authorities on social insurance and who resigned as Chief Actuary of the Social Security Administration rather than permit himself to be muzzled by advocates of Kennedy-type legislation?

I recommend Mr. Goodman, that you read carefully Dr. Myers' book, *Medicare*, published by the McCahan Foundation, and *The Case for American Medicine; A Realistic Look at Our Health Care System*, by Harry Schwartz of *The New York Times*, David McKay Co., publisher. Also, please read *Hazardous to Your Health*, by Marvin Edwards, Arlington House, publisher.

I have studied thoroughly the American Medical Association's letter addressed to you January 10, 1973. I endorse and support that letter whole-heartedly.

To repeat for emphasis, if the broadcast industry destroys the confidence of its audiences—the people—then the destruction of your independence is only a matter of time.

Sincerely,

WILLIAM R. SCHULTZ, M.D.,
President Ohio State Medical Association.

JAMES A. FARLEY: OPTIMISTIC ABOUT 1973

HON. WILLIAM R. ROY

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 7, 1973

Mr. ROY. Mr. Speaker, James A. Farley has a distinguished record of service in politics and business widely recognized not only in this body, but across America. With his strong and warm personality, Jim Farley continues to be an influential voice in the Nation.

An editorial in the Omaha World Herald on January 8, 1973, praised Mr. Farley as an "incurable optimist" in a world which needs optimism. I agree and wish at this time to call this editorial to the attention of my colleagues in the House of Representatives.

Mr. Speaker, following is the text of the editorial:

OPTIMISTIC FARLEY

James A. Farley has been around a long time and at 84 he should be a relic of the Roosevelt administration, long since retired from political and business life.

But he isn't retired. He remains the board chairman of two companies, the president of another and a director of several.

He keeps up an incredible correspondence—answering 3,000 Christmas cards personally, some of them from current prime ministers, international businessmen and just plain folks.

Columnist Ernest Cuneo talked to him recently and found him the incurable optimist he has always been. Said Farley:

"The outlook for 1973 is the most optimistic in some years. I gather this from the unusual buoyancy in these cards. People are not only sure that this will be a good year, but there's a resiliency of faith, of planning ahead based on continued international understanding and ensuing trade."

He said there seems to be a dawning realization that hating one's neighbor is no way to pursue life, liberty and happiness. And while this isn't a world where "all will love and let love, live and let live, it is a lot better than a world of hate and let down."

An optimist, surely. Maybe Jim Farley overdoes it. But it's worth more than a passing thought that this lively man who refuses to grow old sees this as a good year in a world which is getting better.

SUPPORT FOR THE OLDER AMERICANS ACT AMENDMENTS

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 7, 1973

Mr. WALDIE. Mr. Speaker, we are approaching another phase in the continuing battle with the administration over budgetary priorities. The House will again consider today the Older Americans Comprehensive Services Act which was vetoed by the President last year as being inflationary.

The Education and Labor Committee, since that time, has worked to trim this important legislation to the bare minimum in financial authorization, while still affording badly needed services to the aged.

The aged in America have seen, if only through the President's one example of vetoing the social security increase last year, where the present administration's priorities lie with regard to the real needs of the American people.

We must not permit the direction of governmental policy to lead away from this group of people who have contributed so very much to our society. The momentum of programs which were begun with the passage of the Older Americans Act in 1965 must not be allowed to falter through lack of funding. But more importantly, the commitment that was expressed in 1965 should not be allowed to waver, for the findings of Congress then—that millions of older Americans in the Nation are suffering unnecessary harm from the lack of adequate services—is still true today.

I, therefore, urge all my colleagues to give their full support to this bill.

E. K. GAYLORD OBSERVES 100TH BIRTHDAY

HON. TOM STEED

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 7, 1973

Mr. STEED. Mr. Speaker, Monday marked the 100th birthday of one of the most remarkable figures in the history of the State of Oklahoma and of American journalism—E. K. Gaylord, president of the Oklahoma Publishing Co.

Associated with the Daily Oklahoman for more than 70 of those 100 years, Mr. Gaylord is the dean of American editors and publishers. When he and two others bought a 45-percent interest in the struggling Daily Oklahoman in 1903, Oklahoma City was 14 years old and boasted a population of somewhat more than 10,000.

Since then, for seven decades, Mr. Gaylord has taken an unceasing role in promotion of the city and the State. He has seen the Oklahoma City metropolitan area mushroom to its 1970 population of more than 640,000. Twice during those decades he has spearheaded campaigns setting population goals that seemed impossible to many when first mentioned, but have long since been left far behind. And he is still looking ahead. Recently he has said that 800,000 would be a "fairly easy goal for 1980. Instead of being short, we might have some surplus."

Seldom has one man held a responsible position in a community through such a gigantic period of change.

Mr. Gaylord has always drawn cannily on many sources of information. A native of Kansas who grew up in Colorado, his interest in Oklahoma was first roused when he read a statement by Mayor Carter Harrison of Chicago pointing to the great potential of the area. In following up on this lead, he tells us of having consulted such diverse persons as a traveling salesman who had covered the area and the cashier of an Oklahoma City bank. All their information was assimilated.

He has always known that a society is measured by more than just material growth. When he first looked over Oklahoma City he tells us:

> My first objective was to look in all the retail store windows and see what kind of merchandise is for sale, because you can size up the kind of people by the class of merchandise they purchase.
>
> Most of the stores showed an average, good type of merchandise for a frontier town, and I was surprised to find a music store, offering several Kimball pianos and one Steinway. This convinced me that there were people of refinement and education among the early settlers.

He returned to this theme in a speech to the Oklahoma Heritage Foundation last year, when he concluded:

> Population, however, is not our major goal. The quality of citizenship, the facilities and opportunities for education and culture should be and are our primary goals. Oklahoma City can be proud of its schools and churches and colleges and universities, its Art Center, Symphony, its Cowboy Hall of Fame, its Mummers theater, its Frontiers of Science, its zoo and Planetarium and scores

of other organizations and institutions which upgrade the quality of life in Oklahoma. I have confidence that the booster spirit still lives and that the people of Oklahoma City will continue to embrace these goals.

It is impossible in a brief space to set forth the career of a newspaperman still active who gained one of his first scoops in Oklahoma journalism in an extra on the outbreak of the Russo-Japanese war in 1904.

The brief biography that follows gives a few highlights of the monumental impact of E. K. Gaylord in Oklahoma journalism:

E. K. GAYLORD—BRIEF BIOGRAPHY

Edward King Gaylord was born March 5, 1873, on a farm near Muscotah, Kansas, son of George Lewis Gaylord and Eunice M. Edwards Gaylord. In 1879, the family moved west, living first in Denver and later settling in Grand Junction, Colo. Between the ages of 11 and 15, Gaylord picked strawberries for a truck farmer and worked in a second hand store. In 1891, with $17 in his pocket, he entered Colorado College in Colorado Springs. He was business manager and later, also, editor of the college newspaper.

In his junior year, he and a brother, Lewis, bought the controlling interest in the Colorado Springs Telegraph. Gaylord studied law at night and later was chief deputy court clerk in Cripple Creek, Colo. He was advertising salesman and an editorial writer for the Telegraph before the brothers sold their interest in it. Lewis Gaylord next invested in a St. Joseph, Mo., paper and Edward was its business manager.

In 1902, Edward Gaylord went to Oklahoma City, Oklahoma Territory. On Feb. 6, 1903, he and two others bought 45 percent of the stock in The Daily Oklahoman, then eight years old, and they formed the Oklahoma Publishing Co. Gaylord was business manager. In 1906, Gaylord bought property at NW 4 and Broadway where the present newspaper plant stands.

Gaylord was a leader in drives for Oklahoma statehood and to locate the capitol in Oklahoma City.

In 1911, he started a farm paper, known then as the Oklahoma Farmer-Stockman. It now is The Farmer-Stockman and also publishes editions for Kansas and Texas. The publication was sold in 1972 to a group of its employees.

On Dec. 29, 1914, Gaylord married Miss Inez Kinney, Bellaire, Ohio, a national YWCA secretary.

In 1915, Gaylord was elected president of the Oklahoma City Chamber of Commerce. He has served as a director of it since that time.

In 1916, the Oklahoma Publishing Co. bought the Oklahoma City Times at a sheriff's auction for $30,000. Gaylord became president of the Oklahoma Publishing Co. in 1918 and continues as president and general manager as well as editor and publisher of The Daily Oklahoman and Oklahoma City Times.

In 1928, Gaylord purchased radio station WKY in Oklahoma City. The company now also owns WKY-TV in Oklahoma City and other television stations in Houston, Tampa, Fla.; the Fort Worth-Dallas area and Milwaukee. Other divisions of the company include Oklahoma Graphics, a quality offset printing house; National Packaging, makers of printed cellophane and polyethelene packaging; and Publishers Petroleum, an oil and gas development firm.

In 1931, Gaylord formed Mistletoe Express, an express trucking service in Oklahoma, Texas, Kansas, Missouri and Arkansas.

Gaylord has been president of the Southern Newspaper Publishers Association; director of the Associated Press; and was an organizer of the Frontiers of Science Foundation of Oklahoma, Inc. He has fostered every major civic enterprise in Oklahoma City and the state personally and/or through his newspapers since 1903. In 1963, the newspapers began operating from a new $3 million plant adjacent to the old building at NW 4 and Broadway.

Gaylord and his wife live in Oklahoma City. There are three children: Edward L. Gaylord, Mrs. Ralph Neely and Mrs. Edith Gaylord Harper, all of Oklahoma City, nine grandchildren, and one great grandchild.

Fifty years ago I had just joined the Daily Oklahoman as a cub reporter. On two subsequent occasions I again was a member of Mr. Gaylord's staff and have steadily observed his sustained achievements. I salute him on this anniversary.

SOCIAL SECURITY WORK PENALTIES

HON. ROBERT F. DRINAN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 7, 1973

Mr. DRINAN. Mr. Speaker, for many years the Members of Congress have been troubled with injustices resulting from the limitation on earned income by the recipients of social security benefits if they happen to be in the age group of 62 to 72.

A recommendation for the total abolition of these limitations has now come from the Commissioner of the U.S. Administration on Aging, Mr. John B. Martin.

Mr. Martin says categorically that—

> I think the time is coming and should come when the retirement test will be completely eliminated.

For the benefit of my colleagues I insert in the RECORD Mr. Martin's article taken from the Washington Post of Wednesday, March 7, 1973:

SOCIAL SECURITY WORK PENALTIES

(By John B. Martin)

The retirement test under the Social Security Act which determines how much one can earn without loss of benefits has been liberalized by the passage of H.R. 1 in the closing days of the 92d Congress.

The amount that a beneficiary under age 72 may earn in a year and still be paid full Social Security benefits for the year was increased from $1,600 to $2,100. Under the earlier law, benefits were reduced by $1 for each $1 of earnings above $2,880. The new legislation would provide for a $1 reduction for each 2 of all earnings above $2,100. There would be no $1 for $1 reduction as under the earlier law. Beyond age 72 earnings would not affect benefits.

Most social security beneficiaries regard social security benefits as an outright pension. Regarded in this way as an annuity, there is felt to be no excuse for reducing payments if the beneficiary receives earnings. The fact is that the original concept of Social Security was a form of insurance against loss of earnings. Consequently, benefits are never reduced because of investment income. Thus one may have income from stocks and bonds of $20,000 and receive full Social Security benefits, whereas a beneficiary between 65 and 72 is penalized by loss of benefits if he or she earns more than $2,100 as stated above.

As U.S. commissioner on aging I have heard complaints from older Americans about this treatment more often than any other complaint. "Why", they say "should John Smith, who does no work, be allowed to keep all his Social Security benefits, though he is in the $30,000 income bracket, when I, who live on a modest Social Security income, am made to suffer because I am willing and able to work to supplement my much more limited income?"

I sympathize with this complaint. In the American ethic to be willing to work to support oneself and one's family has always been regarded as commendable. To be idle, living on some one else's effort has been regarded with suspicion or at least with a jaundiced eye. The reason is that we feel instinctively that it is wrong to create a negative incentive for those in society who are able to and want to work and thus to make a productive contribution to the nation's welfare. We feel this the more because most people who are healthy and active have a need to feel useful and wanted. Tests have shown that in our culture at least this feeling of being useful is met most effectively by doing productive work for which one is paid.

The fact is that our present law is a compromise which reflects both the theory that Social Security is insurance against loss of earnings requiring a deduction from benefits when earnings occur on the one hand and our instinctive feeling on the other that we should encourage and not discourage the desire to work and be productive. Thus we do permit some earnings without penalty or, to put it conversely, we do not penalize for all earnings. Furthermore, we do concede that at 72 we should provide no penalty for any earnings but should encourage as much self-support as possible.

The truth is that our unwillingness to go the whole way in recognizing that Social Security benefits are in fact a pension in the nature of an annuity and not subject to deduction for earnings is due to two factors—cost and the desire of many groups to remove the oldest part of the work force to make way for younger workers. The latter reason goes back to the depression days of the 1930s when Social Security was enacted in part to enable older workers to get out of the labor market. In my view this is still a motivating force in some arguments for retention of the retirement test. Cost is another matter. The recent liberalization of the retirement test is estimated to cost the system $865 million in additional benefits during 1974. It has been said that removal of the test entirely before the most recent change would have cost in added benefits about $3 billion.

I think the time is coming and should come when the retirement test will be completely eliminated. Traveling in the Soviet Union during the past summer I noted that the Russians retire men at 60 and women at 55 but encourage all retirees, so far as health permits, to get back into the labor force where they keep all of their pensions. Thus the Russians emphasize maximum productivity and meet the essential "need to be needed" feeling of retirees.

It may be argued that our situation in the United States is different in that there may be a lack of jobs to employ such retirees. The fact is that there may be a lack of jobs in private industry at wages which industry can afford to pay. But there is no lack of important jobs that need to be done in the field of public service. These are jobs which older persons may be fully competent to perform. Needed is machinery to link jobs with applicants and money to pay for performance. I predict that the time will come when every man or woman who wants to work will have the opportunity and will be paid for doing so.

WEST'S STEEL MILLS PLAN FIGHT ON IMPORTS

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 7, 1973

Mr. BROWN of California. Mr. Speaker, last week my distinguished colleague from the district adjacent to mine (Mr. PETTIS) and I distributed a letter and some supporting material to those of our colleagues who represent districts in the Far West. The letter dealt with a problem which we are both concerned about; namely, the increasing share of the western steel market controlled by foreign manufacturers, with a resulting loss of jobs among employees of domestic steel suppliers on the west coast.

In an article appearing on February 25, Mr. Jack Miller, business editor of the San Francisco Examiner & Chronicle, described this problem in a concise, easy-to-understand manner. So that those who may have missed this article may better understand this problem, I hereby enter the article in the RECORD:

West's Steel Mills Plan Fight on Imports

(By Jack Miller)

Do you insist on American made nails to fix your fence? Or house gutters or water pipe made of galvanized material from the U.S.A.?

If you do, your shopping job may be bigger than your repair job. For it isn't easy to find these—and a variety of other building products—made of steel that is not produced in a foreign mill.

Imported steel has deluged the Western market to such an extent that half or more of the entire demand for some products now is supplied from outside the country.

"It would take hard searching to buy a pound of American made nails in the Bay Area or anywhere else on the West Coast," a San Francisco steel executive told The Examiner.

"Half of all the galvanized sheets sold in the West are foreign," he added. These are used in a variety of building materials such as gutters, heating ducts and culverts.

Foreign mills also have gobbled up half or more of the market for hot and cold rolled sheets. These are used to make things like water heaters, farm equipment, locks, tools and instruments.

Foreign competition has had the West Coast steel industry howling for years. The pain has been especially excruciating because this region gets more than its share of this competition.

But the cries of misery hit a new crescendo this year as foreign mills poured a record tonnage of steel into the U.S. It cut still deeper into the Western market.

The result: While the industry nationally lost 16 percent of its business to foreign mills, the Western region got clobbered for a 36 percent loss in its market.

In other words, although the West uses only 9 percent of all the steel consumed in the nation, it is being flooded with about 20 percent of the imports coming into the country.

Price always has been the weapon that won business for foreign mills in the U.S. They now undersell by 7 to 14 percent, depending on the product. But the competition has become more rugged in recent years as foreign mills improved quality and service.

Each of the "Big-3" on the West Coast—Kaiser Steel, Bethlehem and U.S. Steel—is feeling the pain.

But Kaiser and a dozen or so smaller mills, stretching from Los Angeles to Portland, are hit hardest since they have to share a bigger piece of a small pie.

"For companies such as Bethlehem and U.S. Steel, imports are only 16 percent of their problem since they sell nationally. For us, it's 36 percent of our market. So we find it twice as severe," a Kaiser spokesman said.

Some of the smaller firms are announcing layoffs which they blame on foreign competition. Pacific States Steel, Union City, is laying off 250 men. Cascade Steel Rolling Mills, Oregon, is cutting its work force by 60 and Northwest Steel Rolling Mills, Seattle, is laying off 70.

Jack J. Carlson, president of Kaiser, has written the State Department in his quest for relief from the "staggering impact" of imports.

Warning "the vitality of the domestic steel industry in the West will be severely damaged if the trend continues," Carlson declared:

"The excessive flood of imports has cost the West thousands of jobs and hundreds of millions in the last two years."

Kaiser Steel, which suffered almost a $9 million loss last year, this week plans to launch a hard hitting campaign to inform "key senators, congressmen and other officials in Washington" about the problem.

The big thrust will be to step up the voluntary restraint program (whereby countries agree to hold down exports) so the West's share of the nation's total steel imports "is commensurate with its 9 percent share of the total U.S. market."

The industry in the West also has formed "The Labor-Management Committee for Fair Foreign Competition" to fight the battle in Washington.

A contingent of the group made the rounds in the nation's capital several weeks ago. They talked to White House aides, people in the State and Commerce departments and Western congressmen, Robert G. Free, executive secretary of the committee, said.

Their complaint went beyond imports. They also protested the huge shipments of scrap off the West Coast which, they claim, have driven up the price of this raw material 60 percent in the last six months.

Thus, the committee argued, Western mills get it coming and going. They are whiplashed by the additional price advantage for the foreign competitor which ships the same scrap back as a finished product.

But if the Labor-Management Committee gets what it wants—a lid on scrap exports to hold down prices—then there will be a new howl from another group.

That is, the exporters in the Bay Area whose survival depends on the foreign steel competitors' scrap purchases.

THE 55TH ANNIVERSARY OF BYELORUSSIAN INDEPENDENCE

HON. DOMINICK V. DANIELS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 1973

Mr. DOMINICK V. DANIELS. Mr. Speaker, March 25, 1973, marks the 55th anniversary of Byelorussian independence. The Byelorussian Soviet Republic of today is not an independent state; it only possesses some external trappings of independence, such as its membership in the United Nations. Such normal functions of a sovereign state as relations with other states are not only strictly controlled by Moscow, but on the diplomatic level do not exist.

On March 25, 1918, the highest aspirations of the Byelorussian people for a free and independent life were fulfilled. During the past half century, the Soviet regime has deliberately and persistently tried to erode Byelorussian traditions, culture, education, and self-identity.

March 25, 1973, is a symbol of a dynamic spiritual force for Byelorussian independence which unites all Byelorussians wherever they may be. The fight for Byelorussian independence is also a fight for the emergence of all captive nations, which is a necessary prerequisite for the establishment of a lasting peace in the world.

A. D. LUSTER: COLONEL SANDERS OF THE CATFISH WORLD

HON. BILL ALEXANDER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 7, 1973

Mr. ALEXANDER. Mr. Speaker, in the First District of Arkansas, a little enterprise and a lot of hard work can take a man a long way. And if you add 4 pounds of catfish to the enterprise and work, you can go even farther. At this point, I would like to share with my colleagues the success story of Mr. A. D. Luster, who is fast on his way to becoming to catfish what Colonel Sanders is to chicken:

[From the Poplar Bluff (Mo.) Daily American Republic]

And It All Started With Just 4 Pounds of Catfish

(By Stan Berry)

(EDITOR'S NOTE: I have known A. D. Luster since he opened his first restaurant at Jonesboro, Ark. in 1968. I was a junior at Arkansas State University at the time, and A. D.'s restaurant was located only about 20 yards from the mobile home in which I was living. Some of this article might seem a little far-fetched, but I know the events related below to be true, because I was involved in most of them.)

Rockefeller made his millions in oil, Vanderbilt in railroads, Carnegie in steel and A. D. Luster in catfish.

Catfish!

Yes, catfish. Well, he's not quite a millionaire yet, but according to his accountant A. D. Luster, who owns A's Fish House here and other catfish eateries by the same name, is worth around half a million dollars.

Having known A. D. for four years, it's hard for this reporter to believe his meteoric success story.

A. D. opened his first resturant in Jonesboro, Ark., in Oct. 1968. There was no grand opening and the newspapers carried no announcements about the establishment of a new catfish diner.

The reason: A. D. was broke.

During the course of three years, he had managed to lose $25,000 while operating a combination amusement park-recreation area at Paragould, Ark.

It seemed the only thing A. D. made money on during his amusement park venture was a small stand which sold fried catfish.

When it became apparent he could no longer afford to operate his ill-fated amusement park, A. D. decided to take his one money-making operation and expand upon it.

The catfish stand moved from Paragould to A. D.'s hometown at Jonesboro, where the fledgling catfish king had rented a building to open his first restaurant.

At the time, this reporter was attending journalism school at Arkansas State University. The mobile home in which I was living was next door to the building in which A. D. was to launch his catfish career.

Webster must have had A. D.'s first restaurant in mind when he defined the word "dump."

The building, which had formerly been a hamburger stand, was horribly run down, a fact which was to aid the new occupant. In lieu of paying the first month's rent on the building, the moneyless A. D. offered to clean the place himself. The owner accepted. The job took A. D. six weeks.

As wild as it may seem, the first day A. D. opened his door for business, he was equipped with $4.28, 10 lbs. of catfish, 50 lbs. of lard, a few pounds of hamburger, a package of buns, a head of lettuce and other condiments. For furnishings he had four tables with four chairs for each, two cookers and an ice box he had salvaged from his catfish stand at the amusement park.

As the catfish and other items were sold, A. D. would take the sales money and get this reporter or a neighbor to rush to any of the nearby grocery stores to replenish his stock.

It didn't take much of an accountant to figure the first three days take of $8, $12 and $13.

"We could tell when the business started picking up," A. D. Joked, "we had $28 in the cash box."

During the first four months of operation, the restaurant just didn't supply enough money to live on so A. D. started driving a school bus mornings and evenings.

The times were hard.

"At the start," A. D. remembers with a smile, "we used to stay open until 1 a.m. The glass factory changed shifts then and we normally picked up four or five customers for cheeseburgers."

When business was slow, as it was most of the time during the first few months, A. D. would invite this reporter and his college roommate to bring their guitars over, and, with the addition of some of A. D.'s musician friends, the catfish house became the stage for some "good" country and western music.

Should a customer come in he would receive a serenade right at his table. And, normally instead of ordering a catfish dinner, the customer would ask for a quick sandwich to go.

Then came a red letter date in the history of A's first Fish & Fries. Five months after opening, in February, A. D. experienced his first $100 day. The "jam" music sessions stopped. A better supply line was established than the impromptu dashes to the nearest grocery. And, the operation became more businesslike.

Slowly but surely the news had spread that this shoddy-looking restaurant on Hwy. 1 just north of the college campus served good catfish, and all you could eat for a standard price.

Suddenly the converted hamburger joint became a popular restaurant. As many tables as possible were added, but the demand exceeded the capacity, and it was not uncommon to see people standing around the walls waiting for a table.

On many occasions during an extremely busy weekend, A. D. would rush over to this reporter's trailer and press him into service as a "waitress," short order cook or whatever he needed most at the time.

What really struck this reporter as funny was the clientele A. D. was getting. It must have really dumbfounded motorists passing on Hwy. 1 to see the parking lot in front of this dingy restaurant jammed with Cadillacs and other luxury cars.

If the scene on the outside was funny, the scene on the inside was hilarious. Here you could find some of Jonesboro's top businessmen dressed in suits and accompanied by their wives, wearing expensive furs, jammed into tiny booths or being jostled by waitresses as they tried to pass between the crowded tables.

Suddenly A. D. was making money, and lots of it. Probably no one was more surprised about his good fortune than A. D. himself.

Finally the time came when his business demanded that he move into a larger and better building.

This writer watched and helped A. D. move to his new location with a sense of nostalgia. I looked back on the good times we had had knowing they could never be relived; A. D. was becoming a rich man.

One day after his move, A. D. visited this writer's trailer.

"You know," he said, "I'm thinking of branching out. I'd like to try putting a restaurant in another town."

Immediately I suggested Poplar Bluff, extolling all the attributes of this fair city.

A few days later, A.D. paid the author another visit and shocked him by saying, "You find me a place to locate, and I'll put a restaurant in Poplar Bluff.

Well, the writer did and A.D. did. And, according to A.D., "It was a wise move."

Since that time he has made a lot of wise moves. It's almost impossible to believe, considering his meager beginnings, but in November A.D. moved his Jonesboro restaurant into a new building.

There was a lot more fanfare in this grand opening than in the first. The grand opening was attended by Arkansas congressmen, Jonesboro city officials, a local television camera crew and newspaper reporters.

Why? Because A.D.'s new restaurant just happens to be the largest in the State of Arkansas. It comprises 16,000 square feet and can accommodate 1,500 people.

In Sept. 1971, A.D. organized a restaurant franchise. Besides his establishment here, he has A's Fish & Fries restaurants in Trumann, Ark., Paragould, Ark., and is currently setting up a catfish diner in Camden, Ark.

He also owns a mobile catering unit which he set up at the Indianapolis (Ind.) Speedway this past summer to feed Indy 500 race fans.

"I have plans to go nationwide with my franchise," A.D. revealed. "I've been approached by two big companies on the subject. By this time next year, I'd like to have 100 franchises."

Fresh river catfish is what A.D. advertises, and he admits that it is getting harder and harder to obtain the amount of fresh catfish to meet his needs.

"I sell 10 tons of catfish a month," he said. "Right now I have a fish company from Samburg, Tenn., under contract to supply my needs. My other seafood is purchased from various companies in Florida.

When this reporter was attending college, A.D. was just learning to fly an airplane. In fact, my first airplane ride was during one of A.D.'s lessons. Currently he owns two planes, a six-passenger Cherokee and a two-passenger plane, that he uses occasionally to pick up food items for his restaurants when he is in a pinch.

"Whenever A.D. and this reporter get together we always reminisce about the "old days" in that little "dump" on Hwy 1. Normally we are joined by Faye Chambers, who operates the catfish eatery in Poplar Bluff, and was A.D.'s first and only waitress when he opened that first restaurant.

During our conversations, there are always a lot of smiles. After all, who would believe an Arkansas country boy could get rich off a restaurant he started with four lbs. of catfish.

NIXON ADMINISTRATION CUTS FUND FOR FORESTRY RESEARCH

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 7, 1973

Mr. FRASER. Mr. Speaker, next week the House Agriculture Appropriations Subcommittee will hold hearings on funding of programs for fiscal year 1974 under the Cooperative State Research Service of the U.S. Department of Agriculture. The McIntyre-Stennis cooperative forestry research program, along with three other cooperative State research programs, has had its funds severely cut by the administration. It is a paradox to promote Federal revenue sharing and at the same time cut funds to help States in cooperative programs like these.

The cooperative forestry research program was initiated in 1962 under the McIntyre-Stennis Act, Public Law 87–788, by unanimous votes of both the House and the Senate. The statute states its purpose:

> It is recognized that research in forestry is the driving force behind progress in developing and utilizing the resources of the Nation's forest and related rangelands. The production, protection, and utilization of the forest resources depend on strong technological advances and continuing development of the knowledge necessary to increase the efficiency of forestry practices and to extend the benefits that flow from forest and related rangelands. It is recognized that the total forestry research efforts of the several State colleges and universities and of the Federal Government are more fully effective if there is close coordination between such programs, and it is further recognized that forestry schools are especially vital in the training of research workers in forestry.

While funding of the program has been modest, the results achieved have been substantial. In fiscal year 1972 appropriations for the program were at a level of $4,672,000 and had generated some $12 million in matching State funds to support sound forestry research programs at 61 participating institutions throughout the country.

The 92d Congress appropriated $6,444,000 to continue the program in fiscal year 1973. Of this, only $4,944,000 has been released to the States and participating institutions; $1.5 million of the appropriated funds has been impounded. And for fiscal year 1974, the President has proposed to limit the program to a totally inadequate $3,962,000.

For the University of Minnesota College of Forestry, this means a reduction in funding from $123,000 to $93,000. Unless funds are restored to previous levels, the university's sound and productive forestry research program will be curtailed severely, and it will be impossible to continue vital research on forest production and on environmental problems concerning water and wildlife. Dean Frank H. Kaufert of the University of Minnesota College of Forestry states:

> These programs are critical to Minnesota and its future.

At a time when the main thrust of the administration's domestic policy is self-reliance and encouragement of individuals to do more for themselves, it seems the height of folly to reduce the essential research base on which individuals can draw in attempting to help themselves. We have slighted nonmilitary oriented research in the recent past, and we have lost the competitive lead we once had in the world's economy. Let us not further reduce that lead by such shortsighted action as this.

The administration has increased the military budget for fiscal year 1974 by $4 billion. Reinstatement of the McIntyre-Stennis cooperative forestry research program at a realistic level would entail only about one-third the cost of a single F–14 plane.

The Congress must reassert its authority over how our tax money is spent. I urge the House Agriculture Appropriations Subcommittee to restore funds for the McIntyre-Stennis cooperative forestry research program at the fiscal year 1973 level of $6,444,000, in order to enable this essential program to continue as Congress intended it should.

A TRULY BEAUTIFUL PLACE

HON. JOHN W. WYDLER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 7, 1973

Mr. WYDLER. Mr. Speaker, when my father died on February 15, I immediately went to Florida. That day my son had to write a composition for his English class. Chris is 12 years old. The composition was to be entitled "A Truly Beautiful Place," and my son wrote about the place where his grandfather lived and died. The composition follows:

> My grandparents live in Florida. Their house is near a busy city called Bradenton. They live near the beach and on an island called Anna Maria.
>
> Anna Maria is a truly beautiful place. It is a small town with tall, swaying palm trees that dance with every move of the wind. The bay is one one side of the island and the beautiful Gulf of Mexico is sparkling in the sun like diamonds on the other side.
>
> I like to listen at night when I'm in bed to the mighty waves crashing on the rocks. The waves crashing and the crickets letting the neighbors know that everything's peaceful. It reminds me of a masterpiece painting. It is a masterpiece in its own way.
>
> In the day it is warm and the sun is bright and shining. It never rains, much. You can fish or swim and be assured of great fun.
>
> I can remember every morning I got up and had breakfast with my grandfather. Then we would go and get the newspaper and the mail. He was a great man who never gave up and always fought to the end, and won. He died today and it is a great loss to his friends and loved ones. He is a great man and I'm sure he will go to heaven. I will go to Florida again, but it will never be quite the same.

ADDRESS BY SENATOR WALTER F. MONDALE OF MINNESOTA: THE DEMOCRATIC RESPONSE TO PRESIDENT NIXON'S MESSAGE ON HUMAN RESOURCES

HON. JOHN BRADEMAS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 7, 1973

Mr. BRADEMAS. Mr. Speaker, on March 2, 1973, the distinguished senior Senator from Minnesota, the Honorable Walter F. Mondale, delivered a reply on network radio, on behalf of the Democratic leadership of Congress, to President Nixon's recent message on human resources.

I believe that Senator Mondale's address is a powerful and compelling response to the President's statement, and I ask unanimous consent that the Senator's address be included at this point in the Record:

Speech by Walter F. Mondale

Last month President Nixon submitted his budget proposals. Last Saturday, in a nationwide radio address, he defended his proposals for human resources.

The Congressional Democrats have received equal time and I have been asked by the leadership of the Congress to present our response.

There are some things in the President's message which we all agree with, and are proud of. We *have* made important advances in social security, medicare, higher education, human rights, cancer research, reducing hunger and elsewhere.

All of these came about through cooperation between the President and the Democratic Congress.

But most were Democratic initiatives. And some . . . including the 20 percent Social Security increase . . . were initially opposed by the President.

We have often disagreed with the President's proposals; he has often disagreed with ours. But when there has been a will on both sides to work together, programs have been enacted that have benefited all Americans.

This is as it should be.

PRESIDENT HAS CHALLENGED TRADITION OF COOPERATION BETWEEN CONGRESS AND THE EXECUTIVE

But now the President is challenging both our shared commitments . . . and our tradition of cooperation and constitutional government. And he is doing it in a way that is causing confusion and uncertainty across the nation.

This past week, mayors and governors came to the Congress to tell us they don't know where to turn. They know they'll be getting less help next year, but they don't know how much less . . . and the White House won't tell them. Those in the Executive Branch who will talk don't know the answers. And those who know won't talk.

It's ironic that this Administration talks so much about returning power to the local level . . . when they concentrate so much power in a small group of anonymous Presidential aides. The most fundamental decisions affecting the American people are now often beyond the reach of State officials, local officials, and even the Congress.

NIXON BUDGET CALLS FOR CUTBACKS IN SOCIAL PROGRAMS

The President's real message is not in his speech. It is in his budget. Where a government puts its money tells the truth about its commitments.

The President's budget calls for severe cutbacks in our existing investments in decent housing . . . employment . . . education . . . health . . . the poor and the aged . . . the family farmer.

This budget would, among other things, eliminate 180,000 desperately needed jobs . . . end the federal aid for low and moderate income housing . . . slash health research, aid to education, medicare benefits for the aged . . . and abolish practically every effort to strengthen rural America.

While nearly 100 programs to help people would be destroyed, the defense and foreign aid budgets would rise dramatically . . . and not a single tax loophole for the rich would be closed.

The President claims that our investment in human resources is increasing. But these increases are in the social security program, which is separate and self-supporting. They are not inflationary because they are fully funded by the payroll tax. And we have passed most of them over the President's objection.

Aside from social security, this budget is nothing less than a disaster.

Can you imagine recommending that hospital charges for many older Americans under Medicare be doubled?.

Can you imagine cutting job training programs by 29 percent in two years and abolishing public service employment?

Can you imagine reducing aid to our public schools?

That is what this budget does.

UNILATERAL EXECUTIVE ACTIONS TERMINATE OR CUT EXISTING PROGRAMS

And the President has not just *proposed* cutbacks for Congress and the Nation to consider, as Presidents have done in the past. In many cases, he has simply gone ahead on his own . . . often in direct violation of the law. This has caused enormous confusion and uncertainty . . . and created a serious constitutional crisis.

He is impounding . . . without legal authority . . . half the funds for pollution control enacted by the Congress over his veto.

Without consulting Congress, he is destroying the poverty program which he asked the Congress to continue . . . and he signed into law . . . last Fall.

By executive order he has ended virtually all of our housing and rural development programs.

We are not witnessing a policy of restraint. We are witnessing a retreat from our commitment to social and economic justice.

As one major newspaper said recently:

"This is a break with more than forty years of an essentially liberal momentum, supported by the dominant elements in both parties, that has carried this nation forward to a more just and humane society within the framework of enlightened capitalism."

PRESIDENT ABANDONS NATIONAL COMMITMENT TO PEOPLE

It is a call to abandon our national commitment to a better life for ordinary Americans . . . and especially the poor. It is telling us to ignore the difficult problems we've had the courage to face . . . and to forget our efforts to build a more decent America.

Yet this is the time . . . with the war ending . . . to return to our nation's fundamental pursuit of human justice.

It is a time, as John Kennedy said twelve years ago, for Americans to ask "not what your country can do for you—but what you can do for your country."

It is *not* a time, as we heard last month, to ask "What can I do for myself."

As a prominent economist said:

"Instead of restoring self-reliance, President Nixon is putting self-interest on a pedestal. Instead of restoring confidence in government, he is inviting contempt for government in general and Congress in particular. Instead of focusing efforts on a higher quality of life, he is appealing to instincts of crass materialism.

* * * * *

"But somehow," he continued, "a crusade to think small, think simple, and think selfish does not strike me as the best path to either personal salvation or national greatness."

And I agree.

The Administration asks us to forget our commitments to people . . . and to spend the money elsewhere. They propose an increase to $10 billion for military and other foreign aid. They want $8 billion for new Pentagon spending as the war ends. And we're told they may ask for $7½ billion more for the two Vietnams.

PRESIDENT IGNORES WASTE AND SURPLUS IN OTHER AREAS

Yet their budget contains no proposals to close loopholes through which the wealthy escape their fair share of the tax burden. It doesn't deal with cost overruns in military spending. It contains subsidies for executive jets and business lunches.

One commentator said, "This is free enterprise for the ordinary citizen . . . and socialism for the rich."

If a farmer needs disaster relief, he's on his own. But if a major corporation loses money, we're expected to bail it out.

And who pays for all this? The ordinary taxpayer who has no loopholes.

We need to take a tough look at this budget. The American people cannot afford to repeat the deficits of recent years.

I agree that we must look for waste in "every nook and cranny of the bureaucracy." I agree we must "get rid of old programs that have outlived their time, or that have failed."

And I agree with the tests the President proposed last Saturday . . . to get more value out of every tax dollar . . . and to make our delivery system more efficient and less paternal. I don't know anyone in Congress who is opposed to reforming our programs, and making them more effective.

But *every* budget item must meet these tests. Waste, inefficiency and out-moded programs are not found only in agencies that deal with human needs.

Sure we've made mistakes.

Some human programs have not worked. And sometimes we promise too much.

But the answer to overpromising is to tone down the rhetoric. The answer to failure is to find new approaches which will work.

Our country has accomplished a lot. Let's not be misled.

In the last decade alone, 15 million people have been helped out of poverty;

In the last 20 years, the number of young people attending college has doubled.

And let's not forget . . . the comfort Medicare has brought to millions of old people who used to suffer alone and uncared for . . . the hope and the jobs our expanded education programs have provided to thousands of Americans . . . and the opportunities for a fuller life now available to handicapped children and adults throughout this country. And this is not a full list by any means.

The issue is clear. We can continue our commitment to social and economic justice . . . or we can turn away. The President has made his recommendation. His budget comforts the comfortable. But when it comes to helping those in need, it says, "If at first we don't succeed, quit."

We must do better.

Of course, there are limits to what we can afford. And, as everyone in Congress agrees, we must establish a non-inflationary budget ceiling. But we will not forfeit Congressional responsibility to decide how funds are spent within that ceiling. We will not give any President absolute power over how your money is spent.

CONGRESSIONAL ALTERNATIVE TO ADMINISTRATION'S HUMAN RESOURCES PROGRAM

If we take that tough look at every proposed expenditure . . . we can easily save $8–$10 billion in military waste . . . foreign aid . . . tax giveaways . . . and inefficient social programs. Over $3 billion could be raised by simply ending super depreciation breaks for big business. And we could responsibly cut Pentagon waste by $5 billion . . . as we did last year.

I believe we should invest these hard-earned tax dollars wisely . . . in carefully designed programs meeting human needs.

We cannot do everything at once. But we can begin bringing health care within the reach of every American family . . . strengthening our rural and urban communities . . . improving housing opportunities.

And we can begin . . . mounting an effective campaign against crime . . . reducing pollution . . . cutting unemployment . . . improving education . . . and bringing dignity to the sick and the aged.

With these savings we could:

Find public service jobs for 300,000 unemployed Americans.

Double Head Start . . . bringing hope and opportunity to another 500,000 young children.

Prevent the proposed new hospital charges for Medicare . . . and roll back monthly Medicare premiums.

Ease the financial crisis in public education . . . and relieve the growing pressure on the property tax.

Restore disaster aid and housing programs.

Turn the tide against crime by expanding police protection and improving our criminal justice system.

And protect our environment to the fullest extent of the law.

These are the kinds of investments we need. They help people.

We can make them . . . or investments like them . . . and honor our national commitment to human justice.

Or we can accept the Administration's budget . . . and accept its decision to abandon that commitment, begun so many years ago.

FEDERAL GOVERNMENT HAS RESPONSIBILITY TO MEET COMPELLING SOCIAL NEEDS

This is an old debate for Americans. Those who fought against Social Security and rural development in the 1930's . . . or against Medicare and aid to education in the 1960's . . . used the same arguments we're hearing today. "These aren't national problems," they claimed. "We don't know how to solve them. And we cannot afford to try."

My answer is the answer Franklin Roosevelt gave 40 years ago:

"Governments can err," FDR said. "Presidents can make mistakes, but we are told that divine justice weighs the sins of the coldblooded and the sins of the warmhearted on a different scale. Better the occasional faults of a government living in the spirit of charity than the consistent omissions of a government frozen in the ice of its own indifference."

No matter how hard we try, we will make some mistakes. But with your help we can apply the power, the strength, the wisdom and the spirit of our great country to the solution of our problems . . . to meeting the compelling needs of our people.

MRS. WILLIAM FARRELL

HON. LESTER L. WOLFF

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 7, 1973

Mr. WOLFF. Mr. Speaker, I take this opportunity to commend to you a resident of my congressional district, Mrs. William Farrell of Port Washington, who recently was appointed a trustee of the Jones Fund, a Nassau County funding organization established by members of the pioneer Jones family on Long Island to administer the Jones Institute in Hicksville, a home for the indigent.

Mrs. Farrell, a widow, who also is associate editor of a local weekly newspaper, the Port Mail-Reporter, is to be congratulated for her dedication to public services and on her desire to assist those less fortunate. Her untiring efforts on behalf of countless community projects and affairs deserves our recognition.

I recently had the pleasure, too, of attending the wedding of Mrs. Farrell's daughter, Frances, to Paul Jurkowski who also resides within my congressional district. Mrs. Jurkowski, an accomplished musician and singer, is rapidly following in her mother's footsteps by involving herself in numerous worthwhile community endeavors.

FREEDOM FOR LITHUANIA

HON. HAROLD D. DONOHUE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 7, 1973

Mr. DONOHUE. Mr. Speaker, in connection with the 55th anniversary of Lithuanian Declaration of Independence, I am pleased to enclose the resolution unanimously adopted by the Lithuanians of Worcester, Mass., at an assembly in that city of February 18, 1973.

The resolution follows:

RESOLUTION

Lithuanians of Worcester, Massachusetts, assembled at the meeting held in the hall of the Lithuanian Naturalization Club at 67 Vernon Street on February 18, 1973 in commemoration of the fifty-fifth anniversary of the restoration of Lithuania's independence:

"Whereas, Lithuania became a free and independent state by declaration of the Lithuanian Council on the 16th of February, 1918, was defended by the sacrifices of the Lithuanian people in combats during 1919–1920; and the independence of Lithuania was recognized by the international community including Soviet Russia;

"Whereas, Soviet Russia, in violation of the Peace Treaty of 1920, the nonaggression treaty of 1926, and the mutual assistance pact of 1939—attacked Lithuania, occupied it by military force and enslaved her people;

"Whereas, Soviet Russia perpetuates acts of genocide of Lithuanian people by deportations to Siberia and other remote areas, and by physical extermination of about one million Lithuanians; deprived remaining people in the country of their human rights and elementary freedom of speech, press, assembly and religion;

"Whereas, the free world has not recognized the incorporation of Lithuania into the USSR, and legally, Lithuania is an existing state with diplomatic and consular representatives in the United States of America and other nations of Europe and South America; Now therefore, be it

"Resolved, To demand the withdrawal of the Soviet Russian military forces and administrative apparatus from Lithuania and to allow the Lithuanian people to govern themselves;

To request the President of the United States of America, to instruct his delegation at the Conference on European Security and Cooperation in Helsinki, to demand the restoration to the Lithuanian people the free exercise of their sovereign rights in their land;

To ask Senators and Congressmen of the United States for their support of the above requests; and be it further

"Resolved, That copies of this Resolution be forwarded to the President of the United States, Richard M. Nixon; William P. Rogers, Secretary of State; John Alfred Scali, United States Ambassador to the United Nations; Senator, Hon. Edward M. Kennedy; Senator, Hon. Edmund W. Brooke and to our representative, Congressman, Hon. Harold D. Donohue."

Pranas Stanelis,
President, Worcester Area of Lithuanian Organizations.
Antonia M. Wackell,
Secretary.

ANTISEMITIC POLICIES OF THE SOVIET UNION

HON. JOSEPH G. MINISH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 7, 1973

Mr. MINISH. Mr. Speaker, Rabbi Jehiel Orenstein, Congregation Beth El, has kindly sent me an article that is deserving of the attention of all our colleagues and their constituents. The antisemitic policies of the Soviet Government must be of direct concern to all freedom-loving people, and the words of the heroic Soviet Jew quoted in the article are chilling in their portent.

Rabbi Orenstein's article, which appeared in the program for the congregation's Shabbus services of February 16 and in the New York Post and the Newark Star Ledger, follows:

A Note From Your Rabbi

Yesterday my wife Sylvia and Gideon Goren, Principal of the Central Hebrew High School telephoned Russia. I pray to God that the words that passed between them and Mikhail Agorsky may yet save the Soviet Union from a tragic error.

You are all probably familiar with "Judaism Without Embellishment," a vicious, evil, anti-semitic tract published in the Ukraine. The Soviet Government's argument was "What control do we have over these outer districts?" Now, essays and a new novel, "The Promised Land," have been published in Moscow, the heart of the Soviet Union and they are unbelievable in the monstrous barbarity of their base anti-semitism. "We Jews started World War II." "Eichmann was our agent." These incredible statements may do everlasting harm to the Jews of the Soviet Union. Argosky is risking his life by asking that his words be quoted in the American Press. The students of our Central Hebrew High School who paid for this $3.00 per minute phone call with their baby-sitting money have made the greatest investment in their lives.

If we can stop the Soviet Union from stooping to the vicious slanders of our people, we may yet save lives. I'm sending a copy of this statement to our Congressmen, to our Senators and to our President. I believe we have touched a moment of authentic history. Here are the words of Mikhail Agorsky:

"I want to make a statement.

The Moscow magazine *October* has published a strong anti-semitic novel, "The Promised Land," by Koleznikov recently. The massacre of Jews by Nazis are described there as a consequence of a Zionist plot. For example, Eichmann is said to have been a Jewish agent. This novel released Nazis from the responsibility for these massacres. All Soviet press strictly regulated. Such a novel could not be published without an official approval. Just because of this fact the publication of this novel is very alarming. So between the Soviet officials there are those longing to rehabilitate Nazi Germany. I don't feel that the above mentioned approval has been done by public Soviet rulers. I don't think so. Nevertheless, this fact shows very clearly: The powerful circles in Eastern Russia are aspiring to represent the Second World War as a result of a Jewish plot, and to rehabilitate Nazis. The Soviet leadership is likely not to be able to restrain these circles. It is a great potential danger to Soviet Jews. I make a strong protest against this pro Nazi statement in the Soviet press."

Every effort will be made to have these words reach the widest possible readership. Russia cannot be allowed to win over Eastern Germany by sacrificing the Jewish people as their guilt offering. It is ludicrous to blame the Jews for the Nazis. You were the first to know. Those wishing an entire transcript of the telephone conversation can receive them by calling the office, 763-0111.

FIGHT POLLUTION AND CONSERVE NATURAL RESOURCES

HON. FRANK ANNUNZIO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 7, 1973

Mr. ANNUNZIO. Mr. Speaker, early in this session of the 93d Congress I joined in the sponsorship of H.R. 2461, a bill to reduce pollution and the waste of natural resources caused by litter composed of soft drink and beer containers.

This year the United States will manufacture, then throw away, a staggering 45 billion nonreturnable beverage containers. With only 6 percent of the earth's population, the United States currently consumes an estimated 50 percent of the world's natural resources. According to the National Wildlife Federation, our known reserves of aluminum will be depleted in 120 years, lead in 52 years, crude oil and uranium in 30, and natural gas in 15.

It is increasingly evident that we must begin to cut back our consumption, and this bill is a step in that direction.

The benefits of this bill to the consumer are quite clear. Not only would there be a decrease in roadside litter, but our consumer population as a whole would realize a direct savings of $1.5 billion annually.

This problem must also be considered in terms of our Nation's massive and mounting solid waste disposal difficulties. It has been predicted that by 1980, my own City of Chicago will have to transport garbage 300 to 400 miles for disposal sites. Nationally, 48 million tons of waste are annually dumped into ocean waters. Although estimates vary, most experts would agree that about 5 percent of this refuse problem consists of throwaway beverage containers.

In terms of our diminishing energy supply, passage of this legislation is most urgent. According to a study of the beverage industry last year by the University of Illinois, it was calculated that reverting back to a returnable system of beverage containers would reduce the industry's energy consumption by a full 55 percent.

Mr. Speaker, in terms of land usage, litter, decreasing energy supplies, mineral resource depletion, social costs, solid waste costs, and purchase costs, passage of this legislation is vital. This bill will begin to correct the grotesque misapplication of our Nation's social and economic resources.

FORCED REPATRIATION

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 7, 1973

Mr. ASHBROOK. Mr. Speaker, for several years now I have, via the Congressional Record, called attention to the efforts of Julius Epstein, a professor of international law and international relations at Lincoln University in San Francisco, to have released by the Department of the Army the Operation Keelhaul files which document the case of the forced repatriation to the Soviet Union of hundreds of thousands of Russian citizens held by the Allies at the end of World War II. So vehement were the objections of these people to being shipped back to the Soviet Union that some committed suicide rather than be returned. While several objections were offered by the Army as to why the material could not be made public, the only reason now offered for keeping the information classified is that the forced repatriation was a joint British-American venture and that British concurrence is required. To date, British approval has not been obtained. For a second time Mr. Epstein has gone to court to seek release of the files, his initial action being denied certiorari by the U.S. Supreme Court.

It is understandable then why an article in the Sunday Oklahoman of January 28, 1973, was of great interest to me. The article, authored by Jack Taylor, raises the possibility of forced repatriation of North Vietnamese prisoners who might choose to remain in the South if given the option by the recent Vietnam peace agreement. It will be remembered that at the end of the Korean war thousands of Red Chinese soldiers elected not to return to Red China when given the choice which is, of course, in keeping with the Geneva Convention which opposed forced repatriation.

Our policy in Korea and not that after World War II should be the precedent to be followed in the current case of the North Vietnamese.

I include the above-mentioned article in the Record at this point:

Enemy POW's May Be Sent North Against Their Will

(By Jack Taylor)

The United States and South Vietnam apparently plan to repatriate even unwilling enemy prisoners of war under terms of the cease-fire agreement signed Saturday in Paris.

Both the Defense Department and the White House declined comment, although it was acknowledged that in one survey of North Vietnamese POW's most said they did not want to return home.

The cease-fire agreement provides for the simultaneous exchange of prisoners within 60 days and, insofar as is known, makes no allowances for POW's who refuse repatriation.

Asked if that means unwilling POW's will be forcibly returned, Brig. Gen. Daniel James, Jr., deputy assistant secretary of defense for public affairs, acknowledged:

"It sounds like whether you want to go or not we're going to drag you on back and say, 'There you are, fellow'."

The repatriation of prisoners unwilling to return to their home countries would be an apparent violation of the Geneva Conventions of 1949 as previously interpreted by the United Nations and the United States.

The conventions require the release of POW's without delay following the cessation of hostilities. When the issue of forcible repatriation delayed the Korean War for 15 months, the United Nations voted 54-5 with one abstention to enunciate the principle embodied in the conventions that "force shall not be used against the prisoners of war to prevent or effect their return to their homelands."

Asked if honoring those accords would violate the cease-fire agreement, or if the cease-fire agreement violates the Geneva accords, the White House said:

"There are a number of things that remain to be worked out. The White House is not commenting on the substance of the agreement beyond Dr. Kissinger's briefing on the subject the other day . . . in which he was not asked about it."

Gen. James said: "The sensitivity of these negotiations while we've still got this four-party team over there that has to make certain modulations—we're not allowed to comment on it at all. Any spelling out or any speculation or clarification or interpretation of that agreement can only be done by Mr. Kissinger."

Asked about the apparent conflict between the cease-fire agreement and the Geneva Conventions, the assistant defense secretary added: "We're not going to get into that yet. If we start dragging our feet and talking like that, we're going to have a zillion families down on us.

Asked about a survey in May 1971 which showed only 13 of 570 sick and wounded North Vietnamese POWs were willing to return home, Gen. James said:

"Well, that is true. But right now, it would still be in the area of speculation because then we had a shooting war going on and after we sign the agreement, there won't be, so there won't be the kind of dishonor that maybe some of those people felt."

The Sunday Oklahoman asked, by letter in November, what accounting had been made of North Vietnamese POWs to determine how many would refuse repatriation. The letter also asked what plans the Defense Department was making in the event Hanoi refused to repatriate American POWs unless North Vietnamese prisoners were forcibly repatriated.

A month later, a spokesman in Gen. James' office said the Defense Department could not comment because of the Paris negotiations then in progress.

A letter made available to The Sunday Oklahoman showed that five days later, however, Dennis J. Doolin, deputy assistant secretary of defense for international affairs, said: "The United States Government intends to continue to abide by the provisions of this (Geneva) convention."

The letter was written to Julius Epstein of Palo Alto, Calif., a professor of international law and international relations at Lincoln University in San Francisco and a member of the White House Conference on Refugees during the administration of former President Dwight D. Eisenhower.

He said Doolin's letter is "ambiguous" and "lacks any assurance that no forced repatriation will be carried out."

The head of the POW/MIA program in the Defense Department is Dr. Roger E. Shields, assistant to the assistant secretary of defense for international affairs.

He has refused to accept inquiries on the issue of forced repatriation. But in a previously unpublished interview with The Sunday Oklahoman in November, he said such issues "are going to be the subject of negotiations."

He said about 10,000 North Vietnamese POWs are included in the 37,000 or so enemy prisoners and during May 1971, the allies tried to release unconditionally some North Vietnamese sick and wounded.

"Of some 570 who were interviewed, only 13 were willing to go," Dr. Shields said. "But those who were not (willing to go) expressed the opinion that this was only because the hostilities were continuing . . . (that) they would be willing to go home when the war was over."

Epstein believes "This is a terrible problem that has been completely ignored" and expects 60 to 80 per cent of the North Vietnamese POWs to refuse repatriation.

"Hanoi will immediately insist upon repatriation because the agreement stipulates we have to exchange every prisoner of war after the cease-fire takes place," Epstein said.

HON. J. MILES POUND

HON. GENE SNYDER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 7, 1973

Mr. SNYDER. Mr. Speaker, a good friend and great supporter both of me and of the principles that made America great passed on some time ago. His name was J. Miles Pound and he had a keen mind and some finely honed patriotic sensibilities. A short time before his death, he prepared some remarks for the American Party Convention in Kentucky. I have been given permission to share these very important thoughts with my colleagues in Congress:

REMARKS BY THE LATE HONORABLE J. MILES POUND

"In the name of office every man is a liar," said Scipio Africanus over 2000 years ago. That was true of Rome; it is also true of America, which uncomfortably resembles Rome just prior to the period of decline. But we must ask, is it necessary? Is it not possible occasionally for Americans to elect an honorable man and a just one? Must we always have charlatans and hypocrites who are so lured by the power of office that they will speak piously, with their tongues in their cheeks? Are there no Americans of honor and uprightness who will not only ask for the office but will receive it? American politics have been arousing the amusement and disgust of other nations for decades and rightfully so. We have consistently elected liars, thieves, plunderers and rascals, until our political parties are notorious for their stenches and cannot be trusted either with their constituents' money or welfare.

These are the days when men in office should not be plunderers and hypocrites and liars. The events in the world, however we ignore them, will shadow our future, for we no longer are an island complete in itself.

We need Patriots—not betrayers.

We need Prudent men—not profligates.

We need politicians who will think first of their country before they vote in the Congress.

We need legislators who will not cater to special segments of our society but will consider the welfare of all the people. Equal justice for all, special privilege for none (Thomas Jefferson).

In inciting the basest instincts of humanity, such as greed and envy, lust and hate, any would-be politician is doing the most terrible disservice to his country.

Let us call attention to the fact that the greater part of the American people are "workers," whether they are surgeons, plumbers, planters, mechanics, merchants, bricklayers, business men, lawyers, layers of streets. Only those who have inherited fortunes—and they are few—cannot be considered "workers"—and the politician who attempts to create classes in America, will help to destroy America.

We have no distinct "Labor" in America. All who work with their hands or brains for their sustenance are "Labor." No man is a "common man." We are mightily uncommon in America. And we must remain that way! Let me address myself to the critics of our society and of our nation—

I am unalterably opposed to those who desecrate our flag, denounce our Constitution and extol the virtues of Godless ideologies of other lands.

I protest those who campaign and petition and parade for individual rights but have no tolerance for the rights of those who oppose them.

I protest those men of God who sow the seeds of conflict and encourage disrespect for temporal law and authority.

I protest broadcast commentators and newspaper writers who feed the flames of fear by allowing rumors, guesses, speculation, lies and conjecture to masquerade as fact.

In short, I protest those groups and individuals within our country who champion any system at variance with the basic concept of equal rights and equal opportunities—and equal responsibilities—that must be the hallmark of our way of life.

Let me make it clear—I have no apologies to make for my country, or my generation.

In one generation we have conquered or controlled diphtheria, smallpox, typhoid, polio, measles, tuberculosis and pneumonia. No longer do the ancient scourages sweep across our land, leaving death and tortured limbs and minds and hearts in their wake.

We have built more schools, colleges, hospitals and libraries than all other generations since the beginning of time.

We have trained and graduated more scientists, doctors, surgeons, dentists, lawyers, teachers, engineers and physicists than did our forbears for a thousand years before.

We have raised our standards of living and lowered our hours of work. Luxuries that only potentates enjoyed a generation ago are now available to all our people.

The automobile, the radio, the telephone, the airplane, the computer, television, antibiotics and a hundred other miracles have come to full flower in one generation.

We have taxed ourselves unmercifully to bring hope and health to our sick, our indigent, our young and our aged.

Each year our personal gifts to private charities exceed 14 billion dollars—more than 15 times the cost of running the entire Federal Government 50 years ago.

We have done more to bring dignity and equality and opportunity to all minority groups than any other generation has ever done in any nation since the dawn of history.

Please understand, I do not minimize the need for greater efforts in these areas. We have an urgent moral responsibility to move decisively in correcting injustices that have too long prevailed. At the same time, we must not minimize the progress that has been made.

Don't let anyone sell you the idea that ours is a sick society. It is far from perfect, but it is also far and away the most enlightened, most unselfish, most compassionate in the history of the world.

I know what our generation has done—I'll stand on our record.

We may not have scored as high as we hoped. But we scored higher than ever before. There are still challenges to be met and hopes to be realized. They will not be attained by preachers and teachers of despair, or by sniffing flowers or staging love-ins or hate-ins. They will be attained by men and women who believe in God, our Constitution, and our way of life, and willing to work toward that end.

HARDSHIPS WROUGHT BY THE NIXON BUDGET

HON. JONATHAN B. BINGHAM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 7, 1973

Mr. BINGHAM. Mr. Speaker, the terrible hardships caused by the Nixon administration budget slashes in vital social service areas are hitting all age groups in our society. The children, the working poor, and the elderly are all reeling from the elimination or reduction of programs which have provided them with essential services. Federally assisted public housing construction has been frozen for 18 months, 10,000 senior citizens in New York City alone are being thrown out of the medicaid program. Eligibility for all types of federally funded social services is being restricted to welfare recipients.

A disgraceful example of this Nixon philosophy can be found in the proposed HEW regulations which would make working mothers ineligible for federally assisted child day care if their incomes are over the poverty level. In New York City, 17,000 working mothers and their children stand to lose out. The children will be hurt because they will be deprived of the enriching atmosphere of the day care centers. Their mothers will be encouraged to give up their jobs, go on welfare, and cease their efforts to improve their lives and their children's futures by hard work.

To paraphrase Mr. Nixon, these mothers and countless other social service recipients across the land will not need to "ask what their country is doing for them" because there will be only one answer to that question.

The following is a recent New York Times article which describes the plight of these working mothers of New York City:

[From the New York Times, Mar. 6, 1973]

Mothers Fear End of Day-Care Aid

(By George Vecsey)

They make a happy couple, the mother and daughter, riding the subway each morning down from the Bronx.

The mother, Irma McPherson, looks forward to her job at a glistening bank office on Park Avenue. Her 3-year-old daughter, Durell, looks forward to her jolly day-care center on East 53d Street.

"Durell chatters all the way downtown about the new words she can pronounce and all her friends," Mrs. McPherson says. "I don't know what Durell would do if she couldn't go to school." "I don't know what I'd do, either."

Mrs. McPherson is afraid she may find out. New regulations from the Department of Health, Education and Welfare last month propose to terminate Federal support for social services to working mothers who, like Irma McPherson, earn salaries more than one-third higher than their state's poverty level.

In New York City, where the poverty level is $3,600 for a family of four, working mothers are generally being accepted for day-care services if their incomes do not exceed $7,500. As many as half the 34,000 working mothers now using day-care centers would fall above the $5,400 maximum that would result if the proposed regulations are implemented by the Federal Government.

According to Georgia McMurray, Commissioner of the city's Agency for Child Development, if the new curbs are put into effect, the city and state intend to make up the difference—"at least through the fiscal year, June 30"—and no mothers will be barred from any centers.

But many day-care parents, voicing concern over the long-range status of the programs, will stage a protest at the Health, Education and Welfare office at 26 Federal Plaza from 10 A.M. to 1 P.M. today.

The demonstration is the latest in a series by several groups of parents who have lobbied against a state proposal to raise their fees—they now pay between $2 and $25 a week—and against the proposed cut in Federal funding.

Many of the working mothers seem both angry and disillusioned at the potential curtailment of what they had considered a function of government.

"I don't understand it," said Mrs. McPherson. "Maybe the Government is trying to use these day-care centers for welfare mothers. "I'm all for working. I've been working since I was in the 12th grade. It makes me sick when I hear girls I know talk about having another baby to stay on welfare.

"But if I had to pay for day care, I couldn't keep my apartment. People say I could go on welfare and still work four hours a day. But why work four hours a day when I'm already working eight?"

Many working mothers say President Nixon is the source of Federal disinvolvement with day care.

Mr. Nixon has said, "All other factors being equal, good public policy requires that we enhance rather than diminish both parental authority and parental involvement with children—particularly in those decisive early years when social attitudes and a conscience are formed and religious and moral principles are first incubated."

SPENDING LIMIT CITED

However, Walter Angrist of the Community Services Administration of H.E.W. said yesterday that the proposed cut in Federal support for social services was a direct result of Congress's putting a $2.5-billion limit on such spending. The official said that no Administration stand was being made against day care and stressed that all states were free to use revenue-sharing funds for day care if they wished.

Commissioner McMurray estimated that if the cutback went through, the city and state would have to make up a deficit of $50-million a year to keep all the current families in the program.

"The Federal Government assumes that city and state will use revenue-sharing funds," the Commissioner said. "However, I'm not one of the greatest fans of revenue-sharing. It concerns me that the Federal Government appears to be regressing in providing for human needs. It's penny wise and pound foolish."

This sentiment was echoed by the working mothers whose children attend the brightly colored Prescott Nursery School near Second Avenue. Several mothers the other day described themselves as having held middle-class outlooks until divorce or other circumstances had made them members of the so-called "working poor," unable to make as much money as the men who had left them with children.

When her husband left, Irma McPherson spurned welfare to commute from Freeport, L.I., to her bank job, leaving Durell with the little girl's grandmother. When the commuting became too much, Mrs. McPherson moved to the Bronx and saw her daughter only on weekends.

"My mother was great to watch Durell for me," Mrs. McPherson said during a lunch break. "But grandmothers tend to spoil children. Durell preferred her grandmother to me. That really hurt."

MOTHERS ARE CRITICAL

Mrs. McPherson, who makes $123 a week and pays $175 a month for her apartment in the South Bronx, said she knew of nobody she would trust to watch Durell in the city, even if she could afford the usual $40 to $60 weekly fees for private babysitting.

But then she heard about Prescott, a 30-year-old nursery that operates on 75 per cent Federal funds and 12½ per cent each for the city and the state.

"This school is good for both of us," Mrs. McPherson said. "Durell is really close to me again."

"It's a wonderful thing to see our mothers and our children starting to get their thing together," said Nan Nally, a social worker who handles admissions at Prescott. "But I'm afraid most of our mothers would not be eligible for Federal funds under the new regulations."

"I grew up in a conservative New England town," said another working mother, Bonnie Abbott, now of Manhattan. "I've always favored people like [California Gov. Ronald] Reagan cutting the welfare rolls. But I see Nixon as a self-made man saying, 'I made it on my own—everybody else should, too.' "

"Something's wrong here," said Michelle Oppenheimer of Manhattan. "There are times when I'm not proud of my country any more. We're out working. We pay taxes. Do they want us to go on welfare? Or is this Nixon's way of telling women they have no business working?"

"I love my job," said Christine Muoio of Elmhurst. "In another year I'll have a three-week vacation. Maybe soon I could afford a summer camp for my son. I'm trying hard to completely end my connection with welfare. But I might as well go on welfare if this day-care is stopped."

"Somebody said the other day that maybe it was time for people to move to Europe instead of Europeans moving here," said Marlies Messinger of Manhattan, a native of Germany.

"You'd get better care in most countries in Europe," Michelle Oppenheimer added.

"It doesn't make sense," said Bonnie Abbott. "They have something that's working, and they want to do away with it. It's like they offer you a lollipop—and then they pull it away."

ARE WE LOSING SIGHT OF THE FUNDAMENTAL PHILOSOPHY OF FREEMASONRY?

HON. ROBERT L. F. SIKES

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 26, 1973

Mr. SIKES. Mr. Speaker, I have read with profound interest a well written treatise on the place and the opportunities of Freemasonry from the pen of

Evans Crary, Jr. It appeared in the New Age magazine for March 1973. Mr. Crary, who lives in Stuart, Fla., is Grand Master of Masons in our State. He is highly respected for his contributions to the work of fraternal orders and to Masonry in particular.

I have more than usual interest in Mr. Crary's good work for it was my privilege to serve in the Florida Legislature with his father years ago and I have maintained close friendship with the family throughout the years.

Mr. Crary's fine article follows:

ARE WE LOSING SIGHT OF THE FUNDAMENTAL PHILOSOPHY OF FREEMASONRY?

(By Evans Crary, Jr.)

Philosophy is variously defined. Originally it meant the love or pursuit of wisdom, in its broadest sense. That original concept has been limited and is now generally accepted as the study of the truth or principles underlying all knowledge. It is a study which attempts to define a system for guiding life, such as a body of principles of conduct, religious beliefs, or traditions. Using this last definition, we can determine the fundamental teaching in our Masonic system for guiding our lives.

Albert Pike has said of Freemasonry that "It is philosophical, because it teaches the great Truths concerning the nature and existence of one Supreme Deity, and the existence and immortality of the soul. It revives the Academy of Plato, and the wise teachings of Socrates. It reiterates the maxims of Pythagoras, Confucius, and Zoroaster, and reverentially enforces the sublime lessons of Him who died upon the Cross." From this statement it immediately becomes apparent that Masonry's philosophical foundation is its teaching of the truths concerning the nature and existence of one God and the existence and immortality of the soul. In instructing on this philosophy, it utilizes the teachings of all ages and the symbolism of the builder's art.

Doctor Joseph F. Newton in his book, *The Builders*, a story and study of Freemasonry, discusses the Masonic philosophy at length and says that ". . . stated briefly, stated vividly, it is that behind the pageant of nature, in it and over it, there is a Supreme Mind which initiates, impels and controls all. That behind the life of man and its pathetic story in history, in it and over it, there is a righteous Will, the intelligent Conscience of the Most High. In short, the first and last thing in the universe is mind, that the highest and deepest thing is conscience and that the final reality is the absoluteness of love. Higher than that faith cannot fly; deeper than that thought cannot dig."

One cannot study and meditate upon Freemasonry and its teachings without eventually arriving at the unescapable conclusion that its fundamental philosophy dictates a belief in one Supreme Being that is manifested in all things physical, material, mental and spiritual. By reason of the presence of this manifestation in the human personality, there is a part of man that is immortal and which binds us together from bonds which are impossible to renounce or sever. This philosophy is more simply stated as "the Brotherhood of Man under the Fatherhood of God."

If we accept this as the Fundamental Philosophy of Freemasonry, we now must approach the issue of whether we, the Free and Accepted Masons, are losing sight of this fundamental philosophy.

All regular jurisdictions of Freemasonry require of their initiates a statement of a belief in the existence of one everliving and true God. This is the first of our immutable landmarks and is the foundation stone of all Masonic teaching and philosophy. More than at any time in the past, the members of the Craft are reaffirming this fundamental belief and are turning to the Supreme Architect of the Universe for guidance and understanding in their daily lives and in the operations and affairs of Freemasonry. There is a great hunger and thirst by good men everywhere, and particularly those associated with the Masonic Fraternity, its Allied and Appendant Orders, for knowledge and understanding of their individual relationship with Him. It is clear that we are not losing the sight of this fundamental basis of our philosophy, but rather we are living in a fortunate time when a deeper understanding of our relationship with First Cause is afforded all mankind.

Modern science and technology have advanced to levels of understanding which would have staggered the imagination twenty years ago. Education is available and is availed of by more individuals than at any time in the memory of man. There are many who feel that our scientific approach to life in this era has denied the existence of God and the immortality of the soul. Although it is true that at times this idea seems to overtake the more spiritual approach to life, a careful analysis of our current national and international scene will reveal that science and religion are in fact drawing closer together and that more evidence is being presented each day of the existence of God and the immortality of the soul than at any other time in modern history.

Within the organized churches we find movements of lay persons who seek to achieve a closer understanding with and of God and of their own capacities and potentials as children of God. Great numbers of our young people both within and without the organized churches are attempting to return to a fundamental philosophy of life and to revitalize an understanding and acceptance of the Brotherhood of Man. The immortality of the soul, as taught and instructed in that Holy Book of Law which graces the altars of our Masonic Lodges, is today a greater reality for more people than perhaps at any time since the dawn of recorded history. Freedom of thought and of personal liberties, two goals of the knowledgeable Mason, are today more widespread and accepted than at any time or period since their improper exercise constituted the original sin. These freedoms and the underlying social actions resulting from their exercise have lifted the principles of universal benevolence and charity from the rare action of the wealthy to the common effort of the masses.

While there are admittedly many abuses of the system, and its reevaluation is essentially necessary, nonetheless the underlying concern of men for those of less fortune than themselves, whether of health or purse, has become a standard of conduct rather than an exceptional act. These actions are in large part impelled and sustained by the same principles which constitute our basic Masonic phiolosophy and which have created our teachings and system of morality.

If there is any area where we might be losing sight of the Fundamental Philosophy of Freemasonry or weakening in our support of its teachings, perhaps it is in the concept of the immortality of the soul and the inescapable conclusions which come from a firm belief in this principle, namely, that all men are children of the everliving true God and as such are brothers and owe that certain brotherly consideration and concern one for the other. With an acknowledgment of the principle, the teachings of Him who died for us upon the Cross must sear the heart, mind and conscience of each individual, be he Freemason or profane, who fails to acknowledge this universal realtionship of mankind and who fails to live accordingly.

Perhaps no more difficult task is set before us than that of recognizing and accepting all persons as our brothers. Although Freemasonry attempts to inculcate within its membership such a consideration of all mankind, we sometimes fail to see the message of these teachings and permit our own selfish personal and material desires to cloud our minds and activities. A world torn by war, societies torn by revolution and anarchy, churches separated by suspicion and greed for power and position, business communities rife with distrust, greed and unconscionable practices, news media and entertainment plagued by violence, destruction and lust, all attest too vividly to the standards adopted by mankind in dealing with each other. This sad state of affairs must first be changed within the hearts, minds and consciences of each human being before the results of such change will become apparent in the world without.

"God is Love," and to put God first in our lives is the first and only law. When we can achieve to this level of understanding, then this love will permeate all of our thoughts and actions and will automatically permit us to achieve the proper relationship with our fellow man and our physical surroundings. Freemasonry teaches this love—a love of concern for the welfare and well-being of others. Are we perhaps losing sight of this aspect of its Fundamental Philosophy? Only the individual can answer that question.

We, as Freemasons, have a unique opportunity granted to us by the Supreme Architect of the Universe to guide and direct the thoughts, actions and activities of our fellow man. Each of us must be so imbued with the teachings of freemasonry and with its Fundamental Philosophy that we may never lose sight of the greater objectives of bringing about the reign of God and the fulfillment and enthronement of His Kingdom here on this earthly plane of existence. The choice is ours, the responsibility is grave, but I know that Freemasonry, by reason of its historical destiny, shall rise to the task assigned, with your help and mine.

POLICE ROLE NEEDS REVIEW, EXPERT SAYS

HON. WILLIAM E. MINSHALL

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 7, 1973

Mr. MINSHALL of Ohio. Mr. Speaker, Dr. Kenn Rogers, professor of business administration at Cleveland State University, is an internationally known authority in human and organizational development, specializing in community dynamics, the study of forces which create tension in institutions and society.

As more and more varied responsibilities fall on the shoulders of law enforcement agencies, there is a growing need, as Dr. Rogers points out, "for a new look at police and their position in society, and the 'real' roles they play" as a starting point toward solutions to the major problems that face them in modern American communities.

Last Sunday's Plain Dealer devoted the entire front page of its editorial section to an excellent article by Dr. Rogers, "Police Role Needs Review," which contains some challenging thoughts that should be shared with other concerned Members of Congress. The editorial follows:

POLICE ROLE NEEDS REVIEW, EXPERT SAYS

There is a serious crime problem in our cities. None of them, including Cleveland, has been able to solve it, but some have cut crime rates slightly.

This situation has many causes, related to basic social problems.

Society places police in the position of taking the heat for a variety of problems about which they can do little or nothing—and for which they lack training and resources even if a single group could solve them.

There is a need for an unaccustomed and realistic look at the metropolitan police's primary tasks, structure, policies and resources. There needs to be particular emphasis on the educational programs designed to recognize the many kinds of duties police perform.

This new look at the police, at their position in society, and the "real" roles they play could be a start at analyzing larger problems and conflicts and, we may hope, a step toward solutions.

The extent of the crime problem of the cities is revealed in a recent Gallup Poll. It reported that one person in three living in densely populated center cities was mugged, robbed or suffered property loss during 1972; four persons in 10 were afraid to walk out alone at night; six women in 10 were afraid to venture alone at night into their neighborhoods; and one person in six did not even feel safe and secure behind locked doors at night.

It would seem that our cities are surrendered from dusk until dawn to muggers, burglars, rapists and other assorted criminals.

Even the individual police officer is fearful for his life on the streets and self-protection is an increasingly serious concern.

To law-abiding citizens, black and white, criminal violence in streets and homes creates rage and raises increasing doubts about police competence and motives.

The result is a steady rise in tension, frustration, fear, bitterness, anger and hate; increasing charges of police brutality and dread of the possibility that irrational violence may break out.

"Crime brings fear. Fear breeds terror. And with terror comes the destruction of the spirit and the freedom of the people," according to L. Patrick Gray III, acting director of the FBI.

In the middle are the policemen—either legitimate targets of criticism and abuse, or scapegoats charged by society with unspecified tasks and limited resources.

Some policemen feel like the children of Israel ordered by Pharaoh to make bricks without straw. At least, police feel, the Israelites knew what was expected of them, and what it took to deliver.

By contrast, police tasks have never been defined on a working basis or in detail by any of America's cities. Police manuals offer detailed instruction on how to do police work, but there is a marked absence of working definitions of the work police are responsible for.

Because policemen are not clear about their duties and responsibilities, the personalities of individual policemen largely determine how they do their jobs. And this brings them to a curious contradiction.

Although members of a paramilitary organization, policemen are largely self-supervised agents. Without clear job specifications, they are tempted—and often are alleged—to "do their own thing" if they wish.

At the same time, organizational and individual rigidity tends to rule in a rapidly changing social environment which calls for flexible and innovative approaches from those who are to serve it.

Even more important, without generally accepted specifications for police tasks and the human and material resources they need to carry out those duties, it is rationally impossible to judge whether the tasks are feasible and how well they are performed.

Crime and violence—the danger in our cities—attract the most attention.

But it is well known society faces an array of social problems: urban deterioration, racial tensions, drug addiction, uncontrolled sale and possession of firearms, housing abandonment, hard-core unemployment, educational failure, political frustration, overcrowded court calendars, penal institutions designed to isolate and punish more than rehabilitate.

These are such overwhelming problems that no police force by itself can hope to cope with them.

This very tense situation, with its distrust and anger, makes it harder and harder to listen to one another and to discuss problems rationally.

The police are a convenient outlet for frustration because they are on the front line where the problems explode—and they are expected to do something about them, now.

Some citizens assume that the police are justified in doing their duty any way they feel they must.

Others say the police will do anything in the course of their work, justified or not.

These opposing attitudes toward the police and their work are really a symptom of the larger conflicts in our society.

Citizens find themselves alienated from one another while, from a practical and self-interest point of view, they should be building bridges to cooperation, rather than increasing dissension and mutual resentment.

A realistic examination of the police department's true tasks, its organizational structure and policies, could substantially help build such bridges.

A close examination of this high point of tension—police-community relations—might lead to a better understanding of deeper problems and to their eventual solution.

This leads me to suggest adding a project concerned with the management of community conflict.

This project has now begun at Cleveland State University. Its purpose is to explore critical social conflict areas in the community.

It will focus on the destructive and self-perpetuating effects of certain social disorders. These are the disorders that all too often mark the lives of many—especially minority group members—with depression, hopelessness and violence.

The writer's recent work in Cleveland and other major metropolitan areas suggests that the work of the police, examined in the context of the community's needs, embraces three distinctly separate areas:

1. Peacekeeping: the protection of lives, property and general public safety.

2. Crime fighting: planning to combat and arrest suspected criminals.

3. Social services: emergency medical aid, rescuing cats from trees, helping elderly ladies across streets, and the like.

It turns out that Point 3—social services—takes up the greatest amount of police time. Estimates range from 33% to about 40%. Point 2, crime fighting demands the smallest share, generally in the 10% to 15% range.

Even a surface look at policemen's traditional tasks shows that each function demands a different skill. Perhaps even more importantly, each task involved calls for work attitudes and aptitudes best suited to an individual who differs in personality structures from those on other tasks.

It seems unlikely that those who derive satisfaction from shooting it out with criminals will enjoy chasing cats out of treetops, or providing mouth-to-mouth resuscitation for persons they might perceive as alien, perhaps even inimical, to their own sets of social values and beliefs.

This condition has a direct bearing on what one teaches, and how one teaches what has to be taught for each kind of police work.

Police education is invariably termed "training." All too often—and there is no exception—in Cleveland this training is not designed to help the learner develop his potential for dealing with general social problems.

Instead, it tries to train recruits in the mechanical exercise of purely police functions.

Training programs generally stress "Nuts and bolts" items: weaponry, marksmanship, stakeout techniques.

The training fails to convey few, if any, of the dynamics prevailing in the various subcommunities in which policemen are to work. Nor are policemen given chances to understand themselves and their own internal dynamics.

The President's Commission on Law Enforcement and the Administration of Justice in Task Force Report: The Police 1967 states that:

"It remains doubtful whether even the majority of them (i.e., training programs) provide recruits with an ample understanding of the police task.

"For example, very few of the training programs . . . provide course material on the history of law enforcement, the role of police in modern society, or the need for discretion in law enforcement. . . . Current training programs, for the most part . . . do not prepare (the officer) to understand . . . the imperfections of the criminal justice system."

Aside from formal training, there is the "real" indoctrination young recruits receive from veterans who break them in on the beat after classroom work in the police academy.

The typical veteran may say something like: "Look sonny, you just forget what those professors in there told you. I'm telling you like it is, and you better learn it."

The added unspoken message is: "Because if you don't, you have no idea of the ways I can fix you. Your loyalty belongs to the department, not to the citizens, and especially not to those troublemakers out there."

The message encourages indifference to social conditions. This is not necessarily representative of the attitude of superior officers, but it tends to discourage the young and enthusiastic recruit.

So many, and perhaps the most promising, leave the service.

The policeman's record of arrests plays an important part in promotions.

This criterion works against the policeman who has been able to establish cooperation from members of the community. This cooperation can help prevent crime but cuts his chances to make arrests.

By contrast, policemen from whom the community remains alienated, and whose beats abound with crime, have many chances to chalk up arrests and therefore enjoy a greater chance of getting promoted faster.

Another critically important factor affecting police work is the social image of themselves many policemen hold. It is frequently negative. In the light of accepted social standards, this is logically understandable.

Policemen feel citizens do not appreciate their efforts; they hear themselves called names and often they are viewed as members of an enemy occupation force.

Even "straight" citizens do not seem to appreciate the policeman except when in dire need of help.

What contributes most to the low role-image policemen have is the salary society awards to police work. Their pay is well below that of most workers, none of whom is ever called upon to risk his life at work as policemen are.

In many ways, others see Cleveland as a sort of caricature city, a home of Bunkerism, the brunt of jokes as Brooklyn once was.

Some of this attitude is based on reality. But a greater part, I believe, is based upon others' realization that they exhibit the same characteristics, so they try to "lay off" their self-criticism by making fun of Cleveland. It is a defense mechanism that lets them ignore their own problems at home.

I suggest that perhaps Cleveland could make a significant advance toward erasing that image by self-analysis—beginning with the flashpoint of police-community relations.

CLEAN AIR ACT AMENDMENTS ON PUBLIC PARTICIPATION, EMPLOYEE PROTECTION, AND SEX DISCRIMINATION

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 7, 1973

Mr. DINGELL. Mr. Speaker, today I have introduced a bill to extend for 1 year certain funding provisions of the Solid Waste Disposal Act and the Clean Air Act. These extensions are identical to those in S. 498 which passed the Senate on January 26, 1973, by a vote of 93 to 4. They should be promptly enacted.

Not included in the Senate bill, but of great importance to all of us, are three sections to be added to the Clean Air Act. They are entitled: "Public Participation, Employee Protection, and Sex Discrimination."

Each of these sections is identical in substance to sections 101(e), 507 (a) through (e), and 13 of Public Law 92-500 of October 18, 1972—the water pollution legislation. They are noncontroversial. They are important, indeed essential. They cannot await the possibility of later amendments to the Clean Air Act sometime in the second session of the 93d Congress. They deserve the strong support of labor, environmentalists, civil rights groups, and the public in general. I urge your support.

The text of these provisions is as follows:

TEXT OF THREE PROVISIONS

PARTICIPATION OF PUBLIC

SEC. 3. Section 101 of the Clean Air Act (42 U.S.C. 1857) is amended by adding at the end thereof the following new subsection:

"(c) Public participation in the development, revision, and enforcement of any regulation, standard, emission limitation, guideline, plan, or program established by the Administrator or any State under this Act shall be fully provided for, encouraged, and assisted by the Administrator and the States. The Administrator, in cooperation with the States, shall develop and publish regulations specifying minimum guidelines for public participation in such processes."

EMPLOYEE PROTECTION

SEC. 4. (a) Title III of the Clean Air Act (42 U.S.C. 1857 et seq.) is amended by adding at the end thereof the following new section:

"Employee protection

"SEC. 317. (a) No person shall fire, or in any other way discriminate against, or cause to be fired or discriminated against, any employees or any authorized representative of employees by reason of the fact that such employee or representative has filed, instituted, or caused to be filed or instituted any proceeding under this Act, or has testified or is about to testify in any proceeding resulting from the administration or enforcement of the provisions of this Act.

"(b) Any employee or a representative of employees who believes that he has been fired or otherwise discriminated against by any person in violation of subsection (a) of this section may, within thirty days after such alleged violation occurs, apply to the Secretary of Labor for a review of such firing or alleged discrimination. A copy of the application shall be sent to such person who shall be the respondent. Upon receipt of such application, the Secretary of Labor shall cause such investigation to be made as he deems appropriate. Such investigation shall provide an opportunity for a public hearing at the request of any party to such review to enable the parties to present information relating to such alleged violation. The parties shall be given written notice of the time and place of the hearing at least five days prior to the hearing. Any such hearing shall be of record and shall be subject to section 554 of title 5 of the United States Code. Upon receiving the report of such investigation, the Secretary of Labor shall make findings of fact. If he finds that such violation did occur, he shall issue a decision, incorporating an order therein and his findings, requiring the party committing such violation to take such affirmative action to abate the violation as the Secretary of Labor deems appropriate, including, but not limited to, the rehiring or reinstatement of the employee or representative of employees to his former position with compensation. If he finds that there was no such violation, he shall issue an order denying the application. Such order issued by the Secretary of Labor under this subparagraph shall be subject to judicial review in the same manner as orders and decisions of the Administrator are subject to judicial review under this Act.

"(c) Whenever an order is issued under this section to abate such violation, at the request of the applicant, a sum equal to the aggregate amount of all costs and expenses (including attorneys fees), as determined by the Secretary of Labor to have been reasonably incurred by the applicant for, or in connection with, the institution and prosecution of such proceedings, shall be assessed against the person committing such violation.

"(d) This section shall have no application to any employee who, acting without direction from his employer (or his agent) deliberately violates any prohibition or limitation established under this Act.

"(e) The Administrator shall conduct continuing evaluations of potential loss or shifts of employment which may result from this issuance of any requirement, emission limitation, standard, or order under this Act, including, where appropriate, investigating threatened plant closures or reductions in employment allegedly resulting from such limitation or order. Any employee who is discharged or laid off, threatened with discharge or layoff, or otherwise discriminated against by any person because of the alleged results of any emission limitation or order issued under this Act, or any representative of such employee, may request the Administrator to conduct a full investigation of the matter. The Administrator shall thereupon investigate the matter and, at the request of any party, shall hold public hearings on not less than five days' notice, and shall at such hearings require the parties, including the employer involved, to present information relating to the actual or potential effect of such limitation or order on employment and on any alleged discharge, layoff, or other discrimination and the detailed reasons or justification therefor. Any such hearing shall be of record and shall be subject to section 554 of title 5 of the United States Code. Upon receiving the report of such investigation, the Administrator shall make findings of fact as to the effect of such requirement, standard, or order on employment and on the alleged discharge, layoff, or discrimination and shall make such recommendations as he deems appropriate. Such report, findings, and recommendations shall be available to the public. Nothing in this subsection shall be construed to require or authorize the Administrator to modify or withdraw any requirement, standard, or order issued under this Act."

(b) The first sentence of section 307 of the Clean Air Act (42 U.S.C. 1857h-5) is amended by inserting "or carrying out section 317(e) of this Act," before "the Administrator".

SEX DISCRIMINATION

SEC. 5. No person in the United States shall on the ground of sex be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal assistance under the Clean Air Act, the Solid Waste Disposal Act, or any other law administered by the Environmental Protection Agency. This section shall be enforced through agency provisions and rules similar to those already established, with respect to racial and other discrimination, under title VI of the Civil Rights Act of 1964. However, this remedy is not exclusive and will not prejudice or cut off any other legal remedies available to a discriminatee.

COMMUNITY ACTION—THE HUMAN APPROACH TO SOLVING HUMAN PROBLEMS

HON. ROBERT H. MOLLOHAN

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 7, 1973

Mr. MOLLOHAN. Mr. Speaker, many voices have been raised in opposition to curtailment of numerous social and educational programs as proposed in the Federal budget for fiscal year 1974. My mail, and I am sure the mail of every other Member of this legislative body, has been filled with comments from individuals objecting to some of the proposals which are stated or implied by the budget submissions made by the administration on the 29th of January.

One of the letters I have received is so comprehensive, so human, and so down-to-earth that I believe it merits the attention of every Member of the Congress. The author of this letter is currently employed by the Tyler County Community Action Association which is a delegate agency of the West Central West Virginia Community Action Association, Inc., in Parkersburg. Her current work is devoted primarily to improving the lot of low income youth in the 14- to 25-year-age bracket. She has, however, been indirectly involved with other Tyler County Community Action Association programs, including senior citizens activities, arts, and crafts production and marketing, Homestart, job development, and community development. Her letter follows:

DEAR MR. MOLLOHAN: As a very concerned citizen I am writing to express my feelings and state some facts concerning some of the programs which are now under OEO and other social and educational programs.

I am involved with low income people every day. I see their strengths and weaknesses and their problems. I also see some of their triumphs and progress in their daily struggle to get into the mainstream of the "good American" way of life.

As a Community Action worker in a rural county, I cannot understand the senseless and heartless cutting off of the self-help programs which are of benefit to low income families. In the past three years I have seen families move from a sense of vast hopelessness to the point where they are now moving forward to the benefit of all family members.

Statistics are surely available to you showing the number of low income people involved in OEO programs, the increases in family income, the number of people who gained employment or upgraded their employment capabilities. Regrettably you don't see the child who is third generation welfare and who—through participation in Community Action youth programs—grows and sees that there is indeed a future and he doesn't need to depend upon welfare. A door is opened and he is ready to go through that door and take his place in the world of the working class of America.

Nor do you see the family who, because Mom has put her sewing and quilting skills to use with others like her, has additional income with which to buy more food, school supplies, clothing and health services. Or the senior citizen whose skills enable her to supplement her income at home and thereby purchase food, medication or transportation—all of which are very real needs for the rural senior citizen. A Social Security check has very little "stretch."

If we are indeed entering an "era of peace for mankind," why are these human services programs which are quietly attempting to develop human potentials being cut while defense spending goes on at its present level? This is an "era of Peace"?

It would seem, also, that with all the veterans coming home at long last, social services will be in far greater demand than ever before. I have worked in mental health services and I know what war can do to the minds of men.

To students who depend upon government loans for educational aid; to the farmer who depends on agricultural programs; to the ill who have no hospital beds—what will be the solution of the problems of all these people after a drastic, unreasonable budget cut?

The frustrations that I feel when I think of the results of the proposed budget cuts cannot really be stated in a letter. However, it seems it might be compared to the small child who comes home eagerly from school to find that his home is no longer there. Beneath all the numbers and statistics are living, breathing people who are counting on the help provided by the above mentioned programs.

Can we as a nation of Christian people let that happen? I pray to God we aren't that callous and indifferent to the needs of others.

Most sincerely,

MRS. JEANNIE PYLES.

Many fine people like Mrs. Pyles have strived in the past 7 years to help those less fortunate to overcome their economic plight. It is the participation of dedicated individuals like her which results in the optimum of human involvement, of helping others to help themselves, that makes the retention of the OEO Agency, and the community action programs which it supports, so vital to this Nation. The continuation of this obvious concern for our fellow man typifies the American spirit which must be fostered and which must be an underlying humanitarian consideration in every action taken by the U.S. Congress and all other elements of the Federal Government.

ABORTION

HON. LAWRENCE J. HOGAN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 7, 1973

Mr. HOGAN. Mr. Speaker, Monday I inserted excerpts from the testimony of various pro-abortion and pro-life medical experts given in the criminal abortion trial Commonwealth against Brunelle. Today I would like to insert additional evidence. It is my opinion that anyone who honestly considers the evidence will conclude that abortion destroys a unique human person who will never be replaced.

The evidence follows:

CROSS EXAMINATION OF WILLIAM A. LYNCH, M.D., BY MR. OTERI

Q. (by Mr. Oteri) The simple fact of the matter is that you consider personally and in your medical judgment as to whether or not you do abortions or abortions should or should not be done is colored by your philosophical, metaphysical, religious belief that the moment the egg or the ovum is fertilized, it becomes a human being?

A. (Dr. Lynch) Let's say it adds a surety to my medical convictions.

Q. You say, Doctor, it adds assurance to your medical convictions. Can we divide your convictions into two categories: religious and medical?

A. Yes.

Q. Now, Doctor, taking your medical judgment first, as to abortions, let me ask you this: When the zygote results from the fertilization of the ovum, this occurs at the instant of fertilization, does it not?

A. Right.

Q. And you consider that zygote, and have so testified, as being a human being?

A. Yes.

Q. And you tell us that at the time the zygote comes into being, it has all of the characteristics of a human being?

A. It has the genetic package, I think was the word I used, for the characteristics for a human being.

Q. Have you ever at any time seen a one day old zygote or are you ever aware of a one day old zygote surviving on being expelled from a womb at any time?

A. I don't think anyone has ever seen a one day old zygote.

Q. How about a one month old zygote?

A. If you want to know the earliest stage a pregnancy has lived, I believe it is five months and one week.

Q. When you say "lived" . . .

A. Independent existence, outside of the uterus.

Q. For 30 years or one day?

A. Indefinite.

Q. It is, after what?

A. Just as you and I.

Q. After how many months?

A. I believe it is five months and one week.

Q. We can, for the purpose of our questions and answers, assume that prior to five months there is no evidence of an embryo or fetus being capable of sustaining life outside of the womb?

A. It is considered non-viable for independent existence.

Q. Not viable for independent existence?

A. Yes.

Q. Are there doctors of whom you are aware and probably number as friends who would differ with your opinion as to whether or not this embryo is a human being at one month or one day?

A. Yes, I am sure there are but they have to believe this is not human, or otherwise they couldn't kill it.

Q. How about the fact that many of your doctor friends who don't believe in this don't do abortions—they may be psychiatrists?

A. I believe this is very significant.

* * * * *

Q. Now, Doctor, continuing with the zygote, actually, it has the genetic package, does it not?

A. Yes.

Q. This package, one day old package found in the zygote, is it similar to a blueprint? In other words, the color of the eyes are determined?

A. I never saw a blueprint of itself develop into a building, Mr. Oteri.

Q. I didn't ask that.

I asked if it is similar to a blueprint.

A. No.

Q. No. It does have all the characteristics, does it not, laid out, planned? The scheme is made?

A. Yes, it does, as a whole package.

Q. Are you familiar with the statistics on spontaneous abortions?

A. Well, yes, I am familiar with them.

Q. You are aware that a significant number of pregnancies terminate by reason of spontaneous abortions, do they not?

A. Sure. Yes. One out of five.

Q. Now, Doctor, you tell us that this particular zygote of one day or one month duration is a human being, is that correct?

A. Yes.

Q. And you tell us this based upon your medical training, is that correct?

A. That's correct.

Q. You tell us this medical training is reenforced by your religious belief, is that correct?

A. That's correct.

Q. And can you tell us, is your medical decision colored by this reenforcement?

A. You have asked me that before, and the answer is no. It is reinforced.

Q. Will you tell us how it is reenforced?

A. Because I happen to believe, as a Christian, since you're asking about religious beliefs, as a Christian, from the moment we are born we are on our way back to God, and the person we marry is the person who is going to help us get back to God, and the children we bring into the world are those given to us by God, to teach that child in life until we are back with Him, and I find it very rewarding to feel that the child is born, the child inside the womb of my wife, the child that grew and hiccuped, the child that can be shown by X-ray to be sucking his thumb, the child who can be defined by ultra-sound and electrocardiography to have a heartbeat as early as the 12th week; and this child is a human being and is going to be with all of us, my wife and I, in the hereafter. I find this very comforting and very rewarding, and I might say this is the general belief of the people through the beginning of the world.

Q. There are religions that disagree with you—Shintoism, Buddhism?

A. Yes.

Q. Jewish religion?

A. I'm not sure about the Jewish religion.

Q. They don't consider that a human being until after it is born?

A. I don't want to speak for them.

Q. On the question of your religious beliefs as coloring your feeling in this matter, you are aware of many people who disagree with the religious beliefs which many of us share, and which you have expressed here?

A. Yes.

Q. Would you say that, assuming that a person did not believe the way that you do, that this zygote is a human being, that this zygote has a soul, I suppose you would have to say, it is going to share, according to you, with the joy of God later. If a person didn't believe these things, but the same person assumed, believed that it was not human and the termination of that life was right in keeping with their religious belief, would you prevent them from getting an abortion?

A. Yes, I think that I would.

Q. Why would you do that?

A. Because if the child is a human being, even though a person might believe that it is not—and I have met atheists and Shintoists and various other people who would at least agree that it could be—then, if it is human or could be, then we have no right to destroy it, because it is totally innocent, and if it is a human being who is innocent, then we have no right to destroy it, and if it is a human being—and I have known no child who is not innocent—then it is a tenet of law—and it could be a man or a wolf—you still haven't the right to shoot it, because it could be a man.

Q. You have used the word "kill" a number of times in your direct testimony. Do you consider the termination of a pregnancy to be a killing, to be murder?

A. Yes—not only I, but those who did the abortion consider the same way.

Q. You speak for them?

A. I read what they write.

Q. You consider it to be murder?

A. Yes, I do.

Q. You are aware of the fact that the law does not?

A. I am aware of the fact there is such a thing as a statutory murder, and I am not competent to talk about that. That is your business and his Honor's, but there is a so-called classical definition of murder, in the sense that before the bar of justice the only plea we have is innocent, and to deliberately kill someone who is innocent I think has classically been called a definition of murder, whether it be statutory or not.

Q. Let me ask you, can you determine from the—could you personally, yourself, if you were given for examination a one month old fetus which had been expelled spontaneously, could you tell that was a human fetus as compared to that of a rhesus monkey?

A. Under adequate study, yes.

Q. You could tell it personally?

A. I am not a pathologist.

Q. How about a one day old zygote?

A. You must be aware of the fact that there is no thing available yet as a one day old zygote.

Q. I'm asking you if there were, one could determine the characteristics?

A. I believe an embryologist, pathologist, could determine that.

Q. What would be the difference between the zygote of a human that expelled it one day, and the zygote of a rhesus monkey that expelled it one day?

A. This comes from embryology and pathology, and I wouldn't want to answer that.

Q. Based on your testimony and all that you have given today, what would you personally consider to be the difference between a one month old fetus of a human and a one month old fetus of an animal?

A. You are asking me essentially the difference between the human and animal.

Q. What is the difference between a human and animal?

A. The difference between a human and animal depends on the stage of development. In this developing, we come to whatever limits you would want. For example, the species' number of chromosomes could be determined from a tissue of one moment or one day old zygote, if you had it, if you are fortunate enough to get the chromosome in the specimen; if you get material that can be grown so that you could have a tissue culture, you could be specific and determine the chromosome pattern. I believe there are histochemic changes which can be used to determine on tissue whether it is human or not.

Q. Doctor, will you tell us the difference between a fetus at eight months and 27 days or 28 days or just prior to birth, and the difference between an animal fetus, say a monkey fetus, just prior to birth.

A. A fetus at birth?

Q. All right. At birth, what is the difference between the two?

A. I think the question is just a little bit ridiculous in one aspect, I am sure you realize. A person who could not detect the difference between a human being and a dog at birth. I think. . . .

Q. We are talking about a monkey.

A. All right. A monkey. You are in an entirely different situation. You have an anthropological measurement with regard to the head and reference to the rest of the body, the anatomical connections, of the hip, shape of pelvis. We have an anthropoid type of pelvis where a human being might have an anthropoid characteristic, but not peculiar.

Changes in the blood, circulating of the blood. You can differentiate between blood values—not histochemical changes, but blood changes.

You could go through a whole gamut of anthropological and tissue differences if you wanted specific scientific differences, if your eyes wouldn't show you the difference.

Q. Is there one particular biological difference, is there any one thing that makes man different from the animal?

A. Yes, he is born of a human.

Q. What is it that makes people human, Doctor?

A. A human is a person who is born from human being. What makes you a human being? A human is such—he is one distinguished from the animals by a sense of compassion and pity, is one answer given by a Russian philosopher. The animal has no sense of compassion and pity. This is very germane and appropriate under these conditions, because the unborn child has always been the object of compassion since the beginning of time, and if we kill the object of compassion we will kill the compassion for man, as in abortions.

Q. Has the zygote of one day got any compassion? Anyone told you that a zygote at three months or one month has compassion or pity at that stage?

A. No, no one can determine compassion in a person at that stage.

Q. Now, Doctor, is there any other definition you would like to give us of a human thing?

A. What you are looking for—and I am sure this comes to do with my faith, but also with the faith of Socrates, who wasn't a Catholic either, and he used the term "psyche," and I use the term "soul."

I say that medicine and science can produce anything except a human soul. On this basis we would differ.

Now, if you are looking for a soul, I am sure you know that you cannot see it, but the marks of it you can see, one of which is the marks of compassion and pity, and various other determinations. The humanness of a growing person at any stage—you can pick out any characteristic, as you did with regard to compassion, as I mentioned with regard to compassion. You put a mother with her baby in her arms at three months—the mother can't find compassion in the baby in her arms, but she knows it is human.

Q. But there is no question it is human at that stage?

A. But it doesn't have compassion that shows, as it doesn't show in a zygote.

Q. Doctor, the fact of a soul, or the presence of a soul, that is a principal guide-light that determines your belief that the zygote immediately upon its coming into being is human, is it not?

A. To say that this is the principle, it is one of the two principles, because I am different than other Catholics: I am also an obstetrician and scientist. I can read the opinions of people who believe in abortions and do them and those who don't believe in abortion and don't do them, and I can arrive at a medical judgment which doesn't have to be colored, but only supported, by my religious beliefs.

CROSS EXAMINATION OF CHRISTOPHER TIETZE, M.D., BY MR. IRWIN

Q. (by Mr. Irwin) You think everyone who wants an abortion should have one?

A. (Dr. Tietze) Yes.

Q. Regardless of her reasons for wanting it?

A. Yes.

Q. Would you please tell us whether or not you have any opinion as to when a human being exists in the womb of a mother, if at all?

A. You want my personal view, or what I interpret to be the view of the community?

Q. No, I want your opinion, Doctor.

A. My personal view is that the fetus ceases to be a—begins to acquire the characteristics of a human being approximately at the time when it becomes capable of independent existence.

Q. When is that?

A. Somewhere between 20 and 28 weeks.

Q. Your testimony is that your opinion is that at that time this infant or fetus is a human being, is that correct?

A. I think that, for a variety of reasons which have nothing to do with the district attorney's thrust, it is more undesirable to delay an abortion up to this time, and I also believe that very few people would do this if they had free access to abortion.

Q. Do you understand, Doctor, the question that I asked you? Let me repeat it to you: Do you have any opinion as to whether or not a fetus in its mother's womb at any time while it is in the womb has the nature of a human being?

A. I don't believe that a fetus, prior to viability, has the nature of a human being.

Q. Do I understand after viability, it is considered a human being?

A. After viability I would consider it as a human being.

Q. Is that after 28 weeks you consider it a human being; is that correct?

A. Yes.

Q. It is your theory, then, Doctor, even after 28 weeks, a woman has a right to kill that human being or order that human being in her womb to be killed on demand?

A. It is not until after 28 weeks it has viability; therefore it is not answerable.

Q. What if she demands it after five months?

A. "Sorry. You waited too long."

Q. Is that what you tell the woman?

A. Yes, sir.

Q. Under any circumstances would you terminate that pregnancy?

A. If I were an obstetrician, I can imagine in very rare circumstances where such a termination would be necessary. They hardly occur in civilized countries any more. They did when I went to medical school.

Q. You want to limit what you testified to, or qualify what you testified to by saying that you are in favor of unlimited abortion only up to the time of viability, is that correct?

A. I do not want to qualify it, because you asked me about abortion, and you cannot have abortion after viability is attained, and I always had this in mind, but if you wish me to be more precise, I would be happy to.

Q. Why don't you be more precise, because I think you are trying to indicate there is a term after viability that is used instead of abortion.

A. It is the custom in the medical community to define abortion, both spontaneous and induced, as a termination of pregnancy prior to viability. Therefore, the termination of pregnancy after viability has been attained cannot be abortion, and I cannot assume that your question would assume this type of activity.

Q. Let me ask you this: Are you in favor of termination—let's use that word; is that what the word was that you used—termination of the fetus?

A. No, I said termination of pregnancy. No one terminates a . . .

Q. Pregnancy exists after viability?

A. Yes.

Q. Are you in favor of termination of pregnancy after viability?

A. Do you mean artificial termination with the purpose of doing away with the fetus? No, sir.

Cross Examination of E. J. Lieberman, M.D., By Mr. Irwin

Q. (by Mr. Irwin) As a psychiatrist, will you tell the Court at what point you believe that the fetus in the mother has to be considered by you in determining whether or not you recommend a termination of pregnancy?

A. (Dr. Lieberman) At what point the fetus has to be considered?

Q. Right. Do you believe that the fetus in the mother is human?

A. I believe that this goes outside the area of medical science and psychiatry. I do believe that it is a relevant question, in that what the mother regards is important, and as a psychiatrist I would naturally want to find out in my evaluation what the mother thinks, but my own position is not relevant, my own theology is not relevant to it.

Q. You are a doctor?

A. Yes.

Q. You are an M.D.?

A. Yes.

Q. Now, are you aware of fertilization? You are?

A. Yes.

Q. Is that a human growth at that time?

A. I believe this is not a question I can answer as a scientist or a physician.

Q. You can't answer that question?

A. That's right.

Q. Medical science is fully aware whatever might be, whether you want to classify it or not, it is growing inside the mother?

A. Yes.

Q. Is it your testimony that medical science is not in a position to categorize something that is growing in the mother?

A. It can be categorized as a zygote or blasto or fetus.

Q. Those . . .

A. Those are scientific classifications.

Q. At 12 weeks can they detect by means of an electrocardiogram the heartbeat of the fetus?

A. Yes.

Q. At that point is it human?

A. That question goes outside of my scientific competence.

Q. You say that you are not qualified?

A. Scientifically.

Q. Medically?

A. That is what I mean by medically.

Q. You don't know, is the answer?

A. I suppose that is the way I would have to answer the question: I don't know.

Q. You are aware of what amniotic fluid is?

A. Yes.

Q. You are aware that there are medical processes by which amniotic fluid can be withdrawn?

A. Yes.

Q. So that determinations can be made as to whether or not there is a possibility of a youngster being Mongoloid, is that correct?

A. Yes.

Q. Whether there is a possibility, because of hereditary factors involved, as to whether a youngster will suffer from hemophilia if he happens to be a male?

A. Yes.

Q. So that we can determine sex?

A. Yes.

Q. We can determine whether or not a youngster in his mother's womb is going to run the likelihood of inheriting a disease of the mother, can we not?

A. Yes.

Q. When medicine is able to make those determinations, do you say that fetus then is something other than human?

A. We can do it on horses and sows, also.

Q. I didn't ask you that, did I? Have you ever seen any human being deliver a horse or a cow?

A. No.

Q. All right. Then will you answer that question, then, Doctor?

A. The question whether it is human is not related to the question of whether we can determine sex or whether we can determine hereditary disease.

Q. It is related to whether or not somebody has a right to kill it in its mother's womb, is it not?

A. In the mind of a mother-to-be, the question is important. It is important to know whether she regards the fetus in a particular way—that is, whether it is human, whether it is potentially human. I believe that the physician's role, scientist's role, would be to inform the mother, the person, anyone concerned, about the scientific facts, and let the person be informed by their own moral, ethical or religious training as to the issue when it becomes a human being, and . . .

Q. When it becomes a human being is up to the mother?

A. It is up to the mother and whatever counsel and education she may have in that area.

Q. And whether it lives or dies is up to the mother, is that correct?

A. Well, it is part of her body. I would say yes.

Q. Your testimony, then, is the mother and the mother alone decides whether a youngster in her womb lives or dies?

A. I qualify that answer by saying that I am not in favor of abortion on demand, which is this question and which this question relates to, and that the judgment of the physician is always required, and that a physician is not a technician, simply to do the bidding of anyone that comes to him for procedure. However, he does not, either, attempt to apply his particular moral or religious training or metaphysical judgments to a sphere which is of her concern.

Redirect Examination of William A. Lynch, M.D., by Mr. Irwin

Q. (By Mr. Irwin) Doctor, with reference to the questions that were asked you about Catholic hospitals not permitting abortion, could you tell us from your own experience what "non-Catholic hospitals" forbid abortions in their hospitals?

A. (Dr. Lynch) There have been in the past, and I believe now still, Lutheran hospitals do not. Many municipal hospitals also associated with medical institutions—Margaret Hague Maternity in New Jersey, one of the biggest in the country, for 35 years as a matter of policy has not allowed a therapeutic abortion, and this is a county institution which of necessity legally has to take anything that no other hospital can take. In fact, if a woman had leprosy and was pregnant, a private hospital might feel for the patient or esthetics they shouldn't take her, Margaret Hague would have to take her, by law. Thirty-five years that institution was presided over by Dr. Samuel Cosgrove, who happened to be the son of a Methodist minister, and he would not allow abortions, because he felt that anyone who is doing abortions because of a difficult problem is either too lazy or didn't know how to manage the problem. And here is an institution that in 35 years did something in the neighborhood of a quarter of a million deliveries, all kinds of problems—783 cardiacs without a death—not allowing abortion, and their patients doing very well and perfectly happy with the situation as it was.

ONE VIEW ON HOW "TO WORK OFF AMNESTY"

HON. JAMES G. O'HARA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 7, 1973

Mr. O'HARA. Mr. Speaker, much has been said in this Chamber, and throughout this Nation, in recent months on how to resolve the issue of the young men who avoided the draft or deserted the Armed Forces during the Vietnam conflict.

There have been charges, on the one hand, that those who oppose amnesty of any sort are vindictive, and on the other hand, that those who favor sweeping amnesty are soft.

This controversy over amnesty carries the same threat of dividing the Nation as did the war itself. And I believe that we should try to resolve this controversy without reaching for either extreme, and without challenging either the motives or the patriotism of the opposing point of view.

For myself, I have opposed any general amnesty, pardon, or reprieve for those who refused to obey their country's laws. I do, however, support the concept used so well by President Truman following World War II—the creation of a special commission to review each case individually, and to decide each case on its own merits.

Should my colleagues decide on a different course, I recommend for their consideration the proposal made recently by Mitch Kehetian, city editor of the Macomb Daily of Mt. Clemens, Mich., who suggested in a recent column that the draft evaders and deserters be allowed, in effect, to "work off their amnesty," by serving 2 years in labor battalions assigned the task of rebuilding South Vietnam.

Mr. Kehetian offers no defense for the men who sat out the war. But neither does he judge them harshly. He merely proposes a method whereby these men would pay their dues to society, and then return to full citizenship in what he calls "the greatest land on the face of this earth."

Mr. Speaker, I offer the full text of Mr. Kehetian's column entitled "An Answer to 'No Amnesty'" for the urgent consideration of my colleagues:

An Answer to "No Amnesty"

(By Mitch Kehetian)

Should the United States help rebuild the bombed cities of North Vietnam—the same cities U.S. bombers flattened to dent the military threat of the "enemy?"

Should the United States, in a gesture of "let's come together," grant some form of amnesty to those who evaded the draft by deserting to Canada and Sweden?

President Richard Nixon was emphatic when he issued his "no draft amnesty" notice, and because of his landslide election last fall the President will apparenty stick to his no amnesty edict for "four more years."

But in the meantime, American greenbacks will be used to rebuild North Vietnam. An ironic touch—capitalist dollars to rebuild the communist enemy.

First and foremost, the question of draft evaders must be resolved. Are these misguided young men a greater threat than the North Vietnamese? If the President is willing to help rebuild the enemy, should he not offer a "let's come together" message to American boys who fled their country to evade the draft.

Before we openly condemn the evaders, some of that condemnation must be aimed at members of the Congress who helped divide this nation over the Vietnam Question.

We should also condemn those who set up draft evasion counseling clinics—and members of the clergy who allowed draft evaders to seek refuge in the House of God.

While I have little sympathy for those who would flee from this land to avoid the draft, I for one cannot turn my back on a fellow American—whatever his reason or philosophy. Maybe it's because my immigrant parents taught me that this is the greatest land on the face of this earth—but unfortunately many Americans fail to recognize the freedom and greatness of America.

If the President is considering spending billions of dollars to rebuild North Vietnam—the same enemy responsible for the killing of 50,000 American boys—he should open his "let's come together" message to our misguided young men hiding out in foreign lands.

My suggestion would be to allow the evaders to return provided they served two years of hard labor" in rebuilding the devastated lands of South Vietnam—our friend in that costly Indochina war.

Let the draft evaders witness the horror the communists inflicted upon the brave people of South Vietnam—and let them tend to the thousands of unmarked graves of heroic South Vietnamese men and women who fought for freedom against the invading communists from the north.

And finally, remind them that while they sought refuge in foreign lands—50,000 of their fellow Americans gave their lives in the name of "peace with honor. . ."

Some liberal members of the Congress suggest the draft evaders be allowed to return and merely serve with a domestic-type Peace Corps unit.

My suggestion, I repeat, is to send them to South Vietnam to rebuild that small bastion of democracy—while billions of American dollars go to rebuild the northern cities of the enemy—the enemy that brought about the destruction of South Vietnam and the death of 50,000 American young men.

If there is a loser in the Vietnam war, it's the grieving family who lost a son or a husband in Vietnam—and the thousands more who saw their sons and husbands return mentally and physically crippled by the hell of war.

Even the most hardened criminal is granted probation when he completes a certain portion of his sentence—the American draft dodger can serve his sentence by working it off in war ravaged South Vietnam.

I'm certain the men and women of South Vietnam, a nation literally turned into a state of orphans, will make sure the draft evaders fulfill their two years at hard labor.

WHY SHOULD RUSSIA HAVE THREE VOTES IN THE U.N.?

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 7, 1973

Mr. RARICK. Mr. Speaker, some people still attempt to justify Russia, with a population of 241,748,000 people, having three votes in the U.N. while we of the United States, with a population of 205,000,000 have but one vote. The Russian votes at the U.N. are identified as one for the Soviet Union; one for Ukraine, population 47,136,000; and one vote for Byelorussia, population 9,003,000. Each of these two Soviet states having votes in the U.N. are also included in the population of the U.S.S.R.

To those that think that the Ukraine or Byelorussia are a separate government or independent from the Soviet Union, I read from the constitution of the U.S.S.R., chapter 2, the State Structure, article 13:

> The Union of Soviet Socialistic Republics is a federal state, formed on the basis of a voluntary union of equal Soviet Socialist Republics, namely:
>
> The Russian Soviet Federative Socialist Republic.
>
> The Ukrainian Soviet Socialist Republic.
>
> The Byelorussian Soviet Socialist Republic.

* * * * *

Quite obvious, by the so-called Constitution of the U.S.S.R., Ukraine and Byelorussia are simply states of the Soviet Union, without any self-determination or independence in domestic, foreign, or international affairs any more than any of the States of the United States.

Then, there are those Soviet apologists who would seek to justify the inequities of giving the Soviets three votes in the U.N. by stating that the Soviet Constitution, at article 17, provides:

> The right freely to secede from the U.S.S.R. is reserved to every Union Republic.

While the Soviet Constitution offers this propaganda, there has never been any secession by any of the Republics, and certainly neither Ukraine or Byelorussia has seceded or gained their independence as a condition to U.N. membership or as a result thereof.

On the basis of apportionment, giving the Soviets three votes to our one, gives the Soviet Union the equivalent voting power of one vote for every 80 million Soviet citizens, while we of the United States receive one vote for 205 million.

The combined assessed contribution of the three Soviet states to the U.N. is 16.1 percent compared to a 25 percent U.S. contribution. Back dues owned by Byelorussia, the Ukraine, and the U.S.S.R. amount to more than $102.9 million.

The voting and membership composition and assessed contributions to the U.N. make it an Alice in Wonderland as far as any fairness or equal representation or financial assessments.

MY RESPONSIBILITY TO FREEDOM

HON. ROBERT C. McEWEN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 7, 1973

Mr. McEWEN. Mr. Speaker, the Veterans of Foreign Wars of the United States and its ladies auxiliary annually conduct a most commendable program, the Voice of Democracy Contest. This year's theme was "My Responsibility to Freedom," and the winning speech from the State of New York was written by Miss Ellen Patten of Lawrenceville, N.Y., and a senior at St. Lawrence Central School, Brasher Falls, N.Y.

Miss Patten's speech is very thought inspiring, and it is with great pride that I insert a copy of her fine, prize-winning speech for the benefit of my colleagues and the general public.

MY RESPONSIBILITY TO FREEDOM

(By Miss Ellen Patten)

There has never been, nor ever will be a man born without the weight of responsibility placed on his shoulders, because responsibility, like the continuation of life is inevitable. Although the mood of responsibility may change as the world slowly elapses from one era to another, the essence of responsibility remains the same.

We all have basic responsibilities we can not, nor would we want to escape from, because they give us security and a purpose in life. But here in the United States we have another responsibility, a special responsibility that is our privilege as well as our heritage. We have a responsibility to freedom.

Although I share this responsibility with millions of people in our country today, people ranging from the socially prominent to the vast numbers of the silent majority, this responsibility is nevertheless a personal one.

I, as an individual, have a responsibility and that is first of all to understand freedom as it applies today. So often we tend to take for granted the many things that we are not continually reminded of, but we owe too much to freedom to let it fall in that category. We have the freedom to vote in local and national elections, and through this we are given the opportunity to express our opinions and beliefs in the affairs of our state and country. Our freedom has given us the right to a fair trial when we are accused, and when we are wronged, the right to ask for justice. We have the freedom to travel uninhibited and work as we chose, just as we are free to discuss, debate and voice our opinions without fear of suppression. Our entire lifestyle is based on freedom, a freedom we cannot afford to take for granted.

Beyond understanding freedom, I have a responsibility to preserve and protect the standards of freedom we now enjoy. If I use my freedoms selfishly or unjustly, without thought given to the rights of others, then I have made a mockery of freedom. I have freedom of speech, but in speaking if I unjustly incriminate another, then I have turned my back on my responsibility. I have the freedom to drive my own car, but in doing so if I drive recklessly or too fast, then again I have turned my back on my responsibility. Freedom is not just for one, but for many. Therefore my responsibility is not just to myself, but to many. I must use my freedom wisely, relying on good judgment and careful thought as well as laws and regulations instituted for my safety and protection and the safety and protection of others. This is my responsibility and through it I, as an individual, am doing my part to ensure and uphold the freedom of the people.

My final responsibility is to take pride in my freedom as a part of my heritage and a vital part of the great country of which I am a citizen. If I am not proud to be an American and proud to live in a country such as this where freedom, democracy and the rights of the people are guaranteed to us by a government we the people have elected to serve us, then I cannot truly say I have a responsibility to freedom. Why? Because a responsibility shouldered without pride is doomed from the outset, just as a democracy without the strength and support of its citizens is doomed.

I was born into a country where freedom was wrought at the hands of my forefathers and I live in a country where freedom has been fought for and often times tested at the hands of my parents . . . but I have only just begun, and when I am through, I shall die in a country where freedom has survived my tests, heard my demands, and felt my mark upon it.

F-111 FULLY RECOGNIZED

HON. O. C. FISHER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 7, 1973

Mr. FISHER. Mr. Speaker, I insert in the RECORD a portion of a newsstory contained in the prestigious Aerospace Daily of February 27, 1973.

Adm. Thomas H. Moorer, Chairman of the Joint Chiefs of Staff, recently appeared before the House Armed Services Committee and in response to questioning was high in his praise of the F-111 operations in Southeast Asia. That testimony has not yet been printed and released; however, testimony given by Admiral Moorer before the House Appropriations Defense Subcommittee on January 9 has now been released and his statements fully recognize the unique capabilities of the F-111.

The Aerospace Daily story appears below, but I would like to point out the special mention made of the F-111 suppression missions on surface-to-air missile—SAM-2—sites and Mig airfields about 20 minutes in advance of the B-52 flights. After this tactic was adopted no B-52's were lost either to Migs or SAM's, also, I would like to point out that during this highly difficult and dangerous series of missions no F-111's were lost either.

Among the capabilities of the F-111 is its ability to fly at high speed and at only 200 feet above the ground at nighttime and in bad weather. The newsstory points out in this connection that:

> The F-111s particularly were effective because during the bombing missions against North Viet Nam's two major cities between Dec. 18 and Dec. 29 there were only 12 hours of visual bombing weather.

The newsstory goes on to say that:

> While North Viet Nam fired over 1,000 missiles during the period bringing down 15 B-52s and damaging nine others, there were no losses during the last two days of the December effort, partly because of the suppression missions, Moorer noted.
>
> ### TESTIMONY ADDS FURTHER DETAILS OF F-111's VIET SUPPRESSION ROLE
>
> The heretofore heavily-classified story of the role F-111s played in suppressing North Vietnamese air defenses in raids on Hanoi-Haiphong has been partly lifted by testimony released yesterday.
>
> Adm. Thomas H. Moorer, chairman of the Joint Chiefs of Staff, recounted how F-111s primarily, along with Navy A-6s, flew suppression missions on surface to air missile (SAM-2) sites and MiG airfields usually 20 minutes in advance` of B-52 strikes. This partly helped keep B-52 losses well under projected loss figures, he told the House Appropriations defense subcommittee on Jan. 9 (Daily, Feb. 5).
>
> The F-111s particularly were effective because during the bombing missions against North Vietnam's two major cities between Dec. 18 and Dec. 29 there were only 12 hours of visual bombing weather.
>
> While North Vietnam fired over 1000 missiles during the period bringing down 15 B-52s and damaging nine others, there were no losses during the last two days of the December effort, partly because of the suppression missions, Moorer noted. Also "only 32 MiGs were airborne during this entire period," he told the subcommittee, "and not one B-52 was shot down by a MiG."
>
> Moorer noted that since bombing over the North resumed May 8, about 2500 SAMs had been fired at U.S. planes. But in the 10 days of the Hanoi area attacks, the 1000 missiles managed to knock down only 2% of the B-52s which conducted over 700 sorties. Before the raids, a 3% loss was anticipated.
>
> Moorer reported that a preliminary assessment showed at least five SAM sites around Hanoi were damaged or destroyed by F-111s and A-6s, out of around 11 or 12, while there were nine or 10 at Haiphong, "some of which are marginal."
>
> Moorer said 500-pound bombs were used mostly against the sites, although cluster bombs were "good for keeping heads down," and F-105s and A-7s used Shrike missiles when daylight attacks could be conducted. F-4s were also used.
>
> In all, 20,370,000 tons of bombs were dropped during the stepped-up campaign. Included were "smart" bombs which were capable of taking out the generator room alone in power plants, the admiral said. These, however, were used mostly during the 12 hours of visual bombing weather.
>
> Moorer added that ". . . it would take them (the North Vietnamese) over a year to restore all those (rail) yards (the primary means of supply) to their capacity." This would be true "even with significant outside help."

SOVEREIGN ORDER OF CYPRUS HONORS ZENON C. R. HANSEN

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 7, 1973

Mr. BIAGGI. Mr. Speaker, under leave to extend my remarks, I insert the highlights of the ceremony at which a high distinction was conferred upon one of our foremost humanitarians and patriots in the United States, Zenon Clayton Raymond Hansen, chairman and chief executive officer of Mack Trucks, Inc. Mr. Speaker, the honor to which I am referring was the investiture of Mr. Zenon C. R. Hansen as a Chevalier of the Ordre Souverain de Chypre.

Mr. Hansen has distinguished himself in his community and throughout the Nation in various executive and directorial capacities in the interest of the Boy Scouts of America, YMCA, United Fund, U.S. Treasury Bond Drives and a score of other civic, charitable, religious, educational and fraternal organizations. He is the recipient of a number of honors and awards for his efforts to foster and advance the high ideals of freedom and citizenship.

The ceremony took place at the Chapel of the World Church Center of the United Nations in New York, in the presence of distinguished church prelates and public officials.

The Sovereign Order of Cyprus, one of the oldest orders of chivalry, was founded in the year 1192, by Guy de Lusignan, King of Cyprus and Jerusalem, and confirmed by Pope Innocent III in the year 1200, who imposed upon it the dual mission of spreading the Christian faith and acting as a bulwark of Christendom in the eastern Mediterranean. The order was created on the model of the Hospitaller and Military Orders such as those of the Temple, and of St. John, installed in the Holy Land. Three hundred men of noble birth were inducted as knights in the new order and allowed to wear the red, eight-pointed cross of the order at the throat. They were obliged to defend the island route to the Holy Land and to prevent attack and infiltration of the infidels. The order also consisted of men-at-arms, chaplains, and serving brothers who, with the knights, were organized in commanderies. The distinguishing mark of the knights was a blue mantle with the red cross of the order upon it. The order attracted to its ranks some of the most vigorous nobles of Christendom, and these knights were to take an active interest in the affairs of the Holy Roman Empire and of the Byzantine Empire in addition to their defense of the pilgrims and their charitable works.

Under a succession of able grand masters, for more than 3 centuries, the deeds and influence of the Sovereign Order of Cyprus were enormous and its members played an important role in the political life of the times. After the annexation of Cyprus by Venice, the order entered into a period of decline and its members dispersed throughout the Balkan States and Western Europe. More recently the order was activated by the descendants of some of its most illustrious knights with the blessings of the Holy See and dedicated to the unique values of Christian civilization and the spirit of ecumenism. Its reorganizers, like their famous ancestors, felt obliged, in the face of the many dangers which beset our culture and our institutions, to reestablish this venerable and tradition-laden order of chivalry, springing from one of the most respected shrines of Western thought; affirming in this way, the continuity of Christian effort against terror and injustice on a far-reaching ecumenical level.

The Sovereign Order of Cyprus, today a modern organization, based upon ancient principles and traditions is dedicated "to strive for the maintenance of Christian ideals and Western humanism, the liberty and dignity of man, and to oppose all forms of oppression." Among its objectives is the building of hospitals, places of worship, and other charitable, spiritual and educational institutions. The order honors writers, artists, men of science, culture, education and medicine; leaders of the free world from every walk of life, regardless of race, creed, color or national origin.

In its nearly 800-year history, only 900 men have received this coveted knighthood and symbolic cross. For the propagation and diffusion of its principles, the order has created an institute for the Study of Moral Philosophy and Social Sciences, "Academie des Etudes Superieures" which it subsidizes.

Mr. Speaker, it is my particular pleasure to inform this House that His Excellency Lorenzo de Valitch, titular bishop of Ephesus and apostolic delegate to the United States, the hereditary grand chancellor of the Sovereign Order of Cyprus, heir to the rich traditions of this noble and ancient order, created an American commandery of the order more than 7 years ago, in recognition of the dynamic and crusading American spirit which has contributed immeasurably to bringing freedom from oppression to the many peoples of the world. Bishop de Valitch personally presided over the inauguration of the American commandery and has since personally overseen its affairs. A magisterial seat in Rome, Italy, enables the United States commandery to enjoy certain diplomatic privileges, and for the purpose of propagating the order as a subject of international law in such countries in which it is represented. It also enjoys the right of active and passive diplomatic representation and to guarantee and direct such representation in each and every place where its credentials have been presented. It can appoint ambassadors, ministers and consular representatives with specified districts and accordingly issue appropriate diplomatic passports, pursuant to international customs.

I would like to enter in the RECORD the names of some of the outstanding members of this order both in the United States and abroad:

H. R. H. Prince Louis de Bourbon.

H. S. H. Prince L. Radziwill, Rome and London.

Count Stefan Potocki, diplomat, Paris.

H. E. J. Velasco-Alvarado, President, Peru.

H. E. Charles Aillot, Ambassador, Ivory Coast.

H. E. Dr. A. Bellini, Noted Industrialist, Italy and Belgium.

H. E. Damaskinos Georgakopoulos, Archimandirate du Trone Oecumenique.

General James H. Doolittle.

Lowell Thomas.

Dr. Boris Pregel, Scientist and Philanthropist.

Monsignor Patrick B. Fay.

Hon. Ludovic Huybrechts, Industrialist.

Henry S. Evans, Author and Professor of International Relations.

Rev. Fred P. Eckhardt.

Maitre Jacques Gambier de Laforterie, Noted Lawyer, Paris.

H. E. Philibert Bongo, Ambassador to Rome.

Dr. Serge Korff, Professor, Nuclear Physics, N.Y. University.

Hon. Edward Thompson, Supreme Court Justice, New York.

Louis A. Brun, New York.

Joseph James Akston, Patron of Arts, Palm Beach, Florida.

Victor Wallace Farris, Philanthropist, Inventor, Palm Beach, Florida.

Jean E. Saurel, Pan American Union, Washington, D.C.

S. E. S. Prince Francesco Caponera di Sebaste, Italy.

H. E. Count Luciano Pelliccioni de Poli, Italy.

H. Dale Hemmerdinger, Real Estate Executive, New York.

Stanley Carey, Insurance Executive, New York.

Frederick N. Kinne, Phd. Industrialist, New Jersey.

A. William Carter, New York.

Donald W. Scholle, Investments, New York.

Emil V. Hegyi, Oil Company Executive, Dallas, Texas.

Frederick Paul Pittera, International Exposition Consultant, New York.

These distinguished contemporaries typify the caliber of men holding this high honor. I wish to congratulate Mr. Zenon C. R. Hansen at having been selected to join this illustrious group. I would also like to commend His Excellency Bishop de Valitch for his tireless efforts to bring about a better world and to wish him and the knights of the Sovereign Order of Cyprus continued success in their humanitarian efforts.

DISARMING THE LAW ABIDING

HON. JOSEPH M. GAYDOS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 7, 1973

Mr. GAYDOS. Mr. Speaker, the brutal shooting down of prominent persons confronts us all with the question: What must be done to stop it?

With a great many Americans, the quick response is "gun control"—new Federal laws to disarm the potential murderers.

But is this the answer?

In my opinion, Rabbi Robert A. Kaufman of State College, Pa., has summed up the anticontrol legislation argument in ways that command widespread attention.

Writing to a newspaper—Pittsburgh Post Gazette—Rabbi Kaufman, a gun hobbyist, cited a recent TV interview with a condemned murderer and holdup man who pointed out that criminals always will be able to get guns, while laws will prevent law-abiding citizens from owning them. The rabbi asserted:

> This statement is far more realistic than the approach of gun control advocates.

He also commented that the Bayh bill was not simply a measure to ban the Saturday night special but, if passed, would have eliminated many handguns of high quality and cost which are the cherished possessions of the hobbyists.

The rabbi continued:

> Most Colt single-action western frontier style revolvers, and similar ones made by other companies, would have been eliminated from the market by the provisions of this bill. This would have been true even though this style pistol is large, difficult to conceal, and used mainly by sportsmen and gun hobbyists such as myself . . . In recent years I have never read of a crime involving handguns where this type of gun was used.

So why, it can be asked, take them from those who prize them in hobby or for sport?

Rabbi Kaufman contends that the best approach to the gun problem is, first of all, the strict enforcement of laws already on the books. He explained:

> If this type of enforcement had taken place for example in the case of the man who shot Gov. Wallace, that man would not have been there with a gun at that time. He would have been in jail.

The Rabbi concluded:

> Bringing back the death penalty, enforcing it where it has to be done, and an end to the general softness toward criminals will do more to cut down serious crime than a million gun control laws.

The solution to the gun problem, perhaps, has never been more tersely stated. The criminal has been getting by with murder in recent years because of supertolerant courts and a wave of permissiveness generated by well-meaning, but misled people across the country. It is time that we deal with the crime problem realistically and fully and not with some vaunted hope of lessening it by the simple means of passing a gun control law that could not in itself be effective because the criminal element never would obey it. We need to pay attention to such men as Rabbi Kaufman who have given the matter deep thought and reached sound decisions about it.

COMMUNICATION WORKERS SUPPORT WALDIE, REID NEWS BILLS

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 7, 1973

Mr. WALDIE. Mr. Speaker, the Communications Workers of America, under the sensitive leadership of President Joseph A. Beirne, have been particularly alert to threats of freedom in this country and have acted with intelligence and vigor in efforts to protect and preserve those values on which the freedom of us all is most dependent. The current consideration being given by Congress to proposed legislation that would guarantee the continued free flow of information to the public and protect the confidentiality of newsgathering activities, including legislation I have proposed, H.R. 2187, to achieve that objective, is an area that falls within the CWA's traditional scope of alertness and concern.

I am pleased to be able to inform the House, therefore, that the executive board of the Communications Workers of America, affiliated with AFL–CIO, has adopted a statement with respect to the current assaults against freedom of the press and in accordance with their historic sensitivity on this subject.

The importance of action to guarantee the ability of the press to function as it has in the past is ably set forth in the text of the CWA's executive board.

I wish to call the specific attention of the House to that portion of the statement referring to endorsement of the principles of H.R. 2187, introduced by myself on the House side, and of S. 158, the counterpart bill, sponsored by my distinguished colleague from California, Alan Cranston, on the Senate side.

The full text of the statement by the CWA executive board is as follows:

The Right to Know

Never, since 1787, has the right of the public to know about public business been under so strong and concerted an attack than during the present time. This is an attack on a principal guarantee of the Constitution.

A little at a time, the administration has resorted to broadside attacks on the right of the news media to analyze and criticize the operations of government. The administration seems to be following the line of the present military government of Greece, which nominally guarantees a "freedom of the press" but in fact cracks down on news media which "abuse" their "freedom."

The most sinister development in the United States is the attempt to compel persons engaged in newsgathering to reveal sources of information. The practical effect of such disclosure of sources would necessarily be to stifle free expression.

When the Constitution was adopted, there was wide controversy over the question of freedom of the press. At that time, various segments of the press were carrying on scurrilous attacks on public officials, even including George Washington. The Constitutional Convention of 1787 at first rejected a provision to guarantee inviolable freedom of the press. Subsequently, as a capstone of the Bill of Rights, the Convention provided for the free press, to help ensure against abuse of power by government.

The situation in the early 1970's has become so serious that the Congress is looking into legislation to define, once again, the doctrine that the free flow of information must be unrestricted. The Judiciary Committee of the House of Representatives and the Senate are hard at work on legislation to prohibit government agencies from compelling disclosure of source materials. The proposed bills run from total privilege of the newsgathering persons to a "qualified" privilege.

A major reason for the intense interest within the Congress for legislation to protect the media is a series of federal and state court decisions in the last 3 years. Newsgatherers have been summoned before grand juries to produce mental and written notes, still film negatives, and film and tape "outtakes" not used in broadcast programing. Some news media representatives have been incarcerated because they were protecting news sources; the reason offered by government for jailing of reporters has been the implication that justice was being obstructed.

The United States Supreme Court in June 1972 threw over longheld tradition and established precedent by its decision in *Branzburg* v. *Hayes*, thus deciding on a 5–4 vote that an investigative reporter must disclose to a grand jury information gathered in the course of his duties. The tradition and precedents date back to Thomas Jefferson, James Madison and Alexander Hamilton through the "Pentagon Papers" case against the New York Times in 1971. In all of those, the weight of decision had been toward untrammeled disclosure of information vital to the public's right to know about its business.

Among the many bills the Congress presently is examining on the subject of legal privilege for newsgatherers to protect sources and continue to report the public's business without harassment are those introduced by Representatives Ogden Reid and Jerome Waldie and Senator Alan Cranston. Congressman Reid's bill would provide for unqualified and total privilege for reporters, so that they might not be required to abridge the First Amendment's rights in proceedings before the Congress, federal courts and agencies. The Waldie-Cranston proposal would extend the unqualified privilege to reporters in all federal and state proceedings.

The Executive Board of the Communications Workers of America subscribes to the principles of the Reid, Waldie and Cranston proposals. This Board does not draw stringent distinctions between the Reid and the Waldie-Cranston proposals, since the basic right of news media must in the end be determined by the federal court system—which is, and must continue to be, governed by the United States Constitution as a result of the decisions taken by the Constitutional Convention of 1787.

The CWA Executive Board, moreover, condemns the trend toward stifling of information attempted by government at all levels by whatever pretext employed.

The CWA Executive Board urges the Congress to enact legislation for unqualified privilege in terms sufficiently clear that the declarations of the nation's founders in 1787 may be fully honored in the 1970's and beyond.

SHIP SUBSIDY UP 20 PERCENT

HON. WILLIAM LEHMAN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 1973

Mr. LEHMAN. Mr. Speaker, while social programs are faced with massive budget cutbacks, certain special interest subsidies are alive and prospering.

The President's budget proposes that we subsidize ship construction by $213 million—an increase of more than 20 percent in 1 year.

An increase in special-interest subsidies at a time when programs that help people are being closed down every day is a tragic example of our Nation's badly misaligned priorities.

As Congress works this year to reshape our national priorities, let us find a better use for the proposed $36 million increase in the ship construction subsidy.

SENATE—*Thursday, March 8, 1973*

The Senate met at 12 o'clock meridian and was called to order by Hon. Robert T. Stafford, a Senator from the State of Vermont.

PRAYER

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

Eternal God, our Creator and Redeemer, before Thee we acknowledge that Thou art holy and we are unholy, Thou art perfect and we are imperfect, Thou art pure and we are impure. In these Lenten days of penitence and renewal, may a new spirit be born in us and in all the people of this good land. Deliver us from all that obstructs the way of righteousness and truth. Deliver us from pride and prejudice, from the clash of class with class, or race with race, from hostility or mistreatment of our fellow citizens, from distrust of one another, from intemperate speech, the hot invective, the cruel epithet. Set our minds upon the vision of Thy kingdom and a better people in a more righteous land, that we may set forward the fulfillment of that kingdom, the law of which is love and the Ruler of which is the Lord of Life. In His name who forgives and renews the humble and contrite of heart. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. Eastland).

The assistant legislative clerk read the following letter:

U.S. Senate,
President pro tempore,
Washington, D.C., March 8, 1973.

To the Senate:

Being temporarily absent from the Senate on official duties, I appoint Hon. Robert T. Stafford, a Senator from the State of Vermont, to perform the duties of the Chair during my absence.

James O. Eastland,
President pro tempore.

Mr. STAFFORD thereupon took the chair as Acting President pro tempore.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Hackney, one of its reading clerks, informed the Senate that, pursuant to Public Law 301 of the 78th Congress, the chairman of the Committee on Merchant Marine and Fisheries has appointed Mr. Downing, Mr. Eckhardt, and Mr. Mosher as members of the Board of Visitors to the U.S. Merchant Marine Academy, for the year 1973, and Mrs. Sullivan has been appointed to serve as an ex officio member.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Tuesday, March 6, 1973, be dispensed with.

The PRESIDING OFFICER (Mr. Nunn). Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees may be authorized to meet during the session of the Senate today.

The PRESIDING OFFICER. Without objection, it is so ordered.

CAMBODIA

Mr. MANSFIELD. Mr. President, in the the latest issue of U.S. News & World

Report, there is an article entitled "Cambodia . . . Still in Agony."

The article starts as follows:

> Cambodia was the last of the Indo-Chinese nations to be drawn into war, and now it is doomed to be the last to find a way out.
>
> When it does, the cost of a war the country tried for years to avoid may be higher, proportionately, than that paid by its neighbors—North and South Vietnam, and Laos.

Mr. President, I ask unanimous consent to have this article from the U.S. News & World Report, under date of March 12, 1973, printed in full in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Cambodia . . . Still in Agony

Pnompenh.—Cambodia was the last of the Indo-China nations to be drawn into war, and now it is doomed to be the last to find a way out.

When it does, the cost of a war the country tried for years to avoid may be higher, proportionately, than that paid by its neighbors—North and South Vietnam, and Laos.

In Saigon and Vientiane there is talk about an end to fighting, but here the mood hovers between desperation and fear of coming disaster.

Communist-led rebels dominate nearly three quarters of the country, either occupying it outright or moving freely about at will.

In recent weeks, a rebel offensive, described by some military observers as the biggest of the three-year-old war, has surged to within 10 miles of Pnompenh.

Almost all highways leading from the capital are cut or open only intermittently to convoy traffic, and the country's Mekong River lifeline to the outside world also is seriously threatened.

The American-equipped Cambodian Army—which the Government says numbers about 200,000 men—has shown improvement over the past year, but it has not mounted a sustained offensive since late 1971. Some soldiers still fight with spirit, yet military observers warn that a long string of defeats is seriously undermining morale and discipline.

The country's economy is a shambles, with corruption rampant and prices skyrocketing. It is almost completely dependent on U.S. military aid totaling nearly 200 million dollars a year and an additional 100 million dollars in economic assistance.

CHANCES FOR PEACE

Is a cease-fire in Cambodia likely? The odds are rated very slim at the moment, according to experts in Pnompenh, because the various factions in the conflict are so fragmented.

Ailing President Lon Nol's political party monopolizes the Government, with his brother, Lon Non, a power behind the throne. Strong American efforts to get the two leaders to broaden the Government's base and bring in non-Communist, but anti-Lon Nol, elements have been unsuccessful.

It's a similar story on the other side.

With only about 23,000 North Vietnamese in the country, fewer than 10,000 of them combat soldiers, most of the fighting is in the hands of Cambodian insurgents—the "Khmer Rouge." Their strength is estimated at between 30,000 and 40,000 men—trained, led or advised by the North Vietnamese.

But the Khmer Rouge is divided, and not all of its supporters are Communists. Some are anti-Lon Nol nationalists, others are royalists who support the former ruler, exiled Prince Norodom Sihanouk, and many are little more than bandits.

Observes one specialist on Indo-Chinese affairs:

"The only thing the rebels agree on is opposition to Lon Nol. The problem in negotiating with the rebels is that we do not even know who leads some of the many groups."

SIHANOUK'S ROLE

Another major unknown is the extent of Sihanouk's influence among the rebels. U.S. officials generally think he has few, if any, important supporters. On the other hand, there are French experts who insist he will be able to return to Cambodia as an uncrowned head of state, if not as chief of government.

The U.S. has relatively little power to impose a truce in Cambodia. Washington could cut off military and economic aid, but that would almost guarantee collapse of the Lon Nol regime. On the other side, Hanoi does not appear to have the decisive influence over Cambodian rebels that it had with its Viet Cong allies in South Vietnam and the Pathet Lao in Laos.

As most authorities on Indo-China see it, Cambodia's immediate future will be keyed more to fighting, political chaos, economic disruption—and less to a genuine search for peace.

WOUNDED KNEE

Mr. MANSFIELD. Mr. President, I ask unanimous consent that an article published in the Christian Science Monitor on March 7, 1973, entitled "Getting Beyond Wounded Knee," be printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

Getting Beyond Wounded Knee

It is not easy to cut through the events at Wounded Knee, South Dakota, and reach a simple answer to general Indian discontent.

One can rightly be relieved that the militant Indian takeover of the hamlet is ending without a forceful invasion by federal or Indian authorities. Over-reaction to other kinds of demonstrations, on campuses or in the streets, in the past few years was often found to be the precipitating cause of violence. And one can regret that the Indians introduced arms to the demonstration. It can be argued that without an adequate threat of danger, of desperation, the issues the Indians wanted to present might not have gotten the attention they deserve. But the bearing of arms in disputes raised the issue also to another threshold of danger. The legal consequences for those involved could be grave.

It may be that the issue of Indian militance ultimately will have to be decided within the Indian community itself. It may be that the tension between armed militants other militants, and moderate Indians may continue just as it has within the American black community. It is clear that the Wounded Knee episode was as much about this kind of dispute over the nature of "red power" as it was about the Indians' dispute with white society.

In their dispute with white society, the Indians have lost unfairly time and again. White man's justice as much as white man's firepower ground them down.

The Indians' dispute is not just over the past—with awakening white society's conscience to such misdeeds as the original Wounded Knee massacre of 1890. American Indians continue to suffer the indignity of unequal treatment. Reservation land is still flooded against treaty terms for white society's power, and water demands. Their interests have not been represented adequately in Congress or the courts.

In conflict between Indian and white, the presumption has always been that the white man's civilization must predominate. It is ironic, of course, that there now is something of a renaissance among many Americans—in reaction to the environmental encroachments of industrial society—of what may loosely be called Indian values . . . that is, a sense of the integrity of a natural heritage and man's right to live in harmony with it.

But many of the Indians' grievances are more specific than a desire to live by the old ways. They have a point when they ask that a review be made by the Senate Committee on Intergovernmental Relations of Indian treatment by the Bureau of Indian Affairs, or that the Senate review whether the government has lived up to the terms of its 371 treaties with the Indians.

There is a danger that reviews would be used as a substitute for concrete action in settling future Indian claims. No one should be deluded into thinking that inquiries could make up for a lack of representative political power. After all, Indians account for only about 1 percent of the American population. American blacks make up a tenth of the population, and apart from their progress in the courts, consider the trouble they have had in getting federal representation.

But at least such formal review could begin to lay an objective framework for resolving future white man-Indian disputes, and help lift the problem above the dangerous conscience-stirring level represented by the return to Wounded Knee.

THE UNITED STATES AND SEATO

Mr. MANSFIELD. Mr. President, I ask unanimous consent that a commentary written by Clayton Fritchey, entitled "Include the U.S. Out of SEATO" be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the Chicago Tribune, Mar. 6, 1973]

Include the U.S. Out of SEATO

(By Clayton Fritchey)

Washington.—Sen. Robert Byrd (D. W. Va.), is the assistant majority leader of the U.S. Senate. He is a capable politician. Hence, it is all the more astonishing to hear him make one of the most constructive of all Vietnamese post-ceasefire proposals.

He thinks it's time for us to withdraw from the Southeast Asia Treaty Organization—the mischievous SEATO that has meant nothing but trouble for the United States since former Secretary of State John Foster Dulles invented it almost 20 years ago to legalize American meddling in Asian affairs.

Sen. Byrd, stating it politely, says the treaty hasn't served U.S. interests. And he adds: "All SEATO has done is talk. The pact has no power to unite its members in efforts to maintain peace and security, and thus fails its basic purpose."

Actually, it has tempted the United States to disturb the peace rather than maintain it. So now is the time, following the lead of some of the treaty's other signatories, to get out—before it leads us into more Asian misadventures.

With possibly one or two exceptions, none of the other members of SEATO has ever had much use for the treaty. It has never really been what its name implies, for aside from Thailand, no Southeast Asian nation would join it. Britain and France reluctantly joined in order to humor Washington. Australia and New Zealand came in because they depend on the United States to protect them. Thailand and the Philippines are quasi-U.S. satellites. Pakistan, at the time, was also one of our client states.

Altho Washington has for years invoked SEATO as legal authority for intervening in South Viet Nam, it should be noted that the Saigon government is not a signatory.

Indeed, the treaty doesn't even recognize the existence of a state of South Viet Nam, but only of a state of Viet Nam, which, under the 1954 Geneva peace agreement, meant Hanoi.

It wasn't until after the United States began sending in ground troops that former President Lyndon B. Johnson suddenly discovered [in 1966] that under SEATO we had to defend South Viet Nam.

"We are in Viet Nam," the late President proclaimed, "because the United States and our allies are committed to meet the common danger of aggression in Southeast Asia."

This was news to our allies. The other major signatories of the treaty—Britain, France, and Pakistan—have never recognized any obligation to help Saigon. Pakistan, in fact, has since withdrawn from SEATO. France is inactive.

The new prime minister of New Zealand, who feels SEATO has "atrophied," says, "We need an organization which brings countries together rather than separates them, as SEATO does." Australia also is close to withdrawal.

Sen. Byrd can render a real public service if he now goes on to show how the American people were deceived into thinking that SEATO imposed on them a sacred commitment to fight for South Viet Nam. That question ought to be clearly settled, so that it can never be exploited again.

The question first arose when the treaty was before the U.S. Senate in 1955 for ratification. The then chairman of the Foreign Relations Committee, Sen. Walter George, said, [with the approval of Secretary Dulles], "I cannot emphasize too strongly that we have no obligation to take positive measures of any kind. All we are obligated to do is consult together about it."

Dulles himself told the Senate, "We do not intend to dedicate any major elements of the U.S. military establishment to form an army of defense in this area. . ."

Yet, in the end, a willful President did just that—without consulting Congress, the public or even the other members of SEATO.

Before his election in 1968, Nixon described SEATO as a "somewhat anachronistic relic," while Henry Kissinger was calling it "moribund." Once in the White House, however, their criticism ceased.

Now that Nixon is disengaging from Viet Nam, it might be a good time for him to substitute for SEATO a policy he once enunciated in Manila. He said: "Peace in Asia cannot come from the United States. It must come from Asia. The peace of Asia, the governments of Asia—they are the ones who must lead the way to peace in Asia." Amen.

ORDER OF BUSINESS—INTRODUCTION OF BILLS

The PRESIDING OFFICER. The Senator from Montana is recognized.

(The remarks Senator Mansfield made at this point on the introduction of S. 1124, dealing with gun-crime laws, are printed in the Record under Statements on Introduced Bills and Joint Resolutions.)

The PRESIDING OFFICER. Under the previous order, the Senator from Iowa is recognized.

(The remarks Senator Hughes made at this point on the introduction of S. 1125, dealing with the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act, are printed in the Record under Statements on Introduced Bills and Joint Resolutions.)

ORDER OF BUSINESS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the orders for the recognition of Mr. Bellmon and Mr. Buckley be reversed.

The PRESIDING OFFICER. Without objection, it is so ordered.

Under the previous order, the Senator from New York (Mr. Buckley) is recognized for not to exceed 15 minutes.

(The remarks Senator Buckley made at this point on the introduction of S. 1126 and S. 1127 to amend titles 18 and 28, United States Code, are printed in the Record under Statements on Introduced Bills and Joint Resolutions.)

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States were communicated to the Senate by Mr. Leonard, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Presiding Officer (Mr. Nunn) laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(The nominations received today are printed at the end of Senate proceedings.)

ORDER OF BUSINESS

Mr. ROBERT C. BYRD. Mr. President, how much time does the Senator from New York have remaining?

The PRESIDING OFFICER. The Senator from New York has 10 minutes remaining.

Mr. ROBERT C. BYRD. I noted that the distinguished senior Senator from North Carolina (Mr. Ervin) wanted to speak briefly.

Mr. ERVIN. Mr. President, I wanted to introduce a bill.

Mr. ROBERT C. BYRD. Will the Senator from New York yield a little time to the Senator from North Carolina?

Mr. BUCKLEY. Mr. President, I am delighted to yield.

(The remarks Senator Ervin made at this point on the introduction of S. 1128, the Newsman's Privilege Act of 1973, and Senate Joint Resolution 72, dealing with the requirement for Federal officers and employees to inform the Congress are printed in the Record under Statements on Introduced Bills and Joint Resolutions.)

ORDER OF BUSINESS

Mr. GRIFFIN. Mr. President, I ask unanimous consent that the time allotted to the Senator from Oklahoma (Mr. Bellmon) may be transferred to the junior Senator from Michigan.

The PRESIDING OFFICER. Without objection, it is so ordered.

MEDICARE, MEDICAID, AND THE 1974 BUDGET

Mr. GRIFFIN. Mr. President, last Thursday the Senate was treated to a series of speeches concerning the present status and future of medicare and medicaid. The speeches were spiced with statistics calculated to alarm Senators and to panic the elderly of the Nation.

Those who expressed their disapproval of President Nixon's approach to the problem seemed almost to imply that the medicare and medicaid programs would be scrapped, and that the elderly will be denied medical care when they need it most.

This is not true. What are the facts?

THE FACTS OF THE SITUATION

President Nixon's 1974 budget schedules a massive 20-percent increase in the level of Federal spending for health, principally a $2.5 billion rise in medicare benefits. Yet, there are those who regard this as too little, since the increase would be even larger if President Nixon had proposed no changes in the medicare system.

If Congress rejects the changes which President Nixon proposes, then Federal health spending will be increased in fiscal 1974 by some $3 billion, instead of $2.5 billion. Obviously, medicare is an area where costs are spiraling. It is an area in which the President is seeking to achieve some measure of better control.

President Nixon is committed to improving medicare benefits; but he is also trying to improve the program and its administration at the same time. What are the changes the President is requesting?

Under existing law, a medicare patient pays $72 upon admission to a hospital. He pays nothing for the next 60 days of his stay; but thereafter his costs escalate rapidly.

Under President Nixon's proposal, a patient would pay the hospital's regular room and board rate for his first day as a patient, plus 10 percent of any additional charges, and only 10 percent of the total daily bill thereafter. his cost would be geared to the going rate. It will also be geared more closely to living costs in his area.

Importantly, the President's proposals are far better than existing law for patients with serious illnesses that keep them in hospitals and nursing homes over extended periods. At about 94 days, using the national average cost figure, the patient will be ahead under the new system. At the end of 150 days, his savings could amount to approximately $1,500.

In other words, a long-term serious illness will cost much less under the President's proposal than under the present system.

In short, the President is seeking to reform medicaid and medicare, to reduce financial burdens for aged and disabled patients who experience long hospital stays, to improve program management, and to increase incentives for the most effective use of services.

These are the facts, Mr. President.

THE COST TO THE TAXPAYERS

I indicated earlier that Federal spending for medicare only is scheduled to increase in fiscal 1974 by $2.5 billion, taking President Nixon's proposed changes into account. Overall, outlays for Federal health programs are estimated at $21.7 billion in fiscal 1974, an increase of $3.7 billion—or 21 percent—from 1973.

Under President Nixon's budget as submitted, health programs will account for 8.1 percent of the total Federal budget in fiscal 1974.

Outlays are expected to rise to $25.2 billion in 1975.

These are health programs, Mr. President. If we total all health expenditures, including those of the Defense Department and the Veterans' Administration, as the Special Analysis of the Budget does on page 135, then we find the Federal Government spending $30.3 billion in health outlays for fiscal year 1974.

To translate this, $30.3 billion for health alone is more than we spent last year on:

The Department of Agriculture;

The Department of Commerce;

The Department of Housing and Urban Development;

The Department of Interior;

The Department of Justice;

The Department of State;

The Atomic Energy Commission;

The Environmental Protection Agency; and NASA, all put together.

Again, Mr. President, nearly 5 million additional poor, aged, and disabled persons will benefit through substantially expanded financial support for health services. Let me emphasize, Mr. President, that this is 5 million more people than last year—5 million more than ever before.

These, Mr. President, are the valid statistics concerning what the Federal Government under President Nixon is attempting to do to improve the health and safety of our people. They are from the budget itself.

As I have indicated, these statistics show absolutely the reverse of the attitude implied by the partisan political attack made on the President last week. This administration is not the harsh and disinterested group that its opponents would have us believe. It is difficult to view the series of speeches on Thursday, all with the same monotonous refrain and virtually devoid of facts, as anything but an orchestrated, cynical polemic seeking to embarrass the administration.

But this administration does not want to squander the public purse. It does not want to waste the taxpayers' moneys. The President and those who are charged with developing policy for this administration seek an efficient and effective system of health care for those who need it. For this, the President is being criticized.

THE POLITICS OF THE ACCUSATIONS

Since there was little or no reference to the benefits of those facing the tragedy of long term illness, one wonders if the real concern of those participating in last Thursday's clinic was the dollar and cents increase in costs proposed for some persons using hospital facilities under medicare. Or was it something else?

What most of the public, and the doctors as well, have been demanding of late is some sort of national health insurance, particularly because of the high cost of long term illnesses.

Yet, these Democratic critics ignore completely the fact that the changes proposed by the administration would give more benefits to those over 65 who have the misfortune to be subject to long term, catastrophic illness.

THE EXPERIENCE OF MEDICARE

Medicare was enacted in 1965. Thereafter, hospital use and therefore payments steadily outstripped expectations. Harry Schwartz, member of the editorial board of the New York Times, notes in his excellent book, "The Case for American Medicine," (McKay, 1972):

> ". . . a lesson was deeply burned into Congressional consciousness: No major benefits can be extended to the population without very careful consideration of the costs involved, including those costs likely to be generated by additional inflationary pressure on the medical system.

He points out that between 1967 and 1971 the number of hospital admissions per thousand persons enrolled under medicare increased from 266 to 309, or better than 15 percent; that between 1967 and 1969 the total number of hospital days paid for by medicare jumped almost 25 percent.

Medicare officials had to demand tighter control over hospital utilization. While medicare hospital admissions continued to increase, the average stay was cut somewhat from a total of 81 million days of hospital care in fiscal year 1969 to 78 million days in fiscal year 1971.

Congress, a Democratic Congress, was aware of these problems, and seemed to accept the necessity of tighter control over hospital use.

But, Mr. Schwartz raises a hard question at this point:

> Was all this vast amount of hospitalization necessary? Most of it undoubtedly was necessary and justified. But there have been significant abuses too.

He points out that hospitals rather than convalescent homes have been more and more used for extended care and recovery for medicare patients. Mr. Schwartz notes that this is not a medical but a social problem, but, nevertheless, as he points out, the availability of seemingly free or cheap hospital care encourages the people involved to use the medicare mechanism to meet the need.

Mr. Schwartz sees as another source of concern the sharp increase in the number of admissions per 1,000 persons 65 years and over.

The figure is astounding: A 40-percent increase in the rate of hospital admissions in less than a decade—that is from the mid-1960's to the early 1970's. Says Mr. Schwartz:

> It is hard to believe that older Americans needed hospitalization 40 percent more frequently in the early 1970's than they did in the mid 1960's.

He does not accuse these people of wrong-doing, it should be noted. They are simply responding to a technicality in the law which gives them an advantage. They cannot be blamed. But, on the other hand, if some sort of minimum check is not put on execessive hospital usage, the entire medical delivery system will be endangered. We are already faced with the specter of old people refusing further hospitalization and going home to die after their 60 days have expired, because they refuse to place the otherwise increasingly huge financial burden on their children.

Thus, contrary to the critics we have heard here, what the Nixon administration is proposing is a program of reforms designed to save medicare.

Not hurt it, but save it.

I suggest that our concern may best be directed toward either how to bring medicare costs under better control on the one hand, or face up to even bigger social security tax increases than the public already is paying on the other hand.

Mr. President, I ask unanimous consent that an editorial from the New York Times of January 14, 1973, entitled "Medicarelessness," be inserted in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

MEDICARELESSNESS

Congress, which voted last year to extend Medicare benefits to patients needing renal dialysis or kidney transplants, is learning to its dismay that in roughly a decade this provision may require annual expenditures of a billion dollars. Even so knowledgeable a Congressional specialist on health problems as Representative Paul G. Rogers of Florida has admitted publicly that "we in Congress had no idea that costs would be anywhere near that large."

This belated discovery is reminiscent of an earlier chapter in the growing history of Congressional fumbling with health matters. Much sad experience since the mid-1960's has revealed that the Congressmen who originally enacted Medicare and Medicaid had little understanding of the huge fiscal and other consequences that would flow from their action. One might have thought that these blunders might have encouraged caution, but now the record shows otherwise.

The point is not that victims of renal disease are unworthy of help, but that Government resources have to be allocated to meeting many needs. If a billion dollars has to go to prolonging the lives of thousands of kidney disease victims, that is a billion dollars that cannot go to eradicating slums, improving education or finding a cure for cancer. In a period when Congress is rightly fighting to protect its constitutional powers against White House usurpation, society has a right to expect that the legislators will understand what they are doing and know the magnitude of the commitment they are making when they pass special interest legislation, whether for kidney disease sufferers or anybody else.

ORDER OF BUSINESS

The PRESIDING OFFICER. Under the previous order, the Senator from Alaska is recognized for not to exceed 15 minutes.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that that order be vacated.

The PRESIDING OFFICER. Without objection, it is so ordered.

Under the previous order, the Senator from Virginia is recognized for not to exceed 15 minutes.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that I be recognized under my own order at this time, without prejudice to the distinguished senior Senator from Virginia (Mr. HARRY F. BYRD, JR.).

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from West Virginia is recognized for 15 minutes.

PEARL S. BUCK

Mr. ROBERT C. BYRD. Mr. President, this past Tuesday, West Virginia lost one of its most illustrious native daughters, America lost one of its greatest writers, and the world lost one of its finest human beings.

During her 80 years, Pearl Buck—who was born Pearl Sydenstricker in Hillsboro, W. Va., on July 26, 1892—achieved great fame and considerable wealth. Her second and best-known novel, "The Good Earth," led to her winning both the Pulitzer Prize and Nobel Prize for literature. And her other novels with Chinese settings, including "Peony" in 1948 and "Kinfolk" in 1949, helped establish her as one of the world's foremost authorities on China and its people.

But she was more than just a China writer. Pearl Buck was also a teacher—one semester at her alma mater, Randolph-Macon, and 2 years each at Nanking, Southeastern, and Chung Yang Universities in China. And she was a keen observer and chronicler of American life, as well. Under the pseudonym John Sedges, Miss Buck wrote five novels set in the United States—"The Townsman," "The Long Love," "Voices in the House," "The Angry Wife," and "Bright Possession."

If these were her only accomplishments, they would provide reason enough for us to mourn her passing. But Miss Buck measured even larger in humanitarian terms than she did in literary terms.

The author had a deep concern and love for children throughout her life, and the fame and fortune she gained from her writings enabled her to bring happiness to the lives of those less fortunate than herself.

In 1949 she founded Welcome House, an adoption agency for Amerasian children; and, in 1964, she organized the Pearl S. Buck Foundation to take over the expanded duties of the agencies. Three years after the foundation was established, Miss Buck signed over her entire estate—more than $7 million—so that the work of caring for Amerasian children could go on. This gesture, and the work accomplished through her generosity, could prove to be more lasting monuments to Pearl S. Buck than any of her novels.

Mr. President, most people do not realize that Pearl Buck was also a poet—albeit an unpublished one. Yet, one of her unpublished verses, entitled "Essence," gives the most definitive clue to her character and to the philosophy that helped mold her exemplary life:

> I give you the books I've made,
> Body and soul bled and flayed.
> Yet the essence they contain
> In one poem is made plain,
> In one poem is made clear;
> On this earth,
> Though far or near,
> Without love there's only fear.

Mr. STAFFORD. Mr. President, will the Senator yield?

Mr. ROBERT C. BYRD. Mr. President, I yield to the distinguished Senator from Vermont.

Mr. STAFFORD. Mr. President, I would like to be associated with the remarks which the distinguished Senator from West Virginia has just delivered to the Senate concerning the death of Pearl S. Buck.

Interestingly enough, Miss Buck was a resident of Danby, Vt., which is in my home county in Vermont at the time of her death.

Another of her monuments to her industry and to her feelings for America was the fact that she had gone a long way toward restoring the original buildings of the little town of Danby, which date to prerevolutionary times, to the shape they were in at that time. She did a great deal for the people of this community in Vermont in the course of the restoration of the buildings.

So, we in Vermont loved her as did the people in West Virginia and all throughout the country.

We shall miss her, and we honor her memory.

Mr. ROBERT C. BYRD. Mr. President, I thank the distinguished Senator from Vermont (Mr. STAFFORD) for taking note of the humanitarian activities which Miss Buck continued to pursue while residing in his State. This was typical of her.

I appreciate very much the comments that have been made by my friend, the Senator from Vermont.

PHASE III CONTROLS AND THE PROBLEM OF SHARPLY RISING FOOD PRICES

Mr. ROBERT C. BYRD. Mr. President, in the early part of January the U.S. Department of Labor made the startling announcement that wholesale prices in general—measured in terms of the wholesale price index—had risen by a seasonally adjusted rate 1.6 percent during the month of December—marking the sharpest month-to-month rise in wholesale prices in 21 years. Translated to an annual rate, this amounted to a 19.2 percent increase in prices. For 1972 as a whole, this extraordinary rise in prices brought the inflation rate in wholesale prices to a level of 6.5 percent, which was more than double the goal set by the administration's anti-inflation program for 1972.

Despite this development, the Nixon administration, to the surprise of most Americans, including myself, announced on January 11 of this year that most sectors of the economy subject to mandatory wage and price controls under phase II would be placed under a voluntary or self-administering system of controls. The only areas which would remain under phase II type mandatory controls would be the food, health, and construction sectors of the economy.

Many students of stabilization policy contend that this action by the Nixon administration was premature. Based on developments since the beginning of this year, I find myself in general agreement with this criticism. My reservations about the dumping of phase II controls at this time stem largely from my deep concern about the behavior of food prices which have been a source of grave concern and irritation to all consumers in recent months. Of particular concern to me is the effect that rising food prices are having on the purchasing power of the average wage earner and those Americans living on relatively fixed incomes.

At the retail level we find, for example, that food prices in general—as measured by the consumer price index—have risen by close to 24 percent—or 4.3 percent compounded annually—since 1967. Expressed in dollar terms, this means that the same market basket of food items purchased for $10 in 1967 costs the American consumer $12.40 today—representing a loss of purchasing power of $2.40.

When we observe, in particular, movements in consumer prices during the second half of 1972—June-December 1972—we find that prices overall increased by a seasonally adjusted annual rate of 3.7 percent which substantially exceeded the 2–3 percent inflation rate sought by the Nixon Administration under phase II controls. Most of this increase was due, of course, to a 6.1-percent increase in food prices, which was more than double the increase recorded in the same period in 1971 (2.9 percent). This increase was due largely to an 11-percent increase in prices for meats, poultry, and fish and a 11.4-percent increase in fruit and vegetable prices.

A study of market conditions during the second half of 1972 shows that these sharp increases in food prices were due to a number of factors: bad weather conditions, heavy consumer demand for most food items, increased production costs—particularly in the case of livestock—and a sharp rise in U.S. grain exports which served to tighten supply conditions in grain markets at home.

Under the phase III stabilization program, the Nixon Administration has already taken a number of actions which it hopes will improve supply conditions in food markets and thereby reduce the rate of inflation in food prices. These include:

First, a comprehensive review of agricultural policies to determine what adjustments, if any, should be made to encourage further increases in farm production—particularly in those areas experiencing shortages;

Second, the sale of all Government-owned stocks of grain, except for emergency reserves, this spring in the hope that larger supplies will curb the present spiral in grain prices;

Third, the cancellation of quotas on meat imports for 1973;

Fourth, the elimination of all remaining export subsidies for lard, broilers and flour;

Fifth, increased acreage allotments for the production of feed grains; and

Sixth, an increase in acreage to be used by livestock producers for the year-around grazing of livestock.

These steps are indeed welcome. However, we should not overlook the fact that many of these actions could and should have been taken many months ago. You will recall, Mr. President, that skyrocketing grocery prices during the early part of last year brought a storm of protest from American consumers. Consequently, many critics of the administration's anti-inflation efforts argued that immediate steps be taken to ease tight supply conditions in food markets and thus to ease the upward pressure on prices. Others argued that prices of raw agricultural commodities, which remained uncontrolled up to that time, should be made subject to economic controls. The Nixon administration rejected such advice, expressing confidence that the phase II stabilization program would effectively control wholesale and retail food prices. However, history has shown that phase II failed to do this. Instead, we have had to contend with a virtual runaway inflation in food prices since mid-1972.

Despite the recent flurry of administration actions to increase farm production, it appears at this stage that food prices—given current administration anti-inflation policies—will continue their sharp climb through 1973. One reaches such a conclusion based on the findings of two government reports released in the past several days. In a report issued on February 13, the U.S. Department of Agriculture projects that 1973 food prices at the retail level will average 6 to 6.5 percent above 1972 levels. This would mark the sharpest 1-year increase in 22 years, with most of this gain resulting from record high meat prices. A second report released on February 15 by the U.S. Department of Labor shows that wholesale food prices during January of this year increased at an annual rate of 39.6 percent. This exceeded the 26.4 percent rate of increase in December and was the sharpest rise since 1951, the worst year of the Korean war inflation. The effects of the large December increase in farm and food prices is already being felt in our nation's supermarkets, and coupled with the sharp increase in prices during January, we can certainly expect these back-to-back increases in wholesale prices to cause continued sharp increases in retail food prices over the next several months.

Although price and pay adjustments by manufacturers, service organizations, wholesalers and retailers in the food industry are subject to mandatory rules under the phase III stabilization program, increased costs due to higher prices of raw agricultural commodities, which are exempt from economic controls, can be simply passed on to the consumer in higher prices. Hence, unless the nonfarm portion of the food industry can absorb these higher farm prices, which is highly unlikely under current economic conditions, there is no way of controlling the inflationary effects of spiraling farm prices under the phase III program, as presently structured. Thus, short of placing a freeze on raw agricultural commodities and at the same time rationing those food items in short supply, we can only hope for a marked improvement in supply conditions in the nation's agricultural markets. If supply can be increased to where it can be brought into better balance with present demand levels, we can hope for an improvement in the food price situation. Otherwise we can look forward to a continuation of runaway inflation in food prices for some time to come. Obviously, the American consumer, who spends on the average close to 16 percent of his take-home pay for food, will not stand for this much longer.

In addition to the problem of food prices, there are difficulties facing the nonfarm sector of the economy which could serve to intensify inflationary pressures during the rest of 1973, a major year for labor negotiations. Nearly twice as many workers will be involved in 700 or so union contracts slated for negotiation during 1973. This will involve the interests of 4.5 million wage earners, compared to 2.8 million workers involved in major settlements in 1972. With labor markets being much tighter than they were a year ago, and because of the effects of higher food prices on worker food budgets, most economists expect these conditions to force a rise in worker compensation which will exceed the 6-percent gain recorded in 1972. Moreover, there is widespread agreement among economic forecasters that productivity this year will not rise as rapidly as it did in 1972. Consequently, should gains in compensation substantially exceed increases in productivity during the remainder of 1973, this could cause a renewal of serious inflation in the nonfarm sector of the economy. This coupled with anticipation of continued sharp increases in food prices could therefore cause consumer prices in general to rise sharply—exceeding the rate of inflation experienced in 1972 when wage and price controls were being applied more rigorously to the economy.

Given these prospects, Mr. President, I am not at all convinced that the phase III program, as presently structured, can bring a halt to serious inflation in 1973. However, I am firmly convinced that the patience of the American people is reaching the breaking point. They do not want to see the purchasing power of their food dollar reduced by 6 percent in 1973—bringing the total decline in the value of their food dollar to 30 cents since 1967. They do not want to see a resumption of sharp increases in the prices of nonfood items. Let us not forget that we have suffered through 6 long years of serious inflation.

The continuing food price dilemma supports what I have said on previous occasions—namely, that the administration acted prematurely in lifting the phase II controls. Those controls never covered raw agricultural products, perhaps because prices in the food sector of the economy are the most difficult to control. But as long as there is going to be difficulty in controlling food prices, then it is essential to keep other sectors of the economy in line—and, given the rising costs of food and the strains placed on the budgets of the average taxpayers, it is just as essential that special efforts be made to stop the uncontrolled spiral of food prices.

Congress has given the President blanket powers to control prices in all sectors of the economy. I urge that the administration move to restore phase II controls, perhaps on a more selective basis than before, and with strong consideration being given to dealing with the food sector of the economy.

QUORUM CALL

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum, and I ask unanimous consent that the time be charged against my own time.

The PRESIDING OFFICER. Without objection, it is so ordered. The Clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. HARRY F. BYRD, JR. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The PRESIDING OFFICER. Under the previous order, the senior Senator from Virginia (Mr. HARRY F. BYRD, JR.) is recognized for not to exceed 15 minutes.

VISIT TO THE CAPITAL BY RESIDENTS OF HENRICO AND CHESTERFIELD COUNTIES, VA.

Mr. HARRY F. BYRD, JR. Mr. President, today nearly 100 citizens from Henrico and Chesterfield Counties, in the State of Virginia, are in the Nation's Capital. They are here because of their deep interest and their deep concern about the compulsory busing of schoolchildren in order to create an artificial racial balance.

I know these people very well. They are a splendid group. They, and many others like them, came to the Nation's Capital last year. Some came many times. Many of them came through a blinding snowstorm last year in a 3,000-car caravan, in an effort to show the Nation's Congress that the private citizens of our country, the mothers and fathers of the schoolchildren, are deeply concerned about the forced and compulsory busing of their children.

These people from Henrico and Chesterfield Counties believe in the neighborhood concept for schools. The senior Senator from Virginia strongly favors the neighborhood concept. I think it is democracy in action when these young men and women take time from their businesses, from their work, and from their homes to come to Washington to make known their views and to attempt to encourage Members of Congress to take action on legislation now before it, dealing with our public schools.

Our schools are vitally important to the people of the Nation. Education becomes more and more important all the time. Neighborhood schools are a community, to a considerable extent, built around neighborhood schools. What some of the courts are attempting to do to the people of our Nation is clearly wrong.

I am glad to note in these remarks in the Senate today that a considerable group of Virginians are in Washington at this time to make their views known on this very important matter.

Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has approximately 12 minutes.

FEDERAL FINANCES AND THE DOLLAR

Mr. HARRY F. BYRD, JR. Mr. President, the American dollar continues to deteriorate in value.

Formally, by Presidential action it has been devalued twice within 14 months. Before the Senate Finance Committee yesterday, Under Secretary of Treasury Volcker termed devaluation "radical actions."

I do not oppose formal devaluation as it officially reflects what already has occurred; namely, a deterioration in value.

Devaluation in itself solves very little, as Secretary Volcker conceded under questioning Wednesday.

President Nixon says there will be further devaluation. He blames the latest run on the dollar in foreign markets on "speculators."

Whether there will be further devaluation remains to be seen. Foreign governments already, within the past several days, are calling on the United States to protect the dollar.

As to speculators being the cause of the problem, undoubtedly speculators play a part. But as private persons they have a limited bankroll. The real damage has been done by central bankers of various foreign nations and it results from a continuing and increasing lack of confidence in the American dollar.

This in turn results from the spending spree—the heavy deficit financing—of the Federal Government.

Using figures supplied by the Office of Management and Budget and the Treasury Department, the Federal funds deficit for the 5-year period ending June 30, 1974, will exceed $130 billion. Never before in history has this country run such smashing deficits—except during World War II when we had 12 million men in the military services and were fighting a war in Europe and another war in the Pacific.

Foreign governments, foreign bankers, speculators, multi-national businesses—all see clearly what the American people and the American Government seem blind to, namely, the Federal Government's desperately bad financial situation.

The interest on the national debt has doubled during the past 8 years. The taxpayers now must finance an annual interest cost of $26 billion.

To put it another way, of every personal and corporate income tax dollar paid into the Federal Treasury, 17 cents goes to pay the interest on the national debt.

During the past 20 years the Federal Government has balanced its Federal funds budget only 3 times: 1956, 1957, and 1960.

In other words, the Federal Government has run large deficits for the past 14 consecutive years beginning in 1961.

The Federal funds deficit for the current fiscal year is estimated by the Treasury Department to be $34 billion. It estimates next year's deficit at $28 billion.

Fifteen years ago our Government had total reserve assets of $24 billion and its liquid liabilities to foreigners totaled $16 billion.

Today, our reserve assets are down to $13 billion and our liquid liabilities to foreigners now totals a whopping $79 billion, plus $3.7 billion in nonliquid liabilities to foreign official agencies.

For the past 2 years the United States has run a trade deficit, the first in the century; and our balance-of-payments deficit for 1971 and 1972 total $41 billion.

There is just cause for lack of confidence in the American dollar.

We are not going to solve our international monetary problem in my judgment, until we solve our own financial problem at home, until we put the Federal Government's financial house in order. This is not being done. Indeed, the figures show that the situation has worsened.

Mr. President, I have prepared three tables: "Receipts and Expenditures for Fiscal Years 1968 Through 1974"; "Deficits in Federal Funds and Interest on the National Debt Including the Years 1955 Through 1974"; and "U.S. Gold Holdings, Total Reserve Assets and Liquid Liabilities to Foreigners." I ask unanimous consent to have these tables printed in the RECORD.

There being no objection, the tables were ordered to be printed in the RECORD, as follows:

RECEIPTS AND EXPENDITURES FOR FISCAL YEARS 1968 THROUGH 1974

	Fiscal year—						
	1968	1969	1970	1971	1972	1973	1974[1]
Receipts in billions:							
Individual income taxes	$69.0	$87.0	$90.0	$86.0	$95.0	$99.0	$112.0
Corporate income taxes	29.0	37.0	33.0	27.0	32.0	34.0	37.0
Total	98.0	124.0	123.0	113.0	126.0	133.0	149.0
Excise taxes (excluding highway)	10.0	11.0	10.3	10.5	9.1	9.4	9.6
Estate and gift	3.0	3.5	3.6	3.7	5.2	4.6	5.0
Customs	2.0	2.3	2.4	2.6	3.2	3.0	3.3
Miscellaneous	2.5	3.0	3.4	3.9	3.5	4.0	4.1
Total Federal fund receipts	116.0	143.0	143.0	134.0	149.0	154.0	171.0
Trust funds (social security, retirement, highway)	38.0	44.0	51.0	54.0	60.0	71.0	84.0
Total	154.0	188.0	194.0	188.0	209.0	225.0	256.0
Expenditures in billions:							
Federal funds	143.0	149.0	156.0	164.0	178.0	188.0	199.0
Trust funds	36.0	36.0	40.0	48.0	54.0	62.0	70.0
Total	179.0	185.0	196.0	212.0	232.0	250.0	269.0
Unified budget surplus (+) or deficit (−)	−25.0	+3.1	−2.0	−24.0	−23.0	−25.0	−13.0
Federal funds deficit	−27.0	−6.0	−13.0	−30.0	−29.0	−34.0	−28.0

[1] Estimated figures.

DEFICITS IN FEDERAL FUNDS AND INTEREST ON THE NATIONAL DEBT, 1955–74, INCLUSIVE

[In billions of dollars]

	Receipts	Outlays	Surplus (+) or deficit (−)	Debt interest
1955	58.1	62.3	−4.2	6.4
1956	65.4	63.8	+1.6	6.8
1957	68.8	67.1	+1.7	7.3
1958	66.6	69.7	−3.1	7.8
1959	65.8	77.0	−11.2	7.8
1960	75.7	74.9	+.8	9.5
1961	75.2	79.3	−4.1	9.3
1962	79.7	86.6	−6.9	9.5
1963	83.6	90.1	−6.5	10.3
1964	87.2	95.8	−8.6	10.7
1965	90.9	94.8	−3.9	10.3
1966	101.4	106.5	−5.1	12.0
1967	111.8	126.8	−15.0	13.4
1968	114.7	143.1	−28.4	14.6
1969	143.3	148.8	−5.5	16.6
1970	143.2	156.3	−13.1	19.3
1971	133.7	163.7	−30.0	21.0
1972	148.8	178.0	−29.2	21.8
1973[1]	154.3	188.4	−34.1	24.2
1974[1]	171.3	199.1	−27.8	26.1
20-year total	2,039.5	2,272.1	232.6	264.7

[1] Estimated figures.

Source: Office of Management and Budget and Treasury Department.

U.S. GOLD HOLDINGS, TOTAL RESERVE ASSETS AND LIQUID LIABILITIES TO FOREIGNERS (SELECTED PERIODS)

[In billions of dollars]

	Gold holdings	Total assets	Liquid liabilities
End of World War II	20.1	20.1	6.9
Dec. 31, 1957	22.8	24.8	15.8
Dec. 31, 1970	10.7	14.5	43.3
Dec. 31, 1971	10.2	12.2	64.2
Dec. 31, 1972	10.5	13.2	79.0

Source: U.S. Treasury Department.

ORDER OF BUSINESS

Mr. HARRY F. BYRD, JR. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER (Mr. NUNN). The Senator has approximately 6 minutes remaining.

Mr. HARRY F. BYRD, JR. I thank the Chair.

ONE HUNDREDTH BIRTHDAY ANNIVERSARY FOR E. K. GAYLORD, NEWSPAPER PUBLISHER

Mr. HARRY F. BYRD, JR. Mr. President, a remarkable newspaper publisher in Oklahoma City, Okla., became 100 years old this past Monday. He is E. K. Gaylord, who is still active in the publishing business.

He is an extraordinary man. I have known him for many years. He still continues his daily activities as a publisher of two Oklahoma newspapers. He is beloved by the entire newspaper community throughout this Nation.

Mr. President, I have heard the two distinguished Senators from Oklahoma (Mr. BELLMON and Mr. BARTLETT) speak frequently and affectionately about Mr. Gaylord. Only a few days ago, they spoke in tribute to him, and I want to join them today in extending my congratulations to this uncommon individual.

On March 3, 1973, in the Rochester, N.Y., Times-Union, a signed editorial written by Paul Miller entitled "E. K. Gaylord Nears 100th Birthday, Still Active in Publishing, Other Fields," was published. Mr. Miller is also chairman of the board of the Associated Press, the world's largest news gathering organization and chairman and chief executive officer for the 53 Gannett newspapers. He is one of the ablest men in the newspaper business. He wrote this appraisal of Mr. Gaylord as Mr. Gaylord neared his 100th birthday.

I ask unanimous consent to have the editorial printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

E. K. GAYLORD NEARS 100TH BIRTHDAY, STILL ACTIVE IN PUBLISHING, OTHER FIELDS

(By Paul Miller)

Twenty years ago, I was walking back to the Waldorf from the RCA building in New York City with E. K. Gaylord, head of the Oklahoma Publishing Co. of Oklahoma City. He was stepping briskly along. I was trying to keep up. We had been to a color television demonstration.

I said, "E. K., how do you do it? I mean stay on the go the way you do."

He said, "Paul, within 20 or 25 years there will be as many people active at 100 as there are now at 80."

It occurred to me then that Edward King Gaylord would be one of those proving his point. And so he is. Last night in Oklahoma City hundreds of friends and associates and admirers from near and far gathered to toast this remarkable man. He will be 100 on Monday. He continues "stepping briskly along" as the active head of major publishing, broadcasting and related enterprises.

The New York sidewalk exchange with Mr. Gaylord has been recounted in at least three Gaylord testimonial talks in the years since, and will be recounted again in the future—if I last.

STIMULATING CHANGES

Well, how does he do it?

You won't enjoy the answer if, like most of us, you are short on willpower where it counts—in dining rooms.

Slight of build and wiry, he eats well but sparingly, never was known to take an alcoholic drink, doesn't smoke and never rides anywhere unless it's too far to walk.

He is stimulated by word of new and better ways of doing things. He couldn't wait to get color TV into his own station at Oklahoma City. And that was one typical example of his eagerness to apply the new after seeing the demonstration when color TV was in its infancy.

Another: He became a charter subscriber, one of 25 among U.S. publishers to help underwrite inauguration of pictures-by-wire when The Associated Press first offered that revolutionary system in 1935.

VISIONS OF GOOD

As a boy, he learned to discipline himself before most kids are old enough to join the Boy Scouts. He was working at odd jobs at age 10 or 11. He was part owner of a small newspaper not long after reaching voting age.

Like Frank Gannett, founder of the Gannett group of newspapers, and indeed like many others in our field, E. K. Gaylord was attracted to newspaper in part by visions "of the good that they can do."

Four years before Oklahoma became a state, in 1907, he became business manager of the struggling Oklahoma City Daily Oklahoman, buying in with borrowed money. He had been attracted to the frontier town by exaggerated reports of "opportunities" in that new territory. He was prepared to work any hours and accept any sacrifices. And he did.

Well, all this and much, much more was reviewed in detail at last night's big testimonial dinner by E. K. Gaylord's peers and some of his former employes—I, for one, was his University of Oklahoma campus correspondent at $4 a column for two years at the beginning of the Depression.

He helped lead the fight that won Oklahoma City the state capital. And that was only a start. An Oklahoma City observer could not recall "any significant local development in my lifetime that Mr. Gaylord hasn't had a hand in."

NEXT TESTIMONIAL

The committee didn't have the easiest job when it called on E. K. some weeks ago to persuade him to sanction this latest testimonial. One can appreciate why. He wouldn't hear a thing that he hadn't heard or read about himself time without number. And his modest closing acknowledgment and expression of appreciation also would be just about what he's said at gatherings before.

But one can imagine he made good use of the time during our speeches—seeming to pay heed but perhaps thinking about new projects and proposals for his newspapers, or for his television and radio stations, or for what is now a major regional truck line which he started only to get better newspaper delivery around the state.

Some of the rest of us were making a mental note to once more place our remarks on file. They will be basically as appropriate at the next testimonial dinner to E. K., say in five, 10 or 20 years.

But they'll need updating. We don't think about saluting Mr. Gaylord because of his years. It's because of what he DOES with 'em. And goes right on doing year after year.

Mr. NUNN. Mr. President, I should like to comment briefly on the excellent remarks of the distinguished Senator from Virginia (Mr. HARRY F. BYRD, JR.) concerning Federal finances and the dollar.

We all know we face a crucial situation regarding foreign trade and our balance of payments. The distinguished Senator from Virginia has outlined, in his usual thorough and precise fashion, the nature of the problem. He has gone right to the heart of it.

What the Senate and Congress and the executive branch must recognize is that continued Federal deficits have undermined not only our own people here in this Nation, but have also played a major role in the current crisis concerning the lack of confidence in the American dollar. The Senator from Virginia has clearly demonstrated that our Nation must face reality about our crucial monetary problems in order to restore confidence in our ability to control inflation and also to restore confidence in the dollar.

Also, I should like to commend the distinguished Senator from Virginia (Mr. HARRY F. BYRD, JR.) for his excellent remarks concerning the intolerable situation imposed by the Federal courts on the question of forced busing to achieve an artificial racial balance.

We in Georgia are aware of this problem. There are many city and rural school systems in the State of Georgia which are already confronted with an educational crisis caused by the arbitrary orders of the Federal court.

Many places in Georgia have experienced severe disruptions in the educational systems because of court decisions which have no relation whatsoever to education but are strictly someone's sociological ideas about what should take place.

The black and white people of Georgia have recently, I think, joined as never before in opposing this kind of arbitrary action on the part of the Federal judiciary.

I should also like to comment on the constituents of the Senator from Virginia who are here today in the Capitol, who have expressed their opinions about this intolerable situation, and who in a clear, concise, and commonsense fashion are here at our Nation's Capitol expressing their support for constitutional amendments which the Senator from Virginia is supporting and which I am supporting—which we are both cosponsoring.

I commend the constituents of the Senator from Virginia for their polite attitude. They came by my office and expressed their opinions and asked me for mine. They did so in a polite and orderly way.

This is the kind of action, the kind of constituent participation in the government process that is indispensable to Senators in learning the viewpoints of our constituents.

I commend both the Senator from Virginia and his constituents for bringing this important matter to the attention of the Senate today, and I join with the Judiciary Committee and the Senate as a whole to deal with these constitutional amendments promptly.

Mr. HARRY F. BYRD, JR. Mr. President, I am very grateful to my fine friend, the able Senator from Georgia, for his most generous comments. I particularly appreciate his statement in regard to the Virginians who came to his office this morning. Senator Nunn told the Senate how well he was impressed with them and how nicely they handled the matter which they came to discuss with him.

I am grateful to the Senator from Georgia, and I join him in urging the Senate to take action—to take action soon—in regard to legislation outlawing the compulsory busing of children to achieve an artificial racial balance.

Proposed legislation presented to the Senate last year at one point lost by only one vote. I think the people of this country want some action from Congress in this matter. I think it is time that legislation is enacted and that a constitutional amendment is enacted, so that the mothers and fathers of our Nation will have some protection against the arbitrary rulings and decrees of various Federal courts.

In this connection, the junior Senator from Georgia (Mr. Nunn), the senior Senator from Georgia (Mr. Talmadge), the senior Senator from South Carolina (Mr. Thurmond), the junior Senator from Alabama (Mr. Allen), and the senior Senator from Virginia have joined in presenting a constitutional amendment to do away with life tenure for Federal judges. This proposal provides that judges, including the Supreme Court Justices, be appointed for a fixed term; and at the end of that period of, say, 8 years, it would be necessary for them to be reconfirmed, thus bringing a degree of accountability to a group of men who now, once confirmed, are in office for life, accountable to no one. Why should any public official in a democracy have lifetime appointment? In the entire world, the only persons who have life tenure are kings, queens, emperors, maharajas, and U.S. Federal judges.

The Senator from Georgia and the Senator from Virginia want to do something about that. I hope the Committee on the Judiciary will soon take affirmative action in this matter.

TRANSACTION OF ROUTINE MORNING BUSINESS

The PRESIDING OFFICER (Mr. Nunn). Under the previous order, there will now be a period for the transaction of routine morning business, for not to exceed 30 minutes, with statements therein limited to 3 minutes.

QUORUM CALL

Mr. HARRY F. BYRD, JR. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call th roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. Biden). Without objection, it is so ordered.

ORDER FOR ADJOURNMENT TO MONDAY, MARCH 12, 1973

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 12 o'clock noon on Monday next.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR BELLMON ON MONDAY NEXT

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that, on Monday next, after the two leaders or their designees have been recognized under the standing order, the distinguished Senator from Oklahoma (Mr. Bellmon) be recognized for not to exceed 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR TRANSACTION OF ROUTINE MORNING BUSINESS ON MONDAY NEXT

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent, following the recognition of the distinguished Senator from Oklahoma (Mr. Bellmon) on Monday next, that there be a period for the transaction of routine morning business of not to exceed 15 minutes, with statements therein limited to 3 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR COMMITTEE ON BANKING, HOUSING AND URBAN AFFAIRS TO HAVE AUTHORITY TO REPORT S. 929 AND S. 776 BY MIDNIGHT TONIGHT

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Committee on Banking, Housing and Urban Affairs have until midnight tonight to report S. 929 and S. 776.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that when S. 929 is reported, it then be referred to the Committee on Foreign Relations.

The PRESIDING OFFICER. Without objection, it is so ordered.

AUTHORIZATION FOR COMMITTEES TO FILE REPORTS DURING THE ADJOURNMENT

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent, during adjournment of the Senate over until 12 o'clock noon on Monday next, that all committees may be authorized to file reports.

The PRESIDING OFFICER. Without objection, it is so ordered.

AUTHORIZATION FOR SIGNING OF BILLS AND JOINT RESOLUTIONS DURING THE ADJOURNMENT

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that during the adjournment of the Senate over until 12 o'clock noon on Monday next, the Vice President, the President pro tempore, and the Acting President pro tempore may be authorized to sign all duly enrolled bills and joint resolutions.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXTENSION OF TIME FOR THE TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that during the remaining period for the transaction of routine morning business, statements therein be limited to 10 minutes and that the period be extended for an additional 30 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

EULOGIES TO THE LATE SENATOR GUY GILLETTE ON MONDAY NEXT

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that on Monday next, at the conclusion of the legislative business for the day and any executive calendar business, there be a period set aside for eulogies to the late Senator Guy Gillette, the period not to extend beyond an hour and a half, and the time to be controlled equally by the distinguished Senior Senator from Iowa (Mr. Hughes) and the distinguished Senior Senator from Vermont (Mr. Aiken).

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF BUSINESS—INTRODUCTION OF A BILL

(The remarks Senator Kennedy made at this point on the introduction of S. 1136, the Public Health Service Act, and the ensuing debate are printed in the Record under Statements on Introduced Bills and Joint Resolutions.)

QUORUM CALL

Mr. KENNEDY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HARRY F. BYRD, JR. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRO AND CON ON AMNESTY

Mr. HARRY F. BYRD, JR. Mr. President, one of the best editorial pages in Virginia is the editorial page of the Northern Virginia Daily, published at Strasburg. The editor is J. J. Crawford. In its edition of Saturday, March 3, the Northern Virginia Daily published what appears to be as a very reasoned editorial, captioned "Pro and Con on Amnesty." In this editorial the Senator from New York (Mr. Buckley) is quoted as stating:

> To grant general amnesty now that the fighting is over would be to reward those who chose to escape their duty . . . I have no doubt that if the young men now living abroad will return home, acknowledge their errors, and face the music, they will find our courts and our society as compassionate as any in the world.

Mr. President, I agree with that view expressed by the distinguished junior Senator from New York. I also agree with the editorial from the Northern Virginia Daily captioned "Pro and Con on Amnesty."

Mr. President, I ask unanimous consent that the editorial to which I have referred may be printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

Pro and Con on Amnesty

The amnesty torch is burning brightly. We can expect that the dialogue will grow in intensity as the passions of the anti-Vietnam war people are transferred from that burned-out issue to the amnesty issue which has all kinds of emotional possibilities.

Almost certainly, the anti-war militants will line up solidly behind the growing drive to obtain unconditional pardon for both draft evaders and deserters. At the other end of the scale the forces of the anti-amnesty people are gathering strength.

In between are the moderates. These are the people who have no brief for deserters, a question which they regard as a separate problem, but who feel that in the end amnesty will probably be granted draft-evaders, but not before a fight and not before a decent interval of time will have had a chance to heal still gaping sociological wounds.

The pro-amnesty people pursue the same line of reasoning as always. The war was wrong in principle from the beginning. It was a hideous mistake. Said one spokesman for the militants: "The question of criminality should turn on those who got us into the war." Or as Sen. Ted Kennedy put it, "Now, some ask, how can amnesty not be offered to those who were right about the war . . . ?"

But the pro-amnesty forces are presently outnumbered by the great majority of Americans who in the first heat of enjoying the peace and the return of our POW's have no stomach for easing the plight of those who chose to run rather than serve. As one anti-amnesty speaker commented, unconditional amnesty now would be an admission that those who served their country were wrong and the draft-dodgers were right.

President Nixon, no pro-amnesty advocate, summed it up neatly with this statement made following the signing of the peace agreement.

"Those who served paid their price. Those who deserted must pay their price, and the price is not a junket in the Peace Corps. The price is a criminal penalty."

The conflicting views of the pro and the anti-amnesty people express the feelings of the two extremes of the question. However, at the grass roots we think the preponderance of the people now feel that those who fled to avoid military service deserve no compassion.

But, Americans are a forgiving people. Compassion is a built-in quality of the American conscience which probably will in time assert itself permitting some compromise. It has happened after each of America's wars.

In the years ahead, whatever amnesty may be granted to draft-evaders—and under no circumstances should it include deserters—it will be done in an orderly, legal process, unhurried by militant demands.

At the war's end, Abraham Lincoln, who faced a widespread draft-evasion problem during the War Between the States, found the solution in granting amnesty if the offender would swear a special loyalty oath that implied penitence for his act.

Sen. James Buckley recently spoke what may be prophetic words when he commented:

"To grant general amnesty now that the fighting is over would be to reward those who chose to escape their duty—I have no doubt that if the young men now living abroad will return home, acknowledge their errors, and face the music, they will find our courts and our society as compassionate as any in the world."

Just as it has been following all previous wars America will find a solution which will satisfy the majority. But, in the annals of our nation those who fled to foreign shores to evade serving will never be, and should never be, on an equal footing with those who stood in defense of their country.

SUMMER PROGRAM FOR THE NEIGHBORHOOD YOUTH CORPS

Mr. JAVITS. Mr. President, on February 20, joined by 26 of my Senate colleagues, I asked the administration to submit a revised and amended budgetary request for fiscal year 1973 in order to provide an aggregate of $505,517,789 for the Neighborhood Youth Corps summer job program, and related transportation and recreational components. As Members know, this program provides work experience during the summer months for economically disadvantaged youth 14 to 21 years of age; recreational activities are conducted for poor youth 6 to 12 years of age.

Our request was based upon an extensive city-by-city survey conducted by the National League of Cities-U.S. Conference of Mayors, showing the need for 1,018,991 job opportunities for the summer as well as substantial needs in the transportation and recreational components.

The administration, in its original budget request for 1973 requested $256.5 million for the funding of 575,000 slots in the job program.

Last year $332,250,000 was provided nationwide for the funding of 740,200 opportunities and for related transportation and recreational activities.

Now the administration plans on the one hand to seek congressional rescission of its request for the Neighborhood Youth Corps program, bringing funding to zero, and on the other, to encourage State and local officials to use funds to be made available under the Emergency Employment Act of 1971 to fund jobs for youth. The latter funds would be made available under a continuing resolution approved by the Congress last week and now on the President's desk for signature.

The administration's position was suggested in testimony by Manpower Administrator Paul Fasser before the House Committee on Appropriations a week ago, and I am advised today that it is now their official policy.

It is suggested also in an article which appeared today in the New York Times. The article, entitled "Mayors Say Nixon is Firm on Funds," notes that the President is considering making $250 million in Emergency Employment Act funds available for summer job programs.

Mr. President, I can imagine nothing more contrary to congressional intent, inconsistent with the administration's own previous commitments, or inimical to the public interest than is the administration proposal.

It would be contrary to congressional intent because the Emergency Employment Act of 1971 was designed to provide transitional job opportunities for unemployed and underemployed persons in all socioeconomic groups, with particular emphasis on meeting the needs of returning veterans, those on welfare and other family heads displaced from jobs.

The purpose and intent of that authority is completely distinct from the authority for the Neighborhood Youth Corps summer program—contained in the Manpower Development and Training Act of 1962 and the Economic Opportunity Act of 1964—which is designed to provide temporary work experience between school years for a particular target group—economically disadvantaged youth in our inner cities and depressed rural areas.

It would be inconsistent with the administration's own commitments because in its original fiscal year 1973 budget submission it requested full funding for the Emergency Employment Act of 1971, at the $1.25 billion authorization level and as I indicated $256.5 million for the Neighborhood Youth Corps summer job program.

It would be inimical to the public interest because it puts on the back of the cities and the States a "Hobsons choice" between providing for returning veterans, welfare recipients, or other groups on the one hand and of EEA and poor youth out of NYC on the other.

Mr. President, in this connection I note that yesterday, a number of mayors representing the National League of Cities-U.S. Conference of Mayors testified before the Subcommittee on Employment, Manpower, and Poverty of the Senate Committee on Labor and Public Welfare regarding manpower legislation. They included Mayor Stanley A. Cmich of Canton, Ohio, Mayor Joseph Alioto of San Francisco, Calif., Mayor Russell Davis of Jackson, Miss., Mayor Richard

Hatcher of Gary, Ind., and Mayor Patricia Sheehan of New Brunswick, N.J.

They made it very clear that continued funding for the Neighborhood Youth Corp summer job program is a matter of life and death and that the administration's proposal to have it funded from the Emergency Employment Act was not acceptable.

In that connection, Richard Hatcher, mayor of Gary, Ind., said:

> The enactment of reform legislation, at the appropriation level that I have recommended, would allow us to absorb these programs at a level that approximates that of past years. But in the interim—for the summer 1973—what the President's Budget offers us is a cruel choice. If we want to undertake summer youth programs, we must either take funds from the already reduced monies available for manpower training services or we may be given the option to use some of the PEP monies for summer jobs. In effect, the option is to prevent a parent from receiving needed training or eliminate a parent's PEP job in order to provide a summer job of his children.

Mr. President, it has been a constant theme and policy of this administration that the responsibility for manpower programs, as in so many other areas, is to be given to State and local government.

But if we are going to pass the buck to the State and local level, we must pass the whole buck and not dismember it on the way.

The administration has emphasized that the Federal programs of the past have promised more than they have delivered.

Shifting responsibility without making full funding available can only result in the breach of a new promise and a feeling on the part of the poor, the unemployed and the underemployed that government—this time, State and local government—is unable to deliver.

Mr. President, the Emergency Employment Act cannot be regarded as an adequate source even for the groups it is intended to cover.

Under funds available for this year, only approximately 220,000 public service positions may be funded; in contrast there are approximately 4 million persons unemployed.

It is most improvident to redirect these funds when the groups for whom they were intended continue to suffer high unemployment rates.

If we permit this to happen what can we say to returning veterans—where the unemployment rate is approximately 10 percent—or to more than 10 million persons on aid to families with dependent children who are urged daily to work their way off the welfare rolls.

All of these groups must be considered within our highest priorities, not in competition with each other, and the administration should get back on the track that it was on originally—providing for each of them under the appropriate authority established under law.

And so I urge the administration to abandon any proposal that would "raid" one source in order to provide for another and to join with the Congress in an effort to provide adequate funding for both, along the lines urged in our letter to the President of February 20, 1973.

Mr. President, I ask unanimous consent that there be printed in the RECORD at this time, a copy of the letter dated February 20, 1973; the article from the New York Times of March 7, 1973, to which I referred earlier; as well as an additional article from the New York Times of today which describes the dismal summer job outlook which will obtain in New York City unless NYC funds are provided; and, the statement submitted by the Hon. Richard G. Hatcher, mayor of Gary, Ind., for the National League of Cities-U.S. Conference of Mayors before the Senate Subcommittee on Employment, Manpower, and Poverty on March 6.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DEAR MR. PRESIDENT: We are writing to urge you to submit revised and amended budgetary requests for fiscal year 1973 for an aggregate of $505,517,789 for the Neighborhood Youth Corps summer job program and related transportation and recreation components for the coming summer. The Administration's revised budget request for fiscal year 1973 does not request any funds for the program.

As you know, the Neighborhood Youth Corps summer jobs program, which is authorized under the Manpower Development and Training Act of 1962 and the Economic Opportunity Act of 1964, provides work experience opportunities with public and private non-profit agencies, and related transportation for economically disadvantaged youth, fourteen to twenty-one years of age; the recreational component of the program funds meaningful activities for poor youth six to twelve years of age.

Our request consists of the following elements:

$476,887,788 for the Neighborhood Youth Corps summer job program to make available an aggregate of 1,018,991 job opportunities, as outlined in detail below; last year the Administration provided 740,200 opportunities with an aggregate of $316,250,000.

$24,946,580 for the recreation component; last year a total of $14.8 million was provided.

$3,683,431 for the transportation element; last year, $1.2 million was made available.

These requests are documented on a city-by-city basis in the enclosed letter dated January 12, 1973 and attachments to Senator Javits from the National League of Cities-United States Conference of Mayors, which represent the Nation's cities.

As stated in the National League of Cities letter, the amounts requested are those which the cities may "effectively utilize". In fact, the overall needs are much greater, for example, the Department of Labor estimates that in the job program more than 1.8 million poor youth could benefit—almost twice the number which may be covered under our request.

The Administration's position is set forth in the enclosed letter dated February 2, 1973 from the Secretary of Labor, Peter J. Brennan, which states:

"Under the President's revised 1973 budget, the Manpower Training Services appropriations does not contain funds for the funding of a 1973 NYC Summer Program. Instead, local sponsors of EEA projects will be permitted to use, to the extent they desire, 1973 EEA funds for a summer employment program. In addition, States and local communities may elect to use existing Manpower Training Services funds available in the communities to supplement the EEA summer program."

While we recognize and share the Administration's general concern with respect to limiting federal expenditures during the current fiscal year, we believe that funding for the Neighborhood Youth Corps should be given the highest priority and attention. Although, the Administration has been successful in reducing unemployment nationally from six percent to five percent, disadvantaged youth in poverty areas continue to face unemployment rates ranging from thirty to forty percent. The Neighborhood Youth Corps program is designed for that group and provides a meaningful alternative to wasted summers of restlessness.

The Emergency Employment Act of 1971 (EEA) cannot be viewed as an adequate alternative source of funding to meet the employment needs of poor youth. As you know, the Act is designed to reach all ages and socio-economic groups and coverage is largely at the discretion of State and local sponsors. Unfortunately, experience indicates that coverage of poor youth will not be adequate to their needs. Of the 138,170 job opportunities presently funded under the $1.0 billion available nationally, only 14,150—or approximately 10.2 percent—are held by poor youth under the age of twenty-two; even if the Administration's request for an additional $250 million for fiscal year 1973 is appropriated, it is quite clear that the aggregate number of slots that could be made available to poor youth from these new sources will not begin to meet the needs which we have documented.

Similarly, manpower training services funds available in communities will not be satisfactory alternative sources of jobs for poor youth; in fact, if the Administration's new requests for fiscal year 1973 are appropriated, appropriations (not taking into account the Neighborhood Youth Corps summer program) will fall approximately $200 million below the actual level for fiscal year 1972.

We were very gratified by your support for a supplemental appropriation last summer and we urge you to respond to these needs at the earliest possible time so that youth can make plans for a profitable and meaningful summer and the communities and agencies responsible for administering the program may ensure the most effective use of funds.

Very truly yours,

Joining Senator Javits in signing the letter to the President were Senators:

James Abourezk, Quentin N. Burdick, Dick Clark, Floyd K. Haskell, Mark O. Hatfield, Hubert H. Humphrey, John E. Moss, Jennings Randolph, Lowell P. Weicker.

Alan Bible, Howard W. Cannon, Alan Cranston, William D. Hathaway, James E. Huddleston, Edward M. Kennedy, Edward S. Muskie, John V. Tunney, Harrison A. Williams, Jr.

Edward W. Brooke, Clifford P. Case, Mike Gravel, Philip A. Hart, Harold Hughes, Gale McGee, Gaylord Nelson, Walter F. Mondale.

U.S. DEPARTMENT OF LABOR,
OFFICE OF THE SECRETARY,
Washington, D.C., February 2, 1973.

Hon. JACOB K. JAVITS,
U.S. Senate,
Washington, D.C.

DEAR SENATOR JAVITS: This is in response to your letter to Secretary Hodgson concerning the Neighborhood Youth Corps Summer Program.

The Summer NYC Program for the summer of 1972 provided a total of $332,250,000 of which $175,700,000 was in the basic appropriation and $156,550,000 was in the supplemental appropriation. These amounts funded a total of 740,200 enrollment opportunities.

Under the President's revised 1973 budget, the Manpower Training Services appropriation does not contain funds for the funding of a 1973 NYC Summer Program. Instead, local sponsors of EEA projects will be permitted to use, to the extent they desire, 1973 EEA funds for a summer employment program. In addition, States and local communities may elect to use existing Manpower Training Services funds available in their communities to supplement the EEA summer program.

Next year under the Manpower Revenue Sharing approach contained in the 1974 budget, elected officials will be able to plan the level of summer programs determined by them to best meet their local needs.

Sincerely,

PETER J. BRENNAN,
Secretary of Labor.

NATIONAL LEAGUE OF CITIES,
U.S. CONFERENCE OF MAYORS,
January 12, 1973.

Hon. JACOB K. JAVITS,
U.S. Senate,
Washington, D.C.

DEAR SENATOR JAVITS: In response to your request for information, we have made inquiries as to the cities' 1973 needs for the summer Neighborhood Youth Corps slots. The information we have received from the 50 largest cities shows that the total number of slots these 50 large cities could effectively use this summer is 421,930.

On the basis of our contacts with a sample of smaller cities, we estimate that their needs and the number of slots these smaller cities could effectively utilize total **597,061.**

Combining these figures—the total for the 50 largest cities with estimated needs for the balance of the Nation—the present real need for 1973 is 1,018,991 slots nationwide.
mer Neighborhood Youth Corps.

We trust that these statistics will be helpful to you in pointing up the critical need for an adequate appropriation for the sum-

Sincerely,

JOHN J. GUNTHER,
Executive Director, U.S. Conference of Mayors.

ALLEN E. PRITCHARD, JR.,
Executive Vice President, National League of Cities.

SUMMER NEIGHBORHOOD YOUTH CORPS

Area and rank in size	Population	Slots: 1972 need	Slots: 1972 actual [2]		Slots: 1973 need	Amount [1] 1973 need
Region I: Boston (16)	641,000	5,000	5,213	(4,692)	6,400	$2,995,200
Region II:						
Buffalo (28)	463,000	4,268	2,238	(2,014)	6,834	3,198,312
Newark (35)	382,000	14,563	7,000	(6,300)	14,563	6,815,484
New York (1)	7,868,000	77,500	54,800	(49,320)	77,500	36,270,000
Rochester (49)	296,000	4,650	1,030	(927)	4,650	2,176,100
Region III:						
Baltimore (7)	906,000	9,420	7,712	(6,941)	9,420	4,408,560
Norfolk (47)	308,000	2,625	2,200	(1,980)	3,500	1,638,000
Philadelphia (4)	1,949,000	12,500	8,571	(7,714)	15,000	7,020,000
Pittsburgh (24)	520,000	9,265	5,670	(5,103)	9,265	4,336,000
District of Columbia (9)	757,000	36,000	3,999	(3,599)	20,000	9,360,000
Region IV:						
Atlanta (27)	497,000	3,408	4,680	(4,212)	5,388	2,521,584
Birmingham (48)	361,000	2,135	2,757	(2,481)	2,774	1,298,232
Jacksonville (23)	529,000	1,735	637	(573)	2,500	1,170,000
Louisville (38)	361,000	3,500	2,250	(2,025)	3,50C	1,638,000
Memphis (17)	624,000	2,394	1,935	(1,741)	2,394	1 ,120,392
Miami (Dade County) (42)	335,000	8,226	5,429	(4,886)	8,226	3,849,768
Nashville (30)	448,000	2,000	1,700	(1,530)	2,000	936,000
Tampa (50)	278,000	6,515	2,649	(2,384)	6,515	3,049,020
Region V:						
Chicago (2)	3,367,000	40,000	31,617	(28,455)	40,000	18,720,000
Cincinnati (29)	452,000	3,000	3,592	(3,233)	5,000	2,340,000
Cleveland (10)	751,000	11,100	12,457	(11,211)	12,500	5,850,000
Columbus (21)	540,000	2,000	1,650	(1,485)	1,800	842,400
Detroit (5)	1,511,000	25,000	18,488	(16,639)	25,000	11,700,000
Indianapolis (11)	745,000	2,500	2,100	(1,890)	3,000	1,404,000
Milwaukee (12)	717,000	3,000	3,379	(3,041)	3,379	1,581,372
Minneapolis (32)	434,000	2,735	1,800	(1,620)	3,080	1,441,440
St. Paul (46)	310,000	1,025	1,120	(1,008)	1,300	608,400
Toledo (34)	384,000	990	1,400	(1,260)	1,400	655,200
Region VI:						
Dallas(8)	944,000	2,280	1,505	(1,355)	2,280	1,067,040
El Paso(45)	322,000	3,000	1,168	(1,051)	4,672	2,186,496
Fort Worth (33)	393,000	1,507	155	(140)	1,507	705,276
Houston (6)	1,233,000	3,560	5,284	(4,756)	5,664	2,650,752
New Orleans (19)	593,000	5,000	3,085	(2,776)	5,000	2,340,000
Oklahoma City (37)	366,000	1,530	1,010	(909)	1,530	716,040
San Antonio (15)	654,000	5,514	5,080	(4,572)	6,000	2,808,000
Tulsa (43)	332,000	1,011	771	(693)	1,011	473,148
Region VII:						
Kansas City (26)	507,000	4,000	3,580	(3,222)	4,000	1,872,000
Omaha (41)	347,000	1,670	867	(780)	1,670	781,560
St. Louis (18)	622,000	5,910	8,060	(7,254)	9,000	4,212,000
Region VIII: Denver (25)	515,000	2,100	2,038	(1,834)	2,100	982,800
Region IX:						
Honolulu (44)	325,000	2,800	791	(711)	2,800	1,310,400
Long Beach (40)	358,000	432	384	(345)	432	202,176
Los Angeles (3)	2,813,000	24,568	25,319	(22,787)	27,491	11,700,000
Region IX—Continued						
Oakland (39)	362,000	5,850	2,050	(1,845)	5,850	$2,737,800
Phoenix (20)	582,000	17,000	3,964	(3,567)	17,000	7,956,000
San Diego (14)	697,000	4,510	4,733	(4,259)	5,500	2,574,000
San Francisco (13)	716,000	8,000	4,000	(3,600)	8,000	3,744,000
San Jose (31)	446,000	3,535	1,910	(1,719)	3,535	1,654,380
Region X:						
Portland (36)	382,000	5,000	2,500	(2,250)	5,000	2,340,000
Seattle (22)	581,000	5,000	2,163	(1,947)	5,000	2,340,000
SAMPLING OF CITIES OTHER THAN 50 LARGEST						
Akron, Ohio	275,425	1,216	1,190	(1,071)	1,351	632,268
Albany, N.Y	114,873	540	449	(404)	600	280,000
Albuquerque, N. Mex	243,751	1,000	815	(733)	1,000	468,000
Amarillo, Tex	127,010	1,092	820	(738)	1,200	561,600
Baton Rouge, La	165,963	225	150	(135)	250	117,000
Columbia, S.C	113,542	1,825	2,030	(1,827)	2,030	950,400
Columbus, Ga	154,168	1,820	1,720	(1,548)	2,200	936,000
Dayton, Ohio	243,601	1,500	1,320	(1,188)	2,500	1,170,000
Des Moines, Iowa	200,587	750	750	(675)	750	351,000
Erie, Pa	129,231	950	950	(855)	950	444,600
Flint, Mich	193,317	1,800	920	(828)	2,000	936,000
Fort Lauderdale, Fla	139,590	540	600	(540)	600	280,800
Gary, Ind	175,415	4,447	3,500	(3,150)	4,447	2,081,196
Greensboro, N.C	144,076	871	880	(792)	968	453,028
Hartford, Conn	158,017	2,730	2,495	(2,245)	3,000	1,404,000
Jackson, Miss	153,968	757	403	(363)	757	354,276
Knoxville, Tenn	174,587	1,520	1,520	(1,368)	1,520	711,360
Lansing, Mich	131,546	900	460	(414)	1,000	468,000
Lincoln, Nebr	149,518	350	386	(347)	400	187,200
Little Rock, Ark	132,483	1,320	72	(65)	1,320	617,760
Mobile, Ala	190,026	900	756	(680)	950	444,600
Montgomery, Ala	133,386	500	557	(501)	570	266,760
Riverside, Calif	140,089	150	75	(67)	150	70,200
Santa Ana, Calif	156,601	2,550	1,900	(1,710)	2,800	1,310,400
Savannah, Ga	118,349	600	550	(450)	650	304,200
Shreveport, La	182,064	637	628	(565)	700	327,600
Syracuse, N.Y	197,208	1,365	1,200	(1,080)	1,500	702,000
Tacoma, Wash	154,581	600	588	(529)	600	280,800
Wichita, Kans	276,554	980	1,075	(967)	1,075	503,100
Winston-Salem, N.C	132,913	850	750	(675)	850	397,800
Worcester, Mass	176,572	825	705	(634)	900	421,100
Total, 50 largest		410,831	278,490	(250,641)	421,930	197,463,240
Total, balance of cities		537,893	461,732	(415,559)	597,061	279,424,548
Total		948,724	740,222	(666,200)	1,018,991	476,887,788

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[1] Dollar figures represent 10 week, 26-hour slots at $1.65 per hour.

[2] All figures in the above chart represent 10 week slots except the 1st column under "1972 actual" which are 9 week slots.

SUMMER RECREATION SUPPORT PROGRAM (RSP)

	1972 need	1972 actual	1973 need
Region I: Boston	$180,000	$168,000	$350,000
Region II:			
Buffalo	120,000	123,000	125,000
Newark	140,000	100,000	200,000
New York	2,934,000	2,336,000	2,934,000
Rochester	95,000	68,000	136,000
Region III:			
Baltimore	335,000	302,910	335,000
Norfolk	180,000	132,000	201,500
Philadelphia	700,000	543,000	1,000,000
Pittsburgh	165,000	168,000	200,000
District of Columbia	364,000	245,000	364,000
Region IV:			
Atlanta	$180,000	$143,000	$180,000
Birmingham	170,000	120,000	170,000
Jacksonville	175,000	150,000	250,000
Louisville	130,000	96,000	130,000
Memphis	305,000	264,000	305,000
Miami (Dade County)	192,000	126,000	192,000
Nashville	150,000	150,000	200,000
Tampa	175,000	132,000	175,000
Region V:			
Chicago	2,100,000	913,000	2,100,000
Cincinnati	175,000	135,000	175,000

SUMMER RECREATION SUPPORT PROGRAM (RSP)—Continued

	1972 need	1972 actual	1973 need
Region V—Continued			
Cleveland	$205,000	$230,000	$380,000
Columbus	211,000	132,000	211,000
Detroit	897,000	399,000	897,000
Indianapolis	195,000	130,000	260,000
Milwaukee	155,000	144,000	160,000
Minneapolis	96,000	63,000	130,000
St. Paul	58,000	36,000	58,000
Toledo	120,000	84,000	120,000
Region VI:			
Dallas	285,000	228,000	285,000
El Paso	200,000	194,000	250,000
Fort Worth	173,000	108,000	175,000
Houston	440,000	350,000	440,000
New Orleans	300,000	306,000	500,000
San Antonio	400,000	324,000	500,000
Tulsa	115,000	92,000	200,000
Oklahoma City	170,000	108,000	170,000
Region VII:			
Kansas City	130,000	118,000	200,000
Omaha	96,000	61,000	96,000
St. Louis	384,000	254,000	405,000
Region VIII: Denver	$170,000	$126,400	$170,000
Region IX:			
Honolulu	99,000	70,000	140,000
Long Beach	125,000	72,000	125,000
Los Angeles	650,000	552,000	650,000
Oakland	125,000	104,000	125,000
Phoenix	200,000	144,000	288,000
San Diego	200,000	164,000	825,000
San Francisco	250,000	180,000	250,000
San Jose	100,000	85,000	100,000
Region X:			
Portland	135,000	89,000	135,000
Seattle	129,000	89,000	129,000
Total, 50 largest	15,928,000	11,451,310	18,096,500
Balance of cities	6,030,000	3,548,690	6,850,080
Total	21,958,000	15,000,000	24,946,580

SUMMER YOUTH TRANSPORTATION PROGRAM (SYTP)

	1972 need	1972 actual	1973 need
Region I: Boston	$20,000	$10,700	$20,000
Region II:			
Buffalo	13,000	7,500	13,000
Newark	39,500	23,437	69,300
New York	251,400	149,130	500,000
Rochester	12,000	7,500	15,000
Region III:			
Baltimore	35,000	21,100	35,000
Norfolk	12,000	7,500	25,600
Philadelphia	24,360	24,360	100,000
Pittsburgh	22,000	12,650	22,000
Washington, D.C	38,700	22,960	100,000
Region IV:			
Atlanta	30,000	12,080	30,000
Birmingham	24,000	13,790	24,000
Jacksonville	14,000	6,300	14,000
Louisville	12,500	7,500	12,500
Memphis	18,000	11,860	18,000
Miami (Dade County)	23,000	12,000	23,000
Nashville	12,000	7,000	12,000
Tampa	17,000	7,500	0
Region V:			
Chicago	70,000	42,240	70,000
Cincinnati	15,000	7,920	15,000
Cleveland	35,000	19,310	35,000
Columbus	17,000	8,640	17,000
Detroit	75,000	36,560	75,500
Indianapolis	15,000	8,480	15,000
Milwaukee	65,000	47,280	66,192
Mineapolis	20,000	12,380	75,000
St. Paul	12,500	7,500	12,500
Toledo	15,750	7,990	20,000
Region VI:			
Dallas	$23,990	$19,340	$23,990
El Paso	58,900	38,900	77,800
Fort Worth	15,000	8,130	15,000
Houston	45,000	25,060	0
New Orleans	25,000	14,790	25,000
Oklahoma City	25,000	14,000	25,000
San Antonio	26,570	14,570	26,570
Tulsa	12,500	7,500	20,000
Region VII:			
Kansas City	50,000	13,970	50,000
Omaha	15,000	13,500	16,000
St. Louis	43,500	25,790	43,500
Region VIII: Denver	29,000	18,320	29,000
Region IX:			
Honolulu	15,000	7,500	15,000
Long Beach	16,000	7,500	16,000
Los Angeles	82,870	82,870	164,000
Oakland	28,000	15,000	28,000
Phoenix	23,000	11,740	25,000
San Diego	30,000	14,360	30,000
San Francisco	25,000	11,970	25,000
San Jose	8,160	7,500	9,000
Region X:			
Portland	13,000	25,000	25,000
Seattle	32,100	19,060	32,100
Total, 50 largest	1,608,940	979,487	2,155,552
Balance of cities	1,141,060	520,513	1,527,879
Total	2,750,000	1,500,000	3,683,431

MAYORS SAY NIXON IS FIRM ON FUNDS

WASHINGTON, March 6.—A dozen Mayors met today with President Nixon but failed to break the impasse over funds for social programs.

The Mayors talked with the President and several aides for more than an hour this afternoon, and the only apparent movement was a promise by the President that he would consider signing a continuing resolution that provides $250-million for summer youth employment, according to Mayor Roman S. Gribbs of Detroit.

"He said the continuing resolution would be before him soon and if it is signed it would make some $250-million available," the Mayor said during a news conference at the White House after the meeting.

"But he didn't promise to sign it," Mr. Gribbs added.

The mayors and other city officials were attending the annual Congressional conference of the National League of Cities and the United States Conference Of Mayors meeting at the Washington Hilton Hotel.

Following a morning session, at which Senator Hubert H. Humphrey, Democrat of Minnesota, delivered one of his strongest personal attacks against President Nixon, the officials went to Capitol Hill to lobby for restoration of fund losses for such programs as housing, poverty and heath.

But there was no budging at the White House, according to the Mayors.

HARD-HITTING DISCUSSION

"We met in the conference room and had a very thorough and hard-hitting discussion," commented Mayor Gribbs, who is president of the League of Cities.

The Mayor said the President had reiterated his position that general revenue-sharing money was new money, not money shifted from some other use. Mr. Humphrey and others had charged that Mr. Nixon had gone back on his word and had not added money to the budget for revenue sharing and was being deceptive when he said that he had.

Regarding funds for programs during the transition to revenue sharing, Mayor Gribbs said that Mr. Nixon had told the Mayors that there would soon be some clarification and continued discussion.

In his speech, Mr. Humphrey accused Mr. Nixon of violating the law by refusing to spend money appropriated by Congress and by dismantling Congressionally sanctioned programs, such as the Office of Economic Opportunity.

"When you believe in law and order, you ought to believe in it for yourself, too," Mr. Humphrey said.

"Mr. President, the law is the Water Pollution Control Act," the Senator continued. "Mr. President, you violated the act, you cut it in half. I consider that a violation of the law, and it is."

Mr. Humphrey said he would propose a resolution that would mandate Congress to "pare the fat from a bloated military budget, begin a program of immediate tax reform and devote an estimated $14-billion saved and earned to the pressing domestic needs."

CITY SEES A DROP IN YOUTHS' JOBS

(By Francis X. Clines)

ALBANY, March 6.—Human Resources administrator Jule M. Sugarman outlined a dismal summer job outlook for New York City today, asserting that the city had no way of compensating for the expected loss of all 50,000 job slots in the federally funded summer Youth Corps.

Compounding the problem, Mr. Sugarman said, is that the private summer job market is "even worse."

"I think there's no question that it will lead to trouble this summer when you've got nothing constructive for these kids to do," Mr. Sugarman said in an interview following an appearance before the State Assembly Welfare Committee.

The Youth Corps program, which has served low-income youths in slum neighborhoods for the last seven years, was eliminated as part of the Federal budget economics ordered by Richard Nixon, the administrator said.

NOT OPTIMISTIC ON BILL

Although there is a bill in Congress designed to restore to needed funds, Mr. Sugarman said he was not optimistic of passage. The suggestion had been made by Federal officials to use manpower funds from the Emergency Employment Program, but there are none, he added.

The summer program, which supplies jobs for an eight-week period, has been threatened in the past with fund shortages, and alarms from city politicians about a "long hot summer" have become almost a perennial cry, with the needed money found at the last minute.

This year is different, Mr. Sugarman said, because it involves the total elimination of the program and the city has no way of supplying the funds. Last year the program cost $21-million in Federal money and $2-million in state aid.

A spokesman for City Commissioner of Youth Services Amalia Betanzos said the agency was in a quandary. One alternative is to prepare all the paper work for a full program and hope for another last minute change, the spokesman, Carl Weisbrod said. The other alternative is to try to create some kind of massive summer recreation program, he said, but this, too, would cost money.

The jobs program was particularly effective in reaching the poor, he said, with 75 per cent of all funds spent in actual paychecks for youths. It is hardly a program misused for the middle class, as some critics of the poverty program have said in favoring reductions, Mr. Weisbrod said.

The program obtained jobs for youths 14 to 21 years old, paying $1.60 an hour for a 27-hour week. The jobs had to be with nonprofit corporations, and this included posts with poverty agencies and religious organizations.

City officials said that in addition to leaving about 55,000 youngsters with idle time and no money, the cut would mean a reduction in social services they performed. These include summer surveys of housing conditions and recreational supervision of younger children.

STATEMENT SUBMITTED BY THE HON. RICHARD D. HATCHER, MAYOR OF GARY, IND.

Mr. Chairman, members of the Committee:

I am Richard Hatcher, Mayor of Gary, Indiana. I appreciate this opportunity to testify on behalf of the National League of Cities and U.S. Conference of Mayors regarding manpower programs.

Mayors and city governments have emerged in a leadership role in manpower not only out of our concern and interest, but also out of our necessity to respond to the needs of the persons we serve.

We recognize that manpower problems transcend political boundaries—beyond the city, the county, the state, and even the nation. But it is at the local level that the impact of services and programs is felt; it is at the local level that the needs are most acutely perceived; it is on the steps of City Hall that the responsibility for program failures is laid.

In the end, it is the Mayor and city government which are held accountable.

The leadership role which Mayors have assumed began in the late Sixties, when a number of Mayors of large cities seized the initiative and began investigating their potential role in manpower.

However, the major impetus for city involvement did not come until early 1970 when the Department of Labor offered grants to approximately 140 cities. These grants enabled cities to hire professional staffs to work on manpower issues and the future manpower role of local elected officials. For the first time, city governments which had been almost entirely removed from earlier efforts in the manpower field, were given an opportunity to develop their organizational capacity to plan and coordinate manpower programs. Once given that opportunity, we responded.

We are here today to ask you to enact legislation to enable us to achieve the promise of our efforts to date.

We need the enactment of comprehensive manpower reform legislation. While we can support the current efforts of the Department of Labor to seek administratively the goals of program decategorization and decentralization, legislation is essential for several reasons.

First, the existing authorities (MDTA & EOA), even stretched to their legislative limits, confine the options and opportunities for local prime sponsors—most particularly in the area of job creation.

Secondly, the administrative moves in this direction has not been accompanied with funds adequate to maintain existing program levels. Thus as States, counties and cities receive greater authority, the exercise of that authority will, all too frequently, be to decide which program to cut or eliminate.

Third, I do not believe, while supporting the initiative, that such a major redirection of national policy should be undertaken without Congress taking part in that decision.

Finally, such a move to program decategorization and decentralization which is initiated administratively can be withdrawn administratively as well. Authority which is delegated today can be reclaimed tomorrow unless we have legislation.

As I mentioned, one reason why we urge the achievement of comprehensive manpower reform through legislation is to ensure a level of funding adequate to sustain existing programs. Although the administrative movement toward reform is praiseworthy in concept, the funds accompanying this decision are less than adequate.

In its FY 1974 budget the Administration proposes to reduce manpower training and job creation funds by over 50 percent. This is achieved by eliminating PEP by rescissions in FY 1973 funds of some 25 percent and by proposing a 16 percent reduction in FY 1974 manpower training funds from the anticipated FY 1973 figure.

In order to sustain existing levels of training and job creation programs under MDTA, EOA and EEA, an appropriation of at least $2.7 billion is required. This does not take into consideration cost of living increases, reallocation of funds which will accompany a formula distribution process and incentives for area-wide planning and program coordination.

As a result, we believe that an appropriation level of $3.0 billion should be considered as the base level for funding of manpower activities under reform.

The shift to a decentralization and decategorized manpower system will be accompanied by a non-discretionary formula for the allocation of funds. And that formula must include a "hold harmless" provision which protects the prime sponsor against major reductions in funds available compared to prior years program operations.

The principal factor in any formula, I believe, should be the numbers of unemployed. It is on the unemployed and underemployed that the manpower training services and job creation efforts will focus. There is no better index of need.

It is important to note here, even though it can only be parenthetical to your consideration of manpower legislation, that all of us have deep concerns about the adequacy and accuracy of unemployment (and other) statistics developed and used by the Federal government. We know that central city unemployment is usually almost double that of the SMSA of which it is a part. Yet it is the SMSA which forms the base of government information gathering, reporting, and ultimately funding.

Further the Bureau of Labor statistics unemployment data does not include those persons who have dropped out of the workforce—those whose frustration has led them to resignation from the Labor market. Also, there is no adequate measure of underemployment used by the Federal government. But each of us here can testify to the wasted human resources that result from underemployment in our cities.

The issue of a "hold harmless" provision in legislation is vital to local elected officials continuing in their leadership role. Without such a minimum figure, based upon past years' program operations, many of us will be penalized for our past efforts to obtain funds to meet the needs of our citizens.

Finally let me mention a very specific and critical problem that faces us all—summer youth programs.

The Administration's 1974 Budget purposes *no* summer program funds, be it for employment through the Neighborhood Youth Corps (NYC) program or assistance for recreational and cultural programs through the Recreation Support Program and the Summer Youth Transportation Program. During the past ten years, hard-pressed local governments and their constituents have come to rely heavily on the summer youth programs developed by the federal government. Admittedly, these programs were developed more often to forestall urban unrest than to meet carefully defined needs. They have frequently been inadequate in scope and substance, uncoordinated and predictably late—but they are nevertheless, a significant social initiative.

The enactment of reform legislation, at the appropriation level that I have recommended, would allow us to absorb these programs at a level that approximates that of past years. But in the interim—for the summer 1973—what the President's Budget offers us is a cruel choice. If we want to undertake summer youth programs, we must either take funds from the already reduced monies available for manpower training services or we may be given the option to use some of the PEP monies for summer jobs. In effect, the option is to prevent a parent from receiving needed training or eliminate a parent's PEP job in order to provide a summer job for his children.

The consequences of the elimination of these programs are obvious: last summer there were 740,000 nine-week jobs for young people, mostly disadvantaged youth; recreational and cultural programs which served over two million young people; transportation available for some one million young people to take advantage of jobs and recreational activities.

In the past, NYC has been the single largest youth employment program available in the summer. The need is even greater this year. A survey, conducted by the League of Cities and the Conference of Mayors, which we also submit for the record, documents the need of slightly more than a million jobs this summer. The cities surveyed were asked to tell how many youth they could effectively supervise and provide with worthwhile work. Thus, the figures we offer here are not a statement of total need—that figure is far higher—but a careful, conservative estimate of the cities' ability to provide (with federal funds) summer youth employment in 1973.

Despite a record NYC effort not everyone looking for a summer job will find one, many young people are not yet old enough to work, and a variety of additional services must be provided. In partnership with the cities the federal government has provided these services through the Recreation Support Program and the Summer Youth Transportation Project. These programs have been successful, and we have documented an increased need for RSP and SYTP funds.

I wish to take this opportunity to thank Senator Javits for taking the lead year after

year, as he is again this year, in helping us secure adequate funding for this vital city program.

QUORUM CALL

Mr. STAFFORD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

REFERRAL OF PRESIDENT'S MESSAGE, FIFTH PORTION OF THE STATE OF THE UNION REPORT

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the President's message received today, which is the fifth portion of the State of the Union Report, be jointly referred to the Committees on Agriculture and Forestry, Banking, Housing and Urban Affairs, Commerce, Finance, Government Operations, and Public Works, inasmuch as the predominance of the subject matter covered therein falls within the respective jurisdictions of these standing committees.

The PRESIDING OFFICER. Without objection, it is so ordered.

The message from the President is as follows:

To the Congress of the United States:

Today, in this fifth report to the Congress on the state of the Union, I want to discuss the quality of life in our cities and towns and set forth new directions for community development in America.

Not long ago we became accustomed to the constant rhetorical drumbeat of the "crisis of our cities." Problems were multiplying so rapidly for our larger urban areas that some observers said our cities were doomed as centers of culture, of commerce, and of constructive change.

Many of these problems still persist, but I believe we have made sufficient progress in recent years that fears of doom are no longer justified.

What is needed today is calm reflection upon the nature of modern community life in the United States, a reassessment of the manner in which we are trying to solve our remaining problems, and a firm resolve to get on with the task.

America's communities are as diverse as our people themselves. They vary tremendously in size—from massive cities to medium-sized urban and suburban areas, to small towns and rural communities.

Just as importantly, each of our communities has built up strong individual characteristics over the years, shaped by region, climate, economic influences, ethnic orgins and local culture.

Of course, communities do share common needs and concerns. People in every community want adequate housing, transportation, and jobs, a clean environment, good health, education, recreation facilities, security from crime and fear, and other essential services. But local priorities differ; the intensity and order of local needs vary.

Clearly, no single, rigid scheme, imposed by the Federal Government from Washington, is capable of meeting the changing and varied needs of this diverse and dynamic Nation.

There is no "best" way, no magic, universal cure-all, that can be dispensed from hundreds or thousands of miles away.

What is good for New York City is not necessarily good for Chicago, or San Francisco, much less for smaller communities with entirely different economies, traditions and populations.

Too often in the past we have fallen into the trap of letting Washington make the final decisions for St. Louis, Detroit, Miami and our other cities. Sometimes the decisions were right, and programs have succeeded. Too often they were wrong, and we are still paying the price.

The time has come to recognize the errors of past Federal efforts to support community development and to move swiftly to correct them.

The results of past errors form a disturbing catalogue:

—They have distorted local priorities.

—They have spawned a massive glut of red tape.

—They have created an adversary climate between local communities and Washington whch has often led to waste, delay and mutual frustration.

—They have contributed to a lack of confidence among our people in the ability of both local and national governments to solve problems and get results.

—They have led to the creation of too many complex and often competing Federal programs.

—Perhaps worst of all, they have undercut the will and the ability of local and State governments to take the initiative to mobilize their own energies and those of their citizens.

The Federal policy that will work best in the last third of this century is not one that tries to force all of our communities into a single restrictive mold. The Federal policy that will work best is one that helps people and their leaders in each community meet their own needs in the way they think best.

It is this policy which binds together the many aspects of our community development programs.

THE BETTER COMMUNITIES ACT

In the near future, I will submit to the Congress the Better Communities Act to provide revenue sharing for community development. Beginning July 1, 1974, this act would provide $2.3 billion a year to communities to be spent as they desire to meet their community development needs. In the interim period before the legislation becomes effective, funds already available to the Department of Housing and Urban Development will be used to maintain and support community development.

The Better Communities Act is intended to replace inflexible and fragmented categorical grant-in-aid programs, and to reduce the excessive Federal control that has been so frustrating to local governments.

Rather than focusing and concentrating resources in a coordinated assault on a set of problems, the categorical system scatters these resources, and diminishes their impact upon the most needy. Excessive Federal influence also limits the variety and diversity of development programs. Local officials should be able to focus their time, their resources and their talents on meeting local needs and producing results, instead of trying to please Washington with an endless torrent of paperwork.

I first proposed such legislation in 1971, and although the Congress failed to enact it, significant support was expressed in both the Senate and the House. Since that time, members of my Administration have been consulting with Congressional leaders, mayors, Governors, other local officials and their representatives. Many constructive suggestions have been received and will be incorporated in my new legislative proposal. As a result, I believe the Better Communities Act will represent our best hope for the future of community development and will deserve rapid approval by the Congress.

Among the most significant features of the Better Communities Act are these:

—*Hold-Harmless Provision:* The flow of money to cities and urban counties is to be based on a formula reflecting community needs, as determined by objective standards. In the years immediately following enactment, funds would be used to assure that no city receives less money for community development than it has received under the categorical grant programs.

—*Assistance for Smaller Communities:* Funding is also to be provided for our smaller communities, recognizing the vital importance of small towns and rural communities to the future of the Nation.

—*The Role of State Government:* State governments have always played an important part in meeting the community development needs of their communities. The Act will recognize this role.

—*Local Decision Making:* While each of the activities now supported by categorical grants may be continued, it would be up to local leaders to determine how that money will be spent.

—*Minimizing Red Tape:* Recipients would be required to show the Federal Government only that they are complying with Federal statutes in the way they are spending their revenue sharing money.

—*Elimination of Matching:* Shared revenues would not have to be matched by local funds.

—*Protection for Minorities:* Under no circumstances could funds provided under the Better Communities Act be used for purposes that would violate the civil rights of any person.

A DEPARTMENT OF COMMUNITY DEVELOPMENT

One of the most serious deficiencies in the effort of the Federal Government to assist in community development has been the fragmentation and scattering of Federal programs among a variety of departments and agencies. All too often State or local officials seeking help for a particular project must shuttle back and forth from one Federal office to another, wasting precious time and resources in a bureaucratic wild goose chase.

In order to coordinate our community development activities more effectively, I proposed nearly two years ago that we create a Department of Community Development which would pull under one roof various programs now in the Departments of Housing and Urban Development, Transportation, Agriculture, and other agencies.

After extensive hearings on this proposal, the Committee on Government Operations of the House of Representatives reached this conclusion:

"The Department of Community Development will be a constructive center in the Federal Government for assistance to communities, large and small. It will facilitate rational planning, orderly growth, and the effective employment of resources to build viable communities throughout the United States. It will help to strengthen the physical and institutional bases for cooperative action by Federal, State and local governments."

This Administration fully agrees, of course, and will continue to work with the Congress for the prompt creation of a Department of Community Development.

In the interim, I recently appointed a Presidential Counsellor on Community Development who will coordinate community development programs and policies in the executive branch. But only when the Congress approves the basic departmental reorganization proposed by the Administration can our efforts to eliminate waste, confusion and duplication, and to promote community betterment more efficiently, be fully effective.

THE RESPONSIVE GOVERNMENTS ACT

For nearly 20 years, the Federal Government has provided assistance to State and local governments in order to strengthen their planning and management capabilities.

This aid, provided under the Comprehensive Planning Assistance Program, has always been helpful, but the program itself has several major flaws. It has tended, for instance, to stress one aspect of public administration—planning—without adequately recognizing other essential features such as budgeting, management, personnel administration, and information-gathering. Planning has often been irrelevant to the problems and the actual decisions. State and local governments have also found it difficult to coordinate their planning because of the fragmented way in which funds have been sent from Washington.

This Administration proposed new planning and management legislation to the 92d Congress, but it was not approved. In the meantime, we took what steps we could to improve the existing program. Some progress has been made, but corrective legislation is still needed.

I shall, therefore, propose that the 93d Congress enact a new Responsive Governments Act. I shall also propose that we provide $110 million for this act in fiscal year 1974—almost one-fifth of the entire amount that has been spent under the present law in the last two decades.

This Responsive Governments Act would assist State and local governments in meeting several important goals:

—Developing reliable information on their problems and opportunities;

—Developing and analyzing alternative policies and programs;

—Managing the programs;

—And evaluating the results, so that appropriate adjustments can be made.

The ability to plan and manage is vital to effective government. It will be even more important to State and local governments as they are freed from the restraints of narrow categorical Federal programs and must decide how to spend revenue sharing funds. Thus the Responsive Governments Act is a vitally necessary companion piece to the Better Communities Act.

HOUSING

This Administration is firmly committed to the goal first set forth for America in the 1949 Housing Act: "a decent home and a suitable living environment for every American family." While we believe that some of our housing programs have failed and should be replaced, we should never waiver in our commitment.

During the past four years, the Federal Government has provided housing assistance to an additional 1.5 million American families of low and moderate income. This represents more housing assistance than the total provided by the Federal Government during the entire 34-year history of our national housing program preceding this Administration.

In addition, a healthy, vigorous, private housing industry has provided 6 million new unsubsidized units of housing for Americans in the last four years. Housing starts for each of the last three years have reached record high levels,—levels, in fact, that are more than double the average for the preceding 21 years.

Most importantly, the percentage of Americans living in substandard housing has dropped dramatically from 46 percent in 1940 to 37 percent in 1950 to 18 percent in 1960 to 8 percent in 1970. Americans today are better housed than ever before in our history.

At the same time, however, there has been mounting evidence of basic defects in some of our housing programs. It is now clear that all too frequently the needy have not been the primary beneficiaries of these programs; that the programs have been riddled with inequities; and that the cost for each unit of subsidized housing produced under these programs has been too high. In short, we shall be making far more progress than we have been and we should now move to place our housing policies on a much firmer foundation.

That is why we suspended new activity under Federal subsidized housing programs effective January 5th of this year. I would emphasize, however, that commitments that were made under these programs prior to their suspension will be honored. This will mean that approximately 300,000 units of new subsidized housing will be started in 1973.

In pursuing our goal of decent homes for all Americans, we know that better means are needed—that the old and wasteful programs, programs which have already obligated the taxpayer to payments of *between $63 billion and $95 billion* during the next 40 years, are not the answer.

One of my highest domestic priorities this year will be the development of new policies that will provide aid to genuinely needy families and eliminate waste.

A major housing study is now underway within the Government, under the direction of my Counsellor for Community Development. Within the next six months, I intend to submit to the Congress my policy recommendations in this field, based upon the results of that study.

TRANSPORTATION

To thrive, a community must provide for the efficient movement of its people and its products. Yet in recent years, the growing separation of the city from its suburbs and changing employment patterns have made transportation more of a community problem than a community asset. To improve community development we must meet the challenge of transportation planning and provide more flexible means for communities to meet their transportation needs.

Without better transportation, our communities will either stagnate or choke.

Four years ago we initiated programs to renew and redirect our transportation systems. We took action to expand the capacity of our airways, to preserve and improve intercity rail passenger service, to continue the Nation's highway program with greater emphasis on safety, and to bring needed progress to our surface public transportation. The Federal commitment has been substantial:

—The enlarged Airport Development Air Program established under the Airport-Airways Development Act of 1970 has quadrupled Federal assistance to airports to $295 million per year.

—Under the Rail Passenger Service Act of 1970 we have begun to rejuvenate rail service as part of a balanced transportation system.

—From 1970 through 1974 we will have invested some $23 billion in highways. In 1972 alone we committed $3.3 billion to the Interstate system, which is now 80 percent complete. In that same year, $870 million was designated for primary and secondary roads. Equally important, we have emphasized safety on our highways, both in their design and use.

—We have progressively increased the levels of Federal funding for transportation research, development, and demonstration projects. This support focuses on new transportation technology. It is designed to encourage private industry to join aggressively in the search for better transportation.

Concurrent with our programs to improve transportation between our cities, we have undertaken programs to develop freeflowing corridors for people and commerce *within* our cities.

—Since 1970, when I proposed and the Congress passed the Urban Mass Transportation Assistance Act, we have committed more than 2 billion Federal dollars to preserve and upgrade public transportation. Nationally, urban public transportation has become a billion-dollar-a-year Federal program.

—Over the past four years, Federal dollars have helped 60 American cities to help those who depend on public systems for transportation to jobs, hospitals, shops and recreational centers. Now we must deal even more aggressively with community development challenges in transportation by building on the strong foundations we have laid.

Nothing can do more to lift the face of our cities, and the spirit of our city dwellers, than truly adequate systems of modern transportation. With the best highway system in the world, and with 75 percent of our people owning and operating automobiles, we have more transportation assets per capita than any other people on earth. Yet the commuter who uses a two-ton vehicle to transport only himself to and from work each day is not making the most efficient use of our transportation system and is himself contributing to our transportation and environmental problems.

Good public transportation is essential not only to assure adequate transportation for all citizens, but to forward the common goal of less congested, cleaner and safer communities. As I pointed out a few weeks ago in my message on the environment and natural resources, effective mass transit systems that relieve urban congestion will also reduce pollution and the waste of our limited energy resources.

As we build such systems, we must be aware of the two special challenges in coordinating the needs of the inner city and the suburb and in alleviating potential disruptions which new transportation systems can bring to neighborhood life.

To further these efforts I again continue to urge Congress to permit a portion of the Highway Trust Fund to be used in a more flexible fashion, thus allowing mass transit capital investments where communities so desire.

I recommend that the Congress authorize the expenditure by State and local governments of $3.65 billion over the next three years from the Highway Trust Fund for urban transportation needs, including capital improvements for bus and rapid rail systems. I also recommend continuing the rural highway program at the $1 billion a year level, and providing ample resources to advance the Interstate system as it approaches its 1980 funding completion date. This legislation can meet old needs while at the same time addressing new ones.

Some communities now feel unduly obligated to spend Federal monies on controversial Interstate highway segments in urban areas. I urge the Congress to allow States and localities to transfer such funds to the construction of other Federal-aid highways and mass transit capital improvements. In this way, we can help resolve controversies which have slowed work on a number of Interstate links in urban areas.

It is very important to recognize that this proposal does not represent an arbitrary Federal shift of funds from highways to transit. What it does stress is the right of local governments to choose the best solutions for their urban transportation problems.

This year, in a companion measure to our Federal Highway Bill, I am also proposing that funding for mass transit capital grants be increased by $3 billion, bringing the obligational authority for the mass transit program to $6.1 billion. This provision would maintain a forward looking mass transit program through at least 1977. I am also asking the Congress to amend the Urban Mass Transportation Assistance Act, increasing the Federal share for urban mass transit capital grant assistance programs to 70 percent and thereby achieving parity with Federal aid for urban and rural road building projects.

RURAL DEVELOPMENT

Community Development is sometimes thought of primarily in terms of urban areas. However, as this Administration has often pointed out—and will continue to emphasize—no element of our national well-being is more important than the health and vitality of our rural communities. Thus, in pursuing a policy of balanced development for our community life, we must always keep the needs of rural America clearly in sight.

Twice in the last two years, I have recommended legislation which would provide new revenues for rural development. Under my latest proposal, loans and guarantees would have been made for projects selected and prepared by the States.

While the 92nd Congress did not enact either of these proposals, it did enact the Rural Development Act of 1972, establishing additional lending authority for rural needs. Like the Administration's proposals, this lending authority provides for insured loans and guaranteed loans which allow maximum participation of the private sector.

Several new programs are proposed to be funded under the Rural Development Act. One is a $200 million loan program to assist communities with a population of less than 50,000 in developing commercial and industrial facilities. A previously existing loan program has been increased by $100 million—to a total of $445 million—and, under the new law, can now be used to construct a wide variety of essential community facilities. In addition, grants and other programs under the act will be funded at a level of $33 million.

This Administration will implement the Rural Development Act in a manner consistent with the revenue sharing concept, allowing major project selections and priority decisions to be made by the State and local governments whenever possible. It is our intent, after fully evaluating the effectiveness of this approach, to seek whatever additional legislation may be needed.

DISASTER ASSISTANCE

To a community suffering the ravages of a natural disaster, nothing is more important than prompt and effective relief assistance. As our population grows and spreads, each storm, earthquake, drought or freeze affects larger numbers of people.

During the past four years, we have tried to reduce personal injury, deaths, and property damage by emphasizing adequate preventive measures. During the same period, however, I have had to declare 111 major disasters in 39 States and three Territories. This past year alone set a tragic record for major disaster activity, as I had to declare 48 major disasters—43 caused by storms and floodings. There were a number of especially devastating disaster emergencies in this period: the flooding in Buffalo Creek, West Virginia; flash flood in Rapid City, South Dakota; and, of course, Tropical Storm Agnes which rampaged through the eastern United States. Agnes alone caused 118 deaths and some $3 billion in property damage.

Until now, disaster relief efforts have involved a number of different agencies and have been coordinated by the Executive Office of the President. The experience of the past few years has demonstrated that:

—We are not doing nearly enough to prepare in advance for disasters.

—States, local governments and private individuals should assume a larger role in preparing for disasters, and in relieving the damage after they have occurred.

—Responsibility for relief is presently too fragmented among too many authorities.

—At the Federal level, disaster relief should be managed by a single agency.

I intend to make 1973 a turning point in the quality of governmental response to natural disasters.

To achieve this goal, I have already proposed Reorganization Plan Number 1 of 1973, which is now before the Congress. It calls for the delegation of all responsibility for coordinating disaster relief to the Secretary of Housing and Urban Development, who is also my Counsellor for Community Development. This transfer of operations would take place at the beginning of the new fiscal year and would be carried out in such a way that the effective relations which now exist with State disaster officials would in no way be harmed, while a new sense of unity and mobility at the Federal level would be fostered.

If the Congress enacts my proposal for a new Department of Community Development, that new department would be responsible for directing *all* Federal disaster activities, including those of several other agencies which perform disaster roles.

In addition to the improvements I have proposed in Reorganization Plan Number 1, I will shortly submit a new Disaster Assistance Act to the Congress. This new act is designed to improve the delivery of Federal assistance, to provide a more equitable basis for financing individual property losses, and to forge a more balanced partnership for meeting disasters head-on—a partnership not only among governments at all levels but also between governments and private citizens.

Under these proposals, each level of government would accept responsibility for those things it can do best. While the Federal Government would continue to assist with financing, State and local governments would have far more latitude and responsibility in the use of those funds. They would also be encouraged to assert stronger leadership in efforts to minimize the damage of future disasters.

For homeowners, farmers and businessmen who have suffered disaster losses, the Federal Government would continue to provide direct assistance.

I will also recommend to the Congress an expansion of the national flood insurance program to allow participation by more communities in flood-prone areas and to increase the limits of coverage.

CONCLUSION

As reflected by the proposals set forth here, I believe that we must strike out on broad, new paths of community development in America.

During the last few years, we have taken genuine, measurable strides toward better communities.

All of this is good; it is not good enough.

It is clear that we can and should be accomplishing more in the field of community development. There are too many programs that have been tried and found wanting. There are too many programs that strengthen the bureaucracy in Washington but sap the strength of our State and local governments.

People today want to have a real say in the way their communities are run. They want to feel that, once again, they can play a significant role in shaping the kind of world their children will inherit. And they expect their institutions to respond to their needs and aspirations.

That feeling will never flourish if the Federal Government, however vast its financial resources and however good its intentions, tries to direct the pattern of our lives. That feeling cannot be manufactured in Washington, it must come from within.

But the Federal Government can and should eliminate some of the barriers that have impeded the development of that feeling by returning resources and initiatives to the people and their locally elected leaders. It is in that spirit that I urge the 93rd Congress to give favorable consideration to my proposals for community development.

RICHARD NIXON.

THE WHITE HOUSE, *March 8, 1973.*

AUTHORIZATION FOR THE SECRETARY OF THE SENATE TO RECEIVE MESSAGES DURING ADJOURNMENT

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Secretary of the Senate may be authorized to receive messages from the House of Representatives and from the President of the United States during the adjournment of the Senate over until 12 o'clock meridian Monday next.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum. I assume and hope this will be the final quorum call of the day.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR ROBERT C. BYRD ON MONDAY NEXT

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that on Monday, immediately following the remarks of the distinguished Senator from Oklahoma (Mr. BELLMON), I be recognized for not to exceed 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. JAVITS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The time for morning business has ended.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the time for morning business be extended for 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE RUSSIAN WHEAT SALES AND AGRICULTURE'S ROLE IN EXPANDING U.S. WHEAT EXPORTS

Mr. HUMPHREY. Mr. President, I rise to inform the Senate of a very important hearing that took place this morning and also to include in the RECORD, at the proper point, a statement that was delivered at that hearing.

The Senate, as well as the entire Nation, knows that there has been great concern about what has been called the Russian wheat deal. I have not been a severe critic of that deal or of that trade arrangement because I thought that, on balance, it was in the national interest. However, we have learned a good deal from it.

The Senator from Oklahoma (Mr. BELLMON) and I were commissioned by the Committee on Agriculture and Forestry to examine this matter. We journeyed to the Soviet Union to discuss it with Soviet officials, and we discussed it with American officials. We filed an appropriate report—we hope it will be helpful—with Congress, as a document of the Committee on Agriculture and Forestry. We have made some recommendations.

This morning, the distinguished Comptroller General of the United States, Elmer B. Staats, appeared before the Committee on Agriculture and Forestry and presented to us the results of a study conducted by the General Accounting Office on the Russian wheat sales and Agriculture's role in expanding U.S. wheat exports.

The report is very informative and exceedingly helpful for all persons who are interested in expanded agricultural exports. It contains some solid and reasonable recommendations. I ask unanimous consent that the statement of Mr. Staats, together with appropriate charts and other information, be printed at this point in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE RUSSIAN WHEAT SALES AND AGRICULTURE'S ROLE IN EXPANDING U.S. WHEAT EXPORTS

(Statement of Elmer B. Staats, Comptroller General of the United States)

Mr. Chairman and Members of the Committee:

I appreciate your invitation to present the findings from our examination. Massive sales of U.S. wheat to Russia last summer, at what turned out to be bargain prices, focused national attention on a number of complex and controversial issues and led to requests by this Committee and several Members of Congress for the General Accounting Office's examination.

We sent to interested Members of the Congress an interim staff report on November 3, 1972 covering certain aspects of the wheat sales to Russia. Last week we sent to Agriculture a draft report on its management of the wheat export subsidy program. A final report to the Congress will be issued after we assess and consider Agriculture's comments.

My remarks today will focus on:

Agriculture's management of the wheat export subsidy program, and

whether Agriculture provided American farmers with current and meaningful foreign agricultural information so that they could adjust their operations and practices to world market conditions.

ROLE OF THE WHEAT EXPORT SUBSIDY PROGRAM

To understand the circumstances surrounding the sales of wheat to Russia, I will outline the role of the wheat export subsidy program in the sales. The program is designed to:

1. Insure U.S. wheats' competion in world markets.
2. Avoid disrupting world market prices.
3. Fulfill U.S. international obligations.
4. Aid price support programs by strengthening the domestic market price to producers.
5. Reduce the quantity of wheat taken into the Commodity Credit Corporation's (CCC) stocks under its price support program.
6. Promote the orderly liquidation of CCC stocks.

Export subsidy is discretionary with the Secretary of Agriculture as Director of the CCC. Wheat exports and subsidy payments for fiscal years 1969 through the first quarter of 1973 are shown in Enclosure I.

Mr. Chairman, I believe the most important element brought out in our examination is that Agriculture had not developed an effective system for providing or analyzing information upon which to make the judgments and take actions needed for efficient administration of the subsidy program. We are making several recommendations to Agriculture for correcting what we believe is a serious gap in its management process. I will discuss them later in the statement.

Concerning the background to the Russian sales, from about the time the Secretary of Agriculture visited Russia in April 1972 to the signing of a credit agreement early in July, officials of both countries discussed a variety of subjects and issues including (1) most favored nation status for Russia, (2) repayment of Russia's World War II debt, (3) possible trade agreements, and (4) maritime matters.

The trade discussions centered around purchase of U.S. feedgrains, and credit arrangements to accommodate such purchases. Negotiations were finalized in the United States with the July 8, 1972 agreement whereby the United States made credit available of $750 million over a 3-year period for the purchase of U.S. grains (wheat, corn, barley, sorghum, rye, and oats). Agriculture officials were aware that the Soviet negotiating team, which arrived late in June included grain purchasing, financing, and shipping specialists, but stated that they were unaware of the Russians' simultaneous wheat negotiations with the U.S. grain trade.

We believe there were clear early signals from overseas and other sources concerning Russia's poor crop prospects and the dominant U.S. wheat supply situation. But, this information was not effectively used in Agriculture's decision making.

The program, which was designed by the Agriculture to assist U.S. exporters in competing with other suppliers under usual market conditions, was unable to cope with the disruptive nature of these purchases. The Russian Government entered a relatively stable market, and its huge, unanticipated orders, distorted prevailing supply-demand conditions and drove wheat prices up sharply. Although Agriculture stated that these were commercial transactions and officially kept a hands off attitude, these were not normal commercial transactions. Different ground rules appear appropriate for transactions involving purchases of substantial quantities of wheat by State procurement agencies.

In retrospect, assurances given to exporters by Agriculture that it would continue to provide subsidy on prevailing export target prices was a crucial factor in determining the amount of government-subsidy paid. The target price was maintained in the face of increasing indications of U.S. market dominance in the available supply of wheat. Perhaps more significant was the assurance given to exporters that they could, in effect, commit the U.S. Government to make up the difference between this artificial target price and whatever prices domestic wheat might rise to without establishing a limit of quantities.

The stage was thus set for the Russians to skillfully negotiate with individual exporters. The U.S. Government, not a participant in the negotiations, nevertheless subsidized the transactions much beyond what appeared necessary or desirable.

The Department of Agriculture, quite appropriately, points out that the United States stands to benefit substantially from wheat sales to Russia. These benefits include a positive impact on our balance of payments, the lessening of storage and inventory costs, reduced domestic subsidies, increased returns to a majority of farmers for their harvests, and the opening of new trade relationships. We estimate that balance-of-payments benefits will exceed $700 million.

COLLECTING AND DISSEMINATING FOREIGN AGRICULTURAL INFORMATION

Agriculture has fairly reliable data on general crop conditions and significant changes in worldwide supply and demand. But, this information was not effectively used or disseminated. Farmers were not generally provided timely information with appropriate interpretive comments to assist them in arriving at sound marketing decisions.

Agriculture disseminates, through publications and press releases to the news media, only that information it considers reliable and supportable. Virtually all unclassified information is indexed, listed, and available to the public upon request. Recipients include numerous colleges, businesses and agricultural groups but few individuals who might be farmers.

Agriculture also provides information daily to the news media, but its ability to keep farmers and farm groups fully informed has to be dictated by the information at its disposal. In the sales of wheat to Russia, for example, Agriculture officials stated they did not know the magnitude of sales made and did not attempt to find out, even though such information obviously was of great importance to wheat sellers. This coupled with an inaccurate assessment of Russian purchases, preclude Agriculure from realistically advising the public about wheat marketing prospects. Thus, Agriculture reports presented a distorted picture of market conditions.

Legislation directs Agriculture to acquire foreign agricultural information to assist "American farmers, processors, distributors and exporters to adjust their operations and practices to meet world conditions * * *." Agriculture has a conduit for informing the farm community of foreign agricultural developments through its Agricultural Marketing Division of the Federal Extension Service. But, because of limited staff, and emphasis on domestic matters, Service officials estimate that about 70 percent of U.S. farmers are not properly informed on foreign agriculture; those who are informed are usually the industry leaders.

The National Farmers Organization, a group that negotiates grain contracts for its members, stated last September that: "We, and others like us, can operate efficiently only if we are provided full, accurate information on policy and day to day operations in the Department that relate to grain programs." Other farm groups and members of the Congress expressed similar sentiments concerning the need for more effectively providing the data that farmers and farm groups need to direct their marketing activities.

Agriculture has not determined the specific intelligence needs of the agricultural sector. We believe the Secretary of Agriculture needs to consult with representatives of interested groups, including farmers, processors, distributors and exporters, and identify the information needs of each group.

This is a necessary first step in developing a more responsive information system that will provide farmers and other interested parties with current information on trade prospects.

IMPACT OF RUSSIAN SALES

Perhaps the most hectic period in U.S. wheat trading history occurred in the summer of 1972, as Agriculture sought to maintain its export subsidy program despite escalating domestic prices and consequent heavy subsidy burdens. The credit agreement with Russian and the subsequent disclosure of large wheat sales by private exporters seriously tested the efficacy of Agriculture's wheat export program.

These massive sales raised domestic wheat prices from about $1.68 per bushel in July to $2.49 a bushel in September. With almost every increase, Agriculture raised the subsidy to fill the gap between domestic prices and the presumed export market price. In September, Agriculture terminated its subsidy and let world wheat prices seek their own levels. Agriculture's estimates of 1972–1973 subsidy payments illustrates the impact of the Russian sales. The estimated subsidy of $67 million, based on exporting 650 million bushels of wheat, mushroomed to $300 million on exports of 1.1 billion bushels.

The Russian sales magnified imperfections in the wheat export subsidy program. From November 1971, Agriculture neither required nor received information from the grain export trade on contracted sales because "it had no commercial intelligence value." The principal information it had relative to probable U.S. exports was the registrations for export subsidy, but exporters often delay registering sales or register without sales, so this information could hardly be considered timely or accurate.

The Russians negotiated purchases of about 440 million bushels of wheat with private U.S. grain exporters during five weeks in July and August 1972 for deliveries through August 1973 at fixed prices at or slightly below the $1.63 to $1.65 target price range. Exporters were able to contract for these large quantities at these prices because Agriculture officials assured them that the subsidy program would continue at prevailing export target prices.

It is difficult to reconcile these assurances with Agriculture's knowledge of the market dominance of U.S. wheat and lack of knowledge of the quantities involved in the sales to Russia. As the domestic wheat price moved sharply higher, so did Agriculture's subsidy support. This culminated in a special subsidy rate of 47 cents a bushel from August 25 to September 1, 1972, when approximately 282 million bushels valued at about $128 million were registered for subsidy. These special registrations for six major exporters, together with their regular subsidy registrations, are shown in Enclosure II. See Enclosure III for export target and subsidy rates from July 3, to September 25, 1972.

Although the special subsidy was intended to equalize sales and purchase prices for exporters who had sold to the Russians at low prices, all export sales were eligible. Agriculture had no information on other higher sales made by the exporters. Sales were made at prices higher than the $1.63 to $1.65 target price, and, by delaying their registrations, exporters took advantage of the increased subsidy rates.

While Agriculture was attempting to make up the difference between the $1.63 target price and the going domestic price of about $2.10, the offered sales prices in Europe during the week were substantially higher. Even at the higher prices Europeans made advance-purchases of large quantities of U.S. wheat through April 1973 needs.

MANAGEMENT IMPROVEMENTS NEEDED

The key determinant in establishing daily wheat subsidy rates is the export target price. The difference between this target price and the prevailing domestic price becomes the basic subsidy rate for exporting a given type and grade of wheat. The export target price for Hard Red Winter wheat, the principal type of wheat sold to the Russians, was maintained at $1.63 to $1.65 a bushel from around October 1971 through mid-August 1972.

DOMINANT U.S. SUPPLY POSITION

As early as January 1972, the U.S. Embassy in The Netherlands commented that U.S. wheat, both Hard Winter and Spring, dominated the market because of its competitive pricing and because of shortages experienced by other supplier countries. The U.S. Embassy in The Netherlands reported that buyers were unable to obtain wheat from Australia and Russia, and the Australian Wheat Board told prospective buyers that supplies might not be sufficient to satisfy traditional customers.

The first visible signs of Russia's wheat purchasing occurred in March 1972, when Canada sold it about 3.5 million tons (about 130 million bushels) with an option to buy 1.47 million tons of wheat and flour to be delivered from July 1972 to May 1973. Following this sale, the Canadian Wheat Board reportedly withdrew from the market for the remainder of the crop year (August 1972). Other data tended to confirm the dominant U.S. position.

A Foreign Agricultural Service study in April 1972, assessing the possible competition in supplying grains to Russia, observed that competing countries' stocks for exports were low, committed, or lacked the physical facilities for movement. The report commented:

"In the short-run, therefore, if the USSR were to enter the world market looking for a large tonnage of grains in addition to the wheat which it has already purchased from Canada, it would have to be content with relatively small quantities from several different suppliers, unless it were to buy from the United States."

Export Marketing Service officials told us that they recognized in the spring of 1972 that the world wheat picture was changing and that some increase in export prices might be possible. However, the export target price was not changed because:

World prices at $1.63 to $1.65 were not so high as to bring about excessive production from competing exporting countries.

Canada had made extensive future delivery commitments at low prices, many of which provided the buyer an option to take additional quantities at the same price.

The United States had large wheat stocks on hand and needed to increase exports.

Agriculture wanted to be fair to traditional U.S. customers who had come to depend on this price level.

It would have been illogical to allow wheat prices to rise before idle acreage was brought into production.

We could find no analyses of the effects a change in its pricing policy would have on the various reasons Agriculture offered for maintaining it. The representations seemed to reflect the intuitive judgment of its officials.

SPECULATIVE SUBSIDY REGISTRATIONS

A subsidy registration contract exists when wheat is offered for export and accepted by CCC. Exporters collect on subsidy registrations upon submitting documents that shipments have been made. An October 1967 change in the program's regulations allowed exporters to apply shipments to any open subsidy registration and to register for subsidy at any time, whether a sale had been made or not. Exporters, choosing to register before or after making sales could gain or lose on the subsidy, depending on whether it went up or down.

The speculative aspects of the subsidy registration system are illustrated by five examples noted where exporters delayed registering for up to 4 weeks after making sales. In these examples CCC will pay exporters subsidies totaling about $604,493, whereas had the exporters registered on the sales dates the subsidies would have totaled $286,188, or $318,305 less.

Several cases involved waivers of subsidy entitlement from one company to another. The ultimate export is bought at a net price (basically domestic price less subsidy) and rights to subsidy are waived to the seller. In some cases the company making the actual export lost on the transaction because it was unable to buy low enough to satisfy sales commitments while the company selling it obtained large subsidy payments for simply selling wheat domestically.

Agriculture rationalizes this practice on the basis that, although the subsidy recipient does not make the actual export, he causes an export to be made and is entitled to payment. We question the need for a further speculative element in wheat exports, but, more important, we believe total U.S. exports could be adversely affected. In some cases, the company waiving the subsidy already has an export sales commitment which must be honored. By accepting the domestic sales of the subsidy contractor, Agriculture relieves the contractor of his obligation to export and substitutes in its place an export which would have been made regardless of the subsidy. To the extent that this situation prevails, that much less wheat is exported.

CARRYING CHARGE INCREMENT

CCC pays exporters a carrying charge increment to cover the estimated costs of owning wheat for future delivery. Ownership of wheat is understood to cover insurance, interest, storage, and other costs which are passed on to the buyer.

The increment was designed to enable U.S. exporters to compete with Canadian and Australian Wheat Boards, who bear the carrying charges for future delivery of wheat. Payments are made to exporters of all classes of wheat exported on or after the 61st day following the *registration* for subsidy, for a maximum of 180 days.

To collect the carrying charge increment, exporters submit evidence of shipment and certification of sale showing the sales contract date, amount, buyer, and shipping date. Records showed that sales contracts cited as supports for payments frequently called for shipments within a few days. The registrations shipments were applied to, however, were sometimes dated up to 7 months earlier, resulting in significant payments.

Exporters view the carrying-charge increment as a cushion against possible losses or as additional profits. Two exporters estimated that they realized additional revenues of about 5 cents for each bushel exported. This compares with net profit in the trade of about 1.5 cents a bushel. In a cursory review of 1972 files, we found 28 instances totaling $360,000 where the sales contracts cited as support for payment called for shipment within a few days after the date of sale.

OTHER SUBSIDIES

CCC pays exporters a rail subsidy for Hard Red Spring and Durum wheat to compensate for the additional cost of shipping by rail when the St. Lawrence Seaway and upper Mississippi River are closed to water transportation because of winter ice conditions.

In addition to these subsidies, wheat exporters are eligible for benefits under the (1) CCC Export Credit Sales Program, (2) Barter Program, (3) Title I, Public Law 480 sales for long-term credit to foreign governments and (4) sale of government-owned commodities. U.S. wheat exports, therefore, are subsidized, under certain circumstances, up to 25 to 30 percent of the sales prices.

EXPORTERS' PROFITS ON RUSSIAN SALES

Grain company records do not segregate Russian sales from other sales. In an attempt to assess their profits on the sales to Russia, five of the six exporters provided us statements reflecting their approximation of profit or loss on these sales. None of the statements indicate that excessive profits accrued.

Because of the complexities involved in grain merchandise accounting, the difficulties in deriving a meaningful statement on the profitability of selected sales, and the fact that our review has not been completed, we are not in a position to express an opinion on the validity of exporters' representations at this time.

IMPORTANCE OF PROGRAM EVALUATION

Mr. Chairman, I was pleased with your January 17, 1973, remarks to this Committee underscoring the importance of program evaluation. You said that:

> The key word of our committee this year * * * will be increased emphasis on oversight, using the most sophisticated cost-effectiveness and system analysis techniques to evaluate the worth of existing programs, and the way they are being administered by the Executive Branch. The Committee Staff has already laid the groundwork for this systematic program review with the GAO and the Congressional Research Staff * * *.

I have continuously stressed program evaluation as fundamental to effective administration and have urged the Congress to include appropriate language in legislation covering the various programs. The accountable agencies should be responsible for evaluation and I have instructed our staff to give particular attention to this need and to include in our advice to the Congress our appraisal of how well the agencies are performing their evaluations.

The weaknesses we observed in the wheat export subsidy programs are largely attributable to Agriculture's failure to develop a management evaluation system to ascertain whether subsidies involved in wheat exports were achieving program objectives effectively and economically.

Attempts to evaluate the program have been made only during crises, such as after the sales to Russia, and then only on a limited basis. Officials claimed that the complexity of the program precluded effective examination. We recognize the complexities involved. Nevertheless, the substantial expenditures of Government funds to meet wheat export objectives compels Agriculture to assess program results. In its absence effective management actions are impaired.

NEED FOR MANAGEMENT INFORMATION

Vital information on the operations of the subsidy program was generally unavailable. Agriculture had not deemed it necessary to develop information basic to program management. When data was available, meaningful summaries could be obtained only by manually reviewing voluminous files. This data void is crucial because, without key information, Agriculture is unable to make management decisions necessary to effectively and efficiently administer the subsidy program. Some important management information voids are discussed below.

BASIS FOR SUBSIDY CALCULATIONS

The estimated U.S. port price and the prices offered for U.S. and competing wheats on world markets are basic to developing subsidy rates. Domestic buyers and sellers are contacted daily to develop a single price which reflects the price for wheat delivered to designated U.S. ports.

We were unable to ascertain the rationale and judgments exercised and the relative weights given to the variety of factors involved in the calculation of subsidy. We observed this same lack of documentation in our July 1967 report "Review of Certain Aspects of the Wheat Export Program Conducted by the Commodity Credit Corporation (B–160340)."

LACK OF INFORMATION ON SUBSIDY PAYMENTS

Agriculture does not require information from exporters on purchase and sale prices of export transactions, nor does it ascertain that subsidy payments are reasonable and result in additional wheat exports.

Other important data, obtainable only by detailed examination of voluminous files, included—

Subsidies paid to individual export companies;

Subsidy payments by type, i.e., basic, carrying-charge increment, and rail;

Penalties assessed for nonperformance, by company, value, reason, and number involved; and

Administrative decisions absolving exporters from penalties for nonexport by number and type involved.

We are exploring with Agriculture several proposals for improving management of the wheat export subsidy program and for developing a more responsive system for collecting and analyzing foreign agricultural information.

With respect to Agriculture's role in wheat exports, we believe the Secretary of Agriculture should:

Review the entire program and determine the need for subsidies and, if needed, how they can be used more effectively and efficiently in world market competition.

Develop a coordinated system for negotiating the sale of wheat to nonmarket economies (such as those of Communist countries) and other Government-directed procurements.

We believe that a mechanism can be devised within the system of using private capital for marketing agricultural products while recognizing that foreign government directed procurements exceed normal supply-demand considerations.

In anticipation of the possible renewal of wheat exports subsidy payments, the Secretary of Agriculture should establish a system for:

Providing for periodic evaluations of program effectiveness and efficiency, including periodic checks on end-users of wheat and countries of ultimate destination.

Documenting the basis and rationale used in establishing the daily subsidies.

Directing that timely reports on subsidy recipients, and administrative decisions on penalty foregoings are prepared.

Directing that sales and cost data on wheat transactions be obtained and used in establishing subsidy levels.

Revising the basis for computing entitlement to the carrying-charge increment.

Several of the major grain companies involved in the sales to Russia have offered to discuss with us their views of the operation of the subsidy program, but, as yet, we have not had the opportunity to meet with them. In the process of refining and firming up our recommendations to Agriculture, my staff plans to take advantage of their offer.

This concludes my testimony. I shall be pleased to try and answer your questions.

U.S. EXPORT SUBSIDY RATES AND RELATED EXPORT PRICES FOR HARD RED WINTER WHEAT[1] FOR THE PERIOD JULY 1–SEPT. 25, 1972

[Amounts per bushel]

Date, 1972	Delivered shipboard at U.S. port	Export subsidy[2] rate		Export target price	
		I[3]	II	I[3]	II
July:					
3	$1.68¼		$0.05		$1.63¼
5	1.69		.06		1.63
6	1.71⅛		.07		1.64⅛
7	1.69⅞		.07		1.62⅞
10	1.71⅞		.09		1.62⅞
11	1.76¼		.13		1.63¼
12	1.76½		.13		1.63½
13	1.76½		.13		1.63½
14	1.73¼		.10		1.63¼
17	1.74¼		.11		1.63¼
18	1.76⅞		.13		1.63⅞
19	1.79¼		.15		1.64¼
20	1.77⅝		.14		1.63⅝
21	1.76¼		.13		1.63¼
24	1.78¾		.14		1.64¾
25	1.79⅛		.15		1.64⅛
26	1.77⅞		.14		1.63⅞
27	1.76⅝		.13		1.63⅝
28	1.78		.14		1.64
31	1.79¾		.16		1.63¾
August:					
1	1.80½		.16		1.64½
2	1.80¾		.17		1.63¾
3	1.88		.21		1.67
4	1.95		.31		1.64
7	2.05		.31		1.74
8	2.04		.31		1.73
9	1.96¼		.31		1.65¼
10	2.02		.36		1.66
August—Continued					
11	$2.04¾		$0.36		$1.68¾
14	2.05		.36		1.69
15	2.02¾		.35		1.67¾
16	2.04		.36		1.68
17	2.08		.38		1.70
18	2.10¼		.38		1.72¼
21	2.10½		.38		1.72½
22	2.11¾		.38		1.73¾
23	2.14¼		.38		1.76¼
24	2.12		.38		1.74
25	2.09¾	$0.47	.38	$1.62¾	1.71¾
28	2.10¼	.47	.37	1.63¼	1.73¼
29	2.13¼	.47	.35	1.66¼	1.78¼
30	2.14¼	.47	.32	1.67¼	1.82¼
31	2.12	.47	.30	1.65	1.82
September:					
1	2.17¼		.30		1.87¼
5	2.18½		.30		1.88½
6	2.17¼		.30		1.87¼
7	2.17⅛		.29		1.88⅛
8	2.18⅜		.30		1.88⅜
11	2.21		.29		1.92
12	2.27		.28		1.99
13	2.25½		.26		1.99½
14	2.29¾		.25		2.04¾
15	2.38⅛		.25		2.13⅛
18	2.49⅛		.23		2.26⅛
19	2.46½		.21		2.25½
20	2.40¼		.19		2.12¼
21	2.39¾		.14		2.25¾
22	2.43⅝		.00		2.43⅝
25	2.39½		.00		2.39½

[1] No. 2 Hard Red Winter, Ordinary Protein, f.o.b. gulf/east ports.

[2] Rate announced effective 3:31 p.m. that day applicable through 3:30 p.m. the following day.

[3] On Aug. 25, 1972, Agriculture announced a two-tier system which provided a special subsidy rate of $0.47 a bushel through Sept. 1 for contracts entered into prior to Aug. 24, and a subsidy in later sales at new rates which did not maintain the $1.63–$1.65 base.

Source: Wheat and wheat flour export programs payment rate announcements and wheat market information and subsidy work sheets, export marketing service, Department of Agriculture.

Mr. HUMPHREY. Mr. President, I hope that those who are writing about the Russian wheat sales and those who comment on that matter would take time to read this report. It makes no wild accusations. It charges no corruption. It simply presents a detailed analysis of what transpired and the information the Department had prior to the wheat sale.

It is an excellent report on the problems that relate to export subsidies and poses the question as to what we should do in the days ahead about export subsidies. It also poses the question, which we will examine in the Subcommittee on Foreign Agricultural Policy, as to how the Department is equipped by manpower, research data, personnel, and other facilities to encourage and properly handle export activities.

The Government is depending a great deal on our exports for the coming year, particularly in agriculture, and we need to be equipped properly to meet this situation and to take advantage of the export market if it is there.

I hope that all of us will read very carefully not only the report we filed but also the statement of Mr. Staats.

DEVALUATION OF THE DOLLAR

Mr. HUMPHREY. Mr. President, I have some information that I think is of interest to the American people and, I hope, to Congress.

The matter of dollar devaluation has bothered many of us. It is a complicated subject. The average citizen does not understand its implications. I do not claim to understand all of them, myself. But I came across some information that tells me in rather vivid terms what it has meant to us.

A writer for the Christian Science Monitor, Paul Wohl, has summarized it very well. I have been informed of certain matters relating to the Soviet bloc countries and the dollar devaluation, but I have never found the matter so well stated as in the article that appeared recently in the Christian Science Monitor.

Mr. Wohl states that the dollar devaluation has been a boon, a bonanza, to the Soviet bloc countries. This may come as rather startling information, because we generally think of Soviet bloc countries as dealing in European currencies rather than dollars, and we have never judged that we had too much trade with the Soviet bloc countries—countries such as Czechoslovakia, Poland, and Rumania. But what we call Eurodollars—that is, dollars in the possession of our European friends and neighbors—are a form of currency that is widely used in all of Western and Eastern Europe for trade negotiations.

So here is what we see. We see that the dollar devaluation has indirectly more than paid for all of Moscow's massive emergency purchases of grains and fodder, wheat and feed grains. First, the Russians received a good deal on the wheat at a price of a little over $1.60 a bushel. In light of the short supply in the world; this was an unusually favorable price.

Now, on top of the very favorable price which the Russians obtained for the purchase of the 11.5 million tons of wheat from the United States, we find out that because of the devaluation, without regard to what happened to the price of gold, the Russians have made enough, they and their allies, to more than pay for all of the purchases of feed grains and wheat.

With respect to the price of gold, the price of gold is now over $90 an ounce. The Russians are the second largest gold producing country in the world. We do not know how much gold the Russians have in official reserve, but undoubtedly they have large quantities. They have been able to pay in gold bullion on many occasions for imports from western European countries. To put it directly, the Russians have a substantial gold reserve insofar as anyone is able to ascertain.

They are the second largest gold producing nation in the world. That means when the price went from $35 an ounce to where it is today, primarily because of the devaluation and the monetary uncertainty in the world today, the Russians had a harvest in the money market that far exceeded any trouble they had in the grain market.

The bonus to which I refer is the result of Communist country borrowing. Over the past 6 months or so, according to Mr. Wohl, Soviet bloc banks have been granted Eurodollar loans totaling roughly $40 billion by European financial institutions. This is money the Soviet bloc countries have used to make purchases in the West. Now that the dollar has been devalued, and, of course, it has had two devaluations in the last 2 years, the Communist countries, according to this article, will save 10 percent in the repayments. Already these countries have netted $4 billion and they expect more dollar devaluations to add to that sum.

The total purchase price of wheat which the Russians made was under $1 billion. By the way, we provided them with loans through the Commodity Credit Corporation for a substantial amount of that purchase at the going rate of interest of the Commodity Credit Corporation.

Mr. President, I rise today to mention this because it demonstrates to the American people what devaluation means, and that is a lowering of the value of our money. The Soviet bloc countries have more than enough to pay about four times for all the wheat they purchased at one of the best and lowest prices this country has ever offered. The 40 billion Eurodollars they have borrowed in the last 6 or 8 months from European financial institutions has enabled them to net over $4 billion in American dollars in the past year.

One might ask where this information comes from and whether it can be verified. That is a good question because this is a matter of importance.

The information, according to my knowledge, that tells us about $40 billion of borrowing between European financial institutions and the Soviet bloc countries, comes from reliable sources reported by Franz Pick, noted international currency analyst. Dr. Pick has just returned to New York from a tour of European financial institutions. The article by Paul Wohl states:

> The initiative for these transactions is said to have come from West European financial institutions, whose representatives assiduously visited the East bloc's central banks in Moscow, Warsaw, Budapest, etc., offering easy Eurodollar credits.
>
> These institutions hold a large part of the more than $100 billion Eurodollars floating in the world. Their loans to the Communist bloc are a means of obtaining a reasonable interest (7 to 8 percent) on these Eurodollars.
>
> In a related move, Japanese banks—

Because we have a trade deficit with Japan—

> have extended a substantial Eurodollar credit to Deutsche Notenbank, the central financial institution of East Germany.
>
> Most of these transactions were negotiated by the Soviet Union's banks abroad—the Moscow Narodny Bank of London, the Banque Commerciale des Pays de l'Europe du Nord of Paris, the Ost-West Handelsbank of Frankfurt, the Voskhod Handelsbank of Zurich, and the Moscow Narodny banks of Beirut and Singapore.
>
> Every one of these banks enjoys an excellent financial reputation, which in the case of the London and Paris banks has been built up over a half a century.

Mr. President, I ask unanimous consent that the entire article by Mr. Wohl may be printed in the Record at this point.

There being no objection, the article was ordered to be printed in the Record, as follows:

U.S. Dollar Slippage Means a Big Boon for Soviet Bloc

(By Paul Wohl)

Dollar devaluation has been a boon for the Soviet bloc.

Indirectly it has more than paid for all Moscow's massive emergency imports of grain and fodder.

This bonus is the result of Communist borrowing. Over the past six months or so, Soviet-bloc banks have been granted Eurodollar loans totaling roughly $40 billion by European financial institutions—money which the bloc nations have used to make purchases in the West.

Now that the dollar has been devalued, the Communist countries will save 10 percent on the repayments.

Already these countries therefore have netted $4 billion. And they expect more dollar devaluations to add to the sum.

INSTITUTIONS VISITED

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Every one of these banks enjoys an excellent financial reputation, which in the case of the London and Paris banks has been built up over a half a century.

POLITICAL IMPACT EXPECTED

The Soviet bloc expects the currency crisis to affect political relations between the United States and the Common Market countries, as well as with Japan.

Should the Europeans succeed in setting up a West European currency pool, as has been repeatedly suggested, the dollar might cease to be the West European accounting unit, Soviet analysts believe. A similar zone for Japan's yen would further deepen the dollar's predicament.

Soviet commentators, cautiously reporting such trends, gloat at the West's financial difficulties and claim that none of these measures would bring lasting relief.

Actually, however, financial trends are not all to the advantage of the Soviet bloc. The bloc's central banks still use dollars in their foreign-trade dealings with third-world countries. Most of the credits which the bloc has extended to these countries are to be repaid in the now less valuable (paper) dollars.

Mr. HUMPHREY. Mr. President, the Soviet Union is very careful to keep its banks located in Paris, London, Frankfurt, Germany, Beirut, Singapore, and other parts of the world as solid financial institutions. They have the highest reputation for their fiscal integrity.

I just want us to keep in mind as we look ahead to trade policy in this country, and other matters related to monetary and fiscal matters, what happens in the real world of commonsense that ordinary people can understand when we get devaluation.

Devaluation does two things. It raises prices at home and it lowers the prices of our exports abroad which means that people overseas today get goods at lower prices and it means that people that buy them here in America pay higher prices. That is what devaluation means. It is very, very sour medicine, Mr. President. That would be bad enough, but in this instance we have given interest-free, as if it were a grant or a gift, $4 billion in the last 6 months to the Soviet-bloc countries—$4 billion.

They not only have gotten our wheat for nothing; they have been able to get another $3 billion out of the devaluation that they can use for whatever purposes they wish. I hope it is all for peaceful purposes. They have plenty of needs on the civilian front, but, Mr. President, when we read in the newspapers about devaluation, let us not think that it is something that happens to someone else. I want to say to fellow Americans, and sometimes it is difficult to get the attention of the people on these matters, that devaluation does not help you one bit. They can make it sound good, sweet, nice, and cozy. Bankers understand it and generally do pretty well with it, but for the average American citizen devaluation raises our prices, lowers prices other people pay for American goods and takes away the value of our currency, giving many countries that have these Eurodollars and can lend them out on what we call second-tier lending, a bonanza, a handout.

Mr. President, can you imagine this Senate voting $4 billion foreign aid to Communist bloc countries? Mr. President, can you imagine what would happen if we came into the Senate with a bill for $4 billion of foreign assistance to any country? We are having a big argument now as to whether we are going to have $2.5 billion foreign aid to Hanoi. Within 6 months we have had a $4 billion grant program—not loans, but grants—of the American dollar to the Soviet bloc countries and the Soviet Union—$4 billion by a simple devaluation procedure.

I want to also note—and I am not going to be critical about this—that devaluation, under the law, is supposed to be done under act of Congress. The law under the Roosevelt administration, when we had the first devaluation in the 20th century, provides that if the American currency is to be devalued, it must be done by the American Congress. But because of the peculiar circumstances in which we live today, with other currencies floating up, and not very many of them going down, and because of possible rampant speculation if Members of Congress started debating devaluation on the news media, we have blinked our eyes and closed our eyes to what the law requires, and we have permitted the President to devalue at his convenience.

I am not trying to be critical of the President, because he has done this with the full knowledge of the Members of Congress, but we ought to change the law—either that or hold to it. I do not believe in having a lot of laws on the books that seem to mean nothing. But the law requires that devaluation be done by Congress.

Mr. President, this is just another way of saying the American dollar is in serious trouble. It is only another way of saying when you devalue, you do not help yourself. Devaluation is like a lost weekend, an expensive hangover which causes trouble at home.

It may give some other people who are holding some of the "juice" a little pleasure abroad, but do not tell me that devaluation is going to help anybody in this country. It might help a little on export, but the export provides in this instance a bonanza for those Europeans who hold $100 billion American dollars in their banks. Along with the Japanese, these European bankers have used those dollars in the Western and Soviet bloc countries. Many of them can use devalued dollars in the United States to pick up American property.

I am no expert on devaluation, but I know when I have a backache and I know when I have a headache and I know when I am not feeling good, and I know what it is like to feel good and be well and healthy.

What I am trying to tell you, Mr. President, is that devaluation is another indication of American economic sickness. You can continue to take all the economic aspirins from now until doomsday—it is not going to cure the disease; it is going to take more than a sign-off every other year by saying, "We have devalued the dollar."

I have brought this matter to the attention of my colleagues in the hope that it may be subject to their attention. I do not claim to be an expert on this subject, but I know some arithmetic. I know when we lose $4 billion in devaluation, it is not something to cheer about and have a 21-gun salute and say we have had a great victory.

The PRESIDING OFFICER. The time for the transaction of morning business has expired.

EXTENSION OF PERIOD FOR TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that there be an additional period for the transaction of additional morning business for not to exceed 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

MILITARY WEATHER MODIFICATION

Mr. PELL. Mr. President, the Federation of American Scientists announced today that it has formally requested President Nixon to make a full public disclosure of any offensive military weather modification activities by the United States during the war in Southeast Asia.

I hope very much that the administration will give careful consideration to the request by the federation and will decide to inform the public of any weather modification activities that were in fact conducted.

I have on several occasions brought to the attention of the Senate the dangers to our own country, and indeed to all of humanity, that would be posed by unbridled development and use of environmental and geophysical modification warfare techniques.

On February 22, I introduced for myself and 18 of my colleagues in the Senate, a resolution (S. Res. 71) urging the negotiation of an international agreement to prohibit the development and use of environmental and geophysical modification techniques as weapons of war.

I believe a full and frank public discussion of this problem, including any activities of our own Government, would be an important step toward an international agreement to prohibit the development and use of environmental warfare technology. And it is in that context that I hope the administration would consider the request of the Federation of American Scientists.

I would emphasize that this is not a partisan political issue. What public evidence exists of the use of weather warfare by the United States indicates the activities were carried out under a previous administration.

I think it is significant to note that the spokesmen for the federation on this issue are Dr. Herbert Scoville, Jr., a former Deputy Director of the CIA under Presidents Eisenhower and Kennedy, and former Assistant Director of the Arms Control and Disarmament Agency under Presidents Kennedy and Johnson; and Dr. Gordon J. F. MacDonald, one of the original members of the Council on Environmental Quality under President Nixon.

Mr. President, the Federation of American Scientists has a membership of 4,500, including many of our country's most distinguished scientists. The federation's request to the President, in addition, is supported by petition of 750 nonmembers scientists.

I ask unanimous consent that the text of the federation's letter to President Nixon, signed by Dr. Marvin L. Goldberger, FAS chairman, be printed at this point in the RECORD, along with the federation's news release, and the list of signatories to the request.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

FEDERATION OF AMERICAN SCIENTISTS,
Washington, D.C., March 1, 1973.

Hon. RICHARD M. NIXON,
President of the United States, the White House, Washington, D.C.

DEAR MR. PRESIDENT: As you know, there has been considerable speculation about the possibility that weather modification was used, at one time or another, during the Vietnamese conflict, as a weapon of war.

These charges have appeared on the front pages of leading newspapers and in testimony before Congressional committees, but they have not been denied. Indeed, United States Senator Claiborne Pell, who presided over Foreign Relations Committee hearings on weather modification said, on the Senate floor on February 22, that "In my own mind, there is no doubt that the United States did indeed conduct weather modification operations in Southeast Asia."

Many American scientists are concerned about the precedent that such actions would pose. There are many different kinds of geophysical warfare which, if they were to be engaged in by ourselves and by opponents, would be to the clear disadvantage of mankind. The use of weather modification as a weapon of war is an opening wedge to the use of climate modification, the inducement of earthquakes, and other still more terrible methods. We see geophysical warfare as a "Pandora's box" to which the seemingly inoffensive weather modification may be the disastrous key.

Especially now that the cease-fire is taking effect, we believe that the Government should disclose the facts concerning U.S. activities in this area. The right of the public to know of the activities of its Government is fundamental to our way of government, to our ability to make appropriate policy, and to our liberty itself.

This public right to know is as unqualified, and needs as little explanation, as our right of petition. But in explanation of our strong interest, we note that these revelations are critical to permit the public to understand the importance of international agreements prohibiting weather modification. And we can conceive of no valid national security reason for denying these disclosures about the past.

With this in mind, our elected National Council has voted formally to urge the Administration to disclose what it knows about any such activities under this or previous Administrations. Under our Federation's constitution, our Council can speak for our 4,500 members on such issues. But, in addition, we have compiled a petition signed by over 750 non-members, as an indication of the depth of feeling of the scientific community at large, that full disclosure of weather modification activities by our Government should now take place.

Sincerely,

MARVIN L. GOLDBERGER,
Chairman.

SCIENTISTS PETITION PRESIDENT FOR FULL DISCLOSURE OF WEATHER MODIFICATION ACTIVITIES

At a press conference today, two officials of the Federation of American Scientists (FAS) released a statement calling upon President Nixon to disclose details concerning any American use of weather modification as a weapon of war in Vietnam. The request was backed by a resolution of the FAS National Council (26 elected members) speaking for the FAS membership of 4,500. In addition, a petition was provided signed by 750 nonmembers.

Speaking for the Federation at the press conference were:

Dr. Herbert Scoville, Jr., FAS Secretary; former Deputy Director of the CIA under Presidents Eisenhower and Kennedy, and former Assistant Director for Science and Technology of the Arms Control and Disarmament Agency under Presidents Kennedy and Johnson; and

Dr. Gordon J. F. MacDonald, a member of the FAS Executive Committee, and a former charter member of the President's Council on Environmental Quality under President Nixon. Dr. MacDonald is, perhaps, the nation's leading authority on the dangers of geophysical warfare.

They were introduced by the Federation's Director, Dr. Jeremy J. Stone.

The Federation's concern about weather modification was tied to widespread and often authoritative[1] reports which the Administration had pointedly refused to deny, indicating that:

Weather modification was first used in 1963 by the CIA over *South* Vietnam to control demonstrations and to cover covert operations;

Rainfall was deliberately enhanced over Laos in 1966 in an experimental program;

In 1967, the Joint Chiefs successfully urged an operational program;

Denials by then Secretary Laird were carefully and repeatedly restricted to weather modification activities over *North* Vietnam.

It had even been suggested in some newspaper articles that:

Rainfall enhancement over Laos and the Ho Chi Minh trail may have been responsible for the unusually heavy rains that devastated parts of North Vietnam by flooding in 1971.

Furthermore, it was a matter of record and fact that:

On September 8, 1972, a commercial weather modification firm filed suit for $95 million in Washington claiming that the Government has used in Indo-China a cloud-seeding device called "weathercord" in violation of the firm's patent rights.

Administration witnesses before Congress refused to discuss the matter but opposed efforts to formulate treaty bans of weather modification.

The Administration sought to water down weather modification prohibitions proposed at the Stockholm Environmental Conference.

The Administration belatedly dropped from its program of cooperative discussions with the Soviet Union any mention of weather modification.

Weather modification can have quite uncontrollable and unpredictable effects at the present or foreseeable stage of knowledge.

The Federation council feared that weather modification would be a dangerous precedent leading to other innovations in geophysical warfare such as the steering of storms, the manipulation of climates, the inducing of earthquakes, and so on.

It noted that, at the Stockholm environmental conference, 113 countries agreed that nations were responsible "to ensure that activities within their jurisdiction or control do not cause damage to the environment of other States." Thus there was little doubt that such activities would offend the conscience of mankind.

List of Names of Non-Federation Membership of Signatories

Jeffrey N. Stallard, Richard J. Carter, Mark A. Boroush, Gordon P. Rands, Johanna R. Van Wert, Tom Wulf, Dorothy Adkins, Chase Kimball, Nancy Maurer, Kathleen Shordt.

Robert Brumbaugh, Noah E. Jameson, Mary-Ann Cateforis, Stephen Lewis, Claudia Strauss, Jane Goodwill, Kenton K. Brubaker, Erich H. Werner, Tom Owen, J. Malakoff,

Richard D. Siegel, Thomas Lee Mansir, Lester L. Zimmer, Sherman L. Quinlan, Jr., Donald R. Clerico, Carl C. Swann, Jr., Frank C. Ruf, Judy Spira, Ron Henricks, Linda J. Schlegel,

Riley E. Dunlap, Viki Gaydosik, Robert L. Janiskee, Faye Berrong, Jack Gutkin, William H. Van Den Berg, Carl Andersen, Stephen Jennings, Dan Powell, Paul B. Martin,

P. Daugherty, David L. Dozark, Deborah Wilcock, Philip Shoemaker, Kathryn Kistler, Herbert T. Hendrickson, Thomas A. Seaver, Warren Winalski, Jr.,

Barbara Dempsey, Eric B. Partee, David B. Kearney, Deborah E. Marshall, Jerry Lantz, Gene Gardner, Vicki Evons, Joan Newell, Robert J. Kanzler, David Gordon, Watson Morris,

John Prenis, Gerald H. Ricci, Anne Cloutier, Mathew Odom, Karen E. Smith, Deborah B. Hill, James C. Shaeffer, Marcia L. Vance, Juanita Kasza, Robert G. Speidel,

Karl K. Boggs, Pamela McFarlin, Jay Perlman, Stanley L. Cummings, Jr., Scott Wadler, Arthur H. Buhl III, Frank Barnhart, John Davidson, Palmer W. Schoch, Harold Sandstrom.

Jean Arrowsmith, Alfred Wilson, Gregory W. Evans, William D. Fried, William B. Saffrin, Jon Perica, John F. Wheeler, Rita Jards, Henry Brenner.

Roland D. Bahret, Amy E. Patterson, Hal C. Dorst, Charles N. Barrett, David Barnett, Rennie Jenkins, Mark Goodman, Dwight H. Cosper, Lin McElroy.

Hughes M. Rumball-Petre, Ellen L. Shoun, Dan Manson, Daen E. Tornquist, Richard Reisig, Theodore Trevail, Alan A. Day, Robert Itardi, Elizabeth Jester, Valerie Pistole.

Kimberly Weir, Steven C. Jasinski, Steve Bibby, Jeanne Roy, Gregory C. Stanford, Jane E. Bunin, Thomas A. Watters, Janet N. Ryan, E. L. Dunk, Pasquale Vitiello.

Laura Michel, Judy Barrasso, Cathy McLaughlin, Alvan Hengee, Nicholas M. Romano, R. Wayne Brown, Jr., Harlan Kredit, Brad Cullison, David Oswald.

Frank Pontillo, Mr. and Mrs. Robert Brewer, Patricia L., Harper, Lawrence D. Crowley, Bruce Matheson, Blair Brumley, Frank K. Green, Charles Orlon, James M. Sachels, Ron Rizzo.

Norman Loofbourrow, Alice E. Zekdis, M. Pertz, James H. Shaddy, Keith W. Irwin, Dona Oyler, Charles R. Carroll III, Robert W. Wightman, Floyd Miner, Nikki Koehler.

Joel L. Hammer, Lynn Bronikowski, Laura Lindley, Ernest H. Greene, Sr., Ralph E. Kennedy, Mary Kemen, James E. Wuenscher, Robert Dorough, David A. McNabb, Janet B. Carroll.

Robert K. Stiles, Joshua Kaufman, W. E. Browning, Jr., James L. Lorentz, Mr. and Mrs. Jon Drossos, Richard C. Henderson, Richard W. Chapin, Brett Laidlaw, Jacki Cochrane, Theodore G. Haley.

E. Thompson Smith, Sr., Randall Swanson, Timothy G. Kuss, Richard Morgan, Don Michaelsen, Eric Martz, Robert V. Kennedy, Holly J. Mullendore, Margaret B. Torrey, Bruce E. Ferguson.

David W. Meikle, David Pozzi, Maria Middleton Skinner, Florence Pendo, David L. Ranta, James W. Steer, Leif W. Welde, Victoria R. Wark, E. Melvin Jewett, Herter W. Kali II.

David E. Jacobs, Jean Ingold, Paul T. Gilbert, L. H. Carey, Karen Green, James X. Farish, H. Bruce Vandegrift, David W. Towle, Tonia W. MacNeil, Edgar G. Johnston, Carl A. Linde, Jr., Warren L. McNeely, Roger C. Sturtevant.

Fairfield Porter, Robert A. Shaw, Larry J. Stevens, Lilliam Nagel, Helen C. Black, Elizabeth Evans May, Phillip C. Gardos, H. J. Kurska, Elizabeth W. Hagewood, Richard R. Quick,

Michael A. Andrews, Mark J. Van Raden, Peter Jolowicz, Virginia B. Heck, Gay D. Maher, Ralph M. Pestrue, Wendell C. Leach, Mary Wise, Jerry M. Schmucker, John M. McCrimmon,

Arthur Hemmendinger, Lesley L. Williams, Sulanne M. Lea, Robert A. Stryk, Ralph H. Lovberg, Swegn D. Hamren, Burns MacDonald, Neal D. Newby, Albert Rose, Leonard C. Feinstein,

Joseph P. Martin, William Morse, Jeffrey E. McClintock, Charles M. Richards, Elliot Syner, Richard H. Boyd, B. Lawergren, E. Marquit, Edward L. Grissing, Jr., Jerome J. Long,

William A. Ferrando, Chizuko Matsubara, F. H. M. Faisal, Bruce R. Patton, Fred C. Newman, A. P. Balachandran, Samuel Silver, Ambey Mukerji, Samuel I. Baker,

Samuel W. MacDowell, Carl Eckart, W. D. Harrison, Arthur F. Kip, Burton Bernstein, Donald Neville, Fred H. Tenney, Frederick Crownfield, Jr., Benjamin Liebowitz, S. E. Darden,

C. F. Robinson, Donald C. Haueisen, Lester Lipsky, Randall Caton, Eric Kay, Harris L. Mayer, Peter Robrish, Leon Blitzer, Ronald G. Lecander, Richard L. Conklin,

Clark S. Robinson, Edwin G. Kemble, Bruce Steiner, George B. Collins, Michael M. Broido, Rosemary A. MacDonald, Rolf Pauli, U. Gonser, W. Wade Sapp, Joseph J. Murray,

F. Y. Sorrell, Frank V. Nolfi, Jr., H. Wiedersich, Richard Sigal, Georg Knorr, Robert L. McCarthy, Ivan Tolstoy, Robert W. Stanley, Patrick J. Roache, Christopher M. Wilson,

Max Chretien, Thomas W. Burrows, Eugene Helfand, Robert B. Randels, Ralph G. Wells, Michael Chanowitz, W. J. Tomlinson, Ryukiti R. Hasiguti, Evelyn C. H. Parker, Carl A. Kocher, James R. Hooper, Jr.,

Des Cloizeaux Jacques, Carl Ribbing, G. R. Plattner, V. Buonomano, T. Uyasa, Daniel Felds, S. Aranoff, Lewis Ryder, Douglas S. Fielder, Michael Grosman, A. Coulson,

Andre Bruaux and Mrs. Lowell J, Sage, B. G. Saunders, Robert P. Guertin, Donald C. Kelly, Donald Raskin, Michael Rosenthal, H. Henry Stroke, J. C. Vander Velde, Hyman Goldberg,

Ira Hammerman, John Harte, Larry V. East, John Lewis, Terry W. Smith, Martin Breidenbach, David Edwards, Anthony M. Marques, George Thomas Fekete, Ronald Christiansen,

Robert Swanson, William R. Moninger, Morris W. Firebaugh, Harry E. Spencer, G. N. Panagis, Frederick W. Ochs, Jr., Michael Arons, Ephraim Fischbach, R. L. Kaufmann, L. M. Simmons, Jr.,

David M. Henderson, Keith C. Richards, John P. Rutherford, James W. Simmons, Charles N Judice, Mitchell S. Moskowitz, Snoden Taylor, Lawrence A. Harris, Daniel Klempner,

E. O. Thorland, Frederick Petty, Donald D. Foster, Bruce O. Cozzini, Walter Rollier Thorson, William J. Ristey, John M. Holt, Richard Rothschild, B. Kent Harrison, R. Ronald,

John Onffroy-White William M. Fairbank, W. J. Cocke, Jerome J. Wesolowski, James D. Prentice, G. M. Temmer, Leonard H. W. Bradfield, Jerry Millstein, Stanislaw Kocimski, Mauricio Schoijet,

J. Borch, Gary Dean Cable, Paul Kisliuk, William E. Frye, R. Bruce Weisman, Dan Dill, David Loper, Leon West, R. A. Formato, W. David Shambroom,

E. Scott Kirkpatrick, Martin O. Stern, Robert A. Rudin, Leon Sutton, Lloyd Motz, C. H. Schultz, Robert G. Glasser, Richard J. van Brunt, James Samuel McKnight,

Ronald Sheinson, William A. Conrad, W. R. Cox, Michael J. Bielefeld, S. M. Blinder, J. Wilson Mills, David R. Hearn, Vernon W. Myers, George W. Clark, C. G. Montgomery,

Mary Robert Grandfield, Henry A. Kierstead, James J. Murphy, II, N. Russell Roberson, Henry A. Fairbank, Melvyn L. Goldstein, James Morgan, James F. Bridges, Vianney K. Cheng, Robert S. Hornady,

R. D. Huntoon, Bertram Stiller, Kevin J. McCann, Philip P. Crowley, Avtar S. Ahuja, D. R. Koehler, Emile A. Hyman, Shyam M. Khanna, John A. McIntyre, John H. Hall,

Barrett H. Ripin, Jeffrey M. Dunnow, Benjamin W. Woodard, John O. Rasmuseen, Robert A. Beyerlein, Howard Weisberg, John M. Gault, J. Norton Wilson, Ronald C. Kammerud, Haskell Taub, Robert E. Lundin,

R. C. Hopkins, Paul H. Barrett, Charles D. Bunchanan, James A. Dela Valle, Herbert J. Bernstein, Andre H. Rausch, N. R. Brubaker, Norman Septimus, John M. Parson,

James P. Walsh, David Simons, Donald K. Coles, John J. LeBrecque, Michael Haftel, Douglas P. Karo, Arnold E. Vlieks, William T. Ford, Marcel Margulies, Haywood Blum, Alexander J. Elwyn,

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[1] See, for example, The New York Times, July 3, 1972, page 1, "Rainmaking is Used as Weapon by U.S.," Seymour M. Hersh, and the "Pentagon Papers"—in particular, page 421, Vol. 4, Gravel Edition.

A. D. Panagiotou, Sven T. Lagerwall, Donald F. Clifton, Arthur Soinski, Andrew J. Van Horn, J. W. Van Laar, Lincoln Ekstrom, Leigh B. Bangs, Armand Seigel, Thomas Chapuran,

Martin H. Edwards, Alan G. Marshall, W. R. Coker, Donald M. Gray, Robert S. Cowen, Donald R. Rhodes, Edwin A. Karlow, Harry F. Remed, Jerry P. Gollub, James C. North,

David A. Vroom, Robert A. Lad, Alfred H. Lawrey, E. R. Siciliano, George E. Ioup, Michael E. Fein, Paul A. Zucker, Norton M. Hintz, Donald F. Cowgill, Peter D. Gianino,

Murray Dryer, Richard J. Jacob, Donald R. Croely, Jr., Gary H. Sanders, H. M. A El-Sum, W. M. Hartmann, David L. Speeny, George Theodosiou, Richard S. Mazzarisi, Victor J. Belanger,

Michael B. Simmonds, K. L. Ngai, Mark Hollanbaugh, Steven Frautschi, Dewitt Coffey, Jr., F. P. Baldwin, Lloyd Smith, Morris L. Perlman, Linton R. Corruccini, Louis W. Kunz.

Richard N. Boyd, Michael F. Shlesinger, Joel Koplik, Michael D. McCormack, A. J. Howsmon, Forrest Glick, B. W. DuVall, Joel A. Cohen, Costas Papaliolios, Richard T. Kouzes.

Joseph Becker, Judah Melawed, David Goss, Franz Kress, Richard H. Welch, Jr., L. F. Cook, Larry Stewart, R. Y. Cusson, George Salzman, F. K. Lamb.

Tim Keiderling, Sheldon D. Softky, Jerry Gerber, Aaron J. Owens, Albert A. Bartlett, P. Cannon, J. R. Woodyard, John C. Nickerson, III, Walter G. Vincenti, Alwyn Scott.

Paul H. Citrin, Michael Marmor, John G. Mowat, John P. Hervey, Francis Birch, David Markowitz, David Kline, Robert J. Schermer, John Weymouth, Robert Savit.

Philip B. Russell, Philip Lucht, H. L. Weissberg, Jack Finzi, David E. Fredrick, M. W. Moos, Jerry Goodisman, John Telle. Lowell F. Smith, Paul Harris.

Mark S. Gordon, See Chen Ying, Harvey Rarback, Charles V. Strain, John R. Magan, Benjamin Thomas Waak, Philip J. Bray, Patrick J. Kendellen, David F. Burch, Erling N. Jensen.

Percy H. Carr, Eric S. Johnson, A. Jay Palmer, G. Donald Frey, Steven Danyluk, M. D. Harmony, Stanley R. Almaney, Chilukuri Santaram, Brian, J. Doyle, John R. Terrall.

Arthur R. Clawson, John E. Drumheller, William J. Podolsky, David M. Stupin, Thomas Jervis, Robert E. Cookingham, Harry W. Woodcock, Murray Welkowsky, David C. Montgomery, Harvey S. Picker.

David L. Book, Allen Miller, M. T. Raiford, Crawford MacCallum, T. Dan Bracken, Robert A. Weiner, Walter E. Baker, Robert Wald, Ralph A. Llewellyn, Joseph Cerny.

Jerry Nelson, Forrest Mozer, Steve Schanzer, Howard Maccabee, Lloyd G. Mann, Roger L. Douglass, Ronald R. Ross, D. Walton, A. H. White.

A. H. White, C. Manus, Peter N. Vukasin, Eduardo Cantoral-Uriza, D. H. Lowndes, Daniel E. Prober, Thomas G. Moore, K. Brugger, Michael Kriechbaum, Marian Lowe,

George W. Brandenberg, Nicholas E. Rehler, C. W. Von Rosenberg, Christoph G. Schlier, Gerald E. Hite, Seigfied Othmer, Supriya Ray, Dominique M. Gresillon, William M. Gelbart, P. N. Scharbach,

Michael B. Dowell, Phillips R. Jones, William J. Mullin, Jeffrey S. Jalbert, Donald O. Smith, Robert Schwartz, Bruce Hawkins, Robert M. Stubbs, Don Q. Lamb, Jr., Edwin S. Campbell,

Edwin S. Campbell, Charles Marzzacco, Basil Swanson, Joseph D. Gettler, Richard D. Pizer, Thomas W. Davis, Arthur M. Halpern, David I. Schuster, James N. Sarmovsakis, John C. Lang, Jr.,

Donald C. Lorents, Torrence J. Sejnowski, Carl R. Pidgeon, E. E. Schneider, Thomas G. Masterson, Roger L. Burnley, Juergen von Kroch, J. L. LeRay,

Ulrich T. Hochli, George W. Hinman, J. Deltour, C. Rosenzweig, Ronald A. Javitch, William Galati, Peter W. James, Jacques Friedel, Edward G. Harris, M. Elton Hendricks,

P. Frank Winkler, Sidney Leibovich, Jose Lopez-Cervantes, M. E. Oakes, N. W. Eddy, Joseph Silverstein, Robert Kelly, Patrick Argos, Monica Healea, David G. Boulware,

Jens N. Oddersheoe, Bruce C. Brown, William W. Wood, Wildon Fickett, Kip S. Thorne, John K. Pribram, Robert Hellwarth, Ira W. Herbst, S. G. Buccino, Allan R. Hoffman,

John David Carlson, K. W. McVoy, P. J. Kuntz, Richard E. Slusher, Charles Thomas Roche, Martin Barmatz, Axel Meyer, Vernon H. Head, R. Maciejko, John W. Philbrick,

David B. Beard, David Ehst, Donald Baker Moore, David C. Baxter, Edwin Norbeck, John R. Donaldson, Jonathan Weiss, Robert J. Landman, F. B. Khambatta, D. L. Vanderhart,

Michael Steinitz, Joseph K. Lee, Lawrence S. Wall, David L. Hecht, Lawrence W. Davis, Willial E. Good, Jr., Dennis E. Grady, James W. Harrell, Jr., William J. Camp, Michael K. Barnoski,

A. Gray, S. Gasidrowicz, Lee Kean, Charles C. Baker, William W. Morey, Donald D. Snyder, Donald Lindstrom, Arthur W. Martin, Benjamin M. Axilrod, D. P. Balmuth,

Morton Masius, Edgar F. Vandivere, Jr., Robert Reasenberg, James H. Burgess, Roger W. Finley, Alan Luther, John F. Derlin, S. J. Rothman, Marion E. Schillaci, Peter E. Siska,

Cathy Meyer, P. J. Duke, Stephen C. Perrenod, Anthony S. L. Parson, P. J. A. Buttle, Roberto L. Columbo, R. B. Stincombe, Herbert Seitz, Joseph H. Eberly, D. F. Abell,

Lewis D. Muhlestein, Gray Ward, Marin E. Ebel, M. A. Afromowitz, Thomas C. Rich, Roy G. Gordon, Bruce Johnson, Walter Joseph Dehner, Randall Bluemer, Peter M. Caplan.

Dwight R. Platt, Rose Wonzinak, Peter C. Wegman, Robert Boehm, Richard J. Barr, A. L. Raich, James Beauchamp, Daniel E. Meyer, Joseph A. Colwell, Jim Vergin.

Jeffrey L. Barnickol, Virginia C. Jones, Mark A. Libke, Micki Braverman, Glenn Banks, Lynn Owen, Margaret O. Moyer, Charles P. Enz, John M. Wade, Mike Rogers.

Robert E. Wolf, H. Bush, Jr., D. A. Daugheroy, Susan Abram, Paul K. Grooger, Ivan Modrovich, Angela Michaels, Lawrence Jacob, David R. Sacks, Robert L. Hershberger.

Erasmo Recami, William P. Kyle, Richard G. Ludeman, John Krebs, John Dzialo, Cindy Dwyer, Larry Hands, Richard G. Cook, Marvin Brummel, Richard C. Field, Bruce William Kenney.

Diego Alonso, Sayge H. Anthony, Martin Fruchtman, Peter L. F. Haberler, Eduardo Greaves, J. C. Buzzell, Jr., Mark Durand, E. R. Martinson, Paul Chuberka, M. H. Zoffel, Sung Ho. Choh.

Lew Wunderlich, John M. MacDonald, Robert B. Smythe, Joyce E. Howland, Milton Love, David Kraus, G. Ver Strate, Larry G. Bradford, Otto Lippman, J. Stevens Lanich.

THE MOTION PICTURE "SOUNDER"

Mr. PELL. Mr. President, it is all too seldom that the entertainment industry of our country succeeds in reaching beyond commercialism, and in stretching itself beyond mere entertainment to produce a work of art. When it does happen, such a work deserves recognition.

The motion picture "Sounder" is just such a work of art. "Sounder," to be sure, is commercial and indeed a great commercial success in terms of box office. As one who has seen the motion picture, I also know that it is indeed entertaining. There are a goodly number of motion pictures that can claim commercial success and entertainment value. There are very few motion pictures, however, that manage to attain the difficult-to-define extra quality that marks a work of art.

"Sounder" is a black film, but it transcends easily and gracefully the barriers of race and appeals to all of us human beings. It is a highly sensitive film—but not maudlin. And what emerges from the film is a statement of the warmth and richness of human life and the strength of the human spirit.

One element important in the artistic success of "Sounder" lies in its restraint—restraint in the use of filming technology, restraint in the acting and directing, restraint in the entire presentation of a warm and moving human story.

As with the entire production of "Sounder," the acting performances also were marked by extraordinary sensitivity and restraint. Cicely Tyson portrayal of Rebecca Morgan has won for her a lasting place in any listing of great motion picture performances. And, in addition, there were excellent performances by Paul Winfield, Kevin Hooks, and Janet MacLaughlin.

Mr. President, I believe "Sounder" is an outstanding artistic achievement and I congratulate all who contributed their skills and talents to it. They have reason to be very proud indeed. "Sounder" has set a standard of excellence toward which I hope the motion picture industry will strive.

ADMINISTRATION'S BUDGETARY PROPOSALS AS THEY AFFECT THE ELDERLY

Mr. PELL. Mr. President, the administration has submitted its 1974 budget request to us. Its Secretary of Health, Education, and Welfare has given able and erudite testimony in support of President Nixon's proposals. I agree that inflation must be brought under control, that unsuccessful and inefficient Federal programs must be eliminated, and more efficient ones substituted for them. But to place additional financial burdens, in the form of increased payments for medicare benefits, on our Nation's elderly is not the way to achieve these aims.

According to the proposed administration budget, Federal outlays for the elderly will constitute almost one-fourth of total Federal spending for fiscal 1974. It must however, be remembered that out of approximately $63.5 billion in Federal funds earmarked for the elderly, about $41 billion comes from payments from the Social Security Trust Fund for the retired, widowed, and disabled. Keeping the above in mind, it is apparent that the elderly receive no more than their fair share of Federal outlays.

Yet, to speak in terms of mathematical proportions of budget outlays which go to our Nation's senior citizens does not address this problem. Our country's elderly have a right—in fact, I believe, almost a constitutional right—to have adequate hospital and medical care provided for them. This is not a matter which can be approached solely on a cost-accounting basis. We, in the Congress, have a duty to see that, if anything, the elderly are provided with adequate health and medical care, at reduced, not increased, costs to them.

The administration's spokesmen indicate that the medicare system inherently encourages the elderly to overutilize hospital facilities, and physicians' services. They imply that the elderly do in fact overuse these facilities and services, and that by increasing the medicare patient's share of coinsurance for hospital care, and raising the deductible for physicians' bills, these abuses will be curtailed. But nowhere do these spokesmen present any concrete evidence that our Nation's senior citizens are making unfair use of medicare benefits. From the data available to us there is no indication that the elderly are abusing the medicare system. If this administration has contrary evidence, let them produce it for us.

It seems to me that the administration's proposed changes in the medicare system are feeble substitutes for its own failure to actively seek the enactment of a comprehensive program of national health insurance. Such a program would benefit all our Nation's citizens—including the elderly. It would also do much more toward controlling the rapid increases in the cost of hospital and physicians' services which have occurred over the past few years. The elderly are not responsible for these increasing costs, and they should not have the burden of them fall on their shoulders.

I resent an administration whose spokesmen indicate that its budget proposals will limit the use of in-patient hospital facilities, while the same budget proposals provide no funding for construction of much-needed ambulatory and out-patient facilities. Such inconsistencies raise serious doubts that this administration is really interested in making the medicare system more effective and efficient in its delivery of health and medical care to our Nation's elderly.

Once again the real issue is one of determining national priorities. I, for one, would like to see this administration apply some of its sophisticated cost-accounting techniques in the area of Pentagon spending. Although it shows no reluctance to ask our Nation's senior citizens to pay for alleged inefficiencies in the medicare program, I have not heard this administration ask major defense contractors to always shoulder the burdens of the cost overruns which seem to occur on a regular basis in that area; and, although we are given no real evidence that the elderly are overutilizing medicare facilities, there is often evidence that defense contractors are inefficient and wasteful in their carrying out of Government contracts.

This Congress has and will have many serious social and economic problems with which it must attempt to deal legislatively. I will oppose any administration budgetary proposals which appear to make our Nation's elderly the scapegoats for these problems. I hope to work with the administration in eliminating waste and in promoting efficiency in Government, but I will give no support to any legislation which imposes additional financial burdens on our senior citizens.

QUORUM CALL

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ALLEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The time for routine morning business has expired.

EXTENSION OF PERIOD FOR ROUTINE MORNING BUSINESS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that there be a further period for the transaction of routine morning business of not to exceed 15 minutes, with statements therein limited to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The ACTING PRESIDENT pro tempore (Mr. STAFFORD) laid before the Senate the following letters, which were referred as indicated:

Report of the Farm Credit Administration

A letter from the Governor of the Farm Credit Administration, transmitting, pursuant to law, the 39th Annual Report of the Farm Credit Administration on the work of the cooperative Farm Credit System, which includes the report of the Federal Farm Credit Board, for the fiscal year ended June 30, 1972 (with an accompanying report); to the Committee on Agriculture and Forestry.

Report of Secretary of Defense

A letter from the Secretary of Defense, reporting, pursuant to law, on certain disbursements made by that Department during the first 6 months of fiscal year 1973; to the Committee on Appropriations.

Report of Indian Claims Commission

A letter from the Chairman, Indian Claims Commission, transmitting, pursuant to law, a report of its final determination in the cases of the Seneca Nation of Indians and the Tonawanda Band of Seneca Indians against the United States of America (with an accompanying report); to the Committee on Appropriations.

Report on Reserve Forces for Fiscal Year 1972

A letter from the Secretary of Defense, transmitting, pursuant to law, a report on Reserve Forces for fiscal year 1972 (with an accompanying report); to the Committee on Armed Services.

Report on Military Manpower Requirements

A letter from the Secretary of Defense, transmitting, pursuant to law, a report on military manpower requirements for fiscal year 1974 (with an accompanying report); to the Committee on Armed Services.

Report on Special Pay for Duty Subject to Hostile Fire

A letter from the Deputy Secretary of Defense, transmitting, pursuant to law, a report on amount expended on special pay for duty subject to hostile fire for calendar year 1972; to the Committee on Armed Services.

Proposed Legislation Relating to a New Coinage Design

A letter from the Secretary of the Treasury, transmitting a draft of proposed legislation to provide a new coinage design and date emblematic of the bicentennial of the American Revolution for dollars and half-dollars (with accompanying papers); to the Committee on Banking, Housing and Urban Affairs.

Proposed Legislation To Amend the Small Business Act

A letter from the Administrator, Small Business Administration, transmitting a draft of proposed legislation to amend the Small Business Act governing the amount of loans, guarantees, and other obligations or commitments which may be outstanding at any one time from the Business Loan and Investment Fund (with accompanying papers); to the Committee on Banking, Housing and Urban Affairs.

Report on Mobile Trade Fair Activities

A letter from the Secretary of Commerce, transmitting, pursuant to law, a report of Mobile Trade Fair Activities for fiscal year 1972 (with an accompanying report); to the Committee on Commerce.

Report of National Railroad Passenger Corporation

A letter from the Vice President, Public and Government Affairs, National Railroad Passenger Corporation, transmitting, pursuant to law, its report for November 1972 (with an accompanying report); to the Committee on Commerce.

Report on Financial Condition of Highway Trust Fund

A letter from the Fiscal Assistant Secretary, the Department of the Treasury, transmitting, pursuant to law, a report on the financial condition and results of the operations of the highway trust fund, dated June 30, 1972 (with an accompanying report); to the Committee on Finance.

Proposed Legislation To Provide Rules for the Tax Treatment of Survivor Benefit Plans of the Uniformed Services

A letter from the Secretary of the Treasury, transmitting a draft of proposed legislation to amend the Internal Revenue Code of 1954 to provide rules for the tax treatment of survivor benefit plans of the uniformed services (with accompanying papers); to the Committee on Finance.

Proposed Legislation To Authorize Charges for Certain Services Performed by Internal Revenue Officers

A letter from the Secretary of the Treasury, transmitting a draft of proposed legislation to amend the Internal Revenue Code of 1954 to authorize charges for certain services (with accompanying papers); to the Committee on Finance.

Proposed Legislation To Authorize Appropriations for the Department of State

A letter from the Acting Assistant Secretary for Congressional Relations, Department of State, transmitting a draft of purposes legislation to authorize appropriations for the Department of State, and for other purposes (with accompanying papers); to the Committee on Foreign Relations.

Proposed Legislation To Reform the Mineral Leasing Laws

A letter from the Acting Secretary of the Interior, transmitting a draft of proposed legislation to reform the mineral leasing laws, and for other purposes (with an accompanying paper); to the Committee on Interior and Insular Affairs.

Proposed Legislation Relating to National Resource Lands

A letter from the Acting Secretary of the Interior submitting proposed legislation to provide for the management, protection, development, and sale of the national resource lands, and for other purposes (with accompanying papers); to the Committee on Interior and Insular Affairs.

Proposed Legislation To Amend the National Historical Preservation Act

A letter from the Assistant Secretary of the Interior submitting proposed legislation to amend the Act of October 15, 1966 (80 Stat. 915), as amended, establishing a program for the preservation of additional historic properties throughout the Nation, and for other purposes (with accompanying papers); to the Committee on Interior and Insular Affairs.

Proposed Contract for Research To Analyze Ore Handling Systems in Underground Metal Mines

A letter from the Deputy Assistant Secretary of the Interior, transmitting a proposed contract for a research project to analyze ore handling systems in underground metal mines for improved safety and efficiency (with accompanying papers); to the Committee on Interior and Insular Affairs.

Report of Agricultural Hall of Fame

A letter from the Assistant Secretary, the Agricultural Hall of Fame and National Center, transmitting, pursuant to law, its annual audit and report for their fiscal year ended August 31, 1972 (with an accompanying report); to the Committee on the Judiciary.

Proposed Legislation To Increase Benefits Provided to American Civilian Internees in Southeast Asia

A letter from the Acting Assistant Secretary for Congressional Relations, transmitting a draft of proposed legislation to increase benefits provided to American civilian internees in Southeast Asia (with accompanying papers); to the Committee on the Judiciary.

Temporary Admission Into the United States of Certain Aliens

A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, copies of orders granting temporary admission into the United States of certain aliens (with accompanying papers); to the Committee on the Judiciary.

Third Preference and Sixth Preference Classification for Certain Aliens

A letter from the Commissioner, Immigration and Naturalization Services, Department of Justice, transmitting, pursuant to law, reports concerning third preference and sixth preference classification to certain aliens (with accompanying papers); to the Committee on the Judiciary.

Suspension of Deportation of Certain Aliens

A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, copies or orders granting temporary admission into the United States of certain aliens (with accompanying papers); to the Committee on the Judiciary.

Admission Into the United States of a Defector Alien

A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, a copy of an order entered granting admission into the United States of a defector alien (with an accompanying paper); to the Committee on the Judiciary.

National Advisory Council on Supplementary Centers and Services

A letter from the Chairman, National Advisory Council on Supplementary Centers and Services, transmitting, pursuant to law, its fifth annual report (with an accompanying report); to the Committee on Labor and Public Welfare.

Proposed Legislation Relating to the National Sea Grant College and Program Act

A letter from the Secretary of Commerce, transmitting a draft of proposed legislation to extend and make technical corrections to the National Sea Grant College and Program Act of 1966, as amended (with accompanying papers); to the Committee on Labor and Public Welfare.

Proposed Legislation Relating to Certain Public Works Projects

A letter from the Department of the Army, transmitting a draft of proposed legislation authorizing the construction, repair, and preservation of certain public works on rivers and harbors for navigation, flood control and other purposes (with accompanying papers); to the Committee on Public Works.

Proposed Legislation Relating to the Naming of the Dwight D. Eisenhower Highway

A letter from the Secretary of Transportation, transmitting a draft of proposed legislation to designate Interstate Route I–70 from Washington, D.C., to Denver, Colo., Interstate Route I–25 from Denver to Cheyenne, Wyo., and Interstate Route I–80 from Cheyenne to San Francisco, Calif., as the Dwight D. Eisenhower Highway (with an accompanying paper); to the Committee on Public Works.

PETITIONS

Petitions were laid before the Senate and referred as indicated:

By the ACTING PRESIDENT pro tempore (Mr. STAFFORD):

A joint resolution of the Legislature of the State of New York; to the Committee on Foreign Relations:

"JOINT RESOLUTION OF THE LEGISLATURE OF THE STATE OF NEW YORK MEMORIALIZING THE PRESIDENT AND THE CONGRESS OF THE UNITED STATES TO CONSIDER THE PLIGHT OF SOVIET JEWS PRIOR TO GRANTING FAVORED NATION STATUS TO THE SOVIET UNION

"Whereas, In the Soviet Union men and women are denied freedoms recognized as basic by all civilized countries of the world and indeed by the Soviet Constitution; and

"Whereas, Jews and other religious minorities in the Soviet Union are being denied the means to exercise their religion and sustain their identity; and

"Whereas, The government of the Soviet Union is persecuting Jewish citizens by denying them the same rights and privileges accorded other recognized religions in the Soviet Union and by discrimination against Jews in cultural activities and access to higher education; and

"Whereas, The right freely to emigrate, which is denied Soviet Jews who seek to maintain their identity by moving elsewhere, is a right affirmed by the United Nations Declaration of Human Rights, adopted unanimously by the General Assembly of the United Nations; and

"Whereas, These infringements of human rights are an obstacle to the development of better understanding and better relations between the people of the United States and the people of the Soviet Union; now, therefore, be it

"Resolved, That the Legislature of the State of New York memorialize the President and the Congress of the United States to consider the plight of Soviet Jews when granting most favored nations status to the Soviet Union, and to call upon the Soviet government to end its persecution of the Jews and other minorities and to permit the free exercise of religion by all its citizens in accordance with the Soviet Constitution; and be it further

"Resolved, That the Legislature of the State of New York, in the interest of justice and humanity, memorialize the President and the Congress of the United States to call upon the Soviet government to permit its citizens to emigrate from the Soviet Union to the countries of their choice as affirmed by the United Nations Declaration of Human Rights; and be it further

"Resolved, That the Legislature of the State of New York petition the United States government to use all appropriate diplomatic means to engender the fullest support possible among other nations for such a request to the Soviet Union; and be it further

"Resolved, That in order to effectuate the purposes of this resolution, copies of this resolution be transmitted to the President, Vice President and Secretary of State of the United States, to the Secretary of the Senate and the Clerk of the House of Representatives of the United States, and to each member of the Congress of the United States from the State of New York."

A joint resolution of the General Assembly of the State of Virginia; to the Committee on Agriculture and Forestry:

"SENATE JOINT RESOLUTION NO. 101

"Joint resolution memorializing the Congress to restore the Rural Environmental Assistance Program

"Whereas, the Rural Environmental Assistance Program administered by the United States Department of Agriculture has been effective in dealing with the real environmental problems in the rural areas of the nation and this Commonwealth; and

"Whereas, the farmers of Virginia did participate actively in the program to the benefit of all Virginians as we share an equal stake in the preservation of our natural surroundings; and

"Whereas, the United States Department of Agriculture is planning to discontinue such program; now, therefore, be it

"Resolved by the Senate of Virginia, the House of Delegates concurring, That it is the sense of the General Assembly of Virginia that the discontinuance of the Rural Environmental Assistance Program is not in the best interests of the nation and this Commonwealth, and the Congress of the United States is hereby memorialized to take such legislative action as will assure the continuance of this Program.

"Resolved further, That the Clerk of the Senate is directed to forward a copy of this resolution to the United States Secretary of Agriculture, the Clerks of the Senate and the House of Representatives of the Congress of the United States, and to each member of the Virginia delegation to the Congress."

Three joint resolutions of the General Assembly of the State of Virginia; to the Committee on Public Works:

"SENATE JOINT RESOLUTION NO. 97

"Joint resolution memorializing Congress to provide legislation for reimbursement to localities for certain water pollution control works

"Whereas, the Congress has provided funds to assist localities in the construction of water pollution control works which have been of great assistance to localities seeking to reduce the hazard to our health and environment; and

"Whereas, the federal grants for water pollution control works formerly operated in such fashion that those localities which waited to install these necessary facilities until federal funds were available were reimbursed in part, but now those localities which proceed with such construction have had to bear the entire expense when federal funds were not available; and

"Whereas, it would appear to be the better part of wisdom to provide that a locality which proceeds with the construction of water pollution control works should be entitled to be reimbursed for a portion thereof when federal funds became available in the same manner that such grants are made available for future construction: now, there fore, be it

"Resolved by the Senate of Virginia, the House of Delegates concurring, That the Congress of the United States is hereby respectfully requested to change such federal statutes and regulations as may be necessary to provide the means whereby a locality which constructs its water pollution control works at a time when federal funds are not available may be reimbursed for its proper share when such funds do become available and on the same basis as grants are made for future construction of such works. Resolved further, That such action would tend to advance the public health, improve the environment and constitute a most progressive step.

"Resolved finally, That the Clerk of the Senate is hereby instructed to send a copy of this resolution to the Clerk of the Senate of the United States, to the Clerk of the House of Representatives, and to each member of the Virginia delegation in the Congress of the United States.

"Senate Joint Resolution No. 98

"Joint resolution memorializing the President and the Congress to restore cuts in the appropriations for certain pollution control grants

"Whereas, the Congress of the United States has adopted stringent legislation for the cleaning up of our rivers and streams and freeing them from pollution in which program Virginia has long taken an active part; and

"Whereas, in order to expedite the reduction and elimination of water pollution, the Congress appropriated funds from which grants could be made to localities for assistance in the construction of pollution control works which have been of great help in advancing such work; and

"Whereas, the funds which heretofore were made available to the States for allocation to localities for use in constructing pollution control works have been reduced or held back even though the reduction of pollution is essential to the protection of the public health, the improvement of our environment, and restoration of our rivers and streams as places of enjoyment rather than open sewers; now, therefore, be it

"Resolved by the Senate of Virginia, the House of Delegates concurring, That the President of the United States and the Congress of the United States are respectfully requested to restore and make available again funds from which grants for the construction of local pollution control works can be paid in order to make our world a better place in which to live.

"Resolved further, That the Clerk of the Senate of Virginia is instructed to send copies of this resolution to the President of the United States, to the Clerk of the Senate of the United States, to the Clerk of the House of Representatives, and to each member of the Virginia delegation in the Congress as evidence of the deep alarm and concern which this General Assembly has concerning this matter.

"Senate Joint Resolution No. 102

"Joint resolution urging the Secretary of the Army through the Chief of the United States Army Corps of Engineers to complete expenditiously a survey of Chowan River and tributaries in the Commonwealth of Virginia for flood control and allied purposes

"Whereas, the Blackwater, Meherrin and Nottoway Rivers in Virginia, tributaries to the Chowan River, have through the years experienced frequent and damaging floods; and

"Whereas, these rivers were visited during nineteen hundred and seventy-two as a result of heavy rainfall; and

"Whereas floods on these rivers have caused loss of life, damage to property and great inconvenience; and

"Whereas, there remains great hazard to life and property along these rivers; and

"Whereas, the Congress of the United States, pursuant to § 204 of the Federal Flood Control Act of nineteen hundred forty-eight, has directed the Secretary of the Army through the Chief of the United States Army Corps of Engineers to make a survey of Chowan River and tributaries for flood control and allied purposes; now, therefore, be it

"Resolved by the Senate, the House of Delegates concurring, That the General Assembly hereby urges the Secretary of the Army, through the Chief of the United States Army Corps of Engineers to complete expeditiously the study authorized and directed pursuant to § 204 of the Federal Flood Control Act of nineteen hundred forty-eight.

"Resolved further, That the Clerk of the Senate is directed to send a duly attested copy of this resolution to the Secretary of the Army of the United States, the Secretary of the Senate of the United States, the Clerk of the House of Representatives of the United States, and to each member of the Congress from this State."

A joint resolution of the Cities of Anchorage and Fairbanks, Alaska, praying for the enactment of legislation relating to pipeline construction from Prudhoe Bay to Baldez, Alaska; to the Committee on Commerce.

A joint resolution of the Congress of Micronesia, expressing the sense of the Congress that the High Commissioner of the Trust Territory of the Pacific Islands should be permitted to continue in his present position; to the Committee on Interior and Insular Affairs.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. SPARKMAN, from the Committee on Banking, Housing and Urban Affairs, without amendment:

S. 776. A bill to authorize the striking of medals in commemoration of the 100th anniversary of the cable car in San Francisco (Rept. No. 93-57).

By Mr. SPARKMAN, from the Committee on Banking, Housing and Urban Affairs, without amendment:

S. 929. A bill to amend the Par Value Modification Act (Rept. No. 93-58), together with individual views.

Mr. SPARKMAN. Mr. President, from the Committee on Banking, Housing and Urban Affairs, I favorably report without amendment, S. 929 to amend the Par Value Modification Act.

In addition, Mr. President, I ask that S. 929 be referred to the Senate Committee on Foreign Relations so that that committee may look over the measure as it may pertain to matters falling within the legislative jurisdiction of that committee.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUPPLEMENTAL REPORT OF COMMITTEE ON VETERANS' AFFAIRS (S. REPT. NO. 93-56, PART II)

Mr. CRANSTON, from the Committee on Veterans' Affairs, pursuant to section 133(e) of the Legislative Reorganization Act of 1946, as amended, submitted a supplemental report, to correct certain technical errors in its previous report on S. 284, which report was ordered to be printed.

EXECUTIVE REPORTS OF COMMITTEES

As in executive session, the following favorable reports of nominations were submitted:

By Mr. CURTIS, from the Committee on Agriculture and Forestry:

Robert W. Long, of California, to be an Assistant Secretary of Agriculture.

The nomination was reported favorably with the recommendation that the nominee be confirmed, subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated:

By Mr. MANSFIELD:

S. 1124. A bill to amend title 18, United States Code, so as to authorize a more severe penalty to be imposed in connection with certain crimes involving the use of, or unlawful carrying of, firearms. Referred to the Committee on the Judiciary.

By Mr. HUGHES (for himself, Mr. Bayh, Mr. Bible, Mr. Brooke, Mr. Church, Mr. Clark, Mr. Cranston, Mr. Gravel, Mr. Hathaway, Mr. Inouye, Mr. Javits, Mr. McGee, Mr. McGovern, Mr. Mathias Mr. Mondale, Mr. Moss, Mr. Nelson, Mr. Pastore, Mr. Randolph, Mr. Ribicoff, Mr. Schweiker, Mr. Sparkman, Mr. Stevenson, and Mr. Williams):

S. 1125. A bill to amend the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act and other related acts to concentrate the resources of the Nation against the problem of alcohol abuse and alcoholism. Referred to the Committee on Labor and Public Welfare.

By Mr. BUCKLEY:

S. 1126. A bill to amend title 28, United States Code, so as to grant a priority in the trial or other disposition of any case involving a violation of the laws of the United States relating to narcotic drugs, marijuana, or depressant or stimulant substances; and

S. 1127. A bill to provide for pretrial detention in certain narcotics cases. Referred to the Committee on the Judiciary.

By Mr. ERVIN (for himself, Mr. Brooke, Mr. Fulbright, Mr. Jackson, Mr. Mansfield Mr. McGee, Mr. Metcalf, Mr. Moss, Mr. Pearson, Mr. Pell, Mr. Proxmire, and Mr. Sparkman):

S. 1128. A bill to protect the freedom of speech, and of the press and to secure the flow of information in interstate and foreign commerce by protecting the newsman against the compulsory disclosure of confidential sources of information and the compulsory production of unpublished information. Referred to the Committee on the Judiciary.

By Mr. RIBICOFF:

S. 1129. A bill to amend the Internal Revenue Code of 1954 to increase the credit against tax for retirement income. Referred to the Committee on Finance.

S. 1130. A bill to amend the Federal Food, Drug, and Cosmetic Act to require that the appointment of the Commissioner of Food and Drugs be subject to the advice and consent of the Senate. Referred to the Committee on Labor and Public Welfare.

By Mr. CRANSTON (for himself and Mr. Tunney):

S. 1131. A bill to provide for the establishment of the Eugene O'Neill National Historic Site and the Las Trampas Ridge National Park. Referred to the Committee on Interior and Insular Affairs.

S. 1132. A bill to authorize a study of the feasibility and desirability of establishing a Channel Islands National Park in the State of California. Referred to the Committee on Interior and Insular Affairs.

By Mr. METCALF (for himself, Mr. Mansfield, Mr. Allen, Mr. Bible, Mr. Burdick, Mr. McIntyre, Mr. Thurmond, and Mr. Tower):

S. 1133. A bill to provide additional funds to the States for carrying out wildlife restoration projects and programs, and for other purposes. Referred to the Committee on Commerce.

By Mr. METCALF (for himself, Mr. Bible, Mr. Fannin, Mr. Hansen, Mr. Hatfield, Mr. Bellmon, Mr. Stevens, and Mr. Bartlett):

S. 1134. A bill to provide the Secretary of the Interior with authority to promote the conservation and orderly development of the hard mineral resources of the deep seabed, pending adoption of an international regime therefor. Referred to the Commitee on Interior and Insular Affairs.

By Mr. BARTLETT:

S. 1135. A bill to amend the Internal Revenue Code of 1954 to reduce the excise tax based on investment income of private foundations. Referred to the Committee on Finance.

By Mr. KENNEDY (for himself, Mr. Williams, Mr. Randolph, Mr. Pell, Mr. Nelson, Mr. Mondale, Mr. Eagleton, Mr. Cranston, Mr. Hughes, Mr. Hathaway, Mr. Javits, Mr. Dominick, Mr. Schweiker, Mr. Beall, and Mr. Stafford):

S. 1136. A bill to extend the expiring authorities in the Public Health Service Act and the Community Mental Health Centers Act. Placed on the calendar, by unanimous consent.

By Mr. JAVITS:

S. 1137. A bill to provide for the public safety and to increase the deterrent potential of the federal criminal law; by requiring the imposition of certain penalties for persons convicted of offenses involving the trafficking of narcotic drugs, to provide for an assessment of the effect of federal sentencing provisions and practices generally and for other purposes. Referred to the Committee on the Judiciary.

S. 1138. A bill to promote more effective management of certain related law enforcement functions of the executive branch by reorganizing and consolidating those functions in a new Office of Drug Abuse Investigation and Enforcement in the Department of Justice. Referred to the Committee on Government Operations.

By Mr. SPARKMAN (for himself and Mr. Tower) (by request):

S. 1139. A bill to amend the Urban Mass Transportation Act of 1964. Referred to the Committee on Banking, Housing and Urban Affairs.

By Mr. SPARKMAN (for himself and Mr. Tower):

S. 1140. A bill to prohibit the making of clad strip from which slugs can be cut for use in coin-operated machines and to prohibit misrepresentation as to proof and uncirculated coins. Referred to the Committee on Banking, Housing and Urban Affairs.

S. 1141. A bill to provide a new coinage design and date emblematic of the bicentennial of the American Revolution for dollars and half-dollars. Referred to the Committee on Banking, Housing and Urban Affairs.

By Mr. MUSKIE (for himself, Mr. Bible, Mr. Chiles, Mr. Eagleton, Mr. Gravel, Mr. Hart, Mr. Hughes, Mr. Humphrey, Mr. Javits, Mr. Kennedy, Mr. Metcalf, Mr. Mondale, Mr. Percy, and Mr. Ribicoff):

S. 1142. A bill to amend section 552 of title 5, United States Code, known as the "Freedom of Information Act." Referred jointly, by unanimous consent, to the Committee on the Judiciary and the Committee on Government Operations.

By Mr. HUMPHREY:

S. 1143. A bill entitled the "Social Security and Medicare Reform Act of 1973." Referred to the Committee on Finance.

By Mr. SCHWEIKER (for himself, Mr. Scott of Pennsylvania, and Mr. Humphrey):

S. 1144. A bill to establish a national program of Federal insurance against catastrophic disasters. Referred to the Committee on Banking, Housing and Urban Affairs.

By Mr. McGOVERN:

S. 1145. A bill to amend and extend the Economic Stabilization Act of 1970. Referred to the Committee on Banking, Housing and Urban Affairs.

By Mr. WEICKER (for himself and Mr. Long):

S. 1146. A bill to provide for repayment of certain sums advanced to providers of services, under XVIII of the Social Security Act. Referred to the Committee on Finance.

By Mr. DOMINICK (for himself and Mr. Fannin, Mr. Tower, Mr. Bennett, Mr. Brock, Mr. Cook, Mr. Domenici, Mr. Eastland, Mr. Ervin, Mr. Goldwater, Mr. Hansen, Mr. Hatfield, Mr. McClure, Mr. Scott of Virginia, Mr. Taft, and Mr. Thurmond):

S. 1147. A bill to amend the Occupational Safety and Health Act of 1970. Referred to the Committee on Labor and Public Welfare.

By Mr. CRANSTON (for himself and Mr. Williams):

S. 1148. A bill to provide authorization for the ACTION Agency to operate domestic volunteer service programs, and for other programs. Referred to the Committee on Labor and Public Welfare.

By Mr. MAGNUSON (for himself and Mr. Bennett, Mr. Burdick, Mr. Clark, Mr. Dole, Mr. Domenici, Mr. Dominick, Mr. Eastland, Mr. Gravel, Mr. Hart, Mr. Hartke, Mr. Hatfield, Mr. Hansen, Mr. Hathaway, Mr. Hughes, Mr. Humphrey, Mr. Jackson, Mr. Javits, Mr. Mansfield, Mr. Muskie, Mr. McGee, Mr. McGovern, Mr. McIntyre, Mr. Mondale, Mr. Moss, Mr. Nelson, Mr. Packwood, Mr. Pearson, Mr. Pell, Mr. Percy, Mr. Randolph, Mr. Ribicoff, and Mr. Young):

S. 1149. A bill to increase the supply of railroad rolling stock and to improve its utilization to meet the needs of commerce, users, shippers, national defense, and the consuming public. Referred to the Committee on Commerce.

By Mr. FONG:

S. 1150. A bill for the relief of Burgos Jose Maglav;

S. 1151. A bill for the relief of Manuel Paris Guerrero;

S. 1152. A bill for the relief of Zosima Batoon;

S. 1153. A bill for the relief of Felipe Cardinas Mejia; and

S. 1154. A bill for the relief of Pedro Dela Cruz Aqui. Referred to the Committee on the Judiciary.

By Mr. PELL (by request) (for himself and Mr. Case):

S. 1155. A bill to provide for participation by the United States in the United Nations Environment Program. Referred to the Committee on Foreign Relations.

By Mr. PERCY (for himself and Mr. Taft):

S. 1156. A bill to amend title III of the Trade Expansion Act of 1962 so as to provide more effective adjustment assistance thereunder, and for other purposes. Referred to the Committee on Finance.

By Mr. GURNEY (for Mr. Allen and himself, and Mr. Talmadge, Mr. Sparkman, Mr. Nunn, and Mr. Chiles):

S. 1157. A bill to authorize the Secretary of the Interior to conduct a study with respect to the feasibility of establishing the Bartram Trail as a national scenic trail. Referred to the Committee on Interior and Insular Affairs.

By Mr. MATHIAS:

S. 1158. A bill for the relief of Maria Salvacion Olmedo; and

S. 1159. A bill for the relief of Gloria Emilia Portillo. Referred to the Committee on the Judiciary.

By Mr. ALLEN (for himself and Mr. Sparkman, Mr. Talmadge, Mr. Bennett, Mr. Thurmond, and Mr. Helms):

S. 1160. A bill to establish an independent Consumer Protection Agency, and to authorize a program of grants, in order to protect and serve the interests of consumers, and for other purposes. Referred jointly to the Committees on Commerce and Government Operations with the proviso that when one committee reports the bill the other will have 45 days to report or the other committee will be deemed discharged from said bill.

By Mr. JAVITS (for himself, Mr. Buckley, Mr. Stevenson, and Mr. Scott of Pennsylvania):

S. 1161. A bill to amount the act of August 13, 1946, relating to Federal participation in the cost of protecting the shores of the United States, its territories and possessions, to include privately owned property. Referred to the Committee on Public Works.

By Mr. ERVIN:

S.J. Res. 72. A joint resolution to insure the separation of federal powers and to protect the legislative function by providing a procedure for requiring Federal officers and employees to inform the Congress. Referred to the Committee on the Judiciary.

By Mr. BARTLETT:

S.J. Res. 73. A joint resolution to authorize the President to proclaim April 16, 1973 as "Jim Thorpe Day." Referred to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. MANSFIELD:

S. 1124. A bill to amend title 18, United States Code, so as to authorize a more severe penalty to be imposed in connection with certain crimes involving the use of, or unlawful carrying of, firearms. Referred to the Committee on the Judiciary.

THE GUN CRIMINAL: DANGEROUS SPECIAL OFFENDER

Mr. MANSFIELD. Mr. President, on February 7, I voiced my concern to the Senate about the mandatory sentencing sections of the gun-crime laws and the fact that there was little evidence indicating the extent of their application by the Nation's Federal courts. I then noted that while certain leeway should be preserved in the trial courts concerning first-offender sentences, no discretion was in order in the case of second or subsequent offenders since the criminal who chooses a second time to resort to a weapon of violence and death deserves no leeway.

A first offender may deserve a second chance. If confined, a second chance is not available because of the current status of our penal institutions. They do not rehabilitate. They breed more crime. Discretion in these matters is and should be retained by the trial court.

At the same time, the second offender gun criminal deserves nothing short of prison. His resort to a firearm is inexcusable.

There is still another concern in the matter of gun crime that for too long has been ignored. To protect society, it is my opinion that the gun criminal should be considered a dangerous special offender. The dangerous special offender category was written into the criminal laws as a means of protecting society from those whose actions are most likely to cause harm and injury. No one would dispute the fact that one who chooses to use a gun or firearm in committing a crime must be labeled and treated as a dangerous special offender. Up to now, however, he has not been. Up to now, the criminal who carries a gun has not been placed in this category reserved for special criminal cases.

But he should be. In the case of a dangerous special offender, the law gives the Federal prosecuter a vital additional tool. It permits an appellate court to review the sentence imposed by the lower court.

I would hope this matter would be remedied and submit a bill, Mr. President, that classifies the gun criminal for what he is: A dangerous special offender.

My bill, if adopted, will first provide a sentence of 5 to 10 years in the case of a first offender who resorts to a firearm in committing a crime. This sentence would be imposed in addition—I repeat, in addition to the sentence imposed for the underlying crime itself. It strengthens the 1970 law which contains the Mansfield provision that I authored. In the case of a second or subsequent offender my bill would impose a sentence of from 10 to 25 years and no leeway could be granted; there could be no probation, no suspension, and the sentence would have to be served separately.

The major distinction in my new proposal is that the sentence, in the case of a first or second offender, may be appealed by the Federal prosecutor should he feel that a stiffer sentence is in order, or that the trial judge erred by not imposing a prison term at all. On appeal, the court of appeals could make the sentence more severe; it could impose any sentence which the sentencing court could have originally imposed, or it could simply affirm the sentencing action taken by the lower court.

In practice, I feel that this procedure will prove necessary and vital in our system of criminal justice. It is necessary simply because the prosecutor too often confronts a criminal whose actions present a particular threat to society at large, but who, for whatever reason, escapes the penalty of confinement—or sufficient confinement—the only penalty that offers true protection to society.

I recognize that this proposal—allowing the prosecutor to appeal from a sentence that is too lenient—may be greeted as of dubious validity under the Constitution. As neither a lawyer nor an expert on constitutional problems, I enter this arena of criminal law and sanctions rather reluctantly. It is out of a deep sense of outrage over violence with firearms generally that I believe something has to be done—something that serves notice on the criminal who resorts to weapons of violence that he will pay an additional price for doing so. Allowing a court of appeals to impose an even stiffer sentence against a gun criminal will provide, I think, the price increase needed for this type of crime. Such a procedure, I might add, is not without some constitutional foundation. My attention has been directed, for example, to at least one precedent. It is the case of Robinson against the Warden of the Maryland House of Corrections where the Fourth Circuit Court of Appeals of the United States ruled that an increased sentence given on appeal to a criminal convicted under Maryland law did not violate constitutional guarantees against double jeopardy, nor did it offend due process considerations or fall in the category of cruel or unusual punishment.

In short, I believe there is an added safeguard owing to society where gun crime is involved. The criminal ought to be considered a "dangerous special offender" and the sentence against him should be open to review if there is any danger at all that society is not adequately protected from his threatened acts of violence.

In the case of the gun criminal my bill would give society the added protection it needs. For the gun criminal, it adds to the price he already pays for choosing a weapon of violence in committing his crime.

I would hope that this bill would be considered with utmost dispatch and that it might be reported expeditiously along with the many other recommendations to update the criminal laws that are now before the Committee on the Judiciary.

Mr. President, I send the bill to the desk and ask that it be appropriately referred.

The PRESIDING OFFICER. Without objection, the bill will be received and appropriately referred.

By Mr. HUGHES (for himself, Mr. Bayh, Mr. Bible, Mr. Brooke, Mr. Church, Mr. Clark, Mr. Cranston, Mr. Gravel, Mr. Hathaway, Mr. Inouye, Mr. Javits, Mr. McGee, Mr. McGovern, Mr. Mathias, Mr. Mondale, Mr. Moss, Mr. Nelson, Mr. Pastore, Mr. Randolph, Mr. Ribicoff, Mr. Schweiker, Mr. Sparkman, Mr. Stevenson, and Mr. Williams):

S. 1125. A bill to amend the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act and other related acts to concentrate the resources of the Nation against the problem of alcohol abuse and alcoholism. Referred to the Committee on Labor and Public Welfare.

Mr. HUGHES. Mr. President, I introduce for myself and Senators Bible, Brooke, Church, Clark, Cranston, Eagleton, Gravel, Hathaway, Inouye, Javits, McGee, McGovern, Mathias, Mondale, Moss, Nelson, Pastore, Randolph, Ribicoff, Schweiker, Sparkman, Stevenson, and Williams, a bill to amend the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act and other related acts to concentrate the resources of the Nation against the problem of alcohol abuse and alcoholism.

During the past 3 years the Congress has enacted legislation to mount a major attack on the nationwide problems created by the irresponsible use of alcohol and other drugs and the tragic addictions that often result from such use. Our measures have reflected a rising national concern, to which we have tried to respond, perhaps not always successfully, by developing rational and compassionate governmental policies and programs.

We have authorized funds to finance research, preventive education, treatment, and rehabilitation. Many hundreds of talented biological, behavioral, and social scientists are conducting research, and thousands of the victims of addiction are receiving help.

There is progress. Yet, no one can claim to have final answers. We do not know how to prevent experimentation with dangerous substances, and we do not have a sure cure for any addiction. In fact, as a society, we are just beginning to recognize certain essential truths and to question some of our comfortable illusions about drugs.

Perhaps the most foolish and dangerous of these illusions has been that it is the law rather than physiological fact which defines the term "drug" and determines whether a substance is safe or dangerous. Thus, we have avoided recognizing alcohol as a drug because it is legal and socially acceptable. Yet, medical scientists know that there is little difference in the effects of alcohol and such drugs of abuse as the short-acting barbiturates. Both can be addicting, intoxicating, liver-damaging, and life-threatennig when taken in excessive amounts.

Another of our myths has been that users of excessive amounts of alcohol and users of illicit drugs are always entirely separate classes of people. Yet, survey after survey reveals that a high proportion of barbiturate and heroin addicts began as heavy drinkers.

These illusions have fostered some curious parental attitudes. Because alcohol is legal and it is their own drug of choice, we are finding that parents who are justifiably dismayed at teenage abuse of illicit pills are relieved when their son or daughter turns from pills to excessive drinking, which can be at least as harmful to health.

Mr. President, the March 5, 1973, issue of Newsweek contains an article which should command the attention of every parent and of all who are concerned with the problem of addiction. It is entitled "The Latest Teen Drug: Alcohol."

The article contains this statement:

> From nearly every quarter of the nation, school authorities and teen-agers themselves report that the latest fad in juvenile drug abuse is one that has a familiar ring to the older generation: the drug of choice these days, they say, is alcohol.

The article offers no comfort to the adult reader who may feel some relief at this teenage trend. It discusses reports of heavy drinking even among sixth and eighth graders, and Saturday evening binges of 15- to 17-year-olds. It goes on to say:

> But alcohol, of course, is a drug with a high potential for addiction, according to Los Angeles's Southerby, (of the Los Angeles County Alcohol Safety Action Program) one teenager out of every twenty in southern California has "a drinking problem", and the National Council on Alcoholism reports that in 1972, the age of the youngest alcoholics who came to their attention dropped from 14 to 12.

Mr. President, this is appalling information. If there is anything at all encouraging in the articles, it is its frank description of alcohol as an addictive drug. We know that prohibition is not the answer for this particular drug, and we know that young people as well as adults will continue to drink. But we must learn to face honestly the fact that the potential for addiction is high. Some researchers tell us that at least one in 10 drinkers is likely to become addicted to alcohol.

In its report entitled "Alcohol and Health," issued early in 1972, the National Institute on Alcohol Abuse and Alcoholism estimated that there are at least 9 million abusers of alcohol and alcoholics in the Nation. I suspect that this estimate is a low estimate, given the total number of drinkers in our society. Regardless of the precise number, however, we know that alcoholism is one of the Nation's most serious and widespread diseases. It therefore requires a strong and sustained governmental response.

The Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act of 1970 provided a good start. It authorized the creation of the National Institute on Alcohol Abuse and Alcoholism and directed it to conduct research on prevention and treatment and to administer contracts and project grants and a program of formula grants to the States. The Institute came into existence less than 2 years ago, and as funds were appropriated, it began to carry out its responsibility to fund prevention and treatment programs.

In my opinion, we have made a good start. But it is only a start, and it would be tragic to become complacent, or to cut the already limited grant funds in the name of economy.

I am today introducing a bill to amend the act of 1970 and to extend the project and formula grant authorities of the act for another 3 years. Under the 1970 act both authorities would have expired at the end of the current fiscal year. Last fall in an effort to facilitate budget planning at both the State and the Federal levels, the Congress passed a bill extending the State formula grant authority for 1 year, through June 30, 1974. This bill would extend both the formula grant and the project grant authority through June 30, 1976.

The formula grant authority would continue in fiscal 1974 at the present figure of $80 million. It would then rise to $100 million for each of the next 2 fiscal years.

The bill authorizes contract and project grant authority of $100 million in fiscal 1974 and $120 million for each of the next 2 fiscal years.

I wish to emphasize here, Mr. President, that these contract and project grant figures do not represent an enormous increase over the authorization for the current fiscal year. The 1970 act authorized $50 million for the current year, and part E of the Community Mental Health Centers Act authorized a total of $80 million for construction and staffing of facilities for both alcoholism and drug programs. Assuming that one-half of the $80 million would be available for alcoholism and the other half for drug programs, we find that a total of $90 million is authorized for contracts and project grants for alcoholism in fiscal 1973. My bill would increase this to $100 million in fiscal 1974 and to $120 million in each of the next 2 fiscal years.

As the States have developed their plans as required by the act of 1970, and treatment programs have begun to be more readily available, the word has spread that alcoholism is a preventable and treatable disease. Enlightenment and new hope on the part of the individual problem dinker and those close to him have intensified the demand for local treatment programs.

Further pressure on program funds has resulted from changes in the law, which are now requiring a more humane and more realistic handling of problem drinkers. Supreme Court decisions of the last several years have emphasized that addiction, whether to alcoholism or to other drugs, is not in itself a punishable offense. Consequently, State and local governments have been forced to find alternatives to the age-old, revolving-door practice of incarcerating the alcoholic, forcing him to sober up, and releasing him with no effort to treat his addiction, only to repeat the process again and again.

To meet this challenge, the Commissioners on Uniform State Laws have recommended the adoption of the Uniform Alcoholism and Intoxication Treatment Act, which establishes the principle that alcoholism must be trebled as a public health problem and sets forth detailed standards to guide the States in setting up treatment programs.

Several States have either adopted the Uniform Act or are now actively considering it. We are finding that some State legislatures would be willing to adopt it but are delaying because of the expense of setting up the treatment facilities required by the Uniform Act as an alternative to the all too common system of simply throwing the alcoholic into the local jail. Over the long run, treating the alcoholic is far less expensive than devoting a large proportion of law enforcement man-hours and facilities to him over his adult lifetime. But the immediate cost of setting up treatment facilities is high.

To meet this practical problem and to encourage the States to adopt the Uniform Act, my bill would authorize additional grants to those States which have adopted the basic provisions of the act and need financial help in making the transition from a criminal justice to a community care approach in their treatment of alcoholics. The grant would be a basic $100,000 plus 10 per cent of the State's formula allotment.

Mr. President, as we all know, the administration's budget for fiscal 1974 calls for the dismantling of the Office of Economic Opportunity and the transfer of some of its responsibilities to other agencies. The transfer of alcoholism programs funded by OEO began last year and will be completed during the current fiscal year. The National Institute on Alcohol Abuse and Alcoholism will then have full responsibility for these programs, which have served such minorities as Indian tribes and Spanish-speaking communities, and have been a part of many community action programs funded by OEO.

The fiscal 1974 budget would also eliminate any funds for new project grants for alcoholism, leaving only the formula grant funds, which would be limited to $30 million. Thus, demands on the funds for alcoholism programs are multiplying at the very time when the administration proposes to eliminate new project funds and to hold formula grant funds at current low levels.

The bill contains a provision to insure that representatives of the poor and of minority groups will be included in State alcoholism councils. We will give careful consideration to any additional provisions which may be needed to safeguard the interests of these groups.

I feel confident that the Senate will understand the need for continuing the fight against the disease of alcoholism. It is a fight that has only begun. This bill is designed to carry it forward for the next 3 years.

Mr. President, I point out that this is a bill that would make taxpayers out of tax users; it would take people out of jail, people who have been before the courts hundreds of thousands of times; it would reduce the overall expense of our country. By no means could this measure be considered to be inflationary. It is designed to help people who have been dying for years in the alleys and byways of our Nation. Not to go forward with this program at a time when there is hope is one of the most inconsiderate things I have seen done in the last 4 years while I have been a Member of the Senate. It is time for action by this Congress in order to assure that these needs are met in our country and to assure that the millions of children in this country who are becoming addicted to this drug have some opportunity to prevent that addiction, and if they are addicted, to find hope and a way out.

Mr. President, I ask unanimous consent to have printed at this point in the Record the text of the bill, a summary of its provisions, a section-by-section analysis, and the article from the March 5, 1973, issue of Newsweek entitled, "The Latest Teen Drug: Alcohol."

There being no objection, the bill and material were ordered to be printed in the Record, as follows:

S. 1125

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

Section 1. This Act may be cited as the "Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act Amendments of 1973."

TITLE I—COORDINATION AND PERSONNEL

Sec. 101. Section 101(a) of the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act is amended—

(1) by adding a period immediately after "by this Act" and by striking out "and part C of the Community Mental Health Centers Act."; and

(2) by adding at the end of said section: "The Secretary, acting through the institute, shall coordinate efforts, in carrying out the

purposes of all other Federal health, welfare, rehabilitation, highway safety, law enforcement, and economic opportunity legislation, to deal with alcohol abuse and alcoholism."

SEC. 102. Section 101 of such Act is further amended by adding the following new subsections:

"(c) (1) The Director may employ and prescribe the functions of such officers and employees, including attorneys, as are necessary to administer the programs and authorities under this Act.

"(2) The Director may appoint a Deputy Director, four Associate Directors, an Executive Officer, and four Division Directors. Compensation for such appointees may be at grades 16, 17, and 18 of the General Schedule, or in grades 07 and 08 established by Act of July 1, 1944 (42 U.S.C. 207).

"(3) In addition to the number of positions which may be placed in grades GS–16, 17, and 18 under section 5108 of title 5, United States Code, and without prejudice to the placement of other positions in the Institute in such grades under any authority other than this subsection, not to exceed 11 positions in the Institute may be placed in grades GS–16, 17, and 18, but in accordance with the procedures prescribed under such section 5108."

SEC. 103. Section 102(1) of such Act is amended by striking out "and part C of the Community Mental Health Centers Act" immediately after "under this Act".

SEC. 104. Section 102(2) of such Act is amended by inserting "and every three years thereafter" after "Act" and immediately before "a report".

SEC. 105. Section 102 of such Act is further amended by adding the following new subsection:

"(5) submit to Congress on or before the end of each calendar year, beginning during fiscal year 1974, a report on the extent to which other Federal programs and Departments are supporting and dealing with the problems of alcohol abuse and alcoholism."

TITLE II—FEDERAL ASSISTANCE FOR STATE AND LOCAL PROGRAMS

PART A—GRANTS TO STATES

SEC. 201. Title III, Part A—Formula Grants of the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act is amended—

(1) by striking out "Formula Grants" after "Part A—" and inserting in lieu thereof "Grants to States"; and

(2) by striking out immediately thereunder "authorization" and inserting in lieu thereof "formula grants".

SEC. 202. Section 301 of the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act is amended by inserting immediately after "for each of the next two fiscal years" the following: "ending June 30, 1974, and $100,000,000 for each of the next two fiscal years ending June 30, 1976,".

SEC. 203. Section 302 of such Act is amended by adding the following new subsection:

"(d) On the request of any State, the Secretary is authorized to arrange for the assignment of officers and employees of the Department or to provide equipment or supplies in lieu of a portion of the allotment to such State. The allotment may be reduced by the fair market value of any equipment or supplies furnished to such State and by the amount of the pay, allowances, traveling expenses, and any other costs in connection with the detail of an officer or employee to the State. The amount by which such payments are so reduced shall be available for payment of such costs (including the costs of such equipment and supplies) by the Secretary, but shall for purposes of determining the allotment under Section 302(a), be deemed to have been paid to the State."

SEC. 204. Section 303(a) of such Act is amended—

(1) by striking out in subparagraph (3) "or groups," immediately after "nongovernmental organizations" and inserting in lieu thereof,", "of groups to be served with attention to assuring representation of minority and poverty groups,";

(2) by striking out "and" at the end of subparagraph (9);

(3) by redesignating "(10)" as "(11)"; and

(4) by adding after subparagraph (9) the following new subparagraph (10):

"(10) set forth, in accordance with the criteria and no less than the minimum standards to be set by the Secretary, standards for construction and licensing of public and private treatment facilities, as well as standards for other community services or resources available to assist individuals to meet problems resulting from alcohol abuse. Such establishment of standards and licensing must include enforcement procedures and penalties; and".

SEC. 205. The Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act is amended by adding a heading "Special Grants" after Sec. 303(b) and as an introduction to the following new sections:

"SEC. 304(a). The Secretary, for each fiscal year, acting through the Institute, is authorized during the period beginning July 1, 1973, and ending June 30, 1976, to make grants to States (other than the Virgin Islands, American Samoa, Guam, and the Trust Territory of the Pacific Islands) for the implementation of the Uniform Alcoholism and Intoxication Treatment Act. The purpose is to help States who have adopted the basic provisions of the Uniform Act to utilize fully the protections of this legal framework in their efforts to approach alcohol abuse and alcoholism from a community care standpoint.

"(b) These grants may be made on application by States whose statutes include at minimum:

"(1) A declaration of policy and/or in fact of other statutes representing that it is the policy of the State that alcoholics and intoxicated persons may not be subjected to criminal prosecution because of their consumption of alcoholic beverages, but rather should be afforded a continuum of treatment in order that they may lead normal lives as productive members of society. The intent of this declaration and provision must be to preclude the handling of drunkeness under any of a wide variety of petty criminal offense statutes, such as loitering, vagrancy, disturbing the peace, and so forth, and therefore to require that it be handled under the civil provisions and not under the criminal law.

"(2) Specific repeal of all relevant portions of the criminal statutes under which drunkness is the burden of the offense, except that nothing in this repeal affects any law, ordinance, resolution, or rule against drunken driving, driving under the influence of alcohol, or other similar offense involving the operation of a vehicle, aircraft, boat, machinery, or other equipment, or regarding the sale, purchase, dispensing, possessing, or use of alcoholic beverages at stated times in places or by a particular class of persons.

"(3) Incorporation of the standards of acceptance for treatment contained in section 10 of the Uniform Act as follows:

"(i) If possible a patient shall be treated on a voluntary rather than an involuntary basis;

"(ii) a patient shall be initially assigned or transferred to outpatient or intermediate treatment, unless he is found to require inpatient treatment;

"(iii) a person shall not be denied treatment solely because he has withdrawn from treatment against medical advice on a prior occasion or because he has relapsed after earlier treatment;

"(iv) an individualized treatment plan shall be prepared and maintained on a current basis for each patient; and

"(v) provision shall be made for a continuum of coordinated treatment services, so that a person who leaves a facility or a form of treatment will have available and utilize other appropriate treatment.

"(4) Specific restrictions on the use of involuntary commitment to at least the standard contained in section 14 of the Uniform Act; and

"(5) Such additional assurances as the Secretary may find necessary to carry out the purposes of this part.

"(c) Organization of the State program must be in accordance with section 303(a) of this Act and shall not require the specific organizational structure contained in the Uniform Act.

"(d) For each fiscal year that a State applies and qualifies under the provisions of this section, a grant may be made available based on a sum of $100,000 plus an amount equal to 10 percent of said State's formula allotment.

"(e) There are authorized to be appropriated such sums as necessary to carry out the provisions of this section."

PART B—PROJECT GRANTS AND CONTRACTS

SEC. 211. Section 240 of the Community Mental Health Centers Act is deleted.

SEC. 212. Sections 241 through 247 under part C of such Act and all authorities pertaining to alcohol abuse and alcoholism contained in other provisions of such Act are transferred to the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act, and said part C is substituted therein for and redesignated "Part B—Project Grants and Contracts", in Title III.

SEC. 213(a). Section 241 of said part is amended—

(1) by striking out "from appropriations under section 261" immediately after "(a) Grants";

(2) by inserting in (a) "alcohol abuse and" immediately after "treatment of" and before "alcoholism";

(3) by inserting in (a) (1) the word "following" immediately before "requirements";

(4) by inserting a ":" immediately after "approval" in (a) (1), and by striking out in the same sentence "under clauses (1) through (5) and clauses (A) and (B) of section 205(a),"

(5) by adding immediately after "approval:" of (a) (1) the following subparagraph:

"(A) a description of the site for such project;

"(B) plans and specifications therefore in accordance with the regulations prescribed by the Secretary for general standards of construction and equipment for facilities of different classes and in different types of locations;

"(C) reasonable assurance that title to such site is or will be vested in one or more of the agencies filing the application or in a public or other nonprofit agency which is to operate the facility;

"(D) reasonable assurance that adequate financial support will be available for the construction of the project and for its maintenance and operation when completed;

"(E) reasonable assurance that all laborers and mechanics employed by contractors or subcontractors in the performance of work on construction of the project will be paid wages at rates not less than those prevailing on similar construction in the locality as determined by the Secretary of Labor in accordance with the Davis-Bacon Act, as amended (40 U.S.C. 276a–276a–5); and the Secretary of Labor shall have with respect to the labor standards specified in this paragraph the authority and functions set forth in Reorganization Plan Number 14 of 1950 (15 F.R. 3176; 5 U.S.C. App. 133z–15) and section 2 of the Act of June 13, 1934, as amended (40 U.S.C. 276c);

"(F) a certification by the State agency of the Federal share for the project;

"(G) that the application contains reasonable assurance as to title, financial support, and payment of prevailing rates of wages and overtime pay; and

"(H) that the plans and specifications are in accord with the regulations prescribed pursuant to section 303(a) of this Act."

(6) by striking out "and (2) which contains—" in (a) and inserting in lieu thereof "An application must also (2) contain—";

(7) by inserting in (a)(2)(A) and twice in (B) "alcohol abuse and" immediately after "treatment of" and before "alcoholism";

(8) by striking out in (a)(2)(B) "at least those essential elements of comprehensive mental health services and" after "situated," and inserting in lieu thereof "comprehensive";

(9) by striking out in (a)(2)(C) everything after "designated" and inserting in lieu thereof "under section 303(a) of this Act;";

(10) by inserting in (a)(2)(D) "alcohol abuse and" immediately after "treatment of" and before "alcoholism"; and

(11) by striking out in (a)(2)(E) "prescribed under section 203(4)" immediately after "Secretary".

Sec. 213(b). Section 311 of the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act is amended by striking out everything after "Section 311.", and section 241 of the transferred part C is redesignated section 311.

Sec. 214(a). Section 242 of this part is amended—

(1) by striking out in (a) "from appropriations under section 261" immediately after "Grants";

(2) by inserting twice in (a) "alcohol abuse and" immediately after "treatment of" and before "alcoholism";

(3) by inserting in (c) "alcohol abuse and" immediately after "States for" and before "alcoholism"; and

(4) by striking out in (d) "upon an application which meets the requirements for approval under section 221(a), other than paragraph (3) thereof, and only if (1) a grant was made under part A or section 241 to assist in financing the construction of the facility, or (2)" immediately after "may be made only" and inserting in lieu thereof "if".

Sec. 214(b). Section 242 of the transferred part C is redesignated section 312.

Sec. 215(a). Section 243 of this part is amended—

(1) by striking out in (a) "from appropriations under section 261" immediately after "Grants";

(2) by striking out in (a) "such" immediately after "initial operation of";

(3) by inserting in (a) "of the Community Mental Health Centers Act" immediately after "part A";

(4) by striking out in (b) "(1) faciliites which are a part of or affiliated with a community mental health center providing at least those essential elements of comprehensive community mental health services which are prescribed by the Secretary, or (2) where there is no such center serving the community in which such facilities are to be situated, facilities with respect to which" and inserting in lieu thereof "facilities where", and by inserting "alcohol abuse and" immediately after "treatment of" and before "alcoholism";

(5) by striking out in (c) "242" immediately after "section" and inserting in lieu thereof "312"; and

(6) by striking out in (d) "205(a)(5)" immediately after "section" and inserting in lieu thereof "311(a)(1)(5)".

Sec. 215(b). Section 243 of the transferred part C is redesignated section 313.

Sec. 216(a). Section 244 of this part is amended—

(1) by inserting "of the Community Mental Health Centers Act" immediately after "B";

(2) by inserting "alcohol abuse and" immediately after "treatment of" and before "alcoholism"; and

(3) by adding at the end of said section: ", provided the application is consistent with the State plan approved under section 303(a) of this Act.".

Sec. 216(b). Section 244 of the transferred part C is redesignated section 314.

Sec. 217. Section 245 of this part is deleted.

Sec. 218(a). Section 246 of this part is amended—

(1) by striking out "June 30, 1973" immediately after "ending" and inserting in lieu thereof "June 30, 1976"; and

(2) by inserting in (1) and (3) "alcohol abuse and" immediately after "treatment of" and before "alcoholism".

Sec. 218(b). Section 246 of the transferred part C is redesignated section 315.

Sec. 219(a). Section 247(a) and (b) of the transferred part C is redesignated section 316.

Sec. 219(b). Section 247(c) is redesignated section 317 and amended—

(1) by striking out in (1) "this section" immediately after "the provisions of" and inserting in lieu thereof "part B"; and

(2) by striking out in (2) "this section" immediately after "contract under" and inserting in lieu thereof "part B".

Sec. 219(c). Section 247(d) is deleted.

Sec. 220. The Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act is amended by adding the following new section:

"Sec. 318(a). There are authorized to be appropriated to carry out the purposes of part B, sections 311 through 316 $100,000,000 for the fiscal year ending June 30, 1974, and $120,000,000 for each of the next two fiscal years ending June 30, 1976. Sums so appropriated for any fiscal year shall remain available for obligation until the close of the next fiscal year.

"(b) There are also authorized to be appropriated for the fiscal year ending June 30, 1974, and each of the next nine fiscal years such sums as may be necessary to continue to make grants for staffing with respect to sections under this part for which a staffing grant was made from appropriations under subsection (a) of this section for any fiscal year ending before July 1, 1976.

"(c) Not to exceed five per centum of the amount appropriated pursuant to the preceding provisions of this section for any fiscal year shall be available to the Secretary to make grants to local public or nonprofit private organizations to cover up to 100 per centum of the costs (but in no case to exceed $50,000) of projects for assessing local needs for programs of services for persons needing help with problems of alcohol abuse and alcoholism, obtaining local financial and professional assistance and support for such programs in the community, and fostering community involvement in initiating and developing such programs in the community. In no case shall a grant under this subsection be for a period in excess of one year; nor shall any grant be made under this subsection with respect to any project if, for any preceding year, a grant under this subsection has been made with respect to such project.

Part C—Admission to Hospitals

ADMISSION OF ALCOHOLIC ABUSERS AND ALCOHOLICS TO PRIVATE AND PUBLIC HOSPITALS

Sec. 331. Section 321 of the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act is amended to read as follows:

"(a) Alcohol abusers and alcoholics who are suffering from medical conditions shall not be refused admission or treatment solely because of their alcohol abuse or alcoholism, by any private or public general hospital which receives support in any form from any programs supported in whole or in part by funds appropriated to any Federal department or agency.

"(b) The Secretary is authorized to make regulations for the enforcement of the policy of subsection (a). Such regulations shall include procedures for determining (after opportunity for a hearing if requested) if a violation of subsection (a) has occurred, notification of failure to comply with such subsection, and opportunity for a violator to comply with such subsection. If the Secretary determines that a hospital has violated subsection (a) and such violation continues after an opportunity has been afforded for compliance, the Secretary is authorized to suspend, or revoke, after opportunity for a hearing, all or part of any support of any kind received by such hospital from any program administered by the Secretary. The Secretary may consult with the officials responsible for the administration of any other Federal program from which such hospital receives support of any kind, with respect to the suspension or revocation of Federal support for such hospital."

Comprehensive Alcohol Abuse and Alcoholism Prevention Treatment and Rehabilitation Act Amendments of 1973

SUMMARY

First, this bill would continue the project grant and contract program and the formula grant program originally authorized by the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (P.L. 91–616) as follows: it would authorize appropriations for project grants and contracts of $100 million for F.Y. 1974 and $120 million for each of the following two years; it would continue the formula grant authorization to the States in F.Y. 1974 at $80 million, and would authorize $100 million for each of the following two years.

Second, it would create a small additional State grant program to help States implement the Uniform Alcoholism and Intoxication Treatment Act and to encourage more States to adopt the Uniform Act.

Third, it would assure representation on the alcoholism State advisory councils of minority and poverty groups.

Fourth, it would transfer the project and contract authorities administered by the National Institute on Alcohol Abuse and Alcoholism currently part C of the Community Mental Health Centers Act to the Comprehensive Alcohol Abuse and Alcoholism Prevention Treatment and Rehabilitation Act.

Fifth, it would provide for additional personnel for the National Institute on Alcohol Abuse and Alcoholism.

Sixth, it would strengthen the lead agency responsibility of the National Institute on Alcohol Abuse and Alcoholism in the alcoholism efforts of other Federal Departments or Agencies.

Seventh, it would strengthen the provision that prohibits the exclusion from hospitals of alcohol abusers and alcoholics who are suffering from medical conditions.

Eighth, it would require a report to the Congress every three years on the health consequences of using alcohol and on legislative changes which might be considered desirable.

Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act Amendments of 1973

SECTION-BY-SECTION ANALYSIS

Section 1 of the bill gives the legislation the short title the "Comprehensive Alcohol

Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act Amendments of 1973.

The substantive provisions of the legislation are set forth in two titles as follows:

Tile I—COORDINATION AND PERSONNEL

Section 101(1) would delete in section 101 (a) of the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act the reference to part C of the Community Mental Health Centers Act as section 212 of this bill transfers said part C to the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act.

Section 101(2) would add a provision to section 101(a) to reduce the fragmentation of the Federal efforts in alcohol abuse and alcoholism. The new provision makes explicit that the Secretary, acting through the Institute, shall coordinate efforts by other agencies and programs of the Department and other Departments of the Federal Government, in carrying out the purposes of all other Federal health, welfare, rehabilitation, highway safety, law enforcement, and economic opportunity legislation, to deal with alcohol abuse and alcoholism.

Section 102 would further amend section 101 of the Act to provide the Institute and its Director the personnel and the flexibility with regard to personnel needed to administer the Institute.

New subsection (c)(1) would give the Director standard authority to select and employ such officers and employees, including attorneys, as are necessary to administer the Institute's programs and authorities.

New subsection (c)(2) would permit the Institute to employ personnel for top posititions, and at a salary that would attract the needed high-level scientific, technical, and medical personnel.

New subsection (c)(3) would provide that, in addition to the number of positions which may be placed in supergrades under normal Civil Service Commission procedures, not to exceed 11 positions in the Institute may be placed in grades GS-16, 17, and 18, in accordance with procedures, prescribed under section 5108 of title 5, U.S.C. This authority would permit the Institute to employ the personnel they need for top positions, while preserving the jurisdiction of the Civil Service Commission and the Congressional committees having an interest in this subject.

Section 103 is related to section 212 of this bill which would transfer said part C to the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act.

Section 104 would amend section 102(2) to require the submission to the Congress every three years of an alcohol consequences type of a report similar to the first special report to the U.S. Congress on *Alcohol and Health* prepared by the National Institute on Alcohol Abuse and Alcoholism and submitted by the Secretary of Health, Education, and Welfare, December 1971, as required by section 102(2), before the expiration of the one-year period beginning on the date of the 1970 enactment of the Act.

Section 105 would amend section 102 to require an annual report to Congress on the extent to which Federal programs other than the National Institute on Alcohol Abuse and Alcoholism are supporting and dealing with the problems of alcohol abuse and alcoholism. Prior to the establishment of the Institute, the Senate Committee on Labor and Public Welfare expressed its dissatisfaction with the failure of Federal Departments and agencies to use existing legislative authority to combat alcoholism. The Institute now has a lead responsibility in the stimulation of such efforts and the amendment to section 101(a) above is designed to strengthen that responsibility. This report would direct the Institute to report on progress in these efforts.

TITLE II—FEDERAL ASSISTANCE FOR STATE AND LOCAL PROGRAMS

PART A—GRANTS TO STATES

Section 201 modifies the heading in part A to incorporate a new "Special Grants" section added by section 205.

Section 202 would amend section 301 of the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act to extend and increase amounts authorized to be appropriated for these grants for an additional two years. The $200 million in formula grants requested for two years is based on the experience with this program in fiscal years 1972 and 1973, and considering other economic priorities what the States can effectively use and need at minimum to deal with alcohol abuse and alcoholism from a community care standpoint.

Section 203 would amend section 302 of the Act to authorize on the request of any State the assignment of officers or employees of the Department, or to provide equipment or supplies in lieu of a portion of the allotment to such State. This authority is similar to the section 102 amendment to provide the Director the flexibility with regard to personnel needed to administer the Institute, and in this instance, to increase the Institute's capacity to respond to State efforts to develop more effective State and local programs. The authorization is similar to that provided under sections 214 and 314 of the Public Health Service Act, as well as under other legislative authorities.

Section 204(1) would amend section 303 (a)(3) of the Act to assure representation on the alcoholism State advisory council of minority and poverty groups.

Section 204 (2), (3), and (4) would amend section 303(a) to require States as part of their State plan requirements to set forth standards for construction and licensing of public and private treatment facilities, as well as standards for other community services or resources available to assist individuals to meet problems resulting from alcohol abuse. Further, these would be established in accordance with the criteria and at a level of quality no less than the minimum standards to be set by the Secretary for such facilities, services, and resources.

Section 205 would add to Federal assistance to States a special grant in addition to the formula grants. This new grant would provide funds to help States implement a Uniform Alcoholism and Intoxication Treatment Act. Progress in the field of treating alcohol abuse and alcoholism from a community care standpoint has been inhibited by the existence of antiquated civil and criminal laws providing for punitive incarceration rather than rehabilitation. As a result of recent legal developments, an appropriate statutory framework can now be provided by the adoption in all the States of a Uniform Alcoholism and Intoxication Treatment Act, promulgated by the National Conference of Commissioners on Uniform State Laws. This Uniform Act regards alcohol abuse and alcoholism as public health problems, and removes alcoholism from the criminal justice system, while in no way altering the provisions of the criminal law that protect public safety. Adoption of this Act by all the States has been encouraged by this Committee, former Secretary of Health, Education, and Welfare, Elliot L. Richardson and the former Attorney General, John N. Mitchell. Several States have passed this Act and a majority of the States are preparing such a bill or have already introduced a bill in their legislatures.

PART B—PROJECT GRANTS AND CONTRACTS

Section 211 would amend the Community Mental Health Centers Act by deleting section 240, declaration of findings and purposes. It is expected that the Committee will prepare and include in the bill a new section on findings and purposes, based on hearings and reports to the Congress submitted by the Secretary of Health, Education, and Welfare, in accordance with the requirements of the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act of 1970.

Section 212 would transfer the project grant and contract authorities administered by the National Institute on Alcohol Abuse and Alcoholism from the Community Mental Health Centers Act to the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act. The original Act did not incorporate these authorities and their continued location in the Centers Act has caused a good deal of confusion around the Country, and works against a more focused and coordinated program approach to this problem. Their incorporation in the Act would be administratively more sound, and reduce any confusion over the purposes of these authorities.

Sections 213 through 219 would make the various specific amendments needed to modify, update, and to actually transfer the authorities in part C of the Community Mental Health Centers Act to the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act, and have said part C substituted therein and redesignated "Part B—Project Grants and Contracts" in Title III.

Section 220 would amend the Comprehensive Alcohol Abuse and Alcoholism Prevension, Treatment, and Rehabilitation Act by adding a new section 318, establishing a separate provision for the authorization of appropriations for the Project Grant and Contract authorities under the amended Act.

New subsection (a) of section 318 would authorize $340 million over three years in project grant and contract support. This is considered a modest sum compared to the needs of communities; however, many communities are only starting to address this problem and to develop coordinated community-based programs in close association with their respective State agencies. This amount is therefore thought to be reasonable at this point and will do a great deal to bring the problems of alcohol abuse and alcoholism under control.

New subsection (b) would merely update and provide the same authority as the Institute presently has under section 261 of the Community Mental Health Centers Act. This new subsection is required with the transfer of all authorities pertaining to alcohol abuse and alcoholism from the Act to the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act.

New subsection (c) would transfer another funding authority to this Act from the Community Mental Health Centers Act. This provision provides for one year, one time, initiation and development support to local public or nonprofit private organizations.

PART C—ADMISSION TO HOSPITALS

Section 301 would amend section 331 of part C of the Comprehensive Alcohol Abuse and Alcoholism Prevention Treatment, and Rehabilitation Act to strengthen the provision that requires admission to hospitals of alcohol abusers and alcoholics who are suffering from medical conditions.

Under the present provision, violators are only threatened by a cut off of Federal financial assistance under this Act, and would have little influence. This amendment follows the precedent set by the adoption of a similar provision in relation to drug abusers in the recently enacted Public Law 92-255, the Drug Abuse Office and Treatment Act of 1972. It is designed to prevent the exclusion of individuals who have alcohol drinking problems from obtaining needed medical care. Individuals with alcohol drinkinig problems should be able to obtain needed medical care in routine care facilities but are often excluded. This discrimination has contributed to the development of many special and unnecessary facilities, often far removed from other community resources. The amendment to section 331 is important to obtaining the help that could and should be provided by private and general hospitals.

The Latest Teen Drug: Alcohol

Every parent of adolescent children knows that in recent years, increasing numbers of teen-agers have been experimenting with dangerous drugs—LSD, speed, barbiturates, even heroin. Perhaps the most frightening aspect of this trend is that in well-to-do suburban communities and inner-city ghettos alike the age of the youthful drug experimenters has been steadily dropping; there have even been cases of heroin addiction among elementary-school children. Now, however, the trend seems to be away from these drugs. From nearly every quarter of the nation, school authorities and teenagers themselves report that the latest fad in juvenile drug abuse is one that has a familiar ring to the older generation: the drug of choice these days, they say, is alcohol.

Youthful drinking, of course, has always been an important rite of passage, and for a time it looked as if the use of marijuana might be replacing alcohol as an expression of rebellion against the older generation. Now, according to youngsters like Steven Brodsky, a senior at Brooklyn's Franklyn Delano Roosevelt High School, many teenagers are discovering that alcohol is just as much fun as grass, and a lot easier to obtain. "A lot of us used to smoke," Brodsky told Newsweek's Barbara Davidson, "but we gave that up a year or two ago. Now my friends and I drink a lot—and in my book, a high is a high."

Most youngsters today confine their drinking to weekend parties. At Levittown Memorial High School on Long Island, N.Y., for example, one 17-year-old member of the football and lacrosse teams reports that on Saturday evenings in good weather, about a hundred 15- to 17-year-olds regularly congregate in the bleachers of Memorial's playing fields to consume a six-pack of beer apiece. After these weekend binges, says Frank Trezza, the school's director of student organizations, the playing area may be littered with as many as 250 empty beer cans, fifteen wine bottles and several whisky bottles.

SWEET

Not surprisingly, most parents are relieved to discover that their children are using alcohol rather than less familiar drugs. But many adults who are themselves connoisseurs of fine wines and good whisky are appalled by some of the alcoholic beverages their offspring favor. Besides beer, the most popular intoxicants are the heavily advertised sweet wines such as Boone's Farm Strawberry Hill and Ripple. "That stuff is advertised on TV in a party atmosphere," comments Levittown's superintendent of schools, Dr. Robert Niedich, "and it looks like fun. The sweet wines are almost entirely a youth market—you won't find many adults who can stomach them."

The most serious aspect of the drinking revival, authorities believe, is that the use of alcohol is now spreading down to schoolchildren in the lower grades. In a recent study of youthful drinking habits in the upper-middle-class Boston suburb of Brookline, 36 per cent of the eighth-grade pupils reported having been drunk on wine or beer—and so did 14 per cent of the sixth-grade class. In Stony Brook, N.Y., says Frank Trezza, "older students are literally pushing booze for younger kids." As a result of student drinking, many schools have instituted alcohol-education programs. Los Angeles County, for example, has just completed a film called "99 Bottles of Beer," which will be shown in the schools.

Clearly, one reason for the proliferation of young drinkers is widespread tolerance by their parents, most of whom are drinkers themselves. "Parents who hassled their kids about other drugs are willing to look the other way on alcohol," notes Norm Southerby of the Los Angeles County Alcohol Safety Action Program. One couple in California's Newport Beach, Southerby says, had experienced such anguish as a result of their 19-year-old daughter's use of pot and pills that when their younger daughter started drinking they were deeply relieved. "She'd get so drunk that she would be throwing up in the morning," Southerby recalls, "yet her parents were happy." Levittown's Niedich agrees. "I get parents in here to talk about an incident involving their kid drinking," he comments, "and the first thing they say is, 'Thank God, it's not drugs!' "

PROBLEM

But alcohol, of course, is a drug with a high potential for addiction. According to Los Angeles's Southerby, one teen-ager out of every twenty in southern California has "a drinking problem," and the National Council on Alcoholism reports that in 1972, the age of the youngest alcoholics who came to their attention dropped from 14 to 12. And for those who add alcohol to an existing drug habit, the result can be tragic: last year a top student and member of the swimming team at San Francisco's Woodrow Wilson High School popped some pills, washed them down with several drinks—and was found dead the next morning.

But despite the risks, teen-agers are taking to the bottle in growing numbers. Tacit parental acceptance is one reason for the trend; so are peer pressure, family and school problems and the ubiquitous desire to appear grown up. "Teen-agers have always used alcohol," points out Milton Wolk of the alcoholism division of the Massachusetts Department of Public Health, "and they always will. And because teen-age use is patterned after adult use, there's no way kids are going to stop drinking until adults do."

By Mr. BUCKLEY:

S. 1126. A bill to amend title 28, United States Code, so as to grant a priority in the trial or other disposition of any case involving a violation of the laws of the United States relating to narcotic drugs, marihuana, or depressant or stimulant substances; and

S. 1127. A bill to provide for pretrial detention in certain narcotics cases. Referred to the Committee on the Judiciary.

Mr. BUCKLEY. Mr. President, if we have learned anything at all in recent years about the war against drug abuse it is that it is a war with many fronts. Treatment and rehabilitation, law enforcement, research, education—all of these are deserving of our attention if drug abuse is to be effectively dealt with on a national level.

Too often we have heard—from well-intentioned persons—that one given approach is infinitely more important than any other and that the single-minded embrace of such an approach is the key to success. Some stress law enforcement. Others stress rehabilitation. Still others emphasize education. And while the debate goes on, drug abuse continues to wreak havoc in our streets and to destroy the very human essence of the young and the troubled and the bewildered victims of heroin.

According to the Wall Street Journal the Government spends over $700 million on drug abuse control.

It is my belief—based on conversations with experts in the field and with high-ranking administration officials—that although we cannot say that every penny is being spent wisely, on the whole our tax dollar is being spent with efficiency, given the size and the nature of the problem. The Federal dollar is used in a multifaceted approach to drug abuse, one which does not ask us to choose one approach over another but to realize that only by attacks on all fronts can this struggle against drug abuse be carried out.

I mention all of this, Mr. President, because today I am introducing two bills which I am convinced can play an important role on one front of this complex struggle.

I offer no panacea by the introduction of these bills. Drug abuse is rooted, in the final analysis, in causes so intimately connected with the mysteries of the individual human psyche that to even hint that one program or one approach will "solve" the drug problem is to play a cruel game of deception.

No, I offer these bills because they will, if passed, have a specific effect on a specific part of this multifaceted problem. They apply to the judicial process, which too often has proven to be a dead end, rather than a continuation of the war against drug abuse. Too often the time and effort spent by law enforcement officers goes to waste because of the inadequacies of our present methods of dealing with accused drug pushers once they appear in court. What I want to see happen—and what I am convinced these two bills would help bring about—is an untangling of the judicial process so as to give judges a chance to use their discretion in matters of pretrial detention and to give the accused a certainty that they will swiftly get their day in court. Certainty and swiftness—these two are prime virtues in any areas of justice, and are especially important in matters relating to drug offenders.

First, Mr. President, I wish to introduce for appropriate reference a bill to amend title 28, United States Code, so as to grant a priority in the trial or other disposition of any case involving a violation of the laws of the United States relating to narcotic drugs, marihuana, or depressant or stimulant substances.

One of the great problems that our law enforcement agencies contend with today is the length of time that transpires between indictment and trial. In the case of narcotic pushers, this period is often utilized by the accused to sell narcotic drugs more diligently than before in order to raise the funds required for legal fees and to put aside a sum of money that will serve as a nest egg for the pusher during a possible period of imprisonment.

It is true, of course, that any person charged with a crime ought to be entitled to a speedy trial. But as those charged with narcotic related crimes are charged with especially destructive crimes, it is proper that they be given a prompt trial so that if found guilty, they will be isolated from society as speedily as possible.

Mr. President, I also introduce for

appropriate reference a bill to amend title 18, United States Code, so as to provide for pretrial detention in certain narcotics case.

This bill would allow a judicial officer, on the basis of clear and convincing evidence, to order pretrial detention for a person charged with unlawful distribution of, or possession with intent to sell, heroin. I want to emphasize that only when there is sufficient reason to believe that the person would continue to be a menace to the community while free on bail would such pretrial detention be operative.

The bill further provides that the case of such persons will be placed on an "expedited calendar"—in accordance with the principles set forth in my bill to amend title 28, referred to above—so as to assure priority to his case.

Pretrial detention is a serious matter under our system of justice. It is not to be imposed lightly and I want to assure you that only because of the extraordinary circumstances surrounding drug abuse—especially drug pushing—do I offer this bill.

The hard-core pusher with many customers and no scruples can, at the present time, be brought before a court and, upon being given bail, be freed again to continue his vicious trade while awaiting trial. I want to make it possible to remove that kind of person from the streets when sufficient evidence to support such removal is available to a judge.

One key to slowing down the spread of drug addiction is to dry up the most readily available sources of narcotics. This is particularly important in the case of those who are beginning to experiment with drugs but have not yet become addicted. The evidence suggests that if the price of a "fix" becomes too high, and if it takes too long to find a pusher willing to sell one to a new customer, many will give up the chase. Thus the sequestration and early trial of those whom a judge finds will meet the criteria for preventive detention will do much to dry up the most readily available sources of supply.

Mr. President, as I said, we are engaged in a long, often seemingly fruitless struggle against drugs. We should not delude ourselves that because we want the epidemic to end that it will end. Americans are eternal optimists about the troubles of the world. We too often believe that where there is a "problem" there must be a "solution." Mr. President, drug abuse is not just a problem. In a deeper sense it is a tragedy beyond the ministrations of even the most well-intentioned programs. But we must try.

We must attempt to do what we think is best, even if we know that our best is not—cannot—get to the hidden, twisted roots of the human spirit where the ultimate secrets of drug abuse lie.

David Laventhol, editor of Newsday, commenting on a series of articles in his newspaper on heroin said in an interview recently:

> The depressing conclusion is that it's almost impossible to stop the importation of heroin. Contrary to myth, there is no one Mr. Big; there are hundreds of independent operators to take the place of every one put behind bars. So, if you come to the end of the trail with the realization that you can't stop it, then what?

My bills do not satisfactorily answer Mr. Laventhol's question, but they will, if passed, have a specific impact on one important part of the drug problem.

Just because we cannot do everything is no reason to say we should do nothing. We must continue the fight on all fronts. I offer these two bills in the firm conviction that if passed and implemented they will add new and effective weapons in the cause of liberating our society—especially the young—from the bitter slavery of drug addiction.

By Mr. ERVIN (for himself, Mr. Brooke, Mr. Fulbright, Mr. Jackson, Mr. Mansfield, Mr. McGee, Mr. Metcalf, Mr. Moss, Mr. Pearson, Mr. Pell, Mr. Proxmire, and Mr. Sparkman):

S. 1128. A bill to protect the freedom of speech, and of the press and to secure the flow of information in interstate and foreign commerce by protecting the newsman against the compulsory disclosure of confidential sources of information and the compulsory production of unpublished information. Referred to the Committee on the Judiciary.

NEWSMAN'S PRIVILEGE ACT OF 1973

Mr. ERVIN. Mr. President, today I introduce a bill entitled the Newsman's Privilege Act of 1973, which is designed to protect the free flow of information to the public. Senators Brooke, Fulbright, Jackson, Mansfield, McGee, Metcalf, Moss, Pearson, Pell, Proxmire, and Sparkman have joined with me in cosponsoring this measure.

This new bill represents my third attempt at drafting legislation which will accommodate both the interest of society in law enforcement, and the interest of society in preserving a free flow of information to the public. I have been attempting to draft a bill which would strike this balance, and as everyone who has attempted the task knows, this is no easy exercise. While I am certain that it can be improved, in my judgment this bill strikes a reasonable balance between these necessary, if at times competing objectives.

The bill provides qualified protection for a newsman's sources and for his unpublished materials. A newsman, under the bill, is entitled to refuse to reveal to a governmental body the name of his source of information if he gave a contemporaneous assurance to the source, either express or implied, that the identity of the source would not be disclosed. Furthermore, the information must have been obtained in the course of the newsman's occupation. Unpublished information is also protected from disclosure if it was gathered in the course of the newsman's occupation.

It is important to note that, despite these provisions, the newsman is not excused from testifying to the identity of any person who commits a crime in his presence. This provides a clear standard which puts both newsmen and sources on notice that where the newsman has viewed a criminal act, whether or not as a result of his pledge of confidentiality, he may later be compelled to identify the perpetrator of that act. This provision provides a small qualification to the general privilege conferred by the bill. But it is a necessary and reasonable exception. No newsman would take lightly concealing a crime from public authorities, and no newsman should have a right to keep this information from the police. Yet to conform to the exception will require little imposition on the part of the newsman. He need only tell his source:

> The law will protect against my having to disclose your name. But I cannot hide your identity if you are committing a crime.

These terms are reasonable to any man, and will not interfere with the normal and necessary reporting and informing function of the journalist.

I should also make special mention, Mr. President, that the provisions of this new bill would apply to both Federal and State governments. This represents a departure from my earlier bills which applied only to Federal jurisdictions. I have been convinced during the course of the hearings on this subject by the Subcommittee on Constitutional Rights, that inclusion of the States is within the power of Congress to regulate interstate commerce and, moreover, is desirable. A shield law which only applied to the Federal courts would not fulfill its objective of protecting the free flow of information. If a uniform shield law were not in effect, neither sources nor newsmen could be assured that they would not be subpenaed before State tribunals where the testimonial privilege was different or did not apply.

I would point out that the States would be free, under my bill, to provide greater protection for the newsman if they so desire. My bill only sets minimum standards.

Mr. President, as I stated at the outset, this legislation represents an attempt to reconcile two sometimes competing interests of society: The preservation of a free flow of information to the public, and the administration of justice. Giving the newsman the right to withhold the identity of all sources of information, however obtained, as some bills provide, would seem to weigh the balance too strongly in favor of the newsman, and carry a great potential for abuse. There is no need to allow the newsman to protect a source if the source did not ask for protection. Nor is any interest served by allowing a newsman to refuse to testify about an event which he saw while not performing his job. Similarly, the interest of society in identifying and punishing violators of its laws is too vital to allow newsmen to refuse to testify about a crime committed in their presence. To be sure, there is value in informing the public about the perpetration of a crime in the community, but as Justice White so succinctly stated in the Caldwell decision: "Is it better to write about crime than to do something about it?" It is my opinion that where the newsman has personal and eyewitness knowledge of a crime, society has a greater interest in having the perpetrator of that crime identified and punished, than simply in being made aware of it.

I am just as persuaded, nonetheless,

that law enforcement should not be able to make the newsman its tool, when to do so would destroy his effectiveness and his credibility. The newsman is dependent upon confidential disclosures made by inside sources of information. Practically no information is made public concerning corruption and mismanagement in government, business, labor, organized crime, and the military, except by virtue of inside sources who feel compelled to reveal it. If these sources are allowed to "dry up" for fear of ultimate exposure, the public loses information which is necessary to the improvement of its social and political processes. The detriment to society is potentially devastating.

Of similar concern to newsmen is the Government's ability to obtain their unpublished notes, tapes, pictures, and stories. These "work products" may be unreliable and uncorroborated. They may simply represent poor work and for that reason were never published. To allow the Government to obtain them may well undermine the newsman's credibility and integrity. To make them subject to exposure might well result in newsmen simply not taking notes or quickly destroying them, as many reporters have been doing since the Caldwell case. A newsman's job, as was forcefully presented at our hearings, is to report news, not conceal it. The unpublished notes represent matter which is unsubstantiated, irrelevant, rumor, or not newsworthy. It is rare that the notes might contain information of any use at a trial. Making them subject to disclosure involves a high price of interference with the first amendment, for a very low, and uncertain return in law enforcement.

In conclusion, Mr. President, this bill takes a balanced approach to resolving this issue. Its provisions are simple and direct. Under it, newsmen and their sources obtain protection which they can rely upon. Law enforcement officials are not unduly restrained. I commend it to the Senate.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1128

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. This Act may be cited as the Newsman's Privilege Act of 1973.

SEC. 2. The Congress hereby finds and declares that compelling newsmen to disclose their confidential sources of information impairs the willingness of persons having information the people need to know to communicate the same to newsmen and deters many of them from so doing; that jailing or otherwise punishing newsmen who refuse to disclose their confidential sources of information or to produce unpublished information tends to intimidate them in the exercise of their occupation and deters many of them from collecting and disseminating to the public information the people need to know; that for these reasons the right of the people to know what is occurring in our land or elsewhere is seriously impaired; and that this Act is necessary to protect the freedom of speech and of the press and to secure the full flow of information in interstate and foreign commerce.

SEC. 3. As used in this Act—

(a) "Newsman" means an individual who is regularly engaged in the occupation of collecting information or making pictures for dissemination to the public by any means of communication.

(b) "person" means an individual, partnership, association, corporation, business trust, legal representative, or any organized group of persons.

(c) "State" means any State of the United States or the Commonwealth of Puerto Rico, or the District of Columbia, or any territory or possession of the United States.

(d) "Legislative body" means the Congress or the legislature of a State or any committee or subcommittee acting under the authority of the Congress or the legislature of a State.

(e) "Unpublished information" means any memorandum, note, manuscript, transcript, picture, negative, recording, tape, or other record whatsoever which was made or obtained by a newsman while engaged in his occupation and which has not been disseminated to the public by any means of communication.

SEC. 4. A newsman shall not be compelled to disclose to a court, a grand jury, a legislative body, or other investigatory or adjudicative agency of government, which acts under the authority of the United States or any State, the identity of any person who supplies information to him while he is engaged in his occupation if he expressly or impliedly gives the person supplying the information a contemporaneous assurance that the source of the information will not be disclosed by him. Nothing contained in the preceding sentence or any subsequent provision of this Act shall be construed to excuse a newsman from testifying to the identity of any person who commits a crime in his presence.

SEC. 5. A newsman may invoke the provisions of Section 4 of this Act in either or both of the following ways—

(a) When a newsman appears before a court, grand jury, legislative body, or other investigatory or adjudicative agency of government as a witness in obedience to a subpoena, as a party to a civil or criminal action, or otherwise, he may invoke the provisions of Section 4 of this Act by an oral or written objection, and the court, the grand jury, the legislative body, or the investigatory or adjudicative agency shall thereupon enter such order or take such action as may be necessary or appropriate to insure that the newsman shall not be compelled to disclose the source of information received by him contrary to the provisions of Section 4 of this Act. If the grand jury overrules his objection, the newsman must be accorded a review of its ruling by the judge presiding in the court in which the grand jury sits before he testifies further before the grand jury.

(b) When a newsman is served with a subpoena or other order to testify as a witness before a court, grand jury, legislative body, or other investigatory or adjudicative agency of government prior to the time designated for his appearance, he may invoke the provisions of Section 4 of this Act by moving that the court in which he is ordered to appear or in which the grand jury sits, or the legislative body, or the investigatory or adjudicative agency quash the subpoena or order or limit the testimony he is required to give under it, and the court, legislative body, or investigatory or adjudicative agency shall thereupon hear and determine the motion in camera and enter such order or take such action as may be necessary or appropriate to insure that the newsman shall not be compelled to disclose the source of information received by him contrary to Section 4 of this Act.

SEC. 6. Neither a newsman nor any other person having custody or control of the same shall be compelled to produce before a court, grand jury, legislative body, or other investigatory or adjudicative agency of government, which acts under the authority of the United States or any State, anything which constitutes unpublished information within the purview of the definition set forth in Section 2(e) of this Act.

SEC. 7. The provisions of section 6 of this Act may be invoked in either or both of the following ways—

(a) When a newsman or any other person having custody or control of unpublished information is ordered to produce the same before a court, grand jury, legislative body, or other investigatory or adjudicative agency of government, he may invoke the provisions of section 6 of this Act by an oral or written objection, and the court, grand jury, legislative body, or other investigatory or adjudicative agency shall thereupon enter such order or take such action as may be necessary or appropriate to insure that the newsman or other person is not compelled to produce the unpublished information contrary to the provisions of section 6 of this Act. If the grand jury overrules his objection, the newsman or other person must be accorded a review of its ruling by the judge presiding in the court in which the grand jury sits before any production on his part can be required by the grand jury.

(b) When a newsman or any other person having custody or control of unpublished information is served with a subpena duces tecum or other order commanding him to produce such information before a court, grand jury, legislative body, or other investigatory or adjudicative agency of government prior to the time designated for its production, he may invoke the provisions of section 6 of this Act by moving that the court before which the information is ordered to be produced or in which the grand jury sits, or the legislative body, or the investigatory or adjudicative agency quash the subpena duces tecum or order, and the court, legislative body, or investigatory or adjudicative agency shall thereupon hear and determine the motion in camera and enter such order or take such action as may be necessary or appropriate to insure that the newsman or other person having custody or control of the same shall not be compelled to produce unpublished information contrary to the provisions of section 6 of this Act.

SEC. 8. Any person invoking the provisions of section 4 or section 6 of this Act shall have the right to the assistance of counsel of his own choosing.

SEC. 9. Nothing in this Act shall be construed to impair or pre-empt the enactment or application of any State law which secures the minimum privileges established by this Act.

SEC. 10. If any provision of this Act or the application thereof to any person or circumstance is held invalid, the remainder of the Act and the application of the provision to other persons not similarly situated or to other circumstances shall not be affected thereby.

SEC. 11. This Act shall take effect upon its enactment.

By Mr. RIBICOFF:

S. 1129. A bill to amend the Internal Revenue Code of 1954 to increase the credit against tax for retirement income. Referred to the Committee on Finance.

RETIREMENT TAX CREDIT

Mr. RIBICOFF. Mr. President, I am introducing a bill that will benefit many of our older citizens by making our income tax system more equitable in the treatment of their retirement income.

Millions of public employees in a number of States throughout the country are not covered by social security, belonging instead to their own local or State public employee retirement systems. These retirement plans may be perfectly adequate to meet the needs of these citizens in their later years. But, because benefit payments under these retirement systems are taxable, these public employees are placed in a weaker economic position than regular social security beneficiaries.

Present law provides a retirement income credit to taxpayers age 65 or older or who retired under a public retirement system. The credit is 15 percent of eligible retirement income up to $1,524 for single persons and up to $2,286 for married taxpayers, both of whom are age 65 or over for a maximum credit of $228.60 and $342.90 respectively. The maximum base for the credit is reduced by the amount of social security, railroad retirement, and other tax exempt benefits received. In addition, the maximum base of the credit for persons between age 62 and 72 is reduced by earned income in excess of $1,200 and $1,700, and on the basis of a dollar for each dollar of earnings above $1,700.

When the retirement income credit was enacted into law in 1954, the maximum amount of retirement income which could then qualify for the credit—$1,200—was equal to the annual maximum amount which could be received in social security benefits. Although social security benefits were subsequently increased, the maximum amount of retirement income available for the credit was not changed until 1962. In 1962, the maximum limit of the credit for an individual was increased to $1,524 to correspond with the maximum social security benefits enacted in 1958. In 1964, a corresponding increase in the maximum limit of the credit to $2,286 was provided for married couples. Since then the maximum and average social security benefits have been raised substantially, while the retirement tax credit has remained the same, thereby increasing the difference between social security benefits and the maximum base for the retirement income credit.

The time to update and simplify the retirement tax credit of the Internal Revenue Code is long overdue. Millions of older Americans who live on fixed income continue to find themselves threatened by inflation. The retirement tax credit for the elderly should be changed to keep pace with the rise in these living costs.

The legislation I am introducing today would narrow the excessive gap between the rising level of social security benefits and the base for the retirement income credit. This would benefit those people who receive retirement income from sources other than social security and railroad retirement.

A similar measure, which I introduced in 1970, was accepted by the Finance Committee; and in 1971, the provision was accepted by the House and Senate in slightly different versions as an amendment to the Social Security Amendment of 1972. Unfortunately, the provision was dropped in the Senate-House conference, because of the magnitude of the other social security measures. This year I am hopeful that the legislation can be considered promptly on its own merits.

My bill updates and substantially simplifies the retirement income credit—renaming it the tax credit for the elderly—by increasing the maximum amount on which the credit is computed to $2,500 for single persons age 65 or over—or for married couples filing joint returns where only one spouse is age 65 or over—and to $3,750 for married couples filing joint returns where both spouses are age 65 or over—$1,875 in the case of a married individual age 65 or over filing a separate return. These maximum amounts for computing the credit are reduced, as under present law, by social security benefits and other exempt pension income. In addition, the bill reduces these amounts by one-half the earnings over $2,000 received by a single taxpayer or by each spouse in the case of a married couple filing a joint return—in excess of $1,000 for married couples filing separate returns.

In addition, the bill eliminates the requirement that to be eligible for the credit, a taxpayer must have met the test of earning $600 a year for 10 years. Further, the variation in treatment of married couples depending on whether they are separately eligible for the credit is eliminated.

The bill also liberalizes the credit somewhat in the case of individuals under age 65 receiving public retirement pensions. Here, too, the maximum amount on which the credit is computed is increased to $2,500 for single persons or where only one person is eligible for the credit. Where both a husband and wife receive public retirement income, the maximum is $3,750. The other principal change made here is that the earnings for those under age 62 allowed before the credit is reduced on a dollar-for-dollar basis is raised from $900 to $1,000 per person.

All of us have worked through the years to see that social security benefits have increased with the cost of living. We must now extend similar protection to those relying upon retirement income from sources other than social security.

By Mr. RIBICOFF:

S. 1130. A bill to amend the Federal Food, Drug, and Cosmetic Act to require that the appointment of the Commissioner of Food and Drugs be subject to the advice and consent of the Senate. Referred to the Committee on Labor and Public Welfare.

CONFIRMATION OF THE COMMISSIONER OF FOOD AND DRUGS

Mr. RIBICOFF. Mr. President, I am today introducing for appropriate reference a bill to make the appointment of the Commissioner of Food and Drugs subject to the advice and consent of the Senate.

The Food and Drug Administration regulates products used every day by every man, woman, and child in America. It is responsible for assuring that the American public is protected from unsafe foods, drugs, and cosmetics. By law, it must assure all the following conditions:

That food is pure, wholesome, safe to eat, and produced under sanitary conditions;

That chemicals added to foods are proven safe before they are permitted in use;

That food, drug, and cosmetic labeling is truthful and not misleading;

That dangerous residues of animal drugs are not present in meat or eggs;

That drugs and therapeutic devices are safe;

That new drugs are not marketed unless they have been shown to be both safe and effective in use;

That drug labeling includes all warnings necessary for safe use;

That drugs not safe for self-treatment are restricted to sale by prescription;

That antibiotic drugs, insulin drugs, and colors used in foods, drugs, and cosmetics are tested in FDA laboratories before they can be sold;

That vaccines are shown to be safe, pure, potent, and effective before they can be sold;

That blood and products are safe and pure; and

That cosmetics are safe.

This is only a partial listing of the FDA's extensive responsibilities.

It can be said, without exaggeration, that the Food and Drug Administration is the preeminent consumer protection organization in the entire Federal Government.

Over the years, Congress has passed laws giving the FDA increasing responsibility for consumer protection. But no law enforces itself: A statutory mandate is given meaning only when the agency enforcing the law is willing and able to act vigorously.

In recent years, the FDA has been the subject of continuing controversy. Consumer advocates have argued that its actions do too little to protect the public. Spokesmen for industry have argued that the agency has gone too far in regulating business. One thing is clear: Whatever FDA does has important and far-reaching effects.

Both consumer groups and industry have urged Congress to increase its involvement in matters within the FDA's jurisdiction: To change or clarify the FDA's statutory mandates, to provide it needed resources, to evaluate the way the agency discharges its responsibility.

The FDA's performance depends in large part upon the direction and tone set by the Commissioner of Food and Drugs, who heads the agency. The outgoing Commissioner, Dr. Charles Edwards, has performed with distinction one of the most difficult jobs in the Federal Government. He fully deserves the promotion he has received to become Assistant Secretary of Health, Education, and Welfare for Health. It is essential, however, that the person who succeeds him as Commissioner be fully qualified to fill this demanding position.

The Congress should have a role in the choice of the Federal Government's most important consumer protection official. Accordingly I am introducing legislation to provide that the appointment of the Commissioner of Food and Drugs be made subject to the advice and consent of the Senate. Enactment of this bill will for the first time give Congress the ability to evaluate the qualifications of a proposed Commissioner, to discuss with the appointee how he views his role, and to raise important policy questions with him before he assumes his position. It is essential that Congress have a voice in determining the direction of important regulatory policies before those policies are adopted by the agency. Making the appointment of the Commissioner subject to Senate confirmation would significantly contribute to our ability to assure that the FDA will perform its important duties effectively.

I ask unanimous consent that the text of the bill I am introducing be reproduced at this point in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 1130

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Chapter IX of the Federal Food, Drug, and Cosmetic Act is amended by adding at the end thereof a new section, as follows:

"APPOINTMENT OF THE COMMISSIONER OF FOOD AND DRUGS

"Sec. 903. The Commissioner of Food and Drugs shall be appointed by the President by and with the advice and consent of the Senate."

Sec. 2. The amendment made by the first section of this Act shall apply to any Commissioner in office at the time this Act takes effect and any person appointed to that office thereafter.

By Mr. CRANSTON (for himself and Mr. Tunney):

S. 1131. A bill to provide for the establishment of the Eugene O'Neill National Historic Site and the Las Trampas Ridge National Park. Referred to the Committee on Interior and Insular Affairs.

EUGENE O'NEILL NATIONAL HISTORIC SITE AND THE LAS TRAMPAS RIDGE NATIONAL PARK

Mr. CRANSTON. Mr. President, I rise to introduce for appropriate reference a bill to provide for the establishment of the Eugene O'Neill National Historic Site and the Las Trampas Ridge National Park in the State of California. This legislation is identical to S. 737, which Senator Tunney and I introduced in the last Congress. I am pleased that Senator Tunney has again joined me as a cosponsor of this proposal.

Tao House in Danville, Calif., was the residence of Eugene O'Neill for more than 6 years—from 1937 to early 1944—longer than he lived anywhere else. He called Tao House his "final home and harbor." O'Neill and his wife, the beautiful Actress Carlotta Monterey, designed and built the house with the cash award O'Neill received when he won the Nobel Prize for Literature in 1937. Tao House, for O'Neill, was a symbol of the "sufficiency of contentment" expounded in the religious writings of the Chinese philosopher, Laotze.

It was here at Tao House that O'Neill wrote all of his last and probably best plays, including "The Iceman Cometh," 1939; "Long Day's Journey Into Night," 1940; "Hughie," 1941; and his final play, "Moon for the Misbegotten," 1943. While at Tao House, he also wrote scenarios for a number of plays and revised "A Touch of Poet."

Taoism, the Chinese philosophy after which the House was named, stresses the natural life of harmony, simplicity, and peace. Not only in its name does the Tao House invoke a kind of oriental magic. Its architecture also reveals a strong Chinese influence. Although the House faces east across the valley toward Mount Diablo, its hall was designed so that the mountain could only be seen reflected in darkened mirrors. In this setting, O'Neill turned inward to interpret the tragedies of his own early life and to create his own tragic drama, "Long Day's Journey Into Night."

There is always some danger in proclaiming an artist's greatness too soon after his death. The ages have a way of discovering the genius overlooked by his peers and, conversely, of deflating the excesses of a period's adulation for its passing heroes.

Regardless, however, of where time eventually ranks Eugene O'Neill in the hierarchy of American literature, there is no question that he is a solid literary figure of great creativity and that his works will remain important in the field of American letters.

Tao House is a significant element in the American literary heritage of the 20th century. I believe it should be preserved for future generations. Accordingly, I am proposing that there be established a Eugene O'Neill National Historic Site.

Tao House sits high on the eastern slope of Las Trampas Ridge. Behind the house and over the ridge into the watershed of Bollinger Canyon, there is a primitive area of several thousand acres which, I believe, should be maintained as an open space. Here within 15 miles of the urban core of Oakland and Alemeda can be found open hills of oak and mountain laurel.

Unless this area is set aside for the benefits of the general public, I fear that it may be lost to a not-too-distant subdivision. Consequently, I am proposing that the Secretary of the Interior establish a Las Trampas Ridge National Park, which will include the Eugene O'Neill National Historic Site. This 4,000-acre stretch of open space, so near to the urban centers of the East Bay, would be a unique national resource: Honoring the contributions of one of America's most memorable writers while at the same time preserving some of the most beautiful primitive acres of the bay area.

Mr. President, I ask unanimous consent that the text of this bill be printed at this point in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 1131

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior shall acquire on behalf of the United States (by gift, purchase, condemnation, or otherwise) (1) the grounds and buildings at Danville, California, formerly owned by Eugene O'Neill, which, when acquired, shall be designated as the Eugene O'Neill National Historic Site and set aside as a National public memorial in commemoration of the contribution of Eugene O'Neill to American literature; and (2) such acreage on the Las Trampas Ridge (which runs north and south, roughly from Alamo to Danville, California, and is bounded on the west and north by Bollinger Canyon and Rossmoor Valley) as he determines necessary to establish the Las Trampas Ridge National Park, and, when so acquired, such property shall be designated as the Las Trampas Ridge National Park.

Sec. 2. The Secretary of the Interior, acting through the National Park Service, shall administer, protect, develop, and maintain the Eugene O'Neill National Historic Site and the Las Trampas Ridge National Park in accordance with this Act and the Act entitled "An Act to establish a National Park Service, and for other purposes", approved August 25, 1916 (16 U.S.C. 1), and in the case of the Eugene O'Neill National Historic Site, the provisions of the Act entitled "An Act to provide for the preservation of historic American sites, buildings, and antiquities of national significance, and for other purposes", approved August 21, 1935 (16 U.S.C. 461–467).

By Mr. CRANSTON (for himself and Mr. Tunney):

S. 1132. A bill to authorize a study of the feasibility and desirability of establishing a Channel Islands National Park in the State of California. Referred to the Committee on Interior and Insular Affairs.

Mr. CRANSTON. Mr. President, I rise to introduce for appropriate reference a bill to authorize the feasibility and desirability of establishing a Channel Islands National Park in the State of California. This bill is identical to legislation which I introduced in the 91st and 92d Congresses. I am delighted to be joined again by Senator John V. Tunney in sponsoring this legislation.

The area comprising the study area includes five islands off the coast of Santa Barbara. These five are San Miguel, Santa Rosa, Santa Cruz, Anacapa, and Santa Barbara Islands. Together, these islands comprise approximately 132,000 acres of land. They are essentially a group of mountain peaks which were connected to the mainland as part of the Santa Monica mountain chain perhaps a million years ago.

San Miguel Island is the third largest of the five islands, comprising some 14,000 acres, and is now under the jurisdiction of the U.S. Navy. It is thought to be the burial place of Juan Rodriguez Cabrillo, who discovered California in 1542. There are 50 known Indian village and burial sites on the island, and numerous fresh water springs which host the small, native San Miguel Island fox which roams the canyons, knolls, and eroded sandstone formations of the island. San Miguel's 24 miles of sandy beaches and sea caves host hundreds of sea birds, and extensive colonies of two species of sea lions. Sea otters occasionally visit and, in recent years, the rare fur seal has established a breeding colony on the island. In addition, one of the largest known colonies of elephant seals resides there. There is perhaps no place in the world near so many people where as wide a range of marine mammals can be observed as on San Miguel Island.

The second largest island, Santa Rosa, is a cattle ranch operated by the Vail & Vickers Co. It comprises approximately 53,000 acres, with 45 miles of shoreline varying from high rocky bluffs with sea caves, to beaches with 400-foot sand dunes and long, bright, white sand spits. Santa Rosa's mesas and steep mountain slopes are covered with tall grasses and the ridges near the center of the island reach an elevation of 1,589 feet. Santa Rosa Island has one of the two living stands of Torrey pines remaining in the world, in addition to a few stands of island oaks, cast live oaks, scrub oaks, and a small stand of unique Santa Cruz Island pines. Willows grow in the canyon bottoms along the streams.

Archeologically, Santa Rosa Island is a rich but dwindling resource. One of the more than 200 known Indian village and burial sites was destroyed during construction of the Air Force Station at Johnson's Lee, which is now abandoned. Other village sites have been destroyed as a result of continuing exploratory oil drilling operations.

One of the most interesting and important aspects of Santa Rosa Island is the fossil remains of the Dwarf Mammoth. Radiocarbon dating of these fossils has shown that man lived on Santa Rosa Island, almost 30,000 years ago, a fact which has caused considerable interest in the scientific community.

Santa Cruz Island, the largest, loftiest, and most densely wooded of the five islands, has been called "the jewel of the island chain." It consists of 62,000 acres, is 21 miles long and reaches a 7-mile width. Many peaks soar to over 2,400 feet. Santa Cruz has the most varied topography of any of the channel islands, with sheer cliffs, rolling hills, magnificent stream valleys, and steep canyons.

At present, the Santa Cruz Island Co. operates a cattle ranch on 55,000 of the 62,000-acre island. The remaining 7,000 acres, on the eastern end of the island, is operated as a sheep ranch by the Gherini family.

The rare Santa Cruz Island ironwood, a tree with no immediate relatives, blooms in the spring with tiny white blossoms. Unique Santa Cruz Island pines stand along the steep ridges, line the canyons, and in some places grow almost to the shoreline. Also unique is the Santa Cruz Island fox, about the size of a large house cat. Ravens, the Santa Cruz Island jay, the bald eagle, sea birds, and marine mammals all populate the island and its surrounding waters.

Anacapa and Santa Barbara Islands are the remaining two of the channel island chain. They were set aside in 1938 as the Channel Islands National Monument to provide sanctuary for their numerous marine animals and nesting sea birds, and to allow their carpets of wildflowers to recover from the overgrazing of sheep. They were not open to the public until 1959.

These two islands constitute a veritable museum of geological structures and processes, with examples of faulting, volcanism, fossils, canyon development, and erosion. Anacapa and Santa Barbara Islands also have the largest stands of giant coreopsis in the world. When in full bloom, the brilliant golden masses are visible to ships more than 10 miles away.

Anacapa Island is the nearest of the five islands to the mainland, being only 10 miles off the coast from the cities of Oxnard and Ventura. Tiny, 650-acre Santa Barbara Island is located in the outer Santa Barbara Channel about 35 miles from both the mainland and Anacapa Island. It is the southernmost and easternmost of the five islands.

Mr. President, the unique and beautiful channel islands constitute a rare resource that must be preserved and protected. If there were any guarantee that the two, privately owned islands, Santa Rosa and Santa Cruz, will be maintained in their present undeveloped state indefinitely, there would be little incentive for considering Federal acquisition. But land values and deveolpment pressures being what they are, especially in California, I believe we must begin planning now if we are to preserve these islands for their recreational, scenic and scientific values. Indeed, our experience at Point Reyes National Seashore demonstrates that any cattle ranch is a potential commercial development.

To date, the major proposal for protecting the islands has been a national park designation. However, as I have commented in the past, a case can be made that such a designation might be the catalyst for the over-use of the recreational aspects of the islands, to the detriment of other fragile resources. Furthermore, I know of no recent, up-to-date appraisal of the cost of acquiring the two big islands. Congress clearly needs to know what it will cost to acquire the two privately owned islands before it can balance the merits of a national park at the channel islands against other priorities for land acquisition. And until we know whether the Channel Islands National Park proposal is feasible and desirable, public planning for the islands' future will continue to languish.

My bill would authorize and direct the Secretary of Interior to conduct a study of the feasibility and desirability of establishing a Channel Islands National Park. The report summarizing the findings of this study would be required to be submitted to Congress and the President no later than 1 year after the date of enactment of this bill.

Mr. President, I am convinced that we must proceed with a study to determine the best use of the Santa Barbara Channel Islands, and I hope that this proposal receives early action in this Congress. I ask unanimous consent that the text of my bill be printed at this point in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1132

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled. That the Secretary of the Interior (hereinafter referred to as the "Secretary") is hereby authorized and directed to study, investigate, appraise, and form recommendations on the feasibility and desirability of establishing the Channel Islands in California as a unit of the national park system. The study shall include those lands comprising the islands of Anacapa, Santa Barbara, San Miguel, Santa Cruz, and Santa Rosa, and surrounding adjacent water areas. In conducting the study, the Secretary shall consult with other interested Federal agencies, and interested State and local bodies and officials.

SEC. 2. Not later than one year after the effective date of this Act, the Secretary shall submit to the President and to the Congress a report of the results of the study, including any recommendations for legislation. The report of the Secretary shall contain, but not be limited to, findings with respect to the scenic, scientific, and natural values of the lands and waters involved, and the estimated cost of any recommended land acquisition, development, and operation of the Channel Islands as a unit of the national park system.

SEC. 3. There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

By Mr. METCALF (for himself, Mr. MANSFIELD, Mr. ALLEN, Mr. BIBLE, Mr. BURDICK, Mr. MCINTYRE, Mr. THURMOND, and Mr. TOWER):

S. 1133. A bill to provide additional funds to the States for carrying out wildlife restoration projects and programs, and for other purposes. Referred to the Committee on Commerce.

Mr. METCALF. Mr. President, with my distinguished colleague from Montana, the majority leader and Senators ALLEN, BIBLE, BURDICK, MCINTYRE, THURMOND, and TOWER, I introduce today a bill that seeks to expand our national capability to restore and enhance wildlife. This would be done by building on the successful foundation of the Federal Aid in Wildlife Restoration Act of 1937.

This program, administered by the U.S. Bureau of Sport Fisheries and Wildlife, has been a tremendous force in acquiring and developing key areas of wildlife habitat, in the stimulation of research to gain insights into the biology and needs of our wildlife, in the upgrading wildlife conservation programs in every one of our 50 States. It can be said without exaggeration that no other single program has contributed so fully to the restoration and improved management of America's wildlife.

Financial support for this outstanding program comes entirely from the American sportsman. Through his payment of special excise taxes, he pays for the entire program, including its administration by the BSF&W.

The Federal Aid in Wildlife Restoration Act was signed by President Franklin D. Roosevelt on September 2, 1937. It dedicated a then 10-percent excise tax on sporting arms and ammunition for the restoration of the wildlife resources of the Nation under a formula for apportioning the revenue collected to the respective States and Territories. The money is deposited in a Federal Aid in Wildlife Restoration Fund. The program was initiated on July 1, 1938, through an appropriation of $1,000,000, as a reimbursable contract grant program. Other than the initial appropriation, the entire program has been supported wholly by America's sportsmen ever since.

During World War II, the Congress imposed new excise taxes on many articles and raised the tax on items already taxed by 10 percent. Thus the excise tax on arms and ammunition became 11 percent. Also during World War II more money was being collected than could be fully used by the States and the Congress permitted the tax collections to accumulate in the fund.

Although there have been several amendments to the act, its basic principle remains unchanged. In fiscal year 1948, the Congress authorized the amount of the tax collected by the Treasury in each fiscal year to be automatically appropriated in total in the succeeding fiscal year. This increased efficiency of fiscal administration for the Federal departments and the authorized grantees.

The backlog of $13.5 million which had accumulated during World War II was authorized under Public Law 84–375 to be apportioned in five annual equal amounts under the statutory formula beginning with fiscal year 1956.

Public Law 91–503, approved by President Nixon on October 23, 1970, provided that the long-standing—1932—10-percent excise tax on pistols and revolvers be credited to the wildlife restoration program. One-half of the funds apportioned from this additional revenue may be used by the grantees for improved outdoor safety programs. A similar amendment imposing an 11-percent excise tax on certain types of archery gear was signed by President Nixon on October 25, 1972. My bill would impose a similar tax on the remaining logical source of support for this vital program, the powder, shot, and other components of handloaded ammunition.

During its 34 years, the program accomplishments are legend. In fact, during the post World War II period of excise tax cancellations, it was the sportsmen paying the tax that implored the Congress to maintain this successful program. They wanted to pay for it so they must have recognized that they were getting their money's worth.

At the close of fiscal year 1972, the U.S. Treasury had collected $518,048,664.38 through this tax; and, through fiscal year 1973, $493,111,125.45 has been apportioned in support of wildlife programs in the 50 States. Only $24,937,538.93, 4.8 percent, has been retained by the Secretary of the Interior as provided by the statute and about 3 percent has been used in direct program administration. Gross program expenditures including the States' share exceed $650 million.

An outstanding contribution of the program was the professional upgrading of the staffs of State wildlife conservation departments. A recent review of the wildlife profession, including appropriate positions in universities and colleges, revealed that about 75 percent of the wildlife resource professionals are or were at one time employed under this program. Thus, in addition to providing a greatly expanded employment opportunity, the percentage of professionally trained people on all agency staffs increased from as low as zero to almost 100 percent. The proof of the value of this program is the dramatic increase in America's wildlife, many species of which were at a very low point.

Physical accomplishments include: Acquisition in fee of almost 3.5 million acres of wildlife habitat at a cost of over $100 million; additional land control through lease, easement, license, agreement, and so forth, of over 36 million acres; development, operation, maintenance, and management of 3,000 game management areas; successful introduction or reintroduction of over 50 species of game birds and mammals providing some huntable populations in every State and Territory. Nonhunted species also invariably benefit from the purchase, development, and protection of wildlife management areas in all States.

During the early years of the program, one of the major activities was the initiation of an inventory of "what do we have, how many, and where." These investigations were coupled with research into techniques for maintaining the status of the respective populations and included such methods as: Age and sex criteria; habitat evaluation systems; population thresholds; and trapping, tagging and monitorng methods. As staff capability and the flow of dollars increased the emphasis toward practical research advanced. The need for pooling sophisticated equipment and ever increasing specialists in widening interrelated fields results in multistate cooperative research ventures utilizing the expertise available for specific problems normally beyond the economical capability of individual grantees.

Thus a program that was introduced in fiscal year 1939 at $1,000,000 level of funding has grown to over $40,000,000 in fiscal year 1973. It has permitted the State fish and game agencies to pull themselves up by their own bootstraps. It has helped put the United States in the undisputed position of the foremost and most sucecssful practitioner of wildlife management in all of the world.

The bill I have introduced would provide still more of America's sportsmen an opportunity to contribute to this most worthwhile program. My bill would authorize use of some of the funds for the purchase and operation of public shooting ranges as did the recent handgun and archery tax amendments.

By Mr. METCALF (for himself, Mr. BIBLE, Mr. FANNIN, Mr. HANSEN, Mr. HATFIELD, Mr. BELLMON, Mr. STEVENS, and Mr. BARTLETT):

S. 1134. A bill to provide the Secretary of the Interior with authority to promote the conservation and orderly development of the hard mineral resources of the deep seabed, pending adoption of an international regime therefor. Referred to the Committee on Interior and Insular Affairs.

THE DEEP SEABED HARD MINERAL RESOURCES ACT

Mr. METCALF. Mr. President, in the 92d Congress, I introduced the Deep Seabed Hard Mineral Resources Act, to authorize the Secretary of the Interior to promote the conservation and orderly development of the hard mineral resources of the deep seabed, pending adoption of an international regime therefor.

My remarks upon introduction of the bill, including the text and summary, begin at page S–17491 of the CONGRESSIONAL RECORD of November 2, 1971.

S. 2801 died with the 92d Congress after time permitted only a single day of hearings on June 2, 1972. That hearing was devoted mainly to an explanation of the bill, and argument for it by industry representatives.

Today I am reintroducing that measure, for myself and Senators BIBLE, FANNIN, HANSEN, HATFIELD, BELLMON, STEVENS and BARTLETT.

The same bill, H.R. 9, was introduced on January 3 in the other body by Mr. DOWNING, for himself, Mr. MAILLIARD, Mr. RUPPE, Mr. GOODLING, Mr. BRAY, Mr. STUBBLEFIELD, Mr. JONES of North Carolina, and Mr. ANDERSON of California.

As I said when I introduced S. 2801, this bill was drafted by the American Mining Congress at my invitation during hearings of the Special Subcommittee on the Outer Continental Shelf. At those hearings, which I chaired, I told industry witnesses that I would introduce their proposals for circulation and discussion.

I emphasize that I am not wedded to any section of this particular bill. Already there have been serious questions raised about some of its provisions—which will be taken up at future hearings. While we may disagree on specifics, I believe that there is general agreement that the question of who owns two-thirds of the earth is of importance, and now.

The discussion of S. 2801 has resulted in recommendations by some that the U.S. Congress not enact such legislation, but instead rely on a future international agreement to solve the ocean mining problem. Those who take this position do so because they believe that agreement will come out of the United Nations Law of the Sea Conference now scheduled for next year in Santiago, Chile.

Let us assume that this conference is held on schedule—after noting that it has already been delayed for 1 year. Let us further assume that out of the conference will come an international agreement—after noting that the members of the U.N. Seabed Committee have been unable, after 2 years of negotiations to agree on even one substantive paragraph of the draft seabed treaty. Presumably, the result of the Conference will be a treaty, which would take years to ratify and enter into force.

This is reality, as recognized by some who are knowledgeable in this complex area. For example, the lead article in the November-December 1972 issue of the SFI Bulletin, published by the Sport Fishing Institute, 608 13th Street N.W., Washington, D.C., was headlined "Marine Fisheries and Law of the Sea."

The article referred to "the probability that any LOS—Law of the Sea Conference—outcome could not come into force before another decade and a half have passed by."

The State Department, which chairs the Interagency Law of the Sea Task Force responsible for U.S. participation in U.N. Seabed Committee activities, continues to question the need—at this time—for ocean mining legislation. It would prefer to see the ocean mining problem solved by an international treaty rather than by legislation—but it recognizes that some kind of legislation may be necessary.

Evidently to enhance its bargaining position in the preparatory talks for the 1974 Law of the Sea Conference, the State Department continues to advise the Congress: Now let us just wait and see how well negotiations proceed toward development of an acceptable seabed treaty. We are being advised not to pass legislation, but not to forget the legislation.

This may well be the ideal position for the Congress to take insofar as enhancement of the State Department's international negotiating position is concerned. But I question the State Department's "on the one hand this, but on the other hand that" approach to this or any ocean mining legislation. I think the time has come to give this bill, or any substitute legislation offered, a fair hearing and then decide whether we want to pass legislation, and if so, what that legislation should contain.

Regardless of what action or inaction takes place in the United Nations Seabed Committee, it seems certain that ocean mining companies will continue to develop deep ocean mining techniques. One such company, Hughes Tool Co., reportedly is preparing to undertake a full-scale commercial mining operation sometime next year. The Japanese have already begun experimental ocean mining operations. The facts therefore show that mining of manganese nodules on the deep ocean floor is very nearly a reality.

I believe we have just about reached the point in time, so far as ocean mining legislation is concerned, where we fish, cut bait, or haul for shore.

By Mr. BARTLETT:

S. 1135. A bill to amend the Internal Revenue Code of 1954 to reduce the excise tax based on investment income of private foundations. Referred to the Committee on Finance.

Mr. BARTLETT. Mr. President, today, I have introduced a bill to reduce from 4 percent to 1 percent the excise tax on investment income of private charitable foundations. This bill, if enacted, will significantly add to the total amount of funds available for charitable purposes.

The excise tax on private charities was designed to cover administrative costs of Government audits on foundation books. However, the present 4 percent tax can represent several hundred thousand dollars annually on large charities. Obviously, this is far in excess of the amount necessary to maintain annual audits.

The 1 percent tax provided in this bill will more than cover all administrative costs of supervising private foundations. I believe we should make every effort to encourage charitable foundations. They are fulfilling on a voluntary basis functions which Government would otherwise have to finance and perform.

By Mr. KENNEDY (for himself, Mr. Williams, Mr. Randolph, Mr. Pell, Mr. Nelson, Mr. Mondale, Mr. Eagleton, Mr. Cranston, Mr. Hughes, Mr. Hathaway, Mr. Javits, Mr. Dominick, Mr. Schweiker, Mr. Beall, and Mr. Stafford):

S. 1136. A bill to extend the expiring authorities in the Public Health Service Act and the Community Mental Health Centers Act. Placed on the calendar, by unanimous consent.

Mr. KENNEDY. Mr. President, as chairman of the Senate Health Subcommittee, I am today introducing the Public Health Act of 1973 with broad based bipartisian cosponsorship. This bill is cosponsored by 15 of the 16 Members of the Senate Labor and Public Welfare Committee, including the ranking minority member of the committee, Mr. Javits, the ranking minority member of the Health Subcommittee, Mr. Schweiker, and the former ranking minority member of the Health Subcommittee, Mr. Dominick.

Mr. President, I intend in a moment to ask unanimous consent that this bill be placed on the calendar, but I do not do so now.

I want to briefly describe for my colleagues the provisions contained within the committee's bill, and also describe why it is necessary that it be acted on as quickly as possible. Virtually all of the authority contained in the Public Health Service Act expires June 30, 1973. In order to avert the monumental legislative logjam we now face, the Senate passed legislation extending and including most of these expiring programs in September of last year. That bill, S. 3716, was favorably reported to the Senate by the Health Subcommittee and it was passed by the Senate 78 to 0. Regrettably, companion legislation did not emerge from the House of Representatives. And now only 4 months remain before these programs expire.

Mr. President, this is a crisis situation. For the first time, serious questions have been raised with respect to the effectiveness of several of these programs by the President. To cite several examples, the President's budget for fiscal year 1974 proposes the total elimination or radical restructuring of the Hill-Burton hospital program, the allied health training program, the regional medical program for heart, cancer, and stroke, the public health training program, and the community mental health centers program.

The plain truth is that the President is in effect legislating via the budget process. Some of the concern the President has with respect to the way in which some of these programs are working are valid. But the point is that the Congress must have an opportunity to work its will regarding the shape of the legislation in this regard. It is quite clear that it is not possible for the Congress to do an adequate job of restructuring and updating and consolidating these legislative authorities in 4 months.

The Health Subcommittee has for some time now been involved in an effort aimed at the recodification and restructuring of the whole of the Public Health Service Act. I am hopeful that that effort will enable us to consolidate several of the categorical authorities currently contained within the act. This project is one of the highest priority items before the Health Subcommittee. And I am going to do everything I can to assure that legislation in this regard is favorably reported from the committee to the Senate by next winter.

In order to permit an orderly transition and in order to avert the disastrous effects of the President's budget, I believe it is necessary to extend all of these legislative authorities for 1 year. That is exactly what the bill does. It makes no substantive changes in the law at all. It adds no new money to the act. It simply extends the life of the act from June 30, 1973, to June 30, 1974.

The specific program extended by this bill are: Health services research and development, health statistics, public health training, migrant health, comprehensive health planning, Hill Burton, allied health training, regional medical programs, medical libraries, and community mental health centers.

Mr. President, I believe this measure must pass if the Congress is to have an opportunity to perform its constitutionally guaranteed right to legislate. I am delighted with the broad bipartisan support for this bill. This is not and should not be a partisan measure. I particularly want to compliment the help and assistance I have received from the distinguished chairman of our committee, Senator Williams, and from Senators Javits, Schweiker, and Dominick who have been more than willing to cooperate with me in this measure.

I urge my colleagues, at the appropriate time, to vote in favor of this essential health bill.

Mr. President, I ask unanimous consent that the bill be placed on the Calendar.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. KENNEDY. I see the distinguished majority leader in the Chamber, and I am hopeful that, as always, he will expedite the consideration of this measure and that we will have some opportunity to consider it in the very near future. At the appropriate time, and at the convenience of the leadership, I would like to get a vote on the measure.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. KENNEDY. I yield.

Mr. MANSFIELD. I wish to say first that I appreciate the fact that the Senate has agreed under unanimous consent to place the legislation introduced by the distinguished senior Senator from Massachusetts on the calendar. I am glad that there is comity on both sides in that respect because if I recall correctly, this legislation passed by a vote of 79 to nothing last year. It would be my hope, the distinguished minority leader concurring, that if at all possible we might bring it up around the middle or the latter part of next week because there is a time limitation factor and if there are any obstacles or roadblocks this would allow enough time to elapse before action is taken.

Mr. KENNEDY. I thank the leadership for its assurances. As always the distinguished majority leader has been accommodating and helpful. We will look forward to action on this matter next week.

Mr. JAVITS subsequently said. Mr. President, I wish to identify myself with the introduction of a measure extending certain authorities in the Public Health Service by the chairman of the Subcommittee on Health of the Committee on Labor and Public Welfare, the Senator from Massachusetts (Mr. KENNEDY). I am the ranking member of the committee. These programs are urgently required. They should not be tied up in long, delaying proceedings, when the only necessity at this time is a simple extension.

I am very pleased to take this initiative with the Senator from Massachusetts (Mr. KENNEDY). I very greatly appreciate, as I am sure he does, the willingness of the Senate, at least in the absence of objections, to go that route. I hope that next week these authorities may be extended and certainty given to the program which is urgently necessary for it to be successfully prosecuted.

SENATOR RANDOLPH SUPPORTS EXTENSION OF EXPIRING AUTHORITIES UNDER PUBLIC HEALTH SERVICE ACT

Mr. RANDOLPH. Mr. President, a multitude of worthwhile and beneficial programs which are contained in the Public Health Service Act will expire on June 30 of this year unless the Congress acts to extend them. The President's budget for fiscal year 1974 leaves no doubt that the administration intends to let many of these expire.

While it is probably true that some of the programs need to be altered or consolidated, there is very little time between now and June 30 for Congress to give them the careful study that will be required to update and improve these vital health programs. Therefore, it is essential that we adopt a measure which will extend these expiring authorities for another year at the same funding levels authorized for fiscal year 1973.

Among those programs which would expire in the absence of the pending legislation are a number which immediately and vitally affect the people of my own State of West Virginia. The Hill-Burton Act has proved to be an eminently successful means for providing hospital facilities to many areas of the country which otherwise would not have had them. Unlike the administration, I do not believe this is a program which has outlived its usefulness. The administration contends that many hospital beds are empty, and that this fact in itself justifies the elimination of further hospital construction under Hill-Burton. If the administration bothered to scratch the surface, it might find that some maldistribution of facilities exist because of demographic changes. It might also discover that many hospital facilities badly need repair, improvement, and modernization.

Another program is the regional medical program, or RMP. It has brought vital, innovative research and health care delivery projects to States such as West Virginia. The administration finds the program useless—I most emphatically do not. It may require some alteration in emphasis, but there is no basis for its dissolution.

The programs under the general category of allied health professions are terribly important to the future health of this nation, as are the public health support programs. Community mental health centers provide essential grass roots services which are not, in so many cases, otherwise available. Medical library assistance is also important, as is the migrant health program.

Manpower, planning, research and development, facilities and health services—all must be continued and strengthened if America is to find its way out of the health care crisis. First, these programs must be continued. That is our current task. Only then can we move forward to improve the programs and start our nation on the road to better health.

Mr. President, I commend the very able Senator from Massachusetts (Mr. KENNEDY) for moving forward on this vital issue and it is my hope that his measure will receive quick approval.

Mr. JAVITS. Mr. President, I speak in support of the "Public Health Service Assistance Extension Act of 1973," of which I am a cosponsor along with 15 of the 16 members of the Labor and Public Welfare Committee, and urge its immediate consideration and passage. The issue that the Senate faces today—by its immediate consideration of this measure—is much more important than the health programs encompassed in the legislation. The issue at stake is whether Congress will permit the executive by its power of the purse—through zero budget appropriations requests or requesting funding support for expiring programs—to determine what laws Congress shall pass, and how they shall be implemented.

The bill now under consideration has one purpose: to reaffirm the intention of Congress that the Congress will determine whether and which of the health programs extended for 1 year by the bill will continue. Executive budget action which has certain health programs wither, vanish, or be effectively terminated by lack of adequate funding, is not the appropriate mechanism to determine the fate of vital substantive health programs affecting millions of Americans.

In the last Congress, the Labor and Public Welfare Committee—of which I am ranking minority member—realized the legislative logjam potential for this Congress of the more than 40 provisions under the Public Health Service Act due to expire this year. The committee reported a bill (S. 3716) to the Senate which dealt with the substantive nature of practically all of these expiring provisions now encompassed by the pending bill. Notwithstanding the absence of administration testimony on the then pending bill, the Senate endorsed the action of the committee by a 79-to-0 vote and passed S. 3716. Unfortunately, time constraints and administration's efforts in the House did not permit the House to act on the legislation.

Now the committee, which has almost unanimously on a bipartisan basis cosponsored the pending bill, urges its immediate Senate consideration and passage. The bill does not seek any substantive changes in law—which as I previously indicated, the Senate supported—but merely provides a 1-year extension at existing authorization levels. Thus, Congress will determine that the health programs included in this bill will remain on the statute books until Congress has the opportunity to work its will on the substantive nature of expiring law, including congressional determination of their viability.

Mr. President, the importance of this particular measure is not any one or more of the health programs, but the total constitutional issue of how our laws are to be made.

On the detailed provision, I have long indicated my dissatisfaction with the grant allocation formula of the included expiring Hill-Burton program and the need to redirect this program to meet the $12.7 billion needs of modernization and upgrading of outmoded and overburdened public hospitals—whose lives are in a fiscal crisis—and for emphasis to be put upon innovative outpatient treatment facilities that might keep many out of the expensive hospital treatment setting.

It is perfectly appropriate for the President to urge Congress to terminate any one or more of the existing health programs and provide the evidence to Congress to justify his recommendation. Though I might parenthetically note evidence is woefully lacking to date on, for example, the regional medical program, where the HEW evaluation report provided Congress, required under the law enacted by Congress, does not, I believe, make the case and my requests for further data have drawn little or no response.

But the action of the executive must be checked and balanced by the Congress, which is also of the people's elected officials. That is the genius of the American political system. I believe that is the way we should proceed, rather than upon action taken solely by the President. The legislative extensions of the Public Health Service Act now being considered are not intended to be indicative of any Senator's opposition or support of the President's position regarding a particular provision. Rather, the consideration and passage of this bill will provide the necessary time-frame for Congress to work its will regarding all of the provisions and to bar an executive budget recommendation from determining either what health programs are to live or die, or how these programs are to be modified, improved, and implemented.

By Mr. JAVITS:

S. 1137. A bill to provide for the public safety and to increase the deterrent potential of the Federal criminal law; by requiring the imposition of certain penalties for persons convicted of offenses involving the trafficking of narcotic drugs, to provide for an assessment of the effect of Federal sentencing provisions and practices generally and for other purposes. Referred to the Committee on the Judiciary.

S. 1138. A bill to promote more effective management of certain related law enforcement functions of the executive branch by reorganizing and consolidating those functions in a new Office of Drug

Abuse Investigation and Enforcement in the Department of Justice. Referred to the Committee on Government Operations.

DRUG ABUSE, TREATMENT, AND LAW ENFORCEMENT

Mr. JAVITS. Mr. President, there is widespread agreement today that a profoundly complex problem of drug abuse reaches deep into the whole structure of America. Throughout every strata of our society, the American people are intensely worried about drug abuse and about the individuals who sustain it, the drug pushers and dealers.

It is a problem that has brought frustration, agony, and heartbreak to many. The issue is suffused with uncertainty and misinformation; it frightens and angers, for drug abuse seems to call into question the process by which our society derives and affirms its values.

No full or easy solutions have yet appeared.

We must recognize that law enforcement, treatment, and rehabilitation, education and prevention efforts can make important inroads on the problem but, together or separately, they may not be able finally to resolve it. Such resolution may be possible only when we, as a society, successfully deal with the underlying causes which have activated drug-taking on such a grand scale.

But in the meantime, the terror of crime in our home and on our streets attributable to drug abuse must be abated—for it represents a crisis of public order for society.

At the Federal level, we took a significant step toward achieving that objective last year in the treatment and rehabilitation area of drug abuse policy—the so-called "demand side"—when Congress established the Special Action Office on Drug Abuse Prevention in the White House. Headed by the very able Dr. Jerome H. Jaffe, this office has sought to bring together the frequently disparate, uncoordinated, and conflicting activities of nine different Federal agencies in the areas of medical and program research into the causes and cures of drug abuse, education, and training to reduce the abuse of drugs and treatment and rehabilitation of drug users so that they can be returned as productive members of society.

On the supply side of the drug abuse problem, I am not convinced that all that can be done is being done and it is this subject that I wish to explore also today: the capability of our laws and our Federal drug enforcement agencies to reduce supply, and to operate most effectively in interdicting the domestic, interstate, and international commerce in illicit drugs.

The dramatic increase in the incidence of illicit drug use, particularly among children and young people, is proof enough that supplies to sustain such drug use are readily available. We know that these supplies are derived from illicit drugs which are roughly divided into categories: those of clandestine origin, such as heroin, cocaine, marihuana, and LSD; and those diverted from legitimate origin, such as barbiturates, amphetamines, and tranquilizers.

With some important exceptions, most of the drugs of clandestine origin are surreptitiously brought into the United States from abroad, whereas a large portion of the diverted drugs are of domestic manufacture. In all cases, the drugs are ultimately made available to the drug abuser through criminal activity.

Illicit, international drug traffic is a booming business. It is a business rooted in international affairs and linked to rapidly expanding demand.

Who is the "pusher"? He is a tourist, a migrating laborer, a businessman, student, transportation worker, he is the professional hijacker diverting shipments of tens of thousands of amphetamine tablets, he is the serviceman mailing pounds or ounces of heroin into the continental United States, and, he is the diplomat taking advantage of his generally unrestricted movement across international boundaries.

He is the organized crime syndicate director, who runs a heavily financed and broadly based enterprise. While the latter may be moving and marketing heroin across continents and oceans for millions of dollars in profit, the pusher is also the neighborhood street peddler who may be the 10th man in the chain, as he sells a heavily diluted drug which has passed through many hands.

Nor is illicit drug traffic a matter of smuggling alone, for it is carefully joined with purportedly honest commerce. It can arise out of licit agricultural and chemical production, and it can be tied in with major financial enterprises. Indeed, it is this simultaneously licit—in one place—and illicit—in another—aspect which poses some of the most important international questions as far as cooperative drug enforcement efforts are concerned.

There are sanctuaries for production, for warehousing and transhipment, for holding cash and for protecting criminal figures who may be wanted by other governments. Our drug trafficking problems are thus enormously complex on both the national and international levels.

The social and economic costs of this traffic in the United States are extraordinary. Recent surveys of the National Commission on Marihuana and Drug Abuse—of which I am a member—reflect the fact that drug abuse has increased rapidly, and that the use of hard narcotics such as heroin and cocaine has reached alarming proportions.

One drug, heroin, is the single greatest cause of death for all people between the ages of 15 and 35 in New York City. In many urban areas, the nonaddict is the prisoner of the addict, as they confront a standing challenge to safety. Across the country there have been increasingly frequent accounts of heroin use by preteenage children. Heroin does not respect age, sex, or class.

It is present in factories, and on college campuses. Some of our high schools and elementary schools have become supermarkets for drugs. It is widespread in the military and can be purchased openly in many American cities. The National Commission has reported the astounding fact that the number of young people between the ages of 12 and 18 who have tried heroin is 1½ million and increasing.

Heroin is perhaps the most profitable contraband commodity, with one ounce sometimes costing almost eight times as much as an ounce of gold. The following chart illustrates the price range of illicit drugs in New York City and other communities in New York State:

ILLICIT DRUG PRICE CHART

	Low	High	Usual
NEW YORK CITY			
Heroin:			
1 gr.	$2	$7	$5
⅛ oz. (54 grs.)	50	300	200
¼ oz.	75	500	350
1 oz.	250	1,800	1,000
8 ozs.	4,000	8,000	6,000
16 ozs.	5,000	20,000	10,000
Marihuana:			
⅛ oz.	4	7	5
¼ oz.	8	12	10
1 oz.	20	40	30
8 ozs.	80	175	125
16 ozs.	100	300	150
Amphetamine:			
10 tablets (1 tablet equals 250–300 mg. with 5–25 mg. amphetamine)	8	12	10
100 tablets (approximately 1 oz.)	40	70	50
300 tablets (approximately 3 ozs.)	120	210	150
600 tablets (approximately 6 ozs.)	240	420	300
Hashish:			
1 gram	8	15	12
¼ oz.	20	40	30
1 oz.	80	120	100
OTHER NEW YORK COMMUNITIES			
Heroin:			
1 gr.	4	11	7
⅛ oz. (54 gr.)	63	112	88
¼ oz.	92	158	124
1	485	870	652
8 oz.	3,676	7,820	,152
16 oz.	7,400	15,840	11,400
Marihuana:			
⅛ oz.	3	5	4
¼ oz.	5	11	8
1 oz.	14	27	19
8 oz.	78	131	107
16 oz.	139	213	173
Amphetamine:			
10 tablets (1 tablet equals 250–300 mg. with 5–25 mg. amphetamine)	2.90	4.75	3.93
100 tablets (approximately 1 oz.)	24	49	33
300 tablets.. (approximately 3 ozs.)	46	134	93
600 tablets (approximately 6 ozs.)	108	258	171
Hashish:			
1 gram	5	10	7
¼ oz.	30	50	39
1 oz.	82	137	108

Note: The above was compiled from information obtained from the New York City Police Department and other law-enforcement sources.

I commend the Governor of my own State of New York for his determination to confront these extraordinary realities and to reduce sharply the impact of drug-related crime. His initiative in stimulating the debate on this subject with his mandatory life sentence proposal has been critically important. The point is that if treatment is available—and this is an absolute prerequisite—and if the addict will not take it, then such treatment must be mandated. If he commits a crime, then he must be removed from society until he ceases so dangerously to menace society.

While I prefer a system of criminal penalties which allows more flexibility in their application, I strongly agree that we must have more stringent enforcement of the laws and more certain penalties for upper echelon dealers, and, for the drug abuser guilty of violent crimes. But this last point presupposes the availability of adequate treatment.

At the Federal level, I propose the following new efforts to improve Federal, State, and local law enforcement capability in the drug area:

A total reorganization and upgrading of Federal enforcement agencies at the highest level of the Justice Department.

New, Federal mandatory minimum sentencing provisions for serious drug traffickers.

The authorization of a special fund of $30 million to assist local law enforcement agencies confronting special investigative problems.

A comprehensive review by the Justice and State Departments of our existing extradition treaties dealing with drug offenses with a view toward expanding the scope of extraditable offenses and facilitating the extradition process.

A strengthening of bilateral agreements with individual source nations aimed at more effective international control of illicit narcotics trafficking.

Despite significant increases in Federal resources allocated to combat drug trafficking—$257 million in 1974—the organization of this response has lacked overall direction, coherence, planning and a fully coordinated approach. More importantly, the two principal Federal drug enforcement agencies—the Bureau of Narcotics and Dangerous Drugs in the Justice Department, and the U.S. Bureau of Customs in the Treasury Department—are alleged over the years to have developed a rivalry which has almost become legend; and it has not been without substantial cost. It is said to have resulted in the compromise of important investigations and in the loss of what might have been successful cases against major traffickers.

In spite of the dedicated efforts and excellent work of many BNDD and Customs agents, this institutional rivalry has reportedly not been resolved. Reporting on the major problems of heroin enforcement in New York City, the General Accounting Office found that the two agencies "fail to share intelligence and other information," and that there existed, "untimely notice of arrest and seizure, lack of communications, misunderstandings and personality conflicts." These findings have been corroborated by independent studies of the American Bar Association and the Drug Abuse Council.

There is widespread agreement among law enforcement officials that the fact that these two agencies and others in the drug enforcement field are not in a single governmental organization seriously undercuts the potential success of the Federal enforcement effort. The offices of Drug Abuse Law Enforcement and National Narcotics Intelligence in the Justice Department have also been operating without overall coordination.

The dispersion among these several agencies, and others outside of the Justice Department, of law enforcement programs aimed at controlling illicit drug trafficking has had other harmful consequences. It has been difficult to place responsibility for success or failure. The comparative data on similar programs in these different agencies are insufficient to permit rational strategic planning and budget allocation decisions. State and local law enforcement agencies have not been able to utilize to the full potential combined resources of the Federal Government in their efforts at the local level.

Conflicts in overlapping jurisdictions among many agencies has resulted in duplicative and sometimes conflicting investigative work, while other desirable work may have gone undone. The similarity of orientation and skills of the law enforcement officers in each of these agencies favors the collocation of all such activities devoted to a single purpose in a new, integrated drug enforcement agency.

I am, therefore, today proposing a broad program of executive reorganization to deal with the duplication and fragmentation in Federal drug enforcement programs and activities. It is not designed merely to move boxes on Government flow charts. It is designed to shake up a seriously encumbered Federal effort and to make more cases—with more significant defendants and greater impact on the overall problem. It is intended to upgrade significantly the capacity of the total Government system to integrate and coordinate its response to this urgent problem.

PROPOSAL FOR A SINGLE DRUG ENFORCEMENT AGENCY

The bill I introduce today, "The Federal Drug Abuse Enforcement Reorganization Act of 1973," will assign overall policy responsibility and control over all agencies dealing in the area of drug abuse enforcement, directly or indirectly, to a newly authorized Deputy Attorney General.

In addition to acquiring such policy control, the Deputy would acquire operational authority for the execution of statutory functions now delegated to the Directors of the Bureau of Narcotics and Dangerous Drugs, and the drug investigation division of the Bureau of Customs, which would be transferred to Justice from the Treasury Department. BNDD would retain its identity and be relocated in the new Office, while the Customs unit would lose its identity and become part of the operational structure of BNDD. Statutory responsibility for all other violations of Federal law under current Bureau of Customs jurisdiction would be retained in Treasury.

Also transferred to the new Office would be the enforcement functions of the Food and Drug Administration of the Department of Health, Education, and Welfare relating to the enforcement of administrative regulations concerning the manufacture and use of methadone and other controlled dangerous drug substances. The Cabinet Committee on International Narcotics Control would be transferred from the State Department to the Department of Justice, and, as mentioned above, ODALE and ONNI would become merged in the new Office.

I believe it is imperative that the Federal Government undertake a much more aggressive and active role in cracking down on the upper and middle level dealers and pushers in New York City and in other cities. It is important that we have a new partnership of purpose in getting at these very persistent problems. This bill would aid such efforts by:

Requiring at the Federal level and encouraging at the local level objective, independent evaluation of all drug enforcement activities, particularly in terms of quality of cases and real impact of effort.

Developing new legal weapons and investigative techniques for earlier intervention in the trafficking process both in the United States and abroad.

Developing new means for dealing with police and other official corruption in narcotics enforcement. There is a need for public demonstration that all levels of government are genuinely committed to rooting out such corruption. Independent inspections capabilities in all enforcement organizations are critically important in this regard.

Defining attainable goals, while building more relevant and useful data and intelligence capabilities both at the Federal level and the local level.

Expanding the use of mobile joint Federal, State, and local task forces of law enforcement and other personnel to reduce trafficking.

One of the most important aspects of this proposed legislation is that it would enlist the active participation of the Nation's No. 1 law enforcement agency, the Federal Bureau of Investigation, in major narcotics trafficking cases. It would do so without burdening it with total responsibility for drug enforcement.

In the past, the FBI has not exercised jurisdiction in drug enforcement cases, but rather has devoted its considerable resources to the wide range of other Federal law enforcement problems. In so doing, it has developed a world renowned system of agent recruitment and training.

Its expertise in the conduct of after the fact investigations into crimes is second to none. Its sophisticated intelligence work in organized crime cases is also highly regarded. Unlike BNDD, however, it has not extensively utilized its personnel in undercover operations and in other specialized aspects of drug enforcement.

My bill would authorize use of the experience, expertise, extensive manpower, laboratory facilities and other resources of the FBI in major cases involving organized trafficking in hard drugs. Such participation would be on a fully coordinated, ad hoc basis upon the special request of the Deputy Attorney General.

In my judgment, the utilization of the FBI on this basis will bring substantial new strength to the Federal drug enforcement effort without unnecessarily weakening its capability in other areas. Because the drug dealer and his user-victim share a community of interest, drug trafficking offenses are highly resistant to traditional law enforcement techniques. Techniques that are effective in this area are more expensive, more time consuming and more likely to conflict with other societal values. Therefore, we would be well advised to retain the primary responsibility for drug enforcement within the newly constituted BNDD.

The bill would also require the new Deputy Attorney General to evaluate the international—in careful and close coordination with the State Department and the Cabinet Committee on International Narcotics Control—and domestic capabilities and activities of Federal agencies, as well as to provide an analysis of drug trafficking patterns, drug cultivation and distribution and the development of sophisticated techniques for identifying and seizing illicit drugs.

A PROPOSAL TO INCREASE THE DETERRENT POTENTIAL OF DRUG LAWS

As we survey the impact of our national drug abuse problem, one cannot help but reflect upon our failure effectively to deter the drug trafficker from continuing his devastating activity.

The consequences of drug abuse are not limited to the shattered lives of the addicts themselves. The law abiding citizen has become victimized by the high frequency of drug induced crime; and by the high cost of enforcing laws against drug traffickers and maintaining vitally necessary drug treatment, rehabilitation and prevention services. At the root of these unacceptable costs—human and economic—is the narcotics dealer.

The basic approach to the drug problem that I have always supported is still, in my judgment, correct:

First, providing comprehensive treatment and rehabilitation to help addicts to return to productive lives;

Second, strengthening the system of criminal justice so that it has the capability to dispose of cases rapidly involving illicit drugs, while effectively reducing supplies;

Third, protecting society itself from the pervasive fear about drug related crime which has undermined the quality of life in so many communities and homes throughout the Nation; and

Fourth, providing for an extensive law enforcement effort against drug traffickers which is both severe and credible.

The fact is that today the great majority of drug pushers do not go to jail at all—and that when they do, they go for relatively brief periods of time. This is particularly true for the people at or near the top of the pyramid: The organized crime figure who is engaged in a continuing criminal enterprise.

Out of 100,000 felony arrests of all types in New York City last year, only 3,000 defendants received felony sentences of a year or more. The New York State Department of Corrections has reported that the average length of time served in all facilities dropped from only 31 months in 1965 to 22 months in 1973.

Restoration of respect for the law—among criminals and law abiding citizens—and dispelling the climate of fear which prevades almost every aspect of modern urban life are the most pressing priorities of the criminal justice system. The law must become a credible deterrent again.

The present Federal law includes a few instances of legislatively prescribed minimum sentences of substantial length without probation, but for the most part Congress has vested judges with discretion to impose any penalty within the limits of the legislative maximum. In the past we have had debates as to whether legislatively directed minimum sentences ought to be used.

The troublesome issue posed in this area comes down to the question: Does a possible gain in deterrence from such legislatively fixed mandatory minimum sentences overbalance the cost of potential excessive detention? Is it appropriate to remove from judges and prosecutors the broad discretion that they should rightfully exercise on such matters?

I conclude that the general interests of society in increasing the deterrent potential of the criminal law as to drug abuse are so significant that the question should be resolved on the side of a system of reasonable mandatory sentences for drug trafficking offenses. Accordingly, I am today introducing the Federal Narcotic Drug Trafficking Offenses and Sentencing Act of 1973.

In 1960, the penalty for possession of hard drugs was a felony under Federal and State law, punishable by a minimum mandatory sentence of 2 years for the first offense.

In 1970, Congress eliminated the mandatory provision in the Federal possession offense and reduced it to a misdemeanor, thereby endorsing the general trend that referral of drug users, particularly drug dependent persons, to treatment services was best for the public and the individual. I continue to support that policy.

Penalties for trafficking in narcotic drugs are another matter. I realize that the law generally functions as a poor deterrent, dependent entirely upon how credible the enforcement agencies can make the threat of punishment. My bill is designed to strengthen that potential.

Present law provides for no minimum mandatory sentences for drug-related offenses, with the exception of the so-called continuing criminal enterprise. Discretionary sentences of up to 30 years are available for trafficking offenses.

In title II of this proposal, a mandatory minimum sentence of 5 years with a possible sentence of 15 years, in the discretion of the court is applicable for a first trafficking offense in less than 10 ounces of a narcotic drug, provided that in cases involving less than one-eighth of 1 ounce of drugs, the court, in its discretion may sentence the defendant to less than the mandatory minimum. In first offenses involving more than 10 ounces, a minimum mandatory sentence of 5 years, and a possible sentence of up to life, in the discretion of the court is applicable.

For narcotics traffickers with a prior conviction, or for such persons convicted of such crimes while free on trial a mandatory minimum sentence of 5 years, and not more than 30 years—less than 10 ounces—and a minimum sentence of 7 years and up to life—more than 10 ounces—are provided. Increased fines are also proposed and probation cannot be granted.

Title III of my bill provides for the development of research on the impact and effect of various Federal, State, and local sentencing practices, including the impact of mandatory minimum sentences and their relationship to recidivism.

Traditional aims of sentencing have included deterrence of prospective offenders, deterrence of those already convicted, rehabilitation of convicted offenders, reduction of crime by physical incapacitation of convicted offenders and the answer to moral outrage in the community as a whole.

Prosecutors, judges, parole board members, legislators, and the general public can disagree on the relative importance of these various aims and on their application in specific categories of criminal offenses. These are questions of great importance to the general public, and they have received wholly inadequate attention. Indeed, the empirical data needed to answer most of them is unavailable.

Many have noted that our approach to the problems of sentencing at all levels of government has not been adequate. We need rational sentencing laws, with carefully considered rules and guidelines. We need rational sentencing laws, with continuing basis to the purpose of studying, discussing and formulating the objectives, policies, standards, criteria, and effect of sentencing. This is the objective of title III of the bill.

Mr. President, the extraordinary concern and fear about narcotic drugs is based in large part upon the fear of crime associated with addiction. An equally important concern is the fear that use of such drugs is spreading throughout society. Our best information is that it is. Although heroin itself may not cause criminal behavior in any literal sense, the need to maintain a habit frequently does.

The fact is that the addict will do anything to obtain money to get the drug. To do this he may deal in drugs, or engage in the commission of this crime. The need for that drug can be the physical and psychological center of his existence.

Consequently we have estimates of drug related thefts in New York City ranging up to almost $2 billion annually. The incidence of violent crime and death associated with drug addiction and the extraordinary harm done by major, commercial drug pushers preying on society is a moral outrage.

We must continue to strengthen our law enforcement capability to alleviate the shocking injury which continues to be inflicted upon our society and, in particular, upon the innocent people of our urban areas. I will continue to do all I can to achieve that objective.

Mr. President, I ask unanimous consent that the text of the bills be printed at this point in the RECORD.

There being no objection, the bills were ordered to be printed in the RECORD, as follows:

S. 1137

A bill to provide for the public safety and to increase the deterrent potential of the federal criminal law; by requiring the imposition of certain penalties for persons convicted of offenses involving the trafficking of narcotic drugs, to provide for an assessment of the effect of federal sentencing provisions and practices generally and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the Federal Narcotics Drug Trafficking Offenses and Sentencing Act of 1973.

TITLE I

DECLARATION OF PURPOSE

SEC. 101. The Congress hereby finds and declares that narcotic addiction in the United States is a significant factor in the commission of serious crimes against persons and property, particularly in large urban areas; that narcotics trafficking promotes a tragic cycle of increased narcotics addiction and further commission of crime at extraordinary human cost; while the nation must remain committed to long-range solutions to the crime problem which include (A) a comprehensive approach to the causes of crime and the conditions which breed despair and social and economic deprivation, (B) comprehensive reform of federal, state and local criminal justice systems, and (C) effective programs of drug abuse treatment, rehabilitation, education and prevention at all levels of government and in both the public and private sector, it is the purpose of this Act to insure the public safety more effectively by:

(a) reducing on an emergency basis the incidence of illicit narcotics trafficking through the deterrent influence of the criminal penalties hereinafter provided; and

(b) requiring the Attorney General to collect, analyze and report regularly information and data on the operation of the federal, state and local sentencing systems and the relationship between minimum-maximum sentencing, and deterrence and recidivism.

TITLE II—INCREASED PENALTIES AS A DETERRENT

SEC. 201. Section 401(b)(1)(A) of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (84 Stat. 1261; 21 U.S.C. 841 (b)(1)(A)) is amended to read as follows:

"(1)(A)(i) In the case of a compound, mixture, or substance containing less than ten ounces of a controlled substance in Schedule I or II which is a narcotic drug—

"(a) such person shall be sentenced to a term of imprisonment of not less than 5 years nor more than 15 years and may in addition be fined not more than $25,000, provided that in the case of such compound, mixture or substance containing less than one-eighth of one ounce of such controlled narcotic drug, such person may be sentenced, in the discretion of the Court, to less than the mandatory minimum. The sentence may include a special parole term of not less than 3 years in addition to such term of imprisonment. Imposition or execution of such sentence shall not be suspended, and probation shall not be granted.

"(b) if such person has been convicted of one or more felonies under any provision of this title or title III or other law of the United States relating to controlled substances or any offense under state or foreign law relating to a narcotic drug in Schedule I or II which offense would be a felony under this title or title III and one or more of the convictions have become final, he shall be sentenced to imprisonment for a term of years of not less than 5 years nor more than 30 years, and may in addition be fined not more than $50,000. The sentence may include a special parole term of not less than 6 years in addition to such term of imprisonment. Imposition or execution of such sentence shall not be suspended, and probation shall not be granted.

"(c) if the crime was committed while such person was released pursuant to section 3146 of title 18, United States Code, on a charge of violating subsection (a) (1) of this section, he shall be sentenced to imprisonment for a term of years of not less than 5 years, nor more than 30 years, and may in addition be fined not more than $50,000. The sentence may include a special parole term of not less than 6 years in addition to such term of imprisonment. Imposition or execution of such sentence shall not be suspended, and probation shall not be granted.

"(ii) In the case of a compound, mixture, or substance containing more than ten ounces of a controlled substance in Schedule I or II which is a narcotic drug—

"(a) such person shall be sentenced to imprisonment for a term of years of not less than 5 years, or for life and may in addition be fined not more than $100,000. The sentence, if for a term of years, may include a special parole term of not less than 6 years in addition to such term of imprisonment. Imposition or execution of such sentence shall not be suspended and probation shall not be granted.

(b) if such a person has been convicted of one or more felonies under any provision of this title or title III or other law of the United States relating to controlled substances or for an offense under state or foreign law relating to a narcotic drug in Schedule I or II which offense would be a felony under this title or title III and one or more of the convictions have become final, he shall be sentenced to a term of imprisonment for a term of years of not less than 7 years, or for life and may in addition be fined not more than $200,000. The sentence, if for a term of years, may include a special parole term of not less than 6 years in addition to such term of imprisonment. Imposition or execution of such sentence shall not be suspended, and probation shall not be granted.

"(c) if the crime was committed while such person was released pursuant to section 3146 of title 18, United States Code, on a charge of violating subsection (a) (1) of this section he shall be sentenced to a term of imprisonment for a term of years of not less than 7 years, or for life and may in addition be fined not more than $200,000. The sentence, if for a term of years, may include a special parole term of not less than 6 years in addition to such term of imprisonment. Imposition or execution of such sentence shall not be suspended and probation shall not be granted.

SEC. 202. Section 406 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (84 Stat. 1265; 21 U.S.C. 846) is amended to read as follows:

"SEC. 406. Any person who attempts or conspires to commit any offense defined in this title shall be punished as prescribed for the commission of the offense which was the object of the attempt or conspiracy."

SEC. 104. (a) Section 1010 (b) (1) of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (84 Stat. 1290; 21 U.S.C. 960 (a) (1) is amended to read as follows:

"(b) (1) (A) In the case of a violation under subsection (a) of this section with respect to a compound, mixture, or substance containing less than ten ounces of a controlled substance in Schedule I or II which is a narcotic drug, the person committing such violation shall be imprisoned not less than 5 years nor more than 15 years, or be fined not more than $25,000 or both, provided that in the case of such compound, mixture or substance containing less than one eighth of one ounce of such controlled narcotic drug, such person may be sentenced, in the discretion of the Court, to less than the mandatory minimum. The sentence may include a special parole term of not less than three years in addition to such term of imprisonment.

(B) In the case of a violation under subsection (a) with respect to a compound, mixture or substance containing more than ten ounces of a controlled substance in Schedule I or II which is a narcotic drug, the person committing such violation shall be imprisoned for a term of years of not less than 5 years or for life, and may in addition be fined not more than $100,000. The sentence, if for a term of years, may include a special parole term of not less than six years in addition to such term of imprisonment.

"(C) In the case of any sentence under subsection (b) (1), imposition or execution of such sentence shall not be suspended and probation shall not be granted."

TITLE III—DEVELOPMENT OF RESEARCH ON IMPACT AND EFFECT OF FEDERAL, STATE AND LOCAL SENTENCING PRACTICES

SEC. 401. (a) The Attorney General shall direct the Institute for Criminal Justice of the Law Enforcement Assistance Administration (1) to collect, synthesize and formulate information and data and to conduct research on a continuing basis relating to the operation and effect of federal, state and local sentencing systems, and to evaluate the general and specific deterrent effect of—

(a) legislatively prescribed minimum sentences of substantial length without probation, particularly in terms of their deterrent value; (b) the use of indefinite sentences with a maximum within limits set by statute and a minimum chosen by the Court;

(c) probation without imprisonment for first offenders;

(d) consecutive and concurrent sentencing for multiple offenses;

(e) sentencing practices and incidence of recidivism in cases involving violation of federal, state and local drug abuse control laws, and

(2) to develop and recommend guidelines and standards for federal, state and local Courts in sentencing, probation, parole and other forms of release of offenders.

(b) Research and other information developed pursuant to subsection (a) of this section shall be incorporated into the annual Report of the Law Enforcement Assistance Administration and shall be disseminated upon request to federal, state and local governmental and private agencies.

S. 1138

A bill to promote more effective management of certain related law enforcement functions of the executive branch by reorganizing and consolidating those functions in a new Office of Drug Abuse Investigation and Enforcement in the Department of Justice

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Federal Drug Abuse Enforcement Reorganization Act of 1973."

FINDINGS

SEC. 2. (a) The Congress hereby finds—

(1) that illegal drug traffic and drug abuse is rapidly increasing in the United States and in and among other nations and now afflicts all areas of this Nation;

(2) that the effectiveness of law enforcement efforts in the area of drug abuse control by State and local governments and by agencies of the Federal Government and within the international community are hindered by a lack of coordination among those levels of government; that because of this lack of coordination, agencies at the State, local, and Federal levels have found it difficult to mobilize existing law enforcement resources to mount more effective efforts to control illicit drug trafficking and that the increasing rate of such activities constitutes a threat to national public safety, health and welfare, and requires a new Federal Government response.

(b) Therefore, the Congress declares it to be the purpose of this Act to provide a mechanism for improved performance, coordination, and evaluation of drug enforcement functions at the Federal level, more effective coordination between Federal, State, and local law enforcement agencies, and the development of innovative approaches to the problems of controlling international and interstate commerce in licit and illicit drugs.

ESTABLISHMENT OF THE OFFICE OF DEPUTY ATTORNEY GENERAL FOR DRUG ABUSE INVESTIGATION AND ENFORCEMENT

SEC. 3. There is established in the Department of Justice an Office of Drug Abuse Investigation and Enforcement (hereinafter referred to in this Act as the "Office") which shall be headed by a Deputy Attorney General (hereinafter referred to as the "Deputy") appointed by the President, by and with the advice and consent of the Senate. He shall receive compensation at the rate hereafter prescribed for offices and positions at level II of the Executive Schedule (5 U.S.C. 5313).

CONCENTRATION OF FEDERAL DRUG ENFORCEMENT EFFORT

SEC. 4. (a) The Deputy shall provide overall direction, planning, and policy, and shall establish objectives and priorities, for all Federal drug abuse law enforcement investigations, joint task force operations, programs, activities, and legal proceedings.

(b) In addition, he shall (1) review the investigative practices and capabilities, regulations, guidelines, and procedures for the several agencies under his direction and control, as provided in section 5 of this Act, in terms of their adequacy and consistency with the policies and priorities he provides or establishes; (2) recommend changes in organization, management, and personnel, which he deems advisable to implement the policies, priorities, and objectives he provides or establishes, and (3) conduct or provide for the conduct of evaluation and studies of the performance and results achieved by all Federal agencies working in the areas of drug abuse enforcement.

(c) In exercising his authority under this Act the Deputy shall, from time to time, consult with the heads of Federal law enforcement agencies both within and without the Department of Justice, United States Attorneys, the Secretary of State, the Director of the Special Action Office on Drug Abuse Prevention, State and local law enforcement officials and such other persons as he may deem advisable.

TRANSFERS

SEC. 5. (a) (1) There are hereby transferred to and vested in the Attorney General all of the functions of the Secretary of the Treasury which are administered through or with respect to the Bureau of Customs and which involve investigations by the Office of Investigations of such Bureau leading to seizures and arrests for violations of any Federal law relating to trafficking in narcotics and dangerous drugs.

(2) All other functions of the Customs service and the Commissioner of Customs determined by the Director of the Office of Management and Budget to be directly related to functions transferred by paragraph (1) of this section shall also be transferred. Nothing in this section shall be construed to prevent the Customs Service from making seizures and arrests relating to smuggling of contraband other than narcotics and dangerous drugs.

(b) There is hereby transferred to and vested in the Attorney General certain functions of the Secretary of Health, Education, and Welfare which are administered through or with respect to the Food and Drug Administration relating to the enforcement of administrative regulations concerning the manufacture and use of methadone and other controlled dangerous substances.

(c) There is hereby transferred to and vested in the Attorney General all functions of the Secretary of State which are administered through or with respect to the Cabinet Committee on International Narcotics Control.

DELEGATION OF AUTHORITY WITHIN THE JUSTICE DEPARTMENT

SEC. 6. (a) The Attorney General shall delegate to the Deputy.

(1) authority over functions transferred by Section 5 (a) and (b) of this Act;

(2) authority over functions performed by the Bureau of Narcotics and Dangerous Drugs under Reorganization Plan I of 1968;

(3) authority over functions performed by the Office of Drug Abuse Law Enforcement under Executive Order 11641 of 1972;

(4) authority over functions performed by the Office of National Narcotics Intelligence under Executive Order 11676 of 1972.

(b) The Attorney General shall assign to the Office of the Deputy the positions, personnel, property, records, and unexpended balances of appropriations, allocations, and other funds, available or to be made available, under terms and conditions that the Attorney General shall designate, (1) of the Bureau of Narcotics and Dangerous Drugs, (2) of the Office of Drug Abuse Law Enforcement and (3) of the Office for National Narcotics Intelligence.

(c) (1) The Bureau of Narcotics and Dangerous Drugs, including the Office of the Director shall remain intact and shall become a part of the Office of Drug Abuse Investigations and Enforcement.

(2) The Office of Drug Abuse Law Enforcement and the Office of National Narcotics Intelligence, including the Offices of the Directors of each of these agencies are hereby abolished. The Attorney General shall make such provisions as he may deem necessary with respect to terminating the operations of these agenices not otherwise provided for in this Act.

(d) The Deputy may, without being relieved of his responsibility, redelegate any or all of the authorities delegated to him pursuant to section 6(a) of this Act to the Director, Bureau of Narcotics and Dangerous Drugs.

PARTICIPATION OF THE FBI IN MAJOR NARCOTICS TRAFFICKING CASES

SEC. 7. In view of the experience, expertise, extensive manpower, laboratory facilities, and intelligence and investigative resources of the Federal Bureau of Investigation, it is the intent of this Act that such Bureau exercise investigative jurisdiction in cases involving alleged violations of Federal narcotics and drug abuse laws when it is determined by the Deputy and the Director of the Federal Bureau of Investigation, upon request of the Deputy that such exercise will facilitate the successful investigation and prosecution of such cases or the development of useful intelligence information, either independently or in concert with other Federal, State, and local law enforcement agencies. Such jurisdiction should be exercised primarily in cases involving major domestic and international trafficking and organized crime operations. In cases where a disagreement may arise between the Deputy and the Director of the Federal Bureau of Investigation as to whether jurisdiction shall be exercised, the decision shall be made by the Attorney General.

COORDINATION OF OTHER DRUG ENFORCEMENT ACTIVITIES

SEC. 8. (a) In carrying out his functions under this Act, the Deputy shall strengthen coordination among all Federal departments and agencies engaged in law enforcement investigations, programs and activities, and activities which relate to drug abuse enforcement and control functions, including those carried out by the Internal Revenue Service and the Secret Service of the Department of the Treasury, the military intelligence agencies of the Department of Defense, the Food and Drug Administration of the Department of Health, Education, and Welfare, the Central Intelligence Agency, and the Department of State, including the Agency for International Development and other offices and activities dealing with efforts to coordinate control of international narcotics traffic with foreign governments.

(b) To facilitate such coordination, the Deputy may require departments and agencies, including those listed in subsection (a) of this section to submit such information and reports, and to conduct such studies and surveys as are reasonably necessary to carry out the purposes of this Act.

ANNUAL REPORT ON INTERNATIONAL DRUG ABUSE ENFORCEMENT ACTIVITIES

SEC. 9. (a) The Deputy shall prepare for the Attorney General and the Cabinet Committee on International Narcotics Control an annual report on the use of the resources and personnel of the Federal Government and international organizations in which the United States is a member in controlling illicit narcotics traffic.

(b) Such report shall provide—

(A) A detailed summary of such activities;

(B) An assessment and evaluation of the capability and specific programs and activities of the Federal Government to bring about a reduction in the illicit importation and diversion of controlled dangerous substances, with detailed emphasis upon the nature, extent, and effect of Federal drug related intelligence and enforcement operations in foreign countries;

(C) An analysis of (1) the nature, character, origin, and extent of the licit and illicit traffic in controlled dangerous substances, as defined by Public Law 91–513, particularly the opiates and other narcotics drugs, and the drug related activities of international law enforcement and nonlaw enforcement organizations, institutions, and agencies, including, but not limited to the World Health Organization, the Food and Agricultural Organization, the United Nations Commission on Narcotic Drugs, Interpol, and international lending agencies, (2) the scope, functioning, utilization, and reliability of information systems and specific data and information relating to licit and illicit drug trafficking patterns, and drug cultivation, processing production and distribution, and (3) sophisticated techniques for identifying and seizing controlled dangerous substances in foreign, domestic, and international commerce, and

(D) Recommendations for the improvement of such activities.

(c) Such report shall be forwarded to the National Drug Abuse Strategy Council for consideration in connection with the annual review and revision of such strategy, pursuant to section 305, Drug Abuse Office and Treatment Act of 1972, (Public Law 92–255).

TECHNICAL ASSISTANCE TO STATE AND LOCAL LAW ENFORCEMENT AGENCIES AND ESTABLISHMENT OF SPECIAL FUND

SEC. 10. (a) The Deputy shall coordinate or assure coordination and cooperation of Federal drug enforcement functions with functions of State and local governments and agencies.

(b) In carrying out his functions under this section, the Deputy may provide technical or investigative assistance through—

(A) advice and consultation relating to local enforcement cases and programs;

(B) the use of Federal or joint Federal, State and/or local task forces of law enforcement and other personnel. He may request the assignment of any individual employed by any Federal department or agency and engaged in any law enforcement function to serve as a member of any such Task Force, including personnel from departments and agencies referred to in section 8 of this Act, except that no one person shall be so assigned during any one fiscal year for more than ninety days, unless extended by the parent agency.

(c) (1) There is established a special fund (hereinafter referred to as the "fund"), under the direction and control of the Deputy, in order to provide—

(A) incentives to Federal, State, and local law enforcement and other criminal justice agencies and international organizations, to develop innovative concepts, methods, and techniques in the investigation and successful prosecution of narcotics trafficking cases generally; and tactical and strategic intelligence information relating to the nature, extent, and impact of such trafficking, and to evaluate and improve the effectiveness of local law enforcement efforts in this area; and

(B) funding assistance to such agencies, particularly local law enforcement agencies, to complete successfully specific cases against major narcotics traffickers, and to expedite the disposition of narcotics trafficking cases within local judicial systems.

(2)(A) Sums appropriated to the fund shall be administered by and through the Office and may be utilized only upon the order of the Deputy to any Federal, State, or local public or nonprofit criminal justice agency, organization, or institution or duly constituted public international organization: *Provided*, That any grant to such international organization shall be subject to the approval of the Cabinet Committee on International Narcotics Control. All grants to State and local criminal justice agencies shall be fully coordinated with the Law Enforcement Assistance Administration of the Department of Justice.

(B) To the extent he deems it appropriate the Deputy may require the recipient of a grant under this section to contribute money, facilities or services for carrying out the program, case, project, or activity for which the grant was made.

(d) For the purposes of carrying out the provisions of this section, there are authorized to be appropriated $30,000,000 for the fiscal year beginning July 1, 1973 and $30,000,000 for each of the next succeeding fiscal years.

SPECIAL PLAN OF THE DEPUTY

SEC. 11. The Deputy shall develop and submit to Congress within ninety days of the enactment of this Act, a written plan for the administration of the fund established in section 10 of this Act, the coordination, evaluation, and carrying out of international, Federal, State, and local narcotics enforcement programs and activities and execution of his other responsibilities under this Act. Such plan shall describe how such programs and activities are to be coordinated and evaluated, and describe the steps taken or to be taken to insure that such programs and activities will be administered so as to encourage the broadest and most effective action to curtail illicit narcotics trafficking on a cooperative basis at all levels of government.

TRANSFER MATTERS

SEC. 12. (a) All orders, determinations, rules, regulations, permits, contracts, certificates, licenses, and privileges—

(1) which have been issued, made, granted, or allowed to become effective in the exercise of functions which are transferred under this Act by the Treasury Department and the State Department any functions of which are transferred by this Act; and

(2) which are in effect at the time this Act takes effect, shall continue in effect according to their terms until modified, terminated, superseded, set aside, or repealed by the Justice Department, by any court of competent jurisdiction, or by operation of law.

(b) The provisions of this Act shall not affect any proceedings pending at the time this Act takes effect before any department or agency, functions of which are transferred by this Act; except that such proceedings, to the extent that they relate to functions so transferred, shall be continued before the Justice Department. Orders shall be issued in such proceedings, appeals shall be issued in such proceedings, appeals shall be taken therefrom, and payments shall be made pursuant to such orders, as if this Act had not been enacted; and orders issued in any such proceedings shall continue in effect until modified, terminated, superseded, or repealed by the Justice Department, by a court of competent jurisdiction or by operation of law.

(c) The provisions of this Act shall not affect suits commenced prior to the date this Act takes effect and in all such suits proceedings shall be had, appeals taken, and judgments rendered, in the same manner and effect as if this Act had not been enacted; except that if before the date on which this Act takes effect, any department or agency (or officer thereof in his official capacity) is a party to a suit involving functions transferred to the Justice Department, then such suit shall be continued by the Justice Department. No cause of action, and no suit, action, or other proceeding, by or against the Treasury Department and the State Department (or officer thereof in his official capacity) functions of which are transferred by this Act shall abate by reason of the enactment of this Act. Causes of actions, suits, or other proceedings may be asserted by or against the United States or the Justice Department as may be appropriate and, in any litigation pending when this Act takes effect, the court may at any time, on its own motion or that of any party, enter an order which will give effect to the provisions of this paragraph.

(d) Such further measures and dispositions as the Director of the Office of Management and Budget shall deem to be necessary in order to effectuate the transfers provided in this section shall be carried out in such manner as he may direct and by such agencies as he shall designate.

By Mr. SPARKMAN (for himself and Mr. TOWER) (by request):

S. 1139. A bill to amend the Urban Mass Transportation Act of 1964. Referred to the Committee on Banking, Housing and Urban Affairs.

Mr. SPARKMAN. Mr. President, I introduce for myself and Senator TOWER (by request) a bill to amend the Urban Mass Transportation Act of 1964.

This bill is recommended to the Congress by the Secretary of the Department of Transportation.

The proposed bill would make several significant changes in the 1964 act. They are designed to provide greater resources for and flexibility in the administration of the Federal program of assistance to mass transportation systems serving the urban areas of the nation and will enable us to aid localities in a more responsive manner. These proposed amendments would not change the basic substance or direction of the Federal urban mass transportation program.

Section 1 of the bill states that it may be cited as the "Urban Mass Transportation Amendments of 1973."

Section 2 of the bill increases from two-thirds to 70 percent of the maximum share of the cost of an urban mass transit capital improvement project which the Federal Government is authorized to contribute. This change will serve to equalize the Federal share of project costs available for both highway and transit projects.

Section 3 of the bill would amend section 4 of the 1964 Act to increase the amount authorized for obligation for urban mass transportation improvement projects from $3.1 billion to $6.1 billion. This request for an increase of $3 billion is designed to fulfill the purpose stated in section 4(d) of the 1964 Act of assuring program continuity and orderly development of new projects by providing at least $10 billion for urban mass transportation over a 12-year period. Early availability of this authority is essential in order that localities can undertake the long and difficult process of planning, developing, and financing major urban mass transportation improvement projects with confidence that they will be able to obtain a binding Federal commitment when they are actually ready to commence the projects.

Section 4 of the bill would amend section 9 of the 1964 act to increase from two-thirds to 70 percent the share of the cost of technical study grant projects which the Federal Government is authorized to contribute. Section 4 would also amend section 9 to clarify the authority to undertake projects for the evaluation of completed projects as a part of the technical study activity.

Section 5 of the bill would amend section 10 of the 1964 act to remove several restrictions which undesirably limit the manner in which funds available to assist in improving the skills of persons employed in managerial positions in the transit industry may be distributed. The new flexibility which the bill would permit would enable the Department to allocate grants to those areas where the need for training is greatest.

Section 6 of the bill would amend the 1964 act to delete provisions which no longer have any significant operative effect and would renumber several remaining sections in order to clean up the act.

By Mr. SPARKMAN (for himself and Mr. TOWER):

S. 1140. A bill to prohibit the making of clad strip from which slugs can be cut for use in coin operated machines and to prohibit misrepresentation as to proof and uncirculated coins. Referred to the Committee on Banking, Housing and Urban Affairs.

Mr. SPARKMAN. Mr. President, for myself and for Senator TOWER, I send to the desk a bill to prohibit the making of clad strip from which slugs can be cut for use in coin operated machines and to prohibit misrepresentation as to proof and uncirculated coins. This legislation has been recommended to us by the Secretary of the Treasury. In general the purpose of the proposed legislation is to: first, prohibit, except under the authority of the Secretary of the Treasury, the importation, manufacture, possession, sale or use of clad strip from which slugs can be cut susceptible of use in coin operated machines, and second, prohibit falsely representing that packages of U.S. coins are proof coin or mint sets prepared by a U.S. Mint.

By Mr. SPARKMAN (for himself and Mr. TOWER):

S. 1141. A bill to provide a new coinage design and date emblematic of the bicentennial of the American Revolution for dollars and half-dollars. Referred to the Committee on Banking, Housing and Urban Affairs.

Mr. SPARKMAN. Mr. President, I send to the desk for myself and Mr. TOWER a bill to provide a new coinage design and date emblematic of the bicentennial of the American Revolution for dollars and half-dollars. This bill is recommended to the Congress by the administration. In general the administration believes it would be highly appropriate and desirable to recognize the bicentennial of the birth of the United States on its coinage. The proposed legislation is designed to accomplish that purpose.

By Mr. MUSKIE (for himself, Mr. Bible, Mr. Chiles, Mr. Eagleton, Mr. Gravel, Mr. Hart, Mr. Hughes, Mr. Humphrey, Mr. Javits, Mr. Kennedy, Mr. Metcalf, Mr. Mondale, Mr. Percy, and Mr. Ribicoff):

S. 1142. A bill to amend section 552 of title 5, United States Code, known as the "Freedom of Information Act." Referred jointly, by unanimous consent, to the Committee on the Judiciary and the Committee on Government Operations.

FREEDOM OF INFORMATION ACT

Mr. MUSKIE. Mr. President, I introduce today a bill to amend the Freedom of Information Act of 1967 and ask unanimous consent that it be referred to the Committee on the Judiciary and the Committee on Government Operations.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MUSKIE. Mr. President, these amendments which are cosponsored by 13 Senators from both sides of the aisle respond to a call many of us have heard for full implementation of the people's right to know the way in which they are governed. This bill, the result of intensive investigation in the 92d Congress by Representative William Moorhead's Subcommittee on Foreign Operations and Government Information, is a major contribution to answering that demand.

We are the best-informed of nations and the worst-informed. Americans in 1973 have access to more data, statistics, studies and opinions than the citizens of any other democracy, including their own, have ever had before. In theory, our people have available to them all the information they need to make wise and intelligent choices on public policy.

In practice, however, the flow of vital information from the governors to the governed is controlled and restricted by considerations that are alien to our concept of open democracy. The Executive asserts the power to withhold from the people and from the Congress some or all of the expert advice it receives and acts on. A President or his spokesman can make public those facts which best support a decision he has already made and can conceal arguments for alternatives he has rejected.

One branch of the Armed Forces can keep its research secret from the others, putting its competitive drive for appropriations ahead of the public interest in efficiency. Officials in charge of regulating prices or communications or pollution or consumer safety can be subjected to secret influences whose power to affect decision is increased by their ability to operate behind closed doors and to lock their advice into closed files.

Arguments made in private may be persuasive. They may even be correct. But where the public interest is at stake, argument must be open so that it can be rebutted. To be enforceable in a society built on trust, decisions must be reached in a manner that permits all those concerned to have equal access to the decisionmakers.

These amendments go far to remove obstructions which many Federal agencies have put in the way of those citizens who seek to know. They provide that judges shall question the reasons asserted by an executive agency for claiming the privilege of secrecy for its records and shall examine the records themselves to see how reasonable each claim is. They affirm the right of Congress to have access to the information on which the Executive deliberates and acts.

I am proud to bring this legislation before the Senate at the same time it goes before the other body. Together we can examine the problems which have arisen in implementing the sound purpose of the Freedom of Information Act and can work to strengthen that purpose and our democracy.

Mr. President, I ask unanimous consent that an analysis of these amendments and the text of the bill be printed in the Congressional Record at this point.

There being no objection, the analysis and bill were ordered to be printed in the Record, as follows:

ANALYSIS OF AMENDMENTS TO THE FREEDOM OF INFORMATION ACT OF 1967

Amendments to Section 552(a)—

(1) agencies would be required to "publish and distribute" their opinions made in the adjudication of cases, policy statements and interpretations adopted, and administrative staff manuals and instructions to staff that affect the public, rather than merely making them "available for public inspection and copying," as provided in the present law.

(2) agencies would be required to respond to requests for records which "reasonably describes such records." This language is substituted for the term "identifiable records," which has been used by the bureaucracy in many cases to avoid making information available.

(3) agencies would be required to respond to requests under the Act within 10 days (excepting Saturdays, Sundays, and legal public holidays) after receipt of the request and within 20 days (with the same exceptions) on administrative appeals following denials to the requesting party. These time periods are the result of a 1971 study and recommendations on improving the operation of the Act as adopted by the Administrative Conference of the United States and would provide a positive mechanism to correct one of the most glaring deficiencies uncovered during oversight hearings—that of agency stalling and foot-dragging tactics to avoid public disclosure.

(4) the Government could be required by the courts to pay "reasonable attorney fees and other litigation costs" of citizens who successfully litigate cases under the Act. This amendment is directed toward another major deficiency of the present law revealed during the hearings—the high costs to the average citizen when attempts to obtain records under provisions of the Act are frustrated by arbitrary or capricious acts of the bureaucracy or by foot-dragging tactics. Such assessment would be at the option of the court and has been successfully used in numerous civil rights cases in past years.

(5) agencies would be required to file answers and other responsive motions to citizens' suits under the Act within 20 days after receipt. Under normal rules of Federal civil procedure, the Government is given 60 days to file such responses, although the private citizen has only 20 days to respond to Government motions; this amendment would plug a major loophole used by the Government and revealed in the hearings, involving cases where repeated filing of delaying motions by the Government stalled court consideration of Freedom of Information Act cases for as long as 140 days. Such stalling tactics make a mockery of the law and often make the information, if finally made available to the citizen, virtually useless to him.

(6) new provisions proposed to Section 552(a) would clarify the original intent of Congress in connection with the interpretation of the "de novo" requirements placed on the courts in their consideration of cases under the Act. Such amendment is made necessary by the Supreme Court's decision in the case of *Mink* v. *EPA*, (410 U.S. —) decided on January 22, 1973, when the Court held that judges *may not* examine *in camera* documents in dispute where the Government claims secrecy by virtue of exemption 552(b)(1), dealing with the national defense or foreign policy, and are *not required* to exercise such *in camera* judgment in cases involving exemption 552(b)(5), dealing with inter-agency or intra-agency memorandums. The amendments make it clear that Congress intended and still intends that "de novo" as used in the law means that since the burden of proof for withholding is on the Government, courts *must* examine agency records *in camera* to determine if such records as requested by the plaintiff in a suit under the Act, or any part thereof, should be withheld under any of the nine permissive exemptions of 552(b). It also makes it clear in cases where exemption 552(b)(1) is claimed by the agency, the court *must* examine such classified records to see if they are a proper exercise of such Executive Order classification authority and that disclosure of the information requested would actually be "harmful to the national defense or foreign policy of the United States."

Amendments to Section 552(b)—

(1) permissive exemption (b)(2) would be amended to require disclosure of information about an agency's internal personnel rules and internal personnel practices, so long as such disclosure would not "unduly impede the functioning of such agency."

(2) permissive exemption (b)(4) would be amended to modify the exemption for trade secrets by requiring that such types of information be truly privileged and confidential, as is already provided in the case of commercial or financial information under this exemption.

(3) permissive exemption (b)(6) would be amended to limit its application to medical personnel "records," instead of "files" as in the present law; this would close another loophole in the Act whereby releaseable information is often commingled with other types of information in a single "file", and therefore withheld.

(4) permissive exemption (b)(7) would also be amended to substitute the word "records" for "files" as in (b)(6), for the same reason—to curb agency commingling of information to avoid public disclosure. The amendment would also narrow the exemption to require that such records be compiled for a "specific law enforcement purpose, the disclosure of which is not in the public interest." It also enumerates certain categories of information that *cannot* be withheld under this exemption such as scientific tests, reports, or data, inspection reports relating to health, safety, or environmental protection, or records serving as a basis for a public policy statement of any agency, officer, or employee of the United States, or which serve as a basis for rule-making by an agency.

Amendment to Section 552(c)—

(1) the amendment proposed to Section (c) clarifies the position that Congress, upon written request to an agency, be furnished all information or records by the Executive

that is necessary for Congress to carry out its functions. Language in the present law merely states that the Freedom of Information Act does not authorize "withholding of information from Congress."

New Section 552(d)—

(1) establishes a mechanism for Congressional oversight by requiring annual reports from each agency on their record of administration of the Act, requiring certain record of administration of the Act, requiring certain types of statistical data, changes in their regulations, and similar types of information.

S. 1142

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. (a) The fourth sentence of section 252(a)(2) of title 5, United States Code, is amended by striking out "and make available for public inspection and copying" and inserting in lieu thereof ", promptly publish, and distribute (by sale or otherwise) copies of".

(b) Section 552(a)(3) of title 5, United States Code, is amended by striking out "on request for identifiable records made in accordance with published rules stating the time, place, fees, to the extent authorized by statute, and procedure to be followed," and inserting in lieu thereof the following: "upon any request for records which (A) reasonably describes such records, and (B) is made in accordance with published rules stating the time, place, fees, to the extent authorized by statute, and procedures to be followed,".

(C) Section 552(a) of title 5, United States Code, is amended by adding at the end thereof the following new paragraph:

"(5) Each agency, upon any request for records made under paragraph (1), (2), or (3) of this subsection, shall—

"(A) determine within ten days (excepting Saturdays, Sundays, and legal public holidays) after the receipt of any such request whether to comply with such request and shall immediately notify the person making such request of such determination and the reasons therefor;

"(B) in the case of a determination not to comply with any such request, immediately notify the person making such request that such person has a period of twenty days (excepting Saturdays, Sundays, and legal public holidays), beginning on the date of receipt of such notification, within which to appeal such determination to such agency; and

"(C) make a determination with respect to such appeal within twenty days (excepting Saturdays, Sundays, and legal public holidays) after the receipt of such appeal.

Any person making a request to an agency for records under paragraph (1), (2), or (3) of this subsection shall be deemed to have exhausted his administrative remedies with respect to such request if the agency fails to comply with subparagraph (A) or subparagraph (C) of this paragraph. Upon any determination by an agency to comply with a request for records, such records shall be made available as soon as practicable to such person making such request."

(d)(1) The third sentence of section 552 (a)(3) of title 5, United States Code, is amended by inserting immediately after "the court shall determine the matter de novo" the following: "including by examination of the contents of any agency records in camera to determine if such records or any part thereof shall be withheld under any of the exemptions set forth in subsection (b) and the burden is on the agency to sustain its action."

(2) Section 552(a)(3) of title 5, United States Code, is amended by inserting the following new sentence immediately after the third sentence thereof: "In the case of any agency records which the agency claims are within the purview of subsection (b)(1), such in camera investigation by the court shall be of the contents of such records in order to determine if such records, or any part thereof, cannot be disclosed because such disclosure would be harmful to the national defense or foreign policy of the United States."

(e) Section 552(a)(3) of title 5, United States Code, is amended by adding at the end thereof the following new sentence: "Notwithstanding any other provision of law, the United States or an officer or agency thereof shall serve an answer to any complaint made under this paragraph within twenty days after the service upon the United States attorney of the pleading in which such complaint is made. The court may assess against the United States reasonable attorney fees and other litigation costs reasonably incurred in any case under this section in which the United States or an officer or agency thereof, as litigant, has not prevailed."

SEC. 2. (a) Section 552(b)(2) of title 5, United States Code, is amended by inserting "internal personnel" immediately before "practices", and by inserting "and the disclosure of which would unduly impede the functioning of such agency" immediately before the semicolon at the end thereof.

(b) Section 552(b)(4) of title 5, United States Code, is amended by inserting "obtained from a person which are privileged or confidential" immediately after "trade secrets", and by striking out "and" the second time that it appears therein and by inserting in lieu thereof "which is".

(c) Section 552(b)(6) of title 5, United States Code, is amended by striking out "files" both times that it appears therein and inserting in lieu thereof "records".

(d) Section 552(b)(7) of title 5, United States Code, is amended to read as follows:

"(7) investigatory records compiled for any specific law enforcement purpose the disclosure of which is not in the public interest, except to the extent that—

"(A) any such investigatory records are available by law to a party other than an agency, or

"(B) any such investigatory records are—

"(i) scientific tests, reports, or data,

"(ii) inspection reports of any agency which relate to health, safety, environmental protection, or

"(iii) records which serve as a basis for any public policy statement made by any agency or officer or employee of the United States or which serve as a basis for rulemaking by any agency;".

SEC. 3. Section 552(c) of title 5, United States Code, is amended to read as follows:

"(c)(1) This section does not authorize withholding of information or limit the availability of records to the public, except as specifically stated in this section.

"(2)(A) Notwithstanding subsection (b), any agency shall furnish any information or records to Congress or any committee of Congress promptly upon written request to the head of such agency by the Speaker of the House of Representatives, the President of the Senate, or the chairman of any such committee as the case may be.

"(B) For purposes of this paragraph, the term 'committee of Congress' means any committee of the Senate or House of Representatives or any subcommittee of any such committee or any joint committee of Congress or any subcommittee of any such joint committee."

SEC. 4. Section 552 of title 5, United States Code, is amended by adding at the end thereof the following new subsection:

"(d) Each agency shall, on or before March 1 of each calendar year, submit a report to the Committee on Government Operations of the House of Representatives and the Committee on Government Operations of the Senate which shall include—

"(1) the number of requests for records made to such agency under subsection (a);

"(2) the number of determinations made by such agency not to comply with any such request, and the reasons for each such determination;

"(3) the number of appeals made by persons under subsection (a)(5)(B);

"(4) the number of days taken by such agency to make any determination regarding any request for records and regarding any appeal;

"(5) the number of complaints made under subsection (a)(3);

"(6) a copy of any rule made by such agency regarding this section; and

"(7) such other information as will indicate efforts to administer fully this Section;

during the preceding calendar year."

SEC. 5. The amendments made by this Act shall take effect on the 90th day after the date of enactment of this Act.

Mr. KENNEDY. Mr. President, James Madison once wrote:

> Knowledge will forever govern ignorance, and a people who mean to be their own governors, must arm themselves with the power knowledge gives. A popular government without popular information or the means of acquiring it, is but a prologue to a farce or a tragedy or perhaps both.

These words were quoted upon introduction and reporting of what is now the Freedom of Information Act, legislation intended to provide the citizenry with the "means of acquiring" information from its government.

Congress' overriding concern in passing the Freedom of Information Act—FOIA—was that disclosure of information be the general rule, not the exception. The act reversed previous law and practice in that it provided that all persons have equal rights of access and that the burden be placed on government to justify refusal to disclose information, not the person requesting it. Finally, the act allowed persons wrongfully denied access to documents the right to seek injunctive relief in the courts.

After almost 6 years of operation, the FOIA has not fulfilled Congress' objectives or aspirations. Bureaucrats who simply feel more comfortable laboring behind closed doors and officials who desire to cover up inefficiency, ineffectiveness, laziness, and even corruption have joined to frustrate the intent and circumvent the mandates of the act. Vague or ambiguous exemptions have been stretched to shield disclosure of even the most innocuous documents, while delays and runarounds are employed to dampen the ardor of public inquirers.

Clearly the time has come for a new look and update of the FOIA. The amendments developed from extensive hearings in a House Government Operations Subcommittee during the last Congress provide an excellent starting point to initiate this revision. I am pleased to join with Senator MUSKIE and others today in introducing these amendments.

The original FOIA was developed from extensive hearings and deliberations by the Senate Subcommittee on Administrative Practice and Procedure, which I now chair. Because the amendments being introduced here cover not only areas presently included in the FOIA, but also matters relating to disclosure of previously classified materials and to access by Congress to documents in agency files, a joint referral has been arranged to both the Judiciary and the Government Operations Committees. I will look forward to coordinating the efforts of my subcommittee with those of Senators MUSKIE and ERVIN, so that we might develop unified positions with regard to the important problems addressed by these amendments.

By Mr. HUMPHREY:

S. 1143. A bill entitled the "Social Security and Medicare Reform Act of 1973." Referred to the Committee on Finance.

SOCIAL SECURITY AND MEDICARE REFORM ACT OF 1973

Mr. HUMPHREY. Mr. President, I am today introducing the Social Security and Medicare Reform Act of 1973. This legislation is designed to accomplish one prime objective: bring fairness to the social security and medicare systems.

Title I of this legislation would reduce and eventually eliminate the supplementary medical insurance deductible. Presently, this deductible requires a medicare patient to pay the first $60 of the hospital bill.

The Nixon administration has recently proposed that the $60 payment be increased to $85. I am opposed to such an increase. The Nixon administration's proposal would place an almost unbearable financial strain on the elderly—generally those persons without sufficient resources to pay the cost.

Under my legislation, the deductible would be gradually reduced and eliminated over a 5-year period. This legislation would recognize that the United States has a public commitment to good health care for its elderly—without depleting their resources or forcing them to pay extra for quality medical care.

Title II of my legislation eliminates the payment of the premium under the supplemental medical insurance program.

Once again, with the increased cost in the medical insurance premiums, the elderly have been forced to pay even more for getting sick. Almost every year, there is an increase in the medical insurance premium. Last year, the Congress enacted a provision that would increase the premium as the cost of living increases. It seems that our Government wants to play a cruel hoax on the elderly. On one hand, the elderly receive a cost of living increase in social security benefits; on the other, the cost of their medical insurance is also increased.

I think it is time to call a halt. It is time to be financing more of this cost from general revenues—not asking the elderly, most of whom have fixed incomes, to bear the burden of inflation.

Title III of the legislation would begin a system of one-third general revenue financing for the social security system. This amendment changes the financing mechanisms of social security from the present excessively regressive payroll tax to a method that is at least more equitable, and also maintains the actuarial integrity of the trust fund. It means that one-third of total cost of social security would come from general funds of the Government. It means that the tax burden on low-income and moderate income families will be reduced.

At one time, it made sense to finance social security benefits entirely from the payroll tax. But lately, with the welcome expansion of benefits, the social security payroll tax has become extremely burdensome.

In the Nixon administration's proposed fiscal year 1974 budget, 29 cents of every tax dollar collected by the Federal Government will come from social security payroll taxes, while only 14 cents will come from corporate sources. Under the changes enacted last year, the rate of payroll taxes is 5.5 percent—paid by the employer and employee—for a combined tax of 11 percent on individual income up to $10,800. The 1972 social security tax maximum payment of $468 will increase to $594 for 1973 and $660 in 1974. Ten years ago, this same tax was $174.

Under a system of one-third general revenue financing, both the rate and the amount of tax would be cut for the average payroll taxpayer by more than $150.

General revenue financing at the level I have proposed will not come overnight. It could be phased in over a period of years or it could apply to the first $100 or $200 of payroll taxes. How it is done is not the crucial point. That it is done is what is crucial.

We simply must reduce the payroll tax burden on the average working family.

Title IV of the legislation would eliminate the earnings limitations for social security retirement benefits. During the last Congress, the amount of money that a social security recipient could earn without a reduction in his benefits was increased from $1,680 to $2,100. If a social security recipient earns more than $2,100, his social security benefits are reduced by $1 for every dollar earned over the $2,100 limit.

Eliminating the earnings limitation would encourage senior citizens to continue to work if they are able to do so. That should be the policy of our Government.

To my mind, there is no reason why a person should be denied the opportunity to work or be penalized for working because of age.

Finally, title V of the legislation would provide that individuals who are entitled to receive widow's or widower's benefits would receive 100 percent of such benefits.

This title is directed toward a particular problem enacted by last year's social security amendments. In that legislation, a provision was added that only widows would receive 100 percent of their husband's benefits.

Unfortunately, many of us felt that the direction of that provision was to provide that all widows, upon becoming eligible at age 62, would receive 100 percent of their husband's benefits. This, however, was not the case. An eligibility age limit of 65 was added—allowing only certain widows to receive 100 percent of benefits.

I have received literally hundreds of letters and phone calls from disappointed widows who expected to receive 100 percent of benefits but found their hopes reversed.

Under title V of this bill, widows who began drawing benefits at age 62 would be entitled to the full 100 percent of their husband's rightful benefit.

Mr. President, I believe that my bill is dedicated to pure and simple equity. It clearly draws the line as to who should pay and how much for retirement and medical benefits. It does not attempt to place dollar barriers between the patient and adequate health care. It does not attempt to strain the pocketbook of the average payroll taxpayer.

This legislation attacks head on the proposals of the Nixon administration to force the poor and the elderly to pay more for their medical care. It attacks head on the proposition that when Federal income taxes are not raised there is, in effect, no tax increase—even though you and I know, Mr. President, that when payroll taxes go up, that is the most unfair form of tax.

And it attacks head on the inequities built into the social security retirement system through artificially limiting productivity of our citizens or promising the widows of social security beneficiaries something they will not get.

I believe that these amendments are necessary. I have submitted other amendments; for example, an amendment which provides that with the increase of 20 percent in social security benefits, the other benefits that were previously added to social security would not be withdrawn or reduced. Last year we saw a 20 percent increase in social security, only to find that many a person on social security had his or her rent increased and other benefits reduced. Food stamps were taken away from them. In many instances, the increase resulted in a loss of income or income benefits that are related to income.

That is unfair. It is unkind. It was not intended; and that kind of administrative policy must be corrected by legislation.

I have previously introduced such legislation. Last year my distinguished senior colleague (Mr. MONDALE) and I presented such a bill to the Senate. It was passed here overwhelmingly, but it was dropped in conference. Simple, plain justice and equity require that when you increase the social security benefits, you do not rob the people of other benefits at the same time; but that is exactly what has been going on.

So, Mr. President, I believe that these amendments are not only necessary but just. They provide the elderly a more realistic opportunity to enjoy life and obtain the health care that they need. And they offer the working man relief from his crushing payroll tax burden.

I send the bill to the desk, Mr. President, for appropriate reference, and ask unanimous consent that the full text of the bill be printed in the RECORD with my remarks.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 1143

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled.

TITLE 1

REDUCTIONS IN, AND EVENTUAL ELIMINATION OF, THE SUPPLEMENTARY MEDICAL INSURANCE DEDUCTIBLE

Sec. 101. (a) (1) Effective January 1, 1974, section 1833(b) of the Social Security Act is amended by striking out "shall be reduced by a deductible of $60" and inserting in lieu thereof "shall be reduced by a deductible of $50".

(2) Effective January 1, 1975, section 1833 (b) of such Act is amended by striking out "shall be reduced by a deductible of $50" and inserting in lieu thereof "shall be reduced by a deductible of $40".

(3) Effective January 1, 1976, section 1833 (b) of such Act is amended by striking out "shall be reduced by a deductible of $40" and inserting in lieu thereof "shall be reduced by a deductible of $30".

(4) Effective January 1, 1977, section 1833 (b) of such Act is amended by striking out "shall be reduced by a deductible of $30" and inserting in lieu thereof "shall be reduced by a deductible of $15".

(5) Effective January 1, 1978, section 1833 (b) of such Act is repealed.

(b) (1) Section 1835(c) of such Act is amended by striking out "but only if such charges for such services do not exceed $60" and inserting in lieu thereof "but only if such charges for such services do not exceed the supplementary medical insurance deductible (if any) which is in effect for the calendar year in which such services are provided".

(2) The amendment made by paragraph (1) shall take effect January 1, 1972.

TITLE II

"AUTOMATIC COVERAGE (WITHOUT PAYMENT OF PREMIUM) UNDER SUPPLEMENTAL MEDICAL INSURANCE PROGRAM

"Sec. 201. (a) Section 1831 of the Social Security Act is further amended to read as follows:

" 'Sec. 1831. There is hereby established an insurance program to provide medical insurance benefits in accordance with the provisions of this part for aged and disabled individuals who elect to enroll in such program or who are entitled to hospital insurance benefits under the program established by part A. The costs of the insurance program established by this part shall be financed from funds appropriated by the Federal Government, and the benefits under such program shall be paid from the Federal Supplementary Medical Insurance Trust Fund.'

"(b) Section 1836 of such Act is further amended by striking out 'is eligible to enroll in the insurance program' and inserting in lieu thereof 'is covered under the insurance program'.

"(c) Section 1837(a) is amended to read as follows:

" 'Sec. 1837. (a) (1) Any individual who for the month of July 1973, or any succeeding month, is covered by the hospital insurance program established by part A shall also be covered by the insurance program established by this part for each month for which he is covered by such program.

" '(2) Any individual who is not covered by the program established by this part for the month of July 1972, or any succeeding month, by reason of the provisions of subsection (a), shall, if he is eligible under section 1836 for coverage in the program established by this part, secure coverage by enrolling therefor in such manner and within such time period as the Secretary shall prescribe by regulations.'

"(d) Section 1838(a) of such Act is amended by inserting immediately before the first sentence thereof the following new sentence: 'Any individual who is entitled to hospital insurance benefits under part A shall be covered by the insurance program established by this part for each month for which he is entitled to such benefits, except that no individual shall, by reason of this sentence be deemed to be covered by the insurance program established by this part for any month prior to July 1973, and the succeeding provisions of this section shall not be applicable to any individual to whom this sentence applies.'

"(e) (1) Section 1839 (b) (1) of such Act is amended by inserting 'and before July 1, 1973,' after '1967'.

"(2) Section 1839(b) (2) of such Act is amended by striking out 'thereafter' and inserting in lieu thereof 'ending on or before December 31, 1970'.

"(f) Section 1840 of such Act is repealed.

"(g) Section 1844 is amended to read as follows:

" 'Sec. 1844. Effective for months after January 1974, there are authorized to be appropriated, from time to time, out of any moneys in the Treasury not otherwise appropriated to the Federal Supplementary Medical Insurance Trust Fund such sums as may be necessary to assure that there will be, at all times, a sufficient sum of money in such Trust Fund to make prompt payment of (A) benefits provided under this part, (B) the administrative expenses incurred thereunder, and (C) all other financial obligations of such Trust Fund.'

"(h) The amendments and repeals made by this section shall be applicable to coverage, under the insurance program established by part B of title XVIII of the Social Security Act, for months after June 1973."

TITLE III

"GENERAL REVENUE CONTRIBUTIONS TO FEDERAL OLD-AGE AND SURVIVORS INSURANCE TRUST FUND

"Sec. 301. Section 201 of the Social Security Act is amended by adding after subsection (i) thereof (as added by section 139(c) of this Act) the following new subsections:

" '(j) In addition to the funds appropriated under subsection (a) to the Federal Old-Age and Survivors Insurance Trust Fund for any fiscal year (commencing with the fiscal year ending June 30, 1972), there is authorized to be appropriated to such fund for such fiscal year an amount equal to 50 per centum of the amount of the funds appropriated to such fund under subsection (a) for such fiscal year.

" '(k) (1) Funds authorized to be appropriated under subsection (j) shall be appropriated for any fiscal year on the basis of estimates by the Congress of the amounts which will be expended for such year from the trust fund to which funds are being appropriated, reduced, or increased to the extent of any overappropriation or underappropriation under this section to such fund for any preceding year with respect to which adjustments has not already been made.

" '(2) The Secretary of Health, Education, and Welfare shall furnish to the Congress such information, data, and actuarial studies as may be appropriated to enable the Congress to make the estimates referred to in paragraph (1).'."

TITLE IV

That subsections (b), (d), (f), (h), (j), and (k) of section 203 of the Social Security Act are repealed.

Sec. 401. (a) Subsection (c) of section 203 of the Social Security Act is redesignated as subsection (b); and such subsection as so redesignated is amended—

(1) by striking out "Noncovered Work Outside the United States or" in the heading;

(2) by striking out paragraph (1);

(3) by redesignating paragraphs (2), (3), and (4) as paragraphs (1), (2), and (3), respectively;

(4) by striking out "For purposes of paragraphs (2), (3), and (4)" and inserting in lieu thereof "For purposes of paragraphs (1), (2), and (3)"; and

(5) by striking out the last sentence.

(b) Subsection (e) of such section 203 is redesignated as subsection (c); and such subsection as so redesignated is amended by striking out "subsections (c) and (d)" and inserting in lieu thereof "subsection (b)."

(c) Subsection (g) of such section 203 is redesignated as subsection (d); and such subsection as so redesignated is amended by striking out "subsection (c)" each place it appears and inserting in lieu thereof "subsection (b)."

(d) Subsection (i) of such section 203 is redesignated as subsection (e); and such subsection as so redesignated is amended by striking out "subsection (b), (c), (g), or (h)" and inserting in lieu thereof "subsection (b) or (d)."

(e) Subsection (1) of such section 203 is redesignated as subsection (f); and such subsection as so redesignated is amended by striking out "subsection (g) or (h) (1) (A)" and inserting in lieu thereof "subsection (d)."

Sec. 402. (a) Section 202(n) (1) of the Social Security Act is amended by striking out "Section 203 (b), (c), and (d)" and inserting in lieu thereof "Section 203(b)."

(b) (1) Section 202(q) (5) (B) of such Act is amended by striking out "section 203(c) (2)" and inserting in lieu thereof "section 203(b) (1)."

(b) Section 202(q) (7) (A) of such Act is amended by striking out "deductions under section 203(b), 203 (c) (1), 203(d) (1), or 222 (b)" and inserting in lieu thereof "deductions on account of work under section 203 or deductions under section 222(b)."

(c) (1) Section 202(s) (1) of such Act is amended by striking out "paragraphs (2), (3), and (4) of section 203(c)" and inserting in lieu thereof "paragraphs (1), (2), and (3) of section 203(b)."

(2) Section 202(s) (3) of such Act is amended by striking out "the last sentence of subsection (c) of section 203, subsection (f) (1) (C) of section 203.".

(d) Section 202(t) (7) of such Act is amended by striking out "Subsections (b), (c), and (d)" and inserting in lieu thereof "Subsection (b)".

(e) Section 208(a) (3) of such Act is amended by striking out "under section 203 (f) of this title for purposes of deductions from benefits" and inserting in lieu thereof "under section 203 for purposes of deductions from benefits on account of work".

(f) Section 215(g) of such Act is amended by striking out "and deductions under section 203(b)".

(g) Section 3(e) of the Railroad Retirement Act of 1937 is amended by striking out "under subsections (g) and (h) (2) of section 203 of the Social Security Act" and inserting in lieu thereof "under subsection (d) of section 203 of the Social Security Act".

(h) Section 5(i) (1) of the Railroad Retirement Act of 1937 is amended by inserting "or" after the semicolon at the end of clause (i), by striking out clause (ii), and by redesignating clause (iii) as clause (ii).

Sec. 403. The amendments made by this Act shall be effective with respect to taxable years ending after December 31, 1973.

TITLE V

Sec. 501. That (a) section 202(q) (1) of the Social Security Act is amended—

(1) in the matter preceding subparagraph

(A), by inserting "(in the case of any benefit other than a widow's or widower's benefit) and for any subsequent month prior to the month in which such individual attains retirement age (in the case of a widow's or widower's benefit)" immediately after "subsequent month"; and

(2) in subparagraph (B)(ii), by striking out "such individual attains retirement age" and inserting in lieu thereof "such individual (in the case of any individual other than an individual who is entitled to a widow's or widower's benefit) attains retirement age".

Sec. 502. The amendments made by this Act shall apply with respect to monthly benefits under title II of the Social Security Act for months after the month following the month in which this Act is enacted.

By Mr. SCHWEIKER (for himself, Mr. Scott of Pennsylvania and Mr. Humphrey):

S. 1144. A bill to establish a national program of Federal insurance against catastrophic disasters. Referred to the Committee on Banking, Housing and Urban Affairs.

NATIONAL CATASTROPHIC DISASTER INSURANCE ACT OF 1973

Mr. SCHWEIKER. Mr. President, on behalf of myself, the distinguished senior Senator from Pennsylvania (Mr. Scott), and the distinguished Senator from Minnesota (Mr. Humphrey), I introduce a bill to establish a national program of Federal insurance against catastrophic disasters and ask that it be appropriately referred.

In June 1972, this Nation suffered the worst natural disaster in the history of the country. Hurricane Agnes caused over $3 billion in property damage, flooded 5,000 square miles of land area, and caused 118 deaths; $2.6 billion of the damage was suffered by private individuals and about $400 million was caused to publicly owned facilities.

In addition, there was severe flooding in other parts of the country, including the particularly disastrous flood in South Dakota only shortly before the Agnes storm.

Of the States involved in the Agnes disaster, Pennsylvania was hardest hit. About 70 percent of the total damage occurred in Pennsylvania. Of that, 70 percent occurred in the area of Wilkes-Barre. Many other communities, including the capital city, Harrisburg, were very hard hit.

The Office of Emergency Preparedness has said that hundreds of cities, towns, and rural communities along 4,500 miles of major rivers and 9,000 miles of streams and tributaries were flooded. Over 500,000 people suffered losses, 116 dwellings and mobile homes, and 2,400 farm buildings were damaged or destroyed and 5,800 businesses were destroyed.

What lessons have we learned from this terrible storm? First of all, I think it is entirely clear that the existing framework of grants and loans to individuals suffering flood damage is simply not adequate. Although the Office of Emergency Preparedness, the Small Business Administration, the Farmers Home Administration, and other cooperating agencies, did a tremendous job in a short time in assisting disaster victims, we were not prepared for the scope and intensity of Hurricane Agnes. Last August, Congress responded to the storm by passing new legislation increasing the amount of SBA and FHA "grants" or loan cancellations to $5,000, and decreasing the interest rate on loans to 1 percent. While this assistance has been very helpful to disaster victims, it does not do the job that needs to be done under such circumstances.

Although at the time of Hurricane Agnes Federal flood insurance was available, only a few people had it. Nobody in Harrisburg, Pa., for example, was covered. Only two people in Wilkes-Barre had flood insurance. Although 93 communities in Pennsylvania had qualified for flood insurance, very few individual citizens had obtained it. On August 14, 1972, I introduced legislation to amend the National Flood Insurance Act, and I reintroduced my bill as S. 390 on January 16, 1973. The National Flood Insurance Act Amendments of 1973 broaden the availability of flood insurance, increase the coverage, provide additional incentives for communities to participate, and guarantees that every individual wanting flood insurance can obtain it.

I am convinced, however, that it is absolutely essential that we revise our whole approach to the problem of disasters. What we need is a national program of Federal disaster insurance which covers all risks and is available to every city.

Therefore, I introduce today, along with my distinguished senior colleague, Senator Scott, and the distinguished Senator from Minnesota (Mr. Humphrey), the National Catastrophic Disaster Insurance Act of 1973.

This bill is identical to H.R. 4772, introduced in the House of Representatives by Congressman Daniel J. Flood, whose congressional district, which includes Wilkes-Barre, received the greatest impact of Hurricane Agnes. I strongly commend my colleague for his work in developing this important legislation.

Here is what the National Catastrophic Disaster Insurance Act of 1973 does:

First, it creates the Office of Federal Disaster Insurance within the Federal Insurance Administrator's Office in the Department of Housing and Urban Development. This Office is responsible for administering the act and implementing a national catastrophic insurance program.

Second, my bill covers all catastrophic disasters. The term "catastrophic disaster" is defined to mean any flood, high waters, windstorm, hurricane, tornado, tidal wave, drought, snowstorm, blizzard, earthquake, atomic accident, or other catastrophe as defined by the Secretary of Housing and Urban Development. If any such disaster reaches such magnitude that it is defined as a major disaster or a natural disaster, or a disaster under which loans may be made under section 7(b) of the Small Business Act, and is declared to be a catastrophic disaster by the President, the Secretary of Agriculture, or the Small Business Administration, the insurance program becomes operative.

Third, the bill creates a national disaster insurance fund which will function as a pool from which the Administrator will disburse funds for claims under the disaster insurance law, and into which premium payments and other collected funds will be channeled. The National Disaster Insurance Fund will be funded as follows:

First, a surcharge will be added to all property and liability insurance premiums written nationwide, with the exception of workmen's compensation, bonds, and health insurance.

Second, 1 percent of all repayments to the Farmers Home Administration and the Small Business Administration of their outstanding disaster recovery loans would be put in the fund. That is, 1 percent of the repayments received by FHA and SBA would be transferred into the fund.

Third, additional sums may be authorized and appropriated by Congress. When necessary, the Administrator would have authority to issue treasury notes and other obligations as necessary to maintain the fund at an appropriate level.

Fourth, the amount of the surcharge as established by the Secretary, could vary to reflect regional, statewide, or national variations in risk. In other words, property owners living in areas which historically are not as subject to catastrophic disasters as other areas, would have a smaller surcharge on their premiums. However, under no circumstances could the surcharge exceed 5 percent. The amount of the coverage also could vary, covering either the full amount of property insurance in effect or a percentage thereof, depending on the size of the national insurance fund. As soon as the fund is large enough to cover expected losses, the extension of coverage could reach the full face value of the property insurance in effect.

Fifth, the program takes advantage of the availability of existing private insurance pools, and existing insurance policies. In other words, no new insurance policy will be issued to cover disasters. The surcharge is applied to policies already in effect. Policyholders would automatically be covered, and would not be surcharged until the next premium became due.

Sixth, the States and municipalities would be consulted by the Administrator regarding the particular kinds of disasters to be covered under the act; the nature of and limits of loss or damage to be covered, zoning and other land use provisions, and other similar matters.

Seventh, no catastrophic disaster insurance would be made available for any property failing to meet land use regulations designed to restrict land development or occupancy in disaster-prone areas.

Reasonable efforts would have to be made to preclude excessive losses in such areas, defined as "special catastrophic disaster risk areas."

Eighth, if private insurance companies establish a similar catastrophic disaster insurance program before June 30, 1975, the Federal program established by this legislation would be phased out.

Ninth, and this is highly important, the legislation includes a provision making benefits retroactive to June 1, 1972. Therefore, Hurricane Agnes would be covered. Of course, loss payments made to Agnes victims would be reduced by any State or Federal disaster assistance grants paid to such individuals.

Mr. President, under Public Law 92–385, the President is charged with a responsibility of reviewing the existing disaster relief legislation and giving his recommendations to Congress. These recommendations are expected to be sent to Congress shortly. I am hopeful that the President will agree that the establishment of a national catastrophic disaster insurance program is what is needed. In any case, I urge my colleagues in Congress to give thoughtful consideration to the legislation I have introduced today. We should take advantage of lessons learned through the terrible tragedy of Hurricane Agnes and set up a national catastrophic disaster insurance program now, before the next disaster strikes.

Mr. President, I ask unanimous consent that the full text of the National Catastrophic Disaster Insurance Act of 1973 be printed in the RECORD at this point.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1144

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "National Catastrophic Disaster Insurance Act of 1973".

PURPOSE

SEC. 2. It is the purpose of this Act to establish a program of Federal insurance against catastrophic natural disasters and other catastrophic disasters, utilizing the private insurance industry (particularly risk-sharing pools of insurance companies and preserving State regulation, with the central objective of minimizing post-disaster governmental expense and maximizing the protection of those exposed to losses from catastrophe.

DEFINITIONS

SEC. 3. As used in this Act—

(1) the term "catastrophic disaster" means any flood, high waters, windstorm, hurricane, tornado, tidal wave, drought, snowstorm, blizzard, earthquake, atomic accident, or other catastrophe as defined by the Secretary under this Act which constitutes—

(A) a major disaster (within the meaning of that term as determined by the President pursuant to the Act entitled "An Act to authorize Federal assistance to State and local governments in major disasters, and for other purposes", as amended (42 U.S.C. 1855–1855g)),

(B) a natural disaster, as determined by the Secretary of Agriculture pursuant to section 321 of the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1961), or

(C) a disaster with respect to which loans may be made under section 7(b) of the Small Business Act (15 U.S.C. 636(b)),

and which is declared by the President, the Secretary of Agriculture, or the Small Business Administration, as the case may be, to be a catastrophic disaster for purposes of this Act;

(2) the term "catastrophic disaster insurance" means insurance against losses and damage resulting from catastrophic disaster as provided in or specified under this Act;

(3) the terms "property insurance" means all insurance issued by insurance companies in force in any State on any real property or personal property located in any State, other than insurance on motor vehicles;

(4) the term "insurance company" means any insurance company or group of companies under common ownership which is authorized to engage in the insurance business under the laws of any State, and also includes any pool or association or insurance companies formed, associated, or otherwise created for the purpose of sharing risks;

(5) the term "premium surcharge" means a percentage of property and liability insurance premiums, as specified by the Secretary under this Act, on all types of property and liability insurance except workmen's compensation, bonds, and health insurance;

(6) the terms "State" means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Virginia Islands, American Samoa, and the Canal Zone;

(7) the term "jurisdiction" means the smallest unit of government in any State or political subdivision which the Secretary finds has the legal authority to adopt and effectively enforce local land use and control measures to reduce the potential for covered catastrophic disasters; and

(8) the term "Secretary" means the Secretary of Housing and Urban Development (acting through the Federal Disaster Insurance Administrator as provided in section 4).

FEDERAL DISASTER INSURANCE ADMINISTRATOR

SEC. 4. (a) There is hereby established within the office of the Federal Insurance Administrator, in the Department of Housing and Urban Development, the position of Assistant Insurance Administrator for Disaster Insurance. The Assistant Insurance Administrator for Disaster Insurance shall head an Office of Federal Disaster Insurance and shall be known as the Federal Disaster Insurance Administrator (hereinafter in this section referred to as the "Administrator").

(b) The Secretary shall carry out all of his functions and duties under this Act through the Administrator.

(c) Section 5316 of title 5, United States Code, is amended by adding at the end thereof the following new paragraph:

"(132) Assistant Insurance Administrator for Disaster Insurance, Department of Housing and Urban Development."

ESTABLISHMENT OF FEDERAL CATASTROPHIC DISASTER INSURANCE PROGRAM; FUNCTIONS AND POWERS OF THE SECRETARY

SEC. 5. (a) The Secretary shall establish and carry out a program of Federal catastrophic disaster insurance in accordance with the purpose and provisions of this Act.

(b) In carrying out the program under this Act, the Secretary shall—

(1) impose and collect a premium surcharge as provided in section 6, and take such other actions as may be necessary or appropriate to assure the provisions of the funds required to fulfill the purpose of this Act;

(2) determine and prescribe the terms, conditions, and limitations of the catastrophic disaster insurance provided under this Act, and the extent of the coverage thereunder, as provided in section 7;

(3) purchase reinsurance to the extent deemed appropriate and available;

(4) make such disbursements (from the fund established by section 9) as may be necessary to reimburse insurance companies in full for claims paid by them on account of covered losses under the program and for other operating expenses incurred by such companies in the performance of functions under the program; and

(5) make such other disbursements, and take such other actions, as may be necessary or appropriate to carry out the purpose of this Act.

(c) In the performance of his functions under this Act, the Secretary shall have authority (1) to make and enforce such rules and regulations as may be necessary or appropriate to carry out the purpose or provisions of this Act; (2) to make and perform contracts, agreements, and commitments; (3) to prescribe and impose fees and charges for services by the Secretary; (4) to settle, adjust, and compromise, and with or without consideration or benefit to the Secretary to release or waive in whole or in part, in advance or otherwise, any claim, demand, or right of, by, or against the Secretary; (5) to sue and be sued, complain and defend, in any State, Federal, or other court; (6) to acquire, take, hold, and own, and to deal with and dispose of any property; and (7) to take any and all other actions necessary for the performance of such functions.

(d) The Secretary may appoint such special staff and technical experts, permanent or temporary, as he may consider necessary for the performance of his functions under this Act.

(e) The Secretary shall submit annually to the President for transmission to the Congress a full and complete report of his activities under this Act, together with any recommendations he may have for necessary additional legislation related to the purpose of this Act.

PREMIUM SURCHARGE

SEC. 6. (a) The Secretary shall from time to time, after a public hearing thereon, and after consideration of actuarial data and the financial requirements of the program under this Act, determine and specify the premium surcharge. The surcharge may not exceed 5 percent, and may vary on a statewide basis, a regional basis, a countrywide basis, or any combination thereof in order partially to reflect variation in risk and control measures.

(b) Each insurance premium shall be surcharged, and the amount of the surcharge shall not be subject to agents' or brokers' commission or company expense but shall be paid in its entirety by the insurance companies to the Secretary (for deposit in the fund established by section 9) at such times as he shall specify.

TERMS, LIMITATIONS, AND COVERAGE OF INSURANCE

SEC. 7. (a) The Secretary shall from time to time, after consultation with appropriate representatives of the insurance authorities of the States and after reasonable notice and opportunity for hearing to all interested persons, specify—

(1) the particular kinds of catastrophic disasters (with emphasis upon those which are typically uninsured or uninsurable and of such a nature as to generate losses that are likely to result in a Federal disaster declaration) which are to be covered by insurance under this Act;

(2) the nature and limits of loss or damage in any areas (or subdivisions thereof) which may be covered by such insurance;

(3) the classification, limitation, and rejection of any risks which may be necessary;

(4) the extent to which such insurance shall be subject to deductibles or coinsurance provisions, or to other terms and conditions in order to achieve the purpose of this Act and the soundness of the financing arrangements; and

(5) any other terms and conditions relating to insurance coverage or exclusion which may be necessary to carry out the purpose or provisions of this Act.

(b) The amount of catastrophic disaster insurance may be limited to a percentage of the property insurance in force for each owner. Such percent shall be established by the Secretary after consultation with representatives of State and local insurance authorities and representative of local consumer interests, and may later be increased or decreased as the Secretary deems appropriate.

MANDATORY COVERAGE

SEC. 8. Each property insurance policy now in effect or hereafter issued, other than a motor vehicle property insurance policy, shall be endorsed to extend coverage to catastrophic disasters as specified by the Secretary.

FINANCING

SEC. 9. (a) There is established in the Treasury of the United States a fund to be used by the Secretary for his operating and capital expenses under this Act.

(b) The fund established by subsection (a) shall be credited with—

(1) all premium surcharges imposed and collected under section 6;

(2) all amounts appropriated to the fund pursuant to subsection (c) of this section;

(3) all amounts transferred to the fund under subsection (d) of this section; and

(4) all amounts made available to the fund from the proceeds of obligations issued under subsection (e) of this section.

(c) There are authorized to be appropriated to the fund established by subsection (a), out of any money in the Treasury not otherwise appropriated, the sum of $1,000,000,000 to provide the fund with initial capital, and such additional sums thereafter as may be necessary.

(d) There shall be transferred each fiscal year to be fund established by subsection (a), as authorized by appropriation Acts, an amount not exceeding 1 per centum of the aggregate of (1) the amounts received by the Secretary of Agriculture during such fiscal year as repayments of disaster loans made under the Consolidated Farmers Home Administration Act of 1961 and (2) the amounts received by the Small Business Administration during such year as repayments of disaster loans made under section 7(b) of the Small Business Act.

(e) To maintain the fund established under subsection (a) when the total of the amounts received by the fund under the preceding provisions of this section is insufficient, the Secretary may issue to the Secretary of the Treasury, to the extent authorized by appropriation Acts, notes or other obligations in such forms and denominations, bearing such maturities, and subject to such terms and conditions, as may be prescribed by the Secretary of the Treasury. Such notes or other obligations shall bear interest at a rate determined by the Secretary of the Treasury, taking into consideration the current average market yield on outstanding marketable obligations of the United States of comparable maturities dur- the month preceding the issuance of the notes or other obligations. The Secretary of the Treasury is authorized to purchase any notes or other obligations issued hereunder and for that purpose he is authorized to use as a public debt transaction the proceeds from the sale of any securities issued under the Second Liberty Bond Act; and the purposes for which securities may be issued under that Act are extended to include any purchase of such notes and obligations. The Secretary of the Treasury may at any time sell any of the notes or other obligations which shall be treated as public debt transactions of the United States.

PROPERTIES IN VIOLATION OF STATE AND LOCAL LAW; ELIGIBILITY FOR COVERAGE

SEC. 10. No new catastrophic disaster insurance coverage shall be provided under this Act for any property which the Secretary finds has been declared by a duly constituted State or local zoning authority, or other authorized public body, to be in violation of State or local laws, regulations, or ordinances which are intended to discourage or otherwise restrict land development or occupancy in disaster-prone areas.

(b) No catastrophic disaster insurance coverage shall be provided under this Act in any area which is determined by the Secretary to be an area of special catastrophic disaster risk unless the Secretary finds that reasonable efforts are being made by the appropriate public bodies in such area to improve local land use management so as to preclude excessive disaster losses at the time of catastrophe.

PROHIBITION AGAINST CERTAIN DUPLICATIONS OF BENEFITS

SEC. 11. (a) Notwithstanding the provisions of any other law, no Federal disaster assistance (as defined in subsection (b)) shall be made available to any person for the physical loss, destruction, or damage of real or personal property, to the extent that such loss, destruction, or damage is covered by a valid claim which may be adjusted and paid under catastrophic disaster insurance made available under the authority of this Act.

(b) For purposes of this section, the term "Federal disaster assistance" includes any Federal financial assistance which may be made available to any person as a result of a disaster referred to in clause (A), (B), or (C) of section 3(1).

EFFECTIVE DATE OF COVERAGE; RETROACTIVE PAYMENTS; TERMINATION OF PROGRAM UPON AVAILABILITY OF PRIVATE COVERAGE

SEC. 12. (a) Subject to subsections (b) and (c) of this section (and except as otherwise specifically provided in the preceding provisions of this Act), the program of catastrophic disaster insurance established by this Act shall apply with respect to claims for payment of losses and damage (from catastrophic disasters) incurred on and after the date of the enactment of this Act.

(b) The Secretary shall provide under the program established by this Act for payment of any losses (from a catastrophic disaster) which were incurred after June 1, 1972, and which led to a declaration of a major disaster area by the President. Such loss payments shall be made to all insured (and, to the greatest extent possible all non-insured) owners of real property and owners of household contents in accordance with loss settlement procedures normally employed by property insurance companies—to the extent of the owners' insurance coverage. The Secretary may request the insurance industry, government agencies, and any other public or private agencies or organizations to assist him in adjusting such claims. All such loss payments shall be reduced by any State or Federal disaster assistance grants paid or payable to such owners.

(c) If the Secretary finds and certifies to the President and the Congress no later than June 30, 1975, that catastrophic disaster insurance with coverage equal to or more extensive than the coverage provided under the program established by this Act is being made available on reasonable terms by private insurance companies throughout substantially all of the United States, he shall cease carrying out the program established by this Act; and this Act shall thereafter have no force or effect.

Mr. SCOTT of Pennsylvania. Mr. President, I am delighted to join my distinguished colleague from Pennsylvania (Mr. SCHWEIKER) in sponsoring the proposed National Catastrophic Disaster Insurance Act of 1973. For the very first time, the Federal Government will assume its rightful responsibility in the mitigation of all national disasters. Very simply, the type of insurance coverage mandated here would apply to every property and liability policy currently in effect nationwide.

I need only state that just two people—had purchased flood insurance in Wilkes-Barre, Pa., prior to the devastation wrought by Hurricane Agnes last summer. Federal coverage, at any rate, is not very comprehensive and sometimes impossible to gain. Private coverage anticipates too great a risk. So what we have now is a vacuum. The bill being introduced today fills it.

First, we propose to create an Office of Federal Disaster Insurance within the Department of Housing and Urban Development. President Nixon's recent executive reorganization shifts to HUD all major disaster recovery responsibility anyhow, so this would not be an additional burden on the agency. This office would hold the overall duty of administering the catastrophic insurance program utilizing, to the extent possible, the knowledge and expertise of the private insurance sector.

Second, the bill proposes a national disaster insurance fund—the pool from which all disbursements for claims will come. The funding formula would be in three parts: First, all policyholders would pay a small surcharge on property and liability insurance premiums. Second, there would be a 1-percent charge on all repayments to the Small Business Administration and the Farmers Home Administration of their outstanding disaster recovery loans. Third, congressional appropriations would make up the balance. However, the initial appropriation would be $1 billion, which would be repaid at a later date to the Treasury when the national disaster insurance fund reached a sufficient level of reserves.

Mr. President, what we are doing here is to provide sufficient protective funding, through a workable insurance program, to meet any natural disaster with a swift Federal response. I am hopeful that this bill will be given careful study by the Congress and the administration.

By Mr. McGOVERN:

S. 1145. A bill to amend and extend the Economic Stabilization Act of 1970. Referred to the Committee on Banking, Housing, and Urban Affairs.

Mr. McGOVERN. Mr. President, while I share congressional anger over the proposed Nixon cuts in domestic programs and the ever increasing unconstitutional impoundments, I fear that the debate may obscure other interests of that vast majority of our citizens who earn their living in factories and on farms.

Many Americans have lost confidence in government largely because of two factors:

First, working people have seen a severe threat to the prosperity they learned to expect and came to accept during the mid-1960's. Working families have seen gains in real income during the Kennedy-Johnson era eroded by inflation and higher payroll taxes.

Unemployment has risen substantially. Nearly 4½ million Americans cannot find work; over 2 million more can find only part-time work; millions more cannot find jobs suited to their training and their talents.

Second, working people have learned that the burden of Federal spending falls unequally upon them. During the last 4 years, individual income taxes have increased by $7½ billion, while corporate taxes have decreased by $4½ billion. The tax loopholes which benefit the affluent are not available to the average family.

I believe we can find the necessary public support to spend workers' and farmers' tax dollars on new Federal initiatives such as national health insurance, aid to the handicapped, and other important domestic priorities only when they are financed by fair taxes derived from adequate wages. We cannot ask our people to do justice to others when we deny justice to them.

Mr. President, the administration's recent request for a 1-year extension of the President's authority to impose wage-price controls presents Congress with the opportunity to do at least partial justice for working Americans.

Therefore, I have introduced today, for appropriate reference, two amendments to the Economic Stabilization Act of 1970 which, if enacted, will restore an equitable balance between working people and their employers and insure the farmer an equitable price for his products.

The need for such legislation is best demonstrated by a review of the economic history of the last 4 years.

The principal domestic problem facing Mr. Nixon in his first term was how to deal effectively with the inflationary pressures caused by the war in Indochina. By 1968, the costs of Vietnam were being paid not only from an escalated Federal budget, but from the diminished earnings of labor. The war escalation of 1968 was accompanied by a 4.2-percent rise in the Consumer Price Index.

While unemployment remained stable in 1969, actually decreasing one-tenth of 1 percent, the Consumer Price Index shot up 5.6 points. Although we enjoyed our last budget surplus in 1969—$4.7 billion—the Nation was already caught in the spiral of inflation we had not seen since the Eisenhower years.

The debate swirled around who should pay the cost of controlling that wartime inflation.

The Nixon administration, on ideological grounds, applied the economics of the Hoover administration, attempting to restrain prices by raising unemployment.

The result was recession—a massive increase in both unemployment and inflation at the same time. Joblessness jumped toward 6 percent while the Consumer Price Index leaped 6½ points.

Many of us in Congress decried those primitive economic policies. We saw no need to throw millions of Americans out of work, particularly when increasing unemployment brought no relief for ever-increasing inflation. Rural States such as the one I represent were particularly hard hit; the gap between the prices farmers had to pay and the prices they were paid widened more and more.

As the pace of inflation and unemployment speeded up, the President's congressional critics argued that temporary economic controls were the only way to break the wage-price spiral. Despite the President's continuing disagreement, we enacted standby controls which he could implement, should he change his mind.

The Economic Stabilization Act of 1970, as amended, delegated broad and sweeping powers to the President to "issue such orders and regulations as he deems appropriate" to stabilize all elements of the economy—not just wages and prices. While the act set certain standards for the President to follow, the authority we delegated him was nearly absolute.

Perhaps such a broad standby measure was necessary when the President was resistant to any specific plan of controls.

Perhaps some of us wrongly assumed that the President would implement controls in an evenhanded manner.

In any case, the pressures on the White House to act mounted rapidly. Polls showed approximately two-thirds of the American people in favor of temporary controls; they also showed a commensurate decrease in the President's popularity.

So, in August 1971, the President finally unfolded a new economic policy in a stunning reversal of his prior position.

With a stroke of the pen, he devalued the dollar, froze wages, prices, and rents, and set up the machinery for future mandatory controls. However, profits and interest rates remained unregulated.

The Nation experienced a sense of relief that action had been taken at last. However, I joined with the spokesmen of organized labor—President Meany and others—in noting that the controls were less than evenhanded.

While the controls restrained wages and slowed the price advance, the cost of controlling inflation was put unfairly on the wage earner.

The wages of workers were frozen at inflation-ravaged levels while corporate profits were permitted to soar to record highs.

The administration's bias toward big business led AFL–CIO President George Meany and other representatives of organized labor to walk off the Pay Board in protest.

What have phase I and phase II done for the working man and the farmer—or, more appropriately, what have they done to them?

The administration proudly points to the January unemployment figure of 5 percent, which is 1½ percent above the level of the first Nixon year. In human terms, that statistic means that there were nearly 4½ million workers who could not find jobs in January. In addition, there were 2 million workers who had to take part-time jobs because full-time work was not available. Although the administration does not collect hard statistics on the number of persons who are underemployed, the number clearly runs into millions.

For those fortunate enough to have jobs, the decline in real income has been arrested. But the net gains have been only marginal. Average weekly earnings have increased only $7.05 since the introduction of phase II controls, with an actual decline of $1.15 in January. The 13-month rise of less than 5½ percent has been almost matched by a 4.6 point increase in the Consumer Price Index and increased payroll taxes.

But while workers' take-home pay remained virtually constant, corporate profits after taxes shot up 14 percent in 1971 and nearly 15 percent in 1972. Much of those gains were the result of Federal tax concessions to big business.

No one disputes the right of businessmen to earn equitable profits. What I do dispute is the inequity of the President's administration of phase II. The Nixon controls have prevented workers from sharing in the new affluence of their employers, even though their productivity has risen sharply. The burden on working people is thus doubly great—their take-home pay has stagnated, while consumer prices continue to rise in part because of the profits they are forbidden to share.

Many working men and women across the land are again growing restive, because they fear that the proposed Nixon phase III guidelines will perpetuate the phase II imbalance of power between labor and management.

Many unions have called for an end to the controls on grounds that their members will do relatively better in their struggle against inflation under free and open collective bargaining.

Similarly, farmers daily wince at the remarks of administration officials. The President has called on consumers to reduce the price of beef by eating fish. A USDA official recently stated that housewives who found food prices too high should boycott certain food products. In short, the White House's answer to high food prices is to make farmers—who are among the most helpless and hard-hit victims of the disease of inflation—suffer most from the cure as well.

The facts are that from 1968 to 1971, overall growth in farmers' expenses exceeded the growth in the prices they received for their products. While we complain about rising prices, we must also recognize that it was not until 1972 that the actual parity ratio for farmers reached the 1966 level once again. The family farmers' standard of living remains considerably below that of the rest of our people.

I now fear that the economic expansion of the election year may, in the words of the Federal Reserve Board Chairman, "touch off a new round of inflation."

We have already seen the prime interest rate rise to 6¼ percent. The wholesale price index increased 4 and two-tenths points since November, a rate of increase even more rapid than the period immediately before controls were imposed. The stock market, reportedly in anticipation of renewed inflation, has fallen sharply.

As Chairman Burns has warned:

> The expanding demand for goods and services could begin to pull prices upward and thereby reinforce prevailing cost-push pressures.

That risk is increased by the President's proposed budget which calls for a $19 billion or 8 percent increase in Federal spending. I have, therefore, joined with other Senators in introducing legislation to keep Federal spending at $265 billion, about $4 billion less than the President proposes to spend. We can consider further spending when and if

Congress raises further revenues by closing glaring tax loopholes.

We are thus faced with a painful choice. If inflationary pressures again explode without even standby authority to impose controls, the resulting inflation would fall hardest on workers and farmers. And if we merely extend the President's present powers we may do equal harm to the average citizen.

Therefore, I have concluded that we must insure that the stick in Mr. Nixon's closet is not again used disproportionately against average citizens. We must make sure that any controls which we adopt will be applied fairly.

The present situation is very different from the time we originally enacted the authorization for temporary controls.

The administration's economic record under both phase I and phase II, as well as the proposed phase III guidelines, signal what will be done in the year ahead unless the Congress amends the rules.

Working people will not be able to engage in free collective bargaining—their wages will not be permitted to increase by more than 5½ percent, no matter how much profit their employers make or how much their own productivity increases. That low standard could easily be substantially eroded by inflation. In terms of real income gains, it probably would mean no more than 1½ to 2 percent.

While the administration has courted organized labor, it has not made any firm promise, nor taken any definite steps which working people can rely on, if Congress extends the act.

Farmers are told that prices they receive for raw agricultural products will remain uncontrolled and that their recent gains will be permitted to stand. Yet if that promise is not written into law, future events may give it a hollow ring.

That is why I am introducing these two amendments to the Economic Stabilization Act, which can assure working men and women their fair share in the year ahead, and at the same time protect the farmer from the risks of renewed inflation.

The first of these amendments would limit the President's authority to control wages. Under its provisions, workers could bargain for wage increases up to 75 percent of the after-tax profit of the employer during the previous 12-month period or the President's proposed 5½ percent, whichever is higher.

The effect of this amendment would be to shift the cost of the fight against inflation from those least able to bear it—working people—to those who profited most from phase I and phase II—their employers. This amendment could not have an inflationary effect—unless the President permitted price increases in order to increase profit margins.

The second of these amendments would prohibit the control of prices paid to farmers for raw agricultural products, unless the price of the product exceeded the 1910–14 parity levels by more than 10 percent.

The combined effect of these two amendments is to eliminate the emerging conflict between the housewife and the farmer. Both the worker and the farmer will be able to get a fair price for their labor—an income no longer crippled by renewed inflation.

Mr. President, I ask unanimous consent that the text of these amendments be printed at the end of my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1145

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

PRESIDENTIAL AUTHORITY

SECTION 1. (a) Wages.—

Section 203 of the Economic Stabilization Act of 1970 is amended by striking out subsection (f) thereof and adding in its place the following new subsection:

"(f) Notwithstanding any other provision of this title, the authority conferred by this section shall not be exercised to preclude the payment of any increase in wages—

"(1) required under the Fair Labor Standards Act of 1938, as amended, or effected as a result of enforcement action under such Act; or

"(2) required in order to comply with wage determinations made by any agency in the executive branch of the Government pursuant to law for work (A) performed under contracts with, or to be performed with financial assistance from, the United States or the District of Columbia, or any agency or instrumentality thereof, or (B) performed by aliens who are immigrants or who have been temporarily admitted to the United States pursuant to the Immigration and Nationality Act; or

"(3) paid in conjunction with existing or newly established employee incentive programs which are designed to reflect directly increases in employee productivity; or

"(4) which in the aggregate either equal or are less than 75 per cent the amount of after tax profit received by the employer during the twelve-month period prior the agreement to pay such wages or which equal 5½ per cent, whichever is higher."

(b) Farm Pirces.—

Redesignating subsections (h) and (i) thereof as subsections (i) and (j) respectively and by adding after subsection (g) the following new subsection (h):

" (h) Notwithstanding any other provision of this title, this title shall not be implemented in such a manner so as to decrease or limit the prices paid to farmers for agricultural products which are less than ten points above the 1910–1914 parity base for such parity base for such products."

EXTENSION

SEC. 2. Section 318 of the Economic Stabilization Act of 1970 is amended by striking out "April 30, 1973" and "May 1, 1973" and inserting in lieu thereof "April 30, 1974" and "May 1, 1974," respectively.

By Mr. WEICKER (for himself and Mr. LONG):

S. 1146. A bill to provide for repayment of certain sums advanced to providers of services under title XVIII of the Social Security Act. Referred to the Committee on Finance.

Mr. WEICKER. Mr. President, today I have introduced, with the cosponsorship of the distinguished chairman of the Finance Committee, Senator RUSSELL LONG, legislation designed to save the Nation's hospitals from a catastrophic cash crisis over the next 3 months.

The Congress must recognize that misguided attempts to create a "paper profit" in the Federal budget could cripple hospital services in Connecticut, Louisiana, and all States.

This crisis arises from the fiscal year 1974 budget requirement that hospitals must repay over $300 million in advance medicare payments before June 30, 1973. These funds were part of a program of "current financing," a method of reimbursing provider hospitals for medical services rendered under the medicare program. The "current financing" provision of medicare sought only one goal, to ease and guarantee the cash flow which providers of health care need to pay their bills, by authorizing special payments to providers for services rendered, based upon prior program experience.

When medicare was begun in 1966 there was great concern among providers—hospitals—as to the time lag between performance of service and reimbursement for those services. This lag could be as much as 90 days. Depending on the number of medicare patients that were cared for, reimbursement involved greater or lesser sums of money. As the medicare program grew, many institutional providers came into the position where one-third of their revenues were obtained from the treatment of medicare and medicaid patients. Thus, the need for a quick and efficient mechanism of reimbursement, or an alternative—current financing. The delays were offset by lending each participating hospital an amount of money equivalent to about 30 days' worth of medicare bills.

In his 1974 budget, the President has canceled the "current financing program." Two reasons are put forward: First, now that routine claims process has been established and the original concern over large backlog eliminated, this particular procedure is no longer important. Second, there are indications that some institutions have abused the program. Along with termination of this program the budget calls for the return of the $300 million advance—total amount nationally—under the program in fiscal year 1973. This means these amounts must be returned before June 30, 1973.

While there is general agreement that the advances should be returned, Congress must deplore the "hatchet" technique employed by the administration in forcing immediate repayment.

The "current financing" being collected from hospitals will eventually be paid to them for medicare services rendered. However, the tactic of ordering remittance in only 3 months is no more than a budget shift, not a budget saving—an irresponsible gimmick designed to make the 1974 budget look good without improving the Government's financial position.

This will certainly force hospitals to hemmorrage internally in order to come up with the required cash on short notice. Within 3 months under the administration budget proposal, Connecticut hospitals will have to pay back some $5 million—as much as $500,000 per hospital. These hospitals have already resorted to borrowing from the money market at relatively high interest rates to meet current operating expenses. This, coupled with phase II and phase III regulations of the economic stabilization program—which have forced some institutions to rely on reserves or nonoperating sources to meet their bills—could force many hospitals to cut back on hospital service which directly affects the quality of patient care.

We all recognize the need for fiscal responsibility in Government, but we must all agree that our domestic priorities, especially in the area of health care, must not become the target of arbitrary cheap shots.

The thrust of legislation introduced today by myself and Senator Long would be to phase out the current financing program over a period of 15 months as opposed to the elimination of the program by June. The Secretary of Health, Education, and Welfare would be directed to consult with the provider hospitals on a plan to repay the current financing advances by June 30, 1974. The provider hospitals now so strapped for cash would be afforded a reasonable period in which to arrange to discharge their repayment obligations.

I am confident that my distinguished colleagues will join me in seeking consideration forthwith of this imperative corrective legislation. In examining the budget proposals for fiscal year 1974, I submit that it is the duty of Congress and of the Nation to demand a responsible approach to policymaking across the board.

Mr. President, I ask unanimous consent that the bill be printed at this point in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 1146

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) in the administration of sections 1815 and 1835 of the Social Security Act, the Secretary of Health, Education, and Welfare shall determine, not later than July 1, 1973, the total of amounts paid to providers of services (as defined in sections 1835(a) and 1861(u) of such Act) as interim payments made at the beginning of any such provider's participation in the insurance programs established under title XVIII of such Act or to meet other financial requirements in the production of services under such programs that have not been recovered on such date. Such amounts shall be recovered by way of repayment according to a plan agreed upon by the Secretary and the provider under which the full amount to be recovered shall be paid to the Secretary on or before June 30, 1974.

(b) Any plan agreed upon under subsection (a) may provide for repayment totally or in part by way of off-setting the amount to be recovered against any amounts otherwise owed by the United States to such provider for services rendered under such program.

By Mr. DOMINICK (for himself, Mr. Fannin, Mr. Tower, Mr. Bennett, Mr. Brock, Mr. Cook, Mr. Domenici, Mr. Eastland, Mr. Ervin, Mr. Goldwater, Mr. Hansen, Mr. Hatfield, Mr. McClure, Mr. Scott of Virginia, Mr. Taft, and Mr. Thurmond:

S. 1147. A bill to amend the Occupational Safety and Health Act of 1970. Referred to the Committee on Labor and Public Welfare.

OCCUPATIONAL SAFETY AND HEALTH ACT AMENDMENTS

Mr. DOMINICK. Mr. President, on behalf of myself, Mr. Fannin, Mr. Tower, Mr. Bennett, Mr. Brock, Mr. Cook, Mr. Domenici, Mr. Eastland, Mr. Ervin, Mr. Goldwater, Mr. Hansen, Mr. Hatfield, Mr. McClure, Mr. Scott of Virginia, Mr. Taft, and Mr. Thurmond, I introduce for appropriate reference a bill to amend the Occupational Safety and Health Act of 1970. As my colleagues are aware, this act has generated considerable controversy since its enactment a little over 2 years ago. We all have been virtually bombarded with complaints from employers—particularly small ones—about the act and the way it is being enforced against them. Numerous groups have organized for the specific purpose of doing something to improve the situation. They have made suggestions ranging from repeal of the law to relatively minor procedural changes. But they all have one thing in common—strong discontent with the law as presently written. I think Congress shares that discontent.

I know many of my colleagues on both sides of the aisle feel that many employers—again, particularly the small ones—have not been getting a fair shake from OSHA. This was made very clear during the debate last year on the Labor-HEW appropriations bill, when my distinguished colleague, Mr. Curtis, offered several amendments which would have exempted small employers from OSHA enforcement for 1 year. While there was not unanimous agreement as to whether the difficulty lies primarily with the way the act is being enforced, or with unfair provisions in the act itself, there was broad agreement that some changes are needed, and that the proper forum for considering such changes is the legislative committee where the act originated, not floor debate on an appropriation bill. The message came across clear and specific—that the Labor and Public Welfare Committee should schedule hearings early this year to consider changes in the occupational safety and health law.

While I believe the Labor Department has been made cognizant of some of the problems with OSHA standards and enforcement procedures, and is moving to make corections, I strongly believe that substantive changes in the law are necessary. I believe that the objective of the act—to provide a safe and healthful working environment for all American workers—is a very worthy objective, and should be pursued vigorously. But I am afraid our efforts in that direction are in danger of breaking down. The President's 1972 Report on Occupational Safety and Health indicates only 25 percent of employers inspected were found to be in compliance with the act. Why is it not working? I think it is because of defects in the act itself, which could be summarized this way: The act as presently written places too much emphasis on punishment of employers for noncompliance and not enough emphasis on assisting employers toward compliance.

It is clear that employers must bear the responsibility for complying with the act, and that penalties are necessary where they refuse to comply. But it is equally clear that the objectives of the act cannot be achieved without their cooperation. There simply are not, and never will be, enough Federal inspectors to coerce this country's employers into compliance. Moreover, it will be a sad state of affairs indeed if we ever arrive at the conclusion that that is the best way to proceed. Businessmen are a pretty independent breed, and they have gotten their backs up against what seems to them to be an unfair law. In that sense, OSHA enforcement is at this moment crosswise with the purposes of the act. Additionally, we need to recognize that employers, particularly small ones, need assistance in understanding and complying with complex OSHA standards. So I think Congress has a duty—to employers and employees alike—to make the changes necessary for OSHA to work.

This bill proposes the changes I think are necessary to make OSHA work effectively. It is addressed to the provisions of the act which I feel are more punitive than constructive, and it would place more emphasis on assisting employers toward compliance. None of the changes it proposes would result in lessened protection for employees. It is not intended to make all of the changes which have been suggested by critics of the act—only those I feel are absolutely essential to make it work. I should note that this bill would not exempt any employers from coverage. While I believe that small employers frequently need more assistance in complying, I believe all workers are entitled to the same protections, whether they are employed by large or small businesses.

Let me summarize briefly the changes this bill would make. First, it would require OSHA to provide advice and technical assistance to employers having 100 or fewer employees. Such advice and assistance would be provided through onsite consultations where requested by the employer. Such consultations would be limited to matters specified by the employer, and no citations could be issued during the consultative visit. OSHA would be permitted to provide advice and technical assistance by means other than a visit to the worksite where such other means would be more appropriate and equally effective. At the present time, OSHA cannot provide technical assistance through onsite consultations. If an OSHA inspector observes a violation during a visit to the worksite, he is obliged to issue citations and propose penalties, depending on the nature of the violation. And I might add that for that reason many employers have declined to ask any advice from the OSHA people as to what they should or should not do about conditions in their own plants.

Second, the bill would remove OSHA's discretionary power to assess penalties for nonserious violations on the first inspection. Under the act as presently written, an employer can be fined up to $1,000 for a nonserious violation discovered on the first inspection of his premises, often a violation of a standard of which the employee was totally ignorant. This change would not affect the provisions of the act imposing penalties for willful or repeated violations, or for failure to correct violations within the abatement period prescribed by OSHA. Thus, an employer who received a citation for a nonserious violation could receive a penalty for failing to correct that violation within a reasonable time; and he could be fined up to $10,000 for a subsequent nonserious violation.

Third, the bill would change the penalty for serious violations from mandatory to permissive. In determining whether a fine should be assessed, OSHA would be required to take into account the gravity of the violation, the good faith of the employer—for example, whether he had tried to comply—and the history of previous violations. Again, whether or not a penalty is assessed for the first serious violation, the employer would be subject to stringent penalties for failure to abate the violation, and for any subsequent violation. While the amount of a fine for a violation classified by OSHA as "serious" is discretionary under the act—up to $1,000—a fine in some amount is mandatory. I have generally been opposed to mandatory sentences for criminal offenders on the ground that the trial judge should have the discretion to consider all of the circumstances surrounding the crime. I think employers ought to be entitled to at least equal treatment, particularly since this is not supposed to be a criminal statute. It should also be kept in mind that, unlike a criminal defendant, an employer accused of violating an OSHA regulation is not entitled to a trial by a jury of his peers.

Fourth, it would establish a procedure under which an employer who has received a citation could apply for a variance from the OSHA standard violated on the ground that work procedures in operation at the time of the citation are equally effective in protecting his employees. The act now permits an employer to apply for such a variance in advance of an inspection or citation. Under this change, an employer could apply for a variance after receiving a citation, and no penalty could be assessed, pending review of the application. If a variance were granted, the citation would be withdrawn. OSHA would not be required to suspend enforcement proceedings where the application for a variance were determined to be frivolous or filed for the purpose of delay. This provision would add needed flexibility without reducing the incentive for employers to comply, and without reducing protection to workers.

Fifth, the bill would provide that citations for violations need not be posted by employers after such violations have been abated.

This is a ridiculous situation. An OSHA inspector comes into a plant and finds a violation. They have to post a notice that there has been a violation. Then they correct the violation but the notice has to stay up as though they were still in violation. That is simply nonsense so far as I am concerned. It does not help anyone—the worker, the employer, or I think, the health and safety of the area.

The act as presently written requires that citations be posted near the site of the violation. OSHA regulations under the act frequently require posting long after the violation has been corrected. This clearly serves no useful purpose other than to further punish employers, and to damage the morale of his employees.

Sixth, the bill would require OSHA to consider the economic impact of proposed new standards on affected employers, and to publish in the Federal Register along with such standards a statement summarizing their expected economic impact, including an estimate of the total costs which will be incurred by each affected industry in complying. I think this provision would result in a healthy awareness on the part of OSHA regarding the costs of proposed new standards, and would better enable all interested members of the public to measure the benefits against expected costs, which are, of course, ultimately passed on to consumers.

Mr. President, I ask unanimous consent that the text of the bill I am introducing today be printed in the RECORD, to be followed by a section-by-section analysis and several articles relating to the Occupational Safety and Health Act of 1970.

There being no objection, the bill and material were ordered to be printed in the RECORD, as follows:

S. 1147

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

That this Act may be cited as the "Occupational Safety and Health Act Amendments of 1973".

SEC. 2. Section 6(b)(2) of the Occupational Safety and Health Act of 1970 is amended by inserting at the end of the first sentence the following: "Such proposed rule shall be accompanied by a statement summarizing its economic impact on affected employers, including an estimate of the total costs which will be incurred by employers in each affected industry in complying with such rule."

SEC. 3. (a)(1) Subsections (b) and (c) of section 9 of the Occupational Safety and Health Act of 1970 are redesignated as subsections (c) and (d), respectively.

(2) Section 9 is further amended by inserting after subsection (a) a new subsection (b) as follows:

"(b) Any employer who is issued a citation and who believes that he maintains work conditions which would meet the criteria for a variance under section 6(d), may apply to the Secretary for such a variance within the time designated in section 10(a) for giving notice of intent to contest a citation. Except where the Secretary finds it frivolous and submitted for the purposes of delay, such application shall result in the suspension of all further proceedings with respect to such citation pending final action by the Secretary on such application. If a variance is granted, the Secretary shall enter an order vacating such citation."

(b) Section 9(c) of such Act (as redesignated by this section) is amended by adding at the end thereof the following: "Such posting shall not be required after (1) such violation has been abated, or (2) a proceeding contesting such citation has been concluded by an order under sections 9(b), 10(c), or 11 vacating or modifying such citation, whichever comes first: *Provided,* That where such order modifies such citation, the citation as modified shall not be required to be posted after the violation has been abated."

SEC. 4. (a) Section 17(b) of the Occupational Safety and Health Act of 1970 is amended (1) by striking the word, "shall", and inserting in lieu thereof the word, "may", and (2) by inserting at the end thereof the following new sentence: "In determining whether a penalty shall be assessed under this subsection, due consideration shall be given to the gravity of the violation, the good faith of the employer, and the history of previous violations."

(b) Section 17 of such Act is further amended by striking subsection (c), and redesignating subsections (d), (e), (f), (g), (h), (i) (j), (k), and (l), and all references thereto, as subsections (c), (d), (e), (f), (g), (h), (i), (j), and (k), respectively.

SEC. 5. (a) Section 21 of the Occupational Safety and Health Act of 1970 is amended by changing the heading to read as follows:

"TRAINING, EDUCATION, AND TECHNICAL ASSISTANCE"

(b) Section 21 of such Act is further amended by inserting at the end thereof the following new subsection:

"(d)(1) In order to further carry out his responsibilities under this section, the Secretary shall visit the workplaces of employers having one hundred or fewer employees for the purpose of affording consultation and advice to such employers. Such visits (A) may be conducted only upon a valid request by an employer for consultation and advice at the workplace on the interpretation or applicability of standards or on possible alternative ways of complying with applicable standards, and (B) shall be limited to the matters specified in the request affecting conditions, structures, machines, apparatuses, devices, equipment, or materials in the workplace. Where, after evaluating a request by an employer pursuant to this subsection, the Secretary determines that an alternative means of affording consultation and advice is more appropriate and equally effective, he may provide for such alternative means rather than onsite consultation.

"(2) The Secretary shall make recommendations regarding the elimination of any hazards disclosed within the scope of the onsite consultation. No visit authorized by this subsection shall be regarded as an inspection or investigation under section 8 of the Act and no notices or citations shall be issued nor shall any civil penalties be proposed by the Secretary upon such visit, except that nothing in this subsection shall affect in any manner any provision of this Act the purpose of which is to eliminate imminent dangers.

"(3) Nothing in this subsection shall be deemed to require the Secretary to conduct an inspection under section 8 of the Act of any workplace which has been visited for consultative purposes. The failure of the Secretary to give consultation and advice regarding any specific matter during a consultation visit shall not preclude the issuance of appropriate citations and proposed penalties with respect to that matter.

"(4) In prescribing rules and regulations pursuant to this subsection, the Secretary shall provide for the appropriate separation of functions between officers, employees, or agents who conduct visits pursuant to this subsection and officers, employees, or agents who conduct inspections or investigations under this Act."

SEC. 6. This Act shall take effect sixty days after the date of its enactment.

SECTION-BY-SECTION ANALYSIS OF S. 1147

SECTION 2

Amends Section 6(b)(2) of the Occupational Safety and Health Act of 1970 to require that when a proposed rule, which would establish a new occupational safety and health standard, or which would affect an existing standard, is published in the *Federal Register,* it shall be accompanied by a statement summarizing its economic impact on affected employers, including an estimate of the total costs which would be incurred by employers in each affected industry in complying with such rule.

* * * * *

SECTION 3

Amends Section 9(b) of the Occupational Safety and Health Act of 1970, which requires an employer who has received a citation for a violation of an occupational safety and health standard or regulation to post such citation at or near the site of the violation, by providing that such posting need not continue after the violation has been abated.

Amends Section 9 of the Act to establish a procedure whereby an employer receiving a citation could obtain a variance from the standard violated by persuading the Secretary that work procedures in operation at the time of the citation are equally effective in protecting his employees. An application for such a variance would not suspend enforcement proceedings where the Secretary found it was frivolous, or filed for the purpose of delaying enforcement proceedings.

SECTION 4

Amends Section 17 of the Occupational Safety and Health Act of 1970 by striking subsection (c), which gives OSHA discretionary power to assess fines against employers for *non-serious* violations on the first inspection.

Amends Section 17(b) of the Act by changing from mandatory to permissive the assessment of fines for serious violations. In determining whether a fine should be assessed, due consideration would be given to the gravity of the violation, the good faith of the employer and the history of previous violations.

SECTION 5

Amends Section 21 of the Occupational Safety and Health Act of 1970 by adding a new subsection requiring OSHA to provide advice and technical assistance through consultations at the work sites of employers who have 100 or fewer employees, and who request such assistance. Such on-site consultations would be limited to matters specified by employers, and no citations could be issued during such consultations. The Secretary could provide such advice and assistance through means other than on-site consultations, where he finds such alternative means to be more appropriate and equally effective.

SECTION 6

These amendments would be effective sixty days after enactment.

[From the Wall Street Journal, Feb. 20, 1973]

NEW JOB-SAFETY RULES PERPLEX THE OWNERS OF SMALL BUSINESSES; "NEEDLESS" COST CITED

(By Michael Jett)

Henry Weast of Dahinda, Ill., is quitting the heavy-excavation business. He says he can't afford it any more.

It isn't that the business wasn't profitable. It was a steady money maker, and in Mr. Weast's view, it might have continued that way for a long time. It might have, except for one thing—OSHA—more formally known as the Occupational Safety and Health Act of 1970.

Among other things, that massive piece of safety legislation would have required him to spend $150,000 to install safety devices on his equipment to protect operators in case the machinery toppled over. "It just looked like there would have been no end to spending money," says Mr. Weast. "If I had fixed up one thing, they would probably have found something else."

As a result, Mr. Weast and his two partners have already dismissed 20 employes and they are currently trying to sell their machinery. From now on, they plan to continue selling sand, gravel and other building materials, but that end of the business accounted for only about 20% of their total $1.5 million volume last year.

COSTLY AND "FOOLISH"

The reaction of Mr. Weast and his partners to the stringent new regulations may have been drastic, but their quitting the excavation business illustrates one effect the law has had on countless thinly capitalized small businessmen across the country. In a variety of ways, small businessmen say, the OSHA regulations—covering safety matters ranging from hard hats and guard rails to exit signs and safety posters—are causing widespread confusion, anger and frustration.

At the core of their problem, they contend, is the fact that practically every regulation—and they brand many of them foolish—requires them to spend money on measures that don't contribute to either safety or efficiency. Moreover, they complain, many of the highly technical regulations are incomprehensible to the layman. And even if the rules can be understood, these people add, compliance is difficult. In fact, by some estimates, as many as 20,000 specific rules and regulations apply to any single work establishment.

Indeed, the sheer bulk of the regulations is intimidating, and countless businessmen say that after they have waded through them all, they're hopelessly confused. Marvin Krauss, a furniture shop owner in South Amana, Iowa, says: "There are about 300 pages with pretty small print in the construction standards, and it's pretty darned hard to pick out exactly what fits you sometimes. You almost have to have a lawyer to figure it out."

Such complaints are becoming routine for officials charged with overseeing and enforcing the act. An OSHA spokesman says, however, that "some over-reaction" is to be expected. "Most of the complaints from small business people arise not from actual inspections, but from the fear of what might happen should there be one," he says. Unless there has been an accident or a complaint by an employe, the OSHA man says, smaller concerns are much less likely to be inspected than larger firms.

He adds that if a small businessman finds himself in a financial pinch as a result of the regulations, he can always apply for a small business administration loan, as provided in the act.

Due in part to the confusion and lack of understanding of some of the overlapping rules, numerous small businessmen are reluctant to talk for attribution—they're worried about what might happen if an OSHA inspector should see their names and then decide to drop by. "I'd hate to meet Mr. OSHA tomorrow because of my discussion with you," says a Midwest farm-equipment dealer who has spent nearly $100,000 on new equipment and repairs to satisfy safety rules. "We'll only know if we can really comply after somebody tears us apart." Like many other businessmen, he replaced a number of round toilet seats with horseshoe-shaped ones before OSHA rescinded the toilet-seat rule.

"AN ASININE SITUATION"

According to Herbert Liebenson, legislative vice president of the National Small Business Association, many of the fears expressed by small businessmen arise "because the Labor Department has done a very poor job of notifying people what to expect under the law." In fact, many businessmen say they still don't understand how the law is administered, and they worry they will have to answer to inspectors who know almost nothing about their particular type of business.

"OSHA worries the hell out of me," says Ralph Zuber, manager of a furniture store in Amana, Iowa. "I want to comply, but I've got to keep making a living. Did you know we've even got to paint the electrical outlets orange? Why, I don't know."

Adds James Curless, an International Harvester franchiser in Fairmount, Ind.: "It becomes an asinine situation. The dangerous facets of our business are virtually beyond anyone's control. One of our employes got hurt when he bumped the automatic transmission lever on a tractor and it rolled over his leg. No laws can cover anything like that."

What angers many small businessmen the most, however, is the cost of complying with the regulations. "I spent about $250,000 for four new punch presses, to enclose a conveyor, some electrical work and other things," says the owner of a metal fabricating shop in the Southeast, "and I don't think it did any good for safety or production. The punch presses, costing $15,000 to $30,000 apiece, had to be replaced only because they were too noisy. Those machines had been declared literally unusable."

COST MAY BE HIGHER

A survey of its members by the National Association of Manufacturers shows small concerns of one to 100 employes estimate it will cost them about $33,000 each to comply with the act. But that figure may not tell the whole story. Kenneth E. Schweiger, the association's director of employe relations, says the real cost to the small businessman is probably much higher. "He doesn't know what's expected of him," says Mr. Schweiger. "Smaller business has grossly understated estimates of the cost."

Further, once the money is spent, employers still can't be sure if they're in compliance. "I spent $125,000 directly to meet the law," complains a Midwestern contractor. "And after I spent the money I was inspected three times and was fined every time for some minor violations. There's no way I can meet the letter of the law as it's written."

When it comes to spending the money, many small businessmen are faced with a dilemma—what to try to get done first and what to try to get by with. "There's no consistency from one plant to another," complains the owner of several small wood-working factories in the Midwest. "I've been fined at one plant for something that has been overlooked at another. One will come through with flying colors and another will be penalized."

Businessmen "don't know which way to jump," Mr. Curless, the Harvester dealer, says. "They try and do a little at a time and hope that when the inspectors come they won't be too severe. We asked our insurance man to come out and inspect us. He said the way interpretations of the rules change so often, he couldn't even give us a decent inspection."

"I'D PROBABLY . . . GO HOME"

"We've got to write our own ticket," says Bruce Martin, assistant executive manager of the National Roofing Contractors Association. "You can't comply with all of it. What we did was take the construction regulations and got it boiled down to about six pages of the most important standards and told our guys to try to comply with these."

And some are going to try to get by without doing anything at all. "I'd just run myself nuts if I tried to comply," says an Illinois heating and air-conditioning contractor. "I've only got three employes, and in a small business everyone has to be a money maker and that (complying with regulations) would be a full-time job. If an inspector walks in here, I'd probably just hand him the keys and go home. It would be giving up a lot, but it's not worth the worry and frustration."

Whatever problems the act is causing businessmen around the country, there are still some who must be delighted with the law—the safety-equipment companies. "You take a good hard look," says Mr. Liebenson of the National Small Business Association, "and the economic benefits will go to the insurance and safety-equipment companies."

"Many problems for the small businessmen," he adds, "came about because of the sales techniques of companies selling products for OSHA regulations. They became frightened and started protesting."

"We have spawned new enterprises in a variety of ways," George C. Guenther, former assistant labor secretary, told a House subcommittee on small businesses last June. "We would hope most of them are wholesome, but certainly there may be those whose consultative services are at less than desirable levels."

Still others may find themselves beneficiaries of the law. Many employers are going to be spending a lot of money on lawyers if they want to appeal a fine they feel was undeserved. Small businessmen almost never have a lawyer on their staffs.

W. C. Williamson, co-owner of an Atlanta roofing company, was fined $600 after an employe was killed when he fell through a hole in a one-story building the company was working on. Mr. Williamson says the man was shown the hole and told not to remove the cover unless there was a foreman present. Why he took the cover off and exactly how he fell through the hole aren't known, but Mr. Williamson thinks he did all he could to protect the man. "I'm going to spend about $2,000 to fight a $600 fine," he says, "but it's the principle of the thing. . . . It would be the same thing if they fined me if he drove his car into a telephone pole on his way to the job."

"It's going to be a full-employment act for lawyers," said Lawrence Stessin, editor of a newsletter dealing with the OSHA regulations. It isn't going to hurt Mr. Stessin either. After sending out a sample issue last October, he was swamped with 30,000 subscriptions in one month. "We're just inundated" with requests for information and subscriptions, he says.

With all the confusion, some shady characters are bound to jump at the opportunity to take advantage of the situation. "The three latest rackets," Mr. Stessin says, are men posing as OSHA inspectors who are actually industrial spies, potential burglars figuring out a plant's security or con men who talk the owner into offering him a bribe for not imposing heavy "fines."

[From Nation's Business, June 1972]

WHERE THE SAFETY LAW GOES HAYWIRE

"It was a red-letter day for us," says Robert J. Starr, president, Safety and Industrial Net Co., Colebrook, Conn.

His firm makes a patented heavy-duty net used on bridge and high-rise building construction.

Mr. Starr, 67, founded his company nine years ago, and it prospered.

But it was after April 28, 1971, that sales really took off.

That was when the federal Occupational Safety and Health Act went into effect. It spells out a whole raft of regulations affecting every business and industry.

Its greatest impact, perhaps, has been on the construction industry. It specifies, in minute detail, how a construction job must be run—from dispensing of paper drinking cups to operation of laser beams.

One requirement is for safety nets on high-rise, skeleton steel construction, where planking or scaffolding isn't practical.

"Since then," Mr. Starr says, "our safety net sales have shot up 50 per cent."

His firm's heavy-duty, small-mesh net costs 40 cents a square foot. On a big job, that runs into money.

"Our nets are being used on the Gold Star Bridge at New London, Conn.," he says. "The bridge is about 3,000 feet long. They're using about 250,000 square feet of nets."

Or, $100,000 worth.

"His sales will go up a lot more," says Keith Nystrom, assistant safety director, Brown & Root, Inc., a big Houston, Texas, construction firm.

"Many builders still don't know that, in many cases, they must use nets.

"The nets' use on high-rise steel erection—like boiler structures for power plants—may hike costs 100 per cent or more for that part of the operation. They're expensive to buy and install. And they make it much more difficult, and costly, to hoist up building materials."

Brown & Root, he points out, is all for safety and health. So are other members of the Associated General Contractors, a group which acts as an industry spokesman.

Says AGC President James D. McClary, who is senior vice president, Morrison-Knudson Co., Inc., Boise, Idaho:

"We can't buck the objectives of the safety law. We're for one."

THE RECORD IS GOOD

But how badly does the building industry need the eagle-eyed surveillance of the new Occupational Safety and Health Administration?

Well, its safety record is pretty good.

National Safety Council statistics show it is less dangerous than these industries—coal mining, other mining, meat packing, air transport, transit, lumbering, leather, quarrying, wood products and marine transport. Its accident rate, per million man-hours of exposure, is 13.48.

Mr. McClary says a prime irritant in the many OSHA standards is that they do not fit a construction site, but are more appropriate for industrial plants.

Another prime irritant is what the Act does to costs.

"I've heard estimates that the law will boost construction costs anywhere from 10 to 35 per cent," Mr. McClary says. "Personally, I don't think it will be as high as 35 per cent.

"But if the standards are applied as they are now, and as the OSHA agency plans to apply them, they could hike building costs 10 to 20 per cent."

Construction is a $100-billion-a-year industry.

A 10 per cent hike would add $10 billion to the price Americans pay for homes, highways, subways, office buildings, high-rise apartments and other construction.

Waterloo, Iowa, the county seat of Black Hawk County (pop. 76,000) recently discovered what that means.

"We took bids last December on a lift station," says Mayor Lloyd Turner. "It was part of a $3.8 million sewer project. HUD paid half the cost; we paid the rest.

"Our engineer's estimate for the job was $270,000.

"It was made before OSHA became the law of the land.

"When the bids came in, they were staggering—the lowest was $485,000. We held them up several weeks for evaluation. It turned out that the lowest bid was realistic, even though far higher than we expected.

"There were other factors but about 15 per cent of the cost was attributed to OSHA by all the contractors.

"We had to sell another $100,000 worth of bonds this April to pay for the added costs."

HOW'S THAT AGAIN?

Vernie Lindstrom Jr., executive vice president, Kitchell Contractors, Inc., Phoenix, Ariz., explains why OSHA increases construction costs. "Some standards are impractical, costly and complex," he says.

As examples, contractors cite rules like these:

"A fire extinguisher, rated not less than 2A, shall be provided for each 3,000 square feet . . . or major fraction thereof"—even on a steel skyscraper with poured concrete floors. And "travel distance from any point of the protected area to the nearest fire extinguisher shall not exceed 100 feet."

What's a 2A fire extinguisher?

Is a 1A better—or worse? How about a 3A or a 2B?

The 70-page rule book, "Safety and Health Regulations for Construction," doesn't say.

That's spelled out in National Fire Protection Association manuals.

"To understand the ratings, you really should have two NFPA booklets," an NFPA spokesman says: "They're 'Standards for the Installation of Portable Fire Extinguishers,' 36 pages, price $1. And 'Standard on Recommended Good Practices for the Maintenance and Use of Portable Fire Extinguishers,' 33 pages, also $1."

If a builder writes NFPA, gets the booklets and reads them, he'll learn that a fire extinguisher tagged Class 1A isn't as good as one with a Class 2A rating.

But a 3A is better.

And a 2A is for a different kind of fire altogether—one involving flammable liquids and greases.

That 2A extinguisher, required even on a steel and concrete skyscraper, is for wood, paper and cloth fires. Or, OSHA says, you can substitute for it a 55-gallon drum of water with two fire pails.

"Wall openings, from which there is a drop of more than four feet, and the bottom of the opening is less than three feet above the working surface" shall be protected with a guard rail.

What does this mean in plain English? It means, contractors say, that a window with a sill less than three feet off the floor must have a railing or other barrier across it. Apparently even after glass has been installed, including thermopane glass that's hard to fall through.

And many modern office buildings have sills lower than three feet.

No detail is too minute for OSHA's attention.

Take drinking water, for example. You can't put ice in it. It's not sanitary.

"That means," a contractor says, "that to give workmen a cool drink of water, you must have a jacketed water cooler. One that plugs into an electrical socket.

"But you don't always find those utilities everywhere on a half-built building."

A LOT OF READING MATTER

To comply with the law, a builder really needs more than the 70-page "Safety and Health Regulations for Construction," which is issued by the Labor Department. For starters, he needs the Department's 248-page "Occupational Safety and Health Standards," plus the two NFPA pamphlets cited above—and hundreds of other pamphlets.

When OSHA became the law of the land, it blanketed into its code a long list of guidelines drawn up earlier by private organizations like NFPA and the American National Standards Institute, and by some government agencies. For example, the list includes:

"Standards for Protection Against Radiation (10 CFR Part 20)," published by the Atomic Energy Commission.

"Threshold Limit Values of Airborne Radiation Contaminants for 1970" of the American Conference of Governmental Industrial Hygienists.

"Z89.1–1969, Safety Requirements for Industrial Head Protection,' drawn up by the American National Standards Institute.

The list could go on and on.

Sen. Carl T. Curtis (R.-Neb.) is sharply critical of the blanketing. He says:

"The Act Congress passed, in effect, made these rules the law of the land without a prior specific review . . . to see what they do, how they should be applied, or whether or not they are adequate."

Sen. Curtis has introduced one of a number of bills now on Capitol Hill to modify OSHA. Among other things, his would exempt businesses with 25 or fewer employees from the Act.

A similar bill has been introduced in the House by Rep. Joe Skubitz (R.-Kans.).

The Associated General Contractors gives some idea of the size of the thicket of guidelines, standards and cross-references.

"To get all he needs to be fully informed," an AGC spokesman says, "a building contractor would have to spend about $6,000. And he'd wind up with a stack of documents 17 feet high."

Obviously, few if any builders are familiar with all these binding regulations.

"I think it's true to say they are so complicated and lengthy," says the safety director of a large Eastern construction firm, "that you can find a violation of them on almost any job."

The Occupational Safety and Health Administration's own statistics bear him out. In the first nine months of this fiscal year, its inspectors visited 20,688 places of business. Nearly eight out of 10 were found in violation of the safety law.

BATTLE OF THE BOATYARD

The inspector's word is final—unless the alleged lawbreaker requests a formal hearing. Few win the appeal. One who did was a West Coast boatyard owner.

Arsene (Blackie) Gadarian has been in the business, at Newport Beach, Calif., a dozen years.

He says his firm, Blackie's Boat Yard, Inc., is "a mom and pop operation."

Actually, it's a little bigger than that—he and his wife have a half-dozen employees. But it's pint-sized, as boatyards go—the smallest of six in Newport Beach.

Mostly, it overhauls yachts owned by wealthy residents of the seaside spa.

So the propietor was quite surprised last fall when a federal inspector drove up, put on a hard hat and began to tour the yard.

Blackie felt he hardly rated this personal attention from Washington.

The inspector strolled down the pier to a small boat under repair not far from shore. He pointed to a worker crouched in the cramped bilge and asked. "Why doesn't he have a life jacket on?"

"Because," Blackie replied, "he couldn't move if he did."

"What would he do," the inspector persisted, "if he fell into the water?"

"He'd stand up," Blackie said. "The water's only two or three feet deep there."

The inspector went on inspecting.

A $1,000 FINE?

A few weeks later, the Gadarians were notified they had violated OSHA regulations—Section 1501 84. (c) (4). Offenders are subject to fines of up to $1,000.

"They said the rules were that we had to have a ladder nailed to that dock," Mrs. Gadarian says, "so an employee could climb out of the water if he fell into it.

"We wanted to comply with safety standards, and we always have. We have a good safety record. Our workmen's compensation inspector has testified to it.

"But we didn't know what the OSHA regulations were.

"We asked the OSHA inspector for a copy. He said he didn't have one on him. We asked the local area office. The director said he didn't have one for us—but was working night and day to get some out.

"So we denied the violation, and asked for a hearing, partly in hope of getting a copy of the law we were accused of breaking."

After the Gadarians said they'd fight, the occupation safety agency proposed a penalty of $16—eventually reduced to $15.

Two weeks later, a 248-page document arrived covering—among other things—safety regulations for ship repairing, shipbuilding, breaking up of ships and longshoring.

"We read practically everything in it," Mrs. Gadarian says. "But it said nothing about ladders on the dock."

The Gadarians again asked the OSHA agency office for a copy of the regulation they allegedly had violated.

"About a month after we were cited," Blackie says, "it arrived." It was a 48-page booklet, a supplement to the 248-page publication they received earlier.

"We found the part about ladders in that," Mrs. Gadarian says. "But it said nothing about one being nailed to the dock. Only that you had to have one near the boat under repair."

THE FULL MAJESTY OF OSHA

Last November, the OSHA hearing was held.

"They rented a meeting room at the Newporter Inn," says Mrs. Gadarian, "a very posh hotel."

President Nixon often uses it for press conferences and other meetings. It's about 20 miles from the West Coast White House at San Clemente. Japan's Premier Sato stayed there when he met with the President before Mr. Nixon went to Peking.

Seven federal officials were on hand for the hearing, which took four hours. As the Gadarians pointed out, all the OSHA regulation stipulated was that:

"In the vicinity of each vessel afloat in which work is being performed there shall be at least one portable or permanent ladder of sufficient length to assist employees to reach safety in the event they fall into the water."

The Gadarians said they had a ladder "in the vicinity" of the boat being repaired, and produced witnesses.

The OSHA inspector contradicted them. The closest ladder, he said, was 400 feet away.

The Gadarians showed that the boat yard was only 200 feet long, including their 66-foot dock. The Occupational Safety and Health Review Commission ruled for the Gadarians.

So they didn't have to pay the $15.

Why did the Gadarians fight a fine the size of a parking penalty?

"That's what a lot of people ask," Blackie says.

"They figure, if all it takes is 15 bucks to get them off your back, let's pay it. But I don't feel that way, if I'm not in the wrong.

"Besides, what about the next time?"

Mrs. Gadarian has carefully hoarded all the citations, summonses and reports, including the 10-page decision that dismissed the charges.

"Some day," she says, "I have to show them to my grandchildren so they can see how 1984 came early to our country."

[From Dun's, January 1972]

The Crushing Cost of Safety

(By George J. Berkwitt)

Note.—Management is gasping at the huge price tag on the 1970 Safety Act.

At Eaton Corp. (formerly Eaton Yale & Towne), the diversified Cleveland manufacturer, the campaign got under way last June with a barrage of memos and briefings. Next came a series of regional meetings for division managers. Then six special teams fanned out across the country to make surprise inspections of company facilities. Finally, last month, Eaton's management declared it was ready.

Ordinarily, such activity would be the prelude to a major product introduction, an organization realignment or some other big company move. But in this case, management was preparing for, of all things, a safety program. Eaton, along with thousands of other manufacturers, was gearing up to comply with the requirements of the Occupational Safety and Health Act of 1970.

For while issues such as the environment and consumerism have been making all the headlines, few pieces of legislation have come out of Washington with as profound an impact on corporate management as the Occupational Safety and Health Act of 1970 (OSHA). "In the past thirty or forty years, we've seen a lot of legislation affecting industrial operations," says J. A. McIlnay, senior vice president of ESB, Inc. "But none of it has come on this strong or required such fast action."

And none of it, he might have added, has carried as big a price tag. While no one has attempted an exact accounting, estimates of OSHA's total cost to U.S. industry run into the tens of billions of dollars. A few industries will get off lightly, but costs of operations in many could rise by as much as 5% to 10%.

The reason is the breadth of its coverage. The Act applies to virtually every interstate business not already covered by such legislation as the Federal Coal Mine Health and Safety Act and the Atomic Energy Act of 1954 (the Labor Department estimates that there are more than 4 million such companies employing a total of 57 million workers) and sets some 22,000 standards in such areas as unguarded machinery, excessive noise, hazardous materials and worker safety devices.

Actually, there is little in the new Safety Act that has not already been adopted voluntarily in industry. Very few companies, however, comply with all the standards that OSHA demands. "There was almost unanimous agreement [at the 1969–70 hearings of the Senate Labor Subcommittee] that employee protection was not being adequately enforced at either the private or the state level," says Robert E. Nagle, who was then a counsel to the subcommittee. Just one example: Pipe structures to protect drivers of construction vehicles in rollovers were rare. Under OSHA, they are mandatory.

The standards, which became effective last April and August, are enforced by fines of up to $10,000 per violation and prison terms of up to six months for corporate executives responsible for the violations. And the Department of Labor and a quasi-official three-man Occupational Safety and Health Review Commission, which together are administering and enforcing the legislation, have already demonstrated they mean business. By October, some 350 inspectors (or compliance officers as they are called) had inspected 5,600 companies and turned up nearly 13,000 alleged violations. "There is no question that this is a tough law with teeth in it," says one high-level executive.

No one, of course, is against safety. In fact, most manufacturers agree that it pays. The National Safety Council estimates that injuries on the job cost industry an incredible $10 billion a year. So some people think that OSHA eventually will be worth the price in terms of recovered productivity. "It will probably take two or three years for this law to firm up properly," says James J. Sheehy, assistant treasurer at St. Regis Paper Co." But after that we are looking for at least a 14% increase in productivity. For a billion-dollar company, this could add up to 3.5% to 4% more profit."

Adds Merlin Race, who before becoming safety director at Consolidated Edison Co. last year completed a study on the impact of the new law on industry: "OSHA will encourage faster replacement of people by equipment, and, of course, safer plants will have lower accident rates and more productive manpower." The long-term impact, says Race, will be an increase in productivity industry-wide of at least 15%.

Meanwhile, though, the short-term costs, especially for those companies that have been getting along on old, fully capitalized equipment, could be devastating. "Trying to extend the life of marginal equipment while complying with the standards could knock a company right out of business," says an executive of a large electric utility.

Even in more modern plants, the cost of compliance can mount. For example, in order to comply with OSHA, the Borg & Beck division of Borg-Warner Corp. has already spent $150,000 more than budgeted moving into a new, 300,000-square-foot plant.

One of the most expensive items in the new legislation is noise abatement. According to Jefferson D. Keith, managing director of the American Metal Stamping Association, surveys to find solutions for dampening noise to levels the Act finds tolerable have already run up a bill of $6 million in stamping presses alone. Engineers at Ingersoll Milling Machine Co. estimate that some machines would double in price.

Air quality leads to a separate set of costs. At Eaton, for example, compliance calls for added air pressure in paint-spray booths to force residual spray out of the booth and away from the operator. "This will require hundreds of thousands of dollars worth of new ventilating equipment," says Malcolm Daisley, industrial relations vice president. "And the plant is in a northern state, so we need additional equipment to heat the air we pull in." Total cost of compliance: some $500,000, says Daisley.

HARD-HIT INDUSTRIES

Some industries that are facing an especially stiff compliance tab:

Metal-stamping machines. The companies that produce the units that form sheet metal into everything from car bodies to bottle tops will be spending more than $6 billion over the next five years to comply with OSHA, according to Jefferson Keith.

Lumber and wood products. With its excessive noise, the use of large, unguarded saws, flying wood chips, dust and manual handling of huge logs, the lumber industry will be taking on a massive dose of safety under the Act. Observers think the cost will go into the billions of dollars.

Housing. A prominent member of the National Association of Home Builders predicts that OSHA will add $2,000 to $3,000 to the cost of each new home.

Paper. An industry executive predicts that OSHA's cost to the pulp and paper industry will run at about $200 per worker over the next year or two—for a total tab of $140 million.

One industry that will be getting off easy: baking. According to the safety director of one of the bakery giants, bakers have traditionally given high priority to health and safety because of the need for cleanliness and sanitation. Cost of compliance could be as low as $20,000 per year per company.

Quite apart from costs, while businessmen have come to expect government involvement in the broader areas of the economy, they are not yet resigned to the kind of specific power granted inspectors under OSHA. This power includes no-knock entry and the right to shut down equipment or even an entire plant. "Prior experience with government agencies leads us to believe that they won't feel their job is well done if they don't find problems," says Robert E. Frey, director of safety and environmental engineering at Diamond Shamrock Corp.'s Diamond Shamrock Chemical Co. Adds President Joseph T. Bailey of Warner & Swasey, "These men could walk in, pull a switch and shut you down."

Because of the concern about federal intervention into the day-to-day operations of business, the law undoubtedly will be extensively tested in the courts. A $10,000 fine adjudged against Lockheed Aircraft Co. is now being appealed and "will probably be in the courts for months," says a spokesman in the company's legal department. "Lawyers," admits George C. Guenther, the Department of Labor's Assistant Secretary for Occupational Safety, "are going to have a field day."

Of course, there is also the inevitable red tape. OSHA requires three sets of records, one of which is to be kept on file at the company for five years.

And finally, because OSHA allows employees to report violations directly to compliance officers, in effect it encourages a breach in communications between employee and employer. "If an individual or a union wanted to make trouble," says Malcolm Daisley, "it could swamp the agency with complaints."

Yet when the final cost benefit of the legislation is totalled, industry, as Sheehy of St. Regis predicts, may be the winner. After all, even more than labor costs or capital equipment expenses, the name of the game today is productivity. And OSHA may turn out to be the key to the recovery of a lot of those lost man-hours.

[From U.S. News & World Report, June 26, 1972]

GROWING FUROR OVER SAFETY RULES FOR WORKERS

Congress is about to take a close look at a year-old law that is starting to stir up a storm.

The law is a controversial health and safety measure that affects three of every four workers.

Its name is the Occupational Safety and Health Act of 1970, called OSHA for short.

In simple terms, it requires employers to provide safe places to work, free of health hazards.

In operation, it has proved far more complex. Critics say it's not the law itself, but the massive set of regulations stemming from it that have caused most of the trouble.

These regulations involve everything from the height of toilet partitions to requirements for safety shoes or goggles.

Two things have provoked much of the furor.

First, employers must obey detailed and often complicated rules, enforced by federal inspectors. Many businessmen say they don't understand these rules or believe them necessary.

Second, the Act extends federal controls over working conditions into vast new areas. Now covered, for example, are hired hands on farms and part-time employes in the smallest of businesses.

WIDE COVERAGE

Almost every business—even if it has only one employe—is subject to the law. This involves about 5 million firms and 60 million workers.

Small businessmen, particularly, claim strict application of the law may force them to close.

Unions charge the Government with "half-hearted enforcement."

One independent study group assesses blame in almost equal doses to industry, Government and organized labor.

A nationwide survey by "U.S. News & World Report" found the law getting a mixed reception. For example—

"Employers want to comply," says a spokesman for the Georgia Business and Industry Association in Atlanta, "if they only knew how."

Niel Heard of the National Federation of Independent Business, based in San Mateo, Calif., comments: "They've drawn up the regulations so it would take a Philadelphia lawyer to figure them out."

From Steven J. Kennedy, director of safety for Avondale Shipyards, Inc., New Orleans:

"The law is a good one, but compliance is costing us a great deal. I believe, however, that the initial cost will be offset in the long run by a reduction in accidents and compensation expenses."

Some plant managers for large corporations say they are "scared to death" to talk about inspections of their facilities for fear of Government retaliation.

"We're still feeling our way around under the law," says an executive of a farm-equipment firm in Chicago.

In Washington, members of the Senate and House who, in late 1970, overwhelmingly approved the measure find themselves swamped with mail and besieged by constituents over its workings.

Says Representative Daniel J. Flood (Dem.), of Pennsylvania, chairman of a House subcommittee, "It is murder when we go home to our district."

A sign of congressional anger over the act came on June 15 when the House of Representatives suddenly amended the Labor Department's 1973 budget to bar payments to OSHA inspectors who enter plants of 25 or fewer employes.

Starting June 20, the House Subcommittee on Small Business will begin four days of hearings into the law. Senate and House labor committees also plan full reviews soon.

NEED UNQUESTIONED

With on-the-job accidents accounting for 14,000 deaths and 2.2 million disabling injuries a year, there has been little argument with the objectives of the law. But almost every phase of its implementation has provoked controversy.

"This Act," says Representative Mark Andrews (Rep.), of North Dakota, "is an outstanding example of what happens to a piece of legislation when the bureaucrats get it."

Labor Department officials readily admit to problems, but "we have knocked ourselves out to avoid harassing," says George C. Guenther, a former businessman who became Assistant Secretary of Labor for Occupational Safety and Health. His boss, Secretary of Labor James D. Hodgson, says:

"The purposes of the Act have been imperfectly accepted by a great many. They still believe that somehow the requirements of the Act really shouldn't apply to them."

Complaints, Mr. Hodgson says, often take the form of "you are asking me to do something I didn't know anything about, or to do something about something I don't think I should have to do, or to do something that shouldn't be in the law at all."

Staff members of "U.S. News & World Report" who checked businesses around the country came up with the findings that follow.

Harry G. Austin, executive vice-president of Brown & Root, Inc., a worldwide construction firm based in Houston, says one of the biggest obstacles in compliance is changing work habits of experienced employes.

"A man gets used to doing his job one way most of his life and it's difficult to get him to change his habits overnight," Mr. Austin observes. "Take safety glasses. Many construction workers don't like to wear them because perspiration gets in their eyes, but they have to wear them now under the law."

Walter E. Standfield, a home-remodeling contractor in Houston, doesn't like the law. "It seems to me," he says, "that it was purposely written to get rid of small, independent businessmen like myself. It's hard to find people with the necessary safety equipment—safety shoes, eye goggles and hard hats—and I can't afford to buy them because most of my helpers are hired on a short-term basis. When you do find someone with the right equipment, you have to pay him more than you would otherwise."

A VOTE IN FAVOR

OSHA inspections won praise from a union official in Belvidere, Ill.

"After seeing these people inspect, I'm for 'em 100 per cent," says Jack Waldeck, vice president of a United Auto Workers local at a Chrysler plant in Belvidere. "We've had State inspectors out here before, but their inspections were a joke. These federal inspectors have my respect now."

A spokesman for Armour & Company division of Greyhound Corporation comments in the inspection of 26 of its 130 food plants across the country: "We feel the inspectors were fair, and their findings valid—the only difficulty we've had in correcting these violations is time, and we've gotten extensions of time where necessary."

After three visits by OSHA, J. Paul Seider, president of Radiant Industries, Inc., of North Hollywood, Calif., says:

"The inspections at the time were pretty irritating. Some of the things we had to do were a real pain. But looking back on what the OSHA man wanted I guess I'm glad it was done. It wasn't all that big an expense."

A California electronics company, fined $60 after an OSHA visit, estimates that contact with the agency extended over 45 days, took more than 200 hours of management and cost the company $1,000 for new equipment and modifications to meet the standards.

George Nummy, manager of corporate safety for Boise Cascade Corporation, Boise, Ida., says:

"The specifications at times are not quite rational to the application. They are not easy to understand. I find it better to make frequent trips to Washington to spell out with top labor people how to interpret regulations. Unfortunately, once you get an agreement with the man in charge of the standard, the problem still exists because how do you get his man in the field to understand?"

David Spinniken, a Lake Leclanau, Mich., cherry grower, says OSHA means a lot more bookwork for him. But he believes the record keeping may eventually save him money on insurance, since he has had no serious work accidents in 25 years.

"We are presumably a high-risk occupation," he says. "With facts and figures to go on, the insurance companies might give us a better rate."

The law took effect April 28, 1971. It was a month later before standards were announced. Then, overnight, came a 248-page book touching in such things as the sizes of ladders, protective screening against atomic radiation, and safety nets for bridge-builders.

OSHA took the standards from consensus agreements developed through the industry-sponsored National Fire Protection Association, the American National Standards Institute and the American Council of Government Industrial Hygienists. One problem: Many of the standards are in highly technical language, and they haven't been simplified for business use.

Mr. Guenther also says that, in the rush to put standards into effect, some slipped by that he wishes he hadn't had to live with. Most of those, he says, will be dropped or modified by the end of the year. Among them:

A requirement that when ice is used to cool drinking water, the ice cannot come into contact with the water. This, says Mr. Guenther, was left over from the days when natural ice was chopped from rivers, and will be eliminated. So will rules on the height of toilet partitions, requiring coat hangers in portable toilets, split seats on all toilets and separate "retiring rooms" for female employes.

MORE TO COME

Despite the massive book, not all phases of safety and health are covered by standards as yet. Most of the rules deal with safety. Health standards are being developed more slowly, mainly, officials say, because of a scarcity of reliable information on the causes of occupational illnesses.

OSHA enforces the law by inspecting establishments and citing employers for violations. In the 10 months from July through April, 23,662 establishments were inspected and 75,864 violations were detected. Roughly 3 of every 4 employers were cited for one or more infractions. Mr. Guenther estimated that only about 2 per cent of the violations were serious.

Five industries, all with injury rates well above the national average, were picked as targets for intensive enforcement in what OSHA calls a "worst first" approach. They are longshoring, lumber and wood products, meat and meat products, roofing and sheet metal and miscellaneous transportation equipment, which is mainly mobile homes and snowmobiles. About 40 per cent of all inspections have been in these areas.

Inspections of very small firms so far have been quite limited, Mr. Guenther says. "The smoke is a great deal greater than the fire," he adds, referring to complaints from small business. "Mainly it's a fear that when we do make an inspection we're going to make it really rough. I can tell you that isn't true. We hope to minimize the burdens on the tiny businesses, the real small ones."

Violations are of three types—nonserious, serious and "imminent danger."

PATTERN OF FINES

A serious violation is one where a "substantial probability" exists that death or serious physical harm could result. It carries an automatic fine of up to $1,000. Nonserious violations allow for optional fines of up to $1,000.

The "imminent danger" category is defined as one "which could reasonably be expected to cause death or serious physical harm immediately, or before the imminence of such danger can be eliminated through the enforcement procedures otherwise provided by this Act."

Fines so far total 1.7 million dollars.

For all types of violations, employers are given a deadline by which corrections must be made. For each day they exceed the deadline they can be fined $1,000. Mr. Guenther says the biggest proposed penalty so far—$36,000 against a construction firm in Lincoln, Nebr.—includes $31,744 "for failure to abate" violations within the time provided.

Appeals from OSHA penalties are handled through an independent agency—the Occupational Safety and Health Review Commission, with three members appointed by the President.

If an employer wants to contest a citation, he notifies the Review Commission which provides a hearing examiner. Appeals from Commission decisions can be taken to a federal court of appeals.

The Commission says that in the first year of OSHA about 5 per cent of the citations have been contested. Only one decision has been appealed in court.

A LABOR VIEWPOINT

While business often complains that the Government is trying to do too much too fast, organized labor takes the opposite view. Peter Bommarito, president of the United Rubber Workers, had this comment on the first anniversary of OSHA.

"We have made a little progress in the past year. We would have made much more if the Deparment of Labor had applied the legislative intent of the Congress to its enforcement of this law. Unfortunately, a year's experience reveals that the Department of Labor seems smugly content with halfhearted enforcement policies, which fall far short of what is needed to give workers the kind of health and safety protection spelled out in the law."

The law provides for the eventual shifting of enforcement to the States, with the Federal Government paying half of the cost, provided that the States come up with regulations that will be at least as effective as the standards of the Federal Government.

CURTIS AMENDMENTS

OSHA officials are sure to be questioned during the small-business hearings about the package of 13 amendments offered by Senator Carl Curtis (Rep.), of Nebraska. These include proposals to exempt all employers with 25 or fewer workers, to delay compliance with the law for one year for employers with 100 workers or less and to provide technical help to firms with fewer than 100 employes to help them comply with the rules.

Secretary Hodgson said recently: "My own view is that the law should not be tampered with now, but should be given a chance to work."

Despite the critics in business, labor and Congress, Mr. Hodgson maintains, "We are proceeding in a even-handed way, in a fair way." And he adds:

"My own feeling is that as we do an informational job, and as we start making this program felt in terms of reduced injuries and a more healthy work place, it will become increasingly accepted."

Mr. DOMINICK. Mr. President, I invite the attention of the Senate to one of the articles which refers to a specific case of a gentleman who was operating a small marine repair shop, I believe in California, because it is so ludicrous and it pinpoints exactly the trouble we are having with this bill. The article will relate the story in detail, but let me just point this out:

An OSHA inspector came in and asked the boss of this very small marine establishment in California what the man was doing in a rowboat. The boss said, "Well, he is out there scraping the barnacles and repairing the boat." The inspector said, "Why does he not have on a life preserver?" The boss replied, "Because he could not get into the boat with all that equipment if he had on a life preserver." The inspector said, "What will happen if the man falls out of the boat?" The boss said, "That would not be difficult because the water there is only 2 or 3 feet deep, so it is no problem."

This employer was cited for a violation because the worker did not have a lifejacket on. That was later knocked out, but the fact that there was no ladder there for the man to climb up to the dock if he fell into the water, even though it was only 2 or 3 feet, this employer had to carry that notice for a month and he had to try to get the applicable regulation contained in one volume of 278 pages followed by a supplement of 48 pages before it was ever found at all.

Then they found that the ladder had to be at the dock, but not nailed to the dock, and he was cited for that and brought up. He took it to court on appeal and the fine was only $15, which he refused to pay. He finally won it in court after about 9 months of extensive effort and heaven knows how much expense to the employer. All the time it had not done the worker any good or the employer any good. All it resulted in was making the Department of Labor look ridiculous in the eyes of the people in that area.

So it seems to me that until we can get some kind of change in the law, so that these circumstances do not occur again, we will be continuing to have the same problem that we had before. So I honestly submit that we should go forward as rapidly as possible with further hearings on this matter before the Committee on Labor and Public Welfare, and try to put together the necessary changes in the legislation which will be necessary to accomplish the goal of the act but which will not act as a criminal and harassing statute against both workers and employers alike.

Mr. TOWER. Mr. President, I am pleased to join Senators DOMINICK, FANNIN, and a number of other Senators in offering legislation to amend the Occupational Safety and Health Act. Every Senator has received a continuous amount of mail from constituents since OSHA regulations were first issued in 1971. Criticism of the act has ranged from unreasonable standards being promulgated to highly impersonal investigations being made by Federal inspectors. While one might say that these complaints have been exaggerated at times, it cannot be questioned that they have some merit and that the law has not been implemented in either a smooth or equitable manner.

I support the Occupational Safety and Health Act. Since it was approved by Congress, however, I have maintained that in order for it to accomplish its intent—to provide safe and healthful working conditions for all American workers—the act must be administered and enforced in a milieu conducive to total cooperation between employers, employees, and the Federal Government. This type of milieu is, at this time, impossible to achieve due to the manner in which OSHA is being enforced, and, to an extent, due to the specific statutory language in the act.

It is because of the need to make the law more equitable that this legislation is being introduced. Briefly, the legislation would provide for the following changes in OSHA:

First. When the Department of Labor publishes a proposed rule concerning OSHA in the Federal Register, the Department would be required to include an estimate of the total cost which would be incurred by employers in industries to be affected by the rule.

Second. The act would be amended so that an employer who has received a citation need not have that citation posted once the violation has been abated.

Third. A procedure would be established to allow an employer who has received a citation to seek a variance from the Department of Labor by showing that the particular procedure employed in his business is at least as effective as the OSHA standard.

Fourth. The Department of Labor's authority to issue fines for nonserious violations on the first inspection would be removed.

Fifth. The Department of Labor would be given discretionary power to issue fines for serious violations. The intent here would be to allow the Department to assess violations in a more flexible manner taking into consideration such factors as the employer's bona fide good faith effort to comply with the law.

Sixth. The act would be amended to require OSHA to provide technical assistance through consultations on an onsite basis or any other basis deemed advisable under the circumstances when such assistance is requested. No citations could be issued during the consultation and it would be limited to matters specifically brought up by the employer.

Mr. President, this legislation is a sensible proposal. It will probably not achieve all or even nearly all of the reforms requested by small businessmen. For instance, there is no provision in the legislation calling for any type of exemption from coverage.

The overall intent of the legislation is, as I have stated, to make OSHA more equitable and thereby more workable and successful. All that it does is remove the punitive aspects of the law and replace them with more rational procedures. What is more alarming at the present time is the inability of the small- or moderate-sized businessman to confront a large Federal bureaucracy with reasonable questions, requests, and recommendations. Big Brother is certainly epitomized when a small businessman in rural Texas cannot ask OSHA a question about a particular regulation without the fear of an immediate inspection. It must be remembered that the vast majority of employers in this country lack the resources to challenge the findings of an inspection.

Furthermore, those who do consider a challenge are confronted with an administrative procedure which places the burden of proof on their shoulders rather than on any agency assessing the fine.

Because of the problems in OSHA, a great deal of resentment has been steadily building between employers and the Federal Government. I do not believe that OSHA was never intended to be primarily a revenue-raising statute. Nor was it envisioned to take on some aspects of a criminal statute whereby a Government employee would point an accusing finger at a citizen.

The legislation being proposed today should be supported by the business community, organized labor, employees not represented by unions, and all other like-minded citizens who support the basic goals of OSHA. This legislation would not reduce in any way Federal occupational and safety protection for any single American.

Mr. President, I urge the Senate Labor and Public Welfare Committee to immediately schedule hearings on this legislation and other proposals already introduced which seek to modify and improve the current law. This should have one of the highest priorities in the 93d Congress for there is probably no other statute which affects as many Americans as OSHA.

By Mr. CRANSTON (for himself, and Mr. WILLIAMS, Mr. RANDOLPH, and Mr. KENNEDY):

S. 1148. A bill to provide authorization for the ACTION Agency to operate domestic volunteer service programs, and for other purposes. Referred to the Committee on Labor and Public Welfare.

THE DOMESTIC VOLUNTEER SERVICE ACT OF 1973

Mr. CRANSTON. Mr. President, I introduce today for myself, Mr. WILLIAMS, Mr. RANDOLPH, and Mr. KENNEDY, for appropriate reference, S. 1148, a bill to provide for operation of all volunteer service programs transferred to the ACTION Agency on July 1, 1971, by Reorganization Plan No. 1 of 1971, and to provide for new and expanded volunteer service programs. This bill will be called the proposed Domestic Volunteer Service Act of 1973.

Mr. President, I am honored to be joined in introduction of S. 1148 by the chairman of the full Committee on Labor and Public Welfare, the Senator from New Jersey (Mr. WILLIAMS), long an ardent supporter of the VISTA program; by the ranking majority member of the full committee and the Special Subcommittee on Human Resources, which has jurisdiction over ACTION Agency domestic programs, the Senator from West Virginia (Mr. RANDOLPH); and by the distinguished chairman of the Health Subcommittee and former chairman of the Special Subcommittee on Aging, the Senator from Massachusetts (Mr. KENNEDY), under whose leadership the foster grandparents and RSVP programs have been increased to their present strength and who has been a longtime supporter of VISTA and all antipoverty programs.

NOTICE OF HEARINGS

Mr. President, we intend to move very rapidly in our consideration of S. 1148 in the Special Subcommittee on Human Resources, which I am privileged to chair, of the Committee on Labor and Public Welfare. The present authority for the VISTA program in title VIII of the Economic Opportunity Act of 1964 expires this June 30.

On March 15, Mr. President, the special subcommittee will conduct a public hearing on S. 1148 and ACTION domestic programs for fiscal year 1974 at which we expect to receive testimony from the ACTION Agency, the Small Business Administration, and representatives of Score, VISTA volunteers, and Older Americans Act volunteers. We then plan to proceed to subcommittee markup of the bill in early April.

ORIGIN OF LEGISLATION

Mr. President, the evolution of this comprehensive legislation to promote efforts to eliminate poverty and social ills through the utilization of volunteer service has been some time in coming. Let me therefore trace its history before going on to describe the provisions of the bill I offer today.

REORGANIZATION PLAN NO. 1

The ACTION Agency came into being on July 1, 1971, the result of Reorganization Plan No. 1 of 1971, which was intended to consolidate into a single agency a number of voluntary action programs operating throughout the executive branch of the Federal Government. Those programs are:

VISTA—Volunteers in Service to America—previously administered by the Office of Economic Opportunity, a full-time, full-year volunteer program established to strengthen and supplement efforts to eliminate poverty;

The Peace Corps, a full-time, 2-year program established to assist underdeveloped nations through the use of American volunteers;

The National student volunteer program, previously administered by the Office of Economic Opportunity, a program to foster student volunteer programs dealing with the problems of the poor;

The foster grandparents program, previously administered by the Administration on Aging in the Department of Health, Education, and Welfare, a program to provide opportunities for low-income older Americans to assist needy children.

The retired senior volunteer program—RSVP—previously administered by the Administration on Aging, a program to enable retired persons to perform voluntary services in their communities.

Service Corps of Retired Executives and Active Corps of Executives—SCORE and ACE—previously administered by the Small Business Administration and under the terms of the reorganization plan, to be jointly administered by the Small Business Administration and the ACTION Agency, a program providing assistance to small businessmen utilizing the expertise of retired and active executives.

President Nixon transmitted the plan to the Congress on March 24, 1971. By the terms of chapter 9 of title 5, United States Code, which deals with executive reorganization, the plan was to be effective in 60 days barring congressional objection.

RESOLUTIONS OF DISAPPROVAL

Mr. President, resolutions of disapproval of the plan were subsequently introduced in both Houses of the Congress. On April 26, 1971, Chairman HARRISON WILLIAMS of the Senate Labor and Public Welfare Committee, on which I am privileged to serve, introduced Senate Resolution 108 to disapprove the plan. On April 28, 1971, Chairman CARL D. PERKINS of the House Education and Labor Committee, introduced House Resolution 411 to disapprove the plan. Among the reasons cited for the disapproval were the following:

That the provisions of Reorganization Plan No. 1 were lacking in detail and specificity;

That the persons most directly affected by the plan opposed it. These groups included the National Vista Alliance, an organization of more than 2,000 Vista volunteers; the Steering Committee of Score which passed a unanimous resolution of disapproval of the proposal; the National Retired Teachers Association and the American Association of Retired Persons;

That the plan left too many unanswered questions, among them being how the merger of the Civil Service and Foreign Service Reserve systems of employment was to be accomplished;

That the element of volunteerism was an inappropriate common denominator linking the programs involved, that solving a problem or working in a particular program area was a more appropriate agency mission than seeking to find new ways for people to volunteer;

That the existing programs to be merged might lose their identity;

That the plan would not reduce expenditure or increase efficiency since it would require a new domestic administrative mechanism and that, indeed, the President was requesting an additional $20 million to get the new Agency underway.

Mr. President, hearings on the resolutions were held by the Government Operations Committees of both House and Senate in late April and early May of 1971. And in spite of the many unanswered questions raised by the plan itself and further brought out during the hearings, both resolutions of disapproval were defeated in the House of Representatives on May 25, 1971, by a vote of 224 to 131 and in the Senate on June 3, 1971, by a vote of 54 to 29. So on July 1 of 1971, Reorganization Plan No. 1 was implemented and the ACTION Agency, headed by the then Peace Corps Director Joseph H. Blatchford, came into being.

CONTINUING PROBLEMS AFTER REORGANIZATION EFFECTIVE

Mr. President, I should back up to say that I was one of those 29 Members of the Senate who voted in favor of Senate Resolution 108 and against the reorganization plan. Indeed, I cosponsored the measure with our distinguished committee chairman, Mr. WILLIAMS, because I shared his strong reservations concerning the workability of the plan and his concern about the unresolved issues surrounding it.

And I believe at this point, Mr. President, that even officials of the ACTION Agency would agree that many of those unresolved issues have plagued the Agency since its inception and have hindered them in their efforts to carry out the programs which the Agency was established to administer.

S. 3450—"THE ACTION ACT OF 1972"

Since the President had indicated in his March 24, 1971, statement transmitting the reorganization plan that legislation authorizing the Agency would soon follow, it was my feeling that such legislation would afford the Congress an appropriate mechanism for making the plan more workable and for resolving those plaguing issues.

Nearly 1 year later, on March 16, 1972, that legislation was finally transmitted to the Congress. On April 14, 1972, at the request of the administration, I introduced that legislation—S. 3450, cited as the proposed "Action Act of 1972"—modifying it only so that the provisions relating to the Peace Corps were deleted. Separating the domestic programs from those under the jurisdiction of the Foreign Relations Committee I felt would provide for more expeditious consideration of the legislation, since it could be considered simultaneously in the appropriate committees of the Congress. The "Action Act of 1972" was subsequently referred to the Committee on Labor and Public Welfare and, in turn, to the Special Subcommittee on Human Resources, which I am privileged to chair.

HEARINGS ON S. 3450

During the spring of 1972, I chaired extensive hearings on S. 3450 and domestic volunteer programs. In doing so, I worked closely with my distinguished colleagues from Wisconsin (Mr. NELSON) and from Missouri (Mr. EAGLETON) who chair, respectively, the Subcommittee on Employment, Manpower, and Poverty, and the Subcommittee on Aging of the Labor and Public Welfare Committee, since programs under consideration in S. 3450 were authorized by legislation under the jurisdiction of those subcommittees.

The first hearings on S. 3450 were held jointly on April 12, 1972, by the Special Subcommittee on Human Resources and the Subcommittee on Aging. Four subsequent hearings were held on May 12, 1972, May 19, 1972, May 24, 1972, and June 5, 1972, by the Special Subcommittee on Human Resources. Witnesses included officials of the Action Agency, representatives of the National Council for Senior Citizens, the National Vista Alliance, the University Year for Action program, sponsors of Vista and Foster Grandparent programs, volunteers in these programs, officials of other Federal agencies representing programs with which the ACTION Agency anticipated working, representatives of private-sector volunteer groups, and Members of Congress.

DEFICIENCIES OF S. 3450

Mr. President, the hearings convinced the committee that S. 3450 fell far from the mark of legislation that would strengthen both the programs administered by the ACTION Agency and the administration of the provisions of Reorganization Plan No. 1. Not only did the legislation fail to resolve some of the most serious administrative problems faced by the agency, for instance, the issue of merging two entirely different personnel systems—the Civil Service and the Foreign Service Reserve System—and the issue of differentiating moneys appropriated through various authorities for the one agency to administer, but it failed to respond to the requests for greater program accountability made by participants in and recipients of benefits of the programs which the ACTION Agency administered.

VISTA volunteers, for example, testified that they were receiving inadequate transportation support to effectively carry out their assignments; that low-income volunteers in the program found VISTA to be a dead-end experience which often resulted in putting them back on the welfare rolls; that the dependents of low-income VISTA volunteers often lost their medicaid coverage as a result of their parents' VISTA service; that VISTA volunteers felt that they at times had been unfairly dealt with and that a legislatively sanctioned grievance mechanism was necessary; that their suggestions for improvements in the program were often ignored and that a legislatively sanctioned mechanism for consulting with VISTA volunteers and utilizing their suggestions was necessary.

Testimony from sponsors of and participants in the University Year for ACTION program raised questions as to the very legality of the establishment of this program without congressional and legislative sanction. University Year for ACTION is a new full-scale $8,000,000 volunter venture established by the ACTION Agency without authorizing legislation after its July 1, 1971, creation. UYA provides grants to institutions of higher learning to conduct programs in which students may satisfy 1 year's course work by performing service similar to that performed by VISTA volunteers.

Testimony raised programmatic questions about UYA as well. For instance, in what kinds of activities should UYA volunteers be involved? What kind and how much of a contribution should be expected from the educational institutions receiving grants to operate this program? Should the participants be subject to the same selection criteria as VISTA volunteers? Should priority be given to schools which waive tuition for its participants? The latter was a particularly important question, since the committee found that not only did the participating institutions receive sizable grants to operate the program, but in most instances they required tuition payments from the participants as well.

The SCORE/ACE program was not even mentioned in the legislation, in spite of the fact that the reorganization plan called for joint administration of this program by the Small Business Administration and the ACTION Agency. Our subsequent research into this situation revealed that the two agencies have had some difficulties in agreeing as to just how this joint responsibility should be carried out. It was only on February 22, 1973, that the two agencies finally signed a paper attempting to delineate their respective responsibilities.

In short, Mr. President, the hearings convinced the committee that an entirley fresh legislative approach was required.

S. 1148—THE DOMESTIC VOLUNTEER SERVICE ACT OF 1973

The legislation we offer today, Mr. President, S. 1148, represents, we believe, that fresh approach. The design of the proposed Domestic Volunteer Service Act of 1973, is to provide responsible solutions to the perplexing questions and issues raised during the course of the hearings on Reorganization Plan No. 1 and the hearings on the ACTION Act of 1972 and ACTION domestic programs.

THE DOMESTIC VOLUNTEER SERVICE ACT OF 1973—MAJOR PROVISIONS

S. 1148 supersedes the program and administrative provisions of Reorganization Plan No. 1 by providing a 3-year authorization for the ACTION Agency through positive law.

Let me emphasize, Mr. President, that the decision to provide authorization through positive law was not taken lightly. Only after conferring with officials of the ACTION Agency and participants in and representatives of the beneficiaries of the programs it administers did I come to the conclusion that the most fair and efficient way to provide for the continued authorization of these programs was through positive law and the repeal of the existing authorities for these programs.

TITLE V, NATIONAL VOLUNTEER ANTIPOVERTY PROGRAMS

Title I of S. 1148 is derived from the VISTA authority contained in title VIII of the Economic Opportunity Act of 1964, as amended.

VISTA

Part A of title I provides specifically for the VISTA program of full-time volunteer service to strengthen and supplement efforts to eliminate poverty. S. 1148 changes the basic period of VISTA service from 1 to 2 years in keeping with prior action agency recommendations and the desires of VISTA volunteers regarding this issue. It provides for a grievance mechanism as requested by volunteers who testified at the hearings on S. 3450 last year, and it provides for a procedure for consultation on regulations which was also requested at that time. Section 105 contains a provision to assure that VISTA volunteers are provided the necessary allowances and support, such as transportation, to enable them to effectively carry out their assignments.

Another important new provision affecting VISTA volunteers is contained in section 416(d) which provides that those volunteers who, subsequent to the successful completion of their VISTA service, enter the Federal civil service, may do so in the same manner as Peace Corps volunteers as prescribed in the Executive Order—No. 11103, April 10, 1963—which enables the head of any agency in the executive branch to appoint such volunteers in the competitive service subject to passing an examination prescribed by the Civil Service Commission. This provision is made retroactive to apply to VISTA volunteers whose service began or was completed under title VIII of the Economic Opportunity Act.

Mr. President, with respect to low-income VISTA community volunteers, title I specifically encourages their recruitment, and in section 103, requires that prior to assignment an individual plan designed to provide opportunities for job advancement or for transition to gainful employment be provided for each low-income VISTA community volunteer and that this plan be updated and reviewed with the volunteer 120 days prior to the volunteer's completion of service. In addition, section 404(g) assures low-income VISTA community volunteers that their VISTA allowances and stipends will not have the effect of reducing or eliminating their level of eligibility for assistance or services, such as medicaid, received under any other governmental program.

UNIVERSITY YEAR FOR ACTION

Mr. President, part B of title I provides authority for the University Year for ACTION—UYA—program and similar service-learning programs on the secondary, the secondary vocational, or postsecondary school levels.

It authorizes the Director of ACTION to conduct or make grants or contracts for the UYA program, but stipulates that the programs must be in accordance with the authorities and subject to the restrictions of the VISTA program. For example, UYA volunteers must be subject to the same selection criteria and terms and conditions of assignment as VISTA volunteers, except that they will serve for a 1-year term of service, and that UYA projects will not be subject to the same Governors' scrutiny.

Section 113 requires that priority be given to the enrollment in the UYA program of low-income persons, persons who have successfully completed VISTA service as low-income community volunteers and to Vietnam era military veterans. It is interesting to note that the experience of the UYA program to date proves that many of those enrolled are low-income volunteers and military veterans.

Section 113 also requires that priority be given to arrangements with institutions which agree to waive tuition where legally possible for UYA participants and with institutions which plan their programs without the assistance of an ACTION UYA planning grant. I must emphasize that it most certainly is not intended by this provision that the ACTION Agency relax its standards for quality program planning. Rather, it is intended to spur the initiative of institutions expressing interest in this innovative program.

Mr. President, one of the purposes of the program is to encourage the involvement of educational institutions in the problems of the low-income communities of which they are a part. So section 114(b) includes a requirement that contracts with participating institutions stipulate that they open their available facilities to those communities. Such facilities include human resources, and it is anticipated by this provision that tutorial and related programs be fostered.

In an attempt to involve the maximum number of institutions in this program, section 114(c) was added to the bill to provide that participating institutions contribute to the cost of the program, and that after they receive financial support from the action agency for a total of 3 years—or in exceptional circumstances, where determined by the Director, for a total of up to 5 years—they continue to support a similar semilearning program on their own initiative.

It is intended that the national student volunteer program, which was transferred from the Office of Economic Opportunity to ACTION by the reorganization plan, and which provides technical support to educational institutions having their own volunteer service programs, be continued under the support authorities provided by this part, section 115.

Mr. President, I believe that the university year for action program is a most worthwhile endeavor. I was concerned, as I mentioned, about the ACTION Agency's establishing such a full-scale new program without clear legislative authority. But I believe that that situation has been resolved, and I urge my colleagues to offer their full support to the UYA effort. As an example of this program's accomplishments, I ask unanimous consent, Mr. President, that an article from the January 3, 1973, edition of the Los Angeles Times featuring UYA be inserted at this point in my remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

BRINGING CONSUMERISM TO THE BARRIO

(By Betty Liddick)

When Philip Herrera, 22, was unhappy with the repair job on his girlfriend's car, he complained to Consumer Services de Aztlan in East Los Angeles.

"It seems this office would take care of things properly," the student said. "I didn't want to go to some big bureaucratic mess downtown where they'd tell me to go to the fifth floor. Then on the fifth floor they'd tell me to go to the ninth floor.

"I wanted results. That's why people come here."

Consumer Services de Aztlan (the Southwest), tucked into a cubicle at the Human Resources Development center on N. Bonnie Beach, slowly is gaining the trust of the Mexican-American community it serves, where the median school level is ninth grade and the median income is $5,100.

The year-old agency is run by Robert Gomez, 20, and three other Pepperdine University students who are enrolled in an unusual program that allows them to earn credit toward their degrees while working full time in poverty areas. (Volunteers receive $190 monthly for living expenses.)

Called University Year for Action, the experimental program is part of ACTION, the federal agency that is a merger of the Peace Corps, VISTA and other volunteer programs.

Its objectives are to make untapped university resources available to poor communities, teach students through the work they do and help the poor move toward solving their own problems.

"It combines idealism and education," said Jerry Brady, the earnest, statistic-spewing director of UYA who visited Los Angeles recently, "but the emphasis is on the community."

Judging by the results of the first-year evaluation that Brady ticks off by memory, UYA seems headed for success. It has 1,000 students in 25 universities across the country working with community sponsors in mental hospitals, housing projects, schools, day care centers, jails and neighborhood centers. And in March another 700 volunteers will be added and its budget doubled to $8.5 million.

California volunteers include students at Pitzer College, Cal State Fresno, University of Redlands and Pepperdine University.

UYA volunteers from Redlands work as deputy probation officers with minors at Indio jail to reduce the time the juvenile offenders are detained. Pepperdine UYA students counsel unwed high-school mothers in a project called Sister Love and some soon may begin a project in cooperation with the California Youth Authority in which ex-offenders attend college.

"We see this program as a mobilizer of resources," said Brady, citing the handful of Pepperdine UYA students who recruited 275 other volunteers for the Spastic Children's Foundation.

"It's hard to assess our value without tooting our own horn," he said, "yet the results are kind of remarkable."

—58% of community sponsors rated the first group of 400 volunteers excellent; 33% were rated good.

—82% said they would hire the volunteers at a yearly salary of $8,000.

—Volunteers raised $1 million and racked up two million hours from part-time volunteers.

—92% of the students said they never learned more in a comparable amount of time; 75% said they established their career choice.

—Every third person got a professor to work an average of 90 hours a year.

THINKING AHEAD

Brady is so enthused he thinks beyond the University Year for Action to a high school year of service. "I would make the case people are better motivated to learn."

A double benefit of the past year's experience has been the participation of minority students, Brady said. Half of the first 1,000 students were blacks, Mexican-Americans and Indians. "They know their community and they may need the training more."

A case in point: Robert Gomez at Consumer Services de Aztlan which is sponsored by the State Department of Consumer Affairs. "I was brought up around here and I know the problems," said Gomez, waving his arm to indicate the East Los Angeles barrio between City Terrace and Boyle Heights.

"Right now consumerism is a fad," but he sees its need as a continual one for his people because of cultural and language barriers, lack of transportation to more competitive stores and a fear of bureaucracy because a relative may be here illegally.

"Chicanos are the easiest prey for deceptive business practices because of machismo—the concept of manliness. This the ability to endure life without crying out. To complain about things would not be acceptable. So if a Chicano is cheated, he will rarely complain."

Another cultural factor is the sociability of Chicanos, said Gomez. "They believe 'mi casa es tu casa,' my house is your house." They will invite the encyclopedia salesman into their home, they will believe his claims about the books being bought at local schools and then go without essentials to buy them for their children.

FORM LETTER

Consumer Services has spread the word about "slick operators," said Gomez, through an education campaign, including stories on radio and in Spanish-language publications and information and complaint booths at shopping centers.

"We want to educate the people so they know their rights and what to do if they are cheated," said Gomez, who has been emphasizing the three-day "cooling off" law that permits the canceling of contracts of purchases of more than $50 within three days.

He had a form letter printed in local newspapers so that non-Engliseh writing Chicanos could simply fill in the blanks to cancel a contract they had made in haste.

Gomez and the other Consumer Services workers handle 40 complaints a month with a 85–90% success rate. The remaining cases, "where neither side wants to compromise," are referred to Legal Aid, he said.

Complaints center around door-to-door solicitation, automobile repair and immigration problems. "Sometimes we can settle things with a phone call," said Gomez who investigates complaints in a low-key manner that belies his intensity.

"Maybe it is only a misunderstanding. A lot of times it may not be the business' fault at all. If there is a conflict, we try to reach an agreement that is fair to both sides."

Gomez is proud that the community has begun to respond to Consumer Services. "People invite us to dinner or out for a beer. Here we don't give them the runaround. We don't shove a form at them. Sometimes we can settle their problem in one day."

A happy example is David Aguilar, whose car was repossessed when he was disabled and unable to work. Gomez had the car returned the same day and Aguilar's contract renegotiated so that his payments were lowered.

Gomez, who leaves UYA this month, looked back on his year of service and said, "What I've learned you wouldn't believe. Lawyers I've talked with (in researching complaints) say I know as much as first or second year law students."

It seems natural, then, that after graduation in August, Gomez probably will enter law school. "In this UYA program I got really involved," he said. "It was a good experience for me and my community."

SPECIAL VOLUNTEER PROGRAMS

Mr. CRANSTON. Mr. President, part C of title I provides the ACTION agency with a demonstration authority to develop special emphasis programs designed to strengthen and supplement efforts to meet a broad range of human, social, and environmental needs, particularly those related to poverty. Section 122 provides the Director with the authority to determine the general terms and conditions of assignment of volunteers serving pursuant to the part—except that the political activities provisions of section 103(c) shall apply—but it contains no authority to provide stipends to those volunteers. It is intended that the agency utilize this authority to develop its cost-shared or cooperative programs whereby it is reimbursed for support costs expended for volunteers serving pursuant to the part. A related provision contained in section 501 of the bill provides that half the sums appropriated for carrying out programs under this part shall be used for cost-reimbursable VISTA programs under part A of title I.

SPECIAL EMPHASIS PROGRAM TO PROVIDE ALTERNATIVES TO THE INCARCERATION OF YOUTHFUL OFFENDERS

Mr. President, section 303 contains provisions for the establishment of a volunteer program to assist and foster community-based programs offering alternatives to the incarceration of youthful offenders. It is based on findings that the incarceration of youthful offenders is often not successful in rehabilitating juvenile delinquents, generally fails to prevent juvenile crime, is more costly than alternative approaches to corrections, and that a large proportion of adults arrested for serious crimes are those who society failed to rehabilitate as young offenders. The establishment of such a program, I believe, offers an exciting new avenue for the application of volunteer service in an area greatly in need of dedicated manpower. The section requires that the Director make special efforts to recruit as volunteers persons who are themselves rehabilitated criminal offenders.

SPECIAL EMPHASIS PROGRAM TO PROMOTE EDUCATIONAL OPPORTUNITIES FOR VETERANS

Section 304, Mr. President, contains provisions for the establishment of a volunteer program to provide Outreach assistance, job placement assistance, and other services to Vietnam-era veterans who are not taking advantage of educational assistance benefits afforded them under the GI bill of rights—chapters 31 and 34 of title 38, United States Code. It is based on findings that fewer than one-half of the Vietnam-era veterans eligible for this assistance are taking advantage of it, and only about a quarter of those with high school diplomas or less education have done so since the program began in 1966.

The aim of the special emphasis program would be to assist in enrolling these veterans in academic or vocational institutions, on-job training programs, or farm cooperative programs, and in assisting them in securing gainful employment. I believe that this is a most worthy effort to be undertaken by caring volunteers who would dedicate themselves to lending a helping hand to the American men who sacrificed so much during the long and still ongoing strife in Southeast Asia. The section requires the Director to make special efforts to recruit as volunteers for this program, persons who are themselves Vietnam-era veterans.

SPECIAL EMPHASIS PROGRAM TO PROVIDE COMMUNITY-BASED PEER GROUP OUTREACH AND COUNSELING AND OUTPATIENT SERVICES FOR DRUG USERS

Mr. President, section 125 of S. 1148 provides for a special emphasis program to supplement and strengthen drug treatment and rehabilitation efforts in communities by utilizing sympathetic peer group members—an effort which can be maximized through the use of skilled ACTION volunteers—to provide outreach, counseling, and followup services for younger persons and Vietnam-era military veterans who are suffering from the tragedy of drug abuse, including alcoholism.

In my capacity as chairman of the Subcommittee on Health and Hospitals of the Veterans' Affairs Committee and as a member of the Subcommittee on Alcoholism and Narcotics of the Labor and Public Welfare Committee, I have studied deeply the tragedy of drug and alchohol abuse among our population, particularly among Vietnam-era military veterans. I was particularly pleased, therefore, when the legislation I authored in an attempt to begin to deal with the veteran part of this tragedy in a realistic way, S. 284, the "Veterans Alcohol and Drug Treatment and Rehabilitation Act of 1973," was adopted by the Senate earlier this week—March 6—by the overwhelming margin of 77–2. I wish to call attention to my floor statement at this time as outlining the depths of dimensions of the military and veterans addiction problem.

But the problem of drug and alcohol abuse is not confined to Vietnam-era veterans—rather, it reaches nearly epidemic proportions throughout the Nation—and we must increase our efforts on all fronts if we are ever to contain it.

This special emphasis program is thus assigned to provide additional help, at the community level, in that urgent battle.

Mr. President, I am firmly convinced that peer group therapy, when coupled with community resources and support; is one of the most successful methods of dealing with drug and alcohol abuse; consequently, section 125 provides special emphasis on the assignment to projects designed to combat addiction and drug abuse of volunteers—particularly Vietnam-era veterans—who are themselves considered by competent medical authorities recovered addicts and drug abusers.

TITLE II. NATIONAL OLDER AMERICAN VOLUNTEER PROGRAMS

Mr. President, title II of S. 1148 is derived from title VI of the Older Americans Act of 1965, as amended. It provides for the retired senior volunteer program—RSVP—for the foster grandparent program, and for new older American community service programs.

An important provision contained in the bill which is common to each of these programs is the reduction of age of eligibility from 60 years old to 55 years old. This change in age of eligibility was contained at my behest in the Senate version of the Older Americans Act amendments—H.R. 15657—that were pocket vetoed by the President last October 27.

I would like to discuss for a moment, Mr. President, the reason why I am so strongly convinced that this lower age of eligibility should be adopted for these programs.

Last March I conducted hearings in California as acting chairman of Senator EAGLETON's Subcommittee on Aging of the Labor and Public Welfare Committee. I was struck by the testimony the subcommittee received from representatives of minority groups citing statistics that revealed the extent to which members of minority groups age more quickly than do their Anglo counterparts. This is perhaps due to the unjust burdens placed on minorities by our society still struggling to rid itself of prejudice.

This point was brought up again last spring during the hearings on S. 3450; for example, the director of a South Carolina sponsoring agency of a foster grandparent program urged the change and repeated a recommendation of the White House Conference on Aging that the Congress adopt age 55 eligibility standards for older Americans programs.

I for one, Mr. President, had not previously given sufficient reflection to the fact that age 60 for a black, Chicano, Indian, or other minority group person, is much different than age 60 for a white man or woman. I think we should recognize this fact and legislate programs geared to the best interest of all our older Americans.

For this reason, Mr. President, I strongly urge that as S. 1148 proceeds through the legislative process, the age of eligibility for participation in older American volunteer programs that I recommend be retained in the bill.

I would like to refer back to an important section in last year's Senate Committee Report (No. 92–1242) on S. 4044, the proposed "Older Americans Comprehensive Services Amendments of 1972," dealing with language in the present part B, title VI, authority in the Older Americans Act of 1965, since the clarification it provides applies as well to the provisions contained in title II, part B, of the legislation I offer today. The committee report states the following—page 18:

> In addition, there are two matters regarding language retained from the present law in section 611(a) which require further clarification: the effect of the "person-to-person" provision and the language "including services as 'Foster Grandparents' to children receiving care in hospitals, homes for dependent and neglected children, or other establishments providing care for children with special needs."
>
> The Committee does not intend "person-to-person" services which Foster Grandparents are authorized to provide under this section to be limited to those in a direct one-to-one relationship with a particular child. Rather, it would be consistent with the Committee's intention for a Foster Grandparent to serve in a project or program where he or she inter-relates with several children. The Committee expects, however, that the major thrust of the subsection (a) program—bringing older persons in direct and personal contact with a child or several children with the purpose of developing an enriching relationship between them, as in a surrogate grandparent/grandchild relationship—will be carried out in programs conducted under this subsection.
>
> Second, the Committee wishes to make clear that it does not agree with the restrictive interpretation apparently given by ACTION to the "including" clause at the end of the subsection. The Committee's view is that this language is not, and was not, exclusive with respect to the places where Foster Grandparents could serve children and that service in a private home or other non-institutional setting, as well as in "hospitals, homes for dependent and neglected children, or other establishments providing care for children with special needs" is permissible as long as the other basic requirements of the title are satisfied.

Mr. President, I repeat this explanation because I believe it is most important in view of the ACTION Agency's previous restrictive interpretation—which I understand was inherited from the Administration on Aging—of this authority.

NOW OLDER AMERICAN COMMUNITY SERVICE PROGRAMS

Subsection 211(b) of title II authorizes the Director to carry out programs similar to Foster Grandparents, but under the category of Older American Community Service programs. In these new programs, low-income retired Americans aged 55 and over would work with underprivileged older persons in the same manner as Foster Grandparents work with children. This would include, for instance, volunteer service as senior health aides working with persons receiving home health care and nursing care, or delivering meals and services as part of nutritional programs for older Americans.

I first proposed the content of this new subsection as a committee amendment to S. 4044 during our consideration of that measure late in the last Congress. I was pleased that my colleagues on the Labor and Public Welfare Committee included it in the bill at that time and as passed by both Houses and sent to the President in H.R. 15657 last October, as well as in S. 50, the new proposed "Older Americans Comprehensive Services Amendments of 1972," which passed the Senate on February 20 (S. Rept. No. 93–19). I have in the meantime added proposed language to the original subsection which provides that older persons volunteering to serve in the meals on wheels and similar nutrition programs for older Americans by delivering meals and providing services and companionship be included as senior health aides and derive the benefits afforded those volunteers.

Other stylistic and clarifying changes have also been made from the present language of title VI of the older Americans Act of 1965.

TITLE III. NATIONAL VOLUNTEER PROGRAMS TO ASSIST SMALL BUSINESSES AND PROMOTE VOLUNTARY SERVICE BY SMALL BUSINESS PROPRIETORS

Mr. President, in title III of S. 1148, I have attempted to resolve the most pressing problems which have arisen in the administration of the SCORE/ACE program since implementation of Reorganization Plan No. 1 which gave joint authority to the ACTION Agency and to the Small Business Administration for carrying out this program. The bill attempts to codify much of the substance of the February 22, 1973, memorandum jointly issued by ACTION and the ABA, to which I made reference earlier.

Section 301 authorizes the Directors of the ACTION agency and the Administrator of the Small Business Administration to enter into agreements as to how their joint authority shall be exercised and to publish those agreements in the Federal Register. It authorizes the Director to cooperate with the Administrator in carrying out the program carrying out the following functions: to conduct national publicity and recruitment efforts and to form new SCORE chapters; to provide general budgetary planning for the SCORE/ACE program, to provide logistical support, including office space and supplies (not available from the SBA) to the volunteers; and to expand the program by locating new clients projects and programs, particularly those funded under the OEO community economic development program, who would benefit from the expertise of SCORE/ACE volunteers.

For the first time under this legislation, SCORE volunteers would be eligible to receive reimbursement for their out-of-pocket expenses in connection with their volunteer service. And related to this, section 419(c) provides that this reimbursement shall not be considered income for reducing social security benefits and for other purposes. This section applies to the title II older American volunteer programs as well.

The title further prohibits the utilization of services of SCORE/ACE volunteers (jointly administered with the ACTION Agency) to screen and evaluate applications for SBA loans and from providing services to an SBA client with a delinquent loan outstanding unless specifically requested in writing by that client after the loan has become delinquent. This prohibition is designed to protect the volunteer from legal actions which might be taken by the aggrieved client and to keep in the forefront the identiy of the SCORE volunteer as serving the client, not the SBA.

Mr. President, I believe that these provisions will be most helpful in specifying how the joint ACTION/SBA responsibility for the Service Corps of Retired Executives and the Active Corps of Executives program shall be carried out.

TITLE IV. GENERAL ADMINISTRATIVE PROVISIONS

Mr. President, title IV of the bill contains provisions for the administration and coordination of programs authorized by the proposed Domestic Volunteer Service Act of 1973.

Section 401 gives a concrete statutory basis to the ACTION agency and establishes its functions and responsibilities as a matter of law. It also contains provisions similar to those in Reorganization Plan No. 1, except that it also authorizes the position of Deputy Associate Director, directly responsible to the Director of the Agency for the VISTA and University Year for ACTION programs. I believe such a position is necessary to protect the integrity and identity of the VISTA program—whose volunteers have served so well during the past 8 years.

Most of the provisions of section title IV and particularly 402 are derived from personnel in title VI of the Economic Opportunity Act of 1964, as amended. Clause (13) of section 402 is a provision worthy of note, Mr. President. It requires the Director of the ACTION agency to provide or arrange for educational and vocational counseling of volunteers and recent former volunteers who have served in ACTION programs so as to encourage them to use in the national interest the skills and experience they have gained from their volunteer experience, and to promote the development or avenues in which that skill and experience can be utilized. This provision attempts to insure that the knowledge and expertise of these dedicated individuals will be utilized to the maximum extent possible even after the completion of their volunteer service.

Of particular note, too, Mr. President, is section 404(a) which prohibits the assignment of volunteers to activities that would otherwise be performed by employed workers or that would supplant the hiring of or result in the displacement of employed workers, or would impair existing contracts for service. This section is included in the bill as a result of reservations expressed by labor groups in testimony on S. 3450 about some of the experimental programs the ACTION agency had anticipated developing. A similiar section is included in the title VIII VISTA authority contained in the Economic Opportunity Act, but I believe that section 404(a) improves on and strengthens that prohibition.

I want to discuss the provisions contained in section 404(f), as well, Mr. President, since they are particularly important in light of the recurring questions arising from the difficulty of merging two personnel systems—the Civil Service and the Foreign Service Reserve—in the ACTION Agency. Section 404(f) prohibits the Director from assigning or delegating any substantial responsibility for carrying out domestic program functions under this Act to persons other than those appointed pursuant to Civil Service regulations or experts and consultants appointed pursuant to regulations of the Administrative Expenses Act of 1946. Thus, no moneys authorized and appropriated for carrying out domestic volunteer programs may be used to pay the salaries of Foreign Service personnel who have as their primary responsibilities the carrying out program functions in international volunteer service programs (Peace Corps). I believe that this provision will result in greater accountability as to how funds appropriated for domestic volunteer programs are allocated and expended. Further, it can serve to resolve one of the most troubling issues hindering the efficient administration of the ACTION Agency.

TITLE V. AUTHORIZATION LEVELS

Mr. President, title V of S. 1148 contains separate authorization of appropriations for the administration of programs under the act, and for all the programs themselves.

The authorizations for title I—National Volunteer Antipoverty Programs, including VISTA and the University Year for ACTION programs, and for title II—National Older Americans Volunteer programs, including the Retired Senior Volunteer program and the Foster Grandparent program, are stacked in such a way so as to insure that the successful VISTA UYA, and Foster Grandparents programs are carried on at levels comparable to present. The breakdown of those authorizations and the authorization levels for all titles by program is contained in the following chart with a 3-year total of $536.5 million:

TABLE 1.—THE DOMESTIC VOLUNTEER SERVICE ACT OF 1973—AUTHORIZATION OF APPROPRIATION BY PROGRAM AND TITLE

[In millions of dollars]

	Title I			Title II			Title III	Title IV
	VISTA	UYA	Special programs	RSVP	FGP	OACSP	Score/ace	Administration
Fiscal year:								
1973	30	12	8	30	45	7	1.0	15
1974	35	15	10	40	55	8	1.5	16
1975	45	20	10	50	65	9	2.0	17
Total	110	47	28	120	165	24	4.5	48
3 year grand total				536.5				

Mr. President, the following two additional charts will provide even further clarification.

Table 2 provides a breakdown of the funding authorized, by part, for title I, the funding earmarked, by part, for title I and the additional funding available, by part, for title I if full funding is provided; table provides a breakdown of the funding authorized and earmarked for title II, part B:

TABLE 2.—THE DOMESTIC VOLUNTEER SERVICE ACT OF 1973—AUTHORIZATION OF APPROPRIATIONS FOR TITLE I

[In millions of dollars]

	Total	By part			Earmarked			Add on		
		A	B	C	A	B	C	A	B	C
Fiscal year:										
1974	50	30	12	8	22.3	7.3	8	7.7	4.7	0
1975	60	35	15	10	25.0	8.5	10	10.0	6.5	0
1976	75	45	20	10	27.5	10.0	10	17.5	10.0	0

TABLE 3.—THE DOMESTIC VOLUNTEER SERVICE ACT OF 1973—AUTHORIZATION OF APPROPRIATIONS FOR TITLE II, PT. B

[In millions of dollars]

		By subsection—		Earmarked		Add on	
	Total	a	b	a	b	a	b
Fiscal year:							
1974	52	45	7	25	0	20	0
1975	63	55	8	25	0	30	0
1976	74	65	9	25	0	40	0

CONCLUSION

Mr. President, as I indicated at the outset of my remarks today, this legislation has been long in coming. The ACTION Agency will be celebrating its second birthday in less than 4 months. It has operated up to this point without the benefit of authorizing legislation. It has had to look for its authorizations of appropriations to four different pieces of legislation. It has been responsible to more than 15 and committees subcommittees of the Congress.

It is my hope that this legislation will provide a solid foundation from which the ACTION Agency can more efficiently operate in the future and expand its involvement in positive and progressive volunteer service programs.

The ACTION Agency represents our Nation's concern for its less fortunate and its determination to match that concern with deeds. S. 1148 is designed to provide the ACTION Agency with the legislative tools it requires to get on with its mission.

Mr. President, I ask unanimous consent that the text of S. 1148, followed by a very detailed section-by-section analysis be printed in the RECORD at this point.

There being no objection, the bill and section-by-section analysis was ordered to be printed in the RECORD, as follows:

S. 1148

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act, with the following table of contents, may be cited as "The Domestic Volunteer Service Act of 1973":

TABLE OF CONTENTS

TITLE I—NATIONAL VOLUNTEER ANTI-POVERTY PROGRAMS

PART A—VOLUNTEERS IN SERVICE TO AMERICA

Sec. 101. Statement of Purpose
Sec. 102. Authority to Operate VISTA
Sec. 104. Terms of Service
Sec. 105. Support Services
Sec. 106. Participation of Beneficiaries
Sec. 107. Participation of Older Persons

PART B—SERVICE-LEARNING PROGRAMS

Sec. 111. Statement of Purpose.
Sec. 112. Authority to Operate University Year for Action
Sec. 114. Special Conditions
Sec. 115. Special Service-Learning Programs

PART C—SPECIAL VOLUNTEER PROGRAMS

Sec. 121. Statement of Purpose
Sec. 122. Authority to Establish Programs
Sec. 123. Special Emphasis Program to Provide Alternatives to the Incarceration of Youthful Offenders
Sec. 124. Special Emphasis Program to Promote Educational Opportunities for Veterans
Sec. 125. Special Emphasis Program to Provide Community-based Peer-group Counseling and Outreach for Drug Abusers

TITLE II—NATIONAL OLDER AMERICAN VOLUNTEER PROGRAMS

PART A—RETIRED SENIOR VOLUNTEER PROGRAM

Sec. 201. Grants and Contracts for Volunteer Service Projects

PART B—FOSTER GRANDPARENT PROGRAM AND OLDER AMERICAN COMMUNITY SERVICE PROGRAMS

Sec. 211. Grants and Contracts for Volunteer Service Projects
Sec. 212. Conditions of Grants and Contracts

PART C—GENERAL PROVISIONS

Sec. 221. Coordination With Other Federal Programs
Sec. 222. Payments

TITLE III—NATIONAL VOLUNTEER PROGRAMS TO ASSIST SMALL BUSINESSES AND PROMOTE VOLUNTARY SERVICE BY SMALL BUSINESSMEN

Sec. 301. Authority To Cooperate in the Operation of SCORE/ACE
Sec. 302. Authority To Establish Terms and Conditions of Assignments

TITLE IV—ADMINISTRATION AND COORDINATION

Sec. 401. Establishment of Agency
Sec. 402. Authority of the Director
Sec. 403. Political Activities
Sec. 404. Special Limitations
Sec. 405. National Voluntary Service Advisory Council
Sec. 406. Labor Standards
Sec. 407. Reports
Sec. 408. Joint Funding
Sec. 409. Prohibition of Federal Control
Sec. 410. Coordination With Other Programs
Sec. 411. Prohibition
Sec. 412. Appeals, Notice and Hearing Procedures
Sec. 413. Duration of Program
Sec. 414. Distribution of Benefits Between Rural and Urban Areas
Sec. 415. Advance Funding
Sec. 416. Application of Federal Law
Sec. 417. Evaluation
Sec. 418. Nondiscrimination
Sec. 419. Taxes
Sec. 420. Legal Expenses
Sec. 421. Guidelines
Sec. 422. Definitions

TITLE V—AUTHORIZATION OF APPROPRIATIONS

Sec. 501. National Volunteer Antipoverty Programs
Sec. 502. National Older American Volunteer Programs
Sec. 503. National Volunteer Program to Assist Small Businesses and Promote Voluntary Service by Small Business Proprietors
Sec. 504. Administraiton and Coordination
Sec. 505. Availability of Appropriations

TITLE VI—AMENDMENTS TO OTHER LAWS AND REPEALERS

Sec. 601. Supersedence of Reorganization Plan No. 1 of 1971
Sec. 602. Creditable Service for Civil Service Retirement
Sec. 603. Extension of Eligibility for Veterans' Educational Benefits
Sec. 604. Taxes on Stipends to Volunteers
Sec. 605. Taxes on Support to Older American Volunteers
Sec. 606. Repeal of Title VIII of the Economic Opportunity Act
Sec. 607. Repeal of Title VI of the Older Americans Act

TITLE I—NATIONAL VOLUNTEER ANTI-POVERTY PROGRAMS

PART A—VOLUNTEERS IN SERVICE TO AMERICA

STATEMENT OF PURPOSE

SEC. 101. This part provides for the Volunteers in Service to America (VISTA) program of full-time volunteer service, together with appropriate powers and responsibilities designed to assist in the development and coordination of such program. Its purpose is to strengthen and supplement efforts to eliminate poverty in the United States by encouraging and enabling persons from all walks of life and all age groups, including elderly and retired Americans, to perform meaningful and constructive volunteer service in agencies, institutions, and situations where the application of human talent and dedication may help the poor to overcome the handicaps of poverty and to secure and exploit opportunities for self-advancement.

AUTHORITY TO OPERATE VISTA

SEC. 102. The Director shall recruit, select, and train persons to serve in full-time volunteer programs consistent with the provisions and to carry out the purposes of this part.

SEC. 103. (a) The Director, upon request of Federal, State, or local agenices, or private nonprofit organizations, shall assign such volunteers to work in appropriate projects and programs—

(1) in meeting the health, education, welfare, or related needs of Indians living on Federal trust lands, of migratory and seasonal farmworkers and their families, and of residents of the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, or the Virgin Islands;

(2) in the care and rehabilitation of mentally ill, developmentally disabled, and other handicapped individuals, especially those with severe handicaps under the supervision of nonprofit institutions or facilities; and

(3) in connection with programs or activities authorized, supported, or of a character eligible for assistance under the Economic Opportunity Act of 1964, as amended.

(b) The Director, wherever feasible and appropriate, shall assign low-income community volunteers to serve in their home communities in teams with nationally recruited specialist volunteers. Prior to the assignment of any such community volunteer, the Director shall ensure that each such volunteer is provided an individual plan designed to provide an opportunity for job advancement or for transition to a situation leading to gainful employment. One hundred and twenty days prior to the completion of such community volunteer's term of service, the Director shall ensure that such plan is updated and reviewed with the volunteer.

(c) Except as provided in subsection (d), the assignment of volunteers under this section shall be on such terms and conditions (including restrictions on political activities that appropriately recognize the special status of volunteers living among the persons or groups served by programs to which they have been assigned) as the Director may determine, including work assignments in their own or nearby communities.

(d) Volunteers under this part shall not be assigned to duties or work in any State unless such program has been submitted to the Governor or other chief executive officer of the State concerned, and has not been disapproved by him within forty-five days of such submission. The assignment of a volunteer shall be terminated by the Director when so requested by the Governor or chief executive officer of the State concerned not later than thirty days after such request has been made, or at a time after such request has been made as agreed upon by such Governor or chief executive officer of the State concerned and the Director.

TERMS OF SERVICE

Sec. 104. (a) Volunteers serving under this part shall be required to make a full-time personal commitment to combating poverty. To the maximum extent practicable, this shall include a commitment to live among and at the economic level of the people served, and to remain available for service without regard to regular working hours, at all times during their term of service, except for authorized periods of leave.

(b) Volunteers serving under this part shall be enrolled for two-year periods of service, including or excluding periods of time devoted to training as the Director may determine, except that volunteers serving under this part may be enrolled for periods of service of no less than one year when the Director determines, on an individual basis, that a period of service of less than two years is necessary to meet a critical scarce-skill need. Volunteers serving under this part may reenroll for no more than one two-year period of service. No volunteer shall serve for more than five years under this part.

(c) Volunteers under this part shall, upon enrollment, take the oath of office as prescribed in section 5(j) of the Peace Corps Act, as amended (22 U.S.C. 2504(j): *Provided,* That persons legally residing within a State but who are not citizens of the United States, may serve under this part without taking or subscribing to such oath, if the Director determines that the service of such persons will further the interests of the United States. Such persons shall take such alternative oath or affirmation as the Director shall deem appropriate.

(d) The Director shall establish a procedure, including notice and opportunity to be heard, for volunteers under this part to present and obtain resolution of grievances in connection with the terms and conditions of their service. Such procedure shall include provision for personal appearance by the volunteer to present such grievance in the regional area in which he is serving, for the volunteer's written appeal to the Director, and, if requested by the volunteer, for submission of a recommendation on such grievance by volunteer councils or a component thereof composed of volunteers elected by a majority vote of the volunteers serving in each regional area. Such volunteer councils shall be composed of one volunteer for each 25 volunteers represented and shall meet on a regular basis twice a year except upon emergency call of the chairman, and a volunteer council member shall be entitled to devote no more than 20 per cent of his or her service time to duties in connection with such membership.

(e) In connection with the determination of the terms and conditions of the service of volunteers under this part and part B of this title, the Director shall establish a procedure for full consultation on a regular basis with volunteer councils elected and designated pursuant to subsection (d) of this section. Such procedure shall include provision for submission, at least forty-five days in advance of implementation, of all proposed rules, regulations, directives, and other issuances affecting such terms and conditions, to each such volunteer council in order for such council to present comments thereon to the Director.

(f) In establishing the procedures required under subsections (d) and (e), the Director shall consult with and take into consideration the recommendations of such representative groups of volunteers as exist on the date of enactment of this subsection, and shall establish and publish in the Federal Register regulations prescribing such procedures within ninety days after such enactment. The Director shall promptly provide to each volunteer in service on such date, and to each such volunteer beginning service thereafter upon such volunteer's entry into training, a copy of all such regulations.

SUPPORT SERVICES

Sec. 105. (a) (1) The Director shall provide a stipend to volunteers under this part while they are in training and during their assignment. Such stipend shall not exceed $50 per month during the volunteer's service, except that the Director may provide a stipend not to exceed $75 per month in the case of persons who have served for at least one year and who, in accordance with standards which the Director shall prescribe, have been designated volunteer leaders on the basis of experience and special skills.

(2) Stipends shall be payable only upon completion of a term of service; except that in extraordinary circumstances the Director may from time to time advance all or a portion of the accrued stipend to or on behalf of a volunteer. In the event of the death of a volunteer during service, the amount of any unpaid stipend shall be paid in accordance with the provisions of section 5582 of title 5, United States Code.

(b) The Director shall also provide volunteers such living, travel (including travel to and from place of training), and leave allowances, and such housing, supplies, equipment, subsistence, clothing, health and dental care, transportation, supervision, technical assistance and such other support as he deems necessary and appropriate to carry out the purpose of this part, and shall ensure that each such volunteer has available such allowances and support as will enable the volunteer to carry out the purpose of this part and to effectively perform the work to which he is assigned.

PARTICIPATION OF BENEFICIARIES

Sec. 106. To the maximum extent practicable, the poor of the communities to be served by volunteers under this part, under part B, and under any other provision of this title in programs serving the poor, shall participate in planning, developing, and implementing programs thereunder.

PARTICIPATION OF OLDER PERSONS

Sec. 107. In carrying out this part and part C of this title, the Director shall take necessary steps, including the development of special projects, where appropriate, to encourage the fullest participation of older persons and older persons membership groups as volunteers and participant agencies in the various programs and activities authorized under such parts and, because of the high proportion of older persons within the poverty group, shall encourage the development of a variety of volunteer services to older persons, including special projects, to assure that such persons are served in proportion to their need.

PART B—SERVICE-LEARNING PROGRAMS

STATEMENT OF PURPOSE

Sec. 111. This part provides for the University Year for Action (UYA) program of full-time volunteer service by students enrolled in institutions of higher learning, together with appropriate powers and responsibilities designed to assist in the development and coordination of such programs. Its purpose is to strengthen and supplement efforts to eliminate poverty by enabling students at such cooperating institutions to perform meaningful and constructive volunteer service in connection with the satisfaction of such students' course work during their term of service while attending such institutions, in agencies, institutions, and situations where the application of human talent and dedication may help the poor to overcome the handicaps of poverty and to secure and exploit opportunities for self-advancement. Its purpose further is to encourage other students and faculty members to engage, on a part-time, self-supporting basis, in such volunteer service and work along with the participants of the program established by this part; and to promote participation by such institutions in meeting the needs of the poor in the surrounding community through expansion of service-learning programs and otherwise. Its purpose further is to provide for a program of part-time or short-term service learning by secondary and post-secondary school students to strengthen and supplement efforts to eliminate poverty.

AUTHORITY TO OPERATE UNIVERSITY YEAR FOR ACTION

Sec. 112. Except as otherwise provided in this part, the Director shall conduct or make grants or contracts for programs to carry out the purposes of this part in accordance with the authorities and subject to the restrictions in the provisions of part A of this title, except for those in subsections (d) of sections 103 and 104.

Sec. 113. In carrying out programs under this part, the Director shall insure that priority shall be given—

(1) to the enrollment of persons who have successfully completed their service as low-income community volunteers under part A of this title or under part A of title VIII of the Economic Opportunity Act of 1964, as amended, to military veterans (as defined in section 101 of title 38, United States Code), and to low-income persons;

(2) to arrangements with institutions agreeing to waive tuition for participants in such program, where such waiver is not prohibited by law; and

(3) to arrangements with institutions at which students and faculty, on a self-supporting basis, have carried out necessary and appropriate planning for such programs.

SPECIAL CONDITIONS

Sec. 114. (a) Volunteers serving under this part shall be enrolled for one-year periods of service and may receive academic credit for such service in accordance with the regulations of the sponsoring institution.

(b) Grants to and contracts with institutions to administer programs under this part shall provide that prospective student participants in such programs shall participate substantially in the planning of such programs and that such institutions shall make available to the poor in the surrounding community all available facilities, including human resources, of such institution in order to assist in meeting the needs of such poor persons.

(c) (1) In making grants or contracts for the administration of programs under this part, the Director shall insure that financial assistance under this Act to programs carried out pursuant to section 112 of this part shall not exceed 80 per centum of the total direct cost (including planning costs) of such program. Each such grant or contract shall require a commitment from the institution to assume the full cost of continuing a program, of at least the same size for at least one year, carrying out the purposes of this part after such institution has received support under title VIII of the Economic Opportunity Act of 1964, as amended, and/or under this part for three years, except that the Director may provide assistance for up to an additional two years in exceptional circumstances.

(2) The Director shall take necessary steps to monitor the extent of compliance by such institutions to commitments entered into under paragraph (1) of this section and shall advise the Secretary of the Department of Health, Education, and Welfare of the extent of each such institution's compliance.

SPECIAL SERVICE-LEARNING PROGRAMS

Sec. 115. (a) Of the funds appropriated for the operation of programs under this part, up to 10 per centum may be used, notwithstanding any other provision of this part, to encourage and enable students in secondary, secondary vocational, and post-secondary schools to participate in service-learning programs on an in- or out-of-school basis in assignments of a character and on such terms and conditions as described in subsections (a) and (c) of section 103.

(b) Persons serving as volunteers under this section shall not be deemed to be Federal employees for any purpose.

(c) Persons serving as volunteers under this section shall receive no living allowance or stipend and only such other support or allowances as the Director determines, pursuant to regulations which he shall prescribe, are required because of unusual or special circumstances affecting the program.

PART C—SPECIAL VOLUNTEER PROGRAMS

STATEMENT OF PURPOSE

SEC. 121. This part provides for special emphasis and demonstration volunteer programs, together with appropriate powers and responsibilities designed to assist in the development and coordination of such programs. Its purpose is to strengthen and supplement efforts to meet a broad range of human, social, and environmental needs, particularly those related to poverty, by encouraging and enabling persons from all walks of life and from all age groups to perform meaningful and constructive volunteer service in agencies, institutions, and situations where the application of human talent and dedication may help to meet such needs.

AUTHORITY TO ESTABLISH PROGRAMS

SEC. 122. (a) The Director is authorized to conduct or make grants or contracts for special volunteer programs or demonstration programs designed to stimulate and initiate improved methods of providing volunteer services and to encourage wider volunteer participation on a full-time, part-time, or short-term basis to further the purpose of this part.

(b) The assignment of volunteers under this section shall be on such terms and conditions as the Director shall determine, pursuant to regulations which he shall prescribe.

SPECIAL EMPHASIS PROGRAM TO PROVIDE ALTERNATIVES TO THE INCARCERATION OF YOUTHFUL OFFENDERS

SEC. 123. (a) The Congress finds that the incarceration of youthful offenders is often not successful in rehabilitating juvenile delinquents, generally fails to prevent juvenile crime, and is more costly than alternative approaches to corrections, and that a large proportion of adults arrested for serious crimes are those who society failed to rehabilitate as young offenders. It is the purpose of this section to provide for a special emphasis volunteer program to supplement and strengthen efforts to prevent delinquency through community-based alternatives to the incarceration of youthful offenders.

(b) The Director, utilizing not less than 10 per centum of the funds made available pursuant to section 501 for carrying out programs under this part in each fiscal year and in consultation with the Attorney General and the Secretary of Health, Education and Welfare, shall conduct a program in furtherance of the purpose of this section under which—

(1) volunteers serving under part A, B, or C of this title, with special emphasis on the recruitment, selection, training, and assignment as volunteers to such program under this section of persons who are themselves rehabilitated criminal offenders, are assigned to a department of corrections in a State, county, city, or school district to support and expand existing community-based alternatives to incarceration for delinquency prevention, and to foster the creation of such alternatives to incarceration where they do not yet exist; and

(2) such volunteers, wherever possible, work in cooperation with existing Federal agency and other personnel engaged in programs similar to those authorized by this section.

SPECIAL EMPHASIS PROGRAM TO PROMOTE EDUCATIONAL OPPORTUNITIES FOR VETERANS

SEC. 124. (a) The Congress finds that fewer than one-half of the Vietnam era veterans eligible for educational assistance benefits under the GI Bill of Rights (chapters 31 and 34 of title 38, United States Code) are taking advantage of such benefits, that only 25 per cent of such eligible veterans who had a high school diploma or less are taking advantage of such benefits, and that many of such veterans are unemployed or underemployed and are unaware of the economic and social opportunities available to them under such law and other laws and programs. It is the purpose of this section to provide for a special emphasis volunteer program to supplement and strengthen efforts to provide outreach and other assistance to such veterans, particularly those who are educationally disadvantaged, in enrolling such veterans in academic or vocational institutions, on-job training programs, or farm cooperative programs, and in securing gainful employment for such veterans.

(b) The Director, in consultation with the Administrator of Veterans' Affairs, the Commissioner of Education in the Office of Education, Department of Health, Education, and Welfare, and the Secretary of Labor and utilizing not less than 10 per centum of the funds made available pursuant to section 501 for carrying out programs under this part in each fiscal year, shall conduct a program in furtherance of the purpose of this section to which volunteers enrolled under part A, B, or C of this title are assigned with special emphasis on the recruitment, selection, training, and assignment to programs under this section as volunteers of persons who themselves are military veterans of the Vietnam era (as defined in section 101 of title 38, United States Code); and

(2) such volunteers, wherever possible, work in cooperation with existing Veterans' Administration (including veterans carrying out student services pursuant to section 1688 of title 38, United States Code), institution of higher education, veterans' organization, or other personnel engaged in programs similar to those authorized by this section.

SPECIAL EMPHASIS PROGRAM TO PROVIDE COMMUNITY-BASED PEER GROUP OUTREACH AND COUNSELING FOR DRUG USERS

SEC. 125. (a) The Congress finds that one of the most successful methods of helping persons, especially younger persons, suffering from all forms of drug addiction and abuse including alcoholism) is to provide concerned, sympathetic peer-group members to conduct outreach, counseling and related activities in community-based drug treatment and rehabilitation program. It is the purpose of this section to provide for a special emphasis volunteer program to supplement and strengthen drug treatment and rehabilitation efforts in communities by providing outreach, counselling, follow-up, and related services for persons (especially younger persons and military veterans of the Vietnam era (as defined in section 101 of title 38, United States Code)) suffering from drug addiction or drug abuse (including alcoholism).

(b) The Director, utilizing not less than 10 per centum of the funds made available pursuant to section 501 for carrying out programs under this part in each fiscal year and in consultation with the Director of the Special Action Office on Drug Abuse Prevention in the Executive Office of the President, the Director of the National Institute of Mental Health, in the Department of Health, Education, and Welfare, and the Administrator of Veterans' Affairs, shall conduct a program in furtherance of the purpose of this section under which—

(1) volunteers enrolled under part A, B or C of this title, with special emphasis on the recruitment, selection, training, and assignment as volunteers to such program under this section of persons (particularly such military veterans of the Vietnam era) who are themselves considered by competent medical authority as recovered addicts or abusers;

(2) such volunteers, whenever possible, work in cooperation with existing Federal agency and other personnel engaged in programs similar to those authorized by this section.

TITLE II—NATIONAL OLDER AMERICANS VOLUNTEER PROGRAMS

PART A—RETIRED SENIOR VOLUNTEER PROGRAM

GRANTS AND CONTRACTS FOR VOLUNTEER SERVICE PROJECTS

SEC. 201. (a) In order to help retired persons to avail themselves of opportunities for voluntary service in their community, the Director is authorized to make grants to State agencies (established or designated pursuant to section 303(a)(1) of the Older Americans Act of 1965, as amended (52 U.S.C. 3023(a)(1)) or grants to or contracts with other public and nonpublic private agencies and organizations to pay part or all of the costs for the development or operation, or both, of volunteer service programs under this section, if he determines, in accordance with regulations which he shall prescribe, that—

(1) volunteers shall not be reimbursed for other than transportation, meals, and other out-of-pocket expenses incident to the provision of services under this part;

(2) only individuals aged fifty-five or over will be enrolled as volunteers to provide services under this part (except for administrative purposes), and such services will be performed in the community where such individuals reside or in nearby communities either (A) on publicly owned and operated facilities or projects, or (B) on local projects sponsored by private nonprofit organizations (other than political parties), other than projects involving the construction, operation, or maintenance of so much of any facility used or to be used for sectarian instruction or as a place for religious worship;

(3) the program includes such short-term training as may be necessary to make the most effective use of the skills and talents of participating volunteers, and provides for the payment of the reasonable expenses of such trainees;

(4) the program is being established and will be carried out with the advice of persons competent in the field of service involved, and of persons with interest in and knowledge of the needs of older persons; and

(5) the program is coordinated with other related Federal and State programs.

(b) The Director shall not award any grant or contract under this part for a project in any State to any agency or organization unless, if such State has a State agency established or designated pursuant to section 303(a)(1) of the Older Americans Act of 1965, as amended (42 U.S.C. 3023(a)(1)), such agency itself is the recipient of the award or such agency has been afforded at least sixty days in which to review the project application and make recommendations thereon.

PART B—FOSTER GRANDPARENT PROGRAM AND OLDER AMERICAN COMMUNITY SERVICE PROGRAMS

GRANTS AND CONTRACTS FOR VOLUNTEER PROJECTS

SEC. 211. (a) The Director is authorized to make grants to or contracts with public and nonprofit private agencies and organizations to pay part or all of the cost of development and operation of projects (including direct payments to volunteers serving under this part) designed for the purpose of providing opportunities for low-income persons aged fifty-five or over to serve as volunteers to provide supportive person-to-person services in health, education, welfare, and related settings to children having exceptional needs, including services as Foster Grandparents to children receiving care in hospitals, homes for dependent and neglected children, or other establishments providing care for children with special needs. The Director may approve assistance in excess of 90 per centum of the costs of the development and operation of such projects only if he determines, in accordance with regulations which he shall prescribe establishing objective criteria, that such action is required in furtherance of the purpose of this section. Provision for such assistance shall be effective as of September 19, 1972. In the case of any project with respect to which, prior to such date, a grant or contract has been made under section 611(a) of the Older Americans Act of 1965 (42 U.S.C. 3044(b)) or with respect to any project under the Foster Grandparent program in effect prior to September 17, 1969, contributions in cash or in kind from the Bureau of Indian Affairs, Department of the Interior, toward the cost of the project may be counted as part of the cost thereof which is met from non-Federal sources.

(b) The Director is also authorized to make grants or contracts to carry out the purpose described in subsection (a) of this section in the case of persons (other than children) having exceptional needs, including services by volunteers serving as senior health aides to work with persons receiving home health care, nursing care, or meals on wheels or other nutritional services, and as senior companions to persons having developmental disabilities.

CONDITIONS OF GRANTS AND CONTRACTS

SEC. 212. (a) (1) In carrying out this part, the Director shall insure that volunteers receiving assistance in any project are older persons of low income who are no longer in the regular work force.

(2) The Director shall not award a grant or contract under this part which involves a project proposed to be carried out throughout the State or over an area more comprehensive than one community unless—

(A) the State agency established or designated under section 303(a) (1) of the Older Americans Act of 1965, as amended (42 U.S.C. 3023(a) (1)) is the applicant for such grant or contract or, if not, if such agency has been afforded a reasonable opportunity to apply for and receive such award and to administer or supervise the administration of the project; and

(B) in cases in which such agency is not the grantee or contractor (including cases to which subparagraph (A) applies but in which such agency has not availed itself of the opportunity to apply for and receive such award), the application contains or is supported by satisfactory assurances that the project has been developed, and will to the extent appropriate be conducted, in consultation with, or with the participation of, such agency. (3) The Director shall not award a grant or contract under this part which involves a project proposed to be undertaken entirely in a community served by a community action agency unless—

(A) such agency is the applicant for such grant or contract or, if not, if such agency has been afforded a reasonable opportunity to apply for and receive such award and to administer or supervise the administration of the project;

(B) in cases in which such agency is not the grantee or contractor (including cases to which subparagraph (A) applies but in which such agency has not availed itself of the opportunity to apply for and receive such award), the application contains or is supported by satisfactory assurances that the project has been developed, and will to the extent appropriate be conducted in consultation with, or with the participation of, such agency; and

(C) if such State has a State agency established or designated pursuant to section 303 (a) (1) of the Older Americans Act of 1965, as amended (42 U.S.C. 3023(a) (1)), such agency has been afforded at least forty-five days in which to review the project application and make recommendations thereon.

(b) The term "community action agency" as used in this section means a community action agency established under title II of the Economic Opportunity Act of 1964, as amended (42 U.S.C. 2781–2837).

PART C—GENERAL PROVISIONS

COORDINATION WITH OTHER FEDERAL PROGRAMS

SEC. 221. In carrying out this title, the Director shall consult with the Office of Economic Opportunity, the Departments of Labor, and Health, Education, and Welfare, and any other Federal agencies administering relevant programs with a view to achieving optimal coordination with such other programs, and shall promote the coordination of projects under this title with other public or private programs or projects carried out at State and local levels. Such Federal agencies shall cooperate with the Director in disseminating information about the availability of assistance under this title and in promoting the identification and interest of low-income and other older persons whose services may be utilized under this title.

SEC. 222. Payments under this title pursuant to a grant or contract may be made (after necessary adjustment, in the case of grants, on account of previously made overpayments or underpayments) in advance or by way of reimbursement, in such installments and on such conditions, as the Director may determine.

TITLE III—NATIONAL VOLUNTEER PROGRAMS TO ASSIST SMALL BUSINESSES AND PROMOTE VOLUNTARY SERVICE BY SMALL BUSINESSMEN

AUTHORITY TO COOPERATE IN THE OPERATION OF SCORE/ACE

SEC. 301. In order to assist persons engaged or seeking to engage in small business enterprises, especially economically disadvantaged persons, the Director, pursuant to agreements with the Administrator of the Small Business Administration (hereinafter referred to as the "Administrator") which shall be published in the Federal Register, shall cooperate with the Administrator in carrying out the Service Corps of Retired Executives (SCORE) and the Active Corps of Executives (ACE) programs pursuant to section 8(b) (1) of the Small Business Act, as amended (15 U.S.C. 637(b) (1)), by—

(1) conducting a national publicity and recruitment effort to encourage eligible businessmen to serve as volunteers in the SCORE/ACE program and to form SCORE chapters;

(2) providing general budgetary planning for the SCORE/ACE program and such logistical support (including office space and supplies when not available from the Small Business Administration), subject to the provisions of subsection (c) of section 302 of this title, to SCORE/ACE volunteers serving Small Business Administration clients as the Administrator, with the concurrence of the Director, determines are necessary and appropriate to carry out such section 8(a) (1); and

(3) expanding the application of the expertise of such SCORE/ACE volunteer businessmen to other projects and agencies to carry out other programs authorized in this Act and the Economic Opportunity Act of 1964, as amended (particularly title VII thereof); and budgeting and planning for the execution of such expanded projects.

AUTHORITY TO ESTABLISH TERMS AND CONDITIONS OF ASSIGNMENTS

SEC. 302. (a) Except as provided in subsection (c) of this section, the assignment of volunteers enrolled in programs carried out pursuant to clause (3) of section 301 shall be on such terms and conditions as the Director, in consultation with the Administrator, shall determine.

(b) Such volunteers, while engaged in programs under this title or under section 8 (b) (1) of the Small Business Administration Act (15 U.S.C. 637(b) (1)), shall be considered employees of the Federal Government for the purposes of the Federal tort claims provisions in title 28, United States Code, and for the purposes of the provisions relating to compensation to Federal employees for work injuries in subchapter I of chapter 81 of title 5, United States Code.

(c) The Director is authorized to reimburse SCORE/ACE volunteers serving pursuant to agreements entered into under section 301 only for transportation, meals, telephone calls, and other out-of-pocket expenses incident to their provision of services or coordination of programs under this Act or the Small Business Act (15 U.S.C. 637(b) (1)).

(d) Notwithstanding any other provision of law, in order to exercise the authority to reimburse expenses of volunteers serving pursuant to section 8(b) (1) of the Small Business Act, as amended (15 U.S.C. 637(b) (1)), the Administrator shall delegate payment responsibility to the Director, making reimbursement to the ACTION Agency in connection with subsequent expenditures by such Agency.

(e) Volunteers serving pursuant to agreements entered into under section 301 shall in no event (1) participate in any screening or evaluation activities on behalf of the Small Business Administration in connection with applications for loans from such Administration, or (2) provide services to a client of such Administration with a delinquent loan outstanding, except upon a specific request signed by such client for assistance in connection with such matter.

TITLE IV—ADMINISTRATION AND COORDINATION

ESTABLISHMENT OF AGENCY

SEC. 401. There is hereby established in the executive branch of the Government an agency to be known as the ACTION Agency. Such Agency shall be headed by a Director who shall be appointed by the President, by and with the advice and consent of the Senate, and shall be compensated at the rate now or hereafter provided for level III of the Executive Schedule Pay Rates (5 U.S.C. 5314). There shall also be in such Agency a Deputy Director who shall be appointed by the President, by and with the advice and consent of the Senate, and shall be compensated at the rate now or hereafter provided for level IV of the Executive Schedule Pay Rates (5 U.S.C. 5315). The Deputy Director shall perform such functions as the Director shall from time to time prescribe, and shall act as Director of the ACTION Agency during the absence or disability of the Director. There shall also be in such Agency four Associate Directors who shall be appointed by the President by and with the advice and consent of the Senate, and shall be compensated at the rate now or hereafter provided for level V of the Executive Schedule Pay Rates (5 U.S.C. 5315). Each such Associate Director shall perform such functions as the Director shall from time to time prescribe. There shall also be in such Agency one Deputy Associate Director who shall be appointed by and be directly responsible to the Director. Such Deputy Associate Director shall be primarily responsible for programs carried out under parts A and B of title I of this Act.

AUTHORITY OF THE DIRECTOR

SEC. 402. In addition to the authority conferred upon him by other sections of this Act, the Director is authorized to—

(1) appoint in accordance with the Civil Service laws such personnel as may be necessary to enable the ACTION Agency to carry out its functions, and, except as otherwise provided herein, fix the compensation of such personnel in accordance with the Classification Act of 1949 (5 U.S.C. 1071 et seq.);

(2)(A) employ experts and consultants or organizations thereof as authorized by section 15 of the Administrative Expenses Act of 1946 (5 U.S.C. 3109(b)), except that no individual may be employed under the authority of this subsection for more than 100 days in any fiscal year; (B) compensate individuals so employed at rates not in excess of that payable to a GS-18 level employee, including traveltime; and (C) allow such individuals, while away from their homes or regular places of business, travel expenses (including per diem in lieu of subsistence) as authorized by section 5 of such Act (5 U.S.C. 5703) for persons in the Government service employed intermittently, while so employed: *Provided*, That contracts for such employment may be renewed annually;

(3) with the approval of the President, arrange with and reimburse the heads of other Federal agencies for the performance of any of the provisions of this Act and, as necessary or appropriate, delegate any of his powers under this Act and authorize the redelegation thereof subject to provisions to assure the maximum possible liaison between the ACTION Agency and such other agencies at all operating levels, which shall include the furnishing of complete operational information by such other agencies to the ACTION Agency and the furnishing of such information by the ACTION Agency to such other agencies;

(4) with their consent, utilize the services and facilities of Federal agencies without reimbursement, and, with the consent of any State or a political subdivision of a State, accept and utilize the services and facilities of the agencies of such State or subdivision without reimbursement;

(5) accept in the name of the ACTION Agency, and employ or dispose of in futherance of the purposes of this Act, or any title thereof, any money, or property, real, personal, or mixed, tangible or intangible, received by gift, devise, bequest, or otherwise;

(6) accept voluntary and uncompensated services, notwithstanding the provisions of section 3679(b) of the Revised Statutes (31 U.S.C. 665(b));

(7) allocate and expend, or transfer to other Federal agencies for expenditure, funds made available under this Act as he deems necessary to carry out the provisions hereof, including (without regard to the provisions of section 4774(d) of title 10, United States Code), expenditure for construction, repairs, and capital improvements;

(8) disseminate, without regard to the provisions of section 4154 of title 39, United States Code, data and information, in such forms as he shall deem appropriate, to public agencies, private organizations, and the general public;

(9) adopt an official seal, which shall be judicially noticed;

(10) collect or compromise all obligations to or held by him and a legal or equitable rights accruing to him in connection with the payment of obligations until such time as such obligations may be referred to the Attorney General for suit or collection;

(11) expend funds made available for purposes of this Act as follows: (A) for printing and binding, in accordance with applicable law and regulation; and (B) without regard to any other law or regulation, for rent of buildings and space in buildings and for repair, alteration, and improvement of buildings and space in buildings rented by him; but the Director shall not utilize the authority contained in this subclause (B)—

(i) except when necessary to obtain an item, service, or facility, which is required in the proper administration of this Act, and which otherwise could not be obtained, or could not be obtained in the quantity or quality needed, or at the time, in the form, or under the conditions in which, it is needed, and

(ii) prior to having given written notification to the Administrator of General Services (if the exercise of such authority would affect an activity which otherwise would be under the jurisdiction of the General Services Administration) of his intention to exercise such authority, the item, service or facility with respect to which such authority is proposed to be exercised, and the reasons and justifications for the exercise of such authority;

(12) notwithstanding any other provision of law, make grants or contracts with Federal or other public departments or agencies and private nonprofit organizations for the assignment or referral of volunteers under this Act (except for volunteers serving under part A of title I thereof), which may provide that the agency or organization shall pay all or a part of the costs of the program;

(13) provide or arrange for educational and vocational counseling of volunteers and recent former volunteers under this Act to (A) encourage them to use in the national interest the skills and experience which they have derived from their training and service, particularly working in combating poverty as members of the helping professions, and (B) promote the development, and the placement therein, of such volunteers, of appropriate opportunities for the use of such skills and experience;

(14) establish such policies, standards, criteria, and procedures, prescribe such rules and regulations (including providing for payments under grants or contracts, lump sum or installments, and in advance or by way of reimbursement) pursuant to contracts and agreements otherwise authorized under this Act; and

(15) generally perform such functions and take such steps, consistent with the purposes and provisions of this Act, as he deems necessary or appropriate to carry out the provisions of this Act.

POLITICAL ACTIVITIES

SEC. 403. (a) No part of any funds appropriated to carry out this Act, or any program administered by the ACTION Agency, shall be used to finance, directly or indirectly, any activity designed to influence the outcome of any election to Federal office, or any voter registration activity, or to pay the salary of any officer or employee of the ACTION Agency, who, in his official capacity as such an officer or employee, engages in any such activity. As used in this section, the term "election" has the same meaning given such term by section 301(a) of the Federal Election Campaign Act of 1971 (Public Law 92-225), and the term "Federal office" has the same meaning given such term by section 301(c) of such Act (Public Law 92-225).

(b) Programs assisted under this Act shall not be carried on in a manner involving the use of program funds, the provision of services, or the employment or assignment of personnel in a manner supporting or resulting in the identification of such programs with (1) any partisan or nonpartisan political activity or any other political activity associated with a candidate, or contending faction or group, in an election for public or party office, (2) any activity to provide voters or prospective voters with transportation to the polls or similar assistance in connection with any such election, or (3) any voter registration activity. The Director, after consultation with the Civil Service Commission, shall issue rules and regulations to provide for the enforcement of this section, which shall include provisions for summary suspension of assistance for no more than 30 days until notice and an opportunity to be heard can be provided or other action necessary to permit enforcement on an emergency basis.

SPECIAL LIMITATIONS

SEC. 404. (a) The Director shall prescribe regulations and shall carry out the provisions of this Act so as to assure that the service of volunteers assigned, referred, or serving under agreements executed under this Act is limited to activities which would not otherwise be performed by employed workers and which will not supplant the hiring of or result in the displacement of employed workers, or impair existing contracts for service.

(b) All support, including transportation provided to volunteers under this Act, shall be furnished at the lowest possible cost consistent with the effective operations of volunteer programs.

(c) No agency or organization to which volunteers are assigned hereunder, or which operates or supervises any volunteer program hereunder shall request or receive any compensation for services of volunteers supervised by such agency or organization.

(d) No funds authorized to be appropriated herein shall be directly or indirectly utilized to finance labor or antilabor organizations or related activity.

(e) Persons serving as volunteers under this Act shall provide such information concerning their qualifications, including their ability to perform their assigned tasks and their integrity, as the Director shall prescribe and shall be subject to such procedures, for selection and approval as the Director determines are necessary to carry out the purposes of this Act. The Director may establish such special procedures for the recruitment, selection, training and assignment of low-income residents of the area to be served by a program under this Act who wish to become volunteers as he determines will further the purposes of this Act.

(f) Notwithstanding any other provision of law and except as provided in the second and third sentence as of this subsection, the Director shall assign or delegate any substantial responsibility for carrying out functions under this Act only to persons appointed or employed pursuant to clauses (1) and (2) section 402, and persons assigned or delegated such substantial responsibilities on the effective date of this Act and who are receiving compensation in accordance with provisions of law other than those set forth in such clauses on such date shall, by operation of law on such date, be assigned a grade level pursuant to subsection (a) of section 402 so as to fix the compensation of such persons under such authority at no less than their compensation rate on the day preceding such date. Notwithstanding any other provision of law, in order to achieve the appointment of personnel pursuant to subsection (a) of section 402, as directed by the first sentence of this subsection, the number of positions authorized by section 5108(a) of title 5, United States Code, and assigned to the ACTION Agency, is increased by a number equal to the number of persons whose level of compensation on the day prior to the effective date of this Act requires their assignment to such positions. The Director may personally make exceptions to the requirement set forth in the first sentence of this subsection for persons whom he finds will be assigned to carrying out functions under the Peace Corps Act (22 U.S.C. 2501 et seq.) within six months of the effective date of this Act. This subsection shall not apply in the case of persons carrying out administrative functions under this Act as described in the second proviso in subsection (a) of section 504.

(g) Notwithstanding any other provision of law except as may be provided expressly in limitation of this subsection, payments to volunteers under this Act shall not in any way reduce or eliminate the level or eligibility for assistance or services any such volunteers may be receiving under any other governmental program.

NATIONAL VOLUNTARY SERVICE ADVISORY COUNCIL

Sec. 405. (a) There is hereby established in the ACTION Agency a National Voluntary Service Advisory Council (hereinafter referred to as the "Council") to be composed of not more than 25 members appointed by and serving at the pleasure of the President. Such members shall be representative of public and private organizations, groups, and individuals interested in serving and benefited by programs carried out under this Act and the Peace Corps Act (22 U.S.C. 2501 et seq.), including, in approximately equal numbers, representatives of beneficiaries of programs established under this Act, nations hosting Peace Corps volunteers, present and former volunteers, and national coalitions representing such groups. The President shall designate a temporary chairperson from such members and shall call the initial meeting of the Council within thirty days after establishment of such Council. Members of the Council shall designate a permanent chairperson from such members and shall meet at the call of such chairperson, but not less than four times in each year. Members of the Council, other than those regularly employed by the Federal Government while attending meetings of such Council, shall be entitled to receive compensation and travel expenses as provided in section 402(b) of this Act with respect to experts and consultants. The Director and Deputy Director of the ACTION Agency shall be ex officio members of the Council.

(b) The Council shall—

(1) advise the Director with respect to policy matters arising in the administration of this Act and the Peace Corps Act (22 U.S.C. 2501 et seq.); and

(2) upon the request of the Director, review the effectiveness and the operation of programs under this Act and the Peace Corps Act and make recommendations (including such proposals for changes in such Acts as the Council deems appropriate) concerning (A) the improvement of such programs, (B) the elimination of duplication of effort and (C) the coordination of such programs with other Federal programs designed to assist the beneficiaries of such Acts.

(c) Not later than March 31 of each calendar year beginning with the calendar year 1974, the Council shall make an annual report of its findings and recommendations to the President for transmittal by the President to the Congress together with his comments and recommendations.

LABOR STANDARDS

Sec. 406. All laborers and mechanics employed by contractors or subcontractors in the construction, alteration or repair, including painting and decorating of projects, buildings and works which are federally assisted under this Act shall be paid wages at rates not less than those prevailing on similar construction in the locality as determined by the Secretary of Labor in accordance with the Davis-Bacon Act, as amended (40 U.S.C. 276a–276a–5). The Secretary of Labor shall have, with respect to such labor standards, the authority and functions set forth in Reorganization Plan No. 14 of 1950 (15 F.R. 3176; 64 Stat. 1267; 5 U.S.C. 133–133z–15), and section 2 of the Act of June 1, 1934, as amended (48 Stat. 948, as amended; 40 U.S.C. 276(C)).

REPORTS

Sec. 407. No later than one hundred and twenty days after the close of each fiscal year, the Director shall prepare and submit to the President for transmittal to the Congress a full and complete report on the activities of the ACTION Agency during such year.

JOINT FUNDING

Sec. 408. Pursuant to regulations prescribed by the President, and to the extent consistent with the other provisions of this Act, where funds are provided for a single project by more than one Federal agency to an agency or organization assisted under this Act, the Federal agency principally involved may be designated to act for all in administering the funds provided, and, in such cases, a single non-Federal share requirement may be established according to the proportion of funds advanced by each agency. When the principal agency involved is the ACTION Agency, it may waive any grant or contract requirement (as defined by such regulations) under or pursuant to any law other than this Act, which requirement is inconsistent with the similar requirements under or pursuant to this Act.

PROHIBITION OF FEDERAL CONTROL

Sec. 409. Nothing contained in this Act shall be construed to authorize any department, agency, officer, or employee of the United States to exercise any direction, supervision, or control over the curriculum, program of instruction, administraiton, or personnel of any educational institution or school system.

COORDINATION WITH OTHER PROGRAMS

Sec. 410. The Director shall take necessary steps to coordinate volunteer programs authorized under this Act with one another, with community action programs and with other related Federal, State, and local programs. The Director shall also consult with the heads of other Federal, State, and local agencies responsible for programs related to the purposes of this Act with a view to encouraging greater use of volunteer services in those programs and establishing in connection with them systematic procedures for the recruitment, referral, or necessary preservice orientation or training of volunteers serving pursuant to this Act.

PROHIBITION

Sec. 411. In order to assure that existing Federal agencies are based to the fullest extent possible in carrying out the purposes of this Act, no funds appropriated to carry out this Act shall be used to establish any new department or office when the intended function is being performed by an existing department or office.

APPEALS, NOTICE AND HEARINGS PROCEDURES

Sec. 412. The Director shall prescribe procedures to insure that—

(1) assistance under this Act shall not be suspended for failure to comply with applicable terms and conditions, except in emergency situations for thirty days, nor shall an application for refunding under this Act be denied, unless the recipient has been given reasonable notice and opportunity to show cause publicly why such action should not be taken; and

(2) assistance under this Act shall not be terminated for failure to comply with applicable terms and conditions unless the recipient has been afforded reasonable notice and opportunity for a full and fair hearing.

DURATION OF PROGRAM

Sec. 413. The Director shall carry out the programs provided for in this Act during the fiscal year ending June 30, 1974, and the three succeeding fiscal years. For each such fiscal year, only such sums may be appropriated as the Congress may authorize by law.

DISTRIBUTION OF BENEFITS BETWEEN RURAL AND URBAN AREAS

Sec. 414. The Director shall adopt appropriate administrative measures to assure that benefits of this Act will be distributed equitably between residents of rural and urban areas.

ADVANCE FUNDING

Sec. 415. For the purpose of affording adequate notice of funding available under this Act, appropriations for grants, contracts, or other payments under this Act are authorized to be included in the appropriation Act for the fiscal year preceding the fiscal year for which they are available for obligation.

APPLICATION OF FEDERAL LAW

Sec. 416. (a) Except as provided in subsections (b), (c), (d), and (e) of this section, volunteers under this Act shall not be deemed Federal employees and shall not be subject to the provisions of laws relating to Federal offices and employees and Federal employment.

(b) Individuals serving in programs authorized by part A and B of title I of this Act, and individuals serving in programs authorized by parts B or C of title I of this Act who are enrolled as full-time volunteers in a program established as a program of one or more years duration shall, with respect to such service or training, (1) be deemed, for the purposes of subchapter III of chapter 73 of title 5, United States Code, persons employed in the executive branch of the Federal Government, and (2) be deemed Federal employees to the same extent as volunteers serving in the Peace Corps under section 5(h) of the Peace Corps Act (22 U.S.C. 2504(h)), except that for the purposes of computation, the monthly pay of a volunteer serving for one year or less shall be deemed to be that received under the entrance salary for GS–7 under section 5332 of such title.

(c) Any period of service of a volunteer under part A of title I of this Act, and any period of full-time service of a volunteer enrolled in a program of one or more years duration established under parts B or C of title I of this Act, shall be credited in connection with subsequent employment in the same manner as a like period of civilian employment by the United States Government—

(1) for the purposes of section 852(a)(1) of the Foreign Service Act of 1946, as amended (22 U.S.C. 1092(a)(1)), and every other Act establishing a retirement system for civilian employees of any United States Government agency; and

(2) except as otherwise determined by the President, for the purposes of determining seniority, reduction in force, and layoff rights, leave entitlement, and other rights and privileges based upon length of service under the laws administered by the Civil Service Commission, the Foreign Service Act of 1946, and every other Act establishing or governing terms and conditions of service of civilian employees of the United States Government: *Provided*, That service of a volunteer shall not be credited toward completion of any probationary or trial period or completion of any service requirement for career appointment.

(d) Volunteers serving pursuant to part A of title I of this Act, and volunteers serving pursuant to title VIII of the Economic Opportunity Act of 1964, as amended (42 U.S.C. 2991–2994d), including those whose service was completed under such Act, who the Director determines, in accordance with regulations he shall prescribe, have successfully completed their term of service, shall be eligible for appointment to the career Civil Service in the same manner as Peace Corps volunteers as prescribed in Executive Order No. 11103 (April 10, 1963).

(e) Notwithstanding any other provision of law, all references in any other law to persons serving as volunteers under title VIII of the Economic Opportunity Act of 1934, as amended, shall be deemed to be references to persons serving as full-time volunteers in a program of one or more years duration under part A, B, or C of title I of this Act.

EVALUATION

Sec. 417. (a) The Director shall measure and evaluate the impact of all programs authorized by this Act, their effectiveness in achieving stated goals in general, and in relation to their cost, their impact on related programs, and their structure and mechanisms for delivery of services. Evaluations shall be conducted by persons not immediately involved in the administration of the program or project evaluated.

(b) Before funds are released or assistance is provided for the programs and projects covered by this Act, the Director shall develop and publish general standards for evaluation of the program and project effectiveness in achieving the objectives of this Act. Reports submitted pursuant to section 407 shall describe the actions taken as a result of these evaluations.

(c) In carrying out evaluations under this title, the Director shall, whenever possible, arrange to obtain the opinions of program and project participants about the strengths and weaknesses of the programs and projects.

(d) The Director shall publish summaries of the results of evaluations of program and project impact and effectiveness no later than sixty days after the completion thereof.

(e) The Director shall take the necessary action to assure that all studies, evaluations, proposals, and data produced or developed with Federal funds shall become the property of the United States.

(f) The Director is authorized to use such sums as required, but not to exceed 1 per centum of the funds appropriated under this Act, to conduct program and project evaluations (directly or by grants or contracts) as required by this title. In the case of allotments from such an appropriation, the amount deemed appropriated available for such allotments (and the amount therefor) shall be reduced accordingly.

NONDISCRIMINATION

SEC. 418. (a) The Director shall not provide financial assistance for any program under this Act unless the grant, contract, or agreement with respect to such program specifically provides that no person with responsibilities in the operation of such program will discriminate with respect to any such program because of race, creed, color, national origin, sex, age, physical or mental disability, political affiliation, or belief.

(b) No person in the United States shall on the ground of sex be excluded from participation in, be denied the benefits of, be subjected to discrimination under, or be denied employment in connection with, any program or activity receiving assistance under this Act. The Director shall enforce the provisions of the preceding sentence in accordance with section 602 of the Civil Rights Act of 1964. Section 603 of such Act shall apply with respect to any action taken by the Director to enforce such sentence. This section shall not be construed as affecting any other legal remedy that a person may have if that person is excluded from participation in, denied the benefits of, subjected to discrimination under, or denied employment in connection with any program or activity receiving assistance under this Act.

TAXES

SEC. 419. (a) Notwithstanding any other provision of law, for the purposes of computing the tax payable under the Internal Revenue Code of 1954, a volunteer or volunteer leader under this Act shall be deemed to be paid and to receive such amount of any stipend to which he is entitled under this Act when such amount is transferred from funds made available for the payment of such stipend to the fund from which such stipend is payable. Such stipend shall otherwise be considered to be income for the year in which it is actually received.

(b) In the case of an individual serving as a volunteer or volunteer leader under this Act. Payments or support received as allowances other than amounts received as—

(1) stipends provided under Section 105 (a),

(2) leave allowance, or

(3) such portion of living allowances as the Director may determine constitutes basic compensation,

shall not be included in gross income for purposes of income taxation under the Internal Revenue Code of 1954.

(c) Notwithstanding any other provision of law, no payment for supportive services or reimbursement of out-of-pocket expenses made to persons serving pursuant to titles II and III of this Act shall be subject to any tax or charge or be treated as wages or compensation for the purposes of unemployment, temporary disability, retirement, public assistance, or similar benefit payments, or minimum wage laws. This section shall become effective with respect to all payments made after the effective date of this Act.

LEGAL EXPENSES

SEC. 420. Notwithstanding any other provision of law and pursuant to regulations which the Director shall prescribe, counsel may be employed and counsel fees, court costs, bail, and other expenses incidental to the defense of volunteers may be paid in judicial or administrative proceedings to which full-time volunteers serving under this Act have been made parties.

GUIDELINES

SEC. 421. All rules, regulations, guidelines, instructions, and applications forms published or promulgated pursuant to this Act shall be published in the Federal Register and submitted to the appropriate Committees of the Congress at least thirty days prior to their effective date.

DEFINITIONS

SEC. 422. For the purposes of this Act—

(1) the term "Director" means the Director of the ACTION agency;

(2) the terms "United States" and "States" mean the several States, the District of Columbia, the Virgin Islands, Puerto Rico, Guam, and American Samoa;

(3) the term "nonprofit" as applied to any agency, institution, or organization means an agency, institution, or organization which is, or is owned and operated by, one or more corporations or associations no part of the net earnings of which inures, or may lawfully inure, to the benefit of any private shareholder or individual; and

(4) the term "poor" or "low-income" persons, individuals, or volunteers means such individuals whose incomes fall at or below the poverty line as set forth in section 625 of the Economic Opportunity Act of 1964, as amended by Public Law 92–424 (42 U.S.C. ——).

TITLE V—AUTHORIZATION OF APPROPRIATIONS

NATIONAL VOLUNTEER ANTIPOVERTY PROGRAMS

SEC. 501. (a) There are authorized to be appropriated $50,000,000 for the fiscal year ending June 30, 1974, $60,000,000 for the fiscal year ending June 30, 1975, and $75,000,000 for the fiscal year ending June 30, 1976, respectively, to be used for the purpose of carrying out title I of this Act of which (1) the amount of $30,000,000 for the fiscal year ending June 30, 1974, $35,000,000 for the fiscal year ending June 30, 1975, and $45,000,000 for the fiscal year ending June 30, 1976, respectively, shall be available for carrying out full-time volunteer programs designed to strengthen and supplement efforts to eliminate poverty under part A of such title; (2) the amount of $12,000,000 for the fiscal year ending June 30, 1974, $15,000,000 for the fiscal year ending June 30, 1975, and $20,000,000 for the fiscal year ending June 30, 1976, respectively, shall be available for carrying out programs designed to strengthen and supplement efforts to eliminate poverty under part B of such title; and (3) the amount of $8,000,000 for the fiscal year ending June 30, 1974 and the amount of $10,000,000 for the two succeeding fiscal years shall be available for carrying out programs under part C of such title: *Provided*, That 50 per centum of the sums appropriated for carrying out programs under such part C shall be used for carrying out programs, on a cost-reimbursable basis, authorized by part A of such title.

(b) If the sums authorized to be appropriated under subsection (a) of this section are not appropriated and made available in full, then such sums as are so appropriated and made available for such fiscal year shall be allocated so that (1) any amounts appropriated not in excess of $22,300,000 for the fiscal year ending June 30, 1974, $25,000,000 for the fiscal year ending June 30, 1975, and $27,500,000 for the fiscal year ending June 30, 1976, respectively, shall be used for carrying out programs designed to strengthen and supplement efforts to eliminate poverty under part A of such title; (2) any amounts appropriated in excess of $22,300,000 for the fiscal year ending June 30, 1974, $25,000,000 for the fiscal year ending June 30, 1975, and $27,500,000 for the fiscal year ending June 30, 1976, respectively, but not in excess of $29,600,000, $33,500,000, and $37,500,000, for each such fiscal year, respectively, shall be used for programs designed to strengthen and supplement efforts to eliminate poverty under part B of such title; (3) any amounts appropriated in excess of $29,600,000 for the fiscal year ending June 30, 1974, $33,500,000 for the fiscal year June 30, 1975, and $37,500,000 for the fiscal year ending June 30, 1976, respectively, but not in excess of $37,600,000, $43,500,000 and $47,500,000, for each such fiscal year, respectively, shall be used for carrying out programs under part C of such title; (4) any amounts appropriated in excess of $37,600,000 for the fiscal year ending June 30, 1974, $43,500,000 for the fiscal year ending June 30, 1975, and $47,500,000 for the fiscal year ending June 30, 1976, respectively, but not in excess of $45,300,000, $53,500,000, and $65,000,000 for each such fiscal year, respectively, shall be used for carrying out programs designed to strengthen and supplement efforts to eliminate poverty under part A of such title; and (5) any amounts appropriated in excess of $45,300,000 for the fiscal year ending June 30, 1974, $53,500,000 for the fiscal year ending June 30, 1975, and $65,000,000 for the fiscal year ending June 30, 1976, respectively, shall be used for programs to strengthen and supplement efforts to eliminate poverty under part B of such title.

NATIONAL OLDER AMERICAN VOLUNTEER PROGRAMS

SEC. 502. (a) There are authorized to be appropriated $30,000,000 for the fiscal year ending June 30, 1974, $40,000,000 for the fiscal year ending June 30, 1975, and $50,000,000 for the fiscal year ending June 30, 1976, respectively, to be used for the purpose of carrying out programs under part A of title II of this Act.

(b)(1) There are authorized to be appropriated $52,000,000 for the fiscal year ending June 30, 1974, $63,000,000 for the fiscal year ending June 30, 1975, and $74,000,000 for the fiscal year ending June 30, 1976, respectively, for the purpose of carrying out programs under part B of such title of which (A) $45,000,000 for the fiscal year ending June 30, 1974, $55,000,000 for the fiscal year ending June 30, 1975, and $65,000,000 for the fiscal year ending June 30, 1976, respectively, shall be available for such years for grants or contracts under subsection (a) of section 211 of part B of such title and (B) $7,000,000 for the fiscal year ending June 30, 1974, $8,000,000 for the fiscal year ending June 30, 1975, and $9,000,000 for the fiscal year ending June 30, 1976, respectively, shall be available for such years for grants or contracts under subsection (b) of such section.

(2) If the sums authorized to be appropriated under paragraph (1) of this subsection are not appropriated and made available in full for each such fiscal year, then such sums as are appropriated and made available for each such fiscal year shall be allocated so that—

(A) any amounts appropriated not in excess of $25,000,000 shall be used for grants or contracts under subsection (a) of section 211; and

(B) any amounts appropriated in excess of $32,000,000 for the fiscal year ending June 30, 1974, $33,000,000 for the fiscal year ending June 30, 1975, and $34,000,000 for the fiscal year ending June 30, 1976, respectively, shall be used for grants or contracts for such fiscal years under subsection (a) of such section.

NATIONAL VOLUNTEER PROGRAMS TO ASSIST SMALL BUSINESSES AND PROMOTE VOLUNTARY SERVICE BY SMALL BUSINESS PROPRIETORS

SEC. 503. There are authorized to be appropriated $1,000,000 for the fiscal year ending June 30, 1974, $1,500,000 for the fiscal year ending June 30, 1975, and $2,000,000 for the fiscal year ending June 30, 1976, for the purpose of carrying out programs under title III of this Act.

ADMINISTRATION AND COORDINATION

SEC. 504. (a) There are authorized to be appropriated $15,000,000 for the fiscal year ending June 30, 1974, $16,000,000 for the fiscal year ending June 30, 1975, and $17,000,000 for the fiscal year ending June 30, 1976, for the administration of this Act as authorized in title IV of such Act: *Provided,* That no amount appropriated for such administration shall be expended for such purpose in any such fiscal year in excess of an amount which equals that proportion which the amount appropriated and made available pursuant to this title in such fiscal year is of the total of (1) the amount appropriated and made available pursuant to this Act; (2) the amount appropriated and made available pursuant to the Peace Corps Act (22 U.S.C. 2501 et seq.); and (3) the amount appropriated and made available pursuant to any other law for which implementing responsibility is delegated or transferred to the Director in such year: *Provided further,* That amounts expended for such purpose in any such fiscal year shall be used for salaries and expenses of persons carrying out functions under this Act only if the Director determines, in accordance with regulations which he shall prescribe, that such persons are engaged in carrying out such functions for a substantial portion of their time and that such functions constitute a substantial portion of their responsibilities.

(b) The total administrative expenditures, including the compensation of Federal employees, incurred under the authority of this Act for any fiscal year shall not exceed 10 per centum of the total amount appropriated and made available for appropriation pursuant to authorizations in this Act for that year: *Provided,* That grants, subsidies, and contributions, and payments to individuals, other than volunteers and Federal employees, shall not be counted as an administrative expenditure.

AVAILABILTY OF APPROPRIATIONS

SEC. 505. (a) Notwithstanding any other provision of law, unless enacted in express and specific limitation of the provisions of this section, funds appropriated for any fiscal year to carry out any program under this Act shall remain available, in accordance with the provisions of this Act statute, for obligation and expenditure until expended.

(b) There shall be no limitation on the use of funds appropriated to carry out any program under this Act other than limitations imposed by or pursuant to the provisions of this Act; nor shall any funds appropriated to carry out any program under this Act be allotted, apportioned, allocated, or otherwise distributed in any manner or by any method different from that specified or provided in this Act.

TITLE VI—AMENDMENTS TO OTHER LAWS AND REPEALERS

SUPERSESSION OF REORGANIZATION PLAN NUMBER 1 OF JULY 1, 1971

SEC. 601. Sections 1, 2(a), and 3 of Reorganization Plan No. 1 of 1971 (July 1, 1971) are hereby superseded.

(b) The personnel, property, records and unexpended balances of appropriations, allocations and other funds employed, used, held, available, or to be made available in connection with the functions transferred to the Director of the ACTION Agency by section 2(a) and 3 of such Reorganization Plan are hereby transferred to the ACTION agency established by section 401. All grants, contracts, and other agreements awarded or entered into under the authority of such Reorganization Plan will be recognized under comparable provisions of this Act so that there is no disruption of on-going activities for which there is continuing authority.

(c) All official actions taken by the Director of the ACTION Agency, his designee, or any other persons under the authority of such Reorganization Plan which are in force on the effective date of this Act and for which there is continuing authority under the provisions of this Act shall continue in full force and effect until modified, superceded or revoked by the Director.

(d) All references to ACTION, or the Director of ACTION in any statute, reorganization plan, executive order, regulation or other official document or proceeding shall on and after the effective date of this Act, be deemed to refer to the ACTION Agency established by section 401 and the Director thereof.

(e) No suit, action, or other proceeding, and no cause of action, by or against the agency known as ACTION created by such Reorganization Plan, or any action by any officer thereof acting in his official capacity, shall abate by reason of enactment of this Act.

(f) Persons appointed by the President by and with the advice and consent of the Senate to positions requiring such advice and consent under such Reorganization Plan may continue to serve in the same capacity in the ACTION Agency without the necessity of an additional appointment by the President or further such advice and consent by the Senate.

CREDITABLE SERVICE FOR CIVIL SERVICE RETIREMENT

SEC. 602. Section 8332(b)(7) of title 5, United States Code (relating to creditable service to civil service retirement), is amended by inserting a comma and "or a period of service of a full-time volunteer enrolled under part A, B, or C of title I of the Domestic Volunteer Service Act of 1973 (— U.S.C. —)" after "Economic Opportunity Act of 1964."

EXTENSION OF ELIGIBILITY FOR VETERANS' EDUCATIONAL BENEFITS

SEC. 603. Section 1662(a) of title 38, United States Code (relating to the period of eligibility for educational assistance), is amended by inserting before the period a colon and "*Provided,* That the time limit specified herein shall be extended by the length of any period, including training, during which an eligible veteran is serving as a full-time volunteer or volunteer leader under the Peace Corps Act or title I of the Domestic Volunteer Service of 1973".

TAXES ON STIPENDS TO VOLUNTEERS

SEC. 604. (a) Section 1304 of the Internal Revenue Code of 1954 (26 U.S.C. 1304 (relating to special tax rules)) is amended by adding at the end thereof the following new subsection:

"(g) For treatment of the stipend paid to VISTA volunteers and volunteer leaders, see section 420(a) of the Domestic Volunteer Service Act of 1973 (—— U.S.C. ——).

(b) Section 3401(a) of the Internal Revenue Code of 1954 (26 U.S.C. 3401(a)) (relating to definitions for the purpose of taxation) is amended—

(1) by striking out "or" after the semicolon in clause (15) and striking out the period in clause (16) and inserting in lieu thereof a semicolon and an "or";

(2) by adding at the end thereof the following new clause:

"(17) to a volunteer or volunteer leader within the meaning of title I of the Domestic Volunteer Service Act of 1973 (U.S.C.), except stipends, leave allowances, or living allowances determined by the Director of the Action Agency to be basic compensation".

(c) Section 124(a) of the Internal Revenue Code of 1954 (26 U.S.C. 124(a)) is amended—

(1) by striking out "or" after the semicolon in clause (18) and striking out the period in clause (19) and inserting in lieu thereof a semicolon and "or"; and

(2) by adding at the end thereof the following new clause:

"(20) Certain allowances paid to domestic volunteers and volunteer leaders, see section 420(b) of the Domestic Volunteer Service Act of 1973 (U.S.C.)."

TAXES ON SUPPORT TO OLDER AMERICAN VOLUNTEERS

SEC. 605. (a) Section 3121(b) of the Internal Revenue Code of 1954 (relating to the definition of employment for purposes of the Federal Insurance Contributions Act) (26 U.S.C. 3121(b)) is amended—

(1) by striking out "or" after the semicolon in clause (18) and striking out the period in clause (19) and inserting in lieu thereof a semicolon and "or"; and

(2) by adding at the end thereof the following new clause:

"(20) Supportive services performed by persons aged fifty-five and over described in titles II and III of the Domestic Volunteer Service Act of 1973 (—U.S.C.—)."

(b) Section 3306(c) of the Internal Revenue Code of 1954 (relating to the definition of employment for purposes of the Unemployment Tax Act (26 U.S.C. 3121(c)) is amended—

(1) by striking out "or" at the end of clause (17) and striking out the period at the end of clause (18) and inserting in lieu thereof a semicolon and "or"; and

(2) by adding at the end thereof the following new clause:

"(19) Supportive services performed by persons aged fifty-five and over described in titles II and III of the Domestic Volunteer Service Act of 1973 (— U.S.C. —)."

REPEAL OF TITLE VIII OF THE ECONOMIC OPPORTUNITY ACT

SEC. 606. Title VIII of the Economic Opportunity Act of 1964, as amended (42 U.S.C. 2991–2994d), is hereby repealed.

REPEAL OF TITLE VI OF THE OLDER AMERICANS ACT

SEC. 607. Title VI of the Older Americans Act of 1965, as amended (42 U.S.C. 3044–3044e), is hereby repealed.

THE DOMESTIC VOLUNTEER SERVICE ACT OF 1973—S. 1148; SECTION-BY-SECTION ANALYSIS

Section 1 provides that the Act may be cited as "The Domestic Volunteer Service Act of 1973".

TITLE I—NATIONAL VOLUNTEER ANTI-POVERTY PROGRAMS

Part A—Volunteers in Service to America

Section 101 contains a statement of purpose of part A of title I of the Act. The part provides for the Volunteers in Service to America (VISTA) program of full-time volunteers who work to strengthen and supplement efforts to eliminate poverty in the United States. The part also provides the powers and responsibilities designed to assist in the development and coordination of the VISTA program. The part is derived from part A of title VIII of the Economic Opportunity Act of 1964, as amended, authorizing the VISTA program of full-time volunteer service, and is intended to authorize the kinds of programs presently being carried out under that authority. It contains several changes designed to facilitate the carrying out of the program.

Section 102 provides the Director of ACTION with the authority to recruit, select, and train persons to serve in the VISTA program.

Section 103(a) provides the Director of ACTION with the authority to assign VISTA Volunteers, upon the request of Federal, State, or local agencies or private nonprofit organizations, in meeting the health, education, welfare, or related needs of Indians living on Federal Trust lands, of migratory and seasonal farmworkers and their families, or of residents of the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, or the Virgin Islands; in the care and rehabilitation of the mentally ill, developmentally disabled, and other individuals with severe handicaps who are under the supervision of non-profit institutions or facilities; and in connection with programs or activities authorized, supported, or of a character eligible for assistance under the Economic Opportunity Act of 1964, as amended. The section is similar to section 810(a) of the Economic Opportunity Act of 1964, as amended. Changes in language include the substitution of the term Federal Trust Lands" for the term "reservations" since there are a substantial number of low-income Indians who live on other than reservations and the term "Federal Trust Lands"' is more comprehensive, and deletion of authority to assign VISTA Volunteers to the Trust Territory of the Pacific Islands. This deletion was made after consultation with the Senate Foreign Relations Committee, in consideration of the fact that Peace Corps Volunteers are eligible to be assigned to the Trust Territory, and that the Trust Territory considers itself to be a foreign nation rather than a part of the United States.

Section 103(b) concerns the assignment of low-income VISTA volunteers. The section directs the Director, wherever feasible, to assign low-income VISTA volunteers to serve in their home communities in teams with nationally recruited VISTA volunteers having an appropriate specialty which would benefit that community. The section further directs the Director to ensure that, on an individual basis, each low-income VISTA volunteer, prior to assignment is provided a plan designed to provide an opportunity for job advancement or for transition to a situation leading to gainful employment, and that such plan is updated and reviewed with the volunteer 120 days prior to the volunteer's completion of service. The section was included after testimony on related legislation revealed that many low-income VISTA Volunteers were previously welfare recipients, and that often when their VISTA assignment was completed, they had nowhere to turn except back to the welfare rolls. This section is consistent with the purpose of the part to help the poor secure and take advantage of opportunities for self-advancement.

Section 103 (c) and (d) are derived from section 810(b) of title VIII of the Economic Opportunity Act of 1964, as amended (the present VISTA authority). They provide the Director with the authority to determine the terms and conditions of volunteer assignments, for Governors' approval of VISTA projects and for Governors' voice in the termination of service of individual VISTA volunteers, respectively. Subsection 103(d) differs from section 810(b) in that whereas formerly no VISTA project could become operational without the consent of the Governor, the new subsection(d) places a forty-five day time limit on the Governor to disapprove a project. This change allows for more efficient administration of VISTA projects by providing a fixed time during which a project can be disapproved. Like section 810(b), subsection 103(d) requires the Director to terminate the assignment of an individual VISTA volunteer within thirty days of a Governor's request, or within a mutually agreeable time frame.

Section 104(a) is similar to section 811(a) of the Economic Opportunity Act of 1964, as amended. It requires that VISTA Volunteers make a full-time, personal commitment to combating poverty, including, to the extent practicable, a commitment to live among and at the economic level of the people with whom they are assigned to work, and to remain available for services without regard to regular working hours, at all times during their term of service, except for authorized periods of leave. As the section implies, VISTA Volunteers are expected to be on call twenty-four hours a day. Their assignment calls for a commitment greater than the forty-hour a week traditional interpretation of a full-time job commitment.

Section 104(b) authorizes a two-year term of enrollment for VISTA Volunteers, rather than the one-year term prescribed in Section 811(b) of the Economic Opportunity Act. It does, however, make exception in the case of scarce-skill volunteers who are critically needed by providing that they may serve for no less than one year upon determination of the Director. It also provides that volunteers may re-enroll for one additional two-year term of service. The term of service for an individual volunteer may be extended, but under no circumstances may the term of an individual volunteer's service be greater than five years. This condition is made to prevent individuals from becoming "professional volunteers" and to encourage a turn-over of people serving under this part so that the VISTA program retains a freshness and vigor. In the case of older persons who are retired and who wish to continue serving in a volunteer capacity, it is anticipated that the Director will encourage them to participate in one of the other programs authorized by this Act.

Section 104(c) provides that VISTA Volunteers shall take the same oath as is prescribed in section 5(j) for Peace Corps Volunteers and other individuals in the Federal service. Section 811(c) of title VIII of the Economic Opportunity requires that VISTA Volunteers serving under that authority take the same oath as is prescribed for Job Corps enrollees. The section has been changed to have the VISTA oath conform with the Peace Corps oath so that those serving in programs under the ACTION Agency take the same oath. A new provision in the section provides the Director with the authority to allow foreign nationals who wish to serve in the program to take an alternative oath or affirmation.

Section 104(d) provides for the establishment of a grievance procedure for VISTA Volunteers in connection with the terms and conditions of their service. Included in the procedure is provision for enabling the Volunteer to present his grievance in person in the regional area in which he is serving and in writing to the Director of the ACTION Agency, and, if requested by the volunteer, for submission of a recommendation by an elected group of his peers. The councils shall be composed of one volunteer for each 25 volunteers represented, and shall meet twice a year except on emergency call of the chairperson. No more than 20% of a council member's service time may be spent on council duties. This section is included in the bill as a result of testimony on related legislation which pointed to the desirability of such a provision.

Section 104(e) directs the Director of ACTION to consult on a regular basis with VISTA voluneer councils elected pursuant to section 104(d) in connection with the determination of the terms and conditions of service of VISTA and Volunteers. It also directs him to submit to each such volunteer council for comments, at least forty-five days in advance of implementation, all issuances affecting the terms and conditions of VISTA service. This section is included in the bill as a result of testimony on related legislation which pointed to the desirability of such a provision.

Section 104(f) directs the Director to consult with and take into consideration the recommendations of the representative groups of VISTA volunteers (such as the National Vista Alliance) which exist upon enactment of this subsection when he establishes the grievance procedures and consultation procedures required in subsections 104 (d) and (e). It further directs him to establish and publish in the *Federal Register*, within ninety days after enactment of those subsections, the regulations prescribing those procedures, and to provide each VISTA Volunteer with copies of all such regulations.

Section 105(a) is similar to section 812(a) of the Economic Opportunity Act. It authorizes the Director to provide stipends to volunteers serving under this part and sets conditions on the payment of stipends, including providing for advance payment of accrued stipends and payment in the event of the death of a volunteer during service as provided in section 812(b) of the Economic Opportunity Act.

Section 105(b) directs the Director to support volunteers serving under this part through living allowances, travel allowances, and leave allowances, and through housing, supplies, equipment, subsistence, clothing, health and dental care, transportation, supervision, technical assistance, and any other support which he deems necessary or appropriate for volunteers to carry out their assignments. It is similar to section 812(a) of the Economic Opportunity Act, but goes further to stipulate that the Director must supply each volunteer or see that each volunteer has at his disposal all allowances and support necessary to enable him to carry out the purpose of this part and to effectively perform the work to which he is assigned. This new language was added after testimony on related legislation pointed out that such necessary support as transportation was often denied volunteers, thus hindering the effective performance of their jobs.

Section 106 provides that, to the maximum extent practicable, the poor of the communities to be served by volunteers under this title shall participate in the planning, developing, and implementing of those programs. This section is in keeping with the philosophy of the Economic Opportunity Act fostering maximum participation of the poor in its programs.

Section 107 is the same as section 832 of the Economic Opportunity Act, concerning participation of older persons in VISTA. The section applies to part C (short-term and part-time) Volunteers as well.

Part B—Service-learning programs

Section 111 contains a statement of purpose of Part B of title I of the Act. The part provides for the University Year for ACTION program of full-time volunteer service of students enrolled in institutions of higher learning who satisfy one year's traditional course work by working to strengthen and supplement efforts to eliminate poverty. A subsidiary purpose of the part is to promote expansion of service-learning programs at such institutions, and participation by educational institutions in meeting the needs of the poor and to encourage students and faculty to engage in volunteer service. It further provides for related service-learning programs on the secondary and post-secondary school level.

Section 112 directs the Directors of ACTION to conduct or make grants or contracts for the University Year for ACTION (UYA) program, but requires that the program be subject to the same restrictions and operate in accordance with the authorities set forth in part A, other than those concerning Governor's approval (section 103(d) and establishment of volunteer councils (section 104(d)) and except where provided otherwise under part B.

Section 113 stipulates that, in selecting participants for the University Year for ACTION program, priority should be given to low-income persons, low-income VISTA Community Volunteers, and Vietnam era military veterans. No priority is intended to be implied in the order of the listings. It further stipulates that in conducting or contracting for University Year for ACTION programs, priority should be given to those institutions which agree to waive tuition for participants where that is legally permissible under applicable State law, and that, in conducting or contractng for University Year for ACTION programs, priority should be given to those institutions which plan and make arrangements for the program without the financial assistance of an ACTION planning grant. This does not remove authority to make such planning grants, which is an authority implicit in section 114(c) (1) where it is specified that the amounts of any such planning grants must be counted as part of the total 80 percent maximum Federal share for UYA programs.

Section 114(a) provides for a one-year term of enrollment for University Year for ACTION participants and provides that participants may receive academic credit for such service in accordance with the regulations of the sponsoring institution. It is not intended to limit re-enrollments in UYA programs.

Section 114(b) stipulates that students who participate as University Year for ACTION Volunteers must be substantially involved in the planning of the project to which they will be assigned. It further stipulates that institutions participating in the program must agree to make available to the poor in the surrounding community those of its facilities which are available. Such facilities include human resources such as tutorial services. This student and institutional participation commitment must be a part of any grant or contract made to operate a University Year for ACTION program.

Section 114(c) requires the Director, in making grants or contracts for the establishment and operation of a University Year for ACTION program to allocate to any one participating institution no more than 80 percent of the total direct cost of the program including any amount of any planning grant for such programs. It provides that the participating institution shall carry out a program meeting the purposes of the part, as specified in section 111, although not necessarily all of the detailed aspects of the program, with no financial support from ACTION after it has received such support for a total period of three years (including any prior support under title VIII of the Economic Opportunity Act) or in exceptional circumstances, where determined by the Director, for a total of up to five years. The section provides that these provisions must be a part of any contracts let or grants made to operate the program. It further requires the Director to take necessary steps to monitor the extent of compliance by participating institutions with the special conditions and commitments set forth in the subsection and to advise the Secretary of the Department of Health, Education, and Welfare of the extent of such compliance.

Section 115(a) authorizes the Director to use up to 10 percent of the funds appropriated to carry out the purpose of part B to foster secondary, secondary vocational, and post-secondary schools, participation in service-learning programs. The nature of assignments of such volunteers shall be those of a character for VISTA volunteers (section 103(a) under the same terms and conditions of service (regarding political activities) as specified in section 103(c) for VISTA volunteers.

Section 115(b) provides that persons participating in service-learning programs under this section shall not be deemed to be Federal employees for any purpose.

Section 115(c) requires the Director to prescribe rules and regulations concerning the support necessary to carry out service-learning programs under this section, but it prohibits provision of stipends or living allowances for participants in these programs.

Part C—Special volunteer programs

Section 121 contains a statement of purpose of part C of title I of the Act. The part provides for special emphasis and demonstration volunteer programs. The purpose of these programs is to strengthen and supplement efforts to meet a broad range of human, social, and environmental needs, particularly those related to poverty. Only this part and the title III programs of the Act are not solely anti-poverty in nature.

Section 122(a) authorizes the Director to conduct or contract for special or demonstration volunteer programs of a full-time, part-time, or short-term nature to further the purposes of the part.

Section 122(b) requires the Director to determine the terms and conditions of assignment of volunteers serving in programs conducted to further the purposes of the part, but it does not authorize him to provide stipends, living allowances, or similar support services to volunteers serving under the authority of this part. If the Director feels such support services to be necessary in certain programs established under this authority, they should be provided by the sponsoring agency. Volunteers serving in special emphasis programs under part A or part B authority would, however, be eligible for such support under those authorities.

Special Emphasis Program to Provide Alternatives to the Incarceration of Youthful Offenders

Section 123(a) contains a declaration of findings concerning the failure of rehabilitating juvenile delinquents through incarceration and a statement of purpose for the section. The section provides for a special emphasis program to strengthen and supplement efforts to prevent delinquency through community-based alternatives to such incarceration.

Section 123(b) directs the Director, in consultation with the Attorney General and the Secretary of HEW, to conduct the special emphasis program by assigning VISTA, UYA, or other ACTION volunteers to departments of corrections in a State, county, city, or public school district in furtherance of the purpose of the section. It directs him to place a special emphasis on the recruitment of rehabilitated criminal offenders as participating volunteers. It further directs him to see that, wherever possible, volunteers work in cooperation with Federal agency or other personnel engaged in similar programs, for instance Law Enforcement Assistance Administration personnel, personnel involved in the implementation of the Juvenile Delinquency Prevention Act, or personnel involved in the implementation of any related legislation which may be enacted. At least 10 percent of the funds made available for part C programs must be used to carry out this program.

Special Emphasis Program to Promote Educational Opportunities for Veterans

Section 124(a) contains a declaration of findings concerning the need for outreach and assistance to Vietnam-era veterans, especially educationally disadvantaged such veterans, who are unaware of the educationally-related economic and social opportunities available to them. The section provides for a special emphasis program to assign VISTA, UYA, or other ACTION volunteers to strengthen and supplement efforts to provide such outreach and assistance to veterans in enrolling them in academic and vocational institutions, on-job training programs, farm cooperative programs, and other programs under the GI Bill, or assisting them in securing gainful employment.

Section 124(b) directs the Director in consultation with the VA Administrator, the Commissioner of Education and the Secretary of Labor, to conduct a program in furtherance of the purpose of this section, with a special emphasis on the recruitment as volunteers of persons who are Vietnam-era veterans. It further directs him to see that, wherever possible, volunteers work in cooperation with existing VA (including the new veteran student services program in title 38, section 1688), colleges and universities, veterans' organization, or other personnel engaged in similar veteran outreach and counseling programs.

Section 125(a) contains a declaration of findings concerning successful methods of helping persons, especially younger persons, suffering from all forms of drug abuse and addiction, including alcoholism. The section provides for a special emphasis program to supplement and strengthen drug treatment and rehabilitation efforts in communities by utilizing these methods whereby sympathetic peer group members provide outreach, counseling, follow-up and related services for persons, especially younger persons and Vietnam-era military veterans, who are suffering from drug addiction or drug abuse, including alcoholism.

Section 125(b) directs the Director, in consultation with the Director of the Special Action Office on Drug Abuse Prevention, the Director of the National Institute of Mental Health, and the VA Administrator, to conduct the special emphasis program by assigning VISTA, UYA, or other ACTION volunteers to programs in furtherance of the purpose of this section. It directs him to place a special emphasis on the recruitment of persons, particularly Vietnam-era veterans, who are themselves considered by competent medical authority as recovered addicts or abusers. It further directs him to see that, wherever possible, volunteers work, in cooperation with existing Federal agency and other personnel engaged in programs similar to those authorized by this section. At least ten percent of the funds made available for part C programs must be used to carry out the program.

TITLE II—NATIONAL OLDER AMERICAN VOLUNTEER PROGRAMS

Part A—Retired Senior Volunteer Program

This part is substantially the same as part A of Title VI—National Older Americans Volunteer Program, of the Older Americans Act of 1965 providing for the Retired Senior Volunteer Program (RSVP). Differences are that under this Act, the age of eligibility has been reduced to age fifty-five from age sixty, and that the section concerning the displacement of workers has been omitted, since a more comprehensive section dealing with this problem has been included in the Administration title (title IV) of this Act. The authorization of appropriations is contained in title V of this Act.

Part B—Foster grandparent program and older American community service prorgams

Section 211 (a) contains provisions for the Foster Grandparent program similar to those contained in part B of title VI of the Older Americans Act of 1965, as amended, providing for the program. Differences include the following: The age of eligibility has been reduced from age sixty to age fifty-five; the section concerning the displacement of workers has been omitted, since a more comprehensive section dealing with this problem has been included in this Administration title (title IV) of this Act; the Director is authorized to pay all or part of the costs of the program as he is under the RSVP authority (previously he was authorized to pay not to exceed 90 per centum of the cost), and he is given authority (previously implicit in section 611 of the Older Americans Act of 1965, as amended) to make payments to volunteers under this part—in practice generally at around the Federal minimum wage level).

Subsection (b) has been added to authorize the Director to fund programs similar to the Foster Grandparent programs wherein older persons would work as volunteers with persons, other than children, having exceptional needs, including services as senior health aides to work with persons receiving home health care, nursing care, or nutritional services, including meals on wheels, and as senior companions to persons having developmental disabilities.

Section 212 outlines the conditions of grants and contracts and is similar to section 612 of the Older Americans Act.

It should be noted parts A and B of this title and the authorization of appropriations in section 502 are similar to the provisions in title VI of the Older Americans Comprehensive Services Amendments of 1972 (S. 50, as reported—Report No. 93–19) as passed by the Senate on February 20, 1973.

Part C—General Provisions

Section 221 requires the Director to coordinate programs under this title with relevant programs in other Federal agencies in disseminating information about the availability of assistance under this title, and in promoting the identification and interest of older persons whose services may be utilized under this title. The section is similar to section 613 of the Older Americans Act.

Section 222 provides for advance payment, reimbursement, or installment payment for programs under this title.

TITLE III—NATIONAL VOLUNTEER PROGRAMS TO ASSIST SMALL BUSINESSES AND PROMOTE VOLUNTARY SERVICE BY SMALL BUSINESSMEN

Section 301 directs the Director to consult with the Administrator of the Small Business Administration in order that they may cooperate in the operation of the Service Corps of Retired Executives (SCORE) and Active Corps of Executives (ACE) program which provides managerial and other assistance to small businesses. It contains a breakdown of what shall be the responsibilities of the Director with respect to this cooperative arrangement. The Director shall be responsible for (1) conducting a national publicity and recruitment effort to publicize the accomplishments of these programs and to encourage others to serve in them; (2) providing general budgetary planning for the SCORE/ACE program and appropriate logistical support (including office space and supplies when the SBA has none available to the SCORE/ACE volunteers serving Small Business Administration clients; and (3) expanding the application of the expertise of SCORE and ACE volunteers to other projects and agencies, besides the Small Business Administration, to carry out programs authorized by this act or the Economic Opportunity Act (particularly the Community Economic Development provisions in title VII thereof) and he shall be responsible for the budgeting and planning for the execution of these new programs.

Section 302(a) requires the Director to work in consultation with the Administrator of the Small Business Administration in prescribing terms and conditions of service of SCORE volunteers working on other than SBA projects.

Section 302(b) declares that such volunteers, while working on SBA projects or new programs under this title, shall be considered Federal employees for purposes of Federal tort claims and compensation for work injuries. Insofar as coverage while in SBA projects is concerned, this authority confirms a ruling of the General Counsel of the Small Business Administration providing for torts claim and FECA coverage.

Section 302(c) authorizes the Director to reimburse SCORE/ACE volunteers for transportation, meals, telephone calls, and other out-of-pocket expenses incident to their service (including attendance at official meetings).

Section 302(d) in connection with reimbursement described in section 302(c) provides that the Administrator of the Small Business Administration to delegate payment responsibility to the Director of ACTION and to reimburse ACTION for expenses paid to SCORE/ACE volunteers in connection with section 8(b)(1) of the Small Business Act which authorizes the payment of certain expenses of volunteers who must travel more than 50 miles to serve SBA clients.

Section 302(e) prohibits SCORE/ACE volunteers serving in connection with the responsibilities of the Director of the ACTION Agency under this Act from participating in any screening or evaluation activities on behalf of the Small Business Administration in connection with applications for loans from the Administration, and prohibits them from providing services to a client of the Small Business Administration with a delinquent loan outstanding except when specifically requested by such a client after the loan has become delinquent.

TITLE IV—ADMINISTRATION AND COORDINATION

Section 401 provides for a Director, a Deputy Director, four Associate Directors, and one Deputy Associate Director. The latter is to be appointed by the Director and is to be primarily responsible for the VISTA and University Year for ACTION programs. The other Directors are to be appointed by the President, by and with the advice and consent of the Senate; their compensation levels are provided in the section as well. It is derived from section 1 of Reorganization Plan No. 1, 1971. The position of Deputy Associate Director is added to protect the integrity and identity of the VISTA program.

Section 402 provides the Director with general authorities which are in addition to those given him by other provisions of the Act. They include the authority to: (1) appoint Civil Service personnel and fix their compensation; (2) employ consultants and experts who may serve for no more than 100 days in any fiscal year and who may be eligible for compensation at rates not to exceed that payable to a GS–18 level employee and for travel expenses while away from their homes or regular places of business; (3) with the approval of the President; to arrange with and reimburse the heads of other Federal agencies for the performance of any of his provisons under the Act, and, as necessary or appropriate, to delegate or authorize the redelegation of any of his powers under the Act; (4) to utilize, with their consent, the services and facilities of Federal agencies, States, or political subdivisions of States, without reimbursement; (5) accept in the name of the Agency and utilize gifts to the Agency; (6) accept voluntary and uncompensated services; (7) allocate, expend, or transfer to other Federal agencies for expenditure funds made available under the Act as he deems necessary to carry out its provisions; (8) disseminate information; (9) adopt an official seal to be judicially noticed; (10) collect or compromise all obligations to or held by him and all legal or equitable rights accruing to him in connection with the payment of obligations until such time as they may be referred to the Attorney General for suit or collection; (11) expend funds for printing and binding and for rent of buildings and space in buildings for repair, alteration, and improvement of buildings and space in buildings rented by him when such space is unavailable in the quantity, quality, time frame, form, or conditions necessary, subject to prior notification to the Administrator of the General Services Administration; (12) make grants to or contracts with Federal or other public agencies and private nonprofit organizations for the assignment or referral of volunteers, under this Act, except those serving under part A of title I—VISTA, which may provide that the agency or organization pay all or a part of the costs of the program; (13) provide or arrange for educational and vocational counselling of participants in programs under this Act to encourage them to use in the national interest skills and experiences which they have derived from their training and services, particularly in combatting poverty as members of the helping professions, and promote the development of opportunities for the use of these skills and experiences, and for the placement of volunteers in the programs he develops; (14) establish policies, standards, criteria, procedures, rules and regulations, and to enter into contracts and agreements with public agencies and private organizations and persons, to make payments and generally perform functions and take steps, consistent with the purposes of the Act, as he deems necessary or appropriate to carry out the provisions of the Act; and (15) generally perform such functions and take such steps as necessary or appropriate to carry out the Act, consistent with the provisions of the Act. The provisions of this section derive from section 602 of the Economic Opportunity Act.

Section 403 prohibits funds appropriated to carry out programs under the Act or to carry out the Act from being used to finance political activity or election, and authorizes the Director to issue rules and regulations for the enforcement of these political prohibitions and similar prohibitions in any programs assisted under the Act. The provisions of this section derive from section 603 of the Economic Opportunity Act.

Section 404(a) directs the Director to prescribe rules and regulations and to carry out the provisions of the Act so as to assure that the service of volunteers assigned or referred under the Act is limited to activities which would not otherwise be performed by employed workers and which will not support the hiring of or result in the displacement of employed workers, or impair existing contracts for service. The provisions of this section derive from and is intended to strengthen the provisions of section 834(a) of the Economic Opportunity Act.

Section 404(b) stipulates that all support shall be furnished at the lowest cost possible consistent with the effective operation of programs under the Act. It is the same as section 834(b) of the Economic Opportunity Act.

Section 404(c) prohibits agencies or organizations to which volunteers are assigned, or which operates or supervises any volunteer program authorized by this Act, from requesting or receiving any compensation for services of those volunteers. It is the same as section 843(c) of the Economic Opportunity Act.

Section 404(d) prohibits the use of funds authorized to be appropriated under this Act from being used to finance labor or antilabor organizations. It is derived from section 834(d) of the Economic Opportunity Act.

Section 404(e) authorizes the Director to prescribe requirements for volunteer service in programs authorized by this Act and requires volunteers and prospective volunteers to provide information concerning their qualifications. The section enables the Director to establish special procedures for low-income persons wishing to enroll in these programs. It is the same as section 834(e) of the Economic Opportunity Act.

Section 404(f) prohibits the Director from assigning or delegating any substantial responsibility for carrying out the provisions of this Act (except for the support provisions as described in section 504(a), second proviso) to persons not appointed or assigned in accordance with Civil Service regulations or as experts or consultants in accordance with the Administrative Expenses Act. This subsection stipulates that, on the effective date of this Act, all persons assigned to carry out such substantial domestic program responsibilities coming under the provisions of this Act who have not been employed or assigned in accordance with Civil Service law or with the Administrative Expenses Act shall be assigned a Civil Service rating affording a compensation rate no less than what such persons received prior to the effective date of this Act. In order to achieve the appointment of such persons to the Civil Service, the subsection provides that the number of supergrade positions authorized and assigned to the ACTION agency shall be increased by a number equal to the number of persons whose level of compensation on the day prior to the effective date of this Act requires their assignment to these positions.

An exception may be made by the Director to the conversion requirement when he personally determines that an individual will be assigned to carry out functions under the Peace Corps Act within six months after enactment of the Act, so that such an employee could be retained during such period in an FSS or FSR appointment while carrying out substantial, non-support domestic operations program responsibilities.

Section 404(g) provides that, notwithstanding any other provision of law, payments to volunteers enrolled in programs under this Act shall not in any way reduce or eliminate the level of eligibility for assistance or services these volunteers may be receiving under any other governmental program. This section applies, for instance, to former welfare recipients who may lose Medicaid benefits for their dependents as a result of their VISTA service.

Section 405(a) establishes in the ACTION Agency a National Voluntary Service Advisory Council to be composed of not more than 25 members appointed by and serving at the pleasure of the President. The members shall be representative of public and private organizations, groups, and individuals interested in serving in programs and being benefited by programs carried out under this Act and the Peace Corps Act. They shall include in approximately even numbers representatives of beneficiaries of programs established under this Act, nations hosting Peace Corps volunteers, present and former volunteers, and national coalitions representing such groups. The section provides that the President shall designate a temporary chairperson from the members and shall call the initial meeting of the council within 30 days after establishment of the Council. Members of the Council shall designate a pemanent chairperson from among themselves, and shall meet at the call of the chairperson, but not less than four times in each year. Members of the Council, except those regularly employed by the Federal Government, shall be entitled to receive compensation and travel expenses while attending council meetings. The Director and Deputy Director of the ACTION agency shall be ex-officio members of the Council.

Section 405(b). Provides tht the Council shall advise the Director with respect to administrative and policy matters, and at his request, review the effectiveness of the programs operating under this and the Peace Corps Act and make recommendations to him (including changes in law) concerning the improvement of these programs and the elimination of duplication of effort, and the coordination of these and other Federal Government programs designed to assist the beneficiaries of these Acts. The Council shall make an annual report of its findings.

Section 406 provides that not less than the prevailing wage as determined in accordance with the Davis-Bacon Act shall be paid to laborers and mechanics employed in connection with programs assisted by this Act. It is the same as section 607 of the Economic Opportunity Act.

Section 407 directs the Director to prepare and submit to the President for transmittal to the Congress an annual report on the activities of the ACTION Agency. It is similar to section 608 of the Economic Opportunity Act.

Section 409 provides for the designation of the principal agency to administer funds provided for programs assisted under this Act when such programs involved more than one Federal agency, and provides for the waiver of grant or contract requirements pursuant to any law other than this Act by the ACTION Agency when it is the principal agency involved if those requirements are inconsistent with those of this Act. It is derived from section 612 of the Economic Opportunity Act.

Section 409 prohibits the Federal Government and its employees from exercising any directions, supervision, or control over the curriculum, program of instruction, administration, or personnel of any educational institution or school system. It is the same as section 614 of the Economic Opportunity Act.

Section 410 directs the Director to coordinate the volunteer programs under this Act with one another, with community action programs, and with other related Federal, State, and local programs, and to take necessary steps to encourage the greater use of volunteer services in those programs.

Section 411 prohibits the use of any funds appropriated to carry out this Act from being used to establish any new department or office when the intended function is being performed by an existing department or office. It is derived from section 636 of the Economic Opportunity Act.

Section 412 requires the Director to prescribe procedures to insure that 1) financial assistance under this Act shall not be suspended for failure to comply with applicable terms and conditions and that applications for refunding shall not be denied unless the recipient has been given reasonable notice and opportunity to show cause publicly why such action should not be taken, and that 2) financial assistance shall not be terminated unless the recipient has been afforded reasonable notice and opportunity for a full and fair hearing. It is derived from section 604 of the Economic Opportunity Act.

Section 413 requires that programs under this Act shall be carried out for four years beginning June 30, 1973 (one year beyond the three years for which funds are authorized to be appropriated) and restricts appropriations to those authorized by law. This section is similar to section 615 of the Economic Opportunity Act.

Section 414 directs the Director to adopt appropriate administrative measures to assure that benefits of this Act will be distributed equitably between residents of rural and urban areas. It is the same as section 617 of the Economic Opportunity Act.

Section 415 provides that for the purpose of affording adequate notice of funding available under this Act, appropriations for grants, contracts, or other payments may be included in the approprition Act for the fiscal year preceding the fiscal year for which they are available for obligation. It is derived from section 622 of the Economic Opportunity Act.

Section 416(a) provides that volunteers shall be deemed to be Federal employees only for the purposes of computing time towards Civil Service retirement as provided in section 8332 of title 5, United States Code, and for purposes set forth in subsections (b), (c), (d), and (e) of this section. It is similar to section 833(a) of the Economic Opportunity Act.

Section 416(b) provides that VISTA and UYA volunteers, and part C volunteers serving in full-time programs of at least one-year's duration shall be deemed to be Federal employees for purposes of political activity prohibitions set forth in subchapter III of chapter 73 of title 5, United States Code, for purposes of the Internal Revenue Code of 1954 and title II of the Social Security Act, for purposes of the Federal Employees Compensation Act relating to compensation for injuries, and for purposes of the Federal Tort Claims Act provisions of title 28, United States Code. In computing compensation for injuries, volunteers specified above shall be deemed to be paid at the entrance salary for GS-7 Federal Civil Service employees. It is derived from section 833(b) of the Economic Opportunity Act.

Section 416(c) provides that VISTA and UYA volunteers, and part C volunteers serving in full-time programs of at least one-year's duration shall be credited in connection with subsequent employment in the Federal Government in the same manner as a like period of civilian employment for the purposes of United States Government retirement systems, for determining seniority, reduction in force, layoff rights, and leave entitlement, and any other rights and privileges afforded United States Government employees based on length of service. It is similar to section 833(c) of the Economic Opportunity Act.

Section 416(d) provides that VISTA volunteers and former VISTA volunteers who have successfully completed their term of service shall be eligible for appointment to the career Civil Service in the same manner as Peace Corps volunteers.

Section 416(e) provides that VISTA and YA volunteers, and part C volunteers serving in full-time programs of at least one-years' duration shall be treated for purpose of any other law as if their service had been performed under the part A VISTA authority in title VIII of the Economic Opportunity Act of 1964, as amended. This specifically is intended to deal with references in the Civil Service law pertaining to VISTA volunteer service contained in title 5, United States Code, § 8332 (b) (7) through 8332(j), as well as references in the Higher Education Act of 1965, as amended, regarding non-accrual of interest and deferred repayment in connection with certain federal or federally-guaranteed education loans (20 U.S.C. § 425(b) (1) (A) (iii) and 1087dd(c) (2) (A) (iv)).

Section 417 is derived from section 207 of S. 50, the proposed "Older Americans Comprehensive Service Amendments of 1972" and requires the Director to evaluate the effectiveness and impact of programs authorized by this Act, to publish general standards for evaluation, to take into consideration the opinions of programs participants in such evaluations, to publish summaries of the results of such evaluations, to assure that related data and the evaluations themselves become property of the United States, and to use such sums as are required to conduct such evaluations so long as those sums do not exceed 1 per centum of the fund appropriated under this Act.

Section 418 prohibits the Director from providing financial assistance for any program under this Act unless the financial arrangement specifically prohibits discrimination because of race, creed, national origin, sex, physical or mental disability, political affiliation, or belief. It furthers prohibits the grounds of sex to be used to exclude anyone from participation in, benefiting from, being denied employment, or being subjected to discrimination under any program or activity receiving assistance under this Act. The Director is directed to enforce these provisions in accordance with section 602 of the Civil Rights Act of 1964. Section 603 of the Civil Rights Act is made applicable to any enforcement action taken by the Director. This section is the same as section 624 of the Economic Opportunity Act.

Section 419(a) provides that the stipend paid to volunteers under this Act shall not be taxed until actually received by the volunteers, but that the tax rate will be determined by treating the stipend as if it had been received month-by-month during the volunteer's term of service. This section affords domestic volunteers the same tax treatment established for Peace Corps volunteers with respect to the payment and accrual of their readjustment allowances under the last sentence in section 5(c) of the Peace Corps Act.

Section 419(b) exempts from income tax the allowances received by VISTA and University Year for ACTION volunteers and volunteers serving in full-time programs of at least one-year's duration under part C of title I of this Act, except for stipends (to VISTA or UYA Volunteers or Volunteer Leaders), leave allowances, and that part of the living allowance which the Director determines is basic compensation. This provision affords domestic volunteers the same tax treatment provided Peace Corps volunteers with respect to their receipt of readjustment allowance under section 912(3) of the Internal Revenue Code of 1954.

In other words, food and lodging allowances and adjustment allowances would not be subject to tax.

Section 419(c) exempts payments for supportive services or reimbursement for out-of-pocket expenses made to retired persons serving in the RSVP, Foster Grandparent and other part B title II programs, and SCORE volunteers from any tax or charge for the purposes of unemployment, temporary disability, retirement or similar benefit payments, or minimum wage laws. Since these volunteers are not considered members of the labor force, in accordance with the special limitations contained in section 404(a), this section provides that these payments shall not be considered as if their recipients were a part of the labor forces—that deductions shall not be made for purposes of reducing Social Security benefit payments, for unemployment insurance, or similar purposes.

Section 420 authorizes the Director to assume the legal expenses incidental to the defense of full-time volunteers serving in programs under this Act. This section makes available with respect to domestic full-time volunteers the same authority provided with respect to Peace Corps volunteers under section 5(*l*) of the Peace Corps Act.

Section 421 requires the Director to see that all rules, regulations, guidelines, instructions, and application forms published or promulgated pursuant to this Act shall be published in the Federal Register and submitted to the appropriate Committees of the Congress at least thirty days prior to their effective date.

Section 422 defines certain terms used in this Act.

TITLE V—AUTHORIZATION OF APPROPRIATIONS

Section 501 authorizes appropriations for title I of this Act for the next three fiscal years ($50 million, $60 million and $75 million, respectively). The authorizations are stacked in such a way so as to ensure that the VISTA program receives top priority for funding if the appropriations made available for this title are substantially less than those authorized, and that the University Year for ACTION program receives second priority. The earmarking for FY 1974 is identical to the amounts in the President's budget request; the earmarked amounts for FY 1975 and 1976 provide for small increases largely to meet anticipated inflation in program costs. The following chart provides a breakdown of the funding authorized, by part, for title I, the funding earmarked, by part, for title I, and the additional funding available, by part, for title I if full funding is provided:

THE DOMESTIC VOLUNTEER SERVICE ACT OF 1973, AUTHORIZATION OF APPROPRIATIONS FOR TITLE I

[In millions of dollars]

		By part			Earmarked			Add on		
	Total	A	B	C	A	B	C	A	B	C
Fiscal year:										
1974	50	30	12	8	22.3	7.3	8	7.7	4.7	0
1975	60	35	15	10	25.0	8.5	10	10.0	6.5	0
1976	75	45	20	10	27.5	10.0	10	17.5	10.0	0

Section 502 authorizes appropriations for title II (Older American Volunteer Programs) of this Act for the next three fiscal years.

Subsection (a) provides authorizations for the RSVP program ($30 million, $40 million, and $50 million, respectively).

Subsection (b) provides authorizations for the Foster Grandparent program ($45 million, $55 million, and $65 million, respectively) and the new programs authorized by subsection (b) of section 211 ($7 million, $8 million, and $9 million, respectively). These authorizations are stacked in such a way so as to insure that the Foster Grandparent program receives top priority funding (at the fiscal year 1973 funding level of $25 million) in the event the appropriations made available for this section are less than those authorized. The following chart provides a breakdown of the funding authorized and earmarked for title II; part B:

THE DOMESTIC VOLUNTEER SERVICE ACT OF 1973, AUTHORIZATION OF APPROPRIATIONS FOR TITLE II, PART B

[In millions of dollars]

		By subsection		Earmarked		Add on	
	Total	A	B	A	B	A	B
Fiscal year:							
1974	52	45	7	25	0	20	0
1975	63	55	8	25	0	30	0
1976	74	65	9	25	0	40	0

Section 503 authorizes appropriations for carrying out title III of this Act for the National Volunteer Programs to Assist Small Businesses and Promote Voluntary Service by Small Business Proprietors for the next three fiscal years ($1 million, $1.5 million, and $2 million, respectively).

Section 504(a) authorizes appropriations for title IV of this Act for Administration and Coordination for the three years of the Act's duration ($15 million, $16 million, and $17 million, respectively). It provides that no amount appropriated for administration purposes under this section shall be expended in excess of an amount which equals the proportion of the amount appropriated and made available for administration purposes and (1) the amount appropriated and made available pursuant to this Act; (2) the amount appropriated and made available pursuant to the Peace Corps Act; and (3) the amount appropriated and made available pursuant to any other law for any other programs for which implementing responsibility is delegated or transferred to the Director. It provides further that amounts expended for administration purposes shall be used for salaries and expenses of only those persons carrying out functions under this Act, or those persons whom the Director determines, in accordance with regulations which he shall prescribe, are engaged in carrying out functions under this Act for a substantial portion of their time and that such functions constitute a substantial portion of their responsibilities. These are the so-called "support" personnel when legitimately carrying out mixed domestic and international operations functions.

Section 504(b) prohibits the expenditure in excess of ten percent of the total amount appropriated and made available for this Act for administrative expenditures, including the compensation of Federal employees. It is derived from section 619 of the Economic Opportunity Act.

Section 505 provides that funds appropriated for any fiscal year to carry out programs under this Act shall remain available for obligation and expenditure until expended, and that there shall be no limitation on the use of funds appropriated to carry out programs under this Act other than those imposed by or pursuant to this Act, nor shall any funds appropriated to carry out a program under this Act be distributed in any manner or by any method different from that specified in this Act.

TITLE VI—AMENDMENTS TO OTHER LAWS AND REPEALERS

Section 601(a) supersedes the program and administrative provisions of Reorganization Plan No. 7 relating to domestic volunteer programs. It does not affect the provisions relating to the Peace Corps.

Section 601(b) provides that the personnel, property, records and unexpended balances of appropriations, allocations and other funds employed, used, held, available, or to be made available in connection with the functions transferred to the Director of the ACTION Agency by section 2(a) and 3 of such Reorganization Plan are by operation of law transferred to the ACTION agency established by section 401. All grants, contracts, and other agreements awarded or entered into under the authority of such Reorganization Plan will be recognized under comparable provisions of this Act so that there is no disruption of on-going activities for which there is continuing authority.

Section 601(c) provides that all official actions taken by the Director of the ACTION Agency, his designee, or any other person under the authority of such Reorganization Plan which are in force on the effective date of this Act and for which there is continuing authority under the provisions of this Act shall continue in full force and effect until modified, superseded or revoked by the Director.

Section 601(d) directs that all references to ACTION, or the Director of ACTION in any statute, reorganization plan, executive order, regulation or other official document or proceeding shall, on and after the effective date of this Act, be deemed to refer to the ACTION Agency established by section 401 and the Director thereof.

Section 601(e) provides that no suit, action, or other proceeding, and no cause of action, by or against the agency known as ACTION created by such Reorganization Plan, or any action by any officer thereof acting in his official capacity, shall abate by reason of enactment of this Act.

Section 601(f) directs that persons appointed by the President by and with the advice and consent of the Senate to positions requiring such advice and consent under such Reorganization Plan may continue to serve in the same capacity in the Action Agency without the necessity of an additional appointment by the President or further such advice and consent by the Senate.

Section 602 provides that VISTA, University Year for ACTION volunteers, and volunteers serving in full-time programs of at least one-year's duration under part C of title I of this Act who subsequently become members of the Federal Civil Service shall have their volunteer service time counted as creditable toward Civil Service retirement, in accordance with the provisions of section 416(a) of this Act.

Section 603 provides that veterans who serve in VISTA or the Peace Corps shall have an extension on the time period in which they are eligible for veterans educational assistance under the GI Bill equal to the time which they spent in VISTA or Peace Corps training and service.

Section 604 amends the Internal Revenue Code to provide for the tax treatment prescribed in section 419(a) and (b) relating to title I volunteers.

Section 605 amends the Internal Revenue Code to provide for the tax treatment prescribed in section 419(c) relating to title II and III volunteers.

Section 606 provides for the repeal of title VIII of the Economic Opportunity Act of 1964, as amended. Title VIII contains the VISTA authority which this Act replaces.

Section 607 provides for the repeal of title VI of the Older Americans Act of 1965, as amended. Title VI contains the RSVP and Foster Grandparent authority which this Act replaces.

By Mr. MAGNUSON for himself, Mr. Bennett, Mr. Burdick, Mr. Clark, Mr. Dole, Mr. Domenici, Mr. Dominick, Mr. Eastland, Mr. Gravel, Mr. Hart, Mr. Hartke, Mr. Hatfield, Mr. Hansen, Mr. Hathaway, Mr. Hughes, Mr. Humphrey, Mr. Jackson, Mr. Javits, Mr. Mansfield, Mr. Muskie, Mr. McGee, Mr. McGovern, Mr. McIntyre, Mr. Mondale, Mr. Moss, Mr. Nelson, Mr. Packwood, Mr. Pearson, Mr. Pell, Mr. Percy, Mr. Randolph, Mr. Ribicoff, and Mr. Young):

S. 1149. A bill to increase the supply of railroad rolling stock and to improve its utilization to meet the needs of commerce, users, shippers, national defense, and the consuming public. Referred to the Committee on Commerce.

Mr. MAGNUSON. Mr. President, I send to the desk a bill for appropriate reference. It is a bill to increase the supply of railroad rolling stock, to improve its utilization, and to meet the needs of commerce, users, national defense, and the consuming public.

In other words, it is the old freight car shortage bill which has plagued us for a long time in many parts of the country, as in Minnesota and the farmers there, and in other places.

As a matter of fact, 82 years ago the ICC was created. Docket No. 1 of the ICC was a petition from a group of North Dakota farmers to get more freight cars to ship their wheat grain to Duluth and not have the wheat lie on the ground. That has been going on that long a time. The ICC never seems to be able to solve this problem. We have had many bills to try to do so. This is a comprehensive bill sponsored by 35 Senators from all sections of the country which are involved in this matter.

There is one part of the bill which we will have to examine in committee quite closely, which provides that unless something is done satisfactorily to relieve the boxcar shortage within the next 3 years, the Secretary of Transportation could establish a so-called quasi-governmental body which would buy the rolling stock. This is a great departure. No one suggests—especially the sponsors—that this is something we would like to do. We are hopeful that we can solve the matter by this bill, which would allow guaranteed loans for the building of rolling stock.

The committee is going to hold hearings on 2 days next week, and the matter of what we do, other than the initial step to see if this works, is going to be examined closely by the committee. Perhaps we want to accept this alternative; perhaps not. In any event, it is in the bill and it is before us, so that we can take a look at it.

Mr. HUMPHREY. Mr. President, will the Senator yield?

Mr. MAGNUSON. I yield.

Mr. HUMPHREY. I thank the Senator from Washington, once again, for his leadership in this matter.

I am privileged to serve on the Committee on Agriculture and Forestry. I serve with the distinguished Senator from Kentucky (Mr. Huddleston) on the subcommittee that has been looking into the boxcar shortage.

It is a critical problem. The entire transportation problem for agricultural America is in a mess, with all these abandonments of railroads, with many of our rural communities no longer having any form of transportation that is satisfactory. Right now, because of the massive export trade in which we are engaged in the field of agricultural products, the boxcar shortage has literally crippled rural America.

To be sure, the Commodity Credit Corporation is doing all right, because it gets one-half of all the boxcars available for the movement of its supplies.

Mr. MAGNUSON. And the movement at the wrong time.

Mr. HUMPHREY. They have been moving them at the wrong time. The Senator is correct.

But I point out that it is rather difficult for a farmer in Minnesota or Washington or Iowa or North Dakota or West Virginia, or wherever, to pick up the morning newspaper and read—for example, as today, in Minnesota—that corn is approximately $1.70 a bushel in Chicago, but it is $1.12 a bushel on the farm. They cannot understand it.

What is more, there are no boxcars. We have country elevators that are going broke because they cannot move the goods on which they have loans and which they have purchased. We have farmers who keep reading that soybeans are $6.50 a bushel, and they cannot get a boxcar to sell them. The only soybeans my farmers have sold were about $3.50 a bushel.

Every so often, I am going to comment on this matter, because the Nation's Capital is grossly ill-informed of the problems of our farm people.

I thank the Senator, and I hope I am a cosponsor of the measure.

Mr. MAGNUSON. The Senator is a cosponsor.

Mr. HUMPHREY. When I came here in 1949, we were talking about boxcars.

Mr. MAGNUSON. When I first came to the Senate, I was assigned to the then Committee on Commerce, and the first meeting I attended dealt with the boxcar shortage. That was 28 years ago in the Senate, let alone 82 years ago in the ICC.

I am hopeful that this bill will do a great deal to relieve the boxcar shortage. As a matter of fact, this fall was the worst of all the years.

Those eight North Dakota farmers had the right idea 82 years ago, but I do not think they ever got the boxcars. I have looked at the old petition. It is a marvelous document. It was written by hand by those farmers. They did not know about a stenographer or lawyers. That was docket No. 1.

I hope we can clean up this matter. We are going to examine every possible alternative, and we are going to be practical and hope we can finally work this matter out.

I thank the Senator from Minnesota and others for their support in this matter.

Mr. HARTKE. Mr. President, since I last addressed this body on the subject of surface transportation, and more particularly, the railroad situation, an alarming development has occurred which requires the attention and action of all the Members of the Senate. The most recent reports from the Interstate Commerce Commission indicate that as of January 6, the Nation was experiencing a daily shortage of 8,000 box cars and a daily shortage of 10,000 covered hopper cars. Many of you are undoubtedly fully aware of the situation because of the phone calls, wires, letters and personal visits that you have had, particularly with your constituency in the grain and feed business.

This shortage has been occasioned by a number of factors. The tremendous size of the Russian grain contracts has put a strain upon the Nation's transportation system far beyond ordinary comprehension. For example, there are indications the Russians purchased 440 million plus bushels of wheat, 285 million bushels of corn, and 40 million bushels of soybeans. In the signing of the contract, until the end of January only approximately 25 percent of this order had cleared our ports, meaning that the transportation system must move the balance of these orders by mid-1973.

In addition to the unprecedented demands by the Russians, our regular customers, such as Japan, have ordered heavily this past year and now even the foreign nations of the world, such as India using their free foreign exchange, are buying substantial quantities of American grain. Drought in Australia and South America have prevented those countries from participating in the export business as they ordinarily would, and the world now looks to the United States as the only nation with adequate stocks to meet this recordsetting demand.

To make matters even worse, the U.S. Department of Agriculture took administrative action which requires the farmers to repay loans on their 1969, 1970, and 1971 crops of corn by midsummer. This means that the farmers will have to move millions of bushels of old corn crop into the already clogged market channels, causing even more acute problems than we have now, if that is possible. Beyond this, the Government is emptying all of its warehouses of its own grains, the so-called CCC stocks. This appears to be the straw that broke the camel's back.

At first blush, it would appear that we have an acute car shortage and that is all. But that is not the whole story. I have received a number of reports that the elevator operators have bought the grain from the farmers and paid them for it, but were unable to ship the wheat. Thus, the small elevator operator is having to borrow to the maximum the banks will loan to him to stay in business until this grain can be moved out. In some areas of the country I have received reports that farmers are putting grain in the elevators where they have the space with the express understanding that they will not be paid until the grain has actually reached the market. Thus, we see a situation building up very rapidly of farmers unable to ship the grain; being compelled to repay loans; elevator operators unable to finance any purchases, and the entire grain marketing system is coming to a halt.

On the receiving end of the grain, particularly in the eastern part of the United States, a great number of feed mills report extreme difficulty in obtaining feed, again because their regular suppliers in Indiana cannot ship to them.

The U.S. Department of Agriculture, in an attempt to stem rising prices, has not only tried to force additional grain onto the market, but has announced action which would put an additional 30 million acres set aside, back into production. Between high grain prices encouraging heavier rates of fertilizer application and this additional acreage, our Indiana fertilizer dealers are going to be required to handle increased tonnages far beyond those of all normal years, and they report serious difficulty in being able to secure fertilizer stocks.

I have been informed that some of the major production plants in Florida have material sold and ready to ship, but are threatened now with shutdowns simply because they cannot get the cars to ship the material. All this only goes to show that a freight car shortage is like a stone in a pond—the waves go far in the economy and have great effect on many, many people, not just those persons most immediately and directly concerned.

The important thing is to take action now.

On August 4, 1971, the Senate, by an 81 to 0 vote, approved S. 1729. Unfortunately, due to the lateness of the legislative year, the House failed to take action. Had S. 1729 finally cleared the Congress, we would not be faced with the horrendous problems that face us now. With the economy of the Nation showing a sharp recovery, it is clear that all classes of rail cars will be in very short supply, regardless of what trade or industry they serve.

While most of us have a mental impression that the railroads are fading from the scene, this is not so. At the peak of World War II, the railroads moved 737 billion revenue ton miles of traffic. This record was broken in 1972 when they moved 780 billion ton miles of traffic. They are handling a dwindling percentage of intercity transportation; however, our economy has expanded to such a degree over the past years that they are still the backbone of the Nation's logistical system. For further illustration, they transport 76 percent of all of our automobile and automobile parts, 78 percent of all U.S. lumber and wood products, 63 percent of the country's chemicals, 68 percent of the Nation's primary metal products, and 86 percent of all pulp and paper, so that when the shortage effect is felt, every industry is bound to be penalized.

I, therefore, join in introducing, a bill nearly identical to S. 1729, to which I alluded earlier. The two changes made in S. 1729 pertain to labor protection provisions and a provision for the new rolling stock authority to come into being at the end of 2 years, if there is a continuing car shortage, rather than the 3 as provided in the original version of S. 1729. There are two reasons for this. First, 1 full year has nearly passed, yet the solution to the car shortage problem has not manifested itself by the carrier on action. Second, the use of 2 years rather than 3 will impart even more urgency in carrier self-help.

There is created by the bill a national rolling stock information service, which authorizes the Secretary of Transportation to design a system that will furnish information about the location of rolling stock and other factors appropriate to such a system. The end product of the system would be to greatly increase the utilization of the present freight car fleet.

In all the testimony taken by my committee earlier, there was general agreement among the witnesses that, with computerized control, the Nation's present railroad fleet would increase its utilization from 10 to 15 percent. On a fleet of 1,400,000 cars, this is obviously a substantial gain in the number of cars actually available to American industry.

As a second feature of this proposed legislation, there is a Federal Railroad Equipment Obligation Insurance Fund created whereby the carriers themselves could borrow money and it would be insured by the U.S. Government. Thus, if the carriers did not want to participate in a pool of cars created in another section of this legislation, they would be able to use the insurance fund loan route to extricate themselves from their present difficulties. This, obviously, would be attractive to carriers who are having financial trouble obtaining money that otherwise would not be available to them.

There was a novel section in the bill new to American transportation which called for the creation of a Rolling Stock Authority. This authority could, with certain safeguards, be established to build and repair all forms of rolling stock. The idea, of course, would be to create a pool of cars which could be withdrawn and used at any time, but would be particularly valuable in times of emergency.

Traditionally, Russia, India, and other major nations look to their own indigenous production for wheat. It is fairly clear, therefore, that we will only make sales of wheat of the magnitude now going on when these countries, because of weather and other factors, cannot satisfy their domestic needs. Experience should certainly teach us that a large pool of reserve cars is necessary; yet, at the same time, it is obvious none of the railroads would be able to afford to have idle cars waiting a sudden surge in exports.

The Rolling Stock Authority pool would help the Nation out of a dilemma created by these sudden and unexpected surges. While it may well be argued that this is a drastic approach to settle the problem, it is a fact that the Nation has been faced for nearly 75 years with this problem of an adequate freight car fleet and something more than words are needed to finally solve a problem that seems to face Congress every time it meets. Therefore, I commend the rolling authority concept to my colleagues for their careful consideration and support.

Our committee plans to have immediate hearings on this measure. Inasmuch as witnesses have all had an opportunity to testify on this bill at great length last year, I would not anticipate prolonged hearings or undue delay. The situation can only grow more critical. Anyone reasonably familiar with the growing season in this country knows that by the time the Russian grain shipments have been completed, the 1973 wheat harvest will have already begun in the Southwest. Additional acreages now permitted are going to produce a corn crop now currently estimated by USDA in excess of 6 billion bushels. That is an all time high. USDA is planning a surge in soybean plantings and this crop will run well over a billion bushels.

The hour is late. If cars are to be built, action must be taken now or we could well see the Nation's transportation system bog down in the essential service of handling freight.

By Mr. PELL (by request) (for himself and Mr. Case):

S. 1155. A bill to provide for participation by the United States in the United Nations environment program. Referred to the Committee on Foreign Relations.

Mr. PELL. Mr. President, the United Nations Conference on the Human Environment, held in Stockholm June 5 to 16, 1972, represents a landmark for international cooperation. This conference, the largest international meeting ever held, was attended by 113 different nations. Despite a number of heated confrontations between various countries, this world assembly was able to adopt more than 100 recommendations for international action. These recommendations could establish an important framework for the world's collective attack on global environmental problems.

The most significant action taken by this conference was the creation of a U.N. Environmental Agency. This Agency, comprised of a small secretariat headed by Maurice Strong as its executive director, would be the focal point for cooperation, coordination, and effective management of environmental activities in the United Nations system. However, the ultimate success or failure of this Agency will depend to a great extent on the size and availability of a voluntary environment Fund. This Fund, initially proposed by President Nixon in his 1972 environmental message to Congress, will provide support for the activities of Mr. Strong's secretariat.

Subject to congressional approval, the United States has stated its willingness to pay on a matching basis with other nations up to 40 percent of a 5-year $100 million fund. At the present time, approximately 10 countries, other than the United States, have pledged a total of $41.47 million to this Fund.

In addition to this sum, another 11 nations have revealed their intentions to make a contribution, but have yet to specify an exact amount.

Mr. President, in view of these developments, on behalf of myself and the Senator from New Jersey (Mr. Case), I introduced by request, for appropriate reference, a bill authorizing the appropriation of amounts for the United States voluntary contributions to this U.N. Environment Fund.

This bill has been requested by the Acting Assistant Secretary of State for Congressional Relations and we are introducing it in order that there may be a specific bill to which Members of the Senate and the public may direct their attention and comments.

We reserve the right to support or oppose this bill, as well as any suggested amendments to it, when the matter is considered by the Committee on Foreign Relations.

I ask unanimous consent that the bill be printed in the Record at this point, together with the letter from the Assistant Secretary of State to the Vice President dated February 15, 1973, and a sectional analysis of the bill.

There being no objection, the bill and material was ordered to be printed in the Record, as follows:

S. 1155

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "United Nations Environment Program Participation Act of 1973."

Sec. 2. It is the policy of the United States to participate in coordinated international efforts to solve environmental problems of global and international concern, and in order to assist the implementation of this policy, to contribute funds to the United Nations Environment Fund for the support of international measures to protect and improve the environment.

Sec. 3. There are authorized to be appropriated such amounts as may be necessary for contributions to the United Nations Environment Fund, which amounts are authorized to remain available until expended, and which may be used upon such terms and conditions as the President may specify.

Department of State,
Washington, D.C., February 15, 1973.
Hon. Spiro T. Agnew,
President of the Senate,
U.S. Senate,
Washington, D.C.

Dear Mr. President: As mentioned in the President's Message to the Congress on the Environment, there is transmitted herewith a draft of a proposed Act,

"To provide for the participation of the United States in the United Nations Environment Program."

The proposed act would authorize the appropriation of amounts for United States voluntary contributions to a United Nations Environment Fund. The creation of this Fund was recommended by the United Nations Conference on the Human Environment held in Stockholm June 5–16, 1972. The Conference recommendation has been implemented by UN General Assembly Resolution A/RES/2997 (XXVII).

The creation of a United Nations Environment Fund was largely the result of United States efforts. In his Message to the Congress of February 8, 1972, President Nixon proposed that such a Fund be established with an initial funding goal of $100 million during the first five years of the international effort to improve the global environment. Subsequently, the President established, subject to Congressional approval, the United States fair share of the Fund, up to $40 million on a 40–60 matching basis.

As of the close of the UN General Assembly in December 1972, a number of governments had made public their intention to contribute specific amounts (Australia, Canada, Finland, France, Federal Republic of Germany, Japan, Netherlands, New Zealand, Sweden, United Kingdom) which, when added to the proposed United States contribution, totals $81.5 million. Several other governments have indicated their intention to contribute amounts which would bring the total of the Fund to the $100 million goal.

The purpose of the Fund is to coordinate and support international environmental programs, particularly in the fields of identification and control of pollutants, monitoring, conservation, human settlements, information exchange, education, training and research. The Fund would employ the facilities of existing organizations wherever possible.

The administration of the Fund is committed to the Executive Director of the United Nations Environment Program under the policy guidance of a Governing Council of 58 member countries. Costs of servicing the Secretariat and the Governing Council are to be borne by the UN regular budget. Operational program costs, program support and administrative costs of the Fund are to be borne by the Fund.

Members of the Governing Council are elected for three-year terms on the basis of equitable geographic distribution by the UN General Assembly. In addition to providing policy guidance to the Executive Director, the Governing Council will decide upon environmental programs to be supported by the Fund.

In view of the role of the United States in proposing and securing the creation of the Fund, prompt consideration and early enactment of this legislation are respectfully urged.

The Office of Management and Budget has advised that the enactment of this legislation is in accord with the President's program.

Sincerely yours,
Marshall Wright,
Acting Assistant Secretary for Congressional Relations.

Section-by-Section Analysis

Sec. 1. Section 1 contains a "short title" for the Act.

Sec. 2. Section 2 states the policy upon which United States support for and participation in the United Nations Environment Fund is based. It endorses the creation of the Fund as a means to commence the amelioration and solution of environmental problems of global and international concern.

Sec. 3. Section 3 contains the authorization for appropriations for voluntary United States contributions to the United Nations Environment Fund.

By Mr. PERCY (for himself and Mr. Taft):

S. 1156. A bill to amend title III of the Trade Expansion Act of 1962 so as to provide more effective adjustment assistance thereunder, and for other purposes. Referred to the Committee on Finance.

TRADE ADJUSTMENT ASSISTANCE ACT OF 1973

Mr. PERCY. Mr. President, as we look at the agenda of major issues before us for the year, questions of international economic policy loom among the largest. Continuing attention must be given to reform of the world monetary system. At the same time, and from the point of view of the Congress, of particular importance is the need to enact legislation to give the President authority to conduct negotiations to provide new opportunities for American products in overseas markets.

A central element in the debate over trade legislation in 1972 will surely be the exact nature of the mechanisms to provide relief from the impact of imports on domestic firms, workers, industries and communities.

Such import adjustment assistance has been in the past primarily of two kinds: Import barriers such as tariffs or quotas—known as "tariff adjustment"—to provide a measure of protection from imports; and various forms of government aids to enable specific firms, groups of workers, industries or communities to adjust to import competition—known as "adjustment assistance".

In an expanding economy near full employment, import competition should not normally create a severe adjustment burden. The normal pace of economic expansion and change creates new jobs in new forms of economic activity that are intrinsically more competitive than old forms. In our economy, adjustments that occur in response to wholly domestic changes are infinitely greater than adjustments caused by imports.

Import competition is, however, a particularly sensitive kind of competition. It is essential that new trade legislation create a workable new system of adjustment assistance as the main response to such competition.

The 1962 Trade Expansion Act first provided for such adjustment assistance. It recognized that a lowering of tariff barriers would possibly cause economic hardships to some sectors of the economy. The philosophy of the 1962 Trade Act was that all segments of the American economy would benefit from duty restrictions and that it was therefore the Nation's responsibility to share in the cost of compensating injured workers and firms for any dislocations which would result. Uncompetitive firms and workers should not have to bear unassisted the burden of economic adjustment stemming from the implementation of a freer trade policy.

Thus the 1962 Trade Act introduced a program of adjustment assistance for those firms and workers injured by increased imports that result from tariff concessions. Various European nations had practiced adjustment assistance for many years, successfully guiding the retraining of workers and the modernizing of outdated facilities. As the Secretary of Commerce said when the 1962 act was sent to Congress, adjustment assistance was not to be "an indemnity or a franchise to remain noncompetitive."

The 1962 act contained a strict requirement that firms and workers must show that injuries resulted from cuts in U.S. tariffs. This caused a series of negative findings by the Tariff Commission. No adjustment assistance was offered until 1969, when the Tariff Commission began to reinterpret the eligibility criteria. This reinterpretation did not, however, provide the broad revision which the Trade Act needed in order to make it effective. Labor organizations and businesses who were facing tough, damaging import competition had already come to distrust this adjustment program, which had failed to offer any effective assistance. Because of their experience with the Trade Act's adjustment assistance provision, many of those who have grievances have become convinced that protectionist legislation or restrictive international trade arrangements are the only meaningful alternatives available to deal with damaging foreign imports.

For the purpose of providing a truly workable alternative to protectionist restrictions on international trade, I am introducing today, with the cosponsorship of Senator TAFT, the Trade Adjustment Assistance Act of 1973. In our opinion, this bill is a reasonable, responsive means of making adjustment assistance a workable answer to the dislocations caused by imports—of providing workers, companies, communities, and even entire industries with means of modernizing and becoming independently self-sustaining without the need for subsidies such as tariffs.

The bill would amend title III of the 1962 Trade Expansion Act, a section which deals wholly with tariff adjustment, and adjustment assistance programs.

SCOPE OF ASSISTANCE

Whereas the scope of assistance in the 1962 Act—and in subsequent attempts to amend it—was limited to firms and worker groups, the Adjustment Assistance Act of 1973 would permit new groups to apply for help. Communities would, for the first time, be eligible, as would cooperative firm-worker, firm-community, and worker-community groups.

The provision for relief to communities is a recognition of the dislocation which communities can, and have, experienced if they are substantially dependent on one firm which is seriously affected by increased imports. In my own State of Illinois, several small towns in the southern part of the State have experienced great hardships because of the demise of companies on which the towns' populations were economically dependent. If enacted, the Trade Adjustment Assistance Act Senator TAFT and I are proposing today would have assisted in modernization of the industries and retraining of the workers, and would have assisted in reviving and sustaining the communities themselves. This principle was endorsed in the report of the President's Commission on International Trade and Investment Policy, the "Williams Commission" and in Peter G. Peterson's report titled "Foreign Economic Perspective" of December 1971.

CRITERIA FOR OBTAINING ADJUSTMENT ASSISTANCE AND TARIFF ADJUSTMENT

The bill also makes needed changes in the criteria and in the process for receiving adjustment assistance. First, the criteria for receiving adjustment assistance are liberalized by eliminating the requirement that injury-creating imports must result from tariff cuts, and by requiring that imports need only be a substantial cause of injury. The idea of breaking the causal link between tariff cuts and increased imports has become widely accepted since 1962. This change was contained in the 1968 Trade Expansion Act proposed by the Johnson administration and in the 1970 Trade Act proposed by President Nixon. The concept was also advocated in the 1971 Williams Commission study and in former Ambassador William M. Roth's 1969 report to the President, "Future United States Foreign Trade Policy."

Second, the Tariff Commission will become an investigative body only, as suggested in the 1968 and 1970 trade bills. Application for adjustment assistance will be made to the President. The modification of these sections provides firms, workers and communities with a more accessible application procedure, one that is not an insurmountable hurdle, as in the past, but one that nonetheless makes the reasonable demands that injury is substantial and is the result of imports, and not of other economic factors.

The bill makes changes as well in the requirements for obtaining tariff adjustment. The basic tenet of the 1962 Trade Act is respected that tariffs should be raised to protect domestic industry only in exceptional and critical cases, and that assistance to help the adjustment of the domestic industry is the preferred remedy. But the bill provides that increased imports must be the primary cause or threat of injury, which differs from the adjustment assistance criterion which requires only a substantial increase in imports in order for an injured economic unit to qualify for benefits. The criterion that increased imports must result from Tariff acts is eliminated, as it is in the case of adjustment assistance.

TARIFF COMMISSION REVIEW

Under the 1962 Trade Act, the Tariff Commission makes annual reports to the President on tariff adjustment cases. The Trade Adjustment Assistance Act of 1973 would in addition require the Commission first, to suggest whether adjustment assistance is a more appropriate remedy and second, to find the probable effect of a tariff or quota increase on consumers and exporters. Firms applying for a renewal of tariff protection must report on the efforts and progress they have made in their attempts to become competitive with imports. These provisions will attempt to insure that firms actually use the import protection they are granted in order to adjust to import competition, and they will help ensure that such import protection does not have a heavily adverse effect on other economic groups, particularly consumers. The requirement that firms show how they are using their protection to become competitive is a recognition that import barriers create additional costs to the economy, and that the beneficiaries of this form of public subsidy must show that they are using it to become competitive and end their dependence.

SPEEDIER DELIVERY OF BENEFITS

The adjustment assistance program has proven to be extremely slow in the delivery of benefits, as recognized in the Roth report, the Williams Commission report, and the Peterson report. Delivery has been delayed by as much as 2 years in some cases, negating the intended effectiveness of the adjustment program. To asure a minimum of hardship, this bill imposes time limits throughout the determination process.

The technical, tax, and financial assistance presently provided by the 1962 act will also be supplemented with interim assistance—a Williams Commission innovation. This interim assistance consists of low-interest loans, tax credits, and grants to firms while they await delivery of their benefits. Firms are encouraged to take initiatives toward economic adjustment themselves. The Federal guarantee of loans is raised from 90 to 100 percent if firms take substantial measures to assist their own adjustment.

IMPROVED BENEFITS

The assistance offered workers has become woefully inadequate in the decade since the 1962 Trade Act was passed. Federal and State unemployment benefits have been upgraded to correspond to cost-of-living increases. To become more consistent with these, the trade readjustment allowance in this bill is raised from 65 percent of the average manufacturing wage to 80 percent. The bill also provides that an adversely affected worker should receive a decent percentage of his own wage rather than, as presently provided, a percentage of a national average wage. Under present law the worker is obligated to take the lesser of the two sums, and can consequently be placed in a difficult financial position.

Under the Trade Adjustment Assistance Act of 1973, workers are encouraged to seek retraining. Workers who find assistance from other manpower development services—such as State unemployment and retraining programs—will now be eligible to receive a total of 100 percent—rather than 75 percent—of their former wage. This means, for example, that a worker receiving a State retraining allowance equal to 80 percent of his former wage will be eligible for a Federal allowance of 20 percent of his former wage. This Federal contribution is reduced as the worker approaches his previous wage level. Otherwise, the adjustment allowance continues throughout the period of retraining.

Eligible workers over 60 years of age often find reemployment and retraining difficult to obtain. They should receive adjustment assistance benefits until the time they qualify for social security. The bill we are introducing today provides for such assistance.

COMMUNITY ASSISTANCE

The new chapter concerning community adjustment would be administered by the Secretary of Commerce. Communities dependent on a firm which faces hardships due to increased imports would be eligible for adjustment assistance if their proposals would contribute to economic adjustment, give consideration to the workers and the firm, and importantly, demonstrate the efforts of the community to use its own resources. Community adjustment can take the form of industrial diversification, improvement of transportation facilities, and other projects related to the encouragement of industry.

CONSUMER PROTECTION

In an effort to assure that consumers are not seriously and adversely affected by adjustment actions, the Trade Adjustment Assistance Act of 1973 makes provision for the protection of consumers. The economic effects of increased tariffs and of international orderly marketing agreements on consumers must be annually investigated by the Tariff Commission and reported to the President. The price and availability of articles being protected must be considered. The Tariff Commission shall also have the responsibility of recommending reduction or removal of a duty, should it be found to be having a substantially adverse effect on consumers.

Finally, Mr. President, I have included a provision for eventual coordination of this adjustment assistance program. The lack of direction in this area is a serious handicap to the entire program. No governmental agency or department now in existence can fairly and adequately administer all aspects of the assistance programs. This bill, therefore, simply recommends inclusion of a coordinating body at the time of the creation of a Cabinet-level Department of Economic Affairs.

The Trade Adjustment Assistance Act of 1973 is in the best tradition of American trade policy. It provides adequate benefits to those workers, firms, and communities affected by trade dislocations. It makes the substantive alterations which will help American industry and agriculture, relieves them of the complete readjustment which may be involved in a free exchange of goods and services and facilities the movement of capital and labor into more efficient uses. The provisions included here will reinforce the U.S. commitment to an open world economy and discourage those who would seek to discredit the progress of the past four decades. It is in answer to the competition we meet now on various levels and in various markets and preserves the driving competitive philosophy of the American economy.

Mr. TAFT. Mr. President, millions of American workers are gripped by the fear that imports are going to cost them their jobs. The Economic Policy Committee of the AFL–CIO Executive Council has estimated that because of imports, over 1 million job opportunities for Americans have been lost since 1966. This development has been counterbalanced in large part by the benefits of expanded international trade, including larger markets for American industries and agriculture, new jobs for American workers as a result of increased exports, and domestic price restraint due to import competition. Nevertheless, it is inexcusable that so little Federal relief has been provided under present law to alleviate the hardships and dislocation caused by imports.

The import trend was not limited to any specific industry, but was evidenced in such diverse types of concerns as textiles, appliances, shoes, bicycles, steel, and tennis rackets.

Congressman BURKE and Senator HARTKE, with the support of the AFL–CIO, have proposed across-the-board import quotas as part of the answer to this problem. I reject this approach because it would lead to higher prices for American consumers and invite a trade war that would cost American jobs in export-related industries. The Burke-Hartke bill might even result in a net reduction of American jobs.

It would be irresponsible, however, to dismiss the Burke-Hartke bill without making any positive suggestions for dealing with the import problem. Americans whose jobs or businesses are lost or threatend due to import competition should not have to bear the full cost of a free trade policy which benefits all Americans. The Government must help those hurt by imports. This should be done, however, in a manner which balances their interests with the interests of taxpayers in the role of consumers and exporters. I am joining Senator PERCY as a cosponsor of the Adjustment Assistance Act of 1972 because I believe that it would provide this kind of assistance.

One of the major reasons for the enactment of the Trade Expansion Act of 1962 was to provide aid in the form of tariff increases or import quotas where necessary, and subsidized loans and grants on a more widespread basis, to help workers and firms adjust to increased imports. Relief cannot be provided, however, unless the Tariff Commission makes a positive finding that it is needed. In the first 7 years of the Trade Expansion Act, the Tariff Commission reviewed 13 industry applications for assistance without making a positive finding. To this day, only five positive findings on such applications have been made.

The past difficulty of obtaining this type of assistance may be one reason why so many people have become convinced that protectionist policies are the only viable solution to the import problem. I believe that tariffs should not be increased nor import quotas imposed unless the situation is extremely serious, but I see no reason to be as miserly as the Government has been with respect to the provision of relief for individual workers, firms, and industries. An adequate level of assistance has just not been provided under the present law.

The Trade Adjustment Assistance Act would deal with this problem by eliminating the requirement that adjustment assistance may be made available only if the damage due to increased imports results from U.S. trade concessions. Instead, tariff increases or import quotas could be invoked if increased imports have been the primary cause or threat of serious injury to the industry in question. Such measures, however, would be applied to specific groups of goods, rather than a wide range of products.

Loans, grants, and other assistance for workers, firms, and communities would be made available whenever imports have been a substantial cause of the industry's problems. I hope that this provision will result in a much more realistic utilization of adjustment assistance.

Our legislation would also expedite the provision of assistance by placing imposing time limits on various stages of the application process. In addition, it would establish an entirely new program of assistance to adversely affected communities who need to diversify their industrial base. For example, in my own State of Ohio, the town of East Liverpool could seek aid for ending its dependence on the now-depressed pottery industry. Similarly, a city such as Massillon, which is dependent upon the import-plagued specialty steel industry, could ask for assistance in attracting new sources of employment.

I believe that the increased relief for workers which this bill provides will help to alleviate the hardships that they now face upon losing a job due to increased imports. It will also facilitate any necessary retraining and relocation of these workers. The provision of more generous loan terms to firms which have already made substantial efforts to adjust to import competition will serve as an incentive for firms to attempt such adjustments on their own.

This legislation goes further than any other bill of which I am aware to protect consumers and exporters against injurious side effects of the adjustment assistance program. It is imperative that any shelter which domestic industries are provided by the artificial restraint of competition, through higher tariffs or import quotas, be utilized to give these industries time to increase their competitiveness. We cannot permit tariffs or import quotas to be used as vehicles simply to raise prices. To insure that these protections are used properly, the bill directs the President to take consumer interests into account as he decides whether to increase tariffs or impose import quotas. It requires the Tariff Commission to report on any protected industry's efforts to adjust to import competition, to survey the effects of any increased tariffs, import quotas, or import restraints—"orderly marketing"—agreements on consumers, and to document the impact on U.S. exporters of any retaliatory measures adopted by foreign countries in response to such arrangements. Most importantly, the legislation puts teeth in these provisions, by giving the Tariff Commission the power to recommend reduction, modification, or elimination of increased tariffs, import quotas, or import restraint agreements if the arrangement in question has had a substantially adverse effect on consumers or exporters.

Neither Senator PERCY nor I maintain that this legislation is the solution to the unfavorable trade balance problem. Whether the imbalance situation will improve depends largely upon our ability to become more competitive, through effective inflation control, improved marketing and increases in our productivity. In addition, as President Nixon has repeatedly stated, it is essential to eliminate any unfair trade rules which presently give foreign industries an edge over our own industries.

The Trade Adjustment Assistance Act would complement such efforts. We recognize that regardless of the degree of success attained on these fronts, imports will continue to cause some serious dislocations and hardships. Therefore, our legislation provides a workable, responsive means of helping workers, firms, and communities adjust to increased imports. I believe it is a viable alternative to protectionist legislation.

I ask unanimous consent that the text of the Trade Adjustment Assistance Act of 1973 be printed at this point in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1156

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled. That (a) this Act may be cited as the "Trade Adjustment Assistance Act of 1973".

(b) The Congress hereby finds and declares that—

(1) the prosperity and security of the United States continue to depend on a healthy international economy based on economic cooperation among nations and economic competition relying on fair, open and nondiscriminatory trading,

(2) among the benefits of such policies are (A) larger markets for the products of American agriculture and industry and new jobs for American workers, (B) increased economic efficiency in the United States economy, (C) a restraining effect on price increases and a wider selection of goods for United States consumers, and (D) a more dynamic United States economy,

(3) such international economic competition may, however, cause economic hardship for, and thus require adjustment by, particular workers, firms, industries, and communities,

(4) such workers, firms, industries, and communities should not bear unaided the burden for a trade policy which is in the Nation's interest,

(5) the most desirable method of providing assistance in adjusting to serious import competition is assistance designed to restore the ability of firms, industries, and communities to compete in new product lines and thus provide new jobs and new economic prosperity,

(6) the adjustment assistance provided in existing law to help such industries, workers, and communities make the necessary adjustments has been inadequate or unavailable.

(7) adequate, speedy, effective adjustment assistance should be available for workers, firms, and communities which are seriously injured or threatened by imports, and

(8) the primary reliance of adjustment policy should be on adjustment assistance rather than new or increased tariffs or quotas. Such import restrictions should be temporarily imposed or increased only where absolutely necessary, and the effects of any such impositions or increases should be carefully monitored to ensure that they are not unduly detrimental to the larger interests of the United States economy, and to United States consumers and exporters.

SEC. 2. Section 301 of the Trade Expansion Act of 1962 (19 U.S.C. 1901) is amended to read as follows:

"SEC. 301. PETITIONS AND DETERMINATIONS.

"(a) (1) A petition for tariff adjustment under section 351 may be filed with the Tariff Commission by a trade association, firm, certified or recognized union, or other representative of an industry.

"(2) A petition for a determination of eligibility to apply for adjustment assistance under chapter 2 may be filed with the President by a firm or its representative, by a duly authorized joint firm-worker representative, by a duly authorized community representative, or by a duly authorized joint firm-community representative. A petition for a determination of eligibility to apply for adjustment assistance under chapter 3 may be filed with the President by a group of workers or by their certified or recognized union or other duly authorized representative. A petition for a determination of eligibility to apply for adjustment assistance under chapter 4 may be filed with the President by a community or its representative.

"(3) Whenever a petition is filed under paragraph (1), the Tariff Commission shall transmit a copy thereof to the Secretary of Commerce.

"(b) (1) Upon request of the President, upon resolution of either the Committee on Finance of the Senate or the Committee on Ways and Means of the House of Representatives, upon its own motion, or upon the filing of a petition under subsection (a) (1), the Tariff Commission shall promptly make an investigation to determine whether increased quantities of imports of an article directly competitive with an article produced by a domestic industry have been the primary cause or threat of serious injury to such industry. In making its determination under this paragraph, the Tariff Commission shall take into account all economic factors which it considers relevant, including idling of productive facilities, inability to operate at a level of reasonable profit, and unemployment or underemployment, and detailed plans, submitted by the industry, for use of time requested.

"(2) For purposes of paragraph (1), the term 'domestic industry' means that portion or subdivision of the producing organizations manufacturing, assembling, processing, extracting, growing, or otherwise producing like or directly competitive articles in commercial quantities. In applying the preceding sentence, the Tariff Commission shall (so far as practicable) distinguish or separate the operations of the producing organizations involving the like or directly competitive articles referred to in such sentence from the operations of such organizations involving other articles.

"(3) If a majority of the Commissioners present and voting make an affirmative injury determination under paragraph (1), the Commissioners voting for such affirmative injury determination shall also determine the amount of the increase in, or imposition of, any duty or other import restriction on such article which is necessary to prevent or remedy such injury. For purposes of this title, a remedy determination by a majority of the Commissioners voting for the affirmative injury determination shall be treated as the remedy determination of the Tariff Commission.

"(4) In the course of any proceeding initiated under paragraph (1), the Tariff Commission shall investigate any factors which in its judgment may be contributing to increased imports of the article under investigation; and whenever in the course of its investigation the Tariff Commission has reason to believe that the increased imports are attributable in part to circumstances which come within the purview of the Antidumping Act, 1921, section 303 or 337 of the Tariff Act of 1930, or other remedial provisions of law, the Tariff Commission shall promptly notify the appropriate agency and take such other action as it deems appropriate in connection therewith.

"(5) In the course of any proceeding initiated under paragraph (1), the Tariff Commission shall, after reasonable notice, hold public hearings and shall afford interested parties opportunity to be present, to present evidence, and to be heard at such hearings.

"(6) The Tariff Commission shall report to the President the determinations and other results of each investigation under this subsection, including any dissenting or separate views, and any action taken under paragraph (4).

"(7) The report of the Tariff Commission of its determinations under this subsection shall be made at the earliest practicable time, but not later than 4 months after the date on which the petition is filed (or the date on which the request or resolution is received or the motion is adopted, as the case may be). Upon making such report to the President, the Tariff Commission shall promptly make public such report, and shall cause a summary thereof to be published in the Federal Register.

"(8) No investigation for the purposes of this subsection shall be made, upon petition filed under subsection (a) (1), with respect to the same subject matter as a previous investigation under this subsection, unless 1 year has elapsed since the Tariff Commission made its report to the President of the results of such previous investigation.

"(c) (1) In the case of a petition by or on behalf of a firm for a determination of eligibility to apply for adjustment assistance under chapter 2, the President shall determine whether increased quantities of imports of an article like or directly competitive with an article produced by the firm have been a substantial cause or threat of serious injury to such firm.

"(2) In the case of a petition by a group of workers for a determination of eligibility to apply for adjustment assistance under chapter 3, the President shall determine whether increased quantities of imports of an article like or directly competitive with an article produced by such workers' firm, or an appropriate subdivision thereof, have been a substantial cause or threat of unemployment or underemployment of a significant number or proportion of the workers of such firm or subdivision.

"(3) In the case of a petition by a community for a determination of eligibility to apply for adjustment assistance under chapter 4, the President shall determine whether increased quantities of imports of an article like or directly competitive with an article produced by a firm in such community have been a substantial cause or threat of serious injury to such firm and hence to the economic base of the community.

"(4) In order to assist him in making the determinations referred to in paragraphs (1), (2), and (3) with respect to a firm, group of workers, or community, the President shall promptly transmit to the Tariff Commission a copy of each petition filed under subsection (a) (2) and, not later than 5 days after the date on which the petition is filed, shall request the Tariff Commission to conduct an investigation relating to questions of fact relevant to such determinations and to make a report of the facts disclosed by such an investigation. In his request, the President may specify the particular kinds of data which he deems appropriate. Upon receipt of the President's request, the Tariff Commission shall promptly publish notice thereof in the Federal Register.

"(5) In the course of any investigation under paragraph (4), the Tariff Commission shall, after reasonable notice, hold a public hearing, if such hearing is requested (not later than 10 days after the date of publication of its notice under paragraph (4)) by the petitioner or any other interested person, and shall afford interested persons an opportunity to be present, to produce evidence, and to be heard at such hearing.

"(6) The report of the Tariff Commission of the facts disclosed by its investigation under paragraph (4) with respect to a firm, group of workers, or community shall be made at the earliest practicable time, but not later than 60 days after the date on which it receives the request of the President under paragraph (4).

"(d) Should the Tariff Commission find with respect to any article, as the result of its investigation, the serious injury or threat thereof described in subsection (b), it shall find the amount of increase in, or imposition of, any duty or other import restriction on such article which is necessary to prevent or remedy such injury as well as the appropriateness of adjustment assistance to remedy such injury and shall include such finding in its report to the President. In addition, the Tariff Commission shall find the probable effect of such increase or imposition upon consumers, including the price and availability of such article and the like or directly competitive article produced in the United States."

Sec. 3. (a) Section 302 of the Trade Expansion Act of 1962 (19 U.S.C. 1902) is amended by striking out "DETERMINATION" in the heading of such section and inserting in lieu thereof "REPORTS".

(b) Section 302(a) of such Act is amended by striking out "or" at the end of paragraph (3), and by striking out paragraph (4) and inserting in lieu thereof the following:

"(4) provide, with respect to such industry, that the affected communities may request the Secretary of Commerce for certification of eligibility to apply for adjustment assistance under chapter 4, or

"(5) take any combination of such actions."

(c) Section 302(b) of such Act is amended to read as follows:

"(b) (1) Within 30 days after receiving a request for certification from a firm in an industry with respect to which the President has acted under (a) (2), the Secretary of Commerce shall certify such firm as eligible to apply for adjustment assistance under chapter 2 unless he makes a determination that the increased quantities of imports have not been a substantial cause or threat of serious injury to such firm. Any such determination shall be supported by written findings of fact and shall be issued within 30 days after receipt of the initial request for certification unless, within that period, the Secretary notifies the firm that he requires it to submit additional information in order to enable him to resolve specific questions as to the firm's eligibility, in which even he shall issue his decision as to eligibility within 15 days after receiving such information.

"(2) Within 30 days after receiving a request for certification from a group of workers in an industry with respect to which the President has acted under (a) (3), the Secretary of Labor shall certify such group of workers as eligible to apply for adjustment assistance under chapter 3 unless he makes a determination that the increased quantities of imports have not been a substantial cause or threat of unemployment or underemployment of a significant number or proportion of workers of such workers' firm or subdivision thereof. Any such determination shall be supported by written findings of fact and shall be issued within 30 days after receipt of the initial request for certification unless, within that period, the Secretary notifies the group of workers that he requires it to submit additional information in order to enable him to resolve specific questions as to the group of workers' eligibility, in which event he shall issue his decision as to eligibility within 15 days after receiving such information.

"(3) Within 30 days after receiving a request for certification from a community affected by an industry with respect to which the President has acted under (a) (4), the Secretary of Commerce shall certify such community as eligible to apply for adjustment assistance under chapter 4 unless he makes a determination that the increased quantities of imports have not been a substantial cause or threat of serious injury to the economic base of such community. Any such determination shall be supported by written findings of fact and shall be issued within 30 days after receipt of the initial request for certification unless, within that period, the Secretary notifies the community that he requires it to submit additional information in order to enable him to resolve specific questions as to the community's eligibility, in which event he shall issue his decision as to eligibility within 15 days after receiving such information."

(d) Section 302(e) of such Act is amended to read as follows:

"(c) (1) In the case of any petition for adjustment assistance filed under section 301(c), the President shall make his determination at the earliest practicable time after receiving the report of the Tariff Commission of the facts disclosed by its investigation under section 301(c) (4), but not later than 30 days after the date on which he receives such report, unless within such 30-day period, he requests additional factual information from the Tariff Commission. If the President requests such additional factual information, the Tariff Commission shall not later than 25 days after the date on which it receives the President's request, furnish such additional factual information in a supplemental report, and the President shall make his determination not later than 15 days after the date on which he receives such supplemental report.

"(2) The President shall promptly publish in the Federal Register a summary of each determination under section 301(c) with respect to any firm, group of workers, or community.

"(3) If the President makes an affirmative determination under section 301(c) with respect to any firm, group of workers, or community, he shall promptly certify that such firm, group of workers, or community is eligible to apply for adjustment assistance.

"(4) The President is authorized to exercise any of his functions with respect to determinations and certifications of eligibility of firms, workers, or communities to apply for adjustment assistance under section 301 and this section through such agency or other instrumentality of the United States Government as he may direct."

Sec. 4. (a) Section 311(a) of the Trade Expansion Act of 1962 (19 U.S.C. 1911) is amended by striking out the second sentence and inserting in lieu thereof the following: "Within a reasonable time after filing its application, the firm, the firm-worker group, or the firm-community group, shall present a proposal for the economic adjustment of the firm."

(b) Section 311(b) (2) of such Act is amended by striking out "actions taken in carrying out trade agreements" and inserting in lieu thereof "substantially increased imports".

(c) Section 311 of such Act is amended by redesignating subsection (d) as (f), and by inserting after subsection (c) the following new subsections:

"(d) Immediately after the certification by the Secretary of Commerce, the firm shall be eligible for interim assistance (between approval and delivery of assistance). Such interim assistance may consist of low-interest loans, tax credits, and grants.

"(e) Certification procedures and forms prescribed by the Secretary of Commerce pursuant to this section shall be designed to simplify and expedite the provision of adjustment assistance to firms."

Sec. 5. Section 315(a) of the Trade Expansion Act of 1962 (19 U.S.C. 1915) is amended by inserting after "90 percent" the following: "(or, if the Secretary determines that the firm has already taken substantial measures to assist its own economic adjustment, 100 percent)".

Sec. 6. Section 317(a) (2) of the Trade Expansion Act of 1962 (19 U.S.C. 1917) is amended by striking out "by the increased imports which the Tariff Commission has determined to result from concessions granted under trade agreements" and inserting in lieu thereof "by the increased quantities of imports identified by the Tariff Commission under section 301(b) (1) or by the President under section 301(c) (1), as the case may be".

Sec. 7. Section 321 of the Trade Expansion Act of 1962 (19 U.S.C. 1931) is amended by inserting "(a)" immediately before "The", and by adding at the end thereof the following new subsection:

"(b) Procedures and forms prescribed by the Secretary of Labor pursuant to this section shall be designed to simplify and expedite the provision of adjustment assistance to workers."

Sec. 8. Section 322 of the Trade Expansion Act of 1962 (19 U.S.C. 1941) is amended—

(1) by striking out subsection (c), and

(2) by striking out "subsections (b) and (c)" in subsection (a) and inserting in lieu thereof "subsection (b)".

Sec. 9. (a) Section 323(a) of the Trade Expansion Act of 1962 (19 U.S.C. 1942) is amended by striking out "65 percent of his average weekly wage or to 65 percent of the average weekly manufacturing wage, whichever is less" and inserting in lieu thereof "80 percent of his average weekly wage".

(b) Section 323(e) of such Act is amended to read as follows:

"(e) Whenever, with respect to any week of unemployment, the total amount payable to an adversely affected worker as remuneration for services performed during such a week, as unemployment insurance, as a training allowance referred to in subsection (d), and as a trade readjustment allowance—

"(1) would be less than 100 percent of his average weekly wage, his trade readjustment allowance shall be increased by the amount of such deficiency, or

"(2) would exceed 100 percent of his average weekly wage, his trade readjustment allowance shall be reduced by the amount of such excess."

SEC. 10. Section 324 of the Trade Expansion Act of 1962 (19 U.S.C. 1943) is amended to read as follows:

"SEC. 324. PERIOD OF PAYMENT OF TRADE READJUSTMENT ALLOWANCES.

"(a) Payment of trade readjustment allowances shall be made to an adversely affected worker for the entire period of his retraining to assist him in the completion of that retraining as approved by the Secretary of Labor.

"(b) Payment of a trade readjustment allowance shall be made to an adversely affected worker who has attained the age of 60 years for the period of time until he qualifies for social security payments, or until he has been relocated in suitable employment."

SEC. 11. Section 326 of the Trade Expansion Act of 1962 (19 U.S.C. 1951) is amended to read as follows:

"SEC. 326. IN GENERAL.

"(a) To assure that the readjustment of adversely affected workers shall occur as quickly and effectively as possible, with minimum reliance upon trade readjustment allowances under this chapter, every effort shall be made to prepare each such worker for full employment in accordance with his capabilities and prospective employment opportunities. To this end, and subject to this chapter, adversely affected workers shall be afforded, where appropriate, the testing, counseling, training, and placement services and supportive and other services provided for under any Federal law. Qualified workers should be provided the opportunity to pursue further training in technical, professional, and academic areas, as well as in vocational areas. Such workers may also be afforded supplemental assistance necessary to defray transportation and subsistence expenses for separate maintenance when such training is provided in facilities which are not within commuting distance of their regular place of residence. The Secretary of Labor in defraying such subsistence expenses shall not afford any individual an allowance exceeding $5 per diem; nor shall the Secretary authorize any transportation expense exceeding the rate of 10 cents per mile.

"(b) To the extent practicable, the Secretary of Labor shall encourage joint firm-worker adjustment assistance proposals, as well as joint community-firm proposals, for the expedition of retraining and readjustment. Lacking such a coordinated effort, the Secretary of Labor shall consult with such workers' firm and their certified or recognized union or other duly authorized representative and develop a worker retraining plan which provides for training such workers to meet the manpower needs of such a firm, in order to preserve or restore the employment relationship between the workers and the firm."

SEC. 12. Section 328 of the Trade Expansion Act of 1962 (19 U.S.C. 1961) is amended to read as follows:

"SEC. 328. RELOCATION ALLOWANCES AFFORDED

"Any adversely affected worker who has been separated or has voluntarily separated may file an application for a relocation allowance, subject to the terms and conditions of this subchapter."

SEC. 13. Section 330(2) of the Trade Expansion Act of 1962 (19 U.S.C. 1963) is amended to read as follows:

"(2) (A) a lump-sum equivalent to two and one-half times the average weekly manufacturing wage, or (B), in the case of an adversely affected worker who cannot obtain adequate information and assistance through public employment services, a low-interest loan in such amount as is reasonable and necessary under regulations prescribed by the Secretary of Labor (but not less than the amount specified in clause (A)), repayment of which shall be waived if the worker actively seeks and locates employment within a reasonable period."

SEC. 14. Section 331(a) of the Trade Expansion Act of 1962 (19 U.S.C. 1971) is amended to read as follows:

"(a) The Secretary of Labor is authorized on behalf of the United States to enter into an agreement with any State, or with any State agency. Under such an agreement, the State agency (1) as agent of the United States Government, will receive applications for, and will promptly provide, assistance on the basis of this chapter, (2) will afford adversely affected workers who apply for assistance under this chapter testing, counseling, referral to training, placement services, and supportive and other services, and (3) will otherwise cooperate with the Secretary of Labor and with other State and Federal agencies in providing assistance under this chapter."

SEC. 15. Section 338 of the Trade Expansion Act of 1962 (19 U.S.C. 1978) is amended—

(1) by striking out paragraph (3).

(2) by adding the following new sentence at the end of paragraph (4): "For purposes of this paragraph, the Secretary of Labor is authorized to issue regulations providing that the term 'total wages' may include the monetary equivalent of insurance, retirement, and other benefits obtained in addition to wages.",

(3) by inserting after "severance" in paragraph (11) "(including voluntary severance)", and

(4) by striking out "75 percent" in paragraph (14) and inserting in lieu thereof "100 percent".

SEC. 16. Title III of the Trade Expansion Act of 1962 is amended by renumbering chapters 4 and 5 as chapters 5 and 6, respectively, and by inserting after chapter 3 the following new chapter:

"CHAPTER 4.—ASSISTANCE TO COMMUNITIES

"SEC. 339. AUTHORITY.

"The Secretary of Commerce shall determine whether applicants are entitled to receive assistance under this chapter and shall pay or provide such assistance to applicants who are so entitled.

"SEC. 340. QUALIFYING REQUIREMENTS.

"(a) A community certified under section 302 as eligible to apply for adjustment assistance may, at any time within 2 years after the date of such certification, file an application with the Secretary of Commerce for adjustment assistance under this chapter. Within a reasonable time after filing its application, the community shall present a proposal, either separately or in conjunction with a firm or a group of workers, or both, for its economic adjustment.

"(b) Adjustment assistance under this chapter consists of technical assistance and financial assistance. Except as provided in subsection (c), no adjustment assistance shall be provided to a community under this chapter until its adjustment proposal shall have been certified by the Secretary of Commerce—

"(1) to be reasonably calculated materially to contribute to the economic adjustment of the community,

"(2) to give adequate consideration to the interests of the communities' workers and firms adversely affected by substantially increased imports,

"(3) to demonstrate that the community will make all reasonable efforts to use its own resources for economic development.

"(c) In order to assist a community which has applied for adjustment assistance under this chapter in preparing a sound adjustment assistance proposal, the Secretary of Commerce may furnish technical assistance to such community prior to certification of its adjustment assistance proposal.

"(d) Any certification made pursuant to this section shall remain in force only for such period as the Secretary of Commerce may prescibe.

"SEC. 341. USE OF EXISTING AGENCIES.

"(a) The Secretary of Commerce shall refer each certified adjustment proposal to such agency or agencies as he determines to be appropriate to furnish the technical and financial assistance necessary to carry out such proposal.

"(b) Upon receipt of a certified adjustment proposal, each agency concerned shall promptly—

"(1) examine the aspects of the proposal relevant to its functions, and

"(2) notify the Secretary of Commerce of its determination as to the technical and financial assistance it is prepared to furnish to carry out the proposal.

"(c) Whenever and to the extent that any agency to which an adjustment proposal has been referred notifies the Secretary of Commerce of its determination not to furnish technical or financial assistance, and if the Secretary of Commerce determines that such assistance is necessary to carry out the adjustment proposal, he may furnish adjustment assistance under sections 342 and 343 to the community concerned.

"(d) There are hereby authorized to be appropriated to the Secretary of Commerce such sums as may be necessary from time to time to carry out his functions under this chapter in connection with furnishing adjustment assistance to communities, which sums are authorized to be appropriated to remain available until expended.

"SEC. 342. TECHNICAL ASSISTANCE.

"(a) Upon compliance with section 341(c), the Secretary of Commerce may provide to a community, on such terms and conditions as he determines to be appropriate, such technical assistance as in his judgment will materially contribute to the economic adjustment of the community.

"(b) To the maximum extent practicable, the Secretary of Commerce shall furnish technical assistance under this section and section 340(c) through existing agencies, and otherwise through private individuals or institutions.

"(c) The Secretary of Commerce shall require a community receiving technical assistance under this section or section 340(c) to share the cost thereof to the extent he determines to be appropriate.

"SEC. 343. FINANCIAL ASSISTANCE.

"(a) Upon compliance with section 341(c), the Secretary of Commerce may provide to a community, on such terms and conditions as he determines to be appropriate, such financial assistance in the forms of guarantees of loans, agreements for deferred participations in loans, or loans, as in his judgment will materially contribute to the economic adjustment of the community. In addition, grants for specific economic development projects, transportation facilities, community economic development corporations, government feasibility studies, and joint firm-worker adjustment assistance programs patterned for specific economic enterprises shall be provided by the Secretary of Commerce if, in his judgment, they will materially contribute to the economic adjustment of the community.

"(b) Guarantees, agreements for deferred participations, loans, or grants shall be made under this section only for the purpose of making funds available to the community for diversification and encouragement of industry.

"(c) To the maximum extent practicable, the Secretary of Commerce shall furnish financial assistance under this section through agencies furnishing financial assistance under other laws.

"Sec. 344. Conditions for Financial Assistance.

"(a) No loan shall be guaranteed and no agreement for deferred participation in a loan shall be made by the Secretary of Commerce in an amount which exceeds 90 percent of that portion of the loan made for purposes specified in section 343(b).

"(b)(1) Any loan made or deferred participation taken up by the Secretary of Commerce shall bear interest at a rate not less than the greater of—

"(A) 4 percent per annum, or

"(B) a rate determined by the Secretary of the Treasury for the year in which the loan is made or the agreement for such deferred participation is entered into.

"(2) The Secretary of the Treasury shall determine annually the rate referred to in paragraph (1)(B), taking into consideration the current average market yields on outstanding interest-bearing marketable public debt obligations of the United States of maturities comparable to those of the loans outstanding under section 343.

"(c) Guarantees or agreements for deferred participation shall be made by the Secretary of Commerce only with respect to loans bearing interest at a rate which he determines to be reasonable. In no event shall the guaranteed portion of any loan, or the portion covered by an agreement for deferred participation, bear interest at a rate more than 1 percent per annum above the rate prescribed by subsection (b) (determined when the guarantee is made or the agreement is entered into), unless the Secretary of Commerce shall determine that special circumstances justify a higher rate, in which case such portion of the loan shall bear interest at a rate not more than 2 percent per annum above such prescribed rate.

"(d) The Secretary of Commerce shall make no loan or guarantee having maturity in excess of 25 years, including renewals and extensions, and shall make no agreement for deferred participation in a loan which has a maturity in excess of 25 years, including renewals and extensions. Such limitation on maturities shall not, however, apply to—

"(1) securities or obligations received by the Secretary of Commerce as claimant in bankruptcy or equitable reorganization, or as creditor in other proceedings attendant upon insolvency, of the obligor, or

"(2) an extension of renewal for an additional period not exceeding 10 years, if the Secretary of Commerce determines that such extension or renewal is reasonably necessary for the orderly liquidation of the loan.

"(e) No financial assistance shall be provided under section 343 unless the Secretary of Commerce determines that such assistance is not otherwise available to the community, from sources other than the United States, on reasonable terms, and that there is reasonable assurance of repayment by the borrower.

"(f) The Secretary of Commerce shall maintain operating reserves with respect to anticipated claims under guarantees and under agreements for deferred participation made under section 343. Such reserves shall be considered to constitute obligations for purposes of section 1311 of the Supplemental Appropriation Act, 1955 (31 U.S.C. 200).

"Sec. 345. Administration of Financial Assistance

"(a) In making and administering guarantees, agreements, for deferred participation, and loans under section 343, the Secretary of Commerce may—

"(1) require security for any such guarantee, agreement, or loan, and enforce, waive, or subordinate such security;

"(2) assign or sell at public or private sale, or otherwise dispose of, upon such terms and conditions and for such consideration as he shall determine to be reasonable, any evidence of debt, contract, claim, personal property, or security assigned to or held by him in connection with such guarantees, agreements, or loans, and collect, compromise, and obtain deficiency judgments with respect to all obligations assigned to or held by him in connection with such guarantees, agreements, or loans until such time as such obligations may be referred to the Attorney General for suit or collection;

"(3) renovate, improve, modernize, complete, insure, rent, sell, or otherwise deal with, upon such terms and conditions and for such consideration as he shall determine to be reasonable, any real or personal property conveyed to or otherwise acquired by him in connection with such guarantees, agreements, or loans;

"(4) acquire, hold, transfer, release, or convey any real or personal property or any interest therein whenever deemed necessary or appropriate, and execute all legal documents for such purposes; and

"(5) exercise all such other powers and take all such other acts as may be necessary or incidental to the carrying out of functions pursuant to section 343.

"(b) Any mortgage acquired as security under subsection (a) shall be recorded under applicable State law.

"(a) Each recipient of adjustment assistance under section 342 or 343 shall keep records which fully disclose the amount and disposition by such recipient of the proceeds, if any, of such adjustment assistance, and which will facilitate an effective audit. The recipient shall also keep such other records as the Secretary of Commerce may prescribe.

"(b) The Secretary of Commerce and the Comptroller General of the United States shall have access for the purpose of audit and examination to any books, documents, papers, and records of the recipient pertaining to adjustment assistance under sections 342 and 343.

"(c) No adjustment assistance shall be extended under section 342 or 343 to any community unless the officials or representatives of such community certify to the Secretary of Commerce—

"(1) the names of any attorneys, grants, and other persons engaged by or on behalf of the community for the purpose of expediting applications for such adjustment assistance, and

"(2) the fees paid or to be paid to any such person.

"Sec. 347. Penalties.

"Whoever makes a false statement of a material fact knowing it to be false, or knowingly fails to disclose a material fact, or whoever willfully overvalues any security, for the purpose of influencing in any way the action of the Secretary of Commerce under this chapter, or for the purpose of obtaining money, property, or anything of value under this chapter, shall be fined not more than $5,000 or imprisoned for not more than 2 years, or both.

"Sec. 348. Suits.

"In providing technical and financial assistance under sections 342 and 343, the Secretary of Commerce may sue and be sued in any court of record of State having general jurisdiction or in any United States district court, and jurisdiction is conferred upon such district court to determine such controversies without regard to the amount in controversy; but no attachment, injunction, garnishment, or other similar process, mesne or final, shall be issued against him or his property. Nothing in this section shall be construed to except the activities pursuant to section 342 and 343 from the application of section 507(b) and 2679 of the Revised Statutes (5 U.S.C. 316)."

Sec. 17. (a) Section 351(a)(1) of the Trade Expansion Act of 1962 (19 U.S.C. 1981) is amended by inserting before the period at the end thereof ", taking into account the probable effect of such increase on imposition upon consumers, including the price and availability of the imported article and the like or directly competitive domestic article, and upon competition in the domestic markets for such article".

(b) Section 351(d) of such Act is amended to read as follows:

"(d)(1) So long as any increase in, or imposition of, any duty or other import restriction pursuant to this section remains in effect, the Tariff Commission shall keep under review, and make annual reports to the President on—

"(A) the specific efforts being made by the firms in the industry concerned to adjust to import competition, and other developments with respect to such industry,

"(B) the effect of such increase or imposition upon consumers, including the price and availability of the imported article and the like or directly competitive article produced in the United States, and upon competition in the domestic markets for such articles, and

"(C) the impact upon United States exports and exporters of any action taken by foreign countries as a consequence of such increase or imposition.

"(2) When in the judgment of the Tariff Commission—

"(A) the effect of an increase in, or imposition of, a duty or other import restriction pursuant to this section is substantially adverse to the interests of consumers, or

"(B) the impact of action taken by foreign countries as a consequence of such increase or imposition is materially adverse to United States exports and exporters,

it may recommend to the President a reduction in, or removal of, such duty or other import restriction.

"(3) No later than 2 years after the effective date of a proclamation providing for the increase in, or imposition of, any duty or other import restriction pursuant to this section, or upon request of the President, or upon its own motion, the Tariff Commission shall advise the President of its judgment as to the probable economic effect on the industry concerned of the reduction or termination of such increase or imposition.

"(4) Upon petition on behalf of the industry concerned, filed with the Tariff Commission not earlier than the date which is 9 months, and not later than the date which is 6 months, before the date any increase or imposition referred to in paragraph (1) or (2) of subsection (c) is to terminate by reason of the expiration of the applicable period prescribed in paragraph (1) or an extension thereof under paragraph (2), the Tariff Commission shall advise the President of its judgment as to the probable economic effect on such industry of such termination. Such petition shall include a detailed account of the specific efforts made by the firms in the industry to adjust to import competition after the effective date of such increase or imposition.

"(5) In advising the President under this subsection as to the probable economic effect on the industry concerned, the Tariff Commission shall take into account the specific efforts made by the firms in such industry to adjust to import competition, as well as all other economic factors which it considers relevant, including idling of productive facilities, inability to operate at a level of reasonable profit, and unemployment or underemployment. In so advising the President, the Tariff Commission shall also provide its judgment as to the probable effect of the reduction or elimination, as the case may be, upon—

"(A) consumers, including the price and availability of the imported article and the directly competitive article produced in the United States, and upon competition in the domestic markets for such articles, and

"(B) United States exports and exporters affected by any action taken by foreign countries as a consequence of the increase in, or imposition of, any duty or other import restriction pursuant to this section.

"(6) Advice by the Tariff Commission under this subsection shall be given on the basis of an investigation during the course of which the Tariff Commission shall hold a hearing at which interested persons shall be given a reasonable opportunity to be present, to produce evidence, and to be heard."

(c) Section 352 of such Act (19 U.S.C. 1982) is amended by adding at the end thereof the following new subsection:

"(c)(1) So long as any agreement concluded under subsection (a) remains in effect, the Tariff Commission shall keep under review and make annual reports to the President on—

"(A) the specific efforts being made by the firms in the industry concerned to adjust to import competition, and other developments with respect to such industry,

"(B) the effect of such agreement on consumers, including the price and availability of the imported article and the like or directly competitive article produced in the United States, and on competition in the domestic markets for such articles, and

"(C) the impact upon United States exports and exporters of any action taken by foreign countries as a consequences of such agreement.

"(2) When in the judgment of the Tariff Commission—

"(A) the effect of an agreement concluded under subsection (a) is substantially adverse to consumers, or

"(B) the impact of action taken by foreign countries as a consequence of such agreement is materially adverse to United States exports and exporters,

it may recommend to the President a revocation or modification of such agreement."

Sec. 18. Title III of the Trade Expansion Act of 1962 is amended by adding at the end thereof the following new chapter:

"CHAPTER 7.—PUBLICITY

"SEC. 371. PUBLICITY OF ADJUSTMENT ASSISTANCE PROGRAMS.

"(a) The President shall take all appropriate steps to insure that the adjustment assistance available under chapters 2, 3, and 4 is made known in a prompt and effective manner throughout the United States to persons who might need such assistance, including persons in areas of substantial unemployment as determined by the Department of Labor.

"(b) In particular, the President shall direct the Departments of Commerce and Labor, and such other agencies as he deems appropriate—

"(1) to use their services and programs in the several States to furnish interested persons with information concerning the various kinds of adjustment assistance available under chapters 2, 3, and 4 and the procedures for obtaining such assistance, and

"(2) to provide timely and appropriate assistance, through their field offices in the several States, to any person seeking to apply for, and to obtain, adjustment assistance under chapters 2, 3, and 4.

"(c) In any area of the United States where a language other than English is used by a significant number of persons, the President shall insure that information and assistance under this chapter are provided in both English and such other language."

Sec. 19. Upon the establishment of a Department of Economic Affairs, the functions, powers, and duties of the Secretary of Commerce and the Secretary of Labor under title III of the Trade Expansion Act of 1962 are hereby transferred to the Secretary of Economic Affairs.

By Mr. GURNEY (for Mr. ALLEN and himself, and Mr. TALMADGE, Mr. SPARKMAN, Mr. NUNN, and Mr. CHILES):

S. 1157. A bill to authorize the Secretary of the Interior to conduct a study with respect to the feasibility of establishing the Bartram Trail as a national scenic trail. Referred to the Committee on Interior and Insular Affairs.

Mr. GURNEY. Mr. President, the National Trails System Act of 1968 authorized the establishment of two national scenic trails, the Appalachian Trail in the East, and the Pacific Crest Trail in the West. Additionally, studies were authorized for 14 other routes to determine if these trails should also be added to the National Scenic Trail System.

One of the 14 routes to be studied is in my own State of Florida, the El Camino Real Trail from St. Augustine to Fort Caroline National Memorial—a distance of about 30 miles along the southern border of the St. Johns River.

It is a beautiful trail, and one that should be included in the National Scenic Trail System, but its importance must be considered in a larger historical context. It would indeed be a shame if we included one small part of the famous trail and then left out the rest of the route followed by one of the most famous naturalists and explorers of colonial America—John Bartram.

In late August 1765, John and William Bartram departed Charleston, S.C., and headed for Florida, which had just come into British hands 2 years earlier and which was largely unpopulated. As the newly appointed royal botanist for all the American colonies, John Bartram's mission was to explore the newly acquired area and report on its condition. In the next 2 years, he and his son did just that—traveling throughout the Southeast collecting and describing minerals, soils, plants, and animals.

In the course of their mission, the Bartrams traveled through what is now Jacksonville, Fla., before reaching St. Augustine. Then they explored the St. Johns River, traveling in part along what is now known as the El Camino Real Trail. Subsequently, in 1774–75, both men returned to east Florida on a trip that also took them to parts of Georgia and southeastern Alabama, particularly the areas along the Tombigbee River and the area around present-day Mobile. Out of their travels came a far greater understanding of the wildlife and terrain of what was soon to become an important part of the United States.

John Bartram has gone down in history as the first native American botanist. He traveled far and wide in North America, but no trips were more important than the two I just mentioned. Millions of Americans have subsequently discovered what John and William Bartram went to such pains to see and record—that the north Florida, south and coastal Georgia and southeast Alabama area is a region rich in natural beauty. The route they followed—as the Bartram Trail—is well worth preserving, from an environmental as well as a historical standpoint.

The bill of the distinguished Senators from Alabama, Senators ALLEN and SPARKMAN and the distinguished Senators from Georgia, Senators TALMADGE and NUNN, along with the junior Senator of Florida, Mr. CHILES, would be a big step in that direction. If we are going to consider a 30-mile section of Bartram Trail for inclusion within the National Scenic Trail System, why not at least consider the possibility of the whole trail under the same protective umbrella.

Mr. President, I ask unanimous consent to have the text of this bill printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1157

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsection (c) of section 5 of the National Trails System Act is amended by adding at the end thereof the following:

"(15) Bartram Trail, which extends from Mobile, Alabama, through the area of Montgomery, Alabama, to the Alabama and Georgia State border about due east of Montgomery, Alabama; continues through Georgia to the area of Savannah, Georgia, thence south to the Georgia and Florida State border; and terminates in the area of Manatee Springs, Florida, after passing through the area of Jacksonville, Florida, and south along the St. Johns River to Lake George, and thence through the Alachua Savanna to the Suwannee River."

By Mr. ALLEN (for himself, Mr. SPARKMAN, Mr. TALMADGE, Mr. BENNETT, Mr. THURMOND, and Mr. HELMS):

S. 1160. A bill to establish an independent Consumer Protection Agency, and to authorize a program of grants, in order to protect and serve the interests of consumers, and for other purposes. Referred jointly to the Committees on Commerce and Government Operations with the priviso that when one committee reports the bill the other will have 45 days to report or the other committee will be deemed discharged from said bill.

CONSUMER PROTECTION ACT OF 1973

Mr. ALLEN. Mr. President, every responsible person agrees that the interests of consumers are an essential part of the public interest and need to be safeguarded.

You will find no disagreement on that point within Congress. You will find no disagreement on that point among reputable producers—businessmen, workingmen, farmers, and so forth. We are all, after all, consumers.

Great differences often arise among reasonable people, however, as to how to protect consumers properly, and as to what degree of importance consumer interests are in relation to other aspects of the public interest.

If, for example, you tell a labor union official that all barriers to foreign imports should be dropped so that less expensive goods can be offered to the American consumer, that official may agree that such an action would benefit consumers, but he would also argue that a greater detriment would be done to the public interest by putting Americans out of jobs.

Many of us in this Chamber can agree to the merit of creating a Consumer Protection Agency to assist the Federal Government in the complex task of granting due consideration to the interests of consumers.

But while many of us—perhaps even a vast majority—would agree to the potential value of creating a Consumer Protection Agency to advocate the interests of consumers and otherwise serve the buyer aspect of the public interest, there is great disagreement as to what powers are needed for such an agency effectively to serve the public.

As evidence of this, we need only remember that a consumer protection agency bill failed in this Chamber last year. Currently, a bill similar to that bill of last year has been introduced as S. 707, a far-reaching proposal that exceeds the bounds of consumer interests and strains almost to the breaking point the term "consumer protection."

Therefore, Mr. President, together with the distinguished senior Senator from Alabama (Mr. SPARKMAN), the distinguished senior Senator from Georgia (Mr. TALMDGE), the distinguished senior Senator from Utah (Mr. BENNETT), the distinguished senior Senator from South Carolina (Mr. THURMOND), the distinguished junior Senator from North Carolina (Mr. HELMS)—who is now presiding over this body as the Presiding Officer of the Senate—I introduce today a bill for those who support the concept of consumer protection and who wish to support a consumer protection agency bill which concerns itself with the issue of consumer protection only. It does not contemplate sweeping social and governmental reforms. The bill is workable and it is passable.

Mr. President, I, of course, ask unanimous consent that this bill receive the same referral as S. 707 so as to make their dual consideration at hearings possible; that is, I ask unanimous consent that this bill be referred jointly and simultaneously to the Committee on Government Operations and the Committee on Commerce, that, following the reporting of the bill by either committee, the other committee shall have 45 calendar days thereafter to report the bill, that following such 45 days the committee not reporting the bill shall be considered to have discharged the bill, and that it be placed on the Senate Calendar of Business.

The **PRESIDING OFFICER** (Mr. HELMS). Without objection, it is so ordered.

Mr. ALLEN. Mr. President, the major differences between our bill and the far-reaching S. 707 are as follows:

ONE AGENCY, NOT TWO, CREATED

Under the more sweeping S. 707, a second consumer protection unit would be created for purposes overlapping those of the CPA, and this Council of Consumer Advisers would be placed within the Office of the President. This is against the specific wishes of the administration which testified in opposition to the concept.

Under our bill, only one new unit would be created, the CPA. We would not create a Counsel of Consumer Advisers, and therefore we avoid the imposition of an unwanted and unneeded agency upon the President and the taxpayer.

NONCONSUMER REFORMS DELETED

There are provisions in the very broad S. 707 which should be considered separately and by other more appropriate committees—provisions to restrict certain general powers of the Office of Management and Budget, and provisions to revise the general practice and procedure of all Federal agencies.

Our bill is a consumer bill, and does not extend beyond that subject. Therefore, these provisions which attempt to require public interest reforms are deleted by us without any position being taken on them other than that they should be considered elsewhere by a committee of appropriate jurisdiction.

OPEN, NOT SPECIFIC, APPROPRIATIONS

Similar to last year, the more far-reaching bill would authorize specific sums of money for the CPA, yet there has been no expert testimony nor projections to determine the appropriateness of the suggested multimillion-dollar sums.

Under our bill we would authorize "such sums as may be required" to carry out the act, so that these would be determined later by the Appropriations Committee pursuant to a budget request.

WORKABLE KEY DEFINITIONS

Under the broader bill, syntactical problems cause confusion in applying the definition of "interest of consumers" to the important CPA advocacy function.

More importantly, S. 707 defines "interest of consumers" so broadly as to encompass within it the public interest, rather than the other way around—the consumer interest being only a part of the public interest. Apparently, confusion as to how this definition might relate to real life situations is to be overcome by making the definition of interests of consumers capable of application to anything that could ever happen.

Thus, under the more sweeping provisions of S. 707, the CPA may advocate what it considers to be in the public interest beyond what is in the special interests of consumers. This may not be a bad concept, but it would do an injustice to any consumer movement and all those who think this is a consumer bill.

After all, the basic principle upon which the CPA bill is being promoted is that the interests of consumers are separable from those of business, labor and agriculture, and that these consumer interests are definable to the point of being representable by an advocate who will assert them before an agency charged with protecting the larger public interest.

If the interests of consumers cannot be defined by Congress with enough precision to exclude matters clearly not applicable to our consumer functions, there should be no CPA bill whatsoever. We should not create a whole new agency to protect and foster an undefined—therefore unknown and unproved—need.

Under our bill, on the other hand, "interest of consumers" is defined without unnecessary complexity and, unlike the broader bill, interrelated to the important definition of "consumer" so as to set forth for the CPA the essence of the consumer aspect of all individuals. Yet we do this without being overly restrictive.

We define "interests of consumers" simply as "any benefit or protection that is, or reasonably should be, accorded under law to an individual when he is functioning as a consumer."

A "consumer," the person whom this bill is al labout, in turn, is defined as "any individual who, primarily for personal, family or household purposes, uses or buys for use, or who reasonably may be expected to use or buy for use, goods or services offered or furnished at a consideration for such purposes."

ADVOCACY SCOPE FOCUSED ON FORMAL PROCEEDINGS

Under the far-reaching provisions of S. 707, the CPA not only could intrude unchallenged into the formalized agency proceedings under the Administrative Procedure Act, but could also, as of right, "participate" in any informal Federal activity of its choice—such as the recent private discussions between the President and labor union leaders.

Our bill also allows for CPA advocacy as of right in the formalized proceedings which represent a ripening of the agency process to the stage where it can benefit from such advocacy. We would not, however, provide a right of advocacy for the CPA in the unstructured and more internalized working of government that generally are called "informal activities."

We fear that there are too many unknowns involved in granting the CPA an unchallengeable right, as S. 707 would, to "participate" in "any phase" of "any agency process whether such process is formal or informal."

Thus, we are not convinced of the benefit of allowing the CPA to intrude in collective bargaining negotiations arbitrated by the Federal Mediation and Conciliation Service or regional functions of the Tennessee Valley Authority, or millions of similar informal Federal activities that may be hindered more than advanced by the intrusion of consumer protection agents.

If the CPA, after experience in advocacy, claims that intrusion in informal Federal activities is needed to protect consumers, then we should reconsider the matter on the basis of this experience.

ADVOCACY USED TO ASSIST GOVERNMENT

Under the more negative S. 707, the CPA would become the adversary of its sister agencies and of anyone else—including consumers, mind you—who disagreed with its position.

Superadvocacy powers available to no other party or participant would be granted to the CPA under that sweeping bill, including the power for the CPA to assign itself full party status, even if the forum agency disagrees, and the power to take its own Government to court to strike down action it does not like, even if no other agency or consumer could have done so.

To my knowledge, no nonregulatory agency ever had such extraordinary, not to mention negatively oriented powers, nor should such powers be granted to such a unit or individual.

Under our bill, on the other hand, the CPA would not be created to attack the Government from within. The CPA would be granted advocacy powers to assist other agencies efficiently by: first, presenting arguments or briefs based upon information in its possession; second, after all participants are finished, commenting to the forum, from the consumer viewpoint, all submitted information and arguments; and third, seeking an administrative rehearing rather than forcing the overburdened courts to make policy in a complex United States against United States case brought at great embarrasment to the Government.

Again, if the CPA later shows a need for negative power after trying unsuccessfully to assist the Government positively, we should reconsider this issue on the basis of experience and positive evidence.

But it is our feeling that we should not start down the road to institutionalizing discontent with a negatively oriented agency, until we have at least attempted to solve this problem with a positive proposal.

SAFEGUARDS ADDED TO INFORMATION FUNCTIONS

A considerable number of real safeguards are added in our bill to assure that the CPA does not impinge improperly upon public and private rights when exercising its information gathering and dissemination functions.

Among others, we delete as improper the granting to CPA of power to force citizens to answer virtually any question under oath and pain of being imprisoned for not answering.

Under the sweeping and far-reaching provisions of S. 707 and recent court cases holding that there is no newsman's privilege, for example, the CPA could use such extraordinary investigation powers to force newsmen to reveal their sources. Or, conversely, this same extraordinary power may expressly be used to assist the investigation of anyone else who does not have similar powers—newspapers, private groups such as Nader's Raiders, or other Federal agencies which, for any reason, were not granted sweeping investigation rights.

We also delete as improper the CPA power under the other bill to force other Federal agencies to grant access to and copies of most documents in their possession. We would make such access discretionary.

We would also prohibit certain documents such as an individual's medical files and top secret State Department or Atomic Energy Commission material from being given at all to the CPA.

Under the more far-reaching S. 707, the CPA not only could get copies of these documents if the agency holding them wished to give them to the consumer advocates, it apparently could publish them if the original agency did not specifically object first. This is because limitations on the dissemination of information by the CPA are expressly limited to those in section 208 of that bill, and nothing in that section would prohibit such disclosure.

GRANTS ONLY TO GOVERNMENTAL BODIES

Also under the broader S. 707, the CPA would be given authority to distribute millions of dollars as grants to nonprofit private organizations as well as State and local governmental units.

We believe that if the CPA is to administer a Federal grant program to benefit consumers locally, the grantees of this program should be limited to governmental units, at least during the initial years.

This would not only be putting the money where it would be most needed and doing the most good, it would delete an area—private beneficiaries—that might prove to be a major policing headache.

PUBLIC JUDICIAL REVIEW

Under our bill, the public's right to seek judicial review of CPA action is safeguarded so as to allow any legally wronged citizen to take the CPA to court just as he would any other agency.

The provisions of S. 707—ultraliberal with respect to many CPA powers—actually expressly diminish a citizen's normal right to seek relief from capricious action. This we cannot abide.

Mr. President, those are some of the major differences between our bill and the far-reaching S. 707 that was introduced last month.

There are, of course, other differences. We therefore urge that the two bills be compared closely by those who wish to support a CPA bill .

To assist in this purpose, we have prepared a more detailed comparison of the major differences between S. 707 and our measure, and ask unanimous consent that it be printed in the RECORD at this point in the form submitted.

There being no objection, the detailed comparison was ordered to be printed in the RECORD, as follows:

MAJOR DIFFERENCES BETWEEN TWO 1973 CONSUMER PROTECTION AGENCY BILLS

S. 707—RIBICOFF, ET AL.	S. 1160—ALLEN, BENNETT, HELMS, SPARKMAN, TALMADGE, AND THURMOND
1. *Two Agencies Created:* In addition to the CPA, a separate statutory consumer protection agency, the Council of Consumer Advisers, would be created. Title I.	1. *One Agency Created:* Only the CPA would be created. Title I.
2. *Non-Consumer Reforms Sought:* The power of the Office of Management and Budget under the Federal Reports Act would be limited, whether or not consumer interests are involved. Sec. 402. All federal agencies would have to revise their rules of procedure to make them consistent with the requirements of the Act, whether or not the Federal agency or any of its proceedings might relate to consumer interests. Sec. 403.	2. *Consumer Protection Only:* This consumer protection bill is only concerned with consumer protection, not other reforms.
3. *"Interest of Consumer" Defined As Larger Than Public Interest:* The key definition of "interest of consumer" upon which the CPA's advocacy powers depend is defined broadly enough to include anything that the CPA says it includes, and the CPA's determination in this regard is completely unchallengeable. Sec. 401(11), 210(e)(2).	3. *"Interest of Consumer" Defined As Part of Public Interest:* Unlike the other bill, the terms "interest of consumer" and "consumer" are interrelated, and distinguish the interests of individuals when functioning in their consumer aspects as opposed to other aspects that make up human beings. Sec. 301(6), (9).
4. *Millions of Dollars Specifically Authorized:* The bill authorizes specific amounts of money to be appropriated to carry out the CPA grants-in-aid program as well as all other functions. $35 million is authorized for the first year, and $60 million for the second. Sec. 213, 301.	4. *General Authorization Provided:* "Such sums as are necessary" are authorized under the bill leaving determination of specific amounts for a later date when information is available with which to make an informed decision. Sec. 111, 201.
5. *Private Consumer Organizations To Receive CPA Grants As Well As Government Units:* Nonprofit private organizations are eligible to receive CPA grants for consumer protection activities. Sec. 303.	5. *Only State and Local Governmental Organizations to Receive Grants:* Only Governmental units or programs at the state and local levels would be funded by the CPA. Title II.
6. *Intrusion In Informal Activities:* In addition to allowing the CPA to appear as of right in the more formalized proceedings of Government which are designed to benefit by advocacy, the CPA would also be able to intrude as of right in any informal process of a Government agency whether or not such informal activity might benefit by having a watchdog intrude. Sec. 203(b), 401(4).	6. *No Intrusion In Informal Activities:* The CPA would be allowed to advocate the interests of consumers in the more formalized proceedings where others with an interest in the subject matter may do so, but not in the informal activities of the Government. Sec. 103.
7. *Negative Super Advocacy Powers To Attack:* Extraordinary powers never granted to any agency, no less a nonregulatory agency, would be granted to the CPA to make it the most powerful party or participant in any proceeding. Extraordinary	7. *Positive Advocacy Powers To Assist:* Recognziing that the CPA is a Governmental agency, not a private citizen, the CPA is granted power to assist other agencies, not attack them. The CPA would make arguments or present views,

for a nonregulatory agency are powers to assign itself any available status, including full party, statutory standing to appeal federal decisions even where other agencies could not (e.g., government contract payments), and use of subpenas and other discovery powers even if the CPA does not assume a status which would be required for others to have such powers used for them. Sec. 203, 204.

8. *Extraordinary Subpena-Like Power For CPA's Own Use and Others:*

The CPA would be granted extraordinary power, particularly for a nonregulatory agency, to issue court enforceable orders that citizens answer any question or file a report on any topic, under oath. All the CPA would have to do is make sure that such a demand fell within and was therefore relevant to the all-inclusive category of being information that substantially affects consumer health or safety, or is necessary for the CPA to discover consumer fraud or other unconscionable conduct detrimental to an important interest of consumers. Sec. 207(b).

This information, obtained by threat of court sanction, could be used by CPA to assist investigations by other Federal agencies which for one reason or another have not been granted such powers, or even to assist private consumer groups which were having difficulty obtaining information. Sec. 207(a), 207(b)(1).

9. *Direct CPA Access to Sensitive Government-Held Documents:*

The CPA would, *as a matter of right,* have access to almost all information in the hands of another agency. Even classified information, information "which would constitute a clearly unwarranted invasion of personal privacy," and information prohibited from being disclosed by one agency to another, specifically would be open to access by the CPA under this authorization, except that such information could be given the CPA only at the discretion of the agency holding it. Sec. 207(c). Access to income tax return information under authority of this act (as opposed to other acts) would not be granted. Sec. 207(d).

10. *Protected Business Information May Be Publicly Disclosed By CPA:*

Where the CPA, in its discretion, determines that it is necessary to protect public health or safety, it may release to the public confidential business information protected from disclosure by Federal law. Sec. 208(c).

11. *CPA Need Not Retract Erroneous Information:*

Where the CPA releases to the public information that is inaccurate, misleading or incomplete, it *may* issue a retraction, but could also adopt as a face-saving alternative the option of taking "other reasonable action to correct any error or release significant additional information." Sec. 205(d).

12. *CPA May Indicate By Implication "Better Buys":*

The CPA bill reported by Committee last year prohibited the CPA from indicating "in any manner" that one product is a better buy than another. The 1973 bill contains an amendment that merely prohibits the CPA from "expressly" indicating some products to be better buys than others. Sec. 208(e)(3). The language of the new bill, particularly in light of past language, would appear to condone allowing the CPA to indicate by implication (arrangement of products on a list according to CPA-determined "quality" and price, for example) which products it considered better buys than others, thereby subjectively influencing consumer choice.

13. *Citizens' Right To Challenge CPA Action Restricted Considerably:*

A citizen's usual right to seek judicial review of Government action that legally wrongs him is severely restricted in relation to the CPA both by limiting availability and by the imposition of artificially higher standards that such a person would have to meet before seeking judicial review. Sec. 210(e). It is obviously intended to reduce to a *minimum* the availability to citizens of court review of CPA actions, and to discourage application for such review in this narrow area.

based on information in its possession, to a forum agency without having to participate as an adversary and without any discovery (subpena, etc.) powers made available to it. After all arguments have been made, but before a final decision by the forum agency, the CPA would be given an opportunity to make the last comment in the interests of consumers. No right to seek judicial review would be granted, but the CPA would be allowed to request reconsideration or rehearing. Sec. 103.

8. *No Subpena-Like Power:*

No such power would be granted to the CPA.

9. *Access Only At Host Agency Discretion; Some Prohibited:*

Rather than as of right, CPA would have access to information generally in posesession of other agencies only at the discretion of those other agencies. In the following sensitive areas, however, the CPA would be *prohibited* from access to information in the hands of other agencies:

1. classified information;
2. information which would constitute a clearly unwarranted invasion of privacy;
3. information which is prohibited from being disclosed to another agency;
4. information in an income tax return.
5. trade secrets or other privileged commercial information (unless the person who provided the information allows it to be released to CPA).

Sec. 106(b)

10. *CPA May Not Publicly Disclose Protected Business Information:*

The CPA could not release to the public confidential information protected from disclosure by Federal law; however, CPA could release such information confidentially to the appropriate regulatory agency with expertise in the manner for determination as to whether it should be released. Sec. 107(c).

11. *CPA Must Always Retract Erroneous Information:*

No matter what other action it might take, the CPA must always promptly issue a retraction upon discovery that its publicly released information was misleading, inaccurate or incomplete. Sec. 107(d).

12. *CPA May Not Indicate "Better Buys":*

The CPA may not indicate "in any manner" that one product is a better buy than another. Sec. 107(c). This is the language that appeared in the 1972 CPA bill as reported by Committee.

13. *Citizens' Right To Challenge CPA Action Left Untouched:*

Any person legally wronged because of any CPA action may seek judicial review of that action as he would other Governmental action and receive the relief available under current law for such purposes. Sec. 109(d).

Mr. ALLEN. Mr. President, I send the bill to the desk for appropriate reference, as already mentioned, in line with the unanimous-consent agreement that I have obtained.

By Mr. JAVITS (for himself, Mr. BUCKLEY, Mr. STEVENSON, and Mr. SCOTT of Pennsylvania):

S. 1161. A bill to amend the act of August 13, 1946, relating to Federal participation in the cost of protecting the shores of the United States, its territories and possessions, to include privately owned property. Referred to the Committee on Public Works.

FLOOD AND EROSION CONTROL

Mr. JAVITS. Mr. President, much attention has been given recently to the serious problem confronting residents of those areas on our Great Lakes which are presently threatened by flooding. These high water levels, if combined with wind and storm conditions following the spring thaw, pose the threat of an imminent major disaster along these shorelines. The threat from the presently high water level is compounded by the critical erosion problems along these shorelines—a problem which the Corps of Engineers is prohibited from correcting where such erosion exists on private property.

I propose to introduce legislation which would correct the existing law to permit private property owners affected by erosion to qualify for Federal assistance and make this assistance available through the Corps of Engineers in accordance with already established procedures for civil projects.

In the Rivers and Harbors Act of 1968, Public Law 90–483, the Congress gave to the Chief of Engineers special responsibilities for appraising, investigating, and studying the condition of the Nation's shorelines and for developing suitable means for protecting, restoring, and managing them so as to minimize erosion-induced damages. This national shoreline study found 20,500 miles of the ocean and Great Lakes shores of the United States undergoing significant erosion. The study further found that action to halt significant erosion appears justified along 2,700 miles of such shores. The cost of constructing suitable protective works for these shores is estimated to be $1.8 billion. The study suggests that priority attention should be given to 190 miles of shores where continued erosion is most likely to endanger life and public safety within the next 5 years. The cost of constructing protective works along these shores is estimated to be $240 million. About two-thirds of the areas where erosion is a serious problem are privately owned and not eligible for Federal assistance under present law.

This study concluded:

> Yet the public interest in such private shores is considerable. The management of private lands often affects public beaches, navigation channels, and other facilities. Ecological and environmental problems are not stopped by private fences, nor are the problems associated with storm flooding and disaster-related emergencies.

Of the total 2,680 miles of Great Lakes shoreline, this study found 220 miles is suffering critical erosion.

The legislation I introduce is a companion measure to a bill already introduced by concerned Great Lakes States' Congressmen.

I ask to have the text of this bill printed following these remarks with the text of the section of the United States Code which the bill would amend.

In addition, I would like to have printed in the RECORD a statement which I issued today in Rochester, N.Y.

There being no objection, the bill and material were ordered to be printed in the RECORD, as follows:

S. 1161

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) subsection (b) of the first section of the Act entitled "An Act authorizing Federal participation in the cost of protecting the shores of publicly owned property", approved August 13, 1946 (33 U.S.C. 426e(b)), is amended by inserting immediately after "in which the project is located," the following: "or by responsible local interests, or both,".

(b) Subsection (d) of the first section of such Act of August 13, 1946 (33 U.S.C. 426e (d)), is hereby repealed, and subsection (c) of such first section is hereby redesignated as subsection (d).

STATEMENT DELIVERED FOR SENATOR JACOB JAVITS

I am pleased to be represented today for an inspection of this area of New York which is so threatened by the forces of nature that a disaster seems imminent—unless drastic action is taken.

Certainly the Corps of Engineers is to be commended for its assistance under Operation Foresight—but more must be done if we are to turn back these threatening waters.

I intend first of all to urge most earnesly that the Office of Emergency Preparedness act quickly and favorably on the application of the Governor for a pre-disaster declaration in this immediate area. This declaration will permit the Corps of Engineers to take emergency—although temporary—measures for the protection of private property along these shores.

Second—and most important for the long-term solution for this crisis—I intend to introduce legislation in the U.S. Senate today which would correct and improve existing law by granting authority to the Corps of Engineers to take action to prevent private property shoreline erosion. In other words, it would permit private property owners affected by erosion to qualify for Federal assistance to be given by the Corps in accordance with already established procedures for civil projects. I am enlisting the support and cosponsorship of all the Great Lakes Senators in this effort and urge rapid and sympathetic consideration by the appropriate Senate Committee.

There are, in addition to the above solutions certain mechanical controls which can be instituted under the jurisdiction of the International Joint Commission and I will urge that all such actions be carefully and quickly weighed (i.e. regulation of gates at Sault Ste. Marie and storage on Lake Superior; diversion through the Chicago Drainage Canal; possibility of a dam on Lake Erie; regulation of Welland Canal; efforts to regulate the maximum and minimum lake levels).

Finally, I must emphasize the urgency of submitting applications for flood insurance. I have been asked by the Department of Housing and Urban Development to urge everyone who is threatened by these impending floods to get applications in immediately to insure some protection against the potential devastation and loss which are confronting us now.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 426a of this title.

§ 426e. Federal aid in protection of shores.

(a) Declaration of policy. With the purpose of preventing damage to the shores of the United States, its Territories and possessions and promoting and encouraging the healthful recreation of the people, it is declared to be the policy of the United States, subject to the following provisions of sections 426e to 426h of this title to assist in the construction, but not the maintenance, of works for the restoration and protection against erosion, by waves and currents, of the shores of the United States, its Territories and possessions.

(b) Federal contribution; maximum amount; exceptions. The Federal contribution in the case of any project referred to in subsection (a) of this section shall not exceed one-half of the cost of the project, and the remainder shall be paid by the State, municipality, or other political subdivision in which the project is located, except that (1) the costs allocated to the restoration and protection of Federal property shall be borne fully by the Federal Government, (2) Federal participation in the cost of a project for restoration and protection of State, county, and other publicly owned shore parks and conservation areas may be, in the discretion of the Chief of Engineers, not more than 70 per centum of the total cost exclusive of land costs, when such areas: Include a zone which excludes permanent human habitation; include but are not limited to recreational beaches; satisfy adequate criteria for conservation and development of the natural resources of the environment; extend landward a sufficient distance to include, where appropriate, protective dunes, bluffs, or other natural features which serve to protect the uplands from damage; and provide essentially full park facilities for appropriate public use all of which shall meet with the approval of the Chief of Engineers, and (3) Federal participation in the cost of a project providing hurricane protection may be, in the discretion of the Secretary of the Army, acting through the Chief of Engineers, not more than 70 per centum of the total cost exclusive of land costs.

(c) Periodic beach nourishment; definition of "construction". When in the opinion of the Chief of Engineers the most suitable and economical remedial measures would be provided by periodic beach nourishment, the term "construction" may be construed for the purposes of sections 426e to 426h of this title to include the deposit of sand fill at suitable intervals of time to furnish sand supply to project shores for a length of time specified by the Chief of Engineers.

(d) Shores other than public. Shores other than public will be eligible for Federal assistance if there is benefit such as that arising from public use or from the protection of nearby public property or if the benefits to those shores are incidental to the project, and the Federal contribution to the project shall be adjusted in accordance with the degree of such benefits.

(e) Authorized plans. No Federal contributions shall be made with respect to a project under sections 426e to 426h of this title unless the plan therefor shall have been specifically adopted and authorized by Congress after investigation and study by the Beach Erosion Board under the provisions of section 426 of this title as amended and supplemented, or, in the case of a small project under section 426g of this title; unless the plan therefor has been approved by the Chief of Engineers. (Aug. 13, 1946, ch. 960, § 1, 60 Stat. 1056; July 28, 1956, ch. 768, 70 Stat. 702; Oct. 23, 1962, Pub. L. 87-874, title I, § 103(a)(1)—(3), 76 Stat. 1178; Dec. 31, 1970, Pub. L. 91-611, § 208, 84 Stat. 1829.)

AMENDMENTS

1970—Subsec. (b). Pub. L. 91-611 provided for designation of existing provisions as cls. (1) and (2) by insertion of "(1)" after "except that" and substitution of "(2)" for "and, further, that" and added cl. (3).

1962—Subsec. (b). Pub. L. 87-874, § 103(a) (1), (2), increased the maximum limit on the amount of Federal contributions from one-third to one-half of the project cost, provided that costs for restoration and protection of Federal property shall be borne fully by the Federal Government, and that costs for restoration and protection of State, county and other publicly owned shore parks and conservation areas may be borne by the Federal Government up to not more than 70 per centum, exclusive of land costs, when such areas include a zone which excludes permanent human habitation, include recreational beaches, satisfy criteria for conservation and development of natural resources, extend landward enough to include natural features to protect the uplands, and provide essentially full park facilities for public use, all of which meet with the approval of the Chief of Engineers.

Subsec. (e). Pub. L. 87-874, § 103(a)(3), required approval of plans by the Chief of Engineers in the case of a small project under section 426g of this title.

1956—Act July 28, 1956, extended assistance to privately owned shores, to include shores of Territories and possessions, to substitute the term "restoration" for the term "improvement", to define "construction", and to eliminate provisions which authorized Federal aid toward the repair and protection of seawalls constructed by political subdivisions to protect important public highways.

ABOLITION OF THE BEACH EROSION BOARD

Pub. L. 88-172, § 1, Nov. 7, 1963, 77 Stat. 204, provided in part for the abolition of the Beach Erosion Board, and is set out as a note under section 426 of this title. For transfer of functions of the Beach Erosion Board to the Coastal Engineering Research Center, see sections 426-1 and 426-3 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 426g, 426h of this title.

§ 426f. Same; payments to States, etc.

The Secretary of the Army is authorized to reimburse local interests for work done by them, after initiation of the survey studies which form the basis for the project, on authorized projects which individually do not exceed $1,000,000 in total cost: *Provided,* That the work which may have been done on the projects is approved by the Chief of Engineers as being in accordance with the authorized projects: *Provided further,* That such reimbursement shall be subject to appropriations applicable thereto or funds available therefor and shall not take precedence over other pending projects of higher priority for improvements. (Aug. 13, 1946, ch. 960, § 2, 60 Stat. 1056; July 28, 1956, ch. 768. 70 Stat. 703; Oct. 23, 1962, Pub. L. 87-874, title I, § 103(a) (4), 76 Stat. 1178.)

By Mr. ERVIN:

S.J. Res. 72. A joint resolution to insure separation of Federal powers and to protect the legislative function by providing a procedure for requiring Federal officers and employees to inform the Congress. Referred to the Committee on the Judiciary.

Mr. ERVIN. Mr. President, today I introduce, for appropriate reference, a joint resolution proposing steps to be taken by the Congress when any head of a department or agency of the United States, or officer or employee of the United States refuses to provide information requested by the Congress or any of its committees or subcommittees, whether by refusing to appear and testify or by refusing to provide documents or other matter.

As we all are aware, the failure or outright refusal of Federal officers and employees to produce information requested by the Congress for its use in carrying out its constitutional obligation to legislate has resulted in a serious erosion in the separation of powers principle embodied in the Constitution.

For almost 6 years, the Senate Judiciary Subcommittee on Separation of Powers, which I am honored to serve as chairman, has studied the problems raised by so-called executive privilege, and in July 1971, the subcommittee conducted 5 days of hearings on the subject. At that time the subcommittee considered S. 1125, a bill introduced by Senator FULBRIGHT, designed to limit the assertion of executive privilege. During those hearings, the subcommittee fully explored the conflict between the alleged power of the President to withhold information when he feels its disclosure would impede him in the performance of his constitutional duties and the power of the legislative branch to obtain information needed to legislate wisely and effectively. The basic right of the taxpaying public to know what its Government is doing and the underlying facts upon which it bases its actions was also considered.

These basic principles have clashed repeatedly since President Washington's first term, when the Congress undertook to investigate the St. Clair expedition. Without objecting to the propriety of the investigation, President Washington's advisors concluded that, while the Congress might institute inquiries, and call for papers generally, and while the Executive ought to provide those that the public good would permit, the Executive none the less had the discretionary power to refuse to communicate any information the disclosure of which would injure the public. Despite this contention, however, all of the requested papers were turned over to the Congress. Thus the celebrated St. Clair incident by no means constitutes precedent for withholding of information from the Congress by the President or departments or agencies of Federal Government.

There is little disagreement that the power to institute inquiries and exact information is integral to the congressional power to legislate—*McGrain* v. *Daugherty*, 273 U.S. 165 (1927). However, several Presidents have urged that the Chief Executive has the power to withhold information from the Congress and from the public, based upon article II, section 3 of the Constitution, which requires the President to see that the laws are faithfully executed. Chief Executives have argued that a certain amount of secrecy is mandatory to give the President the necessary autonomy to discharge his duties. Since he cannot exercise all of his powers alone, it is urged that there is a derivative applicable to all the members of the executive branch, an assertion that is even more devastating to the checks-and-balances principle.

In 1962, President Kennedy attempted to end the practice of delegating to employees of the executive branch the authority to claim executive privilege. In his March 7, 1962, letter to the House Special Government Information Subcommittee of the Government Operations Committee, President Kennedy stated that the basic policy of his administration would be that only the President could invoke executive privilege, and that the privilege would not be used "without specific Presidential approval." Presidents Johnson and Nixon reaffirmed in writing this policy of limited exercise of executive privilege. Nevertheless, this theoretical control over the withholding of information does not operate satisfactorily in practice, and over the years Congress has encountered numerous instances of withholding of information essential in carrying out its constitutional powers.

Even if the issuance of the foregoing Presidential policy statements were to be taken as a statement of a policy which operates as well in practice as in theory, it would still be notable that the theory of the executive privilege has developed subject to the will of each succeeding President, and that there has been no legislative statement relating to its existence or exercise, nor have there been any definitive judicial decisions. The result has been that the formal or informal withholding of information from the Congress has become part and parcel of the growing power of the executive branch vis-a-vis the Congress.

This shifting of power away from the legislative branch and into the hands of the Executive has come about primarily from the failure of the Congress to assert and exercise its constitutional powers. This, in conjunction with the almost unlimited delegation of authority to the bureaucracy has placed the Congress in the position of being the chief aggrandizer of the Executive. I fear that the resulting increase in executive power has come close to creating "a government of men, not of laws."

Aside from the enormous problems that refusals to provide information pose in terms of the separation of powers principle, the practice contravenes an underlying assumption of the Constitution; namely, that the free flow of ideas and information and the open and full disclosure of the governing process is essential to the operation of our democratic form of Government. Any lessening in available information results in lessened citizen participation, and in a virtual absence of accountability on the part of those who govern. Thus it is plain that the exercise of the assumed power of executive privilege undergirds the growing policy of governmental secrecy that is so inimical to our freedoms.

Despite growing objections to this unwarranted use of executive power, the past months have seen no letup; indeed, only last month, during the hearings which my Subcommittee on Separation of Powers conducted in conjunction with an ad hoc subcommittee of the Government Operations Committee, it appeared that Secretary of Agriculture Earl Butz and Administrator William Ruckelshaus of the Environmental Protection Agency, under direction of the administration, would refuse to come and testify on the subject of executive impoundment of funds appropriated for programs to be carried out by the Department of Agriculture and the Environmental Protection Agency. Only after the subcommittees made it plain that the testimony of the two Government witnesses was essential to the inquiry, and that the subcommittees were prepared to issue subpenas, if necessary, did the administration decide that it would be appropriate for these two officials to appear and present the testimony requested. Moreover, during the hearings held in the last Congress by my Subcommittee on Constitutional Rights on the reprehensible practice of Army surveillance over civilians, the subcommittee repeatedly requested information, documents, and the testimony of certain military officers. However, the subcommittee was refused consistently on the grounds, inter alia, that it had no need for the information or testimony requested, but at no time was the doctrine of executive privilege formally invoked by the President. There are numerous similar instances involving the head of Federal departments and agencies. Thus it is not the formal invocation of executive privilege alone that causes difficulty, but the multitude of specious reasons given by department and agency heads and other officers and employees of the Federal Government for their refusals to provide the information sought by the Congress.

Additionally, I might note that the Washington Post, in a story dated March 3, 1973, reported that the President had told reporters at a press conference that he would invoke executive privilege if the Senate Judiciary Committee should request the appearance of his counsel, John W. Dean III, in regard to the nomination of L. Patrick Gray III to be the Director of the Federal Bureau of Investigation. Mr. Nixon reportedly stated that "No President could ever agree to allow the counsel to the President to go down and testify before a committee," making no distinction whatever between the various types of information that might be sought from such a person. While I recognize that there is a need for a President to seek counsel and advice from his closest staff members, and that such conversations on certain occasions necessarily must be kept confidential, it appears to me that the President's broadside statement that no President could ever agree to allow his counsel to testify represents the essence of the conflict between the President and the Congress.

In truth, it is an admission that the President and agency and department heads and employees are making unilateral decisions regarding the information that the Congress will be allowed to obtain in carrying out its constitutional duty to legislate and approve presidential appointments. Further, these unilateral determinations appear to be made with no reasonable discriminatory ground rules. I believe that the Congress and the President must cooperate in seeing that the American people receive the informed governance that they deserve and that they receive the necessary information regarding the operations of their Government, and that those who govern will, in turn, be accountable to the taxpayers.

In view of the continued reluctance of the President and employees and officials of Federal departments and agencies to provide the Congress with the information which it must have in order to legislate intelligently, I feel that it is essential that the Congress adopt some means of insuring that such refusals are well taken, and if not that they will cease, and the information needed by the legislative branch will be forthcoming from those who possess it.

It is for that reason that I urge the speedy adoption of the Senate joint resolution I introduce today. The resolution would provide for the Congress to require any Federal department or agency head or any officer or employee of the Federal Government to appear and answer and to produce all documents and other matter sought, unless the President formally invokes executive privilege, in which event the Congress—or any subcommittee, committee, or joint committee propounding the questions or seeking the documents or other matter—would make a factual determination whether the invocation of executive privilege is well taken. If it decides that the refusal is not well taken, it can then require the officer or employee to answer the questions propounded or to produce the materials requested. When any committee or subcommittee upholds or denies the invocation of executive privilege, it is required to file a resolution with its House of Congress—or a concurrent resolution with both Houses in the case of a joint committee or a subcommittee thereof—with a report of its proceedings relating to such invocation of executive privilege. The Congress or respective House thereof is empowered to take such action as it deems proper with respect to the disposition of such resolution.

I submit that this procedure would strongly discourage the abuse of the doctrine of executive privilege and would provide an essential procedure for the Congress to use in its apparently earnest effort to regain its rightful constitutional powers. I want to stress strongly that the introduction of this resolution is not a partisan matter, but that it is an attempt to enable the Congress to regain its rightful role under the Constitution.

It is mandatory for the survival of our system of government that we take all reasonable measures to insure that the separation of powers principle survives, for if it does not, the basis of our freedoms will have retreated into history.

Mr. President, I ask unanimous consent that the text of this joint resolution be printed in full in the body of the RECORD immediately following my statement.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 72

Whereas Congress must be fully informed of the facts and premises upon which proposed actions of the United States Government are based if it is to exercise its constitutional responsibility in enacting the laws and appropriating the budget authority of the United States Government;

Whereas, heads of departments and agencies of the United States, and officers and employees of the United States, have on past occasions refused to appear and to testify and produce documents and other matter and to inform Congress when requested to do so by the Congress, either House of Congress, its joint committees, committees of either House, or subcommittees thereof, thereby causing a grievous erosion of the checks and balances prescribed by the Constitution;

Whereas, such heads of departments and agencies of the United States, and officers or employees of the United States have asserted that their refusals to appear and to testify or produce documents or other matter before such committees and subcommittees has been based upon the notion of privileged communications between the President and the officials requested to appear and to testify or to produce documents and other matter; and

Whereas, there is a pressing need to terminate this erosion and to ensure the separation of federal powers and to protect the legislative function: Now, therefore be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That, when any such head of a department or agency of the United States, or officer or employee of the United States is summoned and requested to testify or to produce documents or any other matter before the Congress, either House of Congress, any joint committee of Congress, any committee of either House, or any subcommittee thereof, that department or agency head or officer or employee shall appear and answer all questions propounded to him, and produce all documents and other matter sought, unless the President formally invokes executive privilege in writing and expressly instructs the officer or employee to refuse to appear or to refuse to answer specific questions, or to produce specific documents or other matter, with respect to a specific item, in which event it shall then be a question of fact for the Congress, House of Congress, joint committee, committee or subcommittee proposing the questions or seeking the documents or other matter to decide whether the invocation of executive privilege is well taken. If it is decided that the invocation is not well taken, the officer or employee shall be ordered to appear and to answer the question or questions propounded and produce any documents or other matter requested.

SEC. 2. When the Congress, either House of Congress, joint committee, committee or subcommittee upholds or denies the invocation of executive privilege, it shall, within 10 days, file—

(1) in the case of a joint committee, a concurrent resolution with both Houses of Congress; and

(2) in the case of a committee or subcommittee, a resolution with its House of Congress;

with a report and record of its proceedings relating to such invocation of executive privilege. Congress, in the case of any such concurrent resolution, and the House of Congress with whom any such resolution is filed, shall take such action as it deems proper with respect to the disposition of such concurrent resolution or resolution.

ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTIONS

S. 17

At the request of Mr. SCHWEIKER, the Senator from South Carolina (Mr. THURMOND), the Senator from North Dakota (Mr. BURDICK), the Senator from Minnesota (Mr. HUMPHREY), and the Senator from California (Mr. TUNNEY) were added as cosponsors of S. 17, the National Diabetes Research and Education Act.

S. 330

At the request of Mr. THURMOND, the Senator from Nevada (Mr. BIBLE), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Texas (Mr. TOWER), the Senator from Tennessee (Mr. BAKER), the Senator from New Mexico (Mr. DOMENICI), the Senator from Pennsylvania (Mr. SCHWEIKER), and the Senator from New Jersey (Mr. CASE) were added as cosponsors of S. 330, to amend chapter 67—relating to retired pay for nonregular service—of title 10 United States Code, to authorize payment of retired pay actuarily computed to persons otherwise eligible, at age 50, and for other purposes.

S. 397

At the request of Mr. MATHIAS, the Senator from Vermont (Mr. STAFFORD) was added as a cosponsor of S. 397, the full disclosure bill.

S. 467

At the request of Mr. RANDOLPH, the Senator from New Jersey (Mr. WILLIAMS) was added as a cosponsor of S. 467, a bill to extend the Public Works and Economic Development Act of 1965, as amended, for 1 year, and for other purposes.

S. 743

Mr. ROBERT C. BYRD. Mr. President, on behalf of the Senator from Nevada (Mr. CANNON), I ask unanimous consent that at its next printing, his name be added as a cosponsor of S. 743, to increase the penalty with respect to certain offenses involving the commission of a felony while armed with a firearm.

The PRESIDING OFFICER. Without objection, it is so ordered.

S. 874

At the request of Mr. Javits, the Senator from Rhode Island (Mr. Pastore) was added as a cosponsor of S. 874, the Gifted and Talented Children's Educational Assistance Act.

S. 896

At the request of Mr. Randolph, the Senator from North Dakota (Mr. Burdick) was added as a cosponsor of S. 896, to amend the Education of the Handicapped Act, and for other purposes.

S. 1007

At the request of Mr. Pearson, the Senator from Maryland (Mr. Beall) was added as a cosponsor of S. 1007, to provide for increased foreign commerce involving small business.

S. 1017

At the request of Mr. Robert C. Byrd (for Mr. Jackson), the Senator from Montana (Mr. Metcalf) was added as a cosponsor of S. 1017, to promote maximum Indian participation in the government and education of the Indian people; to provide for the full participation of Indian tribes in certain programs and services conducted by the Federal Government for Indians and to encourage the development of the human resources of the Indian people; to establish and carry out a national Indian education program; to encourage the establishment of local Indian school control; to train professionals in Indian education; to establish an Indian youth intern program; and for other purposes.

S. 1029

At the request of Mr. Taft, the Senator from Rhode Island (Mr. Pastore) was added as a cosponsor of S. 1029, to provide, in cooperation with the States, benefits to individuals who are totally disabled due to employment-related respiratory disease and to the surviving dependents of individuals whose death was due to such disease or who were totally disabled by such disease at the time of their deaths.

S. 1121

At the request of Mr. Kennedy, the Senator from Indiana (Mr. Bayh), and the Senator from Illinois (Mr. Stevenson) were added as cosponsors of S. 1121, to amend the Federal Regulation of Lobbying.

SENATE JOINT RESOLUTION 6

At the request of Mr. Cranston, the Senator from New Jersey (Mr. Case), the Senator from Nevada (Mr. Cannon), and the Senator from Hawaii (Mr. Inouye) were added as cosponsors of Senate Joint Resolution 6, to establish the Tule Elk National Wildlife Refuge.

SENATE JOINT RESOLUTION 10

At the request of Mr. Schweiker, the Senator from Alabama (Mr. Sparkman) was added as a cosponsor of Senate Joint Resolution 10, the school prayer amendment.

SENATE JOINT RESOLUTION 68

At the request of Mr. Thurmond, the Senator from Wyoming (Mr. Hansen) was added as a cosponsor of Senate Joint Resolution 68, a joint resolution proposing an amendment to the Constitution of the United States with respect to the method of appointing electors of the President and Vice President of the United States.

ADDITIONAL COSPONSORS OF A RESOLUTION

SENATE RESOLUTION 15

At the request of Mr. Hart, the Senator from Indiana (Mr. Bayh), the Senator from Iowa (Mr. Hughes), the Senator from Minnesota (Mr. Humphrey), the Senator from Washington (Mr. Magnuson), the Senator from Maryland (Mr. Mathias), the Senator from South Dakota (Mr. McGovern), and the Senator from Minnesota (Mr. Mondale) were added as cosponsors of Senate Resolution 15, to establish a special committee to investigate the feasibility of improving the efficiency in the conduct of Senate hearings.

AUTHORIZATION OF APPROPRIATIONS FOR HIGHWAY CONSTRUCTION—AMENDMENT

AMENDMENT NO. 26

(Ordered to be printed, and referred to the Committee on Public Works.)

Mr. BARTLETT. Mr. President, my colleague from Oklahoma, Senator Henry Bellmon, is necessarily absent today due to a death in his family, and, I have been requested to submit on his behalf an amendment Senator Bellmon is proposing to S. 502, the bill authorizing appropriations for highway construction.

The language of Senator Bellmon's amendment is identical to S. 653, a bill he introduced on January 31. The purpose of this amendment is to prohibit the executive branch from further impounding money from the Highway Trust Fund. I completely agree with Senator Bellmon that Congress must act now to stop this unwarranted practice, and accordingly, I have joined as cosponsor of this amendment, along with Senators Ervin, Fulbright, Hartke, Humphrey, McGee, Schweiker, Thurmond, and Metcalf.

At the time S. 653 was introduced, Senator Bellmon delivered a statement explaining the urgent need to prohibit impoundments from the Highway Trust Fund. I ask unanimous consent that his original statement together with the full text of this amendment to prohibit Highway Trust Fund impoundments be printed in the Record at this point.

There being no objection, the amendment and statement were ordered to be printed in the Record, as follows:

AMENDMENT NO. 26

At the end of the bill add a new section as follows:

PROHIBITION OF IMPOUNDMENT

Sec. —. No part of any sums authorized to be apportioned by the provisions of section 104 of title 23, United States Code, which have been appropriated by Congress for expenditure shall be impounded or withheld from obligation, for the purposes and projects as provided in that title, by an officer or employee of any department, agency, or instrumentality of the executive branch of the Federal Government, except such specific sums as may be determined by the Secretary of the Treasury, after consultation with the Secretary of Transportation, are necessary to be withheld from obligation for specific periods of time to assure that sufficient amounts will be available in the Highway Trust Fund to defray the expenditures which will be required to be made from such fund.

Statement by U.S. Senator Henry Bellmon

Mr. President, on behalf of myself and nineteen other Senators, I am introducing legislation which is intended to rectify a serious executive encroachment upon the legislative power of Congress, and to prevent the executive branch from further frustrating the legislative purpose of the Federal Aid Highway Act. This bill when enacted will prohibit the practice of impoundment of money from the Highway Trust Fund.

Mr. President, the framers of our Constitution wisely created three separate but coequal branches of government out of which grew the Constitutional doctrine of "separation of powers." Now, nearly two hundred years later, this doctrine is being severely tested and, in fact, largely ignored, at least insofar as it concerns the present and past administration of the Highway Trust Fund. Therefore, it is the intent of this bill to finally set straight what Congress always intended, by prohibiting action by any officer or employee of any department, agency, or instrumentality of the executive branch which would result in the impoundment or withholding from obligation of money from the Highway Trust Fund.

The need for this legislation is quite evident when one examines only briefly the legislative history of the 1956 Federal Aid Highway Act. Let me explain: In 1956, Congress passed the Federal Aid Highway Act and in so doing created the Highway Trust Fund wherein Congress earmarked revenue from certain taxes to go directly into a trust fund which was then to be apportioned to the various states. These taxes are:

Motor fuel: 4 cents per gallon.

New trucks, and trailers (over 10,000 pounds gross weight), and new buses, other than transit: 10 percent on the manufacturer's wholesale price.

Highway vehicle tires and tubes: 10 cents per pound.

Other tires, and tread rubber: 5 cents per pound.

Heavy vehicle use: $3.00 per 1,000 pounds annually on the total gross weight of vehicles rated at more than 26,000 pounds gross weight.

Parts and accessories: 8 percent on the manufacturer's wholesale price of truck and bus parts and accessories.

Lubricating oil: 6 cents per gallon, if used for highway purposes.

This system worked extremely well and the construction of the Nation's interstate highway system was progressing in an orderly manner until six years ago, at which time the Administration began an impoundment practice. I believe this to be clearly contrary to the will of Congress and the legislative purpose of the highway act.

The practice of refusing to permit States to enter into highway construction contracts, to the extent authorized by Congress, was initiated in FY 1967. The Director of the Bureau of the Budget ordered the reduction of obligational authority under the federal aid highway program by $700 million with an additional reduction of $600 million ordered on January 23, 1968, for calendar year 1968.

Another withholding occurred in FY 1971, when the $5.425 billion Congressional authorization was reduced to $4.6 billion. Although this reduction was partially in response to a Congressional spending ceiling, it was also the direct result of fiscal policies announced by the President on July 18, 1970. Finally, for FY 1972 and FY 1973, further reductions in obligational authority were made of approximately $488 million and $1.7 billion respectively.

What possible authority or legal justification does the executive branch have to indulge in this practice of withholding obligational authority from the States? Certainly none as far as I am concerned. In fact, a federal district court recently held that the executive branch has unlawfully impounded that part of the highway trust fund which should be apportioned to the State of Missouri. The U.S. District Court for the Western District of Missouri ruled on June 12, 1972, in the case of *Missouri Highway Commission v. Volpe,* 347 F. Supp. 951, that the Secretary of Transportation and the Director of the Office of Management and Budget do not have discretion under the Federal Aid Highway Act of 1956 to impound Highway Trust moneys except for very specific reasons. This case was argued on appeal on January 10, 1973, before the U.S. Court of Appeals for the Eighth Circuit in St. Louis and a decision is presently pending by that Court.

In the lower Court's decision, Judge Becker's opinion was based largely upon an interpretation of paragraph (c) of 23 U.S.C. 101 which states:

> (c) It is the sense of Congress that under existing law no part of any sums authorized to be appropriated for expenditure upon any Federal-aid system which has been apportioned pursuant to the provisions of this title shall be impounded or withheld from obligation, for purposes and projects as provided in this title, by any officer or employee in the executive branch of government, except such specific sums as may be determined by the Secretary of the Treasury, after consultation with the Secretary of Transportation, are necessary to be withheld from obligation for specific periods of time to assure that sufficient amounts will be available in the Highway Trust Fund to defray the expenditures which would be required to be made from such fund.

Judge Becker found that the withholding of funds from obligational authority was not "within the lawful discretion of the Secretary."

He stated further:

> The reasons advanced by the Secretary for the current and past withholding of obligational authority are foreign to the standards and purposes of the Act and the Fund. The reasons relied on are related to the prevention of inflation of wages and prices in the national economy. These reasons are impermissible reasons for action which frustrates the purposes and standards of the Act, including but not limited to those in Section 109 Title 23, U.S.C.A. Therefore it is not within the discretion of the Secretary to withhold obligational authority from Missouri and Judicial relief should be granted.

It is a mystery to me why, with the intent of Congress clearly spelled out in the statutes and a further declaration of the sense of Congress that no funds should be impounded or withheld from obligation, the executive branch continues to hold this vital program hostage. Certainly one thing is quite clear—that every State suffers as a result of this practice, funds have now been withheld and this policy is having a devastating impact upon the completion of our interstate highway system, resulting in increased costs, periodic unemployment, and the construction postponement of vital segments of this system. As the third co-equal branch of government, the Court is an independent arbiter and thus uniquely qualified to rule in this area.

Such a practice contributes significantly to the ever-increasing cost of highway construction. To illustrate: From 1956, when the Act was originally initiated, through 1970, highway construction costs rose by more than 41%. Certainly an early completion of our interstate system is a worthwhile goal because delays in completion will only mean that additional outlays must eventually be made.

In addition, completion of our national interstate system is imperative if we are to reduce the slaughter which is presently taking place on our nation's highway. It is a national disgrace when more than 55,000 persons lose their lives each year on our country's roads. Delays only mean that more lives will be lost on our highways and will only postpone the day when our citizens have a safe system of interstate roads.

The concern felt by the States regarding this problem was expresed in policy positions adopted by the National Governor's Conference at its 64th annual meeting held June 4–7, 1972, in Houston, Texas.

In the section dealing with highways, the Governors stated:

> The management of the federal Highway Trust Fund during fiscal year 1972 continues to exemplify the problems which have persisted since 1967 by severely hampering the capital planning and programming capability of the States. If we are to attain and retain any stability in constructing the Nation's highway system, efforts must be made to eliminate the up and down obligational authority of the highway program. The continued practice of using the Highway Trust Fund as a stop-gap effort to adjust the economy must be ended.

Mr. President, in 1967 the Attorney General of the United States rendered an opinion which in part stated:

> There is nothing in Title 23 of the United States Code which imposes upon the Executive Branch the duty to approve all qualifying projects for which apportioned funds are available.

The bill I have introduced will finally set the record straight and impose such a duty. Congress will "go on record" to clearly spell out its intent that funds not be withheld from obligational authority from the States.

Regardless of whether one believes the Highway Trust Fund should be utilized for mass transit, or whatever, one must agree that the practice of executive impoundment in this area should and must be stopped. I am fully aware that many in the Senate feel that money should be diverted from the trust fund for this purpose. My bill does not deal with this issue. The important question at this time is: Who is going to decide when and how this money will be spent, Congress or the executive? I am firmly committed to the principle that until Congress decides otherwise the executive should follow the legislative mandate of Congress regarding the Highway Trust Fund. Failure to do so is nothing short of a direct violation of the "separation of powers" doctrine. Congress is given by the Constitution the Legislative power, including the power under Article 1, Section 9, to appropriate funds. The executive branch is given no role to play in the legislative process other than the power to recommend legislation and limited veto power. In addition, the President is required by Article 11, Section 3 of the Constitution to "take care that the Laws be faithfully executed." In my view, it would be extremely difficult to formulate a Constitutional theory to justify a refusal by the President to comply with the Congressional directive to spend as enumerated in Section 101 (c) of the Federal Highway Act.

Let the Senate act promptly to cause the Highway Trust Fund to be used as originally intended. Let the Senate act to end "stop and go" financing which causes periodic unemployment for thousands of construction workers and which by intermittent funding has greatly increased the cost of highway construction. It is time that Congress reasserted its proper role in the appropriation process and enacted this legislation in order to prohibit the executive from further thwarting the will of Congress.

S. 158: FREE FLOW OF INFORMATION ACT—AMENDMENT

AMENDMENT NO. 27

(Ordered to be printed, and referred to the Committee on the Judiciary.)

AMENDMENT OF S. 158

PRESERVING THE FREE FLOW OF NEWS TO THE PUBLIC

Mr. CRANSTON. Mr. President, on January 4, 1973, I introduced, on behalf of the American Newspaper Publishers Association—ANPA—S. 158, the proposed "Free Flow of Information Act." Today, I submit for printing for myself and the Senator from Massachusetts (Mr. KENNEDY) an amendment (No. 27), in the nature of a substitute, to that bill.

This amendment is the product of consultation with representatives of the ANPA and extensive discussions with representatives of the other organizations and entities in the print and electronic media who cooperated in producing the original draft of S. 158.

PURPOSE TO STRENGTHEN IMPLEMENTATION OF PRINCIPLES UNDERLYING S. 158

Our purpose, Mr. President, is to strengthen S. 158 by providing an unqualified protection of news and news sources at all levels of government and official action. Those were the principles underlying S. 158 as introduced. And it was in support of those principles that I introduced S. 158—by request—on the first day of this Congress.

Mr. President, my support for these principles has never diminished. It is, if anything, stronger than ever today in view of the continued harassment of the news media as exemplified by FBI subpenas for the Jack Anderson phone records and now the subpenaing of reporters, editors, and publishers from our four major newspapers by the Committee To Reelect the President.

These past 2 months I discussed the provisions of S. 158 with numerous other Senators, journalists, publishers, public officials, and private citizens. It became clear that there were aspects of S. 158 that needed redrafting so as to strengthen the implementation of its underlying principles. It also appeared desirable to include certain additional provisions.

MEDIA EXTENSIVELY CONSULTED

My staff and I discussed these changes with the ANPA and others in the news media to obtain their counsel. I am profoundly grateful for their extraordinary cooperation and for their contribution to our joint effort. I feel that through our revisions we have achieved a much more sound, much more strong legislative proposal.

At this point, Mr. President, I ask that there be printed in the RECORD the full text of the amendment Senator KENNEDY and I are submitting today.

There being no objection, the amendment was ordered to be printed in the RECORD, as follows:

Amendment No. 27

On page 1, strike out all after the enacting clause and insert the following in lieu thereof:

That this Act may be cited as the "Free Flow of Information Act".

FINDINGS AND DECLARATION OF PURPOSE

Sec. 2. The Congress finds and declares that—

(1) the purpose of this Act is to preserve the free flow of news to the public through the news media;

(2) a public fully informed about events, situations, or ideas of public concern or public interest or which affect the public welfare is essential to the principles as well as the effective operation of a democracy;

(3) the public is dependent for such news on the news media;

(4) those in the news media who regularly gather, write, or edit news for the public or disseminate news to the public must be encouraged to gather, write, edit, or disseminate news vigorously so that the public can be fully informed;

(5) such persons can perform these vital functions only in a free and unfettered atmosphere;

(6) such persons must not be inhibited, directly or indirectly, in the performance of such functions by governmental restraint or sanction imposed by governmental process;

(7) compelling such persons to present testimony or produce material or information which would reveal or impair a source or reveal the content of any published or unpublished information in their possession dries up confidential and other news sources and serves to erode the public concept of the press and other news media as independent of governmental investigative, prosecutorial, or adjudicative processes and functions and thereby inhibits the free flow of news to the public necessary to keep the public fully informed;

(8) there is an urgent need to provide effective measures to halt and prevent this inhibition in order to preserve a fully informed public:

(9) the practice of the news media is to monitor and report across State boundaries those events, situations, or ideas originally reported locally in one State which may be of concern or interest to or affect the welfare of residents of another State;

(10) the free flow of news to the public through the news media, whether or not such news was originally published in more than one State, affects interstate commerce;

(11) this Act is necessary to implement the first and fourteenth amendments to the Constitution of the United States and article I, section 8 thereof by preserving the free flow of news to the public, the historic function of the freedom of the press.

EXEMPTION

Sec. 3. No person shall be compelled pursuant to subpena or other legal process issued under the authority of the United States or of any State to give any testimony or to produce any document, paper, recording, film, object, or thing that would—

(1) Reveal or impair any sources or source relations, associations, or information received, developed, or maintained by a newsman in the course of gathering, compiling, composing, reviewing, editing, publishing, or disseminating news through any news medium.

(2) Reveal the content of any published or unpublished information received, developed, or maintained by a newsman in the course of gathering, compiling, composing, reviewing, editing, publishing, or disseminating news through any news medium.

PRESUBPENA STANDARDS AND PROCEDURES

Sec. 4. (a) No subpena or other legal process to compel the testimony of a newsman or the production of any document, paper, recording, film, object, or thing by a newsman shall be issued under the authority of the United States or of any State, except upon a finding that—

(1) there are reasonable grounds to believe that the newsman has information which is (A) not within the exemption set forth in section 3 of this Act, and (B) material to a particular investigation or controversy within the jurisdiction of the issuing person or body;

(2) there is a factual basis for the investigation or for the claim of the party to the controversy to which the newsman's information relates; and

(3) the same or equivalent information is not available to the issuing person or body from any source other than a newsman.

(b) A finding pursuant to subsection (a) of this section shall be made—

(1) in the case of a court, grand jury, or any officer empowered to institute or bind over upon criminal charges, by a judge of the court;

(2) in the case of a legislative body, committee or subcommittee, by the cognizant body, committee or subcommittee;

(3) in the case of an executive department or agency, by the chief officer of the department or agency; and

(4) in the case of an independent commission, board, or agency, by the commission, board, or agency.

(c) A finding pursuant to subsection (a) of this section shall be made on the record after hearing. Adequate notice of the hearing and opportunity to be heard shall be given to the newsman.

(d) An order of a court issuing or refusing to issue a subpena or other legal process pursuant to subsection (a) of this section shall be an appealable order and shall be stayed by the court for a reasonable time to permit appellate review.

(e) A finding pursuant to subsection (a) of this section made by a body, agency, or other entity described in clause (2), (3), or (4) of subsection (b) of this section shall be subject to judicial review, and the issuance of the subpena or other legal process shall be stayed by the issuing body, agency, or other entity for a reasonable time to permit judicial review.

SPECIAL LIMITATIONS

Sec. 5. (a) A finding under section (4) of this Act shall not in any way affect the right of a newsman to a de novo determination of rights under section 3 of this Act.

(b) If any provision of this Act or the application thereof to any person or circumstance is held invalid, the remainder of the Act and the application of the invalidated provision to other persons not similarly situated or to other circumstances shall not be affected thereby.

DEFINITIONS

Sec. 6. For the purposes of this Act:

(1) The term "information" includes fact and opinion and any written, oral, or pictorial means for communication of fact or opinion.

(2) The term "news" means any communication of information relating to events, situations, or ideas of public concern or public interest or which affect the public welfare.

(3) The term "newsman" means any person (except an employee of the Federal Government or of any State or other governmental unit while engaged in disseminating information concerning official governmental policies or activities) who is or was at the time of his exposure to the information or thing sought by subpena or legal process an operator or publisher of a news medium, or who is or was at such time engaged on behalf of an operator or publisher of a news medium in a course of activity the primary purpose of which was the gathering, compiling, composing, reviewing, editing, publishing, or disseminating of news through any news medium; and includes a freelance writer who has disseminated news on a regular or periodic basis to the public.

(4) The term "news medium" means any newspaper, periodical, book, other published matter, radio or television broadcast, cable television transmission, or other medium of communication, by which information is disseminated on a regular or periodic basis to the public or to another news medium.

(5) The terms "operator or publisher" means any person engaged in the operation or publication of any news medium.

(6) The term "State" means any of the several States, territories or possessions of the United States, the District of Columbia, or the Commonwealth of Puerto Rico.

Amend the title so as to read: "A bill to preserve the free flow of news to the public through the news media."

Mr CRANSTON. Mr. President, the revised text places main emphasis where it belongs, on the news and on the people engaged in preparing and transmitting news to the public. We have altered the long title, and earlier references to information have been changed to news.

In addition, the amended bill places the focus of the unqualified, preemptive exemption squarely on those whose activities are indispensable to a well-informed public opinion—the men and women who are engaged in regularly or periodically disseminating news to the public.

WHOSE NEWSGATHERING IS PROTECTED?

Some people—especially in the media—are understandably wary of attempting to define "newsmen." So was I, at first. But it has become clear that a definition is absolutely necessary. There is a broad range of practical and philosophical reasons why this is so.

First, as a starting premise, the thrust of this bill is to exclude from adjudicative, investigatory, or regulatory truth-seeking proceedings, information and evidence that may be highly relevant and probative. Yet I believe that the public interest is generally best served by the fullest permissible gathering and airing of such information in these kinds of proceedings. Exclusion of such information or evidence should be granted only when exclusion serves a higher public interest. Because this entails a balancing of competing public interests, the ambit of exclusion of information and evidence, I believe, should be only as broad as is necessary to serve the underlying purpose of the exclusion—in this case—insuring that the free flow of news to the public is preserved and protected in the public interest.

So the test I have applied is: Who absolutely must be able to claim the exemption in order to guarantee a free flow of information that a democratic society must have to survive.

COURT CONSTRUCTION OF BROAD COVERAGE

Mr. President, a second factor in determining who is to be covered is the likely attitude of the courts. How would they construe a statute that would arguably permit any individual to lay claim to the exemption who could make a colorable showing of having been engaged in gathering data for the purposes of eventual publication. I do not believe most courts would be inclined to construe very broadly such a far-reaching application.

I think that quite properly courts instead would find ways of reaching what they consider "common sense" results. A statute that does not define "newsman" would thus invite courts to cut a wide swath of interpretation through the statute—either by construing away part of the substantive scope of the exemption, or by setting up judge-made standards to determine who is a "legitimate" or a "recognized" newsman. In either case, it is likely that the result would be far narrower protection than offered by our revised bill.

The net effect of enacting a statute without a "newsman" definition could very well be that protection would be denied in the very situations where Congress and the public would most want it applied.

OBJECTIVE STANDARDS NEEDED

Mr. President, we have thus sought to establish a set of guidelines for the courts to apply rather than allow judicial imagination to fashion their own. Our standard of regularity or periodicity of dissemination of news to the public sets up objective criteria discernible by material proof rather than findings of subjective intentions. And these criteria can reasonably be met by an extraordinarily wide range of press and media—professional and amatuer, "establishment" and "nonestablishment"—free-lance writers, other published authors, and book publishers, and people engaged in preparing and disseminating news to the public "on their behalf."

The standard of regularity or periodicity could be met, for example, by any one who enters into even a loose agency relationship to prepare an article or book manuscript for a publisher. Under the terms of the bill, this would be an "on behalf of" relationship. That relationship could be evidenced by such things as an exchange of letters agreeing on a particular story line and/or a right of first refusal. This practice of "querying" a publisher before writing or fully researching a manuscript is already common among free lancers.

The free-lance writer who has regularly or periodically himself disseminated news to the public in the past, but is not preparing a particular manuscript "on behalf of" a publisher, also clearly has met the definition in the bill.

Mr. President, I would agree that the protection in the revised bill is not so broad as to be coextensive with the freedom to publish as guaranteed by the freedom of speech clause in the first amendment. But it is not our purpose to extend this protection to everyone whose free speech is covered by the first amendment.

Our sole purpose is to restrict evidentiary testimony only to the extent that is required to ensure a free flow of information on to the public. The first-time, would-be author, who cannot enter into any "on behalf of" relationship with a publisher in preparing his or her manuscript still is free to publish.

This statute is not—heaven forbid—a licensing statute saying who can and who cannot publish; only who can and who cannot refuse to testify with impunity.

As long as so wide a group of newsmen as I have described can readily come within the coverage of the exemption in their news gathering activities, the public's need to know will be amply protected. And that must be the only test.

FIRST-TIME WRITERS CAN ACQUIRE PROTECTION

Mr. President, if the line is drawn in the law as we suggest, it is probable that publishers will be more willing than at present to enter into loose, but objectively determinable, agency relationships with first-time writers so as to make them eligible for the exemption.

We think this carefully drawn balance in terms of whose news-gathering is protected substantially strengthens the reach and protection of S. 158.

Next, we have revised the bill in order to provide the protection in the following circumstances, which were either uncovered or unclear under S. 158 as introduced:

IMPAIRMENT OF NEWS SOURCES OR NEWSMEN'S ASSOCIATIONS

Mr. President, clause 1 of the exemption in section 3 of the revised bill, regarding protection of the disclosure of news sources, has been expanded to encompass the compelling of testimony or the production of any document or thing that would reveal or impair any sources or source relations, associations, or information. This notion of impairment and the references to source relations and associations broadens the artificially narrow concept of confidential communications to include the ability of a newsman to gather information based upon the highly complex set of interrelating factors governing his relations and associations with potential sources of news.

WORKING NOTES AND OUTTAKES

Mr. President, clause 2 of the exemption in section 3 of the revised bill, regarding protection of notes, outtakes, and the general "work product" of a newsman, has been expanded to deal with the revelation of the content of published as well as unpublished information. This is done in recognition that in terms of the underlying concept for such protection, which is set forth in the revised congressional finding in clause 7 of section 2 of the revised bill—compelling such persons to present testimony or produce material or information which would reveal or impair a source or reveal the content of any published or unpublished information in their possession dries up confidential and other news sources and serves to erode the public concept of the press and other news media as independent of governmental investigative, prosecutorial, or adjudicative processes and functions and thereby inhibits the free flow of news to the public necessary to keep the public fully informed—applies equally to published as well as unpublished information and material maintained by a newsman.

Mr. President, the protection of material, even when it was previously published or broadcast, is essential to keep reporters from appearing to be an arm of the law. Otherwise, district attorneys might work less hard to press an investigation on their own if they knew they could lean on reporters to do their work for them. That is especially true if attorneys could get at a reporter's notes, tapes, and unused film.

Making a reporter's work products available to the Government would enable—indeed would seem to invite—the Government to set itself up as a supersnoop or super-editor, passing judgment on the accuracy or objectivity of the press. It is but one short, precipitous step from the Government as super-editor to the Government as super-censor.

INVESTIGATIVE AGENCIES' RELIANCE ON USING RESULTS OF NEWSMEN'S INVESTIGATIONS

Mr. President, I feel that if prosecutorial and investigative officials and bodies know that published information—such as the actual glossy print of an uncropped photograph published in a newspaper or the actual video tape as broadcast on TV—will in all cases be available to them through subpena, they will place reliance on access to such information and limit their own independent investigative activities accordingly. I am not saying that, if the news media chooses to provide such published material voluntarily, it should not do so, but only that the predictability of the availability of such material by subpena tends to increase the likelihood of resort to subpenas of such material.

I should point out that the use of the word "content" in clause 2 of revised section 3 is intended to permit some compulsory process for the purposes of authentication.

ALL PROCEEDINGS COVERED

Third. The scope of the exemption in section 3 of the revised bill is extended to cover proceedings before any local governmental entity as well as entities of the U.S. Government or of a State government.

Fourth. The scope of the exemption in section 3 of the revised bill is also extended to proceedings under the authority of a territory, or possession of the United States, the District of Columbia, or the Commonwealth of Puerto Rico.

SEVERABILITY

Fifth. A severability clause is added—section 5(b)—to insure that if the application of any provision of the reivsed bill is declared invalid as applied to any particular person or circumstance, the remainder of the bill, and the application of the invalidated provision to others not similarly situated or to other circumstances, would not be affected by such an invalidation.

PRESUBPENA STANDARDS AND PROCEDURES

In addition, Mr. President, the revised bill includes a new section—section 4—establishing presubpena standards and procedures. I consider this procedure protection a major source of protection of news and news sources. Under this section, a subpena or other legal process to compel any testimony from a newsman or to require him to produce any document or thing could not even be issued until after certain findings have been made and certain procedures complied with, as follows:

BURDEN ON MOVING PARTY

First, the parties seeking to compel testimony or the production of a document or thing must carry the burden of demonstrating to the issuing person or body that—first, there are reasonable grounds to believe that the newsman has information not within the exemption set forth in section 3 and which is material to a particular investigation or controversy within the jurisdiction of the issuing person or body; and second, there is an underlying factual basis for the matter under investigation or the claim being asserted by the party in question; and third, the same or equivalent information is not available to the issuing person or body from any other source.

HIGH LEVEL DECISIONMAKER

Second, Mr. President, subsection (b) requires that the decision as to whether or not the moving party has carried the burden described in subsection (a) must be made by the highest authority within the issuing person or body: That is, by a judge of the court in the case of judicial or grand jury process; by the committee or subcommittee in the case of a legislative body; by the head of the department or agency in the case of an executive department or agency; and by the commission, board or agency in the case of an independent regulatory or administrative body. This means, Mr. President, that the clerk of the court who is authorized to issue subpenas in civil cases under the rule 45(a) Federal Rules of Civil Procedure would not have this power as to a newsman.

NOTICE AND HEARING

Third, Mr. President, subsection (c) requires that the requisite findings under subsection (a) must be made on the record after a hearing and that the newsman in question must be afforded adequate notice of the hearing and an opportunity to be heard if he wishes to be.

APPELLATE REVIEW

Fourth, Mr. President, subsections (d) and (e) provide for appellate review of decisions to issue or not to issue subpenas made by courts, and judicial review of such decisions made by other issuing persons or bodies, and requires that the actual issuance of subpenas be stayed for a reasonable time in order to permit such appellate or judicial review, in the appropriate State or Federal court.

POSTSUBPENA DE NOVO DETERMINATION OF APPLICABILITY OF EXEMPTION PRESERVED

Fifth, Mr. President, in order to insure that any determinations under the presubpena provisions of section 4 in no way constitute a decision which is considered res judicata or "the law of the case" with respect to the availability of the section 3 exemption—indeed, the issue would not be the same in any event since section 4(a)(1)(A) deals with a finding of "reasonable grounds" rather than a decision as to whether or not the section 3 exemption is in law applicable—section 5(a) specifically provides that a finding under section 4 permitting the issuance of a subpena or other process would not in any way preclude or limit the newsman's right to a full de novo determination of the applicability of the section 3 exemption.

EFFECT OF PRESUBPENA PROCEDURES

These presubpena standards and procedures, Mr. President, are designed to eliminate the issuance of a great many unnecessary subpenas to newsmen and thus also eliminate the considerable expense, substantial amounts of time, impairment in the eyes of the public, and needless controversy arising from any subpena to any newsman. Particularly important in this regard is the guarantee that the newsman be given notice in advance of the issuance of a proposed subpena and the opportunity to resist such issuance if he chooses, and his right to make his case in public rather than, for example, in the secrecy of a grand jury proceeding.

The effect of the presubpena procedural protections and standards put into the revised bill should be to make it a lot tougher on attorneys and prosecutors who are using subpenas to harass reporters or trying to intimidate the news media.

Fighting a subpena can be a long drawn out, expensive proposition that can be particularly burdensome to small newspapers, periodicals, radio stations, or freelance writers.

Sometimes an attorney achieves his purpose of harassment or attempted intimidation just by obtaining a subpena, whether or not the reporter ever finally testifies. That practice has to be stopped.

Mr. President, it is also important that a reporter be able to prevent even the issuance of a subpena. In some cases, even his appearing to contest a subpena could destroy working relations with his news sources. This was the case with New York Times Reporter Earl Caldwell, who quite properly feared that his sources would dry up if he responded to a grand jury subpena; he would have had to go before them in secret session, and his sources would not know what he said about them, if anything.

I do wish to make clear, however, Mr. President, that a reporter could not successfully resist a subpena under the revised bill if the information being sought had been obtained while he was not working on a story.

CONSTITUTIONAL PREDICATE IN DECLARATION OF FINDINGS AND OF CONGRESSIONAL PURPOSE

Finally, Mr. President, the findings and declarations of purpose in section 2 of the revised bill have been redrafted with a view toward tightening them in terms of the succeeding provisions and terminology in the revised bill and in order to lay a predicate for the protection of "work product" in section (3) and to make the necessary underlying findings in terms of the authority of the Federal Government to preempt State law under the first and fourteenth amendments to the Constitution and under the commerce clause.

Mr. President, that concludes my explanation of the provisions of amendment Number 27 to S. 158. Now, I would like to turn to a more detailed discussion of the need for prompt passage of S. 158 as amended.

NEED FOR PASSAGE OF S. 158, AS AMENDED

Mr. President, as a former news wire correspondent, as a public official, and as an American citizen. I feel strongly that the news media and the press need and should have maximum legal protection to meet their responsibilities in a free and open society.

The first amendment is not a piece of special interest legislation for the news and publishing industries, it is a governmental guarantee to a free people without which they could not remain free for long. The working press of our Nation must be able to protect its sources of information if it is to continue to expose corruption and lawlessness in and out of Government, in high places and low.

For a society to be truly free, Mr. President, it must have a press that is truly free. One of the fundamental services that a free press renders to a free people is to watchdog the various levels of Government, the officialdom and the bureaucracy who handle the peoples' money and who wield awesome powers over people's lives, freedoms and property.

But what would happen to investigative reporting, what would happen to advances toward truth and probity in public life which result from fearless investigative reporting, if newsmen could not guarantee confidentiality to their news sources?

It is generally recognized that these sources would dry up. That drying up constitutes a danger to our free press and, more importantly, a danger to our free society. Without an ironclad assurance of anonymity, many people with vital information that should come to public attention simply would not talk.

INSIDE INFORMANTS NEEDED

Mr. President, that is not surprising. When public or private power is abused it is often abused secretly. As a police department often must depend on a tip to solve a crime, so an investigative reporter often must depend on a knowledgeable, inside informant to be able to discover abuses of power and bring them to public attention. But informants who fear for their jobs—and sometimes for their lives—rarely divulge incriminating information unless they feel sure that their identity will be kept secret.

As Timothy Leland, Pulitzer prize winning assistant managing editor of the Boston Globe wrote me:

> Reporters, unlike law enforcement agencies, are not able to subpoena public records, which makes the job of exposing public corruption and malfeasance infinitely more difficult. Confidential sources are the most important tool in a reporter's workshop. To jeopardize this advantage is to handcuff the news media in one of its most important functions.

That inescapable fact is further documented by the replies I received from a number of Pulitzer prize winning investigative reporters whom I surveyed for their views on the importance of confidentiality.

Let me read you just two of them, Mr. President.

Al Delugach, who is now with the Los Angeles Times, won the Pulitzer prize in 1969 when he wrote a series of articles for the St. Louis Globe Democrat exposing fraud and corruption in the St. Louis Steamfitters Union. Here is what he wrote to me about the importance of confidentiality:

> I cannot over-emphasize the importance to me, in 21 years as a newspaper reporter, to have confidential sources. Almost any important story involves such sources. Even though it may be that none of the information from such sources is used directly in a story, invaluable leads and background information usually are obtained. The confidential source is usually someone in a rare position to know something significant (from the public standpoint) that is going on inside a government agency or organization.
>
> Almost by definition, a confidential source is one who does not desire to have—and often cannot afford the risk of having—his identity become known to his superiors or associates. Whether he is acting from altruistic or selfish motive, the source usually reveals information only with a guarantee of anonymity. Without it, the source cannot be a source. Often there is no substitute for a confidential source. In his absence, valuable information is lost to the public, and it may not be possible to have a story at all . . . .
>
> I feel that some of the very best sources of newsmen would dry up if a guarantee of protection could not be given—and made credible. If it became common to force newsmen to disclose sources, I believe there would be widespread fear of disclosing important facts to newsmen by persons in the circumstances I have described.
>
> I think investigative coverage of many vital areas of public information will suffer grievous shrinkage unless legal protection is forthcoming to counteract the recent Supreme Court decision.

OFFICIAL COLLUSION EXPOSED

William Jones of the Chicago Tribune won the Pulitzer Prize for investigative reporting in 1971 for exposing collusion between police and some of Chicago's largest private ambulance companies to restrict services in low-income areas.

Mr. President, here is what he wrote to me:

> I cannot stress strongly enough the importance of confidential sources to investigative reporters. Without them we would be hamstrung to the point where many investigations would never get off the ground. I think it should also be stressed that the term "confidential source" as it is used in investigative reporting is not a synonym for the kinds of characters portrayed in dime spy novels.
>
> It has been my experience that most confidential sources are people who see something wrong or corrupt in the public or private agency where they work and merely want the problem corrected. It is usually their first time in dealing with such a situation and they arrive at the door of the investigative reporter only after exhausting every effort within their own agency to bring about changes. They are people with kids and mortgages and pride in the job they do, not plotters and spies seeking to topple governments or agencies.
>
> Anonymity is essential. It is frequently the first question asked by a potential confidential source in the first telephone conversation. If you can't guarantee it you will probable never hear from the source again. There are a number of reasons for this and from personal experience I could recite examples that range from murder threats to firing and professional blacklisting. I might add that all too often when an agency is hit with a scandal that appears to be the result of confidential sources they frequently devote more time to trying to find the source than correcting the abuses.

THE PUBLIC BENEFITS FROM INVESTIGATIVE REPORTING

What kinds of stories do investigative reporters write? What are the results of these stories? Who benefits?

KNX radio in Los Angeles, explaining that both their news and editorial departments rely on confidential sources, lists some recent editorials which, they say, would not have happened without a confidential tip to start with. These editorials included:

An illegal appointment to the city planning commission.

An alleged financial flimflam behind the Los Angeles Convention Center.

The details of the land swap that suggested a secret deal between city hall and an oil company.

The unfair and illegal destruction of a park.

The exploitation of a tribe of Indians by some judges, lawyers, and a major bank.

The parking ticket mess that jails innocent people in Los Angeles.

The beating up of a student editor by the UCLA student body president.

The threats made against police officers by a group of professors.

The attempt by an assemblyman to create a new assembly district for one of his friends.

ONE HUNDRED AND NINETEEN INDICTMENTS IN BOSTON

In its first full year of operation, the Boston Globe's four-man investigative team published reports that resulted, among other things, in:

> 119 indictments against 27 people, including three former city mayors and a city auditor:
>
> Passage of legislation requiring the State Turnpike Authority to put all projects out for competitive bidding;
>
> A probe of scandalous land speculation in another Massachusetts city by the District Attorney's office.
>
> None of these investigative reports—and the beneficial results that ensued—would have been accomplished without help from confidential sources.

According to Editor Leland.

Mr. President, Newsday conducted a 3-year investigation and expose of secret land deals in eastern Long Island which led to a series of criminal convictions, discharges, and resignations among public and political office holders in the area.

The recent CBS Special, "The Mexican Connection," revealed narcotics smuggling practices which enabled the Government to more effectively curtail those practices.

Two reporters and a photographer for the Philadelphia Bulletin exposed collusion between police and numbers racket operators.

David Burnham, of the New York Times, exposed widespread police corruption in that city and initiated the present departmentwide cleansing of criminal influences.

YABLONSKI MURDER CLUES

It was newspaper stories that produced the clues that led to arrests in the Yablonski murder case.

The Riverside California Press Enterprise won the Pulitzer Prize a few years ago when it exposed corruption in the courts in connection with the handling of property and estates of a local Indian tribe.

And here, Mr. President, is a 5-year record of revelations of widespread corruption in government by the Los Angeles Times, revelations which, in the editors' own words:

> Depended heavily on the trust placed in Times reporters by hundreds of news sources.
>
> In 1967, an investigation of a proposed World Trade Center on Terminal Island led to a grand jury inquiry and the indictment of four commissioners.
>
> In 1968, an investigation of the Recreation and Parks Commission resulted in the indictment and conviction of a commissioner.
>
> In 1968, an investigation of the Rapid Transit District led to the indictment of two men who had arranged the sale of surplus equipment at a cut-rate price.
>
> In 1969, an investigation disclosed that a Los Angeles city planning commissioner and the city planning director had joined a group of developers and had bought land for speculative purposes on the site of a proposed airport at Palmdale.
>
> In 1969, an investigation disclosed irregularities in the Beverly Ridge Estates development financed by Teamster Union pension funds in the Santa Monica Mountains.
>
> In 1971, an investigation disclosed waste and mismanagement in the development of the Queen Mary as a maritime museum.
>
> And last June, an investigation disclosed speculative land investments based on inside information by Anaheim's city manager and public works director who played key roles in planning public works that boosted the value of their property.

MEDIA SUPPORT

Scores of newspapers, radio, and television stations have sent me copies of editorials they have written or broadcast in support of my bill—from the Daily Star in Tuscon, Ariz. to the Evansville Courier in Indiana, from the Lewiston Daily News in Montana to the Long Island Free Press in New York. Without exception, every one of them expresses in its own words the emphatic opinion of the Vicksburg, Miss. Post:

> If the media is required to divulge the source of information sought out, and received through confidential sources, it follows this type of information would not be forth-coming.

What that would do, warns the Contra Costa Times in California, "is literally dry up our news sources and make it all but impossible to keep the public informed about the actions of the instruments the people themselves have created—government."

And the Norristown, Pa. Times Herald notes Mr. President, that—

> If the courts and the Congress are allowed to subpoena at will the notes of a journalist, it will be the end of the free press and, in the end, it will be the public who will suffer most.

Robert Fichenberg, chairman of the Freedom of Information Committee of the American Society of Newspaper Editors, warns:

> It would take only a few instances of forced disclosure at the federal level to set in motion a nation-wide chain reaction of timidity and reluctance among potential sources.

That "chain reaction of timidity" may already be underway. Brit Hume cataloged in a New York Times article last December instance after instance of inside-the-government informants choking up, if not drying up, for him and other newsmen. This is a case of no news being bad news. What we do not know will hurt us.

WHITE'S VIEW DIFFERS

Significantly Mr. Justice White's opinion for the Court in the Caldwell case projected just the opposite result of a failure to protect news sources. He said:

> Reliance by the press on confidential informants does not mean that all sources will in fact dry up because of the later possible appearance of the newsman before a grand jury . . . There is little before us indicating that informants whose interest in avoiding exposure is that it may threaten job security, personal safety, or peace of mind, would in fact, be in a worse position, or would think they would be, if they risked placing their trust in public officials as well as reporters.

In fact, the experience of the last 7 months indicates Justice White was not correct on the facts of the situation. I think that is a significant development. Congress can discover the truth as to whether news sources are indeed drying up. And based on independent, comprehensive findings, Congress can then take appropriate legislative action.

Mr. President, the Court's opinion also makes much of the point that though there has never been a Supreme Court holding that news sources were protected, sources were not reluctant to come forward with confidential information in the past. This, I must say, respectfully, misses the point. Most of the reporters, broadcasters, publishers and private citizens with whom I have talked had generally assumed prior to the Caldwell decision that such a constitutional protection was implicit in the first amendment freedom of the press clause. It was the Court's holding to the contrary which opened wide a door which had hitherto been widely understood to have been locked.

Mr. President, newsgathering is an obvious prerequisite to news publication or broadcast. Consequently governmental action that has the effect of restricting newsgathering by drying up news sources is, in a real sense, a form of prior restraint on the press—a practice most Americans look upon with abhorrence.

Informants will be encouraged to talk to the press only if the law that Congress designs to protect them against involuntary disclosure is as broad as possible and simple enough for anyone to understand. For if the law is neither broad nor easy to understand it will likely turn off rather than encourage news sources. That, I am afraid, will be the result if any of the qualifications proposed in other bills now before the subcommittee are enacted into law.

WEAKNESSES OF SOME OF THE QUALIFICATIONS PROPOSED

Mr. President, read some of the qualifications that have ben proposed, singly, or in combination and consider: How many potential informants will be eager to talk to the press once they realize that the reporter may be compelled to testify if there is probable cause to believe that the information they give him is clearly relevant to a suspected crime? Or that the evidence is unavailable or not readily accessible elsewhere? Or that the information must be exposed in open court to prevent a miscarriage of justice? Of because of compelling and overriding national interest or for reasons of national security?

We all know that the Government of the United States can invoke national security almost any time it wants to. And in most cases make it stick.

Such qualifications could open up loopholes that would destroy the very protection we are trying to extend. Qualifications such as "national security" or "threat to human life" would be self-defeating.

A member of an espionage ring would not likely tell what he knows to a newsman if he knows the reporter may be compelled to identify him to the authorities. As a result of his silence law enforcement officers themselves will not have the benefit of the information he might otherwise have disclosed.

And if the identity of a member of the Mafia is ever revealed in court because he tipped off a reporter to a planned murder, it will probably be the last time that a member of the Mafia—or anyone else who does not want to be "fingered"—tips off a reporter to a murder.

ENCOURAGE TIPSTERS

Mr. President, the worse the crime we want to prevent or to solve—kidnaping, murder, political assassination, espionage—the most important it is that Congress produce legislation that will encourage tipsters to tell the press what they know about these crimes. Otherwise the information we need the most is the very information we will no longer receive.

Moreover, what constitutes a threat to human life? Is bad meat sold to the public a threat to human life? Last July, William Avery, news director of channel 13, in Springfield, Mo., wrote to tell me about substandard meat processing plants in the State which the station's reporters had learned about through confidential sources. The station broadcast the story.

If the "threat to human life" exception applied in this case, as well it might, Mr. President, then the station's newsmen could be compelled to identify the source of their story. With that precedent, how many others would dare tell a newsman about unwholesome conditions in a food processing plant in the future?

Thus an exception probably meant to apply to cases where killings may be involved could easily spill over to cover instances of bad food which might cause illness or death. Similarly, this in turn could extend to product safety of any kind: automobiles, flammable clothes, or unsafe power tools used in the home. A worker in a factory might not dare reveal to a newsman that the power saws his plant produces are defective for fear that his identity would be revealed in court and he would lose his job.

Most people will not read the law, of course, Mr. President. But they will read of reporters and their informants caught in its web. When silence is so much safer, few potential informants will be willing to take their chances of emerging unscathed from the vague and uncertain legal maze created by a qualified protection.

DEFAMATION

Mr. President, a number of pending bills propose a total exemption for defamation cases. I believe that such a blanket libel exception would create so huge a loophole as to destroy the very protection we are seeking to create.

The rulings in the New York Times and Rosenbloom cases require plaintiffs in "public figure" or "public interest" defamation suits to prove malice on the part of the news media when the media has disclosed alleged corruption or wrongdoing. As a result, it is now extremely difficult for the "public" plaintiff to win a defamation award, or even to resist summary dismissal of his case.

But a blanket libel exception in these kinds of cases would in effect give "public figures" a concrete, albeit illegitimate reason to bring libel actions against the media. Though the public official would stand little chance of winning his suit, he would be able to force the newsman to disclose the confidential news source who "blew the whistle" on him.

A blanket libel exception clearly offers far too great an opportunity for abuse.

PREEMPTION OF STATE LAW

Mr. President, I also want to focus on the absolutely paramount need for a Federal statute which extends to all non-Federal proceedings. There is a strong practical need for uniformity in this area to preserve the public's need to know. A Federal statute applying only to Federal proceedings offers little assurance to a potential news source who knows that the newsman can be subpenaed and compelled to reveal in a State or local proceeding the informer's identity or certain information he has given in confidence.

I do not believe we can afford the luxury of waiting for each of the remaining 31 States to act in this field. Nor can we expect them to enact a uniform law any more than the 19 States which already have a wide variety of news protection legislation.

Mr. President, for the channels of confidential communications to be effectively reopened, newsmen and their sources must know with reasonable certainty what the rules are as to a subpena issuing under either State or Federal authority. It is also important to stress that news flow clearly is a national occurrence. And that we in Washington, D.C., for example, need to have the fruits of the confidential relationships—and the information flowing from such sources—which the press may have established in San Diego, Chicago, Philadelphia, or wherever. News, and the public's need to get the news, knows no State boundaries.

OTHER TESTIMONIAL PRIVILEGES WORK

Mr. President, an attorney cannot violate the canons of ethics and break a confidence with his client even to prevent the conviction of an innocent man or to disclose a breach in national security. Yet we do not hear demands that the attorney-client privilege be "qualified" to compel a lawyer to testify when he has that kind of information. Nor do we hear that either our system of justice or the survival of our Nation is in jeopardy because that privilege is not qualified.

A doctor also cannot be compelled to break a confidence with his patient. But it is accepted that he will violate his Hippocratic Oath and disclose confidential information about his patient if, in his professional judgment, disclosure is necessary for the public safety or to protect his patient's life.

A reporter must also have this double set of freedoms: freedom from compulsion and freedom to follow the dictates of his conscience, his commonsense, his loyalty to his country and, most cogently, freedom to exercise his professional judgment. The reporter alone is competent to determine if breaking his pledge of confidentiality in a particular case will harm future relations with his sources and so diminish or destroy the services he can continue to render the public as an investigative reporter.

Many people consider the press a kind of unofficial ombudsman of our constitutional system. Many have learned that it is sometimes necessary to get press publicity as a prod to those in authority to take action against wrongdoers. In most such cases, the only alternative to public disclosure is continued cover-up. That is perhaps why prosecutors in States with so-called newsmen's shield laws told a New York Law Revision Commission that those statutes actually help them in law enforcement. A number of State attorneys general and other law enforcement officials agree completely.

UNFETTERED PRESS

Mr. President, I believe that an unfettered press is basic for law and order and justice in a free society. I am equally convinced that an unfettered press is basic for a criminal defendant to have the protections that the Founding Fathers envisioned when they insisted on his constitutional right to a "public trial."

Mr. President, I believe that a defendant has more to fear from secrecy in his trial proceedings than from press coverage, more to fear from a star chamber than from a 5-star edition.

First is literally first, Constitution-wise. The Court has time and again ruled that first amendment rights like the right of free speech and free press enjoy preferred status. First amendment rights must be given greater weight whenever they come into conflict with other Bill of Rights guarantees.

That is simple logic, as far as I am concerned. For if first amendment rights did not exist, most of the rights enumerated in the other nine amendments would be empty rights; they would offer little consolation to a people intellectually enslaved.

SELF-DEFEATING NOT TO GIVE PROTECTION FROM COMPULSORY PROCESS

Mr. President, if newsmen are compelled to testify about criminal information they may possess, most if not all of them will soon cease to be recipients of criminal information and so, having nothing to testify about, will no longer be subpenaed. That may be one way of resolving the current controversy, but it is not the way I recommend in the public interest, or in the interest of law and order and justice.

UNDESIRABLE SIDE EFFECTS WITHOUT WORK PRODUCT PROTECTION

Mr. President, many undesirable side effects also will occur if newsmen's files, notes, and "work product" are available upon subpena to prosecutors, investigators, and others.

People who normally deal with the press openly, in a straightforward manner will become more guarded and more reticent once they realize that something they say may involve them in a criminal investigation. And finally investigators will tend to rely on newsmen's investigative work rather than pursue their own.

The news media will consequently take on the image of being part of, rather than distinctly separate from, official governmental processes and the authority of the state. Press credibility will suffer. Worse yet, if the Government can subpena the media's notes, tapes, film, and outtakes, it can easily set itself up as a kind of supereditor, passing judgment on the accuracy and objectivity of the gathering, editing, and publication of news. It is but one short precipitous step from the Government as supereditor to the Government as supercensor.

HISTORICAL PERSPECTIVE

But by no means does everyone favor congressional action at this time. If ever.

Mr. President, the administration, though reluctantly willing to accept some qualified bill, thinks the press should put its trust totally in the self-restraint of the Justice Department and rely on the Attorney General's guidelines. Those are the guidelines which the Attorney General's Office imposed on itself in August 1970 in response to a growing concern of the news media.

SPATE OF SUBPENAS

That concern arose from a spate of Federal grand jury subpenas earlier that year. They included subpenas served on Time, Life, and Newsweek; the four major newspapers in Chicago, and the now famous subpena for Earl Caldwell of the New York Times, which led to last June's landmark decision. During 1969–70, the networks were served more than 150 subpenas.

In my opinion, Mr. President, the Attorney General's guidelines are a rather shaky staff for an independent press to rely on. True, they restrict somewhat the use of the subpena power against newsmen. But only somewhat. And only for as long as any particular Attorney General wishes to keep them in effect. Worse yet, the guidelines implicitly legitimize governmental powers over a free press which, in my view, the Government should not possess.

Much more credible to me, Mr. President, is the fear expressed by some members of the press that looking to the legislature for protection is a risky business. They accurately note that "what Congress gives, Congress can take away." These newsmen prefer the path recommended by one publication that warned that the press can "only put its trust in the first amendment pure and clear, and plug away at getting the whole truth and nothing but the truth."

VOID CREATED BY CALDWELL CASE

Unfortunately, Mr. President, the first amendment became considerably less pure and clear for press purposes, thanks first to the Caldwell decision, and then to the Court's refusals to review the imprisonment of Bill Farr in California, and Peter Bridge in New Jersey. So despite the opposition of some members of the press to congressional action, it is now apparent that unless Congress does act, strongly and clearly, to fill the first amendment void created by the Caldwell decision, our press freedoms will be still more seriously eroded as lower courts apply the Caldwell holdings in more and more cases.

Some newsmen believe that the best way to get the Government and the courts to back down is for more reporters to choose jail rather than violate a confidence. To quote their reasoning:

> They can't put us all in jail. And besides, it will prove to informants that reporters won't break their word.

Most newsmen would agree, however, Mr. President, that the sight of a newsman being carted off to jail is more likely to shake up a news source than reassure him. And it is less than a sure bet that Government prosecutors are going to be deterred even by a succession of sacrificial lions behind bars.

I agree with attorneys for the Washington Post and Newsweek who hold that—

> The preservation of an institution as important to our form of government as a free press should not and must not depend upon the willingness of newsmen to go to jail.

The current debate for the most part has centered not on whether Congress should pass protective legislation, but rather on what should be the nature and sweep of that legislation.

Who and what should be protected? Under what conditions? Indeed, should there be any limitations, or should the ban against compulsory disclosure of confidential news sources and information be total and unqualified?

ABSOLUTE BILL NEEDED

Mr. President, I believe that a broadly embracing and absolute protection is needed to insure that the public gets the information it must have in a democratic society. It is my view that Congress aim should be to protect explicitly by statute all of the newsgathering rights which many people had all along assumed were implicit in the first amendment—until the Court told us otherwise.

Intelligent self-government requires a vigorous, robust press that will develop confidential leads and follow them up. It demands fiercely independent, unintimidated news media that probe and investigate, question and criticize, and so shed the daylight of public exposure on every shaded or shady area of public life.

It also demands a press that is more than an uncritical conduit for public pronouncements. Today's in-depth, interpretive reporters make frequent use of confidential information to help them verify and evaluate the on-the-record "news" they get from official sources. Much that is handed out as news these days is superficial, sometimes deliberately misleading, and almost always self-serving.

Mr. President, if a self-governing people are to govern themselves wisely and well, their Government must encourage the fullest possible freedom for them to speak their minds; the Government should encourage the people's freest possible access to information and opinion by which they may enlighten their minds. The two are inseparable and interdependent.

PRIVILEGE CHARACTERIZATION IS A MISNOMER

Though some people talk in terms of a newsman's privilege, that is a misnomer, Mr. President. The newsman merely exercises the privilege on behalf of the public. The public itself is the beneficiary. Congress must act to protect the public, not merely the newsman and his source.

Mr. President, my bill protects the public, not the press. It protects the public's right to know and the public's need to know. It protects the public's right to know about scandals in government and business. It protects the public's right to information which will lead to the conviction of criminals. It also protects the public's right to hear views and opinions which may displease those in authority.

For a press to meet its responsibilities in a free society, the Columbia Missourian declared:

> It needs all possible freedom from governmental controls. The pluralism of ideas, the intensity with which they are expressed, the constant battle for minorities to be heard or survive and the respect for individual rights this country represents make such a freedom guarantee not only possible but mandatory.

The Missourian concluded—as shall I—

> In a dynamic democracy like ours, a press must be absolutely free from governmental controls to function in its ascribed role—there is no realistic compromise about that.

CONCLUSION

Mr. President, I can think of no single issue pending before Congress or the Nation at this time which more fundamentally affects the delicate balance of our democratic process. The public's right to know—more to the point, the public's need to know—is dependent on the ability of the press to protect all of its information and all of its sources of information.

INTRODUCTION OF THE FREE FLOW OF INFORMATION ACT

Mr. KENNEDY. Mr. President, it gives me great pleasure today to join the Senator from California (Mr. CRANSTON) in introducing the Free Flow of Information Act, designed to preserve the free flow of news and ideas to the public through the news media. As stated in its initial section, this bill like the first amendment, is based on the premise that a fully informed public is essential to the maintenance and effective operation of our democracy. The provisions of this bill follow logically from our conclusion that compelling newsmen to reveal a source or the content of information in their possession inhibits the free flow of news to the public.

Our proposed legislation would provide newsmen with an absolute and unqualified privilege from compulsory process in both State and Federal forums, and it includes procedural safeguards to effectuate this protection. Last month the Constitutional Rights Subcommittee opened hearings into the need for newsmen's privilege legislation. After listening to and reviewing the testimony presented, I became more resolute in my determination to secure the most complete protection for newsmen. The Justice Department subpenas for Jack Anderson's telephone records and the spate of civil subpenas issued to newsmen who covered the Watergate case—both occurring after the Senate hearings opened—drove home the compelling need for prompt action on this legislation.

There are four important features of the bill being introduced today. First, it affords newsmen protection without qualifications or loopholes. This reflects our belief that anything less than blanket protection would prove inadequate to fulfill the purposes and objectives of the legislation. Observed Mr. Justice Douglas:

> Sooner or later, any test which provides less than blanket protection to beliefs and associations will be twisted and relaxed so as to provide virtually no protection at all.

I concur with this observation.

Second, our bill applies to both State and Federal proceedings. Certainly citizens in every State should enjoy an equal right to the fruits of a free and unfettered press. Likewise, newsmen in every State must have the same protection if they are to provide the public with those fruits. The excellent legal analysis provided by witnesses to the Constitutional Rights Subcommittee appear to me persuasive as to Congress' constitutional power to preempt State laws in this area.

Third, our bill covers legislative and administrative, as well as judicial, proceedings. Society's interest in preserving a free flow of information to the public should remain paramount despite the nature of the proceeding from which threats to the press may emanate. Before all forums the newsman must remain equally protected if he is to have any viable protection at all.

Finally, the bill contains presubpena safeguards in section 4 to provide a screen for unnecessary or harassing subpenas, while at the same time insuring that the newsman will remain amenable to process in his private capacity. The procedures, though appearing complex, merely serve to place the initial burden where it belongs—on the party who would compel testimony or presentation of documents, and not on the newsman himself.

Mr. President, I have more fully elaborated my views on the subject of newsmen's privilege legislation generally in my statement at the opening of the Senate hearings last month. I thus ask unanimous consent that my statement be included in the RECORD at this point.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT OF SENATOR EDWARD M. KENNEDY

Mr. Chairman, I commend you for initiating these hearings on the rights of reporters, and I hope that our Subcommittee will give the pending legislation the high priority it deserves. Of all the great principles on which our nation was founded, none is more important than freedom of the press under the First Amendment, and none is under greater attack in the nation today.

Not since the Alien and Sedition Acts nearly two hundred years ago has freedom of the press been as ominously threatened by the heavy hand of government as it is at the present time. It is not too much to say that we have a crisis before us, a crisis over the First Amendment, and the way we resolve that crisis in the coming months will have profound effects on the future of our country and all our other basic freedoms.

The right of the public to know and the right of the press to represent the public are twin pillars of our heritage. Any attempt to impose conditions upon this right strikes at the very core of our democracy—the right of the people to have access to the information which affects their lives. This is why I am pleased to give my support to federal legislation providing newsmen with an absolute and unqualified privilege from compulsory process in both state and federal forums.

We know that Congress is very much alone in the current struggle. Last June the Supreme Court turned a deaf ear to pleas that the Constitution itself is sufficient to protect reporters from being required to disclose their notes and sources to a grand jury. And, the Executive Branch professes to see no danger worthy of legislation in the present crisis.

For nearly two hundred years, reporters and prosecutors have coexisted without the need for such legislation. In fact, throughout our history, reporters have enjoyed a *de facto* privilege from subpoena in grand jury proceedings, a privilege of the sort consistently afforded to doctors, lawyers, priests, husbands and wives, and others whose special relationships of confidentiality have long received generous protection of society.

Today, under the present Administration, all that has changed. Spurred on by the Vice President's persistent attacks on the press, by the Pentagon Papers Case, and by a series of other government-inspired assaults on the First Amendment, the traditional freedom of the press has been seriously undermined, to the point where reporters now find themselves fair game for any aggressive or unscrupulous prosecutor armed with a fishing license stamped "subpoena."

We know the mushrooming dimensions of the problem. In recent months, numerous reporters have been subpoenaed to reveal their sources or notes. Several reporters have gone to jail for contempt, for refusing to deliver such material. Overall, we know that editors and reporters are developing serious reservations about publishing information that might bring grand jury repercussions on them, and their sources are afraid to talk.

Thus, a range of deeper problems is emerging, the consequences of which we cannot even begin to evaluate. A growing number of men and women who know of wrongdoing, who know of corruption, or who know of questionable policies, are now deciding not to call reporters, because they no longer trust the reporters' ability to keep their identities hidden. Editors and newsmen are giving second thoughts to publishing and revealing information, for fear that such disclosure may bring swift and frightening retaliation by government. And, because of these fears, there is the very real problem that the public is now being denied the enlightening fruits of the truly free press envisioned by the drafters of the Bill of Rights.

My own view is that the current situation is so serious that Congress should not hesitate to enact the broadest possible legislation designed to give newsmen an absolute and unqualified privilege from subpoenas to disclose their notes and sources. The privilege should apply to all jurisdictions, federal, state and local, and to all branches of government, Legislative, Executive or Judicial.

The logical progression from the First Amendment to the need for a secure newsman's privilege was clearly described by Justice Potter Stewart in his opinion dissenting from last summer's distressing Supreme Court decision rebuffing the claim of a constitutional privilege for newsmen. Justice Stewart wrote:

"We have held that the right to publish is central to the First Amendment and basic to the existence of constitutional democracy. . . .

"A corollary of the right to publish must be the right to gather news. . . .

"The right to gather news implies, in turn, a right to a confidential relationship between a reporter and his source. . . ."

The fears of potential news sources that their identities may be revealed are well-founded. Not only loss of job, but even loss of life, may follow from disclosure of the source. Even irrational fears of disclosure, if the newsman's source is not fully protected may suffice to inhibit the flow of information into the hands of the press and ultimately the public. Thus the confidential relationship is often necessary if the reporter is to receive his documents or tips in the first place.

We know there is a close relationship between excellence in journalism and the reporter's need for confidentiality. Outstanding examples are the Pulitzer Prize-winning stories by Neil Sheehan of the *New York Times*, bringing the Pentagon Papers to public light; by Jack Anderson making public disclosure of the documents of the National Security Council dealing with India and Pakistan; and by the *Boston Globe's* Spotlight Team of reporters, who exposed corruption in city government. All of these stories originated with information or documents from confidential sources, and were heavily dependent on those sources. The list goes on and on—other dramatic recent examples include the George Polk Memorial Awards to the Associated Press' Jean Heller for the story on the Tuskegee Syphilis Scandal, to Carl Bernstein and Bob Woodward of the *Washington Post* for their coverage of the Watergate Affair, and to Ron Kessler of the *Washington Post* for his series on hospitals. All these reports saw publication only because sources agreed to reveal information in confidence to able investigating reporters. Confidential sources also were indispensable to Frank Wright of the *Minneapolis Tribune* and James Polk of the *Washington Evening Star News*, who received the Worth Bingham Prize and the Raymond Clapper Memorial Award for stories on campaign contributions.

And those are only the tip of the iceberg—the stories that made national headlines. What about the countless daily investigations of local issues by local reporters?

How many stories will never be born because a source feels insecure in the face of the Supreme Court's decision and the threat of a prosecutor's subpoena? A few years ago, the Wall Street Journal estimated that 15 percent of its stories were based on confidential information. The Christian Science Monitor has predicted that its percentage may go as high as 50 percent.

How much will be lost to the public because CBS News could not assure a welfare mother of anonymity? Because Paul Branzburg's editors became nervous about his continuing series on drug abuse? Because a key source in an official corruption story being developed by a Baton Rouge reporter feared a subpoena threat? Because Earl Caldwell's tapes and notes on the Black Panthers were destroyed? Because crucial informers were afraid of being revealed as sources for the Boston Globe's Spotlight Team reports?

The answers will never be known. But the danger is obvious. The less informed we are, the less ability we have to protect ourselves from corruption of government officials, from the unresponsiveness of our institutions, and even from violent crime.

In part, of course, the rash of press subpoenas in grand jury and criminal cases in recent months is a symptom of lazy law enforcement. Effective investigative work is a difficult and demanding job. With all the vast resources available to law enforcement agencies today, I see no need whatever to allow a situation to continue in which reporters are forced into the role of unwilling investigators for state prosecutors or local district attorneys, or in which the National Press Building becomes simply the Fourteenth Street Annex of the F.B.I.

In the current debate, nothing is more misleading than the suggestion that the real question should be framed as a choice between combatting crime or protecting news sources. The question is not whether we shall have privileged news or unprivileged news, but whether we shall have privileged news or less news. The public, as it watches television, listens to the radio, and reads its magazines and newspapers, will be the greatest loser if the news media are compelled to perform their vital role under the current oppressive atmosphere.

Doctors and patients, attorneys and clients, priests and penitents, husbands and wives—all have protected relationships under the law today. Indeed, it is safe to say that relevant information in criminal proceedings is often lost to prosecutors because of these protections. But society has decided that the need for candor and trust and openness in these relationships is more important than any need that prosecutors may have for the information these privileged groups possess. The same should be true for reporters.

The Constitution recognizes that a free and robust press is central to our liberty, and it is up to Congress to act to keep that guarantee secure.

As I have indicated, I believe that the legislation we enact should contain an absolute, unqualified privilege. As Professor Paul Preund of the Harvard Law School has stated, "It is impossible to write a qualified newsman's privilege. Any qualification creates loopholes which will destroy the privilege." However well-intentioned such qualifications may be, they risk the result that they will weaken the First Amendment, and that Congress will simply be rubber-stamping the current practice. As Justice Douglas wrote:

"Sooner or later, any test which provides less than blanket protection to beliefs and associations will be twisted and relaxed so as to provide virtually no protection at all."

Any aggressive prosecutor, for example, or any determined judge, could easily shift to a newsman the burden of resisting subpoenas under a qualified privilege law. We cannot take this risk. We cannot afford to gamble with the First Amendment by enacting a law that confers less than a privilege that is absolute.

Further, as I have also indicated, the bill we enact should encompass state as well as federal proceedings. Citizens in every part of this nation have the same rights to information, and newsmen everywhere should enjoy the same protections. Legislation applying only to federal proceedings would be a sham, since it would leave a gaping hole in the protection reporters need.

These principles and objectives have been advanced by Davis Taylor, publisher of the *Boston Globe* and the American Newspaper Publishers' Association. They are presently contained in S. 158, as introduced by Senator Cranston.

In the course of these hearings, I am sure that these principles will be improved and refined, but we must be vigilant to insure they are not weakened. After all, what is at stake is not just the rights of reporters, but the rights of all of us, the right of the American people to know the news—not just the news contained in government press releases, but all the news.

Mr. KENNEDY. Mr. President, there will be 2 more days of hearings on newsmen's privilege legislation next week, and I hope that the provisions of this bill can be explored there further.

Senator CRANSTON has provided a full and detailed explanation of the bill in his statement, and he makes a most compelling case for its enactment. I am pleased to be associated with his efforts on this issue, which have been marked throughout by vigor and persistence, as well as by insight and dedication.

I also want to commend the chairman of the Constitutional Rights Subcommittee, Senator ERVIN, for his commitment to the principles of the first amendment, which is reflected in the attention he has given this subject.

I hope that this Congress will act to provide the protection needed to maintain the vigor and freedom of our press and ultimately to preserve the people's right to know.

ADDITIONAL COSPONSOR OF AN AMENDMENT

AMENDMENT NO. 25

At the request of Mr. EAGLETON, the Senator from Minnesota (Mr. MONDALE) was added as a cosponsor of Amendment No. 25, intended to be offered to the bill (S. 398) to extend and amend the Economic Stabilization Act of 1970.

NOTICE OF HEARINGS ON READING PROGRAMS

Mr. PELL. Mr. President, the Subcommittee on Education of the Senate Committee on Labor and Public Welfare in its continuing program of legislative oversight is scheduling hearings on April 4 and 5 concerning the reading programs conducted by the U.S. Office of Education. Information gathered by the junior Senator from Missouri (Mr. EAGLETON) has raised certain questions in our minds concerning the reading programs and this will be one of the subjects of our inquiries.

Mr. EAGLETON. Mr. President, I am most grateful to the distinguished Senator from Rhode Island, Senator PELL for his prompt response to the need for looking into the reading programs now being conducted by the Office of Education. The serious questions raised over the past 3 years of "right to read" and the lack of a comprehensive plan for attacking illiteracy prompted me to introduce the National Reading Improvement Act last Congress. I have intentionally withheld reintroduction of a similar measure this year in the hopes that these hearings could be arranged, for I believe the information gleaned during the hearing process can be used to strengthen the provisions of the bill.

Mr. President, it may sound incredible but it is true. In the United States, which boasts the world's highest standard of living, there are 3 million adults who are totally unable to read and write and 20 million adults and children who read so poorly that they are classified as "functional illiterates".

For over 3 years we have heard this administration's rhetoric about its "Right to Read" program. You may recall that this program was first announced in October 1969, by the late Dr. James Allen, then U.S. Commissioner of Education. Dr. Allen spoke of the 10 million American children and teenagers with serious reading difficulties who were, as he called it, "denied a right—a right as fundamental as the right of life, liberty, and the pursuit of happiness." He committed the administration to a far-reaching program of educational support for these youngsters to enable them to enjoy their right to read.

Not long thereafter, in May 1970, President Nixon promised $200 million for the reading program, but he never asked Congress for any new money to fund it. Instead, he siphoned off funds from other titles of the Elementary and Secondary Education Act. Last spring, before a congressional committee, even Dr. Sidney Marland, now Assistant Secretary for Education, admitted that "the right-to-read program contained a great deal of rhetoric in its first year and a half. It did not contain any money." The picture has not changed. The program does not yet contain anywhere close to the amount needed to achieve—or move toward—the right to read. For fiscal year 1974 the administration is recommending only $12 million for the right-to-read program—the same amount as last year. This is certainly not the funding level one would anticipate for what is touted as a "national priority program".

Right to read has been beset with problems other than lack of form and money. The National Reading Council, an autonomous panel, was awarded a $1.5 million grant from the Right-to-Read Office in the Office of Education for its National Reading Center to help launch the right-to-read program. A GAO report, as well as an investigation conducted by Representative EDITH GREEN, revealed that the center has misspent 60 percent of its first year's budget. After 2 years of operation, and $3 million, the center has done little more than issue stacks of press releases and reports, conduct two national surveys on the extent of illiteracy, and compile a list of volunteer reading tutors.

We must not allow this waste to continue. We cannot allow this administration to announce in a few years that, after pouring millions of dollars into the right-to-read program, the Government has little to show for its efforts and that it must reluctantly conclude that funding must be terminated. Such is the line now being taken with regard to compensatory education and Headstart. Too many programs have been characterized by this sort of high rhetoric and low budgets.

The legislation which I intend to introduce after completion of the hearings will seek to prevent this course of action. It will authorize adequate funding to attack illiteracy effectively. It will establish State programs to encourage the establishment and expansion of improved reading programs for schoolchildren and adults. It will place emphasis on training of teachers so that we may have the necessary skilled manpower to eliminate illiteracy.

Mr. President, I hope that all Members of Congress will take an interest in solving the problem of illiteracy. We can end the incongruity of millions of functional illiterates in the wealthiest, most advanced nation in the world, but it will take a concerted effort and a substantial financial commitment.

NOTICE OF HEARINGS RELATING TO CONSENT JUDGMENTS IN CIVIL AND CRIMINAL ANTITRUST CASES

Mr. HART. Mr. President, may I announce that the Senate Antitrust and Monopoly Subcommittee has scheduled hearings for March 15 and 16 on two measures dealing with consent judgments in civil and criminal antitrust cases.

The bills are S. 780, introduced by Senators TUNNEY and GURNEY and S. 1088, introduced by Senator BAYH.

Anyone wishing to express his views on these bills may contact the staff director of the subcommittee.

NOTICE OF HEARINGS ON RECOMMENDED JUDGESHIPS

Mr. BURDICK. Mr. President, I wish to announce continuation of the public hearings before the Subcommittee on Improvements in Judicial Machinery relating to the recommendations of the Judicial Conference of the United States for creation of an additional 51 additional district judgeships—S. 597.

The hearings will be held in room 1318, Dirksen Office Building, commencing at 10 a.m. on March 13 and 14, 1973.

On March 13, testimony will be received from the chief judges of the District of Arizona, the central district of California and of the ninth circuit, court of appeals.

On March 14, testimony will be received from the chief judges of the northern, eastern, and southern districts of California.

Communications relative to these hearings should be directed to the subcommittee staff, 6306 Dirksen Office Building, extension 5-3618.

NOTICE OF HEARINGS ON DISASTER RELIEF

Mr. BURDICK. Mr. President, I wish to announce the first in a series of field hearings before the Subcommittee on Disaster Relief for the purpose of evaluating the Disaster Relief Act of 1970.

Hearings will be held in Biloxi, Miss., on Saturday, March 24, and in Rapid City, S. Dak., on Friday and Saturday, March 30 and 31. My colleagues will recall that the Gulf coast was devastated by Hurricane Camille in 1969 and that Rapid City was the scene of a tragic flood last summer. In both cities, testimony will be received from regional administrators of disaster relief agencies, State and local officials, and from private citizens.

The schedule of hearings in other areas of the country will be announced later. A summary session in Washington is also planned.

Communications relative to these hearings should be directed to the subcommittee staff, 4202 Dirksen Office Building, extension 56176.

NOTICE OF HEARINGS ON NOMINATIONS

Mr. SPARKMAN. Mr. President, I announce that the Committee on Banking, Housing and Urban Affairs will hold hearings on Tuesday, March 13 commencing at 10 a.m. in room 5302, Dirksen Building, on Mr. Floyd Hyde who has been nominated to be Under Secretary of HUD, Mr. Michael H. Moskow, nominated to be Assistant Secretary for Policy Development and Research, Mr. H. R. Crawford, nominated for Assistant Secretary for Management, Mr. Sol Mosher, nominated for Assistant Secretary for Legislative Affairs, and Mr. James L. Mitchell, nominated to be General Counsel, all of Department of Housing and Urban Development.

Anyone wishing to appear as a witness on these nominees should contact Mr. Carl A. S. Coan, area code 202 telephone number 225-6348.

ADDITIONAL STATEMENTS

RESPONSE OF DEMOCRATIC LEADERSHIP TO PRESIDENT NIXON'S MESSAGE ON THE ECONOMY

Mr. MANSFIELD. Mr. President, on Wednesday, February 28, Senator WILLIAM PROXMIRE delivered an address at the request of the Democratic leadership in response to the President Nixon's message on the economy.

In his address Senator PROXMIRE spoke frankly about the charges made against a Democratically controlled Congress and the erroneous impressions the administration leaves with the people of this Nation about the causes of inflation and the economic crisis which faces many Americans today. He touched on the enormous question of priorities in spending and the responsibility of the Congress to make the resource allocations.

I ask unanimous consent that this address be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

TEXT OF SENATOR PROXMIRE'S RESPONSE TO PRESIDENT NIXON'S RECENT ECONOMIC MESSAGE

America has the most successful economic system in the history of the world. We are proud of what our country has done in providing the abundant life for more people than any nation in history. But in the past four years, the American economy has begun to falter. Our world economic leadership is now, like the dollar, under fire.

For the first time in eighty years we have lost our trade surplus. The deficit in our balance of trade not only endangers our capacity to be the great economic bastion of the free world, it is costing hundreds of thousands of American jobs. The unemployment picture has indeed improved in the past year, but it remains too high, disgracefully high, compared to any other major industrial country in the world. Unemployment in Japan is less than half ours. Compared to Germany, we have more than five times as much unemployment. For young people and blacks unemployment is literally at depression levels. The Administration has no program to reduce unemployment. It even refuses to set a 4 percent unemployment goal. In the President's budget, programs that would meet the unemployment problem are decimated or eliminated.

The recent devaluation may have been necessary. But it is a confession of the failure of our government policies to keep America as strong and competitive as it was and it will cost your family fifty to a hundred dollars a year in higher prices.

The devaluation will cost you more when you buy gasoline for your car and when you buy fuel oil for heating your house. We import much of our oil, and the devaluation will require you to pay several dollars more when you buy it.

You will feel the same punch in your pocketbook when you go to buy a television set or a radio or a little wine to brighten up your dinner.

But that's just the beginning. *American* made products will cost you more too. This is because the devaluation will reduce the competition for steel and auto companies and others. You'll pay more for the refrigerator you buy, and also more the next time you trade in your car.

Now the devaluation *will* increase the demand for what America exports. But what do we export? The answer: Two categories of goods especially. First, high technology machinery and equipment such as aircraft and computers. These require high skill, and high skill is often in short supply so our increased exports may come at the price of higher wages and prices.

The second big export is food. And what happens as we export more food? That's right. The price of food will go still higher. You'll be hit in the breadbasket as well as the pocketbook!

But the mistaken and weak economic policies that forced the Administration to devalue are unfortunately not the end of the story. You and I as consumers face higher prices because of even more important blunders by the Administration.

The President is proposing a mammoth $19 billion increase in Federal spending. Does this surprise you? Did you think the President was fighting to hold down spending? How about it? Is President Nixon, in fact proposing to hold down spending? The proposed increase will be on the biggest dollar increases in spending in our history. If Congress agrees and puts the Nixon increase into effect, it means another mammoth federal deficit for the coming year.

It will mean that the Administration in the past four years has run up more deficit spending than in any four year period in American history except in World War II when the whole free world was in an all-out war for survival. And those Nixon deficits spell higher prices for you.

What is stunning about this reckless Nixon nineteen billion dollar inflationary increase in spending is that it comes at the end of the war. This will be the first time ever the country has increased its spending when a war was over. And what an increase!

What will this do to your pocketbook? Almost everything you buy will go up. But consider just one thing. The interest rate you pay when you buy a home, or a car, or borrow money for any purpose will go up, as it went up just this past week. It will go up because of the Administration's excessive spending and the increased federal borrowing that will require.

You may ask, "But isn't it true that you Democrats in Congress would increase spending even more?" Answer: Absolutely not! We would oppose *some* of the President's cuts because they are cruel and even inflationary. But we would cut far deeper than the President in some programs and we would restore to others only part of the reduction we would make.

For example, we would cut the President's military budget—as Congress has reduced every Nixon military budget in the past four years. We will slash his foreign aid—especially his foreign military aid and aid to North Vietnam—just as Congress has cut every Nixon foreign aid budget in the past four years.

These are multi-billion dollar programs, the savings we can make in these programs will provide funds for low income housing, manpower training, disaster farm relief; everyone of which the President would cut and get this—everyone of which if pushed ahead will help keep your prices down. You ask how will this spending keep my prices down?

Won't this spending push up prices? The Answer is NO. Here's why:

By restoring the low income housing program we hold down home costs and your rent costs. Isn't that true? By moving ahead with manpower training we give the unskilled unemployed the skills they need to get a job and produce what they consume and more. Don't you agree? By saving the disaster hit farmers we increase the food supply and hold down the price you pay for food. Why isn't that true?

You see, all in all, we would reduce spending below the Presidential level—not increase it.

And how about wage and price controls? The Administration has announced it is moving into another weaker price control system. We started with a freeze on prices and wages. That worked and worked well. Then we moved to Phase II. Wages were allowed to go up by 5.5% and prices by 2%.

But that was in theory. What really happened? Your wages were held down to less than 5½% and the prices you pay—they went up more than the price guidelines.

Here was a program that cried out to be strengthened. But what has the Administration proposed? Firms will be allowed to increase prices with no advance notification and no approval. Then what happens if they violate the guidelines and overcharge you? Will they have to refund to you the difference as they did under Phase II? No! They can keep the difference. What's more, the enforcement staff which was too small and weak under Phase II will be cut in half. Can we have the stronger price control system—rising prices call for with fewer persons enforcing the law? You tell me.

And yet the President talks about how tough Phase III will be. He talks about his shotgun in the closet. Well, if you think about how weak this program is, you can see that when the price gouger goes to work he won't be hit with a shotgun blast, but a peashooter.

How does the stock market read Phase III—stronger or weaker?

Phase Three is so feeble that the stock market, reading it as meaning more inflation, has been dropping steadily in spite of reports of thriving economic activity and soaring profits. How do hard headed foreign investors interpret Phase III? Answer: They have been selling American dollars short by the billions.

Does organized labor think Phase III has any bite? Organized labor has now walked away from the 5½% guidelines. Why? Because they're convinced that inflation will be much steeper. Virtually all economists agree that prices will be higher because price controls have been gutted.

To sum up, we love this country. We are proud of its superb economic achievements and the good life so many millions of Americans enjoy because of the marvelous American economy.

But we vigorously protest the grave economic mistakes of the President that would do little about unemployment and are pushing us into an inflation that will cost your pocketbook dearly.

Our answer is to cut inflationary military and foreign aid spending and channel some but not all of those funds into programs that will not only make for a more humane America, but a stronger country and one in which the housing will be built, the unskilled labor trained and the food produced to hold down the prices you pay.

SERMON ABOUT JONATHAN LIVINGSTON SEAGULL

Mr. MATHIAS. Mr. President, by now, we all know of the success of Richard Bach's novel about a seagull who aspires to perfection. One of my constituents, Kenneth S. Jones, pastor of the Faith United Methodist Church in Rockville, Md., was inspired by this creative work and incorporated its theme into a very moving sermon which has been published in the February issue of Washingtonian magazine. I encourage Senators to read Pastor Jones' unique story, "Jonathan Livingston Christian" and ask unanimous consent that it be printed in the RECORD.

There being no objection, the sermon was ordered to be printed in the RECORD, as follows:

MOVE OVER, J. L. SEAGULL, HERE'S JONATHAN LIVINGSTON CHRISTIAN

The publishing phenomenon of the 1970s has been a slender book called Jonathan Livingston Seagull. Written by a pilot named Richard Bach and rejected by most major book publishers, Jonathan was quietly launched into print two years ago by Macmillan. Sales started slowly but grew and grew, and Jonathan perched atop the best-seller list most of 1972. Hardback sales are nearing two million, with a paperback printing out this month. The movie, with only seagulls as characters, will be out later this year.

What kind of seagull inspires that sort of interest? Jonathan yearns to fly better and faster than any other gull. At first he has trouble with his high-speed dives because of his long wings. He gives up. "If I were meant to fly at speed," he says, "I'd have a falcon's short wings." But he tries again and again, and finally achieves perfection.

Being inspirational and about flying was enough to catch the interest of Kenneth S. Jones, pastor of the Faith United Methodist Church in Rockville. Jones is a pilot—he learned while a missionary in the Congo—and he likes to bring new ideas into his young, growing church. So a sermon titled "Jonathan Livingston Christian" was a natural.

"I got an extraordinary reaction," Jones says. "People hugged me, women kissed me. They told me it was the best sermon I ever preached." Jones' son Jeffrey, a student at Western Maryland College in Westminster, heard about it and invited his father to talk about Jonathan Livingston Christian at Sunday chapel services. The students gave the sermon a rousing ovation—"a first for me in twenty years of preaching," Jones says.

Why is Jonathan so popular? "People admire the idea that you can be better than you are," Jones says, "that if you give it all you've got, success is unlimited."

Some think the book is not all that Christian. A bishop has denounced it for the sin of pride, for its emphasis on the self over others. But Jones points out that after Jonathan learned to fly, he wanted to teach others. Jones emphasizes "this Christian interpretation of Jonathan's willingness to share what he knew with others."

So move over Jonathan Livingston Seagull and make room for Jonathan Livingston Christian:

How could a book with only 40 pages of text and some pictures of seagulls in flight become a national best seller? There is no sex not even a single human being mentioned in the story.

Jonathan Livingston Seagull discovered the joy of flying. He found it was more challenging than following fishing boats for castaway fish and spending his life as a beachcomber. By holding his wings close to his body he was able to dive at more than 200 miles an hour. One day he climbed to 5,000 feet and dove right through the midst of his home flock a hundred feet above the water. He thought they'd be proud of his accomplishment, but instead they expelled him from the flock, banished him to a lonely life on the Far Cliffs.

The head gull, called the Elder, pronounced his banishment and gave this philosophy: "Life is the unknown and unknowable, except that we are put into this world to eat and to stay alive as long as we possibly can." In disregard for tradition, Jonathan Seagull talked back to the Elder: "For a thousand years we have scrambled after fishheads, but now we have a reason to live—to learn, to discover, to be free." "The Brotherhood is broken" the adult gulls intoned together and that meant that Jonathan was no longer part of them.

Jonathan suffered not so much by his loneliness as by the fact that the other gulls could not believe the glory that would be theirs if they would open their eyes and see. Jonathan discovered that boredom and fear and anger are the reasons that a gull's life is so short, and with these gone from his thought he lived a long fine life indeed.

Then one evening two shining gulls, who actually flew with more grace and skill than Jonathan, appeared at his wingtips. He added full power and zoomed away from them, but they dove and rolled and banked with perfect precision. "We are from your flock, Jonathan. We have come to take you higher, to take you home." With the promise of flying higher and with greater skill, he gladly flew with them to heaven.

He asked a nobler Elder Gull: "Is this heaven?" "No, Jonathan, there is no such place. Heaven is not a place or a time. Heaven is being perfect."

One day, standing on the shore, Jonathan understood what the Elder Gull had told him. "It's true! I am a perfect, unlimited gull!"

Jonathan learned so much he longed to return to the flock that had made him an outcast. At the Far Cliffs he found first one new outcast, then another, until he had seven students who learned to fly as well as Jonathan.

Then one day the eight of them flew right through the old home flock in a double-diamond formation at 135 miles per hour wingtip-to-wingtip. The elders of the flock cried "Outcasts. They're outcasts." "Sure they're outcasts," cried the young gulls, "but where did they learn to fly like that?"

Jonathan and his students relaxed on the beach at night, and gradually the young gulls gathered in the dark around them, listening to Jonathan's wisdom. Oh, they wanted to fly. But they said, "How do you expect us to fly as you fly? You are special and gifted and divine, above other birds." None is more special or divine than any other" Jonathan said. "The only difference, the very only one, is that they have begun to understand what they really are and have begun to practice it."

Fletcher Lynd Seagull was the name of that first outcast gull that Jonathan had met in the Far Cliffs. Fletcher became an instructor for the young gulls who believed. Then one day Jonathan said to Fletcher: "You don't need me any longer. All you need is to keep faith in your unlimited self. He'll be your instructor. I have other flocks, other Fletchers that need an instructor more than you." And with that Jonathan's body wavered in the air, shimmering, and then went utterly transparent.

Now what is this all about? Why have I left some parts of the story still untold? Why should I call a sermon by the name Jonathan Livingston Christian?

Well, first it's important to know that author Richard Bach is a pilot. There is so much to learn in life that simply is not comprehended if you are earthbound. This is what Jonathan's rebellion was all about. Down at the beach or a few yards above the water all there is to life is the struggle for survival. Jonathan's father said to him one day: "If you must study, then study food and how to get it. Don't forget that the reason you fly is to eat." Isn't that terrible that a father should say to his son, in effect, the purpose of life is to earn a living? There is one main purpose to life, and all the rest is incidental. The purpose of life is to discover and fulfill what God had in mind when he made us.

Down on the surface of the earth the hills seem so steep and hard to climb, but from a thousand feet up the 30- and 50-foot elevations are practically flat. And it's that way with life. Obstacles rise up in our paths—sorrows, burdens, setbacks—and they seem insurmountable, but viewed from the vantage point of a thousand feet closer to God, they all flatten to ripples. Compared to the mountains and chasms others confront, we live on a smooth plain. With God's help we are able to rise above the apparent limitations that frustrate a person who is weak in faith.

Now, with a view to helping you learn to fly, I am renaming each of you Jonathan Livingston Christian. Oh, you're still free. I haven't taken anything away from you. You can still choose to live like a two-legged creature, distinguishable from other mammals only by the power of speech and the wit to make tools. You can continue with first-things-first, continue until your deaths in the struggle for survival and shelter and the lordship of real estate. Or you can heed the promises of God. Jesus said: "The person who wants to save his own life will lose it; but the one who loses his life for my sake will save it. Put God's kingdom first in your life, and he will provide whatever it is you will need." You can do anything, but only by prayer and believing.

If you are going to be thought of as a Jonathan Livingston sort of Christian, you'll have to imitate his determination to succeed. Jonathan tried to develop a slow-flying technique and he stalled and fell into the sea like a rock. Still he tried again and again. He tried high-speed dives, so fast that when he stuck out a few feathers to end his dive his wings were nearly torn from his body. But he kept on until he perfected it. His single-mindedness, his devotion to perfecting his skill, made him an outcast and it just might make an outcast of you. But never mind. In your striving for perfection, you are not seeking cheers from the stands, but a "well done" from your Creator.

Jonathan Livingston Christian is also training himself for a future life. Jonathan Seagull's attitude of preparation stood him in good stead. How do your attitudes support you? If you are striving today to be better than yesterday—more faithful, more loving, more useful, more grateful—you'll not have any anxieties about a life hereafter. It can only be an enlargement, an amplification, a great expansion of the joys we've known right here. Jonathan Seagull didn't miss one beat of his wings. He was in midflight when two shining gulls escorted him to Elysian Field.

Now if it's true that heaven is merely an intensification of the perfection we have achieved in the present, then our present duties will be similar to the duties of angels. Jonathan Livingston Christian, that's you, will want to share your knowledge of perfection, spread the joy, tell the world, get someone else ready for the great journey. Jonathan Seagull was a compulsive flight instructor. He knew there would be others somewhere who wanted to know how to fly. You know how to fly, Jonathan Christian, and out there on the lonely Far Cliffs of this world there are lonely people who need to know what you know. Have you ever heard evangelism described that way? That's what it is. You may not claim a comfortable pew for your perpetual and private use and enjoyment. Unless you share it, it will lose its power to hold and lift you up in spirit.

I left out an incident in the other Jonathan's story. On the beach, his native beach, one Kirk Maynard Gull came to Jonathan, dragging his left wing. "I want to fly more than anything else in the world," he said.

"Come along then," said Jonathan. "Climb with me away from the ground and we'll begin."

"You don't understand. My wing, I can't move my wing."

"Maynard Gull, you have the freedom to be yourself, your true self, here and now, and nothing can stand in your way. It is the Law of the Great Gull, the Law that is."

"Are you saying I can fly?"

"I say you are free."

As simply and as quickly as that, Kirk Maynard Gull spread his wings, effortlessly, and lifted into the dark night air. The whole flock was wakened by his loud scream from five hundred feet up. "I can fly! I can fly!"

By sunrise nearly a thousand gulls gathered around Maynard. And Jonathan was there to explain: "You must understand that a seagull is an unlimited idea of freedom, an image of the Great Gull, and your whole body, from wingtip to wingtip, is nothing more than your thought itself."

You, Jonathan Livingston Christian, are made in the image of God, made for perfection, made to find your life in giving it. You can fly. By faith you can fly and you'll know the destination of your final flight.

RECONFIRMATION OF FEDERAL JUDGES

Mr. HARRY F. BRYD, JR. Mr. President, in a column published in newspapers of Sunday, March 4, Clark Mollenhoff points out that, despite his conviction on charges of conspiracy, fraud, bribery, and income tax evasion, U.S. Circuit Court Judge Otto Kerner remains on the public payroll for $42,500 a year.

Mr. Mollenhoff states that Judge Kerner is technically on leave, drawing full pay but performing no duties.

Mr. Mollenhoff cites the case of Judge Kerner to illustrate the fact that Federal judges, once appointed, are rarely removed from office.

The column takes note of a proposal which I have made that the U.S. Constitution be amended to provide that Federal judges be subject to reconfirmation by the Senate every 8 years. It is my view that adoption of my proposal would increase the accountability of the Federal judiciary without harming its legitimate independence.

Mr. Mollenhoff's column reviews arguments I have made in behalf of limited, renewable tenure for Federal judges. I ask unanimous consent that the text of Mr. Mollenhoff's column, "Watch on Washington," be included at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

WATCH ON WASHINGTON—KERNER CONVICTION PROVES IT'S TOUGH TO OUST A JUDGE

(By Clark Mollenhoff)

WASHINGTON.—The conviction of U.S. Circuit Judge Otto Kerner on criminal charges of conspiracy, fraud, bribery and income tax evasion points up once again the difficulty in getting rid of a judge on such charges.

Kerner's continuation on the public payroll at $42,500 a year, pending his resignation or removal, demonstrates the inadequacy of the present machinery for ousting convicted federal judges.

The suave 64-year-old former Illinois governor, found guilty of connection with a race track scandal that occurred while he was in office, says he won't resign and that he will appeal to the Supreme Court.

In the meantime, he is technically on leave, drawing full pay, but with no duties. And, if the Supreme Court or a U.S. Appeals Court overturns the conviction, Kerner could be restored to active status, unless there is an impeachment action in the U.S. House Judiciary Committee.

The judiciary committee, headed for more than 30 years by Emanuel Celler, D-N.Y., has been delinquent in its policing of federal judges and amazingly understanding of the lax standards that many judges permitted themselves until relatively recently.

It was understandable why Celler was broadminded about conflicts of interest and judicial corruption. His law partner was identified in a trial of federal Judge Martin Manton in 1939 as the man who carried payoff money for Manton.

The lawyer continued as Celler's partner in a New York law firm throughout the time that Celler was chairman of the House Judiciary Committee, with the responsibility for initiating investigations and impeachment actions against judges.

The new chief of policing the judiciary is Rep. Peter W. Rodino Jr., a Democrat from New Jersey, who inherited the committee chairmanship when Celler left office in January. He is still an unknown quantity, but is enough steeped in machine politics in New Jersey that he is not expected to be innovative or aggressive in seeking to oust federal judges.

The rationale of Celler and others who defend the lack of aggressive investigations and impeachment actions is that no action must be taken that would tend to interfere with the independence of the judiciary.

Sen. Harry F. Byrd, Jr. is one of a small group who have had about enough of "the independence" of the judiciary, which they feel at times "borders on arrogance," even when the judges are honest.

The courtly Virginia Democrat is hopeful that the Kerner conviction will bring into focus the lack of adequate machinery to police federal judges and the need for providing an easier way to get rid of those "who exercise dictatorial powers."

His suggestion is a constitutional amendment to end the lifetime tenure of federal judges appointed in the future.

Byrd's amendment provides that federal judges serve in office for a term of eight years, at the end of which they would be nominated automatically for reconfirmation, unless they request otherwise. If reconfirmed by the Senate, the judges would serve an additional eight years.

In discussing his proposal recently, Byrd emphasized that he fully supports the concept of an independent judiciary.

"The amendment I have introduced simply provides a method by which the courts might be made more accountable," he said.

"The question arises at once: Is this a radical proposal, out of keeping with American tradition, or is it rather a reasonable means of achieving accountability of judges without destroying the basic independence?"

He noted that 47 states have fixed terms for their own judiciary and that of the three that have no such provision, only Rhode Island has life tenure for judges. Massachusetts and New Hampshire provide for mandatory retirement at age 70, Byrd said.

He said his proposal parallels the present Virginia system that the Virginia judiciary is appointed by the General Assembly. Despite the assembly's appointive power, the Virginia judiciary has never hesitated to strike down legislative enactments.

Although all Byrd's cosponsors are conservative Democrats, he notes that a liberal Republican, former Sen. Robert M. Lafollette Sr. of Wisconsin had denounced the "alarming usurpation of power by the federal courts" and called for an end to life-time tenure for the judiciary.

Byrd recalls that impeachment was referred to by Thomas Jefferson as "a bungling way of removing judges—a impractical thing—a mere scarecrow."

He also points out that Lord Bryce, in his observation on American government, commented, "Impeachment is the heaviest piece of artillery in the congressional arsenal, but because it is so heavy it is unfit for ordinary use."

Byrd quoted a fellow Virginian, President Woodrow Wilson, as saying of impeachment, "It requires something like passion to set them a-going; and nothing short of the grossest offenses against the plain law of the land will suffice to give them speed and effectiveness."

All of the comments are worth reflecting upon as Kerner, a convicted felon, continues to draw full pay while appealing his conviction.

It will be interesting to note the reactions of new Chairman Rodino of the House Judiciary Committee and even of Chief Justice Warren Burger of the Supreme Court, who has been doing a lot of talking about the need for "judicial reform."

MILITANTS AT WOUNDED KNEE GIVE US A NEW OPPORTUNITY TO EXAMINE ANOTHER MYTH

Mr. HELMS. Mr. President, a myth is being buried at Wounded Knee, the myth of the revolutionary American Indian. Today the disruption there stands exposed for what it really is: the work of isolated, insignificant militants who are not supported by the great American Indian community.

Recently we have heard the myth that in the 1970's American Indians will assume the disreputable role played by a radical minority of American students in the 1960's.

The recent events at Wounded Knee, S. Dak., indicate that this myth is just another myth. The events at Wounded Knee indicate that only a tiny minority of American Indians will listen to appeals for radical, violent, disruptive activity. The events indicate that violent, radical Indians will wind up just as violent, radical students eventually did—rejected by and isolated from the majority of their peers.

But, unfortunately, the events at Wounded Knee indicate two other things, two very depressing things.

Unfortunately, it seems that every tiny minority of radical Indians is going to enjoy the same kind of loving media attention that radical students enjoyed just a few years ago.

Moreover, I am sorry to say that some governmental authorities are going to react to radical, violent, disruptive Indians just as many university authorities acted toward radical, violent, disruptive students. That is, the authorities are going to meet criminal activity with appeasement.

What disturbs me most about this, Mr. President, is that it is all so sadly familiar. It calls to mind the campus troubles of the last decade.

Between 1964 and 1970 the Nation's campuses were frequently disrupted by political agitation—often criminal, violent, and destructive. The disruptions had a number of professed motives and goals. But in one regard—in the most important regard—they were all the same.

In every case the disruptions involved only a tiny minority of the student population at the disrupted institutions. In every case the media—and television, in particular—rushed to disrupted campuses, strung their power cables, set up their lights, assembled the cameras, and hoped for the kind of action that would make a good 30-second film clip for the evening news.

And they usually got just what they were after.

Mr. President, the presence of the television media people inflamed the demonstrators' passion for publicity. And so we all got used to the ludicrous spectacle of shaggy young men and women telling a network newsman that they—the students—could not be heard in our oppressive society.

And who were these students? Invariably they were identified by the inquiring newsmen as "student leaders."

This, of course, was nonsense. Worse, it was unfair to the vast, peaceable, serious majority of American students who wanted nothing more than to get on with their studies. But the media people persisted in this business of identifying as a "leader" everyone who described himself as a "leader." The reason for this is clear: media people assume that any disturbance is justified. They assume that where there is smoke, our wicked, racist, oppressive society must have set a fire.

This thinking encourages violence; it erodes the rule of law; and it leads to the unnecessary suffering and death that inevitably results from the erosion of the rule of law.

It was 6 years from the first appeasement at Berkeley in 1964 to the deaths at Kent State University in 1970, but no serious person could have been surprised that deaths eventually were caused by the violence—appeasement—that gripped our campuses.

Now the grim drama of campus nonsense and violence is being played out at Wounded Knee. The cast is different, but the play is the same.

I do not want to judge from a distance the particular issues in dispute at Wounded Knee, other than to note this: The American Indian Movement was called in as an outside force to aid a group of local dissidents in their attempt to overthrow a duly elected Tribal Chief. The dissidents only called in the American Indian Movement after they, the dissidents, have failed four times to impeach the chief.

So the one thing that is obvious is this: The dissidents have proven—at least four times—that they are a minority. And now by their words and deeds they are proving that they are an anti-democratic minority. And whatever the issues are, what Lincoln said still is true: there is no grievance that is fit for redress by mob rule.

In the last few evenings the television news has shown us yet another crop of so-called "leaders." I have no doubt that the names of these "leaders" will soon join those of some famous student "leaders" from the past—Mario Savio, Mark Rudd, and others.

Last November a similar group of Indians—utterly disreputable, utterly unrepresentative of the great American Indian community—seized the Bureau of Indian Affairs building here in Washington. At that time, too, the authorities met criminal behavior with appeasement. The result was millions of dollars in mindless destruction at the BIA building, and the theft of valuable documents.

In addition, and make no mistake about this, another result of the appeasement in November is the situation today at Wounded Knee.

The worst thing is this. Unless appeasement ends at Wounded Knee, and ends now, we can be sure there will be worse violence in the future.

Only waste and tragedy can come from this process of accelerating violence encouraged by appeasement.

I would point out that some of the people currently involved at Wounded Knee were also involved in the destruction at the BIA building. This would seem like a fine time to arrest them and bring them to trial.

In any case, one thing is clear, the United States Government has the authority and the capability to restore order to Wounded Knee. Does it lack the will to do so? Thus far, it seems to. If, in the end, it does lack the will to govern at Wounded Knee, we can be sure that its ability to govern will be challenged elsewhere, and on a larger scale. So the time to act, and act decisively, is now.

SAFE SCHOOLS

Mr. GURNEY. Mr. President, another shocking incident of violence and disruption in our schools occurred recently—this time in the Charlotte-Mecklenburg school system in North Carolina.

This most recent example of conflict in our schools underscores again the need for an effective school crime reduction program—a program such as the Safe Schools Act which I proposed earlier this year.

On Tuesday, March 6, clashes occurred in not one but five different schools in this single district. According to news reports, at Garinger High School alone nearly 400 students were involved in the fighting.

In addition to these five schools, two others were still recovering from similar outbreaks which have happened within the past week. One of the two is closed completely and the other is operating on a modified class schedule.

All in all, it comes to a pretty grim total: Seven students hospitalized, numerous minor injuries, a dozen arrests, seven schools disrupted—two completely closed, and unestimated property damages, both public and private.

An isolated incident? Hardly. Beset as it has been for well over 3 years with school problems, Charlotte-Mecklenburg is just one of many school districts throughout the country experiencing school violence.

On February 27 of this year, a 16-year-old boy was killed and a 14-year-old girl wounded by gunshots fired by two other youths in a Richmond, Va., high school.

In the February 19 issue of Time magazine, an article entitled "Blackboard Battlegrounds: A Question of Survival" points out another bracing aspect of the school crime problem:

> An especially alarming aspect of school violence is the growing number of assaults upon teachers in many cities across the country. New York, for example, recorded 541 such attacks last year—almost double the 285 reported in 1971. Detroit averages 25 assaults on teachers every month. The result is that many teachers are afraid of their students and incapable of imposing the discipline needed for teaching.

Earlier this year I introduced S. 485, the Safe Schools Act, along with my colleague from California, Senator CRANSTON. An identical bill, H.R. 2650, has been introduced in the House by Congressman BINGHAM. At that time I explained at some length the need for such action and the purpose of this bill which is to provide Federal grants under title I, ESEA, for the establishment of school crime reduction programs.

I also stressed the point that violence and vandalism in our schools is occurring with alarming frequency and increasing severity. And I shall continue to stress this issue until we do something about it.

There is no single source of school crime. It can be any one or a combination of several problems: drugs, racial tension, peer group rivalries and pressures, or even the psychological imbalance of just one student.

Nor is it a confined problem. Although the metropolitan areas suffer most, there is no geographical restriction, no socioeconomic distinction, and no age limit where school crime is concerned. Even a surprising number of elementary schoolchildren are involved.

A growing number of parents are becoming more concerned about the safety of their child rather than what he is learning in school. Wary teachers and school officials question their own safety on the job. That shiny lunchbox in the third row could as easily contain a pistol as a peanut butter sandwich.

The point is that this whole phenomenon is not just a passing phase that will disappear like some sort of growing pain. It is a self-perpetuating scourge which must be stopped before more lives are lost, more bodies are broken, and more educational systems are destroyed and disrupted.

I believe the Safe Schools Act is a big step toward solution of these problems—a step which will encourage the mutual understanding of all those involved in school crime situations: parents, teachers, students, and the community in general. I encourage my colleagues to join with us in cosponsorship and support of the Safe Schools Act.

SIX GOVERNORS VIEW NIXON BUDGET

Mr. MUSKIE. Mr. President, last week the Subcommittee on Intergovernmental Relations heard from a bipartisan group of the Nation's Governors on the impact of the President's budget proposals on State governments. I welcomed the spirited and healthy exchange of ideas and differing viewpoints that emerged in the hearing.

The testimony of the six distinguished Governors demonstrated to me, at least, that many of them share the uncertainty and doubts many of us in Congress have voiced about the drastic cutbacks in Federal aid for social programs and the ability of State and local governments to absorb those cuts.

Because of the particular interest and importance of this testimony, I ask unanimous consent that the statements of Gov. Kenneth Curtis of Maine, Gov. Dale Bumpers of Arkansas, Gov. Jimmy Carter of Georgia, Gov. Daniel Evans of Washington, Gov. Wendell Ford of Kentucky, and Gov. Linwood Holton of Virginia be reprinted in the RECORD at this point.

There being no objection, the statements were ordered to be printed in the RECORD, as follows:

TESTIMONY OF GOV. LINWOOD HOLTON OF VIRGINIA

We appreciate very much the opportunity to be here to discuss these matters with you.

I think this controversy should be recognized exactly for what it is, and that is, that it is a political battle between the Executive Branch of the Federal Government and the Legislative Branch of the Federal Government.

It is a very legitimate political controversy. The President has used a device, namely, impoundments, which are not novel or unique. As a matter of fact, the amount the President is impounding in the present fiscal year's budget is the lowest percentage impoundment in the last eight years.

How the President is using the device in a political battle to make the point that power and control of Federal spending should be decentralized to the states. Understandably this has evoked a massive outcry from the Congress of the United States because if you are handing it out today, why give up that opportunity? That is very simple to understand and I recognize that it is an over-simplification but this is why it has been so tough.

You recognized, yourself, Senator Muskie, how tough it was to get the General Revenue-Sharing Bill passed in the beginning and it was a simple political job. But, this President—this Administration—is seeking to give to the states a reincarnation—not of new Federalism but of the original Federalism; the way this country was established and the way it is going to have to go back if it is going to succeed economically.

If we are going to have prosperity without inflation—and goodness knows that is the problem today and that is what the President is trying to combat—he is trying to have this Congress, sir, discipline itself on the federal budget. You can have no discipline when you do not pass a single appropriations bill, adopt a budget—as every State in the Union does every year, being under Constitutional inhibitions against deficit spending which you folks are able to print money to make up the difference, but we can't.

Now in fiscal 1972, the federal government spent $231 billion. The President proposes using a device of impoundments among other divisions to hold spending this year to $250 billion. He proposes in fiscal 1974 to go to $269 billion, which is an eight percent increase. We are not in a position as Governors to talk about cuts because there will be no cuts; there will be increases. There will hopefully be a reorganization of the federal government, of the federal bureaucracy, if you please.

The President had proposed four general categories. I did this in Virginia and found it necessary to use six. I did it by the exact device that he is using now, that is, a voluntary Task Forces grouping of the agencies of the government of the State of Virginia and put voluntary chairmen in charge, just as the President proposes to put George Shultz, Earl Butz, Secretary Lynn and Secretary Weinberger in charge of the great broad areas of human resources, community development, economic affairs and natural resources.

He is attempting to replace these innumerable category grants with special revenue funds and to eliminate unsuccessful programs in favor of successful ones. I think as an example of that is Head Start with an increased funding. And I think his battle, yes his battle, to establish a reordering of these priorities is entirely in order and that the device of impoundment, not created by him, but rather by Thomas Jefferson who did it the first time, those devices are entirely legitimate devices to get the attention of the Nation and of the United States Congress to the fact that we have to control federal spending and that the best way to meet the needs of the people is to increase the utilization of the state and local governments. That is what the President proposes and he is not proposing a cut. He is proposing an eight percent increase in federal spending.

TESTIMONY OF GOV. KENNETH M. CURTIS

Senator Muskie and members of the Committee, as one of the Nation's Governors, I am extremely grateful to have this opportunity to appear before the Subcommittee on Intergovernmental Relations, and I wish to thank you and each member of the subcommittee for inviting me to testify on the impact of the administration's proposals for a new federalism, and especially his recent budget proposals.

Barely a month has passed since the President revealed his Federal budget proposals for fiscal year 1974 and his plans to reduce the FY 1973 budget by withholding funds already appropriated.

While the total picture of budget cuts, program transfers, program terminations and impounded funds is causing great confusion at the State and municipal level, the intent behind these actions is becoming quite clear. But I want to say at the outset that if the President's intent is to insist on the elimination of truly wasteful and unnecessary spending, I stand ready to support and assist him in his effort. If his intention is to find new and more efficient ways to deliver vital services to the people of this country, I enthusiastically support that effort too. But if the intent is simply to abolish a wide range of programs that, in Maine at least, have proven successful in meeting needs of the poor, the elderly, the sick and the disadvantaged, and in providing jobs, housing and education for those who won't find them without Government help, then I want to register the strongest possible protest.

Assuming for a moment the intent is to continue the current Federal commitment to these pressing needs, but in a new direction with greater dependence upon leadership at the state and municipal level, let me make the following points:

First, consideration must be given to the need for states and municipalities to plan and enact their budgets (for instance, the Maine legislature meets biennially).

Second and most important is the source of funds to finance the state budget.

In the current biennium, Maine's general fund budget is $422.5 million with an anticipated $265 million in Federal funds, for a total general revenue program of $687.5 million.

The highway budget includes $133.6 million of state money with $61.8 million anticipated in federal funds.

In total, in fiscal year 1972 and 1973, the state of Maine budgeted an anticipated $331.2 million of federal programs, in addition to $653.1 million of state funds.

So, rightfully or wrongfully, it is easy to see how dependent the states have become on federal assistance.

It is hard, indeed, to see how a transition to new methods of delivering the same level of services involving billions of dollars and millions of Americans can be managed between now and the cutoff dates that have been identified.

Therefore, the suspicion grows that the main thrust of recent administrative actions is one of cutting, rather than redirecting.

At any rate, you have invited me to give information on specifically how this new federalism would affect Maine. Because the structure of federal aid at the state level is so complex, it is always difficult to convert a federal budget into state and local-level facts.

Immediately after the budget message was released, I alerted state agencies to the urgent need to develop useable information and launched a cabinet-level effort to evaluate the President's cuts as to each federal program in Maine. I would like to give the subcommittee a preliminary summary of the results of this effort. These basic facts have emerged:

Impoundments and FY 1974 budget cuts by the President will directly strike over 80 federal programs in Maine and will indirectly affect many others.

The total loss in federal dollar aid will approach $110 million counting impoundment of $58 million in water quality funds, but not counting the total value of public facility and housing construction estimated in Maine at over $118 million.

Or multiplier effects on Maine's economy.

Or losses for years after FY 1974.

If we allow for these additional factors, the $110 million figure I have used becomes only a small fraction of the full loss to Maine. For example, last year $50 million in new housing construction, about 50 percent of total new housing starts, was under federal housing programs, yet the actual amount of federal subsidy was less than $4 million. In the Farmers Home Administration program alone, in fiscal year 1972 about $2.5 million in interest subsidy supported $25 million in housing loans for low income families.

Our State is predominately one of many small communities where Federal housing programs are the only basic means for purchasing a home.

If Maine were a prosperous State, or even if the impact of this new federalism were to be spread evenly across our population, I could be less concerned. But Maine is a State which can hardly afford to lose revenues of any kind. Over my term of office as Governor, we have suffered chronic unemployment, currently running at 6.4 percent, continuing rural poverty, and a per capita income substantially below both the national and New England averages.

As in many other States and localities with economic problems, Federal aid has come to play an increasingly important part in providing essential public services in Maine. Total annual Federal outlays in Maine now approach $800 million, of which almost $200 million flows to State and local governments, where it is mixed in with other State revenues. So, Federal aid not only supplies a vital percentage of the cost of public services, but it also has become an inseparable part of many of these services. This means that when Federal support is cut, the whole structure of State and local governments is disrupted, and many more services and people are hurt than just those involved with the specific Federal programs.

Maine has a population of 1 million, and the minimum of $110 million we stand to lose over the next 18 months, translates mathematically into $110 for each Maine resident, or $275 for each Maine worker.

But, that is not a true picture of the way the President's economies will be felt because they are not directed evenly at the entire population. They are directed mainly at our poor, our elderly, our sick, our unemployed, our public schools and State university and our farmers. The $50 million in lost aid over and above water quality impoundments falls almost entirely in the areas of health, housing, educational and labor services to low and moderate income people as follows:

	Million
Health services	$12.0
Housing subsidies	8.5
Public education	5.6
Labor programs	3.0
Other social services	10.0
Total	40.1

Dollar figures cannot adequately convey the loss in human terms. These program cuts could eliminate over 2,000 Maine jobs, but even more important is that additional thousands of Maine people, earning low and moderate incomes, will have diminished access to health care, decent housing, good education, job training, day care and other services.

Obviously, it is nonsense to suggest that losses on this order can be made up out of Maine's new federalism general revenue sharing allotment of $31 million per year which we understand was to be helpful in holding the line on spiraling property taxes or out of our $250 million State budget without major new taxes, especially when some 65 cents of every tax dollar collected in Maine goes to the Federal Government already.

Again, let me state we have every wish to cooperate with the administration and the Congress in defining needs within our States and working together to meet them.

But, cooperation is impossible when massive changes are made in Federal programs with little or no notice or when we are left to puzzle out what is really happening to a program, while the cutoff deadline nears.

It is simply impossible to integrate State budgets and programs with appropriations and laws mandated by the Congress, if these laws can be rendered meaningless at any moment.

Senator Muskie, I know this is not the federalism Congress intended, and I want to especially thank you and your committee for your understanding and efforts in behalf of local and State governments.

STATE OF MAINE—IMPACT OF FEDERAL IMPOUNDMENTS, PROPOSED BUDGET REDUCTIONS AND TERMINATIONS—PRELIMINARY SURVEY FEBRUARY, 1973

SUMMARY

[Dollar amounts in millions]

	Fiscal year 1973	Fiscal year 1974	Number of programs
Agriculture	$0.48	$2.1	7
Economic development		2.5	8
Education	.42	5.2	20
Environmental quality	30.7	32	4
Health	2.54	9	18
Housing	1.4	7.1	11
Manpower	.45	2.5	6

	Fiscal year 1973	Fiscal year 1974	Number of programs
Natural resources	$1	$1.5	2
Social services (OEO, Model Cities, Social Security, IV-A, etc.)	1.5	8.5	6
Transportation	5.6		1
Total	43.9	68.9	82
Value of housing construction	19.5	30	

AGRICULTURE

Program affected	Impact of Federal impoundments, proposed budget reductions, and terminations				
	Anticipated funding level, fiscal year 1973	Estimated dollar loss		Action date	Who/what is affected?
		Fiscal year 1973	Fiscal year 1974		
DEPARTMENT OF AGRICULTURE					
Agricultural Stabilization and Conservation Service:					
Rural environmental assistance	$1,200 000	[1][2] 300,000	[3] 1,400,000		4,000 farmers and landowners participated. Increased erosion, river pollution, underground water pollution.
Program No. 10.050:					
Soil water conservation					
Grants (50-50 match)					
Water bank program No. 10.062	[4] 15,000	[1] 15,000	[3] 15,000		30 landowners will lose $150,000 collectively over normal 10-year contract period. Waterfowl acreage eventually lost.
CCC—Oat loans	?	(5)	(5) (2)		Approximately 40 loans where interest rates have been raised from 3.5 to 6 percent.
Storage facility (Silo) loans, No. 10.056	?	[1] 100,000	[3] 100,000		Approximately 10 loans per year at $8,000 to $10,000 each.
Cooperative State research: Payments to experiment stations, No. 10.203.	900,000	54,148	[3] 170,000		Represents 20-percent reduction in Federal funds to Marine Agricultural Research Station. Cut represents about 7 percent of total budget.
Food and Nutrition Service:					
School milk program, No. 10.556	486,324		[2] 386,400		Expect drop from $486,324 to less than $100,000. Some 800 Maine daily farms affected.
Cooperative Extension Service, No. 10.500	1,160,000	[1] 8,900	[2] 82,800		Support of farm and domestic services.

ECONOMIC DEVELOPMENT

Program affected	Anticipated funding level, fiscal year 1973	Estimated dollar loss, Fiscal year 1973	Estimated dollar loss, Fiscal year 1974	Action date	Who/what is affected?
New England Regional Commission, No. 48.001	[6] $7,700,000		[3] 1,000,000		Public facility construction $400,000; coastal planning $50,000; Executive staff $100,000; Bangor area—Integrated project, center projects, $375,000/jobs eliminated or affected at least 100; list of representative projects through fiscal year 1972 attached.
ECONOMIC DEVELOPMENT ADMINISTRATION					
No. 11.301-304 (business loans, public facility construction grants, planning services, and feasibility studies).	1,500,000	(7)	[3] 1,500,000		List of representatives projects through jobs; fiscal year 1972 attached eliminates or affects at least 25 jobs exclusive of construction—Lewiston industrial park application pending, in doubt.
SMALL BUSINESS ADMINISTRATION					
No. 59.001-59.012 (guranteed and direct loans, disaster loans, displaced business loans, and local development corporation loans).	10,000,000		Unknown		

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[1] Impoundment.
[2] Reduction, program continues.
[3] Program terminated as of June 30, 1973.
[4] In new 10-year contracts.
[5] Information not available.
[6] For entire New England region.
[7] Frozen as of January 1973, not accepting new applications.

NEW ENGLAND REGIONAL COMMISSION—SUMMARY OF MAINE GRANTS THROUGH FISCAL 1972

A. Supplemental grants:	
1968:	
Bangor International Airport	$425,000
1972	360,000
1969:	
Wastewater Institute	20,000
Augusta Sewage Interceptor Facility	250,000
St. Agatha Sewage System	29,340
Calais Sewage Treatment Plant	82,500
1970: Portland Ferry Terminal	200,000
1971: Northern Aroostook Regional Airport	74,800
1972: Brewer Industrial Park	60,000
Total	1,501,640
B. Demonstration projects:	
1969:	
Wastewater institute	25,000
1971	50,000
Oil import testimony	7,000
1970:	
Drug abuse councils	8,000
Aquaculture planning conference	5,000
Housing demonstration	53,000
1971:	
St. John—Aroostook R.C. & D. project	500
1972	500
Threshold to Maine R.C. & D. project	500
1972	500
Bangor Growth Center	500,000
1972	[1] 450,000
Ft. Williams Marine Research Center	16,700
1972	75,000
Greater Portland Council of Governments	4,000
GPCOG comp. code enforcement training program	14,500
Newton Municipal Airport—Jackman, Maine	8,000
1972:	
Ocean Disposal of Rubber Tires	35,000
Maine Fisheries Development Corporation	30,000
Maine State Personnel Project	4,000
School Health Curriculum Development	3,800
Title IV—A—Community Coordinated Child Care	25,542
Washington County solid waste project	11,500
Elderly health program	40,900
Operation healthmobile	44,350
Biddeford Airport	$4,000
Houlton Airport	3,000
Total	1,420,292
C. Studies:	
1967:	
State public investment plan	39,657
1968	59,657
1969	59,957
1970	51,920
1971	51,680
1969:	
Occupational skills study	25,247
Cold weather construction survey	15,000
Machiasport evaluation	10,000
Food industry—Economic analysis	8,753
1970:	
Maine coastal study	30,000
Management of thermal effluents study	10,000
Bloodworm culture study	6,000
1972	6,000
1971:	
Growth center evaluation	2,500
Maine coast natural areas inventory	30,000
1972	8,000
Coastal zone management	20,000
1972:	
State management grant	100,000
Transportation planning	70,000
Maine medical school	40,000
Maine energy policy study	24,000
State airport system plan	50,000
Total	718,371

Breakdown by type of program:	Amount (millions)	Percent
Action	$2.56	78
Planning	.54	16
Studies	.18	6
Total	3.28	100

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[1] Includes $260,000 listed as Bangor International Airport supplement g rant.

EDA PROJECTS—MAINE (THROUGH FISCAL YEAR 1972)

[In thousands]

Project	Obligated	Planning	Technical assistance	Public works	Business loans	Working capital
Pride Inc., Brewer	June 1969	57				
	June 1970	28				
	December 1970	53				
	December 1971	53				
Eastern Fine Paper Corp.:						
Brewer—Feasibility study	September 1969		2			
Water conservation	do					270
Life Sciences Park study	October 1972		48			
Woodchip study	March 1972		30			
Lincoln Pulp-Paper Co.	March 1971				2,000	
Town of Milbridge commercial pier	May 1971			114		
North Regional Airport—Frenchville:						
Construction/airport	March 1971			369		
Terminal building	October 1972			114		
NM Regional Planning Commission	June 1969	34				
	June 1970	32				
	June 1971	30				
	June 1972	30				
	June 1972	10				
Maine Sugar Industry (OBD study)	May 1969		4			
	June 1969		137			
	January 1969		39			
	December 1969		10			
Saco Valley Industrial Development Corp.: Manufacturing shock absorbers	December 1970				3,544	
Lubec-Milbridge: Boat landing and facilities	October 1969			184		
Jonesport: Public landing and boat facilities	June 1970			455		
Passamaquoddy Reservoir:						
Sewer collection treatment-water district	November 1970			436		
Study—Resources	June 1970		13			
Feasibility—Estimate house: Prefabrication plant—Washington County	February 1969		15			
Eastport Memorial Hospital: Elevator—alter	December 1971			110		
Eastport—3-site study: Industrial park	June 1970		3			
Lubec—Feasibility commerical pier	January 1972		1			
Sewer system—Greenville	June 1972			661		
				205		
North Penobscot Pulpwood, Lincoln, supplier of pulpwood	June 1969				145	
Bangor International Airport—Arrival building	June 1972			360		
Feasibility study	June 1969		9			
City of Brewer: 80-acre/Industrial park	August 1969			388		
Mattawaumkeag Wilderness Park	February 1972			367		
City of Bangor: Industrial—Sanitary sewer	June 1971			77		
Chapman Precision Product, Bangor—Machine parts	March 1969				300	
U of M aeronautical education program	January 1969		3			

EDUCATION

Impact of Federal impoundments, proposed budget reductions, and terminations

Program affected	Anticipated funding level fiscal year 1973	Estimated dollar loss		Action date	Who/what is affected?
		Fiscal year 1973	Fiscal year 1974		
UNIVERSITY OF MAINE					
1. Nursing education programs at UMA and UMPG	$222,412		[1] 222,142		Undergraduate nursing program; Faculty and students will be discharged and/or turned away fiscal year 1974. Baccalaureate degree program for nursing will also be curtailed by discharge of faculty and turning away of students in fiscal year 1974.
2. Social welfare program—UMPG	69,500		[2] 40,000		More than 100 students now enrolled would be affected. Termination June 30, 1974.
3. Allied health programs:					
(a) Medical technology	35,000		[1] 35,000		Technological and dietetics programs at UMO.
(b) Health care administration			[1] 80,000		To fund a proposed associate degree program.
(c) Dental hygiene			[1] 74,000		To fund the initiation of a long planned program at UMB starting fiscal year 1974.
(d) New proposals			[1] 150,000		Submission of new project proposals for UMB, UMA, and UMPG.
4. Land-grant university programs	200,000	[3] 200,000	[1] 200,000		Basic support funds since the 1930's for research, teaching, and public service objectives. Bankhead-Jones terminated.
5. Higher Education Act of 1965 (programs to be terminated):					
(a) Title I	100,000	[3] 20,000	[1] 100,000		Community Service and continuing education program—UMO.
(b) Title II	7,272		[1] 7,272		College library programs.
(c) Title VI	53,000		[1] 53,000		Undergraduate instructional equipment.
(d) Title VII	300,000		[1] 264,000 [4] 36,000		Construction of academic facilities. Higher Education Facilities Act and 1202 Commission.
Interest subsidy	400,000		[1] 250,000		Loss of 3 percent interest subsidy on construction on new loans—estimated at $250,000 annually.
6. Other programs:					
National Science Foundation:					
Institutional grant	27,500		[2] 13,500		Research assistant at UMO.
Graduate traineeship	11,750		[1] 11,750		UMO.
Polar research program	24,000	[3] 24,000	[1] 24,000		UMO scientific assistance.
National Institute of Mental Health	96,000		[1] 96,000		Mental health support grant.
National Institute of Health	25,000		[1] 25,000		Full professor in zoology terminated.
DEPARTMENT OF EDUCATION					
Elementary/Secondary Education Act (ESEA):					
ESEA title I—Programs for disadvantaged children	150,000		[1] 150,000		Eliminates 11 administrative people who approve, monitor, and evaluate programs involving $6,500,000 allocated to local school systems involving approximately 80,000 students.
ESEA title II—Provides books for school libraries	432,000		[1] 432,000		Eliminates 2 administrative people who procure and account for $382,000 in materials purchased to upgrade some 950 school libraries.
ESEA title V—Strengthens State departments of education	443,000		[1] 443,000		Eliminates 30 specialists filling positions specifically designed to originate, implement, monitor, alter, and modify techniques and procedures which will improve educational services at all levels.
Public library services	930,000		[1] 930,000		Eliminates 29 full-time and 10 part-time employees who administer, supervise, and evaluate services to public libraries and who provide program services to public school children.
Aid to impacted areas—Public Law 874	3,500,000	(5)	[2] 1,400,500		Reduction starts July 1, 1973. Eliminates funding for students who live off Federal property. Subsidy represented ½ regular offbase per student education cost in that local area.
Neighborhood Youth Corps, No. 17.222	2,000,000	[3] 200,000	[1] 200,000	June 30, 1973	Presently 840 enrollees working in 113 local projects. Work time cut from 15 weeks each to 5 weeks. Local project directors no longer receiving pay. Summer program enrolls 3,800 students in jobs. Program terminating.

ENVIRONMENTAL QUALITY

DEPARTMENT OF ENVIRONMENTAL PROTECTION					
Construction grants for sewage treatment plants, No. 66.400	$48,300,000	[3] 29,000,000	[2] 29,000,000		44 municipl sewage projects required by state law to be under construction by Oct. 1, 1973 will not be started. Major population centers of Portland and Bangor are affected. Total construction work will be $64,500,000 instead of $142,400,000 under full funding, or a loss of $77,900,000 in construction work.
Water resources research, No. 15.951	140,000	[3] 40,000	[2] 40,000		Loss or research funds to water resources center, UMO.
FARMERS HOME ADMINISTRATION					
Municipal water system grants, No. 10.418	1,000,000	[3] [6] 490,000	[4] 1,000,000		Sewer grant applications for 26 communities rejected.
HUD water and sewer grants, No. 14.301	2,000,000	[6] 1,200,000	[4] 2,000,000		Funded 1 project in fiscal year 1973 before moratorium (Bangor $750,000) and 6 applications were pending including 1 from Old Orchard Beach for $1,253,000 which would have qualified for funding. Others—Lewiston $89,500, Lisbon $46,500, Auburn $750,000 Waterville $366,500—might have qualified. In fiscal year 1972 funded 3 projects for total of $1,180,000.

HEALTH

Regional medical programs, No. 13.249	$2,000,000	[3] 1,200,000	[1] 2,000,000		33 activities contribute to the financial support of: 100 allied health personnel; 109 nurses; 109 physicians. Improvement in health care delivery, 1972: 2,316 health providers received training to improve their skills affecting 592,000 Maine residents. 596 new types of health personnel have been trained affecting 342,000 Maine residents. 400 rural low-income children in York County have received medical care for the 1st time. 900 nurses and 350 physicians have been trained in coronary care affecting 48 Maine hospitals. Health care system for Stonington and adjacent area affecting 4,000 people. Note: These figures include loss of approximately $628,000 in specific projects for the University of Maine.

Footnotes at end of tables.

Impact of Federal impoundments, proposed budget reductions, and terminations

Program affected	Anticipated funding level fiscal year 1973	Estimated dollar loss		Action date	Who/what is affected?
		Fiscal year 1973	Fiscal year 1974		
DEPARTMENT OF HEALTH AND WELFARE					
Health facilities construction program (Hill-Burton hospital construction), No. 13.220.	$5,000,000		[1] 5,000,000	(1)	Approximately 25 percent of population currently served by outmoded or poorly distributed hospital beds—primarily rural areas.
Emergency medical services program, No. 13.249	200,000		165,000	(2)	Moneys may be in another part of Federal budget but, if so, no one (including Washington) knows where. If out training programs for about 5,000 emergency health service personnel will be curtailed.
Family planning programs, No. 13.217 (see No. 49.006 also)	600,000		300,000	(2)	The $300,000 loss is a probable net loss of service moneys due to HEW being required to assume costs of family planning programs previously funded through OEO without appropriate increase in HEW funding. Approximately 10,000 women are potentially affected.
Venereal disease control, No. 13.205	126,000		18,000	(2)	Approximately 1,000 persons at risk of getting VD (estimate).
Immunization program, No. 13.268	130,000		18,000	(2)	Approximately 10,000 children needing immunization (estimate).
COMMUNITY MENTAL HEALTH CENTERS, NO. 13.240					
Bath-Brunswick Mental Health Center: Community mental health staffing program.	0	[2] 400,621	[2] 400,621		Inpatient, outpatient care, mental health education, and consultation. This 8-year grant would have totaled $2,749,831 services for Bath-Brunswick area.
Mid-coast mental health center: Community mental health staffing program.	0	[2] 404,673	[2] 404,637		Inpatient, outpatient care, mental health education, and consultation for Rockland area. This 8-year grant would have totaled $2,787,470.
Augusta State Hospital: Hospital improvement project	0	[2] 94,264	(4)		Academic program for young patients whose education was interrupted by mental illness. Program was approved then cut before implementation.
13.746 Rehabilitation Services—Basic support	2,719,500	[2] 374,300	[2] 374,300		General restructuring and improvement of all bureau services and programs. Costs would include evaluation of effectiveness, efficiency, and productivity. Additional direct service support to various subprograms will also be affected.
		0	[2] 368,000		Approximately 1,000 disabled people will be denied service under the ongoing basic rehabilitation service program.
					New projects planned—Now dead
		0			Renovation and expansion of a facility which provides rehabilitative programs for blind and visually handicapped people will not take place. This facility serves 100 people per year. $65,500.
		0			A facility at a major medical center which would provide rehabilitation services to severely disabled people will not be established. 60 people per year will be affected. $169,500.
		0			A unit which would rehabilitate deaf people will not be established. Approximately 100 people per year will be affected. $128,200.
		0			2 units to rehabilitate handicapped youth will not be established. These units would serve approximately 200 handicapped youth per year.
		0			2 rehabilitation units in the State hospitals will not be established. These units would serve approximately 200 mentally ill people per year. $120,000.
		0			Expansion of the CORE rehabilitation program will not take place. Approximately 2,000 physically and mentally handicapped people will not receive rehabilitation services. $736,000.
63 Rehabilitation Services—Special projects	101,800	[1] 30,430	[1] 39,700		A master's degree training program will not be established. Rehabilitation manpower will not receive intensive academic training and will, therefore, not be as effective or efficient as could be. The flow of trained manpower will be curtailed. Inservice and academic training will be cut in half. Workshops, seminars, academic course work, staff upgrading, and publications will weaken the effectiveness of rehabilitation workers.
		[2] 7,500	[2] 16,000		The existing project to rehabilitate public assistance recipients will have to cut service. The cost of goods and services rising without funds to accommodate them will cut services to approximately 60 people.
		0			2 project programs designed to rehabilitate public assistance recipients into employment will not be established. Approximately 800 disabled people will not receive rehabilitation services. $320,000.
		0			Planning and coordination of services to the spinal cord injured and wheelchair confined will not be developed. Indirectly, approximately 500 such people will be affected. $27,000.

HOUSING

Program affected	Anticipated funding level fiscal year 1973	Estimated dollar loss, Fiscal year 1973	Estimated dollar loss, Fiscal year 1974	Action date	Who/what is affected?
MAINE HOUSING AUTHORITY					
Interest subsidy—Homes for lower income families, No. 14.105 (sec. 235, HUD).	$845,000	[3] 600,000	[3] 845,000	[1] July 1, 1974	Expect over 900 new mortgages to be refused. This money subsidizes the interest portion of home mortgage payments—the amount of subsidy depending on mortgagee's income. Outstanding mortgages not affected. (Contract is between bank and individual.) (Bank then received interest subsidy from Federal Government—HUD).
Interest reduction payments—Rentals and cooperative housing for lower income families, No. 14.103 (sec. 236, HUD).	375,000	[3] 250,000	[3] 375,000	do [1]	Prohibit construction of 400 apartment units. This money subsidizes interest payments to the developer. Current mortgages not affected. Contract is between sponsor and bank while subsidy is from Federal Government.
Public housing—Acquisition (with or without rehabilitation and construction, No. 14.146–147 HUD); conventional bid, turnkey, acquisition.	(8)	[3] 10,000,000	[1][3] 14,000,000	do [1]	Includes direct grants for new construction or rehabilitation Would eliminate construction of 600 apartment units per year
Leased public housing—HUD, No. 14.148 (sec. 23)	(8)		(9)(1)	do [1]	Prompt action by HUD (Manchester) saved 320 new units, fiscal year 1973 representing full expected allotment.
Urban renewal—HUD No. 14.307	Modest		[1] Unknown	July 1, 1974	There are 16 projects in Maine. All have received their basic grants but chance for supplemental funds lost.
HUD "NDP" program, No. 14.306	2,300,000	400,000	1,900,000	do	A multi-year program, just underway. 4 Maine projects: Lewiston, Portland, Bangor, Waterville. Will be wound up by July 1, 1974.

Footnotes at end of tables.

HOUSING—Continued

Program affected	Impact of Federal impoundments, proposed budget reductions, and terminations				
	Anticipated funding level fiscal year 1973	Estimated dollar loss — Fiscal year 1973	Estimated dollar loss — Fiscal year 1974	Action date	Who/what is affected?
Code enforcement grants, No. 14.309	$821,000	821,000	[1] 821,000	[1] 1974	Project grants for rehabilitation of private homes. Administered by municipal agencies.
Housing rehabilitation grants, No. 14.308	428,000	0	[1] 428,000	[1] 1974	Grants and loans for rehabilitation of private homes. Administered by the urban renewal agencies. Note: Of the 6,169 housing starts in 1972, 3,164 were subsidized. Estimate housing starts to reduce to 3,000 for 1973 as result of Federal change in support. Present funding levels are based on 1972 expenditures.
FARMERS HOME ADMINISTRATION					
Housing loans for low-and moderate-income families in small communities, No. 10.410.	(10)	(11)	(12)(1)		Puts program out of reach of many low-income families by terminating low-interest availability as of January 1973. About 1,200 families would have used low interest feature in fiscal year 1973 for home purchases. About 50 percent of FMHA loan volume is new construction. About 70 percent of loan volume is with interest subsidy for low-income borrowers.
Emergency loans, No. 10.404		(5)	(6)(2)		The $5,000 forgiveness clause has been eliminated. Interest rate boosted from 1 to 5 percent.
Open space: HUD, No. 14.303; Grants for land acquisition and development.	500,000	[6] 150,000	[13] 200,000	July 1, 1974 [1]	5 Maine communities urban improvement—parks, etc.
Neighborhood facilities: HUD, No. 14.302; Construction grants for community centers of various kinds.	1,000,000		[13] 500,000	do [1]	4 Maine communities.

MANPOWER

Program affected	Anticipated funding level fiscal year 1973	Estimated dollar loss — Fiscal year 1973	Estimated dollar loss — Fiscal year 1974	Action date	Who/what is affected?
DEPARTMENT OF MANPOWER AFFAIRS					
MDTA institutional training, No. 17.215	$981,000	173,000	(3		Disadvantaged unskilled individuals needing skill training. Approximately 300 program participants affected for fiscal year 1973. Potential fiscal year 1974 effect unknown.
Unemployment insurance—Grants to States contingency funds, No. 17.225.	56,000	42,000	(4)		May require redirection of staff within department from support functions and services to payment effort for unemployment insurance claimant. Note: Funding levels for fiscal year 1974 are not known at present pending approval of budget for fiscal year 1974. All manpower training moneys are in question at present for jobs optional (JOP), MDTA, JOBS—NABS.
Indian mainstream projects, 3 projects $15,000 each, No. 17.223		45,000			Number of individuals affected not known.
Employment service, No. 17.207			(4)		Potential staff reductions. If actual will result in decrease in support services in areas other than direct applicant/employee services and placement functions.
Public employment program, No. 17.229 (also called EEA)	4,580,000	0	2,500,000	[1] 1974	Actual funding in fiscal year 1973 represented a rate of 25 percent less than fiscal year 1972. Complete phaseout during 1974. Jobs established in fiscal year 1972 equals 1,511: 25 percent reduction in fiscal year 1973 equals 444; to be phased out in fiscal year 1973–74 equals 1,067.
Concentration employment program, new careers	2,057,000	[6] 206,000			Reduction of 30 jobs and 115 training slots for Maine CEP. Curtailment of new careers and elimination of Mainstream.

NATURAL RESOURCES

Program affected	Anticipated funding level fiscal year 1973	Estimated dollar loss — Fiscal year 1973	Estimated dollar loss — Fiscal year 1974	Action date	Who/what is affected?
Forest fire prevention grants, No. 10.650	$500,000	[2][2] 104,000	[2] 104,000		These forest fire prevention costs must be covered by State funds
Outdoor recreation—Land acquisition and development, No. 15.400	2,000,000		[2] 1,500,000		Cuts in State capability to increase public recreational opportunities

SOCIAL SERVICES

Program affected	Anticipated funding level fiscal year 1973	Estimated dollar loss — Fiscal year 1973	Estimated dollar loss — Fiscal year 1974	Action date	Who/what is affected?
CITY OF PORTLAND					
Community development, Model Cities, No. 14.300	$1,800,000	None	1,200,000	June 30, 1974 [4]	13,000 people in Portland benefit directly or indirectly from services delivered to "inner city" section where bulk of low-income residents live. 450 persons are employed to operate about 35 services. The Model Cities grant generates additional $3,800,000 in matching. funds or private donations to these programs for total annual. impact of $5,600,000 spent for people needs. $1,700,000 of the generated money comes from private sources that have become ineligible under new HEW. FR guidelines published Feb. 16, 1973.
CITY OF LEWISTON [14]					
Community development, Model Cities, No. 14.300	2,000,000	None	1,400,000	June 30, 1974 [4]	14,000 people live in Lewiston and benefit directly or indirectly from services to lower income neighborhoods. 300 people are employed to operate 28 services. The Model Cities grant generated an additional $1,300,000 in matching funds or private donations to these programs for total annual impact of $3,300,000 spent on people needs. There is no special breadkown on private contributions. Note: Services include: 1. Child care; 2. Food and services to elderly; 3. Recreation programs and facilities; 4. Education for special students and new facilities; 5. Law enforcement aides; 6. Housing services.
SOCIAL SECURITY					
IV–A 16 and related services, Nos. 13.748, 13.758, 13.761 (day-care, and other social services to aged, blind, disabled, AFDC (past, potential, present)).	12,000,000	[2][2] 1,500,000	[2][2] 3,400,000	Mar. 1, 1973	Services will be terminated or reduced to 39,000 people in the last quarter of fiscal year 1973 and an additional 34,000 during fiscal year 1974. Reductions will be caused pursuant to new regulations which eliminate groups from eligibility who previously were eligible.

Impact of Federal impoundments, proposed budget reductions, and terminations

Program affected	Anticipated funding level fiscal year 1973	Estimated dollar loss Fiscal year 1973	Fiscal year 1974	Action date	Who/what is affected?
OFFICE OF ECONOMIC OPPORTUNITY					
Community Action agencies	$2,334,000		[4] 2,334.000		Community Action agencies are the major social service and delivery system serving rural Maine and Maine low-income people. Through Community Action agencies efforts, additional funds both Federal and non-OEO and State and local moneys have been mobilized. (Result in approximately $5,000,000+ additional dollars.) This total program effort is dependent on the existence of Community Action agencies. If the agencies are eliminated then the following programs will be eliminated: 1. Community Outreach—Provide information and referral services and crisis support to approximately 150,000 people. 2. Childrens services—(Headstart)—Provide educational, health and other support to approximately 2,700 low-income children. 3. Community health services—Provides various kinds of services including dental, immunization clinics for children, lead poisoning screenings and transportation to clinics for approximately 8,500 people. 4. Economic development—has created opportunities for supplementary income for Maine citizens particularly senior citizens and rural both serving approximately 1,900 people. 5. Family planning services—Serving approximately 12,000 women. 6. Housing services—Includes house outreach, location of emergency housing, house counseling, home rehabilitation programs and house construction. Serving approximately 3,000 families. 7. Job placement and Job counseling services—Presently serving approximately 1,000 people. 8. Nutritional programs—Provides educational and administrative support for donated food programs. Affecting approximately 64,000 people. 9. Senior citizen programs—Provides such services as hot meals, recreation outreach, part-time employment affecting approximately 20,000 senior citizens. 10. Youth programs—Provides for various youth activities and job programs for youths. Serving approximately 500 people. In addition, Community Action agencies generate a total annual payroll of $4,500,000 employing approximately 1,000 people of which 60 percent are from the low-income sector. The State OEO Offices which provide technical assistance for the functions is terminated as of June 30, 1973.
Pine Tree legal services	506,000		Unknown		Same level proposed by new legal corporation but continued 6 months at a time.
Health service demonstration project: Rural Health Associates, Farmington, Maine, Franklin County.	1,000,000		Unknown	Unknown	Grant pending to HSMS, Department of Health, Education, and Welfare. ($1,008,000). If grant not funded—800 low-income families, 600 low-income single persons will lose all medical benefits (since package includes all needed inpatient and outpatient health services. Additional 600 families, 80 single persons will lose partial benefits. (These needed medical services not offered in the Government package in medicaid programs under which they are covered.)
Penbay Medical Center, Rockport, Maine	912,000		Unknown	Unknown	Grant pending to HSMS, Department of Health, Education, and Welfare, for $1,037,000. If not funded, 4,000 persons will lose all medical benefits offered in the grant-transfer to RHS services package—additional 1,500 persons will lose partial benefits.
TRANSPORTATION					
DEPARTMENT OF TRANSPORTATION					
Federal aid highway program, No. 20.205	$26,600,000	[3] 5,600,000	*Unknown		*1973 Federal aid highway program currently pending congressional action. Federal funds are currently being withheld from the Maine Department of Transportation in the amount of approximately $5,600,000. This represents the difference between the 1973 apportionments of Federal funds made to the State of Maine, and the obligational authority established by the Secretary of Transportation. The continuing uncertainty of the availability of Federal funds creates considerable difficulty in providing effective scheduling of proposed projects.

[1] Program terminated as of June 30, 1973.
[2] Reduction, program continues.
[3] Impoundment.
[4] T above and proposed for special revenue sharing.
[5] Information not available.
[6] Frozen as of Jan. 1973.
[7] Federal funds.
[8] $14,000,000 total amount activity, including construction, subsidy, new commitments.
[9] $3,000,000 in new construction, $720,000 in subsidy.
[10] $50,000,000 total loans.
[11] $7,000,000 in subsidized loans, $3,500,000 in construction, $400,000 in interest subsidy.
[12] $30,000,000 in subsidized loans, $15,000,000 in construction, $2,500,000 in interest subsidy.
[13] Minimum.
[14] The Model Cities program ends 12 months sooner than Federal Government had promised. Thus, city loses $2,000,000 it had planned for fiscal year 1975.

STATEMENT OF GOV. DALE BUMPERS

I would like to preface my remarks by stating that never during my tenure as Governor, have I found it so difficult to plan and budget to meet the needs of my state. Twenty-three point three percent or $192,657,372 of $826,092,843 of the budget funds which were expended by the various state agencies during the last fiscal year were federal in character. (This doesn't include funds spent for Higher Education or by LEAA.) The ambiguity and uncertainty we face while trying to work with the federal government during this time of change, increases daily in terms of new impoundments, changes in impoundments, new eligibility guidelines, anticipated guideline changes, proposed budgets, proposed budget cuts, and the continued uncertainty of what funding priorities at the federal level will even remotely fit the needs of Arkansas. I know other states face similar situations, but with roughly one quarter of our state's revenue coming from federal sources, we need answers now.

The departments of state government report effective executive impoundments of $84.8 million in programs which either flow through their department or are related to the work performed by the particular department. (See attached material on impoundments.)

The potential impact of the President's proposed budget is even more alarming. Current figures show a potential loss reported by the various agencies of state government of $77.3 million, while the figures are changing, the implications are clear: Social and human service programs, and rural development programs are being cut.

On the other hand, the President's budget promises greater initiative at the local level, less restrictive guidelines and great economics in administration. I champion these goals. The basic problem is the apparent federal priorities for spending do not correspond with our needs. And rather than meeting our goals, we find ourselves in a state of crisis.

For too long we have had overlapping federally funded programs through various agencies of state and local government. There is little coordination between them; the result is often a limited impact on the recognized need or problem. This only leads to the general public perceiving a waste of their tax dollar and a sense of frustration by program participants or recipients because the problem remains unsolved. I feel that new federal initiatives with proper development, can achieve the goal of more effectively and efficiently meeting our needs. To achieve this goal all levels of government must understand and concur in developing national priorities. Also, if we are to shift responsibility to the local level we must also develop the administrative ability to meet these responsibilities.

It is my conviction that the funding priorities of this administration's budget are inconsistent with the needs of our country; much less Arkansas. I can recognize that some federal domestic programs that proved unsatisfactory or inappropriate must be curtailed or eliminated. But, the priorities developed for making these cuts must be carefully established to make certain that the human needs of people are recognized.

The immediate application of restrictive guidelines and impoundments of federal funds leaves us unable to continue worthy programs. While Special Revenue Sharing may provide future relief, we are in an immediate crisis.

The facts are that at least 75% of Arkansas' existing social service programs are either closing their doors, or are in the midst of a financial crisis.

An example is community mental retardation centers. Less than 18 months ago we had 20 such centers caring for 400 children. Now we have 82 centers caring for just under 2000 children. We may have to close virtually every one of the new centers started in the past year and a half. This situation has developed because the new federal guidelines completely alter the philosophy and character of the program. These guidelines are the result of limitations placed on Title IV–A funds and prohibitions on the use of private funds for matching purposes. Such restrictions in guidelines certainly do not comply with the "spirit" of making local government and local people more responsive and responsible to local needs.

The key to all our problems with the Social Services regulations relates to a narrow categorical grant program philosophy. The "targeting" or providing specific services for a narrowly defined categorical group to accomplish limited objections is unworkable in a state that is made up of very small cities, towns and rural hamlets.

It is not logical to provide limited services to blind children who are welfare recipients when there are no services available for the other 90% of our blind children. Individuals are never encompassed by a single need category such as a welfare mother or a physically handicapped individual.

The irony is that the Social Services under Title IV–A and XVI were reasonably flexible and responsive to both individual and community needs. We responded to the federal offer, and now the contract is being broken. Is it to be the same with the next program that comes along? New programs are discarded before they have the opportunity to show success or failure.

General Revenue Sharing does not provide relief. In Arkansas' Department of Social and Rehabilitative Services alone, losses of federal support will equal half of the state's general revenue sharing funds. The losses include 1.5 million for Mental Health (IV–A, XVI, XIX), 5.5 million for Mental Retardation (IV–A, XVI, XIX, ESEA I), 1.6 million for Juvenile Services.

While these amounts may sound small to those who think in billions, they are highly significant percentages of Arkansas' total programs.

Our Juvenile Services program is a good example of how various policies eliminated support for a good program.

The Juvenile Services Budget for FY 1973 included 30% federal support from Title IV–A of the Social Security Act, 15% from Title I of the ESEA, and 3% from vocational education funds. Each source has been eliminated with different methods. Title IV–A has excluded all of our programs for delinquent, dependent and neglected youth by restrictive guidelines. The support for education has simply been phased out by Executive Action. Future promises of special revenue sharing do not help us fund critical programs which have already been cut back. It is bad business and bad economics to shut down critical programs with no provision for a transition to new funding methods. We cannot plan for the future on the basis of a federal program that *may* pass.

Arkansas has been spending a significant portion of the total State budget in providing an outstanding institutional program for the retarded. Retarded persons are not "warehoused" in Arkansas. Each individual has a program that moves toward return to the community and toward independence. This program budget for 1973 included $5,466,000 federal funds out of a total budget of over $17,000,000. Most of the federal funds were from Titles IV, XVI, and XIX (ICF) and approximately $800,000 from Title I, ESEA, and other grants.

Under new guidelines for these programs our most optimistic estimate is $1,000,000 and it could run as low as $300,000.

We have been advised that we would realize substantial benefits due to HR1 and the Federal Government's take over of payments for the aged, blind and disabled. This is not only no help at all to us in FY 1973 but will cost us an additional $10,000,000.

In the area of Health Care, I heartily agree with the President's goal of providing adequate primary health services to all of our citizens. Arkansas' need for more family physicians is acute. There are areas in Arkansas that have only one physician in an entire county. We recently prepared a plan for submission to the State Legislature that addresses itself to meeting this need. Included in the plan was a dramatic expansion of the University Medical Center increasing its emphasis on family practice and expanding services and facilities to increase our student enrollment about 50%. We anticipated a $30,000,000 expansion with $18,000,000 from state and the balance from federal funds. We are now told there will be no federal funds. It is paradoxical that the Administration's budget places a priority on primary health care, yet eliminates funding for expansion of medical school services and capital improvements.

An additional problem is the Administration's announced intent to mandate manpower revenue sharing. Arkansas will lose approximately 26% of its federal funding for Manpower Training. Current inventory indicates that over 21,000 people in Arkansas are receiving training or employment from these programs. Legislation is needed calling for adequate funding while incorporating the funding with an option for public service employment. In rural states, this option is a very valuable tool which provides employment in areas where the economy is lagging.

I am concerned about the future of programs which encourage rural development. Since its inception in 1965 EDA has spent $55,680,602 on 228 projects in Arkansas. This has accounted for approximately 29,000 new jobs. These funds were often the critical difference in small rural communities as to whether they lived or died. The same applies to the water and sewer loan and grant program of the Farmers Home Administration and to the Title V Regional Commissions (Ozarks). Project funds spent by the Ozarks Regional Commission in Arkansas since 1968 total only $11,065,092 but have accounted for 4,545 jobs, 2,065 students enrolled in continuing programs, and a total federal impact of $24,249,489 within the state. These funds are the most useful of all because of the fact that plans for overall development are conceived locally and decisions for spending are made locally. The Title V Commissions in my opinion offer a pure form of revenue sharing (within the framework of an overall development plan). In addition they offer the capacity to deal with problems on a regional basis. These programs should be continued until a suitable alternative is provided.

There is a universal desire to eliminate waste, eliminate ineffective programs and avoid a tax increase, but while alternative programs are being developed, we should not dismantle or cripple worthwhile programs. State and local governments should be assisted in expanding their administrative capacity so that we can responsibly meet new challenges. It makes no sense to trim programs designed to improve local government or loan federal officials to local government, while at the same time piling additional responsibilities upon local government.

We need a federal approach which will permit the states to assume greater responsibility for comprehensive program development as opposed to the narrow categorical approach. Detailed eligibility requirements for many categorical programs create red tape, excessive administrative overhead, massive federal bureaucracy, and a nearly impossible problem in coordinating and integrating programs.

Historically, city and county officials have not thought in terms of human services, but in terms of roads, parks, streets, police protection, fire protection, etc. Unless broad funding categories are defined at the federal level, priorities will be out of balance at the local level.

Between the present abused and unworkable restrictive program and open revenue sharing, there is a responsible and well balanced approach for Congress.

Congress should not respond legislatively to the categorical problems of individuals which are infinite in their variety, but to the much broader categorical needs of states and communities. We, as a State, need funds for human services and economic development. How we organize them and who we include should be the state's prerogative.

APPENDIX

The following tables represent a partial analysis of the impact of the President's proposed budget and impoundments on the various Departments of the State of Arkansas. While the figures are constantly changing, the implications are obvious as the priorities and categories where reductions occur are analyzed:

POLLUTION CONTROL AND ECOLOGY—BUDGET

Program	Fiscal year 1973 (national)	Fiscal year 1974 (national)	Percent change
1. Sec. 106(a), grants for pollution control programs	$60,000,000	$75,000,000	+25
2. Title II, treatment works grants	5,000,000,000	6,000,000,000	+20

POLLUTION CONTROL AND ECOLOGY—IMPOUNDMENTS, FISCAL YEAR, 1973

Programs	State share authorized	State share released	Loss
1. Sec. 106(a), grants for pollution control programs	$600,000	$228,200	−$371,800
2. Title II, treatment works grants	17,500,000	7,000,000	−10,500

EDUCATION—BUDGET

	1973	1974	Percent change
1. Title I, ESEA:			
(a) Aid to LEA's children of low income families	$20,852,899	(1)	
(b) Aid to State agencies:			
(1) Handicapped:			
(a) School for blind	61,049	[1] $47,043	−22
(b) School for deaf	109,681	[1] 89,301	−18
(c) State hospital	17,590	[1] 14,600	−12
(d) Department of Mental Retardation	479,770	[1] 379,599	−25
(e) University medical center	1,918	[1] 1,400	−26
(f) Department of Social and Rehabilitation Services	66,568	[1] 47,870	−29
(g) Easter Seal	14,486	[1] 10,638	−28
(2) Juvenile services	202,807	[1] 169,364	−16
(c) Special grants for urban and rural schools	555,693	(1)	
(d) Aid to LEA's children of migratory agricultural workers	553,837	(1)	
(e) State administration	225,000	(1)	
2. Title II, ESEA:			
(a) Aid to school libraries	757,949	0	100
(b) State administration	50,000	0	100
3. Title III, ESEA:			
(a) State programs	1,134,158	1,134,158	0
(b) State administration	150,000	150,000	0
4. Follow through (EOA):			
(a) State technical assistance	42,176	41,000	−2
(b) Planning grant	50,000		
5. Migrant student record transfer section	1,818,542	1,855,270	
6. Title V, ESEA:			
Pt. A (strengthening State departments of education)	427,024	0	100
Pt. C (planning and evaluation)	48,000	0	100
7. Title VI, ESEA, education for the handicapped:			
(a) State grant program	372,783	[1] 372,783	0
(b) Special education and manpower development, pt. D, secs. 631 and 632	87,787	87,787	100
8. NDEA, title III:			
(a) Equipment and minor remodeling (LEA's)	0	0	100
(b) State administrative costs	[2] 13,815	0	100
9. Grants to public libraries	426,333	0	100
10. EPDA State grants, pt. 2		0	100
11. EPDA pt. D, career opportunity programs	10,000	11,000	
12. Vocational education	[3] 5,267,109	(4)	
13. Adult education	785,866	[1] 785,866	
14. Manpower Development and Training Act	1,988,165	2,265,199	+12
15. Approving agency for veterans	114,172	137,859	+16
16. Civil defense, adult education	48,972	51,323	+5
17. School for the blind:			
(a) Title 1, ESEA assistance	61,049	[5] 47,043	−22
(b) Vocational education assistance	10,361	[6] 10,325	
(c) Deaf-blind centers, EHA pt. C	29,527	56,218	+48
18. School for the deaf:			
(a) Title 1, ESEA assistance	109,681	[5] 89,301	−18
(b) Vocational education assistance	90,000	[6] 100,000	+10
Total	35,046,602	5,689,748	[7] −80

[1] ERS.

[2] For 1st 3 quarters, fiscal year 1973.

[3] Total based on annual allotment in line with amounts provided through continuing resolution or 1st 3 quarters already received. Of the amount, it is anticipated that $1,924,442 will be applied o expenditures at the 14 postsecondary vocational-technical schools (GHF and FVT funds).

[4] ERS. This is based on information available from the National Council of Chief State School Officers Feb. 10, 1973. It reflects the President's recommendation and assumes that ERS will allot funds to States on basis of previous vocational education formula (this may not be a valid assumption).

[5] As estimated by Title I Administrator in Department of Education. Not available.

[6] Included in Item 12—Part A for Vocational Education. $30,000,000 loss.

[7] Approximate.

EDUCATION—IMPOUNDMENTS

Programs	Fiscal year 1973 State share approximate	Fiscal year 1973 State share released	Loss
1. Library commission:			
(a) Library service (title I)	$535,902	$381,344	$154,558
(b) Construction (title II)	139,336	0	139,366
2. Vocational, technical and adult education			49,522

[1] Due to freeze on hiring, enrollments, etc.

DEPARTMENT OF FINANCE AND ADMINISTRATION—BUDGET

Program	Fiscal year 1973 (in Arkansas)	Fiscal year 1974 (in Arkansas)	Percent change
EEA [1]	$6,101,900	0	−100

[1] This includes funds for the Governor's office only. For complete funds see Manpower.

FINANCE AND ADMINISTRATION—IMPOUNDMENTS

Program	State share authorized	State share released	Loss
EEA	$6,101,900	$5,667,978	$433,978

MANPOWER-BUDGET

Program	Fiscal year 1973 (in Arkansas)	Fiscal year 1974 (in Arkansas)	Percent change
1. Institutional:			
(a) MDTA	$1,620,024	(1)	
(b) CEP	751,685	(1)	
Total, institutional	2,371,709	$1,828,588	−22.9
2. On-the-job-training:			
(a) JOBS (optional)	448,800	(1)	
(b) Public services careers	687,180	(1)	
(c) CEP	388,803		
Total, OJT	1,524,783	1,418,048	−77
3. Work support programs:			
(a) NYC (in school/summer)	5,037,356	(1)	
(b) NYC (out of school)	1,987,894	(1)	
(c) Operation Mainstream	888,986	(1)	
(d) CEP	710,954	(1)	
(e) Public service careers	275,257	(1)	
	8,900,447	7,787,891	−12.5
EEA (PEP)	9,447,468	5,004,103	−47.2
Total, work support	18,337,915	12,791,994	
Total	23,374,514	17,190,940	

[1] Manpower Revenue Sharing.

MANPOWER—IMPOUNDMENT

Program:	Loss
A. Manpower council:	
1. Jobs, regular	$406,278
2. MDTA (RAR) (JOPS) (sec. 241)	44,220
3. Public service careers, plan A	192,735
4. MDTA (RAR) (sec. 241)	316,731
5. NYC, in school	7,164
6. NYC, out of school	41,541
7. National contractors: Arkansas Council of Farm Workers	127,000
B. ESD:	
8. Rural concentrated employment program	722,597
9. NABS—JOBS	247,244
10. MDTA (sec. 231)	371,750
11. MDTA (sec. 241)	250,000
12. JOBS optional program	283,593
C. Miscellaneous:	
13. NYC State parks projects	19,968
Total	3,030,830

FEDERAL BUDGET INFORMATION, FISCAL YEAR 1974

Program, OEO eliminated from fiscal year 1974 budget	Fiscal year 1973 national funding	Fiscal year 1974 proposed funding	Percent increase or decrease	Designated agency to receive funds
Job development, administration, economic development, cooperative support, general services, neighborhood service centers, and general community programing, VISTA support, housing.	$302, 301, 323	0	100 percent decrease.	Not available.
Senior opportunities/services.[2]	9, 337, 295			ACA.
Legal aid	60, 205, 854	$71, 500, 000	20 percent in-increase.	Legal Ser. Co.
Health, medical, and nutrition services.	105, 164, 732	147, 000, 000	40 percent increase.	HEW.
Emergency food and medical services.	226, 842	0		Not available.
College student coordination	217, 679	0		Not available.

[1] All programs which were funded by local community action agencies, using local initiative or versatile funds. Programs were designed and funded locally, based on local decision. Funded from community action funds.

[2] The administration suggested that appropriations for AOA programs for the aging (nearly $200,000,000 for title III services and title VII nutrition) could be used, at the option of local and State governments to continue SOS programs.

NOTES

Title III B, EOA of 1964 and amendments, 1973 funds $37,173,123; proposed 1974 funds, $40,000,000.00—moved to Department of Labor; Arkansas' share, 1972, $483,000.00; 1973 share $476,000; 1974, unknown.

Department of Labor to be funded 1974, $1,400,000,000; 2-program division.

1. State and local, $950,000,000: MDTA, WIN, CEP, PSC, JOPS, NYCi/s, s, o/s, **Mainstream.**
2. National Program, $450,000,000: Job Corps, jobs, R. & D., migrants.

EEA is not included in 1974 budget.

OFFICE OF ECONOMIC OPPORTUNITY—IMPOUNDMENTS

Program	
State Office Administration	$283, 593

HEALTH—BUDGET

Program	Fiscal year 1973 (in Arkansas)	Fiscal year 1974 (in Arkansas)	Percent change
1. Communicable diseases	$577, 119	$309, 655	−40
2. Public health education: consumer health education program	35, 000	0	−100
3. Engineering:			
A. EEA personnel	172, 712	0	−100
B. Food protection services reporting program	150, 000	0	−100
C. Vector control—Surveys or assistance to cities	50, 000	0	−100
4. Hill-Burton Hospital: Construction grants, loans and loan guarantees	[1] 8, 000, 000	0	−100
5. Community mental health centers construction program	[1] 200, 000	0	−100
Total	9, 184, 831	309, 655	
Total loss		8, 875, 176	

[1] Approximate.

HEALTH—IMPOUNDMENTS

Program:	Loss
1. Community mental health construction program	$163, 258
2. Hill Burton hospital construction [1]	7, 000, 000

[1] A continuing level law passed by Congress was vetoed by the President. This contained fiscal year 1973 appropriations.

COMMERCE—IMPOUNDMENTS

Programs	Loss
1. Forestry Commission [1]—Cooperative fire contel funds	$110, 000

[1] A program cut for fiscal year 1973 rather than an impoundment.

PLANNING—BUDGET

Program	Fiscal year 1973	Fiscal year 1974	Percent change
1. Land and water conservation funds	$2, 147, 976	$500, 000	−76
2. HUD 701 funds	[1] 100, 000, 000	[1] 110, 000, 000	+10
3. HUD title VIII	28, 000	0	−100
4. Comprehensive health planning	112, 000	100, 800	−10
5. Grants to State and local governments for outdoor recreation projects	2, 100, 000	450, 000	−79
6. State arts and humanities programs	120, 250	150, 000	+19
7. Economic development programs:			
(a) Public works and grants	3, 500, 000	0	−100
(b) Planning assistance grants	460, 000	0	−100
(c) Public works impact projects	1, 800, 000	0	−100
Total EDA	5, 760, 000		
8. Total	[2] 10, 268, 226	1, 200, 800	
Loss		9, 067, 426	

[1] National.

[2] Minus 701.

PLANNING—IMPOUNDMENTS

Programs	Loss
1. Farmers Home Administration	[1] $61, 178, 240
2. Comprehensive health planning	28, 800
Total	61, 207, 040

[1] 18 month moratorium.

HIGHER EDUCATION—BUDGET

Program	Fiscal year 1973 (in Arkansas)	Fiscal year 1974 (in Arkansas)	Percent change
1. Library resource grants	$87, 363	0	−100. 0
2. Instructional equipment	84, 213	0	−100. 0
3. Land grant institutions support	184, 672	$57, 248	−69. 0
4. Community services	172, 072	0	−100. 0
5. Water resources research	190, 000	152, 950	−19. 5
6. Nursing capitation grants	76, 326	0	−100. 0
7. Agricultural research	257, 000	207, 000	−19. 4
8. Student assistance:			
(a) Nursing loans	138, 939	69, 485	−50. 0
(b) Nursing scholarships	111, 371	55, 685	−50. 0
(c) Equal opportunity grants and direct student loans.[1]			

9. Construction.—The President's budget includes no money for construction grants and funds for new interest subsidy grants also appear to have been eliminated. Since it is not known definitely how much construction would be done under this program, the exact cost is difficult to project. Act 103 of 1973 authorizes new community colleges in Arkansas. Assuming that 5 new colleges were established, the loss of the interest subsidy grants would amount to over $300,000 to the State and the amount could run as high as $14,000,000 when considering the loss of construction grants once thought possible but now very questionable.
10. Medical center.—It appears that the loss in Federal funds for support of programs could easily exceed $2,800,000 in fiscal year 1974. The information is somewhat sketchy due to several programs being couched within larger subcategories in the President's budget and the possibility that guidelines might place a heavier emphasis on 1 subcategory than another.

[1] One of the largest areas of change is in student assistance programs. The equal opportunity grants (EOG) and direct student loan (NDSL) funds have been eliminated for the 1974 fiscal year. In their place, however, are to be substituted a program of basic opportunity grants (BOG) and increased funds for interest on guaranteed student loans secured at banks and other sources. The NDSL funds amounted to well over $1,500,000 in fiscal 1973 and the EOG funds were over $1,000,000. The BOG funds could replace the EOG funds and, if lending sources in-State can be located to provide the capital, the guaranteed loans could replace the NDSL funds. There have been instances in the past, however, where students have had some difficulty in locating a lending institution for a guaranteed loan.

HIGHER EDUCATION—IMPOUNDMENTS

Programs:	Loss
1. Bankhead-Jones	$171, 036
2. McIntyre-Stennis	43, 950
3. Special extension for nutrition	62, 057
4. Water resources research	40, 000
5. Medical center—general research support	60, 000
Total	377, 043

HIGHWAY—IMPOUNDMENTS

Program:	Loss
1. Forest highway funds	$790, 299

SRS—IMPOUNDMENTS

Program:	Loss
1. Public service careers	$18, 000
2. Arkansas alcohol abuse program:	
(A) Central Arkansas	50, 000
(B) Texarkana	50, 000
C) Southeast Arkansas Mental Health Center	199, 780

TESTIMONY BY GOV. JIMMY CARTER BEFORE THE SENATE SUBCOMMITTEE ON INTERGOVERNMENTAL RELATIONS, FEBRUARY 27, 1973

Mr. Chairman and members of the Subcommittee on Intergovernmental Relations.

I have already submitted to the Committee as written testimony a copy of a speech which I made recently to the National Press Club concerning developing problems with state-federal relationships. But there are several additional points which should be emphasized:

First of all let it be made clear that most of our people favor a federal budget either in balance or with a total figure designed for optimum effect on our nation's economy.

My own choice would be a balanced budget. Since the method of preparing the federal budget is part of the problem, a suggestion may be in order. The first step in the process should be to establish the overall budget amount with mutual agreement between the Presidential and Congressional leaders.

There might also be a prior legal agreement serving as a restraint on Congress that any funds appropriated in excess of this total figure could be reduced by the President in a prescribed manner, but no program should be cut more than perhaps 10%. The meat-ax approach which has been adopted this year is an open admission of inability to determine which parts of programs are effective and which are not.

Any other so-called impoundment of funds should be eliminated except as specifically authorized in advance by Congress in the appropriate legislation.

A state lawsuit against the federal government, with the consent of Congress, should be initiated immediately to let the Supreme Court (which would have original jurisdiction) decide without delay whether or not the President has a right to impound appropriated funds in direct contravention of the expressed will of Congress. The State of Georgia is considering initiating such a lawsuit.

Commitments to state and local governments on which their financing and program plans are based should never be abruptly terminated except in a national emergency and then after thorough discussions with the state and local officials.

I believe that tax reform is needed to insure fairness and perhaps to permit a balanced budget. Since 1968 an already existing imbalance has been aggravated by subtracting about $20 billion from corporate and personal income tax and by adding about $25 billion to the payroll tax, primarily on the first $10,800 of earned income for social security payments.

Since revenue sharing has resulted in a shift of financing burdens from the federal government to those within the states, tax inequities have been increased. In general this represents a shift in taxation from the progressive income tax to the more regressive sales tax and property tax.

Another great need is to remove the shroud of secrecy from around the government leaders in Washington. There should be reestablished some means for governors and other officials to communicate easily with those in the federal Executive Branch who actually make decisions. In some instances it seems that the Cabinet Officers have become figure heads and have little decision-making authority.

Another handicap to state-federal harmony is that there is no definition of national goals which even if unilaterally expressed by the Administration would tend to encourage cooperative effort by the Congress and by different levels of government.

In spite of the lip service being paid to "New Federalism", local and state influence is actually being reduced because major decisions are made without consultation (and sometimes even in secret) and what flexible local funds exist must now be used along with revenue sharing funds to finance important categorical programs which no longer have the support of the Administration.

In the entire process the poor and afflicted are the losers because tax loads are shifted to them and categorical programs designed for them are being eliminated.

We all recall the promises made prior to the enactment of general revenue sharing that it would be "new funds without requiring transfers from existing Federal programs." We remember promises that "the money will be in addition to existing programs. Each [State, city, and county] will receive revenue sharing money in addition to any benefits, services, or money it is now obtaining from the Federal Government." These promises appear to me to have been broken—and now top Administration officials, as recently as this past Sunday, are denying on nationwide T.V. that the promises were ever made.

Mechanisms for encouraging interstate cooperation, regional planning and innovative government action are being abolished. For instance, there is no money in the President's proposed budget to continue the operation of the recently established and very important Title V Commissions.

All in all, Mr. Chairman, I am very much concerned about the breakdown in intergovernmental cooperation and in the commensurate weakening of our system of Federalism.

The essence of the problem is governmental secrecy which results in abrupt and unilateral decisions at the federal level. State and local officials are jerked and snatched to and fro in a gigantic game of "crack the whip". What has developed as a serious enough problem in Washington has often caused chaos in state and local planning and budgeting.

I hope that this Committee and the Congress will do what it can to afford mayors, governors and other concerned citizens a chance to speak for our people on future proposals—such as special revenue sharing. Perhaps what is needed in this particular instance is a special committee authorized by Congress and made up of officials from all branches and levels of government (as well as from private groups) to study the categorical grant system and make recommendations to the Congress on what programs, if any, could profitably be collapsed into special revenue sharing proposals.

We want to be partners again in a responsive and responsible system of government and we hope that you and the Congress can help us.

The Impact of New Federalism on State and Local Government

(Comments by Daniel J. Evans, Governor, State of Washington, Before U.S. Senate Committee on Governmental Operations, Subcommittee on Intergovernmental Relations, Senator Edmund S. Muskie, Subcommittee Chairman, February 1973)

INTRODUCTORY STATEMENT

I appreciate being invited here today by the Committee and to have this opportunity to present testimony on a subject which I feel is of utmost importance to the success of state and local government administration. My concerns regarding the present and future state of federal and local governmental relationships are common among any other state and local officials in the State of Washington. Therefore, I feel that I speak for many of them as well as myself here today.

Relationships between federal government officials and state and local officials have deteriorated to the point where basic structural changes will have to be introduced if we are to succeed in our prime task, that of supplying the citizens of our country with the governmental services they require. Federal Government has become too big and inflexible to effectively consider the needs of local communities and their citizens and the state and local governments just do not have the fiscal resource flexibility to accomplish these tasks. The time is long overdue for serious consideration of these basic structural problems. I do support enthusiastically the concept and policies of President Nixon's philosophy of New Federalism, because I believe the implementation of this philosophy will result in more effective and responsive services to the citizens of our country.

State and local frustrations in Washington State with the present intergovernmental relationships result from the same fundamental problems of dealing with the Federal bureaucracies as are experienced by public officials in other areas of the country. Many of our current problems and future challenges are unique to our area and our priorities differ from other states. The development of the State of Washington is still in its formative stages and the citizens have a "once-in-a-lifetime" opportunity to plan and coordinate state growth that will assure a quality of life for future citizens. Inadequate planning, continued confusion and/or the warping of state, local and federal priorities could endanger this opportunity.

The overwhelming majority of state and local officials and many private citizens that I have had the opportunity to talk to during the recent election campaign are extremely concerned that the Federal Government has grown too large. Some 40 years ago expenditures of state and local governments were more than three times those of the Federal Government. Today this pattern has reversed, with the Federal Government spending in excess of the total of both the state and local governments. Many frustrated public administrators believe that federal resources could be better allocated if they were planned and managed by state and local governmental units themselves and this, I am sure, is echoed by a large segment of public opinion.

I hope, in the next few minutes, to focus upon what I believe to be major immediate problems, to provide some examples of our frustrations in dealing with these problems, and to very briefly discuss some proposed solutions.

President Nixon has introduced several proposals to Congress that would begin to implement the policies formulated upon the concept of "New Federalism." Very briefly, these are: proposals to reorganize and consolidate several major departments; decentralize federal governmental decision-making by the organization of ten federal regional councils; and the general and special revenue sharing programs.

It is this last component, special revenue sharing, that I would like to address at this time.

THE CATEGORICAL GRANT

During the late 1960's in the State of Washington, it became increasingly apparent that the requirements for public service were outgrowing the fiscal resources available to provide the services. Thousands of people were induced to migrate into our state by a highly accelerated local economy. Many new public facilities and increased services were required in a vastly shorter timeframe than originally planned. However, our state and local tax structure, based primarily upon, and constitutionally limited to, property and sales taxes, could not produce the revenue growth required to keep pace with our increasing need for services. The fiscal problems of both our state and local governments were intensified by the very nature of the tax structure. The majority of the burden fell upon the low and modest income citizens of our state. In contrast, federal tax revenues, based primarily upon a progressive income tax structure, increased at a much faster rate and automatically grew as the national economy expanded.

Congress recognized this widening gap between the demand for local services and the revenues available as a national trend at a much earlier date and introduced the concept of federal grant-in-aid programs. In 1957 categorical or specific purpose grant-in-aid programs developed to provide fiscal resources to state and local governments totaled $3.8 billion. At the present time, there are over 1,000 individual categorical grant programs distributing over $40.0 billion in federal grants each year.

This uncoordinated proliferation of grant programs has created a highly complex and frustrating administrative nightmare, with which our local officials have to cope. Each grant program has been independently enacted with a specific national purpose in mind, has its own allocation and matching funds formulas, and includes a multitude of regulations, organizational requirements and program planning, management and audit instructions. Yet, in spite of these rigid and inflexible procedures, the real needs of our citizens have not been met and we at the state and local government levels are confronted with a vast, complicated and expensive administrative bureaucracy.

The expense of this redundant and unnecessary administrative activity associated with categorical grant program management was vividly demonstrated to me recently. Our state budget office advised me that on a recent Housing and Urban Development project, amounting to $1 million, the cost of only the preparation of the proposal, including the necessary applications, and the administration of the contract would amount to $30,000. At the same time, they also advised me that on a recent Law and Justice grant for $10 million, the comparable costs for the same activities amounted to $30,000.

This accounting, which encompassed only a small portion of the costs of administering a categorical grant program, indicates that a tenfold reduction in administrative costs could be achieved by including more funds in special revenue sharing programs.

RECENT EVENTS IN THE STATE OF WASHINGTON

A classic example of the failure of the present federal systems to respond to local needs can be illustrated by recent events in the State of Washington. Early in 1970 layoffs by our largest industrial employer began to signal a serious downturn in our state's economy. There were indications that we could expect thousands of additional persons to be unemployed for extended periods of time, and it became obvious that our priorities had to be realigned in a very short order. Our priorities had been ordered for the highly accelerating economy which we had been experiencing during the preceding three years. An immediate re-direction was necessary to implement the specific emergency unemployment, public assistance and other human resource programs required to provide for the human needs of our citizens.

Both the state and local governments were faced with immediate and severe losses of tax revenues and it became apparent that they could not respond alone to the crisis. It was obvious that help would be required from the Federal Government and that large amounts of aid would be required to provide emergency income maintenance, social services and the impetus to economic development necessary to initiate a recovery.

The onerous task of soliciting for federal funds during this period is now past history. After many, many trips to Washington, D.C. to confer with federal departments and our congressional representatives, it became apparent that the typical federal grant-in-aid program was too inflexible to respond to the needs of our particular crisis.

As a result of considerable and extended efforts by myself and other state officials, local officials, private citizens and the members of our congressional delegation, Congress did enact legislation providing for emergency employment, and unemployment compensation in crisis areas throughout the country.

One particular item which received considerable national and international publicity was associated with the Department of Agriculture's food stamp program. The Department's regulations provide for the distribution of food stamps to low income families regardless of whether they were able to qualify for state public assistance. However, during July 1971, *at the depth of our decline*, the Department revised its food stamp regulations which resulted in a significant portion of the approximately 26,000 families receiving food stamps, but not receiving public assistance, to become ineligible due to increased income eligibility standards. In addition, the food stamp program as designed, was for short term emergency use only.

On still another front, attempts by local officials, our congressional delegation and private citizens to persuade USDA administrators to temporarily modify regulations in order to allow for the distribution of surplus agricultural commodities within the state proved embarrassing to all concerned. During our prolonged negotiations with the USDA, the citizens of Japan proceeded to donate a shipload of food to our citizens. Needless to say, that not long after this incident had received considerable national publicity, the USDA did make a decision to allow the simultaneous use of surplus commodities and food stamps within our state.

Many similar situations, occurring during this period, can be used to illustrate our frustrations in establishing local priorities and urging federal departments to respond to the crisis without having the proper mechanisms established to do so. However, I would like to proceed with a few examples of our present problems of working with categorical grant programs which we believe to be of equal importance.

In addition to the problems connected with the establishment of broad state priorities, are the day-to-day frustrations concerned with detailed program planning and management. Detailed program regulations constantly multiply, disappear and modify in response to everchanging administration and congressional thrusts. Because of the magnitude of programs relative to the various governmental functions and services, state and local agency planners and administrators are rarely finished evaluating and implementing one regulation when another is issued.

MEAT AND POULTRY INSPECTION

A specific example of federal over-regulation of a categorical grant program is our recent experiences relative to USDA's regulations and procedures concerning the federal meat inspection program.

Present requirements provide for state financial participation in federal meat inspection program on a 50–50 matching basis. The United States Department of Agriculture manages this program from Washington, D.C. through our state Department of Agriculture. All program regulations have been developed by USDA for uniform application throughout the country. The regulations are highly structured, rigid, arbitrary, and provide little flexibility to state administrators. State administrators did not contribute to the development of the detail regulations but are charged with the responsibiliy of their day-to-day application.

USDA regulations provide a multitude of program guidelines, inspector qualifications and training procedures, inspection standards, regulations concerning who will be inspected, designate where and how the inspections will take place, and set forth detailed reporting procedures.

An attitude has developed among state program administrators, inspectors and producers that, I am sure, will interest the committee. Dissatisfaction and distrust of federal bureaucrats has become more increasingly evident as a result of this type of overregulation and centralized management. State program administrators and inspectors who have to cope with the day-to-day inspection problems, bear the brunt of expressions of this dissatisfaction. Since the federal regulations have been imposed upon the states, state officials have recommended to USDA that the legislation be amended to modify the matching requirements to provide for an 80–20 matching ratio. This recommendation has not been accepted by USDA and the Department has indicated that it is a state program and that a 50–50 matching ratio is favorable to the state. At the present time, state relationships with USDA relative to the meat inspection program have deteriorated to a level where we feel that the Department should be given the opportunity to fund, regulate and manage *their* program one hundred percent.

Now, the original intent of the federal meat inspection legislation was to provide strong, uniform quality control over United States meat production. Poultry inspection was recently added to the legislation and fish and other seafood will probably be next.

I believe that it is in the best public interest to protect our citizens from disease and poor quality meat and poultry products. We have had an excellent inspection program in our state for years. However, I feel that the need to comply with regulations and procedures that were designed for the most part to regulate large meat producers and packers in the mid-west is not necessarily the most effective method to regulate meat production in the State of Washington.

Some confidence must be displayed by USDA and other federal agencies in our ability to design and administer programs. Broad program guidelines and standards could be issued by the federal departments. The states should be allowed to participate in the programs by developing detailed regulations and standards which would be approved for compliance by USDA.

THE MATTER OF SOCIAL SERVICES

One additional item that I would like to address at this time is the manner in which the Federal Government has provided for social welfare services. Specifically, my comments are directed toward the social services component of the Social Security Act.

In the late 1950's the original Social Security Act was amended to provide social services to those persons in need of public welfare. The broadening and expansion of this provision during recent years is a classic example of federal incrementalism. The federal Department of Health, Education and Welfare was organized to facilitate and enable the implementation of this legislation and to institutionalize its growth and development. Federal funds were channeled through the Department of Health, Education and Welfare to state governments based upon, in most cases, a 50–50 federal-state government matching ratio.

By the mid-1960's social service eligibility requirements were broadened to include not only present welfare recipients, but those individuals who had previously received welfare or were most likely to become eligible in the future. In some specialized situations, federal requirements permitted matching funds to be allocated to private institutions outside the jurisdiction of state governments.

State governments were led into the undesirable situation of seeking one categorical grant program after another to obtain needed funds for these expanded federal programs. The purpose, rules and regulations of many of these programs were not completely understood by local level administrators and were not always carried out in the manner intended by Congress. During recent years, state expenditures in the human resources area have doubled and tripled, yet little has been accomplished to meet the real needs of our disadvantaged and handicapped citizens. State priorities have been warped and its tax revenue structure and fiscal management abilities strained to provide the state matching funds.

Both Congress and the Federal Administration, in recognition of these problems, in

1972 placed a lid on spending for social services. The once federally encouraged expansion followed immediately by the imposition of a severe expenditure ceiling and a still lower recommended budget level will result in the lay-off of personnel and the termination of services to the poor, who are at this point, simply bewildered by the change in direction, and becoming increasinguly distrustful of their government. The full impact of this major thrust and subsequent contraction in services to the disadvantaged will not be understood for many years.

One last illustration of the problems encountered by both state and federal governments in specific grant program management relates to specialized library services. An amendment to the social services title of the Social Security Act provides for a program of specialized library services to minority and disadvantaged persons. Our State Library was strongly encouraged to apply for funds and to implement a program for the State of Washington. After many months of negotiations between federal and state officials, the contract, an organization plan and a program plan were approved. Again, after many months of negotiations between our State Library and the local libraries participating in the program, contracts were approved to initiate the service.

While we did have some difficulty dealing with the federal regulation which stipulated that the eligibility of each minority or handicapped individual participating in the program had to be established, ultimately this problem was finally cleared up and the services were about to begin when Congress placed a lid on social service funding and the program had to be cancelled.

On this effort relatively large amounts of money have been expended on a vast amount of planning and paper work and a great number of minority and disadvantaged citizens have been disillusioned by government.

INCREASED CITIZEN INVOLVEMENT

The fundamental issue in each of the problems I have cited is embodied in both the general and special revenue sharing concept.

Who can best respond to the needs of our citizens?

Congress has expressed concern as to whether or not local officials would really spend the revenue sharing funds on the kind of programs and in a manner that would achieve the necessary results. Congress has further questioned whether local officials, who have difficulty responding to or overcoming local pressures can effectively meet the needs of local citizens. It has also been assumed that Congress, because it is removed from the local pressures, can be more responsive to these needs. Perhaps the reason for these concerns and corollary assumptions were true in past times, but times have changed and the state and local governments have changed. They have become more responsive to the needs of their communities while Congress, because of its distance from local problems, has become less responsive to these issues.

Today we have reached a point in representative government that radically differs from the government that existed a short decade ago. State legislatures across this country have been redistricted to provide far greater representation of the people. We now have a broader participation in the election of our state and local officials. Our young citizens now have a chance to vote and participate in state and local decision-making. The use of modern communication techniques have increased public awareness of critical issues thus giving these citizens a greater opportunity for direct input into the governmental decision-making process.

As I have talked to Governors and other public officials in other states, I find that the explosive increase in the number of ctiizens who express their views to their state representatives or visit their state capitol is not a unique phenomenon in the State of Washington.

A striking example of this desire to participate in government recently occurred at our state capitol in Olympia. Almost 1,000 people from the small town of Snohomish came to Olympia, not to protest, but to express their concern over the need to reform our state tax system. These people, who made up over one-half the population of the town, were concerned with the level of state support to local education. Businesses were closed in Snohomish and schools were let out so that school children could participate and express their views on this critically important issue of school finance.

It could be true that at one time the state and local governments were unrepresentative and unresponsive to the people and that Congressional action was necessary simply to get programs initiated and insure that the necessary improvement did take place.

Times have changed and it is now at the state and local government level where our citizens can and do provide a direct input into the operation of government. This is something they have not been able to do at the Federal Government level because all too often the only testimony heard in Congress is not from the general public who are involved in the issues, but from powerful special interest groups organized and financed to lobby for their particular solutions to local problems.

A CHANGE IN CONGRESSIONAL ATTITUDE IS REQUIRED

I believe that one of the most serious obstacles standing in the way of basic programmatic changes is the attitude of federal representatives. Over the years they have grown distrustful of state and local governments. This lack of trust manifests itself in a no-confidence attitude toward the capabilities of local citizens to run their own affairs. By an equal measure, the practice of returning public funds to the people who earned them through using arbitrary and restrictive techniques has resulted in a growing distrust among our citizens toward all levels of government.

Our citizens are developing a high level of insight into governmental administration and its problems. Techniques are being developed to enable citizens to become aware and therefore, more involved in government. In a real sense, times have changed, and Federal Government representatives must become aware of the significance of this growing change and develop new means of restoring public confidence in government.

I believe the general and special revenue sharing proposals of the President are an important first step in restoring public confidence in government. The State of Washington has shared revenues with local governmental units for years. Our state budget for the 1973–75 biennium includes state-collected revenues that are shared with local school districts, cities and counties which total in excess of $1 billion. This has been our practice for approximately 40 years. Included within this sum are amounts which will represent 24 to 28 percent of city and county general purpose funds and few strings are attached to the expenditure of these funds. The amounts shared are derived from a number of tax revenue sources that were designed to share revenues. The cities and counties share liquor, motor vehicle excise, motor vehicle fuel, public tax revenues and profits, fines and fees from liquor sales, recreational vehicle registrations and revenue resulting from the leasing of state lands.

At the local governmental level, highly trained professional administrators and part-time citizen officials working with involved citizens set goals and priorities, plan programs, develop detailed budgets, allocate and administer funds. Very often projects are not approved (as for example Seattle's 1970 Mass Transit Proposal) or scrapped by the citizens when it has been determined that they are too expensive or ineffective (as for example Seattle's R. H. Thompson Expressway).

It is my opinion that many very capable individuals have entered state and local government service during recent years. The recent recession in the State of Washington introduced new highly qualified individuals into government service and special effort has been under way during my entire administration to encourage individuals from private commerce and industry to join government. Management techniques and skills developed by the private sector are being introduced into governmental administration to an increasing degree.

We have consolidated many state agencies into a limited number of functional departments. Departmental procedures are being streamlined. State statutes are being reviewed and modernized, program procedures and instructions updated and simplified, and our communication lines with local citizens improved through the organization of a new Community Development Agency.

During recent elections, the voters of the state approved a Washington Future Program, authorizing the sale of $415 million in state capital investment bonds during the next six years. This program will be directed by a small staff, a one page set of guidelines, and a two page application form. However, we anticipate that one of our major problems will be concerned with the application for, and administration of, the necessary federal matching funds.

SPECIAL BLOCK GRANTS

Based upon the historical experience of our state, I believe a major step toward the elimination of the distrust, confusion, resentment and frustration between citizens and government and among the levels of government can be achieved through the use of the block grant concept of special revenue sharing.

The narrow targeting of categorical programs is a formidable barrier to the coordination of resources to meet the needs of individual communities which differ across our state. The solution is simply to do away with the many narrow categories and to provide responsible state and local authorities and citizens with the power to use federal money in ways they themselves devise. Special revenue sharing or block grants which merge functionally related categorical programs into large accounts for flexible use by state and local officials would eliminate much of the terrible tangle of grant programs, which are a primary source of confusion and distrust.

The U.S. Department of Justice, Law and Justice Program is a commendable example of how special revenue sharing would work. The Department of Justice, Law Enforcement Assistance Administration, issues a series of program guidelines. The state, working with the local communities, develops a state law and justice plan. The plan is submitted to LEAA for approval. LEAA, in turn, allocates a block of funds to the state and the state distributes the funds to the local communities according to the plan. Administrative problems are resolved between the state and local governments with a minimum of frustration. While there were a few initial procedural problems, the program by any measure must be considered successful and a specific example of how federal administrative cooperation with local government can be achieved.

CONCLUSION

I would like to restate my strong support of the concept of New Federalism and, in particular, the application of special block grants.

Categorical grants characterized by many over-lapping and duplicated programs, loss of efficiency and the misguided imposition of federal priorities on state and local communities have created a bureaucratic nightmare.

The continued support of the categorical grant concept represents the continuation of the federal government's distrust in the capabilities of communities to manage their own affairs.

A willingness by Congress to join with the states in an enthusiastic adoption of the special revenue sharing programs will result in a significantly higher portion of each taxpayers dollar reaching the ultimate beneficiary of these programs.

Statement by Gov. Wendell H. Ford of Kentucky to the Senate Government Operations Committee's Subcommittee on Intergovernmental Relations on President Nixon's Proposed Budget for Fiscal 1974

The purpose of this statement is to provide a realistic, matter-of-fact assessment of the $268.7 billion budget submitted to the Congress by President Nixon for Fiscal Year 1974.

The stated objectives of President Nixon's budget are:

(1) to curb government spending in an effort to reduce inflation;

(2) to move away from big government and place more responsibility with state and local governments;

(3) to avoid an increase in taxes; and

(4) to work toward achieving a balanced budget by Fiscal Year 1975.

Viewed in the abstract, these are commendable objectives. Analysis of the proposed budget for Fiscal Year 1974 shows, however, that the stated objectives and the actual impact of the Nixon budget are two entirely different matters.

I favor fiscal restraint. I favor reduction of the federal deficit. I favor the philosophy of state and local governments assuming more responsibility in delivering needed services to the people. And I favor the concept of people doing more for themselves.

Yet the rhetoric does not coincide with the budget proposals, and unfortunately, what has thus far been advanced for public consumption from the White House is not the reality of this budget. It is, therefore, incumbent on the Congress, the Governors and local officials to clearly explain that what Mr. Nixon is saying and what his budget dictates are most assuredly not one and the same.

I believe we have a coordinated responsibility to first make the public aware of what can actually happen to our social, economic, and environmental systems, then try to alter the programs so they will indeed come more into line with the President's publicly expressed intentions.

Without this generation of a new spirit of leadership on all our parts, we will have to assume a share of the blame for what appears inevitable through the implementation of this budget.

The contents of the proposed budget make a mockery of stated objectives.

(1) In curbing government spending in an effort to reduce inflation, why must the main brunt of this effort fall upon many domestic programs serving important human and social needs? Is this the price to pay for the relaxation of price and wage controls under Phase III? The record of the Nixon Administration in dealing with the cruel problem of inflation does not inspire confidence. As with the proposed budget, the approach of the Administration in seeking to curb inflation seems more inspired by desire to protect the economically and socially privileged, rather than to improve the performance of the economy in serving the needs of the people.

(2) Reducing the role of the Federal Government and placing more responsibility with state and local governments is a desirable shift in political structure. However, it is totally unrealistic to believe that this shift can be accomplished upon the preemptive command: Sink or swim. In Kentucky we have recently undertaken a full-scale reorganization of state government to strengthen our capability to take on more responsibility as well as improve efficiency and effectiveness in program planning and implementation. As foresighted as our effort may have been, it was based on the common sense realization that there must be an orderly transition in the devolvement of Federal programs to the state and local levels of government. The proposed budget for Fiscal Year 1974 clearly does not provide for an orderly transition.

This lack of proper transition is very apparent in the Administration's proposed changes in economic development programs—such as abolishing Economic Development Administration (EDA) aid programs.

EDA funds have been cut off entirely for any new projects. This means that projects in early planning stages for EDA funding will come to a halt. Even if the funding for the Rural Development Act of 1972, to which the President proposes to shift financing, is quickly approved; many months will be required to set up the Federal administrative mechanisms to handle new development projects. Additionally, the Rural Development Act is administered by the Department of Agriculture, which certainly is not as well oriented to industrial and commercial development as the Department of Commerce which administers EDA. Planning and initiation of new projects will be delayed or entirely halted—and Kentucky's economic development will be slowed. Such rash actions of the Administration present a profound threat to the entire concept of shifting Federal responsibilities to state and local governments. That is, the disruption and dislocation of programs involved in the proposed budget could—indeed will likely—discredit the idea that state and local governments can successfully assume greater responsibility.

(3) Avoiding an increase in taxes is perhaps the most deceptive of the stated objectives of the proposed budget. Throughout the Nation, state and local officials were told by the Nixon Administration that General Revenue Sharing was being provided to relieve fiscal crises facing state and local governments. The proposed budget for Fiscal Year 1974 is clearly at variance with the avowed purpose of General Revenue Sharing. State and local governments will be thrown upon their own resources to try to sustain programs slashed or terminated in the proposed budget. This is completely contrary to the fundamental idea underlying revenue sharing, which is that there is economic and social advantage in using Federal taxing power to support programs administered according to priorities set at state and local levels of government. The proposed budget is a retreat from revenue sharing.

As a further example, the proposed budget does not avoid increased taxes. It actually increases the most regressive of taxes as evidenced by increased Medicare charges and costs to be borne by those least able to pay.

What the budget shifts from the Federal government to the state and local government is the acute problem of balancing income and expenditure.

Another way of looking at the President's tax posture is that he is shifting the federal deficit to states while increasing the costs of states to subsidize the rest of his budget.

(4) With respect to balancing the Federal budget in Fiscal Year 1975, considerable skepticism must be expressed. The ability of the Nixon Administration to properly manage the economic and financial condition of the Nation has yet to be demonstrated. The greatest threat to attainment of a balance of income and expenditure in Fiscal Year 1975 is clearly the continuing failure of the Nixon Administration to bring the Nation's economy to full employment. The proposed budget for Fiscal Year 1974 would have direct adverse effects on employment, and indirect, or secondary, effects of an adverse nature on public confidence and expectations. Rather than promising a balanced budget in 1975, the proposed budget for Fiscal 1974 has in it the seeds of economic failure and disillusionment.

The tragedy of the Nixon budget for 1974 is not just in the termination and crippling of specific programs. The greater tragedy is its rejection of the alternative of devising an orderly transition of Federal responsibilities to the state and local levels of government.

Additional comments are submitted concerning specific programs and fiscal impact the 1974 proposed Federal budget will have upon the state of Kentucky. However, there is no way to determine the full impact of the proposed budget, because many changes require substantive legislation which has not yet been submitted to the Congress, Also, programs such as the navigation and flood control projects, administered by the Corps of Engineers, which are scheduled for a $500 million cutback in Fiscal 1974 cannot be adequately analyzed because the proposed budget does not indicate project priorities.

HUMAN RESOURCES

The first area of concern is the Administration's lack of support for meeting human needs. Mr. Nixon's budget message states, "The 1974 budget for human resources program, like the three that have preceded it under this Administration, reflects my conviction that social compassion is demonstrated not just by the commitment of public funds in hope of meeting a need, but by the tangible betterments those funds produce in the lives of our people.

The President is correct in stating that his budget strives to meet human needs like the three that have preceded it under his Administration. The only problem is that the states are just learning what the President means when he says "tangible betterments" and it took the currently proposed regulations by the Department of Health, Education and Welfare in regards to social services under the Social Security Act to teach us this.

"Tangible betterments" refers to the financial status of the Federal purse and not to the lives of our people. Under the proposed regulations of the Department of Health, Education and Welfare, the state of Kentucky stands to lose in excess of $15 million for the provision of social services to our needy citizens. For example, services for emotionally disturbed and abandoned children and for the prevention of drug abuse are severely diminished. The regulations as written would require a sudden and almost complete change in the type and level of social service program the state could deliver through the help of Federal matching funds. This is a perfect example of "tangible betterment" for the Federal purse while we forsake the needs of our nation's poor.

The President's Budget Message states the following objective: "We can and will find better ways to make the most of our human resources—through the partnership of a restructured Federal government and strong state and local governments and with the help of a socially committed private sector that is bolstered by a revival of individual initiative and self reliance among our people." The private sector is willing. Yet the proposed social services regulations preclude the use of donated money from private and voluntary sources, and impose severe restrictions on use of funds from public sources as the state's share for Federal matching. This contradiction in words and actions is dramatic.

Congress has mandated a ceiling of $2.5 billion for social services and yet the President's budget only proposes the expenditure of $2 billion. The Department of Health, Education and Welfare should assist states by providing guidelines which enhance the states' capability to respond to identified social service needs. Instead, the proposed regulations so severely restrict the social service delivery capability of states as to raise the legitimate question—is it the Administration's intent to dismantle social services entirely?

Another example of the contradictions inherent in the President's budget are the major changes proposed in the Medicaid program. On the one hand he says that the proposed changes will be more beneficial to the nation as a whole, while on the other he has stated that the cost to Medicare patients will increase. How can it be beneficial to the nation as a whole when several million Medicare recipients will be forced to dip into what little savings they may have to pay the increased cost, or the states will be forced, from their limited resources, to see that the elderly people have adequate hospital care? Although, the increased cost to Kentuckians in terms of dollars and cents is incalculable, we know that there are approximately 330,000 Kentuckians covered under the Medicare Insurance Program who will be affected. The President's program calls for the deductions for hospital services to be raised from the present $72 to a deductible which will require the beneficiary to pay the actual first day room and board charges plus 10 percent of actual hospital charges thereafter.

The Department of Health, Education and Welfare said the changes are aimed at establishing "a cost awareness on the part of the Medicare consumer which, besides its effect on over-utilization, should inhibit hospital price increases." Who really contributes to over-utilization? The Administration points a finger at the Medicare recipient. I do not believe that the Medicare patient is the major cause of over-utilization. How many people can walk into a hospital and admit themselves, or how many hospitals will accept a man walking in off the street as a patient? A doctor has to admit a patient and the hospital has to accept him. The doctors and the hospitals contribute to over-utilization to a far greater extent than the patients. Penalizing the patient because of mismanagement over which he has no control cannot be morally justified.

It has been estimated that since 1967 United States hospitals have probably overcharged the Medicare program in excess of three hundred million dollars. The responsibility for the end cost of the Medicare program lies primarily with the Department of Health, Education and Welfare administrators. If an effective review system were utilized to eliminate "overutilization," I believe we would not be faced with placing more financial responsibility on the Medicare beneficiaries. Utilization by doctors and hospitals of out-patient facilities would greatly decrease Medicare costs.

The proposed shifting of costs for medical services are just as traumatic to the Medicare recipient. The present deductible of $60 and 20 percent of remaining cost are proposed to be increased to $85 and 25 percent of all remaining charges. President Nixon has said, "The changes will reduce the financial burden for one percent of all Medicare patients who are hospitalized more than sixty days, when they now have to start paying a share of their bills." I submit that the "reduced financial freedom" will accrue to the Federal government—not to the Medicare recipients who are *already* paying a share of hospital and doctor bills. The Administration's proposal is an apparent attempt to shift the health care crises to the shoulders of those who are least able to pay for medical services, primarily the elderly on minimum fixed incomes.

Administrative costs for medical services are estimated to run as high as thirteen percent of benefit payments, which is an astounding figure for administration. If the President is desirous of trimming the budget, he should start with the administrative costs of his own programs and not at the expense of the elderly people who are covered under Medicare.

The President's 1974 budget proposes a legislative change which would eliminate the eligibility of adults for dental services under Medicaid. Such a cut would deny dental services to approximately 13,000 Kentuckians annually. The federal participation in this program, in Kentucky, is about $243,000 per year.

The termination of the Hill-Burton program as proposed in this budget will cost my state an estimated $5.8 million next year in much needed health facilities construction money. We are not trying to expand hospital beds needlessly in our state, but rather need to modernize, upgrade, and replace over 1,500 hospital beds and 700 nursing home beds that are below acceptible standards of modern day care. If these funds are terminated, the improvements of these facilities will have to be delayed indefinitely.

The elimination of federal support for immunization of children against measles, rubella and polio will mean that approximately 150,000 of Kentucky's children will not receive these services next year. Kentucky is still feeling the effects both financially and emotionally of the last rubella epidemic in our state. The epidemic cost Kentucky families dearly in terms of lives and disabling handicaps. We feel that the rubella immunization program should be continued.

EDUCATION

Elementary and secondary education

The President's proposed budget would entirely eliminate programs supported under Titles II and V of the Elementary and Secondary Education Act (ESEA) and Title III of the National Defense Education Act (NDEA). Elimination of these programs means no Federal aid for school support services such as libraries, textbooks, and audio-visual aids; no Federal aid to strengthen the State administration of educational programs; and no Federal matching (50–50 ratio) funds for remodeling laboratories and classrooms in elementary and secondary schools. The elimination of these programs will result in a loss of $2.9 million to Kentucky.

Abolishment of the Federal subsidy to school districts for non-military employees with children who live on private property will cost Kentucky schools $3.5 million. Abrupt termination of this program will cause serious financial problems for many local school districts. No program with potential financial consequences of this magnitude should be abruptly terminated, but should be phased out in an orderly process.

The Administration has explained (p. 1077, Appendix, The Budget of the U.S. Government, Fiscal 1974) its proposed amendment to reduce the current year appropriation request for the Elementary and Secondary Education Act by $15.8 million, with this statement: "The proposed decrease takes into account the availability of General Revenue Sharing funds for local educational agencies." However, the State and Local Fiscal Assistance Act does not permit local governments to expend general revenue sharing funds for educational programs.

Libraries

The budget proposes elimination of all categorical aid programs for public, local school, and college libraries. In addition to $1.4 million loss to local schools for library aid, Kentucky's public libraries will lose $1.0 million for library services.

Termination of aid for local libraries apparently rests upon the assumption that local governments will use General Revenue Sharing funds to replace the discontinued categorical grant programs. Such actions are clearly at odds with the original promises made when revenue sharing became a reality.

Apparently the Nixon Administration does not consider adequate library resources as a necessity for the development of a sound basic educational program. Such lack of library support could seriously jeopardize the accreditation of elementary and secondary schools and our institutions of higher learning.

Education revenue sharing

Special education revenue sharing, as proposed in the 1974 budget, would combine some thirty narrow categorical aid programs into an educational assistance package categorized into five broad-purpose grant programs. It is impossible to assess the total effect of this program change on Kentucky because the special education revenue sharing legislaion has not been introduced in Congress. It is clear, though, that some programs will suffer significant reduction. For example, Titles I and III of the Elementary and Secondary Education Act would be continued under special education revenue sharing, but in the 1974 federal budget these activities would be continued at the 1973 funding level. Thus we would have "continuation reduction" for some of the programs being folded into education revenue sharing.

Legislation for education revenue sharing should provide advance funding for state agencies to assure sufficient time for adequate financial and program planning. The present situation, in which delayed appropriations are common practice, creates such uncertainty that thorough planning is impossible.

Education revenue sharing legislation should also recognize that all states and local governments have problems of a varying nature and of a different magnitude. To accommodate these differences, the state governments must be permitted latitude in deciding program priorities, and they must be provided with a realistic level of financial support.

In examining the President's proposal for special education revenue sharing submitted to the last Congress, we found that federal aid for education in Kentucky would have been less than under the categorical programs, except that the proposed legislation guaranteed that each state would not receive less than the average received in recent years under categorical programs. Such a guarantee in this year's legislation is essential for Kentucky.

The use of 1970 census data in calculating allocations next year makes it even more important that any legislation include a guaranteed continuation support level. In Kentucky, as in certain other states, population has been increasing, but the relative growth rate has been less than the Nation. Therefore, Kentucky would receive less of the total aid available—unless rather large increases are made in the federal appropriations. Lacking such increases, the poorer states, like Kentucky, will receive a lesser share of the federal education dollars in 1974.

Higher education

Over the last few years, Kentucky's institutions of higher learning have been financially buffeted by changes in federal regulations as well as changes in federal funding. Increased social security contributions and federally mandated changes in workmen's compensation regulations, unemployment insurance guidelines, and in occupational safety regulations have drastically raised costs for our state institutions. Last year alone the increased cost to one of our institutions was over $2 million.

The same institution will lose approximately $1 million a year in federal support under the proposed budget. Gentlemen, this is a net loss of $3 million in funds for direct program support. The only way the institution can absorb such loss is to cut back programs.

It is especially distressful that our institutions of higher learning face significant reduction in federal support at the very time that federal laws and regulations, as well as inflation, have substantially increased their costs of operation. Improvements in workmen's compensation, unemployment insurance, occupational safety, and social security with respect to employees of universities and colleges is desirable, but we should be concerned that financial support be sufficient to avoid impacting institutional budgets to the point that instructional programs are damaged.

The President's budget requests full authorization of $959 million for Fiscal 1974 and a supplemental appropriation of $622 million for Fiscal 1973 to fund the Basic Opportunity Grants Program authorized by the Education Amendments of 1972. The full funding of the Basic Opportunity Grants Program is a step in the right direction to assist needy students of our state to attain a college education. However, it appears that along with the recommendation of full funding for the Basic Opportunity Grants, the President has disregarded a provision of the Education Amendments of 1972 which bars the awarding of Basic Opportunity Grants in any fiscal year, if the appropriations for Supplemental Educational Grants, Work-Study Payments, and National Direct Student Loans are less than specified by law.

The President's proposed budget for 1974 does not satisfy these minimums. The Basic Opportunity Grants Program is laudable, but Kentucky will take a step backwards without support of the companion programs. With no money available to supplement the Basic Opportunity Grants from the scrapped National Direct Student Loan Program and the Educational Opportunity Grant Program, many students may be left marooned with only half the aid they need to attend college.

Kentucky's public and private colleges and universities received $20.8 million in federal support from the National Direct Student Loan, Student Educational Opportunity Grants, and College Work-Study programs last year. The probable support under the Administration's proposed budget for these programs will approximate $3.1 million, which is entirely for college Work-Study Payments. This represents a potential deficit of over $17.0 million in institutionally controlled student aid funds which cannot be replaced by Basic Opportunity Grants and Federal Insured Student Loans, especially where the decisions on recipient selection and award amounts are made outside the educational institution.

A viable student aid program must continue to include substantial funds, which can be targeted by the educational institution on students having substantial financial need. Therefore, funding of the existing campus-based programs at the levels required by the Educational Amendments of 1972 should have priority over funding of the new Basic Opportunity Grant Program.

Moreover, students and parents need to know very soon what to expect from student assistance programs for enrollment in the fall semester of 1973. Hasty implementation of the Basic Opportunity Grant Program with its new needs analysis requirements and administrative structures may result in greater confusion than we experienced with the Federal Insured Student Loan Program in the fall of 1972. Implementation of the Basic Opportunity Grant Program is at least four to six months behind right now for Fiscal 1974. The prudent course may be to delay implementation of this program until Fiscal 1975 and shift the funding to the other programs already in operation.

The President's proposal creates serious problems for students in Kentucky, for in some of our institutions over 50 percent of the student body requires some form of financial assistance in order to attend college. It is further complicated by the fact that 45 percent of all students attending a college or university in Kentucky come from families with incomes of less than $9,000 and 22 percent from families with incomes below $6,000. As you can see, opportunities for education will be limited for some students in Kentucky, because not enough avenues of financial aid will be available to meet college expenses.

A major contradiction in the President's budget is in the area of health education. We have heard the President talk about improving the delivery of health services and lowering the cost of medical care through advanced and innovative delivery systems and by proper use of medical personnel. In an effort to extend the services and knowledge of our physicians, we should educate and train doctor's assistants and various other para-professionals in the delivery of medical care. Just as our schools are getting geared up to provide this instruction, the President proposes a budget that reduces drastically the federal funds necessary to support the programs. It is estimated that our public universities alone stand to lose in excess of $750,000 in nurse and allied health manpower training funds. How can we be expected to improve the quality of medical care in Kentucky without these funds to educate the essential personnel?

The President's budget contains $31.4 million for interest subsidies on past loans obtained in the private market for construction of academic facilities. The Department of Health, Education and Welfare has said that no new loans will be subsidized and no funds for direct loans or grants will be made.

College enrollments are stabilizing, and the need for expanding college campuses has diminished. However, our institutions still have a very serious problem in replacing facilities that are antiquated or obsolete. Without interest subsidy grants, our colleges and universities will not be able to modernize and update their campus facilities to keep abreast of the educational needs of a rapidly changing society. The loss of these grants will increase our financing cost by as much as 4.5 percent or over $1 million a year for anticipated construction projects on our campuses.

Agriculture is one of Kentucky's most vital economic resources and is an indusry that concerns us greatly. We are constantly looking for ways to improve our own agricultural industry for we believe its viability is vital to the economy of our state. It troubles me greatly to see the President take over $300,000 away from my state's agricultural research program. Apparently he feels there is no need to try to improve upon our farming techniques or to try to find methods of increasing productivity. It is especially ironical that the President should cutback for such research at the very time that rising food costs are a major national issue.

ECONOMIC DEVELOPMENT

Economic Development Administration

The proposed budget eliminates all Economic Development Administration (EDA) activities. This abrupt halt of EDA activities will stifle the industrial development thrust that has been attained in many economically depressed areas. If such development funds are totally eliminated, Kentucky will be forced to provide an additional $3–5 million annually from state funds to carry out essential industrial development and related activities—such as construction of industrial sites in depressed areas of eastern Kentucky.

Additionally, immediate abolishment of EDA will have a severe impact on Kentucky's ability to construct vocational education facilities. It was anticipated that Kentucky would receive approximately $8.6 million over the next two fiscal years for state and local vocational facilities. Now we are quite uncertain about the future source of funding for these much needed educational facilities.

Discontinuing EDA Title V planning grants to regional development districts would mean the loss of approximately one-quarter million dollars in planning grants for the area development districts in Kentucky. In order to maintain area planning operations on a continuation basis, all or part of the EDA share must be met from other state or federal sources. The President proposes to shift support of such sub-state planning agencies to Comprehensive Community Planning (HUD 701) funding. However, the proposed budget increase for HUD 701 programs is only one-fourth of the amount that is cut in similar EDA funds.

Outdoor recreation

Budget reductions for the U.S. Department of Interior's Land and Water Conservation Fund, which supports the Bureau of Outdoor Recreation (BOR), will result in a loss of nearly $2 million for the state. These funds provide the essential land acquisition dollars to promote the economic and recreational opportunities of Kentucky. Since tourism and recreation play such an important part in Kentucky's economy, this will be a severe setback for the state—and an additional, unanticipated drain on state dollars.

Rural environmental assistance

An end to the 30 year-old Rural Environmental Assistance Program (REAP), formerly known as the Agricultural Conservation Program, will deny Kentucky farmers $5 million in cost-shared programs that emphasized the conservation of our soil, our trees, our water, and other natural resources.

Housing

On January 5, 1973, the federal government established a moratorium on all new low income subsidized housing programs. This includes both the HUD 235 and 236 programs as well as the Farmer's Home Administration 502 program. The Farmer's Home Administration programs, as well as the HUD 235 program for renovation of existing housing, has been cut off completely since there is no pipeline of advanced commitments. The effect of this moratorium on HUD programs for open space public housing, rent subsidy, rent supplement, public facilities loans, and water and sewer project grants is a freeze on nearly $30 million for various projects in Kentucky, that are currently in the application stage. In the Fiscal 1974 budget proposal, no funds have been requested for these housing subsidy programs pending a review by the Nixon Administration. With this complete freeze, and the resulting uncertainty about any future federal funding for housing, state and local governments are put in the precarious situation of not having any incentive for planning new housing developments, since the Administration seems reluctant to make available any funding. The drastic need for housing is clear; but with the funding cut, we will see a severe decrease in low and moderate income housing.

Development conclusions

In appearance, the Administration's proposals are to shift funding of programs currently financed by EDA, Model Cities, Urban Renewal, Rural Electrification Administration, and many other rural and urban community development programs to the Rural Development Act of 1972 and the proposed Urban Community Development Revenue Sharing programs. In fact, however, the Administration's proposals would cut total dollars for development activities. True, state and local governments would be able to undertake urban renewal or model cities projects—if they discover some magical way to stretch one dollar far enough to buy two dollars in program services.

Additionally, the proposed Urban Community Development Revenue Sharing is not to be effective until Fiscal 1975. This will create a totally unnecessary delay in planning and initiation of new projects between the time that the categorical programs are terminated and the time that the new urban development program would begin.

NEIGHBORHOOD YOUTH CORPS SUMMER JOB AND RECREATION PROGRAM — CITIES' URGENT NEED

Mr. JAVITS. Mr. President, as Members know, each year in recent years I have found it necessary to seek additional funds under a supplemental appropriation for the Neighborhood Youth Corps summer job and recreation program, which is administered by the Department of Labor.

The summer job program provides employment opportunities with public and private nonprofit agencies for economically disadvantaged youth, 14 through 21 years of age; the recreation component serves poor youth 6 to 12 years of age.

Never has the situation been worse than it is this year.

The National League of Cities-U.S. Conference of Mayors documents a need for an aggregate of $505,517,789 to provide a total of 1,018,991 job opportunities for this summer and to meet minimal needs in the recreation and transportation components of the program.

The administration now plans to provide nothing specifically for this program.

It had requested originally $256,503,000 for the creation of 575,700 slots, but it has asked the appropriations committees to rescind that amount.

As I believe that the situation is so serious, I wrote the President on February 20, 1973, urging him to submit revised and amended budgetary requests for fiscal year 1973 to meet these needs. In that letter, I was joined by 26 of my colleagues, Mr. ABOUREZK, Mr. BIBLE, Mr. Mr. BROOKE, Mr. BURDICK, Mr. CANNON, Mr. CASE, Mr. CLARK, Mr. CRANSTON, Mr. GRAVEL, Mr. HASKELL, Mr. HATHAWAY, Mr. HART, Mr. HATFIELD, Mr. HUDDLESTON, Mr. HUGHES, Mr. HUMPHREY, Mr. KENNEDY, Mr. MCGEE, Mr. MOSS, Mr. MUSKIE, Mr. NELSON, Mr. RANDOLPH, Mr. TUNNEY, Mr. MONDALE, Mr. WEICKER, and Mr. WILLIAMS.

If action from the administration is not forthcoming, I intend joining with my colleagues to seek these funds under the supplemental appropriations bill, which is now originating in the House and will be considered here shortly.

So that Members may measure the effect of these cuts in their own areas and be fully apprised of the situation, I ask unanimous consent that a copy of the letter to the President dated February 20, 1973, together with a letter dated January 12, 1973, from the League of Cities, and accompanying tables, and a letter dated February 2, 1973, from the Secretary of Labor be printed at this point in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, D.C., February 20, 1973.

Hon. RICHARD M. NIXON,
President of the United States, The White House, Washington, D.C.

DEAR MR. PRESIDENT: We are writing to urge you to submit revised and amended budgetary requests for fiscal year 1973 for an aggregate of $505,517,789 for the Neighborhood Youth Corps summer job program and related transportation and recreation components for the coming summer. The Administration's revised budget request for fiscal year 1973 does not request any funds for the program.

As you know, the Neighborhood Youth Corps summer jobs program, which is authorized under the Manpower Development and Training Act of 1962 and the Economic Opportunity Act of 1964, provides work experience opportunities with public and private non-profit agencies, and related transportation for economically disadvantaged youth, fourteen to twenty-one years of age; the recreational component of the program funds meaningful activities for poor youth six to twelve years of age.

Our request consist of the following elements:

$476,887,788 for the Neighborhood Youth Corps summer job program to make available an aggregate of 1,018,991 job opportunities, as outlined in detail below; last year the Administration provided 740,200 opportunities with an aggregate of $316,250,000.

$24,946,580 for the recreation component; last year a total of $14.8 million was provided.

$3,683,431 for the transportation element; last year $1.2 million was made available.

These requests are documented on a city-by-city basis in the enclosed letter dated January 12, 1973 and attachments to Senator Javits from the National League of Cities-United States Conference of Mayors, which represent the Nation's cities.

As stated in the National League of Cities letter, the amounts requested are those which the cities may "effectively utilize". In fact, the overall needs are much greater; for example, the Department of Labor estimates that in the job program more than 1.8 million poor youth could benefit—almost twice the number which may be covered under our request.

The Administration's position is set forth in the enclosed letter dated February 2, 1973 from the Secretary of Labor, Peter J. Brennan, which states:

"Under the President's revised 1973 budget, the Manpower Training Services appropriations does not contain funds for the funding of a 1973 NYC Summer Program. Instead, local sponsors of EEA projects will be permitted to use, to the extent they desire, 1973 EEA funds for a summer employment program. In addition, States and local communities may elect to use existing Manpower Training Services funds available in the communities to supplement the EEA summer program."

While we recognize and share the Administration's general concern with respect to limiting federal expenditures during the current fiscal year, we believe that funding for the Neighborhood Youth Corps should be given the highest priority and attention. Although, the Administration has been successful in reducing unemployment nationally from six percent to five percent, disadvantaged youth in poverty areas continue to face unemployment rates ranging from thirty to forty percent. The Neighborhood Youth Corps program is designed for that group and provides a meaningful alternative to wasted summers of restlessness.

The Emergency Employment Act of 1971 (EEA) cannot be viewed as an adequate alternative source of funding to meet the employment needs of poor youth. As you know, the Act is designed to reach all ages and socio-economic groups and coverage is largely at the discretion of State and local sponsors. Unfortunately, experience indicates that coverage of poor youth will not be adequate to their needs. Of the 138,170 job opportunities presently funded under the $1.0 billion available nationally, only 14,150—or approximately 10.2 percent—are held by poor youth under the age of twenty-two; even if the Administration's request for an additional $250 million for fiscal year 1973 is appropriated, it is quite clear that the aggregate number of slots that could be made available to poor youth from these new sources will not begin to meet the needs which we have documented.

Similarly, manpower training services funds available in communities will not be satisfactory alternative sources of jobs for poor youth; in fact, if the Administration's new requests for fiscal year 1973 are appropriated, appropriations (not taking into account the Neighorhood Youth Corps summer program) will fall approximately $200.0 million below the actual level for fiscal year 1972.

We were very gratified by your support for a supplemental appropriation last summer and we urge you to respond to these needs at the earliest possible time so that poor youth can make plans for a profitable and meaningful summer and the communities and agencies responsible for administering the program may ensure the most effective use of funds.

Very truly yours,

Jacob K. Javits, James Abourezk, William D. Hathaway, Frank E. Moss, John V. Tunney, Dick Clark, Hubert H. Humphrey, Harrison A. Williams, Jr., Edward M. Kennedy.

Walter D. Huddleston, Jennings Randolph, Harold E. Hughes, Alan Bible, Gaylord Nelson, Philip A. Hart, Clifford P. Case, Edward W. Brooke.

Alan Cranston, Quentin Burdick, Floyd K. Haskell, Edmund S. Muskie, Gale McGee, Walter F. Mondale, Mark O. Hatfield, Mike Gravel, Howard W. Cannon, Lowell P. Weicker.

NATIONAL LEAGUE OF CITIES,
U.S. CONFERENCE OF MAYORS,
January 12, 1973.

Hon. JACOB K. JAVITS,
U.S. Senate, Old Senate Office Building, Washington, D.C.

DEAR SENATOR JAVITS: In response to your request for information, we have made in-

quiries as to the cities' 1973 needs for the summer Neighborhood Youth Corps slots. The information we have received from the 50 largest cities shows that the total number of slots these 50 large cities could effectively use this summer is 421,930.

On the basis of our contacts with a sample of smaller cities, we estimate that their needs and the number of slots these smaller cities could effectively utilize total 597,061.

Combining these figures—the total for the 50 largest cities with estimated needs for the balance of the Nation—the present real need for 1973 is 1,018,991 slots nationwide.

We trust that these statistics will be helpful to you in pointing up the critical need for an adequate appropriation for the summer Neighborhood Youth Corps.

Sincerely,

Allen E. Pritchard, Jr.,
Executive Vice President, National League of Cities.
John J. Gunther,
Executive Director, U.S. Conference of Mayors.

SUMMER NEIGHBORHOOD YOUTH CORPS

	Rank (in size)	Slots					Amount (1973 need)[2]
		Population	1972 need	1972 actual[1]		1973 need	
Region I: Boston	16	641,000	5,000	5,213	(4,692)	6,400	$2,995,200
Region II:							
Buffalo	28	463,000	4,268	2,238	(2,014)	6,834	3,198,312
Newark	35	382,000	14,563	7,000	(6,300)	14,563	6,815,484
New York	1	7,868,000	77,500	54,800	(49,320)	77,500	36,270,000
Rochester	49	296,000	4,650	1,030	(927)	4,650	2,176,100
Region III:							
Baltimore	7	906,000	9,420	7,712	(6,941)	9,420	4,408,560
Norfolk	47	308,000	2,625	2,200	(1,980)	3,500	1,638,000
Philadelphia	4	1,949,000	12,500	8,571	(7,714)	15,000	7,020,000
Pittsburgh	24	520,000	9,265	5,670	(5,103)	9,265	4,336,000
District of Columbia	9	757,000	36,000	8,999	(3,599)	20,000	9,360,000
Region IV:							
Atlanta	27	497,000	3.408	4,680	(4,212)	5,388	2,521,584
Birmingham	48	301,000	2,135	2,757	(2,481)	2,774	1,298,232
Jacksonville	23	529,000	1,735	637	(573)	2,500	1,170,000
Louisville	38	361,000	3,500	2,250	(2,025)	3,500	1,638,000
Memphis	17	624,000	2,394	1,935	(1,741)	2,394	1,120,392
Miami (Dade County)	42	335,000	8,226	5,429	(4,886)	8,226	3,849,768
Nashville	30	448,000	2,000	1,700	(1,530)	2,000	936,000
Tampa	50	278,000	6,515	2,649	(2,384)	6,515	3,049,020
Region V:							
Chicago	2	3,367,000	40,000	31,617	(28,455)	40,000	18,720,000
Cincinnati	29	452,000	3,000	3,592	(3,233)	5,000	2,340,000
Cleveland	10	751,000	11,100	12,457	(11,211)	12,500	5,850,000
Columbus	21	540,000	2,000	1,650	(1,485)	1,800	842,400
Detroit	5	1,511,000	25,000	18,488	(16,639)	25,000	11,700,000
Indianapolis	11	745,000	2,500	2,100	(1,890)	3,000	1,404,000
Milwaukee	12	717,000	3,000	3,379	(3,041)	3,379	1,581,372
Minneapolis	32	434,000	2,735	1,800	(1,620)	3,080	1,441,440
St. Paul	46	310,000	1,025	1,120	(1,008)	1,300	608,400
Toledo	34	384,000	990	1,400	(1,260)	1,400	655,200
Region VI:							
Dallas	8	944,000	2,280	1,505	(1,355)	2,280	1,067,040
El Paso	45	322,000	3,000	1,168	(1,051)	4,672	2,186,496
Fort Worth	33	393,000	1,507	155	(140)	1,507	705,276
Houston	6	1,233,000	3,560	5,284	(4,756)	5,664	2,650,752
New Orleans	19	593,000	5,000	3,085	(2,776)	5,000	2,340,000
Oklahoma City	37	366,000	1,530	1,010	(909)	1,530	716,040
San Antonio	15	654,000	5,514	5,080	(4,572)	6,000	2,808,000
Tulsa	43	332,000	1,011	771	(693)	1,011	473,148
Region VII:							
Kansas City	26	507,000	4,000	3,580	(3,222)	4,000	1,872,000
Omaha	41	347,000	1,670	867	(780)	1,670	781,560
St. Louis	18	622,000	5,910	8,060	(7,254)	9,000	4,212,000
Region VIII: Denver	25	515,000	2,100	2,038	(1,834)	2,100	982,800
Region IX:							
Honolulu	44	325,000	2,800	791	(711)	2,800	1,310,400
Long Beach	40	358,000	432	384	(345)	432	202,176
Los Angeles	3	2,813,000	24,568	25,319	(22,787)	27,491	11,700,000
Oakland	39	362,000	5,850	2,050	(1,845)	5,850	2,737,800
Phoenix	20	582,000	17,000	3,964	(3,567)	17,000	7,956,000
San Diego	14	697,000	4,510	4,733	(4,259)	5,500	2,574,000
San Francisco	13	716,000	8,000	4,000	(3,600)	8,000	3,744,000
San Jose	31	446,000	3,535	1,910	(1,719)	3,535	1,654,380
Region X:							
Portland	36	382,000	5,000	2,500	(2,250)	5,000	2,340,000
Seattle	22	581,000	5,000	2,163	(1,947)	5,000	2,340,000

SAMPLING OF CITIES OTHER THAN 50 LARGEST

	Slots					Amount (1973 need)[2]
	Population	1972 need	1972 actual	1972 actual	1973 need	
Akron, Ohio	275,425	1,216	1,190	(1,071)	1,351	$632,268
Albany, N.Y.	114,873	540	449	(404)	690	280,000
Albuquerque, N. Mex	243,751	1,000	815	(733)	1,000	468,000
Amarillo, Tex	127,010	1,092	820	(738)	1,200	561,600
Baton Rouge, La	165,963	225	150	(135)	250	117,000
Columbia, S.C	113,524	1,825	2,030	(1,827)	2,030	950,040
Columbus, Ga	154,168	1,820	1,720	(1,548)	2,000	936,000
Dayton, Ohio	243,601	1,500	1,320	(1,188)	2,500	1,170,000
Des Moines, Iowa	200,587	750	750	(675)	750	351,000
Erie, Pa	129,231	950	950	(855)	950	444,600
Flint, Mich	193,317	1,800	920	(828)	2,000	936,000
Fort Lauderdale, Fla	139,590	540	600	(540)	600	280,800
Gary, Ind	175,415	4,447	3,500	(3,150)	4,447	2,081,196
Greensboro, N.C	144,076	871	880	(792)	968	453,028
Hartford, Conn	158,017	2,730	2,495	(2,245)	3,000	1,404,000
Jackson, Miss	153,968	757	403	(363)	757	354,276
Knoxville, Tenn	174,587	1,520	1,520	(1,368)	1,520	711,360
Lansing, Mich	131,546	900	460	(414)	1,000	468,000
Lincoln, Nebr	149,518	350	386	(347)	400	187,200
Little Rock, Ark	132,483	1,320	72	(65)	1,320	617,760
Mobile, Ala	190,026	900	756	(680)	950	444,600
Montgomery, Ala	133,386	500	557	(501)	570	266,760
Riverside, Calif	140,089	150	75	(67)	150	70,200
Santa Ana, Calif	156,601	2,550	1,900	(1,710)	2,800	1,310,400
Savannah, Ga	118,349	600	550	(450)	650	304,200

Footnotes at end of table.

	Population	Slots				Amount (1973 need)[2]
		1972 need	1972 actual	1972 actual	1973 need	
Shreveport, La	182,064	637	628	(565)	700	327,600
Syracuse, N.Y	197,208	1,365	1,200	(1,080)	1,500	702,000
Tacoma, Wash	154,581	600	588	(529)	600	280,800
Wichita, Kans	276,554	980	1,075	(967)	1,075	503,100
Winston-Salem, N.C	132,913	850	750	(675)	850	397,800
Worcester, Mass	176,572	825	705	(634)	900	421,200
50 largest total		410,831	278,490	(250,641)	421,930	197,463,240
Balance of cities		537,893	461,732	(415,559)	597,061	279,424,548
Total		948,724	740,222	(666,200)	1,018,991	476,887,788

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[1] All figures in the above chart represent 10-week slots except the first column under "1972 actual" which are 9-week slots.

[2] Dollar figures represent 10-week, 26-hour slots at $1.65 per hour.

SUMMER RECREATION SUPPORT PROGRAM (RSP)

	1972 need	1972 actual	1973 need
Region I: Boston	$180,000	$168,000	$350,000
Region II:			
Buffalo	120,000	123,000	125,000
Newark	140,000	100,000	200,000
New York	2,934,000	2,336,000	2,934,000
Rochester	95,000	68,000	136,000
Region III:			
Baltimore	335,000	302,910	335,000
Norfolk	180,000	132,000	201,500
Philadelphia	700,000	543,000	1,000,000
Pittsburgh	165,000	168,000	200,000
District of Columbia	364,000	245,000	364,000
Region IV:			
Atlanta	180,000	143,000	180,000
Birmingham	170,000	120,000	170,000
Jacksonville	175,000	150,000	250,000
Louisville	130,000	96,000	130,000
Memphis	305,000	264,000	305,000
Miami (Dade County)	192,000	126,000	192,000
Nashville	150,000	150,000	200,000
Tampa	175,000	132,000	175,000
Regien V:			
Chicago	2,100,000	913,000	2,100,000
Cincinnati	175,000	135,000	175,000
Cleveland	205,000	230,000	380,000
Columbus	211,000	132,000	211,000
Detroit	897,000	399,000	897,000
Indianapolis	195,000	130,000	260,000
Milwaukee	155,000	144,000	160,000
Minneapolis	96,000	63,000	130,000
St. Paul	58,000	36,000	58,000
Toledo	120,000	84,000	120,000
Region VI:			
Dallas	$285,000	$228,000	$285,000
El Paso	200,000	194,000	250,000
Fort Worth	173,000	108,000	175,000
Houston	440,000	350,000	440,000
New Orleans	300,000	306,000	500,000
San Antonio	400,000	324,000	500,000
Tulsa	115,000	92,000	200,000
Oklahoma City	170,000	108,000	170,000
Region VII:			
Kansas City	130,000	118,000	200,000
Omaha	96,000	61,000	96,000
St. Louis	384,000	254,000	405,000
Region VIII: Denver	170,000	126,400	170,000
Region IX:			
Honolulu	99,000	70,000	140,000
Long Beach	125,000	72,000	125,000
Los Angeles	650,000	552,000	650,000
Oakland	125,000	104,000	125,000
Phoenix	200,000	144,000	288,000
San Diego	200,000	164,000	825,000
San Francisco	250,000	180,000	250,000
San Jose	100,000	85,000	100,000
Region X:			
Portland	135,000	89,000	135,000
Seattle	129,000	89,000	129,000
50 largest total	15,928,000	11,451,310	18,096,500
Balance of cities	6,030,000	3,548,690	6,850,080
Total	21,958,000	15,000,000	24,946,580

SUMMER YOUTH TRANSPORTATION PROGRAM (SYTP)

Region I: Boston	$20,000	$10,000	$20,000
Region II:			
Buffalo	13,000	7,500	13,000
Newark	39,500	23,437	69,300
New York	251,400	149,130	500,000
Rochester	12,000	7,500	15,000
Region III:			
Baltimore	35,000	21,100	35,000
Norfolk	12,000	7,500	25,600
Philadelphia	24,360	24,360	100,000
Pittsburgh	22,000	12,650	22,000
Washington, D.C	38,700	22,960	100,000
Region IV:			
Atlanta	30,000	12,080	30,000
Birmingham	24,000	13,790	24,000
Jacksonville	14,000	6,300	14,000
Louisville	12,500	7,500	12,500
Memphis	18,000	11,860	18,000
Miami (Dade County)	23,000	12,000	23,000
Nashville	12,000	7,000	12,000
Tampa	17,000	7,500	0
Region V:			
Chicago	70,000	42,240	70,000
Cincinnati	15,000	7,920	15,000
Cleveland	35,000	19,310	35,000
Columbus	17,000	8,640	17,000
Detroit	75,000	36,560	75,500
Indianapolis	15,000	8,480	15,000
Milwaukee	65,000	47,280	66,192
Minneapolis	20,000	12,380	75,000
St. Paul	12,500	7,500	12,500
Toledo	15,750	7,990	20,000
Region VI:			
Dallas	$23,990	$19,340	$23,990
El Paso	58,900	38,900	77,800
Fort Worth	15,000	8,130	15,000
Houston	45,000	25,060	0
New Orleans	25,000	14,790	25,000
Oklahoma City	25,000	14,000	25,000
San Antonio	26,570	14,570	26,570
Tulsa	12,500	7,500	20,000
Region VII:			
Kansas City	50,000	13,970	50,000
Omaha	15,000	13,500	16,000
St. Louis	43,500	25,790	43,500
Region VIII: Denver	29,000	18,320	29,000
Region IX:			
Honolulu	15,000	7,500	15,000
Long Beach	16,000	7,500	16,000
Los Angeles	82,870	82,870	164,000
Oakland	28,000	15,000	28,000
Phoenix	23,000	11,740	25,000
San Diego	30,000	14,360	30,000
San Francisco	25,000	11,970	25,000
San Jose	8,160	7,500	9,000
Region X:			
Portland	13,000	25,000	25,000
Seattle	32,100	19,060	32,100
50 largest total	1,608,940	979,487	2,155,552
Balance of cities	1,141,060	520,513	1,527,879
Total	2,750,000	1,500,000	3,683,431

U.S. DEPARTMENT OF LABOR,
OFFICE OF THE SECRETARY,
Washington, February 2, 1973.
Hon. JACOB K. JAVITS,
U.S. Senate,
Washington, D.C.

DEAR SENATOR JAVITS: This is in response to your letter to Secretary Hodgson concerning the Neighborhood Youth Corps Summer Program.

The Summer NYC Program for the summer of 1972 provided a total of $332,250,000 of which $175,700,000 was in the basic appropriation and $156,550,000 was in the supplemental appropriation. These amounts funded a total of 740,200 enrollment opportunities.

Under the President's revised 1973 budget, the Manpower Training Services appropriation does not contain funds for the funding of a 1973 NYC Summer Program. Instead, local sponsors of EEA projects will be permitted to use, to the extent they desire, 1973 EEA funds for a summer employment program. In addition, States and local communities may elect to use existing Manpower Training Services funds available in their communities to supplement the EEA summer program.

Next year under the Manpower Revenue Sharing approach contained in the 1974 budget, elected officials will be able to plan the level of summer programs determined by them to best meet their local needs.

Sincerely,

PETER J. BRENNAN,
Secretary of Labor.

SENATOR CLAIBORNE PELL ADDRESSES AACJC NATIONAL CONVENTION, LOS ANGELES

Mr. CRANSTON. Mr. President, I invite the attention of the Congress to an important address made by the distinguished chairman of the Senate Education Subcommittee, Senator CLAIBORNE PELL, before the national convention of the American Association of Community and Junior Colleges, February 26, in Los Angeles.

I was pleased to have Senator PELL, and the many members of AACJC, together in my home State of California. Senator PELL's message underscores the turn we have taken in national policy—through the Education Amendments of 1972—toward addressing the needs of the consumers of educational services. I believe his address also shows how we are broadening and balancing the postsecondary options which should be available to all Americans wishing to pursue further study.

All of us should recognize, as does Senator PELL, that the new Federal standard of student financial assistance—the basic educational opportunity grant—will be the key to fulfilling these policy directions. For the first time, the cherished dream of equality of opportunity in higher education is within our reach as a national target—but within our reach only if all of us, and particularly the colleges themselves, will make every effort to see the BOG's work.

I join Senator PELL in his challenge to the States to put their postsecondary houses in order, to bring vocational education, the community college, and the graduate schools together as colleagues and peers, and to the community college movement to exert leadership in bringing about these changes. Senator PELL's words should be heeded by all who are concerned about the welfare and progress of postsecondary education.

I ask unanimous consent that Senator PELL's remarks be printed, at this point, in the RECORD.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

I wish to thank you for your kind invitation. This audience—you who personify the community and junior college movement in this country—is one that I have wanted to meet with for quite some time. For many reasons I am most happy to be here.

When it comes to making postsecondary education available and meaningful for more Americans, one naturally thinks of the community and junior colleges. More and more Members of Congress are coming to recognize the vital role of the community and junior colleges. Indeed, the Education Amendments we passed last year were indicative of that recognition.

It seems especially fitting, too, that I meet you here in California, the mecca of this movement—where the 94 community colleges, if my arithmetic is correct, enroll almost every tenth student pursuing any form of higher education in this country. When that one millionth student is enrolled in a California community college, there should be an official celebration. For, in addition to being a statistical mark, it will signify a milestone in our goal of making postsecondary education available to all. .

You and I want essentially the same things out of this great enterprise we call education. I think we have the same general sense of its potential. I think we share much the same vision and much the same dream. The junior and community colleges help make that dream a viable one.

By now most of you have heard several speeches about the Education Amendments of 1972, and read volumes on it. And I do not intend to give just another speech about that bill. Without dwelling at great length on its details, let me simply stress what I think are its main thrusts.

First, let me say that I am not sure that the two-year colleges yet entirely appreciate how prominent and advanced is their role in this legislation. Your mission, and the needs of your students, figure in almost every dimension of the bill—from the reforms in student financial aid to the incentives for state planning. You have achieved the general recognition you deserve and you have scored several specific gains in the bill. I think that high among your own priorities now should be a commitment to see that these gains become operational. To be specific, let me cite what I see as the most important of these gains.

First, the entitlement approach, or GI bill concept, toward student financial aid. For the first time, it can be possible for every low- and middle-income student who needs help to obtain that help and attend your colleges.

No longer will schools be in the agonizing position of turning away scores of applicants for Educational Opportunity Grants, simply because you have only enough federal dollars to cover grants for a half or a third of them. Now we have *two* kinds of Education Opportunity Grants—the Basic Opportunity Grants, and the Supplemental Opportunity Grants. Your students in great numbers will be eligible for both. Every low-income student you enroll will, according to his degree of need, qualify for the Basic Grant. This is what we mean by entitlement. (All this of course depends on adequate funding.)

Second, part-time students who are carrying at least a half-time load are now eligible for the various forms of student financial aid, again according to degree of need. This was a legislative battle that the community colleges led. You and your Washington spokesmen spearheaded this proposal and you won. I see it as a major breakthrough for your colleges.

Third, you now have a community college law—a specific title of your own. Going back four years, you collaborated with Senator Williams to write the first Comprehensive Community College Act. (Incidentally, February could be specified as Community College Month, since it was just four years ago this month that Senator Williams first introduced that bill.) The Williams bill has become Title X of P.L. 92–318. To be specific, it gives start-up support, the leasing assistance, and a high-level community college unit in the U.S. Office of Education to serve as both the advocate and the watchdog of the community and junior colleges under federal programming.

Perhaps most important, Title X also calls for comprehensive and coordinated state planning. There are enormous implications to this aspect of the bill. Let me make it clear that it was not the Congressional intent to force states to form super boards or coordinating agencies—although, if this is the route a particular state is traveling, or wants to travel, that is the state's option. Clearly this choice belongs to the state, and that is what Congress wanted.

It is equally clear that Congress wants the states to put their postsecondary houses in order. If the states want to continue to enjoy federal support for a large share, and possibly an expanded share, of the postsecondary education costs, then they will have to show a greater variety in both institutions and services and a greater accessibility to them in order to serve both more people and a broader range of needs.

It makes no sense for a handful of the big institutions to receive most of the support, with the smaller institutions sharing the crumbs, when these smaller schools are absorbing most of the enrollment increases and are mounting many of the important reforms.

It makes no sense for the community and junior colleges to be getting fewer dollars per student for lower division work than the universities get for the same work, when the two-year colleges are educating the larger relative share of less-advantaged students (considering both economic and educational hardships) and are also enrolling an increasing number of the dropouts from both secondary and postsecondary education.

On the other hand, it makes no sense for a state to establish a technical school across the street from a community college or vice versa and let them duplicate each other's programs. In too many states, we have a surfeit of schools of postsecondary education, with colleges stumbling over each other trying to lure and serve the same students, while other sections and other large groups go unserved by any form of comprehensive postsecondary education. If that overworked word "opportunity" is going to mean anything, then we must have comprehensive postsecondary schooling within reasonable commuting distances of all. Educators like to talk about "life-long learning"—surely it is clear to everyone that the kind of world we live in now demands it—yet I think education itself has a long road to travel in facing and making the adjustment. This is why the Congress has put such emphasis on planning. As I said earlier, if the states and colleges want more help, they must serve more people. They must serve broader needs.

All of us know that there are those in education who think this comprehensiveness, or this emphasis on service, only dilutes and weakens higher education—that it erodes standards. I take an opposite view. The farther education goes to meet the challenge of serving all who have a legitimate claim to greater knowledge and stronger technology, the stronger and more relevant it will be. And in the process of meeting this test, I think education stands to learn a great deal that is yet undiscovered about the learning process.

Briefly, then, what I see as the main emphasis of the Amendments of 1972 can be summarized in one word: commitment. The Act approaches the question of national policy for higher education from a new angle: it makes a commitment to the consumer, the student.

By the same token, the Act makes a commitment to change. It seeks to eliminate the old double standard—favoring traditional liberal arts studies over technical or occupational studies. Such a double standard in our society is nonsense. To underscore our point, we provided generous funding in Title X for stronger postsecondary occupational development and we made the new Bureau of Occupational and Adult Education (absorbing the old division of Adult, Vocational and Technical Education) rank equally with the Bureau of Higher Education.

In writing this type of legislation, we have also attacked the old pecking order. Communication and progress in education have long been hampered by elitism. Those who savor the trickle-down process will continue to do so at their own peril. The salvation of education will lie in the graduate school, the community college, the vocational agency, and the elementary-secondary system all dealing with each others as peers.

Last but not least, the bill makes a commitment to education. It casts a new vote of confidence in you and education. More educators need to grasp this point. However, there are some who are so busy grumbling that the bill does not embody their pet formula, or favor their particular empire, that they remain blind to the fact that it goes far beyond any federal acts of the past in the support it promises to both students and institutions.

All of this brings me to the issue uppermost in your minds—the real business of our getting together. Where do we go from here? We can only be outraged when we consider the funding authorized by the bill against the sum the White House has proposed for its implementation. The dollar discrepancy is five billion dollars. The President's budget proposals would not even pay for the programs that the Administration itself lobbied to have written into the bill.

If the Administration gave the priority it should to education, the rules and regulations to implement the Basic Opportunity Grants, the Pell Grants, should already be in print. But even at this late hour—more than eight months after the Act became law—the technicians in the U.S. Office of Education are still fumbling over the language.

Dalliance on implementation of the bill is only half of the threat from this Administration. We are faced with an Executive Branch which seeks to cut expenditures in all areas which serve people. The cut in education funds is disastrous.

While an outgoing Secretary of Defense talks about increasing the Defense Budget from a record $74 billion to more than $80 billion, it appears that this same Administration wants to cut back on the already sparse budget for education. The present Administration has vetoed four HEW Appropriations bills. In 1971, $4.4 billion for the Office of Education was vetoed. In 1971, $2.1 billion for child care was vetoed. Last year, President Nixon twice vetoed the Labor-HEW Budget. And even when appropriations bills have not been vetoed, funds have been impounded.

I believe that our fight for higher education expenditures is only beginning. We must present a united front to the President. It is estimated that it will take approximately one billion to fully fund our new grants in their initial year, not the $600 million the Administration has requested. Added to this is another $600 million to fund the existing student assistance programs.

One of our first actions should be a concerted effort to see that education authorizations are meaningfully funded. We must call upon this Administration to forget the rhetoric of blaming bureaucrats for our problems and to make clear its stand on education. We must call upon it to hold the line on the Defense Budget, or even cut it, and take that money and use it to improve education and training for our nation's youth.

S. 659 is a magnificent edifice, one which all the post-secondary education components took part in erecting. We must now prepare for a battle which, when we are victorious, will see our national priorities changed. When national priorities are changed, funds will be available to both students and institutions. To attain this end, I need your help, and ask you to join those of us in Washington and throughout the nation who would reorder the present priorities and place our national treasure where it can best aid our future—in our youth.

The Nixon Administration budget figures are not going to stand as the last word on education funding. Certainly they will not, if I have any role to play. And I intend to play a strong role in the fight for the funding of this legislation. I support a ceiling on federal spending. But I insist that the Congress—not the Executive—be the one to determine how this money will be spent and just what the priorities should be.

Here, too, is where I think you as community and junior colleges come in.

When I used the word "presence" to describe higher education involvement or noninvolvement in Washington, I had two things in mind.

I think you are going to have to get more involved. Not only are Frank Mensel and your association going to have to be a strong presence, but more of you as spokesmen for your communities and your students are going to have to get involved.

We know from long experience that education authorizations are not self-enacting. They arise because people lobby for them. You—and the other college groups as well—are going to have to get much stronger in this role. Congress will meet you more than halfway—I think we amply show that in this Act—but you now have to make the case for funding. You are going to have to collect the data, and you are going to have to carry it to the Hill.

This you must do if you want the new grants. If you want Work-Study. If you want Title X support. And if you want the fondest of your dreams—the institutional support.

CHARGES MADE BY RETIRED ARMY LT. COL. ANTHONY HERBERT

Mr. GOLDWATER. Mr. President, on February 27, I placed in the Congressional Record numerous documents and records bearing on the charges of retired Army Lt. Col. Anthony Herbert that the U.S. Army was out to destroy him, because of allegations he made concerning alleged war crimes in Vietnam.

Included in that material were documents which Colonel Herbert had earlier said were signed by the Secretary of the Army Robert F. Froehlke, Generals William Westmoreland, Winant Sidle, and others and would prove the Army was intent on destroying him, because he had embarrassed the high command. A close study of those documents will show that they in no way substantiated Colonel Herbert's claim nor were they signed by all the people he said had signed them.

Mr. President, I might say that Colonel Herbert is actively engaged in attempting to promote the sale of a book he wrote with a New York Times reporter which included his charges and many other unsubstantiated statements and allegations reflecting on the armed services of the United States. To this end, he continues to travel around the country making his charges on radio and television talk shows in the hope of attracting more public attention to his book. In order that the record of this case might be as complete as possible in the public record, I ask unanimous consent at this time to place in the Record numerous fact sheets put out by the Army on the Herbert case together with letters which Maj. Gen. Winant Sidle has written in reply to magazine articles and interviews written about Colonel Herbert and incorporating his unfounded allegations. I am also including in these insertions reviews, both critical and complimentary that have been published about the colonel's book. Another insertion is the transcript of the Washington, D.C., Metromedia TV show, "Panorama," on which Colonel Herbert appeared recently and on which I had an opportunity to question him by telephone concerning allegations he made during an appearance with me on the Dick Cavett Show on January 23.

Mr. President, I realize that this is requesting an unusual amount of material to be placed in the Congressional Record, but I believe that when the Army of the United States and the military in general have received such indictments which in the main are unprovable, then it is necessary to have the entire record so that the readers of the Congressional Record within the Congress and around the country will have the full material and be better able to make their own judgments relative to this man.

Believe me, as a former member of the military and one who respects a professional soldier, it is not easy for me to do this, but Colonel Herbert has brought this on himself when he distorted the facts on a national television show on which I was a panelist and he has repeated those charges across the Nation. Colonel Herbert had an excellent record as an enlisted man, but when he became an officer the attributes he learned as an enlisted man seemed to have disappeared.

There being no objection, the material was ordered to be printed in the Record, as follows:

Metromedia, Inc., "Panorama" With Col. Anthony Herbert

PROCEEDINGS

Mr. ———. —through those leaves, through those branches, and through some other young American that's standing out there in the jungles.

Mr. ———. True.

Mr. ———. Do you think the army's still out to get you even though that you're no longer in it?

Mr. ———. Now wait a minute. The army is not out to get me, the army. It is not a fight between Colonel Herbert and the United States Army.

Mr. ———. Well the army—when I say the United States Army, I'm talking about that the people who run the United States Army——

Mr. ———. I think they have to discredit, they have to discredit.

Mr. ———. —the power structure. To discredit you.

Mr. ———. Absolutely.

Mr. ———. You think they're still out to discredit you.

Mr. ———. Oh, certainly.

Mr. ———. How—what would happen if the, for instance Senate Armed Services Committee, which now holds documents that were classified which apparently were given to you and you gave them to Senator Goldwater and Senator Goldwater now has presented them to the Senate Armed Services Committee. What happens if they do not take those documents and subsequently hold hearings. Let's just say——

Mr. ———. If they take those documents and do not hold hearings, it just shows one more thing that we'd better be wary of in America. That once again you can't turn to your Senate or your Congress or any of legitimate solution to any problem, and that means one more niche closer to Brave New World.

Mr. ———. Would you be satisfied if they had hearings and the whole file on Colonel Herbert, Colonel Franklin, General Barnes, be opened up and looked at?

Mr. ———. Sure. Let me say this——

Mr. ———. As General Barnes says, that he would make public everything if it was up to him.

Mr. ———. Well let's make it up to him

and let him make it public, you know. I've been saying that for four years, you know. So if General Barnes doesn't mind, and Colonel Herbert doesn't mind, and Mike Wallace doesn't seem to mind, you don't seem to mind, the American people don't seem to mind; the only people that seem to mind is William Westmoreland and the generals. So why do they mind. I mean, there's no national security involved.

Certainly open up the entire hearings. The thing is this. The only good thing that can come out of it all is for Congress or the Senate of the United States to have a complete hearing on this entire case and to show whether these are isolated instances in Vietnam, or were they SOP like the rest of us are saying, a lot of us are saying—Standard Operation Procedures. If they are, not with the aim of punishing General Barnes, not with the aim of punishing Colonel Franklin, because that does nothing, that's a loss also. But to find out what went wrong, why it went wrong, and do something about it. And prove Herbert a liar or accept what Herbert says is the truth and find out who did the lying and the covering up in the entire——

Mr. ———. And the main war crimes charge that you elicit in the book is the fact that it was supposedly done by South Vietnamese troops, right, under an American officer in charge?

Mr. ———. That's one particular crime.

Mr. ———. That was 21 that you——

Mr. ———. No, I never reported 21 ever in my life, I reported eight.

Mr. ———. Eight.

Mr. ———. That's right. The army says 21, that was——

Mr. ———. Wasn't it the one that triggered I'm talking about.

Mr. ——— Hm?

Mr. ———. The one that triggered isn't the one I'm talking about, the one that you were first aware of.

Mr. ———. On February 14th.

Mr. ———. 1969.

Mr. ———. That was the—

Mr. ———. It was an American supervisory lieutenant.

Mr. ———. That's right.

Mr. ———. A couple of points I want to clear up. Both you took a polygraph test, a lie detector test. And—

Mr. ———. I took one, and I presented it to the press, and the press had it and it's been published in the papers. The army says Colonel Franklin took one, let's see it.

Mr. ———. You don't think—do you think he did not?

Mr. ———. Did you see it?

Mr. ———. No.

Mr. ———. I don't know, I said see it. I haven't seen it in the papers.

Mr. ———. They also reported, the army also reported that Colonel Franklin was telling the truth in his polygraph test.

Mr. ———. Well let's see the polygraph test, I showed mine.

Mr. ———. Where is he now? Where is Colonel Franklin?

Mr. ———. He's up here at Fort Belvoir I believe. The thing is—look, why don't you call Colonel Franklin and sit him in the chair here this week.

Mr. ———. I'd like to.

Mr. ———. Colonel Franklin, and fire questions at him on these particular war crimes. You see, the thing is this. The army says he took a polygraph, I've never seen it in the newspapers. Reporters have asked for it and they haven't received it. Reporters have asked to talk to Colonel Franklin and they haven't talked to Colonel Franklin. Suddenly we have a man who's—Colonel Douglass—who has the audacity to say on national television on 60 Minutes that I had this answer all the time for four years, but the reason I didn't come forward, no one asked me. I mean, that's equivalent to about a—if I got that out of one of the patients down there in the clinic, I'd ask—I'd really look into it very closely. I mean, the thing is that this doesn't even hold water.

One more thing.

Mr. ———. Yeah.

Mr. ———. General Barnes stated on that program, to Mike Wallace or to ———, that he relieved me for—because I was so vicious and everything, and now he was going into pacification. It's interesting to note that four years ago when General Barnes was under oath under Article 138, he was asked specifically why he relieved me, and his answer was I don't know, you'll have to ask Colonel Franklin, he did it. Now he couldn't remember one week after he relieved me why he did, but suddenly four years later his memory returned, you know.

Mr. ———. One final question I must ask you.

Mr. ———. Yeah.

Mr. ———. Why did you wait 18 months?

Mr. ———. But I didn't. We have——

Mr. ———. To formally present atrocity charges.

Mr. ———. You see the word formal is the trickle in it, the trickle theory. The word formally means that they were receipted for, that they were receipted for. I waited 18 months to get a receipt for them because they would not receipt for them till the day before I was supposed to go at 11:00 o'clock the next morning to federal court in Atlanta, Georgia. Then and only then would they receipt for them.

We have a line of witnesses from Vietnam, who knows I reported them, from Fort Leavenworth, Kansas, who knew I reported them, at Fort McPherson, Georgia, who knew I reported them. It was not 18 months before I reported them, I reported them each day as they had occurred, we have a polygraph to attest to the fact that I reported them on April the 4th, that morning, and we have witnesses all along the way to show a continuing reporting of these particular crimes until the formal report was accepted, only after I threatened to go into federal court with a civilian lawyer the next day, and the charges were all laid out.

Mr. ———. Can we pause, we've got a friend of yours on the phone.

Mr. ———. Yeah.

Mr. ———. His name is Goldwater, he's a Senator.

Mr. ———. Good.

Mr. ———. And you've talked to him before.

Mr. ———. Yeah, on the Cavett show, right.

Mr. ———. And he said if you have any documents I'll be glad to put them before the Senate Armed Services Committee and that's exactly what you did.

Mr. ———. Okay.

Mr. ———. So we have him on the phone, I think.

Mr. ———. We'll pause briefly and by that time we'll get it.

Mr. ———. Yeah, we'll pause and come back and maybe he'll talk with us.

Mr. ———. Okay.

Mr. ———. He said on the program that I called him, but he refuses. That makes a big difference.

Mr. ———. Did you, did you try to get ahold of Franklin?

Mr. ———. Did he call in? No, no, I don't mean that, I'm talking about Goldwater? Did he call in himself?

Mr. ———. We are back, and our guest is Colonel Anthony Herbert, and I think on the phone is Senator Barry Goldwater. Senator.

Senator Goldwater. Yeah.

Mr. Povich. Maury Povich, how are you, sir.

Senator Goldwater. Yes, I just happened to come back in my office and the staff was watching television, watching Colonel Herbert, and while he did send me a pile of papers, in fact they were sent by a radio station in San Francisco, they did not contain the document that he referred to, or we both referred to. Let me read you from the transcript of the Dick Cavett Show, this is Colonel Herbert speaking.

Since then of course we have obtained a document which I talked about yesterday, and this document is signed by Secretary of the Army Froehlke, it's signed by William Westmoreland, it's signed by General Seidal, it's signed by General Kerwin among generals. And it says in effect that item one we will once the publicity dies down, we'll get this guy. And I'm just quoting that out of transcript I have. And If Colonel Herbert will send me that letter, signed by those generals, we can get along with this thing.

The Armed Services Committee is anxiously awaiting it.

Mr. Povich. Okay, Colonel, would you like to respond to the Senator.

Mr. Herbert. Yes, the Senator knows, and you know because of the release in the New York Times yesterday, what those papers say. Those papers are signed by the men who I say signed them. As the reporter says there, he has exactly the same papers as Senator Goldwater has. He interprets them a little differently than the Senator does, apparently, because it says basically just what I said.

In addition to that there are other attachments to that document which was—and Senator Goldwater is well aware of them—that are classified. And he as a general and as a senator has every right to have them. They are the 35 statements and five documents which are referred to in that particular papers I gave him that refer to an annex G. He has access to them and he can get them.

Once again we're in this shuffle business. Here we are right here, by a reporter from the Times, who read through those documents. He sees it a little differently than Senator Goldwater does. If the—the document speaks for itself, the papers speak for themselves, and he can read them, or he has PIO men who can read them for him.

If there's no reason to—if it doesn't say what I say, publish them, publish them for the American people, the same ones I gave to Mr. Goldwater. And let's see what the people think about them.

Mr. Povich. Senator, would you want more data before you feel the Senate Armed Services Committee could have hearings on them?

Senator Goldwater. What I'm referring to is a letter that the colonel said he had, signed by Froehlke, Westmoreland, Seidal, Kerwin among generals, And this is a letter which he specifically stated on the air before the American people, outlined the way the army was going to get him. Now in the papers that I received there's no classified information, there's no relationship at all, the only thing that could come close to it was a question as to whether or not he would be awarded a presidential recognition of service and an army recognition of service, both customarily given to men who are retiring from the service. There was some question about that.

But I can tell the colonel that he has not sent me the letter that he referred to twice in the Cavett Show and promised to send me, and I'm beginning to wonder if he has any.

Mr. Herbert. All right, let me ask you this Mr. Goldwater. However General Kerwin recommended in his memorandum to General Westmoreland that no adverse action be taken against Colonel Herbert, should be taken "at this time, at least partly because any action at this time would undoubtedly be misconstrued by the press as undue influence on the investigation of the colonel's charges against General Barnes, which was then proceeding. The colonel's charges against Colonel Franklin had been dismissed one month before the date of this document. Colonel Herbert said in an interview and it goes on and on. Was this in error?

Senator GOLDWATER. Well, now, you're not answering the question, Colonel.

Mr. HERBERT. Well what's your question, good, I'll ask it—answer it.

Senator GOLDWATER. Go on about what you said on the Cavett show, quoting from the same—

Mr. HERBERT. Are you going to hinge on the word letter?

Senator GOLDWATER. I know the letter you're referring to is not the letter you told me that you had.

Mr. HERBERT. What letter did I tell you about. What letter did I tell you about, Senator?

Senator GOLDWATER. You told me about the letter that I'm going to read your statement on right now.

Mr. HERBERT. Okay.

Senator GOLDWATER. I continue, quoting you.

Mr. HERBERT. All right.

Senator GOLDWATER. And then the Secretary of the Army and General Westmoreland says, then we will accuse him of violating regulations, and of lying to the press, and then it says in effect that he did not lie to the press and that he did not violate regulations, and then he says, well, we can't get him legally. What we will do is we will get him for moral reasons, in other words we'll file a false morals charge against him. We will do this administratively, and we won't have to answer to the press, and I think they'll buy it.

Now you have never sent me a letter stating that, nor are there any statements to that effect in the papers I have received.

Mr. HERBERT. Do you see in that paper, general, however we cannot get anything against him at this time, "an officer may be eliminated from the service for moral or professional derelictions, subject to the right of an officer to request retirement in lieu thereof."

Senator GOLDWATER. This is not the paper that you are referring to in the—

Mr. HERBERT. Certainly it is, you're, you're hedging around the bush. These are the papers—

Senator GOLDWATER. I'm not hedging around the bush, I'm trying to get you to admit that you're wrong.

Mr. HERBERT. About what?

Senator GOLDWATER. About this whole statement that you've made before the American people—

Mr. HERBERT. No.

Senator GOLDWATER. —and go around the country making.

Mr. HERBERT. No, I—

Senator GOLDWATER. I want to put this to the Armed Services Committee.

Mr. HERBERT. You won't?

Mr. ———. Wants to.

Senator GOLDWATER. I don't think you have it. I want to put it before it—

Mr. HERBERT. Well go ahead.

Senator GOLDWATER. The Armed Services Committee is anxiously awaiting it.

Mr. HERBERT. Then that's it, what you have.

Senator GOLDWATER. You stated you had a letter, a letter, not letters, a letter—

Mr. HERBERT. Oh, come on.

Senator GOLDWATER. —signed by these people.

Mr. HERBERT. The American people will laugh at you for saying something like that. What you're saying is I have a single letter, a letter signed by all these people. The letter I was referring to is the entire case which you have there, which includes all of those signatures as read by the New York Times and published yesterday.

Senator GOLDWATER. Are you—

Mr. HERBERT. Once again, you're hedging on the word—okay, I don't have a single letter, if that makes you happy.

Senator GOLDWATER. Why did you say you had?

Mr. HERBERT. I never said a letter, I'm talking about—maybe——

Senator GOLDWATER. Yes. you did.

Mr. HERBERT. Misuse of words.

Senator GOLDWATER. You said it twice on the Dick Cavett Show and I have a transcript right here in my hand.

Mr. HERBERT. Okay, Senator, I don't have a letter, I have those letters which I sent you which are bound into one document which I gave you. If you think the people are going to hear this and be fooled by such a simple technicality, I think you underestimate the American people. I don't have a single letter, does that make you happy?

Senator GOLDWATER. Why did you say you had? That's what you said—you said you'd give it to me——

Mr. HERBERT. My ———'s bigger than your ———, I mean——

Senator GOLDWATER. You sent me this pile of papers—

Mr. HERBERT. —this is ridiculous.

Senator GOLDWATER. Actually, it doesn't say anything one way or the other.

Mr. HERBERT. Oh, what? Okay.

Mr. POVICH. Thank you very much for calling, Senator.

Senator GOLDWATER. Okay.

Mr. POVICH. I appreciate it. Do you have any other information colonel that you could supply—

Mr. HERBERT. Like what?

Mr. POVICH. The committee, the Senate Committee.

Mr. HERBERT. Certainly.

Mr. POVICH. In order to get this in the open.

Mr. HERBERT. Certainly. Who do I give it to that's going to put it in the open?

Mr. POVICH. Well, let's not say Senator Goldwater, let's say some other senator.

Mr. HERBERT. Who?

Mr. POVICH. Well, I can give you a list of Senators, okay?

Mr. HERBERT. Give me one that will do something.

Mr. POVICH. We'll try to find one.

Mr. HERBERT. No.

Mr. POVICH. Hold on for a second and we'll be right back.

Mr. WILLIS. Maury, can I just interrupt just a second. I think it should be said that we attempted to get a number of people from the army to come on here with Colonel Herbert. Now the call from Senator Goldwater really came out of left field, I did not expect that.

Mr. POVICH. It was on his own. The army was, we might add, was very uncooperative with us. We inquired about people coming on with you, as you have stated, you're not their most pleasant——

Mr. HERBERT. Yeah, but you see——

Mr. POVICH.——pleasant——

Mr. HERBERT. —they want to go off on tangents with Grimshaw in the case. And let people like Westmoreland come out here and face me, where we can ask each other questions. Let people like General Barnes come out here and face me, where we can ask the questions on the war crimes right on down the line. They want to go off on all these little side issues, no such luck. I know how the machine works and I'll stay with the central issues, pounding and pounding and pounding, and the American people have it there and they're going to look at it and they know what is so.

It's the same as this technicality of Goldwater saying there, I want a letter. Like, I quit doing that when I was eight years old, really and truly. I mean, just keep—I mean, I admit there is not a one sheet letter signed by all these people, autographed by them.

Mr. WILLIS. But he could have sincerely believed that you had referred to a letter.

Mr. HERBERT. No, he didn't, because when we walked off that program, I offered him the same papers that he has right now and he refused them. Then when I was out in California doing a program in Los Angeles, his son made a statement in front of some people out there and said my dad's been trying to get you to get those papers, and I said, good, I'll give them to you and you deliver them to daddy. And he wouldn't take them either. That's how it took a newsman to get them to him.

Mr. POVICH. Fellow on the line now is a producer for 60 Minutes, at least that show, they have many producers. His name is Barry Landow, Barry, how are you.

Mr. HERBERT. I'd never guessed it.

Mr. LANDOW. Fine thanks. Tony was saying that he doesn't—that there's no one willing to take them on, on the main issues, and I'm perfectly delighted to. I would like to make a couple of things clear first, number one, regarding those documents. I had also seen them, Herbert had sent them to us several weeks ago, and I also thought they do not, they do not support at all what Herbert says they did.

Also I happened to speak with the New York Times reporter yesterday who wrote that article, he also does not feel they support what Herbert said they did on the Cavett show. If Tony doubts that, he could call the New York reporter and ask him.

Mr. HERBERT. Then what?

Mr. LANDOW. And another thing, as far as Goldwater wanting to let those documents go, I have a copy, so does the Senate and Senator Stennis have copies, so does anyone else who wants them can get copies of registered letters which Senator Goldwater—two of them which Senator Goldwater sent to Herbert—asking him to send him, please, those documents.

Mr. HERBERT. Um hum.

Mr. LANDOW. I also have a letter which Goldwater sent to Stennis saying he was trying to get hold of those documents, had not received them yet, and would subpoena Herbert if necessary to get them.

Mr. HERBERT. Does he have them?

Mr. LANDOW. With what Tony says.

Mr. HERBERT. Does he have them?

Mr. LANDOW. Does he have what?

Mr. HERBERT. The documents.

Mr. LANDOW. I think he does, but——

Mr. HERBERT. Who gave them to him?

Mr. LANDOW. Tony, just a minute, please. But Tony——

Mr. HERBERT. Who gave them to him?

Mr. LANDOW. On the Dick Cavett Show. I also have a transcript of that show, and anyone else who wants it can get it, and you did refer to a single letter, I couldn't understand why at the time. And you also said that it said many things which it did not, and which the New York Times reporter who wrote that piece yesterday agrees it did not.

Mr. HERBERT. It says what I said it says.

Mr. LANDOW. But let's go onto the major isues now the——

Mr. HERBERT. The war crimes.

Mr. LANDOW. No, Number one, you've been going around the country also attacking me. Saying that the reason that we did the piece on 60 Minutes was because I had wanted to write a book with you, is that correct?

Mr. HERBERT. No.

Mr. LANDOW. Well, what is your position, then?

Mr. HERBERT. I just said it's interesting to note you asked to write the book and were turned down. I just told here on this program, Barry, I don't know why you did it.

Mr. LANDOW. Well, why do you bring up the point about me wanting to write a book about you——

Mr. HERBERT. Because it's very significant.

Mr. LANDOW. Unless——

Mr. HERBERT. It is significant and so——

Mr. LANDOW. Well why do you, why do you——

Mr. HERBERT. Wait a minute, Barry, let me talk for a minute. It is also significant that you had an autographed copy of that book, autographed by J. Ross Franklin, for all the things you're doing for him in this, right?

Mr. Landow. I have an autographed copy of the book——

Mr. Herbert. Did you read it?

Mr. Landow. Just a minute. I have an autographed copy of the book.

Mr. Herbert. Would you read it?

Mr. Landow. From Franklin in my office, not at home.

Mr. Herbert. What does it say?

Mr. Landow. I'm going to tell you if you let me finish.

Mr. Herbert. Okay.

Mr. Landow. From Franklin, thanking me because I was the first person to start digging into this thing.

Mr. Herbert. Read the quote.

Mr. Landow. I asked Franklin—the book is in my office, I'm at home.

Mr. Herbert. Do you want me to quote it for you?

Mr. Landow. Go ahead.

Mr. Herbert. Okay, it's for all the things you are doing for the army in this case.

Mr. Landow. Tony, do you have a copy of it in front of you?

Mr. Herbert. No.

Mr. Landow. How do you know what it says?

Mr. Herbert. You know what it says.

Mr. Landow. Look, let me read a letter if I may, it was written to——

Mr. Herbert. You don't want to talk about the autograph, right?

Mr. Landow. I do have an autographed book, that is correct.

Mr. Herbert. What does it say?

Mr. Landow. What's wrong—what does that have to do with——

Mr. Herbert. A lot, an awful lot.

Mr. Landow. Tony, just a minute. You are talking about going off into side issues. Don't you think you're going off into a side issue?

Mr. Herbert. Okay, we won't go off onto side issues, let's go into——

Mr. Landow. I have an autographed book signed by Franklin, what does that have to do with the validity of the 60 Minutes piece?

Mr. Herbert. Because when it comes for all the things you are doing for me, or us, or the army in this case, and it's before you ever talked to Colonel Herbert or the witnesses, a lot, Barry, a lot.

Mr. Landow. It's not what it said, and you know, and as you know I spoke to you first, approximately one and a half years ago, and at that time Tony Herbert——

Mr. Herbert. Um hum.

Mr. Landow. As you know, I fully believe in you and in your case, which is why I did want to write a book about you.

Mr. Herbert. Um hum.

Mr. Landow. Now, thank God, I didn't go near the subject.

Mr. Herbert. Then you were suddenly turned down for writing that book, and suddenly you no longer believed in me any longer, right?

Mr. Landow. Turned me down for writing the book, why did you send me——

Mr. Herbert. You turned me down, right?

Mr. Landow. I still have it if anyone wants to look at it——

Mr. Herbert. I said you turned me down.

Mr. Landow. Just a minute. Why did you send me a draft proposal, a first chapter, and outline of the book, which I still have.

Mr. Herbert. I never sent you a draft proposal, you called Wooten's office and got a draft proposal from the New York Times of what we were doing.

Mr. Landow. That's a lie and Wooten will deny it.

Mr. Herbert. All right.

Mr. Landow. And also do you know, Tony Herbert, Jim Wooten no longer knows what to think about you.

Mr. Herbert. Oh, well let Wooten come out and say that.

Mr. Landow. Okay, why don't you ask him? Ask Wooten.

Mr. Herbert. No, you'd better——

Mr. Landow. Now can I go on to read a very interesting letter that was written to the man who was the co-author of Herbert's first book——

Mr. Herbert. 1953, right——

Mr. Landow. ——on the Korean War.

Mr. Herbert. ——Barry, here goes the same old business, 1953——

Mr. Landow. ——This letter was written to the co-author after the man tried to check out some of Herbert's statements. And the letter says——

Mr. Herbert. This is a key issue.

Mr. Landow. Can I talk, can I finish. When I saw Herb over the new year, I was appalled about how bad his memory has grown.

Mr. Herbert. I was older then.

Mr. Landow. Can I finish? He was very mixed up on many facts and points of information. I would advise you to——

Mr. Herbert. (Inaudible).

Mr. Landow. Check carefully any facts used in promotional work carefully. These things can backfire.

Mr. Herbert. Yeah.

Mr. Landow. In all confidence, I knew Herb better than anyone in the company, and he was always thrown to exaggeration and looseness in this way.

Mr. Herbert. So in 1953——

Mr. Landow. To say this as a friend, who understands him, and not in the least way to deprecate him. He's just that way.

Mr. Herbert. A central issue.

Mr. Landow. This was written almost 20 years ago.

Mr. Herbert. The central issue that you're talking about is telling me in 1953, that letter from a private in 1953 who was in a book, suddenly discredits this here today, is this right?

Mr. Landow. The letter was not in the book, Tony, the letter was written to the author——

Mr. Herbert. No, I didn't say the letter in the book I said about——

Mr. Landow. And the man who was your closest buddy.

Mr. Herbert. The role in the book in 1953, is what you're falling back on. And that and a guy out of the cave, and I killed a duck and threw a sandbag out of a helicopter to discredit this book, is that right?

Mr. Landow. That's not right, and you know it. The main point would be, you have brought out in a 60 Minutes piece which I feel does discredit your book, is that on the—for the worst atrocity, the February 14th slayings of five people by South Vietnamese police with an American advisor standing by, you claimed in that same day, on February 14th, you reported that crime, first by field radio to Colonel Franklin, and then you flew immediately back to your base and reported it personally to Franklin.

Mr. Herbert. Um hum. What did Bill Hill tell you?

Mr. Landow. On that day the army claimed that Franklin was on R&R in Hawaii.

Mr. Herbert. What did Bill Hill tell you?

Mr. Landow. Let me finish.

Mr. Herbert. Okay.

Mr. Landow. We set out to prove whether or not he was. We proved——

Mr. Herbert. How about answering the question what Bill Hill told you——

Mr. Povich. Better make it quickly Barry because we're going to be off the air. I know you know what that means.

Mr. Herbert. Captain Hill told you what occurred on that day, what did Captain Hill tell you?

Mr. Landow. Captain Hill told me, and he'll tell you this if you phone him up and ask him, Captain Hill told me he could not be at all sure that Colonel Franklin was in Vietnam on that day. You told me Hill——

Mr. Herbert. What did Hill tell you on that telephone down there, Barry. He told you that he could almost positively say that Franklin was on the ground that day in Vietnam.

Mr. Landow. Because, because Hill had said——

Mr. Herbert. Did he tell you that, yes or no?

Mr. Landow. Can I finish? Because he had——

Mr. Herbert. Did he tell you that?

Mr. Landow. He told that—he said on the telephone, that he thought that Franklin was there. I flew——

Mr. Herbert. Thank you.

Mr. Landow. Just a minute. I flew out to Okla——

Mr. Herbert. Did he tell you that Franklin was on the ground that day?

Mr. Landow. Can I finish talking?

Mr. Herbert. Yeah.

Mr. Landow. I flew out to Oklahoma personally to ask Hill whether or not he saw Franklin there that day.

Mr. Herbert. And suddenly he didn't.

Mr. Landow. He told me that he had not.

Mr. Herbert. Suddenly he——

Mr. Povich. All right, thank you very much, Barry I—thank you very much for calling. I find this all terribly fascinating, thank you, I appreciate it. We have kind of like run out of time, we're going to break and come back or what? We're going to break and come back, okay.

We're doing something that is six years that it's happened, has it?

Mr. Willis. Never happened before.

Mr. Povich. We are going past 2:00 o'clock because we find the subject so fascinating, and so terribly interesting. So that we—and it was a very awkward place for us to cut off, Lieutenant Colonel Herbert and Barry Landow. Maybe Landow will get back on and we'll talk some more, and maybe we won't. But, you understand now that, I mean you're——

Mr. Herbert. I understood all along, the thing is this. Let's talk about not what Landow says people told him, let's talk to the people. Call the people that he names, or go out and investigate the people. I say they'd say something completely different. I was present when he talked to Bill Hill down at Atlanta——

Mr. Povich. Bill Hill is your company commander.

Mr. Herbert. He was a company commander who is still on active duty. Hill told him, item one that he was still on active duty and therefore were under certain restrictions. He told him item two that he was on the radio that day and he could almost positively put Franklin on the ground that day, although he didn't witness him or see him or remember a date four years ago, he remembers the incident out there and hearing Franklin and reporting on the radio.

Larry Cahilla, the helicopter pilot, remembers hearing the report on the radio down there. But—okay, we go onto this. Here's a man who says let's stick to the central issues, so he pulls out a letter from a guy named David Finestein, who is New York City. Call David Finestein, ask him what the real import of that letter was and why it was written.

You'll find out that I didn't agree with the book in 1953 either, it was an as told to, it was done overseas without giving me any chance to sign it was what I wanted in the book. I also wrote a letter to the same, almost to the same effect, saying that there were some of the things that were changed around, et cetera, et cetera. Call Finestein and ask.

Mr. Povich. But——

Mr. Herbert. He's available in New York.

Mr. Povich. Captain——

Mr. Herbert. Go ahead.

Mr. Povich. I mean Bill Hill is also quoted in the 60 Minutes show—

Mr. Herbert. Did you——

Mr. Povich. ——as saying you were the best company commander he's ever seen, but you were a liar.

Mr. Herbert. No, that's not what Bill Hill says at all. That's what Landow says that Bill Hill said to him. Call Bill Hill and talk to Hill. Now—and remember Hill is still in the army and Grimshaw. Call Mike Daguerky, he's a company commander, he's at Fort Bragg, North Carolina, call Mike Daguerky and ask what happened to him for refusing to make a false statement against me. Go, call him and ask him on your show tomorrow or the next day.

Mr. Willis. What did happen to him?

Mr. Herbert. All right, and he made a case of it in the army. He was at Gordon Military School and went up and said what he thought was the truth, people asked questions about my case and he told them. He was called in and reprimanded for it. Suddenly he was given a bad efficiency report and now his entire military career is in effect over. Because he would not make a false statement against me. Call him and ask him.

I'll give you a letter by Jim Grimshaw which I have right back in the hotel right now, saying in effect that he went up to visit Ernie Webb and how unpopular they both were because they were supporting my case. It makes a difference when you become unpopular in the army and you've got a half a million dollars riding on it.

Mr. Povich. Well what conclusion do you draw on all these contradictory statements, quotations, evidence, testimony that comes forward?

Mr. Herbert. Okay, the conclusion is that the Congress of the United States must have a complete investigation, get all of the documents out in the open, call the witnesses in, permit the right to cross examination, and find out who's telling the truth. If it's that important, I think it is, you apparently do or we wouldn't be running over.

Mr. Povich. You have thought it was that important or you wouldn't have gotten on the show on this day——

Mr. Herbert. That's right.

Mr. Povich. In 1971 to talk about it, originally.

Mr. Herbert. And I still think it's that important. So then let's do it.

Mr. Povich. Landow only asks for the same thing. Goldwater only asks—Landow on this show, at the end of the show——

Mr. Herbert. So who's on the spot to produce?

Mr. Povich. The only, the only—I think both of you. I both think the United States Army is on the spot to produce and you are on the spot to produce.

Mr. Herbert. Okay, good then let's have a complete impartial investigation, and we'll produce what we have, and let the army produce what they have, and bring all the witnesses up. That's all we've all been asking for for four years, for a complete congressional investigation into the entire fiasco or whatever you want to call it, and let's find out who's telling the truth.

Mr. Willis. Have you been approached by anybody from the Senate Armed Forces Committee, or anybody from Congress?

Mr. Herbert. Well, I was approached from a Senator for a specific letter with four autographs on it.

Mr. Povich. Yeah, but don't you understand his position there.

Mr. Willis. Let's get an answer.

Mr. Herbert. Certainly I understand his position, and I understand what he's doing. I mean, let's face it, Barry Goldwater's a General in the United States Military, Armed Forces, he's been known for his hawkishness, and what have you. I'm saying let's have a complete congressional investigation and lay it all out in the open. The army has all the statements, let them put it out there. Let's see. The onus is on the army to produce, I have produced. There's a book right there that is a production, it has been produced, it's got documents in it and there are more documents to back it up. Now it's on the army to refute it with evidence, not with talk, but with evidence. Put out the hard evidence and let's see it.

Mr. Povich. No one really though has ever questioned the integrity of Barry Goldwater.

Mr. Herbert. You don't—I'm not questioning his integrity, you know, I mean that's saying something that I'm not saying. I'm merely saying that there is a legitimate reason for not looking at it, because of what happened in Vietnam.

Mr. Povich. Do you think that Barry Goldwater would not like to see an open, impartial hearing on the matter, because he is a general and he doesn't want to see a bad mark on the army?

Mr. Herbert. Would I believe that Barry Goldwater doesn't want to see a complete investigation and out in the open, yes. Yes.

Mr. Willis. For what reasons?

Mr. Herbert. I don't know.

Mr. Povich. I don't believe that he wouldn't want an impartial investigation.

Mr. Herbert. Well if you don't believe it, then——

Mr. Povich. Because he's never given anything in his past history, his attitudes towards anything——

Mr. Herbert. Okay, are you telling me that—are you telling me right now——

Mr. Povich. That he would not want the truth known.

Mr. Herbert. Are you telling me that the business about a letter, I don't have this, I have this, I don't have this, I don't have a specific letter, was a grown up, was a Senator's approach?

Mr. Povich. Yeah, that's exactly the way they reply to things, they—you've got something, show it to me.

Mr. Hebert. I did, he has it. He's hinging on the fact that it's not a letter. You're saying he's not hinging on that fact?

Mr. Povich. No, I'm hinging on the fact that he doesn't believe you gave to him what he thought you said you had.

Mr. Herbert. I say it is what I said I had. I may have misused the word letter or document interchangeably, but the thing is it is what I say I had, and he has it in his possession.

Mr. Willis. Are you saying it's a composite then of letters?

Mr. Herbert. It is, it's a group of memorandums is what it is, stapled together as one case. And the stapling together made—use the word letter for it, or letter or case or document. But it's a series of memorandums back and forth between these people.

Mr. Willis. I asked you before but—you have not been approached by any member of Congress?

Mr. Herbert. I'm not going to say I haven't been approached by any member of congress. You mean have I—on this particular document?

Mr. Willis. On the book, the issue involved.

Mr. Herbert. No.

Mr. Povich. On an impartial investigation.

Mr. Herbert. Not since the book, no, no.

Mr. Povich. Did you try to go elsewhere?

Mr. Herbert. I haven't tried to go anywhere since the book has come out, the book is there. I mean, congressmen read, and they have the book, it's obvious. Now it's up to the congressmen who work for us, I don't work for the Congress. I mean, suddenly the whole thing has gone topsy turvy. I work for Barry Goldwater, I work for the President, the hell I do. They work for me, I pay their wages. They work for you and you and there people out here. They are the public servants. The thing is, it's laid out there, the accusations are there, then it's time they looked into them, you know.

I mean in England, when they had a book "Operation Nordpole" it caused a big investigation, they looked into it. When they had the Profumo affair they looked into it. There are the accusations and the charges congress has it available, the public has it available, and they can read it for themselves right there. What is congress going to do about it. There is my accuse right there.

Mr. Povich. But don't you think that it's—if this does not bring about what you would like to see, this impartial investigation, isn't it incumbent upon you to go out and get more evidence?

Mr. Herbert. Oh. I'm not the investigator, I have enough evidence, I have the evidence.

Mr. Povich. No one could say you are the investigator, you are, you just said it.

Mr Herbert. Yeah.

Mr. Povich. You are the accused here.

Mr. Herbert. No, that's not what I said. J'accuse me I accuse you, I accuse the army for the cover ups, that's what j'accuse means. Emil Zola. Not that I am the accused.

Mr. Povich. No, no, you are the accusor.

Mr. Herbert. Yeah.

Mr. Povich. You have made these accusations.

Mr. Herbert. And I do right now, I make them again.

Mr. Povich. Do you say that you have more documents?

Mr. Herbert. I'm not going to call them documents, see, cause then they're going to zero in on the word documents. I have more evidence, okay.

Mr. Povich. Who would you give that to right now if you had to give it to anybody?

Mr. Herbert. I would give that stuff to anybody who would come out in the open and say, okay, we are going to have an investigation, bang, and this begins on such and such a date, present what you have, and let the army present the rest of it, and demand—congress has the right to demand—those papers off the United States Army. Let them demand, they have the right to demand, and the army has two choices.

The men can come in there and declare executive privilege, which is corrupt in itself, unless you're the executive, which in effect says yes, you're telling the truth, I'm not going to give you the evidence cause I'm caught behind the eight ball. Or they come in and lay it on the line and let's let an impartial investigation, not under congressman ———, not an armed forces investigation, not that type, Senate Armed Forces or congressional armed forces subcommittee, but a group of congressmen selected down there, the Cunnings; the Proxmire's, the Harold—the Hughes, and people like this, who have shown their goodwill and want to do things like this, and will present it all, certainly.

Mr. Povich. I don't want to—we're working overtime, all of us, can you stick around for just a few more minutes?

Mr. Herbert. Sure.

Mr. Povich. We're coming right back.

We are back and we're talking with Lieutenant Colonel Anthony Herbert, and maybe we can finish this all up. Barry Landow is back on the phone, I think.

Mr. Herbert. One point, let's talk specifically about what I gave Goldwater, cause I think the people are getting confused.

Mr. Povich. All right.

Mr. Herbert. It is not a letter, it is a set of memorandums, papers, documents, whatever you want to call. They're memorandums and letters and typed and papers back and forth, and articles between the men who I named, Kerwin, Seidal, Westmoreland, Westmoreland's office, people like this here, including the Secretary of the Army. They are bound together, they are stapled together, and they have a case number on it. And it is titled "The Need for Any Unusual Actions to be Taken Against Colonel Herbert". Unusual, and I'd like to stress that word, unusual actions to be taken against Colonel Herbert.

The thing is, the information is in there, a lot of it is in their couch and I'll go in there and explain it to Mr. Goldwater if he doesn't understand it. He can fly me out there or I'll get out there myself if he wants to sit down and discuss it line by line, and I'll show him in those papers the refutation of claims the army made, including one you showed me out of a paper today.

One is the army claimed that—one time they claimed that Westmoreland was not aware that the—that Hensley was the investigator because Westmoreland did not order the investigation. It states in there specifically that he did.

The army has been saying right along that I filed for redress, then was not granted redress, and then filed charges against the general and the colonel. I say that that's not so, it shows in there chronologically that—well I'd like to say——

Mr. POVICH. I know, I know.

Mr. HERBERT. Chronologically it shows that I filed the charges against General Barnes and Colonel Franklin, and then was passed over, rather than the other way. It's a very significant fact. But these things are in there.

Mr. POVICH. Now let's try to finish up with Barry Landow. Yes, Barry.

Mr. LANDOW. First of all, before—I would like to get back to February 14th, I think that's significant.

Mr. POVICH. 1969.

Mr. LANDOW. But before that, Tony, when we did an interview with you, we asked you about those documents and about how to face value they really didn't add to what you said they did.

Mr. HERBERT. On face value.

Mr. LANDOW. On the Cavett Show. Now you told me, you told Mike Wallace at the time, that maybe they didn't but you had lawyers who said that they did. Could you please give me the name of those lawyers?

Mr. HERBERT. No, I cannot.

Mr. LANDOW. Why not?

Mr. HERBERT. Can you give me the names of—could you give me the complete statement that Bill Hill made you—Could you—would you answer some questions for me first?

Mr. LANDOW. Just a minute, I'm asking you—

Mr. HERBERT. No.

Mr. LANDOW. You said you have lawyers to——

Mr. HERBERT. Yeah, I am not going to give you the names of my lawyers.

Mr. LANDOW. —who substantiate your claim. Don't ask, don't throw back another question. Give me the names of the lawyers.

Mr. HERBERT. Okay, I am—okay, I'll tell you, I am not going to give you the names of my lawyers.

Mr. LANDOW. Okay.

Mr. HERBERT. All right, does that answer your question?

Mr. LANDOW. I assume that's (inaudible).

Mr. HERBERT. Now let me ask one now.

Mr. LANDOW. Now just a sec, let's go to February 14th. You say Franklin was in Vietnam on February 14th.

Mr. HERBERT. That's right.

Mr. LANDOW. You say that in your book.

Mr. HERBERT. That's right.

Mr. LANDOW. You told that to every reporter who ever talked to you about it—

Mr. HERBERT. I say I reported to him that night after that action, yes.

Mr. LANDOW. Now in your—the army however, and—claims that Franklin was in Viet—in Hawaii. So it is for Franklin.

Mr. HERBERT. I also stated that in the book, didn't I?

Mr. LANDOW. Right? Okay, now you got hold of the hotel receipt from Ilikai Hotel in Hawaii where Franklin was, that showed that Mr. and Mrs. Franklin were there from the 7th to the 14th of February in Hawaii, which already would have been February the 15th in Vietnam. That would seem to knock down your case, but then you said, no. Colonel Franklin checked out a couple of days before, and Mrs. Franklin stayed over and paid the bill, is that correct?

Mr. HERBERT. I say that Mrs. Franklin checked out.

Mr. LANDOW. And you also say in your book that Mrs. Franklin signed the hotel—the receipt——

Mr. HERBERT. That's the one that I gave you.

Mr. LANDOW. Yeah, and you say that in your book. Now—and you sent it to me, too.

Mr. HERBERT. Yes.

Mr. LANDOW. And to check out, I checked with the Ilikai Hotel and asked them what was that document that you said was the hotel receipt. It turned out Tony, as you know because I've told you this before, it turned out that it wasn't the receipt for checking out, it was the registration slip.

Mr. HERBERT. Why is it signed down at the bottom, after the total, and why is it signed on the 14th?

Mr. LANDOW. It's not signed down—I have it in front of me——

Mr. HERBERT. Well read it.

Mr. LANDOW. And it's not signed at the bottom after the total, and you know that.

Mr. HERBERT. Read what it says.

Mr. LANDOW. It's simply, it's simply the registration slip.

Mr. HERBERT. Does it have all of the amounts of money on it?

Mr. LANDOW. It doesn't, because it's the registration slip.

Mr. HERBERT. Wait a minute, Barry. I gave you one with the total amounts of money on it.

Mr. LANDOW. I have it right in front of me, and I'd be pelased to make it available to the TV station, ———, any one of them.

Mr. HERBERT. Go ahead, make it available. It shows that she signed it, not him.

Mr. LANDOW. It says that she signed it, but it happens to be the registration slip.

Mr. HERBERT. Okay, if you say so Barry.

Mr. LANDOW. I will show it to anybody else, anyone else——

Mr. HERBERT. Well good——

Mr. LANDOW. To look at it and check on it.

Mr. HERBERT. I say it's a receipt, I say it's the receipt when she left the hotel.

Mr. LANDOW. Tony, the hotel looks at this form—and I'll make it available to anyone who wants it——

Mr. HERBERT. I know Barry, we were the ones who presented it to you, remember?

Mr. LANDOW. That's correct.

Mr. HERBERT. That's right.

Mr. LANDOW. And the hotel looked at the form, and they said, uh-uh, that's the registration.

Mr. HERBERT. Um hum. I'm telling you——

Mr. LANDOW. That sort of shoots down your case.

Mr. HERBERT. It's signed on the day she left. What day did she leave Barry, tell me that?

Mr. LANDOW. Mrs. Franklin left on the 14th.

Mr. HERBERT. Okay. Now I go back to the same thing.

Mr. LANDOW. Hold it, just a minute.

Mr. HERBERT. Wait a minute, let me talk for a minute now. Mrs. Franklin left on the 14th, now I go back to the same thing. That the wife does not leave at the same time or before the husband, the husband leaves, the wife sees him off and leaves the next day or any day after that she wants to.

Mr. LANDOW. No, Tony——

Mr. HERBERT. Oh, yes.

Mr. LANDOW. It's also possible that the husband may see the wife off. There's no rule—

Mr. HERBERT. It's possible but highly improbable.

Mr. LANDOW. Apart from the hotel receipt, which we have, as you know we also spoke with two officers who flew——

Mr. HERBERT. What were their names, Barry?

Mr. LANDOW. They also flew—there were two officers.

Mr. HERBERT. What were the names of those two officers?

Mr. LANDOW. Can I finish talking, please?

Mr. HERBERT. Yeah.

Mr. LANDOW. Thank you.

Mr. HERBERT. Are you going to give me the names of them?

Mr. LANDOW. If you'll let me finish talking I'd be delighted to. We also talked with two officers who said they had flown with Franklin from Vietnam to Hawaii, and returned with him——

Mr. HERBERT. Tell who they were.

Mr. LANDOW. Can I finish.

Mr. HERBERT. Ahhh—

Mr. LANDOW. Returning to Vietnam on February the 16th. Now those two officers had reason not to like you—

Mr. HERBERT. Why?

Mr. LANDOW. As we'll understand, which is why we didn't put full reliance in their word.

Mr. HERBERT. But you're implying that they're telling the truth, Barry.

Mr. LANDOW. I didn't, I'm not saying that. They were part of the evidence.

Mr. HERBERT. Did they have a reason to lie?

Mr. LANDOW. Certainly they did.

Mr. HERBERT. But why, who are they?

Mr. LANDOW. Tony, without getting into names I'm admitting they had reason to lie which is—

Mr. HERBERT. Who are they?

Mr. LANDOW. Who are they?

Mr. HERBERT. Names.

Mr. LANDOW. They're Colonel Nicholson and Major Crouch.

Mr. HERBERT. And who was Major Crouch, tell the people.

Mr. LANDOW. Tony, without getting into it—you're going off on side issues now—I am admitting——

Mr. HERBERT. Oh, no, no, no, Barry, these are the central issues. Here once again comes together the same people that I said. Tell them who Nicholson is.

Mr. LANDOW. Colonel Nicholson was the previous commander of your battalion.

Mr. HERBERT. That's right. Tell them who Crouch was.

Mr. LANDOW. Major Crouch was the—on the brigade staff——

Mr. HERBERT. Yeah, and one of the real culprits in the book, right?

Mr. LANDOW. You had accused him of trying to take an illegal R&R.

Mr. HERBERT. Ah ha. Now, where was Nicholson really on those particular days, did you go check out the Australia business?

Mr. LANDOW. Mr. Herbert, in fact we did, after you made the charge, and we found out that Nicholson had gone to Australia, but three or four weeks after he returned from R&R in Hawaii. He went to Australia——

Mr. HERBERT. How did he do that?

Mr. LANDOW. He went to Australia on leave, very simple.

Mr. HERBERT. Now, Barry, you know better than that.

Mr. LANDOW. Now what are you going to say, you're sort of speechless.

Mr. HERBERT. You don't get any two or three R&Rs in Vietnam.

Mr. LANDOW. I'm not talking about R&R, he went there on leave, we checked out with the Australian Broadcasting Company because they did a program on him when he was there, and they confirmed what he said.

Mr. POVICH. Can I ask a question, Barry? Was Bill Hill's statement, which is apparently a very crucial statement, was his entire statement then what you presented in these documents?

Mr. LANDOW. No, what Bill Hill says in the transcript of the telephone interview, which Tony has, which I have, what Bill Hill says is that at the time he thought that he, that Franklin was in Vietnam on the 14th, he doesn't say he was certain of it.

Mr. Herbert. What did he——

Mr. Herbert. Okay, yeah.

Mr. Landow. When—since it was a very serious bit of evidence, I flew out to Oklahoma, had a face to face conversation with Hill, at first telling him this is all off the record, he said no, he doesn't want.

Mr. Povich. He doesn't want what, the interview or off the record?

Mr. Landow. That I say what he said, and you can check with him.

Mr. Herbert. You can always check it, you see.

Mr. Landow. Hill said no, I'm not all certain that Franklin was in Vietnam on the 14th, in fact how could anyone be certain three years after the facts.

Mr. Herbert. Franklin's certain.

Mr. Landow. Franklin is certain because he was on R&R and has hotel bills to prove it.

Mr. Herbert. Oh.

Mr. Landow. And every other person who Herbert mentioned——

Mr. Herbert. I'd like to ask one more question. Let me ask you a question on Bill Hill and——

Mr. Landow. Let me finish.

Mr. Herbert. —don't just keep saying. Oh, come on Barry, you're just rambling, let me ask you a specific question. What did Hill tell you in that conversation about why he couldn't be quoted, and you know what he told you and I was standing there when he told you. About the pressures that were on him.

Mr. Landow. It wasn't, it wasn't about the pressures that were on him.

Mr. Herbert. What did he tell you on the tape?

Mr. Landow. I have the transcript of the phone conversation and it doesn't say that, and I'll make that available, to anyone who wants it.

Mr. Herbert. Okay, go ahead, ask him for it and play it.

Mr. Landow. Your congressional investigation.

Mr. Herbert. Will you make it available for the public here.

Mr. Landow. I'd be delighted to.

Mr. Herbert. Sure, play it.

Mr. Povich. We'd like to have it, we'll get in touch with you. I thank you, such great cooperation. Just a minute.

Mr. Herbert. Good. Play the Hill tape.

Mr. Povich. We will.

Mr. Herbert. Great.

Mr. Povich. When we get it we'll play it, definitely.

Mr. Herbert. All right.

Mr. Povich. As soon as we get it.

Mr. Herbert. He promised it.

Mr. Povich. He said he would give it to us, didn't he? All right. I'll get a transcript of our show to make sure that he said that.

Mr. Herbert. Good, good.

Mr. Povich. We'll be back in a moment, when we do we're going to have another phone call I think.

Mr. Willis. It's Senator Goldwater on the phone again.

Mr. Herbert. It's a wonderful tape.

Mr. Povich. For those of you who are waiting for the 2:00 o'clock movie, it's going to come on slightly later but it'll be joined in progress.

Mr. Willis. I might say the title is "Rage in Heaven" and it's pretty stormy down here right now.

Mr. Povich. I don't want to consult the movie, but I'm sure this drama laid out is as equal.

We have on the phone now—unfortunately Senator Goldwater probably had to go to the Senate to answer a quorum call, but with us is the administrative assistant or press assistant, I don't know. Is this Tony Smith or someone else?

Mr. Kilgore. No, this is Leonard Kilgore, the Senator's administrative assistant.

Mr. Povich. Oh, Leonard, Maury Povich, how are you?

Mr. Kilgore. Right. He stood by here for about the last ten minutes but decided to go ahead on over to the Senate floor. And he wanted it fully understood that he is giving to the Senate, and they will be published in the Congressional Record in the morning, all of the documents that were sent to him by Mr. James Dunbar of KGO radio in San Francisco.

Mr. Povich. Which are the same documents which Colonel Herbert said that he would send to Senator Goldwater, correct?

Mr. Kilgore. I gave them to Dunbar to give to him.

Mr. Povich. Right. Thank you—okay, fine Leonard, thank you very much.

Mr. Kilgore. Okay.

Mr. Povich. I appreciate it, thank you. Well——

Mr. Herbert. That's good.

Mr. Povich. We have to unfortunately wrap up, but I thank you very much for the indulgence, first of all that we went so long, it has to be the longest interview I've ever had on this show, it's almost an hour and a half.

Mr. Willis. It is, not since we started six years ago when we were originally on for three hours have we gone past 2:00 o'clock.

Mr. Herbert. Which proves the effectiveness of the book, because part of it is to drive everything out in the open which it's apparently doing, and that's good.

Mr. Willis. I sincerely hope so.

Mr. Herbert. And once it's out in the open I think people can decide for themselves.

Mr. Povich. I think that anyone who is connected with the case, fascinated by it, interested in it, would want nothing better than to see an open, impartial investigation.

Mr. Willis. Colonel Herbert, thank you very much for being with us today on Panorama, this has been, truly Maury, one of the most unusual programs we have ever had, we're indebted to you for it. How many times do you get telephone calls from the Hill wanting to talk about this and—I don't know where the other fella was, up in the New York?

Mr. Povich. No, he was here.

Mr. Willis. Oh, he was here. Well, we thank them both, all of them involved for being with us here today, on the telephone or here in person.

Department of the Army, Office
of the Secretary of the Army,
Washington, D.C., October 8, 1971.

Information for Members of Congress:

LT. COL. ANTHONY B. HERBERT

The following is the substance of a news release being made today.

Secretary of the Army Robert F. Froehlke announced today that he has completed his review of the file concerning the unsatisfactory efficiency report received by Lieutenant Colonel Anthony B. Herbert at the time of his relief from command in 1969 and has decided to remove this efficiency report from Lieutenant Colonel Herbert's official records. Considered in the review were the reports of the boards which had previously denied Lieutenant Colonel Herbert's request for redress of his relief and his two appeals of the efficiency report.

The Secretary's review showed that there is no indication in any of the records in Lieutenant Colonel Herbert's file that his relief from command was, in any way, connected with reporting or non-reporting of war crimes, atrocities or similar misconduct. Therefore, the Secretary feels that there is no need to delay the action on Lieutenant Colonel Herbert's efficiency report until final decisions in unrelated investigations still in progress are reached.

The unsatisfactory efficiency report reflected that Lieutenant Colonel Herbert was relieved—despite his tactical and technical skills, and his personal bravery—because both his immediate supervisor and his brigade commander stated that they had lost confidence in his judgment and could no longer tolerate what they considered his inability to work in harmony with his colleagues.

While this review centered on Lieutenant Colonel Herbert's relief from command and one particular efficiency report, the Secretary of the Army necessarily considered the matter within the broader framework of Lieutenant Colonel Herbert's many years of service. He bore in mind that this efficiency report, covering only 58 days of duty, might have reflected an unfortunate exception to a record of otherwise effective service. Further, he considered the comment by I Field Force Vietnam on the report of the board proceedings that stated that the efficiency report contained some unwarranted expressions of opinion. In addition, he considered the earlier recommendation by Third U.S. Army, where he is now assigned, that the efficiency report be removed from Lieutenant Colonel Herbert's file.

Since this action will constitute a material change in his file, Lieutenant Colonel Herbert's records will be forwarded to a standby selection board for further consideration. In the event the board selects Lieutenant Colonel Herbert for promotion to Regular Army Major, he can, if he desires, continue on active duty. Should the board not select him for promotion, Federal statute requires that he be retired effective March 1, 1972.

Secretary Froehlke said that he originally intended to delay the announcement of his action on Lieutenant Colonel Herbert until the conclusion of the current investigation of Lieutenant Colonel Herbert's war crimes allegations. However, since the review of Lieutenant Colonel Herbert's record and his war crimes allegations proved to be two entirely separate matters, due to the lack of mention of war crimes and atrocities in the Lieutenant Colonel Herbert file, there appeared to be no legal requirement or logical reason to delay this announcement.

Department of the Army, Office
of the Secretary of the Army,
Washington, D.C., October 15, 1971.

Information for Members of Congress:

MAJ. GEN. JOHN W. BARNES

The following is the substance of a news release being made today.

Major General Roland M. Gleszer, Commanding General, US Army Military District of Washington, today announced that he has dismissed the court-martial charges preferred by Lieutenant Colonel Anthony B. Herbert against Major General John W. Barnes. LTC Herbert had charged MG Barnes with violation of regulations and dereliction of duty in failing to report alleged war crimes allegedly reported to him by LTC Herbert. The dismissal followed an official inquiry into the charges conducted pursuant to the Uniform Code of Military Justice, and resulted from General Gleszer's conclusion that the available evidence did not establish the commission of the alleged offenses. This inquiry was conducted over a period of 6 months. The resultant report consists of some 3000 pages of sworn testimony, involving 52 witnesses and over 100 documents and memoranda.

Fact Sheet

November 5, 1971.

This paper addresses the circumstances of personnel actions concerning LTC Anthony B. Herbert, including his relief from command; his appeals of that relief and its associated efficiency reports; his initiation of war crimes allegations; his initiation of courts-martial charges against two Army officers; and the Army's actions concerning all of these matters.

LTC Herbert served in Vietnam from September, 1968, to June, 1969. While assigned to the 173d Airborne Brigade, he was the Acting Inspector General, from September, 1968, to February, 1969, and the Commanding Officer, 2d Battalion, 503d Infantry, from February, 1969, to early April, 1969. The Brigade Commander and Deputy Commander were Brigadier General John W. Barnes and Colonel J. Ross Franklin, respectively.

EFFICIENCY REPORT ACTION

After repeated counseling by General Barnes and Colonel Franklin that in their opinion his performance of duty was not acceptable to them and had to be improved, LTC Herbert was relieved of command of his battalion on 4 April 1969 for unsatisfactory performance of duty. Subsequently, as required by regulations, an efficiency report was submitted concerning LTC Herbert's performance as a battalion commander. Upon his relief from command, he was reassigned to the Capital Military Assistance Command in Saigon.

On 9 April 1969, LTC Herbert formally requested a redress of wrongs under the provisions of Article 138 ("Complaints of Wrongs"), Uniform Code of Military Justice. This article permits a member of the Armed Forces to complain to any superior commissioned officer about an unredressed wrong allegedly committed against him by his commander. The complaint is then forwarded for action to the officer exercising court-martial jurisdiction over the officer against whom the complaint is made.

After receiving the complaint, the officer exercising court-martial jurisdiction, Lieutenant General Charles A. Corcoran, Commanding General, I Field Force, Vietnam, directed Major General Joseph R. Russ, the Deputy Commanding General of I Field Force, to conduct a formal investigation to determine whether LTC Herbert's relief of command was proper. For five days, General Russ heard testimony from thirty-eight witnesses, including Colonel Herbert. After consideration of the testimony and evidence presented, General Russ concluded that no action was warranted to reverse LTC Herbert's relief from command. General Russ found that General Barnes "acted on the facts as he knew them, his judgment of LTC Herbert's character, and his lack of confidence to entrust the lives of others" to Herbert, and that Barnes believed that Herbert was relieved "for the good of the Brigade." Accordingly, General Russ recommended that no redress be granted concerning LTC Herbert's appeals from relief from his command.

On 20 May 1969, General Corcoran approved the findings and refused LTC Herbert's request for redress. However, so that LTC Herbert could present his case fully in any subsequent appeal of the adverse efficiency report, he was provided a copy of all the evidence presented during the proceedings.

In recent months, LTC Herbert has repeatedly alleged that his war crimes allegations during his period of command were the primary cause of his relief and poor efficiency report. However, there is no documentary evidence that LTC Herbert, General Barnes, or Colonel Franklin raised this issue before the Russ board, and General Russ states that Herbert did not raise it at any time, orally or in writing. Furthermore, none of the many witnesses interviewed in this case has corroborated LTC Herbert's statement that he made such allegations orally either to General Barnes or Colonel Franklin. LTC Herbert has recently stated that he raised the matter upon his reassignment to the Saigon area after being relieved of command, and he has named two colonels to whom he allegedly made such statements. Both colonels have stated that, although he discussed the matter of his redress with them, he in no way mentioned any war crimes or atrocities.

Upon LTC Herbert's return to the United States in July, 1969, he was ordered to report as a student to the U.S. Army Command and General Staff College at Fort Leavenworth, Kansas. However, as a result of the adverse efficiency report he received as battalion commander, the Army deleted his name from the attendance list and he was assigned as Assistant G3 (Operations and Training) at Headquarters, U.S. Army Garrison, Fort Leavenworth.

While at Fort Leavenworth during September, 1969, LTC Herbert submitted to Headquarters, Department of the Army, his first appeal from the adverse efficiency report. A special review board at Headquarters, Department of the Army, determined that the evidence submitted by LTC Herbert did not justify withdrawing or altering the efficiency report. He was notified of the decision on 22 December 1969. Again, the issue of war crimes allegations and of the failure to investigate them by the Commanding General, 173d Airborne Brigade, was not raised.

As permitted by Army regulations, LTC Herbert appealed from the adverse efficiency report for the second time on 4 September 1970. A separate board of different membership considered the evidence submitted and denied his second appeal. LTC Herbert was notified on 25 May 1971. The issue of war crimes was not raised.

In an action unrelated to the war crimes allegations and the charges preferred against MG Barnes and COL Franklin, the Secretary of the Army, Robert F. Froehlke, after consultation with the Army Chief of Staff, directed on 4 October a third review of LTC Herbert's unsatisfactory efficiency report of April, 1969. Considered in this review were the efficiency report, the report of the board that had heard LTC Herbert's request for redress of his relief, and LTC Herbert's two appeals.

While this review centered on Herbert's relief from command and one particular efficiency report, the Secretary also considered the matter within the broader framework of LTC Herbert's many years of service; and he bore in mind that this efficiency report, covering only fifty-eight days of duty, might have reflected an unfortunate exception to the record of otherwise effective service. As the result of this review and with the recommendation of the Chief of Staff, Secretary Froehlke directed that the efficiency report in question be removed from LTC Herbert's file. Secretary Froehlke was able to make this decision without reference to the war crimes and atrocity allegations and charges leveled by LTC Herbert since these allegations and charges were not mentioned anywhere in the voluminous file of material associated with LTC Herbert's relief nor with his efficiency report.

The withdrawal of LTC Herbert's unsatisfactory efficiency report constituted a material change in his file, and his records were therefore forwarded to a standby promotion board for further consideration. The board recommended LTC Herbert for promotion to Regular Army major. The Secretary of the Army concurred and on 22 October forwarded the recommendation to the President through the Secretary of Defense. The President subsequently sent LTC Herbert's nomination for promotion to Regular Army major to the Senate. Senate action is still pending. Should the Senate approve the President's nomination, LTC Herbert will under federal statute be allowed to remain on active duty.

WAR CRIMES ALLEGATIONS

The earliest Army record of LTC Herbert's allegations of war crimes is 28 September 1970, almost eighteen months after having been relieved of his command, when he formally complained to the Inspector General, Third Army, about a number of war crimes alleged to have occurred in the area of operations of the 173d Airborne Brigade. Upon receiving the allegations made by LTC Herbert, the Department of the Army on 13 November 1970 initiated an investigation of some twenty-one incidents. Those incidents were alleged to have occurred during the period mid-1968 to mid-1969. Initially, a special task force of sixteen persons was designated to investigate completely all of LTC Herbert's allegations of war crimes. This task force was later expanded to include an additional thirty-two criminal investigators and administrative personnel in a worldwide investigate effort. The task, which spanned seven months, involved locating and interviewing scores of prospective witnesses in the United States and foreign countries—many who had retured to civilian life. The final interview was conducted on 23 June 1971. Some 333 persons were interviewed during this investigation in thirty of the forty-eight continental states, as well as in Hawaii, the Philippine Islands, Vietnam, Okinawa, Australia, New Zealand, Mexico, and Germany.

The criminal investigation conducted by the CID determined that seven of LTC Herbert's twenty-one allegations had sufficient substance to merit action or further investigation. Two of these had been acted upon at the time of their occurrence in the 173d Airborne Brigade, resulting in Article 15 punishment in one case and a general court-martial in the other, and the CID investigation did not produce any evidence contrary to the brigade investigation's findings. Two others were offenses involving Vietnamese against Vietnamese, and since American forces did not order or participate in the acts, they were not under United States military jurisdiction. The remaining three allegations concern the maltreatment of detainees—suspected Viet Cong and Viet Cong supporters—who were held for identification and interrogation. These cases are pending action by the officers who exercise general court-martial jurisdiction over the subjects of the allegations still under military jurisdiction. These allegations were not included in LTC Herbert's charges against General Barnes. Of the remaining fourteen charges, insufficient evidence was available to prove or to disprove three. Two charges were not criminal and hence were referred to the Inspector General for investigation. An extensive investigation produced insufficient evidence to corroborate either allegation. Three had been previously investigated by the 173d Airborne Brigade without charges' being brought, and the CID found no additional evidence. Six allegations—five based on hearsay—were uncorroborated.

CHARGES AGAINST MG BARNES, COL FRANKLIN

In late 1970 and early 1971 LTC Herbert was advised on several occasions that the investigation of his allegations was continuing. On 15 March 1971 Herbert preferred charges under the provisions of Article 92, Uniform Code of Military Justice, against General Barnes and Colonel Franklin for failure to report and investigate alleged violations of the law of land warfare and for dereliction of duty. Under the provisions of the *Manual for Courts-Martial*, they were notified of the charges, which were referred to the general court-martial convening authorities having jurisdiction over the accused officers.

On 15 July 1971, Major General John H. Cushman, Commanding General, Delta Regional Assistance Command, RVN, dismissed the charges against Colonel Franklin on the basis of the findings of an official inquiry extending over more than two months. These findings considered all evidence compiled by the CID investigation conducted in the United States as well as additional testimony taken in Vietnam and in the United States. In General Cushman's view, there was insufficient evidence that Colonel Franklin had ever been made aware of the incidents cited in the charges to warrant the initiation of a court-martial.

Major General Roland M. Gleszer, Commanding General, Military District of Washington, directed an official inquiry into LTC Herbert's charges against General Barnes. This inqury has been completed and after reviewing the evidence, General Gleszer announced on 15 October that the evidence did not establish the commission of the alleged offenses against General Barnes. Accordingly, he dismissed the charges against him.

The MDW investigation, which took six months, included some 3,000 pages of testimony involving fifty-two witnesses and over one hundred documents and memoranda. LTC Herbert had preferred charges against General Barnes with respect to three incidents. In fairness to all concerned, the Army has deferred public statement on this matter until the independent investigation was concluded. The investigation determined that:

One of the incidents, which involved the mistreatment of a detainee, had been investigated at General Barnes' direction at the time, but the investigating officer had found insufficient evidence to substantiate the allegation.

Two of the incidents involved solely Vietnamese committing illegal acts against other Vietnamese. MG Barnes was not required to investigate incidents solely involving Vietnamese personnel. However, in one of the incidents involving the killing of detainees, no evidence corroborating LTC Herbert was discovered to show that MG Barnes was aware of the incident, and in the other, involving looting, MG Barnes ordered an informal investigation carried out and the results reported to him. Later, the report of a CID investigation corroborating the conclusions of that investigation was forwarded to appropriate officials of the Army of the Republic of Vietnam.

FACT SHEET

NOVEMBER 17, 1971.

This paper presents information obtained from Third US Army and addresses recent publicity concerning the cancellation of Lieutenant Colonel Anthony B. Herbert's leave to appear on the Dick Cavett Show, a description of his duties at Fort McPherson, LTC Herbert's allegations of harassment and invasion of privacy, and the current status of his retirement and leave plans.

CANCELLATION OF LEAVE

During September and October 1971, LTC Herbert's commanding officer authorized a series of absences—ordinary leaves, administrative absences, and temporary duty—from Fort McPherson, Georgia, to help LTC Herbert attend to personal affairs. His most recent absence had been the period 28–31 October 1971. These absences permitted him to appear several times on radio and television, including the Dick Cavett Show of 30 September 1971.

When LTC Herbert's personal problems appeared to have been resolved, his commanding officer determined that continued short absences were no longer necessary, and that LTC Herbert should devote full time to his assigned duties, as expected of all members of the Army. LTC Herbert's appearance on a national television show outside the Atlanta area was not considered to be sufficient justification for continued absences from his duties. However, he was given permission to appear at a television station in Atlanta for an advance videotape filming or a split-screen interview for the Dick Cavett Show on the evening of 2 November 1971. This authorization was orally given to LTC Herbert at approximately 5:00 PM, 2 November 1971, responding to LTC Herbert's written request which had been submitted one hour earlier.

In granting LTC Herbert this permission, it was determined at Fort McPherson that such an appearance must not be at Government expense nor interfere with his performance of assigned duties during normal working hours. He was further told that permission for similar appearances would be considered on a case-by-case basis. The same policy applies to all Army personnel appearing on national radio and television networks. Otherwise, the Army did not restrict LTC Herbert from contact with the news media, except for those prohibitions which apply to all Army personnel.

News media comments to the effect that General Westmoreland had denied LTC Herbert leave to appear on the Dick Cavett Show are completely false.

It has been reported that LTC Herbert's current duty assignment is not a meaningful position. On the contrary, LTC Herbert is assigned as the Assistant Director of Industrial Operations at Fort McPherson. The directorate has staff responsibility for logistical support of the post, including communications, housing, transportation, supply and maintenance, food service, and supporting facilities. All these functions must be accomplished smoothly and efficiently if the post is to operate properly. Currently, this agency oversees the expenditure of 16.5 million dollars per year.

COMPLAINTS OF HARASSMENT

Inquiries into LTC Herbert's treatment at Fort McPherson have revealed no substantiation for his complaints of harassment and invasion of privacy. He has been asked, orally and in writing, to substantiate his public complaints. To date, LTC Herbert has failed to provide any details as requested.

On 1 November 1971, LTC Herbert failed to salute properly, and he was corrected. The military custom of saluting, and the commanding officer's corrective action in this instance, are not considered harassment.

RETIREMENT APPLICATION

LTC Herbert has voluntarily submitted an application for retirement to be effective 1 March 1972. This decision has rested entirely with him. LTC Herbert also applied for and received a 30-day emergency leave effective 10 November 1971. This request was granted on a physician's recommendation in the interest of his family's health.

DECEMBER 1971.

This paper addresses (1) Lieutenant Colonel (LTC) Anthony B. Herbert's allegations of war crimes and other serious incidents, and the findings of the agencies which investigated them; and (2) the relationship of those allegations and findings to the results of the preliminary inquiries conducted pursuant to *Manual for Courts-Martial* into the conduct of Major General (MG) John W. Barnes and Colonel (COL) J. Ross Franklin, whom LTC Herbert accused of failing to report and to investigate certain of the alleged war crimes.

It is important to note that two types of charges have been leveled by LTC Herbert. First, he has charged that war crimes were committed in the area of operations of the 173d Airborne Brigade in the Republic of Vietnam. Second, he has charged that MG Barnes and COL Franklin violated the provisions of the Uniform Code of Military Justice by failing to investigate and to report specific war crimes of which they allegedly had knowledge. These two types of charges should be carefully distinguished. They will be discussed in turn.

(1) WAR CRIMES ALLEGATIONS

On 28 September 1970, approximately eighteen months after his relief from command, LTC Anthony B. Herbert, a former battalion commander in the 173d Airborne Brigade, made a sworn statement to the Third Army Inspector General alleging war crimes in the area of operations of his former unit. These allegations were forwarded to The Inspector General, Department of the Army, on 1 October 1970. Because it was determined that possible criminality was involved, the investigative responsibility was transferred to the U.S. Army CID Agency (USACIDA) three weeks later.

During the period 2–6 November 1970, LTC Herbert was interviewed by USACIDA officials in Washington. Based on these detailed interviews, twenty-one separate allegations were identified. Four charged criminal acts of which LTC Herbert claimed personal knowledge; fifteen charged criminal acts knowledge of which was based on what he stated he had heard from others; two pertained to matters of morale and discipline, incidents which could not be considered war crimes.

The U.S. Army CID Agency, responsible for investigations of possible crimes in the Army, conducted an exhaustive inquiry into LTC Herbert's charges. This inquiry revealed that seven allegations (#1–7 below) had sufficient substance to warrant action or further investigation. The following summary is provided:

Allegation

1. Members of 1st Battalion, 50th Mechanized Infantry, under an unidentified lieutenant, cut the ears and/or fingers from several Vietnamese.

Results of Investigation

The incident was investigated by the CID at the time of the incident. Two persons were convicted by general court-martial.

Allegation

2. Personnel of the 173d Airborne Brigade illegally manipulated enlisted club financial transactions.

Results of investigation

The source of LTC Herbert's knowledge was his former Inspector General non-commissioned officer. The incident was investigated by the CID at the time. The investigation established larceny of $120. Two persons were given Article 15 (nonjudicial) punishment.

3. Members of a Vietnamese unit, accompanied by an American captain advisor, looted a village during a sweep-and-search operation.

Results of investigation

Two American officers stated that they witnessed the looting by Republic of Vietnam (RVN) Regional Forces from Tam Quan District during March, 1969. There was contemporaneous inquiry by the 173d Brigade into this incident. The injury made clear that, as a result of an American officer's actions, the looted items were returned to the Vietnamese villagers at that time.

The American advisor did not have command authority over the Vietnamese unit. Since all offenders were Vietnamese nationals, the results of the later USACIDA investigation were transferred to U.S. Military Assistance Command, Vietnam for forwarding to appropriate RVN officials.

Allegation

4. Members of an unidentified South Vietnamese unit, accompanied by an American lieutenant, advisor to the Tam Quan National Police, killed five Vietnamese detainees who had been taken from United States troops. The throat of one of these detainees, a female, was cut in the present of LTC Herbert.

Results of investigation

Four individuals were located who claim witnessing the execution of detainees by the Vietnamese police on 14 February 1969, but no one could substantiate the execution of the female detainee. The lieutenant advisor who accompanied the Vietnamese unit denies seeing or hearing about any detainee killings.

LTC Herbert stated that he orally reported the incident to COL Franklin on 14 February 1969 immediately after its occurrence. LTC Herbert claims that statements were later obtained by an officer of the 172d Military Intelligence Detachment from detainees confirming the deaths. There were no witnesses to LTC Herbert's alleged report to COL Franklin nor was any evidence found to substantiate LTC Herbert's charges.

COL Franklin stated that no one reported anything to him concerning this incident. He adds that he was on leave in Hawaii at this time. A check of hotel records in Honolulu confirms that COL Franklin was registered until 7:30 p.m. on 14 February 1969, or 3:30 p.m., 15 February, Vietnam time. Because of the distance between Vietnam and Hawaii, COL Franklin could not have returned to brigade headquarters before 16 February 1969.

The intelligence officer to whom LTC Herbert referred recalls discussing information about detainees with him but denies obtaining statements from detainees which support this allegation.

The American advisor did not have command authority over the South Vietnamese unit. Since all alleged offenders were Vietnamese nationals, the investigation was forwarded to U.S. Army, Vietnam, to be furnished to appropriate RVN officials.

Allegation

5 & 6. A young female detainee being interrogated in an American compound was struck in the face by an American interrogator, and electricity was transmitted into her body from a field telephone.

Two female detainees were mistreated by Vietnamese interrogators while in an American military intelligence compound. One was struck on the back of the hands with a stick and the other struck in the face with a stick and hit by hand on the breast.

Results of investigation

These allegations are still under investigation. No comment can be made pending completion of command actions, since to do otherwise might prejudice the rights of those allegedly involved.

LTC Herbert stated that he orally reported the incident to COL Franklin. There were no witnesses to this alleged report and no evidence was found to substantiate the claim.

Allegation

7. A Vietnamese detainee was field interrogated by having water forced into his nose and mouth until he became unconscious. American military intelligence personnel were involved.

Results of investigation

Witnesses to field interrogation were located. Two persons, both now returned to civilian life, who participated in the interrogation admitted the use of water during the interrogation.

LTC Herbert stated that he orally reported the incident to COL Franklin. COL Franklin stated that LTC Herbert never reported such an incident to him. Although LTC Herbert claims that the 173d Airborne Brigade Command Sergeant Major overheard this report, the Sergeant Major denied hearing any such report.

Allegation

8. An American lieutenant, reported as having been mistakenly killed by one of his own patrols, may have been murdered by American troops whom he had threatened to turn in for smoking marijuana.

Results of investigations

LTC Herbert's alleged source of this allegation stated that the lieutenant was killed accidentally in his own ambush and denied that he told LTC Herbert that the lieutenant may have been murdered. All members of the ambush patrol state that the death was accidental. The casualty report does not indicate any foul play. USACIDA investigation concluded that the lieutenant's death was accidental.

LTC Herbert stated he orally reported the incident to COL Franklin.

COL Franklin recalls hearing about an officer's being accidentally killed by his own men, but stated that if there had been any specific allegations of murder with any supporting evidence, it would have been investigated further.

He was informed that the lieutenant's death had been investigated at the time, and there was no indication of foul play.

Allegation

9. An American enlisted man refused to return to the field with his unit because the unit had fired on unarmed Vietnamese villagers to test weapons.

Results of investigation

Several persons stated that they knew the enlisted man in question, since discharged from the Army, and commented that he was a problem soldier and had had psychological difficulties.

The former company commander recalls an incident in which a weapon was test-fired into a rice paddy but denies that any villagers were killed or wounded. A former officer states that while on an operation with the enlisted man's company, the officer test fired an M–79 grenade launcher at a tree in an open area. After the last round was fired, the company received and returned small arms fire. The area was searched immediately, and no casualties were found.

The brigade investigating officer stated that after the enlisted man in question reported the incident to him, the brigade investigating officer interviewed witnesses named by the enlisted man, and stated that they could not substantiate the complaint.

Allegation

10. Christmas cards were prepared depicting a Vietnamese body, the face of which had been shot away, and a 173d Airborne Brigade patch either pinned or nailed to the forehead.

Results of investigation

A brigade investigation was ordered at the time to determine the circumstances surrounding the alleged incident. The investigation determined that a card had been produced, and its originator received a reprimand.

The USACIDA investigation confirmed the findings of the brigade. A copy of the Christmas card obtained by USACIDA shows no patch affixed to or carved into the body in any way. The deceased was considered a combat death. Using the picture of the dead body on a Christmas card was a thoughtless act, but not a violation of the law of war.

LTC Herbert stated that he discussed the Christmas card incident with COL Franklin. There were no witnesses to their alleged discussion.

COL Franklin does not recall discussing the incident with LTC Herbert. He knows that the incident was fully investigated by the brigade.

Allegation

11. It was common practice for Mike Strike Forces (Vietnamese) under the operational control of the 173d Airborne Brigade to burn villages.

Results of investigation

No corroboration could be obtained for this allegation. LTC Herbert could not provide specific information to substantiate the allegation, and be further qualified his initial remarks by saying that only some huts in villages, not whole villages, were burned.

Allegation

12. Vietnamese civilians were indiscriminately shot on the beach at Tuy Hoa by American soldiers.

Results of investigation

LTC Herbert stated that his knowledge of this alleged incident was based on a statement supposedly made to him. The source of LTC Herbert's knowledge, when interviewed by USACIDA, did not corroborate LTC Herbert's information.

Allegation

13. An American lieutenant platoon leader panicked and killed women and children in the An Lao Valley area.

Results of investigation

LTC Herbert's allegation was based on hearsay. LTC Herbert's source stated that LTC Herbert misunderstood his comments. On 21 January 1971, LTC Herbert in a statement to USACIDA asserted that he may have misunderstood the remarks made to him concerning this allegation.

Allegation

14. A former military photographer of the 4th Infantry Division has photographs of a "massacre" which occurred in the 4th Infantry Division while the division was commanded by Lieutenant General Peers.

Results of investigation

LTC Herbert's knowledge of this alleged event was based solely on hearsay. Investigation revealed that his source of knowledge relied on a memorandum, which referred to photographs of persons killed in action and gathered at a central collection point. The USACIDA investigation determined that the memorandum did not refer to war crimes. Both the author of the memorandum and the photographer denied any knowledge of a war crime in connection with the photographs.

Allegation

15. Members of the 1st Battalion, 50th Mechanized Infantry, had a known *modus operandi* for perpetrating sex crimes on their female detainees.

Results of investigation

No corroboration could be found for LTC Herbert's allegations. LTC Herbert's knowledge was secondhand, and his source of information, when interviewed by USACIDA, denied that he told LTC Herbert that the 1st Battalion had any sex crimes *modus operandi* or that there, in fact, was such a method of operation.

Allegation

16. Long-range reconnaissance patrols of I Field Force, Vietnam, raped Vietnamese civilians.

Results of investigation

LTC Herbert's knowledge of this alleged incident was based solely on hearsay. The source of Herbert's information, when interviewed by USACIDA, did not corroborate LTC Herbert's statement.

Allegation

17. American military forces mistreated Vietnamese detainees in the American compound at An Khe by pulling them up from a leaning rest position by the hair of the head.

Results of investigation

The USACIDA investigation found no evidence to impugn the findings of an investigation conducted by the brigade.

The conclusion of the investigating officer was that insufficient evidence existed to substantiate the alleged assault on the detainees. He concluded that no positive identification of alleged participants was, or could have been, made. Part of this brigade investigation report contained a statement by LTC Herbert. Additionally, the report contained other statements concerning this incident.

Allegation

18. Fourteen unidentified American soldiers from 1st Battalion, 50th Mechanized Infantry, while on a village sweep operation, took a young Vietnamese girl from her family and repeatedly subjected her to rape and sodomy.

Results of investigation

Several brigade staff members recall that such an incident was investigated at the time of its alleged occurrence. The victim could not identify her alleged assailants. A report of the investigation was submitted to U.S. Army, Vietnam, and to the Department of the Army.

Allegation

19. An American lieutenant refused to return to the field with his unit because the company commander had previously ordered the execution of a Vietnamese detainee under his control.

Results of investigation

LTC Herbert claimed receipt of a written statement from a lieutenant who refused to return to the field under a particular company commander, because the company commander, via a radio transmission, ordered the execution of a detainee. LTC Herbert claimed that he furnished the lieutenant's statement to COL Franklin. The company commander denied the allegation that he had ordered a detainee killed. The name of the lieutenant provided by LTC Herbert proved erroneous; however, a former platoon leader meeting the description provided by LTC Herbert was located by the CID. He denied making any complaint to LTC Herbert. He further denied ever giving such a written document to LTC Herbert. The former lieutenant stated that he went to the field when ordered and never discussed the matter with LTC Herbert.

Allegation

20. Widespread use of marijuana in the 173d Airborne Brigade substantially impaired combat readiness and the state of discipline.

Results of investigation

COL Franklin does not recall any officer's refusing to go to the field for any reason.

The allegation that the state of discipline and of combat readiness in the 173d Airborne Brigade was greatly impaired could not be substantiated by a USMACV investigation. While it was found that some soldiers used marijuana, the investigation concluded that the brigade remained at a high state of readiness and effectiveness. This conclusion was further substantiated by the unit's outstanding combat record.

Allegation

21. An entire American company at a firebase was "crashed" on marijuana when its position was attacked. As a result, a large number were killed and wounded without offering resistance.

Results of investigation

LTC Herbert had no direct knowledge of the attack. The allegation was not substantiated by USMACV investigation. On 7 September 1968, the company was attacked at a firebase in Vietnam. In the ensuing action, six American soldiers were killed, and thirty were wounded. Fifteen enemy soldiers were killed. The evidence indicated that the casualties were not attributable to the use of marijuana.

(2) CHARGES AGAINST MG BARNES AND COL FRANKLIN

The details of the allegations against MG Barnes have been noted in a Department of the Army Fact Sheet of 5 November. Two points are especially significant.

First, at the time of his original interview with USACIDA in November, 1970, LTC Herbert in a statement signed under oath has denied that he had ever directly reported any alleged war crimes to General Barnes.

Second, LTC Herbert's charges against MG Barnes involved his allegedly failing to investigate and to report three war crimes (allegations #3, 4, 17). The inquiry revealed inadequate evidence to show that MG Barnes knew of one incident (#4) and produced proof that the other two incidents (#3, 17) were investigated shortly after the occurrence of the alleged incidents. Since allegations #3 and 4 involved only Vietnamese personnel, under applicable U.S. Military Assistance Command, Vietnam (USMACV) regulations, MG Barnes had no obligation to report to USMACV. Allegation #17 had been investigated by the brigade, and the report of investigation was reviewed at brigade headquarters with instructions to forward it to higher headquarters in RVN. As a result of these determinations, the inquiry into the charges, the first step in the judicial process, found insufficient evidence to proceed further.

Charges against COL Franklin involved seven incidents (allegations #3–7, 10, 19). As with MG Barnes, COL Franklin was charged with failure to report and to investigate war crimes, not with having committed any such crimes. The USACIDA investigation established that two of the incidents (#3, 10) were in fact investigated by brigade officials at the time of the occurrence of the alleged incidents. As to the other five incidents, there is no corroborating evidence that LTC Herbert told COL Franklin of the alleged war crimes (#4–7, 19). Of those matters of which it was shown COL Franklin knew, the question of whether allegation #3 was reported has already been discussed. The brigade investigation into the Christmas card incident (#10) concluded that no war crime was suspected when the investigation was initiated, and it revealed that no war crime was committed. Hence, no obligation was imposed on COL Franklin to report it under applicable regulations.

LTC Herbert did not claim that COL Franklin tried to conceal all twenty-one war crime and serious incident allegations he ultimately levied. LTC Herbert states that he only reported nine "war crimes" to COL Franklin (#3–8, 10–11, 19).

Some comment has been made about polygraph ("lie detector") examinations taken during the course of the inquiry. The value and reliability of the polygraph test are in serious question, and therefore, the results derived from such a test are generally inadmissible into evidence in both military and civilian courts. Nevertheless, some investigative agencies do utilize polygraphs as an investigatory tool. During the course of the inquiries into LTC Herbert's charges against MG Barnes and COL Franklin, *both* COL Franklin and LTC Herbert underwent such a test. COL Franklin's test was part of the official inquiry. The investigating officer was present and witnessed the examination. Among other questions, COL Franklin was asked if he remembered LTC Herbert's reporting to him the killing of Vietnamese nationals by Vietnamese police at Cu Loi in February, 1969 (allegation #4). He was also asked if LTC Herbert mentioned any war crime investigations to him during 25 March–4 April 1969. COL Franklin replied "no" to both questions, and the official examiner concluded that COL Franklin's answers to all questions were truthful.

LTC Herbert was offered an opportunity to take a polygraph examination on the same conflicting testimony and under the same conditions as COL Franklin. LTC Herbert declined, but he instead took a private polygraph examination administered by a qualified examiner of his choice. The Army investigating officer took no part in this examination. The examiner concluded that LTC Herbert was truthful when he answered "yes" to two questions: (a) "Did you on or about February 14, 1969, advise COL Franklin of the killing of Vietnamese detainees?" (b) "On or about April 4, 1969, did you personally request MG Barnes to conduct an investigation?"

At best, the polygraph tests demonstrate that both COL Franklin and LTC Herbert believed that each was telling the truth when he so testified.

As indicated in the earlier DA Fact Sheet of 5 November, the recommendation of the Secretary of the Army, after consideration by a standby promotion board, that LTC Herbert be promoted to Regular Army major is not related to LTC Herbert's allegations and charges. The Secretary had earlier ordered an adverse efficiency report signed by COL Franklin and indorsed by MG Barnes removed from LTC Herbert's files. The Secretary had considered the matter within the framework of LTC Herbert's many years of service; and he bore in mind that this efficiency report, covering only fifty-eight days of duty, might have reflected an exception to a record of otherwise effective service. The Secretary was able to make this decision without reference to the allegations and charges leveled by LTC Herbert, since these allegations and charges were not mentioned anywhere in the voluminous file of material, including LTC Herbert's lengthy testimony associated with LTC Herbert's relief from command or with the efficiency report appeals.

FACT SHEET

THE HERBERT CASE

Army personnel continue to be concerned over the allegations and charges made against some members of the U.S. Army by LTC Anthony B. Herbert and his critical public statements about Army leadership. News coverage has tended to report only LTC Herbert's statements, and questions from the field indicate the SPOTLIGHT published on 12 November on this subject has apparently received insufficient local distribution. This SPOTLIGHT is intended to relieve current concern within the Army by summarizing the entire case to include developments not covered in the original SPOTLIGHT. Commanders are urged to make maximum internal distribution, especially to officers.

For easy reading, this SPOTLIGHT is divided into two parts: a brief synopsis of the case followed by a more detailed treatment supporting the synopsis.

SYNOPSIS

On 4 Apr 69, LTC Anthony B. Herbert was relieved from command of a battalion in the 173d Airborne Brigade in Vietnam because of unsatisfactory perfomance. He received a low efficiency report for the 58-day period of command. His immediate appeal of the relief was turned down in Vietnam after an investigation involving 5 days of sworn testimony from 38 witnesses.

After returning to the U.S. in Jul 69, LTC Herbert appealed the low efficiency report twice to HQ, Department of the Army. Both appeals were turned down. On 4 Jun 71, he was told that he was not selected for the second time for promtion to Major, Regular Army. Therefore, he would have to retire on 1 Mar 72, as required by law.

In Sep 70, after LTC Herbert appealed his efficiency report the second time, he complained to the Inspector General, Third Army, that he knew about war crimes or serious incidents occuring in the 173d Brigade from about mid-1968 to mid-1969. The resulting Army CID investigation found that only seven of some 21 allegations had substance, and only two of those require further investigation.

Before the CID finished this investigation, LTC Herbert charged MG Barnes and COL Franklin, his former brigade commander and deputy commander in Vietnam who had written his low efficiency report, with failing to report and investigate certain of the alleged war crimes. These charges were made in Mar 71 and were dismissed after official inquiries into the charges by the accused officers' commanders.

In Mar 71, LTC Herbert began saying publicly that MG Barnes and COL Franklin had relieved him because he had reported war crimes to them and they were unwilling to investigate. The Army, following the Attorney General's guidelines, could not comment publicly until the inquiries into the charges against MG Barnes and COL Franklin were finished.

Four separate Army investigations have shown LTC Herbert's charges of "cover-up" of war crimes to be groundless. There is no evidence, other than his recent statements, that he ever reported war crimes to higher authority until some 18 months after he was relieved from command. Neither does the evidence show any relation between his war crimes allegations and his low efficiency report and his appeals of that report. After a third review of LTC Herbert's file by the Department of the Army was directed by the Secretary of the Army and Chief of Staff, Army, the Secretary of the Army had the low efficiency report removed from LTC Herbert's file on 4 Oct 71. Since the report might have been an exception to what otherwise appeared to be a record of effective service, LTC Herbert was later promoted to Major, Regular Army.

At Fort McPherson, where LTC Herbert is now stationed, he has said publicly that he and his family have been harassed, that he has been muzzled from talking to newsmen, and that he has been forced to retire from the Army. These charges are untrue. LTC Herbert has been unwilling or unable to provide details concerning the alleged harassment. No tighter restrictions have been placed on LTC Herbert's TV appearances and press interviews than those which apply to every soldier under Army regulations. LTC Herbert's application for retirement was approved on 7 Dec. 71. With his recent promotion to Major, Regular Army, he could have remained on active duty beyond 1 Mar 72, his requested retirement date. His decision to retire is entirely his own.

DETAILED SUMMARY

I. Relief from command

LTC Herbert served in Vietnam from Sep 68 to Jun 69. While assigned to the 173d Airborne Brigade, he was the Acting Inspector General from Sep 68 to Feb 69, and the Commanding Officer, 2d Battalion, 503d Infantry, from 6 Feb 69 to 4 Apr 69. The Brigade Commander and Deputy Commander were Brigadier General John W. Barnes (now MG) and Colonel J. Ross Franklin, respectively.

LTC Herbert was relieved from command of the 2d Battalion, 503d Infantry on 4 Apr 69 for unsatisfactory performance of duty. As required, MG Barnes and COL Franklin submitted an efficiency report on LTC Herbert's performance. After being relieved, LTC Herbert was assigned to the Capital Military Assistance Command (CMAC) in Saigon. CMAC was a subordinate command of II Field Force, which in turn was subordinate to MACV (Military Assistance Command, Vietnam).

Five days after his relief, LTC Herbert formally requested a "redress of wrongs." This action, permitted under Article 138 of the Uniform Code of Military Justice (UCMJ), is designed so that any soldier who believes he has been wronged by his commander can make an official complaint.

LTG Charles A. Corcoran, the officer then exercising general court-martial authority over General Barnes and Colonel Franklin, appointed MG Joseph R. Russ to investigate. General Russ, after hearing the testimony of 38 witnesses over a 5-day period in formal hearings, concluded LTC Herbert's relief was warranted. There is no mention of war crimes in the nearly 200-page record of General Russ's investigation, and General Russ says that war crimes were not mentioned.

LTC Herbert submitted an appeal on the adverse efficiency report in Sep 69. He was notified in Dec 69 that a Department of the Army Board considered and denied his appeal. LTC Herbert appealed a second time in Sep 70. Again, a Department of the Army Board denied the appeal, and LTC Herbert was notified in May 71. In neither appeal was there any mention of war crimes.

With this unsatisfactory efficiency report in his file, LTC Herbert was twice considered but not selected for promotion to Major, Regular Army. He was removed from the list of students to attend United States Army Command and General Staff College. He was informed he would have to retire on 1 Mar 72 because of the two promotion pass-overs.

In Oct 71, based on a detailed personal review by Lieutenant General Kerwin, Deputy Chief of Staff for Personnel, of LTC Herbert's file and the contested efficiency report, the Army Chief of Staff, General W. C. Westmoreland, accepted General Kerwin's findings and recommended to the Secretary of the Army that the adverse report be removed from LTC Herbert's file. The Secretary reviewed the file and directed that the efficiency report be removed. The Secretary said that this action was taken in fairness to LTC Herbert, whose adverse efficiency report, covering 58 days, might have reflected an exception to what otherwise appeared to be a record of effective service. The decision did not involve LTC Herbert's war crimes allegations, since there was no mention of them in any part of the record. A promotion board then reconsidered LTC Herbert's file—minus the adverse efficiency report—and recommended he be promoted to Major, Regular Army. By normal procedures, the President nominated LTC Herbert for promotion, which was confirmed by the Senate on 12 Nov 71.

II. War and allegations

On 28 Sep 70, about 18 months after his relief from command, LTC Herbert made his first war crimes complaint, of which there is any confirmation, to the Army in a sworn statement to the Third U.S. Army Inspector General at Fort McPherson, GA. These allegations were forwarded to the Department of the Army and in Oct 70 were sent to the U.S. Army Criminal Investigation Agency (USACIDA) for investigation.

LTC Herbert was interviewed by the USACIDA during 2–6 Nov 70, and 21 separate allegations were identified. Four involved criminal acts of which LTC Herbert claimed personal knowledge; 15 involved criminal acts which LTC Herbert said he had heard about; and two involved matters of morale and discipline. All had allegedly occurred from mid-1968 to mid-1969 in the area of operations of the 173d Airborne Brigade.

The USACIDA investigation used 48 investigators and administrative personnel, took 7 months, involved locating and interviewing some 333 persons in 30 of the 48 continental states, Hawaii, and seven foreign countries. Many of the witnesses had returned to civilian life.

Seven of the 21 allegations had sufficient substance to merit action or further investigation. Two of these had been investigated at the time they occurred by the 173d Brigade and resulted in a general court-martial in one case and Article 15 punishment in the other. The USACIDA investigation confirmed the results of the original Brigade investigations. Two other allegations turned out to be offenses involving Vietnamese and were not under U.S. jurisdiction. The other three cases alleged maltreatment of detainees—suspended Viet Cong and Viet Cong supporters—while they were being held for identification and questioning. No action was taken in one case because the alleged offenders had returned to civilian life. The other two cases are still open. Final decisions concerning these cases and the U.S. personnel involved will be made by the commanders who have court-martial jurisdiction over them.

Of the remaining 14 allegations, three could be neither proved nor disproved, and 11 were unsupported.

III. Charges against MG Barnes, Col Franklin

LTC Herbert did not charge either MG Barnes or COL Franklin with war crimes. However, on 15 Mar 71, LTC Herbert preferred charges against MG Barnes and COL Franklin for failing to report and investigate some of these alleged violations of the law of warfare and for dereliction of duty in failing to investigate them.

MG Barnes. LTC Herbert charged MG Barnes with failing to investigate and report three of the 21 allegations. The Commanding General, U.S. Army Military District of Washington (CG, USAMDW), who had general court-martial authority over General Barnes at the time of Herbert's charges, directed an official inquiry into the charges. After 6 months of investigation, and some-3,000 pages of testimony involving 52 witnesses and over 100 documents, the CG, USAMDW dismissed the charges against General Barnes, because they were not supported by the evidence. In fact, in Nov 70, LTC Herbert himself signed a statement under oath, which denied that he had ever directly reported any alleged crimes to MG Barnes.

One of the allegations, involving the mistreatment of a detainee, had been investigated at the time of its occurrence at MG Barnes' direction, thus showing that no cover-up had taken place.

The other two allegations concerned incidents in which only Vietnamese were involved. In one case, the investigation showed MG Barnes was unaware of the incident. In the other case, he was aware of the incident, and despite the fact he was not required to investigate, he did so informally. The report of CID investigation supported the results of MG Barnes' earlier investigation.

In summary, LTC Herbert's charges against MG Barnes were not substantiated.

Col. Franklin. The charges against Col. Franklin alleged that he failed to investigate and report seven of the 21 war crimes allegations. The Commanding General, Delta Regional Assistance Command in Vietnam, the officer having general court-martial authority over Col. Franklin, determined by official inquiry that LTC Herbert's charges were unsubstantiated. The CID investigation showed that two of the seven alleged incidents were investigated by the Brigade. There was no evidence to confirm LTC Herbert's claim that he, or anyone else, informed Col. Franklin of the other five alleged war crimes.

In one case, LTC Herbert could not have informed Col Franklin at the time alleged since Col Franklin was in Honolulu.

In one case, no evidence was found to support LTC Herbert's claim of having informed Col Franklin. The witness named by LTC Herbert as having heard him inform Col Franklin denied hearing any such report.

In the other three cases, no evidence confirmed the allegation that Col Franklin was aware of the alleged incidents.

Both Col Franklin and LTC Herbert passed lie detector tests. Col Franklin's test was conducted by the CID. LTC Herbert's test was conducted by a qualified civilian examiner after he refused to take a test given by the CID under the same conditions as that taken by Col Franklin.

In summary, LTC Herbert's charges against Col Franklin were not substantiated.

IV. LTC Herbert's allegations of mistreatment at Third Army

Cancellation of Leave and the Dick Cavett Show. During Sep and Oct 71, LTC Herbert's commanding officer authorized a series of absences—ordinary leaves, administrative absences, and temporary duty—from Fort McPherson, Ga., to help LTC Herbert attend to personal affairs. These absences permitted him to appear several times on radio and television, including the Dick Cavett show of 30 Sep 71.

When LTC Herbert's nomination to the Senate for promotion to Major, Regular Army, was announced in late Oct 71, his commanding officer concluded that the requirement for special absences to handle personal affairs had been met and that LTC Herbert should devote full time to his duties. Consequently, his request for 2 days' leave to appear on the Dick Cavett show in New York City on 2 Nov 71 was not considered justified, especially since he had been absent during 28–31 Oct 71, just 2 days before. However, he was given permission to appear at a television station in Atlanta for an advance video tape filming of a split-screen interview for use on the 2 Nov Dick Cavett show. This authorization was given orally to LTC Herbert at about 1700 hours, 2 Nov 71, in response to his written request submitted an hour earlier. LTC Herbert had ample time to reach the Atlanta television studio for the Cavett show.

General Westmoreland's Alleged Involvement. Comments that GEN Westmoreland had denied LTC Herbert leave to appear on the Dick Cavett show are completely false. GEN Westmoreland was not involved in this matter.

Muzzling. Claims that LTC Herbert was refused permission to speak to the press are false. His interviews with newsmen after he claimed he was muzzled clearly indicate that the Army did not restrict LTC Herbert's access to the press. He was and is under no more restrictive limitations than any other officer in the Army.

LTC Herbert's Assignment. Claims that LTC Herbert's current duty assignment at Fort McPherson is not a meaningful position are incorrect. LTC Herbert is assigned as the Assistant Director of Industrial Operations at that post, a job formerly known as Assistant G4. LTC Herbert's office has staff responsibility for logistical support of the post, including communications, housing, transportation, supply and maintenance, food service, and supporting facilities. At present, this office oversees to spending of $16.5 million per year, and the work of over 180 personnel at Fort McPherson.

Complaints of Harassment. On 1 Nov 71, LTC Herbert failed to salute properly, and he was corrected. Correction of deficiencies in military courtesy is a normal procedure, not harassment.

Inquiries into LTC Herbert's treatment at Fort McPherson have shown there is no substance to his complaints of harassment and invasion of privacy. He has been asked orally and in writing to substantiate his public complaints to the Inspector General, Third Army. To date, he has failed to provide any details.

V. Application for retirement

LTC Herbert's decision to retire with 20 years' service is entirely his own. Since his promotion to Major, Regular Army, he is eligible to continue his Army career. However, he has asked to retire effective 1 Mar 72, and this request was approved on 7 Dec 71.

VI. Summary

1. Despite thorough investigations, no evidence has been discovered to support LTC Herbert's claims that he was relieved from command in Vietnam because of his allegations that his superiors "covered up" war crimes. In fact, there is no mention of war crimes in any documents connected with his relief, in the record of the board of inquiry (Russ Board) which examined the relief, or in his subsequent two reclamas to the Department of the Army.

2. The Secretary of the Army withdrew the efficiency report which dealt with LTC Herbert's relief from command, because the report involving 58 days of duty, might have been an exception to a record of otherwise effective service. War crimes or war crimes allegations were not involved.

3. There is no evidence, other than LTC Herbert's recent statements, that he reported allegations of war crimes until some 18 months after his relief from command.

4. His charges that the two officers who relieved him from command covered up war crimes were unsubstantiated by thorough investigation. These charges were preferred almost 2 years after his relief.

5. LTC Herbert, although asked, has been unwilling or unable to provide to the Army details of his alleged harassment at Fort McPherson during Oct-Nov 71.

6. LTC Herbert's decision to retire with 20 years' service is entirely his own. His application to retire on 1 Mar 72 was approved on 7 Dec. 71.

NOVEMBER 24, 1971.

LETTERS TO TIME,
Time and Life Building,
Rockefeller Center,
New York, N.Y.

DEAR SIR: I was interested in your article on LTC Anthony Herbert in the 22 November 1971 issue. I know nothing of his activities in View Nam; however, he served under me in the 3d Special Forces Group at Fort Bragg, North Carolina from December 1963 to July 1964. I terminated him from service with the elite Green Berets because he assaulted a fellow officer and consistently demonstrated his inability to get along with his fellow officers or with non-commissioned officers. I also discovered that I could not depend upon his word. The efficiency report that was submitted on him at the time would have caused him to show cause as to why he should be retained in the Army. I understand he took action (unknown to me) to have the damaging report removed from his official file.

Sincerely,

J. B. BARTHOLOMEES,
Colonel, Infantry, Fort Bragg, N.C.

DEPARTMENT OF THE ARMY,
Washington, D.C., July 18, 1972.
MR. MICHAEL LAURENCE,
Senior Editor,
Playboy Magazine,
Chicago, Ill.

DEAR MR. LAURENCE: I was delighted to receive your letter of June 21 inviting my comment on your magazine's interview with LTC Herbert in your July issue. I do have considerable comment.

As is the case with many male Americans, I have read your magazine off and on for many years. During this time you made one point clear to all your readers—you refused to countenance the use of "falsies."

Your July issue has severely eroded your credibility on this point. Playboy does use falsies, in this case Lieutenant Colonel Anthony Herbert.

I suppose it is the underdog syndrome which persuaded you to publicize Colonel Herbert, but I find it strange that you would accept Herbert's charges and allegations without seeking the Army's side of the story. The Army has spent thousands of man hours investigating Herbert's multiple accusations and found little or nothing to substantiate most of them. Let me give you a sampling of errors and misleading statements from your own interview.

First, your article's headline: "A candid conversation with the 'supersoldier' who was forced to leave the Army for exposing war crimes—and high-level cover up—in Vietnam."

Non-fact No. 1: LTC Herbert was not forced to leave the Army. He applied for retirement on his own volition on November 9th, 1971. His application was approved on December 7th, 1971 and he retired without honors (at his request) and was placed on the Army's retired rolls as of March 1st, 1972.

Second, and this criticism is partially of Playboy, you selected as one of his interviewers one Robert B. Johnson, Jr. Mr. Johnson, you should have added, is former Captain Robert B. Johnson, Jr., a West Pointer who decided to become a conscientious objector and a dedicated opponent to the War in Vietnam and of all things military. I am not criticising Captain Johnson for his decision; I am criticising you for failing to acquaint your readers with the non-objective attitude of the interviewer.

Third, even Colonel Herbert's biographical data is misleading as outlined by Playboy. Some examples:

1. No one knows, and it is not possible to know whether he was the "most decorated enlisten man" in the Korean War. Without in any way attempting to equate the various awards for valor, I would point out that there were 59 Medals of Honor awarded to Army enlisted men in that War, plus a significantly greater number of Distinguished Service Crosses, neither of which Herbert received. Let me make clear that I greatly admire Colonel Herbert's bravery—winning three Silver Stars and a Bronze Star was an outstanding achievement. But having said that, there is no way to go on to claim that number as the highest. Well decorated I'll buy; most decorated just can't be supported.

2. He did not take the first group of American paratroopers in to the Dominican Republic in 1965. Two battalions of the 82d Airborne Division arrived in the Dominican Republic at approximately the same time as the advance elements of the division. Colonel Herbert commanded neither of these battalions.

3. His tenure as a green beret was short lived. He was, in fact, fired while in Special Forces training at Fort Bragg in July of 1964 because he assaulted a fellow officer and, in the words of his former group commander, he "consistently demonstrated his inability to get along with his fellow officers or with noncommissioned officers." I am enclosing a copy of a letter written by this commander to *Time* magazine about LTC Herbert. You will find it interesting.

4. Herbert was not forced to investigate his war crimes allegations at his own expense while stationed at Fort Leavenworth. He did not raise his war crimes allegations until September 1970, approximately one and one-half years after his relief from command. He had no way to investigate war crimes in any meaningful way as a member of the post staff at Fort Leavenworth, Kansas. A bit of re-emphasis is in order here. While Herbert would have people believe that he tried to report war crimes and was sacked for his humanitarian efforts, the facts are that he did not even raise the war crimes issue until some 18 months after his relief.

5. He did not win an all-Army trophy for the best reenlistment record in the country. The trophy was awarded to Third Army. Third Army had won this all-Army reenlistment trophy for four consecutive years prior to Herbert's assignment there. He was the staff officer who supervised reenlistments from August 1970 to August 1971 and therefore deserves significant automatic credit, but his overall effectiveness is somewhat questionable since two major installations in the Third Army area requested that he be forbidden to visit on reenlistment business, since he only succeeded in "screwing things up."

6. There was not any Army regulation "designed to prohibit Herbert from speaking publicly." Nor was any such individual order ever issued by any of Herbert's superiors.

So much for his biographical data. A simple check by *Playboy* with my office would have uncovered these errors.

Now let me give you some samples of the baloney in the interview itself. I will restrict myself primarily to his "factual" statements since the interview contains innumerable opinions, uncheckable generalizations, and non-researched statements which range from ridiculous to partially true. A good example of an instant, uninformed Herbert opinion can be seen in his gratuitous remarks about Dr. Henry Kissinger. But his confusion and non-information is clearly evident from the following:

First. Luxury in Vietnam. The vast majority of the more than two million Army troops who served in Vietnam will debate this statement. Members of the 173d Brigade in early 1969 when Herbert was commanding his battalion will surely dispute his statement that his brigade had a "vast complex of swimming pools, pizza joints, steak houses, Dairy Queens, outdoor theaters and clubs with two or three bands playing every night." I happened to have served in the II Corps area at the same time and can state from personal experience that the 173d Brigade had no regulation swimming pools, although the troopers did find some relief in expedient swimming holes. On the fire support bases which my troops shared with the 173 Brigade I recall no pizza parlors, steak houses or Dairy Queens.

Second. Colonel Herbert doesn't even know the personnel strength of his brigade. He says "ten or eleven thousand men." Fact: The brigade's strength never exceeded six thousand men and was usually at the five thousand level. A fifty per cent error.

Third. Men with wine-tasting cups around their necks serving in Major General Barnes' Mess and a major who taught these men how to taste wine for General Barnes. Ridiculous. The major has emphatically denied this charge. I ate in General Barnes' Mess during the period in question both unexpectedly and by invitation and never saw any such thing. I invite you to contact other officers with knowledge of the mess—many are available.

Fourth. Only a few hundred men out of the ten or eleven thousand were actually out fighting. This is an amazing disservice to the four battalions of "grunts" (over 2,000 men), the artillery battalion (500 men), and the combat engineers, signal types, and many others who were out in the dust, mud, rain and heat fighting the enemy.

Fifth. The Pizza Chopper. I can find no one who was in the brigade at the time Colonel Herbert was there who has heard of the pizza chopper. Several individuals told me that a chopper was often set aside to send a hot breakfast to isolated fire teams who had no other way to obtain a hot meal. Herbert admits using a chopper for beer deliveries. But it is incomprehensible that anyone would believe his allegations that someone gave pizza priority over the wounded. This is a great disservice to our dedicated MEDEVAC personnel in Vietnam.

Sixth. Colonel Herbert's claim to having been awarded the title of best battalion commander in the brigade is false.

There was no such award in the 173d Brigade. General Barnes has stated that Herbert was, the worst of the 20 battalion commanders who served under Barnes and was the only one he had to relieve from command.

Seventh. Reporting of war crimes to Colonel Franklin. The Army CID has interviewed hundreds of witnesses on this allegation. In essence, there is no support for Herbert's allegations.

Eighth. Reporting of war crimes or atrocities to General Barnes. Colonel Herbert seems to have forgotten that in November 1970 in a statement he signed under oath, he denied that he had ever directly reported any alleged war crimes to General Barnes.

Ninth. After his relief, Colonel Herbert says he went to Saigon to complain about war crimes and saw "General Abrams' Inspector General, a Colonel Elder." Fact: General Abrams' IG was Colonel Robert Cook. Cook says Herbert did not see him. In answer to a press query last year, Herbert said he saw a Colonel Ashley. Ashley, then Chief of Staff of the Capital Assistance Command in Saigon, said that Herbert did come to see him concerning a reclama to his relief from command, but made no mention whatsoever of war crimes.

Tenth. A typical Herbert twist is his labelling of the Command and General Staff College at Fort Leavenworth, Kansas, as the "Army's College for Generals." Although it would be difficult for an officer to become a general if he were not a graduate, the college is designed to broaden an officer's knowledge of tactics, logistics and administration from battalion commander on up. About 50% of all eligible regular army officers are selected to attend the college. About 3% become generals.

Eleventh. Herbert's ignorance of how the Army operates is revealed in his accusation that General Westmoreland personally "did everything he could" to keep Herbert's case out of public view. General Westmoreland was not even aware of Herbert's allegations until I showed him the original New York Times article on Herbert in September of 1971. General Westmoreland did not appoint Major Hensley to supervise the CID's investigations stemming from the Herbert allegations. Hensley was appointed by his boss, Colonel Tufts. General Westmoreland did not know Hensley.

Twelfth. The Duck Case. I was genuinely surprised that *Playboy* did not check out this part of the interview. Irrespective of the state of the Army's image within the *Playboy* organization, it seems to me that a reasonably intelligent person would seriously doubt a report alleging that an Army General ordered his men to salute a duck. The facts are that the Army has checked out this matter with a number of officers and enlisted men who served with the Brigade at the time in question and can find no one who substantiates the story. In fact they all emphatically deny ever hearing of such an order. As far as Herbert's eating the duck is concerned Herbert's commander told me personally that he received the duck, the brigade mascot, from his predecessor and passed it to his successor some four months after Herbert left the battalion. His successor confirmed to me that he received the duck.

Thirteenth. Roughing up enlisted men. Despite Herbert's denials, the USACIDA has numerous statements to this effect. You will note that Herbert did not answer the interviewer's question on that subject. Instead, he took off on an officer in his battalion who is only one of the several individuals who accused Herbert of brutality. Herbert's remarks about this officer are also suspect. His principal duty was not that of a bartender. Moreover, Herbert's testimony about the officer's reluctance to engage in combat is contradicted by the award of the Silver Star to the officer in question on 27 March 1969 when Herbert still commanded the battalion.

Fourteenth. The Army does not admit in its own fact sheet that Herbert's charges were valid. Quite the contrary. The Army fact sheets show that no reasonable evidence could be found to support Herbert's charges of cover-up. I am attaching the fact sheets for your information.

Fifteenth. Other false allegations against General Westmoreland,

a. According to Herbert, "Westmoreland has said over and over again that even if war crimes have been committed, he doesn't consider himself responsible for them." Not true. I have a complete file of General Westmoreland's speeches, press conferences and public utterances and cannot find this statement or anything like it.

b. Again, according to Herbert, "Westmoreland, for instance, was a regimental commander in Korea. He lived it up behind the lines like the rest of them." Not true. General Westmoreland's command, the 187th Regimental Combat Team, was involved in some of the toughest fighting in the Korean War, and the regimental commander was with them.

c. Once more, in Herbert's words, "Westmoreland never learned anything about the Vietnamese—their language, their culture, anything. It made him nervous to be around them." Anyone who served with General Westmoreland in Vietnam, including me, knows that General Westmoreland has great empathy for the Vietnamese. He knows them and their culture far better than the vast majority of Americans who served in South Vietnam. Herbert, on the other hand, has been alleged to "hate their guts" and has been accused by some of physically mistreating them. Nor was Herbert ever associated with General Westmoreland in Vietnam. How can he know anything about how General Westmoreland operated?

d. "Generals, like Westmoreland, won't take any responsibility for the awful things that could have been avoided in Vietnam. Instead, they try to sell people this bill of goods about the heavy responsibility of sending men to their deaths, implying that this is so much harder than going out there themselves." The generals have taken full responsibility in accordance with laws, rules and customs of warfare. They have also gone "out there themselves which is attested to clearly by the deaths in combat situations of eight general officers and one colonel selected for promotion to the grade of brigadier general. A number more have been wounded in action.

I have only sampled the mistakes, misleading statements, and ramblings in the article in question. A study of the enclosed fact sheet should cast considerable additional doubt on LTC Herbert's expertise as a critic of the Army.

Sincerely,

WINANT SIDLE,
Major General, GS, Chief of Information.

Playboy Interview: Anthony Herbert

(A candid conversation with the "supersoldier" who was forced to leave army for exposing war crimes—and high-level cover-up—in Vietnam)

(NOTE.—In 1944, a gangly 14-year-old boy named Anthony Herbert ran away from his home in Herminie, a tough Pennsylvania coal-mining town, to join the Marines in the Pacific. His mother and his high school principal followed him, convinced the Marines he wasn't 17 and took him back home. Three years later he tried again and, along with a black friend, was accepted into the postwar volunteer Army. "We entered under the buddy system," Herbert recalls, "and were promised duty in the same unit, but the first thing they did was split us up. I complained to my commander and was told that Negroes and whites never serve in the same outfit. It was my first experience with segregation." He was still questioning the system 24 years later, and it finally cost him his military career.

(By any reckoning, that career was a remarkable one. At 22, he was the most decorated enlisted man in the Korean War, with a Bronze Star, three Silver Stars, four Purple Hearts and an array of additional medals from our Government and others. After a tour of world capitals as an "Outstanding Soldier" and a "Tony Herbert Day" in his home town, he hung up his uniform, got married and enrolled at the University of Pittsburgh to get a B.A. in English. But in 1956 he re-enlisted—as a second lieutenant—and went off on a tour of duty that took him from Germany (where he led the Rangers) to Africa (on classified intelligence missions) to the Middle East (where he scuba-dived from an intelligence ship) to the Dominican Republic (into which he took the first group of American paratroopers during the 1965 crisis) and finally to Vietnam (where he served with the Green Berets). Herbert also became an expert in nearly all the martial arts, yet he found time to learn several languages, pick up a master's degree in psychology, write a book on Korea and do a psychological study of General Patton as part of his Ph.D. work.

(Back in the States in 1968 as an R.O.T.C. instructor at the University of Georgia, Lieutenant Colonel Herbert volunteered to return to Vietnam, where he became a battalion commander in the elite 173rd Airborne Brigade and quickly won another Silver Star, three more Bronze Stars, two Air Medals, an Army Commendation Medal for Valor and a recommendation for the Distinguished Service Cross. In September 1971, The New York Times quoted a letter to Herbert's wife from one of the officers in his battalion: "This guy is absolutely incredible. He is the perfect warrior—a supersoldier, if I ever saw one. He is brilliant yet simple, tough but gentle, and I believe he is absolutely fearless." The same article quoted a general who called him "one of the best, if not the best combat commander in the whole goddamned Army." He was definitely due a general's star. But on April 4, 1969, after only 58 days in command, he was abruptly relieved, given an efficiency report that eliminated all chance of future promotion and sent back to the U.S.

(What happened to "the perfect warrior"? Herbert says he was relieved because of his persistent attempts to report war crimes to his superiors and their desire to cover them up to protect their careers. The Army said it was "unsatisfactory performance of duty" but later withdrew this charge and left no official reason for his removal. Herbert was forced to investigate his war-crimes allegations at his own expense while stationed at Fort Leavenworth and later at a nondescript recruiting office in Atlanta's Fort McPherson. A few days after winning an all-Army trophy for the best re-enlistment record in the country, he was demoted to an even lesser post. Finally, in March 1971, he filed formal charges against his commanders in Vietnam, Colonel J. Ross Franklin and Major General John Barnes, accusing them of dereliction of duty, concealment of a felony and failure to obey regulations—all legalese for covering up war crimes. Since then Herbert has been charged with assault, forced to resign, heard his wife and daughter abused and seen his charges against Franklin and Barnes dropped.

(Concerned about the issues raised by the man some call a charlatan and others call the only honorable figure in the Army, PLAYBOY assigned two Vietnam veterans, Bruce Galloway and Robert B. Johnson, Jr., to unravel his complex story. They found it difficult even to begin, because of new Army regulations designed to prohibit Herbert, then still in uniform, from speaking publicly and because of his lawyer's fears that the interview would be confiscated by the Army and used to delay his retirement or as grounds for a court-martial. Finally, on the day of his retirement, they began. Here are their impressions:

("Chasing Tony Herbert was an exhausting job. The nights were very late, but the mornings came early with a call from him: 'The officers at Fort McPherson are already up and working. You'll never win the revolution in bed; let's get going!' His home is on a rapidly integrating, quiet suburban street in Atlanta and belies his past; the only military souvenir we saw was a miniature bayonet used as a letter opener. Physically, he's imposing. Even John Wayne would be hard put to outfight this man. And he projects the same sincerity and authority. For ten days we searched for inconsistencies in his story and could find nothing but a contradiction between his hard-bitten combat experiences and his gentle, friendly nature. He emerged as a kind of high-ranking, unfunny Good Soldier Schweik who salutes his superiors and, much to their dismay, does exactly what they order. He is a battle-toughened, intellectual ex-Army officer who has decided to use all his strength, his awareness of the system and his impeccable combat record to force that institution into reshaping itself. He is feared and hated within the Army for these attributes, but because of them, he may just possibly win.")

PLAYBOY. When did you first become aware of war crimes in Vietnam?

HERBERT. In 1965 and '66, on temporary assignment with the Special Forces, I was told to go out and execute Vietnamese as part of the Phoenix program—which had earlier been called Sphynx. Phoenix is a CIA-run operation that identifies members of the Viet Cong and sends teams out to eliminate them. They call it execution, but it amounts to assassination or plain murder; using the word execution only gives it a ring of legality. It implies that a man has been tried, judged, sentenced and now he's to be executed. My mission was to go out and wipe out a family and make it look like the V.C. had done it in order to get the villagers back on our side. Now, I just couldn't do this. I said no, that I would take any other mission, but I wouldn't go out and kill unarmed individuals. I asked, "Who identifies these people I'm supposed to kill?" The answer was, "Well, we have Vietnamese people from the area who'll take care of this." So I asked how we knew that a man didn't have a more personal reason for having this or that family wiped out. Maybe for revenge or, even worse, maybe he's a double agent and he's pointing out the good people instead of the bad people. It was too shaky a thing for me, so I said, "I'm not going to do it. If they're that bad and they're supposed to be killed, instead of a Vietnamese pointing them out with his finger, just hand him a rifle and let him point with *it*—and then squeeze the trigger." A sort of early Vietnamization program.

PLAYBOY. Who told you to do these things?

HERBERT. Well, the guy who was running it at that time, like everybody else in the program, had a cover name. You go in and meet Smith, Ward or Jones, a bunch of people with very short names. In a way, it covers guilt. You didn't do it; Mr. Smith did. It becomes unreal to you. That's why there's so much talk about unreality in the Vietnam war. The V.C. and the North Vietnamese are the dinks, the slopes, the gooks. They're the bad guys, we're the good guys. The airplane that fires miniguns all over is Puff the Magic Dragon. Areas, targeted for devastation are "free-fire zones." It's like going through the looking glass. When you come back to the real world, you step back through it, and the dead all jump back up.

PLAYBOY. Did you witness and report any war crimes during this period?

HERBERT. No, I didn't see any. If I had witnessed a war crime, I damn sure would have reported it. I had the same understanding of the Geneva Convention and the rules of land warfare then as I do now, and they haven't changed.

PLAYBOY. Did you hear any talk among other Army officers of war crimes during the build-up in Vietnam?

HERBERT. Sure, I did. I was with a naval-intelligence ship like the Pueblo in the Mediterranean as a liaison officer to do some intelligence diving and after that taught ROTC at the University of Georgia. At these places and at other stations around the world I heard young officers talk about "blowing away gooks" and that kind of thing but I thought they were green soldiers trying to be tough by talking tough. I felt all these war stories were exaggerations by weak men. It was hard for me to believe that American officers would talk like that and really *mean* it.

PLAYBOY. During this period, what were your views on the war?

HERBERT. I believed what the President said. I didn't know enough about what was really happening. All I was fed in the Army, of course, was the total propaganda line. I mean, I believed the Gulf of Tonkin story, that things had actually occurred like that. We weren't as fortunate as the citizenry today; we had no Dan Ellsberg to tell us differently. But even if it hadn't been like that, I would still have gone, gladly. It wouldn't have mattered to me what had occurred; the fact was that it *had* occurred and we were now there. Whether we were there legally or not made no difference; we just had to do the best job we could under the circumstances; stay alive and help those people as much as we possibly could. I believed we were over there to do good.

PLAYBOY. You returned to Vietnam in August of 1968, after the Tet offensive and after the mood of the country had obviously changed about the war. Did you want to go back?

HERBERT. Sure. I was still an officer in the Army and there was still a war going on over there, so I volunteered to return. I hadn't served a full tour in Vietnam and had never served with Americans. The early trips were spent with Cambodians, going across the border to monitor traffic on the Ho Chi Minh trail. I felt when I went back that I ought to see how *American* troops operated and learn about what was changing in the way of tactics and equipment. I hadn't even operated out of helicopters and I knew that was the going thing in the Army. I wanted to see how they were used in action.

PLAYBOY. What was your new assignment?

HERBERT. I became the Inspector General of the 173rd Airborne Brigade. When an enlisted man has no other recourse, he can go to the I.G., who then goes outside Command channels and theoretically serves justice. He investigates the case, sees whether there's any legitimacy to the man's complaints and then—without exposing the individual to any retaliation from above—takes some action to make things right. It comes from way back in the Army, from Von Steuben in the Revolutionary War; he was the first I.G. It's designed to make sure the enlisted man has a recourse for justice in the military.

Of course, that's not how it works today. When you take over as I.G., the general calls you in for a briefing and says, "Look, you're on my staff and I want you to know right away that your real job is to protect *me*." So as soon as a man comes in with a complaint, you find something to knock that complaint the hell out as unjustified before the man writes to Congress. But I had been an enlisted man, so I took the job to heart, the way it was intended. That was OK with General Allen, who was the brigade commander then. He had been an enlisted man himself. Later, however, General Barnes, the new brigade commander, and Colonel Franklin, the deputy commander, just couldn't tolerate an I.G. who did his job. It went completely against their personality and their type of training—the West Point-type training. The junior man had no rights; he never did. Everything was for the good of the commander's image, for the good of the brigade—which meant for the good of Barnes and Franklin. The key phrase used to justify any type of illegal action was always "for the good of the brigade." We can't let this get out and spoil our image. The civilians wouldn't understand. For the good of the brigade, you could cover up fraud and theft, rape and murder. For the good of the brigade, you could let people get away with anything—even if it violated the Geneva Convention or any other legal, moral or ethical code or set of standards.

PLAYBOY. You later became a battalion commander. Did you request the job?

HERBERT. No. While I was I.G., General Allen said he was going to assign me as a commander. A lieutenant colonel who commanded the First Battalion of the 503rd Infantry was shot down in a helicopter and broke a leg or something and I was told that General Allen had decided I would take over the unit, to come down with all my combat gear ready to go to the field immediately. So I threw everything in my rucksack and went whistling down there—you know, going to be a *commander*. But when I got there, the brigade sergeant major told me something had happened; he was kind of pissed about it. It seems they had a West Pointer named Henning—who had been at West Point with Franklin, by the way—who had 20 years as a commissioned officer but had never had a command. He had been sent over to Vietnam to get his ticket punched—get his command time. That's the way it's done. Whether a man has a good combat record or not doesn't matter. If he's one of the boys—a West Pointer—and he's going to be selected for big things in the Army, he has to go out and command troops.

I congratulated Henning and went back to my job as I.G. Then General Allen called me in and said he was leaving, but he'd make sure I got the next battalion that opened up. About six weeks later, I took over Second Battalion and that was it. But Colonel Franklin told me, "Don't count on being here more than 30 days." The night Barnes gave me the battalion, he said, "I know you're neither a Leavenworth"—that's the Army school that's called the school for generals—"nor a West Point graduate. I hope you can handle the job." Well, I had been in three wars and I knew damned well I could do it as well as or better than the rest of them who were already doing it. But I just said, "Well, I'll try, sir." So I became a battalion commander.

PLAYBOY. Why 30 days? Was Franklin antagonistic to you?

HERBERT. I don't know. Maybe he just resented the fact that I wasn't a ring-knocker.

PLAYBOY. Ring-knocker?

HERBERT. West Point graduates wear these big class rings, and they're always tapping them on tabletops in case you forget they're wearing one. Maybe Franklin wanted a fellow ring-knocker to have that battalion. At least that's what the brigade sergeant major swears. Or maybe it was because I had been a little too dedicated as an I. G. and Franklin thought I might not be a good team player. Anyway, I didn't think about it much at that time. I had a battalion to get in shape, and I knew enough about the unit to expect some real problems.

PLAYBOY. What sort of problems?

HERBERT. There had been two attempts on the previous commander's life. There had been quite a few fraggings in that battalion, both officers and senior enlisted men. One man had both legs blown off; seven people had been wounded by a grenade, and a Claymore mine had been blown right at the tactical-operations center—a mine set to kill the staff, for Christ's sake. Something had to be done, and the way to start was by leveling. So I got all the troops out and said, "OK, a lot of you men have been convicted of minor crimes, like having marijuana, crimes you think you're not guilty of, but you've been charged and fined hundreds of dollars. You've been, in your estimation, screwed by the green machine. I'm not going to argue whether you were right or the preceding battalion commander was right. However, any punishment that he gave you, I can give the money back, I can clean your record, I can eliminate any charges that he made against you, because I'm the battalion commander now. That's the way it works in the Army. I'm going to take the first step. Those of you who are going home tomorrow, you stay clean until tomorrow and you'll go home with a clean record. Your whole year will be clean." Somebody had to make the first move. We didn't have any more trouble. The marijuana problem ended. Everything just ended.

PLAYBOY. Drug abuse seems to be one of the most persistent problems in Vietnam. Why?

HERBERT. The Army creates its own drug problem. The Army thinks a man who's kept busy won't take drugs, so it tries to keep soldiers busy at all costs by giving them meaningless menial tasks to perform, no matter what their qualifications or interests. On top of that, officers and N.C.O.s with nothing better to do harass the troops day and night. It's not fear of combat that drives most men to drugs in Vietnam—it's harassment and boredom. Also, the Army doesn't distinguish between marijuana and hard drugs, forcing the troops to use the least detectable—heroin. Not only does the Army drive enlisted men to look for an escape; its corrupt members help make that escape available to them. And look at the Army's current solution—burn the marijuana fields of Vietnamese farmers and then pay to cure, or at least dry out, heroin addicts as they leave Vietnam. Got to be sure "our boys" are clean before they get back to the real world. A month later, of course, it becomes a civilian problem, a family problem; the Government is absolved of its responsibility.

PLAYBOY. Some people think that the drug problem and the fraggings in Vietnam are evidence of a decline in the quality of the American soldier. Do you think there's any truth to that?

HERBERT. The men I served with in Vietnam are the finest soldiers this country has ever produced. Anyone who thinks he did more in World War Two than these guys did over in the jungles is just bull—— himself. The average grunt or sergeant in Vietnam would do *anything* you told him to. They were almost fatalistic about it. As long as it was legitimate and you were out there with them, it was OK, no matter what the chances of getting blown away. If you were out there with them, doing what they had to do, not trying to win promotions and decorations, then they'd do it all. The guys I was with in Korea who were considered really brave would be about average in the jungles of Vietnam.

There are people in the Army now who say that the troops that went over to Vietnam were a bunch of bums. But the people who are doing the crying are the people who are at fault. It was bad leadership that made some of these troops into substandard performers. Men just won't go out and fight and die for somebody who doesn't care about them, never sees them, never shares their risks while they're out doing the bleeding. If the troops didn't perform like the generals wanted them to, it was because the generals weren't doing their job. It's that simple.

PLAYBOY. What did you do that other commanders didn't to win the confidence of your troops?

HERBERT. I got everybody—including myself—out of the rear. You have to be over there to know just how important that is. You can find comfort—hell, *luxury*—in Vietnam, a war zone, that's unlike anything you could find this side of a Miami Beach resort hotel. The American people were paying for 500,000 troops over there, but the fact is that about 475,000 of these men were cooling their heels, living better than they could ever afford to live in America or any place else in this world, living like potentates, like kings. We just flaunted it. Cigarettes were free. Cigars were free. Beer was free. Whiskey was almost free. Everything was free. Now, a real trimmed-down fighting brigade, according to the manual, should be able to operate almost out of two little tents and a jeep—out of its back pocket. But our brigade, which was representative, had this vast complex of swimming pools, pizza joints, steakhouses, Dairy Queens, outdoor theaters and clubs with two or three bands playing every night.

PLAYBOY. You had all this in just your brigade?

HERBERT. Yes. An airborne *combat* brigade, no less. And all of this was for the enjoyment of those who never saw combat—all but a few hundred of our ten or eleven thousand men. But everyone was drawing combat pay. In this mess, General Barnes actually had men in white packets with little wine-tasting cups around their necks. I know a major whose responsibility was teaching these men how to taste wine for General Barnes. All this while the same few hundred guys, without any support whatsoever, were out there dying, humping it every day, day after day, for all these thousands of men toasting each other over the bar.

PLAYBOY. Apart from its demoralizing effects on those who had to do the fighting, did all this rear-area country-clubbing ever interfere with operations in the field?

HERBERT. All the time. We couldn't get what we needed for combat because it was being used for other missions. Like making life easy. The brigade had a pizza chopper, for example. If you ordered enough pizzas, a helicopter would deliver them. It was supposed to be based on the availability of the helicopter, but that was bull—. You wanted pizza, you'd get a chopper. Well, one day I had some wounded after a fire fight north of An Khe and I called for medical evacuation—a "dust-off." But the medical chopper was out somewhere and they said I'd have to wait. But I couldn't wait, so I ordered a stack of pizzas and I had a helicopter in no time flat. I put my wounded on—two woundeds and a guy with malaria. Later, I was called in and chewed out.

PLAYBOY. By whom?

HERBERT. General Barnes. He bitched at me for making unauthorized use of a pizza chopper. My men should at least have been in critical condition, he told me. Christ! Maybe he was peeved that I hadn't paid for the pizzas.

PLAYBOY. With all that high living in the rear, didn't your men resent being taken into combat?

HERBERT. Not much. They were doing what they'd been sent to do. And out in the field there was no harassment, no bull—, no make-work, no idle time. When you're out in the bush, you have to do your job and count on the other man to do his. Your life depends on it. So you get tight with the guys in your outfit and you take pride in what you do. A man can't feel much pride when he's back at an R&R beach tending bar or lifeguarding.

Well, I put a stop to a lot of that, and when my troops out in the field saw the guys who had been living it up back at base out there with them, that ended some of the resentment they'd felt before I took over the battalion. They also saw *me* out there, so they knew they weren't being run by remote control, being told to take risks their commander wasn't willing to take. They were also getting what was due them. Every man in the field, for example, was supposed to get a free beer a day. It was supplied and the men were supposed to get it. Previously, some swore to the I.G. office they had been charged a buck a can for beer that had been given to us free to give to them. And it was warm beer when they got it. So I took the beer to them every night myself; had a man put it in big rubber body bags. The ice melted overnight in the heat, of course, but the beer stayed cold. Anything that came in for the troops, my staff and I made sure they received it.

They were also supposed to have survival knives, a big hunting knife made for helicopter pilots in Vietnam. Everybody in Saigon was carrying one of the damned things on his belt, but the troops that needed them in the jungle didn't have them. The high ranks peeled them off and sold them on the black market or kept them. So you'd see all these Saigon commandos with this big damned survival knife, and the guy in the jungle running around with a penknife. Well, a friend got me a set of these knives and I made a rule: Every private in the battalion was to have one of those knives. I said I'd better not find a single man above private wearing a knife as long as there was still one private without one; I'd better not find one corporal wearing one and some Pfc. without one. So instead of giving it from the top down, I gave it from the bottom up, as it's meant to be. And the troops realized right away what was going on. You can't bull—them, and when you don't try to, they appreciate it.

PLAYBOY. Considering the unpopularity of the war, weren't there any men under your command—despite your honesty and evenhandedness—who simply didn't want to fight?

HERBERT. Some of the men balked at going into the field, but I really didn't have much of a problem with that. Some of them didn't want to be involved in this type of war, or they said they didn't believe in killing. I told them they didn't have to kill—just go out and do another job. There are a lot of other jobs in war besides killing. I let them rebuild temples and build hospitals for kids, or go out and administer minor medical treatment. They were quite satisfied, and that eliminated my rear-area problems. So well, in fact, that I got into trouble for it.

PLAYBOY. How could you get into trouble for eliminating discipline problems?

HERBERT. There is a letter from General Barnes to the effect that my men weren't getting enough delinquency reports—the things that MPs give guys for running stop signs and that sort of thing. I guess Barnes thought I was being soft on the men or something. But I didn't give d.r.s; the MPs did, and the reason my men weren't getting them was because they weren't back at base where the MPs handed them out. They were with me out in the field doing what they were sent to do.

PLAYBOY. Were your tactics in the field the same as other commanders', or did you have your own way of doing things out there, too?

HERBERT. In my battalion, we used basic infantry tactics that have been good since the time of Philip of Macedonia. There's a lot of nonsense talked about the new lessons of Vietnam and that sort of thing, but war is still war. The problem is still closing with the enemy and destroying him. But in Vietnam the Army figured we could win it with technology. So we bombed everything in sight, used artillery like there was no tomorrow, defoliated and all the rest. Somebody once said that in Vietnam we would use ammunition like a millionaire and use lives like a pauper. That sounds good; it has a nice ring; like something generals tack on walls behind their desks. But what happened was we started killing a lot of the wrong people. You don't know who you're killing when you fire artillery all over the place or call in a B–52 strike. When you use firepower indiscriminately, everybody gets killed—including Americans. I'd guess that about 50 percent of our casualties over there have been a result of our own weapons. We wanted to make it easier for the grunts, but visibility was so restricted in the bush that uncontrolled men firing just flat killed a lot of our own troops. The big reason for using so much firepower, of course—apart from giving the Air Force and the artillery a job to do—was so we could increase our body count. Theirs, not ours. We decided to measure success on the battlefield in terms of bodies.

PLAYBOY. Is that the way *you* operated?

HERBERT. Before I took over the battalion, men were given furloughs for bodies. I changed that. I gave furloughs for detainees, for live prisoners. We weren't out there just to kill. Prisoners can give you information, and in a guerrilla war, that's an essential commodity.

PLAYBOY. But your battalion did have the most kills of any battalion in the entire 173rd Brigade.

HERBERT. Yes, but we made sure *who* we killed. I cut down on the artillery. Cut down on the use of air strikes. Stopped assaults on villages. We tried to operate where the guerrillas were and to operate like them. We made sure we were killing the enemy, not just some farmer who happened to get in our way. Hardly any American units in Vietnam, for example, operate at night. But that's when the V.C. go to work. That's when they move, when they set up their assaults, when they make their mortar attacks. Obviously, if you want to stop them, you have to get out there at night, when they're on the move; not go into a village in the daytime, hoping the V.C. are holed up there, and blow that village apart. So we started setting up night ambushes along the trails.

I had to retrain my men in the fire discipline. With all the emphasis on firepower, everybody was in the habit of going to full automatic fire any time there was a fight, and all that does is guarantee you're going to kill everybody in the area—the enemy, innocent civilians and your own troops. I told my people we would use single shots, no bursts. And I made them go out and retrain with their weapons so they could hit what they were shooting at. Then I told the troops that when we heard automatic fire from any weapon, we would return that fire, because it would be considered enemy. Any man who switched to automatic had better watch his ass or he'd be dead.

PLAYBOY. Even if they obeyed the rules, didn't this tactic expose your own troops to considerable risk? There must have been times when they needed extra support and firepower.

HERBERT. When we did, we used it. You have to evaluate the situation and do what's necessary. I didn't sacrifice people for any policies. But the best way to answer that question is to look at the statistics. Only two of my men were killed in the 58 days I was in command of that battalion.

PLAYBOY. How did you manage to keep your casualties so low?

HERBERT. One of the best ways to take a lot of casualties in a helicopter assault is to land your choppers 300 or 400 yards from where the enemy is dug in and move across that ground to close with him. You have to go through his automatic-weapons fire, his mortars. You get tangled up with his mines and his booby traps. You lose some arms and legs and you become disorganized before you ever get close. You give up any advantage of surprise you might have had. You get discouraged. You give the enemy a chance to get out the back door after he's through chewing you up.

I decided that this wasn't the way to do it. I brought my choppers straight down on the enemy. I didn't have to go through any damn mine fields and have my men blown apart. And it gave the enemy two choices. He could fight and die or he could surrender. Some of them did fight and die, but a lot of them surrendered. Hell, I saw a sergeant knock out a tank in the Dominican Republic with a Coca-Cola. He ran up and threw a bottle of Coke at a rebel tank. The people in that tank thought the bottle was full of gasoline and they were going to be burned alive, so they got right out. You can be aggressive enough not to take casualties.

PLAYBOY. In spite of your combat record, you were relieved from command and rated by General Barnes and Colonel Franklin as 'unfit to serve as a commissioned officer in the United States Army."

HERBERT. Yes. One day I was given an award as the best battalion commander in the unit and the next I was out of a job.

PLAYBOY. How did it happen?

HERBERT. The day after I got that award, I went up to Franklin and said jokingly, "Sir, your best battalion commander would like to talk to you about some atrocity investigations." I had verbally reported to him about things I'd seen in the field and, as far as I could tell, nothing was being done. When I'd reported these incidents to Colonel Franklin, he'd given me a typical response. He said I was a liar or exaggerating. Then he tried to intimidate me by saying that maybe I was growing queasy and didn't have the stomach for guerrilla war. I also reported some of these incidents to General Barnes, who told me to deal directly with Colonel Franklin, that he himself wasn't going to touch it.

Franklin took care of it, all right—by dragging his heels. But I still didn't think he was being corrupt. Just tardy. But when I brought the subject up again the day after that award, he got real hard about it. So I told him, "OK, sir. I've reported crimes to you and none of them has been investigated. All the witnesses will be leaving Vietnam soon. Nobody's ever asked me for a statement. Nothing has been done. If I don't get an answer in the next week or so, I'm going down to field headquarters and make a report." He said, "You'll get an answer tomorrow morning."

That night a major came by and told me General Barnes wanted to see me in the morning. When I walked in to see him, he said I was being replaced. "We're going to tell the troops you're going to a high-level job in Saigon." I said, "It's because of the war crimes, isn't it?" Franklin was there and he jumped up and called me a liar and a cheat. Barnes said he didn't want to talk about it. I told the general that he owed me at least the courtesy of completing the investigation to see who was telling the truth. "Colonel Franklin has already investigated and I'm satisfied," he said. When I walked outside, Colonel Franklin caught up with me and said, "You have a very fine career ahead of you, so don't go down there making waves. The general said he'd give you an outstanding efficiency report if you don't make waves." And I said, "You don't know me very well. I'm not just going to forget about those crimes."

PLAYBOY. And you didn't.

HERBERT. Damn right I didn't. When I got to Saigon, I went to see General Abrams' Inspector General, a Colonel Edler. He suggested that I write out my side of the story but advised me not to raise directly the issue of war crimes. Sort of sneak it in was his advice. Make them think I was just out to get myself exonerated. They'd understand that. But investigate war-crime cover-up by the command? Never.

So I requested an investigation for erroneous relief of command and finally got it. One of Abrams' and Westmoreland's old West Point friends, Major General Joseph R. Russ, was assigned to investigate and report on the case. General Russ told me that war-crimes charges were out of the question under the terms of the investigation I'd requested. "If you can bring out these crimes in cross-examination, however, they can be made a matter of record." I was looking forward to cross-examining Barnes and Franklin, but when it came time for me and my Army-appointed lawyer to fly back to the 173rd Brigade area for the cross-examination of witnesses, suddenly there wasn't room for me on the plane. But General Russ's investigators said they would cross-examine for me. Nice of them, I thought. So that investigation was completed without a word about war crimes.

PLAYBOY. What exactly were your charges?

Herbert. I made eight charges involving war crimes. Everything I reported occurred in January, February or March of 1969. Later I dropped one of the charges—concerning the murder of an American lieutenant by two of his men. The two men were killed later, according to the Army, and the investigation would only have caused needless suffering for the families involved. The others, however, I still stand by, and according to a fact sheet published on December 7, 1971, and released to Congress, so does the Army. There are 21 crimes listed on the fact sheet. The implication is that I reported all of them. Of my original eight, seven have been confirmed by the Army as occurring as I reported. I guess by adding the others they're trying to make me look like a real troublemaker, and by shooting their own charges down, make it look like my batting average isn't really all that good. I was asked about the others, since they were supposed to have occurred in the same area where my battalion was operating, so I just told the investigators what I had heard about the charges. I never claimed to have witnessed eevrything myself.

Playboy. But you did witness the seven you reported?

Herbert. Either in person or had them reported to me by someone of lower rank, which in the Army is the same thing.

Playboy. Would you go through the charges?

Herbert. OK. I'll read them to you: "Members of a Vietnamese unit, accompanied by an American captain advisor, looted a village during a sweep-and-search operation." The Army fact sheet says: "Two American officers stated that they witnessed the looting by Republic of Vietnam [RVN] Regional Forces from Tam Quan District during March 1969. There was contemporaneous inquiry by the 173rd Brigade into this incident. The inquiry made clear that, as a result of an American officer's actions, the looted items were returned to the Vietnamese villagers at that time."

Here's what happened: One of my company commanders on the ground saw that this looting was going on and reported it to my operations officer, who was flying over the area in a chopper. He called me over the radio and said he was going to land and put a stop to it. Later he came back and told me, "I got down there and found this rat—— captain who said he couldn't do anything because he was just an advisor and didn't have any control over the Vietnamese. I told him that I'd been an advisor and that he was full of —— and to make those people give back what they'd looted or we'd take our companies out of the area and leave him with his Vietnamese to fight the V.C."

He finally did make them return what they'd taken, and that was that I reported the incident—just like the book says I'm supposed to—and Colonel Franklin called me down and told me to submit my operations officer for a court-martial or some other kind of discipline. I said that since he was following my orders and under my command and was doing the right thing, I wouldn't do it. The whole thing ended there. In the fact sheet, the Army says that American officers corrected the situation, implying that everything was taken care of. But the officers who did the correcting were mine—a point the Army sort of glosses over. And I was supposed to punish them for it? It's straight out of Kafka.

The Army goes on to say what that rat—captain said: "The American advisor did not have command authority over the Vietnamese unit." That's outright bull—Anybody who's served in Vietnam knows damned well that the Americans may be called advisors, but we all know who's really boss out there. But who's boss doesn't matter anyway, since, as signatories to the Geneva Convention, we are required to stop war crimes committed by our Army and allied armies as well, apprehend the offenders, turn them over to their government for trial or try them ourselves. But the Army gets around the whole issue by stating in its report: "Since all offenders were Vietnamese nationals, the results of the USACIDA (U.S. Army Criminal Investigation Division Agency) investigation were transferred to U.S. Military Assistance Command, Vietnam, for forwarding to appropriate RVN officials." Now, three and a half years later, what the hell good will that do? If they ever turned the results over at all. Why doesn't Congress ask to see this paper? What did the Viets do about it?

OK, allegation number two: "Members of an unidentified South Vietnamese unit, accompanied by an American lieutenant, advisor to the Tam Quan National Police, killed five Vietnamese detainees who had been taken from United States troops. The throat of one of these detainees, a female, was cut in the presence of LTC Herbert." And here are the results of the Army's investigation: "Four individuals were located who claim witnessing the execution of detainees by the Vietnamese police on 14 February 1969, but no one could substantiate the execution of the female detainee. The lieutenant advisor who accompanied the Vietnamese unit denies seeing or hearing about any detainee killings."

No one can substantiate the execution of the female detainee? Bull—! I can I saw it with my own eyes. Others saw it, too. There's our man in particular from whom the Army has refused to take a statement swearing to it. From other Americans witnessed the execution of other detainees. But the lieutenant denies "seeing or hearing about any detainee killings." What does the Army expect from him? A confession? The Army is implying that the lieutenant is right and Colonel Herbert and four other eyewitnesses are wrong. Two American helicopter pilots and one of my sergeants have sworn that things happened just the way I reported them. I say let's go to court and we'll find out who's lying.

I also reported this incident to Colonel Franklin, who was in the air at the time it happened. He told me to stop interfering with the Vietnamese unit. Now, according to the Army: "Colonel Franklin stated that no one reported anything to him concerning this incident. He adds that he was on leave in Hawaii at this time. A check of hotel records in Honolulu confirms that Colonel Franklin was registered until 7:30 p.m. on 14 February 1969, or 3:30 p.m. 15 February, Vietnam time. Because of the distance between Vietnam and Hawaii, Colonel Franklin could not have returned to brigade headquarters before 16 February 1969."

Bullshit again. Franklin was in Vietnam exactly where I said he was on 14 February 1969. Eyewitnesses can substantiate it. He produced a hotel receipt from Hawaii for the 14th of February from the Ilikai, signed by his wife. Did Franklin, a paratroop colonel stand by while his wife took care of the bill? Hardly. Just picture it—standing there while wife handles the negotiations. Crap. You're on R & R and the wife joins you; five days later you go back and your wife stays on for a day or two. So he probably does have a hotel receipt with that date and his wife's name on it. Hell, I can produce a receipt from the U.S. with my wife's name—but I was in Vietnam on the day in question and so was he, sitting there telling me to forget about the murder of defenseless detainees.

Again, the Army's favorite way of dismissing such crimes: "The American advisor did not have command authority over the South Vietnamese unit. Since all alleged offenders were Vietnamese nationals, the investigation was forwarded to U.S. Army, Vietnam, to be furnished to appropriate RVN officials."

But with the next two allegations they can't say that, because the actual perpetrators were Americans and Vietnamese: "A young female detainee being interrogated in the face by an American interrogator and electricity was transmitted into her body from a field telephone. Two female detainees were mistreated by Vietnamese interrogators while in an American military-intelligence compound. One was struck on the back of the hands with a stick and the other struck in the face with a stick and hit by hand on the breast."

Now, the Army fact sheet says: "These allegations are still under investigation. No comment can be made pending completion of command actions, since to do otherwise might prejudice the rights of those allegedly involved." All right. But if the investigation is still pending, by what logic have they dropped my charges against General Barnes and Colonel Franklin for failure to report war crimes? By what right was Barnes subsequently promoted to major general? These last crimes took place within 100 feet of General Barnes's trailer. I reported what I saw directly to Colonel Franklin, but he, of course, denies any knowledge. Both Barnes and Franklin knew what was happening there; and if they didn't, they were derelict. Who is responsible for brigade interrogation techniques, if not the commander?

The next one I reported was this: "A Vietnamese detainee was field interrogated by having water forced into his nose and mouth until he became unconscious. American military personnel were involved." The Army's results: "Witnesses to the field interrogations were located. Two persons, both now returned to civilian life, who participated in the interrogation, admitted the use of water during the interrogation." You're damned right they're in civilian life, but they weren't in civilian life when I made the allegations. One of these men was a career soldier, a sergeant, first class. The Army let these men out so they wouldn't have to charge them. I guarantee that if the Army could have found anything to charge me with, they wouldn't have let *me* out. Incidentally, it was reported later that the man died.

Next is the one I agreed to drop, about the American lieutenant being killed. Then come the Christmas cards: "Christmas cards were prepared depicting a Vietnamese body, the face of which had been shot away, and a 173rd Airborne Brigade patch either pinned or nailed to the forehead." The Army investigation says: "A brigade investigation was ordered at the time to determine the circumstances surrounding the alleged incident. The investigation determined that a card had been produced, and its originator received a reprimand. The USACIDA investigation confirmed the findings of the bridgade. A copy of the Christmas card obtained by USACIDA shows no patch affixed to or carved into the body in any way. The deceased was considered a combat death. Using the picture of the dead body on a Christmas card was a thoughtless act, but not a violation of the law of war."

I didn't say there was a patch pinned or nailed to the forehead; that was added to the charges by whoever wrote up my allegation for the fact sheet. What I in fact said was that I thought there was a 173rd patch *somewhere* on the card. I only saw the card for a brief period of time. But what does it matter whether it had a patch on it or not? The important thing is that it was a color photograph of a Vietnamese with his entire face blown out and underneath it said something like "Peace on earth, from the peaceniks of C Company."

Playboy. Was this C Company in your battalion?

Herbert. Yes, but this occurred before I took over the battalion. When I took command, they were still trying to gather up the cards so they wouldn't get to higher headquarters. Colonel Franklin called me in and told me that if I got any of the cards to suppress the issue and get them to him right away. You know—take care of our own dirty laundry. The man responsible for the distribution of the Christmas card was an officer, and all he received for setting this kind of example was a verbal reprimand, or a letter, if anything. If a private had been responsible for this, a reprimand would have sufficed. But an officer? A captain? This was a "thoughtless act, but not a violation of the law of war." That's right. It's no violation of the law of war. It is, however, a violation of MACV Directive 20–4—which says that any crime or any indication of a crime, including mutilation of bodies, was to be reported to headquarters—and it was —— sure a violation of the Uniform Code of Military Justice, Article 133: conduct unbecoming an officer. The Army is looking for an out. So if I didn't charge conduct unbecoming an officer, they say it's not a violation of the laws of war. They choose whatever document it doesn't violate and use that as the criterion, realizing that the average reader will not make this distinction. I say this to the Army: Make that Christmas card public. Let the people judge for themselves whether it was a war crime.

Now, here's the final allegation I made: "American military forces mistreated Vietnamese detainees in the American compound at An Khe by pulling them up from a leaning rest position by the hair of the head." This occurred while I was I. G. The I. G. office was right next to the detainee compound. The I. G. sergeant saw American interrogators beating and abusing Vietnamese detainees. He told them to stop but they refused, so he came to get me. When I got there, the interrogators had stopped their brutality, but I could see myself that the Vietnamese had been badly mistreated. I went right to Lieutenant Colonel Bethea, who after talking to Barnes, told me Barnes said he would see that the incident was investigated.

Now, the man appointed to investigate was a Major Arnold, whose efficiency report was written by the support battalion commander who was responsible for what went on inside the detainee compound. Major Arnold was hardly the man to run the investigation, since any adverse findings would be a direct reflection on his own boss. Arnold's investigation concluded: "Not sufficient evidence existed to substantiate the alleged assault on the detainees" and that "no positive identification of alleged participants was, or could have been, made."

The Army's results, of course, found no evidence to impugn the findings of an investigation conducted by the brigade." But Colonel Felix Milhouse, who personally conducted a subsequent investigation of General Barnes, showed to me and my military counsel the statements of the men who did the interrogating. Their statements deny that they beat up detainees; they merely "tapped them in the mouth too hard with our fists." But they admitted that they "kept them on their feet all night"—a crime in itself—"and abused them to prime them for interrogation in the morning." The detainees required medical attention but received none. The reason why, according to the interrogators: "They didn't ask for it."

PLAYBOY. What about the other allegations on the fact sheet—the 13 that were made by others? Do you know anything about them?

HERBERT. Sure. One in particular. It's about the rape of a Vietnamese girl. I think the Army's response to this particular allegation tells a lot about how the minds of the generals work, how they deal with crimes against Vietnamese. It reads: "Fourteen unidentified American soldiers from First Battalion, 50th Mechanized Infantry, while on a village sweep operation, took a young Vietnamese girl from her family and repeatedly subjected her to rape and sodomy."

Anal intercourse is what it was, and 14 men *did* do this. They admitted it. Their defense was how humane they were; they pumped her bottom full of morphine so she wouldn't feel any pain. The soldiers just picked her up for interrogation—the prettiest girl they could find there—took her away from her mother and father and kept her for two or three days, repeatedly raping her and filling her with morphine. She was nine or ten years old.

Now, here are the results of the Army's investigation: "Several brigade staff members recall that such an incident was investigated at the time of its alleged occurrence. The victim could not identify her alleged assailants. A report of the investigation was submitted to U.S. Army, Vietnam, and to the Department of the Army."

The Army hierarchy have become masters of the half-truth. Do you know why she couldn't identify her assailants? She was dead. The soldiers had punctured her intestine and she died. By this kind of reasoning, a rapist should never allow his victim to live. There were, of course, other witnesses—the mother and father of the girl, other soldiers in the unit, etc. But the Army hierarchy, I assume, didn't consider the crime serious enough to investigate thoroughly.

PLAYBOY. You were relieved of duty in April of 1969, but the fact sheet wasn't released to Congress until December of '71. Was there a continuing investigation of your charges in the interim?

HERBERT. Yes. Mine. Here's how it happened. The first investigation took place in Saigon, right after I was relieved. Since I didn't get to cross-examine any witnesses, the subject of war crimes never came up. The investigation was confined to my relief and the justification for it, as well as the accuracy of that fitness report written by Colonel Franklin and signed by General Barnes. The report, written after my relief and after Franklin had assured me that Barnes would give me a favorable rating, was an attempt to establish me as a liar and to discredit my allegations.

My problem, according to Franklin and Barnes, was that I was "incapable of commanding a battalion in the sense of being part of a brigade team," "incapable of telling the truth," that my "lack of integrity" made me "unfit to serve as a commissioned officer in the United States Army." Franklin claimed under oath that the other officers in the brigade would attest to this, and to the fact that I was hated in the brigade.

These officers came on the witness stand, one after another—remember, they were Colonel Franklin's officers—and every one of them, except for Franklin, Colonel Bethea, the brigade executive officer, and General Barnes, said that I got along with them and they got along with me either as well as or better than they did with any other battalion commander in the brigade. General Russ, the investigating officer, concluded that any ill feelings that did exist were a result of my I.G. tour, not my command time. He never explained the little gems that resulted in what few ill feelings did exist. They came from my investigation of $180,000 missing out of unit funds, the disappearance of gold certificates, the slipping off of captured heroin into the black market, the buying and selling of R & R leaves to Hawaii for officers by members of the staff.

PLAYBOY. We can understand why Barnes and Franklin weren't among those who testified on your behalf. But how about Colonel Bethea? What did he have against you?

HERBERT. General Allen had given the Second Battalion to me instead of to Colonel Bethea, who had been General Barnes choice, so we didn't hit it off right from the start. When Barnes was asked, under oath, whether or not Bethea was scheduled for the Second Battalion before me, he tried to protect his ass by saying no, this was not true. Immediately after he testified, both Bethea and Franklin were called, also under oath, and both of them said, yes, it was true. There are more inconsistencies in their testimony than this—more than two dozen cases of false swearing which I documented as false. The Army was going to let them all pass.

PLAYBOY. Just drop them?

HERBERT. It wasn't put that way. I pointed out the false swearing and filed an official allegation. I was told later in Washington, D.C., "Well, yes, there was proof of false swearing in all these cases, but we're not going to do anything about this, Herbert, since these men are all going to be tried for war crimes anyway, and to charge them with false swearing would be comparable to having someone already convicted of rape charged with indecent exposure." After the war-crimes cases were dropped, I asked about the cases of false swearing. "Well, the statute of limitations ran out on that. Sorry." It was over.

PLAYBOY. But you did succeed in clearing your record?

HERBERT. When General Russ read the findings of his investigation, I thought at least I was going to be exonerated. They made the investigation, got the evidence, presented a firm case for redress and removal of the negative efficiency report from my file. Then—just like that—said no redress should be given. Unbelievable.

PLAYBOY. What happened then?

HERBERT. My Vietnam tour ended and I was reassigned to Fort Leavenworth to attend the Command and General Staff College—a necessary ticket for officers who aspire to make general. Which might indicate that the Army didn't feel I was totally unfit for service as a commissioned officer. When I got there, I went to the Army legal office and told them I wanted to report these war crimes. A few days later I got a call from Colonel "Buck" Newman of the Army's officer-personnel section. Colonel Newman said, "If you're going to get involved with war crimes, you're not going to have time to go to school." I got the message. I said I was going to go through with the war-crimes thing, so they said I couldn't attend the staff college.

Then the Army lawyers at Leavenworth told me I didn't have enough information to make war-crimes charges. Another stall. I had names, dates, places. They were supposed to gather the statements of other witnesses, but they told me I had to do it myself. When I tried to use Army facilities to gather statements, I was personally told by the commander of Fort Leavenworth, Major General John Hay, that I couldn't use the Army telephone system for this investigation. So I began using my own money to call people and fly around the country gathering statements. I spent most of my family's life savings doing this—about $8000 altogether.

When regular-Army promotion time came up, of course, they told me I couldn't be promoted in the regular Army while I was dealing with war crimes. Then they decided to send me to Fort McPherson, Georgia, where Westmoreland's old friend and ex-Army chief of personnel, Lieutenant General Connor, could keep close watch on me. The day after I got there, I went to see a civilian lawyer, Charles L. Weltner, who was handling one of the My Lai cases. He told me I could file charges in Federal court. But I decided that before we would do that—to be completely aboveboard—I would let my military superiors know what I was doing. General Connor, through his adjutant general, asked me to go through I.G. channels so that it wouldn't be made public and it could be handled "properly." I reported to the I.G., who turned the problem over to the USACIDA.

PLAYBOY. Which did what about it?

HERBERT. Over a year after I returned from Vietnam, after getting booted out of the Army's college for generals, after losing promotion and spending $8000, and finally threatening to go to Federal court with my charges, the Army finally responded. But it wasn't simply "the Army." It was Westmoreland himself. Westmoreland proceeded to do everything he could to keep my case out of public view, because my charges were related to the My Lai cover-up.

PLAYBOY. Would you explain?

HERBERT. First, General Barnes's immediate superior in Vietnam during a period when I reported some of the crimes was Lieutenant General William Peers, who headed the Army's board of inquiry into the My Lai cover-up. If General Barnes had been brought to trial and asked if he had reported these crimes to General Peers and said yes, the Army would have been in an embarrassing spot. Second, Colonel Franklin was one of the members of the Peers Commission. Of all people to sit in judgment of war-crimes cover-up! Most of the Peers Report is still classified, but thanks to the investigative reporting of Seymour Hersh and an unknown patriot who gave a copy of the classified report to him, we know now the great extent of the My Lai cover-up. During the My Lai investigation, Colonel Franklin responded to one witness' recollections about the shooting of a woman who ignored an order to halt by saying, "Well, can you think of a better way to stop people that are running than doing that?"

PLAYBOY. Did Westmoreland try to stall—as well as to suppress the facts about—the USACIDA investigation of your charges?

HERBERT. Sure he did, but he also decided to sabotage it by appointing Major Carl Hensley to conduct the investigation. The first time I met Hensley, he told me he was going to prove me a liar. That was nothing new to me. I said OK, just get on with it. But it kept dragging on. October, November. Then they said it would be finished by Christmas. This was 1970. Then January, then February. On March 10, 1971, I went to Washington and saw Major Hensley. As the investigation had proceeded and he talked to the witnesses and so on, we had become a little more friendly. I asked him, "When are you going to finish this damn thing? Give me a date." And Hensley said, "You think we're stalling to let the statute of limitations run out against the general and the colonel, don't you?" I said, "You said that, but that's exactly what I think. But I'll prevent that by filing formal charges. Then you can take as long as you want to investigate." So I came back to Atlanta and filed formal charges. Five days later, the Army flagged my records and threatened to charge me with some vague, trumped-up crime. They thought I'd get scared.

Then, in the beginning of April, Major Hensley called me and admitted that he knew the crimes did occur the way I said they did and that he was going to get some results. He said he was going to see his boss, CID chief Colonel Henry H. Tufts, and lay it on the line. I asked Hensley if he thought Tufts would listen to him and he said, "He'd better or——I'll get back in touch with you." Colonel Tufts evidently was not altogether sympathetic to Major Hensley's concern for truth, because he sent him to the hospital for psychiatric evaluation. The psychiatrist told him to come back April 17. But two days before, Hensley put a shotgun to his head, pulled the trigger with his toe and blew his head off.

PLAYBOY. What do you think brought him to that point?

HERBERT. No one can say exactly. The Army says that Carl Hensley was mentally unbalanced. Well, if Carl Hensley was mentally unbalanced or having difficulties, they had to know this before Westmoreland personally selected him to conduct the investigation. So why did Westmoreland select him? With all his computers, couldn't he even pick a mentally balanced investigator? No wonder he was such a loser in Vietnam. The Army hierarchy figures that anybody who goes against them must be mentally ill. If you won't fall in line, you're crazy. For that reason, Carl would have been passed over for promotion. He would have been kicked out of the Service. No retirement pay, and he had six children. Carl would have had to go back to civilian life in so-called disgrace. He'd have had to work at a much-reduced wage scale at the most critical time, when he had these six children. So Carl Hensley, I think, chose the alternative that took strength, not weakness. Dead, he was worth survivor's benefits that amounted to well over $800 a month. I think concern about the future welfare of his family tilted Carl over the edge. I don't think the Army has answered for the death of Carl Hensley, the one honorable member of the entire investigating staff.

PLAYBOY. Your own sanity has been questioned by Barnes and others, who have said that you were excessively brutal. To turn your charges around, did you ever commit any crimes in Vietnam?

HERBERT. If I had done anything out of line, you can be damn sure the Army would have nailed me for it. Barnes told a newspaper that he couldn't understand a man like me who got down on the ground with his troops and went into an attack. You had to be a killer to do this, he felt. A general doesn't go out and kill people; all he sees are body counts. He doesn't have to pick up the pieces. When you're on the ground, you not only realize the problems the men on the ground are having but you realize the horror of war. The general can call in artillery on a free-fire zone and mow down hundreds of people—men, women and kids—without ever stepping out of his air-conditioned office; but when you have to go out and pick up the guts and the legs and the arms of babies, some a few days old, kids your own daughter's age, women your own wife's age, when you have to smell the stink and pick up these pieces and put them in rubber bags, the horror of what you're doing really comes through.

PLAYBOY. And you never contributed to this horror yourself, never participated in any action that was unnecessarily brutal?

HERBERT. No. Well, there was the duck.

PLAYBOY. Duck?

HERBERT. Yes, General Barnes had this pet duck that wore dog tags. This duck just walked around the area, around Barnes's imported flower bed. He had a plane fly flowers up from Saigon and he planted them in this barren plot. Enlisted men watered these flowers two and three times a day so he could smell his posies. This was the duck's private area. You may find this too much to believe, but General Barnes actually insisted that we salute that duck. Of course, I refused. It was a symbol of all the silly crap in Vietnam, the Mickey Mouse, why we have fragging in the first place. Well, I couldn't frag, so I took it out on the duck. Just crept up on him one night in true Ranger fashion and wrung his goddamn neck. Then the sergeant major and I sat down and made four duck sandwiches out of it and ate them. I think the sergeant major still has the dog tags for a souvenir. After we ate the duck, we had at least one sobering moment before we damn near choked laughing and eating. I think this is what General Barnes was referring to when he said I was a murderer, and when he was asked, "Murdered who?" he said, "I can't identify."

PLAYBOY. Despite your denials, a man identified as a former company commander of yours has said in interviews that you beat up detainees.

HERBERT. The man who made those statements was a lieutenant in the headquarters company of my battalion when I assumed command. His main job was tending bar at the officers' club. I ordered him to go back into the field, and he refused. He said the previous battalion commander had taken him out, that he only had a few weeks to go and he had done his share. I asked him what his share was and he said he had been out there in the field six months. I said I was sorry, he was being paid combat pay, he was a combat lieutenant and he would take off his apron and go back into the field with the grunts, a lot of whom had been out there a damn sight longer than six months. He still balked. I explained that I'd accept that from a private but not from an officer, that I'd just have to court-martial him if necessary. He finally agreed to go but said he would first like to go on R&R out of the country. I said, "Go ahead on R&R, but when you come back, if you only have ten days left in Vietnam, you're going to serve three of those days out there with the troops. You'll have the time to get a Purple Heart, a Silver Star, maybe even a Congressional Medal of Honor."

PLAYBOY. Did you send him out when he came back?

HERBERT. Damn right I did. Took him out on one operation. He did a fair job and was wounded very slightly. He came down to the beach we were on and wanted to be evacuated immediately for a few superficial cuts. I refused and tried to explain that he should act like an officer—get a grip on himself. I told him the battle was over, to get up on a hill where there were 18 bodies to be searched for documents and all. But the lieutenant got himself evacuated instead; guts are just not easy to come by for some. He went home that day.

Brigadier General S. L. A. Marshall, the military historian and tactician, is now claiming in the press that this man was a rifle-company commander of mine who fought valiantly under me for 58 days in combat and heard me "lie" when I said that there were 18 bodies on that hill. He says he could see that there were no bodies there. The Army and Marshall immediately bought his story. In fact, of course, he was a platoon leader under me for exactly one day of action. Before that, he was a headquarters company commander in the *bar*. The Army is claiming that this courageous company commander served his most terrible time in the Army under me because of my insensitivity and lying. They've farmed this out to Congressmen and handed it out to select newsmen, some of whom actually bought this crap, referring to me as "the notorious Colonel Herbert." If I was so notorious, why did they give me an honorable discharge? Hell, if I was notorious, I should have been court-martialed.

PLAYBOY. Have any of your other officers come to your support?

HERBERT. Four of my five company commanders said that I was the best officer they had ever served under.

PLAYBOY. And the fifth?

HERBERT. He said I was one of the *two* best. These are all sworn statements. Some of these men have also sworn that they also reported war crimes to Colonel Franklin and that nothing was done. My medical-platoon leader, who is the son of a retired Surgeon General of the United States Army, wrote that morale was terrible before I arrived and people didn't want to go into the field. When I came into the unit, I took the majority of the men, who were in the rear areas, and sent them into the field. After a very few weeks, the troops realized that I wasn't out there trying to pile up body counts—regardless of whose bodies they were—but only to kill the enemy.

PLAYBOY. Have Barnes, Franklin and the others named in your allegations ever been cross-examined about the charges?

HERBERT. There have been all sorts of investigations, hearings, lie-detector tests and the like, but no cross-examination of witnesses by me or—as far as I know—by any of my former officers or by my lawyers. The Army has handled the whole thing in secret. Barnes and Franklin were investigated to determine if there was sufficient evidence to bring them to trial, and the Army decided there wasn't. Big surprise. But I haven't been charged with making false statements either. *Somebody* has to be lying. The Army admits in its own fact sheet that my charges are valid, but it's dropped everything with respect to Barnes and Franklin.

PLAYBOY. Other high-ranking officers—especially those involved in My Lai—have been investigated and some tried for covering up war crimes. Why haven't there been any convictions? Are they all innocent?

HERBERT. The Army isn't going to try itself and find itself guilty. It's ludicrous to hold the Army responsible for war-crimes investigations. Westmoreland has said publicly over and over again that even if war crimes have been committed, he doesn't consider himself responsible for them. If he isn't responsible, then nobody is except the man who actually pulled the trigger. Men like Calley. But we hanged a Japanese general named Yamashita after the Second World War. Not for anything he did personally. Not for any orders he gave. We executed him because he failed to take action that would have prevented his troops from engaging in criminal activity in the Philippines. Now, if that Japanese general deserved to be hanged because war crimes were widespread among the troops under his command, what about Westmoreland? Some of the actions he ordered *directly* are violations of the Geneva Convention—forced relocation of civilians, for instance. And what he didn't order outright, he certainly tolerated or, at the very least, like Yamashita, never made any effort to strictly prohibit.

Westmoreland never personally emphasized that under no circumstances would he tolerate brutality. What a commander doesn't emphasize, his subordinates won't care about. If Westmoreland had left no doubt in anybody's mind that commanders who allowed war crimes to happen would be punished, war crimes would have ceased long before My Lai. A commander is responsible for the actions of his men. But General Barnes won't be tried; like Colonel Franklin, knows exactly where that will lead—to himself. The My Lai trials tried to prove that only the man on the ground who actually participates is guilty. If they try only Calley—Calley was there and pulled the trigger—they're safe.

PLAYBOY. Whatever the responsibility for such atrocities, it's been argued that My Lai and other episodes like it are isolated incidents, the kind of unfortunate thing that happens in war when green troops are under too much pressure. Do you buy that?

HERBERT. It's a lot of bull—. What pressure? None of those Vietnamese they killed in My Lai were armed. They didn't take any casualties that day. People might want you to believe that little kids and old women over there are absolutely dangerous and treacherous, but that's just so much ——. There are incidents, of course, but if American soldiers can't take that kind of pressure, then we're in real trouble. And the main point is that the people Calley and those guys killed were the people we were sent to *help*.

But even if—the troops are scared and trigger-happy, their leaders are supposed to control them, to exercise some discipline over them. That's what military leaders are for. It's why we pay them a higher wage and dress them up. If Calley couldn't handle his men, he shouldn't have been a leader. And if his superiors couldn't handle him, they shouldn't have been where *they* were. Leadership is setting an example and making sure things are done the right way. It hasn't changed since Hannibal was kicking elephants in the —— on his way across the Alps.

PLAYBOY. Is this failure of leadership—especially in the area of war crimes—something new in the American Army?

HERBERT. There were incidents in Korea; there are in any war. I saw a sergeant slap a prisoner in Korea, just slap him, and that man was given a general court-martial. The difference in Vietnam is that such things—and far worse—have been condoned. There was indeed a failure of leadership.

PLAYBOY. Why in Vietnam and not in Korea?

HERBERT. After Korea, we went into the business of maintaining a large standing Army. We built a professional officer corps that was bigger than our entire Army had been before World War Two. In this professional Army, it was possible to advance only through a complicated system of seniority and a lot of politics. You weren't required to prove yourself in combat; just get the right jobs and know the right people. Westmoreland, for instance, was a regimental commander in Korea. He lived it up behind the lines like the rest of them. After the war, he became Maxwell Taylor's protégé. After a variety of assignments, he got the plum: over-all commander in Vietnam. It didn't make any difference that he didn't know anything about Vietnam or what we were supposed to be doing there. In all the time he was there, Westmoreland never learned anything about the Vietnamese—their language, their culture, anything. It made him nervous to be around them. But he was the fair-haired boy and he got the job.

PLAYBOY. Are you suggesting that it was a mistake to develop a large professional Army?

HERBERT. We need a very, very small standing Army in order to maintain expertise in the profession of military arms. I think we need a large National Guard and a large Reserve with people who represent all walks of life, have some military training, and who are ready to defend their nation against invasion. Period. The Army says there is this terrible menace out there and the next war will be so swift that we won't have time to mobilize. I fell for this—until I sat down and studied the lessons of history and realized that this simply isn't true. They may push the button and send the nukes, but a big Army couldn't do any more about that than a small Army could. In fact, the worst thing you could do would be to have all your Army already standing, because the enemy would know exactly where to send the missiles.

Anyway, no country can go to war unless all the indications are there. To go to war in China, the Russians have to move troops down to the Chinese border. They have to move out their artillery, they have to move certain stores and supplies. Whenever you see a country that shows all the indicators for war, that's when you mobilize and get ready to defend. If you have a standing professional Army, the Army is going to find a way to be used. It's going to look for causes. Instead of having the cause first and then mobilizing an Army to fight, we now have an Army searching for causes: like "saving" Vietnam. All they really want to do of course, is keep their jobs.

PLAYBOY. So you don't support the concept of a volunteer Army?

HERBERT. Not a bit. I'm afraid of what could happen in this country if we had a large all-volunteer Army. We've already seen the Army in the streets of our cities more in the last five years than in all of our history before that. We have an Army conducting surveillance of civilians. We have an Army that rounds up protesters in Washington and holds them as detainees. I saw what happened to detainees in Vietnam. A large Army, run by the same men who failed in Vietnam and who refused to abide by the Geneva Convention there, is a dangerous thing and I fear it. Once Vietnam is lost, they're sure to look for new causes in Latin America or Africa or the Middle East. A large Army of professional officers and drafted troops got us in enough trouble in Vietnam. I hate to think what a large *all*-volunteer Army could manage.

PLAYBOY. What, besides reducing the size of the Army, would you do to improve it?

HERBERT. First, I'd get all this war-crimes business out in the open. Conduct an investigation by Congress and let the chips fall where they may. If this Army—this country—is ever going to find its honor again, it'll have to face up to what it's done in Vietnam. The cover-up and the lies have to end, and the Army has to come clean—purge itself. I've said, half joking, that I thought all of these atrocities would stop if we just hanged a few generals. But I don't think we have to hang anyone; I don't believe that kind of punishment solves anything. We don't correct anything, though, by going on like nothing happened, by rewarding those—like Westmoreland—who were most responsible. And if there isn't anything for the Army to be ashamed of, if it was all Calley's fault after all, than an investigation by Congress would prove it once and for all.

PLAYBOY. Do you think there should be amnesty for war criminals as well as for deserters?

HERBERT. Amnesty for everyone. We've got to get on with things in this country. Let's have history judge whether the men who left the country were right or wrong. Those who were cowards will have to live with that. Those who left or went to jail for moral reasons won't have to apologize to anyone or do anything special to atone for sticking to principle. We never declared war. Congress never decided to go to war and the people never voted to go to war. A few men got us into that war—by lying about what they were doing. If they're still free and aren't living under any kind of sentence, nobody should have to—including Calley and the others who weren't strong enough to do the right thing under pressure and didn't have the kind of leadership they were entitled to expect.

PLAYBOY. You sympathize with Calley?

HERBERT. I don't exactly sympathize with him; I sure as hell don't think there's any good reason for what he did. But he's human. He was just a scared little loser trying to be a big man. So he struck out against women and children. With an M-16. In the general context of Vietnam, what he did wasn't all that immoral compared with the responsibility of the men who gave the orders. You don't excuse something like that, but you can try to understand and forgive.

PLAYBOY. But not the leaders?

HERBERT. They were the ones who made policy, who gave the orders. And they haven't asked for any sympathy; they still claim they were right. None of the people who are really responsible for war crimes in Vietnam has ever admitted doing anything wrong. They need to understand that the people who hired them think they did just about everything wrong. Generals like Westmoreland won't take any responsibility for the awful things that could have been avoided in Vietnam. Instead, they try to sell people this bill of goods about the heavy responsibility of sending men to their deaths, implying that this is so much harder than going out there themselves. What unadulterated horseshit.

Why in hell, just once in a while, don't these generals get out there on the booby-trapped trails and be "cowards" with the rest of us? I'll go back to Saigon and take the responsibility for sending *them* to their deaths. What they really ought to do is put a *private* in charge for a day each month and let him name the members of combat patrols. Let's let them send the generals out there and see then whether the generals think it takes more courage to go out there and fight or whether it takes more courage to send others.

And this doesn't apply just to the generals; it also applies to the military mentality in Government. The Kissingers, you know. Kissinger is a fat little professor. I imagine when he was a little kid in the street, somebody kicked his ass and took his football and played a game with it, and gave it back when he was done. And all of a sudden here he is, a guy to make "tough" decisions. People in Washington are more worried about being "tough" than they are about making good decisions. I say on "Private's Day" throw Kissinger's name in the hat with the generals'.

Playboy. Given your hostility to the Army, how did you manage to stay in it all those years?

Herbert. Well, I don't hate *everything* about the Army. I gave a lot of good years to the Army and I believed in a lot of what the Army preached. I still do. And I did well in the Army. I received an early promotion to major and an early promotion to lieutenant colonel. I was one of the Army's top five percenters. I cut my hair, I shined my shoes, I did everything that was required, and I still felt the way I always have about right and wrong. This was very confusing to military minds. They figure that if you look like a sheep, you must *be* a sheep.

When I went all the way, reported war crimes just like the regulations say it's your responsibility to do, the Army jumped on me with both feet. I'm not doing my duty, the way they look at it; I'm just making trouble for the Army. Again, it's straight out of Kafka—or *Catch-22*. If you're guilty of war crimes, you'll be promoted or made commandant of West Point, or at least the President will come to your defense. But when you *report* war crimes, you'll get hounded and thrown out of the Army. But I don't hate the Army. I hate what's happened to it. I tried my damnedest to do something about it from within, but I couldn't get anywhere.

Playboy. And now you're out.

Herbert. Yeah. But before I retired, they got in a few last little humiliations. After everything was dropped and I was obviously going to leave the Army, there was still all this mindless harassment—the sort of games they play at West Point to humble a man and to make some jackass feel superior because he can order a freshman to eat his meals sitting at attention. I was called in, for example, and given lessons on how to salute, like I was a recruit in basic training who couldn't get it right and needed a little discipline. Why did they have to discipline me? For reporting war crimes? For going on the *Dick Cavett Show?* It got to the point of their getting soldiers to call my wife dirty names in front of me, to call my daughter dirty names in front of me, things like this, to antagonize me into saying something back or swinging out like a little kid. Petty ——. Foolish. I mean, I grew up a long time ago.

Playboy. Well, their provocations didn't work, and you were mustered out in March without another black mark. How does it feel to be out?

Herbert. My feelings are mixed. It's a relief to get away from the Alice in Wonderland atmosphere of the past three years. I was beginning to wonder if maybe everybody was crazy but me. Or vice versa. But I put a lot of my life into the Army. So in a way I'll miss it. I have a lot of good friends in the Service—most of whom support me even if it's just in private—and I'll miss them. But I'm excited about doing something new. I have a book coming out this fall about my life in the Army and the experiences of the past few years. I also have my training in psychology and look forward to putting that to use—teaching and writing.

But the biggest thing I have to do is stay active in making the public aware of what must be done before it's too late. Something *has* to be done and there are a few men back from Vietnam who have decided that the way to make peace with themselves and to really do something for the country is by bringing all of this out in the open. It's something that has to be done. Not for vengeance, but so we can avoid the even greater recriminations that will occur if this country doesn't honestly face the questions raised by Vietnam—war crimes and the runaway military.

We can't afford to go on hating each other and covering up. If we do, the whole thing will just fester like an open wound. I think that Vietnam could, paradoxically, be a blessing. We can learn from it and change and go on to become an even greater country. So I'll try to do my part. You know, every now and then someone will ask me why I'm doing all this, implying that there's something in it for me, that I'm making a buck or enjoying the notoriety. I just tell them, "I'm doing this for the simplest reason in the world: because it happened." But the question isn't really why I'm doing it, but why all the others—who saw the same things and who feel the same way I do—aren't doing it, too.

SOLDIER'S TALE

("Soldier" by Anthony B. Herbert, with James T. Wooten, Holt, Rinehart & Winston, 498 pp. $10.95; reviewed by Peter Braestrup)

Two years after My Lai broke, Lieutenant Colonel Anthony B. Herbert Jr. was apparently just what the media and some antiwar folk needed as their martyr-of-the-month: a vocal, bemedaled, up-from-the-ranks paratrooper who had protested war crimes in Vietnam and, as a result, had been relieved of his battalion command in the 173rd Airborne Brigade.

Herbert was the good guy. The bad guys whom he publicly accused of covering up atrocities were the two West Pointers, Major General John Barnes and Colonel J. Ross Franklin, the 173rd's commander and deputy commander, respectively, who fired him. Added later to the bad guys was the Army hierarchy that harassed him.

In the summer of 1971, after he filed formal charges at Ft. McPherson, Georgia, against Barnes and Franklin, Herbert went public. In a Life interview, he stirred Pentagon wrath by suggesting that GI atrocities would stop "if we'd hang (demote) a couple of senior commanders." Faced with an Army investigation, he enlisted the ACLU's legal aid in Atlanta and recounted Kafkaesque stories of official harassment.

But while he kept talking, the bad guys kept mum by Army order. The New York Times's Atlanta man, James Wooten, portrayed Herbert in his newspaper's Sunday magazine in October 1971 as a simple "supersoldier" who was broken by the brass because he tried to "go by the book" in Vietnam. The Times followed up with sympathetic editorials on Herbert. And the Dick Cavett Show featured the colonel and his accusations three times. Cavett called him a "war victim."

Senator George McGovern, then seeking the Democratic presidential nomination, announced in October 1971 that he would appoint Herbert as a campaign adviser once the colonel left the Army. Herbert, still at Ft. McPherson, demurred, suggesting there had been a "misunderstanding."

For its part, the Army extensively—if without enthusiasm — investigated Herbert's atrocity reports, discovered some partially founded in fact but cleared Barnes and Franklin of Herbert's charges of covering them up. The Army also cleared Herbert's record of the damaging Barnes-Franklin fitness report which accompanied his relief. In career terms, he was officially rehabilitated.

A few weeks later, on November 7, 1971, Herbert announced through the ACLU that he would retire from the Army to end the strain on his family. He had not established a war crimes case (the Army investigation record is still secret), but he had a $175,000 contract for a book, *Soldier*, which, with Timesman Wooten's help, he wrote.

Yet, Colonel Herbert's case remains far from clear-cut. It is clouded by the blunt facts of the Army's resentment against one of its own; after he went public, Herbert was assigned to supervise such things as the mortuary and the post laundry at Ft. McPherson. And its resolution is complicated by continued Army insistence—deplored by both Barnes and Herbert recently—on keeping secret its investigators' report on Herbert's charges. No less clouded is Herbert's own central contention, so uncritically accepted by some newsmen at home in 1971, that he was relieved of command in April 1969 only because of his concern over war crimes, which he had persisted in reporting to Barnes and Franklin.

The chronology, a bit scrambled in Herbert's account, is instructive:

On August 30, 1968, Herbert arrived in Vietnam, a latecomer to the war. Combat had slackened somewhat. The 173rd Airborne Brigade was on the Bong Son Plain in coastal Binh Dinh Province; once an elite unit, it was now plagued by lax commanders, GI black marketeers and pot-smoking draftees. Herbert, waiting for a prized battalion command, was named brigade inspector-general (watchdog) and proceeded to visit the "ass-in-the-grass" field units, shake up the vast rear echelon and alienate the headquarters staff.

On February 4, 1969, he was, nevertheless, given command of the brigade's 800-man 2nd Battalion, 503rd Airborne Infantry. By all accounts, including his own, he did a magnificent tactical job against scattered local guerrillas, making his unit tops in VC "kills," lowest in AWOLs, lowest in VD cases, etc.

In February and March 1969, by his own account, he repeatedly discussed war atrocities with Franklin and Barnes (who deny this). He and Franklin, in particular, did not get along: Frankling disputed Herbert's casualty claims and contended that Herbert had burned a hamlet (denied by Herbert).

On April 4, 1969, Herbert completed 58 brilliant days as battalion commander (seven medals, 84 enemy "body count" and 90 prisoners in February alone). Barnes relieved him of his command—a searing experience—and gave him the first bad fitness report of his career. Barnes said Herbert had created "intolerable friction" within the brigade.

In April 1969, in Saigon, Herbert asked for an official investigation of his relief. He did not mention war crimes, he said later, on advice from unnamed Army legal officers. Nor did he file a war crimes report directly to General Creighton Abrams, the U.S. Commander, as permitted, even demanded, by MACV directive 20-4. Cited in the My Lai courts-martial, this directive required that any allegation of a war crime be relayed not only to the next higher level but directly to U.S. headquarters in Saigon, bypassing the regular command channels.

In April and May 1969 an Army investigation, led by a major general, found after hearing testimony on both sides that Herbert was a fine leader, "admired by most of his subordinates." But on occasion, the general found, Herbert did "equivocate with the truth" and also battled with Franklin. He upheld Barnes' action and the adverse efficiency report. Herbert went home and petitioned the Pentagon to expunge, the efficiency report from his file.

On September 28, 1970, 18 months after his relief, after vainly seeking Pentagon redress, Herbert filed his first written war crimes report with the inspector-general at Ft. McPherson. Eventually, he spoke of others—totaling 21 atrocities. Only three cases were found in a lengthy Army investigation to "have substance" and to be under U.S. jurisdiction. None, the Pentagon, said, involved Barnes.

In December 1970, the Pentagon turned down Herbert's plea for redress in his relief.

On March 15, 1971, Herbert formally charged Barnes and Franklin with "dereliction of duty" in failing to report specific war crimes to higher authority. The Army's Criminal Investigation Division investigated. Both Franklin and Barnes were eventually exonerated.

On October 22, 1971, Army Secretary Robert F. Froehlke, after reviewing Herbert's petitions for redress, ordered the Barnes-Franklin fitness report expunged from the record, in effect permitting Herbert to stay in the Army and win due promotion. The cover-up charges against Barnes were a separate matter still under investigation at the time, Froehlke said.

Herbert had little choice but to retire. By going public with his accusations, he had made plenty of enemies and critics within the Army.

For several newsmen in 1971, the on-the-record chronology seemed to make one thing clear: the war crimes issue arose late in the game. Colonel Herbert acted promptly and persistently to seek redress for his bad fitness report. Eighteen months later, he first reported war crimes in writing to a higher authority. Almost two years after his relief, he formally alleged a cover-up of some of these atrocities by the men who relieved him.

In a legal sense, Herbert's derelictions may be as bad as those he attributed to Franklin and Barnes. At any time in Vietnam, he could have heeded MACV-20.4 and mailed a notarized war crimes report direct to General Abrams, but he did not do so.

His book's word-for-word reconstructions of conversations about war crimes with other officers in Vietnam in 1969 are denied by those officers. And, on CBS's "Sixty Minutes" February 4, Mike Wallace said that CBS had spoken to many veterans who saw Herbert after his relief in Vietnam.

"Most of them admire Herbert," Wallace reported. "But to a man they say that Herbert never once said to them that he had been relieved because he tried to push war crimes charges."

On February 14, 1969, in Vietnam according to his book, Herbert recounted to Franklin the killings of Viet Cong suspects by South Vietnamese police. However, at the time, Wallace reported on CBS, Franklin was on leave in Hawaii, according to hotel records, his own testimony and other evidence.

What about it? Wallace asked Herbert.

"If he says he wasn't there (in Vietnam) I say he's lying," said Herbert.

Wallace: "Can you prove it?"

Herbert: "No, I cannot."

Why didn't Herbert have documents supporting his allegations (that he reported war crimes) in his book? Wallace asked.

Herbert: "I have lawyers just like you have lawyers. We didn't put everything out that we have."

The book is filled with highly readable tales of war and Army life. For example Herbert describes the heroism in Vietnam of Major Jim Grimshaw, one of his close friends. One day, wrote Herbert, Grimshaw alone entered a beseiged cave occupied by civilians and Viet Cong soldiers and emerged "carrying a baby in his arms" with the others peaceably following him out.

On TV, Wallace asked Grimshaw if he had indeed entered the cave and come out with the baby. "I did not, Grimshaw said sadly, adding later that in Herbert's accounts, "there's a nucleur of truth . . . but he's blown it out. He gone beyond that point and it's a shame."

Without whitewashing either atrocities or the Army, Wallace punctured the straight-shooter image that Herbert (and co-author Wooten) projected in *Soldier* and which Herbert successfully projected through much of the media in 1971. The available chronology of Herbert's case already casts doubt on his zeal in the matter of war crimes. Wallace's investigative journalism severely dented Herbert's credibility. Even his own pals said he stretched the truth.

More's the pity. Herbert's obvious love of the Army, his old sergeant's anecdotes of service life, his scorn for the Army's evolution from hard leadership to soft "cover-your-ass" careerism, his bitter laughter at the West Point Protective Association, his disgust at GI corruption in the Vietnam base camps, his pride in the infantry—all this rings true. But most of the book's pages devoted to Colonel Herbert's martyrdom do not, quite.

Milwaukee, Wis.
December 9, 1971.

Mr. Robert F. Froehlke,
Secretary of the Army,
Washington, D.C.

Dear Mr. Froehlke: I have become very concerned and disturbed about the recent publicity generated by Lieutenant Colonel Anthony B. Herbert and his allegations of misconduct by Major General John W. Barnes and Colonel Joseph Ross Franklin. Ironically LTC Herbert has stated that "the American people have a right to know," but before the American people believe what LTC Herbert is telling them, they have the right to know what type of man is pointing an accusing finger at his fellow officers.

Due to my personal experience as a company commander in LTC Herbert's batbalion, I am unable to accept any statement by this officer as authentic. From the moment LTC Herbert assumed command of our battalion in the 173d Airborne Brigade, he conspicuously displayed a complete lack of integrity. During my associations with this man, he had no compunction about fabricating stories involving anything from vital combat intelligence information to passing the table salt and the morale of the men and officers in his unit dropped from the very highest levels to an ignominious low in the 58 days of his command. I personally recall three specific incidents which I think typify this man's character.

(1) On the day he assumed command of the batallion, he assembled the officers for a customary introductory briefing. At this initial meeting, LTC Herbert openly boasted of his superb ability to fabricate any story whatsoever, for personal gain, and further praised himself for being "court-martialed twice," commenting that the army was unable to prove anything because he "could always get six or seven NCO's to swear to anything he wanted!"

From the instant I entered Officer Candidate School until my discharge four years later, my superiors had always emphasized the value and necessity for an officer's work and integrity to be of the highest standards. At the risk of sounding like a superpatriot, I can truthfully say with pride that (with the exception of LTC Herbert) this standard was proudly upheld by all of the officers I came in contact with. Quite frankly LTC Herbert's obvious and open pride in his ability to manufacture the untrue for personal advantage was abhorrently shocking, and has left an indelible scar on my memory of what was otherwise a proud and memorable experience of men ordered to perform in battle.

(2) At least twice, to my personal knowledge, LTC Herbert while counseling enlisted men in my company for disciplinary reasons, physically mistreated them by striking them. Unfortunately he permitted this nefarious method of "counseling" to become a standard, personal practice and it became common for him to boast of his ability to "handle" discipline problems in this manner.

For a commissioned officer to exploit his rank and abuse enlisted volunteers was completely without precedent in our unit, and absolutely forbidden in all branches of the armed forces. I do not think I have to express to you the effect that LTC Herbert's actions and open boasting about this method of "subduing" disciplinary problems had on our unit.

(3) During a combat operation at Phu Thu, Viet Nam on March 27, 1969, while my element was engaged with a hostile force, LTC Herbert asked me how many enemy KIA's (killed in action) we had. I told him that I had seen four. He replied, "Well there's sixteen right there," gesturing toward a point, five yards away, on an open beach. I told him that all I saw was "sand and water." He responded, "Well, they are right there," again pointing to the same location. Following the action LTC Herbert multiplied the number of actual enemy reported killed by five. Ten KIA's had been verified, but he reported fifty.

Although I am aware that there appears to be a generally accepted misconception in this country that Viet Nam KIA figures were always inflated, this was simply not true. Until LTC Herbert assumed command of our battalion all levels of command from USARV to and including our battalion had repeatedly placed heavy emphasis on accurate KIA figures. Previous to LTC Herbert's command, the battalion's policy had been to confirm, beyond all reasonable doubt, all KIA figures. Nevertheless, LTC Herbert openly violated what to us had become a cardinal rule.

From the beginning of LTC Herbert's command I was certain that his actions, such as those described above, would quickly lead to his replacement, and it came as no surprise to me when I learned that he was relieved of his command in less than two months after assuming it. Similarly, when he began his present public allegations against the Army and certain officers, I was confident that the Army would be able to exonerate itself and disclose the character of this officer. Unfortunately, it appears that some members of the public and press have chosen to believe LTC Herbert's accusations, and it is for this reason that I feel compelled to relate my experiences with this man. It is certainly with sincere regret that I disclose these adverse matters about a high ranking officer in the U.S. Army; matters which I can truthfully say were the only unfortunate experience I had with superiors while performing my duty in my four years of service.

There is one other incident with LTC Herbert which perhaps even more clearly reflects the tragic makeup of this man. However, since that incident involves other parties, I would prefer not to disclose it publicly at this time. However, I would be willing to discuss it confidentially if necessary.

Sincerely,

James C. McCann,
(*Formerly Captain James C. McCann, 05341460*).

Fort Bragg, N.C.,
November 24, 1972.

Letters to Time,
Times and Life Building,
New York, N.Y.

Dear Sir: I was interested in your article on LTC Anthony Herbert in the 22 November 1971 issue. I know nothing of his activities in Viet Nam; however, he served under me in the 3d Special Forces Corps at Fort Bragg, North Carolina from December 1963 to July 1964. I terminated him from service with the elite Green Berets because he assaulted a fellow officer and consistently demonstrated his inability to get along with his fellow officers or with non-commissioned officers. I also discovered that I could not depend upon his word. The efficiency report that was submitted on him at the time would have caused him to show cause as to why he should be retained in the Army. I understand he took action (unknown to me) to have the damaging report removed from his official file.

Sincerely,

J. B. BARTHOLOMEES,
Colonel, Infantry.

[From the New York Times Book Review, February 18, 1973]

“SOLDIER”

(Reviewed by J. Glenn Gray)

This is Anthony Herbert's own story of his long love affair with the United States Army, a love affair that ended sadly in Vietnam in 1969 and turned to bitter anger and recrimination. Beginning with his boyhood in a western Pennsylvania coal town, the long autobiography details his exploits of slaughter of enemy soldiers in Korea and Vietnam, his rise in the Army from an ill-educated private to a lieutenant colonel in charge of an infantry battalion with a master's degree in psychology, and ends with a blow-by-blow account of his public feud with the Army he loved and claims to love still. If hell hath no fury like a woman scorned, it is no less true of this professional soldier.

Herbert was ruled by two master passions: ambition to reach the top of the Army hierarchy and delight in front-line combat. The one passion tended to interfere with the other. He leaves us in no doubt about either. “Hell, I wanted to be the best in the Army.” He is certain that he understands what leadership is “better than anyone I knew in or out of the military.” His experience of lethal combat in two wars, his degrees in psychology plus tough Ranger schools and Special Forces training, combined to convince him that leadership can be taught and that he was destined for general's stars. As the “super-soldier” of Korea, lauded by President Truman and nearly everyone else, he had some claim to self-confidence. Tactfulness in relations with his superiors and skill in organizational politics were scorned as means to his goals, if we are to believe this account.

His love for direct combat contributed to his downfall. As battalion commander in 1969 for a brief period, he insisted on leading his troopers on patrols and killing Vietcong and North Vietnamese with great gusto. His division commander and the headquarters staff, accustomed to rear areas, were unable to understand an officer like him. Ironically, they considered him a killer, even a murderer; apparently higher ranking officers have nothing to do with such dirty work! Herbert's expressed contempt for most of his fellow officers from Westmoreland and Abrams down to his level and below it also was probably a cause of his dismissal from command and the consequent ruin of his military career.

In 1971 he resigned from the Army, but not before he attacked it ferociously in TV programs (the Dick Cavett show), in Life and other publications. His has become a celebrated case of the crisis in the military establishment. He charges the leadership with covering up atrocities in Vietnam because of overriding concern with its image, with corruption and with luxurious living in rear areas, and with gross inefficiency in prosecuting the war.

Doubtless he has large hopes for this book. To reform the Army is still his professed aim. Unable to do so within the service, he has used his own career as a test case to appeal to the public and civilian powers. How successful he will be in this latest attempt is questionable indeed.

In the present poisoned atmosphere toward all things military, most readers will not be inclined to doubt the truth of his specific charges—even if Herbert's boastfulness in tales of his exploits and his scrupulous avoidance of all atrocities of his own strain their credulity. His bizarre story of our soldiers being forced to salute a general's duck until he surreptitiously stole the duck and made a meal of it is a case in point. It was this general who relieved him from command and gave him the bad efficiency report that he was unable to have revoked despite strenuous efforts.

For the thoughtful reader, however, the main issue is Herbert's character rather than the truth of his allegations. He embodies the soldier as hunter and as beast of prey. As a boy he loved killing wild game and that love easily transferred, first in the Korean War, to killing human beings. His troops called him “the Animal,” and he writes that he did not resent the title. “I could kill with my hands and do it better than the best of them.” This stark delight in destroying lends a grim authenticity to an autobiography that is too long for one in early middle age. Most of us would like to believe that a man like Tony Herbert is a dangerous anachronism in our time. But the melancholy truth is that the guerrilla war in Vietnam brought back all the savagery and bloodlust of the primitive.

It must be said in the author's defense that he has a gentler side and considerable charm, judging from his appearances on the mass media. Many of his men and some fellow officers defend him vigorously. There is no doubt that he has plenty of raw courage and the aggressiveness of a Patton, a Skorzeny, and of the few similar officers he admires in this book.

One thing is obvious. The United States military organization will need years to recover from its present demoralization and the civilian distrust its recent performances have engendered. Neither Herbert nor his superiors are vindicated by the revelations here. It does not help for the reader to cry out: a plague on both your houses, as this one was often tempted to do. As citizens we are all involved; it is our Army under attack.

[Front cover and first advertising copy in Publishers Weekly, Nov. 13, 1972]

“SOLDIER,” BY ANTHONY B. HERBERT WITH JAMES T. WOOTEN

Everyone who witnessed his electrifying appearances on the Dick Cavett show, read his *Playboy* interview, or followed in the media his struggle with the Pentagon will remember Lieutenant Colonel Anthony Herbert. His book, too, is unforgettable.

Soldier is his story—the *entire* story of an American life from its beginnings in a Depression-scarred Pennsylvania coal town through twenty years of pride and glory as the United States Army's “supersoldier”: a paratrooper, a Ranger, a specialist picked for the most dangerous and sensitive missions, the most decorated enlisted man of the Korean War.

Tony Herbert describes this major part of his life in detail, with the passion, energy, and zest that marked his action-filled career as a combat infantryman.

And then he reached Vietnam. There he found that the ideals he had been taught—and by which he had lived—no longer seemed valid. He became the first career officer to blow the whistle on the pervasive scandal, corruption, cynicism, and complicity in atrocities. The resulting furor projected him into the headlines, ended his career, and brought him to a new kind of dedication. This too is in *Soldier,* the exciting and remarkable self-portrait of a man of action—and of honor.

Selected by 3 major book clubs: A Literary Guild Alternate; a Military History Book Club Main Selection; and a Book Find Club Alternate.

[From the San Francisco Chronicle, Feb. 19, 1973]

ANGRY WARRIOR WITH A HEART

(By William Hogan)

Tall, crew-cut with an athletic build, Anthony B. Herbert suggests a relaxed big league first baseman. He is the 24-year Army veteran, a Pennsylvania coal miner's son who enlisted at the age of 17, became the most decorated soldier of the Korean War, commanded a battalion in Vietnam as a lieutenant colonel before he quit the Army under a cloud. He was “incapable of telling the truth,” his former commander and deputy commander in the field charged: “totally unfit to be an Army officer.”

Actually, Herbert explains in his controversial book “Soldier,” written with the journalist James T. Wooten (Holt), his superiors in a “corrupt” military milieu resented his rocking the boat, his bringing to light incidents of murder, torture, mistreatment of prisoners in Vietnam—and total inefficiency as modern warriors.

Herbert was in town last week on a promotional tour for “Soldier,” which has taken him from the Mike Wallace CBS show to just about anyone who will listen to him. He is not an anti-militarist, he explained, not even anti-war. As a professional he was always prepared to fight. All he seeks is a better, more efficient Army—one taken away from Pentagon brass and turned over to total civilian control.

Herbert is afraid the generals are smarting because they “lost” in Vietnam. They would, he feels, like to redeem themselves and polish the old image in some new war, any war, to prove they can win in the field. He expects the brass to promote some “stab-in-the-back” theory, arguing it was the American people who let the army down in Vietnam—the same argument the German military made following its defeat in the first World War.

The soldier-author is against an all-volunteer Army, which would tend to be undemocratic. He believes in some form of conscription for everybody, including the handicapped. He argues that young people should perform some formal service to the country, in VISTA, the Peace Corps, working in ghettos, on Indian reservations, or in any branch of the military they choose. It could work, says this angry former officer who, before disillusionment set in, was headed for the very top of his profession.

Anthony Herbert will not be involved in any reorganization of the military, although he plans to write a book that could be a blueprint for such. He is far away from all that at present—working for a Ph.D. in clinical psychology at the University of Georgia.

[From the Military Book Club]

“SOLDIER,” BY ANTHONY B. HERBERT WITH JAMES T. WOOTEN

“All I really knew for certain was that I wanted above all other things to be a soldier.”

Those were Anthony Herbert's thoughts as he watched his two older brothers go off to World War II. A quarter of a century and three wars later he himself was truly a soldier's soldier. A “mustang” who rose to the rank of lieutenant colonel, he was an airborne infantryman and a member of two of the world's most elite fighting detachments—the U.S. Rangers and the Special Forces.

Told in his own words—in the straight-from-the-shoulder way of the professional soldier—this is the story of Lieutenant Colonel Anthony Herbert's turbulent and brilliant career.

“I had seen combat of all kinds and I had killed in battle and been wounded in battle, and I had won medals and awards and citations and commendations and decorations from my own country and several others.”

Still a private when his unit first landed in Korea, Herbert saw combat from one end of the battle-torn peninsula to the other. In harrowing detail, he recounts those experiences. Separated from his unit, he fought alongside a platoon of Turkish soldiers and won their country's highest decoration. He tells what it was like for the battle-hardened foot-soldier during the retreat from the Yalu . . . and how it felt to assault a hill and reach the top as the only man still alive.

Before the hostilities ended, Herbert returned to the U.S. at the special invitation of President Truman—as the most decorated American soldier of the war.

"Once you get into that kind of endeavor [as a government agent], there's no telling what you might be asked to do."

After Korea, Herbert rose quickly through the ranks. As a major he "volunteered" to work with the CIA on some of their "little projects." These "little projects" took him to Vietnam, the Middle East and the Dominican Republic—where he worked with top-secret assassination teams—and later to Chicago, Illinois, where he played a large part in breaking up an enemy spy ring. Soon afterward, he was assigned to the 173rd Airborne Brigade in Vietnam, first as IG (Inspector General) and then as commander of the 2nd Battalion.

"We had the choppers, we had the weapons, we had the best technology and we had the best soldiers in the world—and the object was still to get there first with the most."

A veteran of both sides of army life—as enlisted man and officer—Herbert rebuilt his battalion around the foot soldier, the enlisted man and NCO who laid their lives on the line day after day. Not content to observe his men's operations from the safety and inaccessibility of a helicopter, he laid his life on the line, too. The results were what one would expect. The 2nd Battalion became the most effective and destructive arm of the 173d Brigade—the Brigade Westmoreland often referred to as the cream of the crop in Vietnam. Month after month his men scored the Brigade's highest grades in proficiency ratings in contact with the enemy, number of enemy killed, and men and supplies captured. And Colonel Herbert's breathtaking re-creation of the gut-wrenching realities of guerrilla warfare catapults the reader right alongside his battalion on search-and-destroy missions . . . patrols in 120-degree heat . . . medical evacuations . . . attacks and counterattacks . . . and the day-to-day struggle to stay alive.

His men loved him; the brass did not. Suspicious of his "gung-ho" attitude and tendency to speak his mind, his fellow officers were often at odds with the flamboyant, go-for-broke colonel.

"I had met heroes and scum, kings and cowards, generals and presidents, and I had enjoyed the hell out of every single minute of the whole thing."

One of the most honest and unprecedented military autobiographies ever written, and the first book of its kind to be offered by the Military Book Club, Soldier pulls no punches and leaves no corner of the soldier's life unlighted. Brutally honest about himself as well as about others, Colonel Herbert tells his story in straightforward, uncluttered detail, naming names, and, when necessary, pointing his finger. With unflinching candor, he reveals the ugliness of the Vietnam War and the stubbornness of his superiors. He witnessed atrocities against civilians. Wholesale robbery and black marketeering went unchecked. Marijuana and drugs were a part of almost every man's gear. And time after time, he was unable to create meaningful change—even in his own command. At last, without warning, he was relieved of command. When all attempts failed to rectify what Colonel Herbert considered an injustice (including a controversial appearance on Dick Cavett's television show), Colonel Herbert retired from the service.

Soldier is an invaluable retelling of what it's like to dedicate one's life to the service—and sheds new light on the war in Vietnam. But above all it is the life story of a soldier indeed, a soldier's soldier.

[From the Kansas City Star, Feb. 11, 1973]

NO FURY LIKE LIKE THAT OF A SON REJECTED

("Soldier", by Anthony B. Herbert with James T. Wooten.)

(By Lt. Col. H. G. Summers)

Lt. Col. Anthony B. Herbert, United States Army (Retired) has written an expose on the United States Army. Reflecting on this phenomenon, a story about John L. Lewis of the United Mine Workers came to mind. Lewis was bargaining with a group of mine owners when the owner's lawyer mentioned that he too, in his youth, had been a card-carrying member of the U.M.W. John L. arose, and in stentorian tones said, "It does my heart good to see a poor young miner go out into the highways and the byways of life and raise himself up to a position of power and influence." With beetling eyebrows he continued, "But it grieves me deeply to see such a man sell out the comrades of his youth for 30 lousy pieces of silver!" After reading Herbert's book, "Soldier," I know just how Mr. Lewis felt.

Unfortunately for the objectivity of this review, I also know how Herbert feels. As he sees it, he was reaching for the brass ring when some dirty S.O.B. pushed him off the merry-go-round. The Army—his admitted surrogate father—has scorned him, and hell hath no fury to match Herbert's wrath.

It is hard to be objective about Tony Herbert. It is especially hard for those who know him. Ten years ago Tony and I were classmates at the Infantry Advance Course and even then few were neutral about him. He was seen by some as the personification of the rough, tough airborne trooper and by others as a pompous, loudmouth full of bombast. Arrogant, forceful, assertive, he lived up to another John L. Lewis axiom—"He that tooteth not his own horn, said horn shall not get tooted." Tony Herbert was a brass band in full chorus.

A BITTER MAN

Four years ago at Ft. Leavenworth Tony had an office across the hall from mine. He had just returned from Vietnam and he was bitter about what he claimed was a raw deal. He had been unjustly accused, he said, and relieved of his command without cause. It is hard for one not a professional soldier to realize the enormity of such an action. Commanding troops in combat is the sole reason for an infantry officer's existence. He trains for this moment for years, and willingly endures all the trials and discomforts of his profession. It is the Golden Fleece. To have it snatched away after 20 years of effort is the ultimate insult.

As Tony told the story to me in 1969, he had, after much effort and over the objections of Col. Ross Franklin, the deputy brigade commander, been given command of an infantry battalion in the 173d Airborne Brigade. Franklin was miffed because of Herbert's assignment and was out to get him. Finally Tony was unjustly accused of committing a war crime by shooting a group of "civilians" from a helicopter. Herbert claimed that they were armed Viet Cong. Tony was summarily relieved of command reassigned pending investigation.

The subsequent investigation cleared him, but the efficiency report submitted for his command tour was the kiss of death for his career. While at Leavenworth Tony was appealing this report (it was ultimately removed from his file by the Secretary of the Army). The villain of Tony's story was Colonel Franklin, Brig. Gen. John Barnes, the 173d brigade commander, was only an incidental character. Unlike the 1973 version in "Soldier," there was no mention of war crimes or atrocities in the 1969 version, aside from the "unjust" accusations directed against Herbert as the excuse for relieving him from command.

THE FOCUS SHIFTS

Sixty per cent—over 300 pages—of "Soldier" is devoted to this episode. Now, however, the focus has changed. As anyone who has seen Tony on the Dick Cavett show knows, it is now General Barnes and Colonel Franklin who condoned war crimes, and Tony's unwillingness to condone such actions is now the reason he was relieved from command.

This is vengeance straight out of the Old Testament. His own career ruined by his relief from command for "war crimes," Tony has set out to ruin Franklin's and Barnes's careers, and if the Army gets tarred in the process, so be it. The "war crimes" charges are the perfect vehicle for winning public support, support that would be less than forthcoming over an internecine personality clash between a battalion commander and a brigade commander. It finds responsive chords with those who are searching for justification for their own evasion of the war by "buying" their way out while the poor whites and ghetto blacks died in their stead. It proves they made their decision not out of self-centered, selfish motives but to avoid an "immoral" war. Tony, a doctoral student in psychology, plays these chords like a concert pianist.

The truth of Tony's allegations is a matter of opinion. They were investigated and charges against Franklin and Barnes were dropped. Herbert claims they were covered up by the Army bureaucracy. What disturbs me is Tony's silence on these charges for years while his own case was being reviewed. As Tony well knew (he was brigade inspector general before being given command of a battalion) he had the right to complain in writing to the Inspector General of the Army in Washington, and such a written complaint would have required a formal investigation of the incidents.

As a lieutenant colonel, he knew full well that under Article 136 of the Uniform Code of Military Justice he had the right to complain in writing to General Barnes' superior, the commanding general of I Field Force Vietnam, who would have been required to make a formal investigation of the charges and make a written report to the Department of the Army in Washington of the results of the investigation.

To those who know him, and know of his hot temper (he reputedly punched out a lieutenant colonel when he was a lieutenant because of a disagreement) it is inconceivable that we would walk away from war crimes incidents and meekly just report the incidents to headquarters. More likely he would have checked the whole lot and kicked their tails out of the brigade area. (As Tony himself says, "they [his men] called me 'The Animal,' and I did not resent the name") Tony is no wide-eyed innocent caught up in a "Green Machine" beyond his comprehension. Tony is a professional soldier with over 20 years experience . . . a lieutenant colonel who knew the "system" like the back of his hand. He knew, and knows, precisely what he's doing.

"Soldier" is a vengeful, spiteful book by a man lashing back at those he believes "done him wrong." Given that, it is well-written, even fascinating. It is a morality play, and the good guys and bad guys stand out in vivid relief. Put in its proper perspective as a biased, self-serving, one-sided account of one man's frustrations with the "system," it is well worth reading. But don't accept this as the whole story of the United States Army in Vietnam.

[From Newsweek, Jan. 29, 1973]

Warrior With a Heart

("Soldier." By Anthony B. Herbert with James T. Wooten)

Anthony Herbert is a very impressive man, as no one who saw him interviewed by Dick Cavett in 1971 will have forgotten. A Pennsylvania coal-miner's son who enlisted in the Army at 17, he became the most decorated noncom of the Korean War and was sent on a tour of the U.S. and Europe as that war's outstanding soldier; a few years later his picture illustrated a training manual for the Army's elite Ranger corps. Over a twenty-year span, with temporary resignations to pursue his education, he served as a paratrooper, a trainer of Rangers and Green Berets, a battalion commander in the 1965 Dominican Republic intervention and in Vietnam. He rose to the rank of lieutenant colonel.

But is Herbert also "incapable of telling the truth," "a cold-blooded killer," "totally unfit to be an Army officer," a man in whom the qualities of "honesty, integrity and loyalty" are "totally lacking"? These things have been said of him since 1969 by Maj. Gen. John Barnes and Lt. Col. J. Ross Franklin, commander and deputy commander of Herbert's Vietnam unit, the 173rd Airborne, in explaining why Herbert was relieved of his battalion after 58 days in the field and shipped home with a negative efficiency report and the general's recommendation that he "never be allowed to command again."

Herbert has a different explanation for his removal and humiliation. After unsuccessfully appealing the Army's action for a year and a half, he brought formal charges that his superior officers in Vietnam had refused to investigate or act upon eight incidents of murder, torture or mistreatment of prisoners he called to their attention.

Damaging: "Soldier," a salty autobiography written with the help of The New York Times reporter who covered Herbert's war with the Army from his filing charges in March 1971 to his bitter resignation last year, is apt to induce apoplexy among its readers in the Pentagon. Herbert's sardonic portrayal of a demoralized, and demoralizing, military effort in Vietnam is presented from a particularly intimate and damaging perspective.

Herbert isn't "antiwar"; he is a crew-cut Spartan, a professional warrior who requested duty in Vietnam because "I wanted to fight." Once there, he says he made himself unpopular by trying to enforce regulations, ignoring the warning of a desk sergeant who told him, early on: "Sir, there ain't nobody here who gives a damn." Herbert was scandalized by the laxness of his combat brigade, an outfit of 10,000 men in which "some 7,000 people were assigned to support roles: steakhouses, pizza huts, clubs, headquarters, the General's mess. . . ." On an average day, he says, the brigade fielded fewer than 800 of its 10,000 troops. "On a countrywide basis, it meant that out of 500,000 men we had there at the peak of our involvement, less than 50,000 were engaged in the business of fighting in the field. . . . We had a 500,000-man Army fielding less than any one infantry division did in World War II or Korea."

Herbert rudely characterizes the ethos of this military bureaucracy as CYA, or Cover Your Ass—"the process whereby men in the Army find themselves pledging allegiance to a system of proprieties and paper-work rather than a personally demanding creed or a consuming purpose." The professional officers' corps in Vietnam, he charges, failed in leadership, preferring to sweep a My Lai under the rug rather than risk harming their brigade's paper records.

Herbert's indictment is vulnerable to the countercharge of belated, self-serving virtue: it has often been pointed out that his earliest public charge that his superiors covered up war crimes was made a full eighteen months after his dismissal from command. But Herbert's detailed reply here is convincing: repeatedly advised by Army lawyers to keep his war-crimes allegations separate from his requests for a review of his case, he filed formal charges only when the statute of limitations was about to run out. This hard-bitten combat veteran may also be suspected of exaggerating, in retrospect, his innocent outrage at field brutalities ("Oh, you son-of-a-bitch," he reports Colonel Franklin saying to him in exasperation. "You're so goddamned righteous").

Yet given a choice between Lt. Col. Anthony Herbert's story and the recorded statements of General Barnes and Franklin (particularly the latter's irrational testimony before the board of inquiry, published in an appendix to this book), it is hard not to feel that the Army ruled inconsistently and disgenuously in this case and that Anthony Herbert was railroaded. "Soldier" deserves the widest attention.

—Walter Clemon.

[A book review from the New York Times, Jan. 30, 1973]

Heroes and Villains in Vietnam

(By Christopher Lehmann-Haupt)

Oddly enough, it's a little like watching those World War II movies of the nineteen-forties. The good guys are so unequivocally good—tough, resourceful, independent-minded Americans who never for an instant doubt the difference between right and wrong—just average upright people like you and me. The bad guys, the enemy, are so horribly bad—so sneaky and hateful. And you just know all along the good guys will win out in the end—will break out of the prison camp, will return to Bataan, will take Corregidor, will bomb Tokyo. And it will all end in cheering, and tears will come to your eyes. Only in this case of "Soldier," written by Lieut. Col. Anthony B. Herbert, retired, with the help of James T. Wooten, a New York Times reporter—the enemy's is the United States Army; the good guys don't win out in the end; and, of course, it's not World War II, it's Vietnam.

The main hero in this case, Anthony Herbert, is, as you may recall, the former Army officer who tried to blow the whistle on certain atrocities he claims to have witnessed in Vietnam and who was brought to widespread public attention by an article by Mr. Wooten that appeared in a 1971 issue of The New York Times Magazine and by Herbert's subsequent appearance on the Dick Cavett television show. He is, from all appearances, the system's answer to Lieut. William L. Calley Jr.—a good soldier who knew what had to be done. But he has continued to find it impossible to get a proper hearing for his allegations. And so he has gone to the court of public opinion by telling his whole story in this book.

RISING STAR IN THE MILITARY

He tells it from the beginning to the end. How he grew up in a small mining town in Pennsylvania, the son of proud but poor Lithuanians whom the Depression had put in debt to the local company store. How he enlisted in the Army (with a birth certificate doctored by the local priest) because he believed there was no prouder calling than a military career. How he excelled at everything he turned his hand to, rose through the ranks, became America's most decorated enlisted man in the Korean war, took time off to advance his formal education, rejoined the service as an officer, continued to excel, was given increasing responsibility—training Special Forces, commanding a battalion in the 1965 Dominican Republic intervention, doing top-secret intelligence work all over the world; until, by the time he went to put in a tour of duty in Vietnam in 1968, he seemed headed for the very top of the Army command.

He tells it so as to give a clear, if overwhelmingly favorable, impression of the kind of soldier he was. How he believed in the Army system, but not in being an organization man. How he thought the fight in Vietnam could be won, but not the way we were going about it when he arrived there. How as Inspector General of the 173d Airborne Brigade he blinked at nothing and tried to clean up some of the incredible corruption that was undermining the war effort in Vietnam's central highlands. How, when he was eventually given the battlefield command he coveted, he made his ideas work, won the respect of his men, began to kill and capture the enemy (meaning the Vietcong and the personnel of the North Vietnamese army, not South Vietnamese civilians and children). And how, when he tried to play it straight and clean—and bring to light the incidents of murder and torture he witnessed—his superiors fudged, threw up obstructions, harassed him, relieved him of his command and, with the complicity of the entire Army command all the way to the Pentagon, eventually forced him into retirement.

It is, needless to say, a story to make one's blood boil. It is told with just the right mixture of indignation, humor, bitterness, resignation and outrage. It is filled with hard facts, telling illustrations, sharply etched villains and credible heroes. It is fast-paced, vivid, lively—a sort of Caine Mutiny in helicopters—thoroughly absorbing from beginning to end (or, perhaps it is a little repetitive and could have stood some cutting here and there). It is finally convincing—or at least as convincing as one man's side of the story, told through the medium of a ghost, can be. And it appears to be a very damning indictment of the United States Army.

COGENT COMMENT ON THE PAST

But isn't it all past history now? If America's involvement in war was a mistake to begin with, and if we are now getting out of Indochina, does it matter whether or not one reads this chronicle of a soldier who ultimately looks no further than at the honor of his profession? Is it really relevant any more?

I think it probably is, and not only because the simple matter of miscarried justice is raised. If "Soldier" is no longer to be read as a critique of the way current events are flowing, then it certainly can still be read as a cogent comment on the past as it pertains to the future. For Herbert does not see his experience as a random series of unfortunate events caused by a few villains he happened to run foul of. He thinks basic moral issues are at stake; he believes the entire Army chain of command is guilty of ducking them; and he theorizes that there were concrete reasons for this failure of moral kidney—reasons that relate to the country's recent history and reasons that will inevitably affect our future . . . unless the message gets through. This ought to be grounds enough to read his book.

Besides, as I said, it's a little like watching those World War II movies of the nineteen-forties. The good guys are really good, the bad ones are really horrid, and the difference between them is as clear as lightning on a summer night. And this in itself, in a book about Vietnam, is a rare and quite wonderful thing.

[From the Minneapolis Tribune, Feb. 12, 1973]

Anthony Herbert Versus the Army

Anthony Herbert (Lt. Col., U.S. Army, retired) was in town last week to promote his book, "Soldier"—and to advance the cause that has made him the most talked-about military man of the day. Herbert wants to show that he was forced to retire from the

Army that he reveres by upper-echelon officers whose alleged incompetence he detests. His goal is not only exoneration, but a halt to what he describes. with no reservations, as a disintegrating military service.

The validity of Herbert's charges remains open to question. But Herbert does not give the impression of being a crank. He is dispassionate in tone rather than vindictive when he calls Gens. Westmoreland and Abrams "losers." Although he thinks Mike Wallace misread the evidence on CBS's "60 Minutes," Herbert believes Wallace may have been innocently in error.

The crux of the issue is Herbert's charge that in Vietnam he discovered and reported American war crimes, only to have his reports ignored by superiors. He contends that his persistence in pressing war-crimes charges led to his being relieved of command and, ultimately, to retirement. "If I'm a liar," he said here last week, "the Army ought to prove it." Herbert invites the Army to make public its records of investigations in the matter.

At this point, several conclusions seem warranted. First, no public judgment ought to be made for or against Herbert—or for or against the Army in Herbert's case—until all the evidence is in. Second, disclosure of official records appears to be the only way to provide that evidence. The Army may have good reason for not releasing the records; if so, it is the Army's obligation to say what the reasons are.

Finally, it seems to us that larger questions are involved than that of whether Herbert was treated justly. American performance in Vietnam has never been a purely military question, but a matter of broad national policy as well. That is why we think the Herbert case could be an appropriate subject for an investigation by Congress.

[From Time magazine, Feb. 12, 1973]

CBS AND COLONEL HERBERT

When Lieut. Colonel Anthony Herbert started his war with the Army two years ago, he found a receptive audience among newsmen and the general public. It was the time of the My Lai trials, and the military was being subjected to a barrage of bad publicity. Herbert was a much-decorated professional officer whom the Army had lionized. His charges that superiors had ignored his reports of atrocities and were hounding him out of the service because of his accusations seemed highly credible. Dissenting voices (Time: Nov. 22, 1971) received relatively little attention.

Now CBS, on its *60 Minutes* show last Sunday, has taken a new and critical look at the Herbert case. As Correspondent Mike Wallace recounted the story, neither Herbert nor the press came out a winner. Wallace repeatedly challenged Herbert's veracity—occasionally to his face—and poked holes in the retired officer's new book, *Soldier* (*see* Books). Under Wallace's tough questioning. Herbert refused to reveal whether he had "documents" pertaining to his atrocity charges.

LONGEST ITEMS

Much of the digging had been done by Producer Barry Lando, who worked intermittently on the Herbert story for more than a year, interviewing scores of sources in the U.S., Viet Nam, Thailand and Germany. As a result, *60 Minutes* devoted half the program to the Herbert story—more time than it has ever given to one item. Among the specific points raised:

Herbert said that on Feb. 14, 1969, he witnessed the murder of five Vietnamese by South Vietnamese police under the control of a U.S. lieutenant. He claims to have reported this incident to Colonel J. Ross Franklin, deputy commander of his brigade, twice from the field and again in person later the same day. Franklin, he says, then called him a liar. Then *60 Minute's* produced Franklin's canceled check of Feb. 14 to the Ilikai Hotel in Honolulu; the check and the hotel register show that Franklin could not have been in Viet Nam until the following day. Herbert stuck by his story: "I know what I saw. I know what I did."

In his book, written with New York *Times* Reporter James T. Wooten, Herbert described how Major James Grimshaw, then a company commander, coaxed a group of suspected Viet Cong out of a cave, adding that he had recommended Grimshaw for a Silver Star never awarded by the Army. Grimshaw told Wallace that the incident had not occurred and that Herbert had never recommended him for a medal. In the program's most dramatic sequence, Grimshaw appeared in a New York studio to deny—in Herbert's presence—the charge that the Army had ordered him to discredit the book.

As a senior legal officer, Colonel John Douglass was the man to whom Herbert first complained after Major General John Barnes relieved him of battalion command on April 4, 1969. Douglass categorically denied Herbert's version of their conversation. According to Herbert, he spoke at length to Douglass and told him about the atrocities. Douglass said that it was a short meeting with no mention of bloodshed. "Why haven't you said this up to now?" Wallace asked incredulously. "Nobody's asked me," replied Douglass.

The program undermines Herbert's credibility without supporting the Army's. During his 58-day battalion command, Herbert earned a Silver and three Bronze Stars and was about to be recommended for a Distinguished Service Cross. Then he was abruptly relieved of his job. The explanation Barnes offered Wallace—that Herbert lied about enemy casualties and was a "killer"—seemed lame. Not surprisingly, *60 Minutes* endorsed Herbert's request that the Army make public all records of hearings and investigations related to his case.

THE PRESIDENT AND THE PRESS

Mr. ERVIN. Mr. President, on February 16, I was privileged to address a group of students and representatives of the media at Texas Tech University in Lubbock, Tex., regarding the relationship and current rapport between the President and the press.

I am deeply concerned over the aloofness and resentment that has characterized the recent workings between the White House and the press corps. When the free press is hampered by Government interference, the public's right to know is jeopardized.

I ask unanimous consent that the text of my remarks be printed in the RECORD.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

THE PRESIDENT AND THE PRESS

I am indeed honored to be here this evening and to be the first recipient of your Thomas Jefferson Award. It is highly appropriate that an award of this type bear Jefferson's name. He, above all, appreciated the vital role which the press plays in a free society. His appreciation was often expressed in eloquent and unforgettable terms. In 1787, he wrote:

"The basis of our government being the opinion of the people, the very first object should be to keep that right; and were it left to me to decide whether we should have a government without newspapers, or newspapers without a government, I should not hesitate a moment to prefer the latter."

The Founding Fathers, of course, decided that we should have both government and newspapers. But they recognized the truth of what Jefferson was saying. Our system of government is premised upon the will of the people. And in order for people to make up their minds—whether it be in a voting booth or at the local PTA meeting—they need information. They have a right to get at the truth, for themselves. Government, Jefferson was reminding us, does not hold the corner on truth.

The press has the responsibility to present ideas, and to report events both within and without the government. While the Founding Fathers did not seek to institutionalize the press, or to provide it with special powers, they nevertheless recognized that a free press was essential. It is, as Walter Lippmann has observed, "not merely a privilege, but an organic necessity in a great society."

The First Amendment states that "the Congress shall make no law . . . abridging the freedom of the press." It is a clear and unequivocal prohibition, forbidding any governmental encroachment upon the right of the people to ascertain the truth for themselves in what they read or hear, and to govern themselves accordingly.

The press does not belong to the publishers or editors or the anchor men on the evening news. It belongs to the people. Regardless of how close one is to the workings of government, we are all dependent upon the press for information. Where the press is hobbled, we all walk a more uncertain path.

Rarely does government flagrantly violate the First Amendment. No newspapers are confiscated. No books are burned. Congress has passed no law forbidding criticism of its members.

What we do have is subtle erosion—a weathering away. The pillar of press freedom is not being attacked with the picks and shovels of official censorship, but by the wind and rain of threats and intimidation. The process is often almost imperceptible.

The Nixon Administration has lately been charged with responsibility for a deliberate effort at erosion of press freedom. Newsweek magazine described the recent clashes between the media and the administration as "without precedent in the history of the United States." Bill Monroe of the *Today Show* stated that in his opinion the administration is trying to "maximize governmental pressure and minimize media independence."

These are serious charges—particularly serious in view of the fact that we have had clashes between government and the press since the beginning of the republic. The press has a natural adversary role to whatever administration is in power. Still, Bill Small, CBS News Buerau Chief in Washington, contends "there's never been a frontal assault on the press as we have now."

I would like to look into this situation with you for the next few minutes.

I thought it was particularly interesting that one of the first things which Mr. Nixon did when he moved into the White House in 1969 was to order the removal of two wire service teletype machines and a three-screen television console from the oval office. These had been placed there by his predecessor the late President Johnson who liked to keep abreast of what the media was saying about him.

Mr. Nixon does not seem to have the same penchant. His relationship with the press has not been a particularly happy one. We remember, without my recounting them, some of his earlier outbursts of bitterness and resentment towards reporters. He now has established himself as a president aloof and disdainful of the media. His press conferences are rare. His interviews rare and often orchestrated in advance.

His view of the press, whether consciously directed or not, seems to have filtered down to his subordinates whose speeches and comments have shown an extraordinary disdain for the role of the press.

We all remember the early statements of the Vice-President lambasting the so-called "liberal eastern press" and the network news commentators.

But over the past year we have also seen White House adviser Charles Colson predict in a television interview that the television networks "are going to be broken up one way or another in the next four or five years" because of "new technology in communications."

We have seen Herb Klein, White House Communications Chief, telephone NBC to complain that one of its reporters, Catherine Mackin, had been "unfair" to the President in interpreting remarks about Senator McGovern.

We have seen Ken Clawson, White House Deputy Director of Communications, charge the *New York Times* with "being a conduit of enemy propaganda to the American people" for some of its Vietnam war coverage.

We have seen presidential assistant Patrick Buchanan warn that if biased reporting continued "you're going to find something done in the areas of antitrust type action."

We have seen FBI Director L. Patrick Gray criticize newspaper and television reporting as "often inaccurate, biased and grossly unfair."

These officials, of course, have the right to make these statements. And perhaps they are not unjustified. If these comments were the extent of the administration's reaction to what it felt was unfavorable or unfair press treatment, they should be applauded as a healthy exchange between natural adversaries. But the reaction of the Nixon Administration has gone beyond mere charges of irresponsibility.

In 1971 we saw the White House direct the FBI to investigate CBS newsman Daniel Schorr, an administration critic, supposedly on the grounds that he was being considered for a position of employment which was never specified. It was a transparent attempt at intimidation, not necessarily at Schorr, but by implication at all the critical reporters.

We have recently seen the *Washington Post*, also a frequent administration critic on the war, excluded from covering the White House social events.

We have the controversial Pentagon Papers case, which, whatever one may think of the circumstances, was the first time that the government had sought to suppress the publication of a news story.

Another example of the administration's attempt to intimidate the media can be seen in a new proposal to govern the renewal of broadcast licenses. Last December Dr. Clay Whitehead, Director of the White House Office of Telecommunications Policy, announced an administration proposal to condition the renewal of broadcast licenses of television stations on whether in the judgment of the FCC the local station management is "substantially attuned to the needs and interests of the communities he serves." Dr. Whitehead later made clear that what was really sought was control of network news: "Station managers and network officials," he said, "who fail to act to correct imbalance or consistent bias from the networks—or who acquiesce by silence—can only be considered willing participants, to be held fully accountable by the broadcaster's community at license renewal time."

Since it would be impossible for local station managers to push a button to shut off disagreeable portions of the network news programs, this proposal would encourage local managers to pressure the network news officials to drop comment critical to the administration. The ultimate arbiter of whether the local management had met these responsibilities would be the FCC. In effect, Dr. Whitehead's proposal would make the FCC the censor of so-called "bias and distortion."

I would suggest to you that even if this administration proposal fails to win congressional approval, the networks have gotten the message. If not, it was underlined by an apparently unconnected event which occurred about the same time. In December, the finance chairman of Mr. Nixon's campaign in Florida challenged the license of WJXT in Jacksonville. WJXT was the station whose reporters discovered some controversial statements of Nixon Supreme Court nominee G. Harold Carswell. The statements contributed to his failure to receive Senate confirmation. To make matters worse, the station is owned by the *Washington Post* and it will cost them about one-half of a million dollars to defend against the challenge. The owners of other stations must also wonder what will happen should they arouse the displeasure of the current administration. Most stations can ill afford to spend that kind of money to beat off challenges to their licenses. It is a high price for irritating the President.

Another example of the administration's asserting itself over the media involves public broadcasting. In the last Congress, the President vetoed the appropriation for the Public Broadcasting Corporation which in turn funds the Public Broadcasting Service. The appropriation which later came out of the 92nd Congress represented a substantial reduction in funding. The administration also made a point of arguing for more local control over public broadcasting.

One effect of that would be less network productions and less network public affairs programming critical of administration policies.

Recently, the Board of Directors for the Public Broadcasting Corporation, now controlled by administration appointees, announced that in view of the funds reduction it was withholding the funds for public affairs programming, and only affairs programming. The Chairman of the Board explained that public affairs programming is not a "desirable activity" for public broadcasting to be engaged in. And so, programs such as William Buckley's "Firing Line," "Bill Moyer's Journal," "Wall Street Week in Review," and "Washington Week in Review"—all of which had at one time or another been critical of the Nixon Administration and all of which had always been independent of the Nixon Administration—were not to be funded for the coming season.

Nine days ago, the Corporation Board announced that it had decided to fund some of these programs after all. I would again suggest to you that while this appears to be a concession to public affairs programming on the Board's part, the damage has been done. The producers of these programs which are allowed to return have gotten the message.

Incidentally, now that the Central Board is more sympathetic to the administration's views, we hear no more of decentralized control.

I would like to mention what has become one of the more obvious battlegrounds between government and the press—the matter of the so-called newsmen's privilege not to reveal the sources of confidential information to governmental tribunals. Last June the Supreme Court held in its controversial *Caldwell* decision that the First Amendment guarantee of a free press did not entitle a newsman to refuse to reveal the name of his informant before a grand jury. Since that decision, we have witnessed the spectacle of several newsmen going to jail for refusing to name their sources.

Reporters are now on the horns of a dilemma. If they refuse to reveal a source, they are held in contempt and thrown in jail. If they agree to reveal it, they lose their integrity as investigative reporters, their sources, and their stories. It is a dilemma that may frequently be resolved by the reporter's deciding it isn't worth the risk to write the story. In this case, the public is the loser.

The issue is not simply whether the reporters can be counted on to shield their sources, but whether the press can continue to function in its role as a conveyor of meaningful information to the public. Informants who were once satisfied with the reporter's pledge not to reveal their identity, are now going to hesitate to accept his word knowing that an indeterminate jail sentence may be in store for him. The cost to the public of this reluctance on the part of sources can not be determined. As A. M. Rosenthal has written, "We will never know what we might have known."

It is entirely clear, however, that every aspect of public affairs will be a little less open to public access. Rosenthal wrote:

"There will simply be fewer and fewer people in government and out of government willing to take the risk that the press will be willing to protect them. It will not all happen tomorrow but it will happen as long as this country is ready to say that the price of dissidence is exposure."

A free press depends upon access to information and the ability to protect confidential sources. These are its tools. Take them away and the press is free only to publish official news releases. And we the public never learn anything except what those in power want us to hear.

The present trend towards official secrecy within the government—overclassification, executive privilege, etc.—makes the preservation of inside informants doubly critical. Arthur Schlesinger in a recent speech said that the "secrecy system has become much less a means by which government protects national security than a means by which government safeguards its reputation, dissembles its purposes, buries its mistakes, manipulates its citizens, maximizes its power and corrupts itself."

In case after case, government secrecy seems to be aimed at just these ends, and not true national security. Our nation's security as a functioning democracy can not tolerate over-protected government, hidden purposes, unknown errors, a silent and manipulated people, or power corrupted by lack of public challenge and accountability.

As proof of Professor Schlesinger's indictment, a government witness in the Ellsberg case said recently that even a geography book could help a foreign power. That is only an illustration of government's exaggerated desire to shield itself and what it is doing from the press and from us. If they dared, they would hide everything, and they often seem to try.

If the disclosure of inside information to the public is not to be totally shut off, it is essential that the insiders not be discouraged from disclosing illegal or ill-advised conduct to the press.

While the administration has made great efforts to close itself off from an intruding press, the precise question of press subpenas now involves the present administration only indirectly. By and large its official stance towards protective legislation has been one of passive resistance. The Justice Department representative, testifying before a House committee last fall, stated that while the administration did not oppose a statutory newsmen's privilege in principle, he felt it was unnecessary. He also testified that the administration did support the Supreme Court's decision that the First Amendment did not require such a privilege. President Nixon himself has indicated that he would not be opposed to some type of qualified protection for the press.

Yet more than one observer has seen a

connection between the rash of federal subpenas a few years ago and the "open-season" which the Administration has apparently declared on the press. Certainly the rash of U.S. subpenas from the Justice Department and local U.S. Attorneys in 1969 and 1970 has done much to encourage similar actions by state and local government.

The matter of protective legislation will be the subject of hearings before the Subcommittee on Constitutional Rights which are scheduled to begin next Tuesday. I am hopeful that as a result of these deliberations, we will be able to arrive at some means of extricating the press from their present dilemma and in doing so preserve the people's right to know.

I might say that I do not feel the responsibility lies solely or even primarily with the Congress. Many of the problems which the press now faces are in fact not readily resolved by legislation.

It is a matter of changing a climate of opinion, of standing up and fighting for press prerogatives in editorial columns and broadcasts—of convincing the public of the rightness of your cause.

I think the media, despite the fact that they control communications, have been reluctant to use communications at their disposal. They are in fact eager to publicize any statements by the administration which attack press prerogatives—the reporters couldn't get to the telephones fast enough to report the latest Agnew attack. But the press hesitates to use the airwaves and editorial columns to rebut, or even to identify the critical issues involved.

The press simply has to shoulder the lion's share of the burden. Congress is not always aware of your problems and not always capable of coming to your defense.

But even beyond the question of the press mobilizing public opinion to defend joint press-citizen rights under the First Amendment, is a higher responsibility. The press is given a great right under the First Amendment to be free from government constraint. Along with that great right is a great burden. The press may not come looking for government help when the going gets rough.

Generations of press champions faced fine, jail and even worse to create the rights we now recognize as so dear. They expended much suffering and received much abuse from courts, kings and legislatures. It is no sign of a valiant, pugnacious, courageous press that in the 8 months since the *Caldwell* case we have seen so much petitioning for legislative help. The Justice Department was more than a little correct when it warned that the same Congress which protects your rights can later take them away. The first and primary defense of a vigorous press must always be the press itself—reporters, editors, and publishers.

We have been talking about the intimidating confines within which the press now finds itself. How effective these confines actually are in terms of stifling the press we will never know. Every reporter can cite examples of stories which haven't been written due to the reluctance of sources, the fear of being too critical of governmental policy or officials, or of being too controversial, or for fear of involvement in court action. But the fact that we cannot precisely identify our loss, does not mean there is no cause for concern.

I see in these examples a decided shift in the government's attempt to influence and control the media. The government, couching its tactics in terms of correcting "a bias" and "irresponsibility" in press accounts, seems to be making significant inroads into what was once the domain of the press.

I would certainly agree that elimination of bias and irresponsibility from the news media are legitimate and desirable objectives. But it is not up to government to determine what is "bias" and what is "irresponsible." The determination of truth is a personal thing. One man's bias may be another man's truth. The First Amendment simply does not give government the power to determine the information to which the public should be exposed. If we have a free press, then it follows that it will not always be "responsible." Any attempt by government to make it more "responsible," inevitably makes it less free.

It is clear that the press does not always live up to the standards which editorial writers like to ascribe to it. I doubt if anyone in this room feels that any of the nightly news programs or weekly news magazines is totally unbiased. But what might appear to some as a smirk on the face of Walter Cronkite, might appear to others as an indication of sympathy. Bias, like beauty, is largely in the eyes of the beholder.

If you don't think a television news show represents the truth, you can turn off your TV. If you don't think a magazine represents the truth, you can cancel your subscription. You have the right to expose yourself to whatever information you want. But to have the government prescribing what the truth is or limiting the information available for the citizen is contrary to the First Amendment.

Hopefully, where the public is given inaccurate or misleading information, there will be additional information forthcoming which will expose the earlier deception. Certainly the myriad of electronic and printed media which we have in this country today makes prompt corroboration or condemnation more likely than ever before.

Still, it may not happen. There is a risk that the wrong information will be relied upon, the wrong voice listened to. But, to my mind, it is a risk that we must take—a risk that a truly free people must take—to insure that their right to express themselves is not lost.

Alexis de Tocqueville in 1835, after observing the operation of American democracy, wrote that the press, despite its penchant for abuse, should not be restrained. "There is no medium," he said, "between servitude and license; in order to enjoy the inestimable benefits that the liberty of the press ensures, it is necessary to submit to the inevitable evils that it creates."

This is an eloquent and wise statement. You either have a free press or you don't. There is no middle ground—no room for qualification and no room for an officially sanctioned version of the truth. It is a cruel deception that we sometimes play upon ourselves that because the First Amendment says we have a free press, that we in fact do. Press freedom is only as real as the conditions which are imposed upon it. We must be conscious of the signals which indicate it is endangered.

THE PROFIT MOTIVE DESERVES RESPECT, NOT CONDEMNATION

Mr. HELMS. Mr. President, I would like to commend to the attention of this body an address that has recently come to hand. The speech is about business, and it was written by a businessman, and it was delivered to a group of college students not too long ago.

That in itself is almost enough to make it remarkable. In recent years, the public attitude toward business has taken a disturbing downward turn. In part, this is the businessman's own fault. Under fire from certain circles of the intelligentsia, too many businessmen have been afraid to fight back, or even talk back. They have quietly endured the media's romanticizing of the so-called public service sector; they have cringed at the sight of smear campaigns designed to undermine confidence in American products; and a few have even tacitly agreed with the premise that profitmaking is a slightly disreputable activity. It is no wonder that the number of students interested in entering the business field has had a noticeable falling off.

The strength and force of the campaign against businessmen has caught some still unawares. Others have taken the self-defeating course of public relation campaigns emphasizing the social consciousness of their corporate activity, or of trying to hide the fact that businesses should be profitmaking enterprises. Pretty soon they find themselves going hand-in-hand with those members of the self-declared intelligentsia who seem to believe that economic freedom can be safely divorced from political and intellectual liberty. Some are so eager for Government contracts—and Government regulation—that they become corporately inefficient at competing in the marketplace and musclebound with quasi-bureaucratic organization.

It is refreshing, therefore, to come across the pamphlet in question. Written by Mr. W. L. Wearley, chairman of the Ingersoll-Rand Co., and delivered as a commencement address at Wilkes College, Wilkes-Barre, Pa., it is not afraid to confront today's student with some of the facts of economic life. Mr. Wearly points out simply that business is the facet of our society concerned with production. This is where the productive element in our economic life is concentrated. Business is in fact the source of our productivity, and has generated the relatively tremendous economic freedom that the average American enjoys. He recalls that the consumer marketplace is one of the truly democratic areas in which the citizen can operate. He explains graphically the calculations of profit—and loss—that go into business decisions, and the importance of profit in sustaining the worker's welfare.

Mr. President, I shall not refrain from quoting one brief paragraph where Mr. Wearly makes his point:

> As for businessmen, I think we are far from blameless. We haven't told it like it is. We have tried to debate a moral issue with material arguments. We have answered the Marxist attack on profit by whimpering about how little our profits are—how inadequate they are to preserve the capital of industry and the nation's productivity . . . Since 1965, total wage and salary income has jumped more than sixty per cent and fringe benefits have increased by ninety-four per cent. Compared to that, corporate profits after taxes have increased—can you guess?—only two per cent. And when profits fail to go up, employment remains static and so do tax collections to support the government.

In such language, Mr. Wearly conducts his economic lessons with clarity and insight. He is not afraid to kick aside the current cant about corporate exploitation and irresponsibility, and to show in specific terms the social benefits that a businessman confers upon a community simply by being a good businessman. It is most refreshing to find the arguments presented head-on without attempt to minimize, evade, or cover up the real role of the businessman. I have always believed in preserving the viability of a dynamic free enterprise system, and I am pleased to see that Mr. Wearly is of the same opinion.

Mr. President, I ask unanimous consent that the address by Mr. W. L. Wearly, chairman, Ingersoll-Rand Co., be printed in the RECORD.

Commencement Address

(By W. L. Wearly, chairman, Ingersoll-Rand Co.)

When Dr. Mechelini asked me to address this memorable gathering, he requested that I speak on the subject of "Business."

I suspect he was playing it smart. He wanted the speaker to know what he was talking about, and the way to be sure—in the case of a businessman—was to ask him to stick to his business!

However, Dr. Michelini's guide line doesn't limit me at all. When you say "Business" to me—you say the *world*. I cannot conceive of a world that wouldn't have what we call "Business."

Even philosophers and poets have to eat—and business fills their needs. Business produces our food, and builds our houses and automobiles. Business supplies the teacher's textbooks and classrooms, the doctor's medicine, the surgeon's knife, the scientist's laboratory, the musician's instrument, the actor's stage, the clergyman's pulpit, and last, but not least, business pays a very large share of the nation's taxes.

Business is an all-embracing word. It includes both commerce and industry, and trade and production. It is *production* that I am proud to represent. The company I work for serves the world's industries, and we like to see ourselves as the producer's producer. That is to say, we make the machinery that mines the earth's riches, lays the roads and rails, builds dams for power and irrigation, produces fuel and converts it to energy—the equipment that enables producers to *produce* and provide food, clothing, and shelter for mankind. That is the essence of our business.

YOUR STAKE IN BUSINESS

Production is a national necessity, and whether or not you ladies and gentlemen of the Class of 1972 plan to enter business—or whether you are aiming for a career in the arts, professions, or government—you will benefit by a business condition that is healthy, vigorous, and dynamic—able to fill your present requirements and able to anticipate your needs for the future.

This means you have a stake in the condition of business in this country and the world. I will try to tell you, as honestly as I can, what our "business condition" is—what is good about the state of business, what is bad about it, and, most important, *what this means to you and your future.*

Let me assure you, this will be no sales talk. I am going to "tell it like it is." This is something we businessmen sometimes fail to do.

Some businessmen seek favors from the government; then they wonder why the government wants to control them. Some of us can't tell it like it is because we don't *see* it like it is. We businessmen are so busy engineering, manufacturing, and distributing goods, as well as developing new products, that we don't have as much time as we'd like to study ideas. I might add, we may not be the only ones who need more time to study ideas. Very few people take time to reflect and see things as they really are. For example, consider these ideas—all of them admirable, all of them desirable—yet none of them living up to their label.

FREE ENTERPRISE?

Do we *really* have it? Business today has to operate with one eye on its own work and the other eye on the SEC, ICC, FPC, CAA, IRS, and many more political policemen in Washington. Business struggles to operate under price controls and profit controls—only the latest in a long succession of increasing government interventions into our whole economy. We do not have free enterprise. As the eminent economist, F. A. Hayek, said: "The world of today is just interventionist chaos."

FREE COLLECTIVE BARGAINING?

What is *really* free about it? Once a group of employees has been certified as a bargaining unit, bargaining is compulsory by law for the employer and the employees, even those who voted against union representation in the first place. And is it really bargaining? A bargain implies a give-and-take between two parties, to arrive at a mutually beneficial agreement. But under collective bargaining today, our unions exercise unrestrained monopoly powers and bargaining too often becomes bludgeoning. And the consumer pays.

SOCIAL SECURITY

We are all for it, but how secure is it? How many Americans realize that the Social Security trust fund has only one year of reserves to meet the obligations it must pay out to our senior citizens.

If there were no further social security taxes withheld from pay envelopes, social security benefit payments would cease in about a year. Thus, the continuance of benefits for retired workers is entirely dependent on the continuing payment of social security taxes by all Americans working today. Therefore, the *real* security for our retired people is a strong and vibrant American economy.

UNITED NATIONS

All of us would like to see the nations of the world living in peace. But how is it possible to unite that which cannot be united? I mean Communism and Capitalism. They are opposites. They are mutually exclusive ideas. We might say "Co-existent Nations." We might say "Tolerant Nations." We might say "Getting To-Know-Nations"—but can we say *United Nations*?

I only cite these examples to illustrate how our vocabulary, our way of thought and speech, our worldview—the ideas that rule us—are full of catchwords that are far from the facts. We tend to delude ourselves, like the people in Hans Christian Andersen's famous fable.

Do you remember the tale of *The Emperor's New Clothes?* There was a royal court, whose members believed their Emperor was dressed in priceless garments woven on a magic loom, the thread so fine the human eye could not even see it. But when the Emperor paraded unclothed in the public street, a little urchin babbled the truth that the Emperor was really naked. Then everyone could see that the Emperor's magic garments had no existence except in their own imaginations.

THE UNREAL IMAGE OF BUSINESS

Well, I am afraid we have been watching a parade of ideas about business in this country—ideas we thought were clothed in brilliance, but ideas which are, like the Emperor's clothes, simply unreal.

Consider this description of *Crime in America*, an article written by a college student in his fraternity magazine:

"Crime in America is many things. It is a slum child snatching a woman's purse. It is a businessman conspiring to fix prices. It is a madman suddenly and inexplicably murdering his family. It is a professional gambler bribing a government official. It is murder and theft, mugging and rape, breaking and entering, smuggling, counterfeiting, drug-pushing, shoplifting."

This student certainly has the businessman in nice company, doesn't he? The author of *Crime in America* should know who *really* controls production and thus regulates prices by monopolistic cartels—wheat fixed by the international wheat agreement—sugar fixed by international sugar agreement—coffee fixed by an international coffee agreement.

And these are government-to-government agreements, such as international air transport rates, or flight schedules rigidly fixed by the Civil Aeronautics Board, and so on. Nowhere do you have less competition and more price fixing than in government-controlled operation. And the price-fixing is usually ever upward—witness the Post Office.

Students are not alone in misunderstanding how business operates. Consider the government's concept of productivity.

The government defines productivity as "output-per-man hour." While it is true that productivity depends upon workers *working*, and loafing—and that real improvements in productivity can be achieved when workers truly apply their skills and energy—the *major* source of productivity is capital investment in tools and machinery. Let me give you an example.

THE REAL SOURCE OF PRODUCTIVITY

When I was a small boy, my father died and mother and I lived with my grandparents on a farm in Indiana. It was a general farm—we raised corn, wheat, oats, hay, and chickens, pigs, and dairy cows. Grandfather and grandmother were up each morning at 4:30 to milk the cows. We had eight cows and it took about two hours to milk them, feed them hay and ground grain, and separate the milk.

Perhaps some of you don't know what "separate the milk," means. It means to run milk through a cream separator, a machine which took about 15 minutes to crank up to speed—usually the children's job. The whole milk would be poured into the tank at the top—out of one spout would come cream, and out of the other skimmed milk. From the cream, grandmother would work several hours to churn butter. All this was very hard work. It took many hours.

Today, I know a farm which is no larger than my grandparents' farm. But it has a large investment in machinery, specialized buildings, silos, automatic feeders, and milking machinery. The farmer milks 75 Holstein cattle, raises all the feed for them, processes the milk—has a nice family—buys most of his food at the supermarket, including his butter. He does this by producing and selling $50,000 worth of milk and grain a year. Incidentally, this farm doesn't get a single penny of subsidy from the government.

This illustrates productivity—productivity resulting from the investment of more than $150,000 in farm machinery and equipment.

Now, if my farmer friend had said: "I will milk only the same number of cows—eight—which your grandfather did by hand 50 years ago" . . . imagine what would happen to his productivity and his capital. Instead, this farmer thinks he can milk 90 cows, if he makes additional improvements and adds $30,000 more capital investment.

But suppose he miscalculates? Suppose he invests to heavily in relation to what he can sell? Or suppose he produces what the market does not want and will not take? Will his increased productivity bring him profit or loss?

CONSUMERS CONTROL BUSINESS

After all, ours is a profit and loss system. Even some businessmen do not understand this. They talk of profit as a "reward." Not so. There is no "reward" for a businessman who miscalculates. Profit and loss are really the throttle by which consumers control a market economy.

It is consumers who determine—by their decision to buy or not buy—not only what shall be produced, but also the price they will pay. Prices, in the final analysis, are determined by consumers. Thus, consumers control the profits or losses of producers, and the level of wages that can be paid.

Wages are ultimately paid by the consumer. It is the consumer who determines that the opera singer earns a fabulous salary, while, comparatively, the cloak room girl earns a pittance. It is the consumer who determines that the great quarterback on a professional football team earns far more than the locker room attendant. And it is the consumer who determines which companies earn profits and which suffer losses.

Basically, there are only two ways to supply man's material needs. The profit and loss system—where the consumer determines what shall be produced, for whom and by whom—or the dictatorial system, where the government rules everything: production; pricing; and, consumption. In other words, our economy has to have one boss or the other—the customer or the commissar.

THE FUNCTION OF PROFIT

In business life, profit and loss serve as the traffic lights of our economy. The light shows "green" when profits appear. It flashes "red" when losses occur. The green light tells producers to go ahead and supply what the consumer wants. And the greener it gets, the more they produce. The red light tells them the public does not want their product or service—or is unwilling to pay the price being asked for it. No more "democratic" method of assuring production could be devised.

There is one more area of misunderstanding which affects the condition of business—and all of us—and that is the problem of inflation. Almost everyone thinks of inflation as "rising prices." But rising prices are the consequence of inflation, not the cause. Blaming inflation on high prices is like blaming your thermometer for a fever.

By trying to stop inflation by controlling prices, one might as well try to cure a sick man's fever by putting the thermometer in ice water. You'll get a deceptively "healthy" reading on your thermometer, but you won't cure the patient's illness.

So the foremost fact about American business today is this: there exists an understanding gap—an ignorance of the economic law under which our producers have to operate. And what will be the price of this understanding gap? It will be a price that you—in your generation—will have to pay.

Continued inflation, continued government intervention into the economy, will bring lower capital investment, lower productivity, a wasting of savings, and a constantly lower level of living. And if this happens, how are we going to acquire tne needed capital to improve our quality of life?

Unquestionably, *we* must improve the quality of our air, our water, our entire environment. We must be concerned about our ecology. And that is a task in which you young men and women can, and will, I hope, play a significant role.

ECOLOGY NEEDS ECONOMY

But we must realize that "wishing will not make it so." Everything has its cost—and part of your responsibility, as well as ours, the older generation—will be to weigh the gain against the cost. To clean up our rivers, to clean up our cities, to safeguard air and prevent pollution will cost—and is already costing—billions. Our problem is priorities. How far can we go, how fast?

Beautifying our environment can, in some cases, be achieved with relative simplicity and low cost. Removal of ugly billboards on highways is one example. But emission control for our 80 million automobiles is a massively complex and costly problem. Its solution may be expected to cost each motorist—each of you—hundreds of dollars—a total of tens of billions of dollars.

I am sure you young people here today are concerned about ecology—and rightly so. I hope you will soon become equally concerned about *economy*—because if we are going to prevent damage to our ecology, we are going to have to stop the damage that is being done to our economy. We will have to close the understanding gap.

Why does this understanding gap exist? I can suggest two reasons: first, the retreat of the intellectuals; and second, the failure of business to "tell it like it is."

In the early days of this nation, the intellectuals believed in freedom in *every* sense. They understood the direct relation between religious, political and *economic* freedom. They realized that all freedoms are integral—that you infringe upon one at the risk of all others.

Among the intellectuals of those days were the Colonial clergy—and their sermons were as filled with remonstrances against the *economic* restrictions of King George III as they were with pleas for religious and political freedom. In fact, one of the most discerning and devastating attacks upon the fraud of inflation was delivered by a clergyman, John Witherspoon, an early President of the College of New Jersey, which later became Princeton University.

"HALFWAY WITH INTELLECT"

Today, many of the intellectuals—*thank heaven, not all*—have embraced an interventionist theory of economics. They actually believe it is possible to effectively "manage" an economy by push-buttons from Washington. They do not realize that the stop and go lights of profit and loss are far more reliable than push-buttons on the Potomac. Unfortunately—at least as far as economics is concerned—most of the intellectuals have, as Jacques Barzun put it—created "the catastrophe of intellectualism" by going "halfway with their intellect."

It isn't that they don't have the brains to understand the economics of a free market. They most certainly do. And they understand and jealously guard *their* freedom of speech and political and religious freedom. Can they not see that all of these are related to economic freedom as well as to each other? If they believe in a controlled economy, why not be consistent and believe in controlled thought, a controlled press, pulpit and classroom?

All one need to do to see the relation of academic freedom to economic freedom is to look at Stalinist Russia or Nazi Germany, where thought control and repression of academic freedom were part and parcel of control over the economy.

I will not attempt, today, to analyze why these intellectuals hold the views they do. I shall merely assume that if and when they use their intellect to the full, they will arrive at a full appreciation of freedom—just as the Russian intellectuals are now beginning to shake off the repression of free thought, and a few Russian economists, I am told, are beginning to realize the shortcomings of a government-managed economy.

BUSINESS NOT BLAMELESS

As for businessmen, I think we are far from blameless. We haven't told it like it is. We have tried to debate a moral issue with material arguments. We have answered the Marxist attack on profit by whimpering about how little our profits are—how inadequate they are to preserve the capital of industry and the nation's productivity. We have failed to arouse the enthusiasm for the profit and loss system we know it deserves.

Because it is true—our profits are too low for the nation's good. Since 1965, total wage and salary income has jumped more than 60% and fringe benefits have increased by 94%. Compared to that, corporate profits after taxes have increased—can you guess—only 2%. And when profits fail to go up, employment remains static and so do tax collections to support the government.

But this is not the basic point. By arguing how little his profit is, the businessman is accepting the moral condemnation of profit by the Marxist. He is admitting that there is such a thing as "too much profit." The businessman should be arguing the truth—that there is no limit to what his profit can be as long as that profit has been earned without force or fraud.

The businessman should not equivocate on the principle of profit. One man's profit is not another man's loss. As Samuel Gompers, the great early leader of American union labor, said: "The greatest crime against the working-man is the company that fails to make a profit."

Nor should the businessman allow himself to be deceived by the management-labor concept. All who work in business and industry do labor. Management is simply another form of labor. All who work for a company are members of a team created to serve the market. They serve the market best—and incidentally their own interests—when they cooperate and work together. There is no natural law making management and labor antagonists. The truth is they cannot survive without each other.

I believe this was demonstrated dramatically recently, when George Meany, leader of the AFL–CIO, renounced the strike as being too costly for society to bear.

In short, we producers should stand for principle. If we ask the intellectual to be consistent in his search for freedom—we should be consistent ourselves.

FREE MARKET IS AN IDEAL

The intellectual is always urging his listeners toward an ideal goal which he frankly admits may never be reached. He can always talk about "what ought to be" and thus he assumes the shining armor of reform and the purity of an ideal.

We businessmen should face the fact that the free market in an ideal. As long as we businessmen *fail* to tell it like it is, we will be painted as "reactionary," as protectors of a *status quo we really do not approve.*

Now here is an area where you young men and women, coming into business or professional careers, can make a great contribution. We need your idealism—we need your radical thinking, and by "radical" I mean searching for the root of things—the basic principles.

If you choose to come into industry, we welcome you. *Industry is where the action is.* We are the producers—and we are proud of what we produce, because we know how it has advanced the welfare of mankind.

If you join industry, your horizons will be widened—for the products of industry are made and sold across the world. Today, enterprise is multinational and we see progress, too, as multinational. We take pride in extending the principles of economic freedom and human betterment around the world.

Permit me for one moment a personal reference to our company, Ingersoll-Rand. As a multinational corporation, we manufacture and sell products all over the world. Today, approximately 4,000 men and women here in the United States owe their jobs to our international sales. If we were not a worldwide company, those 4,000 jobs would quickly disappear.

We are convinced that American industry is a force for peace on the earth, and for progress beyond the earth. Remember, it was American science, technology, and industry that took mankind to the moon.

We are convinced that you can do more to satisfy your urge to serve society by working in industry or commerce than you can anywhere else—*if you understand the problem*—if you see it as it is.

Available to you is a body of knowledge, developed by the natural sciences, so rich in potential for human welfare that one can easily imagine a doubling of the life span in another century. And this knowledge, used by business in research and development, can, as it already *has* done, produce marvels to serve more people in more ways than ever before.

And there is the further potential of enrichment of cultural and intellectual life made possible by the shortened hours and lessened load of work upon men and women—as machines and technology provide greater leisure and greater accessibility to the world's artistic and cultural riches. This progress benefits every member of society.

And for those of you who are going into business, let me assure you, despite the problems that face business and our nation, today, I remain an optimist. I think a great future awaits all of you, if you face up to reality, if you see things as they are and—as you go through life—tell it like it is.

Good luck to all of you.

THE HEROIN TRAFFICKING PROBLEM

Mr. RIBICOFF. Mr. President, Newsday, the Long Island daily newspaper, has just concluded a 32-day, 100,000-word series on the international heroin traffic. The series, which used a team of investigative reporters to trace the shipment of heroin from the ultimate source of a poppy field in Turkey to the ultimate destination of an addict's vein in Long Island, represents an outstanding and courageous example of public-service journalism. The lessons to be learned from this series—the blatancy of international heroin traffickers and the ineffectiveness of Federal law enforcement in bringing the vast majority of these major traffickers to justice—should not be lost on the Congress.

The picture that emerges from this series—a picture that is reinforced by studies conducted by such authorities as the Government Accounting Office and a task force of the American Bar Association and the Drug Abuse Council—is one of major traffickers being identified by the hundreds, but being apprehended only by the dozens; of heroin being smuggled into this Nation by the tens of thousands of pounds, but being seized only by the hundreds of pounds.

The gap between the magnitude of the drug crisis and the limited success of our drug law enforcement efforts should not be viewed as a reflection on the bravery and dedication of our Federal narcotics agents. If singleness of purpose alone were the determinant of success in our efforts to stem the traffic in heroin and other dangerous drugs, there would no longer be a drug crisis.

But, bravery and dedication are not enough in the war against drugs. There must be a battle plan that maximizes coordination of all Federal enforcement and related efforts against drug trafficking, thereby eliminating the overlapping jurisdictions, duplication, rivalry and feuding that presently undermine these efforts. At present, Federal enforcement is plagued by a proliferation of agencies and programs with no effective coordination. At the heart of the problem is an intense rivalry between the two primary enforcement agencies—the Bureau of Narcotics and Dangerous Drugs—BNDD—in the Justice Department and the Bureau of Customs in the Treasury Department—which has undermined and in some instances, aborted major trafficking cases.

Various articles in the Newsday series pointed up the problems between BNDD and Customs in their operations in this country and overseas. On February 11, the Newsday investigative team quoted Gilbert Raguideau, a high French police official responsible for coordinating French and U.S. anti-narcotics efforts, as saying:

> There is one thing about the American anti-durg effort that we of the French police cannot understand," Raguideau declared. "Why is it that the two American agencies fighting drugs here (BNDD and Customs) are always fighting each other? We can't understand this. Here in France, we work smoothly with our people in Customs. But the U.S. Customs and the U.S. BNDD here are just about not speaking to each other. We don't think that this helps the battle against drugs.

On February 23, the Newsday investigative team made the following observation about the BNDD-Customs relationship:

> There is a very real rivalry that exists between BNDD and Customs, and despite a presidential order to stop feuding and work together on cases, and despite numerous inter-agency memos stressing the need to cooperate, the two agencies remain like a bareback rider and a trapeze artist working for the same circus: both want the show to succeed, but neither likes the other getting into its act.

The final article of the series, "It Takes More Than Policing To Control the Heroin Epidemic," explores the rivalry in some detail, along with other enforcement problems in combatting heroin traffic. I ask unanimous consent that the article be printed at the conclusion of my remarks.

The PRESIING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. RIBICOFF. In this final article, the Newsday team, citing two cases in which BNDD and Customs sought to undermine the other's investigation, found:

> The problem boils down to a simple jurisdictional dispute. BNDD is charged with control of narcotics, but Customs is charged with control of smuggling activities, and the only way to get heroin into the country is to smuggle it in.
>
> The two agencies often have refused to share information, and often have argued over which should make the seizure in a case that involved both smuggling and drugs.

I have introduced a bill, S. 942, which seeks to put an end to this unnecessary and dangerous rivalry by reorganizing all Federal law enforcement efforts related to trafficking in narcotics and dangerous drugs within a new division of the Federal Bureau of Investigation. The FBI presently exercises no drug jurisdiction. The bill also would deal with the present disorganized, bureaucratic response to the Nation's No. 1 law enforcement problem by providing for coordination by the President—after consultation with the Attorney General—of all other efforts related to drug enforcement wherever they may be found in the Federal Government.

Only through effective law enforcement can we ever hope to stem the supply of heroin and narcotic and dangerous drugs. Without such a coordinated law enforcement effort, there is scant hope that we can make real progress on the other side of the drug crisis—the demand side—by challenging large numbers of addicts and abusers into treatment programs. The time to deal with our Federal drug enforcement problems is now, and I submit that the best means to deal with them is through our preeminent law enforcement agency—the FBI.

EXHIBIT 1

[From Newsday, March 4, 1973]

IT TAKES MORE THAN POLICING TO CONTROL THE HEROIN EPIDEMIC

(NOTE.—In this article, Washington Correspondent Anthony Marro and reporters David Behrens, Joe Demma and James W. Sullivan, who spent four months investigating the heroin business in the U.S., summarize the effectiveness of efforts to control the flow of the drug into the country. This is the final installment in the series, The Heroin Trail. The investigation began more than nine months ago under the direction of Senior Editor Robert W. Greene who reported the overseas story—from Turkey to France—with reporters Les Payne and Knut Royce.)

WASHINGTON.—Every time a Long Island addict jabs the needle of a heroin-filled syringe into his arm, it means that the narcotics enforcement effort has suffered another failure.

It means that the State Department hasn't been able to prevent the opium poppy from being grown. It means that the Bureau of Customs hasn't been able to prevent smugglers from bringing the heroin into the country. It means that the Bureau of Narcotics and Dangerous Drugs (BNDD) hasn't been able to intercept the heroin as it moved along the distribution chain. And it means that the state and local police haven't been able to prevent the street-level pusher from passing it on to the junkie.

Despite massive injections of federal money in recent years, the enforcement effort still has many holes—lack of manpower, lack of experience, inter-agency friction—and heroin continues to flow through it like water through a sieve. BNDD estimates that there are 559,000 addicts in the country and that they consume 20,000 to 24,000 pounds of pure heroin a year. In 1972, BNDD seized 820 pounds of heroin and Customs seized 215.6 pounds.

Narcotics agents are no more expected to seize every ounce of heroin that comes into the country than traffic cops are expected to catch every speeder. In both cases, the job is to pose enough of a deterrent to keep the problem a nuisance instead of a menace.

But the drug problem has become so massive during the past decade that many, if not most, law enforcement officials now agree with New York City Police Commissioner Patrick V. Murphy, who says repeatedly: "You can't solve the damn drug problem by law enforcement alone."

Murphy is close to the problem: Roughly half the nation's addicts are thought to live in New York, and the heroin traffic in the city is believed to be a $1-billion-a-year business. During the 1960s, there were more New York City residents who died of heroin-related causes (4,254) than there were New York State residents who died in Vietnam (3,191).

Murphy argues that the demand is so great, and the profit so enormous, that law enforcement agencies will continue to be overwhelmed until something is done—through the treatment and rehabilitation of addicts—to reduce the demand and thus remove some of the profits. "Five years ago, it was all a 'get tough' approach," he said in an interview. "We were practically ignoring the other side of the coin—and that can't work. We can't meet the problem unless we cut it off at the source [Europe, Asia and Latin America], and we can't do that unless we reduce the demand through treatment and rehabilitation of addicts."

A look at the scope of the problem seems to bear Murphy out. To begin with, there are the opium poppies, the source of the gum that is the raw material of heroin. Only a small fraction of the world's opium supply—perhaps five per cent of the annual production—is needed to supply the 10 to 12 tons of heroin that BNDD estimates are consumed by America's addicts each year.

In the past, about 80 per cent of the heroin that came into this country was the product of Turkish opium poppies. The Nixon administration has managed to persuade the Turks to ban the production of opium, but—as reported earlier in this series—there are strong indications that the ban will not succeed. It is believed that enough opium gum is hidden away to maintain the flow of heroin for at least two more years, and it is likely that many Turkish farmers will continue to grow poppies in spite of the ban.

Even if the Turkish ban should succeed, the problem would not be solved. India, Iran, Pakistan, Afghanistan, and the so-called "Golden Triangle" region of Burma, Thailand and Laos all produce more opium than Turkey. Already, there are indications that increased amounts of heroin are coming into the country from Southeast Asia. And a secret report prepared for Congress last year by the General Accounting Office (GAO) cautioned that Afghanistan could fast replace Turkey as "a major source of opium" for the U.S. market.

The heroin that is marked for the U.S. market is likely to get here, primarily because of the problems of open borders and the great volume of traffic coming into the country. About 250,000,000 persons, 65,000,000 cars and trucks, 306,000 planes, and 160,000 ships enter the country each year, and there are only about 4,300 Customs inspectors and 1,800 patrol officers and agents to cope with this workload.

Last year, Customs seized only one per cent of the amount of heroin that BNDD estimates is consumed annually by the nation's half-million addicts. "You can hide four or five kilos of heroin [a kilo is 2.2 pounds] behind the headlights of an automobile," said David Martin, a staff member who studied the heroin problem for the Senate Judiciary Committee last year. "You can hide 10 kilos in a hollow crankshaft. What are you going to do, tear apart every car that crosses the border? The job is so difficult that I'm surprised they find as much as they do."

There have been hurried, almost frantic, attempts to beef up the enforcement agencies. BNDD, which had only 600 agents and a budget of $14,000,000 in 1968, now has nearly 1,600 agents and a budget of $74,000,000. But the problem has grown faster than the agency, and there are few narcotics agents today who will argue—as many did a decade ago—that the problem can be solved simply by attempts to shut off the supply.

In a closed-door session April 25, John Ingersoll, the director of BNDD, told a U.S. House committee: "I think it is unrealistic to think that the law enforcement and the Customs agencies of this country are going to be able to exclude drugs as long as there is an overwhelming demand for them."

Later, during that same session, he added: "Maybe our efforts [to reduce the supply] can reduce the drug problem to some kind of tolerable irritant. But, again, I repeat that we are not going to remove . . . drug addiction from our society if we rely solely on the work of law enforcement here or elsewhere in the world."

There are many who argue that heroin addiction should be considered a medical problem rather than a criminal one, and that simple legalization of the drug would eliminate the high cost that drives addicts into criminal activities to support their habits.

In a report made last year, a special American Bar Association Committee on Crime Prevention and Control concluded that "the nation's policy for dealing with narcotics addicts has resulted in an inversion of priorities which substitutes harsh criminal sanctions for rational medical measures."

The options now being debated by government agencies and private groups range from complete legalization of the drug to a proposal by Gov. Rockefeller that heroin dealers—including addict-pushers—be sentenced to prison for life.

THE ROCKEFELLER PLAN

The plan outlined by the governor in his State of the State message calls for life imprisonment for all convicted dealers of hard drugs, with no plea bargaining or parole; life imprisonment for all addicts convicted of committing a violent crime while under the influence of drugs; and a $1,000 reward for information leading to the arrest and conviction of a drug pusher.

A Gallup Poll showed overwhelming public support for the plan (67 per cent were in favor of it), but opposition has surfaced among a number of groups. These include:

Prosecutors who fear that the plan would place further strain on an already-clogged court system. "No attorney is going to subject his client to life imprisonment without a court fight," Nassau District Attorney Cahn said. Last year, about 98 per cent of the 900 to 1,000 Nassau County cases involving narcotics felonies were settled by plea bargaining.

Prison guards who fear the proposal would fill prisons to the rafters with men who, having no hope of release, would be difficult prisoners. A spokesman for the union that represents the state's prison guards said the plan combined "political brilliance with an appalling lack of knowledge about prisons and the society that requires them."

Narcotics agents who fear that the risk to undercover agents and informants would increase sharply. (A dealer would be more likely to try to shoot his way out of a situation that could send him to prison for life.)

Experts in the narcotics field who fear the law could result in an immediate and sharp increase in the use of barbiturates (which are potentially more harmful than heroin in many ways), and the development of synthesized, opiate-like substances.

Policemen who argue that the need is not for stiffer sentences, but for the courts to impose the sentences already permitted. "It's not the length of the sentence, it's the certainty of punishment that's the deterrent," said Chief Deputy Inspector James Henderson, of the Nassau County Police Department.

This last point is one that is made often by federal, state and local law enforcement officials, who complain loudly that courts free heroin dealers almost as fast as their men can arrest them.

THE COURTS

Recently, Deputy Chief Inspector William Bonacum, who heads the narcotics division of the New York City Police Department, charged that only about two per cent of those arrested on felony narcotics charges are sentenced to more than one year in prison. In 1971, he said, 20,762 persons were arrested in New York City on felony narcotics charges, and only 418 of them went to state prisons.

Frank Rogers, a special prosecutor for the city's special new Narcotics Courts, said that this is somewhat unfair because a great many felony narcotics arrests are bad arrests which never even reach a grand jury. Rogers said it would be fairer to base the percentage on the number of persons actually indicted. On that basis, he said, the proportion sentenced to a year or more in jail would be about 25 per cent.

However, Rogers and other prosecutors are not happy even with that figure. None of the prosecutors Newsday interviewed would say directly that they believed judges to have been corrupt, but all freely accused judges of being too sympathetic to defendants.

Paul Curran, the State Investigations Commissioner who investigated narcotics enforcement in New York City last year, said in an interview that more judges should realize that the sale of narcotics is not a crime of passion. "It is a business crime—and it should be punished as such," he said. "The . . . sentences have not been in the range that the legislature has decreed."

And Myles Ambrose, a special assistant attorney general and the head of the Drug Abuse Law Enforcement (DALE) program, recently criticized sentencing patterns because they "do not reflect any attempt to achieve any special national, social or policy objectives." Among the cases he cited as "outrageous examples of non-sentences" were those of a Colombian woman who was arrested at an airport with three kilos of heroin and who received a prison sentence of only three months; and a defendant convicted of possession of 10 grams of pure heroin who received a suspended sentence and served no time at all.

In New York's new Narcotics Courts last year, 25.5 per cent of those convicted of felonies were sent to state prisons to serve sentences of one year or more, 23.2 per cent went to city prisoners for shorter terms, and 51.3 per cent were given probation or given conditional discharges.

While Rockefeller calls for stiffer sentences, and law enforcement officials call for more sentences, others call for better, more extensive treatment programs to help curb the demand.

ALTERNATIVES

Last year BNDD commissioned a research team at the University of California at Los Angeles to develop a report entitled "Alternative Approaches to Opiate Addiction." The bureau released the study last fall, stressing that it was not necessarily endorsing any or all of the findings. Among the various programs studied were these:

Methadone Maintenance—Two types of methadone maintenance programs were studied by the team. The first type was a strictly monitored program in which only patients who were willing to seek employment and abstain from other drugs were allowed to participate. The second type—aimed more at cutting the crime rate than at rehabilitating addicts—provided for free distribution of methadone, even where there was evidence that the patient was using other drugs. The team concluded that the first type of program had a high degree of success, but attracted fewer volunteers than the second. The second type, it concluded, attracted more addicts, but there was less social rehabilitation, and participation was often sporadic.

Heroin Maintenance—The team concluded that a program to provide free heroin would attract many if not all addicts, and probably would result in a sharp drop in the demand for illicit heroin. Implied in this was the argument that it also would result in a drop in the sort of crimes committed by addicts to finance their habit. Among the potential problems, it concluded, are a heavy administrative cost (if dispensed through clinics) and a possible increase in the addict population. Furthermore, since many persons on heroin maintenance might not be able to hold jobs, they might have to be provided with welfare money. Said the report: "In the extreme, it amounts to announcing that the choice to use heroin will result in society providing the drug of choice, plus spending money, i.e., welfare."

Therapeutic Communities—The study group concluded that these communities—such as Synanon and Phoenix House—can provide good results at low cost, but attract only a fraction of the addict population.

Detoxification—This is the simplest and most frequently provided sort of treatment. Through inpatient treatment, addicts are detoxified over a period of one to two weeks by being given decreasing doses of methadone. The problem with this program, the group said, is that it works only for persons who are motivated and capable of remaining abstinent, and results in a long-term solution for only a small fraction of those treated.

Civil Commitment—These programs, which involve a period of incarceration followed by a period of probation are said by the team to offer a higher probability of post-treatment abstinence than simple release from prisons or hospitals without such a program. The problems, the team concluded, include high cost, a high rate of absconding, and the fact that many judges are unwilling to commit addicts for long periods (three to five years in New York; up to seven years in California) in a program that has not demonstrated a high rate of permanent cures.

While the debates continue, the Nixon administration's heavy commitment to what the President calls a "war on drugs" also continues. In fiscal 1969, the federal government spent $69,700,000 on its various drug programs. In fiscal 1974, it is expected to spend about $719,000,000 ($256,900,000 of it for law enforcement activities and the rest for treatment, education, rehabilitation and research.)

"We have a President who is very uptight about this problem—*very* uptight," said one federal agent. "He's almost puritanical about it, and he's not going to let go of it." This attitude comes through in the President's speeches. Last September, for example, he had this to say about the heroin traffic and his plan to fight it:

"We are going to keep the heat on until the despicable profiteers in human misery are driven out of their hiding places and are put in prisons where they belong. . . .

"These people are literally the slave traders of our time. They are traffickers in living death. They must be hunted to the end of the earth. They must be left no base in any nation for their operation. They must not be permitted a single hiding place or refuge from justice anywhere in the world. . . ."

This attitude, however, goes back no further than the Nixon Administration, and recent pressures brought against the Turks and the French tend to obscure the fact that, as recently as 1968, the U.S. fight against drugs was itself very limited. Customs in that year was operating with the same number of men that it had when Calvin Coolidge was President; according to BNDD Director Ingersoll, narcotics enforcement efforts at most levels were "not simply inadequate, they were nonexistent."

One reason for this, according to one federal official, was that during the 1960s "it was considered a black problem, and a ghetto problem . . . [and] most big city administrations didn't care what happened in the ghettos."

Said another official: "We had them [addicts] for a long time and most people didn't get upset about them because they weren't a threat. It was only when they started appearing in the suburbs, and started stealing in the suburbs, that we became concerned. They're a little bit like drunks: You don't mind them so long as they don't throw their bottles on your lawn and beat up your kids."

The change began in 1968, when the old Federal Bureau of Narcotics was disbanded and moved from the Treasury Department to the Justice Department. The man put in charge of the new operation was John Ingersoll, who was the 38-year-old police chief of Charlotte, N.C., when he was given the job.

"He took over a bureau that was filled with inbred hatreds and corrupt as hell, and he turned it around," one admirer said. "There is still a lot of bureaucratic infighting, but it's shaping up."

The bureau has expanded rapidly under Ingersoll, but in some ways it is like an expansion-league ball team. It has money and energy, but lacks experience. Nearly half its agents have gone through the bureau's training academy in the past two years, and there are few agents on the streets who have more than five years of experience. Said one city narcotics detective: "They're too young, too inexperienced, and they don't know New York."

The bureau also has a shortage of Spanish-speaking agents and blacks. Since much of the traffic is now controlled by blacks and Cubans and other Latin Americans, this is a serious problem; the adjectives used to describe the shortage range from "critical" to "desperate."

BNDD is trying to recruit and train minority agents (blacks and Spanish-speaking trainees have made up a third of the last two classes at the training academy), but it still has a long way to go. There reportedly are only five Cuban agents in the bureau, despite the fact that Cubans operating along the Miami to Hudson County, N.J., to New York route now control much of the heroin traffic. And, BNDD sources said, there are only three blacks among the 41 agents in the Philadelphia office, despite the fact that blacks control much of the drug traffic there. Overall, blacks make up about 10 per cent of the BNDD agent force, and Spanish-speaking agents make up another five per cent.

In time, the problem of inexperience may take care of itself; the pool of experienced agents is growing each year. And Ingersoll already has committed the agency to the active recruitment of blacks and Spanish-speaking gents. Another problem, however, is the rivalry that exists between Customs and BNDD.

The problem boils down to a simple jurisdictional dispute. BNDD is charged with control of narcotics, but Customs is charged with control of smuggling activities, and the only way to get heroin into the country is to smuggle it in.

The two agencies often have refused to share information, and often have argued over which should make the seizure in a case that involved both smuggling and drugs. On one occasion when BNDD was shepherding a boatload of marijuana into Miami (intending to make arrests after the boat docked), Customs stumbled onto the operation and not only seized the marijuana and made the arrests, but also impounded the BNDD boat.

A classic example of this sort of feuding arose in September, 1971, when Customs and BNDD both were working on a case that eventually led to the arrest of Louis Cirillo, one of the biggest heroin dealers jailed in the past decade. What happened, in short, was this: BNDD told Customs that a man named Richard Berdin was coming from France to receive a shipment of heroin; it asked Customs to help watch him, but not to arrest him. Customs learned that Berdin was involved in a separate case that BNDD knew nothing about, and arrested him on that charge. Customs then persuaded Berdin to set up a meeting with another French heroin smuggler, Roger Preiss, and lure him into a trap. BNDD found out that Preiss was coming to New York, staked out the Waldorf, and—after first grabbing several look-alikes—arrested Preiss and rushed him away without telling Customs.

Then, sources said, BNDD notified a U.S. Attorney in New York that it had arrested Preiss, but refused to tell him where it was keeping him until the attorney promised not to tell Customs. But, the sources said, Customs discovered where Preiss was being questioned and tried to get into the room only to be blocked by BNDD agents.

Agents at both Customs and BNDD say the feuding is no longer as bad as it was three or four years ago. But after examining the operation last year for the Senate Judiciary Committee, Gen. Lewis Walt (USMC, Ret.) concluded that what Customs and BNDD needed was a kind of Joint Chiefs of Staff to coordinate their efforts and reduce the friction.

The Nixon administration itself is now considering several plans to reorganize its narcotics enforcement effort, and a series of "option papers" is said to be on the President's desk. The options, sources said, include proposals to impose tighter administrative controls over the present structure, to remove the Customs function and turn it over to BNDD, and to simply turn all enforcement of hard drugs over to the FBI.

Whatever the outcome, the President apparently is determined to keep a federal presence at the street level, a decision that was made during 1972 over the objections of Ingersoll and some of his chief assistants at BNDD. Ingersoll's argument was that the main federal effort should be aimed at middle-level and top-level dealers, and that the chasing of small-time dealers and pushers should be left to local police.

The administration, however, created the Drug Abuse Law Enforcement (DALE) program to put federal agents—not just federal money and equipment—on city streets, a move that was hailed by some, and decried by others as an election year gimmick that would do nothing to disrupt the traffic.

"How much of the decision was political? Damn little," said one administration source. "But we were spending $1 billion and nobody knew about it. Nobody cared about the overseas effort when they could see people pushing drugs in their neighborhoods. The President wanted to be sure some of it was being spent down there where the people could see the results."

A second reason, that same source said, was that Dr. Jerome Jaffe, who heads the Special Action Office for Drug Abuse Prevention, argued persuasively that the government would never be able to cut the rate of addiction unles it began harassing addicts and small-time pushers.

"You may not like the term, but that's what DALE does—it harasses addicts and street pushers," he said. He said that Jaffe's argument was twofold: (1) a federal enforcement effort at the street level could help pressure addicts into treatment centers or onto softer drugs, and (2) it could scare non-addicts away from hard drugs.

A spokesman for Jaffe later said: "That's basically right, but Jaffe's concern is more with the experimenter than with the guy who's already addicted. If we can keep the pressure on at the street level, if we can make it harder to get heroin and harder to stay out of jail, we may be able to discourage people who otherwise might experiment with the drug."

The debate over how much of the federal effort should be aimed at law enforcement and how much should be aimed at treatment is likely to continue, but there are two points that officials at both ends of the spectrum seem to agree on. One is that the drug problem will be with us forever, at least in small doses, and the real question is what constitutes a *tolerable* level, and what are we willing to spend to get there. The second is that there are no simple solutions.

Said Thomas E. Bryant, head of the foundation-sponsored Drug Abuse Council in Washington: "There is no simple solution—legal, medical, or social—to drug abuse in our society. To in any way pretend that there is, is to ignore known facts, to deny history, and to mislead further a frightened, baffled, and confused public."

THE SCHOOL LUNCH PROGRAM

Mr. CASE. Mr. President, the school lunch and school breakfast programs are major Federal efforts to provide good, nutritional meals to schoolchildren.

Unfortunately, not all schools now participate but there is a strong effort underway in my own State to initiate these programs in schools that need them.

An article by John O. Davies, of the New Jersey Courier Post news staff describes what New Jersey's State officials are doing. I ask unanimous consent that this article be printed in the Record at the conclusion of my remarks.

A significant expansion of the school lunch and school breakfast programs took place under the leadership of Mr. Lewis Straus. His work is being continued by Mr. Wallace Collender, the new State director for these programs.

There being no objection, the article was ordered to be printed in the Record, as follows:

School Lunch Program Plagued by Misunderstanding

(By John O. Davies)

Trenton.—A campaign is underway for a cause you'd hardly think would need promoting—to require school boards everywhere to adopt lunch programs that would benefit tens of thousands of needy children at no cost to local taxpayers.

It's actually an $8.2 million deal the federal and state governments are offering to scores of school boards which offer no midday meals to an estimated 523,000 children.

Of this group, State Education Department officials estimate almost 114,000 would be eligible for free or reduced-price lunches.

To surmount the complacency and misunderstanding that has plagued the lunch program—New Jersey ranks 49th in the nation, topping only California, in its distribution of school lunches—the department is pressing for a law to make offering of school lunches mandatory by all boards within a two-year period beginning July 1.

The bill that would make this come true cleared the Assembly Education Committee recently and is ready for what is expected to be a favorable floor vote in the House March 19, according to Committee Chairman John H. Ewing, R–Somerset.

Miss Denise Rath of Skillman, the department's school lunch program specialist, says the largest concentration of children attending no-lunch schools is in Hudson and Bergen Counties for varying reasons.

Ironically, an estimated 75 per cent of the excluded children in Hudson would be eligible for free and reduced-price meals—but only 5 per cent in Bergen are in the needy category.

Other children excluded from school lunches are spread throughout the remaining counties, Miss Rath reports, although the problem is much more acute in North Jersey than in South Jersey.

Miss Rath says the fact there are more "neighborhood-type" schools in crowded North Jersey within walking distance of pupils' homes is one reason for the failure of local boards to adopt lunch plans.

Miss Rath gives Union County a low mark for its school lunch activity, and she considers her home county of Somerset "only fair" in its programming.

In South Jersey, Camden County gets the worst rating by Miss Rath.

Miss Rath, who is only 26, says Scott Plains, where she once attended school, and Westfield were among Union County districts which serve lunches only in their high schools.

In Camden County, Miss Rath reports, the program is active completely in all but 14 of the county's 38 school districts.

While Camden City, where there is a high percentage of needy children, enjoys 100 per cent participation, Miss Rath says there are communities where no lunches are served but are needed.

This list includes Audubon, where more than 100 out of 600 students are eligible for free or reduced-price meals, Bellmawr, where 240 out of 600 are needy and Lower Camden Regional High, where 1,200 out of 3,800 are in the needy area.

Miss Rath says reasons for not participating in the program include a baseless fear cafeteria and food service would be costly to the board, that children living close to schools and needing a nutritious mid-day meal can get it at home, which she stresses "is absolutely untrue in thousands of cases," that administrative personnel and paperwork would be burdensome—and the fact that many parents are not aware the program is available.

Conceding the last reason "seems hard to believe," Miss Rath notes a $15,000 film has been made to help bring the lunch program to wider public attention.

What are the specifics of this program from which more than a third of New Jersey's 1.5 million school population is being excluded?

Of the statewide enrollment, experience has shown that only 45 per cent of children for whom lunches are available take advantage of the system.

That means only 430,000—remarkable as this may sound—out of 1 million take advantage of the mid-day meals served at school.

Of this number, 280,000 children pay full price of up to 45 cents for their meals and 150,000 are eligible for free or reduced-price meals.

Oddly, according to Miss Rath, 25 per cent of the needy children fail to take advantage of the meals available to them at no cost.

All but 5 per cent of this disappointed group get free lunches.

The federal government gives 8 cents toward paid lunches and the state 4 cents, with up to 45 cents being paid by students.

Washington gives 48 cents and the state from 4 to 14 cents for free lunches.

A child is eligible for a free lunch if his family's income and family size range from $3,700 earnings for a family of two to $8,500 earnings for a family of 10.

Reduced-price lunches are available for children from families of two earning $4,300 to families of 10 earning $9,100.

In round figures the Feds are contributing now about $16 million to New Jersey's national school lunch program and the state about $4 million.

The proposed law requiring the lunches to be offered everywhere would boost the aid funds by $2.991 million for the Feds, $896,000 for the state and with a maximum pupil payout of $4.324 million, a new money total of $8.211 million.

Subtracting from this the cost of providing and serving the meals, which was estimated at a little over $8 million, there would be a balance of almost $200,000 that Miss Rath says would be available to the boards for lunch improvements, such as an occasional dessert or a different type of meal that might have more costly items in it.

One reason Miss Rath can't understand the reluctance of many school boards to sign up for the lunch plan is that all of the work can be leased out to food management companies, which generally charge 10 per cent, the cost of which is paid out of the federal and state aid grants.

These food vendors, Miss Rath says, "are doing very well." She says they also are checked on performance and the lunches themselves are under quality inspection by consultants from Miss Rath's office.

The food comes from federal surplus storage at Jersey City and Vineland.

When and if the lunch bill becomes law, Miss Rath's boss, Walter Calender, director of the Office of Food Program Administration, will launch another crusade—to encourage more boards to serve a breakfast "pick-me-up" now available in only 104 schools.

As a former teacher, Miss Rath recalls:

"Half the children came to school without breakfast, no matter whether they came from poor, middle or wealthy families.

"Just the fact they were hungry sharply reduced their attention span in classrooms."

CONGRESS AND AGING

Mr. CHURCH. Mr. President, the American Association of Homes for the Aged is a national organization which has over the years exerted a considerable degree of leadership in efforts to improve care for chronically ill elderly persons and for those whose needs are residential, as well as medical.

On March 1–2 the Legislative Council for AAHA met in Washington to discuss—with representatives of the executive branch and with Members of Congress—the many public issues which have direct impact upon their efforts. The range of these issues bears testimony to the broad interests and concerns of AAHA.

It was my pleasure to appear before the Legislative Council, and it was indeed an honor for me to receive the AAHA Distinguished Service Award. At that same meeting, I delivered an address which outlined the challenges I see, not only in long-term care, but in other areas of immediate and long-range concern in terms of aging and in terms of the relationships between Congress and the executive branch.

I ask unanimous consent to have that address printed in the Record.

There being no objection, the address was ordered to be printed in the Record, as follows:

Congress and Aging

(An address by the Honorable Frank Church, chairman, U.S. Senate Special Committee on Aging)

I am glad to have this opportunity to acknowledge the longstanding help AAHA has provided to the Senate Special Committee on Aging.

Your Washington representatives have been on hand when the chips were down, not only with regard to legislation on long-term care, or housing, but on other issues that might, at first glance, seem unrelated to the immediate interests of your membership.

But your members take a larger view of what their interests really are.

In your publication, dealing with the social components of care for the elderly some years back, you made the point that you regard your mission as far more than mere management of units in which the elderly receive varying levels of care.

You made it clear that you have a deep interest in the entire environment of the elderly. Units alone won't do the trick. You want to improve the quality of life for the elderly, and I salute you for keeping your standards high.

As administrators in long-term care institutions, you are on the firing line every day in what may be the most controversial—and important—front in this nation's health industry.

At a conference last July in Idaho—a conference sponsored by the Idaho Health Facilities, Inc. in conjunction with the State Office on Aging—a dear and respected friend of mine, Mrs. Hannah Sessions, summed it all up from her vantage point of advanced years.

"Health care of the aging" she said, "is one of the deepseated worries of the old. To many of the old, the image of the nursing home is like going through a dark door which swings only inward into a life of quiet desperation. The aging mourn the loss of the dear familiar things; often they become panic-stricken, wracked by anxiety, confused, disoriented by the changes taking place within their own minds.

" 'Give us life,' they say, 'not just a postponement of death.' "

Everyone in this room, I am sure, has heard similar sentiments and everyone here is working to change the image to which Mrs. Sessions referred.

But images are powerful forces, and the very positive actions that are being taken in Idaho and elsewhere to improve long-term care are often over-shadowed by scandal, by problems related to root inadequacies or contradictions in our health care system, and by public reluctance to face up to long-standing needs.

As a resident of Idaho, which has only 55 licensed nursing homes with 3,600 beds for the entire State—all 82,769 square miles of it—I'm a little awed when I look at the national statistics:

One million nursing home beds—more than tripled between 1960 and 1970.

Public expenditures for nursing homes reaching the $2.9 billion mark in 1970, or four percent of the health dollar. They will reach $4 billion by 1974.

And about 945,000 patients in nursing homes—almost one out of every 20 of our population of age 65 or over.

All this adds up to very big business, for those who regard it solely as a business.

But to you and to many others, the nursing home can be and often is a kind of ministry.

To Mrs. Sessions, an important function of that ministry is to assure a return to home whenever that is possible—rehabilitation has as important a place in the workings of a nursing home as it does in a pediatrics ward.

And for those for whom no return is possible—those very ill and elderly persons who will need institutionalization to the end of their days—every day in a long-term facility should yield a dividend of kindness, of concern, and of competent care.

You will hear tomorrow from Senator Frank Moss, Chairman of the Subcommittee on Long-Term Care for the Senate Special Committee on Aging. He will deal in some detail, I am sure, with legislative proposals he and other members of the Committee have proposed.

His package of bills is the result of years of hearings and recommendations from many persons including some, probably, who are in this room.

I believe that you will agree that this legislative package is based on a few fundamental concepts:

That service to the *patient* should be the fundamental premise upon which governmental policy related to long-term care be based. We have to keep reminding ourselves—and government—that institutions exist to serve people, and not the other way around.

That we must seek quality care for all rather than fracturing care into artificial, cumbersome segments, with standards that lower as levels of care are lowered.

That fair, but strict, standards of accountability be imposed to assure that government funds are being used wisely.

And that the long-term care segment of the health industry become a more integral part of a rational system in which due support is given to preventive medicine, outpatient medicine, and restorative medicine.

Since you will hear from Senator Moss tomorrow, I will talk no longer about his work, except to say that I am looking forward with keen interest to a report soon to be issued through his Subcommittee.

Now let me turn to an estimate of where I think we stand in terms of our national commitment to aging.

The most dramatic action last year was overwhelming Congressional approval of a 20 percent across-the-board increase in Social Security benefits. As the sponsor of the Amendment in the Senate which secured these increased benefits, I was guided by new actuarial concepts which reduce the Trust Fund's dependency upon long-range reserves and place the system upon a yearly, current cost basis. This approach had been heartily recommended by the Social Security study group as far back as 1934 and 1935.

It has taken us a long time to arrive at this stage, but here—finally—we are. One direct result of the new approach is that the 20 percent increase caused no significant adjustment in employer-employee contributions.

Even though Congress was acting under pressure—the 20 percent increase, opposed by the Administration, had to be attached to a debt ceiling bill—we were able to add one other historic provision. We specified that benefits will rise automatically with any future cost-of-living upswings. That mechanism, sought by Congress and the Administration alike, is intended, at last, to make Social Security benefits inflation-proof.

Later on in the year, Congress acted upon H.R. 1, now Public Law 92–603. Here again, historic changes were made in terms of protection for older Americans. To list just a few of the reforms:

Increased benefits for widows.

More equitable computation of benefits for men.

A modest but precedent making increase in benefits for those who work past age 65.

Some liberalization—but not enough—of the so-called retirement test, which specifies how much a Social Security recipient can earn before losing part or all of his benefits.

Important improvements in Medicare and Medicaid.

And, finally a legislative breakthrough that would have received far more attention if it had been passed in any other year: a Federalized old age assistance program with a minimum floor was finally established, and it will begin operation a year from now. This new Supplemental Security Income program for the needy aged, blind, and disabled takes us closer to two of my personal goals—elimination of poverty among the elderly and abolition of a demeaning welfare payments system for those in great need—but here again we still have work to do.

One measure of that work is the number of older Americans who still live in poverty: more than three million of them.

That 3.1 million total, however, is misleading because there is also a substantial amount of hidden poverty among the elderly. Nearly 2 million aged persons are not classified as poor, simply because they live in families with incomes above the poverty threshold. If these persons were counted, the number of older people with sub-poverty incomes of their own would be somewhere around 5.1 million, or almost one out of every four persons 65 or older.

Another way to measure deprivation among the elderly is to compare actual income with living standards as described in the Bureau of Labor Statistics Intermediate budget for a retired couple. B.L.S. arrived at a figure of $5,000 a year as a modest standard, but this total is well beyond the means of about two out of every five elderly couples.

Yes, great challenges remain despite the significant progress made last year. I have, therefore, begun Committee hearings on what I call "Future Directions in Social Security."

One of the most pressing issues before us is the forthcoming implementation—just 10 months away—of the Supplemental Security Income Program I mentioned earlier. For years, we have been talking about a Federal floor to replace old age assistance with a standard level of minimum payment throughout the nation. Now we are about to have such a system, and we want to make certain that it works right.

Our hearings will turn to many other subjects, including: suggestions for making the Social Security payroll tax less regressive; fairer treatment of minorities and women; what level of "adequacy" should be sought in retirement income with the help of our social insurance system; employment opportunities and the consequences of today's so-called "retirement test;" and the meshing of old age insurance with private pensions and other forms of retirement income.

We will also invite testimony on gaps in Medicare coverage, as well as other health-related issues, because I believe that genuine security in old age is impossible without real protection against medical crises that even yet wipe out family savings. Older Americans are now paying almost as much in out-of-pocket health care costs as they were before Medicare was enacted. And they will pay still more if the Administration succeeds in raising the coinsurance and deductibles to the high levels described in the President's budget message.

Let me assure you, however, that any such action would require Congressional consent, and I cannot see how Congress could allow itself to undo so much of what we thought we were achieving when we enacted Medicare in 1965.

I personally will do everything in my power to fight these Medicare regressions, and I know that many other members of Congress—on both sides of the aisle—feel as I do. We simply cannot allow the budget-makers to economize at the expense of those elderly, ill persons whom Medicare was meant to serve.

If I sound angry, it is because I sense a certain cynicism in the pronouncements of an Administration which opposed a 20 percent Social Security increase last year and now seeks to offset that increase with higher Medicare costs.

And they say they're doing it in the name of economy.

They don't care that many people will be deterred from seeking medical help until they become even more ill and require far more costly treatment.

They apparently don't give a damn, and I say they should be fought every inch of the way.

That fight—the fight for adequate programs for the elderly—must be waged on other Congressional fronts as well.

Many of you know that both Houses of Congress passed a new and far more powerful version of the Older Americans Act in 1972. Our goal was to provide the resources and administrative clout needed to make the Administration on Aging far more capable of performing the job that Congress expected it to do. In 1972, Congress wanted to put the AoA high enough on the H.E.W. table of organization to have some impact. We voted it more money for its community programs, for new area-wide projects, for special demonstration programs and for training and research. There was much give and take between Congress and the Executive Branch, and our final bill was a good one.

But it was pocket vetoed just a few days after Congress adjourned.

Worse, yet the new budget offered by the President last month would keep the Administration on Aging at last year's level and *it would cut out entirely all funds for training.*

We have not, however, given up. Just nine days ago, the Senate re-enacted the Older American Act Amendments much in the form that they had last year. The House is about to take similar action. I think we can count on strong Congressional interest and support for the rest of this effort, no matter how long it takes.

There is reason to believe, therefore, that we will soon have an end to the stalemate on the Older Americans Act. I wish I could say the same about housing for the elderly, but it is painfully apparent that the situation in this area is—to say the least—murkily uncertain.

Committee staff tells me that the so-called H.U.D. freeze, or moratorium, has already caused great confusion. After weeks of trying, the staff is not able even yet to say how many projects have been frozen or how long they will be held in abeyance.

Caught in the middle of all this are people like you, many of whom struggled to make the 202 direct loan housing program work on behalf of the elderly. And many of you succeeded, because 202 was specially designed for the elderly and worked well before it was sent into limbo.

When I go home to Idaho, I see examples of good, federally-assisted housing. I go to groundbreakings and dedications, and visit the elderly tenants. But every time I go, I am painfully aware that I am seeing the happy, fortunate few—those who have found a decent place to live, within their means. I know that many more, some on waiting lists and some without knowledge that lists exist, live in squalor. They live in fear of higher rents or higher property taxes and they wonder where on earth they will find the money to pay the medical and food bills that always seem to go up and up.

How can we ignore their needs and the needs of so many other Americans?

Many of you know that the Senate last year passed legislation that would restore and broaden the 202 program and that would establish an assistant secretaryship on housing for the elderly in H.U.D. That effort will be renewed this year, with prospects improved for favorable action in the House of Representatives, as well.

Time won't permit, a detailed review of the many other issues now under consideration by the Senate Committee on Aging and its subcommittees. I will say, however, that we are generally concerned with what might be called the high cost of cutbacks. Many of the Administration actions—killing off a program here, impounding funds there—are based upon the doctrine that wholesale curtailment is the way to save money.

Well, there are some programs that should be trimmed to the bone and even into the marrow. There are other programs which still do much good, even though they may need improvement. There are some programs which require expansion if they are to do any good at all.

One classic example—an example which I am sure all here are thoroughly familiar with—is the decline of home health and home care agencies at the very time that the Administration talks so often about the need to develop "alternatives to institutionalization."

You know, as I do, that for a very ill person there is often no substitute for hospitalization or long-term care.

But, for those many others who can remain at home with modest assistance from a visiting nurse or someone simply to help with a few chores, placement in an institution can be the worst—and costliest—thing to do.

Despite all this, the Administration offers no real encouragement to realistic growth of home care and home help agencies. Right now, because of the new restrictions on services offered under Social Security titles, some home health care projects are already out of business or reducing patient loads considerably. And the new regulations announced on February 16 would provide the finishing touch: they are harsh to the point of being punitive, and they, too, should be fought.

You have until March 18, by the way, to register your complaints to those regulations. A report which should be published by the Committee on Aging in just a few days will provide more details.

Let me conclude with just a few comments about the much-publicized *battle* of the budget, struggle over impoundment, and the tug of war developing between the President and Congress.

As for the budget, Mr. Nixon has already been largely successful in persuading the media and the bulk of the public that he has presented an "economy" budget to a spendthrift Congress, in a determined drive against inflation.

I suppose it is useless to point out that an anti-inflationary budget is a balanced budget, or, better still, a budget in surplus. Since he became President over four years ago, Mr. Nixon has yet to send Congress a balanced budget. Indeed, his new budget embraces a deficit of between twelve and fifteen billion dollars. It is an inflationary budget.

By the same token, I suppose it is equally useless to remind the people that Congress has reduced—yes, I said reduced—the Nixon budget requests over the last four years by a grand total of $20.2 billion dollars! Why, then, should Congress have to wear the hairshirt for fiscal irresponsibility? It belongs just as much, if not more, on the President's back, as on ours.

The truth is that neither the President nor the Congress has kept the Federal Government's financial house in order. Blaming the "other guy" is the oldest political trick in the books. In the past four years, the national debt has leaped up an astonishing $104.3 billion dollars. Both the Nixon Administration and the Congress are to blame.

In view of this, there is no doubt in my mind that a ceiling must be set on Federal spending, and the over-all budget must be cut to fit within the ceiling. The argument between the Democratic Congress and the Republican Administration has nothing to do with setting a ceiling, but rather with where the spending cuts shall be made.

The President wants to cut back on civilian spending and increase military spending.

I am against that.

The President wants to cut back on domestic spending and increase foreign spending.

I am against that.

The President wants to curtail spending by executive decision. I believe that spending priorities should be determined by *all* the elected representatives of the people. Under the Constitution, the power over the purse belongs to Congress, and that's where it should remain!

I believe it to be the duty of Congress to establish its own spending ceiling and stick with it. Then the President will have no excuse to disregard the priorities established by Congress. If he still wants to impound certain appropriated funds, let him submit his case to Congres for its approval. In this way, Congress can again regain true control over the purse strings, as our Founding Fathers intended.

Important as the Congressionally-established ceiling may be, I think that it should be accompanied by something more.

I think that the time has come for dealing more effectively with what might be called a "boom or bust" pattern in the social legislation of this nation.

The New Deal and the Fair Deal were followed by eight tread-water years during the 50s.

After the New Frontier and the Great Society, we are now faced with an Adminstration which proclaims most previous efforts as failures while offering no real alternative program of its own.

It seems to me that this nation must practice discipline during the periods favorable for "boom" action, just as it must apply perspective and reason during the periods when "bust" could become the rule.

We need a social budget in this nation.

We need not only clearcut goals, but a timetable for reaching them.

In short, we have to keep our heads and still find the way to satisfy our hearts.

To this group, I can give the assurance that the Committee on Aging will do its part in preserving the best of what we have done while seeking better ways to do what remains to be done.

I thank you for inviting me here today, and to those who were dismayed last year by that political slogan, "Four More Years" let me give you a reassuring comment.

It's no longer four more years. It's now three years, 10 months.

A RESOLUTION PASSED BY THE SOUTH CAROLINA APPALACHIAN COUNCIL OF GOVERNMENTS

Mr. THURMOND. Mr. President, on February 23, 1973, the South Carolina Appalachian Council of Governments passed a resolution approving in concept the development of an expressway running from the Midwestern United States to Florida, which would pass through the Appalachian Region of South Carolina. This resolution clearly sets forth the position of the South Carolina Appalachian Council of Governments on this important matter.

Mr. President, on behalf of the junior Senator from South Carolina (Mr. Hollings) and myself, I ask unanimous consent that this resolution passed by the South Carolina Appalachian Council of Governments be printed in the Record.

There being no objection, the resolution was ordered to be printed in the Record, as follows:

Resolution

Whereas, The interstate highway system has proved of great value to the Nation, and

Whereas, The Federal statute creating the Appalachian Commission provided for the planning and building of expressways called "Appalachian Corridors," and

Whereas, South Carolina is one of the few participating states in the Appalachian Commission in which no highways have been approved or constructed under this program although in recent months a request has been made for the construction of such a corridor between Greenville, South Carolina and Hendersonville, North Carolina which if approved would provide for about twenty-five miles of highway in South Carolina in comparison to hundreds of miles in many other states, and

Whereas, The South Carolina Appalachian Council of Governments have been requested to approve in concept the development of an expressway from the midwest to Florida which would pass through the Appalachian Region of South Carolina, and

Whereas, The proposed route is described as follows in the resolution submitted,

Whereas, It would be of great value to the Appalachian Region and particularly the

States of Tennessee, Virginia, North Carolina and South Carolina, if an "Appalachian Corridor" of expressway were constructed generally running parallel to U.S. # 221 the proposed northern route running to the east of the City of Spartanburg and thence to the east of Chesnee, South Carolina; thence by way of Forest City, North Carolina; Morganton, North Carolina; Lenoir, North Carolina; Boone, North Carolina; and connecting with Interstate Highway # 81 between Bristol, Tennessee and Abington, Virginia and thence across Kentucky to the midwest and the proposed southern route being to the east of the City of Spartanburg between Spartanburg and Cowpens and going by way of Woodruff, South Carolina; Fountain Inn in Greenville County and Honea Path in Anderson County and at this point as it leaves the Appalachian Region it is hoped that an expressway, a federal program could be developed which would ultimately connect the Appalachian expressway with an expressway leading to Central Florida by way of Greenwood, South Carolina; Augusta, Georgia; Statesboro, Georgia; Waycross, Georgia and thence to Jacksonville, Florida.

Whereas, The proposed route would pass through four of the six Appalachian counties of South Carolina: Cherokee, Spartanburg, Greenville, and Anderson, and would be of benefit to Pickens and Oconee, and

Whereas, Such a route would be of major benefit to the Piedmont Crescent, those counties stretching from Cherokee to Greenwood and would provide a financial boost to Abbeville, McCormick, and Edgefield, and

Whereas, The proposed route has been formally approved by the Spartanburg County Delegation and by nearby all of the other individual legislators from the counties most affected, it being understood that formal endorsement from the respective legislative delegations or others can later be made a part of the record, and

Whereas, Such an expressway which it is hoped would ultimately extend from Columbus, Ohio, in the heart of industrial America to Jacksonville, Florida in our fastest growing state would be of great service to the eastern part of our nation, and

Whereas, in Kentucky its development would help bring prosperity in the mountains of Tennessee and North Carolina it would help the ski and recreational areas, at Lenoir and Morganton, North Carolina it would be of help to the furniture industry, in South Carolina it would serve over three quarters of a million citizens if one counts those people living within thirty miles of the route, it would also reduce the traffic pressure between Spartanburg and Greenville on I–85, it would also assist in easy access for industrial facilities and recreational areas, in Georgia it would materially help in the industrial development of South Georgia, and as to Florida it would assist in the control of its flow of traffic from the rest of the nation going to Disney World etc. and

Whereas, the development of such an expressway would supplement our other programs and would help in the development of the Appalachian Region of South Carolina, of the Piedmont area, and would be beneficial to the entire state, now therefore,

Be it resolved, by the Appalachian Council of Governments that it goes on record as approving in concept the development of such an expressway and it does respectfully request the considerations and study of such an expressway, and asks that this matter be brought to the attention of Governor John C. West, Colonel James Whitmire, his representative on the Appalachian Commission and such other Regional Councils, individuals, and groups that might be interested in it.

THE NEW UNITED FRUIT CO.

Mr. RIBICOFF. Mr. President, the constructive activities of major corporations in this country often go unnoticed even though numerous companies make positive contributions to their workers and the communities in which they are located. An intriguing example is the case of the United Fruit Co., now owned and operated as part of United Brands, whose chairman and chief executive officer, Eli Black, is a constituent of mine.

For years United Fruit was criticized, particularly in Latin America. In the last few years, however, the company's activities have focused on the welfare of its employees and the stable development of the countries in which it operates. Two news articles from the Boston Globe and the New York Times detail the change in image of United Fruit that has resulted from these efforts and I ask unanimous consent that they be printed in the Record.

There being no objection, the articles were ordered to be printed in the Record, as follows:

[From the Boston Evening Globe, May 10, 1972]

United Fruit—A Malefactor Turned Benefactor

(By Georgie Anna Geyer)

La Lima, Honduras—It was the "ITT" of its time, overthrowing governments when it pleased, bribing officials who were too happy to be bribed, and turning its own name into a common noun that read "Yanqui Imperialismo."

Anyone who doubts that old dogs can't learn new tricks should look at United Fruit's $100 million investment in Honduras today.

It may well be the most socially conscious American company in the hemisphere. Its workers are the highest paid in Honduras ($4.50 a day) and their housing, health care and education are free and excellent.

It is the company union now, not the company, which is fighting government intrusion, into their social paradise, such as attempts to take over the fine company hospital.

It is the 14,000-employee union which is against the company's "progressive" plan to buy from local farmers so as to free itself from the political onus of owning too much land in a foreign country. The Honduras farmers do not treat their employees as well as United Fruit, the workers insist vehemently.

Moreover, the company, now known as United Brands Co., is under a US antitrust order to divest itself of one of its holdings in Honduras, Guatemala, Panama, or Costa Rica, but none of the countries will allow it to leave.

There should be a moral to the story, but where? For in the last 10 years, the company's share of the banana market has dropped from 60 percent to 40. Earnings have not been high, largely because their costs are higher than those of new native producers in Ecuador.

"We are paying $2 in social benefits for every dollar earned," manager Houston H. Lacombe, a pleasant, serious man, commented recently, sitting in his simple frame office in LaLima. His grin was half a grimace. "That's our problem."

It may be their financial problem, but it is also their social pride, for as American companies go today, that old "devil" United Fruit, blasphemed from a hundred election platforms, bitterly rhymed about by Latin poets, the "shark" or the "green prison" or the "octopus" of Latin leftists, has become a veritable example for other companies.

Lacombe said: "We're completely out of politics. We realize we have to work with whatever party is in power. We get along very well with the government, as long as we keep our nose clean." He smiled, "We have no political opinions."

Oscar Gale, the 52-year-old director of the company union, wandered in. A husky, curly-haired man wearing a green guayabera shirt, he obviously felt completely at home with Lacombe.

He should feel at home. His big two-story brick union building is by far the fanciest building in La Lima, and he travels abroad (to labor conferences) more than most company executives do. George Meaney calls him "Brother Oscar."

"In 1923," the union man said, "Gen. Carrillas (Gen. Tiburcio Carillas) told the company that if they gave him 6 million lempiras, he'd resolve the strike that year."

Lacombe and company official Robert Turnbull looked for just a moment vaguely uncomfortable. "Not only that, but he promised to eliminate all the attempts at organizing a union.

"It was just after the Russian revolution, remember, and, sure enough, when he became president he took Honduras out of the international labor organizations."

Things began to change in 1954 when a new union, formed in response to the social measures agreed to by the hemispheric countries in the 1948 Act of Bogota, staged a monumental strike of 60 days. The workers got a raise of 35 percent.

"But the real change came in 1959," Gale went on. "One day the director of the company called me and said, 'This time, don't call the journalists. Let's go to the negotiating table.' Before, we had always had an intense campaign in the press. Before going to the company, I'd go to the press." Everybody laughed.

"Now we have very good relations with the company," he summed up. "We resolve our problems directly on the negotiating table. This year we got the 7th-day wage, which doesn't even exist under Honduran law."

"We offered it before they asked for it," Turnbull said, smiling."

To see the United Fruit "town" at Le Lima and the surrounding area is to see half a picture of the past and half a picture of the future. In the midst of hot, wild, semi-tropical country, La Lima is a yanqui-with-lawnmower oasis of large wooden houses, huge overhanging trees, two clubs with swimming pools (one for workers), a nursery, 41 Latin schools and two English schools.

When workers' or employees' children finish the seven grades available here, they can get money from the company to study in the United States. Many do.

Next to new La Lima stands old La Lima, a collection of Wild West bars, pastel-colored wood storefronts and narrow winding streets. About seven miles away is booming San Pedro Sula, Hondura's main industrial city which has boomed largely because of the company's policy of buying locally.

In contrast to the other half-awake towns in Central America, San Pedro goes every hour of the day and night and probably has more Latinos with big bellies, low-slung belts and Texas-style hats than any other few square miles south of Texas.

Out in the hot green countryside, among the sea of green banana trees, are the attractive little clusters of wooden houses and soccer courts where many of the workers live.

What was it that "reformed" United Fruit?

Largely, it was the change in the times. When the company started in the early years of the century, it operated the easiest way to operate. In the late '40s and early '50s, Latin Americans awakened to social change. Unions were formed and social legislation began in most countries.

Many of United Fruit's people realized, though not before they had done irreparable harm in maintaining power dictators, that it was the end of an era.

Eventually it not only ceased most political intrigue, it began to diversify. In Honduras it embarked upon a little era of reform.

In 1952, it decided to help its long-time Honduran administrative employees own their own land and buy the bananas from them.

"We thought it would be better politics to let the nationals own their own land," Lacombe said. So they helped employees called the Associated Producers buy 7000 acres by lending them the money and then deducting 10 cents a box of bananas until the loans were paid off.

The union and the workers heartily disagreed with this. "What happens," Gale said, "is that the individuals don't work their own farms. They spend the money earned in other businesses. Many left them to their wives and the workers were lower paid and had none of the social benefits of the company."

"It's funny," another official of the company said. "These men worked with the company and they knew the business, but when they got their own land, they kept cutting back—not enough fertilizer, planting too much. We wanted to do something for the people."

Today the banana business is not exactly booming. United Fruit shipped 31 million boxes of bananas from its 21,000 acres last year, but the price was down so much that the profit margin was slight.

The company is still suffering from a disastrous hurricane which destroyed thousands of acres of trees a few years ago and it is suffering from the new Ecuadorean producers who entered the market at that time and pay subsistence wages with no social benefits at all.

[From the New York Times, Apr. 24, 1972]

United Fruit Lives Down a "Colonialist" Past

(By Richard Severo)

La Lima, Honduras, April 9.—The United Fruit Company was born in 1899, when the United States walked softly and carried a big stick; it reached adolescence when American troops were being sent to Latin America with disquieting regularity, and by the time it was 30 it had become the corporate personification of the Ugly American abroad.

In 1972 United Fruit remains a major American business venture south of the border. It is quite clear that the company has changed—decidedly for the better—but in the history books and newspaper files of any library it remains the symbol of the mendacious, aggressive Yankee trader at his ruthless worst.

History has chronicled United Fruit as the exploiter of hapless workers and the corrupting manipulator of weak Latin-American governments that gave it control over hundreds of thousands of acres of productive land.

Years after the company began to change, the Nobel laureate Pablo Neruda would express the lingering bitterness with a poem entitled: "The United Fruit Company":

> It rechristened its territories
> As the "banana republic"
> And over the sleeping dead,
> Over the restless heroes
> Who brought about the greatness,
> The liberty and the flags,
> It established a comic opera:
> Abolished the independencies,
> Presented crown of Caesar,
> Unsheathed envy, attracted
> The dictatorship of the flies.

Whatever the myth and the reality of its turbulent past, United Fruit appears to have learned from history. Now, in a region filled with the incipient change of rising nationalism, where American businessmen talk nervously of expropriation and where Latins accuse Americans of meddling in governmental affairs, United Fruit has won considerable acceptance and even a measure of goodwill from the more than 12,500 Hondurans on its payrolls.

THE LARGEST LANDOWNER

That is no mean task for a company that is still probably the largest landowner in the nation, controlling or leasing more than 200,000 acres in a small country—the size of Tennessee—whose economy seems irrevocably tied to the fortunes of the banana business.

The company still has numerous critics, not alone in Honduras but in Costa Rica, Guatemala and Panama, where it also has vast holdings of land. Many reformers in the four countries consider a company like United Fruit to be incompatible with their ultimate aim of providing the rural poor with an equitable share of the land.

Perhaps even more compelling than land reform is the growing insistence of the underdeveloped countries that they control their destinies—essentially a prideful sense of identity that is powerful enough to discount the possible benefits of vast foreign investment in favor of taking on the unknown, with the human and other resources at hand.

Even amid feelings such as those, United Fruit is no object of hate in Honduras, and the reasons go beyond the $22-million a year in salaries and $4.7-million in taxes that it pays.

Its modern phase is epitomized at the plantation at La Lima consisting of thousands of acres of banana trees stretching eastward from the city of San Pedro Sula, in northwestern Honduras.

In the company-built settlement that is La Pima proper, the ordered rows of housing and offices would have an almost military aspect were it not for the huge eucalyptus trees. Pride of India trees bursting with pink flowers and mango trees that grow along-side many of the workers' houses.

It is hot, but around La Lima, a picturesque, perhaps even quaint town, there is a refreshing breeze off the sea nearby. The groves of banana trees stand where once there was rain forest.

What emerges from talks with labor, management and government is a picture of a company that anticipated the changes that have swept Latin America and has quietly set about adjusting to them.

Perhaps most important, the company maintains wage rates for banana pickers and other low-level workers that exceeds not only those for agricultural work elsewhere in Honduras but also those for jobs in the city, where secretaries and clerks average $30 a month. Company pickers average around $95 a month on the basis of a 44-hour week while the average agricultural worker not employed by United Fruit gets around $12.

Comparisons are misleading, furthermore, because of certain fringe benefits, including housing and health care.

Leónidas Piñera, a grass cutter, can save $10 of his weekly $30 as a result of concessions granted by the company. "I also have 40 shares of bank stocks worth $200," he said recently as he sat in his small but neat company-built ranch house. "It is for my retirement."

United Fruit supplies free housing and electricity for all its laborers. The housing has been upgraded in the last 15 years to a point where it is substantially better in basic construction and in amenities than the norm here. In its most frequently encountered form, the housing offers indoor plumbing, tile baths and a plot of land large enough for a garden and a modest recreation area. The company reports that it spends about $1.5-million a year to maintain the houses.

HOUSES SOLD AT A LOSS

For workers who do not wish to live in company houses, United Fruit has a program in which it builds small—by American standards—ranch houses for roughly $3,600, sells them to workers for $1,800 and uses the proceeds to build more. The program has sold 544 homes to workers, and the company estimates it spends about $300,000 a year on the project.

Another aspect of the labor policy is that company policy favors the hiring of Hondurans in Honduras and permits them considerable upward mobility. Although the residential manager is a North American, most of his principal aides are Hondurans. Of 325 employes at a supervisory level 300 are Honduran and only five are North American.

Company records indicate that 99 per cent of the work force is Honduran, with about half of the rest American or British.

Alberto Reyes, a worker who rose through the ranks and is an assistant superintendent at La Lima, remembers that things were quite different 25 years ago.

"I worked from 6 A.M. to 6 P.M.," he related. "We never dared complain. They would bring in Guatamalans and others to pick the bananas. The Americans had all the good jobs then. All that is past."

ABOUT 8,000 PUPILS, 210 TEACHERS

As part of the effort to improve the Hondurans' lot, the company pays the entire cost—$500,000 a year—of a school system with 210 teachers that, at present, is educating 8,000 pupils to at least the sixth grade. The company also offers more than $50,000 in scholarships for those who show the motivation and ability to finish high school or college, with no stipulation that the winners return to work for United Fruit.

Health care is also emphasized, with a company-financed system of hospitals and clinics that serve the workers and their families. At La Lima there is a 235-bed hospital, built in 1952, with 11 fulltime physicians and the capacity for major surgery and treatment. Workers pay 25 cents a day when they need care.

Although United Fruit is still a giant landowner in Honduras, it has turned about 135,000 acres back to the Government over 20 years. Moreover, it has made outright gifts of 50-acre banana groves to 86 of its responsible pickers to set them up as independent planters. Some who made $1,200 a year as pickers now earn as much as $7,000 as growers.

In a region where the labor movement is weak and sometimes harassed, the union that deals with United Fruit is especially proud of its strength and the fact that it has been able to engage in the kind of collective bargaining unionists north of the border understand.

"The company respects us and we respect the company," said Oscal Gale Varela, head of the more than 9,000 members of the Tela Railroad Workers Union (in Honduras United Fruit is known by the name of its railroad, and the union took its name from that):

IMPROVEMENTS SUGGESTED

"In reality we are better off than other Honduran workers," he continued. "Certainly it isn't perfect. I would like the company to be more Honduran and have more Honduran investors. I would also like the company to emphasize educational opportunities for the children more than it has already."

Mr. Gale was asked if he thought the workers' lot would improve if the Government expropriated United Fruit and ran it for "the good of the people."

"No, absolutely not," he replied. "Governments generally tend to make bad administors. You know, the banana business is a good business if you have economic recourse—the production techniques, the transportation facilities, the store outlets, the experience. The Honduran Government doesn't have these things; United Fruit does."

Rubén Mondragón, Minister of Economy and Commerce, when asked his opinion of the company, said that he felt it was an asset to Honduras and that he could envision neither the need nor the possibility of expropriation.

Any company the size of United Fruit is bound to have complex relations with government. The subtleties of that relationship were not perceptible at the plantation. But the condition of the workers was visible, and conversations with them made it obvious that they felt fortunate.

HEALTH GAINS STRESSED

Not only did they appreciate the material benefits but many of them felt that Hondurans had a great deal to say about the way the company was run, and they took some pride in it.

They also recognized that their health situation had changed. "I remember the various fevers we used to get—the malaria," said Enrique Quesada, a parking supervisor for 25 years. "Now it is difficult to get malaria."

Dr. Julio C. Rivera, who is in charge of the hospital, has records that bear Mr. Quesada out. "And we haven't had a case of polio here for three years," Dr. Rivera added. He also talked at length about the company's program of inoculations.

All the workers interviewed spoke fondly of their paid vacations, starting at 10 days off after the first year, which were nonexistent in the United Fruit of old.

United Fruit's unannounced "Honduranization" of the company has not been without its problems, but what started as a bad boy has become a paternal 73-year-old. The arch-capitalist of yore has granted social-welfare programs that would gratify an activist reformer. In Honduras, at least, the scars of the old scuffles have gone a long way toward healing.

Despite the successes in Honduras, the company's planners do not delude themselves the expropriation is out of the question or that the goodwill built up over 20 years cannot be discounted by a new regime in Honduras, where political instability has reoccurred.

Among themselves company executives have talked of the day when the vast plantations might be in other hands and United Fruit just a transporter of bananas.

"It might happen," a Honduran remarked, "and if it does, it will be interesting to see just how the newcomers deal with the workers."

THE "NEWS MEDIA SOURCE PROTECTION ACT"

Mr. WEICKER. Mr. President, last week I testified before the Subcommittee on Constitutional Rights with respect to S. 318, the News Media Source Protection Act.

Along with the cosponsors of that bill, Senator BIBLE, Senator BROCK, Senator BROOKE, Senator CANNON, Senator CASE, Senator COOK, Senator FANNIN, Senator JAVITS, Senator MOSS, Senator PELL, Senator TAFT, and Senator YOUNG, I am concerned that the issues S. 318 addresses are treated responsibly. For that reason, I attempted to do more, in my testimony, than simply reiterate or republicize the drama of newsmen struggling to protect their news sources from the Government.

Quite simply, the rhetoric already abounds.

I am more than willing to leave it to others—who have testified or who will testify—to dramatize the impact of this struggle.

Instead, I indicated in my testimony that I wished to serve the committee in its legislative task, by setting forth informative testimony on the specific legislative problems the Congress now faces.

The complicated responsibility we are undertaking, will, in the end, yield only to thoughtful, well-informed consideration of fundamental legal questions. I felt a direct responsibility, therefore, to assist in that most serious and difficult task.

FOUR BASIC QUESTIONS

Judging from numerous deliberations that I have experienced and witnessed in recent months, four basic questions must be intelligently handled, if the Congress is to produce sound and wise legislation. My testimony focused on these four questions:

First, do we need legislation at all—or alternatively, could a legislative solution be counterproductive?

Second, is the public's right to news "absolute," or should it be balanced with other fundamental needs and rights of society?

Third, what is the extent of Federal legislative authority; or put another way, should Congress preempt State legislative authority in this matter?

And fourth, should Congress enact carefully drawn and unambiguous standards, as opposed to broad and sweeping legislative provisions?

THE NEED FOR LEGISLATION

In addressing the first question—whether we need legislation at all—it is important to set out a framework for viewing this whole issue of Government intrusion on news sources.

To begin with, the recently publicized plight of newsmen is not our first experience with dramatic jailings of newsmen. Even the young Benjamin Franklin, while serving as an apprentice, was brought before a government body and questioned about a news source. In that very case, Franklin's editor was imprisoned for a month when he refused to reveal his news source.

If threats to hold newsmen in contempt are not new, it cannot be said with equal fervor that the overall effect of recent attacks on news gathering is old hat. On the contrary, the dramatic increase in scope and intent of subpenas and other events over the past 4 years has generated consternation and apprehension throughout this Nation.

Simply stated, then, the problem is this: Widespread activities, such as subpenas, speeches by Government officials, or "guidelines" from the Justice Department—all of which may have little "empirical" significance in and of themselves—have undoubtedly combined to create a highly visible and distinct awareness that news sources had better be careful—or better yet, be quiet.

If we put the problem in proper perspective, it is really a question of a rather frightening "message" that has been telegraphed throughout our society. We must now restore the proper sense of confidence to those who are potential sources of our news.

Reason and responsibility will fight the fear we are dealing with. Extremes are not needed.

My analysis, to this point, indicates only the nature of the problem we face. To answer whether a legislative solution is appropriate we must look at other facts.

Judging from the nature of the problem, it would have seemed far preferable for the Supreme Court to have dealt with it when they faced the issue last June. Unfortunately—and in contrast to popular myths—there was no binding legal basis for the Court to act upon. The first amendment does not address itself to the right of newsmen to protect sources. It says simply:

> Congress shall make no law . . . abridging the freedom of speech or of the press.

It is a "prohibitory" statement, and asserts no positive obligation on judicial creativity—except perhaps when interpreting a specific legislative enactment. At best, there is a "spirit" or "intent" in that amendment that the Court could have used as a springboard for innovative judicial leadership. The Court did not take that path, and their decision is clear on its face.

Nor can we look elsewhere in the statutes for some codification that pertains to rights of a news source or newsman to some confidential relationship.

In essence, then, there is no affirmative "law" to protect what we all talk about as a "free press."

We might have hoped for some action from the executive branch. And although we did see the Justice Department issue a set of "Guidelines for the Attorney General on Press Subpenas" in 1970, this is not an appropriate or adequate solution. To begin with, it is the wrong message—because it spells out "how to" get at news sources, not "how not to" abridge a free flow of news. Even more important, administrative regulations have a fundamental flaw. They depend on the whims of administrative fancy—they can be rescinded in an instant, without debate or public participation.

So the answer to my first question is that legislation is needed. It is needed because there is a specific problem to be dealt with. It is needed because, contrary to popular myth, there is no other legally enforceable basis for protecting the public's right to news. It is needed because there are those who would cheapen the spirit and intent of a free press.

Now, let me add one word of caution. Although legislation may be needed, this does not mean just any piece of legislation. Harsh or extreme measures that leave us with unwanted side effects, or widely disruptive statutory precedents, would be ill advised.

Legislation springing from hysteria

is not needed. Legislation to deal with the practical aspects of the problem is needed—it is all that is needed. There is an old adage in the law that "hard facts make bad law." Let us not allow hard facts in this case sway us into bad law that will in the end be unconstitutional law—and therefore no law at all.

THE NEED FOR BALANCED PROTECTION

The second issue I would like to comment on this morning is whether the public's right to news is absolute, or whether it should be "balanced" with other fundamental needs and rights of society.

I would like to mention at this point, Mr. President, a statement I have heard over the past few weeks and days. The statement was made that an absolute and preemptive bill is a political impossibility. May I point out that an absolute bill is a constitutionally impossible bill. That is the point. Not that it is a political impossibility.

We have a first amendment to the Constitution, but we also have a sixth amendment. Unless we are willing to dispose of the sixth amendment, then an absolute bill is a constitutional impossibility, and I think that ought to be said clearly at this point in time.

This is at best a complicated question, and I will try to reason it through by approaching the issues step by step.

First, I feel it is important to understand what type of legal concept we are attempting to employ. One technique that is often put forward is that we are embarking on something akin to evidentiary privileges, such as those granted to a husband and wife.

Not surprisingly, those court cases which have considered the relationship of a newsman's privilege to a common law privilege—such as *Brewster* v. *Boston Herald-Traveler Corp.*, 20 F.R.D. 416 (1957)—have concluded that policy reasons for the newsman's evidentiary privilege are lacking. To illustrate this, we must look at the four basic criteria cited by Professor Wigmore, the leading scholar in the law of evidence as necessary to establish a common law privilege.

First, the communications must originate in a "confidence" that they will not be disclosed. What this means is that when a wife talks privately to her husband she does not expect any part of that conversation to be repeated anywhere, at any time. On the other hand, when a news source tells something to a newsman, his whole purpose is to see that the story be told—in public.

Wigmore's second criteria requires that confidentiality be an essential part of a "relationship" between the parties. To the best of my knowledge, there are few ongoing "relationships" between newsmen and their source, at least not the type of relationships that are held together—like a marriage or religious alliance—by private talks and interchanges which stimulate, benefit, or foster an interdependence between each other.

Wigmore's third criteria—that the community have an interest in fostering this relationship—is again off the mark. The community has no interest in the personal, private relationship between newsmen and their sources, but only in the information which is disclosed from their dealings.

Finally, Wigmore's fourth criteria—that injury from disclosing the content of the communications must be greater than the benefit gained by the correct outcome of litigation—is not necessarily met by the news relationship. There is often no injury from disclosure of the content of communications—after all, that is the whole point of the relationship.

An additional point that must be made with respect to privileges is that, as opposed to all existing concepts of evidentiary privilege, the newsman would be the person asserting the privilege. In contrast, for example, a lawyer-client privilege belongs to the client, and the client may waive it regardless of his lawyer's wishes. Furthermore, for the first time we would be asked to contemplate a privileged communication in which someone invoking the privilege could pick and choose as to what parts of the relationship or communication they would reveal.

Finally, the other professional relationships protected by common law privileges are fundamentally different from the relationships newsmen would protect. Those professionals to whom a common law privilege is now extended provide a real and needed service to the persons who seek their aid.

It is clear that an evidentiary privilege is not appropriate.

Where, then does this lead us?

Perhaps the best analogy to what we are dealing with is the "informer's privilege"—a relationship which permits law enforcement officers to refuse to disclose an informer's identity. Resemblance between the two situations lies in the underlying legal justification that, in its absence, valuable information would be lost.

Now we come to the crucial point. When a witness who refuses to answer a question on first amendment grounds is confronted with the accused's sixth amendment right to compel testimony, it has been held—in the landmark case of *Roviaro* v. *United States*, 353 U.S. 53 (1957), that sixth amendment rights are of sufficient importance to override the Government's interest in maintaining the confidentiality of its informant relationships. The Court, in another landmark case, ***Barenblatt* v. *United States*, 360 U.S. 109 (1959)**, stated that—

> When an abridgement of the First Amendment flows from an otherwise lawful government action, the resolution involves a balancing of the particular interests.

Mr. President, because we have certainly heard a great deal about the first amendment, I think it is important to read the sixth amendment:

> In all criminal prosecution, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor.

This is also a right we all have. How frightening to live in a nation which does not have a free press, but how frightening to live in a nation where we cannot face our accusers. And that is why I said this is a job that is going to require tremendous legislative skill, not demagoguery. Demagoguery is the one thing that can rip apart the one thing we all have that is valuable—that is the Constitution of the United States, and that stands ahead of everything.

I would suggest that the Congress follow this well-considered path already staked out by the Court. We have established that we are dealing with absolute rights to a strict evidentiary privilege.

We are not even concerned with any person's privileged status—but rather with the public's right to know. At best, we have a legal analogy to the protection granted informers. The Court, as well as numerous legal scholars, have seen fit to "balance" our own Government's first amendment "interests" in the confidentiality of informers. I would encourage a continuation of this concept of balancing in our present legislative task.

This, however, leads us to the issue of whether balancing is either proper or wise.

We need not search far—no further than the citation of 21 separate landmark cases in the recent Branzburg opinion, also referred to as the Caldwell case—for authority that—and I quote:

> Laws serving substantial public interests may be enforced against the press as against others, despite the possible burden that may be imposed.

Again I quote:

> It is clear that the First Amendment does not invalidate every incidental burdening of the press that may result from the enforcement of civil or criminal statutes of general applicability.

Beyond these specific statements, there is ample authority for balancing first amendment rights.

I submit, therefore, rights "specifically" granted under the sixth amendment—rights to every man's testimony—can, with all due propriety, be balanced with rights that are at best "derived" from the spirit of the first amendment. Would this be a wise course of action? You will recall that when I earlier outlined the "problem" we are facing, I took pains to point out that the real problem is not found in the extreme cases, such as dramatic jailings, which have been with us for centuries. The problem is found instead in the scope and depth of public fears—which has a primary impact on drying up sources of news. There is no need then to jump to legislative extremes—we can cover the scope of normal experiences by assuring a balance in favor of news sources in those cases. Only when we reach the unusual and compelling case—the murder, the rape, and so forth—would the balance shift. It is a sensible form of protection. It does the job. It sends a clear message because it does not sacrifice predictability, so long as careful standards are employed; and it does not set unwieldy, unnecessary, or haunting precedents.

THE EXTENT OF FEDERAL LEGISLATIVE AUTHORITY

The third basic issue this committee must resolve is whether Congress should preempt State legislative authority.

One theory that is often put forth in favor of preemption is that first amendment rights are among the rights that are protected under the words of the 14th amendment—which mandated "equal protection of the laws." As we all know, in recent years the 14th amendment, including all rights incorporated into it, has been interpreted as applying to the States.

This is all true. The States cannot undertake an activity today which violates the first amendment, because it will be declared unconstitutional by means of the 14th amendment.

But there is one important flaw. The first amendment only prohibits Congress from "making" a law which violates a free press. Similarly, under recent interpretation a State cannot make such a law. There is absolutely no language whatsoever in the first amendment that confers upon the Congress an affirmative legislative authority or power. In fact, it says the opposite. Nor is there any precedent for Congress using legislative powers springing from that amendment for enacting legislation. The clauses of the Constitution that grant legislative powers have been well established—and this is not one of them. If no positive legislative powers are granted Congress under this amendment, then there are no such powers to be incorporated into the 14th amendment and thereby applied to the States. This route is closed.

Alternatively, it is said that the interstate commerce clause gives Congress the power to preempt States in regulating a newsman's testimony. This possibility requires us to take note of a very important point. What the Congress is considering today is, in fact, a set of rules as to who shall, and who shall not, testify before courts, agencies, commissions, and legislative bodies. These are procedural rules, no matter how we may try to dress them up.

Now, we all know that rulemaking powers, the very powers that we have used to promulgate the Federal rules of evidence, the Federal rules of civil procedures, the Federal rules of criminal procedure, and the Administrative Procedure Act have all flowed from the "necessary and proper clause" of the Constitution. Congress has the power to enact whatever laws may be "necessary and proper" for the functioning of its own body and the specific bodies it has the power to establish—such as the Federal court system and the Federal agencies, departments, and commissions. None of these sets of rules was ever enacted under powers found in the interstate commerce clause. Not only would that be an absurdity, but it would be a complete irrationality, and nullification of an immense body of law and experience.

Faced with complete sets of State rules, for every State in this Nation, we are now asked to contemplate Federal preemption hanging over each and every one of them. Imagine the chaos which would spring from the resultant uncertainty as to when and where the Congress would strike next. There is in fact no substantive distinction which could recommend against our imposing all Federal procedural acts on the States, since these acts often promulgate equally fundamental rights as those we are considering today.

All this under the guise of regulating interstate commerce?

We have no business in the State courts, or other State bodies.

If they indulge in unconstitutional procedures, the courts are there to strike them down. But so long as they enact constitutional procedures, we cannot impose our separate choice of procedures. We cannot even do it under the "necessary and proper" clause, because that authority extends only so far as the Federal bodies Congress creates or controls.

Once again, I cannot recommend the extremes of disruption and irrationality. I suggest for your consideration, a Federal law for Federal bodies.

THE NEED FOR CAREFULLY DELINEATED AND UNAMBIGUOUS DEFINITIONS, STANDARDS, AND PROCEDURES

The final issue I will address this morning is the need for careful and unambiguous legislative provisions. This question actually goes to the "format" of the legislative product—specifically, the use of comprehensive and carefully delineated definitions, standards and procedures.

I would begin with an observation from the recent Branzburg decision. The majority in that case pointed up the difficulty in setting up a rule, for protecting news, that would lend itself to "uniform enforcement." It was noted, in addition, that such uniform enforcement is absolutely essential to a meaningful resolution of existing difficulties.

I concur in these observations. If the legislation we turn out is to mean anything, it must not be subject to the vagaries of ad hoc interpretations. Let us not be naive and say that this is cured by a sweeping "absolute" sets of provisions. We must still answer "who" and "what" are protected, and "when" and "how" they invoke protection. Use of sweeping words, like "any person," is no solution. Almost every person in my Senate office processes information for dissemination to the public through a news medium. How, without specificity, does a court determine whether these persons can invoke a news shield bill to refuse testimony?

This is not even considering that failure to draft comprehensive and well-delineated provisions may send our legislative product off to the junk heap of "unconstitutionally vague" legislation. We must not only avoid a law that is incapable of uniform enforcement, we must also avoid a law that is incapable of enforcement at all—for "vagueness."

The favorite obstacle to resolving such difficulties is the cry that this type of legislation cannot accommodate confining definitions. This argument—that, for example, we cannot legislate a definition unless it covers every "pamphleteer"—demonstrates a basic misunderstanding of what the Congress is doing. As I have explained earlier, we are not enacting a law pursuant to some first amendment grant of legislative authority. Rather, we are implementing the spirit of the first amendment by means of powers granted under the "necessary and proper" clause. These rulemaking powers do not in and of themselves restrict us—at least in the sense that courts are restricted in their very different role of having to interpret the first amendment, which they, of course, interpret as applying to everyone.

The only way that the mandates of the first amendment could come into play would be if and when the Court reviews the law we may pass. We may irrefutably enact rules applying to anyone we please, so long as this is not unconstitutional.

Would our action here be unconstitutional? The answer is clearly "No."

We will not violate the first amendment by passing a set of procedural rules which enlarge newsmen's existing rights. Rather than passing a law abridging a free press, which would be unconstitutional, we are expanding the existing legal protections with respect to the flow of news.

Finally, there are practical aspects of the legislative format to be considered. We will have provided the newsman with nothing if we fail to provide "predictability." It is essential to be able to tell with certainty whether a specific "newsman" is able to assure confidentiality, whether he has a bona fide "source," or whether specific activity is covered by a shield law. Sweeping terms will "wait" for court interpretation.

On the other side of this issue, the public wants equal assurances that their right to their neighbor's testimony is not disturbed by a sham. They want, and have a right to, assurances of legitimacy—specific statutory assurances. Indeed this is nothing short of the stake we all have in maximum confidence as to the integrity of our judicial processes.

The format presented in S. 318, News Media Source Protection Act, assures against these abuses and pitfalls. The committee may wish to examine the specific internal content of this format, and reshape it accordingly. But I strongly endorse the concept as a path of good judgment, and responsible government—and I gratefully acknowledge the same endorsement by 12 of our distinguished colleagues in the U.S. Senate.

In conclusion, what faces the Nation today are issues as to our individual rights, as they are embodied both in the first and sixth amendments.

Several years ago we all read in the newspapers of an incident where persons looking out of their windows actually saw someone being knifed in the street below, and they pulled their windows down and they drew the blinds.

I suggest that in many ways this Nation has preferred to pull the window down and close the blind, and we are in real trouble if that situation is allowed to exist. As long as we have a free press, and one that brings to us the facts and sounds of what is going on around us, we will be able to make the proper decisions. That is why the first amendment is so important. But it is also true, that if in fact there have been excesses in harassing the press of this country, then certainly I do not want to see the press use excesses to harass the other rights we are granted under the Constitution.

The easy course for me, for the Government, and for the press, is to demagog this issue. On the other hand, if we are to leave to this Nation a legacy that is worthy of what is written in our Constitution, then I suggest we throw the demagoguery away and get to the business of having an informed nation, a sensitive nation, a nation sensitive to the needs and rights of us all.

A CHILLING EXPERIENCE

Mr. ERVIN. Mr. President, Daniel Schorr, one of the most highly respected and objective commentators and newsmen on the national scene, had a chilling experience which he recounts in graphic fashion in an article that was carried in Harper's magazine for March 1973.

As chairman of the Judiciary Subcommittee on Constitutional Rights, I attempted to investigate this episode involving Mr. Schorr, and in that connection invited White House aides to appear before the subcommittee and give their version of the matter. They refused to do so, and in consequence, created a credibility gap between themselves and those of us who have difficulty in believing that White House aides undertake to have the FBI investigate the qualifications of any person for a Federal office or position without first consulting such person and ascertaining from him that he would accept such position if it should be tendered to him.

I ask unanimous consent that the article relating to a most unusual episode be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

A CHILLING EXPERIENCE—THE WHITE HOUSE, THE FBI, AND ME

(By Daniel Schorr)

Tom Wicker, in a New York Times column dealing with the Nixon Administration's attacks on the press, cited, along with the injunction against publication of the Pentagon Papers and the Supreme Court's decision on subpoenas for reporters, the "full-scale investigation of a reporter—Daniel Schorr of C.B.S.—considered unfriendly by some of Mr. Nixon's men." The investigation of me in August 1971 appears to have won a place in the history of the war between the government and the press—despite the Nixon Administration's avowals that no intimidation was intended and that the investigation came about because I was briefly considered for a government position.

Few in the press believe the government's claims, and because the effect of intimidation is there as long as intimidation is perceived, it is the continuing suspicion that counts. Seeking to discover whether the suspicion is warranted, I decided to make my own inquiry into the "Schorr-FBI affair."

The investigation started, without warning, on August 20, 1971. As J. Edgar Hoover dryly recounted it five months later in a letter to a Senate subcommittee, it was a simple matter, a "routine" investigation for "possible Federal employment," ordered by him the day after he had received a request from a White House staff member.

"Routine" for Mr. Hoover, but for me it was a day of disruption and puzzlement, the FBI at the door and the telephone incessantly jingling with breathless bulletins from superiors, associates, family, and friends touched by the widening web of interviews. Each one told of being advised that the reason for the questioning was that I was in line for a government "position of trust and confidence." To all I protested that I had not sought or in any manner been offered such a position. Most doubted me. The few who believed me proceeded to volunteer the darkest theories about possible motives for an investigation—harassment, intimidation, or a concealed effort to "get something" on me.

This seemed improbable to me, if only because the investigation was so overt. Later I learned that job investigations without jobs are not unprecedented. Lipman Bers, professor of mathematics at Columbia University, experienced a deja vu sensation when he read of my case. Only two months earlier, he wrote me, the FBI had visited him, his colleagues, and neighbors, saying that he was being considered for "an important position" in the executive branch. He told the FBI that it must all be a mistake, and the investigation ceased. "At that time," wrote Dr. Bers, "I considered the whole thing the result of a clerical error somewhere. But now I'm not so sure."

Jim D. Whittenburg, president of the National Council on Youth and Drugs, incurred the hostility of the Secret Service in October 1970 when he publicly criticized the Nixon Administration's policy on narcotics and marijuana. Several days later a Secret Service agent requested his medical file from his physician. The doctor was then asked to sign a Treasury Department release form referring to "a full field investigation being conducted relative to application for employment with the United States Secret Service."

Vincent Gillen, private investigator and former FBI agent, professed to be carrying out a preemployment check when he dug into the life of Ralph Nader on behalf of his client, General Motors. Testifying before the Senate Subcommittee on Executive Reorganization in March 1966, Mr. Gillen displayed impatience when Senator Robert Kennedy pressed him about a preemployment investigation made on a pretext and without the subject's consent.

"Oh, Senator, come on, come on!" chided Mr. Gillen. "For goodness sake, where did I learn this? In the FBI!"

Whether, in my case, the FBI was consciously using a technique or unwittingly acting as an instrument for the White House, it did the job with almost flattering formality. The agent waiting at the Washington Bureau of CBS News when I arrived for work on August 20, 1971, acted respectful, as one might toward a candidate for high office. He said that he did not know what position I was being considered for, and was surprised that I didn't know either. When I cut short the interview, saying that I objected to being investigated on such baffling grounds, he promised to report my views to his superiors. Somewhat more heatedly, William Small, CBS News bureau chief, declined to show the agent my personnel file, but did offer to show the door.

Then my telephone started ringing. First, from New York, Richard S. Salant, president of CBS News. The FBI had called him at home early in the morning, saying it had little time to complete the investigation, with the implication that the announcement of my appointment was imminent. To me, Mr. Salant was chagrined. Why, after nineteen years, would I leave CBS so abruptly? And what was my new job anyway? I didn't know of any job? *Really* not?

Then the calls came in a steadily accelerating pattern—other CBS executives, colleagues, friends, neighbors ("The FBI man is still out there on the street watching your house!"), and former employers (back to the first one, the Jewish Telegraphic Agency, where I worked three decades ago). Each caller eager to be the first to tell me, and each agog with questions. Is it all right to talk to the FBI? Wouldn't want to delay your appointment, hah, hah! Say, uh, what is the job anyway? *No* job? Probably can't talk about it or the President will change his mind, hah, hah? *No* job, really? Maybe the FBI jumped the gun on the offer? Or what, do you think?

Each day thereafter, CBS executives called me to ask whether a job offer had surfaced, and, when none had a week later, a more serious concern than losing a correspondent evidenced itself. There are raw nerves in broadcasting about the Nixon Administration, abraded by the speeches of Vice-President Agnew, the controversies over "instant analysis," the battle over the *Selling of the Pentagon*, and—still to come—the antitrust suit over entertainment programs and the hint of possible antitrust action for news "monopoly." Was this investigation, then, exemplary harassment, a new wrinkle in the war on the media?

If so, why me? I was, after all, a relatively small reportorial planet in a galaxy of anchormen and commentators. Some in CBS theorized that some specific piece of reporting had created some specific antagonist. They suggested that investigative reporting, undermining studied public relations postures, could have raised more hidden hackles than critical commentary, which could be refuted or simply dismissed.

The FBI investigation had started at the moment of my latest brush with the Administration. Only the day before I had visited the White House, on request, to receive complaints from Presidential Assistant Patrick J. Buchanan and other officials about my most recent report on the *CBS Evening News*. President Nixon, addressing the Knights of Columbus in New York, had made an emotional promise to aid the foundering parochial schools. My report, coming directly after the Nixon film, quoted Administration and Catholic educational sources as saying that there was no plan to deliver on that commitment. The White House officials told me that various plans were under consideration. And on the very day the FBI showed up I was working on a follow-up report analyzing the comments of the White House staff. One CBS executive felt sure that the investigation had been triggered by resentment because I had blunted the President's message to the Catholics. That on top of all my previous trouble with the Nixon Administration.

Not that I had been free of trouble with Democratic administrations. President Kennedy had taken umbrage at my reports from Germany about his quarrels with Chancellor Konrad Adenauer. Since returning to Washington in 1966, I had heard, second- and sometimes firsthand, of President Johnson's explosions over my accounts of backroom compromises on welfare and taxes. But these had been brief eruptions, and the Republicans' disaffection with me had been a steady, bitter growth.

In June 1970 I reported that two West Point instructors, commissioned by President Nixon's Urban Affairs Council to survey food distribution, had found many counties operating only "paper programs" and that an Administration that had promised to eliminate hunger was sitting on the report. Sen. Robert Dole, then chairman of the Republican National Committee made a speech in the Senate, charging bias and saying that my first interest was "in discrediting the Nixon Administration while he promotes those who share his liberal views." Senator Dole also complained to my boss, Mr. Salant, and was something less than mollified by

Salant's reply that "if Mr. Schorr has any bias, it is against hunger."

President Nixon himself became involved in a dispute with me in March 1971. Dr. James C. Fletcher, a science adviser to the White House, has told me of expressing misgivings to the President about the Safeguard ABM system, and of hearing Mr. Nixon confess to doubts of his own. When Dr. Fletcher was named director of the National Aeronautics and Space Administration, I decided to broadcast the story. The day after my March 9 report, Press Secretary Ronald Ziegler devoted the better part of his daily briefing to a categoric repudiation. Meeting next day with women reporters, the President volunteered that he was not concerned about opinion or criticism, with one exception.

"The only thing, however, where I have a very hard line about is inaccuracy, where something is inaccurate like Dan Schorr yesterday said, or made a statement, with regard to ABM that was totally without foundation and fact. . . . If they say that 'Nixon expressed doubts about ABM' when no meeting ever took place, that has to be corrected. That is what I mean. You can't allow a little lie. Incidentally," the President added, "when I call it a lie, that is unfair because, after all, the man just probably had the wrong information. I am always very charitable towards my friends."

A sense of charity toward "friends" did not appear, however, to pervade the Presidential staff. White House aides have an insiders' code for designating their pet hates. When referring to their names, they insert the initial "P)) (for an obscenity). Around the White House I was thereafter "Daniel P. Schorr."

Despite all this, I kept an open mind, at first, about the FBI investigation. Perhaps somewhere in the bowels of bureaucracy there was someone, not cued in politically, who had raised my name and accidentally triggered a premature FBI investigation.

As days stretched into weeks with no sign of the chimerical job, I made discreet inquiries but turned up nothing. On Otcober 8, however, I got an unexpected opportunity for a direct inquiry when I found myself at a dinner party with Frederic V. Malek, the White House talent scout. Six weeks had now passed without a peep from the government. I asked Mr. Malek if he knew for what job the FBI had investigated me. He expressed complete surprise and ignorance, even to inquiring when the investigation had occurred. He promised to check on it first thing next morning and call me. Mr. Malek never called. He might have if it had occurred to him that, a month later, an unexplained investigation would be a public issue.

It was, oddly enough, some friction within the President's official family that apparently helped the story about me come to light. There are stories, and half-stories, lying all over Washington, launched only when some interesting party assembles and circulates them. At CBS we had agreed to let this story languish. I had concluded that to broadcast it myself would only cast me in the role of an antagonist of the Administration—the role it had conceived for me.

Then the Administration's feud with me erupted on another front. On November 4, Charles Colson, Special Counsel to the President telephoned Dr. Frank Stanton, vice-chairman of CBS, Inc., with a bitter complaint about my reports on unpublicized conflicts in the Pay Board. My reporting, he said, threatened to incite a labor boycott and undermine the stabilization program. He also mentioned that I had previously been in such gross error that I had been obliged to broadcast a retraction. Mr. Colson was misinformed. The error he was alluding to—involving attribution to the then Budget Director George Shultz of a statement actually made by Dr. Herbert Stein, chairman of the Council of Economic Advisers—had not been made publicly but in private conversation with labor officials. And I had clarified it in private at the request of Dr. Shultz. Dr. Shultz, learning of Mr. Colson's distortion of what was supposed to be a courtesy to him, expressed irritation at the intervention, remarking, "Maybe Chuck Colson should be straightened out."

A few days later a Washington Post reporter, Ken Clawson (who—purely coincidentally, he insists—joined the White House staff a few months later), called me to say that he had heard about the Colson complaint and was writing a story on it. He had also been told, as an added fillip, about the FBI investigation, which, though an older story, he considered a better one. So, on November 11, on the front page of the Post, an unpublicized mystery became a public issue.

I must admit that I could not have anticipated becoming a front-page sensation, with the inevitable train of news agency follow-ups, requests for interviews (all of which I refused), and a barrage of questions to the White House. Ronald Ziegler, apparently hastily prepared, denied any motive of intimidation and said that I had, in fact, been considered for employment. The idea, Ziegler said, had arisen in the office of Frederic Malek, and Mr. Malek loyally supported that statement, although such an idea had astounded him six weeks earlier.

Mr. Ziegler, questioned about the nature of the position, said that it was "in the environmental area" and would be disclosed "in due time." That whetted the curiosity of many reporters, and requests for amplification produced a variety of off-the-record whispers. William Anderson of the Chicago Tribune wrote that he was told the job was "in the $40,000-a-year range" and that my sponsor was "a person of rank within the Administration." John Osborne of the New Republic wrote that a White House official finally named a job to him—"a job that only a fool would have expected Dan Schorr to consider taking."

The suggestion that an incumbent faced replacement created some tension in "the environmental area." A somewhat dissident member of the President's Council on Environmental Quality told the White House that if they wanted his immediate resignation, they could have it. The head of the Environmental Protection Agency, William Ruckelshaus, told questioners at cocktail parties, smilingly: "Maybe it's my job they want Schorr for."

There were other contradictions. In the first hasty reaction, Mr. Malek told reporters that the investigation, accidentally escalating from an intended in-house "name check," had been quickly canceled without any report ever being received from the FBI. But FBI Director Hoover reported officially: "The incomplete investigation of Mr. Schorr was entirely favorable to him, and the results were furnished to the White House."

Senator Sam J. Ervin, guardian of the First Amendment, announced that his constitutional rights subcommittee would look into the matter on February 1, 1972. And, as his public hearing approached, the White House suddenly shifted to a new position about the phantom job. A Presidential counselor wrote to Senator Ervin on January 27 stating, in line with the old position: "Mr. Schorr was being considered for a job that is presently filled." That changed abruptly four days later, on the eve of the hearing. Now the White House told reporters that what was involved was a new position that "has not been filled." What was being sought, said the officials, was an assistant to Russell Train, chairman of the Council on Environmental Quality; the assistant would prepare television programs on environmental subjects. And, though no one had yet been chosen, "other well-known newsmen" had been interviewed for the position.

I have since ascertained that several newsmen were, in fact, interviewed by Mr. Malek—apparently to help make the new stance credible. One of them, Ron Nessen of NBC, said he found the offer "peculiar" because he had been previously vetoed for another government position on political grounds. Mr. Nessen told me: "I got the impression that Malek was not so much offering me a job as trying to get me to spread word that there *was* a Schorr job."

At the February 1 hearing, Senator Ervin read from the Presidential aide's letter of January 27 about the post "that is presently filled" and from the Washington Post of that morning about the unfilled job. The Senator commented, "If I had been White House counsel, I would have told the witnesses to try to reconcile their testimony instead of making a contradictory statement of that kind."

In the following months the issue, and the questions, refused to die. When Richard Kleindienst came up before the Senate Judiciary Committee for confirmation as Attorney General, Senator John Tunney asked him about "the Dan Schorr case." ("I am not familiar with the specifics of the situation.") When White House Communications Director Herbert Klein appeared on the CBS Face the Nation broadcast, David Schoumacher asked, "Did you bring along with you the job offer for Dan Schorr?" ("No, I didn't, and I think that the handling of that wasn't probably the best thing.") When Senator Henry Jackson announced his candidacy for President, he said, "I think what was done in the case of Daniel Schorr is an outrage." (That did not result in a Jackson sweep of the primaries.)

Only the White House could solve the mystery, if it wanted to. The Administration had issued a spate of comments but had volunteered not the slightest explanation to me. At length, I wrote to Mr. Ziegler, asking if he could clarify the matter. Three months later, on August 14, 1972—almost the anniversary of the beginning of the whole business—Mr. Ziegler replied:

"I am told the job you were being considered for was Assistant to the Chairman of the Council on Environmental Quality. As I understand it, the Council was considering reorganizing its public affairs division to launch a program of public awareness about environmental problems . . .

"Fred Malek tells me you were suggested to him for the position by one of several people he uses often for recruitment ideas, and remained under consideration for about ten days. Fred subsequently concluded that you and the job were not really matched, and your name was dropped from consideration. Other people were being considered at the time, and have since been considered; but for a variety of personnel and planning reasons, a general hold has remained on the position.

"I am further told that because your FBI investigation was terminated in the very early stages, no comprehensive report was ever prepared. The preliminary report, which was entirely favorable and which was forwarded to the White House, has subsequently been destroyed."

Two weeks later, on September 1, Chairman Russell Train of the CEQ finally did get a Special Assistant—Mrs. Shirley Temple Black. Her assignment is "active citizen involvement in important international environmental activities."

It would be flattering to think that the slot once intended for me was refashioned for Mrs. Black, but I can't, somehow, believe it.

Even if the investigation had been set off by a tentative job offer, the effect, under the circumstances, had to be chilling to my work as a reporter. An FBI investigation is not a "routine formality." It has an impact on one's life, on relations with employers, neighbors, and friends. To this day, I must manage a strained smile when asked, on social occasions, whether my "FBI shadow" is with me. It has become standard humor to inquire whether I am still "in trouble with the FBI," whether it is safe to talk to me on the telephone.

President Nixon, the White House says, has issued orders that there will be no future "job investigations" without advance consent. But in the prevailing climate between Administration and press, most of my colleagues believe that I was subjected to some kind of harassment. More reluctantly than the Administration may understand, I have become finally convinced that the weight of the evidence is in that direction. I should like to think that it has not affected me. But the insidious thing is that I can never be sure.

I am left now to ponder, when a producer rejects a controversial story I have offered, whether it is because of the normal winnowing process or because of my troublemaking potential. Even more am I left to wonder, when I myself discard a line of investigation, whether I am applying professional criteria or whether I am subconsciously affected by a reluctance to embroil my superiors in new troubles with the Nixon Administration, I should like to think that the government cannot directly intimidate me. But my employer, with millions at stake in an industry subject to regulation and pressure, is sensitive to the government, and I am sensitive to my employer's problems. So, one never quite gets over an FBI investigation—not, at least, for four more years.

A CONCURRENT RESOLUTION PASSED IN THE SOUTH CAROLINA HOUSE OF REPRESENTATIVES AND CONCURRED IN BY THE SOUTH CAROLINA SENATE

Mr. THURMOND. Mr. President, on February 28, 1973, the South Carolina General Assembly passed a concurrent resolution memorializing the Congress of the United States to maintain, at least at present level, the Federal-Aid program for highway construction in the State of South Carolina to insure continued progress and improve safety on these vital arteries of commerce and public and private transportation.

Mr. President, on behalf of the junior Senator from South Carolina (Mr. Hollings) and myself, I ask unanimous consent that this concurrent resolution, passed by the South Carolina General Assembly, be printed in the Record.

There being no objection, the resolution was ordered to be printed in the Record, as follows:

A concurrent resolution to memorialize the Congress of the United States to continue Federal Aid to State Highway Construction at present levels to prevent serious deterioration of our highway system

Whereas, federal aid to highway construction has for many years been a basic support to the construction and maintenance of highways throughout the nation; and

Whereas, state programs have been planned assuming federal assistance would be available; and

Whereas, federal revenue from gasoline taxes should properly be used for highway purposes; and

Whereas, there are present indications in the news media and elsewhere that federal assistance to state highway building programs will be substantially curtailed which, if true, would severely damage existing and planned state highway programs. Now, therefore, be it

Resolved, by the House of Representatives, the Senate concurring:

That the Congress of the United States be and hereby is, memorialized to maintain, at least at present levels, the federal aid programs for highway construction in the state to insure continued progress and improved safety on these vital arteries of commerce and public and private transportation. Be it further

Resolved, that copies of this resolution be forwarded to each member of the South Carolina Congressional Delegation, the President of the Senate and the Speaker of the House of Representatives in Washington, D.C.

A CEILING ON FEDERAL SPENDING

Mr. CHURCH. Mr. President, in a recent speech to the American Association of Homes for the Elderly, I called for the Congress to enact a ceiling on Federal spending and pointed out that both Congress and the President must share the responsibility for putting a lid on deficit spending.

I was, therefore, pleased to read a recent editorial from the Times-News in Twin Falls, Idaho, suggesting the same approach.

"Congress could perform a real service to the people of the country, and dampen down its enlarging feud with the Nixon administration, by adopting its own budget ceiling," the newspaper states.

This is commonsense thinking, and I wholeheartedly agree. As the editorial concludes:

> By putting its own lid on spending at the start of a session, the Congress could greatly improve its lawmaking effectiveness, reduce the need for the President to impound funds, and restore some of the confidence of a disillusioned public.

I ask unanimous consent, Mr. President, that the text of this editorial be printed at this point in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

IMPOUNDMENTS

Congress could perform a real service to the people of the country, and dampen down its enlarging feud with the Nixon administration, by adopting its own budget ceiling before embarking on its customary spending spree.

The Congress could do well to emulate Idaho's example, in which the legislature and governor attempt to project revenue, and then appropriate to stay within that limit. Congress has no established system to govern overall appropriations, and the result is that the lawmakers appropriate in a helter-skelter fashion without regard for the size of the total package.

That is one reason President Nixon has impounded some appropriated funds, refusing to sign the check that would spend them. That is a high-handed act, and one which Congress has a right to challenge—if there were any spending responsibility to start with. The President, whether Nixon or any of his predecessors or successors, should not have the power to junk or extend existing programs by whim—even for the noble purpose of restoring some semblance of fiscal sanity. The Congress may force a showdown by passing a bill giving veto power over impoundments. But it would not have the support of most taxpayers and would only further exacerbate relations with the administrative branch.

By putting its own lid on spending at the start of a session, the Congress could greatly improve its lawmaking effectiveness, reduce the need for the President to impound funds, and restore some of the confidence of a disillusioned public.

THE DEATH OF LEWIS DAVID HOLMES, SR.

Mr. THURMOND. Mr. President, Lewis David Holmes, Sr., of Johnston, S.C., who died recently was one of this Nation's outstanding leaders in agriculture. His innovative accomplishments in the field of farming have been well known for years throughout my State and around the Nation.

Yet his contributions to the well-being of those around him were not confined to farming. He was also a distinguished leader in his community, as well as in business and higher education, having served as a bank director and trustee at Clemson University.

Foremost in his life work, however, was the soil. He owned and operated the L. D. Holmes & Sons Farm for more than 60 years. In that capacity he was a leader in the development of many modern techniques, such as irrigation, advanced peach production, and the use of various crops and products. His implementation of new methods in farming led to progressive agricultural developments on a wide scale.

The extent of his value to the agricultural community of this Nation was recognized many years ago. He was selected Master Farmer of 1939 by Progressive Farmer magazine and he continued that high standard of performance for the rest of his life.

His leadership often put him in positions of responsibility. For example, he was an organizer of the South Carolina Farm Bureau which recently honored him for his dedicated service. While the awards he received were numerous, they represented only a small portion of the benefit he was to his family, community, State, and Nation. The rewards of his vision and endeavor will be evident for many years to come.

Mr. President, at the time of his death several newspaper tributes were published about his life and career. I ask unanimous consent that four such articles be printed in the Congressional Record at the conclusion of my remarks. They are as follows: "L. D. Holmes, Pioneer Peach Farmer, Dies," Augusta Chronicle, Augusta, Ga., February 27, 1973; "Award-Winning Johnston Farmer Holmes Dies," the State, Columbia, S.C., February 27, 1973; "Rites Held for L. D. Holmes," the Ridge Citizen, Johnston, S.C., March 1, 1973; and "L. D. Holmes," the Ridge Citizen, Johnston, S.C., March 1, 1973.

There being no objection, the articles were ordered to be printed in the Record, as follows:

[From the Augusta, (Ga.) Chronicle, Feb. 27, 1973]

L. D. HOLMES, PIONEER PEACH FARMER, DIES

JOHNSTON, S.C.—Lewis David Holmes Sr., a leading farmer, died Monday morning at his residence near Johnston.

Funeral services will be held today at 3:30 p.m. in the First Baptist Church, Johnston, with the Rev. Lon B. Knight officiating. Entombment will be in the Mt. of Olive Mausoleum.

He was a lifelong resident of the Johnston area, and owner and operator of L. D. Holmes and Sons for more than 60 years. He was a trustee of Clemson University, a director of Bankers Trust of South Carolina, a member of the Johnston Lions Club, and a deacon of the Johnston First Baptist Church.

He was a pioneer in the peach industry and was selected Master Farmer in 1939. He was the recipient of the Pioneer Service Award, given by the National Peach Council. He was on the organizational committee and was a supervisor of the Soil Conservation Service. He served on the organizational committee of the South Carolina Farm Bureau and was a member of the First State Board. He was the recipient of an award for Distinguished Service and was recently awarded a plaque for his lifetime service to the Farm Bureau. He also received an award for Distinguished Service in the Field of Agriculture from Clemson University. He served on the South Carolina Marketing Committee.

Survivors include his widow, Mrs. Inis Whitten Holmes, Johnston; three daughters, Mrs. M. T. (Louise) Motes, Laurens, S.C., Mrs. A. W. (Marian) Minchew, Saluda, S.C., and Mrs. John (Lillian) Hughes, Johnston; two sons, L. D. Holmes, Jr., Johnston, and Charles P. Holmes, Trenton, S.C.; and one sister, Mrs. Matilda Lunger, Johnston.

The family suggests that memorials be made to the Clemson Scholarship Fund for L. D. Holmes Sr.

Clark-Bland Funeral Home, Johnston, is in charge.

[From the Columbia (S.C.) State, Feb. 27, 1973]

Award-Winning Johnston Farmer Holmes Dies

Johnston.—Lewis David Holmes Sr., died Monday at his home.

Born in Edgefield County, he was a son of the late Lewis and Annie Richardson Holmes. He was owner and operator of L. D. Holmes and Sons Farm for more than 60 years. He was a trustee of Clemson University, a director of Bankers Trust of South Carolina and a member of the Johnston Lions Club.

He was selected Master Farmer of 1939 by Progressive Farmer Magazine. He received the Pioneer Services Award given by the National Peach Council and was supervisor of the Soil Conservation Service.

He also served on the organizational committee of the S.C. Farm Bureau and was a member of its first state board. He was recently awarded a plaque for his service to the Farm Bureau.

He received awards for his services in the field of agriculture from Clemson University and was a member of the S.C. Marketing Commission.

He was first married to the late Mrs. Annabell Morgan Holmes, next to the late Mrs. Maude Nickerson Holmes.

Surviving are his widow, Mrs. Inis Whitten Holmes; three daughters, Mrs. Marian Minchew of Saluda, Mrs. Louise Motes of Laurens and Mrs. Lillian Hughes of Johnston; two sons, L. D. Holmes Jr. of Johnston and Charles F. Holmes of Trenton; and a sister, Mrs. Mathilda Lunger of Johnston.

Services will be at 3:30 p.m. in the First Baptist Church with entombment in Mount of Olives Mausoleum.

The family suggests that those who wish may make memorials to the Clemson University Scholarship Fund for L. D. Holmes.

Clark-Bland Funeral Home is in charge.

[From the Johnston (S.C.) Ridge Citizen, March 1, 1973]

Rites Held for L. D. Holmes

Lewis David Holmes, Sr., a leading farmer, died Monday morning, February 26, at his residence near Johnston.

Funeral services were held Tuesday afternoon, February 27, in the First Baptist Church, Johnston, with the Rev. Lon B. Knight officiating. Entombment was in the Mt. of Olives Mausoleum.

A son of the late Lewis and Annie Richardson Holmes, he was a lifelong resident of the Johnston area. He was owner and operator of L. D. Holmes and Sons for more than 60 years. He was a trustee of Clemson University, a director of Bankers Trust of South Carolina, a member of the Johnston Lions Club, and a deacon of the Johnston First Baptist Church.

He was a pioneer in the peach industry and was selected Master Farmer of 1939 by Progressive Farmer Magazine. He was the recipient of the Pioneer Service Award, given by the National Peach Council. He was on the organizational committee and was a supervisor of the Soil Conservation Service.

He served on the organizational committee of the South Carolina Farm Bureau and was a member of the First State Board. He was the recipient of an award for Distinguished Service and was recently awarded a plaque for his lifetime service to the Farm Bureau.

He also received an award for Distinguished Service in the Field of Agriculture from Clemson University. He served on the South Carolina Marketing Committee.

He was first married to the late Mrs. Annabell Morgan Holmes, next to the late Mrs. Maude Nickerson Holmes.

Survivors include his widow, Mrs. Inis Whitten Holmes, Johnston; three daughters, Mrs. M. T. (Louise) Motes, Laurens, Mrs. A. W. Marian) Minchew, Saluda, and Mrs. John (Lillian) Hughes, Johnston; two sons, L. D. Holmes, Jr., Johnston, and Charles P. Holmes, Trenton; and one sister, Mrs. Matilda Lunger, Johnston.

The family suggests that memorials be made to the Clemson Scholarship Fund for L. D. Holmes, Sr.

Clark-Bland Funeral Home in Charge.

L. D. Holmes

The passing this week of L. D. Holmes has claimed one of the outstanding farmers, not only of this county and community, but of the state and this section of the nation.

He was a pioneer in many fields of farming activities, being among the first to enter peach production on a commercial and large volume scale. In more recent memory, he was one of the leaders several years ago in the substitution of fall tomatoes when an unexpected freeze destroyed the peach crop. He was one of the pioneers in the use of irrigation in this Southeastern section of the nation, and indeed in the adaptation of modern methods of farming in all of its phases, from mechanization of the process to the experimentation with other crops and products.

But more than that he was a man who loved his community and took an active interest in its welfare. He was generous of his means to projects that were for the benefit or development of the community. On the other hand, he was equally outspoken in opposition to what he was convinced was not for the best.

He served in a number of positions and places of honor and trust. We mention here two that we think meant the most to him. They were the Farm Bureau which he helped to get organized and served on the state level of that organization for many years. The other is as a Trustee of Clemson University. In these positions as in all positions in which he served, he served well and with distinction.

His leadership and wise counsel will be missed by this community.

THE IMPOUNDMENT CONTROVERSY: THE AMERICAN PEOPLE BACK THE CONSTITUTIONAL DUTY OF THE CONGRESS

Mr. ERVIN. Mr. President, the beginning of this session of Congress has seen marked congressional efforts to restore the proper constitutional balance between Congress and the executive branch. This imbalance has been bolstered by the use of so-called executive privilege to withhold information from the Congress and the public, by the use of executive agreements to circumvent the treaty-making provisions of the Constitution, by abuse of the pocket veto power during short recesses of the Congress, and by executive impoundment of funds appropriated by Congress.

The impoundment issue goes to the heart of the problem for the power of the purse is the most important constitutional power given to the Congress. If the executive branch is permitted to usurp the power of the purse, and to thwart the will of Congress by canceling and curtailing programs through impoundment of funds appropriated for their implementation, then the Congress will cease to exist as a viable legislative body. The President's action in impounding these funds flies in the face of the Constitution. Indeed, I must agree with Mr. Justice Rehnquist who, as Assistant Attorney General, advised the counsel to President Nixon in 1969, that:

> The argument that the President has a broad constitutional authority to impound has no basis in reason or precedent.

Yet, the President has announced on several occasions that he has taken these drastic actions because he has received a mandate from the people who elected him to do so. The Members of Congress also have a mandate from the people, and both the President and the Congress have a mandate to uphold the Constitution.

The President has also stated on several occasions that he has overwhelming public support for his impounding practices. Mr. President, the latest Harris poll shows that the American people support the Congress in its efforts to put an end to this practice and do not favor the impounding practices of the President.

As reported by the Washington Post, March 4, 1973, Mr. Harris noted that:

> There appears to be growing concern in the country that too much of the power of the federal establishment is centered in the White House. By 55–33 percent, a majority of the public agrees with the statement that "President Nixon is trying to control most of the powers of the government from the White House, instead of sharing decisions with Congress, and this is wrong."

I might add that according to the Washington Star News of March 6, 1973, Congressman Gerald Ford emerged from a 90-minute meeting at the White House and stated that the Republicans look forward to doing battle with the Democrats over the issue of impounding, and that they will win because the public supports the President. I would suggest that Mr. Ford might find the latest Harris survey somewhat enlightening in this regard. It saddens me to note that Mr. Ford apparently conceives the impoundment controversy to be partisan in nature while in fact it merely represents an effort by the Congress to prevent Presidential usurpation of its power of the purse. Surely all Members of Congress realize that the issue is not, as Mr. Ford says, the Democrats' "lust for spending," but whether the Congress will be able to discharge its constitutional duty to set spending priorities.

Mr. President, I ask unanimous consent that the Washington Post article of March 4, 1973, containing the Harris survey be printed in the Record.

There being no objection, the article was ordered to be printed in the Record as follows:

Congress Backed in Spending Fight

(By Louis Harris)

The American public tends to sympathize more with Congress than the President in the battle shaping up over federal spending, though by only a narrow 44–41 per cent margin.

A cross-section of 1,505 households was asked between Feb. 14 and 17:

"President Nixon has said that if Congress votes him money to spend on programs he disagrees with, he will refuse to spend the money if it goes above his ceiling on federal spending. Congress says it will pass new laws to force the President to spend federal money as it tells him to do. Who do you think is more right in this argument—the President or Congress?"

[In percent]

	Nixon	Congress	Not sure
Nationwide	41	44	15
By region:			
East	36	44	20
Midwest	42	45	13
South	47	38	15
West	39	49	12
By age:			
18 to 29	36	50	14
30 to 49	40	42	18
50 and over	46	40	14
By education:			
8th grade or less	39	43	18
High school	42	41	17
College	40	48	12
Union members	37	47	16

The forthcoming spending battle is likely to split the country along interesting lines, with the South backing the President against the rest of the country; older people behind Mr. Nixon as opposed to younger people; and those with a high school education supporting the White House, but the college-educated on the side of Congress.

By a number of measures, the President is better regarded by the public than Congress. For example, Mr. Nixon is given 59–40 per cent positive marks on his record for his first four years in office. Congress, on the other hand, receives a 45–38 per cent negative rating for the job it has been doing.

On taking his case to the country, Mr. Nixon would appear at first glance to be in a stronger position than Congress. For example, by 51–37 per cent, a majority of the public agrees with the statement that "Congress is wrong in opposing the President's spending program and should cooperate more with him."

But the Harris Survey turns up two key factors which, at the outset of the spending battle between the executive and legislative branches, tip the balance toward the side of Congress, albeit by a razor-thin margin.

There appears to be growing concern in the country that too much of the power of the federal establishment is centered in the White House. By 55–33 per cent, a majority of the public agrees with the statement that "President Nixon is trying to control most of the powers of government from the White House, instead of sharing decisions with Congress, and this is wrong."

The other key fact is that when it comes to specific cuts in programs, the public has a tendency to rally to the defense of its own favorite program and to ignore the presidential plea to keep within a tight ceiling on spending.

For example, urban residents generally back Mr. Nixon in his request to cut farm price supports. But two of his most loyal segments in the population, the South and rural areas, indicate majorities for keeping the price-support program intact. In opposing the cuts in REA loans, the rural population is joined by substantial urban majorities.

On eliminating the Office of Economic Opportunity, the plurality of 46–39 per cent opposing this move is drawn heavily from union members (opposed 51–37 per cent), Catholics (opposed 46–38 per cent), persons with incomes of $5,000–$10,000 (opposed 50–37 per cent), and the Midwest, (opposed 45–40 per cent). The significance of this ad hoc coalition is that it goes straight to the heart of "the new majority" the administration talks about putting together in the country.

Basically, the problem for Mr. Nixon is that he can be thwarted on specific measures to cut spending on a variety of sacred cows, any one of which he might endure, but which in the aggregate could spell out a federal spending program far in excess of the $269 billion limit he has urged.

USE FLOODS—DO NOT FIGHT THEM

Mr. DOMINICK. Mr. President, I would like to bring to the attention of my colleagues an article which appears in the current issue of Reader's Digest regarding the authorization by the Corps of Engineers of a flood control project which lies below the Chatfield Dam near Littleton, Colo. The article, entitled "A Plan To Use Our Floods, Not Fight Them," discusses the proposed use of Corps of Engineers funds to acquire approximately 475 acres along the South Platte River, as it flows through Littleton and turn the land into a park. The park would preserve much-needed open space for residents of Littleton and even the Denver metropolitan area.

In order to expend the funds for something other than channelization, authorization has to be provided through the legislative process. During the 92d Congress, Senator Allott and I introduced legislation to authorize such expenditure. The provisions of our bill were included in the omnibus rivers and harbors bill last year, which passed Congress, but was vetoed by the President. The project thus remained in limbo until the Senate's recent passage of S. 606, this year's omnibus bill, which includes the Chatfield Dam project. The House has not acted on S. 606, and at this point, it is difficult to say what the President will do at such time as it is once again handed to him for signature. Because of the possibility of another veto, I have once again introduced my own bill, S. 773, as I feel the project is very important to the city of Littleton, is certainly justified, and turns what otherwise could be a dam-and-dredge method of handling floods—as the article points out—into a rather innovative plan to "use our floods, not fight them."

Mr. President, Littleton is the county seat of my home county Arapahoe, and I know personally many of the fine people who spearheaded this imaginative and productive approach to an age-old problem. I congratulate them and ask unanimous consent that the Reader's Digest article be printed at this point in my remarks, so that more of my colleagues can have a chance to read of this remarkable effort.

There being no objection, the article was ordered to be printed in the Record, as follows:

A Plan To Use Our Floods, Not Fight Them

(By James Nathan Miller)

It's just a patch of green in a Denver suburb—some trees and thickets, a farm, a gravel quarry, a meandering stream. But in a battle to preserve this patch and prevent the stream from being turned into a boulder-lined ditch, the people of Littleton, Colo., have won what may be one of the conservation movement's most far-reaching victories. It may save thousands of additional miles of this nation's rivers from destruction.

The stream is the South Platte River, which splits Denver in half. To understand its significance, you have to start a century ago with the classic error that Denver's founders committed when they settled on the Platte, Like the settlers of hundreds of other communities, they built their cabins *in* the river.

For, like most rivers, the South Platte consists of a visible part and a part that few people are capable of discerning. The settlers saw just the obvious part, the channel, and they built their houses on the broad, sloping valley that spread out from its banks. This was the river's floodplain and, while almost always dry, it was actually as much a part of the river as the channel itself. Indeed, floodplains are among the most vital of a river's natural mechanisms. Most people become aware of them only when exceptionally heavy rain or melting snow dumps more water in the channel than it can hold. Yet these plains operate year in and year out, even when dry.

First, when a flood comes, the plain spreads the water out over a wide area, thus slowing the flow, preventing erosion and acting as a giant settling basin for the valuable topsoil that has washed down from the mountains. Second, the plain acts as a massive storage tank, feeding the flood into the groundwater supply. Finally, in dry years, the plain evaporates this groundwater back to the sky and, in the process, irrigates the rich topsoil it has collected.

HOUSES IN THE RIVER

It is this sequence that renders river bottomlands among our richest and most productive regions for agriculture—and for the fields and marshes that fish, waterfowl, songbirds and small game need for their homes. Indeed, floods are one of nature's most benign and creative acts. It is only when man builds in them that they become disaster areas.

Which is precisely what happened to Denver—over and over again. A major flood hit the city in 1864, only six years after it was settled, causing $1 million in damage and killing 12 people. By 1935, nine more major floods had occurred. Each time, Denver reacted by taking what is called the "structural approach" to flood control: it diked up the riverbanks and constructed upstream dams to prevent another disaster.

What the Denverites couldn't understand was the fundamental fallacy in this approach: it can protect against the kind of flood that comes every 15 or 20 years. but it provides no guarantee against the inevitable day when exceptionally heavy rain or snow is going to produce a so-called hundred-year flood.* When that happens, the dams are worse than useless: not only will they be unable to contain the water, but downstream damage will be all the worse because of the development that the dams' mere presence has encouraged on the floodplain. Which is what happened to Denver in 1965.

In seven hours starting in the late afternoon of June 16, more than 14 inches of rain fell on a tributary of the South Platte. That night, down through Denver came roaring a hundred-year flood, a battering ram of mud and debris that devastated roughly ten square miles of houses, shopping centers, factories and luxury hotels. Damage totaled $325 million.

But, despite warnings by a few citizens that no flood-control system is foolproof, the city once again rebuilt the floodplain and called in the biggest dam builders of all, the Army Corps of Engineers, for more structures. The Corps recommended two—first, a $55-million dam a few miles upstream to protect against all but the biggest floods; second, a "channelization" project below the dam to straighten out major bends of the river, and to line that portion of its banks with rocks.

This way, said the Corps, when a really big flood causes release of water from the dam, the channelized river—now a super-efficient sluiceway—will be rushed harmlessly through Denver like an express train. This has been the Corps' usual flood-proofing formula, and hundreds of American communities have accepted it. Denver was no exception—which brings us to the green patch in Littleton, a community of 30,000 that sits on the Platte between the proposed dam and Denver.

CRUCIAL MEANDERINGS

Littleton flatly didn't want its stretch of river to be channelized. The reason was simple. In looking into flood control, Littleton discovered that, when you channelize an undeveloped floodplain, far from preventing floods, you actually make them worse. For most streams possess a natural, built-in flood control device. They meander, in great loops and oxbows, down their floodplains. Like the zigzags of a switch road going down a mountainside, these meanders reduce the steepness of the river's gradient, thus slowing the water's flow. They also minimize erosion of the banks by distributing the flood's water and topsoil over the widest possible area.

Channelizing a river replaces these meanders with a straight ditch down the plain's middle, and the results can be calamitous. For instance, in 1910, farmers channelized Missouri's Blackwater River, in order to drain its floodplain swamps. Today they do have more land. But now all the water that this land used to absorb is dumped downstream and, on a 46-mile stretch below the 18-mile channelized section, heavy flooding has become common. Not only that, but the greater amount of water now rushes downstream so much faster that it erodes away farmland below.

Channelization's second flood-magnifying effect is that, as soon as a river's floodplain is dried out and "protected" by levees, developers put factories, roads and houses on it—thus wiping out the water-absorptive qualities of the plain's fields and trees. It's as if they put a roof over the plain with its drain spout emptying into the river. Again, it's downstream communities that take the beating. All this, Littleton found, is well known among flood-control experts. In the words of Nathaniel P. Reed, Assistant Secretary for Fish, Wildlife and Parks of the Department of the Interior, "The vast majority of stream channelizations have had a devastating effect on our nation's waterways."

Then why do we keep damming and channelizing our rivers? The answer too often is that owners of floodplain land stand to make large windfall profits when the government converts their swamps into developable acreage. It is usually these people who band together into "flood control" or "soil conservation" districts and apply for federal aid. Indeed, the Corps of Engineers uses these windfall profits to justify its projects, listing them as benefits under the category, "Land Enhancement."

PROS VERSUS AMATEURS

Littleton wanted none of this. Aside from any environmental problems, says Larry Borger, who was city manager in 1970, "there was a square mile of good, green, undeveloped land right next to the city, which, if the river was channelized, would soon be covered with houses and shopping centers. I figured there must be *some* alternative." Out of the city's search for an alternative emerged what became known as the Littleton Plan.

The basic idea was simple: Instead of channelizing, Littleton would buy the green patch and turn it into a park. Then, a flood would destroy no buildings, endanger no lives, create no "multiplier effect" downstream. It would merely necessitate cleaning up the debris from the park.

In itself, this was nothing new. Other communities have bought up floodplains and turned them into parks. What *was* new was one suggested source of the $1.4 million needed to buy the land. Some money would come from conventional sources—state aid, a local bond issue, federal urban-park grants. But the biggest single chunk—$564,000—would come from the Corps of Engineers. This was the amount that the Corps would save by not having to channelize the river. Put it into buying the land, suggested the Littleton planners.

At first the plan's chances looked to be zero, for the idea struck at the very root assumptions of the enormously powerful dredge-and-dam establishment that sets national river-development policy. Never had construction funds been diverted to an alternative non-construction purpose. And the establishment's reaction, when it learned that Littleton was studying other ways of proceeding, was not surprising: "It is our opinion that there are no alternatives worth studying," said the director of Colorado's Water Conservation Board.

So the burden of proof was dumped on the citizens of Littleton, and the battle became one between the amateurs and the pros: on the one hand, a group of protesting local citizens; on the other, the establishment's army of hydrologists, economists and engineers. The reasons why the amateurs won out in the end are extremely significant.

Until two or three years ago, the Corps' standard response to the Littleton kind of protest was to ignore it and go ahead with the bulldozers, claiming that Corps experts knew best, that the protesters were a minority, and that the community as a whole wanted to be saved. But in the last couple of years this tactic has involved the Corps in 24 stop-construction lawsuits around the country, and the agency has been getting increasingly nervous about the steamroller image this conveys. In addition, in November 1971, the people of Littleton made it plain that they *didn't* want to be saved; by a two-to-one margin they voted to borrow the $400,000 needed for their share of the land purchase.

Two months after the vote, under continuing pressure from Littleton and its entire Congressional delegation, the Corps gave in. It conceded that the plan made eminent sense, both economically and hydrologically, and agreed to testify in its favor. And last October, as part of the half-billion dollar Flood Control Act, Congress approved the unprecedented transfer of funds from construction to non-construction. Although President Nixon later vetoed the overall bill as being inflationary, everyone is confident that, whatever revised form it takes in the new Congress, the Littleton Plan will survive and, back in Colorado, plans are proceeding to buy up the mile-square green patch.

2000 Miles a Year. Each year our state and federal flood-control agencies—including the Corps, the Soil Conservation Service, the Tennessee Valley Authority and the Bureau of Reclamation—spend about a billion dollars building structures to control floods. In a large percentage of these projects, it would cost no more—in many cases, far less—to buy the land instead, or to protect it by local zoning ordinances forbidding flood-susceptible developments on the plains. Indeed, the government could buy a half-mile-wide stretch of floodplain about 2000 miles long *every year* with just half the money now slated for these projects, in the process saving thousands of acres for parks, wildlife refuges, underground-water storage, farms, golf courses, and fishing areas. All at the cost of not an extra cent in taxes.

If you live in a community that's threatened with an unnecessary dam or channelization project, remember that the government is legally required (by the 1969 National Environmental Policy Act) to examine all possible alternatives. So demand that the agency in charge study the possibility of buying instead of destroying the floodplain. The results could be a true revolution in our river-development policies. Thanks to Littleton, the decade of the 1970s could mark the end of the lunatic practice of building our houses in our rivers.

A DOMESTIC RETREAT: THE NIXON BUDGET FOR HEALTH CARE

Mr. HUMPHREY. Mr. President, enough time has passed, since President Nixon presented his fiscal 1974 budget, for the public to begin to realize that this administration would cripple or kill a great many domestic programs that the American people want to have and need to have.

I am sure that every Senator has been hearing this message from the people back home: That the widespread withdrawal of Federal support proposed by the President would do serious harm to domestic programs that are necessary for our people to achieve and maintain the quality of life that every American deserves to have.

Our people are learning, and we are learning from them, that America simply cannot afford the cutbacks the President wants in education, in health care, in opportunities for the poor, in environmental programs, in parks, in social services, in agricultural programs, and in a broad range of domestic activities through which the Federal Government has been helping the average citizen.

Many of these programs were passed in some of the finest hours of the Con-

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*"Hundred-year" refers to statistical *probability*, not to a law of nature. For instance, last year Pottstown, Pa., on the Schuylkill River, was hit by its third "once-in-a-century" flood in 30 years, and there is no guarantee that it won't be hit again this year.

gress, and with the full and active support of past Presidents. But now we are confronted with a President who would turn away from the good we have done, who would withdraw the gains we have made, and who would say to the American people: "You'll get no more help from your Federal Government. From now on, you can just work things out for yourselves."

I am one Senator who does not say any such thing to the American people. And I know I am joined by most of my colleagues in promising that our people will not be neglected here at home, where direct action by the Federal Government can do the most good.

I would like to describe what the Nixon administration has in mind for the health programs of this country.

It should be apparent to one and all—perhaps even to the adding machines at the Office of Management and Budget—that no activity of the Federal Government is more critical to the well-being of the American people than the Federal involvement in health programs. Concern for the health of the public is one of the first concerns of any government of any nation.

Here in the United States the Federal Government's role in health is long and honorable and filled with success. Especially during the past 30 years, timely Federal action and support has helped to conquer disease, to improve medical technology, to build hospitals and facilities, to conduct essential research, to train professional health personnel, to bring the benefits of health care to more citizens, and to assist our citizens—especially the elderly—in meeting the high costs of poor health.

But now this health budget of President Nixon's would reverse so much of that progress.

The President's budget ranks health low among the various national priorities, despite the fact that good health is essential if the Nation is to achieve any of its other priorities.

The President's budget reveals a basic lack of understanding of the inescapable ties between advancing biomedical research and maintaining the health of our people.

The President's budget, in sum, demonstrates a harsh insensitivity to the way in which health care is provided to the American people.

Perhaps because the President and his budget-cutters at OMB knew that reductions in health programs would be unpopular, they seem to have taken extra care to disguise what they have done. For example, budget documents show that the grand total of Federal health spending—this includes everything—rises from $26.4 billion in fiscal 1973 to $30.3 billion in fiscal 1974.

Now that sounds wonderful, does it not? But do not be misled. That increase is for programs over which the Federal Government has no control. What is rising is the mandatory Federal reimbursement for medical services to Federal beneficiaries—requirements written into law, such as last year's Social Security Amendments—which the President could not avoid paying even if he wanted to.

What is not rising in fiscal 1974 is the innovative portion of the health budget. There are no dramatic increases for those programs whose objectives are to change and improve the health services available to the Nation as a whole. In these areas, where the Federal Government could do so much to make the Nation's health-care system more efficient and more responsive to human needs, President Nixon would either reduce programs severely or maintain the inadequate status quo.

Let us look at what the President's budget would do to the principal health agencies of the Government, the National Institutes of Health and the Health Services and Mental Health Administration. For fiscal 1974, that the NIH budget is about $220 million lower than the request of a year ago. The HSMHA budget appears to be about $535 million higher, but that total includes gimmicks, forward funding, and money that is not really there.

The facts are, when we look at what the President's budget does to individual health programs, that virtually no program escapes the budget-cutters' ax—not biomedical research; not health manpower education; not preventive health services; not health services planning and development, or research and development; not hospital and outpatient facility construction, modernization and rehabilitation; not disease control.

How can the President profess to be advancing the cause of the Nation's health when he is reducing or eliminating programs in these areas? How can the American people hope to achieve better health in years to come if crucial Federal support is withdrawn now? And how can the Senate, and the Congress as a whole, stand back and allow these programs to die from neglect?

Let us turn to some of the specific harm that would be done if the President's fiscal 1974 budget for health programs should take effect.

Biomedical research, by any measure, is the foundation for the health care that eventually becomes available to our citizens. Most of this research is conducted through the many National Institutes of Health programs. But instead of giving additional support to biomedical research, the President's budget would terminate training grants and would cut in half the aid for investigator-initiated research.

New and competing research grants would be cut severely, by as much as 80 percent below the fiscal 1972 level in the National Institute of General Medical Sciences. All NIH training and fellowship programs, including Research Career Development programs, would be phased out; their budget would be reduced by more than $60 million below last year's request. General Research Support—GRS—Grants would be reduced by almost two-thirds.

The President seems determined to dull the leading edge of medical research into disease and disability, and to forego the training of young minds and the shaping of new ideas for biomedical research. The termination or reduction of support in a variety of categories will be felt immediately in medical laboratories throughout the nation, especially in the academic health centers where so much valuable research is underway.

This brings us to another health program that would be badly damaged by the President's budget: health personnel education. Our health needs cannot possibly be met without adequate numbers of trained personnel.

On November 18, 1971, only 14 months before his fiscal 1974 budget was presented, President Nixon signed into law the Comprehensive Health Manpower Training Act of 1971 and the Nurse Training Act of 1971 with these words:

> They constitute the most comprehensive health manpower legislation in the Nation's history. But legislation is only a first step. These new programs must be adequately funded and effectively carried out.

But the President's new budget appears to go out of its way to see to it that this legislation is not "adequately funded and effectively carried out." Quite the contrary, the budget would dismantle the legislation.

Capitation support for schools of nursing would be dropped, and institutional support would be limited to special project grants. For schools of allied health and schools of public health, Federal programs of institutional support and student assistance would be abandoned completely—and that is from a support level of $50 million in fiscal 1972. There would be no capitation grant institutional support for schools of pharmacy, or for schools of optometry, or for schools of podiatry, or for schools of veterinary medicine.

Capitation support for schools of medicine, osteopathy and dentistry would be continued in fiscal 1974. But it appears that the level of support may not be high enough to accommodate increased enrollments in these schools, increases that were encouraged by the promise of adequate Federal support, and increases which the schools have met and even surpassed.

The medical schools would be hurt also by the President's reductions for start-up assistance and conversion, for special project grants and contracts, and for construction.

Just a few months ago, I spoke in the Senate about a critical situation in my own State, relating to the University of Minnesota Medical School and the new Mayo Medical School in Rochester. They were unable to obtain Federal support they had reason to expect, and thus were unable to expand their medical training programs as originally planned. Evidently, more and more of the Nation's medical schools will face similar crises.

There are no construction grants in the President's budget for any schools of the health professions. As a matter of fact, construction funds for all Federal health programs are virtually eliminated. This administration acts as if there is no need to build, rebuild, modernize or renovate the Nation's hospitals, professional schools, laboratories or outpatient facilities.

The Hill-Burton program, which has built and remodeled so many of our hospitals in the years since World War II, would be phased out completely. President Nixon told the Nation in a radio address January 28 that Hill-Burton is among the "old programs that have outlived their time." His judgment that the Nation has met its need for hospital beds fails to take into account the drastic need to modernize and rebuild many urban hospitals, to make them capable of providing the advanced health care we now know how to provide.

In the area of health services the President makes still more of his dangerous budget cuts. And it is in this area that some of the bookkeeping gimmicks devised by OMB are most blatant.

A decade ago, the Congress passed the Community Mental Health Centers Act, which was designed to establish 2,000 centers throughout the Nation. The goal of these centers has been to make high quality care available to all citizens who suffer from the many mental illnesses. In addition, they provide special programs for the mental health of children, for drug abuse, and for alcoholism.

Today, 515 community mental health centers have been established. That is scarcely one-fourth of the total required to reach all Americans in the local community setting. Already the centers have been proven successful, and have relieved the overcrowding and stress that exist in too many State mental hospitals.

Does President Nixon want to expand this humane legislation? He does not. His budget proposes that the legislation be allowed to expire this June 30—with nearly 1,500 centers remaining to be built and staffed.

The Office of Management and Budget has come up with an ingenious device for obscuring the administration's real intentions. At first glance, the fiscal 1974 request for mental health programs appears to be doubled.

But the total includes $636 million that would not be spent in 1974 at all. That amount, already authorized for the centers, would be portioned out annually through 1980. President Nixon would end Federal support in 1980, and the centers would have to rely entirely on State and local governments, private contributors, and third-party payment systems.

And not only Federal taxes are supporting these centers today. Federal funds currently amount to only about 30 percent of the centers' total budget. State and local governments already provide 40 percent of the funds needed to keep the centers at their important work. The Federal contribution is needed, and will be needed beyond 1980, to establish new centers and to assist those already in operation.

It seems incredible that so worthy a program would be dropped. But most incredible of all is the administration's twisted reasoning for phasing out support of community mental health centers. According to the Washington Post, administration officials feel that the current program is "inequitable because people served by the federally funded centers receive better care than the rest of the Nation."

People receive better care at these centers. That is why they were established. That is why they should be strengthened, not weakened, and that is why more centers are needed.

That example alone should let us all know what the President has in store for the American people in the way of health care delivery. However, there are other examples—just in case there is any doubt.

Through the years the Public Health Service hospital system has been pared down to eight hospitals. The administration is now withdrawing Federal support from these hospitals and urging immediate efforts to negotiate community use and control. If no acceptable proposals are received by June 30, inpatient admissions to these eight hospitals will cease. Outpatient services would continue, at least for a while.

Within the HSMHA budget are line items for comprehensive health services, and here another OMB gimmick dwells. The budget appears to rise by about $103 million in fiscal 1974, but nearly all of the increase results from the transfer of project grants from the Office of Economic Opportunity. The President has decided unilaterally to dispose of the OEO, and its remains are to be scattered about the health services landscape.

Some other OEO project grants are to be transferred to HSMHA's family planning services. The transfer is listed at $15 million, but here is the rub. The shift involves not funds but programs. So if the project grants are to be made, the $15 million will have to come from elsewhere in the Department of HEW and not from the departed OEO.

At a later date, I will take time to provide more information about specific health programs. For now, allow me to list just several items that have surfaced in the President's health budget:

Funds for mental health research and training programs are to be cut by nearly $40 million from the President's request of a year ago.

There would be no new training grants for health services research and development.

The administration provides $60 million in the fiscal 1974 budget for health maintenance organizations, but it has not yet suggested the legislation to establish them.

Regional medical programs would be dropped completely.

Research grants for infectious disease control would be terminated in fiscal 1973, and would not be refunded in fiscal 1974.

The Community Environmental Management program would lose all its funds for health education, hygiene, community development and housing, and its staff would be reduced from 244 to 43 positions.

The President's budget requests no funds to implement to the Veterans' Administration Medical School Assistance and Health Manpower Training Act of 1972.

All of these examples that I have listed today illustrate the President's lack of concern, his carelessness, for the programs that mean so much to the health and well-being of the American people.

The list might well be headed by the President's intentions toward the medicare and medicaid programs. In what the administration calls a cost-saving move, the budget trims almost $900 million from the Federal cost of medicare in fiscal 1974. It does this by increasing the patients' share of hospital and medical costs.

I cannot suppress my shock and dismay that President Nixon—at a time when medical and hospital costs are rising alarmingly, and when many of our sick and elderly must live on fixed incomes—that President Nixon now seriously proposes to the Congress and the Nation that the Federal share of patients' medical and hospital costs should actually be reduced

I hardly need to tell other Senators that the people back in our States are as shocked and dismayed about this proposed change as I am. I am certain that we all are going to hear more and more from our people about all the other cutbacks in health programs that the President's budget proposes. The people have reason to be angry and they are.

I am certain also that President Nixon is going to hear a lot more from the U.S. Senate about his health budget. And he is not going to like what we have to say, because we do not like what he has proposed.

NEW YORK STATE LEGISLATURE RESOLUTION MEMORIALIZING CONGRESS TO CONSIDER THE PLIGHT OF SOVIET JEWS PRIOR TO GRANTING MOST FAVORED NATION STATUS TO THE U.S.S.R.

Mr. JAVITS. Mr. President, I present to the Senate the joint resolution recently adopted by the legislature of the State of New York memorializing the President and the Congress to consider the plight of Soviet Jews prior to granting favored nation status to the Soviet Union. New York State has much to gain financially from increased U.S. trade with the U.S.S.R.; however, the State legislature, in adopting the resolution which I ask unanimous consent to include in my remarks, has given first priority to what it terms "the interest of justice and humanity" in the consideration of any negotiation for most favored nation status for the Soviets.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

JOINT RESOLUTION OF THE LEGISLATURE OF THE STATE OF NEW YORK

Whereas, In the Soviet Union men and women are denied freedoms recognized as basic by all civilized countries of the world and indeed by the Soviet Constitution; and

Whereas, Jews and other religious minorities in the Soviet Union are being denied the means to exercise their religion and sustain their identity; and

Whereas, The government of the Soviet Union is persecuting Jewish citizens by denying them the same rights and privileges accorded other recognized religions in the Soviet Union and by discrimination against Jews in cultural activities and access to higher education; and

Whereas, The right freely to emigrate, which is denied Soviet Jews who seek to maintain their identity by moving elsewhere, is a right affirmed by the United Nations Declaration of Human Rights, adopted unanimously by the General Assembly of the United Nations; and

Whereas, These infringements of human rights are an obstacle to the development of better understanding and better relations between the people of the United States and the people of the Soviet Union; now, therefore, be it

Resolved, That the Legislature of the State of New York memorialize the President and the Congress of the United States to consider the plight of Soviet Jews when granting most favored nation status to the Soviet Union, and to call upon the Soviet government to end its persecution of the Jews and other minorities and to permit the free exercise of religion by all its citizens in accordance with the Soviet Constitution; and be it further

Resolved, That the Legislature of the State of New York, in the interest of justice and humanity, memorialize the President and the Congress of the United States to call upon the Soviet government to permit its citizens to emigrate from the Soviet Union to the countries of their choice as affirmed by the United Nations Declaration of Human Rights; and be it further

Resolved, That the Legislature of the State of New York petition the United States government to use all appropriate diplomatic means to engender the fullest support possible among other nations for such a request to the Soviet Union; and be it further

Resolved, That in order to effectuate the purposes of this resolution, copies of this resolution be transmitted to the President, Vice President and Secretary of State of the United States, to the Secretary of the Senate and the Clerk of the House of Representatives of the United States, and to each member of the Congress of the United States from the State of New York.

POLITICAL SCIENTIST REFUTES CLAIM OF IMPOUNDMENT BY THOMAS JEFFERSON

Mr. ERVIN. Mr. President, recently various spokesmen for the present administration have invoked the ghost of Thomas Jefferson in an attempt to prove that every President since 1803 has impounded appropriated funds.

Prof. Joseph Cooper, of the Department of Political Science, Rice University, has examined the so-called precedent, in which, it is said, Thomas Jefferson impounded $50,000 intended for the purchase of gunboats. I ask unanimous consent to place in the RECORD Professor Cooper's analysis of this historical tidbit.

I also ask unanimous consent to insert in the RECORD an editorial from the Greensboro Daily News of February 9, 1973, entitled "The Impoundment Flap," which also helps to dispose of this celebrated piece of "instant history."

There being no objection, the article and editorial were ordered to be printed in the RECORD, as follows:

ANALYSIS OF ALLEGED 1803 PRECEDENT FOR IMPOUNDMENT PRACTICE IN NIXON ADMINISTRATION

In the past several months Administrative spokesmen have cited President Jefferson's action in 1803 regarding an appropriation for gunboats as a precedent for recent executive practice regarding impoundment. Their claim is that impoundment as practiced by President Nixon goes all the way back to Jefferson.

This claim, however, has no more historical justification than other Administration attempts to use history simply as a weapon to legitimize its impoundment practices. Nonetheless, since the precedent claimed here is such a hallowed one, it merits detailed analysis.

What, then, did happen in 1803? Administrative spokesmen simply report that Jefferson did not spend $50,000 appropriated for fifteen gunboats and argue that this is a precedent that legitimizes current impoundment practice. This claim is refutable on two grounds.

First, Jefferson's decision in 1803 not to spend the funds in the period following their appropriation is distinguishable from impoundment as practiced by the Nixon Administration. The $50,000 appropriated for gunboats was contained in an Act approved Feb. 28, 1803. This was in the midst of the crisis precipitated by the cession of Louisiana by Spain to France. By May, however, Jefferson had resolved the crisis by purchasing Louisiana from France. On October 17, 1803, in his Third Annual Message to Congress he wrote as follows:

"The sum of $50,000 appropriated by Congress for providing gunboats remains unexpended. The favorable and peaceful turn of affairs on the Mississippi rendered an immediate execution of that law unnecessary, and time was desirable in order that the institution of that branch of our force might begin on models the most approved by experience."

Thus, what was involved here was simply a case in which money was not spent in order to avoid waste due to a change of conditions with reference to the specific program goals involved. This type of action is one for which other 19th century precedents can probably be found and it is the type that Congress, at the bequest of the Budget Bureau, clothed with statutory authorization in Section 1211 of the General Appropriation Act for 1951. As such, this type of action is readily and clearly distinguishable from impoundment practice under the Nixon Administration wherein funds are denied to execute laws or portions of laws because the President does not personally approve of the programs involved and/or thinks their execution is less important than the attainment of some overall fiscal policy objective he has.

Second, and even more important, what occurred in 1803 was in reality merely a case of deferred spending which did not destroy or impair the program goals of Congress, rather than an impoundment as now practiced by the Nixon Administration. Note that in his October Message Jefferson did not assert a right to impound; he merely stated that he was not going to spend the money until the gunboats in question could be built "on models the most approved by experience." In short, he did not, as the Nixon Administration now does, claim a right to impose his own policy judgments on the execution of law, to kill or trim programs in accord with his own policy desires, to determine personally what laws deserve or do not deserve to be executed.

A question thus occurs whose answer Administrative spokesmen seem simply to have assumed is negative. Did Jefferson, in fact, spend the money? The answer is yes! He meant just what he said in his October Message and indeed must have begun to build the gunboats within a relatively short period after this Message. In his Fourth Annual Message, delivered on November 8, 1804, he wrote, "The Act of Congress of February 28, 1803, for building and employing a number of gun-boats, is now in a course of execution to the extent there provided for." Further evidence is provided by Richard Hildreth in the fifth volume of his *History of the United States*. In discussing the November Message he notes that:

"Under the appropriation already made, ten gun-boats had been commenced, after a diligent study of Spanish and Neapolitan models, those being the only nations which placed much dependence on this species of force." [p. 539].

Moreover, in a letter to Joseph H. Nicholson on January 29, 1805, Jefferson wrote that "We now possess ten [gunboats], built and building."

We may conclude, then, that Jefferson's action furnishes no precedent for impoundment as now practiced by the Nixon Administration. Indeed, if anything, it supports the opposite contention that impoundments for the policy purposes of the President are a novel and illegitimate imposition on the constitutional prerogatives of Congress as understood from the earliest days of the Republic. To be sure, the origins of such impoundments date from the Presidency of Franklin Roosevelt. What the Nixon Administration has added is not simply expansion in scope so that the funds involved now amount to many billions, but also virtually unrestrained audacity in claiming as a right something that represents simply an arrogation of power. The purpose of this memorandum is to assist in keeping the historical record clear, to prevent history from being rewritten by those who do not care to understand it but want only to mold it to their own purposes.

[From the Greensboro Daily News, Feb. 9, 1973]

THE "IMPOUNDMENT" FLAP

Our friend Vermont Royster of Chapel Hill, writing in the Wall Street *Journal* about the "impoundment" flap, finds it difficult to think of it as anything so dramatic as a "constitutional crisis"—and so, we guess, do many others.

The whole issue is far easier to understand if you ignore the constitutional aspect and accept the raw and simple political terms in which President Nixon tried to couch it last week: A valiant, thrifty President striving to curb an "irresponsible" and spendthrift Congress by selectively refusing to pay out what Congress, in its profligacy, appropriates for programs determined by Mr. Nixon to be of dubious value and to threaten inflation and higher taxes. If the American public chooses to look no further into the matter, the President will win the battle easily, for as Mr. Royster says, "if there's one thing the American public is weary of its government spending."

But we have learned that when Sen. Sam Ervin gets his dander up it is rash to guess the outcome of a fight; and "impoundment" has stirred the senator's indignation, although he largely sides with Mr. Nixon on the secondary issue of spending. Senator Ervin is bent on seeing that if the purse is to be pinched, it is pinched by the right fingers—that is, by Congress. He has introduced a bill, now under consideration by his Senate Judiciary subcommittee on separation of powers, that would require congressional assent to any presidential impoundmen of appropriated funds of longer than 60 days' duration.

Implicit in the Ervin bill, we suppose, is a concession of sorts that President Nixon is operating in one of those "twilight areas" where the powers of the President and Congress are ill-defined.

But Mr. Nixon does not see it that way. Last week he said he would answer critics of impoundment "the same way Jefferson did and Jackson did and Truman did," continuing:

> . . . the constitutional right for the President of the United States to impound funds . . . when the spending of money would mean either increasing prices or increasing taxes for all the people . . . is absolutely clear.

In fact, Mr. Nixon is badly off base. He sees absolute clarity where there is none. In further fact, while there seems to be no controlling legal precedent, it is doubtful that Jefferson or Jackson ever asserted, or even requested, the presidential power to second-guess Congress on appropriations as Mr. Nixon is doing.

Let us take, for example, the celebrated matter of the Mississippi gunboats. It has been cited as a clear-cut precedent for Mr. Nixon's recent actions that Thomas Jefferson, during the 1802 crisis with France, declined to spend $50,000 that Congress had appropriated for gunboat purchases. This "precedent" has been mentioned by the New York Times and Joseph Alsop as if Congress had been crying for gunboats and Jefferson stubbornly refused to buy them and it has assumed the standing of instant history.

Instant history is indeed what it is and as usual somewhat closer investigation casts great doubt on its relevance. In his recent authoritative biography of Jefferson, Merrill D. Peterson tells the tale of the gunboat flap and reminds us that Jefferson was an enthusiast about gunboats because they seemed to him a cheaper defense of American waterways than fixed port fortifications or bigger battleships favored by the "big navy" advocates of the day.

The use of a . . . "mosquito fleet" in harbor defense (writes Peterson) had been first suggested in the crisis of the closure of New Orleans in 1802. The crisis passed before the law of Congress authorizing the construction of 15 gunboats could be implemented and the administration deferred the project until various models of these small vessels could be studied.

Jefferson, that is, did not defy the will of Congress outright; indeed, in the face of Federalist jeers and skepticism he went right on with the gunboat project. "When he left office," Peterson writes, "approximately 180 gunboats were stationed in American ports; if he had had his way there would have been at least 300."

It is true, as Mr. Nixon implied last week, that Presidents and Congress quarreled throughout the Jefferson and Jackson eras over the control of the purse-strings. But Leonard White's great administrative histories of those years make it "absolutely clear," in Mr. Nixon's phrase, that no President asserted, and no Congress conceded, a full presidential right to impound funds. The real fuss was over related but different questions: the degree of itemized appropriation by Congress; the transfer of surpluses from one account to another; reversions; the incurment of "deficiencies" (or deficits) which Congress would later have to make up. According to Professor White:

> Congress was thus engaged . . . in a long battle to realize its full control of federal expenditures. Its principle of action was prescribed in the Constitution and was stated forcefully by Representative John Sherman . . . 'that a specific sum shall be appropriated by law originating in this House, for a specific purpose, and within a given fiscal year. It is the duty of the executive to use that sum, and no more, especially for that purpose, and no other, and within the time fixed.' Congress never succeeded in making such a rigid interpretation of the Constitution a reality. It did not appropriate specific funds for the armed services; it regularly held appropriations open for two years; it did not punish executives for using more money than had been appropriated nor for requiring more time than had been planned.

What is novel about the current impoundment flap is that it exactly reverses the old pattern. Ever since the Stuart kings ran into trouble with parliament by taxing England without its consent, the usual source of legislative jealousy has been executives trying to spend *more* than they were given to spend or to spend it in ways not specifically stated. Senator Ervin and other critics of impoundment argue that since the President clearly cannot spend money not appropriated, the converse is true: What Congress directs him to spend must be spent because a President is obliged by his oath to "take care that the laws be faithfully executed."

But President Nixon defies this logic. He is, as we have previously noted, seeking a virtual counter-revolution in American governing habits; he seeks to decentralize spending and power to local government. And since the Democratic Congress has resisted this aim, he asserts for tactical reasons a power to reduce and divert congressional appropriations for his own reasons; cutting and starving many existing programs so that they will vanish or wither, while funneling unearmarked funds by "revenue sharing" to the states and localities. This practice raises all kinds of critical questions, apart from the right to impound. It is a direct challenge to the authority of Congress and its traditional power of the pursestrings. Even if the right to impound were as "absolutely clear" as Mr. Nixon claims, Mr. Nixon could not be conceded easy victory. Congressional acceptance of the Nixon doctrine would make the President a super-legislator, warmed with an assumed but not granted item veto, superior in authority to the 535 elected representatives of the people. And our brief look at the history of the matter suggests that the power Mr. Nixon claims is far from "clear," and in any case certainly not "absolutely clear."

ANNIVERSARY OF LITHUANIAN INDEPENDENCE

Mr. **MATHIAS**. Mr. President, in February, Americans of Lithuanian and Estonian origin and their friends throughout the country celebrated the short-lived independence of their Baltic homelands. February 16 and 24, respectively, marked the anniversary of the establishment of the Republics of Lithuania and Estonia in 1918.

Many will remember the halcyon days from 1918 to 1940 when these proud nations enjoyed an interval of independence which saw long-needed social and economic reforms. Many, too, will recall that in 1940 this hard won progress was cruelly halted when the Soviet Union, violating all treaty obligations, invaded, occupied, and illegally annexed the territories of Estonia and Lithuania.

We in the United States enjoy many historical, cultural, and family ties with the people of Eastern Europe. I am proud to add my voice to their appeal for the right to sovereignty for their homeland and join them in their hope that one day their countrymen will once again know freedom.

ONE WAY TO HELP SOLVE THE ENERGY PROBLEM

Mr. **SYMINGTON**. Mr. President, for years it has been assumed that the problem involving adequate energy sources has been at odds with those who emphasize the importance of preserving our environment. Strip coal mining has damaged our terrain, and emissions from various type powerplants have contaminated our air.

These two aspects of current life have become serious. Neither can be longer overlooked. But progress is being made, and I am proud to see part of that progress originating in Missouri.

Since last May, the refuse commission in St. Louis has been working with the Environmental Protection Agency and the city's public utility on an experimental facility which utilizes solid wastes as a substitute fuel for the generation of electric energy.

Attention in the press was given the project last month, and now the Environmental Protection Agency has announced an additional grant so as to install an air classification system at the facility, the latter designed to solve one of the technical problems arising during the first months of operation.

This facility is still experimental in nature and limited in scope, but it is a step in the right direction.

I ask unanimous consent that an article from the Washington Post of February 11, "St. Louis Uses Trash To Make Electricity," be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

ST. LOUIS USES TRASH TO MAKE ELECTRICITY

(By Dale Singer)

ST. LOUIS.—Part of the answer to America's power shortage may be found at the St. Louis city dump.

Wayne Sutterfield, St. Louis refuse commissioner for the past six years, is overseeing a new facility which converts trash into fuel for a power generating plant.

The process, the only one of its kind in the nation, went into operation last May. While all of the bugs aren't worked out yet. Sutterfield thinks it is a key to at least part of the fuel shortage threatening to curtail power in the future.

The process works like this: the trash is brought by trucks to the plant, where it is pushed in raw form onto a conveyor belt. It is carried to a hammermill where 200-pound hammers shred the material.

From there it is moved by conveyor to a magnetic metal-detecting device which removes ferrous metals. The shredded remains, called confetti, are loaded into 25-ton trucks and taken to the Union Electric Co. plant outside the city.

MAJOR PROBLEM

Sutterfield said the modified boilers at the power plant normally operate on 60 tons of coal. Under this project 10 per cent of the coal is replaced by the converted trash. Since the confetti has only half the heat value of coal it takes 12 tons of the shredded material to replace six tons of coal.

During the first full year of operation the project is expected to cost $2.8 million, including construction. The federal government and the city are sharing the costs on a two-thirds, one-third basis. In addition, Union Electric says it spent $550,000 to modify its boilers to receive the shredded trash.

Sutterfield said that after the first year operating costs are expected to be $600,000 yearly.

The system is designed to process 30 per cent of the city's trash, but during its first months in operation it has not always run at full capacity. Only one major problem has cropped up, Sutterfield said.

SEPARATE PLASTIC

"Our greatest problem so far is that we're only removing ferrous metal with our magnetic detector," he explained. "Some nonferrous metals and glass are getting into the mix and creating problems in the pneumatic system at the boiler."

To solve these problems, he said, an air classifier is to be installed this year. This phase of the process also will separate any plastic from other items in the trash by means of their weights to allow a more finely sifted confetti to be burned in the suspension boiler system at the electrical plant.

"We think that with the proper preparation we can burn more than 10 per cent confetti in the boilers. We really don't know what we can burn eventually. That's one of the things we'll try to determine," Sutterfield said.

He said trash may be the fuel of the future and St. Louis trash could lead the way. Such a project has never before been tried on such a large scale, he said.

NATIONAL ASSOCIATION OF REGIONAL COUNCILS POLICY POSITIONS

Mr. HUMPHREY. Mr. President, the National Association of Regional Councils held its annual conference recently in Minneapolis, Minn.

This association was established in 1967 to assist the rapidly growing number of regional councils in setting up and improving their programs and activities. The association's membership is made up of both nonmetropolitan and metropolitan councils. There are about 600 such councils operating today in the country.

Since its inception, this association has been developing and expanding its service program directed to and for its regional council members. The goals of this program are:

To promote the development and understanding of regional councils,

To provide up-to-date information and technical service,

To assist in the expansion of regional council program opportunities,

To develop and communicate national policy proposals on issues of regional impact, and

To act as liaison with Federal and State agencies in order to promote the use of regional councils and present their needs and views.

Regional planning and development is here to stay, both as it relates to metropolitan and nonmetropolitan areas. As the old saying goes, "its an idea whose time has come." While much more needs to be done in further perfecting these organizational structures in terms of improving the coordinating of both Federal and State grant-in-aid programs, particularly as it relates to planning, they nonetheless are well on the road toward achieving that goal.

Mr. President, I am a strong supporter of such regional efforts. When I addressed a Rural Development Conference that Governor Anderson and I sponsored in Moorhead, Minn., last December 13, 1972, I made the following comments about the importance of such efforts as it relates to rural or nonmetropolitan areas:

> If we are to insure that the future growth and development of our rural communities is to take place on a "planned" and "balanced" basis, then the usual emphasis on the production of local planning documents must be changed to strengthening the planning process itself. Furthermore, that planning process must be more directly tied into the political decision-making process and not be kept aloof from it. And federal and state planning—and the implementing decisions that flow from such planning—must also be more carefully coordinated with local community plans.
>
> In that every small rural community or county will continue to find it difficult, if not impossible, to provide their citizens with a full range of community service and job opportunities, including the planning process which is an essential prerequisite in meeting such needs, a more viable and workable approach to planning and development in rural areas will be required.
>
> The multi-county planning and development commission approach which has now been adopted in over 40 states, offers rural or nonmetropolitan areas the opportunity to deal more realistically with their planning and development needs on a comprehensive basis.
>
> In addition to the federal funds that are made available under the 1968 amendments to Section 701 of the Housing and Urban Development Act to help finance these new non-metro, multi-county commissions, we also authorized an additional $10 million under the new Rural Development Act for such planning bodies. This action by our Committee is a recognition of not only the importance of "planning" in rural areas, but also the importance of approaching planning and development in rural areas on a broader geographical basis.
>
> Planning requirements, whether they be in connection with individual projects, or the broader functional requirements of a particular community need, or in connection with coordinating all of these functional requirements, is becoming more and more an integral part or requirement of all federal and many state programs.
>
> If rural communities wish to get their fair share under these programs, as well as get their best "bang for each buck," then they are going to have to face up to meeting these planning requirements.
>
> It is for these reasons that I wish to add my personal endorsement to what Governor Anderson indicated this morning about encouraging the establishment of more rural multi-county planning and development commissions here in Minnesota.
>
> It is a rational and sound approach to planning and development in rural Minnesota, and it will afford us, in particular, an opportunity to achieve the kind of coordination of local, state, and federal rural development programs that we must have, if we are going to translate rural development in Minnesota from a mere goal to an accomplished fact.

Over 400 regional council members and leaders, representing both city and rural areas, came to Washington last week from their Minneapolis meeting, to express their views and concerns about the host of administration program cuts and terminations which directly affects the governments and people they represent.

Many of these council leaders met with me and later with Senator Clark, chairman of our Senate Rural Development Subcommittee. They presented to us their views and policy positions.

Mr. President, I request unanimous consent that their testimony presented to the Rural Development Subcommittee and their policy position statements be printed at this point in the Record.

There being no objection, the testimony was ordered to be printed in the Record, as follows:

Testimony by Maurice Galloway

We are very pleased to be here today representing over 400 regional council leaders which have come to Washington from our Annual Conference in Minneapolis to present their views and concerns on rural development in the United States. We have prepared presentations from several speakers, but in this official testimony we are providing a summary of our views, concerns and conclusions. Our testimony before you will certainly emphasize our concerns on the Rural Development Act of 1972 which you adopted last year.

We will also comment on our concerns about the Economic Development Administration and its future in providing funding and program assistance to non-metropolitan areas. In summary, we would like to comment on three key points and have attached information providing the basis for these conclusions.

(1) We are very disappointed that many of the innovative features of the Rural Development Act of 1972 have not been funded or implemented by the Administration and the U.S. Department of Agriculture. We are particularly concerned that Sections 106 and 111 have not been funded. These two Sections are the heart of assisting Rural America in developing these rural development goals and plans and assembling resources to implement those plans. Section 111 on rural development planning would assure the greatest cost benefit from federal, state and local programs.

(2) We are extremely concerned as to the future of the Public Works and Economic Development Act of 1965. We do support a reforming of the grant-in-aid system to assure that our critical national goals are met. But on the other hand, we do urge the President to release available funds including those which have been impounded and provided acceptable for FY 74 funding levels. It is particularly important to the Economic Development Administration and its programs to release funding still available in this fiscal year.

(3) As to the future of the Public Works and Economic Development Act of 1965, we do feel Congress should extend this legislation for one more year to cover the transition period for the full implementation of the Rural Development Act of 1972 and the integrating of other federal programs to accomplish the critical needs met by the Economic Development Administration in Rural America.

Attached are three resolutions which have been adopted by the National Association of Regional Councils Membership in Minneapolis on February 26, 1973. Also attached are Policy Guidelines which have been developed for presentation to you and other Congressional and Administration leaders on areas of crucial concern to us, including a special section on rural and economic development. We are also submitting a roster of our newly elected Board of Directors, and our basic Goals for Action Statement.

NARC Policy Guidelines Paper

ENVIRONMENT

I. Current situation

Water Quality

Two significant environmental issues confronting regional councils in 1973 will involve federal policy on water quality and solid waste programs. In the former, the Environmental Protection Administration is now developing rules and regulations to implement the Federal Water Pollution Control Act Amendments of 1972.

Section 208 of the Act is of particular importance to regional councils. It provides 100% funding for the first two years for the development of an areawide planning and management process for water pollution abatement within certain areas where there are significant water quality control problems. Twenty-five million dollars out of the $100 million authorized has been allocated for the implementation of this program for FY 74. These designations are important to local governments in that they can participate actively in the planning process and ensure it is responsive to their needs and priorities.

To initiate the designation process of 208 agencies, EPA must issue regulations within the next several weeks, establishing procedures upon which the governors will determine whether there is a substantial water quality problem in any area of their state. Waste management planning agencies can then be designated to undertake the planning within these areas. The content of the EPA guidelines will determine the degree of involvement of regional councils in the program.

Solid Waste

The federal solid waste grant program expires at the end of June, 1973. Several proposals have been introduced in Congress to provide a new thrust to this legislation.

The Administration proposes to terminate the planning and demonstration aspects of the current law, and only provides for limited grant assistance to solve problems pertaining to toxic wastes. Other legislative proposals would establish a more adequately funded planning and action program. Most of the proposals would invoke a tax on user charges to encourage the production of goods which can be readily disposed of or recycled.

The Administration's FY 74 budget proposal also would affect the environmental concerns in rural areas. It calls for the termination of the Economic Development Administration and the Department of Agriculture's water and sewer programs. Both programs provided substantial funding for water and sewer facilities in rural areas. Future funding for these facilities would be provided from the monies allocated for the implementation of the Federal Water Pollution Control Act.

II. NARC policy guidelines

1. EPA should give liberal definition to establish the term "substantial water quality control problem," thereby encouraging the establishment of the 208 planning processes in both urban and rural areas that are experiencing rapid growth and/or substantial water quality problems. The restrictive definition being proposed will limit the number of areas that can be designated.

2. In urban areas, the 208 planning process should encompass at least the entire Standard Metropolitan Statistical Area, and the umbrella regional council should be the designated water quality management planning agency. The council's governing body should be composed of at least a majority of elected officials of general purpose local governments.

3. Subsequent to the first year of 208 funding, general purpose local governments participating in the process should be required to enter into a memorandum of agreement to ensure that the plans and programs developed will be implemented. If the local governments representing the majority of the population fail to enter into such an agreement, it is contemplated that all further planning assistance under 208 will cease, and the state will assume the responsibility for such planning and project selection in the area.

4. Funding for the various water and sewer programs should continue until an adequate bloc or special revenue sharing grant program is enacted and funds made available. All such funds and programs should require a regional planning process, including an adopted regional program of implementation.

5. Any new solid waste legislation should provide adequate funding for regional solid waste planning and action grants, and all action grants should be made only for projects which are consistent with regional solid waste planning and the program of implementation.

NATIONAL LAND USE POLICY

I. Current situation

Although the Senate passed a bill in the last few weeks of the session, the 92nd Session of Congress did not produce national land use legislation. Senator Jackson has reintroduced his bill (S-268) and public hearings are underway. The Jackson bill is similar to the version passed by the Senate in 1972. It would require states to develop standards and criteria on local land use decisions affecting critical environmental areas, public and private development of regional significance, and certain large-scale projects, such as airports, interstate highway interchanges, etc. Grant funds would be provided to states for the purpose of developing and administering such land use control programs.

The National Administration has indicated it will resubmit its bill to Congress. Apparently this proposal will be similar to the Jackson bill. However, it has been indicated that there would be at least one important difference which would impel states to develop land use standards and guidelines. It would reduce by 7% per year for three years the funds available to the states from the airport and airway, highway and land and water conservation trust funds, if they did not develop and enforce land use standards and criteria consistent with the proposed federal act. The Jackson bill does not provide for this type of sanction.

It is likely that the land use bill will be enacted in 1973.

II. NARC policy guidelines

(1) National and state land use legislation should be based on national policies and on an intergovernmental strategy for balanced national growth, encompassing urban, suburban and rural areas, which provide a context for local and regional planning and programming.

(2) The national balanced growth policy should be formulated and implemented through an intergovernmental policy planning-coordinative management system.

(3) State land use policies and controls should be limited strictly to land uses having obvious statewide and regional significance.

(4) Local governments and their regional councils should have mandated involvement in establishing state standards and criteria for all land use policies which deal with those public and private developments of regional significance and their regional land use plans should be integrated into the state land use plan when such plans are compatible with state standards and criteria.

(5) Local conformance to, and implementation of, state land use standards and criteria should be the function of local governments and/or their regional councils.

(6) The national land use programs should be placed somewhere in the federal government other than a functional department or agency.

LAW ENFORCEMENT AND CRIMINAL JUSTICE

I. Current situation

The Omnibus Crime and Control and Safe Streets Act expires at the end of June 1973; Congress and the Administration are currently proposing an extension. The Administration proposes to convert the LEAA programs into a special revenue sharing program. The various priorities in the current LEAA program would be lost from view. The money would be provided to the state on a bloc grant basis with the state deciding upon program allocations and priorities.

II. NARC policy guidelines

(1) New legislation extending the law enforcement and criminal justice program should require state, regional and local planning as a condition to the expenditure of the action monies, and the required regional planning should be conducted by umbrella regional councils.

(2) Any new legislation should provide separate funds for planning. The state should be required to pass through to the local and regional units doing law enforcement and criminal justice planning at least 60% of such planning funds.

(3) At least 75% of law enforcement funds should be passed through by the states to local governments based on programs determined by the regional planning process.

(4) Separate planning and action funds should be established for interstate metropolitan areas to ensure that the umbrella regional council will receive adequate planning funds and that local governments receive adequate action monies for interstate problems.

HUMAN RESOURCES

(Allied Services, Manpower, Health, Older Americans)

I. Current situation

Certain manpower programs currently being administered by the Department of Labor will be administratively converted into a Manpower Special Revenue Sharing Program in FY 74.

HEW will continue to fund the Comprehensive Health Planning under Section 314 (a) and (b) of the Partnership for Health legislation, and appropriations for such planning will be increased by $3 million to a total of $38 million in FY 74.

The Administration will again submit the Allied Services Act. This legislation will permit program resource transfers among such HEW categorical programs as child care, vocational rehabilitation, comprehensive health planning, etc. To transfer funds among such programs, the state and local governments must develop an annual plan and program. Once the plan has been approved, funds can be transferred among the programs to meet local priorities. Such fund transfers can be made up to an amount equal to 25% of the monies available within each program category covered by the Act.

The Older Americans Act enacted by Congress and vetoed by the President last year has been reintroduced this year. The Senate has passed a new bill at a reduced authorization. House action is pending. The bill provides for regional planning and service delivery.

II. NARC policy guidelines

(1) Congress and the Administration should establish a policy for prime sponsors of manpower programs to utilize regional councils where regional planning is necessary.

(2) The 314(b) Comprehensive Health Planning Program of HEW should be changed, by legislation and/or administrative policy, to require the utilization of umbrella regional councils rather than functional health planning agencies as the agency under which such health planning will be conducted.

(3) Federal legislation concerning human resource programs, such as the proposed Allied Services Act, which require state and sub-state planning should prefer umbrella regional councils for such planning.

RURAL DEVELOPMENT AND ECONOMIC DEVELOPMENT

I. Current situation

Under the President's 1974 budget proposals, significant reductions are proposed in many of the programs that had previously been available to rural communities.

The budget proposal terminates the programs under the Public Works and Economic Development Act which expires at the end of June, 1973. While these programs have an impact in some metropolitan areas, such as Seattle and Chicago, their main thrust involved multi-county rural areas having severe economic problems. The Administration's budget proposal also terminates the water and sewer program of the Farmers Home Administration. The rural development aspect of both of these programs are to be replaced by proposed funding of the Rural Development Act of 1972, and through an increase of 30% for business loan programs provided by the Small Business Administration.

In addition to these hardware programs

which are proposed to be terminated, the budget would also cause a loss of the general development planning funds from the EDA program. This decision has an impact on regional councils by reducing the planning funds available to over one hundred regional councils, primarily in nonmetropolitan areas, by over $4 million. The Congress, under Section III Act, authorized $10 million for rural development, but the FY 74 Administration budget does not propose any funding for Section III of the Rural Development Act. This Section is to provide general planning funds to regional councils for the implementation of the Act.

The priority attached to rural development projects has also been diminished under the budget proposal—for example, the termination of water and sewer funds under the EDA and Farmers Home programs are to be replaced by requiring rural local governments to obtain such funding from the Federal Water Pollution Control Act. But the main emphasis of that legislation is to fund waste water treatment facilities, not water and sewer systems.

II. NARC Policy Guidelines

The policy guidelines for implementation of the Rural Development Act are contained in the attached memorandum developed by the Rural Development Advisory Committee of NARC. The material below relates to rural development issues raised by the consideration of the future of the Public Works and Economic Development Act of 1965.

1. EDA and its programs should be extended for the fiscal year ending June, 1974, to enable Congress to reassess the programs and to modify the legislation to make it mutually consistent and supportive of the recently enacted Rural Development Act. In implementing both the EDA and rural development programs, Congress should emphasize the need to develop the consistent growth policy which was called for in the Agriculture Act of 1970.

2. In reassessing the Public Works and Economic Development legislation, Congress should incorporate the umbrella regional council concept in such legislation.

3. Special incentives, such as contained in the revenue sharing proposal in the Senate version of the Rural Development Act of 1972, should be considered again by Congress as a way of implementing rural development policies on a less-cost basis.

4. In considering the future economic development legislation, if Congress decides to create multi-state wall to wall commissions, such as Title V Commissions, they should play only a policy planning role and not became conduits for state and local planning and action grants.

TRANSPORTATION

I. Current situation

There is early consideration being given to transportation issues in the 93rd Congress. Neither highway nor mass transit legislation passed in 1972. This presents an especially urgent need for a highway bill. Without further authorization, monies from the highway trust fund cannot be appropriated to the states subsequent to July 1, 1973. And many officials from urban areas believe it is also essential to provide adequate capital funding and operating revenues to meet mass transit deficits.

Hearings have begun on legislation in both areas. The Public Works Committee of the Senate is scheduled to report a highway bill by March.

II. NARC policy guidelines

(1) The DOT unified transportation work program requirement in urbanized areas is supported as a feasible way of achieving necessary multi-modal transportation planning which should be conducted by the umbrella regional councils.

(2) Urban system funds should be allocated according to regional planning and the program of implementation developed by the umbrella regional council. The "urbanized areas" should be subject to expansion by the Secretary of the Department of Transportation after requests from local governments through their regional councils.

(3) Those portions of the interstate system program in urban areas that have been blocked by local action should be reprogrammed in accordance with local needs on a dollar-for-dollar basis if alternate methods of completing the interstate system are available.

(4) NARC supports a major demonstration program funded from the rural highway funds for determining how to provide public transit in rural areas.

(5) Rural primary and secondary road funds should be expended for a project only after consultation and involvement of local governments through their regional councils.

(6) Small urban areas from 5,000 to 50,000 population should have access to urban system monies for their critical transportation needs, which are denied and included within a multi-modal transportation planning process conducted by the umbrella regional councils.

URBAN COMMUNITY DEVELOPMENT AND HOUSING

I. Current situation

In 1972 the Administration proposed a fundamental change in the manner in which grant assistance would be made to urban governments for community development purposes. Under the concept, categorical programs such as urban renewal, water and sewage, open space, neighborhood rehabilitation and neighborhood public facilities would be terminated. Thereafter, funding for these types of activities would be merged into a single special revenue sharing program. The advantages of this approach would be to give urban governments more freedom in deciding how to use federal aid funds for community development purposes.

This legislation was modified to some degree and passed by the Senate in 1972. However, the House did not take action.

The Administration's FY 74 budget and proposed legislative program again provides for an urban community development program. Because of fiscal considerations, much of the funds for the existing categorical programs which are scheduled for consolidation within the CD revenue sharing proposal have been impounded by the Administration. Consequently, Congress is scheduling re-examination of this proposal early in its 93rd Session.

In addition to the revenue sharing proposal, the Administration has proposed a significant change in the "701" comprehensive planning assistance program. Under its current proposal, this program would be changed to require all of the funds to be channeled through the states and allocated in accordance with state developed priorities. This is a significant deviation from the existing legislation which provides direct access to the program by local governments and regional agencies.

Finally, major revisions in the federally assisted low and moderate income housing programs will be proposed by the Administration and in Congress. Pending the outcome of these deliberations, all federal-aid housing program funding has been suspended.

II. NARC policy guidelines

(1) To ensure that regional plans and policies are adequately reflected in community development revenue sharing or bloc grant proposals, those expenditures of CD grant funds for water and sewer, open space, public transportation and housing, should be consistent with a regional community development program developed by the umbrella regional council.

This approach has been shown to be feasible in a demonstration project conducted by NARC with five diverse regional councils. (It should be emphasized that a regional community development program would not erode the flexibility given to a local government in spending its community development funds. Rather, it would provide that if community development funds were allocated in any of the above listed functional areas, they would have to be expended in accordance with the regional program.)

(2) The 701 program should continue to flow to the grant recipients now authorized under the Act. Further, a specific part of the annual appropriation for "701" should be earmarked for regional councils.

(3) Changes in the federal assistance program for low and moderate income housing should provide for a fair share or other allocation formula to be developed on a regional basis by the umbrella regional council.

Once the regional plan is adopted and agreed upon by the participating local governments in the regional council, all further federal funding should be allocated in accordance with the regional councils housing plan and program.

The determination of the feasibility of this approach might be undertaken by HUD on the basis of several demonstration projects prior to its application on a nation-wide basis.

NARC RESOLUTION CONCERNING CURRENT FEDERAL GRANT-IN-AID PROGRAMS

Whereas, the product of the efforts of local units of general purpose governments working together on regional problems is the improvement in the quality of life of the people we serve; and

Whereas, to a very substantial degree that quality of life is determined by the availability and the manner of application of federal resources; and

Whereas, the National Association of Regional Councils (NARC) fully supports the objectives of the Administration to design the more efficient and effective delivery and utilization of federal funds; and

Whereas, we agreed with proposals that locally elected officials must be given more discretion in the formulation of plans and priorities for the use of grants-in-aid funds and therefore, favor moves in the direction of bloc grants or special revenue sharing; and

Whereas, NARC expresses deep concern, however, that unless specific attention is assigned to the necessity of comprehensive areawide planning and plan execution, many of the gains made by regional councils in fostering cooperation and coordination among local government will be lost and the instruments of cooperation will fail, resources will be poorly used and the public interest will not be best served; and

Whereas, NARC expresses deep concern at the Administration's actions and plans to restrict or eliminate the flow of federal support funds for established programs pending Congressional approval of new funding systems; and

Whereas, it is our deep belief, however, that the needs of people for jobs, housing, health care, education, community and economic development, and similar needs are vital, and these needs cannot completely be ignored until new bloc grants or special revenue sharing legislation is enacted.

Now, therefore, be it resolved by the National Association of Regional Councils: That the President is urged to release available funds including those which have been impounded and provide acceptable FY 74 funding levels which will permit essential needs to be met, and further that the Congress be called upon to expedite the reforming of the grant-in-aid system to assure that our critical national goals will be met while utilizing to the maximum degree the total capability of the federal system.

RESOLUTION URGING THAT REGIONAL COUNCILS BE EXEMPTED FROM PROPOSAL TO CHANNEL ALL "701" FUNDS THROUGH STATE GOVERNMENTS

Whereas, Section 701(g) of the Housing Act of 1965 made regional organizations of local public officials eligible for funding assistance from the Department of Housing and Urban Development to support their ongoing activities, and

Whereas, the said section provided that such regional organizations would be eligible for direct grants from the Department, whereas it was provided that various other eligible entities were to receive funds under Section 701 through their respective state governments, and

Whereas, these regional councils have provided greatly increased inter-governmental coordination and substantially improved planning for area development and the delivering of governmental services in these areas, thereby reducing duplication of effort and waste and identifying deficiencies in governmental services and facilities, and

Whereas, the National Administration's proposed budget for FY 74 provides that beginning with that fiscal year all funds disbursed under Section 701, including those disbursed to interstate regional councils, would be channeled through state governments, and

Whereas, such a change in policy would not only be inconsistent with the provisions of Section 701(g), but would also cause excessive and undue hardship to regional councils currently receiving "701" funds directly and especially interstate regional councils that would be required to enter multiple negotiations with various state governments, thus resulting in divergent program priorities, probable conflicts in the conditions for program execution laid down by the respective state governments.

Now, therefore, be it resolved by the National Association of Regional Councils: That the Administration is urged in the strongest terms possible not to change the operation of the "701" program to require either intrastate and interstate regional councils presently receiving "701" funds directly from the Department of Housing and Urban Development to go through or to the state(s) for such funds, and that it give special consideration to the unique problems which the proposed change would cause for interstate regional councils.

A RESOLUTION BY THE NATIONAL ASSOCIATION OF REGIONAL COUNCILS SUPPORTING THE CONTINUATION AND FUNDING OF ECONOMIC PLANNING AND DEVELOPMENT FUNCTIONS

Whereas, the National Administration has recommended the termination of the Economic Development Administration on the grounds that its functions are being adequately replaced by increased Small Business Administration activities and the implementation of the new Rural Development Act, and

Whereas, the Administration has not provided for the funding of the planning and grant sections of the Rural Development Act, and the Small Business Administration does not further orderly economic growth through planning and interagency coordination and cooperation, and

Whereas, the Congress, recognizing the need for economic planning and incentives to guide the allocation of economic activities, have introduced bills extending the Public Works and Economic Development Act of 1965 as amended and have requested a complete evaluation to determine appropriate action in support of a national economic development effort.

Now, therefore, the National Association of Regional Councils resolves to support the continuation and funding of economic planning and development functions until adequate consideration has been given to a more comprehensive national economic planning and development program, or sufficient time has been given for the transition of present efforts.

THE OVERSEAS PRIVATE INVESTMENT CORPORATION CONCEPT

Mr. JAVITS. Mr. President, various committees of the Congress are interested in the question of American private foreign investment overseas and one aspect of this concerns the U.S. Government programs, primarily those of the Overseas Private Investment Corporation—OPIC—which support, through insurance programs, private investment in the developing world.

I would like to bring to the attention of my colleagues a fine article by William (Gil) Carter, now a private lawyer in Washington, who was helpful in drafting the OPIC legislation which passed the Congress in 1969.

Mr. Carter makes the point that—

> A network of investment support institutions has been established, during the last six years, in most of the capital-exporting countries.

I think as the OPIC debates goes forward that we should keep this fact very much in mind. As Mr. Carter makes clear, OPIC-type programs have either been instituted or legislation is pending in some 14 DAC member countries. Clearly, the investment guarantee concept is an idea whose time has come and support for this concept continues to grow in many countries of the world which also happen to be our major competitors. I ask unanimous consent that Gil Carter's fine article "National Support of Multinational Ventures" which appeared in the Columbia Journal of World Business be printed in the CONGRESSIONAL RECORD at this point.

I would also like to draw the attention of my colleagues to information provided by the Yugoslav Information Agency on the importance of the OPIC legislation to promoting U.S. investment in Yugoslavia and in turn closer United States-Yugoslav relations. The Congress has also authorized OPIC to operate in Romania and I have heard similar reports from Romanian officials. I ask unanimous consent the excerpts from the February 8 publication of Yugoslav Facts and Views be printed in the RECORD at this point.

There being no objection, the excerpts were ordered to be printed in the RECORD, as follows:

[From Columbia Journal of World Business, September–October 1972]

NATIONAL SUPPORT OF MULTINATIONAL VENTURES

(By William Gilbert Carter)

Today the existence of a global market is taken as the starting point of international economic analysis and prescription. Yet it is a market which has developed in spite of a myriad of laws, regulations, decrees and administrative attitudes reflecting a still deeply-rooted mercantilist view of economics.

Similarly, the multinational corporation, the chief moving current factor in creating the global market, has evolved not in response to theoretical analysis but as the product of a series of specific and wholly pragmatic responses to real-life, real-time problems and opportunities.

Although the global market is a reality, we live in a halfway house—many of our governmental institutions and politico-economic attitudes are still founded in the mercantilist world view. It is not surprising, then, that the multinational corporation and the multinational joint venture have no coherent framework of governmental institutions within which they can operate with satisfactory levels of predictability and responsiveness to their needs.

Under these circumstances, it is good news, indeed, to discern the emergence of a new pattern of governmental institutions in the capital-exporting countries offering the potential of providing such a coherent institutional framework for at least one important aspect of the activities of the multinational corporation—official support of private joint-venture investments in the developing countries. The new investment insurance and financing agencies created in the past few years can be used to achieve effective multilateralization of government protection and financial support of multinationally-owned investment projects. By so doing, these agencies can make an effective contribution towards stabilizing the international investment climate.

A major tenet of the conventional wisdom about international economic relations, reflecting the mercantilist view, is that exports are "good" and direct investments outside of the home territory are "bad" or, at best, a mixed blessing. That this attitude is still widespread is well demonstrated by the real strength behind the AFL–CIO-sponsored Burke-Hartke bill (H.R. 10914, S. 2592). This is also perhaps the chief explanation of the widespread growth and universal acceptance of government-sponsored export financing institutions, such as the Export-Import Bank of the United States. For many years, every industrialized country has been committed to providing financing facilities to stimulate exports. Indeed, the relative terms of government-backed export financing have become a major competitive factor in international commerce.

In proposals made by international consortia or joint ventures both multinational companies and financing institutions have become highly sophisticated in their ability to "package" suppliers' credits. The basic formula is simple: Each company belonging to the consortium is expected to generate from its national export financing agency a commitment to finance that company's proportionate share of the procurement involved in the project. Although not without difficulties and conflicts, this system is well-known, reasonably effective and largely meets the needs of the member companies in international joint ventures of suppliers.

When we turn from export financing to direct investment projects in less-developed countries (LDCs), the relatively firm foundation of governmental support from well-known institutions becomes much less visible. As noted, the wide use and acceptance of government support programs to exports is founded on the universally accepted precept that it is the business of each nation to export as much as possible. From this premise, it follows that facilitating and supporting such exports is widely recognized to be a legitimate governmental function. The corresponding attitudes towards direct investments in foreign countries are very different. Such investments have been viewed largely as a deviation from the acceptable norm of exporting. Accordingly, until very recently, they have received far less government support. Moreover, analysis of the LDC investment-support programs of capital-exporting countries shows that the justification for such programs is founded primarily on foreign-policy-oriented economic assistance goals rather than on commercial objectives.

One of the oldest programs and by far the largest is the U.S. government's program offering, against payment of a premium, insurance to U.S. investors against certain specific risks, usually characterized as "political." The first contracts, written in 1949, insured U.S. investors against currency blockages on remittances from Europe of royalties, license fees and dividends. This effort to fill the "dollar gap" through the encouragement of U.S. investment in Europe was viewed primarily as a national politico-economic objective rather than as a commercial service to U.S. business.

Although it is easy to see in retrospect that immediate, hardheaded commercial interests were advanced by the original U.S. program, its primary motivation as an integral part of foreign economic assistance helped to shape public and governmental attitudes in this country and elsewhere towards programs of this type.

The governments of most other capital-exporting countries regarded the U.S. government's support to its investors in developing countries as simply another manifestation of misguided idealism. They saw no particular relationship between foreign aid objectives and private investment. At the commercial level they were so bound up with promoting exports that the very real advantages of market penetration through direct investments largely escaped them. In addition, the major ex-colonial powers, the United Kingdom and France, showed extreme sensitivity to any suggestion that there was a credible linkage between profit-oriented private investment and overall development objectives.

The network of export financing institutions which were being used effectively by international joint ventures of suppliers had no counterpart for use by multinationally-owned investment projects. This lack was felt particularly by international joint investment ventures in natural-resource projects, such as oil, bauxite, iron ore, copper and nickel.

Over the past decade, a rapidly developing trend towards multinational ownership of large natural-resource projects has emerged. Major users of natural resources from the industrial nations are joining together to make the huge capital investments needed and to strive for assurance of predictable availability of raw materials. Moreover, there is a growing perception that joint investment by companies from several industrialized nations reduces the opportunities for source countries to play off one user country against the other with respect to price, access and terms of concession agreements. There is a parallel movement towards cooperative action by source countries, seen most obviously in the OPEC organization of oil-producing nations, but also evident in bauxite and copper. The two movements are self-reinforcing.

Almost unnoticed in public discussion, a network of investment support institutions has been established, during the last six years, in most of the major capital-exporting countries. If known and used, this structure can, in tandem with conventional sources of financing, substantially meet the needs of the multinational investment project in a way comparable to the uses served by the export financing agencies.

Realization by businessmen and bureaucrats of the importance of the developing countries as an integral part of the global market has grown rapidly in recent years. The asserted developmental value of private investment, discounted by officials of most capital-exporting countries during the time that LDC markets were viewed as peripheral, has now been seized upon to generate public acceptance of new programs of official support to investment projects. Paradoxically, public approval of foreign aid programs in other industrial countries has increased in inverse ratio to the growing negativism in the United States.

Thus, investment-support institutions, like the global market, the multinational corporation and the export financing agencies, have come into existence in response to specific pressures to meet specific problems and opportunities, not in implementation of a "grand design." The primary motivation has probably been commercial self-interest, to which has been added a gloss of foreign economic assistance rhetoric. Whatever the motivational mix may be, the multinationally-owned investment project can benefit substantially from the new institutional structure.

The institutions involved can be discussed under separate headings: (1) political risk investment insurance agencies and (2) development finance corporations. (The U.S. Overseas Private Investment Corporation is atypical in that both functions are performed by the same agency.)

Although the protection offered by many programs against specified political risks to investments are called "guarantees," it is more appropriate to call the protection *political risk insurance,* reserving the term "guarantee" for financing facilities, notably the guarantee by a government institution, running to a private lender, that a loan will be repaid in accordance with its terms. An insurance company does not guarantee to pay a specified portion of the loss if the specified event occurs. Political risk coverage of investments, typically covering expropriations, inconvertibility and damage to physical assets due to war, riot or civil insurrection, is best characterized as an exotic variety of casualty insurance.

POLITICAL RISK INVESTMENT INSURANCE PROGRAMS

The Development Assistance Committee (DAC) of the Organization for Economic Cooperation and Development (OECD) is the major coordinating group of aid capital exporters. It first began to identify the relationship between official aid and private investment in 1965, after two years of lobbying by the United States and German delegations to include private investment matters on DAC's agenda. At that time, only three members of the DAC offered any form of political risk insurance covering long-term investment by their nationals in the LDCs—Japan, the Federal Republic of Germany and the United States. Of these, only the U.S. program, with its origins in the Marshall Plan, had issued substantial coverages to a variety of investments in Latin America, Africa and Asia.

Today, just seven years later, fourteen DAC member countries have either instituted programs or have authorizing legislation pending: Austria, Australia, Canada, Denmark, France, Germany, Japan, the Netherlands, Norway, Portugal, Sweden, Switzerland, the United Kingdom and the United States. In addition, Belgium has a program under consideration.

Italy is the most significant omission from the list. It seems unlikely that Italy will overcome the inhibiting domestic political factor which has prevented her from adopting a program—the continuing pressures to focus all governmental investment incentive programs on the Mezzogiorno (Southern Italy). It is worth noting, however, that the French were able to generate political acceptance of a program in spite of a strong body of opinion which asserted that failing payment by the French Government of full compensation to French nationals for their properties nationalized by Morocco, Algeria and Tunisia, expropriation coverage on new overseas investment should not be offered.

The primary factors contributing to the rapid growth and the number of investment insurance agencies were these: the growing appreciation of LDC markets as a major factor in the emerging global economy; the increasing awareness that protection against political risks on direct investments in the LDCs could provide a competitive advantage; growing acceptance in Europe and Japan of foreign aid policy objectives; and, institutionally, effective interaction between the Development Assistance Committee and the Business and Industry Advisory Committee (BIAC) of the OECD. The latter is an association of national trade associations of OECD member countries, composed of representatives of organizations such as the Confederation of British Industries and the Centre National du Patronat Francais. U.S. participation is through an interorganizational committee consisting of representatives of the Chamber of Commerce of the United States, the National Association of Manufacturers, the U.S. Council of the International Chamber of Commerce and, at the time in question, the National Foreign Trade Council. The NFTC is no longer a member of the U.S.-BIAC Committee.

Until DAC first began discussing private investment in its relationship to official aid, BIAC had played no role in DAC—indeed had never attended a meeting. Fortunately, the growing focus of DAC on private investment questions, dating from 1965, was paralleled by growing involvement of BIAC. The various plenary meetings of DAC on investment incentives and the now-institutionalized annual meeting of experts to exchange experience and views on investment insurance set up reinforcing pressures at both the governmental and private levels—as the competitive aspects of investment insurance became more evident, growing interest and knowledge at the governmental level created greater receptivity to increasing pressures from business on their national authorities to adopt similar schemes. Each fed on the other, and the bandwagon started to roll.

The mutuality of interest between major users of a primary raw material, operating more and more frequently to draw them together into a joint-venture approach to developing new sources, is paralleled at senior levels of their governments. Here there is mutuality of interest in increasing the stability of the international investment climate to reduce the incidence of politically disruptive confrontation over the status of foreign investments (e.g., the copper nationalization by the government of Chile).

For officials directly in charge of administering investment insurance schemes, an overriding objective is to reduce the risk of major losses resulting from uncompensated expropriations or other political events. Here, as elsewhere, the "safety in numbers" adage operates very powerfully—the inhibitions against a host government adopting confiscatory measures with respect to a given investment are far stronger if that investment is owned by nationals of more than one country. The strength of the inhibiting factor grows exponentially with the involvement of each additional company of different national origin.

As recognition of this principle grows, we can see a concomitant effort to harmonize the technical aspects of the various investment insurance schemes. The interests of both insurers and insured are best served by substantial consistency of coverage, terms and most importantly, definitions of those events and actions, notably expropriation, which trigger loss payment. The managers of the various national schemes generally recognize that it is to their mutual advantage to cooperate with each other in a pragmatic, case-by-case way. The annual meeting of DAC experts, modeled on a yearly session between the German and U.S. authorities which started in 1965, is providing to be an effective forum within which to work towards increasing compatibility.

THE U.S. INVESTMENT INSURANCE PROGRAM

A major problem which has hampered use of the U.S. investment insurance program by the multinational joint venture has been the statutory eligibility test. The basic definition of "eligible investor" is a U.S. citizen, or a corporation or partnership created under the laws of the United States or any state or territory thereof and substantially beneficially owned by United States citizens. Foreign corporations, to be eligible, must be wholly owned (except for qualifying shares not exceeding 5% of total share capital) by U.S. citizens or entities. "Substantially beneficially owned" is interpreted to mean more than 50% U.S. ownership.

Assuming that, as is the case with many companies, obtaining political risk investment commitment, this eligibility test has sharply limited the options of many U.S. firms in discussing multinational joint ventures, unless, of course, their partners were prepared to accept more than 50% U.S. participation. Furthermore, these provisions have also meant that the investing enterprise was required, in practice, to be a U.S.-based corporation. While, in many cases—for example, the Boké bauxite project in Guinea—the business interests of the partners and these eligibility constraints have been accommodated, it seems clear that the constraints have deterred the formation of other consortia. Typically, the respective interests of the partners in such a multinational joint venture are reflected in the ownership of an investing entity which, in turn, holds the total ownership interest of the partners in the operating company. The latter is usually incorporated under the laws of the host country.

Against this background, a little-known provision of the legislation setting up the U.S. Overseas Private Investment Corporation takes on major importance. A major exception to the rigid eligibility requirements has been provided with respect to multinational projects. Section 234 (a) and (2) of the Foreign Assistance Act of 1969 provides:

"(2) Recognizing that major private investments in less developed friendly countries or areas are often made by enterprises in which there is multinational participation, including significant United States private participation, the Corporation may make such arrangements with foreign governments (including agencies, instrumentalities, or political subdivisions thereof) or with multilateral organizations for sharing liabilities assumed under investment insurance for such investments and may in connection therewith issue insurance to investors not otherwise eligible hereunder: *Provided, however*, that liabilities assumed by the Corporation under the authority of this subsection shall be consistent with the purposes of this title and that the maximum shares of liabilities so assumed shall not exceed the proportionate participation by eligible investors in the total project financing."

The significance of the statutory language in business terms is this: The partners in a multinational enterprise with U.S. participation can now arrange the business structure of the project to reflect their best judgments as to form and place of organization without thereby jeopardizing the American partner's ability to obtain investment insurance on its pro rata share of the investment. Secondly, it represents express authority—sought by OPIC—for it to enter into loss-sharing agreements with investment insurance agencies of the countries of citizenship of the other partners in the enterprise.

As a corollary, this section provides the basis for issuance of a single insurance contract to the investing entity. At present a separate contract must be issued to each of the participants, by its national authority. Authority to enter into loss-sharing arrangements comparable to this OPIC authority is contained in the charters of a number of the other national agencies.

NATIONAL DEVELOPMENT FINANCE CORPORATIONS

At the present time, seven members of the Development Assistance Committee have established financing institutions to support private investments in the developing countries. They are Denmark (The Industrial Investment Fund for Developing Countries—IFU); France (Caisse Centrale de Cooperation Economique); Germany (Deutsche Entwicklungsgeschelshaft—The German Development Company); Japan (Overseas Economic Cooperation Fund—OECF); The Netherlands (Finance Company for Developing Countries—FMO); the United Kingdom (Commonwealth Development Corporation—CDC); and the United States (Overseas Private Investment Corporation—OPIC). These institutions have authority to make direct loans, to guarantee loans from private entities and, in some cases, to take direct equity positions. Although OPIC is prohibited from making equity investments, it can accept convertible debentures. This provision was expressly designed to give OPIC equity leverage, the assumption being that the convertible debentures OPIC holds in successful, matured projects will be sold to private investors at a premium. Legislation is now pending that would authorize OPIC to buy and sell warrants, options and other equity rights but would not permit OPIC to convert them into shares.

The Development Assistance Committee has been both a catalytic agent in the development of national investment insurance programs and a forum for coordination between the national agencies. It promises to play a parallel role with respect to development finance institutions. In December 1971, DAC sponsored its first ad hoc meeting on public development finance corporations and it seems safe to predict, as in the case of investment insurance, that this will evolve into an annual exchange of views, information and expertise.

Moreover, there is evidence that the managers of the development finance corporations are actively seeking opportunities for joint financing of multi-nationally-owned projects. The reasons for such collaboration that have emerged from informal discussions among several of the participants are roughly analogous to those which have led to the evolving pattern of coordination between the investment insurance agencies spreading financial risk, reducing the risk of one-to-one political confrontation with host governments, and the potential for an effective extension of staff, skills and experience through exchange of information and comparison of methods of project analysis.

The intergovernmentally-owned International Finance Corporation (IFC), the private investment arm of the World Bank, is the model which the national corporations have been based. In existence since 1956, its level of commitments was very low in its first 10 years. Recently, however, it has sharply stepped up its activities. At the end of fiscal 1966 cumulative commitments of the IFC since 1956 totaled $172.5 million. New commitments during the last two fiscal years amounted to $213.3 million.

The IFC and the privately-owned multinational investment companies, such as ADELA (Atlantic Community Development Group for Latin America), and PICA (Private Investment Corporation for Asia), are important sources of finance for multinationally-owned investment projects. Their managers are also seeking out opportunities for joint action with the national corporations.

A number of conclusions, some quite clear and others more speculative, can be drawn from a review of the rapid growth of national agencies offering political risk insurance and financial support to investment projects in the LDCs.

All the elements are now in place in the major industralized nations to provide a full spectrum of official support—political insurance, loans, loan guarantees and equity participations—to multinationally-owned private investment projects in the developing countries.

There is substantial evidence that the managers of these institutions are prepared to cooperate with each other and the corporate participants in the international joint venture. Indeed, they are actively seeking opportunities for collaboration.

An important consequence of the opportunities thus opened is that the participants can more easily structure the joint venture to reflect their best business judgments with some assurance that an appropriate package of official support to the project can be obtained. The temptation towards organizational gerrymandering to take advantage of the eligibility requirements of a limited number of support programs, characteristic of some existing international joint ventures, can be avoided.

The structure of support institutions now in place has grown up in response to specific pressures and opportunities, largely nationalistic in origin, paralleling the development of the multinational corporation. And yet, paradoxically, the "logic of things," as opposed to the logic of men, is such that the transnational objective of improved stability of investment climate is likely to be better and more rapidly served by collaboration between these national governmental structures and the multinational joint ventures than by theoretically derived international structures such as the various proposals for international investment codes, prescribed "formula" norms of gradual disinvestment, and expressly multinational institutional solutions.

The experience with the World Bank-sponsored International Center for the Settlement of Investment Disputes is instructive. The agreements setting up the Center came into effect in October 1966. The first investment dispute was brought to it just a few months ago. Similarly, the directors of the World Bank have been discussing a proposed International Investment Insurance Agency since 1964. Although there now seems to be a bit of light at the end of the tunnel, apparently none of the Latin American countries intend to participate and a number of issues have yet to be resolved between the proponents of the scheme.

An enormous number of variables are involved in identifying sufficient parallelism of interest between host governments and the owners of multinational investment projects, so that all parties both receive and perceive mutual and continuing benefits from the transactions. Progress is made by scanning back and forth between theoretical, Cartesian approaches and wholly pragmatic concentration on specific projects, in specific places, at specific times. Taken in the aggregate, however the structure of investment-support institutions now in place can make a major contribution to the objective of increased investment stability and continued economic development. The opportunities for collaborative action which they open up are available for imaginative and aggressive use by both the public and private sectors of the developing and the industrialized nations.

Foreign Investment in Yugoslavia

The interest of foreign businessmen in investing capital in the Yugoslav economy has been growing from year to year. According to official figures for the last five years, 70 contracts, totaling 100 million dollars, have been signed by Yugoslav and foreign businessmen since the passing of the Yugoslav Law on Investment of Foreign Capital in the Yugoslav Economy.

Italy, with 18 signed contracts, heads the list of countries that have made joint investment agreements with Yugoslav firms, followed by the Federal Republic of Germany with 17 and Switzerland with 8. United States and French firms have so far shown some hesitation about this kind of investment. Three American firms have invested about $3 million while four French joint investment contracts have been signed. The United States and Yugoslav Government, in January 1973, signed an agreement under which the United States Government will guarantee American private investment in Yugoslavia against all non-commercial risks, which, it is felt, will provide a strong incentive for such investment.

Foreign investors have shown the greatest interest in the iron and steel, chemical and electrical engineering industries. Basically, foreign capital is invested in joint ventures between Yugoslav and foreign firms for the purpose of modernizing or expanding existing production capacity or constructing new ones. Priority is given to investment which will promote increased exports and thus larger profit, the influx of foreign exchange and the improvement of Yugoslavia's balance of payments.

Yugoslavia Signs Pact With United States on Private Investment Guarantees

A bilateral agreement authorizing the Overseas Private Investment Corporation (OPIC) to provide insurance and finance service to U.S. private investors in Yugoslavia was signed in Belgrade on January 8, 1973.

Mr. Bradford Mills, OPIC president, said at the signing:

"With this . . . which will encourage people of both nations to exchange ideas and skills, as well as goods, we are opening the door to future opportunity and, inevitably, we will develop closer ties and better understanding". He added that, "while interest in Yugoslavia is running high, and we are confident that it will continue to grow, we do not look for a sudden flood of investors to appear all at once. The process involved in completing a contract takes some months, and we must educate our people as to the laws under which they will operate. The best way to insure success in a joint venture is to make certain that everyone understands the other man's position."

Mr. Mills said that the agency had received some two dozen tentative applications for insurance from U.S. companies interested in projects ranging from industrial chemicals and metals mining to hotel construction.

The Yugoslav economic daily *Privredni Pregled* (Economic Review) wrote on the same occasion: "The agreement on guaranteeing U.S. private investments in Yugoslavia against non-commercial risks is bound to give a strong impetus to the influx of U.S. private money through joint investments in the Yugoslav economy and will also enable U.S. technology and techniques to be applied in Yugoslav industry . . . The agreement will pave the way for a great increase in the United States share in joint projects from the present $3 million to between $15 and $20 million in the next few years."

THE EROSION OF CONGRESSIONAL POWERS

Mr. SYMINGTON. Mr. President, as the relative position of the Congress in this Government becomes steadily a matter of more interest; and in the belief that they would be of interest to those of my colleagues who have not read them, I ask unanimous consent for two articles published in the St. Louis Globe Democrat, "The Erosion of Congressional Powers" by John Averill, and the "Power of the Presidency" by Steve Harvey, to be printed at this point in the Record.

There being no objection, the articles were ordered to be printed in the Record, as follows:

The Erosion of Congressional Powers

(By John H. Averill)

Washington.—Seldom if ever in the 183-year history of Congress have so many of its members manifested more fury and concern than now over the erosion of congressional powers.

Indeed, some members have expressed fear that the consitutional doctrine of separation of powers has broken down to the point that the nation is facing a constitutional crisis.

There is nothing new about congressional protests against presidential encroachments on the powers of Congress. There have been such lamentations for years, particularly since the United States became involved in the Vietnam war.

What is different now is an increasingly evident determination by many in Congress not only to check the power erosion but to try to reverse it.

Potential confrontations between Congress and the White House are developing on a wide array of separation of powers controversies.

Among those being challenged are the right of the President to involve the nation in military hostilities without congressional consent; the right of presidential appointees to assert executive privilege as justification for withholding information from Congress; the right of the President to circumvent the Senate's role in treaty-making by negotiating executive agreements with foreign powers, and the right of the President to impound appropriated funds without congressional approval.

Of all these, none has caused a greater congressional uproar than impoundment—President Nixon's refusal to spend billions of dollars appropriated by Congress for various federal functions.

The President defends impoundment on grounds that unless federal spending is curbed the country will face either a big tax increase or a rapid acceleration in the rate of inflation.

Even the President's most outspoken critics of impoundment accept his prognosis. What they object to is his method of treatment.

By freezing such vast sums of appropriated money, Mr. Nixon's critics contend, he has challenged the most basic and sacred of the rights the constitution has vested with Congress—the power of the purse.

Furthermore, Mr. Nixon has compounded congressional wrath by using the impoundment practice to cripple or kill some of the favorite social and farm programs enacted under Democratic administrations.

Critics insist that such actions amount to the President's making legislative policy, another power reserved exclusively to Congress.

Mr. Nixon, at his Jan. 31 press conference, said he has a constitutional right to impound that "is absolutely clear." Some of his top advisers, in subsequent Senate testimony, defended this right but admitted they couldn't cite a specific constitutional authority for it.

Instead, they contended the President has an inherent or implied constitutional right, based largely on precedent.

In seizing on precedent, in the view of legal scholars, the administration challenged Congress where it is most vulnerable. By failing to mount effective challenges to past impoundments and other presidential encroachments on congressional prerogatives, Congress itself has contributed to the erosion of its powers.

Sen. Sam J. Ervin Jr. (Dem.), North Carolina, leader of the Senate opposition to impoundment, acknowledged this in presiding over recent Senate hearings on presidential fund freezes. Said Ervin:

"The executive branch has been able to seize power so brazenly only because Congress has lacked the courage and foresight to maintain its constitutional position."

It is because of this history of acquiescence and apathy that many both in and out of Congress strongly question how far it will get in trying to recover its powers.

Right now, within Congress there is the greatest clamor in years for sweeping procedural and mechanical reforms to strengthen the hand of Congress in the increasingly bitter power struggle with the White House.

Seldom has there been such broad agreement that Congress, as it now functions, is not equipped to do a responsible job in dealing with the President's budget and fixing spending priorities.

Seldom has there been such broad agreement that Congress must finally enter the computer age and equip itself with the technology and expert staff needed if it is to overcome being at the mercy of the executive branch on money problems.

Yet despite the broad agreement on what should be done, there remains much skepticism that it will be done.

For one thing, Congress has repeatedly demonstrated that collectively it was a very brief attention span. With 435 House members and 100 senators going in 535 different directions, Congress has shown a marked inability to concentrate for long on one issue unless it is an issue that has inflamed public opinion.

When it comes to separation of powers, it is doubtful the public generally is aware of the concerns besetting Congress or particularly cares.

Indeed, in the case of impoundment even many of its congressional critics concede that their political soundings suggest far more people support the position of the President than that of Congress.

While attacking the President's impoundment program as illegal and unconstitutional, Senate majority whip Robert C. Byrd (Dem.), West Virginia told the Ervin hearings:

"The President's actions have political appeal and I think they are what the people want, especially in the present context of growing deficits, burgeoning national debt and continuing inflation."

Another witness, Sen. Frank Church (Dem.), Idaho, described the battle as "one of the crucial tests" that will determine whether "Congress constitutional government are to survive."

However there is little evidence that Congress has made headway in influencing public opinion.

The President, with his instant access to all of the nation's communications media, has an immense advantage over Congress in that respect. Nor is that his only advantage.

With his veto power, which he has used liberally, Mr. Nixon has a potent weapon to fend off congressional power plays. Thus unless Mr. Nixon's critics can repeatedly succeed in the difficult task of mustering the two-thirds majorities in both houses needed to override a veto, he will win the power struggle.

Still another not insignificant weapon in the presidential arsenal is the mystique and majesty of the White House itself. Recent history is replete with instances of presidents defusing furious congressional critics by inviting them to the White House for an exclusive and intimate breakfast, lunch or dinner or a stroll in the Rose Garden.

Sen. Ervin and several of his witnesses took note of the danger of White House social events when he opened his impoundment hearings on Jan. 30.

"Too often, I fear," Ervin said, "There

have been those among our ranks in the legislature who would rather receive a social invitation to the White House than display loyalty to the governmental institution to which they were elected."

Yet with all the President's advantages, there is a widespread feeling in Congress that he may have damaged his cause badly by overstepping himself.

Mr. Nixon, both in the abrupt and secretive way he undertook the impoundments and the manner in which he justified them, has created the impression, accurately or not, that he regards Congress with contempt.

The President defended his impoundments on grounds that Congress "has not been responsible" on federal spending and that "Congress represents special interests."

His remarks were not well taken on Capitol Hill, even though some members acknowledged there was truth in what Mr. Nixon said.

Ervin called the President's remarks a case of "the pot calling the kettle black." Ervin, a fiscal conservative, added that "the President told the truth but only a half truth; both the President and Congress have been irresponsible. I'm glad to say I haven't aided and abetted in it."

Nor have administration officials who testified at the Ervin hearings in defense of impoundment helped any in smoothing ruffled congressional feathers.

There was little of the deference administration witnesses normally accord Senate interrogators during the testimony of Roy L. Ash, the new director of the White House Office of Management and Budget; or of Joseph T. Sneed, the new deputy attorney general, or of Secretary of Agriculture Earl L. Butz.

Tones of acerbity and abrasiveness emerged from both the prepared statements and responses of the administration witnesses.

For instance, Sen. Edmund S. Muskie (Dem.), Maine, was outraged by Sneed's questioning whether Congress or even the Supreme Court had the constitutional right to interfere with presidential impoundments.

Sen. Lee Metcalf (Dem.), Montana, after lengthy clashes with Ash over impoundments of funds for the Federal Trade Commission and Rural Electrification, told Ash he was "ignorant and uninformed."

Despite the harshness of the exchanges, many in Congress expressed delight in what they termed the cavalier fashion in which the administration is treating the legislators on the impoundment controversy.

"Very frankly, I'm elated," said Rufus L. Edmisten, chief counsel of Ervin's Senate Judiciary Subcommittee on Separation of Powers. "Every time the White House kicks Congress in the teeth our people up here become more determined and unified. I just hope the administration keeps it up."

Yet, it is generally acknowledged, it will take a great deal of sustained unity and determination if Congress is to gain the upper hand.

Congress can pass bill after bill seeking to curb presidential impoundments, the Ervin hearings were told repeatedly, but it won't accomplish anything until it gets its own house in order on handling of the budget.

"Congress can't win on this except by doing its own duty," Senate Minority leader Hugh Scott (Rep.), Pennsylvania, said.

Prescriptions for what Congress should do to get its house in order vary widely. But there is a common theme.

It is that Congress should establish a mechanism, such as a joint Senate-House committee on the budget, to determine a proper level of expenditures and to fix a ceiling on appropriations.

In addition, it is wisely proposed that the appropriations committees must greatly increase the size of their staffs and apply computer technology if they are ever to get a handle on the budget.

In both the Senate and the House, the President's budget is sliced like a pie and allocated among 12 different subcommittees. Each subcommittee considers its slice as if it were in an isolation chamber without regard to the total budget or of revenues available to finance what the subcommittee recommends. And it is rare that a subcommittee bill is overturned by the full committee. If there are changes in the parent chamber more often than not it is to boost expenditures.

A comprehensive reform has been advanced by the Special Joint Study Committee on Budget Control which Congress created last fall to explore means of improving processing of the budget.

Power of the Presidency

(By Steve Harvey)

—*Vietnam.*

—*The refusal of a Pentagon official to testify on Capitol Hill about the firing of a subordinate.*

—*The military-base agreement with Spain.*

Each represents, in varying ways, a recent frustration of congressional authority by the White House.

The American system of government was structured on the separation-of-powers principle, which the founding fathers hoped would prevent one of the branches from dominating the other two.

Yet today, it is the suspicion of many legislators that Congress is being separated from some of its own powers by the White House.

Administration supporters like Gerald Ford (Rep.), Michigan, say that if Congress' influence has waned, it has only itself to blame.

Nevertheless, several of the chief executive's devices for circumventing Congress have drawn criticism. These include the doctrine of executive privilege, executive agreements, the pocket veto and the impounding of appropriated funds.

Nowhere has the debate been more bitter in recent years than in the area of the President's war powers.

"We have already given . . . one effective check to the good of war by transferring the power of declaring war from the executive to the legislative," wrote Thomas Jefferson in 1789.

But the constitutional prohibition was more bark than bite. Presidents found that in their capacity as commander-in-chief they could dispatch troops and carry on wars without having to ask for a declaration from Congress.

When the nation was young President Jefferson sent the Navy to the Mediterranean to chase pirates.

In 1950, President Truman neglected to declare a state of emergency until six months after he had sent troops into Korea.

Now wonder he could say in an earlier speech, "I am the foreign policy."

American soldiers were already in Vietnam in August, 1964, when Congress approved the Tonkin Gulf resolution authorizing the President "to take all necessary measures" to stop aggression in Southeast Asia.

Congress, as it turned out, didn't know what it was getting into. The White House termed the resolution the "functional equivalent" of a declaration of war.

"I did not vote for the resolution with any understanding that it was tantamount to a declaration of war," said former Sen. Albert Gore (Dem.), Tennessee.

Others agreed. Now, 60 senators are cosponsoring a bill that would allow the President to send U.S. armed forces into hostilities only in emergencies, and then only for 30 days without the specific approval of Congress.

In addition to his war-making powers, the President may also invoke the doctrine of executive privilege to withhold information. He may also shield officials in the executive branch from testifying before Congress when he believes it is in the national interest.

That is why Henry Kissinger, who is seen practically everywhere else in Washington's social whirl, has yet to accept an invitation to appear as a guest before the Senate Foreign Relations Committee. His "shyness" is not unique.

Air Force Secretary Robert C. Seamans Jr. recently asserted the right of executive privilege in refusing to disclose the role of the White House in the firing of former Pentagon executive A. Ernst Fitzgerald, who had informed Congress of large cost overruns on the C–5A Air Force transport.

The constitution states that the Senate must ratify all treaties by a two-thirds majority. But President Nixon did not consult Capitol Hill in 1970 when he signed a five-year accord to extend U.S. use of military bases in Spain.

The White House termed the transaction an "executive agreement."

Senate critics protested that the agreement was a "de facto treaty" and should have been voted upon. But the administration maintained that it contained no U.S. security commitment requiring treaty handling. End of argument.

ADDRESS BY SENATOR HATFIELD TO 10TH ANNIVERSARY DINNER OF RIPON SOCIETY

Mr. MATHIAS. Mr. President, on December 9, 1972, the distinguished Senator from Oregon (Mr. Hatfield) addressed the 10th anniversary dinner of the Ripon Society. In his remarks, he asks, "In what shape is our democracy?" Senator Hatfield's answer to this question and his recommendations for the future course of democracy in our country are indeed revealing. I highly recommend this address to the Senate and ask unanimous consent that it be printed in the Record.

There being no objection, the address was ordered to be printed in the Record, as follows:

Address by Senator Mark O. Hatfield

Thomas Jefferson was convinced that governments tended to automatically become estranged from the desires and needs of the people. The remedy he foresaw was simple: a revolution was needed every twenty years or so.

We are now approaching our two-hundredth year without a revolution—at least without a successful one. Or to be more accurate, we are ending the second century that our democracy has responded to the persistent revolutionary impulses in our land, and accommodated them by continual, often radical political change.

We never had any guarantee that this system would be perpetually responsive, resilient and vibrant, adjusting to inevitable change, while preserving its original ideals. The process of American democracy has continued only because enough citizens have believed they had the right, the privilege, and the potential access to political power. They believed that they could make a difference in their society. In a real way, that has described those of you who formed and who have given life to the Ripon Society over the past decade.

Today, however, we have to return to the fundamentals.

In what shape is our democracy?

It tends to balk, rather than respond to the escalating pressures of change; and in the process many sense the erosion, rather than the preservation of its original ideals.

This is not a new occurence in the history of our Republic. Jefferson saw the same trend when the Federalists, and admirers of constitutional monarchy, gained power in the late 1700's, and passed the Alien and Sedition Acts of 1798. He organized political forces to "save Republicanism" and overthrew those in power in the elections 1800–1801.

Fifty years later, democracy was threatened again by the timidity of the political establishment. Both the Whigs and Democrats were willing to acquiese to slavery, and ignore other longings of many citizens. But the discontented banded together—Abolitionists, Free Soilers, Radical Whigs, Union Democrats and others. In 1854 they formed the Republican Party. This populist band, including those who proudly called themselves "Radical Republicans" had replaced the political establishment by 1860.

The organized Populist Movement of the 1890's emerged out of the widespread popular discontent and democratic unresponsiveness of that era. It lost its power only as the organized parties echoed many Populist demands for such "extreme" notions as direct election of Senators, the referendum, a graduated federal income tax, Federal purchase of surplus grain, and a parcel post system.

So in many ways, it is very natural, very Republican, and very American to suggest that our democratic system faces deep and serious challenges in its struggle to endure.

A few salient observations from the past election clarify these challenges, and the current political climate:

In a manner without recent historical precedent, in 12 States, more votes were cast for Senatorial or Congressional races than for President, because of a significant number of voters who went to the polls but withheld their votes for the nation's highest office;

The total percentage of eligible voters who went to the polls last November was 55%, lower than any year since 1948;

The over-whelming landslide for President Nixon, unlike other classic landslides, had little effect on Congressional elections;

More specifically, ticket splitting was not only rampant, but an overwhelming majority of the voters, when interviewed, thought that the country would be better off if the presidency is controlled by one party and the Congress by another;

A recent study of voters active in politics showed that only 47% believe it makes a substantive difference which party controls the government;

A post-election Gallup survey revealed that 70% of Americans feel the elections were too long, cost far too much money, and involved too much "mud-slinging."

These realities give further evidence of the mood of discontent and estrangement felt by the American people toward their political establishment.

There is no doubt that voters are becoming more discerning and better informed about the political system. But in that process, it seems that they are losing, rather than gaining, confidence in that system. Voters show little trust in politicians, want their power to be checked, and don't believe politicians are likely or able to solve basic problems.

I'm sure most of you realize that when ranked with 20 other occupations in terms of having the trust of the people, politicians come in 19th—ahead of only used car salesmen.

This lack of trust is deteriorating to an outright presumption of corruption. People have almost come to assume that all politicians lack any righteousness; and that is the uncomfortable reason why the Watergate incident never became a viable issue for the Democrats.

So what do we say, and do, to avert a long winter of political discontent?

And what can we as Republicans advocate to provide the political initiative which will restore resiliency and relevance to our democracy?

There are three major areas which are destined to become concerns of far-reaching consequence in the next few years.

First, there is the imperative to decentralize political and economic power in a fundamental, even radical, way to give local neighborhoods and communities the opportunity of genuine political, economic and ecological self-determination.

Second, our nation must deal with the problems, and not just the blessings, of the ever-expanding economic abundance and affluence we have achieved.

Third, our Republic must be saved from the growing dominance of "presidential government," which was heralded by the Democratic Administrations of the 1960's but has yet to be abated, and which threatens in the most fundamental way the Constitutional mandate of three separate but equal branches of government.

These three critical concerns can and should be addressed from a philosophical perspective that is suited to Republicanism. Let us explore how this is true in each case.

First, decentralization.

Our government presently operates on the assumption that the needs of its citizens, such as welfare for the disadvantaged, adequate housing, economic opportunities for the unemployed, and a fair distribution of wealth, can best be insured through the intervention of a centralized, federal bureaucracy.

That assumption, for the most part, is wrong. Centralized government as the vehicle for social change, which is a tenet of faith for the commonplace liberal, is proving to be a fallacy.

The evidence is all around us.

You find it by simply asking people if they feel the federal government can solve their problems. Most all think not.

They believe the federal government has grown too big; that it spends far too much money; that what it does spend it frequently wastes; that it has lost touch with the citizens; that it employs too many presumptuous bureaucrats; and that it blunders on, not in control of itself, nor controlled by others. And they are right.

The loss of trust most Americans feel toward their federal government is well founded.

It is rooted in the same frustration that causes most Americans to be alienated from our big cities. People feel disenfranchised. They sense there are few ways they can be relevant to government, be involved in its decisions, and affect conditions that disturb them.

A primary distinction between a Democratic and a Republican philosophical view is that the democrat feels the popular will can be expressed generally, in mass, and made sovereign. But the republican view has stressed the need for the popular will to be crystallized in small, self-governing communities, and that they, rather than big government, are the best custodians for the sovereignty of the people.

Let us apply this principle.

To do so, we must return to neighborhoods, and local communities, meaningful responsibilities and adequate resources now preempted by the central government. This means a fundamental decentralization of political power.

"Community control:" "Home Rule:" "Participatory democracy;" whatever the nomenclature used, it refers to restoring the sovereignty of the people through powerful, community based self-government. It is what I prefer to call "neighborhood government."

There is nothing more American. The town meeting, the voluntary organizations, the P.T.A., the neighborhood associations—such have been the historic, tangible expressions of self-determination for the American. Such groups must become options for genuine political power once again.

Neighborhoods should have some right and power to decide whether and where a city's freeways are built. Local communities in the midst of urban sprawl must assume the powers to determine how their land should be utilized, and how their ecology should be protected.

Towns should give their citizens the option of choosing whether industries that would cause pollution, or manufacture unwanted products, should be allowed to reside there.

Also, localized, decentralized government must assume responsibilities of caring for the dispossessed, and meeting the social needs in their midst.

All this requires that far more of the money which is paid to government remain at the local level.

This must not be confused with revenue sharing, which I regard, quite candidly, as a hoax which will probably increase, rather than diminish the power of the federal government.

Let me give you a challenge. Take some unit of local government—a small county, a town, a neighborhood—and analyze its taxes. Discover how much its citizens and corporations are paying to the Federal (and even the State) government. Then calculate how much they are getting in return from that government in services. Then do an inventory of the needs of the community—the number of hospital beds, of schools, or better houses, of tutorial programs, etc. And finally, decide whether that community would better meet its needs if it could retain a high portion of those tax revenues, utilizing them directly and locally as they see fit.

The United States is becoming a badly planned, centralized society.

We must act to take the only other realistic option—a decentralized society with planning and self-government empowered at the local level.

Next, our party, and our nation must concern itself with the consequences of an economy that has nearly fulfilled its goals of affluence.

Economic theorists have written about the "five steps of economic growth," the fifth being "mass consumption." America must now consider what comes sixth.

The strength of our economy has been built on assumptions which have held true in the past:

(1) Jobs will be found for all, and affluence will be achieved, by relying on man's acquisitive instincts;

(2) Allow man the opportunity to dream up and sell needed goods and services, and they will be consumed;

(3) Man's appetite is inexhaustable, so as the economy grows, new needs will create new products, insuring infinite expansion while bestowing affluence, eventually, to all.

We must not diminish the achievements that our economic system has bestowed to our society. For the first time in history, we are on the verge of freeing man from daily toil to insure his existence and comfort. The dream of immigrants, who came with the vision that their work would eventually yield permanent abundance, is being realized.

Because of this success, we must now question whether the past assumptions and goals of our economic system are adequate to guide us in the future.

Let me add that the Keynesian, and neo-Keynesian economic theorists fail to speak to these questions. They only propose novel sorts of political manipulation in their attempts to vindicate the same basic economic assumptions.

These are some of the contemporary economic realities that we must face:

First, we have assumed that economic

growth would tend to distribute the benefits to affluence to all assisted by our tax structure. But that has not occurred. We have evidence, in fact, in a study prepared by economists at M.I.T. for the Joint Economic Committee, that since 1947, the poorest ⅕ of America's families consistently have received only 5% of the country's total family income, while the wealthiest fifth have received 42%. That fact has not changed in the past two decades. The overall income of both the rich and the poor has risen, of course. But the gaps between them have not changed; in fact, in absolute dollars, the gap has increased.

Second, uncharted economic and technological growth, governed only by our consumptive compulsions, is beginning to put serious strains on our resources, on the quality of our life, and even, according to many, on our entire planet' ability to sustain our present levels of growth and consumption into the future. For instance, many products developed or widely used since World War II—such as aluminum, detergents, and plastics, have severe ecological costs, while adding few, if any, advantages over the products they are replacing. That, in my judgment, is at the core of our ecological crisis.

Third, we have no assurance that continued economic growth in and of itself will provide for all our employment needs. We still have to come to grips with the potential effects of the scientific revolution, and how it may decrease traditional job opportunities.

Fourth, our economy has reached the point where it must induce consumer appetites to continue its growth. This has resulted in the growing perfection of techniques designed to manipulate the consumer's tastes, rather than enhance the quality of goods and services.

Fifth, our economic patterns have fostered massive economic centralization. Today, 1.1% of all the nation's corporations control 81.5% of all corporate assets. Such centralization is eroding the values and contributions of small business, and also tends, in my judgment, to increase the problems of worker alienation and consumer distrust.

In short, we are regarding "consumerism" as the end and goal of our economic system, instead of regarding that system as the means to provide citizens with productive, creative, and fulfilling opportunities for work. Thus, we end up with enormous waste, planned obsolescence, make-believe work, feather-bedding, mindless gadgetry, and meaningless labor, all in order to fuel our increasing rates of consumption.

All this requires, in my judgment, that we now should re-define the meaning of work, and the goals of our economic system. Enhancing opportunities for the individual to be creative, productive, and self-expressive through his work should become the aim of our economy. We must come to see work, not as a dehumanizing monotonous activity, but as the right to express one's gifts and abilities as he participates in society's economic abundance.

You may say that sounds utopian. But let me suggest that changing values in our society are already prodding us to such a view. The values of rampant materialism no longer hold unquestioned priority throughout our culture. Increasingly, we find that many people seem more satisfied with their present level of abundance; and many younger people have tamed their consumptive appetites and prefer less, rather than more abundance. A prime challenge facing our economy is to understand and adjust itself to this revolution of values in our land.

More concretely, the political decentralization advocated by so many must be accompanied, in my judgment, by economic decentralization. Small business must be enhanced; the patterns of continued centralization and conglomoration must be reversed.

We must then encourage a revival of the crafts, of the artisan, of "cottage industries", of the shopkeeper, and the small entrepeneur. With this, initiatives in worker-management relations that move beyond the typical adversary role, and toward more participatory management, should be fostered.

All these possibilities are clearly within our grasp. Of course, in the short term, they may not appear as the best means of enhancing corporate efficiency. But in the long run, there will be no other way to overcome the growing problem of poor productivity, which is caused largely by the lack of meaning and the loss of personal relevance in work. Organized labor's failure to speak to this issue, concentrating instead solely on wages and benefits, is just as regretable as management's general reluctance to courageously face such ideas.

Republicans have every reason to pursue initiatives for *economic* as well as political decentralization. Ultimately, the task of preserving human liberty and enhancing human fulfillment in the 20th century involves both dimensions.

The third and last concern we face in the future is, in many respects, the most fundamental.

We must save our Republic from Executive rule; we must revitalize the Constitutional ideals that give our democracy its meaning and its life.

That is the cry that was heralded by Republicans through the years of Franklin Roosevelt and beyond. In my political growth, I was nurtured on those views.

Today, all Republicans must not hesitate to herald those views again—especially when we are in a unique position to demonstrate those principles in actual practice.

The genius of the American experiment was that the power of the Executive was to be checked by the people, through the Congress.

In the words of James Madison: "The truth is that all men having power ought to be mistrusted." Jefferson echoed this sentiment regarding the power of those who rule saying—"Let no more be heard of confidence in man, but bind him down from mischief by the chains of the Constitution."

A wise distrust of centralized, uncontrolled power dominated the thinking of those who framed our Constitution. Further, they knew that in government, power was money and money was power. If despotic power, such as that under George III, was to be prevented, then the branch of government directly elected by the people—the Congress—had to be given the power for raising the revenues and authorizing the funds for the programs of government.

The Executive Branch was to implement—or execute—these Congressional mandates.

But the reality today is nearly the complete reverse of those ideals.

For years, and through successive Administrations, the Executive Branch has come to regard Congress as a potentially meddlesome obstacle to the implementation of an Administration's programs. By sheer virtue of its size and momentum, the Executive Branch is the dominant influence in determining the budget, policy, priority, and goals of all the government's activity.

In recent years, the greatest usurpation of Congressional power by the Executive came under the Kennedy and Johnson Administrations. The problem became more severe because large portions of the academic community, as well as members of Congress, extolled the virtues and wisdom of a "strong Executive." During that time, the presidency was often enshrined as a nearly all powerful, all-knowing position, whose actions deserved uncritical trust rather than responsible judgment.

In our nation's military and foreign affairs, the greatest toll of unchecked Executive power has been exacted. It dragged us into Indochina and has kept us there until now. Moreover, Executive Orders, Executive Agreements, Executive secrecy and Executive privilege have been used to further institutionalize the impotence of Congress.

Thus, in foreign and military matters, the Executive can establish commitments, expend funds, and shroud itself in secrecy, divorcing the Congress from its Constitutional responsibilities of oversight and decision-making, and divorcing the people from the knowledge of what their government is doing.

The truth is that for years, these crucial matters have been handled by a national security bureaucracy that has demonstrated its distrust of the American people, and its disregard for basic Constitutional principles.

We can remedy this deterioration of Constitutional checks and balances. The President, and the Administration, acting in concert with a Congress conscious of its abdication of power, can restore the Constitutional relationship between the branches of government that our forefathers saw as so crucial to preserving democracy. And for us as Republicans, Constitutional government should be our first priority.

The issue of Congressional versus Executive power, however, extends into domestic affairs, and has become focused on the controversy over who has the real power in the appropriation of funds. The Executive branch, through the Office of Management and Budget, has assumed the prerogative of refusing to spend funds that are duly authorized and appropriated by the Congress. The constitutionality of such action, which I believe is a devastating infringement on the rights and powers of the Congress, will ultimately have to be decided by the Supreme Court.

Unfortunately, the actions taken by the Administration to date make any Republican criticism of FDR's Executive powers sound uncomfortably hypocritical. The request for the $250 billion spending ceiling with broad ranging veto authority, and the Administration's recent declaration that it will spend less than half of the funds authorized by the Congress for water pollution, even after Congress over-rode the President's veto, only solidify fears of continued "Presidential government" in domestic affairs. The local official with sewer projects to fund cannot help but wonder if our ideals about three separate but equal branches of government have any contemporary relevance.

A Constitutional imbalance allowed a Democratic Administration to lead us blindly into the jungles and swamps of Southeast Asia. It would be tragic, and inexcusable, if that same Constitutional imbalance, still uncorrected, allows a Republican President to neglect the severity of water pollution here at home.

The pollution crisis troubles me. But the Constitutional crisis troubles me even more. And it should trouble every Republican.

If we are serious about the decentralization of power, then we must begin by showing all Americans that the Republican Party, and a Republican Administration, has fundamental respect for the framework of our Constitution. We can, and should begin these next few years with all Republicans uniting behind that banner.

I have purposely avoided commending the Ripon Society on its very major accomplishments during its first decade. You know how highly I, and countless other Republicans, value the contributions you have made to the thinking and the structures of our party. But this is the occasion, I believe, for you to chart the issues and concerns that will mark your future contributions to Republicanism. I have suggested areas where I believe we need your intellectual talents and skills. In many other ways, we need your political and organizational abilities. I know that in all these endeavors, you will offer your best to Republicanism, and I, for one, will welcome all you give.

In closing, though, I want to offer some counsel.

Garry Wills, in a provocative article, expressed these thoughts:

"Change comes from people who are intransigently principled. It is not something that can be scheduled, or even predicted. There is no machinery for change. It comes about unexpectedly. It comes about through an individual, through a small group, through prophets, and you can't program prophets, or recruit them. You can't send people to school to make prophets out of them. These people just turn up and invent their own way. That is the way change happens. In any large and meaningful, sense, I think that is probably the only way that change comes about."

There is an important sense in which this is true.

The most fundamental change occurring in America today is not occurring within our political system, as traditionally defined. It is, rather, the revolution in values and attitudes which we see reflected primarily in cultural, and social ways.

This is a search that questions many of the dominant values of the past, and quests for deeper moral, and spiritual reality.

I am encouraged by such movement, and I think that one of the tasks of those of us in the political arena will be to open our structures and mold them to reflect these deeper changes.

We must make our prophets feel welcomed, for "without vision, the pèople perish."

Fundamental political change comes not merely from the top down, but also from the bottom up.

In the end, governments discover that change is better instigated by the people than imposed by a bureaucracy.

So let us work for the change that begins within us, that expresses itself in local communities, and that then infiltrates the fabric of the nation.

Then we shall know what it is we are celebrating on our democracy's 200th anniversary.

BUDGETS AND RHETORIC

Mr. HUMPHREY. Mr. President, in recent weeks I have found a number of newspaper articles and opinions very helpful in providing an overview on the various spending and budget issues. These articles have helped to isolate the real issues from the presidential rhetoric.

Joseph R. Slevin, in the Philadelphia Inquirer and other newspapers, pointed out the real meaning of the President's methods for holding down spending:

> The President's distaste for the Great Society is a question of ideology rather than of economics or of budget philosophy, however much of his rhetoric may mix them together.

The New York Times raised the issue of the President's over-all plan to slow down the economy:

> There is a paradox in the response that is coming from Congress—and from the public for that matter—to President Nixon's economic and budgetary plans. The cutbacks in specific programs have generated a hurricane of criticism. But the broad underlying economic assumptions of the budget and the President's economic report have gone essentially unchallenged . . . It is in this area of broad economic policy that there has been a surprising absence of criticism since the premises involved are by no means universally accepted.

The Washington Star says that:

> This year will be a bruising one; 1973 and the other years of Nixon's second term may well settle whether this country will in fact be ruled by "presidential government" or whether the time-honored constitutional separation of powers will be followed.

The Minneapolis Tribune has found good reason to dispute Adminstration claims:

> This confusion of program and rhetoric is nowhere more evident than in the largest single budget item, national defense. Mr. Nixon said his administration had found a way to "save $2.7 billion in the projected defense budget for (fiscal) 1974." Projected by whom? The administration's defense budget for fiscal 1974 is $4 billion higher than that of 1973. Whether the largest budget proposed for defense expenditure since the end of World War II is, as Mr. Nixon says, "a true peace-time budget in every sense of the word" seems to us open to challenge.

I ask unanimous consent that the articles and editorials from the Philadelphia Inquirer, New York Times, Washington Post and Minneapolis Tribune be printed at this point in the Record:

There being no objection, the articles and editorials were ordered to be printed in the Record, as follows:

[From the Philadelphia Inquirer]

Nixon's Next Major Target Is Johnson's Great Society

(By Joseph R. Slevin)

President Nixon finished winding down the Vietnam war Tuesday and tomorrow he will try his hand at winding down Lyndon Baines Johnson's Great Society.

He is not likely to be as successful at the one as he was at the other for this nation's need for the Great Society homefront programs is as profound as its dislike of the Southeast Asia war was acute.

The history of the last four years is instructive. President Johnson's Great society grew by leaps and bounds under President Nixon and cost tens of billions of dollars a year more at the end of Nixon's first term than at the beginning.

The startling and little known truth is that homefront spending soared $63 billion during Nixon's first four years in the White House. The increase in domestic outlays will be pushing the $80 billion mark by the end of next year.

Nixon has the notion that the country is "fed up," as he calls it, with the federal government and with its expanding social programs but that remains to be proved.

Congress has been voting even bigger programs than Nixon has requested and the Democratic-controlled legislature got as overwhelming a vote of support in its way last November as Nixon did in his.

Nixon will send the legislators tomorrow a record-smashing $269 billion spending budget. The total will be $19 billion bigger than this years budget and $85 billion above the outlay volume when Nixon entered office, but it will be smaller than it would have been if Nixon were not attempting to dismantle important parts of Mr. Johnson's Great Society.

The President will warn that a tax boost will be necessary if his new, higher spending line is not held and that is the nub of the problem.

The American economy is booming. The danger of a renewed round of inflation is mounting.

Nixon will predict that there will be a budget deficit of almost $13 billion next year despite his determined efforts to curb federal spending increases. He will claim that his budget will be balanced and non-inflationary under the theoretical full employment concept but will contend that further spending increases would yield an unacceptably stimulative full employment deficit.

The President has been struggling to curb the devastating inflation spiral that began during the late 1960s, after Lyndon Johnson boosted Vietnam spending without obtaining a tax increase.

LBJ rejected his advisers' recommendation that he seek higher taxes in early 1966. He belatedly announced he would request a tax boost in January, 1967 but didn't propose the increase until the following August. It was 11 costly, inflationary months later before House Ways and Means Committee Chairman Wilbur Mills and his foot-dragging Congressional associates enacted the Vietnam surtax.

History will record that the destructive Vietnam inflation was the one big blotch on a Johnson domestic record that was marked by vast civil rights advances and the deep humanitarianism of the Great Society's medicare, poverty, education, and housing measures.

Nixon is moving to dismantle the Great Society but its social programs cannot be blamed for the threat of renewed inflation any more than federal spending, civilian and military, could be said to have inevitably brought on the inflationary surge of the 1960s.

The President's distaste for the Great Society is a question of ideology rather than of economics or of budget philosophy, however much of his rhetoric may mix them together.

The American people could have paid for Vietnam and the Great Society during the Johnson administration if the surtax had been voted sooner.

[From the New York Times, Feb. 4, 1973]

A Plan To Damp Down the Boom

(By Eileen Shanahan)

Washington.—There is a paradox in the response that is coming from Congress—and from the public for that matter—to President Nixon's economic and budgetary plans.

The cutbacks in specific programs have generated a hurricane of criticism. But the broad underlying economic assumptions of the budget and the President's economic report have gone essentially unchallenged.

Mr. Nixon's budget involves much more than mere decisions on how much money is to be spent on which Governmental programs—though that is where the controversy centers this year. It also reflects and implements the Administration's view of the direction the national economy should be taking. It is in this area of broad economic policy that there has been what some consider to be a surprising absence of criticism since the premises involved are by no means universally accepted.

Mr. Nixon's budget for the fiscal year that starts next July 1 contemplates total spending of $268.7-billion, receipts of $256-billion and a deficit of $12.7-billion—a deficit scarcely half the size of the one this year.

Such a budgetary plan, according to accepted economic theory, is likely to cause the present business recovery to slow down. Even though Federal expenditures are continuing to rise somewhat, the deficit spending is less. What has been a strong stimulus for economic expansion thus will virtually evaporate.

And rightly so, say the Administration experts. The way things are going in the economy now, the unemployment rate will drop to 4.5 per cent by the end of the year, and it would be unwise to have a rate of expansion that would bring it any lower by that date, they say. Maybe an unemployment rate of less than 4.5 per cent would be all right in 1974, the Administrations argument goes on, but to continue to reduce unemployment very rapidly this year would threaten a resurgence of inflationary pressures that would have a number of undesirable results. Chief among them: Price and wage controls might have to be continued for an indefinitely longer period (and might not work well even though continued); too much expansion now might only lead to a contraction later on—in other words, boom and bust.

One reason this argument—which normally would arouse controversy—has evoked so little dissent is apparently because an unemployment level of 4.5 percent is in sight, particularly with the further decline to a flat 5 percent in December that was reported on Friday.

Not very long ago, Administration policy makers appeared to be ready to argue that little or no attempt should be made to further reduce unemployment once it hit the 5 percent mark. Such a policy would probably have caused a serious political battle. But the economic expansion has, in a sense, got away from the Administration. It is now planning to apply the brakes to the economy, but at a spot further along the road toward full employment than it had originally contemplated—simply because that's the spot where the economy is now. The difference between 4.5 percent and the 4 percent full employment goal of liberal Democrats is not enough to cause major controversy—particularly given the proved difficulties of "tuning" the economy to such fine tolerances.

What remains to be seen is whether collisions will develop over the basic components of the budget—the spending total and the receipts total—given the widespread agreement even among Democratic leaders in Congress that "the bottom line," the size of the deficit, is about right. Senator Mike Mansfield of Montana, the Democratic leader, is talking of a spending ceiling of just about the size that President Nixon has proposed.

There is, however, an alternative, and the unanswered question is whether any significant group in Congress will adopt it. The plan would be to accept the deficit figure but to achieve it in another way—which would be to permit a higher level of spending but also to attain a higher level of tax collections, almost certainly by tax reforms.

Reform cannot be made to produce tens of billions of dollars in new revenue in the first year or so. Fairness dictates that some transitional period be allowed to those who made certain investment decisions on the assumption that they would be treated advantageously under the tax laws. But reforms that would raise at least $2 billion to $4 billion in the first year are possible within such rules of fairness. That much additional revenue, plus perhaps the transfer of a few billion dollars from the military budget to domestic programs, would be more than enough to pay for the restoration of some of the more popular domestic programs cut by the Nixon budget.

[From the Washington Post]

THE BUDGET CUTS

Mr. Nixon's domestic budget reflects the view from the White House with a pure and drastic severity that is very rare in American politics. A budget is always a President's most accurate and explicit definition of federal responsibility. This year Mr. Nixon has written that definition chiefly in terms of the things that we shall no longer attempt together, in common, as a government. (We are not talking here of what his budget says of his approach to national security issues, which we will get back to tomorrow.)

The cuts and deletions in non-military programs encompass an enormously varied mixture of the justified and the unjustified. But the single characteristic common to all of them is the reduction, in each case, of the nation's demands on the private citizen and of the force that the national government will exert on the nation's life. Mr. Nixon put it very succinctly in the budget message when he said: "I believe that a larger share of our national resources must be retained by private citizens and state and local governments to enable them to meet their individual and community needs."

In practice, this rule means a substantial reduction in the social and environmental programs of the past decade. Some of them have been failures, true enough, and no doubt it is time to do some attic-cleaning. Some urgently need fundamental reform. But the question, repeatedly throughout this budget, is whether the administration means to cure some particular faults in programs or, instead, to shed whole areas of traditional federal responsibility.

For example, reducing federal aid to hospital construction is long overdue, for the country has obviously overbuilt. But whether the right response is to end all hospital construction aid, for a growing and shifting population, is very much open to doubt. Similarly, the housing programs for low-income families certainly need to be reconsidered, and it is doubtless true that, as the administration argues, they currently benefit developers and speculators more than the poor. But the administration intends to end the whole program now, and reconsider the subject later. The budget asserts that federal aid for urban renewal, sewer construction and so forth has "tended to undermine the capacity of local governments to respond to the needs of their citizens . . ." Mr. Nixon proposes to put a moratorium on all new projects under these programs until the summer of 1974. That moratorium, one may argue, will also limit the capacity of local governments to respond to their citizens' needs.

The strongest and most interesting trend in Mr. Nixon's successive budgets is the extremely rapid rise in those programs that send cash, in the form of monthly checks, to citizens. The chief beneficiaries have been the elderly and certain categories of the poor. The monthly checks to the retired and the poor, along with their associated medical benefits, were running about $47 billion a year, or one-fourth of the budget, when Mr. Nixon took office. They are now in the range of $91 billion, or 36 per cent of the budget, and both figures exclude the rapidly increasing figures for military pensions.

Mr. Nixon's approach to other public responsibilities is similar. He prefers to send cash, and to let the recipient decide how to spend it. Once again he now proposes to replace dozens of existing social programs with four broad, relatively unrestricted grants called special revenue sharing. In education, for example, he would cut the present numerous categories of aid to school districts by $1.7 billion, replacing it with an education revenue sharing grant of the same amount. The effect would be the removal of most of the restrictions attached to the money under laws like the Elementary and Secondary Education Act. There would be a more diffuse distribution of the money, spreading it across more children but losing the present focus on deprived and handicapped children. Focus is a matter that Mr. Nixon would leave up to states and local school districts. But these children got the short end of the stick under the states and the local districts until the federal laws were passed. Perhaps the present laws are not perfect, but Mr. Nixon does not offer any solution to the troubles to which Congress originally directed those laws.

This budget is a direct and abrasive challenge to Congress. It contains notably few of the customary concessions to congressional traditions and sensitivities. It is already evident that Congress will react with wrath and denunciation. It is not yet clear whether Congress is capable of anything more than that.

Congress has its great constitutional role to defend in the setting of taxation and expenditure. But the President has accused it of dodging the hard questions, voting always for higher spending and lower taxes. He has a point. Congress, and its Democratic leaders, cannot swing a majority of the country behind the principle of subcommittee chairmen's personal prerogatives and lobbyists' habitual benefits.

A modest rise in the income tax would now be the wisest response to the harsh arithmetic of the budget. If Congress does not want to support that unpopular choice, it will have to draw up its own order of priorities to meet the President's. Otherwise the decisions will all lie with Mr. Nixon and the country will, for want of any clear alternative, support him. There is more at stake in this year's budget than money.

[From the Minneapolis Tribune]

THE BUDGET: PROGRAM AND RHETORIC

Every American is affected by the federal budget, particularly when changes as sweeping as those proposed by President Nixon are at stake. Because of the budget's inherent complexity, and because of the extent of proposed change, we limit ourselves here to comments in three areas.

In fiscal terms, the budget message deserves good marks. On substantive changes, we think the merits of a number of positive proposals are outweighed by the premature move to end domestic programs that have been nowhere near the disaster the President said they were.

A third area, interlocked with the second, is Mr. Nixon's tendency to obscure important issues with misleading rhetoric.

The budget deficit, modest by standards of recent years, is an appropriate signal of federal intent to keep the surging economy from becoming an inflationary boom. A host of other factors, many of them unpredictable, influence the nation's economic health, too. But present indicators suggest that the administration is wise to urge a middle-of-the-road fiscal policy for the next year and a half. That will require congressional cooperation, which is certain to be difficult in view of the fundamental changes Mr. Nixon proposes.

A key to understanding those changes is the President's disdain for certain kinds of Washington bureaucrats. In his anti-busing speech last spring, for example, he referred antagonistically to federal "social planners." In his radio address on the budget Saturday, he had disparaging words for urban renewal decisions made by "a committee of federal bureaucrats hundreds or thousands of miles away."

Consistent with that attitude is Mr. Nixon's move to eliminate education and for, say, disadvantaged children through categorical grants made for that specific purpose. Similarly, he would stop urban renewal and federal housing programs in anything like their present form. The cuts would be offset in part by "special revenue sharing," under which federal funds would be returned to state and local governments with only broad guidelines for their use. Dozens of other programs would be eliminated or sharply reduced in the same way.

Our reservations about this approach are twofold. First, in many instances federal agencies are better equipped than local agencies to do the research and set the policies on national problems. Students with reading disabilities in Minneapolis, for example, are likely to have something in common with those in Detroit.

Second, the President's arguments too

often overlook the main point. For example, his complaint about the remote, urban-renewal "committee of federal bureaucrats" omits the important role in both administration and planning played by local housing authorities under federal guidelines. Or there is the matter of austerity in the White House. "We are cutting the number of people who work in the President's own executive office from 4,200 to 1,700," Mr. Nixon said. Most of that reduction is to come about by dismantling the Office of Economic Opportunity, the leading edge of the Great Society anti-poverty program.

This confusion of program and rhetoric is nowhere more evident than in the largest single budget item, national defense. Mr. Nixon said his administration had found a way to "save $2.7 billion in the projected defense budget for (fiscal) 1974." Projected by whom? The administration's defense budget for fiscal 1974 is $4 billion higher than that of 1973. Whether the largest budget proposed for defense expenditure since the end of World War II is, as Mr. Nixon says, "a true peacetime budget in every sense of the word" seems to us open to challenge.

Challenge it Congress surely will. There will be challenges not only to defense spending, but to domestic cutbacks. And, although we think the budget is unnecessarily severe in many respects, no federal program should be immune to tough reappraisal. That, at least, is something President Nixon has made sure will happen.

PERSONAL INCOME AND THE FOOD DOLLAR

Mr. SYMINGTON. Mr. President, John O'Riley, in the March 5 Wall Street Journal "Outlook" section, identifies the primary reason for rising food prices as "simply the huge growth in the number of dollars American families have to spend on food and everything else."

Since 1965, Mr. O'Riley points out, the per capita disposable income in the United States has increased some 62 percent. During that same time, however, retail food prices have increased 33 percent, or only about one-half as much.

Combined with rising incomes has been the additional number of women and teenagers employed, thereby adding more incomes to the family budget.

O'Riley points out that the great productive genius of the American farmer to provide us with more food has prevented food prices from climbing any faster than they have.

This great productive capacity is presently being strained by the combined pressure of rising domestic demand and the rapid increases in foreign demand for U.S. grains and soybeans. Since 1959, as example, soybean exports have risen 337 percent and corn exports have grown some 238 percent.

I ask unanimous consent that Mr. O'Riley's informative column be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

APPRAISAL OF CURRENT TRENDS IN BUSINESS AND FINANCE

Food prices. Not even sex or taxes is getting more attention in conversation and commentary these days. They are "going through the roof" it is said. And indeed their upward march is sharp. They have jumped at retail some 33% since the middle of the last decade. But beyond the fact of the steep climb, the confusion and befuddlement is unlimited. The farmer is blamed. The "middle man" is blamed. The supermarket is blamed. And all wrongly. The basic forces behind the trend it would seem actually should be pretty obvious.

The prime pusher is something seldom mentioned in relation to food costs. It is simply the huge growth in the number of dollars American families have to spend on food and everything else. If food prices have indeed gone through the roof, the level of personal income is some twenty feet above the roof.

The table below traces the story in the social yardsticks used to measure both food prices and income. The retail food price index (1967 equals 100) is that prepared by the Bureau of Labor Statistics. The per capita disposable personal income (after taxes) figures come from the Commerce Department. The 1965 starting point is used because that is about the time the current brisk inflation began. The 1972 figures are December for food and the final quarter for income.

FOOD PRICES VERSUS INCOME

Year	Food prices	Per capita disp. income
1965	94.4	$2,436
1966	99.1	2,604
1967	100.0	2,749
1968	103.6	2,945
1969	108.9	3,130
1970	114.9	3,366
1971	118.4	3,595
1972	126.0	3,954

What the official record since 1965 adds up to is:

Retail Food Prices: Up 33%.

Per Capita Income: Up 62%.

There is more to the big rise in income than individual wage increases—as sharp as these have been. Important, too, is the unprecedented gain in multiple paychecks within individual families. The leap in the number of women and teenagers on payrolls makes this clear. The paychecks of adult women are especially important.

Tabled below are Labor Department figures on employed women (20 years old or older) and teenagers of both sexes. The country's population growth is included for comparison.

WOMEN AND TEENAGE EMPLOYMENT

[In millions]

	1965	1972	Up (percent)
Women	22.6	28.1	24
Teenagers	5.0	6.6	32
Population	194.3	208.8	7

With personal income dollars up nearly twice as much as food prices since the mid-1960s, is it surprising that the cost of eating is up as much as it is? Isn't it, rather, surprising that such a flood of buying power hasn't pushed it even higher? Only the gigantic food production capacity of the U.S. has kept this from happening.

The pace at which the well-heeled American public has swung to "better eating" (more meat) in recent years is amazing. From about 88 pounds in 1962, per capita consumption of beef has bounded upward to an estimated 118 pounds this year. That is a jump of some 34%. And the leap is not measured in dollar prices. It is pounds of beef on the plate.

This brings us to another and probably more potent pressure on food costs in the immediate past. People in Europe and Japan have grown more prosperous too. They, too, are "eating better." And they are reaching across the seas to the American garden for more nourishment.

The U.S. exports relatively little meat as such. But the foreigners are growing more animals of their own. And this is where the U.S. enters the picture.

Steers don't get fat on fresh air. Cows don't produce more milk and cheese on psychological contentment alone. Broiler chickens don't grow plump from eating grasshoppers. They need grain—all of them. Grain is really meat-by-the-bushel. And the feed grain flow overseas from the U.S. rises sharply.

Here are some corn export figures spanning the last decade. Not all destination countries are included, of course. So the ones given don't add up to the export total.

U.S. EXPORTS OF CORN

[Millions of bushels]

Destination	1959	1971
Belgium-Luxembourg	12.3	24.3
France	.2	2.0
West Germany	17.7	45.5
Italy	.4	47.3
Japan	7.3	116.1
Netherlands	34.1	89.5
All countries	210.1	500.9

Foreign crop conditions cause yearly figures to fluctuate. But the trend is steeply up. The total was some 670 million bushels in one recent year. And the current year is the real whopper. It is projected at a billion bushels or more.

Or take soybeans. Soybean cake and meal is widely used in feed for dairy cattle and chickens. And the rise in exports of U.S. soybeans has been spectacular. Such exports came to 141 million bushels in 1959. This year they are expected to hit 475 million bushels, aided by a Latin American slump in production of fish meal (soybean meal substitutes for it).

Prices on feed grains, pressured by huge home-and-foreign demand, have naturally soared. Corn that brought $1.20 bushel just a year ago is now around $1.60. Runaway soybeans have jumped from some $3.30 a bushel a year ago to the $6.65-a-bushel neighborhood today. And when feed grain prices rise, it follows as the night the day that prices on beef, pork, chickens, and eggs must do likewise.

The mighty U.S. farm factory can produce more of both grain and meat. The problem heretofore has been to keep it from overproducing. Many unplanted acres are now due to go back into planting. But if the U.S. meat eating binge keeps up, and if foreign demand for U.S. meat-by-the-bushel keeps soaring, the U.S. farmer may have a run for his money to keep the cost-of-eating from going even higher.

JOHN O'RILEY

THOMAS JEFFERSON: FATHER OF THE GOP

Mr. MATHIAS. Mr. President, a most interesting and provocative article appears in the January 10 issue of the College Republican, the newsletter of the College Republican National Committee. John McClaughry, a former assistant to President Nixon in his 1968 campaign, describes the Jeffersonian origins of today's Republican Party and makes a strong plea for a rededication to Jeffersonian precepts by the Republicans of today.

In his concluding paragraph, the author quotes one of the great men in the history of the State of Maryland, the Honorable Francis P. Blair, who after a long career of public service as a Jacksonian Democrat, became the chairman of the first Republican National Convention in 1865. Mr. Blair's advice from 1859 bears thoughtful consideration again today.

I ask unanimous consent that the article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

THOMAS JEFFERSON: FATHER OF THE GOP

(By John McClaughry)

"Barefaced humbuggery" was the response of angry Massachusetts Democrats that April morning in 1859 when the Boston *Advertiser* carried the account of the great Jefferson Day Dinner sponsored by the Bay State's Republican Party. The Democracy of the Nation's Capital probably uttered a similar retort, for on the same evening some 600 members and guests of the Republican Association held a similar gathering.

A Republican Jefferson Day dinner? Yes, and with good reason. For in the 33 years since Jefferson's death the party he originated, the Democratic Republican Party, quietly abandoned Jefferson's faith. Where Jefferson had believed in the ability of the common man to take part capably in the affairs of government, the Democrats of the 1850s had become an aristocracy—in the words of the first Republican Party platform of 1854, "the most revolting and oppressive with which the earth was ever cursed or man debased."

Where Jefferson had worked for the extinction of slavery, the new Democrats, led by the Slavocrats of the Cotton South, had discovered that slavery was not only not an evil, but a superior form of life to which the nation should pay tribute!

Where Jefferson had favored opening up the vast public domain to freehold farmers, the most virtuous defenders of his yeoman republic, the Democratic President of 1859 had shamelessly vetoed the Republican backed Homestead Act—three years later to be signed into law by Abraham Lincoln.

The terrible pressures of the Civil War subdued the early Jeffersonian idealism of the new party which, in its first national platform, had earnestly pledged to "restore the action of the Federal government to the principles of Washington and Jefferson." From that day until this, only twice has a political party seized on the magic name of Jefferson as a rallying cry: the Democratic Party of William Jennings Bryan and the early Franklin D. Roosevelt. Since FDR discovered that his program of centralizing power in the Federal government could hardly be squared with Jeffersonian ideals, and thus quietly abandoned the Jeffersonian press agentry, neither of the two great parties has made a conscientious effort to examine and resurrect its Jeffersonian heritage.

The present-day Democratic party seems clearly unlikely to provide any Jeffersonian leadership. These are the people who gave us an unwinnable foreign war, the annual budget deficit, the overpowering of state and local government, new highs in peacetime taxation, and the undermining of individual liberty in a thousand ways. The Republican Party now has a magnificent opportunity to take up the Jeffersonian standard.

First, we must pledge and act to restore the central government to its proper role. "A wise and frugal government," said Jefferson in his first inaugural address, "shall restrain men from injuring one another, shall leave them otherwise free to regulate their own pursuits of industry and improvement, and shall not take from the mouth of labor the bread it has earned. The way to have good and sage government is not to trust it all to one, but to divide it among the many, distributing to every one exactly the functions he is competent to." President Nixon's efforts to reverse the pernicious trend to centralization of power in Washington deserve the support of all Republicans.

Second, Republicans must devote their best efforts to securing and preserving the institution of genuine private property, and extending access to it to the millions of Americans who own little or nothing. Jefferson's dream was a nation of freeholders, owning a tangible stake in America. Instead of pursuing ways to soak the rich to distribute largess among everyone else, Republicans must come forward with strong support for President Nixon's "new opportunities for expanded ownership", enunciated in his 1970 state of the Union address but as yet only feebly implemented.

Third, Republicans must respond to the nation's yearning for liberty. Republicans have a special duty to protect and secure the liberties for which Jefferson so earnestly fought: not just of economic liberty, but also the liberty of thought, of speech, of press, of assembly, of dissent. Let these be eroded away, and the erosion of every other sort of liberty will soon follow.

Fourth, Republicans must champion the idea of the family and the community as the building blocks of society, just as Jefferson spent hours illustrating moral precepts for his daughters and nephew, and built his theory of government around the "ward republic." The decentralization of political power to the community level and resistance to schemes like forced busing which undermine the local community are policies that must rank high in any Republican platform.

Finally, Republicans in high office must rigorously adhere to Jefferson's high standard of honesty, decency and integrity. "Nothing is so mistaken as is the supposition," Jefferson wrote, "that a person is to extricate himself from a difficulty by intrigue, by chicanery, by dissimulation, by trimming, by an untruth, by an injustice." Any officeholders who fail to meet that high standard should be promptly retired to private life.

These and other Jeffersonian principles should now be incorporated into the platform and actions of the Republican Party. It is not enough merely to undo some of the worst transgressions of eight years of Democratic rule, or to ridicule the recent Democratic standard bearer. The American people need a creed to live by. The Republican Party must offer them one which transcends the fugitive circumstances of the times.

"There was never a more propitious moment than the present to revive the recollection of the principles and Administration of Jefferson," said Francis P. Blair at the Republican Jefferson Day celebration 114 years ago. Those words ring equally true today.

THE REAL PURPOSES OF REVENUE SHARING

Mr. HUMPHREY. Mr. President, President Nixon has proposed, under the name of special revenue sharing, a series of consolidations and reductions in categorical Federal grants to State and local governments. In reality this represents a cutback in shared revenue.

Under the Nixon proposals, for example, Federal aid to States and communities in the area of education would be reduced by over $450 million—nearly 15 percent—if so-called special revenue sharing were used as a substitute for present programs.

A recent report on revenue sharing written by Prof. Joseph A. Pechman, director of economic studies of the Brookings Institution, clearly places the purposes and limitations of general and special revenue sharing in perspective:

> Conditional and general purpose grants have very different objectives and these could not be satisfied if the federal system were limited to one or the other type of grant. Conditional grants are intended to help *people* either directly through cash assistance or indirectly through support of government programs that will benefit them. General purpose grants are intended to help *governments* that do not have adequate fiscal capacity.

He says that—

> The basic test of the success or failure of revenue sharing will be whether it does in fact improve the ability of poor states and poor local governments to pay for public services.

Clearly, to cut back funds as the administration proposes to do such as under special revenue sharing for education, does not serve that purpose.

Professor Pechman argues that we must recognize the special problems of the cities:

> A special block grant to the large cities—over and above the grants provided in the revenue sharing bill is needed to recognize the special role and unique problems of the largest cities. Since the cities provide national as well as regional benefits, the federal and state governments should share the cost of the new grant.

This recalls to mind what was really the byword when Congress passed general revenue sharing with my strong endorsement a year ago. That byword was partnership—partnership between the Federal, State, and local governments.

We cannot put an end to Federal initiative. We must not simply leave a sack of money on the States' doorsteps and try to sneak away, knowing that the sum does not match what we were providing before.

Congress must see to it that the laudable objectives of revenue sharing and the urgent needs of our cities, as outlined so well by Professor Pechman, are truly served.

I ask unanimous consent that Dr. Pechman's article, "State-Local Finance Beyond Revenue Sharing" be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

STATE-LOCAL FINANCE BEYOND REVENUE SHARING

(By Joseph A. Pechman)[1]

When I was invited to give this paper earlier this year, few people were predicting that the revenue sharing bill would be passed by the 92nd Congress. I shall leave it to the political scientists to explain why the bill did get through this year—eight years after the idea was launched by Walter Heller and worked out in detail by a Task Force which I chaired. But it *is* an important piece of legislation, and a significant departure from past federal grant-in-aid policies. Furthermore, it was enacted for an initial period of five years, so it cannot yet be regarded as a permanent feature of the federal grant structure. It is not too soon, therefore, to begin evaluating the legislation as it was finally enacted so that Congress will be able to judge the program when the time comes to renew or abandon it five years from now.

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[1] The views expressed in this paper are those of the author and are not intended to represent the views of the Brookings Institution, its officers, staff, or Trustees.

Revenue sharing has been the subject of heated debate ever since it was proposed. It has been hailed by some as a revolutionary step in fiscal federalism, while others have warned that it would ruin state and local government in this country. I have personally never been both praised and maligned as much for any idea I have supported as I have been for this one—even though this idea has never seemed as earth-shaking to me as it has seemed to many of its zealous supporters and opponents.

In view of this rather unusual history, I thought it would be appropriate to use this opportunity—so soon after the legislation was passed—to review the rationale and original design of revenue sharing, compare the final legislation with the original proposal, and suggest criteria by which the program should eventually be judged. Since I don't believe that revenue sharing is the solution to all the nation's intergovernmental financial problems, I should also like to suggest what additional steps need to be taken to strengthen our fiscal federalism. In particular, I feel strongly that there is an urban problem in this country which revenue sharing in its present form cannot solve and that federal and state governments will have to take strong action to prevent a national crisis.

RATIONALE OF REVENUE SHARING

While the states and local governments have always had their fiscal problems, their predicament reached a crisis stage during the 1960s. In the ten years ending June 30, 1970, state-local revenues from their own state-local revenues from their own sources rose at an annual rate of 9.6 percent, while the gross national product rose at an annual rate of 6.8 percent. This feat was accomplished with a tax system that is much less responsive to economic growth than the federal system. To fill the gap between revenue needs—which rose faster than the gross national product—and revenue growth, the states and local governments adopted new taxes and increased the rates on old taxes. Since state and local governments rely heavily on sales and property taxes, unnecessarily harsh burdens were imposed on the lowest income groups. The continued increases in tax rates met with increasing resistance from the voters, with unfortunate consequences for public services and facilities that were urgently needed almost everywhere.

The mismatch between state-local revenue needs and revenue sources was partially abbreviated by unilateral action on the part of the federal government. As federal revenues continued to respond to economic growth, federal grants-in-aid increased dramatically—from $7 billion in 1959–60 to almost $33 billion in 1971–72. In addition, as the decade of the 1960s wore on, more and more attention was given to the possibility of sharing by the federal government of its growth-elastic tax receipts with the states and local governments on a more or less automatic basis and without restriction as to the use of the funds.

As soon as it was launched, the idea of revenue sharing immediately created a sharp controversy over the merits of conditional federal grants. Both sides agreed that the federal government had to increase its assistance to state and local governments. The disagreement concerned the form in which the assistance should be given. Walter Heller and I took the view that unrestricted as well as conditional grants are needed to achieve the objectives of federalism and that the system would be deficient without both types of grants.

Conditional grants are intended to encourage the states and local governments to do certain things which Congress deems to be in the national interest. They are justified on the ground that the benefits of many public services "spill over" from the community in which they are performed to other communities. Each state or community would tend to pay only for the benefits likely to accrue to its own citizens and, as a result, expenditures for such services would be too low if financed entirely by state-local sources. Assistance by the federal government is needed to raise the level of expenditures for such programs closer to the optimum from the national standpoint. To achieve this optimum, a conditional grant should have enough restrictions—minimum standards and matching requirements—to assure Congress that the funds will be used for assigned purposes and that states and local governments will pay for benefits that accrue to their own citizens.

Unconditional or general purpose grants are justified on substantially different grounds. First, the basic need for unconditional grants arises from the obvious fact that all states and local governments do not have equal capacity to pay for public services. Poorer states and communities are simply unable to match the revenue raising ability of richer ones, and cannot afford to support public services at a level that approaches adequacy. Second, federal use of the best tax sources and the fear that tax rate increases will drive citizens and businesses to neighboring states operate to restrain needed tax increases at the state level. This justifies federal assistance to all states, but the poorer states should receive relatively more help because of their low fiscal capacities.

Thus, conditional and general purpose grants have very different objectives and these could not be satisfied if the federal system were limited to one or the other type of grant. Conditional grants are intended to help *people* either directly through cash assistance or indirectly through the support of government programs that will benefit them. General purpose grants are intended to help *governments* that do not have adequate fiscal capacity because too many low-income people reside within their borders. Revenue sharing cannot provide the stimulus to particular programs obtained by the conditional grant approach. Conversely, the existence of a conditional grant program will not provide the fiscal support needed to finance the portion of other state-local services that people at the lower end of the income scale cannot support out of their meager incomes.

The equalization objective is achieved in most revenue sharing plans by allocating the funds among the states and local governments mainly on the basis of population. Suppose a poor state collects $400 per capita from its residents, while another state making the same tax effort collects $800 per capita. A $50 per capita grant would increase the fiscal resources of the poor state by 12.5 percent and the rich state by 6.25 percent. An additional equalizing effect could be obtained by weighing the population figures by the inverse of state per capita incomes or by distributing part of the funds exclusively among the bottom third of half of the states when ranked by per capita income.

It is important to stress that equalization is the major objective of revenue sharing. While others differ with me on this point, in my view, revenue sharing would not be needed if the distribution of income and wealth was the same throughout the country. If all communities had the same average income and wealth, the same tax structure could yield the same revenues everywhere. The federal government would presumably finance programs that provided national benefits. Each community would decide the level of expenditures and, therefore, of tax rates, to provide public services (that is, those with local or regional benefits) for the people that live within its boundaries. With the same fiscal capacity, expenditures might differ, but no community would be thwarted because of the lack of fiscal resources.

But this ideal arrangement is not possible in a national system in which the distribution of income and wealth is unequal. A single example may help to explain the point. The average per capita income in the poorest five states is roughly $2,800; it is not quite $5,000 in the five richest states. Suppose one of the poor states levied a 10-percent income tax, that is, an income tax that collected 10 percent of the total personal income in that state, and suppose one of the richer states also levied a 10 percent income tax. (In order to collect that much revenue, the poorer state would have to have substantially higher rates simply because the people wouldn't be in as high brackets.) The 10 percent income tax in the poor states would yield $280 per capita. The 10 percent income tax in the rich states would yield $500 per capita. In other words, with the same average tax rate on personal income (which would require higher nominal rates in the poor state), the rich state could afford almost twice the public services that the poor state could afford. Alternatively, to receive the same quantity of public services, a resident of the rich state would have to pay much lower taxes than a person with the same income who resides in the poor state.

But why not equalize fiscal capacity by simply giving money to people rather than to governments? The answer is that there are poor governments as well as poor people. Suppose that the federal government adopted a negative income tax that provided an adequate minimum income for all citizens in the United States. By definition, since the minimum allowance is at the poverty level, the family which receives it has no ability to pay for public services. In addition, those immediately above the minimum income level have very little capacity to pay taxes. Thus, the state and local governments with a high concentration of low income people must receive outside funds to be able to support needed public services. Some have argued that this objective could be satisfied by a set of categorical grants for the major local public services. But it is inconceivable that any such set could be devised to approximate the equalization effect of one general grant based on per capita income or the incidence of low incomes.

THE ORIGINAL REVENUE SHARING PROPOSAL

The core of the original revenue sharing plan, with which Walter Heller and I have been identified, was the regular distribution of a specified portion of the federal individual income tax to the states primarily on the basis of population. The essential features of the plan were as follows:

1. The federal government each year would set aside and distribute to the states an eventual 2 percent of the federal individual income tax base (the amount reported as net taxable income by all individuals). This would mean that, under the present rate schedule which begins at 14 percent and rises to a maximum of 70 percent, the federal government would collect 2 percentage points in each bracket for the states and 12 to 68 percentage points for itself.

2. The states would share the funds on the basis of population, weighted by relative tax effort. In addition, a portion of the funds could be set aside for supplements to states with low per capita income or with a high incidence of poverty. The purpose of the tax effort factor was to encourage states to maintain or increase their own tax effort. The supplement to low-income states was designed to augment the automatic equalization effect of the basic per capita distribution.

3. Whether to leave the fiscal claims of the localities to the mercies of the political process and the institutional realities of each state or to require a pass-through to them was not an easy question. Originally, we left this question open, but soon concluded that the legitimate—and pressing—claims of local

government required explicit recognition in the basic formula of revenue sharing. However, the allocation among units of government cannot be determined on any scientific basis, so we did not venture to suggest any particular formula for the pass-through. In fact, this turned out to be the most difficult practical issue throughout the legislative history of the bill.

4. Constraints on the use of the funds were to be much less detailed than those applying to conditional grants. However, the funds were not to be available for highway construction, since there is a special federal trust fund with its own earmarked revenue sources for this purpose. An audit of the actual use of the funds was to be required, as well as certification by the appropriate state and local officials that all applicable federal laws, such as the Civil Rights Acts, have been complied with in the activities financed by the grants.

THE FINAL LEGISLATION

Although Congress tinkered with every part of the proposal, I believe it is fair to say that the final legislation bears a marked resemblance to the original.

1. I suppose it was too much to expect that Congress would allocate funds to revenue sharing on the basis of a formula tied to the individual income tax base. Instead, it allocated a total of $30.2 billion over the five-year period, 1972 through 1976, with the amounts rising from $5.3 billion in 1972 to $6.5 billion in 1976. These amounts will start out at somewhat more than 1 percent of taxable income at the beginning of the period and decline to somewhat less than 1 percent at the end. So, the Congress cut our suggested figure about in half on the average, but provided for some growth each year—which was, of course, the major objective of the formula based on taxable income.

2. The share of the revenue sharing funds going to each state includes the population, tax effort, and income factors we suggested, but it also includes much more. The House bill contained a five-factor formula under which two-thirds of the funds were to be divided among the states on the basis of total population, urbanized population, and population inversely weighted by per capita income, and one-third on the basis of state individual income tax collections and relative tax effort. The Senate preferred a formula based on population, tax effort. The Senate preferred a formula based on population, tax effort, and per capita income.

It will come as a surprise to no one that the Conference Committee decided to make the allocation on the basis of the larger amount obtained by each state from the two formulas. Since the sum of these amounts exceeded the totals allocated to the program, they were all scaled down proportionately to yield the proper total.

The final formula gives weight to five factors: total population, urbanized population, per capita income, tax effort and individual income tax collections. Three of these factors—population, tax effort, and per capita income—were included in the original revenue sharing proposal. The inclusion of an incentive for the states to collect more revenue from the individual income tax is all to the good. The urbanization factor will help the more densely populated states, but it may also act to neutralize the effect of the other factors.

My colleague, Robert Reischauer, has calculated that the final compromise will have a considerable equalizing effect at the state level (Table 1). When the states are ranked on the basis of 1971 per capita incomes, the 1972 revenue sharing grants will add 3.6 percent to the revenues raised by the richest 10 states from their own sources in fiscal year 1970–71 and 7.1 percent to the revenues raised by the richest 10 states from their own sources in fiscal year 1970–1971 and 7.1 percent to the revenues raised by the poorest ten. The equalizing effect is equally pronounced on the basis of personal income: the richest ten states will receive $5.30 per $1,000 of 1971 personal income, and the poorest ten will receive $9.60 per $1,000. Unfortunately, it is impossible to make these calculations at this time for the local units of government.

TABLE 1.—RELATIONSHIP OF REVENUE SHARING GRANTS TO STATE-LOCAL REVENUES FROM OWN SOURCES AND TO STATE PERSONAL INCOME, BY STATES RANKED BY PER CAPITA PERSONAL INCOME

	Revenue Sharing Grants in 1972 as Percent of	
States ranked by 1971 per capita personal income	State-local revenues from own sources, 1970–71	$1,000 of personal income, 1971
Top 10	3.6	5.3
2d 10	4.2	5.8
3d 10	4.4	6.1
4th 10	5.5	7.8
Lowest 10	7.1	9.6

Sources: Revenue sharing grants: "State and Local Fiscal Assistance Act of 1972," Joint Committee on Internal Revenue Taxation, Sept. 27, 1972, p. VI; State-local revenues and state personal incomes: "Governmental Finances in 1970–71," Bureau of the Census, GF 71 No. 5, pp. 31–32 and 52.

3. One-third of the revenue sharing funds going to each state was allocated to the state governments, and the remaining two-thirds to the local governments. The allocation among local governments is to be made on the basis of population, tax effort, and per capita income, which were the three factors included in the original proposal. In making this decision, Congress carried through the equalization objective down to the local government level.

4. The states will be permitted to spend the revenue sharing funds for any purpose, except that the funds cannot be used to match any other federal grant. Local governments will be permitted to spend the revenue sharing funds on a long list of items that account for perhaps a third of total state-local spending. Since money is fungible, this should give local governments much of the flexibility in spending that was sought in the original proposal. Although Congress could not bring itself to endorse the nomenclature, it gave the states and local governments virtually the same degree of latitude that was envisaged by those of us who proposed that no strings be attached.

The legislation also requires that each state and local government will report to the Secretary of the Treasury on the use of the funds and to publish a copy of the reports in a newspaper published in the geographic area of the government making the report. A nondiscrimination provision is also included in the bill, as originally contemplated.

5. As an extra bonus, the bill also gives the Internal Revenue Service the authority to collect state individual income taxes along with the federal income tax at no cost to the states. To quality for this new "piggyback" program, states will be required to base their taxes on federal taxable income or collect a flat percentage of the federal tax liability. By putting the better federal collection and enforcement procedures at the disposal of the states, this provision will increase the yield of state income taxes. Together with the bonus provided to income tax states by the basic distribution formula, the piggyback arrangement may encourage the few remaining non-income tax states to add the income tax to their tax structures.

JUDGING THE EFFECTIVENESS OF REVENUE SHARING

It would be difficult to make a complete listing of all the beneficent effects expected of revenue sharing by its proponents. The objective I have stressed most is equalization; others have suggested that revenue sharing would promote efficiency in government, make government programs "more responsive to the people," and even "revolutionize" the federal system of government in this country. I propose to list a few criteria which, while less grandiose, have the virtue that they can be applied in a meaningful way to the experience of fifty states and myriads of local governments.

First, the basic test of the success or failure of revenue sharing will be whether it does in fact improve the ability of poor states and poor local governments to pay for public services. It is fortunate that the next Census of Governments will be for the fiscal year ending June 30, 1972, the last fiscal year prior to revenue sharing. This record should provide the basic data needed to determine whether differentials in fiscal capacity have in fact been narrowed by revenue sharing and whether the tremendous service disparities that exist among different localities have been reduced. On the basis of the figures I have just cited for 1970–71, it seems clear that the equalization effect among states will be substantial. How the legislation will affect local governments is not clear.

Second, greater revenue effort on the part of the states and local governments was an objective of virtually every proponent of revenue sharing, since practically all the competing plans gave some weight to revenue effort in allocating the funds. Yet many have argued that revenue sharing would in fact reduce state-local revenue effort. This issue will be difficult to resolve, since we will never know what expenditures might have been without revenue sharing. A number of models of state-local expenditures have already been developed, and others will doubtless appear. A crash program may well be needed to develop an adequate model for this purpose. Five years from now, Congress will want to know whether state-local revenue effort has increased, decreased, or remained unchanged as a result of revenue sharing, and economists and political scientists should be ready to answer this question.

Third, the existence of revenue sharing will give Congress an opportunity at last to decide between the categorical and non-categorical approach whenever intergovernmental financial decisions are being made. Most experts agree that the narrow categorical grants have been overworked; some revisions and even pruning of these programs are doubtless in order. (The Nixon Administration has recommended consolidation of most of the grants into six major "special revenue sharing" programs, an approach which, I believe, goes too far in relinquishing federal control over the grant programs.) Revenue sharing will have contributed to the rationalization of the grant system if, after five years, there is at least a good beginning toward confining categorical grants to areas of major national interest, with enough restraints in the program to insure conformity of the state-local governments with the national objectives. This will be a much more difficult criterion to apply than the previous two, but qualitative judgments should not be impossible.

Fourth, just as the national government is responsible for financing public programs that have a national interest, so the states have a responsibility to finance programs that have a regional interest. In addition, states also have a responsibility to help equalize fiscal capacities of their own units of government. It will be necessary, therefore, to monitor the response of the state governments carefully to see that revenue sharing does not give them an opportunity to shirk their intrastate responsibilities.

Fifth, revenue sharing sailed through Congress so easily this year in part because it was seen by many of the urban representatives in the House as a device to do something quickly about the acute financial problems of the nation's major cities. The House bill attempted to recognize this problem by giving weight to urbanization in the distribution formula for local governments. But, in the end, the bill omitted urbanization from the formula. Since the total amount of money going to local governments is small relative to their total expenditures, the urbanization factor would have had only a marginal effect in improving the financial conditions of the cities and would have also greatly benefitted the rich urban suburbs. In any case, an obvious test of the success of revenue sharing is whether it will provide real financial help to the cities, but, as I shall indicate below, I doubt that general revenue sharing—in any form—can pass this test.

THE PLIGHT OF THE CITIES

During the last few years, city finances have emerged as the major fiscal problem in the nation. Many, if not most, of the largest cities have found themselves with inadequate fiscal resources to pay for their rapidly growing expenditures. The states have been of little help in most instances. New York City, Newark, Detroit, Philadelphia, are in desperate straits, yet they are located in states that have better than average fiscal capacity by any standard. In these and other cases, the states make it a practice to keep the cities on very short financial rations, instead of adopting a rational procedure for estimating the cities' expenditure needs and for helping them raise the revenues to meet these needs in a fair and equitable manner.

The fiscal plight of the cities results from two basic facts of life:

1. Throughout the entire country, the tax base is moving from the cities to the suburbs, while the expenses of operating public services for residents and commuters are rising sharply. The poor—who have no ability to pay taxes—are concentrated in the cities, while the middle and high-income recipients are in surrounding suburbs. Few cities in the country have been able to cope with this phenomenon.

2. The state legislatures are often controlled by representatives of the suburbs who believe that it is in their interest to prevent the city from levying taxes on suburbanities to pay for the costs they impose on the city. Hence, many cities are shortchanged in state grant-in-aid programs and others are prohibited from levying taxes on the earnings of commuters. This selfish attitude of suburbanites toward city finances helps to impoverish the city even more, and leads to further deterioration in the very places where they earn their livelihoods and satisfy most of their cultural and recreational needs.

It should be obvious to everyone that the cities of this country are a vital part of its economic and social life. They are centers of industry and commerce, education, arts and letters, theatre and sports, and other economic, cultural, and recreational activities. These benefits accrue to people throughout the country, as well as to the residents of the metropolitan areas in which the cities are located. Thus the costs should not be borne by the residents of the cities alone; part of the costs should be shared by residents of the surrounding communities, and some of the costs should be borne by residents of other parts of the country. This explains why both the state and national governments should be concerned with the financing of city services.

In the absence of metropolitan government, it is the responsibility of the state government to see to it that suburbanites help pay for the cities which they use as centers of employment, intellectual activtiy, and recreation. Where a metropolitan area is entirely within one state, the state could solve the problem in a simple way by allocating a special general or block grant to the cities out of state funds. Where the metropolitan area covers two or more states, the central city could be given the authority to levy a special income tax (piggybacked to the state tax) which would apply to the full income of its residents and to the earnings of commuters in the city. In normal practice, commuters who are residents of other states are allowed to credit such taxes on their earnings against the income tax of their state of residence, so that this arrangement should not create any serious cases of double taxation.

The federal government can discharge its responsibility by making two revisions in its grant programs:

First, it is time that the federal government recognized that poverty is a national and not a state-local problem and that it should bear the entire cost of the welfare system. Release of state and local fiscal resources now used to pay welfare benefits would provide no-strings-attached funds, with the distribution based on the number of welfare recipients and the benefits currently paid rather than on the basis of total population and the other factors included in the revenue sharing bill. The urban states and some of the large cities have been carrying the fiscal burden because the federal government has so far refused to recognize its full responsibility in this area. Correction of this inequity (as well as reform of the welfare system) is an essential step for the modernization of the system of intergovernmental fiscal relations in this country.

Second, a special block grant to the large cities—over and above the grants provided in the revenue sharing bill—is needed to recognize the special role and unique problems of the largest cities. Since the cities provide national as well as regional benefits, the federal and state governments should share the cost of this new grant. The federal government could insure the cooperation on the part of the states by matching the funds allocated by the state for block grants to the largest cities. I realize that it will be difficult to persuade the Congress to enact a program which will benefit the constituents of only a part of its membership. But unless statesmanship overcomes provincialism, the cities will continue to lose middle- and high-income families who will neither tolerate the inadequate public services that their poor neighbors must accept, nor pay higher taxes to carry the burden for their neighbors. The result will be further decay in our largest cities and continued deterioration of city services and benefits which are so vital to the health and welfare of the nation.

In conclusion, revenue sharing is not a panacea for all the fiscal problems of the state and local governments. It is a constructive piece of legislation which will provide needed revenues for public services in some places and moderate the growth of undesirable state-local taxes in others. The basic purpose of revenue sharing is equalization of state-local resources; unless it promotes this objective to a significant degree, I will regard the revenue sharing experiment as a failure.

I do not accept the proposition that revenue sharing will revolutionize the relationship between the federal government and the states and local governments. It may well be that, upon examination, some of the present categorical grants should be eliminated and others consolidated into broader groups; but the purpose of categorical grants is to stimulate specific governmental activities, and this cannot be done effectively without direction in some detail by the federal government. Consequently, another major test of the wisdom of this legislation is whether the Congress uses revenue sharing and categorical grants for the purposes for which they were designed. If revenue sharing is used to gut the categorical grant system, it will have been a bad bargain.

Finally, revenue sharing cannot solve the fiscal problems of the cities. The viability of the nation's largest cities is of concern to everyone—to those who live in other parts of the country as well as to those who live in close proximity to them. Those outside the cities reap substantial benefits from them, and they should be prepared to pay for the costs of running the cities. The states must give the cities enough taxing powers—including the power to tax the earnings of commuters—to pay for the extra costs imposed on them by outsiders, or provide the cities with general funds as a substitute. The federal government should, in turn, provide special grant funds—on a matching basis with the states—for use exclusively by the largest cities. It is still possible to save the cities, but unfortunately there seems to be little impetus anywhere to take the steps needed to prevent further decay and even bankruptcy in some places.

THE EMERGENCY EMPLOYMENT ACT IS NEEDED

Mr. CANNON. Mr. President, the President's January budget message has touched off a great deal of discussion about the need for Federal spending limits, the relationship between Federal and local governments, the New Federalism, special revenue sharing, and so forth. This is admirable, and the President is to be congratulated for breaking new ground in several areas and for taking bold steps to implement his fiscal policies.

Since that budget message was released, my staff and I have spent considerable time trying to determine exactly how specfic programs were treated. And, although we found much that is commendable, we also found several seemingly inexplicable decisions. I would like to point out a few of those so my colleagues can get an idea of how high-sounding fiscal policy affects Nevada.

The President has informed us that the unemployment situation has so improved that the Emergency Employment Act is no longer needed. I am not so sanguine about an employment picture showing 4.4 million workers out of work that I could terminate a program now providing about 180,000 jobs. When I look at the impact of the EEA on Nevada, I am even less able to understand its termination. Since its inception in August 1971, a total of 648 persons have been given employment. In the current fiscal year, about 400 persons are on the job, supported by some $3.5 million in Federal dollars that simply will not be there after June 30.

Four hundred persons do not make a large dent in the country's overall unemployment, but Nevada's total labor force is only about 275,000. Furthermore, the State has been struggling with an unemployment rate of greater than 7 percent until recent months, and it is still well over 6 percent.

Now, if the EEA had been marked by scandal or bureaucratic bungling—if jobs had been given to construct those country clubs we heard about concerning the REA loans—I could understand its elimination. But apparently the administration does not even contend the EEA has been anything but a success. Paul J. Fasser, Jr., Deputy Assistant Secretary of

Labor for Manpower and Manpower Administration, recently had the following to say about it in the Washington Post:

> One of the most important lessons learned through this program is the critical need for full local involvement in solving local problems. For the Emergency Employment Act, perhaps more than any other federal activity in history, involved the maximum participation of state and local governments in administering and disbursing federal funds. Despite misgivings voiced by some, the hiring of eligible persons proceeded rapidly, with fairness, and with few misinterpretations of the guidelines. Discrimination, forbidden by the guidelines, did not occur.

Now that sounds like a pretty good review to me and, indeed, Mr. Fasser seemed pressed for an explanation of the EEA's demise. He finally concluded that all the money contained in its original authorization would run out at the end of the next fiscal year, so that was a good time to terminate it.

Nevada State officials have hailed the program as an unqualified success. The director of the State employment security department recently wrote:

> I am firmly convinced that PEP, as it is called in the state, has shown much greater effectiveness, works with more efficiency and produces greater results for money and services expended than the other Manpower programs with which the Employment Security Department has been involved.

Are the jobs perhaps of the dreaded "WPA-type" that Mr. Nixon finds so unpalatable? Not according to the same State official. I quote again:

> It has provided great assistance to the cities, counties and the state in that it has augmented existing services to the public in areas such as law enforcement, fire protection, conservation, the health and hospital services, education and public works. It has also helped local jurisdictions to staff badly needed new programs such as consumer affairs, drug education and community relations.

The state employment director is not the only official in Nevada to praise this program. The personnel director of the city of Sparks was recently quoted as being fully in favor of EEA, which pays about $72,000 per year for eight employees in his city. He said:

> When it was first started it was kind of a Godsend that those positions could be subsidized. If they pull the cork, we're going to have to come up with 100 per cent funding for those positions.

The smaller areas of Nevada will be the hardest hit by termination of EEA. The city clerk of Ely was asked if the city budget could include $16,504 it receives for three positions.

> No way. We're on a very short budget as it is, he said. To pick them up would be impossible.

The recipients of these jobs are also appreciative, as the following comments, supplied by the State employment security department, demonstrate.

A real estate field representatve said:

> The EEA has changed me from nonproductive status on state unemployment compensation to a productive employee.

Said a building custodian:

> If I hadn't been hired through EEA, I probably would have still been out there looking for work and coming up with blanks.

And a clerk-typist commented:

> It has given me a chance to work at a full-time job and at the same time learn a new skill, and to support my three children without help from welfare.

Perhaps it is old fashioned of me to view these massive Federal programs as they affect individual people. But I do not get the obvious joy Mr. Nixon does in announcing the end of programs that have meant jobs for people who cannot get them anywhere else.

I have the same feeling of disbelief regarding the administration's announced termination of the Neighborhood Youth Corps summer job program. I cannot say what the justification is for suddenly depriving 2,000 underprivileged Nevada youths of employment this summer. I look at the 43,478 Nevadans listed in the 1970 census as below the poverty level and wonder how the loss of these jobs will affect them. I read comments like the following from a former counselor in the summer jobs program and wonder how to justify it to him:

> This program has been a great boon to the underprivileged youth of all races in our Southern Nevada area. It has provided them with gainful employment, valuable on the job training and skilled vocational and personal counseling.

The same thing goes for Mr. Nixon's veto last year of a 1-year extension of the Economic Development Administration and the announcement in his budget that there would be no funds for it in the upcoming fiscal year.

EDA has provided more than $1.5 million in public works and technical assistance grants for Nevada's 23 Indian reservations and colonies and, more importantly, some 240 new jobs. Needless to say, its termination would cause a great hardship for these economically strapped Indians.

In this brief review of the impact of Mr. Nixon's budget on Nevada, I have listed 2,640 jobs that are jeopardized by it. I have not even touched on the possible job losses caused by eliminating the Library Services and Construction Act, freezing Federal housing subsidies, destroying community action programs, ending the regional medical program, impounding highway trust funds, cutting back on impacted school aid and a host of other administration moves.

I am aware that Mr. Nixon does not think much of Congress these days and that that is why he has taken these steps without consulting us. I would ask, however, that he think of the people he will harm, if he will not think of Congress. I would ask that he consider if continuing some programs, or at least providing for their extinction in a more thoughtful way, might not be more important than having the Office of Management and Budget present a neat financial statement. These people who will be deprived of services are the ones he was reelected to serve. I do not think he was given a mandate to ignore them.

I ask unanimous consent that a Wall Street Journal article on this subject, published today, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

SHOULD U.S. BE "EMPLOYER OF LAST RESORT"? NO, SAYS NIXON SIDE; YES, ASSERT OTHERS

(By James C. Hyatt)

FAIRFAX, VA.—Earl Iverson had an emergency public-service job but no longer needs it.

Stanley Miller has an emergency public-service job and figures he'll always need it.

Thus, do two workers view in conflicting terms the federal government's largest job-creation effort since the Depression; the Public Employment Program subsidizing hiring of the unemployed by state and local governments. It's one of the larger spending ventures that President Nixon now proposes to end.

Mr. Iverson, a 33-year-old operator of heavy equipment, who held sporadic jobs in private industry, held a PEP job for more than a year. He drew $4.18 an hour to bulldoze earth over mountains of garbage and trash at a Fairfax County sanitary landfill. But last month he quit the dump and waved goodbye to the thousands of seagulls wheeling constantly overhead. ("You learn never to look up," he confides.) His new private job with a company working on the new Washington subway pays $7.29 an hour, and he feels confident of the job market. "If a man wants to work," he asserts, "there's work out there." And that's the way the Nixon administration feels, too.

Mr. Miller, on the other hand, isn't about to give up his county PEP job. He still bitterly recalls four months of unemployment in 1971 after he was laid off by his aerospace employer of 13 years, Atlantic Research Corp. "I couldn't find a thing until this county job came along," he says. Now he is an "engineering technician" monitoring maintenance programs at a county waste-water facility. "I'm staying put right where I am," he says, though his pay of $9,126 a year is about $3,500 less than his previous job yielded. And backers of the PEP program believe he should be able to stay where he is.

"EMPLOYER OF LAST RESORT"

The PEP program, in its 18-month history, has earned the endorsement of once-jobless workers such as Mr. Miller and the support of mayors and governors as well. By the time present funds run out, $2.25 billion will have been distributed and almost 300,000 jobless workers will have been hired by state and local governments. Nonetheless, Mr. Nixon has earmarked PEP for extinction, and a battle over its life or death promises to rage in Congress.

The battle will be fought partly on practical grounds. Would-be rescuers insist that this federal hiring help has shrunk the unemployment rolls, has provided essential public services ranging from schoolteaching to toll-taking, and has eased a financial squeeze for state and local governments. They say unemployment is still high in some cities and PEP's demise might swell it.

In rebuttal, Mr. Nixon, and his supporters assert that unemployment has eased and the emergency that PEP was meant to meet has ended. They add that the program has failed to help the hard-core unemployed much. Other critics complain that it has failed to move many workers into permanent private or public jobs, which is the basic aim of the program. Moreover, opponents of this federal subsidy declare that state and local governments now are in better shape to meet their payrolls without Washington's help.

Deeper down, there's a basic philosophical cleavage. PEP's champions argue that a permanent refuge is needed for workers who can't find jobs, that Uncle Sam should always be "the employer of last resort." Not at all, says the Nixon side; there are better ways to help the disadvantaged than by federal job-creation efforts.

"MAKE-WORK" PROGRAMS

Public employment in times of high joblessnesses isn't new to the nation. Billions were pumped into the economy by this route during the Depression. But the federal government has seldom felt comfortable as "employer of last resort." Indeed, President Nixon resurrected the specter of "make-work" programs in late 1970 when he vetoed a bill that would have generated $2 billion over four years for public-service jobs. "W.P.A.-type jobs aren't the answer for the men and women who have them, for government which is less efficient as a result or for the taxpayers who must foot the bill," his veto message intoned.

But six months later, with unemployment nearly 6% nationwide, Congress wrote a new and different "Emergency Employment Act," sprinkling it with language requiring transition from temporary to permanent jobs in order to overcome presidential reservations. To stress its "emergency" nature, the bill included a "trigger" of 4.5% unemployment; funds could be spent only when the jobless rate reached or exceeded that level.

President Nixon signed the bill in July 1971, and the first subsidy checks went forth by mid-August. "The bureaucrats hand little black bags of money out to the communities within a few weeks," recalls Sar Levitan, a long-time manpower consultant in Washington. "The program showed what could be done and how fast."

There have been weaknesses, as even some PEP backers concede. Poor, uneducated, hard-to-place workers have received only a third of the PEP jobs. In some cities. Civil Service regulations have blocked the chance for enrollees to get certain desirable jobs. One study last year found some localities "frankly admit that they will operate the programs as long as federal dollars continue, but they will make no effort to permanently employ PEP hirees."

In any case, unemployment now has declined to 5%, and the administration predicts the 4.5% "trigger" may be achieved by December. Workers such as Mr. Iverson are finding private jobs easier to secure. And if localities want to keep the PEP workers on, they can rely on their federal revenue-sharing funds or their own resources—or so the administration argument goes.

"Since the program began, unemployment has declined, the number of private sector jobs has increased substantially and the financial ability of state and local governments to meet the demand for public services has improved," says Paul J. Fasser, Jr., the Labor Department's deputy assistant secretary for manpower. "The conditions which initiated the Emergency Employment Act in the first place no longer exist."

Experienced and relatively well-educated workers can find private jobs, he argues. And for "the disadvantaged who lack the necessary skills and other prerequisites for stable employment, subsidized public-service employment is the wrong prescription under generally favorable economic conditions."

PINK SLIPS

To PEP backers, however, the Nixon cutoff proposal threatens a pink slip for thousands of workers who badly need their jobs. Unless transition rates to permanent public jobs "can be dramatically increased, the cutback in funds would require the layoff of many of the 150,000 workers hired" or sharply increased local spending, Mr. Levitan asserts. "Any time you have 5% unemployment and 10% in the inner cities, people are going to have a hard time finding work," a Senate manpower expert insists.

Indeed, despite the national decline to 5% unemployment, 41 major labor areas still have a jobless rate in excess of 6%. The "emergency" clearly isn't over for Stockton, Calif., where unemployment in December was 8.3%; for Lowell, Mass., 9.2%; Atlantic City, 9.7% or Seattle, 8.1%. (These preliminary Labor Department figures aren't seasonally adjusted.)

Finally, the critics say, revenue sharing will stretch about as far as one ice cube at a bar. Even the Nixon budget concedes that total federal funds available for manpower programs will drop 10%, to $4.8 billion, for the fiscal year starting July 1. The cut is "mainly due to the phaseout of the Emergency Employment Assistance program," the budget says.

NO BIG HEADLINES

One little portent of the local effects of PEP's demise can be found in San Patricio County, Texas. There Sheriff Wayne Hitt has lately lost two PEP-based deputies, who quit to take other jobs. He'd like to fill the vacancies, but he is hesitant. With the federal subsidy due to halt, the county government alone would have to bear the load of the two $631-a-month salaries. And San Patricio County "isn't likely to pick up the tab on something like that," the sheriff figures.

Even if the act expires on schedule June 30, there won't be embarrasing headlines telling of quick or massive layoffs. Instead, the program is due to phase out gradually. While most new hiring would halt, over $580 million in subsidy money would still be available next fiscal year for PEP hirees still on public payrolls.

At this point, most PEP backers are naturally more concerned with saving the existing program than with boosting spending levels. "I was sort of hoping this year to try to change the program to one providing permanent jobs," says one union strategist." But the fight this time is for survival of the present program."

Labor, state and local governments, and Congressmen from districts with pressing unemployment are all backing extension of the program. "America's most pressing need is still jobs—more jobs and better jobs at decent levels of pay," says Andrew J. Biemiller, the AFL–CIO's legislative director. "Unwise cutbacks in existing job-creation measures could touch off a new round of spiraling unemployment, endangering the already precarious economic health of the nation."

LEGISLATIVE PROPOSALS

But even the supporters of public employment would like to tinker with the program to make it serve actual needs better. In allocating funds, "the Labor Department fiddled and diddled around until they got a formula to serve their political purposes," asserts Keith Prouty, research director of the American Federation of State, County and Municipal Employes. At one point an analysis by the National Urban Coalition showed that California with 601,000 jobless workers, had received $100 million in PEP funds while New York State, with 460,000 unemployed, had received only $47 million.

Others say the disadvantaged worker should receive more attention. A recent tally showed that three-fourths of the PEP hirees have completed high school and 31% have had further education.

City and union officials are supporting proposals offered in the House by New Jersey Democrat Dominick Daniels to extend the Emergency Employment Act for two years. He proposes to boost spending from $1 billion for fiscal 1973 to $1.3 billion in fiscal 1974 and $1.5 billion in fiscal 1975.

For areas of substantial unemployment, meaning 6% or more for at least three months, the bill would provide $1.7 billion over two years, compared with $250 million a year in the present law. The emphasis would switch more to creating public jobs in pockets of persistent joblessness.

In the Senate, a PEP extension likely will be lumped into broader legislation combining manpower revenue sharing and other programs. Even if this strategy succeeds in averting a veto, it could still have drawbacks, however; "the President might sign but not spend the money," one Senate staff member says.

Certainly the administration seems determined to make its PEP death-sentence stick. Mr. Fasser of the Labor Department recently warned a House subcommittee that "the longer the program is continued, the greater the temptation will be for governments to build future budgets around EEA funds and, in effect, the program may merely replace local funds with federal funds."

But PEP won't be easy to bury. Certainly, as Colorado Republican Sen. Peter Dominick said in opposing its birth in 1971, "It is hard to imagine a federally financed program dying a natural death."

MARYLAND'S PARTICIPATION IN MEDICARE PROGRAM

Mr. MATHIAS. Mr. President, Secretary of Health, Education, and Welfare Weinberger has recently supplied me with very useful information that gives a county-by-county breakdown of statistics which reflect the degree to which Marylanders have participated in the medicare program. The figures indicate the number of persons enrolled in the hospital and supplemental medical insurance programs as well as the amount of reimbursement for the year 1971.

Because I know that this information will be valuable to a number of interested Marylanders, I ask unanimous consent that the figures for the State of Maryland and Secretary Weinberger's letter be printed in the Record.

There being no objection, the items were ordered to be printed in the Record, as follows:

The Secretary of Health,
Education, and Welfare,
Washington, D.C., February 16, 1973.

Hon. Charles McC. Mathias, Jr.,
U.S. Senate,
Washington, D.C.

Dear Senator Mathias: State and county data on Medicare benefit payments in 1971 have now been completed, and will be published soon. I am glad to enclose an advance set of data most relevant to your State.

The overall total of Medicare payments during the year for services and items furnished beneficiaries was nearly $7.4 billion, and was an increase of approximately $800 million more than the total figure for 1970. In 1971, $5.36 billion was paid under the hospital insurance part of Medicare, and $2.00 billion under the medical insurance part. The average number of people covered by hospital insurance was 20.7 million during the year, while the same figure for medical insurance was 20.0 million. I hope you will find the data interesting and useful.

With best regards,

Sincerely,

Caspar W. Weinberger,
Secretary.

Enclosures 3.

TABLE 2.—NUMBER OF PERSONS ENROLLED IN HEALTH INSURANCE PROGRAM AND TOTAL REIMBURSEMENT FOR HOSPITAL AND MEDICAL INSURANCE BY STATE AND COUNTY

Area of residence	Hospital and/or medical insurance		Hospital insurance		Supplementary medica insurance	
	Number of persons enrolled	Amount reimbursed January–December 1971	Number of persons enrolled	Amount reimbursed January–December 1971	Number of persons enrolled	Amount reimbursed January–December 1971
Maryland	303, 367	$108,584,113	299, 143	$82,506,995	285, 926	$26, 077, 118
Allegany	10, 808	4, 254, 585	10, 759	3, 543, 234	10, 483	711, 351
Anne Arundel	16, 543	5, 166, 585	16, 383	3, 794, 009	15, 366	1, 372, 576
Baltimore	48, 738	18, 336, 756	48, 446	14, 398, 226	46, 418	3, 938, 530
Baltimore City	95, 173	37, 685, 086	94, 482	29, 800, 698	88, 891	7, 884, 388
Calvert	1, 957	530, 721	1, 930	414, 445	1, 838	116, 276
Caroline	2, 877	634, 584	2, 851	486, 902	2, 706	147, 682
Carroll	7, 161	1, 729, 824	7, 132	1, 334, 169	6, 602	395, 655
Cecil	3, 819	928, 868	3, 773	731, 376	3, 515	197, 492
Charles	2, 374	896, 031	2, 306	670, 065	2, 206	225, 966
Dorchester	3, 803	907, 094	3, 775	733, 827	3, 603	173, 267
Frederick	7, 738	1, 794, 868	7, 675	1, 385, 715	7, 343	409, 153
Garrett	2, 348	$509, 123	2, 328	$410, 967	2, 233	$98, 156
Harford	5, 939	1, 861, 022	5, 872	1, 438, 683	5, 474	422, 339
Howard	3, 103	1, 018, 909	3, 083	786, 064	2, 967	232, 845
Kent	2, 402	610, 219	2, 394	493, 928	2, 251	116, 291
Montgomery	33, 740	13, 273, 513	32, 194	8, 366, 078	32, 277	4, 907, 435
Prince Georges	24, 210	10, 703, 306	23, 305	7, 644, 841	22, 791	3, 058, 465
Queen Annes	1, 956	523, 484	1, 944	410, 549	1, 838	112, 935
St. Marys	2, 594	760, 836	2, 544	607, 719	2, 440	153, 117
Somerset	2, 717	633, 192	2, 704	508, 308	2, 553	124, 884
Talbot	3, 563	931, 139	3, 549	711, 481	3, 380	219, 658
Washington	10, 459	2, 352, 791	10, 409	1, 798, 426	9, 917	554, 365
Wicomico	5, 835	1, 537, 288	5, 812	1, 239, 984	5, 558	297, 304
Worcester	3, 260	862, 798	3, 247	686, 307	3, 075	176, 491

SEPARATING FACTS FROM FICTION—THE NIXON BUDGET

Mr. HUMPHREY. Mr. President, I am pleased to see that the press continues to print the facts regarding the President's disastrous social policies, and does not let the rhetoric of this administration go unchallenged. I was particularly struck by an article on impoundment by Louis Fisher, which appeared in the Washington Star, and a public opinion survey by Lou Harris, which appeared in the Washington Post. Both shed truth on the administration's budget and impoundment arguments.

We have heard how the President is supposedly using so-called election mandate in making cutbacks in social programs. The Harris survey documents just how unpopular these cutbacks really are. Harris found that:

1. The elimination of the Office of Economic Opportunity is opposed by 46% of the people, and favored by only 39%.

2. The cutback in REA loans is opposed by 47%, favored by 31%.

3. The cutback in Job Corps is opposed by 64%, favored by 29%.

4. The elimination of Head Start is opposed by 69%, favored by 25%.

5. The cutback of free milk in school lunch programs is opposed by 79%, favored by 18%.

6. The proposal to make older people pay more hospitalization is opposed by 92%, favored by 5%.

The public is not in favor of high spending or waste. And neither am I or other Senators. They oppose, for example, the plan to greatly increase spending for research into new weapons systems by a margin of 58 percent to 33 percent. It is clear that the President's priorities are going to receive critical public review.

The article by Louis Fisher gets right to the heart of what is behind impoundment. He states that:

> Choices were not made in terms of the projects, such as cost-benefit ratios or some other criteria. OMB simply decided that the President's budget should stand as is and that all congressional additions should be deferred.

He cites the freeze on housing, and asks:

> Was that an attempt to blackmail Congress into passing urban special revenue sharing?

Clearly, the unpopularity of the President's views on social spending has not deterred him from taking unconstitutional steps to impose those views without the approval of Congress.

As law professor Arthur Miller wrote recently in the Washington Star:

> This year will be a bruising one; 1973 and the other years of Nixon's second term may well settle whether this country will in fact be ruled by 'presidential government' or whether the time-honored constitutional separation of powers will be followed.

The New York Times has commented:

> Previous Chief Executives were just as jealous of their prerogatives; but they also recognized that they shared fiscal power with Congress and that comity between two equal branches of government is not furthered by the arbitrary or frequent exercise of an implicit, hard-to-define authority, which is best kept in reserve. Mr. Nixon lacks that traditional concern for comity.

Mr. President, the people of this country do not support the principle of Presidential legislation by fiat. Furthermore, they oppose the priorities which this particular President has regarding public policy. As the articles from which I have quoted indicate, Congress can and must take its case before the people and change the priorities of this administration.

Mr. President, I ask unanimous consent that the articles I have cited be printed in the RECORD:

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Washington Post, Feb. 26, 1973]

PUBLIC DISAGREES WITH MOST OF NIXON WELFARE CUTBACKS

(By Louis Harris)

The American people are not in agreement for the most part with the budget recommendations of the Nixon administration to cut back a number of long-established federal social welfare programs. The decision to eliminate the Office of Economic Opportunity, the coordination agency for the antipoverty program, for example, is opposed by 46 to 39 per cent.

The major finding of an intensive, special Harris Survey on the Nixon budget shows the public to be in favor of increased spending for such things as job training, rural electrification, Head Start and new hospital construction, even though a majority agrees, by 59 to 28 per cent, that "President Nixon is right in saying that inflation cannot be controlled unless federal spending is cut to the bone."

Between Feb. 14 and 17, a cross-section of 1,505 households was asked:

President Nixon has ordered a sharp halt in rises in spending by the federal government, pledging to keep spending at no more than $269 billions a year. How likely do you feel it is that President Nixon will be able to keep federal spending from going above that limit—very likely, only somewhat likely or highly unlikely?

TOTAL PUBLIC

	Percent
Very likely	15
Only somewhat likely	42
Highly unlikely	34
Not sure	9

Of course, one reason for the public's pessimism on achieving a ceiling in federal spending is that the public, itself, is inclined to oppose many of the major cuts proposed by the President.

To determine attitudes on specific budget recommendations the cross-section was asked:

Let me read you some of the areas of federal spending where President Nixon has proposed some major changes. For each, tell me if you tend to agree or disagree with what President Nixon has proposed. (Read list)

[In percent]

	Agree	Disagree	Not sure
Increase social security payments	70	25	5
Increase pay for military personnel to prepare for volunteer army	68	24	8
Increase Federal aid for education to State and local government	66	26	8
Eliminate Model Cities program	48	31	21
Expand program to aid minority owner businesses	48	38	14
Cut down farm price support paid to farmers	44	44	12
Cut back spending for urban renewal programs	43	42	15
Eliminate Office of Economic Opportunity, the agency running the antipoverty programs	39	46	15
Increase spending for research into new weapons systems	33	58	9
Cut back loan aid under rural electrification	31	47	22
Cut back Job Corps, designed to help train disadvantaged young people	29	64	7
Place less emphasis on enforcing minority rights and more emphasis on enforcing rights of women	27	50	23
Eliminate the Headstart program, designed to help disadvantaged children prepare for school	25	69	6
Cut back on Federal aid for building new hospitals	24	70	6
Cut back free milk in school lunch programs	18	79	3
Make older people pay more than they now pay for medicare	5	92	3

[From the Sunday Star and Daily News, Feb. 25, 1973]

IMPOUNDMENT RELIES ON WEAK ARGUMENTS

(By Louis Fisher)

Exhilarated by his 61 percent November mandate, with 49 states tucked away neatly in his corner, President Nixon has staged a bold confrontation with Congress. Thus far legislators have responded with angry and fiery denunciations about the impoundment of funds. The spectre of "one-man rule" has been raised. Invocations, if not incantations, are made to the Constitution, the Founding Fathers, and the separation of powers doctrine. Amidst all the clamor and heavy rhetoric, the funds remain impounded.

Executive officials, visiting Capitol Hill to defend the legality and political wisdom of impoundment, have little difficulty in marshaling a host of precedents, legislative histories and statutory fragments to support their cause.

The standard litany includes:

"No sense spending money on wasteful and ineffective programs."

"Spending must be curbed or we'll have a tax increase (or renewed inflation)."

"Other Presidents have done it."

"We have to impound to stay within the statutory debt limit and to carry out the Antideficiency Act."

To the uninitiated these arguments may sound reasonable, but are they?

The issue of whether impoundment is constitutional—whether it is legitimate or politically defensible—is beyond the scope of this article. Impoundment comes in many shapes and colors, legitimate in one case and highly questionable in another. A more manageable task is to question the current rationale offered by the administration. Is it as strong as it outwardly appears?

Consider the special section in the new budget on "Program Reductions and Terminations," A major criterion for identifying low-priority programs is this test: "Would they justify an increase in tax rates to pay for the anticipated expense of their continuation? The 1974 budget proposes reducing or eliminating programs that do not meet this criterion."

Is it too much to wonder if that same standard was applied to the space shuttle? To the B-1 bomber or the SST? To the ABM site in North Dakota or to merchant marine subsidies? Or are those, to borrow from the President's Jan. 28 radio address, "sacred cows"?

How does the Office of Management and Budget decide which projects to continue and which to shelve? Roy Ash, in a Feb. 1 appearance at the Joint Ervin-Chiles impoundment hearings, assured the senators that "we are not choosing between good programs and bad programs. In many cases we are forced to choose between good ones and better ones."

Very nice, but is there a measuring rod somewhere that distinguishes between bad, good and better?

Apparently that is not the case. Some insight as to how things work can be gained from hearings held in June 1971. Caspar Weinberger appeared before the House Appropriations Committee to explain why the OMB had impounded, without exception, every public works project that Congress had added to the President's budget.

Choices were not made in terms of the *merits* of the projects, such as cost-benefit ratios or some other criteria. OMB simply decided that the President's budget should stand as is and that all congressional additions should be deferred.

Weinberger admitted that the OMB did not feel qualified to exercise independent judgment on the projects. It was merely a case of depending on the Corps of Engineers and the Bureau of Reclamation as to which projects had a lower priority—"by definition those projects that are not included in the budget . . ."

The image of the President and his budget officials standing in front of a smorgasbord, delicately picking out good programs from better programs, is pure fantasy. The "good programs" are those added by Congress. The "better programs" are those initially requested by the President.

In his news conference of Jan. 31, Mr. Nixon said that he would respond to critics of impoundment in the "same way that Jefferson did, and Jackson did, and Truman did."

The Jefferson example has been something of a godsend, eagerly seized upon by administration spokesmen. Weinberger told the Senate Committee on Labor and Public Welfare on Jan. 17 that "we are doing not only nothing different than any other President since Thomas Jefferson has done; we are doing it in no greater degree." Both points are shaky.

It is almost embarrassing to recall the details of the Jefferson incident. Congress had appropriated $50,000 for gunboats in anticipation of an emergency. When the emergency failed to materialize, Jefferson saw no reason to spend the money. Neither did Congress. He announced that the "favorable and peaceable turn of affairs on the Mississippi rendered an immediate execution of that law unnecessary."

It was a commonsense impoundment, in no way defying Congress. Can anyone seriously offer that as a precedent for cancelling the Rural Environmental Assistance Program (REAP), placing an 18-month moratorium on housing, or withholding $6 billion in contract authority from the water pollution control program? Would not Congress be subject to ridicule if it offered such strained analogies?

Budget officials like to point out that 1967 impoundments represented 6.7 percent of budgetary outlays, compared to only 4.6 percent for 1972 impoundments. To compare administrations with aggregate figures, either with dollar amounts or with percentages, is meaningless. You have to look at individual impoundment actions, separating the routine from the controversial.

Percentages are helpful in showing the impact of impoundment *within* an administration. OMB's Feb. 5 report lists $1.899 billion withheld from the Department of Defense (military functions), $1.497 billion from Agriculture, and $529 million from HUD. Convert that into a percentage of total available budget authority for fiscal 1973 and you get 2.4 percent Defense, 13.0 percent Agriculture, and 10.5 percent HUD. If Defense is underrepresented, the main burden of impoundment obviously falls on the domestic programs. And so it does.

Two other calculations are needed to understand the full impact on domestic programs. The Feb. 5 report is restricted to impoundment of appropriated funds. It is also possible to "impound" by withholding contract authority, such as for home ownership or rental assistance programs. Total impoundments for HUD—in appropriated funds and in contract authority—come to $991 million, 19.8 percent of the Department's total available budget authority.

Also important is the amount of money that will lapse (be lost) at the end of the fiscal year. Of the defense impoundments, all of the funds will be available beyond fiscal 1973 except for $7.5 million in annual accounts. Thus, less than half of one percent will lapse. Compare that to $207 million of Agriculture money that will not be available beyond fiscal 1973—13.8 percent of Agriculture impoundments.

But in addition to the $207 million you have to add other funds that are technically or legally "available" after fiscal 1973, but which the administration has no intention of spending. This category includes $210 million for REAP, $11 million for the Water Bank Program, $456 million for rural electrification loans, and $120 million for rural water and waste disposal grants.

In a practical sense, then, 67 percent of the Agriculture impoundments will be lost after fiscal 1973. In the case of Defense, none of the funds that extend beyond fiscal 1973 face political impoundment.

Of the $529 million in appropriated funds withheld from HUD, all of the money is technically available after fiscal 1973. However, with the single exception of $6.6 million in housing production and mortgage credit, the administration does not intend to spend any of the funds. Moreover, the housing pipeline will be depleted during the 18-month moratorium, resulting in a loss of both of funds and of momentum.

To pinpoint the specific kind of impoundment that disturbs Congress, Sen. Ervin reminded Roy Ash of a 1971 example. Urban funds were withheld at that time because, as George Romney explained, there was no sense in accelerating programs that were "scheduled for termination."

Note that the "scheduling" was by the executive branch, not by Congress. It was the administration's intention to convert urban programs into the President's revenue sharing proposal. Impounding funds in this prospective sense—holding on to money in anticipation that Congress would enact an administration bill—was a new departure for the impoundment technique.

Ash responded by saying that the Romney example "dealt not with this year but earlier. . . . This year the reasons are very compelling ones and different ones." Yet impoundment is still being used today as part of the administration's strategy to enact urban revenue sharing. The 1974 budget stops new project approvals under seven "outmoded and unduly restrictive" grant and loan programs. As these programs decline, they are to be phased (so the script reads) into the administration's $2.3 billion special revenue sharing plan.

This confirmed by a Jan. 15, 1973 letter from Kenneth R. Cole Jr., Director of the President's Domestic Council. He informed Sen. Sparkman that "until the [community] development activities are folded into the revenue sharing proposal, there will be a temporary suspension of new commitments for water and sewer grants, open space and public facilities loans."

Was that an attempt to blackmail Congress into passing urban special revenue sharing?

During the hearings on James Lynn's nomination as the new HUD Secretary, Senator Packwood asked: "If Congress, in its lack of wisdom, refuses to pass the urban and special revenue sharing bill, is it your intention or recommendation to permanently freeze community development funds?" Lynn's reply was nearly incomprehensible: "I think we would have to face up then to what our position would be and would make our recommendations as to what happens to water and sewer quite separately. Yes, we would, but all we are talking about is the time sequence. This is an optimistic plan based on what we think is the right thing to do, and, as you said, Mr. Chairman, the right thing to do is to have revenue sharing. Mr. Cole is saying that we intend to have the revenue sharing substituted for it."

Housing programs are being suspended or terminated, according to the administration, because they are wasteful and ineffective. Does the President apply that same rigorous principle, on such a broad scale, to procurement programs for the military?

The administration had four years to study the housing programs and come up with legislative remedies. Nothing was proposed except for urban special revenue sharing and a consolidation and simplification bill. To wait four years and apply the draconian remedy of a moratorium smacks of bad faith.

The administration professes an open mind on the housing program, evaluating it objectively and impartially during the 18-month period. Some of the statements in the Cole letter ("The program structure we have now cannot possibly yield effective results even with the most professional management") indicate that the evaluation has already been made. That too suggests bad faith.

In their more modest moments, when not invoking the inherent powers of the President, administration officials claim that impoundment is necessary to satisfy statutory directives. This is the humble approach. On such occasions the public debt limit is trotted out to explain why funds are impounded. "Congress set the limit; we cannot go above it."

That is true, but there is nothing to prevent the administration from asking that the limit be raised. They do it all the time nowadays. Why is it we spend billions to meet our commitment in Southeast Asia, put a man on the moon, and extend revenue sharing to the states without feeling constrained by the debt limit?

OMB argues that it would be impossible to stay within the debt limit if outlays for fiscal 1973 exceed $250 billion. That is an administration spending target, not a statutory ceiling. Roy Ash tried to give it a quasi-statutory blessing by saying that both houses had supported a $250 billion limit, even if it was not enacted. Sen. Chiles offered this advice: "Mr. Ash, most things we do around here, if they do not come out to a law, we do not think they amount to much."

The Employment Act of 1946 and the Antideficiency Act are also used to defend impoundment. Weinberger told Senate Labor and Public Welfare on Jan. 17 that the 1946 Act "requires the President to maintain policies that guard against inflation." It does no such thing. It requires the President to present an Economic Report, but he has no special powers (Discretionary spending powers were deleted from the 1945 Full Employment Bill).

The act also declares it to be the responsibility of the Federal Government—i.e. Congress and the President—to use all practicable means "to promote maximum employment, production, and purchasing power." It is true that impoundment, as an anti-inflation weapon, can help promote purchasing power, but that begs the question: where does the act grant power to the President? And second, the Employment Act was meant to promote purchasing power by stimulating employment and production. Impoundment does just the opposite.

As for the Antideficiency Act, that has become an all-purpose contraption to justify practically any kind of impoundment. Yet the act has but two narrow objectives. One is to apportion funds (usually by quarters) so that agencies do not exhaust their funds before the year is out. The second is to set aside reserves to provide for contingencies or to effect savings.

There is nothing in the legislative history to suggest that reserves can be established for the purpose of fighting inflation. Nowhere does the legislative history imply an authority to cancel or curtail a program because the administration doesn't like it. If an administrator can satisfy a statutory purpose by spending fewer dollars than Congress appropriated, all well and good, but the purpose itself is not to be denied.

To challenge these administration arguments is not to dispose of the impoundment issue. Far from it. It is merely to sweep away some of the cobwebs that now confuse us, prevent us from asking more fundamental questions.

The primary motivation behind the controversial impoundments is not obedience to statutory directives. What we are witnessing is an act of administrative policy-making and priority-setting. It is the question of which branch shall decide how to allocate the public funds.

In a revealing interview published last November in The Star-News, President Nixon philosophized about the proper relationship between the Federal Government and the people. The average American was "just like the child in the family. You give him some responsibility and he is going to amount to something." He urged government to "allow people to do more for themselves, to encourage them to do more for themselves." Explicitly rejected was the doctrine that Papa knows best.

That is not exactly the way the President sees his relationship with Congress. The present lack of comity, he explained in a Jan. 31 news conference, is that Congress "represents special interests . . . there is only one place in this government where somebody has got to speak not for the special interests which the Congress represents but interest. . . . I am going to stand for that general interest."

Is Congress likely to stand for the proposition that, at the Federal level, Papa knows best?

[From the New York Times]

IMPOUNDMENT ISSUE

In the controversy over the refusal of the executive branch of the Federal Government to spend money in the amounts and for the purposes written into law by Congress, President Nixon has made a bold bid for executive supremacy.

The President and his apologists have portrayed this effort to disrupt the constitutional balance of power as a fight for fiscal sanity. Congress, they contend, cannot control Government spending; only the President can prevent "ruinous" financial excesses. The record does not support this scare talk. The House and Senate Appropriations Committees reduce Presidential budget requests more often than they increase them. If it were not for three tax cuts in the last decade—two of them urged by Mr. Nixon—the budget would now be in substantial surplus.

The true nature of Mr. Nixon's bid for power was exposed in an exchange between the House Appropriations Committee and Administration officials last week. Representative Jamie Whitten, the conservative Mississippi Democrat, inquired whether the President would obey appropriations bills if Congress kept the over-all level of spending at or below the President's budget ceiling but rearranged spending priorities.

Congress, for example, might accomplish this result by appropriating less than Mr. Nixon wants for defense and space but more for agricultural programs which happen to be Mr. Whitten's chief concern. None of the Administration officials would give the committee any assurance that in that hypothetical case, the President would spend the agricultural funds regardless of the total size of the budget. Representative Whitten commented: "This encroachment is the most dangerous thing I've seen in my thirty years in Congress."

It is possible to disagree with Mr. Whitten's priorities—as this newspaper does—and still share his sense of alarm. In effect, Mr. Nixon insists on substituting his judgment for that of Congress on the desirability of many different programs for which the Government now spends money. It is a novel and dangerous doctrine.

In advancing this doctrine, President Nixon exploits ambiguous constitutional precedents and pretends that what is cloudy is actually well-defined. The power to impound is one of those powers that are always implicit in any grant of executive power. Obviously, if a President finds that he can administer a program with fewer employes or in a more efficient manner than Congress had contemplated when it approved an appropriation, it would be absurd of him to spend the extra money. But efficient management is quite different from a decision to kill a program by not spending any money at all.

In the defense area, the Constitution gives a President broad latitude to exercise judgment in his capacity as Commander in Chief of the armed forces. On defense issues, therefore, the courts would tend to rule in favor of the Chief Executive whether he was President Jefferson refusing to deploy gunboats in the Mississippi or President Truman refusing to buy extra bombing planes. But, again, military expenditures are a special part of the budget and not to be confused with the many civilian programs which Mr. Nixon is trying to put to death.

A third distinction has to be made. Previous Presidents exercised the power to impound funds only in isolated or temporary circumstances. Mr. Nixon is asserting it across the board and as a permanent weapon in his constitutional arsenal. Previous Chief Executives were just as jealous of their prerogatives; but they also recognized that they shared fiscal power with Congress and that comity between two equal branches of government is not furthered by the arbitrary or frequent exercise of an implicit, hard-to-define authority, which is best kept in reserve. Mr. Nixon lacks that traditional concern for comity. Despite occasional rhetoric about cooperation, there stares forth through his words and deeds an ill-concealed disdain for the members of Congress and for the people whose interests they represent.

[From the Washington Evening Star-News]

IS IMPOUNDMENT CONSTITUTIONAL?

(By Arthur Miller)

Last October President Nixon attempted to get Congress to enact a spending ceiling bill, giving him discretion to cut appropriations to a maximum of $250 billion. He lost that battle, but now seems to be winning the war, unless Congress does something drastic soon.

The war is being won, so far at least, by "impounding" funds appropriated by Congress. Impoundment has no precise definition. In general, it means that the President refuses to spend either for some projects he considers undesirable or unnecessary or because he believes too much money was appropriated.

So far Nixon has withheld more than $12 billion. The exact figure will not be known until a report is made to Congress this month.

Although not a new technique, it has been carried to unprecedented heights by the present administration.

In net result, the fight over spending is the core of a growing confrontation between Congress and the President—sure to be the major constitutional problem of 1973.

Silences in the Constitution make the impoundment struggle possible. Congress, and only Congress, can appropriate money for a variety of purposes—and the President is enjoined by the Constitution "to take care that the laws be faithfully executed." But spending of appropriated funds is unexplored legal territory. Superficially, some might think that the President has little discretion. The facts, however, are to the contrary.

The President, operating through a little-known but very powerful part of his staff, the Office of Management and Budget, screens budgetary proposals of government agencies in the first instance and controls allocation of moneys that are appropriated.

Headed now by Caspar Weinberger, the next secretary of Health, Education and Welfare, OMB is the nerve center of the federal bureaucracy, the place where the action is on scores of governmental programs.

Impoundment, in effect, permits the President to exercise, as Sen. Charles Mathias, R-Md. said in 1971, "an informal line-item veto" over projects and programs that Congress wants. Nothing in the Constitution or any statute permits such a veto, but it has been exercised by many chief executives.

Thomas Jefferson seems to have been the first to impound money—$50,000 appropriated for gunboats on the Mississippi. In addition, a few additional impoundments took place during the 19th century, although the historical record is far from complete.

Jefferson's action has led Weinberger, among others, to assert that all presidents since Jefferson have impounded—a statement not borne out by the known historical record.

The fact seems to be that the practice first began in any substantial sense during the early days of World War II, when President Roosevelt withheld some national defense funds because the particular projects were considered unnecessary for the war effort.

The battle lines were clearly drawn during the Kennedy administration. When, in 1963, the U.S. Civil Rights Commission recommended that federal funds be cut off to Mississippi because of widespread defiance of desegregation decrees, President Kennedy in a news conference flatly said that he had no authority to do so. He was not challenged, perhaps because impoundment of other funds had gotten little public attention.

At about the same time, the Pentagon convinced Congress that it needed a new bomber (the B–70), a weapon opposed by Secretary of Defense Robert S. McNamara. Rep. Carl Vinson, D-Ga., the powerful head of the House Armed Services Committee, was determined to have the plane built. Kennedy talked Vinson out of putting mandatory language in the defense appropriation bill, however, so the issue remained unresolved.

Since then impoundments have continued, under both Presidents Johnson and Nixon, reaching the high-water mark of $12 billion under Nixon. The congressional response, although slow in arising, has become increasingly bitter. In March 1971, Sen. Sam Ervin, D-N.C., a zealous guardian of congressional prerogatives, held hearings on impoundment.

The hearing did clear some of the air. For the first time Congress learned of both the magnitude and specifics of impoundment (it took Ervin two years to pry that data from OMB).

For the first time, also, the extremely shaky legal basis for impoundment was revealed. Weinberger, trying to make the best of a bad case, maintained that the President could refuse to spend money in order to control inflation and to help the U.S. balance of payments. But he was unable to cite specific constitutional or statutory bases for Nixon's actions.

A major counterattack against presidential impoundments has now been launched. Lawsuits have been filed in Missouri, New York, Florida and Virginia; a number of others are contemplated.

The Missouri case is particularly significant. There, a federal district judge invalidated impoundment of highway trust funds in a suit brought by the state. The case is now on appeal before the Eighth Circuit Court of Appeals, which heard argument in early January. No doubt it will get to the Supreme Court.

The state of Florida has challenged President Nixon's termination of money for a barge canal. This case posed the constitutional issue squarely—the Missouri case having been decided purely as a matter of statutory interpretation.

This year will be a bruising one; 1973 and the other years of Nixon's second term may well settle whether this country will in fact be ruled by "presidential government" or whether the time-honored constitutional separation of powers will be followed.

A shrewd gambler would, at the moment, be forced to put his money on the President. In broadest terms, should the President prevail, the Constitution will have been changed without benefit of constitutional amendment.

FOOD ASSISTANCE FOR THE AGED, BLIND, AND DISABLED

Mr. EAGLETON. Mr. President, the Committee on Agriculture and Forestry is currently holding hearings on the farm program and related agricultural programs.

On February 27 I had the privilege of appearing before the committee to speak about S. 255, the bill I have introduced to continue the eligibility of low-income aged, blind, and disabled persons to participate in the food stamp and food distribution programs.

I ask unanimous consent that my statement on that occasion be printed in the Record.

There being no objection, the testimony was ordered to be printed in the Record, as follows:

Statement by Senator Thomas F. Eagleton

Mr. Chairman, as you begin hearings today on a number of important programs, I appreciate the opportunity to appear before your Committee on a matter of some importance to those elderly and disabled persons whose income is, by definition, insufficient to enable them to purchase a nutritionally adequate diet.

Last year, as a part of the Social Security Amendments of 1972 (now Public Law 92–603), Congress authorized the establishment of a new federal Supplemental Security Income program (SSI) for the aged, blind, and disabled beginning January 1, 1974.

At the same time, Congress provided that those persons eligible for assistance through SSI would become ineligible to participate in the food stamp and food distribution programs.

I believe that latter action on the part of the 92nd Congress was ill-advised and should be reversed this year.

Accordingly, on January 9th I introduced S. 255 to repeal the pertinent provisions of Public Law 92–603 and thereby continue the eligibility of low-income aged, blind, and disabled persons for food assistance programs.

Nineteen Senators have joined as cosponsors of S. 255. They are: Senators Abourezk, Beall, Clark, Cranston, Hatfield, Huddleston, Hughes, Inouye, Javits, Magnuson, Mondale, Moss, Pastore, Pell, Randolph, Stevens, Stevenson, Tunney, and Williams.

Today I want to outline as briefly as possible why I believe it is imperative that S. 255, or a bill containing similar language, be enacted into law this year.

The effect of the action taken by Congress last year is to make ineligible for food assistance one group of people simply because all or a part of their income is—or could be—derived from the Supplemental Security Income program.

In an attempt to justify this action, Public Law 92–603 provides that the supplemental payments states may choose to make to their aged, blind, and disabled residents may include an amount equal to the bonus value of the eliminated food stamps, and that expenditures for this purpose will be covered by the so-called "hold harmless' provision of the law.

(Under the "hold harmless" provision, a state is guaranteed that its expenditures to maintain January 1972 assistance levels and to replace the bonus value of food stamps will not exceed its calendar 1972 expenditures for assistance to the aged, blind, and disabled. Where a state's expenditures exceed the "hold harmless" line, the federal government will pick up the additional costs.)

The provisions of this law relating to supplementary payments, and the various options available to the states, are rather complex—or at least they seem so to me—and my purpose here is not to deliver a dissertation on that subject.

I do hope to demonstrate that supplementation by the states is a wholly inadequate substitute for the right of the aged, blind, and disabled to participate in food assistance programs.

In essence, the states are being invited to use their own funds to replace what is now a federal benefit. The only financial incentive provided for them to do so is the "hold harmless" guarantee.

However, that guarantee will not operate in those states whose adjusted payment levels are below SSI benefit levels. At this point in time, the Social Security Administration is unable to say how many states will be covered by "hold harmless."

We do know that in approximately one-third of the states all recipients will benefit from SSI and, therefore, there will be no need for supplementary payments. I believe it is unlikely that many of these states will enact authorizing legislation and appropriate funds simply for the purpose of replacing the bonus value of food stamps.

In states such as Missouri, where there is a need to provide supplementary payments to some recipients, the fact that those payments will not be covered by "hold harmless" makes it doubtful that the level of payments will be raised to include the bonus value of food stamps.

Among those states covered by "hold harmless" there is still no guarantee that all will choose to supplement or that all which supplement will include the value of food stamps in their supplementary payments. Only a few of these states are expected to actually qualify for "hold harmless" payments.

Finally, let's consider those states which do choose to include the bonus value of food stamps in their supplementary payments.

In order to be protected by "hold harmless" they must limit those payments to the bonus value of food stamps *as of January 1972*.

One cost-of-living increase in bonus value has occurred since that time and another will ocur on July 1st. Therefore, any cash replacement of food stamps will likely be about $8 less than their real value in 1974.

In summary, Mr. Chairman, it is not unreasonable to predict that, under Public Law 92–603, significant numbers of aged, blind, and disabled persons will receive *no* cash payment in lieu of food stamps and that those who do will receive an inadequate payment.

But the burden of my argument here today is that the issue of supplementary payments by the states is really irrelevant.

For the simple fact is that, regardless of SSI and of any payments that states may provide, several million aged, blind, and disabled persons will continue, for the foreseeable future, to have incomes below the poverty level.

We can take some satisfaction from the estimate that increases in Social Security benefits enacted last year have lifted 1.2 million elderly people above the poverty line.

But 3.1 million elderly persons and unknown numbers of the blind and disabled remain in poverty, and the implementation of SSI next January will not change this situation.

An individual with no other income will receive $130 and a person with, for instance, a Social Security benefit will be guaranteed a total monthly income of $150. This is well below the estimated 1972 poverty level for an aged individual ($165), and it will be even further below the poverty threshold by 1974.

Let me illustrate my point by an example from Missouri.

An elderly widow with no other income now receives an Old Age Assistance grant of $85. Depending upon where she lives, she may also receive commodities with a value of between $15 and $20 or food stamps with a bonus value of $22 per month.

Beginning next January, this widow will receive $130 from SSI. This is all to the good. But she will still have an income below the poverty level and, by virtue of that very fact, she should be eligible for food assistance.

(Approximately 33,000 elderly persons, 15,000 of the disabled, and 1,800 blind persons in Missouri are in a similar situation.)

Given this continued poverty among the aged, blind and disabled, there is to my mind no rhyme nor reason to a law that would deny them the food assistance that is available to all other low-income persons.

Do we really want to create a situation in which a person with more income, or a younger person with the same income, could avail themselves of the food assistance denied the most impoverished elderly person? I don't believe we do.

To let this law stand would not only create serious inequities. It also would represent a significant step backward in the effort the federal government has undertaken to see to it that every Ameircan has the wherewithal to obtain a nutritionally adequate diet.

Mr. Chairman, with your permission, I will submit for the record a letter I have received from Mr. Edward J. Hekman, Administrator of the Food and Nutrition Service, Department of Agriculture, in which he estimates that approximately 13 per cent of the current participants in the food stamp and food distribution programs—or about 2 million people—would be made ineligible by Public Law 92–603.

In Missouri there are now—in round numbers—120,000 aged, blind, and disabled persons receiving public assistance.

Approximately 33 per cent of them participate in a food assistance program. 11,000 receive food stamps in 11 counties and the City of St. Louis. 28,000 receive donated foods in 103 counties.

Another 2,000 aged, blind, and disabled persons who do not receive public assistance also participate in the food distribution program. Most, if not all, of them would also lose their eligibility.

It may be of some interest to the Committee to know that the rate of participation by the aged, blind, and disabled is generally higher in food distribution counties.

The highest rate of participation in the food stamp program is in the City of St. Louis, which was one of the first jurisdictions in the nation to implement the food stamp program. But that rate is only about 25 per cent.

By way of contrast, Butler County, in the southeastern part of the state, has a participation rate of 80 per cent of the aged, blind, and disabled in the food distribution program. Many of the other food distribution counties have participation rates in the 40–50–60 per cent range.

Therefore, in Missouri the impact of denying food assistance to this group might well be felt most acutely in those rural counties where a large percentage of elderly people rely on the donated foods they receive each month.

Mr. Chairman, I respectfully urge your Committee to send to the Senate at an early date legislation, such as I have proposed, to restore the eligibility of the aged, blind, and disabled for food assistance.

With this corrective action by the Congress, it will be possible to continue the steady progress of recent years toward the elimination of hunger and malnutrition in America.

THE 10TH ANNUAL WEHRKUNDE CONFERENCE ON WESTERN EUROPEAN SECURITY

Mr. TOWER. Mr. President, I recently had the honor of attending the 10th Annual Wehrkunde Conference on Western European security in Munich, Germany. The conference is an unofficial meeting of prominent men interested in European affairs. Its unofficial nature makes frank, fruitful discussions easier and often very intriguing ideas are presented in the course of the conference. This year, my friend, Peter Blaker, Under Secretary of Defense for Great Britain, presented his views on maintaining an adequate military posture in the face of an increasing spirit of detente. The United States was most ably represented by Jerry Friedheim, Assistant Secretary of Defense—Public Affairs—who presented remarks on the role of Europe in U.S. policy. I commend these papers to you and ask unanimous consent that they be printed at this point in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

MAINTAINING MILITARY SECURITY IN AN ERA OF DÉTENTE

(By Peter Blaker)

There are two lines in one of Shakespeare's late and metaphysical sonnets in which the poet addresses his soul:

"Why so large cost, having so short a lease,
Does thou upon thy fading mansion spend?"—(Sonnet 146).

The feelings of large sectors of the public towards military forces are somewhat similar. If I gauge public opinion correctly, these lines capture rather well what some people are saying to us: "why are you spending so much money—25 billion dollars in Western Europe alone every year—on a luxury you cannot afford, a luxury which even if you could maintain it in the proper state demanded by its own logic has for many years been irrelevant to the modern world and is becoming increasingly so; you will not be able to evade your responsibilities much longer, because the public will not stand for it: your lease is running out." In this paper I want to examine this mood which makes the job of running the defence machine so much more difficult, looking at how and why the mood makes itself felt. I shall play the Devil's Advocate and develop the sort of case against defence which seems to be in the minds of so many people today and which we cannot ignore; placing special emphasis on the way progress towards détente makes any defence activity, let alone increased levels of defence activity, appear incongruous. I then propose to fight back setting out some of the facts and figures of what we are doing and why. I shall admit to the semblance of a paradox but go on to explain it and set out the arguments which I think should be used in countering attacks on defence. Finally, in preparation for our discussion, I shall make a few observations on the problem of getting this message across.

2. First, am I right in thinking defence unpopular? Some would say that I am not. They would point out that in Britain we are successfully running volunteer armed forces, and that while our recruiting targets, totalling well over 40,000 a year, are by no means met in full every year, nevertheless we do get the great majority of the men we need: that is a sure indication that defence is not regarded with hostility. Or taking the issue a different way, it might be said that serious intellectual discussion of defence has never been so widespread as in recent years. There is informed comment in the media, and many institutes have begun to concentrate on defence issues and to do important research which complements the work of government defence departments. Defence has become an important specialization in the study of international relations. Defence, in fact, enjoys a fair degree of popularity in both practical and academic terms.

3. I do not deny any of this. We in Britain are proud of our volunteer forces and are encouraged by the level of debate in which we take part on defence issues. But is the public as a whole aware of defence as a fundamental part of national and European endeavour—not defence the provider of jobs or defence the rich seam of academic theses? I cannot escape the feeling that defence is *not* one of those subjects which, like so many economic or industrial issues for example, hold attention in cafes, in schools and university common rooms.

4. It is more than this. The man in the street shows either complacency or no positive interest. He does not think about defence or security at all, and I feel bound to say that often his attitude is shared by many of his representatives in parliament! But younger people show a negative interest in the form sometimes of open hostility. We are all familiar with the manifestations of anti-militarism—demonstrations and protest meetings, and the semiautomatic championing of the rebel cause often without regard to its justice. Defence authorities, like police authorities, suffer acutely from a common and vocal conviction that Authority is necessarily an oppressor. It is not pacificism—in a violent society honest pacificism has its problems as much as defence does. I think it is more a fear of what is believed to be a mindless and infinitely dangerous defence automation which is interested only in itself, not in people.

5. It is interesting, and might be helpful, to speculate how this feeling has come about. It would be accepted, I think, that it is a relatively new feeling, expressed in the main by the post-war generation of about university age, but by no means confined to them—some older sceptics are identifying themselves with the view. Many people in Britain would claim a connexion with the ending of conscription, and the taste of discipline it fed the young, which coincided with the emergence of the new hostility. I would not agree; nor, I think would my NATO colleagues: it is coincidence, nothing more. The reasons are deeper than a simple absence of experience of authority, although one of the main ones is not unconnected: twenty-seven years of peace in Europe. Or at least absence of war. This has led to a belief, not necessarily conscious, that wars can never be necessary, and that therefore all things military are likewise unnecessary. This belief has been perhaps reinforced by a consciousness of the waning of European power after world war II; by more recent confrontations—Biafra, Bangladesh; and I fear most dramatically and immediately, by the conflict in Vietnam. War in the abstract, war in which peoples' loyalties are involved only at many removes, has thanks to television been brought into peoples' homes in all its horror. As a result people have not been prepared to analyse the justice of causes, only to revile the destructiveness of warfare and the irrelevance of the political framework that allows it: the concept of "defence".

6. In addition to this, people have begun to look further into the means and methods of warfare, and have concluded that, even within its own terms, war is want-only and

unnecessarily cruel. Incendiary weapons, chemical weapons, biological weapons, nuclear weapons: all catch at the emotions. And simultaneously a welcome altruism is developing in the young's perception of social relations—answer enough to those who think conscription alone could instil a sense of service and responsibility. A conviction that the strong should assist the weak, that the rich should help the poor, as a basic principle of human conduct. In this frame of reference defence is to some the prime example of the strong and rich helping themselves.

7. I am not suggesting that I have been outlining logical thought processes; only that I have touched on some of the factors—especially the emotive factors—which predispose people to think in one way, rather than another. Nor am I criticizing people for being uncritical. As I shall explain later, my belief is that people draw the wrong conclusions because they are not given the opportunity to know the full picture.

8. This then is the mood of underlying hostility which indicates the way people, especially young people, regard defence issues. Let me pursue this a little further, narrowing my perspective to concentrate on the way these attitudes could and do take expression as a more thoughtful attack on defence, particularly defense in Europe.

9. The Devil's Advocate might first ask why we are doing it at all. We cannot seriously believe he would say that there is a risk of another major conflict. Who would be so foolish? Do we think that if we removed all our forces, and disbanded them, anything would change? The relationships between major powers have now stabilized to the point where there is an excellent understanding between them about the realities of the international balance of interests. The military aspect is irrelevant now: it is an economic burden that creates more problems than it solves. For example, he would continue NATO, simply by existing, obliges the Warsaw Pact to exist and vice versa. It perpetuates Cold War attitudes—suspicion and distrust—and keeps states apart, where good sense demands they should cooperate together. The very existence of a defence posture indicates a failure of diplomacy, or worse, a conscious desire to wield power at the expense of others. In our alleged desire to show the East we are just as strong as they, we have to rely on weapons of unparelleled destructiveness. We possess the capability of blowing the world apart. By what right do we gamble in this way with the lives of ordinary people? Will the earth itself be able to support the survivors of our holocaust? Will not future generations inherit the scars of our recklessness? And of course, we could always do it by mistake.

10. To keep up this charade, the critic would argue, we are spending in the West about 3½% of our combined Gross National Products on a counter-productive phantasm. Britain is spending 5½ percent. That money could help the under-privileged, at home and abroad; improve health and education services; and contribute to national prosperity. And in addition we could be said to be commandeering large proportions of national resources to meet our private ends: we are forcing large numbers of men to acquire a taste for violence, and removing them from the productive labour force; we are occupying much industrial productive capacity with the manufacture of defence equipment and depriving the economy of growth.

11. It is useless to point to weaknesses in the argument in terms of economic or international relations theory. I indicated earlier how this approach is based upon a conditioned emotional response. But its main elements are that defence is worse than unnecessary because it is:

a. destabilizing;
b. highly expensive; and
c. morally wrong.

12. Our problem is much more acute at a time like the present, when we are entering, in President Nixon's term, an "era of negotiation"; when the public are expecting some tangible signs of thaw in international relationships. The sign they are looking for, naturally enough, is a reduction in defence effort, and the release of resources to other activities. At last, it might be said, statesmen have seen where their best interests lie. Chancellor Brandt's Ostpolitik has led the way; the Russians and Americans have had a certain amount of success in the SALT talks; the Security Conference is being prepared, and so are talks on force reductions. We are urged do all we can to hurry the process on, so that states can enjoy as soon as possible the benefits of relaxed tensions without the burden of a crippling defence effort. We Defence Ministers are asked to recognise that the only obstacle to a rapid East/West reconciliation is the fact that we are maintaining our armed forces in strength, and our strategic deterrent: how irresponsible it is to jeopardize the chances of a genuine detente by so blatantly showing suspicion and plain disbelief of Eastern intentions!

Mr. Brezhnev spoke in Moscow in December apropos of force reductions: "The strengthening of peace in Europe is a very important and great issue for the fate of all mankind. We are fighting with all our energy and purposefulness so that Europe, which has been an eruptive point, should not be the starting point of another war. We can see clearly that reaction, militarism and revenue-seekers of various hues have not given up their attempts to turn the whole course of affairs in Europe back into the past. But this shall not come true." To persist in maintaining our military posture in the face of such a Soviet attitude—so runs the accusation—is to be unashamedly provocative. To argue as we have done against making any reductions in force levels and for improving our defence capabilities is to guarantee that progress towards detente will be stymied.

13. That, I think, is how an argument might run and I hope I have indicated the sort of thinking that might lie beneath it. Now let us shift the frame of reference and examine how governments, and in particular Defence Ministers, perceive these same issues; and see the extent to which our critics are attacking real as opposed to imaginary targets.

14. Governments, despite what may be claimed to the contrary, are probably as well placed as any to appreciate the unspeakable horrors of war. Let no-one accuse Authority of enjoying war as a game. We engage in defence in order to ensure that countries do not have to make a sacrifice. Defence is the price we pay for avoiding war. We engage in detente in order to ensure that that price is as low as possible. We share the aspiration of our critics: a world without armaments, a world without greed, a world in which international cooperation and individual prosperity provide all the security we need. We do not agree with our critics that a world without armaments is necessarily a secure world—yet. We do not think that we are mature enough—yet—to be able to pool our interests and pursue them without the stability given us by a system of alliances based ultimately on the threat of resort to arms to protect our rights to self-determination. We are cynical enough not to pin too much faith in a world without greed. Yet we do believe that the growth of the European Economic community marks one means of progress towards our ultimate common goal. So does the pursuit within that framework of realistic measures of arms control and disarmament.

15. We therefore welcome Ostpolitick. We welcome SALT. We are taking part in the CSCE and MBFR talks. But we must be cautious about deténte. We must remember that the political intentions of the East and the present mild international atmosphere could change for the worse a great deal more quickly than we could change our military capabilities to meet a new situation. This rock face is liable to crumble: we must secure every foot-hold before me move into the next. We have already secured the banning of biological weapons. But there is plenty of scope for mistakes. Our American friends have secured the limitation of anti-ballistic missiles; and now they are examining ways with the Russians of securing permanent agreements on strategic offensive systems. We are making progress.

16. On the more political side, the preparatory talks for the projected conference on Cooperation and Security in Europe have made an encouraging start. But we must ensure that the Conference really does give us a secure foothold on the route to better understanding: there is a great danger that the Conference might be tempted to make do with impressive but hollow declarations which will delude the public into thinking firm, a hold that will crumble away as soon as any weight is put upon it. Back in the military field, the exploratory consultations in Vienna concerning Mutual and Balanced Force Reduction have made a cautious start. These of course are at the heart of current thinking about détente. It would be encouraging indeed if we could reach an agreement with the East guaranteeing us undiminished security but at a lower level of forces: That would be a giant step forward. Unfortunately it will be a difficult step to make for many good and practical reasons: it is not easy to judge the relative capabilities of forces as disparate as those of NATO or the Warsaw Pact, or to assess what reductions would leave the balance of security unimpaired. The sad fact is that no straight-forward reductions can do this. One reason for this is the Warsaw's Pact numerical superiority over NATO: we cannot forget that on the Central Front the Warsaw Pact has at present twice as many men as NATO; 17,000 tanks to NATO's 4,200; and 5,000 pieces of artillery to NATO's 1,800. Another is the Warsaw Pact's geographical advantages of speedy reinforcement along landbased supply lines as opposed to NATO's reliance on reinforcement across the Atlantic Ocean. It will be no quick or easy task to unravel the complexities of MSBR and knit them into progress.

17. Western Governments, I suggest, are firmly committed to the pursuit of détente. Any other policy would be unthinkable. But we must secure the substance of détente, not the shadow. Certainly we see as our long term aim a reduction in the expenditure we allot to defence, to enable resources to be released to further other national priorities which might be of more direct positive benefit to our countries. But only as the result of a long and gradual process. Defence costs, like all other costs, rise. The cost of maintaining any given capability relative to one's adversary tends over a period of time to increase in real terms: Volunteer manpower for example is increasingly expensive—it has to be in order to attract the men to maintain a satisfactory manning position—and attempts to reduce manpower costs by designing equipment which needs fewer men to run it quickly increase an equipment bill which is likely to be escalating independently as a result of the increased subtlety of weapon systems. Reducing forces therefore does not necessarily mean lower defence expenditure if the relative balance of security is to be maintained.

18. We are left nevertheless with the paradox that, at a time when tensions are relaxing, we are spending more money in the very

area which on a superficial view seems most likely to increase tensions. I have observed that this is because we have to maintain the balance of military power and that this process is becoming more and more costly. By way of justification of the paradox, it would be as well to remind ourselves why, in answer to our critics, we consider it necessary to maintain such a level of defence: what we are defending ourselves against; and what tools we are buying to do the job.

19. What we are buying first of all, is deterrence. NATO's policy is not offensive. But it is based upon a determination to preserve the territorial integrity of its member countries and upon a will to respond to every stage of aggression with an appropriate level of force.

20. The flexible response strategy, which NATO member Governments re-affirmed only recently, means that we must have the necessary conventional forces to respond appropriately to all levels of aggression. They must be able both to cope with a limited action, perhaps designed to present NATO with a fait accompli, and to defend effectively against a full-scale aggression, to give us time to bring the aggressor to his senses before we have to initiate the use of nuclear weapons to restore the credibility of our deterrent.

21. We think it necessary to maintain a deterrent posture because, despite the peaceful words of Mr. Brezhnev quoted above, we perceive in the armed forces of the Warsaw Pact a vast potential for destruction which is increasing in effectiveness every year. For their part, the East are certainly not anticipating the outcome of East/West negotiations by any relaxation in defence effort and we can only judge their motives by what they do, not by what they say they will do. Soviet Union defence expenditures, we believe, grew by about 5 percent every year during the 1960's, and are still increasing. Currently her annual defence expenditure probably stands at more than 70 billion dollars. She has been steadily building up her strategic capability and her conventional forces, and has maintained her effort to strengthen the other forces of the Warsaw Pact. And these forces maintain a high state of preparedness.

22. But why is this a real threat? Why do we interpret these facts in the sense that it is the Warsaw Pact setting the pace for NATO rather than trying to keep up with it? Experience should tell us that the Soviet doctrine of both international relations and internal administration is very different from our own. It depends on rigid central control, rigid adherence to the central line, and a desire to establish and wield power as widely as possible. The established methods of trade and social and intellectual contacts enjoyed by the West are seen as a threat to the effective pursuit of Soviet interests. It is not NATO which threatens the Warsaw Pact: it is the existence of stable and prosperous and different Western society, which the Soviets are not content to live with on normal terms. The Soviet Union is not geared to fight economic battles. Upon those who have fallen beneath her hegemony she imposes by force what she cannot impose by diplomacy and persuasion. We cannot believe that Budapest, Berlin and Prague were aberrations. Nor that the hounding of critics of the regime and rule-breakers within the Soviet Union are administrative errors. We cannot be confident that if there was nothing to stop her she would be less ruthless with those that still enjoy the right of self-determination.

23. If the armed forces of the Soviet Union and her allies continue steadily to increase in size and strength, and those of the West to reduce, we shall very soon see the West lacking the political will and psychological firmness to stand up to the East; we may even find ourselves unable to act without first taking explicit account of likely Russian reactions.

24. That is why, so long as the other side maintains armed forces, so must we. While NATO maintains and increases its strength it is a permanent reminder that over-ambition will not pay; that force will be met; and that difficulties in international relationships must be resolved over the conference table, not on the battle field. For if the Soviet Union did press aggression to the limit, there would be no victors in an European war. Our security rests upon our will and ability to deter. Defence is its visible manifestation. It follows that the Soviet Union will seek to pursue spoiling tactics towards Western Europe. If she can cause conflict within the North Atlantic Alliance or delay moves towards political integration within the European Economic Community, her influence will be the greater because our cohesion will be less. This is one of the reasons why practical cooperation is so important especially in matters of defence.

25. Within the Western Alliance the European countries, in particular, should seek to cooperate more closely on defence and to establish a greater identity of view. In keeping with the sum of its resources, Europe should seek to exert more influence on the major issues affecting Western security and be prepared to assume increased responsibility for its own defence. There is also continuing pressure on all European Governments to make the most effective use of the limited resources available for defence. Bilateral staff talks, collaborative projects for arms procurement and the practical activities of the Eurogroup are already making important contributions. In the communiqué issued after their last meeting in December the Eurogroup Ministers emphasized their commitment to the principles of collaboration. But it will be necessary to extend existing forms of cooperation both in scope and depth if Europe's needs are to be met. That process should be facilitated by the growing European unity symbolised by agreement on the enlargement of the European Economic Community.

26. The Soviet Union, we fear, will exploit to the full her opportunities to promote divisions by presenting to public opinion—especially uncritical public opinion and opinion conditioned to be hostile—the so-called shortcomings of the western system: its alleged militarism, reaction and unfairness. We must be on our guard against this danger.

27. The Soviet approach to détente is not likely to correspond very closely with that of the West. The Russians will hope to erode the collective will of the Alliance to deter; to split the Alliance by playing on any detectable policy differences between the allies and by holding out to our publics the promise of a world without arms, without threats and without deterrents. No one can deny these are attractive prospects. But it will be clear from my arguments earlier that Soviet motives will be aimed at preparing the ground for an extension of Russian influence. Détente offers them an easy way of doing this; but we must show the East that, while we are anxious for détente, we can only accept what we feel to be genuine détente, in other words a relaxed international situation in which no side will have gained an advantage relative to the other. That is why we must keep our level of security—and not allow precipitate action to put us at a permanent disadvantage. By keeping up our defence efforts we are not jeopardizing détente; we are demonstrating that we take it very seriously: indeed that we are prepared to pay for it.

28. This means that we must not countenance the notion of unilateral reductions in NATO's strength. In negotiations such as those which lie ahead of us at the moment, bargaining from a position of strength is vital to ensure equity, and experience and history show that this is the way to improve the quality of peace. It would be fatal to undermine our position before we start.

29. I believe we shall find it increasingly difficult to maintain security if we cannot get across to our public this message of the risks involved in détente. It has been said many times before that we should give more thought to the public presentation of the problem of defence and foreign policy. At the beginning of this paper I indicated that apathy was no less a problem than hostility. Somehow we must not only argue our case convincingly, but in doing so catch the public imagination: we must *tell* them more; we must overcome the myth that defence is totally secret business—what could be more a matter of public concern than the essential realities of national security? In the British Ministry of Defence we publish a great deal of information in our annual White Paper—we are the only Department to issue a policy statement of this kind every year. We also publish a short illustrated version of the White Paper for distribution in schools. We must be careful how far we go in this direction: we risk being branded as promulgators of militarist and warmongering propaganda; but we must take the risk. We must dispel the mood of complacency and hostility which distorts the real problems. We must stimulate the media; promote more defence studies at universities; we must talk to schools about foreign policy; and we must hope that a new Europeanism will follow from the enlargement of the European Community, and prove more receptive to discussion of these vital common issues.

30. Our news is not without drama, but a great difficulty is that it is not immediate drama. It would be gravely wrong of us to dramatize the issues in the hope of achieving direct emotional appeal. We must I think rely on a more gradual process of widening intellectual and academic interest broadening out into the media. We are doing all we can to encourage this: conferences such as the Wehrkundetagung are of valuable assistance in the process. But we must do more, and do it soon.

31. It is clearly very tempting for governments—and oppositions—not to make the effort that is required; to allow instead vocal public pressure for reductions in defence effort, or perhaps for neutralism, to build up to unsupportable levels and meekly to lower their defence. To me such action would be to accede to demands for negligence. Irresponsible factions might win easy short term popularity—but in these circumstances it is their duty to their parliament—and to their people to explain the true facts of an uncomfortable situation and the paramount importance of defence, and to convince them that it is an era of negotiations for détente, possibly more than at any other time, that military security must be maintained.

THE ROLE OF EUROPE IN U.S. POLICY

(Speech presented by Jerry W. Friedheim)

I was pleased to accept an invitation to present the United States' paper to this Wehrkunde Conference on "The Role of Europe in U.S. Policy," a subject both important and timely because of our mutual need to maintain a strong defense posture during the ongoing negotiations concerning security and cooperation in Europe and mutual and balanced force reductions.

As you are well aware, U.S. national security strategy is designed to move us toward President Nixon's goal of lasting world peace achieved and maintained through strong deterrence, based on strength, on partnership with our allies, and on a willingness to negotiate.

For 25 years after World War II our international role was shaped by a belief that the responsibility for world peace, stability, and prosperity rested largely on the United States. But what was true for the two decades following World War II is no longer feasible for the 1970's. The United States need no longer be the free world's only policeman.

Increasingly, the domestic and international conditions—which once warranted such a role—have changed, and that change has called for a new role for the United States in international affairs.

Our President's international policy—the Nixon Doctrine—is a statement of the new U.S. role. And, to our Department of Defense our national security strategy, called realistic deterrence, provides the defense tool to implement the President's policies. The Nixon Doctrine defines a new partnership—a more realistic sharing of roles and responsibilities—between us and other nations in the building of common peace, stability and prosperity.

Our policy can be summed up in three statements:

First, the United States must continue to play a major role in world affairs. Our own security and well-being demand it. Our sheer weight in the international scheme of things makes it unavoidable. Any U.S. withdrawal into some sort of modern-day isolationism would be a recipe for disaster—disaster for us and the other nations of the free world. Our objective—and our responsibility—is and must be to work in concert and cooperation with other nations to build a stable, peaceful international order.

Second, the United States cannot and should not do everything itself. As President Nixon has said, "No nation has all the wisdom, and all the understanding, and all the energy required to act wisely on all problems, at all times, in every part of the world."

Moreover, the American people are realists, and they believe that we must place realistic limits on our world role in light of our own interests and our own domestic needs. And it is clear to all free nations that, in the long run, no free society can pursue and sustain international policies which its citizens do not support.

Third, other nations can and must assume greater responsibility than they have in the past in helping to provide for mutual security and economic well-being, and in building a peaceful and prosperous world order. Thus, we have the concept of NATO burden-sharing.

The post-war economic and political recovery here in Europe, and also in Japan, has long been an accomplished fact. Further, many of the newer nations of the world already have demonstrated that they have the resilience and the resources required to assume a greater share of the burden for their own security and well-being.

But, important as it may be that others are capable of doing more than they have done, there is an even more substantive reason for asking a greater degree of burden-sharing from them. It is our view that unless a nation feels itself primarily responsible for its own security and well-being, it will leave the task to others, and fail to marshal its resources and political will in its own defense.

For those nations which demonstrate that will and require technical assistance and materiel resources to assure their own security, the United States will continue to provide security assistance. But as President Nixon said in his recent inaugural address, "Let us measure what we will do for others by what they will do for themselves."

Apart from what a nation does for itself, there is the larger question of its responsibility for maintaining the peace. International order can be stable only if nations have a stake in its maintenance. Nations will not have such a stake unless they have participated in building that order.

These principles—these broad directions—guide current U.S. defense efforts.

In developing our national security strategy of realistic deterrence we have sought answers to these basic questions:

What should be the relative responsibilities of the United States and its allies for deterring threats?

What resources can and should each nation concerned contribute to the common defense?

How can we make optimum use under a total force concept of all available military and related resources to meet the requirements of the common security?

The answers to these questions, and the implementing actions taken delineate what has been accomplished over the past four years and what remains to be done in the years ahead.

First, deterrence of nuclear threats, both to the United States and its allies, has been and will continue to be primarily the responsibility of the United States. No other nation can maintain sufficient strategic nuclear power on the scale required to deter attack, threats or blackmail from the other nuclear super power. Without a continued U.S. nuclear deterrent for the common security of our allies, they might have neither the will nor the reason to do what can and must be done to deter conventional war threats.

But, while U.S. nuclear power is essential to the common security, it is not sufficient to deter the full spectrum of potential conflict and of potential threats to U.S. and allied interests. Thus, the new Nixon Doctrine international policy concept of partnership and the new total force concept of our security comes into full play.

In Asia we face jointly with our allies the problem of how to deter major theater conventional conflict and at the same time to deter sub-theater or localized conventional threats.

There is, of course, a tendency on the part of some persons—on both sides of the Atlantic—to see in the new era of negotiations a reason or an excuse to reduce defense efforts. Yet it must be apparent to thoughtful students of international security that free world and NATO military strength helped bring this new era about by effectively closing all paths except that of negotiation. And it must be equally apparent in Europe that Western positions and interests cannot be adequately protected and advanced in negotiations unless the West shows continued will and ability to maintain its military strength.

President Nixon in 1969 recognized the need to re-examine our collective NATO strategy to see if it was still viable in the light of new circumstances and new realities. We knew there were weaknesses and imbalances in NATO's conventional capabilities vis-a-vis those of the Warsaw Pact. The status of United States Forces in Europe had, before 1969, been affected by our troop commitments to Southeast Asia. It also was important to clear away some of the misunderstandings between the U.S. and its allies which had arisen over the years, and to work together to revitalize the cohesion of the Great Alliance.

Together, we carried out in NATO an exhaustive study of Alliance defense problems for the 1970's in which we reaffirmed the validity of our current military strategy and agreed on ways in which to improve NATO forces, their armaments, logistics, supporting infrastructure, and our ability to consult on their possible use in a crisis.

President Nixon has emphatically reaffirmed the American commitment to NATO. He has firmly said that, given a similar approach by our allies, the U.S. will maintain and will improve its forces deployed in the European area. We will keep that pledge.

But in the years immediately ahead, it will be very difficult to support an undiminished American troop presence in Europe if some of our partners whittle down the effectiveness of their own forces—whether by budget reductions, manpower reductions, or shorter terms of service.

At the NATO Defense Ministers' meeting two months ago our Secretary of Defense based his major intervention on burden-sharing and the need for more of it. Beyond his admonition that defense expenditures must grow in real terms and that funds must be used more efficiently in support of our common defense, he called for a continued European defense improvement program effort, and a decreased United States' cost share of NATO's infrastructure program. These suggestions will be difficult to realize, but the time is right, and our allies must understand the need to relieve us of some of the defense burden.

The era of negotiations is well upon us with agreements we already have concluded—such as SALT I and Berlin—and with CSCE preparatory talks and MBFR initial talks underway. And, in the light of this intricate complex of East-West discussions, we are beginning to hear a great deal from politicians and writers about some sort of profound and lasting shift in the basic attitudes and approach of the Soviet Union toward the West. This talk is premature, and detente without adequate defense is delusion. Profound differences and disagreements continue between the East and ourselves. These differences cannot simply be ascribed to historical accident or misunderstanding. They are rooted in different conceptions of the rights and responsibilities of men and of governments, and in different approaches to dealing with other nations.

Nor dare we ignore other facts of international life:

We cannot discount the large, highly capable and improving Warsaw Pact armed forces in Europe;

We cannot shut our eyes to the rapid, sustained and growing Soviet arms expansion and arms improvement programs;

We cannot ignore the worldwide expansion of Soviet maritime forces and activity, including construction of an aircraft carrier; and

We cannot safely disregard growing Soviet military presence in areas adjacent to NATO such as the Middle East and the Indian Ocean.

The simple fact is that as we meet here in early 1973 the Soviet military buildup, conventional as well as nuclear, continues with vigorous momentum.

Unless we face this strategic and political reality and make this recognition the starting point for our negotiating efforts, we jeopardize the chances for achieving peace, while subjecting our vital interests and our people to serious danger.

This is not to say that we should be totally unprepared to consider certain reasonable risks for peace. On the contrary, we should seek prudently and carefully to build a new relationship, if possible, with the Soviet Union and the nations of Eastern Europe. It should be a relationship based on reciprocal self-restraint and on accommodation of mutual interests. But that relationship only can be built on the foundation of a strong and unified West.

This era of negotiations is, in many ways, more dangerous, difficult and demanding than the previous era of confrontation. But the United States is confident that NATO is equal to the challenge. Some persons have expressed concern about our ability to manage MBFR and other negotiations while maintaining allied cohesion. But however great a challenge MBFR may be for us, in many ways it will be an even more severe test for the East.

Whatever our problems here in the West, the mutual understanding and trust that has long prevailed among us will be a great asset over the months ahead as we negotiate with our adversaries. It is an asset all of us must guard with care.

Let us now briefly consider the U.S. Defense Budget for fiscal year 1974 and relate it to the U.S. role in Europe.

The Department of Defense Budget for fiscal year 1974 continues funding for a strong defense posture essential to the security of the United States and its allies in support of negotiations. It is an austere budget that reflects no real increase in total funds allocated for defense over fiscal year 1973. The transition from support of U.S. Force involvement in Southeast Asia to Vietnamization is substantially completed.

This permits in the fiscal year 1974 Budget the further modernization of our peacetime or "baseline forces," consistent with the principles of the Nixon Doctrine, as we maintain a smaller but ready active and reserve military force, without affecting the size and strength of U.S. Forces in Europe. The budget provides a program balanced between personnel, modernization and technology. And for the first time, it stabilizes the growth of personnel and related costs in order to preserve this balance.

Some of the more important points to be noted are:

Financial

Total budget authority requested for fiscal year 1974 is $85.0 billion, an increase of $4.1 billion over fiscal year 1973. This cost increase largely represents military, and civilian pay increases.

Nixon Doctrine Military Assistance Programs are budgeted at $1.3 billion—an increase of $800 million over fiscal year 1973.

Major Program Changes

Strategic Forces funding remains level at $7.4 billion between fiscal year 1973 and fiscal year 1974. Major Strategic Weapons Systems funding, however, reflects increases for research and development work on Trident ballistic missile submarines and significant decreases for Safeguard missile defense, Poseidon submarines and the proposed short-range attack missile.

General Purpose Forces program levels will increase slightly. This is the net result of decreases in funding for support of Southeast Asia offset by pay increases and modernization programs.

Significant modernization program increases cover funding for the F–15 fighter, F–4J fighter, a new attack aircraft, another nuclear-powered aircraft carrier, and a new series of destroyers.

Forces and Personnel

Strategic Missile Forces remain stable with programs continuing for the Minutemen III modernization and the conversion of Polaris to Poseidon submarines.

Strategic Bomber Forces are reduced from 30 squadrons to 28 squadrons, reflecting fact-of-life retirements of older B–52's that have reached the end of their structural life.

Naval General Purpose Forces continue to reflect decreases as older, less effective ships and submarines are retired and replaced in lesser numbers by new, highly effective ships. Principal reductions are in destroyers and diesel submarines. Two nuclear ships and four nuclear attack submarines will join the fleet along with five destroyer escorts and a missile frigate.

General Purpose Ground and Air Forces remain substantially at the level programed for fiscal year 1973.

Military personnel are programed to decrease by 55,000 to a total of 2,233,000 during fiscal year 1974. This is in part attributable to programed reductions in Southeast Asia support and in part to efficiencies in overall staffing.

Secretary of Defense Elliot Richardson reported, in response to questions last month by a member of the U.S. Congress, that the most recent Department of Defense estimate of costs for the U.S. Forces and Support Programs earmarked for NATO is roughly $16 billion annually—about one-fifth of our total Defense Budget. This estimate is defined as the annual savings to the Defense Department Budget that would accrue if all of the following did not exist:

All of the U.S. General Purpose Forces and related support elements and headquarters in Europe.

Some of the U.S. General Purpose Forces (both Active and Reserve) that are formally committed to NATO but are not in Europe.

Variable costs of U.S.-based support including training, individual support and logistics for the above forces.

Military assistance for European countries and the NATO infrastructure program.

About $7 billion of the $16 billion is related to the cost of U.S. combat forces actually in Europe and to their U.S.-based support.

SUMMARY

I have described for this Wehrkunde Conference the dominant defense implications of the Nixon Doctrine which have guided U.S. national security planning and actions over the past four years, particularly as they relate to Europe. By any standard of measurement we have covered together a good part of the security road that we must continue to travel together. And it is in the nature of the enterprise that the first steps were the hardest. For they entailed reorienting long-held views and patterns of actions, not only on our part, but on yours. For a quarter century, we had all believed that it was fitting and feasible for the United States to asume primary responsibility for countering all threats to the common security. The lesson we have learned together over the past four years is that partnership, not predominance—sharing, not supremacy—is in our common interest.

"Shared Sufficiency" is what it is all about.

The Alliance has been and remains the world's mightiest force for peace. And as President Nixon has said, for the United States this year is the "Year of Europe."

CONTINUATION OF OEO

Mr. JAVITS. Mr. President, on February 22, 1973, I introduced, together with Senator Nelson and 30 of our colleagues, Concurrent Resolution 12, calling upon the President to carry out the provisions of the Economic Opportunity Act of 1964.

That resolution provides, in its material part:

> Whereas the policy of the United States established by law enacted by the Congress should be changed only by law enacted by the Congress: Now, therefore, be it
>
> *Resolved by the Senate (the House of Representatives concurring)*, That it is the sense of the Congress that the President should—
>
> (1) continue in operation the Office of Economic Opportunity, administering and supervising the important programs and activities entrusted to that Office under the provisions of the Economic Opportunity Act of 1964, utilizing fully funds appropriated by the Congress for such purposes; and
>
> (2) submit a revised budget request for the fiscal year ending June 30, 1974, requesting appropriations for the Office of Economic Opportunity and its administration of programs and activities entrusted to it under and in accordance with the provisions of the Economic Opportunity Act of 1964.

At that time, I urged the administration to reconsider the policy by which it is proceeding, and halt the dismantling of OEO and rather to seek congressional approval under a reorganization plan of those plans it has for the components of the agency.

Last Friday, March 1, the Office of Economic Opportunity announced that it will put funding on a regular basis, beginning on that day.

A press release issued March 1, 1973, by the Office states as follows:

> OEO To Resume Standard Funding Procedures on March 1
>
> OEO Acting Director, Howard Phillips, announced today that "the interim measures, which were instituted in late January to prevent misuse of Federal funds and allow for thorough review of OEO funding during a period of transition, will, as indicated in January, be modified beginning on March 1."
>
> "During the transition period, which ends on February 28, all grants coming due were assured of extension for at least an additional thirty days," Phillips said. "We will now move into a process where grantees approved for refunding will, except for community action agencies, be obligated funds on a normal program year basis, in most cases twelve months. CAA's up for refunding between now and June 30 will receive grants of up to six months, as their OEO linkages are phased out."
>
> "It must be stressed that while this is the last year that community action funds will be obligated by OEO, Federal support for all other OEO activities will be continued at an equivalent or higher level of expenditure in Fiscal Year 1974," Phillips stated.

This action has been confirmed to me in a letter dated March 6, 1973, from Howard Phillips, Acting Director of OEO.

It notes that as a general matter grantees approved for refunding will be obligated funds on a normal program basis with the exception of community action agencies.

It notes further that with respect to community action agencies, OEO funds will be available for obligation through June 30, 1973, and that in some cases grantees will be funded through December 31, 1973.

These plans appear to go at least part of the way toward resumption of normal operations by legal services and other programs which have been hampered by uncertain funding in recent weeks.

But the implementation of these plans will have to be watched closely, to determine that they are carried out evenly and in accordance with existing statutory and contractual obligations.

However, while funding is proceeding, it is clear that the administration intends to eliminate OEO and disperse its programs. The press release itself refers to the phaseout of OEO linkages with community action agencies.

Mr. President, as I indicated in introducing the "Sense of the Congress resolution," the elimination of OEO and its administration of programs should not be considered "fact" but as proposals, which should be acted upon by the Congress in the context of a reorganization proposal, the appropriations process, and in other appropriate contexts.

The President himself, apparently sensitive to this aspect, stated March 1, in his state of the Union message regarding human resources:

> Accordingly in keeping with my determination to make every dollar devoted to human resources programs return 100 cents worth of real benefits to the people who most need those benefits, I have decided that most of the anti-poverty activities now conducted by the Office of Economic Opportunity should be transferred into the Cabinet departments

relating to their respective fields of activity. *Adhering strictly to statutory procedures, and requesting Congressional approval whenever necessary,* I shall take action to effect this change. (emphasis added).

I understand that legislation will be submitted in the case of changes proposed in the administration of the community economic development program and the administration's own budget submission for fiscal year 1974, confirmed generally in the President's message of March 1, 1973, indicates that it will submit a new legislative proposal for a legal services corporation.

Mr. President, accordingly once again, I hope that the President will seek congressional approval for the administration's new plan for the anti-poverty program through an executive reorganization proposal. This is the basic thrust of the "sense of the Congress" resolution I have introduced, now with the support of a third of the Senate. I hope that he will do so not only "whenever necessary"—a matter which is before the courts in a number of suits filed in recent weeks—but as a general matter in the broader public interest of giving any new efforts the legislative mandate which the national commitment to the anti-poverty effort deserves.

Mr. President, I ask unanimous consent that the letter from Howard Phillips dated March 6, 1973, together with attachments be printed at this point in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

OFFICE OF ECONOMIC OPPORTUNITY,
Washington, D.C., March 6, 1973.

Hon. JACOB JAVITS,
U.S. Senate,
Washington, D.C.

DEAR SENATOR JAVITS: In light of your expressed interest in the continuance of OEO programs, I am pleased to transmit herewith a copy of OEO Staff Instruction 6710–1, Change 10, dated February 26, 1973, together with a Press Release explaining that grantees approved for refunding will, except for community action agencies, be obligated funds on a normal program year basis. I call your attention to the table attached to the Press Release, setting forth the funding periods applicable to the different programs.

I wish to stress that OEO programs, with the exception of community action, will continue at an equivalent or higher level of expenditure during Fiscal Year 1974. The mere fact that these programs will be assigned to other agencies does not mean that they will not be administered with proper concern for the poor.

With respect to community action agencies, OEO funds will be available for obligation through June 30, 1973. Final OEO grants of up to six months in length are being made which will carry some grantees through December 31, 1973. After discontinuance of OEO funding, community action agencies will remain eligible to receive other resources, whether Federal, state, local, or private in origin.

Sincerely,

HOWARD PHILLIPS,
Acting Director.

FACT SHEET—OEO PROGRAMS TO BE TRANSFERRED TO OTHER DEPARTMENTS

RESEARCH AND DEMONSTRATION

$78 million, an increase of $11.3 million will fund current OEO projects in following agencies and departments:

HEW—National Institute of Education, $23.9 million to continue education voucher program.

HEW—Office of the Secretary, includes million to continue experiments and studies in day care and child development.

Labor—$5.3 million to continue research in manpower training and labor force participation.

HUD—$13.4 million studies in finding adequate housing for disadvantaged persons.

HEW—Office of the Secretary, includes $22.7 million to continue studies on causes of poverty/ways to overcome environmental health and a health insurance experiment.

COMPREHENSIVE HEALTH CENTERS/FAMILY PLANNING

Goes to HEW where FY 74 budget will be $102.6 million to continue OEO activities. $15 million added to HEW budget to cover cost for family planning/research and demonstration projects now in OEO.

DRUG REHABILITATION

To HEW's National Institute of Mental Health (NIMH) with $6.3 million increase from current budget of $23 million to $29.3 million in FY 74 budget of NIMH.

COMMUNITY ECONOMIC DEVELOPMENT

New legislation to be submitted authorizing Office of Minority Business Enterprise of Commerce Department to continue funding Community Development Corporations with $2.6 million more than current OEO levels.

SPECIAL INDIAN PROGRAMS

New program to be established in HEW. With $32.1 million—an increase of $9.7 million over current funding—to go to Indian tribal councils to implement Indian self determination.

ALCOHOLIC COUNSELING AND RECOVERY

OEO will transfer $14.4 million to HEW's National Institute for Alcoholism and Alcohol Abuse (NIAAA) to sustain ongoing OEO projects. Thereafter funds to these projects for FY 74 will be part of HEW budget in NIAAA.

MIGRANT AND SEASONAL FARMWORKER PROGRAMS

Goes to Labor Department with $40 million requested for FY 74, which is $3.7 million more than current OEO funding. This will permit expansion of high school equivalency (HEP) program adding 13 new projects. Other migrant programs to be continued at labor include nutritional assistance, farmworker housing, day care, educational and manpower support.

OEO TO RESUME STANDARD FUNDING PROCEDURES ON MARCH 1

OEO Acting Director, Howard Phillips, announced today that "the interim measures, which were instituted in late January to prevent misuse of Federal funds and allow for thorough review of OEO funding during a period of transition, will, as indicated in January, be modified beginning on March 1."

"During the transition period, which ends on February 28, all grants coming due were assured of extension for at least an additional thirty days," Phillips said. "We will now move into a process where grantees approved for refunding will, except for community action agencies, be obligated funds on a normal program year basis, in most cases twelve months. CAA's up for refunding between now and June 30 will receive grants of up to six months, as their OEO linkages are phased out."

"It must be stressed that while this is the last year that community action funds will be obligated by OEO, Federal support for all other OEO activities will be continued at an equivalent or higher level of expenditure in Fiscal Year 1974," Phillips stated.

Specific details on funding are attached.

FISCAL YEAR 1973 OEO FUNDING CONSTRAINTS

SECTION OF EOA AND FUNDING INFORMATION

221: Local Initiative—up to 6 month awards phase-out, not to exceed December 31, 1973.

222(a)(3): Legal Services—eligible for 12 month awards.

222(a)(4): Comp. Health—eligible for 12 month awards.

222(a)(5): EFMS—up to 12 month awards until availability of funds is exhausted (about $350,000 remains).

222(a)(6): Family Planning—eligible for 12 month awards.

222(a)(7): SOS—eligible for 12 month awards.

222(a)(8): Alcoholic Counseling—no awards—funds in 1973 made available through NIAAA.

222(a)(9): Drugs—eligible for 12 month awards.

226: Design & Planning—same as 221.

228: Consumer Action—same as 221.

231: SEOOs—up to 12 month awards.

232: R&D—eligible for 12 month awards.

312/314: Migrants—eligible for 12 month awards.

Title VII: Economic Development—eligible for 24 month awards.

FUNDING PERIODS FOR GRANT ACTIONS

1. APPLICABILITY

This Staff Instruction applies to all OEO funding offices.

2. PURPOSE

As indicated shortly after the announcement of the Fiscal Year 1974 Budget, certain interim procedures were instituted on a 30 day basis to conclude on February 28, 1973. Subsequent to that date, the following funding procedures will be applicable within the Fiscal Year 1974 budget guidelines.

3. REINSTATEMENT OF GRANT OBLIGATING AUTHORITY OF REGIONAL DIRECTORS

The applicability of OEO Staff Instruction 6710–1, Change 8 (except the limitation of funding to the grantee's current average level) to grant actions within the preexisting authority of the Regional Directors is hereby terminated and such authority is herewith reinstated by separate delegation of authority.

4. GENERAL LIMITATION ON FUNDING PERIODS

Except as stated in section 6 hereof, no grant action for any program account shall be made with a funding period ending more than 12 months after the end of the last funding period for that program account that ended before January 1, 1973.

5. GRANT ACTIONS SIGNED BEFORE FEBRUARY 28, 1973

Subject to section 4 hereof, obligation of funds shall proceed on all grant actions signed before February 28, 1973. If the funding period of any such grant action on which the funds have not heretofore been obligated does not conform to section 4 hereof, the grant action shall be revised to conform to that section.

6. SPECIFICATION OF FUNDING PERIODS FOR PROJECT CONTINUATION GRANT ACTIONS

A. All project continuation grant actions renewing, extending or supplementing funds provided by grant action under section 221 (except a grant action administered through the Indian Programs Branch), 226 or 228 of the Act shall be made with a funding period of six months, except that such funding shall not expire before August 31, 1973 or after December 31, 1973, unless reason appears to the funding office why the grant action should be made for a shorter period. No grant action shall be made under this paragraph renewing, extending or supplementing funding provided by a grant action made or extended after the date hereof or the funding period of which expires after June 30, 1973.

B. All project continuation grant actions renewing, extending or supplementing, without change of program account, funding provided by grant actions made (i) under section 221 of the Act and administered through the Indian Programs Branch, or (ii) under sections 222, 231, 232, 312 or 314 of the Act, shall be made with a funding period expiring 12 months after the end of the funding period of the last grant action under which funds were obligated, or by which funding was extended, before the date hereof, except that such funding period shall not expire before December 31, 1973 or after June 30, 1974, unless reason appears to the funding office why the grant action should be made for a shorter period.

C. Grant actions made under Title VII of the Act for continuation of economic development projects shall be made with a funding period expiring 12 months after the end of the funding period of the last grant action under which funds were obligated, or by which funding was extended, for the economic development project before the date hereof, unless reason appears to the funding office why the grant action should be made for a shorter or longer period. If for a longer funding period, the funding period shall expire not later than June 30, 1975 or 24 months after the end of the funding period of the last grant action under which funds were obligated, or by which funding was extended, before the date hereof, whichever is earlier. "Economic development project" means a project for which the last grant action under which funds were obligated before the date hereof was (i) made under Title I–D or Title VII of the Act or (ii) made by a Headquarters funding office under section 232 of the Act for Program Account 84 and provided funds under budget category 2.5 specifically for investment or provided funds for the administration of a project for which funds had previously been so provided.

D. Grant actions renewing, extending or supplementing funding provided by grant action under section 230 of the Act shall not be made without the specific written approval of the Acting Director.

E. The specification of funding periods in this section 6 applies only to projects for which the funding office considers it appropriate to provide funding for project continuation. In the case of all other projects the funding period shall comprise only the period of time necessary to phase out the federal interest and to secure the return of funds due to the Government and the proper disposition of property subject to Government disposition.

7. PHASEOUT PROVISIONS OF PROJECT CONTINUATION GRANT ACTIONS

Any grant action expected to be the final grant action for a program account must have a termination date in column 12 of the OEO Form 314 and must contain appropriate terms to secure an orderly phaseout and the return of funds due to the Government and proper disposition of property subject to Government disposition. It is expected that an OEO Staff Instruction will be issued, soon identifying the grant actions, by sections of the Act or Program Accounts, that must be terminal grant actions and prescribing required provisions for them. At present all grant actions made under section 221 of the Act, except grant actions renewing, extending or supplementing funding provided by grant actions administered through the Indian Programs Branch, are identified as required to be terminal grant actions.

8. EFFECTIVE DATE

This Staff Instruction is effective on March 1, 1973.

HOWARD PHILLIPS,
Acting Director.

NEW POSTAL RATE COMMISSION REGULATIONS

Mr. STEVENS. Mr. President, on Wednesday, February 7, at pages 3510–11 of the Federal Register, the Postal Rate Commission published important regulations. These will permit limited participation in postal rate proceedings by persons who do not desire to become full parties. They will permit concerned citizens and persons representing classes to comment upon proposed postal rates.

Because these postal rates affect us all, including persons of limited income, I ask unanimous consent that these new regulations be printed in the RECORD at this point in order that citizens throughout the country who do not have access to the Federal Register may read them.

There being no objection, the regulations were ordered to be printed in the RECORD, as follows:

LIMITED PARTICIPATION IN COMMISSION PROCEEDING BY PERSONS NOT PARTIES

(Title 39—Postal Service; Chapter III—Postal Rate Commission; Part 3001 Rules of Practice and Procedure)

In the advance notice of rulemaking regarding proposed revisions to rules of practice and procedure. Docket No. RM73–2, published in the FEDERAL REGISTER on August 16, 1972 (37 FR 16554), the Commission invited interested parties to submit comments for revision of procedural provisions of the Commission's rules of practice and procedure. Proposals were received for revising a number of rules, and these are currently under consideration.

Expressly referred to in the notice was a proposal to allow limited participation in Commission proceedings, permitting a person who did not choose to avail himself of the full hearing rights granted formal parties a means for placing before the Commission his position on any of the issues in the case. This proposal assumed special significance in light of the forthcoming classification case, notice of which was published in the FEDERAL REGISTER on January 30, 1973 (38 FR 2800). Accordingly, this aspect of Docket No. RM73–2 is being considered at this time independently of the other matters in the docket.

Commenting in favor of a rule allowing limited participation, were Second Class Mail Publications, Inc., American Retail Federation, Fairchild Publications, Inc. and Magazine Publishers Association. The Postal Service also supported the concept but argued that the persons having such status must "accept the lesser rights which that status confers along with the lesser obligations it imposes."[1] No comments opposing the adoption of such a rule were received. In essence what supporters of the rule seek is the opportunity to state their views on the record without incurring the burdens in effort and expense that full participation in lengthy and complex proceedings frequently entails. Their comments do not set forth with any specificity what the scope of such participation should be; but they cite as examples of what they seek 14 CFR 302.14(b) and 49 CFR 1100.73, rules of the CAB and ICC, respectively, which provide for limited intervention in the proceedings of those agencies.

As indicated in the notice, the Commission favors a relaxation of the rules to allow limited participation by those who do not desire to become full parties to our proceedings. At the same time we recognize, as do the proponents of the rule,[2] the merits of the Postal Service view that such a rule should not be onesided. Otherwise it could become a means for securing the advantage of full-party status while avoiding the obligations placed on such parties. We believe the rights and limitations being prescribed strike an appropriate balance.

Persons who choose to avail themselves of the status of limited participators will have an adequate opportunity to submit evidence and state their position on the issues without unduly delaying the progress of the hearing or imposing unwarranted burdens on formal parties. The Commission wishes to emphasize, however, that the rules establish significant differences between formal parties and limited participators, particularly in connection with discovery and the opportunity to be heard following issuance of an intermediate decision. Persons contemplating limited participation under the new rules should be mindful of the restrictions placed on their participation in the Commission proceeding and also of the effect their decision may have on their standing to seek appellate review under 39 U.S.C. 3628.

Pursuant to section 3603 of the Postal Reorganization Act, 39 U.S.C. 3603, it is ordered that the rules of practice and procedure are amended as set forth below. Since the amendments are procedural in nature, notice and public procedure thereon are not required, and it is therefore further ordered that they shall become effective on February 7, 1973. Accordingly, in light of the foregoing findings, and after careful consideration of the comments received, the Commission hereby amends Part 3001 of its regulations (39 CFR Part 3001), as follows:

1. Amend the table of contents by adding a new § 3001.19a Limited participation by persons not parties as follows:

Sec.

3001.19a Limited participation by persons not parties.

2. Revise § 3001.5(h) to read:

§ 3001.5 Definitions.

* * * * *

(h) "Participant" means any party and the officer of the Commission who is designated to represent the interests of the general public and, for purposes of §§ 3001.11(e), 12, 21, 23, 24, 30, 31, and 32 only, it also means persons granted limited participation.

* * * * *

3. Amend § 3001.7(a) as follows:

§ 3001.7 Ex parte communications.

(a) *Prohibition.* To avoid the possibility or appearance of impropriety or of prejudice to the public interest and persons involved in proceedings pending before the Commission, no person who is a party to any on-the-record proceeding or who is granted limited participation in accordance with § 3001.19a, or his counsel, agent, or other person acting on his behalf, nor any interceder, shall volunteer or submit to any member of the Commission or member of his personal staff, to the presiding officer, or to any employee participating in the decision in such proceeding, any ex parte off-the-record communication regarding any matter at issue in the on-the-record proceeding, except as authorized by law; and no Commissioner, member of his personal staff, presiding officer, or employee participating in the decision in such proceeding, shall request or entertain any such communication. For the purposes of this section, the term "on-the-record proceeding" means a proceeding noticed pursuant to § 3001.17. The prohibitions of this paragraph shall apply from the date of issuance of such notice.

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[1] Reply comments of USPS, p. 2.

[2] See, e.g, Reply comments of Fairchild Publications, Inc.

* * * * *

4. Add a new § 3001.19a reading as follows:

§ 3001.19a Limited participation by persons not parties.

Notwithstanding the provisions of § 3001.20, any person may appear as a limited participator in any case that is noticed for a proceeding pursuant to § 3001.17, in accordance with the following provisions:

(a) *Form of request.* Requests for leave to be heard as a limited participator shall be in writing, shall set forth the nature and extent of the requestor's interest in the proceeding, shall include the name and full mailing address of the person or persons who are to receive service of documents by the Secretary, and, except where good cause for late filing is shown, shall be filed not later than the date fixed for the filing of petitions to intervene pursuant to § 3001.20(c).

(b) *Action on requests.* As soon as practicable the Commission shall act to grant or deny requests for limited participation. The grant of a request for limited participation shall not constitute a determination by the Commission that the grantee has such an interest in the proceeding that he would be aggrieved by an ultimate decision or order of the Commission.

(c) *Scope of participation.* Subject to the provisions of § 3001.30(f), limited participators may present evidence which is relevant to the issues involved in the proceeding and their testimony shall be subject to cross-examination on the same terms applicable to that of formal participants. Limited participators may file briefs or proposed findings pursuant to §§ 3001.34 and 3001.35, and within 15 days after the release of an intermediate decision, or such other time as may be fixed by the Commission, they may file a written statement of their position on the issues. The Commission or the presiding officer may require limited participators having substantially like interests and positions to join together for any or all of the above purposes. Sections 3001.25 through 3001.28 shall not be applicable to limited participators. However, limited participators, particularly those making contentions under 39 U.S.C. 3622(b)(4), are advised that failure to provide relevant and material information in support of their claims will be taken into account in determining the weight to be placed on their evidence and arguments.

5. Amend § 3001.55 to read:

§ 3001.55 Service by the Postal Service.

Immediately after the issuance of an order or orders by the Commission designating an officer of the Commission to represent the interests of the general public or granting petitions to intervene in a proceeding before the Commission under this subpart, the Postal Service shall serve copies of its formal request for a recommended decision and its prepared direct evidence upon such officer and the parties permitted to intervene as provided in § 3001.12. Such service shall also be made on persons who have been granted limited participation.

6. Amend § 3001.65 to read:

§ 3001.65 Service by the Postal Service.

Immediately after the issuance of an order or orders by the Commission designating an officer of the Commission to represent the interests of the general public or granting petitions to intervene in a proceeding before the Commission under this subpart, the Postal Service shall serve copies of its formal request for a recommended decision and its prepared direct evidence upon such officer and the parties permitted to intervene as provided in § 3001.12. Such service shall also be made on persons who have been granted limited participation.

7. Amend § 3001.75 to read:

§ 3001.75 Service by the Postal Service.

Immediately after the issuance of an order or orders by the Commission designating an officer of the Commission to represent the interests of the general public or granting petitions to intervene in a proceeding before the Commission under this subpart, the Postal Service shall serve copies of its formal request for an advisory opinion and its prepared direct evidence upon such officer and the parties permitted to intervene as provided by § 3001.12. Such service shall also be made on persons who have been granted limited participation.

(Secs. 3603, 3622–3624, 3662 of the Postal Reorganization Act, 84 Stat. 760–762, 764; 39 U.S.C. 3603, 3622–3624, 3661, 3662; 5 U.S.C. 553, 80 Stat. 383–384).

By the Commission.

JOSEPH A. FISHER,
Secretary.

[FR Doc.73–2517 Filed 2–6–73;8:45 am]

PROGRAM

Mr. ROBERT C. BYRD. Mr. President, the program for Monday, March 12, 1973, is as follows:

The Senate will meet at 12 noon. After the two leaders or their designees have been recognized under the standing order, the distinguished Senator from Oklahoma (Mr. BELLMON) will be recognized for not to exceed 15 minutes; to be followed by the junior Senator from West Virginia (Mr. ROBERT C. BYRD) for not to exceed 15 minutes; after which there will be a period for the transaction of routine morning business of not to exceed 15 minutes, with statements therein limited to 3 minutes each.

Following the disposition of any legislative business or any executive business thereafter, there will be a period for the delivery of eulogies for the late Senator Guy Gillette. That period is not to exceed 1½ hours, the time to be controlled by the distinguished Senator from Iowa (Mr. HUGHES) and the distinguished Senator from Vermont (Mr. AIKEN).

Rollcall votes could occur on Monday. I foresee none at the moment.

The distinguished majority leader would want me to state that there is a need for committees to expedite business for floor action. There are only two measures on the legislative calendar, as of this time, and neither has been cleared for action. It is hoped, therefore, that the adjournment to Monday will be helpful to committees so that they may find time to act.

ADJOURNMENT TO MONDAY

Mr. ROBERT C. BYRD. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 12 o'clock noon on Monday next.

The motion was agreed to, and, at 3:04 p.m., the Senate adjourned until Monday, March 12, 1973, at 12 noon.

NOMINATIONS

Executive nominations received by the Senate March 8, 1973:

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Floyd H. Hyde, of California, to be Under Secretary of Housing and Urban Development, vice Richard C. Van Dusen, resigned.

H. R. Crawford, of the District of Columbia, to be an Assistant Secretary of Housing and Urban Development, vice Norman Vickers Watson, resigned.

Sol Mosher, of Missouri, to be an Assistant Secretary of Housing and Urban Development, vice Samuel C. Jackson, resigned.

Michael H. Moskow, of New Jersey, to be an Assistant Secretary of Housing and Urban Development, vice Harold B. Finger, resigned.

James L. Mitchell, of Illinois, to be General Counsel of the Department of Housing and Urban Development, vice David Ogden Maxwell, resigned.

HOUSE OF REPRESENTATIVES—*Thursday, March 8, 1973*

The House met at 12 o'clock noon.

Rabbi Morris A. Cohen, Hebrew Academy of Buffalo, N.Y., offered the following prayer:

אבינו מלכנו

Our Father, our King, we are grateful for being able to experience and express the goodness of the creation which surrounds us. In spite of the darkness and chaos, which we frequently encounter, we pray that we may be able to concentrate upon and increase the light and order which is in the potential of Thy creation.

May the ways of life be available to all mankind so that we may all enjoy the realization of Thy divine command which summons us to manifest our partnership with the God of creation and justice.

May everyone be guaranteed the opportunity to be educated and to work according to his own noble choice, so that everyone may look forward to share his own contribution for good with the rest of humanity. And so may it be Thy will.

וכן יהי רצון

Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 59. An act to amend title 38 of the United States Code to provide improved and expanded medical and nursing home care to veterans; to provide hospital and medical care to certain dependents and survivors of veterans; to provide for improved structural safety of Veterans' Administration facilities; to improve recruitment and retention of career personnel in the Department of Medicine and Surgery; and for other purposes.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair has been advised that the electronic voting system, which was not functioning yesterday, is now in order. Technicians thoroughly tested the system this morning and have assured the Chair that it is fully operable.

The Chair will therefore direct that its use be resumed as of today.

THE HOUSE OF REPRESENTATIVES' DISTINGUISHED GUEST, BUFFALO'S RABBI MORRIS A. COHEN

(Mr. KEMP asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KEMP. Mr. Speaker, in behalf of my colleagues, it is a great pleasure to thank Rabbi Morris A. Cohen, of Buffalo, N.Y., for his inspiring and thoughtful invocation in this Chamber today.

And it is with considerable pride that I call attention to a few of the outstanding highlights of the background and activities of our distinguished guest.

Ordained after graduation from Yeshiva University in New York City in 1951, Rabbi Cohen began his spiritual and community service in the Orthodox Jewish faith in a family chain that goes back many generations.

It also is extraordinary that three of his brothers are ordained rabbis.

Rabbi Cohen holds a doctorate of Jewish jurisprudence as well as a doctorate of ritual law, qualifying him as a member of that rare and prestigious group of only 3 percent of the world's rabbinate possessing both these degrees.

In addition to Rabbi Cohen's spiritual leadership of Buffalo's Yeshiva Achei Tmimim, the Hebrew Academy of Buffalo, where he serves as the only unsalaried rabbi of the Buffalo Jewish community, he also contributes to the betterment of our young people Mondays through Fridays as a social psychologist in the Buffalo school system.

As the father of three children and as a dedicated man deeply imbued with the importance of the close and traditional relationships of family, spiritual affiliation, and education, Rabbi Cohen is uniquely qualified and gifted to counsel and lead today's family and youth.

In behalf of my distinguished colleagues from western New York, let me say that it is with great pride that we acknowledge the presence of, and welcome, our distinguished guest.

PERMISSION FOR COMMITTEE ON PUBLIC WORKS TO FILE A REPORT ON H.R. 2246, UNTIL MIDNIGHT, MARCH 9, 1973

Mr. ROE. Mr. Speaker, I ask unanimous consent that the Committee on Public Works have until midnight Friday, March 9, 1973, to file a report on H.R. 2246, to amend the Public Works and Economic Development Act of 1965 to extend the authorizations for a 1-year period.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

SENATOR YOUNG LEADING IN ALASKA

(Mr. GERALD R. FORD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GERALD R. FORD. Mr. Speaker, on the basis of returns from 358 of Alaska's 433 precincts, news reports say that the Republican State Senator Don Young will be the next Congressman from our Nation's largest State.

He is leading by 31,240 to 28,287 votes in a State where voter registration is nearly 2 to 1 Democratic.

This proves to me that the voters of Alaska, traditionally independent, are sending Washington the message that they approve President Nixon's efforts to turn back power to the States, control Federal spending, and prevent more inflation and higher taxes.

When I was studying American history in school there was a saying that "As Maine goes, so goes the Nation." That saying has been out of style since 1936, Mr. Speaker, but now maybe we should have a new one: "As Alaska goes, so goes the Nation."

HOW CAN ANY SANE PERSON RECOMMEND LEGALIZING MARIJUANA?

(Mr. HUNT asked and was given permission to address the House for 1 minute, to revise and extend his remarks, and to include extraneous matter.)

Mr. HUNT. Mr. Speaker, on March 5, 1973, the Washington Star carried a banner headline across the entire top of their newspaper entitled "Legalized Marijuana the D.C. Panel Recommends."

This, once more, is just a blatant attempt by some do-gooding people to downgrade and help us to demoralize further the youth of this country. I cannot understand for the life of me how any sane person can recommend the legalization of marijuana, knowing what it does to young people, or anyone else when they use it.

In their report they talk about it not being any worse than liquor. Let me remind this panel that last year some 60,000 persons met their death in automobile accidents in these United States, and the reports indicate that more than 60 percent of those persons involved in the accidents had been drinking drivers. Now a panel recommends a new way to compound the serious situation we now have.

The legalization of marijuana is a ridiculous thing to say the least. However, I am heartened today by the fact that page 15 of section B, the second section of the illustrious Washington Post, carried a small piece entitled "Pot Study Attacked." It made slight reference to U.S. Attorney Titus disclaimer of the report. What a sad commentary when only the members of the panel with actual knowledge of pot damage, are those who did not support the report. Jerry Wilson—you are really doing a good job.

CALL OF THE HOUSE

Mr. WYLIE. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. McFALL. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The call was taken by electronic device and the following Members failed to respond:

[Roll No. 39]

Addabbo
Alexander
Anderson, Calif.
Ashley
Badillo
Biaggi
Blatnik
Boland
Bowen
Brasco
Breckinridge
Brooks
Brown, Calif.
Brown, Ohio
Broyhill, Va.
Burke, Calif.
Burleson, Tex.
Camp
Carey, N.Y.
Carney, Ohio
Chappell
Chisholm
Clark
Clawson, Del
Clay
Collier
Corman
Cotter
Crane
Cronin
Culver
Daniels, Dominick V.
Danielson
Davis, Ga.
Delaney
Dickinson
Diggs
Dorn
Downing
Eckhardt
Evans, Colo.
Flood
Foley
Ford, William D.
Fountain
Frelinghuysen
Frenzel
Froehlich
Fulton
Fuqua
Giaimo
Gibbons
Gude
Hanna
Hansen, Wash.
Harvey
Hays
Hébert
Hinshaw
Hosmer
Howard
Johnson, Colo.
Jones, Okla.
Jones, Tenn.
King
Koch
Kyros
Leggett
Litton
Long, La.
McCollister
Madden
Martin, Nebr.
Mathis, Ga.
Matsunaga
Metcalfe
Michel
Milford
Mills, Ark.
Moorhead, Calif.
Moorhead, Pa.
Morgan
Murphy, N.Y.
Nelsen
O'Neill
Owens
Passman
Pike
Preyer
Price, Tex.
Railsback
Rangel
Roberts
Rodino
Roncalio, Wyo.
Rooney, N.Y.
Rooney, Pa.
Rostenkowski
Rousselot
Sarasin
Satterfield
Sisk
Stark
Steiger, Ariz.
Stratton
Stubblefield
Symington
Talcott
Taylor, N.C.
Teague, Tex.
Tiernan
Udall
Ullman
Van Deerlin
Veysey
Waldie
Widnall
Wiggins
Wilson, Bob
Wright

The SPEAKER. On this rollcall 311 Members have recorded their presence by electronic device, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Marks, one of his secretaries.

QUALITY OF LIFE IN OUR CITIES AND TOWNS—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 93-57)

The SPEAKER laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee of the Whole House on the State of the Union and ordered to be printed:

To the Congress of the United States:

Today, in this fifth report to the Congress on the state of the Union, I want to discuss the quality of life in our cities and towns and set forth new directions for community development in America.

Not long ago we became accustomed to the constant rhetorical drumbeat of the "crisis of our cities." Problems were multiplying so rapidly for our larger urban areas that some observers said our cities were doomed as centers of culture, of commerce, and of constructive change.

Many of these problems still persist, but I believe we have made sufficient progress in recent years that fears of doom are no longer justified.

What is needed today is calm reflection upon the nature of modern community life in the United States, a reassessment of the manner in which we are trying to solve our remaining problems, and a firm resolve to get on with the task.

America's communities are as diverse as our people themselves. They vary tremendously in size—from massive cities to medium-sized urban and suburban areas, to small towns and rural communities.

Just as importantly, each of our communities has built up strong individual characteristics over the years, shaped by region, climate, economic influences, ethnic origins and local culture.

Of course, communities do share common needs and concerns. People in every community want adequate housing, transportation, and jobs, a clean environment, good health, education, recreation facilities, security from crime and fear, and other essential services. But local priorities differ; the intensity and order of local needs vary.

Clearly, no single, rigid scheme, imposed by the Federal Government from Washington, is capable of meeting the changing and varied needs of this diverse and dynamic Nation.

There is no "best" way, no magic, universal cure-all, that can be dispensed from hundreds or thousands of miles away.

What is good for New York City is not necessarily good for Chicago, or San Francisco, much less for smaller communities with entirely different economies, traditions and populations.

Too often in the past we have fallen into the trap of letting Washington make the final decisions for St. Louis, Detroit, Miami, and our other cities. Sometimes the decisions were right, and programs have succeeded. Too often they were wrong, and we are still paying the price.

The time has come to recognize the errors of past Federal efforts to support community development and to move swiftly to correct them.

The results of past errors form a disturbing catalogue:

—They have distorted local priorities.

—They have spawned a massive glut of red tape.

—They have created an adversary climate between local communities and Washington which has often led to waste, delay and mutual frustration.

—They have contributed to a lack of confidence among our people in the ability of both local and national governments to solve problems and get results.

—They have led to the creation of too many complex and often competing Federal programs.

—Perhaps worst of all, they have undercut the will and the ability of local and State governments to take the initiative to mobilize their own energies and those of their citizens.

The Federal policy that will work best in the last third of this century is not one that tries to force all of our communities into a single restrictive mold. The Federal policy that will work best is one that helps people and their leaders in each community meet their own needs in the way they think best.

It is this policy which binds together the many aspects of our community development programs.

THE BETTER COMMUNITIES ACT

In the near future, I will submit to the Congress the Better Communities Act to provide revenue sharing for community development. Beginning July 1, 1974, this act would provide $2.3 billion a year to communities to be spent as they desire to meet their community development needs. In the interim period before the legislation becomes effective, funds already available to the Department of Housing and Urban Development will be used to maintain and support community development.

The Better Communities Act is intended to replace inflexible and fragmented categorical grant-in-aid programs, and to reduce the excessive Federal control that has been so frustrating to local governments.

Rather than focusing and concentrating resources in a coordinated assault on a set of problems, the categorical system scatters these resources, and diminishes their impact upon the most needy. Excessive Federal influence also limits the variety and diversity of development programs. Local officials should be able to focus their time, their resources and their talents on meeting local needs and producing results, instead of trying to please Washington with an endless torrent of paperwork.

I first proposed such legislation in 1971, and although the Congress failed to enact it, significant support was expressed in both the Senate and the House. Since that time, members of my Administration have been consulting with Congressional leaders, mayors, Governors, other local officials and their representatives. Many constructive suggestions have been received and will be incorporated in my new legislative proposal. As a result, I believe the Better Communities Act will represent our best hope for the future of community development and will deserve rapid approval by the Congress.

Among the most significant features of the Better Communities Act are these:

—*Hold-Harmless Provision:* The flow of money to cities and urban counties is to be based on a formula reflecting community needs, as determined by objective standards. In the years immediately following enactment, funds would be used to assure that no city receives less money for community development than it has received under the categorical grant programs.

—*Assistance for Smaller Communities:* Funding is also to be provided for our smaller community, recognizing the vital importance of small towns and rural communities to the future of the Nation.

—*The Role of State Government:* State governments have always played an important part in meeting the community development needs of their communities. The Act will recognize this role.

—*Local Decision Making:* While each of the activities now supported by categorical grants may be continued, it would be up to local leaders to determine how that money will be spent.

—*Minimizing Red Tape:* Recipients would be required to show the Federal Government only that they are complying with Federal statutes in the way they are spending their revenue sharing money.

—*Elimination of Matching:* Shared revenues would not have to be matched by local funds.

—*Protection for Minorities:* Under no circumstances could funds provided under the Better Communities Act be used for purposes that would violate the civil rights of any person.

A DEPARTMENT OF COMMUNITY DEVELOPMENT

One of the most serious deficiencies in the effort of the Federal Government to assist in community development has been the fragmentation and scattering of Federal programs among a variety of departments and agencies. All too often State or local officials seeking help for a particular project must shuttle back and forth from one Federal office to another, wasting precious time and resources in a bureaucratic wild goose chase.

In order to coordinate our community development activities more effectively, I proposed nearly two years ago that we create a Department of Community Development which would pull under one roof various programs now in the Departments of Housing and Urban Development, Transportation, Agriculture, and other agencies.

After extensive hearings on this proposal, the Committee on Government Operations of the House of Representatives reached this conclusion:

> The Department of Community Development will be a constructive center in the Federal Government for assistance to communities, large and small. It will facilitate rational planning, orderly growth, and the

effective employment of resources to build viable communities throughout the United States. It will help to strengthen the physical and institutional bases for cooperative action by Federal, State and local governments.

This Administration fully agrees, of course, and will continue to work with the Congress for the prompt creation of a Department of Community Development.

In the interim, I recently appointed a Presidential Counsellor on Community Development who will coordinate community development programs and policies in the executive branch. But only when the Congress approves the basic departmental reorganization proposed by the Administration can our efforts to eliminate waste, confusion and duplication, and to promote community betterment more efficiently, be fully effective.

THE RESPONSIVE GOVERNMENTS ACT

For nearly 20 years, the Federal Government has provided assistance to State and local governments in order to strengthen their planning and management capabilities.

This aid, provided under the Comprehensive Planning Assistance Program, has always been helpful, but the program itself has several major flaws. It has tended, for instance, to stress one aspect of public administration—planning—without adequately recognizing other essential features such as budgeting, management, personnel administration, and information-gathering. Planning has often been irrelevant to the problems and the actual decisions. State and local governments have also found it difficult to coordinate their planning because of the fragmented way in which funds have been sent from Washington.

This Administration proposed new planning and management legislation to the 92nd Congress, but it was not approved. In the meantime, we took what steps we could to improve the existing program. Some progress has been made, but corrective legislation is still needed.

I shall therefore propose that the 93rd Congress enact a new Responsive Governments Act. I shall also propose that we provide $110 million for this act in fiscal year 1974—almost one-fifth of the entire amount that has been spent under the present law in the last two decades.

This Responsive Governments Act would assist State and local governments in meeting several important goals:

- —Developing reliable information on their problems and opportunities;
- —Developing and analyzing alternative policies and programs;
- —Managing the programs;
- —And evaluating the results, so that appropriate adjustments can be made.

The ability to plan and manage is vital to effective government. It will be even more important to State and local governments as they are freed from the restraints of narrow categorical Federal programs and must decide how to spend revenue sharing funds. Thus the Responsive Governments Act is a vitally necessary companion piece to the Better Communities Act.

HOUSING

This Administration is firmly committed to the goal first set forth for America in the 1949 Housing Act: "a decent home and a suitable living environment for every American family." While we believe that some of our housing programs have failed and should be replaced, we should never waiver in our commitment.

During the past four years, the Federal Government has provided housing assistance to an additional 1.5 million American families of low and moderate income. This represents more housing assistance than the total provided by the Federal Government during the entire 34-year history of our national housing program preceding this Administration.

In addition, a healthy, vigorous, private housing industry has provided 6 million new unsubsidized units of housing for Americans in the last four years. Housing starts for each of the last three years have reached record high levels—levels, in fact, that are more than double the average for the preceding 21 years.

Most importantly, the percentage of Americans living in substandard housing has dropped dramatically from 46 percent in 1940 to 37 percent in 1950 to 18 percent in 1960 to 8 percent in 1970. Americans today are better housed than ever before in our history.

At the same time, however, there has been mounting evidence of basic defects in some of our housing programs. It is now clear that all too frequently the needy have not been the primary beneficiaries of these programs; that the programs have been riddled with inequities; and that the cost for each unit of subsidized housing produced under these programs has been too high. In short, we shall be making far more progress than we have been and we should now move to place our housing policies on a much firmer foundation.

That is why we suspended new activity under Federal subsidized housing programs effective January 5th of this year. I would emphasize, however, that commitments that were made under these programs prior to their suspension will be honored. This will mean that approximately 300,000 units of new subsidized housing will be started in 1973.

In pursuing our goal of decent homes for all Americans, we know that better means are needed—that the old and wasteful programs, programs which have already obligated the taxpayer to payments of *between $63 billion and $95 billion* during the next 40 years, are not the answer.

One of my highest domestic priorities this year will be the development of new policies that will provide aid to genuinely needy families and eliminate waste.

A major housing study is now underway within the Government, under the direction of my Counsellor for Community Development. Within the next six months, I intend to submit to the Congress my policy recommendations in this field, based upon the results of that study.

TRANSPORTATION

To thrive, a community must provide for the efficient movement of its people and its products. Yet in recent years, the growing separation of the city from its suburbs and changing employment patterns have made transportation more of a community problem than a community asset. To improve community development we must meet the challenge of transportation planning and provide more flexible means for communities to meet their transportation needs.

Without better transportation, our communities will either stagnate or choke.

Four years ago we initiated programs to renew and redirect our transportation systems. We took action to expand the capacity of our airways, to preserve and improve intercity rail passenger service, to continue the Nation's highway program with greater emphasis on safety, and to bring needed progress to our surface public transportation. The Federal commitment has been substantial:

- —The enlarged Airport Development Aid Program established under the Airport-Airways Development Act of 1970 has quadrupled Federal assistance to airports to $295 million per year.
- —Under the Rail Passenger Service Act of 1970 we have begun to rejuvenate rail service as part of a balanced transportation system.
- —From 1970 through 1974 we will have invested some $23 billion in highways. In 1972 alone we committed $3.3 billion to the Interstate system, which is now 80 percent complete. In that same year, $870 million was designated for primary and secondary roads. Equally important, we have emphasized safety on our highways, both in their design and use.
- —We have progressively increased the levels of Federal funding for transportation research, development, and demonstration projects. This support focuses on new transportation technology. It is designed to encourage private industry to join aggressively in the search for better transportation.

Concurrent with our programs to improve transportation between our cities, we have undertaken programs to develop freeflowing corridors for people and commerce *within* our cities.

- —Since 1970, when I proposed and the Congress passed the Urban Mass Transportation Assistance Act, we have committed more than 2 billion Federal dollars to preserve and upgrade public transportation. Nationally, urban public transportation has become a billion-dollar-a-year Federal program.
- —Over the past four years, Federal dollars have helped 60 American cities to help those who depend on public systems for transportation to jobs, hospitals, shops and recreational centers. Now we must deal even more aggressively with community development challenges in transportation by building on the strong foundations we have laid.

Nothing can do more to lift the face of our cities, and the spirit of our city dwellers, than truly adequate systems of modern transportation. With the best highway system in the world, and with 75 percent of our people owning and operating automobiles, we have more transportation assets per capita than any other people on earth. Yet the commuter who uses a two-ton vehicle to transport only himself to and from work each day is not making the most efficient use of our transportation system and is himself contributing to our transportation and environmental problems.

Good public transportation is essential not only to assure adequate transportation for all citizens, but to forward the common goal of less congested, cleaner and safer communities. As I pointed out a few weeks ago in my message on the environment and natural resources, effective mass transit systems that relieve urban congestion will also reduce pollution and the waste of our limited energy resources.

As we build such systems, we must be aware of the two special challenges in coordinating the needs of the inner city and the suburb and in alleviating potential disruptions which new transportation systems can bring to neighborhood life.

To further these efforts I again continue to urge Congress to permit a portion of the Highway Trust Fund to be used in a more flexible fashion, thus allowing mass transit capital investments where communities so desire.

I recommend that the Congress authorize the expenditure by State and local governments of $3.65 billion over the next three years from the Highway Trust Fund for urban transportation needs, including capital improvements for bus and rapid rail systems. I also recommend continuing the rural highway program at the $1 billion a year level, and providing ample resources to advance the Interstate system as it approaches its 1980 funding completion date. This legislation can meet old needs while at the same time addressing new ones.

Some communities now feel unduly obligated to spend Federal monies on controversial Interstate highway segments in urban areas. I urge the Congress to allow States and localities to transfer such funds to the construction of other Federal-aid highways and mass transit capital improvements. In this way, we can help resolve controversies which have slowed work on a number of Interstate links in urban areas.

It is very important to recognize that this proposal does not represent an arbitrary Federal shift of funds from highways to transit. What it does stress is the right of local governments to choose the best solutions for their urban transportation problems.

This year, in a companion measure to our Federal Highway Bill, I am also proposing that funding for mass transit capital grants be increased by $3 billion, bringing the obligational authority for the mass transit program to $6.1 billion. This provision would maintain a forward looking mass transit program through at least 1977. I am also asking the Congress to amend the Urban Mass Transportation Assistance Act, increasing the Federal share for urban mass transit capital grant assistance programs to 70 percent and thereby achieving parity with Federal aid for urban and rural road building projects.

RURAL DEVELOPMENT

Community Development is sometimes thought of primarily in terms of urban areas. However, as this Administration has often pointed out—and will continue to emphasize—no element of our national well-being is more important than the health and vitality of our rural communities. Thus, in pursuing a policy of balanced development for our community life, we must always keep the needs of rural America clearly in sight.

Twice in the last two years, I have recommended legislation which would provide new revenues for rural development. Under my latest proposal, loans and guarantees would have been made for projects selected and prepared by the States.

While the 92nd Congress did not enact either of these proposals, it did enact the Rural Development Act of 1972, establishing additional lending authority for rural needs. Like the Administration's proposals, this lending authority provides for insured loans and guaranteed loans which allow maximum participation of the private sector.

Several new programs are proposed to be funded under the Rural Development Act. One is a $200 million loan program to assist communities with a population of less than 50,000 in developing commercial and industrial facilities. A previously existing loan program has been increased by $100 million—to a total of $445 million—and, under the new law, can now be used to construct a wide variety of essential community facilities. In addition, grants and other programs under the act will be funded at a level of $33 million.

This Administration will implement the Rural Development Act in a manner consistent with the revenue sharing concept, allowing major project selections and priority decisions to be made by the State and local governments whenever possible. It is our intent, after fully evaluating the effectiveness of this approach, to seek whatever additional legislation may be needed.

DISASTER ASSISTANCE

To a community suffering the ravages of a natural disaster, nothing is more important than prompt and effective relief assistance. As our population grows and spreads, each storm, earthquake, drought or freeze affects larger numbers of people.

During the past four years, we have tried to reduce personal injury, deaths, and property damage by emphasizing adequate preventive measures. During the same period, however, I have had to declare 111 major disasters in 39 States and three Territories. This past year alone set a tragic record for major disaster activity, as I had to declare 48 major disasters—43 caused by storms and floodings. There were a number of especially devastating disaster emergencies in this period: the flooding in Buffalo Creek, West Virginia; flash flood in Rapid City, South Dakota; and, of course, Tropical Storm Agnes which rampaged through the eastern United States. Agnes alone caused 118 deaths and some $3 billion in property damage.

Until now, disaster relief efforts have involved a number of different agencies and have been coordinated by the Executive Office of the President. The experience of the past few years has demonstrated that:

—We are not doing nearly enough to prepare in advance for disasters.

—States, local governments and private individuals should assume a larger role in preparing for disasters, and in relieving the damage after they have occurred.

—Responsibility for relief is presently too fragmented among too many authorities.

—At the Federal level, disaster relief should be managed by a single agency.

I intend to make 1973 a turning point in the quality of governmental response to natural disasters.

To achieve this goal, I have already proposed Reorganization Plan Number 1 of 1973, which is now before the Congress. It calls for the delegation of all responsibility for coordinating disaster relief to the Secretary of Housing and Urban Development, who is also my Counsellor for Community Development. This transfer of operations would take place at the beginning of the new fiscal year and would be carried out in such a way that the effective relations which now exist with State disaster officials would in no way be harmed, while a new sense of unity and mobility at the Federal level would be fostered.

If the Congress enacts my proposal for a new Department of Community Development, that new department would be responsible for directing *all* Federal disaster activities, including those of several other agencies which perform disaster roles.

In addition to the improvements I have proposed in Reorganization Plan Number 1, I will shortly submit a new Disaster Assistance Act to the Congress. This new act is designed to improve the delivery of Federal assistance, to provide a more equitable basis for financing individual property losses, and to forge a more balanced partnership for meeting disasters head-on—a partnership not only among governments at all levels but also between governments and private citizens.

Under these proposals, each level of government would accept responsibility for those things it can do best. While the Federal Government would continue to assist with financing, State and local governments would have far more latitude and responsibility in the use of those funds. They would also be encouraged to assert stronger leadership in efforts to minimize the damage of future disasters.

For homeowners, farmers and businessmen who have suffered disaster losses, the Federal Government would continue to provide direct assistance.

I will also recommend to the Congress an expansion of the national flood insurance program to allow participation by more communities in flood-prone areas and to increase the limits of coverage.

CONCLUSION

As reflected by the proposals set forth here, I believe that we must strike out on broad, new paths of community development in America.

During the last few years, we have taken genuine, measurable strides toward better communities.

All of this is good; it is not good enough.

It is clear that we can and should be accomplishing more in the field of community development. There are too many programs that have been tried and found wanting. There are too many programs that strengthen the bureaucracy in Washington but sap the strength of our State and local governments.

People today want to have a real say in the way their communities are run. They want to feel that, once again, they can play a significant role in shaping the kind of world their children will inherit. And they expect their institutions to respond to their needs and aspirations.

That feeling will never flourish if the Federal Government, however vast its financial resources and however good its intentions, tries to direct the pattern of our lives. That feeling cannot be manufactured in Washington, it must come from within.

But the Federal Government can and should eliminate some of the barriers that have impeded the development of that feeling by returning resources and initiatives to the people and their locally elected leaders. It is in that spirit that I urge the 93rd Congress to give favorable consideration to my proposals for community development.

RICHARD NIXON.

THE WHITE HOUSE, *March 8, 1973.*

PERSONAL EXPLANATION

Mr. BROWN of Ohio. Mr. Speaker, on rollcall No. 39, the recent quorum call, I am recorded as absent. I was in the Office Building attending a meeting of the Interdepartmental Council on Government Operations, on which I have been designated a member. I did not have time to make it back to the Chamber for the automatic quorum call on which the electronic recording system was used.

REHABILITATION ACT OF 1973

Mr. BRADEMAS. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 17) to amend the Vocational Rehabilitation Act to extend and revise the authorization of grants to States for vocational rehabilitation services, to authorize grants for rehabilitation services to those with severe disabilities, and for other purposes.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE HOUSE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 17, with Mr. MONTGOMERY in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from Indiana (Mr. BRADEMAS) will be recognized for 30 minutes and the gentleman from Minnesota (Mr. QUIE) will be recognized for 30 minutes.

The Chair recognizes the gentleman from Indiana.

Mr. BRADEMAS. Mr. Chairman, I am pleased to rise in support of H.R. 17, the Rehabilitation Amendments of 1973.

I believe H.R. 17 can be one of the most substantial and significant advances in Federal aid to the handicapped in half a century.

The bill before us, Mr. Chairman, is a result of bipartisan cooperation and compromise.

I would like here to express my warm appreciation to the distinguished chairman of the Education and Labor Committee, Mr. PERKINS of Kentucky, and the distinguished ranking minority member of the committee, Mr. QUIE of Minnesota, who have labored long and hard on this legislation to better the lives of handicapped people.

I would be remiss, Mr. Chairman, if I did not also thank the gentlelady from Hawaii (Mrs. MINK), the gentleman from Idaho (Mr. HANSEN), the gentleman from Pennsylvania (Mr. ESHLEMAN), the gentleman from Washington (Mr. MEEDS), the gentleman from New York (Mr. PEYSER), the gentlelady from New York (Mrs. CHISHOLM), the gentleman from Connecticut (Mr. SARASIN), the gentlelady from Connecticut (Mrs. GRASSO), the gentleman from New York (Mr. BADILLO), the gentleman from Florida (Mr. LEHMAN), and the gentleman from Kentucky (Mr. MAZZOLI) for their fine efforts in reporting this legislation successfully from the committee.

BACKGROUND

Mr. Chairman, during the 92d Congress, the Select Subcommittee on Education, which I have the honor to chair, held 4 days of hearings on various bills to extend and amend the Vocational Rehabilitation Act. The subcommittee received testimony from a variety of witnesses including the administration.

A measure was reported unanimously from the subcommittee and the Education and Labor Committee. Subsequently, it was approved unanimously by both the House and Senate.

To the surprise of most of us, Mr. Chairman, on October 22, after Congress had adjourned, the President vetoed the Rehabilitation Act of 1972.

When the 93d Congress convened on January 3, I joined Mr. PERKINS, the distinguished chairman of the full Committee on Education and Labor, and the distinguished ranking minority member, Mr. QUIE, together with the other members who had been conferees on this measure, to introduce an identical bill to the measure vetoed.

I would like to observe that since January 3 over 120 Members of the House, of both parties, have joined in cosponsoring this measure.

Next, Mr. Chairman, the subcommittee which I chair held hearings on the new measure and received testimony from the Assistant Secretary for Legislation of the Department of Health, Education, and Welfare as to the administration's position and objections to the measure.

PROGRAM SUCCESS

Mr. Chairman, we all know that one of the most successful illustrations of Federal-State cooperation in working toward a national goal is the vocational rehabilitation program created by legislation enacted in 1920 and amended many times since. The goal of the program through the years, Mr. Chairman, has been to assure that physically and mentally handicapped persons have, as near as it is possible, the same opportunity to succeed as have nonhandicapped persons.

Mr. Chairman, for 50 years vocational rehabilitation has been a great success. Nearly 3 million disabled persons have been returned to productive activities since the act became law in 1920. During fiscal year 1971, a total of 291,272 persons receiving rehabilitation training and services has returned to the labor market. The earnings of those 291,272 persons increased by an estimated $770 million of what they had earned the year before they entered the vocational rehabilitation program. Average earnings of the persons rehabilitated had been $15.95 a week when they were first accepted into the program, but upon completion, their average earnings rose to $68.86 a week.

UNFINISHED AGENDA

The Vocational Rehabilitation Act has often been the difference between poverty and financial independence, between despair and hope. Successful as the program has been, however, there is still much to be done to insure the rehabilitation of the handicapped people of this country. Despite the millions who have successfully completed rehabilitation programs, many crippled people receive no services at all. The simple fact is that, contrary to what many people think, the total number of seriously disabled people in the United States is increasing every year. As medical skills improve, persons who in years past would have succumbed to certain types of illness and injuries are today surviving to live lives of disability. An example of this is the thousands of disabled young men who have come out of the Vietnam war. Because of advances in evacuation techniques and treatment of catastrophic injuries, men who would have died on the battlefield in earlier wars are surviving in this war. Of the 400 Americans with spinal paralysis carried off the battlefields of World War I, 90 percent were dead within a year of receiving their wounds. Today soldiers receiving spinal cord injuries are surviving to live long lives in wheelchairs.

In fiscal year 1972, approximately 1,110,045 disabled persons were served by State vocational rehabilitation agencies and the Rehabilitation Services Administration in HEW reports that 326,138 of them were considered to be rehabilitated. This is not an insignificant achievement if these figures can indeed be verified, but even this number of successful cases must be taken in the context of the estimated 7 to 12 million handicapped individuals in the Nation who have not realized their vocational potential.

With the level of funding authorized in the bill, rehabilitation services could be provided to a total of approximately 2 million handicapped individuals over the next 2 fiscal years using today's per case cost.

This would mean 5.36 million handicapped persons who, at today's spending level, would not be served.

The simple fact is, Mr. Chairman, that we have only begun to scratch the surface in meeting the needs of our disabled fellow citizens. The bill before us today contains provisions that will enable us to improve and enlarge the work of rehabilitating physically and mentally handicapped persons to enable them to return to their places in their families and communities as effective participating members of society.

HISTORIC MEASURE

Mr. Chairman, in my opinion, H.R. 17 is an historic measure.

Mr. Chairman, this is the major piece of legislation affecting handicapped individuals in the United States.

The bill before us today was reported by the subcommittee by a vote of 12 to 0 with one vote of "present."

The Committee on Education and Labor subsequently, on February 27, reported the bill favorably by a vote of 33 to 1.

Briefly, Mr. Chairman, the bill would—

Extend the 52-year-old vocational rehabilitation program for 2 years which assists handicapped individuals return to employment;

Provide for a new program for individuals who are so severely handicapped that they might never be able to work, but who might be expected to develop some self-sufficiency, and thereby lessen some of the strain on their families and allow those members to seek employment;

Provide the necessary help to persons suffering from serious kidney disease;

Provide for a special program for persons suffering from spinal cord injuries; and

Provide special programs to deaf and older blind individuals.

In addition, Mr. Chairman, in light of the administration's testimony presented to the committee last month, H.R. 17 reduces the appropriation authorized in the vetoed bill from approximately $3.5 billion over 3 years to $2.6 billion over the same period—a cut of some $900 million. The bill otherwise does not alter the bill vetoed last year.

Mr. Chairman, I view the vote of the committee as evidence of the wide bipartisan support this measure enjoys and I urge that we move expeditiously to approve this measure once again.

Mr. WYLIE. Mr. Chairman, will the gentleman yield for a question?

Mr. BRADEMAS. I will be glad to yield to the gentleman from Ohio.

The CHAIRMAN. The gentleman has consumed 10 minutes.

Mr. WYLIE. I thank the gentleman for yielding.

By the gentleman's remarks the gentleman mentioned the fact that there will be Vietnam veterans returning who will have spinal cord injuries—paraplegics, and so forth. How does this program of vocational rehabilitation work with the Veterans' Administration program, rehabilitation program?

I am a member of the Veterans' Affairs Committee. Last year we passed a bill which would provide for additional benefits for veterans returning from Vietnam with spinal cord injuries. I know it is administered by the Veterans' Administration through the veterans' hospital. I am not sure how this dovetails.

Mr. BRADEMAS. The gentleman would be more knowledgeable than would I with respect to the legislation that comes out of his own committee. Of course, the program that has been provided under H.R. 17 is not confined to veterans but, rather, would establish national centers for spinal cord injuries that would demonstrate methods of providing intensive services for persons suffering from such injuries, as well as train specialized personnel to work with spinal-cord injured persons, and also conduct research into the problems associated with these injuries.

There are today, the committee was advised, approximately 125,000 persons in the country who are either paraplegics or quadriplegics. As to the total number of Vietnam veterans, I cannot say how many persons can be ascribed to that category because, as the gentleman will understand, we do not have responsibility in our committee for writing legislation that directly affects veterans. Therefore I think the point I am making to the gentleman is that our bill is open to persons of every category.

Mr. WYLIE. I thank the gentleman. This is the point I wanted to make. The gentleman referred to those who were returning from the Vietnam conflict. What I wanted to point out to the Members of the House is that there is another program to provide for those veterans and they will not necessarily be taken care of under this program.

I am not suggesting there is duplication and maybe there is a place for both programs, but so far as the Vietnam veterans are concerned, I know the Veterans hospitals have a really outstanding program in this field and they are to be commended for what they have done. I was trying to find out what the gentleman had in mind.

Mr. BRADEMAS. I thank the gentleman.

Mr. DU PONT. Mr. Chairman, will the gentleman yield?

Mr. BRADEMAS. I yield to the gentleman from Delaware.

Mr. DU PONT. Mr. Chairman, as a Representative from one of the small States I am interested in one point. There is considerable language in section 110 of the bill and also in the committee report which seems to suggest that no State shall receive less than $2 million under the allotment formula. Is that the gentleman's understanding?

Mr. BRADEMAS. Yes. The allotment formula, I may say to my friend, the gentleman from Delaware, has not been changed by the bill H.R. 17.

Mr. DU PONT. As I understand it then it is the intention of the committee to see that each State receives $2 million. What will happen in the case that the appropriation made by the Congress is less than the $700 million authorization? Is it still the intent of the committee that each State will receive a minimum of $2 million?

Mr. BRADEMAS. We have had a problem on that count in respect to this legislation in years past, but we have had a good record of the Appropriations Committee responding, so I hope there will be no such problem.

Mr. DU PONT. But if the appropriation is less, is it the gentleman's opinion that within the language of the bill there exists a mechanism to adjust not the allotment but the appropriations in a fashion to assure $2 million to every State?

Mr. BRADEMAS. That would not be my understanding, I will say to my friend.

Mr. DU PONT. I thank the gentleman.

Mr. QUIE. Mr. Chairman, I yield 4 minutes to the gentleman from Pennsylvania (Mr. ESHLEMAN).

Mr. ESHLEMAN. Mr. Chairman, the Vocational Rehabilitation Act is 53 years old. There are rehabilitation agencies serving handicapped persons in every State. The basic concept of the program is to serve persons who have been injured or handicapped by training them to go to work if at all possible.

Title I is the basic grant authority which puts focus and priority for services on those individuals who are the most severely handicapped but who can still go to work.

Title II is new and designed to focus on the handicapped who require supervisory assistance and are probably not able to work. This is designed to make them self-sufficient and remove the need and cost of somebody taking care of them.

New programs for the spinal cord injured, kidney disease, and the older blind and deaf were added to the bill. It is the intention of the committee to place focus and priority on these disabilities.

This bill was passed last year by a vote of 327 to 0. The total authorization for 3 years was $3,476,000,000.

The subcommittee amendment, which was accepted, reduced the authorization by $889 million to $2,588,000,000 for a 3-year period. In view of this substantial reduction and the 53-year history this legislation, I strongly recommend passage to my colleagues.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The gentleman yields back 2 minutes.

Mr. QUIE. Mr. Chairman, I yield 4 minutes to the gentleman from Idaho (Mr. HANSEN).

Mr. HANSEN of Idaho. Mr. Chairman, I rise also in enthusiastic support of the bill before us, and confirm the statements which have been made heretofore to the effect that this legislation, being very similar to that which was considered and approved in the last Congress, is the product of a determined and successful effort to work closely as between both parties within the Congress and with the Department and the administration. It was a good bill when we passed it last year, and it still is a good bill.

Mr. Chairman, it is all too easy to get caught up in the arguments of different points of view as we consider this legislation, but I think it is important to put in perspective just who we are talking about today and just what we are trying to do. This legislation before us is one which embodies the basic concept upon which our society is built, that is, the ability to work. Through this legislation for the last 53 years the handicapped have been given services and provided training and counseling for the sole purpose of assisting them to become contributing members of society. The vocational rehabilitation bill was never intended to be a welfare program and hopefully will never be one. Its basic premise is to make human beings who are disabled, functioning, independent citizens.

The legislation before us today was not developed in a vacuum. It was developed as a result of much thoughtful and careful consideration. Last year we listened to scores of public witnesses from handicapped individuals and organizations for the handicapped. We heard very heart-touching stories as well as some problems and recommendations for improving the program. When the final bill emerged from the House-Senate conference last year, it was my feeling that it represented the best thinking of the Congress. I am still persuaded that these amendments to the Vocational Rehabilitation Act substantially improve the program and will ultimately not only be a benefit to handicapped individuals throughout the country but to the entire Nation.

All of you have worked closely with this legislation have been convinced that investing in handicapped people in the manner as established by this legislation is actually one of the best bargains that the American taxpayer can get for his dollar. Through the years it has been documented that handicapped individuals who are employed after being in this program return four and five times the amount expended of them to the Federal Treasury as taxpayers. Aside from humanitarian reasons, this reason seems good enough to me.

We have added some new programs which I feel express the concern that the Congress has for specific areas. We have changed the focus of the primary program (title I) to place emphasis on those individuals whose disabilities are the most difficult to correct, those that will take the most time. I recognize that there is some concern about adding new categorical programs for specific types of disabilities but I am convinced that some injuries are so catastrophic and set off so many social, psychological and physical problems for handicapped individuals that anything that we can do to help rehabilitate these individuals should be done. I am making specific reference to the National Center for Spinal Cord Injuries because I recognize that the problems surrounding this particular disability can be so overwhelming and the potential for added complications with the absence of proper rehabilitative services is so enormous. RSA estimates that State agencies will rehabilitate 900 spinal cord injured this fiscal year at a cost of about $10.5 million. The approximate average cost per case is about $7,666.

Many variables enter into computing the cost of rehabilitating the spinal cord injured:

First is level of lesion: Those with injuries in the neck region—cervical vertebras—are classified as quadriplegics, and cost more to rehabilitate than those with lower levels of injury, who are classified as paraplegics.

Second, whether complications such as pressure sores—decubitus ulcers—or urinary infections have developed because of improper care and treatment before the individual comes under the treatment of a competent program—or allows himself to deteriorate once outside of the purview of a competent program.

Third, intangibles, such as motivation, personal problems, family, and so forth, including such environmental problems as suitable housing.

Fourth, there are varying vocational programs to prepare the individual—to work following the physical restoration phase.

Interacting with the variables that affect cost are the multiple sources of funding that come into play in the treatment and rehabilitation of such individuals.

Data collected at one rehabilitation center indicates that each patient had an average of 2.6 sources of funding per patient.

The best data on costs for a typical caseload I have been able to obtain are from the Texas Institute for Rehabilitation and Research which has a fully computerized accounting system for this purpose. Their data shows an average cost per spinal cord injured treated at their facility, over the years 1959 to 1968, at $9,400. Obviously, costs were higher in later years than earlier, so the average cost of a patient entering the system in 1971 was $11,758. The most expensive case over this time cost $50,325.

One of the complicating factors too often seen in late admissions are decubitus ulcers—pressure sores. It costs from $3,000 to $5,000 to clear up each decubitus, totaled over hospital costs and surgical fees.

Following the physical restoration phase are varying periods of vocational training. For the spinal cord injured this is typically training in a technical or professional vocation, running from 2 to 4 years, and for many on into graduate school. If the physical rehabilitation program is located near a training resource—college or technical school—or has an ongoing vocational program, as do some of the State operated facilities, vocational training can be initiated while the individual is completing his physical restoration, resulting in a net savings of time to total rehabilitation.

Typically, there are also multiple sources of funding for the individual who is attending postsecondary training, so average cost is difficult to fix. It would not be more for a spinal cord injured than another student unless attendant care were needed for a quadriplegic, for example.

Four years of college could run as high as $20,000 at more expensive private schools, with additional costs for transportation, clothing, and so forth.

What does this mean in human terms? Let me give you two fictitious examples of typical spinal cord injured cases and the rehabilitation required for them. Although they are fictitious, they are being constructed from actual case data and the costs that I am using are based upon current levels for similar treatment. The first man I will call Mr. X. When he was 18 years old his neck was broken in an automobile accident. This was in 1960. The injury to his spinal cord at the neck level—sixth cervical vertabrae—left his hands paralyzed, though shoulder muscles and biceps and triceps remained at normal strength.

His initial hospitalization costs for 180 days at a cost of $100 per day; a total of $18,000.

Following acute hospitalization, Mr. X was home for 3 months, at which time he was admitted to the State-operated children's hospital. He was at that hospital for 60 days at a cost of $60 per day; a total of $3,600, for general physical medicine treatments, with an emphasis on crutch walking. However, the hospital was not appropriate for his needs, as it was basically for younger children. Cost of care at the crippled children's hospital: $3,600.

During the next 20 months, Mr. X was hospitalized three times for treatment of a decubitus ulcer—pressure sore—on his buttocks, and for urinary infections. Total days hospitalized were 90 at a cost of $9,000; hospitalization surgical and related costs—the decubitus had to be closed through plastic surgery—ran the totals for these periods of hospitalization to over $10,000.

Twenty-seven months after injury, Mr. X was sent by the State vocational rehabilitation agency to a comprehensive rehabilitation center in another State for 16 months, where he was able to combine a course of physical medicine treatments leading to greater degree of independence in self-care with training in drafting. Cost for the 480 days, at $35 per day at the comprehensive rehabilitation center was $16,800.

Mr. X was, on discharge from the center, able to assume a full-time position as a draftsman. He is not yet totally independent in self-care, but with minimum assistance in the mornings and evenings, is able to work full time, and to attend a junior college part time. On followup 12 years after injury—and 8 years after leaving the center—he is earning $675 per month.

The outcome for Mr. X was more successful than for most with such a high level of injury. He was fortunate in eventually being sponsored at a comprehensive rehabilitation center, although it was 27 months after injury before he was eventually sent there, and unnecessary and expensive complications occurred in that time, as well as the loss of time to himself during a period of total dependency.

Costs of care during Mr. X's rehabilitation were borne by family medical insurance carried by the family—which was cancelled for him following discharge from acute hospitalization—and the State at the crippled children's hospital and at the comprehensive rehabilitation center.

In contrast to the mass of unrelated services which Mr. X received, I am now going to give an example of Mr. Y, who I will make as a "typical" case who we envision being served by one of the model regional spinal cord projects, which would be established by the special provision under this act.

Under a model system, Mr. Y would receive immediate evacuation within 2 hours to a qualified trauma center, followed by a greatly shortened acute care totaling 4 to 6 days for stabilization of life signs. Intensive and shortened rehabilitation management would follow, to discharge in less than 100 days. Total cost: less than $10,000.

Because of specialized knowledge, techniques, et cetera, complications such as decubitus ulcers and urinary infections are prevented.

Following the rehabilitation management phase, Mr. Y would be available for appropriate vocational training—college, technical, or vocational training, et cetera. Typically, severely disabled need professional or technical training: lacking physical capacity to train and sell, they must be trained in sedentary occupations.

Under the model system, medical and other services directed to preventing and reducing complications would be available for Mr. Y's lifetime, for a cost of $2,000 to $3,000, much of which he could pay for as long as he was working.

Who are the spinal cord injured and how quickly can a person's life change? The most notable example of this is George Wallace, Governor of Alabama, who was shot in the spine while campaigning for the Presidency in Maryland. One minute he was a vigorous campaigner seeking the Presidency of the United States and the next he was disabled. From all news reports he is likely to be permanently paralyzed below the waist, although with appropriate medical care he should be basically healthy otherwise. He is the most notable "victim" of spinal cord injury but there are hundreds of other Americans who are injured each year, not necessarily by gunshot, but through any number of accidents. Any Member on this floor today could fall upon the same fate that so many of the spinal cord injured have to live with every day. I pray to God that it does not happen to anyone in this room or anyone else in this country but if it does, I would hope that the very best services that are available would be available to you and anyone else.

In spite of the fact that individuals have spinal cord injuries, they can still be active and productive citizens. Their minds continue to function well and although they may be bound to wheelchairs, they can still be leaders. Some other examples of individuals who have spinal cord injuries are: Mr. Richard Elrod, sheriff of Cook County, Ill.; Mr. Alan Reich, Deputy Assistant Secretary of State for Education and Cultural Affairs; Mr. Arthur W. Allen, Deputy Assistant Secretary of the Army for Manpower and Reserve Affairs; and Mr. John W. McWorthy, Midwest managing editor, Wall Street Journal.

Several physicians throughout the country have remained in practice after incurring a spinal cord injury. These include: Dr. Arthur Abramson, physical medicine and rehabilitation; Dr. Joseph Panzarella, physical medicine and rehabilitation; and Dr. L. L. Schuerter, medical consultant to the North Carolina Rehabilitation Agency; Dr. Kenneth Viste, neurologist; and Dr. Henry Heyl, anatomist.

Athletes are notably susceptible to spinal cord injury, especially high injuries which leave them quadriplegic, although surprisingly enough they are seldom injured on the field of play. Those athletes who sustained injures are: Jill Kinmont, Olympic skier, skiing accident; Julius Kellogg, professional basketball player, car accident; Roy Campanella, professional baseball player, car accident.

Ken Dyer, playing as a defensive back for the Cincinnati Bengals two seasons ago incurred a broken neck playing against Green Bay. The immediate treatment he received, beginning with removal from the field, demonstrates how injury can be minimized. After almost a year physical medicine at an Arizona Rehabilitation Center, he has full use of all limbs.

In conclusion, Mr. Chairman, I appeal to my colleagues to consider their vote in this bill not strictly on the basis of dollars and cents and cost effectiveness, although these items are important. But I appeal to you to look at the intent of this bill in terms of human values and life itself. Through this legislation we give not only hope to the handicapped but the possibility of a full and complete life.

Mr. QUIE. Mr. Chairman, I yield 3 minutes to the gentleman from California (Mr. BELL).

Mr. BELL. Mr. Chairman, I rise in strong support of this measure, H.R. 17, the rehabilitation Act of 1973.

The purpose of this bill is to provide adequate medical and vocational rehabilitation services to the many physically and mentally handicapped persons in our country today.

The effect of this measure may be determined by its service to society, enabling these individuals to achieve gainful employment, economic independence, and function in a normal capacity.

The vocational rehabilitation bills, perhaps more than any other group of bills, have traditionally been approved in both Houses of Congress with the unanimous support of both sides of the aisle.

It has been the quality of the bill, the programs and the services that they provide, that have been the force behind this solid affirmation by Congress.

Rehabilitation goes beyond purely medical treatment and addresses itself to the totality of the individual.

It is clearly more economically rewarding to the taxpayers to assist handicapped individuals to resume a normal life than to have these persons and their families unnecessarily dependent on welfare.

Vocational rehabilitation is simultaneously one of the most cost effective and humane of all Federal programs.

As my colleagues will remember, this measure was vetoed by the President after adjournment of the 92d Congress.

In an effort to be responsive to the veto message by the President, the authorization levels in this bill have been reduced by $888.7 million.

The new programs in this measure address themselves to some unique problems of the handicapped without becoming additional bureaucratic infrastructures.

My own personal interest in this bill led me to sponsor provisions that would provide grants and services to persons suffering from end-stage renal disease.

Victims of this disease number in the millions.

Deaths from renal failure number approximately 50,000.

Treatment can save lives, but the cost is too great for the average man.

Since the passage of H.R. 1, medical costs for kidney treatment for approximately 90 percent of the population needing assistance will be provided.

It is important that we understand, however, that the kidney disease provision of H.R. 17 in no way duplicates H.R. 1, rather it complements this measure.

The renal disease provisions in the vocational rehabilitation bill have a strong rehabilitation element that is not available in H.R. 1.

The renal section of H.R. 17 provides the assistance needed by persons suffering from kidney disease to enable them to become productive members of society.

This rehabilitation aspect is unique and perhaps the most vital facet of the provision.

This provision is only one of the many programs and services that are authorized in H.R. 17.

It is my hope that my colleagues will join me in assuring the passage of this bill whose benefits far outweigh the costs.

Mr. QUIE. Mr. Chairman, I yield 3 minutes to the gentleman from New York (Mr. PEYSER).

Mr. PEYSER. Mr. Chairman, it is my hope that the Members of Congress will consider this bill as truly a "bill of rights" for the handicapped. It is a program that has been in existence for many years but is now in a new and improved form, speaking more meaningfully than ever to those who are handicapped. This bill helps the people who are disabled to realize their own potentials and to get them back into the mainstream of life.

Mr. Chairman, I think a very graphic illustration of this is available in the State of New York. Last year in the State of New York, working through the program, more than 13,000 handicapped persons were placed back in gainful employment, and they are now supporting themselves because the Members of Congress had the foresight to develop and support this type of program.

I cannot think of anything more meaningful than this kind of result.

Mr. Chairman, this type of result, incidentally, is duplicated throughout the country in State after State. Here is an area where we are really getting—our dollar's worth from the program. But it is much more than just getting our dollar's worth; it means these people who have been through a great deal of suffering are getting back to the feeling of being a whole and self-supporting person.

Mr. Chairman, I think one concern that has been expressed by some Members is that this program might amount to a duplication of services. Once again, I can say, after looking at the State programs, that of all the federally supported programs there is probably less duplication of services in this vocational rehabilition program than in any other program I know of.

Mr. Chairman, I would like to say in closing that I hope that the Members of Congress will by a substantial majority again support this program and recognize that it is reaching out to another minority in a way that is very meaningful and in a way that is producing the results that we as Members of this House have hoped for.

Mr. BRADEMAS. Mr. Chairman, I yield 5 minutes to the distinguished chairman of the Committee on Education and Labor, the gentleman from Kentucky (Mr. PERKINS).

Mr. PERKINS. Mr. Chairman, we are today again dealing with legislation that adds to one of the great success stories of this Nation's effort to serve its people. As my colleagues know, the basic purpose of vocational rehabilitation is to assist physically and mentally handicapped individuals achieve the ability to work, to earn, and to live independently.

Since the beginning of the Federal-State program of vocational rehabilitation in 1920 over 3 million handicapped people have been rehabilitated. In the early years the numbers of persons rehabilitated averaged 4,300 per year. The program grew in effectiveness and size to a point in the early 1960's where 120,000 persons were being rehabilitated each year.

President Johnson and the Congress in the 1960's set as a goal the rehabilitation of at least 200,000 persons per year. Important legislative enactments in 1965 and in 1968 allowed us to reach that point so that in 1970 in excess of 200,000 persons were rehabilitated to productive and meaningful lives.

One of the provisions in the 1968 amendments has been particularly helpful in that it has stimulated the estabment and construction of needed rehabilitation facilites. Such a rehabilitation center—one which is desperately needed—will open in my congressional district later this spring.

In 1970 we extended the act through fiscal year 1972.

In 1972, more than 1,110,000 handicapped individuals were served, and 325,000 of these were rehabilitated to productive and meaningful lives.

Mr. Chairman, all authority for programs carried on under the Vocational Rehabilitation Act expired last June. In the second session of the 92d Congress, legislation was considered in both the House and Senate and agreed to unanimously to extend and strengthen vocational rehabilitation programs. An excellent compromise between the two versions of the bill was agreed to shortly before the 92d Congress adjourned, and the conference report was adopted in the House on a voice vote. As the Members know, the bill was subsequently vetoed by the President.

On the first day of the 93d Congress, H.R. 17 was introduced. The introduced version of the bill is identical to the vetoed measure. Subsequently, the Select Subcommittee on Education conducted hearings on the new bill, at which time administration witnesses presented their position. May I take this opportunity to congratulate Members from both sides of the aisle of the Select Subcommittee on Education for the responsible and timely manner in which this legislation was considered. I particularly want to compliment the chairman of the subcommittee, our colleague from Indiana, JOHN BRADEMAS. Many of the accomplishments I referred to in my statement are due in large part to the leadership and expertise he has brought and continues to bring to the subject of vocational rehabilitation.

Mr. Chairman, one of the objections to last year's vetoed bill relates to authorization levels. Amendments have been approved to H.R. 17 to reduce these levels. There is a reduction of specific dollar authorizations in the vetoed bill from $3,477,250,000 over a 3-year period to a total of $2,595,000,000. This is a reduction of $882,250,000 from the vetoed bill. The proposed total fiscal year 1973 authorization in this bill is $100,000,000 less than the fiscal year 1972 authorizations in existing laws.

If I understand the substitute correctly, there would be no specific authorizations or dollar ceilings on authorizations. In this respect the committee bill is far more responsible than the substitute.

Title I of H.R. 17 continues the basic State grant program of vocational rehabilitation services; $700 million would be authorized in fiscal year 1973, the same level as fiscal year 1972, and $800 million would be authorized in fiscal year 1974. Because the substitute does not provide a specific dollar authorization for title I, it will have the effect of changing the authorized way in which State allotment figures are computed. The present allotment provisions, I would remind my colleagues, have proved most successful in the past. The existing allotment formula and mechanism targets aid where it is most needed.

H.R. 17 as amended also extends and improves upon the traditional program of innovation and expansion. Close to $50 million was originally budgeted for this program in fiscal year 1973. H.R. 17 as amended proposes authorizations identical to the authorizations in the vetoed bill. These are for fiscal year 1973, $50 million—approximately the same level as the original budget; for fiscal year 1974, $60 million would be authorized; and for fiscal year 1975, $75 million.

H.R. 17 as amended provides emphasis, as did our conference agreement, on serving persons with the most severe handicaps. Specifically, a new program is authorized in title II for grants to assist in developing programs to implement services to persons with severe handicaps. The proposed authorizations in H.R. 17 are approximately one-half as much as those in the vetoed bill—$10 million is authorized for fiscal year 1973, as contrasted with $30 million in the vetoed bill; $25 million is authorized for fiscal year 1974, as contrasted with $50 million; and $50 million for fiscal year 1975, as contrasted with $80 million.

I have great difficulty in understanding the objections to this new program. Our hearing record shows that in the past too frequently severely disabled persons are not served by vocational rehabilitation. The rehabilitation technique, where counselors work on a 1 to 1 basis with disabled persons, is a proven and successful technique, and one which can be of great assistance to persons for whom a vocational goal may not be possible. The title does not duplicate existing services. The rehabilitation services we are talking about are not now being provided to persons with severe disabilities. Keep in mind also that it is possible for many who will be served by title II to find employment not in the competitive labor market, but in sheltered workshop situations. Also through title II services, persons might be brought to a point where they can be served by the basic program. In other instances when no vocational goal is possible, title II services can be utilized to help in making those with severe handicaps live more independent lives. This will in turn free up other members of the family for employment.

Title III authorizes a series of special programs to address the needs of particular categories of handicapped persons who are not adequately served under the traditional programs. These are modest programs which will assist the older blind, persons suffering from spinal cord injuries, end-stage renal diseases, and those who are both deaf and blind. It is argued that many of these programs are essentially "medical" in character. Such an argument misses the objectives and underlying intent. With respect to spinal cord injuries and end-stage renal patients, medical services are only a small part of the total rehabilitation program for patients.

Further, Mr. Chairman, title III of the bill provides for either the extension or the establishment of a series of very important rehabilitation efforts, including—

Grants for the construction of rehabilitation facilities;

Vocational training for handicapped persons;

Mortgage insurance and annual interest grants for construction of rehabilitation facilities;

Support for the National Center for Deaf Blind Youths and Adults; and

Rehabilitation centers for deaf individuals.

Also, Mr. Chairman, the bill makes significant improvements in the organizational structure of HEW for the provision and coordination of programs for handicapped persons. In title VI, an Office of the Handicapped is established in HEW. One of the most important aspects of this new Office is the establishment of a central clearinghouse for information and resources available to handicapped individuals. It is not establishing another layer of bureaucracy, but rather providing for a central location for the evaluation, planning, and dissemination of information on rehabilitation services.

Mr. Chairman, in my judgment, the Congress will not consider a more important piece of legislation this year than H.R. 17, as amended. With enactment of this legislation, the vocational rehabilitation program which I mentioned as one of the great success stories in this Nation, will continue and expand at a healthy rate.

Mr. QUIE. Mr. Chairman, I yield 10 minutes to the gentleman from Indiana (Mr. LANDGREBE).

Mr. LANDGREBE. Thank you, Mr. Chairman.

Mr. Chairman and members of the Committee of the Whole, this is a very important matter we are discussing here today. I would like to take just a few seconds to recall the history of the vocational rehabilitation program that we are here dealing with.

It was pointed out yesterday that since the days of Woodrow Wilson this country has had a Vocational Rehabilitation Act on the books. It has been increased from a humble beginning of $285,000 up to in excess of $650 million a year. It has a history, as has been pointed out by the proponents of H.R. 17, of great accomplishment.

Certainly last year when the committee bill was before the House and in the heat of our campaigns when most of us were returning frequently to our districts, we simply did not take a good look at what the committee proposed. I voted "yea," as everyone else did, because we did not have time to thoroughly analyze the bill nor did we relish the adverse publicity that would accompany a vote against the handicapped. However, the President of the United States in his wisdom and discretion vetoed this bill last year just prior to election time, charging that the authorizations were excessive, its provisions would divert the program from its basic vocational objectives, and that it would proliferate a host of narrow categorical programs which duplicate and overlap existing authorities.

Since that time—and even today on the floor—it has been indicated that the President is stingy, he is a Scrooge, he does not appreciate crippled people, he hates people who have to live in wheelchairs, and things of this kind. This is simply not true, as demonstrated by the administration's record over the past 4 years, and its full support of H.R. 4814—a sound extension of the present act.

I neglected to say at the outset here that I am here to speak against passage of H.R. 17, and wish to point out some of the things that I think make this an unacceptable bill. The funding is far too high, and the committee for some reason—and I do not know exactly how they arrived at this $888 million reduction in the committee bill in trying to accommodate the President—but as I understand it, and certainly from my own studies of this bill the excessive funding is one objectionable thing, but there are a couple of other matters that are even more important.

One of the proponents of the bill stated that this bill is not a welfare program.

It was not a welfare program until H.R. 17 came along. Up until now it has been a very respectable and necessary program, and it is with the passage of this bill that the program will get into welfare areas. Note that the front cover of the bill says that it is an amendment to extend and revise the program of vocational rehabilitation, and then later on in the bill you will find that it repeals the present act entirely and we are setting up in the Department of Health, Education, and Welfare an autonomous Rehabilitation Services Administration.

Not only will H.R. 17 give that agency much broader authority, much broader coverage, extending it into the health field and the welfare field, but will make the commissioner of this agency autonomous. He is independent to function as he pleases because, as I understand it, he does not have to answer to the Secretary of Health, Education, and Welfare.

In my experience in business and in government it is impossible to operate efficiently without a chain of command. That is one of the very distasteful parts of the bill. The many new provisions expand the bill, making it a huge umbrella, trying to cover every person in the United States, who for some reason or other has some problem either with drinking or he is educationally deprived, or something. The bill has really been changed into a catchall.

I will offer an amendment that will truly continue vocational rehabilitation. It is funded substantially higher than in the past, and I have every reason to believe that my bill will be completely acceptable to the President. I think that the amendment I offer will be an acceptable solution to our dilemma. Certainly something must come out of this body that the President can sign into law and will sign into law, so as to continue this very wonderful program that has been in existence for over 50 years.

Mr. ASHBROOK. Mr. Chairman, will the gentleman yield?

Mr. LANDGREBE. I yield to the gentleman from Ohio.

Mr. ASHBROOK. Mr. Chairman, I thank the gentleman for yielding, and I want to compliment and commend the gentleman for his very hard work in this area, and for his excellent presentation. I am particularly interested in what the gentleman has said about the length of time that this program has been in existence, as the gentleman says, as a very highly respectable program. I guess the gentleman has gone around the edges of this subject, but exactly what is wrong with the existing program that makes it necessary to practically rewrite the entire program, and to broaden it?

Mr. LANDGREBE. I can only say to the gentleman from Ohio (Mr. ASHBROOK) that I do not know of anything wrong with the existing program. President Nixon has no serious objections with the existing program that cannot be remedied by the adoption of my amendment.

The present VR program is doing its job, as pointed out even by the chairman of the Rules Committee last night. It has served millions of people satisfactorily. It is targeted. It gets the money to the people who need help. This H.R. 17 is a barrel building bill, has more agencies, more duplication of authority, and really, as far as I can see, will do violence to the program.

Mr. ASHBROOK. I can say to the gentleman that having been in the State legislature myself I have worked closely with our own vocational rehabilitation people in the State of Ohio—probably the most competent and successful people in the State government. Is it the gentleman's contention that this bill somewhere would make it harder for them to do their jobs? The gentleman talks about taking away some of the authority at the State and local level creating a bureaucracy at the top. Is that what the gentleman is saying?

Mr. LANDGREBE. Yes. I can only, I think, agree with the gentleman that we have a program that is working and has worked for years. It worked beautifully in Indiana. I know many of the vocational rehabilitation people in the State of Indiana. I really do not see the need for the drastic reorganization of the VR program that H.R. 17 calls for.

Mr. BAKER. Will the gentleman yield?

Mr. LANDGREBE. I will yield to the gentleman from Tennessee.

Mr. BAKER. I want to ask a question about the bill. I understand this measure would take away from HEW the administrative responsibilities for the program and turn them over to a board; is that correct?

Mr. LANDGREBE. It says here very clearly that there would be a Commissioner of Rehabilitation Services—

> . . . a Rehabilitation Services Administration which shall be administered by a Commissioner (hereinafter referred to as the "Commissioner"). The Commissioner shall carry out and administer all programs and direct the performance of all services for which authority is provided under Titles I through IV of this Act.

I can tell you that many new boards are created in this bill, that are unnecessary and will hinder effective management of the program.

Mr. BAKER. Do we have any estimate of the cost?

Mr. LANDGREBE. I think perhaps one of the proponents of the bill could give the gentleman an idea of the additional administrative costs that are involved. I contend that the main effect of this bill will be to impede the delivery of services to the handicapped, and raise cost without providing commensurate results.

Mr. BRADEMAS. Will the gentleman from Indiana yield, Mr. Chairman?

Mr. LANDGREBE. I will yield to the gentleman from Indiana for an answer to that question.

Mr. BRADEMAS. I appreciate very much the gentleman's yielding.

I want to take this opportunity to

thank my friend from Indiana for his attention to this matter. Particularly, I want to thank him for his support of the legislation not in the heat of a campaign, but just 1 year ago this month on the 20th of March when the bill was passed by the House of Representatives by a vote of 327 to nothing, at a time when there was approximately $1 billion more in the bill than there is in the present bill.

Mr. LANDGREBE. I thank the gentleman. I regret that I was not able to adequately investigate last year's bill as to its many objectionable features, but I do look forward to working closely with the gentleman on related legislation in the future.

Mr. BRADEMAS. Mr. Chairman, I yield 2 minutes to the gentleman from Florida (Mr. LEHMAN).

Mr. LEHMAN. Mr. Chairman, I rise in support of H.R. 17, the Rehabilitation Act of 1973.

Mr. LEHMAN. Mr. Chairman, this legislation is most important because it is aimed at taking care of those people who I know personally are not adequately covered by any of the existing programs.

I served for a number of years as chairman and president of the Muscular Distrophy Society of South Florida, and also on the executive committee of the March of Dimes program for those handicapped by birth defects. So, Mr. Chairman, I well know the problems of the handicapped.

I was particularly interested in the remarks of the gentleman from California (Mr. BELL) as he addressed himself to section 309 under title III of this bill which concerns grants for services for end-stage renal disease.

This is of vital concern to me because of a very dear friend of mine who at this time has had his life savings wiped out by this kind of problem.

My friend served for many years as a police officer in the city of Miami and he has finally retired. His wife is now afflicted with the terrible disease of renal failure. He has given his life to public duty and service. He had accumulated a modest nest egg for his retirement, and after about a year of taking care of his beloved wife, he has had his total life savings wiped out.

This is the kind of catastrophic disease problem which to my knowledge is not solved or helped by any existing program. H.R. 17, the Rehabilization Act of 1973, takes care of these tragic situations. I hope we will give our full support to the passage of this bill.

Mr. Chairman, I would like to enter my friend's name in the RECORD because he is a hero in his own time. He is Mr. E. G. Smith, Jr., Hialeah, Fla.

Mr. QUIE. Mr. Chairman, I yield 5 minutes to the gentleman from Georgia (Mr. BLACKBURN).

Mr. BLACKBURN. Mr. Chairman, I rise in support of H.R. 4814, substitute bill for H.R. 17, which my esteemed colleague, Mr. EARL F. LANDGREBE, has offered.

I would like to state my fervent belief that this bill contains provisions that will extend and improve the vocational rehabilitation program within the context of the Nixon administration's more than generous support, but would not create the kinds of funding pressures that would not carry spending on the programs far beyond the present budget requests.

We are all aware of the fact that we have reached a period when we should be moving toward consolidation of responsibility in the Federal structure. H.R. 4814 would eliminate fiscal irresponsibility, programmatic duplication and complexity, and managerial defects.

The handicapped people of this country deserve prompt enactment of a sound extension of the Vocational Rehabilitation Act. Regrettably, for the second year, the members of the Committee of Education and Labor have failed to come up with a bill that provides for the efficient and expeditious delivery of services to the Nation's disabled citizens. Because the Vocational Rehabilitation Act expired on June 30, 1972, an extension of the act is badly needed and strongly supported by both Congress and the administration.

H.R. 4814 would increase funding for the basic program to $59 million, a reasonable increase of $30 million over the actual spending level in fiscal year 1972, and yet would not create the kinds of funding pressures that would carry spending on the programs far beyond the present budget requests.

H.R. 4814, in my judgment, would not widen the expectation gap and raise false hopes in our disabled citizens. Again, the time has come for the Congress to stop promising what it cannot deliver. And in our struggle to put our fiscal affairs in order and do the right and just thing by our constituents and taxpayers, we have to consider this legislation in the broader context of the total budget.

I would repeat that our concern for the disabled citizens is very high on our priority list, but we must continue to keep it and other very pressing demands on our total budget in responsible perspective and focus. It is important to make sure that it does not undercut the major strength of the vocational rehabilitation program, nor duplicate such existing programs as medicare, medicaid, social services under the Social Security Act, the development disabilities program and education programs for the handicapped. We must bear in mind the hard fact of the historical goal of employment toward medical and social goals which are not the proper focus of a vocational rehabilitation program.

We must keep constant vigil against adding other unnecessary layers of bureaucracy to an already complex structure. What is desperately needed now is an organizational change that would enhance the effectiveness of administering action on the State and local levels.

I believe that H.R. 4814 would significantly improve the delivery of services to the handicapped, without confusing the direction of this program, nor wasting the taxpayers' dollars. I urge you to add your invaluable support to Mr. LANDGREBE's substitute bill.

Mr. WYLIE. Mr. Chairman, will the gentleman yield?

Mr. BLACKBURN. I yield to the gentleman from Ohio (Mr. WYLIE).

Mr. WYLIE. Mr. Chairman, I thank the gentleman for yielding.

Contrary to what the gentleman from Indiana said about Mr. LANDGREBE a little while ago, I think President Nixon and our colleague the gentleman from Indiana (Mr. LANDGREBE), are to be commended for performing an outstanding service in pointing out the duplications and the increased costs in this program.

Of course, it has been an outstanding program. We are all for vocational rehabilitation, but waste and inefficiency will bring down any program, regardless of how good it is. On that point, I would ask the gentleman from Indiana (Mr. BRADEMAS) if he would yield for a question.

Mr. BRADEMAS. Yes.

Mr. WYLIE. How does the gentleman justify the creation of a new, separate Department of Rehabilitative Services?

Mr. BRADEMAS. We do not do so.

Mr. WYLIE. Pardon me?

Mr. BRADEMAS. We do not do so. In fact, there was not adequate time for me to respond to the observation of my colleague, the gentleman from Indiana (Mr. LANDGREBE), who has suggested, as I understood him, that we were creating a brand new agency for the administration of this program.

Mr. WYLIE. What is title VI, Office to the Handicapped, establishment of an office; function of office; authorization of appropriations?

Mr. BRADEMAS. That is not the administering agency for the program at all.

Mr. WYLIE. What is it?

Mr. BRADEMAS. I would make two points. First of all, so that Members can understand what the changes are, we are not proposing to establish some brandnew agency for the administration of vocational rehabilitation.

The CHAIRMAN. The time of the gentleman from Georgia has expired.

Mr. BRADEMAS. Mr. Chairman, I yield myself 1 minute.

Mr. BRADEMAS. All we have done is include in the statute what is presently in existence without statutory authority; namely, the Office of the Commissioner who administers these programs and the Rehabilitation Services Administration, the agency administering this legislation.

Second, with respect to the point that the gentleman from Ohio is asking about on the Office of the Handicapped, the purpose of that office is to analyze program operations in the field of vocational rehabilitation in the United States, to prepare plans for the Secretary of Health, Education, and Welfare, and to operate a clearinghouse on information with respect to services and resources available to handicapped individuals.

It is not an administering agency of any programs.

The CHAIRMAN. The time of the gentleman from Indiana has expired.

Mr. BRADEMAS. Mr. Chairman, I yield 2 minutes to the gentleman from New York, a former member of the subcommittee (Mr. REID).

Mr. REID. Mr. Chairman, I thank the distinguished chairman of the subcommittee (Mr. BRADEMAS) for yielding. I compliment the members of the committee in reporting H.R. 17.

This legislation, passed unanimously by both Houses of Congress last year, was vetoed by the President after Congress adjourned.

As last year, the legislation again has the support of virtually all national associations, charities, and medical groups concerned with vocational rehabilitation programs, and was overwhelmingly, favorably reported from the Committee on Education and Labor. It provides vitally needed services to the States and, in fact, New York State will receive over $30 million for rehabilitation.

There are two sections of the legislation that I would like to comment on. First, is title II which provides grants to States for services to the severely handicapped. We still have much to do to insure that every handicapped person, particularly the severely handicapped, is assured of adequate services. Too many severely handicapped are not served at all. Too many with very real potential for meaningful employment are not being reached. This new title was written specifically for this purpose—to insure that priorities are refocused on those that are severely disabled.

The second program that I would like to mention is one that I worked on last year when I served as a member of the Education and Labor Committee. This is section 308 of title III, establishing centers for vocational rehabilitation of individuals with spinal cord injuries as well as a research and demonstration program in the field of spinal cord injury. This program, established with the recommendations of Dr. Howard Rusk, director of the New York University Institute of Rehabilitative Medicine, hopefully will make it possible to bring under control the now largely fragmented efforts in the restoration of victims of this severely disabling condition.

In vetoing this legislation last year, President Nixon argued that the funding levels were too high. In response to this objection, the committee has reduced the funding level 25 percent, from $3.5 billion over 3 years to $2.6 billion. With this cut, I believe that the major objection of the President has been met. I hope, therefore, that the House and Senate will act swiftly to pass this bill and that the President will sign it in order that crucial services may be provided to the handicapped.

Before closing there are two questions which I should like to pose to the chairman of the subcommittee which I think might clarify the debate. First, the question has arisen in regard to title III, as to whether there is any duplication with H.R. 1. It is my understanding that the provisions for end-stage renal disease in H.R. 1 only apply after 90 days and only for those who are over 65 and are eligible therefor, or under 65 but disabled.

Is it not true that there are thousands who need help long, long before they are totally disabled? And, did not the subcommittee hear testimony that perhaps 20,000 to 25,000 people might have been saved had these rehabilitative services been available? I will repeat, they would not be available completely under H.R. 1.

Mr. BRADEMAS. The gentleman is exactly correct.

Mr. REID. Again, I would hope that the committee, after a year's operation of the program will take a look at what it is providing vis-a-vis H.R. 1. Some 20,000 to 25,000 people die every year who could be rehabilitated. It is crucial that all of these people be reached.

Mr. BRADEMAS. I thank the gentleman from New York for his observations.

Mr. BRADEMAS. Mr. Chairman, I yield 3 minutes to the gentlewoman from Hawaii (Mrs. MINK) a member of the subcommittee.

Mrs. MINK. Mr. Chairman, I rise in support of H.R. 17, the Rehabilitation Act of 1973.

The purpose of this legislation is to extend and improve our Nation's basic statutory program of services to physically or mentally handicapped persons to prepare them for employment and productive, useful living.

By combining such services in a coordinated way, as originally begun with adoption of the vocational rehabilitation program in 1920, we are able to utilize our resources most effectively and efficiently to meet the great human needs to which this legislation responds.

H.R. 17 sets forth a congressional declaration of purpose that program priority is given to the severely physically or mentally disabled. By regulation, over the past 4 or 5 years, the meaning of vocational rehabilitation has been broadened to include services to individuals handicapped in the social sense, through behavioral disorders, rather than solely in the traditional concept of physical or mental handicap. While we do not dispute the worth of services provided under the new interpretation, our hearings brought out that those persons with the most severe types of physical and mental conditions are not receiving adequate services. This legislation directs the Rehabilitation Services Administration to develop measures to help these needy individuals on a priority basis.

In addition, we have created a new title II which provides services to individuals who are so severely handicapped that the vocational goals of the basic program may not be achievable. For these, the program aims at making possible a degree of independent living, so that they will be more self-sufficient and able to care for themselves.

Overall, this bill is designed to assist those who are perhaps the neediest in our society, and who, through no fault of their own, lack the ability to help themselves except through the services provided in the vocational rehabilitation program.

H.R. 17 authorizes $2.6 billion through fiscal year 1975. This compares with a total authorization of $3.5 billion in H.R. 8395 of the 92d Congress which passed the House last March by a vote of 327 to 0 and the Senate by a unanimous vote. I also point out that the conference report bill was approved unanimously by both Houses of Congress, yet last year's bill was vetoed by President Nixon under a pocket veto procedure which gave Congress no opportunity to express its will.

The House Committee on Education and Labor has made an effort to meet the President's objections by reducing the authorization by some $900,000. While I regret to see this reduction, nevertheless, the amount provided should be sufficient to permit an orderly expansion of the program. Other than this, the bill is along the same lines as the one approved so overwhelmingly in the last Congress.

Because of the continuing and urgent need of the physically and mentally handicapped Americans to be helped by this legislation, it is essential that Congress act swiftly to reaffirm our program of humanitarian assistance. I urge the adoption of H.R. 17.

Mr. Chairman, I join my colleagues on our subcommittee in rising in very strong support of H.R. 17, the Rehabilitation Act of 1973. I believe most of us were very disappointed that the bill was subject to a veto last year. Recognizing, however, the realities and the urgency of the passage of this legislation, I believe we have met a number of the objections which led to that veto; basically a reduction in the authorization by some $900,000.

While I am still convinced every dollar we approved in the conference draft of this legislation last year could still be used beneficially and with enormous impact in our respective programs in vocational rehabilitation, nevertheless I have agreed that the compromise is reasonable, and I would hope that this new revised version of this bill can meet with the overwhelming support of this House.

Prior to coming to the Congress I served as a director for a rehabilitation agency which was private and nonprofit in my city of Honolulu, and I have, as a result of that experience, some very wide knowledge of and sympathy for the effectiveness of programs of this kind.

I hope that those Members who have not been so privileged to be affiliated with rehabilitation services in their local communities will take the time to do so. I am sure if they would visit some of the agencies that have served as grantee agencies under this act since it was established in 1920 that they would be convinced of the value and the worth of the recapture of human beings who in the past perhaps had no opportunity for effective valuable service to their communities, who now, because these services and facilities are available, do have that opportunity and do have that painstaking attention and retraining needed to make possible their reentry into productive life in a variety of activities.

I believe one of the most significant additions we have made to this legislation is the recognition not only of employment opportunities but also the very nature of the handicapped, the very captivity some of these people live in because of their severe disabilities.

This new bill we are presenting the House today I believe gives ample recognition to this very difficult problem, not only in the area of final stage renal disease situations but also as to persons with spinal cord problems and many other areas of disability not necessarily mental and physical in nature but behavioral.

I urge the House to give its full support to this legislation.

Mr. QUIE. Mr. Chairman, I yield myself my remaining 3 minutes.

Mr. Chairman, at the outset I want to say that the gentleman from Indiana (Mr. LANDGREBE) is making a valiant effort here to make some changes in the legislation today to conform to that which the President would like, as we get it from the administration.

I want to say to my colleagues that the gentleman from Indiana has the best interests of the handicapped at heart. He is doing what he believes is right. I commend him for it.

I think the President, too, has the best interests of the handicapped at heart, and wants to run the administration the way he feels is right.

Mr. Chairman, I commend him for that. However, I differ with both of them. I feel that we have a good piece of legislation here. The President had some grounds for us holding out false hopes last fall when he vetoed the vocational rehabilitation bill, but, as indicated earlier, we cut back the authorization by $889 million from the vetoed bill.

Let me just show the Members of the House that we have not appropriated the full amount of the authorization in previous years. We can just go back a little ways and we can see that in 1969 the authorization for the basic grant programs was $500 million; we appropriated $345 million. In 1970 the authorization was $600 million; we appropriated $446 million. In 1970 the authorization was $700 million; we appropriated $503 million. In 1972 the authorization was $800 million; we appropriated $560 million.

In this bill in 1973 we dropped the authorization by $100 million for the basic grant program. Next year, in 1973, we will move the authorization on the basic grant program back up to the 1972 level. So I think that is a pretty reasonable figure.

Mr. Chairman, we do add some additional programs in here, and this administration for one does not like to have mandatory, statutory authority for the Rehabilitation Services Administration. Administrations do not like to have us tell them to do that.

Mr. Chairman, I recall back in the previous Democratic administration the Congress, not the administration, asked for the Bureau for the Education of the Handicapped. The BEH was not asked for by the Democratic administration, but the Congress mandated such a bureau be established in the Office of Education, and it was the best thing possible for the handicapped that we did that.

Mr. Chairman, I think the same thing is true for our language here for the Rehabilitation Services Administration. I think it is necessary for the kind of efficient administration in the best interests of the handicapped, because we would not have done anything if we had not found that they had taken research and training money authorized for the handicapped and used it some place else. We did not even raise that point.

The second point that has been objected to is title II. Now, title II will not take anything away from rehabilitation toward employment. However, as a separate authorization, and if the Committee on Appropriations and the administration together feel that we are right in authorizing this money, then those people who seem to be hopelessly handicapped who do not seem to be able to be employed, who for the most part need fulltime care by somebody else, can get some rehabilitation services, to help them become self sustaining which would free up those persons who can take other jobs. I support this concept.

The CHAIRMAN. The Chair recognizes the gentleman from Indiana (Mr. BRADEMAS) to close the debate.

Mr. RANDALL. Mr. Chairman, will the gentleman yield?

Mr. BRADEMAS. I yield to the gentleman from Missouri.

Mr. RANDALL. Mr. Chairman, I congratulate the gentleman for bringing this measure to the floor. The gentleman has not only been in the forefront of the effort to help the physically and mentally handicapped, but next week he will try to restore the Older Americans Act which was another bill vetoed last October.

Accordingly, Mr. Chairman, I congratulate the gentleman from Indiana for his zeal and enthusiasm to try to help not only the handicapped but also our aging citizens.

I rise in enthusiastic support of H.R. 17. There may be some flaws and some faults with this bill but, if there are, I have not been able to locate them and, if they exist, they are so minuscule that the good to come from a measure of this kind far outweighs and overshadows any faults or flaws.

We should recall that this is an identical bill, except for a reduction of authorized funding, to that which the President vetoed last October. As I have listened to the debate today, I was interested to note that some of those who are raising questions and finding a reason to criticize this bill must have voted for it when it passed the House in 1972 because it was passed unanimously by a vote of 327 to 0.

Mr. Chairman, this bill comes to the floor today with some impressive credentials. One hundred and twenty Members have joined in cosponsoring it. It came out of subcommittee by a vote of 10 to 0; it came out of the full committee by a vote of 33 to 1.

There is no difference at all in this bill and the one which suffered the fate of a pocket veto, except that the vetoed bill authorized approximately $3.5 billion for 3 years and this bill has been reduced to $2.6 billion for the same 3 years—or a reduction of approximately $900 million.

But speaking of differences, it seems to me we should take a careful look not at what is the difference between the vetoed bill and H.R. 17 but, rather, at what is the difference between H.R. 17 and no authorization bill at all.

As was so ably described by the gentleman from Indiana—the floor manager for the bill and chairman of the subcommittee that brought this bill to the floor—as far as the severly handicapped in this country are concerned, the difference between having a bill and not having one is the difference between poverty and independence, for those in need of training and the difference between despair on one hand and hope on the other, for the severely handicapped.

As I listened to the debate there seemed to be some fear that this measure would in some way overlap or duplicate an act that pertains to Vietnam veterans. Actually, there is no conflict. The two dovetail and there is no duplication. H.R. 17 may be enjoyed by veterans but H.R. 17 is not confined to veterans. Certainly if a recipient who is a veteran chose to take advantage of H.R. 17, he is not going to use the veterans' program for the handicapped also, because he is already enjoying all the benefits he is entitled to.

There are thousands of paraplegics, and also there are thousands of quadraplegics as a result of the Vietnam struggle. There is a program in the Veterans' Administration that provides for these persons. Because this measure is also open to veterans does not mean there is duplication, since this measure we are considering today is available to persons in every category.

One of the best arguments for the passage of this bill is that it has been a success for over 50 years. It was first enacted in 1920. It is reliably recorded that nearly 300,000 persons have enjoyed increased earnings because of the provisions of the basic act. It all began when Woodrow Wilson was President and signed into law the Smith-Fess Act in June 1920. During all these years the basic concepts have remained unchanged.

At first the program offered only limited services for the physically handicapped. At first there was only an eligibility for counseling, some training, and placement services. The program became permanent with passage of the Social Security Act in 1935.

There have been a series of amendments since then. The first came in 1943 when the provision for medical, surgical, and other physical restorative services was added to eliminate or reduce an individual's disability. And that year was the first time there were services for the mentally ill and the mentally retarded.

There have been a lot of other amendments since then, some in 1954, 1965, 1967, and 1968.

Today vocational rehabilitation is a combination of services provided as needed to mentally and physically handicapped persons to prepare them for productive and meaningful life. That is it. The main thrust and objective of the service is to help those whose disability keeps them from acquiring and keeping employment.

There is a long list of services that start with comprehensive evaluation, medical, surgical, and hospital-related care and therapy. There is provision for prosthetic and orthotic devices, and a big part of the program revolves around training services. There are provisions for tools and training to work on a small job or to establish a small business. Provision is made for reader services for the blind and interpreter services for the deaf.

Finally, placement services were provided to secure and maintain employment for the handicapped and, even recently, services were added for families of handicapped people when such services will contribute substantially to the rehabilitation of the handicapped person.

Mr. Chairman, I am sure it would surprise many members of this body if they were to make an effort to determine how many of their constituents did not know that there was a pocket veto of the rehabilitation bill for the handicapped which was passed in 1972. My office has even had many calls for a copy of the public law which my people knew had passed both of the bodies of the Congress, they had apparently missed the very slight publicity given on the pocket veto by the President after Congress had adjourned. That is why I am so glad that H.R. 17 has been brought out so early in the session and also that it enjoys broad bipartisan support. Such a fact should serve as a source of encouragement that perhaps this bill will not be vetoed a second time.

There are so many good reasons why this bill should be passed that it may be difficult to put into perspective the main objectives it seeks to accomplish. In a few words, the basic purpose is designed to promote the work ethic by providing training for those who are handicapped but who can acquire the capability to perform productive work. I am convinced the American people are pretty well fed up with what is called welfare. This is not a welfare bill before us today. Rather, it is a training bill to make those trained become contributing members of society. It is intended to make them useful citizens.

Someone has said that money spent toward rehabilitation of the handicapped is the best bargain the taxpayer has ever received. It is estimated that, after those who are trained become taxpayers, they will pay annually in taxes four or five times the outlay expended for their rehabilitation. If someone should stop me on the street in my district and ask me for what reasons I supported H.R. 17, I would say there were two reasons:

First, on humanitarian grounds. This is an effort to try to do something to make life more pleasant and more productive for those poor, pitiful physically and mentally handicapped persons. Second, because this is a program that gives a high rate of return on the expenditure of the taxpayers' money. What better reasons are there? What better reasons can be found, in any program? This bill goes beyond humanitarian considerations. Instead it is a cost effective program that gives a good return for every dollar spent.

We are talking about the passage of a bill today that gives help to people who need help. It makes it possible for these handicapped persons to realize their own potential. Another way to put it would be to say that this legislation assists the handicapped to get back into the mainstream of life.

Before I conclude my remarks, Mr. Chairman, I would like to share with my colleagues an experience that I had when I visited what is called a sheltered workshop. Here I saw a fabrication going forward in one part of the workshop where inserts were being placed in envelopes: I was shown a previous operation that had been concluded, which consisted of packaging plastic containers with nuts and bolts. Still another operation, previously completed, consisted of the stitching together of boxes. There are many different kinds of work the handicapped can do in these sheltered workshops.

A sheltered workshop, Mr. Chairman, may not produce great profits. It may be that the wages paid for those handicapped who work in such jobs are not large but, after I observed this particular operation, I came away with a feeling that in those shops something was being done that was most important in providing a sense of independence rather than dependence for these physically handicapped persons. After I toured that workshop, I determined to support a bill of this kind if it should ever again come to the floor of the House.

One of the really important things, in my judgment, that H.R. 17 accomplishes is that it provides for an evaluation or a study of the sheltered workshop program in America. It provides that there shall be a report and recommendation within 24 months of enactment of this act. Some of the questions to be covered by the study include:

What should be the role of the sheltered workshop?

Is the present system of workshops fulfilling this role?

What is the total number of handicapped individuals employed?

How many States have sheltered workshops?

How much money is paid by the State agency on an individual basis by the States?

In conclusion, I support H.R. 17 because it provides a sensible amount of funding to be channeled through the States for rehabilitation of the handicapped. It provides a new hope, heretofore nonexistent, for those individual cases where rehabilitation has never been attempted. Moreover, and to repeat, I support H.R. 17 because it gives a good rate of return on the investment. It does not duplicate other Federal programs and if we do not attempt to assist or help the handicapped, then as an alternative we must follow a more costly course by suffering them to remain on the welfare rolls, rather than becoming productive citizens and, hopefully, taxpayers to be added to the tax rolls.

Mr. BRADEMAS. Mr. Chairman, I think the remarks so eloquently made by my colleague, the gentleman from Minnesota (Mr. QUIE), a moment ago, in support of H.R. 17 demonstrate far better than anything I might say the nature of the cooperation and support that we have had over the past 2 or 3 years in working on this legislation.

I confess that it is something of a surprise to me, given that this bill was first passed in the House by a vote of 327 to 0 on March 20, 1972, that there should suddenly now be such profound objections raised to it. My surprise is increased in view of the fact that the administration did not even send the Committee on Education and Labor its legislative recommendation until after the committee had reported the bill.

Mr. Chairman, I would like also, by way of indicating the close cooperation that members of our committee and subcommittee had with the administration in the last Congress in writing this legislation, to say that, on the day after we passed the bill in 1972, Secretary Richardson testifying before my subcommittee on another measure said that he wanted "particularly to congratulate you on the overwhelming support accorded yesterday for the rehabilitation legislation."

Then I might also quote from a letter to me from Secretary Richardson saying:

> I want to commend the subcommittee for its work with us toward our shared objective: improving the capacity of the vocational rehabilitation program to serve the handicapped.

So we have not taken a partisan attitude toward this measure—not in the slightest. I have already indicated that our subcommittee, with a vote of 12 to 0, with one "present," voted to report this bill, and the full committee voted 33 to 1 to report this House bill that has $900 million less in it than the vetoed bill. And, as my friend from Minnesota said, it even has $100 million less for the basic program than was authorized in 1972.

So we have been very realistic. We have not "radically" changed the program but have extended existing programs that have existed for over 50 years and we have added significant new programs of a modest nature in order to help meet special needs of our handicapped citizens.

I hope the 93d Congress will start off this year by giving overwhelming support to this legislation which reflects as high a degree of bipartisan effort as any with which I have been associated in my service in the Congress.

Mrs. GRASSO. Mr. Chairman, on March 20, 1972, the House passed H.R. 8395, the Rehabilitation Act of 1972, by a vote of 327 to 0. On October 27, this legislation fell victim to a pocket veto.

Consequently, we must again consider legislation if we are to assure rehabilitation services for the handicapped. As a cosponsor of H.R. 17, I urge this body to give its approval to the Rehabilitation Act of 1973 as reported by the Education and Labor Committee. This bill is essential not only for continuation of existing programs, but also for expansion of the basic vocational rehabilitation programs so that they will include handicapped persons not served at this time.

In brief, the bill provides a 3-year, $2.6 billion program to extend and improve the existing Federal commitment to the rehabilitation of the physically and mentally handicapped.

Title I extends for 2 years, through fiscal 1974, the basic grant provisions for State vocational rehabilitation services. My State of Connecticut could receive an estimated $5.88 million in fiscal 1973 and $6.73 million in fiscal 1974 from this title.

With funds provided under title II, the States would develop and implement supplemental services for the severely handicapped, who are not generally included in existing programs. Over the 3-year authorization period Connecticut could receive $978,000.

Title III would fund a number of special projects to assist the handicapped, including the construction of rehabilitation facilities. I am especially pleased that H.R. 17 gives recognition to the problems of spinal cord injury and kidney disease treatment.

Fortunately medical science has advanced to the point where many victims of spinal cord injuries are able with proper training to assume a productive role in society. However, special consideration must be given to improving the techniques used in the rehabilitation of paraplegics and quadraplegics. Creation of the National Centers for Spinal Cord Injuries proposed in title III, along with the research program authorized in title IV, would most certainly lead to greatly enhanced knowledge in the area and further improve the rehabilitation of spinal cord injury victims.

Another provision of title III authorizes grants to pay part of the cost for special services to individuals suffering from kidney diseases. The cost of the lifesaving procedures—such as hemodialysis and transplantations—which are used to treat the end stage renal disease necessitates the special attention given by H.R. 17 to the thousands of individuals afflicted with this disease.

Mr. Chairman, rehabilitation centers throughout the country—whether public or private—have been responsible for tremendous progress in helping the handicapped to become full participants in society.

The number of people served by the State of Connecticut's vocational rehabilitation program in the past fiscal year alone bears out this performance. In fiscal 1972, 6,458 individuals were referred to the State rehabilitation center, and a total of 2,350 were rehabilitated. As a result, the earnings of the rehabilitants rose from $1,057,500 to $9,400,000 a year after rehabilitation. Since the aim of vocational rehabilitation is to make the handicapped person self-sufficient, another way to measure the success of this program is to note that social security and welfare benefits to the rehabilitants and their dependents were reduced by $838,000 in the 1-year period. Comparable results may be found in the non-State rehabilitation centers throughout Connecticut.

Despite the success of recent years, officials throughout the Nation realize that more can be done to reach those handicapped individuals not participating in existing rehabilitation programs. The Rehabilitation Act of 1973 provides the means for expansion of these services. In my own State, the Connecticut Association for Retarded Children, United Cerebral Palsy Association of Connecticut, and the Connecticut Rehabilitation Association have all expressed to me their support for H.R. 17. As Ben E. Hoffmeyer, executive director of the American School for the Deaf, put it:

> The Rehabilitation Act [of 1973], if passed, will help immensely to rehabilitate and maintain the handicapped as productive and contributing citizens.

Mr. Chairman, the committee reduced the authorization levels for H.R. 17 by 25 percent, or $900,000,000, from the level contained in the vetoed H.R. 8395 of the 92d Congress. The funds that remain are vital for the maintenance and establishment of the programs contained in H.R. 17.

The handicapped American cannot achieve a real measure of financial independence and self-assurance without adequately funded rehabilitation services. H.R. 17 will fund these services at a level commensurate with the task we face. Therefore, I urge my colleagues to accept H.R. 17 as approved by the committee and to reject any substitute proposal.

Mr. MINISH. Mr. Chairman, as a cosponsor of the Rehabilitation Act of 1973, I am pleased to rise in support of its passage by the House today.

This legislation would extend and expand one of the oldest and most successful Federal efforts to provide opportunities for gainful employment to our less fortunate citizens.

The vocational rehabilitation program traces its existence on the Federal level all the way back to 1920 when President Woodrow Wilson signed into law legislation providing services such as training, counseling, and placement for physically handicapped individuals.

Over the years, the Congress has wisely chosen to expand the scope of the vocational rehabilitation program to include services for the mentally retarded, the blind, the deaf, and the families of the handicapped. Overall since the inception of the program, more than 3 million handicapped people have been rehabilitated to become productive members of our society.

The bill before us makes a variety of improvements in vocational rehabilitation in addition to extending the basic program through fiscal year 1975.

H.R. 17 adds a program to develop mortgage insurance for multipurpose rehabilitation facilities, provides grants to States for much-needed services to persons afflicted with serious renal disease, establishes an Office for the Handicapped under the Secretary of Health, Education, and Welfare, and authorizes a new 3-year grant program to assist States in developing and implementing services to severely handicapped individuals.

Mr. Chairman, I was deeply disappointed at the President's veto of a similar measure after Congress adjourned late last year thereby precluding any attempt to override. It should be noted that the vetoed legislation passed the House by a vote of 327 to 0 and the Senate by 70 to 0, thus clearly demonstrating the broad-based support for these vital assistance programs to our Nation's handicapped citizens.

The Committee on Education and Labor, in reporting H.R. 17 for floor consideration today, has taken into account the administration's objection to last year's bill by reducing the overall authorization of funds from $3.5 to $2.6 million. It is hoped that this major compromise will preclude another Presidential veto.

It should be recognized, however, that benefits of the vocational rehabilitation program far outweigh its costs. For example, in 1972 vocational rehabilitation agencies successfully rehabilitated over 51,000 public assistance recipients thereby restoring these persons to gainful employment.

Mr. Chairman, we all realize that Federal spending must be curtailed in certain areas, but not in a way that demonstrates a gross insensitivity to the needs of our most helpless citizens.

Mr. WOLFF. Mr. Chairman, I rise in support of H.R. 17, the Vocational Rehabilitation Act Amendments of 1973. As an active supporter of this legislation last session and a cosponsor of today's bill, I am deeply concerned that Congress act to improve services and rehabilitation efforts for the handicapped in our country.

Last year's rehabilitation measure was developed after months of collaborative work by congressional and rehabilitation leaders. It was widely acclaimed in and outside of Congress as an outstanding piece of legislation and was passed unanimously in both the House and Senate. The efforts of the many who worked to put together a comprehensive measure and the hopes of millions of American handicapped were shattered when the President vetoed the Rehabilitation Act last October. I was deeply disturbed by the President's action, which has effectively thwarted major efforts to respond to the needs of the disabled in our country. It is now imperative that Congress reassert the role it played last session in advancing rehabilitation programs for the handicapped by enacting the legislation before us today.

Last October the President called the Vocational Rehabilitation Act another example of congressional fiscal irresponsibility. While I am actively in favor of cutting back on nonessential Government spending, I fail to see the reasoning behind the President's attitude toward the Rehabilitation Act. The bill did not contain large expansions of authority for the vocational rehabilitation program; in most cases, it combined authorizations for what were before separate programs, thus making the program a more effective and efficient one. While it is evident that the administration and Congress differ on what our spending priorities should be, it seems to me that Congress has the constitutionally mandated authority to determine our spending levels and that it should exercise that responsibility to meet the needs of the American people, particularly when the needs are as compelling to those of the handicapped.

The Education and Labor Committee has done an admirable job of revising the vetoed bill to meet the administration's major objections without gutting the essential features of the bill or weakening our commitment to aid those most severely handicapped. In light of this revision and the President's expressed desire to see the American people become more independent and self-sufficient, I cannot understand the administration's objections to the measure before us today. The major thrust of the bill is to help the handicapped become independent and actively contributing members of our society. The bill includes a section which creates a new program to enable individuals who have no vocational goal at present to become self-reliant. It strongly emphasizes research in rehabilitation technology and engineering so that we might anticipate and prevent handicapping conditions. It encourages employment of the handicapped, seeks to remove transportation and architectural barriers and assures that coordinated, maximum effort will be made to restore the handicapped in our Nation to a state of useful and constructive activity.

Mr. Chairman, as one who has worked through several channels to improve services for the handicapped, to remove the barriers created by our technological society, I believe that this bill may very well be the most comprehensive, sound rehabilitation measure ever to come before the Congress. The President's veto of this bill last year has caused a disruption in rehabilitation efforts that delays, and will continue to put off our goal of bringing our handicapped into working, self-reliant situations. I urge the House to reaffirm today its commitment to this goal and to reaffirm its authority to enact sound, responsible legislation by passing the Vocational Rehabilitation Act Amendments of 1973.

Mr. DONOHUE. Mr. Chairman, I most earnestly urge this House to speedily approve the vitally important measure now before us, H.R. 17, the Vocational Rehabilitation Act of 1973.

This proposal is principally designed to extend and improve the basic Federal-State vocational rehabilitation program with priority attention being given the severely physically and mentally handicapped of our Nation. Under the various titles and provisions of this legislative measure, the basic grant program for vocational rehabilitation will be extended for a period of 2 years. In an effort to assist States in developing and implementing services to severely handicapped individuals, this bill will authorize a new 3-year grant program. The measure further calls for the pulling together of special programs to develop program capacity and promote services for the handicapped, authorizes funds for research and training for vocational rehabilitation and establishes an Office for the Handicapped within the Office of the Secretary of HEW.

Mr. Chairman, these are some of the wholesome and humane objectives included in this bill. In light of the expert testimony we have heard here this afternoon and in view of the admittedly pressing needs of our physically and mentally handicapped citizens, it is my earnest belief that this legislative measure should be overwhelmingly enacted.

I emphatically believe that the provisions in this current bill reflect the fullest sense of congressional fiscal responsibility, a wholly cooperative attempt, through reduced authorizations, at reasonable compromise with the administration and a sensible and effective legislative response, in the national interest, to one of the priority objectives in the country, namely, civilized recognition and meaningful encouragement to the great numbers of severely physically and mentally handicapped individuals in this country.

Mr. GONZALEZ. Mr. Chairman, it is very gratifying that the House has passed today, H.R. 17, the bill to extend and improve the basic Federal-State vocational rehabilitation program and which authorizes $2.6 billion through fiscal year 1975.

Hopefully the President will not again veto this bill, or if he signs it, hopefully he will not attempt to impound the moneys which are to be used for this program, inasmuch as it means so very much to the lives of thousands of handicapped persons in San Antonio, as I am sure is the case in other cities throughout the country.

The State agencies which use Federal rehabilitation funds in San Antonio, the State Commission for the Blind and the Texas Vocational Rehabilitation Commission, have a current caseload of 9,593 persons for which they are attempting to provide one or more of several services: personal and social adjustment, vocational training, job placement, sheltered workshops such as Goodwill Industries, psychological and psychiatric tests, medical corrective devices such as braces, and other medical assistance.

During the last few days with the help of the Commission for the Blind a man's sight was fully restored after a series of 18 operations in San Antonio.

This fortunate person was enabled to become fully productive only through the assistance of this program.

Others have been enabled to become fully productive and taxpaying citizens with considerably less expense and expertise that is required in a series of 18 operations.

Some 2,900 of the referrals to vocational rehabilitation in San Antonio have closed in employment for these persons.

Since July 1, 1972, San Antonio vocational rehabilitation agencies have had a total of 3,972 referrals. That is more than 400 a week, and the ability of these San Antonio agencies to aid these persons has been severely crippled by the veto last year of the vocational rehabilitation bill.

The bill as reported by the committee attempts to meet the administration's major objections by reducing the funding level 25 percent, from $3.5 billion, over 3 years, to $2.6 billion.

This reduction is quite enough and more than I really agree with. I am relieved that we manage to defeat attempts in the House today to further cut the program, and am hopeful that the Senate will not succumb to such attempts.

A cut in vocational rehabilitation funds seems ludicrous, retrogressive, and downright wrong in light of what the program has thus far accomplished in mending lives and enabling persons, who would obviously be charity cases, become productive taxpaying citizens.

Mr. DORN. Mr. Chairman, we fully support passage of the Vocational Rehabilitation Act Amendments of 1973, H.R. 17. This bill will extend the present programs and make certain improvements, with special emphasis on severely handicapped persons. Mr. Speaker, this is one of the most successful of all programs of human development. It helps the disabled and the handicapped to become self-sustaining and independent. It keeps people off the welfare rolls and makes possible a rich and full life for millions of handicapped individuals. Mr. Chairman, this bill is yet another tribute to our beloved colleague from Kentucky, Chairman CARL PERKINS, and we commend him and his colleagues. Official business elsewhere prevents me from being present for the vote, but were I present Mr. Chairman, I would enthusiastically vote in favor of this legislation.

Ms. ABZUG. Mr. Chairman, I offer my strong support for H.R. 17, which extends and improves the basic Federal-State vocational rehabilitation program and authorizes $2.6 billion through fiscal year 1975.

Each time that the Smith-Fess Act of 1920 has been reconsidered, the Congress has increasingly recognized its responsibility to provide Federal aid to the handicapped. Unfortunately this administration has not yet recognized this commitment. Last year the President vetoed H.R. 8395, the Vocational Rehabilitation Act of 1972, which had passed both the House and Senate unanimously. His argument, as usual, was that the funding levels were too high.

It is ironic that this Nation can spend billions of dollars creating mutilated, handicapped humans in war, yet cannot afford a fraction of this sum to rehabilitate its ailing, handicapped citizens. Mr. Nixon wants our tax dollars to go toward increasing the military budget—to $81 billion next year—but says we cannot afford to spend $1.2 billion a year to rehabilitate the handicapped.

Although many of us do not agree with this evaluation, we support the attempt of the committee to pass legislation that will not be vetoed. The funding level for rehabilitation programs is reduced from the vetoed bill by 25 percent—from $3.5 billion over 3 years to $2.6 billion. Even this reduction is supported by virtually all national associations concerned with rehabilitation, since some money is better than none.

The humanitarian purposes of this bill are obvious. In sheer practical terms, however, we must note that much money is saved when the cost of these programs is compared with the only alternative, public assistance for the severely handicapped.

In the year 1973, State vocational rehabilitation agencies served 51,084 public assistance recipients. The cost for public assistance for those persons, it is estimated, would amount to $34,275,000.

Each public assistance recipient rehabilitated represents an average saving of $650 in public assistance payments. From this it is estimated that the total savings in public assistance payments for the rehabilitated group was over $33,000,000 for the first year alone following rehabilitation.

The achievements of these vocational rehabilitation efforts clearly indicate the value of making a greater Federal investment.

I am proud to have been instrumental in securing more Federal aid for handicapped persons in the 1971 amendment to the Wagner-O'Day Act which expanded our blind-made products purchase program to include products made by other handicapped persons. I now have pending a bill that would authorize funds for transportation of the handicapped by nonprofit private groups (H.R. 231) and other bills that would ease their housing and medical problems.

Such legislation is badly needed and I hope that we may act on it soon. Today, I urge the passage of this bill by a resounding margin.

Mr. VANIK. Mr. Chairman, the Vocational Rehabilitation Act of 1972 was shamefully pocket-vetoed by the President without a chance for the Congress to override that veto.

Today, the House again has the opportunity to serve notice to the President to redirect his priorities to further increase benefits to the handicapped. This group of citizens in the past has been unfortunately ignored.

This is not a "welfare proposal." Vocational rehabilitation is a training program intending to give the handicapped skills so that they may become self-sufficient taxpayers. This is not a problem that only hits the needy—I have letters in my office from dentists and lawyers who have handicapped children and cannot find facilities to train or educate them.

The administration's budget increased military spending for this year by $4.7 billion at the very time we are ending the war. That increased spending would be more wisely used helping individual citizens fight the daily struggles related to their impairments. But the President has decided otherwise.

In December of 1971 I introduced a bill that incorporated the handicapped into the Civil Rights Act of 1964. Regardless of the fact that 60 Members of the House and 20 Members of the Senate cosponsored the civil rights bill, it was not reported to the floor by either Judiciary Committee.

Senator HUMPHREY who introduced my bill in the Senate, incorporated the language and intent of my bill into the Vocational Rehabilitation Act last year in the Senate.

I am happy to say that my language remains in title 7, section 704 and section 705 of today's bill.

That language of the bill is repeated as follows:

EMPLOYMENT UNDER FEDERAL CONTRACTS

SEC. 704. (a) Any contract entered into by any Federal department or agency for the procurement of personal property and nonpersonal services (including construction) for the United States shall contain a provision requiring that, in employing persons to carry out such contract the party contracting with the United States shall take affirmative action to employ and advance in employment qualified handicapped individuals.

(b) If any handicapped individual believes any contractor has failed or refuses to comply with the provisions of his contract with the United States relating to employment of handicapped individuals, such individual may file a complaint with the Department of Labor. The Department shall promptly investigate such complaint and shall take such action thereon as the facts and circumstances warrant, consistent with the terms of such contract and the laws and regulations applicable thereto.

NONDISCRIMINATION UNDER FEDERAL GRANTS

SEC. 705. No otherwise qualified handicapped individual in the United States, as defined in section 7(7), shall, solely by reason of his handicap, be excluded from the participation in, be denied the benefits of or be subjected to discrimination under any program or activity receiving Federal financial assistance.

These provisions further establish protections and mechanisms in the law to insure that the handicapped receive the fair treatment they so often fail to receive from the Federal Government.

The passage of this legislation will let the President know where the Congress stands in regard to the handicapped of our Nation.

Mr. PRICE of Illinois. Mr. Chairman, I enthusiastically support this legislation known as the Rehabilitation Act of 1973. Certainly, helping our less fortunate citizens is one of the noblest things we can do, and I am pleased that we are considering this bill so early in the session.

The present Vocational Rehabilitation Act, I feel, has been successful in its operation, but the Rehabilitation Act of 1973 would improve upon it, making the old act a tighter piece of legislation and extending it to bring more benefit to the severely handicapped.

The bill would provide advance funding authority so that appropriations could be made in the preceding fiscal year. Under this bill, a single project could be jointly financed by more than one Federal agency, and this makes possible some of the extensions on existing construction and improvement provisions.

The bill also sets up specialized organizations: a National Information and Resource Center, a National Center for Deaf-Blind Youth and Adults, a temporary National Commission on Transportation and Housing for the Handicapped, National Centers for Spinal Chord Injuries, a Federal Interagency Committee on Handicapped Employees, an Architectural and Transportation Barriers Compliance Board, and a Rehabilitation Services Administration within the Department of Health, Education, and Welfare. Total authorizations amount to about a billion dollars per year.

My congressional district is one of exceptionally high unemployment. Experience has shown the handicapped are diligent workers on the whole. Yet it is often difficult to find a job. The legislation we are considering today promises to continue and improve the good works that have been accomplished to help our handicapped, especially our severely handicapped.

I am proud to be a sponsor of this bill and urge my colleagues to support it.

Mr. HOWARD. Mr. Chairman, today, the House will take up the Vocational Rehabilitation Act amendments. A previous commitment in New Jersey will prevent me from voting on that legislation. However, I strongly support this important bill and had I been able to be here today I would have voted in favor of the bill, H.R. 17.

The CHAIRMAN. All time has expired.

Under the rule, the committee amendment in the nature of a substitute now printed in the reported bill will be read by title as an original bill for the purpose of amendment.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act, with the following table of contents, may be cited as the "Rehabilitation Act of 1973".

TABLE OF CONTENTS

Sec. 2. Declaration of purpose.
Sec. 3. Rehabilitation Services Administration.
Sec. 4. Advance funding.
Sec. 5. Joint funding.
Sec. 6. Consolidated rehabilitation plan.
Sec. 7. Definitions.
Sec. 8. Allotment percentage.
Sec. 9. Audit.
Sec. 10. Nonduplication.

TITLE I—VOCATIONAL REHABILITATION SERVICES

PART A—GENERAL PROVISIONS

Sec. 100. Declaration of purpose; authorization of appropriations.
Sec. 101. State plans.
Sec. 102. Individualized written rehabilitation program.
Sec. 103. Scope of vocational rehabilitation services.
Sec. 104. Non-Federal share for construction.

PART B—BASIC VOCATIONAL REHABILITATION SERVICES

Sec. 110. State allotments.
Sec. 111. Payments to States.
Sec. 112. Client assistance.

PART C—INNOVATIVE AND EXPANSION GRANTS

Sec. 120. State allotments.
Sec. 121. Payments to States.

Mr. BLACKBURN. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN. The Chair will count.

A quorum is not present. The call will be taken by electronic device.

The call was taken by electronic device and the following Members failed to respond:

[Roll No. 40]

Adams
Addabbo
Alexander
Anderson, Calif.
Anderson, Ill.
Ashley
Badillo
Biaggi
Blatnik
Boland
Bolling
Bowen
Brasco
Breckinridge
Brown, Calif.
Brown, Mich.
Broyhill, Va.
Camp
Carey, N.Y.
Carney, Ohio
Casey, Tex.
Chappell
Chisholm
Clark
Clawson, Del
Clay
Collier
Conte
Corman
Cotter
Crane
Cronin
Culver
Daniels, Dominick V.
Danielson
Davis, Ga.
Delaney
Dellenback
Dickinson
Diggs
Dingell
Dorn
Downing
Dulski
Evans, Colo.
Foley
Ford, William D.
Fulton
Fuqua
Gettys
Giaimo
Gibbons
Goldwater
Gray
Gude
Hanna
Harvey
Hays
Hébert
Hinshaw
Hosmer
Howard
Johnson, Colo.
Jones, Ala.
Jones, Tenn.
King
Kluczynski
Koch
Kyros
Leggett
Litton
McCollister

McFall
Madden
Martin, Nebr.
Mathis, Ga.
Matsunaga
Metcalfe
Michel
Mills, Ark.
Mills, Md.
Moorhead, Calif.
Morgan
Murphy, N.Y.
Nelsen
Nichols
O'Neill
Owens
Passman
Pepper
Podell
Preyer
Price, Tex.
Railsback
Rangel
Rees
Rodino
Roncalio, Wyo.
Rooney, N.Y.
Rooney, Pa.
Rostenkowski
Rousselot
Sarasin
Satterfield
Sikes
Stark
Steiger, Ariz.
Stephens
Stokes
Stratton
Stubblefield
Talcott
Taylor, N.C.
Thompson, N.J.
Udall
Van Deerlin
Veysey
Waldie
Widnall
Wilson, Bob
Wilson, Charles H., Calif.
Wright

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. MONTGOMERY, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill H.R. 17, and finding itself without a quorum, he had directed the Members to record their presence by electronic device, when 309 Members responded to their names, a quorum, and he submitted herewith the names of the absentees to be spread upon the Journal.

The Committee resumed its sitting.

The CHAIRMAN. The Clerk will continue the reading of the bill.

The Clerk read as follows:

TITLE II — COMPREHENSIVE REHABILITATION SERVICES

Sec. 200. Declaration of purpose; authorization of appropriations.
Sec. 201. State allotments.
Sec. 202. Payments to States.
Sec. 203. State programs.
Sec. 204. Special projects.
Sec. 205. Definition.

TITLE III—SPECIAL FEDERAL RESPONSIBILITIES

Sec. 300. Declaration of purpose.
Sec. 301. Grants for construction of rehabilitation facilities.
Sec. 302. Vocational training services for handicapped individuals.
Sec. 303. Mortgage insurance for rehabilitation facilities.
Sec. 304. Annual interest grants for mortgages for rehabilitation facilities.
Sec. 305. Special projects and demonstrations.
Sec. 306. National Center for Deaf-Blind Youths and Adults.
Sec. 307. Rehabilitation Centers for Deaf Individuals.
Sec. 308. National Centers for Spinal Cord Injuries.
Sec. 309. Grants for services for end-stage renal disease.
Sec. 310. Rehabilitation services for older blind individuals.
Sec. 311. National Advisory on Rehabilitation of Handicapped Individuals.
Sec. 312. State advisory councils.
Sec. 313. General grant and contract requirements.

TITLE IV—RESEARCH AND TRAINING

Sec. 400. Declaration of purpose.
Sec. 401. Authorization of appropriations.
Sec. 402. Research.
Sec. 403. Training.
Sec. 404. Reports.

TITLE V—ADMINISTRATION AND PROGRAM AND PROJECT EVALUATION

Sec. 500. Administration.
Sec. 501. Program and project evaluation.
Sec. 502. Obtaining information from Federal agencies.
Sec. 503. Authorization of appropriations.
Sec. 504. Reports.
Sec. 505. Sheltered workshop study.

TITLE VI—OFFICE FOR THE HANDICAPPED

Sec. 600. Establishment of Office.
Sec. 601. Function of Office.
Sec. 602. Authorization of appropriations.

TITLE VII—MISCELLANEOUS

Sec. 700. Effect on existing laws.
Sec. 701. Federal Interagency Committee on Handicapped Employees.
Sec. 702. National Commission on Transportation and Housing for Handicapped Individuals.
Sec. 703. Architectural and Transportation Barriers Compliance Board.
Sec. 704. Employment under Federal contracts.
Sec. 705. Nondiscrimination under Federal grants.

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. LANDGREBE

Mr. LANDGREBE. Mr. Chairman, I offer a substitute amendment.

The Clerk read as follows:

Amendment in the nature of a substitute offered by Mr. LANDGREBE: Strike out all after the enacting clause and insert in lieu thereof:

That this Act may be cited as the "Vocational Rehabilitation Amendments of 1973".

CONSOLIDATION AND EXTENSION OF APPROPRIATIONS AUTHORIZATIONS

SEC. 2. (a) Section 1(b) of the Vocational Rehabilitation Act is amended to read as follows:

"(b) There are authorized to be appropriated $610 million for the fiscal year ending June 30, 1973, $630 million for fiscal year ending June 30, 1974, and $650 million for the fiscal year ending June 30, 1975. Sums so appropriated for carrying out section 4, 12, or 13 shall remain available until expended."

(b) Section 7 of such Act is amended by striking out subsection (d) thereof and redesignating subsection (e) as subsection (d).

(c) Section 10 of such Act is repealed.

(d) Section 12 of such Act is amended by striking out subsection (i) thereof and redesignating subsection (j) as subsection (i).

(e) Section 13 of such Act is amended by striking out subsection (f) thereof.

(f) Subsection (a) of section 15 of such Act is amended by striking out paragraph (2) thereof and redesignating paragraphs (3) and (4) thereof as paragraphs (2) and (3), respectively.

INCLUSION OF PROGRAMS FOR THE LOW-ACHIEVING DEAF AND SPINAL CORD INJURED IN SPECIAL PROJECTS PROVISION

SEC. 3. Subsection (a) of section 4 of the Vocational Rehabilitation Act is amended by striking out "and" at the end of clause (2)(C) and by inserting before the period at the end of clause (2)(D) the following: ", and (E) make grants to public or nonprofit private agencies for paying part of the cost of planning, preparing for, and initiating programs to provide vocational rehabilitation services to individuals with spinal cord injuries or to low-achieving deaf individuals".

INCLUSION OF SERVICES FOR MIGRATORY AGRICULTURAL WORKERS IN SPECIAL PROJECTS PROVISION

SEC. 4. (a) Subsection (a) of section 4 of the Vocational Rehabilitation Act, as amended by section 3 of this Act, is further amended by striking out "and" at the end of clause (2)(D) and by inserting before the period at the end of clause (2)(E) the following: ", and (F) make grants to any State agency designated pursuant to a plan approved under section 5, or to any local agency participating in the administration of such a plan, for paying part of the cost of pilot or demonstration projects for the provision of vocational rehabilitation services to handicapped individuals who, as determined in accordance with regulations prescribed by the Secretary of Labor, are migratory agricultural workers, and to members of their families (whether or not handicapped) who are with them, including maintenance and transportation of any such individual and members of his family where necessary to the rehabilitation of that individual. Maintenance payments under clause (2)(F) of the first sentence of this subsection shall be consistent with any maintenance payments made to other handicapped individuals in the State under a State plan approved under this Act. Grants under such clause shall be conditioned upon satisfactory assurance that in the provision of such services there will be appropriate cooperation betweeen the grantee and other public or nonprofit private agencies having special skills or experience in the provision of services to migratory agricultural workers or their families. In administering the program authorized by clause (2)(F) of the first sentence of this subsection, the Secretary shall, for the purpose of achieving appropriate coordination, periodically consult with other Federal officials who administer programs for migratory agricultural workers under other provisions of law, including title I of the Elementary and Secondary Education Act of 1965, section 311 of the Economic Opportunity Act of 1964, and the Farm Labor Contractor Registration Act of 1963".

(b) The Vocational Rehabilitation Act is further amended by striking out section 17 thereof.

REALLOTMENT OF STATE GRANTS

SEC. 5. Section 2 of the Vocational Rehabilitation Act is amended by adding at the end thereof the following new subsection:

"(d) Whenever the Secretary determines that any amount of an allotment to a State for any fiscal year will not be utilized by such State in carrying out the purposes of this section, he may make such amount available for carrying out the purposes of this section to one or more other States to the extent he determines such other State will be able to use such additional amount during such year for carrying out such purposes. Any amount made available to a State for any fiscal year pursuant to the preceding sentence shall, for purposes of this Act, be regarded as part of such State's allotment (as determined under the preceding provisions of his section) for such year."

MODIFICATION OF ALLOTMENT PROVISIONS

SEC. 6. (a) Subsection (a) of section 2 of the Vocational Rehabilitation Act is amended by striking out "authorized to be appropriated by paragraph (1) of section 1(b) for meeting the cost of vocational rehabilitation services" in the first sentence and inserting in lieu thereof "appropriated for grants to States under this section", by striking out the second sentence of such section, and by striking out "two sentences" wherever it appears in the third sentence of such section and inserting in lieu thereof "sentence".

(b) Subsection (a) of section 2 of such Act is further amended by striking out $1,000,000" and inserting in lieu thereof "an amount equal to one quarter of 1 per centum of the amount appropriated for such year for grants to States under this section".

(c) Paragraph (1) of section 15(a) of such Act is amended by striking out "authorized to be appropriated by paragraph (2) of this subsection for meeting the costs described in paragraph (3) of this subsection" in the first sentence and inserting in lieu thereof "appropriated for payments under this section".

PROVISIONS FOR OUTLYING AREAS

Extension of Minimum Allotment to Outlying Areas

SEC. 7. (a) Subsection (a) of section 2 of the Vocational Rehabilitation Act is amended by striking out "(other than the Virgin Islands, Puerto Rico, and Guam)".

Inclusion of American Samoa and Trust Territory of the Pacific Islands in State Programs

(b) Subsection (f) of section 11 of such Act is amended by striking out "and Guam; and, for purposes of sections 4, 7, 12, and 13 only of this Act, American Samoa and the Trust Territory of the Pacific Islands, and for such purposes" and inserting in lieu thereof "Guam, American Samoa, and the Trust Territory of the Pacific Islands; for American Samoa and the Trust Territory of the Pacific Islands".

Application of Minimum Allotment Percentage

(c) Clause (B) of section 11(g)(1) of such Act is amended by inserting "the Trust Territory of the Pacific Islands, American Samoa," following "Guam,".

PROVISION TO ALLOW SOLE STATE AGENCY TO SHARE FUNDING WITH ANOTHER PUBLIC AGENCY

SEC. 8. Clause (ii) of section 5(a)(1)(A) of the Vocational Rehabilitation Act is amended by inserting "or any other public agency" following "another agency of the State".

TAKING INTO ACCOUNT OUTSIDE VIEWS

SEC. 9. Subsection (a) of section 5 of the Vocational Rehabilitation Act is amended by striking out "and" at the end of clause (13), by striking out the period at the end of clause (14)(C) and inserting in lieu thereof "; and", and by adding at the end of such subsection the following new clause:

"(15) provide satisfactory assurance to the Secretary that the State agency designated pursuant to paragraph (1) (or each State agency if two are so designated) and any sole local agency administering the plan in a political subdivision of the State will take into account, in connection with matters of general policy arising in the administration of the plan, the views of, among others, individuals who are recipients of vocational rehabilitation services, individuals who represent citizen groups, individuals who represent professional groups, and individuals who are providers of vocational rehabilitation services."

INCREASE IN TRAINING ALLOWANCES

SEC. 10. Paragraph (B) of section 13(a)(2) of the Vocational Rehabilitation Act is amended by striking out "$25" and inserting in lieu thereof "$30".

INCREASE IN AMOUNT FOR EVALUATION

SEC. 11. The subsection redesignated as subsection (d) of section 7 of the Vocational Rehabilitation Act by section 2(b) of this Act is amended by striking out "$1,000,000" and inserting in lieu thereof "$3,000,000".

PARTICIPATION IN THE COST OF SERVICES

SEC. 12. Subsection (a) of section 5 of the Vocational Rehabilitation Act, as amended by section 9 of this Act, is further amended by striking out "and" at the end of clause (14)(C), by striking out the period at the end of clause (15) and inserting in lieu thereof "; and", and by adding at the end of such subsection the following new clause:

"(16) provide, in any case in which an individual is able to participate in the cost of his rehabilitation under the State plan, for such participation in accordance with regulations prescribed by the Secretary in the light of such ability."

TIME LIMITATION ON WORK EXPERIENCE

SEC. 13. Subsection (a) of section 5 of the Vocational Rehabilitation Act, as amended by sections 9 and 12 of this Act, is further amended by striking out "and" at the end of clause (15), by striking out the period at the end of clause (16) and inserting in lieu thereof "; and", and by adding at the end of such subsection the following new clause:

"(17) provide that where an individual participates in a program of work experience under the State plan, such participation shall not exceed one year in duration."

ALLOWING STATE AGENCY FOR THE BLIND TO ACT AS STATE EVALUATION AND WORK ADJUSTMENT AGENCY

SEC. 14. Paragraph (1) of section 15(c) of the Vocational Rehabilitation Act is amended by striking out "(other than the State blind commission or other agency providing assistance or services to the adult blind)".

INCLUSION OF INNOVATION IN REGULAR STATE PROGRAM

SEC. 15. (a) The Vocational Rehabilitation Act is amended by striking out section 3 thereof and redesignating sections 4, 5, 6, 7, 8, 9, 11, 12, 13, 14, 15, 16, and 18, and all references thereto, as section 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, and 16, respectively.

(b) The Vocational Rehabilitation Act is further amended by striking out—

(1) "(except for expenditures with respect to which the State is entitled to payments under section 3)" in section 2(b);

(2) "and section 3" in section 2(c);

(3) "or 3" wherever it appears in the section redesignated as section 4(c) by subsection (a) of this subsection;

(4) "or 3" in the first sentence of the section redesignated as section 5 by subsection (a) of this section; and

(5) "and 3" in the section redesignated as section 14(d) by subsection (a) of this section.

APPLICATION OF PROVISIONS OF FEDERAL LAW

SEC. 16. The Vocational Rehabilitation Act is amended by inserting after the section redesignated as section 14 by section 15(a) of this Act the following new section:

"APPLICATION OF PROVISIONS OF FEDERAL LAW

"SEC. 15. An individual who, as a part of his rehabilitation under a State plan approved under section 4 of this Act, participates in a program of work experience in a Federal agency, shall not, by reason thereof, be considered to be a Federal employee or to be subject to the provisions of law relating to Federal employment, including those relating to hours of work, rates of compensation, leave, unemployment compensation, and Federal employee benefits."

EFFECTIVE DATE

SEC. 17. The amendments made by this Act shall become effective with respect to appropriations for fiscal years beginning after June 30, 1973.

Mr. LANDGREBE (during the reading). Mr. Chairman, I ask unanimous consent that further reading of the amendment be dispensed with. I have made copies of this amendment available to every Member of the House.

The CHAIRMAN. Is there objection to the request of the gentleman from Indiana?

There was no objection.

The CHAIRMAN. The gentleman from Indiana (Mr. LANDGREBE) is recognized for 5 minutes.

Mr. LANDGREBE. Mr. Chairman, this is a very important amendment which I have offered here. It is the first time since I have been a Member of this body that I have had the privilege of handling legislation of this magnitude.

This bill, H.R. 4814, I introduced February 27. I am now offering it as a substitute for the bill which is before the House, H.R. 17.

This amendment which I have offered extends and improves the program, yet it contains none of the objectionable features which brought about the Presidential veto of last year's bill. My amendment has the full support of the White House. It shows the President's veto did not indicate disapproval of the vocational rehabilitation programs. Rather, the President is disapproving of the financially irresponsible, organizationally unworkable, and programmatically unnecessary provisions of H.R. 17.

The veto of last year's vocational rehabilitation bill was demanded by the outrageously high authorization levels, the numerous duplicative categorical programs, and the legislative imperatives dictating management of the vocational rehabilitation program.

I daresay that H.R. 17 invites another Presidential veto for those same still valid reasons. On the other hand, my amendment would make a strong vocational rehabilitation program even stronger by building upon the record of achievement in the vocational rehabilitation so painstakingly made over the decades by the joint action of the Congress and the Executive.

H.R. 17 challenges this fine record with its fiscal irresponsibility, its duplication of programs and complexity, and its managerial defects. The handicapped people of this country deserve prompt enactment of a sound extension of the Vocational Rehabilitation Act. That is exactly what my amendment does.

I urge and plead with the Members of this House to vote favorably on my amendment so that we can send a bill to the White House which will have sufficient money not only to carry on the program, but to extend the program, and which can be signed by the President; so that we can all be proud that we have participated in the enactment of a very fine bill.

Mr. WYLIE. Mr. Chairman, will the gentleman yield?

Mr. LANDGREBE. I yield to the gentleman from Ohio (Mr. WYLIE).

Mr. WYLIE. Mr. Chairman, I thank the gentleman for yielding. I think the gentleman from Indiana is performing a very valuable service for this body. I have not been able to get a handle on the relationship between this program and the Veterans' Administration vocational rehabilitation program. I think the impression was left a little earlier that this program was necessary to provide for returning veterans of the war in Vietnam. Certainly, we do want to provide for them.

I know that this program was started back in 1920 following World War I as a veterans rehabilitation program. However, I have just called the Veterans' Administration, and they tell me that a separate amount of $1.9 billion was spent for veterans rehabilitation through the veterans program last year.

I do not think anything can defeat an outstanding program quicker than duplication, waste and inefficiency.

Does the gentleman know the relationship between this program and the Veterans' Administration rehabilitation program?

Mr. LANDGREBE. I am sorry; I do not. However, the President will veto the bill before us because of the duplications and expansions and cost it contains.

The gentleman has checked on that. I appreciate the information he has given me. I simply have not had time to check out every aspect of the Federal rehabilitation effort. I do know that H.R. 17 would needlessly duplicate efforts in many already existing Federal programs, therefore, I urge passage of my amendment.

Mr. WYLIE. I thank the gentleman for yielding.

Mr. GERALD R. FORD. Mr. Chairman, I rise in support of the substitute amendment.

Mr. Chairman, I rise in support of the Landgrebe amendment and in opposition to the committee bill. At the outset let me congratulate the gentleman from Indiana for having the courage and I believe the wisdom to differ with the overwhelming majority of the members of his committee. It is not a popular position to take, but I believe it is the right position

I confess at this point that on March 20, 1972, I voted for the bill which was before us at that time. I subsequently supported the conference report. I was surprised that the President vetoed the legislation.

Because the committee has now come forth with legislation which is virtually the same as that which was vetoed, I became curious, and I investigated the reasons for the veto and the justification for the substitute offered by the gentleman from Indiana. I doubt if many in this body have taken the time to read the minority views of the gentleman from Indiana (Mr. Landgrebe). There are few, if any, in this Chamber who have taken the time to read the testimony of the Honorable Stephen Kurzman, Assistant Secretary for Legislation of the Department of Health, Education, and Welfare.

If Members will read both the minority views and the testimony of Assistant Secretary Kurzman, I trust they will be convinced that the Landgrebe substitute is the better of the two proposals before us at the present time.

Let me summarize why I, at least, am going to vote for the Landgrebe substitute. The committee bill in many respects drastically changes the direction of our traditional vocational rehabilitation program. I have sat and listened to the comments made by the proponents of the committee bill, and almost without exception they start out by saying how great our vocational rehabilitation program has been since 1920. They point out how many people have been rehabilitated. They point out how many dollars have been earned by people who have been rehabilitated. It is an impressive record which I applaud.

The truth is that the committee bill diverts from that basic approach which has been so successful for 53 years. With the indulgence of Members, let me quote from the testimony of Secretary Kurzman on this point. He says:

> H.R. 8395 contained provisions which have diverted the Vocational Rehabilitation program from its clear employment-oriented mission to a medical and social service mission not unlike that of numerous existing health and social service programs administered by HEW.

Mr. Chairman, I do not think we should move away from a course that has been successful and take a new direction that is quite different.

The second reason I support the Landgrebe substitute and oppose the committee bill is the cost differential. The Landgrebe proposal would authorize for fiscal year 1973, this present fiscal year, $610 million for what is title I, the traditional program; for fiscal year 1974 it would authorize an additional $20 million, a total figure of $630 million; for fiscal year 1975, an additional $20 million, or $650 million. For the 3-year program that would make a total of $1,890 million. That is a lot of money.

But let me contrast it, if I might, with the figures in the committee bill. For fiscal year 1973, $913 million; plus for fiscal year 1974 the committee bill would authorize $1,178 million plus; and for fiscal year 1975, $535 million plus.

The CHAIRMAN. The time of the gentleman has expired.

(By unanimous consent, Mr. Gerald R. Ford was allowed to proceed for 5 additional minutes.)

Mr. GERALD R. FORD. Mr. Chairman, my curiosity was aroused as to why in the third year the figures went down. I understand that the gentleman from Kentucky, the distinguished chairman of the committee, Mr. Perkins, for reasons that he can better explain, has insisted that that figure go down, and that the committee at some subsequent date reconsider, which would inevitably mean additional authorizations.

Mr. QUIE. Mr. Chairman, will the gentleman yield?

Mr. GERALD R. FORD. I will yield to the gentleman from Minnesota (Mr. Quie).

Mr. QUIE. Mr. Chairman, I just want to say a word perhaps to correct the gentleman.

Mr. GERALD R. FORD. Surely.

Mr. QUIE. I believe the statement should be attributed to the distinguished Senator from New York and not the gentleman from Kentucky (Mr. Perkins).

Mr. GERALD R. FORD. Mr. Chairman, I was told it was the gentleman from Kentucky. If I am wrong, I apologize.

Mr. PERKINS. It was the Senator from New York.

Mr. GERALD R. FORD. Mr. Chairman, I apologize to the gentleman from Kentucky (Mr. Perkins).

But, Mr. Chairman, even with that cutback in the third fiscal year, this committee bill would authorize $2,625 million plus, roughly $800 million more than the Landgrebe substitute.

I know the arguments—we have heard them time after time after time—are that this is just an authorization bill, and that the Committee on Appropriations will take care of it; the authorization is simply a ceiling and the actual money will be reduced substantially.

Mr. Chairman, that argument has led us in the past, in previous years, into innumerable traps, and those of us who were here in the last Congress know how bad that trap is.

A few years ago we authorized for primary and secondary education very substantial amounts of money for a wide variety of programs. They were really never anticipated to be funded, but lo and behold, last year when the appropriation bill for the Department of Health, Education, and Welfare came up, there was an amendment offered by a then Member that would add, as I recall, $800 million more than what the President recommended and what the Committee on Appropriations recommended.

That was to be a bonanza to education.

The history of that appropriation bill is a sad tale. It is sad, because that appropriation bill for the Department of Education has not yet become law, for the simple reason that those people in education looked at the ceiling way up high and tried to get funding approximating that ceiling.

The President would not approve the legislation or the appropriation bill, and consequently education is suffering. If we are so unwise as to go so high for an authorization in vocational rehabilitation as to invite appropriations of that magnitude, then vocational rehabilitation will suffer, because the President will not approve an appropriation bill of that magnitude.

The third objection is that this committee bill would duplicate in many instances and would establish a number of additional categorical grant programs. A proliferation of categorical grant programs is not the best way to solve the problems of those who are handicapped.

Let me turn, if I might, to the testimony of Secretary Kurzman on this point. He says:

> H.R. 8395 would have established a number of new, independent, categorical aid programs which would have weakened the management of the Vocational Rehabilitation program and raised costs without providing commensurate results.

So for three good reasons, Mr. Chairman, the change in the direction of the vocational rehabilitation program in the committee bill, the abnormally high extra cost of almost $1 billion in the committee bill, and because of the establishment of a number of new categorical programs, I think the committee bill should be defeated and the Landgrebe substitute should be approved.

One final observation: This bill that comes from the committee is just one of 13, 14, or 15 proposals that were either vetoed by the President or will be vetoed by the President.

The CHAIRMAN. The time of the gentleman has expired.

(By unanimous consent, Mr. Gerald R. Ford was allowed to proceed for 3 additional minutes.)

Mr. GERALD F. FORD. If they are added up, they will add to this year's fiscal spending a total of $1.7 billion plus.

I think we have to look at this bill in the context of the others. If you believe that the Federal Government should not spend $1.7 billion plus more than the President recommended, then I think you ought to vote against this bill as well as the others. For myself, I intend to do so.

I will be glad to yield to the gentleman from Ohio.

Mr. ASHBROOK. I would like to have the record straight on one point. It is true that there was a 33-to-1 vote in the committee. I was, I guess, unnecessarily detained that day and was 20 minutes late. Otherwise there would have been two votes.

That does not sound like too much more, but I wish to say that I certainly support the Landgrebe proposal, and I certainly appreciate the gentleman from Michigan taking this time to give us this very fine and succinct explanation of the issues involved. I certainly intend to vote with you.

Mr. GERALD R. FORD. I thank the gentleman from Ohio and commend him for joining the gentleman from Indiana in taking on the multitude of forces in opposition. It is courageous and, I add, wise.

Mr. BRADEMAS. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, as I listened to the wise and courageous speech of the distinguished minority leader, I was not quite sure I could believe my ears with respect to some of his remarks.

For example, the distinguished minority leader said our committee made "drastic" changes in the vocational rehabilitation program. He said that we had "diverted" funds from the basic vocational rehabilitation program. I fear that my friend from Michigan has not taken the time to read the bill, because he will see in respect to the fundamental vocational rehabilitation program, that means so much to every community represented in this House of Representatives, that we have not changed that program.

We have not changed that program; we have continued that program.

As a matter of fact, I would also say to my friend, the gentleman from Michigan (Mr. GERALD R. FORD) that we have not enormously raised the authorization for this basic program. Indeed, the authorization for fiscal year 1973, $700 million, is exactly the same as the amount of money authorized for fiscal year 1972 and fiscal year 1971. I do not see that this is fiscal irresponsibility.

But the gentleman from Michigan said that we have made drastic changes, that we are diverting the moneys from the basic vocational rehabilitation program. I fear that my friend failed to note that title II of the bill under consideration is a separate authorization. It is a separate authorization that provides for severely disabled individuals who may or may not be able to benefit from vocationally oriented programs.

I would point out further to my friend, the gentleman from Michigan, that the amount of money that we are providing in title II is modest, amounting to $10 million, $25 million, and $50 million in the 3 years for which that title is authorized. There is, therefore, no accuracy whatsoever in suggesting that our committee diverted funds from the basic vocational rehabilitation program, or that we have acted in an irresponsible fashion.

I listened, as well, with great interest as my friend, the gentleman from Michigan, observed that we are somehow imposing brandnew categorical programs on the Department of Health, Education, and Welfare. He alluded to the spinal cord injury program, and he alluded, I believe, to the kidney disease program. But I am afraid that the gentleman failed to recall that when the administration came before our committee some many months ago on this legislation, the administration asked that we give special emphasis to certain programs such as those for the blind, for people with spinal cord injuries, and for people with kidney disease. I fail to understand, therefore, why we have now committed some great wrong by, in effect, responding to these administration pleas to give special attention to these programs that quite rightfully deserve a special emphasis.

I think it is significant that so many Members of this House, indeed, all Members of this House, voted for this legislation in March and in October of 1972. I do not think that it is totally fair to the Members of the House to say that we did not know what we were doing. I find it a rather strange change of opinion that some months after the very same piece of legislation was given such widespread support by both Democrats and Republicans, we now discover all manner of objections to it. I find it strange indeed that we are now strongly criticized for passage of the bill which the administration warmly commended less than 6 months ago when we were working on this legislation in conference.

For example, I have before me a memorandum that was presented by the administration to the Members of the House in conference when we were working on this legislation. The memorandum is entitled "Administration Recommendations on Major Conference Issues Regarding Vocational Rehabilitation Bill." And one significant point that this administration recommended to the House conferees on the legislation is that we should keep—and here I will quote:

> Keep the vocational goal orientation of present law in Title I.

That is exactly what we have done. That is precisely what the bill under consideration does.

And again I quote:

> However, authorize . . . a separate program for non-vocational services to the severely disabled.

That is precisely what we have done in title II of this legislation.

Mr. LANDRUM. Mr. Chairman, will the gentleman yield?

Mr. BRADEMAS. I yield to the gentleman from Georgia.

Mr. LANDRUM. Mr. Chairman, I hope that I have not come in at a point where I would be interrupting the train of thought of the gentleman from Indiana, but I am concerned, and I have heard other Members express concern over a statement in the minority views of the gentleman from Indiana which says that it is substantially the same bill. The bill that the committee reports is substantially the same bill as vetoed by the President last year.

Moments before the gentleman came to the well I heard the distinguished minority leader state the reasons why the President vetoed the bill. I understood him to state the reasons for the President's vetoing the bill, but I have not yet heard——

The CHAIRMAN. The time of the gentleman has expired.

Mr. BRADEMAS. I ask unanimous consent to proceed for 5 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Indiana?

There was no objection.

The CHAIRMAN. The gentleman is recognized.

Mr. LANDRUM. Mr. Chairman, if the gentleman will yield further, I have been listening to my friend from Indiana and wondering if he would really tell us whether this bill reported by his committee is the same as that vetoed by the President; and if it is the same, what has been done to remedy the points on which the President based his veto?

Mr. BRADEMAS. I thank my friend from Georgia.

The principal change, indeed the sole change, that has been made by our committee is that we have reduced the authorization from the vetoed bill in the amount of approximately $880 million.

Mr. LANDRUM. Does that bring it within the President's objection on the money?

Mr. BRADEMAS. No, it does not.

Mr. LANDRUM. Does that bring it within the budget?

Mr. BRADEMAS. No, it does not.

Mr. LANDRUM. I just want to understand that.

What other steps has the committee taken to meet the objections advanced by the President when he vetoed the bill last year?

Mr. BRADEMAS. The committee has not changed the bill from the bill that was unanimously passed by the House of Representatives with the vote, I am delighted to say, of my warm friend from Indiana (Mr. LANDGREBE). Nor has the committee changed the provisions in the bill from those which were unanimously adopted by the other body, other than the amount of money authorized.

Mr. LANDRUM. I thank the gentleman.

Mr. BRADEMAS. I would want in this respect, Mr. Chairman, to make one other point about the substitute offered by my friend from Indiana—and here I must speak very candidly. I know that my friend from Indiana observed that he had only had an opportunity within the last few days to study this measure. And I am afraid that the substitute that he has offered reflects that fact because, Mr. Chairman, think of this: The substitute that is before us that is offered by the gentleman from Indiana (Mr. LANDGREBE) does not provide enough money in title I in the allotments for the basic vocational rehabilitation program even to make possible the amount of money requested in the President's budget.

I think, Mr. Chairman, that we would be far better advised to accept the committee's bill rather than to hastily agree to a bill which is obviously the product of very rapid draftsmanship, and which could have the effect of working havoc on these programs that up to this point in time have received the overwhelming support of both Democrats and Republicans in Congress, as well as support from the White House.

I believe that it is wise that we reject the substitute of my colleague from Indiana and that we give the continued support to the vocational rehabilitation program and its extension that has characterized this program for disabled people for the last 52 years.

The CHAIRMAN. The question is on the amendment in the nature of a substitute offered by the gentleman from Indiana (Mr. LANDGREBE).

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. GERALD R. FORD. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 165, noes 213, not voting 53, as follows:

[Roll No. 41]

AYES—165

Abdnor
Anderson, Ill.
Andrews, N.C.
Andrews, N. Dak.
Archer
Arends
Armstrong
Ashbrook
Bafalis
Baker
Beard
Bennett
Blackburn
Bray
Brinkley
Broomfield
Brotzman
Brown, Ohio
Broyhill, N.C.
Burke, Fla.
Burleson, Tex.
Burlison, Mo.
Butler
Byron
Casey, Tex.
Cederberg
Chamberlain
Clancy
Clausen, Don H.
Clawson, Del
Cochran
Collins
Conable
Conlan
Coughlin
Cronin
Daniel, Robert W., Jr.
Daniel, Dan
Davis, Ga.
Davis, Wis.
Dennis
Derwinski
Devine
Duncan
Edwards, Ala.
Findley
Fisher
Flynt
Ford, Gerald R.
Fountain
Frelinghuysen
Frey
Froehlich
Gettys
Gilman
Ginn
Goldwater
Goodling
Green, Oreg.
Gross
Grover
Gubser
Gunter
Guyer
Haley
Hanrahan
Harsha
Henderson
Holt
Horton
Huber
Hudnut
Hunt
Hutchinson
Ichord
Jarman
Johnson, Colo.
Johnson, Pa.
Jones, N.C.
Ketchum
Kuykendall
Landgrebe
Landrum
Latta
Lent
Lott
Lujan
McCollister
Madigan
Mahon
Mailliard
Mann
Maraziti
Martin, Nebr.
Martin, N.C.
Mathias, Calif.
Mayne
Michel
Milford
Miller
Mills, Md.
Minshall, Ohio
Mitchell, N.Y.
Mizell
Montgomery
Myers
O'Brien
Parris
Pettis
Poage
Powell, Ohio
Preyer
Quillen
Rarick
Regula
Rhodes
Rinaldo
Robinson, Va.
Robison, N.Y.
Rogers
Roncallo, N.Y.
Rose
Runnels
Ruth
Sandman
Saylor
Sebelius
Shoup
Shriver
Shuster
Skubitz
Smith, N.Y.
Snyder
Spence
Stanton, J. William
Steed
Steelman
Stephens
Stuckey
Symms
Taylor, Mo.
Taylor, N.C.
Teague, Calif.
Teague, Tex.
Thomson, Wis.
Thone
Treen
Waggonner
Walsh
Wampler
Ware
Whitehurst
Whitten
Widnall
Wiggins
Williams
Wilson, Bob
Winn
Wydler
Wylie
Wyman
Young, Fla.
Young, Ill.
Young, S.C.
Zion

NOES—213

Abzug
Adams
Addabbo
Alexander
Anderson, Calif.
Annunzio
Aspin
Barrett
Bell
Bergland
Bevill
Biester
Bingham
Boland
Bolling
Brademas
Breckinridge
Brooks
Buchanan
Burgener
Burke, Calif.
Burke, Mass.
Burton
Carey, N.Y.
Carney, Ohio
Carter
Clark
Cleveland
Cohen
Conte
Conyers
Corman
Cotter
Culver
Daniels, Dominick V.
Danielson
Davis, S.C.
de la Garza
Delaney
Dellenback
Dellums
Denholm
Dent
Diggs
Dingell
Donohue
Drinan
Dulski
du Pont
Eckhardt
Edwards, Calif.
Eilberg
Erlenborn
Esch
Eshleman
Evins, Tenn.
Fascell
Fish
Flood
Flowers
Foley
Ford, William D.
Forsythe
Fraser
Frenzel
Fulton
Fuqua
Gaydos
Giaimo
Gonzalez
Grasso
Gray
Green, Pa.
Griffiths
Gude
Hamilton
Hammerschmidt
Hanley
Hansen, Idaho
Hansen, Wash.
Harrington
Hastings
Hawkins
Hays
Hébert
Hechler, W. Va.
Heckler, Mass.
Heinz
Helstoski
Hicks
Hillis
Hogan
Holifield
Holtzman
Hungate
Johnson, Calif.
Jones, Ala.
Jones, Okla.
Jones, Tenn.
Jordan
Karth
Kastenmeier
Kazen
Keating
Kemp
Kluczynski
Leggett
Lehman
Litton
Long, Md.
McClory
McCloskey
McCormack
McDade
McFall
McKay
McKinney
McSpadden
Macdonald
Madden
Mallary
Matsunaga
Mazzoli
Meeds
Melcher
Metcalfe
Mezvinsky
Minish
Mink
Mitchell, Md.
Moakley
Mollohan
Moorhead, Pa.
Morgan
Mosher
Moss
Murphy, Ill.
Murphy, N.Y.
Natcher
Nedzi
Nix
Obey
O'Hara
O'Neill
Owens
Patman
Patten
Pepper
Perkins
Peyser
Pickle
Pike
Podell
Price, Ill.
Pritchard
Quie
Randall
Rangel
Rees
Reid
Reuss
Riegle
Rodino
Roe
Roncalio, Wyo.
Rooney, Pa.
Rosenthal
Roush
Roy
Roybal
Ruppe
Ryan
St Germain
Sarasin
Sarbanes
Scherle
Schroeder
Seiberling
Shipley
Slack
Smith, Iowa
Staggers
Stanton, James V.
Steele
Steiger, Wis.
Stokes
Stratton
Stubblefield
Studds
Sullivan
Symington
Thompson, N.J.
Thornton
Tiernan
Towell, Nev.
Udall
Ullman
Van Deerlin
Vander Jagt
Vanik
Vigorito
Whalen
White
Wilson, Charles H., Calif.
Wilson, Charles, Tex.
Wolff
Wyatt
Yates
Yatron
Young, Ga.
Young, Tex.
Zablocki
Zwach

NOT VOTING—53

Ashley
Badillo
Biaggi
Blatnik
Bowen
Brasco
Breaux
Brown, Calif.
Brown, Mich.
Broyhill, Va.
Camp
Chappell
Chisholm
Clay
Collier
Crane
Dickinson
Dorn
Downing
Evans, Colo.
Gibbons
Hanna
Harvey
Hinshaw
Hosmer
Howard
King
Koch
Kyros
Long, La.
McEwen
Mathis, Ga.
Mills, Ark.
Moorhead, Calif.
Nelsen
Nichols
Passman
Price, Tex.
Railsback
Roberts
Rooney, N.Y.
Rostenkowski
Rousselot
Satterfield
Schneebeli
Sikes
Sisk
Stark
Steiger, Ariz.
Talcott
Veysey
Waldie
Wright

So the amendment in the nature of a substitute was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

DECLARATION OF PURPOSE

SEC. 2. The purpose of this Act is to provide a statutory basis for the Rehabilitation Services Administration, to establish within the Department of Health, Education, and Welfare an Office for the Handicapped, and to authorize programs to—

(1) develop and implement comprehensive and continuing State plans for meeting the current and future needs for providing vocational rehabilitation services to handicapped individuals and to provide such services for the benefit of such individuals, serving first those with the most severe handicaps, so that they may prepare for and engage in gainful employment;

(2) evaluate the rehabilitation potential of handicapped individuals;

(3) develop, implement, and provide comprehensive rehabilitation services to meet the current and future needs of handicapped individuals for whom a vocational goal is not possible or feasible so that they may improve their ability to live with greater independence and self-sufficiency;

(4) assist in the construction and improvement of rehabilitation facilities;

(5) develop new and innovative methods of applying the most advanced medical technology, scientific achievement, and psychological and social knowledge to solve rehabilitation problems and develop new and innovative methods of providing rehabilitation services to handicapped individuals through research, special projects, and demonstrations;

(6) initiate and expand services to groups of handicapped individuals (including those who are homebound and institutionalized) who have been underserved in the past;

(7) direct the conduct of various studies and experiments to focus on long-neglected problem areas;

(8) promote and expand employment opportunities in the public and private sectors for handicapped individuals and to place such individuals in employment;

(9) establish client assistance pilot projects;

(10) provide assistance for the purpose of increasing the number of rehabilitation personnel and increasing their skills through training; and

(11) evaluate existing approaches to architectural and transportation barriers confronting handicapped individuals, develop new such approaches, enforce statutory and regulatory standards and requirements regarding barrier-free construction of public facilities and study and develop solutions to existing housing and transportation barriers impeding handicapped individuals.

REHABILITATION SERVICES ADMINISTRATION

SEC. 3. (a) There shall be in the Department of Health, Education, and Welfare a Rehabilitation Services Administration which shall be administered by a Commissioner (hereinafter referred to as the "Commissioner"). The Commissioner shall carry out and administer all programs and direct the performance of all services for which authority is provided under titles I through IV of this Act.

(b) There shall be within such Administration a Division of Research, Training, and Evaluation, which shall be responsible for carrying out programs and projects under title IV of this Act. There shall be within such Division a Center for Technology Assessment and Application, which shall be responsible for developing and supporting, and stimulating the development and utilization (including production and distribution of new and existing devices) of, innovative methods of applying advanced medical technology, scientific achievement, and psychological and social knowledge to solve rehabilitation problems, and for administration of the activities described in section 402(b)(2). Such Division shall be directed by an Assistant Commissioner, who shall be responsible to the Commissioner and shall be a person of outstanding scientific and technological achievement and learning and shall carry out his responsibilities in consultation with the National Science Foundation and the National Academy of Sciences, and shall be assigned at least ten full-time positions, five of which shall be filled by professionals of qualifications similar to the Assistant Commissioner.

(c) The Secretary shall take whatever action is necessary to insure that funds appropriated pursuant to this Act, as well as unexpended appropriations for carrying out the Vocational Rehabilitation Act (29 U.S.C. 31–42), are expended only for the programs, personnel, and administration of programs carried out under this Act.

(d) In order to carry out the purposes of this Act—

(1) the number of positions authorized by section 5108(a) of title 5, United States Code, and assigned to the Rehabilitation Services Administration, is increased by ten, and

(2) the authorized level of full-time personnel, or the equivalent, assigned to the Rehabilitation Services Administration to carry out duties related to the administration of this Act, is increased by sixty.

ADVANCE FUNDING

SEC. 4. (a) For the purpose of affording adequate notice of funding available under this Act, appropriations under this Act are authorized to be included in the appropriation Act for the fiscal year preceding the fiscal year for which they are available for obligation.

(b) In order to effect a transition to the advance funding method of timing appropriation action, the authority provided by subsection (a) of this section shall apply notwithstanding that its initial application will result in the enactment in the same year (whether in the same appropriation Act or otherwise) of two separate appropriations, one for the then current fiscal year and one for the succeeding fiscal year.

JOINT FUNDING

SEC. 5. Pursuant to regulations prescribed by the President, and to the extent consistent with the other provisions of this Act, where funds are provided for a single project by more than one Federal agency to an agency or organization assisted under this Act, the Federal agency principally involved may be designated to act for all in administering the funds provided, and, in such cases, a single non-Federal share requirement may be established according to the proportion of funds advanced by each agency. When the principal agency involved is the Rehabilitation Service Administration, it may waive any grant or contract requirement (as defined by such regulations) under or pursuant to any law other than this Act, which requirement is inconsistent with the similar requirements of the administering agency under or pursuant to this Act.

CONSOLIDATED REHABILITATION PLAN

SEC. 6. (a) In order to secure increased flexibility to respond to the varying needs and local conditions within the State, and in order to permit more effective and interrelated planning and operation of its rehabilitation programs, the State may submit a consolidated rehabilitation plan which includes the State's plan under section 101(a) of this Act and its program for persons with developmental disabilities under the Developmental Disabilities Services and Facilities Construction Amendments of 1970, provided the agency administering such State's program under such Act occurs in the submission of such a consolidated rehabilitation plan.

(b) Such a consolidated rehabilitation plan must comply with, and be administered in accordance with, all the requirements of this Act and the Developmental Disabilities Services and Facilities Construction Amendments of 1970. If the Secretary finds that all such requirements are satisfied, he may approve the plan to serve in all respects as the substitute for the separate plans which would otherwise be required with respect to each of the programs included therein, or he may advise the State to submit separate plans for such programs.

(c) Findings of noncompliance in the administration of an approved consolidated rehabilitation plan, and any reductions, suspensions, or terminations of assistance as a result thereof, shall be carried out in accordance with the procedures set forth in subsections (c) and (d) of section 101 of this Act.

DEFINITIONS

SEC. 7. For the purposes of this Act:

(1) The term "comprehensive rehabilitation services" means vocational rehabilitation services and any other goods (including aids and devices) or services provided with funds under title II, III, or IV of this Act that will make a substantial contribution in helping a handicapped individual to improve his ability to live independently or function normally with his family and community.

(2) The term "construction" means the construction of new buildings, the acquisition, expansion, remodeling, alteration, and renovation of existing buildings and initial equipment of such buildings, and the term "cost of construction" includes architects' fees and acquisition of land in connection with construction but does not include the cost of offsite improvements.

(3) The term "criminal act" means any crime, including an act, omission, or possession under the laws of the United States or a State or unit of general local government which poses a substantial threat of personal injury, notwithstanding that by reason of age, insanity, intoxication or otherwise the person engaging in the act, omission, or possession was legally incapable of committing a crime.

(4) The term "establishment of a rehabilitation facility" means the acquisition, expansion, remodeling, or alteration of existing buildings necessary to adapt them to rehabilitation facility purposes or to increase their effectiveness for such purposes (subject, however, to such limitations as the Commissioner may determine, in accordance with regulations he shall prescribe, in order to prevent impairment of the objectives of, or duplication of, other Federal laws providing Federal assistance in the construction of such facilities), and the initial equipment for such buildings, and may include the initial staffing thereof.

(5) The term "evaluation of rehabilitation potential" means, as appropriate in each case:

(A) a preliminary diagnostic study to determine that the individual has a substantial handicap to employment, and that vocational or comprehensive rehabilitation services are needed;

(B) a diagnostic study consisting of a comprehensive evaluation of pertinent medical, psychological, vocational, educational, cultural, social, and environmental factors which bear on the individual's handicap to employment and rehabilitation potential including, to the degree needed, an evaluation of the individual's personality, intelligence level, educational achievements, work experience, vocational aptitudes and interests, personal and social adjustments, employment opportunities, and other pertinent data helpful in determining the nature and scope of services needed;

(C) an appraisal of the individual's patterns of work behavior and ability to acquire occupational skill, and to develop work attitudes, work habits, work tolerance, and social and behavior patterns suitable for successful job performance, including the utilization of work, simulated or real, to assess and develop the individual's capacities to perform adequately in a work environment;

(D) any other goods or services provided for the purpose of ascertaining the nature of the handicap and whether it may reasonably be expected that the individual can benefit from vocational rehabilitation services or comprehensive rehabilitation services;

(E) referral;

(F) the administration of these evaluation services; and

(G)(i) the provision of vocational rehabilitation services or the provision of comprehensive rehabilitation services to any individual for a total period not in excess of eighteen months for the purpose of determining whether such individual is a handicapped individual, a handicapped individual for whom a vocational goal is not possible or feasible (as determined in accordance with section 102(c)), or neither such individual; and (ii) an assessment, at least once in every ninety-day period during which such services are provided, of the results of the provision of such services to an individual to ascertain whether any of the determinations described in subclause (i) may be made.

(6) The term "Federal share" means 80 per centum, except that it shall mean 90 per centum for the purposes of part C of title I and title II of this Act and section 301: *Provided,* That with respect to payments pursuant to part B of title I of this Act to any State which are used to meet the costs of construction of those rehabilitation facilities identified in section 103(b)(2) in such State, the Federal share shall be the percentages determined in accordance with the provisions of section 301(b)(3) applicable with respect to that State and that, for the purpose of determining the non-Federal share with respect to any State, expenditures by a political subdivision thereof or by a local agency shall, subject to such limitations and conditions as the Commissioner shall by regulation prescribe, be regarded as expenditures by such State.

(7) The term "handicapped individual" means any individual who (A) has a physical or mental disability which for such individual constitutes or results in a substantial handicap to employment and (B) can reasonably be expected to benefit from vocational rehabilitation services or comprehensive rehabilitation services provided pursuant to title II, III, or IV of this Act.

(8) The term "local agency" means an agency of a unit of general local government or of an Indian tribal organization (or combination of such units or organizations) which has an agreement with the State agency designated pursuant to section 101 (a)(1) to conduct a vocational rehabilitation program under the supervision of such State agency in accordance with the State plan approved under section 101. Nothing in the preceding sentence of this paragraph or in section 101 shall be construed to prevent the local agency from utilizing another local public or nonprofit agency to provide vocational or comprehensive rehabilitation services: *Provided,* That such an arrangement is made part of the agreement specified in this paragraph.

(9) The term "nonprofit", when used with respect to a rehabilitation facility, means a rehabilitation facility owned and operated by a corporation or association, no part of the net earnings of which inures, or may lawfully inure, to the benefit of any private shareholder or individual and the income of which is exempt from taxation under section 501(c)(3) of the Internal Revenue Code of 1954.

(10) The term "public safety officer" means a person serving the United States or a State or unit of general local government, with or without compensation, in any activity pertaining to—

(A) the enforcement of the criminal laws, including highway patrol, or the maintenance of civil peace by the National Guard or the Armed Forces.

(B) a correctional program, facility, or institution where the activity is potentially dangerous because of contact with criminal suspects, defendants, prisoners, probationers, or parolees.

(C) a court having criminal or juvenile delinquent jurisdiction where the activity is potentially dangerous because of contact with criminal suspects, defendants, prisoners, probationers, or parolees, or

(D) firefighting, fire prevention, or emergency rescue missions.

(11) The term "rehabilitation facility"

means a facility which is operated for the primary purpose of providing vocational rehabilitation or comprehensive rehabilitation services to handicapped individuals, and which provides singly or in combination one or more of the following services for handicapped individuals: (A) vocational and comprehensive rehabilitation services which shall include, under one management, medical, psychological, social, and vocational services, (B) testing, fitting, or training in the use of prosthetic and orthotic devices, (C) prevocational conditioning or recreational therapy, (D) physical and occupational therapy, (E) speech and hearing therapy, (F) psychological and social services, (G) evaluation of rehabilitation potential, (H) personal and work adjustment, (I) vocational training with a view toward career and advancement (in combination with other rehabilitation services), (J) evaluation or control of specific disabilities, (K) orientation and mobility services to the blind, and (L) extended employment for those handicapped individuals who cannot be readily absorbed in the competitive labor market, except that all medical and related health services must be prescribed by, or under the formal supervision of, persons licensed to prescribe or supervise the provision of such services in the State.

(12) The term "Secretary", except when the context otherwise requires, means the Secretary of Health, Education, and Welfare.

(13) The term "severe handicap" means the disability which requires multiple services over an extended period of time and results from amputation, blindness, cancer, cerebral palsy, cystic fibrosis, deafness, heart disease, hemiplegia, respiratory or pulmonary dysfunction, mental retardation, mental illness, multiple sclerosis, muscular dystrophy, neurological disorders (including stroke and epilepsy), paraplegia, quadriplegia and other spinal cord conditions, renal failure and any other disability, specified by the Commissioner in regulations he shall prescribe.

(14) The term "State" includes the District of Columbia, the Virgin Islands, Puerto Rico, Guam, American Samoa, and the Trust Territory of the Pacific Islands, and for the purposes of American Samoa and the Trust Territory of the Pacific Islands, the appropriate State agency designated as provided in section 101(a)(1) shall be the Governor of American Samoa or the High Commissioner of the Trust Territory of the Pacific Islands, as the case may be.

(15) The term "vocational rehabilitation services" means those services identified in section 103 which are provided to handicapped individuals under this Act.

ALLOTMENT PERCENTAGE

SEC. 8. (a)(1) The allotment percentage for any State shall be 100 per centum less that percentage which bears the same ratio to 50 per centum as the per capita income of such State bears to the per capita income of the United States, except that (A) the allotment percentage shall in no case be more than 75 per centum or less than 33⅓ per centum, and (B) the allotment percentage for the District of Columbia, Puerto Rico, Guam, the Virgin Islands, American Samoa, and the Trust Territory of the Pacific Islands shall be 75 per centum.

(2) The allotment percentages shall be promulgated by the Commissioner between July 1 and September 30 of each even-numbered year, on the basis of the average of the per capita incomes of the States and of the United States for the three most recent consecutive years for which satisfactory data are available from the Department of Commerce. Such promulgation shall be conclusive for each of the two fiscal years in the period beginning on the July 1 next succeeding such promulgation.

(3) The term "United States" means (but only for purposes of this subsection) the fifty States and the District of Columbia.

(b) The population of the several States and of the United States shall be determined on the basis of the most recent data available to be furnishd by the Department of Commerce by October 1 of the year preceding the fiscal year for which funds are appropriated pursuant to statutory authorizations.

AUDIT

SEC. 9. Each recipient of a grant or contract under this Act shall keep such records as the Secretary may prescribe, including records which fully disclose the amount and disposition by such recipient of the proceeds of such grant or contract, the total cost of the project or undertaking in connection with which such grant or contract is made or funds thereunder used, the amount of that portion of the cost of the project or undertaking supplied by other sources, and such records as will facilitate an effective audit. The Secretary and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access for the purpose of audit and examination to any books, documents, papers, and records of the recipient of any grant or contract under this Act which are pertinent to such grant or contract.

NONDUPLICATION

SEC. 10. In determining the amount of any State's Federal share of expenditures for planning, administration, and services incurred by it under a State plan approved in accordance with section 101 or for the purposes of providing comprehensive rehabilitation services pursuant to title II of this Act, there shall be disregarded (1) any portion of such expenditures which are financed by Federal funds provided under any other provision of law, and (2) the amount of any non-Federal funds required to be expended as a condition of receipt of such Federal funds. No payment may be made from funds provided under one provision of this Act relating to any cost with respect to which any payment is made under any other provision of this Act.

TITLE I—VOCATIONAL REHABILITATION SERVICES

PART A—GENERAL PROVISIONS

DECLARATION OF PURPOSE; AUTHORIZATION OF APPROPRIATIONS

SEC. 100. (a) The purpose of this title is to authorize grants to assist States to meet the current and future needs of handicapped individuals, so that such individuals may prepare for and engage in gainful employment to the extent of their capabilities.

(b)(1) For the purpose of making grants to States under part B of this title to assist them in meeting costs of vocational rehabilitation services provided in accordance with State plans under section 101, there is authorized to be appropriated $700,000,000 for the fiscal year ending June 30, 1973, and $800,000,000 for the fiscal year ending June 30, 1974.

(2) For the purpose of making grants under section 120, relating to grants to States and public and nonprofit agencies to assist them in meeting the costs of projects to initiate or expand services to handicapped individuals (especially those with the most severe handicaps) there is authorized to be appropriated $50,000,000 for the fiscal year ending June 30, 1973, $60,000,000 for the fiscal year ending June 30, 1974, and $75,000,000 for the fiscal year ending June 30, 1975.

STATE PLANS

SEC. 101. (a) For each fiscal year in which a State desires to participate in programs under this title and pursuant to title II of this Act, a State shall submit to the Commissioner for his approval an annual plan for vocational and comprehensive rehabilitation services which shall—

(1)(A) designate a State agency as the sole State agency to administer the plan, or to supervise its administration by a local agency, except that (i) where under the State's law the State agency for the blind or other agency which provides assistance or services to the adult blind, is authorized to provide vocational and comprehensive rehabilitation services to such individuals, such agency may be designated as the sole State agency to administer the part of the plan under which vocational and comprehensive rehabilitation services are provided for the blind (or to supervise the administration of such part by a local agency) and a separate State agency may be designated as the sole State agency with respect to the rest of the State plan, and (ii) the Secretary, upon the request of a State, may authorize such agency to share funding and administrative responsibility with another agency of the State or with a local agency in order to permit such agencies to carry out a joint program to provide services to handicapped individuals, and may waive compliance with respect to vocational rehabilitation services furnished under such programs with the requirement of clause (4) of this subsection that the plan be in effect in all political subdivisions of the State;

(B) provide that the State agency so designated to administer or supervise the administration of the State plan, or (if there are two State agencies designated under subclause (A) of this clause) to supervise or administer the part of the State plan that does not relate to services for the blind, shall be (i) a State agency primarily concerned with vocational rehabilitation, or vocational and other rehabilitation, of handicapped individuals, (ii) the State agency administering or supervising the administration of education or vocational education in the State, or (iii) a State agency which includes at least two other major organizational units each of which administers one or more of the major public education, public health, public welfare, or labor programs of the State;

(2) provide, except in the case of agencies described in clause (1)(B)(i)—

(A) that the State agency designated pursuant to paragraph (1) (or each State agency if two are so designated) shall include a vocational rehabilitation bureau, division, or other organizational unit which (i) is primarily concerned with vocational rehabilitation, or vocational and other rehabilitation, of handicapped individuals, and is responsible for the vocational rehabilitation program of such State agency, (ii) has a full-time director, and (iii) has a staff employed on such rehabilitation work of such organizational unit all or substantially all of whom are employed full time on such work; and

(B)(i) that such unit shall be located at an organizational level and shall have an organizational status within such State agency comparable to that of other major organizational units of such agency, or (ii) in the case of an agency described in clause (1)(B)(ii), either that such unit shall be so located and have such status, or that the director of such unit shall be the executive officer of such State agency; except that, in the case of a State which has designated only one State agency pursuant to clause (1) of this subsection, such State may, if it so desires, assign responsibility for the part of the plan under which vocational and comprehensive rehabilitation services are provided for the blind to one organizational unit of such agency and assign responsibility for the rest of the plan to another organizational unit of such agency, with the provisions of this clause applying separately to each of such units;

(3) provide for financial participation by the State, or if the State so elects, by the State and local agencies to meet the amount of the non-Federal share;

(4) provide that the plan shall be in effect in all political subdivisions, except that in the case of any activity which, in the judgment of the Commissioner, is likely to assist in promoting the vocational rehabilitation of substantially larger numbers of handicapped individuals or groups of handicapped individuals the Commissioner may waive compliance with the requirement herein that the plan be in effect in all political subdivisions of the State to the extent and for such period as may be provided in accordance with regulations prescribed by him, but only if the non-Federal share of the cost of such vocational rehabilitation services is met from funds made available by a local agency (including, to the extent permitted by such regulations, funds contributed to such agency by a private agency, organization, or individual);

(5)(A) contain the plans, policies, and methods to be followed in carrying out the State plan and in its administration and supervision, including a description of the method to be used to expand and improve services to handicapped individuals with the most severe handicaps; and, in the event that vocational rehabilitation services cannot be provided to all eligible handicapped individuals who apply for such services, show (i) the order to be followed in selecting individuals to whom vocational rehabilitation services will be provided, and show the order to be followed in selecting individuals to whom comprehensive vocational rehabilitation services will be provided, and (ii) the outcomes and service goals, and the time within which they may be achieved, for the rehabilitation of such individuals, which order of selection for the provision of vocational rehabilitation services shall be determined on the basis of serving first those individuals with the most severe handicaps and shall be consistent with priorities in such order of selection so determined, and outcome and service goals for serving handicapped individuals, established in regulations prescribed by the Commissioner, and

(B) provide satisfactory assurances to the Commissioner that the State has studied and considered a broad variety of means for providing services to individuals with the most severe handicaps;

(6)(A) contain the plans, policies, and methods to be followed in providing comprehensive rehabilitation services pursuant to title II of this Act, and

(B) provide satisfactory assurances that no such comprehensive rehabilitation services shall be paid for with funds under title II of this Act unless maximum efforts have been made to secure grant assistance, in whole or in part, from other sources to pay for such services;

(7) provide for such methods of administration, other than methods relating to the establishment and maintenance of personnel standards, as are found by the Commissioner to be necessary for the proper and efficient administration of the plan;

(8) contain (A) provisions relating to the establishment and maintenance of personnel standards, which are consistent with any State licensure laws and regulations, including provisions relating to the tenure, selection, appointment, and qualifications of personnel, and (B) provisions relating to the establishment and maintenance of minimum standards governing the facilities and personnel utilized in the provision of vocational and comprehensive rehabilitation services, but the Commissioner shall exercise no authority with respect to the selection, method of selection, tenure of office, or compensation of any individual employed in accordance with such provisions;

(9) provide, at a minimum, for the provision of the vocational rehabilitation services specified in clauses (1) through (3) of subsection (a) of section 103, and the remainder of such services specified in such section after full consideration of eligibility for similar benefits under any other program, except that, in the case of the vocational rehabilitation services specified in clauses (4) and (5) of subsection (a) of such section, such consideration shall not be required where it would delay the provisions of such services to any individual;

(10) provide that (A) an individualized written rehabilitation program meeting the requirements of section 102 will be developed for each handicapped individual eligible for vocational or comprehensive rehabilitation services under this Act, (B) such services will be provided under the plan in accordance with such program, and (C) records of the characteristics of each applicant will be kept specifying, as to those individuals who apply for services under this title or pursuant to title II of this Act and are determined not to be eligible therefor, the reasons for such determinations;

(11) provide that the State agency will make such reports in such form, containing such information (including the data described in subclause (C) of clause (10) of this subsection, periodic estimates of the population of handicapped individuals eligible for services under this Act in such State, specifications of the number of such individuals who will be served with funds provided under this Act and the outcomes and service goals to be achieved for such individuals in each priority category specified in accordance with clause (5) of this subsection, and the service costs for each such category), and at such time as the Commissioner may require to carry out his functions under this title, and comply with such provisions as he may find necessary to assure the correctness and verification of such reports;

(12) provide for entering into cooperative arrangements with, and the utilization of the services and facilities of, the State agencies administering the State's public assistance programs, other programs for handicapped individuals, veterans programs, manpower programs, and public employment offices, and the Social Security Administration of the Department of Health, Education, and Welfare, the Veterans' Administration, and other Federal, State, and local public agencies providing services related to the rehabilitation of handicapped individuals;

(13) provide satisfactory assurances to the Commissioner that, in the provision of vocational rehabilitation and comprehensive rehabilitation services, maximum utilization shall be made of public or other vocational or technical training facilities or other appropriate resources in the community;

(14) (A) provide that vocational rehabilitation and comprehensive rehabilitation services provided under the State plan shall be available to any civil employee of the United States disabled while in the performance of his duty on the same terms and conditions as apply to other persons, and

(B) provide that special consideration will be given to the rehabilitation under this Act of a handicapped individual whose handicapping condition arises from a disability sustained in the line of duty while such individual was performing as a public safety officer and the proximate cause of such disability was a criminal act, apparent criminal act, or a hazardous condition resulting directly from the officer's performance of duties in direct connection with the enforcement, execution, and administration of law or fire prevention, firefighting, or related public safety activities;

(15) provide that no residence requirement will be imposed which excludes from services under the plan any individual who is present in the State;

(16) provide for continuing statewide studies of the needs of handicapped individuals and how these needs may be most effectively met (including the State's needs for rehabilitation facilities) with a view toward the relative need for services to significant segments of the population of handicapped individuals and the need for expansion of services to those individuals with the most severe handicaps;

(17) provide for (A) periodic review and reevaluation of the status of handicapped individuals placed in extended employment in rehabilitation facilities (including workshops) to determine the feasibility of their employment, or training for employment, in the competitive labor market, and (B) maximum efforts to place such individuals in such employment or training whenever it is determined to be feasible;

(18) provide that where such State plan includes provisions for the construction of rehabilitation facilities—

(A) the Federal share of the cost of construction thereof for a fiscal year will not exceed an amount equal to 10 per centum of the State's allotment for such year,

(B) the provisions of section 313 shall be applicable to such construction and such provisions shall be deemed to apply to such construction, and

(C) there shall be compliance with regulations the Commissioner shall prescribe designed to assure that no State will reduce its efforts in providing other vocational rehabilitation services (other than for the establishment of rehabilitation facilities) because its plan includes such provisions for construction;

(19) provide satisfactory assurances to the Commissioner that the State agency designated pursuant to clause (1) (or each State agency if two are so designated) and any sole local agency administering the plan in a political subdivision of the State will take into account, in connection with matters of general policy arising in the administration of the plan, the views of individuals and groups thereof who are recipients of vocational or comprehensive rehabilitation services (or, in appropriate cases, their parents or guardians), working in the field of vocational rehabilitation, and providers of vocational and comprehensive rehabilitation services; and

(20) provide satisfactory assurances to the Commissioner that the continuing studies required under clause (16) of this subsection, as well as an annual evaluation of the effectiveness of the program in meeting the goals and priorities set forth in the plan, will form the basis for the submission, from time to time as the Commissioner may require, of appropriate amendments to the plan.

(b) The Commissioner shall approve any plan which he finds fulfills the conditions specified in subsection (a) of this section, and he shall disapprove any plan which does not fulfill such conditions. Prior to such disapproval, the Commissioner shall notify a State of his intention to disapprove its plan, and he shall afford such State reasonable notice and opportunity for hearing.

(c) Whenever the Commissioner, after reasonable notice and opportunity for hearing to the State agency administering or supervising the administration of the State plan approved under this section, finds that—

(1) the plan has been so changed that it no longer complies with the requirements of subsection (a) of this section; or

(2) in the administration of the plan there is a failure to comply substantially with any such provision,

the Commissioner shall notify such State agency that no further payments will be made to the State under this title (or, in his discretion, that such further payments will be reduced in accordance with regulations the Commissioner shall prescribe, or that further payments will not be made to the State only for the projects under the parts of the State plan affected by such failure), until he is satisfied there is no longer any such failure. Until he is so satisfied, the Commissioner shall make no further payments to such State under this title (or shall limit payments to projects under those parts of the State plan in which there is no such failure).

(d) If any State is dissatisfied with the Commissioner's action under subsection (b) or (c) of this section, such State may appeal to the United States district court for the district where the capital of such State is located and judicial review of such action shall be on the record in accordance with the provisions of chapter 7 of title 5, United States Code.

INDIVIDUALIZED WRITTEN REHABILITATION PROGRAM

SEC. 102. (a) The Commissioner shall insure that the individualized written rehabilitation program required by section 101(a) (10) in the case of each handicapped individual is developed jointly by the vocational rehabilitation counselor or coordinator and the handicapped individual (or in appropriate cases, his parents or guardians), and that such program meets the requirements set forth in subsection (b) of this section. Such written program shall set forth the terms and conditions, as well as the rights and remedies, under which goods and services will be provided to the individual.

(b) Each individualized written rehabilitation program shall be reviewed on an annual basis at which time each such individual (or, in appropriate cases, his parents or guardians) will be afforded an opportunity to review such program and renegotiate its terms. Such program shall include, but not be limited to (1) a statement of long-range rehabilitation objectives related to the attainment of such goals, (2) a statement of the specific vocational or comprehensive rehabilitation services to be provided, (3) the projected date for the initiation and the anticipated duration of each such service, (4) objective criteria and an evaluation procedure and schedule for determining whether such objectives and goals are being achieved, and, (5) where appropriate, a detailed explanation of the availability of a client assistance project established in such area pursuant to section 112.

(c) The Commissioner shall also insure that (1) in developing and carrying out the individualized written rehabilitation program required by section 101 in the case of each handicapped individual primary emphasis is placed upon the determination and achievement of a vocational goal for such individual, (2) a decision that such an individual is not capable of achieving such a goal, and thus not eligible for vocational rehabilitation services provided with assistance under this part, is made only in full consultation with such individual (or, in appropriate cases, his parents or guardians), and only upon the certification, as an amendment to such written program, that the evaluation of rehabilitation potential has demonstrated beyond any reasonable doubt that such individual is not then capable of achieving such a goal, and (3) any such decision shall be reviewed at least annually in accordance with the procedure and criteria established in this section.

SCOPE OF VOCATIONAL REHABILITATION SERVICES

SEC. 103. (a) Vocational rehabilitation services provided under this Act are any goods or services necessary to render a handicapped individual employable, including, but not limited to, the following:

(1) evaluation of rehabilitation potential, including diagnostic and related services, incidental to the determination of eligibility for, and the nature and scope of, services to be provided, including, where appropriate, examination by a physician skilled in the diagnosis and treatment of emotional disorders, or by a licensed psychologist in accordance with State laws and regulations, or both;

(2) counseling, guidance, referral, and placement services for handicapped individuals, including follow-up, follow-along, and other postemployment services necessary to assist such individuals to maintain their employment and services designed to help handicapped individuals secure needed services from other agencies, where such services are not available under this Act;

(3) vocational and other training services for handicapped individuals, which shall include personal and vocational adjustment, books, and other training materials, and services to the families of such individuals as are necessary to the adjustment or rehabilitation of such individuals: *Provided*, That no training services in institutions of higher education shall be paid for with funds under this title or title II of this Act unless maximum efforts have been made to secure grant assistance, in whole or in part, from other sources to pay for such training;

(4) physical and mental restoration services, including, but not limited to, (A) corrective surgery or therapeutic treatment necessary to correct or substantially modify a physical or mental condition which is stable or slowly progressive and constitutes a substantial handicap to employment, but is of such nature that such correction or modification may reasonably be expected to eliminate or substantially reduce the handicap within a reasonable length of time, (B) necessary hospitalization in connection with surgery or treatment, (C) prosthetic and orthotic devices, (D) eyeglasses and visual services as prescribed by a physician skilled in the diseases of the eye or by an optometrist, whichever the individual may select, (E) special services (including transplantation and dialysis), artificial kidneys, and supplies necessary for the treatment of individuals suffering from end-stage renal disease, and (F) diagnosis and treatment for mental and emotional disorders by a physician or licensed psychologist in accordance with State licensure laws;

(5) maintenance, not exceeding the estimated cost of subsistence, during rehabilitation;

(6) interpreter services for the deaf, and reader services for those individuals determined to be blind after an examination by a physician skilled in the diseases of the eye or by an optometrist, whichever the individual may select;

(7) recruitment and training services for handicapped individuals to provide them with new employment opportunities in the fields of rehabilitation, health, welfare, public safety and law enforcement, and other appropriate service employment;

(8) rehabilitation teaching services and orientation and mobility services for the blind;

(9) occupational licenses, tools, equipment, and initial stocks and supplies;

(10) transportation in connection with the rendering of any vocational rehabilitation service; and

(11) telecommunications, sensory, and other technological aids and devices.

(b) Vocational rehabilitation services, when provided for the benefit of groups of individuals, may also include the following:

(1) in the case of any type of small business operated by individuals with the most severe handicaps the operation of which can be improved by management services and supervision provided by the State agency, the provision of such services and supervision, alone or together with the acquisition by the State agency of vending facilities or other equipment and initial stocks and supplies; and

(2) the construction or establishment of public or nonprofit rehabilitation facilities and the provision of other facilities and services which promise to contribute substantially to the rehabilitation of a group of individuals but which are not related directly to the individualized rehabilitation written program of any one handicapped individual.

NON-FEDERAL SHARE FOR CONSTRUCTION

SEC. 105. For the purpose of determining the amount of payments to States for carrying out part B of this title, the non-Federal share, subject to such limitations and conditions as may be prescribed in regulations by the Commissioner, shall include contributions of funds made by any private agency, organization, or individual to a State or local agency to assist in meeting the costs of construction or establishment of a public or nonprofit rehabilitation facility, which would be regarded as State or local funds except for the condition, imposed by the contributor, limiting use of such funds to construction or establishment of such facility.

PART B—BASIC VOCATIONAL REHABILITATION SERVICES

STATE ALLOTMENTS

SEC. 110. (a) For each fiscal year, each State shall be entitled to an allotment of an amount bearing the same ratio to the amount authorized to be appropriated under subsection (b)(1) of section 100 for allotment under this section as the product of (1) the population of the State and (2) the square of its allotment percentage bears to the sum of the corresponding products for all the States. The allotment to any State (other than Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands) under the first sentence of this subsection for any fiscal year which is less than one-quarter of 1 per centum of the amount appropriated under section 100(b)(1), or $2,000,000, whichever is greater, shall be increased to that amount, the total of the increases thereby required being derived by proportionately reducing the allotments to each of the remaining such States under the first sentence of this subsection, but with such adjustments as may be necessary to prevent the allotment of any such remaining States from being thereby reduced to less than that amount.

(b) Whenever the Commissioner determines that any amount of an allotment to a State for any fiscal year will not be utilized by such State in carrying out the purposes of this title, he shall make such amount available for carrying out the purposes of this title to one or more other States to the extent he determines such other State will be able to use such additional amount during such year for carrying out such purposes. Any amount made available to a State for any fiscal year pursuant to the preceding sentence shall, for the purposes of this part, be regarded as an increase of such State's allotment (as determined under the preceding provisions of this section) for such year.

PAYMENTS TO STATES

SEC. 111(a). From each State's allotment under this part for any fiscal year, the Commissioner shall pay to such State an amount equal to the Federal share of the cost of vocational rehabilitation services under the plan for such State approved under section 101, including expenditures for the administration of the State plan, except that the total of such payments to such State for such fiscal year may not exceed its allotment under subsection (a) of section 110 for such year and such payments shall not be made in an amount which would result in a violation of the provisions of the State plan required by clause (18) of section 101(a), and except that the amount otherwise payable to such State for such year under this section shall be reduced by the amount (if any) by which expenditures from non-Federal sources during such year under this title are less than expenditures under the State plan for the fiscal year ending June 30, 1972, under the Vocational Rehabilitation Act.

(b) The method of computing and paying amounts pursuant to subsection (a) shall be as follows:

(1) The Commissioner shall, prior to the beginning of each calendar quarter or other period prescribed by him, estimate the amount to be paid to each State under the provisions of such subsection for such period, such estimate to be based on such records of the State and information furnished by it, and such other investigation, as the Commissioner may find necessary.

(2) The Commissioner shall pay, from the allotment available therefor, the amount so estimated by him for such period, reduced or increased, as the case may be, by any sum (not previously adjusted under this paragraph) by which he finds that his estimate of the amount to be paid the State for any prior period under such subsection was greater or less than the amount which should have been paid to the State for such prior period under such subsection. Such payment shall be made prior to audit or settlement by the General Accounting Office, shall be made through the disbursing facilities of the Treasury Department, and shall be made in such installments as the Commissioner may determine.

CLIENT ASSISTANCE

SEC. 112. (a) The Commissioner shall set aside out of funds appropriated under section 305 for special projects and demonstrations up to $2,500,000 but no less than $1,000,000 for the fiscal year ending on June 30, 1973, and up to $5,000,000 but no less than $1,000,000 each for the two succeeding fiscal years to establish in no less than ten or more than twenty geographically dispersed regions client assistance pilot projects (hereinafter in this section referred to as "projects") to provide counselors to inform and advise all clients and client applicants in the project area of all available benefits under this Act and to assist them in their relationships with projects, programs, and facilities providing services to them under this Act.

(b) The Commissioner shall prescribe regulations which shall include the following requirements:

(1) All employees of such project shall not be presently serving as staff, consultants or receiving benefits of any kind directly or indirectly from any rehabilitation project, program or facility.

(2) The staff of such projects shall be afforded reasonable access to policymaking and administrative personnel in State and local rehabilitation programs, projects, and facilities.

(3) The project shall submit an annual report, through the State agency designated pursuant to section 101, to the Commissioner on the operation of the project during the previous year, including a summary of the work done and a uniform statistical tabulation of all cases handled by such project. A copy of each such report shall be submitted to the appropriate committees of the Congress by the Commissioner, together with a summary of such reports and his evaluation of such projects including appropriate recommendations.

(4) Each State agency may enter into cooperative arrangements with institutions of higher education to secure the services in such projects of graduate students who are undergoing clinical training activities in related fields. No compensation with funds appropriated under this Act shall be provided to such students.

(5) Reasonable assurance shall be given by the appropriate State agency that all clients or client applicants within the project area shall have the opportunity to receive adequate service under the project and shall not be pressured against or otherwise discouraged from availing themselves of the services available under such project.

(6) The project shall be funded, administered, and operated directly by the State agency designated pursuant to section 101.

PART C—INNOVATION AND EXPANSION GRANTS

STATE ALLOTMENTS

SEC. 120. (a)(1) From the sums available pursuant to section 100(b)(2) for any fiscal year for grants to States to assist them in meeting the costs described in section 121, each State shall be entitled to an allotment of an amount bearing the same ratio to such sums as the population of the State bears to the population of all the States. The allotment to any State under the preceding sentence for any fiscal year which is less than $50,000 (or such other amount as may be specified as a minimum allotment in the Act appropriating such sums for such year) shall be increased to that amount, and for the fiscal years ending June 30, 1973, and June 30, 1974, no State shall receive less than the amount necessary to cover up to 90 per centum of the cost of continuing projects assisted under section 4(a)(2)(A) of the Vocational Rehabilitation Act, except that no such project may receive financial assistance under both the Vocational Rehabilitation Act and this Act for a total period of time in excess of three years. The total of the increase required by the preceding sentence shall be derived by proportionately reducing the allotments to each of the remaining States under the first sentence of this section, but with such adjustments as may be necessary to prevent the allotment of any of such remaining States from thereby being reduced to less than $50,000.

(b) Whenever the Commissioner determines that any amount of an allotment to a State for any fiscal year will not be utilized by such State in carrying out the purposes of this section, he shall make such amount available for carrying out the purposes of this section to one or more other States which he determines will be able to use additional amounts during such year for carrying out such purposes. Any amount made available to a State for any fiscal year pursuant to the preceding sentence shall, for purposes of this part, be regarded as an increase of such State's allotment (as determined under the preceding provisions of this section) for such year.

PAYMENTS TO STATES

SEC. 121. (a) From each State's allotment under this part for any final year, the Commissioner shall pay to such State or, at the option of the State agency designated pursuant to section 101(a)(1), to a public or nonprofit organization or agency, a portion of the cost of planning, preparing for, and initiating special programs under the State plan approved pursuant to section 101 to expand vocational rehabilitation services, including programs to initiate or expand such services to individuals with the most severe handicaps, or of special programs under such State plan to initiate or expand services to classes of handicapped individuals who have unusual and difficult problems in connection with their rehabilitation, particularly handicapped individuals who are poor, and responsibility for whose treatment, education, and rehabilitation is shared by the State agency designated in section 101 with other agencies. The Commissioner may require that any portion of a State's allotment under this section, but not more than 50 per centum of such allotment, may be expended in connection with only such projects as have first been approved by the Commissioner. Any grant of funds under this section which will be used for direct services to handicapped individuals or for establishing or maintaining facilities which will render direct services to such individuals must have the prior approval of the appropriate State agency designated pursuant to section 101.

(b) Payments under this section with respect to any project may be made for a period of not to exceed three years beginning with the commencement of the project as approved, and sums appropriated for grants under this section shall remain available for such grants through the fiscal year ending June 30, 1976. Payments with respect to any project may not exceed 90 per centum of the cost of such project. The non-Federal share of the cost of a project may be in cash or in kind and may include funds spent for project purposes by a cooperating public or nonprofit agency provided that it is not included as a cost in any other federally financed program.

(c) Payments under this section may be made in advance or by way of reimbursement for services performed and purchases made, as may be determined by the Commissioner, and shall be made on such conditions as the Commissioner finds necessary to carry out the purposes of this section.

Mr. BRADEMAS (during the reading). Mr. Chairman, I ask unanimous consent that further reading of the bill be dispensed with and that it be open to amendment at any point.

Mr. GROSS. Mr. Chairman, reserving the right to object, will the gentleman amend that request to read "by title"?

Mr. BRADEMAS. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield to the gentleman.

Mr. BRADEMAS. Mr. Chairman, I will be very glad to amend that.

Mr. Chairman, I ask unanimous consent that further reading of the title be dispensed with.

Mr. GROSS. And that the title be open to amendment?

Mr. BRADEMAS. And that the title be open to amendment.

Mr. GROSS. Mr. Chairman, I withdraw my reservation.

The CHAIRMAN. Is there objection to the request of the gentleman from Indiana?

There was no objection.

AMENDMENT OFFERED BY MR. HENDERSON

Mr. HENDERSON. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. HENDERSON; on page 123 of the reported bill, amend section 3(d) to read as follows:

"(d) In order to carry out the purposes of this Act, the authorized level of full-time personnel, or the equivalent, assigned to the Rehabilitation Services Administration to carry out duties related to the administration of this Act, is increased by sixty."

Mr. HENDERSON. Mr. Chairman, the purpose of the amendment I have offered is to strike from the reported bill the language contained in section 3(d)(1) which authorizes an additional 10 supergrade positions for the Rehabilitation Services Administration.

This is yet another example of legislation that is reaching the House floor with provisions that violate the statutory standards and controls relating to Federal employment.

The Committee on Post Office and Civil Service has primary jurisdiction over all matters relating to the compensation, classification, and retirement of Federal employees.

The standards, controls, and limitations relating to these matters are spelled out very specifically in title 5 of the United States Code.

Our committee feels that any exceptions to such statutory standards and controls should be granted only in the most unusual circumstances and only when fully justified before our committee.

In the present case we have had no request and no opportunity to consider whether there is any justification for authorizing 10 additional supergrades for the Rehabilitation Services Administration.

The Committee report on this bill contains no justification whatsoever for the additional supergrade positions.

Moreover, it is significant to note that by letter dated January 31, 1973, addressed to the Speaker of the House, the Civil Service Commission reported that as of December 31, 1972, there were 251 supergrade quota positions available for distribution by the Commission.

These supergrade positions, which are authorized under section 5108(a) of title 5, United States Code, are distributed by the Civil Service Commission to those departments and agencies of the Government that can justify a legitimate need for such additional positions.

Therefore, there would appear to be no necessity at the present time for increasing the general supergrade pool by 10 positions as is proposed by section 3(d)(1) of H.R. 17.

If there is a need for additional supergrades to staff the proposed Rehabilitation Services Administration, our committee will give immediate attention to the matter when we receive a request for the additional positions. We have no such request at the present time.

Mr. Chairman, I recommend the adoption of the amendment.

The referred to letter follows:

U.S. CIVIL SERVICE COMMISSION,
Washington, D.C., January 31, 1973.

Hon. CARL ALBERT,
Speaker of the House of Representatives,
Washington, D.C.

DEAR MR. SPEAKER: Title 5, Section 5114 of the United States Code, places certain annual reporting responsibilities on the Civil Service Commission and on other departments and agencies with respect to positions in grades GS-16, GS-17, and GS-18. This report concerns actions taken on those positions approved under title 5 U.S.C. 5108(a) during the calendar year 1972.

Attached are:

1. A summary of actions taken under the numerical limitations of title 5 U.S.C. 5108(a)—quota positions.
2. A summary of actions taken outside the numerical limitations of title 5 U.S.C. 5108(a)—nonquota positions.
3. A summary of actions taken regarding Administrative Law Judge positions.

Under separate cover, we are forwarding seven volumes of reports pertaining to positions covered by title 5 U.S.C. 5108(a) on an agency-by-agency basis.

We shall be happy to answer any questions you may have about the contents of this report.

Sincerely yours,
ROBERT E. HAMPTON,
Chairman.

Enclosures.

ENCLOSURES

Summary of actions taken outside the numerical limitations of title 5 U.S.C. 5108(a)—Nonquota positions, 1972

Non-quota positions are professional engineering positions primarily concerned with research and development, and professional positions in the physical and natural sciences and medicine.

Nonquota:	*Total*
Total approved positions as of January 1, 1972	1,398
Positions approved by CSC during 1972	323
	1,721
Positions cancelled by CSC during 1972	435
Total positions approved as of December 31, 1972	1,286

Summary of actions taken regarding administrative law judge positions—1972

Administrative law judge positions:	*Total*
Positions authorized as of January 1, 1972	249
Total number in use as of December 31, 1972	248
Positions remaining as of December 31, 1972	1

Summary of actions taken under numerical limitations of title 5 U.S.C. 5108(a)—quota positions, 1972

	Total
Total authorized positions as of January 1, 1972	2,754
Positions approved by CSC as of January 1, 1972	2,696
Positions available for distribution by CSC as of January 1, 1972	58
Positions cancelled by CSC during 1972	741
Positions available for distribution during 1972	799
Positions approved by CSC during 1972	527
	272
Positions in process of certification or committed as of December 31, 1972	21
Total available for CSC distribution as of December 31, 1972	[1] 251

Summary	GS-18	GS-17	GS-16	Total
Positions authorized by law as of Dec. 31, 1972	330	689	1,735	[1] 2,754
Positions approved by CSC as of Dec. 31, 1972	275	626	1,581	2,482
Remaining	55	63	154	272
Positions in process or committed as of Dec. 31, 1972			21	21
Remaining, Dec. 31, 1972	55	63	133	[2] 251

[1] Total number established by law cannot exceed 2,754—25 percent may be placed in GS-17, and 12 percent in GS-18. The quota within grades may be lowered or raised as long as it does not exceed 330 in GS-18 and 689 in GS-17, or a total of 2,754.

[2] On Dec. 11, 1972, President Nixon initiated a Government-wide freeze on promotions and new appointments. As a result the Civil Service Commission withdrew from all executive branch agencies 240 vacant authorizations. The large number of vacant authorizations was due primarily to the personnel changes taken place in most departments and agencies. As management changes take place at the top levels of the executive branch, the Commission expects that heavy demands will take place for reallocation of the quota authorizations and will probably far exceed the supply available. All requests for quota authorizations will be thoroughly evaluated to assure that the most effective and efficient use is being made of the available quota authorizations.

Mr. BRADEMAS. Mr. Chairman, will the gentleman yield?

Mr. HENDERSON. I will yield to the gentleman from Indiana (Mr. BRADEMAS).

Mr. BRADEMAS. Mr. Chairman, the gentleman from North Carolina (Mr. HENDERSON) has discussed his amendment with the committee on our side, and we have no objection to the gentleman's amendment.

Mr. QUIE. Will the gentleman yield?

Mr. HENDERSON. I am delighted to yield to the gentleman from Minnesota.

Mr. QUIE. We have no objection on this side.

Mr. GROSS. Will the gentleman yield?

Mr. HENDERSON. I am delighted to yield to the gentleman from Iowa.

Mr. GROSS. I wish to commend the gentleman for his amendment. I am surprised that the Committee on Education and Labor would bring still another bill to the floor of the House despite the language in their report attempting to beef up this administrative office with 10 additional supergrades.

Mr. HENDERSON. I thank the gentleman for his continued support.

Mr. Chairman, I take one further moment to say at the direction of the Committee on Post Office and Civil Service it will be our intention to attempt to remove all supergrade authority that might be contained in the legislation presented to this House in this session as we have done in past Congresses.

Mr. GROSS. Will the gentleman yield further?

Mr. HENDERSON. I am glad to yield further to the gentleman from Iowa.

Mr. GROSS. Those who are guiding this program have their remedy, which is to go to the Civil Service Commission and justify their position and draw from the pool of the Civil Service Commission.

Mr. HENDERSON. Again for emphasis let me say at the beginning of this year there were 251 unallocated positions in the supergrade positions in the civil service pool.

The CHAIRMAN. The question is on the amendment offered by the gentleman from North Carolina (Mr. HENDERSON).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. DU PONT

Mr. DU PONT. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. DU PONT: Section 111(a), Title I of H.R. 17 is hereby amended by inserting the following language at the end of line 14 thereof: "and except that the total of such payments to any state receiving a minimum allotment under Section 110(a) of this Title, shall not be less than such minimum allotment, the total of the increases thereby required being derived by proportionately reducing the payments to each of the remaining states under this section."

Mr. DU PONT. I rise, Mr. Chairman, to offer an amendment to the minimum allotment and payment section of the bill. This provision, Mr. Chairman, is critical to the State of Delaware. We in Delaware have an excellent vocational rehabilitation program which has virtually been dismantled in the last few months, because of the title IV-A ceiling imposed last year. I must admit that I tried in vain to insert a hold harmless provision in that ceiling, but I could not convince the distinguished chairman of the Committee on Appropriations to agree. As a result, Delaware, which was expecting to receive approximately $26 million, wound up receiving only about $8.3 million. And this, Mr. Chairman, was a cut of $17 million annually, that had to be accomplished in 6 months. Because our vocational rehabilitation program was so successful, we in Delaware had been using a considerable amount of title IV–A funds and the funds provided by the Federal Government under the present Vocational Rehabilitation Act to supplement State funding. Now that we have lost these funds by an act of Congress, the only hope we have left, is to get some relief from the minimum allotment section of this bill. And, I might add that the $2 million minimum, is only half of the title IV–A actual cutback from funding received in fiscal year 1972. So we need the minimum $2 million amount to take half a step forward after the full step backward we were forced to take by the action of the 92d Congress.

In an earlier colloquy with the gentleman from Indiana, he underscored the intention of the committee to insure every State in the Union a minimum $2 million allotment for use for basic vocational rehabilitation services.

This intention is clearly stated at the top of page 14 of the committee report, where the committee states that—

> The committee recognizes that a certain minimum level of funding is necessary to conduct an adequate program in any state.

And the committee states that that minimum should be $2 million.

As I read section 110, you have made careful provision to explain that if the appropriation is less than the $700 million authorization, each State's minimum allotment is adjusted—subtracting a pro rata allotment from other States—so that Delaware, for example, would still have a minimum allotment of $2 million.

But the problem has arisen, Mr. Chairman, not in the adjustment of the allotment, but in the actual payment. We in Delaware cannot spend an allotment; we can only spend cold, hard cash. I have been led to believe that an appropriation level less than the authorization level will result in Delaware getting a payment less than the minimum allotment. This amendment, Mr. Chairman, seeks to insure that the actual payment to the States having a minimum allotment will not be less than that allotment. It also adjusts the payment to the other States downward, to make up the difference.

We in Delaware need this amendment, Mr. Chairman, and I appreciate your willingness to accept it. This should make the intent of Congress crystal clear in this matter. Delaware's allotment will be $2 million, and its actual payment will be $2 million, regardless of the appropriation level.

Mr. BRADEMAS. Will the gentleman yield?

Mr. DU PONT. I am happy to yield to the gentleman.

Mr. BRADEMAS. Mr. Chairman, the purpose of the gentleman's amendment which he has discussed with the committee is to strengthen that part of section 110 that has to do with the minimum allotment from several States, and the committee on this side has no objection to the gentleman's amendment.

Mr. DU PONT. I thank the gentleman.

Mr. QUIE. Will the gentleman yield?

Mr. DU PONT. I am glad to yield to the gentleman from Minnesota.

Mr. QUIE. I wish to state that the committee on this side finds the amendment quite acceptable.

Mr. DU PONT. I thank the gentleman, and I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Delaware (Mr. DU PONT).

The amendment was agreed to.

The CHAIRMAN. Are there any further amendments to be proposed to title I? If not, the Clerk will read.

The Clerk read as follows:

TITLE II—COMPREHENSIVE REHABILITATION SERVICES

DECLARATION OF PURPOSES; AUTHORIZATION OF APPROPRIATIONS

SEC. 200. (a) The purpose of this title is to authorize grants (supplementary to grants for vocational rehabilitation services under title I of this Act) to assist the several States in developing and implementing continuing plans for meeting the current and future needs of handicapped individuals for whom a vocational goal is not possible or feasible, including the assessment of disability and rehabilitation potential, and for the training of specialized personnel needed for the provision of services to such individuals and research related thereto.

(b) In order to make grants to carry out the purposes of this title, there is authorized to be appropriated $10,000,000 for the fiscal year ending June 30, 1973, $25,000,000 for the fiscal year ending June 30, 1974, and $50,000,000 for the fiscal year ending June 30, 1975.

STATE ALLOTMENTS

SEC. 201. (a) From sums appropriated to carry out the provisions of this title for each fiscal year, less the amounts reserved by the Commissioner for projects under section 204, each State shall be entitled to an allotment of an amount bearing the same ratio to such sums as the product of (1) the population of the State, and (2) its allotment percentage bears to the sum of the corresponding products for all of the States. The allotment to any State under the preceding sentence for any fiscal year which is less than $150,000 shall be increased to that amount, the total of the increases thereby required being derived by proportionately reducing the allotments to each of the remaining States under the preceding sentence, but with such adjustments as may be necessary to prevent the allotment of any such remaining States from being thereby reduced to less than that amount.

(b) Whenever the Commissioner determines that any amount of an allotment to a State for any fiscal year will not be utilized by such State in carrying out the purposes of this section, he shall make such amount available for carrying out the purposes of this section to one or more other States to the extent he determines such other State will be able to use additional amounts during such year for carrying out such purpose. Any amount made available to a State for any fiscal year pursuant to the preceding sentence shall, for the purpose of this title, be regarded as an increase in the State's allotment (as determined under the preceding provisions of this section) for such year.

(c) In any fiscal year for which appropriations pursuant to this section do not exceed $20,000,000, the Commissioner, subsections (a) and (b) of this section and section 202(a) to the contrary notwithstanding and subject to the provisions of section 313, shall carry out the purposes of this title by making grants to States and public or nonprofit organizations and agencies to pay the Federal share of the expenditures for such projects. Projects receiving such grants shall be carried out under the State plan approved under section 101 (except for the priorities in the order of selection required by section 101(a)(5)(A)) in a manner consistent with the State program submitted under section 203.

PAYMENTS TO STATES

SEC. 202. (a) From each State's allotment under this title for any fiscal year, the Commissioner shall pay to such State the Federal share of the expenditures incurred during such year under its State program submitted under section 203 and approved as part of the State plan approved under section 101. Such payments may be made (after necessary adjustments on account of previously made overpayments or underpayments) in advance or by way of reimbursement, and in such installments and on such conditions as the Commissioner may determine.

(b) The Federal share with respect to any State shall be 90 per centum of the expenditures incurred by the State during such year under its State program submitted under section 203 and approved as part of the State plan under section 101.

STATE PROGRAMS

SEC. 203. As a condition for receiving grants under this Act for the fiscal year ending June 30, 1973, a State must submit within one hundred and eighty days after the date of enactment of this Act an amendment to its plan submitted to the Commissioner under section 101 or to the Secretary under section 5 of the Vocational Rehabilitation Act which includes a program for provision of comprehensive rehabilitation services to bring about the rehabilitation of handicapped individuals under this title. A State shall also include such a program in its plan under section 101 submitted for each subsequent fiscal year. Such program, in addition to those requirements provided in section 101 (a)(6), shall (1) designate the State agency or agencies administering the State plan for vocational rehabilitation as the agency or agencies to administer funds provided under this title; (2) provide that comprehensive rehabilitation services will be provided for the rehabilitation of handicapped individuals only in accordance with the individualized written rehabilitation program required by section 102 and only after the requirements of subsection (c) of such sections have been met; (3) describe the quality, scope, and extent of the services being provided; (4) demonstrate that the State has studied and considered a broad variety of means for providing comprehensive rehabilitation services under this title, including but not limited to, regional and community centers, halfway houses, services to homebound and institutionalized individuals, and patient-release programs, where such programs are appropriate and beneficial; (5) be approved or disapproved under the criteria and procedures provided with respect to the State plan submitted under section 101; and (6) conform to such other requirements as the Commissioner by regulation may prescribe.

SPECIAL PROJECTS

SEC. 204. From sums appropriated under section 200(b), the Commissioner may retain not to exceed 10 per centum or $500,000, whichever is smaller, to enable him to make grants to States and public and nonprofit agencies or organizations to pay part of the cost of projects for research and demonstration and training which hold promise of making a substantial contribution to the solution of problems related to the rehabilitation of individuals under this title.

DEFINITION

SEC. 205. For the purposes of this title, the term "rehabilitation" means the goal of achieving, through the provision of comprehensive rehabilitation services, substantial improvement in the ability to live independently or function normally with his family or community on the part of a handicapped individual, who, according to a certification under section 102(c), is not then capable of achieving a vocational goal.

Mr. BRADEMAS (during the reading). Mr. Chairman, I ask unanimous consent that further reading of the title be dispensed with and that it be printed in the RECORD and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Indiana

There was no objection.

Mr. ROBISON of New York. Mr. Chairman, I move to strike the last word.

Mr. Chariman, only rarely do I take the floor to speak on bills not coming out of my own committee. But I do so, today, not because I am an expert on the subject matter of the legislation before us, but because I wish to deliver myself of a complaint.

I am not sure where that complaint ought to be directed—and it is likely to fall on deaf ears in any event. But I suspect it is a complaint that, if not being voiced by many of my colleagues, is nevertheless one that is shared by a goodly number of them.

The Nader "profile" as done on me last year suggested, among other things, that I was a "facilitator" and a "compromiser." I did not take that characterization as unkind criticism inasmuch as I have always understood that legislative procedures, if they are to work at all under our system, require a good deal of compromise—not with basic principles—but just to find a workable consensus for action, and because I have also always believed that, in general, politics is the art of the possible.

Similarly, I have never really been all that interested in the question of whether I was a liberal or a conservative, since by my own lights I am a moderate who feels most comfortable in the middle of the road, and since I have further believed that it is the great bloc of moderates here in this House, from both sides of the aisle, who have provided the meld that holds our political system together and keeps it a viable, operative system.

But this year, Mr. Chairman, is a different sort of year—or, at least, it has been so far. There is—and this is the burden of my complaint—no perceivable middle ground; no middle of the road to travel, and no room for compromise, as the bill offered us today so amply demonstrates.

I am concerned—we all are concerned—with the plight and needs of those requiring vocational rehabilitation, and also with the special problems of older Americans, as well. I have not checked, but I presume I voted for last year's version of both of these bills, as some evidence of that concern.

But that was action taken under somewhat different circumstances, even though the fiscal situation giving rise to our current, and shared, budgetary dilemmas was present then, too. That fiscal situation has now been elevated by the President—and properly so—to a position of top public and political concern, and, by and large, I have no quarrel with the President over the firm stand he has since taken to control Federal spending and to use his new budget, along with the lever of impoundment, to force us to reconsider our own standards for self-discipline and our own concept of fiscal responsibility.

I wish to be consistent in supporting the President in that overall and difficult task he has set both for himself and for the Congress, and I believe I have been consistent in that support, so far.

However, carrying consistency too far can easily get anyone of us into a straitjacket. Particularly, can it rob the moderate of the opportunity to make commonsense decisions on national priorities for action—especially in the context of the kind of issues we will face this year.

The President, on the other hand, is being admirably consistent—either we take his position, or we get nothing.

In view of the problems we face—and face together, President and Congress—I cannot help wondering if such consistency is an affordable luxury.

A more pleasant—and viable—situation would be the more familiar one wherein a President who, himself, wanted something from Congress was seeking accommodation with it, as a supposedly coequal branch of Government, or was at least willing to listen to congressional alternatives. For the time being—and for whatever combination of reasons—this does not seem to be the present case. This makes it difficult, if not impossible, to seek out areas where compromise—in the best sense of that term—may be possible. It also creates a situation whereunder it is easy to fall into the trap of making value judgments on substantive issues on the basis of "consistency" as defined by the President—either you support him all the way, or you oppose him.

Oh, Mr. Chairman, if only things were that simple.

Far better that we had, here, that accustomed amount of flexibility to make value judgments on bills such as the one before us, or on amendments thereto, on the basis of whether or not the programs extended or authorized thereunder will meet the problems addressed thereby, rather than on the mere basis of whether or not they pass a sort of Presidential "litmus test."

On this bill to be specific, I have been seeking to find those essential areas for compromise. But there is apparently no one to compromise with. The President offers—through the gentleman from Indiana (Mr. LANDGREBE), lonely soul that he appears to be—his idea of what is sufficient in this area of concern, and lets us know through a variety of sources that anything beyond those proposals is automatically too much and, just as automatically, will be vetoed. I have tried to find out, for what it is worth, if the White House would more favorably consider this vocational rehabilitation bill if, for instance, title II thereof were stricken out or cut back. There is much to recommend title II but, since it does vastly expand the scope of existing programs, at least some of which expansion could be postponed to a brighter fiscal day, this might be the appropriate thing to try to do. But, apparently, not even Mr. LANDGREBE is going to make this effort because, as he told me, there is no administration interest in improving its substitute proposal that he has offered. Of course, one can try to accomplish that same result—eliminating title II—by voting for the Landgrebe substitute as I did but, since that effort failed, one is left with the unhappy fact of seeming to accept the administration's rationale as to what is needed, here, in little more than "rubber-stamp" fashion which is not my idea of legislative responsibility, especially since I understand the committee did not really consider the substitute or its effect.

Mr. Chairman, our imperfect world is dealing us imperfect alternatives. As we head, once again, toward stalemate, it appears that, for those of us who do not feel comfortable with imperfect alternatives, this will be a very long and agonizing year. The scenario for this year's events is already set: A committee will report a bill completely unacceptable to the administration; at least one committee member will be found to offer the administration's position as a substitute, and that will fail; and if there is no interest on the administration's part in compromise, few if any amendments will be offered in an effort to find the middle-road.

Hence, most of us will face—all year long—only a choice between a bill that goes too far, and an administration position which, in the minds of perhaps a majority of us, does not go far enough.

Carried on to extremes, this can only lead to a near total breakdown of our whole legislative process—a breakdown in which there can be no winner, and only losers.

Unless, that is—eternal optimist that I suppose I am—a new and better atmosphere can somehow be created as between White House and Capitol Hill. Although I see the President as having been, up to now, far more stubborn than arrogant in taking the positions he has, Walter Heller—former member of the Council of Economic Advisers—recently had something to say about all this, though with reference to the budgetary hassle. His words, before it is too late, deserve attention both here and downtown, so here they are:

> Both arrogance and anger are expensive luxuries, mortal enemies of rationality in the budget process. Far better that the White House should treat the Congress as a coordinate branch of government and seek a detente which recognizes (1) that the Democratic Congress also enjoyed a big victory at the polls in November and has every right to participate in the setting of budgetary priorities; and (2) that a cooperative advance toward a more rational budget, with some give on both sides, could pay rich dividends.

Mr. Chairman, I hasten to repeat that I believe the President to be right in the stand he has taken for fiscal sanity, and to say that I do not offer the above quotation to support the Democratic majority in this Congress since it continues to give every indication of being able to take care of itself. But I do offer that quotation in an effort to promote a "come-let-us-reason-together" attitude on both sides of what is, after all, a national and bipartisan problem, and in the sincere belief that it could—as Heller notes—"pay rich dividends."

I feel better, Mr. Chairman, for having delivered myself of this complaint—and I can only hope that somehow, somewhere, it may do some good else this will be a very bad year, indeed.

The CHAIRMAN. Are there any amendments to be proposed to title II? If not, the Clerk will read title III.

The Clerk read as follows:

TITLE III—SPECIAL FEDERAL RESPONSIBILITIES

DECLARATION OF PURPOSE

SEC. 300. The purpose of this title is to—

(1) authorize grants and contracts to assist in the construction and initial staffing of rehabilitation facilities;

(2) authorize grants and contracts to assist in the provision of vocational training services to handicapped individuals;

(3) to insure mortgages covering the construction of certain nonprofit rehabilitation facilities and authorize annual interest grants to help meet the cost of making principal payments in connection with such mortgages, whether so insured or not;

(4) authorize grants for special projects and demonstrations which hold promise of expanding or otherwise improving rehabilitation services to handicapped individuals, which experiment with new types or patterns of services or devices for the rehabilitation of handicapped individuals (including opportunities for new careers for handicapped individuals, and for other individuals in programs serving handicapped individuals) and which provide vocational and comprehensive rehabilitation services to handicapped migratory agricultural workers or seasonal farmworkers;

(5) establish and operate a National Center for Deaf-Blind Youths and Adults;

(6) authorize grants and contracts to establish and operate Rehabilitation Centers for Deaf Individuals;

(7) establish and operate National Centers for Spinal Cord Injuries;

(8) provide services for the treatment of individuals suffering from end-stage renal disease;

(9) authorize grants and contracts to assist in the provision of rehabilitation services to older blind individuals and in the application of new types or patterns of services or devices for the benefit of such individuals;

(10) establish a National Advisory Council on Rehabilitation of Handicapped Individuals to advise the Commissioner and Secretary and conduct reviews with respect to programs carried out under this Act;

(11) establish State Advisory Councils to advise Governors and State agencies in carrying out State plans approved under this Act; and

(12) establish uniform grant and contract requirements for programs assisted under this title and certain other provisions of this Act.

GRANTS FOR CONSTRUCTION OF REHABILITATION FACILITIES

SEC. 301. (a) For the purpose of making grants and contracts under this section for construction of rehabilitation facilities, initial staffing, and planning assistance, there is authorized to be appropriated $15,000,000 for the fiscal year ending June 30, 1973; $20,000,000 for the fiscal year ending June 30, 1974; and $25,000,000 for the fiscal year ending June 30, 1975. Amounts so appropriated shall remain available for expenditure with respect to construction projects funded or initial staffing grants made under this section prior to July 1, 1977.

(b)(1) The Commissioner is authorized to make grants to assist in meeting the costs of construction of public or nonprofit rehabilitation facilities. Such grants may be made to States and public or nonprofit organizations and agencies for projects for which applications are approved by the Commissioner under this section.

(2) To be approved, an application for a grant for a construction project under this section must conform to the provisions of section 313.

(3) The amount of a grant under this section with respect to any construction project in any State shall be equal to the same percentage of the cost of such project as the Federal share which is applicable in the case of rehabilitation facilities (as defined in section 645(g) of the Public Health Service Act (42 U.S.C. 291o(a)), in such State, except that if the Federal share with respect to rehabilitation facilities in such State is determined pursuant to subparagraph (b)(2) of section 645 of such Act (42 U.S.C. 291o(b)(2)), the percentage of the cost for purposes of this section shall be determined in accordance with regulations prescribed by the Commissioner designed to achieve as nearly as practicable results comparable to the results obtained under such subparagraph.

(c) The Commissioner is also authorized to make grants to assist in the initial staffing of any public or nonprofit rehabilitation facility constructed after the date of enactment of this section (whether or not such construction was financed with the aid of a grant under this section) by covering part of the costs (determined in accordance with regulations the Commissioner shall prescribe) of compensation of professional or technical personnel of such facility during the period beginning with the commencement of the operation of such facility and ending with the close of four years and three months after the month in which such operation commenced. Such grants with respect to any facility may not exceed 75 per centum of such costs for the period ending with the close of the fifteenth month following the month in which such operation commenced, 60 per centum of such costs for the first year thereafter, 45 per centum of such costs for the second year thereafter, and 30 percentum of such costs for the third year thereafter.

(d) The Commissioner is also authorized to make grants upon application approved by the State agency designated under section 101 to administer the State plan, to public or nonprofit agencies, institutions, or organizations to assist them in meeting the cost of planning rehabilitation facilities and the services to be provided by such facilities.

VOCATIONAL TRAINING SERVICES FOR HANDICAPPED INDIVIDUALS

SEC. 302. (a) For the purpose of making grants and contracts under this section, there is authorized to be appropriated $15,000,000 for the fiscal year ending June 30, 1973; $25,000,000 for the fiscal year ending June 30, 1974; and $30,000,000 for the fiscal year ending June 30, 1975.

(b)(1) The Commissioner is authorized to make grants to States and public or nonprofit organizations and agencies to pay up to 90 per centum of the cost of projects for providing vocational training services to handicapped individuals, especially those with the most severe handicaps, in public or nonprofit rehabilitation facilities.

(2)(A) Vocational training services for purposes of this subsection shall include training with a view toward career advancement; training in occupational skills; related services, including work evaluation, work testing, provision of occupational tools and equipment required by the individual to engage in such training, and job tryouts; and payment of weekly allowances to individuals receiving such training and related services.

(B) Such allowances may not be paid to any individual for any period in excess of two years, and such allowances for any week shall not exceed $30 plus $10 for ach of the individual's dependents, or $70 whichever is less. In determining the amount of such allowances for any individual, consideration shall be given to the individual's need for such an allowance, including any expenses reasonably attributable to receipt of training services, the extent to which such an allowance will help assure entry into and satisfactory completion of training, and such other factors, specified by the Commissioner, as will promote such individual's capacity to engage in gainful and suitable employment.

(3) The Commissioner may make a grant for a project pursuant to this subsection only on his determination that (A) the purpose of such project is to prepare handicapped individuals, especially those with the most severe handicaps, for gainful and suitable employment; (B) the individuals to receive training services under such project will include only those who have been determined to be suitable for and in need of such training services by the State agency or agencies designated as provided in section 101(a)(1) of the State in which the rehabilitation facility is located; (C) the full range of training services will be made available to each such individual, to the extent of his need for such services; and (D) the project, including the participating rehabilitation facility and the training services provided, meet such other requirements as he may prescribe in regulations for carrying out the purposes of this subsection.

(c)(1) The Commissioner is authorized to make grants to public or nonprofit rehabilitation facilities, or to an organization or combination of such facilities, to pay the Federal share of the cost of projects to analyze, improve, and increase their professional services to handicapped individuals, their management effectiveness, or any other part of their operations affecting their capacity to provide employment and services for such individuals.

(2) No part of any grant made pursuant to this subsection may be used to pay costs of acquiring, constructing, expanding, remodeling, or altering any building.

MORTGAGE INSURANCE FOR REHABILITATION FACILITIES

SEC. 303. (a) It is the purpose of this section to assist and encourage the provision of urgently needed facilities for programs for handicapped individuals.

(b) For the purpose of this section the terms "mortgage", "mortgagor", "mortgagee", "maturity date", and "State" shall have the meanings respectively set forth in section 207 of the National Housing Act.

(c) The Commissioner, in consultation with the Secretary of Housing and Urban Development, and subject to the provisions of section 313, is authorized to insure up to 100 per centum of any mortgage (including advances on such mortgage during construction) in accordance with the provisions of this section upon such terms and conditions as he may prescribe and make commitments for insurance of such mortgage prior to the date of its execution or disbursement thereon, except that no mortgage of any public agency shall be insured under this section if the interest from such mortgage is exempt from Federal taxation.

(d) In order to carry out the purpose of this section, the Commissioner is authorized to insure any mortgage which covers construction of a public or nonprofit rehabilitation facility, including equipment to be used in its operation, subject to the following conditions:

(1) The mortgage shall be executed by a mortgagor, approved by the Commissioner, who demonstrates ability successfully to operate one or more programs for handicapped individuals. The Secretary may in his discretion require any such mortgagor to be regulated or restricted as to minimum charges and methods of financing, and, in addition thereto, if the mortgagor is a corporate entity, as to capital structure and rate of return. As an aid to the regulation or restriction of any mortgagor with respect to any of the foregoing matters, the Commissioner may make such contracts with and acquire for not to exceed $100 such stock of interest in such mortgagor as he may deem necessary. Any stock or interest so purchased shall be paid for out of the Rehabilitation Facilities Insurance Fund (established by subsection (h) of this section), and shall be redeemed by the mortgagor at par upon the termination of all obligations of the Commissioner under the insurance.

(2) The mortgage shall involve a principal obligation in an amount not to exceed 90 per centum of the estimated replacement cost of the property or project, including equipment to be used in the operation of the rehabilitation facility, when the proposed improvements are completed and the equipment is installed, but not including any cost covered by grants-in-aid under this Act or any other Federal Act.

(3) The mortgage shall—

(A) provide for complete amortization by periodic payments within such term as the Commissioner shall prescribe, and

(B) bear interest (exclusive of premium charges for insurance and services charges, if any) at not to exceed such per centum per annum on the principal obligation outstanding at any time as the Commissioner finds necessary to meet the mortgage market.

(e) The Commisioner shall fix and collect premium charges for the insurance of mortgages under this section which shall be payable annually in advance by the mortgagee, either in cash or in debentures of the Rehabilitation Facilities Insurance Fund (established by subsection (h) of this section) issued at par plus accrued interest. In the case of any mortgage such charge shall be not less than an amount equivalent to one-fourth of 1 per centum per annum nor more than an amount equivalent to 1 per centum per annum of the amount of the principal obligation of the mortgage outstanding at any one time, without taking into account delinquent payments or prepayments. In addition to the premium charge herein provided for, the Commissioner is authorized to charge and collect such amounts as he may deem reasonable for the appraisal of a property or project during construction; but such charges for appraisal and inspection shall not aggregate more than 1 per centum of the original principal face amount of the mortgage.

(f) The Commissioner may consent to the release of a part or parts of the mortgaged property or project from the lien of any mortgage insured under this section upon such terms and conditions as he shall by regulation prescribe.

(g) (1) The Commissioner shall have the same functions, powers, and duties (insofar as applicable) with respect to the insurance of mortgages under this section as the Secretary of Housing and Urban Development has with respect to the insurance of mortgages under title II of the National Housing Act. The Commissioner may, pursuant to a formal delegation agreement containing regulations prescribed by him, delegate to the Secretary of Housing and Urban Development authority to administer this section and section 304 of this Act in accordance with such delegation agreement.

(2) The provisions of subsections (e), (g), (h), (i), (j), (k), (l), and (n) of section 207 of the National Housing Act shall apply to mortgages insured under this section; except that, for the purposes of their application with respect to such mortgages, all references in such provisions to the General Insurance Fund shall be deemed to refer to the Rehabilitation Facilities Insurance Fund (established by subsection (h) of this section) and all references in such provisions to "Secretary" shall be deemed to refer to the Commisioner of the Rehabilitation Services Administration within the Department of Health, Education, and Welfare.

(h) (1) There is hereby created a Rehabilitation Facilities Insurance Fund which shall be used by the Commissioner as a revolving fund for carrying out all the insurance provisions of this section. All mortgages insured under this section shall be insured under and be the obligation of the Rehabilitation Facilities Insurance Fund.

(2) The general expenses of the operations of the Rehabilitation Services Administration relating to mortgages insured under this section may be charged to the Rehabilitation Facilities Insurance Fund.

(3) Moneys in the Rehabilitation Facilities Insurance Fund not needed for the current operations of the Rehabilitation Services Administration with respect to mortgages insured under this section shall be deposited with the Treasurer of the United States to the credit of such fund, or invested in bonds or other obligations of, or in bonds or other obligations guaranteed as to principal and interest by, the United States. The Commissioner may, with the approval of the Secretary of the Treasury, purchase in the open market debentures issued as obligations of the Rehabilitation Facilities Insurance Fund. Such purchases shall be made at a price which will provide an investment yield of not less than the yield obtainable from other investments authorized by this section. Debentures so purchased shall be canceled and not reissued.

(4) Premium charges, adjusted premium charges, and appraisals and other fees received on account of the insurance of any mortgage under this section, the receipts derived from property covered by such mortgages and from any claims, debts, contracts, property, and security assigned to the Commissioner in connection therewith, and all earnings as the assets of the fund, shall be credited to the Rehabilitation Facilities Insurance Fund. The principal of, and interest paid and to be paid on, debentures which are the obligation of such funds, cash insurance payments and adjustments, and expenses incurred in the handling, management, renovation, and disposal of properties acquired, in connection with mortgages insured under this section, shall be charged to such fund.

(5) There are authorized to be appropriated to provide initial capital for the Rehabilitation Facilities Insurance Fund, and to assure the soundness of such fund thereafter, such sums as may be necessary, except that the total amount of outstanding mortgages insured shall not exceed $250,000,000.

ANNUAL INTEREST GRANTS FOR MORTGAGES FOR REHABILITATION FACILITIES

SEC. 304. (a) To assist States and public or nonprofit agencies and organizations to reduce the cost of borrowing from other sources for the construction of rehabilitation facilities, the Commissioner, subject to the provisions of section 313, may make annual interest grants to such agencies.

(b) Annual interest grants under this section with respect to any rehabilitation facility shall be made over a fixed period not exceeding forty years, and provision for such grants shall be embodied in a contract guaranteeing their payment over such period. Each such grant shall be in an amount sufficient to reduce by 4 per centum the net effective interest rate otherwise payable on the loan or to equal one-half of such rate, whichever is the lesser amount: *Provided,* That the amount on which such grant is based shall be approved by the Commissioner.

(c) (1) There are authorized to be appropriated to the Commissioner such sums as may be necessary for the payment of annual interest grants in accordance with this section.

(2) Contracts for annual interest grants under this section shall not be entered into an aggregate amount greater than is authorized in appropriation Acts; and in any event the total amount of annual interest grants which may be paid pursuant to contracts entered into under this section shall not exceed $1,000,000 with respect to contracts entered into prior to June 30, 1973; $2,000,000 with respect to contracts entered into prior to June 30, 1974; and $4,000,000 with respect to contracts entered into prior to June 30, 1975.

(3) Not more than 15 per centum of the funds expended under this section may be used within any one State in any one fiscal year.

SPECIAL PROJECTS AND DEMONSTRATIONS

SEC. 305. (a) (1) For the purpose of making grants under this section for special projects and demonstrations (and research and evaluation connected therewith), there is authorized to be appropriated $20,000,000 for the fiscal year ending June 30, 1973, $50,000,000 for the fiscal year ending June 30, 1974, and $75,000,000 for the fiscal year ending June 30, 1975.

(2) Of the amounts appropriated pursuant to paragraph (1) of this subsection, 10 per centum, but in no event more than $10,000,000, in each such fiscal year shall be available only for the purpose of making grants under subsection (c) of this section, and there is authorized to be appropriated in each such fiscal year such additional amount as may be necessary to equal, when added to the amount made available for the purpose of making grants under such subsection, an amount of $10,000,000 to be available for each such fiscal year.

(b) The Commissioner, subject to the provisions of section 313, shall make grants to States and public or nonprofit agencies and organizations for paying part of the cost of special projects and demonstrations (and research and evaluation in connection therewith) (1) for establishing facilities and providing services which, in the judgment of the Commissioner, hold promise of expanding or otherwise improving rehabilitation services to handicapped individuals, especially those with the most severe handicaps, and (2) for applying new types or patterns of services or devices (including opportunities for new careers for handicapped individuals and for other individuals in programs servicing handicapped individuals).

(c) The Commissioner, subject to the provisions of section 313, is authorized to make grants to any State agency designated pursuant to a State plan approved under section 101, or to any local agency participating in the administration of such a plan, to pay up to 90 per centum of the cost of projects or demonstrations for the provision of vocational or comprehensive rehabilitation services to handicapped individuals who, as determined in accordance with rules prescribed by the Secretary of Labor, are migratory agricultural workers or seasonal farmworkers, and to members of their families (whether or not handicapped) who are with them, including maintenance and transportation of such individuals and members of their families where necessary to the rehabilitation of such individuals. Maintenance payments under this section shall be consistent with any maintenance payments made to other handicapped individuals in the State under this Act. Such grants shall be conditioned upon satisfactory assurance that in the provision of such services there will be appropriate cooperation between the grantee and other public or nonprofit agencies and organizations having special skills and experience in the provision of services to migratory agricultural workers, seasonal farmworkers, or their families. This subsection shall be administered in coordination with other programs serving migrant agricultural workers and seasonal farmworkers, including programs under title I of the Elementary and Secondary Education Act of 1965, section 311 of the Economic Opportunity Act of 1964, the Migrant Health Act, and the Farm Labor Contractor Registration Act of 1963.

(d) The Commissioner is authorized to make contracts or jointly financed cooperative arrangements with employers and organizations for the establishment of projects designed to prepare handicapped individuals for gainful and suitable employment in the competitive labor market under which handicapped individuals are provided training and employment in a realistic work setting and such other services (determined in accordance with regulations prescribed by the Commissioner) as may be necessary for such individuals to continue to engage in such employment.

(e) (1) The Commissioner is authorized, directly or by contract with State vocational rehabilitation agencies or experts or consultants or groups thereof, to provide technical assistance (A) to rehabilitation facilities, and (B) for the purpose of removal of architectural and transportation barriers, to any public or nonprofit agency, institution, organization, or facility.

(2) Any such experts or consultants shall, while serving pursuant to such contracts, be entitled to receive compensation at rates fixed by the Commissioner, but not exceeding the pro rata pay rate for a person employed as a GS–18, under section 5332 of title 5, United States Code, including traveltime, and while so serving away from their homes or regular places of business, they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons in the Government service employed intermittently.

NATIONAL CENTER FOR DEAF-BLIND YOUTHS AND ADULTS

SEC. 306. (a) For the purpose of establishing and operating a National Center for Deaf-Blind Youths and Adults, there is authorized to be appropriated $600,000 for the fiscal year ending June 30, 1973, $1,000,000 for the fiscal year ending June 30, 1974, and $1,500,000 for the fiscal year ending June 30, 1975, for construction, and such sums as may be necessary for the fiscal year ending June 30, 1973, and the two succeeding fiscal years for operations.

(b) In order—

(1) to demonstrate methods of (A) providing the specialized intensive services, and other services, needed to rehabilitate handicapped individuals who are both deaf and blind, and (B) training the professional and allied personnel needed adequately to staff facilities specially designed to provide such services and training to such personnel who have been or will be working with deaf-blind individuals;

(2) to conduct research in the problems of, and ways of meeting the problems of rehabilitating, deaf-blind individuals; and

(3) to aid in the conduct of related activities which will expand or improve the services for or help improve public understanding of the problems of deaf-blind individuals;

the Commissioner, subject to the provisions of section 313, is authorized to enter into an agreement with any public or nonprofit agency or organization for payment by the United States of all or part of the costs of the establishment and operation, including construction and equipment, of a center for vocational rehabilitation of handicapped individuals who are both deaf and blind, which center shall be known as the National Center for Deaf-Blind Youths and Adults.

(c) Any agency or organization desiring to enter into such agreement shall submit a proposal therefor at such time, in such manner, and containing such information as may be prescribed in regulations by the Commissioner. In considering such proposals the Commissioner shall give preference to proposals which (1) give promise of maximum effectiveness in the organization and operation of such Center, and (2) give promise of offering the most substantial skill, experience, and capability in providing a broad program of service, research, training, and related activities in the field of rehabilitation of deaf-blind individuals.

REHABILITATION CENTERS FOR DEAF INDIVIDUALS

SEC. 307. (a) For the purpose of making grants and contracts for the expansion and improvement of vocational or comprehensive rehabilitation services for deaf individuals (through the establishment of centers or other means), there is authorized to be appropriated such sums as may be necessary for the fiscal year ending June 30, 1973, and each of the succeeding fiscal years ending prior to July 1, 1975. Funds appropriated pursuant to this subsection shall remain available until expended.

(1) demonstrate methods of (A) providing the specialized services needed to rehabilitate and make maximum use of the vocational potential of deaf individuals, and (B) training the specialized professional and allied personnel required adequately to staff facilities designed to provide such services and training personnel who have been or will be working with such individuals;

(2) conduct research in the nature and prevention of the problems of such deaf individuals and in the rehabilitation of these individuals; and

(3) improve the understanding of the general public, employers in particular, of both the assets and problems of such deaf individuals;

the Commissioner, subject to the provisions of section 313, is authorized to make grants to or contracts with any public or nonprofit agency or organization for payment by the United States of all or part of the costs of the establishment and operation, including construction and equipment, of one or more centers for the vocational rehabilitation of deaf individuals whose maximum vocational potential has not been achieved, which shall be known as Rehabilitation Centers for Deaf Individuals.

(c) Any agency or organization desiring to receive a grant or enter into a contract under this section shall submit a proposal therefor at such time, in such manner, and containing such information as may be prescribed in regulations by the Commissioner. In considering such proposals the Commissioner shall give preference to proposals which (1) give promise of maximum effectiveness in the organization and operation of a Rehabilitation Center for Deaf Individuals, and (2) give promise of offering the substantial capability in providing a broad program of service and related research, training, and other activities in the field of rehabilitation of deaf individuals whose maximum vocational potential has not been achieved.

(d) For the purposes of this section, the Commissioner shall prescribe regulations to—

(1) provide a means of determining the population of deaf individuals whose maximum vocational potential has not been achieved;

(2) insure that, in carrying out the purposes of this section, provision has been made for coordination between the agency or organization receiving funds under this section on the one hand, and the State and local educational agencies in the area to be served on the other; and

(3) provide that an advisory board, comprised of qualified professional and expert individuals in the fields of rehabilitation and education of deaf individuals, be appointed to assure proper functioning of a center established under this section in accordance with its stated objectives and to provide assistance in professional, technical, and other related areas; and that at least one-third of the members of such board shall be deaf individuals.

(e) To be eligible to receive vocational or comprehensive rehabilitation services under this section, a deaf individual must be sixteen years of age or older, must have reached the age at which the compulsory school attendance laws of the State in which he resides are no longer applicable to him, and must be an individual whose maximum vocational potential (as defined in regulations which the Commissioner shall prescribe) has not been achieved.

(f) Programs carried out under this section shall be coordinated with programs carried out by the Bureau of Education for the Handicapped within the Office of Education in order to achieve a consistent education and rehabilitation philosophy, to provide for continuity of services and program purpose, and to avoid unnecessary duplication or overlap of programs.

NATIONAL CENTERS FOR SPINAL CORD INJURIES

SEC. 308. (a) For the purpose of establishing and operating National Centers for Spinal Cord Injuries, there is authorized to be appropriated $10,000,000 for the fiscal year ending June 30, 1973; $25,000,000 for the fiscal year ending June 30, 1974; and $30,000,000 for the fiscal year ending June 30, 1975. Funds appropriated under this section shall remain available until expended.

(b) In order—

(1) to help establish national centers with special competencies in providing prompt, complete vocational and comprehensive rehabilitaton services and acute medical care to individuals with spinal cord injuries;

(2) to assist in meeting the costs of such services to such individuals;

(3) to encourage and assist the study and development of methods for the provision of such services and, where appropriate and desirable, to carry out necessary related research and training; and

(4) to develop new methods of achieving cooperation with and among community and other public and nonprofit organizations concerned with the problems of spinal cord injury;

the Commissioner, subject to the provisions of section 313, is authorized to enter into an agreement with any public or nonprofit agency or organization to pay all or part of the costs of the establishment and operation, including construction and equipment, of centers to carry out the purposes of this subsection, which centers shall be known as National Centers for Spinal Cord Injuries.

(c) Any agency or organization desiring to enter into such an agreement shall submit a proposal therefor at such time, in such manner, and containing such information as may be prescribed in regulations by the Commissioner. In considering such proposals the Commissioner shall provide an opportunity for submission of comments by the State agency administering the State plan under section 101, and shall give preference to proposals which (1) give promise of maximum effectiveness in the organization and operation of National Centers for Spinal Cord Injuries, and which include provisions to—

(A) establish, on an appropriate regional basis, a multidisciplinary system of providing vocational and comprehensive rehabilitation services, specifically designed to meet the special needs of individuals with spinal cord injuries including, but not limited to, acute medical care and periodic inpatient or outpatient followup;

(B) demonstrate and evaluate the benefits to individuals with spinal cord injuries served in, and the degree of cost effectiveness of, such a regional system;

(C) demonstrate and evaluate existing, new, and improved methods and equipment essential to the care, management, and rehabilitation of individuals with spinal cord injuries;

(D) demonstrate and evaluate methods of community outreach for individuals with spinal cord injuries and community education in connection with the problems of such individuals in areas such as housing, transportation, recreation, employment, and community activities;

and (2) give promise of offering substantial skill, experience, and capability in providing a comprehensive program of services and related activities in the field of rehabilitation of individuals with spinal cord injuries.

GRANTS FOR SERVICES FOR END-STAGE RENAL DISEASE

SEC. 309. (a) For the purpose of providing services under this section for the treatment of individuals suffering from end-stage renal disease there is authorized to be appropriated $10,000,000 for the fiscal year ending June 30, 1973; $20,000,000 for the fiscal year ending June 30, 1974; and $25,000,000 for the fiscal year ending June 30, 1975. Funds appropriated under this subsection shall remain available until expended.

(b) From sums available pursuant to subsection (a) of this section for any fiscal year, the Commissioner shall make grants to States and public and nonprofit agencies and organizations and agencies for paying part of the cost of projects for providing special services (including transplantation and dialysis), artificial kidneys, and supplies necessary for the rehabilitation of individuals suffering from end-stage renal disease.

(c) Payments under this section may be made in advance or by way of reimbursement for services performed and purchases made, as may be determined by the Commissioner, and shall be made on such conditions as the Commissioner finds necessary to carry out the purposes of this section.

REHABILITATION SERVICES FOR OLDER BLIND INDIVIDUALS

SEC. 310. (a) For the purpose of providing rehabilitation services to older blind individuals, there is authorized to be appropriated $5,000,000 for the fiscal year ending June 30, 1973; $15,000,000 for the fiscal year ending June 30, 1974; and $30,000,000 for the fiscal year ending June 30, 1975.

(b) In order—

(1) to demonstrate methods of (A) providing the specialized intensive services, as well as other services, needed to rehabilitate older blind individuals, and (B) training the professional and allied personnel needed to provide such services;

(2) to conduct research in the problems of, and ways of meeting the problems of rehabilitating older blind individuals; and

(3) to aid in the conduct of related activities which will expand or improve the services for, and help improve public understanding of, the problems of older blind individuals,

the Commissioner, subject to the provisions of section 313, is authorized to make grants to and contracts with States and public and nonprofit agencies to pay all or part of the costs of projects and demonstrations (1) for providing vocational or comprehensive rehabilitation services to older blind individuals which, in the judgment of the Commissioner, hold promise of expanding or otherwise improving such services, and (2) for applying new types or patterns of such services or devices to, or for the benefit of, older blind individuals.

(c) For the purpose of this section, the term "older blind individuals" means individuals, age 55 and older, whose severe visual impairment makes gainful employment less readily attainable in the light of current employment practices.

NATIONAL ADVISORY COUNCIL ON REHABILITATION OF HANDICAPPED INDIVIDUALS

SEC. 311. (a) There is established in the Department of Health, Education, and Welfare a National Advisory Council on Rehabilitation of Handicapped Individuals (hereinafter referred to in this section as the "Council") consisting of twenty members appointed by the Commissioners without regard to civil service laws shall be from among persons who are leaders in fields concerned with rehabilitation or in public affairs, and ten of such twenty shall be selected from among leading medical, educational, or scientific authorities with outstanding qualifications in the rehabilitation of handicapped individuals. Eight of such twenty members shall be persons who are themselves handicapped or who have received vocational rehabilitation services. Each such member of the Council shall hold office for a term of four years, except that any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor is appointed shall be appointed for the remainder of such term and except that, of the members first appointed, five shall hold office for a term of two years, and five shall hold office for a term of one year, as designated by the Commissioner at the time of appointment. None of such members shall be eligible for reappointment until a year has elapsed after the end of his preceding term. The Council shall meet not less than four times a year at the call of the Chairman, who shall be selected from among its membership by the members.

(b) The Council shall—

(1) provide policy advice and consultation to the Secretary and the Commissioner on the planning (including determination of priorities), conduct, and review of programs (including research and training) authorized under this Act;

(2) review the administration and operation of vocational rehabilitation (including research and training) programs under this Act, including the effectiveness of such programs in meeting the purposes for which they are established and operated and the integration of research and training activities with service program goals and priorities, make recommendations with respect thereto, and make annual reports of its findings and recommendations (including recommendations for changes in the provisions of this Act) to the Secretary and the Commissioner for annual transmittal to the Congress;

(3) advise the Secretary and the Commissioner with respect to the conduct of independent evaluations of programs (including research and training) carried out under this Act; and

(4) provide such other advisory services as the Secretary and the Commissioner may request.

(c)(1) Adequate technical assistance and support staff for the Council shall be provided from the Office for the Handicapped, the Rehabilitation Services Administration, or from any other Federal agency, as the Council may reasonably request.

(2) There is authorized to be appropriated for the purpose of carrying out this section such sums as may be necessary for the fiscal year ending June 30, 1973, and for each of the two succeeding fiscal years.

(d) The Council shall review the possible duplication among vocational rehabilitation programs and other programs serving handicapped individuals within the same geographical areas and shall make annual reports of the extent to which unnecessary duplication or overlap exists, together with its findings and recommendations, concurrently to the Commissioner and the Congress. In making these reports, the Council shall seek the opinions of persons familiar with vocational rehabilitation and the employment of persons who have received vocational and comprehensive rehabilitation services in each State as well as persons familiar with labor, business and industry, education and training, health, and manpower programs.

(e) Members of the Council, while attending meetings or conferences thereof, or otherwise serving on business of the Council, or at the request of the Commissioner, shall be entitled to receive compensation at rates fixed by the Commissioner, but not exceeding the daily pay rate for a person employed as a GS–18 under section 5332 of title 5, United States Code, including traveltime, and while so serving away from their homes or regular places of business they may be allowed travel expenses, including per diem in lieu of subsistance, as authorized by section 5703 of title 5, United States Code, for persons in the Government service employed intermittently.

STATE ADVISORY COUNCILS

SEC. 312. (a) For the purpose of establishing State Advisory Councils, there is authorized to be appropriated such sums as may be necessary for the fiscal year ending June 30, 1973, and for the two succeeding fiscal years.

(b) Any State which receives assistance under this Act may establish and maintain a State Advisory Council, which shall be appointed by the Governor, or, in the case of a State in which members of the State board which governs vocational rehabilitation are elected (including election by the State legislature), by such board.

(c) (1) Such a State Advisory Council shall include as members persons who are familiar with problems of vocational rehabilitation in the State and the administration of vocational rehabilitation programs, and who are experienced in the education and training of handicapped individuals; persons who are representative of labor and management, including persons who have knowledge of the employment of persons who have received vocational rehabilitation services and of the employment of the handicapped individuals; and individuals who are handicapped and who are receiving or who have received vocational rehabilitation services and who shall constitute a majority of the total membership of the State Advisory Council.

(2) Such a State Advisory Council, in accordance with regulations prescribed by the Commissioner, shall—

(A) advise the Governor and the State agency on the development of, and policy matters arising in, the administration of the State plan approved pursuant to section 101;

(B) advise with respect to long-range planning and studies to evaluate vocational rehabilitation programs, services, and activities assisted under this Act; and

(C) prepare and submit to the Governor through the State agency having authority over vocational rehabilitation programs, and to the National Advisory Council on Rehabilitation of Handicapped Individuals established pursuant to section 311, an annual report of its recommendations, accompanied by such additional comments of the State agency as that agency deems appropriate.

(d) Upon the appointment of any such Advisory Council the appointing authority under subsection (b) of this section shall inform the Commissioner of the establishment of, and membership of, its State Advisory Council. The Commissioner shall, upon receiving such information, certify that each council is in compliance with the membership requirements set forth in subsection (b) (1) of this section.

(e) Each such State Advisory Council shall meet within thirty days after certification has been accepted by the Commissioner under subsection (d) of this section and select from among its membership a chairman. The time, place, and manner of subsequent meetings shall be provided by the rules of the State Advisory Council, except that such rules must provide that each such council meet at least four times each year, including at least one public meeting at which the public is given the opportunity to express views concerning vocational rehabilitation.

(f) Each such State Advisory Council is authorized to obtain the services of such professional, technical, and clerical personnel as may be necessary to enable them to carry out their functions under this section.

GENERAL GRANT AND CONTRACT REQUIREMENTS

SEC. 313. (a) The provisions of this section shall apply to all projects (including annual interest grants) approved and assisted under this title. The Commissioner shall insure compliance with this section prior to making any grant or entering into any contract or agreement under this title, except projects authorized under sections 302, 309, 311, and 312.

(b) To be approved, an application for assistance for a construction project under this title must—

(1) contain or be supported by reasonable assurances that (A) for a period of not less than twenty years after completion of construction of the project it will be used as a public or nonprofit facility, (B) sufficient funds will be available to meet the non-Federal share of the cost of construction of the project, and (C) sufficient funds will be available, when construction of the project is completed, for its effective use for its intended purpose;

(2) provide that Federal funds provided to any agency or organization under this title will be used only for the purposes for which provided and in accordance with the applicable provisions of this section and the section under which such funds are provided;

(3) provide that the agency or organization receiving Federal funds under this title will make an annual report to the Commissioner, which he shall summarize and comment upon in the annual report to the Congress submitted under section 504;

(4) be accompanied or supplemented by plans and specifications in which due consideration shall be given to excellence of architecture and design, and to the inclusion of works of art (not representing more than 1 per centum of the cost of the project), and which comply with regulations prescribed by the Commissioner related to minimum standards of construction and equipment (promulgated with particular emphasis on securing compliance with the requirements of the Architectural Barriers Act of 1968 (Public Law 90–480)), and with regulations of the Secretary of Labor relating to occupational health and safety standards for rehabilitation facilities; and

(5) contain or be supported by reasonable assurance that any laborer or mechanic employed by any contractor or subcontractor in the performance of work on any construction aided by payments pursuant to any grant under this section will be paid wages at rates not less than those prevailing on similar construction in the locality as determined by the Secretary of Labor in accordance with Davis-Bacon Act, as amended (40 U.S.C. 276a–276a5); and the Secretary of Labor shall have, with respect to the Labor standards specified in this paragraph, the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (15 F.R. 3176) and section 2 of the Act of June 13, 1934, as amended (40 U.S.C. 276c).

(c) Upon approval of any application for a grant or contract for a project under this title, the Commissioner shall reserve, from any appropriation available therefor, the amount of such grant or contract determined under this title. In case an amendment to an approved application is approved, or the estimated cost of a project is revised upward, any additional payment with respect thereto may be made from the appropriation from which the original reservation was made or the appropriation for the fiscal year in which such amendment or revision is approved.

(d) If, within twenty years after completion of any construction project for which funds have been paid under this title, the facility shall cease to be a public or nonprofit facility, the United States shall be entitled to recover from the applicant or other owner of the facility the amount bearing the same ratio to the then value (as determined by agreement of the parties or by action brought in the United States district court for the district in which such facility is situated) of the facility, as the amount of the Federal participation bore to the cost of construction of such facility.

(e) Payment of assistance or reservation of funds made pursuant to this title may be made (after necessary adjustment on account of previously made overpayments or underpayments) in advance or by way of reimbursement, and in such installments and on such conditions, as the Commissioner may determine.

(f) A project for construction of a rehabilitation facility which is primarily a workshop may, where approved by the Commissioner as necessary to the effective operation of the facility, include such construction as may be necessary to provide residential accommodations for use in connection with the rehabilitation of handicapped individuals.

(g) No funds provided under this title may be used to assist in the construction of any facility which is or will be used for religious worship or any sectarian activity.

(h) When in any State, funds provided under this title will be used for providing direct services to handicapped individuals or for establishing facilities which will provide such services, such services must be carried out in a manner not inconsistent with the State plan approved pursuant to section 101.

(i) Prior to making any grant or entering into any contract under this title, the Commissioner shall afford reasonable opportunity to the appropriate State agency or agencies designated pursuant to section 101 to comment on such grant or contract.

(j) With respect to any obligation issued by or on behalf of any public agency for which the issuer has elected to receive the benefits of mortgage insurance under section 303 or annual interest grants under section 304, the interest paid on such obligations and received by the purchaser thereof (or his successor in interest) shall be included in gross income for the purposes of chapter 1 of the Internal Revenue Code of 1954.

Mr. BRADEMAS (during the reading). Mr. Chairman, I ask unanimous consent that title III be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Indiana?

There was no objection.

AMENDMENT OFFERED BY MR. QUIE

Mr. QUIE. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by QUIE: Page 194, lines 13, 22 and 23, and 23 and 24, strike out "Commissioner" and insert in lieu thereof "Secretary."

Mr. BRADEMAS. Mr. Chairman, will the gentleman yield?

Mr. QUIE. I yield to the gentleman from Indiana.

Mr. BRADEMAS. Mr. Chairman, this is a minor amendment, and it has been discussed with the committee on our side, and it is agreeable to us.

Mr. QUIE. Mr. Chairman, I will not take any more time, but I do urge that the Committee accept the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Minnesota, Mr. QUIE.

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

TITLE IV—RESEARCH AND TRAINING

DECLARATION OF PURPOSE

SEC. 400. The purpose of this title is to authorize Federal assistance to States and public or nonprofit agencies and organizations to—

(a) plan and conduct research, demonstrations, and related activities in the rehabilitation of handicapped individuals, and

(b) plan and conduct courses of trainng and related activities designed to provide increased numbers of trained rehabilitation personnel, to increase the levels of skills of such personnel, and to develop improved methods of providing such training.

AUTHORIZATION OF APPROPRIATIONS

SEC. 401. (a) In order to make grants and contracts to carry out the purposes of this title, there is authorized to be appropriated:

(1) For the purpose of carrying out section 402 of this title, $40,000,000 for the fiscal year ending June 30, 1973, $75,000,000 for the fiscal year ending June 30, 1974, and $100,000,000 for the fiscal year ending June 30, 1975, of which 15 per centum, 25 per centum, and 25 percentum of the amounts appropriated in the first, second, and third such fiscal years, respectively, shall be available for the purposes of carrying out activities under section 402(b)(2).

(2) For the purpose of carrying out section 403 of this title $30,000,000 for the fiscal year ending June 30, 1973, $50,000,000 for the fiscal year ending June 30, 1974, and $75,000,000 for the fiscal year ending June 30, 1975.

(b) Funds appropriated under this title shall remain available until expended.

RESEARCH

SEC. 402. (a) The Commissioner is authorized to make grants to and contracts with States and public or nonprofit agencies and organizations, including institutions of higher education, to pay part of the cost of projects for the purpose of planning and conducting research, demonstrations, and related activities, which bear directly on the development of methods, procedures, and devices to assist in the provision of vocational and comprehensive rehabilitation services to handicapped individuals, especially those with the most severe handicaps, under this Act. Such projects may include medical and other scientific, technical, methodological, and other investigations into the nature of disability, methods of analyzing it, and restorative techniques; studies and analyses of industrial, vocational, social, psychological, economic, and other factors affecting rehabilitation of handicapped individuals; special problems of homebound and institutionalized individuals; studies and analyses of architectural and engineering design adapted to meet the special needs of the handicapped individuals; and related activities which hold promise of increasing knowledge and improving methods in the rehabilitation of handicapped individuals and individuals with the most severe handicaps.

(b) In addition to carrying out projects under subsection (a) of this section, the Commissioner is authorized to make grants to pay part or all of the cost of the following specialized research activities:

(1) Establishment and support of Rehabilitation Research and Training Centers to be operated in collaboration with institutions of higher education for the purpose of providing coordinated and advanced programs of research in rehabilitation, and training of rehabilitation research personnel, including, but not limited to, graduate training. Grants may include funds for services rendered by such a center to handicapped individuals in connection with such research and training activities.

(2) Establishment and support of Rehabilitation Engineering Research Centers to (A) develop innovative methods of applying advanced medical technology, scientific achievement, and psychological and social knowledge to solve rehabilitation problems through planning and conducting research, including cooperative research with public or private agencies and organizations, designed to produce new scientific knowledge, equipment, and devices suitable for solving problems in the rehabilitation of handicapped individuals and for reducing environmental barriers, and to (B) cooperate with the Office for the Handicapped and State agencies designated pursuant to section 101 in developing systems of information exchange and coordination to promote the prompt utilization of engineering and other scientific research to assist in solving problems in the rehabilitation of handicapped individuals.

(3) Conduct of a program for spinal cord injury research in support of the National Centers for Spinal Cord Injuries established pursuant to section 308 which will (A) insure dissemination of research findings among all such centers, (B) provide encouragement and support for initiatives and new approaches by individual and institutional investigators, and (C) establish and maintain close working relationships with other governmental and voluntary institutions and organizations engaged in similar efforts, in order to unify and coordinate scientific efforts, encourage joint planning, and promote the interchange of data and reports among spinal cord injury investigators.

(4) Conduct of a program for international rehabilitation research, demonstration, and training for the purpose of developing new knowledge and methods in the rehabilitation of handicapped individuals in the United States, cooperating with and assisting in developing and sharing information found useful in other nations in the rehabilitation of handicapped individuals, and initiating a program to exchange experts and technical assistance in the field of rehabilitation of handicapped individuals with other nations as a means of increasing the levels of skill of rehabilitation personnel.

(c) The provisions of section 313 shall apply to assistance provided under this section, unless the context indicates to the contrary.

TRAINING

SEC. 403. (a) The Commissioner is authorized to make grants to and contracts with States and public or nonprofit agencies and organizations, including institutions of higher education, to pay part of the cost of projects for training, traineeships, and related activities designed to assist in increasing the numbers of personnel trained in providing vocational and comprehensive rehabilitation services to handicapped individuals and in performing other functions necessary to the development of such services.

(b) In making such grants or contracts, funds made available for any year will be utilized to provide a balanced program of assistance to meet the medical, vocational, and other personnel training needs of both public and private rehabilitation programs and institutions, to include projects in rehabilitation medicine, rehabilitation nursing, rehabilitation counseling, rehabilitation social work, rehabilitation psychology, physical therapy, occupational therapy, speech pathology and audiology, workshop and facility administration, prosthetics and orthotics, specialized personnel in services to the blind and the deaf, recreation for ill and handicapped individuals, and other fields contributing to the rehabilitation of handicapped individuals, including homebound and institutionalized individuals. No grant shall be made under this section for furnishing to an individual any one course of study extending for a period in excess of four years.

REPORTS

SEC. 404. There shall be included in the annual report to the Congress required by section 504 a full report on the research and training activities carried out under this title and the extent to which such research and training has contributed directly to the development of methods, procedures, devices, and trained personnel to assist in the provision of vocational or comprehensive rehabilitation services to handicapped individuals and those with the most severe handicaps under this Act.

Mr. BRADEMAS (during the reading). Mr. Chairman, I ask unanimous consent that title IV be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Indiana?

There was no objection.

The CHAIRMAN. If there are no amendments to be proposed, the Clerk will read.

The Clerk read as follows:

TITLE V—ADMINISTRATION AND PROGRAM AND PROJECT EVALUATION

ADMINISTRATION

SEC. 500. (a) In carrying out his duties under this Act, the Commissioner shall—

(1) cooperate with, and render technical assistance (directly or by grant or contract) to States in matters relating to the rehabilitation of handicapped individuals;

(2) provide short-term training and instruction in technical matters relating to vocational and comprehensive rehabilitation services, including the establishment and maintenance of such research fellowships and traineeships, with such stipends and allowances (including travel and subsistence expenses), as he may deem necessary, except that no such training or instruction (or fellowship or scholarship) shall be provided any individual for any one course of study for a period in excess of four years, and such training, instruction, fellowships, and traineeships may be in the fields of rehabilitation medicine, rehabilitation nursing, rehabilitation counseling, rehabilitation social work, rehabilitation psychology, physical therapy, occupational therapy, speech pathology and audiology, prosthetics and orthotics, recreation for ill and handicapped individuals, and other specialized fields contributing to the rehabilitation of handicapped individuals; and

(3) disseminate information relating to vocational and comprehensive rehabilitation services, and otherwise promote the cause of the rehabilitation of handicapped individuals and their greater utilization in gainful and suitable employment.

(b) The Secretary is authorized to make rules and regulations governing the administration of this title and titles IV and VI of this Act, and to delegate to any officer or employee of the United States such of his powers and duties under such titles, except the making of rules and regulations, as he finds necessary to carry out the provisions of such titles. Such rules and regulations, as well as those prescribed by the Commissioner of the Rehabilitation Services Administration under titles I, II, III, and IV of this Act shall be published in the Federal Register, on at least an interim basis, no later than ninety days after the date of enactment of this Act.

(c) The Secretary is authorized (directly or by grants or contracts) to conduct studies, investigations, and evaluation of the programs authorized by this Act, and to make reports, with respect to abilities, aptitudes, and capacities of handicapped individuals, development of their potentialities, their utilization in gainful and suitable employment, and with respect to architectural, transportation, and other environmental and attitudinal barriers to their rehabilitation, including the problems of homebound, institutionalized, and older blind individuals.

(d) There is authorized to be included for each fiscal year in the appropriation for the Department of Health, Education, and Welfare such sums as are necessary to administer the provisions of this Act.

(e) In carrying out their duties under this Act, the Secretary and the Commissioner, respectively, shall insure the maximum coordination and consultation, at both national and local levels, with the Administrator of Veterans' Affairs and his designees with respect to programs for and relating to the rehabilitation of disabled veterans carried out under title 38, United States Code.

(f) With respect to the administration of the program authorized by section 309, the Secretary shall insure that the provision of services under such section is coordinated with similar services provided or paid for under health programs pursuant to other Federal laws.

PROGRAM AND PROJECT EVALUATION

SEC. 501. (a) (1) The Secretary shall measure and evaluate the impact of all programs authorized by this Act, in order to determine their effectiveness in achieving stated goals in general, and in relation to their cost, their impact on related programs, and their structure and mechanisms for delivery of services, including, where appropriate, comparisons with appropriate control groups composed of persons who have not participated in such programs. Evaluations shall be conducted by persons not immediately involved in the administration of the program or project evaluated.

(2) In carrying out his responsibilities under this subsection, the Secretary, in the case of research, demonstrations, and related activities carried out under section 402, shall, after taking into consideration the views of State agencies designated pursuant to section 101, on an annual basis—

(A) reassess priorities to which such activities should be directed; and

(B) review present research, demonstration, and related activities to determine, in terms of the purpose specified for such activities by subsection (a) of such section 402, whether and on what basis such activities should be continued, revised or terminated.

(3) The Secretary shall, within twelve months after the date of enactment of this Act, and on each April 1 thereafter, prepare and furnish to the appropriate committees of the Congress a complete report on the determination and review carried out under paragraph (2) of this subsection, together with such recommendations, including any recommendations for additional legislation, as he deems appropriate.

(b) Effective after June 30, 1973, before funds for the programs and projects covered by this Act are released, the Secretary shall develop and publish general standards for evaluation of the program and project effectiveness in achieving the objectives of this Act. He shall consider the extent to which such standards have been met in deciding, in accordance with procedures set forth in subsections (b), (c), and (d) of section 101, whether to renew or supplement financial assistance authorized under any section of this Act. Reports submitted pursuant to section 504 shall describe the actions taken as a result of these evaluations.

(c) In carrying out evaluations under this title, the Secretary shall, whenever possible, arrange to obtain the specific views of persons participating in and served by programs and projects assisted under this Act about such programs and projects.

(d) The Secretary shall publish the results of evaluative research and summaries of evaluations of program and project impact and effectiveness no later than ninety days after the completion thereof. The Secretary shall submit to the appropriate committees of the Congress copies of all such research studies and evaluation summaries.

(e) The Secretary shall take the necessary action to assure that all studies, evaluations, proposals, and data produced or developed with assistance under this Act shall become the property of the United States.

OBTAINING INFORMATION FROM FEDERAL AGENCIES

SEC. 502. Such information as the Secretary may deem necessary for purposes of the evaluations conducted under this title shall be made available to him, upon request, by the agencies of the executive branch.

AUTHORIZATION OF APPROPRIATIONS

SEC. 503. There is authorized to be appropriated such sums as the Secretary may require, but not to exceed an amount equal to one-half of 1 per centum of the funds appropriated under titles I, II, III, and IV of this Act or $1,000,000, whichever is greater, to be available to conduct program and project evaluations as required by this title.

REPORTS

SEC. 504. Not later than one hundred and twenty days after the close of each fiscal year, the Secretary shall prepare and submit to the President and to the Congress a full and complete report on the activities carried out under this Act. Such annual reports shall include (1) statistical data reflecting, with the maximum feasible detail, vocational and comprehensive rehabilitation services provided handicapped individuals during the preceding fiscal year, (2) specifically distinguish among rehabilitation closures attributable to physical restoration, placement in competitive employment, extended or terminal employment in a sheltered workshop or rehabilitation facility, employment as a homemaker or unpaid family worker, and provision of comprehensive rehabilitation services, and (3) include a detailed evaluation of services provided with assistance under title I of this Act to those with the most severe handicaps and of comprehensive rehabilitation services provided pursuant to title II of this Act.

SHELTERED WORKSHOP STUDY

SEC. 505. (a) The Secretary shall conduct an original study of the role of sheltered workshops in the rehabilitation and employment of handicapped individuals, including a study of wage payments in sheltered workshops. The study shall incorporate guidelines which are consistent with criteria provided in resolutions adopted by the Committee on Labor and Public Welfare of the United States Senate or the Committee on Education and Labor of the United States House of Representatives, or both.

(b) The study shall include site visits to sheltered workshops, interviews with handicapped trainees or clients, and consultations with interested individuals and groups and State agencies designated pursuant to section 101.

(c) Any contracts awarded for the purpose of carrying out all or part of this study shall not be made with individuals or groups with a financial or other direct interest in sheltered workshops.

(d) The Secretary shall report to the Congress his findings and recommendations with respect to such study within twenty-four months after the date of enactment of this Act.

Mr. BRADEMAS (during the reading). Mr. Chairman, I ask unanimous consent that title V be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Indiana?

There was no objection.

The CHAIRMAN. If there are no amendments to be proposed, the Clerk will read.

The Clerk read as follows:

TITLE VI—OFFICE FOR THE HANDICAPPED

ESTABLISHMENT OF OFFICE

SEC. 600. There is established within the Office of the Secretary in the Department of Health, Education, and Welfare an Office for the Handicapped (hereinafter in this title referred to as the "Office"). The Office shall be headed by a Director, who shall serve as a Special Assistant to the Secretary and shall report directly to him, and shall be provided such personnel as are necessary to carry out the functions set forth in section 601. In selecting personnel to fill all positions in the Office, the Secretary shall give special emphasis to qualified handicapped individuals.

FUNCTION OF OFFICE

SEC. 601. It shall be the function of the Office, with the assistance of agencies within the Department, other departments and agencies within the Federal Government, handicapped individuals, and public and private agencies and organizations, to—

(1) prepare and submit to the Secretary, for submission to the Congress within eighteen months after the date of enactment of this Act, a long-range projection for the provisions of comprehensive services to handicapped individuals and for programs of research, evaluation, and training related to such services and individuals;

(2) analyze on a continuing basis and submit to the Secretary, for inclusion in his report submitted under section 504, a report on the results of such analysis, program operation to determine consistency with applicable provisions of law, progress toward meeting the goals and priorities set forth in the projection required under clause (1), and the effectiveness of all programs providing services to handicapped individuals, and the elimination of unnecessary duplication and overlap in such programs under the jurisdiction of the Secretary;

(3) encourage coordinated and cooperative planning designed to produce maximum effectiveness, sensitivity, and continuity in the provision of services for handicapped individuals by all programs under the jurisdiction of the Secretary;

(4) provide assistance (including staff assistance) to the National Advisory Council on Rehabilitation of the Handicapped established by section 311 of this Act, the National Advisory Council on the Education of the Handicapped established by section 604 of the Education of the Handicapped Act (title VI, Public Law 91-230), and other committees advising the Secretary on programs for handicapped individuals;

(5) develop means of promoting the prompt utilization of engineering and other scientific research to assist in solving problems in education (including promotion of the development of curricula stressing barrier-free design and the adoption of such curricula by schools of architecture, design, and engineering), health, employment, rehabilitation, architectural and transportation barriers, and other areas so as to bring about the full integration of handicapped individuals into all aspects of society;

(6) provide a central clearinghouse for information and resource availability for handicapped individuals through (A) the evaluation of systems within the Department of Health, Education, and Welfare, other departments and agencies of the Federal Government, public and private agencies and organizations, and other sources, which provide (i) information and data regarding the location, provision, and availability of services and programs for handicapped indivduals, regarding research and recent medical and scientific developments bearing an handicapping conditions (and their prevention, amelioration, causes, and cures), and regarding the current numbers of handicapped individuals and their needs, and (ii) any other such relevant information and data which the Office deems necessary; and (B) utilizing the results of such evaluation and existing information systems, the development within such Department of a coordinated system of information and data retrieval, which will have the capacity and responsibility to provide general and specific information regarding the information and data referred to in subclause (A) of this clause to the Congress, public and private agencies and organizations, handicapped individuals and their families, professionals in fields serving such individuals, and the general public; and

(7) carry out such additional advisory functions and responsibilities, consistent with the provisions of this title, as may be assigned to it by the Secretary or the President, except that such function or any other function carried out under clauses (1) through (5) of this section shall not include budgetary, policy, or program control by the Office over any program.

AUTHORIZATION OF APPROPRIATIONS

SEC. 602. There is authorized to be appropriated for the purposes of this title such sums as may be necessary for the fiscal year ending June 30, 1973, and the two succeeding fiscal years.

Mr. BRADEMAS (during the reading). Mr. Chairman, I ask unanimous consent that title VI be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Indana?

There was no objection.

The CHAIRMAN. If there are no amendments to be proposed, the Clerk will read.

The Clerk read as follows:

TITLE VII—MISCELLANEOUS

EFFECT OF EXISTING LAWS

SEC. 700. The Vocational Rehabilitation Act (29 U.S.C. 31 et seq.) is repealed ninety days after the date of enactment of this Act and references to such Vocational Rehabilitation Act in any other provision of law shall, ninety days after such date, be deemed to be references to the Rehabilitation Act of 1973. Unexpended appropriations for carrying out the Vocational Rehabilitation Act may be made available to carry out this Act, as directed by the President. Approved State plans for vocational rehabilitation, approved projects, and contractual arrangements authorized under the Vocational Rehabilitation Act will be recognized under comparable provisions of this Act so that there is no disruption of ongoing activities for which there is continuing authority.

FEDERAL INTERAGENCY COMMITTEE ON HANDICAPPED EMPLOYEES

SEC. 701. (a) There is established within the Federal Government an Interagency

Committee on Handicapped Employees (hereinafter in this section referred to as the "Committee"), comprised of the following (or their designees whose positions are Executive Level IV or higher); the Chairman of the Civil Service Commission, the Administrator of Veterans' Affairs, and the Secretaries of Labor and Health, Education, and Welfare. The Chairman of the President's Committee on Employment of the Handicapped and the Chairman of the President's Committee on Mental Retardation shall serve as ex officio members of the Interagency Committee, and the Secretary of Health, Education, and Welfare shall serve as Chairman of the Committee. The resources of such President's Committees shall be made fully available to the Committee established pursuant to this section. The Commissioner shall serve as Executive Director of the Committee. It shall be the purpose and function of the Committee to insure, through the establishment of affirmative action programs, the adequacy of hiring, placement, and advancement practices with respect to handicapped individuals by each department, agency, and instrumentality in the executive branch of Government, and that the special needs of such individuals are being met.

(b) Each department, agency, and instrumentality in the executive branch shall, within one hundred and eighty days after the date of enactment of this Act, submit to the Committee an affirmative action program plan for the hiring, placement, and advancement of handicapped individuals in such department, agency, or instrumentality. Such plan shall include a description of the extent to which and methods whereby the special needs of handicapped employees are being met.

(c) The Committee shall develop and recommend to the Secretary for referral to the appropriate State agencies, policies and procedures which will facilitate the hiring, placement, and advancement in employment of individuals who have received rehabilitation services under State vocational rehabilitation programs, veterans' programs, or any other program for handicapped individuals, including the promotion of job opportunities for such individuals. The Secretary shall encourage such State agencies to adopt and implement such policies and procedures.

(d) The Committee shall, on June 30, 1974, and at the end of each subsequent fiscal year, make a complete report to the appropriate committees of the Congress with respect to the practices of hiring, placement, and advancement of handicapped individuals by each department, agency, and instrumentality and the effectiveness of the affirmative action programs required by subsection (b) of this section, together with recommendations as to legislation or other appropriate action to insure the adequacy of such practices. Such report shall also include a description of the effectiveness of the Committee's activities under subsection (c) of this section.

(e) An individual who, as a part of his individualized written rehabilitation program under a State plan approved under this Act, participates in a program of unpaid work experience in a Federal agency, shall not, by reason thereof, be considered to be a Federal employee or to be subject to the provisions of law relating to Federal employment, including those relating to hours of work, rates of compensation, leave, unemployment compensation, and Federal employee benefits.

(f) (1) The Secretary of Labor and the Secretary of Health, Education, and Welfare are authorized and directed to cooperate with the President's Committee on Employment of the Handicapped in carrying out its functions.

(2) There are authorized to be appropriated for salaries and expenses of the President's Committee on Employment of the Handicapped such sums as may be necessary for the fiscal year ending June 30, 1973, and the two succeeding fiscal years. In selecting personnel to fill all positions on the President's Committee on Employment of the Handicapped, special consideration shall be given to qualified handicapped individuals.

NATIONAL COMMISSION ON TRANSPORTATION AND HOUSING FOR HANDICAPPED INDVIDUALS

SEC. 702. (a) There is established in the Department of Health, Education, and Welfare a National Commission on Transportation and Housing for Handicapped Individuals, consisting of the Secretary of Health, Education, and Welfare (or his designee), who shall be Chairman, the Secretary of Housing and Urban Development, the Secretary of Transportation and the Secretary of the Treasury (or their respective designees), and not more than fifteen members appointed by the Secretary of Health, Education, and Welfare without regard to the civil service laws. The fifteen appointed members shall be representative of the general public, of handicapped individuals, and of private and professional groups having an interest in, and able to contribute to the solution of, the transportation and housing problems which impede the rehabilitation of handicapped individuals.

(b) The Commission, in consultation with the Architectural and Transportation Compliance Board established pursuant to section 703, shall (1) (A) determine how and to what extent transportation barriers impede the mobility of handicapped individuals and aged handicapped individuals and consider ways in which travel expenses in connection with transportation to and from work for handicapped individuals can be met or subsidized when such individuals are unable to use mass transit systems or need special equipment in private transportation, and (B) consider the housing needs of handicapped individuals; (2) determine what measures are being taken, especially by public and other nonprofit agencies and groups having an interest in and a capacity to deal with such problems, (A) to eliminate barriers from public transportation systems (including vehicles used in such systems), and to prevent their incorporation in new or expanded transportation systems and (B) to make housing available and accessible to handicapped individuals or to meet sheltered housing needs; and (3) prepare plans and proposals for such further action as may be necessary to the goals of adequate transportation and housing for handicapped individuals, including proposals for bringing together in a cooperative effort, agencies, organizations, and groups already working toward such goals or whose cooperation is essential to effective and comprehensive action.

(c) The Commission is authorized to appoint such special advisory and technical experts and consultants, and to establish such committees as may be useful in carrying out its functions, to make studies, and to contract for studies or demonstrations to assist it in performing its functions. The Secretary shall make available to the Commission such technical, administrative, and other assistance as it may require to carry out its functions.

(d) Appointed members of the Commission and special advisory and technical experts and consultants appointed pursuant to subsection (c) shall, while attending meetings or conferences thereof or otherwise serving on business of the Commission, be entitled to receive compensation at rates fixed by the Secretary, but exceeding the not daily pay rate, for a person employed as a GS-18 under section 5332 of title 5, United States Code, including traveltime and while so serving away from their homes or regular places of business they may be allowed travel expenses, including per diem in lieu of subsistence as authorized by section 5703 of such title 5 for persons in the Government service employed intermittently.

(e) The Commission shall prepare two final reports of its activities. One such report shall be on its activities in the field of transportation carriers of handicapped individuals, and the other such report shall be on its activities in the field of the housing needs of handicapped individuals. The Commission shall, prior to January 1, 1975, submit each such report, together with its recommendations for further carrying out the purposes of this section, to the Secretary for transmittal by him, together with his recommendations, to the President and the Congress. The Commission shall also prepare for such submission an interim report of its activities in each such field within 18 months after the date of enactment of this Act and such additional interim reports as the Secretary may request.

(f) The Commission shall, on a frequent and continuing basis, provide to the Architectural and Transportation Barriers Compliance Board established pursuant to section 703, such data and information as it has acquired or developed during the course of its investigations and studies and such reports as it has submitted under subsection (e) of this section. Such Board shall also provide to the Commission such data and information acquired by it as the Commission may reasonably request.

ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE BOARD

SEC. 703. (a) There is established within the Federal Government the Architectural and Transportation Barriers Compliance Board (hereinafter referred to as the "Board") which shall be composed of the heads of each of the following departments or agencies (or their designees whose positions are executive level IV or higher):

(1) Department of Health, Education, and Welfare:

(2) Department of Transportation;

(3) Department of Housing and Urban Development;

(4) Department of Labor;

(5) Department of the Interior;

(6) General Services Administration;

(7) United States Postal Service; and

(8) Veterans' Administration.

(b) It shall be the function of the Board to: (1) insure compliance with the standards prescribed by the General Services Administration, the Department of Defense, and the Department of Housing and Urban Development pursuant to the Architectural Barriers Act of 1968 (Public Law 90-480), as amended by the Act of March 5, 1970 (Public Law 91-205); (2) investigate and examine alternative approaches to the architectural, transportation, and attitudinal barriers confronting handicapped individuals, particularly with respect to public buildings and monuments, parks and parklands, public transportation (including air, water, and surface transportation whether interstate, foreign, intrastate, or local), and residential and institutional housing; (3) determine what measures are being taken by Federal, State, and local governments and by other public or nonprofit agencies to eliminate the barriers described in clause (2) of this subsection; (4) promote the use of the International Accessibility Symbol in all public facilities that are in compliance with the standards prescribed by the Administrator of the General Services Administration, the Secretary of Defense, and the Secretary of Housing and Urban Development pursuant to the Architectural Barriers Act of 1968; (5) make reports to the President and to Congress, which shall describe in detail the results of its investigations under clauses (2) and (3) of this subsection; and (6) make to the President and to the Congress such recommendations for legislation and administration as it deems necessary or desirable to eliminate the barriers described in clause (2) of this subsection.

(c) In carrying out its functions under this section, the Board shall conduct investigations, hold public hearings, and issue such orders as it deems necessary to insure compliance with the provisions of the Act cited in subsection (b). The provisions of subchapter II of chapter 5, and chapter 7 of title 5, United States Code, shall apply to procedures under this section, and an order of compliance issued by the Board shall be a final order for purposes of judicial review.

(d) The Board is authorized to appoint as many hearing examiners as are necessary for proceedings required to be conducted under this section. The provisions applicable to hearing examiners appointed under section 3105 of title 5, United States Code, shall apply to hearing examiners appointed under this subsection.

(e) The departments or agencies specified in subsection (a) of this section shall make available to the Board such technical, administrative, or other assistance as it may require to carry out its functions under this section, and the Board may appoint, under the terms and conditions specified in subsection (d) of section 702, such other advisers, technical experts, and consultants as it deems necessary to assist it in carrying out its functions under this section.

(f) The Board shall, at the end of each fiscal year, report its activities during the preceding fiscal year to the Congress. Such report shall include an assessment of the extent of compliance with the Acts cited in subsection (b) of this section, along with a description and analysis of investigations made and actions taken by the Board, and the reports and recommendations described in clauses (4) and (5) of subsection (b) of this section.

(g) There is authorized to be appropriated for the purpose of carrying out the duties and functions of the Board under this section such sums as may be necessary for the fiscal year ending June 30, 1973, and the two succeeding fiscal years.

EMPLOYMENT UNDER FEDERAL CONTRACTS

SEC. 704. (a) Any contract entered into by any Federal department or agency for the procurement of personal property and nonpersonal services (including construction) for the United States shall contain a provision requiring that, in employing persons to carry out such contract the party contracting with the United States shall take affirmative action to employ and advance in employment qualified handicapped individuals as defined in section 7(7). The provisions of this section shall apply to any subcontract entered into by a prime contract or in carrying out any contract for the procurement of personal property and nonpersonal services (including construction) for the United States. The President shall implement the provisions of this section by promulgating regulations within ninety days after the date of enactment of this section.

(b) If any handicapped individual believes any contractor has failed or refuses to comply with the provisions of his contract with the United States, relating to employment of handicapped individuals, such individual may file a complaint with the Department of Labor. The Department shall promptly investigate such complaint and shall take such action thereon as the facts and circumstances warrant consistent with the terms of such contract and the laws and regulations applicable thereto.

NONDISCRIMINATION UNDER FEDERAL GRANTS

SEC. 705. No otherwise qualified handicapped individual in the United States, as defined in section 7(7), shall, solely by reason of his handicap, be excluded from the participation in, be denied the benefits of or be subjected to discrimination under any program or activity receiving Federal financial assistance.

Mr. BRADEMAS (during the reading). Mr. Chairman, I ask unanimous consent that title VII be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Indiana?

There was no objection.

AMENDMENT OFFERED BY MR. QUIE

Mr. QUIE. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. QUIE: Page 234, strike out lines 2 through 16 and insert in lieu thereof the following:

"SEC. 704(a) Any contract in excess of $10,000 entered into by any Federal department or agency for the procurement of personal property and nonpersonal services (including construction) for the United States shall contain a provision requiring that, in employing persons to carry out such contract the party contracting with the United States shall take affirmative action to employ and advance in employment qualified handicapped individuals as defined in section 7 (7). The provisions of this section shall apply to any subcontract in excess of $10,000 entered into by a prime contractor in carrying out any contract for the procurement of personal property and nonpersonal services (including construction) for the United States. The President shall implement the provisions of this section by promulgating regulations within ninety days after the date of enactment of this section."

And after line 25 insert the following new subsection:

"(c) The requirements of this section 704 may be waived by the head of the agency or his delegate when he determines that such waiver is in the public interest and states in writing his reasons for such determination."

Mr. BRADEMAS. Mr. Chairman, will the gentleman yield?

Mr. QUIE. I yield to the gentleman from Indiana.

Mr. BRADEMAS. Mr. Chairman, the gentleman has discussed his amendment with the committee on this side, and we have no objection to it.

Mr. DENNIS. Mr. Chairman, will the gentleman yield?

Mr. QUIE. I yield to the gentleman from Indiana.

Mr. DENNIS. Mr. Chairman, would the gentleman tell us what the amendment is about?

Mr. QUIE. I will tell the gentleman what the amendment is about and what it would do. It would exempt contracts that are below $10,000, because they are smaller contracts. It would be just for the large ones. Then it provides for an escape clause similar to what we have in the Equal Employment Opportunities Act and the Clean Air Act. The Administrator, the head of the Agency or his delegatee can waive this requirement if he feels it is in the public interest and states the reasons for doing it so it will not create a financial hardship and cause the Federal Government to pay an undue amount on some of the contracts entered into.

Mr. DENNIS. Mr. Chairman, will the gentleman yield again?

Mr. QUIE. Yes; I yield to the gentleman from Indiana.

Mr. DENNIS. I understand that the committee's bill here provides that in all contracts they will try to employ the handicapped under the amendment that applies only to contracts in excess of $10,000, and further provides that that may be waived; is that correct?

Mr. QUIE. That is right, but the head of the agency has to give his reasons for waiving it.

Mr. DENNIS. If we are having a bill for the handicapped here, why should not we insert that waiver? Why should not we apply it to all of the contracts?

Mr. QUIE. We have found in the past, that when we enter into some Federal requirements, sometimes it creates much more of a hardship than we realized. We found this, for instance, in the Equal Employment Opportunities Act. It would be great if a certain percentage, perhaps, of minorities was hired in every case, but we need to have a waiver in order that we do not then make it an impossible situation for the contractor or for the Federal Government, because there will be a tremendous thrust here for them to hire the handicapped on any contract which I agree with. The General Services Administration in a letter to me indicated that it would cause an undue hardship for them if we left the language the way it is.

Mr. DENNIS. I thank the gentleman.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. QUIE. I yield to the gentleman from Iowa.

Mr. GROSS. I have read carefully this report, and I am struck by the fact that nowhere in this report is there any representation on the part of the administration or any of its agencies. Is there some reason why the usual communications as to position or as to information from the various agencies in this regard are not in this report?

Mr. QUIE. I will say to the gentleman that in a study of this matter one of my staff members on the committee about 2 years ago indicated that usually committees secured a written statement from the administration before bills were considered. That has not been the practice of this committee and, therefore, in this committee we do not generally find a statement or a letter from the administration.

Mr. GROSS. Well, the gentleman wants the Members to have all the information possible to give them, does he not?

Mr. QUIE. That is correct. As the gentleman from Michigan (Mr. GERALD R. FORD) indicated in his statement, there was a statement by Steve Kurzman representing the Secretary of Health, Education, and Welfare before our committee, and that is all the formal information we have from the administration.

Mr. GROSS. Is this a rule adopted by a vote of the gentleman's committee?

Mr. QUIE. No.

Mr. GROSS. Or is it just common not to have reports from, for instance, the Bureau of the Budget, HEW, or other agencies and departments which are interested in this?

Mr. QUIE. No, there is no rule, and the committee rules are silent on this matter. Our committee rules are silent on that.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Minnesota (Mr. QUIE.)

The amendment was agreed to.

AMENDMENT OFFERED BY MR. HENDERSON

Mr. HENDERSON. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. HENDERSON: On page 224, lines 1 and 2, strike out the heading preceding section 701.

On page 224, amend Section 701 by striking out subsections (a), (b), (c) and (d) and by redesignating subsection (e) as subsection (a) and subsection (f) as subsection (b), respectively.

Mr. HENDERSON. Mr. Chairman, my amendment proposes to delete from the reported bill subsections (a) through (d) of section 701.

Section 701 establishes within the Federal Government an Interagency Committee on Handicapped Employees, whose chairman is to be the Secretary of Health, Education, and Welfare.

The committee is to insure, through the establishment of affirmative action programs, the adequacy of hiring, placement, and advancement practices with respect to handicapped individuals by each department and agency in the executive branch of the Government.

Each executive branch agency would have to submit an affirmative action program plan to the committee within 180 days after the date of enactment.

In my view, these provisions are inconsistent with the philosophy and procedures that have proved successful in promoting the employment of the handicapped in the Federal Service under the leadership of the Civil Service Commission. At the present time the Civil Service Commission has a well-established program to carry out its responsibilities with respect to the employment of handicapped persons.

Special appointing authorities in the excepted service have been established since 1964 for the severely physically handicapped and the mentally retarded.

Close working relationships are maintained by the Civil Service Commission with all public and private agencies serving the handicapped, including State vocational rehabilitation agencies, Veterans' Administration facilities, and other organizations and associations concerned with specific disability groups.

Federal agencies appoint thousands of persons with some type of physical handicap each year. During calendar year 1971, 8,028 new appointments were made of persons with disabilities ranging from moderate to severe.

These programs for the handicapped are closely integrated with other personnel programs of both the agencies and the Civil Service Commission.

Furthermore, in my opinion, the language of section 701 (a) through (d) would have little or no effect on the employment of handicapped persons in the Federal Civil Service.

The employment of individuals, including handicapped individuals, by agencies of the Government must be carried out in accordance with the provisions of title 5, United States Code, and the implementing regulations of the Civil Service Commission.

The proposed language of section 701 (a) through (d) could not operate to supersede the statutory requirements of title 5 relating to Civil Service employment.

For the reasons expressed above, I urge the adoption of my amendment.

Mr. Chairman, in light of the colloquy between the gentleman from Iowa and the gentleman from Minnesota, I would add I have before me a letter that the chairman of the Civil Service Commission, Robert Hampton, sent to the chairman of the Labor and Public Welfare Committee of the other body, commenting on the bill before that body this year, in which he objected very strongly to the creation of this intergovernmental agency, and I think it is fair to say that the administration's position is in opposition to the provisions of the bill that my amendment would strike.

U.S. CIVIL SERVICE COMMISSION,
Washington, D.C., February 12, 1973.

Hon. HARRISON A. WILLIAMS, Jr.,
Chairman, Committee on Labor and Public Welfare, U.S. Senate.

DEAR MR. CHAIRMAN: This is in response to the request for the views and recommendations of the Civil Service Commission on S. 7, a bill "To amend the Vocational Rehabilitation Act to extend and revise the authorization of grants to States for vocational rehabilitation services, to authorize grants for rehabilitation services to those with severe disabilities, and for other purposes."

S. 7 is identical to H.R. 8395 of the 92nd Congress, which the President vetoed.

The provisions of S. 7 with the most significant impact on programs of the Civil Service Commission are in section 701, which establishes within the Federal Government an Interagency Committee on Handicapped Employees, whose chairmap is to be the Secretary of Health, Education, and Welfare. The Committee is "to insure, through the establishment of affirmative action programs, the adequacy of hiring, placement, and advancement practices with respect to handicapped individuals by each department, agency, and instrumentality in the executive branch of Government, and that the special needs of such individuals are being met."

Each executive branch agency would have to submit an affirmative action program plan to the Committee within 180 days after the date of enactment. At the end of every fiscal year the Committee would submit a prescribed report to the appropriate committees of the Congress.

The Committee would also develop and recommend to the Secretary of Health, Education, and Welfare for referral to appropriate State agencies policies and procedures to facilitate hiring, placement, and advancement of persons who have received rehabilitation services. The Secretary would be expected to encourage the State agencies to adopt these policies and procedures and to promote job opportunities for the handicapped.

The Civil Service Commission objects to the provisions of paragraphs (a) through (d) of section 701. In our view, these paragraphs are inconsistent with the philosophy and modes of operation that have proved successful in promoting the employment of the handicapped in the Federal service under Commission leadership. The Commission most recently was assigned this responsibility by Presidential memorandum of April 18, 1969. It was first assigned to the Commission by President Truman and it has been assigned by each Administration since that time.

In objecting to the establishment of a new Interagency Committee, as well as objecting to its being chaired by the Secretary of Health, Education, and Welfare, we would cite some examples of what action has been taken and results produced under Commission leadership in concert with the agencies:

The Commission has a well-established framework to carry out its responsibilities in this area. Broad direction is provided by the Commission's central office for implementation of the program throughout the Federal Government. Leadership and program management are provided through the Commission's network of regional and area offices. Each Federal installation having personnel appointing authority has a Coordinator for Selective Placement of the Handicapped at every echelon—some 3500 across the Nation. Together, these Coordinators provide comprehensive placement assistance to handicapped job applicants and to handicapped persons already on the rolls of Federal agencies.

Special appointing authorities in the excepted service have been established since 1964 for the severely physically handicapped and the mentally retarded. In addition, temporary limiting appointments are available for the mentally restored and other handicapped persons to provide an opportunity for them to demonstrate in a trial work period their ability to pursue profitable careers in Government.

Close working relationships are maintained with all public and private agencies serving the handicapped, including State vocational rehabilitation agencies, Veterans Administration facilities, sheltered workshops, organizations and associations concerned with specific disability groups, and the President's Committee on Employment of the Handicapped.

Federal agencies appoint thousands of persons with some type of physical handicap each year. In addition, since 1964, 7,500 mentally retarded persons and 1,850 severely physically handicapped persons have been appointed under the special appointing authorities referred to above. During calendar year 1971, the latest period for which figures are available, 8,028 new appointments were made of persons with disabilities ranging from moderate to severe.

These programs for the handicapped are closely integrated with other personnel programs of both the agencies and the Commission. For example, plans and procedures are developed in a manner consistent with the laws governing Federal employment; guidance to agencies is presented within the framework of a coordinated issuance system for personnel instructions; material on the placement and counseling of handicapped employees is incorporated in Commission training courses for supervisors and counselors; and efforts towards program improvement are assisted through such established groups as the Interagency Advisory Group's Committee on Selective Placement.

Insofar as State activities are concerned, the Commission has a specific responsibility under the Intergovernmental Personnel Act for working closely with State and local governments subject to merit system standards to insure the soundness of their personnel practices. Our activities extend to the public policy employment programs carried out by these organizations, including their programs for employment of the handicapped. The Commission is also responsible under the Intergovernmental Personnel Act with the guidance of a Presidential advisory council, for leadership in the improvement of personnel systems of State and local governments, generally.

The Commission also strongly objects to the provisions of paragraph (d–1) of section 3, in which the number of positions authorized by section 5108(a) of title 5, United States Code, and assigned to the Rehabilitation Services Administration, is increased by ten. Any increase in supergrade positions should be made available to the agency through the supergrade allocation resources of the Commission.

The Office of Management and Budget advises that from the standpoint of the Administration's program there is no objection to the submission of this report, and enactment of S. 7 would not be in accord with the President's program.

By direction of the Commission:

Sincerely yours,

ROBERT E. HAMPTON, *Chairman.*

Mr. BRADEMAS. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, the fundamental point of the language in the bill is to encourage the Federal Government to employ handicapped individuals, and the purpose of this provision the gentleman seeks to delete is to establish a Federal Interagency Committee on Handicapped Employees that would be charged with the responsibility of seeing to it that each department and agency of the executive branch of the Government submitted to that interagency committee within a period of 180 days of enactment of the bill a report on the extent to which the department or agency had indeed hired handicapped persons. Moreover, the provision of the bill which the gentleman would propose to strike directs the Federal Interagency Committee to recommend policies to State and local governments to encourage them as well to hire handicapped individuals.

One may ask if there is any need to encourage the Federal Government to hire the handicapped? I think, if you look at the record of the U.S. Government in employing handicapped individuals, you will see that there is indeed such a need.

We are all familiar with the radio and television commercial urging us to hire the handicapped, but unfortunately the Government of the United States does a very sorry job. In 1971, for example, witnesses have testified before the committee in the other body that in the excepted service for the entire Federal Government, 498 severely handicapped persons were hired. The most recent figures for the hiring of severely handicapped persons, with 2.5 million Federal employees, totaled 1,679.

That is really a rather shameful record, Mr. Chairman. In fact, I am advised that the Civil Service Commission has a total of only three staff professionals whose job it is to encourage Federal agencies to hire handicapped persons.

Therefore, while I appreciate the spirit in which the gentleman's amendment was offered, I hope very much that his amendment will be rejected and that we shall retain this modest step toward encouraging the executive branch of the U.S. Government to hire handicapped persons.

I hope the amendment is rejected.

Mr. GROSS. Mr. Chairman, I move to strike the necessary number of words.

Mr. Chairman, as the gentleman from North Carolina (Mr. HENDERSON) said a few moments ago in offering this amendment, Presidents, beginning with President Truman, assigned this responsibility to the Civil Service Commission.

For the life of me I cannot understand the reason now for adding to the Federal bureaucracy for that is what will happen by way of the language in the bill. I would hope that those who are interested in holding down the Federal bureaucracy and stopping additions to the fat, would continue the program that has been workable; that has been sustained by every President, so far as I know, since President Truman, and leave this where it is, with the Civil Service Commission. To that end, I urge support of my colleague's amendment.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from North Carolina (Mr. HENDERSON).

The question was taken; and on a division (demanded by Mr. HENDERSON) there were—ayes 73, noes 77.

So the amendment was rejected.

The CHAIRMAN. If there are no further amendments to be proposed, the question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. MONTGOMERY, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the bill (H.R. 17) to amend the Vocational Rehabilitation Act to extend and revise authorization of grants to States for vocational rehabilitation services, to authorize grants for rehabilitation services to those with severe disabilities, and for other purposes, pursuant to House Resolution 274, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the Committee amendment in the nature of a substitute adopted in the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

Mr. GERALD R. FORD. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 318, nays 57, not voting 56, as follows:

[Roll No. 42]

YEAS—318

Abdnor
Abzug
Adams
Addabbo
Alexander
Anderson, Calif.
Anderson, Ill.
Andrews, N.C.
Andrews, N. Dak.
Annunzio
Archer
Aspin
Baker
Barrett
Beard
Bell
Bergland
Bevill
Biester
Bingham
Boland
Bolling
Brademas
Bray
Breaux
Breckinridge
Brinkley
Brooks
Broomfield
Brotzman
Brown, Mich.
Broyhill, N.C.
Buchanan
Burgener
Burke, Calif.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Burton
Byron
Carey, N.Y.
Carney, Ohio
Carter
Casey, Tex.
Chamberlain
Clark
Clausen, Don H.
Cleveland
Cochran
Cohen
Conte
Conyers
Corman
Cotter
Coughlin
Cronin
Culver
Daniels, Dominick V.
Danielson
Davis, Ga.
Davis, S.C.
de la Garza
Delaney
Dellenback
Dellums
Denholm
Dennis
Dent
Derwinski
Diggs
Dingell
Donohue
Drinan
Dulski
Duncan
du Pont
Eckhardt
Edwards, Ala.
Edwards, Calif.
Eilberg
Erlenborn
Esch
Eshleman
Evins, Tenn.
Fascell
Fisher
Flood
Flynt
Foley
Ford, William D.
Forsythe
Fountain
Fraser
Frenzel
Frey
Froehlich
Fulton
Fuqua
Gaydos
Giaimo
Gilman
Ginn
Gonzalez
Grasso
Gray
Green, Oreg.
Green, Pa.
Griffiths
Grover
Gubser
Gude
Gunter
Guyer
Haley
Hamilton
Hammerschmidt
Hanley
Hanna
Hanrahan
Hansen, Idaho
Hansen, Wash.
Harrington
Harsha
Hastings
Hawkins
Hays
Hébert
Hechler, W. Va.
Heckler, Mass.
Heinz
Helstoski
Henderson
Hicks
Hillis
Holifield
Holtzman
Horton
Hungate
Ichord
Johnson, Calif.
Johnson, Colo.
Johnson, Pa.
Jones, N.C.
Jones, Okla.
Jones, Tenn.
Jordan
Karth
Kastenmeier
Kazen
Keating
Kemp
Kluczynski
Landrum
Latta
Leggett
Lehman
Lent
Litton
Long, La.
Long, Md.
Lott
Lujan
McClory
McCloskey
McCollister
McCormack
McDade
McFall
McKay
McKinney
McSpadden
Macdonald
Madden
Madigan
Mahon
Mailliard
Mallary
Maraziti
Mathias, Calif.
Matsunaga
Mayne
Mazzoli
Meeds
Melcher
Metcalfe
Mezvinsky
Milford
Miller
Mills, Md.
Minish
Mink
Mitchell, Md.
Mitchell, N.Y.
Mizell
Moakley
Mollohan
Montgomery
Moorhead, Pa.
Morgan
Mosher
Moss
Murphy, Ill.
Murphy, N.Y.
Myers
Natcher
Nedzi
Nix
Obey
O'Hara
O'Neill
Owens
Patman
Patten
Pepper
Perkins
Pettis
Peyser
Pickle
Pike
Poage
Podell
Powell, Ohio
Preyer
Price, Ill.
Pritchard
Quie
Quillen
Randall
Rangel
Rees
Regula
Reid
Reuss
Riegle
Rinaldo
Robison, N.Y.
Rodino
Roe
Rogers
Roncalio, Wyo.
Roncallo, N.Y.
Rooney, Pa.
Rose
Rosenthal
Roush
Roy
Roybal
Runnels
Ruppe
Ruth
Ryan
St Germain
Sandman
Sarasin
Sarbanes
Scherle
Schroeder
Sebelius
Seiberling
Shipley
Shoup
Shriver
Sisk
Skubitz
Slack
Smith, Iowa
Smith, N.Y.
Snyder
Staggers
Stanton, J. William
Stanton, James V.
Steele
Steelman
Steiger, Wis.
Stephens
Stokes
Stratton
Stubblefield
Stuckey
Studds
Sullivan
Symington
Taylor, N.C.
Teague, Calif.
Thompson, N.J.
Thomson, Wis.
Thone
Thornton
Tiernan
Towell, Nev.
Udall
Van Deerlin
Vander Jagt
Vanik
Vigorito
Waggonner
Walsh
Wampler
Ware
Whalen
White
Whitten
Widnall
Wilson, Charles H., Calif.
Wilson, Charles, Tex.
Winn
Wolff
Wyatt
Wylie
Wyman
Yates
Yatron
Young, Ga.
Young, Ill.
Young, Tex.
Zablocki
Zion
Zwach

NAYS—57

Arends
Ashbrook
Bafalis
Bennett
Blackburn
Brown, Ohio
Burke, Fla.
Butler
Cederberg
Clancy
Clawson, Del
Collins
Conable
Conlan
Daniel, Dan
Daniel, Robert W., Jr.
Davis, Wis.
Devine
Findley
Ford, Gerald R.
Frelinghuysen
Gettys
Goldwater
Goodling
Gross
Holt
Huber
Hudnut
Hunt
Hutchinson
Jarman
Ketchum
Kuykendall
Landgrebe
Mann
Martin, Nebr.
Martin, N.C.
Michel
Minshall, Ohio
O'Brien
Parris
Rarick
Rhodes
Robinson, Va.

Saylor
Shuster
Spence
Symms
Taylor, Mo.
Teague, Tex.
Treen
Whitehurst
Wiggins
Williams
Wilson, Bob
Wydler
Young, Fla.

NOT VOTING—56

Armstrong
Ashley
Badillo
Biaggi
Blatnik
Bowen
Brasco
Brown, Calif.
Broyhill, Va.
Camp
Chappell
Chisholm
Clay
Collier
Crane
Dickinson
Dorn
Downing
Evans, Colo.
Fish
Flowers
Gibbons
Harvey
Hinshaw
Hogan
Hosmer
Howard
Jones, Ala.
King
Koch
Kyros
McEwen
Mathis, Ga.
Mills, Ark.
Moorhead, Calif.
Nelsen
Nichols
Passman
Price, Tex.
Railsback
Roberts
Rooney, N.Y.
Rostenkowski
Rousselot
Satterfield
Schneebeli
Sikes
Stark
Steed
Steiger, Ariz.
Talcott
Ullman
Veysey
Waldie
Wright
Young, S.C.

So the bill was passed.

The Clerk announced the following pairs:

Mr. Rooney of New York with Mr. King.
Mr. Rostenkowski with Mr. Collier.
Mr. Blatnik with Mr. Armstrong.
Mr. Brasco with Mr. Harvey.
Mr. Sikes with Mr. Crane.
Mr. Biaggi with Mr. Fish.
Mr. Stark with Mr. Price of Texas.
Mr. Waldie with Mr. Hinshaw.
Mr. Downing with Mr. Broyhill of Virginia.
Mrs. Chisholm with Mr. Ashley.
Mr. Gibbons with Mr. Nelsen.
Mr. Flowers with Mr. Dickinson.
Mr. Roberts with Mr. Hogan.
Mr. Satterfield with Mr. Moorhead of California.
Mr. Steed with Mr. Camp.
Mr. Koch with Mr. Clay.
Mr. Badillo with Mr. Hosmer.
Mr. Bowen with Mr. McEwen.
Mr. Howard with Mr. Railsback.
Mr. Mills of Arkansas with Mr. Rousselot.
Mr. Kyros with Mr. Schneebeli.
Mr. Dorn with Mr. Steiger of Arizona.
Mr. Nichols with Mr. Talcott.
Mr. Wright with Mr. Veysey.
Mr. Mathis of Georgia with Mr. Young of South Carolina.
Mr. Brown of California with Mr. Evans of Colorado.
Mr. Chappell with Mr. Jones of Florida.
Mr. Passman with Mr. Ullman.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Mr. BRADEMAS. Mr. Speaker, pursuant to the provisions of House Resolution 274, I call up for immediate consideration the Senate bill (S. 7) to amend the Vocational Rehabilitation Act to extend and revise the authorization of grants to States for vocational rehabilitation services, to authorize grants for rehabilitation services to those with severe disabilities, and for other purposes.

The Clerk read the title of the Senate bill.

MOTION OFFERED BY MR. BRADEMAS

Mr. BRADEMAS. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. BRADEMAS moves to strike out all after the enacting clause of the bill S. 7 and insert in lieu thereof the provisions of H.R. 17, as passed, as follows:

That this Act, with the following table of contents, may be cited as the "Rehabilitation Act of 1973".

TABLE OF CONTENTS

Sec. 2. Declaration of purpose.
Sec. 3. Rehabilitation Services Administration.
Sec. 4. Advance funding.
Sec. 5. Joint funding.
Sec. 6. Consolidated rehabilitation plan.
Sec. 7. Definitions.
Sec. 8. Allotment percentage.
Sec. 9. Audit.
Sec. 10. Nonduplication.

TITLE I—VOCATIONAL REHABILITATION SERVICES

PART A—GENERAL PROVISIONS

Sec. 100. Declaration of purpose; authorization of appropriations.
Sec. 101. State plans.
Sec. 102. Individualized written rehabilitation program.
Sec. 103. Scope of vocational rehabilitation services.
Sec. 104. Non-Federal share for construction.

PART B—BASIC VOCATIONAL REHABILITATION SERVICES

Sec. 110. State allotments.
Sec. 111. Payments to States.
Sec. 112. Client assistance.

PART C—INNOVATIVE AND EXPANSION GRANTS

Sec. 120. State allotments.
Sec. 121. Payments to States.

TITLE II—COMPREHENSIVE REHABILITATION SERVICES

Sec. 200. Declaration of purpose; authorization of appropriations.
Sec. 201. State allotments.
Sec. 202. Payments to States.
Sec. 203. State programs.
Sec. 204. Special projects.
Sec. 205. Definition.

TITLE III—SPECIAL FEDERAL RESPONSIBILITIES

Sec. 300. Declaration of purpose.
Sec. 301. Grants for construction of rehabilitation facilities.
Sec. 302. Vocational training services for handicapped individuals.
Sec. 303. Mortgage insurance for rehabilitation facilities.
Sec. 304. Annual interest grants for mortgages for rehabilitation facilities.
Sec. 305. Special projects and demonstrations.
Sec. 306. National Center for Deaf-Blind Youths and Adults.
Sec. 307. Rehabilitation Centers for Deaf Individuals.
Sec. 308. National Centers for Spinal Cord Injuries.
Sec. 309. Grants for services for end-stage renal disease.
Sec. 310. Rehabilitation services for older blind individuals.
Sec. 311. National Advisory Council on Rehabilitation of Handicapped Individuals.
Sec. 312. State advisory councils.
Sec. 313. General grant and contract requirements.

TITLE IV—RESEARCH AND TRAINING

Sec. 400. Declaration of purpose.
Sec. 401. Authorization of appropriations.
Sec. 402. Research.
Sec. 403. Training.
Sec. 404. Reports

TITLE V—ADMINISTRATION AND PROGRAM AND PROJECT EVALUATION

Sec. 500. Administration.
Sec. 501. Program and project evaluation.
Sec. 502. Obtaining information from Federal agencies.
Sec. 503. Authorization of appropriations.
Sec. 504. Reports.
Sec. 505. Sheltered workshop study.

TITLE VI—OFFICE FOR THE HANDICAPPED

Sec. 600. Establishment of Office.
Sec. 601. Function of Office.
Sec. 602. Authorization of appropriations.

TITLE VII—MISCELLANEOUS

Sec. 700. Effect on existing laws.
Sec. 701. Federal Interagency Committee on Handicapped Employees.
Sec. 702. National Commission on Transportation and Housing for Handicapped Individuals.
Sec. 703. Architectural and Transportation Barriers Compliance Board.
Sec. 704. Employment under Federal contracts.
Sec. 705. Nondiscrimination under Federal grants.

DECLARATION OF PURPOSE

SEC. 2. The purpose of this Act is to provide a statutory basis for the Rehabilitation Services Administration, to establish within the Department of Health, Education, and Welfare an Office for the Handicapped, and to authorize programs to—

(1) develop and implement comprehensive and continuing State plans for meeting the current and future needs for providing vocational rehabilitation services to handicapped individuals and to provide such services for the benefit of such individuals, serving first those with the most severe handicaps, so that they may prepare for and engage in gainful employment;

(2) evaluate the rehabilitation potential of handicapped individuals;

(3) develop, implement, and provide comprehensive rehabilitation services to meet the current and future needs of handicapped individuals for whom a vocational goal is not possible or feasible so that they may improve their ability to live with greater independence and self-sufficiency;

(4) assist in the construction and improvement of rehabilitation facilities;

(5) develop new and innovative methods of applying the most advanced medical technology, scientific achievement, and psychological and social knowledge to solve rehabilitation problems and develop new and innovative methods of providing rehabilitation services to handicapped individuals through research, special projects, and demonstrations;

(6) initiate and expand services to groups of handicapped individuals (including those who are homebound and institutionalized) who have been underserved in the past;

(7) direct the conduct of various studies and experiments to focus on long-neglected problem areas;

(8) promote and expand employment opportunities in the public and private sectors for handicapped individuals and to place such individuals in employment;

(9) establish client assistance pilot projects;

(10) provide assistance for the purpose of increasing the number of rehabilitation personnel and increasing their skills through training; and

(11) evaluate existing approaches to architectural and transportation barriers confronting handicapped individuals, develop new such approaches, enforce statutory and regulatory standards and requirements regarding barrier-free construction of public facilities and study and develop situations to existing housing and transportation barriers impeding handicapped individuals.

REHABILITATION SERVICES ADMINISTRATION

SEC. 3. (a) There shall be in the Department of Health, Education, and Welfare a Rehabilitation Services Administration which shall be administered by a Commissioner (hereinafter referred to as the "Commissioner"). The Commissioner shall carry out and administer all programs and direct the performance of all services for which authority is provided under titles I through IV of this Act.

(b) There shall be within such Administration a Division of Research, Training, and Evaluation, which shall be responsible for carrying out programs and projects under title IV of this Act. There shall be within such Division a Center for Technology Assessment and Application, which shall be responsible for developing and supporting, and stimulating the development and utilization (including production and distribution of new and existing devices) of, innovative methods of applying advanced medical technology, scientific achievement, and psychological and social knowledge to solve rehabilitation problems, and for administration of the activities described in section 402(b) (2). Such Division shall be directed by an Assistant Commissioner, who shall be responsible to the Commissioner and shall be a person of outstanding scientific and technological achievement and learning and shall carry out his responsibilities in consultation with the National Science Foundation and the National Academy of Sciences, and shall be assigned at least ten full-time positions, five of which shall be filled by professionals of qualifications similar to the Assistant Commissioner.

(c) The Secretary shall take whatever action is necessary to insure that funds appropriated pursuant to this Act, as well as unexpended appropriations for carrying out the Vocational Rehabilitation Act (29 U.S.C. 31–42), are expended only for the programs, personnel, and administration of programs carried out under this Act.

(d) In order to carry out the purposes of this Act, the authorized level of full-time personnel, or the equivalent, assigned to the Rehabilitation Services Administration to carry out duties related to the administration of this Act, is increased by sixty.

ADVANCE FUNDING

SEC. 4. (a) For the purpose of affording adequate notice of funding available under this Act, appropriations under this Act are authorized to be included in the appropriation Act for the fiscal year preceding the fiscal year for which they are available for obligation.

(b) In order to effect a transition to the advance funding method of timing appropriation action, the authority provided by subsection (a) of this section shall apply notwithstanding that its initial application will result in the enactment in the same year (whether in the same appropriation Act or otherwise) of two separate appropriations, one for the then current fiscal year and one for the succeeding fiscal year.

JOINT FUNDING

SEC. 5. Pursuant to regulations prescribed by the President, and to the extent consistent with the other provisions of this Act, where funds are provided for a single project by more than one Federal agency to an agency or organization assisted under this Act, the Federal agency principally involved may be designated to act for all in administering the funds provided, and, in such cases, a single non-Federal share requirement may be established according to the proportion of funds advanced by each agency. When the principal agency involved is the Rehabilitation Service Administration, it may waive any grant or contract requirement (as defined by such regulations) under or pursuant to any law other than this Act, which requirement is inconsistent with the similar requirements of the administering agency under or pursuant to this Act.

CONSOLIDATED REHABILITATION PLAN

SEC. 6. (a) In order to secure increased flexibility to respond to the varying needs and local conditions within the State, and in order to permit more effective and interrelated planning and operation of its rehabilitation programs, the State may submit a consolidated rehabilitation plan which includes the State's plan under section 101(a) of this Act and its program for persons with developmental disabilities under the Developmental Disabilities Services and Facilities Construction Amendments of 1970, provided the agency administering such State's program under such Act occurs in the submission of such a consolidated rehabilitation plan.

(b) Such a consolidated rehabilitation plan must comply with, and be administered in accordance with, all the requirements of this Act and the Developmental Disabilities Services and Facilities Construction Amendments of 1970. If the Secretary finds that all such requirements are satisfied, he may approve the plan to serve in all respects as the substitute for the separate plans which would otherwise be required with respect to each of the programs included therein, or he may advise the State to submit separate plans for such programs.

(c) Findings of noncompliance in the administration of an approved consolidated rehabilitation plan, and any reductions, suspensions, or terminations of assistance as a result thereof, shall be carried out in accordance with the procedures set forth in subsections (c) and (d) of section 101 of this Act.

DEFINITIONS

SEC. 7. For the purposes of this Act:

(1) The term "comprehensive rehabilitation services" means vocational rehabilitation services and any other goods (including aids and devices) or services provided with funds under title II, III, or IV of this Act that will make a substantial contribution in helping a handicapped individual to improve his ability to live independently or function normally with his family or community.

(2) The term "construction" means the construction of new buildings, the acquisition, expansion, remodeling, alteration, and renovation of existing buildings and initial equipment of such buildings, and the term "cost of construction" includes architects' fees and acquisition of land in connection with construction but does not include the cost of offsite improvements.

(3) The term "criminal act" means any crime, including an act, omission, or possession under the laws of the United States or a State or unit of general local government which poses a substantial threat of personal injury, notwithstanding that by reason of age, insanity, intoxication or otherwise the person engaging in the act, omission, or possession was legally incapable of committing a crime.

(4) The term "establishment of a rehabilitation facility" means the acquisition, expansion, remodeling, or alteration of existing buildings necesasry to adapt them to rehabilitation facility purposes or to increase their effectiveness for such purposes (subject, however, to such limitations as the Commissioner may determine, in accordance with regulations he shall prescribe, in order to prevent impairment of the objectives of, or duplication of, other Federal laws providing Federal assistance in the construction of such facilities), and the initial equipment for such buildings, and may include the initial staffing thereof.

(5) The term "evaluation of rehabiliation potential" means, as appropriate in each case:

(A) a preliminary diagnostic study to determine that the individual has a substantial handicap to employment, and that vocational or comprehensive rehabilitation services are needed;

(B) a diagnostic study consisting of a comprehensive evaluation of pertinent medical, psychological, vocational, educational, cultural, social, and environmental factors which bear on the individual's handicap to employment and rehabilitation potential including, to the degree needed, an evaluation of the individual's personality, intelligence level, educational achievements, work experience, vocational aptitudes and interests, personal and social adjustments, employment opportunities, and other pertinent data helpful in determining the nature and scope of services needed;

(C) an appraisal of the individual's patterns of work behavior and ability to acquire occupational skill, and to develop work attitudes, work habits, work tolerance, and social and behavior patterns suitable for successful job performance, including the utilization of work, simulated or real, to assess and develop the individual's capacities to perform adequately in a work environment;

(D) any other goods or services provided for the purpose of ascertaining the nature of the handicap and whether it may reasonably be expected that the individual can benefit from vocational rehabilitation services or comprehensive rehabilitation services;

(E) referral;

(F) the administration of these evaluation services; and

(G) (i) the provision of vocational rehabilitation services or the provision of comprehensive rehabilitation services to any individual for a total period not in excess of eighteen months for the purpose of determining whether such individual is a handicapped individual, a handicapped individual for whom a vocational goal is not possible or feasible (as determined in accordance with section 102(c)), or neither such individual; and (ii) an assessment, at least once in every ninety-day period during which such services are provided, of the results of the provision of such services to an individual to ascertain whether any of the determinations described in subclause (i) may be made.

(6) The term "Federal share" means 80 per centum, except that it shall mean 90 per centum for the purposes of part C of title I and title II of this Act and section 301: *Provided*, That with respect to payments pursuant to part B of title I of this Act to any State which are used to meet the costs of construction of those rehabilitation facilities identified in section 103(b)(2) in such State, the Federal share shall be the percentages determined in accordance with the provisions of section 301(b)(3) applicable with respect to that State and that, for the purpose of determining the non-Federal share with respect to any State, expenditures by a political subdivision thereof or by a local agency shall, subject to such limitations and conditions as the Commissioner shall by regulation prescribe, be regarded as expenditures by such State.

(7) The term "handicapped individual" means any individual who (A) has a physical or mental disability which for such individual constitutes or results in a substantial handicap to employment and (B) can reasonably be expected to benefit from vocational rehabilitation services or comprehensive rehabilitation services provided pursuant to title II, III, or IV of this Act.

(8) The term "local agency" means an agency of a unit of general local government or of an Indian tribal organization (or combination of such units or organizations)

which has an agreement with the State agency designated pursuant to section 101 (a)(1) to conduct a vocational rehabilitation program under the supervision of such State agency in accordance with the State plan approved under section 101. Nothing in the preceding sentence of this paragraph or in section 101 shall be construed to prevent the local agency from utilizing another local public or nonprofit agency to provide vocational or comprehensive rehabilitation services: *Provided*, That such an arrangement is made part of the agreement specified in this paragraph.

(9) The term "nonprofit", when used with respect to a rehabilitation facility, means a rehabilitation facility owned and operated by a corporation or association, no part of the net earnings of which inures, or may lawfully inure, to the benefit of any private shareholder or individual and the income of which is exempt from taxation under section 501(c)(3) of the Internal Revenue Code of 1954.

(10) The term "public safety officer" means a person serving the United States or a State or unit of general local government, with or without compensation, in any activity pertaining to—

(A) the enforcement of the criminal laws, including highway patrol, or the maintenance of civil peace by the National Guard or the Armed Forces.

(B) a correctional program, facility, or institution where the activity is potentially dangerous because of contact with criminal suspects, defendants, prisoners, probationers, or parolees.

(C) a court having criminal or juvenile delinquent jurisdiction where the activity is potentially dangerous because of contact with criminal suspects, defendants, prisoners, probationers, or parolees, or

(D) firefighting, fire prevention, or emergency rescue missions.

(11) The term "rehabilitation facility" means a facility which is operated for the primary purpose of providing vocational rehabilitation or comprehensive rehabilitation services to handicapped individuals, and which provides singly or in combination one or more of the following services for handicapped individuals: (A) vocational and comprehensive rehabilitation services which shall include, under one management, medical, psychological, social, and vocational services, (B) testing, fitting, or training in the use of prosthetic and orthotic devices, (C) prevocational conditioning or recreational therapy, (D) physical and occupational therapy, (E) speech and hearing therapy, (F) psychological and social services, (G) evaluation of rehabilitation potential, (H) personal and work adjustment, (I) vocational training with a view toward career and advancement (in combination with other rehabilitation services), (J) evaluation or control of specific disabilities, (K) orientation and mobility services to the blind, and (L) extended employment for those handicapped individuals who cannot be readily absorbed in the competitive labor market, except that all medical and related health services must be prescribed by, or under the formal supervision of, persons licensed to prescribe or supervise the provision of such services in the State.

(12) The term "Secretary", except when the context otherwise requires, means the Secretary of Health, Education, and Welfare.

(13) The term "severe handicap" means the disability which requires multiple services over an extended period of time and results from amputation, blindness, cancer, cerebral palsy, cystic fibrosis, deafness, heart disease, hemiplegia, respiratory or pulmonary dysfunction, mental retardation, mental illness, multiple sclerosis, muscular dystrophy, neurological disorders (including stroke and epilepsy), paraplegia, quadriplegia and other spinal cord conditions, renal failure and any other disability, specified by the Commissioner in regulations he shall prescribe.

(14) The term "State" includes the District of Columbia, the Virgin Islands, Puerto Rico, Guam, American Samoa, and the Trust Territory of the Pacific Islands, and for the purposes of American Samoa and the Trust Territory of the Pacific Islands, the appropriate State agency designated as provided in section 101(a)(1) shall be the Governor of American Samoa or the High Commissioner of the Trust Territory of the Pacific Islands, as the case may be.

(15) The term "vocational rehabilitation services" means those services identified in section 103 which are provided to handicapped individuals under this Act.

ALLOTMENT PERCENTAGE

SEC. 8. (a)(1) The allotment percentage for any State shall be 100 per centum less that percentage which bears the same ratio to 50 per centum as the per capita income of such State bears to the per capita income of the United States, except that (A) the allotment percentage shall in no case be more than 75 per centum or less than 33⅓ per centum, and (B) the allotment percentage for the District of Columbia, Puerto Rico, Guam, the Virgin Islands, American Samoa, and the Trust Territories of the Pacific Islands shall be 75 per centum.

(2) The allotment percentages shall be promulgated by the Commissioner between July 1 and September 30 of each even-numbered year, on the basis of the average of the per capita incomes of the States and of the United States for the three most recent consecutive years for which satisfactory data are available from the Department of Commerce. Such promulgation shall be conclusive for each of the two fiscal years in the period beginning on the July 1 next succeeding such promulgation.

(3) The term "United States" means (but only for purposes of this subsection) the fifty States and the District of Columbia.

(b) The population of the several States and of the United States shall be determined on the basis of the most recent data available, to be furnished by the Department of Commerce by October 1 of the year preceding the fiscal year for which funds are appropriated pursuant to statutory authorizations.

AUBIT

SEC. 9. Each recipient of a grant or contract under this Act shall keep such records as the Secretary may prescribe, including records which fully disclose the amount and disposition by such recipient of the proceeds of such grant or contract, the total cost of the project or undertaking in connection with which such grant or contract is made or funds thereunder used, the amount of that portion of the cost of the project or undertaking supplied by other sources, and such records as will facilitate an effective audit. The Secretary and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access for the purpose of audit and examination to any books, documents, papers, and records of the recipient of any grant or contract under this Act which are pertinent to such grant or contract.

NONDUPLICATION

SEC. 10. In determining the amount of any State's Federal share of expenditures for planning, administration, and services incurred by it under a State plan approved in accordance with section 101 or for the purposes of providing comprehensive rehabilitation services pursuant to title II of this Act, there shall be disregarded (1) any portion of such expenditures which are financed by Federal funds provided under any other provision of law, and (2) the amount of any non-Federal funds required to be expended as a condition of receipt of such Federal funds. No payment may be made from funds provided under one provision of this Act relating to any cost with respect to which any payment is made under any other provision of this Act.

TITLE I—VOCATIONAL REHABILITATION SERVICES

PART A—GENERAL PROVISIONS

DECLARATION OF PURPOSE; AUTHORIZATION OF APPROPRIATIONS

SEC. 100. (a) The purpose of this title is to authorize grants to assist States to meet the current and future needs of handicapped individuals, so that such individuals may prepare for and engage in gainful employment to the extent of their capabilities.

(b)(1) For the purpose of making grants to States under part B of this title to assist them in meeting costs of vocational rehabilitation services provided in accordance with State plans under section 101, there is authorized to be appropriated $700,000,000 for the fiscal year ending June 30, 1973, and $800,000,000 for the fiscal year ending June 30, 1974.

(2) For the purpose of making grants under section 120, relating to grants to States and public and nonprofit agencies to assist them in meeting the costs of projects to initiate or expand services to handicapped individuals (especially those with the most severe handicaps) there is authorized to be appropriated $50,000,000 for the fiscal year ending June 30, 1973, $60,000,000 for the fiscal year ending June 30, 1974, and $75,000,000 for the fiscal year ending June 30, 1975.

STATE PLANS

SEC. 101. (a) For each fiscal year in which a State desires to participate in programs under this title and pursuant to title II of this Act, a State shall submit to the Commissioner for his approval an annual plan for vocational and comprehensive rehabilitation services which shall—

(1)(A) designate a State agency as the sole State agency to administer the plan, or to supervise its administration by a local agency except that (i) where under the State's law the State agency for the blind or other agency which provides assistance or services to the adult blind, is authorized to provide vocational and comprehensive rehabilitation services to such individuals, such agency may be designated as the sole State agency to administer the part of the plan under which vocational and comprehensive rehabilitation services are provided for the blind (or to supervise the administration of such part by a local agency) and a separate State agency may be designated as the sole State agency with respect to the rest of the State plan, and (ii) the Secretary, upon the request of a State, may authorize such agency to share funding and administrative responsibility with another agency of the State or with a local agency in order to permit such agencies to carry out a joint program to provide services to handicapped individuals, and may waive compliance with respect to vocational rehabilitation services furnished under such programs with the requirement of clause (4) of this subsection that the plan be in effect in all political subdivisions of the State;

(B) provide that the State agency so designated to administer or supervise the administration of the State plan, or (if there are two State agencies designated under subclause (A) of this clause) to supervise or administer the part of the State plan that does not relate to services for the blind, shall be (i) a State agency primarily concerned with vocational rehabilitation, or vocational and other rehabilitation, of handicapped individual, (ii) the State agency administering or supervising the administration of education or vocational education in the State, or (iii) a State agency which includes at least two other major organizational units each of which administers one or more of the major public education, public health, public welfare, or labor programs of the State;

(2) provide, except in the case of agencies described in clause (1) (B) (i)—

(A) that the State agency designated pursuant to paragraph (1) (or each State agency if two are so designated) shall include a vocational rehabilitation bureau, division, or other organizational unit which (i) is primarily concerned with vocational rehabilitation, or vocational and other rehabilitation, of handicapped individuals, and is responsible for the vocational rehabilitation program of such State agency, (ii) has a full-time director, and (iii) has a staff employed on such rehabilitation work of such organizational unit all or substantially all of whom are employed full time on such work; and

(B) (i) that such unit shall be located at an organizational level and shall have an organizational status within such State agency comparable to that of other major organizational units of such agency, or (ii) in the case of an agency described in clause (1) (B) (ii), either that such unit shall be so located and have such status, or that the director of such unit shall be the executive officer of such State agency; except that, in the case of a State which has designated only one State agency pursuant to clause (1) of this subsection, such State may, if it so desires, assign responsibility for the part of the plan under which vocational and comprehensive rehabilitation services are provided for the blind to one organizational unit of such agency and assign responsibility for the rest of the plan to another organizational unit of such agency, with the provisions of this clause applying separately to each of such units;

(3) provide for financial participation by the State, or if the State so elects, by the State and local agencies to meet the amount of the non-Federal share;

(4) provide that the plan shall be in effect in all political subdivisions, except that in the case of any activity which, in the judgment of the Commissioner, is likely to assist in promoting the vocational rehabilitation of substantially larger numbers of handicapped individuals or groups of handicapped individuals the Commissioner may waive compliance with the requirement herein that the plan be in effect in all political subdivisions of the State to the extent and for such period as may be provided in accordance with regulations prescribed by him, but only if the non-Federal share of the cost of such vocational rehabilitation services is met from funds made available by a local agency (including, to the extent permitted by such regulations, funds contributed to such agency by a private agency, organization, or individual);

(5) (A) contain the plans, policies, and methods to be followed in carrying out the State plan and in its administration and supervision, including a description of the method to be used to expand and improve services to handicapped individuals with the most severe handicaps; and, in the event that vocational rehabilitation services cannot be provided to all eligible handicapped individuals who apply for such services, show (i) the order to be followed in selecting individuals to whom vocational rehabilitation services will be provided, and show the order to be followed in selecting individuals to whom comprehensive rehabilitation services will be provided, and (ii) the outcomes and service goals, and the time within which they may be achieved, for the rehabilitation of such individuals, which order of selection for the provision of vocational rehabilitation services shall be determined on the basis of serving first those individuals with the most severe handicaps and shall be consistent with priorities in such order of selection so determined, and outcome and service goals for serving handicapped individuals, established in regulations prescribed by the Commissioner, and

(B) provide satisfactory assurances to the Commisisoner that the State has studied and considered a broad variety of means for providing services to individuals with the most severe handicaps;

(6) (A) contain the plans, policies, and methods to be followed in providing comprehensive rehabilitation services pursuant to title II of this Act, and

(B) provide satisfactory assurances that no such comprehensive rehabilitation services shall be paid for with funds under title II of this Act unless maximum efforts have been made to secure grant assistance, in whole or in part, from other sources to pay for such services;

(7) provide for such methods of administration, other than methods relating to the establishment and maintenance of personnel standards, as are found by the Commissioner to be necessary for the proper and efficient administration of the plan;

(8) contain (A) provisions relating to the establishment and maintenance of personnel standards, which are consistent with any State licensure laws and regulations, including provisions relating to the tenure, selection, appointment, and qualifications of personnel, and (B) provisions relating to the establishment and maintenance of minimum standards governing the facilities and personnel utilized in the provision of vocational and comprehensive rehabilitation services, but the Commissioner shall exercise no authority with respect to the selection, method of selection, tenure of office, or compensation of any individual employed in accordance with such provisions;

(9) provide, at a minimum, for the provision of the vocational rehabilitation services specified in clauses (1) through (3) of subsection (a) of section 103, and the remainder of such services specified in such section after full consideration of eligibility for similar benefits under any other program, except that, in the case of the vocational rehabilitation services specified in clauses (4) and (5) of subsection (a) of such section, such consideration shall not be required where it would delay the provisions of such services to any individual;

(10) provide that (A) an individualized written rehabilitation program meeting the requirements of section 102 will be developed for each handicapped individual eligible for vocational or comprehensive rehabilitation services under this Act, (B) such services will be provided under the plan in accordance with such program, and (C) records of the characteristics of each applicant will be kept specifying, as to those individuals who apply for services under this title or pursuant to title II of this Act and are determined not to be eligible therefor, the reasons for such determinations;

(11) provide that the State agency will make such reports in such form, containing such information (including the data described in subclause (C) of clause (10) of this subsection, periodic estimates of the population of handicapped individuals eligible for services under this Act in such State, specifications of the number of such individuals who will be served with funds provided under this Act and the outcomes and service goals to be achieved for such individuals in each priority category specified in accordance with clause (5) of this subsection, and the service costs for each such category), and at such time as the Commissioner may require to carry out his functions under this title, and comply with such provisions as he may find necessary to assure the correctness and verification of such reports;

(12) provide for entering into cooperative arrangements with, and the utilization of the services and facilities of, the State agencies administering the State's public assistance programs, other programs for handicapped individuals, veterans programs, manpower programs, and public employment offices, and the Social Security Administration of the Department of Health, Education, and Welfare, the Veterans' Administration, and other Federal, State, and local public agencies providing services related to the rehabilitation of handicapped individuals;

(13) provide satisfactory assurances to the Commissioner that, in the provision of vocational rehabilitation and comprehensive rehabilitation services, maximum utilization shall be made of public or other vocational or technical training facilities or other appropriate resources in the community;

(14) (A) provide that vocational rehabilitation and comprehensive rehabilitation services provided under the State plan shall be available to any civil employee of the United States disabled while in the performance of his duty on the same terms and conditions as apply to other persons, and

(B) provide that special consideration will be given to the rehabilitation under this Act of a handicapped individual whose handicapping condition arises from a disability sustained in the line of duty while such individual was performing as a public safety officer and the proximate cause of such disability was a criminal act, apparent criminal act, or a hazardous condition resulting directly from the officer's performance of duties in direct connection with the enforcement, execution, and administration of law or fire prevention, firefighting, or related public safety activities;

(15) provide that no residence requirement will be imposed which excludes from services under the plan any individual who is present in the State;

(16) provide for continuing statewide studies of the needs of handicapped individuals and how these needs may be most effectively met (including the State's needs for rehabilitation facilities) with a view toward the relative need for services to significant segments of the population of handicapped individuals and the need for expansion of services to those individuals with the most severe handicaps;

(17) provide for (A) periodic review and reevaluation of the status of handicapped individuals placed in extended employment in rehabilitation facilities (including workshops) to determine the feasibility of their employment, or training for employment, in the competitive labor market, and (B) maximum efforts to place such individuals in such employment or training whenever it is determined to be feasible;

(18) provide that where such State plan includes provisions for the construction of rehabilitation facilities—

(A) the Federal share of the cost of construction thereof for a fiscal year will not exceed an amount equal to 10 per centum of the State's allotment for such year,

(B) the provisions of section 313 shall be applicable to such construction and such provisions shall be deemed to apply to such construction, and

(C) there shall be compliance with regulations the Commissioner shall prescribe designed to assure that no State will reduce its efforts in providing other vocational rehabilitation services (other than for the establishment of rehabilitation facilities) because its plans includes such provisions for construction;

(19) provide satisfactory assurances to the Commissioner that the State agency designated pursuant to clause (1) (or each State agency if two are so designated) and any sole local agency administering the plan in a political subdivision of the State will take into account, in connection with matters of general policy arising in the administration of the plan, the views of individuals and groups thereof who are recipients of vocational or comprehensive rehabilitation services (or, in appropriate cases, their parents or guardians), working in the field of vocational rehabilitation, and providers of vocational and comprehensive rehabilitation services; and

(20) provide satisfactory assurances to the Commissioner that the continuing studies required under clause (16) of this subsection, as well as an annual evaluation of the effectiveness of the program in meeting the goals and priorities set forth in the plan, will form the basis for the submission, from time to time as the Commissioner may require, of appropriate amendments to the plan.

(b) The Commissioner shall approve any plan which he finds fulfills the conditions specified in subsection (a) of this section, and he shall disapprove any plan which does not fullfill such conditions. Prior to such disapproval, the Commissioner shall notify a State of his intention to disapprove its plan, and he shall afford such State reasonable notice and opportunity for hearing.

(c) Whenever the Commissioner, after reasonable notice and opportunity for hearing to the State agency administering or supervising the administration of the State plan approved under this section, finds that—

(1) the plan has been so changed that it no longer complies with the requirements of subsection (a) of this section; or

(2) in the administration of the plan there is a failure to comply substantially with any such provision, the Commissioner shall notify such State agency that no further payments will be made to the State under this title (or, in his discretion, that such further payments will be reduced in accordance with regulations the Commissioner shall prescribe, or that further payments will not be made to the State only for the projects under the parts of the State plan affected by such failure), until he is satisfied there is no longer any such failure. Until he is so satisfied, the Commissioner shall make no further payments to such State under this title (or shall limit payments to projects under those parts of the State plan in which there is no such failure).

(d) If any State is dissatisfied with the Commissioner's action under subsection (b) or (c) of this section, such State may appeal to the United States district court for the district where the capital of such State is located and judicial review of such action shall be on the record in accordance with the provisions of chapter 7 of title 5, United States Code.

INDIVIDUALIZED WRITTEN REHABILITATION PROGRAM

SEC. 102. (a) The Commissioner shall insure that the individualized written rehabilitation program required by section 101(a) (10) in the case of each handicapped individual is developed jointly by the vocational rehabilitation counselor or coordinator and the handicapped individual (or, in appropriate cases, his parents or guardians), and that such program meets the requirements set forth in subsection (b) of this section. Such written program shall set forth the terms and conditions, as well as the rights and remedies, under which goods and services will be provided to the individual.

(b) Each individualized written rehabilitation program shall be reviewed on an annual basis at which time each such individual (or, in appropriate cases, his parents or guardians) will be afforded an opportunity to review such program and renegotiate its terms. Such program shall include, but not be limited to (1) a statement of long-range rehabilitation goals for the individual and intermediate rehabilitation objectives related to the attainment of such goals, (2) a statement of the specific vocational or comprehensive rehabilitation services to be provided, (3) the projected date for the initiation and the anticipated duration of each such service, (4) objective criteria and an evaluation procedure and schedule for determining whether such objectives and goals are being achieved, and, (5) where appropriate, a detailed explanation of the availability of a client assistance project established in such area pursuant to section 112.

(c) The Commissioner shall also insure that (1) in developing and carrying out the individualized written rehabilitation program required by section 101 in the case of each handicapped individual primary emphasis is placed upon the determination and achievement of a vocational goal for such individual, (2) a decision that such an individual is not capable of achieving such a goal, and thus not eligible for vocational rehabilitation services provided with assistance under this part, is made only in full consultation with such individual (or, in appropriate cases, his parents or guardians), and only upon the certification, as an amendment to such written program, that the evaluation of rehabilitation potential has demonstrated beyond any reasonable doubt that such individual is not then capable of achieving such a goal, and (3) any such decision shall be reviewed at least annually in accordance with the procedure and criteria established in this section.

SCOPE OF VOCATIONAL REHABILITATION SERVICES

SEC. 103. (a) Vocational rehabilitation services provided under this Act are any goods or services necessary to render a handicapped individual employable, including, but not limited to, the following:

(1) evaluation of rehabilitation potential, including diagnostic and related services, incidental to the determination of eligibility for, and the nature and scope of, services to be provided, including, where appropriate, examination by a physician skilled in the diagnosis and treatment of emotional disorders, or by a licensed psychologist in accordance with State laws and regulations, or both;

(2) counseling, guidance, referral, and placement services for handicapped individuals, including followup, follow-along, and other postemployment services necessary to assist such individuals to maintain their employment and services designed to help handicapped individuals secure needed services from other agencies, where such services are not available under this Act;

(3) vocational and other training services for handicapped individuals, which shall include personal and vocational adjustment, books, and other training materials, and services to the families of such individuals as are necessary to the adjustment or rehabilitation of such individuals: *Provided,* That no training services in institutions of higher education shall be paid for with funds under this title or title II of this Act unless maximum efforts have been made to secure grant assistance, in whole or in part, from other sources to pay for such training;

(4) physical and mental restoration services, including, but not limited to, (A) corrective surgery or therapeutic treatment necessary to correct or substantially modify a physical or mental condition which is stable or slowly progressive and constitutes a substantial handicap to employment, but is of such nature that such correction or modification may reasonably be expected to eliminate or substantially reduce the handicap within a reasonable length of time, (B) necessary hospitalization in connection with surgery or treatment, (C) prosthetic and orthotic devices, (D) eyeglasses and visual services as prescribed by a physician skilled in the diseases of the eye or by an optometrist, whichever the individual may select, (E) special services (including transplantation and dialysis), artificial kidneys, and supplies necessary for the treatment of individuals suffering from end-stage renal disease, and (F) diagnosis and treatment for mental and emotional disorders by a physician or licensed psychologist in accordance with State licensure laws;

(5) maintenance, not exceeding the estimated cost of subsistence, during rehabilitation;

(6) interpreter services for the deaf, and reader services for those individuals determined to be blind after an examination by a physician skilled in the diseases of the eye or by an optometrist, whichever the individual may select;

(7) recruitment and training services for handicapped individuals to provide them with new employment opportunities in the fields of rehabilitation, health, welfare, public safety, and law enforcement, and other appropriate service employment;

(8) rehabilitation teaching services and orientation and mobility services for the blind;

(9) occupational licenses, tools, equipment, and initial stocks and supplies;

(10) transportation in connection with the rendering of any vocational rehabilitation service; and

(11) telecommunications, sensory, and other technological aids and devices.

(b) Vocational rehabilitation services, when provided for the benefit of groups of individuals, may also include the following:

(1) in the case of any type of small business operated by individuals with the most severe handicaps the operation of which can be improved by management services and supervision provided by the State agency, the provision of such services and supervision, alone or together with the acquisition by the State agency of vending facilities or other equipment and initial stocks and supplies; and

(2) the construction or establishment of public or nonprofit rehabilitation facilities and the provision of other facilities and services which promise to contribute substantially to the rehabilitation of a group of individuals but which are not related directly to the individualized rehabilitation written program of any one handicapped individual.

NON-FEDERAL SHARE FOR CONSTRUCTION

SEC. 105. For the purpose of determining the amount of payments to States for carrying out part B of this title, the non-Federal share, subject to such limitations and conditions as may be prescribed in regulations by the Commissioner, shall include contributions of funds made by any private agency, organization, or individual to a State or local agency to assist in meeting the costs of construction or establishment of a public or nonprofit rehabilitation facility, which would be regarded as State or local funds except for the condition, imposed by the contributor, limiting use of such funds to construction or establishment of such facility.

PART B—BASIC VOCATIONAL REHABILITATION SERVICES

STATE ALLOTMENTS

SEC. 110. (a) For each fiscal year, each State shall be entitled to an allotment of an amount bearing the same ratio to the amount authorized to be appropriated under subsection (b)(1) of section 100 for allotment under this section as the product of (1) the population of the State and (2) the square of its allotment percentage bears to the sum of the corresponding products for all the States. The allotment to any State (other than Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands) under the first sentence of this subsection for any fiscal year which is less than one-quarter of 1 per centum of the amount appropriated under section 100(b)(1), or $2,000,000, whichever is greater, shall be increased to that amount, the total of the increases thereby required being derived by proportionately reducing the allotments to each of the remaining such States under the first sentence of this subsection, but with such adjustments as may be necessary to prevent the allotment of any such remaining States from being thereby reduced to less than that amount.

(b) Whenever the Commissioner determines that any amount of an allotment to a State for any fiscal year will not be utilized by such State in carrying out the purposes of this title, he shall make such amount available for carrying out the purposes of this title to one or more other States to the extent he determines such other State will be able to use such additional amount during such year for carrying out such purposes. Any amount made available to a State for any fiscal year pursuant to the preceding sentence shall, for the purposes of this part, be regarded as an increase of such State's allotment (as determined under the preceding provisions of this section) for such year.

PAYMENTS TO STATES

SEC. 111. (a) From each State's allotment under this part for any fiscal year, the Commissioner shall pay to such State an amount equal to the Federal share of the cost of vocational rehabilitation services under the plan for such State approved under section 101, including expenditures for the administration of the State plan, except that the total of such payments to such State for such fiscal year may not exceed its allotment under subsection (a) of section 110 for such year and such payments shall not be made in an amount which would result in a violation of the provisions of the State plan required by clause (18) of section 101(a), and except that the total of such payments to any state receiving a minimum allotment under section 110(a) of this title, shall not be less than such minimum allotment, the total of the increases thereby required being derived by proportionately reducing the payments to each of the remaining States under this section, and except that the amount otherwise payable to such State for such year under this section shall be reduced by the amount (if any) by which expenditures from non-Federal sources during such year under this title are less than expenditures under the State plan for the fiscal year ending June 30, 1972, under the Vocational Rehabilitation Act.

(b) The method of computing and paying amounts pursuant to subsection (a) shall be as follows:

(1) The Commissioner shall, prior to the beginning of each calendar quarter or other period prescribed by him, estimate the amount to be paid to each State under the provisions of such subsection for such period, such estimate to be based on such records of the State and information furnished by it, and such other investigation, as the Commissioner may find necessary.

(2) The Commissioner shall pay, from the allotment available therefor, the amount so estimated by him for such period, reduced or increased, as the case may be, by any sum (not previously adjusted under this paragraph) by which he finds that his estimate of the amount to be paid the State for any prior period under such subsection was greater or less than the amount which should have been paid to the State for such prior period under such subsection. Such payment shall be made prior to audit or settlement by the General Accounting Office, shall be made through the disbursing facilities of the Treasury Department, and shall be made in such installments as the Commissioner may determine.

CLIENT ASSISTANCE

SEC. 112. (a) The Commissioner shall set aside out of funds appropriated under section 305 for special projects and demonstrations up to $2,500,000 but no less than $1,000,000 for the fiscal year ending on June 30, 1973, and up to $5,000,000 but not less than $1,000,000 each for the two succeeding fiscal years to establish in no less than ten nor more than twenty geographically dispersed regions client assistance pilot projects (hereinafter in this section referred to as "projects") to provide counselors to inform and advise all clients and client applicants in the project area of all available benefits under this Act and to assist them in their relationships with projects, programs, and facilities providing services to them under this Act.

(b) The Commissioner shall prescribe regulations which shall include the following requirements.

(1) All employees of such projects shall not be presently serving as staff, consultants or receiving benefits of any kind directly or indirectly from any rehabilitation project, program or facility.

(2) The staff of such projects shall be afforded reasonable access to policymaking and administrative personnel in State and local rehabilitation programs, projects, and facilities.

(3) The project shall submit an annual report, through the State agency designated pursuant to section 101, to the Commissioner on the operation of the project during the previous year, including a summary of the work done and a uniform statistical tabulation of all cases handled by such project. A copy of each such report shall be submitted to the appropriate committees of the Congress by the Commissioner, together with a summary of such reports and his evaluation of such projects including appropriate recommendations.

(4) Each State agency may enter into cooperative arrangements with institutions of higher education to secure the services in such projects of graduate students who are undergoing clinical training activities in related fields. No compensation with funds appropriated under this Act shall be provided to such students.

(5) Reasonable assurance shall be given by the appropriate State agency that all clients or client applicants within the project area shall have the opportunity to receive adequate service under the project and shall not be pressured against or otherwise discouraged from availing themselves of the services available under such project.

(6) The project shall be funded, administered, and operated directly by the State agency designated pursuant to section 101.

PART C—INNOVATION AND EXPANSION GRANTS

STATE ALLOTMENTS

SEC. 120. (a)(1) From the sums available pursuant to section 100(b)(2) for any fiscal year for grants to States to assist them in meeting the costs described in section 121, each State shall be entitled to an allotment of an amount bearing the same ratio to such sums as the population of the State bears to the population of all the States. The allotment to any State under the preceding sentence for any fiscal year which is less than $50,000 (or such other amount as may be specified as a minimum allotment in the Act appropriating such sums for such year) shall be increased to that amount, and for the fiscal years ending June 30, 1973, and June 30, 1974, no State shall receive less than the amount necessary to cover up to 90 per centum of the cost of continuing projects assisted under section 4(a)(2)(A) of the Vocational Rehabilitation Act, except that no such project may receive financial assistance under both the Vocational Rehabilitation Act and this Act for a total period of time in excess of three years. The total of the increase required by the preceding sentence shall be derived by proportionately reducing the allotments to each of the remaining States under the first sentence of this section, but with such adjustments as may be necessary to prevent the allotment of any such remaining States from thereby being reduced to less than $50,000.

(b) Whenever the Commissioner determines that any amount of an allotment to a State for any fiscal year will not be utilized by such State in carrying out the purposes of this section, he shall make such amount available for carrying out the purposes of this section to one or more other States which he determines will be able to use additional amounts during such year for carrying out such purposes. Any amount made available to a State for any fiscal year pursuant to the preceding sentence shall, for purposes of this part, be regarded as an increase of such State's allotment (as determined under the preceding provisions of this section) for such year.

PAYMENTS TO STATES

SEC. 121. (a) From each State's allotment under this part for any final year, the Commissioner shall pay to such State or, at the option of the State agency designated pursuant to section 101(a)(1), to a public or nonprofit organization or agency, a portion of the cost of planning, preparing for, and initiating special programs under the State plan approved pursuant to section 101 to expand vocational rehabilitation services, including programs to initiate or expand such services to individuals with the most severe handicaps, or of special programs under such State plan to initiate or expand services to classes of handicapped individuals who have unusual and difficult problems in connection with their rehabilitation, particularly handicapped individuals who are poor, and responsibility for whose treatment, education, and rehabilitation is shared by the State agency designated in section 101 with other agencies. The Commissioner may require that any portion of a State's allotment under this section, but not more than 50 per centum of such allotment, may be expended in connection with only such projects as have first been approved by the Commissioner. Any grant of funds under this section which will be used for direct services to handicapped individuals or for establishing or maintaining facilities which will render direct services to such individuals must have the prior approval of the appropriate State agency designated pursuant to section 101.

(b) Payments under this section with respect to any project may be made for a period of not to exceed three years beginning with the commencement of the project as approved, and sums appropriated for grants under this section shall remain available for such grants through the fiscal year ending June 30, 1976. Payments with respect to any project may not exceed 90 per centum of the cost of such project. The non-Federal share of the cost of a project may be in cash or in kind and may include funds spent for project purposes by a cooperating public or nonprofit agency provided that it is not included as a cost in any other federally financial program.

(c) Payments under this section may be made in advance or by way of reimbursement for services performed and purchases made, as may be determined by the Commissioner, and shall be made on such conditions as the Commissioner finds necessary to carry out the purposes of this section.

TITLE II—COMPREHENSIVE REHABILITATION SERVICES

DECLARATION OF PURPOSE; AUTHORIZATION OF APPROPRIATIONS

SEC. 200. (a) The purpose of this title is to authorize grants (supplementary to grants for vocational rehabilitation services under title I of this Act) to assist the several States in developing and implementing continuing plans for meeting the current and future needs of handicapped individuals for whom a vocational goal is not possible or feasible, including the assessment of disability and rehabilitation potential, and for the training of specialized personnel needed for the provision of services to such individuals and research related thereto.

(b) In order to make grants to carry out the purposes of this title, there is authorized to be appropriated $10,000,000 for the fiscal year ending June 30, 1973, $25,000,000 for the fiscal year ending June 30, 1974, and $50,000,000 for the fiscal year ending June 30, 1975.

STATE ALLOTMENTS

SEC. 201. (a) From sums appropriated to carry out the provisions of this title for each fiscal year, less the amounts reserved by the Commissioner for projects under section 204, each State shall be entitled to an allotment of an amount bearing the same ratio to such sums as the product of (1) the population of the State, and (2) its allotment percentage bears to the sum of the corresponding products for all of the States. The allotment to any State under the preceding sentence for any fiscal year which is less than $150,000 shall be increased to that amount, the total of the increases thereby required being derived by proportionately reducing the allotments to each of the remaining States under the preceding sentence, but with such adjustments as may be necessary to prevent the allotment of any such remaining States from being thereby reduced to less than that amount.

(b) Whenever the Commissioner determines that any amount of an allotment to a State for any fiscal year will not be utilized by such State in carrying out the purposes of this section, he shall make such amount available for carrying out the purposes of this section to one or more other States to the extent he determines such other State will be able to use additional amounts during such year for carrying out such purpose. Any amount made available to a State for any fiscal year pursuant to the preceding sentence shall, for the purpose of this title, be regarded as an increase in the State's allotment (as determined under the preceding provisions of this section) for such year.

(c) In any fiscal year for which appropriations pursuant to this section do not exceed $20,000,000, the Commissioner, subsections (a) and (b) of this section and section 202 (a) to the contrary notwithstanding and subject to the provisions of section 313, shall carry out the purposes of this title by making grants to States and public or nonprofit organizations and agencies to pay the Federal share of the expenditures for such projects. Projects receiving such grants shall be carried out under the State plan approved under section 101 (except for the priorities in the order of selection required by section 101(a)(5)(A)) in a manner consistent with the State program submitted under section 203.

PAYMENTS TO STATES

SEC. 202. (a) From each State's allotment under this title for any fiscal year, the Commissioner shall pay to such State the Federal share of the expenditures incurred during such year under its State program submitted under section 203 and approved as part of the State plan approved under section 101. Such payments may be made (after necessary adjustments on account of previously made overpayments or underpayments) in advance or by way of reimbursement, and in such installments and on such conditions as the Commissioner may determine.

(b) The Federal share with respect to any State shall be 90 per centum of the expenditures incurred by the State during such year under its State program submitted under section 203 and approved as part of the State plan under section 101.

STATE PROGRAMS

SEC. 203. As a condition for receiving grants under this Act for the fiscal year ending June 30, 1973, a State must submit within one hundred and eighty days after the date of enactment of this Act an amendment to its plan submitted to the Commissioner under section 101 or to the Secretary under section 5 of the Vocational Rehabilitation Act which includes a program for provision of comprehensive rehabilitation services to bring about the rehabilitation of handicapped individuals under this title. A State shall also include such a program in its plan under section 101 submitted for each subsequent fiscal year. Such program, in addition to those requirements provided in section 101(a)(6), shall (1) designate the State agency or agencies administering the State plan for vocational rehabilitation as the agency or agencies to administer funds provided under this title; (2) provide that comprehensive rehabilitation service will be provided for the rehabilitation of handicapped individuals only in accordance with the individualized written rehabilitation program required by section 102 and only after the requirements of subsection (c) of such section have been met; (3) describe the quality, scope, and extent of the services being provided; (4) demonstrate that the State studied and considered a broad variety of means for providing comprehensive rehabilitation services under this title, including but not limited to, regional and community centers, halfway houses, services to homebound and institutionalized individuals, and patient-release programs, whose such programs are appropriate and beneficial; (5) be approved or disapproved under the criteria and procedures provided with respect to the State plan submitted under section 101; and (6) conform to such other requirements as the Commissioner by regulation may prescribe.

SPECIAL PROJECTS

SEC. 204. From sums appropriated under section 200 (b), the Commissioner may retain not to exceed 10 per centum or $500,000, whichever is smaller, to enable him to make grants to States and public and nonprofit agencies or organizations to pay part of the cost of projects for research and demonstration and training which hold promise of making a substantial contribution to the solution of problems related to the rehabilitation of individuals under this title.

DEFINITION

SEC. 205. For the purposes of this title, the term "rehabilitation" means the goal of achieving, through the provision of comprehensive rehabilitation services, substantial improvement in the ability to live independently or function normally with his family or community on the part of a handicapped individual, who, according to a certification under section 102(c), is not then capable of achieving a vocational goal.

TITLE III—SPECIAL FEDERAL RESPONSIBILITIES

DECLARATION OF PURPOSE

SEC. 300. The purpose of this title is to—

(1) authorize grants and contracts to assist in the construction and initial staffing of rehabilitation facilities;

(2) authorize grants and contracts to assist in the provision of vocational training services to handicapped individuals;

(3) to insure mortgages covering the construction of certain nonprofit rehabilitation facilities and authorize annual interest grants to help meet the costs of making principal payments in connection with such mortgages, whether so insured or not;

(4) authorize grants for special projects and demonstrations which hold promise of expanding or otherwise improving rehabilitation services to handicapped individuals, which experiment with new types or patterns of services or devices for the rehabilitation of handicapped individuals (including opportunities for new careers for handicapped individuals, and for other individuals in programs serving handicapped individuals) and which provide vocational and comprehensive rehabilitation services to handicapped migratory agricultural workers or seasonal farmworkers;

(5) establish and operate a National Center for Deaf-Blind Youths and Adults;

(6) authorize grants and contracts to establish and operate Rehabilitation Centers for Deaf Individuals;

(7) establish and operate National Centers for Spinal Cord Injuries;

(8) provide services for the treatment of individuals suffering from end-stage renal disease;

(9) authorize grants and contracts to assist in the provision of rehabilitation services to older blind individuals and in the application of new types or patterns of services or devices for the benefit of such individuals;

(10) establish a National Advisory Council on Rehabilitation of Handicapped Individuals to advise the Commissioner and Secretary and conduct reviews with respect to programs carried out under this Act;

(11) establish State Advisory Councils to advise Governors and State agencies in carrying out State plans approved under this Act; and

(12) establish uniform grant and contract requirements for programs assisted under this title and certain other provisions of this Act.

GRANTS FOR CONSTRUCTION OF REHABILITATION FACILITIES

SEC. 301. (a) For the purpose of making grants and contracts under this section for construction of rehabilitation facilities, initial staffing, and planning assistance, there is authorized to be appropriated $15,000,000 for the fiscal year ending June 30, 1973; $20,000,000 for the fiscal year ending June 30, 1974; and $25,000,000 for the fiscal year ending June 30, 1975. Amounts so appropriated shall remain available for expenditure with respect to construction projects funded or initial staffing grants made under this section prior to July 1, 1977.

(b) (1) The Commissioner is authorized to make grants to assist in meeting the costs of construction of public or nonprofit rehabilitation facilities. Such grants may be made to States and public or nonprofit organizations and agencies for projects for which applications are approved by the Commissioner under this section.

(2) To be approved, an application for a grant for a construction project under this section must conform to the provisions of section 313.

(3) The amount of a grant under this section with respect to any construction project in any State shall be equal to the same percentage of the cost of such project as the Federal share which is applicable in the case of rehabilitation facilities (as defined in section 645(g) of the Public Health Service Act (42 U.S.C. 291o(a)), in such State, except that if the Federal share with respect to rehabilitation facilities in such State is determined pursuant to subparagraph (b) (2) of section 645 of such Act (42 U.S.C. 291o(b)(2)), the percentage of the cost for purposes of this section shall be determined in accordance with regulations prescribed by the Commissioner designed to achieve as nearly as practicable results comparable to the results obtained under such subparagraph.

(c) The Commissioner is also authorized to make grants to assist in the initial staffing of any public or nonprofit rehabilitation facility constructed after the date of enactment of this section (whether or not such construction was financed with the aid of a grant under this section) by covering part of the costs (determined in accordance with regulations the Commissioner shall prescribe) of compensation of professional or technical personnel of such facility during the period beginning with the commencement of the operation of such facility and ending with the close of four years and three months after the month in which such operation commenced. Such grants with respect to any facility may not exceed 75 per centum of such costs for the period ending with the close of the fifteenth month following the month in which such operation commenced, 60 per centum of such costs for the first year thereafter, 45 per centum of such costs for the second year thereafter, and 30 per centum of such costs for the third year thereafter.

(d) The Commissioner is also authorized to make grants upon application approved by the State agency designated under section 101 to administer the State plan, to public or nonprofit agencies, institutions, or organizations to assist them in meeting the cost of planning rehabilitation facilities and the services to be provided by such facilities.

VOCATIONAL TRAINING SERVICES FOR HANDICAPPED INDIVIDUALS

SEC. 302. (a) For the purpose of making grants and contracts under this section, there is authorized to be appropriated $15,000,000 for the fiscal year ending June 30, 1973; $25,000,000 for the fiscal year ending June 30, 1974; and $30,000,000 for the fiscal year ending June 30, 1975.

(b) (1) The Commissioner is authorized to make grants to States and public or nonprofit organizations and agencies to pay up to 90 per centum of the cost of projects for providing vocational training services to handicapped individuals, especially those with the most severe handicaps, in public or nonprofit rehabilitation facilities.

(2) (A) Vocational training services for purposes of this subsection shall include training with a view toward career advancement; training in occupational skills; related services, including work evaluation, work testing, provision of occupational tools and equipment required by the individual to engage in such training, and job tryouts; and payment of weekly allowances to individuals receiving such training and related services.

(B) Such allowances may not be paid to any individual for any period in excess of two years, and such allowances for any week shall not exceed $30 plus $10 for each of the individual's dependents, or $70 whichever is less. In determining the amount of such allowances for any individual, consideration shall be given to the individual's need for such an allowance, including any expenses reasonably attributable to receipt of training services, the extent to which such an allowance will help assure entry into and satisfactory completion of training, and such other factors, specified by the Commissioner, as will promote such individual's capacity to engage in gainful and suitable employment.

(3) The Commissioner may make a grant for a project pursuant to this subsection only on his determination that (A) the purpose of such project is to prepare handicapped individuals, especially those with the most severe handicaps, for gainful and suitable employment; (B) the individuals to receive training services under such project will include only those who have been determined to be suitable for and in need of such training services by the State agency or agencies designated as provided in section 101(a) (1) of the State in which the rehabilitation facility is located; (C) the full range of training services will be made available to each such individual, to the extent of his need for such services; and (D) the project, including the participating rehabilitation facility and the training services provided, meet such other requirements as he may prescribe in regulations for carrying out the purposes of this subsection.

(c) (1) The Commissioner is authorized to make grants to public or nonprofit rehabilitation facilities, or to an organization or combination of such facilities, to pay the Federal share of the cost of projects to analyze, improve, and increase their professional services to handicapped individuals, their management effectiveness, or any other part of their operations affecting their capacity to provide employment and services for such individuals.

(2) No part of any grant made pursuant to this subsection may be used to pay costs of acquiring, constructing, expanding, remodeling, or altering any building.

MORTGAGE INSURANCE FOR REHABILITATION FACILITIES

SEC. 303. (a) It is the purpose of this section to assist and encourage the provision of urgently needed facilities for programs for handicapped individuals.

(b) For the purpose of this section the terms "mortgage", "mortgagor", "mortgagee", "maturity date", and "State" shall have the meanings respectively set forth in section 207 of the National Housing Act.

(c) The Commissioner, in consultation with the Secretary of Housing and Urban Development, and subject to the provisions of section 313, is authorized to insure up to 100 per centum of any mortgage (including advances on such mortgage during construction) in accordance with the provisions of this section upon such terms and conditions as he may prescribe and make commitments for insurance of such mortgage prior to the date of its execution or disbursement thereon, except that no mortgage of any public agency shall be insured under this section if the interest from such mortgage is exempt from Federal taxation.

(d) In order to carry out the purpose of this section, the Commissioner is authorized to insure any mortgage which covers construction of a public or nonprofit rehabilitation facility, including equipment to be used in its operation, subject to the following conditions:

(1) The mortgage shall be executed by a mortgagor, approved by the Commissioner, who demonstrates ability successfully to operate one or more programs for handicapped individuals. The Secretary may in his discretion require any such mortgagor to be regulated or restricted as to minimum charges and methods of financing, and, in addition thereto, if the mortgagor is a corporate entity, as to capital structure and rate of return. As an aid to the regulation or restriction of any mortgagor with respect to any of the foregoing matters, the Commissioner may make such contracts with and acquire for not to exceed $100 such stock of interest in such mortgagor as he may deem necessary. Any stock or interest so purchased shall be paid for out of the Rehabilitation Facilities Insurance Fund (established by subsection (h) of this section), and shall be redeemed by the mortgagor at par upon the termination of all obligations of the Commissioner under the insurance.

(2) The mortgage shall involve a principal obligation in an amount not to exceed 90 per centum of the estimated replacement cost of the property or project, including equipment to be used in the operation of the rehabilitation facility, when the proposed improvements are completed and the equipment is installed, but not including any cost covered by grants-in-aid under this Act or any other Federal Act.

(3) The mortgage shall—

(A) provide for complete amortization by periodic payments within such term as the Commissioner shall prescribe, and

(B) bear interest (exclusive of premium charges for insurance and service charges, if any) at not to exceed such per centum per annum on the principal obligation outstanding at any time as the Commissioner finds necessary to meet the mortgage market.

(e) The Commissioner shall fix and collect premium charges for the insurance of mortgages under this section which shall be payable annually in advance by the mortgagee, either in cash or in debentures of the Rehabilitation Facilities Insurance Fund (established by subsection (h) of this section) issued at par plus accrued interest. In the case of any mortgage such charge shall be not less than an amount equivalent to one-fourth of 1 per centum per annum nor more than an amount equivalent to 1 per centum per annum of the amount of the principal obligation of the mortgage outstanding at any one time, without taking into account delinquent payments or prepayments. In addition to the premium charge herein provided for, the Commissioner is authorized to charge and collect such amounts as he may deem reasonable for the appraisal of a property or project during construction; but such charges for appraisal and inspection shall not aggregate more than 1 per centum of the original principal face amount of the mortgage.

(f) The Commissioner may consent to the release of a part or parts of the mortgaged property or project from the lien of any mortgage insured under this section upon such terms and conditions as he shall by regulation prescribe.

(g) (1) The Commissioner shall have the same functions, powers, and duties (insofar as applicable) with respect to the insurance of mortgages under this section as the Secretary of Housing and Urban Development has with respect to the insurance of mortgages under title II of the National Housing Act. The Commissioner may, pursuant to a formal delegation agreement containing regulations prescribed by him, delegate to the Secretary of Housing and Urban Development authority to administer this section and section 304 of this Act in accordance with such delegation agreement.

(2) The provisions of subsections (e), (g), (h), (i), (j), (k), (l), and (n) of section 207 of the National Housing Act shall apply to mortgages insured under this section; except that, for the purposes of their application with respect to such mortgages, all references in such provisions to the General Insurance Fund shall be deemed to refer to the Rehabilitation Facilities Insurance Fund established by subsection (h) of this section and all references in such provisions to "Secretary" shall be deemed to refer to the Commissioner of the Rehabilitation Services Administration within the Department of Health, Education, and Welfare.

(h) (1) There is hereby created a Rehabilitation Facilities Insurance Fund which shall be used by the Commissioner as a revolving fund for carrying out all the insurance provisions of this section. All mortgages insured under this section shall be insured under and be the obligation of the Rehabilitation Facilities Insurance Fund.

(2) The general expenses of the operations of the Rehabilitation Services Administration relating to mortgages insured under this section may be charged to the Rehabilitation Facilities Insurance Fund.

(3) Moneys in the Rehabilitation Facilities Insurance Fund not needed for the current operations of the Rehabilitation Services Administration with respect to mortgages insured under this section shall be deposited with the Treasurer of the United States to the credit of such fund, or invested in bonds or other obligations of, or in bonds or other obligations guaranteed as to principal and interest by, the United States. The Commissioner may, with the approval of the Secretary of the Treasury, purchase in the open market debentures issued as obligations of the Rehabilitation Facilities Insurance Fund. Such purchases shall be made at a price which will provide an investment yield of not less than the yield obtainable from other investments authorized by this section. Debentures so purchased shall be canceled and not reissued.

(4) Premium charges, adjusted premium charges, and appraisals and other fees received on account of the insurance of any mortgage under this section, the receipts derived from property covered by such mortgages and from any claims, debts, contracts, property, and security assigned to the Commissioner in connection therewith, and all earnings as the assets of the fund, shall be credited to the Rehabilitation Facilities Insurance Fund. The principal of, and interest paid and to be paid on, debentures which are the obligation of such fund, cash insurance payments and adjustments, and expenses incurred in the handling, management, renovation, and disposal of properties acquired, in connection with mortgages insured under this section, shall be charged to such fund.

(5) There are authorized to be appropriated to provide initial capital for the Rehabilitation Facilities Insurance Fund, and to assure the soundness of such fund thereafter, such sums as may be necessary, except that the total amount of outstanding mortgages insured shall not exceed $250,000,000.

ANNUAL INTEREST GRANTS FOR MORTGAGES FOR REHABILITATION FACILITIES

SEC. 304. (a) To assist States and public or nonprofit agencies and organizations to reduce the cost of borrowing from other sources for the construction of rehabilitation facilities, the Commissioner, subject to the provisions of section 313, may make annual interest grants to such agencies.

(b) Annual interest grants under this section with respect to any rehabilitation facility shall be made over a fixed period not exceeding forty years, and provision for such grants shall be embodied in a contract guaranteeing their payment over such period. Each such grant shall be in an amount sufficient to reduce by 4 per centum the net effective interest rate otherwise payable on the loan or to equal one-half of such rate, whichever is the lesser amount: *Provided*, That the amount on which such grant is based shall be approved by the Commissioner.

(c) (1) There are authorized to be appropriated to the Commissioner such sums as may be necessary for the payment of annual interest grants in accordance with this section.

(2) Contracts for annual interest grants under this section shall not be entered into an aggregate amount greater than is authorized in appropriation Acts; and in any event the total amount of annual interest grants which may be paid pursuant to contracts entered into under this section shall not exceed $1,000,000 with respect to contracts entered into prior to June 30, 1973; $2,000,000 with respect to contracts entered into prior to June 30, 1974; and $4,000,000 with respect to contracts entered into prior to June 30, 1975.

(3) Not more than 15 per centum of the funds expended under this section may be used within any one State in any one fiscal year.

SPECIAL PROJECTS AND DEMONSTRATIONS

SEC. 305. (a) (1) For the purpose of making grants under this section for special projects and demonstrations (and research and evaluation connected therewith), there is authorized to be appropriated $20,000,000 for the fiscal year ending June 20, 1973, $50,000,000 for the fiscal year ending June 30, 1974, and $75,000,000 for the fiscal year ending June 30, 1975.

(2) Of the amounts appropriated pursuant to paragraph (1) of this subsection, 10 per centum, but in no event more than $10,000,000, in each such fiscal year shall be available only for the purpose of making grants under subsection (c) of this section, and there is authorized to be appropriated in each such fiscal year such additional amount as may be necessary to equal, when added to the amount made available for the purpose of making grants under such subsection, an amount of $10,000,000 to be available for each such fiscal year.

(b) The Commissioner, subject to the provisions of section 313, shall make grants to States and public or nonprofit agencies and organizations for paying part of the cost of special projects and demonstrations (and research and evaluation in connection therewith) (1) for establishing facilities and providing services which, in the judgment of the Commissioner, hold promise of expanding or otherwise improving rehabilitation services to handicapped individuals, especially those with the most severe handicaps, and (2) for applying new types or patterns of services or devices (including opportunities for new careers for handicapped individuals and for other individuals in programs servicing handicapped individuals).

(c) The Commissioner, subject to the provisions of section 313, is authorized to make grants to any State agency designated pursuant to a State plan approved under section 101, or to any local agency participating in the administration of such a plan to pay up to 90 per centum of the cost of projects or demonstrations for the provision of vocational or comprehensive rehabilitation services to handicapped individuals who, as determined in accordance with rules prescribed by the Secretary of Labor, are migratory agricultural workers or seasonal farmworkers, and to members of their families (whether or not handicapped) who are with them, including maintenance and transportation of such individuals and members of their families where necessary to the rehabilitation of such individuals. Maintenance payments under this section shall be consistent with any maintenance payments made to other handicapped individuals in the State under this Act. Such grants shall be conditioned upon satisfactory assurance that in the provision of such services there will be appropriate cooperation between the grantee and other public or nonprofit agencies and organizations having special skills and experience in the provision of services to migratory agricultural workers, seasonal farmworkers, or their families. This subsection shall be administered in coordination with other programs serving migrant agricultural workers and seasonal farmworkers, including programs under title I of the Elementary and Secondary Education Act of 1965, section 311 of the Economic Opportunity Act of 1964, the Migrant Health Act, and the Farm Labor Contractor Registration Act of 1963.

(d) The Commissioner is authorized to make contracts or jointly financed cooperative arrangements with employers and organizations for the establishment of projects designed to prepare handicapped individuals for gainful and suitable employment in the competitive labor market under which handicapped individuals are provided training and employment in a realistic work setting and such other services (determined in accordance with regulations prescribed by the Commissioner) as may be necessary for such individuals to continue to engage in such employment.

(e) (1) The Commissioner is authorized, directly or by contract with State vocational rehabilitation agencies or experts or consultants or groups thereof, to provide technical assistance (A) to rehabilitation facilities, and (B) for the purpose of removal of architectural and transportation barriers, to any public or nonprofit agency, institution, organization, or facility.

(2) Any such experts or consultants shall, while serving pursuant to such contracts, be entitled to receive compensation at rates fixed by the Commissioner, but not exceeding the pro rata pay rate for a person employed as a GS-18, under section 5332 of title 5, United States Code, including traveltime, and while so serving away from their homes or regular places of business, they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons in the Government service employed intermittently.

NATIONAL CENTER FOR DEAF-BLIND YOUTHS AND ADULTS

SEC. 306. (a) For the purpose of establishing and operating a National Center for Deaf-Blind Youths and Adults, there is authorized to be appropriated $600,000 for the fiscal year ending June 30, 1973, $1,000,000 for the fiscal year ending June 30, 1974, and $1,500,000 for the fiscal year ending June 30, 1975, for construction, and such sums as may be necessary for the fiscal year ending June 30, 1973, and the two succeeding fiscal years for operations.

(b) In order—

(1) to demonstrate methods of (A) providing the specialized intensive services, and other services, needed to rehabilitate handicapped individuals who are both deaf and blind, and (B) training the professional and allied personnel needed adequately to staff facilities specially designed to provide such

services and training to such personnel who have been or will be working with deaf-blind individuals;

(2) to conduct research in the problems of, and ways of meeting the problems of rehabilitating, deaf-blind individuals; and

(3) to aid in the conduct of related activities which will expand or improve the services for or help improve public understanding of the problems of deaf-blind individuals;

the Commissioner, subject to the provisions of section 313, is authorized to enter into an agreement with any public or nonprofit agency or organization for payment by the United States of all or part of the costs of the establishment and operation, including construction and equipment, of a center for vocational rehabilitation of handicapped individuals who are both deaf and blind, which center shall be known as the National Center for Deaf-Blind Youths and Adults.

(c) Any agency or organization desiring to enter into such agreement shall submit a proposal therefor at such time, in such manner, and containing such information as may be prescribed in regulations by the Commissioner. In considering such proposals the Commissioner shall give preference to proposals which (1) give promise of maximum effectiveness in the organization and operation of such Center, and (2) give promise of offering the most substantial skill, experience, and capability in providing a broad program of service, research, training, and related activities in the field of rehabilitation of deaf-blind individuals.

REHABILITATION CENTERS FOR DEAF INDIVIDUALS

SEC. 307. (a) For the purpose of making grants and contracts for the expansion and improvement of vocational or comprehensive rehabilitation services for deaf individuals (through the establishment of centers or other means), there is authorized to be appropriated such sums as may be necessary for the fiscal year ending June 30, 1973, and each of the succeeding fiscal years ending prior to July 1, 1975. Funds appropriated pursuant to this subsection shall remain available until expended.

(1) demonstrate methods of (A) providing the specialized services needed to rehabilitate and make maximum use of the vocational potential of deaf individuals, and (B) training the specialized professional and allied personnel required adequately to staff facilities designed to provide such services and training personnel who have been or will be working with such individuals;

(2) conduct research in the nature and prevention of the problems of such deaf individuals and in the rehabilitation of these individuals; and

(3) improve the understanding of the general public, employers in particular, of both the assets and problems of such deaf individuals;

the Commissioner, subject to the provisions of section 313, is authorized to make grants to or contracts with any public or nonprofit agency or organization for payment by the United States of all or part of the costs of the establishment and operation, including construction and equipment, of one or more centers for the vocational rehabilitation of deaf individuals whose maximum vocational potential has not been achieved, which shall be known as Rehabilitation Centers for Deaf Individuals.

(c) Any agency or organization desiring to receive a grant or enter into a contract under this section shall submit a proposal therefor at such time, in such manner, and containing such information as may be prescribed in regulations by the Commissioner. In considering such proposals the Commissioner shall give preference to proposals which (1) give promise of maximum effectiveness in the organization and operation of a Rehabilitation Center for Deaf Individuals, and (2) give promise of offering the substantial capability in providing a broad program of service and related research, training, and other activities in the field of rehabilitation of deaf individuals whose maximum vocational potential has not been achieved.

(d) For the purposes of this section, the Commissioner shall prescribe regulations to—

(1) provide a means of determining the population of deaf individuals whose maximum vocational potential has not been achieved;

(2) insure that, in carrying out the purposes of this section, provision has been made for coordination between the agency or organization receiving funds under this section on the one hand, and the State and local educational agencies in the area to be served on the other; and

(3) provide that an advisory board, comprised of qualified professional and expert individuals in the fields of rehabilitation and education of deaf individuals, be appointed to assure proper functioning of a center established under this section in accordance with its stated objectives and to provide assistance in professional, technical, and other related areas; and that at least one-third of the members of such board shall be deaf individuals.

(e) To be eligible to receive vocational or comprehensive rehabilitation services under this section, a deaf individual must be sixteen years of age or older, must have reached the age at which the compulsory school attendance laws of the State in which he resides are no longer applicable to him, and must be an individual whose maximum vocational potential (as defined in regulations which the Commissioner shall prescribe) has not been achieved.

(f) Programs carried out under this section shall be coordinated with programs carried out by the Bureau of Education for the Handicapped within the Office of Education in order to achieve a consistent education and rehabilitation philosophy, to provide for continuity of services and program purpose, and to avoid unnecessary duplication or overlap of programs.

NATIONAL CENTERS FOR SPINAL CORD INJURIES

SEC. 308. (a) For the purpose of establishing and operating National Centers for Spinal Cord Injuries, there is authorized to be appropriated $10,000,000 for the fiscal year ending June 30, 1973; $25,000,000 for the fiscal year ending June 30, 1974; and $30,000,000 for the fiscal year ending June 30, 1975. Funds appropriated under this section shall remain available until expended.

(b) In order—

(1) to help establish national centers with special competencies in providing prompt, complete vocational and comprehensive rehabilitation services and acute medical care to individuals with spinal cord injuries;

(2) to assist in meeting the costs of such services to such individuals;

(3) to encourage and assist the study and development of methods for the provision of such services and, where appropriate and desirable, to carry out necessary related research and training; and

(4) to develop new methods of achieving cooperation with and among community and other public and nonprofit organizations concerned with the problems of spinal cord injury;

the Commissioner, subject to the provisions of section 313, is authorized to enter into an agreement with any public or nonprofit agency or organization to pay all or part of the costs of the establishment and operation, including construction and equipment, of centers to carry out the purposes of this subsection, which centers shall be known as National Centers for Spinal Cord Injuries.

(c) Any agency or organization desiring to enter into such an agreement shall submit a proposal therefor at such time, in such manner, and containing such information as may be prescribed in regulations by the Commissioner. In considering such proposals the Commissioner shall provide an opportunity for submission of comments by the State agency administering the State plan under section 101, and shall give preference to proposals which (1) give promise of maximum effectiveness in the organization and operation of National Centers for Spinal Cord Injuries, and which include provisions to—

(A) establish, on an appropriate regional basis, a multidisciplinary system of providing vocational and comprehensive rehabilitation services, specifically designed to meet the special needs of individuals with spinal cord injuries including, but not limited to, acute medical care and periodic inpatient or outpatient followup;

(B) demonstrate and evaluate the benefits to individuals with spinal cord injuries served in, and the degree of cost effectiveness of such a regional system;

(C) demonstrate and evaluate existing, new, and improved methods and equipment essential to the care, management, and rehabilitation of individuals with spinal cord injuries;

(D) demonstrate and evaluate methods of community outreach for individuals with spinal cord injuries and community education in connection with the problems of such individuals in areas such as housing, transportation, recreation, employment, and community activities;

and (2) give promise of offering substantial skill, experience, and capability in providing a comprehensive program of services and related activities in the field of rehabilitation of individuals with spinal cord injuries.

GRANTS FOR SERVICES FOR END-STAGE RENAL DISEASE

SEC. 309. (a) For the purpose of providing services under this section for the treatment of individuals suffering from end-stage renal disease there is authorized to be appropriated $10,000,000 for the fiscal year ending June 30, 1973; $20,000,000 for the fiscal year ending June 30, 1974; and $25,000,000 for the fiscal year ending June 30, 1975. Funds appropriated under this subsection shall remain available until expended.

(b) From sums available pursuant to subsection (a) of this section for any fiscal year, the Secretary shall make grants to States and public and nonprofit agencies and organizations and agencies for paying part of the cost of projects for providing special services (including transplantation and dialysis), artificial kidneys, and supplies necessary for the rehabilitation of individuals suffering from end-stage renal disease.

(c) Payments under this section may be made in advance or by way of reimbursement for services performed and purchases made, as may be determined by the Secretary, and shall be made on such conditions as the Secretary finds necessary to carry out the purposes of this section.

REHABILITATION SERVICES FOR OLDER BLIND INDIVIDUALS

SEC. 310. (a) For the purpose of providing rehabilitation services to older blind individuals, there is authorized to be appropriated $5,000,000 for the fiscal year ending June 30, 1973; $15,000,000 for the fiscal year ending June 30, 1974; and $30,000,000 for the fiscal year ending June 30, 1975.

(b) In order—

(1) to demonstrate methods of (A) providing the specialized intensive services, as well as other services, needed to rehabilitate older blind individuals, and (B) training the professional and allied personnel needed to provide such services;

(2) to conduct research in the problems of, and ways of meeting the problems of rehabilitating older blind individuals; and

(3) to aid in the conduct of related activities which will expand or improve the services for, and help improve public understanding of, the problems of older blind individuals,

the Commissioner, subject to the provisions of section 313, is authorized to make grants to and contracts with States and public and nonprofit agencies to pay all or part of the costs of projects and demonstrations (1) for providing vocational or comprehensive rehabilitation services to older blind individuals which, in the judgment of the Commissioner, hold promise of expanding or otherwise improving such services, and (2) for applying new types or patterns of such services or devices to, or for the benefit of, older blind individuals.

(c) For the purpose of this section, the term "older blind individuals" means individuals, age 55 and older, whose severe visual impairment makes gainful employment less readily available in the light of current employment practices.

NATIONAL ADVISORY COUNCIL ON REHABILITATION OF HANDICAPPED INDIVIDUALS

Sec. 311. (a) There is established in the Department of Health, Education, and Welfare a National Advisory Council on Rehabilitation of Handicapped Individuals (hereinafter referred to in this section as the "Council") consisting of twenty members appointed by the Commissioners without regard to civil service laws shall be from among persons who are leaders in fields concerned with rehabilitation or in public affairs, and ten of such twenty shall be selected from among leading medical, educational, or scientific authorities with outstanding qualifications in the rehabilitation of handicapped individuals. Eight of such twenty members shall be persons who are themselves handicapped or who have received vocational rehabilitation services. Each such member of the Council shall hold office for a term of four years, except that any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor is appointed shall be appointed for the remainder of such term and except that, of the members first appointed, five shall hold office for a term of two years, and five shall hold office for a term of one year, as designated by the Commissioner at the time of appointment. None of such members shall be eligible for reappointment until a year has elapsed after the end of his preceding term. The Council shall meet not less than four times a year at the call of the Chairman, who shall be selected from among its membership by the members.

(b) The Council shall—

(1) provide policy advice and consultation to the Secretary and the Commissioner on the planning (including determination of priorities), conduct, and review of programs (including research and training) authorized under this Act;

(2) review the administration and operation of vocational rehabilitation (including research and training) programs under this Act, including the effectiveness of such programs in meeting the purposes for which they are established and operated and the integration of research and training activities with service program goals and priorities, make recommendations with respect thereto, and make annual reports of its findings and recommendations (including recommendations for changes in the provisions of this Act) to the Secretary and the Commissioner for annual transmittal to the Congress:

(3) advise the Secretary and the Commissioner with respect to the conduct of independent evaluations of programs (including research and training) carried out under this Act; and

(4) provide such other advisory services as the Secretary and the Commissioner may request.

(c) (1) Adequate technical assistance and support staff for the Council shall be provided from the Office for the Handicapped, the Rehabilitation Services Administration, or from any other Federal agency, as the Council may reasonably request.

(2) There is authorized to be appropriated for the purpose of carrying out this section such sums as may be necessary for the fiscal year ending June 30, 1973, and for each of the two succeeding fiscal years.

(d) The Council shall review the possible duplication among vocational rehabilitation programs and other programs serving handicapped individuals within the same geographical areas and shall make annual reports of the extent to which unnecessary duplication or overlap exists, together with its findings and recommendations, concurrently to the Commissioner and the Congress. In making these reports, the Council shall seek the opinions of persons familiar with vocational rehabilitation and the employment of persons who have received vocational and comprehensive rehabilitation services in each State as well as persons familiar with labor, business and industry, education and training, health, and manpower programs.

(e) Members of the Council, while attending meetings or conferences thereof, or otherwise serving on business of the Council, or at the request of the Commissioner, shall be entitled to receive compensation at rates fixed by the Commissioner, but not exceeding the daily pay rate for a person employed as a GS–18 under section 5332 of title 5, United States Code, including traveltime, and while so serving away from their homes or regular places of business they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons in the Government service employed intermittently.

STATE ADVISORY COUNCILS

Sec. 312. (a) For the purpose of establishing State Advisory Councils, there is authorized to be appropriated such sums as may be necessary for the fiscal year ending June 30, 1973, and for the two succeeding fiscal years.

(b) Any State which receives assistance under this Act may establish and maintain a State Advisory Council, which shall be appointed by the Governor, or, in the case of a State in which members of the State board which governs vocational rehabilitation are elected (including election by the State legislature), by such board.

(c) (1) Such a State Advisory Council shall include as members persons who are familiar with problems of vocational rehabilitation in the State and the administration of vocational rehabilitation programs, and who are experienced in the education and training of handicapped individuals; persons who are representative of labor and management, including persons who have knowledge of the employment of persons who have received vocational rehabilitation services and of the employment of the handicapped individuals; and individuals who are handicapped and who are receiving or who have received vocational rehabilitation services and who shall constitute a majority of the total membership of the State Advisory Council.

(2) Such a State Advisory Council, in accordance with regulations prescribed by the Commissioner, shall—

(A) advise the Governor and the State agency on the development of, and policy matters arising in, the administration of the State plan approved pursuant to section 101;

(B) advise with respect to long-range planning and studies to evaluate vocational rehabilitation programs, services, and activities assisted under this Act; and

(C) prepare and submit to the Governor through the State agency having authority over vocational rehabilitation programs, and to the National Advisory Council on Rehabilitation of Handicapped Individuals established pursuant to section 311, an annual report of its recommendations, accompanied by such additional comments of the State agency as that agency deems appropriate.

(d) Upon the appointment of any such Advisory Council the appointing authority under subsection (b) of this section shall inform the Commissioner of the establishment of, and membership, its State Advisory Council. The Commissioner shall, upon receiving such information, certify that each council is in compliance with the membership requirements set forth in subsection (b) (1) of this section.

(e) Each such State Advisory Council shall meet within thirty days after certification has been accepted by the Commissioner under subsection (d) of this section and select from among its membership a chairman. The time, place, and manner of subsequent meetings shall be provided by the rules of the State Advisory Council, except that such rules must provide that each such council meet at least four times each year, including at least one public meeting at which the public is given the opportunity to express views concerning vocational rehabilitation.

(f) Each such State Advisory Council is authorized to obtain the services of such professional, technical, and clerical personnel as may be necessary to enable them to carry out their functions under this section.

GENERAL GRANT AND CONTRACT REQUIREMENTS

Sec. 313. (a) The provisions of this section shall apply to all projects (including annual interest grants) approved and assisted under this title. The Commissioner shall insure compliance with this section prior to making any grant or entering into any contract or agreement under this title, except projects authorized under sections 302, 309, 311, and 312.

(b) To be approved, an application for assistance for a construction project under this title must—

(1) contain or be supported by reasonable assurances that (A) for a period of not less than twenty years after completion of construction of the project it will be used as a public or nonprofit facility, (B) sufficient funds will be available to meet the non-Federal share of the cost of construction of the project, and (C) sufficient funds will be available, when construction of the project is completed, for its effective use for its intended purpose;

(2) provide that Federal funds provided to any agency or organization under this title will be use only for the purposes for which provided and in accordance with the applicable provisions of this section and the section under which such funds are provided;

(3) provide that the agency or organization receiving Federal funds under this title will make an annual report to the Commis-

sioner, which he shall summarize and comment upon in the annual report to the Congress submitted under section 504;

(4) be accompanied or supplemented by plans and specifications in which due consideration shall be given to excellence of architecture and design, and to the inclusion of works of art (not representing more than 1 per centum of the cost of the project), and which comply with regulations prescribed by the Commissioner related to minimum standards of construction and equipment (promulgated with particular emphasis on securing compliance with the requirements of the Architectural Barriers Act of 1968 (Public Law 90-480)), and with regulations of the Secretary of Labor relating to occupational health and safety standards for rehabilitation facilities; and

(5) contain or be supported by reasonable assurance that any laborer or mechanic employed by any contractor or subcontractor in the performance of work on any construction aided by payments pursuant to any grant under this section will be paid wages at rates not less than those prevailing on similar construction in the locality as determined by the Secretary of Labor in accordance with Davis-Bacon Act, as amended (40 U.S.C. 276a-276a5); and the Secretary of Labor shall have, with respect to the Labor standards specified in this paragraph, the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (15 F.R. 3176) and section 2 of the Act of June 13, 1934, as amended (40 U.S.C. 276c).

(c) Upon approval of any application for a grant or contract for a project under this title, the Commissioner shall reserve, from any appropriation available therefor, the amount of such grant or contract determined under this title. In case an amendment to an approved application is approved, or the estimated cost of a project is revised upward, any additional payment with respect thereto may be made from the appropriation from which the original reservation was made or the appropriation for the fiscal year in which such amendment or revision is approved.

(d) If, within twenty years after completion of any construction project for which funds have been paid under this title, the facility shall cease to be a public or nonprofit facility, the United States shall be entitled to recover from the applicant or other owner of the facility the amount bearing the same ratio to the then value (as determined by agreement of the parties or by action brought in the United States district court for the district in which such facility is situated) of the facility, as the amount of the Federal participation bore to the cost of construction of such facility.

(e) Payment of assistance or reservation of funds made pursuant to this title may be made (after necessary adjustment on account of previously made overpayments or underpayments) in advance or by way of reimbursement, and in such installments and on such conditions, as the Commissioner may determine.

(f) A project for construction of a rehabilitation facility which is primarily a workshop may, where approved by the Commissioner as necessary to the effective operation of the facility, include such construction as may be necessary to provide residential accommodations for use in connection with the rehabilitation of handicapped individuals.

(g) No funds provided under this title may be used to assist in the construction of any facility which is or will be used for religious worship or any sectarian activity.

(h) When in any State, funds provided under this title will be used for providing direct services to handicapped individuals or for establishing facilities which will provide such services, such services must be carried out in a manner not inconsistent with the State plan approved pursuant to section 101.

(i) Prior to making any grant or entering into any contract under this title, the Commissioner shall afford reasonable opportunity to the appropriate State agency or agencies designated pursuant to section 101 to comment on such grant or contract.

(j) With respect to any obligation issued by or on behalf of any public agency for which the issuer has elected to receive the benefits of mortgage insurance under section 303 or annual interest grants under section 304, the interest paid on such obligations and received by the purchaser thereof (or his successor in interest) shall be included in gross income for the purposes of chapter 1 of the Internal Revenue Code of 1954.

TITLE IV—RESEARCH AND TRAINING

DECLARATION OF PURPOSE

Sec. 400. The purpose of this title is to authorize Federal assistance to States and public or nonprofit agencies and organizations to—

(a) plan and conduct research, demonstrations, and related activities in the rehabilitation of handicapped individuals, and

(b) plan and conduct courses of training and related activities designed to provide increased numbers of trained rehabilitation personnel, to increase the levels of skills of such personnel, and to develop improved methods of providing such training.

AUTHORIZATION OF APPROPRIATIONS

Sec. 401. (a) In order to make grants and contracts to carry out the purposes of this title, there is authorized to be appropriated:

(1) For the purpose of carrying out section 402 of this title, $40,000,000 for the fiscal year ending June 30, 1973, $75,000,000 for the fiscal year ending June 30, 1974, and $100,000,000 for the fiscal year ending June 30, 1975, of which 15 per centum, 25 per centum, and 25 per centum of the amounts appropriated in the first, second, and third such fiscal years, respectively, shall be available for the purpose of carrying out activities under section 402(b)(2).

(2) For the purpose of carrying out section 403 of this title, $30,000,000 for the fiscal year ending June 30, 1973, $50,000,000 for the fiscal year ending June 30, 1974, and $75,000,000 for the fiscal year ending June 30, 1975.

(b) Funds appropriated under this title shall remain available until expended.

RESEARCH

Sec. 402. (a) The Commissioner is authorized to make grants to and contracts with States and public or nonprofit agencies and organizations, including institutions of higher education, to pay part of the cost of projects for the purpose of planning and conducting research, demonstrations, and related activities, which bear directly on the development of methods, procedures, and devices to assist in the provision of vocational and comprehensive rehabilitation services to handicapped individuals, especially those with the most severe handicaps, under this Act. Such projects may include medical and other scientific, technical, methodological, and other investigations into the nature of disability, methods of analyzing it, and restorative techniques; studies and analyses of industrial, vocational, social, psychological, economic, and other factors affecting rehabilitation of handicapped individuals; special problems of homebound and institutionalized individuals; studies and analyses of architectural and engineering design adapted to meet the special needs of the handicapped individuals; and related activities which hold promise of increasing knowledge and improving methods in the rehabilitation of handicapped individuals and individuals with the most severe handicaps.

(b) In addition to carrying out projects under subsection (a) of this section, the Commissioner is authorized to make grants to pay part or all of the cost of the following specialized research activities:

(1) Establishment and support of Rehabilitation Research and Training Centers to be operated in collaboration with institutions of higher education for the purpose of providing coordinated and advanced programs of research in rehabilitation, and training of rehabilitation research personnel, including, but not limited to, graduate training. Grants may include funds for services rendered by such a center to handicapped individuals in connection with such research and training activities.

(2) Establishment and support of Rehabilitation Engineering Research Centers to (A) develop innovative methods of applying advanced medical technology, scientific achievement, and psychological and social knowledge to solve rehabilitation problems through planning and conducting research, including cooperative research with public or private agencies and organizations, designed to produce new scientific knowledge, equipment, and devices suitable for solving problems in the rehabilitation of handicapped individuals and for reducing environmental barriers, and to (B) cooperate with the Office for the Handicapped and State agencies designated pursuant to section 101 in developing systems of information exchange and coordination to promote the prompt utilization of engineering and other scientific research to assist in solving problems in the rehabilitation of handicapped individuals.

(3) Conduct of a program for spinal cord injury research in support of the National Centers for Spinal Cord Injuries established pursuant to section 308 which will (A) insure dissemination of research findings among all such centers, (B) provide encouragement and support for initiatives and new approaches by individual and institutional investigators, and (C) establish and maintain close working relationships with other governmental and voluntary institutions and organizations engaged in similar efforts, in order to unify and coordinate scientific efforts, encourage joint planning, and promote the interchange of data and reports among spinal cord injury investigators.

(4) Conduct of a program for international rehabilitation research, demonstration, and training for the purpose of developing new knowledge and methods in the rehabilitation of handicapped individuals in the United States, cooperating with and assisting in developing and sharing information found useful in other nations in the rehabilitation of handicapped individuals, and initiating a program to exchange experts and technical assistance in the field of rehabilitation of handicapped individuals with other nations as a means of increasing the levels of skill of rehabilitation personnel.

(c) The provisions of section 313 shall apply to assistance provided under this section, unless the context indicates to the contrary.

TRAINING

Sec. 403 (a) The Commissioner is authorized to make grants to and contracts with States and public or nonprofit agencies and organizations, including institutions of higher education, to pay part of the cost of projects for training, traineeships, and related activities designated to assist in increasing the numbers of personnel trained in providing vocational and comprehensive rehabilitation services to handicapped individuals and in performing other functions necessary to the development of such services.

(b) In making such grants or contracts, funds made available for any year will be utilized to provide a balanced program of assistance to meet the medical, vocational, and other personnel training needs of both public and private rehabilitation programs and institutions, to include projects in rehabilitation medicine, rehabilitation nursing, rehabilitation counseling, rehabilitation social work, rehabilitation psychology, physical therapy, occupational therapy, speech pathology and audiology, workshop and facility administration, prosthetics and orthotics, specialized personnel in services to the blind and the deaf, recreation for ill and handicapped individuals, and other fields contributing to the rehabilitation of handicapped individuals, including homebound and institutionalized individuals. No grant shall be made under this section for furnishing to an individual any one course of study extending for a period in excess of four years.

REPORTS

Sec. 404. There shall be included in the annual report to the Congress required by section 504 a full report on the research and training activities carried out under this title and the extent to which such research and training has contributed directly to the development of methods, procedures, devices, and trained personnel to assist in the provision of vocational or comprehensive rehabilitation services to handicapped individuals and those with the most severe handicaps under this Act.

TITLE V—ADMINISTRATION AND PROGRAM AND PROJECT EVALUATION

ADMINISTRATION

Sec. 500. (a) In carrying out his duties under this Act, the Commissioner shall—

(1) cooperate with, and render technical assistance (directly or by grant or contract) to States in matters relating to the rehabilitation of handicapped individuals;

(2) provide short-term training and instruction in technical matters relating to vocational and comprehensive rehabilitation services, including the establishment and maintenance of such research fellowships and traineeships, with such stipends and allowances (including travel and subsistence expenses), as he may deem necessary, except that no such training or instruction (or fellowship or scholarship) shall be provided any individual for any one course of study for a period in excess of four years, and such training, instruction, fellowships, and traineeships may be in the fields of rehabilitation medicine, rehabilitation nursing, rehabilitation counseling, rehabilitation social work, rehabilitation psychology, physical therapy, occupational therapy, speech pathology and audiology, prosthetics and orthotics, recreation for ill and handicapped individuals, and other specialized fields contributing to the rehabilitation of handicapped individuals; and

(3) disseminate information relating to vocational and comprehensive rehabilitation services, and otherwise promote the cause of the rehabilitation of handicapped individuals and their greater utilization in gainful and suitable employment.

(b) The Secretary is authorized to make rules and regulations governing the administration of this title and titles VI and VII of this Act, and to delegate to any officer or employee of the United States such of his powers and duties under such titles, except the making of rules and regulations, as he finds necessary to carry out the provisions of such titles. Such rules and regulations, as well as those prescribed by the Commissioner of the Rehabilitation Services Administration under titles I, II, III, and IV of this Act shall be published in the Federal Register, on at least an interim basis, no later than ninety days after the date of enactment of this Act.

(c) The Secretary is authorized (directly or by grants or contracts) to conduct studies, investigations, and evaluation of the programs authorized by this Act, and to make reports, with respect to abilities, aptitudes, and capacities of handicapped individuals, development of their potentialities, their utilization in gainful and suitable employment, and with respect to architectural, transportation, and other environmental and attitudinal barriers to their rehabilitation, including the problems of homebound, institutionalized, and older blind individuals.

(d) There is authorized to be included for each fiscal year in the appropriation for the Department of Health, Education, and Welfare such sums as are necessary to administer the provisions of this Act.

(e) In carrying out their duties under this Act, the Secretary and the Commissioner, respectively, shall insure the maximum coordination and consultation, at both national and local levels, with the Administrator of Veterans' Affairs and his designees with respect to programs for and relating to the rehabilitation of disabled veterans carried out under title 38, United States Code.

(f) With respect to the administration of the program authorized by section 309, the Secretary shall insure that the provision of services under such section is coordinated with similar services provided or paid for under health programs pursuant to other Federal laws.

PROGRAM AND PROJECT EVALUATION

Sec. 501. (a)(1) The Secretary shall measure and evaluate the impact of all programs authorized by this Act, in order to determine their effectiveness in achieving stated goals in general, and in relation to their cost, their impact on related programs, and their structure and mechanisms for delivery of services, including, where appropriate, comparisons with appropriate control groups composed of persons who have not participated in such programs. Evaluations shall be conducted by persons not immediately involved in the administration of the program or project evaluated.

(2) In carrying out his responsibilities under this subsection, the Secretary, in the case of research, demonstrations, and related activities carried out under section 402, shall, after taking into consideration the views of State agencies designated pursuant to section 101, on an annual basis—

(A) reassess priorities to which such activities should be directed; and

(B) review present research, demonstration, and related activities to determine, in

(A) reassess priorities to which such activities by subsection (a) of such section 402, whether and on what basis such activities should be continued, revised or terminated.

(3) The Secretary shall, within twelve months after the date of enactment of this Act, and on each April 1 thereafter, prepare and furnish to the appropriate committees of the Congress a complete report on the determination and review carried out under paragraph (2) of this subsection, together with such recommendations, including any recommendations for additional legislation, as he deems appropriate.

(b) Effective after June 30, 1973, before funds for the programs and projects covered by this Act are released, the Secretary shall develop and publish general standards for evaluation of the program and project effectiveness in achieving the objectives of this Act. He shall consider the extent to which such standards have been met in deciding, in accordance with procedures set forth in subsections (b), (c), and (d) of section 101, whether to renew or supplement financial assistance authorized under any section of this Act. Reports submitted pursuant to section 504 shall describe the actions taken as a result of these evaluations.

(c) In carrying out evaluations under this title, the Secretary shall, whenever possible, arrange to obtain the specific views of persons participating in and served by programs and projects assisted under this Act about such programs and projects.

(d) The Secretary shall publish the results of evaluative research and summaries of evaluations of programs and project impact and effectiveness no later than ninety days after the completion thereof. The Secretary shall submit to the appropriate committees of the Congress copies of all such research studies and evaluation summaries.

(c) The Secretary shall take the necessary action to assure that all studies, evaluations, proposals, and data produced or developed with assistance under this Act shall become the property of the United States.

OBTAINING INFORMATION FROM FEDERAL AGENCIES

Sec. 502. Such information as the Secretary may deem necessary for purposes of the evaluations conducted under this title shall be made available to him, upon request, by the agencies of the executive branch.

AUTHORIZATION OF APPROPRIATIONS

Sec. 503. There is authorized to be appropriated such sums as the Secretary may require, but not to exceed an amount equal to one-half of 1 per centum of the funds appropriated under titles I, II, III, and IV of this Act or $1,000,000, whichever is greater, to be available to conduct program and project evaluations as required by this title.

REPORTS

Sec. 504. Not later than one hundred and twenty days after the close of each fiscal year, the Secretary shall prepare and submit to the President and to the Congress a full and complete report on the activities carried out under this Act. Such annual reports shall include (1) statistical data reflecting, with the maximum feasible detail, vocational and comprehensive rehabilitation services provided handicapped individuals during the preceding fiscal year, (2) specifically distinguish among rehabilitation closures attributable to physical restoration, placement in competitive employment, extended or terminal employment in a sheltered workshop or rehabilitation facility, employment as a homemaker or unpaid family worker, and provision of comprehensive rehabilitation services, and (3) include a detailed evaluation of services provided with assistance under title I of this Act to those with the most severe handicaps and of comprehensive rehabilitation services provided pursuant to title II of this Act.

SHELTERED WORKSHOP STUDY

Sec. 505. (a) The Secretary shall conduct an original study of the role of sheltered workshops in the rehabilitation and employment of handicapped individuals, including a study of wage payments in sheltered workshops. The study shall incorporate guidelines which are consistent with criteria provided in resolutions adopted by the Committee on Labor and Public Welfare of the United States Senate or the Committee on Education and Labor of the United States House of Representatives, or both.

(b) The study shall include site visits to sheltered workshops, interviews with handicapped trainees or clients, and consultations with interested individuals and groups and State agencies designated pursuant to section 101.

(c) Any contracts awarded for the purpose of carrying out all or part of this study shall not be made with individuals or groups with a financial or other direct interest in sheltered workshops.

(d) The Secretary shall report to the Congress his findings and recommendations with respect to such study within twenty-four months after the date of enactment of this Act.

TITLE VI—OFFICE FOR THE HANDICAPPED

ESTABLISHMENT OF OFFICE

SEC. 600. There is established within the Office of the Secretary in the Department of Health, Education, and Welfare an Office for the Handicapped (hereinafter in this title referred to as the "Office"). The Office shall be headed by a Director, who shall serve as a Special Assistant to the Secretary and shall report directly to him, and shall be provided such personnel as are necessary to carry out the functions set forth in section 601. In selecting personnel to fill all positions in the Office, the Secretary shall give special emphasis to qualified handicapped individuals.

FUNCTION OF OFFICE

SEC. 601. It shall be the function of the Office, with the assistance of agencies within the Department, other departments and agencies within the Federal Government, handicapped individuals, and public and private agencies and organizations, to—

(1) prepare and submit to the Secretary, for submission to the Congress within eighteen months after the date of enactment of this Act, a long-range projection for the provisions of comprehensive services to handicapped individuals and for programs of research, evaluation, and training related to such services and individuals;

(2) analyze on a continuing basis and submit to the Secretary, for inclusion in his report submitted under section 504, a report on the results of such analysis, program operation to determine consistency with applicable provisions of law, progress toward meeting the goals and priorities set forth in the projection required under clause (1), and the effectiveness of all programs providing services to handicapped individuals, and the elimination of unnecessary duplication and overlap in such programs under the jurisdiction of the Secretary;

(3) encourage coordinated and cooperative planning designed to produce maximum effectiveness, sensitivity, and continuity in the provision of services for handicapped individuals by all programs under the jurisdiction of the Secretary;

(4) provide assistance (including staff assistance) to the National Advisory Council on Rehabilitation of the Handicapped established by section 311 of this Act, the National Advisory Council on the Education of the Handicapped established by section 604 of the Education of the Handicapped Act (title VI, Public Law 91-230), and other committees advising the Secretary on programs for handicapped individuals;

(5) develop means of promoting the prompt utilization of engineering and other scientific research to assist in solving problems in education (including promotion of the development of curricula stressing barrier-free design and the adoption of such curricula by schools of architecture, design, and engineering), health, employment, rehabilitation, architectural and transportation barriers, and other areas so as to bring about the full integration of handicapped individuals into all aspects of society;

(6) provide a central clearinghouse for information and resource availability for handicapped individuals through (A) the evaluation of systems within the Department of Health, Education, and Welfare, other departments and agencies of the Federal Government, public and private agencies and organizations, and other sources, which provide (i) information and data regarding the location, provision, and availability of services and programs for handicapped individuals, regarding research and recent medical and scientific developments bearing on handicapping conditions (and their prevention, amelioration, causes, and cures), and regarding the current numbers of handicapped individuals and their needs, and (ii) any other such relevant information and data which the Office deems necessary; and (B) utilizing the results of such evaluation and existing information systems, the development within such Department of a coordinated system of information and data retrieval, which will have the capacity and responsibility to provide general and specific information regarding the information and data referred to in subclause (A) of this clause to the Congress, public and private agencies and organizations, handicapped individuals and their families, professionals in fields serving such individuals, and the general public; and

(7) carry out such additional advisory functions and responsibilities, consistent with the provisions of this title, as may be assigned to it by the Secretary or the President, except that such function or any other function carried out under clauses (1) through (5) of this section shall not include budgetary, policy, or program control by the Office over any program.

AUTHORIZATION OF APPROPRIATIONS

SEC. 602. There is authorized to be appropriated for the purposes of this title such sums as may be necessary for the fiscal year ending June 30, 1973, and the two succeeding fiscal years.

TITLE VII—MISCELLANEOUS

EFFECT ON EXISTING LAWS

SEC. 700. The Vocational Rehabilitation Act (29 U.S.C. 31 et seq.) is repealed ninety days after the date of enactment of this Act and references to such Vocational Rehabilitation Act in any other provision of law shall, ninety days after such date, be deemed to be references to the Rehabilitation Act of 1973. Unexpended appropriations for carrying out the Vocational Rehabilitation Act may be made available to carry out this Act, as directed by the President. Approved State plans for vocational rehabilitation, approved projects, and contractual arrangements authorized under the Vocational Rehabilitation Act will be recognized under comparable provisions of this Act so that there is no disruption of ongoing activities for which there is continuing authority.

FEDERAL INTERAGENCY COMMITTEE ON HANDICAPPED EMPLOYEES

SEC. 701. (a) There is established within the Federal Government an Interagency Committee on Handicapped Employees (hereinafter in this section referred to as the "Committee"), comprised of the following (or their designees whose positions are Executive Level IV or higher): the Chairman of the Civil Service Commission, the Administrator of Veterans' Affairs, and the Secretaries of Labor and Health, Education, and Welfare. The Chairman of the President's Committee on Employment of the Handicapped and the Chairman of the President's Committee on Mental Retardation shall serve as ex officio members of the Interagency Committee, and the Secretary of Health, Education, and Welfare shall serve as Chairman of the Committee. The resources of such President's Committee shall be made fully available to the Committee established pursuant to this section. The Commissioner shall serve as Executive Director of the Committee. It shall be the purpose and function of the Committee to insure, through the establishment of affirmative action programs, the adequacy of hiring, placement, and advancement practices with respect to handicapped individuals by each department, agency, and instrumentality in the executive branch of Government, and that the special needs of such individuals are being met.

(b) Each department, agency, and instrumentality in the executive branch shall, within one hundred and eighty days after the date of enactment of this Act, submit to the Committee an affirmative action program plan for the hiring, placement, and advancement of handicapped individuals in such department, agency, or instrumentality. Such plan shall include a description of the extent to which and methods whereby the special needs of handicapped employees are being met.

(c) The Committee shall develop and recommend to the Secretary for referral to the appropriate State agencies, policies and procedures which will facilitate the hiring, placement, and advancement in employment of individuals who have received rehabilitation services under State vocational rehabilitation programs, veterans' programs, or any other program for handicapped individuals, including the promotion of job opportunities for such individuals. The Secretary shall encourage such State agencies to adopt and implement such policies and procedures.

(d) The Committee shall, on June 30, 1974, and at the end of each subsequent fiscal year, make a complete report to the appropriate committees of the Congress with respect to the practices of hiring, placement, and advancement of handicapped individuals by each department, agency, and instrumentality and the effectiveness of the affirmative action programs required by subsection (b) of this section, together with recommendations as to legislation or other appropriate action to insure the adequacy of such practices. Such report shall also include a description of the effectiveness of the Committee's activities under subsection (c) of this section.

(e) An individual who, as a part of his individualized written rehabilitation program under a State plan approved under this Act, participates in a program of unpaid work experience in a Federal agency, shall not, by reason thereof, be considered to be a Federal employee or to be subject to the provisions of law relating to Federal employment, including those relating to hours of work, rates of compensation, leave, unemployment compensation, and Federal employee benefits.

(f)(1) The Secretary of Labor and the Secretary of Health, Education, and Welfare are authorized and directed to cooperate with the President's Committee on Employment of the Handicapped in carrying out its functions.

(2) There are authorized to be appropriated for salaries and expenses of the President's Committee on Employment of the Handicapped such sums as may be necessary for the fiscal year ending June 30, 1973, and the two succeeding fiscal years. In selecting personnel to fill all positions on the President's Committee on Employment of the Handicapped, special consideration shall be given to qualified handicapped individuals.

NATIONAL COMMISSION ON TRANSPORTATION AND HOUSING FOR HANDICAPPED INDIVIDUALS

SEC. 702. (a) There is established in the Department of Health, Education, and Welfare a National Commission on Transportation and Housing for Handicapped Individuals, consisting of the Secretary of Health, Education, and Welfare (or his designee), who shall be Chairman, the Secretary of Housing and Urban Development, the Secretary of Transportation and the Secretary of the Treasury (or their respective designees), and not more than fifteen members appointed by the Secretary of Health, Education, and Welfare without regard to the civil service laws. The fifteen appointed members shall be representative of the general public, of handicapped individuals, and of private and professional groups having an interest in, and able to contribute to the solution of, the transportation and housing problems which impede the rehabilitation of handicapped individuals.

(b) The Commission, in consultation with the Architectural and Transportation Compliance Board established pursuant to section 703, shall (1) (A) determine how and to what extent transportation barriers impede the mobility of handicapped individuals and aged handicapped individuals and consider ways in which travel expenses in connection with transportation to and from work for handicapped individuals can be met or subsidized when such individuals are unable to use mass transit systems or need special equipment in private transportation, and (B) consider the housing needs of handicapped individuals; (2) determine what measures are being taken, especially by public and other nonprofit agencies and groups having an interest in and a capacity to deal with such problems, (A) to eliminate barriers from public transportation systems (including vehicles used in such systems) and to prevent their incorporation in new or expanded transportation systems and (B) to make housing available and accessible to handicapped individuals or to meet sheltered housing needs; and (3) prepare plans and proposals for such further action as may be necessary to the goals of adequate transportation and housing for handicapped individuals, including proposals for bringing together in a cooperative effort, agencies, organizations, and groups already working toward such goals or whose cooperation is essential to effective and comprehensive action.

(c) The Commission is authorized to appoint such special advisory and technical experts and consultants, and to establish such committees, as may be useful in carrying out its functions, to make studies, and to contract for studies or demonstrations to assist it in performing its functions. The Secretary shall make available to the Commission such technical, administrative, and other assistance as it may require to carry out its functions.

(d) Appointed members of the Commission and special advisory and technical experts and consultants appointed pursuant to subsection (c) shall, while attending meetings or conferences thereof or otherwise serving on business of the Commission, be entitled to receive compensation at rates fixed by the Secretary, but exceeding the not daily pay rate, for a person employed as a GS–18 under section 5332 of title 5, United States Code, including traveltime and while so serving away from their homes or regular places of business they may be allowed travel expenses, including per diem in lieu of subsistence as authorized by section 5703 of such title 5 for persons in the Government service employed intermittently.

(e) The Commission shall prepare two final reports of its activities. One such report shall be on its activities in the field of transportation carriers of handicapped individuals, and the other such report shall be on its activities in the field of the housing needs of handicapped individuals. The Commission shall, prior to January 1, 1975, submit each such report, together with its recommendations for further carrying out the purposes of this section, to the Secretary for transmittal by him, together with his recommendations, to the President and the Congress. The Commission shall also prepare for such submission an interim report of its activities in each such field within 18 months after the date of enactment of this Act and such additional interim reports as the Secretary may request.

(f) The Commission shall, on a frequent and continuing basis, provide to the Architectural and Transportation Barriers Compliance Board established pursuant to section 703, such data and information as it has acquired or developed during the course of its investigations and studies and such reports as it has submitted under subsection (e) of this section. Such Board shall also provide to the Commission such data and information acquired by it as the Commission may reasonably request.

ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE BOARD

SEC. 703. (a) There is established within the Federal Government the Architectural and Transportation Barriers Compliance Board (hereinafter referred to as the "Board") which shall be composed of the heads of each of the following departments or agencies (or their designees whose positions are Executive Level IV or higher):

(1) Department of Health, Education, and Welfare;

(2) Department of Transportation;

(3) Department of Housing and Urban Development;

(4) Department of Labor;

(5) Department of the Interior;

(6) General Services Administration;

(7) United States Postal Service; and

(8) Veterans' Administration.

(b) It shall be the function of the Board to: (1) insure compliance with the standards prescribed by the General Services Administration, the Department of Defense, and the Department of Housing and Urban Development pursuant to the Architectural Barriers Act of 1968 (Public Law 90–480), as amended by the Act of March 5, 1970 (Public Law 91–205); (2) investigate and examine alternative approaches to the architectural, transportation, and attitudinal barriers confronting handicapped individuals, particularly with respect to public buildings and monuments, parks and parklands, public transportation (including air, water, and surface transportation whether interstate, foreign, intrastate, or local), and residential and institutional housing; (3) determine what measures are being taken by Federal, State, and local governments and by other public or nonprofit agencies to eliminate the barriers described in clause (2) of this subsection; (4) promote the use of the International Accessibility Symbol in all public facilities that are in compliance with the standards prescribed by the Administrator of the General Services Administration, the Secretary of Defense, and the Secretary of Housing and Urban Development pursuant to the Architectural Barriers Act of 1968; (5) make reports to the President and to Congress, which shall describe in detail the results of its investigations under clauses (2) and (3) of this subsection; and (6) make to the President and to the Congress such recommendations for legislation and administration as it deems necessary or desirable to eliminate the barriers described in clause (2) of this subsection.

(c) In carrying out its functions under this section, the Board shall conduct investigations, hold public hearings, and issue such orders as it deems necessary to insure compliance with the provisions of the Act cited in subsection (b). The provisions of subchapter II of chapter 5, and chapter 7 of title 5, United States Code, shall apply to procedures under this section, and an order of compliance issued by the Board shall be a final order for purposes of judicial review.

(d) The Board is authorized to appoint as many hearing examiners as are necessary for proceedings required to be conducted under this section. The provisions applicable to hearing examiners appointed under section 3105 of title 5, United States Code, shall apply to hearing examiners appointed under this subsection.

(e) The departments or agencies specified in subsection (a) of this section shall make available to the Board such technical, administrative, or other assistance as it may require to carry out its functions under this section, and the Board may appoint, under the terms and conditions specified in subsection (d) of section 702, such other advisers, technical experts, and consultants as it deems necessary to assist it in carrying out its functions under this section.

(f) The Board shall, at the end of each fiscal year, report its activities during the preceding fiscal year to the Congress. Such report shall include an assessment of the extent of compliance with the Acts cited in subsection (b) of this section, along with a description and analysis of investigations made and actions taken by the Board, and the reports and recommendations described in clauses (4) and (5) of subsection (b) of this section.

(g) There is authorized to be appropriated for the purpose of carrying out the duties and functions of the Board under this section such sums as may be necessary for the fiscal year ending June 30, 1973, and the two succeeding fiscal years.

EMPLOYMENT UNDER FEDERAL CONTRACTS

SEC. 704. (a) Any contract in excess of $10,000 entered into by any Federal department or agency for the procurement of personal property and nonpersonal services (including construction) for the United States shall contain a provision requiring that, in employing persons to carry out such contract the party contracting with the United States shall take affirmative action to employ and advance in employment qualified handicapped individuals as defined in section 7(7). The provisions of this section shall apply to any subcontract in excess of $10,000 entered into by a prime contractor in carrying out any contract for the procurement of personal property and nonpersonal services (including construction) for the United States. The President shall implement the provisions of this section by promulgating regulations within ninety days after the date of enactment of this section.

(b) If any handicapped individual believes any contractor has failed or refuses to comply with the provisions of his contract with the United States, relating to employment of handicapped individuals, such individual may file a complaint with the Department of Labor. The Department shall promptly investigate such complaint and shall take such action thereon as the facts and circumstances warrant consistent with the terms of such contract and the laws and regulations applicable thereto.

(c) The requirements of this section 704 may be waived by the head of the agency or his delegate when he determines that such waiver is in the public interest and states in writing his reasons for such determination.

NONDISCRIMINATION UNDER FEDERAL GRANTS

SEC. 705. No otherwise qualified handicapped individual in the United States, as defined in section 7(7), shall, solely by reason of his handicap, be excluded from the participation in, be denied the benefits of or be subjected to discrimination under any program or activity receiving Federal financial assistance.

The motion was agreed to.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

A similar House bill (H.R. 17) was laid on the table.

GENERAL LEAVE

Mr. BRADEMAS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the bill H.R. 17 just passed by the House.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

There was no objection.

AUTHORIZING THE SPEAKER TO DECLARE A RECESS FOR OBSERVING AND COMMEMORATING FLAG DAY ON JUNE 14

(Mr. O'NEILL asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. O'NEILL. Mr. Speaker, Thursday, June 14, will mark the 196th anniversary of Flag Day. For many years the House has had proper observances commemorating Flag Day here in the House Chamber.

Mr. Speaker, I ask unanimous consent that it may be in order at any time on Thursday, June 14, for the Speaker to declare a recess for the purpose of observing and commemorating Flag Day in such manner as the Speaker may deem appropriate.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

The SPEAKER. The Chair will state for the information of the House that, after consultation with the distinguished minority leader, the Chair has informally designated the following members to constitute a committee to make the necessary arrangements for appropriate ceremonies in accordance with the unanimous-consent agreement just adopted: The gentleman from Alabama, Mr. Nichols; the gentleman from Maine, Mr. Kyros; the gentleman from New York, Mr. Kemp; and the gentleman from Indiana, Mr. Hudnut.

LEGISLATIVE PROGRAM FOR THE WEEK OF MARCH 12, 1973

(Mr. ARENDS asked and was given permission to address the House for 1 minute.)

Mr. ARENDS. Mr. Speaker, I take this time to ask the distinguished majority leader the program for the remainder of this week, if any, and for next week.

Mr. O'NEILL. If the gentleman will yield, there is no further legislative business today, and upon the announcement of the program for next week I will ask unanimous consent that we go over until Monday.

The program for the House for the following week is:

Monday is District Day, and there are no bills.

On Tuesday:

H.R. 71, Older Americans Act Amendments, under an open rule with 1 hour of debate.

For Wednesday and the balance of the week:

S. 583, rules of evidence for U.S. courts, subject to a rule being granted.

H.R. 2246, Public Works and Economic Development Act, subject to a rule being granted.

Conference reports may be brought up at any time, and any further program will be announced later.

ADJOURNMENT OVER TO MONDAY, MARCH 12, 1973

Mr. O'NEILL. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet on Monday next.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. O'NEILL. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule on Wednesday of next week be dispensed with.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

DISCIPLINE REQUIRED IN SPENDING OF FUNDS

(Mr. DEVINE asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. DEVINE. Mr. Speaker, it seems more and more popular every day in this body to attack the President for his audacity in impounding some of the Federal funds. I think we in the Congress have demonstrated our lack of responsibility, our lack of financial responsibility. It looks as if we have to be disciplined.

I would invite the attention of Members to an article which appeared in an Ohio State University student publication called the Lantern, written by Prof. Donald S. Van Meter, assistant professor in the political science department. He said:

> We must recognize that Nixon's impounding of appropriated funds is not a new phenomenon, though he has expanded the scope of this practice considerably in the past four years. Thomas Jefferson impounded funds that had been appropriated for gunboats to protect the Mississippi River. More recently, President Truman refused to spend money to increase the strength of the Air Force; and John Kennedy placed a freeze on $180 million appropriated for the development of the B–70 bomber. In such situations, the President's friends acclaim his unwillingness to squander public funds; his critics point to his failure to "take care that the laws be faithfully executed" as called for in the Constitution.

Mr. Speaker, I am including at this point the complete article:

Defense of Congress

(By Donald S. Van Meter)

One of the most serious problems facing the 93rd Congress that convened in January concerns the undermining of Congressional authority and the resulting concentration of power in the Presidency that have become all too evident in recent years. The Congress is clearly angry, but whether it will be able to reassert itself as a viable political institution remains to be seen.

While this subordination of Congress obviously pre-dated the Nixon Administration, President Nixon has been most active in his bullying of Congress. In Vietnam, he mined the Haiphong harbors and ordered the massive bombing of the north without consulting the Congress. Nixon's refusal to allow both White House aides and Cabinet members to testify before congressional committees further reveals his desire to exclude Congress from crucial policy-making situations. Executive encroachment on Congressional authority is also found in President Nixon's refusals to spend money appropriated by Congress.

Critics of these actions have charged that the President's insatiable appetite for power has created a crisis which threatens the very survival of constitutional government in the United States. Some have suggested that the President has assaulted the system of checks and balances set forth in the Constitution; he has made it nearly impossible for the Congress to exercise its distinct constitutional role in the functioning of the Federal Government.

Ironically, when aroused legislators seek to protect the integrity of Congress against executive encroachment, spokesmen for the Administration insinuate that these critics are "aiding and abetting the enemy."

With the ending of American participation in the Vietnam war, it is doubtful that Nixon's handling of the war will continue to be a source of major controversy. His refusal to permit administration officials to appear before congressional committees will continue to frustrate his critics, but there exist both formal and informal means to resist congressional pressures. "Executive privilege"—the President's asserted right to withhold information from Congress—is a device for which there is ample precedent. Presidents since Washington have refused to provide the Congress with information for a variety of reasons, including the need for secrecy in military and diplomatic affairs.

The impounding of appropriated funds by the President, however, promises to generate considerable conflict. What is at stake here is the Congress' constitutional grip on the public purse. There is no law that speaks directly to this question, and thus it is a matter open to wide interpretation. Senator Sam Ervin, Jr. (D., N.C.), has said "this practice of impoundment is contemptuous of the role of Congress in our tripartite system. The power of the purse belongs exclusively to Congress under the Constitution." The President's supporters see impoundment as an administrative right and responsibility.

We must recognize that Nixon's impounding of appropriated funds is not a new phenomenon, though he has expanded the scope of this practice considerably in the past four years. Thomas Jefferson impounded funds that had been appropriated for gunboats to protect the Mississippi River. More recently, President Truman refused to spend money to increase the strength of the Air Force; and John Kennedy placed a freeze on $180 million appropriated for the development of the B–70 bomber. In such situations, the President's friends acclaim his unwillingness to squander public funds; his critics point to his failure to "take care that the laws be faithfully executed" as called for in the Constitution.

All the claims and counter-claims aside, it is clear that the President "can and may withhold expenditure of funds to the extent that the political milieu in which he operates permits him to do so." Thus, those who are justifiably angered by the President's "contemptuous" treatment of Congress should act decisively to create an environment in whch such acts are politically hazardous. Efforts should be made to secure judicial rulings to force the President to spend impounded funds. More directly, Congress should use its political clout to compel Nixon to release impounded funds; the Senate can delay confirmation of presidential appointments, and programs favored by the President can be "delayed" by lengthy committee deliberations.

Such political pressure has been effective in the past; there is no reason why it can't be again.

DISCRIMINATION ON THE BASIS OF SEX

(Mrs. GREEN of Oregon asked and was given permission to address the House for 1 minute, to revise and extend her remarks and include extraneous matter.)

Mrs. GREEN of Oregon. Mr. Speaker, by all measures, the 92d Congress stands as one of the best in recent history in taking effective action with regard to discrimination on the basis of sex.

The list of accomplishments is a most impressive one. It includes amendments to title VII of the Civil Rights Act of 1964 and the Equal Pay Act of 1963 strengthening and extending protections from discrimination on the basis of sex, extending jurisdiction of the Civil Rights Commission to include discrimination on the basis of sex, enactment of prohibitions of discrimination in title IX of the Education Amendments of 1972 and in titles VII and VIII of the Public Health Service Act, and, of course, passage of the equal rights amendment.

But passage of such legislation is simply the first step. To be meaningful, it must be enforced, and to be enforced, it is necessary that those whom the legislation is designed to assist have ready access to information of its existence and understand how it can best be used to protect their rights.

Through the efforts of the Association of American Colleges and, in particular, Dr. Bernice Sandler, a summary of the Federal laws and regulations concerning sex discrimination in educational institutions has been compiled. Mr. Speaker, to assist in efforts to assure wide dissemination of this vital material, I insert this summary in the RECORD at this point:

FEDERAL LAWS[1] AND REGULATIONS CONCERNING SEX DISCRIMINATION IN EDUCATIONAL INSTITUTIONS,[2] OCTOBER 1972

	Executive Order 11246 as amended by 11375	Title VII of the Civil Rights Act of 1964 as amended by the Equal Employment Opportunity Act of 1972	Equal Pay Act of 1963 as amended by the Education Amendments of 1972 (Higher Education Act)	Title IX of the Education Amendments of 1972 (Higher Education Act)[13]	Title VII (Sec. 799A) and Title VIII (Sec. 845) of the Public Health Service Act as amended by the Comprehensive Health Manpower Act and the Nurse Training Amendments Act of 1971[18]
Effective date	Oct. 13, 1968	Mar. 24, 1972 (July 1965 for non-professional workers). (Institutions with 15–24 employees are not covered until Mar. 24, 1973.)	July 1, 1972 (June 1964 for non-professional workers).	July 1, 1972 (admissions provisions effective July 1, 1973).	Nov. 18, 1971.
Which institutions are covered?	All institutions with Federal contracts of over $10,000.[7]	All institutions with 15 or more employees.	All institutions	All institutions receiving Federal moneys by way of a grant, loan, or contract (other than a contract of insurance or guaranty).	All institutions receiving or benefiting from a grant, loan guarantee, or interest subsidy to health personnel training programs or receiving a contract under Title VII or VIII of the Public Health Service Act.[19]
What is prohibited?[3]	Discrimination in employment (including hiring, upgrading, salaries, fringe benefits, training, and other conditions of employment) on the basis of race, color, religion, national origin or sex. Covers all employees.	Discrimination in employment (including hiring, upgrading, salaries, fringe benefits, training and other conditions of employment) on the basis of race, color, religion, national origin or sex. Covers all employees.	Discrimination in salaries (including almost all fringe benefits) on the basis of sex. Covers all employees.	Discrimination against students or others[14] on the basis of sex.[15]	Discrimination in admission of students on the basis of sex and against some employees.[20]
Exemptions from coverage	None	Religious institutions are exempt with respect to the employment of individuals of a particular religion or religious order (including those limited to one sex) to perform work for that institution. (Such institutions are not exempt from the prohibition of discrimination based on sex, color and national origin.)	None	Religious institutions are exempt if the application of the anti-discrimination provisions are not consistent with the religious tenets of such organizations. Military schools are exempt if their primary purpose is to train individuals for the military services of the United States or the merchant marine. Discrimination in admissions[16] is prohibited only in vocational institutions (including vocational high schools), graduate and professional institutions, and public undergraduate coeducational institutions.	None.
Who enforces the provisions?	Office of Federal Contract Compliance (OFCC) of the Department of Labor has policy responsibility and oversees Federal agency enforcement programs. OFCC has designated HEW as the Compliance Agency responsible for enforcing the Executive order for all contracts with educational institutions. HEW's Office for Civil Rights (Division of Higher Education) conducts the reviews and investigations.	Equal Employment Opportunity Commission (EEOC).[9]	Wage and Hour Division of the Employment Standards Administration of the Department of Labor.	Federal departments and agencies which are empowered to extend financial aid to educational programs and activities. HEW's Office for Civil Rights (Division of Higher Education) is expected to have primary enforcement powers to conduct the reviews and investigations.[17]	HEW's Office for Civil Rights (Division of Higher Education) conducts the reviews and investigations.
How is a complaint made?	By letter to OFCC or Secretary of HEW.	By a sworn complaint form, obtainable from EEOC.	By letter, telephone call, or in person to the nearest Wage and Hour Division office.	Procedure not yet specified. A letter to Secretary of HEW is acceptable.	Procedure not yet specified. A letter to Secretary of HEW is acceptable.
Can complaints of a pattern of discrimination be made as well as individual complaints?	Yes. However, individual complaints are referred to EEOC.	Yes	Yes	Yes	Yes.

Footnotes at end of table.

FEDERAL LAWS[1] AND REGULATIONS CONCERNING SEX DISCRIMINATION IN EDUCATIONAL INSTITUTIONS,[2] OCTOBER 1972—Continued

	Executive Order 11246 as amended by 11375	Title VII of the Civil Rights Act of 1964 as amended by the Equal Employment Opportunity Act of 1972	Equal Pay Act of 1963 as amended by the Education Amendments of 1972 (Higher Education Act)	Title IX of the Education Amendments of 1972 (Higher Education Act)[13]	Title VII (Sec. 799A) and Title VIII (Sec. 845) of the Public Health Service Act as amended by the Comprehensive Health Manpower Act and the Nurse Training Amendments Act of 1971[14]
Who can make a complaint?[4]	Individuals and/or organizations on own behalf or on behalf of aggrieved employee(s) or applicant(s).	Individuals and/or organizations on own behalf or on behalf of aggrieved employee(s) or applicant(s). Members of the Commission may also file charges.	Individuals and/or organizations on own behalf or on behalf of aggrieved employee(s).	Individuals and/or organizations on own behalf or on behalf of aggrieved party.	Individuals and/or organizations on own behalf or on behalf of aggrieved party.
Time limit for filing complaints[5]	180 days	180 days	No official limit, but recovery of back wages is limited by statute of limitations to 2 years for a nonwillful violation and 3 years for a willful violation.	Procedure not yet determined	Procedure not yet determined.
Can investigations be made without complaints?	Yes. Government can conduct periodic reviews without a reported violation, as well as in response to complaints. Preaward reviews are mandatory for contracts over $1,000,000.	No. Government can conduct investigations only if charges have been filed.	Yes. Government can conduct periodic reviews without a reported violation, as well as in response to complaints.	Yes. Government can conduct periodic reviews without a reported violation, as well as in response to complaints.	Yes. Government can conduct periodic reviews without a reported violation, as well as in response to complaints.
Can the entire institution be reviewed?	Yes. HEW may investigate part or all of an institution.	Yes. EEOC may investigate part or all of an establishment.	Yes. Usually Wage-Hour reviews the entire establishment.	Yes. HEW may investigate those parts of an institution which receive Federal assistance (as well as other parts of the institution related to the program, whether or not they receive direct Federal assistance). If the institution receives general institutional aid, the entire institution may be reviewed.	Yes. HEW may investigate those parts of an institution which receive Federal assistance under Title VII and VIII (as well as other parts of the institution related to the program, whether or not they receive assistance under these titles).
Recordkeeping requirements and Government access to records.	Institution must keep and preserve specified records relevant to the determination of whether violations have occurred. Government is empowered to review all relevant records.	Institution must keep and preserve specified records relevant to the determination of whether violations have occurred. Government is empowered to review all relevant records.	Institution must keep and preserve specified records relevant to the determination of whether violations have occurred. Government is empowered to review all relevant records.	Institution must keep and preserve specified records relevant to the determination of whether violations have occurred. Government is empowered to review all relevant records.	Institution must keep and preserve specified records relevant to the determination of whether violations have occurred. Government is empowered to review all relevant records.
Enforcement power and sanctions.	Government may delay new contracts, revoke current contracts, and debar institutions from eligibility for future contracts.	If attempts at conciliation fail, EEOC or the U.S. Attorney General may file suit.[10] Aggrieved individuals may also initiate suits. Court may enjoin respondent from engaging in unlawful behavior, order appropriate affirmative action, order reinstatement of employees, and award back pay.	If voluntary compliance fails,[11] Secretary of Labor may file suit. Aggrieved individuals may initiate suits when Department of Labor has not done so. Court may enjoin respondent from engaging in unlawful behavior, and order salary raises, back pay and assess interest	Government may delay new awards, revoke current awards, and debar institution from eligibility for future awards. Department of Justice may also bring suit at HEW's request.	Government may delay new awards, revoke current awards, and debar institution from eligibility for future awards. Department of Justice may also bring suit at HEW's request.
Can back pay be awarded?[6]	Yes. HEW will seek back pay only for employees who were not previously protected by other laws allowing back pay.	Yes. For up to 2 years prior to filing charges with EEOC.	Yes. For up to 2 years for a nonwillful violation and 3 years for a willful violation.	Probably, to the extent that employees are covered.	Probably, to the extent that employees are covered.
Affirmative action requirements (There are no restrictions against affirmative action which is nonpreferential.)	Affirmative action plans (including numerical goals and timetables) are required of all contractors with contracts of $50,000 or more and 50 or more employees.[8]	Affirmative action is not required unless charges have been filed, in which case it may be included in conciliation agreement or be ordered by the court.	Affirmative action, other than salary increases and back pay, is not required.	Affirmative action may be required after discrimination is found.	Affirmative action may be required after discrimination is found.
Coverage of labor organizations	Any agreement the contractor may have with a labor organization can not be in conflict with the contractor's affirmative action commitment.	Labor organizations are subject to the same requirements and sanctions as employers.	Labor organizations are prohibited from causing or attempting to cause an employer to discriminate on the basis of sex. Complaints may be made and suits brought against these organizations.	Procedure not yet clear. Any agreement the institution may have with a labor organization cannot be in conflict with the nondiscrimination provisions of the legislation.	Procedure not yet clear. Any agreement the institution may have with a labor organization cannot be in conflict with the nondiscrimination provisions of the legislation.
Is harassment prohibited?	Institutions are prohibited from discharging or discriminating against any employee or applicant for employment because he/she has made a complaint, assisted with an investigation or instituted proceedings.	Institutions are prohibited from discharging or discriminating against any employee or applicant for employment because he/she has made a complaint, assisted with an investigation or instituted proceedings.	Institutions are prohibited from discharging or discriminating against any employee because he/she has made a complaint, assisted with an investigation or instituted proceedings.	Institutions will be prohibited from discharging or discriminating against any participant or potential participant because he/she has made a complaint, assisted with an investigation or instituted proceedings.	Institutions will be prohibited from discharging or discriminating against any participant or potential participant because he/she has made a complaint, assisted with an investigation or instituted proceedings.
Notification of complaints	Notification of complaints has been erratic in the past. HEW is proposing notifying institutions of complaints within 10 days. HEW notifies institutions a few weeks prior to investigation.	EEOC notifies institutions of complaints within 10 days.	Complaint procedure is very informal. Employer under review may or may not know that a violation has been reported.	Procedure not yet determined	Procedure not yet determined.
Confidentiality of names	Individual complainant's name is usually given to the institution. Investigation findings are kept confidential by government, but can be revealed by the institution. Policy concerning government disclosure concerning investigations and complaints has not yet been issued. The aggrieved party and respondent are not bound by the confidentiality requirement.	Individual complainant's name is divulged when an investigation is made. Charges are not made public by EEOC, nor can any of its efforts during the conciliation process be made public by the Commission or its employees. If court action becomes necessary, the identity of the parties involved becomes a matter of public record. The aggrieved party and respondent are not bound by the confidentiality requirement.	The identity of a complainant, as well as the employer (and union, if involved), is kept in strict confidence.[12] If court action becomes necessary, the identity of the parties involved becomes a matter of public record. The aggrieved party and respondent are not bound by the confidentiality requirement.	Identity of complainant is kept confidential if possible, If court action becomes necessary, the identity of the parties involved becomes a matter of public record. The aggrieved party and respondent are not bound by the confidentiality requirement.	Identity of complainant is kept confidential if possible If court action becomes necessary, the identity of the parties involved becomes a matter of public record. The aggrieved party and respondent are not bound by the confidentiality requirement.

Footnotes at end of table.

	Executive Order 11246 as amended by 11375	Title VII of the Civil Rights Act of 1964 as amended by the Equal Employment Opportunity Act of 1972	Equal Pay Act of 1963 as amended by the Education Amendments of 1972 (Higher Education Act)	Title IX of the Education Amendments of 1972 (Higher Education Act)[13]	Title VII (Sec. 799A) and Title VIII (Sec. 845) of the Public Health Service Act as amended by the Comprehensive Health Manpower Act and the Nurse Training Amendments Act of 1971[18]
For further information contact...	Division of Higher Education, Office for Civil Rights, Department of HEW, Washington, D.C.; or Office of Federal Contract Compliance, Employment Standards Administration, Department of Labor, Washington, D.C.; or Regional HEW or DOL Office.	Equal Employment Opportunity Commission, 1800 G St. NW., Washington, D.C.; or Regional EEOC Office.	Wage and Hour Division, Employment Standards Administration, Department of Labor, Washington, D.C.; or Field, Area, or Regional Wage and Hour Office.	Division of Higher Education, Office for Civil Rights, Department of HEW, Washington, D.C.; or Regional HEW Office.	Division of Higher Education, Office for Civil Rights, Department of HEW, Washington, D.C.; or Regional HEW Office.

FOOTNOTES

General:

[1] State employment and/or human relations laws may also apply to educational institutions. The Equal Rights Amendment to the U.S. Constitution, passed by the Congress and now in the process of ratification would, when ratified, forbid discrimination in publicly supported schools at all levels, including students and faculty.

[2] Unless otherwise specified, "institution" includes public and private colleges and universities, elementary and secondary schools, and preschools.

[3] A bona fide seniority or merit system is permitted under all legislation, provided the system is not discriminatory on the basis of sex or any other prohibited ground.

[4] There are no restrictions against making a complaint under more than one anti-discrimination law at the same time.

[5] This time limit refers to the time between an alleged discriminatory act and when a complaint is made. In general, however, the time limit is interpreted liberally when a continuing practice of discrimination is being challenged, rather than a single, isolated discriminatory act.

[6] Back pay cannot be awarded prior to the effective date of the legislation.

Executive Order 11246 as amended by 11375:

[7] The definition of "contract" is very broad and is interpreted to cover all government contracts (even if nominally entitled "grants") which involve a benefit to the federal government.

[8] Although public institutions are not exempt from the affirmative action requirement, they need not have a written affirmative action plan. A proposed regulation (Federal Register Oct. 4, 1972) would delete this exemption for public institutions.

Title VII of the Civil Rights Act of 1964 as amended by the Equal Employment Opportunity Act of 1972:

[9] In certain states that have fair employment laws with prohibitions similar to those of title VII, EEOC automatically defers investigation of charges to the state agency for 60 days. (At the end of this period, EEOC will handle the charges unless the state is actively pursuing the case. About 85 percent of deferred cases return to EEOC for processing after deferral.)

[10] Due to an ambiguity in the law as it relates to public institutions, it is not yet clear whether EEOC or the Attorney General will file suit in all situations which involve public institutions.

Equal Pay Act of 1963 as amended by the Education Amendments of 1972 (Higher Education Act):

[11] Over 95 percent of all Equal Pay Act investigations are resolved through voluntary compliance.

[12] Unless court action is necessary, the name of the parties need not be revealed. The identity of a complainant or a person furnishing information is never revealed without that person's knowledge and consent.

Title IX of The Education Amendments of 1972 (Higher Education Act):

[13] Final regulations and guidelines for title IX of the Education Amendments of 1972 have not yet been published. This chart includes information which is explicitly stated in the law, as well as how the law is likely to be interpreted in light of other precedents and developments.

[14] The sex discrimination provision of title IX is patterned after title VI of the Civil Rights Act of 1964, which forbids discrimination on the basis of race, color and national origin in all Federally assisted programs. By specific exemption, the prohibitions of title VI do not cover employment practices (except where the primary objective of the Federal aid is to provide employment). However, there is no similar exemption for employment in title IX.

[15] Title IX states that: "No person . . . shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance . . ."

[16] The following are exempted from the admissions provision:

Private undergraduate institutions.

Elementary and secondary schools other than vocational schools.

Single-sex public undergraduate institutions. (If public single-sex undergraduate institutions decide to admit both sexes, they will have 7 years to admit female and male students on a nondiscriminatory basis, provided their plans are approved by the Commissioner of Education.)

Note 1: These exemptions apply to admissions only. Such institutions are still subject to all other anti-discrimination provisions of the Act.

Note 2: Single sex professional, graduate and vocational schools at all levels have until July 1979 to achieve nondiscriminatory admissions, provided their plans are approved by the Commissioner of Education.

[17] Under title VI of the 1964 Civil Rights Act, which title IX of the Education Amendment closely parallels, federal agencies which extend aid to educational institutions have delegated their enforcement powers to HEW. A similar delegation of enforcement power is expected under title IX.

Title VII and Title VIII of the Public Health Service Act as amended by the Comprehensive Health Manpower Act and the Nurse Training Amendments Act of 1971:

[18] Final regulations and guidelines for title VII and VIII of the Public Health Service Act have not yet been published. This chart includes information which is explicitly stated in the law, as well as how the law is likely to be interpreted in light of other precedents and developments.

[19] Schools of medicine, osteopathy, dentistry, veterinary medicine, optometry, pharmacy, podiatry, public health, allied public health personnel and nursing are specifically mentioned in titles VII and VIII. Regulations issued June 1, 1972 by the Secretary of HEW specify that all entities applying for awards under titles VII or VIII are subject to the nondiscrimination requirements of the act.

[20] HEW regulations state: "Nondiscrimination in admission to a training program includes nondiscrimination in all practices relating to applicants to and students in the program; nondiscrimination in the enjoyment of every right, privilege and opportunity secured by admission to the program; and nondiscrimination in all employment practices relating to employees working directly with applicants to or students in the program."

CONSUMER REVOLT MAKES HEADWAY

(Mr. COTTER asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. COTTER. Mr. Speaker, 1 week ago today I spoke briefly about the frustration of the American homemaker over outrageously high food prices. I urged the American consumer to rally behind the 4,000 members of the Connecticut Junior Women's Clubs who plan to boycott meat during the week of April 1–7. I also urged that shoppers send the White House a message by writing their names and addresses on the back of cash register tapes and sending them to President Nixon.

The response to this call for a nationwide consumer protest has been tremendous. My office is receiving mail and telephone calls from all over the country from people who want to join the boycott and who want to organize in their local communities. I sense from these letters and those calls that the average family, middle America, is fed up to here, not with food but with high food prices. They want action and they want to demonstrate their desire for action.

For the benefit of those of my colleagues who want to join this protest I want to sell out here very briefly the details of this consumer revolt.

First, I am urging consumers to send their grocery checkout slips to the White House immediately, and as often as they shop until the American public is satisfied that President Nixon is adequately and honestly dealing with the issue of high food prices. Congress has given him virtually blanket authority to act in this area. By flooding the White House with checkout tapes we demonstate that we want action—now.

Second, I am urging consumers to refrain from buying meat for 1 week beginning April Fools Day. The purpose of this part of the protest is to have a dramatic impact on the marketplace by altering for 1 week customary consumer buying patterns. The success of this part of the protest will depend upon how many people participate.

The Connecticut Junior Women's Clubs have offered some hints on organizing the boycott. The first step is to get an established group or groups together to form the nucleus of the boycott. This group should publicize the April 1–7 protest by going on local radio and writing letters to the editors of their local newspapers. The Connecticut group plans to distribute slips to butchers which bear the following message: "We are not April Fools when it comes to meat prices."

I think that theme pretty well sums up the mood of the consumer whose paycheck is being pressured on many fronts. This is not only a constructive outlet for consumer frustration but it is also a call to Government decisionmakers to heed their demands. I have said it before in this House and I believe it more so today: the success or failure of the battle against inflation depends upon what happens at the grocery checkout counter.

THE IMPACT OF THE HOUSING MORATORIUM

(Mr. MITCHELL of Maryland asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. MITCHELL of Maryland. Mr. Speaker, predictably, the housing moratorium imposed by the President hurts the poor and the blacks and other minorities the most. Decades ago, we abandoned the housing efforts in urban centers and facilitated the growth of suburbia.

In more recent years there was once again hope that decent housing could be provided for blacks and the poor. Suburbia has been built, hopefully we could once again focus on urban areas. The moratorium has dashed such hopes.

The National Association of Real Estate Brokers has addressed the problem cogently. The association issued the following statement on February 22, 1973, which I now submit for the RECORD:

STATEMENT OF THE NATIONAL ASSOCIATION OF REAL ESTATE BROKERS

The National Association of Real Estate Brokers, with members from across the entire country, have gathered here in our Nation's Capital to express to our Congress and to our fellow American Citizens the bitter disappointment and deep concern over the Administrations recent moratorium on housing programs. It is even more disturbing to learn that this same Administration has requested an increase of more than $4 billion in defense expenditures.

The programs eliminated by the moratorium cover a broad spectrum and should not be considered by the number titles 235 and 236 alone, let's call them by their names:

Model Cities.
Urban Renewal.
College Housing.
Neighborhood Health Facilities.
Neighborhood Community Centers.
Sewer and Water Facilities.
Inner City Rehabilitation Loans.
Community Development Training.
New Community Grants.
Extended Care Facilities.
Day Care Centers.
Senior Citizens Housing.
Public Housing.
Low Income Homes (Sales).
Subsidized Rental Housing.

We could go on ad infinitum in regard to *programs* affected. *However, we feel that* administrators and persons in high offices relate to programs while completely ignoring *people*. We feel that to ignore *people* by cutting off their supply of housing and eliminating educational, health and job facilities is ruthless, tactless, completely inconsiderate and as un-American as any art of sabotage in the history of our great nation. There has been total disregard for the *human being* in this unprecedented action on the part of the administration. Never before have Congressionally appropriated funds been impounded in this way.

We did not come to Washington today solely to complain about the action taken, but to offer all the facilities of our Association and all the expertise developed through many years of participation in this housing industry as a resource possibility for the institution of substitute housing programs. The industry recognizes the need for substitute programs, however, we very desperately need an immediate release of the impounded funds in order to guarantee housing for the countless needy Americans.

We call upon the Executive Head of this country to re-evaluate his position as it relates to people and the disaster he has invoked upon all Americans directly and indirectly by his precipitious action. We ask that he immediately rescind his order impounding funds.

JOHN D. THOMPSON,
Second Vice President.

THE FORD FOUNDATION'S LOWRY

(Mr. THOMPSON of New Jersey asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. THOMPSON of New Jersey. Mr. Speaker, it was with great interest and pride that I read a splendid article by Miss Jean M. White in the Washington Post of March 4, 1973. The title of the piece is "The Modern Maecenas in America."

Miss White's sensitive and perceptive article is the story of the Ford Foundation's magnificent contribution to the arts and of the work of the man who administers that program, W. McNeil Lowry.

Sixteen years ago the Ford Foundation trustees made their decision to move into the arts with a 5-year exploratory program with the budget of about $2 million a year. Mr. Lowry, who is known as "Mac" to his hundreds of friends, made the preliminary studies necessary and persuaded the trustees of the foundation to embark on the program which Mac has administered since.

I had known of Mr. Lowry for a number of years before I had the good fortune to meet him in 1957. I was, as you remember, working on the legislation which eventually passed creating the National Foundation on the Arts and Humanities. Mr. Lowry visited with me, helped me to refine my ideas and advised me in virtually innumerable ways. He supported strongly my deep belief that the Federal Government should take a major role in supporting the arts and humanities. Mac Lowry persuaded me that there should be a delicate and continuing balance between Federal support of the arts and private support. I am proud to say that with the help of my friends Representative JOHN BRADEMAS, Representative AL QUIE, Senator CLAIBORNE PELL of Rhode Island, Senator JACOB JAVITS of New York, and many others that this has come about. It would not have been possible, I believe, without Mac Lowry's support and advice.

Miss White's article tells much of the story of Mac Lowry's magnificent work. It also describes him as a human being in an accurate and sensitive way.

I am proud to say that since 1957 Mac Lowry has not only been a constructive and trusted advisor, but has become one of my closest personal friends. He is a totally admirable man, and it is my sincere belief that the Ford Foundation's wonderful generosity could not have been better handled, or indeed, as well handled by any other person. I realize this is a strong statement, but over the years I have gotten to know virtually everyone in the private sector connected with philanthropy in the arts. There are many splendid persons involved, but Mac Lowry stands head and shoulders above all of them.

The Ford Foundation is to be congratulated and thanked with deep gratitude for its generosity and especially its wisdom in choosing Mac to administer its great arts and humanities program. I look forward not only to my personal relationship with Mac Lowry, but even more to working with him in the future in the interests of the arts and humanities in the United States.

Miss White's article follows:

THE FORD FOUNDATION'S LOWRY

(By Jean M. White)

NEW YORK.—A few years back the Museum of the City of New York opened an exhibit of 600 portraits of famous people by Cecil Beaton, who tries to distill the essence of a subject in photographic character studies.

Coming around the corner of an L-shaped alcove, viewers suddenly found themselves confronted with a face blown up five times life-size—a roundish, slightly cherubic, classic (which is to say ordinary) American face, Midwestern perhaps, kindly, shrewd, appraising. It must have been a bit overwhelming for many of the viewers, particularly when they tried to place W. McNeil Lowry in that exhibit of famous people drawn mostly from the world of arts and entertainment.

"Mac" Lowry has a very important place in that world, perhaps five times life-size. Since 1957, he has dispensed a Ford Foundation largesse of more than $250 million to the arts—the richest bounty by far in the United States and perhaps in the history of patronage of the arts with the Medici and Renaissance Popes.

In the shorthand of the popular media, he has been called "Mr. Arts," "the man who runs culture," and, by some critics an "arts czar."

"Mr. Beaton must have taken 75 photographs that day," Lowry recalls. "Someone must have told him this man should look like a cardinal or a Pope, more likely a Pope. He was very patient. He criticized only the the cut of my suit."

Beaton must have found it difficult to distill the aura of power in the presence of this slightly short, slightly rumpled man who still has the bearing and language of a college professor from an early career. There is no trace of an arts tyrant or czar. This is the modern Maecenas, a middleman of organized philanthrophy, a philanthropoid, a professional fundsman who tries to give away the donor's money efficiently and, if possible, imaginatively.

When New York magazine listed the villains and heroes of the art world (Lowry recalls that John D. Rockefeller III made both lists), it cast Lowry in the role of villain for pouring millions into Establishment Art.

"There is no way to be in this post without getting both plaudits and criticism, sometimes intemperate and inaccurate," Lowry says. "I didn't mind being put under the villains. I can look at myself in the mirror and see a villain. But it was the reason (for it)—millions to the art establishment. It must have shocked the hell out of the establishment."

That criticism still rankles Lowry. At a mellow 60, he now is cast in the role of philosopher of the art of arts philanthropy, and it is one suited to his character and temperament.

But the charge of toadying to the arts establishment does rankle. For Lowry sees himself as a populist of the arts. He speaks of "opening his pores" to artists and artistic directors. To him, they are the most important part of the arts, not the organizations, companies, museums, groups.

Lowry's official title is Ford Foundation vice president for the humanities and arts (H/A as it is shorthanded at the Foundation). It is a job that is bound to make someone unhappy.

A professional philanthropist has to say "no" to some applicants. Everyone thinks his cause is the most worthwhile, the most important, the most deserving. There are certain to be disappointed egos.

As one observer puts it: "You can't give $10,000 to every well-meaning, or even well-deserving, applicant."

What the Ford Foundation has done so well and imaginatively in its patronage of the arts is to cluster grants around an idea—

resident repertory theaters, helping young professional artists of proven potential at a stage in their career when they need public exposure and critical attention, and strengthening key outlets for that talent. It has not staged talent hunts nor given money to build auditoriums as playpens for amateur art activity.

Under Lowry, the role of the Ford Foundation's arts program has been much more than that of a grant giver. He has "energized" applications—the word is Lowry's. As far back as 1963, the Ford Foundation gave a $7.7-million bonanza to ballet long before the brushfire of enthusiasm for dance was generally recognized. There were no applicants for such grants then.

Also, without applications, the Ford Foundation sent writers like poet Robert Lowell and novelist Philip Roth to spend a year with theater and opera companies in the hope of bringing new talent to the field of playwriting.

Lowry points to the lively ballet stage and the resident repertory theaters—which freed actors and playwrights from the harsh "hit or flop" economics of commercial Broadway—as the two notable successes of the Ford Foundation's greening of the arts.

"If we had done nothing else, these would have justified our efforts," he says.

But he has had to say his "no's." Even when you have $250 million to dispense, you have to say "no" to some applicants. Supporters of modern dance feel neglected by the Ford Foundation and argue that a disproportionate share of money has gone to ballet. Others say Lowry played favorites and slighted the American Ballet Theater for George Balanchine's New York City Ballet. The Ford Foundation arts program has been criticized for being too insular, whimsical, eccentric, too safe, not experimental, unimaginative, not socially conscious.

And there have been failures as well as successes. One critic reviewing works produced for contemporary opera by young composers under Ford grants totaled the scoreboard at "seven up, seven down."

"This is risk capital," Lowry emphasizes. "If we want a string of unbroken successes, we should be doing something else. This is one advantage that we have over a government agency that is under public scrutiny."

The returns on an investment in the theater, dance, or music are intangible. No one can say that a Ford Foundation grant has produced a great novel, a smashing theatrical success, or master painting. Lowry would be the last to claim this.

"It is obvious that without the Ford Foundation and the National Endowment for the Arts there would be, as there always has been, theater, painting, architecture, music and dance," he says.

"How can anyone take credit for a Suzanne Farrell or a Balanchine or a leading ballet company. We never made any artist."

Suzanne Farrell, former reigning ballerina of the New York City Ballet, was a young dance student in Cincinnati paying $2.50 an hour for lessons at a commercial studio when she won a regional scholarship under a Ford Foundation program and began training at the School of American Ballet.

"If she had stayed where she was, she probably would have satisfied a mother's ambition for grace and training and perhaps become a competent teacher," Lowry points out.

Even those who criticize Ford Foundation grants to the arts have to admit that they have not been frivolous. One of these who feels Balanchine and the New York City Ballet have been favored ended up by saying: "But, thank God, somebody is giving money to dance."

Perhaps the impact of the Ford Foundation's program for the arts best can be measured in term of what the grants have meant for the cultural vitality of a single community. Here, in Washington, it has meant nearly $12 million in direct grants, without parceling out shares in national programs.

The list is impressive for anyone who has gone to a play, a concert, an opera, or a ballet performance: Arena Stage, $2.5 million (plus $300,000 regranted through the National Endowment for the Arts); Washington Theater Club, $250,000; National Symphony Orchestra, $2.5 million; Washington Opera Society, $446,990; National Ballet, $628,000; Kennedy Center (for construction), $5 million.

Lesser grants have been to the Corcoran Gallery of Art $25,000 for scholarships; Library of Congress, for a catalog of American prints, $12,500; Freer Gallery, catalog, $23,700; and the Institute of Contemporary Arts, $375,000.

Throughout history, the arts always have lived a precarious, marginal existence, subsidized in large part by sacrifices of the artists themselves. "The Medici did it cheap. They put money in the artifact and squeezed the artist," Lowry says of some of his predecessor patrons of the arts.

Unlike Europe, where municipal and state governments often give generous support for orchestras and ballet and opera companies, there have been almost no public monies for the arts in the United States until recent years. The National Endowment for the Arts was established only in 1965 and last year, in a sudden spurt in federal appropriations, achieved a budget of $30 million.

It was back 16 years ago, on March 11, 1957, that Ford Foundation trustees made their decision to move into the arts with a five-year exploratory program on budget of about $2 million a year. It was Lowry who convinced them that the arts were not merely a frivolous embellishment but a legitimate concern in their charge "to advance human welfare."

It was an historic decision: the first national arts program established in the United States.

At that time, "Mac" Lowry was education director for the Ford Foundation. A former English professor at the University of Illinois and a former newspaperman, he had written a few unperformed plays and helped start Accent, a small literary quarterly. He was not a flamboyant salesman making a pitch for the arts. What he did was make the usual foundation study and marshal persuasive facts. ("The facts intrigued the trustees," he recalls. "They had not thought it could be done for the arts.")

The first five grants were on a modest scale and totaled about $850,000. There was a demonstration project to test whether the appetite for live theater still existed in small towns where stock companies and vaudeville once flourished. Another program helped young opera singers make debuts in concert halls where they would receive critical attention.

The early grants set the tone for the $250 million largesse to follow in the next 16 years. Ford Foundation grants now average around $17 to $20 million a year, about 10 per cent of the Foundation budget.

"It was not I alone," Lowry says. "I met no opposition from the trustees once I had gathered the arguments to support the arts. I didn't overtake a position. A position overtook me."

In those early years, Lowry talked to hundreds of artists and artistic directors across the country and spent a quarter of his time on the road "opening his pores."

"Like Diogenes, I was scouring the land, not looking for an honest man, but talent and ideas," he says.

In the third year of the arts program, the budget was upped to $3 million when a public outcry was raised over a work commissioned by the Metropolitan Opera under a Ford grant. The outcry only stiffened the resolve of the trustees to stand behind the arts program.

The Met had received Ford funds to commission some new American operas and had chosen the late Marc Blitzstein for one commission. He hit on the theme of Sacco and Vanzetti, the two avowed anarchists executed in the '20s, and immediately the Met—and Ford Foundation—came under attack and were accused of endorsing Blitzstein's choice of theme. Blitzstein was to die, leaving the opera unfinished and unproduced.

"We never commission specific works," Lowry emphasizes. "The last thing we want to do is dominate style or repertoire. If we weren't like Caesar's wife, above suspicion, in this regard, this organization could have a monolithic influence, something like giving a Good Housekeeping seal of approval. This could be a great seduction. We could seduce ourselves and artists, who would think: Ah, the Ford likes the style of X, Y, or Z and I'll get a grant if I do it that way."

It has been a cardinal rule for Ford Foundation art grants over the years. When the Foundation moved into its new building, executives could choose art for their office walls from a pool carefully selected not to include the works of contemporary American artists. A New York art critic decried this. But the selection was deliberate to avoid any hint the Foundation liked a particular artist or style.

But it is not always easy for a donor to disassociate himself from a gift of money. A couple of years ago the Foundation gave a grant to three entrepreneurs to arrange concerts for modern dancers in large halls for greater public exposure.

When Yvonne Rainer, who once tried to include a nude male dancer wearing only an American flag as a scarf in a Smithsonian Institution concert, appeared with her troupe, she ran background film that many viewers classified as blue movies. A critic complained that he didn't expect to go to dance festivals sponsored by the Ford Foundation and be subjected to such trivia used for shock purposes.

"The trustees weren't nearly as shocked as the critic," Lowry wryly notes. "I never heard a word from them. We gave money to three producers to stage modern dance concerts. Once a director or a theater receives a grant, we never say anything to them. We leave the decision to the professional. Apparently, Miss Rainer surprised even the producer and had not rehearsed the number."

In the first years of the Ford's experimental stab at an arts program, Lowry decided that he would have to set priorities. "With only $2 million to spend a year, we couldn't just scatter it about or we would have had no impact," he says.

The first two priorities emphasized young talent for professional careers in music, theater, and the dance and strengthening the key artistic groups and institutions through which that talent is displayed. Last year McGeorge Bundy, the president of the Ford Foundation, added a third priority; helping cultural organizations achieve financial stability.

To do this, the Ford Foundation has set up "cash reserve" grants to help theaters and dance and opera companies wipe out deficits to be free to plan for future seasons without being strapped by a chronic shortage of cash for current expenses. Money from the box office often falls behind payrolls and rehearsal costs at the time needed most.

Seven years ago, the Ford Foundation committed $80.2 million to assist 61 symphony orchestras. All but four (one went out of operation) met the challenge of raising matching money. Now Washington Post music critic Paul Hume reports that the nation's symphony orchestras are "not just surviving, but thriving."

Philanthropy can't be run exactly like a business. But the Ford Foundation is hard-headed and tough-minded in its programs. When the Kansas City Philharmonic raised only $132,000 of its $1-million allotment in matching grants, it was dropped from the program.

For a man who has helped give away $250 million, Lowry has no illusions about the magical properties of money when it comes to the creative arts:

"If there is one thing that I want to make loud and clear, it is this: The limit on art and artists in the United States is not money. It is talent.

"Why did Houston get a theater from the Ford Foundation? Because Nina Vance was there, that's why. Why did we light on Philadelphia to support a ballet company? Not because Philadelphia deserves ballet more than Pittsburgh but because Barbara Weisberger was there with the Pennsylvania Ballet Company. More is needed than just wanting a theater, opera company.

"Money won't do it alone, I'm glad I'm not Miss Hanks (Nancy Hanks, chairman of the National Endowment for the Arts) and don't have to pretend that it will. It's a legitimate aim for the government to try to expose people to the arts, to support festivals, tours. We don't. We have made choices of priorities. We don't aim to bring theater or ballet to every state or town."

As for another foundation's report calling for a resident theater in every American city of more than 400,000, Lowry dismisses the goal as "ridiculous, smacking of a world almanac."

Lowry welcomes competition from the federal government in patronage of the arts on a national scale.

"They are going to outstrip us soon, thank God," he says. "I am glad to trumpet to the world that the Endowment has reached a $30-million budget. We've just been in longer."

But he also sees danger that the private patron may relax his generosity now that federal, state, and municipal governments are making arts grants.

"Historically, it has been the private patron who has given the major support to the arts, perhaps 90 per cent," Lowry points out. "If the private patron were to turn his or her back, it would be disastrous."

Lowry works on the 10th floor of a Manhattan office "greenhouse" near the United Nations Plaza. The headquarters building of the Ford Foundation, opened in 1967, is a granite, glass and garden structure. Offices overlook a giant interior garden with southern magnolia, red ironbark, evergreen pear, cryptomeria, and sharpleaf jacaranda selected to flourish in office temperature.

The architect designed the glass-walled offices overlooking the garden and each other to achieve a "sense of community." Lowry, a private man, likes to work within the privacy of his conventional walled office with a view of the Manhattan skyline. It is a brown study with a large-topped working desk to receive voluminous reports, studies, facts, figures.

There is a lovely 18th-century Japanese screen in the outer office of Virginia C. Lavelle, his administrative assistant. On the walls of his office are two Ben Nicholson paintings and post-Raphael drawings of the loggia of the Vatican—all selected from the art pool offered to Ford Foundation executives when they moved into the new offices.

Over in a conversation area of chairs grouped around a low table, "Mac" Lowry talks about the arts. He takes measured pulls on a Salem cigarette as he measures, weighs, collects, and sorts through his thoughts. Sometimes he slips into a slightly rotund, rolling style that is academe compounded by foundationese. ("My colleagues sometimes tell me: 'Mac, give it to us in one sentence.' ")

He still recalls his boyhood days in Kansas; points out that he was born near the then geographical center of the United States, located about 80 miles northwest of his Columbus (Kan.) birthplace; remembers hearing about how his grandfather cried when McKinley defeated William Jennings Bryan. He roots his populism in the arts in the political populism of his Kansas family.

By now, Lowry is the senior executive in point of service at the Ford Foundation. In the midst of a shifting foundation style, Lowry is a defender of the old traditions of organized philanthropy.

"Humanist is an old, old word. It means to discriminate, to make choices," Lowry points out.

Lowry and his wife, who keep an apartment in the East 60s in Manhattan and a country retreat in Putnam Valley "up the side of a mountain at the end of a dead end road," still go out three or four nights a week for plays, concerts, exhibits.

"The results of what we have accomplished with the Ford arts program will not be clear until long after my death," "Mac" Lowry says. "I think in long prospective terms. An artist can't do that."

Following is a listing of where Ford Foundation arts money went in fiscal years 1957–72. Totals are in millions:

Regularly budgeted programs

Music	$37.7
Theater	32.1
Dance	22.5
Visual Arts	12.7
Film	2.6
Other	10.6

Specially budgeted programs

Symphony orchestra program	$80.2
Lincoln Center and constituents	29.7
Kennedy Center	5.0
Other	7.9

ELECTION OF OFFICERS OF THE INTERPARLIAMENTARY UNION

(Mr. DERWINSKI asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. DERWINSKI. Mr. Speaker, it is my pleasure as immediate past president of the U.S. group to the Interparliamentary Union to announce the election of officers to that organization pursuant to 49 Stat. 425, 22 U.S.C. 276. The election was held yesterday at 4 p.m. in the Old Supreme Court Chamber, room S 228 in the Capitol, pursuant to an announcement previously made. Approximately 40 House and Senate Members were in attendance, and the officers were elected unanimously.

Officers of the U.S. group for the 93d Congress:

President.—John Sparkman, Senator from Alabama.

Vice Presidents:

Hugh Scott, Senator from Pennsylvania.

John Jarman, Representative from Oklahoma.

Lee Metcalf, Senator from Montana.

Treasurer.—J. Herbert Burke, Representative from Florida.

Secretary.—W. R. Poage, Representative from Texas.

Executive Committee:

John Sparkman, Senator from Alabama, Chairman.

Hugh Scott, Senator from Pennsylvania.

John Jarman, Representative from Oklahoma.

Lee Metcalf, Senator from Montana.

J. Herbert Burke, Representative from Florida.

W. R. Poage, Representative from Texas.

Robert T. Stafford, Senator from Vermont.

Lee H. Hamilton, Representative from Indiana.

Edward J. Derwinski, Representative from Illinois.

Ex Officio:

Robert McClory, Representative from Illinois.

U.S. Representatives to the Council of the Interparliamentary Union:

Robert T. Stafford, Senator from Vermont.

Edward J. Derwinski, Representative from Illinois.

U.S. Representative on the Executive Committee of the Interparliamentary Union:

Edward J. Derwinski, Representative from Illinois.

Honorary Members:

Homer Ferguson, 5054 Millwood Lane.

Katharine St. George, Tuxedo Park, N.Y. 10987.

Emilio Q. Daddario, 2524 Q Street.

Executive Secretary and Administrative Officer.—Darrell St. Claire (Office Address: Assistant Secretary, United States Senate, Room S–221, the Capitol, Washington, D.C.)

THE FBI—STARRING JOHN MITCHELL AS INSPECTOR ERSKINE, WITH SPECIAL GUEST STAR MAURICE STANS, AND INTRODUCING DONALD SEGRETTI

(Mr. ANDERSON of California asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. ANDERSON of California. Mr. Speaker, every Sunday night Inspector Erskine of the famed TV show—"The FBI"—ventures into millions of homes to relate true cases exposing corruption and solving Federal crimes.

Today, the image created by the late J. Edgar Hoover and Efrem Zimbalist, Jr., has been so tarnished by the repeated incidents involving the FBI and the political bosses who now call the shots that rumors around the television industry are pointing to a possible replacement of Zimbalist with John Mitchell.

So, the next time you tune in the FBI on television, do not be surprised to see John Mitchell starring as Inspector Erskine, with special guest star Maurice Stans, and introducing Donald Segretti. In fact, do not be surprised to see the "dynamic duo" plus one—not chasing the kidnaper or tracking down the hoodlums—but twisting arms for political payoffs, covering up scandals, and enforcing political deals.

They feel that this program will be so successful that it should be required viewing—every day—not just Sunday.

The chances are we will not even have to turn on our TV sets to enjoy having Mitchell, Stans, and Segretti come into our homes via the miracle of electronics.

Mr. Speaker, those who recall the history of our country surely remember the infamous "Teapot Dome Scandal." Yet, the events occurring today may make even that disgrace look trivial by comparison.

For so long, most of us have looked upon the FBI—not as an agency involved in political espionage—but rather, a dedicated organization batting to protect society from crime and corruption.

For so long, the FBI has been above reproach and has never been smeared with the taint of corruption and scandal.

Today, however, we are shocked by the partisan political activity—at the expense of public confidence—of those political appointees now associated with the FBI.

Mr. Speaker, the day is rapidly approaching, if it has not already, when the FBI could become a political arm of the White House, dedicated not to law enforcement but to reelection.

Many of my friends in the Republican Party, I am sure, are as distressed as I am with what seems to be happening, since we know that the FBI was created to ferret out the crime that infects our country. Many of my friends who have no political affiliation have become accustomed to viewing the FBI as a nonpartisan agency that is above politics, and that only seeks to serve the people in law enforcement.

The cynics will dismiss the charges merely by saying "politicians and politics are crooked anyway, so what difference does it make?"

I say that the FBI has enjoyed a well-deserved reputation for honesty and integrity for decades—since 1924, and we must not permit the FBI to degenerate into a political arm, collection agency, and enforcer of the occupant of the White House—Republican or Democrat alike.

PLENIPOTENTIARY CONFERENCE TO CONCLUDE AN INTERNATIONAL CONVENTION ON TRADE IN CERTAIN SPECIES OF WILDLIFE

The SPEAKER pro tempore (Mr. McFall). Under a previous order of the House, the gentleman from Michigan (Mr. Dingell) is recognized for 10 minutes.

(Mr. DINGELL asked and was given permission to revise and extend his remarks and include extraneous matter.)

Mr. DINGELL. Mr. Speaker, on June 18, 1972, the results of the United Nations Conference on the Human Environment held in Stockholm, Sweden, which concluded on June 16, 1972, were placed in the Congressional Record. Under subject area IV, paragraph 125(e) of the Stockholm Conference recommendations, the United States agreed to host a conference to draft a convention to control international trade in endangered species of wild animals and plants.

Mr. Speaker, Congressman George Goodling and I were appointed by you as congressional advisers to the U.S. delegation to the plenipotentiary conference to conclude an international convention on trade in certain species of wildlife which began in Washington, D.C., on February 12, 1973. We are particularly pleased to report that the Convention on International Trade in Endangered Wild Fauna and Flora has been drafted and is now open for signing, effective March 3, 1973.

Mr. Speaker, the participation of approximately 90 national delegations and six observer countries in this 3-week conference surpassed the most optimistic predictions. Not only were the developing nations of Latin America, Asia, and Africa well represented at the conference, but so were the major consuming and trading countries of eastern and western Europe, North America, and Asia. All participants should be congratulated for the cooperative effort which produced this significant international agreement that recognizes the benefit of preserving the world's valuable and irreplaceable wildlife resources for the future benefit of all mankind.

The international agreement hinges on three lists of species appended to the specific trade controls. Plants and animals on appendix I of the convention include those species imminently threatened with extinction throughout their world range, the trade of which will be prohibited except for essential scientific purposes that are not detrimental to the survival of the species. Appendix I includes 375 endangered wild species of mammals, birds, amphibians, reptiles, fishes, and invertebrates as well as a number of wild plant species. Appendix II of the agreement includes those species of animals and plants which are not yet threatened with extinction but the trade of which must be strictly controlled in order to avoid overutilization. The conference listed over 239 species of animals in appendix II and a number of plants The third and last appendix list of species will be prepared after the convention is in force and will include any species nominated by a signatory nation which that nation has under national protection. Any country importing species listed on appendix III would be obligated to make sure that the specimen being imported was legally taken and legally exported from its country of origin.

Mr. Speaker, the U.S. delegation was particularly anxious to have provisions in the convention on "introductions from the sea" which would provide trade controls on marine animals taken from the international waters of the world's oceans. In the final days of the Conference language was finally agreed to which provides the mechanism for including marine species under the terms of the convention. Only five species of whales and seven species of seals were added to the appendixes of the final agreement; however, the United States feels this provision is a major step in providing adequate future control of potentially overexploitive ocean fisheries. The whales listed are the blue, humpback, bowhead, and two species of the right.

Similarly, we are pleased that the United States was able to insure that the trade controls included not only live animals and whole skins, but processed portions of wild animals as well. This was an essential element of the trade agreement in the U.S. view, since manufactured products containing parts of wildlife are a major cause of the depletion of certain species. Without international control of wildlife products, the agreement could have been easily circumvented by noncontracting countries dealing in illegally taken endangered wildlife specimens.

Mr. Speaker, it was significant that the African delegations at the conference insisted upon placing their leopards and the cheetah on appendix I of the agreement in hopes of saving these highly prized animals from extinction. The South and Central American delegations were equally anxious to have their jaguars on appendix I. Other members of the cat family, including the tigers, ocelots and margays, were also placed under the control of this convention in either appendix I or appendix II. The valuable llama-like vicuna of South America was also placed on appendix I. Many heavily traded species of monkeys, apes, and chimpanzees as well as other primates are included in the appendixes of the convention. The trade of alligator and crocodile skins will be severely restricted by this agreement. Many rare species of wallaby and kangaroo were placed on appendix I, and during the closing days of the conference the Australian delegation indicated their Government fully intended to add several heavily traded species of kangaroo on appendix II through the amendment procedure available to signatory nations.

The Director of the newly created United Nations Secretariat for Environmental Affairs has been nominated to administer the endangered species trade convention once 10 nations have signed and ratified the agreement. With over 90 countries participating in the conference, it is highly probable that the treaty could come into force during 1973 since as of this date, we are pleased to report over 20 nations have already signed the agreement.

Mr. Speaker, although the United Nations Conference on the Human Environment recommended the convening of this conference which just took place here in Washington, we would like our colleagues to know that this convention was called primarily because of the requirement of the Endangered Species Conservation Act of 1969. This act, Public Law 91–135—which resulted from legislation reported out of our Subcommittee on Fisheries and Wildlife Conservation and the Environment—called for the convening of such a convention and, except for that mandate in the law, this convention would probably not yet have been consummated. In closing, we want to pay tribute to our colleagues on the subcommittee who had the foresight in 1969 to include language in that law which made it mandatory that this convention be held. Our subcommittee plans to schedule hearings at an early date on amendments to the 1969 act and it will be in order at those hearings to consider changes in the domestic law that may be needed as a result of this new international compact.

Mr. Speaker, for the information of our colleagues, we would like to have printed in the Congressional Record the remarks of the Honorable Rogers C. B. Morton, Secretary of the Interior, presented at the opening session of the Plenipotentiary Conference on February 12, 1973:

> It is a great pleasure for me to welcome the delegates to this important conference. You are here today not merely as the representatives of individual nations, but in a true sense as the representatives of man-

kind in a meeting with his own conscience. In our molding the world to fit human needs, we have taken upon our conscience the responsibility for the other species that we threaten, yet are privileged to share the bounties of this planet. Their evolution down the centuries has not equipped them to contest man's supremacy: if they are to survive it must be owing to man's self-control.

Today, all men share the bond of concern for the future of our planet. That bond is impervious to geographic, cultural, or ideological influences. Last year at the Stockholm Conference, we crossed the threshold of an era where all nations and all men agree to work toegther to save our natural heritage and protect our environment. What you do at this conference is an important part of that new international endeavor. For the threat to the wildlife of our earth—the leopards of the Serengeti, the polar bear of the Arctic, the whales under the sea—is in a sense a part of the threat to mankind from the degradation of his environment.

It is ironic that men can move so rapidly in doing harm to the environment and so slowly in protecting it. This conference had a long incubation period, going back at least a decade to the original efforts of the International Union for the Conservation of Nature and Natural Resources in 1963.

But time is moving on and for many species, it is moving against the future of our wildlife. The rate of extinction has been on the rise dramatically. Of the recorded extinctions of mammals over the last two thousand years, fully half have met their final fate within the last sixty years. It is sad to acknowledge to ourselves that during the ten years we have been preparing for this meeting, perhaps eight percent of all recorded mammal extinctions have taken place. My fellow citizens of the world our task is urgent.

Our task is by its very nature a truly international endeavor. In the final analysis, each country must carry the burden of protecting its own wildlife. But we have found that so long as international trade in wildlife is not controlled, the individual country, acting alone, is not able to act effectively to protect its native species which are threatened or endangered. If the demand is not controlled, the supplier nation cannot move effectively to protect itself. And even if one country acts to control its own demands—as the United States has in its Endangered Species Protection Act of 1969 and the Lacey Act—the demand will merely move from that country to another, and the market still creates the same insoluble problem for the supplier country. Experience makes it clear: Unless we all act together to control trade in the endangered species, none of us will be able to act as effectively as we must to protect what is precious and is our own.

Therefore, you do have a vital and urgent task before you at this Conference. In concluding this Convention, you are performing an honorable duty before future generations. You are showing man's responsibility in safeguarding the fragile legacy of the wild species of our world.

In welcoming you on behalf of the United States Government, I assure you that the people of this country—and truly all the peoples of the world—salute you in what you are doing.

Mr. Speaker, for the information of our colleagues, we include the text of the convention and the list of U.S. delegates and advisers at this point in the RECORD. Where possible English common names have been included for species or families listed in the two appendixes, although in the convention only scientific Latin names were used to simplify the translation into the five official United Nations languages. We are hopeful that this important new agreement will receive early consideration and ratification by the U.S. Senate:

UNITED STATES

REPRESENTATIVES

The Honorable Rogers C. B. Morton (Chairman, ex-officio), Secretary of the Interior.

The Honorable Russell E. Train, Chairman, Council on Environmental Quality, Executive Office of the President.

Christian A. Herter, Jr., Director, Office of Environmental Affairs and Special Assistant to the Secretary, Department of State.

ALTERNATE REPRESENTATIVES

Curtis Bohlen, Deputy Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior.

David Challinor, Ph.D., Assistant Secretary for Science, Smithsonian Institution, Washington, D.C. 20560.

The Honorable Wymberley DeR. Coerr, Special Adviser, Office of Environmental Affairs, Department of State 20520.

William Conway, General Director, New York Zoological Society, Bronx Park, Bronx, New York 10460.

Donald L. McKernan, Special Assistant to the Secretary for Fisheries and Wildlife, Department of State.

The Honorable Nathaniel Reed, Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior.

William E. Scheele, Executive Director, World Wildlife Fund, Washington, D.C. 20006.

Lee Talbot, Ph.D., Senior Scientist, Council on Environmental Quality, Executive Office of the President.

David H. Wallace, Associate Administrator for Marine Resources, National Oceanic and Atmospheric Administration, Department of Commerce.

CONGRESSIONAL ADVISERS

The Honorable John D. Dingell, United States House of Representatives.

The Honorable George A. Goodling, United States House of Representatives.

ADVISERS

Richard Banks, Ph.D., Bureau of Sport Fisheries and Wildlife Department of the Interior.

Clark Bavin, Bureau of Sport Fisheries and Wildlife, Department of the Interior.

Earl Baysinger, Bureau of Sport Fisheries and Wildlife, Department of the Interior.

Gerard Bertrand, Ph.D., Council on Environmental Quality, Executive Office of the President.

Miss Martha Carbone, Bureau of Economic and Business Affairs, Department of State.

Roland C. Clement, Vice President, National Audubon Society, New York, New York 10028.

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Raymond Fosberg, Smithsonian Institution, Washington, D.C. 20560.

Mrs. Prudence Fox, National Oceanic and Atmospheric Administration, Department of Commerce.

John Gottschalk, National Oceanic and Atmospheric Administration, Department of Commerce.

Henry Heymann (Secretary of Delegation), Office of the Special Assistant to the Secretary for Fisheries and Wildlife, Department of State.

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Michael J. Matheson, Office of the Legal Adviser, Department of State.

Paul K. McCarthy, Bureau of Customs, Department of the Treasury.

William M. McQuade, Office of the Legal Adviser, Department of State.

Richard Parsons, National Oceanic and Atmospheric Administration, Department of Commerce.

Keith Schreiner, Bureau of Sport Fisheries and Wildlife, Department of the Interior.

Marshall Stinnett, Bureau of Sport Fisheries and Wildlife, Department of the Interior.

John Trevithick, Bureau of International Organization Affairs, Department of State.

Gilbert H. Wise, V.M.D., Animal and Plant Health Inspection Service, Department of Agriculture.

PREAMBLE

The Contracting States,

Recognizing that the wild fauna and flora in its many beautiful and varied forms are an irreplaceable part of the natural systems of the earth which must be protected for this and the generations to come;

Conscious of the ever-growing value of wild fauna and flora from aesthetic, scientific, cultural, recreational and economic points of view;

Recognizing that peoples and States are and should be the best protectors of their own wild fauna and flora;

Recognizing, in addition, that international cooperation is essential for the protection of certain species of wild fauna and flora against over-exploitation through international trade;

Convinced of the urgency of taking appropriate measures to this end;

Have agreed as follows:

ARTICLE I—DEFINITIONS

For the purpose of the present Convention, unless the context otherwise requires:

(a) "Species" means any species, subspecies, or geographically separate population thereof;

(b) "Specimen" means:

(i) any animal or plant, whether alive or dead;

(ii) in the case of an animal: for species included in Appendices I and II, any readily recognizable part or derivative thereof; and for species included in Appendix III, any readily recognizable part or derivative thereof specified in Appendix III in relation to the species; and

(iii) in the case of a plant: for species included in Appendix I, any readily recognizable part or derivative thereof; and for species included in Appendices II and III, any readily recognizable part or derivative thereof specified in Appendices II and III in relation to the species;

(c) "Trade" means export, re-export, import and introduction from the sea;

(d) "Re-export" means export of any specimen that has previously been imported;

(e) "Introduction from the sea" means transportation into a State of specimens of any species which were taken in the marine environment not under the jurisdicion of any State;

(f) "Scientific Authority" means a national scientific authority designated in accordance with Article IX;

(g) "Management Authority" means a national management authority designated in accordance with Article IX;

(h) "Party" means a State for which the present Convention has entered into force.

ARTICLE II—FUNDAMENTAL PRINCIPLES

1. Appendix I shall include all species threatened with extinction which are or may be affected by trade. Trade in specimens of these species must be subject to particularly strict regulation in order not to endanger further their survival and must only be authorized in exceptional circumstances.

2. Appendix II shall include:

(a) all species which although not necessarily now threatened with extinction may become so unless trade in specimens of such species is subject to strict regulation in order to avoid utilization incompatible with their survival; and

(b) other species which must be subject to regulation in order that trade in specimens of certain species referred to in sub-paragraph (a) of this paragraph may be brought under effective control.

3. Appendix III shall include all species which any Party identified as being subject to regulation within its jurisdiction for the purpose of preventing or restricting exploitation, and as needing the cooperation of other parties in the control of trade.

4. The Parties shall not allow trade in specimens of species included in Appendices I, II and III except in accordance with the provisions of the present Convention.

ARTICLE III—REGULATION OF TRADE IN SPECIMENS OF SPECIES INCLUDED IN APPENDIX I

1. All trade in specimens of species included in Appendix I shall be in accordance with the provisions of this Article.

2. The export of any specimen of a species included in Appendix I shall require the prior grant and presentation of an export permit. An export permit shall only be granted when the following conditions have been met:

(a) a Scientific Authority of the State of export has advised that such export will not be detrimental to the survival of that species;

(b) a Management Authority of the State of export is satisfied that the specimen was not obtained in contravention of the laws of that State for the protection of fauna and flora;

(c) a Management Authority of the State of export is satisfied that any living specimen will be so prepared and shipped as to minimize the risk of injury, damage to health or cruel treatment; and

(d) a Management Authority of the State of export is satisfied that an import permit has been granted for the specimen.

3. The import of any specimen of a species included in Appendix I shall require the prior grant and presentation of an import permit and either an export permit or a re-export certificate. An import permit shall only be granted when the following conditions have been met:

(a) a Scientific Authority of the State of import has advised that the import will be for purposes which are not detrimental to the survival of the species involved;

(b) a Scientific Authority of the State of import is satisfied that the proposed recipient of a living specimen is suitably equipped to house and care for it; and

(c) a Management Authority of the State of import is satisfied that the specimen is not to be used for primarily commercial purposes.

4. The re-export of any specimen of a species included in Appendix I shall require the prior grant and presentation of a re-export certificate. A re-export certificate shall only be granted when the following conditions have been met:

(a) a Management Authority of the State of re-export is satisfied that the specimen was imported into that State in accordance with the provisions of the present Convention;

(b) a Management Authority of the State of re-export is satisfied that any living specimen will be so prepared and shipped as to minimize the risk of injury, damage to health or cruel treatment; and

(c) a Management Authority of the State of re-export is satisfied that an import permit has been granted for any living specimen.

5. The introduction from the sea of any specimen of a species included in Appendix I shall require the prior grant of a certificate from a Management Authority of the State of introduction. A certificate shall only be granted when the following conditions have been met:

(a) a Scientific Authority of the State of introduction advises that the introduction will not be detrimental to the survival of the species involved;

(b) a Management Authority of the State of introduction is satisfied that the proposed recipient of a living specimen is suitably equipped to house and care for it; and

(c) a Management Authority of the State of introduction is satisfied that the specimen is not to be used for primarily commercial purposes.

ARTICLE IV—REGULATION OF TRADE IN SPECIMENS OF SPECIES INCLUDED IN APPENDIX II

1. All trade in specimens of species included in Appendix II shall be in accordance with the provisions of this Article.

2. The export of any specimen of a species included in Appendix II shall require the prior grant and presentation of an export permit. An export permit shall only be granted when the following conditions have been met:

(a) a Scientific Authority of the State of export has advised that such export will not be detrimental to the survival of that species;

(b) a Management Authority of the State of export is satisfied that the specimen was not obtained in contravention of the laws of that State for the protection of fauna and flora; and

(c) a Management Authority of the State of export is satisfied that any living specimen will be so prepared and shipped as to minimize the risk of injury, damage to health or cruel treatment.

3. A Scientific Authority in each Party shall monitor both the export permits granted by that State for specimens of species included in Appendix II and the actual exports of such specimens. Whenever a Scientific Authority determines that the export of specimens of any such species should be limited in order to maintain that species throughout its range at a level consistent with its role in the ecosystems in which it occurs and well above the level at which that species might become eligible for inclusion in Appendix I, the Scientific Authority shall advise the appropriate Management Authority of suitable measures to be taken to limit the grant of export permits for specimens of that species.

4. The import of any specimen of a species included in Appendix II shall require the prior presentation of either an export permit or a re-export certificate.

5. The re-export of any specimen of a species included in Appendix II shall require the prior grant and presentation of a re-export certificate. A re-export certificate shall only be granted when the following conditions have been met:

(a) a Management Authority of the State of re-export is satisfied that the specimen was imported into that State in accordance with the provisions of the present Convention; and

(b) a Management Authority of the State of re-export is satisfied that any living specimen will be so prepared and shipped as to minimize the risk of injury, damage to health or cruel treatment.

6. The introduction from the sea of any specimen of a species included in Appendix II shall require the prior grant of a certificate from a Management Authority of the State of introduction. A certificate shall only be granted when the following conditions have been met:

(a) a Scientific Authority of the State of introduction advises that the introduction will not be detrimental to the survival of the species involved; and

(b) a Management Authority of the State of introduction is satisfied that any living specimen will be so handled as to minimize the risk of injury, damage to health or cruel treatment.

7. Certificates referred to in paragraph 6 of this Article may be granted on the advice of a Scientific Authority, in consultation with other national scientific authorities or, when appropriate, international scientific authorities, in respect of periods not exceeding one year for total numbers of specimens to be introduced in such periods.

ARTICLE V—REGULATION OF TRADE IN SPECIMENS OF SPECIES INCLUDED IN APPENDIX III

1. All trade in specimens of species included in Appendix III shall be in accordance with the provisions of this Article.

2. The export of any specimen of a species included in Appendix III from any State which has included that species in Appendix III shall require the prior grant and presentation of an export permit. An export permit shall only be granted when the following conditions have been met:

(a) a Management Authority of the State of export is satisfied that the specimen was not obtained in contravention of the laws of that State for the protection of fauna and flora; and

(b) a Management Authority of the State of export is satisfied that any living specimen will be so prepared and shipped as to minimize the risk of injury, damage to health or cruel treatment.

3. The import of any specimen of a species included in Appendix III shall require, except in circumstances to which paragraph 4 of this Article applies, the prior presentation of a certificate of origin and, where the import is from a State which has included that species in Appendix III, an export permit.

4. In the case of re-export, a certificate granted by the Management Authority of the State of re-export that the specimen was processed in that State or is being re-exported shall be accepted by the State of import as evidence that the provisions of the present Convention have been complied with in respect of the specimen concerned.

ARTICLE VI—PERMITS AND CERTIFICATES

1. Permits and certificates granted under the provisions of Articles III, IV, and V shall be in accordance with the provisions of this Article.

2. An export permit shall contain the information specified in the model set forth in Appendix IV, and may only be used for export within a period of six months from the date on which it was granted.

3. Each permit or certificate shall contain the title of the present Convention, the name and any identifying stamp of the Management Authority granting it and a control number assigned by the Management Authority.

4. Any copies of a permit or certificate issued by a Management Authority shall be clearly marked as copies only and no such copy may be used in place of the original, except to the extent endorsed thereon.

5. A separate permit or certificate shall be required for each consignment of specimens.

6. A Management Authority of the State of import of any specimen shall cancel and retain the export permit or re-export certificate and any corresponding import permit presented in respect to the import of that specimen.

7. Where appropriate and feasible a Management Authority may affix a mark upon any specimen to assist in identifying the specimen. For these purposes "mark" means any indelible imprint, lead seal or other suitable means of identifying a specimen, designed in such a way as to render its imitation by unauthorized persons as difficult as possible.

ARTICLE VII—EXEMPTIONS AND OTHER SPECIAL PROVISIONS RELATING TO TRADE

1. The provisions of Articles III, IV and V shall not apply to the transit or trans-shipment of specimens through or in the territory of a Party while the specimens remain in Customs control.

2. Where a Management Authority of the State of export or re-export is satisfied that a specimen was acquired before the provisions of the present Convention applied to that specimen, the provisions of Articles III, IV and V shall not apply to that specimen where the Management Authority issues a certificate to that effect.

3. The provisions of Articles III, IV and V shall not apply to specimens that are personal or household effects. This exemption shall not apply where:

(a) in the case of specimens of a species included in Appendix I, they were acquired by the owner outside his State of usual residence, and are being imported into that State; or

(b) in the case of specimens of species included in Appendix II:

(i) they were acquired by the owner outside his State of usual residence and in a State where removal from the wild occurred;

(ii) they are being imported into the owner's State of usual residence; and

(iii) the State where removal from the wild occurred requires the prior grant of export permits before any export of such specimens;

unless a Management Authority is satisfied that the specimens were acquired before the provisions of the present Convention applied to such specimens.

4. Specimens of an animal species included in Appendix I bred in captivity for commercial purposes, or of a plant species included in Appendix I artifically propagated for commercial purposes, shall be deemed to be specimens of species included in Appendix II.

5. Where a Management Authority of the State of export is satisfied that any specimen of an animal species was bred in captivity or any specimen of a plant species was artificially propagated, or is a part of such an animal or plant or was derived therefrom, a certificate by that Management Authority to that effect shall be accepted in lieu of any of the permits or certificates required under the provisions of Articles III, IV or V.

6. The provisions of Articles III, IV and V shall not apply to the non-commercial loan, donation or exchange between scientists or scientific institutions registered by a Management Authority of their State, of herbarium specimens, other preserved, dried or embedded museum specimens, and live plant material which carry a label issued or approved by a Management Authority.

7. A Management Authority of any State may waive the requirements of Articles III, IV and V and allow the movement without permits or certificates of specimens which form part of a travelling zoo, circus, menagerie, plant exhibition or other travelling exhibition provided that:

(a) the exporter or importer registers full details of such specimens with that Management Authority;

(b) the specimens are in either of the categories specified in paragraphs 2 or 5 of this Article; and

(c) the Management Authority is satisfied that any living specimen will be so transported and cared for as to minimize the risk or injury, damage to health or cruel treatment.

ARTICLE VIII—MEASURES TO BE TAKEN BY THE PARTIES

1. The Parties shall take appropriate measures to enforce the provisions of the present Convention and to prohibit trade in specimens in violation thereof. These shall include measures:

(a) to penalize trade in, or possession of, such specimens, or both; and

(b) to provide for the confiscation or return to the State of export of such specimens.

2. In addition to the measures taken under paragraph 1 of this Article, a Party may, when it deems it necessary, provide for any method of material reimbursement for expenses incurred as a result of the confiscation of a specimen traded in violation of the measures taken in the application of the provisions of the present Convention.

3. As far as possible, the Parties shall ensure that specimens shall pass through any formalities required for trade with a minimum of delay. To facilitate such passage, a Party may designate ports of exit and ports of entry at which specimens must be presented for clearance. The Parties shall ensure further that all living specimens, during any period of transit, holding or shipment, are properly cared for so as to minimize the risk of injury, damage to health or cruel treatment.

4. Where a living specimen is confiscated as a result of measures referred to in paragraph 1 of this Article:

(a) the specimen shall be entrusted to a Management Authority of the State of confiscation;

(b) the Management Authority shall, after consultation with the State of export, return the specimen to that State at the expense of that State, or to a rescue centre or such other place as the Management Authority deems appropriate and consistent with the purposes of the present Convention; and

(c) the Management Authority may obtain the advice of a Scientific Authority, or may, whenever it considers it desirable, consult the Secretariat in order to facilitate the decision under subparagraph (b) of this paragraph, including the choice of a rescue centre or other place.

5. A rescue centre as referred to in paragraph 4 of this Article means an institution designated by a Management Authority to look after the welfare of living specimens, particularly those that have been confiscated.

6. Each Party shall maintain records of trade in specimens of species included in Appendices I, II and III which shall cover:

(a) the names and addresses of exporters and importers; and

(b) the number and type of permits and certificates granted; the States with which such trade occurred; the numbers or quantities and types of specimens, names of species as included in Appendices I, II and III and, where applicable, the size and sex of the specimens in question.

7. Each Party shall prepare periodic reports on its implementation of the present Convention and shall transmit to the Secretariat:

(a) an annual report containing a summary of the information specified in subparagraph (b) of paragraph 6 of this Article; and

(b) a biennial report on legislative, regulatory and administrative measures taken to enforce the provisions of the present Convention.

8. The information referred to in paragraph 7 of this Article shall be available to the public where this is not inconsistent with the law of the Party concerned.

ARTICLE IX—MANAGEMENT AND SCIENTIFIC AUTHORITIES

1. Each Party shall designate for the purposes of the present Convention:

(a) one or more Management Authorities competent to grant permits or certificates on behalf of that Party; and

(b) one or more Scientific Authorities.

2. A State depositing an instrument of ratification, acceptance, approval or accession shall at that time inform the Depositary Government of the name and address of the Management Authority authorized to communicate with other Parties and with the Secretariat.

3. Any changes in the designations or authorizations under the provisions of this Article shall be communicated by the Party concerned to the Secretariat for transmission to all other Parties.

4. Any Management Authority referred to in paragraph 2 of this Article shall if so requested by the Secretariat or the Management Authority of another Party, communicate to it impression of stamps, seals or other devices used to authenticate permits or certificates.

ARTICLE X—TRADE WITH STATES NOT PARTY TO THE CONVENTION

Where export or re-export is to, or import is from, a State not a party to the present Convention, comparable documentation issued by the competent authorities in that State which substantially conforms with the requirements of the present Convention for permits and certificates may be accepted in lieu thereof by any Party.

ARTICLE XI—CONFERENCE OF THE PARTIES

1. The Secretariat shall call a meeting of the Conference of the Parties not later than two years after the entry into force of the present Convention.

2. Thereafter the Secretariat shall convene regular meetings at least once every two years, unless the Conference decides otherwise, and extraordinary meetings at any time on the written request of at least one-third of the Parties.

3. At meetings, whether regular or extraordinary, the Parties shall review the implementation of the present Convention and may:

(a) make such provision as may be necessary to enable the Secretariat to carry out its duties;

(b) consider and adopt amendments to Appendices I and II in accordance with Article XV;

(c) review the progress made towards the restoration and conservation of the species included in Appendices I, II and III;

(d) receive and consider any reports presented by the Secretariat or by any Party; and

(e) where appropriate, make recommendations for improving the effectiveness of the present Convention.

4. At each regular meeting, the Parties may determine the time and venue of the next regular meeting to be held in accordance with the provisions of paragraph 2 of this Article.

5. At any meeting, the Parties may determine and adopt rules of procedure for the meeting.

6. The United Nations, its Specialized Agencies and the International Atomic Energy Agency, as well as any State not a Party to the present Convention, may be represented at meetings of the Conference by observers, who shall have the right to participate but not to vote.

7. Any body or agency technically qualified in protection, conservation or management of wild fauna and flora, in the following categories, which has informed the Secretariat of its desire to be represented at meetings of the Conference by observers, shall be admitted unless at least one-third of the Parties present object:

(a) international agencies or bodies, either governmental or nongovernmental, and national governmental agencies and bodies; and

(b) national nongovernmental agencies or bodies which have been approved for this purpose by the State in which they are located. Once admitted, these observers shall have the right to participate but not to vote.

ARTICLE XII—THE SECRETARIAT

1. Upon entry into force of the present Convention, a Secretariat shall be provided by the Executive Director of the United Nations Environment Programme. To the extent and in the manner he considers appropriate, he may be assisted by suitable inter-government or non-govermental, international or national agencies and bodies technically qualified in protection, conserva-

tion and management of wild fauna and flora.

2. The functions of the Secretariat shall be:

(a) to arrange for and service meetings of the Parties;

(b) to perform the functions entrusted to it under the provisions of Articles XV and XVI of the present Convention;

(c) to undertake scientific and technical studies in accordance with programmes authorized by the Conference of the Parties as will contribute to the implementation of the present Convention, including studies concerning standards for appropriate preparation and shipment of living specimens and the means of identifying specimens;

(d) to study the reports of Parties and to request from Parties such further information with respect thereto as it deems necessary to ensure implementation of the present Convention;

(e) to invite the attention of the Parties to any matter pertaining to the aims of the present Convention;

(f) to publish periodically and distribute to the Parties current editions of Appendices I, II and III together with any information which will facilitate identification of specimens of species included in those Appendices.

(g) to prepare annual reports to the Parties on its work and on the implementation of the present Convention and such other reports as meetings of the Parties may request;

(h) to make recommendations for the implementation of the aims and provisions of the present Convention, including the exchange of information of a scientific or technical nature;

(i) to perform any other function as may be entrusted to it by the Parties.

ARTICE XIII—INTERNATIONAL MEASURES

1. When the Secretariat in the light of information received is satisfied that any species included in Appendices I or II is being affected adversely by trade in specimens of that species or that the provisions of the present Convention are not being effectively implemented, it shall communicate such information to the authorized Management Authority of the Party or Parties concerned.

2. When any Party receives a communication as indicated in paragraph 1 of this Article, it shall, as soon as possible, inform the Secretariat of any relevant facts insofar as its laws permit and, where appropriate, propose remedial action. Where the Party considers that an inquiry is desirable, such inquiry may be carried out by one or more persons expressly authorized by the Party.

3. The information provided by the Party or resulting from any inquiry as specified in paragraph 2 of this Article shall be reviewed by the next Conference of the Parties which may make whatever recommendations it deems appropriate.

ARTICLE XIV—EFFECT ON DOMESTIC LEGISLATION AND INTERNATIONAL CONVENTIONS

1. The provisions of the present Convention shall in no way affect the right of Parties to adopt:

(a) stricter domestic measures regarding the conditions for trade, taking possession or transport of specimens of species included in Appendices I, II and III, or the complete prohibition thereof; or

(b) domestic measures restricting or prohibiting trade, taking possession, or transport of species not included in Appendices I, II or III.

2. The provisions of the present Convention shall in no way affect the provisions of any domestic measures or the obligations of Parties deriving from any treaty, convention, or international agreement relating to other aspects of trade, taking, possession, or transport of specimens which is in force or subsequently may enter into force for any Party including any measure pertaining to the Customs, public health, veterinary or plant quarantine fields.

3. The provisions of the present Convention shall in no way affect the provisions of, or the obligations deriving from, any treaty, convention or international agreement concluded or which may be concluded between States creating a union or regional trade agreement establishing or maintaining a common external customs control and removing customs control between the parties thereto insofar as they relate to trade among the States members of that union or agreement.

4. A State party to the present Convention, which is also a party to any other treaty, convention or international agreement which is in force at the time of the coming into force of the present Convention and under the provisions of which protection is afforded to marine species included in Appendix II, shall be relieved of the obligations imposed on it under the provisions of the present Convention with respect to trade in specimens of species included in Appendix II that are taken by ships registered in that State and in accordance with the provisions of such other treaty, convention or international agreement.

5. Notwithstanding the provisions of Articles III, IV and V, any export of a specimen taken in accordance with paragraph 4 of this Article shall only require a certificate from a Management Authority of the State of introduction to the effect that the specimen was taken in accordance with the provisions of the other treaty, convention or international agreement in question.

6. Nothing in the present Convention shall prejudice the codification and development of the law of the sea by the United Nations Conference on the Law of the Sea convened pursuant to Resolution 2750 C (XXV) of the General Assembly of the United Nations nor the present or future claims and legal views of any State concerning the law of the sea and the nature and extent of coastal and flag State jurisdiction.

ARTICLE XV—AMENDMENTS TO APPENDICES I AND II

1. The following provisions shall apply in relation to amendments to Appendices I and II at meetings of the Conference of the Parties:

(a) Any Party may propose an amendment to Appendix I or II for consideration at the next meeting. The text of the proposed amendment shall be communicated to the Secretariat at least 150 days before the meeting. The Secretariat shall consult the other Parties and interested bodies on the amendment in accordance with the provisions of sub-paragraphs (b) and (c) of paragraph 2 of this Article and shall communicate the response to all Parties not later than 30 days before the meeting.

(b) Amendments shall be adopted by a two-thirds majority of Parties present and voting. For these purposes "Parties present and voting" means Parties present and casting an affirmative or negative vote. Parties abstaining from voting shall not be counted among the two-thirds required for adopting an amendment.

(c) Amendments adopted at a meeting shall enter into force 90 days after that meeting for all Parties except those which make a reservation in accordance with paragraph 3 of this Article.

2. The following provisions shall apply in relation to amendments to Appendices I and II between meetings of the Conference of the Parties:

(a) Any Party may propose an amendment to Appendix I or II for consideration between meetings by the postal procedures set forth in this paragraph.

(b) For marine species, the Secretariat shall, upon receiving the text of the proposed amendment, immediately communicate it to the Parties. It shall also consult intergovernmental bodies having a function in relation to those species especially with a view to obtaining scientific data these bodies may be able to provide and to ensuring coordination with any conservation measures enforced by such bodies. The Secretariat shall communicate the views expressed and data provided by these bodies and its own findings and recommendations to the Parties as soon as possible.

(c) For species other than marine species, the Secretariat shall, upon receiving the text of the proposed amendment, immediately communicate it to the Parties, and, as soon as possible thereafter, its own recommendations.

(d) Any Party may, within 60 days of the date on which the Secretariat communicated its recommendations to the Parties under sub-paragraphs (b) or (c) of this paragraph, transmit to the Secretariat any comments on the proposed amendment together with any relevant scientific data and information.

(e) The Secretariat shall communicate the replies received together with its own recommendations to the Parties as soon as possible.

(f) If no objection to the proposed amendment is received by the Secretariat within 30 days of the date the replies and recommendations were communicated under the provisions of sub-paragraph (e) of this paragraph, the amendment shall enter into force 90 days later for all Parties except those which make a reservation in accordance with paragraph 3 of this Article.

(g) If an objection by any Party is received by the Secretariat, the proposed amendment shall be submitted to a postal vote in accordance with the provisions of sub-paragraphs (h), (i) and (j) of this paragraph.

(h) The Secretariat shall notify the Parties that notification of objection has been received.

(i) Unless the Secretariat receives the votes for, against or in abstention from at least one-half of the Parties within 60 days of the date of notification under sub-paragraph (h) of this paragraph, the proposed amendment shall be referred to the next meeting of the Conference for further consideration.

(j) Provided that votes are received from one-half of the Parties, the amendment shall be adopted by a two-thirds majority of Parties casting an affirmative or negative vote.

(k) The Secretariat shall notify all Parties of the result of the vote.

(l) If the proposed amendment is adopted it shall enter into force 90 days after the date of the notification by the Secretariat of its acceptance for all Parties except those which make a reservation in accordance with paragraph 3 of this Article.

3. During the period of 90 days provided for by sub-paragraph (c) of paragraph 1 or sub-paragraph (1) of paragraph 2 of this Article any Party may by notification in writing to the Depositary Government make a reservation with respect to the amendment. Until such reservation is withdrawn the Party shall be treated as a State not a party to the present Convention with respect to trade in the species concerned.

ARTICLE XVI—APPENDIX III AND AMENDMENTS THERETO

1. Any party may at any time submit to the Secretariat a list of species which it identifies as being subject to regulation within its jurisdiction for the purpose mentioned in paragraph 3 of Article II. Appendix III shall include the names of the Parties submitting the species for inclusion therein, the scientific names of the species so submitted, and any parts or derivatives of the animals or plants concerned that are specified in relation to the species for the purposes of sub-paragraph (b) of Article I.

2. Each list submitted under the provisions

of paragraph 1 of this Article shall be communicated to the Parties by the Secretariat as soon as possible after receiving it. The list shall take effect as part of Appendix III 90 days after the date of such communication. At any time after the communication of such list, any Party may by notification in writing to the Depositary Government enter a reservation with respect to any species or any parts or derivatives, and until such reservation is withdrawn, the State shall be treated as a State not a Party to the present Convention with respect to trade in the species or part or derivative concerned.

3. A Party which has submitted a species for inclusion in Appendix III may withdraw it at any time by notification to the Secretariat which shall communicate the withdrawal to all Parties. The withdrawal shall take effect 30 days after the date of such communication.

4. Any Party submitting a list under the provisions of paragraph 1 of this Article shall submit to the Secretariat a copy of all domestic laws and regulations applicable to the protection of such species, together with any interpretations which the Party may deem appropriate or the Secretariat may request. The Party shall, for as long as the species in question is included in Appendix III, submit any amendments of such laws and regulations or any new interpretations as they are adopted.

ARTICLE XVIII—AMENDMENT OF THE CONVENTION

1. An extraordinary meeting of the Conference of the Parties shall be convened by the Secretariat on the written request of at least one-third of the Parties to consider and adopt amendments to the present Convention. Such amendments shall be adopted by a two-thirds majority of Parties present and voting. For these purposes "Parties present and voting" means Parties present and casting an affirmative or negative vote. Parties abstaining from voting shall not be counted among the two-thirds required for adopting an amendment.

2. The text of any proposed amendment shall be communicated by the Secretariat to all Parties at least 90 days before the meeting.

3. An amendment shall enter into force for the Parties which have accepted it 60 days after two-thirds of the Parties have deposited an instrument of acceptance of the amendment with the Depositary Government. Thereafter, the amendment shall enter into force for any other Party 60 days after that Party deposits its instrument of acceptance of the amendment.

ARTICLE XVIII—RESOLUTION OF DISPUTES

1. Any dispute which may arise between two or more Parties with respect to the interpretation or application of the provisions of the present Convention shall be subject to negotiation between the Parties involved in the dispute.

2. If the dispute cannot be resolved in accordance with paragraph 1 of this Article, the Parties may, by mutual consent, submit the dispute to arbitration, in particular that of the Permanent Court of Arbitration at The Hague and the Parties submitting the dispute shall be bound by the arbitral decision.

ARTICLE XIX—SIGNATURE

The present Convention shall be open for signature at Washington until 30th April 1973 and thereafter at Berne until 31st December 1974.

ARTICLE XX—RATIFICATION, ACCEPTANCE, APPROVAL

The present Convention shall be subject to ratification, acceptance or approval. Instruments of ratification, acceptance or approval shall be deposited with the Government of the Swiss Confederation which shall be the Depositary Government.

ARTICLE XXI—ACCESSION

The present Convention shall be open indefinitely for accession. Instruments of accession shall be deposited with the Depositary Government.

ARTICLE XXII—ENTRY INTO FORCE

1. The present Convention shall enter into force 90 days after the date of deposit of the tenth instrument of ratification, acceptance, approval or accession, with the Depositary Government.

2. For each State which ratifies, accepts or approves the present Convention or accedes thereto after the deposit of the tenth instrument of ratification, acceptance, approval or accession, the present Convention shall enter into force 90 days after the deposit by such State of its instrument of ratification, acceptance, approval or accession.

ARTICLE XXIII—RESERVATIONS

1. The provisions of the present Convention shall not be subject to general reservations. Specific reservations may be entered in accordance with the provisions of this Article and Articles XV and XVI.

2. Any State may, on depositing its instrument of ratification, acceptance, approval or accession, enter a specific reservation with regard to:

(a) any species included in Appendix I, II or III; or

(b) any parts or derivatives specified in relation to a species included in Appendix III.

3. Until a Party withdraws its reservation entered under the provisions of this Article, it shall be treated as a State not a party to the present Convention with respect to trade in the particular species or parts or derivatives specified in such reservation.

ARTICLE XXIV—DENUNCIATION

Any Party may denounce the present Convention by written notification to the Depositary Government at any time. The denunciation shall take effect twelve months after the Depositary Government has received the notification.

ARTICLE XXV—DEPOSITARY

1. The original of the present Convention, in the Chinese, English, French, Russian and Spanish languages, each version being equally authentic, shall be deposited with the Depositary Government, which shall transmit certified copies to all States that have signed it or deposited instruments of accession to it.

2. The Depositary Government shall inform all signatory and acceding States and the Secretariat of signatures, deposit of instruments of ratification, acceptance, approval or accession, entry into force of the present Convention, amendments thereto, entry and withdrawal of reservations and notifications of denunciation.

3. As soon as the present Convention enters into force, a certified copy thereof shall be transmitted by the Depositary Government to the Secretariat of the United Nations for registration and publication in accordance with Article 102 of the Charter of the United Nations.

In witness whereof the undersigned Plenipotentiaries, being duly authorized to that effect, have signed the present Convention.

Done at Washington this third day of March, One Thousand Nine Hundred and Seventy-three.

APPENDIX I

Interpretation:

1. Species included in this Appendix are referred to:

(a) by the name of the species; or

(b) as being all of the species included in a higher taxon or designated part thereof.

2. The abbreviation "spp." is used to denote all species of a higher taxon.

3. Other references to taxa higher than species are for the purposes of information or classification only.

4. An asterisk (*) placed against the name of a species or higher taxon indicates that one or more geographically separate populations, sub-species or species of that taxon are included in Appendix II and that these populations, sub-species or species are excluded from Appendix I.

5. The symbol (—) followed by a number placed against the name of a species or higher taxon indicates the exclusion from that species or taxon of designated geographically separate populations, sub-species or species as follows:

—101 *Lemur catta*

—102 Australian population

6. The symbol (+) followed by a number placed against the name of a species denotes that only a designated geographically separate population or sub-species of that species is included in this Appendix, as follows:

+201 Italian population only

7. The symbol (/) placed against the name of a species or higher taxon indicates that the species concerned are protected in accordance with the International Whaling Commission's schedule of 1972.

FAUNA

Mammalia

(Common Name and Scientific Name)

Marsupialia

Macropodidae (Wallaby and Kangaroo):
Macropus parma
Onychogalea frenata
O. lunata
Lagorchestes hirsutus
Lagostrophus fasciatus
Caloprymnus campestris
Bettongia penicillata
B. lesueur
B. tropica

Phalangeridae (Scaley-tailed Possum):
Wyulda squamicaudata

Burramyidae (Mountain Pygmy Possum):
Burramys parvus

Vombatidae (Queensland Hairy-nosed Wombat):
Lasiorhinus gillespiei

Peramelidae (Bandicoot):
Perameles bougainville
Chaeropus ecaudatus
Macrotis lagotis
M. leucura

Dasyuridae (Planigale, marsupial mouse, numbat):
Planigale tenuirostris
P. subtilissima
Sminthopsis psammophila
S. longicaudata
Antechinomys laniger
Myrmecobius fasciatus rufus

Thylacinidae (Thylacine):
Thylacinus cynocephalus

Primates

Lemuridae (Lemurs):
Lemur spp. —101
Lepilemur spp.
Hapalemur spp.
Allocebus spp.
Cheirogaleus spp.
Mirocebus spp.
Phaner spp.

Indriidae (Indris):
Indri spp.
Propithecus spp.
Avahi spp.

Daubentoniidae (Aye-Aye): *Daubentonia madagascariensis*

Callithricidae (Golden Lion Marmosots):
Leontopithecus (Leontideus) spp.
Callimico goeldii

Cebidae (Saki, Uakari, Howler, and Spider Monkey):
Saimiri oerstedii

Chiropotes albinasus
Cacajao spp.
Alouatta palliata (villosa)
Ateles geoffroyi frontatus
A. g. panamensis
Brachyteles arachnoides

Cercopithecidae (Mangabey, Macaque, Langur Monkeys):

Cercocebus galeritus galeritus
Macaca silenus
Colobus badius rufomitratus
C. b. kirkii
Presbytis geei
P. pileatus
P. entellus
Nasalis larvatus
Simias concolor
Pygathrix nemaeus

Hylobatidae (Gibbons and Siamang):

Hylobates spp.
Symphalangus syndactylus

Pongidae (Orangutan and Gorilla):

Pongo pygmaeus pygamaeus
P. p. abelri
Gorilla gorilla

Edentata

Dasypodidae (Giant Armadilla): *Pridontes giganteus (=maximus)*

Pholidota

Manidae (African Scaly-anteater): *Manis temmincki*

Lagomorpha

Leporidae (Volcano Rabbit): *Romerolagus diazi*

(Hispid Hare): *Caprolagus hispidus*

Rodentia

Sciuridae (Mexican Prairie Dog): *Cynomys mexicanus*

Castoridae (Mongolian Beaver): *Castor fiber birulaia*

(Mexican Beaver): *Castor canadensis mexicanus*

Muridae (Wild Mice and Rats):

Zyzomys pedunculatus
Leporillus conditor
Pseudomys novaehollandiae
P. praeconis
P. shortridgei
P. fumeus
P. occidentalis
P. fieldi
Notomys aquilo
Xeromys myoides

Chinchillidae (Wild Chinchilla): *Chinchilla brevicaudata boliviana*

Cetacea

Platanistidae (Ganges Freshwater Dolphin): *Platanista gangetica*

Eschrichtidae (Gray Whale): *Eschrichtius robustus (glaucus)/*

Balaenopteridae (Blue Whale): *Balaenoptera musculus/*

(Humpback Whale): *Megaptera novaeangliae/*

Balaenidae (Bowhead Whale): *Balaena mysticetus/*

(Right Whales): *Eubalaena* spp./

Carnivora

Canidae (Mexican Wolf): *Canis lupus monstrabilis*

(Northern Kit Fox): *Vulpes velox hebes*

Viverridae (Spotted Lingsang): *Prionodon pardicolor*

Ursidae (Blue Bear): *Ursus americanus emmonsii*

(Mongolian Brown Bear): *U. arctos pruinosus*

(Italian Brown Bear): *U. arctos* +201

(Mexican Grissly Bear): *U. a. nelsoni*

Mustelidae (Ferret and Otter):

Mustela nigripes
Lutra longicaudis (platensis/annectens)
L. felina
L. provocax
Pteronura brasiliensis
Aonyx microdon
Enhydra lutris nereis

Hyaenidae (Brown Hyena): *Hyaena brunnea*

Felidae (Wild Cats including: Puma, Jaguarundi, Ocelot, Margay, Bobcat, Leopard, Tigers, Jaguar, and Cheetah):

Felis planiceps
F. nigripes
F. concolor coryi
F. c. costaricensis
F. c. cougar
F. temmincki
Felis bengalensis bengalensis
F. yagouaroundi cacomitli
F. y. fossata
F. y. panamensis
F. y. tolteca
F. pardalis mearnsi
F. p. mitis
F. wiedii nicaraguae
F. w. salvinia
F. tigrina oncilla
F. marmorata
F. jacobita
F. (Lynx) rufa escuinapae
Neofelis nebulosa
*Panthera tigris**
P. pardus
P. uncia
P. onca
Acinonyx jubatus

Pinnipedia

Phocidae (Monk Seals): *Monachus spp.*

(Mexican Elephant Seal): *Mirounga angustirostris*

Proboscidea

Elephantidae (Asian Elephant): *Elephas maximus*

Sirenia

Dugongidae (Dugong): *Dugong dugon* —102

Trichechidae (West Indian Manatee) *Trichechus manatus*

(Amazonian Manatee) *T. inunguis*

Perissodactylia

Equidae (Mongolian Wild Horse): *Equus przewalskii*

(Mongolian Wild Ass): *E. hemionus hemionus*

(Indian Wild Ass): *E. h. khur*

(Cape Mountain Zebra): *E. zebra zebra*

Tapiridae (Tapir):

Tapirus pinchaque
T. bairdii
T. indicus

Rhinocerotidae (Rhinoceros):

Rhinoceros unicornis
R. sondaicus
Didermocerus sumatrensis
Ceratotherium simum cottoni

Artiodactyla

Suidae (Pigmy Hog): *Sus salvanius*

(Baby russe): *Babyrousa babyrussa*

Camelidae (Vicuna): *Vicugna vicugna*

(Bactrian Camel): *Camelus bactrianus*

Cervidae (Deer):

Moschus moschiferus moschiferus
Axis (Hyelaphus) porcinus annamiticus
A. (Hyelaphus) calamianensis
A. (Hyelaphus) kuhlii
Cervus duvauceli
C. eldi
C. elaphus hanglu
Hippocamelus bisulcus
H. antisiensis
Blastoceros dichotomus
Ozotoceros bezoarticus
Pudu pudu

Antilocapridae (Mexican Prong-horned Antelope):

Antilocapra americana sonoriensis
A. a. peninsularis

Bovidae (Tamarow, Anoa, Gaur, Yak, Kouprey, Bison, Antelope, Goral, Serow, Chamois, and Wild Sheep):

Bubalus (Anoa) mindorensis
B. (Anoa) depressicornis
B. (Anoa) quarlesi
Bos gaurus
B. (grunniens) mutus
Novibos (Bos) sauveli
Bison bison athabascae
Kobus leche
Hippotragus niger variani
Oryx leucoryx
Damaliscus dorcas dorcas
Saiga tatarica mongolica
Nemorhaedus goral
Capricornis sumatraensis
Rupicapra rupicapra ornata
Capra falconeri jerdoni
C. f. megaceros
C. f. chiltanensis
Ovis orientalis ophion
O. ammon hodgsoni
O. vignei

Aves

Tinamiformes

Tinamidae (Tinamou): *Tinamus solitarius*

Podicipediformes

Podicipedidae (Atitlan Grebe): *Podilymbus gigas*

Procelliaruformes

Diomedeidae (short-tailed Albatross): *Diomedea albatrus*

Pelecaniformes

Sulidae (Abbott's Booby): *Sula abbotti*

Fregatidae (Christmas Island Frigate-Bird)): *Fregata andrewsi*

Ciconiiformes

Ciconiidae (Japanese White Stork): *Ciconia ciconia boyciana*

Threskionithidae (Japanese Crested Ibis): *Nipponia nippon*

Anseriformes

Anatidae (Teal, Duck and Geese):

Anas aucklandica nesiotis
Anas oustaleti
Anas laysanensis
Anas diazi
Cairina scutulata
Rhodonessa caryophyllacea
Branta canadensis leucopareia
Branta sandvicensis

Falconiformes

Catharidae (Andean Condor): *Vulture gryphus*

California Condor: *Gymnogyps californianus*

Accipitridae (Eagles):

Pithecophaga jefferyi
Harpia harpyja
Haliaetus l. leucocephalus
Haliaetus heliaca adalberti
Haliaetus albicilla groenlandicus

Falconidae (Falcons):

Falco peregrinus anatum
Falco peregrinus tundrius
Falco peregrinus peregrinus
Falco peregrinus baybolicus

Galliformes

Megapodiidae (Maleo): *Macrophalon maelo*

Cracidae (Curassoro and Guans):

Crax blumenbachii
Pipile p. pipile
Pipile jacutinga
Mitu mitu mitu
Oreophasis derbianus

Tetraonidae (Greater Prairie Chicken): *Tympanuchus cupido attwateri*

Phasianidae (Tragopan, Monal, Pheasant, Snowcock, and Quail):

Colinus virginianus ridgwayi
Tragopan blythii
Tragopan caboti
Tragopan melanocephalus
Lophophorus sclateri
Lophophorus lhuysii
Lophophorus impejanus
Crossoptilon mantchuricum
Crossoptilon crossoptilon
Lophura swinhoii
Lophura imperialis
Lophura edwardsii
Syrmaticus ellioti

Syrmaticus humiae
Syrmaticus mikado
Polyplectron emphanum
Tetraogallus tibetanus
Tetraogallus caspius
Cyrtonyx montezumae merriami

Gruiformes

Gruidae (Cranes):
Grus japonensis
Grus leucogeranus
Grus americana
Grus canadensis pulla
Grus canadensis nesiotes
Grus nigricollis
Grus vipio
Grus monacha

Rallidae (Lord Howe Island Woodhen): *Tricholimnas sylvestris*

Rhynochetidae (Kagu): *Rhynochetos jubatus*

Otididae (Bengl Florican): *Eupodotis bengalensis*

Charadriiformes

Scolopacidae (Eskimow Curlew): *Numenius borealis*

(Nordmann's Greenshark): *Tringa guttifer*

Laridae: *Larus relictus*

Columbiformes

Columbidae (Mindora Imperial Pigeon): *Ducula mindorensis*

Psittaciformes

Psittacidae (Kakapo, Parrot and Parakett):
Strigops habroptilus
Rhynchopsitta pachyrhyncha
Amazona leucocephala
Amazona vittata
Amazona guildingii
Amazona versicolor
Amazona imperialis
Amazona rhodocorytha
Amazona petrei petrei
Amazona vinacea
Pyrrhura cruentata
Anodorhynchus glaucus
Anodorhynchus leari
Cyanopsitta spixii
Pionopsitta pileata
Aratinga guaruba
Psittacula krameri echo
Psephotus pulcherrimus
Psephotus chrysopterygius
Neophema chrysogaster
Neophema splendida
Cyanoramphus novaezelandiae
Cyanoramphus auriceps forbesi
Geopsittacus occidentalis
Psittacus erithacus princeps

Apodiformes

Trochilidae (Hook-billed Hermit): *Ramphodon dohrnii*

Trogoniformes

Trogonidae (Resplendent Quetzal):
Pharomachrus mocinno mocinno
Pharomachrus mocinno costaricensis

Strigiformes

Strigidae (Giant Scops Owl): *Otus gurneyi*

Coraciiformes

Bucerotidae (Helmeted Hornbill): *Rhinoplax vigil*

Piciformes

Picidae (Tristam's Woodpecker): *Dryocopus javensis richardsii*

(Imperial Woodpecker): *Campephilus imperials*

Passeriformes

Cotingidae (Cotinga):
Cotinga maculata
Xipholena atro-purpurea

Pittidae (Koch's Pitta): *Pitta kochi*

Atrichornithidae (Noisy Scrub Bird): *Atrichornis clamosa*

Muscicapidae (Rock-fowl, Whipbird, Grass Wren, and Bristlebird):
Picathartes gymnocephalus
Picathartes oreas
Psophodes nigrogularis
Amytornis goyderi
Dasyornis brachypterus longirostris
Dasyornis broadbenti littoralis

Sturnidae (Rothschild's starling): *Leucopsar rothschildi*

Meliphagidae (Helmeted Honeyeates): *Meliphaga cassidix*

Zosteropidae (White-breasted Silvereye): *Zosterops albogularis*

Fringillidae (Red Siskin): *Spinus cucullatus*

Amphibia

Urodela

Cryptobranchidae (Giant Salamander):
Andrias (=*Megalobatrachus*) *davidianus japonicus*
Andrias (=*Megalobatrachus*) *davidianus davidianus*

Salientia

Bufonidae (Toads):
Bufo superciliaris
Bufo periglenes
Nectophrynoides spp.

Atelopodidae (Golden Frog): *Atelopus varius zeteki*

Reptilia

Crocodylia

Alligatoridae (Alligator):
Alligator mississippiensis
Alligator sinensis
Melanosuchus niger
Caiman crocodilus apaporiensis
Caiman latirostris

Crocodylidae (Crocodile):
Tomistoma schlegelii
Osteolaemus tetraspis tetraspis
Osteolaemus tetraspis osborni
Crocodylus cataphractus
Crocodylus siamensis
Crocodylus palustris palustris
Crocodylus palustris kimbula
Crocodylus novaeguineae mindorensis
Crocodylus intermedius
Crocodylus rhombifer
Crocodylus moreletii
Crocodylus niloticus

Gavialidae (Gharial Gavial):
Gavialis gangeticus

Testudinata

Emydidae (Terrapin and Water Box Turtle):
Batagur baska
Geoclemmys (=*Damonia*) *hamiltonii*
Geoemyda (=*Nicoria*) *tricarinata*
Kachuga tecta tecta
Morenia ocellata
Terrapene coahuila

Testudinidae (Tortoise):
Geochelone (=*Testudo*) *elephantopus*
Geochelone (=*Testudo*) *geometrica*
Geochelone (=*Testudo*) *radiata*
Geochelone (=*Testudo*) *yniphora*

Cheloniidae (Sea Turtle):
Eretmochelys imbricata imbricata
Lepidochelys kempii

Trionychidae (Freshwater Turtle):
Lissemys punctata punctata
Trionyx ater
Trionyx nigricans
Trionyx gangeticus
Trionyx hurum

Chelidae (Short-necked Turtle):
Pseudemydura umbrina

Lacertilla

Varanidae (Monitors):
Varanus komodoensis
Varanus flavescens
Varanus bengalensis
Varanus griseus

Serpentes

Boidae (Boas and Python):
Epicrates inornatus inornatus
Epicrates subflavus
Python molurus molurus

Rhynchocephalia

Sphenodontidae (Tuatara): *Sphenodon punctatus*

Pisces

Acipenseriformes

Acipenseridae (shortnose sturgeon): *Acipenser brevirostrum*

(Atlantic sturgeon): *Acipenser oxyrhynchus*

Osteoglossiformes

Osteoglossidae (Asiastic Bonytongue): *Scleropages formosus*

Salmoniformes

Salmonidae (Longjaw Cisco): *Coregonus alpenae*

Cypriniformes

Catostomidae (Cui-ui): *Chasmistes cujus*

Cyprinidae (Pin Eesok): *Probarbus jullieni*

Siluriformes

Schilbeidae (Giant Catfish): *Pangasianodon gigas*

Perciformes

Percidae (Blue Pike): *Stizostedion vitreum glaucum*

Mollusca

Naiadoida

Unionidae (Freshwater Clams, Mussels):
Conradilla caelata
Dromus dromas
Epioblasma (=*Dysnomia*) *florentina curtisi*
Epioblasma (=*Dysnomia*) *florentina florentina*
Epioblasma (=*Dysnomia*) *sampsoni*
Epioblasma (=*Dysnomia*) *sulcata perobliqua*
Epioblasma (=*Dysnomia*) *torulosa gubernaculum*
Epioblasma (=*Dysnomia*) *torulosa torulosa*
Epioblasma (=*Dysnomia*) *turgidula*
Epioblasma (=*Dysnomia*) *walkeri*
Fusconaia cuneolus
Fusconaia edgariana
Lampsilis higginsi
Lampsilis orbiculata orbiculata
Lampsilis satura
Lampsilis virescens
Plethobasis cicatricosus
Plethobasis cooperianus
Pleurobema plenum
Potamilus (=*Proptera*) *capax*
Quadrula intermedia
Quadrula sparssa
Toxolasma (=*Carunculina*) *cylindrella*
Unio (*Megalonaias/?/*) *nickliniana*
Unio (*Lampsilis/?/*) *tampicoensis tecomatensis*
Villosa (=*Micromya*) *trabalis*

FLORA

Araceae:
Alocasia sanderiana
Alocasia zebrina
Caryocaraceae: *Caryocar costaricense*
Caryophyllaceae:
Gymnocarpos przewalskii
Melandrium mongolicum
Silene mongolica
Stellaria pulvinata
Cupressaceae: *Pilgerodendron uviferum*
Cycadaceae:
Encephalartos spp.
Microcycas calocoma
Stangeria eriopus
Gentianaceae: *Prepusa hookeriana*
Humiriaceae: *Vantanea barbourii*
Juglandaceae: *Engelhardtia pterocarpa*
Leguminosae:
Ammopiptanthus mongolicum
Cynometra hemitomophylla
Platymiscium pleiostachyum
Liliaceae:
Aloe albida
Aloe pillansii
Aloe polyphylla
Aloe thorncroftii
Aloe vossii
Melastomaceae: *Lavoisiera itambana*
Meliaceae:
Guarea longipetiola
Tachigalia versicolor

Moraceae: *Batocarpus costaricense*
Orchidaceae: (wild orchids):
Cattleya jongheana
Cattleya skinneri
Cattleya trianae
Didiciea cunninghamii
Laelia lobata
Lycaste virginalis var. *alba*
Peristeria elata
Pinaceae:
Abies guatamalensis
Abies nebrodensis
Podocarpaceae:
Podocarpus costalis
Podocarpus parlatorei
Proteaceae:
Orothamnus zeyheri
Protea ordorata
Rubiaceae: *Balmea stormae*
Saxifragaceae (Grossulariaceae: *Ribes sardoum*
Taxaceae: *Fitzroya cupressoides*
Ulmaceae: *Celtis aetnensis*
Welwitschiaceae: *Welwitschia bainesii*
Zingiberaceae: *Hedychium philippinense*

Appendix II

Interpretation:

1. Species included in this Appendix are referred to:

(a) by the name of the species; or

(b) as being all of the species included in a higher taxon or designated part thereof.

2. The abbreviation "spp." is used to denote all the species of a higher taxon.

3. Other references to taxa higher than species are for the purposes of information or classification only.

4. An asterisk (*) placed against the name of a species or higher taxon indicates that one or more geographically separate populations, sub-species or species of that taxon are included in Appendix I and that these populations, sub-species or species are excluded from Appendix II.

5. The symbol (#) followed by a number placed against the name of a species or higher taxon designates parts or derivatives which are specified in relation thereto for the purposes of the present Convention as follows:

#1 designates root
#2 designates timber
#3 designates trunks

6. The symbol (—) followed by a number placed against the name of a species or higher taxon indicates the exclusion from that species or taxon of designated geographically separated populations, sub-species, species or groups of species as follows:

—101 Species which are not succulents

7. The symbol (+) followed by a number placed against the name of a species or higher taxon denotes that only designated geographically separate populations, subspecies or species of that species or taxon are included in this Appendix as follows:

+201 All North American sub-species
+202 New Zealand species
+203 All species of the family in the Americas.

FAUNA

Mammalia

(Common Name Scientific Name)

Marsupialia

Macropodidae (Indonesia Tree Kangaroos):
Dendrolagus inustus
Dendrolagus ursinus

Insectivora

Erinaceidae (South African Hedgehog): *Erinaceus frontalis*

Primates

Lemuridae (Ringtailed Lemur): *Lemur catta*
Lorisidae (Slow Loris): *Nycticebus coucang*
(Slender Loris): *Loris tardigradus*
Cebidae (Capucine monkey): *Cebus capucinus*
Cercopithecidae (Ape, Colobus, Langur, Monkey:
Macaca sylvanus
Colobus badius gordonorum
Colobus verus
Rhinopithecus roxellanae
Presbytis johnii
Pongidae (Pigmy Chimpanzee): *Pan paniscus*
(Chimpanzee): *Pan troglodytes*

Edentata

Myrmecophagidae (Giant Anteater): *Myrmecophaga tridactyla*
(Tamadua): *Tamandua tetradactyla chapadensis*
Bradypodidae (Sloth): *Bradypus boliviensis*

Pholidota

Manidae (Scaley-anteaters):
Manis crassicaudata
Manis pentadactyla
Manis javanica

Lagomorpha

Leporidae: *Nesolagus netscheri*

Rodentia

Heteromyidae: *Dipodomys phillipsii phillipsii*
Sciuridae (Giant squirrels): *Ratufa* spp.
(Asian Striped Squirrels: *Lariscus hosei*
Castoridae (Beaver):
Castor canadensis frondator
Castor canadensis repentinus
Cricetidae (Muskrat): *Ondatra zibethicus bernardi*
Canidae (Wolf and Dhol):
Canis lupus pallipes
Canis lupus irremotus
Canis lupus crassodon
Chrysocyon brachyurus
Cuon alpinus
Ursidae (Polar Bear): *Ursus (Thalarctos) maritimus*
(Brown and Grizzly Bear) *Ursus arctos* +201
(Malayan Sun Bear): *Helarctos malayanus*
Procyonidae (Lesser Panda): *Ailurus fulgens*
Mustelidae (Newfoundland Pine Marten): *Martes americana atrata*
Viveridae (Linsang and Munsang):
Prionodon linsang
Cynogale bennetti
Helogale derbianus
Felidae (Wildcats including Jaguarundi, Cougar Serval, Margays, Ocelots, Caracals, Tiger, and Lion):
*Felis yagouaroundi**
Felis colocolo pajeros
Felis colocolo crespoi
Felis colocolo budini
Felis concolor missoulensis
Felis concolor mayensis
Felis concolor azteca
Felis serval
Felis lynx isabellina
*Felis wiedii**
*Felis pardalis**
*Felis tigrina**
Felis (=Caracal) caracal
Panthera leo persica
Panthera tigris altaica (=amurensis)

Pinnipedia

Otariidae (Seals):
Arctocephalus australis
Arctocephalus galapagensis
Arctocephalus philippii
Arctocetphalus townsendi
Phocidae (Elephant Seal):
Mirounga australis
Mirounga leonina

Tubulidentata

Orycteropidae (Ant Bear): *Orycteropus afer*

Sirenia

Dugongidae (Dugong): *Dugong dugon*
Trichechidae (West African Manatee): *Trichechus senegalensis*

Perissodactyla

Equidae (Asian Wild Ass): *Equus hemionus**
Tapiridae (Brazilian Tapir): *Tapirus terrestris*
Rhinocerotidae (Black Rhinoceros): *Diceros bicornis*

Artiodactyla

Hippopotamidae (Pigmy Hippopotamus): *Choeropus liberiensis*
Cervidae (Bactrian Deer): *Cervus elaphus bactrianus*
(Pudu Deer): *Pudu mephistophiles*
Antilocapridae (Mexican Pronghorn Antelope): *Antilocapra americana mexicana*
Bovidae (Duiker, Oryx, Addax, Antelope, Markhor, and Wild Sheep):
Cephalophus monticola
Oryx (tao) dammah
Addax nasomaculatus
Pantholops hodgsoni
*Capra falconeri**
*Ovis ammon**
Ovis canadensis

Aves

Sphenisciformes

Spheniscidae (Jackass Penguin): *Spheniscus demersus*

Rheiformes

Rheidae:
Rhea americana albescens
Pterocnemia pennata pennata
Pterocnemia pennata garleppi

Tinamiformes

Tinamidae (Tinamou):
Rhynchotus rufescens rufescens
Rhynchotus rufescens pallescens
Rhynchotus rufescens maculicollis

Ciconiiformes

Ciconiidae (Black Stork): *Ciconis nigra*
Threskiornithidae (Southern Bald Ibis): *Geronticus calvus*
(Spoonbill): *Platalea leucorodia*
Phoenicopteridae (Flamingo):
Phoenicopterus ruber chilensis
Phoenicoparrus andinus
Phoenicoparrus jamesi

Pelecaniformes

Pelecanidae (Dalmatian Pelican): *Pelecanus crispus*

Anseriformes

Anatidae (Teal, Ducks, Geese, Swan):
Anas aucklandica aucklandica
Anas aucklandica chlorotis
Anas bernieri
Dendrocygna arborea
Sarkidiornis melanotos
Anser albifrons gambelli
Cygnus bewickii jankowskii
Cygnus melancoryphus
Coscoroba coscoroba
Branta ruficollis

Falconiformes

Accipitridae (African Lammergeyer): *Gypaetus barbatus meridionalis*
(Golden Eagle): *Aquila chrysaetos*
Falconidae (All Falcons): Spp.*

Galliformes

Megapodiidae (Megapodes):
Megapodius freycinet nicobariensis
Megapodius freycinet abbotti
Tetraonidae (Northern Greater Prairie Chicken): *Tympanuchus cupido pinnatus*
Phasianidae (Francolin, Pheasant, Jungle Fowl, Quail):
Francolinus ochropectus
Francolinus swierstrai
Gatreus wallichii
Polyplectron malacense
Polyplectron germaini
Polyplectron bicalcaratum
Gallus sonneratii
Argusianus argus
Ithaginus cruentus
Cyrtonyx montezumae montezumae
Cyrtonyx montezumae mearnsi

Gruiformes

Gruidae (Cranes):
  Balearica regulorum
  Grus canadensis pratensis
Rallidae (Eastern Weka): *Gallirallus australis hectori*
Otididae (Bustards):
  Chlamydotis undulata
  Choriotis nigriceps
  Otis tarda

Charadriiformes

Scolopacidae (Slender-billed Curlew): *Numenius tenuirostris*
(Little Whimbrel): *Numenius minutus*
Laridae (Brown-headed Gull): *Larus brunneicephalus*

Columbifornes

Columbidae (Pigeon):
  Gallicolumba luzonica
  Goura cristata
  Goura scheepmakeri
  Goura victoria
  Caloenas nicobarica pelewensis

Psittaciformes

Psittacidae (Cackatto, Parrot and Parakeet):
  Coracopsis nigra barklyi
  Prosopeia personata
  Eunymphicus cornutus
  Cyanoramphus unicolor
  Cyanoramphus novaezelandiae
  Cyanocramphus malherbi
  Poicephalus robustus
  Tanygnathus luzoniensis
  Probosciger aterrimus

Cuculiformes

Musophagidae (Lowry):
  Turaco corythaix
  Gallirex porphyreolophus

Strigiformes

Strigidae (Virgin Island Screech Owl): *Otus nudipes newtoni*

Coraciiformes

Bucerotidae (Hornbills):
  Buceros rhinoceros rhinoceros
  Buceros bicornis
  Buceros hydrocorax hydrocorax
  Aceros narcondami

Piciformes

Picidae: *Picus squamatus flavirostris*

Passeriformes

Cotingidae (Cock-of-the-Rock): *Rupicola rupicola*
(Cock-of-the-Rock): *Rupicola peruviana*
Pittidae (Fairy Pitta): *Pitta brachyura nympha*
Hirundinidae (White-eyed River Martin): *Pseudochelidon sirintarae*
Paradisaeidae (Birds of Paradise): Spp.
Muscicapidae (Rueck's Blue Flycatcher): *Muscicapa ruecki*
Fringillidae (Yellow-faced Siskin): *Spinus yarrellii*

AMPHIBIA

Urodela

Ambystomidae (Salamander):
  Ambystoma mexicanum
  Ambystoma dumerillii
  Ambystoma lermaensis

Salientia

Bufonidae (Sonoran Green Toad): *Bufo retiformis*

Crocodylia

Alligatoridae (Alligator):
  Caiman crocodilus crocodilus
  Caiman crocodilus yacare
  Caiman crocodilus fuscus (chiapasius)
  Paleosuchus palpebrosus
  Paleosuchus trigonatus
Crocodylidae (Crocodile):
  Crocodylus johnsoni
  Crocodylus novaeguineae novaeguineae
  Crocodylus porosus
  Crocodylus acutus

Testudinata

Emydidae (Bog Turtle): *Clemmys muhlenbergi*
Testudinidae (All Land Tortoises):
  Chersine spp.
  Geochelone spp.*
  Gopherus spp.
  Homopus spp.
  Kinixys spp.
  Malacochersus spp.
  Pyxis spp.
  Testudo spp.
Cheloniidae (Sea Turtle):
  Caretta caretta
  Chelonia mydas
  Chelonia depressa
  Eretmochelys imbricata bissa
  Lepidochelys olivacea
Dermochelidae (Leatherback Turtle): *Dermochelys coriacea*
Pelomedusidae (South American River Turtle): *Podocnemis* spp.

Lacertilia

Teiidae (Orange-throated whiptail): *Cnemidophorus hyperythrus*
Iguanidae (Iguana):
  Conolophus pallidus
  Cololophus subcristatus
  Amblyrhynchus cristatus
  Phrynosoma coronatum blainvillei
Helodermatidae (Gila Monster): *Heloderma suspectum*
(Beaded Lizard): *Heloderma horridum*
Varanidae (Monitor Lizards): *Varanus* spp.

Serpentes

Boidae (Boas and Pythons):
  Epicrates cenchris cenchris
  Eunectes notaeus
  Constrictor constrictor
  Python spp.*
Colubridae (Snakes):
  Cyclagras gigas
  Pseudoboa cloelia
  Elachistodon westermanni
  Thamnophis elegans hammondi

Pisces

Acipenseriformes

Acipenseridae (Lake Sturgeon): *Acipenser fulvescens*
(Batic Sturgeon): *Acipenser sturio*

Osteoglossiformes

Osteoglossidae (Arapaima): *Arapaima gigas*

Salmoniformes

Salmonidae (Beloribita): *Stenodus leucichthys leucichthys*
(Mexican Golden Trout): *Salmo chrysogaster*

Cypriniformes

Cyprinidae (Woundfin): *Plagopterus argentissimus*
(Colorado Squawfish): *Ptychocheilus lucius*

Atheriniformes

Cyprinodontidae (Annual Killifishes):
  Cynolebias constanciae
  Cynolebias marmoratus
  Cynolebias minimus
  Cynolebias opalescens
  Cynolebias splendens
Poeciliidae (Monterrey Platyfish): *Xiphophorous couchianus*

Coelacanthiformes

Coelacanthidae (Coelacanth): *Latimeria chalumnae*

Ceratodiformes

Ceratodidae (Australian Lungfish): *Neoceratodus forsteri*

Mollusca

Naiadoida

Unionidae (Freshwater Clams and Mussels):
  Cyprogenia aberti
  Epiolblasma (=Dysnomia) torulosa rangiana
  Fusconaia subrotunda
  Lampsilis brevicula
  Lexingtonia dolabelloides
  Pleorobema clava

Stylommatophora

Camaenidae (Emerald Green Snail): *Papustyla (=Papuina) pulcherrima*
Paraphantidae (New Zealand Amber Snails): *Paraphanta* spp. +202

Prosobranchia

Hydrobiidae (Mexican Snails):
  Coahuilix hubbsi
  Cochliopina milleri
  Durangonella coahuilae
  Mexipyrgus carranzae
  Mexipyrgus churinceanus
  Mexipyrgus escobedae
  Mexipyrgus lugoi
  Mexipyrgus mojarralis
  Mexipyrgus multilineatus
  Mexithauma quadripaludium
  Nymphophilus minckleyi
  Paludiscala caramba

Insecta

Lepidoptera

Papilionidae (Mountain Apollo Butterfly): *Parnassius apollo apollo*

FLORA

Apocynaceae: *Pachypodium spp.*
Araliaceae: *Panax quinquefolium.*
Araucariaceae: *Araucaria araucana.*
Cactaceae:
  Cactaceae spp. -203
  Rhipsalis spp.
Compositae: *Saussurea lappa #1*
Cyatheaceae:
  Cyathea (Hemitelia) capensis #3
  Cyathea dredgei #3
  Cyathea mexicana #3
  Cyathea (Alsophila) salvinii #3
Dioscoreaceae: *Dioscorea deltoidea #1*
Euphorbiaceae: *Euphorbis spp. -101*
Fagaceae: *Quercus copeyensis #2*
Leguminosae: *Thermopsis mongolica*
Liliaceae: *Aloe* spp.*
Meliaceae: *Swietenia humilis #2*
Orchidaceae: Spp.*
Palmae:
  Arenga ipot
  Phoenix hanceana var. *philippinensis*
  Zalacca clemensiana
Portulacaceae: *Anacampseros spp.*
Primulaceae: *Cyclamen* spp.
Solanaceae: *Solanum sylvestris*
Sterculiaceae: *Basiloxylon excelsum #2*
Verbenaceae: *Caryopteris mongolica*
Zygophyllaceae: *Guaiacum sanctum #2*

THE LATE CLEO A. NOEL, JR. AND G. CURTIS MOORE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Alabama (Mr. EDWARDS) is recognized for 5 minutes.

Mr. EDWARDS of Alabama. Mr. Speaker, the senseless murder of two American diplomats and a Belgian representative by Palestinian Arab terrorists provides another sad footnote to the menace that small groups of fanatics pose to civilization in many parts of the world.

The sympathy of all Americans is due the families of Cleo A. Noel, Jr., who was the newly assigned Ambassador to the Sudan, and G. Curtis Moore, the No. 2 man in the embassy whose tour of duty in Khartoum was scheduled to end this week.

Noel was the second U.S. Ambassador to be killed by terrorists in less than 5 years. In 1968, John Gordon Mein was slain in Guatemala while trying to escape from kidnapers. Eight U.S. diplomats and Embassy officials over the past 5 years have been involved in kidnaping incidents.

As regrettable as were the deaths, President Nixon has laid down the only correct policy in refusing to countenance terrorist demands for blackmail such as the demand for the unthinkable release of Sirhan Sirhan, Senator Robert Kennedy's convicted assassin.

Allowing the guerrillas any success is the surest way of inviting more outrageous acts.

There would be no end to terrorist demands if President Nixon had yielded to them.

What, then, can be done to stop this despicable bloodshed?

There is no easy answer.

One way is to be firm with countries that harbor these terrorists. We must let it be known that there will be no aid and no diplomatic relations with a country that encourages and protects terrorists. This must become a hard-and-fast rule of this country if it is to be effective.

It is ironical that the raid on the Saudi Arabian embassy, in the Sudanese capital, severely embarrassed Saudi Arabia, which has generally been friendly to the Palestinian cause.

The recent atrocity also took the world's attention away from the Israeli blunder of shooting down a Libyan airliner with the loss of more than 100 lives, an incident that helped the Arab side in the continuing Mideast propaganda battle.

While there does not appear to be any connection between the Black September murders in the Sudan and the shooting down of the Libyan airliner, the shooting down of the civilian aircraft also must be condemned.

There is no excuse for what the Israelis did even though the Libyan aircraft did not respond to Israeli inquiries. This action by the Israelis has hurt their cause in this country. Certainly my mail indicates this to be the case.

When hostilities exist in an area, the possibility of such tragedies occurring increases. The Israelis, by their subsequent actions, realized their mistake and they have offered payment to the families of those killed aboard the Libyan airplane. On the other hand, there is no reason to expect the Palestinian terrorists, who also staged the Munich Olympic massacres and who have sent so many bombs through the mail, to show any concern at all for their victims. A reasonable settlement in the Middle East, which would permit the region to thrive in peace, is the last thing the guerrillas want.

Let us hope peace negotiations can bring some workable solution to the tense situation in the Middle East.

Terror and killing from wherever the source cannot be justified.

COMMODITY OPTION TRADING SHOULD BE PROHIBITED

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. FINDLEY), is recognized for 5 minutes.

Mr. FINDLEY. Mr. Speaker, a marketplace device that lends itself easily to scheme reminiscent of the chainletters of years ago is being advanced broadly in futures trading of commodities outside the scope of the Commodity Exchange Act.

Known as commodity options, the device is an open invitation to abuse and fraud. It is illegal for commodities under CEA regulation. Several lawsuits have been recently filed against one of the dealers in commodity options. The attendant publicity has focused attention on the fact that several major commodities which are subject to futures trading are not under Government regulation. Among these are sugar, coffee, cocoa, lumber, plywood, and metals.

Besides the loss which this scheme may cause to individual speculators, it is likely to cause substantial damage to the reputation of futures markets generally, and more broadly to our competitive marketplace system. Most futures markets are functioning well and gaining in public esteem. These markets play a vital role in maintaining a healthy agricultural sector and economy. Actions that diminish their effectiveness and contribute nothing to public service should be terminated.

I am today introducing a bill which will bring all commodities trade on exchanges in futures contracts under the Commodity Exchange Act. In effect, this outlaw commodity options trading because the CEA prohibits commodity options for commodities under its authority.

VOCATIONAL REHABILITATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. VEYSEY) is recognized for 10 minutes.

Mr. VEYSEY. Mr. Speaker, I would like to express my support for the bill before the House today. This bill will merge our vocational rehabilitation efforts into a single coordinated program with increased emphasis on rehabilitating the severely handicapped.

The bill being considered today contains a comprehensive program evaluation title. While the Rehabilitation Administration has made progress through program evaluation in the past, the growing pressure on funding makes it imperative that we get the maximum possible benefit for our dollar.

Briefly, the evaluation title requires that all State plans and direct grant applications contain a clear statement of the goals of the services to be provided.

The Secretary is directed to establish standards for evaluating vocational rehabilitation projects prior to the release of funds. He is then directed to evaluate the impact, effectiveness, delivery structure and cost/benefit ratio of all programs. The results of these evaluations are to be published and taken into consideration in future funding recommendations.

We owe it to the taxpayer and the people to see to it that programs like this are intended to help deliver a dollar's worth of value for every tax dollar invested. Rigorous evaluation, as provided in this bill, is a key step toward that goal.

Mr. Speaker, today's vocational rehabilitation amendments will continue, and at the same time improve, a program that has accomplished immeasurable good in helping the handicapped of our Nation assimilate into our society. I heartily support the measure.

FUNDS WITHHELD BY PREVIOUS PRESIDENTS COMPARABLE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. ANDERSON) is recognized for 30 minutes.

Mr. ANDERSON of Illinois. Mr. Speaker, I would like to commend my colleague from Arizona (Mr. CONLAN) for the initiative he has shown in organizing this special order. Though some of us have long despaired of the prospects for meaningful congresional efforts to control the Federal budget, the strong interest and sense of reponsibility displayed by Republican Members of the freshman class here this afternoon certainly presents an encouraging sign for the future.

Rather than getting involved in a discussion of the various arguments that have been made for and against the President's fiscal control policies, I would like to use my time this afternoon to call to the attention of my colleagues some of the basic data and information that is available on the question of impoundment. For if one were to rely only on press accounts of the President's budgetary actions in recent months, a very distorted picture of their impact on Federal programs and priorities would likely emerge.

The impression has been created, for example, that the current impoundment level of $8.7 billion is unprecendented in scope and that most of the funds being held in reserve are comprised of appropriations in the human resources area. The conclusion has been drawn from these impressions that the President is engaged in an unprecedented exercise of Executive power, based on a highly dubious legal rationale, designed to eliminate scores of Great Society and social welfare programs in direct violation of the expressed mandate of Congress. I would submit this afternoon that both these impressions and conclusions are not supported by the facts.

I. LEVEL OF IMPOUNDMENTS

As has been often stressed, Presidents since the time of Jefferson have impounded funds appropriated by Congress. What is not sufficiently recognized, however, is that the actions taken by President Nixon in recent months to hold fiscal year 1973 spending to $250 billion do not constitute any great departure from past practice in terms of the proportion of the budget held in reserve. As is shown in the table below, impoundments as of the end of January comprised a smaller share of total expected outlays than for any fiscal year since 1960. In fact, the 3.5 percent of the budget currently being withheld is equal to only 62 percent of the average level of impoundments relative to total outlays for the past decade.

One wonders where some of our friends on the other side of the aisle, who now profess a belief that every cent of appropriated funds should be spent, were when President Kennedy withheld almost 8 percent of the budget in 1961 or when President Johnson impounded nearly 7 percent of the budget in 1967. While I certainly share their concern about the erosion of congressional control of the pursestrings, I doubt very much that exaggeration of the problem and harsh partisan attacks on this administration's alleged abuse of the impoundment mechanism will contribute very much toward a workable solution.

The table follows:

TABLE I

Fiscal year	Total unified budget outlays (in billions)	Funds held in reserves (in billions)	Reserves as a percent of outlays
1973 (Jan. 29, 1973)	249.8	8.7	3.5
1972	231.9	10.6	4.6
1971	211.4	12.1	5.7
1970	196.6	11.5	5.8
1969	184.5	9.6	5.2
1968	178.8	9.9	5.5
1967	158.3	10.6	6.7
1966	134.7	8.7	6.5
1965	118.4	5.6	4.7
1964	118.6	4.2	3.5
1963	111.3	4.5	4.0
1962	106.8	6.5	6.1
1961	97.8	7.6	7.8
1960	92.2	8.0	8.7
Average			5.6

II. DISTRIBUTION OF IMPOUNDMENTS

Mr. Speaker, the situation is similar with regard to the program areas in which funds have been impounded. Contrary to the impression that has been created by some of the President's critics, large-scale withholding of appropriated funds has not occurred in the human resources area. As is shown in table II, fiscal year 1973 impoundments in the areas of community development and housing, education and manpower, health, and income security amount to only 9 percent of total impoundment. By commerce and transportation programs—the latter comprised largely of highway and various public works appropriations.

Table III presents similar information only expressed in terms of agency outlays rather than functional categories. I think it is interesting to note in the final column that the absolute dollar volume of impoundments for HEW and HUD programs actually show a significant decrease over the levels of fiscal year 1971.

The tables follow:

TABLE II.—IMPOUNDMENTS BY BUDGET FUNCTION, FISCAL YEAR 1971 AND 1973

[All figures in thousands]

Budget function	1971 outlays	1971 impoundments	Impoundments as percent of total impoundments	Impoundments as percent fo functional outlays	1973 outlays	1973 impoundments	Impoundments as percent of total impoundments	Impoundments as percent of functional outlays
National defense	77,661,000	1,376,000	11.12	1.77	76,435,000	2,215,706	25.40	2.90
International affairs and finance	3,095,000	377,000	3.05	12.18	3,341,000	84,403	.97	2.53
Space research and technology	3,381,000	12,000	.10	.35	3,061,000	32,515	.37	1.06
Agriculture and rural development	5,096,000	470,000	3.80	9.22	6,064,000	981,449	11.25	16.18
Natural resources and environment	2,716,000	444,000	3.59	16.35	876,000	968,896	11.11	(1)
Commerce and transportation	11,310,000	7,634,000	61.70	67.50	12,543,000	3,232,799	37.06	25.77
Community development and housing	3,357,000	1,743,000	14.09	51.92	3,955,000	529,252	6.07	13.38
Education and manpower	8,654,000	41,000	.33	.47	10,500,000	78,003	.89	.74
Health	14,463,000	69,000	.56	.48	17,991,000	6,623	.08	.04
Income security	55,712,000	27,000	.22	.05	75,889,000	175,969	2.02	.23
Veterans' benefits and services	9,776,000	1,000	.01	.01	11,795,000	70,655	.81	.60
General government	3,970,000	180,000	1.45	4.53	5,631,000	346,347	3.97	6.15
Total	199,191,000	12,373,000	100.00	16.10	228,081,000	8,722,617	100.00	3.82

[1] Due to the fact that unified budget outlays are calculated after expenditures have been reduced by income from proprietary sources, etc., impoundments were greater than remaining expenditures for fiscal year 1973. Actual expenditures totaled $6,600,000,000 for natural resources and environment, so impoundments were 14.68 percent of this figure.

TABLE III.—IMPOUNDMENTS BY AGENCY, FISCAL YEAR 1971 AND 1973

[All figures in thousands]

	1971 outlays	1971 impoundments	Impoundments as percent of total impoundments	Impoundments as percent of agency outlays	1973 outlays	1973 impoundments	Impoundments as percent of total impoundments	Impoundments as percent of agency outlays	Percent change in funds impounded, 1971-73
Executive Offices	4,451,714	579,000	4.68	13.01	3,967,285	130,000	1.49	3.28	−77.5
Agriculture	8,559,795	447,000	3.61	5.22	10,124,360	1,497,000	17.16	14.79	+234.9
Commerce	1,188,374	17,000	.14	1.43	1,318,500	181,000	2.07	13.73	+964.7
Defense—Military	74,546,148	1,203,000	9.72	1.61	74,200,000	1,899,000	20.74	2.56	+57.9
Defense—Civil	1,375,826	42,000	.34	3.05	1,752,788	118,000	1.35	6.73	+180.9
Health, Education, and Welfare	61,866,317	125,000	1.01	.20	83,579,000	35,000	.40	.04	−72.0
Housing and Urban Development	2,890,000	1,725,000	13.94	59.69	3,364,451	529,000	6.06	15.72	−69.3
Interior	1,893,008	226,000	1.83	11.94	2,557,338	482,000	5.52	18.85	+113.3
Justice	916,382	16,000	.13	1.74	1,495,537	36,000	.41	2.41	+125.0
State	467,667	0	0.00	0.00	620,864	6,000	.07	.97	----------
Transportation	7,247,344	7,373,000	59.59	101.73	8,042,036	2,937,000	33.67	36.52	−60.2
Treasury	20,990,432	0	0.00	0.00	31,249,873	24,000	.28	.08	----------
Atomic Energy Commission	2,274,693	169,000	1.36	7.43	2,193,833	316,000	3.62	14.40	+87.0
Economic Price Administration	701,339	7,000	.06	1.00	1,147,527	2,000	.02	.17	−71.4
General Services Administration	649,048	72,000	.58	11.09	927,991	261,000	2.99	28.12	+262.5
National Aeronautics and Space Administration	3,380,613	12,000	.09	.35	3,061,000	33,000	.38	1.08	+175.0
Veterans' Administration	9,755,608	1,000	.01	.01	11,758,193	71,000	.81	.60	+7,000.0
National Science Foundation	521,758	10,000	.08	1.92	572,000	62,000	.71	10.84	+520.0
Small Business Administration	332,688	0	0.00	0.00	1,312,780	51,000	.58	3.88	----------
All other	7,416,184	349	2.82	4.70	6,549,844	52,000	.58	.79	−85.1
Total	211,425,028	12,373,000	100.00	5.85	249,795,892	8,723,000	100.00	3.49	−29.5

III. ALTERNATIVE MEASURE OF IMPOUNDMENT IMPACT

Mr. Speaker, I know some will argue that the comparison of impoundments to total outlays is not an entirely accurate or appropriate measure of the severity and impact of these actions, because in many cases a large part of total outlays by department or function consists of legally mandated spending. In order to answer this objection, we have calculated an alternative measure of impoundment impact in which only those programs where impoundments have actually been made were included in the calculation.

Specifically, the term "potential outlays" in the table below is the sum of impoundments plus apportionments for all programs under each functional heading in which any impoundment action has been taken. Again, I think there is little evidence in this table to support the contention that the administration has arbitrarily singled out human resources to bear the brunt of budget cutbacks. While the percentage figure in the fourth column for the community development and housing area is much higher than that for the other categories, it should be recalled that impoundments for this function comprise only 6 percent of the total amount of funds currently being withheld. The 65-percent figure basically implies that in the case of a few programs in the community development and housing area, a large proportion of funds are being held in reserve pending completion of a review of the basic design of these programs.

TABLE IV.—IMPOUNDMENTS AS PERCENT OF POTENTIAL OUTLAYS BY FUNCTION

[All figures in thousands]

Budget function	1973 impoundments	1973 apportioned funds	1973 potential outlays	Impoundments as percent of potential outlays	1973 potential outlays as a percent of total budget outlays for function
National defense	2, 215, 706	10, 361, 855	12, 577, 561	17. 62	16. 46
International affairs and finance	84, 403	252, 367	336, 770	25. 06	10. 08
Space research and technology	32, 515	2, 864, 358	2, 896, 873	1. 12	94. 64
Agriculture and rural development	981, 449	3, 723, 345	4, 704, 794	20, 86	77. 58
Natural resources and environment	968, 896	4, 030, 618	4, 999, 514	19. 38	(1)
Commerce and transportation	3, 232, 799	10, 601, 118	13, 833, 917	23. 37	(2)
Community development and housing	529, 252	265, 535	794, 787	66. 59	20. 10
Education and manpower	78, 003	1, 259, 878	1, 337, 881	5. 83	12. 74
Health	6, 623	58, 803	65, 426	10. 12	. 36
Income security	175, 969	2, 411, 091	2, 587, 060	6. 80	3. 41
Veterans' benefits and services	70, 655	219, 769	290, 424	24. 33	2. 46
General government	346, 347	469, 950	816, 297	42. 43	14. 50
Total	8, 722, 617	36, 518, 687	45, 241, 304	19. 28	19. 84

[1] Due to the fact that unified budget outlays are calculated after expenditures have been reduced by income from proprietary sources, etc. impoundments were greater than remaining expenditures for fiscal year 1973. Actual expenditures totalled $6,600,000,000 for natural resources and environment, so impoundments were 14.68 percent of this figure.

[2] Due to outlays from prior-year authorizations, potential outlays were higher than total outlays: this is predominantly due to the large amounts of highway trust funds being impounded which may have actually been appropriated in a previous year.

IV. DISTRIBUTION OF IMPOUNDMENTS BY RATIONALE

Mr. Speaker, for the further information of my colleagues I would like to include at this point in the RECORD two final tables which break down the current $8.7 billion in impounded funds in terms of the rationale given for such action in the President's report, submitted to the Congress on February 11. Table V shows the distribution of impoundments by rationale used for each budget function as well as for total impoundments—bottom line. Since in many instances more than one of the 14 categories was used, the total for each line may be more than 100 percent.

Table VI employs the concept of "potential outlays" as discussed in the previous section. In effect, it measures the severity of impoundment action by type of impoundment rationale offered, in those program areas where any reserves are being held.

IMPOUNDMENT RATIONALE CATEGORIES

CODE AND AUTHORITY AND REASON FOR PRESENT ACTION

1: "To provide for contingencies" (31 USC 665(c)(2)).

2: "To effect savings whenever savings are made possible by or through changes in requirements, greater efficiency of operations, or other developments subsequent to the date on which such (funds were) made available" (31 USC 665(c)(2)).

3: To reduce the amount of or to avoid requesting a deficiency or supplemental appropriation in cases of appropriations available for obligation for only the current year (31 USC 665(c)(1)).

4: "To achieve the most effective and economical use" of funds available for periods beyond the current fiscal year (31 USC 665 (c)(1)). This explanation includes reserves established to carry out the Congressional intent that funds provided for periods greater than 1 year should be so apportioned that they will be available for the future periods.

5: Temporary deferral pending the establishment of administrative machinery (not yet in place) or the obtaining of sufficient information (not yet available) properly to apportion the funds and to insure that the funds will be used in "the most effective and economical" manner (31 USC 665(c)(1)). This explanation includes reserves for which apportionment awaits the development by the agency of approved plans, designs, specifications.

6: The President's constitutional duty to "take care that the laws be faithfully executed" (U.S. Constitution, Article II, Section 3):

6a: —Obligation at this time of amount in reserve is likely to contravene law regarding the environment; or the amount in reserve is being held pending further study to evaluate the environmental impact of the affected projects (activities) as required by law.

6b: —Existing tax laws and the statutory limitation on the national debt (as provided under Public Law 92–599) will not provide sufficient funds in the current fiscal year to cover the total of all outlays in that year contemplated by the individual acts of Congress.

6c: —Action taken pursuant to President's responsibility to help maintain economic stability without undue price and cost increases (P.L. 92–210, which amended Section 203 of P.L. 91–379).

6d: —Amount apportioned reflects the level of obligations implicitly approved by the Congress in its review of and action on the appropriation required to liquidate obligations under existing contract authority.

6e: —Other. See footnote for each item so coded.

7: The President's constitutional authority and responsibility as Commander in Chief (U.S. Constitution, Article II, Section 2).

8: The President's constitutional authority and responsibility for the conduct of foreign affairs (U.S. Constitution, Article II, Section 2).

9: Other. See footnote for each item so coded.

NOTE.—Because rationales #3, #7, #8, and #9 were not used for funds impounded as of January 29, 1973, they do not appear in the tables.

TABLE V.—DISTRIBUTION OF IMPOUNDMENTS BY RATIONALE CATEGORY BY ALL BUDGET FUNCTIONS

[In percent]

Budget function	Rationale—								
	1	2	4	5	6a	6b	6c	6d	6e
National defense		14. 27	62. 04	37. 96		13. 89			
International affairs and finance	0. 24	. 32	58. 70	28. 75		11. 99			49. 64
Space research and technology		100. 00	100. 00	100. 00		100. 00			
Agriculture and Rural development	. 88	46. 47	14. 14	1. 38		98. 92	58. 70		1. 38
Natural resources and environment	9. 74	. 62	33. 02	5. 12	2. 30	91. 07	2. 30	6. 60	. 01
Commerce and transportation	. 80	4. 82	18. 56	2. 88		17. 23	78. 64		
Community development and housing			. 44	1. 26		99. 56	99. 56		
Education and manpower		80. 00		97. 43		77. 43			
Health				100. 00					
Income security	90. 27		6. 87	6. 87		. 11			93. 01
Veterans' benefits and services	1. 18			98. 80					
General government	. 23	68. 48	80. 15	19. 77		17. 17			
Total	3. 32	14. 52	32. 19	14. 84	. 26	39. 07	42. 05	. 73	2. 51

TABLE VI.—DISTRIBUTION OF IMPOUNDMENTS BY RATIONALE USED FOR HOLDING RESERVES

[All figures in thousands]

Rationale category	1	2	4	5	6a	6b	6c	6d	6e	Totals
Apportioned funds for programs in which impoundments made	4,296,600	10,699,486	13,049,994	12,133,165	94,564	19,683,569	5,481,334	43,863	3,031,243	36,518,685
Impoundments	289,689	1,266,658	2,807,475	1,294,040	22,318	3,407,579	3,667,704	63,910	219,174	8,722,617
Potential outlays for programs in which impoundments made	4,586,289	11,966,144	15,857,469	13,427,205	116,882	23,091,148	9,149,038	107,773	3,250,417	45,241,687
Impoundments as a percent of potential outlays under each rationale category	6.32	10.58	17.070	9.64	19.09	14.76	40.09	59.30	6.74	19.28

ARE PEOPLE SATISFIED WITH CONGRESS?

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. McFALL) is recognized for 5 minutes.

Mr. McFALL. Mr. Speaker, since 96 percent of the Members of the House and 85 percent of the Members of the Senate who ran were reelected in 1972, it appears that we must do something right, notwithstanding the flurry of criticism and advice we receive to make Congress work better. Citizens may rail against the Congress, but they certainly do seem to love their Congressmen. A noted political scientist, Richard Fenno, Jr., of the University of Rochester, has been intrigued by this paradox of attitude toward Congress, and traveled with 10 Representatives to their home districts to help him better understand why people are often satisfied with their Representative but disgusted with the Congress. He notes that different standards of judgment are applied to the individual Members and to the institution, and that such standards are applied inconsistently.

I submit for the RECORD Mr. Fenno's paper, "If, as Ralph Nader Says, Congress is 'The Broken Branch,' How Come We Love Our Congressmen So Much?" presented to the Harvard Club in Boston on December 12, 1972, as part of the Time, Inc., editorial project on "The Role of Congress":

Off and on during the past two years, I accompanied ten members of the House of Representatives as they traveled around in their home districts. In every one of those districts I heard a common theme, one that I had not expected. Invariably, the Representative I was with—young or old, liberal or conservative, Northerner, Southerner, Easterner, or Westerner, Democrat or Republican—was described as "the best Congressman in the United States." Having heard it so often, I now accept the description as fact. I am even prepared to believe the same thing (though I cannot claim to have heard it with my own ears) of the members of the Senate. Each of our 435 Representatives and 100 Senators is, indeed, "the best Congressman in the United States." Which is to say that each enjoys a great deal of support and approbation among his or her constituents. Judging by the election returns, this isn't much of an exaggeration. In the recent election, 96% of all House incumbents who ran were re-elected; and 85% of all Senate incumbents who ran were re-elected. These convincing figures are close to the average re-election rates of incumbents for the past ten elections. We do, it appears, love our Congressmen.

On the other hand, it seems equally clear that we do not love our Congress. Louis Harris reported in 1970 that only one-quarter of the electorate gave Congress a positive rating on its job performance—while nearly two-thirds expressed themselves negatively on the subject. And we would not be here tonight if there were not considerable concern—dramatized recently by the critical Nader project—for the performance of Congress as an institution. On the evidence, we seem to approve of our legislators a good deal more than we do our Legislature. And therein hangs something of a puzzle. If our Congressmen are so good, how can our Congress be so bad? If it is the individuals that make up the institution, why should there be such a disparity in our judgments? What follows are a few reflections on this puzzle.

A first answer is that we apply different standards of judgment, those that we apply to the individual being less demanding than those we apply to the institution. For the individual, our standard is one of representativeness—of personal style and policy views. Stylistically, we ask that our legislator display a sense of identity with us so that we, in turn, can identify with him or her—via personal visits to the district, concern for local projects and individual "cases" and media contact of all sorts, for example. On the policy side, we ask only that his general policy stance does not get too frequently out of line with ours. And, if he should become a national leader in some policy area of interest to us, so much the better. These standards are admittedly vague. But because they are locally defined and locally applied, they are consistent and manageable enough so that legislators can devise rules of thumb to meet them. What is more, by their performance they help shape the standards, thereby making them easier to meet. Thus they win constituent recognition as "the best in the United States." And thus they establish the core relationship for a representative democracy.

For the institution, however, our standards emphasize efforts to solve national problems—a far less tractable task than the one we (and he) set for the individual. Given the inevitable existence of unsolved problems, we are destined to be unhappy with Congressional performance. The individual legislator knows when he has met our standards of representativeness; he is re-elected. But no such definitive measure of legislative success exists. And, precisely because Congress is the most familiar and most human of our national institutions, lacking the distant majesty of the presidency and the Court, it is the easy and natural target of our criticism. We have met our problem solvers, and they are us.

Furthermore, such standards as we do use for judging the institutional performance of Congress are applied inconsistently. In 1963, when public dissatisfaction was as great as in 1970, Congress was criticized for being obstructionist, dilatory and insufficiently cooperative with regard to the Kennedy programs. Two years later, Congress got its highest performance rating of the decade when it cooperated completely with the Executive in rushing the Great Society program into law. But by the late 1960s and early 1970s the standard of judgment had changed radically—from cooperation to counterbalance in Congressional relations with the Executive. Whereas, in 1963, Harris had found "little in the way of public response to the time-honored claim that the Legislative Branch is . . . the guardian against excessive Executive power," by 1968 he found that three-quarters of the electorate wanted Congress to act as the watchdog of the Executive and not to cooperate so readily with it. The easy passage of the Tonkin Resolution reflects the cooperative standards set in the earlier period; its repeal reflects the counterbalancing standards of the recent period. Today we are concerned about Ralph Nader's "broken branch" which, we hear, has lost—and must reclaim from the Executive—its prerogatives in areas such as war making and spending control. To some degree, then, our judgments on Congress are negative because we change our minds frequently concerning the kind of Congress we want. A Congress whose main job is to cooperate with the Executive would look quite different from one whose main job is to counterbalance the Executive.

Beneath the differences in our standards of judgment, however, lies a deeper dynamic of the political system. Senators and Representatives, for their own reasons, spend a good deal more of their time and energy polishing and worrying about their individual performance than they do working at the institution's performance. Though it is, of course, true that their individual activity is related to institutional activity, their first-order concerns are individual, not institutional. Foremost is their desire for re-election. Most members of Congress like their job, want to keep it, and know that there are people back home who want to take it away from them. So they work long and hard at winning re-election. Even those who are safest want election margins large enough to discourage opposition back home and/or to help them float further political ambitions. No matter what other personal goals Representatives and Senators wish to accomplish—increased influence in Washington and helping to make good public policy are the most common—re-election is a necessary means to those ends.

We cannot criticize these priorities—not in a representative system. If we believe the representative should mirror constituency opinion, we must acknowledge that it requires considerable effort for him to find out what should be mirrored. If we believe a representative should be free to vote his judgment, he will have to cultivate his constituents assiduously before they will trust him with such freedom. Either way we will look favorably on his efforts. We come to love our legislators, in the second place, because they so ardently sue for our affections.

As a courtship technique, moreover, they re-enforce our unfavorable judgments about the institution. Every Representative with whom I traveled criticized the Congress and portrayed himself, by contrast, as a fighter against its manifest evils. Members run for Congress by running against Congress. They refurbish their individual reputations as "the best Congressman in the United States" by attacking the collective reputation of the Congress of the United States. Small wonder the voters feel so much more warmly disposed and so much less fickle toward the individuals than toward the institution.

One case in point: the House decision to grant President Nixon a spending ceiling plus authority to cut previously appropriated funds to maintain that ceiling. One-half the Representatives I was with blasted the House for being so spineless that it gave away its power of the purse to the President. The other half blasted the House for being so spineless in exercising its power of the purse that the President had been forced to act. Both groups spoke to supportive audiences; and each man enhanced his individual reputation by attacking the institution. Only by raising both questions, however, could one see the whole picture. Once the President forced the issue, how come the House didn't stand up to him and protect its crucial institutional power over the purse strings? On the other hand, if economic experts agreed that a spending ceiling was called for, how come the House didn't enact it and make the necessary budget cuts in the first place? The answer to the first question lies in the proximity of their re-election battles, which reenforced the tendency of all Representatives to think in individualistic rather than institutional terms. The answer to the second question lies in the total absence of institutional machinery whereby the House (or indeed, the Congress) can make overall spending decisions.

Mention of the institutional mechanims of Congress leads us to a *third* explanation for our prevailing pattern of judgments. When members of Congress think institutionally—as, of course they must—they think in terms of a structure that will be most congenial to the pursuit of their individual concerns—for re-election, for influence or for policy. Since each individual has been independently designated "the best in the United States," each has an equal status and an equal claim to influence within the structure. For these reasons, the members naturally think in terms of a very fragmented, decentralized institution, providing a maximum of opportunity for individual performance, individual influence and individual credit.

The 100-member Senate more completely fits this description than the 435-member House. The smaller body permits a more freewheeling and creative individualism. But both chambrs tend strongly in this direction, and Representatives as well as Senators chafe against centralizing mechanisms. Neither body is organized in hierarchical—or even in well-coordinated—patterns of decision-making. Agreements are reached by some fairly subtle forms of mutual adjustment—by negotiation, bargaining and compromise. And interpersonal relations—of respect, of confidence, trust—are crucial building blocks. The members of Congress, in pursuit of their individual desires, have thus created an institution that is internally quite complex. Its structure and processes are, therefore, very difficult to grasp from the outside.

In order to play out some aspects of the original puzzle, however, we must make the effort. And the committee system, the epitome of fragmentation and decentralization, is a good place to start. The performance of Congress as an institution is very largely the performance of its committees. The Nader project's "broken branch" description is mostly a committee-centered description because that is where the countervailing combination of congressional expertise and political skill resides. To strengthen Congress means strengthening its committees. To love Congress means loving its committees. Certainly when we have not loved our Congress, we have heaped our displeasure upon its committees. The major legislative reorganizations, of 1946 and 1970, were committee-centered reforms—centering on committee jurisdictions, committee democracy and committee staff support. Other continuing criticisms—of the seniority rule for selecting committee chairmen, for example—have centered on the committees.

Like Congress as a whole, committees must be understood first in terms of what they do for the individual member. To begin with, committees are relatively more important to the individual House member than to the individual Senator. The Representative's career inside Congress is very closely tied to his committee. For the only way such a large body can function is to divide into highly specialized and independent committees. Policymaking activity funnels through these committees; so does the legislative activity and influence of the individual legislator. While the Senate has a set of committees paralleling those of the House, a committee assignment is nowhere near as constraining for the career of the individual Senator. The Senate is more loosely organized. Senators sit on many more committees and subcommittees than Representatives, and they have easy access to the work of committees of which they are not members. Senators, too, can command and utilize national publicity to gain influence beyond the confines of their committee. Whereas House committees act as funnels for individual activity, Senate committees act as facilitators of individual activity. The difference in functions is considerable—which is why committee chairmen are a good deal more important in the House than in the Senate and why the first modifications of the seniority rule should have come in the House rather than the Senate. My examples will come from the House.

Given the great importance of his committee to the career of the House member, it follows that we will want to know how each committee can affect such careers. Viewed this way, House committees do not all look the same. Committees that guard such fundamental House prerogatives as taxing and spending like Ways and Means and Appropriations—provide a special opportunity for their members to increase their influence in Washington. Other committees, which deal with currently controversial policy areas—like Education and Labor and Foreign Affairs—provide a special opportunity for their members to pursue their national-policy concerns. Still other committees, which deal with locally important subjects—like Interior and Agriculture—provide a special opportunity for their members to pursue their re-election concerns. House members will be attracted to these various committees for quite different personal reasons. And, we must assume, committees will perform quite differently in accordance with the kind of career assistance they provide for their members.

Where a committee's members are especially interested in pyramiding their individual influence, they will act so as to maintain the influence of their committee (and, hence, their personal influence) within the House. They will adopt procedures that enhance the operating independence of the committee. They will work hard to remain relatively independent of the Executive Branch. And they will try to underpin that independence with such resources as specialized expertise, internal cohesion and the respect of their House colleagues. Ways and Means and Appropriations are committees of this sort. By contrast, where a committee's members are especially interested in getting in on nationally controversial policy action, they will not be much concerned about the independent influence of their committee. They will want to ally themselves closely with any and all groups outside the committee who share their policy views. They want to help enact what they individually regard as good public policy; and if that means ratifying policies shaped elsewhere—in the Executive Branch particularly—so be it. And, since their institutional independence is not a value for them, they make no special effort to acquire such underpinnings as expertise, cohesion or chamber respect. Education and Labor and Foreign Affairs are committees of this sort.

These two types of committees display quite different strengths in their performance. Those of the first type are especially influential. Ways and Means probably makes a greater independent contribution to policymaking than any other House committee. Appropriations probably exerts a more influential overview of Executive Branch activities than any other House committee. The price they pay, however, is a certain decrease in their responsiveness to non-committee forces—as complaints about the closed rule on tax bills and Executive hearings on appropriations bills will attest. Committees of the second type are especially responsive to noncommittee forces and provide easy conduits for outside influence in policymaking. Education and Labor was probably more receptive to President Johnson's Great Society policies than any other House committee; it successfully passed the largest part of that program. Foreign Affairs has probably remained as thoroughly responsive to Executive Branch policies, in foreign aid for instance, as any House committee. The price they pay, however, is a certain decrease in their influence—as complaints about the rubber-stamp Education and Labor Committee and about the impotent Foreign Affairs Committee will attest. In terms of the earlier discussions of institutional performance standards, our hopes for a cooperative Congress lie more with the latter type of committee; our hopes for a counterbalancing Congress lie more with the former.

So, committees differ. And they differ to an important degree according to the desires of their members. This ought to make us wary of blanket descriptions. Within the House, Foreign Affairs may look like a broken branch, but Ways and Means does not. And, across chambers, Senate Foreign Relations (where member incentives are stronger) is a good deal more potent than House Foreign Affairs. With the two Appropriations committees, the reverse is the case. It is not just that "the broken branch" is an undiscriminating, hence inaccurate, description. It is also that blanket descriptions lead to blanket prescriptions. And it just might be that the wisest course of congressional reform would be to identify existing nodes of committee strength and nourish them rather than to prescribe, as we usually do, reforms in equal dosages for all committees.

One lesson of the analysis should be that member incentives must exist to support any kind of committee activity. Where incentives vary, it may be silly to prescribe the same functions and resources for all committees. The Reorganization Act of 1946 mandated all committees to exercise "continuous watchfulness" over the Executive Branch—in the absence of any supporting incentive system. We have gotten overview activity only where random individuals have found an incentive for doing so—not by most committees and certainly not continuously. Similarly, I suspect that our current interest in exhorting all committees to acquire more information with which to combat the Executive may be misplaced. Information is relatively easy to come by—and some committees have a lot of it. What is hard to come by is the incentive to use it, not to mention the time and the trust necessary to make it useful. I am not suggesting a set of reforms but rather a somewhat different strategy of committee reforms—less wholesale, more retail.

Since the best-known target of wholesale committee reform is the seniority rule, it deserves special comment. If our attacks on the rule have any substance to them, if they are anything other than symbolic, the complaint must be that some or all committee chairmen are not doing a good job. But we can only find out whether this is so by conducting a committee-by-committee examination. Paradoxically, our discussions of the seniority rule tend to steer us away from such a retail examination by mounting very broad, across-the-board kinds of arguments against chairmen as a class—arguments about their old age, their conservatism, their national unrepresentativeness. Such arguments produce great cartoon copy, easy editorial broadsides, and sitting-duck targets for our Congressmen on the stump. But we ought not to let the arguments themselves, nor the Pavlovian public reactions induced by our cartoonists, editorial writers and representatives, pass for good institutional analysis. Rather, they have diverted us from that task.

More crucial to a committee's performance than the selection of its chairman is his working relationship with the other committee members. Does he agree with his members on the functions of the committee? Does he act to facilitate the achievement of their individual concerns? Do they approve of his performance as chairman? Where there is real disagreement between chairman and members, close analysis may lead us to fault the members and not the chairman. If so, we should be focusing our criticisms on the members. If the fault lies with the chairman, a majority of the members have the power to bring him to heel. They need not kill the king; they can constitutionalize the monarchy. While outsiders have been crying "off with his head," the members of several committees have been quietly and effectively constitutionalizing the monarchy. Education and Labor, Post Office, and Interior are recent examples where dissatisfied committee majorities have subjected their chairmen to majority control. Where this has not been done, it is probably due to member satisfaction, member timidity, member disinterest or member incompetence. And the time we spend railing against the seniority rule might be better spent finding out, for each congressional committee, just which of these is the case. If, as a final possibility, a chairman and his members are united in opposition to the majority part or to the rest of us, the seniority rule is not the problem. More to the point, as I suspect is usually the case, the reasons and the ways individual members get sorted onto the various committees is the critical factor. In sum, I am not saying that the seniority rule is a good thing. I am saying that, for committee performance, it is not a very important thing.

What has all this got to do with the original puzzle—that we love our Congressmen so much more than our Congress? We began with a few explanatory guesses. Our standards of judgment for individual performance are more easily met; the individual member works harder winning approval for himself than for his institution; and Congress is a complex institution, difficult for us to understand. The more we try to understand Congress—as we did briefly with the committee system—the more we are forced to peel back the institutional layers until we reach the individual member. At that point, it becomes hard to separate, as we normally do, our judgments about Congressmen and Congress. The more we come to see institutional performance as influenced by the desires of the individual member, the more the original puzzle ought to resolve itself. For as the independence of our two judgments decreases, the disparity between them ought to grow smaller. But if we are to hold this perspective on Congress, we shall need to understand the close individual-institution relationship—chamber by chamber, party by party, committee by committee, legislator by legislator.

This is not counsel of despair. It is a counsel of sharper focus and a more discriminating eye. It counsels the mass media, for example, to forego "broken branch" type generalizations about Congress in favor of examining a committee in depth, or to forego broad criticism of the seniority rule for a close look at a committee chairman. It counsels the rest of us to focus more on the individual member and to fix the terms of our dialogue with him more aggressively. It counsels us to fix terms that will force him to think more institutionally and which will hold him more accountable for the performance of the institution. "Who Runs Congress," asks the title of the Nader report. "The President, Big Business or You?" From the perspective of this paper, it is none of these. It is the members who run Congress. And we get pretty much the kind of Congress they want. We shall get a different kind of Congress when we elect different kinds of Congressmen or when we start applying different standards of judgment to old Congressmen. Whether or not we ought to have a different kind of Congress is still another, much larger, puzzle.

FEDERAL CONFLICT OF INTEREST ACT OF 1973

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. Rosenthal) is recognized for 10 minutes.

Mr. ROSENTHAL. Mr. Speaker, I am reintroducing today, with cosponsors, the Federal Conflict of Interest Act of 1973. This legislation is designed to prevent Federal officials who have come to the Government from private industry, from making decisions and establishing policy in subject areas related to the interests of their former industries. It also provides for the public disclosure, by such individuals, of all prior employment or financial interest in Government regulated groups.

Mr. Speaker, existing conflict of interest laws prevent individuals who have left Government service for industry jobs from representing their industry before the Government. But, they do not prohibit individuals who have left industry for top Government service from making decisions which involve their former business interests. Moreover, existing conflict laws are inadequately enforced because the Justice Department is reluctant to investigate and prosecute its administration's appointees.

In my view, the principal reason for the public's low esteem for those running the executive branch, relates to the disturbing number of proven or suspected conflicts of interest among high Federal employees. Like the Canons of Judicial Ethics, Government policymakers should scrupulously avoid even the "appearance" of conflict of interest. But such an appearance is inevitable when the president of an oil company or defense contractor is appointed to head up a Federal agency with direct responsibility over the affairs of his former business interests.

Not only must such potential conflicts of interest be prohibited, but a new mechanism must be found for prosecuting such violations when they occur. Specifically, then, the Federal Conflict of Interest Act of 1973 would:

Prohibit executive branch Federal employees from participating in any Federal regulatory action or policy decision which first, involves any special interest in which such employee had a substantial economic interest, including employment, any time during a period of 2 years prior to the commencement of Government service, or second, involves any subject matter concerning which such employee has been involved or participated personally for a special interest at any time;

Require executive branch Federal employees to publically disclose all prior employment or financial interest in Government regulated special interest groups, within 30 days after Federal employment has begun;

Require the dismissal of any executive branch Federal employee who takes or holds office in violation of the act;

Provide a private right of action to any citizen in U.S. district court to enforce, by mandamus, the provisions of the act; and

Require the Comptroller General of the United States, pursuant to his official responsibility to monitor the expenditure of public funds, to investigate and report to Congress on all instances of suspected payment of public funds to executive branch employees in violation of this act or other conflict-of-interest laws—and to seek restitution of such illegal payments.

The final two provisions would serve as an independent check on the enforcement of the law by the Attorney General.

The cosponsors are: Ms. Abzug, Mr. Bell, Mr. Brown of California, Mr. Burton, Ms. Chisholm, Mr. Conyers, Mr. Harrington, Mr. Hechler of West Virginia, Mr. Helstoski, Mr. Moakley, Mr. Rangel, Mr. Rinaldo, Mr. Stark, Mr. Wolff, and Mr. Won Pat.

The bill follows:

H.R. —

A bill to restrict the activities of certain Federal employees and officers, to provide private remedies to implement these restrictions, and to facilitate the enforcement of existing conflict of interest statutes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Federal Conflict of Interest Act of 1973".

Sec. 2. The Congress finds that the administration and enforcement of Federal statutes and the public's confidence in governmental processes are seriously undermined by the absence of effective restrictions on the activities of employees in policymaking positions whose economic interests have been closely allied with corporations, industries, or other groups regulated by agencies and entities in the executive branch; and that existing conflict of interest laws deal inadequately or not at all with the types of activities to be performed by Federal officials whose immediately previous associations and economic interests are tied to special interest groups regulated by the Federal Government. The Congress also finds that there is a reluctance on the part of any administration in office to investigate and prosecute violations of the conflict of interest laws by existing or former officials of that administration.

It is the purpose of this Act, therefore, to circumscribe the Government activities of persons whose prior employment was with a regulated group, to permit judicial enforcement by private persons of the provisions of this Act, and to establish an independent mechanism for the purpose of monitoring the enforcement of existing conflict of interest statutes.

Sec. 3. No officer or employee in the executive branch of the Federal Government, whose rate of pay is equal to or greater than the rate established for level GS–16 in the General Schedule under section 5332 of title 5 of the United States Code or who occupies a professional or technical position with duties of a nature that the employee could cause an economic advantage for or handicap against a special interest in the discharge of his official duties and responsibilities or who occupies a management, administrative, or investigative position, in either regulatory or management echelons, where his actions are likely to have a significant impact on special interest enterprises, shall—

(1) participate in any Federal regulatory action or policy decision which involves any special interest in which such officer or employee had a substantial economic involvement any time during a period of two years prior to the commencement of the term of office or employment of such officer or employee; or

(2) participate in any Federal regulatory action or policy decision involving any subject matter concerning which such officer or employee has been involved or participated personally for or represented a special interest.

SEC. 4. Each officer or employee in the executive branch of the Federal Government, whose rate of pay is equal to or greater than the rate established for level GS-16 in the General Schedule under section 5332 of title 5 of the United States Code or who occupies a professional or technical position with duties of a nature that the employee could cause an economic advantage for or handicap against a special interest in the discharge of his official duties and responsibilities or who occupies a management, administrative, or investigative position, in either regulatory or management echelons, where his actions are likely to have a significant impact on special interest enterprises, shall within thirty days of the commencement of any Federal office or employment submit to the head of the agency or entity in connection with which such office or employment is held a detailed statement of such officer's or employee's former substantial economic involvement with any special interests. Such statement shall include the dates and a comprehensive description of such substantial economic involvement, including all work done for such special interest in connection with the Federal Government. All such statements shall be made available for public inspection on request, under rules made by the Civil Service Commission.

SEC. 5. The head of each agency or entity may make a specific individual exception, in the case of a particular and specific regulatory action or policy decision, to the provisions of section 3 of this Act whenever such head determines in writing that to make that specific individual exception is essential to the public interest, except that with respect to the head of each agency or entity, such exception and written determination shall be made by the President. Such written determination shall be available for public inspection on request, under rules made by the Civil Service Commission.

SEC. 6. (a) It shall be the duty of every officer and employee of the United States having the authority to do so to dismiss any other officer or employee who takes or holds office or employment in violation of section 3 of this Act, and any person may by action in the nature of mandamus compel any officer or employee of the United States to execute the duty imposed by this subsection.

(b) Any person may by action in the nature of mandamus or prohibition prevent any officer or employee from participating in any Federal regulatory action or policy decision in violation of section 3 and require compliance with section 4 of this Act.

SEC. 7. For the purposes of this Act—

(1) with respect to any officer or employee, the term "special interest" means any corporation, industry, trade, labor union, or other similar group, if such corporation, industry, trade, labor union, or other similar group is regulated or directly affected by the policies and decisions of such officer or employee in his official Federal capacity; and

(2) the term "substantial economic involvement" means any involvement through investment, or as an employee, or otherwise, which directly or indirectly either (A) produces, or (B) equals one-quarter or more of the annual income of an individual, or of such individual's spouse, if any, or of both combined.

SEC. 8. (a) This Act shall not apply to the President and Vice President or to anyone occupying a position in the White House Office or on the staff of the Vice President, except that, this Act shall apply to any such person if he is also an officer or employee in the executive branch of Government within the meaning of section 3.

(b) This Act shall not apply to any special Government employee, as that term is defined in section 202(a) of title 18 of the United States Code, except that each such employee and each other person serving on any Government advisory body shall file a written report within thirty days of the commencement of such Government employment or service with the head of the agency or entity with which such employment or service commences, and such report shall set forth such employee's or person's past and present employment and duties for any special interest. All such reports shall be made available for public inspection on request, under rules made by the Civil Service Commission.

SEC. 9. (a) The payment of any salary or emolument with respect to office or employment held during violation of this Act or violation of any prohibition imposed in section 205, 207, or 208 of title 18 of the United States Code shall be deemed an expenditure made in violation of the law, and it shall be the duty of the Comptroller General to investigate on a continuing basis, under section 312(a) of the Budget and Accounting Act, 1921 (31 U.S.C. 53(a)), the legality of payment of public funds to Federal officers and employees, and to report any such expenditure made in violation of the law to the Congress under section 312(c) of such Act (31 U.S.C. 53(c)).

(b) The total salary or emolument received in violation of the law under subsection (a) shall constitute—

(1) an indebtedness due to the United States for the purposes of withholding pay of an employee removed for cause under section 5511 of title 5 of the United States Code; and

(2) arrears to the United States for the purposes of withholding pay until arrears are settled under section 5512 of title 5 of the United States Code.

(c) When the General Accounting Office disallows credit or raises a charge because of a payment to an individual made in violation of the law under subsection (a) or (b) of this section, section 5513 of title 5 of the United States Code (relating to withholding of pay) shall apply.

(d) Section 5514 of title 5 of the United States Code (relating to installment deductions from pay for indebtedness because of erroneous payment) shall apply to an indebtedness incurred under this section.

(e) Section 5584 of title 5 of the United States Code (relating to waiver of claims for overpayment of pay where such claims are against equity and good conscience) shall apply to any claim of the United States arising under this section.

(f) The Comptroller General shall have available for the purposes of this Act the applicable authorities, remedies, and procedures established under the Budget and Accounting Act, 1921, and under title 5 of the United States Code.

(g) All departments and establishments shall furnish the Comptroller General with such information relevant to his duties under this Act as the Comptroller General may require of them under section 313 of the Budget and Accounting Act, 1921 (31 U.S.C. 54).

SEC. 10. This Act shall take effect on the sixtieth calendar day following the date of its enactment, or on such earlier date on or after its enactment as the President shall determine and publish in the Federal Register.

COMPREHENSIVE OLDER AMERICANS SERVICES AMENDMENT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Mississippi (Mr. MONTGOMERY) is recognized for 10 minutes.

Mr. MONTGOMERY. Mr. Speaker, in November of last year, I made a commitment to myself and the people I represent that I would devote more of my time and energies to older Americans in the future. For this reason I am very pleased to announce my support for H.R. 71, the Comprehensive Older Americans Services Amendment of 1973.

Even though I do not agree with every section of the measure, I do support its overall objectives to improve the quality of life for our senior citizens and to assist them in remaining in the mainstream of our society as productive citizens. Those programs which I find most beneficial are the nutrition program, older readers services, retired senior volunteer program, foster grandparent program and national information and resource clearinghouse for the aging.

I do have some reservations about the sections of the bill authorizing multidisciplinary centers of gerontology and the multipurpose senior centers. I feel these programs might prove to be duplicative of present projects on the local level.

It is noteworthy that H.R. 71 has reduced the authorization level by some $600 million from a similar bill that was pocket vetoed by President Nixon in the 92d Congress. For those of us who feel that the levels of authorization are still excessive, I would point out that we can and should provide funds on a more realistic level when we reach the appropriations process.

What we must realize is the necessity to continue the firm commitment we, as a Nation, made in 1965 to provide a more meaningful life with dignity for our senior citizens. I might add that I would prefer that the 1965 act be known as the Senior Citizens or Golden Citizens Act rather than the Older Americans Act. Even though the people we attempt to help might be old in terms of the calendar, they are far from old when it comes to spirit and desire.

Mr. Speaker, H.R. 71 will help to prove once and for all that the age old theory that once a person reaches age 60 or 65 he or she loses their capacity to be productive is in error. In proving the wrongness of this theory, we will also reap immeasurable benefits for our Nation as a whole.

SURFACE TRANSPORTATION ACT OF 1973

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington (Mr. ADAMS) is recognized for 5 minutes.

Mr. ADAMS. Mr. Speaker, I am introducing today the Surface Transportation Act of 1973. The text of this bill is identical to H.R. 16281, which was favorably reported by the Subcommittee on Transportation and Aeronautics at the close of the last Congress; because of lack of time, the bill was not considered by the full Commerce Committee. In reintroducing this measure, I am happy that the following of my colleagues have joined me as sponsors: Mr. JARMAN, the distinguished chairman of the subcommittee, Mr. DINGELL, Mr. PODELL, Mr. PICKLE, Mr. DEVINE, Mr. KUYKENDALL, Mr. BRECKINRIDGE, and Mr. BERGLAND.

The bill will provide much needed financial assistance, in the form of loan guarantees, to the surface transportation industry and will insure loans for railroad acquisition of locomotives and rolling stock. The current car shortage created by the huge Russian grain shipment gives urgency to the financial assistance provisions of this bill. Through guarantees of loans from the financial community, the Government can help to generate the private capital the railroads sorely need to upgrade and to restore tracks, roadbed, signal systems, yards, terminals, and other basic facilities.

In addition, the bill woud prohibit discriminatory State taxation, which has burdened the railroads for years; establish a better procedure for abandonment of unnecessary track; direct the ICC to develop better procedures for determining adequate revenue levels for surface carriers; and discriminatory Government rates, and allow greater freedom for independent action by individual members of rate bureaus.

Mr. Speaker, the bill I am introducing today will undoubtedly undergo further changes since the whole transportation crisis is changing day by day. It should be seen as a starting point for action in the 93d Congress. During the last session I repeatedly warned of impending disaster if Congress did not act. Now this has taken place with a series of reorganization proceedings which now threaten liquidation of northeastern railroads.

The text of this bill is the result of many days of hearings in the last Congress and much hard work. Last year, it was sponsored by every member of the Transportation Subcommittee but one. It represents a consensus on a number of points, but some sections are still being debated throughout the Nation.

The bill has the support of the three major transportation groups who are directly affected by it, the rail, motor and water carriers. It attempts to meet the legitimate concerns of railway labor regarding the impact that its provisions will have on jobs and job security. It can be joined with H.R. 4897 which I introduced last week to deal with the problems of the bankrupt roads.

I know that the shippers and certain labor organizations strongly feel that there should be additional changes made in the regulatory and abandonment procedures, and these are issues which will be considered during hearings.

In this year's hearings, I hope we will be able to focus on particular areas of controversy not dealt with in the present bill, and build on the broad areas of agreement which we have achieved. I cannot emphasize enough the importance for action on this measure and on H.R. 4897 during this session of Congress. We are facing now the disastrous consequence of a failure to act last year which has produced the collapse of the railroad system in the East. The financial assistance provided by these bills cannot only forestall similar transportation disasters in other regions of the country but will begin to create a viable intermodal system throughout the Nation. If we do not act promptly, I foresee another wave of railroad bankruptcies in the Midwest and a general weakening of the Nation's vital transportation resources. Enactment of a Surface Transportation Act should be of concern to all—not only the carriers, but the shippers, the farmers, rail labor, and the consumer. A weak and fragmented transportation system will affect their lives, their jobs, and the costs of the goods they buy.

The Surface Transportation Act and the Essential Rail Services Act (H.R. 4897) can make a good beginning toward revitalizing and maintaining a healthy transportation system, which will meet the ever growing transportation needs of the country.

For the benefit of my colleagues, I am placing in the RECORD a summary of the provisions of the bill, and I ask unanimous consent that it be printed at the conclusion of my remarks.

SUMMARY OF SURFACE TRANSPORTATION ACT OF 1973

TITLE I—FINANCIAL ASSISTANCE TO SURFACE TRANSPORTATION COMPANIES

SEC. 101. Short title—This title may be cited as the "Financing Division and Railroad Equipment Obligation Insurance Fund Act".

SEC. 102. Establishment of a Revenue Financing Division, Department of Transportation, for Financial Assistance to Surface Transportation Companies.

This section creates a new division within the Department of Transportation, modeled after the Reconstruction Finance Corporation (RFC) of the 1930's and 1940's, and authorizes the Secretary to guarantee loans to regulated motor, water and rail carriers and freight forwarders. In the case of railroads, loan guarantees are limited to capital items such as plant, yard, signals, and others. Before any loan guarantees are authorized, the Secretary must make a finding that the public interest would be served and that financial assistance is not otherwise available. $2 billion in loan guarantees is authorized.

SEC. 103. Railroad Equipment Obligation Insurance Fund.

This establishes a railroad rolling stock loan insurance fund and authorizes up to $3 billion in outstanding insured loans for general service rail cars, locomotives and cabooses.

SEC. 104. Rolling Stock Scheduling and Control Systems.

This section authorizes $35 million for the design of a computerized freight car information service. The Secretary of Transportation is to assist in the design of such a system and to provide financial and technical assistance to the railroads for this purpose.

TITLE II—PROVISIONS RELATING TO INTRASTATE RATE PROCEDURES AND DISCRIMINATORY STATE TAX PRACTICES

SEC. 201. Discriminatory State Taxation.

This section will make unlawful the imposition of unreasonable and unjust taxes on transportation property as a burden on interstate commerce.

TITLE III—PROCEDURES FOR ABANDONMENT OF NONPRODUCTIVE RAIL FACILITIES

SEC. 301. Short title—This title may be cited as "Abandonment of Nonproductive Rail Facilities Act."

SEC. 302. Expeditious administrative procedures for nonproductive facilities.

This section establishes guidelines and standards for abandonment and allows unprofitable, light density rail lines to be abandoned more expeditiously.

It would require a hearing and the postponement of abandonment for six months if I.C.C. institutes an investigation; mandate posting of abandonment notice in every station on line and to all shippers and receivers who used line in preceding 18 months; require 90 days' notice of abandonment to I.C.C.; allow additional six months for states, localities or shippers to develop ways to eliminate deficits; specific that the burden of proof shall be on the carrier; would require each railroad to file with the I.C.C. a diagram of its traffic density on its entire system; would require a hearing and the postponement of abandonment for six months.

TITLE IV—PROVISIONS RELATING TO COMPETITIVE EQUITY

SEC. 401. This title may be cited as the "Competitive Equity Act of 1972."

SEC. 402. Establishment of Minimum Compensatory Rates.

This section establishes a rate "floor" at the cost compensatory to the provision of transportation services. No rate would be allowed to fall below the compensatory cost level.

SEC. 403. Development and Implementation of Adequate Revenue Levels.

The I.C.C would be required by this section to develop procedures and standards for determining adequate revenue levels of surface carriers to replace the present standard of "just and reasonable." Specific criteria are required to be considered by the I.C.C. in its determination.

SEC. 404. Development and Implementation of Interim Rate Adjustments.

This would require the I.C.C. to develop standards for interim rate adjustments and would authorize the granting of such interim adjustments.

SEC. 405. Report Filing and Rate Publication Extension to Water Transport of Dry Bulk Commodities.

This section will require publication, but not economic regulation, of rates at which transportation of dry bulk commodities is performed by exempt water carriers.

TITLE V—AGREEMENTS BETWEEN CARRIERS

SEC. 501. This title may be cited as the "Rate Bureau Modernization Act."

SEC. 502. Disposition of Rates by Bureaus Within Specified Time Period.

This section requires rate bureaus to dispose of rates, rules and charges within 120 days after docketing before the bureaus.

SEC. 503. Single Line Rates.

Prohibits railroad carriers voting on single line matters and prohibits rate bureaus protesting before ICC independent action in motor carrier industry where proposed rates are above compensatory cost.

SEC. 504. I.C.C. Study of Rate Bureaus.

Directs the I.C.C. to study rate bureaus and to make a report and recommendations to Congress within 12 months.

TITLE VI—REPEAL OF DISCRIMINATORY GOVERNMENT RATES

This title modifies Section 22 of the Interstate Commerce Act by repealing that portion which permits rail and motor carriers to provide transportation to Federal, state and municipal governments at no cost or at rates below those charged private shippers.

TITLE VII—STUDY AND REPORT BY INTERSTATE COMMERCE COMMISSION AND ESTABLISHMENT OF UNIFORM COST ACCOUNTING

SEC. 701. Establishment of Uniform Cost Accounting System under Interstate Commerce Act.

This requires the I.C.C. to develop a uniform system of accounts for the purposes of the Surface Transportation Act within one year.

TITLE VIII—INDEPENDENT BUDGETARY STATUS OF INTERSTATE COMMERCE COMMISSION

SEC. 801. Short title—This title may be cited as the "Interstate Commerce Commission Budget Submission Act."

SEC. 802. Direct Submission of Interstate Commerce Commission budget.

Under this section, I.C.C. budget would be directly submitted to the Congress without prior executive branch action on the proposed budget.

TITLE IX—MISCELLANEOUS

SEC. 901. Effective dates.

SEC. 902. Separability.

NO FAULT PLAN FOR THE DISTRICT OF COLUMBIA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia (Mr. STUCKEY) is recognized for 10 minutes.

Mr. STUCKEY. Mr. Speaker, today, I am introducing legislation that will replace the automobile insurance system now in effect in the District of Columbia. The present system is inefficient, insensitive, inequitable, in fact, indefensible.

This action is long overdue. The 200,000 District residents who are consumers of automobile insurance need an automobile insurance system that is efficient, fair, nondiscriminatory, and moderately priced.

In my analysis of the current insurance system, there are five major deficiencies. First, it has failed to respond to the needs of auto accident victims. Many so-called "innocent" victims are inadequately compensated for their losses. Benefit dollars are poorly distributed among victims; some innocent victims recover nothing.

Second, not only is the system incomplete, but payments are inordinately slow. One of the serious consequences of this delay has been an absence of economic incentive and the means to enable victims to rehabilitate themselves. The current system has prevented the continuance or pursuit of careers and new opportunities.

Third, instead of spending a sufficient amount of the dollars collected in premiums on compensating the victims, far too many dollars are being spent for administrative costs and lawyers fees.

Fourth, the system has been ineffective as a deterrent to faulty driving. In fact, that is the point of the tort liability system—to protect drivers from the possibility of negligence on their part.

Fifth, the system can be highly discriminatory. This deficiency, indeed injustice, was summarized cogently in congressional testimony last month by Richard H. Austin, secretary of state for Michigan, which enacted the Nation's most progressive no-fault law last year:

> Of equal concern is the imposition by the present system of hardships on many segments of our population and its fostering of inequities and injustices on other groups.
>
> Today, thousands of auto owners in Detroit are either denied insurance or priced out of the market simply because of where they live. Their address, not their driving record, is the test.
>
> Young drivers—those under twenty-one—who were old enough to fight in Vietnam and vote for President of the United States are not old enough to be treated as equals when it comes to auto insurance.
>
> Our senior citizens—some of whom have driven for 50 years without ever receiving any reimbursement for a car mishap or for an insurance claim—are often arbitrarily refused a policy or may find their policy doubled in cost, just at the time their income has diminished or ceased to exist altogether.
>
> Some insurance companies are charged with discriminating because of color; some base their judgments on marital status; some on the type of employment of the applicant. A wide variety of standards are in use. None that I know of are based on purely objective, relevant data.
>
> The economic burden of the present system falls most heavily on those who can least afford it. These include the victims as well as the insured.
>
> The Department of Transportation study referred to previously, notes that families with an annual income under $10,000 recover only 45% of their medical wage and property losses while those having an income in excess of $10,000 recover 61% of their losses. Low-income insureds subsidize their more affluent counterparts through payment of premiums considerably in excess of their own exposure to loss.

The DOT studies quoted by Mr. Austin furnish evidence that the present system works very poorly, and that for millions of accident victims it does not work at all. Consider the following:

A DOT study of automobile accidents in Metropolitan Washington reveals that 49 percent of the automobile deaths in a 1-year period did not lead to any recovery whatever from an automobile insurance policy. In the same period, 43 percent of those injured but not killed in the District received absolutely nothing from automobile insurance.

Of every dollar the public pays for automobile liability insurance, 56 cents goes for overhead, profit, and attorney fees, and the like—and only 14½ cents goes for compensation of otherwise uncompensated economic losses. This means that, in order to get 1 dollar's worth of compensation for otherwise uncompensated economic losses, the policyholder must pay nearly $7 in automobile liability premiums.

The fault system has the bizarre result of paying slightly injured plaintiffs more than their actual losses and badly injured plaintiffs much less than their losses. For economic losses under $500, successful plaintiffs under the fault system recover an average of 45 percent of their economic losses, but victims with economic losses over $25,000 recover an average of only 30 percent of their loss through tort actions.

The bill I am introducing today meets every one of these five deficiencies and offers significant advantages. It incorporates, in every major respect, the provisions of the Uniform Motor Vehicle Accident Reparations Act—UMVARA—which was prepared and adopted by the prestigious National Conference of Commissioners on Uniform State Laws under grants from the DOT.

Essentially, my bill creates a system that will compensate every victim of every auto accident in the District of Columbia for: First, all reasonable medical, hospital, and rehabilitation costs—from the first dollar to the last; second, wage loss of up to $200 a week—with no limit on the number of weeks—and more wage-loss protection can be purchased as an optional coverage; third, the cost of services to replace those that would have been performed by injured housewives, up to $200 a week also; fourth, death benefits of up to $200 a week for the families of wage earners killed in auto accidents; fifth, service replacement benefits of up to $200 a week for the families of those killed in auto accidents; and, sixth, damage to motor vehicles, with any deductible the policyholder chooses.

These benefits will be payable without regard to who was at fault in the accident. They will be paid monthly as loss accrues. These benefits must be paid within 30 days after notice of loss to the insurer; overdue payments bear interest at 18 percent per year.

Because of the small size of the District of Columbia, its geographic location, the heavy use of its streets and highways by out-of-District commuters and tourists, and its current high number of uninsured motorists, my bill requires that every vehicle using the District's streets and highways carry insurance providing, at the very least, the benefits described above. Only in this fashion will all accident victims be assured of adequate compensation for their losses.

My bill also eliminates all tort actions arising out of auto accidents in the District of Columbia in cases where losses do not exceed the insurance benefits available. And, when losses do exceed insurance benefits, only those persons sustaining serious injury will be eligible to recover excess economic losses. These restrictions of the tort remedy and of what is now called "pain and suffering" or "general damages" are essential to a rational and efficient auto accident reparation system.

By taking the great majority of the District's 46,000 accident cases out of the tort system, we can channel the resources saved into benefits for all accident victims. By limiting "pain and suffering" awards to the truly serious cases, we can save enough additional money to cut bodily injury rates in the District by 15 percent immediately.

Indeed, my bill requires insurance companies to provide this rate reduction, so that the benefits of no-fault can be realized immediately by District of Columbia policyholders.

Because the insurance under the plan is compulsory, I feel it is imperative that insurers provide it to all licensed drivers willing to pay the premium, and that they keep it in force unless the insured fails to pay the premium, or is found to have used fraud in obtaining the policy. This no-fault proposal makes these consumer safeguards explicit.

To assure, to the greatest extent possible, that all drivers using the District's streets and highways have the required coverage, the bill makes failure to possess it a misdemeanor punishable by a fine of up to $300.

As things now stand in the District of Columbia, under our antiquated tort law, every visitor who comes here risks being involved in an accident with one of the District's estimated 80,000 uninsured motorists—and would receive no compensation for his loss. According to my bill, he will be protected by his own insurer, and any motorist who chooses to remain uninsured denies compensation only to himself. Those riding with him will usually have recourse to an assigned claims facility provided for in the bill.

To further protect residents of both the District and other jurisdictions in which District motorists may drive, my bill requires each insurance policy to include liability coverage for up to $20,000 of loss in excess of no-fault benefits in the District and for up to whatever the financial responsibility laws specify in other jurisdictions. A District motorist's no-fault benefits will be payable no matter what State he drives in.

This, then, is the no-fault system proposed in the bill. It corrects the inherent, deficiencies in the tort liability system. It offers desirable advantages not realized by the current system. It will establish an auto insurance system that is efficient yet moderately priced, fair while humane, and nondiscriminatory yet responsive to driving records.

A description of the bill and a list of advantages of no-fault automobile insurance to the District of Columbia, follows:

DISTRICT OF COLUMBIA NO-FAULT AUTOMOBILE INSURANCE ACT

Compulsory—Yes. Owner of a motor vehicle registered or operated in the District of Columbia must continuously maintain security for payment of tort judgments and basic reparation benefits under this Act—Section 8(c). Liability limits are $10,000 for bodily injury to any one person, $20,000 aggregate, as a result of any one accident and $5,000 property damage as a result of any one accident—Section 11. Pre-registration requirement imposed—Section 8. Penalty for noncompliance is maximum of $300, or 90 days, or both—Section 38.

Vehicles Included—Private passenger, public passenger, commercial—Section 1.

First Party Benefits—

(1) *Allowable expense*—

(a) *Medical*—Unlimited. All reasonable medical expenses, including rehabilitation and rehabilitative occupational training. No time limit—Section 1.

(b) *Funeral*—Up to $1,000 for expenses related to funeral, cremation and burial—Section 1.

(2) *Work loss; replacement services loss; survivor's economic loss; and survivor's replacement services loss*—Up to $200 per week for all such loss attributable to the injury of any one person. No time limit or aggregate dollar limit. If earnings are seasonal or irregular, weekly limit will be apportioned on an annual basis—Section 14.

(a) *Work loss*—Loss of income from work, plus expenses incurred by injured person (especially a self-employed person) in obtaining services to replace those he would have performed for income, minus income from substitute work which injured person did, or could have performed, after injury—Section 1. If work loss benefits are not taxable income, value of tax advantage (not to exceed 15% of loss of income) shall be subtracted from benefits—Section 12(b).

(b) *Replacement services loss*—Expenses incurred by injured person beginning one week after injury in obtaining services to replace those he would have performed gratuitously for the benefit of himself or his family—Sections 1 and 13.

(c) *Survivor's economic loss, Survivor's replacement services loss*—Contributions of things of economic value: excluding services, which deceased would have given to survivors, plus expenses incurred in obtaining services to replace those that decedent would have performed for benefit of survivors. Benefits to survivors shall be reduced by expenses which survivors avoided because of decedent's death—Section 1. "Survivors" are to be defined by reference to the wrongful death statute of the District of Columbia—Section 1.

Tort Exemptions; Limitation on General Damages—Section 6(a) abolishes tort liability arising from the ownership, maintenance or use of a motor vehicle within the District of Columbia, except as to liability for:

(1) Damages resulting from an uninsured motor vehicle;

(2) Personal injury or property damage resulting from an act or omission arising in the course of a business of repairing, servicing, or otherwise maintaining motor vehicles;

(3) Damages resulting from intentionally caused harm;

(5) Physical damage to a motor vehicle and its contents arising in the course of a business of parking or storing motor vehicles;

(6) *Special damages* for work loss, replacement services loss and survivor's loss which were not recoverable as basic reparation benefits because of Section 14's $200 per week limit *and* which occurred after the injured person was disabled for more than 6 months, or after his injury caused death; and

(7) *General damages* if the accident causes death, significant permanent injury, serious permanent disfigurement, or more than 6 months of "complete inability of the injured person to work in an occupation." The quoted phrase is defined as the "inability to perform, on even a part-time basis, even some of the duties required of his occupation, or if unemployed at the time of injury, of any occupations for which the injured person was qualified."

Benefits—Primary—Basic and added reparation benefits are primary, but social security, and workmen's compensation benefits are subtracted—Section 12(a).

Insurance Follows Family—Yes. Except for occupants or drivers of vehicles used in business of transporting persons or property, and employees driving or occupying vehicles furnished by an employer, the policy under which the injured person is a basic reparation insured applies to his injury—Section 5. If an occupant or driver is not a basic reparation insured, the policy applicable to such person's injury is the policy covering the vehicle—Section 5. A non-occupant not otherwise covered is protected by the policy covering any vehicle involved in the accident—Section 5.

Subrogation—No. An insurer providing basic or added reparation benefits shall not be subrogated to the rights of a recipient of such benefits to the proceeds of his claim or cause of action for general damages (i.e. in those cases arising under the four "serious injury" exceptions—Section 6 and Section 7.

Whenever a person entitled to basic or an reparation benefits has a cause of action against any other person for breach of an obligation or duty causing the injury, (e.g. a person outside the system) the insurer *is* subrogated, *and* has a separate cause of action, to the extent that the insurer has paid, or has become obligated to pay, such benefits, and that special damages equivalent to such benefits are recoverable—Section 7(b).

An insurer paying basic or added reparation benefits for personal injury or property damage has a right to *indemnity* against a person who has converted, or has intentionally caused harm with, a motor vehicle involved in an accident for: benefits paid; cost of processing claims for those benefits; and attorneys' fees and other expenses of enforcing the right of indemnity—Section 7(c).

Property Damage—Basic reparation benefits do not cover physical damage to property—Section 16. However, tort liability is not abolished for property other than a motor vehicle and its contents—Section 6(a)(4).

Added Reparation Benefits—Superintendent of Insurance *may* require insurers to offer specific added reparation benefits: for loss excluded by limits on hospital charges, funeral, cremation, and burial expense; work loss; replacement services loss; and survivor's economic and replacement services loss; and additional benefits for damage to property; loss of use of motor vehicles; and noneconomic detriment—Section 17(a).

Triple Option—Insurers who provide first party benefits *shall* offer additional first party benefits for: motor vehicle collision damage, subject to a $100 deductible; and such damage only to the extent the insured has a valid claim in tort against another identified person (or would have had such a claim, if tort liability had not been abolished under Section 6(a)(4)), offered both with and without a $100 deductible—Section 17(b).

Added reparation benefits are payable for injuries or damage suffered in the District of Columbia or anywhere in the United States, its territories and possessions or Canada—Section 17(e).

Optional Deductibles and Exclusions—Insurers *shall* offer: (1) deductibles, in amounts to be determined by the Superintendent of Insurance, (allocated equally among 2 or more insureds under one policy if they are injured in the same accident); (2) a deductible, in an amount to be determined by the Superintendent, for an occupant or passenger on a two-wheeled motor vehicle; and (3) an exclusion of 10% of work loss, replacement services loss, survivor's economic and replacement services loss. These deductibles and exclusions are applicable only to named insureds and their household relatives, and must be accompanied by reduced premium rates—Section 15(a).

Payment of Benefits—Payable monthly as loss accrues. Overdue if not paid 30 days after receipt of proof of loss by insurer. Overdue payments bear interest at 18% per annum—Section 24. If claimant recovers overdue benefits in a suit, or after notifying insurer that claimant has retained an attorney, insurer must pay reasonable fee to claimant's attorney—Section 25.

Lump Sum and Installment Settlements; Changed Circumstances—Lump sum and installment settlements up to $2500 permitted. Approval of court required for settlements in excess of $2500. Installment settlement may be modified in future if materially changed circumstances warrant—Section 27.

Lump Sum and Installment Judgments; Changed Circumstances—In an action by a claimant, judgment may be entered for lump sum or installment payment for work loss, replacement services loss, and survivor's economic and replacement services loss which would accrue after the date of the judgment. A lump sum judgment must be based upon a finding that: it will contribute to injured person's health or rehabilitation; present value of such benefits does not exceed $1,000; or both parties consent and award is in claimant's best interest. An installment judgment may be entered only for a period in which the court can reasonably determine future net loss; installment judgment, like installment settlement, may be modified in future if materially changed circumstances warrant.

Judgment may also be entered for reasonable cost of medical treatment if it is presently foreseeable that such treatment will be required in the future—Section 28.

Availability of Insurance—Superintendent of Insurance shall adopt a plan to assure that liability and basic reparation motor vehicle insurance will be available to all applicants required to provide security under this Act—Section 36(a). All insurers authorized to write liability and basic reparation motor vehicle insurance in the District of Columbia must participate—Section 36(c).

Allocation of Burdens—Provides that basic and added reparation insurers, and motor vehicle owners suffering uninsured vehicular damage, are entitled to proportionate reimbursement from other insurers so that the financial burden of losses will be reasonably consistent with the propensities of different vehicles to affect probability and severity of injuries or vehicular damage due to differences in: weight; occupant-protection devices; characteristics; or regular uses—Section 39(a).

When Superintendent determines that adequate statistical information is available, he may establish reimbursement system based upon pooling, re-insurance, or another means of reallocation in lieu of case-by-case reimbursement. Insurers may voluntarily enter into reimbursement agreements subject to approval by the Superintendent. If such agreements are entered into, the Superintendent may apply his system only to insurers who have not entered into such agreements, instead of applying it to all insurers—Section 39(c).

Case-by-case reimbursement systems, based upon fault, for privately owned automobiles will not be established or approved by the Superintendent. Other case-by-case reimbursement claims are to be submitted to arbitration if not settled by agreement—Sections 39(d), 39(e).

Alternative Allocation System—If, in a particular case, there is no applicable reimbursement system established by agreement among insurers and there is no such system adopted by the Superintendent, then allocation is to be made in accordance with weight ratio formula—Section 40.

Assigned Claims Plan—If insurers fail to organize and maintain such a plan subject to approval of the Superintendent, the Superintendent shall organize and maintain the plan. All insurers writing insurance under this Act must participate—Sections 19, 20.

Evidence—Insurer has right to petition court for physical or mental examination of injured person seeking basic reparation benefits—Section 33(a). Claimant or insurer has right to disclosure of facts about injured person's work and medical history—Section 34.

Out-of-District Application—Yes. Basic reparation benefits are payable to insured, and to driver and other occupants of insured's motor vehicle—Section 3(b).

Out-of-District Motorists—Yes. Act applies to motor vehicles "registered or operated" in the district. Penalty provision applies to owner of motor vehicle "when he knows or should know that he has failed to comply with" security requirement—Section 38.

Rates—15% reduction of present rates for bodily injury coverage—Section 41.

LIST OF ADVANTAGES

The following are the advantages which would result from the adoption of no-fault auto insurance legislation for the District of Columbia:

1. Each policy holder will be paying according to his ability: The poor will no longer be subsidizing the rich.

Under the present negligence-based insurance system, low-income policy holders subsidize higher income holders. For example, both the $5,000 and the $20,000 wage earner purchase liability insurance whose cost is based on the losses of the average wage earner, who may have an income of $10,000. But the $5,000 wage earner who pays on the basis of the average man's loss gets less than the average if he is injured, while the $20,000 wage earner is entitled to more than the average if he is injured.

Under the tort liability rating system, premiums are based on the loss-causing potential. Consequently, high premiums are charged to the single, young drivers, to those living in congested, inner city areas, and to others who can least afford high premiums. Under Congressman Stuckey's no-fault plan, those with potentially high wage loss, and with expensive vehicles—those with more to protect—would pay higher premiums, while those with less to protect would pay proportionately lower premiums, since premiums will be based on loss-incurring potential.

2. The Tort Liability System excludes two out of three auto accident victims: No-fault protects all accident victims.

Under the negligence-based insurance system only so-called innocent parties are compensated for auto accident incurred losses. As a result, only one out of three persons injured in auto accidents benefit in any way from tort liability insurance. In single car accidents, there is no other party to sue; in multiple car accidents, the "guilty" party may have no insurance at all, or inadequate coverage. And in the District of Columbia, even an "innocent" driver is denied all recovery if he contributed in any way to the accident. No-fault will protect all accident victims without regard to fault.

3. The Stuckey no-fault System is better able to allocate benefit dollars according to the needs of victims.

Auto accident victims with small economic losses recover more than their net losses when they are eligible for liability insurance payments. The DOT study found that this group of victims recovers an average of four and one-half times the damage incurred. On the other hand, those eligible for tort recovery, with damages totalling $25,000 or more, recover an average of only one-third of their damages.

Stuckey's no-fault insurance plan puts benefit dollars to work in a more socially desirable way by compensating each victim, regardless of fault, for his actual economic loss. This would decrease the wide gap which now exists between economic loss and compensation.

Moreover, the Stuckey plan would confine general damages (pain and suffering, inconvenience, and the like) to truly serious cases, eliminating the overcompensation of minor cases that is a major cause of excessively high premiums.

4. The no-fault insurance system would eliminate the duplication of recovery now practiced with regard to health insurance.

Under the status quo, the consequences of the innocent victim being able to recover twice for his medical losses have been higher premiums across the board and excessive compensation for minor injuries.

5. Timeliness of payment is inherent in the Congressman's no-fault plan.

By the terms of the insurance contract, the policy holder will be entitled to prompt and full compensation. Payments generally will be made on a 30 day basis, as loss is incurred. Under the Stuckey plan, overdue payments will bear interest at a rate of 18 per cent per year.

6. The victim is a party to the contract which is to compensate him.

Under the tort liability system, the victim is *not* a party to the contract which is to compensate him; if he recovers at all, he does so from an adversary. Under Stuckey's no-fault proposal, the injured party will deal with his own insurer.

7. No-fault insurance protects against accidents with uninsured drivers.

Under the tort liability system, if the "guilty" party is without liability protection, the innocent victim's only hope for recovery is to sue for damages, provided that the uninsured driver has any assets. Under the Congressman's plan, both no-fault and liability coverages are compulsory. A policy holder would be compensated by his own insurance company without regard to fault. A pedestrian injured in a hit-and-run accident, or hit by an uninsured driver, would be compensated through an assigned claims plan. District motorists driving in states with the tort liability system will be protected under the liability portions of their policies.

8. No-fault will improve the availability of reliable insurance coverage for the hard-to-place driver.

While both liability insurance and no-fault insurance rates take an individual's accident record into account, the loss-*causing* focus of the liability insurance rating system has forced many drivers with little loss-*incurring* potential into high-risk insurance companies or high-rate assigned risk plans. The rating system under the Stuckey plan, by focusing more on each individual's loss-incurring potential, should improve the availability of reliable, reasonably priced insurance coverage in the voluntary market for the hard-to-place driver.

9. No-fault encourages prompt rehabilitation of accident victims.

The time lag between injury and settlement of auto accident liability claims frequently encourages injured persons to defer rehabilitation in order to maximize tort recovery. Even in cases where victims want to begin rehabilitation, delays in payment inherent in the tort liability insurance system prevent those without other resources from undergoing rehabilitation.

Under the Stuckey no-fault plan, immediate payments will permit early utilization of rehabilitation programs. Insureds refusing prompt rehabilitation will be penalized, since it is socially desirable to encourage all injured persons to return to a productive life as soon as possible.

10. Under the no-fault proposal, the cost of insurance would be affected in the following ways:

Elimination of "overpayments" of small claims and of compensation of the less serious forms of economic loss should produce cost reduction.

Removal of most compensation decisions from the adversary process should greatly simplify claims adjustment and eliminate much legal and court costs, thereby producing additional substantial cost reduction.

The first-party nature of the mandatory insurance coverages should eventually allow insurance companies to rate vehicles as to the value of their protective features and their own damageability. If this encourages the manufacturing of safer vehicles, there would be further insurance cost reduction.

If the first-party nature of the mandatory coverages were to facilitate their marketing on a group basis, and if this produced administrative economies, there might be further savings for those who participate.

11. No-fault protects the families of drivers injured or killed in auto accidents.

Under the tort liability insurance system, not only are many victims not compensated, but also, lump sum settlements often shortchange their dependents and survivors. The Stuckey plan would guarantee protection for the dependents or survivors of all those injured or killed in auto accidents. The plan provides medical benefits unlimited as to time and amount; and wage loss, service replacement and death benefits of up to $200 a week without time limitation.

12. No-fault would engender a new respect for the law.

The adversary nature of the tort liability system offers a material incentive for exaggerating the extent of injury. Exaggeration often extends to fraud and perjury in an effort to maximize the victim's compensation. This abuse of the judicial process is condoned by some members of the personal injury bar in order to increase contingent fees. The status of law in the eyes of society would be significantly enhanced by eliminating a compensation system based on a distortion of facts which is contrary to the traditions of our legal institutions.

MOORHEAD INTRODUCES LEGISLATION TO STRENGTHEN THE FREEDOM OF INFORMATION ACT (5 U.S.C. 552)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. MOORHEAD) is recognized for 5 minutes.

Mr. MOORHEAD of Pennsylvania. Mr. Speaker, I am today introducing a bill, the "Freedom of Information Amendments of 1973." It is cosponsored by many of our House colleagues on both sides of the aisle, and is also being introduced today in the other body by the distinguished Senator from Maine (Mr. MUSKIE), also with bipartisan cosponsorship.

The bill contains a series of amendments to the Freedom of Information Act (5 U.S.C. 552) designed to strengthen the operation of the act, to broaden the public's right to know, and to plug loopholes which secrecy-minded bureaucrats have found in the present law. The measure is based upon weeks of hearings last year by the Foreign Operations and Government Information Subcommittee and on the unanimous report adopted last September by the House Government Operations Committee entitled "Administration of the Freedom of Information Act"—House Report 92-1419.

Mr. Speaker, the legislative history of the act, which became effective on July 4, 1967, clearly sets forth the rights of all Americans to know what the Federal Government is doing in their name—subject only to nine specific exemptions. The law was the result of some 11 years of investigations, studies, and hearings by our subcommittee under the dedicated leadership of the gentleman from California (Mr. MOSS), who presently serves as ranking Democratic member on our subcommittee. But our investigations and hearings last year on the operation of the act during the past 5 years showed that in too many instances the Federal bureaucracy has been able to stall, distort, and otherwise thwart efforts of many citizens to obtain information or documents to which they are clearly entitled under the Freedom of Information Act.

Our unanimous report recommended a number of administrative reforms by Federal agencies to attack some of the deficiencies in the administration of the act. Our follow-up efforts to implement these recommendations have resulted in pledges from virtually all of the Federal agencies that they will implement our administrative reform proposals. In this connection, I placed into the RECORD last month the text of the new Department of Justice regulations which incorporate most of these recommendations. I urged other Federal agencies to follow the leadership of the Justice Department (RECORD, February 20, 1973, pp. 4757–60). However, we concluded that many of the barriers to the free flow of information that Congress intended to remove when it passed the Freedom of Information Act in 1966 can only be overcome by legislation that will clarify, strengthen, and improve existing language in the act. That is what the bill introduced today seeks to accomplish.

Mr. Speaker, because of the wide interest in the proposed amendments to the act, I will describe each of them briefly:

AMENDMENTS TO SECTION 552(A)

Agencies would be required to "publish and distribute" their opinions made in the adjudication of cases, policy statements and interpretations adopted, and administrative staff manuals and instructions to staff that affect the public, rather than merely making them "available for public inspection and copying," as provided in the present law.

Agencies would be required to respond to requests for records which "reasonably describes such records." This language is substituted for the term "identifiable records," which we discovered was used by the bureaucracy in many cases to avoid making information available.

Agencies would be required to respond to requests under the act within 10 days—excepting Saturdays, Sundays, and legal public holidays—after receipt of the request and within 20 days—with the same exceptions—on administrative appeals following denials to the requesting party. These time periods are the result of a 1971 study and recommendations on improving the operation of the act as adopted by the Administrative Conference of the United States and would provide a positive mechanism to correct one of the most glaring deficiencies uncovered during our hearings—that of agency stalling and foot-dragging tactics to avoid public disclosure.

The Government could be required by the courts to pay "reasonable attorney fees and other litigation costs" of citizens who successfully litigate cases under the act. This amendment is directed toward another major deficiency of the present law revealed during our hearings—the high costs to the average citizen when attempts to obtain records under provisions of the act are frustrated by arbitrary or capricious acts of the bureaucracy or by foot-dragging tactics. Such assessment would be at the option of the court and has been successfully used in numerous civil rights cases in past years.

Agencies would be required to file answers and other responsive motions to citizens' suits under the act within 20 days after receipt. Under normal rules of Federal civil procedure, the Government is given 60 days to file such responses, although the private citizen has only 20 days to respond to Government motions; this amendment would plug a major loophole used by the Government and revealed in our hearings, involving cases where repeated filing of delaying motions by the Government stalled court consideration of Freedom of Information Act cases for as long as 140 days. Such stalling tactics makes a mockery of the law and often make the information, if finally made available to the citizen, virtually useless to him.

New provisions proposed to section 552(a) would clarify the original intent of Congress in connection with the interpretation of the "de novo" requirements placed on the courts in their consideration of cases under the act. Such amendment is made necessary by the Supreme Court's decision in the case of *Mink* v. *EPA*, (410 U.S. —) decided on January 22, 1973, when the Court held that judges may not examine in camera documents in dispute where the Government claims secrecy by virtue of exemption 552(b)(1), dealing with the national defense or foreign policy, and are not required to exercise such in camera judgment in cases involving exemption 552 (b)(5), dealing with interagency or intra-agency memorandums. The amendments make it clear that Congress intended and still intends that "de novo" as used in the law means that since the burden of proof for withholding is on the Government, courts must examine agency records in camera to determine if such records as requested by the plaintiff in a suit under the act, or any part thereof, should be withheld under any of the nine permissive exemptions of 552 (b). It also makes it clear in cases where exemption 552(b)(1) is claimed by the agency, the Court must examine such classified records to see if they are a proper exercise of such Executive order classification authority and that disclosure of the information requested would actually be "harmful to the national defense or foreign policy of the United States."

AMENDMENTS TO SECTION 552(B)

Permissive exemption (b)(2) would be amended to require disclosure of information about an agency's internal personnel rules and internal personnel practices, so long as such disclosure would not "unduly impede the functioning of such agency."

Permissive exemption (b)(4) would be amended to modify the exemption for trade secrets by requiring that such types of information be truly privileged and confidential, as is already provided in the case of commercial or financial information under this exemption.

Permissive exemption (b)(6) would be amended to limit its application to medical and personnel "records," instead of "files" as in the present law; this would close another loophole in the act whereby releasable information is often commingled with other types of information in a single "file," and therefore withheld.

Permissive exemption (b)(7) would also be amended to substitute the word "records" for "files" as in (b)(6), for the same reason—to curb agency commingling of information to avoid public disclosure. The amendment would also narrow the exemption to require that such records be compiled for a "specific law enforcement purpose, the disclosure of which is not in the public interest." It also enumerates certain categories of information that cannot be withheld under this exemption such as scientific tests, reports, or data, inspection reports relating to health, safety, or environmental protection or records serving as a basis for a public policy statement of an agency, officer, or employee of the United States, or which serve as a basis for rulemaking by an agency.

AMENDMENT TO SECTION 552(C)

The amendment proposed to section (c) clarifies the position that Congress, upon written request to an agency, be furnished all information or records by the Executive that is necessary for Congress to carry out its functions. Language in the present law merely states that the Freedom of Information Act does not authorize "withholding of information from Congress."

NEW SECTION 552(D)

Establishes a mechanism for congressional oversight by requiring annual reports from each agency on their record of administration of the act, requiring certain types of statistical data, changes in their regulations, and similar types of information.

Finally, Mr. Speaker, the bill provides that these amendments shall take effect 90 days after enactment so as to provide adequate times for the executive agencies to promulgate necessary changes in their regulations and operational guidelines.

Mr. Speaker, the Freedom of Information Act has always enjoyed broad bipartisan support. Our subcommittee has been forthright in criticizing bureaucratic secrecy during the past four administrations—two Republican and two Democratic—when it has infringed on the right of the American people to know what their Government is doing in their name.

Our hearings on the administration of the act last year produced much disturbing evidence that the vast Federal bureaucracy is withholding great amounts of information from the American people by a variety of loopholes in the present law and other devices. Contrary to general opinion, much of the information being hidden by Government agencies has little to do with hydrogen bombs, weapons systems, state secrets, or other sensitive types of classified data that requires safeguarding. We found that a large number of governmental denials of information requested under the act involved matters connected with the day-to-day activities of Federal agencies in their handling of various domestic programs financed out of our tax dollars or to avoid embarrassing bureaucratic mistakes, scandal, maladministration, or other actions directly contrary to the intent of Congress and the public interest.

Our bill will help reverse the dangerous trend toward "Government behind closed doors" that threatens our free press, our free society, and the efficient operation of hundreds of important programs enacted and funded by Congress. It will help restore the confidence of the American people in their Government and its elected leadership by removing the veil of unnecessary secrecy that shrouds vast amounts of Governmment policy and action.

We must eliminate to the maximum extent possible Government's preoccupation with secrecy and closed door policy formulation, because it cripples the degree of participation of our citizens in governmental affairs that is so essential under our political system. Government secrecy is the enemy of democracy. Secrecy subverts, and will eventually destroy, any representative system—just as it is necessary to maintain a totalitarian dictatorship.

The enactment of legislation in this Congress to strengthen the Freedom of Information Act to make it more difficult for the Federal bureaucrat to withhold vital information from the Congress and the public is of paramount importance.

The bipartisan nature of this effort is shown by the fact that members of both parties in both the House and the Senate are cosponsoring this bill. Bipartisan work has been responsible for the investigations, hearings, and the unanimous Government Operations Committee report issued last year. Last week, the gentleman from New York (Mr. HORTON), ranking minority member of the full committee, and the gentleman from Illinois (Mr. ERLENBORN), ranking minority member of our subcommittee, introduced H.R. 4960, a separate bill to strengthen the Freedom of Information Act. I was most pleased to cosponsor their bill also to demonstrate the truly bipartisan approach that our committee follows in this area. Both have been diligent over the years in fulfilling their commitment to the principles of the act.

Mr. Speaker, hearings will be scheduled on these bills to make needed amendments to the act following the Easter congressional recess. I invite other Members who share our concern for strengthening the Freedom of Information Act to join as cosponsors or to testify during our hearings. I am confident that our committee will succeed in reporting a workable and meaningful bipartisan bill to the House that all Members can enthusiastically support.

Mr. Speaker, I include the list of cosponsors of my bill, the text of the Freedom of Information Act (section 552 of title V, United States Code), and the text of the "Freedom of Information Amendments of 1973" in the RECORD at this point:

LIST OF COSPONSORS

Bella S. Abzug (D., N.Y.)
Bill Alexander (D., Ark.)
Herman Badillo (D., N.Y.)
Phillip Burton (D., Calif.)
William Clay (D., Mo.)
John Conyers (D., Mich.)
William R. Cotter (D., Conn.)
Robert F. Drinan (D., Mass.)
Bob Eckhardt (D., Tex.)
Don Edwards (D., Calif.)
William D. Ford (D., Mich.)
Donald M. Fraser (D., Minn.)
Don Fuqua (D., Fla.)
Gilbert Gude (R., Md.)
Michael Harrington (D., Mass.)
Ken Hechler (D., W.Va.)
James J. Howard (D., N.J.)
Edward I. Koch (D., N.Y.)
Robert L. Leggett (D., Calif.)
Paul N. McCloskey (R., Calif.)
John E. Moss (D., Calif.)
David R. Obey (D., Wis.)
Thomas M. Rees (D., Calif.)
Ogden R. Reid (D., N.Y.)
Henry S. Reuss (D., Wis.)
Benjamin S. Rosenthal (D., N.Y.)
Edward R. Roybal (D., Calif.)
Frank Thompson (D., N.J.)
Charles Thone (R., Nebr.)

PUBLIC LAW 90–23, 90TH CONGRESS, H.R. 5357, JUNE 5, 1967

AN ACT

To amend section 552 of title 5, United States Code, to codify the provisions of Public Law 80–487

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 552 of title 5, United States Code, is amended to read:

"§ 552. Public information; agency rules, opinions, orders, records, and proceedings

"(a) Each agency shall make available to the public information as follows:

"(1) Each agency shall separately state and currently publish in the Federal Register for the guidance of the public—

"(A) descriptions of its central and field organization and the established places at which, the employees (and in the case of a uniformed service, the members) from whom, and the methods whereby, the public may obtain information, make submittals or requests, or obtain decisions;

"(B) statements of the general course and method by which its functions are channeled and determined, including the nature and requirements of all formal and informal procedures available;

"(C) rules of procedure, descriptions of forms available or the places at which forms may be obtained, and instructions as to the scope and contents of all papers, reports, or examinations;

"(D) substantive rules of general applicability adopted as authorized by law, and statements of general policy or interpretations of general applicability formulated and adopted by the agency; and

"(E) each amendment, revision, or repeal of the foregoing.

Except to the extent that a person has actual and timely notice of the terms thereof, a person may not in any manner be required to resort to, or be adversely affected by, a matter required to be published in the Federal Register and not so published. For the purpose of this paragraph, matter reasonably available to the class of persons affected thereby is deemed published in the Federal Register when incorporated by reference therein with the approval of the Director of the Federal Register.

"(2) Each agency, in accordance with published rules, shall make available for public inspection and copying—

"(A) final opinions, including concurring and dissenting opinions as well as orders, made in the adjudication of cases;

"(B) those statements of policy and interpretations which have been adopted by the agency and are not published in the Federal Register; and

"(C) administrative staff manuals and instructions to staff that affect a member of the public;

unless the materials are promptly published and copies offered for sale. To the extent required to prevent a clearly unwarranted invasion of personal privacy, an agency may delete identifying details when it makes available or publishes an opinion, statement of policy, interpretation, or staff manual or instruction. However, in each case the justification for the deletion shall be explained fully in writing. Each agency also shall maintain and make available for public inspection and copying a current index providing identifying information for the public as to any matter issued, adopted, or promulgated after July 4, 1967, and required by this paragraph to be made available or published. A final order, opinion, statement of policy, interpretation, or staff manual or instruction that affects a member of the public may be relied on, used, or cited as precedent by an agency against a party other than an agency only if—

"(i) it has been indexed and either made available or published as provided by this paragraph; or

"(ii) the party has actual and timely notice of the terms thereof.

"(3) Except with respect to the records made available under paragraphs (1) and (2) of this subsection, each agency, on request for identifiable records made in accordance with published rules stating the time, place, fees to the extent authorized by statute, and procedure to be followed, shall make the records promptly available to any person. On complaint, the district court of the United States in the district in which the complainant resides, or has his principal place of business, or in which the agency records are situated, has jurisdiction to enjoin the agency from withholding agency records and to order the production of any agency records improperly withheld from the complainant. In such a case the court shall determine the matter de novo and the burden is on the agency to sustain its action. In the event of noncompliance with the order of the court, the district court may punish for contempt the responsible employee, and in the case of a uniformed service, the responsible member. Except as to causes the court considers of greater importance, proceedings before the district court, as authorized by this paragraph, take precedence on the docket over all other causes and shall be assigned for hearing and trial at the earliest practicable date and expedited in every way.

"(4) Each agency having more than one member shall maintain and make available for public inspection a record of the final votes of each member in every agency proceeding.

"(b) This section does not apply to matters that are—

"(1) specifically required by Executive order to be kept secret in the interest of the national defense or foreign policy;

"(2) related solely to the internal personnel rules and practices of an agency;

"(3) specifically exempted from disclosure by statute;

"(4) trade secrets and commercial or financial information obtained from a person and privileged or confidential;

"(5) inter-agency or intra-agency memorandums or letters which would not be available by law to a party other than an agency in litigation with the agency;

"(6) personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy;

"(7) investigatory files compiled for law enforcement purposes except to the extent available by law to a party other than an agency;

"(8) contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for the use of an agency responsible for the regulation or supervision of financial institutions; or

"(9) geological and geophysical information and data, including maps, concerning wells.

"(c) This section does not authorize withholding of information or limit the availability of records to the public, except as specifically stated in this section. This section is not authority to withhold information from Congress."

Sec. 2. The analysis of chapter 5 of title 5, United States Code, is amended by striking out:

"552. Publication of information, rules, opinions, orders, and public records."

and inserting in place thereof:

"552. Public information; agency rules, opinions, orders, records, and proceedings."

Sec. 3. The Act of July 4, 1966 (Public Law 89–487, 80 Stat. 250), is repealed.

Sec. 4. This Act shall be effective July 4, 1967, or on the date of enactment, whichever is later.

Approved June 5, 1967.

LEGISLATIVE HISTORY

House Report No. 125 (Comm. on the Judiciary).

Senate Report No. 248 (Comm. on the Judiciary).

Congressional Record, Vol. 113 (1967):

Apr. 3: Considered and passed House.

May 19: Considered and passed Senate, amended.

May 25: House agreed to Senate amendments.

H.R. 5425

A bill to amend Section 552 of Title 5, United States Code, known as the "Freedom of Information Act"

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Section 1. (a) The fourth sentence of section 552(a)(2) of title 5, United States Code, is amended by striking out "and make available for public inspection and copying" and inserting in lieu thereof ", promptly publish, and distribute (by sale or otherwise) copies of".

(b) Section 552(a)(3) of title 5, United States Code, is amended by striking out "on request for identifiable records made in accordance with published rules stating the time, place, fees, to the extent authorized by statute, and procedure to be followed," and inserting in lieu thereof the following: "upon any request for records which (A) reasonably describes such records, and (B) is made in accordance with published rules stating the time, place, fees, to the extent authorized by statute, and procedures to be followed,".

(C) Section 552(a) of title 5, United States Code, is amended by adding at the end thereof the following new paragraph:

"(5) Each agency, upon any request for records made under paragraph (1), (2), or (3) of this subsection, shall—

"(A) determine within ten days (excepting Saturdays, Sundays, and legal public holidays) after the receipt of any such request whether to comply with such request and shall immediately notify the person making such request of such determination and the reasons therefor;

"(B) in the case of a determination not to comply with any such request, immediately notify the person making such request that such person has a period of twenty days (excepting Saturdays, Sundays, and legal public holidays), beginning on the date of receipt of such notification, within which to appeal such determination to such agency; and

"(C) make a determination with respect to such appeal within twenty days (excepting Saturdays, Sundays, and legal public holidays) after the receipt of such appeal. Any person making a request to an agency for records under paragraph (1), (2), or (3) of this subsection shall be deemed to have exhausted his administrative remedies with respect to such request if the agency fails to comply with subparagraph (A) or subparagraph (C) of this paragraph. Upon any determination by an agency to comply with a request for records, such records shall be made available as soon as practicable to such person making such request."

(d)(1) The third sentence of section 552(a)(3) of title 5, United States Code, is amended by inserting immediately after "the court shall determine the matter de novo" the following: "including by examination of the contents of any agency records in camera to determine if such records or any part thereof shall be withheld under any of the exemptions set forth in subsection (b) and the burden is on the agency to sustain its action."

(2) Section 552(a)(3) of title 5, United States Code, is amended by inserting the following new sentence immediately after the third sentence thereof: "In the case of any agency records which the agency claims are within the purview of subsection (b)(1), such in camera investigation by the court shall be of the contents of such records in order to determine if such records, or any part thereof, cannot be disclosed because such disclosure would be harmful to the national defense or foreign policy of the United States.

(e) Section 552(a)(3) of title 5, United States Code, is amended by adding at the end thereof the following new sentence: "Notwithstanding any other provision of law, the United States or an officer or agency thereof shall serve an answer to any complaint made under this paragraph within twenty days after the service upon the United States attorney of the pleading in which such complaint is made. The court may assess against the United States reasonable attorney fees and other litigation costs reasonably incurred in any case under this section in which the United States or an officer or agency thereof, as litigant, has not prevailed."

Sec. 2. (a) Section 552(b)(2) of title 5, United States Code, is amended by inserting "internal personnel" immediately before "practices", and by inserting "and the disclosure of which would unduly impede the functioning of such agency" immediately before the semicolon at the end thereof.

(b) Section 552(b)(4) of title 5, United States Code, is amended by inserting "obtained from a person which are privileged or confidential" immediately after "trade secrets", and by striking out "and" the second time that it appears therein and by inserting in lieu thereof "which is".

(c) Section 552(b)(6) of title 5, United States Code, is amended by striking out "files" both times that it appears therein and inserting in lieu thereof "records".

(d) Section 552(b)(7) of title 5, United States Code, is amended to read as follows:

"(7) investigatory records compiled for any specific law enforcement purpose the disclosure of which is not in the public interest, except to the extent that—

"(A) any such investigatory records are available by law to a party other than any agency, or

"(B) any such investigatory records are—

"(i) scientific tests, reports, or data,

"(ii) inspection reports of any agency which relate to health, safety, environmental protection, or

"(iii) records which serve as a basis for any public policy statement made by any agency or officer or employee of the United States or which serve as a basis for rulemaking by any agency".

Sec. 3. Section 552(c) of title 5, United States Code, is amended to read as follows:

"(c)(1) This section does not authorize withholding of information or limit the availability of records to the public except as specifically stated in this section.

"(2)(A) Notwithstanding subsection (b), any agency shall furnish any information or records to Congress or any committee of Congress promptly upon written request to the head of such agency by the Speaker of the House of Representatives, the President of the Senate, or the chairman of any such committee, as the case may be.

"(B) For purposes of this paragraph, the term 'committee of Congress' means any committee of the Senate or House of Representatives or any subcommittee of any such committee or any joint committee of Congress or any subcommittee of any such joint committee."

Sec. 4. Section 552 title 5, United States Code, is amended by adding at the end thereof the following new subsection:

"(d) Each agency shall, on or before March 1 of each calendar year, submit a report to the Committee on Government Operations of the House of Representatives and the Committee on Government Operations of the Senate which shall include—

"(1) the number of requests for records made to such agency under subsection (a);

"(2) the number of determinations made by such agency not to comply with any such request, and the reasons for each such determination;

"(3) the number of appeals made by persons under subsection (a)(5)(B);

"(4) the number of days taken by such agency to make any determination regarding any request for records and regarding any appeal;

"(5) the number of complaints made under subsection (a)(3);

"(6) a copy of any rule made by such agency regarding this section; and

"(7) such other information as will indicate efforts to administer fully this Section; during the preceding calendar year."

Sec. 5. The amendments made by this Act shall take effect on the 90th day after the date of enactment of this Act.

CONSTITUTIONAL CRISIS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. Daniels) is recognized for 5 minutes.

Mr. DOMINICK V. DANIELS. Mr. Speaker, with the furor over the "constitutional crisis" about executive legislative relations, it is well to maintain our understanding about the nature of this alleged crisis.

Much of the battle is really a sham conflict obscuring the real issue. All of us in this body and down Pennsylvania Avenue realize that roaring inflation is the Nation's No. 1 problem. This inflation is destroying the value of a lifetime of savings for older Americans and others on fixed incomes. Now to protect these people we must stabilize the value of the dollar, but not, however, at the expense of those least able to pay.

The alternatives for responsible officials are either cut spending or raise additional revenue. President Nixon has attempted to balance the budget by squeezing money out of the poor, the handicapped, the aged, and disabled Vietnam veterans. What he really should be doing is making the fat cats who get away without paying their fair share of the Federal tax load pick up their share of the tab. But even this is too little, too late to achieve the desired results.

To me, it makes sense to seek additional tax revenue by closing so-called tax loopholes, but anyone who examines the list of contributors to the Committee to Reelect the President can see why Mr. Nixon seems to like the code—loopholes and all—as it is.

I am alarmed, Mr. Speaker, at the domestic approach of the Nixon administration. Very clearly, the big losers are going to be people of modest means, homeowners and rent payers in places like my own Hudson County in New Jersey who will pick up the slack in revenue with higher property taxes and higher monthly payments. The big winners appear to be oil millionaires and major defense contractors.

But, after Mr. Nixon adds $4 billion to the defense budget—just why he would find this necessary with the winding down of the Vietnam war is hard to understand—there is not enough left in domestic programs to cut to make any real difference if a balanced budget is the goal.

Thus, the real solution becomes the closing of loopholes, and Mr. Nixon's position, or nonposition, on this is clear. Thus, without executive leadership, the onus passes to the legislative branch. We, exercising our constitutional powers, must take the leadership. We must catch the falling flag. If we fail in this matter, it can be said of us as Cassius said of Brutus in Shakespeare's Julius Caesar:

> The fault, dear Brutus, lies not in our stars, but in ourselves that we are underlings . . .

THE PRESIDENT'S LATEST

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts (Mr. O'Neill) is recognized for 10 minutes.

Mr. O'NEILL. Mr. Speaker, the President was on radio again at noon today, this time to tell us about the further dismantling of major programs that help people and the environment. The targets today are urban renewal, model cities, basic water and sewer facilities grants, open space land programs, rehabilitation loans, neighborhood facilities grants, public facility loans. Now we know specifically where the President intends to shortchange local communities.

All of these programs, according to Mr. Nixon's proposals, would be wiped out in favor of a single special revenue-sharing program to be funded at $2.3 billion. That figure, Mr. Speaker, is hundreds of millions of dollars short of the money now provided under existing programs.

I find it ironic that the President is urging us to pass legislation we have not even seen. He did not even say in the radio message when he would submit his bill to the Congress. I can assure you of this—I will demand to know how much money this plan is costing States and localities—and what that means in terms of the human consequences—before I would even consider such legislation.

Very frankly, I am concerned that Mr. Nixon's proposal will deprive many local programs of Federal funding. This would mean that State and local governments would have to decide whether to stop these programs or to raise State and local taxes to continue them.

Now, this Congress is as much in favor of fiscal responsibility as Mr. Nixon. It is this Congress, after all, which has cut every budget submitted to it by Mr. Nixon. We trimmed $30 billion in authorizations from Mr. Nixon's first four budgets and replaced that authority with $30 billion worth of programs designed for the people.

I assure the House that this Congress is not going to follow blindly the ruthless budget-cutting patterns established by this administration. We will continue to review every program submitted by this administration and then to make our decision not in terms of dollars alone, but in terms of what effect our decisions will have on the people of this Nation.

THIRTY CITIZEN COMMISSIONS CONCERNED WITH CRIME LAUD WORK OF HOUSE CRIME COMMITTEE

(Mr. PEPPER asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. PEPPER. Mr. Speaker, in late February an agreement was reached which will phase out the work of the House Crime Committee while concurrently gearing up a Subcommittee of Judiciary to carry on important inquiries into the causes of crime and suggestions for improving this grave national emergency.

Prior to the decision to establish a permanent legislative subcommittee in judiciary by the end of June, my office was flooded with telegrams and letters from persons and organizations supporting efforts of the House to investigate crime.

Primarily this mail reflected a concern that the House continue its commitment to investigate crime. I was grateful that many individuals and representatives of organizations commented positively on the work of the House Crime Committee these past 4 years.

Among the messages were communications of support from 30 citizen crime commissions and associations including the parent National Association of Citizen Crime Commissions and the National Council on Crime and Delinquency. A few of these letters and wires were submitted for the Record earlier in the week. Today, I include the remainder:

The National Association of
Citizen Crime Commissions,
Atlanta, Ga., February 16, 1973.

Hon. Carl Albert,
Speaker of the House of Representatives, U.S. Congress, Washington, D.C.:

The National Association of Citizen Crime Commissions through its 21 member commissions throughout the Country, urges the adoption of House Resolution #205 for the continuance of the House Select Committee on Crime for an additional two years. This Commission through its members is keenly aware of the National concern for the increasing threat to the citizen as a victim of street crime. The Commission is also well aware of the continuing public concern in connection with narcotics traffic and resultant drug abuse. The Commission recognizes the need for continuing Congressional inquiry in the problem relating to street crime and narcotics traffic and urges that in the interests of the public that the House Select Committee on Crime be continued.

JAMES L. MCGOVERN,
President, National Association of Citizen Crime Commissions.

NATIONAL COUNCIL ON CRIME AND DELINQUENCY,
Hackensack, N.J., February 22, 1973.

Hon. CARL ALBERT,
Speaker, House of Representatives,
Washington, D.C.

DEAR SPEAKER ALBERT: I am writing to urge that the House Select Committee on Crime be continued for two more years. This Committee has, in our judgment, made important contributions to better understanding of crime and it deserves the time to finish its investigations and make its recommendations.

We hope that House Resolution 205 will be passed.

Cordially,

MILTON G. RECTOR,
President.

OKLAHOMA NARCOTICS AND DANGEROUS DRUGS CONTROL,
Oklahoma City, Okla., February 20, 1973.

Hon. CLAUDE PEPPER,
House of Representatives,
Washington, D.C.:

"I respectfully solicit your support of House Resolution #205 which will continue the life of the House Select Committee on Crime.

"I believe the investigatory work of this committee well coincides with our efforts in Oklahoma to combat the menace of drug abuse in America".

It was a pleasure to forward the above communication to The Honorable Carl Albert in support of the select committee and we want you to know that if we may be of further service to you in this or other matters, do not hesitate to call upon us.

Very truly yours,

ARNOLD MOSELEY,
Commissioner.

KANSAS CITY CRIME COMMISSION,
Kansas City, Mo., February 21, 1973.

Hon. CARL ALBERT,
Speaker of the U.S. House of Representatives,
Washington, D.C.

MY DEAR CONGRESSMAN: The Kansas City Crime Commission urges you to continue the House Select Committee On Crime for an additional two years as set out in House Resolution 205.

During the past few years the Crime Commission has had numerous contacts with investigators and members of this committee on mutual matters involving crime and lawlessness.

In Washington, D.C. in 1970 I had occasion to visit with Congressman Pepper, the Committee Chairman, during the National Crime Commission Meeting.

The Crime Commission has strong feelings in favor of continuing this committee for another two years. We believe the battle against street crime and narcotics traffic can be won through concentrated efforts on a local, state and federal basis. The abolishment of the House Select Committee On Crime, which we understand is the only committee with authorized jurisdiction to investigate the areas of street crime and narcotics traffic, would indeed be a severe blow to the criminal justice system's battle against lawlessness.

Sincerely,

FRANK MAUDLIN,
Managing Director.

KANSAS CITY, MO.,
February 21, 1973.

Hon. CARL ALBERT.

Sir: I testified before the House Committee on Crime relative to drug usage among juveniles. I informed the committee we here in the midwest, particularly in Missouri, are just now beginning to experience the increasing problems that are attributed to the usage and sale of drugs. We have developed an approach to this problem and have hard facts. These facts indicate that for the first time we are able to indicate the type of drug usage among children. There was no hard evidence of this before December 1972. There is also very little meaningful information in this entire area. The House Committee on Crime is the one coordinating group that has enabled us to get information in a consistent and meaningful way. We feel you should continue your services as long as possible. We who work with troubled children, particularly those now involving themselves in drugs and crime, must have all the information possible. I know of no source stronger than this committee to develop that information and coordinate a meaningful approach to our children in trouble.

Respectfully yours,

Judge ROBERT A. MEYERS,
16th Judicial Circuit of Missouri.
JAMES F. WALSH,
Director of Juvenile Court Services.

NEW ENGLAND ORGANIZED CRIME INTELLIGENCE SYSTEM,
Wellesley, Mass., February 20, 1973.

Hon. CARL ALBERT,
Speaker, House of Representatives,
Washington, D.C.

DEAR MR. SPEAKER: It is the sentiment of the staff members of the New England Organized Crime Intelligence System and myself that the House Select Committee on Crime has in the past played a prominent part in making the general public aware of the illegal criminal activities of the undesirable segment of our society.

For the past several years, we at NEOCIS have had the opportunity to be in periodic contact with the Committee on matters of mutual interest and have found the Committee representatives to be enthusiastic, dedicated, cooperative and sincere in their approach to the particular problem involved at that time.

We at NEOCIS firmly believe that the continuance of the life of this important House Committee would be of great service to the Nation, law enforcement and the general public. Therefore, we are recommending that House Resolution No. 205, to continue for two more years the life of this important Committee, be voted on favorably.

Sincerely,

JOHN F. SWEENEY,
Executive Director.

CRIME COMMISSION OF PHILADELPHIA,
Philadelphia, Pa., February 19, 1973.

Hon. CLAUDE PEPPER,
U.S. House of Representatives,
Washington, D.C.

[Copy]

SPEAKER CARL ALBERT:

"Enactment of House Resolution 205 imperative necessity if nation is to begin to feel more secure. Street crime and drug abuse are main reasons for great fear pervading minds of people. To discontinue Senator Pepper's excellent work of select committee would compound public concern and fear."

(Signed) E. R. GOMBERG,
Executive Vice President, Crime Commission of Philadelphia.

Like all who have observed the effective work of your Select Committee, I hope sincerely the House acted affirmatively.

Sincerely,

E. R. GOMBERG,
Executive Vice President.

VALLEY FORWARD CITIZENS CRIME COMMISSION ASSOCIATION,
Phoenix, Ariz., February 22, 1973.

Hon. CARL ALBERT: As president of Citizens Crime Commission of Phoenix, Arizona, I urge you to continue the activities of the House Select Committee on Crime which has been investigating narcotics and street crimes (I refer to H. Res. 205).

Our greater need is the need to know. We are trying to make decision for solutions in this area based on too few facts!

Sincerely,

E. ARTHUR PATTERSON.

METROPOLITAN CRIME COMMISSION OF NEW ORLEANS, INC.,
New Orleans, La., February 16, 1973.

Hon. CLAUDE PEPPER,
Chairman, House Select Committee on Crime,
Washington, D.C.

DEAR CONGRESSMAN PEPPER: Attached hereto is a copy of our telegram addressed today to The Honorable Carl Albert, Speaker of the House of Representatives.

Unquestionably, your Committee has contributed to documentation and better understanding of diverse levels of the narcotics problem. It also made some important contributions to the record concerning organized crime, and hopefully will have an opportunity to continue to do so.

I am looking forward to receiving copies of the hearing transcript and your Committee report with reference to organized crime in sports. I am most hopeful that it will contain strong recommendations for dealing with this extremely destructive problem in our society.

With my appreciation for your courtesies and best wishes.

Cordially yours,

AARON M. KOHN,
Managing Director.

METROPOLITAN CRIME COMMISSION, OF NEW ORLEANS, INC.,
February 16, 1973.

Hon. CARL ALBERT,
Speaker, House of Representatives,
Washington, D.C.:

We urge your leadership in support of House Resolution 205 for two-year extension of activity of the House Select Committee on Crime. At a time when crime conditions have reached proportions which make them the predominant concern of the American people, we believe it would be a serious mistake to end the factfinding processes in which this select committee has been engaged. The recent National Conference on Criminal Justice was a valuable means of broadening understanding of the complexity of crime, its causes, and the failures of existing corrective processes.

Congressional authority and capability is looked to by the citizenry as one of the major potentials for documenting the ingredients of the crime problem and providing guidance and legislation with realism. In our opinion, the House Select Committee on Crime has made valuable contributions in the past. It needs to be continued and strengthened to assure our citizens that Congress is fulfilling its obligation to reduce the degree with which crime victimizes and terrorizes people on the streets, in their homes, and in their businesses.

Respectfully,

AARON M. KOHN,
Managing Director.

MISSISSIPPI COAST CRIME COMMISSION,
Gulfport, Miss., February 19, 1973.

Hon. CLAUDE PEPPER,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN PEPPER: The Mississippi Coast Crime Commission has sent a telegram today to the Honorable Carl Albert, Speaker of the House of Representatives, urging the continuation of the House Select Committee on Crime for two more years under House Resolution 205, in order that it may continue its investgation of street crime and narcotics traffic in America. This telegram reads as follows:

Hon. Carl Albert,
Speaker, House of Representatives,
Washington, D.C.

The Mississippi Coast Crime Commission respectfully and strongly urges prompt passage of House Resolution 205 which would continue for two more years the functions of the House Select Committee on Crime. This vital committee not only affords investigative concentration by the House of Representatives in the areas of street crime and narcotics traffic in America today, but most importantly it has focused attention on these critical areas stimulating decisive law enforcement and legislative action at local, State and Federal levels of Government. The people of America are concerned and this commission feels the House Select Committee on Crime should be permitted to continue its important work."

In addition, I have contacted the Director of the Mississippi Bureau of Narcotics in Jackson, Mississippi, and he has informed me that he will send a similiar telegram to Speaker Albert. I believe you can also look for a telegram from the Chamber of Commerce in Pascagoula, Mississippi, advocating the continuation of this Committee. I shall continue to contact other interested persons and groups in this area.

Our every good wish for the successful passage of this Resolution.

With best wishes.

Sincerely yours,

Earl Riley,
Executive Director.

Chicago, Ill.
February 21, 1973.

Hon. Claude Pepper,
House of Representatives,
Washington, D.C.:

The Chicago Crime Commission supports H. Res. 205 continuation of the House Select Committee on Crime. Public understanding of street crime and narcotics traffic are necessary in order that Americans can overcome the terrible problems, and a congressional committee with jurisdiction to inquire into the scourges has been and would be a tremendous contribution in serving the public interest in this important battle.

Peter B. Bensinger,
Executive Director.
John D. Riordan,
Operating Director.

State of New York,
Commission of Investigation,
February 20, 1973.

Hon. Carl Albert,
Speaker, U.S. House of Representatives,
Washington, D.C.

Dear Speaker Albert: The New York State Commission of Investigation has worked closely during the past several years with the House Select Committee on Crime, chaired by the Hon. Claude Pepper of Florida. We enjoyed a particularly close and fruitful association with that distinguished Committee in connection with certain investigations of the illegal narcotics traffic in New York City and particularly in that City's public schools.

Over and above this association with the Select Committee on Crime, this Commission is familiar with that Committee's activities in highlighting law enforcement problems and organized crime activities throughout the United States. This Commission would hope that the House Select Committee on Crime will be allowed to continue its important work which has been, beyond doubt, in the public interest. For these reasons we respectfully urge your support of House Resolution 205 which has been introduced by Chairman Pepper, to continue for two more years the life of this important committee of the House of Representatives.

Thank you for your consideration.

Sincerely,

Paul J. Curran,
Chairman.

Speaker of the House of Representatives,
Washington, D.C.:

In our opinion the House Select Committee on Crime has served a most worthwhile purpose. We feel that there is much yet to be accomplished by this committee. Therefore we feel that the public interest will be served by continuing the Select Committee on Crime for another two-year period.

Charles Ginsberg, Jr.,
Chairman.
Paul D. Fleming, Jr.,
Executive Secretary, Ohio State Racing Commission.

Albuquerque, N. Mex.,
February 23, 1973.

Hon. Claude Pepper: We believe it is vitally important for the continuance of the House Select Committee on Crime not only for its investigation and in depth research into the causes and contributing factors relating to crime but also its impact on our total national and social environment in keeping within NCCD policies. We believe it of vital importance that consideration be given to the Federal Government in establishing a leadership role. I am sure you are aware of Senator Humphrey's testimony entered into the Congressional Record about policies regarding the priorities of the Federal Bureau of Prisons in assigning this important task to this agency. If I can provide any assistance or information to you or the subcommittee do not hesitate to call on me.

Dave Schmidt,
New Mexico Council on Crime and Delinquency.

Atlanta, Ga.

Hon. Claude Pepper,
Washington, D.C.

The Georgia Council of the National Council on Crime and Delinquency urges support for House Resolution 205 that continues for 2 more years the House Select Committee on Crime so that it may continue and complete its investigation of street crime and narcotic traffic in America. Street crime and narcotic traffic are prime concerns of people today and a recent poll in the State of Georgia reveals crime as the number one public concern in our State. The Georgia Council of NCCD believes the public interest will be stirred by continuing the House Select Committee on Crime for another 2 years and would appreciate your supporting it.

Mrs. Leland Bagwall,
Chairman.
Daniel P. Starnes,
State Director, Georgia Council NCCD.

Hartford, Conn.

Hon. Claude Pepper,
Chairman House Select Committee on Crime,
Washington, D.C.:

We have sent the following telegram to Honorable Carl Albert, Speaker of the House:

"We strongly support the existence of a formal House body charged with investigating the issue of crime and with sufficient powers to do so effectively. We feel that such a body is mandated by the national concern with this issue, one of vital interest to every American. We also support continued interest of the full House of Representatives in this important area."

Mr. H. R. Sterrett,
Executive Director, Connecticut Planning Committee on Criminal Administration (LEAA-State Planning Agency).

New York, N.Y.

Hon. Claude Pepper,
Washington, D.C.:

The following message sent today to Honorable Carl Albert:

"The Waterfront Commission of New York Harbor, a law enforcement agency of the States of New York and New Jersey, strongly urges passage of House Resolution 205 to continue the activities of the House Select Committee on Crime. As an agency concerned with crime in the Port of New York-New Jersey area, we are well aware that the continuous investigation and the exposure of criminal activities not only result in appropriate corrective legislation but also assist in the prosecutions of violations and the actual deterrence of crime. In particular, effective measures to deal with the threat of street crime and the nefarious narotics traffic are vitally important to the Nation's well being."

William P. Sirignano,
Executive Director, Waterfront Commission of New York Harbor.

Seattle, Wash.,
February 21, 1973.

Hon. Claude Pepper,
House of Representatives,
Washington, D.C.:

The members and staff of the Washington Citizens Council of the National Council on Crime and delinquency support the continuation of the House Select Committee on Crime. We believe this committee is providing a valuable service clearly in the public interest.

Thomas Bostic,
Chairman, Washington Council NCCD.

Des Moines, Iowa.

Hon. Claude Pepper,
House of Representatives,
Washington, D.C.:

The Iowa council of the National Council on Crime and Delinquency supports House Resolution 205 for the committee on crime.

Dan Smith,
State Director of the Iowa Council of the National Council on Crime and delinquency.

National Council on Crime and
Delinquency in Texas,
February 21, 1973.

Hon. Claude Pepper,
Member of Congress,
House of Representatives,
Washington, D.C.

Dear Representative Pepper: A telegram has been sent to the Honorable Carl Albert, Speaker of the House of Representatives. The Telegram reads as follows:

"It is our understanding that the House Select Committee on Crime has introduced H. Res. 205, to continue the life of this committee for two years in order that its work may be completed. In our opinion the public interest would be served if the work of this important committe is allowed to continue."

Respectfully,

Weldon Wicker,
State Director.

Tucson, Ariz.

Hon. Carl Albert,
Speaker, House of Representatives,
Washington, D.C.:

Urge passage of House Resolution 205. Findings of the Select Committee on Crime have energized the various State Racing Commissions to re-examine their problems and adopt stiffer solutions. Am sure the Committee's investigation of Street Crime and Narcotics Traffic in America would bring similar beneficial results.

John K. Goodman,
Arizona Racing Commissioner.

Tarrant County
Crime Commission,
Fort Worth, Tex., February 19, 1973.

Hon. Carl Albert,
Speaker of the House,
Washington, D.C.:

As a volunteer citizen active for over 20 years at local and national levels in the citizen crime commission movement and as a former chairman of the Board of the National Association of Citizens Crime Commissions, I urge your significant support of House Select Committee on Crime Resolution 205 to continue the work of this committee in vital areas of crime for the next two years.

Best personal regards,

Edwin T. Phillips, Jr.,
General Counsel.

The Juvenile Court,
of Hamilton County, Tenn.,
Chattanooga, Tenn., Feb. 21, 1973.
Re Select Committee on Crime.
Hon. Carl Albert,
Speaker, House of Representatives,
Washington, D.C.

Dear Speaker Albert: Although I do not know personally Congressman Claude Pepper I do feel that The House of Representatives should consider reconstituting the above captioned committee. This committe has furnished this Court with much usable information concerning drugs, their causes and probable solutions.

I personally feel that this committee should be re-constituted and allowed to continue in the study of drugs and their effect on children.

Your consideration in this matter will be greatly appreciated.

Very truly yours,

Dixie T. Smith,
Judge.

Sixth Judicial Circuit of Florida,
February 19, 1973.
Hon. Claude Pepper,
House of Representatives,
Washington, D.C.

Dear Congressman: Enclosed is the text of a telegram dispatched to the Honorable Carl Albert this date.

I was sincerely impressed with the approach and the effectiveness of your committee.

Best regards,

Richard Kelly,
Circuit Judge.

Sixth Judicial Circuit of Florida.
Hon. Carl Albert,
Speaker of the House of Representatives,
Washington, D.C.:

I urge that the House Select Committee on Crime be continued in order that its investigation be extended. The people here are either concerned or afraid because of the street crime and narcotics traffic in this circuit and in America. Law enforcement is a problem mainly because of its complexity. Information and understanding are essential to even a partial solution. The Select Committee seems to want the truth. They are asking the right people and the right questions. This committee is a good team with an urgent purpose. It should be continued.

Richard Kelly,
Circuit Judge.

Washington, D.C.,
February 23, 1973.
Hon. Claude D. Pepper,
Chairman, House Select Committee on Crime:

The American insurance association supports H. Res. 205 which would extend for 2 years the life of the House Select Committee on Crime to enable it to study street crime and property loss. Due to criminal activity these matters are of great concern to our member companies who are major writers of insurance coverages against these perils. We believe the work of the committee in the past has been valuable, and that it should be allowed to continue.

Melvin L. Stark,
Senior Vice President, Government Affairs.
Leslie Cheek,
Vice President, Federal Affairs.

Philadelphia, Pa.,
February 16, 1973.

You are urged to extend the life of the House Select Committee on Crime for an additional 2 years so it may convene its investigation of street crime and narcotics traffic in America.

Charles W. Bowser,
Director, Urban Coalition of Philadelphia.

Deerfield Beach, Fla.
Congressman Claude Pepper,
Chairman House Select Committee on Crime,
Washington, D.C.:

It is my understanding that Members of Congress will decide in the next few days whether or not the Select Committee on Crime chaired by Congressman Claude Pepper will continue its existence. During its deliberation here in the State of Florida the work of Florida Ocean Science Institute's program with deliquent boys was considered by the committee and in its report of programs was identified and classified as an effective and successful method for delinquency treatment and prevention. We very much appreciated the opportunity to have our program considered and for the ability to make our ideas and philosophy known to the country at large. We here at Florida Ocean Science Institute would not attempt to impose our judgment on that of the Members of Congress but we do want you to know of our involvement with the Select Committee on Crime. We are sure you will make a future decision based on the full consideration of the needs of the citizens of this country.

Robert A. Rosof, *President.*

LABOR, SENIOR CITIZENS COMMEND HOUSE CRIME COMMITTEE

(Mr. PEPPER asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. PEPPER. Mr. Speaker, the most tragic victims of crime are often our senior citizens who are less able to defend themselves and to whom a loss of even a small amount of cash means the loss of food, medicine, and even shelter.

These consequences are expressed in the series of telegrams I recently received from representatives of senior citizen organizations calling on the House of Representatives to continue its investigations into the menace of crime in our society.

Also received are communications from heads of important labor unions expressing the concern of the working men and women that the Federal Government do all it can to make our streets, our parks, our neighborhoods, our cities, safe again from crime and the fear of crime.

Toward this goal have come pledges of cooperation from Frank E. Fitzsimmons of the International Brotherhood of Teamsters; Joe Curran of the National Maritime Union; William Schneider of the Air Line Employees Association; Peter Bommarito of the United Rubber Workers; Matthew Guinan of the Transport Workers Union; Victor J. Herbert, Air Line Employees Association; Floyd E. Smith of the International Association of Machinists and Aerospace Workers; James Housewright of the Retail Clerks International, and A. F. Grospiron of the Oil, Chemical and Atomic Workers Union.

Among those who have been the strongest supporters of the inquiries of the House Crime Committee into the problem of drug abuse and addiction has been the Governor of Massachusetts, Francis W. Sargent.

Governor Sargent was one of the first witnesses before the Crime Committee back in the fall of 1969 when we held hearings in the city of Boston. Governor Sargent is among 10 Governors, 16 attorneys general, and 22 mayors and city managers who have commended the Crime Committee for its past endeavors and assured us of their cooperation in our upcoming investigation into street crime.

Mr. Speaker, I enclose the following telegrams and letters at this point in the Record:

Boston, Mass., *March 7, 1973.*
Hon. Claude Pepper,
House Office Building,
Washington, D.C.:

I would like to express my support of the continuance of House Select Committee on Crime. (House Resolution 205.) The committee has been of great help to our drug program and division of drug rehabilitation. Hopeful the committee will continue its work to aid States trying to deal with drug abuse and other important social problems.

Francis W. Sargeant,
Governor.

International Brotherhood of
Teamsters.
Hon Claude Pepper,
House of Representatives,
Washington, D.C.:

The following telegram was sent to Speaker Albert today:

It is my firm conviction that the House of Representatives should give consideration to continuing the House Select Crime Committee for at least two more years to permit the committee to complete its work, especially in connection with drug addiction and street crimes, which are of such great concern to the American people. I believe that Congressman Pepper and his committee are doing an excellent job and strongly urge consideration of continuance of this committee.

Frank E. Fitzsimmons,
General President.

National Maritime Union of America,
New York, N.Y.
Hon. Claude Pepper,
Washington, D.C.:

Duplicate Albert: Strongly urge your support of the continuation of the Select Committee on Crime.

Joseph Curran,
President.

Air Line Employees Association,
International,
Chicago, Ill.
Hon. Claude Pepper,
Washington, D.C.:

Following telegram sent to Speaker of the House Carl Albert today:

"Imperative that you pass House Resolution 205. The growth of street crime and increase in the use of narcotics in this country is a blot on our past and undermines our very continued existence."

Respectfully,

William A. Schneider,
Treasurer.

United Rubber Workers,
Miami, Fla.
Hon. Carl Albert,
Washington, D.C.:

Urgently request that you use every power that you have to prevent the abolishment of House Crime Committee. The outstanding work of this committee so far should guarantee that it be continued at least another two years.

Peter Bommarito,
President.

TRANSPORTATION WORKERS UNION OF AMERICA,
New York, N.Y.

Congressman CLAUDE PEPPER,
Washington, D.C.:

On behalf of the 150,000 members of the Transport Workers Union of America, AFL–CIO in ground air and rail transportation and the utilities, universities and space industries, we wish to express our strongest opposition to the efforts of those who would abolish the House Crime Committee. It is inconceivable that there could be such callous interest which would seek to dilute our nation's efforts to get to the roots of our serious problems concerning drug addiction and violent street crime. We must urgently call for the continuance of the House Crime Committee's efforts for at least two more years. America must leave no stone unturned in its efforts to provide a safe and sane environment for its citizens.

MATTHEW GUINAN,
International President.

AIR LINE EMPLOYEES ASSO., INTL.,
Chicago, Ill.

Following telegram sent to Speaker of the House Carl Albert today:

"On behalf of the 10,000 member Air Line Employees Association Intl, I strongly urge passage of House Resolution 205 providing for the continuance of the House Select Committee on Crime for another two years to enable this committee to complete its most important work investigating street crime and narcotics traffic in America, both of which are areas of prime concern to the people of America today. We strongly support the passage of any and all legislation designed to curb the horrendous growth of street crime and narcotics traffic in our country and for this reason urge the continuance of the House Select Committee on Crime."

Respectfully,

VICTOR J. HERBERT,
President.

INTERNATIONAL ASSOCIATION OF MACHINISTS AND AEROSPACE WORKERS,
February 22, 1973.

Hon. CARL ALBERT,
U.S. House of Representatives,
Washington, D.C.:

The International Association of Machinists feels that crime is one of the major problems in the United States today and Congress and the Government are not doing enough to curb crime and drug abuse. We would therefore appreciate anything you can do to insure that the Select Committee on Crime under the chairmanship of Representative Claude Pepper is continued.

FLOYD E. SMITH,
International President.

RETAIL CLERKS INTERNATIONAL ASSOCIATION,
Miami Beach, Fla.

Hon. CLAUDE PEPPER,
House of Representatives,
Washington, D.C.:

Following telegram sent to the Honorable Carl Albert:

Earnestly urge two year extension of House Crime Committee's efforts to develop programs to combat drug abuse and curb violent street crimes.

JAMES T. HOUSEWRIGHT,
International President.

OIL, CHEMICAL, AND ATOMIC WORKERS UNION,
Denver, Colo.

Hon. CLAUDE PEPPER,
House of Representatives,
Washington, D.C.:

Following message sent Speaker Albert:

I urge that you use your influence to bring about a continuance of the activities of the House Crime Committee. Many of us have great confidence in Chairman Claude Pepper and believe he will move in the right directions.

Further, I consider it important, for many reasons, that the Congress remain involved in this issue instead of leaving it in the hands of the executive branch.

A. F. GROSPIRON,
President.

LOCAL UNION 206,
RETIRED WORKERS CHAPTER,
Grand Rapids, Mich.

I urge support of House Resolution 205 for continuance Select Committee on Crime for 2 years.

JOHN STOBBE, *Chairman.*
BETTY B. VISCH, *Secretary.*

DETROIT, MICH.

We urge your support in order to permit the House Select Committee on Crime to continue its important work in the investigation of crime.

DAVE MILLER,
Chairman, International UAW Retired Workers Advisory Council.
ANDREW W. L. BROWN,
Assistant Director, International UAW Retired Workers and Community Services Department.

SHAWNEE MISSION
AREA COUNCIL, PTA,
Kansas City, Kans.

Hon. CARL ALBERT,
Speaker, House of Representatives:

It is my understanding that a decision will be made within the next few days concerning the continuation of the House Select Committee on Crime. I feel that the work accomplished to date is of vital concern to all Americans and to terminate their efforts before completion of their objectives would be a grave mistake. I am therefore requesting that you give your consideration to supporting House Resolution number 205.

JANE H. STURGES,
President.

CONGRESS OF SENIOR CITIZENS OF GREATER NEW YORK,
New York, N.Y.

Hon. CARL ALBERT,
Speaker of the House of Representatives:

Congress of Senior Citizens of Greater New York is an organization of 429 affiliated Senior Citizen Clubs in the five boroughs of the city of New York consisting of total membership of more than 250,000 elderly, the largest organized group of senior citizens in the nation. We are deeply concerned with House Resolution 205 designed to continue the work of the House Crime Committee in its still incomplete investigation into street crime in America. We urge you to support continuance of this vital committee. While this subject concerns all victims of crime in all age groups, it is of particular urgency to the elderly who being defenseless are the obvious crime targets of violence in many instances. In the interest of all and particularly of our senior citizens, we urge you to continue the House Select Committee for another two years.

Respectfully yours,

WALTER NEWBURGHER,
President.

AMERICAN FEDERATION OF SENIOR CITIZENS.

DEAR MR. SPEAKER: We believe that it is very urgent to continue the investigations of street crime in America. We older people are the most likely to be attacked. Many are now suffering with severe pain. We hope you pass House Resolution 205 that will help to eliminate these most barbaric acts of violence.

ROBERT SHARP,
President.

YOUNGSTOWN, OHIO.

Hon. CLAUDE PEPPER,
Washington, D.C.:

Do not drop your fight to get H. Res. 205 legislated. Feel your committee particularly urgent for elderly who cannot defend themselves on our streets. Entire Nation should be concerned with crime as we become a Nation of people afraid to walk our streets or leave a door unlocked. Even locked doors fail to stop against our older Americans. This area many robbed or beaten badly because they have no money to steal.

I. H. RYAN,
President, Northeastern Ohio Senior Citizens Council.

GRAND RAPIDS, MICH.

Hon. CLAUDE PEPPER,
Capitol Hill, D.C.:

I urge support House Resolution 205 for continuance Select Committee on Crime for 2 years.

DAVID R. SHERWOOD,
Chairman,
Region ID UAW Retired Workers.

PEORIA, ILL.

Hon. CLAUDE PEPPER,
Capitol Hill, D.C.:

We urge in the public interest that the House Select Committee on Crime be continued for another two years.

KEN JOHNSTON,
Regional Board Member,
National Council of Senior Citizens.

NORTH MIAMI BEACH, FLA.

Congressman CLAUDE PEPPER,
Washington, D.C.:

DEAR SIR: We the Biscayne Taxpayers Association of senior citizens of North Miami Beach numbering approximately 500 members believe that it is important to our welfare that Resolution Number 205 be passed. Crime on the Streets is in many cases directed against the elderly who have no defense against this type of brutality. Once again we strongly urge that Resolution Number 205 be passed.

Yours Truly,

HENRY NELSON,
President,
Biscayne Taxpayers Association.

YOUNGSTOWN, OHIO.

Hon. CLAUDE PEPPER,
Capitol Hill, D.C.:

Urge you not to drop your efforts to continue Committee on Crime. Elderly crime targets in our area and throughout Nation. Our senior groups always seeking to support legislators who will work for them on legislative matters.

SENIOR CITIZENS CLUB.

PROPOSED LEGISLATION (H.R. 5193)

(Mr. MAHON asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MAHON. Mr. Speaker, on Tuesday last, I introduced H.R. 5193, to require the President to notify the Congress whenever he impounds funds, or authorizes the impounding of funds, and to provide a procedure under which the House of Representatives and the Senate may disapprove the President's action and require him to cease such impounding. Consent having been granted, I submit for printing in the RECORD a copy of the proposed legislation and an explanatory statement.

H.R. 5193

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) whenever the President impounds any funds authorized for a specific purpose or project, or approves the impounding of such funds by an officer or employee of the United States, he shall, within ten days thereafter, transmit to the House of Representatives and the Senate a special message specifying—

(1) the amount of funds impounded,

(2) the specific projects or governmental functions affected thereby, and

(3) the reasons for the impounding of such funds.

(b) Each special message submitted pursuant to subsection (a) shall be transmitted to the House of Representatives and the Senate on the same day, and shall be delivered to the Clerk of the House of Representatives if the House is not in session, and to the Secretary of the Senate if the Senate is not in session. Each special message so transmitted shall be referred to the Committee on Appropriations of the House of Representatives and to the Committee on Appropriations of the Senate; and each such message shall be printed as a document for each House.

SEC. 2. The President shall cease any impounding of funds set forth in a special message if within sixty calendar days of continuous session after the date on which the message is received by the Congress the specific impoundment shall have been disapproved by the Congress by passage of a concurrent resolution in accordance with the procedure set out in section 4 of this Act.

SEC. 3. For purposes of this Act, the impounding of funds includes—

(1) withholding or delaying the expenditure or obligation of funds (whether by establishing reserves or otherwise) appropriated for projects or activities, and the termination of authorized projects or activities for which appropriations have been made, and

(2) any other type of executive action which effectively precludes the obligations or expenditure of available funds or the creation of obligations by contract in advance of appropriations as specifically authorized by law.

SEC. 4. (a) The following subsections of this section are enacted by the Congress—

(1) as an exercise of the rulemaking power of the House of Representatives and the Senate, respectively, and as such they shall be deemed a part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of resolutions described by this section; and they shall supersede other rules only to the extent that they are inconsistent therewith; and

(2) with full recognition of the constitutional right of either House to change the rules (so far as relating to the procedure of that House) at any time, in the same manner and to the same extent as in the case of any other rule of that House.

(b) (1) For purposes of this section and section 2 the term "resolution" means only a concurrent resolution which expresses the disapproval of the Congress of an impoundment of funds set forth in a special message transmitted by the President under the first section of this Act, and which is introduced and acted upon by both the House of Representatives and the Senate before the end of the first period of sixty calendar days of continuous session of the Congress after the date on which the President's message is received by the Congress. Where a special message specifies more than one impoundment of funds, the resolution may relate to any one or more of such impoundments; and the resolution with respect to any impoundment may express the disapproval of the Congress of any amount thereof and may set forth the basis on which the impoundment is disapproved.

(2) For purposes of this subsection and section 2, the continuity of a session shall be considered as broken only by an adjournment of the Congress sine die, and the days on which either House is not in session because of an adjournment of more than three days to a day certain shall be excluded in the computation of the sixty-day period referred to in paragraph (1).

(c) Any resolution introduced with respect to a special message shall be referred to the Committee on Appropriations of the House of Representatives or the Senate, as the case may be.

(d) (1) When the committee has reported a resolution with respect to a special message, it shall at any time thereafter be in order (even though a previous motion to the same effect has been disagreed to) to move to proceed to the consideration of the resolution. The motion shall be highly privileged and not debatable. An amendment to the motion shall not be in order, nor shall it be in order to move to reconsider the vote by which the motion is agreed to or disagreed to.

(2) Debate on the resolution shall be limited to not more than two hours, which shall be divided equally between those favoring and those opposing the resolution. A motion further to limit debate shall not be debatable. No amendment to, or motion to recommit, the resolution shall be in order, and it shall not be in order to move to reconsider the vote by which the resolution is agreed to or disagreed to.

(e) Motions to postpone, made with respect to the consideration of a resolution with respect to a special message, and motions to proceed to the consideration of other business, shall be decided without debate.

(f) All appeals from the decisions of the Chair relating to the application of the rules of the Senate or the House of Representatives, as the case may be, to the procedure relating to any resolution referred to in section 4 hereof shall be decided without debate.

OUTLINE OF PURPOSE AND PROVISIONS OF THE PROPOSED IMPOUNDMENT REVIEW BILL

(Introduced by George Mahon of Texas)

I. PURPOSE

The sole purpose of the proposed bill is to provide a standard procedure for Congress to review impoundment actions on an orderly basis and to take appropriate action.

The purpose of the bill is not to resolve the constitutional issue of whether the President has the authority to impound funds which have been appropriated by Congress.

I believe that the Executive should have certain limited powers to reserve funds in the interest of good management and constructive economy in public expenditures, as provided for in the Anti-deficiency Act.

However I agree with the Speaker that many of the recent impoundment actions by the Administration have overstepped the bounds of reasonableness. Such actions frustrate the intent of Congress by substituting the judgment of the Executive for the judgment of Congress.

II. SUMMARY OF THE PROVISIONS OF THE BILL

A. The bill requires the President to notify both Houses of Congress within 10 days of any impoundment, specifying the amount, the programs or functions affected, and the reasons for such impoundment.

B. Such messages from the President shall be referred to the Committee on Appropriations of the House and the Senate for consideration and recommendation of appropriate action.

C. The bill provides that the President is required to cease any impoundment if, within 60 days after receipt of the impoundment message, Congress disapproves a specific impoundment by passage of a concurrent resolution.

D. The concurrent resolution may relate to one or more impoundment actions if more than one is specified in the special message from the President. It may also express the disapproval of the Congress of the full amount of the impoundment or any part thereof, depending upon the circumstances.

E. Any Member may introduce a resolution with respect to the President's special impoundment message, which shall be referred to the Committee on Appropriations of the House or the Senate as the case may be.

F. Concurrent resolutions reported by the Committee are made highly privileged in order to assure a timely and appropriate consideration and are made subject to floor amendment.

III. FISCAL BACKGROUND

A. There is an attempt being made to lay at the doorstep of Congress all of the responsibility for all our fiscal ills. This cannot be documented. Had Congress for the last 5 years given the Executive precisely what had been requested—no more, no less—the fiscal picture would be about the same.

B. Over the past five years, Congress has provided about what the Executive has requested in total spending authority, doing this through regular appropriation bills, and through so-called "backdoor spending" bills.

During that period, in appropriation bills handled by the Committee which I head, Congress has reduced appropriations below the requests by about $30 billion. In fact, Congress, through its Appropriations Committees, has kept within the total requests for appropriations in each of the last twenty years.

During the past five years Congress has offset that reduction by adding about $30 billion in bills which are not handled by the Appropriations Committee.

C. It is also true that Congress and the Executive have acted together since 1962 to reduce available revenues in calendar 1973 by about $50 billion, assuming the economy would have acted as it has.

LEGISLATIVE PROGRAM OF VETERANS OF FOREIGN WARS OF THE UNITED STATES

(Mr. WAGGONNER asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. WAGGONNER. Mr. Speaker, it was my distinct pleasure and great honor to present to the Veterans' Affairs Committee on Tuesday the distinguished veteran and my close personal friend, the Commander-in-Chief of the Veterans of Foreign Wars, Mr. Patrick E. Carr.

I guess I could say that Pat Carr has demonstrated wisdom all of his life. Having been born in Mississippi, he had the good judgment when he reached the age of accountability to move a little further west to Louisiana yet not too far to the west into Texas. He found a home in Louisiana, and we love him. Actually, I am not his Congressman, but every member of the Louisiana delegation considers him a constituent just as Pat considers all of us his Congressmen.

Pat Carr is an example of what has made this country the great place that it is. He places his God and his country above everything else and has done so throughout his entire life. He is a distinguished member of his local bar association, the State bar association, and the American Bar Association. Through his work with the VFW, he has demonstrated not only his ability but also his respect and concern for veterans and his country.

I do not know what has happened to

his law practice, but I honestly do not see where he finds any time to devote to it in view of the time he so unselfishly gives the VFW. Pat is not a man of great means; therefore, he has made a real sacrifice to serve in this capacity. But sacrifices are nothing new to this man.

Pat Carr served his country in World War II. On August 9, 1944, on the occasion of his 40th mission as a gunner on a B24, he was shot down and later was taken prisoner. In April of 1945, he was released and experienced then what the Vietnam veterans are experiencing now—the joy of having stood by his country and having his country stand by him. Pat has first hand knowledge of how the returning POW's feel and those still being held captive feel, and he is also aware of the sacrifices they have made.

I know he shares in his heart the faith in God and in country that the returning prisoners of war are expressing today. It is this faith in God and country that makes a man a great American. Pat Carr is a great American. He is also a family man; he is married and has seven fine children and a lovely wife.

I would like at this point to have Pat Carr's statement, presenting the legislative program of the Veterans of Foreign Wars of the United States, to follow my remarks.

STATEMENT OF PATRICK E. CARR

Mr. Chairman and Members of the Committee:

It is a great privilege to appear before your distinguished Committee to present the legislative program of the Veterans of Foreign Wars of the United States.

Our appearance before this Committee is the highlight of our annual Conference of National and Department Officers here in Washington.

This is our twentieth successive year of membership growth. The Veterans of Foreign Wars was founded, as most of the members of this Committee know, back in 1899, when a handful of veterans of the Spanish-American War met almost simultaneously in several cities to discuss mutual problems of returning veterans of that conflict during the last century. These veterans subsequently joined together to establish the Veterans of Foreign Wars of the United States. From that beginning in 1899, the Veterans of Foreign Wars has grown steadily until today we have the largest membership in our history. This next year will be our 75th anniversary and as we go to our National Convention in New Orleans, we are hoping that we will be well over the 1.8 million mark.

Accompanying me today are the men who are directly responsible for the vitality and leadership of our organization. These are the Officers, Commanders, and Committee members at all levels of our organization from all over this nation, who have helped make the Veterans of Foreign Wars the greatest veterans organization in the land. I know I speak for all of them when I express the deep appreciation for the opportunity to appear before this great Committee.

The many programs of service to veterans and their families, to our communities, and to the nation are the primary reasons for our continued growth. As I previously indicated, many of the members of the Veterans of Foreign Wars who have labored so hard over the years in behalf of our programs and purposes are with me today. Many of them have already visited with you or will be visiting with you today and later tonight at our Banquet in your honor at the Sheraton Park Hotel.

Time does not permit a complete description of all of the programs which the Veterans of Foreign Wars carries out in behalf of veterans and their dependents and other programs for the benefit of the nation. I will, however, refer to one of these programs, which is our Voice of Democracy Program. This is a scriptwriting contest participated in each year by high school students from the fifty states, the District of Columbia, Guam, and the Panama Canal. The theme again this year is "My Responsibility To Freedom." Five scholarships, totaling $22,500, will be awarded to the winners of this scriptwriting competition at our Congressional Banquet tonight. The first place winner will deliver his or her speech and receive the first prize of $10,000 to be used to further his or her education at the college or university of his or her choice. Mr. Chairman, these Voice of Democracy state and territorial winners are seated directly behind me, and it is my honor to present to you and your Committee these winners at this time. Thank you.

Down through the years this Committee has been chaired by outstanding and distinguished Members of the Congress. For the majority of Veterans of Foreign Wars members, we have known only one Chairman. I would be highly remiss if I failed to mention that we have all noted that the man who has chaired this great Committee for so many years with such great distinction has taken over the chairmanship of another Committee. We are extremely happy that he has chosen to remain on this Committee and will be Chairman of the most important Subcommittee on Compensation and Pension, which programs are of such intense interest to over five million veterans and their dependents. As Chairman of this Committee from 1954 to 1973, he has made a record, which I am sure will be difficult to ever surpass. Practically every veterans program, right, and benefit has been considered and approved during his tenure as Chairman of this Committee. Mr. Chairman, the Veterans of Foreign Wars and the veterans of this nation and their dependents will forever be indebted to the man who headed this Committee for almost 20 years. He is by every and any measurement a truly great American. We of the Veterans of Foreign Wars salute the Honorable Olin E. "Tiger" Teague of Texas.

Veterans and their dependents are most fortunate to have during this crucial period in our history another great American who has become Chairman of this Veterans' Committee so important to us all. Mr. Chairman, many of us know you well. We all know you by your accomplishments and achievements. Your 22 years on this Committee have made you eminently qualified to continue in the great tradition of Chairman Teague. The Veterans of Foreign Wars extends every best wish to you, Chairman Dorn, for every success in this most important role of vital concern and interest to the more than 29 million veterans and their families throughout the nation.

The legislative program of the Veterans of Foreign Wars is established by the approval of resolutions by the delegates representing our membership at our annual National Conventions. Our most recent National Convention, held in Minneapolis, Minnesota last August, approved about 300 resolutions, the majority of which relate to legislation coming within the jurisdiction of this Committee. Following our Convention, our National Legislative, National Civil Service and Employment, and National Security and Foreign Affairs Committees met here in Washington and reviewed these 300 resolutions. As a result of their meetings, a representative list of national resolutions was recommended by these Committees, and I have approved as Commander-in-Chief our Priority Legislative Program for 1973. This program has been printed in an attractive brochure, and a copy has been furnished to every Member of Congress and Government officials having a responsibility for carrying out and implementing of veterans programs.

It would be deeply appreciated if a copy of the Digest of our national mandates adopted by delegates attending our Minneapolis Convention and a copy of the brochure listing our 1973 Priority Goals be made a part of my remarks at the conclusion of my statement.

Mr. Chairman, it is an historical fact that the contribution made by those who wore the uniform in time of war are soon forgotten in the aftermath. The Vietnam war has been unpopular and has deeply divided the nation. It has come as a shock, however, to the Veterans of Foreign Wars to realize that even before this war was over, veterans and their dependents are already being given the short end of the stick.

I am referring to the shocking and totally unexpected and unwarranted vetoing of two comprehensive veterans bills on October 27, 1972. With the war still continuing in Vietnam, the anti-veteran forces in the Office of Management and Budget and other policy-making levels of our Government persuaded the President to withhold his approval of two comprehensive veterans bills in the name of economy and balancing the budget..

The Veterans of Foreign Wars holds that the cost of veterans programs has been and always will be a part of the cost of war. If there are any programs which should be exempted from budgetary and fiscal limitations, they are veteran programs. We can't expect veterans who have made one sacrifice in the national interest to make a second sacrifice at the expense of his health in order to balance the budget. Compassion dictates that there should be no economizing at the expense of veterans and their dependents. Veterans programs should be exempt from budget restrictions.

Mr. Chairman, it is most difficult to determine just what the national health strategy of this Administration is regarding veterans hospitals and medical care. We do know where the Congress stands. We do know the policy the Congress has laid down is, for example, that the Veterans Administration shall maintain an average daily patient load of not less than 85,500 in Veterans Administration hospitals. Regretfully, we also know the Veterans Administration contemptuously ignores this Congressional mandate by maintaining a substantially lower average daily patient load, which is around 82,000 at the present time.

Mr. Chairman, the Congress has always been most compassionate and generous in its treatment of veterans and their dependents. Our problems have almost always originated in the Executive Branch—the budget makers, the high policy planners, and the officials who help establish national priorities. What can we expect from the Executive Branch regarding the establishment of a National Health Insurance System? We fear and justifiably so that a National Health System contemplated by the Administration will do grave injury to Veterans Administration hospitals. As I stated, we do not know for sure what this Administration's National Health policy is regarding veterans. We do know, however, the contemplated National Health System is interrelated with veterans medical care. For example, the Office of Management and Budget Director wrote to Members of the 92nd Congress there would be no new Veterans Administration hospitals built until and I quote:

"The President has recently introduced national health insurance proposals, which could have profound implications for the VA hospital system. These initiatives are a new element that require consideration before coming to decisions on new hospital construction proposals. Therefore, we cannot move ahead with any new hospital construction proposal until there is a careful evaluation of the role, size, and geographic distribution of the VA hospital system in the light of these proposals."

We further know that in the Memorandum of Disapproval on H.R. 10880, it was stated "the bill runs counter to this Administration's national health strategy which would provide national financing mechanisms for health care and sharply reduce the Federal Government's role in the direct provision of services."

Since the Veterans Administration provides practically all of the Federal Government's hospital and medical care directly to veterans and it is the stated policy to sharply reduce the Federal Government's role in this regard, is it any wonder the Veterans of Foreign Wars fear a National Health System will swallow up in whole or at least in great part the Veterans Administration's hospital and medical system? We know where the Office of Management and Budget stands on this issue. We'll be leaning heavily on the Congress and this Committee to maintain, improve, and strengthen the integrity and independence of the Veterans Administration's hospital and medical system.

Mr. Chairman, one of the most important provisions of the vetoed H.R. 10880, 92nd Congress, mandated the Veterans Administration to improve the staff patient ratio in Veterans Administration hospitals to approach the staff patient ratio in comparable community hospitals. The Veterans Administration controls the number of veterans being admitted to Veterans Administration hospitals by rejections, postponement of admissions, and other actions to hold down the average daily patient census below the minimum mandated by Congress. By holding down the average daily patient census, the Veterans Administration has been able to maintain and even improve very slightly the staff patient ratio. Even so, it is a shockingly low of 1.5 to 1—far below the staff patient ratio in comparable community hospitals, which is about 3 to 1.

It is no wonder, Mr. Chairman, that more and more veterans are complaining to the Veterans of Foreign Wars of the long waits before being admitted to VA hospitals, housekeeping problems once they have been admitted, practically no service of any kind in some Veterans Administration hospitals on weekends, and similar complaints, all of which are rooted in the low staff patient ratio or inadequate personnel in Veterans Administration hospitals?

Mr. Chairman, the veto of the National Cemeteries Act was another tragic and unwarranted action. Here was a bill which had been developed over a period of several Congresses and would have been a giant step in carrying out the Veterans of Foreign Wars goal of at least one National Cemetery in each state so that every veteran who so desires may be buried in a National Cemetery reasonably close to his home.

Bills have been introduced in the 93rd Congress identical to the two vetoed measures. I hereby pledge the total support of the 1,800,000 members of the Veterans of Foreign Wars in the efforts of this Committee and the Congress as you consider H.R. 2900, the Veterans Medical Care Bill, and H.R. 2828, the National Cemetery Bill, and similar bills which contain the provisions of the two veterans bills which were pocket vetoed last October 27.

Mr. Chairman, the anti-veteran sentiment manifested in the two vetoed veterans bills approved by the 92nd Congress rears its ugly head in many of the provisions of the 1974 Veterans Administration budget, which I can characterize as most distressing and discouraging; in fact, many of its provisions show a callous disregard for the needs of veterans and their families. The official view of our organization regarding the 1974 Veterans Administration budget is contained in my statement of January 30, 1973. It will be deeply appreciated if a copy of the Veterans of Foreign Wars position and its reaction to the 1974 Veterans Administration budget, as contained in my statement, be made a part of my remarks at this point in my testimony.

Mr. Chairman, many Veterans Administration programs are either being cut back drastically in this 1974 Veterans Administration budget or the very modest increases proposed are woefully inadequate to meet the cost of inflation and increased needs for additional services, such as veterans hospital care.

The most distressing cut is in the area of medical care. As indicated the Congressional mandate is being contemptuously ignored by the Veterans Administration regarding the 85,500 average daily patient load which the Veterans Administration is mandated to maintain in its 168 Veterans Administration hospitals. The current level is about 82,000. Further reductions are slated in 1974 to a figure of 80,000. When we realize that the Veterans Administration always lags behind or operates less than the contemplated average daily patient load, it can be expected that the Veterans Administration is probably shooting for an average daily patient load of 78,000 or thereabouts.

In any event, the difference between the Congressionally mandated 85,500 and the contemplated 80,000 for next year is the equivalent of closing down 11 500-bed Veterans Administration hospitals. As previously stated, we believe that the Veterans Medical Care Act (H.R. 2828) which contains the provisions of the rejected H.R. 10880, 92d Congress, will go a long ways toward forcing the Veterans Administration to at least halt further cuts in veterans hospital care.

The Veterans of Foreign Wars is apprehensive that some VA Regional Offices are going to be closed in the not too distant future. I am referring to a contemplated reorganization of Veterans Administration Regional Offices which this year's Veterans Administration budget calls for, so that the Veterans Administration field structure will be realigned to fit the ten standard Federal regions. We have been unable to learn details of this structural reorganization, but we do know that this year's Veterans Administration budget calls for a wholesale reduction of Veterans Administration employees in Veterans Administration Regional Offices, estimated to be up to 1500 in the Department of Veterans Benefits. Many are convinced that this restructuring will result in the closing of many Veterans Administration Regional Offices.

Mr. Chairman, none were more shocked and amazed than the Veterans of Foreign Wars to learn of the outrageous provision in the 1974 Veterans Administration budget which would have literally taken $160 million out of the pockets of combat, disabled veterans of the Vietnam War. Precisely at a time when the President was trying to negotiate a final settlement of the Vietnam war, the prisoners of war were coming home, and the missing in action still to be accounted for, the faceless officials of the Office of Management and Budget sent to Congress a proposal which was aimed directly at making the disabled Vietnam veteran a second-class citizen.

The Veterans of Foreign Wars is proud of bringing this matter to the attention of our membership and the nation. We must not let such a proposed revision rear its ugly head again. That is why the Veterans of Foreign Wars strongly supports H.R. 4185, which will freeze the existing Rating Schedule as it applies to Vietnam veterans and require the concurrence of Congress before any proposed revision of the Rating Schedule can go into effect.

It is further noted in this 1974 VA budget that there will be a reduction in medical research, reduced outreach, and other efforts to contact returning Vietnam veterans, a slash in the hospital construction budget, and not one dime for the Medical School Assistance Act which was authorized by the Congress last year to help reduce the acute shortage of doctors and other badly needed medical personnel.

Lastly there is no money in the 1974 budget for veterans pensions. Hundreds of thousands of veterans and their dependents have suffered a loss in their veterans pension payments because of the 20% social security increase of 1972. I can unequivocally state that more mail, phone calls, and communications have reached the attention of the Veterans of Foreign Wars on the pension cut caused by the social security increase than any veterans issue in many years. These older veterans in the main are existing for the most part on social security and similar retirement income and their veterans pension payments. Every dollar counts. In fact, every dollar is crucial. It came as a shock to many of these older veterans or their widows to learn that on the one hand when their social security pension was increased, the other hand was reducing their veterans pension payment. Not only is there no money to offset the 1972 social security increase but the 1974 budget spells out it is going to save $237 million out of the pockets of elderly disabled veterans and their dependents by doing nothing about the social security increase. Unless the Congress acts in this area, veterans and their dependents will have their VA pension checks reduced $237 million in the months ahead.

Even more incredible and to the astonishment of almost everybody, the 1974 Veterans Administration budget calls for including a wife's earnings in computing a veteran's entitlement to a Veterans Administration pension. If the Congress would approve this budget recommendation, the Veterans Administration would reduce the pension program by taking $223 million from very disabled, sick, and elderly veterans. The Veterans of Foreign Wars totally opposes any and all bills which may be introduced to carry out this request.

The Veterans of Foreign Wars commends all sponsors and cosponsors of pension bills which will carry out the Veterans of Foreign Wars objective of protecting veterans and their dependents from a veteran's pension loss because of the 1972 social security increase. We urge your favorable consideration of one of these bills as soon as practicable.

The Veterans of Foreign Wars, as indicated in our Priority Legislative Program and Digest of Resolutions, is extremely concerned with veterans programs, rights, and benefits. The Veterans of Foreign Wars will be working closely with your Committee for the favorable consideration and approval of bills carrying out these objectives. The Veterans of Foreign Wars is proud of its sponsorship, participation, and support of legislation which has sharply increased the GI Bill rates resulting in liberalizations and improvements which are helping the Vietnam veteran in his return to civil life. Public Law 92–540, the GI rate increase law, has done much to place Vietnam veterans on a comparable basis with veterans of previous wars so far as readjustment assistance is concerned.

Mr. Chairman, the Veterans of Foreign Wars has spent much time and effort trying to help reduce the staggeringly high number of unemployed veterans. The GI Bill unquestionably has done more to help reduce this high unemployment list than any other single veterans program. The Veterans Employment Service of the Department of Labor and the National Committee on Jobs for Veterans, headed by a member of this Committee for over 20 years, the Honorable William Ayres of Ohio, are doing an admirable job trying to reduce the high number of unemployed veterans. More help is needed.

especially to reduce the number of unemployed Vietnam veterans which at last count was over 200,000. That is one reason why the Veterans of Foreign Wars supported legislation developed by this Committee which has authorized a substantial number of Veterans Employment Representatives in the state employment offices to be filled by Vietnam veterans. It is our understanding that money for these authorized new positions in the Department of Labor's Veterans Employment Service has not been requested in this year's 1974 budget—just another example of the hollow ring of statements like we can never fully repay the patriotic sacrifices of the American veteran.

Mr. Chairman, the Veterans of Foreign Wars does not relish the idea of the Veterans Administrator having to report to the Department of Health, Education, and Welfare regarding veterans programs. Yet this is a fact. Under the present reorganization of the Executive Branch of the Government, Caspar Weinberger wears two hats—Secretary of Health, Education, and Welfare and Counsellor to the President on Human Resources. The supercrats have decreed that some veterans programs, such as pension, education, and medical services are not a part of the cost of war, as the Veterans of Foreign Wars holds and reason dictates, but somehow come under the umbrella of human resources. In effect, therefore, the head of the Veterans Administration must now report to the head of the Department of Health, Education, and Welfare regarding these veterans programs. This is an horrendous development and one which must be changed before the Department of Health, Education, and Welfare takes over all veterans programs and scatters them throughout the Executive Branch of the Government.

During the 92nd Congress the Veterans of Foreign Wars supported H.R. 9265, a bill to authorize expanded care and treatment of drug dependent veterans. H.R. 9265, the provisions of which are embodied in H.R. 1910 by Congressman John P. Saylor of Pennsylvania, contains the proper and traditional manner to treat a veteran who needs assistance, namely, in the Veterans Administration hospital system. The Veterans of Foreign Wars is hopeful H.R. 1910 will receive early, favorable consideration by your Committee.

I would like to digress for one moment on a matter of tremendous importance to our membership, which is not the primary responsibility of this Committee. I am referring to bills pending in this Congress which would grant amnesty to draft dodgers and deserters, who fled to foreign countries to avoid military duty in our Armed Forces. The Veterans of Foreign Wars believes now that the war is over, these draft dodgers and deserters should be prepared to suffer the consequences for their crimes. Our members are opposed to amnesty today, tomorrow, and forever.

Other bills which are of great interest are proposals to have Veterans Day restored to November 11. If there is any one particular day in this country which is symbolic of the contribution made by veterans who served in the Armed Forces during wartime—it is November 11. That day has been recorded forever in our history. The Veterans of Foreign Wars believes that that day should be restored as Veterans Day. We are hoping that the 93rd Congress will approve this priority objective of our organization.

In conclusion, Mr. Chairman, may I again express my sincere gratitude for tihs opportunity to appear before this distinguished Committee.

It is our hope that each of you will be with us tonight at our annual Congressional Banquet at the Sheraton Park Hotel. We will be honoring one of your distinguished colleagues, the Chairman of the Senate Committee on Armed Services, the Honorable John C. Stennis of Mississippi. He will be the tenth recipient of our Veterans of Foreign Wars Congressional Award for outstanding service to the nation. The dinner will begin promptly at 7:00 P.M. with a reception beginning at 6:00 P.M.

Thank you.

"IS AN END TO SELECTIVE SERVICE AN ATTAINABLE GOAL?"—AN ADDRESS BY HON. SPARK M. MATSUNAGA

(Mr. MITCHELL of Maryland asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. MITCHELL of Maryland. Mr. Speaker, I have long advocated that the continuation of the draft represents an anachronism. Compulsory military service in peacetime seems to me to be inimical to the best interest of a democracy.

My colleague, Sparkie, has made a definitive statement on repealing the draft. I have cosponsored with him the legislation to accomplish repealing the draft. I am pleased to submit the statement by Hon. Spark Matsunaga at the Draft Repeal Workers Conference of the National Council to Repeal the Draft at the Capitol Hill United Methodist Church, on Tuesday, February 27, 1973, Washington, D.C.:

Is An End To Selective Service an Attainable Goal?

(By Hon. Spark M. Matsunaga)

Mr. Chairman and members of the National Council to Repeal the Draft:

Several years ago, President Nixon announced that he was terminating a number of low-priority programs in order to economize. One such program which gained specific mention was that of the National Board of Tea Tasters, the elimination of which he said would save the American taxpayer some $125,000 each year.

Last month, in his budget message for Fiscal Year 1974, President Nixon announced that for the same reason of economizing he was abolishing the Office of Economic Opportunity, the advocate agency for America's 25 million poor people.

In that same budget message, Mr. Nixon made no mention of the Selective Service System, which he promised as a Presidential Candidate in 1968, he would eliminate completely after ending the war in Vietnam. Instead, he included $55 million for the System's operation in Fiscal Year 1974.

Well, the tea tasters are still in business, through an arrangement made with the companies for whom the tea was being tasted. If the millions of Americans who have raised their voices in behalf of OEO are as effective as the teatotalers, we may yet save at least the essential components of that agency for the poor.

But what about our Selective Service System? The silence on it has been deafening. Nothing has been printed in the "Eastern establishment" newspapers; nothing about it said in the "elitist gossip" of television network commentators; nothing about it even mentioned in respected conservative journals. Yet, of the many decisions Mr. Nixon has made during the past 4½ years of his presidency, his apparent decision to continue Selective Service beyond July 1, 1973 may be the most far reaching in denying the Congress its sole Constitutional authority to declare war.

For us who are deeply concerned about the future of the Selective Service Act a brief review of the events of the past few years might prove useful.

During the 1968 Presidential election campaign candidate Richard Nixon generated some optimism among anti-draft Americans, by promising to "eliminate Selective Service completely." Shortly after assuming office, he appointed a distinguished Presidential panel—the Gates Commission—to study the all-volunteer force, and the Commission reported back to him in 1970 that an end to the draft was not only desirable and necessary, but eminently attainable. Hopes ran high.

But in late 1970, the Administration ignored the Gates Commission's recommendation and requested a two-year extension of the President's authority to induct young men, beyond July 1, 1971, to July 1, 1973. The President got what he asked for, but only after a battle. In the House of Representatives, an unusual coalition of liberals and conservatives, of which group I was proud to assume a leadership role, came within two votes of cutting the extension to one year. Some degree of success was attained towards an all-volunteer force when we managed to double the salary of the lowest ranking recruit from $134.00 a month to $268.00 a month, and correspondingly increased the pay of all other low ranking servicemen.

Just before he left his office, Defense Secretary Melvin Laird added note of optimism when he announced that "the Armed Forces henceforth will depend exclusively on volunteers." But the ball game had not yet ended, and in January, Laird's successor, Elliot Richardson, informed the Senate Armed Services Committee that the Administration might seek an extension of "induction authority with respect to Reserve forces."

You will no doubt hear more of this during your conference, but our best estimate at this point is that the Administration will *not* request an extension of the draft. Although we should be prepared to fight any request from the Administration for an extension, let us assume for now that there will be none.

Where does that leave us on July 1 with respect to the draft and Selective Service? Presumably, if no one is to be drafted to serve, then the machinery by which we *select* those to serve would be superfluous.

The System, however, has already announced that it plans to continue substantially with business as usual. On March 8 there will be a lottery for 19-year-olds. Registration will continue. Classifications will continue. Even physical examinations may continue.

I should make it clear that this is a vast improvement over the situation as it was two years ago, when the Executive had the power to draft an army and commit it to whatever venture he chose. But it is not enough. The Military Selective Service Act must be repealed and the system dismantled.

As a Member of Congress, I view the question of repeal in several different aspects.

The activities envisioned by the Selective Service System constitute an infringement on the personal liberties of millions of young men. There are, perhaps, circumstances under which such infringements would be justified, but those circumstances certainly do not obtain today.

Moreover, the existence of a standby draft apparatus could actually hamper the efforts to make the all-volunteer Army a success. Military planners may very well assume that Congress would turn on the manpower faucet at the merest suggestion by the President that it is needed. Until the faucet—and the pipe to which it is attached—are removed, those planners cannot be expected to devote their full energies to making the all-volunteer force work. We need look only as far back as 1947–48, when the Pentagon did everything it could to create an artificial "manpower crisis" so that the draft would be reinstituted. To alleviate this "critical shortage," President Truman requested a temporary reenactment of the Selective Service law—under which we still live today.

Another good reason for dismantling the system is evident—the $55 million requested for Selective Service next year could be put to thousands of preferable alternative uses. For instance, $55 million could fund nearly 2,000 units of low- or moderate-income housing—housing which my State of Hawaii desperately needs. If the Office of Management and Budget is really looking for programs to terminate, Selective Service should have been one of its earliest targets.

There is a possibility that inductions could continue even after July 1, 1973, under a little-known clause of the law. Section 17 (c) of the Selective Service Act forbids inductions after that date, except for persons who have received previous deferments. For example, those who left their jobs which carried an occupational deferment, could be drafted until they reach 35 years of age. The President could draft people for the next 15 years without any more induction authority than he will have on July 2.

Finally, and perhaps most importantly, repeal of the system would make access to unlimited manpower through draftees that much more difficult for the Executive in the future. Few doubt that the draft was one of the principal reasons why Presidents over the past decade saw no reason to seek Congressional sanction for their actions in Vietnam. The theory was: Draft the boys, send them overseas, and Congress won't dare abandon them in the field. Yet it is the Congress which possesses the exclusive Constitutional responsibility to raise armies and to declare wars. If Congress holds the manpower keys, future Presidents will find it necessary to seek Congressional approval of any long-term use of large numbers of troops. And Congress would weigh very carefully any decision to reconstruct the elaborate apparatus of Selective Service in any but the gravest of circumstances. If only to redress this current Constitutional imbalance, the Military Selective Service Act should be repealed.

If the arguments for repealing the Selective Service System are so compelling, why is there resistance to repeal?

Other than natural instincts for self-preservation being shown by Selective Service officials, there is one, and only one, possible justification for continuing the apparatus: that it is needed to assure rapid reactivation of the system if a national emergency develops. Let us examine that assertion with some particularity.

First, draftees are not our nation's first line of defense. It takes about six months from the first induction for the draft to yield any trained manpower. Therefore, we rightly rely on three other sources of manpower rather than draftees: active duty forces, reserves, and early volunteers.

For immediate emergency needs, we maintain standing active forces exceeding 2.2 million in number. Then come the reserves. The President and the Secretary of Defense have told us time after time that they would rely on reserves, rather than draftees, if and when a massive mobilization were required. That's another 2½ million men, already trained for combat. As for the third source for quick manpower, early volunteers, I can speak from personal observation. When there is a real threat to America, Americans respond dramatically. When World War II erupted, the Defense Department issued a call for 1,500 volunteers from Hawaii. Within a week, 10,000 men had responded, and the quota was doubled. Those 3,000 men, I might add, became the nucleus for the famous 442nd Regimental Combat Team, which went on to become, in the words of General Mark Clark, "the fightingest, most highly decorated unit in the military history of the United States."

Surely by the time these three manpower sources have been exhausted, there will have been time to set up a draft. During World War I, it took only 17 days from enactment of the legislation until the first registration was held. Inductions were delayed, for several months, primarily—and this is worth noting—because of a lack of training facilities for the draftees. If such speed was possible in 1917, can we expect less of today's computerized technology?

I suggest, then, that the only significant argument for retaining the Selective Service machinery—that it is a standby against some future emergency—is not valid, and we are left with considerable and weighty reasons in favor of dismantling the machinery.

That is the purpose of this conference—to help you in your efforts to make this issue more visible, and to get the Congress to act favorably on the repeal legislation introduced in the House by me, and in the Senate by Senator Mark Hatfield. There is also a chance for success through the appropriations process, which I am sure you will hear more about today and tomorrow.

The two important things to remember, though, are, first, that the end of induction is only a step toward our goal of repealing the draft, and, second, that there is an opportunity today to end Selective Service and the continuing threat it poses to both a free society and a healthy separation of powers between the Executive and the Congress.

We must seize that opportunity, for a better one may never present itself.

Thank you.

FAIR INTERNATIONAL TRADE ACT OF 1973

(Mr. SAYLOR asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SAYLOR. Mr. Speaker, I introduced a trade bill in the last Congress designed to bring our trade problem under control. Unfortunately, no action was taken on international trade problems during the 92d Congress. I therefore reintroduced the legislation in this Congress with the Honorable JOHN T. DUNCAN of Tennessee. That bill is numbered H.R. 4515; a copy is appended to my statement here and an explanation of the bill immediately follows the bill.

We have had such a discouraging experience with our balance of trade in the past few years that we can no longer rely on mere hope that the situation will correct itself. With a deficit of over $6 billion in 1972 in our trade balance, we should now be convinced of the need for early corrective action. Actually, the deficit was nearer $14 billion if we were to report our imports and exports on a realistic basis; that is, so that we do not count as exports the goods we give away and report our imports on what they actually cost us rather than on their foreign value.

I have been led to believe that we will soon get better statistical reports on our trade. I certainly hope so. We will then see more clearly the sorry state of our competitive standing in world trade.

Mr. Speaker, the tariff and trade front continues in a state of disarray. The international competitive weakness of the United States has led to a sharp increase in the deficit of our international trade balance. This trend, together with heavy foreign obligations of the United States, began to weaken the dollar in international exchange to the extent that twice in the last year, this country took action designed to bring currency alinements to a more realistic basis.

The action we took in August 1971 led to a moderate up-valuation of the Japanese yen and lesser increased valuations in the currencies of other countries. In December 1971, the United States devalued the dollar itself by increasing the price of gold in terms of the dollar, while closing the door to convertibility. We closed the door to the buying of gold at $35 per ounce by lifting the theoretical price to $38 per ounce. We have further raised the price to $42 per ounce.

We reached this difficult choice as the culmination of a crisis that could no longer be ignored. Unfortunately, the action taken did not go far enough to do much more than release the immediate pressure, and, I suspect, the recent devaluation will not bring about any long-term solutions.

The genesis of the crisis itself was only superficially a monetary one. The basic difficulty lay in our competitive weakness in trade, superimposed on heavy obligations incurred as a result of World War II, the Korean war, and the Vietnam war, and their effect on our economy. We assumed heavy international obligations under the various foreign aid programs following the Marshall plan, maintained armed forces in Europe, and, to add to the burden, we became involved in two protracted armed conflicts in Korea and Vietnam.

Meantime, an economic revolution got underway in the industrial countries that remained outside of the Communist orbit. After observing the industrial might of the United States in the course of the Second World War, Western Europe and Japan chose our productive system for themselves. We gave them a helping hand—not only with massive financial aid, but through technological assistance. We invited thousands of productivity teams from abroad to visit and study our factory organization and methods of production. The visitors were eager learners and returned to their homelands laden with plans for the modernization of their own productive facilities.

Our exports boomed as we extended economic aid not only to the developing countries, but first and foremost, to the war-ravaged industrial countries of Europe and Japan. Yet, so heavy were our commitments, that after a decade and a half the surplus in our trade balance began to fall short of our deficit in the total balance of payments. We began to lose our gold reserves at an alarming rate. Relentlessly it fell, year after year, from $21 billion in 1955 to less than $10 billion in 1972.

We had depended on our trade balance to offset a great part of our other dollar outflow but from 1958, the effects of our foreign rehabilitation program and the rising foreign productivity began to show negative results. In that year we moved into a deficit position in steel exports. We imported more steel than we exported. That was a most ominous turnabout. Already our textile imports were gaining rapidly on the total of our textile exports. This balance also turned about from an export surplus to a deficit in a few years. Automobile imports picked up the same trend, increasing their penetration of our market. Imports were to exceed exports not only in number of vehicles but in total value—and not only in vehicles, but in total automotive trade, including parts and components. By 1971, imports were not far from double the export value of automobiles and parts. Many other products experienced a similar onslaught from imports. In 1964, meat imports were pressing hard on the domestic industry. By 1970, our footwear industry was feeling the loss of jobs and market. Athletic goods, screws, bolts, fasteners, tile, rubber tires, fishery products, tomatoes, strawberries, mushrooms, and many other products, typewriters, calculating machines, radios, television sets, recorders, sewing machines, cameras, watches and clocks, all experienced rapidly rising import competition.

The reaction of domestic producers was one of alarm. They sought import restrictions as a means of survival. Relief was very difficult to achieve under the escape clause mechanism while further tariff reductions were made in international conferences, the last one being the so-called Kennedy Round. There was one way around the problem—our larger manufacturers turned more and more to foreign investment. They found it necessary to produce within the countries that competed with us so successfully in order to hold a share of the market.

Our direct private investments in foreign countries rose from $11.8 billion in 1950 to $31.9 billion in 1960 and to $78.1 billion in 1970, according to the Statistical Abstract of the United States, 1972—table 1269, page 765. In 1971, another investment of $7.2 billion in private enterprise in other countries followed the previous dollars abroad, bringing the total overseas investment to nearly $85 billion. In 1972, the total neared the $100 billion mark.

Naturally, this tread had two countervailing effects on our domestic expansion. By supplying foreign markets from within we were shrinking the growth of our exports to those markets. Employment therefore grew more abroad than here. There has been very little unemployment in the industrial countries of Europe and Japan in recent years. In 1971, we had an unemployment rate of 5.9 percent, compared with 1.3 percent in Japan, 0.7 percent in West Germany, 2.7 percent in France, 3.4 percent in Italy and 2.5 percent in Sweden. Great Britain's unemployment was nearly as high as in this country.

As productivity advanced rapidly in the other countries, their costs declined. Since their wages were far below those prevailing in this country, the competitive advantage they enjoyed over us in our own home market widened. Even though wages advanced more rapidly in percentages of increase than in this Country, the dollar and cents increase in this country remained ahead of our competitors. A 10-percent increase here was the equivalent of 25 percent increases in other countries. Our higher cost therefore continued to have an adverse effect on our trade. In recent years we have come into a deficit position in our trade in nearly all manufactured goods with a few exceptions.

Our exports of machinery rose to high levels. This category includes not only industrial machinery but automobiles, aircraft, and computers. Chemicals have also maintained a handsome export balance but not of the magnitude of machinery. In nearly all other manufactured products we have developed a deficit in our trade. We import much more than we export in most of these products. In 1971, we had a deficit of nearly $8 billion in our trade in manufactured goods other than machinery and chemicals.

Much of the export market for machinery we have enjoyed has been generated by our foreign investments. This is to say that our companies equipped many of their branch plants with American machinery. This was a natural inclination because of the greater familiarity of these branch plants with our own machinery. Yet this surplus of exports of over $5 billion in 1971 was proportionally much narrower than it was 10 years ago. At the recent rate of "narrowing," this surplus will completely disappear in a few years as it has already disappeared in automobiles and parts.

Nevertheless, in 1971 our exports of machinery and transport equipment, including automobiles, aircraft, and computers, was almost 45 percent of our total exports of all goods. This means that our advantage in exports has been narrowed to a sector of our economy that produced only 18.3 percent of total output of our operating manufacturing establishments.

Mr. Speaker, this fact should give us some notion of the straits we are in. Less than one fifth of our manufacturing activity accounts for 45 percent of all our exports—including agricultural and mineral products. I need hardly say that this fact speaks volumes of the state into which we have allowed ourselves to drift in the international market as a result of our misguided "unrestricted import" policy.

That our machinery exports will not hold up forever may be concluded from the fact that we exported as voluminously as we did because we had goods that the other countries wanted but did not themselves produce in adequate quantity. It was like this with automobiles for many years and anyone suggesting that one day we would be importing more automotive products than we exported would have been laughed out of countenance. Yet—what happened to automobiles and other products can, and surely will, happen to machinery. Where will our export trade stand then?

Will we depend on wheat sales to Russia? What will we use as competitive goods to expand our foreign markets? The prospective deficit in petroleum will outbalance any increase sales of wheat we may achieve.

We are outdone in costs, not because we are inefficient, although we may suffer somewhat on that front—but because the other industrial countries are catching up with us in technology while their employee compensations continue far below that prevailing in this country. Since our wages are not standing still, the gap will no doubt endure and we will continue in a weak international competitive position.

The solution that is proposed now takes the course of dealing with international exchange through the process of realining currencies. Theoretically, this course could bring us back into a competitive basis with other countries. If either the dollar were further devalued or if certain other countries—notably Japan and West Germany—should upvalue their currencies, the cost of our goods could be brought down in other countries, and our exports should grow accordingly. At the same time foreign goods would cost more in this country and we would import less.

That was the hope in August of 1971, and just recently with the dollar devaluations. Unfortunately, the dimensions of the currency realinements were wholly inadequate, and will continue so as long as the revaluation is left to their own voluntary action.

We come now to the question of what may be expected from currency realinements. We may start by recognizing as a fact that our foreign competitors will not vacate their competitive advantage voluntarily even though they may be willing to go part way. We may follow this weakness of the currency realinement ploy with the further realization that whether to revalue or devalue is a prerogative of each country. What our competitors concede, they may just as easily take away without our permission or consent, and at their own pleasure. Thus, there is introduced an inevitable instability in foreign exchange.

There is a worse defect in the currency manipulation device. It is that the re- or de-valuation is across-the-board. It affects all goods the same regardless of the competitive position of different products. In that respect it is like the most-favored-nation clause. It treats alike those who are on disparate competitive levels even if the competitive disparity between one country and another may be as high as 50 percent or even 100 percent.

In that respect it is also like the tariff as an equalizer of competitive standing. Since the tariff under the MFN clause treats all imports—with the Communist exceptions—alike, the rate that may be suitable on the imports from one country, such as Korea, or Japan, may be too high toward other countries that have higher costs. Yet if the rate is adjusted to suit the higher cost countries, it will deliver our market to the lower cost countries; that is, those who do not share their productivity with their workers to the extent that the higher cost countries do.

Currency realinement suffers equally from this defect, not in the sense that all countries may revalue equally, but that all imports and exports are treated alike, as if their competitive standing were all the same. If the British pound sterling is devalued 25 percent all imports by Britain and all British exports will be affected equally, but the realinement may bring a windfall to some exports and little or none to others. Some imports may be restricted much more than others, depending upon the competitive standing in each instance, and on the countries of origin. No such realinement need be regarded as very durable since factors quite independent of exchange rates affect competitive capabilities.

Just now we are witnessing such a change in the fuel and energy field. What have exchange rates to do with the pressure of fuel demand on fuel supply, or on the discovery or failure to discover new sources, or on the possibility of discovering or developing substitutes?

Exchange rates have an importance of their own—just as do fever charts. However, it is the operation of other factors that determine relative competitive standing and maladjustment.

Our competitive standing has been undermined by an 80 percent reduction in our average tariff, by the great technological advancement of other countries, and by their failure to disburse in wages an adequate share of the gains in productivity. Our competitive weakness combined with our increased exposure to every sharpening competition from abroad also produces a negative effect on our domestic investment climate. The "growth industries" on which we depended since World War I to employ our rising labor force will no longer develop and finance new products or radical and costly improvements in old-line products, if they cannot be sure that they will enjoy the market as their own for a number of years, for fear that imports will spoil the market—even if the imports are generated by foreign producers licensed by the patent owners themselves. The temptation is great to go abroad where the cheaper labor resides, to develop or exploit new products.

Currency realinement as an instrument to serve our economy is an inadequate and politically bedeviled instrument. The surest, most equitable and effective instrumentality is the flexible import quota which sets aside a reasonable share of the domestic market for imports.

Such a quota system would restore the attractiveness of our domestic market to venture capital and open the way to increasing employment at home. It would make the foreign fields less of a lure because of the better investment climate at home. Employment would not be "exported" to the high degree that was brought on by the condition which made foreign pastures much greener than our own.

The bill which Congressman DUNCAN and I have introduced is designed to meet the competitive situation of our industries in the most realistic and least painful fashion.

A copy of our bill is appended to my remarks, followed by a further explanation of the legislation.

H.R. 4515

A bill to amend the tariff and trade laws of the United States to encourage the growth of international trade on a fair and equitable basis.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be known as the "Fair International Trade Act of 1973".

SEC. 2. It is the purpose of this Act to prevent the destructive effects of an undue increase of imports on the domestic economy while providing for the expansion of imports in proportion as the domestic market for the same or similiar products may expand.

Achievement of the goal of full employment, and the maintenance of a growing and diversified production base in the United States, are essential to promotion of the domestic and foreign policy of the United States. In recent years rapidly rising imports, sometimes promoted by foreign governmental assistance or unfair trade practices, have seriously injured and in some instances severely encroached upon or even preempted the normal growth in the United States of new or established industries. It is the intent of Congress through the enactment of this bill to prevent such destruction in the future.

To the extent that the production of goods that have historically been produced in the United States or that, as the result of new inventions or innovations, might, in the absence of low-cost imports, be produced advantageously in the United States, has been transferred abroad, thus preventing or discouraging the new and growing domestic employment that has until recent years gone hand-in-hand with the development of a market for new or substantially improved articles, it is the intent of Congress to prevent the underemployment and the curtailment or stagnation of industrial production in the United States resulting from such transfer of production or potential production abroad.

To this end this legislation should be administered in such manner that a fair share of the American market, actual or potential, as hereinafter provided, be reserved for domestically produced goods.

SEC. 3. The functions and duties of the United States Tariff Commission shall be modified to include compliance with the requirements of this Act. Upon the request of the President, upon resolution of either the Committee on Finance of the Senate or the Committee on Ways and Means of the House of Representatives upon its own motion, or upon a filing of a petition by a trade association, a national labor union, or other interested party, the Tariff Commission shall promptly make an investigation and hold such hearings as it may be required by this Act.

SEC. 4. (a) The term "domestic industry" as used in this Act shall be interpreted as the productive operations in the United States devoted to the production of the article or articles that are subject to the provisions of this Act, and may be confined to a single category of articles or a group of closely related categories of articles if the competitive impact of imports is concentrated on the single category or on closely related categories of the article.

(b) Any quantitative limitations established under this Act may be divided into categories of closely related articles and allotted by country of origin on a representative historical basis during the most recent ten-year period: *Provided,* That the imports of the combined categories do not exceed the quantitative limitation proclaimed by the President, and that they may be divided into quarter- or half-year periods. If separate categories are not pertinent to the safeguarding of the domestic industry concerned, total imports of the article without regard to categories may be allotted by country of origin on a representative historical basis during the most recent ten-year period: *Provided further,* That 5 per centum of the total quantity may be reserved for allocation to such countries as were not significant exporters of the article to this country during the historical period, if application for allocation of the reserve is made by one or more of such countries, and that such allocation shall be made in the calendar year after the application is received but in no case sooner than six months after its receipt. Only such part of the total quota, not to exceed 5 per centum thereof, shall be allotted to the applicant country or countries as they may reasonably be expected to fill. The remainder or unallocated portion of the 5 per centum reserve, if any, shall be prorated among the existing countries.

SEC. 5. The term "domestic consumption" as used in this Act shall be understood to mean domestic production of the article in question, plus imports thereof, less exports or reexports of the same article during the same period, making proper allowance for carryovers at the beginning or end of any year.

SEC. 6. The "share of domestic consumption" or "apparent domestic consumption supplied by imports", for purposes of this Act, shall be in terms of quantity unless quantitative measures are not available, in which event the dollar value of imports shall be used, reflecting the foreign value as defined in the Tariff Act of 1930, plus the estimated charges incurred for freight and marine insurance in bringing the goods to the port of entry: *Provided,* That in the absence of definitive official statistics on either quantity or value of imports of any article the Commission shall use the best available evidence and estimates in establishing the annual domestic production of articles in question and the share of domestic consumption supplied by imports. Should neither the quantitative nor the value measure alone provide a fair economic indication or index of the share of the market supplied by imports, the Commission shall use such a combination of both measures as in its judgment will most truly reflect such share: *Provided further,* That if a quantitative measure is used, increased unit values of the imports not attributable in major part to an increase in price, are to be treated as a quantitative increase in imports in proportion to the increase in unit value in determining the share of domestic consumption supplied by imports; while if a value measure is used, an increase in the total value of the imports attributable in major part to a price increase shall not be treated as an increase in imports in determining the share of domestic consumption supplied by imports.

The value of imports of articles as used in this Act shall be the dutiable value.

SEC. 7. The President shall within one hundred and twenty days after the effective date of this Act, except as otherwise provided, limit the total quantity of such category of goods, as defined in section 5, produced in any foreign country that may be entered in any calendar year or specified part thereof, beginning with the year 1973, to the average annual quantity of such category of goods as was imported during the three-year period of 1970–1972, as determined by the Tariff Commission.

No such limitation on imports shall be imposed by the President under this Act, (a) if the average imports of the article during the two most recent calendar year periods have not increased more than 20 per centum over the average imports during the next preceding two-year period, and if the average share of apparent domestic consumption supplied by imports of the article was less than 10 per centum thereof during the most recent two-year period; (b) if a quantitative limitation on importation of the article is in effect in pursuance of any other United States statute: *Provided,* That upon the termination of any such existing quantitative limitation, the article or articles which have been the subject of the limitation shall be withdrawn from the exemption from quantitative limitation under this Act and in lieu of the expired limitation shall be treated as immediately eligible for a quantitative limitation under this Act at the same level in terms of the percentage of domestic consumption supplied by imports thereof during the last year of the effective period of the expired limitation; (c) if a limitation on importation of the article as provided in this Act would, in the judgment of the Tariff Commission, cause a serious increase in the price of the article in the domestic market as a direct result of any shortage caused by such limitation of importation; (d) if the Tariff Commission finds that the domestic industry producing the article has failed beyond a reasonable period of time to adopt the necessary technological improvements in production to remain competitive with the imported article; or (e) if the article is on the free list and is not bound on the free list in a trade agreement.

SEC. 8. No article on the production and sale of which an unexpired patent has been issued by the United States Patent Office to a domestic producer shall be imported in an amount by quantity or value that shall exceed 5 per centum of the annual apparent domestic consumption of the same article in the United States during the first five years after the issuance of the patent, or more than 10 per centum of such consumption during the second five-year period, or more than 15 per centum after the third five-year period after the issuance of the patent. After fifteen years from the date of such issuance or after expiration of the patent, whichever occurs earlier, imports of the article may be increased year after year in the same proportion as apparent domestic consumption of the article increases over the immediately preceding year; *Provided*, That the share of domestic consumption supplied by imports of the article is not in excess of 15 per centum at the end of the fifteen-year period after issuance of the patent or at the expiration of the patent, whichever occurs earlier.

SEC. 9. If the share of the domestic market supplied by imports of the article or category of articles as defined in section 4(b), has increased by more than 10 per centum in the most recent three-year period over the share supplied during the next preceding three-year period but not more than 20 per centum, the base quantity for the imposition of the quantitative limitation shall be the average imports of the article during the three-year period of 1970–72: *Provided*, That if the increase in the share of the domestic market supplied by such imports during the most recent three-year period over the next preceding three-year period, was more than 20 per centum but not more than 40 per centum, the base quantity shall be fixed at 10 per centum less than the average imports during the 1970–1972 period: *Provided further*, That if the increase in such share of the domestic market in the most recent three-year period over the next preceding three-year period was over 40 per centum the base quantity shall be fixed at 20 per centum less than the average imports during the 1970–72 period.

SEC. 10. If imports of the article are concentrated in one or more regional areas of the United States, the Commission shall calculate the share of domestic consumption supplied by such imports on a regional basis. The region or regions absorbing the preponderance of the imports shall be defined by State boundaries according to the market pattern, and the region or regions so defined shall be treated as consumers of the article in question in the same proportion of total national consumption as the population of the region bears to the total population of the United States. The share of domestic consumption supplied by imports shall then be calculated by each region by alloting imports among the regions according to the marketing pattern, as established by investigation of the Commission and the testimony of competent witnesses. The President shall treat the share of domestic consumption supplied by imports in any given region as if such share were national in scope and proclaim any quantitive import limitations accordingly by region.

SEC. 11. The Secretary of Commerce shall upon the request of the Tariff Commission supply such import statistics as the Commission may need in order to carry out the provisions of this Act. He shall maintain current statistics on the importation of any articles for which quantitative limitations may be established under this Act, and on the domestic production of such article. The Tariff Commission shall be guided by such statistics in carrying out the provisions of this Act, supplemented as may be necessary by statistics from other governmental departments or agencies.

SEC. 12. If the article is a seasonal or perishable agricultural product, quantitative limitations may be established by the quarter or half year and the period selected treated in the same manner under this Act as if it were a whole year. The share of domestic consumption supplied by imports shall be calculated separately for each quarter or half year and a finding made for each quarter or half year.

The President shall proclaim a quantitative limitation on imports of agricultural products under the same conditions with respect to the share of domestic consumption supplied by imports as govern other articles under this Act.

EXPLANATION OF THE BILL

It is the purpose of the bill to assure a healthy growth of foreign trade while establishing conditions that will prevent the ill effects of unduly rapid increases in imports and unduly deep penetration of our market from disrupting and even halting normal economic growth in the United States.

To this end it seeks *restoration* of the competitive conditions that fostered the development of the world industrial leadership achieved by this country in the past 75 years. The system of production and distribution developed in this country represented a sharp departure, not only from our own past, but also from our economic forebears in Europe. While the Industrial Revolution which brought such great industrial changes to England predated our industrial development, our subsequent adoption of mass production in the Twentieth Century as an offspring of a dynamic technology, soon moved us far afield from our earlier industrial heritage.

Particularly noteworthy among the basic supporting factors in our great departure were (1) a recognition of competition as an incitement to effort by producers to merit consumer favor as a condition of producer reward, (2) perception of the dependence of mass production on mass purchasing power, and (3) appreciation of the role of employee compensation as the predominant ingredient of the buying power of the marketplace.

Pursuit of production in this framework, guarded by laws against monopoly, by laws designed to prevent erosion of purchasing power through low-wage competition, such as outlawing of child labor and sweatshop operation, plus minimum wage laws, and laws in support of collective bargaining, led to an amazing proliferation of production of a vast variety of consumer goods far beyond the level of necessities—propelled by the profit motive.

Because of dependence of production on consumption, and the propensity of consumers to respond to the condition or anticipated condition of their pocketbook, the system, so highly geared to the production of nonessentials, became sensitive to any factors that might be expected to affect the market, either favorably or unfavorably. Such factors might be visible and stubborn and therefore directly influential with consumers, or anticipatory or suspected and therefore psychologically operative in either a negative or positive fashion on both producers and consumers. The antennae of producers were sensitized to both actual and anticipatory movements that might affect the market, i.e., consumer inclination to purchase more or less.

Negative factors led to producer hesitation or outright retrenchment while positive factors or interpretations fostered expansion.

Although imports and exports each represents only approximately 4% of the gross national product, different products partake in widely varying degrees above and below the average. In other words, both imports or exports may be important in particular industries.

In combination the effect of imports may produce a depressing effect on domestic production beyond the positive displacement of workers in domestic plants because of repercussions of the market outlook thus induced and entertained by domestic producers. If imports increase rapidly because of a decided market advantage the domestic producer may cancel any current plans to expand his operations, and await developments. He will not hire any part of the increasing work force that appears on the labor market each month and each year.

If he is a producer of a new and developing product such as historically in this century have expanded into great industries or even into smaller ones and have thus employed in the aggregate millions of workers in newly generated jobs, he will not commit his capital nor will his enterprise attract risk capital very copiously, if he cannot have reasonable assurance that the market will be his if he develops it; or if it seems quite clear that despite his patents he will face competition from abroad that will rob his patent of all meaning.

It is not necessary that his product be a wholly new one. Thousands of existing products are constantly undergoing improvement through invention and research, in efforts to reduce costs and to gain a march on competitors who are in the field, similarly motivated. At home a productive innovation may be protected by patents, and the producer can feel reasonably assured (patent infringement aside) of the fruits of his labors for a reasonable period of time. He willingly undertakes projects that may require several years to mature.

If, however, he knows that he may be outflanked from abroad his outlook is clouded. He may even decide to move a substantial part of his own operations overseas because of wage differentials, particularly if the export of his product beckons as a source of additional profit. Because he finds that by employing workers abroad he can produce at a lower cost, he will forego his efforts to export from this country or he will supplement his exports by producing abroad, thus hedging his future. Alternatively, he may license foreign producers to use his patents.

Meantime the increased employment that he would have provided in this country is curtailed or set aside completely. If unemployment in this country is not to increase, someone else must then hire the additional workers that come on the scene by population increase. The workers he employs abroad do not absorb the new workers in this country.

Thus is subverted the formula by which this country rose to world industrial leadership in this century. New products or radically improved products can no longer be put on the market in this country with the assurance that the great national consumer potential might be tapped through progressive cost reductions aimed at an elastic demand, because of the danger and the overt evidence of outflanking possibilities from abroad.

Even if the producer protects himself by going abroad, American employment is outflanked.

PROVISIONS OF THE BILL

The bill is designed, not to reduce our foreign trade, but to bring its growth under control in such fashion that the American producer can operate under the same assurance that he had during the years before the American technology had been adopted and so energetically pursued by other industrial countries. Under present conditions he can no longer do so for the simple reason that foreign products may virtually preempt the market growth that he could formerly claim confidently as his own.

The bill provides for import limitations under specified circumstances, with well defined exceptions. At least 10% market penetration must have occurred during the two immediately preceding years to qualify for a quota. Also there must have been an upward trend in the past few years in the imports of any given product before eligibility can be established.

The base year for the quota is the average imports during the three-year period of 1969–71. If imports have increased rather sharply during the past several years a moderate cutback in imports may be made from the base period.

Items on the free list will not be subject to quotas, nor items that are now under quota limitation so long as they remain so limited.

Imports once under a quota may increase or decrease in proportion as domestic consumption of the article increases or declines in this country.

The bill makes no effort to discourage foreign investments.

However, it seeks to prevent the objectionable effects that are imputed to foreign investments, (1) by limiting imports to a defined share of our market if the penetration is over 10%, and then restricting import growth to that recorded by our domestic market, (2) by fixing limits on the share of the market that may be supplied by imports of products that have patent protection. During the first five years of a patent's life imports may not rise above 5% of our market for the same article. During the second five years not over 10% of our market for the article may be supplied by imports in any one year. In the next five-year period the limit is 15%, and this will be the final limit.

Once the patent expires the imports will be governed by the other provisions of the legislation.

By thus controlling imports of patented products the usurpation of our market by imports will be inhibited. Domestic patent-holders are then assured of a market that will enable them to proceed in full confidence that they will not be prevented by cost-advantaged imports from reaping the benefits of their efforts to establish a national market.

The domestic investment climate will be restored to the conditions under which this country developed the world's most productive economy. Expansion of production, the opening of new facilities and the hiring of additional workers to meet rising production schedules, will be sparked by the vision of a mass market as costs are cut to a level low enough to tap the mass pocketbook. Under these conditions assuming elasticity of demand, consumption will rise sufficiently to call for rising employment in this country. Imports, limited as provided in the bill, will not remain a hovering threat as they are now, poised to despoil the market for domestic producers; nor, on the other hand, will they be discouraged insensibly or unreasonably.

Any article may be produced abroad by domestic or foreign capital without limitation. The domestic market will not be closed to such products produced abroad, but it cannot be ruined as a source of employment or as a source of profit for domestic capital invested in the home market by unimpeded imports of products from low-wage, low unit-cost areas of the world.

O. R. Strackbein.

JUSTICE DEPARTMENT CLEARS RUSSIAN GRAIN SALE

(Mr. MAYNE asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. MAYNE. Mr. Speaker, Secretary of Agriculture Earl L. Butz said today in Chicago that he has been informed by Attorney General Richard G. Kleindienst that the Department of Justice has completed its investigation and the evaluation of allegations of impropriety with respect to the sale of grain to Russia last year.

The Justice Department reported that it has found no criminal wrongdoing on the part of any present or former government employee, and no criminal fraud on the part of the grain companies involved.

The Secretary said the Department of Agriculture's own Commodity Exchange Authority and Inspector General also had conducted investigations which had reached the same conclusions. I commend the Secretary's words to my colleagues as putting this historic sale in its proper perspective. Secretary Butz stated:

> I have been confident from the beginning that the Department of Agriculture and its employees, past and present, would be given a clean bill of health on the sale of grain to Russia. Now that the emotional accusations have been swept aside by a thorough investigation, we can properly evaluate the grain sale as the historic, highly beneficial and successful action that it is proving to be.
>
> Farmers in the United States are demonstrating to the Soviet Union and to the world, that they have the land, the climate, the management know-how, and the over-all capacity to produce adequate food for the American people and for export. In this fiscal year, we will export a record-shattering $11 billion in farm commodities—up from less than $6 billion four years ago.
>
> Our agriculture is demonstrating that it is one of our major growth industries. It has the strength to produce adequate food for a high-level American diet, take care of a generous Food Stamp and Food Distribution program, and still ship to major countries abroad at a record pace.

Officials in the Department of Agriculture estimate that since last July 1 the Soviet Union has purchased approximately 440 million bushels of U.S. wheat, about 275 million bushels of U.S. corn, and 35 million bushels of U.S. soybeans. The value of these purchases, all handled through private exporters, is valued at more than $1 billion.

The Department of Agriculture reported that through March 2 the following amounts of grain involved in the sale to the U.S.S.R. had been inspected for export since last July 1:

Farm commodity:	*Bushels inspected for export*
Wheat	187, 868
Corn	75, 786
Soybeans	25, 096
Barley	7, 814
Oats	2, 521
Rye	311

Secretary Butz said:

> Farmers in the United States are demonstrating to the Soviet Union and to the world, that they have the land, the climate, the management know-how, and the overall capacity to produce adequate food for the American people and for export. In this fiscal year, we will export a record-shattering $11 billion in farm commodities—up from less than $6 billion four years ago.
>
> Our agriculture is demonstrating that it is one of our major growth industries. It has the strength to produce adequate food for a high-level American diet, take care of a generous Food Stamp and Food Distribution program, and still ship to major countries abroad at a record pace.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows to:

Mr. Fountain (at the request of Mr. McFall), until 1 p.m. today, on account of official business (Advisory Commission on Intergovernmental Relations).

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. Dingell, for 10 minutes, today.

(The following Members (at the request of Mr. Young of Florida), to revise and extend their remarks, and to include extraneous matter:)

Mr. Edwards of Alabama, today, for 5 minutes.

Mr. Robison of New York, today, for 5 minutes.

Mr. Findley, today, for 5 minutes.

Mr. Miller, today, for 5 minutes.

Mr. Kemp, today, for 15 minutes.

Mr. Veysey, today, for 10 minutes.

Mr. Anderson of Illinois, today, for 30 minutes.

(The following Members (at the request of Mr. Ginn) and to revise and extend their remarks and include extraneous matter:)

Mr. McFall, for 5 minutes, today.

Mr. Rosenthal, for 10 minutes, today.

Mr. Gonzalez, for 5 minutes, today.

Mr. Montgomery, for 10 minutes, today.

Mr. Adams, for 5 minutes, today.

Mr. Stuckey, for 10 minutes, today.

Mr. Moorhead of Pennsylvania, for 5 minutes, today.

Mr. Dominick V. Daniels, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. Mahon to revise and extend his remarks and to insert extraneous material and tables.

Mr. Stratton in two instances, and to include extraneous matter.

Mr. Saylor, and to include extraneous matter, notwithstanding the fact that it exceeds two pages of the Record and is estimated by the Public Printer to cost $680.

(The following Members (at the request of Mr. Young of Florida), and to include extraneous matter:)

Mr. Findley.

Mr. Rousselot in three instances.

Mr. Frey.

Mr. Derwinski in two instances.

Mr. Robison of New York.

Mr. Heinz.
Mr. Michel in five instances.
Mr. Brotzman in two instances.
Mr. Dickinson.
Mr. Ashbrook in three instances.
Mr. Myers in two instances.
Mr. Hogan in two instances
Mr. Eshleman.
Mr. Blackburn in two instances.
Mr. Peyser in five instances.
Mr. Mayne.
Mr. Lujan in two instances.
Mr. Lent in three instances.
Mr. Don H. Clausen.
Mr. Bray in two instances.
Mr. Hansen of Idaho.
Mr. Bob Wilson in two instances.

(The following Members (at the request of Mr. Ginn) and to include extraneous matter:)

Mr. Natcher.
Mr. James V. Stanton.
Mr. Gonzalez in three instances.
Mr. Rarick in three instances.
Mr. Waldie in two instances.
Mr. Danielson.
Mr. Matsunaga in 10 instances.
Mr. Moorhead of Pennsylvania in 10 instances.
Mr. Evins of Tennessee.
Mr. Matsunaga in 10 minutes.
Mr. Hungate in two instances.
Mr. McKay.
Miss Jordan.
Mr. Koch in two instances.
Mr. Anderson of California in three instances.
Mr. Bennett in two instances.
Mr. Roe in two instances.
Mr. Bingham in two instances.
Mr. Sikes in five instances.
Mr. Conyers in two instances.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 59. An act to amend title 38 of the United States Code to provide improved and expanded medical and nursing home care to veterans; to provide hospital and medical care to certain dependents and survivors of veterans; to provide for improved structural safety of Veterans' Administration facilities; to improve recruitment and retention of career personnel in the Department of Medicine and Surgery; and for other purposes; to the Committee on Veterans' Affairs.

ADJOURNMENT

Mr. GINN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 3 o'clock and 49 minutes p.m.), under its previous order, the House adjourned until Monday, March 12, 1973, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

553. A letter from the Acting Secretary of the Interior, transmitting a draft of proposed legislation to authorize appropriations for the saline water program for fiscal year 1974, and for other purposes; to the Committee on Interior and Insular Affairs.

554. A letter from the Acting Assistant Secretary of Commerce for Science and Technology, transmitting copies of a proposed flammability standard for children's sleepwear sizes 7 through 14; to the Committee on Interstate and Foreign Commerce.

555. A letter from the Chairman, Federal Communications Commission, transmitting a draft of proposed legislation to amend the Communications Act of 1934, as amended, with respect to penalties and forfeitures; to the Committee on Interstate and Foreign Commerce.

556. A letter from the Chairman, Federal Communications Commission, transmitting a draft of proposed legislation to amend subsection (b) of section 214 and subsection (c)(1) of section 222 of the Communications Act of 1934, as amended, in order to designate the Secretary of Defense (rather than the Secretaries of the Army and the Navy) as the person entitled to receive official notice of the filing of certain applications in the common carrier service and to provide notice to the Secretary of State where under section 214 applications involve service to foreign points; to the Committee on Interstate and Foreign Commerce.

557. A letter from the Acting Administrator of General Services, transmitting a prospectus proposing the acquisition of space under lease arrangements to house the Veterans' Administration Regional Office and the General Services Administration Regional Office in the San Francisco, Calif., area, pursuant to the Public Buildings Act of 1959; to the Committee on Public Works.

558. A letter from the Secretary of the Treasury, transmitting an interim report covering the first 4 months of operations under the State and Local Fiscal Assistance Act of 1972; to the Committee on Ways and Means.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. MURPHY of New York (for himself, Mrs. Sullivan, Mr. Grover, Mr. Clark, Mr. Ruppe, Mr. Leggett, Mr. Snyder, Mr. Metcalfe, Mr. Steele, Mr. Breaux, Mr. Lott, Mr. Studds, and Mr. Treen):

H.R. 5383. A bill to authorize appropriations for the Coast Guard for the procurement of vessels and construction of shore and offshore establishments, to authorize appropriations for bridge alterations, to authorize for the Coast Guard and an end year strength for active duty personnel, to authorize for the Coast Guard average military student loads, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. MURPHY of New York (for himself, Mr. Clark, Mr. Grover, Mr. Metcalfe, Mr. Mailliard, Mr. Breaux, Mr. Ruppe, Mr. Studds, Mr. Snyder, and Mr. Steele):

H.R. 5384. A bill to require loadlines on U.S. vessels engaged in foreign voyages and foreign vessels within the jurisdiction of the United States, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. ADAMS (for himself, Mr. Jarman, Mr. Dingell, Mr. Podell, Mr. Devine, Mr. Kuykendall, Mr. Bergland, and Mr. Breckinridge):

H.R. 5385. A bill to restore and maintain a healthy transportation system, to provide financial assistance, to improve competitive equity among surface transportation modes, to improve the process of Government regulation, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. ANNUNZIO:

H.R. 5386. A bill to amend title III of the Consumer Credit Protection Act to disallow the garnishment of pension or retirement funds; to the Committee on Banking and Currency.

By Mr. BADILLO:

H.R. 5387. A bill to assure opportunities for employment to unemployed and underemployed persons, to assist States and local communities in providing needed public services, to provide job training and guidance when necessary, and for other purposes; to the Committee on Education and Labor.

By Mr. BENNETT:

H.R. 5388. A bill to improve and implement procedures for fiscal controls in the U.S. Government, and for other purposes; to the Committee on Rules.

By Mr. BLATNIK:

H.R. 5389. A bill to establish an Office of Consumer Affairs in the Executive Office of the President and a Consumer Protection Agency in order to secure within the Federal Government effective protection and representation of the interests of consumers, and for other purposes; to the Committee on Government Operations.

H.R. 5390. A bill to amend the Federal Food, Drug, and Cosmetic Act to include a definition of food supplements, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. BROTZMAN:

H.R. 5391. A bill to provide for payments in lieu of real property taxes, with respect to certain real property owned by the Federal Government; to the Committee on Interior and Insular Affairs.

By Mr. BROTZMAN (for himself, Mr. Brown of California, Mr. Harrington, and Mr. Veysey):

H.R. 5392. A bill to amend title 5, United States Code, to include as creditable service for purposes of civil service retirement certain periods of imprisonment of members of the Armed Forces and of civilian employees by hostile foreign forces, and for other purposes; to the Committee on Post Office and Civil Service.

H.R. 5393. A bill to provide, for purposes of computing retired pay for members of the Armed Forces, an additional credit of service equal to all periods of time spent by any such member as a prisoner of war; to the Committee on Armed Services.

By Mr. BUTLER (for himself, Mr. Robinson of Virginia, Mr. Robert W. Daniel, Jr., Mr. Wampler, and Mr. Parris):

H.R. 5394. A bill making apportionment of funds for the National System of Interstate and Defense Highways; to the Committee on Public Works.

By Mr. CARTER:

H.R. 5395. A bill to assure that the public is provided with safe drinking water, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. CHAMBERLAIN (for himself and Mr. Conable):

H.R. 5396. A bill to amend section 956(b) of the Internal Revenue Code of 1954, to eliminate from the concept of U.S. property certain debt obligations acquired by controlled foreign corporations engaged in the banking business; to the Committee on Ways and Means.

By Mr. COLLIER:

H.R. 5397. A bill to prohibit commercial and guarantee agreements with respect to any country which denies to its citizens the right to emigrate or which imposes fees which are in excess of equivalent fees in U.S. currency unless such fees represent a legal tax obligation required to be paid of all citizens of that country under law without regard to race, color, creed, or national origin as a condition of emigration; to the Committee on Ways and Means.

By Mr. CONYERS (for himself, Mr. Dellums, Mr. Pepper, Mr. Leggett, Mr. Harrington, Mr. Green of Pennsylvania, Mr. Thompson of New Jersey, Mr. Moakley, Mr. Won Pat, Ms. Schroeder, Ms. Jordan, Mr.

Brown of California, Mr. Bolling, Mr. Burton, Mr. Sarbanes, Mr. de Lugo, Mr. Owens, Mr. Waldie, Mr. Diggs, Mr. Edwards of California, Mr. Stokes, Mr. Metcalfe, Mr. Mitchell of Maryland, Mr. Rosenthal, and Mr. Hicks):

H.R. 5398. A bill to amend title 42 of the Economic Opportunity Act of 1964, to require that any plans to reorganize the Office of Economic Opportunity be transmitted to Congress pursuant to the Executive Reorganization Act, and for other purposes; to the Committee on Education and Labor.

By Mr. CONYERS (for himself, Mr. Fraser, Miss Holtzman, Mr. Rooney of Pennsylvania, Mr. Roybal, Mr. Stark, Mr. Riegle, Ms. Abzug, Mr. Young of Georgia, Ms. Mink, Mr. Davis of South Carolina, Mr. McCloskey, Ms. Burke of California, Mr. Seiberling, Mr. Kastenmeier, and Mr. Helstoski):

H.R. 5399. A bill to amend title 42 of the Economic Opportunity Act of 1964, to require that any plans to reorganize the Office of Economic Opportunity be transmitted to Congress pursuant to the Executive Reorganization Act, and for other purposes; to the Committee on Education and Labor.

By Mr. CORMAN (for himself and Mr. Pettis):

H.R. 5400. A bill to amend section 993(b) (3) of the Internal Revenue Code of 1954; to the Committee on Ways and Means.

By Mr. CORMAN (for himself, Mr. Anderson of California, Mr. Brown of California, Mr. Burton, Mr. Dellums, Mr. Edwards of California, Mr. Hawkins, Mr. McFall, Mr. Moss, Mr. Rees, Mr. Roybal, Mr. Sisk, Mr. Stark, Mr. Van Deerlin, Mr. Waldie, and Mr. Charles H. Wilson of California):

H.R. 5401. A bill to extend unemployment insurance coverage to employers employing four or more agricultural workers for each of 20 or more weeks; to the Committee on Ways and Means.

By Mr. DANIELSON:

H.R. 5402. A bill to prohibit the importation into the United States of commercially produced domestic dog and cat animal products; and to prohibit dog and cat animal products moving in interstate commerce; to the Committee on Ways and Means.

By Mr. DICKINSON:

H.R. 5403. A bill to limit U.S. contributions to the United Nations; to the Committee on Foreign Affairs.

By Mr. DONOHUE:

H.R. 5404. A bill to create a corporation for profit to develop commercially feasible processes for the conversion of coal to crude oil and other liquid and gaseous hydrocarbons, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 5405. A bill to provide for the enforcement of support orders in certain State and Federal courts, and to make it a crime to move or travel in interstate and foreign commerce to avoid compliance with such orders; to the Committee on the Judiciary.

By Mr. FINDLEY:

H.R. 5406. A bill to regulate all commodities traded on exchanges in futures contracts; to the Committee on Agriculture.

By Mr. FREY:

H.R. 5407. A bill to amend the Comprehensive Drug Abuse Prevention and Control Act of 1970, to establish minimum mandatory sentences for persons convicted of offenses involving narcotics drugs, to provide emergency procedures to govern the pretrial and post trial release of persons charged with offenses involving certain narcotic drugs, to provide procedures to reach large sums of money used for narcotic trafficking, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. GOODLING:

H.R. 5408. A bill to amend title 38 of the United States Code, to make certain that recipients of veterans' pension and compensation will not have the amount of such pension or compensation reduced because of increases in monthly social security benefits; to the Committee on Veterans' Affairs.

By Mrs. GRASSO:

H.R. 5409. A bill to repeal the bread tax on 1973 wheat crops; to the Committee on Agriculture.

By Mr. GRAY:

H.R. 5410. A bill to amend the tariff and trade laws of the United States to promote full employment and restore a diversified production base; to amend the Internal Revenue Code of 1954, to stem the outflow of U.S. capital, jobs, technology, and production, and for other purposes; to the Committee on Ways and Means.

By Mrs. GREEN of Oregon:

H.R. 5411. A bill to provide a tax deduction on Federal income tax returns for time contributed in nonsalaried volunteer social or charitable work; to the Committee on Ways and Means.

By Mrs. GRIFFITHS (for herself, Mr. Fraser, and Mr. Pettis):

H.R. 5412. A bill to amend the Internal Revenue Code of 1954, to provide reasonable and necessary income tax incentives to encourage the utilization of recycled solid waste materials and to offset existing income tax advantages which promote depletion of virgin natural resources; to the Committee on Ways and Means.

By Mr. HALEY (for himself, Mr. Rogers, and Mr. Bafalis):

H.R. 5413. A bill to provide for orderly trade in fresh fruits and vegetables, and for other purposes; to the Committee on Ways and Means.

By Mrs. HECKLER of Massachusetts:

H.R. 5414. A bill to amend the Truth in Lending Act to prohibit discrimination on account of sex or marital status against individuals seeking credit; to the Committee on Banking and Currency.

By Mr. HELSTOSKI:

H.R. 5415. A bill to amend the Communications Act of 1934, to establish orderly procedures for the consideration of applications for renewal of broadcast licenses; to the Committee on Interstate and Foreign Commerce.

By Mr. JOHNSON of Pennsylvania:

H.R. 5416. A bill to amend the Housing Amendments of 1955, to extend certain financial assistance for construction of waterworks to private corporations; to the Committee on Banking and Currency.

H.R. 5417. A bill to amend title 18 of the United States Code by adding a new chapter 404 to establish an Institute for Continuing Studies of Juvenile Justice; to the Committee on the Judiciary.

H.R. 5418. A bill to amend the Internal Revenue Code of 1954, to provide that certain recapture provisions shall not apply in the case of the liquidation of certain corporations wholly owned by a municipal corporation; to the Committee on Ways and Means.

By Mr. KASTENMEIER (for himself and Mr. Thomson of Wisconsin):

H.R. 5419. A bill to amend the Wild and Scenic Rivers Act to designate the lower Wisconsin River for potential addition to the national wild and scenic rivers system; to the Committee on Interior and Insular Affairs.

By Mr. LUJAN:

H.R. 5420. A bill to amend the Federal Trade Commission Act (15 U.S.C. 41), to provide that under certain circumstances exclusive territorial arrangements shall not be deemed unlawful; to the Committee on Interstate and Foreign Commerce.

By Mr. MARAZITI:

H.R. 5421. A bill to amend title 18 of the United States Code, to permit certain broadcasts and mailings of advertisements of State-operated lotteries; to the Committee on the Judiciary.

By Mr. MELCHER:

H.R. 5422. A bill to designate certain lands as wilderness; to the Committee on Interior and Insular Affairs.

By Mr. MELCHER (for himself, Mr. Leggett, Mr. Price of Texas, and Mr. Waggonner):

H.R. 5423. A bill to amend chapter 5 of title 37, United States Code, to revise the special pay structure relating to members of the uniformed services, and for other purposes; to the Committee on Armed Services.

By Mr. MINISH:

H.R. 5424. A bill to amend the Urban Mass Transportation Act of 1964, to provide a substantial increase in the total amount authorized for assistance thereunder, to increase the portion of project cost which may be covered by a Federal grant, to authorize assistance for operating expenses, and for other purposes; to the Committee on Banking and Currency.

By Mr. MOORHEAD of Pennsylvania (for himself, Ms. Abzug, Mr. Alexander, Mr. Badillo, Mr. Burton, Mr. Clay, Mr. Conyers, Mr. Cotter, Mr. Drinan, Mr. Eckhardt, Mr. Edwards of California, Mr. William D. Ford, Mr. Fraser, Mr. Fuqua, Mr. Gude, Mr. Harrington, Mr. Hechler of West Virginia, Mr. Howard, Mr. Koch, Mr. Leggett, Mr. McCloskey, Mr. Moss, Mr. Obey, Mr. Rees, and Mr. Reid):

H.R. 5425. A bill to amend section 552 of title 5, United States Code, known as the Freedom of Information Act; to the Committee on Government Operations.

By Mr. MOORHEAD of Pennsylvania (for himself, Mr. Reuss, Mr. Rosenthal, Mr. Roybal, Mr. Thompson of New Jersey, and Mr. Thone):

H.R. 5426. A bill to amend section 552 of title 5, United States Code, known as the Freedom of Information Act; to the Committee on Government Operations.

By Mr. PATMAN:

H.R. 5427. A bill to amend the Small Business Act; to the Committee on Banking and Currency.

By Mr. PEPPER:

H.R. 5428. A bill to amend section 355 of title 38, United States Code, relating to the authority of the Administrator of Veterans' Affairs to readjust the schedule of ratings for the disabilities of veterans; to the Committee on Veterans' Affairs.

By Mr. PODELL:

H.R. 5429. A bill to amend title II of the Social Security Act so as to remove the limitation upon the amount of outside income which an individual may earn while receiving benefits thereunder; to the Committee on Ways and Means.

By Mr. RAILSBACK (for himself, Mr. Bevill, Mr. Dellenback, Mr. Derwinski, Mr. Erlenborn, Mr. Findley, Mr. Frenzel, Mr. Gonzalez, Mr. Helstoski, Mr. Kastenmeier, Mr. McKinney, Mr. Madigan, Mr. Michel, Mr. Mosher, Mr. Rarick, and Mr. Won Pat):

H.R. 5430. A bill to amend title 28, United States Code, to prohibit Federal judges from receiving compensation other than for the performance of their judicial duties, except in certain instances, and to provide for the disclosure of certain financial information; to the Committee on the Judiciary.

By Mr. RHODES:

H.R. 5431. A bill to amend title 23 of the United States Code, to authorize construction of exclusive or preferential bicycle lanes, and for other purposes; to the Committee on Public Works.

By Mr. RODINO:

H.R. 5432. A bill to repeal the bread tax on 1973 wheat crop; to the Committee on Agriculture.

By Mr. ROE:

H.R. 5433. A bill to amend title 5, United States Code, to provide that individuals be apprised to records concerning them which are maintained by Government agencies; to the Committee on Government Operations.

H.R. 5434. A bill to limit the sale or distribution of mailing lists by Federal agencies; to the Committee on Government Operations.

H.R. 5435. A bill to provide financial assistance for State and local small, community-based correctional facilities; for the creation of innovative programs of vocational training, job placement, and on-the-job counseling; to develop specialized curriculums, the training of educational personnel and the funding of research and demonstration projects; to provide financial assistance to encourage the States to adopt special probation services; to establish a Federal Corrections Institute; and for other purposes; to the Committee on the Judiciary.

H.R. 5436. A bill to amend the Judiciary and Judicial Procedure Act of 1948, to provide protection for law enforcement officers against frivolous lawsuits; to the Committee on the Judiciary.

By Mr. ST GERMAIN:

H.R. 5437. A bill to revise the Welfare and Pension Plans Disclosure Act; to the Committee on Education and Labor.

H.R. 5438. A bill to revise the Welfare and Pension Plan Disclosure Act; to the Committee on Education and Labor.

H.R. 5439. A bill to amend title 5, United States Code, to correct certain inequities in the crediting of National Guard technician service in connection with civil service retirement, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. SAYLOR:

H.R. 5440. A bill to amend the Internal Revenue Code of 1954, to provide reasonable and necessary income tax incentives to encourage the utilization of recycled solid waste materials and to offset existing income tax advantages which promote depletion of virgin natural resources; to the Committee on Ways and Means.

By Mr. SAYLOR (for himself, Mr. Steiger of Arizona, Mr. Don H. Clausen, Mr. Camp, Mr. Dellenback, and Mr. Sebelius):

H.R. 5441. A bill to provide for the management, protection, development, and sale of the national resource lands, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. SAYLOR (for himself, Mr. Steiger of Arizona, Mr. Camp, Mr. Sebelius, and Mr. Regula):

H.R. 5442. A bill to reform the mineral leasing laws, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. SAYLOR (for himself and Mr. Camp):

H.R. 5443. A bill to authorize appropriations for additional costs of land acquisition for the national park system; to the Committee on Interior and Insular Affairs.

H.R. 5444. A bill to provide for study of a certain segment of the Oklawaha River for potential addition to the National Wild and Scenic Rivers system; to the Committee on Interior and Insular Affairs.

By Mr. STAGGERS (for himself, Mr. Rogers, Mr. Satterfield, Mr. Kyros, Mr. Preyer, Mr. Symington, Mr. Roy, Mr. Nelsen, Mr. Carter, Mr. Hastings, Mr. Heinz, and Mr. Hudnut):

H.R. 5445. A bill to extend the Clean Air Act, as amended, for 1 year; to the Committee on Interstate and Foreign Commerce.

H.R. 5446. A bill to extend the Solid Waste Disposal Act, as amended, for 1 year; to the Committee on Interstate and Foreign Commerce.

By Mr. STEELE (for himself, and Mr. Kyros):

H.R. 5447. A bill to amend the act of May 20, 1964, entitled "An act to prohibit fishing in the territorial waters of the United States and in certain other areas by vessels other than vessels of the United States, and by persons in charge of such vessels," to define those species of Continental Shelf fishery resources which appertain to the United States, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. STUCKEY:

H.R. 5448. A bill to establish in the District of Columbia a system of first party, no-fault insurance for victims of motor vehicle accidents, and for other purposes; to the Committee on the District of Columbia.

By Mrs. SULLIVAN (for herself, Mr. Clark, Mr. Grover, and Mr. Mailliard):

H.R. 5449. A bill to authorize appropriations for the fiscal year 1974 for certain maritime programs of the Department of Commerce; to the Committee on Merchant Marine and Fisheries.

By Mrs. SULLIVAN (for herself, Mr. Grover, Mr. Clark, Mr. Mailliard, Mr. Ashley, Mr. Mosher, Mr. Dingell, Mr. McCloskey, Mr. Downing, Mr. Steele, Mr. Rogers, Mr. Forsythe, Mr. Leggett, Mr. du Pont, Mr. Kyros, Mr. Mills of Maryland, Mr. Breaux, Mr. Cohen, Mr. Eckhardt, and Mr. Studds):

H.R. 5450. A bill to amend the Marine Protection, Research, and Sanctuaries Act of 1972, in order to implement the provisions of the Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mrs. SULLIVAN (for herself, Mr. Grover, Mr. Clark, Mr. Mailliard, Mr. Ashley, Mr. Mosher, Mr. Dingell, Mr. Ruppe, Mr. Downing, Mr. Goodling, Mr. Rogers, Mr. Murphy of New York, and Mr. Leggett):

H.R. 5451. A bill to amend the Oil Pollution Act, 1961 (75 Stat. 402), as amended, to implement the 1969 and the 1971 amendments to the International Convention for the Prevention of the Pollution of the Sea by Oil, 1954, as amended; and for other purposes; to the Committee oh Merchant Marine

By Mrs. SULLIVAN (by request) (for herself, Mr. Downing and Mr. Mosher):

H.R. 5452. A bill to extend and make technical corrections to the National Sea Grant College and Program Act of 1966, as amended; to the Committee on Merchant Marine and Fisheries.

By Mr. WALDIE:

H.R. 5453. A bill to amend title 39, United States Code, to establish improved standards to achieve efficient mail service, to provide an effective method of reimbursing the U.S. Postal Service for public service costs while maintaining a reasonable postal rate structure, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. WHITE:

H.R. 5454. A bill to amend title 10 of the United States Code, in order to permit the partial attachment of retired or retainer pay to satisfy judicially decreed child support contributions; to the Committee on Armed Services.

By Mr. ZWACH:

H.R. 5455. A bill to make rules governing the use of the Armed Forces of the United States in the absence of a declaration of war by the Congress; to the Committee on Foreign affairs.

By Mr. EDWARDS of Alabama:

H.J. Res. 417. Joint resolution to authorize the President to issue annually a proclamation designating the month of May in each year as "National Arthritis Month"; to the Committee on the Judiciary.

By Mr. HELSTOSKI:

H.J. Res. 418. Joint resolution to authorize the President to proclaim the last Friday of April of each year as "National Arbor Day"; to the Committee on the Judiciary.

H.J. Res. 419. Joint resolution to authorize the President to issue annually a proclamation designating the month of May in each year as "National Arthritis Month"; to the Committee on the Judiciary.

By Mr. KOCH:

H.J. Res. 420. Joint resolution that the second Sunday in March shall hereafter be designated and known as Grandparent's Day; to the Committee on the Judiciary.

By Mr. ANNUNZIO (for himself, Mr. Dulski, Mr. Fish, Mrs. Green of Oregon, Mr. Hicks, Mr. O'Hara, Mr. Patman, Mr. Roncallo of New York, Mrs. Sullivan, and Mr. Won Pat):

H. Con. Res. 147. Concurrent resolution expressing the sense of Congress relating to films and broadcasts which defame, stereotype, ridicule, demean, or degrade ethnic, racial, and religious groups; to the Committee on Interstate and Foreign Commerce.

By Mr. DICKINSON:

H. Con. Res. 148. Concurrent resolution expressing the sense of the Congress with respect to the method of assessment of the financial obligation of each member state of the United Nations; to the Committee on Foreign Affairs.

By Mr. ROE:

H. Con. Res. 149. Concurrent resolution expressing the sense of the Congress with respect to the designation of the years 1973 through 1978 as the World Environmental Quinquennium to involve all nations of the world in a global environmental research program of both national and international scope; to the Committee on Foreign Affairs.

H. Con. Res. 150. Concurrent resolution to collect overdue debts; to the Committee on Ways and Means.

By Ms. ABZUG:

H. Res. 281. Resolution of inquiry with respect to a pending grand jury investigation in the northern district of Texas; to the Committee on the Judiciary.

By Mr. TEAGUE of California:

H. Res. 282. Resolution to declare U.S. sovereignty and jurisdiction over the Panama Canal Zone; to the Committee on Foreign Affairs.

By Mr. TEAGUE of Texas (for himself and Mr. ANDERSON of Illinois):

H. Res. 283. Resolution relating to payment of expenses of the House Democratic Steering Committee and the House Republican Conference; to the Committee on House Administration.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

73. By the SPEAKER: Memorial of the Legislature of the State of Arizona, relative to returning the observance of Veterans' Day to November 11; to the Committee on the Judiciary.

74. Also, memorial of the Legislature of the State of Arizona, relative to the establishment of a national cemetery in Arizona; to the Committee on Veterans' Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. DONOHUE:

H.R. 5456. A bill for the relief of Mrs. Athena Loukanari; to the Committee on the Judiciary.

By Mr. WALDIE:

H.R. 5457. A bill for the relief of Joseph A. White & Associates; to the Committee on the Judiciary.

EXTENSIONS OF REMARKS

A CONCURRENT RESOLUTION BY THE SOUTH CAROLINA GENERAL ASSEMBLY REQUESTING THE FUNDING OF THE LIBRARY SERVICES AND CONSTRUCTION ACT

HON. STROM THURMOND

OF SOUTH CAROLINA

IN THE SENATE OF THE UNITED STATES

Thursday, March 8, 1973

Mr. THURMOND. Mr. President, on February 28, 1973, the South Carolina General Assembly passed a concurrent resolution memorializing the President and the Congress to recommend and appropriate adequate funds to continue the implementation of the Library Services and Construction Act.

On behalf of the junior Senator from South Carolina (Mr. HOLLINGS) and myself, I bring to the attention of the Senate this concurrent resolution.

Mr. President, I am advised that the Appropriations Committee's Subcommittee on Labor and HEW will be holding hearings on this matter. I am sure the Senate will give careful consideration to the report of the Appropriations Committee.

Mr. President, on behalf of Senator HOLLINGS and myself, I ask unanimous consent that the concurrent resolution be printed in the Extension of Remarks.

There being no objection, the concurrent resolution was ordered to be printed in the RECORD, as follows:

A CONCURRENT RESOLUTION

To memorialize the President and the Congress of the United States to recommend and appropriate adequate funds to continue the effective implementation of the Library Services and Construction Act

Whereas, the General Assembly of South Carolina is well aware of the necessity for both the President and the Congress to exercise caution and restraint in the expenditure of federal tax revenues, it being similarly situated with regard to the expenditure of State funds; and

Whereas, the General Assembly, none the less, believes that in the determination of priorities in the use of public revenues the basic needs of the people and the success of existing programs must be given serious consideration and should indeed be the determining factors in the arrangement of those priorities; and

Whereas, for many years the Library Services and Construction Act enacted by the Congress has resulted in remarkable improvements and expansion in library systems throughout the State, provided scholarships which increased the number of persons trained in library science, made library facilities available to millions of additional persons particularly those who were culturally and economically disadvantaged, brought assistance and special training to the functionally illiterate and generally has raised the quality of the libraries everywhere; and

Whereas, these contributions to our society have paid and will continue to pay dividends in the happiness and productiveness of our citizens far in excess of the cost of the program; and

Whereas, the Library Services and Construction Act could by no stretch of the imagination be termed one of those programs which has failed to accomplish the purpose for which it was created. Now, therefore,

Be it resolved by the Senate, the House of Representatives concurring:

That the President and Congress of the United States be and hereby are memorialized to recommend and appropriate adequate funds to continue the effective implementation of the Library Services and Construction Act and thereby prevent the lights being turned out in libraries throughout the land.

Be it further resolved that copies of this resolution be forwarded to the President of the United States, the Speaker of the House of Representatives, the President of the Senate and each member of the South Carolina Congressional Delegation in Washington, D.C.

THE PUBLIC'S RIGHT TO KNOW

HON. JAMES V. STANTON

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 8, 1973

Mr. JAMES V. STANTON. Mr. Speaker, one of the grave constitutional issues of our time is that relating to newsmen and newswomen and their confidential news sources. Accordingly, I have introduced H.R. 3725, and on March 1 I testified on behalf of this legislation before a subcommittee of the House Judiciary Committee. Because of the great public controversy stirred by this issue, I believe it is appropriate that Members of the House be advised of the statement I read to that distinguished panel. The statement follows:

A STATEMENT BY CONGRESSMAN JAMES V. STANTON ON H.R. 3725, A BILL TO PROTECT THE PUBLIC'S RIGHT TO KNOW

Members of the Subcommittee:

I am greatly honored to appear before you today, and to have this distinguished panel of the Judiciary Committee consider my legislation on this highly important topic. As the title says, H.R. 3725 is intended "to protect the public's right to know."

The bill is very brief. It is limited to two sentences. At the outset it says: "No person shall be required by any Federal Court, grand jury, or agency, or by the Congress, to reveal any information, including the source of any information, obtained in the course of that person's involvement in the obtaining of news for broadcast, or written or pictorial dissemination to the public."

It concludes with this second sentence: "As used in this Act, the term 'person' includes any corporation, company, association, firm, partnership, society, or joint stock company, as well as any individual."

You will note, of course, that this bill makes no exceptions. It is completely devoid of any qualifying language. If enacted, it would *absolutely* protect newsmen and newswomen against any attempt by governmental authorities to force them to reveal their sources of information, either directly or indirectly.

The protection it affords to journalists, however, is incidental. Our only concern here is not to keep journalists out of jail, or to shield them from subpoenas. We are concerned with a matter much more basic, going to the very heart of public policy in a democracy. That concern is protecting the *public* interest by assuring a free flow of information.

Now, it always sounds grandiose and perhaps somewhat self-serving when a Congressman speaks of "the public interest". Opponents of this legislation in the Nixon Administration would probably say I am using that phrase as a cover for protecting what really amounts to a *special* interest—namely, the news media.

I would make two points in reply. First, that the most direct route to "the public interest" is often indicated by the direction that a newsman happens to be pointing his pencil. Second, however—and, I submit, more important—is the fact that inherent in my legislation is a real solicitude not merely for newsmen but *also* for those persons who become their confidential news sources.

It is *they* who need protection perhaps more than journalists. For if the identity of the informant is forced into the open, he or she could become the target of a whole range of retaliatory actions. They would become so vulnerable that they would hesitate, to say the least, before imparting any information to a newsman, no matter how important it might be for the public to know the facts involved. Therefore, it is essential, if we want to encourage a free flow of information to the public, to enact legislation that protects not merely the conduit but also the *source* of such information.

Moreover, it is important that the source have no doubt that he is, in fact, protected. This is why a bill couched in absolute terms, as mine is—as the Bill of Rights is—is vital. If we were to enact a law saying that news sources are shielded except under certain circumstances—a law qualified by a list of "howevers"—then the source could have no assurance that his anonymity would be preserved. He would have the burden of trying to figure out beforehand whether he could, or could not, trust the law should he choose to let the public in on official secrets that really ought not to be secrets. His tendency then would be to play it safe—to adopt a personal policy which, in effect, would boil down to this: "When in doubt (which could be most of the time), keep quiet. Perhaps the people might find out some other way."

Under H.R. 3725, though, the source would *know* that the journalist he is dealing with could not be compelled to reveal his identity. His only problems, then, would be (a) whether he feels he could trust the journalist to fall back on this law, if that becomes necessary, and (b) whether he feels that he can indeed, in good conscience, violate the confidence of his superiors in the agency where he became privy to the classified information.

This latter consideration has its own implications in terms of good public policy but these, I submit, while indeed important, fall outside the purview of the issue concerning us here. In this connection, though, I think we ought to be cognizant of a basic distinction between the newsman and the news source. While the news source (if he is a public official) is an agent of the State, properly subject to disciplinary sanctions (no matter how high his motives) when he leaks information and gets caught doing it, the newsman himself is *not* an agent of the state. To force him into the role of state's agent, under threat of imprisonment, is to tamper with and abridge freedom of the press. Worse yet, it would create substantial doubts in the mind of the public that the press is, in fact, free—a neutral force interposing itself between the people and their government, in order to help the people exercise those rights that are reserved to them under our Constitution.

With the foregoing constituting the rationale, as I see it, for a statute conferring absolute immunity, I would like to call your attention more specifically to the scope and the phrasing of H.R. 3725.

As is evident, this bill would extend immunity to newsmen only in those cases where the Federal Government has jurisdiction. While I would be very pleased if this Subcommittee were to approve a bill conferring the same immunity with respect to State and local government, I suspect that Congress lacks authority to legislate in this area for States and their subdivisions.

The phrase "no person" applies to *any* person in the United States. In other words, the bill is not restricted in its coverage to professional newsmen or authors only. I don't think we can come up with a suitable definition of what is a professional newsman. But even if we could, I don't think we should limit the protection. A pamphleteer or the avocational publisher of a small newsletter, which he might distribute even free of charge, potentially has the capability of developing confidential sources of information—and information disseminated by him might have as high a degree of validity as the contents of our daily newspapers or better known magazines.

The "no person" formulation also affords protection to *former* newsmen who might be otherwise employed at the time an official inquiry is launched. Again, I think we must keep in mind the fact that we want to assure persons with information to impart that they need not fear forced betrayal by the newsman receiving the data. Informants naturally would feel inhibited if they could be certain of protection only on a temporary basis—only during the time that their contact remains employed by a given news organization.

"Any information" refers, of course, to notes and other materials in the possession of a writer or broadcaster which were not published or broadcast. Were a newsman forced by a subpoena to produce this background data, he might indirectly lead his inquisitors to the confidential source of information, since in many cases inferences could be drawn by investigators examining the material.

Section 2 further defines the term "person" and makes it clear that the word includes corporations and other business entities. I feel this is needed because organizations employing newsmen often have physical possession of his notes and other materials, and we ought to have a statute protecting them, too, against forced disclosure.

Thank you very much for your attention. I think I have covered now the salient points of H.R. 3725, and I would be happy to answer any questions you might have.

HORACE "BUCK" ALEXANDER AND WADE F. HURSEY

HON. GOODLOE E. BYRON

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 8, 1973

Mr. BYRON. Mr. Speaker, recently Horace "Buck" Alexander and Wade F. Hursey retired from the Frederick Agriculture Society. Both men served for 17 years, Alexander as treasurer and financial clerk of the Great Frederick Fair and Hursey as secretary and chief clerk.

During their service the Fair has more than doubled in exhibits and patrons with nearly 100,000 people attending each year. The exhibits have changed in style through the specialized techniques shown in arts-crafts classes and each class has seen an improvement in quality of exhibits with more professionalism being shown.

Both men will be missed at the Fair but their imprint on the growth and success of the community will never be forgotten.

TRIBUTE TO RICHARD E. ERNEST

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 8, 1973

Mr. ANDERSON of California. Mr. Speaker, a San Pedro man is once again demonstrating the kind of leadership which has made the community of San Pedro admired throughout Greater Los Angeles.

That man is Los Angeles Fire Battalion Chief Richard E. Ernest.

Chief Ernest has originated an innovative, successful citywide juvenile counseling program.

The fireman counselor program arranges for firemen to counsel boys from 9 to 15 years of age who have been apprehended for law violations.

Over one-third of the firefighting force—about 1,200 persons—have volunteered to work as counselors. The goal of the counselors is to provide the boys with individualized attention, guidance, and companionship.

After a 3-year harbor area pilot project and a 9-month citywide test period, the Los Angeles Police Department has decided that the program is valuable enough to be expanded to all city fire and police stations.

And the program evolved because of the idea of one man—Chief Ernest.

Chief Ernest realized how valuable the program could be to Los Angeles while teaching in the School of Public Administration at the University of Southern California.

In 1968, after much discussion and planning, the program was launched with the help of USC's Delinquency Control Institute and the county juvenile court. Chief Engineer Raymond M. Hill of the city fire department was very active in organizing the program along with Chief Ernest.

After evaluating the pilot project as a success, Dick worked to develop a permanent program with the Los Angeles Police Department.

The spirit of Chief Ernest and the 1,200 volunteers which spurs them to devote so much of their time and energy so unselfishly to helping Los Angeles' youth gives them a very special distinction.

Mr. Speaker, I am sure you will join with me to thank Chief Ernest and all the other dedicated persons who have created such a worthwhile program.

IN MEMORY OF LYNDON BAINES JOHNSON

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 8, 1973

Mr. STOKES. Mr. Speaker, I want to thank the distinguished gentleman from Texas, the dean of the House, for taking this special order to allow us to pay our respects to the late President Johnson.

Lyndon Johnson's record of service to the people of this country is unmatched. His years in the Congress were marked by a compassion for the common people of the Nation and by his exceptional skills as a legislator. Having risen to the leadership of the Senate and having sought his party's nomination for the Presidency, Lyndon Johnson accepted the vice-presidential nomination. He served brilliantly in that office and was extraordinarily well prepared for the awesome responsibilities of the Presidency.

As President, he directed his attention and all of the powers of his office for the cause of economic and social justice. It is not necessary to recount the major innovations in domestic programs which were created under his leadership. For the first time in our history, we had a President who put the needs of minority, poor and disadvantaged people ahead of all other national priorities. His commitment to economic and social justice never flagged, and he used all of his talents as a leader to mobilize the Nation to build his visionary Great Society.

President Johnson understood, perhaps better than any other white political leader, the needs of black Americans. He listened to black leaders and to black people, and he dedicated himself to their cause.

Of all of his accomplishments, he was proudest of his civil rights legislation. With his passing we have lost a powerful ally, but more important we have lost a dear friend.

His memory will endure but it is up to us to build upon the programs he created. He recognized that his task was not finished. In his memory, we can do no less than our very best to bring about the economic and social justice for which he labored.

"MY RESPONSIBILITY TO FREEDOM" BY SHARON ANN BLOCK

HON. MANUEL LUJAN, JR.

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 8, 1973

Mr. LUJAN. Mr. Speaker, each year the Veterans of Foreign Wars of the United States and its Ladies Auxiliary conducts a Voice of Democracy Contest. This year nearly 500,000 secondary school students participated in it, competing for the five national scholarships which were awarded as the top prizes. The contest theme was "My Responsibility to Freedom."

The winning speech from New Mexico was written by Sharon Ann Block, 1502 East Rankin Avenue, Tucumcari, N. Mex. I believe we can all be proud of Sharon and her accomplishment; if we had more young citizens like her, many of the problems facing our Nation today would vanish.

I insert for the RECORD Sharon's speech as we can all learn from her words:

MY RESPONSIBILITY TO FREEDOM

We have it—Let's not lose it. Our nation has had freedom for almost 200 years now. Does this mean that it is here to stay? In 200 years, we have left bondage, and through faith and courage, have reached abundance. Now we must not let selfishness, complacency, and apathy move us backwards to dependence, and from dependence again to the chains of bondage.

Freedom was a gift that came with birth for you and me. So I will challenge all threats to this freedom in order that the next generation may inherit the same privilege.

Then I must be one who can find time for progress. I must find time to better my community. I can't leave it up to George, because I like progress. I like good schools, fine churches, modern hospitals, honest government, happy citizens and peaceful nations; therefore, I will accept my responsibility to freedom by being a community booster—the ambassador of good will. I must be a first-class citizen, a friend to education, and a helper of the handicapped. I will be a United Fund leader, a church goer, and a voter who has studied all the issues.

Our veterans have sacrificed their fortunes and their lives for my freedom. I, therefore, believe it is my privilege and my duty to love my country; support its constitution; obey its laws; respect its flag; and defend it against all enemies.

My country offers freedom as no land before has ever done. Freedom to live without fear. Freedom to speak, to argue, to criticize, and the right to dissent—but not to the point of destroying private property or human lives. Because, I want to keep these freedoms, I must have the courage to say "yes" and to say "no".

I cannot build the schools or hew the logs for the churches, but I can live by the code of this great land. In our churches, everyone worships God in his own way. Each one believing and praying as he must—yet all joining in that universal prayer that cries out to be free. Our churches can be crippled by bombs, blackened by fires, or threatened by riots, but we must never let the strong beams of spirit crumble. We must remember the cost to others for this freedom to worship as we please.

Must I be a missionary, or a politician to fulfill my responsibility to freedom? No, the little housewife can be the Sunday school teacher, the PTA chairman, or the salesman behind many steps of progress. She is America in a gingham dress. She is Democracy in a pair of blue jeans. She is freedom in a checkered apron.

Some would have us believe we have failed the great American dream. Mobs stone our embassies and dissenters make mockery of our freedom. But I have young hope in my heart. I believe what Dwight Eisenhower said: "There is nothing wrong with America that the faith, love of freedom, intelligence and energy of her citizens cannot cure." In 200 years we have cleared a wilderness, have become the grainery of the world, and the arsenal of freedom.

A million and more of my countrymen have died for this freedom. My ancestors gave their blood on the green at Lexington; on the snow at Valley Forge; on the walls of Ft. Sumter; on the fields at Gettysburg; on the beachhead of Normandy and the sands of Okinawa; and now in the rice paddies of Viet Nam.

So—I can be: Proud of my American past, alert to my American present, and confident in my American future.

I will have: Courage, patriotism and good citizenship.

But most of all—I will remember the price paid for my freedom.

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 8, 1973

Mr. SCHERLE. Mr. Speaker, for more than 3 years, I have reminded my colleagues daily of the plight of our prisoners of war. Now, for most of us, the war is over. Yet despite the cease-fire agreement's provisions for the release of all prisoners, fewer than 600 of the more than 1,900 men who were lost while on active duty in Southeast Asia have been identified by the enemy as alive and captive. The remaining 1,220 men are still missing in action.

A child asks: "Where is daddy?" A mother asks: "How is my son?" A wife wonders: "Is my husband alive or dead?" How long?

Until those men are accounted for, their families will continue to undergo the special suffering reserved for the relatives of those who simply disappear without a trace, the living lost, the dead with graves unmarked. For their families, peace brings no respite from frustration, anxiety, and uncertainty. Some can look forward to a whole lifetime shadowed by grief.

We must make every effort to alleviate their anguish by redoubling our search for the missing servicemen. Of the incalculable debt owed to them and their families, we can at least pay that minimum. Until I am satisfied, therefore, that we are meeting our obligation, I will continue to ask, "How long?"

THE 61ST ANNIVERSARY OF THE GIRL SCOUTS

HON. WILLIAM H. NATCHER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 8, 1973

Mr. NATCHER. Mr. Speaker, during the week of March 11 through March 17 the Girl Scouts of the United States of America will celebrate their 61st anniversary and it is again a distinct pleasure for me to take this opportunity to congratulate this wonderful organization whose members are thoroughly dedicated and committed to the fulfillment of one of its most important doctrines; namely, that what you do is likely to be more important than what you say.

When Girl Scouting came to America 61 years ago, certainly an unprecedented long-range plan for the American girl was inaugurated and all down through the years we have witnessed the splendid contributions brought about by the emphasis of the organization on family, civic and worldwide responsibility as well as respect for God as evidenced by the young girls and adult leaders who are truly committed to this program.

As we all know, the stated purpose of the Girl Scouts of America is to inspire girls with the highest ideals of character, conduct, patriotism and service and in general to simply make life better for everyone thereby developing into happy and resourceful citizens themselves. Indeed, in my opinion, Girl Scouting clearly exemplifies that organized youth, through involvement with the handicapped, the aged, the ill and hospitalized, and the economically deprived, can be and often are, a vital force in establishing the principles and goals that are so much a part of our American heritage.

Here at home Scouting is a challenge filled with a host of advantages and opportunities. What an impressive picture the Girl Scouts organization manifests through worthwhile activities such as caring for individuals with special needs; assistance to those who are physically and mentally handicapped and providing a wide variety of services to the elderly who in turn use their skills to enrich the lives of the Girl Scouts. In addition, Girl Scouting has reached beyond the borders of the United States where over 75 countries reap the benefits of their high ideals and contributions.

The organization's international program allows for exchange of young girls all over the world whereby participants learn from each other and exchange ideas, heritages and cultures. By exposure to different customs and ways of living, these girls are provided with a mutual understanding and appreciation for people and nations unlike their own.

The Girl Scouts have made tremendous strides in enriching their program by greater participation of minority and disadvantaged girls. This is very significant when you consider the fact that more than 3.9 million members, aged 7 through 17, together with adult leaders in over 160,000 troops participate in Scouting in the United States today. Furthermore, I am justifiably proud and gratified to know that a tremendous response has been made by the girls in my home State of Kentucky where Scouting membership exceeds 40,000 and serves one out of every 11 girls in the Commonwealth.

Mr. Speaker, certainly this is the time for us to turn our attention to the nearly 4 million Girl Scouts who possess an important voice among America's youth and are striving to make each tomorrow a better day because of their sincere concern for their fellow man and their country. As they prepare to commemorate their national week of celebration, I want to extend to each and every member of the Girl Scouts in Kentucky and elsewhere my congratulations and best wishes for continued success in the future.

FLORENCE ROBINSON, POSTMASTER, BALDWIN, N.Y.

HON. NORMAN F. LENT

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 8, 1973

Mr. LENT. Mr. Speaker, I recently noted an article which appeared in the Baldwin, N.Y. Courier on February 23, 1973, with regard to the newly appointed postmaster at Baldwin, Mrs. Florence Robinson, who was formerly Postmaster at Lawrence, N.Y., had been serving as officer in charge of the Baldwin Post Office since January 1972.

Postmaster General Klassen recently noted that he appointed 1,161 women postmasters in 1972, and that nearly half of the Postmasters appointed since he took office have been women. All were chosen under the merit system, and in all cases primary consideration was given to qualified employees from within the Postal Service. I applaud Postmaster General Klassen's efforts to make equal employment opportunity for both sexes a reality.

I am enclosing the text of the Baldwin Courier article for the benefit of my colleagues, and I want to congratulate Mrs. Robinson on her well-deserved appointment.

The article follows:

POSTMASTER STATUS RETURNS TO BALDWIN POST OFFICE

(By S. Nick Napoli)

The Baldwin Post Office, without a postmaster since Alfred Cook resigned because of ill health in September 1970, except for three months in 1971–72, has again been assigned a postmaster. Mrs. Florence Robinson, officer-in-charge of the Baldwin office since January 1972 when she was transferred here from Lawrence, was appointed a postmaster this past Saturday. The appointment makes the Baldwin office the largest in Nassau County headed by a woman.

The postmaster office was lost to Baldwin after Cook resigned and Ward Samuelson was appointed as officer-in-charge in September 1970; it regained the office on October 30 of the following year with Samuelson's promotion, then lost it again when the postal service moved Samuelson to Rockville Centre and Mrs. Robinson from Lawrence to Baldwin. It was in change in titles for Mrs. Robinson who was postmaster of the Lawrence office to officer-in-charge in Baldwin but the move put her in line for more money and an opportunity for promotion in a larger office.

A career postal employee now—she joined the postal service nine years ago—she has had a varied career since her graduation from Lawrence High School. After graduation she became secretary to the Charlie Spivack Band in charge of the organization's New York office where she handled payroll, kept track of the band's club dates, managed to have men and instruments at the same places at the same times and listened to Charlie Spivack records.

In 1950 she retired from the Spivack organization to raise a family—Beth, now 22, a secretary for a Hempstead firm; Ilene, 19, a pre-law student attending the University of Strasbourg, France—then re-entered the business world five years later as a medical secretary.

Appointed Acting Postmaster of the Lawrence Post Office in 1963, she was nominated for the postmastership two years later. Congress confirmed the appointment in 1965. Last year she was named Officer-in-Charge of the Baldwin office.

The first woman to have charge of the local post office, the appointment was looked on by mailmen questioningly. While the authority she wields must be unquestioned by postal service rules, most postmen accept her for her ability, some even express admiration, one said, succinctly, "You know, at first a woman boss, well, you know—but she's really a good guy to work for."

As head of one of Baldwin's biggest businesses—the Baldwin Post Office grossed $750,000 in fiscal '71–72, its annual budget is about $1,800,000—Mrs. Robinson manages to make time for activities in postal service organizations. A former president of the Nassau County Postmasters Association, she was registrar ('69–70) and general chairman of the Postal Services Management Institute ('71), state director of the New York State Chapter of the National Association of Postmasters of the United States, and at present is publicity chairman of the national organization. In May 1971 she was awarded the Postal Service Superior Accomplishment Award.

PRESIDENT NIXON ATTACKS THE POOR

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 8, 1973

Mr. RANGEL. Mr. Speaker, during this era of Nixonism, the fundamental guarantees of the Constitution to defend the rights of minorities against capricious infringement by the majority have largely gone out of the window.

The minority of which I speak in this instance is not simply a racial or ethnic minority, but the poor of our Nation's cities, such as those of the New York City district I represent.

The following editorial from the March 7 Washington Post gives some further indication of how this administration has become so enraptured by its own brand of "pull yourself up by your bootstraps" philosophy that it is totally insensitive to the needs of the portion of our population that has no boots on which to pull.

POVERTY WITH HONOR

President Nixon seems to be applying to the cities the strategy that Senator Aiken recommended years ago for Vietnam: He is declaring victory and withdrawing his troops. It can only be a matter of time before the President declares that he has achieved—what? Poverty with honor? "The hour of crisis has passed," Mr. Nixon proclaimed last weekend. "The ship of state is back on an even keel, and we can put behind us the fear of capsizing." In fact, this suggests that the administration's urban mission over the past four years was primarily to quiet the cities and put down the poor. It is a curious approach, heralding a retreat which is neither warranted nor wise.

Mr. Nixon's assessment of the state of the cities indicates that a few items might have been left out of his daily news summaries recently. "City governments are no longer on the verge of financial catastrophe," he stated. But there is Detroit, where the public schools are fast running out of funds. There is Philadelphia, where the school system has barely avoided collapse. There is Newark on the edge of bankruptcy. There is Gary, Indiana, where—according to a sobering analysis by Godfrey Hodgson and George Crile in Sunday's Outlook section—the white community which dominates the local economy is pulling out, leaving a largely black, poor population unable to cope. There is the massive concentration of physical decay and social devastation in New York's South Bronx, surveyed recently in the New York Times. There is the fear and desolation in the highest-crime blocks of Washington along 14th Street, which John Saar described in this newspaper on Sunday.

When Mr. Nixon's claims of progress are measured against these realities, the gains don't disappear—but they certainly shrink. The President emphasized, for instance, that crime is dropping "in more than half of our major cities." To the extent that crime statistics relate to actual crime, any reduction is an accomplishment. But reported crime is still rising, though slowly, in the suburbs, and violence and fear still permeate too many urban neighborhoods. Similarly, the urban air may be getting cleaner, as Mr. Nixon announced, but in more than two dozen cities it is still so unhealthy that traffic controls will have to be imposed to meet the 1975 air quality standards. And to say that a poor child in a rat-ridden ghetto might be breathing slightly more easily these days is not to say that child has any better prospects for a decent home, a solid education, a productive job or a healthy life. To say that a working-class family in an aging neighborhood might be slightly less afraid is not to say that family has been relieved of its heavy tax burdens or its sense of insecurity.

The situation in the cities is nowhere near as rosy as the President maintains. By the same token, federal programs for the cities, in the aggregate, have not been ruinous, as he pretends. Some of those programs were hastily conceived, many were under-funded, and most have come due for review. But his complaint about "high-cost, no-result boondoggling" is wide of the mark. Indeed, most cities could not have achieved even limited gains since the "hour of crisis" unless some federal assistance had been timely and well-targeted.

It is worth recalling that federal intervention in the cities, as in other areas of national need, has had two aims: to provide resources which state and local governments lacked, and to focus public effort on serious problems which communities were not equipped or inclined to take on by themselves.

Mr. Nixon used to recognize this. The heart of his welfare reform program, now abandoned, was the national assumption of responsibility for the problem of poverty. Back in the early days of his first term, there were even a few attempts to shape an enlightened urban strategy, one which recognized that the underlying social and economic woes of central cities often require regional solutions.

But those constructive efforts have now been junked, along with everything else. Mr. Nixon seems to believe, despite all the evidence to the contrary, that urban governments have been so enhanced, and urban problems somehow so reduced, that all the cities need from Washington is money—and less of that than before. It comes down to a prescription for self-reliance coupled with the elimination of those programs that could help people achieve it.

NEXT-DAY DELIVERY OF MAIL

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 8, 1973

Mr. WALDIE. Mr. Speaker, the problems plaguing the present organizational and budgetary structure of the Postal Service, have caused a very real crisis in this most essential public service.

With 40,000 job vacancies waiting to be filled, a totally inflexible budgetary structure, most air-transported mail being relegated to a "space available" status, and stockpiles of mail accumulating at State distribution centers, it is time for Congress to reaffirm timely service as the goal of the postal system.

Therefore, I am today introducing a bill which establishes specific standards of service for the Postal Service, and requires that Congress make the additional appropriations necessary to implement these services, after the full review of these requests by the appropriate standing committees of the House and Senate having legislative jurisdiction over the Postal Service.

Mr. Speaker, the Postal Service, being such a vital part of the Nation's system of communication, must meet these minimal standards of service:

First, next-day delivery within a 500-mile radius;

Second, 3-day delivery within the United States outside a 500-mile radius from place of deposit;

Third, 6-day-a-week carrier service, including parcel post delivery;

Fourth, 6-day postal window services; and

Fifth, second-attempt delivery of parcel post.

I have included two very important provisions in this bill, to guarantee the Postal Service, in fact, furnishes these services. First, the appropriate standing committees of Congress, with legislative jurisdiction over the Postal Service, shall be required to annually conduct a full and comprehensive review of all administrative and managerial practices used by the Postal Service to implement and maintain the new standards of service. Second, the bill states that any managerial or administrative official who is found to have knowingly and willfully taken specific action to violate any of the service standards outlined in this bill shall be discharged from the Postal Service.

Mr. Speaker, Congress must now act to end the current breakdown in services of the postal system.

The full text of the bill follows:

H.R. 5453

A bill to amend title 39, United States Code, to establish improved standards to achieve efficient mail service, to provide an effective method of reimbursing the United States Postal Service for public service costs while maintaining a reasonable postal rate structure, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 101(b) of title 39, United States Code, is amended by adding at the end thereof the following: "In carrying out the provisions of this section, the Postal Service shall establish and assure, to all postal patrons, service standards which include but are not limited to—

"(1) Next-day delivery of mail deposited for delivery within a 500-mile radius;

"(2) Delivery within not more than three consecutive days of mail deposited for delivery within the United States outside a 500-mile radius;

"(3) Carrier service, including parcel post delivery, on a six-day-a-week basis;

"(4) Post office window service on a six-day-a-week basis;

"(5) Second-attempt delivery of parcel post.

Any administrative or managerial official of the Postal Service who knowingly and wilfully engages in specific actions to violate any of these service standards, or to prevent or impede the efficient and effective application of and adherence to such standards, shall be discharged from the Postal Service.".

Sec. 2. Section 2401 of title 39, United States Code, is amended by striking out subsections (b) and (c) and inserting in lieu thereof the following:

"(b) Public service costs, as determined by postal service, for providing a maximum degree of effective and regular postal service nationwide, in communities where post offices may not be deemed self-sustaining, as elsewhere, and in complying with the public service policy established under section 101 (b) of this title at reasonable and equitable rates and fees shall be paid out of the general fund of the Treasury and shall not constitute direct charges in the form of rates and fees upon any user or class of users of such public services, or of the mails generally.

"(c) The sum determined by the Postal Service to be equal to the difference between the revenues the Postal Service would have received if sections 3217, 3403–3405, and 3626 of this title and the Federal Voting Assistance Act of 1955 had not been enacted and the estimated revenues to be received on mail carried under such sections and Act shall be paid directly out of the general fund of the Treasury.

"(d) The Postal Service, annually, in requesting authorizations for the amounts to be appropriated under subsections (b) and (c) of this section, shall present to the appropriate legislative and appropriations committees of the Congress a comprehensive statement of its compliance with the public service cost policy established under this section and section 101(b) of this title. In addition, the appropriate standing committees of the House and Senate having legislative jurisdiction over the Postal Service shall conduct annually a complete and comprehensive review of the administrative and managerial practices used by the Postal Service to implement the service standards set forth in section 101(b) of this title.

"(e) No appropriation shall be made to the Postal Service under subsection (b), (c), or (d) of this section for any fiscal year unless previously authorized by legislation hereafter enacted by the Congress.".

Sec. 3. (a) Section 3627 of title 39, United States Code, is repealed.

(b) The analysis of subchapter II of chapter 36 of title 39, United States Code, is amended by striking out—"3627. Adjusting free and reduced rates.".

(c) Section 3684 of title 39, United States Code, is amended by striking out "Except as provided in section 3627 of this title, no" and inserting in lieu thereof "No".

DO NOT AX THE CRIME COMMITTEE

HON. CHARLES E. BENNETT

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 8, 1973

Mr. BENNETT. Mr. Speaker, the diligent, low-key work of the Select Committee on Crime headed by my Florida colleague, Congressman Claude Pepper of Miami, was the subject of a recent editorial but the Florida Times-Union in Jacksonville, entitled "Don't Ax the Crime Committee."

The editorial concluded that the committee under the leadership of Chairman Pepper "handled serious matters seriously," and "dealt with sensational matter in a down-to-earth way."

I fully agree with the comments and conclusions expressed in the editorial of February 22, 1973, and add my personal thanks to Chairman Claude Pepper for a job well done. The editorial reads as follows:

Do Not Ax the Crime Committee

Rep. Carl Albert, speaker of the U.S. House of Representatives, should back away from his plan to abolish the Select Committee on Crime chaired by Rep. Claude Pepper (D-Miami).

It has dealt with sensational matter in a down-to-earth way, without permitting the circus atmosphere that often has caused such committees to be little more than publicity vehicles for committee members.

It has handled serious matters seriously, with a view towards getting results. And if there is anything needed in the war against crime and drug abuse, it is results.

Pepper has been dogged and persistent in pushing for reforms which were clearly needed. And, in several significant instances, has been successful.

It took him nearly two years to get action to cut down on the manufacture of amphetamines but his persistence finally paid off.

The gap between the legitimate need and the amount being manufactured was huge. A large percentage of the overproduction was finding its way into the illegal drug market and was contributing significantly to the increase in drug abuse.

Some eight or nine billion amphetamine and related type pills were being produced yearly, according to the National Institute of Mental Health.

Testimony before Pepper's committee documented what was happening as a result of the overproduction. Eighty percent of the pills which were seized by the Bureau of Narcotics and Dangerous Drugs had been manufactured legitimately and then found their way into the illegal drug traffic.

So loose were controls that one drug firm consigned a million pills to an address which narcotics agents determined to be the 11th hole on a golf course in Tijuana, Mexico.

Pepper kept fighting to curb the overproduction and finally the number legally manufactured was cut down to less than 10 percent of the former production. It was a significant victory for drug control, common sense and Pepper's committee.

Pepper at one time was considered to be an ultra-liberal and anathema to many conservatives. When he assumed the chairmanship of the committee, some feared that it would be another of those exercises in permissivity.

He fooled his critics by being fair, low-key and hard-nosed. He set the tone on the committee and the other committee members—five Democrats and five Republicans—have maintained that tone.

Albert can find other things to reshuffle in the House—things that are not working. Pepper's committee is working. Its reward should be additional support, not the political axe.

FEDERAL CIVILIAN EMPLOYMENT, JANUARY 1973

HON. GEORGE H. MAHON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 8, 1973

Mr. MAHON. Mr. Speaker, I include a release highlighting the January 1973 civilian personnel report of the Joint Committee on Reduction of Federal Expenditures:

FEDERAL CIVILIAN EMPLOYMENT, JANUARY 1973

Total civilian employment in the Executive, Legislative and Judicial Branches of the Federal Government in the month of January 1973 was 2,807,326 as compared with 2,829,684 in the preceding month of December 1972. This was a net decrease of 22,358. Total pay in the month of December 1972, the latest month for which actual expenditures are available, was $2,770,679,000.

These figures are from reports certified by the agencies as compiled by the Joint Committee on Reduction of Federal Expenditures.

EXECUTIVE BRANCH

Civilian employment in the Executive Branch in the month of January 1973 is compared with the preceding month of December 1972 and with January a year ago, as follows:

	Full-time in permanent positions	Change
Current change:		
December 1972	2,457,667	
January 1973	2,446,056	−11,611
12-month change:		
January 1972	2,552,081	
January 1973	2,446,056	−106,025
Current change:		
December 1972	331,083	
January 1973	319,898	−11,185
12-month change:		
January 1972	272,945	
January 1973	319,898	+46,953

	Total employment	Change
Current change:		
December 1972	2,788,750	
January 1973	2,765,954	−22,796
12-month change:		
January 1972	2,825,026	
January 1973	2,765,954	−59,072

Full-time permanent employment in the month of January was reduced by 11,611, reflecting primarily a decrease of 6,453 in Defense agencies and 3,577 in Postal Service. Over the 12-month period full-time permanent employment was reduced by 106,025, reflecting a decrease of 70,282 in Defense agencies and 51,821 in Postal Service, partially offset by an increase of 7,087 in Veterans, 3,358 in Treasury, 3,217 in Justice and 2,785 in HEW.

Temporary, part-time, etc. employment in the month of January was reduced by 11,185, reflecting decreases of 5,482 in Postal Service, 3,010 in Defense agencies, 2,957 in Agriculture and 1,536 in Veterans, partially offset by an increase of 3,505 in Treasury. Over the 12-month period temporary employment was increased by 46,953, reflecting increases of 24,706 in Defenes agencies and 10,520 in Postal Service.

TOTAL EMPLOYMENT

Total civilian employment in the Executive Branch in January 1973, as compared with the preceding month of December 1972, is shown for civilian and military agencies, as follows:

	January 1973	December 1972	Change
Civilian agencies	1,685,172	1,698,505	−13,333
Military agencies	1,080,782	1,090,245	−9,463
Total, civilian employment	2,765,954	2,788,750	−22,796

Total Executive Branch employment INSIDE the United States in January 1973 was 2,607,525, a decrease of 20,575 as compared with December 1972. Total employment outside the United States in January 1973 was 158,429, a decrease of 2,221 as compared with December 1972.

FISCAL YEAR 1974 BUDGET PROJECTIONS

Of current interest are the new budget projections (or "targets") for full-time permanent civilian employment levels as of June 1973 and June 1970. Comparison of current full-time permanent employment (January 1973) with the budgeted projections for June 1973 and 1974 follows:

	Civilian agencies	Military agencies	Total
January 1973, actual	1,424,675	1,021,381	2,446,056
June 1973, estimate	1,472,300	1,012,400	2,484,700
(Compared to January 1973)	(+47,625)	(−8,981)	(+38,644)
June 1974, estimate	1,451,800	986,800	2,438,600
(Compared to January 1973)	(+27,125)	(−34,581)	(−7,456)
(Compared to June 1973, estimate).	(−20,500)	(−25,600)	(−46,100)

LEGISLATIVE AND JUDICIAL BRANCHES

Employment in the Legislative Branch in January 1973 totaled 32,787, an increase of 432 as compared with the preceding month of December 1972. Employment in the Judicial Branch in January 1973 totaled 8,585, an increase of 6 as compared with December 1972.

In addition, Mr. Speaker, I include a tabulation, excerpted from the joint committee report, on personnel employed full time in permanent positions by executive branch agencies during January 1973. showing comparisons with June 1971, June 1972, and the budget estimates for June 1973:

FULL-TIME PERMANENT EMPLOYMENT

Major agencies	June 1971	June 1972	January 1973	Estimated June 30, 1973[1]
Agriculture	84,252	82,511	83,041	83,400
Commerce	28,435	28,412	28,656	28,200
Defense:				
Civil functions	30,063	30,585	30,120	32,400
Military functions	1,062,741	1,009,548	991,261	[2] 980,000
Health, Education, and Welfare	104,283	105,764	109,104	[3] 110,200
Housing and Urban Development	16,030	15,200	16,435	15,800
Interior	57,570	56,892	56,821	57,000
Justice	42,662	45,446	45,944	47,200
Labor	11,352	12,339	12,479	12,800
State	23,398	22,699	22,472	23,200
Agency for International Development	13,477	11,719	10,895	10,800
Transportation	68,482	67,232	66,326	67,700
Treasury	90,135	95,728	97,544	103,000
Atomic Energy Commission	6,920	6,836	7,051	7,000
Civil Service Commission	5,324	5,260	5.705	6,000

Footnotes at end of table.

FULL-TIME PERMANENT EMPLOYMENT—Continued

Major agencies	June 1971	June 1972	January 1973	Estimated June 30, 1973 [1]
Environmental Protection Agency	5,959	7,835	8,006	8,900
General Services Administration	38,076	36,002	36,134	38,100
National Aeronautics and Space Administration	29,478	27,428	27,196	26,800
Panama Canal	13,967	13,777	13,735	14,000
Selective Service System	5,569	5,791	5,633	5,700
Small Business Administration	4,004	3,916	4,046	4,200
Tennessee Valley Authority	13,612	14,001	14,193	14,000
U.S. Information Agency	9,773	9,255	9,225	9,400
Veterans' Administration	158,635	163,179	168,337	171,600
All other agencies	31,333	33,499	34,029	35,800
Contingencies				2,000
Subtotal	1,955,530	1,910,854	1,904,388	1,915,200
U.S. Postal Service	564,782	594,834	541,668	569,500
Total [4]	2,520,312	2,505,688	2,446,056	2,484,700

[1] Source: As projected in 1974 budget document; figures rounded to nearest hundred.

[2] Excludes increase of 5,000 for civilianization program.

[3] Excludes increase of approximately 9,000 in adult welfare categories to be transferred to the Federal Government under Public Law 92-603.

[4] January 1973 figure excludes 2,610 disadvantaged persons in public service careers program as compared with 2,768 in December 1972.

THE PERFORMANCE OF THE U.S. POSTAL SERVICE

HON. ALAN CRANSTON

OF CALIFORNIA

IN THE SENATE OF THE UNITED STATES

Thursday, March 8, 1973

Mr. CRANSTON. Mr. President, article I, section 8 of the U.S. Constitution states that—

> Congress shall have the power to establish post offices and post roads.

For almost 200 years our Government carried out this mandate—and carried it out admirably.

Like many people, however, I felt that our postal system could become even more efficient and hopefully less costly if it were run on a more businesslike and less political basis.

The presidentially appointed Kappel Commission confirmed the view that—

> A Postal Corporation owned entirely by the Federal Government be chartered by Congress to operate the postal service of the United States on a self-supporting basis.

To this end it staged that a board of directors should be—

> Charged with providing the nation with a superb mail system offering universal service at fair rates, paying fair wages to postal employees and giving full consideration to the public welfare.

Stated the Commission optimistically:

> The nation should not be asked to run the risk of a breakdown in its postal service. The Corporation management should not only upgrade the reliability of day-to-day mail delivery to both urban and rural areas, but should also turn its attention to the unfilled needs of the public for additional postal services, such as guaranteed fast delivery. Only a Post Office quick to identify and meet market needs can successfully serve a changing economy. Obsolete and inefficient postal facilities should be replaced. Existing technology must be fully applied and new technology brought to bear through vigorous research and development. Every effort should be made to provide postal employees with a work environment comparable to that found in the finest American enterprises.

In 1966, the Chicago Post Office came to a screaming halt. Ten million pieces of mail were backed up. The 1968 Kappel Commission reported:

> Similar incidents have occurred in many other cities. Despite valiant efforts, delays occur even in first-class mail; backlogged bulk mail is common. The facility and management problems of Chicago, in varying degrees, exist in post offices all over the country. In the Commission's judgment, particularly with mail volumes continuing to increase, the causes which produced Chicago may well produce the same results elsewhere.

What disturbs me and a lot of the employees of the Postal Service and huge numbers of my constituents is that the situation has not changed since the Postal Service was established.

One telling index to the utter failure of a product or an endeavor is the number of jokes it generates.

First there were Edsel jokes. They gave way to TFX and F-111 jokes. Now Postal Service jokes have become a national pastime.

For example, while the fighting in Vietnam was going on in full fury, people were saying, "Let's turn the war over to the Postal Corporation: They may not end it, but they'll sure slow it down." Others said: "Don't do that, they'll only lose it."

Now the line is: "Smash the Mafia—mail it parcel post." And they tell a story about the time former Postmaster General Winton Blount sat in on a brainstorming session on the problems of mail delivery:

> "I've been listening patiently now for three hours," Blount finally said in exasperation, "and all I want is a simple answer to a simple question: If it is neither snow nor rain nor heat nor gloom of night that is holding up the mail, then just what the hell is the trouble?"

The week's best effort has to go to Washington Star-News reporter Miriam Ottenberg who had a suggestion for next year's Christmas stamp. It could say, "O Lord, Deliver Me."

America's grand experiment in a quasi-private Postal Service was intended to slow down mailing costs and speed up mail delivery.

In 1968, the Kappel Commission had found a "pattern of public concern over the quality of mail service. Delayed letters, erroneous deliveries, damaged parcels, and lost magazines are everyday experiences." If the Kappel Commission were to do a reexamination today, I expect that they would find the same conditions—only more so.

Of the 75 national associations asked to comment on the quality of mail service by the Kappel Commission in 1968, 47 faulted the Post Office. I strongly suspect that if the same 75 associations were questioned today, few of them would have favorable comment to make.

After a year and a half of operation, postal administrators have apparently decided the only way to speed up cost reductions is to slow down the mail—slow it down to the point that the Postal Service is now a disservice—a disservice to the taxpayers who must depend upon it, and a disservice to the many dedicated people who work for it.

The Kappel Commission stated that—

> Certain kinds of postal functions have a higher potential for cost reduction than others. The retailing and delivery activities may be considered the "institutional" functions of the postal system. Their costs depend less on mail volume than on the size and characteristics of the area served. Increasing urban sprawl requires more collection and delivery notes and more retail outlets to bring not so much in technological advances as in more efficient use of this institutional capacity.

The Postal Service Corporation, however, is trying to reach a financial break-even point too rapidly. It clearly cannot be done this fast without postal service itself breaking down.

I urge that the Corporation slow down its economy measures rather than slow down the mail. Congress had realistically called for a gradual phaseout of Government subsidies by 1984. But following Mr. Blount's lead, the Corporation seems determined to try to become self-sustaining long before then and it clearly is not working out.

I think they are being unfair to the whole concept of an independent, solvent Postal Service—which is still in an experimental stage—by charging too many things too fast.

Even senior Assistant Postmaster General Murray Comarow has admitted:

> We probably did go too far in our effort to save money.

The Postal Service has made a succession of hasty and ill-advised policy decisions that have in many places slowed mail delivery to a crawl. They include:

A totally unrealistic hiring freeze.

A top-heavy administration.

Qualified employees who unwisely were urged to retire early.

Attempts to automate mail handling with untested systems.

Reduction of mail service.

To compound the problems, these factors and others have caused the morale of postal workers to reach an all-time low, according to postal union officials.

Postmasters have not been allowed to fill vacancies—even in suburban post offices where new housing developments have greatly increased the population. Overstaffed and understaffed operations have been treated alike. The end result has been that employees are forced to work mandatory overtime week after week. This is causing the Postal Service time-and-a-half wages and has reduced efficiency among workers.

Some post offices have become so understaffed by retirement and resignations that mail has piled up beyond the ability of the remaining staff to handle it.

The freeze reduced the payroll by 63,470 employees from July 1970, to February 1973. As of last month the Postal Service was down to 677,746 employees. Over the same period, the mail volume increased by 2.3 billion pieces of mail.

While all this was going on, the fatcats on the postal payroll were doing very well. Twenty postal officials earn $42,000 a year or more, according to a survey conducted by Congressman H. R. GROSS in the Post Office and Civil Service Committee. The 20 high-paid postal officials equal the number of high-paid executives authorized for the entire Federal executive branch, Cabinet members excluded.

The old Post Office Department had eight Assistant Postmasters General. The new Postal Service Corporation has 17 Assistant Postmasters General and a new category of five senior Assistant Postmasters General.

Two offers of early retirement to postal employees since July 1971, have eliminated the most knowledgeable and experienced employees from the postal work force. More than one-quarter of the supervisors have retired since July 1971.

I believe that automation is a sound step in the right direction. But in the Postal Service's haste to automate, systems have been designed around machines that are still on the drawing boards, equipment has been purchased without contracting for proper installation and maintenance, and new machines have been introduced without giving proper training to the employees who will run them.

As an example, centralized automated mailing centers were planned. Before the first center had been completed so that techniques of distribution could be tested and perfected, the Postal Service committed itself to a $5 billion construction program for more centers.

And there is a great deal of question whether this concept will work. It is a radical departure from the old way of distributing mail, which used to be based on the neighborhood post office. Centralized mail handling might be a great idea. But it should be tested before $5 billion is committed to it.

Mail service has been greatly curtailed. The long-standing policy of delivering today's mail is dead.

As a Senator from California, the most populous State in the Nation, the opinions of my constituents serve as a good barometer of what is going on in the whole country. Before the Postal Reorganization Act went into effect, I was receiving a few letters every day about poor mail delivery service. Since July 1971, when the Postal Service took over, the mail has steadily increased. There are now many days when I receive 50 letters complaining about the Postal Service. There have been some days when the number has reached 100.

The complaints come in several categories: From private citizens who are not receiving packages and letters from loved ones and who have suffered financial losses because mailed payments have not gotten where they were supposed to go within the allowed time; from businesses that are losing revenues because they can not be depended upon to get merchandise through the mails nor can they get billings out and payments in on time; from postal employees who complain that hiring freezes and forced overtime are causing the mail system not to function properly because there are not enough people to move the mail and because the employees who are working have become so demoralized.

Writes Mrs. Irmgard Lenel of Santa Monica, Calif.:

> I received a newsletter from Pasadena, marked in large letters on the outside "Urgent," sent bulkmail and dated December 22, on January 20, announcing an important event which of course had long since passed. Bulkmail, it is true, but as long as this kind of service is authorized it appears to me it should be impermissible and unthinkable that it should take 4 weeks and one day for a piece of mail to arrive from Pasadena to Santa Monica [a distance of some 25 miles].

Mrs. Ned Laveaga of Orinda, Calif., says:

> All the cute things they have for sale are nice . . . and the colorful public relations posters are pretty, but all that does not get the mail delivered in time. Orders are being lost, I could be fined by the government for getting my taxes in late, and personal messages arrive days after they are supposed to. Has anyone else been complaining about this? I would think big companies would be very frustrated.

States the general manager, Howard R. Leistner, of one large company in Richmond, Calif.:

> I consider the mail service at this time to be critical. We mailed a payroll summary to Paramus, New Jersey on December 14, air mail, special delivery. It was not received until December 22nd. We again mailed payroll summary information to Paramus, New Jersey by air mail, special delivery on December 28, 1972, and had a call on January 2nd from the payroll department that it had not been received. To give you some idea as to what these delays mean in terms of manhours and dollars to us, please allow a further explanation. An accounting clerk in this office spends almost one full day preparing payroll information for approximately 25 hourly employees. When this information is not received in New Jersey in time for it to be placed into the computer and payroll checks issued, this office must give to the New Jersey office line-by-line information via long distance telephone. This takes from 45 minutes to an hour; an added expense we are forced to absorb.

Mrs. Chester E. Bechtle of Hermosa Beach, Calif., has this story to tell:

> My husband is very ill and I have to buy medication from a druggist who is in Redondo Beach [the next town] and he kindly mails me the pills and I send him a check. It took four days for the check to reach them and its only ten minutes on the bus but I can't leave my husband.

Another of my constituents, Mrs. Lorene F. Tarr of Grass Valley, Calif., put it this way:

> We have been sending our packages via United Parcel Service because the parcels have better care, it is not necessary to pay extra for insurance under $100, the cost is much less and service is overnight within California. If this company can do this, why can't the U.S. Postal Service?

The costs of slow mail to businesses were calculated by Mr. R. C. Chapman, president of the Great Plains Western Corp.:

> We began doing some checking of how long it took money to reach us once mailed. I calculate that for the last 90 days of 1972 our mail was delayed an average of three days in arriving here. Cross city mail frequently took four extra days. Cross country mail frequently took from ten days to two weeks. On any given day we would have some one million dollars coming to us in sales proceeds from meat packers and others. We receive all payments by check. Since we borrow large amounts of money and pay an effective 8 percent and better interest on same, delays in receiving one million dollars cost us at the rate of $219 for each day's delay. Figuring an average delay on all mail costs us approximately $1,533, or at an annual rate of $79,716. If you multiply our situation by that of other businesses, the costs of delayed mail delivery must come to billions of dollars per year. We are in the cattle raising business. Higher expenses translate themselves into higher prices for consumers. Part of the blame for higher meat prices must be laid at the foot of the post office department that is responsible for such conditions.

Mrs. Helen Schneider from Vista, Calif., sent me a copy of her letter to her life insurance company:

> Enclosed is voided check No. 730101–239725 as you requested. It arrived the same day the replacement check arrived. Seventeen days is a long time for mail to come from Boston particularly when it is after the New Years period.

In a note to me Mrs. Schneider added:

> Getting the replacement check involved a long distance call to my former company in New York, a night letter to John Hancock and a telephone call to John Hancock in Boston. There's $10 shot right there.

Writes Mrs. Martin Fletcher, of Palo Alto, Calif.:

> This year (Christmas season) we received more Christmas cards after Christmas than before. A letter postmarked December 21 in Massachusetts arrived here December 29. A letter takes two days from San Francisco to Palto Alto—about thirty miles. A monthly program guide to radio station KKHI previously delivered a week or ten days prior to the end of the preceding month is now delivered nine days after the start of the new month.

A very sad letter came from Mrs. Russell H. Fluent, of San Francisco. She wrote:

> DEAR SENATOR CRANSTON: I regret my first letter to my Senator is in a form of a protest regarding the Postal Service. These are the facts: My elderly sister who lived in Long Beach, California had been ailing and living alone. On December 27, I wrote her a letter and sent it air mail so she would have a line from me before the New Years holiday. I took the letter to the Stonestown Station myself, because if I get there before

> 4 P.M. it is sent on its way that day. I could not understand why she did not answer my letter and I became worried so last Sunday, January 7, I called her on the phone. There was no answer so I kept trying for about three hours until I called the manager, only to learn that she was found on the floor and she had passed away. I arrived in Long Beach on Monday, January 8 and while I was there the air mail letter I wrote her on December 27, was delivered. I am enclosing the envelope and the date on my letter, and as you can see it hasn't even been cancelled out. Is it possible that it takes 13 days for an air mail letter to arrive from San Francisco to Long Beach? I felt very sad and depressed to think she hadn't heard from me since a letter means so much to people living alone.

Senior citizens are especially dependent on mails because fixed incomes limit the alternative methods of communication and because retirement checks themselves are sent through the mail.

Another example of the kind of hardship poor mail service can work on the elderly came from Mr. Howard D. Moon of the Alhambra Hearing Aid Center in Alhambra, Calif. He writes:

> Whatever the reason for the delay in the delivery of mail, it nonetheless is a serious matter in our business. We mail hearing aid batteries most every day to our customers who live short distances from our office. It used to be that if I mailed them around 5 o'clock, they would receive them the next day. I can't rely on that any more. I had a call from one of our customers on the 9th of January—she had not received her batteries that I sent on the 4th of January. Five days to go a few miles from Alhambra to Monterey Park.

Mr. Maurice Manley, of La Puente, Calif., wrote:

> I am a sales representative for a major petroleum company. Five weeks ago I had a case of sprays in aerosol cans come and the case was thrown around so much two cans were damaged and the contents leaked out. Then I got three grease guns wrapped together and a hole was torn in the box. Because of carelessness, part of one gun was gone. Last night a customer called to tell me a pin and all the wing nut screws were lost out of his shipment. Tonight I checked with another customer and part of his grease gun was gone. I went to the post office and complained and was told if I wasn't happy about it I could write to my Congressman, which I am.

Mrs. Myrna S. Holder of Costa Mesa, Calif., had placed a Christmas gift order with a company in Mount Vernon, N.Y., on November 21, 1972:

> The package was small and light as it contained flat, personalized Christmas tree ornaments for friends and children; some of the ornaments also included an engraving of the year 1972. I hope you can imagine my concern, frustration, disappointment and desperation when the packages did not arrive by Christmas. Replacement gifts had to be purchased at the last minute or embarrassing apologies made. The package finally arrived January 11, 1973, a little late for Christmas, and also a little late for the dated ornaments to have any relevance. I think you will agree that 38 days is a long time—Pony Express would have been quicker.

From Burbank, Calif., Mr. Joe C. Wilson, who is the national vice president of the National Association of Government Employees, wrote:

> The Civilian Technician is paid on a biweekly basis with the payday normally being every other Wednesday. However, during the past eighteen months their pay checks have been from one to six days late. During the past three months the situation has worsened considerably . . . this consistent and unexcused delay has placed an undue burden on many of these employees. Some have been forced to make late payments on their bills, some have had to borrow from their friends and relatives to meet their commitments, and have been placed in precarious and embarrassing predicaments with their creditors.

Many periodicals which depend on timely information for their publications are losing articles and delaying publication, because of late mail. In one instance, the Los Angeles Times interviewed me about the performance of the Postal Service. The article appeared in the paper on time. Unfortunately, the pictures that were to accompany the article were omitted. The reason: They had been sent through the mail and had not arrived.

The Kappel Commission stated:

> A successful organization's management must be flexible to respond quickly to changing customer and employee needs. The individual manager, customarily responsible for the results of the operations he directs, must be allowed discretion to shift his resources in response to changing circumstances.

The old Post Office, hampered by thousands of congressional statutes, was unable to respond to the needs of the communities it was supposed to serve. The new Postal Service, hampered by fears of disloyalty of its employees, has clamped regulations so rigid upon its management people that they are less able than ever to use their professional judgment to move the mail.

The results of this policy are reflected in the sad letters from employees of the Postal Service. First they beg me not to release their names. A great deal of pressure has been placed upon them not to contact their elected representatives. I would find this kind of harassment hard to believe. However, one of the many Assistant Postmaster Generals met with two members of my staff. He explained to them that the Postal Service had not yet succeeded in getting the proper amount of loyalty from postal employees and that "until they are fully indoctrinated" they must not be allowed direct contact with the Hill. That has not stopped many brave souls from letting me know just how bad things have gotten. I introduce for the record a memorandum showing the kind of policy that is being set.

In addition to written policy statements, there have been reports of at least one major California post office where there has been a not-so-discreet effort to "fire the handicapped" by penalizing them for doctors appointments and pressuring them even during hospitalization to retire. Promotions are promised and training provided—then the opportunities are removed. They tell me about the centralized mail units where the machines to operate them are not installed and where the mail which has already been delayed by transportation to the centers is being further held up because there are not enough people to sort it. Mostly, postal workers want to let me know that they are trying hard to move the mail despite the many handicaps.

In addition to jokes, another good measurement of failure is the success of competitors. While use of parcel post is dropping off, competitive package mailing companies such as United States Parcel are doing more and more business. I am disturbed by reports that the Postal Service is not recommending parcel post rate hikes at the same pace as other rate hikes in order to squeeze competitors off the market.

I believe the Postal Service must take the time to study innovations before putting them into use. The Postal Service must also afford to its midlevel management personnel the training and skills along with the flexibility to cope with problems unique to their localities.

Cutting out mail deliveries so that businesses cannot operate efficiently, removing collection boxes so that the poor and the elderly have no place to send a letter, closing small branch post offices—which are a drop in the postal financial bucket—in communities that are rapidly growing, and closing down post offices on Saturdays so that working people have no opportunity to use them just are not the ways our once proud mail system ought to be operating.

Said former Senator Ralph Yarborough in his eloquent speech against enactment of postal reorganization on June 30, 1970:

> The issue is plain and simple. Are we going to keep this branch of the U.S. Government for service, or are we going to turn it into a profit-motive thing that will subordinate service to profit?

I believe that question remains to be answered.

TRIBUTE TO GOV. WINTHROP ROCKEFELLER

HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 1, 1973

Mr. CONTE. Mr. Speaker, I am very pleased to have this opportunity to pay tribute to the memory of the distinguished former Governor of Arkansas, Winthrop Rockefeller.

There is so much to say in praise of this man, I hardly know where to begin. His great humanitarian efforts were directed on many fronts.

Winthrop Rockefeller was a big man—tall and husky. But his physical appearance was dwarfed by the greatness of his commitment to helping others. Born to wealth beyond most men's dreams, he had a richness of spirit which surpassed most men's hopes.

I will remember him particularly as a fighter, a real scrapper, for the small guy in this country. I will never forget his appearance before the Select Small Business Committee, on which I serve as ranking minority member, last May 2. At that time he spoke with compassion and wisdom on the topic of the "Future of Small Towns and Rural America: The Impact on Small Business."

I also served in 1968, and again in 1972, with Win on the National Republican Platform Committee. I knew him as a politician and public servant of unsurpassed dedication and integrity.

Before the committee and at the conventions he did battle on behalf of the small businessmen, the farmers, and all of the other residents of rural America.

Despite his family fortune, Win Rockefeller was not afraid of hard work, whether it was manual labor in the Texas oil fields or desegregating State jobs in Arkansas.

He fought with determination for reforms in Arkansas just as he had fought with courage during World War II.

His term of service as Governor of the State of Arkansas saw that State's first model cities program as well as its first general minimum wage law. It was truly an "era of excellence" for Arkansas.

I would be remiss if I did not also mention his devotion to history through the Historic Williamsburg Foundation, his contributions to the arts, and his activities in the areas of health and education.

In the death of Win Rockefeller, the Nation has lost a friend. His contributions to the State of Arkansas and to his country will endure for many years to come.

CIVILIAN EXECUTIVES IN THE U.S. NAVY

HON. WILLIAM LEHMAN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 8, 1973

Mr. LEHMAN. Mr. Speaker, the U.S. Navy has a long and colorful history dating back to the Revolutionary War. Partly because of its long history, however, the Navy has had time to develop a civilian bureaucratic establishment which far exceeds that of the other services in many ways.

Now that we are in peacetime and are seeking ways to free badly needed funds for important domestic programs, it is time to raise certain questions about our huge Navy bureaucracy:

Why does the Navy have as many civilians in Washington—33,000—as the entire U.S. Army and Air Force combined?

Why does the Navy need twice as many "supergrade"—$30,000 plus—bureaucrats as the Air Force and 55 percent more than the Army?

Why does the Navy require almost 18,000 civilians to fill its top—$18,737 to $42,500—salary ranks?

These questions involve not military strength, but bureaucratic excess. Furthermore, it is clear that the Army and Air Force, whose tasks are certainly as important and as complex as those of the Navy, require proportionately far fewer civilian executives to support their military forces and equipment.

If the Navy followed the example of the other services regarding the number of civilian executives actually needed to properly run a military organization, then millions of payroll dollars might be freed for use in the realinement of our national priorities.

AN AMERICAN DREAM, OR A DREAM DEFERRED?

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 8, 1973

Mr. RANGEL. Mr. Speaker:

This letter is to plead with you or anyone else who can save the children who will be hurt by President Nixon's cut backs. I am a mother of three children and a black woman. In spite of the pitfalls society has made for blacks and minorities. My son has a chance to win a scholarship to College. It's bad enough so many doors have been slammed on our children and our lives as well but throughout this his grades have excelled.

I'm really beginning to feel Nixon's attitude is that of someone who wants hopelessness to prevail in poor people lives he keeps preaching self help and determination but those who are trying to hold on are the main ones being destroyed by his decisions.

I am divorced and a working woman, its only right that I get something for the taxes I am required to pay by your laws. So many of my people have taken a do or die attitude. Is this all that is left as an alternative, God I hope not. Anyway please put your conscience and support behind our future, our children.

Give them the chance that was denied my generation. One of the programs, that will be affected is College Bound of Haren High School of which my son is a student. They have one of the most constructive programs around. They have intensive guidance services, reading laboratories and cultural activities. Extensive Math and English classes.

Also upon completion of College Bound program he is guaranteed admission to College with a 75 average, plus financial assistance, my son's average is 82.02. So you can see my desperation.

This is one in a multitude of letters I have received protesting President Nixon's proposed budget and its elimination of a great many social programs. This particular letter is referring to cuts in title I funds of the Elementary and Secondary Education Act of 1965, and the Emergency Employment Act. The college bound program, run by the New York City Board of Education, is a college-preparatory and academic improvement program serving over 10,000 pupils in New York City public schools.

At this time, I submit for your attention and the attention of my colleagues an editorial that appeared in the March 5 edition of the New York Times entitled "The American Dream."

THE AMERICAN DREAM

In his detailed message to Congress on human resources, President Nixon has outlined a major retreat by the Federal Government from its social responsibilities. He seeks to abolish the community action programs begun as part of the Johnson Administration's war on poverty and to dismantle the Office of Economic Opportunity established to direct that war. He would withdraw Federal money for neighborhood mental clinics, hospital construction and regional medical programs. He abandons his own plan for welfare reform.

Beyond these specific cutbacks, the President proposes "reforms" in the areas of education and manpower which are probably the prelude to major reductions in Federal investment in the future. In place of numerous specific programs established to help children in elementary and secondary schools and to train the unemployed, Mr. Nixon offers "education revenue sharing" and "manpower revenue sharing."

But the nation's Governors who held their annual midwinter meeting in Washington last week were unable to discover how much of this special revenue sharing money would be available—or for how long. The truth is that no President and no Congress can bind their successors to a specific level of appropriations.

That is also true under the existing arrangement where Congress annually approves money for specific programs. But Congress is much less likely to cut a program which it authorizes and supervises than it is to cut a broad grant of money to the states which they would then be free to spend pretty much as they see fit. That explains in large part the attraction which so-called special revenue sharing has for the Administration and for many conservatives. It makes politically easier a drastic future shrinkage of Federal spending for education, manpower training, health, housing and other social problems while leaving to the Governors and Mayors the disagreeable task of coping with the problems with less Federal help. Just yesterday Mr. Nixon added urban development programs to the list of "outmoded" Federal efforts, passing on the responsibility—and financial uncertainty—to state and local governments.

Many of the nation's Mayors and Governors who lobbied so vigorously last year for general revenue sharing are already disillusioned. As Mayor Wesley C. Uhlman of Seattle told a Senate hearing the other day: "Most of us have applauded revenue sharing, but it has not turned out to be the savior of the cities we thought it would be. Instead, it's a Trojan horse, full of impoundments and cutbacks and broken promises."

If this disillusionment exists about general revenue sharing, the Mayors and Governors are understandably wary about the President's special revenue sharing plans. Those plans look suspiciously like an old-fashioned conservative Republican effort to collapse existing Federal programs and hand the problems back to the states and communities—with less Federal money to meet them.

President Nixon's latest message further arouses this suspicion because of its cavalier dismissal of his own welfare reform bill. He gives no excuse for its abandonment except that the Congressional outlook was unfavorable. Yet the bill twice passed the House of Representatives. It might well have passed the Senate last year if the White House had been willing to make common cause with liberal Democrats and conduct a floor fight in its behalf.

The abandonment of the "services strategy" expressed in dozens of specific Federal programs makes no social sense unless it is replaced by an "income strategy." That was the rationale underlying the Administration's welfare reform proposal ever since it was first proposed in 1969. Yet now the President wishes to continue cutting back on specific programs without offering any income-producing substitute for the welfare poor and the working poor.

It is the President's skills at politics and salesmanship which enable him to present this bleak program dressed up in all its verbal finery as "the New Federalism," "the Second American Revolution" or, as in last week's message, "the fulfillment of the American Dream." The dream looks remarkably like right-wing nostalgia for the days when individual self-reliance and states' rights were regarded as a sufficient answer for every complex social problem.

The citizen who wrote me that letter is struggling to fulfill the American dream for herself and her family. I am afraid that under the President's policies she will instead experience the dream that the black poet, Langston Hughes, wrote of:

What happens to a dream deferred?
Does it dry up like a raisin in the sun?
Or fester like a sore—
And then run?
Does it stink like rotten meat?
Or crust and sugar over—
Like a syrupy sweet?
Maybe it just sags
Like a heavy load.
Or does it explode?

COURAGEOUS POW'S

HON. JOHN H. ROUSSELOT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 8, 1973

Mr. ROUSSELOT. Mr. Speaker, there has been some speculation that our returning prisoners of war have given rehearsed statements when they disembarked from the planes at Clark Air Force Base in the Philippines. I find it difficult to believe that any American who watched this moving event could doubt the sincerity of these brave and courageous men. Rather than questioning their statements, we should be grateful as a nation for their service and total dedication to God, family, and country, and welcome the future returning American prisoners with the same unaffected enthusiasm demonstrated by these men already released.

I have had the opportunity to talk with a returned prisoner from my district in California, Lt. David Rehmann, U.S. Navy, and, therefore, have firsthand knowledge that in no way were these men briefed as to what they should or should not say.

A February 23 editorial in the Wall Street Journal expresses my feelings quite clearly and I would like to call it to the attention of my colleagues:

THE SPIRIT OF THE POW's

Americans haven't had much to boast about as a result of deep internal divisions over the Vietnam war, but no one watching the emotional return of the POW's could fail to be moved by their reaction. Despite vestiges of the military discipline that helped them through their ordeal, most POW's clearly returned as individual free spirits instead of dispirited automatons. As Vermont Royster notes on this page today, it was a proud return.

The coming home ceremonies were carefully programmed to insulate the POW's from the stresses and strains of an abrupt return. Yet the best laid plans of the military and civilian brass immediately went out the window as well-wishers and POW's interacted with unrestrained emotion and jubilation.

The welcoming ceremonies were also devised to give POW's a sense of America's pride in their sacrifice without exposing them to the larger divisions in American society. In their comments—from Navy Capt. Jeremiah Denton, a prisoner for nearly eight years who said simply, "We are profoundly grateful to our Commander in Chief and to our nation for this day," to Navy Lt. Cmdr. Everett Alvarez, a prisoner for more than eight years who said "we kept faith—faith in our God, in our President and in our country"—there was no mistaking their sincere pride in their mission and in the nation that wouldn't forget them.

Such spirit apparently is simply too much for some of our press commentators to take, so we are now being treated to the myth that the POW's themselves, rather than just the welcoming ceremonies, were programmed by the Pentagon. We are being asked to believe the spontaneous outpourings of affection for family, friends, colleagues and—especially—nation are all a vast put-on. If so, they would do credit to a Stanislavsky and Pavlov combined.

Such speculation will no doubt provide a neat rationalization for that petulant few who are disappointed the POW's didn't publicly denounce their country and condemn President Nixon, but it won't wash. It required no special insight to perceive that the emotions these soldiers displayed simply could not be programmed by the Pentagon or anyone else.

It is unlikely that anyone will ever be able to convince them that America is evil. Or make them believe that honor is a meaningless word. Or sell them on the idea that discipline and patriotism are outmoded concepts. It's only too bad each of those ideas enjoyed popularity for a time here at home.

It is generally felt the POW's afflicted by cultural shock will have a hard time adjusting to a changed society. Obviously, they will need sympathy, patience and understanding as they complete the wrenching psychological transformation from imprisonment in a closed society to freedom in a permissive one.

But for the moment they seem to be adjusting just fine. And, ironically, their courage and spirit may well help the rest of us to become reacquainted with the ideals of a nation from which some of us became needlessly estranged.

THE RETURNING POW'S

HON. J. J. PICKLE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 8, 1973

Mr. PICKLE. Mr. Speaker, we have signed a peace treaty, and for the most part, the fighting is over. But the last chapter in the grim story of the Vietnam war has not yet begun.

For our returning POWs, the war has not ended, and they will have battles to face in the coming months and years that may prove as difficult as any they fought in that far away land. We know their first need is for privacy and rest; to be alone with their families, to adjust to a normal life. But we must not let our respect for their privacy to be transformed into neglect. We must be ready not only to accept these men back into the mainstream of society; we must be willing to lend a helping hand at many points along the way.

They have suffered; it does not matter now that the war was condemned by many Americans. The returning POWs are fellow Americans, in need of help. We must all be willing to give it.

At this point, I would like to insert a recent editorial from the Christian Science Monitor which deals eloquently with the problems these men will encounter as they return to this country after being held prisoners, in some instances for as long as 6 years:

WELCOMING THE POW's

Understandably, the expectancy and joy of those who will be welcoming home returning prisoners of war from Vietnam are mixed in with considerable uncertainty and, as reported in numerous interviews with POW families, sometimes with dread.

A host of questions arise for families who have not seen sons, husbands, fathers in some cases for periods of six or more years. Is he physically and mentally whole? Can we communicate across the lapse of years? Can he adjust from the memories of what was to the larger maturity of wives and children, brought on as much by the stress of prolonged separation as by the passage of years? Can both the returned POW and those to whom he returns establish new ties in the context of new modes of thinking and acting?

All of these questions are brought on, and exacerbated, by the fact that the past decade has been one of the most tumultuous in the history of the United States, with massive changes in the basic concerns of human life, ranging from sexual mores to the relationship of government to governed.

In the framework of these questions and this history of rapid change there must, of necessity, be some great adjustments on the part of individuals. But to say this is not to say that such adjustments are too difficult or impossible to make, provided proper mental, emotional, and spiritual attention is given to the task. On this score, many intelligent actions are being taken by individual families and by the armed services in such preparation.

Their program, which began with an overly zealous approach drummed up by a Pentagon task force as "Operation Egerss Recap," has happily begun to take more modest shape. Returned prisoners will be flown to U.S. military hospitals in the Far East. There they will be given personal briefings on accumulated pay, promotions and savings, as well as information about their particular families' situation. They will also be given a crash-course on political, social and other events in the U.S. and the world during their absence. All of this catching up is useful and, indeed, necessary. We trust it will be done in as unclinical a manner as possible, and as quickly as possible, so that the servicemen may be returned to their families where the real process of readjustment must take place.

We are reassured by the Pentagon's decision to assign a personal escort to each returning prisoner—where possible, a man known personally to the POW—who will act in any way possible to help ease the man back into his new situation. Wisely these escorts have been instructed not to discuss any possible violations of the military code that the POW may bring up in regard to his own or fellow prisoners' behavior during internment. This seems to indicate that the government is putting the accent on leaving the POW experience behind and looking ahead to a constructive new life.

Meanwhile at home, prisoners' families are reportedly making advance preparation for the return in most intelligent and sensitive ways. Aware that returning POWs have a mental image of how their homes looked, wives are keeping things as close to the same as possible. Changes and improvements can then be made with the participation of their returning men, all part of the re-engagement in home and family living.

We are also impressed with the maturity of some of the youngsters who will see their fathers for the first time in years. One teenage girl, whose father had written earlier that he had a mental image of her arranging flowers—a gentle art for which she apparently has no inclination—rejected a suggestion that she take up a course in home economics. "We'll have to accept Daddy no matter what shape he's in; and he'll have to accept us no matter what shape we're in," was her answer.

Perhaps this is a useful key to families and communities anticipating the return of POWs everywhere—a candid and uncritical acceptance of the man as he is, free of preconceptions and patient with his need to absorb and readjust to new circumstances.

THE LATE HONORABLE ALFONSO T. MONTOYA

HON. MANUEL LUJAN, JR.

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 8, 1973

Mr. LUJAN. Mr. Speaker, New Mexico recently lost one of its most distinguished citizens with the death of State Senator Alfonso T. Montoya, brother of U.S. Senator JOSEPH M. MONTOYA. All of us from New Mexico are aware of his many contributions to our State, and I think that the eulogy read at his funeral perhaps best expresses our thoughts. Therefore, I would like to insert this eulogy in the RECORD at this point:

We come today to pay our final tribute to Alfonso T. Montoya, whose tragic death has diminished each of our lives. On these occasions it is hard to understand why the pattern for the divine fabric of life calls for the ending of his strand at an age when he had many years to contribute to his country, his state and to the lives of those with whom he came in contact.

Born in Pena Blanca on January 10, 1927 Al was a member of a family that has been represented in the area since the early 1700's. With a politically prominent family and with a brother who is a United States Senator, it would have been understandable if Al had relied upon the achievements of others. Yet he chose never to accept the easy role of wearing another's mantle of power. He sometimes even made his success more difficult by choosing to accomplish his goals in a manner that left no doubt that his achievement was truly his.

Al served in the Navy from 1944 to 1946, then earned his B.S. Degree at Regis College in Denver and his LLB from Georgetown University in Washington. He returned to New Mexico and began his practice of law. In 1958 he ran for the office of state representative and served one term in the House. He was elected to the Senate in 1960 and served from the 1961 Session until his death.

Al, as those of us who served with him in the Legislature knew him, was a warm and loyal friend, who could be counted on to do his best for any cause to which he was committed. He never went back on his word, and a commitment from Al was all you needed. He was a fighter who was at his best when the going was toughest, and he did it with a sense of humor that kept the fight from seeming grim. As an opponent he was without peer. He was imaginative and inventive in a political or legislative struggle, but he was never sly or underhanded. If he was unhappy with you you never had to hear it third hand. If what he did was going to incidentally affect some bystander he invariably had the courtesy to explain his action and the reason for taking it before he did so.

He was never so busy in furthering his own plans that he failed to be aware of the possible ramifications to those around him. He had an understanding of the problems of those in lesser positions around him, and he was careful that his actions did not hurt those who could not protect themselves, a rare quality in a man who had achieved the power and position he had attained in the political and legislative life of the state.

It would be difficult for the casual observer to assess his impact on the laws of this state, his legislative style was to be a quiet force rather than to seek personal notoriety. He chose to serve as a member, vice chairman and chairman of the Judiciary and Rules Committees during all but the last year of his legislative career. In that final year he shouldered the heaviest burden of his legislative career, that of chairman of the Senate Finance Committee.

While the casual observer will find few bills that bore only his name, those who knew the workings of the Legislature find the impact of his personality indelibly imprinted upon the Legislature in which he served.

Some personal observations which I am sure that there are many of us here who will agree, Al always gave of himself by helping others, and many of those he helped were unaware of what he did.

He made no display of emotion but underneath he was very, very tenderhearted. His words could be caustic or generous and his spontaneous advice was always very forceful. There have been many tense moments in the Senate that have been turned into laughter by Al's keen wit. He was always fiery and always humorous, even sometimes when he turned it on himself. The members listened when he spoke seriously and laughed when he joked.

Al was blessed with a brilliant mind and he had a rare and unique ability to immediately see the fault in any of the proposed legislation and he acted accordingly. There are two sayings that he used very frequently which come to mind and many others. He would say "whatever is fair" and the other was, "I like you in spite of yourself." He used that many times.

And so, as we bid farewell to Alfonso T. Montoya, in hurt and bewilderment at our loss, we can only be thankful that we had the privilege of knowing him, and seek comfort in the knowledge that the State and the system that produced him and gave him to us for a while, will in time produce others of his stature.

CONFERENCE ON THE HUMAN ENVIRONMENT

HON. JOHN T. MYERS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 8, 1973

Mr. MYERS. Mr. Speaker, the problems of the environment are never locally isolated. Indeed, they are international in their present scope.

The United Nations meeting on the Human Environment which was held in Stockholm last summer did much to structure a global response to the grave international problems of the environment. William D. Ruckelshaus, the Administrator of the Environmental Protection Agency, has observed that this Conference was a truly a significant one because it gave birth to a new world-wide environmental ethic.

Prof. George P. Smith of the Georgetown University Law Center Faculty has written an article dealing with the United Nations Conference appearing in the American Bar Association Journal. Professor Smith received his B.S. and J.D. degrees from Indiana University in 1961 and 1964. He is national cochairman of the environmental quality committee of the young lawyers section of the American Bar Association.

His article not only presents a balanced view of the complex areas of investigation, but offers insight into new, meaningful ways to resolve many of the problems. For those reasons I would like to share that article with my colleagues:

STOCKHOLM, SUMMER OF 1972: AN AFFAIR TO REMEMBER?

(By George P. Smith II)

The United Nations General Assembly, originally prompted by a Swedish initiative, decided in December of 1968 to convene an international Conference on the Human Environment in Stockholm from June 5 through June 16, 1972, and to give purpose and meaningful direction to what has been considered an environmental revolution. It was to be the first conference of this type ever convened—a conference with a goal of developing various plans of action needed to improve the global environment instead of a conference for the mere exchange of papers by experts. It was also to be a meeting where the mood of the apocalyptic prophets was eclipsed by reasonable men and women of good will and hope who finally became aware of their sacred trust in preserving the the life systems of this planet.

"Only One Earth" was selected as the conference theme in order to stress the very fact that all things—both living and inanimate—among which man dwells are part of a single, interdependent system and that man has no place to turn if he despoils his own surroundings through thoughtless abuse.

A twenty-seven nation preparatory committee met four times after 1970 to develop the conference program. Various intergovernmental working groups held meetings throughout the 1970-1972 period. Nearly 400 national reports from eighty countries were assembled for study and analysis by the various working groups. These papers in turn were reduced to approximately 700-800 pages of official documentation for the Stockholm meetings. Some 120 countries participated in one way or another in preparing for the conference.

In order to increase citizen participation in the United States in the conference, Secretary of State Rogers established an advisory committee headed by Senator Howard H. Baker, Jr., of Tennessee. Composed of representative persons and interest groups, the advisory committee met frequently, commented on all papers prepared for the conference by the United Nations secretariat and held public hearings on several of the proposals of the United States. It published a report, *Stockholm and Beyond*, in May of this year.

More than 1,200 official delegates from 110 states were accredited to the conference. The Soviet Union's absence was most significant. But this was discounted by some on the ground that the U.S.S.R. will have an opportunity to study the conference reports—as will the entire 132-member General Assembly of the United Nations—when the Draft Declaration on the Human Environment, the Action Plan and other papers are presented to the Assembly this fall for debate and, it is hoped, ratification.

Plenary sessions were held throughout the conference, and three committees concurrently studied a wide range of problems from managing human settlements for international quality and problems of resource management to the means of controlling pollution.

The chairman of the United States delegation, Russell E. Train, Chairman of the President's Council on Environmental Quality, stated at the outset that the conference would serve as a catalyst for action. He recognized that no answers might be forthcoming from the meetings, but he nonetheless felt that the hard questions so necessary for international advancement in the environmental area would be raised.

William D. Ruckelshaus, Administrator of the Environmental Protection Agency, who was a member of the United States delegation and who has shown himself to be a tireless advocate for environmental preservation, maintained that the most significant item on the conference agenda was the Draft Declaration on the Human Environment, for within the declaration was to be found a recognition and acceptance of an environmental ethic that would, together with the Action Plan, serve as a needed guide to all subsequent national and international actions.

Shirley Temple Black, also a member of the delegation, expressed her belief that educating the world community about the problems of the environment was the central purpose of the conference. Education translates into public awareness, which in turn can be channeled by citizen action into legislative responsiveness.

Robert S. McNamara, President of the World Bank, pointed out that throughout the developing nations, or third world, countless millions are threatened by a pervasive poverty that not only degrades but also destroys through hunger and malnutrition, illiteracy, unemployment and uncontrolled disease. Development of these nations stands little chance for real success unless the present distorted distribution of income—both at the national and international levels—is brought into a more equitable and reasonable balance.

Regrettably, as Professor Richard Falk has written, both the rich, developed nations and the underdeveloped ones specify self-interest in such terms as more wealth, more growth, more power, even more people. The quality of world order but reflects the interactions between national governments—with threats (economic and otherwise) and warfare being the main instruments of maintaining this order. Professor Falk believes that maximum national self-assertion is contrary to the collective ecological good.

A "greater generosity" by the developed nations toward the underdeveloped countries and the recognition of economics as a moral science were put forward to the conference by Gunnar Myrdal as the way to strike an environmental balance and chart environmental progress. Others believe, however, that co-operative planning and assistance, not unabated generosity, are the key to maintaining economic growth and preserving the environment for the underdeveloped countries. Professor Falk has suggested that the concept of ecological trade-off should be explored more fully and refined. For example, industrial countries might establish preferential trade relations with poorer countries that agree to use DDT and other pesticides in a safe, restricted manner.

Rene Dubos told the conference that efforts to go beyond the development of mechanisms designed to prevent or to minimize environmental defects must be undertaken. As the various nations and regions continue to differentiate—both in economic activities and in basic life styles—they must elaborate on new ways of relating to one another so as to become progressively integrated into organic wholes. Differentiation must always be followed by integration.

Barbara Ward (Lady Jackson) declared that separate drives, ambitions and policies must be made compatible with the continuing common life of a single, shared planetary system. Margaret Mead said that in order to muster the human will power required for the economic, social and aesthetic changes that will come about more distinctly in the next few years, there must be a realization of environmental danger, a belief that the danger can be overcome, and a new level of human relationships between all peoples of the world.

To the nations of the third world, however, the realization of environmental danger is of but passing interest in the light of their present needs for economic development. The danger simply is not viewed as something to cope with or overcome since it is not as serious as the problems of economic development. An appreciation of spiritual and aestheic values must be postponed for the time being. It remains for the major developed countries to work with the third world in reaching a basic level of economic growth and stability that has a built-in environment awareness factor.

One of the basic principles of the United Nations Charter is that the U.N. will not interfere in the internal affairs of any country. The economic development of a country is an internal affair. By extracting a "commitment" to the environment in the Declaration on the Human Environment, perhaps an accommodation can be reached if the declaration is ratified by the General Assembly and adhered to by the signatories.

While Barry Commoner criticized the conference for what he believed was its failure to come to grips with the economic problems associated with the environmental crisis by specifically neglecting to give sufficient priority to improving the access of needy human beings to the good available on the earth, others chose to stress the fact that the United States delegation was too inflexible and insensitive in its approach to the problem of pollution, did not commit adequate financial support helping to reduce global environmental problems and had deficient credentials—especially since its membership included only one representative of a nongovernment environmental organization and no environmental scientist.

CONFERENCE DECLINES TO DEBATE VIETNAM WAR

The dominant criticism of the conference and of the United States delegation was their joint failure to debate the issue of ecocide and for the conference's failure to condemn "imperialist destruction and plunder" in Vietnam. China, as could be expected, was a front leader on both issues.

Ecocide may be defined quite simply as the deliberate destruction of a physical or cultural environment. The question was framed in this manner: Can war—and specifically the Vietnam conflict—be separated from the environment and a discussion of its survival? It was repeatedly asserted that there could be no separation of the two topics. In fact, it was suggested by the prime minister of Sweden in his welcoming address that the war was the environment's biggest problem.

The Chinese delegation insisted doggedly in daily debate—but finally to no avail—that the Indochinese conflict be included on the conference agenda. The United States was repeatedly accused of having committed "very serious crimes" in Vietnam and of having "destroyed both lives and the environment".

The United States delegation maintained that these issues were purely political and served only to obfuscate the real work of the conference, since they were impossible of solution or rational debate in Stockholm. Interestingly, the earlier fears that massive demonstrations against the United States' policy in Indochina would be commonplace at the conference never materialized.

DRAFT DECLARATION HAS ITS ACTION PLAN

The Draft Declaration on the Human Environment, adopted by the conference, consists of a preamble and twenty-five fundamental principles. The supporting Action Plan totals several hundred pages and comprises nearly 120 recommendations for international action. The framework into which those actions fit consists of three elements: global assessment (called "Earthwatch"), environmental management activities and supporting measures.

The genesis for this declaration is to be found in the early formation of the United Nations and the efforts of the General Assembly to structure the recognition of an international standard of human rights. Although the finished product the Universal Declaration of Human Rights, has no binding legal character, it deals with a theme of transcendent importance. So too, now, the Declaration on the Human Environment is directed toward the enunciation of a noble principle. Its basic purpose is to develop public opinion and stimulate community participation in the environmental protection sphere and then to set objectives for international co-operation and formulate guiding principles for world governments in the formulation of policy.

Although the United States delegation considered the final draft versions of the declaration uneven, it recognized the preservation of a number of extremely important principles of conduct for states in dealing with environmental problems of significant international import. Chief among these is Principle 21, which declares that the states have "the responsibility to ensure that activities within their jurisdiction or control do not cause damage to the environment of other states or of areas beyond the limits of national jurisdiction".

Of notable importance are such additional provisions as Principle 2, declaring that the earth's living and nonliving resources, and representative sample of natural ecosystems, must be safeguarded for present and future generations; Principle 6, stating that excessive discharge of toxic substances and heat into the environment must be halted to prevent "serious or irreversible damage" to ecosystems; Principle 16, calling for application of appropriate demographic policies where growth rates or concentration of population are likely to have adverse effects on the environment; and Principle 25, declaring the obligation of states to "ensure that international organizations play a coordinated, efficient and dynamic role for the protection and improvement of the environment".

The secretary-general of the conference, Maurice F. Strong, a Canadian, stated that the draft declaration must be seen for what it includes rather than for what it omits. He regards it as historic if only for the principle that states accept responsibility for the effect of their activities on the environment of other states.

"EARTHWATCH" IS CORNERSTONE OF THE ACTION PLAN

The assessment program, "Earthwatch", which forms the cornerstone of the Action Plan to make the draft declaration a meaningful document, would link established national and international programs and activities to permit co-operative international approaches to the identification and assessment of environmental problems of global importance.

Environmental management activities, or the second element in the plan, would be directed toward the development of measures for international cooperation designed to facilitate and support the management of man's activities that could have an impact on the environment as well as the management of certain environmental resources. While many of the anticipated activities can only be undertaken at the national level, many can be assisted through international co-operation.

The supporting measures of the plan include education and training, public information and organization and financing arrangements. The Action Plan states that education at all levels—from preschool to the university level—should evolve to reflect an environmental dimension.

President Nixon's direct efforts to advance the success of the Stockholm conference through the proposal of a fund for the environment were sustained by the conference. In essence, the President proposed that a voluntary United Nations Fund for the Environment be established, with an initial funding goal of $100 million for the first five years, which would be used to increase the capabilities for environmental protection activities within the U.N. The United States pledged up to $40 million on a matching basis. Japan and Sweden made specific commitments, and several other nations have said they are prepared to contribute.

To administer the fund, the United States delegation recommended the creation of the post of Administrator of United Nations Environmental Programs, together with an intergovernmental policy body (Commission for the Environment) to guide the administrator. A further effort to improve co-ordination at the administrative level would be an environmental co-ordinating board composed of senior executive officers in charge of environmental programs of the U.N.'s specialized agencies.

In addition to the declaration, Action Plan and the idea of an environmental fund, the conference: (1) urged completion in 1972 of a global convention to restrict ocean dumping; (2) recommended steps to minimize release of dangerous pollutants such as heavy metals and organochlorines into the environment; (3) called for early completion of conservation conventions, including the World Heritage Trust for natural and cultural treasures and a convention restricting international trade in endangered species; (4) called for world programs to collect and safeguard the world's immense variety of plant and animal genetic resources on which stability of ecosystems and future breeding stocks depend; (5) urged strengthening of the International Whaling Convention and a ten-year moratorium on commercial whaling; (6) recommended creation of an environmental referral service to speed exchange of environmental know-how among all countries; (7) urged steps to prevent national environmental actions from creating trade barriers against exports of developing countries; (8) recommended higher priority for environmental values in international development assistance, for example, more emphasis on conservation, land use planning and the quality of human settlements; and (9) urged greater emphasis on population policy and accelerated aid to family planning in countries where population growth threatens environmental and development goals.

HOW ABOUT A GLOBAL IMPACT STATEMENT?

Requiring any nation before undertaking a project to file a global impact statement—similar to that required domestically in the United States by the National Environmental Policy Act (42 U.S.C. § 4321 *et seq.*)—would have a significant impact on the world environment and is believed by Mr. Ruckelshaus to have "fascinating possibilities". The acceptance of the principle implicit in this proposal is thought likely in the near future, but its present feasibility is quite another matter. The international community, Mr. Ruckelshaus suggested, is not ready to give any one organization the right to comment on every international project.

The third world would be especially reluctant to subscribe to any act that would impede their continued economic development. What might be more practical would be to structure criteria or "tolerance levels" and then proceed to allow the involved countries to adopt an individual standard according to a risk-benefit theory.

CONFERENCE ATTRACTS A VARIETY OF CHARACTERS

If one pierces the heavy rhetorical veil of Shirley Temple Black's and Margaret Mead's separate calls to the women of the world to rally around the flag of environmental preservation (and thereby liberate themselves from "something" or "someone") under the formation of a group called "Earth's Better Half", the post-Woodstockian flavors of Wavy Gravy and Hog Farm, the Dai Dong Conference, the seamen of NOAH, the Folkets or People's Forum, Pow Wow, Alternative Stad, the Black Mesa Defense, the Environmental Forum, the International Institute for Environmental Affairs and—of course—the United Nations conference itself, the real achievement of all of these becomes more manifest.[1] Stated very simply, these groups brought to bear a new appreciation or realization of *élan vital* and a concomitant understanding that the preservation of the life systems of the earth is correctly viewed as a spiritual commitment.

In a way, then, as suggested by Eugene Carson Blake, General Secretary of the World Council of Churches, the United Nations conference was an important theological meeting because it provoked a debate on the environment and thereby prompted a reconsideration of the most fundamental question of human existence: What is man's chief aim on earth? What is his true relationship to nature or to the material environment that sustains his life?

Later generations, Kurt Waldheim, Secretary-General of the U.N. said, may well look back upon this conference as a turning point—or that moment in history when a major correction was introduced in the process of the industrial revolution. For it was there that man first understood that his almost limitless capacity to innovate must always take place within nature—not outside of it.

THE NEW SOVIET IMPERIALISTS

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 8, 1973

Mr. RARICK. Mr. Speaker, the announcement by the Soviet Deputy Minister of Foreign Trade that the Soviet Union expects to sign an Export-Import bank loan of up to $250 million this week must be regarded as another of the peace-with-honor commitments—similar to aid to North Vietnam.

Reportedly, we are to finance $40 million for oil pumps, $20 million for the Kama River truck plant equipment and help the Russians develop their oil, copper, natural gas, and new products that will not harm your market.

At the same time as the Soviets are announcing their bid for "most favored nations" financing, using the 20-percent discount rate of the U.S. dollar through the Export-Import Bank of the United States, Victor Zorza, the noted columnist and Soviet-watcher in a copyrighted column outlines how some of the shrewdest American capitalists were taken in by an old sales trick employed by the Russians.

One need no longer ask who the imperialists are.

I insert several related newsclippings:

[From the Evening Star and Daily News, Mar. 7, 1973]

U.S.S.R. EXPECTS EXIMBANK LOAN OF $250 MILLION

(By Dave Stern)

The Soviet Union expects to sign Export-Import Bank loan agreements which could total as much as $250 million by the end of this week, Vladimir Alkhimov, deputy minister of foreign trade for the U.S.S.R., said yesterday.

Alkhimov, who is visiting Washington, said that following the finalization of those loan commitments "amounting to up to $250 million" a contract of approximately $40 million for pumps for the oil industry will be announced. He added that around March 9 "we will announce the signing of another purchase agreement for equipment for the Kama River plant of $20 million."

The minister said, "We're well on our way to improved U.S.-U.S.S.R. trade. One of the major objectives now is to finalize trade agreements with our respective governments and iron out the "most-favored nation" problems.

"As trade relations improve we'll find new products to bring to the U.S. market . . . new products that will not harm your markets," he added.

He restated previous Russian trade offers of nonferrous metals, oil and natural gas, among others, but declined to add to the list. Alkhimov did say his country would be willing to supply the United States with all types of diamonds.

Alkhimov said "We could mine 400,000 tons annually of copper in Siberia." He said start-up costs for such a venture would amount to about $2 billion and suggested an international venture with half coming from the Soviet Union and the balance from foreign sources "including the United States."

With respect to natural gas proposals from Tenneco, Occidental Petroleum and El companies including Tenneco, Occidental Petroleum and El Paso Natural Gas, Alkhimov said, "We are in favor of this project but obviously it must be profitable to both sides." He said the U.S. Federal Power Commission is now looking into the gas project and indicated Russia is ready to deal as soon as is the United States.

He confirmed recent statements by Occidental Petroleum Chairman Armand Hammer concerning Oxy's fertilizer deal with Russia. "The fertilizer contract could be concluded by the end of this year. We're quite optimistic about that," he said. The negotiations involve Oxy's exchange of $150 million in fertilizer annually for a 20-year period with Russia for a like amount of ammonia and urea.

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[1] Wavy Gravy was the leader of a "family" of fifty or more Americans who lived in and around two battered buses on an abandoned runway. The Dai Dong Conference, a transnational peace effort sponsored by the International Fellowship of Reconciliation, derives its name from an ancient Chinese concept. The seamen of NOAH is a group of Danish men and women who live on a boat and work on ways to improve the human environment. Folkets or People's Forum was composed of several Scandinavian environmental and political groups who joined together when they thought the U.N. conference would not deal with the issues that concerned them. Pow Wow was a group formed in Stockholm a year before the conference to discuss, evaluate and develop parallel activities. Alternative Stad is a Stockholm-based group dedicated to the idea that human beings have the right to live in pleasant surroundings designed for people rather than cars and office buildings. The Black Mesa Defense is a group of Hopi and Navajo Indians dedicated to preserving Black Mesa, a sacred mountain, from strip mining to furnish coal for power plants. The Environmental Forum was conceived within the U.S. secretariat to provide a platform for accredited nongovernmental organizations. The International Institute for Environmental Affairs sponsored six lectures during the conference.

[From the Washington Post, Mar. 8, 1973]

THE SHREWD SOVIETS

(By Victor Zorza)

Some of the shrewdest American capitalists were taken in last week by the oldest sales trick in the world—and by the Russians, at that. The businessmen, 800 of them, came to Washington to learn from a high-powered Soviet delegation about the huge deals which the Russians are offering to American corporations. The two-day conference was arranged by N. A. M., the National Association of Manufacturers.

The Russians soon confessed that they did not have the kind of money that could tempt the Americans. It was therefore up to the United States, they explained, to provide the credits and to make the purchases in Russia that would in turn enable the Soviet Union to buy American.

But—and this was the catch—they advised the Americans to hurry, because the Soviet Union was now drawing up a 20-year plan which would determine the pattern of its trade for years to come. If American business moved quickly, it would get in on the ground floor. But the Russians also made it clear that, if the United States did not offer the "right" terms, the Japanese and the West Europeans would be only too eager to do so—and that American business would be excluded from what was potentially the greatest market in the world.

The fear of Japan is now beginning to take in the businessman's mind the place once held by the Soviet bogey. The Russians know this and exploit it with considerable skill. Reactions at the conference convinced the Russians that they had found the right approach.

No one asked why the Russians were so anxious to do business with the United States if they could so easily get a better deal in Japan or Europe. The answer is that many of the things the Kremlin needs most can be obtained only from the United States. The gas and oil deposits, the copper and other minerals, with which the Kremlin is trying to lure American capital into deepest Russia are so inaccessible, so costly to exploit, that the projects would make economic sense only if they were to be developed on a truly gigantic scale.

Only the United States can think and act that big. Europe and Japan could not provide the necessary capital, nor the market to absorb the output, nor the advanced technology needed to get at the deposits, with which to make the Russian dreams a reality.

There are many other reasons, political and economic, why the Russians would prefer to deal with the United States. The Soviet Union could not have got from Japan or Europe the grain which Mr. Nixon provided, on favorable terms, to save the Kremlin from a serious political crisis. The Russians got those terms partly because they had managed to conceal the extent of their harvest failure.

They understated their needs, and could therefore pretend that if they did not get the right terms from the United States, they would be able to buy the grain from some of the smaller suppliers. But when the dust cleared they were found to have bought $1 billion of grain, which was available in that quantity only from American suppliers. The United States could have got a much better price if it had seen through the Russian game.

At the Washington conference the Russians reversed their tactics and grossly overstated the possible volume of trade. The purpose was to make American corporations compete with each other, as well as with foreigners, and induce them to offer the best possible terms now, perhaps even at a loss, in the hope of large profits in the future—and, to judge again from some of the remarks at the conference, it worked.

The business acumen of American capitalists is exceeded only by their ignorance of foreign politics, particularly Communist politics. This is going to cost them a lot of money, unless they find some way to learn how the Kremlin really works—and not just how to read the technical specifications in Soviet contracts.

Even a corporation like ITT is groping in the dark in its dealings with the Russians because it is not aware of the internal political implications of its proposals. ITT, which owes Avis, tried to teach the Kremlin about the car rental business. It knew that the Russian had tried, and failed, to build up a car rental network.

What it did not know was that this had become a politically explosive issue in the Soviet leadership. Similarly, it discussed with the Russians the introduction of ITT's Levitt modular housing in the Soviet countryside, without realizing that the Kremlin had been engaged in a disruptive debate about the building of rural settlements.

The United States can and should do business with the Russians, provided the terms are right, but unless its businessmen learn something about Soviet politics, and the Soviet trick of playing off one profit-hungry capitalist against another, they may come off second best.

[From the Evening Star and Daily News, Mar. 7, 1973]

SOVIET JOURNAL HITS ROLE OF U.S. JEWS

MOSCOW.—A prestigious Soviet journal on U.S. affairs claims in its latest issue that American "Zionists" are jeopardizing "a most important factor" contributing to mutual trust—increased U.S.-Soviet trade.

The monthly U.S.A., the only Soviet journal devoted solely to American affairs, had sharp criticism in its March issue for U.S. Jewish organizations trying to influence the outcome of a congressional vote on granting most-favored-nation status to the Soviet Union in trade relations.

A group of 250 House members led by Arkansas Democrat Wilbur D. Mills, who chairs the powerful Ways and Means Committee, has threatened to block the tariff benefits sought by the Nixon administration for Moscow unless the Soviets stop charging "ransom taxes" on Jews who emigrate.

The Soviet explanation of the tax is that it is designed to recover the cost of free education the emigres received.

A Senate resolution sponsored by Sen. Henry M. Jackson, D-Wash., also demands the tax be lifted. It has the support of an estimated 80 of the 100 senators.

"Zionists aim to direct their blow first of all at economic relations between the U.S.S.R. and the United States," commentator Alexander Kislov wrote in the Soviets' latest blast at opposition to the trade provisions.

"And this is not by chance, since economic ties are a most important factor facilitating a growth of trust and, consequently, an improvement of the international situation in general", Kislov added.

The government news agency, Tass, distributed a summary of Kislov's article last night. The journal is due out later this week.

The shortened version of the article made no mention of the education tax, the prime factor complicating the approval of most-favored-nation status.

The article said the main reasons for the American "Zionists" campaign of anti-Sovietism" is to "divert attention" from Israeli's "brutal repressions in the Middle East, to instigate a new flareup of nationalistic sentiment among Americans of Jewish origin" and "to evoke anti-Soviet feelings among broad segments of the American population."

AN ANALYSIS OF RALPH NADER'S CONGRESSIONAL PROFILES—PART II

HON. WILLIAM L. HUNGATE

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 8, 1973

Mr. HUNGATE. Mr. Speaker, the following is the second of two articles setting forth a Nader analysis made by the publication First Monday:

AN ANALYSIS OF RALPH NADER'S CONGRESSIONAL PROFILES—PART II

Charles Claffey of the *Boston Globe's* Washington Bureau writes: "Sadly, but perhaps inescapably, Ralph Nader's noble crusade has become a caricature of the institution he considers anathema to our society. Like the grotesquely huge corporations he has hectored for nearly a decade, Ralph Nader Enterprises is now itself big business, or big bureaucracy. The revenue may be meager, the salaries paltry, the goals lofty, but, nevertheless, creeping Parkinson's Law has overtaken the operations of the consumer champion . . . he has become the victim of his own success, spreading himself so thin that he must rely on people less able—and, frequently, less dedicated—than himself."

Prof. Ralph K. Winter, Jr. of the Yale Law School put it a little differently recently in the *Wall Street Journal,* saying: "Ralph Nader is a brand name. He's running a franchising operation, like Colonel Sanders' Kentucky Fried Chicken."

A senior wire service reporter who for over 30 years has covered the Congress told *First Monday* the Nader study had "nothing new in it, lots of errors of fact" and that the problem was "too many amateurs who didn't know anything about the Congress having to do a hurry-up job on something they were not familiar with."

Leonard Larsen, chief of the *Denver Post's* Washington Bureau, says of the congressional profiles that they look like what they are—"hastily, frantically thrown-together writings that were rushed to the publisher for release in the peak interest period of an election year." If they are strewn with error in basic political information." Larsen wonders, "how can the entire product—which has been lavishly described as the most authoritative study of its kind ever undertaken—be taken seriously as fact?"

The chief of the *Detroit News'* Washington Bureau, J. F. Ter Horst, says that the argument of the Nader critics that he is eroding his prestige by attempting to do too much will probably be buttressed by the latest Nader venture. Ter Horst says the congressional profiles are "partly misleading and surprisingly devoid of the kind of original Nader input that has characterized his past work."

Liberal Patricia Goldman, writing in the *Ripon Forum:* "To the average reader of the daily news, the information they purchase will be old. Most of the 'scandal' in the book is as old as the committee chairman against whom Nader rails. . . . The pity is that at a time when Americans are cynical enough about government, the book fails to give honest balance and perspective by pointing out that there are a significant number of honest and hard-working members of Congress."

Lee Bandy of the *Nashville Banner's* Washington Bureau: "The project is poorly constructed, repetitious in many instances, and full of generalities, flat statements without facts to back them up, editorial comment with a liberal slant, and factual errors."

An article in the *St. Paul Pioneer Press* by the Washington Bureau staff notes: "The bias showed through most strongly when the Naderers found a congressman or senator they liked. These profiles are embarrassingly effusive in their praise. Sen. Walter Mondale of Minnesota, for example, was virtually assigned the ability to walk on water." The paper quoted a Mondale aide laughing and as saying after reading his boss' profile: "Nobody is that good."

Davis Merritt, a reporter in the Knight Newspaper Washington Bureau: "The book won't convince knowledgeable skeptics, it will merely reinforce knowledgeable friends; and, most importantly, it will often confound and sometimes repel the earnest, average American who, starting with only what he remembers from civics class, tries to inform himself through the book. The average American is Nader's target, and the way the book will repel is by its totally combative approach. It starts from the basic activist bias that new is better and change is best."

Calling the profile on Wyoming Sen. Clifford Hansen "sophomoric," the *Cheyenne Tribune* editorialized on the charge that he spends an uncommon amount of time working on oil and gas legislation: "Considering that Wyoming is one of the biggest oil and gas-producing states in the nation, this should tie in very well with Cliff's posture assiduously working in behalf of his constituents."

The problem with Ralph Nader is that he has become corrupted by his own personal power. As James Kemper, Jr., president of the Kemper Insurance Co., put it in an address on December 7:

"The man who began his public carreer as a crusading author and publicist in a narrow field has become one of the most powerful men in America. His influence is enormous. He has the electronic and print media so much at his disposal that it is as if he owned them. Powerful legislators give him immediate audience. He now deals with the most corrupting of all the devils—power. And he appears to have fallen heir to the same arrogance, prejudice, dishonesty, irresponsibility and shoddy performance of which he accuses his targets. The hunter has acquired the characteristics of his prey."

MANY MEMBERS OF CONGRESS CHALLENGE FACTS IN NADER STUDY

Many members of Congress have complained either about the study of Congress or their own profiles. A few examples are below:

In response to a request from a Nader staffer to correct the factual errors and misstatements in his profile before it was published, Rep. William Minshall of Ohio wrote Nader: "While I have long respected your courageous fight on behalf of consumers, I must join your other critics who believe you have now spread yourself too thin and are relying upon too many eager, but untrained, youthful aides. They have done you a disservice on this project. Their work is too distorted to be susceptible to accurate correction."

Rep. Albert Quie of Minnesota points out: "While this is a small item, you may have noted that in the book *Who Runs Congress?* the House Committee on Education and Labor is referred to as the House Labor and Public Welfare Committee, which leads one to believe that the authors were not too conversant with the House of Representtaives."

Rep. G. William Whitehurst of Virginia: "My overall impression is that it was too hastily done, and from the basis of too many preconceptions . . . The young man who interviewed me was a nice person, but he chose his questions to fit the stereotype he had in his mind of me as a 'rubber stamp' for the Pentagon, since I am on the Armed Services Committee. He did not touch on my environmental record when we talked, although I have introduced more animal protection legislation than anyone else in Congress . . . My own feeling is that in the long run it is the credibility of Ralph Nader, not that of the Congress, which is going to suffer as a result of this report."

Rep. Ed Derwinski of Illinois: "In reviewing my profile in the Nader study, I found many technical errors in the descriptions and statistics of my district. It was obvious that the interviewer became confused between my 4th Congresional District and adjacent districts. It was also clear that the interviewer took inaccurate notes. I was misquoted in several places and some of my statements reversed.

"My opponent's criticisms of me were quoted extensively, yet they did not bother to check their facts about him. I also felt that they became entangled in a web of painting me as an anti-Communist and disregarded other things which we brought to their attention.

"In essence, I believe my profile was amateurish and a sloppy job of reporting."

Rep. John Wydler of New York: "I corrected my Nader report and there were a lot of factual errors in it which I put right. The problem with the report is, of course, simple. It is basically written by liberals or liberally inclined people. They stress issues of importance to those who consider themselves liberal and the writing is done by college students who have no particular expertise in the field in which they are writing. The only thing that makes it important is that Mr. Nader lends his name to all these reports."

BLACKBURN CHARGES INACCURACIES

Rep. Ben Blackburn of Georgia: "After reviewing my profile, I feel safe to say there is inherent bias on the part of the writer. . . . One of the most significant errors in the report was a statement that in 1970 I had flown to Washington 250 of my supporters to attend a cocktail party at which President Nixon was present. She [the profile writer] supposedly obtained this information from the chairman of the Democratic party in my district. My staff strongly pointed out to her that this was completely untrue before the report was written and referred her to two newspaper reporters who had attended this fund raising activity and who had written articles outlining what had occurred. The facts of the matter are that 25 of my long-time supporters flew up at their own expense to attend a cocktail party at which Martha Mitchell was present. . . .

"My over-all impressions are that the reports were written by youthful, inexperienced, college students with the typical youthful preconceived biases against Republicans and, especially conservative members."

Rep. Edwin Eshleman of Pennsylvania: "The Nader report criticizes me for a drop in my attendance at sessions of Congress and my committee attendance during 1971. It points out that I missed 23 percent of the roll calls last year and attended less than half of the committee meetings. However, the profile fails to relate those absences to my hospitalization and recuperation from heart trouble during that period. Only a brief mention is made of the official leave of absence I had from the House of Representatives."

In addition to these examples, the *Ripon Forum* cites two more:

"Rep. Charles A. Mosher (R-Ohio) found a variety of errors and other cases of misrepresentation in his profile. In the chapter on staff, his administrative assistant is simply dismissed with the statement that she is an ex-airline stewardess. The administrative assistant was last a stewardess in the early 1940s. She has years of experience on Capitol Hill, including service as an assistant to three members of Congress and several committees. The implications of the profile and the facts differ.

"Rep. Pierre du Pont (R-Del.), reviewing his profile, found errors that necessitated a three-page letter. Errors included statements that the congressman often opposed public works bills, when he voted for all of the four public works bills considered in the 92nd Congress. The changes were sent to Nader by registered mail, and the letter was twice refused, necessitating the congressman to personally visit one of the project directors to hand-deliver the letter."

NADER TOO BUSY TO TESTIFY ON CONGRESSIONAL REFORM

Ralph Nader talks and writes a lot about congressional reform, but it seems that when it comes time for him to testify before the Congress itself on the subject, well, he's just too busy.

Early last year when Rep. James Harvey of Michigan, chairman of the Republican Task Force on House Rules, was holding hearings on congressional reform, Ralph Nader was invited to testify. Through an aide, Wayne Neiman, he declined to appear because of previous commitments despite the fact that the hearings were spread over a three-week period.

Nader also declined to submit a written statement, even though to do so would not have required his personal appearance.

IS MARIHUANA FAR MORE DANGEROUS THAN PREVIOUSLY BELIEVED?

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 8, 1973

Mr. ASHBROOK. Mr. Speaker, for the past 16 years, Dr. Olav J. Braenden has served as director of the United Nations Narcotics Laboratory and for the past 5 years has given prime consideration to the effects of cannabis—marihuana and hashish—on the human mind and body. In addition, his laboratory has been a clearinghouse for the information developed by scores of scientific researchers in other countries.

On September 18 of last year, Dr. Braenden appeared as a witness before the Senate Internal Security Subcommittee in connection with the subcommittee's extensive inquiry entitled "World Drug Traffic and Its Impact on U.S. Security." Based on recent research, Dr. Braenden considers cannabis to be a dangerous drug, but further efforts are required to establish the severity of its effects. His testimony was supplemented by an appendix consisting of seven scientific papers involving 12 scientists in five different countries, all of whose findings were negative.

In view of recent statements in the United States concerning the legalizing of marihuana, Dr. Braenden's observations concerning the inadequacy of research on cannabis to date makes one logically question the medical basis on which the legalizing proponents depend. Stated Dr. Braenden:

> In spite of the progress made in recent years, in cannabis research, much still remains to be done before we have an adequate understanding of the nature and effects of this complex plant. Very considerable research is necessary—particularly in order to isolate and characterize all the relevant constituents of cannabis; to definitely establish the active principles; to study the pharmacological effects of cannabis and its

fate in the body; and also to determine the chemical transformations which occur in cannabis when it is smoked.

The issuance of the above-mentioned hearing was accompanied by a statement from the chairman of the subcommittee, Senator JAMES O. EASTLAND, who cautioned against the rush by some sources to legalize marihuana. His statement is a brief and useful summary of the hearing, a copy of which hearing can be obtained though the subcommittee's office or purchase at the Government Printing Office.

I insert at this point the accompanying statement of Senator EASTLAND of December 21, 1972:

STATEMENT OF SENATOR JAMES O. EASTLAND ON PUBLICATION OF TESTIMONY BY DR. OLAV J. BRAENDEN, DIRECTOR, U.N. NARCOTICS LABORATORY

WASHINGTON, D.C.—Chairman James O. Eastland (D-Miss) of the Senate Internal Security Subcommittee today distributed the printed version of testimony of Dr. Olav J. Braenden, Director of the U. N. Narcotics Laboratory, before the Subcommittee on September 18.

The testimony was supplemented by an Appendix which reproduced the text of seven scientific papers dealing with the various effects of cannabis (marijuana and hashish) on the human mind and body. Among other things the printed scientific papers found that cannabis accumulates in the fatty tissues of the body, including the brain; that several years consistent marijuana use can result in irreversible damage to the brain; and that marijuana produces an alarming percentage of fetal deformities in animals, similar to Thalidomide.

In a statement he issued in connection with the publication Senator Eastland strongly warned against any precipitate action to legalize marijuana before more scientific information is available. The text of Senator Eastland's statement is as follows: "The publication of this volume of scientific opinion dealing with the effects of marijuana and hashish on the mind, body, and personality of those who use them comes at a very opportune moment.

"The past several months have witnessed a rash of statements and publications urging the legalization of marijuana. Consumers Union has produced a $12.50 volume which purports to be a comprehensive survey of recent scientific research calling for legalization; and, at the other end of the political spectrum, the respected conservative publication, *National Review*, has joined in the chorus calling for an end to all legal restrictions on the use of marijuana.

"The real question at issue, of course, is just how much harm marijuana does—individually and socially. If it is true that it does no more harm than alcohol or tobacco, then it would be difficult to make a legal case against its use. On the other hand, even the most avid marijuana advocates would not argue in favor of legalizing the sale and use of strychnine—and very few of them would argue in favor of legalizing LSD. They know that strychnine is a deadly poison; and they know that LSD can do devastating damage to the mind and to the chromosomes. Presumably their attitude toward marijuana would also change if it could be demonstrated to their satisfaction that its human and social impact is comparable to the impact of LSD.

"On September 18th, the Senate Subcommittee on Internal Security took the testimony of Dr. Olav Braenden, the distinguished scientist who has served as the Director of the United Nations Narcotics Laboratory in Geneva for the past sixteen years. Under instructions from the United Nations, Dr. Braenden has placed prime emphasis on cannabis research for more than five years now, and his laboratory has also served as a clearing house for the information developed by scores of scientific researchers in other countries.

"In his testimony Dr. Braeden told the Subcommittee that recent research point strongly to the conclusion that marijuana may be far more dangerous than had previously been believed. He said that no one questioned the fact that cannabis was dangerous, but further research was needed in order to establish the degree of dangerousness. Pointing to the experience with Thalidomide, Dr. Braenden said that it was better to be careful than careless in establishing drug policy.

"Dr. Braenden left with the Subcommittee a sheaf of some thirty or forty scientific articles dealing with various aspects of research on cannabis. In publishing his testimony the Subcommittee has included as appendices seven articles involving twelve scientists in five different countries. All of these research papers came up with very negative findings.

"An article published by Professor W. D. Patton of Oxford University, who heads up the British drug research effort, reports evidence that cannabis builds up in the fatty tissues of the body—which include the brain—in the manner of DDT, as well as evidence that cannabis produces fetal deformities in animals in a manner that resembles the damage done by Thalidomide.

"Another research paper, co-authored by four scientists, which appeared in the British Medical Journal, *The Lancet*, for December 4, 1971, reported that ten youthful patients with histories of consistent cannabis use, over a period of three to eleven years, showed serious brain atrophy—comparable to the atrophy that normally takes place between the ages of 70 and 90.

"A third paper, written by two Philadephia psychiatrists for the *Journal of the American Medical Association*, reported that patients who smoked marijuana consistently 'showed very poor social judgment, poor attention span, poor concentration, confusion, anxiety, depression, apathy, passivity, indifference, and often, slowed and slurred speech. An alternation of consciousness which included a split between an observing and experiencing portion of the ego, an inability to bring thoughts together, a paranoid suspiciousness of others, and a regression to a more infantile state, were all very common.'

"Some of these research papers have been the object of criticism by other scientists—which, perhaps, is only natural. However, according to people who have watched the scientific literature closely over the past several years, there has been a dramatic increase in the percentage of published scientific articles which report serious damage from both the short- and long-term use of cannabis in all its forms.

"Two years ago such articles were exceedingly rare: according to the overwhelming majority of the scientists who published findings at that time, cannabis was little different from tobacco and alcohol. But currently somewhat more than half of the published scientific articles point to the conclusion that cannabis is far more harmful to both the individual and to society than smoking or social drinking. In terms of its immediate impact on beginning smokers, it does indeed appear to be relatively innocuous. But the effects apparently build up with progressive use, resulting—in a relatively short period of time—in serious and irreparable damage.

"I do not question the credentials of those scientists whose findings appear to favor the legalization of marijuana. On the other hand, I am disturbed to note that some of the advocates of legalization consistently ignore the numerous reputable scientists who have been doing research on marijuana and hashish for years and whose findings point in the opposite direction.

"Thus, the book-length study put out by the Consumers Union makes no reference to the work done by Dr. Braenden of the United Nations Narcotics Lab; or by Professor C. Salemink of the University of Utrecht; or by Professor C. Miras of the University of Athens; or by Dr. O. Rafaelsen of the Central State Hospital of Copenhagen; or by Professor Patton of Oxford University; or by Dr. A. M. Campbell and his colleagues of the Royal United Hospital in Bristol, England; or by Professor Hardin B. Jones of Berkeley University; or by Drs. Kolansky and Moore of Philadelphia; or by Dr. Robert Baird of New York. It is easy enough, of course, to prove a thesis by ignoring all of the contrary evidence. But those who play this questionable game in the case of cannabis may unwittingly be encouraging a very grave social peril.

"It seems to me that any prudent person would want to know what any substance will do his mind and body before consuming it. When the scientific community is as divided as it is today on the question of cannabis, prudence would also dictate that we move with extreme caution in re-evaluating legal policy related to the control of marijuana.

"Both sides to the controversy would probably agree on the central point that more research is necessary.

"I am particularly impressed by the report of Professor Hardin B. Jones, Director of the Donner Laboratory at Berkeley University, that several hundred confirmed marijuana smokers who agreed to give up smoking experimentally for three months, reported to him that they had noticed a marked improvement in their mental functioning—that it was as though several layers of fog had been lifted from their mind. Prior to engaging in this personal experiment, not a single one of the marijuana smokers was prepared to concede that the smoking had in any way impaired their functioning.

"It is my hope that the Subcommittee on Internal Security will be able to take further testimony on this matter when Congress reconvenes."

NATIONAL PRIORITIES

HON. WILLIAM S. MOORHEAD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 8, 1973

Mr. MOORHEAD of Pennsylvania. Mr. Speaker, today, before returning for the afternoon session, I had the honor of addressing a conference of the Pittsburgh Coalition for National Priorities.

I would like to include in the RECORD at this time the text of my speech to the organization:

REMARKS OF CONGRESSMAN WILLIAM S. MOORHEAD

The 10 year struggle in Southeast Asia cost the American people more than $150 billion of its national treasury, the lives of more than 40,000 of its sons, and injury and pain to untold hundreds of thousands. But more important, that war sapped our strength and vitality as a nation. It ripped and tore the fabric of society, casting the young against the old, the haves against the have nots, and threw the forces of status quo against the legions of revolution and violence.

That war apparently has ended, although we still have "advisors" in Southeast Asia and we still are bombing people in Cambodia.

We are bringing home our prisoners and

trying to knit together that which was wrenched apart.

We must turn our eyes inward, without being isolationists. We must save our jobs and industry, without being protectionists. We must provide for our poor, without being paternalists. We must clean our air and water, without being alarmists.

It will not be easy.

With the signing of the Vietnam peace agreement, our nation for the first time during the postwar period has the opportunity to direct most of its energies and resources to correcting many of the social and economic ills that have plagued our nation in recent years. The turbulent events of the 1960's and early 1970's have clearly demonstrated that we can no longer afford the continuation of widespread poverty in the midst of plenty, spreading urban decay, an undernourished and totally inadequate system of transportation, serious environmental pollution, excessive unemployment, inadequate health care, and the cancerous growth of illicit drug traffic in our society.

Yet, despite these pressing domestic needs, the Nixon Administration has adopted a set of budget priorities which, if approved by the Congress, could in my view seriously threaten the economic and social well-being of our nation for many years to come. Though I agree that federal expenditures should be kept within noninflationary limits—given, of course, present rates of taxation, I find myself in fundamental disagreement with (1) the new thrust of the Administration's budget policy and (2) its choice of fiscal priorities.

In his radio address to the American people on January 28 of this year, President Nixon proudly announced that the budget for the coming fiscal year ". . . will not require higher taxes. It will not drive prices higher, and it will give us the change . . . to make our new peace a new era of progress." He went on to declare that ". . . it is time to get big government off your back and out of your pocket."

Undoubtedly, many Americans were pleased to hear these words. However, what many of our fellow citizens fail to realize is that the President has single-handedly authorized the termination of more than 100 federal programs, which will mean sharp cutbacks in the funding of many vital civilian services. On the other hand, the Administration refuses to prune defense spending or recommend the closing of billions of dollars in tax loopholes which serve to benefit only the rich.

Now how does the President plan "to get big government off our backs and out of our pockets" and at the same time embark on a new era of progress?

First, despite $4 billion in savings derived from the ending of our involvement in the Vietnam conflict, he is asking that the fiscal 1974 defense budget be increased by $4 billion, representing a total rise of $8 billion in non-Vietnam spending.

Second, to cut inefficiency and waste, the President is suspending badly needed subsidies for low income housing. Yet he is leaving untouched tax shelters for real estate speculators which robs the treasury of more than $500 million every year.

Third, King Richard takes pride in noting that expenditures for the so-called "human resources" component of the Budget will rise faster than military outlays. Yet, he fails to tell the American people that the great bulk of this rise in social spending will be due almost entirely to a $10 billion rise in social security benefits, which he opposed last year—yet took credit for in notes sent to each recipient.

Fourth, the President has reneged on his oft-repeated pledge to institute (1) a system of property tax relief for the elderly and (2) major reforms in our national welfare system—which all agree is wasteful and counterproductive in its present form—this is not progress.

He has submitted to Congress a budget that carries obituaries for many of the landmark social programs developed in the Kennedy-Johnson era; including: subsidized housing, model cities, community action, public service employment, education of culturally deprived and handicapped children, vocational education and the like.

These are only a few of many such examples contained in the President's statement of national priorities. Yet the message comes through loud and clear. The President has declared peace in the war on poverty and withdrawn most of the nation's forces. As Art Buchwald noted, "All weapons used to fight the war will be dismantled and shipped out of the combat zone."

I only wish the President had brought the Vietnam War to as hasty a conclusion as he obviously has directed for the domestic war on poverty.

In making a recent declaration that our nation's cities have passed the hour of alarm, the President said "City governments are no longer on the verge of financial crisis." He implied that all was healthy and progressive in our big cities.

I'm wondering which cities he visited before making that rosy statement.

It couldn't have been Detroit, where the public schools are fast running out of funds. It couldn't have been Philadelphia, where the school system has barely avoided collapse. It couldn't have been Newark, which is teetering on the edge of bankruptcy. It couldn't have been Gary, Indiana, where the white community which dominates the local economy is pulling out, leaving a largely black and poor population unable to cope. It couldn't have been New York's South Bronx where there is massive physicial and social devastation. It couldn't have been, in his own backyard, where there is fear and desolation in the highest-crime blocks in Washington; and in couldn't have been in Pittsburgh where the people have received a small bit of tax relief but nothing else.

Where are these mythical urban residents who have benefited so much in recent years that the President can afford to curtail so many of the program which serve them?

They are not in Pittsburgh and I doubt if you could find many in other cities across the country. Mainly because the job of helping them and the cities is not finished.

They are not in Pittsburgh, because Pittsburgh residents need the more than 1000 units of housing lost in the Nixon moratorium. They need the 40 daycare centers, run by the Board of Education, now threatened by new HEW regulations. They need the work study program which, if changed, will push 1000 local college students out of jobs they must have if they are to stay in college. They need the meals on wheels programs which will cease to exist if the President has his way. They need the 600 or so jobs that will be lost when the Public Employment Programs goes under. They need these and dozens of other programs which Pittsburghers have relied on, and still must rely on, if they are to leave the welfare rolls and become proud contributing members of society.

When we should be marshalling our forces to eviscerate the problem of poor housing, lack of medical facilities, the multitude afflictions of the elderly, inadequate educational facilities, unemployment, and a dozen others, the President asks us to end or severely curtail the programs that serve this end and instead add four billion dollars to his Defense budget.

If Congress follows the scenario charted in the Administration's budget, we might avoid tax increases today but we will not escape tomorrow paying the price caused by the neglect of these matters.

The Nixon budget, with small exception, ignores rising local welfare costs, continued social disorder, worsening environmental pollution, lost educational opportunities, elimination of jobs, more costly and inadequate heatlh care, and time lost in transit due to the lack of a balanced and well managed system of transportation.

In my view, the Democratically controlled Congress—which also won a big victory at the polls last November—has no intention of ratifying this new direction in fiscal policy. Of course, the Congress realizes that our government must act responsibly in spending the hard earned tax dollars of the American worker. It also is painfully aware that the government must live within its means to avoid another round of serious inflation. Nonethless, the Congress will be abdicating its constitutional responsibilities if it allows the President to become—as he wants to be—the sole arbiter of the government's expenditure and tax priorities.

Hence, to avoid such an outcome, the Congress will vigorously oppose those fiscal actions slated by the President which we believe are not in the best interests of the American people.

As the principal controller of the Government's purse strings, the Congress, not the President, must establish an overall budget ceiling which is non-inflationary and yet takes into account the most essential social and economic needs of the American people—rich and poor alike. For once and for all, the Congress must exercise firm control over defense spending. We must maintain and adequately fund those domestic programs which are clearly needed at the national level in the war against poverty, pollution, urban blight, rural decline, and crime.

We must not follow the President's lead and throw in the towel on welfare reform.

We must take steps to attempt to assure the continuation of direct federal aid, including in particular categorical grants, to those areas of social and economic concern which should remain subject to varying degrees of federal control and/or coordination. This would apply particularly in the case of health and education and housing.

To provide additional revenues, the Congress must move now with a sense of urgency in the area of tax reform. Currently the government's revenue potential is severely strapped by many unnecessary and wasteful tax loopholes which are now estimated to deprive the federal treasury of about $10 billion annually. What's more, such tax privileges serve to benefit the rich and place an unfair and disproportionate burden upon middle and moderate income earners who account for the major share of federal revenues.

Finally, the current budget crisis provides a clear signal to the Congress that it must get its own house in order concerning the manner in which it reviews the budget process and appropriates federal funds. Time is fast running out. We must speedily adopt a comprehensive system of budget review, supported by adequate staffing, which will enable the Congress to not only work within realistic budget ceilings, but also to make more informed judgments about program costs versus benefits.

Last week, Senator Hubert Humphrey and I introduced legislation to accomplish just such a purpose.

On Tuesday, we testified before the Joint Study Committee on Budget Control on our legislation which would create a congressional office of Budget Analysis and Program Evaluation in the House-Senate Joint Economic Committee.

It is no coincidence that both Senator Humphrey and I are members of the JEC, a committee which has been years ahead of the Executive and other committees in Congress with its economic evaluation, investigations, and recommendations.

In essence, the Budget Analysis Office Senator Humphrey and I advocate would operate as a congressional Office of Management and Budget.

Shortly before formal receipt of the budget, our budget office would establish, after considerable study and analysis, a proposed level of expenditures, along with a projection of revenues and a decision as to whether the nation would best be served that fiscal year by budget deficit or a budget surplus.

It would forward this evaluation to the respective Appropriations Committee and if changes in revenue are recommended an appropriate proposal would go to the tax writing committees. The Senate and House Appropriations Committees would, within 15 days, develop a budget ceiling and report that figure to their respective chambers.

The membership would then vote on that dollar amount established by the Appropriations Committees and any disparity would be worked out in the normal conference method.

The budget ceiling figure chosen by the Congress would then guide the proper authorization committees in their adoption of specific program amounts.

The attractive feature of this bill is that by developing to a greater extent a capability which already exists in the Joint Economic Committee, we can provide the Appropriations Committees and the Senate Finance and the Ways and Means Committee, an economic analysis that would give a continuity and an interrelatedness to their actions which the Congress has never had before.

Clearly, the Congress faces stiff challenges in all of the areas of Congressional action that I have suggested. However, there is widespread agreement within the Congress that these and other steps must be taken, if we are to play an equally important role in the setting of our nation's fiscal priorities. Currently the President is trying to dictate to Congress and the Nation what must be done if we are to enter "a new era of progress". Hence, the Congress in my view has no choice but to proceed along the lines of action I have suggested. Otherwise, we will be granting the President virtually unlimited authority over the setting of national goals and depriving the taxpayers of their voice in government through their elected representatives in Congress. Under our constitutionally established system of checks and balances, the Congress and the Executive must operate as equals in the governmental process, if personal freedom is to be protected and meaningful social economic progress is to be attained in the years ahead.

This point was driven home loud and clear in a recent article that was prepared for the New York Times (March 4, 1973, p. 1) by John Herbers on the question of Presidential power vis a vis the Congress. I quote:

"Richard M. Nixon, in what he achieved in his first term and what he has undertaken in his second, is attempting an expansion of Presidential powers that could have more impact on the national Government than that of any President since Franklin D. Roosevelt.

"That is the opinion of historians, political scientists and other students of the Presidency who were interviewed during recent weeks while Mr. Nixon was restructuring his administration for another four years and challenging Congress to what could be a bitter struggle over the constitutional balance of powers."

Finally, in addition to the question of checks and balances, we must keep in clear focus the central thrust of the "New Federalism" as articulated by the President. This was perhaps best described in a recent observation made by Walter Heller, the distinguished former Chairman of the Council of Economic Advisors under Presidents Kennedy and Johnson. Again I quote:

"Instead of restoring self-reliance, (the President) is putting self-interest on pedestal. Instead of restoring confidence in government, he is inviting contempt for government in general and Congress in particular. Instead of focusing efforts on higher quality of life, he is appealing to instincts of crass materialism. Insteam of 'if at first you don't succeed, try, try again,' his implicit motto on social programs seems to be, 'if at first you don't succeed, give up.'" (Wall Street Journal, Feb. 22, 1973, p. 12)

This in my view is not the appropriate path to meaningful and lasting social economic progress, as we hopefully begin a new era of paece. In sum, the "New Federalism" as presently outlined by the Administration is but a sorry caricature of the American dream. Thank you very much.

AN ANALYSIS OF RALPH NADER'S CONGRESSIONAL PROFILES—PART I

HON. WILLIAM L. HUNGATE

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 8, 1973

Mr. HUNGATE. Mr. Speaker, it is not often the publication First Monday and I can agree, but in their comprehensive analysis of Ralph Nader's Congressional Profiles I believe the article's accuracy and contribution to the public interest performs a valuable service for all who are interested in their Government. The first of two parts of the article follows:

[From First Monday, Feb. 5, 1973]

A SPECIAL REPORT ON RALPH NADER'S REPORT ON CONGRESS

"However, the real trouble was an error in judgment, in turning up too suddenly after leaving the track, and as the machine barely had speed enough for support already, this slowed it down so much that before I could correct the error, the machine began to come down, though turned up at a big angle. Toward the end it began to speed up again but it was too late, and it struck the ground while moving a little to one side, due to wind and a rather bad start."—Wilbur Wright writing in his journal about the first and unsuccessful powered flight, Dec. 14, 1903.

According to one of Nader's Raiders, Ralph Nader at one point outlined what he wanted his Congress Project to be, saying, "Hopefully it will be just like the Wright Brothers' first airplane." Now that most all the returns are in on Nader's most ambitious effort to date, it appears that his hopes have been realized and that there is much in common between the first man-powered, heavier-than-air craft and his project. That is to say that Nader's so-called "eye-opening and urgent report to the American people," like the Wright Brothers' first airpline, is under-powered, highly unstable, off course, barely got off the ground and after being up for only a few seconds has come crashing left-wing first back to earth.

To begin with, there is hanging over the entire Congress Project Ralph Nader's prejudicial remarks about Congress which clearly indicate that in studying the national legislative body neither he nor his so-called raiders were making any pretense at being objective.

NADER SHOWS BIAS

Nader tipped his hand over a year ago when, in announcing his study to a National Press Club audience, he stated not that his investigation would try and find out *if* the Congress is "largely at the beck and call of the executive branch and special interests" but rather than it *is*, and that he and his little helpers were going to expose the whole mess. Thus with his premise stated as his conclusion, the Congress was a sitting duck.

The Nader Congress Project, both the study of the Congress and the individual profiles of members, however, has drawn criticism from nearly everybody.

Undoubtedly the most damaging blows to Nader's credibility have come from those on his staff who worked on the project. Scripps-Howard's top-notch investigative reporter Dan Thomasson reports a University of Georgia student editor who worked on the project as saying that the whole thing was "superficial" and obviously motivated in part by a desire to influence the November 7 election.

Claudia Townsend, 20, news editor of the school's paper, the *Red and Black*, says that as a result of Nader's "dogmatic" decision to rush the report through before election day it probably will "fizzle" and do more damage to Nader than Congress.

"I would say I have less confidence now in the things Nader has done," Miss Townsend says. "The pressure and the hurry to get things done and get a report out is what helped me change my mind. I'm inclined to believe that is the way they operate all the time."

Miss Townsend, a senior and former Presidential Scholar, says that she and six others who worked on the project to compile individual profiles of congressmen are now writing a book about their experiences.

BOOK WILL CRITICIZE NADER

"There is no question that it will contain a lot of criticism about the Nader operation and the spirit of this project," she says.

The college-age researchers, Miss Townsend says, were originally told they would be doing in-depth investigations, but ended up compiling work from published sources—"a job any 10th grader could do."

Miss Townsend says the researchers are predominantly liberal, including herself.

Another Nader Raider critical of the Congress Project is Anne Zill, one of the original staffers who worked on the Congress Project for about nine months. Miss Zill, who calls herself an independent and says she voted for McGovern (she wrote his profile, too), says her "overriding major criticism" of the profiles is that they were not written for the average person—they are "too high-falutin, too *New York Times*ish."

On the subject of Nader himself, Miss Zill says that he "has made some bad judgment decisions" and that he is "not a good chooser of his lieutenants," frequently picking people who are often just as loyal to him and not truly competent.

Miss Zill also thinks that Nader's attacks on the so-called corporate state are "simplistic" and she disagrees with what she says is his idea "that lawyers should run everything."

Another criticism of the Nader Congress Project by one who worked on it is voiced by Daniel M. Taubman writing in the *Harvard Law Record* (Oct. 20, 1972).

Taubman, a topics researcher for Nader, says: "Errors of miscalculation, as well as single-minded leadership, contributed to discontent among many of Nader's Raiders. When college journalists protested that they could not write nine 30-page profiles together with research, during the course of three months, Nader responded that the format of the profiles had already been determined and that it would be impossible to change them. Faced with a near open rebellion, Nader agreed to allow profile writers an additional week to complete their work and a reduction in profiles from nine to eight.

"At first, some of the most vociferous writers were assigned fewer than eight profiles. Later, it turned out that only a handful would complete eight profiles, with the majority completing between five and seven.

"As a result of this poor planning Joan Claybrook ('a super-energetic long-time Nader associate') was forced to exhort profile writers to superhuman efforts, and many of them performed overtime, working evenings and weekends. On one occasion, Claybrook requested a Stanford law student who left in mid-August to get married to postpone his wedding date so he could produce another profile."

Adding to the miscalculation concerning the profiles was a more serious miscalculation involving the perceived values of committees and topics researchers. Says Taubman: "Nader, who had previously termed the profile requirements unalterable, and then changed them, again switched horses in midstream, deciding that a short book would be written not as an overview of Congress, but as a teaser to induce citizens to buy later, more detailed studies of committees and topics such as lobbying and campaign financing.

"Most topics and committee researchers felt the quickie book was a transparent device for shunting committee and topics studies to the background while the more timely profiles grabbed the spotlight. Committee team researchers were most vocal in their opposition, and many refused to assist in the writing of the quickie book, recently released *Who Runs Congress?*

"During this mini-crisis, Nader met with topics and committee members in an attempt to mollify them. As he had kept his ground with profile writers, so too with the committee and topics researchers: We are writing a quickie book, that's that. Now, does anyone have any questions?

NADER IMAGE SHATTERED

"'It was as if Mount Rushmore had crumbled,' a Harvard Law student said after attending the meeting. The students' image of Nader had been shattered."

Two questions remain about the Congress Project, Taubman says, implying that "yes" is the answer to both: "Has Nader placed too much emphasis on getting things done, at the expense of receptivity to differences of opinion of his co-workers? And in striving for a total output on the order of 17,000 words, has quality been sacrificed for quantity?"

In addition to being criticized by the very people who helped put it together, the Nader Congress Project has also drawn fire from many in the liberal media who have traditionally been sympathetic to Nader and his goals.

Time magazine says of the congressional study:

"The tract revels in recounting every instance of bribery, influence peddling and even criminality in the congressional history books, but it is neither explicit nor persuasive in presenting its view of the problems that short-circuit congressional progress.

"Nearly everything but Nader's intent is wrong about this book. . . . It is tendentious, hostile and superficial, and contains nary a footnote to indicate its sources. Hastily edited—Reviewing the book for the *Harvard Law Record* (Oct. 20, 1972), David Cocke says it was "written in two months, edited in one day"—the book is flawed by a number of factual errors and incorrected data."

TIME MAGAZINE RAPS NADER

Time characterizes the project as being "marred by unsubstantiated innuendoes and unconcealed bias." Specifically, the magazine singles out the favorable profile treatment accorded Senators Edmund Muskie—"it restores much of the Honest Abe image Muskie enjoyed before the primaries"—and George McGovern—"it is so uncritical as to seem reverential."

One reporter for a left-slanted national news magazine, who has covered Capitol Hill for over 20 years, told *First Monday* he thought the Nader study was a "goddamn outrage, a scissors and paste job." The reporter, who asked not to be identified by name, says he was "startled" by what Nader and his people had done "treating Congress like a bunch of criminals."

"This is shabby work," he declared. "Nader really missed the target on this one."

John Morris, writing in the *New York Times,* says: "When opinions of the writers crept in, as they often did, they usually reflected liberal points of view. . . . Complimentary opinions of liberals were sprinkled through many of the profiles. . . ." The *Times'* John Finney, who covers Congress for his paper, says he just "skimmed" the Nader book, and it was "pretty slap-dash."

The *Washington Post's* Mary Russell, reviewing the Nader study, also found some substance to charges that the profiles of members of Congress were naive and biased in favor of liberals.

NADER STUDY PRO-LIBERAL

"There is a tone that tends to condone the liberal who has voted against the war, against defense spending and for the consumer, and to be sharp with the conservative who has voted with business interests and the President," she writes.

As an example of bias, reporter Russell contrasts the treatment given Rep. Chet Holifield of California, a Democrat who has opposed Nader's position on the proposed Consumer Protection Agency, and Sen. George McGovern. While neither member gave an interview to Nader's investigators, Holifield's profile noted that he had "refused" to do so, while McGovern's noted simply that he was "unable" to do so. The Holifield profile also notes his refusal to give an interview under a headline, "Non-cooperation," while McGovern's is mentioned in a note at the bottom of the last page of his profile.

This sort of pettiness reminds one of what ultra-liberal Sen. Abraham Ribicoff is quoted as saying about Nader in Charles McCarry's book, *Citizen Nader:*

"I give Ralph high marks for all the good he's done. I forgive him for his childishness. . . . But he's becoming the national scold. I think Ralph's mistake is that he's begun to think he's God. If you don't agree with him, he'll turn on you."

The *Washington Star-News'* Shirley Elder and Dana Bullen write:

"Despite the aim of even-handedness, some of the profiles reflect the bias one might expect from an army of idealistic volunteers new to politics and dedicated to reforming the system.

"Writer Robert Schwartzman was easy on Sen. Edward M. Kennedy, for instance, ignoring a college exam cheating incident and making only passing reference to the auto accident at Chappaquiddick that took a girl's life and has never been fully explained.

"But the Ku Klux Klan background of West Virginia's Sen. Byrd is treated fully, leaving the reader with a suspicion that Byrd never really abandoned his philosophical ties with the Klan."

EX-TYDINGS AIDE HITS NADER

Reviewing the Nader Congress Project for Book World, Terrence Finn, legislative assistant to former Sen. Joseph Tydings of Maryland, scores Nader's hubris:

"Consumer and environmental lobbies are 'public' interest groups. The authors assume their good guys are the good guys, and vice versa. It [the book Who Runs Congress?] does not ask if the education lobby's emphasis on higher education at the expense of vocational training, or the health lobby's emphasis on medical research instead of caring for patients, is in the 'public' interest. But it does state what is surely questionable, that lobbies 'control' the flow of information to and from Congress.

"The three authors—senior members of Nader's staff—have forgotten that Congress, as a respresentative assembly, is a forum for competing interests in American society. Public policy is in part the result of the consequent conflict. All interests—public, private, special, whatever—should be heard. That some go unrepresented while others are unscrupulous or simply callous to fundamental needs doesn't justify naming one's own interests the national interest.

SIMPLISTIC ARGUMENTS

"Furthermore, it is simplistic to argue that effective interest groups are those with money while the poor and needy lack representation. The rejection of the SST, the inability of organized labor to repeal 14b, and the rise of the consumer movement suggest that money alone will not carry the day in Congress. Organization, popular support, the issue itself, and an understanding of the legislative process all count for much in lobbying members of Congress."

IMPACT AID PROGRAM

HON. DONALD G. BROTZMAN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 8, 1973

Mr. BROTZMAN. Mr. Speaker, I am today introducing legislation which would direct the Federal Government to begin to make payments in lieu of local property taxes. I offer this legislation as an equitable method of replacing the payments which are supposed to be made under the impact aid program for local schools.

The impact aid program, controversial since its inception in 1950, has been subjected to escalating attacks from the executive branch of the Government each year. More properly known as school assistance in federally affected areas, the impact aid program provides both for the construction of new facilities—Public Law 81–815, and for operating costs—Public Law 81–874. Payments for operating costs are based upon the number of students with parents working or living on Federal property times a rate of payment designed to reflect either the local educational costs per public of comparable districts within the same State or one-half of the national or State average per pupil costs, whichever is greater. The payments for construction are made primarily for the construction of facilities to meet increases in the number of federally connected students.

The formula for impact aid payments has been largely responsible for the mistaken impression many have of the program. Critics allege that impact aid payments go into districts irrespective of the needs of the schools. The result, they say, is that wealthy school districts often receive more assistance than poor districts. This criticism overlooks the purpose of the impact aid program, and I believe a straight payment in lieu of property taxes would clarify the reasoning behind the assistance.

It is inappropriate to view impact aid as Federal assistance in the same context as most Federal grant-in-aid programs. Impact aid is essentially a payment made in lieu of property taxes. Its purpose is not the advancement of a particular educational program as is the case with most of the programs of the Office of Education. Instead, impact aid represents an effort at partially compensating school districts for the revenue they lose through the inability of local officials to impose ad valorem property taxes on Federal installations. Because this is the case, I feel that it would be far more equitable for the Federal Government to make a payment based on local property taxes rather than the formula now used in the impact aid program.

Already, in many parts of the country, home owners are facing financial hardship as a result of property tax levels. In areas where the Federal Government has extensive installations this is a particularly acute problem. Jefferson County, Colo., which is in my district, provides a good example. Twenty-five percent of the land area of Jefferson County is owned by the Federal Government. This land has an assessed valuation of approximately $80.5 million. Most of the communities in Jefferson County have a mill levy of between 100 and 110. At a mill levy of 100, the schools and other units of local government in Jefferson County are losing over $8 million. annually. This is more than six times what the county would receive through impact aid even if it were fully funded.

Because the bulk of the ad valorem property tax is devoted to schools, between 70 percent and 80 percent in Jefferson County, it is the educational process which chiefly suffers as a result of extensive Federal holdings. At the same time, large Federal installations bring families with children into Jefferson. These children attend the Jefferson County schools on an equal basis with the children or persons who work for employers who must pay property tax payments. As a result of the Federal exemption, property owners and businesses in Jefferson County must pay not only their own share of maintaining the public schools; they must also subsidize the presence of the Federal Government. If the Federal Government would pay its share, local property owners would be accorded a measure of needed property tax relief.

Impact aid was designed to alleviate this situation to a small degree by recognizing the impact a major Federal employer could have on a school district. Unfortunately, impact aid has not been fully funded in recent years due to the fact that other aid to education programs are in greater favor. The fiscal year 1974 budget proposes to virtually eliminate impact aid altogether.

The bill I am today introducing recognizes the fact that a Federal installation employing a substantial number of people has an adverse effect on a community, because of the Federal Government's exemption from property taxes. The bill would direct the Administrator of General Services to pay to local governmental units in which 3 percent or more of the land area is Federal real property such amounts in lieu of taxes as he determines to be equivalent to the amount which would be owed if the land were in private hands. Undeveloped Federal land would be exempt from the payments required by the bill. Also, to the extent the impact aid program is funded, such payments would be credited toward the in-lieu-of-taxes payment provided by the bill.

PITTSBURGH'S UNITED BLACK FRONT PUSHES AHEAD

HON. WILLIAM S. MOORHEAD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 8, 1973

Mr. MOORHEAD of Pennsylvania. Mr. Speaker, with so much talk coming from the vicinity of the White House about the failure of the Kennedy-Johnson social programs, I would like to offer a living, breathing, successful rebuttal of that kind of talk. The United Black Front of Pittsburgh rose out of the shambles of our city's 1968 disturbances to become an organization in that black community that proved, given assistance and direction, that hard-core unemployed men and women can become working, contributing members of society.

The members of the UBF put together some Government assistance with their own ingenuity and sweat and produced a nonprofit economic development corporation that has brought jobs and pride to a community which was rapidly losing both.

The current edition of "Appalachia," a publication of the Appalachian Regional Commission tells the UBF story much better than I.

I include an article from the magazine in the RECORD at this time.

PITTSBURGH'S UNITED BLACK FRONT—WYLIE CENTRE INDUSTRIES, INC., PROVIDES EMPLOYMENT FOR BLACKS

(By Thelma Mrazek)

When people think of those in need in Appalachia, they usually think of poor whites, living in squalid shacks in mountain hollows. But throughout the vast mountain range that comprises Appalachia are several other minority groups—the Cherokee Indians living in the Great Smoky Mountains on the border of North Carolina and Tennessee, the Seneca Indians of western New York and the blacks scattered mainly throughout the rural areas of Appalachian North Carolina, South Carolina, Georgia, Alabama and Mississippi and grouped in the larger cities of the Region, such as Birmingham and Pittsburgh. (There are 1.3 million blacks in Appalachia.)

Many organizations in the Region are working to help these minority groups solve their economic and social problems. For example, Pittsburgh's United Black Front, Inc. (UBF) has made significant strides in helping the black community. Chartered as a nonprofit economic development corporation after the riots of 1968, UBF has focused its efforts on creating jobs for the black residents of Pittsburgh's Hill District.

"We got together so we could assist, train and instruct blacks who have been denied the opportunity to participate in the economics of business ownership and the control of neighborhood businesses," said Clyde Jackson, executive director of UBF.

To date the UBF has founded a nail production company with support and assistance from the Aluminum Company of America (Alcoa) and the Small Business Administration. It has also opened a food superette (a small supermarket) in cooperation with Food and Products, Inc. With the profits from these enterprises and new capital donations, the UBF plans to acquire a small department store and a dry-cleaning establishment in the Hill District, where many businesses were destroyed in the riots.

But the UBF has also extended its activities to render a number of social services, providing information to blacks about governmental services, such as Social Security or welfare benefits. It has been referring people for employment, distributing food, clothing and toys on holidays, helping to plan and organize better housing, becoming involved in providing better health services, working in recreation, helping with the Neighborhood Youth Corps summer programs and organizing a summer fair, featuring the well-known singing group the Jackson Five, which raised funds and provided excitement and entertainments to the ghetto's youth.

"We have become all things to all people," said Sybil J. Gilchrist, Jackson's first assistant. "But the important thing is we are dedicated blacks committed to helping poor blacks and improving our Hill District ghetto. In the process we are trying to help all the civic, social and business organizations get it all together."

GETTING THE UBF TOGETHER

Clyde Jackson is generally given the credit for getting the United Black Front together. While serving a term in the penitentiary, Jackson converted to Catholicism. His translation of the Catholic liturgy into Ghetto English caught the attention of Bishop Wright of the Pittsburgh Diocese. As soon as Jackson became eligible for parole, Bishop Wright arranged for Jackson to be released to Dr. Emil Trellis, a psychiatrist who had given up a lucrative practice to help the residents of the Hill District. Dr. Trellis persuaded Jackson to join his community mental health team, which was emphasizing preventive, rather than curative, methods in helping ghetto residents.

During and after the riots of the spring and summer of 1968, several members of the mental health group, led by Jackson, began to meet and discuss what could be done to prevent further destruction of the community. To obtain a better idea of what the community felt needed to be done, the group took a survey. As a result of the survey, the United Black Front was formed, with its primary goal that of creating jobs and putting economic power in the hands of community blacks.

Jackson was appointed executive director and was joined by Henry Woods, a community worker who became program director. As the organization began its work, several other men joined the staff as program coordinators. Most had known Jackson in the penitentiary. All had grown up on the Hill. In the fall of 1968 Sybil Gilchrist left her job as secretary to the president of Mount Mercy College (now Carlow College) to become assistant director of UBF.

As a first step in getting economic development under way Jackson and his group went to Congressman William S. Moorhead (D. Pa.). Congressman Moorhead helped the UBF obtain a grant from the Economic Development Administration in the amount of $94,370 to aid existing ghetto enterprises and help new ones get started.

To comply with the terms of the grant, UBF became a nonprofit corporation. It established a board of directors, which at first was composed primarily of the poor from the ghetto but which has now added black professionals to assure a cross-section of people. The board, which meets monthly, sets the policy and guidelines for the organization. Staff members concentrate on special areas of interest such as health or housing, but "everyone pitches in to do any job when it is necessary," said Henry Woods.

The dedication of the staff has been proven by the fact that only one from the original staff has left, in spite of the fact that payrolls cannot always be met because the organization must run on donations and grants. "We only got paid eight out of twelve months last year," said Bob Lundy, a former prizefighter, "but that doesn't matter to me. This is the first time in my life I've felt useful. I did nothing before."

UBF NAILS TOGETHER ENTERPRISE

At his first opportunity Clyde Jackson approached the top management of Alcoa to obtain their help. Meeting with F. J. "Fritz" Close, then chairman of the board, and John D. Harper, president, Jackson outlined the purposes and needs of his organization. Impressed by Jackson's sincerity and dedication, the Alcoa executives agreed to undertake an internal search to determine whether an enterprise might be spun off and turned over to UBF to be owned, managed and operated by blacks.

In looking for an enterprise, Alcoa considered a number of factors: the complexity of the manufacturing process, the difficulty of skills required to manufacture the product, the demand for the product, the problems of obtaining new markets, the amount of capital required as an initial investment and the cost and availability of equipment. Soon Alcoa's search team landed on the idea of manufacturing nails from aluminum. Through a fortunate coincidence Alcoa was in the process of expanding one of its primary production plants and had surplus equipment for making this subsidiary product.

Negotiations for the establishment of a nail production plant began with Alcoa's entering into a full and equal partnership with UBF to establish Wylie Centre Industries, Inc. The company was named after the two main streets (Wylie and Centre) in the Hill District. A board of directors was formed, consisting of two representatives from Alcoa, two from UBF and one representing the black community.

The UBF raised $15,000 in seed money, and Alcoa agreed to lease its 13 high-speed nail machines and auxiliary equipment, worth a total of $250,000, to Wylie Centre Industries, Inc., for one dollar. They also agreed to be responsible for $150,000 in salaries for the Alcoa employees who would provide technical training to Wylie employees in mechanical skills, repair of equipment, manufacturing procedures, business practices, and to help the company to develop a marketing capacity. To assure a ready market, Alcoa agreed to market at least 60 percent of the plant's output through Alcoa channels. It also promised to give technical assistance and support for a maximum of two years.

As the venture becomes more successful, Alcoa's involvement will phase out, Alcoa will sell the equipment to the company for one dollar and will send the company on its way under experienced black ownership, management and production personnel.

Plans have also been made for the sale of stock, as soon as the board of directors feels the company is viable. First priority for ownership will go to residents of the Hill district.

After the UBF and Alcoa reached an agreement to form the company, they approached the Small Business Administration (SBA) for a loan in the amount of $180,000 to provide the capital necessary for salaries, rent and inventory. They then began to search for a suitable site. Eventually they located a 10,000-square-foot building in the Lawrenceville section of Pittsburgh. The SBA approved the loan, which was guaranteed through the Pittsburgh National Bank; UBF and Alcoa began to make plans to open the plant.

LOOKING FOR WORKERS

After financing, the next important step in assuring the success of any company is, of course, the employment of the right people. In the case of the nail factory, there was an added dimension to the job of finding workers: Wylie Centre Industries and Alcoa wanted to involve as many of the Hill District people as possible in the new plant. Ordinarily, that would have required an extensive and time-consuming effort by Alcoa and Wylie, complicating even further their already difficult job of starting a new industry.

Fortunately for Alcoa and Wylie, a ready source of identified potential employees was at hand. UBF had conducted a door-to-door canvass of homes in the Hill District to develop detailed information on the unemployed and underemployed persons in that ghetto area of Pittsburgh. The purpose of the survey had been to identify those individuals who appeared to have a very high potential for assuming jobs in industry and commerce but whose talents were not being used.

This UBF survey, a separate story in itself, had been funded with a grant provided by the Appalachian Regional Commission and the Commonwealth of Pennsylvania. With the assistance of consultants from the University of Pittsburgh, a number of questionnaires were prepared to be used by interviewers in making the initial canvass. Forms to incorporate the in-depth information on individual applicants, which were to be completed at UBF headquarters, were also prepared.

Thirteen people were employed under Manpower Development Administration auspices and through the local Community Action Program to assist five UBF staff members in making the survey. A number of peoble from the Public Housing Authority served as volunteer workers.

Spot radio announcements were beamed through radio WAMO, the only black radio station in Pittsburgh, directly to residents of the Hill District to make them aware of the survey and the reasons for it. Several public meetings were held for orientation, and local newspaper advertisements gave information on the survey. In addition, printed throw-away leaflets were prepared and distributed throughout the community.

During the course of the survey thousands of households were visited. Over 3,000 unemployed or underemployed adults were identified, interviewed and their work preferences and skills categorized. "We did a lot of walking and a lot of talking," said Bob Lundy.

Initially the surveyors encountered distrust and secrecy from interviewees. "There was no doubt the people were suspicious of us at first," says Sybil Gilchrist. "They thought we were fronts for the white man, trying to find out all about them. We had to overcome as much initial hostility from our own people as we did from the business community when we first approached them for help." Through the publicity and word-of-mouth support the suspicion gradually began to fade, and people came to UBF headquarters for voluntary interviews.

HIRING "RIGHT GUYS"

The UBF staff called prospective manufacturing employees from those interviewed in the survey, and an intensive search for a manager began. Jackson, Sybil Gilchrist and D.C. (Pete) Mathewson, who was appointed interim president of Wylie Centre Industries, interviewed the most likely candidates. Mathewson had been an Alcoa career man for 30 years and had experience in operating technology, management and training in both the United States and overseas. He was assigned to be Alcoa's chief technical assistance expert until the new company got started.

To select the manager, the three interviewers set up a simple rating system, and out of 25 people interviewed found seven qualified. "We had little difference in our ratings," said Sybil Gilchrist and Mathewson. "We were looking for qualities of leadership, intelligence, good motivation and someone who really believed in what we were doing," they agreed. The three sat down together and reviewed the qualifications of the seven applicants thoroughly. After sifting, discussing and evaluating, they came to an agreement on Louis Rowe, an employee of an engineering firm, who was studying for an associate degree in business administration at Allegheny Community College at night. Rowe had been a football star and a counselor to the Black Student Union at Pittsburgh's Clairton High School. He was offered the job and accepted, taking a cut in salary.

"I took the job because I believed in the idea," says Rowe. "I wanted to be a part of bringing about the success of a company such as Wylie. This was a chance for the black community to get the production and managerial skills necessary to become a part of the mainstream of American business. It will help bring an economic uplift locally and hopefully will spur increased support for black capitalism both here and in other areas of the country. These considerations were far more important to me than the money," he added. "It is true that the job offered far more experience than I would have been able to get elsewhere, and I could apply some of the things I have learned in school; but these were secondary reasons."

Rowe's first job was to hire the "right guys" to help him out. "When I heard about this job," said Rowe, "I did research on all the other companies started by or for blacks in recent years. I decided that most of those that had failed did so because they set up artificial criteria for the selection of their employees. Criteria like having completed a high school education or whether or not a guy had been in jail or on dope or had family problems didn't apply, I felt, to the life of ghetto people. I decided that motivation and whether or not a man had a sense of responsibility were the most important criteria for hiring. The guys had to believe in what we were doing, want to be a part of it and want it to succeed as much as I did."

With Pete Mathewson's help Rowe selected Russell Bennett from among the candidates for manager to become his assistant. Then he was on his own. Applying his own criteria, his intuition and lessons learned from a human relations course, Rowe interviewed between 40 to 50 applicants selected from UBF's survey. From these he chose ten.

THE PLANT OPENS

By January 1971, Wylie Centre Industries, Inc., was beginning to become a reality. Equipment was moved into the plant, and the men began work. "At first I pretty much had to run things," said Mathewson. "We began to set up the procedures for bookkeeping, inventory control, order entry, shipping and payroll. Every time we needed special help, I would pick up the telephone and call a specialist at Alcoa. The company was like a giant technical assistance organization standing by to lend a hand. They would send over a bookkeeper for a few days or an inventory control specialist. Then I would begin the procedure, such as making out payrolls, with Rowe watching. Then Rowe would pick up the responsibility. Now it has been passed on to Bennett, and I just check over the final result before I sign off as interim president. It was amazing how fast they caught on, how dedicated they have been to accuracy and detail, and how intelligent and aggressive they are."

The production employees received the same type of careful assistance when a man from Alcoa's Lancaster plant came to instruct the employees in proper working procedures and techniques in maintaining and using the machines. On-the-job training was emphasized, backed up by an hour and a half each week in the classroom.

In February, 1971, Wylie Centre Industries, Inc., produced its first nails and shortly after that began delivering nails to Alcoa. The men began to gain pride in their achievements. But each one donned a "We're competitive at Wylie" button to serve as a reminder of what they still had to achieve. "If I didn't believe in that button, I wouldn't wear it," said Tim Montgomery, a 25-year-old set-up man. "We're putting out a good product here. We're going to make it."

"Many of my friends find my job hard to believe," commented Tony Williams. "I have some responsibility on the job, and I'm proud of that. We want to make good and let everyone know we're successful here."

"We intend to make this a proft-conscious black company, one that will be a source of pride for the entire community," said Rowe. "A lot of the success will be attributed to the employees, who will be recognized not only as employees but also as individuals who will become involved in policy-making. Here the employee will be able to sense the real responsibilities by knowing that Wylie Centre's success is economically his own."

To build pride and interest in the company, Rowe has held a rap session with the production employees each month. After additional orders came in and production demands increased in June 1971, he met with them and asked them to put in a ten-hour day and six-day week to meet schedules. "They complied without a squawk," he said. "And generally there has been no problem of absenteeism or tardiness."

While the production men technically were still trainees until March 1972, they became proficient enough with the machines to develop new types of nails. One set-up man developed three new types for the special production order in June.

Rowe has lost only two men from his original ten. One decided to return to school full time, and a second "just wouldn't fit in," he said. "I tried to reach him. Sometimes he would produce, but at other times he wouldn't. He was just too far gone and was demoralizing the rest of the men. I had to let him go."

Alcoa representatives are generally enthusiastic about the progress of the company. "They are running at 130 percent of target," says Mathewson. "While originally I was to assist them for a maximum of two years, after six months I was needed only in an advisory capacity. They are running the operation almost entirely on their own."

Since October Rowe had doubled his shift. There are now 20 full-time plant employees, and more men will be hired as orders increase.

Although Wylie's market has expanded during the last year, "marketing is still our number one problem," says Rowe. "Since October, we have received two government contracts through competitive bidding totalling $30,000." In 1971 Alcoa was purchasing 100 percent of the nails. With increased production in 1972, 45 percent of the total production was marketed outside of Alcoa. However, Alcoa still purchased the same amount of nails. Rowe is now investigating the export markets, and has contacted a number of possible new buyers.

UBF leaders are also proud of the company's achievements. "This company has a real chance to survive and grow," said Jackson. "It was established on mutual respect. It has good equipment and is producing a good and needed product. Alcoa spent the time, money and effort to train its employees properly. I hope its success will encourage others to make the effort to establish this type of company." Wylie has now completely taken over the training of its new employees through an apprentice program. Classroom discussions are held once a week in the plant.

A SUPERETTE FOR THE GHETTO

At the same time the UBF was engaged in setting up the nail production plant, the organization was working with another business in organizing a badly needed food outlet for the Hill District. The food stores existing in the area after the riots consisted of a few single-owner markets that charged high prices, had little choice of merchandise and often were not sanitary, according to local residents.

After the riots of 1968 Mr. John F. Fox, president of Fox Grocery Company, became interested in helping the people of the ghetto and offered to assist UBF in establishing a food store that blacks could own and operate. UBF obtained a store building with funds donated by the Catholic diocese. Fox provided some of the equipment and trained a manager, a meat clerk, a produce man and an accountant. The training program has now been taken over by the University of Pittsburgh. During the first year Fox's company helped set up procedures and handled most of the bookkeeping.

A local organization, People to Aid Citizen's Enterprises (PACE), loaned money to UBF to purchase some of the inventory, and Fox asked each of his independently run chain stores, organized into Foodland Products, Inc., to donate additional money.

The Hill District store, called Community Mart, Inc., which opened early in August 1971, offered food—for the first time—to ghetto residents at prices competitive with large supermarkets. When food is put on sale at Foodland stores, the same products will go on sale at the Community Mart. In addition, eight more blacks have been drawn into the ownership and management of their community.

FUTURE PROSPECTS

The UBF is not stopping with its two successful achievements of founding a production plant and a food store, nor with its plans to acquire a small department store and a dry-cleaning establishment. It has already been the recipient of property donated by the United Jewish Federation; the UBF hopes to turn this into a research and training center for infants, from the cradle to three years of age.

Over 100 people have obtained jobs through referrals of UBF, based on the ARC employment survey. And as time and resources permit, more will be done to help ghetto residents in areas of social service.

As one Alcoa man said, "That group can show you what can be done when people have drive, determination and the desire to help themselves." The results are also indicative of what can be achieved when organizations from the private, public and industrial sectors pull together.

OMB-SUPPORTED POWERPLANT SITING TASK FORCE SHUNS ENVIRONMENTALISTS AND CONSUMERS

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 8, 1973

Mr. DINGELL. Mr. Speaker, last January the Office of Management and Budget secretly established an interagency Federal task force to study delays allegedly caused by Federal agencies in the construction of powerplants and transmission lines, and to streamline Federal processes for approval of permits and licenses for bulk electric powerplants. The task force was established at the direction of the then Director of OMB, Caspar W. Weinberger, who cited "delays in the construction of powerplants" as one of the major problem areas of the so-called energy crisis.

The Interior Department's Acting Deputy Assistant Secretary for Water Resources, Mr. William R. Wilson, in a February 22 memorandum to all Interior Assistant Secretaries, set forth the objectives of the task force as follows:

> The attached memorandum [of January 23, 1973] from Caspar Weinberger outlines *a high priority Administration effort* to resolve the problems at the Federal level associated with the delays in construction of power plants and bulk power transmission facilities. The Department of the Interior has been designated as the main focal point to expedite and coordinate all Federal reviews of applications for Federal authorizations necessary for the siting of electric generation and transmission facilities. The task group, under OMB chairmanship, is to review procedures and develop recommendations within 90 days *for Executive Order implementation*, including the possible formation within the Interior Department of an Electric Facilities Siting Panel under the chairmanship of the Secretary of the Interior and comprised of the heads of all agencies having a major involvement in plant siting. (Italics added.)

Members of the task force group in addition to OMB and Interior, are the Federal Power Commission, the Atomic Energy Commission, the Environmental Protection Agency, and the Corps of Engineers. I understand that the Commerce Department has also been added to this task force.

There has been no public announcement of this task force by the administration.

On February 26, Congressman JOHN E. MOSS of California and I wrote to the present OMB Director, Mr. Roy L. Ash, and expressed concern that the administration did not inform the public about the establishment of this task force. We are concerned that the task force will develop its own report and recommendations, submit them to OMB, and then one fine day we will wake up to find that the President has issued an Executive order carrying out these recommendations without any opportunity for the public to comment on the report and recommendations before they are implemented.

Congressman Moss and I requested assurances from Mr. Ash that—

> The task force's report and all its recommendations will be made available to the public in sufficient time to review and comment on them prior to an "Executive order implementation" or any other action designed to carry out the recommendations.

We also said:

> In his January 23, 1973, memorandum, Mr. Weinberger specified that, in addition to obtaining agency views, the views of the utilities and manufacturers will also be solicited. It is unclear whether the views of State, municipal, and cooperative-owned utilities, as well as private utilities, will be solicited. Futhermore, there is no mention about soliciting the views of environmental and consumer groups.

At this stage we can only speculate that the task force recommendations—whatever they are—will adversely affect the public's consumer and environmental interests because, typically, the administration's task force, at OMB's direction, has excluded these interests in favor of the utilities and manufacturers.

Many of the problems that surface when Federal permits or licenses are considered in relation to powerplants and transmission lines result from the failure of the utilities to provide enough planning and review to the concerned Federal agencies at an early stage. The result is that the utilities panic and then start blaming environmentalists, citizens, and others, and the Federal agencies when they start to question the utilities' sacred plans and basic assumptions. Often those plans and assumptions prove quite faulty and, if adopted, would be detrimental to the public interest.

The administration should seek to avoid this by jawboning with the utilities and getting them to give the public a chance to review their plans even before they acquire lands and design their facilities. The administration should even require the utilities to prove their basic assumption that a new plant is needed and to show what energy conservation steps have been taken or are planned and what effect those steps will have on energy demand.

We have not yet received OMB's reply. The pertinent OMB-Interior memoranda and the full text of our letter to OMB follows:

JANUARY 16, 1973.

MEMORANDUM FOR THE RECORD

Subject: Federal Processing of Power Plant Applications Meeting, January 11, 1973

1. Subject meeting was convened to explore issues and procedures which are subject to consideration should a task group be formed to streamline Federal processes relative to approval of permits and licenses for bulk electric power plants. (See attached list for attendees.)

2. The group agreed to the need for an effort to expedite Federal approval processes and to provide the basis for eliminating the risk of major Federal processing delays. Present timing is four to five years for fossil plants and nine to ten years for nuclear plants to come on line from design and order of equipment stage.

3. A number of steps in the flow were identified which deserved attention and treatment in any Federal-wide procedure. These included:

(a) timing; (b) sequencing; (c) concurrent review of substantive issues when more than one agency is involved; (d) provision for public notice; (e) focal point(s); and (f) identification of the Federal jurisdictional responsibilities and relationship among agencies.

4. FPC advocated inclusion of advance planning and review in the Federal review process to provide the utilities with a "go/no go" Federal position early in the planning process.

For example, many times today the Corps of Engineers gets into the act 18 months or less before the plant becomes operational. Early review and comment by the Corps may advise the utility that the waterway problem precludes siting in the selected area. This review by all concerned Federal agencies could save years of valuable planning time for another site. Accordingly, a mechanism for review and comment on planned power plant installation was agreed upon as a worthy objective of the task group.

5. Several comments indicated the desirability to include the Department of Justice in the review process in view of delays being encountered on anti-trust issues. Anti-trust issues may soon surpass the environmental problems in nuclear plants.

6. Summary:

(a) There was overwhelming support for articulated, organized, and expressed governmental procedures for processing power plant licenses and permits within the Federal establishment. This was agreed to whether or not legislation was passed.

(b) A task group should be organized as soon as practicable.

(c) In view of the need to include both short time power plant application processing and longer term planning review and comment, it may be desirable to develop a segmented approach to the task group effort unless it is feasible to develop a simple mechanism to respond to both considerations within a reasonably short period of time.

JACK J. SHARKEY,
Office of Management and Budget.

JANUARY 23, 1973.

MEMORANDUM FOR DISTRIBUTION LIST

Subject: Streamlining Federal Power Plant Processes.

The energy problem of the Nation has been of increasing concern in the last few years. Many actions have been proposed to come to grips with one of the problem areas, delays in the construction of power plants.

Legislation has been proposed and is still being considered to deal with the specifics of power plant siting. Regardless of the outcome of the legislative proposals, it will be necessary to speed internal Federal processing procedures within and among agencies.

Accordingly, a task group is being established under OMB chairmanship to review procedures and develop recommendations for simplification, especially concerning the multiple agency involvement in plant siting. In view of their major roles in power plant siting, we are asking Interior, FPC, AEC, EPA, and the Corps of Engineers to provide full-time representatives on the task group for the next 60 to 90 days. We will call your office shortly with respect to the appropriate individual to represent your agency. Other agencies who are involved in power plant siting from the standpoint of licensing, permits, or other involvement are requested to furnish the name of an individual who can serve as a principal point of contact in their agency. Names of designees should be provided to Mr. Gordon Yamada (395-5156), Organization and Management Systems Division (OMB), by February 5, 1973. The views of the utilities and manufacturers will also be solicited.

Recognizing the serious power plant situation which faces the Nation, we believe it is important to select carefully responsible representatives for this task who can contribute from both a technical and management standpoint so the revised Federal processes will be clearly responsive to one of the Nation's most crucial needs.

CASPAR W. WEINBERGER,
Director.

U.S. DEPARTMENT OF THE INTERIOR,
Washington, D.C., February 22, 1973.

MEMORANDUM

To: All Assistant Secretaries.

From: William R. Wilson, Acting Deputy Assistant Secretary—Water and Power Resources.

Subject: Streamlining Federal Power Plant Processes.

The attached memorandum from Caspar Weinberger outlines a high priority Administration effort to resolve the problems at the Federal level associated with the delays in construction of power plants and bulk power transmission facilities. The Department of the Interior has been designated as the main focal point to expedite and coordinate all Federal reviews of applications for Federal authorizations necessary for the siting of electric generation and transmission facilities. The task group, under OMB chairmanship, is to review procedures and develop recommendations within 90 days for Executive Order implementation, including the possible formation within the Interior Department of an Electric Facilities Siting Panel under the chairmanship of the Secretary of Interior and comprised of the heads of all agencies having a major involvement in plant siting.

Mr. James E. Van Reenen, Staff Assistant (Presidential Executive), has been assigned by Assistant Secretary Smith and Assistant Secretary Larson as the full-time representative of the Department in this task group effort. In view of the short time frame, please afford him your utmost cooperation and support in carrying out his assignment.

Also, please designate someone from your office to serve as a point of contact and source of input from your office to Mr. Van Reenen for this effort. Your designee should be familiar with the procedures within your office or agency for processing applications for rights-of-way permits, leases, and environmental impact statement reviews as they pertain to the siting of electric generation and transmisssion facilities.

Your designated representative is asked to attend meeting in the Secretary's Conference Room 5160 at 2:30 p.m. Friday, February 28, 1973, for the purpose of preparing a report to OMB by February 27, 1973, on our internal processing procedures.

REPORT OUTLINE ON ELECTRIC FACILITIES SITING APPROVAL AND PERMIT PROCEDURE, U.S. DEPARTMENT OF THE INTERIOR

For each agency action related to siting and operation of power plants and related facilities per sample list (attached), provide the following:

A. FLOW CHART DEPICTING

1. Source of Action Request: a. Organizational level (Division/Branch, etc.); b. Location (Main, regional, or branch (field) office); c. Purpose of Action Request.

2. Each step in process required to complete action incluing special studies and mechanism for resolution of disputes.

3. Organizational Unit Conducting Process: a. Level (Division/Branch, etc.), and b. Location (Main, regional, or branch (field) office).

4. Minimum, normal, and maximum time required to complete each step of process.

5. Nature of Finished Product.

6. Recipient of Finished Product.

B. SUPPORTING DOCUMENTS:

1. Criteria for granting of permits, etc., or conduct of review.

2. Standard Forms.

3. Statutory and administrative bases for action.

4. Identification of problems associated with prompt processing and recommendations.

The deadlines for information are tight. We need hand drawn draft flow charts in Room 5617 (Main Interior Bldg) by noon on Tuesday, February 27. Supporting documents, as available, should be included with the flow chart and the remainder furnished by COB on Friday, March 2. Status report should reach us by COB March 30.

SAMPLES OF ACTIONS FOR WHICH INFORMATION IS REQUESTED

Land leases for plants, mining, etc.

Rights-of-way for transmission, water, fuel lines, etc.

Water service contracts.

Wheeling stipulations.

Mineral (coal) exploration permit.

Approval of State actions.

Environmental impact statement preparation.

Environmental impact statement reviews for other agencies.

Identify where involved in long-range planning for regional electricity supply.

Corps of Engineers dredge and fill permits.

EPA air and water discharge permits.

House of Representatives,
Washington, D.C., February 26, 1973.

Mr. Roy L. Ash,
Director, Office of Management and Budget, Washington, D.C.

Dear Mr. Ash: We understand that last January the Office of Management and Budget established an interagency group to study delays allegedly caused by Federal agencies in the construction of power plants and transmission lines, and "to streamline Federal processes" for approval of permits and licenses for bulk electric power plants.

The Interior Department's Acting Deputy Assistant Secretary for Water Resources, Mr. William R. Wilson, in a February 22, 1973, memorandum to all its Assistant Secretaries, commented on the objectives of the task force group as follows:

"The attached memorandum [of January 23, 1973] from Caspar Weinberger outlines *a high priority Administration effort* to resolve the problems at the Federal level associated with the delays in construction of power plants and bulk power transmission facilities. The Department of the Interior has been designated as the main focal point to expedite and coordinate all Federal reviews of applications for Federal authorizations necessary for the siting of electric generation and transmission facilities. The task group, under OMB chairmanship, is to review procedures and develop recommendations within 90 days *for Executive Order implementation,* including the possible formation within the Interior Department of an Electric Facilities Siting Panel under the chairmanship of the Secretary of the Interior and comprised of the heads of all agencies having a major involvement in plant siting." (Emphasis supplied.)

We understand that the member agencies on the task force, besides OMB and Interior, are: the Federal Power Commission, the Atomic Energy Commission, the Environmental Protection Agency, and the Corps of Engineers.

We fail to understand why there was no public announcement of this task force by the Administration when it was established. Surely, such an announcement would have been in the public interest. We request your assurances that the task force's report and all its recommendations will be made available to the public in sufficient time to review and comment on them prior to any "Executive Order implementation."

In his January 23, 1973, memorandum, Mr. Weinberger specified that, in addition to obtaining agency views, the "views of the utilities and manufacturers will also be solicited." It is unclear whether the views of State, municipal, and cooperative-owned utilities, as well as private utilities, will be solicited. Furthermore, there is no mention about soliciting the views of environmental and consumer groups.

1. Please advise us whether the "views" of these groups will be sought.

2. (a) How will the views of the "utilities and manufacturers" (and others) be solicited?

(b) If it is to be done by means of oral presentation to the task force or others, will those meetings be open to the public?

(c) If it is to be done by written communication, will those communications be available to the public?

3. Please advise us whether the Department of Justice will be asked to participate in the study since, as noted in Mr. Jack J. Sharkey's January 16, 1973, Memorandum for the Record, "anti-trust issues," especially in relation to nuclear plants, "may soon surpass the environmental problems."

4. Please provide to us a list of power plant projects now being delayed by anti-trust issues.

Sincerely,

John D. Dingell,
Member of Congress.
John E. Moss,
Member of Congress.

WHO WON THE WAR?

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 8, 1973

Mr. RARICK. Mr. Speaker, the most emotional statement made by any of our returning POW's was, "Who won the war?"

The POW, unable to get an answer to the question is quoted as having said:

> I feel that it is going to be possibly five or ten years until I can make a decision (as to who won the war).

"Victory" has become so taboo that apparently Captain Pyle who had been a POW since 1966 was unaware that it has been deleted from the American vernacular. It was replaced by "peace-with-honor," "compromises" and "surrender." Our returning POW's will have to learn a completely new "vocabulary of defeat."

I think that the former POW knows who won the war.

I insert related newsclippings in the Record, as follows:

[From the Evening Star, Mar. 6, 1973]

POW's First Question: Who Won the War?

Riverside, Calif.—A former prisoner of war says that since he was released from a Communist prison camp he has been trying to find out who won the Vietnam war.

Air Force Capt. Darrell Pyle, 32, said at a news conference yesterday that he walked aboard the U.S. freedom plane in Hanoi three weeks ago and immediately asked a crewman, "Who won the war?"

"'I don't know' was the crewman's terse reply," Pyle said.

Pyle, an F105 pilot who was shot down in 1966, said that he's been asking people ever since.

"I feel that it's going to be possibly five or 10 years until I can make a decision (as to who won the war)," said Pyle, whose family lives in Tustin, Calif.

[From the Evening Star, Mar. 7, 1973]

Viet Cong Bid at U.N. Stirs Protest

United Nations.—The Viet Cong's request for permission to set up a liaison office for its Provisional Revolutionary Government at the United Nations has embarrassed the United States and brought protests from South Vietnam, diplomatic sources report.

The possibility was first discussed between PRG Foreign Minister Madame Nguyen Thi Binh, and Secretary General Kurt Waldheim at the 12-nation Paris peace conference. But it was made public without consulting the United States, which would have to issue visas to any Viet Cong representatives coming to a New York office. This the United States is not ready to do for the present, the sources said.

Agreeing to the full participation of the PRG in the Paris conference was about as far as the U.S. was willing to go, the sources indicated. The final solution for South Vietnam, they pointed out, was envisaged as a reconciliation and a coalition government. Any move to perpetuate the status of a second government would therefore not serve this purpose, they said.

Waldheim said he had the matter under study.

POSTAL SERVICE COMPLAINTS

HON. JOHN H. ROUSSELOT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 8, 1973

Mr. ROUSSELOT. Mr. Speaker, I want to call to the attention of my colleagues an article that appeared in the Monday, March 5, issue of Washington's Evening Star, because it gives a good description of the various kinds of complaints we are all receiving these days about poor postal service. The volume of complaints to congressional offices is increasing and the constituents are insisting that Congress reassert its responsibility in this area.

The article follows:

The Mail Hangup

(By Miriam Ottenberg)

Tradition says it can't be snow or rain or heat or gloom of night. But something certainly is slowing the mail.

That's what Care, the international relief organization, found when it tried to rush into the mail a postcard appeal for funds to aid victims of Nicaragua's Christmas earthquake. Eight carloads of mail, including the Care cards, got mislaid for nine days. By the time they were located, the earthquake was no longer big news and the response—or lack of response—showed it. The U.S. Postal Service is still trying to find out what happened.

A Vienna, Va., husband also discovered the snail's pace of the mail when he sent a Valentine one mile to his wife. When his loving message hadn't arrived a week later, his wife was sure he'd forgotten her.

And the Alexandria Board of Trade, found the same thing when local businessmen each noted the postmark and delivery dates on 100 pieces of mail. Among other things, the poll showed that only a fifth of the mail from the District reached Alexandria Post Office boxes the next day.

Businessmen all over are complaining bitterly about delayed mail, about sales that are over before notices of the sale reach customers. Lawyers complain that documents mailed to courts across the country miss filing deadlines. Book and record clubs have had to extend deadlines for customers to say whether they want or don't want that month's selection.

Commented John Jay Daly, vice president of the Direct Mail Advertising Association, Inc., "I used to say it can't get much worse. I've stopped saying that."

Almost everybody using the mails has his own little crisis to report—an interest charge added to a store account or utility bill because the payment was delayed in the mail, overdrafts at the bank because mailed deposits didn't arrive in time, extension course examinations that had to be done over again because the test papers went astray in the mail.

Then, of course, there are the party invitations that arrive after the party and perishable gifts that went bad in the mail.

The Postal Service acknowledges complaints have reached a record high. Complaints after Christmas about delayed first class mail, for example, were up 30 percent over last year. Several congressmen, irate about their own a well as their constituents' mail, have introduced legislation to return the postal service to its old status where Congress played much more of a role in running the show. A Senate Post Office and Civil Service Committee investigation of mail service gets underway Wednesday with Postmaster General Elmer T. Klassen as the opening witness. A House probe is expected to follow.

What is wrong?

The Star-News, investigating on its own, found some knowledgeable people completely convinced that the policy of the Postal Service is to slow down the mail to reduce costs—a charge postal officials flatly deny.

MISMANAGEMENT CHARGED

Senior Asst. Postmaster Gen. Murray Comarow, who heads customer services, admitted in an interview, however, "We probably did go too far in our effort to save money."

"We're determined to get service back," said Comarow "but in a way to help us stay within reach of people's pocketbooks. If we say to hell with costs to give good services, people will have to look for 45-cent stamps. Part of our obligation is the price we're asking them to pay."

Much of the criticism focuses on charges of various forms of mismanagement from Washington by people operating more on theory than experience.

Veteran postal officials—most of them out of the service by now—contend the score of new officials brought in to run the service try to move the mail as they move cans and spark plugs down the assembly line rather than thinking in terms of public service.

Here's what The Star-News investigation pinpointed as the key reasons for the mail slow-down:

The postmaster general didn't know how bad the mail service was becoming because his officials supplied him with discredited figures. So it wasn't until January that Klassen publicly admitted he wasn't satisfied with the way the mail was moving and not until February that he called in his district managers to get their ideas on what was wrong. Plenty, they said.

A job freeze beginning last March kept postmasters from filling vacancies—even at new installations like Merrifield, Va., the facility serving all Northern Virginia. Overstaffed and understaffed operations were treated alike. Nationwide results: Employees worked overtime until exhausted or postmasters tried to save overtime by leaving mail sacks untouched.

Two offers of early retirement stripped headquarters and regional offices of ranking officials and then robbed post offices throughout the country of their experienced, knowledgeable men. More than a quarter of the supervisors departed and the service showed it.

Morale is said by union officials to be the lowest in the history of the postal service. Senate investigators preparing for hearings also are finding unhappy postal workers wherever they go. Some rank-and-file postal workers were demanding a congressional investigation before it was announced and in some cities they have publicly apologized for the poor service customers are getting.

The postal service is mechanizing to save labor costs. To justify the expense of the machines, mail that used to be processed where it originated now has been going to state distribution centers where the concentration of mail slows down the service sometimes for days at a time. Again, Comarow told The Star-News, the service went too far in some areas.

The number of "chiefs" grows while the number of "Indians" actually getting the mail from here to there declines.

FORCE DECLINING

Rep. H. R. Gross, R-Iowa, ranking Republican on the House Post Office Committee, noted this week that besides the postmaster general at $60,000 a year, 20 postal officials are now making $42,000 a year or more—a total which he says equals the number authorized at that level for the entire federal executive branch.

Before the Post Office Department became the Postal Service on July 1, 1971, the postmaster general had eight assistant postmasters general. Now he's aided by five senior assistant postmasters general and 17 assistant postmasters general. He's supposed to have a deputy postmaster general, too, but that job is vacant.

Meanwhile, the postal force declined from 741,216 at the start of the Post Office Department's last year to 706,400 at the end of one year of the Postal Service. By February 1973, the force was down to 677,746 and the fiscal 1974 budget estimates a postal force of 634,707.

As the number of men collecting, sorting and delivering the mail declines, the amount of mail being handled continues to climb. Before postal reorganization, the postal force handled 84.8 billion pieces of mail in 1970. Last year 87.1 billion pieces of mail were handled and the Postal Service forecasts that by 1977 the mail will have climbed to 97.9 billion pieces a year.

That is the prospect facing the Postal Service as it tries to break even. Some observers in and out of the Postal Service contend the current effort to try to break even has become an obsession with the Postal Service's businessmen.

With reorganization, changing the Post Office from a Cabinet department into a quasi-public corporation, Congress wanted the Postal Service to become self-supporting by 1984. Postal officials are trying to accomplish that sooner.

REDUCING COSTS

It was this obsession, they claim, that led to dwindling manpower and sagging morale.

Comarow, who worked on postal reorganization before becoming head of the customer service group, views cost cutting from a different angle.

While admitting the Postal Service went too far in trying to reduce costs, he says: "We felt it was an extremely useful exercise for district managers, most of whom were not accustomed to thinking in terms of running an efficient, cost-conscious, service-oriented operation."

All the problems besetting postal facilities across the country—the job freeze, the early retirement of key employes, the drive to mechanize—are reflected locally. Problems were intensified because Merrifield couldn't hire the help it needed to cope with its growing volume.

And Washington got a unique problem when a 10 p.m. curfew on plane departures was imposed. That meant mail had to be collected and processed sooner if it was to leave town that night.

Despite the problems, 98 percent of the first class mail within the Washington area was being delivered overnight during October and November. That amounted to about 50 percent of the 18 to 20 million pieces of mail daily in the Washington postal area (extending from Calvert County, Md., to Prince William County, Va.)

Then came the Christmas rush and employes already exhausted by constant overtime faced a mountain of mail being shuttled to sectional centers. So for the entire area, overnight mail service dropped to 81 percent.

In Washington itself, where mail was processed at the downtown postal facility, 92 percent was still getting overnight delivery. But only 55 percent of the Maryland mail being processed at the Riverdale center was being delivered the next day and only 44 percent of the Northern Virginia mail being processed at Merrifield was getting overnight delivery.

WORSE, THEN BETTER

Then it got worse. In the period from Dec. 23, to Jan. 5—with holiday mail up 30 percent over last year—only 69 percent of the area mail was being processed and delivered overnight. Washington dropped to 73 percent, the Riverdale facility managed to climb to 87 percent but overnight delivery of Northern Virginia mail dropped to 39 percent.

By mid-January, the average overnight delivery in the area was back to 82 percent. Both the District and the Riverdale facility were processing 90 percent of their mail overnight but Merrifield was only back to 56 percent.

Entering February, area mail was being processed overnight 92 percent of the time. The District was back to 98 percent, Riverdale to 93 percent and even Merrifield—with long requested people now being recruited—was up to delivering 80 percent of Northern Virginia mail overnight.

It was during that period that the Alexandria Board of Trade tabulation showed that only 20.9 percent of mail from the District, 45.5 percent of mail from northern Virginia, 21.1 percent of the mail from Alexandria itself and only 16 percent of mail from Maryland reached mail boxes in the Alexandria Post Office the day after the letter was mailed.

The latest postal figures covering the period from Feb. 3 to 16, show the area is edging closer to overnight mail service for first class mail staying within the area. Thus, the area as a whole showed 95 percent of the mail was delivered overnight. The District was back to 97 percent; Riverdale, 93 percent and Merrifield, 94 percent.

Partly these figures indicate that the Postal Service here has recovered from the Christmas and post-Christmas crunch. But it also means that in the Washington area, as in some other parts of the country, postal officials are trying to get mail where it's supposed to go more expeditiously—even if it means bypassing fancy machinery.

Klassen himself is expected to approve changes in the highly touted "managed mail" concept where all the mail coming into a state was massed at a state distribution center from which it would fan out to sectional centers around the state. The concentration of too much mail at places which already faced a crunch has been widely blamed for delays. Some district managers, including Carleton Beall, the district manager here, are sending mail from its origin direct to its destination without dumping all the mail at overcrowded state distribution centers.

CONFIDENCE DWINDLED

Beall and the others, with at least an implied blessing from Klassen, are hoping that in return they will get less mail that the facility at the other end of the line should have processed. This means that mail will reach people a day or more sooner, that priority mail really will have priority and improper massing of the mail can be pinpointed.

In the harsh reality of the Christmas snare, more than one area of overconfidence in the postal high command dwindled.

Months earlier, however, it became apparent that Klassen's men were giving him figures that made the mail service look better than it was—especially the air mail service.

As a result, Klassen told a meeting of postal supervisors Aug. 7: "Today we are providing overnight delivery on 95 percent of air mail between 14,000 pairs of cities." What Klassen presumably did not know was that the Postal Service's Origin-Destination Information service (ODIS) was checking a million pieces of live mail every two weeks and reporting 73 percent, not 95 percent, overnight air mail delivery.

Klassen's air mail figures were based on test letters which both the Postal Inspection

Services and the General Accounting Office have discredited because postal employees recognize the markings on test letters and rush them through. Test letters have now been abandoned.

The public also had reason to be skeptical of Klassen's figures when he announced on Jan. 4—in the midst of the post-Christmas mail debacle—that 94 percent of the first class mail deposited by 5 p.m. and destined for local delivery was being delivered the next day.

At the time of his announcement, ODIS statistics showed that for the period from Dec. 9 to Jan. 5, only 70 percent of the mail in designated next-day service areas was actually delivered next day.

Although Klassen was talking in the present tense, most of his statement dealt with accomplishments in the first year of the Postal Service.

Overnight service in metropolitan areas climbed back to 90 percent between Jan. 6 to Feb. 2. But that didn't compare favorably with 93 percent overnight service for the same period last year.

Since each percentage point represents almost 20 million pieces of first class mail, the drop from last year means that 60 million fewer letters were reaching their destination the next day compared with last year.

Why did the service slow down? Why didn't it improve after Christmas as it did last year? Why are the third class mailers—the only class of mailers paying their way—reporting that their mail is taking as much as 40 days to get delivered?

Many explanations are being given—two days of mourning following two holiday weekends, exhausted employes, postmasters trying to stay within rigid budgets, the new mechanized systems bogging down under the weight of Christmas mail and failing to bounce back.

The explanation that's not being offered at postal headquarters but crops up here and there around the country is that sacks, even truckloads of Christmas mail were "hidden" and stayed "hidden" until after New Year's Day.

UNTOUCHED MAIL

A perfect example of mail build-up, mail hiding, mail shuffling occurred at Charleston, W. Va., practically under the eyes of John Giannini, chief investigator of the Senate Post Office Committee and a former postal official. Biannini was sent by Sen. Jennings Randolph, D-W. Va., and his findings prompted Randolph to plug successfully for a full-scale investigation.

Giannini discovered 3,475 sacks of mail untouched in the Charleston post office, which had suffered a $900,000 budget cut and simply didn't have enough people to process the mail.

When Randolph asked for an explanation, 900 sacks of the mail were rushed to post offices in Parkersburg and Wheeling, W. Va., for distribution. However, they did not have enough transport facilities to cover the whole state so they took out the mail for their areas and sent the rest back to Charleston.

Charleston also sent sacks to small third-class offices which put up temporary distribution cases but since they didn't have enough slots to distribute mail to every West Virginia city, that mail too had to go back to Charleston.

TRAINEE IN CHARGE

Randolph found out that the officer in charge at Charleston was a 27-year-old management trainee with no supervisory experience. He reportedly added his mite to the morale problem when he told the press that untouched mail sacks were shuffled to other offices because employes were supposed to work eight hours a day and this gave them something to do.

Postal officials are now aware that what happened in Charleston was no isolated case. If they didn't already know, 85 district managers brought in from all over the country wised them up.

Where do they go from here? H. F. Faught, senior assistant postmaster general for mail processing, sounds optimistic.

"We believe we can handle the mail more swiftly than in the past with the present system," he said. "Good service is not going to wait for a lot of new machines. It can be provided with the present machines. It's true that machines can be more efficient and reduce costs but we believe we can provide good service at the present time."

NIGHT FLIGHTS CURBED

He noted that the Postal Service is trying to cope with airlines' cancellation of 900 late-night flights. The postal service now has 160 air taxis, including six jets, operating every night.

On the ground, he reported that development of a machine to handle, read and sort preferential mail is now completed. The prototype at Cincinnati sends 400,000 letters a day through a fully mechanized letter handling program.

He expects full mechanization of the postal operation will cost about $5 billion over six years.

And he thinks costs can be lowered and service improved at the same time. He acknowledges there have been some significant problems but he says a number of problems have been corrected and "we think it's going to be a matter of continuous improvement."

"When we get the system working," he said, "it'll smooth out. It's got to."

What about day-to-day service? Frank M. Sommerkamp, assistant postmaster general for delivery service, says no more cuts in service are planned.

SATURDAY DELIVERIES

At one time, all postal boxes got collections after 5 p.m. Now, only 50 percent of them are collected after 5 p.m.

"The more you hit, the more time it takes and the problem is to get the mail downtown and processed in time to make flights," he explained.

Saturday mail deliveries will be continued except in downtown business areas where businessmen are asked if they still want Saturday service to closed offices.

In the suburbs, more mail will be delivered to curb line boxes by mail men operating right-hand drive vehicles. Over 90,000 routes have been motorized and the number is increasing.

"We're not really reducing service," Sommerkamp said, "but we're trying to hold increases to a minimum because every year over a million and a half additional deliveries have to be made."

Sommerkamp is one of the few top executives held over from the old regime. Asked what he thinks of the way things are going, he replied: "I was in favor of reorganization before the law was passed and I'm in favor of it now. It's a big complex business. I still think service should come first, but we should use businesslike methods of providing it. We went through adjustment this year. When you try to tighten up on waste, you're going to have problems."

NO 1973 INCREASE

The only thing people didn't have to complain about so far this year is a rise in the cost of a first-class postage stamp. The threatened nine-cent postage stamp in January didn't materialize.

However, labor contracts for 600,000 postal employees run out in July. Klassen says if labor costs go up, postage rates will go up, too. But not this year.

To some extent, the future will be shaped by what happens at the upcoming congressional hearings.

Says Gross: "The public is not going to tolerate the deterioration of service and Congress is going to have to get back in the business of real oversight of postal operations."

One wit already has a suggestion for next year's Christmas stamp:

"O Lord, deliver me."

CONGRESSMAN BENNETT INTRODUCES THE FEDERAL ACT TO CONTROL EXPENDITURES AND UPGRADE PRIORITIES

HON. CHARLES E. BENNETT

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 8, 1973

Mr. BENNETT. Mr. Speaker, I am today introducing legislation, the Federal Act to Control Expenditures and Upgrade Priorities. This legislation is similar to legislation introduced by Senator BROCK. I believe the attached article by Senator BROCK, which appeared in "Nation's Business", December 1972, points out the pressing need for this legislation. The article reads as follows:

A PLAN TO MAKE FEDERAL BUDGETING MAKE SENSE

(By Senator WILLIAM E. BROCK III)

Picture, if you can, a corporation with 500 men on its board of directors.

If that doesn't tax your credulity, try this.

For reasons of its own, the board can't—or won't—pass on the corporation's overall annual budget.

Instead, it farms out small parts of the budget to scores of subcommittees, each riding herd on an office or two.

They hold hearings that go on for months, as one executive after another comes forward to sell his office's spending plans.

Some executives go beyond personal appeals.

They coax stockholders to appear before the subcommittees to plug the executives' pet projects.

Finally, often after the new fiscal year has begun, about 20 separate budget reports—or mini-budgets—go before the board. Most members have only a foggy notion of what's in a report or behind it. Only the handful who held hearings, and drafted it, know that.

So the board tends to go along with the spending plans those colleagues have endorsed.

Thus, bit by bit, the overall budget takes shape.

Meanwhile, no board member knows how much it will add up to. Nor does the board weigh the relative merits of competing demands on corporate funds. It's an open-ended way to draft a budget.

We all know what would happen under a system like this. The board members would soon spend the corporation into bankruptcy.

I ask, is that any way to run a railroad—or any other enterprise?

Well, that's the way Congress runs the country.

Almost every business, or municipality, adopts a budget before it starts spending money for the coming year.

But not the federal government.

To be sure, the President proposes a budget. But at no time does Congress accept it completely nor does Congress adopt a budget of its own.

HODGEPODGE ON THE HILL

Instead, the system works like this:

Each January, the President sends his budget to Congress, asking it to approve specific spending programs and to provide money for them in appropriations bills.

Since there are thousands of federal spending programs, each bill includes funds for a number of them.

Once introduced, the bills are sent to the House and Senate Appropriations Committees. There the various parts are referred to subcommittees.

The House Committee, for example, has 13 subcommittees. There are subcommittees for agriculture, and environmental and consumer protection; for housing and urban development, space and science; for labor, health, education and welfare; for the Treasury, Post Office, and general government—plus others.

In theory, the full Committee controls these appropriations bills. In practice, the subcommittees have almost complete say-so in their own spheres.

For one thing, they become experts in their specialized fields. So members of one subcommittee tend not to challenge the decisions of the others.

When the subcommittees have finished, their recommendations are lumped together in an overall appropriations bill.

Obviously, this catch-all measure may or may not reflect the judgment of the full Committee. It represents a collection of decisions delegated to a lower level.

Sound like a weird way to run our biggest institution—the federal government?

Well, there's more.

FALSE CEILINGS

Before voting any money, the Appropriations Committees usually wait for a green light from other policymaking committees of Congress.

Each house has about 20 of them, with numerous subcommittees. They set an authorization, or spending ceiling, on all programs, new and old.

Sometimes these ceilings are quite misleading.

They may be set high in full knowledge that far less money will actually be appropriated. In this way, Congressmen can make what seem to be lavish, multibillion-dollar promises, with the comforting knowledge that they won't be kept.

Or they may grossly understate full costs by setting only short-term ceilings on long-range projects. In this way, Congressmen can let a pet program get its foot in the door—apparently dirt cheap.

Only later do taxpayers find that, over the years, costs skyrocket. Medicaid is a good recent example.

So much for spending.

Now for raising the money to pay for it.

The committees that spend have nothing to do with paying the tab.

That's the job of two other committees—the House Ways and Means Committee and the Senate Finance Committee. They write the tax laws, change the rules, raise the rates or lower them.

At no point does any Congressional body say: "Here's how much we want to spend. Here's what it's for. Here's how we'll get the money to pay for it."

Or, better still: "Here's all that we have to spend. And here's how we'll stretch it to cover our priority needs."

Unfortunately, a long time ago, Congress let the ultimate authority for fiscal responsibility gravitate to the White House.

Today, the only place where a budget is put together is in the Office of Management and Budget in the Executive Office of the President.

About all Congress does is look at the priorities set by OMB and add or subtract a few items.

A LACK OF MACHINERY

Congress lacks the machinery to arrive at its own priorities.

All too often, it increases a budget rather than prune it. For example, in the last session, its impact on the President's budget was to increase the deficit by some $9 billion before Presidential vetoes whittled that down to $5.76 billion.

Under this system, quite predictably, efforts to control federal spending have flopped. Here's how the federal budget has climbed in the past few fiscal years:

From 1968 to 1969, up nearly $6 billion.

From 1969 to 1970, $12 billion.

From 1970 to 1971, nearly $15 billion.

From 1971 to 1972, more than $20 billion.

It's estimated that from 1972 to 1973, the rise will be as much as $25 billion.

The red ink on our balance sheet presents an even more dismal picture. Federal deficits from fiscal 1970 through 1973 will total an estimated $84 billion—or approaching one fifth of our national debt.

Nor is the future any brighter. A recent American Enterprise Institute study estimates these deficits, even on a so-called "full employment" basis, at $5 billion in 1973; $14 billion in 1974; $22 billion in 1975.

It's quite apparent that growing federal spending has brought us to a crisis stage. This fiscal crisis affects every American.

Over 10 per cent of the average family's taxes go to pay the interest on our national debt—which is approaching $500 billion.

And the country is embarking on a new spending spree—for so-called social needs. Washington has an ingrained belief that if anything is wrong, anywhere, the cure is to throw money at it.

This year, federal spending on education, manpower, health, housing, civil rights and other social programs will add up to $122 billion. That's about half of Washington's total expenditures.

A FRESH APPROACH

It's time to try a fresh approach. We can't provide essential social needs within an expanding economy without a sound budgetary process.

What is needed is thorough reform of the way in which Congress handles spending and tax measures.

To meet this crisis, I will reintroduce a bill I submitted at the last session: the Federal Act to Control Expenditures and Upgrade Priorities.

If passed, it would require not only Congress as a body, but each individual member, to face up to his duty to curb spending. My bill contains five points:

It would amend the House and Senate rules to create a Joint Committee on the Budget.

This Committee would develop a legislative budget—as opposed to an executive budget—providing a way to establish priorities and control expenditures.

It would require five-year budget projections for every major category of federal spending.

This would compel Congress and the Executive branch to acknowledge fully the long-range costs of spending programs. All too often, in the years after they've passed Congress, federal programs' costs have ballooned. It is no longer acceptable to evaluate project spending on a one-year basis, as in the past.

It would require reevaluation of spending programs every three years.

The purpose of this is to ensure periodic Congressional review of all important federal programs. The trend today is to add new programs without even attempting to do away with those that are outmoded and useless. As a result, the government gets bigger and bigger and bigger.

It would require consideration of at least two years' pilot testing of every proposed major program.

This would provide Congress, and the country, with a better estimate of the costs and benefits of new federal projects. No prudent businessman would promote a new product nationwide without some preliminary market testing. I feel government should use the same prudent approach with tax dollars.

Money for all federal spending, including that of the trust funds, would have to be appropriated annually by Congress.

At present, more than 800 of these federal trust funds are not subject to this kind of annual review by Congress.

Instead, they have a permanent spending authority. This spending adds to our huge federal deficits and should be subject to some review and discipline.

HOW MANY—AND HOW MUCH?

The government has lost its sense of purpose in developing federal programs. New ones are hastily concocted with little or no knowledge of what's already in existence. Duplication is the order of the day.

Let's take just one example.

Today, we have more than 1,050 federal domestic assistance programs.

Many overlap. This makes it almost impossible to find out how many people are getting aid—and how much. It also leads to a great deal of waste and inefficiency.

Making matters worse, it's hard to determine what good the program is doing, if any.

The five-point plan I have outlined will bring about long-needed reform in the budgetary process if passed by Congress.

It permits Congressional control over federal spending and, at the same time, a constant review and upgrading of national priorities.

If Congress does not put an end to the spending spree, we face two alternatives: Taxes will go up—or a new surge of inflation will boost prices even higher.

Neither is acceptable to me, nor tolerable to an already overburdened free society.

HISTORIC JOHN BEATTIE QUARRY

HON. ROBERT N. GIAIMO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 8, 1973

Mr. GIAIMO. Mr. Speaker, I have received an informative article written by Mrs. Patricia Cochrane of my district concerning the vast quantity of quality granite obtained from the John Beattie Quarry on Leete's Island in Connecticut for use in such historic monuments as the Statue of Liberty. I would like to take this opportunity to include a summary of this material as follows:

The unusual pink and black-veined stone found in the pedestal of the Statue of Liberty is a product of a fine quarry on Leete's Island, in the State of Connecticut. The excellence of this stone remained unappreciated until after the Civil War when John Beattie recognized its value and purchased a few acres in 1869, and enlarged his claim to 400 more acres within a few weeks. Now it is recognized as a very durable stone—actually second hardest in the country—yet, despite its durability, takes on the fine polish of marble.

The contract for the statue's pedestal was arranged in 1882, and 400 workmen were hired from all over the world to blast the stone with black powder, in order that the contract deadline of 1884 be met. Pulled by oxen and sled to Hoadley Point, the cargo was then carried by the schooners *Wasp I* and *Wasp II* into Long Island through Hell's Point. The unshifting cargo—the four heaviest stones weighed 28 tons each—and the strong current made it necessary to scrap these ships at the end of their journey. When the cargo reached Bedloe's Island, a small community was set up to accommodate the workmen and their families nearby in Guildford.

John Beattie did well with his investment, making over $70,000 on this one contract. Other sites which were to use this granite were the Brooklyn Bridge, Newport News Grain Elevator in Virginia, Battery Wharf in New York City, bridges on the Harlem Railroad, and the Smithsonian Institution. The quarry is no longer in operation, and most of the land has been sold for individual homesites. Only the small piece of land bought by Yale University and containing John Beattie's home indicates anything of the activity that must have existed there during the 19th century.

CALIFORNIA CONSERVATION COUNCIL: IN SERVICE TO OUR NATION SINCE 1934

HON. GEORGE E. DANIELSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 8, 1973

Mr. DANIELSON. Mr. Speaker, I recently received a letter from the California Conservation Council noting that this is California Conservation Week. The Council, one of the oldest conservation organizations in California, was organized in 1934. Its members have worked to promote conservation through education and cooperation. Following is the letter describing the activities and goals of the Council.

MARCH 2, 1973.

Hon. GEORGE DANIELSON,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN DANIELSON: The California Conservation Council wishes to express deep appreciation for your interest and dedication to conservation. We appreciate your assistance in bringing Conservation Week observance to public attention.

Annual observance of Conservation Week, March 7–14 is sponsored by the California Conservation Council. The Council has placed educational materials in the hands of 9,000 schools this year. On March 5 the Council will sponsor a Conservation Education Banquet in Sacramento honoring Governor and Mrs. Ronald Reagan, Resources Agency Secretary Norman B. Livermore, Jr., and Wilson Riles, State Superintendent of Public Instruction. The ten top projects entered by California High Schools in the Presidential and California State Environmental Award Program will be given special plaques.

The California Conservation Council is one of the oldest conservation organizations in California. It was organized in 1934 to promote conservation of natural resources through education and to encourage cooperation in conservation effort. The Council is a non-profit corporation supported by voluntary contributions. It's membership is composed of educators, officials of governmental departments, industrial representation and concerned citizens.

The key role of the Council has been to identify needs and seek out those best qualified to affect a solution. The Council places particular stress on efforts to create a sound, rational basis for intelligent environmental decisions. A major thrust has been to furnish broad guaged and accurate information to educators. In this they have the benefit of counsel from outstanding Advisors for Cooperation who head both federal and state resource agencies or educational institutions. The Council sponsors conferences, worshops, publications and scholarships. We continually seek new areas of service to mankind.

Thank you again for your interest in promoting conservation.

Sincerely,

MRS. J. B. ATKISSON,
Executive Secretary.

DENY BAIL TO HARD DRUG PUSHER

HON. LOUIS FREY, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 8, 1973

Mr. FREY. Mr. Speaker, the Sentinel Star, an outstanding daily newspaper in my congressional district in Orlando, Fla., showed its awareness of the mounting heroin epidemic on March 5, with an editorial urging Congress to consider denial of bond to drug pushers awaiting trial.

The article follows:

DENYING BAIL TO HARD DRUG PUSHER WAY TO KEEP A BAD MAN DOWN

In considering ways to crack down on the dealers in heroin and other hard drugs, Congress should not overlook legislation that would permit judges to hold indicted drug law violators without bond pending their trials and appeals.

Recent court rulings have made it all but impossible to hold a defendant for trial without bond, even in the most serious cases, without specific statutory authority. Congress should provide that authority.

There is a question whether any individual caught selling addictive drugs should be at liberty anyway unless and until his innocence is established. Experience has shown that time and again the dealing continues—and sometimes further arrests are made—while a drug defendant is free on bond awaiting trial.

Besides the question of public safety, however, there is the psychology of a swift and certain stay in jail for anybody picked up dealing in drugs.

A potential pusher is often willing to take his chances with the law if he knows he can be free on bond pending not only his trial but several appeals dragging out months and sometimes years.

The chance of his actually going to prison diminishes with every day he's able to stay outside bars. Witnesses disappear and die and if his lawyer is sharp enough to wangle a new trial, the defendant figures he's home free, and often he is.

A specific law permitting judges to withhold bond in specified cases would make it a new ball game.

Under present law and prevailing judicial practices the criminal is taking a calculated risk on (1) not getting caught and (2) if caught remaining free on bond as long as his lawyer is able to stall and appeal.

Would the pusher take the same chance if he knew he'd be in jail while all this legal maneuvering is going on?

We think fewer of them would.

It is possible that the denial of bail would be a greater deterrent than the longer prison terms also being proposed.

STATEMENT TO ACCOMPANY THE ECONOMIC OPPORTUNITY AMENDMENTS OF 1973

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 8, 1973

Mr. CONYERS. Mr. Speaker, today I am introducing legislation to stop the President from unilaterally dismantling the Office of Economic Opportunity and to provide Congress with the opportunity to evaluate its performance. This legislation will give us the time to decide whether to continue OEO as presently constituted or to devise an alternative strategy for dealing with the problems of the poor. The bill suspends, for a period of 1 year from the date of enactment, the authority of the Director of the Office of Economic Opportunity to delegate any of his powers under section 602(d) of the Economic Opportunity Act of 1964.

Whatever our feelings are respecting the Office of Economic Opportunity—and certainly we may disagree among ourselves about the relative merit of various OEO programs—the issue that we must recognize today is that we are in the depths of a constitutional struggle centering upon the prerogatives of Congress versus those of the President. Our every action must be evaluated in that context. Before we pass judgment on the utility of the Office of Economic Opportunity and the substance of the President's arguments for destroying it, we should first deal with the question of who has the final authority to end this congressionally mandated program—Congress or the President.

The President's announced plans to transfer and abolish all programs administered under the Economic Opportunity Act without the consent of Congress are based upon the broad and ambiguous grant of authority in section 602(d) of the act. Although the President's plans and the Acting Director's actions to date constitute an executive reorganization within the meaning of section 903 of the Executive Reorganization Act of 1949, the President has not transmitted a reorganization plan to Congress and all indications are that, in the absence of clarifying language in the Economic Opportunity Act, he will not do so in the future. According to a legal memorandum prepared by the Acting General Counsel of OEO, the administration does not believe that a reorganization plan is required by law.

The bill I am introducing, while temporarily suspending the Director's authority under section 602(d), also requires that the President submit a reorganization plan to Congress if he wishes to delegate any powers, functions, or programs provided for the Office of Economic Opportunity under the act. This provision is necessary in order to clarify any ambiguity in section 602(d) that would lead to an interpretation that this section provides the Director with the authority to destroy OEO. The effect of this provision would be to put the President on notice that Congress intends to play a role in any significant changes made in the Office of Economic Opportunity.

Congress, on previous occasions, has similarly limited the authority of the Director under section 602(d). In 1969, Congress amended the Economic Opportunity Act to provide that the Director shall not delegate the legal services program. In 1972, Congress further amended the act to provide that the Director shall not delegate his functions under the community action and community economic development programs. In addition, Congress provided that the Director reserve and make available not less than $328.9 million for community action and $71.5 million for legal services and extended the duration of all programs administered under the act through fiscal year 1975. Congress, in passing these amendments, clearly recognized the need to insulate important programs from being delegated away from the Office of Economic Opportunity. These amendments not only indicate that Congress intended these programs to continue to exist until it decided otherwise, but also that OEO would remain a viable administrative vehicle for them.

As we are all aware, the President's plans include the transfer and abolition of all programs administered under the Economic Opportunity Act, rendering OEO an empty shell—A statutory entity without powers or functions. In addition, the President's plan provides for the termination of all Federal assistance to community action agencies, leaving their continued existence to the discretion of local communities. Clearly, Congress, in enacting the 1969 and 1972 amendments, intended to prevent exactly this type of unilateral action by the President.

It must be emphasized that the intent of this bill is not to prevent the President from reorganizing the Executive Office or to prevent him from implementing plans to more effectively fight the war on poverty. This bill only requires that the President consult Congress in the process by observing the law as set down in the Executive Reorganization Act and the various provisions of the Economic Opportunity Act.

For the benefit of those Members who would like to have the opportunity to cosponsor this legislation, the bill will be reintroduced next week.

I include the text of the proposed legislation and a section-by-section synopsis in the RECORD at this point:

SECTION-BY-SECTION SYNOPSIS OF THE ECONOMIC OPPORTUNITY AMENDMENTS OF 1973

Section 1. Prohibits the impoundment of funds appropriated by Congress for economic opportunity programs and exempts the Office of Economic Opportunity from the provisions of the Federal Anti-deficiency Act;

Section 2. Provided that the Director shall provide financial assistance to Community Action Programs;

Section 3. Provides that the Director shall develop special programs under section 222(a) of the Act;

Section 4. Provides that a vacancy occurring in the Office of the Director may be filled temporarily for not more than 30 days in conformity with title 5, United States Code, section 3348;

Section 5. Suspends for one year the Director's authority to delegate any of his powers or functions, or programs administered under this Act unless he complies with the terms of the Executive Reorganization Act. This will provide Congress with the opportunity to evaluate the effectiveness of the Office of Economic Opportunity. This provision does not affect delegations made under section 602(d) prior to January 31, 1973. However, any delegations made after this date not in compliance with this amendment are to be returned to the Office of Economic Opportunity;

Section 6. Prohibits the Director from disposing of property belonging to the Office of Economic Opportunity that would have the effect of reducing the Office's powers, functions or programs.

Section 7. Provides that the Director shall not transfer funds to other Federal agenices for the performance of Office of Economic Opportunity functions delegated after January 31, 1973, if the President has not complied with the requirements of the Executive Reorganization Act as provided in section 5 above. This section also provides, that any unexpended funds so transferred prior to January 31, 1973, not in compliance with this provision, be returned to the Office of Economic Opportunity;

Section 8. Provides procedures for a full and fair hearing before financial assistance may be suspended under any title of the Act.

Cosponsors

Mr. Conyers (for himself, Mr. Dellums, Mr. Pepper, Mr. Leggett, Mr. Harrington, Mr. Green of Pennsylvania, Mr. Frank Thompson, Mr. Moakley, Mr. Won Pat, Ms. Schroeder, Ms. Jordan, Mr. Brown of California, Mr. Bolling, Mr. Burton, Mr. Sarbanes, Mr. de Lugo, Mr. Owens, Mr. Waldie, Mr. Diggs, Mr. Edwards of California, Mr. Stokes, Mr. Metcalfe, Mr. Parren Mitchell, Mr. Rosenthal, Mr. Hicks).

Mr. Conyers (for himself, Mr. Fraser, Ms. Holtzman, Mr. Fred Rooney, Mr. Roybal, Mr. Stark, Mr. Riegle, Ms. Abzug, Mr. Andrew Young, Ms. Mink, Mr. Mendel Davis, Mr. Paul McCloskey, Ms. Burke of California, Mr. Seiberling, Mr. Kastenmeier, Mr. Helstoski).

H.R. 5398

A bill to amend title 42 of the Economic Opportunity Act of 1964 to require that any plans to reorganize the Office of Economic Opportunity be transmitted to Congress pursuant to the Executive Reorganization Act, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Economic Opportunity Amendments of 1973".

PROHIBITION OF IMPOUNDMENT OF APPORTIONMENTS AND DIVERSION OF FUNDS

SEC. 1 (a) The Congress directs that no part of any sums which have been apportioned pursuant to the provisions of the Economic Opportunity Act of 1964 shall be impounded or withheld from the purposes for which appropriated by any officer or employee in the executive branch of the Federal Government.

(b) No funds authorized to be appropriated for carrying out the Economic Opportunity Act of 1964 shall be expended by or on behalf of any Federal department, agency or instrumentality other than the Office of Economic Opportunity, except (1) as may be provided by Reorganization Plan, or (2) for functions delegated to another Federal department, agency, or instrumentality before January 31, 1973.

(c) Title 31, United States Code, section 665(c) shall not apply with respect to appropriations made to carry out the Economic Opportunity Act of 1964.

GENERAL PROVISIONS FOR FINANCIAL ASSISTANCE

SEC. 2. (a) The first sentence of section 221 (a) of the Economic Opportunity Act of 1964 is amended by striking out "The Director may provide financial assistance" and inserting in lieu thereof "The Director shall provide financial assistance", and by inserting before the period at the end thereof a comma and the following: "except that he may suspend financial assistance to recipients for failure to comply with applicable laws or regulations."

(b) Section 221(a) is further amended by striking out "also" in the last sentence.

(c) Section 221(b) of such Act is amended by striking out "he may extend financial assistance" and inserting in lieu thereof "he shall extend financial assistance".

SPECIAL PROGRAMS AND ASSISTANCE

SEC. 3. Section 222(a) of the Economic Opportunity Act of 1964 is amended by striking out "the Director may develop" and inserting in lieu thereof "the Director shall develop".

OFFICE OF ECONOMIC OPPORTUNITY

SEC. 4. Section 601(a) of the Economic Opportunity Act of 1964 is amended by adding at the end thereof the following:

"A vacancy occurring in the Office of the Director shall be filled in conformity with Title 5, United States Code, section 3348."

AUTHORITY OF DIRECTOR

SEC. 5. Section 602(d) of the Economic Opportunity Act of 1964 is amended by adding at the end thereof the following:

"The Directors authority, under this subsection, to delegate any of his powers is hereby suspended for a period of one year from the date of enactment of this provision. For the duration of such period, the Director shall not delegate or transfer any of his powers or functions, or programs administered under this Act unless the President complies with the requirements of the Executive Reorganization Act of 1949 (5 U.S.C. 903). The provisions of section 905(b) of such title shall not apply to a reorganization under this provision. Any transfers or delegations effected after January 31, 1973, not in compliance with this provision, are hereby rescinded and such powers, functions and programs are returned to the Director. This provision shall not apply to delegations made prior to January 31, 1973, and shall not affect the Director's authority to reimburse the heads of other Federal agencies for the performance of such functions so delegated: *Provided*, That he complies with the requirements of this subsection to assure the maximum possible liaison between the Office of Economic Opportunity and the delegated agencies."

LIMITATIONS ON DISPOSAL OF PROPERTY

SEC. 6. Section 602(f) of the Economic Opportunity Act of 1964 is amended by striking the semicolon following the word "otherwise" and inserting in lieu thereof the following: ": *Provided*, That no authority exercised under this subsection shall have the effect of abolishing or reducing the powers or functions of the Director of the Office of Economic Opportunity, any component thereof, or any program administered under this Act;".

LIMITATION ON TRANSFER OF FUNDS

SEC. 7. Section 602(h) of the Economic Opportunity Act of 1964 is amended by adding at the end thereof the following:

"The Director shall not transfer funds under this subsection for a period of one year from the date of enactment of this provision unless the President has complied with the requirements of the Executive Reorganization Act of 1949 (5 U.S.C. 903). Any unexpended funds transferred to other Federal agencies after January 31, 1973, not in compliance with this provision, are directed to be returned to the Office of Economic Opportunity. This provision shall not apply to transfers of funds made to continue programs, or to exercise powers or functions transferred by the Director prior to January 31, 1973."

APPEALS, NOTICE AND HEARING

SEC. 8. (a) Section 604 of the Economic Opportunity Act of 1964 is amended by striking out clause (2) and inserting in lieu thereof the following:

"(2) financial assistance under any title of the Act shall not be suspended for failure to comply with applicable terms and conditions, except in emergency situations, nor shall an application for re-funding under any title be denied unless the recipient agency has been afforded reasonable notice and opportunity for a full and fair hearing, and the Director solely on the basis of the record in that hearing has made a determination that the recipient agency cannot, in accordance with this Act and the rules, regulations, guidelines and other standards promulgated thereunder, satisfactorily administer the project or program for which financial assistance was extended: *Provided*, That the programs or projects instituted on a pilot, demonstration, or experimental basis pursuant to sections of the Act authorizing such programs or projects shall not be afforded the protections of this subsection."

(b) Section 604 of such Act is further amended by redesignating clause (3) as clause (3)(A) and striking the period at the end of section 604(3) and adding the following: "and the Director solely on the basis of the record in that hearing has made a determination that the recipient agency cannot, in accordance with this Act and the rules, regulations, guidelines and other standards promulgated thereunder, satisfactorily administer the project or program for which financial assistance was extended. (B) For the purpose of this section, refunding will be considered denied if the renewed funding will be reduced by more than 5 percent of Federal financial assistance available to the recipient agency under the immediately previous grant, contract or agreement, or if the period of operation authorized under the renewed grant, loan or agreement is less than 12 months. Only recipient agencies denied re-funding subsequent to January 31, 1973, shall be entitled to a hearing on a denial of re-funding pursuant to this section."

LEGAL SERVICES INVOLVED IN DRAFT COUNSELING

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 8, 1973

Mr. MICHEL. Mr. Speaker, the legal services programs of OEO were originally developed to provide legal aid to those disenfranchized members of our society who because of their low level of income, were unable to attain competent legal assistance. The program therefore provided legal help in the poverty areas of our country.

It has come to light however, that many of the programs have left their original mission of helping the poor and have thrust themselves into the political arena, with very little concern for the economic level of their clients.

I include the following article from the Chicago Tribune at this point in the RECORD:

LEGAL AID FOUNDATION OPENS OFFICE FOR DRAFT COUNSELING

A new draft counseling service has been opened by the North Shore office of the Cook County Legal Assistance Foundation, 828 Davis St., Evanston.

George Martin, communications coordinator for the foundation, said the service is the most complete yet offered. "The foundation not only will offer advice but will follow each man's case until it is ultimately resolved," he said. Lawyers aso will be found for men who need them.

The program, which is directed by Jerry Olsen, a member of the federal Volunteers In Service To America, also will conduct draft education sessions in North Shore high schools, according to Martin.

ADDRESS OF ASSISTANT DEFENSE SECRETARY JERRY W. FRIEDHEIM AT THE 10TH ANNUAL WEHRKUNDE MEETING IN MUNICH, GERMANY, FEBRUARY 27, 1973

HON. SAMUEL S. STRATTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 8, 1973

Mr. STRATTON. Mr. Speaker, one of the main participants in the February meeting of the "Wehrkunde" organization in Munich, Germany, examining some of the defense problems facing ourselves and our NATO allies in Western Europe, was Mr. Jerry W. Friedheim, Assistant Secretary of Defense for Public Affairs.

I am happy to bring Mr. Friedheim's forthright address on American defense policy in Europe to the attention of my colleagues in the Congress:

THE ROLE OF EUROPE IN U.S. POLICY

I was pleased to accept an invitation to present the United States' paper to this Wehrkunde Conference on "The Role of Europe in U.S. Policy," a subject both important and timely because of our mutual need to maintain a strong defense posture during the ongoing negotiations concerning security and cooperation in Europe and mutual and balanced force reductions.

As you are well aware, U.S. national security strategy is designed to move us toward President Nixon's goal of lasting world peace achieved and maintained through strong deterrence, based on strength, on partnership with our allies, and on a willingness to negotiate.

For 25 years after World War II our international role was shaped by a belief that the responsibility for world peace, stability, and prosperity rested largely on the United States. But what was true for the two decades following World War II is no longer feasible for the 1970's. The United States need no longer be the free world's only policeman. Increasingly, the domestic and international conditions—which once warranted such a role—have changed, and that change has called for a new role for the United States in international affairs.

Our President's international policy—the Nixon Doctrine—is a statement of the new U.S. role. And, at our Department of Defense our national security strategy, called realistic deterrence, provides the defense tool to implement the President's policies. The Nixon Doctrine defines a new partnership—a more realistic sharing of roles and responsibilities—between us and other nations in the building of common peace, stability and prosperity.

Our policy can be summed up in three statements:

First, the United States must continue to play a major role in world affairs. Our own security and well-being demand it. Our sheer weight in the international scheme of things makes it unavoidable. Any U.S. withdrawal into some sort of modern-day isolationism would be a recipe for disaster—disaster for us and the other nations of the free world. Our objective—and our responsibility—is and must be to work in concert and cooperation with other nations to build a stable, peaceful international order.

Second, the United States cannot and should not do everything itself. As President Nixon has said, "No nation has all the wisdom, and all the understanding, and all the energy required to act wisely on all problems, at all times, in every part of the world."

Moreover, the American people are realists, and they believe that we must place realistic limits on our world role in light of our own interests and our own domestic needs. And it is clear to all free nations that, in the long run, no free society can pursue and sustain international policies which its citizens do not support.

Third, other nations can and must assume greater responsibility than they have in the past in helping to provide for mutual security and economic well-being, and in building a peaceful and prosperous world order. Thus, we have the concept of NATO burden-sharing.

The post-war economic and political recovery here in Europe, and also in Japan, has long been an accomplished fact. Further, many of the newer nations of the world already have demonstrated that they have the resilience and the resources required to assume a greater share of the burden for their own security and well-being.

But, important as it may be that others are capable of doing more than they have done, there is an even more substantive reason for asking a greater degree of burden-sharing from them. It is our view that unless a nation feels itself primarily responsible for its own security and well-being, it will leave the task to others, and fail to marshal its resources and political will in its own defense.

For those nations which demonstrate that will and require technical assistance and materiel resources to assure their own security, the United States will continue to provide security assistance. But as President Nixon said in his recent inaugural address, "Let us measure what we will do for others by what they will do for themselves."

Apart from what a nation does for itself, there is the larger question of its responsibility for maintaining the peace. International order can be stable only if nations have a stake in its maintenance. Nations will not have such a stake unless they have participated in building that order.

These principles—these broad directions—guide current U.S. defense efforts.

In developing our national security strategy of realistic deterrence we have sought answers to these basic questions:

What should be the relative responsibilities of the United States and its allies for deterring threats?

What resources can and should each nation concerned contribute to the common defense?

How can we make optimum use under a total force concept of all available military and related resources to meet the requirements of the common security?

The answers to these questions, and the implementing actions taken delineate what has been accomplished over the past four years and what remains to be done in the years ahead.

First, deterrence of nuclear threats, both to the United States and its allies, has been and will continue to be primarily the responsibility of the United States. No other nation can maintain sufficient strategic nuclear power on the scale required to deter attack, threats or blackmail from the other nuclear super power. Without a continued U.S. nuclear deterrent for the common security of our allies, they might have neither the will nor the reason to do what can and must be done to deter conventional war threats.

But, while U.S. nuclear power is essential to the common security, it is not sufficient to deter the full spectrum of potential conflict and potential threats to U.S. and allied interests. Thus, the new Nixon Doctrine international policy concept of partnership and the new total force concept of our security strategy comes into full play.

In Asia we face jointly with our allies the problem of how to deter major theater conventional conflict and at the same time to deter sub-theater or localized conventional threats.

There is, of course, a tendency on the part of some persons—on both sides of the Atlantic—to see in the new era of negotiations a reason or an excuse to reduce defense efforts. Yet it must be apparent to thoughtful students of international security that free world and NATO military strength helped bring this new era about by effectively closing all paths except that of negotiation. And it must be equally apparent in Europe that Western positions and interests cannot be adequately protected and advanced in negotiations unless the West shows continued will and ability to maintain its military strength.

President Nixon in 1969 recognized the need to re-examine our collective NATO strategy to see if it was still viable in the light of new circumstances and new realities. We knew there were weaknesses and imbalances in NATO's conventional capabilities vis-a-vis those of the Warsaw Pact. The status of United States Forces in Europe had, before 1969, been affected by our troop commitments to Southeast Asia. It also was important to clear away some of the misunderstandings between the U.S. and its allies which had arisen over the years, and to work together to revitalize the cohesion of the Great Alliance.

Together, we carried out in NATO an exhaustive study of Alliance defense problems for the 1970's in which we reaffirmed the validity of our current military strategy and agreed on ways in which to improve NATO forces, their armaments, logistics, supporting infrastructure, and our ability to consult on their possible use in a crisis.

President Nixon has emphatically reaffirmed the American commitment to NATO. He has firmly said that, given a similar approach by our allies, the U.S. will maintain and will improve its forces deployed in the European area. We will keep that pledge.

But in the years immediately ahead, it will be very difficult to support an undiminished American troop presence in Europe if some of our partners whittle down the effectiveness of their own forces—whether by budget reductions, manpower reductions, or shorter terms of service.

At the NATO Defense Ministers' meeting two months ago our Secretary of Defense based his major intervention on burden-sharing and the need for more of it. Beyond his admonition that defense expenditures must grow in real terms and that funds must be used more efficiently in support of our common defense, he called for a continued European defense improvement program effort, and a decreased United States' cost share of NATO's infrastructure program. These suggestions will be difficult to realize, but the time is right, and our allies must understand the need to relieve us of some of the defense burden.

The era of negotiations is well upon us with agreements we already have concluded—such as SALT I and Berlin—and with CSCE preparatory talks and MBFR initial talks underway. And, in the light of this intricate complex of East-West discussions, we are beginning to hear a great deal from politicians and writers about some sort of profound and lasting shift in the basic attitude and approach of the Soviet Union toward the West.

This talk is premature, and detente without adequate defense is delusion.

Profound differences and disagreements continue between the East and ourselves. These differences cannot simply be ascribed to historical accident or misunderstanding. They are rooted in different conceptions of the rights and responsibilities of men and of governments, and in different approaches to dealing with other nations.

Nor dare we ignore other facts of international life.

We cannot discount the large, highly capable and improving Warsaw Pact armed forced in Europe.

We cannot shut our eyes to the rapid, sustained and growing Soviet arms expansion and arms improvement programs.

We cannot ignore the worldwide expansion of Soviet maritime forces and activity, including construction of an aircraft carrier.

We cannot safely disregard growing Soviet military presence in areas adjacent to NATO such as the Middle East and the Indian Ocean.

The simple fact is that as we meet here in early 1973 the Soviet military buildup, conventional as well as nuclear, continues with vigorous momentum.

Unless we face this strategic and political reality and make this recognition the starting point for our negotiating efforts, we jeopardize the chances for achieving peace, while subjecting our vital interests and our people to serious danger.

This is not to say that we should be totally unprepared to consider certain reasonable risks for peace. On the contrary, we should seek prudently and carefully to build a new relationship, if possible, with the Soviet Union and the nations of Eastern Europe. It should be a relationship based on reciprocal self-restraint and on accommodation of mutual interests. But that relationship only can be built on the foundation of a strong and unified West.

This era of negotiations is, in many ways, more dangerous, difficult and demanding than the previous era of confrontation. But the United States is confident that NATO is equal to the challenge. Some persons have expressed concern about our ability to manage MBFR and other negotiations while maintaining allied cohesion. But however great a challenge MBFR may be for us, in many ways it will be an even more severe test for the East.

Whatever our problems here in the West, the mutual understanding and trust that has long prevailed among us will be a great asset over the months ahead as we negotiate with our adversaries. It is an asset all of us must guard with care.

Let us now briefly consider the U.S. Defense Budget for fiscal year 1974 and relate it to the U.S. role in Europe.

The Department of Defense Budget for fiscal year 1974 continues funding for a strong defense posture essential to the security of the United States and its allies in support of negotiations. It is an austere budget that reflects no real increase in total funds allocated for defense over fiscal year 1973. The transition from support of U.S. Force involvement in Southeast Asia to Vietnamization is substantially completed.

This permits in the fiscal year 1974 Budget the further modernization of our peacetime or "baseline forces," consistent with the principles of the Nixon force, without affecting the size and strength of U.S. Forces in Europe. The budget provides a program balanced between personnel, modernization and technology. And for the first time, it stabilizes the growth of personnel and related costs in order to preserve this balance.

Some of the more important points to be noted are:

FINANCIAL

Total budget authority requested for fiscal year 1974 is $85.0 billion, an increase of $4.1 billion over fiscal year 1973. This cost increase largely represents military and civilian pay increases.

Nixon Doctrine Military Assistance Programs are budgeted at $1.3 billion—an increase of $300 million over fiscal year 1973.

MAJOR PROGRAM CHANGES

Strategic Force funding remains level at $7.4 billion between fiscal year 1973 and fiscal year 1974. Major Strategic Weapons Systems funding, however, reflects increases for research and development work on Trident ballistic missile submarines and significant decreases for Safeguard missile defense. Poseidon submarines and the proposed short-range attack missile.

General Purpose Forces program levels will increase slightly. This is the net result of decreases in funding for support of Southeast Asia offset by pay increases and modernization programs.

Significant modernization program increases cover funding for the F–15 fighter, F–4J fighter, a new attack aircraft, another nuclear-powered aircraft carrier, and a new series of destroyers.

FORCES AND PERSONNEL

Strategic Missile Forces remain stable with programs continuing for the Minuteman III modernization and the conversion of Polaris to Poseidon submarines.

Strategic Bomber Forces are reduced from 30 squadrons to 28 squadrons; reflecting fact-of-life retirements of older B–52's that have reached the end of their structural life.

Naval General Purpose Forces continue to reflect decreases as older, less effective ships and submarines are retired and replaced in lesser numbers by new, highly effective ships. Principal reductions are in destroyers and diesel submarines. Two nuclear ships and four nuclear attack submarines will join the fleet along with five destroyer escorts and a missile frigate.

General Purpose Ground and Air Forces remain substantially at the level programmed for fiscal year 1973.

Military personnel are programmed to decrease by 55,000 to a total of 2,233,000 during fiscal year 1974. This is in part attributable to programmed reductions in Southeast Asia support and in part to efficiencies in overall staffing.

Secretary of Defense Elliot Richardson reported, in response to questions last month by a member of the U.S. Congress, that the most recent Department of Defense estimate of costs for the U.S. Forces and Support Programs earmarked for NATO is roughly $16 billion annually—about one-fifth of our total Defense Budget. This estimate is defined as the annual savings to the Defense Department Budget that would accrue if all of the following did not exist:

All of the U.S. General Purpose Forces and related support elements and headquarters in Europe.

Some of the U.S. General Purpose Forces (both Active and Reserve) that are formally committed to NATO but are not in Europe.

Variable costs of U.S.-based support including training, individual support and logistics for the above forces.

Military assistance for European countries and the NATO infrastructure program.

About $7 billion of the $16 billion is related to the cost of U.S. combat forces actually in Europe and to their U.S.-based support.

SUMMARY

I have described for this Wehrkunde Conference the dominant defense implications of the Nixon Doctrine which has guided U.S. national security planning and actions over the past four years, particularly as they relate to Europe. By any standard of measurement we have covered together a good part of the security road that we must continue to travel together. And it is in the nature of the enterprise that the first seps were the hardest. For they entailed reorienting long-held views and patterns of actions, not only on our part, but on yours. For a quarter century, we had all believed that it was fitting and feasible for the United States to assume primary responsibility for countering all threats to the common security. The lesson we have learned together over the past four years is that partnership, not predominance—sharing, not supremacy—is in our common interest.

"Shared Sufficiency" is what it is all about. The Alliance has been and remains the world's mightiest force for peace. And as President Nixon has said, for the United States this year is the "Year of Europe."

THE ILLUSION OF SWEDISH NEUTRALITY

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 8, 1973

Mr. CRANE. Mr. Speaker, Sweden's increasingly self-righteous pronouncements concerning American policy in Vietnam have convinced many observers that under the leadership of Prime Minister Olof Palme, Sweden has finally abandoned its traditional policy of "neutrality," even though that policy has hardly been "neutral" for many years.

In his most recent outburst, Palme compared the U.S. bombing of North Vietnam to the worst work of the Nazis in World War II. Mr. Palme did not mention, however, that Sweden refused to join in the Allied effort against Nazi Germany, and that while Danes and Norwegians suffered under a brutal Nazi occupation, Swedes maintained a high level of prosperity by doing a substantial business with Hitler. Only in 1973, when Mr. Palme feels it necessary to express his solicitude for the regime in Hanoi, do the barbarities of Nazism seem so overwhelming.

Sweden has not been neutral in fact for some time. It has significantly increased its trade with Communist countries and there has been a growing development in the export of technology and cooperation in production. ASEA, the large Swedish electrical company, for example, has an agreement with Hungary to manufacture certain components on a profit-sharing basis for incorporation in goods distributed in Eastern Europe.

According to Prof. Martin Schiff of the City University of New York, writing in Modern Age:

> The increase in trade with the Communist bloc nations has been accompanied by mounting and continuous criticism of such American allies as Greece, Portugal, Spain, as well as South Africa, South Vietnam, and Rhodesia while the dictatorial regimes and atrocities of the Soviet Union, its Eastern European satellites, its Arab client states and North Vietnam have rarely been rebuked . . . Sweden never voiced more than a fleeting objection to Viet Cong atrocities or the use of North Vietnamese or Russian tanks to invade South Vietnamese villages.

Professor Schiff provides a number of examples of Sweden's acquiescence to the will of the Soviet Union.

Typical of the Swedish attitude in recent years is the Government's concern for Russian feelings in the Solzhenitsyn affair and its decision to award him the 1970 Nobel Prize at a private ceremony rather than at an official ceremony in the Swedish Embassy in Moscow.

Another example occurred in the Hjalmarson incident in 1959. At that time Jarl Hjalmarson, the Conservation Party leader, was removed by the Swedish Government from membership on Sweden's U.N. delegation, a body traditionally multiparty in composition reflecting both Government and opposition viewpoints. The removal was justified on the basis that Hjalmarson was too pro-Western and anti-Soviet in his speeches. He had criticized the Swedish Government for inviting Nikita Khrushchev to visit Sweden because of the 1956 stifling of the Hungarian revolution.

Prime Minister Palme, notes Professor Schiff, has accelerated the movement of Sweden toward a pro-Soviet position. He kept Sweden's doors open to American draft dodgers and deserters and welcomed Bertrand Russell's Vietnam war-crimes tribunal to Stockholm. Under his prodding, the Riksdag has dispatched an impressive $15 million a year into North Vietnam. No similar solicitude has been expressed for the victims of Vietcong atrocities, for intellectuals suffering in Soviet slave labor camps, or for the millions slaughtered by the regime of Mao Tse-tung.

I wish to share with my colleagues Professor's Schiff's thoughtful analysis of Swedish "neutrality." Following is his article, "Swedish Neutrality in Transition," as it appeared in the fall 1972 issue of Modern Age:

SWEDISH NEUTRALITY IN TRANSITION

(By Martin Schiff)

Sweden's tradition of neutrality evolved from the beginning of the nineteenth century as an expedient for a small nation anxious to stay of of costly, unrewarding wars. The neutrality tradition remained essentially devoid of moral and ideological overtones even through two world wars and the ravages of Nazism. In fact, the practice of Swedish neutrality during World War II accommodated the Nazi war machine until the Allied forces began to win the war in 1943. Government policy statements defined and defended the neutrality policy as freedom from alliances in peace, aiming at neutrality in war. Such a formulation is still used today, but it is by no means certain that the neutrality policy remains free of moral and ideological considerations and rooted in its pragmatic antecendents.

After World War II, the Swedish government headed by Tage Erlander began to emphasize that the neutrality policy was not the same as passivity of isolationism. Great stress was placed on the need for international solidarity especially through such organizations as the United Nations. Sweden pledged to participate fully in the U.N. principle of collective security and "in the event of a future conflict to give up neutrality to the extent that the charter of the organization demands." Such a pledge, however, was inevitably qualified by the condition that there be no subdivision of the great powers into two camps within the U.N. If such a subdivision took place, the government explained, traditional Swedish neutrality would be reasserted and Sweden would remain outside of any group or bloc formation.

With the onset of the Cold War and the breakdown of the U.N.'s collective security function, the Swedish government exercised great restraint in defining its foreign policy role. World peace and international cooperation remained the ultimate goals of Swedish foreign policy, but the government made very clear the limited role it envisaged for Sweden to these ends. In a series of government statements from 1950 through the early 1960's, Sweden stated that it was not able to play any part in bridging the gaps existing between the great power blocs.

In recent years bilateral aid has assumed greater importance in the Swedish foreign aid program because it gives Sweden a more direct voice in implementing the goals of the program. It is not considered threatening to neutrality *per se* because of Sweden's obvious lack of power ambitions. What has become more controversial for neutrality, however, is Sweden's engagement with third world liberation movements and the bilateral aid and moral support given these movements. Foremost among these movements has been the Vietnamese National Liberation Front, but the Palestinian Arab refugees and the black struggle in South Africa and Rhodesia have also received significant Swedish support. The controversy over this ideological turn in the bilateral aid program reached its peak in 1969 when former Minister of Education, Olof Palme, succeeded as Prime Minister, Tage Erlander, who retired after twenty-three years in office. Palme, who the previous year had marched in a pro-Viet Cong torchlight parade with the North Vietnamese ambassador, raised the furor when he pledged forty million dollars in aid and credits to North Vietnam and acknowledged a greater sympathy for the North Vietnamese government than for the Saigon regime. The U.S. government, reacting angrily to Palme's policy statements, announced that it would consider financial reprisals against Sweden if the forty million dollar aid pledge was indeed granted.

To many Western observers Sweden's commitment, both moral and financial, to third world liberation movements represented less a new, activist neutrality than a departure from neutrality. In fact the suspicion of Swedish neutrality in Western circles has significant antecedents. First, there was Sweden's refusal to permit French and British troops to enter Swedish territory during World War II. The troop movements, designed to aid Finland in its war with Russia and concomitantly cut off the supply of Swedish iron ore to Germany, would undoubtly have turned Sweden into a battleground and seriously undermined both its neutrality policy and its security. Then in 1948 when the United States formulated plans for NATO, Sweden not only refused to join but proposed its own alternatives, a Scandinavian defense community. The Swedish plan, which was never implemented, would have linked Sweden, Denmark and Norway in a neutral defense alliance. During the peak of the Cold War in the early 1950's, both President Eisenhower and Secretary of State John Foster Dulles made ill-concealed references to Sweden when castigating a nation of rampant sex, high suicide rate, excessive socialism and moral neutrality in the war between good and evil.

To a certain extent Sweden's unwillingness to openly support the Allies during World War II and affiliate with the Atlantic alliance after the war undoubtedly contributed to a deterioration in U.S.-Swedish relations leading to the bitter disagreement over Vietnam. Almost from the inception of the U.S. involvement in Vietnam in 1960, Sweden was the foremost non-Communist critic of America's Vietnam policy. Ultimately all Swedish political parties and the whole Swedish press came to criticize this policy in varying degrees and frequencies. The basic disagreement with America's Vietnam policy has been over what Sweden considers the fallacious assumptions of that policy. Instead of a war against monolithic Communist imperialism and the consequences of the "domino" theory as the U.S. perceives it, Sweden has long considered the war as an American imperialist aggression against a genuine national liberation movement. The fact that Sweden could identify with the Vietnamese people against the American government was not perceived as a violation of neutrality; it was not the Soviet Union or Communist China which was supported but the Vietnamese people.

Notwithstanding the Swedish rationale for its steadfast and highly vocal criticism of America's Vietnam policy, there is no denying the fact that the neutrality policy has undergone a striking metamorphosis in the past twenty-five years from isolationist to activist and now apparently to ideological commitment. The dispute with the U.S. over Vietnam is perhaps less a cause than an effect of this metamorphosis. Swedish neutrality during the 1960's has been increasingly explained in strongly moral terms especially with respect to the aspirations of the third-world. Sweden's commitment to third-world liberation movements is now as important a tenet of its neutrality policy as its economic and technical aid to newly-independent countries. This ideological redefinition of neutrality leaves little, if any, distinction between Swedish neutrality and third world neutralism of the Indian variety.

Unlike Swiss and Austrian neutrality, Swedish neutrality is not mandated by its constitution or any treaty. Swedish neutrality is based solely on tradition which has itself been dependent on maintaining the confidence of the Great Powers in Sweden's willingness and ability to remain neutral in the event of war. Yet the ideological turn in Swedish neutrality has been allowed to erode Western, and especially American, confidence in Swedish foreign policy. Sweden has provided a haven for several hundred American war deserters and extended diplomatic recognition to the government of North Vietnam. Sweden has been the only country in Western Europe to both openly encourage such desertion and award such full diplomatic recognition to the Hanoi regime. In March 1968, irked by Swedish opposition to the Vietnam war, President Johnson recalled Ambassador William W. Heath for five weeks as an American protest against the Swedish attitude. Then in 1970 Jerome Holland, the new U.S. ambassador to Sweden, was insulted and pelted with eggs by a crowd of young Swedes upon his arrival in Sweden, an incident viewed with shock and disgust by the overwhelming majority of Swedes. Sweden has allowed the National Liberation Front of South Vietnam to open an office in Stockholm and fly its flag. Sweden was also among the first of the non-Communist nations to recognize the government of Communist China and lobby for Communist Chinese admission to the United Nations.

Racial discrimination by whites against blacks has also been an important issue in Sweden's new ideological neutrality policy. By way of contrast, Sweden is silent about the continued prevalence of slavery and the black slave trade in such states as Saudi Arabia, Dahomey, Sudan, Upper Volta and others. Criticisms of these countries would run counter to the positive third world image Sweden tries to cultivate. Confined to criticisms of discrimination by white governments in South Africa and Rhodesia, Swedish foreign policy is much less controversial than it is on the Vietnam issue; racial discrimination in these two countries is basically devoid of Cold War connotations. The Swedish government has cited the U.N. charter and the Declaration of Human Rights as a basis for its support of U.N. recommendations directed against the racial policies of these two governments. Sweden, however, has been less decisive with respect to the implementation of any such recommendations. Sweden has abstained from General Assembly resolutions voted to boycott all trade with these two nations. Adopting a very legalistic interpretation of the U.N. charter on this question, Sweden has contended that only the Security Council may institute such a boycott with the General Assembly limited to exerting pressure. Sweden has supported an unofficial boycott against the purchase of South African goods, yet Swedish trade with South Africa during the past decade has flourished. In 1968, for example, Sweden exported forty-five million dollars worth of goods to South Africa while importing twelve million dollars.

Sweden's unheralded but lucrative trade with South Africa provides a clue to one possible cause of Sweden's new ideological neutrality. In the past decade Sweden has experienced increasing economic problems. Mounting unemployment has caused a search for new markets. In the West, Sweden is faced with rising difficulties in selling its exports because of increasing costs brought about by strikes and highly inflationary wage settlements. American protective tariffs, import quotas and the recent import surcharges have further discouraged increased American-Swedish trade. Moreover, the development of the European Economic Community and the likelihood that Sweden is to be excluded from that organization has made future trade prospects with Europe doubtful. Thus, as Western trade prospects dim, Sweden is forced to seek trade elsewhere. In 1971, Sweden's trade with EEC and the U.S.A. declined while its Eastern European and third world trade increased. Ideological neutrality viewed in this context takes on an economic orientation which permits tacit trade even with a South Africa. The ideological commitment thereby may fulfill a pragmatic economic purpose much as the postwar activist commitment did all along.

The developing countries have a negative balance of trade which provides a means for highly export-oriented countries such as Sweden to gain access to their resources as well as their markets. Even if such countries cannot afford to buy much from Sweden, they provide a tremendous potential for the application of Sweden's advanced technology to their raw materials. Trade with Communist countries, on the other hand, provides Sweden with a more immediate alternative to replacing the lost American and European trade. Sweden's advocacy of the Communist Chinese cause since 1950, for example, has now put Sweden in the forefront of Western commercial contact with China, especially Swedish engineering and metallurgical firms. China has also announced that it will export oil to friendly countries, among which Sweden was specified.

Sweden has substantially increased its trade with all Communist states in the last five years. There has also been a notable development in the export of technology and cooperation in production. ASEA, the big Swedish electrical concern, for example, has an agreement with Hungary to manufacture certain components on a profit-sharing basis for incorporation in goods distributed in Eastern Europe. The increase in trade with the Communist bloc nations has been accompanied by mounting and continuous criticism of such American allies as Greece, Portugal, Spain as well as South Vietnam, South Africa and Rhodesia while the dictatorial regimes and atrocities of the Soviet Union, its Eastern European satellites, its Arab client states and North Vietnam have rarely been rebuked. The Soviet invasions of Hungary in 1956 and Czechoslovakia in 1968 did meet with criticism from the Swedish government and press, but the objections were not sustained and the new *status quo* was accepted each time without further critique. Sweden never voiced more than a fleeting objection to Viet Cong atrocities or the use of North Vietnamese or Russian tanks to invade South Vietnamese villages.

Typical of the Swedish attitude in recent years is the government's solicitude for Russian feelings in the Solzhenitsyn affair and its decision to award him the 1970 Nobel Prize at a private ceremony rather than at an official ceremony in the Swedish embassy in Moscow. Such solicitude seems to signify subservience to the Soviet government's literary-political standards, implying at least partial repudiation of the judgment of the Nobel Prize committee in honoring Solzhenitsyn. No similar concern seems to have bothered the Swedish government in repeatedly denouncing the United States on the Vietnam war and in giving haven to American deserters.

The Swedish government has repeatedly denied that its neutrality policy is in transition toward a form of ideological neutrality or neutralism. Yet there have been signs of a shift in Sweden's traditional neutrality toward a greater affinity for the third world and even the Communist bloc since the end of World War II. One subtle indication of this shift was the increasing official usage of the very term "neutrality policy" after World War II instead of the longer term "freedom from alliances in peacetime aimed at neutrality in wartime." The Social Democratic government explained that the shorter term was used because it cleared away any misunderstanding about any presumed options Sweden might have of either going to war or remaining neutral once a major power war broke out. The opposition parties, it was explained, preferred to use their own short term, "non-alliance policy," to imply that Sweden need not necessarily be neutral in any future war between the Western powers and the Soviets but might join up with the West. The opposition parties for their part explained their dislike of the term "neutrality policy" on the ground that it implied ideological neutrality and even pacifism.

The Hjalmarson incident in 1959 also seemed to indicate an unusual solicitude for Soviet feelings. Jarl Hjalmarson, the Conservative party leader, was removed by the Swedish government from membership on Sweden's U.N. delegation, a body traditionally multi-party in composition reflecting both government and opposition viewpoints. The removal was justified on the grounds that Hjalmarson was too pro-Western and anti-Soviet in his speeches. He had criticized the Swedish government for inviting the Soviet head of state, Khrushchev, to visit Sweden because of the 1956 Hungarian massacre. He also advocated military cooperation with the Western powers. Hjalmarson and his supporters contended, however, that "an exaggerated fear of expressing our opinion can undermine confidence in our neutrality." The Hjalmarson episode has been analyzed as illustrative of the fact that Sweden's freedom of action in foreign policy is limited by the need to retain the confidence of the great powers. Yet, in retrospect, it was the confidence of the Soviet Union that had to be maintained.

The Soviet Union's overwhelming presence and proximity to Sweden after 1945 seems to have some considerable relation to the reversal in Sweden's German-oriented neutrality which took place. In October, 1946 Sweden signed a trade and credit agreement with Russia. The Soviets received a commercial credit of 1,000 million kronor (about 280 million dollars in 1946 dollars). The credit was to be used during the next five years and was to include purchases of electrical equipment, machines, and various products of heavy industry. Calculated on the first half of 1946 these purchases represented "20 to 30 percent of the total export value of the engineering industry and about 50 percent of the locomotive industry's production capacity."

This agreement with the Russians aroused great controversy both in Sweden and abroad, especially in the United States. Sweden had never had a comparable agreement with the Soviets before. The Swedish government defended the agreement as a means of taking precautions against expected depression and unemployment during the initial postwar period. Others have explained the trade agreement in terms of Sweden's attempt to assuage its guilt feelings for helping Germany during World War II to wage war on Russia. The opposition parties, however, denounced the agreement as an unnecessary concession to Soviet interests.

The agreement turned out to be very harmful to Sweden economically. Sweden experienced severe inflation and deflection of trade as a result of absorption of much of Sweden's export productivity by the Russians through the trade credits. On March 15, 1947 the Swedish government put a complete ban on imports in a move to fight inflation. There was also widespread dissatisfaction with the fact that Russia was sending so many engineers and other technical personnel, numbering in the hundreds, to Sweden and possibly undermining the Swedish economy.

Another controversial indication of a subtle shift of Sweden's neutrality in the direction of Russia was the government's decision in 1945 to extradite Baltic refugees to Russia on the ground that they had been collaborators against the Soviet Union. This action was regarded by many as a degrading political concession to Soviet pressure.

In pragmatic terms, America's involvement in Vietnam in the 1960's coupled with successful Soviet expansion and inroads in Latin America, North America, the Mediterranean Sea, the Middle East, the Indian Ocean and even the reassertion of Soviet hegemony in Hungary and Czechoslovakia may justify a less subtle, pro-Soviet orientation in the neutrality policy. Swedish support for the Vietnamese national liberation movement is, at least indirectly, support for the Soviet Union's most important Asian ally. The Soviet Union has in fact supplied about ninety percent of North Vietnam's war materiel. The third world liberation movements have characteristically been directed against the United States and its Western allies. Swedish support for these movements, therefore, with no comparable support for the multitude of minorities brutalized by Communist regimes appears to further accentuate a pro-Soviet shift in neutrality that started after 1945. Despite government denials, such a form of neutrality strongly resembles the neutralism status that has been advocated by, among others, India's Nehru, Egypt's Nasser, Indonesia's Sukarno and, currently, Yugoslavia's Tito.

It is questionable, however, whether this apparent ideological turn in the neutrality policy serves pragmatic ends even if based upon pragmatic considerations. In terms of trade. Sweden's total trade with the West—EEC, EFTA and the U.S.A.—amounts to approximately four times its total trade with the rest of the world including Eastern Europe. From an economic standpoint, the expected decline in Western trade both in the near and long terms cannot possibly be compensated for in the third world and the Soviet bloc. Yet, from a political standpoint, Sweden's increasing isolation from the West and alignment with pro-Soviet and anti-Western elements in the third world are accelerating the trend toward national economic decline.

Few public figures in Sweden call for an end to neutrality for such a move would probably cause a political uproar. The neutrality *tradition* which has kept Sweden out of war for over one-hundred-fifty years is strong enough to prevent public debate over the question of the present and future utility of the neutrality *policy*. However, the economic realities are that tacit acceptance of the presumed neutrality-EEC dichotomy would pit Sweden's eight million people in economic competition with a European Economic Community encompassing some two-hundred-sixty million people including Sweden's current EFTA trading partners, Britain, Norway and Denmark. The Conservative party press, especially *Svenska Dagbladet* and *Göteborgs Handels-Och-Sjöfartstidning*, has recently attempted to stir public awareness of Sweden's grim economic prospects and suggested "alternative definitions" of neutrality.

In his book, *Inrikes utrikespolitik*, Gösta Bohman, a prominent Conservative party leader and legislator, contends that the ideological turn in Sweden's neutrality policy against American interests in Vietnam is intended for internal consumption. Bohman argues that the Swedish government has purposefully catered to sensationalism in the mass media and extreme anti-Americanism left-wing groups which are the most politically active. Speeches by Prime Minister Palme and other government representatives fanned the flames of anti-American hatred and instigated the egg-throwing and racial abuse directed against U.S. Ambassador Holland. Bohman's argument is not so much a defense of America's Vietnam policy as it is an attack on what he considers the unbalanced, simplified and insulting ways in which Palme government has criticized that policy. The Social Democrats, Bohman finds, sought a party monopoly on Sweden's national indignation over the Vietnam war by adopting the most extreme anti-American positions. Bohman illustrates how Social Democratic Party campaign literature in 1970 solicited contributions with the slogan "Stand up behind Palme's and the government's protest against the war in Vietnam." He observes how Swedish recognition of North Vietnam is an abandonment of Sweden's traditional policy of not recognizing divided states. The Social Democratic Party program dealt very extensively with non-European problems but very little with European problems. The government's foreign policy engagement appeared to increase in direct relation to the distance from Sweden, a fact which was emphasized by Sweden's opponents in EEC. Bohman accuses the Palme government, moreover, of undermining Western confidence in Sweden's traditional neutrality and thereby Swedish national security as well in return for anticipated internal political gains. Bohman's conclusions were supported by other Swedes including, among others, Erik Boheman, a Liberal party leader, speaker in the *Riksdag's* first chamber and former Swedish ambassador to the U.S.A., in his book *Tankar i en talmanstol* (*Thoughts from the Speaker's Chair*), and the directors of the Federation of Swedish Industries, Erik Braunerhielm and Wilhelm Paues.

Swedish public opinion remains strongly opposed to America's Vietnam policy, but other aspects of Sweden's neutrality orientation toward the third world may be less popular. For example, a 1956 public opinion poll of 1146 people on the question of increasing Swedish governmental aid to the poor lands in Asia and Africa found 61 percent of the men and 55 percent of the women polled to be opposed to such an increase. A similar poll conducted in 1961 by the Swedish Institute for Public Opinion (SIPO) disclosed a 64 percent figure for those who did not desire an increase in Swedish governmental aid. Moreover, the number favoring an increase dropped from about 37 percent in 1956 to 24 percent in 1961 with the remainder undecided. In general, Swedes are not especially fond of foreigners as indicated by a 1966 SIPO poll in which 31 percent of Swedes maintained that there were too many foreigners in Sweden. This was a sharp rise from the 13 percent who felt this way in 1957.

The 1970 election results in Sweden were a setback for Olof Palme even though the Social Democrats won the election as they had every one since 1932. Gathering 45 percent of the total vote and 163 seats, they lost their absolute majority in the new 350-seat unicameral *Riksdag*. The decline in Social Democratic popularity from its 50.1 percent total in 1968 was attributed to an unusual rash of wildcat strikes in 1969, inflation that sent food prices up 7 percent in 1970, a worsening housing shortage, and other economic problems. Palme stated that he did not see in the election returns any disapproval of policies of his government in support of North Vietnam.

By the autumn of 1972 both Prime Minister Palme and the Social Democrats appeared to be losing still more popularity. Public opinion polls indicated that Swedes were increasingly distressed by economic problems. Public confidence in Mr. Palme had reportedly dropped even further than in his party. Although the Social Democrats are the predominant party by far in Sweden and are likely to remain so in the 1973 parliamentary elections, the declining public confidence indicates the indirect effects of Sweden's third-world and Soviet-oriented neutrality policy. The economic repercussions of isolation from the U.S.A. and Western Europe—an isolation amounting to what has been termed here ideological neutrality—will likely prove disastrous for Sweden in the long run. The political repercussions of this isolation could reduce Sweden to the status of Finland or, even worse, an Eastern European Soviet satellite. Sweden has tacitly assumed that the West would never permit a Soviet attack on Sweden to go unanswered. This assumption, however, could prove dangerously unwarranted if the transition from Sweden's traditional and active neutrality to ideological, anti-Western neutrality becomes permanent.

OTHER COMPANIES AND AREAS BACK "911" CONCEPT

HON. J. EDWARD ROUSH

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 8, 1973

Mr. ROUSH. Mr. Speaker, yesterday I included in the RECORD for the sake of my colleagues, a listing of all the cities in the Bell system that have either gone on "911," the emergency number, or plan to do so in the near future. Now I wish to add the cities operating under other telephone systems:

OTHER TELEPHONE SYSTEMS

As of January, 1972 General Telephone Company reports the following cities using the "911" emergency number:

ILLINOIS

Bloomington

MICHIGAN

Muskegon

NORTH CAROLINA

Durham
Butner-Creedmoor

OHIO

Sylvania

PENNSYLVANIA

York County (scheduled for '74)

OKLAHOMA

Broken Arrow
Wynoka

TEXAS

College Station
Irving
Lemesa
Sherman

WASHINGTON

Sunnyland
Everett

This is a total of 13 systems representing a population of almost 1,000,000.

The Independent Telephone Association has also reported on their cities using "911" (excluding those of General Telephone). These cities are:

ALASKA

Kodiak
Sitka

ALABAMA

Haleyville
Leeds
New Hope
Owens Cross Roads
Ashford

CALIFORNIA

Kerman

FLORIDA

Lake Buena Vista

ILLINOIS

Geneseo

MINNESOTA

St. James

NEBRASKA

Aurora
Doniphan
Giltner
Hampton
Hordville
Marquette
Phillips
Trumbull
Lincoln
Beatrice
Plattsmouth
Hebron

NEVADA

Tonopah
Yerington
Boulder City

NEW YORK

Jamestown
Hancock

OHIO

Amherst

PENNSYLVANIA

New Bethlehem
Butler
Meridian
Connoquenessing
Nixon

SOUTH CAROLINA

Lexington

VIRGINIA

Manassas
Nokesville
Triangle
Quantico
Dale City
Woodbridge
Independence Hall
Occoquan

WASHINGTON

Westport

WYOMING

Mount View
Fort Bridger
Lyman

These cities provide another 348,262 individuals using "911." Twenty-four companies are involved.

EXPEDITED ACTION NEEDED ON COLLEGE STUDENT AID FUNDS

HON. THADDEUS J. DULSKI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 8, 1973

Mr. DULSKI. Mr. Speaker, the Federal funding of college student aid needs expedited attention.

This is a matter concerning present and potential college students—not the colleges themselves.

The student aid program for the next school year, beginning in the fall, needs clarification and appropriations as soon as possible so continuing students and new students can make their scholastic plans.

Involved principally are students who probably would be unable to begin or continue college study without Federal help.

The needed funds are to be included in a pending supplemental appropriation bill. I hope sincerely that the Committee on Appropriations will see fit to approve moneys in line with the funding pattern outlined in the Education Act Amendments of 1972.

With the programs now in limbo, students cannot know what Federal help may be available to them in the next school year. This makes it difficult for them—and the colleges—to set their schedules for 1973–74. Planning time is short.

Mr. Speaker, a few days ago I had the pleasure of attending a reception with many college and university presidents, including Dr. E. K. Fretwell, Jr., president of State University College at Buffalo, N.Y.

State University College is just one of the several fine colleges and universities which we are fortunate to have in the Buffalo area. The Federal aid program, to my own knowledge, has made it possible for many capable and deserving students to obtain higher education which otherwise might have been denied them.

Mr. Speaker, the American Association of State Colleges and Universities issued an informative statement on the student aid subject following its meeting here. I include the text as part of my remarks at this point in the Record:

STATEMENT

A large number of college and university presidents of the American Association of State Colleges and Universities have come to Washington because of an emergency situation: Unless Congress acts rapidly, hundreds of thousands of students will be denied an education.

In the past, presidents have discussed with Congress the need for institutional aid, the construction and remodeling of facilities, and the funding of specific categorical programs. But today we are not here for our institutions; we are here for our students.

Reports from our student aid officers indicate a growing sense of disillusionment and frustration because they cannot tell students what type of assistance they can expect this fall.

We agree with the President that no qualified student should be deprived of the opportunity to receive a post-secondary education because of a lack of adequate financial resources.

We support the President's request for $622 million for the newly enacted Basic Educational Opportunity Grants program and $250 million for the College Work-Study program.

We are concerned, however, not only with the most needy students, but also with the plight of the middle class student who might have expected through continuing educational opportunity grants and low cost student loans some assistance in the face of increasing costs.

To help the middle class student, the law requires that, at a minimum, $130.1 million be appropriated for the Supplementary Educational Opportunity Grants before the Basic Educational Opportunity Grants may be funded.

It is urgent that all student assistance programs be funded in the supplemental appropriations bill for fiscal year 1973 now before the Congress.

We therefore call on the Congress of the United States to act expeditiously in passing this bill so that it can keep its commitment to the students of this country.

Mr. Speaker, the board of directors of the American Association of State Colleges & Universities adopted the following resolution at its February 28 meeting:

RESOLUTION

Whereas the uncertainty concerning student aid is causing great distress among our students in the 300 institutions comprising this Association, and,

Whereas the traditional student body of our institutions enrolls a very large number of students whose family incomes average less than $10,000 per year, and,

Whereas the Basic Education Opportunity Grant program, enacted into law in the spring of 1972 would provide needed aid to such students,

Therefore, be it resolved that on behalf of our member institutions the Board of Directors urges immediate action on the part of the Congress of the United States in passing a Supplementary Appropriations Bill which would include funding for the student aid programs.

Be it further resolved that the Congress agree to the President's request for BEOG's of $622 million for the current fiscal year and no less than $250 million for the College Work-Study program for the current fiscal year.

Be it further resolved that in keeping with the laws specifications requiring no less than minimal funding for the SEOG and Direct Student Loan program, the Congress appropriate $130 million for SEOG's and $293 million for the Direct Student Loan. Building upon the Basic Grants these programs would enable us to provide genuine education opportunity to students whose financial circumstances otherwise would deprive them of it.

ANALYSIS OF THE LOCAL IMPACT OF THE BUDGET

HON. BARBARA JORDAN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 8, 1973

Miss JORDAN. Mr. Speaker, many Members of Congress are deeply concerned about the administration's proposed budget cutbacks for fiscal year 1974 and their impact on the Nation. The gentleman from Massachusetts, Representative Michael Harrington, has undertaken an unprecedented, detailed analysis of that budget and its implications for the Sixth Congressional District of Massachusetts. The techniques he has developed for translating cuts in national programs into precise impacts on towns, cities, and counties in Massachusetts can be of invaluable use to all of us. His suggestions provide the basis for similar interpretations of the effects of this proposed budget on each congressional district throughout the country. I deeply appreciate Representative Harrington's willingness to share this information with his colleagues, and include a summary of his techniques for analyzing the budget at this point in my remarks:

HARRINGTON METHODOLOGY ON THE BUDGET

I. ASCERTAINING TERMINATED PROGRAMS AND THOSE SIGNIFICANTLY CUT

(A) Using the Federal Budget for FY 74 and its Appendix, we determined which programs were being terminated and which were being cut significantly. This is a page-by-page process of examining each program.

(B) If terminated programs are supposedly being replaced by revenue sharing, the fact was noted, but the program was still included as terminated. Where possible, the totals for these programs were summed and compared to the total proposed revenue sharing figure. This difference was noted.

(C) Some programs given in the Budget are "transferred" to other agencies. This too was noted but particular attention was paid to whether or not additional funds had been allocated to the new agency to cope with the additional programs.

II. SIGNIFICANCE TO THE STATE, COUNTY, AND CONGRESSIONAL DISTRICT

(A) Using the Federal Outlays book prepared by the Office of Economic Opportunity we determined what money had entered the state in 1972 outlays. (This is the most recent edition and should not be considered comprehensive.) Figures are given for the state, counties, and cities and towns with populations of 25,000 or more. We used this as an indication of which of the terminated programs were important to our Congressional District.

(B) To determine the general magnitude of the problem and to develop a list of manageable length of major programs being reduced or terminated in the District, the national percentage cuts (derived from the Budget Appendix and available from Congressman Harrington) for all programs in Massachusetts were applied to estimated Federal Outlays in the District. This involved the necessary assumption that any change in a Budget line-item will apply across-the-board. This allowed development of a table estimating the line-item impact of the Budget on the State, County Congressional District, and cities and towns (population of 25,000 or greater). The exercise then became a race to replace these estimates with "harder" figures.

1. This was done to give the parameters of the cuts. We know that cuts will not be the same percentage in every area.

2. The Federal Outlay book does not reflect all expenditures in any given area. This caveat must be noted. The statistical estimate will therefore be a minimum in almost every instance.

(C) Using this information, we decided on which expenditures to concentrate; those decided upon were either: 1) those of large dollar cuts since clearly an economic effect existed, and 2) those that appeared to be widespread over the District. In fact, this included almost all programs of a substantial nature, and excluded most of the cuts in administration.

III. INFORMATION GATHERING

(A) We used a two-pronged attack: 1) gathering information on a state level—approaching state agencies and/or the regional or state offices of the Federal Government, and 2) information from the cities and towns in our District.

1. Staff members and a few knowledgeable volunteers contacted people in the state agencies and/or Federal Government whom we assumed to be either interested in the budget cuts or knowledgeable about funding throughout the state.

This happened sometimes by chance—people called our office because they sought information about the cuts or were registering their opposition to them. We in turn asked them for their help. (This was at times fruitful—at times not. Their subsequent performance as information providers has given us a list of dependable people).

The volunteers we used were of two types: (a) those from projects or programs within our District that were being severely cut back, and could provide us with detailed information. We found that in justifying and explaining their programs to us, they provided comprehensive and detailed information; and (b) people from voluntary or charitable agencies greatly concerned about budget cuts. These people had a storehouse of information and often knew of planned programs that now had no chance of being initiated.

2. We developed a questionnaire to solicit facts about each line-item locally. A poll developed in the District will be available from Congressman Harrington once finalized and tested. A description of each significant line-item for which there were expenditures in Massachusetts and which we found necessary to communicate with state and local officials is now available.

3. We used interested volunteers to poll each city and town. Using a list of programs we provided and recommendations regarding sources, they attempted to fill in a chart we had provided, listing programs, which asked for 1973 spending levels, employees, and recipients of services, and their projected demand for 1974 had no cuts been made.

Initial contact was made with each city and town by inviting a representative of their governing bodies to attend a meeting at which the purpose of the project was explained.

In some instances sufficient information was provided by these town officials so that no further information had to be gathered from their towns.

In most instances, volunteers returned to the towns and interviewed town accountants, federal funds coordinators (in the larger cities), school superintendents, directors of directly funded programs. In small towns usually the school superintendent and a town official could provide us with comprehensive information.

(B) It is important to use volunteers from the area. Not only is this a guarantee of a better reception, but residents of a town are familiar with programs discussed in town meetings or councils, and of long-range plans of a municipality.

(C) This two-pronged attack did not completely cover all program cuts. Many funds go directly to institutions or individuals. Two areas of significance in this category are: hospital programs and higher education programs, including financial aid. Again, after an initial evaluation of the effects of the 1974 proposed Budget was made, we contacted colleges on a somewhat individual level, and used a knowledgeable volunteer to gather information on health care.

IV. COLLATION OF INFORMATION

(A) We used information about individual project cuts that had been gathered from state/federal agencies to fill in the gaps in our towns and city lists. Housing projects are a primary example of some of these gaps. Here the intention was to illustrate the loss of money to each town and city. We tried to include employment figures and number of recipients as best we could.

(B) We collated program lists, attempting to show the effects of the crust in each area of domestic activity.

V. THE HEARING

(A) Advance notice of the hearing was made in all local press, telling the public of the particulars of the hearing and the intention of the hearing.

(B) Witnesses were recruited from a list of recommendations made by both groups of volunteers. These included:

1. administrators of services—the director of a council on aging, an EEA director, a CAP director, a Model Cities director, a college president:

2. participants in services—a superintendent of schools, a different college president, a minister whose church runs several Federally-sponsored programs, a city mayor, a town manager; and

3. recipients of services—a college student, a financial aide, a labor official.

(C) A press package was given out at the hearings with a description of the specific local impact of cuts in all areas of federal domestic programs in our District.

VI. OBSERVATIONS

Many of the people you assume will know about the effects of the cuts don't. This is changing as more information is printed, as interest groups mobilize and as directives come down from the Government, but our work began the day after the Budget was delivered and no one seemed to know anything.

Many conversations must be held with people on the state level in state and federal agencies before you find people with information who are willing to do the hard work necessary to compile lists.

Volunteers* came from previous campaigns, from public interest groups, and from affected agencies. A great deal of staff work had to be done for the initial hearings. Three members of our staff and several interns worked on this both in Washington and Salem on a full-time basis for two weeks. Presently, volunteers are able to do a greater proportion of this work.

LINCOLN'S RELIGION

HON. ORVAL HANSEN

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 8, 1973

Mr. HANSEN of Idaho. Mr. Speaker, each Thursday morning a group of Members gather for the House of Representatives' Prayer Breakfast, from which we gain strength and inspiration. Many fine addresses have been given to the group by our colleagues. One of the most outstanding was recently presented by our colleague from Indiana, Congressman William H. Hudnut III, who is a student of the life of Abraham Lincoln. I would like to share with my colleagues Congressman Hudnut's remarks on the religion of Abraham Lincoln:

Lincoln's Religion

(By Representative William H. Hudnut, III)

The irony with which a consideration of the religion of Abraham Lincoln might well begin is that while, on the one hand, he was the most profoundly religious President our country has ever produced, on the other, he maintained no affiliation with organized religion. This man who has been called "the spiritual center of American history" never became a church member!

There are possibly two reasons why Lincoln shied away from belonging to the institutional church. First, he found the Protestant sectarianism of his day very offensive. He was a broadminded tolerant individual who did not find 19th century denominational competition and theological dogmatism congenial. And secondly, he felt that the essence of authentic religion lay in ethics, not theology, in practice rather than preachment. The excessive stress in the churches of his day on confessional orthodoxy and creedal rectitude was distasteful to him, and he gave it a wide berth. He said that if he were ever to find a church that had inscribed over its altar the two great commandments to love God and neighbor as the sole qualification of membership, he would join that church; but needless to say, he never found it.

Perhaps it is just as well. While the New Testament makes it clear that for the average Christian, the full expression of his faith must be correlated with some form of institutional commitment within the framework of the Body of Christ, that is, the Church, Lincoln was no ordinary mortal. His disaffiliation is undoubtedly to his advantage, historically speaking, because it gives him a catholicity of spirit and universality of appeal that he might never have enjoyed had he carried a specific denominational tag. He was "a Christian without a creed," "a Biblical Christian."

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* It is essential that all of those working on the project understand the nature of the programs involved, No accurate information can be obtained unless the people asking the questions understand the substance of the information. This is extremely important and is much more difficult than one would assume.

What then can we say about Abraham Lincoln's "religion?" It may be instructive to think of it in terms of a great strong tree, composed of three parts: roots, branches (or fruits), and trunk.

THE ROOTS OF LINCOLN'S RELIGION

His religion had two roots: the Bible and prayer.

The Bible

Lincoln's speeches were not only steeped in Biblical phraseology, they also revealed that the man's whole way of thinking was Biblical. Of the Bible, Lincoln once said: "It is the best gift God has given to man." "Take all this book upon reason that you can, and the balance on faith," he said to his friend Joshua Speed in 1864, "and you will live and die a better man." Lincoln possessed an amazingly detailed knowledge of the Bible. He wove its thought and rhythms into the warp and woof of his state papers, as even a cursory reading of the Gettysburg Address and the Second Inaugural make immediately and abundantly clear.

Prayer

The second root of Lincoln's religion was prayer. During his days in the White House as his trials continued and the pressures upon him mounted, and as his melancholy deepened, due to the loss of his precious son, Willie, and the continuation of the civil conflict that he abhorred, fellowship with God through prayer became increasingly a source of strength and guidance and comfort to him. He spoke publicly, without apology but also without ostentation, of his prayer life and of God's answers to his petitions. His secretary, John Nicolay, called him "a praying man." He prayed with his family and with his cabinet. He prayed alone every day. He once remarked to his friend, Noah Brooks: "I have been driven many times upon my knees by the overwhelming conviction that I had nowhere else to go." And he also is reputed to have once remarked, "A man is tallest when he's on his knees."

THE FRUITS OF LINCOLN'S RELIGION

The fruits of Lincoln's religion, or the branches, were that part which could be seen and observed in the way he conducted himself. Looking at his life, at his attitude toward other people, at his relationships with enemies as well as friends, at the way he conducted the affairs of state, at the way he bore his private trials and tribulations, we must ask, did there ever live a public figure who better expressed the true spirit of Biblical religion than Abraham Lincoln? In his very perceptive study of Lincoln's religion under the title *The Almost Chosen People* (Doubleday and Company, Inc., New York, 1959), William J. Wolf concludes: "Lincoln expressed the fruit of Christian living with rare integrity and charm." (p. 180) At least five outstanding qualities of his character come to mind that show how he coupled what he believed with what he practiced.

Humor

First, there was his humor. He truly understood the relationship between faith and laughter, although he never lost his sense of ultimate seriousness about life and the meaning of existence. But he did not take himself too seriously. His wonderful sense of humor was a by-product of his ability to transcend self-interest, and he illustrates Reinhold Niebuhr's statement that "humor is a proof of the capacity of the self to gain a vantage point from which it is able to look at itself." Wit can help us keep our egos in perspective, and Lincoln often used it to deflate pride and deflect censoriousness. The more a man can laugh at himself and with others, the larger capacity does he seem to have for faith in God—and Lincoln knew this intuitively. He supposedly enjoyed (and even encouraged!) a story about him that went this way: Two Quaker women were overheard on a train dialoging as follows: "I think Jefferson (Davis) will succeed." "Why does thee think so?" "Because Jefferson is a praying man." "And so is Abraham a praying man." "Yes, but the Lord will think Abraham is joking." As another illustration of Lincoln's appreciation of the necessity for possessing a sense of humor, there is his remark to his cabinet when they did not see the humor that he saw in a passage he was reading them from Artemus Ward: "Gentlemen, why don't you laugh? If I didn't laugh under the strain that is upon me day and night, I should go mad. And you need that medicine as well as I."

Humility

Lincoln's use of humor suggests another characteristic of his religion and style of life—his humility. He was not puffed up. He never pontificated. He eschewed dogmatism. He held strong moral positions but always with modesty, never with arrogance. Blessedly divested of self-righteousness, he often mentioned his desire to serve as "a humble instrument in the hands of the Almighty." Constantly visited by people who claimed that the Lord was on this side or that in the Civil War, Lincoln would remark: "I'm not at all concerned about that, for I know the Lord is always on the side of the right. It is my constant anxiety and prayer that I and this nation should be on the Lord's side." Lincoln was free of the fanaticism that frequently accompanies and curses zealous religious idealism and excessive chest-pounding nationalism. He could see truth in positions other than his own. He appreciated that all human points of view are finite, all human positions tentative, all human achievements partial. Lincoln had the humility to submit his own judgments, as well as the course of his nation's destiny, to devine judgment. He was deeply sensitive to the "infinite qualitative difference" between God and man. So he spoke of America as "God's *almost* chosen people." He never fell into the trap of idolatry. He never made a god out of the nation.

Gratitude

A third characteristic of Lincoln's religion was gratitude. He had a marvelous capacity to be grateful. Paraphrasing a passage from the eighth chapter of Deuteronomy, Lincoln could say: "We have been the recipients of the choicest bounties of heaven. We have been preserved, these many years, in peace and prosperity. We have grown in numbers, wealth and power, as no other nation has ever grown. But we have forgotten God. We have forgotten the gracious hand which preserved us in peace, and multiplied and enriched and strengthened us . . ."

Lincoln knew how to thank men as well as God. He never took credit for himself. He always gave thanks for the hard work and sacrifice of the people and the soldiers who made the victories in the field possible. "It is hard to say anything has been more bravely and well done, than at Antietam, Murfreesboro, Gettysburg, and on many fields of lesser note. Nor must Uncle Sam's web feet be forgotten. At all the watery marshes they have been present. Not only on the deep sea, the broad bay, and the rapid river, but also up the narrow muddy bayou and wherever the ground was a little damp, they have been and made their tracks. Thanks to all. For the great republic—for the principle it lives by and keeps alive—for man's vast future—thanks to all."

Magnanimity

A fourth characteristic of his religion was his magnanimity. When Senator Charles Sumner of Massachusetts, toward the end of the war, spoke of Jefferson Davis in these words, "Do not allow him to escape the law, he must be hanged," Lincoln replied calmly, "Judge not, that ye be not judged." He was a man of tremendous compassion. He was too large of spirit ever to retreat into bitterness, vindictiveness or pettiness. Consider some of his most famous utterances:

"I pray that our Heavenly Father may assuage the anguish of your bereavement, and leave you only the cherished memory of the loved and lost, and the solemn pride that must be yours, to have laid so costly a sacrifice upon the altar of freedom." (His letter to Mrs. Bixby, who lost, so he thought, five boys in battle.)

"We are not enemies, but friends. We must not be enemies. Though passion may have strained, it must not break our bonds of affection. The mystic chords of memory, stretching from every battlefield and patriot grave, to every living heart and heartstone, all over this broad land, will yet swell the chorus of the Union, when again touched, as surely they will be, by the better angels of our nature." (The First Inaugural)

"With malice toward none, with charity for all, with firmness in the right, as God gives us to see the right, let us strive on to finish the work we are in; to bind up the nation's wounds; to care for him who shall have borne the battle and for his widow and orphan—to do all which may achieve and cherish a just and lasting peace among ourselves and with all nations." (The Second Inaugural)

Lincoln's love of neighbor so impressed Tolstoi that he could call him "a Christ in miniature." He was kindly, patient, forbearing and forgiving—all the things that every follower of Christ should be. He had a spirit of genuine charity toward his fellowman that excluded malice. "So long as I have been here," he said from a window of the White House to a group who serenaded him on his re-election, "I have not willingly planted a thorn in any man's bosom."

Resolution

A fifth fruit of Lincoln's religion was his resolution. He had a courageous determination to proceed with the right course of action as God gave him to see it. He did not flinch. As one of his biographers says, "Lincoln represents the responsible Christian citizen of this world struggling to be responsive to the guidance of God amid the challenges of the full historic setting of man's life." (Wolf, *op. cit.*, p. 189) We need Christian saints like St. Francis, to be sure. But we also need Christian citizens like Lincoln who do not flee from the responsibilities of life to cultivate an individualistic piety or a mystical person-to-person relationship with the divine, but rather plunge with courage and faith into history's struggles for the realization of the ideals of peace on earth and justice among men. And so he could say to the special session of Congress in July, 1861, after the disaster at Bull Run: "Let us renew our trust in God and go forward without fear, and with manly hearts."

THE TRUNK OF LINCOLN'S RELIGION

Having mentioned the roots and branches in the tree of Lincoln's faith, it remains to discuss the trunk—that is, the essence of his religious interpretation, the backbone of his faith, the main content of his religious insight. What was it that held it all together? Briefly, we might suggest that Lincoln's religious thought was dominated by two overwhelming convictions: first, that history reflects the judgments and mercies of a transcendent God who involves himself with human events; and second, that in God's providential plan for mankind, democratic government "of the people, by the people and for the people" in general, and American democracy in particular, occupy a position of supreme privilege and responsibility.

The will of God

Lincoln had a prophetic understanding of history. He interpreted the whole epic of

America's pilgrimage in terms of God's providence. He believed with the prophets of old like Amos and Isaiah that the hand of God was intimately involved in the affairs of nations. He saw history, not as a series of disconnected secular events, but as the working out of a divine plan. He had a strong predestinarian faith that "the will of God prevails," and he believed that reliance on that will constitutes a nation's real strength. Like a good Calvinist he could say: "That the Almighty does make use of human agencies, and directly intervenes in human affairs, is one of the plainest statements in the Bible. I have had so many evidences of His direction, so many instances when I have been controlled by some other power than my own will, that I cannot doubt that this power comes from above." As Professor Wolf suggests (*op. cit.*, p. 158), when in one of his famous remarks Lincoln said, "Fellow citizens, we cannot escape history," he might well have been saying, "We cannot escape God," for what he meant was that history is controlled and determined by God, and that it is futile for man to oppose His plan. Lincoln was convinced that "the American people and the President were instruments in the hands of the God of history."

Consequently, Lincoln never tried to play God. He suffered no Messianic or titanic illusions. He had no egotistical feeling of being the master of his fate and the captain of his ship. As he saw his task, it was to discern the signs of the times, discover God's will for himself midst the turmoil of his day, and then implement it as best he could. He did this in bad times and good, and when things began to get better, he could still caution: "Still let us not be over-sanguine of a speedy final triumph. Let us be quite sober. Let us diligently apply the means, never doubting that a just God, in His own good time, will give us the rightful result."

American democracy

Lincoln related American history and democratic government to God's providence. He spoke of America as "this favored land," and of the founding of our country as "a great promise to all the people of the world to all time." With almost mystical vision, he referred to democracy as "the last best hope of earth." He believed this form of government was deeply rooted in the will of God, and when he spoke in his Gettysburg Address of "this nation under God," he pointed clearly to the moral foundations and spiritual dimensions of democracy.

Beyond that, he believed that in a democracy, God spoke through the voice of the people as it expressed itself in majority rule and representative government by consent of the governed. His familiar aphorism about being able to fool some of the people all the time, and all the people some of the time, but not being able to fool all the people all the time, hints at his great confidence in the power of the people to make wise and right decisions. So he said in a speech in Buffalo, New York: "I must trust in that supreme Being who has never forsaken this favored land, through the instrumentality of this great and intelligent people."

Lincoln believed that America was, in Professor Wolf's words, "a chosen nation destined to further God's plan for mankind." (*op. cit.*, p. 149) Tapping the wellsprings of the American religious tradition rooted in the 17th century Puritan conception of New England as God's new land of promise, and anticipating the concept of manifest destiny that propelled American expansion in the decades following his death, Lincoln eloquently articulated the American dream of "a new nation, conceived in liberty and dedicated to the proposition that all men are created equal." Under God's guiding hand, such a nation could not help but have an important rendezvous with destiny. The trial through which the nation was passing in the Civil War put this faith to a critical test, but Lincoln believed that the nation, under God, would emerge from its agony with a new birth of freedom. God's purpose would work itself out in this civil conflict, and America would move forward into history proving that "government of the people, by the people and for the people, shall not perish from the earth."

This was Lincoln's hope. He did not live to see it fulfilled. Perhaps it never was, and never will be. But it was a great vision he saw, a great cause he espoused, a great faith he held. And if we, a century or more later can learn from him, we will become better Christians and better Americans as a result.

OEO ARTICLE IN U.S. NEWS

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 8, 1973

Mr. MICHEL. Mr. Speaker, the March 5, 1973, issue of U.S. News & World Report contains a most interesting article on the subject of poverty in our society today.

I include this article in the Record:

Why "War on Poverty" Is Being Scrapped

The old way of fighting poverty is over—branded a failure by the President. That, he says, does not mean federal aid to the poor is being abandoned. What it does mean is a major change in combat strategy by the White House.

The ambitious and far-reaching "war on poverty" declared by the late President Johnson is now being scrapped by President Nixon as a failure in its present form.

In the eight years since this "Great Society" program got under way, it has cost the Government almost 15 billion dollars, reached millions of people, employed thousands of administrators.

It has fallen far short, however, of eliminating poverty. And it has been plagued from the start by disappointments and controversy.

Now its scheduled dismantling is stirring new controversy. The President's action is under bitter attack from "liberal" lawmakers, welfare organizations and social workers.

A mass demonstration of protest drew about 20,000 to the capital on February 20. A fight to save the antipoverty operation is brewing in Congress.

Many fronts. The war on poverty was never a single, centralized program. It was a war of battles on many fronts. One program after another was launched with great fanfare and high hopes. There were, among others:

The Job Corps.

The Neighborhood Youth Corps.

Operations Head Start and Follow Through.

VISTA (Volunteers in Service to America).

Community Action agencies.

Legal Services for the poor.

Neighborhood health centers.

Programs for Indians and for migrant and seasonal farm workers.

Dispute swirled about almost every program. The Office of Economic Opportunity (OEO), the command center for most of the war's operations, underwent many changes and a succession of commanders. Programs were spun off, cut and altered.

Finally, in his new budget for the 1974 fiscal year that begins on July 1, President Nixon axed out the entire Office of Economic Opportunity. It is being dismantled.

Many of OEO's programs will be transferred to other federal agencies and continued—on some form, at least. A few of these will actually be given increased funds. Others will get less. Some will be allowed to die.

One of the most widely known of OEO programs—Community Action agencies—is to be abandoned as a federal enterprise. There are now 907 such agencies employing more than 180,000 people and spending about 1.2 billion dollars of federal money a year—a third of which came from OEO. Communities which want to continue those agencies beyond June 30 will have to do it on their own, without aid from Washington.

Legal Services for the poor are to be continued, under the Nixon plans. But legislation will be sought to set up a new agency to run them.

Changed strategy. What all this adds up to, as Administration officials describe it, is not an abandonment of efforts to combat poverty, but rather a new strategy for waging the war. The way it has been waged in the past, they say, it has not proved worth its cost.

President Nixon explained his reasoning in a nationwide radio speech on February 24.

"The intention" of those ambitious social programs launched in the 1960s "was laudable," he said. "But the results, in case after case, amounted to dismal failure. . . . Too much money has been going to those who were supposed to help the needy and too little to the needy themselves."

Defending his budget proposals in another speech February 21, he said:

"It has been charged that our budget cuts show a lack of compassion for the disadvantaged. The best answer to this charge is to look at the facts. We are budgeting 66 per cent more to help the poor next year than was the case four years ago; 67 per cent more to help the sick; 71 per cent more to help older Americans, and 242 per cent more to help the hungry and malnourished. Altogether, our human-resources budget is nearly double that of four years ago when I came into office.

"We have already shifted our spending priorities from defense programs to human-resources programs. Now we must also switch our spending priorities from programs which give us a bad return on the dollar to programs that pay off. That is how to show we truly care about the needy. The question is not whether we help, but how we help. By eliminating programs that are wasteful, we can concentrate on programs that work.

"Our recent round of budget cuts can save 11 billion dollars in this fiscal year, 19 billion next fiscal year, 24 billion the year after. That means an average saving of $700 over the next three years for each of America's 75 million taxpayers."

Hard to assess. The results of the war on poverty, it is generally agreed, are most difficult to assess. As the chart on this page shows, the number of "poor" people, as defined by federal standards, declined somewhat during the prosperous years of the 1960s. But then, with antipoverty spending continuing at even higher levels in a period of economic recession, the number of the poor began to inch up again.

There is hot dispute over how much of a factor the poverty war has been in any of these changes. Its defenders claim it has helped in many ways, including some that do not show up in statistics. Critics disagree.

"I don't think that the program in the OEO had any very direct result in reducing poverty generally," says the new Secretary of Health, Education and Welfare, Caspar W. Weinberger, who was Director of the Budget when the decision to dismantle OEO was made.

Howard J. Phillips, 32-year-old acting director of OEO who is supervising its dismantlement, gave "U.S. News & World Report" this assessment of the agency's effectiveness:

"Some of the projects funded by this agency have kept a lot of people comfortable in their poverty—but this agency has not done enough to lift people out of poverty.

"Many of the things it did had negative impact. Some grants tended to foster the welfare ethic, rather than the work ethic. Some programs were premised on a belief that the problems of poverty are political rather than economic. It is wrong to give taxpayers' money to some of the people for seeking political solutions.

"Too much of the antipoverty money has gone into setting up an administrative bureaucracy, rather than into the hands of the poor. It is questionable whether the agency-system approach really helps the poor."

The counterattack.—Defenders of the poverty-war program have begun a nationwide campaign to keep it going. At the February 20 demonstration in Washington, there was talk of "marches on 50 or 60 cities" unless Mr. Nixon responds to the demands.

The demonstration was sponsored by a coalition of civil-rights groups calling itself the Mobilization for Domestic Unity. Speakers included the widow of the Negro leader, Dr. Martin Luther King, Jr., and the Rev. Ralph Abernathy, president of the Southern Christian Leadership Conference, who led a "poor people's march" on Washington in 1968.

On February 20, mayors of several big cities—including San Francisco, Boston, New Orleans and Newark—appealed to Democratic leaders in Congress for help in trying to reverse the Nixon cut-down in antipoverty and other programs.

The coming fight in Congress will pit some powerful members of both parties against President Nixon.

Senator Jacob K. Javits (Rep.), of New York, and Senator Gaylord Nelson (Dem.), of Wisconsin, have proposed a "sense of the Congress" resolution that the President should continue OEO and its programs.

These Senators pointed out that Mr. Nixon signed into law last September a bill extending the life of the OEO until June 30, 1974, and they argued that he cannot legally dismantle it sooner without legislation from Congress.

"What has been established as the policy of the United States, enacted by the Congress, should not be undone by executive action alone," said Mr. Javits.

"A cease-fire at home." Sounding a note that is likely to be heard often in congressional debate, Senator Nelson said:

"It is bitterly ironic that after waging war for years in Southeast Asia—a war which Congress never declared—this Administration now proposes a cease-fire in the war on poverty here at home. . . .

"And, while abandoning the poor in rural areas and poverty-stricken inner cities here at home, the Administration is proposing a 7-billion-dollar program to rehabilitate the countries of Southeast Asia."

Critics charge that the strategy of the Nixon Administration is to rush through the dismantling of OEO before Congress can act to stop it.

Although the OEO itself is scheduled to go out of business on June 30, many of the things it has been doing will be continued by other agencies, under the plans of the Nixon Administration.

Some examples:

Community Economic Development is to be shifted to the Office of Minority Business Enterprise in the Commerce Department, with its funding increased by 2.6 million dollars, to 39.3 million.

Health and nutrition programs, including the neighborhood health centers, will go to the Health, Education and Welfare Department, with spending to be cut from 157 million dollars to about 147 million.

Programs for Indians will also be put under HEW, with spending to go up by 9.7 millions, to 32.1 millions.

Aid to migrant and seasonal farm workers now handled by OEO will be continued by the Labor Department, with a requested appropriation of 40 million dollars—up from 36.3 million.

Research and demonstration projects will be parceled out to various other agencies, but total funding will go up by 11.3 million dollars, to 78 million.

A number of OEO programs had been spun off to other agencies in years past.

The Job Corps, for example, was transferred to the Labor Department in 1969, and then trimmed down.

The Neighborhood Youth Corps also went to Labor, with some local projects continued.

The Head Start program, giving preschool training to disadvantaged youngsters, and the Follow Through program for disadvantaged first graders had been shifted to HEW.

In 1971, the VISTA program was put—along with the Peace Corps and some other "volunteer" agencies—into a combined group known as ACTION.

Some phasing out. OEO activities scheduled to be phased out include: training and technical-assistance projects, a national summer program of youth sports, and emergency food and medical services.

Perhaps the loudest cry of protest is being raised against the scheduled demise of the 907 Community Action agencies.

The aim of these agencies was to help the poor to help themselves and to generate community participation in action against inner-city blight.

Supporters of the CAA program claim it has enhanced "upward mobility" of members of minority groups and mobilized local resources to help the poor.

A study made but not published by OEO is cited as showing that Community Action agencies helped raise 1.3 billions to aid the poor, of which more than half was nonfederal money.

Acting OEO Director Phillips charges that CAA grants of federal money have been used to provide "patronage for local cadres of political activists."

Community Action agencies, he points out, have been in frequent conflict with elected local governments.

The Legal Services program also has been a center of controversy. It employs 2,300 lawyers who are supposed to represent poor people with legal problems not involving crimes.

Target: the system? Critics charge, however, that it has gone beyond its intended purpose and spent much of its resources in attacks on "the system." Says Mr. Phillips:

"Some of these lawyers who are paid with federal funds have taken the view that their mission is to change the fabric of society through law reform. They have brought class-action suits, challenges to constitutionality of laws, suits to put more people on welfare. They have organized rent strikes, done lobbying, aid political-action groups. They have organized prison inmates, helped peace organizations and the gay-liberation movement, and have represented ineligible clients.

"All this is not helping the poor—it is purely political."

Although the Nixon Administration has announced it plans to continue Legal Services under new management, there is sure to be a battle in Congress over the kind of management that is proposed. The aim of Legal Services backers will be to keep supervision by Washington—to a minimum and assure that lawyers serving the poor are left free to represent the best interests of their clients.

Whatever the outcome of the battles over OEO that lie ahead, this much is clear: Some big changes are coming the way the Federal Government tries to help the poor.

"TROUBLED WATERS"

HON. JOSEPH M. GAYDOS

OF PENNSYLVANIA

IN THE HOUSE [illegible] REPRESENTATIVES

Thursday, March 8, 1973

Mr. GAYDOS. Mr. Speaker, it is my hope that the White House will disassociate itself at once from the recommendations of the National Water Commission for the imposition of navigation user tolls on our inland waterways and for local and regional funding of future flood-control and river improvement projects.

Both ideas, set forth in a recent report of the presidential commission, would create, if augmented, great hardships on western Pennsylvania and other sections industrially dependent on river navigation. Indeed, they could so weaken the Pittsburgh-Allegheny County district as to end its position as a leading steel-producing area.

I quote Louis P. Struble, Jr., group vice president for the Dravo Corp.:

> The institution of tolls on the Mississippi river system would mark the first step in the exodus of the steel industry from this (the Pittsburgh) area.

Steel mills were located along the rivers originally because of the low-cost water transportation which they needed in order to prosper. It was a natural industrial decision and river barges from the beginning have been busy freely moving materials to the furnaces and products away from them. To break up this arrangement now by charging for river usage would invite an industrial disaster which all the Nation would suffer.

It seems to me that now should be the time to encourage rather than threaten with revolutionary concepts the steel industry which is trying its best to stave off the damaging effects upon it of the growing volume of steel imports.

The recommendation for local and regional financing of flood-control measures is equally illogical. This has been an historic Federal responsibility on the grounds that the benefits of river improvements cannot be isolated for local areas but are of national in scope. There can be no sound reason to change this now and thus to invite chaos in the continuing flood control effort.

Dr. Marvin J. Barloon, economic adviser to the Ohio Valley Improvement Association and a professor at Case-Western Reserve University in Cleveland, pointed out recently that the water commission, named in 1968, is heavily stacked with far westerners. Charles F. Luce, chairman of Consolidated Edison Co., New York, is the only easterner on the board. None is present from the Mississippi drainage basin which extends over the heartland of the country. Could it be that the commission does not understand what could be the consequences of its recommendations, so easily tossed off for the public?

The White House ought to make it clear that, although presidential in sponsorship, the commission is sailing recklessly into waterways certainly should not be troubled, now or in the future.

VFW'S VOICE OF DEMOCRACY CONTEST

HON. BEN B. BLACKBURN

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 8, 1973

Mr. BLACKBURN. Mr. Speaker, each year the Veterans of Foreign Wars of the United States and its ladies auxiliary conducts a Voice of Democracy Contest. This year nearly 500,000 secondary school students partcipated in the contest competing for the five national scholarships which are awarded as the top prizes. The winning contestant from each State is brought to Washington, D.C., for the final judging as guest of the Veterans of Foreign Wars.

"My Responsibility to Freedom," theme for the VFW's 26th annual Voice of Democracy scholarship program, focuses the attention of youth on the principle that freedom is a responsibility and not a license. It calls upon the youth of America to make a personal evaluation of their responsibility in preserving our freedom heritage.

The winning speech from the State of Georgia was delivered by K. Thomas Grenier of Tucker. At this point, I would like to share with my colleagues the speech written by Tom Grenier:

MY RESPONSIBILITY TO FREEDOM

(By K. Thomas Grenier)

To define freedom in its entirety would be difficult if not impossible in a speech such as this, even if the speech were entitled "A Definition of Freedom". So let us just say that freedom is being able to do what you want to do and say, in whatever form, what you want to say.

Realizing what I do about human nature and the fact that man tends to stretch anything that's for him until it's against him, I must contradict myself immediately. Rather, perhaps, you will contradict me.

You will say that there are many nations that claim to be free, and this is all well and good, but these people do not live in freedom as I have defined it. In fact, you add, there are laws in each and every one of these so-called "free" nations which limit what these people can say and do.

"Indeed," I reply, "but this does not necessarily mean that my definition should be changed, does it?

All right, look at it for a minute; rather, look at man. Is it not true that man as he lived, say, toward the fall of the Roman Empire was unhappy? In general he was depressed and either mean or oppressed. What else was true? He was free. There was a lack of control to be found in the Roman government. But how did man take this? He took it as an opportunity to do things that were against previous laws and which were morally wrong and hurt others with less likelihood of being caught or punished.

This we have seen, and yet there are still those today who have freedom and use it in just such a manner."

You immediately agree that this is wrong.

"But," you say, "man should be free to do that which is wrong as well as that which is right, should he not?"

I do agree, but on the other hand, there should be something that shows him, without a doubt, which is the better road, and truly makes it obvious which is his only choice.

My responsibility to freedom is to prove to as much of mankind as is humanly possible that there is something to direct him and that he should heed it for his own sake.

To clarify my point a bit, and I do believe it warrants some clarification, I shall come to it from a different angle.

My pointer or guide is a being referred to quite often as God, so if I may incorporate God into all this, and I do feel He should be considered in this responsibility of mine, or, if I may be so bold, ours, I believe that God saw, or even made, the need for man not to take freedom as a thing to squander on ills. In other words, man is born to be unhappy if he uses freedom against himself or his contemporaries.

This is all that man's written laws have to say but they should not have to be written. They should be obvious; no one should have to make them so.

Think about it—your and my biggest responsibility is to make sure that we live and help others to live rightly, not because we will get arrested if we don't, but because we realize that it is the only way that we could want to live.

We want to accomplish more toward true improvement and true elevation of mankind than has been achieved. In the past, we have evaded our responsibility. Our responsibility to freedom is as simple as this. We are free to do the right thing. We must do it.

MINNEAPOLIS PROTESTS HUD FREEZE

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 8, 1973

Mr. FRASER. Mr. Speaker, the administration's decision to freeze all new commitments for HUD-assisted housing programs and to impose a moratorium on model cities and other urban renewal projects is creating serious difficulties for our cities. My home city of Minneapolis is among those municipalities which will suffer from these regrettable policies.

Recently, the Minneapolis City Council passed a resolution urging HUD to lift the freeze and moratorium. I support this resolution which follows:

RESOLUTION

(By Aldermen Sivanich and DeMars)

Urging the Federal Government to lift the freeze on assistance for housing programs and the moratorium on categorical grants in aid and to enact a community development revenue sharing program

Whereas, the City of Minneapolis has a workable program for community improvement to eliminate slums and blight and to provide standard housing for low and moderate income persons; and

Whereas, the City of Minneapolis is dependent on certain categorical grants in aid to implement the workable program for community improvement; and

Whereas, the City of Minneapolis is dependent on HUD assisted housing programs to provide housing for low and moderate income persons; and

Whereas, the Federal Administration has implemented a freeze on all new commitments for HUD assisted housing programs including the section 235, 236 and public housing programs; and

Whereas, the Federal Administration will impose a moratorium on programs of HUD including Model Cities urban renewal, code enforcement, Section 312 loans, parks and open space facilities, and other categorical grants in aids; and

Whereas, such a moratorium will have adverse effects on living conditions of citizens of low and moderate income, and will severely affect Minneapolis' community development activities; and

Whereas, the moratorium will have noticeable impact on the housing industry and employment opportunities in Minneapolis; and

Whereas, an adequate sharing of revenue by the Federal Government for community development would assist in alleviating such adverse effect; now, therefore, be it

Resolved by the City Council of the City of Minneapolis:

That the Federal Administration is urged to lift the freeze on new commitments for HUD assisted housing programs; and

That the scheduled 18 month moratorium on categorical grants in aid be suspended at the earliest possible moment; and further

That the Federal Congress is urged to speedily move to enact a community development revenue sharing program.

Passed February 9, 1973. Richard M. Erdall, President of the Council.

Approved February 15, 1973. Charles Stenvig, Mayor.

Attest: Lyall A. Schwarzkopf, City Clerk.

BUREAUCRATS: THEIR OWN BIASED JUDGE AND JURY

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 8, 1973

Mr. ASHBROOK. Mr. Speaker, a recent article in Roll Call, the weekly familiar to all those on Capitol Hill, cited two cases in which Federal employees dared to rock the bureaucratic boat by citing objections to policies, practices, and bungling damaging to efficient Federal service. On quite a few occasions I have cited the case of John D. Hemenway, the selected out Foreign Service officer, whose 4-year fight with the State Department ended with an apology to him for unfair treatment but no reinstatement which he had sought. In the other case, that of A. Ernest Fitzgerald, who protested the cost overruns on the C–5A cargo plane, the fight for justice has also been long and arduous.

Allan C. Brownfield, who has viewed the scene here in Washington for a number of years as a lawyer, author, and public speaker, recounted in brief the Fitzgerald and Hemenway cases and the uphill battle faced by Federal employees who refuse to be manipulated marionettes in the face of Federal abuses.

I insert at this point the Brownfeld article as it appeared in the March 1, 1973, issue of Roll Call:

BUREAUCRATS: THEIR OWN BIASED JUDGE AND JURY

(By Allan C. Brownfeld)

Recently, two employes of the federal government were removed from their positions. The reason for their removal remains obscure, but one thing is certain. They were not removed for incompetence. If men and women were removed from government service for incompetence, after all, the mail might arrive on time, criminals might be caught, and other functions of government might be performed at least with reasonable dispatch.

John D. Hemenway was removed from his position at the Department of State and A. Ernest Fitzgerald was removed from his position with the Air Force, it seems, because they did their jobs too well, and made their superiors suspicious because they would not adopt the maximum which seems the byword of bureaucrats, as well as legislators: "To get along, go along." John Hemenway and Ernest Fitzgerald would not "go along." Now they are gone.

Fitzgerald is the Air Force cost analyst who told Congress about the $2 billion in cost overruns on the Lockheed C–5A cargo plane, and was subsequently fired from his $33,000 a year job. The Pentagon insists that Fitzgerald's testimony had nothing to do with his firing, which was "merely a reduction in force."

A reporter asked President Nixon about the Fitzgerald case on January 31, and the President replied: "I was totally aware that Mr. Fitzgerald would be fired or discharged or asked to resign. . . . No, this was not a case of some person down the line deciding he should go. It was a decision that was submitted to me. I made it and stick by it."

The President's surprisingly frank reply was, of course, retracted the next day. White House Press Secretary Ron Ziegler told reporters that the President had "misspoken." He had been thinking about someone else, Ziegler said, but did not say about whom.

Perhaps the President was thinking of John Hemenway, a former Rhodes Scholar who had been deeply involved in the Berlin problem during the mid-1960s and, at that time, had strong differences of opinion with his superiors. For his efforts, Hemenway was "selected out" of the Department.

When Hemenway charged that his own hard-line anti-Communist philosophy was the real reason for his "selection out," he was given a special grievance hearing—the first in the history of the Foreign Service. The grievance committee was composed of three Foreign Service Officers—one picked by Hemenway, one picked by the State Department and a chairman acceptable to both.

The committee wrestled with the problem for three years and finally in September, 1972, recommended that Hemenway be reinstated in the Foreign Service, promoted, tendered an official apology, and reimbursed for his legal expenses.

Hemenway, however, has not been reinstated. Instead, he has been dismissed from the Defense Department job he was given while the case was being considered. When The Secreary of Defense Eliot Richardson was asked about Hemenway's removal at a press conference, he said he knew nothing about it. He may have been right. If he was, however, someone must know something about it. No one, however, is talking.

In Hemenway's view, the Foreign Service is an "old boy" network where the rules are kept deliberately vague and constantly changed in order to accommodate favorites, but ruthlessly applied to get rid of people who make waves.

A 1968 inter-office memo to then-Director of Personnel Howard Mace from his subordinate Donald Trice reveals what the State Department thought of Hemenway. Rather than criticizing his ability, his hard work, and his creditable performance, Trice wrote that Hemenway was destined to end up here being "a pain in someone's bippie," and that the reason Hemenway had not been promoted despite his good performance was that Hemenway was "confident to the point of being arrogant and aggressive in a manner that approaches rudeness." Rhetoric aside, that may simply mean that Hemenway's defense of positions he considered in the best national interest simply struck Trice as something the Department of State could do nicely without.

The unbelievable part of the Hemenway case is that the State Department's own committee urged his reinstatement, the Department apologized for treating him unfairly—but refused to reinstate him anyway.

Senator William Proxmire has seen a close analogy between the Hemenway and Fitzgerald cases. These cases demonstrate, he noted, "that there is little room in the Government service for men of character, independence and guts . . . that the Government doesn't want the free spirits—the highly intelligent, strong minded, truthful men—working for it. What it wants instead are time-servers, conformists and 'yes' men."

Bureaucrats, at this time, are their own judge and jury. Men such as John Hemenway and Ernest Fitzgerald make "waves," they criticize the judgment of their superiors, they believe that the public interest is more important than the self-interest of the bureaucracy. What to do with men like this is simple: remove them.

Speaking of his ten years in the Departments of Commerce and Labor, Arnold Bennett stated that, "There is a fantastic effort to keep criticism off the record. You can't admit error. It's just not done. You can't ever talk freely about what you really do—that would be a direct threat to the agency's appropriations and to everybody there. And you can't really have your name on anything controversial."

Congress is largely responsible for the state of affairs in which bureaucrats have become a law unto themselves. Harold Seidman, who spent 25 years observing the bureaucracy from the Bureau of the Budget, has written a book called Politics, Position and Power, in which he says that bureaucratic bodies provide examples of how Congress transfers its own overlapping powers to the Executive branch.

He notes that, "When jurisdictional problems could not be resolved, the Congress in 1966 created two agencies—the National Highway Safety Agency and the National Traffic Agency—to administer the highway safety program. The President was authorized to designate a single individual to head both agencies. All that was gained by creating two agencies—where only one was needed—was to give two Senate committees a voice in the confirmation of the agency head."

Consider the United States Travel Service, a Commerce Department program funded over the years at between $3.5 and $4.5 million. It is designed to attract foreigners to vacation in the United States. "We did a study of the Travel Service," said Fred Simpich, general counsel of the Commerce Department in the last year of the Johnson Administration, "which showed that it had a zero effect on the travel patterns of Europeans . . . If the economy is good, they come to the United States. If not, they don't." Bureaucrats never admit that their programs accomplish nothing, but cost a great deal. Any bureaucrat that did would go the way of John Hemenway and Ernest Fitzgerald, and men at the highest levels would not say a word in their defense.

A bill to take the entire grievance procedure out of the hands of the State Department, to cite one possible approach to the problem, passed the entire Senate, only to die in the House Foreign Affairs Subcommittee. Perhaps the House will see fit to consider this legislation again this year.

Bureaucrats can no more judge themselves and be their own jury than can any other branch of government. Men who speak out in behalf of the public interest—such as John Hemenway and Ernest Fitzgerald—are ruthlessly eliminated. Congressmen seem unconcerned with this problem, and when they wonder why government is as sluggish, expensive, and incompetent as it is, they may discover that it is their own fault for not policing and controlling it. In the meantime, John Hemenway and Ernest Fitzgerald are unemployed, and no one seems to care.

GODSPELL'S MESSAGE STILL RUNNING AT FORD

HON. WALTER E. FAUNTROY

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 8, 1973

Mr. FAUNTROY. Mr. Speaker, from the moment we hear our first lesson until the day we end our lives, we have been taught to follow the Golden Rule, the Ten Commandments, or what may be called the "spirit of Christianity." But looking at the people, the world, and the insanity around us, I am amazed at how many times we humans have failed to connect the words of our Greatest Teacher to our everyday lives.

The tiny theatrical miracle called "Godspell," now in our midst at Ford's Theatre, is deserving of praise for its entertaining and effective attempt to reinject the brotherhood of Christianity into our daily experiences. But because "Godspell," its creators, its cast, and Ford's Theatre have exceeded every previous conception of theatrical influence and involvement, we owe them our special congratulations and thanks.

In a world still riddled with violence, hatred, and opression, "Godspell" can yet convince us that mankind can prevail with its most powerful and simple weapon: love—love of God, love of each other, and love of ourselves.

This utterly delightful and beguiling musical romp is based both on the text and the spirit of the Gospel of St. Matthew. With parables abounding, the reassuring message of Jesus Christ comes to vibrant life with the humor and music of both today and yesterday. The humanity and warmth of Christ and his his philosophy are resurrected by young author John-Michael Tebelak and composer/lyricist Steven Schwartz. Their creative talents have sparked to life a message which many had considered dead and forgotten.

In a religious sense, the essence of Christianity is now being theatrically thrust forward in "Godspell." But as Life magazine noted, it is done, "with no loss of reverence and no odor of sacrilege." Author Tebelak began "Godspell" as his educational thesis intended to "revitalize people's interest in religion and bring more celebration into religion." Success is reflected in his creation which makes the New Testament alive, relevant, and joyous. The nihilistic "God is Dead" philosophy of only a few years ago is now itself dead. "Godspell's religious validity was authoritatively embraced by the respected Archbishop of Canterbury, Michael Ramsay, who witnessed "Godspell" with tears in his eyes, and remarked that the song "Day By Day" was the most moving experience he ever had because "It's the way I pray."

But the success and worth of "Godspell" go far beyond religious measurements. Our own split society may find reason to move back together again as the result of an experience such as "Godspell." The Catholic Review noted that:

> Godspell may have more of a good influence upon our alienated young people than we realize.

This move toward reunity was a prime objective of Mr. Tebelak. He said:

> I think that one of the ways Christ was trying to teach us to find love between each other was to look for a part of ourselves within each other.

"Godspell" successfully creates an emotional bond between any generation gap in a burst of brotherhood, embracing people of every age. Tom Prideaux, critic for Life magazine, observed:

> The show's power is not just that it preaches Christian doctrine, but that it actually creates a festive, spontaneous love-thy-neighbor mood . . . it is a family show. Young people especially respond to its frolicsome spirit and grasp its essential truths.

St. Matthew's lessons here are not aimed at anyone, but for everyone. No one is to blame for where the world is, but anyone can help get it straight again. Richard Lebherz noted in the Maryland Post that:

> There is something quite gentle about "Godspell." It accuses nobody, but seeks to instruct, in charming ways, what the teachings of Jesus are all about . . . it will certainly leave a constructive impression.

"Godspell" not only offers a possibility of bringing us all back together in a spirit of community, but it even goes so far as to offer us all hope for the future. One walks away from the performance feeling cleansed and thinking there is a chance for the world and man. For "Godspell" shows us that weakness, not some inherent evil, man's basic flaw. And weakness is a flaw that we as a people can overcome.

Finally, "Godspell" must be commended as a champion of the individual. It leaves behind a joy for the common man; an idea that it was a Christ of the people, and not of the thrones, who once lived. "Godspell" is a celebration of the simple and the pure. Its sense of forgiveness and comfort cannot help but ease the burden of any man.

All of this praise would merely be an appendage to "Godspell's" critical success if it were not for its sense of community. All of theatre now talks of community involvement; but it is quite another thing to transform an idea into reality. Ford Theatre's production of "Godspell" has been a model of local involvement and assistance. Together, "Godspell" and Ford's have held benefits for: the inner city children of Washington, St. Steven's ministry, the Washington Community School of Music, the D.C. Institute of Mental Hygiene, the National Retinitis Pigmentosa Foundation, Washington's Public Broadcasting Service and many others. Further, the cast of "Godspell" have given generously of their time in going out and entertaining the Children's Hospital, the Heart Association's parties for Heart Surgery children, and countless other visits of charity. And Ford's Theatre has broken records for aiding school groups, community organizations, and theatre parties in their arrangements of "group attendance and assistance." Such a record could put most community aid centered groups to shame.

It has only been a few years now, that the Ford's Theatre Society and the U.S. Department of the Interior's National Park Service combined to both continue an historical landmark and simultaneously sponsor an operating theatre, alive with the spirit of the old and the new. In consideration of Ford's record of recent theatrical productions under Executive Producer Frankie Hewitt, and its recent activities with "Godspell," we can look at the Government's sponsorship of Ford's Theatre as one of our most profitable investments.

I believe that the present production of "Godspell" and the active involvements of Ford's Theatre demand our attention and sincere thanks and admiration. All factors considered, both "Godspell" and Ford's are respectfully carrying on the spirit of the man who gave this particular theater its heritage and history.

THE GOOD AND THE BAD

HON. JOHN J. RHODES

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 8, 1973

Mr. RHODES. Mr. Speaker, the forced busing of schoolchildren is an issue that has gained a great deal of attention throughout the country.

Currently in Arizona's First Congressional District there is a situation involving the Department of Health, Education, and Welfare's attempts to solve a numerical racial imbalance. I speak of Tempe Elementary School District No. 3 and the children of Guadalupe.

Guadalupe is a small community consisting primarily of Mexican-American and Yaqui Indian citizens who mostly speak Spanish. The children attend a school in Guadalupe, which is part of the Tempe school system. According to HEW, these children are not properly spread throughout the Tempe schools.

The Tempe situation highlights many of the problems created by forced busing, but more than the others it points out the language barrier faced by the minority children involved.

In order to provide these children true educational opportunity, a sound, effective bilingual educational program is necessary. Practical and fiscal problems preclude such a program from being carried on in all the schools throughout the District. Yet, HEW tell us that without desegregation there is discrimination against minority students.

To support this position HEW looks to the 1964 Civil Rights Act. However, I think the department is unduly bound by their own narrow definitional reading of that Act. In this case applying HEW's quotas and formulas frustrates the needs of the people who are to be helped.

In this situation there is the potential for a very real and destructive type of discrimination, and that is language discrimination. What would be more discriminating than for a child to be forced to attend a school where his language ability would jeopardize his learning, and isolate him from his classmates?

We must broaden our perspectives in considering what needs to be done to combat discrimination effectively.

The March 7, 1973, Wall Street Journal editorially commented on the Guadalupe situation. That editorial follows and I recommend it to my colleagues:

THE GOOD AND THE BAD

> Once upon a time it was relatively easy to tell the good guys from the bad guys. Good guys, to read much of the national press at any rate, were those who favored a strong presidency, massive federal spending, numerous social welfare programs, bountiful foreign aid and, more recently, forced busing to achieve racial integration in public schools. Bad guys stubbornly opposed those enlightened prescriptions.
>
> Now many one-time good guys are trying to curb the power of the presidency. They claim foreign aid has largely benefitted the ruling class. Brookings Institution scholars have noted the failure of massive federal spending programs and, as The Washington Post recently reported, even social scientists who just a few years ago were eager to transform society have doubts about the effectiveness of the social programs they so freely advocated.
>
> That leaves only forced busing, which is opposed by almost every segment of American society at every educational, economic and geographic level—and by just about every politician, especially at election time. Nevertheless, a dwindling number of supporters, particularly among the media and the judiciary, continue to view commitment to busing as the dividing line between morality and immorality.
>
> It would be interesting, then, to hear them explain the motivations of the Guadalupe Organization, an antipoverty group comprised of families from the tiny, impoverished migrant worker community of Guadalupe, Ariz., just outside Phoenix.
>
> The overwhelming majority of Guadalupe's residents are Mexican-American and Yaqui Indians; of the approximately 600 students who attend its lone elementary school, 91% are Yaquis or have Spanish surnames. Yet the Guadalupe Organization says it will go to court if necessary to prevent busing of its children to other schools in the district outside Guadalupe—a possibility that seems inevitable in view of a recent HEW order that the Guadalupe school be desegregated to comply with racial-balance requirements.
>
> There have been many other examples of minority resistance to busing solely to promote racial integration. A federal court order in the summer of 1971 would have required half of Chinatown's 3,000 elementary school children to ride buses to schools in other parts of San Francisco, so parents organized community schools where their Chinese heritage could be taught and preserved. Black parents in New York City have decried busing their children across town.
>
> What this means is that if forced busing is moral, Guadalupe's Yaqui and Mexican-American parents, San Francisco's Chinese parents and NYC's black parents are immoral—even, perhaps, racist, since that has been the contention of most pro-busing advocates.
>
> It could be, on the other hand, that these minority parents object to seeing their children used as pawns in social engineering games with uncertain benefits. And it also could be that the views of the overwhelming majority of other busing foes are not far different.

CHARLES R. JACKSON

HON. PETER A. PEYSER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 8, 1973

Mr. PEYSER. Mr. Speaker, I have just learned that Mr. Charles R. Jackson, head of the Criminal Investigations Bureau of the Westchester County Sheriffs

Department in New York, is going to be retiring from this position.

In his 20 years of police work, Mr. Jackson has distinguished himself as one of the outstanding criminal investigators, particularly in the field of narcotics.

Over his lengthy career he has been repeatedly honored and praised by those in his profession. While my friend Charlie will be leaving the law enforcement field he will be continuing to work with young people to help them in problems dealing with drug abuses.

I want to take this opportunity, Mr. Speaker, to call these facts to your attention so that you and Members of the House can join me in extending to this distinguished gentleman our congratulations on a job well done and our best wishes to him in the future.

DR. JAMES P. WESBERRY

HON. BEN B. BLACKBURN

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 8, 1973

Mr. BLACKBURN. Mr. Speaker, it was recently announced that Dr. James P. Wesberry, acting chaplain of the U.S. House of Representatives during the summer of 1949, was named 1972 Man of the South and elected to the "South's Hall of Fame for the Living" by Dixie Business magazine. This announcement was made by Hubert F. Lee, the founder and editor of Dixie Business since 1929.

Dr. Wesberry, who has served as pastor of the Morningside Baptist Church in Atlanta for 30 years, is well known nationally for his work as a Southern Baptist minister.

Mr. Speaker, I would like to share with my colleagues the release forwarded to me by Mr. Hubert F. Lee after the announcement of this award to Dr. Wesberry. The release follows:

Dr. James P. Wesberry, who begins his thirtieth year as Pastor of Morningside Baptist Church, Atlanta, well-known nationally prominent Southern Bapist minister, is the 1972 Man of the South and elected to the "South's Hall of Fame for the Living" by Dixie Business Magazine, as announced by Hubert F. Lee, the founder and editor of Dixie Business since 1929.

Dixie Business, according to Editor Lee, "seeks to honor men who have contributed conspicuously to the South during their lifetime, so they personally may derive some satisfaction in knowing their work has been appreciated by their contemporaries."

A special citation and award will be presented to Dr. Wesberry at the Eleven O'Clock Worship Service of the Morningside Baptist Church Sunday, March 4, which marks the 29th anniversary of Dr. Wesberry's pastorate and the beginning of his thirtieth year. While many ministers have held long pastorates in Atlanta, Dr. Wesberry holds the honor of serving longer currently than any other known minister.

In announcing this Award Lee pointed out that Dr. Wesberry holds many honors. He said that as a college student at Mercer University Dr. Wesberry received the highest honor given at the hands of the Student Body and Faculty, that of Master Mercerian; that Dr. Wesberry holds four honorary doctor's degrees; that he has served for twenty years as Chairman of the State Literature Commission; was Vice Chairman and Chairman of the Editorial Committee of the Governor's Citizens Penal Reform Commission in 1968; served for six years as a member of the Executive Committee of the Southern Baptist Convention; was President of the Georgia Baptist Convention and the Southern Baptist Pastor's Conference; and served as President of the Atlanta Christian Council and Moderator of the Atlanta Baptist Association.

Lee said Dr. Wesberry is now serving for the third time as a Trustee of Mercer University and had served on the Board of Trustees and Administration Committee on the Atlanta Baptist College since its creation. He also pointed out that Dr. Wesberry is a member of the Executive Committee of the Georgia Baptist Convention and was Chairman of its Administration Committee for four years.

Dr. Wesberry's life and influence has extended, said Lee, to the far corners of our nation and world. Dr. Wesberry was Acting Chaplain of the United States House of Representatives during the summer of 1949 during the 81st Congress while his son, Jim, Jr., who later served for five years in the Georgia State Senate, was a Page. Lee said he believes that Dr. Wesberry knows intimately more Governors, Congressmen, Senators, and has known more Presidents of our nation than any preacher in the South. Dr. Wesberry's Prayers were published by the Congress and Sam Rayburn, Speaker of the House, said: "His daily ministrations were helpful and inspiring, lifting all who heard him to a deeper realization of their need for divine guidance.

Dr. Wesberry is also one of the Scottish Rite lecturers and holds many Masonic honors. He served as Grand Chaplain of the Grand Lodge of Georgia during the administration of Grand Master George P. Whitman. On January 17, 1973 he received the Merit Award from Yaarab Temple. Tom Slate, Past Potentate, in presenting the Award, said that Dr. Wesberry "is the first to be appointed to that position (Chaplain of Yaarab Temple) by five consecutive Potentates and that he has served for seven of the past ten years and has been recently reappointed for 1973. Dr. Wesberry is the first Christian minister to ever receive the Merit Award from Yaarab Temple since it was instituted in 1923.

Dr. Wesberry is the author of a number of books. His newest book, "Meditations for Happy Christians," has just recently been released by Broadman Press. In writing about Dr. Wesberry Broadman Press says: "Few men become living institutions, but James P. Wesberry is one of those few. In 1944 he began a pastorate at a congregation of slightly over 500 members in Atlanta, meeting in a small wooden building. That congregation today is the Morningside Baptist Church, one of the great churches of America." "His extensive writings," Broadman Press says, "includes several books and frequent contributions to secular and religious periodicals. Truly, he is an amazing man, an embodiment of the faith proclaimed in this book."

In making this award, "The Man of the South," Hubert Lee said, we also took into consideration that Dr. Wesberry is a true and patriotic citizen of the old South. Dr. Wesberry's grandfather for whom he is named "Pickett" fought in the Confederate Army. Dr. Wesberry was born in Bishopville, South Carolina, in the beautiful cotton and Bible belt section of his beloved Southland and was reared and received his early schooling in Columbia, a city which, like Atlanta, was destroyed by Sherman. From there he has gone to the far corners of the earth.

Dr. Wesberry has been on many preaching missions for the Chief of Chaplains of the United States Air Force and also traveled extensively in other lands.

Dr. Wesberry also moderated for many years the popular "This Is Your Town" interview television program and has appeared often on many other television and radio programs.

While the pulpit is his throne and he takes great pride in being a pastor who really loves people, his number one joy and honor is that of being Pastor of Morningside Baptist Church. In 1943 he was called to one of the largest and most influential city churches in America which had more members than there were people in the town where he was pastor, but Dr. Wesberry says, "The Lord called me to Morningside and to Atlanta, and if there has ever been a man who was called of God to preach, I am that man; and if there has ever been a happy pastor, I am that pastor because I know I am where the Lord called and wants me. Dr. Wesberry has, across the years, led his people from a small frame building on Highland Avenue to what he refers to as his dream church, one of the most beautiful in the nation, an architectural gem located on a fourteen and a half acre wooded, hillside site overlooking Atlanta's skyline, estimated in value today at over two million dollars, one of the most influential among Southern Baptists.

Dr. Wesberry has seen the skyline of Atlanta change during the almost three decades that he has lived in Atlanta, and he and Mrs. Wesberry love Atlanta, think it is the most wonderful place on earth in which to live, love, and serve, and every day he gives thanks to God for the great and glorious privilege of seeking to magnify Jesus Christ and of serving the people.

This is the man Dixie Business is proud to present as "The Man of the South for 1972" and to its "Hall of Fame for the Living."

A HOPE FOR PEACE AT WOUNDED KNEE

HON. EDWARD I. KOCH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 8, 1973

Mr. KOCH. Mr. Speaker, the latest reports from Wounded Knee, S. Dak., truly concern me. Since efforts for a negotiated settlement have broken down it is urgent that steps be taken to avoid the violence that has been promised for tonight. Both sides, of course, must cooperate if bloodshed and a direct confrontation are to be avoided.

The situation, however, is highly volatile. Two hundred U.S. marshals and FBI agents reportedly are in the vicinity with automatic weapons, tear gas, and armored personnel carriers. The Government clearly has more weapons than the Indians, and I truly hope that restraint is shown at this crucial time. Today, in fact, I called the Justice Department urging their caution in this area.

It is clear that the Indians have been an oppressed minority in this country for a very long time. On the other hand, it is my belief that the Indians might modify their demands and at least agree to talk to Marvin Franklin, Chief of the Bureau of Indian Affairs. Only through a dialog between representatives of the Bureau and the Indians can agreement be reached; a confrontation of arms will result only in a tragic loss of life.

Wounded Knee, the site of the 1890 massacre is a shrine of Indian martyrdom. How refreshing it would be if this same site could now be changed to become a symbol of mutual understanding and respect.

TRAGEDY IN THE MIDDLE EAST

HON. PAUL FINDLEY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 8, 1973

Mr. FINDLEY. Mr. Speaker, the recent series of Middle East tragedies could lead a casual observer to conclude that the situation is going from bad to worse and that a recurrence of the violent outbreaks which have studded the history of that unfortunate land may be imminent. All this may come true, but I believe it is too soon to tell. And, despite recent tragedies, I believe there is reason to be hopeful.

Most recently, the Black September terrorists killed two American diplomats and one Belgian in the Sudan in a wanton and barbarous act. The purpose of this atrocity seems to have been to secure freedom for several Arabs who have been convicted of capital crimes in Jordan and the United States. In other words, the purpose was to replace the legitimate rule of law with anarchy.

Such a tendency has plagued the Arabs for decades, and only recently have some Arab leaders begun to realize that yielding to the guerrillas, the terrorists, and those who would achieve their ends through blackmail serves only to destroy Arab unity and condemn the Arabs in the eyes of the world.

King Hussein has steadfastly refused to yield to terrorist demands that he release those who instigated the civil war in Jordan in September of 1970.

Libya's Col. Muammar al-Qaddafi has resisted the demands of extremists that the Arab world seek revenge against the Israelis for shooting down a commercial passenger plane causing the death of more than 100 people.

The Sudan's President Jafaar al-Nimeiry also has dealt with these atrocious tactics firmly in the past. In the summer of 1971, an attempted coup in Khartoum resulted in the execution of the rebel leadership. Now President Nimeiry has pledged to bring the eight guerrillas who shot the diplomats to justice.

That is more than good news for the Americans and Belgians affected. That is good news for the Arabs, and especially for peace and stability in the Middle East. The Arabs can no longer afford to waste their energies fighting one another. President Nimeiry was right when he stated that the guerrilla takeover of the embassy was a plot to embarrass his government and to display the weakness of the Arab nation generally. So far, President Nimeiry has refused to show that weakness. No leader, unless he rules by totalitarian means, can prevent the irrational attacks of terrorists. But by condemning such attacks when they occur and punishing those who perpetrate them, a leader may reduce the likelihood that they will be repeated.

There are those who do not believe that President Nimeiry will be able to make good on his pledge and that the eight terrorists will eventually be let loose to prey upon the world again. Only time will tell, of course. However, if the courage which President Nimeiry has displayed in the past is any guide, then he will make good on his pledge and the Middle East will be a safer place to live.

TRANSFER FROM TARRANT COUNTY JAIL TO FEDERAL INSTITUTION

HON. LESTER L. WOLFF

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 8, 1973

Mr. WOLFF. Mr. Speaker, last week I spoke in this chamber about the continued incarceration of a constituent of mine, Thomas Laffey, in the Tarrant County Jail, Fort Worth, Tex.

At that time, I renewed my request to the Department of Justice that Mr. Laffey be transferred to a Federal facility so that he might, at the very least receive the type of treatment that is afforded to convicted Federal criminals. As I have stated previously, Mr. Laffey has not been charged with any crime, nor has he been convicted of one. He is currently in jail for his refusal to answer certain grand jury questions, a decision which resulted in the civil contempt charge under the Organized Crime Control Act.

Mr. Speaker, I am delighted to report that the Department of Justice has responded to my call and has ordered the transfer of Mr. Laffey to a Federal facility in the Fort Worth area. Following my remarks, I would like to include in the RECORD the text of a letter which I have just received from Mr. Laffey describing the much more tolerable conditions at the Federal Correctional Institution at Seagoville.

There are still a good many questions surrounding this grand jury inquiry in the northern district of Texas and I am pleased to note that the distinguished gentleman from Pennsylvania (Mr. EILBERG) has scheduled a judiciary subcommittee meeting for next Tuesday to probe the current status of this inquiry as well as its original purpose and intent. I am sure that a number of my colleagues will be joining me in presenting material to the subcommittee for its deliberations and will be following the hearing record closely.

The letter follows:

SEAGOVILLE, TEX., *March 4, 1973*.

DEAR CONGRESSMAN WOLFF: By now, I am sure you have heard that we have been transferred from Tarrant County Jail to Seagoville Correctional Institution.

It came as a complete suprise to us, we had no idea that we were going any place. It was 3 p.m. on last Wednesday when the guard told us we were being transferred here.

It is still jail, but it is a big improvement from where we were. The food is much better and we get to go outside for an hour everyday. We also get to go to church on Sunday.

I just got finished talking to ——— and she told me that you would have a Congressional Hearing on our case. I want you to know that all of us deeply appreciate all you are doing for us.

Very Sincerely,

DANNY CRAWFORD.

P.S.—We are glad to have left that hellhole. We are lucky that our minds are still intact. I wouldn't wish that jail on any human being.

AID PUBLIC SAFETY PROGRAMS TO COMBAT INTERNATIONAL CRIME AND TERRORISM

HON. EDWARD R. ROYBAL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 8, 1973

Mr. ROYBAL. Mr. Speaker, the tragic atrocities of the past few days at Khartoum have shocked the sensibilities of the civilized world. As we decry the wanton murder of these innocent victims of international blackmail, two of them career American diplomats, we call upon all nations to join in the immediate search for solutions to this mad wave of terrorism.

Our State Department has warned all diplomatic posts to be alert to the possibility of similar incidents in their areas, for acts of blackmail, once successful, tend to feed upon themselves. This had been amply demonstrated by the increasing number of abductions of diplomatic hostages during the past several years.

The police forces of most host countries are solely responsible for internal security, including the protection of foreign diplomats. In many developing nations the police are ill equipped to cope with the type of international banditry spawned by current world problems. Lack of even basic effective communication capability, force mobility and training in counter-terrorists techniques has contributed to their frustration and ineptitude. Subsequent reliance upon military forces has frequently compounded the problem through overreaction and the abandonment of democratic processes.

With the increasing complexity and sophistication of the world's technology, there has been a corresponding increase in international crime. Along with illicit narcotics trafficking, now the world is faced with "international terrorism."

We in the United States must take a strong position against international crime. The place to start dealing with this problem is at the early stages with the development of an effective and responsible police force in the developing countries. We cannot be the world's policeman nor should we. We cannot enforce laws in foreign countries without becoming embroiled in war. But, we can help the foreign police officer to do his job more professionally and effectively.

Military assistance programs for developing countries have recently come under strong review, due to their high cost and the dangers of undesirable U.S. involvement. U.S. assistance programs for civil police forces however are low cost, and are directly related to correcting deficiencies in communications, training and professionalism which inhibit performance against international terrorism.

Public safety programs, operated by AID, are in 19 countries of the free world. Recent impartial studies disclose that these programs are meeting both their immediate and long-range objectives. They have not only resulted in improved performance and professional stature of the police, but in the building of institutions and practices which should continue progress after U.S. assistance is terminated.

In some developing countries police radio networks have been installed which not only serve law enforcement needs but meet the requirements of the central government. Facilities for professional training have been developed in numerous countries. Identification bureaus and crime laboratories have been created or improved through modern equipment and trained personnel, which has greatly reduced traditional reliance on confessions and inhumane methods of interrogation. The objectives of this program have been to: First, improve the capability of the civil police to maintain public order with a minimum use of force, second, encourage the development of responsible and humane police adminstration, and third, enable the police to become responsive and more closely integrated into the community.

The International Police Academy, an integral part of the Office of Public Safety, recently graduated its 4,358th student since its creation in 1963. These graduates, representing 75 countries worldwide, now occupy command and supervisory positions in their respective departments, and in many cases, have been instrumental in effecting needed organizational changes, better leadership, and improved attitudes of public service. In addition to traditional police subjects, specialized courses in narcotics suppression, bomb handling and airport security have been offered, to name but a few.

It is axiomatic that where good internal security exists, with the police capable of controlling lawless violence, the climate for lawful protest and political development is improved. Uncontrolled violence and terrorism, however inspired, frequently cause governments to react defensively, and to establish, oppressive restrictions on all forms of protest. Similarly, in the administration of justice, an atmosphere of peace and order tends to encourage more humane treatment of criminal offenders.

In the search for countermeasures to the wave of terrorism which recognizes no civilized restraint or geographical boundaries, it would be expeditious to consider the expansion of a successful ongoing program. No one is suggesting or in any way advocating that any one country attempt to police the world. It is possible, however, for the United States to help through assistance which would combine the advantages of both low cost and low profile with the expertise of a trained staff of skilled advisers.

LEGISLATION TO ASSIST OLDER AMERICANS

HON. H. JOHN HEINZ III

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 8, 1973

Mr. HEINZ. Mr. Speaker, the impact of last year's Revenue Sharing Act amendments, including the stipulation that required 90 percent of these limited funds finance services only for those actually receiving cash welfare benefits, continues to hit hardest at the already overburdened elderly poor.

One of the most serious results of this legislation is the threatened suspension of many ancillary service programs that are badly needed by citizens who are not on welfare but who may be eligible for such assistance.

It has been brought to my attention by the Reverend Donald Yost, director of the services for the aging of the Lutheran Service Society of Western Pennsylvania, that clients of his organization's 16 meals-on-wheels programs face severe hardships because of this legislation.

Mr. Yost points out that of the 600 persons served, only between 60 and 70 are actually receiving cash welfare assistance. This means that 90 percent of his clients will be ineligible because of the 90–10 limitation.

Second, Mr. Yost points out that because of the proposed regulations disallowing use of private funds as part of the State share, their private contribution of $33,000 will not be eligible for use in their contract with the State. If this is the case, the program will be forced to end when that contract expires in 3 months.

I have introduced legislation that would stipulate this 90–10 limitation not apply to the elderly, disabled, or blind. Hopefully, many of the anticipated problems would be averted. I am presently circulating a letter to my colleagues for added cosponsors in an effort to rectify this limitation of services for those not on welfare, some of whom refuse to accept welfare.

I would like to share with my colleagues the text of a statement and an actual case history of one couple provided by Mr. Yost that point up the very real need for Congress to act at once to protect nonwelfare recipients:

FACT OR FALLACY? 1973

"Give me your tired, your poor,
Your huddled masses yearning to breathe free.
The wretched refuse of your teeming shore.
Send these, the homeless, tempest-tossed to me.
I lift my lamp beside the golden door."

—*The New Colossus*,
Emma Lazarus, 1903.

America would have a difficult, if not impossible, task of proving these words true or meaningful to a large segment of its elderly poor. Like it or not, there is a vast desire on the part of a large number of Americans to have the elderly poor just fade away and be forgotten.

The Federal government seems bent on adding to the already over-burdened elderly poor of America. First, the severe cutbacks in funds for delivery of human services, then the requirement that the elderly must be cash recipients of Public Assistance to receive supportive services, and now the requirement that private funds cannot be used as "local share."

What is the Federal government trying to accomplish? Prove by not caring for the elderly that the elderly will disappear? That by the 90% cash recipient ruling that the elderly will be forced *onto* or *off of* Public Assistance? Is the Federal government dedicated to the task of divesting the elderly of what little they have left—human dignity and self-worth? What is the Federal government trying to do—increase the Federal and State tax burden by ruling private funds ineligible as "local share" money?

The Federal government *cannot* provide delivery of human services for the elderly without *private* social service agencies which utilize *private* funds, unless the Federal government is willing to add additional billions to the public tax load.

For example: The Lutheran Service Society of Western Pennsylvania operates a network of sixteen (16) Meals-on-Wheels programs in Allegheny County, Pennsylvania. Recently a study revealed that it would cost government at least $500,000.00 to provide ten meals per week to the six hundred (600) clients. In addition, it should be noted that of the six hundred (600) Meals-on-Wheels clients in Allegheny County *less than seventy* (70) are cash recipients of Public Assistance.

If the people of America were to receive a gift from a grateful foreign nation in 1973 could the words inscribed on the Statute of Liberty be inscribed there with honor and integrity? Is there a place for the poor in America today?

The elderly poor cannot wait for the slow process of Congressional redress of current inhuman treatment. What is the answer? What would the President and members of Congress have us say to the poor—especially the elderly poor?

Could the words of Emma Lazarus, written in 1903, and inscribed on the base of the Statue of Liberty, be inscribed there in 1973? Do the words even have any vague meaning for the elderly poor in 1973?

THE COOPERS—A CASE HISTORY

Mr. and Mrs. Cooper—Albert and Pauline—are invalids who have lived, in their own words, by "helping each other." Mr. Cooper is a stroke victim. He uses a walker. He is unable to speak, and communicates by gesturing. Mrs. Cooper is restricted to a wheelchair. She is a diabetic, paralyzed several years ago by nerve damage from a misplaced insulin hypodermic. She also has a bowel involvement, possibly cancer.

Mr. and Mrs. Cooper, both in their 70's, are Meals-on-Wheels clients. Until recently they were on public assistance, but now with Federal changes, their Social Security allowance is higher than the limit for public assistance cash recipients, so finances have been curtailed.

As recently as the end of January, Mr. and Mrs. Cooper were still able to cope in their daily existence, poor as it was. Supportive of one another's needs, they had little more than this to depend on, with the exception of the meager help social services agencies provided. Shunted aside by their children, who claim no responsibility for them, the Coopers lived for and through each other.

A Pittsburgh television documentary on the subject of aging depicted the Coopers as poor, but with at least some vestiges of human dignity left. In that film, Mrs. Cooper was quoted as saying "A bad day is when it's gloomy, and there's no mail, and no company comes, and then the pains get worse. A good day is when the sun shines and the Meals-on-Wheels people come."

The film seemed almost a downward turning point in their lives. During the week of its broadcast, on two consecutive days, volunteers took Mrs. Cooper to a hospital for a lower gastro-intestinal series of X-rays, and on the second day, a barium series. On her return from the hospital the first day, Mrs. Cooper commented to a volunteer, "Oh my, I didn't realize how run-down and dilapidated my house is. Someone should have told me how bad it looks." It was the first time in three years Mrs. Cooper had seen the outside of her home.

Alone at night now, Mrs. Cooper has begun talking about being admitted to that hospital herself. She also speaks on suicide. The one last dream the Coopers had, to live out their lives together, is ending.

With funding and an adequate staff, this situation would not have been corrected, but at least, temporary solutions and stop-gap measures might have been afforded the Coopers, supporting them and attempting to keep them at home and together.

The depression set in more deeply; Mrs. Cooper began to listen when visitors talked to her about signing papers to have Mr. Cooper admitted to a county institutional hospital.

During the following week, a series of events occurred which marked a nadir in the lives of the Coopers.

Mr. Cooper fell against a bedroom stove, badly burning his arm. During a cold snap that same week, water pipes froze and burst. The Coopers were not only without water, they also had a flood on the bathroom floor. The problem was referred to the city since the house in which the Coopers live is a condemned property owned by the city. Plumbers were sent in. Five days later there was water available in the kitchen, but none in the bathroom. The bathroom floor was still under water.

Mr. Cooper's arm became infected. He was taken to the hospital for emergency room treatment. Social services at the hospital admitted him instead, due to his generally poor condition. Mrs. Cooper was contacted about having him admitted to the institutional district hospital. Mrs. Cooper agreed; the papers were signed and as soon as a bed becomes available, Mr. Cooper will be transferred.

IN PEACE MAY I WAVE

HON. WILLIAM S. MOORHEAD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 8, 1973

Mr. MOORHEAD of Pennsylvania. Mr. Speaker, as I have for the past 2 years, I would like to include in the CONGRESSIONAL RECORD the original and delightful poems of a group of fourth graders, from the John Minadeo School, in Pittsburgh.

Miss Roberta Feldman, their teacher, has helped the class develop this book of poems, about our American flag, dedicated to our brave astronauts and entitled "In Peace May I Wave."

Each year, following the appearance of these poems in the RECORD, I receive several letters from people all across the Nation telling me how much they appreciate the originality and youthful patriotism evidenced in the poems.

I am sure this year will be no different. The poems follow:

PITTSBURGH, PA.,
January 5, 1973.

DEAR CONGRESSMAN MOORHEAD: The fourth graders of the John Minadeo School, again have created a poetry booklet of original flag poems. The topic of this booklet is our true feelings about the flag.

We hope you will take a moment of your valuable time to read "In Peace May I Wave."

We dedicated this booklet to our astronauts whom we are very proud of.

Respectfully,

ROBERTA FELDMAN.
SUSAN BLOCK.

IN PEACE MAY I WAVE

(By Roberta Feldman)

The American flag, be it waving in the United States or on the moon symbolizes peace, justice, and freedom for all mankind.

As Americans we can be proud of our astronauts who planted Old Glory on the moon. Americans have come a long way since our humble early beginnings in 1775.

The fourth graders of the John Minadeo School wish to dedicate this poetry booklet to the Apollo 17 Astronauts Eugene Cernan, Harrison Schmitt, and Ronald Evans, America's last astronauts on the moon in this century.

We salute you. Our flag flies hopefully in the spirit of peace.

"May the Spirit of peace in which (we) came be reflected in all mankind"—E. Cernan.

MY FLAG

(By La Verne Hunt)

What the flag means to me
Is more than it seems
Through the perilous fight
It survived through the night
Our soldiers fought for their freedom
It means much to me
More than it seems
For the Red, White, and Blue
Yes, I love you

OLD GLORY

(By Bradley Wong)

Old Glory flies very high,
Except when someone important dies
For then she is flown at half-staff.
When the weather is bad
Our American people are sad
Old Glory is taken down.
But, proudly she stands,
Looking oh, so grand
Symbolizing liberty and peace for all.

THE STARS AND STRIPES

(By Nancy McNelis)

The red and white stripes on the field of blue
Flew day and night
Free and true,
The flag flew ragged and torn,
Our men were forlorn
This sight filled the British with scorn,
It's thirteen stripes and many a star
Have stayed through the Revolutionary War.
Through the perilous fight,
Both day and night
No more a small tag
But our nation's flag.
"And the Star Spangled Banner in triumph shall wave
O'er the land of the free and the home of the brave.

OUR FLAG OF WAR

(By Samuel Kramer)

One night,
I saw a perilous fight
All the soldiers heard the bombs,
The flag flew in front and behind,
Dripping from mud, and tattered and soiled,
Our flag flew in the sky very bold.

THE STAR-SPANGLED BANNER

(By Francis Coyle)

The Star Spangled Banner
The flag that is true,
At Fort McHenry what flag stayed there?
The Star Spangled Banner which we hold dear,
The Star Spangled Banner with red, white, and blue
A flag which will always be true,
It stands for freedom, bravery too,
The Star Spangled Banner with its red, white, and blue.

OUR FLAG

(By Jon Kronzek)

The red, white, and blue
It is so true
Betsy Ross made it,
Just for you
The bombs came through
But we knew it was going
We hoped and hoped
Through the gleaming night, we saw our flag
The flag of the United States of America.

OLD GLORY

(By Ivan Waldman)

Old Glory is its name
It's lived through lots of history and fame,
The enemies' guns and the bombs bursting in air
But to our surprise the flag was still there.
We have struggled through this day,
So the whole world will say
Freedom is here
Let's stand up and cheer!

OUR FLAG

(By Marie Mullin)

As I was going by,
I looked up in the sky,
I saw Old Glory our flag waving high,
Let's keep our country free
Old Glory waving high
We feel happy
But sometimes we think of the war,
Our eyes are lowering
We're sad
When we think of war
Bombs, bombs, bombs.

OUR FLAG OF FREEDOM

(By Steven Nickel)

Our flag is very bright,
When it glows through the night
Our flag stands very high,
You would think it's in the sky.
You see it flying left and right
Up and down all around—
It never falls on the ground—
At flag raising we don't make a sound.

OUR AMERICAN FLAG

(By Quentin Bullard)

Our flag represents our country
It is our freedom's symbol,
Francis Scott Key thought we lost the battle,
Then he saw our flag still there
Our true Star Spangled Banner.

OUR FLAG OF LIBERTY

(By Erin Wikes)

Our flag of red, white, and blue,
Represents liberty to you,
For all mankind
It represents freedom
Our flag symbolizes war
The faces of man, and his family galore
Wars are bad for me
Our flag means new liberty

OUR FLAG

(By Tammy Heller)

Our flag waves triumphantly
Through the cool air
It stands for freedom
On the moon and everywhere
None would dare
To hurt our flag
With weapon or hand
That so boldly waves
Throughout the land.

THE STARS AND STRIPES

(By Andrew Luterman)

'Tis the flag of liberty
'Tis the flag of peace
It's the symbol of independence
Oh long may it wave
Over the home of the brave.

RED, WHITE, AND BLUE

(By Paula Fingeret)

Red, white, and blue,
we'll always remember you
You'll wave through the day,
You can wave silently
Or you can wave loudly
Wave through the sky
Or wave through a cloud
Red, white and blue,
Everyone loves you!

IT STOOD TALL

(By Lisa Netzer)

We thought it would fall,
But it stood very tall
It was up through the fight
And all during the night
We thought it was out
Yes, out of sight,
But were we right?
No, our flag stood tall.

OUR FLAG

(By Maureen Kolocuris)

I have a little flag
That's blue, white, and red.
Listen very closely
I'll tell you what I said
If you're proud of our country,
If you're proud of our land
Raise our American flag
High as you salute it with your hand

OUR REPRESENTATIVE

(By Harry-Todd Astrov)

It stands for good,
It sets down bad. At morning it goes up,
At night it goes down.
That's what makes us proud.
It stood through the Battle of Baltimore,
Our flag never went down.

OUR FLAG

(By Stacy Tozzi)

Our flag is red, white, and blue
It was made for all people like me and you
It symbolizes freedom, an idea we all love
Our American flag, so great we do love.

OUR FLAG

(By Kris Eshghy)

The flag has three colors
Red, white, and blue
When our astronauts went to the moon
Old Glory was planted there too
The red, white, and blue are called Old Glory
The Stars and the Stripes in our history
Helped to make the American Story.

THE LONGEST NIGHT

(By Susan Block)

Oh say can you see
Were the words of Francis Scott Key
When he watched through the night
As the American soldiers did fight
The red, white, and blue always proved true
Oh, red, white, and blue.

OUR FLAG

(By Rebecca DeMatteo)

Oh hail to the flag of red, white and blue
With fifty stars and thirteen stripes
They are so grand in the night
So beautiful when you were made by Betsy Ross
Oh so beautiful, oh so grand
How we love you
Oh, red, white, and blue.

OUR FLAG

(By Michele Aarons)

Our flag is the famous flag that stood so tall,
I hope it still stands and never falls
It was made by Betsy Ross with red, and white stripes
The stars on a background of blue never fall
That's why it's the most famous flag of all.

THE PERILOUS FIGHT

(By Michael McCarthy)

When the ships moved in,
Someone had to win,
When they started to fight
The flag stayed up day and night
The flag bore many a hole
When it was on McHenry's pole
Now we are free
As all Americans can see

OUR FLAG

(By Debbie Lewis)

Our flag is red and white on a field of blue
Our flag flies for justice and will always be true
Our flag means to be loyal for you
Our flag means to be brave for you
Our flag will always wave
The flag will always wave in a sky of blue
It waves in the hearts of all Americans too.

THEE OLD GLORY

(By David Perl)

As Francis Scott Key peered from a boat
He looked at other boats a float
He saw in the distance a flag hanging limp
Was it British or American, he puzzled!!
As a strong wind lifted it
He said "It's Old Glory"
It stands tall—Old Glory, Old Glory.

OUR FLAG

(By Bruce Markowitz)

Our flag flies tall and free
For every boy and girl to see—
If you count the stars there are fifty too
And thirteen stripes colored red, white, and blue.
Our flag stands for justice and peace for you and me—
Many men fought to keep it free
We salute the flag and feel very proud
We say the Pledge of Allegiance clear and loud.

OUR FLAG

(By Paula Tomasovich)

People fought to save our flag
With their bruises and clothes of rags
Through the day and night
To save our flag they did fight.
Across the river sat Francis Scott Key
Waiting quietly for the flag to see
Is it still there?
Is it still flying in the air?
It is still there!
It is flying in the air
They saved our flag,
They saved our flag.

THE STARS AND STRIPES

(By Lori Leff)

The blue of our flag stands for uniforms
That the soldiers did wear
The stars stand for bombs
That went bursting in air
The red stands for Blood
That many did die
The white stands for freedom which we slowly won—
The flag is full of liberty with lots of glory too—
That's why our flag means much to me and you.

OUR AMERICAN FLAG

(By Kathryn Dobbs)

The first flag was made by Betsy Ross,
The stars were white and the stripes ran across
When Francis Scott Key discovered the flag was still there,
He wrote the National Anthem which is now sung everywhere.

WHAT OUR FLAG IS

(By Paul Walsh)

The United States fought hard for the flag,
When we were done fighting it was a rag
I think the flag is the best
All over the whole wide world,
The colors red, blue, and white
Do so shine in the night.
The flag means freedom to me
It's important for all to see.

OLD GLORY

(By Susan Puglin)

The red, white, and blue,
Old Glory is our flag
That stood so proudly through the night
It was still there
So proudly waving.

OUR FLAG

(By Sharon Lehman)

Our flag is red, white, and blue,
It stands for our country so true
I hope it is so great to you
Our flag, so pretty with those colors waving,
Wave, red, white, and blue.

OUR GREAT FLAG

(By Kim Wallace)

Every time I look at our great flag
I think of that great fight
What a sight!
We really fought
Our flag still stood tall
It was tattered and torn
That did not matter—
It stood tall.

OUR RED, WHITE, AND BLUE FLAG

(By Angelo Lamenti)

Our red, white, and blue flag stands for peace,
It waves over our land,
It is out of sight when we see it in the air,
It is our Country's flag.

THE STARS AND STRIPES

(By Caroline Barrett)

The flag stands for freedom and liberty too
Oh yes, red, white, and blue
The red stands for blood, which the soldiers bled,
The white is for purity and cleanliness too—
The blue is for uniforms which were worn by many men—
The stars are for the bombs bursting in air—
The stripes of our flag fly for liberty too
Oh, Stars and Stripes, we love you.

OUR FLAG

(By Anna Marie Tarasovic)

Our flag is so nice
It is so very good,
People look at it each day.
In a very special way

OH RED, WHITE, AND BLUE

(By Michael Smith)

Oh red, white, and blue
We all love you
You stand so very high
Up in the sky,
Your colors so bright
They stood there all during the fight.

THE FLAG

(By Colleen Broderick)

I love the flag it's red, white, and blue
It shows our freedom for both me and you
Betsy Ross made the first flag out of her skirt
Our flag is on the moon now
There it will always stay.

MY FLAG

(By Susan Stein)

My flag has just fifty stars and thirteen stripes,
It stands for justice, peace, love, and brotherhood.
I care for our flag
The flag of today, the flag of tomorrow.

THE RED, WHITE, AND BLUE

(By Michelle Rubanoff)

The red, white, and blue,
It has always been true,
It flew all through the night,
To win every fight,
Oh, red, white, and blue.

MY FLAG

(By Craig Castiglione)

My flag is bright
With thirteen Stripes
Men have carried the flag through the night
And prayed by dawn's early light.

OUR FLAG

(By Marcie Slotsky)

Our flag has three colors
They are red, white, and blue
If you know what they mean,
They will be important to you.
Our flag stands for freedom, justice, liberty, and peace,
The man who wrote our anthem was Francis Scott Key
He wrote our song of liberty

RED, WHITE, AND BLUE

(By Jimmy Goldstein)

Oh red, white and blue,
What do they mean to me
The red is for blood, so much has been shed,
The blue for uniforms of men lying dead,
The white for the clouds that hung in the sky
Our flag flies high, high, high.

OUR FLAG

(By Jennie Connell)

Betsy Ross made the first flag
But it started out as a gag,
Our first flag was called the red, white, and blue,
Everybody just loved it too.
If everybody likes our red, white, and blue—
Everybody would surely like you our flag too.

OLD GLORY

(By Arthur Quinn)

The stars on our flag on a field of blue
I am sure it will tell you
Many things about our country
Our flag, our flag it is so true.

OUR FLAG

(By Mark Malakoff)

Our flag is red, white, and blue,
It shines for justice and for you.
It shines all day and then all night
It's big waving red and out of sight.

OUR FLAG

(By Linda Dusch)

With dignity they stand,
The men of our land
They died for our flag
Which we never, never drag.
The bombs light the air,
As dawn will soon appear
The flag stood there at night
With the brave restless men as they fight.

OUR FLAG

(By Ellen Grobstein)

Our flag is bright
Our flag is bold
Our flag has stripes
Yes, they are very old.
Our flag to us means more
Than three pots full of gold
Because all through the cold
Men fought so bright and bold.

OUR FLAG

(By Debbie Gelman)

It stayed up all night
Through the war and the fight
We thought it was gone
But it was still flying strong—
Through the burst of the bombs,
Our flag flied calm.

OLD GLORY

(By Thomas Grove)

Old Glory, Old Glory with your stars and stripes,
Flags and flags of different types
Flags from England, Spain, and France
Old Glory's the best always, first or last
It flies at half staff,
On different occasions
Old Glory, Old Glory, Old Glory.

COMMUNISM IS NO CHOICE

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 8, 1973

Mr. RARICK. Mr. Speaker, it was once said that no free people would ever forfeit their individual freedom in favor of State control and totalitarian domination by voluntarily voting themselves under communism.

Judging from the recent elections in France, Chile, and West Germany, we must recognize an exception to the rule. Unless the alternative political parties have so compromised their position and identity that they express "me too-ism" to communism and the people have no choice except labels, in desperation people without a choice will vote for communism if for no other reason than thinking they may get a change.

I include several related newsclippings to follow:

[From the Evening Star and News, Mar. 5, 1973]

ALLENDE COALITION GAINS SEATS

(By Merwin K. Sigale)

SANTIAGO, CHILE.—The coalition supporting President Salvador Allende picked up several new seats in yesterday's election, turning back a bid by the moderate-conservative opposition to expand its majority control of congress.

While retaining control of both houses of congress, the opposition failed to win the two-thirds strength it had hoped to achieve to impeach the Marxist leader or at least be able to overturn presidential vetoes.

"It's a triumph for Chile, for its institutions, for Democratic coexistence and public freedoms," Allende told the nation on television late last night.

"The country has spoken clearly and definitely to tell the present government that it does not accept its program," insisted former President Eduardo Frei in a speech from the balcony of his Christian Democratic party headquarters early today.

There were late-night victory rallies by both sides on the Alameda Bernardo O'Higgins, Santiago's main boulevard, and police and troops fired round after round of tear gas to keep the opposing groups apart.

ADDITIONAL SEATS

By then, official but incomplete returns had made it clear that the opposition had kept its majority hold on Congress, but that Allende's six-party Popular Unity coalition had picked up additional seats and proved that it still has a popular base of support despite the serious economic problems that beset the country.

With less than half the votes reported, the over-all tally in the Chamber of Deputies races showed the opposition, grouped as the Democratic Confederation, with 759,371 to 630,144 for Popular Unity, which is dominated by the Communist and Socialist parties.

The percentages were 53.6 to 44.5 with a splinter party and invalid ballots accounting for the rest.

TOPS 1970 PERCENTAGE

Later returns were expected to diminish the Popular Unity percentage, but it appeared likely to exceed 40 percent—better than Allende's pre-election forecast and a rise from the 36.3 percent he received in the 1970 presidential race. He won that over two candidates of the then-divided opposition.

Unofficial estimates were that the governing coalition picked up two Senate seats and 7 to 10 in the Chamber of Deputies. Before the voting, the combined opposition held margins of 32–18 in the Senate and 93–57 in the Chamber. All 150 Chamber seats were at stake but only half of the 50 Senate seats were.

Frei, the Christian Democrats' leading hope for the presidency in 1976, was elected to the Senate from Santiago Province. So was Sergio Onofre Jarpa, chairman of the rightist National Party, which joined the left-of-center Christian Democrats and three splinter parties to mount a unified challenge.

A MAJORITY ANYWHERE

The opposition's victory claim was summed up by Frei in his balcony speech. He said 51 percent represents the majority opinion of any country, and therefore Allende and his Socialist program had been repudiated.

But Allende noted that his coalition had reversed the usual downtrend of ruling parties in midterm elections.

It was more certain today that the opposition's slogan of "reconstruction"—a euphemism for halting or rolling back the march toward Socialism—would find no sympathy in La Moneda, the presidential palace. Allende already had said he would not change his program, no matter what the electoral outcome.

In fact, the election had little practical result. The opposition majority in Congress was simply reduced, suggesting that the stalemate between the executive and legislative branches might continue to the end of Allende's six-year term, unless there is some accommodation with the Christian Democrats.

SLOWED, NOT STOPPED

That stalemate has slowed but not stopped Chile's drift toward Socialism, which already finds the government controlling half of national production, compared with 20 percent when Frei turned over the presidency to Allende.

Two prominent Marxists were re-elected to the Senate yesterday. They are Carlos Altamirano, secretary general of the Socialist party and its chief exponent of a tougher policy line, and Volodia Teitelboim, a member of the Communist party Central Committee who supports Allende's softer approach to fundamental change.

Among the incumbents defeated were Sen. Julio Duran and Sen. Raul Morales, both of the right-wing Radical Democracy party. Duran has been a presidential candidate. Morales was implicated in the rightist conspiracy that led to the assassination of army Gen. Rene Schneider shortly before Allende took office. A court subsequently upheld Morales' legislative immunity.

[From the Evening Star and News, Mar. 6, 1973]

LEFTIST COALITION IN FRANCE TIGHTENS RANKS FOR RUNOFF

(By Andrew Borowiec)

PARIS.—The Socialist-Communist coalition has stepped up its struggle for power in France by deciding to submit joint candidates in next Sunday's final round of elections.

The possibilities of the left-wing forces were shown dramatically in last Sunday's first round: Their popular vote was 46 percent, compared to 38 percent for the Gaullist parties running under the name of the "Union of Republicans for Progress."

As only 59 candidates for the 490-seat National Assembly have been definitely elected, runoffs are needed in the bulk of French electoral districts. The Left's tactic aims at reducing any wasting of votes. The parties will leave in the next round those of their candidates who polled more votes, be they Socialist or Communist, and throw their combined weight to those candidates.

Even if the Gaullist establishment manages to squeak by on March 11th, a united Left wing bloc, intoxicated with success, is likely to become a formidable adversary.

The Gaullists, whether they like it or not, will have to take into account the clamor by the "Popular Front" for change.

The electoral following of the French Left is more preoccupied with immediate issues at home rather than with lofty political ideas on an international scale. Consequently, the Communist and Socialist candidates spoke more about problems as the shortage of telephones, discrepancy in salaries and highway construction rather than about the impact of socialism in the world.

To many French voters the Communists themselves claim they are no longer "the party of the clenched fist but that of the welcoming hand."

Still, few objective Frenchmen care to deny that the "Parti Communiste Francais" is Moscow's right arm in Europe and the main exponent of international communism in this part of the world. This feeling, more than anything else, may yet deprive the united left of its victory.

Strongly helping the Communist cause is the generally constructive record of Communist mayors in scores of cities. These Communist officials have succeeded in running clean administrations, equipping schools with swimming pools and providing satisfactory numbers of kindergartens.

An old rigidity of political orientation was toned down when, in a major development, the party drafted a joint program with Francois Mitterand's Socialists last June—mixture of militant Communism and a more moderate quest for a "Socialist France."

It maps a reform program spaced out five years. The objectives include the nationalization of 13 of the largest French industrial enterprises. This act would not only transform the country's economic structure but would also have serious repercussions in the European Common Market.

Assuming that a Socialist-Communist victory does not bring immediate chaos and economic panic, it nevertheless is more than likely to provoke a major constitutional crisis.

The constitution of the Fifth Republic, drafted by the late Charles de Gaulle, does not provide for a situation in which a president has to name a political foe as his premier.

Georges Pompidou, a confirmed Gaulist, is in the middle of his seven-year mandate. He has said on more than one occasion that he would not talk to Mitterand. Needless to say, he would not even mention the name of the Communists' leader, Georges Marchais.

Pompidou has indicated that in the event of a Left-wing victory he would dissolve the newly elected National Assembly and again appeal to the electorate.

TRIBUTE TO GEORGE L. ROBINSON

HON. JOHN T. MYERS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 8, 1973

Mr. MYERS. Mr. Speaker, when our good friend George L. Robinson retired last year as doorkeeper for the House of Representatives he returned to Colorado with his wife, Ethel, taking with them wonderful memories of their years in Washington. One of the many tributes to George Robinson came from Red Fenwick in the Sunday Denver Post of November 19, 1972. Fenwick has known George for more than 30 years and I would like to share that column with our colleagues:

TRIBUTE TO GEORGE L. ROBINSON

Which way do you spell it—Success or success? I believe too many of us spell it with the dollar signs. But we shouldn't.

I know an Oklahoma farm boy who worked his way up from railroad dining car waiter to confidant of governors, congressmen and many others in influential positions, and who retired last summer a huge success.

His assets weren't too many. Primarily they were—and always have been—a ready and meaningful smile, tons of self-confidence, firm determination and a genuine liking for and respect of others.

His name is George L. Robinson.

As a member of not one but two minorities, George Robinson might be regarded as, "doubly disadvantaged." You might think so, but not my George.

PART BLACK, PART INDIAN

George, was born Jan. 12, 1896, in Dover, Okla., part black, part Cherokee Indian.

Ask about his early education and he'll joke that he was "bused" to school on a pony that carried him to and from school and his dad's farm several miles out of Dover.

George lived like any other farm boy. He did chores in the morning and at night. And he lived on somewhat less than a modest income. That fired him to do better.

The turning point in George's life came when he was working as a dining car waiter for the Union Pacific Railroad. His run was from Chicago to Denver and back.

One night in Denver he attended a political rally and heard a gifted orator declare his philosophies as a human and a politician. The man was the late Ralph Carr, governor of Colorado in the early 1940's.

A few nights later, George decided he'd like to become associated with the man he so deeply admired. So he wrote him a letter.

George suggested that Carr might need a sort of messenger after he was elected governor, and that one George L. Robinson was his man.

He did just that—in competition with several dozen other candidates.

And that was how I met George Robinson 30 years ago come December, when The Denver Post assigned me to cover the Colorado capitol.

The late Bob Steinbruner, Post reporter, introduced us in the governor's office. I was impressed with George's presence, his businesslike handling of all visitors to the governor's office, his friendly smile and engaging handshake.

Actually, George Robinson—in neatly pressed business suit, white starched shirt, necktie and a gleaming shoeshine was more impeccably dressed than Ralph Carr.

To Gov. Carr, and his successor, John Vivian, George became much more than a messenger. He handled appointments for both men, arranged meetings and was asked to give his advice on many matters of state.

When the late Bill Hill was elected to Congress, he took George with him as a clerk in the House of Representatives. A few years later George was promoted to doorkeeper, a position of responsibility he held until his retirement last July.

Allegiance to one political party had nothing to do with Robinson's success: when Democrat Byron Rogers succeeded Republican Bill Hill, Rogers kept George Robinson on his job.

Actually, the first job with the Colorado's governors wasn't his first work in government. He'd been a clerk for the City of Chicago 13 years after serving in World War I. He took the waiter's job because of good pay, but wasn't satisfied that he was doing his best service there.

COLORADO ALWAYS HOME

Strangely, Colorado has always been regarded by George Robinson as home. He lived here three different times, and graduated from high school in Denver—his first love.

When Robinson retired in Washington, congressmen from all parts of the nation stood in the House of Representatives and lauded him as an example of a fine, outstanding, devoted public servant.

It is believed that no other man in George's position ever was so eulogized. Praises came to him from Reps. Wayne Aspinall, Mike McKevitt and Don Brotzman from Colorado; and others from Iowa, Florida, Maryland, Oklahoma, Ohio, New York, Massachusetts, Indiana, and many other states.

The huzzahs continued for two days. George had served 26 years with these men in the House, and they admitted that the "gentleman from Colorado" had helped them as freshmen in the congress and in later years as well.

The Robinsons, George and Ethel, are "at home" now at 3235 Bellaire St., and they've invited friends to visit them.

One of the most fitting comments was made by Rep. Robert Nix, D-Pa., who quoted a short poem by Edward Everett Hale at the end of his remarks:

"I am only one.
"But still I am one.
"I cannot do everything.
"But still I can do something.
"And because I cannot do everything,
"I will not refuse to do the something that I can do."

EVERYDAY LIFE CAN USE LOYALTY

HON. BOB WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 8, 1973

Mr. BOB WILSON. Mr. Speaker, with the return of our prisoners of war, many Americans have experienced a renewed understanding of the meaning of loyalty—loyalty to our Nation, our ideals, and ourselves. I would like to share with my House colleagues the following outstanding article by Alice Widener, which appeared in the February 24 San Diego

Union, and know that they, too, will find this commentary thought-provoking.

EVERYDAY LIFE CAN USE LOYALTY

(By Alice Widener)

Capt. James Bond Stockdale, United States Navy, of Coronado, set back into place again the moral code that binds the people of a nation and members of communities and families together.

Speaking on behalf of his fellow prisoners of war, Captain Stockdale told the welcome assembly at Travis Air Force Base, "Thank you for your loyalty to us. We know what loyalty means. We have been living with loyalty, we have been living on loyalty, for the past several years."

There is no finer, more inspiring word than loyalty, meaning faithfulness in allegiance to one's government; faithfulness to a private person to whom fidelity is held to be due; faithfulness to a cause, ideal or custom.

No government and no family can survive without the loyalty of citizens and members. The concept of loyalty is not based on the Utopian notion of a perfect society composed of perfect people. On the contrary, the concept of loyalty—which has triumphed over adversity since the dawn of history—is based on faithfulness to society as it really is and people as they really are with all their defects, virtues and sad mistakes.

The tears that welled into Secretary of State William Rogers' eyes were salty evidence of his own loyalty, as he said that if watching our POWs come home doesn't make America proud, he doesn't know what will.

The angry vibrations in Secretary of State Dean Rusk's voice, six years ago, were evidence of his loyalty as he demanded of a reporter, "Whose side are you on?"

Too much of our intellectual, social, political, and economic life has become bogged down in carping, specious, farfetched or esoteric technicalities and interpretations. Anyone objecting to the twisting of clear meaning is accused by finaglers and twisters as being "simplistic."

For example, no matter what the final verdict in the Ellsberg case, it is plain from Daniel Ellsberg's own first statement to the press about the Pentagon Papers that he expected to go to jail. Furthermore, he said it only after his identity as the revelator was exposed, not by himself but by another.

If Ellsberg had no concept of having done something disloyal by revealing the classified papers entrusted to him, then why did he say at his press conference in Cambridge, Mass., July 1, 1971, that some of the documents were so sensitive he withheld them from the press and instead gave them to Sen. J. William Fulbright of the Senate Foreign Relations Committee?

Now what about the draft-dodgers and deserters who fled our country. Obviously, they were not ready to go to jail, no matter what were the subtleties or extremeness of their feelings. They sought a safe haven abroad and received it. Yet, as Secretary Rogers says, "When someone fled or deserted, someone had to take his place."

Quite rightly, President Nixon says that all draft-dodgers and deserters may come home, face the music and pay the price. No decent American would want that price to be cruel or inhumane.

But, as our President and secretary of state say, we should be loyal to the men who were loyal to us and, as Captain Stockdale says, loyal to one another. Had the prisoners not been so, chances are they would not have survived long years of captivity.

Captain Stockdale says he and his fellow prisoners have been living with and on loyalty. If all of us Americans would do so, there is no problem facing our nation we cannot solve in decency, dignity and mutual respect.

OUR NATION SALUTES PAVLICK-KOSTER POST 2640 OF WALLINGTON, N.J., ON THEIR 40TH ANNIVERSARY IN OUTSTANDING DEDICATED SERVICE TO OUR VETERANS OF FOREIGN WARS, AND TO THE COMMUNITY, STATE, AND NATION

HON. ROBERT A. ROE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 8, 1973

Mr. ROE. Mr. Speaker, last week on invitation from Commander Harry Cannizzaro I was honored and privileged to participate in the 40th anniversary celebration of Pavlick-Koster Post 2640, Veterans of Foreign Wars, whose headquarters are located in my congressional district at Wallington, N.J., and would like to share with you and our colleagues here in the Congress the warmth and history of this organization of veterans who served our country overseas.

As with all accomplishments of inestimable value, nurtured with care, and founded on the friendship, good will and brotherhood of mankind, the Pavlick-Koster Post 2640 grew in stature from a small group of dedicated citizens to one of the most prestigious veterans' organizations in our community, State and Nation. It gives me great pleasure to insert at this point in our historic journal of Congress the history of this VFW post as it was so eloquently written in their 40th anniversary celebration program, as follows:

HISTORY OF PAVLICK-KOSTER POST 2640, VFW

It was just 40 years ago that a group of the Borough's leading citizens who had served their country overseas in World War I decided to organize a Veterans of Foreign Wars Unit in Wallington. Through the efforts of 37 dedicated veterans the Post was organized and properly installed on July 23, 1932.

Two of the Borough's war heroes who gave their lives in the defense of our liberty were Stephen Pavlick and Walter Koster, and their memory was immortalized by the choice of Pavlick-Koster as the name of our Post.

The installation was conducted by a Comrade who is no longer with us, former State Commander Henry Giegold.

From July 23rd, 1932 until the end of World War II the Post maintained its headquarters in a meeting room at the Municipal Building, graciously provided for their use by the Borough fathers through the years.

At the conclusion of World War II, hundreds of local overseas veterans, upon their return from service joined with the World War I Veterans still active in the V.F.W. and through combined efforts proceeded to make the Pavlick-Koster Post one of the largest and most active in New Jersey.

By the late 1940's the need for additional meeting room and the feel of growing pains became evident and it was decided that Pavlick-Koster and its Ladies' Auxiliary should build their own home.

With the selection of a building committee made up of members of the Post and Auxiliary, the momentous task of constructing the home of Pavlick-Koster Post 2640 began. In 1951, the cornerstone of our building was laid and during that year we occupied our home.

This realization of owning our own building could not have been possible without the kind and gracious assistance of so many faithful and loyal friends of the Veterans of Foreign Wars.

For a number of years our Post ran successfully and grew both in our Community and in the V.F.W.; but this was marred by a fire on Memorial Day 1968. Despite the fire, our Comrades and Sisters participated in the Parade and ceremonies and the kindness of the Firemen of Hose Co. No. 1 who offered the firehouse for our use.

As we tonight celebrate our 40th Birthday we pledge to our community, our citizens and our friends a continuation of dedicated service to our country, our community and our fellow veterans.

Mr. Speaker, may I respectfully request you and our colleagues to join with me also in commendation of the excellence and quality of the leadership of the people who worked so hard over the past four decades in dedicated service to the organization and administration of this VFW post. I know it is impossible to list all of their members throughout the years but in paying tribute to their present officers, past commanders, past presidents of their ladies' auxiliary, charter members, and the deceased members of their post, we can express to all of the Veterans of Foreign Wars our deepest appreciation and heartfelt thanks for a job well done in service to our country. The roster of these VFW officers is as follows:

POST OFFICERS

Harry Cannizzaro, Commander.

John "Ski" Dembowski, Senior Vice Commander.

Robert Skok, Junior Vice Commander.

Edward Puterko, P.C., Quartermaster.

Joseph Bogdan, P.C., Adjutant.

Frank Trestka, Sr., Chaplain.

Frank Rozgony, Officer of the Day.

Frank Rozgony, Chief of Staff.

Robert Shanahan, Sergeant-at-Arms.

John Sakacs, Service Officer.

Joseph Hlavenka, P.C., Assistant Service Officer.

Edward Flejzor, P.C., Assistant Service Officer.

William Giemza, Judge Advocate.

LADIES' AUXILIARY OFFICERS

Mildred Syrek, President.

Maria Dembowski, Senior Vice President.

Frances Kasperski, Junior Vice President.

Helen Hlavenka, Treasurer.

Helen Trotter, Secretary.

Emily Kopec, Chaplain.

Eleanor Tushinsky, Guard.

PAST COMMANDERS

Andrew Dvorschak,* 1932–33.
Andrew Dvorshak,* 1933–34.
Herbert Handel,* 1934–35.
Joseph McQuillan,* 1935–36.
Frank Sharry,* 1936–37.
Thomas Kaczor, Sr.,* 1937–38.
Peter Pavlick, 1938–39.
Frank Davis,* 1939–40.
Cornelius Opthoff, 1940–41.
James Griffith,* 1941–42.
James Griffith,* 1942–43.
Nick Rocco, 1943–44.
Joseph McQuillan,* 1944–45.
Joseph McQuillan,* 1945–46.
John Kraska, 1946–47.
Edward A. Zavatsky, 1947–48.
John Doviak, 1948–49.
Stephen P. Fleyzor, 1949–50.
Paul Cedar, Jr., 1950–51.
James Clark, Jr., 1951–52.
Joseph E. Salko, 1952–53.
John Jaworski, 1953–54.
Edmund Czaikoski, 1954–55.

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*Deceased.

Carl Hartmann, Jr., 1955–56.
Emil J. Sondey, 1956–57.
Edward Puterko, 1957–58.
Edward Majewski, 1958–59.
Stephen Plucinsky, 1959–60.
Emil Furtak, 1960–61.
Walter Smagula, 1961–62.
Edward Flejzor, 1962–63.
L. Frank Rusconi, 1963–64.
Joseph Hlavenka, 1964–65.
Eugene Mahalick, 1965–66.
Chester Sembarski, 1966–67.
Joseph Bogdan, 1967–68.
Stanley Syrek, 1968–69.
John Kielbowicz, 1969–70.
Alfred Wojcik, 1970–71.
Alexander Tushinsky, 1971–72.

PAST PRESIDENTS—LADIES' AUXILIARY

Nellie Pavlick, 1933–34.
Margaret Eelman, 1934–35.
Johanna Dvorschak, 1935–36.
Mary Molnar, 1936–37.
Ann Fiola,* 1937–38.
Ida Opthoff, 1938–39.
Nellie G. Stewart, 1939–40.
Mae Sakac, 1940–41.
Ida Opthoff, 1941–42.
Ida Opthoff, 1942–43.
Ida Opthoff, 1943–44.
Lottie Yedlick, 1944–45.
Estelle Handel,* 1945–46.
Nellie Harrigan, 1946–47.
Margaret Lunch, 1947–48.
Anna Antoniuk, 1948–49.
Loretta Neilley, 1949–50.
Julie Klepar, 1950–51.
Helen Pavlick, 1951–52.
Shirley Mahalick, 1952–53.
Violet Kraska, 1953–54.
Doris Mahalick, 1954–55.
Helen Trotter, 1955–56.
Catherine Keller, 1956–57.
Caroline Fleyzor, 1958–59.
Nora Skok, 1958–59.
Laura Onufer, 1959–60.
Marie Zaleski, 1960–61.
Bertha Niemiec, 1961–62.
Rose McCormick, 1962–63.
Mary Pelka, 1963–64.
Mary Skola, 1964–65.
Helen Hlavenka, 1965–66.
Lillian Sukennik, 1966–67.
Adela Buhanick, 1967–68.
Leona DeCaro, 1968–69.
Lois McKeeby, 1969–70.
Fran Davis, 1970–71.
Anna Maciag, 1971–72.

VFW CHARTER MEMBERS

Thomas Baker.*
Peter Barscewski.*
David Conley.
Cornelius De Groot.*
Hedley Dreher.*
Andrew Dvorschack.*
William Eilman.
Emil Fenska.*
Philip Fiola.*
Daniel Freeland.*
Christian Gennehen.
Jacob Gustina.*
Jerbert Handel.*
Joseph Hicswa.
Konstanty Himilik.
Thomas Kaczor.*
Theodore Kozlowski.*
Michael Kapuscinski.*
Joseph Kempinski.
John Lesko.*
Stephen McCabe.*
John Macik.
Julian Miceszewski.*
John Molnar.*
Peter Pavlick.
Morris Rothenberg.*
John Sakac.
Frank Sharry.*
Jacob DeKoyer.
George Shelepets.*
Albert Shufnara.
Joseph Sroko.*
William Stewart.
Andrew Sudeck.
Joseph Sura.*
Cornelius Wagner.
Joseph Zyska.

LADIES' AUXILIARY CHARTER MEMBERS

Olga Bobitz.
Anna Budzyko.
Mae Preher.
Minnie DeKoyer.*
Johanna Dvorschak.
Margaret Eilman.
Anna Fenska.
Anna Fiola.
Frances Genneken.
Mary Jacoby.
Marie Kaczor.
Caroline Kapushinski.
Mary Molnar.
Nellie Pavlick.
Helen Pavlick.
Veronica Sakac.*
Anna Shelepets.
Mary Shufnara.
Bertha Sossel.
Anna Sroka.
Anna Sudeck.
Mae Sudeck.
Mary Wagash.
Lottie Yedlick.

IN MEMORY OF DEPARTED MEMBERS OF OUR POST

Stephen Pavlick.
Walter Koster.
Michael Kapicinski.
Paul Westdyke.
Max Weiner.
Frank Davis.
George Shelepets.
Emil Galka.
James Griffith.
John Braviak.
Theodore Sydlensky.
Thomas Baker.
Cornelius DeGroot.
Louis Molnar.
Stanley Lanucha.
John Juritsko.
John Koshlap.
Stanley Weglarz.
Edward Zanowitz.
Joseph McQuillan.
Dr. John J. Hirsch.
Frank Rochrich, Jr.
Victor Gentilelip.
Frank Potocki.
Walter Nicradka.
Anthony Butchko.
John Lesko, Sr.
Geroge Wallace.
Henry Markuart.
Edward Pulaski.
Andrew Dvorschak.
Frank Keller.
Miller Jackson.
Harold Green.
Paul Kosior.
Peter Barshewsky.
Frank Sharry.
Michael Ridosh.
John Van Der Ploeg.
John Chisick.
Walter Lugowski.
Col. Anthony Tencza.
John Molnar.
Andrew Lantka.
Albert Danyo.
Arthur Melito.
Arthur Fitzpatrick.
Ivan Davidowski.
Stanley Oko.
Herbert Handel.
William Nowicki.
Thomas Kaczor, Sr.
Edward Scheiblin.
Morris Rothenberg.
Basil Hrobak.
Frederick Surdyka.
Peter Pavlick.
Henry Maciag.
Bruno Stolarz.
Joseph Dorner.
Al Adamo.
William Kullaf.
Michael Pastor.
Joseph Onufer.
Stephen McCabe.
John Banas.
Peter Dishuk.
Adam Sokol.
Rudy Kasni.
Frank Sherman.
John Kmetz.
Daniel Vreeland.
John Kievitt, Sr.
Andrew Czajko.
Theodore Vanecek.
Joseph Wojtowicz.
Leo Swaja.
Peter J. McCallum.
Edward Geryak.
Chester Kowal.
Edward Kobylarz.
Alexander Rusieski.
S–4th Richard E. Cyran.
Edward Cheslock.
Edward Smagula.
Stanley Wiesniewski.
Robert Kempster.
Joseph Sura.
John Bednarczyk.
John Vasilyk.
Ben Latawiec.
John Casey.
Ted Latawiec.
William Barnowski.
Walter Gusciora.
Charles Kaczyk, Jr.
John Bobko.
Thaddeus Grosiak.
Edwin Sobala.
Alexander Bednarz.
George Durisko.
Jacob Gustina.
John Derkacs.
Michael Mullic.
John L. Durofsin.
Stanley M. Sudol.
John Kochan (Jr. Vice Cmdr.).
Richard Fritz.
Stanley Grosiak.
John Dondzil.
Henry Palatini.
Michael Tackach.
Nicholas Koske.
John W. Affourtit.
James E. Jones.
John Maciag.
William McDonald.
Daniel DeVries.
Samuel Shekitka.
Stanley Gorgol.
John Buyanowitz.
John Dyr.
Joseph Scangarella.
Jacob DeKoyer.
Joseph Sondey.
Leo Furmanek.
Walter Hmielowiec.
Bill Dziuba.
Joseph Hudak.
Michael Bartman.
Joseph Puglia.
Haze Anderson.
Edward Zak.
Chester Dombrowski.
Konstanty Hemilik.
Walter Gudaszewski.

Mr. Speaker, I deeply appreciate this opportunity and wish to express my sincere thanks to you and our colleagues for joining with me today in saluting the Pavlick-Koster Post 2640, Veterans of Foreign Wars, and ladies' auxiliary, Wallington, N.J., in commemoration of their 40th anniversary in outstanding public service to our people.

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* Deceased.

PUBLIC COMMENTS BY NAVY CAPTAIN DENTON

HON. WILLIAM L. DICKINSON

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 8, 1973

Mr. DICKINSON. Mr. Speaker, Americans will long remember the words "God Bless America" as spoken by Navy Capt. Jeremiah A. Denton, Jr., immediately upon his arrival at a U.S. base in the Philippines after he had survived more than 7 years of imprisonment by the Communists in Southeast Asia.

Captain Denton in the meanwhile has proceeded to the naval hospital, Portsmouth, Va., where he is receiving medical examinations and on Feb. 23, 1972, he commented publicly in response to published suggestions he had been coached on what he chose to say in his arrival statement. His comments in that regard are contained within the following paragraphs which are the final three paragraphs in a story of more than 40 paragraphs as printed in the Washington Post, February 24:

Denton said that "one sour note in our homecoming was sounded" however, in an article written by Robert Maynard, ombudsman for the *Washington Post*, that appeared in the Post on Wednesday. It was reprinted in today's Norfolk Virginian-Pilot.

Maynard suggested that the homecoming had been orchestrated by the government, "a militarily managed event down to the last 'God Bless America.' "

Denton said that if Maynard "meant, entirely meant, what he said . . . I'm sorry for him and pray he will come off it. As one of my sons used to say, 'Open up your heart and let the sunshine in.' Most Americans, from what we've read in the press and what we got in personal letters and telegrams to us, see some sunshine now and we certainly see a lot of it. And I'm asking Mr. Maynard to come out and enjoy it."

Although I have not seen a complete transcript of them, much more of Captain Denton's February 23 comments did appear elsewhere in the Washington Post in a separate story.

Mr. Speaker, I find much of value in what the captain had to say and I believe other Members will also. Therefore, I ask that the separate story appear at this point in the RECORD. It is a story composed almost entirely of words spoken eloquently and with obvious sincerity by Captain Denton.

CAPTAIN DENTON'S COMMENTS

(By Donald P. Baker)

PORTSMOUTH, VA., February 23.—Navy Capt. Jeremiah A. Denton Jr., the first American prisoner of war to set foot in the United States as part of the Vietnam ceasefire agreement, may be among the last actually to reach his residence.

Denton, the father of seven, lives in Virgina Beach, just a half-hour's drive from the Portsmouth Naval Hospital, where he is being de-briefed and getting medical examination after more than seven years in captivity.

At a press conference here today, Denton talked about easing back into American society, and of some impressions he has of the United States in 1973.

"Life on the 12th deck (floor) is very close to Heaven," he said, "They're going to have to evict me to get rid of me."

He said he met Miss America today and hopes to drive around town Saturday. "I mention this because, in all good will, people seem to read things into the most trivial acts or unacts that we perform or don't perform."

He said that "with respect to the slowness with which some of us, especially I, might want to return to everything, let me remind you that returning and establishing rapport again with a wife and seven children, each one of whom is quite different and each one of whom is being all-important to me, is not something that's to be done in one hour or one day.

"I'm still doing that, and it's the most delicious experience of my life," he said as his wife, Jane, sitting nearby, beamed.

"In my opinion, the best way for that process to start is in the privacy of the little haven we have on the 12th deck, and I've been grateful to the planners that they anticipated that some of us might feel that way.

"My priorities right now are the debriefing; we have a lot to report on. It's a long time and there are a good many events.

"The physical and mental checkups that we're undergoing now to get us back up to speed let us know where we're lacking and fix it; to establish a rapport with my immediate family, my wife and my children now, my mother and my brother perhaps in a week or so, other friends, local friends, and then I'd like to go back to my birthplace in Mobile and re-establish connections with dear friends we have down there."

Denton also described a dream house that he pictured in his dreams during his years in the prisoner-of-war camp.

"I like to fish and I like the water. I'd like to live on the water and I have dreamed up a place, not an extravagant place, located on a bay which I hope is still as pure as it was, and perhaps relatively unpopulated, between Pensacola and Mobile. A place called Perdido Bay. And some day, not necessarily next year, but some day, I'd like to live there."

Denton said he hopes the return of the prisoners will "strike a chord" with the American people. "An awareness that some chord somehow has just been sounded . . . to be used by God to help us find an awareness and fundamentals which we may have somewhat blurred in the past few years here at home.

"I believe I can speak for all in saying that we want to be used that way . . . the perspective in which I see this experience we're now sharing (is) an exposure of the fact that human nature, when placed under duress, can find and use sources of strength necessary not only to survive, but to do creditably. That's really what happened and you all see it.

"Although we are the greatest (nation) in history and still have the greatest spirit in history, I believe that like other great nations in history, we may be in a period in which human nature is being subjected to a lack of physical duress, if you will.

"That long ago, we have achieved the necessities and we have been in the process of attaining a great degree of luxury, degrees of luxury which distract us some, and we are concerned with such matters as wrap-around octophonic sound in our automobiles and so forth. We are becoming quite sophisticated with respect to non-necessities.

"This has happened to nations in the past, and it is my belief that man can cope with adversity, and that his most difficult problem is coping with prosperity.

"I believe further, however, that man is capable, even in prosperity, even in an animal sort of prosperity where he has everything he has physically, I believe he is capable of reaching down into the better parts of his nature or, if you will, in communicating with God, if you happen to believe in God, to find thoughts, to find goals which will keep him from falling into the historic trap of going over the wrong end of that power curve that comes in the rise and fall of nations. . . ."

RULES FOR REVOLUTION

HON. WILLIAM G. BRAY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 8, 1973

Mr. BRAY. Mr. Speaker, there is some pretty careless talk about what might happen if some people do not get their way on funding of certain programs.

Some of this is nothing less than deliberate incitation to riot on the part of others. It is the "let's you and him fight" mentality. The following editorial from the February 23, 1973, Indianapolis Star dissects this dangerous and irresponsible ploy:

RULES FOR REVOLUTION

Deputy Mayor Edward K. Hamilton of New York said in Congress the other day that cutting Federal welfare outlays might trigger new Watts-type riots in American cities.

He was playing a dangerous game that has grown all too familiar in the last eight years.

Much of the national welfare outlay is sheer waste which does not help the poor but keeps them poor. Congressional reports show that programs discourage incentive and are loaded with graft, expensive bureaucratic incompetence and fraud. Senate investigations have found that up to 45 per cent of recipients on welfare roles in the District of Columbia were ineligible.

New York City is the biggest, worst welfare offender in the country. Under Mayor John V. Lindsay its budget has leaped from $3 billion to more than $8 billion a year. More than $2 billion goes for welfare. One out of eight New Yorkers is on relief.

The reported chiseling and inefficiency are incredible. Literally hundreds of millions of dollars a year are said to go down the drain for fraudulent health care claims and relief grants. The system encourages illegitimacy. Aid to families with dependent children recipients rose from 566,500 in 1965 to more than 1.275 million in 1971 in New York State, while total annual welfare outlays during the same period jumped from $644.7 million to more than $3.5 billion, New York City accounting for most of the increase.

Much of the waste goes into quartering of relief recipients in hotels and motels at costs ranging to more than $50,000 a family a year. Much goes into lobbying for bigger outlays and radical agitation activities.

New York's welfare-radical activism, like that in other urban centers, follows with modifications a pattern of "guerrilla" organization outlined in the mid-1960s by the late Saul Alinsky in his book, "Rules for Revolution." The central idea is simple: "Threats get you what you want from the government."

The tactics call for organizing minorities into power blocs and through radical agitation fanning complaints into critical, emotion-charged "issues." When this carefully planned and orchestrated tension erupts into rioting, the violence is described as "spontaneous" and the intense shock is exploited by the organizers to drum huge floods of money out of Congress and the appropriate government agencies.

As everyone who has dug very deeply into "poverty" programs knows, a large proportion of the "poverty" billions winds up in the hands of bureaucrats running the programs and shrewd operators who make a racket out of pretending to help the poor. Critics of this callous exploitation are called "racists," "bigots" and "reactionaries."

The Watts riot, far from being spontaneous, followed a long and systematic program of agitation climaxed by an almost Nazi-like mass rally at the Will Rogers Auditorium on Aug. 7, 1965. Just four days later began the rioting which caused 34 deaths, more than 1,000 injuries and millions of dollars' damage. The Watts pattern of agitation subsequently helped fan civil disturbances all across the nation.

If poor Americans are to get genuine governmental help, they should get the kind of help that will enable them to break out of the cycle of dependency, which will require a massive overhaul of the exploitive politically motivated welfare system.

Efforts to perpetuate the existing corrupt, futile and wasteful system through a combination of threats and self-fulfilling prophecies of violence can lead only to trouble and tragedy.

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 8, 1973

Mr. SCHERLE. Mr. Speaker, for more than 3 years, I have reminded my colleagues daily of the plight of our prisoners of war. Now, for most of us, the war is over. Yet despite the cease-fire agreement's provisions for the release of all prisoners, fewer than 600 of the more than 1,900 men who were lost while on active duty in Southeast Asia have been identified by the enemy as alive and captive. The remaining 1,220 men are still missing in action.

A child asks: "Where is Daddy?" A mother asks: "How is my son?" A wife wonders: "Is my husband alive or dead?" How long?

Until those men are accounted for, their families will continue to undergo the special suffering reserved for the relatives of those who simply disappear without a trace, the living lost, the dead with graves unmarked. For their families, peace brings no respite from frustration, anxiety, and uncertainty. Some can look forward to a whole lifetime shadowed by grief.

We must make every effort to alleviate their anguish by redoubling our search for the missing servicemen. Of the incalculable debt owed to them and their families, we can at least pay that minimum. Until I am satisfied, therefore, that we are meeting our obligation, I will continue to ask, "How long?"

HOUSE OF REPRESENTATIVES—*Monday, March 12, 1973*

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

Restore unto me the joy of Thy salvation and uphold me with Thy free spirit.—Psalms 51: 12.

Our Heavenly Father, the source of all that is good in life and the companion of our pilgrim way, we come again to Thee seeking guidance and wisdom as we face the duties of this day. By Thy grace may we master our difficulties with courage, manage our responsibilities with fidelity, and meet all of life with the spirit of good will. Help us to live with the lift of love in our hearts that life may be better and brighter for us and for all men.

Bless our country and these leaders of our beloved Republic. Give wisdom to our President, our Speaker, and these representatives of a free people that together their influence may be used for the welfare of our Nation and for the well-being of all mankind.

In the spirit of Christ we pray. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Marks, one of his secretaries, who also informed the House that on March 8, 1973, the President approved and signed a joint resolution of the House of the following title:

H.J. Res. 345. Joint resolution making further continuing appropriations for the fiscal year 1973, and for other purposes.

APPRECIATION EXPRESSED TO THE BOTANIC GARDEN

(Mr. HALEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HALEY. Mr. Speaker, last week a young man named Allan Dickerson who works at the Botanic Garden delivered to my office a genuine Florida orange tree bearing both blossoms and oranges—a sight seen only by fellow Floridians, tourists of the Sunshine State, or residents of the other States which I understand grow limited amounts of citrus. The young man said that we had turned the tree over to the Botanic Garden to care for and that they thought our office staff might enjoy having the tree to look at in full bloom. My office staff were a little puzzled since they did not remember giving the tree to the garden in the first place. Then we looked at the tag on the tree which read, "Haley, Room 1205." Mr. Speaker, we have not occupied that room in over 8 years. I think you will agree with me that Botanic Garden personnel not only have green thumbs but also elephant's memories.

Since the garden was founded in 1820 it has been a source of education and pleasure for many. Each spring the handiwork of Botanic Garden employees are evidenced in the beautiful flowers which brighten Capitol Hill. I am sure that we will all agree that our congressional offices are far more appealing places for both our staffs and constituents because of the many plants grown for and provided to us by the garden. I would like to just extend my appreciation to the Architect of the Capitol, Mr. White, and his assistant, Mr. Jim Crow, for their fine work in making the Botanic Garden a source of enjoyment for us all.

RECONSTRUCTION OF NORTH AND SOUTH VIETNAM

(Mr. BURTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BURTON. Mr. Speaker, I have been troubled by the reaction of some of our colleagues to the proposal of President Nixon that the Congress at some point support his recommendation to provide funds for the reconstruction of Vietnam, the north as well as the south.

Some of our colleagues, I fear, are succumbing to the temptation of extending our grave differences with the President on domestic policy and the lack of adequate funding for those programs by linking the full funding of domestic programs with this proposal for the reconstruction of Vietnam.

I would submit particularly for all of us who opposed our involvement in the war and who urged its conclusion that it is little enough, by way of American treasure, to spend on the reconstruction of Vietnam, north and south, particularly when we put it into the context that the amounts proposed are a good deal less than any 1- or 2-month extension of this war would have cost the National Treasury.

Mr. Speaker, I have not seen the suggestion of the administration in its final form, but it is my strongest predisposition to support the administration in this effort, because I shudder to think what options would have been available to us if that miserable war would have gone on for months and months, or perhaps even years and years longer.

HIGH SCHOOL BASKETBALL CHAMPIONS

(Mr. FAUNTROY asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. FAUNTROY. Mr. Speaker, Sunday, March 11, 1973, was a historic day for it marked the first time in 11 years that this Capital City was privileged to see its area public and parochial high school basketball champions engage in friendly, earnest, and able competition. To mark the renewal of the event our distinguished colleague from Maryland offered me a friendly wager on the game, he optioning for the parochial high school champ, DeMatha, and I for the inter-high school champion, Western. Being a Baptist clergyman and not a betting man, I could not take him up on the offer but did agree that should my team lose I would pay tribute to the victor with a floor speech and presentation of a U.S. flag that has been flown over the U.S.

Capitol. It is therefore with a heartful of both vicarious pride for the victors and empathy for the vanquished that I rise to praise the Stags of DeMatha High School. As in all championship contests, there must be a winner, and, as well a loser. This year—as it was 11 years ago—DeMatha emerged preeminent. But even more important than the final score and ultimate result, though not to detract from the Stags well-deserved glory, is the significance of the event itself. Speaking for all Washingtonians I feel able to say, we shall practice and get ready for next year, our chance will come.

At the same time, on behalf of all Washington, I extend our sincere congratulations to our distinguished colleague from Maryland (Mr. HOGAN) with the request that he convey the same to the staff and students both at DeMatha.

ANNOUNCEMENT OF HEARINGS ON THE COMMUNITY RELATIONS SERVICE

(Mr. EDWARDS of California asked and was given permission to address the House for 1 minute, to revise and extend his remarks.)

Mr. EDWARDS of California. Mr. Speaker, I would like to announce that the Civil Rights Oversight Subcommittee of the Committee on the Judiciary will hold hearings on the recently proposed budgetary cutbacks for fiscal year 1974 in the Community Relations Service of the Department of Justice. Hearings will commence with testimony from Mr. Ben Holman, Director of the Community Relations Service, on Thursday, March 22, 1973, at 10 a.m. in room 2226 of the Rayburn House Office Building.

Those wishing to testify or submit statements for the record should address their requests to the Committee on the Judiciary, U.S. House of Representatives, 2137 Rayburn House Office Building, Washington, D.C. 20515.

GUAM, "WHERE AMERICA'S DAY BEGINS"

(Mr. WON PAT asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. WON PAT. Mr. Speaker, Webster's Dictionary defines "serendipity" as a gift of finding agreeable things not sought for. Well, those who read the March/April issue of Carte Blanche magazine, which recently was sent to all Members of Congress, will find themselves blessed with this gift when they see the excellent story and accompanying photographs about our beautiful island of Guam—"Where America's Day Begins."

Carte Blanche's outstanding article about Guam and its growing tourist industry is indeed a welcome surprise and one which points out the many splendors of our island.

Guam's attraction to discriminating tourists is a relatively recent event as the article points out. Although our tourist rate has been increasing 40 percent each year, nevertheless Guam has not lost its charm and slower pace of life. It is a "potential new Waikiki, but with lower prices, a less hectic pace and more elbow room."

As I have stated before, I sincerely wish every one of my colleagues in Congress could come to Guam and sample the many pleasures of our island and meet our truly friendly people—people who, I might add, are proud and "fervently patriotic American citizens."

For those of my colleagues who have never visited or read about Guam, I strongly urge them to read the Carte Blanche article, which I insert into the RECORD at this point:

WHERE AMERICA'S DAY BEGINS

(By Joseph E. Brown)

"Turn your face to the Great West, and there build up a home and fortune."

When he issued that well-known admonition, Horace Greeley was, of course, referring to the Old West of sagebrush and frontier towns and Gold Rush opportunity, not a sleepy, 30-mile long, sun-splashed speck of Pacific Ocean real estate then under Spanish rule.

But had Greeley lived in the 20th century instead of the 19th, his advice could have applied equally well to that remote dot. This new horizon is the coral reef-ringed island of Guam, an American possession since 1898. For what has occurred on Guam and on its neighboring islands of Micronesia since World War II, particularly in the past five years, would have boggled the journalist-politician's mind.

Thirty miles long and from four to eight miles wide, Guam, even in the midst of its unprecedented growth, doesn't act like a boom town. Trade winds still sweep across the island . . . Guamanians still join in the colorful religious pageants and the feverish excitement of the legalized cockfights all prevail as they have for decades. This new Pacific "hotspot" has struggled with the advances of marauding pirates, wartime tragedy and Typhoon Karen. Remarkably, the physical character of Guam appears relatively unscathed by these and many other tragic, historical influences.

Discovered by Magellan in 1521, Guam served primarily as a stopover point for Spanish galleons sailing the trade routes between Acapulco and Manila in the 16th and 17th centuries. Romantic Umatac on Umatac Bay, where Magellan first landed in Guam, is one of the island's most photographed villages today.

The United States was ceded the island following the Spanish-American War but Guam was paid little heed by most Americans until Japanese forces stormed its beaches in the early days of World War II. The Americans won the island back in 1944, to the everlasting gratitude of the fervently-patriotic Guamanian Chamorros, American citizens since 1950, and to whom Liberation Day (July 21) remains the biggest, noisiest local holiday each year.

Ironically, it was only about five years ago that tourists—90 percent of them Japanese—discovered this island as a potential, new Waikiki but with a less hectic pace, lower prices and far more elbow room. Thus, Guam has exploded with growth but its innocent appeal has survived the surge of development.

In 1967, before Japan relaxed its restrictions on overseas spending by its citizens, only 70 hotel rooms existed on the entire island: Few of them were air conditioned, none were rated as first class, and some were merely partitioned sections of Quonset huts left over from the war. Today, more than 1,500 rooms and six years later, hotel builders are working furiously to keep up with a tourist crush which increases 40 percent each year. Guam's tourist mania has skyrocketed 25 times in volume since 1967.

Despite the bustle of progress, the beauty and serenity of Guam are still the basic tourist attractions. The island's refreshing natural beauty and jungle-like hills lure tourists to the warm Pacific waters and lush interiors. Guam is brilliant with color from sunrise to sunset and its charming and graceful Chamorro people relish in the island's simple pleasures. They live a spontaneous lifestyle which encourages impromptu feasts in celebration of a distant cousin's christening or First Communion. Strongly influenced by Spanish Catholicism, they engage in many religious festivals throughout the year.

Guam is special to these people who have watched and participated in its fruitful progress. Guam is a way of life, where cultures and races mix freely on a basis of equality . . . a growing, cosmopolitan island community. High-rise hotels, spacious island homes, and even Robinson Crusoe-like cave dwellers share Guam's fertile shorelines, valley and hideaway coves.

Most of the island's high-rise hotel skyline has spread along the short of the sparkling, picturesque crescent which is Tumon Bay. Since the island is almost entirely surrounded by a coral reef, there are no giant waves or riptides to spoil the tourist's enjoyment of swimming, sailing or skiing in the quiet lagoons similar to Tumon Bay. To an increasing number of Japanese honeymooners, Tumon has become what Waikiki is to West Coast newlyweds, what Miami is to those from New York.

Newer Tumon landmarks include Continental Airlines' 203-room Guam Continental and a modern Hilton International. They joined earlier hotels pioneered on Tumon by Japanese interests: the 253-room Fujita, the 202-room Guam Dai-Ichi and the 121-unit Tokyu. Japan's Okura Hotels chain, not to be outdone, even more recently opened a 230-room Guam Okura, and still others—by American, Japanese and Chinese companies—are in the planning stage.

Most of the trade comes, understandably, from Japan: Tokyo lies but 1,500 miles away, and avails the traveler with a round trip air fare less than $200, offering package tours and discounts as further enticement. But American visitors and tourists totaled a healthy 29,872 through 1971-72. And what pleases officials of the Guam Visitors Bureau is the fact that Japanese tourists, fleeing snow and sleet, prefer to visit from January to May, while the American "invasion" doesn't start until schools close in June.

Altogether, these quarter million visitors and tourists spent $50 million in goods and services last year alone. Considering that the United States originally spent less than half that figure to buy the island from Spain (with the Philippines tossed in), Guam appears to have been an even better bargain than "Seward's Folly" of Alaska.

Obviously, Guam's tremendous growth has attracted wide interest among potential investors, both from the United States and Asia, who are trodding the footsteps of a former North Carolina tobacco farmer named Ken Jones. A Seabee on Guam during World War II, Jones returned in 1946 with total assets of $1,500. Today his investment has leap frogged into such diversified interests as hotels on Guam and Saipan, a construction company, supermarkets and department stores! Jones also owns a cattle ranch on the nearby island of Tinian where a B-29, named Enola Gay, an atomic bomb tucked in her belly, lumbered aloft one day in August, 1945 to change world history at a city named Hiroshima.

Fifteen hundred dollars won't buy today what it did in 1946, of course, but Guam leaders stress the fact that local needs do not necessarily require investment at the hotel-building level. A whole range of business opportunities from paint stores to pizza parlors, awaits the investor with capital and conviction.

A further example of the opportunity and rewards of initiative which are possible here is H. Scott Killgore. As President of the Pacific Broadcasting Corporation, he owns the only radio and television stations, operating as KUAM Radio and TV from Agana, the largest city on the island.

Nowhere on Guam is the travel boom more evident than at the Guam International Airport, now one of the Pacific's busiest. The airport now accommodates 120 flights weekly, which consist of flights by Pan American, Trans World Airlines, Continental Airlines and Japan Air Lines (which shares with PanAm the lucrative Tokyo-Guam "honeymoon trade"). Continental/Air Micronesia, as the sole major carrier in Micronesia outside of Guam, has more flights to Guam from numerous points in the Trust Territory than any other airline: 44 per week. Applications from five other carriers—all foreign except United Air Lines—are pending.

What accounts for the sudden interests? Guam's location, for one thing. At the doorstep of Asia in the west central Pacific, it is three jet hours from Tokyo, 5½ from Hong Kong, seven from Honolulu.

America's day begins in this place some Guamanians describe as the "Island of Tomorrow." Enter this Micronesian paradise and you enter the "sundrome area" where you lose a complete day out of your life if you travel westward around the world to your starting point. Guam is a relaxed vacation lifestyle of sand, sea and seclusion. It's an island not without growing pains, but one not yet marred by noise and pollution.

Rigorous controls have been imposed on Guam's growth to insure the latter. And the rapidly-expanding marine laboratory at the University of Guam has been assigned the collateral duty of monitoring the quality of Guam's priceless asset: its underwater world.

As American soil, Guam enjoys political and economic stability. Naval government ended in 1950 but today the military reservations, from five branches of the service numbering more than 30,000 people, encompass approximately one-third of the island.

Finally, Guam is also the jump-off point for travel to the lesser-developed islands of the Trust Territory of the Pacific Islands. These are 2,141 islands which have been administered by the United States under a United Nations agreement since 1947. They were placed under administration of the U.S. Interior Department in 1951.

Altogether, Micronesia sprawls over a section of the Pacific larger than the United States, yet Rhode Island could twice accommodate its total land mass. This kind of geography is especially enticing to visitors seeking solitude and relaxation and who are willing to tolerate a few annoyances to find it.

The miniscule size of the island, however, is deceptive. For although most tourists flock to the water's edge, larger islands such as Guam contain enough jungled, sometimes almost impassable back country, to whet any adventurer's appetite. If you don't believe it, remember that Shoichi Yokoi, a sergeant in Japan's Imperial Army, managed to remain hidden for an incredible 28 years following Guam's liberation, until he was discovered, wracked in emotional torment, a year ago.

One must sympathize with Yokoi's bewilderment when he was confronted with a Tokyo-bound flight of flower-shirted Japanese tourists: their necks draped with Japanese-made Canon, Pentax, and Nikon cameras, dining at restaurants named Fijiya, Genji and Sushi and registered in hotels called Dai-Ichi, Fujita and Sakura. This must have been an alarming experience considering he had been informed that Japan lost the war only moments before passing this cheerful group.

But the 28 years Yokoi spent in the jungle interior saw Guam transfer from an American and Japanese military strategy to their vacation and honeymoon "Island of Tomorrow." Guam's beautiful beaches, secluded coves and rainbow-hued coral reefs are a universal invitation to the island visitors. Cliffs plunging into the sea elicit excitement as one of the island's most breathtaking views and at least one marks a natural memorial where two lovers leaped to their death.

La Punta de Dos Amantes (Two Lovers Point), a famous tourist stop, is reputed to be the scene of Guam's most poignant legend: Two young lovers were about to be separated by the decision of the girl's father to give her in marriage to a young Spanish officer with great promise. The young girl and her Chamorro lover fled into the hills, where they hid from pursuers. Finally, they were cornered on the top of the lookout point, and chose death instead of separation. They tied their hair together, and locked in an embrace, leaped to their death on the rocks below.

Appropriately, the island's legends and beauty play a special role in the tourist boom. But there are also the less aesthetic but equally appealing attractions of low prices and duty-free shopping, which can be found along the sunny streets. Most of the new hotels and a proliferation of specialty shops take good advantage of Guam's duty-free island status. As tourism increases the market, so do the bargain in Swiss watches, German cameras, Bangkok jewels or Swedish china. And visitors from Japan have discovered they can buy many Japanese products, such as cameras, cheaper on Guam because of the heavy taxes in their home country.

Much of Guam's allure is, understandably, water-oriented. Although Guam is no surfer's paradise (on its entire perimeter, only the surf at Talafofo Beach offers surfboard challenge for skillful riders), it substitutes miles of coastal lagoons and reef areas teeming with tropical fish, ranging from clownfish to moorish idols, tailor-made for the scuba-diver, skindiver or snorkeler. And the water's warmer than Hawaii's; no wet suit is needed. This is the island specialty—lagoons and calm waters that invite spearfishing, water skiing, sunbathing—and even "armchair" ecologists who marvel at Guam's sea life.

Guam is actually the peak of a mountain; most of it is underwater, and just beyond the fringing reef, the ocean plunges to great depths, including the five-mile Mariana Trench, deepest point in the world's oceans.

At the biologically bountiful edge of these depths, modern charter boats (descendants of the "graceful and wondrously maneuverable proas" noted by Spanish explorers) are usually jammed with deep water anglers seeking Guam's seafood prizes of tuna, wahoo and barracuda—and the especially coveted blue marlin. In 1969, a fisherman named Greg Perez landed such a marlin weighing 1,183 pounds. That was a record never topped, though many catches come tantalizingly close.

A paved 50-mile highway which circles the island is made for sightseeing, either by rented automobile or bilingual-directed tour buses. Most of the attractions are to the south, where legend and relics of past and recent history are concentrated. Among them are the invasion beaches of World War II, 1,329-foot high Mount Lamlam, and Umatac Bay, where Magellan started it all four centuries ago.

The old Spanish ruins at Fort Soledad attest to the dominant presence of the 18th century imperialism of this country. Ancient Spanish sentry posts stand guard at the fort above Umatac Bay. From this vantage point, the bay was guarded from marauding pirate ships which roamed the Pacific in the days of the Golden Galleons. The ruins of this fort and other Spanish landmarks scattered throughout the island make an afternoon excursion a real adventure. Today the sentry posts provide a perfect scenic point for thousands of camera bugs and contemporary sojourners.

Moving northward through the Marianas, south through the Carolinas or east through the Marshalls, starts the visitor on his non-neon excursion through the Trust Territory portion of Micronesia. It is here in the Trust's six political districts of Saipan, Yap, Palau, Truk, Ponape and Majuro that the tourism tide dwindles to merely a ripple; in the Trust Territory, the posters proclaim with conviction, "We have more islands (2,141) than tourists."

As on Guam, that is changing, too, with improved transportation facilities and accommodations. For instance, Continental/Air Micronesia recently added a second 727 jet to its inter-Trust Territory routes doubling its jet capacity and bringing to three (including a venerable DC-6 propeller craft) its available aircraft.

A second Trust Territory scheduled airline, Air Pacific, flies a Piper Navajo and a 17-passenger Heron between Guam, Rota and Tinian five days per week. H. Scott Killgore, President of Air Pacific, Incorporated, also offers the airline's charter service to Pagan, a tiny volcanic Bali Hai, 320 miles closer to Tokyo. Carte Blanche Magazine also travels this remote area of the globe having recently celebrated its first anniversary as Air Pacific's inflight magazine enjoying mid-Pacific exposure with tourists visiting the Trust Territory.

Most visitors are startled by the fact that while "Micronesia' is a single entity on maps, its geography and cultures are extremely diverse. Micronesians speak nine languages. The fantastically beautiful, toadstool-like Rock Islands of Palau—now a publicly owned "national park"—are as different from the flat, ocean-hugging Marshalls to the east as are the progressive Palauans themselves from the tradition-conscious Yapese, only 250 miles away.

Hotel accommodations for visitors are improving rapidly in most of the Trust Territory districts (though the visitors to Yap must not exceed 20 at any one time, reflecting the limit of the 10-room, spartan but atmospheric Rai View Inn, the island's only modern hotel).

In addition to its Guam Continental Hotel, Continental Airlines recently opened modern, first-class Continental Hotels in Palau and Truk and another is under construction on Saipan.

Despite the boom in Micronesia, there are no signs of peaking out. Bert Unpingco, managing director of the Guam Visitors Bureau, defends this remarkable progress:

"We on Guam tried for a long time to attract American tourists without much success because of the great distance from the Mainland. Then we discovered Japan—and Japan discovered us. I don't know where or when it will all level off, but right now all the statistics point one direction—*up*."

The rush is on in Guam—Gateway to Micronesia. Tourism, hotels, industry and residential tracts have all made an impact on this island. Nonetheless, Hong Kong orchid blossoms, white plumeria flowers, blue tidepools and foliage-draped waterfalls are still the modern day nuggets of gold in this land of riches and opportunity. With foresight and objective, plans for this "Island of Tomorrow" continue to flourish. Hopefully, this jewel of the Pacific will also prove that progress and natural beauty can coexist.

INTRODUCTION OF BILL RELATING TO PROPOSED RULES OF EVIDENCE

(Mr. HUNGATE asked and was given permission to address the House for 1 minute, and to revise and extend his remarks and include extraneous matter.)

Mr. HUNGATE. Mr. Speaker, on February 5, 1973, the Chief Justice of the United States sent to the Congress 77 proposed rules of evidence for use in the Federal courts.

These proposed rules were developed over a period of approximately 7 years by a distinguished Advisory Committee on Rules of Evidence, of which Albert E. Jenner, Jr., of Chicago, is chairman, and Prof. Edward W. Cleary, of the Arizona State University Law School, is reporter. This committee was advisory to the equally distinguished Standing Committee on Rules of Practice and Procedure, Judicial Conference of the United States, of which Senior Judge Albert B. Maris, of the U.S. Court of Appeals for the Third Circuit, is chairman.

In the course of 5 days of hearings before the Special Subcommittee on Reform of Federal Criminal Laws, Committee on the Judiciary, which I am privileged to chair, a number of controversial issues have surfaced. Among them, the question has been raised whether the Supreme Court has the authority to promulgate rules of evidence. Is this a legislative prerogative which must be exercised, if at all, by the Congress?

There is no doubt that some Members will conclude that uniform rules are not necessary or desirable, irrespective of who prescribes them. There may be some rules, or some articles which will be rejected in their entirety. At the same time, there appear to be other proposed rules to which there is no serious objection.

The proposed rules provide an excellent basis for attempting an improvement in the administration of justice. They should not founder on the question of whether the Congress or the courts should prescribe them.

For this reason, I have today, along with the cosponsors indicated on the bill, introduced legislation to enact the proposed rules of evidence. The rules set out in the bill are identical with those sent to the Congress by Chief Justice Burger. With the bill before it, the subcommittee can continue its hearings and deliberations on the proposed rules without regard to the technical, even though important, question to which I have referred. The bill will serve merely as a vehicle on which the Congress may work its will. It is not intended as a blanket endorsement of the rules, or even of the concept that uniform rules are necessary or desirable.

Persons who have constructive criticisms of the bill are invited to submit their written comments to me as chairman, Special Subcommittee on Reform of Federal Criminal Laws, Committee on the Judiciary, House of Representatives, Washington, D. C. 20515.

Mr. McCLORY. Mr. Speaker, will the gentleman yield?

Mr. HUNGATE. I am glad to yield to the gentleman from Illinois.

Mr. McCLORY. Mr. Speaker, I appreciate the statement which the gentleman from Missouri (Mr. HUNGATE) has made regarding the proposed Rules of Evidence for U.S. Courts.

I have joined my colleague in introducing a bill which embodies all of these rules. I concur with my colleague that my sponsorship of this legislation does not indicate blanket endorsement of all of the rules. However, I want to state emphatically my recognition of the outstanding work performed by the Judicial Conference and the American Bar Association's Special Committee on Federal Practice and Procedure.

Mr. Speaker, I support the general proposition that the Supreme Court should establish such uniform Rules of Evidence—particularly as these rules pertain to orderly, expeditious and equitable administration of justice in our Federal courts. This is not to say that I would favor the adoption of any Federal rules which would impair any existing rights—or which would change any existing rule of evidence in a manner inconsistent with the rights and privileges of witnesses and litigants.

Mr. Speaker, in offering these Rules of Evidence as a legislative measure, it is my hope that the Judiciary Committee may resolve the few differences which continue to exist, to the end that the substantial work which has been performed in the development of these uniform Rules of Evidence may be recognized and that the main body of these rules may be approved for the benefit of the Federal judges and magistrates, as well as the attorneys, who practice in our Federal tribunals.

REGIONAL MEDICAL PROGRAM

(Mr. McCOLLISTER asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. McCOLLISTER. Mr. Speaker, I have been receiving a number of letters from Omaha doctors not objecting to—but applauding—the President's move to terminate the regional medical program. Ironically, their letters have been prompted by an anonymous mailing urging them to lobby their Congressmen for reinstatement of the program.

I traced the postage meter number on the anonymous mailing and found it belongs to the Nebraska regional medical program. I have asked for an investigation to see if Federal funds have been misused.

Whether or not it is a dishonest way to do business, we do not yet know. But it is nontheless underhanded and deceptive, and it lends fire to charges that you cannot trust government. I urge my colleagues to examine their mail and make sure this is not happening in their districts.

It is not easy to sort out the good from the bad in an effort to regain some control over Federal spending. And my job is complicated by this underhanded attempt to influence my efforts.

It is symbolic of the difficulty in dealing with vested interests when trying to change spending priorities.

FARM EXPORT

(Mr. MAYNE asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. MAYNE. Mr. Speaker, I direct my colleagues' attention to a most illuminating discussion of our farm exports by Secretary of Agriculture Earl Butz in an address delivered to the 36th World Trade Conference in Chicago on March 8. He called on farmers and those who supply farmers or market farm commodities to be alert to major economic events now taking place and decisions which are underway. Secretary Butz declared our farmers face an export situation unlike any they have experienced before—a situation rich with promises and calling for daring, imagination and productivity. Agriculture is already making a major contribution to America's trade balance, with our farm exports climbing from $5.7 billion in 1969 to over $11 billion this fiscal year, but we have the potential to do even better. The Secretary showed how fortunate we are to have restructured our farm programs to enable us to adapt and respond to growing world markets. The set-aside approach liberated producers from the old straitjackets of acreage allotments and crop controls. With new freedom to plant and make their own decisions, farmers increased production of such money crops as soybeans substantailly. The long-range outlook for farm exports appears good—if we keep up the forward momentum. I include Secretary Butz' entire address at this point in the record.

AGRICULTURE'S POTENTIAL IN WORLD TRADE—MARCH 8, 1973

(By Secretary of Agriculture Earl L. Butz)

Farmers and the people who supply farmers or who market farm commodities should be alert to some major economic events now taking places and decisions which are under way. Indeed, all Americans are involved.

This is a "hinge point" in history. That's how the Director of Agricultural Economics, Dr. Don Paarlberg, describes it. I agree, especially with regard to our agricultural community.

Farmers face an export situation unlike any they have experienced before—a situation rich with promise, but one which calls for daring, imagination, and productivity. Farmers find themselves operating in a new cost structure—one that similarly demands daring, imagination, and greater productivity.

The agricultural community will be working with Congress during the months just ahead to develop new farm programs that will cope with these changes and fulfill the opportunities of these exciting times.

There are other challenges of equal significance—the issue of fiscal responsibility in Government, the issue of U.S. trade policy, and the urgency of controlling inflation.

We are truly at a "hinge point." Many of the major questions tend to come together, as though turning on the same hinge. Call it what you will—national character, the public will, or plain common sense—that's the pivot on which much of our national future now swings.

Agriculture is taking a dominant position in America's export trade.

One of the major changes in the agricultural world is the dramatic climb in U.S. farm exports—from $5.7 billion in 1969 to over $11 billion this fiscal year. That $11 billion is roughly equivalent to the total value of all our exports of industrial machinery last year. It is more than three times our total chemical exports—and four times the total exports of all U.S. consumer goods.

What this means, of course, is that agriculture is even more of a force in our economic life. As we all know, agriculture is already making a major contribution to America's trade balance. We have the potential to do even better. Overseas markets are growing. We can supply those markets, increase our exports, and strengthen our farm income, provided we have a farm policy that looks forward—a policy that helps farmers stay competitive and improve their ability to deliver the goods wherever and whenever they are needed.

It would be difficult to measure the full beneficial impact of agriculture's expanding markets. When the big Russian grain sale was announced last July, it was estimated that each additional $100 million worth of U.S. exports would create from 3,000 to 5,000 new jobs, all the way from local elevators to shipping terminals.

Today the railroads, barge lines, storage companies, and ocean terminal firms are straining to move grain to Russia on schedule. Steel workers and fabricators are building more hopper cars. Farmers and country elevator operators here in the Midwest are having trouble moving out the grain due to a shortage of boxcars. We need every bit of cooperation we can get from the railroads to assure that facilities and equipment give maximum service in the grain-shipping effort. Productivity is the key—industrial productivity that matches farm productivity.

It took hard work to get us where we are in farm exports.

We have come to this exciting era of export growth after years of tough, often frustrating effort by many people in Government and private industry. There were years of painstaking negotiations to gain access to foreign markets—and there are more to be tapped.

Farmer cooperatives, commodity groups, trading firms and many others in the private sector, backed up by the Foreign Agricultural Service and Export Marketing Service, did their important part through aggressive promotion and selling. The important thing was, they had the goods to deliver, at competitive prices.

The Nation was most fortunate, of course, to have the leadership of a President dedicated to waging peace, not war—and dedicated to making peace work on a basis of international friendship, cooperation, and trade. How fortunate it was that when he went to Peking and Moscow, he could speak with confidence—that he could speak in terms of food, the universal language—that he could speak from strength made possible by the productive capacity of American agriculture.

How fortunate, likewise, that we already had restructured farm programs going for us, able to adapt and respond to the world market. The land set-aside approach liberated producers of major commodities—wheat, feed grain, and cotton—from the old straitjackets of acreage allotments and crop controls. With new freedom to plant and make their own decisions, farmers increased production of the money crops such as soybeans. In a word, the program helped aim farm output more toward profit potentials in the marketplace and away from dependence on Government payments for income.

This year, the set-aside plan enables us to call 40 million reserve acres into production—production urgently needed to meet domestic pressures for more meat, and production to fill growing demands for protein food overseas. At home and abroad, this will be a year of lively activity, sales, and earnings for America's agricultural community.

The long-range outlook for farm exports appears good—if we keep up the forward momentum.

The Economic Research Service has come up with some interesting projections for farm exports in 1985, compared with a three-year average centering on 1970/71. Much can happen between now and 1985 to alter the picture, but with that in mind, here are some of the highlights:

In volume, wheat exports would rise 26 percent, feed grains anywhere from 33 percent to 101 percent, soybeans 83 percent, and livestock and meat products, 49 percent.

Throughout the world, as nations gain economic strength and populations have more to spend for food, people are demanding higher-protein diets. In years past, nations have turned to America as a residual supplier of wheat, feed grains, and proteins—usually in times of emergency.

Also, for the past four decades we have had the kinds of farm programs which treated agriculture like a problem child and built up surpluses—surpluses that hung over markets and depressed farm prices.

All that is changing. We are exporting more because there is a steady and growing demand for what we produce—we are becoming the prime supplier, not the residual supplier. We are clearing out the bins of Government-held commodities. We are honing our delivery systems. Above all, we have a unique combination of land resources, climate, capitalized assets, technology, and managerial skill that enables us to produce and deliver what our foreign friends want.

Our farm export trade demonstrates the principle of comparative advantage.

Nations have special capabilities, as we do in grain production. These capabilities achieve greatest fulfillment through trade. Orderly international exchanges of commodities, goods, and services provide the best way for people to share their special abilities so that all may benefit, seller and purchaser alike.

We see this principle at work in our trade with Japan. In 1970, Japan became the first billion-dollar customer nation of the American farmer. We are now approaching the $2 billion mark in agricultural sales to Japan. The fiscal 1973 level will be about $1.7 billion as we continue to provide wheat, feed grain, and soybeans in response to Japan's growing needs for food.

The Japanese do not pay with yen, of course, for the American farm products they buy. They pay with dollars earned from selling us the items that their dynamic island economy and native ingenuity are skilled at producing—products commonplace in almost every American household, enriching and adding enjoyment to our level of living.

Nor are the Russians paying us in rubles for the grain they are buying. They are paying in dollars. Like any other trading partner that seeks what we have to offer, the Soviet leaders are thinking hard about the products we need—or will be needing in years to come—in return for what we send them.

The freer the flow of goods and services among nations, the greater the opportunity will be for comparative advantage to come into play. As it does, it will work to even out trade balances. In the new climate of peace that exists, with comparative advantage permitted to make as much impact as possible, increased trade among nations will inject added strength into the entire world economy. That's the great, never-ending goal ahead.

Much will hinge, therefore, on liberalizing international trade.

Certainly we in the United States have compelling reasons to see trade restrictions relaxed around the world. It is imperative that we export more to bring our trade into balance. Ten years ago our trade surplus normally ran from $5 billion to $7 billion annually. Then in 1971 the United States suffered its first trade deficit of the century. Last year we ran into the red by a startling $6.4 billion—and the situation would have been worse had it not been for our agricultural exports.

Against that background, current negotiations with the European Community take on special significance. We are seeking adjustments in the protective system of the enlarged Community, to take account of the more liberal treatment we have been accorded previously for a number of commodities by the Community's three new members.

Agriculture and all American business and industry have a huge stake, moreover, in the new round of multilateral negotiations that will begin later this year under the General Agreement on Tariffs and Trade. Congressional authorization will be required for our participation in the GATT discussions, which will be worldwide in nature.

If successful, the GATT negotiations can lead to patterns of more even and equitable trade distribution. Japan, for example, still protects herself unduly against the range of U.S. industrial and agricultural products, by tariffs and other means. These observations have been reduced somewhat in recent years, and we hope Japan will lower her barriers further in the future. Meanwhile the European Community maintains restrictions against many of the goods that Japan would like to export to Europe—this is a reason why much of Japan's output exerts pressures on the U.S. market.

We must make an all-out effort to get world trade on a genuine give-and-take basis. Our U.S. trade imbalance and unfavorable balance of payments are barometers that warn of economic sickness, unemployment, and national peril unless remedial steps are taken—and taken promptly.

Trade negotiations, no matter how successful, will not solve our problems unless we can follow through.

Thoughtful people can well ask what caused the shift from an American trade balance to serious deficit. It becomes clear that the competitive situation in the world market has changed dramatically.

In the past, despite its high wage and price structure, the United States usually enjoyed such a technological lead that we could out-produce and out-distribute nearly everybody else. How times have changed! Today, many countries possess technology as good if not better than ours. They are mastering the arts of the computer age. They are maintaining high levels of productivity with lower unit labor costs.

To maximize its comparative advantage and to gain its fair share in trade, any nation must meet the competition and the United States is no exception. We must find ways for our tremendous potentials of manpower and technology to put into practice the maxim so well dramatized on the farms of America—that if you would have more, you must produce more.

Across the Pacific, we have seen a small island nation prove that truth. The Japanese claim that by 1980 they will surpass our Gross National Product. With their determination for increased productivity, perhaps they can do it. However, should the Japanese or any other nation make a wrong turn and grant special concessions to pressure groups which are essentially cost-raising in their character, they risk losing their competitive edge and missing their goal.

As we face tomorrow's economic challenges, we must keep our sights in America trained on productivity. Negotiated wage rates by themselves are not real security—and neither are regressive, protective farm attitudes inherited from a bygone era. We must awaken to the fact that we are all a part of our total competitive position—no segment can afford to concern itself solely with its own self-centered interests.

Efficiency and economy at home will affect our stance in world trade.

At this World Trade Conference, many of you no doubt have differing views, or might take different kinds of approaches, to the question of how the United States can regain her export leadership. On the basic point, however, I am sure everybody is in agreement—we all recognize the urgency of getting trade into balance.

We must start, it seems to me, by mastering the problem of inflation—checking the upward price spiral—rebuilding the world's confidence and our own confidence in the dollar. I am deeply disturbed that confidence in the dollar has weakened in foreign currency markets, and by the fact that devaluation is interpreted by some to reflect fear that the United States is not fully committed to keeping a tight rein on inflation.

It disturbs me that government in all forms—Federal, State, and local—is chewing 34 percent out of our Gross National Product, and the trend is up. Twenty years ago, government took 25 percent of the GNP—there has been a 36 percent increase in two short decades.

As a lifelong economist, I am convinced that the President was absolutely right in calling a halt to excessive Federal spending. The certain consequences of exceeding the Federal budget are higher taxes and another firing up of inflation. The United States cannot succeed in the arena of world trade with one arm tied behind its back by inflation. Inflation is the saboteur of American productivity, be it on the farm, in the transportation system, or our manufacturing industries.

If people understood that fact, perhaps we would see less of the present sorry spectacle of sniping at the budget—with one effort after another being made to undermine the President's stand for fiscal responsibility.

Some view the situation as a battle between the President and the Congress. I don't see it that way. It is a battle between big government out of control and the people.

In the final analysis, the financial integrity of this Nation and the resolve to bring inflation under control depend most of all on people themselves. Economy, prudence, and the fight against inflation must start at home—with people like you, here in this room. Every segment of the economy—farmers, businessmen, wage earners, local communities—all will have to establish their own credibility if we are to succeed in influencing the Congress to uphold the Federal budget.

Credibility can be achieved and maintained only by those honest enough with themselves to be willing to accept the same self-discipline that they advocate for others. Let us engender that spirit now—today—before it's too late. This is our opportunity to demonstrate once again to the world that America can wage peace as mightily as we can wage war—and we must begin here on the home front.

NATIONAL EMPLOY THE OLDER WORKER WEEK

Mr. EDWARDS of California. Mr. Speaker, I ask unanimous consent for the immediate consideration of the joint resolution (H.J. Res. 334) to provide for the designation of the second full calendar week in March 1973 as "National Employ the Older Worker Week."

The Clerk read the title of the joint resolution.

The SPEAKER. Is there objection to the request of the gentleman from California

There was no objection.

The Clerk read the joint resolution as follows:

H.J. Res. 334

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President is authorized and requested to issue a proclamation designating the second full calendar week in March of 1973 as "National Employ the Older Worker Week," and calling upon employer and employee organizations, other organizations officially concerned with employment, and upon all the people of the United States to observe such week with appropriate ceremonies, activities, and programs designed to decrease employment discrimination in employment because of age.

Mr. BRADEMAS. Mr. Speaker, while the unemployment rate of 5 percent in this country, indicates that we need a national policy to maximize job opportunities for all workers, young and old alike, I believe that this resolution is necessary to focus national attention on the problems facing our middle-aged and older workers.

Indeed, I am particularly optimistic that this resolution will persuade employers across the country of the advantages of hiring older workers, among the best trained and most productive members of the labor force, when job vacancies occur.

Several studies, Mr. Speaker, clearly demonstrate those advantages. Older people are likely to have strong records of attendance in their employment, and are far less likely to change jobs than their younger counterparts.

In addition, their productivity is enhanced by the experience and skills gained over the years.

Mr. Speaker, consider the necessity of this resolution in light of the following statistics:

Last year 800,000 workers, aged 45 or over, related, voluntarily or involuntarily from the labor force.

Today approximately 900,000 men and women, 45 and older, are unemployed and actively seeking work—a 50-percent increase from January 1969.

Mr. Speaker, in our efforts to achieve full employment in America, let us not forget the older employee.

We should approve this resolution, not only for the older worker, but for our own sake.

Older workers have given much to our society. They have much, still, to contribute.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. EDWARDS of California. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the legislation just passed.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

DESIGNATING THURSDAY, APRIL 19, 1973, FOR CELEBRATION OF PAN-AMERICAN DAY

Mr. FASCELL. Mr. Speaker, I ask unanimous consent for the immediate consideration of House Resolution 284.

The Clerk read the resolution as follows:

H. Res. 284

Resolved, That the House of Representatives hereby designates Thursday, April 19, 1973, for the celebration of Pan-American Day, on which day, after the reading of the Journal, remarks appropriate to such occasion may occur.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

There was no objection.

The resolution was agreed to.

A motion to reconsider was laid on the table.

TWENTY-SECOND ANNUAL REPORT OF THE NATIONAL SCIENCE FOUNDATION—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 93-58)

The SPEAKER laid before the House the following message from the President of the United States; which was read, and, together with the accompanying papers, referred to the Committee on Science and Astronautics and ordered to be printed with illustrations:

To the Congress of the United States:

I am pleased to transmit to the Congress the Twenty-Second Annual Report of the National Science Foundation, covering the fiscal year 1972.

During the period covered by this report, the Foundation continued to make an important contribution to the strengthening of our economy and our society through science. It increased its support for scientific research in all disciplines and further expanded its involvement in research focused on domestic problems.

The report should be of special interest to the Congress at this time, in view of the additional responsibilities that would be transferred to the Director of the National Science Foundation from the Office of Science and Technology by Reorganization Plan No. 1 of 1973, which I proposed last month. I believe that this account of the Foundation's outstanding work during 1972 helps to confirm its fitness to undertake a broader role in the national science effort in 1973.

Richard Nixon.

The White House, *March 12, 1973.*

IMPROVING VETERANS' EDUCATION BENEFITS

The SPEAKER. Under a previous order of the House, the gentleman from New York (Mr. Kemp) is recognized for 20 minutes.

Mr. KEMP. Mr. Speaker, one of the important problems that this Congress must urgently address is that of helping the readjustment of our Vietnam era veterans and easing their reentry into a peaceful and production American society. As of December 31, 1972, these returned veterans numbered 6,317,000. Many of these men interrupted their educations and jobs to serve our country in a long and bitter war, and now they are returning to find they do not have the necessary skills to find a job.

Vietnam veterans returning to the civilian labor force face increasing competition for available jobs from older, more established workers changing positions in the work force, workers displaced from their jobs as a result of technological obsolescence or economic instability, and their peers who are also new to the labor force but who were not drawn out of the labor force by the draft.

As a result, the level of unemployment for veterans, particularly younger veterans, is much higher than that for the general population.

Particularly important among the problems faced by job-seeking veterans in this period have been the invisible handicaps of undereducation and undertraining, which affect far more Vietnam-era veterans than problems of physical disability. The problem is compounded by the fact that often young people who have neither worked nor completed their education, and as a result do poorly on occupational qualification tests, do not receive training that is marketable after their return to civilian life. Many Vietnam-era veterans are still recuperating from their injuries and face serious disabilities that will impair their employability unless they are rehabilitated or retrained.

I greatly respect and admire the members of our Armed Forces who fulfilled their military obligations to our Nation and donated some important years of their lives to fight in an unpopular war. I feel they deserve a tangible expression of our gratitude, and, frankly, under the present situation they are being shortchanged.

Many of our veterans who are eager to gain new skills to start a fresh future are discovering that the current GI education bill is woefully inadequate to meet the skyrocketing costs of education, even at State universities, and they are unable to take advantage of their educational benefits. They simply cannot pay living expenses and tuition costs even though many work at part-time jobs to supplement their incomes.

For this reason, I have again introduced legislation to increase benefits currently available to Vietnam-era veterans and bring them more in line with benefits available to World War II veterans.

My bill would provide benefits similar to those of the old GI bill whereby tuition and fees were paid directly to the educational institution by the Veterans' Administration. Under the old bill the payment was $500. In my bill the direct payment to the educational institution would be $1,000 for any eligible veteran not on active duty and enrolled on a part-time or more basis. The old bill did not cover the cost of books, supplies, and equipment but these required fees would be included under this direct payment in my bill.

Under the current veterans' education bill, the veteran only receives an educational assistance allowance. Legislation which we enacted last fall raised the basic monthly rate for educational assistance for single veterans enrolled in full-time programs to $220 from $175, with proportionate increases for veterans with dependents and those enrolled in part-time programs. The monthly allowance for single veterans participating in full-time apprenticeship or on-the-job training courses was increased to $160 from $108. While these were significant increases which I supported with my vote, the educational assistance allowance alone is insufficient when one considers the rise in educational costs at our public and private institutions. My bill retains the educational assistance allowance at the newly increased rates in addition to the $1,000 per-school-year tuition payment.

The veterans of Canisius College, Buffalo, N.Y., have just completed a comprehensive comparison of the educational benefits for the World War II veteran to those available to the Vietnam-era veteran.

They found that not only does parity not exist for today's veterans, Vietnam-era veterans are also being denied the freedom of choice as to which institution of higher education they wish to attend. The tuition allowance permitted this degree of choice for the veteran of 1945. And the $1,000 direct tuition allowance of my bill would give today's veteran a greater degree of flexibility in planning his educational program by allowing him to attend private institutions, out-of-State public institutions, small schools, large campuses, or whatever he desires.

The outstanding and informative Canisius College report should be of interest and benefit to all of my colleagues, and I include it for their examination:

THE VIETNAM ERA VETERAN: WHAT NEXT?

(NOTE.—A study comparing the educational benefits available for the World War II veteran to those available to the Vietnam Era Veteran prepared for the Honorable Jack F. Kemp in support of his bill, by the veterans of Canisius College, Buffalo, New York. Tables and appendices referred to will appear in the Extensions of Remarks at a later date.)

The Canisius College Veterans' Club, on February 1, 1973, by voice vote, decided unanimously to endorse publicly any pending legislation that we believe would benefit the Vietnam Era Veteran. Prior to any blanket endorsement however, we felt that a complete study of current G.I. benefits as compared to those benefits received by World War II Veterans was necessary.

The principal theme of the study was to compare all educational benefits received by both groups of veterans and to determine if parity exists for the Vietnam Era Veteran. Several factors were taken into consideration, namely; increased cost of education over the past 26 years (in constant dollars), inflation of the dollar, changes in Subsistence Allowance from 1945 to 1972. G.I. Bill Tuition Allowance for 1945 to 1972, and, finally, the increase in room and board from SY 1945/6 to SY 1971/2.[1]

In an attempt to discover any discrimination among types of institutions, six student categories are considered, they are: (1) Public Institution In-State Resident; (2) Private Institution In-State Resident; (3) Public Institution Out-Of-State Resident; (4) Private Institution Out-Of-State Resident; (5) Public Institution In-State Commuter; and, (6) Private Institution In-State Commuter. In all but two of these categories the Vietnam Era Veteran was found to be receiving between 34.2% to 77.2% less than his World War II counterpart.

In each of these categories, the base years used for comparison are SY 1945/6 and SY 1971/2. The first comparison, Public Institution In-State Resident (See Appendix 1—Section A) shows that the Vietnam Era Veteran is receiving 10.6% more than the World War II Veteran. In 1945 the total cost of education and subsistence was $547.66 as compared to $1443.00 for 1972. In 1945/6 the veteran received $65.00 per month in subsistence and $110.00 a year for tuition or a total of $1563.00 per year in 1971 dollars. The Vietnam Era Veteran on the other hand received $220.00 per month for subsistence and $0.00 a year for tuition or a total of $1980.00 in 1971 dollars. This gives the 1971/2 veteran a comparative advantage of $211.49 or 10.6% over the 1945/6 veteran.

PUBLIC INSTITUTION IN-STATE RESIDENT

Title	School year—	
	1945-46	1971-72
Tuition cost	$247.50	$460.00
Room and board cost (subsistence)	984.74	983.00
GI bill tuition allowance	247.50	0
Subsistence allowance (per year)	1,316.25	1,980.00
Advantage to veteran of 1972		[1] 211.49

[1] 10.6 percent.

Note all figures in 1971 dollars.

The second comparison, Private Institution In-State Resident (See Appendix 1—Section B), shows the World War II Veteran receiving 77.2% more than the Vietnam Era Veteran. The cost of education in 1945 was $342.00 and in 1972 it was $1957.00. The total cost of room and board in 1945/6 was $437.66 as compared to $1221.00 in 1971/2. The total cost of education, therefore, was $779.66 in 1945/6 compared to $3178.00 for 1971/2. As stated in the previous section, in order to determine that parity does in fact exist, a comparison of total education benefits must be made. Using the same benefit package as described above, the 1945 veteran had $2085.00 (in 1971 dollars) to offset a relative cost of $1754.24 while the 1972 veteran has $1980.00 in benefits to offset an education cost of $3178.00

PRIVATE INSTITUTION IN-STATE RESIDENT

Title	School year	
	1945-46	1971-72
Tuition cost	$769.50	$1,957.00
Room and board cost (subsistence)	984.74	1,221.00
GI bill tuition allowance	769.50	0
Subsistence allowance (per year)	1,316.25	1,980.00
Advantage to veteran of 1945	[1] 1,529.51	

[1] 77.4 percent.

The third section, Public Institution Out-Of-State Resident (See Appendix 2—Section A), shows the World War II Veteran receiving 36.7% more than the Vietnam Era Veteran. The cost of education in 1945/6 was $110.00 and in 1971/2 it was $1345.32, and to this we add the total cost of room and board which was $437.66 in 1945/6 and $983.00 in 1971/2. In 1945 the total cost of education to include room and board was therefore $547.66 compared to $2328.32 for 1971/2. Again, using the benefits available, the 1945 veteran has an advantage of $726.83 or 36.7%.

PUBLIC INSTITUTION OUT-OF-STATE RESIDENT

Title	School year	
	1945-46	1971-72
Tuition cost	$247.50	$1,345.32
Room and board cost (subsistence)	984.74	983.00
GI bill tuition allowance	247.50	0
Subsistence allowance (per year)	1,316.25	1,980.00
Advantage to veteran of 1945	[1] 679.83	

[1] 34.2 percent.

The fourth section, Private Institution Out-Of-State Resident (See Appendix 2—Section B), shows the World War II Veteran receiving 79.6% more than the Vietnam Era Veteran. Since all costs at private institutions are independent of state of residence, the figures for this category are the same as quoted in section two, Private Institution In-State Resident.

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[1] SY is an abbreviation for School Year, normally considered to start in September and end in May.

The fifth section, Public Institution In-State Commuter (See Appendix 3—Section A), shows the Vietnam Era Veterans receiving 10.3% more than the World War II Veteran. The cost of education in 1945/6 was $110.00 and in 1971/2 it was $460.00. Since in this case there are no room and board costs, these figures represent the total cost of education for their respective years. The total amount of benefits received by the 1945 veteran was $1563.00 in 1971 dollars as compared to $1980.00 for the 1972 veteran. This gives the 1972 veteran an advantage of $203.75 or 10.3%.

PUBLIC INSTITUTION IN-STATE COMMUTER

Title	School year—	
	1945–46	1971–72
Tuition cost	$247.50	$460.00
Room and board cost (subsistence)	0	0
GI bill tuition allowance	247.50	247.50
Subsistence allowance (per year)	1,316.25	1,980.00
Advantage to veteran of 1972		[1] 203.75

[1] 10.3 percent.

The sixth section, Private Institution In-State Commuter (See Appendix 3—Section B), shows the World War II Veteran receiving 65.3% more than the Vietnam Era Veteran. The cost of education in 1945/6 was $342.00 and in 1971/2 was $1957.00. As in the previous section there are no room and board costs to consider, therefore, a parity comparison can be made based on total educational benefits allowed under law. In 1945 the veteran received a total of $927.00 in benefits to offset a cost of $342.00 as compared to the 1972 veteran's benefits of $1980.00 to offset a cost of $1957.00. This gives the 1945 veteran an advantage of $1293.25 or 65.3% in 1971 dollars.

PRIVATE INSTITUTION IN-STATE COMMUTER

Title	School year	
	1945–46	1971–72
Tuition cost	$769.50	$1,957.00
Room and board cost (subsistence)	0	0
GI bill tuition allowance	769.50	0
Subsistence allowance (per year)	1,316.25	1,980.00
Advantage to veteran of 1945	[1] 1,293.25	

[1] 65.3 percent.

After review of the above, it appears that the major reason for the advantage to the 1945 veteran is the provisions for tuition and fee payment. It can be seen that the tuition allowance for the 1945 veteran varies from section to section. This is due to a provision of the law which provided for a tuition allowance of up to $500.00 per school year for tuition. The amount to be paid by the Government was a maximum of $500.00 or the cost of tuition, whichever was the lesser amount. Thus, the tuition allowance varied from section to section based on average tuition costs for each type of institution.

The present administration has stated on several occasions that it intends to see that the Vietnam Era Veteran receives a just and equitable G.I. Bill. We have seen, however, that some members of Congress believe that the Vietnam Era Veteran has already achieved parity with the World War II Veteran. The Honorable John P. Saylor, Representative from Pennsylvania, in his speech to the House of Representatives on September 21, 1972, stated that there is parity between the World War II and the Vietnam Era Veteran. He also said that a previous statement from an unnamed Senator who labeled the Vietnam Era Veteran as "the most shabbily treated veterans in our history" is not true. Finally, he said, ". . . let me state categorically that if today's veteran were paid educational benefits on the same basis as their World War II predecessors, about half of them would receive less money than they now receive." We disagree totally with Rep. Saylor's position.

In 1945, the veteran, due to the provisions of the G.I. Bill, had freedom of choice as to which institution of higher education he wished to attend. The main factor allowing him this freedom of choice was the tuition allowance. As our study has revealed, the average tuition cost for all types of educational institutions, both public and private, fell below the $500.00 ceiling of the annual tuition allowance. We believe that each Vietnam Era Veteran should be granted the same degree of choice today that his father had in 1945. We want to see a veterans' benefit plan that does not discriminate against students in states whose public institutions tuition charges exceed the break-even point of $619.00 per year, students in private institutions, students attending public institutions in states other than where they reside, or students from rural areas who are forced, due to long distance travel, to reside at their institution.

What does the United States owe its veterans? A pragmatist might answer this question in the following fashion: The Government of the United States of America owes its veterans only those benefits that they were entitled to by law at the time of discharge or separation. A moralist might answer this same question another way: As the Government of the United States of America must keep pace with the changing times, veterans are entitled to benefits and these benefits must be structured so that the veteran can, in fact, reach the objective for which the benefits were originally designed. The Canisius College Veterans' Club believes that once a commitment has been made to one era of veterans, it should be available to the next generation as well. General of the Army Omar N. Bradley, U.S.A., while Director of the Veterans' Administration in 1946 stated, "Our job is simply defined, it is to assist the veteran in securing educational opportunities to which he is entitled by law. We accomplish this primarily by paying both tuition and subsistence while the student is studying."[2] General Bradley's remark is straightforward and to the point. In 1946 the Veterans' Administration made a commitment to provide both tuition and subsistence to the World War II Veteran. It is the contention of the clear majority of Vietnam Era Veterans that this valid commitment should apply to them as well.

The Canisius College Veterans' Club recommends the following: there is a need for a plan with the built-in flexibility to account for the varying costs of a higher education. A sliding scale tuition benefit plan seems to meet all these differing needs; a plan that would pay up to $1000.00 or the cost of tuition, whichever is less. This step would do far more to provide both equity and parity to today's veterans than any change in subsistence allowance. Thus, to bring back the tuition allotment of 1945, as adjusted by inflation, would truly bring about parity.

It is because of these considerations that we pledge our total support for your bill H.R. 4811, in order that true parity be achieved between the veterans of 1945 and 1973.

We shall support H.R. 4811 any way we can and we request any advice and/or guidance you might be able to give us in order that we might be able to help in securing passage of this bill in its present form.

DAVID A. SHEPHERD,
Dean of Men and Moderator of Canisius College Veterans' Club.
PAUL S. BEAUDRY,
Chairman, Benefit Committee, Canisius College Veterans' Club.

IMPACT OF OEO DISMANTLEMENT

The SPEAKER. Under a previous order of the House, the gentleman from Pennsylvania (Mr. DENT) is recognized for 10 minutes.

Mr. DENT. Mr. Speaker, I rise today to bring to the attention of my colleagues an interesting and informative series of articles that appeared in the Valley News Dispatch, a fine newspaper published in the 21st District of Pennsylvania, which I am privileged to represent. The articles deal with the dismantlement of the Office of Economic Opportunity and its subsequent impact in one area of my district. I think the series offers an insight into the results of recent Presidential action and highlights the lack of alternatives that underscore his decisions to cut spending in vitally needed social welfare programs.

Admittedly, some of these programs have not met the unrealistic expectations with which they were begun—expectations that sprang from a "can do" philosophy that our society has the ability to instantaneously change any condition to which we direct our impressive national resources. These programs have, however, provided alternatives where none previously existed and, in many instances, served as the only link between the poor of this country and their government. It is for these reasons, and many others, that we in the Congress must do what is necessary to assure a quality of life for women, men, and children that is in keeping with their dignity and worth as human beings, and participate very actively in that determination.

The newspaper series follows:

[From the Valley News Dispatch, Feb. 22, 1973]

NIXON CUT WOULD RUIN $400,000 IN SERVICES

(By Pat Condelli)

With a potential loss of nearly $400,000 to the Highlands area at stake, community leaders rallied last night in a last-ditch effort to save the Office of Economic Opportunity (OEO).

The 27 different programs begun by the office in the past seven years could be forced into extinction by a cut in federal funding proposed by the Nixon administration

That would mean an end to the well baby clinic, neighborhood legal services, Meals on Wheels, the neighborhood youth corps, the Umbrella drug program and other services for children, youth, families and elderly.

These programs have assisted residents of Tarentum, Brackenridge, Harrison Township and Fawn Township.

Meeting in Highlands High School, community representatives hoped to show by their support that the loss would do irreparable harm to the municipalities which have benefited from these programs.

In addition to the loss of funds, many spokesmen expressed concern about the damage that would be done to the "community unity" which has developed as a result of the catalyst provided by OEO leaders and staff.

If OEO is abolished, it means not only a loss of a comparatively meager $21,000 allocated for operating the office and its programs, but also a loss of $342,000 in federal subsidies to related school programs, $12,000 in volunteer hours and $11,000 in gifts and donations.

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[2] General Omar N. Bradley, USA, "The Education of Veterans," Vol. XXVII of *The Educational Record*, ed. by A. J. Brumbaugh (Washington: The American Council on Education, 1946), p. 379.

As a result of the meeting, leaders pledged to continue their efforts to prevent the defunding. This goal will be sought by bombarding legislators and President Nixon with letters, petitions and resolutions and by investigating other available sources (local, county and state) to replace the funds.

Eugene A. Simon, president and publisher of the Valley News Dispatch, was moderator for the program.

He cited the OEO effort as "action at its best where it is most needed."

He said the group served as a community catalyst, a coordinator of programs to prevent overlapping, a unification of effort and thrust for a broad community unity, a last-ditch vehicle to provide help when there was no one else to turn to and a means to present good articulation of official and public opinion.

Simon said the program has been successful because of "good leadership, good community support and a 'think big' attitude."

The most substantial loss—that to the school district—was emphasized by Atty. Charles Jacques Sr., vice president of Highlands School Board, and Charles Schmitt, coordinator of federal programs.

Jacques listed the programs now funded which would be eliminated—those for text books, library supplies, handicapped, dropouts, bi-lingual students, vocational education.

He said, But more than the money, we will lose the community reawakening to these needs which was due specifically to efforts of the OEO and its related Community Action Committee (CAC).

Schmitt said in addition to the educational programs which would be abolished, slashes in the agricultural department budget would mean an end to the free lunches and breakfasts now offered.

He said, "There now are 130 children in our district who receive a free breakfast each morning. We get only 20 cents federal reimbursement for each breakfast, but still that enables us to provide this service. "I set the table each morning for the children in one of our elementary schools. You should see how these youngsters appreciate getting a good meal in the morning."

Charles Lucas, president of the Alle-Kiski Branch NAACP, said the defunding would be a "tragic mistake" and he wrote a letter to President Nixon "deploring his hasty decision and ineptness and insensitivity to the needs of the people."

Lucas said, "You can measure the success of a program from the depth of where it was begun to the present time. In the past seven years, it is easy to see how successful our OEO has been in the Highlands area."

William Maloney, Harrison Township Commissioner, said he "appreciated the President's efforts to trim the budget," but questioned why he had to "shortchange those who are most vulnerable in our society."

He said one proof of the success of the programs offered by OEO was that more than 7,000 volunteer hours had been contributed by interested citizens.

Mrs. Ruth Reith, one of those volunteers, heads the Meals on Wheels program. She said its establishment two years ago was due mainly to efforts by OEO staff members. More than 300 community volunteers participate.

When Meals on Wheels began, it served 14 Highlands residents. Now 74 receive two meals three days each week. Mrs. Reith said that the elderly, handicapped and ill not only appreciate the meals but especially look forward to visits by the volunteers who bring the food to their homes.

The Rev. Edward Clark, executive director of Goodwill Industries, said OEO was chiefly responsible for establishing a maintenance technician training program which is helping unemployed learn a means of making a living.

He said the OEO staff was a "viable force which helped the communities take stock of their needs and do something about them."

Mrs. Anita Martin, who works with the General Equivalent Diploma (GED) program, said the effort of this branch of OEO has been so successful that those receiving diplomas have returned to thank them "with tears in their eyes." Some since have entered college or received vocational training and now are gainfully employed.

She said, "To discontinue this program would be a step backward—a step which we can't afford. We can't let these people down."

Keith Bodden, representing the education committees of NAACP and CAC, said, "Although the OEO and CAC have not eliminated poverty, they have managed to reverse the poverty trend and now we are heading in a positive direction with some hope that it can be controlled." He pointed out that figures showed the Highlands area had 320 families in every one of its 22 square miles that could be classified as "low income."

He urged all residents not to stand by and see the programs "chopped up by a popular president who is not doing what is right and moral because what is right and moral is not always the popular thing."

Bodden praised the Highlands OEO efforts on a "shoe string budget with a minimum staff" for providing five services, 11 programs and 10 projects.

Ronald Altany, chairman of Harrison Township Human Relations Commission, also praised OEO for "creating original and impressive programs and thereby a form of security and hope for the future."

Andrew Tymoczko, president of Alle Kiski Valley Citizens for Peace, thanked the OEO staff for "inspiring so many people to give of themselves in people helping people programs for children, youth, families, and the elderly. They deserve a 'well done' for their efforts and effects."

Mrs. James (Marguerite) Young, who works with the Well Baby Clinic said, "I cannot stress strongly enough the needs for these programs in our communities." She pointed out 29 percent of the 30,000 residents in the Highlands area have requested help from OEO services.

Mrs. Nancy Taylor, a member of the staff of Family and Children's services, said she came to work in the Highlands OEO program because of its reputation of having a "climate of carrying." She said, "I have seen the great devotion of the staff. Residents who seek help in the office find warmth, respect and concern. These people generate an aura of mutual support, friendship and self-esteem."

Charles Gibson, president of the 135-member Senior Citizens Club, commented, "The senior citizens have it hard enough as it is. Their condition will become much worse if the programs are defunded.

"Twenty-one per cent of the Highlands area population is comprised of senior citizens. I hope each one of them will remember just what action is taken by Congress and the President when it comes to election time. The elderly have a great voting power in our communities."

Judy Mazur, secretary of Park Apartments Tenants Council, cited the efforts of OEO in helping establish the council. She said the staff also assisted the council with problems with county government, establishing Project Summerthing and summer camps for children, the Youth Corps which provided jobs for children of tenant residents, the food buying cooperative, day care center (in the planning stages) and the vocational training program which has removed some tenant residents from welfare rolls.

Mrs. Patricia Hunt, director of the Community Ministry Center, said OEO is "vital if the total community is to be preserved. It's abolishment would be devastating."

"We must not be blinded to human needs," said the Rev. Robert Harlan Cairns, pastor of Grace United Methodist Church, Tarentum. He continued, "America has six per cent of the world's population and 50 per cent of the world's resources. We can afford to be humane."

Mrs. Marian Detman, chairman of the Allegheny County Anti-Poverty League, said she thought one of the most vital services provided by OEO was Neighborhood Legal Services.

Mrs. Detman said nearly 3,000 residents have sought legal aid in the past year and added, "This program must not be dismantled."

Charles Desmone, director of the Catholic Youth Services and president of Allegheny Valley School Board, praised OEO staff efforts.

He said, "These people represent the best that God has given. They are people concerned about people." He said the most powerful force behind the staff was the OEO Coordinator himself, Robert L. Jedrzejewski. Desmone commented, "He's the dynamite. He's the action here."

Mrs. Daniel (Anita) Fine, a social worker at Russellton Miners Clinic Inc., New Kensington, asked why President Nixon would "rather spend millions of dollars on armaments than on our own people. The government is saying it has no concern for the elderly, the youth and the children."

Sister Lucia, principal of Blessed Sacrament Elementary School, Natrona Heights, said that poverty in this area involved not only money but also the "poverty of loneliness, alienation, ignorance (spiritual and educational), fear, doubt and illness." She urged support of OEO "as a Christian with an active concern for the poor and as a citizen with a belief in the pursuit of happiness for all citizens."

Keith Gilbert, representing Allegheny Ludlum Industries, Brackenridge, urged the group to depend now on county and state aid "since it looks like we won't get any help from the federal government."

His thoughts on seeking other sources of aid were echoed by Maurice Kelsey, executive director of Allegheny County OEO, and Nick J. Staresinic, superintendent of Highlands School District.

Others attending the meeting to voice support for OEO included Tarentum Mayor Robert Cornish, one of the original founders of the Highlands program; Howard Wiley, representing Mental Health-Mental Retardation Board; John Dietrich, a consultant for the Department of Public Assistance; Kasmir Sydlik, Harrison Township commissioner; Mrs. Joan Dlubak, chairman of the Learning Disabilities Center; Plummer Crawford, labor representative of UMWA Local 1196; Mrs. Janet Hoscheid, who works with the free lunch program; the Rev. Warren Metzler, who also helped establish OEO programs seven years ago, and a representative from the office of Rep. H. John Heinz III.

Letters supporting the OEO program were received from Anthony Trettle, president of Brackenridge Council; Charles Hanna, mayor of Brackenridge; Mrs. Catherine Seybert, of the Early Childhood Development Center; Sen. Hugh Scott; the parents of a retarded child; the Rev. Michael H. Kernan, president of Upper Allegheny Valley Clergy Association.

Capt. Donald Baker of the Salvation Army in Tarentum; District 19 USWA; Rep. Helen Gillette; Irene Ravigioni of Allegheny Valley Chamber of Commerce; Richard Nitowski, principal of Highlands High School; Guy E. Bubb of Allegheny Ludlum; Fawn Township supervisors; Dr. and Mrs. Robert Stockdale; M. P. Acee, a Natrona businessman; a representative of the Neighborhood Youth Corps and Carl J. Magnetta Jr., president of Tarentum Council.

[From the Valley News Dispatch, Feb. 23, 1973]

HIGHLANDS OEO AIDED 8,600 RESIDENTS

Twenty-nine per cent of the Highlands area population was served in some way by the Office of Economic Opportunity (OEO) in the past year.

Of a total of 18,378 contacts, the OEO, through its Highlands Community Action Committee (CAC), was able to provide information and services for 8,632 residents.

Programs under the direction of the OEO involved children, youth, families and the elderly. In the past seven years since OEO was begun in the area, the following services have been made available.

Neighborhood Legal Service—providing legal aid for the poor. Nearly 3,000 residents sought help in this area in 1972.

Neighborhood Youth Corps—providing part-time jobs for needy high school students who work under supervision of the OEO staff and assisting applicants find other job opportunities.

Project Forward—providing information and assistance for those seeking post secondary education in colleges and business and vocational schools. The staff, in cooperation with the Community Ministry Center, provides information on scholarships, grants and foundations and tells students and parents how, when and where to apply for them.

Project Armchair—providing free tutorial help to enable adults to receive their high school diplomas. This program is offered in cooperation with local industry and institutions of higher learning.

Umbrella—providing on-going services under the direction of the Mental Health/Mental Retardation Board in drug rehabilitation, prevention and education.

Meals on Wheels—providing hot meals to elderly, handicapped and ill. More than 60 Highlands residents now are being served. The program is under the auspices of the Community Ministry Center.

Highlands Buyers Club—providing membership in a group which receives reduced prices for furniture, meats, produce and appliances. There are more than 200 members in the club which is affiliated with the Alle-Kiski Branch Alliance for Consumer Protection.

Helping Hand Committee—providing funds in the form of emergency loans to those in need. Through the efforts of the CAC staff funds are raised and distributed.

Maintenance technician training—providing training to unemployed men in general home improvements. Twelve men currently are enrolled in the program which now is under the direction of Goodwill Industries Inc., New Kensington.

Well-Baby Clinic—providing health and child-care information. The program is directed by the CAC staff.

Consumer Education—providing education in various aspects of consumerism in cooperation with the Buyers Club and Highlands School District.

Project Summerthing—providing remedial reading and math tutoring for secondary and elementary children. Last summer black student teachers were hired to direct the program in joint sponsorship with CAC and Highlands School District.

Martin Luther King Scholarship—providing annual scholarship to a needy black high school student.

Martin Luther King Memorial Service—organizing the annual memorial program.

Summer Day Camp—providing an opportunity for children to attend summer camp at Harrison Hills Park, Natrona Heights. Last summer, 333 children participated.

Christmas Cheer Referral—providing a clearinghouse for local civic groups and agencies to distribute food, toys and other help to needy families at Christmas.

Tenants Councils—providing assistance for residents of public housing in establishing and organizing tenant councils. OEO helped to reorganize the Park Apartments Tenants Council and establish the Burtner-Negley Tenants Council.

Human Relations—providing a liaison with the CAC in helping to establish the Harrison Township Human Relations Commission. The program is affiliated with the A-K Valley Confederation of Human Rights Organizations.

Senior Citizens Club—providing an organization in which members are eligible for federal drug discounts and insurance benefits and an outlet for entertainment possibilities. The club now has 135 members which meets at 1 p.m. each third Tuesday of the month.

Work Incentive Program—providing employment for trainees who receive supervised clerical experience.

Early Childhood Development Centers—providing three year-around headstart centers in Tarentum, Natrona and Natrona Heights for pre-school children of low-income families.

Referral Service—providing information about agencies that can assist residents with various problems and needs.

Department of Public Assistance—providing assistance to those who are economically eligible to receive food stamps and medical benefits and consulting with the poor, handicapped, unemployed, dependent children, sick, elderly so that they may receive their rightful welfare benefits.

Two other programs will be initiated soon:

Day Care—to serve 20 childern of working mothers of every economic level. This service is scheduled to begin in September.

Credit Union—the Buyers Club is investigating the possibility of organizing a credit union for Highlands residents under the auspices of the CAC.

The programs are carried out by utilizing $21,000 in federal grants, $11,030 in gifts and donations and $12,000 in-kind value of volunteer hours. (Last year 308 volunteers worked 7,000 hours.)

Because of a proposed cut in federal spending, allocations for OEO programs may be abolished in July.

[From the Valley News Dispatch, Feb. 24, 1973]

CANDID COMMENT—OEO CUTBACK REACTION MIXED IN A-K

President Nixon has proposed dismantling the Office of Economic Opportunity as one method of alleviating the tax burden on the American public.

Nixon contends the office has failed to serve the public. He has defended his proposal by saying only those programs failing to produce results will be scrapped. Programs having a record of accomplishment will be placed under the authority of other governmental agencies.

Candid Comment this week asked area residents if they feel Mr. Nixon's diagnosis is accurate.

"Maybe yes, and no," said Edward Szarnicki., 1613 Third Ave, Natrona Heights.

"A revamping of the office may be in order but nothing as drastic as this. I think Mr. Nixon is judging the organization on hindsight and not on foresight.

"Any organization that gives job training and puts more people on the tax rolls, can't be all worthless. Programs of this type are good," he said.

John Stiffler, Apollo, said he couldn't make a decision because he didn't know enough about the organization and its purposes.

"I don't think I am an authority to say the office should be dismantled. I'm not that familiar with it.

"I think the office's major problem is its failure to publicize and inform the public just what it intends to accomplish.

"Job training programs are good and should be continued," he said. "I don't think you can use a blanket statement accusing these programs of failure, I'm sure there are cases where they have had success. I think it's good for a person to receive job training and become a productive member of our society."

Leon Demcut, North Apollo, agreed with Stiffler.

"If the program teaches those who are interested in furthering themselves, then I think it's good. I don't think it's right to do away with the whole organization.

"I'm sure there are people who need what the office has to offer," he said. "Dismantling it would only hurt these people."

But some people said they were against Nixon's plan.

"I don't agree with Nixon's action," said Emmie Knepshield, Apollo.

"I think the public deserves programs like these. If Nixon wants to save money why not use the money being saved from the Vietnam war for the public. Why not use this money for disease research or for something that will benefit the people."

One Oakmont man said he couldn't understand why Nixon proposes to rebuild North Vietnam while at the same time take away from the American people.

"We bombed the hell out of North Vietnam and what does Nixon want to do for our former enemy, offer to rebuild their country. Then he tells the American people to use their own initiative to help themselves.

This is a strange way to run a government. We have money for killing and helping a nation that killed our men, but, we have little for our own people."

Another Apollo man, Kenny Phillips, disagreed with Nixon's plan.

"I'm not in favor of Nixon's plan," he said. "I believe we should bring back the old program of CCC to give people jobs. But to dismantle an organization that has produced some good is wrong."

Harry Patterson, Apollo, partially agreed with Phillips.

"I think there are better places for the money," Patterson said. "I would like to see more money spent on cleaning up local communities. There are jobs for people if they really want to work. There is no reason for any able bodied man not to have a job."

But Mrs. Leroy Chind, 713 Woodward Ave., Apollo, was definite in answering the question.

"I don't think the programs were carried out as intended. I think its intentions are good, but I think more money is spent on red tape and paying salaries."

Mrs. Joan Hickman, 149 Haser Drive, New Kensington, agreed with Mrs. Chind.

"I haven't seen any results in the people I know who have taken the program. The only way the program can be successful is for people to follow through with it. I have met some people who have started in job training programs and then dropped out."

Mrs. John Hyck, 276 Bailes Run Road Creighton, said Nixon should investigate the program thoroughly before dismantling it.

"I feel both pro and con about the office," she said. "I am sure there are people who need the program and will profit from it, but there are those who take the program and drop out.

"I think Mr. Nixon should investigate the office before saying it has failed completely. I don't think you can say the organization is a complete failure, I am sure there are people who have benefitted from what the office offers."

"I think the office is good and, if handled right, can succeed in helping people," she said.

Mrs. George B. Arthur, Braeburn Heights, Lower Burrell, said other government programs should be stopped.

"I think we should take the money spent on the space program and give it to the people," she said. "We will permit a program like this to exist, but let pollution alone.

"I think this country cares more about the moon and keeping ahead of other nations than it does about its people."

One New Kensington woman hesitated in answering.

"I don't know if the programs are good or bad," she said. "My husband and I have worked hard for what we have. At times it seems all we do is work to keep ahead of our bills.

"It's difficult for me to feel any sympathy for people out of work when we have to struggle to put food on the kitchen table. I think we need programs to help the working man survive."

REPRESSION OF POLITICAL ACTIVITY IN SOUTH AFRICA

The SPEAKER. Under a previous order of the House, the gentleman from Michigan (Mr. DIGGS) is recognized for 5 minutes.

Mr. DIGGS. Mr. Speaker, the last decade in South Africa has seen such repression of all political opposition, especially by blacks, that many outside observers have been tempted to believe that there is no resistance to the white minority regime. In recent years, however, a new black consciousness movement has emerged, spearheaded by the South Africa Students' Organisation—SASO, an outstanding group of young black people whom I met in South Africa, who are not afraid to express their defiance of apartheid in spite of constant harassment, police raids, arrests, arbitrary "banning" of the leadership, and even the death of one of their key members who was organizing black labor.

I was profoundly disturbed to learn of the action of the South African Government on March 2 in banning eight leading members of the SASO executive, the Black People's Coalition, and the Black Workers' Project. This effectively stops them from organizing, attending meetings, writing for publication or even studying, and restricts them to a small area. Two of those concerned have been placed under house arrest. There is an apparent blackout of information on these measures. It is known, however, that the police raided the SASO office and removed all their literature and files.

These actions are further steps by the South African Government to cut off the leadership of those in South Africa who are working within the law, even following the official policy of separate black and white organizations. Legitimate demands for the right of workers to a bare subsistence wage are met by instant repression. During the recent strikes in Durban, six SASO members were arrested for handing out leaflets calling on the Indian and Coloured workers to join African workers in protesting the abysmally low wages which they are paid. The African cost of living is rising so fast that workers are becoming even poorer in real terms. U.S. corporations are actively colluding with the regime to keep wages down. Colgate-Palmolive, for example, immediately fired 10 African technicians who demanded fairer wages.

The SASO members arrested for helping the strikers are now out on bail, and their trial has been delayed until April 24.

The suppression of SASO comes just a few days after the banning orders imposed on eight leaders of the National Union of South African Students—NUSAS, which is the white students' organization. I have met many of them in South Africa and the United States; they are fine, idealistic people who represent the best elements in white South African society.

What makes this series of repressive actions so intolerable is that "banning" is a lawless act of arbitrary power which is totally inconsistent with all precepts of justice and due process in a democratic society. They are the actions of a police state which reacts in panic to any opposition. It probably signals the start of a new wave of repression aimed at terrorizing all those concerned about the true situation inside South Africa. The NUSAS bannings followed an interim report of a Commission of Inquiry into NUSAS, the South African Institute of Race Relations, the Christian Institute and the multi-racial University Christian movement.

I have called upon the State Department to provide a full accounting of all the relevant facts and, in light of these actions of the South African Government, to review the whole basis of the policy of "communication." This policy tends in practice to encourage the South African Government to think it can go to all lengths to repress democratic processes inside the country, and still have the automatic support of the United States.

Mr. Speaker, I insert at this point, for the thoughtful attention of my colleagues, the brief introductory description produced by SASO, together with their last newsletter:

SASO

WHAT IS SASO?

SASO is the South African Students' Organisation. It was formally founded in July 1969, and it brings together student unions on the black campuses of South Africa. Historically, it has grown up out of the discovery by black students in South Africa that their own aspirations could not be met, with the best will in the world, by 'liberal' white-led bodies.

WHAT DOES SASO DO?

It provides a national focus for the representatives of the student bodies in the black campuses. The South African government's policy in the black universities is designed to prevent contact between campuses, and above all to stifle any sense of national identity among black students.

It also tries to relate black students to the general needs of the oppressed black community: SASO organises summer work camps, literacy projects, medical centres etc., in 'resettlement areas' where these are most needed.

SOUTH AFRICAN STUDENTS'
ORGANISATION,
Durban, South Africa, January 22, 1973.

From: Vice President—International.

To: Overseas Groups and Contacts.

HI FOLKS: We greet you in the name of the Black struggle for liberation which is being fought from many fronts in Southern Africa. The South African Students' Organization and the Black students still within the country are waging the war from a different dimension: that of eroding mass prejudice and inferiority complex and involve students in development projects. In this regard we continue producing a dynamic, youthful brand of leadership which is destined to take charge of Black affairs.

SASO is increasing its support from international institutions. Members of staff have been invited by the U.S. government, All Africa students conference (Ghana July '72) ISMUN Africa Regional Conference (Ghana Dec. '72). On all occasions we have not been able to be represented directly from Head Office. Both Messrs Pityana and Moodley have been refused passport—the S.A. govt. thereby limiting our right to be represented internationally by a man of our choice. We note all these iron-arm tactics and we shall not be coerced to make rash and ill-conceived reactions. We shall continue to serve our people! We shall not be intimidated! The struggle goes on!

At the recent meeting of the Executive Council the following resolution was passed making our stand clear for the first time on an issue that has enjoyed international concern as an instrument to slap Vorster and his lackeys in the face.

That this NEC noting that:

1. South Africa is increasingly finding itself isolated in the international sporting world;
2. this isolation stems from the fact that the white racist regime claims to be the representative of S.A.;
3. this claim has met and is meeting with vociferous rejection by the international sporting community;
4. this isolation is also directed toward and against 'non white' sportsmen, and further;
5. realising that the so called non-racial sporting organisations are in fact either completely Black or white and a provision relating to the multi-racial nature of these organisations is meant and designed to deceive international organisations;
6. there is a move by the white regime to create what is generally known as the multinational teams; and
7. this move is a fraudulent design to deceive and swindle international sporting bodies.

Therefore resolves:

a) to mandate the Executive to take appropriate step to place on international record the fact that the white racist regime has no right to claim the right to represent S.A. since she belongs to the Black people of S.A.

b) that the Black sportsman should be allowed to represent S.A. in international sporting events;

c) that the Executive be given leeway to react and respond to requests for support from the international sporting world.

The build up of tensions on the Zambia-Zimbabwe border has not missed our attention. The white super-powers on the southern tip of Africa are flexing their muscles against the Black children of the soil. Fortunately the proud African soul is holding its own back and will not give in to imperialists. We expect the next SASO G.S.C. to state clear policy about such events. The Black Workers' Project is reporting steady success in the face of determined efforts by TUGSA racists to bring Blacks back into their fold to patronise them—to systematically kill them. There is some initial resistance from Indian and Coloured unions who are attached to TUCSA but despite this Africans are going on and the first Workers' Conference will be held towards the end of the year. Unfortunately Mthuli Shezi, the Field Worker for the Project was killed by a white railwayman just before Christmas. We are determined to uphold his principles and his first love—the Black Workers' Project will be a monument to his love for his people—indeed he was a freedom fighter through and through!

The Organisation held a very successful

National seminar in December, the theme of which was TOWARDS A BLACK EDUCATION. The purpose of the seminar was to make an in-depth study of the present educational system in South Africa and to propose an alternative system, and ways and means of implementing the alternative since, needless to say, the present educational system is irrelevant to the situation of the Black man and is more of an "education in alienation". Included in the discussions were the proposals for the Free University.

A complete report, of the seminar and the discussions will be despatched to you under separate cover.

Our Publications Department has produced a publication Creativity and Development consisting of all the papers read at the 1972 General Students Council at Hammanskraal. Copies are obtainable from the Director of Publications. After the successful seminar Towards a Black Press, a commission was appointed to investigate the necessity and possibility of establishing an independent Black Press. This Commission will be presenting its findings at the end of January.

The Cultural Committee which was set up by resolution of the General Students' Council has made contact with Black Music groups and a recording studio. The idea behind this is to eliminate dependence on and exploitation by White recording studios and to give direction and a sense of self-reliance to Blacks in the entertainment field. In addition this committee is to make contact with overseas groups in an effort to find a market for the art and crafts produced by Blacks.

Since his appointment in September the Director of Literacy has acquainted himself with the requirements of his job. Besides doing background reading and collecting useful material he has trained a group of 15 coordinators who will form the nucleus of the literacy training team.

During the summer vacation students have volunteered to work on our Community Development Projects. At New Farm a literacy campaign and the installation of a water system are being undertaken and at Dududu, building operations.

With an increase in the activities of SASO and an increase in the public interest in the Organization generally it has become necessary to expand. Consequently the Organization has decided to establish Regional offices in the Eastern Cape and the Western Cape: Regional Secretaries have been appointed to coordinate the activities of the Organization in these areas.

THE AFTERMATH OF KHARTOUM

The SPEAKER. Under a previous order of the House, the gentleman from Indiana (Mr. Hamilton) is recognized for 10 minutes.

Mr. HAMILTON. Mr. Speaker, last week funeral services were held for two American diplomats killed by Palestinian terrorists belonging to the Black September faction of a guerrilla movement which has been operating almost continuously since 1965. Our deep regret over this tragic incident in Khartoum, the capital of the Sudan, and our personal sorrow for the families of Cleo A. Noel and G. Curtis Moore are paramount in our minds at this moment.

Our hope is that, from this personal tragedy, a better and safer world will emerge, not just for diplomats, but for all peoples. We also hope that the lives of Cleo Noel and Curt Moore, two front-line diplomats in the service of a peaceful world, will provide an impetus for several positive developments:

First, the need to punish the terrorists for their crimes of murder.

Second, the need for immediate international cooperation in adopting specific measures for the protection of diplomats everywhere and for the control of terrorism and brutal acts against unarmed civilians.

Third, the need to encourage all states of the Middle East to condemn and refuse to support such acts or the organizations responsible for them. It is inconceivable that the assassins could exist and carry on such raids without financial and logistical support from some of the Arab countries.

Fourth, the recognition by the parties to the Arab-Israel conflict and the great powers that the current no-war no-peace stalemate is in no one's interest and that progress toward a political settlement of the Arab-Israel conflict is imperative.

Fifth, the need for any Middle East peace settlement—interim or final—to address the plight of the Palestinians and to give them a greater voice in their own affairs and a viable alternative in life so that their majority can and will condemn all such dastardly acts, perpetrated by a few desperate individuals.

And, finally, the urgent need for all peoples in the Middle East—Israeli, Arab, Palestinian, and Libyan—to reflect on the tragic events in the Middle East of the last several days and to act with restraint, honor, and a sense of justice which allows for prompt and fair treatment and not quick revenge and reprisals.

Terrorism has been very much part of the Palestine controversy since the 1920's and no group in the Middle East is innocent of acts of terrorism. But we must move this problem forward and try, first, to deal effectively in curbing and discouraging terrorism in the Middle East, and second, to solve the issues on which terrorism feeds.

We may not be able to prevent terrorism or to protect those in the service of our country from all such acts, but we can and should push forward on many fronts to help eradicate some of the sources of terrorism in the Middle East and to convince all peoples of that area that curbing terrorism is in the interest of every living being.

PANAMA CANAL SOVEREIGNTY QUESTION: HOUR LONG TV DEBATE ON THURSDAY, MARCH 15, 1973

The SPEAKER. Under a previous order of the House, the gentleman from Pennsylvania (Mr. Flood) is recognized for 5 minutes.

Mr. FLOOD. Mr. Speaker, in recent weeks the Canal Zone sovereignty question has become a matter of national interest. On next Thursday, March 15, it will be discussed in a 1-hour TV debate on "the Advocates" program over channel 26 at 8 p.m.

The participants will include Representative Michael J. Harrington, former Governor of the Canal Zone Robert J. Fleming, Jr., and Prof. Roger Fisher on one side; and Representative Philip M. Crane, Dr. Donald M. Dozer, and myself on the other.

It is hoped that all Members of the Congress interested in the retention of our indispensable sovereignty over the Panama Canal and their staffs, especially members of committees concerned with canal policy matters, will listen to this program.

A TRIBUTE TO GUY GILLETTE

The SPEAKER. Under a previous order of the House, the gentleman from Iowa (Mr. Mezvinsky) is recognized for 5 minutes.

Mr. MEZVINSKY. Mr. Speaker, today I would like to pay tribute to one of Iowa's most able and respected political figures, Guy Gillette, who died March 3 in Cherokee, Iowa.

Guy Gillette's life spanned nearly a century, and he will be long remembered for his devoted service to his State and Nation.

Before coming to Congress during the depression, Senator Gillette had served in the Spanish-American War and World War I, practiced law for 17 years in Cherokee, served as Cherokee County attorney and as a member of the Iowa Senate.

His distinguished service in Congress, 4 years in the House of Representatives and 14 years in the Senate, were marked with independent judgment and great integrity that earned him well-deserved respect and admiration that far transcended party lines.

As a Member of Congress Senator Gillette's leadership in the area of foreign affairs demonstrated his determination to bring peace to the world.

He was the last living member of the Senate committee which aided the late Secretary of State Cordell Hull to prepare the tentative draft of the original United Nations Charter. In 1954. Guy Gillette won the American Freedom Association's World Peace Award.

Senator Gillette's hopes and support for the United Nations never waned.

In 1966, he said in an interview that—

> The U.N. represents the highest point ever attained by civilized nations in the prevention of deadly and destructive wars.

Senator Gillette's dedicated public service enriched both Iowa and the Nation, and it will be missed.

As we mourn his passing, I believe that one of the finest tributes we can make to this great Iowan is to rededicate ourselves to the principles of peace that he held so strongly.

WOUNDED KNEE IN PERSPECTIVE

The SPEAKER. Under a previous order of the House, the gentleman from Minnesota (Mr. Fraser) is recognized for 5 minutes.

Mr. FRASER. Mr. Speaker, the American Indian Movement occupation of Wounded Knee, S. Dak., is now into its third week. Hope appears to be fading that an agreement reached last week to end the occupation will hold.

LeRoy Aarons, in a Washington Post article, has provided an excellent analysis of the setting in which the tragic drama at Wounded Knee is being played out.

I want to take this opportunity to insert Mr. Aarons' article in the RECORD:

[From the Washington Post, Mar. 12, 1973]

Sioux Conditions Ripe for Indian Movement

(By Leroy F. Aarons)

PINE RIDGE, S. DAK., March 11.—It is a land rich in cattle-grazing fields. It encompasses 25,000 square miles, twice the size of Delaware. On the Pine Ridge Reservation live some 11,000 Oglala Sioux.

Yet, the bulk of the cattle that graze here is owned by whites. So are the trading post businesses. And the Oglala, except for a minority with steady Bureau of Indian Affairs jobs, live in some of the worst poverty in the United States.

It is this contradiction—among many others—that made this reservation ripe for penetration by the leaders of the American Indian Movement.

It is a contradiction difficult for most whites remote from the situation to understand, given the millions of dollars of federal money poured into this and other reservations annually.

But a visitor learns in just a few days that the system under which most American Indians have lived for almost a century—back to the first Wounded Knee incident in 1890 and further—has failure built in.

Item: A few years back the federal government offered a fishhook factory a training subsidy if it would locate in Pine Ridge reservation. It did, employing 450 Indians at minimum wages. But when the subsidy expired, the owners, citing competition from cheap labor in Japan, took their factory to Mexico. The government's arrangement had not included a guarantee to stay on.

Item: A few years ago Congress authorized a $1.5 million development fund to provide equity for Indians starting businesses. It lasted long enough for two small enterprises to get under way on this reservation and then renewal funds were bottled up.

Item: Back before World War I, the government encouraged the Sioux to be cattlemen, and even provided cattle for some of them. A number of Indians began to prosper. Then, along came the war and the government decided the land should be converted to grain for the troops. That ended the cattle business.

These examples are not isolated. They represent a history of half-hearted paternalism by a government that has never quite known what to do with "its" Indians. In return, the Indians, proud vanquished people, have never learned to adjust to their conquerors, despite years of efforts at forced acculturation.

The government spends some $10 million here annually for various programs, including Office of Economic Opportunity, Department of Labor, Public Health Service, and education. Yet, except for a few new programs—such as one to help get dropouts back in school—the system is designed primarily for subsistence.

Thus, there is $880,000 a year for welfare, but only $17,900 for planning and industrial development. Nearly 70 per cent of the Oglala Sioux are unemployed or underemployed, and per capita income is an incredible $800 a year.

As one tours even a small part of this huge reservation—the second largest in America—one finds even the barest essentials are at a premium (although most houses seem to manage a television set and one or more beaten-up old cars).

In Pine Ridge, the reservation capital, there are no sidewalks. The principal cafe is the Crazy Horse, with a menu of hamburgers and hot beef sandwiches.

The main hotel is a tiny rooming house, with common bath. The Sioux nation supermarket, leased to white owners—where most Pine Ridge residents shop because they can get credit—charges prices one-third to one-half higher than in the big cities.

That's the capital. Out in the "boondocks," the reservation's one paved highway gives way to dirt ruts, the wood-frame housing to tarpaper shacks (and, not so long ago, people living in cars). Some residents must drive 5 to 10 miles to draw water from scattered and isolated wells.

There was a modest well-drilling program once, but the Indian in charge failed to contract with the recipients for a water fee that would keep the well-digging revolving fund solvent. The well program, so to speak, soon ran dry.

This brings up another irony of Indian life on this, and probably most other reservations. Indians have become so dependent on government largesse that they have fallen victim to a crippling handout psychology.

One of the innumerable studies done on the Oglala reservation describes it well:

"As a defeated people, whose economy had been disrupted, the Oglalas had little recourse but to accept government handouts. The government had, in fact, encouraged this type of dependency by using rations as a form of bribery to coerce the Indians into signing treaties, obeying agency rules and staying off the warpath . . .

"In extreme cases government personnel have rendered such services as transporting boys from their homes to sports fields for practice in the summer—even when the field is a few minutes away, cutting and hauling firewood—for families, and cutting weeds in yards of households in which an able-bodied man was present."

The results have been social malaise and inertia compounded by Indians' self-hatred and bitterness against the whites.

"Government benevolence," said Rochelle Smith, a Cheyenne River Sioux who works for the Justice Department's Community Relations Service, "has done nothing but hurt. It explains for example the high drop-out rate of Indian kids who manage to get as far as college. Normally they would have to compete, but the BIA was willing to give grants, free education and spending money. There's just no damn incentive.

"The tragedy is that it's gotten to the point that we hate living with it, but can't survive without it."

With overriding poverty and idleness, much of life on the reservation is devoted to factionalism, family rivalries and jealousy. One resident tells the story of an elderly woman in the town of Porcupine, who needed to go to Pine Ridge, some 40 miles away, but didn't have a car. A neighbor gave her a ride, but at a charge of $20.

The major division, carrying through political, social and economic life here, is between so-called fullbloods and mixed bloods. There is no physical measurement of "Indianness," but rather a vague cultural distinction. Indians seem to know who is what.

The fullbloods generally live in the outlying districts, most of them own some land, allotted their families in the last part of the 19th Century by the government. But the tracts have been so divided among heirs in succeeding generations that they are economically unviable.

Even if they could pool the land, Indians cannot afford to buy and support enough cattle to make it pay. So, they lease their land, through the BIA, for $1 an acre, receiving an annual check—averaging $300—just before Christmas. The land is leased primarily to white ranchers who make the real money. The landowners live on welfare. They are have nots, traditionalist in values, suspicious of government.

The mixed bloods tend to live in and around Pine Ridge, where the BIA and tribal government offer as many as 600 jobs positions. Patronage is rife, and whoever is tribal president dispenses jobs to his friends and family. "Jobs are so scarce," said one politician, "that a janitorial job becomes a political appointment."

The mixed bloods are the well-to-do, the more acculturated, and more committed to the status quo.

The factionalism helps explain the current controversy, exploited by the American Indian Movement, over efforts to unseat the tribal president, Richard Wilson, a mixed blood. Wilson's regime came under fire from dissident members of his own tribe long before the "outsiders" arrived.

But, then again, every tribal president since the first government was created more than 35 years ago has been challenged. In fact, no single president has managed to get himself elected beyond one term of two years.

"I've served under six presidents," said elder statesman Lloyd W. Eaglebull, "and there have been attempts to impeach every one of them. We are a jealous people, jealous of ourselves, of any others who obtain success."

Tribal government is a relatively recent innovation. It came into being in 1934 when a reform-minded commissioner of Indian affairs sought to protect Indian lands against further incursion as well as to offer reservation Indians greater choice in their affairs.

The Oglala Sioux adopted a constitution (designed, incidentally, by a white man, Felix Cohen, a Washington, D.C., attorney working for the Interior Department) by a slim margin and have been disagreeing over it since.

The tribal government—a 25-member council and a president—is designed to intercede between the Indian population and the federal government. In effect, however, its powers are greatly proscribed.

All resolutions and ordinances are subject to veto by the local BIA agency superintendent or his supervisors, all the way up to the Secretary of the Interior. The current superintendent has allowed tribal government unusual latitude, but the way in which the federal arm can sweep aside the locals was demonstrated in the last few weeks when the government negotiators virtually ignored the Wilson administration in coming to terms with AIM.

AIM, made up of mostly urban, educated activists schooled in confrontation, came on the scene first a year ago. An Oglala Sioux youth had been murdered by whites in Gordon, Neb., 35 miles away. AIM led a band of 250 reseravtion Indians to Gordon for a confrontation with the mayor, and quickly won most of its demands, including a human relations council with both Indian and white members.

AIM returned to Pine Ridge to be welcomed as heroes.

One Sioux woman remembered, "Here came carload after carload, these virile-looking men with their long braids. We hadn't seen long braids in so long. Everyone went down, hundreds and hundreds milling around, goo-goo-eyed. Kids were wandering around downtown with nobody watching them, drinking and smoking. It was one big weekend orgy, dancing and drinking 'til four in the morning."

But the scene soon turned ugly. Russell Means, the only AIM leader from the Pine Ridge Reservation, tried to maneuver himself an appointment as police commissioner, and a group of AIM followers roughed up the owner of the Wounded Knee Trading Post.

The AIM group finally left town, but nervous tribal leaders knew they would return. They knew also, that AIM had stirred something deep and dormant within many of the Oglala Sioux. Its appeal had cut across age lines as well. Many older, traditionalist fullbloods, eager for a return to old values, welcomed the activists, who spoke grandly in those terms.

"They came in and kicked over the rock," said Lloyd Eaglebull. "We'll never get over it."

They came back, indeed, and stayed. The situation at Wounded Knee remains ominous. For all its bluster, AIM has unleashed a kind of undefined energy that could take on a life of its own and sweep across reservation lines.

There are those who believe this undirected energy can be dangerous, preying on Indian discontent without offering solutions. Men like Charles Trimble, executive director of the moderate American Indian Congress, fear a backlash that could threaten the whole concept of tribal government, which, with all its limitations, is a keystone of Indian hopes for sovereignty.

Rochelle Smith, the Justice Department Community Relations Service worker, said earlier this week, "AIM has yet to offer an alternative plan. They never do. There's two kids laying out there, one shot in the hand, one in the leg. What for? What's going to happen? Is it going to be like Vietnam where you fight for 10 years and 50,000 boys are killed and you're back where you began?"

But even the most hawkish anti-AIM Indian looks with a kind of envy on the magic of confrontation tactics to command the attention of those in power who have ignored them for years.

THE ROLE OF CONGRESS

The SPEAKER. Under a previous order of the House, the gentleman from California (Mr. McFall) is recognized for 5 minutes.

Mr. McFALL. Mr. Speaker, the editors of Time, Inc., recently held a regional meeting in Atlanta, Ga., to discuss "The Role of Congress." The focus of the discussion centered upon the address of Ralph Huitt, executive director of the National Association of State Universities and Land Grant Colleges. Mr. Huitt took issue with the "conventional wisdom" that Congress is weak and in a state of decline by discussing the several sources of congressional strength, and I think it appropriate to enter the presentation in the Record, including the introduction by Louis Banks, editorial director, Time, Inc.

Mr. Banks. We are here for serious business tonight and it might be called the nation's business. Let me tell you briefly what we are up to and why we are all here.

First, this is a birthday party. We are launched into a series of functions celebrating the 50th anniversary of the founding of Time Inc., and the 50th anniversary of the publication of Time The Weekly Newsmagazine. But if we are a birthday party we are also a working party, which makes us a little unusual.

Hedley Donovan, the Editor-in-Chief of Time Inc. publications, has given our magazines a large anniversary assignment in terms of public service. It is to try to bring back to public view the vital importance of the role of Congress in the functioning of our national government. And, if you will agree with me that the functioning of our national government is something on which hang the hopes of free men around the world, you will see that this is a matter of some urgency and importance.

In the opinion of some of my Washington colleagues, the erosion of congressional power and influence comes close to being a constitutional crisis and, as one of my friends who is among us has written, "We may soon be stuffing a Congressman and putting him into the Smithsonian Institution to remind people what the species used to be." But you will hear from others that things are much better than that, and that the fault lies, Dear Brutus, not with Congress but with journalism.

In any case, the editors of Time find this assignment quite congenial since the first cover of Time was March 3, 1923 and it was of a former Speaker of the House of Representatives, "Uncle" Joe Cannon. Time has written about 150 cover stories on congressional figures in its 50 years of existence.

I personally believe that there is a mighty need in this country today for constructive journalism, and I am delighted that we are together here to launch in Atlanta the first of five public gatherings constructively aimed at learning what we can from speakers and others in pursuing our aim of this congressional investigation.

I want to make two other points. One is that this undertaking of ours has the enthusiastic endorsement of the leadership, both Republican and Democratic, of both the House and Senate and just about every member of Congress we have encountered.

And the other is that while it is part of our hypothesis that the power of Congress has been eroded by the Executive Branch we are not involved in a personal feud with Richard Nixon's presidency which, indeed, we endorsed editorially not long ago. In fact, we hope that President Nixon—lawyer and strict constructionalist, and a former member of both the House and Senate—will take an interest in these proceedings of ours and in some way contribute to them before we are finished.

Our plan for tonight, which we are going to be repeating in other cities with different speakers, is to start a panel discussion going first with a summary of a specially prepared paper by a distinguished scholar of congressional affairs and then discussion of the paper by two members of the Congress and by a journalist specializing in Congress. Each gentleman will talk for five minutes and then retreat to the panel for an internal debate. Along the way you are cordially invited to contribute questions.

I will keep the introductions brief tonight because you do have the vital statistics before you on our speakers.

Our academician is Dr. Ralph K. Huitt, a political scientist who is currently the Executive Director of the National Association of State Universities and Land-Grant Colleges in Washington. He is a very realistic, practical and knowledgeable student of Congress, and he will now bring his argument down to five minutes for discussion's sake, brevity being another superb characteristic of this particular scholar.

Dr. Huitt: Mr. Banks, distinguished panelists, ladies and gentlemen.

I would have made that salutation a little longer but I don't want to use up my own time. Mr. Banks has set five minutes. I hope you recognize that I am talking on a subject tonight on which I usually spend 45 hours. By my calculations, this afternoon I have eighteen ten-thousandths of the time I need. But I assume when I am through there will be no questions of me because when I used to talk for 45 hours there were no questions at the end of the semester. And I'm sure that was because I answered them all.

Part of the conventional wisdom that Mr. Banks has mentioned is that Congress is weak viz-à-viz the President and getting weaker. Congressional power has been eroded and Congress is in a state of decline.

This is a very popular theme with journalists and with scholars. Not, I must say, with scholars of Congress, but with people who write from some distances as Woodrow Wilson, a long time ago, wrote about Congress from Baltimore, never having been to Washington.

The trouble for those of us who work in Washington is that Congress hasn't got the word. They don't really know how weak they are. They call people from the Executive Branch right up to the President to come and advise. They override vetoes. They refuse confirmations of presidential appointees. They re-enact appropriation bills that the President has vetoed. As a matter of fact, Congress is so unused to being pushed around and to knowing what the world is like in a physical sense that they will call meetings of people at 4 o'clock in the afternoon, oblivious to the fact that there is no private parking around Capitol Hill and after 4:30 you can't get a taxi anywhere.

Moreover, this "failure" of Congress is most interesting in the context of world legislative bodies. Look at Britain. When our Constitution was drawn up, it had a powerful monarch who lost his power to a parliament; the upper house lost its power to a commons which in turn lost its power to a Prime Minister and a Cabinet. In the time that Congress has operated, France has had, if my count is right, two kingdoms, two empires, five republics and one Charles de Gaulle.

While the Congress of the U.S. is changing all the time, as it must, nevertheless it operates still within the same constitutional structure and mandate that was laid down by the founding fathers more than 200 years ago.

What are the sources of congressional strength? I think there are several.

For one thing, the Constitution embodies a doctrine called the "separation of powers" which, of course, is not accurate at all. Powers are not separated in this system; institutions are.

Congress, the President, the courts all legislate, for instance, but there is in the Constitution a prohibition against a person who is a member of the Executive Branch serving in Congress and vice-versa.

Second, federalism, as you know, is a feature of this system. It had to be because nothing but a union of states would have been acceptable to the framers of the Constitution.

Now, from the separation of institutions came the necessity for Congress to have some instrumentality of its own that it could trust for information. And so the congressional committee—first a special committee, then a standing committee, then a standing committee with specialized jurisdiction—was created.

Beyond that, localism based on federalism was a fact of life in this country for many, many years when no one saw a federal official except a postman. When Congressmen worked six months a year in Washington and the rest of the time at home at a different job, localism was an important factor.

So we have a system in which the party leadership—even the President—cannot command members of Congress because they cannot beat Congressmen at the polls.

When they added to that the seniority system, so that party leadership combined with the President cannot flank a member of Congress or a powerful chairman, then the bases of congressional power were laid.

It is very difficult to measure relative power. People say the President has more power than Congress and that kind of thing? How do we measure that?

As a matter of fact, I think perhaps as good a way as any is to look at the way the two of them exercise the great functions of representation, legislation and control of the Government, which are at the heart of the matter in running a political system.

Representation, so far as Congress is concerned, consists of a close touch with the people. If nothing else, Congress is a representative body—and one of the reasons it is criticized so much is because we see in it characteristics which we all have in us.

The committee system employs the marvelous technique of the hearings in which so many things can be done. Congressmen use it to learn. They can use it as a catharsis for problems in the country that cannot be solved, or to give people their day in court, as a pageant of morality. If you want to see a flexible, wonderful instrument of government, watch a congressional committee in operation.

Access is another great function, in the sense that no member of Congress is impotent, and people in districts can get in touch with their own man and get something done. Here is a representativeness, a likeness with their people, which I think is summarized in the story of a member of Congress, a new one, who was obviously not up to his job who said to Sam Rayburn one day, "Mr. Speaker, you and I both know that I don't belong here. But you're not going to get rid of me because I'm just like my folks."

The President is representative too. Nowhere in Congress can you find anything to compete with him as a national symbol, the symbol of unity, the President of all the people, which matters particularly in times of stress. Ask any candidate who has run against an incumbent President what this means. This is a vital kind of representative too.

I believe that in legislating a congressional committee can and nearly always does give any individual proposal as good consideration as you could ask that it have.

On the other hand, the President initiates much legislation. Congress waits for the bills and the messages, not that they mean to do what the President asks, but because they want to take their point of departure from what he recommends.

And the President can do what, I must say frankly, Congress cannot do. He can set priorities. There is nothing in the mechanics or the machinery of Congress which makes it possible to set priorities; to say that this or that is first.

Now, interestingly enough, Congress has always understood the inner logic of its own system, which requires that no agency be given overall control of Congress. Just as the House of Commons has always understood its own inner logic, which is never to give any member or any group of members any kind of power that would dissipate or dilute the perfect power in the Cabinet and its Prime Minister—the concentrated power that makes responsibility possible.

And consider control of the Government—that is, control of the Administration, what the Bureaucracy does. I would say of Congress that it tries and fails. I would say of the President, he also tries and fails. That is, there is no way that I know of that a bureaucracy of 2,000,000 people can be controlled by either the Executive or the Congress.

Congress writes the legislative intent in everything it does. Professionals go ahead and do, not quite as they please, but as they think they should. The President with his thin overlay of political appointees tries to control it. He cannot. The President now is shaking up the political overlays—that very thin layer of political appointees, the only people in the Government who really are loyal to him.

Now this is not to say that the bureaucracy is irresponsible. Let me hasten to say that it is kept responsible really by its professionalism and by the fact that it shares the values that other Americans do.

We could put this question of relative power crudely, simply by asking: "To what extent can a President get his own way?" This is one way to say it.

Well, this varies. Thomas Jefferson, who was the great champion of legislative supremacy, as a party leader managed the Congress of the U.S. successfully for 24 years, through his Administration and Madison's and Monroe's.

Abraham Lincoln was the closest thing to a dictator we have ever had, and his successor missed conviction on impeachment by one vote.

Franklin Roosevelt, I can say from personal memory, was up and down at least three or four times in his 12 years. There were times when he could get anything and times when Congress wouldn't give him anything.

In terms of the extent to which the President can protect his own turf, the history of the country has been that the Congress encroaches and the President encroaches and, so long as the encroachment works, neither seems to raise much objection. And both have been careful to this day not to push the constitutional questions to a confrontation.

That's why the President's impounding of great sums of money, for instance, is risky. A showdown between Congress and the President over a constitutional issue of this kind is something we have hitherto avoided, and which I think both branches have an interest in avoiding in the future.

"Partnership", then, is the key word. The President and the Congress, the Executive and the Legislature are partners in this system and Congress is a durable partner. Congress has maintained its strength. Congress will continue to serve as an equal in this triune system.

Now the question might fairly be asked: If Congress is as good as I'm saying it is why has Congress got such a bad press? By "press," I am not talking about the media really. I am talking about what people say, what people think. Why is it criticized so much?

There must be lots of reasons. I am going to suggest one. It is the fact that congressional action is public. It is possible for anyone to keep up, if he pleases, with what Congress does. There is some part of congressional life that is secretive, but in the main it's there for everybody to see every day.

The presidential process, the executive process, goes on behind closed doors. People don't know how the executive does business and so they presume that it is tidier and more rational than the legislative process. Let me say, as one who participated in that process for several years, it is not.

Finally, consider the Supreme Court with what marvelous imagery and theatricality the black-robed judges file in and give their opinions on matters of great political import to the country. The explanation of their decisions consists mostly of legalisms, so we don't really know how policies are made in that branch

Let me say in conclusion that I am not suggesting that I think Congress ought to improve its stagecraft in order to improve its image. Democracy at work should be seen—even when it hurts.

PUSH ON TO ORGANIZE CREDIT UNIONS FOR THE BLIND

(Mr. PATMAN asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. PATMAN. Mr. Speaker, one out of every 1,000 persons in this country is legally blind. Yet, only about half those people receive any financial assistance because of their sightless condition. This means that the financial needs of a blind person are far more critical than those of a person with normal sight.

There are some 16 credit unions for the blind in the United States now, and through the efforts of a Phoenix lawyer and ex-judge, John Van Landingham, an effort is being made to increase this number. Mr. Van Landingham has urged the Blind Lawyers Association to work with Councils of the Blind throughout the country to establish credit unions and his appeal is already bringing inquiries from a large number of areas.

Mr. Van Landingham is a member of the Arizona Council of the Blind Federal Credit Union which has 87 members and assets of $5,400. While $5,400 may not seem to be a great deal of money, it must be pointed out that most blind people have incomes of only $100 to $175 per month and for them to save $1 or $2 a month through a credit union requires a great deal of financial planning.

A recent issue of the Credit Union magazine, a publication of CUNA International, contains an article describing the efforts to encourage more blind credit unions. I am including the article in my remarks as another example of how credit unions provide a truly unparalleled service to our country.

Blind View CU's as Route to Financial Independence

"One of the things you have to understand," Allen Woody was saying, "is that for the blind person a radio is a major—a very, very important—possession. It's his contact with the sighted world. But, you know, a good radio costs $50 to $60. And if you're going to be dependent on a radio, you'll lose money if you don't invest in a good one. But for most blind people, $50 or $60 is a lot of money. An awful lot of money."

With that the executive director of the Phoenix Council of the Blind, touched on one of the major problems of the blind and partially sighted—coming up with money or credit for big ticket purchases.

For the 87 members of the Arizona Council of the Blind Federal Credit Union and for the members of the 15 other blind credit unions across the country the problem isn't so great.

But for the rest of the nation's blind—and about one out of every 1,000 of the nation's citizens is legally blind (unable to read newsprint)—credit can be a major problem.

Now Phoenix lawyer and ex-judge John Van Landingham plans to change all this. He is mounting a major assault on the problem from his position as president of the 60-member American Blind Lawyers Association.

Over the Fourth of July weekend, Van Landingham urged the 60-member Blind Lawyers Association to work with Councils of the Blind across the nation to establish credit unions for the partially sighted.

Already his appeal to the convention in Portland, Oregon is bringing inquiries for help in forming blind credit unions, he says. A blind group around San Diego in Southern California has asked for help in forming a credit union. And a group from the Utah Council of the Blind has also approached Van Landingham for information on credit unions.

If he has his way, every one of the 40 affiliates of the American Council of the Blind will have a credit union with the help of the legal minds of the American Blind Lawyers Association.

For Van Landingham, the thrust he hopes to initiate toward formation of the blind credit unions is a simple matter of the blind initiating a bootstrap operation to improve their social and economic lot. The credit union is the tool.

Says Van Landingham: "Being blind means a lot more than the loss of sight. In many cases it carries with it a loss of dignity and adverse prejudice from money lenders and managers.

"It's not that blind people are any less responsible than others. But lenders just have a reluctance, because of their lack of knowledge, to lend money to the blind and partially sighted. Somehow they're convinced that they'll be unable to repay the loans."

The solution? Says Van Landingham: "If

you can't borrow someone else's money, create your own supply. That's what we're doing by organizing the credit union. It just seems a natural thing.

But what seems so natural to Van Landingham apparently is foreign to others, particularly the state and federal regulatory bodies of credit unions in Arizona.

Says Fred Tejan, director of field services for the Arizona League, himself partially blind: "We had a rough time getting a charter to set up the credit union for the Arizona Council of the Blind. You have to show people that the blind can raise capital and make and repay loans."

Van Landingham's Arizona Council of the Blind FCU is now at $5,400, with about $1,500 out in loans, reports credit union president Walter Herendeen.

"It's something to see these people squeeze out $1 a week or $1 a month from their meager incomes," Herendeen explains. "They come to the credit union—they're like new people, with a new sense of pride in themselves, a new worth."

In money terms, that $5,400 in assets is a lot for 87 members, notes Woody. "More often than not," he says, "these people have fixed incomes ranging from $100 to $175 a month if they're on blind assistance. And it's about that way across the country. So you can see the problem." (Only about half the nation's blind receive blind assistance, given on the basis of financial need, says Van Landingham.)

Just what strategy Van Landingham hopes to evolve in working an organizational thrust for blind credit unions through the maze of state and federal regulatory bodies over credit unions remains to be seen.

THE NATION'S CONCERN OVER THE DESTRUCTION OF FEDERAL HOUSING PROGRAMS

(Mr. PATMAN asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. PATMAN. Mr. Speaker, the President's message to the Congress last week on housing and related matters did little to reassure the Nation that we are willing to live up to our commitment of a decent home for every American.

On January 5 the President ordered a broad freeze on subsidized housing programs, community facilities loans and grants, and other programs administered by the Department of Housing and Urban Development are scheduled to be stopped at the end of this fiscal year.

While many of us in the Congress have been critical of the administration of existing housing programs, solutions do not lie in a meat-ax approach to the budget. If the existing programs are to be eliminated, we must make certain that there are workable alternatives in place.

We are already too far behind in our commitments to provide decent housing for low- and moderate-income families and the present freeze and phaseouts threaten to set us back decades in meeting our basic housing goals.

Mr. Speaker, the Banking and Currency Committee has received a great deal of correspondence from organizations and people around the Nation who are deeply concerned about these budget cutbacks in the HUD programs. I am convinced that a majority of this Congress shares this concern and I hope that we will have an opportunity to express this concern in some kind of concrete legislative action. The Congress cannot sit idly by and allow these programs to be destroyed by administrative fiat.

Mr. Speaker, I place in the Record a copy of an editorial which appeared in Saturday's New York Times on the President's latest message and an earlier editorial which appeared in the Des Moines, Iowa, Tribune on January 26, 1973:

[From the New York Times, Mar. 10, 1973]

Housing Paradox

In his message to Congress on community development, President Nixon adopts a remarkably paradoxical stance toward this nation's housing record.

He first boasts that in the last four years his Administration has provided "more housing assistance than the total provided by the Federal Government during the entire 34-year history of our national housing program preceding this Administration." The percentage of Americans living in substandard housing has dropped dramatically, he reports, and adds: "Americans today are better housed than ever before in our history."

Then the President asserts that the Government's housing programs, now suddenly described as "533 old and wasteful programs," are expensive and not the answer. This paradox cannot be explained away by simply stating, as the President does, that the record is good but not good enough. Mr. Nixon presents no bill of particulars and offers no reforms. Instead, he reaffirms the shutting down of the housing programs, promises substitutes within six months and proposes other urban programs be folded into a special revenue-sharing plan.

The effect is to move away from the national commitment set forth in the Wagner-Ellender-Taft Housing Act of 1949: "A decent home and a suitable living environment for every American family." President Nixon praises this goal in his message ("we should never waiver in our commitment") but retreats from it in practice. That is not surprising inasmuch as he voted against the passage of that law and of other housing programs when he served in Congress.

The program grouped together as "community development" include urban renewal, model cities, open spaces for parks and recreation, low interest loans for rehabilitation of homes in urban renewal areas, and grants for water and sewer lines. The House and Senate last year passed but did not reach agreement upon different versions of a community development bill, which would have merged the funds for several of these programs into what Congressional Democrats call "block grants" and the President calls "special revenue sharing."

Those Congressional bills, however, contained significant tests which each community would have to meet to obtain the money. A town or city would have to join with its neighbors in developing a comprehensive area-wide plan. The plan would have to provide housing for low-income and moderate-income families, conform with civil rights laws, and reflect adequate participation by ordinary citizens. Because the Administration's new bill has yet to be written it is not clear whether it will provide for these Federal standards. Such criteria are not mere bureaucratic red tape; they are essential if the money is to go where the need is greatest.

The programs to be phased out and for which the Administration promises a substitute by next autumn include public housing, rural housing, rent supplements and special programs enacted in 1968 to encourage the construction of privately owned rental housing and to assist low-income families to own their own homes. These latter two programs put through by the Johnson Administration help account for the production boom in moderate-income housing for which President Nixon takes credit—and they also account for some of the waste and scandal he deplores.

A subcommittee of the Joint Economic Committee chaired by Senator Proxmire of Wisconsin has just released a report asserting that "the primary problem with housing subsidies has been mismanagement by the Department of Housing and Urban Development." Whether better management is attainable is always open to argument, but the Proxmire report does cast an odd light on the President's renewed request for swelling HUD into a larger Department of Community Development to which would be added the Federal Highway Administration, mass transit, rural electrification and rural telephones and disaster relief. Should a department that may not be able to administer satisfactorily all its existing programs be given new, diverse responsibilities?

A halt to housing subsidies, a revenue-sharing umbrella for urban renewal and Model Cities and an administrative realignment do not add up to a national program for the cities. On the contrary, they express President Nixon's determination to abandon the Federal Government's leadership role in coping with housing and urban problems. Yet without that leadership, too many communities across the nation can be expected to ignore the bad housing and other miseries of the impoverished who live across the tracks, in the next town or in the inner city. Only the national Government can assure the fulfillment of a national commitment.

[From the Des Moines Tribune, Jan. 26, 1973]

No: "Would Be Unfair"

Most Federal housing programs are well conceived and well administered, and existing flaws in the programs are being corrected by the department of Housing and Urban Development (HUD). Stopping them now will likely affect adversely the economy and delay the realization of a decent home for every family.

Since the subsidized home ownership (Section 235) and rental (Section 236) programs were enacted in 1968, some 650,000 units have been provided under the programs, including 26,000 units of rehabilitated housing, according to November, 1972, Federal Housing Administration statistics.

The widespread central city defaults and foreclosures in the Section 235 program first brought to light in 1970 have been substantially curbed through tighter administration by HUD. While HUD still has a large national inventory of homes and multifamily properties acquired through foreclosures, the total is only 0.96 per cent of all HUD-insured properties for fiscal 1972, compared with 1.15 per cent in fiscal 1955 and 1.40 per cent in fiscal 1964.

Indictments of HUD officials and others for criminal conduct in HUD activities is not a subsidized-housing problem, but a department-wide problem. Of the 28 HUD employes indicted in 1972, many were for alleged illegal activity involving the nonsubsidized programs.

The House Banking and Currency Committee, which handles housing legislation, said in a Sept. 21, 1972, report it "believes that to a significant extent, the public focus on the shortcomings in the administration of HUD programs has obscured the basic soundness of federal housing and urban development efforts."

Senator Charles H. Percy (Rep., Ill.), one of the early advocates of home ownership for the poor, said Jan. 9 that stopping these programs is "a negative step, a backward step in a situation which requires bold and affirmative action."

To stop these programs now without working alternatives is, according to Representative Wright Patman (Dem., Tex.) "a crushing blow to the hopes of millions of Americans."

Beyond the millions of Americans who would benefit by a better living environment are the builders, home furnishers, the workmen, the mortgage lenders—the persons to whom the benefits of a sustained level of housing starts and rehabilitations are essential.

Sponsors and builders may lose faith in the program's continuity and be reluctant to commit time and money when another moratorium may come along.

There are certainly a number of valid alternatives to present housing programs that might be considered. But each must be subject to experimentation and study before it can replace these tested, successful programs.

It is unfair for the federal government to recall its promise of a decent home for every American family and offer instead only a "time . . . to pause, to re-evaluate, and to seek out better ways."

THE CONGRESSIONAL EFFORT TO PLACE SOME MUSCLE ON THE BONES OF PHASE III

(Mr. PATMAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PATMAN. Mr. Speaker, on March 26, the Banking and Currency Committee will take up the requests for an extension of the Economic Stabilization Act.

At that time, we will have an opportunity to review the administration's plans for phase III and to take a look at the way in which phase II was operated.

Almost daily, the newspapers headline more evidence of increasing inflation and the apparent failures of the administration in carrying out the Economic Stabilization Act. The latest is the wholesale price index increases which were announced last Thursday—the highest increases since the inflationary period of the Korean war. Mr. Speaker, I place in the RECORD a copy of a news article outlining this latest bit of evidence of inflation:

[From the Washington Star and Daily News, Mar 8, 1973]

WHOLESALE PRICES SOAR BY 1.6 PERCENT

(By Lee M. Cohn)

Wholesale prices soared 1.6 percent last month—pointing to an acceleration in the cost of living spiral—despite a slowdown in food price increases, the Labor Department reported today.

Food prices rose 1.6 percent in February, off from the January increase of 3.3 percent but still an extraordinarily sharp rise by past standards.

Increases at the wholesale level usually boost retail prices after a time lag, so the report shattered any hope for significant relief from inflation at supermarkets or other stores in the near future.

Of particular concern to inflation fighters was the acceleration of price increases for industrial commodities. This category rose 1 percent last month, following an increase of 0.3 percent in January.

Chairman Herbert Stein of the Council of Economic Advisers admitted in a statement that "continuation of price increases at the rate experienced in February would be inconsistent with the nation's anti-inflation goals."

To keep the economic expansion from "turning into an inflationary boom," he said, federal spending must be restrained.

This restrictive budget policy "will be backed up by determined use of the controls system and by a continuing attack on the food price problem at its source," by expanding supplies, he said.

Stein underlined the fact that industrial prices, which had been rising only moderately, increased sharply last month along with farm and food prices.

He noted that one of the biggest increases for industrial prices last month was for petroleum, which was placed under mandatory controls this week.

"Other critical sectors are being studied by the Cost of Living Council," he said, hinting that the administration may extend mandatory controls to additional products.

The overall wholesale price index increase of 1.6 percent in February was calculated to discount seasonal influences. It matched the December rise, which was the sharpest spurt in 22 years.

The January increase was 1.1 percent.

In absolute terms, without seasonal adjustment, the total index rose 1.9 percent last month, compared with 1.3 percent in January. This was the biggest rise in 22 years.

Wholesale prices last month were 8.2 percent above a year earlier. The increase has accelerated to an annual rate of 11 percent in the last six months and 18.6 percent in the last three months.

If prices continue rising at the February pace, they will be 19.2 percent higher a year from now.

Within the over-all index wholesale prices of "consumer foods"—prices paid by retail markets—increased 1.6 percent seasonally adjusted and 1.7 percent unadjusted last month.

These increases were less than half the extraordinary rises registered in January, but still were at an annual rate of 19.2 percent.

Food prices in February were 11.2 percent above a year earlier. They have risen at annual rates of 17.8 percent in the last six months and 32.1 percent in the last three months.

Rapid food price increases have become a major political issue. The Nixon Administration has acknowledged that food prices will continue rising fast for the next several months, but officials predict a slowdown in the second half of this year.

Food processing and distribution remain under mandatory price controls but the administration has refused to clamp controls on raw agricultural products, contending that such controls would lead to shortages and rationing.

While under control, food processors and distributors are permitted to pass on increases in the prices of raw agricultural products.

The broad category of farm products and processed foods and feeds registered price increases of 3.2 percent seasonally adjusted and 3.9 percent unadjusted last month, up from 2.9 percent and 3.3 percent respectively in January. But the increases were smaller than in December.

Prices in this sector last month were 19.1 percent above February 1972. They surged at annual rates of 30.8 percent in the last six months and 56 percent in the latest three months.

Wholesale prices of consumer goods other than food, which had been rising only moderately, spurted 1 percent last month on both an unadjusted and a seasonally adjusted basis. They had risen only 0.3 percent seasonally adjusted and 0.2 percent unadjusted in January.

The February increase boosted these prices 3.1 percent above a year earlier.

They have accelerated to annual rates of 3.2 percent in the last six months and 6.8 percent in the latest three months.

Food prices are especially sensitive politically, but prices of industrial commodities are considered a better gauge of underlying trends.

INDUSTRIAL PRICES UP

The administration had taken comfort from the slowdown of industrial price increases. However, these prices surged 1 percent seasonally adjusted and 1.1 percent unadjusted last month following increases of 0.3 and 0.5 percent respectively in January.

The February rise for industrial commodities was the biggest since 1951, the period of the Korean war inflation.

These prices in February were 4.1 percent above February 1972. They rose at annual rates of 4 percent in the last six months and 5.9 percent in the last three months.

President Nixon's goal is to reduce the annual rate of inflation to 2.5 percent or less, as measured by retail prices, by the end of this year.

Most independent economists expect increases to accelerate from last year's 3.4 instead of slowing down.

Administration officials contend their goal is realistic. They predict food price increases will slow significantly, while other prices will continue to rise only moderately.

Today's report showing rapid price increases for all kinds of goods at the wholesale level suggests that it will be very difficult for the administration to reach its target.

The report noted particularly big price increases last month in the food category for meats and poultry.

There also were big increases for heating fuel, gasoline, cigarettes, shoes and clothing, among other items.

Among industrial commodities, there were major increases for machinery, fuels, lumber and wood products. Fuels, lumber and wood products accounted for more than half the total increase for industrial commodities.

The administration earlier this week reimposed mandatory price controls on fuel.

EGGS DECLINE

In the farm category, price increases for livestock stood out, indicating that wholesale and retail meat prices will continue rising rapidly for at least several months.

Livestock prices on an unadjusted basis rose 11.5 percent from January to February to a level 27.4 percent above February 1972.

Among the few price declines was a 17.8 percent decrease for egg prices, but these prices still were 41.6 percent above a year earlier.

Senate Democratic Leader Mike Mansfield today repeated his earlier statement that the administration erred in not continuing wage and price controls. In fact, he said, controls should have been expanded, taking in raw agricultural products, rather than dropped.

Mansfield said the higher food prices are hitting hardest at low and middle income shoppers. But he added he is not certain controls could be reimposed now without creating a "hulabaloo."

In announcing the hearings on the stabilization program, I wrote President Nixon urging that he reconsider the voluntary program which he has outlined for phase III and that he come up with a new approach which is tough enough to deal with the economic realities. Mr. Speaker, I place in the RECORD a copy of my letter to the President:

U.S. HOUSE OF REPRESENTATIVES,
COMMITTEE ON BANKING AND CURRENCY,
Washington, D.C., March 8, 1973.

The PRESIDENT,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: I am today calling hearings for March 26 on your request for an extension of the Economic Stabilization Act. I am sure that the Congress will be in a position to take final action on this measure well before the April 30 expiration of the present law.

As we take up the Economic Stabilization Act, we are confronted with some of the greatest economic uncertainties that have existed since you took office. We are being asked to extend this law so that you may carry out something which you and your advisors have described to the public as "Phase Three." Frankly, we in the Congress have been unable to determine from the statements of your trusted economic experts just what is intended for the economy under Phase Three.

This uncertainty is today reflected throughout the domestic economy and is a major contributing factor to the continuing problems in the international money markets. It is essential that these uncertainties be removed and that Phase Three be spelled out in specific terms and that we abandon the effort to coat our stabilization program with layer after layer of Madison Avenue advertising phrases which create more doubts as to the substance of the program.

As you are aware, I feel that the retreat from Phase Two and the movement from mandatory to voluntary restraints was a serious mistake at this particular juncture. It seems inconceivable that the Administration would announce a voluntary program in the face of very severe price pressures, rising interest rates, and a hoard of upcoming wage negotiations.

The problems which have ensued from this economic miscalculation are around us everywhere. In areas with low vacancy rates, rents have skyrocketed and this morning's newspapers report increases of up to 38% on rental units within sight of the White House. Food prices continue to rise and the January increases were the sharpest since the Government began keeping monthly records on grocery prices in 1947. Today, all interest rates are higher than those existing when the Economic Stabilization program was placed into effect in August of 1971.

Earlier this week, the agents who purchase materials for most of the nation's industrial concerns reported that Phase Three was a failure.

Monday's *New York Times* carried this paragraph in reporting on the findings of the purchasing agents:

"More of them reported that they were finding higher prices than at any time in the last 16 years, and more found shortages of the materials that they wanted to buy than at any time in the last seven years."

On Wednesday, the *Wall Street Journal*, in a news analysis, said that the developments "are leading many private economists to assume that the Consumer Price Index will keep rising over the next few months at annual rates of 6% or more."

Mr. President, I think it is time to face up to the obvious—Phase Three is a failure and it will not work under present day economic conditions. I realize that it is difficult for any Administration to admit its errors, but such a course, ever how painful, is certainly superior to allowing the country to be thrown into a long-term and rapidly increasing inflationary spiral which would be destructive not only to our domestic economy but to our standing in the world markets.

Therefore, Mr. President, I am taking this opportunity to ask you to meet with your economic advisors and to draft an alternative program to Phase Three prior to the opening of our hearings on March 26. A sincere effort on the part of the Administration to come up with a new program with teeth would, I am sure, be met favorably in our Committee. On the other hand, I think it would be a serious mistake for the Administration to send up witnesses to repeat the empty pharases about Phase Three and to attempt to defend the indefensible.

The announcement of a new program, to be followed by immediate hearings in the Committee, would reassure the world that we intended to whip inflation and would have an immediate and beneficial effect on the dollar. It would also immediately dampen the growing inflationary pressures and would put us on the road towards true stability.

Obviously, such a program would be more easily accomplished and would have more strength if it could be a cooperative effort between the Administration and the Congress and that is why I sincerely hope that you will redraft Phase Three and reduce it to legislative form so that it may be considered by the Committee in the upcoming hearings.

Of course, if the Administration does not desire to cooperate in strengthening the fight against inflation I feel certain that the Congress will move on its own and do the best it can to add strengthening amendments to the Economic Stabilization Act and to guide your advisors toward a firmer position on Phase Three. This is what we had to do in 1970 when we initiated the Economic Stabilization Act over your opposition and it is proper for the Congress to pick up this initiative once again.

However, I sincerely hope that we can have a cooperative effort which will demonstrate to the people that their Government is truly trying to win the war against inflation.

Sincerely,

Wright Patman,
Chairman.

The administration has adopted a head-in-the-sand attitude as the economic indexes have worsened. We continue to receive a heavy dose of public relations designed to smooth over the rough spots in the economy and nowhere is this truer than in the discussion of monetary policy and interest rates.

Repeatedly we have sought to push the administration toward a more realistic view of the growing interest rate problems and to act before these rates skyrocketed to the levels existing in 1969 and 1970. But the administration has waited and has done everything possible to mislead the public about the true course in this area. Today, the entire interest rate structure is higher than that existing prior to the imposition of the wage-price freeze in August of 1971.

Throughout the stabilization program, the administration has given the moneylenders a favored position and has steadfastly refused to bring them under controls. The only thing that has been done is a formation of a Committee on Interest and Dividends which is headed by Dr. Arthur Burns, the Chairman of the Federal Reserve Board. The work of this committee has consisted mainly of an endless series of news releases and letters agonizing over interest rates and lightly suggesting that someone, somewhere, ought to exhibit restraint.

This weak approach has not worked and interest rates have continued to climb even higher than the piles of paper at the Committee on Interest and Dividends. We need direct controls over interest rates and I hope that this is a subject which is fully explored before the Congress extends the Economic Stabilization Act this spring.

Mr. Speaker, I place in the Record a copy of an article from today's New York Times which talks about the worsening situation in the money markets:

[From the New York Times, Mar. 12, 1973]

"Clutch" Is Seen Slipping on Bond Interest Rates

(By Robert D. Hershey, Jr.)

The nation's credit-market "clutch" no longer seems able to prevent soaring short-term interest rates from engaging the bond market and driving up long-term rates as well.

This, at any rate, is the view of an increasing number of analysis who until fairly recently have been sanguine about the prospects for the bond market. After all, progress was being made against bonds' biggest enemy, inflation, and financing demands were not seen as particularly great.

Corporations were flush with profits—and were limited in the amount they could return to stockholders—state and local governments, with the aid of revenue sharing, were showing a much better financial position and foreign-exchange crises were causing dollars piling up abroad to be invested by foreign central banks into Treasury securities, reducing its needs.

In the last few weeks, however, new doubts have been raised about inflation, principally because of food prices. At the same time the supply of new corporate and tax-exempt issues has swelled, partly because of borrowings in anticipation of still higher rates.

To these forces tugging from one end is now added the push of money rates from the other.

The result is what was described in the latest Morgan Guaranty Trust Company weekly money-market bulletin as a "deeply bearish undertone [that] pervades the money and bond markets."

With regard to money rates the bank stated that "the intermediate and long-term sector of the debt market are cautiously assessing the likely impact on their sectors of the pronounced upward adjustment in short-term interest rates."

It concluded that many are "convinced that the . . . longer-term maturity areas cannot be insulated from patterns in shorter term rates. They reason that . . . the significantly firmer money market tone must be communicated outward along the yield curve."

ECONOMISTS' OBSERVATION

The North Carolina National Bank's economists made the same observation last week.

"It is difficult to see how longer-term rates can escape unscathed from the pressures that are building in the short-term markets. While it is possible that longer-term rates would in some point be slightly below short rates, even this unlikely situation would imply a further substantial rise in long-term rates.

As short-term rates have steadily, sometimes sharply, climbed in recent months long-term rates have advanced rather slowly.

As a result the "normal" yield curve, in which short-term rates are substantially less than medium rates and medium rates are much less than long rates, has flattened out.

Lehman Brothers, noting this, declared in its market letter published this morning that "a flat yield curve, and a bearish outlook are the things of which dull markets are made. In such circumstances investors are content to stay short [satisfied with 6½–7 per cent returns] and out of danger."

LONG TERMS WEAKEN

Last week, even the long-term sectors with "minimum" supply problems, Lehman observed, were not able to hold their own.

Meanwhile, rates within the short-term sector have some adjusting to do on their own, specialists declared. The rate on Federal funds—overnight loans of uncommitted reserves between banks—is now about 7 per cent. This is well above some other money rates such as on commercial paper—held down by an even lower prime rate—and on Treasury bills—held down by purchases from overseas.

Pointing to Federal Reserve credit tightening that has driven the funds rate to current levels (on Friday 7⅛ was most representative) the Reporting on Governments advisory service said Friday "short-term interest rates for most money instruments have not yet fully adjusted to the higher level of funds."

This week's tax-exempt slate is quite heavy. New York State has the biggest sale, $319.5-million, but there are at least eight others of $25-million or more.

Monday

Henderson, Ky., $79-million electric light and power revenue bonds due 1975–83 and 2003, negotiated with Halsey, Stuart syndicate.

Tuesday

Chicago Park District, $30-million revenue, 1975–93 New York State, $139.5-million, 1974–2003.

Montgomery County, Md., $25-million, 1974–93.

Pittsburgh, Pa., $14-million, 1975–93.

Pennsylvania Higher Education Facilities Authority, $33.7-million revenue, 1974–2011.

State of Washington, $72,165,000, 1974–2003.

Washoe County, Nev., School District, $10,-million revenue, 1974–88.

Wednesday

Dallas, Tex., $28,225,000, water and sewer revenue, 1973–93.

King County, Wash., $27.85-million, 1975–2013.

Thursday

Pensacola, Fla., $12.5-million revenue, 1976–94.

Los Angeles Regional Airports, $25.5-million revenue, negotiated with Dillon, Reed syndicate, 2000.

Various Days

Note sales by U.S. Department of Housing and Urban Development, $733,088,000; New York State Power Authority, $40-million.

CORPORATE SECTOR

The corporate sector again has no major bellwether issues, but is also expected to remain under pressure. The Public Service Electric and Gas Company's sale of preferred stock tomorrow is expected to draw bids from one group containing about 20 co-managers, perhaps a record number.

Tuesday

Small Business Investment Companies, $35-million debentures due 1983, competitve.

Public Service Electric & Gas Company, 600,000 shares preferred stock, A by Standard & Poor's, competitive.

Lone Star Gas Company, $45-million debentures due 1998, A, negotiated with Salomon Brothers group.

Atchison, Topeka & Santa Fe Railway, $13.2-million equipment trust certificates due 1974–88, Aaa, competitive.

Wednesday

General Services Administration, $126-million certificates due 2003.

Thursday

Trailmobile Finance Company, $30 million debentures due 1993, A by Standard & Poor's, negotiated with First Boston syndicate.

General Telephone Company of the Southeast, $25-million bonds due 2003, A, competitive.

Northwest Bancorp, $75-million debentures due 2013.

AEtna Income Share, Inc., Friday registered 4 million common shares for offering in mid-May by a Blyth-Eastman Dillon-led syndicate. In contrast to most vehicles for investing in bonds AEtna Income will be open-end, redeeming its shares at net asset value.

The San Diego Gas and Electric Company postponed a planned public sale of 300,000 shares of preference stock scheduled for tomorrow. It said it had obtained an oral commitment from an institutional investor for the entire issue.

A GOOD DEED DESERVING APPLAUSE

(Mr. HALEY asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. HALEY. Mr. Speaker, in an age when many of our young people are the brunt of excessive criticism warranted only by a few, a young man who attends college in my district has actively demonstrated the honesty and integrity of American youth.

I would like the following article with accompanying editorial about John W. Stewart, of Warner Southern College, entered in the CONGRESSIONAL RECORD:

ALL RETURNED: STUDENT FINDS $10,000 ON HIGHWAY

(By Wade B. Jakeway)

Coming from the big city of Philadelphia, John W. Stewart, a freshman at Warner Southern College, is an unusual lover of nature. As such he does a lot of his studying out in the woods just south of the campus, adjacent to U.S. Highway 27.

On the way back to school from his haunt last week, he was obliged to blaze a new trial, owing to some canal pumping operations that had closed off his old path.

Poking his way along, he suddenly stumbled onto an overnight case containing four savings bonds, each one worth $2,500, totalling $10,000.

John reported the find to the college authorities and then proceeded to place a collect call to the owners of the treasure in Ocala, Fla. At first, the owner suspected that the caller might be a blackmailer and refused to accept the charges.

John finally managed to convince the lady, 80-years-old, that he had actually located their bonds. It was then learned that she and her 89-year-old husband were returning from an automobile trip to Miami last August, when they stopped at a drug store in Sebring.

While they were gone, thieves broke into their car and stole the case containing the bonds, along with a copy of the deed to their house and other valuables. The thieves have never been apprehended. Apparently they realized that the risk in cashing the bonds would be too great.

With the assistance of the Polk County Sheriff's Department, the papers have all been returned to their owners, and John is richer by $25, the amount of his reward for finding the valuables. When someone asked whether he was satisfied with the amount, he replied quite matter-of-factly, "I'd have done what I did even if I hadn't received a cent for returning the securities. I was only doing my duty as a citizen. The $25 should go onto my tuition bill, but I may just celebrate with it."

John is majoring in Education at Warner Southern College in his class of ninety-five freshmen students.

[From the Lake Wales (Fla.) Daily Highlander Mar. 5, 1973]

DOING A GOOD DEED DESERVES APPLAUSE

There's a story in today's Highlander about John W. Stewart who found $10,000 worth of bonds lying on the side of the road and return them to the owners.

Part of the story is the difficulty he had in contacting the owners who apparently did not believe the purpose of his collect phone call. Part of that problem probably can be attributed to the age of the owners, 80 and 89 years old.

But the good faith of Stewart and his continued effort to get the property back to the rightful owners demonstrates again the top quality of most people.

We are glad to have good neighbors in Lake Wales such as Stewart, who is here attending Warner-Southern College.

The applause for his deed cannot be too loud.

TRUST TERRITORY ISLANDS OF THE PACIFIC

(Mr. BURTON asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. BURTON. Mr. Speaker, unfortunately there is little public awareness of the important and complex responsibilities of the U.S. Government to the Trust Territory Islands of the Pacific, under the provisions of the United Nations trusteeship which was established after World War II.

The Washington Post, in its Sunday, March 11, 1973, issue, published two excellent articles by Reporter Don Oberdorfer on this timely subject which I recommend to my colleagues and the American public.

AMERICA'S ISLAND EMPIRE: TRUST VS. TERRITORY

(By Don Oberdorfer)

TINIAN, MARIANA ISLANDS.—At 2:45 a.m. on Aug. 6, 1945, the B–29 bomber "Enola Gay" lifted off the runway of North Field at the end of this island bearing a single 14-foot projectile which would level the entire Japanese city of Hiroshima, killing 70,000 with a single blinding flash and mushroom cloud, virtually ending World War II and initiating the nuclear age.

For more than two decades the long coral-and-asphalt runways at North Field have lain silent and abandoned save for an occasional handful of tourists, a few wheeling and screeching tropical birds and the slowly encroaching lushness of a thick green jungle plant known here in the Pacific as *tangen-tangen*. The rest of this natural island fortress jutting out of the sea has been almost as quiet. After the 40,000 American troops went home and their tent and quonset cities were dismantled, Tinian was left to a few hundred Chamorro natives and a few thousand head of cattle.

Now, for the first time since the days of its might and fame, the pace is beginning to quicken. In recent months a procession of U.S. military men has materialized, usually unannounced and sometimes in civilian garb, to inspect the dust-blown runways, the 50 miles of paved roads and the silt-choked harbor. A big and well-connected Honolulu firm is suddenly bidding to reopen the old military quarry which once yielded a bountiful flow of construction materials. Standard Oil of California has made known plans to build a $30 million oil refinery more suited to the needs of powerful warships and heavy bombers than to the piddling demands of Tinian's 100 antique jeeps and weather-beaten cars. A week ago Wednesday a retired admiral and a Madison Avenue management consultant swooped down without warning to study the island for a California firm specializing in housekeeping and maintenance contracts for the U.S. military. This week another military survey team, led by a general officer, is expected.

GROWING RESISTANCE

Under a Pentagon plan to establish a post-Vietnam fallback defense line in Micronesia—the enormous mid-Pacific ocean domain which the United States has ruled as "trustee" for the United Nations since World War II—Tinian is slated to become a joint Air Force, Navy and Marine Corps air base and a naval facility. But just as the sun-drenched turf of Tinian and the other 2,140 trusteeship islands are only the tip of volcanic mountains and coral formations rising from the ocean floor, so the Pentagon's plans reflect only the most easily perceived aspect of difficult and complex maneuverings concerning the future relationship of the United States and its Micronesian wards.

After more than three years of preliminary bargaining, U.S.-Micronesian "future political status" negotiations appear to be approaching a critical point. The U.S. government, which has been adamant until now about maintaining complete military control over this vast coconut-and-coral empire, has met growing resistance from island leaders who have taken to heart American-taught concepts of political freedom and self-determination. Sentiment for outright independence from the United States—which was unthinkable to Micronesians a few years ago and is still unthinkable to many American military planners—has taken root and is growing rapidly. And in a variety of ways, the time for decision is fast approaching.

The days of United Nations trusteeships are numbered. Of 11 such special mandates at the end of World War II, only two remain today. Australia's trusteeship over the Territory of New Guinea is scheduled to end next year, leaving the United States' Micronesian Trust Territory the only such colonial domain under U.S. supervision anywhere—until an American-Micronesian agreement is reached to dissolve the mandate.

The Marianas island group, including Saipan and Tinian, has virtually seceded from the main negotiations over Micronesia's future in hopes of striking an attractive separate deal with the United States. The Marianas islanders have hired the Washington law firm of Wilmer, Cutler and Pickering as well as a group of Washington economic consultants, and are likely to drive a hard bargain. U.S.-Marianas talks are due to get down to business in Saipan in late March or early April.

The main American-Micronesia discussions have temporarily bogged down because of the islanders' insistence that they be permitted to opt for independence should the terms of a proposed limited sovereignty deal with the United States seem unacceptable. Micronesia is asking $100 million a year in American aid in return for continued U.S. military and diplomatic control of the area after the end of the U.N. trusteeship, Micronesia has hired Paul Warnke, former assistant secretary of defense and Washington law partner of Clark Clifford, as adviser in the main negotiations, which are expected to resume in May.

In late May or early June, the U.N. Trusteeship Council will begin its annual public debate on the United States' performance of its responsibilities in Micronesia. This year for the first time the inspection team, which is currently traveling in the strategic area, includes a Soviet diplomat. Moreover, the team has been accompanied on part of its journey through Micronesia by the highest ranking Chinese official at the United Nations—Tang Ming-cho, U.N. undersecretary-general for trusteeship and decolonization affairs. Micronesian Sen. Andon Amaraich, who sharply criticized the U.S. administration in last year's U.N. debate and declared that "the vast majority of the people of Micronesia does not want and has no use for the United States military," is preparing to travel to New York as an official Micronesian spokesman again this summer.

THREE MILLION SQUARE MILES

How the United States, with its anticolonial tradition, came to be virtually the last U.N. colonial administrator is a curious and tangled tale. As has often been said, it is a historical accident. In the perspective of today, it is also fast becoming a political nightmare.

The Trust Territory of Micronesia—"The Land of Tiny Islands"—contains only 110,000 people on a total of 700 square miles of land strewn out in picturesque chunks over 3 million square miles of the western Pacific, roughly the size of the land area of the continental United States. Micronesia is actually made up of three distinct archipelagos—from east to west, the Marshalls, the Carolines and Marianas—with a total of nine distinct languages and a variety of cultural patterns and historical experiences. Because of its diversity and the extreme distances over open water, Micronesia previously has been more a geographical description than anything approaching a nation. This is one of its most fundamental problems today.

Discovered by Ferdinand Magellan and other European explorers of the 16th Century—when the islanders of various groups already had well-developed local cultures—Micronesia fell under the successive colonial claims and political and economic domination of Spain, Germany and Japan (except for the island of Guam, which was annexed by the United States). The industrious land-short Japanese, who seized Micronesia from Germany in World War I and kept the area under a post-war League of Nations mandate, extensively developed many of the closest and most productive islands to produce sugar, fish, copra and other war materials and, as World War II approached, turned the island empire into a bristling strategic fortress.

The vast western Pacific area between Hawaii and the Philippines was recognized as strategically important, and in World War II the United States fought its way through Kwajalein and Eniwetok, Saipan and Tinian, Peleliu and Angaur at a cost of 6,288 Americans killed in island battles to vanquish the Japanese. Wave after wave of B–29s flying almost around the clock bombed Tokyo and other Japanese targets from the Saipan and Tinian airfields before the Enola Gay—and a sister plane which destroyed much of Nagasaki three days later—ended the war with atomic bombs launched from Tinian's North Field.

SECRECY AND DELAY

After the V–J Day the U.S. military argued for annexation of Micronesia to assure continued American control of the western Pacific, but the proposal flew in the face of wartime pledges that America had no territorial ambitions. The compromise result, made in Washington, was a special U.N. "strategic trusteeship" under the control of the Security Council (where the United States has a veto). The United States was given the right to establish military bases in the area, and pledged in return to promote economic advancement and eventual "self-government or independence." Actually, the United States had no idea of promoting independence; the phrase was added to the trusteeship agreement at the behest of the Soviet Union.

The United States established nuclear testing grounds and later a highly sophisticated missile testing area centered on Kwajalein in the Marshall Islands, moving thousands of natives off their land with minimal compensation or no compensation and detonating 93 atomic and hydrogen bombs at Bikini and Eniwetok between 1946 and 1958. On Saipan, the Central Intelligence Agency built a modern and expensive headquarters (later inherited by the Trust Territory administration) and a secret training base for nationalist Chinese guerrillas assigned to raid the mainland. Outside these American enclaves, most of the rest of Micronesia was left to molder by a succession of Navy and Interior Department administrators. For more than a decade, this vast area was closed off to the world behind a nearly impenetrable security screen.

With other colonial areas gaining independence and time running out on the trusteeship system, President Kennedy signed a secret National Security Council memorandum in April, 1962, ordering accelerated development of the area as part of a plan to terminate the U.N. mandate and bring Micronesia permanently under U.S. control. The following year a presidential survey mission refined the plans, which called for extensive educational, political and economic development peaking in 1967 or 1968—when the islanders would be asked to vote in a plebiscite on the question of their future affiliation.

Had the timetable been kept, everything might have worked as planned—but a slow-moving bureaucracy in Washington had difficulty deciding the details, and in 1967 and 1968 a balky Congress refused to pass a presidentially sponsored resolution paving the way for the Micronesian vote. Thus it was the fall of 1969 before negotiations began with the increasingly wary representatives of the Micronesian Congress, which had been established four years before.

"FREE ASSOCIATION"

At the beginning the United States offered to make Micronesia an American territory similar to Guam or the Virgin Islands. This was quickly rejected by the Micronesian side. Then the discussion centered on a plan known as "free association" in which the United States would maintain military and diplomatic sway and the Micronesians would be granted a measure of internal self-government and control. It sounded acceptable at the beginning but as details unfolded, the sticking points have emerged on the Micronesian side.

First, the islanders insist on the right to terminate the "free association" arrangement after five years or so and opt for independence should they choose to do so. According to Micronesian sources, the United States proposes at least 15 or 20 years of "free association," and even then would bind the islands by a prior security pact continuing American military base rights and the right to keep out any other foreign powers.

"We're not ready for independence today, but given some five or ten years of 'free association,' I think we would be ready," says Sen. Lazarus Salii, the 36-year-old chairman of the Micronesian negotiating team. In his view, the movement toward independence began gathering momentum last summer when the islands began to discover the details of the U.S. terms—until then, it had not generally been considered a feasible possibility. "Nobody is saying it would not be hard. Certainly it would be. But under independence nobody would starve here. There is food and shelter. It's really a question of greater security, financial and otherwise, or of greater independence from foreign domination."

Second, the United States appears intent on paying a relatively modest price in dollars for the rights which it seeks to maintain. American negotiators have told the islanders that the $100 million a year they suggested is too high. And as the negotiations have bogged down, the United States has ordered substantial cuts in the existing $60 million annual budget for the trust islands. American administrators insist this is a routine budgetary cutback due to government-wide trends, but to the islanders it looks suspiciously like economic pressure.

Third and perhaps most important as an immediate issue, the Micronesians continue to be worried about future American military control of their scarce land resources and infuriated by past and present U.S. failure to hand back the many thousands of acres seized by the Germans and Japanese. Possibly because there is so little of it, land is dearer to Micronesians than most Americans could ever imagine. In Yap, for example, even a person's name is derived from the name of the piece of land which he and his family possess.

Over recent months, the United States has outlined the military areas which it plans to use under "free association"—the present U.S. testing sites in the Kwajalein atoll in the Marshall Islands; the proposed joint air and naval base on Tinian and support facilities on nearby Saipan in the Mariana Islands; and the right to establish port facilities, a jet airport and a large military maneuvers area at Palau in the western Carolines.

The traditional chiefs and elected leaders of Palau have declared themselves "unequivocally opposed" to the use of their land by the military, and have refused even to permit a survey team to come for a look.

It is a different story on Tinian, where only 937 people are rattling around in 39 square miles of available land. Most of the leaders, at least, are eager to see American troops return, believing that they will bring with them a high school, a hospital and above all a measure of prosperity which the island now lacks.

Mayor Antonio Borja has written to the Secretary of Defense welcoming the armed forces back to "their old home on Tinian" and incidentally offering to rent them some housing and refrigeration facilities. Former mayor Joe Cruz, who points out that the Department of Defense is "the biggest money spender in the world," has already picked four sites for the night clubs he intends to establish when the GIs come. He is also planning a modern motel to augment the existing "Tinian Hotel," a World War II relic which served as Gen. Curtis LeMay's headquarters in 1945. It has only three guest rooms and is never crowded—until very recently, at least.

TRUST AND TERRITORY

All this must wait, however, for the conclusion of the negotiations with the Mariana Islands and the broader talks with Micronesia as a whole. And as of today, the future is in doubt.

Rep. Ataji Balos of the Marshalls, one of the most articulate of the voices demanding a better deal for his people, told the recent session of the Congress that "as far as the Trust Territory goes, it is very clear to me that it is the Micronesians who have the trust and the Americans who have the territory." Given the gap between U.S. official attitudes and the island leadership's aspirations for control of their lands and their destiny, it is clear that decisions for compromise or growing conflict must be taken soon.

For the first time since the Spanish ships appeared on the horizon centuries ago, the island peoples themselves are going to have a say about their masters, and they are insisting on some real choices that will give them a grip on the future. The United States did not plan it that way, but should amicable agreement be reached, America could be proud of at least that one aspect of its 27-year administration of the islands.

For now, however, there is no break in the clouds over the future of the western Pacific. The likelihood is that the opposition to U.S. plans will persist and grow unless the United States somehow shows a little more trust, and the Micronesians obtain more territory.

THREE SHREWD LEADERS

(By Don Oberdorfer)

SAIPAN, MARIANA ISLANDS.—The teeth of some senators are stained black from betel nut, which they sometimes chew during lawmaking sessions. Others toy now and then with a necklace of tiny seashells which frequently can be found atop the Senate president's wooden rostrum.

Some of them hold titles of tribal royalty in their native islands, while others are entirely self-made men. One senator was launched on the path to Western education when he energetically fetched coconuts for an American schoolteacher who showed up on his island.

Their origins may be exotic, but the senators of the Congress of Micronesia—who will have a great deal to do with the outcome of the negotiations with the U.S. government—are a shrewd, intelligent and highly impressive group of men. They are also surprisingly sophisticated about both the principles and procedures of the democratic processes which they have recently acquired from their American "trustees." If their public performance and private discussions during the last four days of their just-completed legislative session is a guide, any idea that these native leaders will be a pushover for U.S. negotiators is utter madness.

The President of the senate, Tosiwo Nakayama, was born in 1931 on a tiny spit of coral and sand known as Piseras, some 150 miles northeast of the one-time Japanese bastion of Truk. His father was a local official of Nippon's "South Seas Development Co." His mother was a native of the area.

The future politician grew up in remote atolls and was 16 years old before he had a chance to go to school. A U.S. naval civil affairs officer choose him as an assistant, but after a few months he decided to return to his native lagoon. In 1951 a ship docked with news that there was one opening for a student from his island group at Pacific Islands Central School, then the only public high school in the vast trust territory. Nakayama boarded the ship and headed for the school—only to find that another young man had already claimed the place. But after a few weeks the other student decided Nakayama should have the seat. He withdrew and went back to the outer islands, where he is now an elementary school principal.

After graduation, Nakayama worked as a clerk in a government office before winning a scholarship to the University of Hawaii in 1955. After he returned, he became an adult education and political affairs aide in the Truk district. He was elected to the Senate in Micronesia's first congressional election in 1965.

Though critical of many aspects of American policy in Micronesia and a leading advocate of Micronesian independence, the Senate president has high praise for the American political ideals with which he has been imbued. "The United States taught us what we know now, and we can even speak against the U.S. without fear," he observed recently. "That is one of the things we like and we respect. And that is one of the reasons I believe the U.S. will eventually grant us our independence."

Since becoming a prominent figure he has been to Japan—where his father had moved after the war—as well as to the United States and Europe. "Japan would never have thought of anything like this," he says of the political system in Micronesia. "It is a credit to the USA."

Amata Kabua's father and mother were the offspring of rival chieftains in the Marshall Islands, where he was born on a coral atoll near Jaluit in 1928. When the Americans came to the island where he was staying at the end of World War II, Kabua could speak only three or four words of English—but his enterprise and intelligence quickly impressed a schoolteacher from Texas who wanted someone to fetch coconuts and run errands. The Texan put Kabua in a teacher training school on a trial basis, and he learned quickly. He was selected to go to Guam for further training and, after a tour as an elementary school principal in the Marshalls, attended a year of college on the Hawaiian island of Maui.

Later he helped develop the tax system in the Marshalls and was a key organizer of the district legislature. A shrewd businessman, he was the first Micronesian member of the stabilization board for copra, the dried coconut meat product which traditionally has been the principal export commodity of small Pacific islands. In 1958 he became president and manager of the Marshall Islands Import-Export Co. and is considered among the wealthiest men in Micronesia.

Kabua is grateful for his opportunities from the United States and cautious about independence anytime soon. He is extremely unhappy, however, about the U.S. failure to pay adequately for the land which the Pentagon occupies in the Marshalls, including the missile range in the Kwajalein atoll. "The U.S. philosophy is scary, particularly when you read about the American Indians and how their land was taken . . . The people of some of our islands have been waiting 27 years for payment. This is the kind of thing which may divert us from going with the United States."

John Mangefel is from Yap, "The Land of the Stone Money," which is probably the most tradition-bound of the six Micronesian island districts. He was born on the west coast of Yap island in 1932 and attended Japanese school briefly before the war broke out. During the war, he and his family hid in the bush to keep out of the Japanese-American conflict.

After the Americans took over, he attended elementary school in Yap and was selected for the Pacific Islands Central School to continue his education. He taught school for a few years and then won a Trust Territory scholarship to the University of Hawaii, where he earned his bachelor's degree in English. He was a teacher-trainer and elementary school principal on Yap from his graduation in 1963 until his election to the Micronesian House of Representatives in 1968. This year he moved over the Senate.

A conservative man from a conservation island, Mangefel argues in the Senate for Micronesian self-reliance and adherence to traditional ways—as when he recently opposed a bill to establish a low-cost housing authority as a vehicle for U.S. housing aid. He declared that every man should provide his own shelter, if only a thatch-roofed hut, and opposed the trend of dependence on the United States. Concerning the negotiations over Micronesia's future, he believes the area will remain under the U.S. wing.

Boeing 727 jets of Continental Airlines' Air Micronesia fly between Yap and Trust Territory headquarters on Saipan three times a week, and many of the flights bring small bags of Yapese betel nut for Mangefel and his colleagues from the stone-money island. The betel nut from home has a better taste, he says in his letter-perfect University of Hawaii English.

CALIFORNIA MARITIME ACADEMY MOVES FORWARD

(Mr. LEGGETT asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. LEGGETT. Mr. Speaker, today I wish to call attention to the progressive strides being taken by the California Maritime Academy.

Those familiar with maritime education know that this institution has recently traversed some very rough times. It is now apparent that, due to the efforts of those at the academy's helm, most of the difficulties have been surmounted and the future looks bright indeed.

This bright outlook is illuminated by such advances as the acqusition of two new training vessels, the *Golden Bear II*—formerly the *Crescent City*—and the *Baruna*. The *Golden Bear II* was acquired through the U.S. Maritime Administration, and has been refitted through the tireless efforts of the staff and midshipmen of the California Maritime Academy.

The curriculum of CMA has also come under searching review, and has been upgraded to the point where it is now eligible for academic accreditation. The next step forward should include recognition of the academy as an accredited degree-granting, 4-year institution of higher learning. This advance is making it possible for the academy to provide not just qualified merchant marine officers, but graduates who have received the benefits of a full 4-year education while learning to before leaders in America's maritime industry.

The credit for this programs which amounts to a transformation of the academy, goes to its superintendent, Rear Admiral J. P. Rizza, and the chairman of the California Maritime Academy Board of Governors, Mr. William H. McPherson, Esq.

These gentlemen, in cooperation with elected California officials such as Assemblyman John Dunlap, have succeeded in securing from the State of California a continuing appropriation sufficient to finance a large portion of these reforms. With the leadership of these men and continuing financial support, the California Maritime Academy will continue to provide maritime training that is the equal of any in the world.

Below are recent newspaper articles from the Fresno Bee, the San Francisco Examiner, and the Vallejo Times-Herald attesting to the progress of CMA.

[From the Fresno Bee]

MARITIME ACADEMY STEERS NEW COURSE

(By James O. Clifford)

VALLEJO.—The California Maritime Academy, the only school of its kind on the West Coast, is undergoing some of the biggest changes since its founding in 1929.

The Academy, financed with state funds, is a training school which turns out most of the merchant marines officers on the West Coast.

The school, threatened briefly by the state government's budget ax earlier this year, got a new superintendent in August and is now gearing for a future that may even include a female "midshipperson."

ZUMWALT AIDE

Heading the school is Rear Adm. Joseph P. Rizza, a retired Navy captain who served in Vietnam as the righthand man to Adm. Elmo R. Zumwalt, Jr., now chief of Naval Operations.

"I eliminated some of the 'Mickey Mouse' rules at the academy and cut down on the number of uniforms the midshipmen have to have," Rizza said.

"I also liberalized the liberty regulations and established a midshipmen's council that meets with me once a month."

A look at the long hair on some of the future merchant marine officers marching on the campus is a good indication that things are changing.

BIGGER CHANGE

But the biggest change is yet to come.

Tied up about a football field's length from the superintendent's office is the Golden Bear, a cargo liner that serves as a "floating classroom" for the 240 students.

"That's being fixed up for any future women students," said John Keever, an academy instructor, as he pointed to a state room on the forward end of the ship.

"The admiral said to have it ready to receive them on 36 hours' notice if necessary," he said.

EASE REQUIREMENT

Female sailors became a possibility when the California Legislature struck the word "male" from requirement for admission.

Rizza doesn't foresee any problems if women are admitted to next year's class. He said men students are required to live in the academy's dormitory but women could reside off campus until suitable housing is built.

Most of the students seemed in favor of going coed.

"It's such a flash after two years of no girls," said William Meachum of San Diego. But he added that he wasn't sure "American shipping is ready."

"If they could hack the curriculum, they're welcome to do it," said Casey Conway of Newport Beach.

OPEN MINDED

Rizza feels the shipping industry has an "open mind" regarding the hiring of women officers.

He also thinks women are physically capable of doing the work.

"The job doesn't involve lifting," he said. "An officer on the bridge would be dealing with ships and navigation and a lady could very well do it."

Rizza is also trying to get more minority students to enroll at the academy, one of six such state-operated schools in the country.

So far, only one black officer has graduated from the school, which runs on a system of three 11-month school years.

FUTURE THREATENED

The academy was almost dropped from the state budget this year after critics complained it was not "relevant" and too many graduates were not finding work.

Most of the criticism came when the maritime industry was not faring well, but academy backers insisted that 90 percent of the students did, in fact, find jobs although many were shorebased.

Eventually, a bill was passed that breathed new life into the apparently doomed institution and gave it hope. But it also broadened the mission of the academy.

"The opportunities for our graduates to rise in the modern transportation industry without broader professional training and education are limited." said Rizza.

A quick walk through the 67-acre campus now finds classes busy in the engineering building, with its scores of ship engines, working on marlin spike seamanship or on board the Golden Bear.

TOO PRACTICAL

"Some people in the academic world thought we were too practical,' said Dr. David H. Grover, the academic dean.

"Our curriculum is going to be brought up to date but not at the sacrifice of our practical training."

Rizza points out that today the academy has a number of graduates who do not stay with shipboard life. Many, he said, end up as executives with shipping firms, port captains or pilots.

In the future, they'll probably be even more grads who use their sea legs in an executive's chair.

"It is essential to prepare them to assume positions requiring executive and administrative ability in all phases of the maritime industry," Rizza said.

[From the San Francisco Examiner]

LECTURE COURSES FOR CADETS

(By H. W. Kusserow)

Granted their intelligence and ability are equal, today's cadet at the California Maritime Academy will be better suited to take a position in the shipbuilding industry than yesterday's.

The industry itself is giving the academy an opportunity to turn out a better product than it ever had.

The medium is a coordinated industry guest lecture program that began in September and will be greatly expanded by Jan. 1.

Already five experts in their fields have lectured to the three classes—numbering about 250 cadets—at the Vallejo based academy. And there are more than 30 others waiting in the wings to contribute their share during the remainder of the academic year.

Speakers to date: William Nations, Pacific Far East Line, on marine communications; Capt. John Clark, Military Sealift Command; Philip Steinberg, vice president of the American Institute of Merchant Shipping; Edmund Flynn, president, Pacific Maritime Association, and Charles Molyneux, National Oceanic and Atmospheric Administration.

Each of these lectures has contributed something to the current classes of cadets that wasn't available to their predecessors during their undergraduate period.

But they're only a small sampling of what's in store for the cadets.

For example, Hugh Downer, vice president of the Marcona Corp., is on the schedule to tell them about his firm's unique bulk slurry process; Les Harlander, vice president of American President Lines, will talk about intermodal operations; George Little, comptroller, States Line, will discuss finance; Capt. Joseph Gould. Coast Guard, is scheduled for a talk on vessel inspection, and Capt. Bill Figari, Red Stack, will tell about tugboat operations.

Other topics include port operations and development, pollution control, modern techniques in shipbuilding, barge carrying vessels, cargo handling equipment, electronics systems, tanker operations, marketing and many others that the academy cadet of past years had no opportunity to learn until after graduation.

Another phase of the program is aimed at academy instructors. Both faculty and administrative officers have begun to attend industry seminars and meetings.

This brings them up to date on developments that they can pass on to their students. It also creates a better line of communication between the academy and the companies and agencies in which the cadets hope to find a career.

The industry committee that coordinates the program with the CMA commandant, Adm. Joseph R. Rizza, is chaired by Paul Mead, States Line. Its members are Gordon White, PFEL, president of the CMA Alumni Association, and Russel Gorman, Chevron Shipping.

[From the Vallejo (Calif.) Times-Herald, Jan. 14, 1973]

CMA MAKES GAINS IN EDUCATIONAL WORLD

Just before lunch today, the California Maritime Academy training ship, the Golden Bear, will sail out of Morrow Cove for a 10-week training cruise. It will carry a full complement of officers under the command of Capt. William H. Aguilar of Napa, and 205 midshipmen on a mission which will cover 15,000 miles before it returns about March 23.

Rear Adm. J. P. Rizza, superintendent at CMA, will accompany the midshipmen to San Diego from where he will return to resume his duties as head of the institution. But the rest will continue on to touch such far-off ports as Tahiti, Auckland, N.Z., Sidney, Australia and Suva, Fiji.

Ordinarily, this would be just a routine cruise which is taken annually to give the midshipmen actual sea-going training. But this one marks the beginning of a new era at CMA after several years when its history certainly appeared to be coming to an end.

The years of 1971 and 1972 were landmark years at the academy in that its future was a day-to-day thing. But with the events shaping up as they are, it would be safe for one to predict the academy, under Adm.

Rizza's command, will experience a banner year during 1973 which should foretell of the great things we can expect from the academy in the future.

Two persons must be singled out for turning a bleak outlook of the academy into one of unlimited horizons. They are Attorney William H. McPherson, chairman of the Board of Governors, and Assemblyman John Dunlap. Both fought to turn the tide which was going against the academy in the legislature and in public opinion when there was a strong threat the academy would be closed.

But the fight isn't over as yet. Although it won the legislative battle where attempts were being made to phase out the academy, there still is much to be done before one can say it will be smooth sailing from here on out for CMA.

Sometime soon, a new, reconstituted Board of Governors will be chosen to replace the current board. It is supposed to be seated to conduct the affairs at CMA in March, which means between then and now the new board will be named. It will consist of two members of education, two from the maritime industry and three to represent the public at large. It is from this last group the new chairman will be chosen.

In this light, it would be well for the office of Gov. Reagan to look kindly upon Chairman McPherson to make sure he is reappointed to the board because of his tremendous efforts for the academy. Then, the new-seven-man board should consider McPherson strongly for the new chairman, based on his past efforts for the academy.

After Assemblyman Dunlap's bill cleared the legislature and was signed by Gov. Reagan, the mandate was clear: to preserve and upgrade the academy. Once this is done, then the academy will be able to stand as an independent institution with an independent Board of Governors.

This signaled work to begin at the academy. An interim superintendent held the reigns until his successor could be selected. Under the guidance of Chairman McPherson, a search was launched for the proper person to lead the academy along its new road.

More than 80 applicants were studied before the Board of Governors boiled the list down to five. And from this five, Rear Adm. Rizza was selected as the unanimous choice to lead CMA. His distinguished career as a naval officer and the Merchant Marine convinced the board to pluck him from the National War College for the job.

That this was the right decision is reflected in Adm. Rizza's leadership ability since he took command, an ability which has been sharpened by his expertise as chairman of the Curriculum Development at the Naval War College in Washington, D.C.

Since becoming superintendent of CMA at Morrow Cove, he has been successful in opening up channels of communication between the administration and the faculty and the students. He also has made numerous appearances before civic and service organizations in presenting the "new look" of CMA to the residents and leaders of Vallejo.

The mission of the academy now has been expanded to go beyond qualifying young men for Merchant Marine license in deck and engineering. Future graduates now will qualify for maritime administration, oceanography, marine ecology and other allied programs of study for the maritime industry.

An accreditation program now is in full swing at the academy and Adm. Rizza already has instituted and augmented a program of industry training by working with the maritime industry to obtain a large list of speakers and programs which the industry will sponsor and participate in at the academy.

Steps already are under way to present to the new Board of Governors a post graduate study program for industry which will allow the graduates and those in the maritime industry to return for advanced training.

Another bright light is the fact the CMA budget has been boosted substantially and an added $75,000 have been made available for a five-year study programs in capital improvement.

With a renewed outlook, solid backing from the State Legislature and a new superintendent with the capabilities of Adm. Rizza, there is great hope for the California Maritime Academy to emerge in the future as the top-ranking academy within the maritime industry.

We at the Times-Herald congratulate the present board and Adm. Rizza for his accomplishments the past six months and our hope is the new board will carry on the work in the months to come.

THE BUDGET CUTS—A DISASTER FOR THE UNIVERSITY OF CALIFORNIA AND THE NATION

(Mr. LEGGETT asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. LEGGETT. Mr. Speaker, President Nixon's budget message gave the distinct impression that reductions in the fiscal year 1974 budget will only come from inefficient Federal programs that have long outlived their usefulness.

Now that the budget has been released for all to see, it is obvious that Mr. Nixon's definition of what constitutes an inefficient and outdated program is very curious.

It has recently come to my attention that the President's proposed budget will effectuate a massive reduction in Federal money earmarked for the nine-campus University of California.

In program terms the cuts will cause:

Complete termination of all medical and biomedical training grants and fellowships;

A loss of some $18 million for the University of California medical schools;

A reduction of some 40 percent in the U.C. San Francisco School of Nursing instructional and research budget;

A reduction of 15 percent in the U.C. Davis School of Veterinary Medicine budget; and

A 30-percent reduction in the operating budget of the two schools of public health.

The Nixon budget also proposes to cut off Federal traineeships, scholarships, and grants to graduate students. Last year these grants amounted to $14 million, and served to support almost 25 percent of the graduate students enrolled on the nine campuses.

Furthermore, the Nixon budget proposes a reduction of $562,000 in Federal aid now given to the division of agricultural sciences, and will reduce both agricultural research and extension services now offered to farmers.

Mr. Speaker, I have described the reductions that the University of California is going to experience as a result of Mr. Nixon's budget cuts because I am a California Congressman and represent one of the University of California's nine fine campuses. However, what I have described here is not peculiar to the University of California.

President Nixon's proposal will tear the heart and guts out of this country's finest public university, the harm done to other public and private institutions will be equally severe.

The President's budget amounts to no less than a wholesale attack on Federal aid to higher education, and represents a reactionary set of national priorities.

The public universities have done more for our national development than any other single institution in this country, it is sad to see some of their most vital research programs practically destroyed by the President's wild blue pencil.

At this point in the RECORD I would like to insert the February 16 article from the San Francisco Chronicle entitled, "Regents Told UC May Lose Millions."

REGENTS TOLD UC MAY LOSE MILLIONS

(By Ron Moskowitz)

LOS ANGELES.—The University of California stands to lose $80 million in federal support over the next 28 months if President Nixon's 1973–74 budget becomes public policy, President Charles Hitch warned the Regents yesterday.

The cuts will adversely affect student aid, the health sciences, atomic research, and agricultural programs in a dramatic fashion, Hitch said, if his "best estimates" prove correct.

RESEARCH

"I wish it were otherwise, but it looks as if by the first of July we will have to let go several hundred employees at the two Lawrence laboratories at Berkeley, and Livermore and at the Los Alamos Scientific Laboratory," Hitch said.

This is because the Atomic Energy Commission is one of the university's largest sponsors of research, "and it has had its research funds cut substantially," he said.

The new federal budget, proposes reductions next year, and complete termination the year after of all medical and biomedical training grants and fellowships, Hitch said.

"Our medical schools probably will lose more than $18 million from that phaseout alone," he said.

The San Francisco campus' School of Nursing stands to lose 40 per cent of its instructional and research budget, while the Davis campus' School of Veterinary Medicine will lose 15 per cent of its financing, he said.

HEALTH

The cuts will also seriously affect the two Schools of Public Health at Berkeley and Los Angeles, he said. Each will face the loss of a full 30 per cent of its operating budget.

"These funds underwrite most of their non-tenured teaching and administrative costs," Hitch said. "The effects on public health, as on nursing, appear disastrous.

"These cuts will hurt. Moreover, nothing at all is proposed for health sciences facilities construction.

"Since we had planned our construction program in anticipation of almost 100 million federal dollars over a three-to-five-year period, we have had to scale down our plans considerably, including significant cuts in planned enrollments.

AID

As for student aid, Hitch said that the Nixon budget proposes a shift in the basic direction of student assistance from categorical aids and loans administered by the university to a new type of aid—basic opportunity grants and guaranteed loans made through banks.

Because vastly increased numbers of students will be eligible for federal aid under the new progam," "this will mean that considerably less money will be available for each student," he noted.

The new budget also proposes to completely cut off federal traineeships, scholarships and grants to graduate students. During the current year, these amounted to $14 million, Hitch said, and helped support almost 25 per cent of the graduate students enrolled on the nine campuses.

He also said he expects a reduction of $562,000 in federal aid now given to the division of agricultural sciences, and will reduce both agricultural research and extension services now offered to farmers.

Hitch urged that the state view the programs that will almost certainly be cut back or eliminated with an eye toward financing them with state money.

ENVIRONMENTAL PROTECTION AGENCY WOULD NOT SUPPORT NAVY IN CULEBRA BOMBARDMENT

(Mr. LEGGETT asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. LEGGETT. Mr. Speaker, for the past 37 years the small island of Culebra has been subjected to an intense naval and aerial bombardment by the U.S. Navy as part of the Navy's Atlantic Fleet Weapons Range. For almost as long, leaders of the Puerto Rican community and Members of Congress have been petitioning the Department of Defense to cease this unnecessary action considering that this island is also a home for some 1,000 Puerto Ricans.

For a time it did appear that the Navy would find an alternative to Culebra as a bomb site, and give the citizens of that tiny island a long-deserved respite from the some 2,000 yearly hours of shelling. On April 1, 1971, Secretary Laird issued a report stating that all Navy operations would be transferred away from Culebra by June 1975. We discovered in December, however, that Secretary Laird apparently changed his mind on discontinuing the shelling of Culebra by 1975. Laird summarily announced that the shelling should be continued until at least 1985 and no reasons were given.

Mr. Speaker, as a member of the Armed Services Committee, I have respect for the ability of former Secretary Laird, and I am somewhat surprised that the former Secretary of Defense would purposely violate a representation made to the Puerto Rican people without reason.

Explaining his decision, Mr. Laird argued that—

> The present Culebra complex is clearly superior in every regard to the alternatives considered.

And recommended continued Navy use.

I have recently visited the Culebra site, and I find no basis for the decision. Culebra is not unique as an artillery range. It holds no qualities that could not be duplicated elsewhere. Culebra does possess, however, a population of some 1,000 people who are forced to endure a constant pounding from naval vessels and aircraft. This pounding endangers their lives, destroys their homes, and mars a beautiful island, and perhaps the prettiest natural beach in the Caribbean.

A few weeks ago the Resident Commissioner eloquently described the current Culebran situation on this floor, and asked for support of his bill to terminate the needless shelling. I am proud to be a cosponsor of this important legislation.

The issue seems inconsequential. It is, after all, only a very small island. To the 1,000 inhabitants of Culebra and the entire Puerto Rican population, however, the issue is anything but minor. Furthermore, to a real extent, our handling of the Culebran problem will have a profound effect on the rest of our Latin American relations.

This total issue was recently reviewed in the Armed Forces Journal by Tom Steinhauser. The title of the article is "The Mouse Will Roar Again."

I am sure there is discretion in the DOD to once again opt for a reasonable policy on Culebra.

I am sure that the Navy could not obtain a favorable environmental impact statement supporting their action in this endless Caribbean bombardment.

The article follows:

NAVY'S USE OF TINY CULEBRA REMAINS BURNING ISSUE: THE MOUSE WILL ROAR AGAIN

Much as DoD and the Navy would like it, protests against Navy's practice firing on the tiny Caribbean island of Culebra won't go away.

Senator Howard Baker (R-Tenn.) is the latest Congressman to deplore it. On 4 January 1973 he introduced a bill in Congress which would force the Navy to stop all training activities on the island by July 1975.

In discussing his bill, Baker charged the Navy with "a breach of faith with the people of Puerto Rico." He said DoD's recent decision to continue its bombing of the island, despite earlier promises to stop it, was "unconscionable, unfair, and a real risk" to the 800 Spanish-speaking American citizens who call Culebra home.

These Americans have been trying to oust the Navy from their small tropical island for the past five years. The Navy has been using the seven-by-ten-mile, 7000-acre island, which is just east of the mainland of Puerto Rico, for target practice by ships and naval aircraft since 1936. It is a part of the Navy's Atlantic Fleet Weapons Range.

The plight of the Culebrans has been widely publicized. AFJ earned the dubious distinction of helping to focus an international spotlight on Culebra with a series of in-depth assessments beginning in the 23 May 1970 AFJ issue.

The recent history of the Navy's role on Culebra is peppered with broken promises, political maneuvering, implied lack of concern for the welfare of the Culebrans, and Congressional mandates. These have been interlaced with a quiet but strong and obstinate judgment by the Navy that there is no alternative to the use of Culebra's territory as an impact area for its Atlantic Fleet firing exercises.

The latest chapter in the saga of Culebra began January 1971 when the Navy signed an agreement with island officials and the Commonwealth of Puerto Rico which modified Navy's operations there. The agreement promised the reduction in the amount of firing against the island and restricted greatly the amount of Culebra's geography under Navy's control.

The Navy has lived up to that part of the agreement. For example, naval gunfire support target hours in 1969 were approximately 1,620 hours, while in 1972 they were approximately 1,430 hours. Total hours for air-to-ground ordnance on cays near Culebra totaled 2,530 hours in 1969 and were reduced to 2,045 hours in 1972. In addition the Navy no longer schedules firing on weekends except in an emergency and only with prior notice to the Mayor of Culebra. Further, although the agreement allows the Navy to fire for a 15-hour period any day Monday through Friday, actual firing is much less—about 5.5 hours in 1972.

The Navy has also taken other steps to make firing on Culebra more acceptable to the Culebrans. They include:

Cessation of explosive bombardment of the Northwest Peninsula of Culebra.

Development of non-explosive rounds for Naval gunnery practice.

Opening all of Flamingo Beach for public use at all times except during ship firing.

Provision of unrestricted sea and air corridors between Culebra and St. Thomas, Vieques and mainland Puerto Rico.

Stationing of a Spanish-speaking U.S. Naval officer in Dewey and another in Isabel Segunda on Vieques responsible for range safety.

The final provision of the 11 January 1971 agreement, however, has not been met. It reads in part, ". . . the Navy promises to investigate geographic alternatives to the training done around Culebra. The purpose will be to find feasible alternatives that will eventually permit the transfer away from Culebra of the training that will be conducted after 1 January 1972."

Following up on this agreement, Secretary of Defense Melvin Laird announced in April 1971 that Navy activities would be moved from Culebra by June 1975. In later statements, on at least two occasions—one as late as 4 November 1972, just before the Puerto Rican gubernatorial elections, Laird said that by December 1972 he would announce "where" the Navy's activities on Culebra would be moved. At the time the Navy was conducting a $2.5 million "independent" study directed by Congress to explore alternatives to Culebra. These alternatives were to include building a floating or artificial island to be used as an impact area.

The current crisis was generated on 27 December 1972 when Laird announced that the shelling and bombing of Culebra would continue until at least 1985. In a letter to interested members of Congress, Laird wrote that the recently completed Congress-directed (and still classified) study concluded that the "present Culebra complex is clearly superior in every regard to the alternatives considered and recommended that the Navy continue to use the present Culebra complex." He continued, "I had hoped the study would make possible the transfer away from Culebra of the remaining training operations. . . . After reviewing the study, my recommendation is that the Navy retain its training targets in the Culebra complex. . . ."

AFJ does not challenge the Navy's claims that it needs the island or Secretary Laird's acceptance of the recommendations of the "independent" study which was conducted under contract to CINC Atlantic Fleet. AFJ does question why Laird chose to use the term "where" the range would be moved when at the time he used it the decision to move it had not been made.

Neither DoD nor Navy officials accepted a request to discuss the issue. In response to a written AFJ question, "Why did the Secretary say 'where' the range would be moved instead of 'whether'?" the oral reply was: "You can say that a DoD spokesman said that Mr. Laird stands by his 27 December 1972 letter to interested Congressmen and no other earlier statements are pertinent.

This response is not typical of Mr. Laird and probably was not cleared by him. AFJ considers Laird as one of the best Defense Secretaries yet and one who has accomplished more of his goals than any of his predecessors. He has also been available to the press, open and frank in private discussions, and hardly one to call a misleading statement, whenever made, not "pertinent," AFJ believes Laird's decision on Culebra was a painful one for him and is confident he would have preferred to give some respite from the Navy's bombing to the people of Culebra. It is hoped he left enough options open so that Secretary Elliot Richardson will be able to make a armed forces Journal/February 1973 new decision more favorable to the Culebrans.

The Navy also was not very communicative, although it did provide written responses to a series of questions submitted by AFJ. Deputy Under-Secretary of the Navy Joseph A. Grimes, Jr., was "not available" for an interview even though Navy spokesmen suggested he be interviewed. Grimes has been deeply involved in Culebran matters for many years. He also is a highly-respected official who has always been available to the press and as informative as security restrictions would allow him to be. His "nonavailability" to AFJ on this occasion was surprising but perhaps justified. The Navy has other problems besides Culebra these days.

In any case we haven't heard the last of Culebra if Senator Baker has his way. Baker first became concerned about Culebra during a vacation trip to Puerto Rico in 1969. He offered an amendment to a military construction bill in September 1970 to force termination of training activities on the island. The amendment failed by a close vote of 39–37.

Baker claims that he has the support of Puerto Rican Governor Hernandez Colon and former governors Luiz Munoz and Luis Ferre for his bill. The newly elected Puerto Rico resident commissioner in Washington, Jaime Benitez, has also expressed support, Baker says. Colon and Ferre reportedly told Baker that the recent DoD decision was a "flagrant failure to honor a firm commitment.

Whatever the ultimate outcome—and Baker expects wide support for his bill—the Culebran issue will be rehashed again in Congress. Meanwhile political dissension will be stimulated in Puerto Rico which may threaten relations with the U.S. Although Puerto Ricans are not noted for homogeneity in politics, the disregard for the desires of 800 Culebrans may be an issue to polarize them.

THOMAS C. STEINHAUSER.

TWENTY YEARS AND 56,000 LIVES LATER AND PEACE WITH HANOI?

(Mr. LEGGETT asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. LEGGETT. Mr. Speaker, a recent editorial by Mr. C. K. McClatchy, in the Sacramento Zee, makes me wonder if I have imagined a number of events over the last 20 years. The reason for this confusion is the statement, attributed to Henry Kissinger, that a peaceful and democratic Communist takeover of all of Vietnam would not be opposed.

If my memory is not too befuddled, it was just such a possibility, when faced by Mr. Eisenhower, that precipitated the entire insane escapade of the Vietnam war to begin with. Now Mr. Kissinger is telling us, in effect, that we spent 20 years, 56,000 lives, and untold billions of dollars to get back to 1954.

During this 20 years we have been bombarded with perorations regarding our "moral commitment" to the Saigon regime. We have been constantly faced with the specter of the "domino theory" which, according to White House wisdom, would insure that the entirety of South Asia would be inundated by a red tide but for our brave finger in the dike at Vietnam. Those of us who questioned the reality of such pronouncements were labeled "effete liberal snobs" who would tarnish our national honor by an unseemly withdrawal which would end, most horribly, in a Communist takeover of South Vietnam.

And now we can see through the fiction of "peace with honor" to the same type of withdrawal that was advocated 4 years and 20,000 lives ago; and we are told by our President that, past pronouncements notwithstanding, he would not oppose a peaceful Communist accession to power by means of a democratic election, which was what we started fighting to prevent 56,000 lives ago.

Mr. Speaker, I do not oppose this latest policy pronouncement from Presidential surrogate Kissinger; to the contrary, I am hopeful that, at long last, the administration has found its way to a sane, sensible, realistic appraisal of the Indochinese situation which is at least 20 years overdue. But neither can I stand silent in the face of the constant drumfire of praise Mr. Nixon heaps upon himself for accomplishing by force of arms what we could have achieved by judicious application of our airlift capability at any time during the course of this conflict; a withdrawal of our troops and a settlement of a Vietnamese civil war by the Vietnamese. At this time I wish to insert Mr. McClatchy's most perceptive editorial for the benefit of other Members of the House and I would also include at the end thereof a later paragraph's exchange of correspondence I had with Secretary McNamara and Admiral Yomostinsky in February of 1966:

NOW UNITED STATES WOULD ACCEPT RED TAKEOVER

(By C. K. McClatchy)

Surprise!—After 10 years of fighting and dying in South Vietnam to make that country safe for "democracy," the arrival of a cease-fire has been followed by the announcement a peaceful and democratic Communist takeover of all of Vietnam would not be opposed by the United States.

This statement by presidential adviser Henry Kissinger will sound shocking to many. It flies in the face of the drumbeat of self-praise President Richard Nixon and most of his subordinates have lavished on their achievement of "peace with honor."

The shock is understandable, considering the gap between reality and the high-sounding policy statements put out by four successive presidential administrations. But in simple fact Kissinger is speaking the truth. He is telling the public what it needs to understand to shed the influence of a decade of hypocrisy and distortion.

Kissinger said it is "not an American concern" if either the performance of North or South Vietnam is so clearly superior to that of the other that it tends to achieve moral superiority over the other. He added:

"If the North Vietnamese are willing to compete peacefully, if they are willing to rely on a political process, then we don't object . . ."

In other words, if the Communists could win over the people to their side, the Nixon administration would not object to the Reds taking power in all of Vietnam. The United States will no-longer use its military strength to bolster the Saigon regime if it cannot stand by itself.

Agreement—Most Americans will agree with this policy. There is little desire to expend more American blood and treasure to support a wobbly, repressive military dictatorship in South Vietnam.

But if the United States is now prepared to permit a peaceful Communist takeover in Vietnam what does this do to the policies and slogans which kept the war going on, year after year?

Remember the domino theory? We could not permit a Communist victory in South Vietnam because that would mean communism would seize power in all Southeast Asia and we would have to defend ourselves on the beaches of Hawaii.

It was said if we failed to give the Saigon regime our total and constant support our moral stock would go down around the world because we had made a "moral commitment."

Now that U.S. POWs are on their way home there is little talk of the domino theory. If anything, our moral stock has gone up as we have cut ourselves loose from the albatross of a perpetual commitment to a corrupt and unpopular military oligarchy.

Tragic Mistake—In 1954 the United States opposed the implementation of the Geneva Conference. Dwight D. Eisenhower, then the president, believed if free elections were held the Communist leader in the north, Ho Chi Minh, would be the winner.

Secretary of State John Foster Dulles, repelled by the possibility of even a legal and peaceful Communist victory, successfully pushed for U.S. support of Ngo Dinh Diem in the south and a divided Vietnam.

Now, nearly 20 years later, the U.S. is getting out of a senseless, bloody, divisive war that is being ended on terms which are basically the same as those rejected by the United States in 1954.

Many brave men have fought and died in this war. They fought for their nation under conditions which often were adverse and difficult. More than any others, the men who fought the war knew its misery. They deserve our honor and respect for fulfilling the duty given to them.

The bravery of our soldiers does not mean the decisions which led to the war were wise or praiseworthy. However, Kissinger's honest statement about the future should make it easier to put aside the hypocrisy which has clouded public understanding of our past tragic role in Vietnam.

WASHINGTON, D.C.,
February 8, 1966.

Hon. ROBERT S. MCNAMARA,
Secretary, Department of Defense,
Washington, D.C.

DEAR MR. SECRETARY: I'm going to be frank respecting your testimony before our House Armed Services Committee over the past several days. You're certainly to be congratulated for your tenacity and ability to defend your policies both as respects those who would urge *more* or *less* force in Southeast Asia.

I regret to admit, however, that even though I think you are right most of the time, I have questions about our degree of commitment in South Viet Nam. Not because I am not willing to have those close to me risk death to keep the South Vietnamese free from enslavement to Communism, but because I am not convinced even yet that the bulk of the people in the South will follow the pattern of government that we lay out for them. Admittedly we are not trying to militarily defeat Red China but we would like them to collapse. We are not trying to defeat North Vietnam politically for then the brotherhood of Communism would involve first China, then the Soviets, then a nuclear real threat would be posed to the continued existence of the United States as we know it.

We have limited targets in North Viet Nam consistent with our limited offensive. We could trade Haiphong P. O. L. for Saigon P. O. L. but we would obviously be the greater loser. We can blockade, mine and bomb further but since the Viet Cong need such fragmentary logistics even this action as you point out probably would only strengthen the solidarity of the North Vietnamese—which solidarity you refuse to label as *morale*. Whether you realize it or not, I think you tend to seize on fragments of true fact and due to your extreme agility with the English language you are able to rearrange the probable fact situation to cover almost every dilemma posed to you. I compliment you and only ask you to fairly appraise the facts not colored by your zeal to vindicate a position.

You point out that our 52s are carving out multiple square miles with fractional mile degree accuracy. Though it is obvious that this kind of pattern land scarring will hit many non-combatants, you state rather matter-of-factly that no civilians are being hit and, in fact, that they like us for this action. The woman I saw crying over her dead husband killed by our artillery this morning in the paper I would not think is too favorably inclined. Yet you state that we can't use this pattern bombing in the North because civilians might be hurt and this would affect the North's regard for us! I am cognizant of the 52 vulnerability problem.

You state that our existing level of activity is designed for victory because we are substantially stronger than we have ever been, that the North has a finite limit to which they probably will not exceed, while the logistics and port facilities do not limit the numbers that the U.S. can deploy—that our force level will be optimum when it exceeds the current number by a classified number.

We discussed our objective in South Viet Nam and you stated that it was to give the South Vietnamese freedom to develop as *free* people. You admit that the Viet Cong should have this right to *peacefully* determine their future. You were suspect that they could ever act peacefully. We must work with them peacefully, however, or plan to annihilate them or force them to the North. You base your estimate of strength required on the fact that there are an estimated 230,000 Viet Cong. You admit you could be substantially off on this estimate. The U.S. position is based on the fact that the 2 to 3 million people under Viet Cong control do not really want Ho Chi Minh's government. You cite the forced barbarous conscription. You don't explain adequately why the Viet Cong soldiers fight as they do and how it is that the people North of the 17th have the zeal to "save their countryland" in the face of one year of almost undefended bomb attacks while the people South of the 17th have no philosophy.

To be sure, the Catholics of my faith moved South to South Viet Nam, the Buddist monks want religious freedom, but I believe the evidence would be fairly appraised by an impartial jury that the South probably is amenable to political programs. You could just as easily say that it is only a few hundred political leaders in Washington who are highly motivated by political programs.

Secretary Rusk stated one year ago that the Viet Cong had 23% or 3½ million people. It is possible in our zeal to defend our actions that we could be substantially wrong on this estimate. These people could take Communist program. With the degree of corruption and brutality of General Ky, it is possible that some of many in the cities would prefer Ho Chi Minh. My evidence that the Saigon government has to pay off Viet Cong to get food into market and my direct contacts indicate that the Viet Cong are everywhere even in the cities though their action there is limited.

I know we defend our actions there because we say the people love us. They could love us for our dollars and besides if I believed everyone whom I contacted in an election, I would be surprised if any votes were cast against me. You have to admit that it is just possible that some Asiatics might be offended at white man dominance, they *all* having fought against the French. We state we're not making a conquest, but the Viet Cong who speak the language are spreading word to the contrary. Some Asiatics know, too, that since many leading Americans who speak really don't defend liberty of all people in their own land, then why should they be concerned about the liberty of another dark skinned people on the other side of the globe. Some could feel quite strongly on this matter.

With respect to numbers, it appears that the Viet Cong have raised their numbers over the last year about the same as we have. They control substantially more territory by the maps I have seen and published in U.S. News and World Report than they did one year ago. They have lost high casualties and we have suffered likewise. Yesterday we lost two pilots and probably $12 million worth of pilot and craft—we probably dropped multiple million dollars of bombs. We made much noise. We knocked out a bridge or two that will be rebuilt, but who is to say that our damage and loss was less than the enemy. I think it's arguable that maybe we don't win these encounters economically. According to my calculations we spent ¼ of our military budget on South Viet Nam last year and increased it ¼ for '67. This means our real level of commitment is $24 billion, or about ¼ of our national income. Can we endure this indefinitely. The total budget of both North and South Vietnam, I doubt, is much more than $1 billion per year and this is not all for defense. The Chinese and Soviet dollar commitments are also relatively small.

I ask these questions not as a pessimist but because this is a time for dead realism. I've parroted your retorts and those of Secretary Rusk for the past year with conviction. I heard another this evening on the radio supporting Affirmation Viet Nam and the speaker was glibly defending our policy with factual analysis far more favorable to the U.S. than the figures that we are working with before committee.

The danger is that when the rightness or success of a position depends on a figure estimate, a horseback opinion compounded on a horseback opinion can be deadly.

Now if our policy is not to annihilate all of South Viet Nam or North Viet Nam but to negotiate for peace honorably, we must have in mind some concession.

The Viet Cong and North Viet Nam want an all Viet Cong government. We want an all Saigon government. A coalition then is the only result to negotiate with provisions for policing the coalition such that peace be maintained for at least several decades.

But when our policy is that we will not talk or negotiate with the Viet Cong but that they can sit at the table, we tip our hand in advance that a coalition—even 'self determined' is untenable. But we say we are for self-determination of these people. You must explain this hiatus that is in our policy.

My own feeling is that if we should offer to negotiate with the group that must be accommodated, peace could happen. Our policy of non-recognition of the Viet Cong was primarily to involve North Viet Nam—this has now occurred. If the reason fails, the rule of non-recognition fails.

I chronicle these items now and urge you to review our program and not to be mesmerized by our obvious capability or by those who would garrulously precipitate us into battle on an honor commitment.

What will it gain us if we bring the Viet Cong to their knees after 50,000 to 100,000 young Americans are killed, only to have Ho Chi Minh win the first free election we stage. Your psychologists and Political Scientists say this won't happen, but it just so happens that many of the University community think otherwise. It occurs that that matter is perhaps more their specialty than yours or mine.

With the current growing cleavage in American position and the greater participation of the rightists in that policy, it is safe to say that we are simply not prepared to fight a long war. The people of the Great Society have a built-in impatience. They want the Society today. You say we must have patience. You can't have something you don't have. We can't for long cleave off our college brains and pursue a successful American policy.

I have not discussed at length our bombing in the North. Certainly it matters little if our basic purpose is confused, inconsistent and clouded. It merely further compounds and confuses an already dismal problem.

The day can still be saved. We're wasting men maybe needlessly if we don't sharpen our purposes and make peace a possibility.

Very truly yours,
Robert L. Leggett,
Member of Congress.

PRESIDENT'S COMMUNITY DEVELOPMENT MESSAGE

(Mr. GERALD R. FORD asked and was given permission to extend his remarks at this point in the Record.)

Mr. GERALD R. FORD. Mr. Speaker, Congress should pay the closest possible heed to the proposed new directions for community development in America as set forth in the President's community development message.

The President's message lays out the roads America must travel if we are to take these new directions—the Better Communities Act and legislation to create a new Department of Community Development.

It is imperative that we replace the inflexible and fragmented categorical grant-in-aid programs with bloc community development grants and thus reduce the Federal control that has been so frustrating to local governments.

There is no question in my mind that—as the President has stated in his message—these Federal controls distort local priorities, entangle local officials and local projects in a mass of redtape, and create an adversary situation pitting local officials against Federal bureaucrats.

In urging adoption of the Better Communities Act, I would underscore a point made by the President—that no city would receive less funds for community development under that act than it has received under categorical grant programs.

And I am most enthusiastic about the fact that the Better Communities Act substitute local decisionmaking for so-called bureaucratic wisdom.

It is important, too, that the funds provided under community development special revenue sharing would not have to be matched by local funds.

Turning to another subject in the President's message, I would like to point up the fact that the administration plans to submit new housing recommendations to the Congress within 6 months. I agree that the subsidized housing programs have not worked properly. I also subscribe to the goal of "a decent home and a suitable living environment for every American family"—and the sooner we set about achieving that goal the better.

I endorse the President's proposal that mass transit capital grants be increased to $3 billion. But I am strongly opposed to using any highway money for mass transit capital investment. Such mass transit money should come from other sources.

Now that the administration has submitted its Better Communities Act, it is essential that the Congress act promptly so that the new program can replace the old and outmoded existing programs.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. BAFALIS (at the request of Mr. GERALD R. FORD), indefinitely, on account of surgery.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. COHEN) to revise and extend their remarks and include extraneous material:)

Mr. KEMP, for 20 minutes, today.

Mr. WHITEHURST, for 10 minutes, March 13.

(The following Members (at the request of Mr. THORNTON) to revise and extend their remarks and include extraneous material:)

Mr. DENT, for 10 minutes today.

Mr. GONZALEZ, for 5 minutes, today.

Mr. DIGGS, for 5 minutes, today.

Mr. HAMILTON, for 10 minutes, today.

Mr. FLOOD, for 5 minutes, today.

Mr. MEZVINSKY, for 5 minutes, today.

Ms. ABZUG, for 10 minutes, today.

Mr. FRASER, for 5 minutes, today.

Mr. MCFALL, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. COHEN) and to include extraneous matter:)

Mr. BELL.

Mr. WYATT.

Mr. HUDNUT.

(The following Members (at the request of Mr. THORNTON) and to include extraneous matter:)

Mr. ALEXANDER in five instances.

Mr. GONZALEZ in three instances.

Mr. RARICK in three instances.

Mr. FASCELL.

Mr. DRINAN in three instances.

Mr. BURTON.

Ms. ABZUG in five instances.

Mr. YOUNG of Georgia in six instances.

Mr. ROUSH in two instances.

Mr. EVINS of Tennessee in two instances.

Mr. LEGGETT in two instances.

Mr. BYRON in 10 instances.

Mr. DE LUGO.

Mr. WILLIAM D. FORD.

ADJOURNMENT

Mr. THORNTON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 12 o'clock and 17 minutes p.m.), the House adjourned until tomorrow, Tuesday, March 13, 1973, at 12 o'clock noon.

CONTRACTUAL ACTIONS, CALENDAR YEAR 1972, TO FACILITATE NATIONAL DEFENSE

The Clerk of the House of Representatives submits the following report for printing in the CONGRESSIONAL RECORD pursuant to section 4(b) of Public Law 85-804:

U.S. ATOMIC ENERGY COMMISSION,
Washington, D.C., March 7, 1973.
Hon. CARL ALBERT,
Speaker of the House of Representatives.

DEAR MR. SPEAKER: The following information is submitted pursuant to the provisions of Public Law 85-804 and implementing instructions contained in Federal Procurement Regulation 1-17.000.

For the calendar year ending December 31, 1972, the Atomic Energy Commission reports the following actions approved under the subject Act:

1. *"Residual Powers"*

A Determination dated April 6, 1972, was issued to contractually require contractors and subcontractors subject to the Davis-Bacon Act at the Nevada Test Site (NTS), including Nuclear Rocket Development Station (NRDS), and Tonopah Test Range (TTR), to pay not less and no more than the money provisions and certain other conditions of the labor agreements between Reynolds Electrical & Engineering Company, Inc., and various construction crafts in the Nevada area. In addition, a similar Determination was issued on April 24, 1972, covering drilling work at NTS, NRDS, and TTR. These Determinations are deemed necessary to promote labor stability, efficient and economy in the performance of contracts and subcontracts at the sites which directly affect the national defense and security.

2. *Contractual Adjustment—Correction of Mistake.*

Amount Requested, $4,306.26.

Amount Paid, $4,306.26.

Sincerely,

JOHN V. VINCIGUERRA,
(For general manager.)

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of the rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

559. A communication from the President of the United States, an amendment to the request for supplemental appropriations in the fiscal year 1974 budget (H. Doc. No. 93-59); to the Committee on Appropriations and ordered to be printed.

560. A letter from the Secretary of Commerce, transmitting the 102d quarterly report on export control, covering the fourth quarter of 1972 pursuant to the Export Administration Act of 1969, as amended; to the Committee on Banking and Currency.

561. A letter from the Secretary of the Treasury, transmitting a draft of proposed legislation to authorize the Secretary of the Treasury to transfer to the Government of the Republic of the Philippines funds for making payments on certain pre-1934 bonds of the Philippines, and for other purposes; to the Committee on Foreign Affairs.

562. A letter from the Chairman, Federal Communications Commission, transmitting a draft of proposed legislation to amend the Communications Act of 1934, as amended, with respect to commissioners and Commission employees; to the Committee on Interstate and Foreign Commerce.

563. A letter from the General Manager, U.S. Atomic Energy Commission, transmitting a report for calendar year 1972 on actions taken under Public Law 85-804, pertaining to national defense contracts, pursuant to 50 U.S.C. 1434; to the Committee on the Judiciary.

564. A letter from the Assistant Secretary, Agricultural Hall of Fame and National Center, transmitting the annual audit of the organization for the fiscal year ended August 31, 1972, pursuant to section 14(b) of Public Law 86-680; to the Committee on the Judiciary.

565. A letter from the Acting Assistant Director for Management, Cost of Living Council, transmitting a report on positions in grades GS-16, 17, and 18, during calendar year 1972, pursuant to 5 USC 5114; to the Committee on Post Office and Civil Service.

566. A letter from the Assistant Secretary of the Interior, transmitting a draft of proposed legislation to amend the National Visitor Center Facilities Act of 1968, and for other purposes; to the Committee on Public Works.

567. A letter from the General Counsel of the Department of Defense, transmitting a draft of proposed legislation to amend title 38, United States Code, to encourage persons to join and remain in the Reserves and National Guard by providing full-time coverage under Servicemen's Group Life Insurance for such members and certain members of the Retired Reserve up to age 60; to the Committee on Veterans' Affairs.

568. A letter from the Secretary of Labor, transmitting a report on experience with the temporary benefit program under the Emergency Unemployment Compensation Act of 1971 (Public Law 92-224), as extended; to the Committee on Ways and Means.

569. A letter from the Secretary of Health, Education, and Welfare, transmitting the annual report of the Social Security System for fiscal year 1972, pursuant to 42 U.S.C. 904; to the Committee on Ways and Means.

RECEIVED FROM THE COMPTROLLER GENERAL

570. A letter from the Comptroller General of the United States, transmitting a report on the audit of payments from the special bank account to the Lockheed Aircraft Corp., for the C-5A aircraft program, covering the quarter ended December 31, 1972, pursuant to section 603(b) of Public Law 92-436; to the Committee on Armed Services.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

[*Pursuant to the order of the House on March 8, 1973, the following report was filed on March 9, 1973*]

Mr. BLATNIK: Committee on Public Works. House Resolution 2246. A bill to amend the Public Works and Economic Development Act of 1965 to extend the authorizations for a 1-year period (Rept. No. 93-53). Referred to the Committee on the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By. Mr. BUCHANAN:

H.R. 5458. A bill to supplement retirement benefits for State and local law enforcement officers; to the Committee on Post Office and Civil Service.

By Mr. CARNEY of Ohio:

H.R. 5459. A bill to amend section 1979 of the Revised Statutes (42 U.S.C. 1983) to permit the recovery of attorneys' fees in certain Civil Rights actions; to the Committee on the Judiciary.

By Mr. DAVIS of Georgia (for himself, Mr. Clark, Mr. Ginn, and Mr. Melcher):

H.R. 5460. A bill to amend title 5, United States Code, to correct certain inequities in the crediting of National Guard technician service in connection with civil service retirement, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. de LUGO:

H.R. 5461. A bill authorizing the acquisition of some of the outstanding leasehold interests in Water Island, St. Thomas, Virgin Islands, and transfer to the Government of the Virgin Islands of title to such island, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. GERALD R. FORD:

H.R. 5462. A bill to designate certain lands in the Isle Royale National Park in Michigan as wilderness, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. HUNGATE (for himself, Mr. Froehlich, Mr. Mann, Mr. Mayne, Mr. McClory, Mr. Railsback, and Mr. Smith of New York):

H.R. 5463. A bill to establish rules of evidence for certain courts and proceedings; to the Committee on the Judiciary.

By Mr. JOHNSON of California (for himself, Mr. Saylor, Mr. Don H. Clausen, and Mr. Camp):

H.R. 5464. A bill to authorize appropriations for the saline water program for fiscal year 1974, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. KOCH:

H.R. 5465. A bill to amend title XIX of the Social Security Act to provide that the existing requirement that all medicaid patients be given free choice (in the selection of the doctors and health facilities by which they are to be treated) shall not apply (except in the case of individuals with severe chronic disability) in cities or other political subdivisions where the services involved are being effectively provided through locally operated public health centers; to the Committee on Ways and Means.

By Mr. MOORHEAD of Pennsylvania:

H.R. 5466. A bill to authorize financial assistance for opportunities industrialization centers; to the Committee on Education and Labor.

H.R. 5467. A bill to designate certain lands as wilderness for inclusion in the National Wilderness Preservation System, and for other purposes; to the Committee on Interior and Insular Affairs.

H.R. 5468. A bill to require States to pass along to individuals who are recipients of aid or assistance under the Federal-State public assistance programs or under certain other Federal programs, and who are entitled to social security benefits, the full amount of the 1972 increase in such benefits, either by disregarding it in determining their need for assistance or otherwise; to the Committee on Ways and Means.

By Mr. MOSS:

H.R. 5469. A bill to amend section 278 of the Internal Revenue Code of 1954 to change the effective date for the provisions relating to almond groves; to the Committee on Ways and Means.

By Mr. RAILSBACK:

H.R. 5470. A bill to authorize the Secretary of the Army to investigate, plan, and construct projects for the control of streambank erosion; to the Committee on Public Works.

By Mr. ROSENTHAL (for himself, Mr. Brown of California, Mr. Burton, Mr. Koch, Mr. Lehman, and Mr. Rinaldo):

H.R. 5471. A bill to establish the Airport Noise Curfew Commission and to define its functions and duties; to the Committee on Interstate and Foreign Commerce.

By Mr. ROSENTHAL (for himself, Ms. Abzug, Mr. Bell, Mr. Brown of California, Mr. Burton, Ms. Chisholm, Mr. Conyers, Mr. Harrington, Mr. Hechler of West Virginia, Mr. Helstoski, Mr. Moakley, Mr. Rangel, Mr. Rinaldo, Mr. Stark, Mr. Wolff, and Mr. Won Pat):

H.R. 5472. A bill to restrict the activities of certain Federal employees and officers, to provide private remedies to implement these restrictions, and to facilitate the enforcement of existing conflict of interest statutes; to the Committee on Post Office and Civil Service.

By Mr. ROSTENKOWSKI:

H.R. 5473. A bill to amend the Internal Revenue Code of 1954 to provide reasonable and necessary income tax incentives to encourage the utilization of recycled solid waste materials and to offset existing income tax advantages which promote depletion of virgin natural resources; to the Committee on Ways and Means.

By Mr. SAYLOR:

H.R. 5474. A bill to designate certain lands as wilderness; to the Committee on Interior and Insular Affairs.

By Mr. BLATNIK:

H. Res. 285. Resolution to provide funds for the expenses of the investigation and study authorized by House Resolution 228; to the Committee on House Administration.

By Mr. CRANE (for himself, Mr. Rarick, Mr. Archer, Mr. Ashbrook, Mr. Bafalis, Mr. Baker, Mr. Beard, Mr. Bergland, Mr. Bevill, Mr. Blackburn, Mr. Brasco, Mr. Breaux, Mr. Burke of Massachusetts, Mr. Byron, Mr. Camp, Mr. Carey of New York, Mr. Carter, Mr. Chappell, Mr. Clancy, Mr. Don H. Clausen, Mr. Del Clawson, Mr. Cleveland, Mr. Conlan, Mr. Dan Daniel, and Mr. Davis of South Carolina):

H. Res. 286. Resolution to authorize the sale of U.S. gold to American citizens; to the Committee on Banking and Currency.

By Mr. CRANE (for himself, Mr. Rarick, Mr. Denholm, Mr. Dent, Mr. Derwinski, Mr. Devine, Mr. Dickinson, Mr. Duncan, Mr. Eshleman, Mr. Fisher, Mr. Flowers, Mr. Flynt, Mr. Fountain, Mr. Froehlich, Mr. Fuqua, Mr. Gettys, Mr. Ginn, Mr. Goldwater, Mr. Gross, Mr. Gubser, Mr. Gunter, Mr. Guyer, Mr. Haley, Mr. Hanrahan, and Mr. Hechler of West Virginia):

H. Res. 287. Resolution to authorize the sale of U.S. gold to American citizens; to the Committee on Banking and Currency.

By Mr. CRANE (for himself, Mr. Rarick, Mr. Huber, Mr. Hudnut, Mr. Hungate, Mr. Hunt, Mr. Ichord, Mr. Jones of Tennessee, Mr. Kemp, Mr. Ketchum, Mr. Kuykendall, Mr. Landgrebe, Mr. Long of Louisiana, Mr. Lott, Mr. McClory, Mr. McEwen, Mr. Mathis of Georgia, Mr. Michel, Mr. Mollohan, Mr. Montgomery, Mr. Moorhead of California, Mr. Nichols, Mr. Nix, Mr. O'Brien, and Mr. Patten):

H. Res. 288. Resolution to authorize the sale of U.S. gold to American citizens; to the Committee on Banking and Currency.

By Mr. CRANE (for himself, Mr. Rarick, Mr. Perkins, Mr. Pettis, Mr. Powell of Ohio, Mr. Randall, Mr. Regula, Mr. Robinson of Virginia, Mr. Roe, Mr. Rose, Mr. Rousselot, Mr. Runnels, Mr. Sandman, Mr. Satterfield, Mr. Saylor, Mr. Scherle, Mr. Sikes, Mr. Skubitz, Mr. Slack, Mr. Snyder, Mr. Spence, Mr. Steed, Mr. Steiger of Arizona, Mr. Steiger of Wisconsin, and Mr. Stephens):

H. Res. 289. Resolution to authorize the sale of U.S. gold to American citizens; to the Committee on Banking and Currency.

By Mr. CRANE (for himself, Mr. Rarick, Mr. Stubblefield, Mr. Stuckey, Mr. Symms, Mr. Talcott, Mr. Thone, Mr. Towell of Nevada, Mr. Treen, Mr. Veysey, Mr. Waggonner, Mr. Whitehurst, Mr. Bob Wilson, Mr. Won Pat, Mr. Wylie, Mr. Young of Florida, Mr. Young of South Carolina, Mr. Young of Illinois, Mr. Zion, and Mr. Madigan):

H. Res. 290. Resolution to authorize the sale of U.S. gold to American citizens; to the Committee on Banking and Currency.

By Mr. HALEY:

H. Res. 291. Resolution to provide funds for the expenses of the investigations and studies authorized by House Resolution 163; to the Committee on House Administration.

By Mr. PATMAN:

H. Res. 292. Resolution to provide funds for the expenses of the studies, investigations, and inquiries authorized by House Resolution 18; to the Committee on House Administration.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

75. By the SPEAKER: Memorial of the Legislature of the Commonwealth of Virginia, relative to administration and security of the Lorton Prison Complex; to the Committee on the District of Columbia.

76. Also, memorial of the Legislature of the Commonwealth of Virginia, requesting Congress to call a convention for the purpose of proposing an amendment to the Constitution of the United States to provide a limitation on the amount of the national debt; to the Committee on the Judiciary.

77. Also, memorial of the Legislature of the State of Mississippi, requesting Congress to call a convention for the purpose of proposing an amendment to the Constitution of the United States concerning the assignment of students to public schools on the basis of race, religion, color, or national origin; to the Committee on the Judiciary.

78. Also, memorial of the Legislature of the State of Washington, relative to the issuance of a postage stamp commemorating Expo '73 in Spokane, Wash.; to the Committee on Post Office and Civil Service.

79. Also, memorial of the Legislature of the State of Colorado, relative to veterans of the Vietnam war; to the Committee on Veterans' Affairs.

80. Also, memorial of the Legislature of the State of New York, relative to relief for individuals adversely affected by social security increases; to the Committee on Ways and Means.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BURTON:

H.R. 5475. A bill for the relief of Brigida F. Geturbos; to the Committee on the Judiciary.

H.R. 5476. A bill for the relief of Esperanza C. Yauder; to the Committee on the Judiciary.

H.R. 5477. A bill for the relief of Josephine Gonzalo (nee Charito Fernandez Bautista); to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

59. By the SPEAKER: Petition of the Congress of Micronesia, Trust Territory of the Pacific Islands, relative to the High Commissioner of the Trust Territory of the Pacific Islands; to the Committee on Interior and Insular Affairs.

60. Also, petition of the Oklahoma Society, Sons of the American Revolution, relative to the powers of the Federal judiciary; to the Committee on the Judiciary.

SENATE—*Monday, March 12, 1973*

The Senate met at 12 o'clock meridian and was called to order by the President pro tempore (Mr. EASTLAND).

PRAYER

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

O Divine Ruler, deliver us from the stress and strain of duty, from the tumult of our days, from the confusion of many voices that in this holy silence we may hear once more Thy still small voice. Hearing Thy voice, may we find healing and peace. Hearing Thee, may we discover Thy will in the processes of history and in life itself.

Grant us the statesmanship to see beyond the transient skirmish, the interim debate, and the trivial contention, to the future order of justice and truth toward which we strive. Lead us safely through the days by the light of Thy truth into that higher kingdom on earth, the law of which is love whose builder and maker is God.

Through Him who is King of Kings and Lord of Lords. Amen.

EXECUTIVE REPORTS OF A COMMITTEE SUBMITTED DURING ADJOURNMENT

Under authority of the order of the Senate of March 8, 1973, the following favorable reports of nominations were submitted on March 9, 1973:

By Mr. CANNON, from the Committee on Commerce:

Alexander P. Butterfield, of California, to be Administrator of the Federal Aviation Administration;

Dennis Pepe, for permanent appointment to the grade of lieutenant in the National Oceanic and Atmospheric Administration; and

Kent P. Dolan, for permanent appointment to the grade of lieutenant (junior grade) in the National Oceanic and Atmospheric Administration.

The above nominations were reported, with the recommendation that they be confirmed, subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Thursday, March 8, 1973, be dispensed with.

The PRESIDENT pro tempore. Without objection, it is so ordered.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States were communicated to the Senate by Mr. Leonard, one of his secretaries.

ANNUAL REPORT OF THE NATIONAL SCIENCE FOUNDATION—MESSAGE FROM THE PRESIDENT

The PRESIDENT pro tempore laid before the Senate a message from the President of the United States, which, with the accompanying report, was referred to the Committee on Labor and Public Welfare. The message is as follows:

To the Congress of the United States:

I am pleased to transmit to the Congress the Twenty-Second Annual Report of the National Science Foundation, covering the fiscal year 1972.

During the period covered by this report, the Foundation continued to make an important contribution to the strengthening of our economy and our society through science. It increased its support for scientific research in all disciplines and further expanded its involvement in research focused on domestic problems.

The report should be of special interest to the Congress at this time, in view of the additional responsibilities that would be transferred to the Director of the National Science Foundation from the Office of Science and Technology by Reorganization Plan No. 1 of 1973, which I proposed last month. I believe that this account of the Foundation's outstanding work during 1972 helps to confirm its fitness to undertake a broader role in the national science effort in 1973.

RICHARD NIXON.

THE WHITE HOUSE, *March 12, 1973.*

EXECUTIVE MESSAGES REFERRED

As in executive session, the President pro tempore laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(The nominations received today are printed at the end of Senate proceedings.)

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Berry, one of its reading clerks, announced that the House had passed the bill (S. 7) to amend the Vocational Rehabilitation Act to extend and revise the authorization of grants to States for vocational rehabilitation services, to authorize grants for rehabilitation services to those with severe disabilities, and for other purposes, with an amendment, in which it requested the concurrence of the Senate.

WAIVER OF THE CALL OF THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the call of the Legislative Calendar, under rule VIII, be dispensed with.

The PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees may be authorized to meet during the session of the Senate today.

The PRESIDENT pro tempore. Without objection, it is so ordered.

VIETNAM VETERANS

Mr. MANSFIELD. Mr. President, I hold in my hand an editorial published in the Christian Science Monitor under date of Friday, March 9, 1973, entitled "'Forgotten' Vietnam Veterans."

I read in part:

> But the rights or wrongs of the war do not affect the debt due those who fought in a remote land while the home front, for all the war's drag on domestic progress, suffered singularly little inconvenience. A general is retired on generous pension though relieved of his command and demoted amid charges of unauthorized bombing and falsified records. Surely men who inconspicuously did their jobs without taint deserve fair consideration of their needs.

Mr. President, further on—and this is the result of public hearings which have been held throughout the country by our distinguished colleague in the House, SILVIO CONTE—the editorial states:

> "They feel they're forgotten," he said. "They don't know whether they're heroes or bums."

Mr. President, I ask unanimous consent to have this editorial printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

FORGOTTEN VIETNAM VETERANS

You swung off the bus and everybody smiled as your family hugged you. You went back to the job that had been held while you were away, or you went off to the university that was glad to see you with your full tuition money in hand. The older folks admired you, and most of your generation seemed to have been through the same thing. You had done a job that had to be done, and your country showed its gratitude in a thousand tangible and intangible ways.

Or so it was for a veteran returning from World War II.

A heartbreaking contrast has been developing for the veterans of the Vietnam war, a war no less grim and dislocating for being undeclared. Yes, the President and the media go all out for the returning POWs, and their special ordeal cannot be minimized. But thousands of their unsung fellows, often grievously injured, have returned to a bleaker welcome.

They face indifference from their elders, doubt from members of their own generation. They were doing a duty that not everyone agreed should be done. Now even one of the returning POWs has reportedly broken the POWs' general impression of conviction in their cause by saying, "Many of us came to believe that possibly we had inserted our noses into somebody else's business."

But the rights or wrongs of the war do not affect the debt due those who fought in a remote land while the home front, for all the war's drag on domestic progress, suffered singularly little inconvenience. A general is retired on generous pension though relieved of his command and demoted amid charges of unauthorized bombing and falsified records. Surely men who inconspicuously did their jobs without taint deserve fair consideration of their needs.

Fortunately a swell of opinion seems to be building in their favor. In the murky area of what seem to be some disability cutbacks combined with some disability gains, the Veterans' Administration has wisely withdrawn for "further intensive study" a measure that drew congressional protest. Steps to help the "forgotten warriors" were reported recently in this newspaper. Rep. Silvio Conte is holding public hearings around the country to listen to what the veterans themselves have to say.

"They feel they're forgotten," he said. "They don't know whether they're heroes or bums."

Meanwhile, the VA says veterans' problems are being exaggerated in regard to drugs, jobs, and hospital care. It is something for a nation's conscience to decide.

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider nominations on the Executive Calendar.

There being no objection, the Senate proceeded to the consideration of executive business.

The PRESIDENT pro tempore. The nominations on the Executive Calendar will be stated.

DEPARTMENT OF AGRICULTURE

The second assistant legislative clerk read the nomination of Robert W. Long, of California, to be an Assistant Secretary of Agriculture.

The PRESIDENT pro tempore. Without objection, the nomination is considered and confirmed.

FEDERAL AVIATION ADMINISTRATION

The second assistant legislative clerk read the nomination of Alexander P. Butterfield, of California, to be Administrator of the Federal Aviation Administration.

The PRESIDENT pro tempore. Without objection, the nomination is considered and confirmed.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

The second assistant legislative clerk proceeded to read sundry nominations in the National Oceanic and Atmospheric Administration.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the nominations be considered en bloc.

The PRESIDENT pro tempore. Without objection, the nominations are considered and confirmed en bloc.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of these nominations.

The PRESIDENT pro tempore. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. MANSFIELD. Mr. President, I move that the Senate resume the consideration of legislative business.

The motion was agreed to, and the Senate resumed the consideration of legislative business.

THE URBAN CRISIS

Mr. MANSFIELD. Mr. President, over the week end, at the request of the majority leadership in Congress, Senator ABRAHAM RIBICOFF responded in a radio address to President Nixon's recent message on the urban crisis.

Senator RIBICOFF, as a former Secretary of Health, Education, and Welfare, is one of our most knowledgeable advocates of Federal aid for our cities, both large and small. He laid out in his address the pitfalls of the "new federalism" as proposed by this administration and pointed out what Congress has done and still hopes to do to make our Nation's cities a fit place to live in a democratic society.

I ask unanimous consent that this address of Senator RIBICOFF's be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

ADDRESS OF SENATOR RIBICOFF

Following is the text of Senator Ribicoff's radio network speech at 12:06 PM Saturday, March 10:

President Nixon declared in a nationwide radio broadcast last Sunday that the crisis in our cities is over. He wants to cut or end federal aid to the cities.

Congressional democrats asked me to discuss this matter with you. The national radio networks have made this time available.

All of us desire the crisis in our cities to end. We want people to walk the streets of their cities safely and without fear of harm. We need good housing at reasonable prices. We need fast and comfortable transportation. We need clean air and water.

The crisis in the cities isn't over. Anyone who lives or works in or visits the cities knows the crisis is still with us.

The reality of daily life in our nation's cities is harsh. Illegal drugs are a major problem. They strike fear into the hearts of parents concerned about the future of their children.

Walking city streets at night is no longer a pleasure. It's a danger.

Downtown areas have blocks of decaying and abandoned housing. These breed filth and disease—and more crime.

People move to the suburbs when they can afford it.

But they're finding that the problems of our cities reach out to small towns and suburbs as well. Yet the President says the crisis is over.

If the crisis in our cities is over, why has serious crime gone up 30% in the past four years? Why is crime increasing even faster in the suburbs and small towns? And why did a recent Gallup Poll show that 41% of people across the nation are afraid to go for a walk at night?

If the crisis in our cities is over, why are schools on the verge of bankruptcy and collapse in Chicago, Detroit, Philadelphia, Portland, Oregon and elsewhere?

If the crisis in our cities is over, why has there been no bus service in many Connecticut cities for more than 100 days? Why do unreliable and uncomfortable commuter trains make riding into New York City a daily misery? And why do massive traffic jams plague every community every day?

If the crisis in our cities is over, why do almost 5 million homes lack proper plumbing? Why are another four and one-half million houses overcrowded?

Whether we want to admit it or not, there is trouble in our cities. Our problems won't go away by simply saying they are gone.

No one knows this better than the mayors and elected leaders of our cities. Fifteen hundred of them—Republicans and Democrats—met in Washington this week.

The Mayors know what our cities are like. They know the urban crisis is still very much a fact of life. Mayors of Connecticut cities met in my office this week to talk about the urban crisis they live with every day. They are dedicated people willing to exercise the responsibility of local leadership.

They agree with me that no federal program should be continued if it doesn't work. They support the President's theory that local leaders should be given the responsibility for running their cities.

But they vigorously object to the President's meat axe approach for ending urban programs. The Mayors say they can't save their cities without federal financial help.

The Mayors came before the Congress to plead their case. Here is what some of them are telling us:

Mayor Landrieu of New Orleans, Louisiana, says:

"The Administration in its budget has brought the center city to its knees with crippling cutbacks and reductions."

Mayor Uhlman of Seattle, Washington, says:

"For an aging blind man, the President's budget will mean no more new braille books . . . and back to loneliness and isolation.

"For a youngster who has dropped out of school, the President's budget will mean no possibility of a job from Neighborhood Youth Corps . . . and back to the streets."

Mayor Gribbs of Detroit, Michigan, says:

"These cuts will give impetus to a new cycle of decay in American cities."

Mayor Maier of Milwaukee, Wisconsin, says:

"The final and inevitable result of these reductions in city programs through the freezing of funds and the deep slashes in the budget will be to transfer the burden on the back of the already over-burdened local property taxpayer."

Mayor Gibson of Newark, New Jersey, says:

"Marginal businesses will be forced to close—more homes will deteriorate and be abandoned, the supermarkets and clothing stores will sell fewer products, more jobs will be lost—more public assistance will be required—crime will more likely increase—and the entire fabric of social well-being will begin to crumble."

Mayor Alexander of Syracuse, New York, says:

"I submit that jobs for veterans, summer jobs for students, recreation programs and youth-oriented educational programs are essential tools in our community's effort to reduce crime and drug use among young people."

I think you get the point the Mayors are making. The cities they represent are in trouble. They can't make it alone. They worry that the federal government is about to abandon them and put the burden on the local property owner.

We should be attacking the problems of our cities, not the good programs designed to help them.

Let's begin with the problem of crime and drugs. We should be vigorously pursuing the masterminds behind the billion dollar drug racket. These are the men who plot the destruction of human lives.

At present there are at least 9 federal law enforcement programs in the drug field. They operate with little coordination. And they exclude the F.B.I. entirely.

It's time we put the nation's drug enforcement effort under the control of a single agency. My preference is the nation's number one law enforcement agency—the F.B.I.

We must help protect the homeowners of our cities against rising property taxes. Homeowners are the backbone of their communities. Many of them—especially the elderly—find rising taxes make it impossible for them to keep their family homes.

We must make a stronger effort to bring scientific solutions to city problems. The same modern technology that guides astronauts to the stars can help us control rush hour traffic.

The same production line that builds military tanks can build high speed trains.

Instead of having scientists and engineers receiving unemployment checks, we should put them to work developing new and cheaper ways to clean our air and water.

These are only a few suggestions. More needs to be done. None of it will be accomplished overnight. But that does not make it impossible.

I agree with the President that a limit must be imposed on federal spending. But within that limit, there's plenty of room for setting our priorities.

Unfortunately, the President refuses to discuss such questions. His budget is presented on a take-it-or-leave-it basis. Arguments about Executive and Congressional power fill our newspapers and radio and T.V. news shows.

It's an interesting debate. But the result is government by stalemate. And the losers are the American people.

It's time for the President and the Congress to work together to solve our basic problems. We won't accomplish much in Congress by claiming the President threatens the future of the republic. But the President won't improve life in this country by proclamations that our problems no longer exist.

We are all proud of our country and the progress we have made. But progress will continue when we look at life realistically.

Our elected officials must have the vision and courage to be statesmen capable of leadership. If we work together, we can move ahead. If we face facts, we can solve our problems. But we must face facts.

And the fact is that our cities are in crisis. They need help. They should help themselves. But some help from the federal government is essential or the cities will continue to decline. We don't want that to happen. And I am confident the President does not want that to happen.

It's time for all of us to stop making debating points—and start working together to assure a better country.

Thank you. Good day.

IMPROVEMENTS OF ADMINISTRATIVE PROCEDURES IN THE DEPARTMENTS AND AGENCIES

Mr. MANSFIELD. Mr. President, it is nearly 10 years since the late minority leader, Senator Dirksen, a beloved colleague, addressed the Senate on the need for improving the administrative procedures used by the departments and agencies of the Federal Government in carrying out their functions. At that time, he introduced a bill which had been the result of 4 years of work by the Subcommittee on Administrative Practice and Procedure of the Senate Committee on the Judiciary. That bill, which had the support of the chairman of that subcommittee, at that time, drew heavily on the recommendations of the American Bar Association and other bar associations.

The most recent issue of the Administrative Law Review has called attention to that speech of Senator Dirksen in an issue which is devoted entirely to proposals for amendments to update the 1946 Administrative Procedure Act. Senator Dirksen's analysis of the problem areas which need attention is reprinted in full in that issue of the Law Review and is still valid today.

Many of us in Congress have become increasingly dissatisfied with the manner in which the departments and agencies of the Federal Government administer their responsibilities. Excellent programs which have been adopted by the Congress have been frustrated or stymied by the use of inadequate administrative procedures. It is time that we turn our attention to improving these procedures on a governmentwide basis.

It is my hope that in the 10th year after Senator Dirksen's statement, we will be able to commence an inquiry into the problem areas which Senator Dirksen referred to in order to begin to resolve those problems and bring the administration of the laws passed by the Congress under more effective and modern procedures in the departments and agencies of the Federal Government.

I ask unanimous consent that Senator Dirksen's remarks made at that time and also the foreword of this issue of the Law Review by Cornelius B. Kennedy, a former staff aide of Senator Dirksen who helped prepare this bill, be printed in the Record. This insert presents the recommendations of the American Bar Association in this area as well as the history of efforts to update the Administrative Procedure Act. I urge the appropriate committees of the Senate to give consideration to these proposals because of their impact on the manner in which the laws passed by Congress are administered by the departments and agencies of the Federal Government.

There being no objection, the material was ordered to be printed in the Record, as follows:

[From the Administrative Law Review, vol. 24, No. 4]

(Excerpt from the Congressional Record[*])

Comments of Senator Dirksen on S. 1663—Improving Administrative Procedures

Mr. President, for myself and the distinguished Senator from Missouri [Mr. Long], who is chairman of the Subcommittee on Administrative Practice and Procedure, on which I am the minority member, I introduce, for appropriate reference, a bill to amend the Administrative Procedure Act.

I am delighted to report that the drafting of this bill has been carried on jointly with the Subcommittee on Administrative Procedure of the House, under the chairmanship of that very wonderful man, the gentleman from Pennsylvania, Mr. Walter, who for more than 30 years has been a great and good friend of many of us who have served with him, and whose passing over the past weekend has been of such great sorrow to all of us. In the drafting of the bill we have had the help of the able counsel to that subcommittee, Mr. Joseph Hyman.

This is indeed an historic occasion, because after years of study and months of legislative drafting we are approaching a consensus, not only on what ought to be done, but also on how it must be done.

The bill deals with the manner in which the agencies of the Government go about their work. There is scarcely any facet of the life of anyone in this country which is not affected by one or another of the myriad of Federal agencies. The prices of things the public buys and the conditions under which the public works are determined in a large measure by the decisions of Government agencies. They regulate the price of milk and the content of a tube of lipstick. They award benefits and pensions, as well as Government contracts. They regulate the truckers, the railroads, and the airlines. They regulate radio and that new giant—TV. They even regulate union elections.

A decade ago Mr. Justice Jackson said:

"The rise of administrative bodies probably has been the most significant legal trend in the last century and perhaps more values today are affected by their decisions than by those of all the courts."

But that was a decade ago; and since then their decisions have multiplied beyond belief. It is a celebrated—but not unusual—statistic, about which one member of an administrative agency testified before the subcommittee, of which I am a member, when he said that in 5 years he had made 18,000 decisions; and he is only one of the many men making such decisions.

We are usually so occupied with the hundreds of government problems as they arise that we may not give much thought to the fact that the federal administrative agencies, taken together, constitute the major part of our government. Though they are not provided for in the Constitution, they exercise functions which would otherwise be exercised by the Congress, the executive, and the courts. They operate outside of the system of checks and balances established in our Constitution as they make policy, execute it, and sit as judges in cases involving the public. Indeed, they have become almost a government unto themselves, and they act with such independence and are subject to so little control that they have become known as the headless fourth branch of Government.

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[*] 109 Congressional Record, 88th Cong., 1st Sess., June 4, 1963.

Neither the Congress nor the executive have been unaware of this problem. As far back as 1933, Senator Norris introduced a bill to create a court of administrative justice; and in the same year the American Bar Association appointed a special committee to look into the problem. A little later, President Roosevelt appointed a Committee on Administrative Management in the executive branch of the Government, which in 1937 issued a report recommending a complete separation of the adjudicatory functions and personnel from those having to do with investigations or prosecution.

In the next decade, many of the famous Members of Congress were associated with this problem—not only Senator Norris, but also Senator Logan and our late colleague and good friend, Senator Pat McCarran. On the House side, the burden was carried by two very able men. One is the gentleman from New York [Mr. Celler], and the other is our late beloved colleague, Mr. Walter who labored so long and hard on the drafts of this bill.

The efforts of all these great men resulted in the passage of the Administrative Procedure Act in 1946. It was a great step forward; but it was taken 17 years ago, and under the relentless pounding of the proliferating administrative agencies and their ever-increasing workload, much that it attempted to do has been washed away. The time has come when we must shore it up again.

Every President has felt this problem important enough for high-level consideration. President Truman appointed the Hoover Commission, which studied administrative procedures, and made recommendations for reform. Early in his administration, President Eisenhower established the Conference on Administrative Procedure, under the chairmanship of Judge Prettyman; and that conference studied the problem for 2 years, and made many recommendations. Then, in 1960, President Eisenhower laid the groundwork for another national conference on administrative procedure; and the idea was carried on by President Kennedy, who sent to the Congress a message urging consideration of the problem of administrative reform. He also established a new Administrative Conference of the United States, with Judge Prettyman again as its Chairman. This Conference completed its work in December of last year, and also made a number of recommendations. Non-Government organizations, such as the American Bar Association and the other bar associations, have made intensive studies of this problem; and they, too, have made recommendations.

At the same time, we in congress have not been idle. For 4 years the Subcommittee on Administrative Practice and Procedure, of the Senate Committee on the Judiciary, has been making detailed studies of the troublesome areas and problems in administrative procedures. A special subcommittee in the House has also been at work on this problem, under the chairmanship of Mr. Walter, and for many months now has, with our Senate Subcommittee, carried on a joint effort to draft a bill.

This bill, which is introduced today, is the result of all these efforts. It is based upon the recommendations of the Hoover Commission and the two Conferences on Administrative Procedure chaired by Judge Prettyman. It has drawn heavily upon the recommendations of the American Bar Association and other bar associations. Significant contributions have also been made by faculty of the Harvard Law School and the other schools. Almost every one of the provisions of this bill has already been the subject of searching comment by the Federal administrative agencies, as they have been embodied in legislative proposals introduced in the last few years.

POLICY AND PARTICULAR CASES

The bill is a long bill; and at this time I shall mention only some of its significant provisions. The first is the manner in which the bill deals with a major problem which has been compounded in the last few years by some court decision. It grows out of the fact that the provisions in the existing law dealing with agency rulemaking apply not only to general policy matters but also to particular cases. As a result, some difficulties have arisen because what is an appropriate manner in which to make policy decisions is not necessarily the best way to decide cases. Policymaking requires a certain amount of flexibility and a broad outlook. Particular cases require a look at the facts in the record. The important thing is that policy should apply fairly and equally to everybody; there should not be one policy for one person and a different policy for another person. And so the bill provides that when an agency is dealing with questions of policy it should have all of the flexibility and all of the freedom it needs, but when the agency is applying that policy to the facts of a particular case, it should be limited to the facts in the record.

There may be a great hue and cry by the agencies that they cannot possibly determine in advance all of the policies necessary to fit all of the particular situations which may arise in the future. That is true. From time to time policies will have to be made as the issues arise in particular cases. All that this bill requires is that the agencies make it clear to the public when they are dealing with matters of policy and when they are applying that policy to the facts of a particular case.

The bill also deals with another aspect of this problem. No matter how carefully an agency makes its policy there will always be the inevitable situation in which a general rule works an unintended hardship in a particular case. At the present time, if any relief is to be given in such a case, an agency must either change or disregard its rule, or engage in some fine and probably illogical distinction on the facts. None of these alternatives is a wholly satisfactory solution and the bill provides a different alternative. It would permit an agency to grant an appropriate exception to a rule which worked as unintended hardship, based upon the particular facts presented by the person affected. The matter would be determined on the record after a hearing. This procedure would hold a number of advantages. It would be an advantage to the public because it would not be necessary for the person affected to show that the whole rule should be changed or abolished, but only that an exception was warranted on the facts of his case. The procedure would also be advantageous for the agency because it would not have to consider the tough problem of whether the harm done in the particular case by the general rule made it necessary to change or abolish the rule. Instead, the agency would only have to consider whether an exception should be granted on the particular facts presented. To keep the opportunity to seek exceptions from being abused, the bill provides a summary procedure which can be used by the agency.

THE TROUBLE WITH ADJUDICATION

There are a host of complaints about the conduct of adjudicative proceedings. I have discussed some of them on this floor from time to time. It seems that much of the difficulty stems from the fact that adjudicative proceedings are frequently longer and more complex than the situation requires. A vast percentage of all adjudicative matters are actually noncontested and, in those cases, the procedures which are required and unnecessary steps to the case. On the other hand, in a contested proceeding, the present procedures do not seem to lead to a simple and direct result. Indeed, at times, they appear to encourage the parties to unduly complicate the proceeding. Any improvement in the situation requires some changes in the way such proceedings are conducted.

PREHEARING CONFERENCES

First, there is a great need for an adequate prehearing conference procedure. It should be under the guidance of the presiding officer assigned to the case and it should begin as soon as practicable after the pleadings are completed and not end until the hearing is about to begin. A continued effort should be made at these conferences to dispose of the various issues of fact and law involved in the case. Too often the agency and the other parties seem to regard the prehearing conference as just "going through the motion." The parties and the presiding officer come to the prehearing conference with little or no preparation and completely unable to enter into a serious discussion of what is involved in the case.

Some teeth are needed in such a procedure. The presiding officer should not only be prepared himself, but he should be able to require the parties to make oral or written statements of the facts and issues and to argue in support of their position at the conferences. This is the time for the parties to reveal the strength of their case and point out the weakness of the opponent's case. This is the time to disclose the secret weapon which would end the proceeding. I predict that after a good prehearing conference, a series of such conferences if need be, the hearing itself will proceed much more expeditiously to a fair result because the fat will have been cut out of the case and its bones will have been laid bare.

STREAMLINED PROCEDURES

Second, there is a need for a streamlined procedure in many cases. Right now, the law requires the same procedures in a noncontested case as in a contested case. This is not good, and the bill provides a lawful alternative, an informal procedure. But the procedure would have many other applications as well. The informal adjudicative proceeding has been likened to a court procedure. The informal proceeding provided by the bill would be a truly administrative proceeding in which the agency would have the fullest opportunity to exercise its talent and expertise in arriving at an acceptable decision in the public interest.

However, to the extent that the decision was not acceptable to the parties and they are entitled by the Constitution or by statute to a decision on the record after an opportunity for a formal hearing, the bill provides that any party may file objections to the decision and that such objections will be heard and determined in a formal proceeding. Now, these objections must be specific, so the issues remaining to be resolved in the formal proceeding will be narrow, and I have noticed that the burden of being specific has generally worked quite well in limiting the issues which lawyers raise on appeal to those which are material. So I think by this device we will have to cut down the record and issues in the formal hearing to what really counts.

LIMITED REVIEW

Third, the bill changes the manner in which decisions are made and reviewed. Several years ago a critic of the administrative process said that decisions were made "on the dark side of the moon." That is the place, they say, that a little group of men meet and rewrite the decision of the officer who presided at the hearing. This little group of men have not heard the evidence or seen the witnesses. They have not heard the argument but they have the ear of the members of the agency and the power to pick and choose from the record which has been prepared as they rewrite the decision of the presiding officer. It is said they sometimes torture that record to get the result they want.

That is a dark picture indeed, if the allegations are true. But we do not have to decide whether the allegations are true or whether they are false. It is enough if they could be true. I suggest that we bring this dark side of administrative proceedings into the public view just as we are trying, in our space efforts, to bring the dark side of the moon itself into public view. Last year the Administrative Conference of the United States approved a recommendation which would bring decisionmaking out into the open. Under this proposal the decision of the presiding officer would not be subject to being rewritten by a little group of men on the dark side of the moon. Instead, it would only be subject to review on the issues presented in written exceptions which spelled out how some error was committed by the presiding officer in making his decision or some specific question which should be reviewed. Everyone will then know what is being reviewed and why. Although the agency staff can file exceptions as a party the bill goes further to satify some doubts and provides that either the agency itself or the appeal board, whichever is reviewing the matter, can raise any other questions of fact or law which are material, provided it gives reasonable notice of such questions to all parties and permits the parties to present arguments thereon.

DELEGATION

I have commented in the past that with the thousands upon thousands of decisions which the administrative agencies must make, I do not believe we can expect the agency members who are only human beings to be able to devote enough time to making agency policy if they are also required to make the final decision in every case as well. Therefore, the bill proposes that the agencies be permitted to establish agency appeal boards to review the decisions of presiding officers unless the agency itself decides to grant the application of a private party, which is a party other than an agency, and review the matter itself.

I believe this carries out the principal intent of the reorganization plans submitted by the President 2 years ago, without the vice which I found in those plans. That vice was a very simple one and yet a very major one, because it denied any appeal from the decision of the presiding officer at the discretion of the agency. This bill provides a right of appeal to the appeal board and a discretionary right in the agency to hear the appeal. By so doing it constitutes a parallel procedure to that adopted by our courts.

THE RIGHT OF THE PUBLIC TO KNOW

The bill also takes a good look at the public information section in the present law. This is the section which requires the agencies to provide information to the public. So far as the subcommittee has been informed there are relatively few complaints about information not being published in the Federal Register if the present law requires it. The great problem is that often the information is stated in official gibberish making it almost impossible to understand. I am told that the Federal Register is working hard to alleviate this problem and that the Administrative Conference has made certain recommendations in this regard, but it is not a problem which can be effectively dealt with by statute. All that we can do is to put some additional teeth in the penalty which an agency suffers for failure to properly publish the required information.

Where we began to have trouble is with the reluctance of the agencies to make available to the public all the rules adopted by them which affect the public and all of the decisions in cases concerning the public. The agencies have been very generous in their interpretation of the exceptions in the existing law. So generous at times that they have been able to ignore the intent of the Congress that this information should be available to the public. So, here again, we have to do a bit of shoring up to bring things back the way they are supposed to be.

However, the greatest problem comes in the availability of agency records and here let me tell you a little story that actually happened. There was a farmer out in my State and he found to his dismay a year or so ago that his acreage allotment had been cut by the county committee. He went before the local committee and protested and showed them his figures. After considering the matter the committee gave him back his acreage allotment but the next thing the farmer knew his acreage allotment was reduced again. He made another trip to the county committee and he asked why. He was told that the committee had received evidence against him. He asked what that evidence was so he could properly meet it and he was told that under section 3 of the Administrative Procurement Act that information could be withheld from him. This puzzled him because the law says that matters of official record shall be made available to "persons properly and directly concerned" and certainly he was properly and directly concerned. Oh, the agency said, you may be properly and directly concerned but the law also provides that we can withhold information for good cause found and we have determined that to show you the information given against you by your neighbors would "impair the interests" of your neighbors and that is good cause for withholding the information from you. The farmer asked how he should meet the case against him if he did not know what it is but he received no other answer. This matter went all the way to the Secretary of Agriculture. Let me read the reply of Secretary Freeman:

"This is in reply to your letter of July 17, 1962, requesting advice as to the specific authority relied upon by the Department of Agriculture in withholding from a producer the names of persons supplying information adverse to him in connection with his participation in the feed grain program.

"Department regulations governing the availability of information and records comply with the requirements of section 3 of the Administrative Procedure Act, 5 U.S.C. 1002. Such section provides in part as follows:

'Sec. 3.—

'(c) Public Records.—Save as otherwise required by statute, matters of official record shall in accordance with published rule be made available to persons properly and directly concerned except information held confidential for good cause found.' "

So we have tackled this problem in this bill.

There is another aspect of public information which is also important and that is the right of the general public and the news media to the facts connected with the operation of this Government. Under the terms of the present statute they are often denied access to information on the ground that they are not directly concerned. And so we have made a change in the law in order that the people can know what is happening in their Government.

TRIAL BY PUBLICITY

The last major point I wish to discuss is the provision in the bill which will protect the public from trial by publicity where the agency has not actually commenced a proceeding.

I am always greatly disturbed when I read statements by agencies that they intend to accomplish their purposes by publicity rather than by deciding cases. In plain terms this means that that agency is going to exert the full power of the Government's publicity resources against some individual without going to the trouble of proving its case. The bill puts a stop to this. It provides for the Supreme Court to set up rules governing the release of information by the agency prior to the actual commencement of a proceeding and it permits punishment for contempt for any violation of such rules.

The bill also provides a restraint on the institution of proceedings by an agency without good cause merely to provide a basis for a publicity blast. This restraint would be similar to one which we already use and which is historic in our system of justice when we require a prosecutor, however, fair-minded and right he may be, first show reasonable grounds for the indictment to a grand jury before he can get an indictment against a man. The bill applies the same idea to administrative cases by providing that the agency must show to a special grand jury, hearing administrative matters only, that the agency has probable cause to begin a proceeding for the issuance of certain types of sanctions. You will note that they include only those administrative proceedings which are of a serious nature and restrict or affect the freedom of people, or impose a penalty or fine, or revoke or suspend a license, or take or seize property, or some similar compulsory or restrictive action.

PROTECTION OF THE PEOPLE

These are the highlights of the bill. It deals with the protection which the people of this country must have when they are caught up in the labyrinth of the administrative proceedings. It deals with the problems of all the people of this Nation when they are faced with the might of the Federal Government. Taken individually their problems are lost in the sweep of the great issues of the hour. But to each of them their problems are of significant and often overwhelming importance. We cannot afford to say that the passage of time will solve these problems because they will be forgotten by the people when the case is over. If the procedures of the agencies are inadequate, they should be reformed and we must do the job. The Federal agencies are increasing in number every year and their activities are expanding into every area and facet of our lives. More cases are started every year then are finished during the year. The number of such cases keeps growing by the tens of thousands.

The committees of the Senate and House have given the matter of reform lengthy and detailed consideration. The problem has been studied and considered by conferences called by every President for the last decade and a half. The bar associations and other legal groups have worked tirelessly to bring these problems to the fore. I urge that the most careful consideration be given to this bill and that we proceed with it with good speed.

FOREWORD—A PERSONAL PERSPECTIVE

(By Cornelius B. Kennedy*)

This volume of the *Administrative Law Review* is devoted to the American Bar Association's proposals for improvements in the Administrative Procedure Act. The present proposals are embodied in 12 resolutions adopted by the House of Delegates in August, 1970, and, together with suggested legislative language to implement the recommendations by appropriate amendments to the Administrative Procedure Act, represent a highly condensed version of many years of effort.[1]

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The 12 recommendations urge:

Recommendation 1. Amending the definition of rule and, therefore, of rulemaking, to exclude matters of *particular* applicability.

Recommendation 2. Deleting many of the exemptions from the requirement of notice and public participation in rulemaking proceedings.

Recommendations 3 and 4. Broadening the separation of functions and *ex parte* concepts in the Administrative Procedure Act to include all proceedings required by law to be decided on the record after opportunity for agency hearing rather than only adjudicative proceedings.

Recommendation 5. Providing greater uniformity in rules governing pleadings and other matters in informal adjudicative proceedings.

Recommendation 6. Authorizing appeal boards and certiorari type appeal procedures.

Recommendation 7. Making more effective utilization of prehearing conferences.

Recommendation 8. Giving greater significance to the decision of the hearing officer who presides over the presentation of evidence.

Recommendation 9. Approving the concept of abridged procedures, with appropriate limitations.

Recommendations 10 & 11. Providing generally for subpoena power and for minimal standards for informal adjudications, and

Recommendation 12. Making available a sanction in the case of prejudicial publicity issued by an agency.

The significance of these proposals is attested by the durability of this project and by the high caliber of those who have participated in it over the years.[2] The project began over a decade and a half ago, in 1955, when the President of the American Bar Association appointed the Special Committee on Legal Services and Procedure [3] to consider both the recommendations which had just been issued by the Hoover Commission and its Task Force on Legal Services and Procedure as they pertained to the operation of the federal administrative agencies, and the report submitted that year by the Conference on Administrative Procedure which had been called by the President of the United States in 1953 at the instance of the Chief Justice of the United States.

After a review of the recommendations of the Commission, its Task Force, and the Conference, which were far-reaching in scope and complex in detail,[4] the Special Committee made its report to the House of Delegates of the American Bar Association in 1956. On the recommendation of the Special Committee, the House of Delegates adopted a set of seven resolutions calling for a "comprehensive reexamination" of the Administrative Procedure Act of 1946 and its replacement by a "Code of Federal Administrative Procedure" [5] sponsored by the American Bar Association [6] as well as other basic reforms in federal administrative practice.

THE SPECIAL COMMITTEE AND THE CODE

The mandate to seek the replacement of the Administrative Procedure Act by a comprehensive Code of Federal Administrative Procedure was carried out by the Special Committee which, under a succession of able chairmen, Ashley Sellers, Harold L. Russell and the late Robert M. Benjamin, prepared a draft of such a Code.[7]

In 1959, that Code was introduced in the Congress as S. 1070.[8] It was referred to the Subcommittee on Administrative Practice and Procedure which had been established by the Senate Judiciary Committee in 1959 at the urging of the American Bar Association and others as a standing subcommittee having authority over federal agency procedures and practices of common application among the various departments and agencies of the government.[9]

S. 1070, the proposed Code, represented a far more extensive revision of the Administrative Procedure Act than the amendments now proposed to implement the House of Delegates resolutions adopted in August, 1970. However, notwithstanding the fact that the Code was the effort of eminent lawyers with substantial experience, it did not receive the same approval which Attorney General Cummings, in 1946, gave the bill which became the Administrative Procedure Act.[10] Instead of supporting S. 1070, the federal agencies strongly opposed the bill and filed extensive adverse comments with the Senate Judiciary Committee contending that the bill would interfere unduly with the efficient and economical operations of the Government.

In order to respond to the extensive agency opposition to S. 1070, the Special Committee next requested three scholars with broad experience in the administrative process to serve as consultants and review the comments of the agencies and prepare an analysis of the comments.[11] Using the scholars' analysis, the Special Committee then prepared an extensive commentary on the proposed Code to provide an interpretation of the impact and extent of the changes which the Code would make in the Administrative Procedure Act.[12] Although it did not refer to the specific comments of the various agencies, the Commentary was an effort to answer the objections to the Code which had been expressed by the agencies.

Notwithstanding these efforts of the Special Committee, it almost immediately became clear that the Code of Federal Administrative Procedure proposed in S. 1070 as a complete replacement of the Administrative Procedure Act would be difficult to achieve.[13] The repeated assertion in the agency comments that the complete revision of the Administrative Procedure Act as to style, as well as to substance, as proposed by the American Bar Association, would raise many questions of construction which could only be settled by the extensive litigation, proved to be a more serious objection to the American Bar Association proposal than may have been anticipated.[14] As a result, Congressional subcommittees began to explore the possibility of specific revisions of the Administrative Procedure Act as an alternative approach.

THE CONGRESSIONAL PERIOD

Utilizing to good advantage the compilation of comments prepared by the consultants to the Special Committee, members of the staffs of Senate and House Judiciary subcommittees prepared a proposed bill which adopted in large measure the principles urged by the American Bar Association but which expressed those principles as amendments to the Administrative Procedure Act. This bill, introduced by Senator Dirksen, became the major vehicle during the next five years for legislation to improve the procedures of the federal administrative agencies.[15] It, too, became the subject of considerable agency opposition.

In view of this agency opposition, the Senate Judiciary subcommittee in March 1964 met with representatives of the American Bar Association for an extended review of the various issues to which the recommendations for revision of the Administrative Procedure Act were directed. The transcript of those sessions runs 486 pages and reports the thinking, which had been refined by long experience and concerted effort, of many of the participants of the American Bar Association in this effort.

In reviewing the transcript eight years later, in connection with the preparation of this Foreword, it was interesting to note that matters which were discussed at that time as hypothetical situations have actually occurred during the intervening period. For example, I was concerned with how price control would be handled:

"Suppose that we were to have price control again and we were going to be fortunate enough to have it subjected to an administrative proceeding of some type. The question is shall we roll back prices to the first of July or some other date? Would that be a rulemaking proceeding or adjudication.?" (Tr. p. 59)

and Mr. Franklin Schultz, in connection with revising Sec. 5(a) dealing with notice, was concerned with:

". . . the protection of the consumer from some forms of deception, which is hard to think of in terms of safety." (Tr. p. 126)

It is also worth noting that Mr. Schultz, commenting on the impact of the change of the definition of rule, wisely suggested that one of the advantages of inserting a new provision in the Administrative Procedure Act to cover informal adjudication would be that such minimum procedural requirements would then apply to those rulemaking proceedings of particular applicability which would become adjudication under the proposed change in definition but which were not required to be determined on the record after opportunity for hearing. Without a provision covering informal adjudication, there would be no minimal procedural standards for such proceedings because they would not be covered by the formal adjudication section of the Administrative Procedure Act.[16]

After that bill, S. 1663, had been thoroughly revised by the subcommittee staff as a result of agency comments, meetings with the American Bar Association representatives and others, Senator Dirksen, on March 4, 1965, introduced the revised version, S. 1336, in the 89th Congress. He referred to the two years of study by the Subcommittee, the three day on-the-record meeting in March, 1964 at which the representatives of the American Bar Association gave their views, and the work of a highly qualified group of consultants to the Subcommittee in his statement to the Senate.[17]

In that statement, Senator Dirksen described the steps in the preparation of the bill and its importance:

"After receiving comments from all of these sources the subcommittee began the task of refashioning the provisions of the bill so as to take account of the many suggestions which it had received. Every proposal was analyzed and tested. Some were rejected; others were modified. Our purpose was to contrive a set of procedures which would meet the needs of the public as well as the needs of the agencies.

"It is important that both needs be met because there is scarcely a facet of our life which is not affected by the decisions of these administrative agencies. They do not regulate just big business or little business; they determine the price of milk for babies and old-age pensions, the acreage allotments of farmers, unfair labor practices, union representation, civil rights, social security benefits and, under legislation now being considered, they would decide the benefits under aid to education and medicare. Each time we expand the functions of this pervasive Government of ours, it means either creating a new agency or expanding an old one to take care of the administration of that new activity." Cong. Record, vol. 111, pt. 3, p. 4088.

He commented, too, on the unique and important role of the administrative agencies in our structure of government:

"These administrative agencies may be independent agencies or they may be departments or parts of departments. A list, even in rather small print, of all the administrative agencies which we now have take up a large

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section of a wall. They have been called the headless fourth branch of our Government for they are a governing force in our lives. Yet they are not mentioned in the Constitutition; they are neither the Congress, the President, nor the courts. But they exercise legislative, executive, and judicial functions. They establish policies which have the force of law; they administer those policies; and they act as a tribunal to decide cases involving the policies."

Nevertheless, in spite of the very substantial amount of work which had gone into S. 1336 in an attempt to meet the opposition of the federal agencies, S. 1336 fared little better than its predecessors so far as agency comments were concerned. One agency, for example, began its comments:

"S. 1336 is a better bill in some respects than S. 1663, introduced in the 88th Congress. However, we must oppose S. 1336 for essentially the same reasons which compelled us to oppose S. 1663. Broadly speaking, the objectionable aspects of S. 1336 are as follows: (1) the imposition of stringent separation-of-functions requirements in ratemaking, and in all merger and licensing proceedings, (2) the public information section of the bill that would allow anyone to harass the Commission by demanding to see 'all its records', (3) the unneeded infusion of delay-producing judicialized hearings and appellate procedures into the Commission's present, comparatively simple, case-processing techniques, and (4) the shifting of decisional responsibility from the duly appointed agency members to hearing examiners." [18]

Ironically *that* agency gave its "vast work load" as a reason for its objection to S. 1336, which proposed to shift much of the work load to hearing examiners. It objected to the application of the separation of functions doctrine to ratemaking cases on the ground that if a hearing examiner had a case involving a problem of cost accounting, he ought to be able to ask the agency cost accountant for advice and assistance without giving the other parties notice and opportunity to participate, and it objected to provisions which would increase the stature of hearing examiners, stating:

"The bill here misconceives the proper role of hearing examiners who are employees of the agency, and not of another branch of government. The proposed change in the bill would promote discord within the agency and uncertainty over the role of these employees vis-a-vis their employers." [19]

Notwithstanding such objections, on June 21, 1966, the Senate passed S. 1336 in the final form recommended by the Senate Judiciary subcommittee. After almost 7 years, the principal recommendations of the American Bar Association for improved administrative procedures had passed one House of Congress, even though in a format substantially different from the Code originally proposed by the American Bar Association.

Unfortunately, after the death of Rep. Walter, the House lacked a focal point for such legislation similar to the Subcommittee on Administrative Practice and Procedure in the Senate. S. 1336, after its passage by the Senate, remained in the House Committee on the Judiciary until the close of the 89th Congress when it automatically died.

While it is likely that the fate of S. 1336 in the House could be attributed to the aroused opposition of the administrative agencies, the passage of the bill by the Senate also stirred the agencies to a reappraisal of their own position. This reappraisal was spearheaded by Frank Wozencraft, then Assistant Attorney General, Office of Legal Counsel, and produced two tangible results. One was the preparation of amendments which the administrative agencies could "live with." [20] The other was the convening of a day-long symposium in Washington sponsored by the American Bar Association and attended, at the urging of the Department of Justice, by over 100 senior staff personnel from the various agencies.

At this symposium, held on December 1, 1966, the usual roles were reversed and the agency representatives fired their questions at a panel composed of present and former members of the staff of the Senate Judiciary Subcommittee on Administrative Practice and Procedure and representatives of the American Bar Association. The colloquies which ensued at that symposium, on rereading the transcript nearly six years later, still clearly point up the human side of the deep-seated fears and concerns which motivated the opposition of the administrative agencies to the various proposals to replace or revise the Administrative Procedure Act. It is well worth reading.[21]

The following year, Senator Dirksen and the chairman of the subcommittee again introduced legislation, S. 518, and, at the opening of hearings on that bill on March 6, 1967, the chairman of the subcommittee stated:

"It is with a feeling of optimism that we open these hearings on S. 518 this morning. It is the view of many, including myself, that a new, improved Administrative Procedure Act is long overdue.

"Thanks to Senator Dirksen who introduced S. 518 and its predecessors, the American Bar Association, which has worked so diligently in behalf of this legislation and many excellent lawyers in the departments and agencies, we now have a bill that, although not quite perfect, is approaching perfection."

"As you know, S. 518 is identical in many respects to S. 1336 of the 89th Congress which passed the Senate last June. The changes which have been made in the new bill are the results of a special seminar held in December 1966 under the auspices of the ABA. At this seminar there was a lengthy exchange of ideas on an informal basis between agency representatives, ABA lawyers, and the subcommittee staff.

"My optimism as to the future of the legislation depends in part on the increased interest in the legislation on the part of the executive branch and we think that they feel that for the first time the bill has a real chance of enactment, and they wish to perfect it in the every way possible. We share their hope because we are aware this complicated bill can probably be further perfected before passage. In any event, we shall listen to their suggestions with the greatest attention." [22]

Mr. Wozencraft, Assistant Attorney General, testifying for the Department of Justice, also referred to the American Bar Association goals and to the December, 1966 Symposium:

"The goals of this proposed legislation are not controversial, but its provisions certainly are.

"A useful step toward this kind of analysis was the Symposium which the ABA sponsored last December, when members of the legal staffs of the Executive department and agencies met with members of the American Bar Association Special Committee and the Subcommittee staff to discuss S. 1336. That session made very clear the deep concern of many government lawyers that S. 1336 would cripple the operations of their agencies in certain areas. I was delighted to see a response to this concern in the changes from S. 1336 which are reflected in S. 518. Some of these changes are clearly beneficial. Others seem intended to solve problems raised by the agency lawyers, but it is not clear that they succeed in doing so.[23]

He made it clear, however, that the major revision of the Administrative Procedure Act urged by the American Bar Association still posed many problems:

"We are dealing here with the very fabric of government. If the Administrative Procedure Act is to be substantially revised, it is imperative to know just what functions would be newly brought under the Act and just what procedures would be newly required.

"Provisions which have worked well, however, should not be changed merely because the Act is more than 20 years old. There are many who are not yet persuaded that a revision as far-reaching as S. 518 is desirable.

"The first question has to do with the removal and narrowing of exemptions.

"It may well be that in some instances the old exemptions were too broad and should be narrowed. But as to each change it is important to ask whether it is desirable, and just what the practical consequences would be. Does the rephrasing of an exemption raise new problems of interpretation?

"A second question is this: Would S. 518 improve the decision-making process or would it impair the effectiveness with which some agencies can make policy determinations and manage their caseload." [24]

The closing testimony at the hearings in the spring of 1967 was by representatives of the American Bar Association and reflected the frustration of the practicing bar:

"We remember that at that time the agencies were resistant to any uniform procedural statute on the grounds that all agencies were different and that their functions were not capable of being reduced to any common denominator. While some of the agencies now admit the need for some change, others stand firm on the ground that the 1946 act which they opposed in 1946 is a piece of legislation which does now need modification." [25]

After hearing the frustration expressed by the proponents of reform and the now aroused fears and concerns of the opponents of the legislation, the activation of the permanent Administrativve Conference of the United States in January, 1968 encouraged the Congress to cease its own efforts to develop amendments to the Administrative Procedure Act and adopt a "wait and see" approach on the need for legislation until the effectiveness of the Administrative Conference as a means of achieving the desired reforms without further legislation could be appraised.

ABA reappraisal and the adoption of a new approach

When it became apparent that active Congressional consideration of proposals to revise the Administrative Procedure Act was winding down, both the Special Committee on the Code and the Council of the Administrative Law Section reappraised the efforts and goals of the American Bar Association in this area. It appeared, on the one hand, that the amendments proposed by the agencies [26] to make a major revision of the Administrative Procedure Act acceptable to them promised too little in worthwhile improvements and, on the other hand, that a major revision of the Administrative Procedure Act which required battling the objections of the administrative agencies promised too little chance of success.

Therefore, it was decided to abandon the effort to secure the replacement of the Administrative Procedure Act with the comprehensive Code which had been prepared by the American Bar Association and, instead, to adopt an approach concentrating on gaining the widest possible recognition, acceptance and support for specific amendments to the Administrative Procedure Act. It was agreed that the Special Committee on Revision of the Administrative Procedure Act, a product of several metamorphoses of the Special Committee on Legal Services and Procedure, would prepare and present to the House of Delegates of the American Bar Association resolutions setting out the particular areas of major reform which it was felt were desir-

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able in the Administrative Procedure Act. Further responsibility for the project would then be transferred to the Section on Administrative Law.

The Special Committee carried out its assignment by the preparation of 12 resolutions and accompanying comments. Each resolution called for a specific improvement in the Administrative Procedure Act to implement major principles of fair and efficient administrative procedures. These resolutions were presented to the House of Delegates and were adopted by that body in August, 1970. It is readily apparent from an examination of the 12 recommendations that, while the replacement of the Administrative Procedure Act was no longer recommended, the major areas of administrative procedure which the American Bar Association has long felt needed improvement are still fundamentally the same. On the other hand, although the present proposals adopted by the American Bar Association do not represent a retreat from what the Association believes are necessary improvements in the Administrative Procedure Act, they do represent a recognition that these improvements must be presented by the American Bar Association as general principles accompanied by illustrative statutory language, to be further discussed and refined through the joint efforts of the organized bar and the agencies in order to "offer a hopeful prospect of achieving reasonable uniformity and fairness without at the same time interfering unduly with the efficient and economical operating of the Government," as was the case in the final version of S. 7 which became the Administrative Procedure Act.[27]

The task of preparing a draft of legislative language which could be used to implement the recommendations contained in the 12 resolutions adopted by the House of Delegates was assigned to a special drafting committee created by the Administrative Law Section, which now bears the responsibility of carrying on the project. The chairman of the new committe was William Ross, the last chairman of the Special Committee on the Code.

The drafting committee presented its recommendations with respect to legislative language to the Council of the Administrative Law Section at the mid-winter meeting of the American Bar Association in February, 1972. The Council considered eight of the recommendations at that time and the remaining four recommendations at its spring meeting in Toronto in June, 1972. As the report of the committee indicates, legislative language was not proposed to implement two of the recommendations which the committee felt could be implemented through the efforts of the Administrative Conference. The legislative language proposed by the committee to implement the remaining 10 proposals was approved with changes by the Council, which also approved the appointment of a two-man "committee on style" to prepare the final proposed text of the legislative proposals. Jerre Williams, the first Chairman of the Administrative Conference, and I, as the two members of the committee on style, then prepared for final approval by the Council the necessary revisions of the proposed legislative language to reflect changes made by the Council and also a brief accompanying comment in explanation of each recommendation. This highly condensed document now represents the position of the American Bar Association with respect to desirable improvements in the Administrative Procedure Act.

THE ROAD AHEAD

In concluding this personal perspective with a look at the road ahead, I should emphasize that the view is purely personal, but I hope it is a view which is shared by many others. The perspective has two dimensions, the reasons reform is needed and the action necessary to achieve reform.

The major reasons for reform of the Administrative Procedure Act have not changed significantly since Senator Dirksen's analysis of the areas which needed attention at the time he introduced S. 1663 in 1963. They are as follows:

GENERAL POLICY AND PARTICULAR CASES

The provisions of the present Administrative Procedure Act governing agency rulemaking proceedings apply not only to general policy matters but also to cases involving particular persons. As a result, difficulties have arisen because an appropriate procedure for making policy decisions is not necessarily the best way to decide cases involving the rights and obligations of particular persons. Policymaking requires input from many sources. Proceedings involving the rights and obligations of particular persons, on the other hand, require narrow focus on the facts relevant to that particular case. Thus, it would appear desirable to limit the more flexible policymaking procedures to matters of *general* applicability and future effect, and to treat matters of particular applicability as adjudication. This rationale applies whether or not the particular rulemaking or adjudicative proceeding is formal or informal, that is, required by some other statute to be determined on the record after opportunity for agency hearing.

Thus, there is substantial justification for the proposal of the American Bar Association that the definition of rule should be revised so that matters of particular applicability are no longer treated as rulemaking proceedings, and for the companion recommendation that the specific enumeration of the approval or prescription of rates, wages, corporate or financial structures or reorganization, and the like should be deleted from the definition of rulemaking. To the extent that rates, wages and such other matters are of general applicability they would still come within the definition of rule and, therefore, of rulemaking and be subject to the broader more flexible rulemaking procedures. However, a proceeding dealing, for example, only with the rates, wages, or financial structure of a particular company would become adjudication, and would be subject to the procedures governing formal adjudication if another statute required the proceeding to be determined on the record after opportunity for agency hearing.

The procedure for exemption or exception from a rule in particular situations is also worth consideration. At the present time, the procedure for the amendment or modification of a rule would appear to be the only procedure generally available. However, if permitted by statute, a request for an exemption from a rule could be treated as adjudication and determined either as formal adjudication or as informal adjudication depending on whether another statute required the decision to be based on the record after opportunity for an agency hearing. Since both approaches have appeal, it would seem desirable to consider an amendment to the Administrative Procedure Act which would authorize an agency to select the procedure which best suits the subject-matter subject to its jurisdiction. For example, an application for exemption from a rule dealing with export controls might be treated differently from a request for exemption from rules relating to camping in the national parks.

PREHEARING CONFERENCES AND SUBPOENAS

There is a substantial need both to make available to the agencies and the public and to encourage the use of improved procedural tools in order to improve the efficiency and shorten the time consumed in administrative proceedings. Since it is generally considered that, under the Administrative Procedure Act, agencies already have the authority to hold prehearing conferences to facilitate and expedite the determination of the facts and issues involved in a proceeding, the present goal is to insure that agencies exercise that authority, and effectively utilize prehearing conferences. The establishment of the Administrative Conference provides an independent body to carry out the functions of oversight on the progress which agencies make toward that goal.

With respect to subpoenas, the situation is different. While many agencies have been given the subpoena power by statute, others do not have that power and a general statutory authorization for subpoenas is necessary. It would appear that the least cumbersome procedure is to make subpoenas readily available to the parties on request, but to authorize every agency to establish a procedure to quash or modify such subpoenas on the ground that the evidence sought is lacking in general relevance, unreasonable in scope, or otherwise is not in accordance with law. This will permit an agency to strike down subpoenas which are unduly burdensome or obtained for purposes of delay.

STEAMLINED PROCEDURES

There is also a need for streamlining the procedure used in many cases. The Administrative Procedure Act has been interpreted by some agencies as requiring the same procedures in a noncontested case as in a contested case. It would seem that there should be an authorized alternative which will permit the use of some type of abridged procedure in a non-contested case or in a contested case in which all presentations have been submitted in writing and there is no oral cross-examination. Little can be said in favor of the practice which has been followed by some agencies of going through all of the motions of an oral hearing in such cases.

It is, of course, essential that an abridged hearing procedure should not cut away at the requirement that the decision be based on the record, or at any of the other fundamental requirements applicable to formal adjudication and that the presentations upon which the decision is to be based promptly, adequately and fairly inform the agency and the parties of the issues, facts and arguments involved in the case. It is also essential that the concept of abridged procedures should not preclude an agency from requiring the submission of all or part of the evidence in written form *without* the consent of all parties where the interest of a party will not be prejudiced thereby, as authorized by section 556(d) of the present Administrative Procedure Act.

PROCEDURES FOR INFORMAL ADJUDICATIVE PROCEEDINGS

While the present Administrative Procedure Act provides minimum requirements of notice and the right to present data, views and arguments in rulemaking proceedings not required to be determined on the record after opportunity for hearing, and also requires the agency to consider all relevant matters presented before making its decision, there is no comparable provision for minimum procedural requirements for adjudicative proceedings not required to be determined on the record after opportunity for agency hearing. As administrative proceedings increasingly affect a greater number of persons on an individual basis, it would appear that a provision establishing at least broadly phrased minimum procedural safeguards for "informal" adjudicative proceedings should be included as a part of the Administrative Procedure Act.

It is worth noting that while S. 1663, as revised by the Senate Judiciary Subcommittee staff in 1964, proposed that the minimum standards for informal adjudicative procedures should include a requirement that the procedures "shall promptly, adequately and fairly inform the agency and the parties of the issues, facts and argu-

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Footnotes at end of article.

ments involved" in the proceeding, with review as provided by agency rule, the American Bar Association proposal stressed only the need for review on at least one level within the agency upon written request, as the minimum standard for informal adjudicative procedures.[28] Both the Senate Judiciary Subcommittee and the American Bar Association proposals deserve further study.

DELEGATION OF DECISION MAKING AND LIMITED AGENCY REVIEW

As the workload of the larger agencies steadily increases in volume, the time required for agency members to review and sometimes rewrite the findings of fact and application of agency policy in initial, tentative and proposed decisions made by agency staff has increased, in many cases, to the point where agency members have an inadequate amount of time left to consider broad policy issues. This practice of rewriting and reviewing fact determinations in hearing examiner decisions is undesirable not only because it floods agency heads with the details of many cases and prevents them from giving due consideration to general policy issues, but also because it reduces the significance of the decision made on the "trial" level. While an agency should always have the right to review a lower level decision when it desires to make new policies or change old policies, consideration should be given to limiting agency review of such decisions to those proceedings in which the hearing officer does not follow the duly promulgated agency policies applicable to such cases or in which his decision is not supported by the record. For that reason, the authorization by statute of some form of limited agency review of hearing officer decisions would be highly desirable. In addition to such a limited review procedure, the use of appeal boards should be considered to free agency members to work on general policy issues rather than fact issues in particular cases.

The argument against this approach is that it permits the facts to be found in a particular proceeding by an individual who has not been nominated by the President and confirmed by the Senate. On the other hand, in support of the approach it can be argued that, where the facts in a proceeding are concerned rather than the broad policy applicable, the individual who presides over the proceeding is in a better position to determine the facts than the agency head who is aware of the facts only through the review of transcripts, or abstracts of transcripts. A proper solution to this issue will also remove the traditional roadblocks to improved separation of functions and *ex parte* communications provisions governing agency proceedings by giving greater weight and significance to the role of the presiding officer.

TRIAL BY PUBLICITY

Finally, as the federal agencies in increasing numbers and to an increasing degree enter into the daily life of the public through their responsibilities with respect to regulated areas of business, consumer protection, wages, prices and trade practices, steps must be taken to prevent agencies from abusing their power to release information to the press as a means of obtaining compliance or engaging in trial by publicity. The placing of limits on such conduct, however, must recognize the paramount right of the government to release such information in emergency circumstances, or where notice of the action would be impracticable, without advance notice to the person who might be harmed. In other circumstances, however, it would appear reasonable to give the person with respect to whom such publicity is being released fair prior notice to permit that person to seek appropriate judicial action or to prepare material in reply. Any agency which makes public information which may reasonably be expected to harm a person should also be required to make public to the same degree any future agency action which would reduce that harm.

Finally, what action should be taken to secure these improvements in administrative procedures? One approach would be for the American Bar Association to urge that legislation to implement its recommendations be introduced in Congress. I personally hope that such a step will not be taken at this time. While I believe in the need for those improvements, the past course of events indicates that opposition or requests for exemptions should be anticipated and that the points raised must be resolved if the reforms are to be achieved. Perhaps the most valuable step which the American Bar Association took in connection with its past efforts in the area was the conduct of the day-long symposium with agency participants in 1966. Both through the sponsorship of such meetings and through the consideration which the Administrative Conference can give to these recommendations, a consensus may be achieved, on these problems. The agencies and the practicing bar must both be major participants in achieving this consensus. In 1946, the Congress indicated its willingness to act when such a consensus was achieved, and the Administrative Procedure Act was passed. Failure to achieve such a consensus prevented final Congressional action on the amendments in 1966.

However, it should also be noted that no consensus will be forthcoming unless the American Bar Association and others interested in this effort continue to urge that progress be made. The status quo is a dynamic, rather than a passive, state and resists change. The Administrative Procedure Act will not be amended without the application of effort by those who believe that reforms are desirable in the public interest. This is a task to which the American Bar Association must continue to be dedicated.

FOOTNOTES

[1] These recommendations, together with the resolution, the suggested statutory language and a brief comment appear as the first document in this volume.

[2] Ashley Sellers, Robert Benjamin, John Cragun, Donald C. Beelar, Harold Russell, C. Roger Nelson, Ben C. Fisher, Franklin M. Schultz and Milton Carrow served as chairmen of the Administrative Law Section, and Bernard G. Segal as President of the American Bar Association.

[3] Donald C. Beelar, Robert M. Benjamin and Bernard Segal were members, and Ashley Sellers was Chairman.

[4] Report of the Special Committee on Legal Services and Procedures to the 1956 mid-year meeting of the House of Delegates, p. 14.

[5] Resolution 1.

[6] *Supra*, Resolution 2.

[7] By contrast, the leadership in the development of the Administrative Procedure Act was undertaken within the federal government by the Department of Justice at the request of the Senate and House Judiciary Committees. See Introduction, Attorney General's Manual on the Administrative Procedure Act, p. 6.

[8] In view of its significance as the source of much of the amendatory language proposed during the following years, S. 1070 is printed as the second document in this volume.

[9] The text of the Senate resolution authorizing this action reads, in part, as follows:

Resolved, That the Committee on the Judiciary, or any duly authorized subcommittee thereof, is authorized . . . to make a full and complete study and investigation of administrative practice and procedure within the departments and agencies of the United States in the exercise of their rulemaking, licensing, and adjudicatory functions, including a study of the effectiveness of the Administrative Procedure Act, with a view to determining whether additional legislation is required to provide for the fair, impartial, and effective performance of such functions, S. Res. 61, 86th Cong.

[10] "The bill [S. 7] appears . . . to offer a hopeful prospect of achieving reasonable uniformity and fairness in administrative procedures without at the same time interfering unduly with the efficient and economical operation of the Government." Attorney General's Manual, p. 6.

[11] Dean Leo A. Huard, Prof. Rex A. Collings, Prof. Winston M. Fisk.

[12] Since the Commentary represents a detailed explanation of the significant changes proposed in the Administrative Procedure Act, it is reprinted as the third document in this volume.

[13] The extensive agency opposition to S. 1070 also prompted Senator Dirksen, the senior minority member of the subcommittee, to introduce S. 2849 as a different approach to achieving the same goals to which the Code was directed. Unlike the Code which dealt more broadly with the requirements for administrative proceedings, S. 2849 proposed a set of rules for federal administrative agency proceedings generally following the model of the Federal Rules of Procedure used in civil and criminal cases, S. 2849 also became the subject of a barrage of criticism by the federal agencies primarily on the ground that although the steps in proceedings before different agencies might be similar, the issues in the proceedings were different, and this difference justified a different set of procedural rules by each agency.

[14] Nevertheless, the American Bar Association continued to support the adoption of the Code as a complete revision of the Administrative Procedure Act for several more years. For example, even as late as 1964, when the American Bar Association proposed Code was no longer under active consideration by the Senate Judiciary subcommittee, the chairman of the Special Committee, Mr. Robert Benjamin, stated during Senate Judiciary subcommttee hearings:

". . . I would like to point out simply that that [S. 2335] is not the code as it was originally introduced and that it represents an attempt on the part of the ABA to take into account comment and criticism not only by the agencies directed to 1070, as it then was, but also by the staff of the Congress, and as Mr. Kennedy and Mr. Hyman know, we worked for a year or more, a year and a half, going over 1070 with them and 2335 incorporates a great many changes that were suggested by them as well as changes that were suggested by agencies and were screened by a committee of consultants of whom Mr. Fisk is a member of the consultants." (Tr. p. 13–14)

[15] S. 1663 and Sen. Dirksen's statement at the time he introduced the bill which contains a review of the problem areas from the viewpoint of a legislator, are included as the fourth and fifth documents in this volume.

[16] Tr. pgs. 131–136.

[17] Professor Clark Byse, Harvard Law School; Prof. Frank E. Cooper, University of Michigan Law School; Dean Joe Covington, University of Missouri Law School; Prof. Roger C. Cramton, University of Michigan Law School; Prof. Kenneth Culp Davis, University of Chicago Law School; Prof. Thomas I. Emerson, Yale University Law School; Prof. Winston M. Fisk, Claremont Men's College; Prof. John L. FitzGerald, Southern Methodist University School of Law; Prof. Marvin E. Frankel, Columbia University School; Prof. Walter Gellhorn, Columbia University School of Law; Prof. Ralph F. Fuchs, Indiana University Law School; Dean Leo A. Huard, University of Santa Clara Law School; Prof. Louis L. Jaffe, Harvard Law

School; Prof. James Kirby, Vanderbilt University Law School; Dean Robert Kramer, George Washington University Law School; Prof. Carl McFarland, University of Virginia Law School; Associate Dean Robert B. McKay, New York University Law School; Prof. Nathaniel L. Nathanson, Northwestern University Law School; and Prof. Frank C. Newman, University of California Law School, Prof. Crampton subsequently was appointed Chairman of the permanent Administrative Conference of the United States in 1971, and 1972, nominated and confirmed as Assistant Attorney General, Office of Legal Counsel.

[18] Interstate Commerce Commission, Letter to Senate Judiciary Committee, May 12, 1965.

[19] *Supra*, page 15.

[20] Hearings on S. 518, Subcommittee on Administrative Practice and Procedure, Committee on Judiciary, U.S. Senate, May 3, 1967, p. 323.

[21] In view of its importance as a unique expression of other points of view, that transcript is reproduced as the sixth document in this volume.

[22] Hearings on S. 518, *supra*, page 1.

[23] *Supra*, page 21.

[24] *Supra*, pages 21–22.

[25] *Supra*, page 351.

[26] *See*, the Department of Justice proposal, Hearings, S. 518, *supra*.

[27] Attorney General's Manual, p. 6.

[28] The other American Bar Association provision that prompt notice shall be given of adverse action on review, accompanied by a statement of written reasons, is already basically required by section 555(e) of the Administrative Procedure Act.

ORDER OF BUSINESS—INTRODUCTION OF BILL

The PRESIDENT pro tempore. Under the previous order, the distinguished Senator from Oklahoma (Mr. BELLMON) is now recognized for not to exceed 15 minutes.

(NOTE.—The remarks Senator BELLMON made at this point on the introduction of S. 1162, the National Energy Resource Development Act, are printed in the RECORD under Statements on Introduced Bills and Joint Resolutions.)

UNITED STATES-CUBAN RELATIONS: A TIME TO CONSIDER ALL THE FACTORS

Mr. ROBERT C. BYRD. Mr. President, the United States-Cuba antihijacking agreement, successfully concluded on February 15, adds to the significant developments which are shaping U.S. foreign policy in a new international system, marked by cooperation and general relaxation of international tensions. President Nixon's initiatives in refocusing U.S. relations with the People's Republic of China and the Soviet Union already have produced major changes in the international community. The end of the bitter experience in Vietnam, with the return of the prisoners of war, encourages all Americans to look forward to a world of peace and friendship, to reach out for the true peace which has been so elusive.

The antihijacking agreement with Cuba fits very well into this ambience of detente between the United States and its former protagonists; and there are many who feel that the time is ripe for U.S. recognition of Cuba for this reason. The advocates of a new U.S. policy toward Cuba feel that the Nixon administration is excluding Cuba from the politics of detente. They feel that if talks can begin with China, a nation which we fought on the battlefields of Korea not too long ago, and Russia, our traditional rival and foe, then we can begin to talk to the Cubans, close neighbors with whom mutual enmity developed over a relatively short span of years.

There are others, among them administration officials, who argue that the Cuban situation is different than that involving China and the Soviet Union and that no parallels can be drawn. Official U.S. policy toward Cuba—which amounts to isolation of that nation—is based on Cuba's policy of export of revolution in Latin America and the Soviet military presence in Cuba. In addition to these two factors, the administration contends that changes in Cuban attitude and policies will have to be made before relations can be normalized.

I want to explore the situation governing our relations with Cuba today in an attempt to assess just where we are and to vocalize some questions that I have been considering regarding this issue. I realize that the United States-Cuban situation has changed markedly since the deterioration of relations resulted in the severing of diplomatic and economic ties on January 3, 1961. The circumstances which pulled our governments apart are quite different from those we face today. On the other hand, I know that there are very real issues to be settled prior to a normalization of relations and some very real problems created by the reaching of a settlement with Cuba.

The antihijacking agreement was the culmination of indirect U.S.-Cuban talks which began in November 1969. According to Deputy Assistant Secretary of State for Inter-American Affairs Robert Hurwitch, in testimony before the Subcommittee on Inter-American Affairs of the House Committee on Foreign Affairs, February 20, 1973, the talks lagged until the fall of 1972 when two bloody and bizarre hijackings shocked the parties into earnest activity. The Cuban Government took the initiative after the last hijacking involving Southern Airways and expressed the desire to conclude an agreement with the United States. Under the "Agreement of Understanding" both countries will either extradite or impose stiff penalties on hijackers of planes or ships. This agreement should put an end to the hijacking syndrome which has placed in jeopardy the lives of innocent passengers over the past years. Hopefully potential hijackers will now understand that they will find no haven in Havana. In all fairness to the Cuban Government, Havana has not been a comfortable refuge for hijackers. The Cubans have dealt harshly with hijackers, even with those who sought refuge in Cuba for political reasons. We all recognize this as a positive step by the Cuban Government and in recent years there have been other signs that the Cubans desire a different type of relationship with the United States and the rest of the nations of the Western Hemisphere.

The export of revolution policy, which at one time was synonymous with the Cuban Revolution, is no longer the rallying point for the Castro government. The vigorous implementation of this policy, which was reeling from setbacks in the mid-1960's, finally diminished with the death and defeat of Che Guevara in the mountains of Bolivia in 1967. Fidel Castro has not necessarily forsaken the principle of armed revolution but it is clearly recognized that the level of Cuban-supported armed revolution in Latin America is relatively low. In testimony before the Subcommittee on Inter-American Affairs of the House Committee on Foreign Affairs, in September 1972, Major General Richard Stewart, Deputy Director for Intelligence of the Defense Intelligence Agency—DIA—agreed that the level of Cuban-supported insurgency in Latin America is small.

There have been other signs that Cuba desires to improve relations with its neighbors. In May 1970, Fidel Castro said he would establish diplomatic relations with any country willing to do business with Cuba. The Cuban Government's earthquake relief effort in Peru in 1970 was extraordinary. Castro invited the U.S. volleyball team to play in Cuba in September 1971 and in October he permitted the Cuban baseball team to go to Puerto Rico. This marked the first time since Castro came to power that an official Cuban team accepted an offer to take part in international competition on U.S. territory. Cuba wants to be accepted as a legitimate member of the world community and in November 1971 was admitted to membership in the "Group of 77," the organization of developing nations within UNCTAD.

In addition, there have been some indications that the Castro government is moderating its stand toward the United States. The Washington Post in November 1971 reported that Cuban Foreign Ministry officials modified their position on the Guantanamo naval base when they said that the United States would have to declare a "willingness to negotiate." This is a significant change from the previous demand that the United States give up Guantanamo outright. More recently, the Washington Star reported that a respected Latin American diplomat at the U.N. has personally been assured by Cuban leaders that the Guantanamo base would not be an issue. Moreover, although Castro's rhetoric is still somewhat inflammatory and vile, the content of his speeches on the United States is much less vindictive than in previous years.

Many Latin American nations have recognized change on the part of the Cuban Government and have adjusted their policies accordingly. This represents a significant modification of the policy of isolation followed by the nations of the OAS since the decisions of 1962 and 1964 when Cuba was excluded from participation in the Inter-American system and member states collectively severed diplomatic and economic relations with Fidel Castro's government. Now recognizing Cuba, along with Mexico which never severed relations, are Chile, Peru, Jamaica, Barbados, Guyana, and Trinidad, and Tobago. Ecuador and

Panama are strongly leaning in favor of recognition, and Argentina and Venezuela, the nation that brought on the 1964 sanctions against Cuba, are considering unilateral moves.

In May 1972, many nations heretofore against considering any question on Cuba before the OAS, voted in favor of discussing a Peruvian resolution which allowed each nation to determine its own policy toward Cuba. Although the resolution itself was defeated, the decision to discuss the Cuban issue was significant, since no discussions had taken place in 8 years.

The Soviet presence in Cuba, both military and economic is a major obstacle to normal relations. DIA estimates that about 3,000 Soviet Military personnel are in Cuba, a level which has remained constant for the past three years, and Soviet military assistance to Cuba is estimated to be over $1.5 billion. According to Major General Stewart, the Cubans do not pose a military threat to the United States. Nevertheless, it is disconcerting to know that the Russian military, with sophisticated weaponry and a naval facility capable of servicing nuclear submarines is situated at the soft underbelly of the United States.

Economically, the Soviet Union is pouring up to $2 million per day into Cuba. Fifty-five percent of Russian foreign aid goes to Cuba. In the past several years, the Soviets have gained increased control over the Cuban economy. At the beginning of this year, Fidel Castro announced that the Soviet Union had agreed to refinance Cuba's debt, estimated by some western observers to be at about $4 billion, excluding arms deliveries. In five separate agreements signed by Fidel Castro during his visit to Moscow in December 1972, the terms of payment of Cuba's foreign debt were extended for 25 years, and Russia agreed to grant an additional $390 million in credit for the development of the economy.

There are other problems which must be considered in any discussion of the state of our relations with Cuba, one of which is sugar. The Cuban portion of the sugar quota is now distributed among the sugar producing countries. If and when the United States resumes relations with Cuba, the countries will have to make large and difficult adjustments when that portion of the quota is taken from them and reallocated to Cuba. However, section 201(e) of the Sugar Act gives the President discretionary powers to "phase in" the reallocation over a 3-year period, thereby giving these countries time to make the necessary adjustments in their economy.

The compensation question is one that must be settled. Although the losses of the major U.S. corporations have been satisfied through tax write-offs, the U.S. Government still must negotiate repayment amounting to about $1.8 billion in claims by close to 7,000 U.S. citizens. However, the failure of the Soviet Union to pay World War I debts and the failure, until recently, to settle lend-lease accounts, proved irritants to normal economic intercourse with the United States but did not prevent the two nations from maintaining and furthering relations.

Another problem is posed by the Communist system in Cuba which has been cited by the OAS Human Rights Commission for violation of human rights, especially those of political prisoners. Antigovernment activity and dissent are severely repressed.

At this point, my esteemed colleagues, I want to rhetorically express what I feel is our dilemma in considering this important question. The arguments on both sides of this issue are convincing, but at this particular point in time in the 1970's, should we not be guided by what I would call enlightened self-interest? At what point is a harsh, hard-line policy toward Cuba no longer a viable one, or perhaps even a counterproductive one? Are the obstacles as seen by the administration and as posed by the Castro government too great to be overcome? Is the export of revolution policy that much a threat in Latin America today? Is the Soviet military and economic presence in Cuba permanent or might it not be subject to change, say for example, through three-way negotiation between the United States, Cuba, and the Soviet Union? Is it not within our self-interest to see the Soviet influence in Cuba neutralized, or at least diminished? Is not the compensation issue one for negotiation if the nations would just agree to sit down and talk? Are we not in danger of being isolated in the Western Hemisphere as more and more Latin American countries unilaterally resume relations with Cuba in violation of what they consider an antiquated OAS policy? Is it not within our self-interest to consider our relationship with the rest of Latin America as one of unity and community which has evolved over a period of over 150 years?

We do not like the Cuban Government's treatment of political prisoners, but is it not true that we also do not like the harsh treatment of dissidents in the Soviet Union? It is not within our self-interest, especially in light of our deteriorating international trade situation, to conduct commerce with Cuba—which now is carried out vigorously by Canada, Great Britain, and Japan, among others—in commodities which the United States, under normal circumstances, would be the primary supplier?

These are some of the issues and questions over which I have pondered this past year but which have surfaced even more in view of the antihijacking agreement. We need full and open discussions among all interested parties. We need a thorough review of our policy toward Cuba.

ORDER FOR RECOGNITION OF SENATOR BARTLETT ON WEDNESDAY, MARCH 14, 1973

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that on Wednesday, after the two leaders or their designees have been recognized under the standing order, the distinguished Senator from Oklahoma (Mr. BARTLETT) be recognized for not to exceed 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I yield back my time.

ROUTINE MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of routine morning business for not to exceed 15 minutes, with statements therein limited to 3 minutes each.

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. MOSS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

(NOTE.—The remarks Mr. Moss made at this point on the introduction of S. 1165, the Little Cigar Act, are printed in the RECORD under Statements on Introduced Bills and Joint Resolutions.)

HARNESSING TAX RATES FOR PUBLIC POLICY OBJECTIVES

Mr. MOSS. Mr. President, medical research has made it increasingly clear that the risk of disease increases with the amount of tar and nicotine a smoker inhales. The most recent, authoritative report of the Public Health Service confirms this relationship.

A tax on cigarettes high in tar and nicotine would be an effective means of lowering tar and nicotine levels. And a tar and nicotine tax would be an effective and reliable revenue-raising measure. These are the reasons why I introduced such a bill, the Cigarette Tar Tax Act, on January 18, 1973. Five years ago the late Senator from New York, Mr. Kennedy, and the Senator from West Virginia (Mr. RANDOLPH), introduced similar legislation.

The amount of tar and nicotine in the average cigarette can be cut significantly, and thus reduce the devastating public health toll. Technology is no barrier. Neither is the consumer: when filter cigarettes were introduced in the 1950's consumers switched rapidly even though their average tar and nicotine consumption was more than cut in half.

Tar and nicotine levels continue to fall, but the incentive to smoke low tar and nicotine brands is currently based only on health considerations.

A tar and nicotine tax would give the cigarette industry and the smoker the incentive to go low tar and nicotine at even greater rates. Brands low in tar and nicotine will gain increasing market shares as they compete on the basis of both price and health considerations. Consumers would be given both an economic incentive and an unavoidable warning to switch to less dangerous brands.

The city of New York has had a tar and nicotine tax in force since July, 1971. It has been successful in both its revenue and public health objectives. It has proved easy to administer.

Recently the Yale Law Journal published an insightful and careful analysis of this new approach to tobacco taxation, "The Tar and Nicotine Tax: Pursuing Public Health Through Tax Incentives"* by William Drayton, Jr., a consultant with McKinsey & Co. I ask unanious consent that this article be printed in the RECORD at the conclusion of my remarks.

When either the Congress or State and local legislators must raise additional revenue, they should consider doing so by raising the cigarette tax on high tar and nicotine cigarettes. Such legislation would effectively reduce public health costs as well as provide a new source of revenue. Mr. President, I ask unanimous consent that certain provisions of the Cigarette Tar and Tax Act and certain provisions of a model State tar and nicotine tax act prepared by the Lawyers' Committee on Tax Reform be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE TAR AND NICOTINE TAX: PURSUING PUBLIC HEALTH THROUGH TAX INCENTIVES *

(William Drayton, Jr.†)

Government's increasing efforts to discourage cigarette smoking over the last decade have generally failed.[1] Warnings about smoking, and tax increases which raise all cigarette prices, harry the habitual smoker but do not make him stop. In order to change smoking patterns, government must first modify its strategy. Rather than attempting to diminish total cigarette consumption, it should focus on the more attainable goal of reducing the harmfulness of what is smoked. Tobacco manufacturers could lower tar and nicotine levels greatly; smokers that can't quit can switch.

A special tax on cigarette brands high in tar and nicotine would be an effective means of executing this strategy. Such a tax would encourage the consumption of lower tar and nicotine brands by making them less expensive for the consumer and/or more profitable for the manufacturer. The tax can also be an efficient source of public revenues. New York City has had such a tax in effect since July 1, 1972[2] its success in meeting both the city's public health and revenue objectives suggests that New York's lead may well be followed by other governments, local, state, and national.[3]

This article seeks to define and evaluate the tar and nicotine tax alternative. First, it explains why government must switch to a tar and nicotine tax strategy if it is to have a significant impact on smoking. Second, it evaluates the effectiveness of such a tax, both in theory, and in the light of New York's experience.[4] Finally, it explains the structure that would give the tax the greatest possible impact.

I. THE NEED FOR A NEW STRATEGY AGAINST SMOKING: TAXATION OF TAR AND NICOTINE CONTENT

The extensive research done on cigarettes during the last decade has convinced the medical profession and appropriate government agencies[5] that cigarette smoking is a major cause of disability and death. In the United States, over fifty medical associations have officially sought to discourage smoking.[6] In the United Kingdom, the Royal College of Physicians has announced that illnesses caused by smoking have reached "epidemic proportions" requiring a strong preventive response.[7]

Whether or not the state should intervene to limit the costs of smoking to the individual and society,[8] and to what degree, ultimately remain, of course, political issues that each community must decide.[9] However, it is clear that the trend of public policy is toward more vigorous and determined intervention. Traditional flat rate cigarette taxes, which have long been justified in part as a means of discouraging cigarette consumption, have now been imposed separately by over 272 communities, by all fifty states, and by the federal government.[10] During the last decade, their rates have risen rapidly. Moreover, government has supplemented flat rate taxation with a campaign of persuasion[11] and the prohibition of broadcast cigarette advertising.[12]

These methods have been generally ineffective.[13] The imposition of even very stiff flat-rate taxes seems to reduce sales only slightly and temporarily.[14] Even the high tax rate applied to cigarettes in England, over fifty percent more than United States' levels has failed to reduce total consumption significantly.[15] Despite the new prohibition on broadcast advertising, cigarette sales increased between 1.5 and 3.0 per cent during 1971.[16] The combined impact of these traditional means of discouraging smoking has not been great: The average per capita consumption of cigarettes in 1971 was only sixteen cigarettes less than in 1961—a reduction of less than seven-tenths of one per cent.[17]

The health impact of this seven-tenths of one per cent reduction has, moreover, been cancelled by an increase in the amount of tar and nicotine delivered by the average cigarette.[18] The amount of tar and nicotine consumed increases with the length of the cigarette, and cigarettes have been getting longer: The one-hundred millimeter cigarettes, which had captured eighteen per cent of the national market by 1970, are gaining ground year by year.[19] Further, some manufacturers have recently marketed brands with filters which are likely to make the consumer feel relatively safe, but which are supposed to give greater "satisfaction" by using unusually high tar and nicotine levels.[20]

Thus, despite the government's efforts, the health situation has not improved. This is because the government's interventions have all shared the common, unrealistic goal of reducing total cigarette consumption. Legislators and public officials must learn from these past experiences: Most smokers cannot or will not quit.

Given a realistic recognition that aggregate demand for cigarettes is highly inelastic, governments seeking to minimize the harm done by smoking should consider adopting the tried strategy of the old British Empire: Divide and Rule. Government intervention designed to reduce the danger of cigarettes by discouraging the production and sale of the most harmful brands should succeed where intervention designed to cut total sales has failed. The divide and rule strategy would then be to direct consumption away from particular brands, rather than away from cigarettes generally. The impact of such a plan depends on government's ability to isolate the harmful elements in cigarettes, the manufacturers' technical ability to reduce those elements significantly, and the legislature's selection of an effective mechanism for implementing the strategy.

The cigarette components that government intervention should focus on are tar and nicotine. Medical research now accepted as the basis of government policy indicates that they cause most of the damage done by cigarette smoke,[21] that the danger of smoking is roughly proportional to the amount of tar and nicotine ingested[22] and that tar and nicotine levels vary widely from brand to brand.[23] There are, of course, other harmful substances in cigarette smoke, notably carbon monoxide,[24] but tying tax liability to any of them would create serious administrative problems. Determining proper standards would be difficult, given existing research knowledge; collection and enforcement would be burdened with complicated testing requirements, since at present the Federal Trade Commission regularly measures only tar and nicotine levels.[25] In any case, reducing tar levels will diminish most of these other substances as well.[26] Smokers will not negate the health advantages gained from lower levels of tar and nicotine by smoking more cigarettes, or smoking the same number more deeply.[27]

Moreover, the cigarette industry is in a position to reduce tar and nicotine levels significantly and quickly through a variety of techniques. Manufacturers could use more high quality tobaccos, which are more expensive but have lower tar and nicotine contents. With minimal expense, they could employ more highly porous paper and tobacco cuts designed for more complete burning, nitrate additives to reduce carcinogenic polynuclear aromatic hydrocarbon portion of tar, shredded reconstituted tobacco sheet, and a greater proportion of low-tar stems. They could utilize more effective filters,[28] and by freeze-drying the tobacco, they could reduce tar and nicotine levels by more than half.[29] In sum, the presence of low tar and nicotine brands already on the market indicates that no significant technical or economic barriers to safer cigarettes exist.

Having isolated tar and nicotine content as the best target for a divide and rule strategy, the need for an effective mechanism to implement the strategy remains. There are two possibilities: taxation and/or selective prohibition of the most dangerous brands.[30]

Unlike prohibition, taxation works at the margin: The new smoker is much less likely to pay premium prices or go to the inconvenience of obtaining bootlegged brands than a committed smoker with a firm belief that his brand fits his personality and "taste." Both measures are likely to be effective because the course of action they ask cigarette consumers and manufacturers to follow—switching to low tar and nicotine cigarettes—is a very much easier more acceptable path than that of giving up cigarettes entirely. Its acceptability is further enhanced because the firms that do switch are rewarded with a larger share of the market. Their total profits would also be greater, assuming the effect of larger sales volume outweighed the costs of measures necessary to reduce tar and nicotine levels. Both measures would aid those most in need: the smoker unable to stop and the millions who start smoking each year regardless of health admonitions. However, taxation is much the more likely immediate approach as it is a less drastic intervention that will raise revenue as well as serve the government's public health objectives, and can be applied to most cigarettes without creating the potential smuggling problems of selective prohibition.[31]

II. AN EVALUATION OF THE TAR AND NICOTINE TAX

A tar and nicotine tax should be analyzed in terms of five criteria; its efficiency as a form of intervention, its effectiveness as a public health measure, its value as a revenue source, its ease of administration, and its equity.

A. The tar and nicotine tax as an incentive tax

A tar and nicotine tax is a simple example of an incentive tax—a tax designed in part to alter pre-existing market conditions, usually by discouraging one type of purchase or course of action as against competing alternatives. A familiar example is the use of tariffs to discourage foreign imports. Since every tax causes some change, and since the relevant interest groups and therefore the

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legislatures are usually very much aware of such effects, every tax can, strictly speaking, be said to have some incentive effects. It is the degree of the intended effect of the tax in inducing such change that indicates how much of an incentive tax it is. However, most taxes, including the sumptuary excise taxes on tobacco and alcohol,[32] are passed for, and in fact primarily serve, other purposes.[33]

Incentive taxes are a powerful and efficient regulatory tool which government can be expected to use increasingly.[34] They are likely to be effective primarily because they exploit potent competitive market forces. A well-designed incentive tax changes the profitability and market position of any one manufacturer relative to his competitors. A cigarette manufacturer who lags behind in shifting to low tar and nicotine brands and is therefore subject to taxes which absorb a substantial portion of his normal per pack profit margin, will feel an unmistakable, sharp pressure to bring his products beneath the tax's cut-off points. In a competitive situation his only alternative to paying his profits over to the public treasury will be to lose a part of his market share. Thus, the tar and nicotine tax magnifies the power of its impact by pitting the high tar brands against all others.[35] Moreover, because government has a vital interest in tax revenues, the use of taxes as a means of public policy intervention leaves much less chance that the intervention will not be enforced than is often the case with other forms of regulation.

Not only can an incentive tax work, it is likely to do so quite efficiently. Its primary enforcer is the market mechanism, not a clumsy and costly bureaucracy. Government merely creates the incentive; the decision of whether or not the advantages of meeting the incentive standards justify the cost of change remain with those most familiar with the facts and most interested in making a correct decision—the affected producers and consumers. In other words, government does what it is best suited to do, determine public policy and priorities, leaving producers and consumers free to make specific production and consumption decisions. If they do not respond as the legislature intended, government can easily and quickly change the direction and/or the degree of pressure behind each incentive.

Incentive taxes not only work through, but may actually improve, the functioning of the market.[36] If a government is seeking to force some change, such as lowering the tar and nicotine content of cigarettes, it probably feels the change is justified by societal costs, whether or not the costs can be accurately measured. An incentive tax is thus a rough user charge, a price representing the costs of an unsatisfactory condition.[37] Adding such charges to the economic calculations of producers and consumers will force them to recognize more fully the true costs and benefits of their decisions.

Though neither government regulation nor taxation is now considered dangerously unorthodox, incentive taxation sometimes is. Often this fear is due to a misapplication of the concept of tax "neutrality," the view that a "good" tax, while raising revenue, does not disrupt existing, presumably optimal, competitive relationships. Incentive taxes are in this sense clearly not neutral. However, their intentional effort to alter the status quo may well constitute a refinement, not a disruption, of the market. Moreover, as controlled "disruption" is the *raison d'etre* of an incentive tax, such a tax should be measured against the traditional test of neutrality only to see whether it creates any *unintended* market change.

B. The tar and nicotine tax as a public health measure

That incentive taxes are a generally effective form of public intervention does not guarantee, of course, the effectiveness of the tar and nicotine tax specifically. However, an analysis of market economics suggests that the tax will succeed in diminishing tar and nicotine consumption. Cigarette manufacturers, distributors, and retailers could respond to a tar and nicotine tax in three ways: (1) they could pass on all or part of the tax on high tar and nicotine brands to the customer through higher prices; (2) they could absorb the taxes; or (3) they could increase prices of all brands and thus distribute the cost of the tax to smokers of all brands. In all probability the industry will respond, as it did in New York, in a combination of all three ways. State and local taxes have to be collected from numerous local vendors, each of whom will decide which response best suits his circumstances. Even a federal tax collected from the manufacturer would still leave these dealers free to choose whether and in what manner to pass on increased prices from the manufacturers.[38]

To the extent that the tax is borne by the consumer, with high tar and nicotine brands clearly identified by a higher price, both consumers and manufacturers should be pushed toward lower tar and nicotine brands. Consumers are apt to wonder about paying higher prices for products thereby labelled as more dangerous, and each purchase should make them wonder and worry anew. Manufacturers with low tar and nicotine brands will gain market share as consumer preference shifts as a result of this concern. New product introduction and promotional efforts [39] aimed at this growing part of the market [40] will encourage even more consumer switching.[41] Thus, a benign cycle of consumers and vendors reinforcing each other's moves towards low tar and nicotine cigarettes should result.

The industry's second possible response is to keep prices, and the price relationship between different brands, unchanged by absorbing the tax.[42] There is a point at which this option becomes economically impossible—and the industry's willingness to absorb will undoubtedly stop long before this point, except perhaps as a short-term tactic designed to discredit the tax.[43] Given typical margins, the manufacturers cannot absorb more than four cents a pack without losing all profit on the brand taxed.[44] Absorption is more likely when the tax is small and consequently less costly than the inconvenience of collecting it. Thus, all but the smallest tar and nicotine taxes are not likely to be fully absorbed, except possibly as a temporary measure.

The industry's third option, increasing prices across the board, is a more likely response. Because the habitual smoker's demand is highly inelastic, tobacco distributors and retailers can raise prices generally, disregarding varying tax rates, without losing significant sales volume. They are somewhat limited in so doing, however, by their competition with one another and their fear of smuggling. Because this response affects the tax's incentives in approximately the same manner as the second response, absorption, they can be discussed together.

Even if the retail prices do not fully reflect the tax's differing treatment of various brands because of industry absorption or general price increases, the same benign cycle of vendor/consumer shifts towards low tar and nicotine cigarettes should occur just as if the differences were passed on to the consumer. Although the tax's direct impact on the consumer would be reduced, it will be increased vis-a-vis the industry. If the tax on a high tar and nicotine brand is absorbed, the profitability of that brand will suffer proportionately. Even if prices are raised across the board, losses on high tar and nicotine brands will be supported by the untaxed, low tar brands. In either case, the manufacturers and vendors would be given a most compelling reason to switch as quickly as possible into the more profitable, safer cigarettes. They could do so by developing new low tar brands, downgrading existing ones, and giving greater sales emphasis to their safer, more profitable untaxed brands. These efforts will in turn affect the smoking consumer.

This second, industry-led phase of the switching cycle will, however, be more difficult to start than the first for all but a federal tax. A single local or state tax is unlikely to affect enough of the market to force the manufacturers to change their marketing plans. However, a series of such taxes, either because of their cumulative effect or their trend-setting nature, should have sufficient impact to set the cycle in motion.[45]

But even in the short-run and without a major impact on the national market, absorption and across-the-board price increases will not necessarily enable established high tar and nicotine brands to maintain their market share—the measure of success in the industry—in a community with a tar and nicotine tax. A local government anxious to ensure maximum local consumer switching may employ a number of methods to ensure that the tax's warning and incentive are not obscured: increasing the tax's differentials, regulating prices, and/or generating publicity. Raising the tax differentials significantly, by far the most effective response, would encourage competition and reduce the number of cases in which it is less expensive to absorb the tax than to pass it on. Second, government could require that retail prices mirror distinctions made by the tax. A form of such price regulation is now in effect in many states for alcoholic beverages, another sumptuary item. The New York tar and nicotine ordinance tax specifically allows the city's Director of Finance to impose such controls.[46] Lastly, government could itself publicize or require retailers to publicize the differing tax rates for each brand.[47] Government could foster such awareness, for example, by causing different-colored tax stamps to be applied to each pack depending on the rate paid. Such actions would increase consumer awareness of price (and health) differences among brands and would be consistent with the public health purpose of the tax.

Industry experience suggests that consumers will respond to such warnings and incentives, if they are also given an alternative that does not require them to stop smoking. In the 1930's, smokers demonstrated that price does make a difference: The major national brands lost fifteen per cent of their sales to "economy brands" with lower prices but relatively little advertising.[48] In the 1950's and early 1960's, smokers dramatically demonstrated that they will switch to safer cigarettes: Sales of non-filter cigarettes were halved between 1956 and 1967.[49] The fact that cigarette consumers have previously demonstrated considerable sensitivity to price and some awareness of the health hazard [50] certainly suggests that they will respond to the tar and nicotine tax's use of both factors together.

New York's experience seems to support this expectation. An analysis of the tax receipts from the city's two cigarette taxes, the old four-cents-a-pack, flat-rate tax and the new tar and nicotine tax, suggests that there may have been a shift from taxed to exempt brands of approximately twelve to thirteen per cent of all cigarettes sold in the city.[51] This estimate is especially encouraging as New York is a rather difficult test case: Even before the incentive tax was imposed the city had one of the highest per pack cigarette taxes in the country and consequently a major smuggling problem.[52] While this means that the incentive differentials had to be greater than elsewhere to have the same impact on the city's inflated prices, the fear of encouraging even more smuggling led officials to impose small differentials of three and four cents. Although each retailer is required to post the amount each brand is taxed and why, most retail

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prices in the city do not reflect the tax's low rates.[53]

The twelve to thirteen per cent estimate of consumer switching could be wrong for three reasons.

First, it is possible that the pretax distribution of brands sold in New York was different from the national mix used in calculating the shift. If New York consumers were already purchasing more low tar and nicotine brands than the national average, the shift estimate would be too high. Unfortunately there is almost no evidence available on this point.

Second, if the period of analysis coincided with a national trend away from high tar and nicotine brands, the twelve to thirteen per cent figure would also be overstating the impact of the tax. However, this was almost certainly not the case. The average tar and nicotine per cigarette consumed nationally during the period did not decrease, it increased.[54] Thus, unless New York consumption was shifting against national trends for reasons other than the tax, the estimate seems to err on the side of being conservative, if it errs at all.

Third. New York's significant level of smuggling, about thirteen per cent of all cigarette sales in the city,[55] may distort the calculations.[56] Smugglers may prefer to sell high tar and nicotine brands because of the greater taxed-untaxed differential. If they were able to manipulate their market, this would create an exaggerated impression of shifting to untaxed brands in measurements based only on cigarettes actually taxed. But this danger seems limited. There was only about a two per cent increase in the volume of both smuggling and avoidance attributable to the tax over its first ten months.[57] Moreover, the smugglers probably have to supply whatever brands their customers demand.[58] Finally the smugglers' response to the tax actually seems quite different; they are reported to be charging higher prices for brands subject to the tax.[59] Thus, the impact of the tax's incentives seems not to be lost even on those who do not legally pay it.

While the twelve to thirteen per cent estimate may require some modifications, the revenue figures do suggest that the tar and nicotine tax has had at least some of the public health impact intended.

C. The tar and nicotine tax as a source of revenue

For those who envision the tar and nicotine incentive tax solely as a revenue raiser as well as a regulatory measure, a potential objection to the tax is that it might not be dependable or sustained as a source of funds. Public officials may be unnerved because revenue will decline to the extent the tax actually lowers tar and nicotine consumption. They should not be: The amount of revenue to be expected from the tax can be predicted [60] and adjusted quite easily.

Exact predictions are, of course, impossible because the responses of the tobacco industry and its customers to a unique, new stimulus are unknown. Predicting state or local revenue is even more uncertain because of smuggling and the differing sizes of the jurisdictions. But these uncertainties are largely a function of the tax's novelty: Switching by consumers in response to the tax will probably be concentrated in its first year or so. Thereafter, revenue should hold relatively constant, and reliable future estimates can be made from this initial experience. Even now, with only New York's limited experience available, revenue calculations made from relatively extreme assumptions establish a narrow range of likely results for a national tax. The following table shows the probable revenue that would be generated in the first year of a national tar and nicotine tax of four different rates: [61]

ESTIMATED REVENUE FROM A NATIONAL TAR AND NICOTINE TAX

[In millions of dollars]

Per pack tax	National revenue			Medium revenue per million population
	Low	Medium	High	
0,2, 3 cents	606	639	672	3.2
0,3, 4 cents	778	839	901	4.2
0,5, 6 cents	1,116	1,239	1,352	6.2
0,9,10 cents	1,691	1,978	2,205	9.9

Estimates of the revenue a local community could expect from the tax can be roughly calculated as a proportional share of the national estimates equal to its per cent of the national population. This initial calculation should be refined by accounting for smuggling and avoidance likely to be associated with the particular locality.[62] Areas with relatively low retail prices will generally gain sales and tax revenue from high price areas with the size of the increase depending on the size of the price differential and the distance from the other jurisdictions.[63] There may also be minor variations in revenue due to varying smoking habits.

However, even if the tax produces less revenue than expected, its rates can always be increased. Thus, even a local government with an acute smuggling problem can assure itself of the revenue it needs. In New York, which probably has the worst smuggling problem in the country, adding a penny a pack to the rate, a twenty-five per cent increase, probably would not have increased smuggling and avoidance significantly: When new cigarette taxes totalling seven cents a pack were imposed in 1971–72, such losses increased only about four per cent.[64]

In sum, a tar and nicotine tax should provide a significant and reliable source of new revenue, as well as an important means of cutting public health costs.

D. The administration of a tar and nicotine tax

Compared to most taxes, let alone direct controls, a tar and nicotine tax is easy and inexpensive to collect. All cigarettes sold in the country are now subject to state as well as federal flat-rate excise taxes. Consequently, any new or increased cigarette taxes can "piggyback" on existing collection mechanisms.[65] The usual procedure is for each pack sold to be stamped by a licensed tax agent who is thereby responsible for collecting the tax and who is paid a small percentage of collections for his services. A tar and nicotine tax can be collected by these agents in the same way as the present flat-rate taxes.

A tar and nicotine tax would require the agents to take one additional simple step. Before stamping each pack in a crate, they would have to determine the appropriate tax by checking the brand on a one-page card issued by the Federal Trade Commission, listing each brand and type of cigarette by tar and nicotine content.[66] Of course, when the periodic FTC tests indicate a change in a cigarette's tar and/or nicotine content, tax liability would also change.

A tar and nicotine tax would, however, create serious problems for vending machine companies.[67] Although modern vending equipment can handle four prices, most older machines can deal with only two or three,[68] and some of the oldest can sell at only one.[69] A tar and nicotine tax with its different rates would force many owners to choose between absorbing the tax on some cigarettes or charging more for all.[70] Even those who could adjust their machines to charge several different rates would face extra conversion, clerical and service costs. Further, because the machines record only the total number of packs sold and because the operating companies have not usually maintained inventory control by brand, some service men might possibly report more low-priced sales than actually occurred and pocket the difference.[71] Moreover, if the price differences were not in nickel or dime increments, none of the machines could account exactly for the tax. Periodic readjustments in the tax liability of various brands, required in response to new FTC tar and nicotine ratings, would create a further small,[72] but periodic, cost to vending machine operators. The vending machine industry's difficulties would be substantially increased if it were legally required to charge prices reflecting a tar and nicotine tax's different rates. Many of the old machines belonging to small businessmen and clubs could not comply and would have to be put out of operation unless they were exempted from the requirement. However, governments anxious to have retail prices reflect differences in the tax rates but wishing to avoid placing these extra burdens on vending machine operators, could exempt them from the regulation requiring retail prices to reflect the tax's differentials while still insisting that they post a notice on each machine informing the public how much tax was levied on each brand on sale in the machine. Alternatively, they could levy an extra tax on those choosing not to conform with the requirement.

Cigarette bootlegging is a serious problem for local and state governments with relatively high tobacco taxes.[73] Obviously, extensive smuggling created by a wide range of price differentials between jurisdictions is highly undesirable: It deprives both the government and legitimate dealers of needed revenues; it creates a strong incentive for businessmen and enforcement officials to share in the large profits available from smuggling; and it provides a major source of income for organized crime.[74] The possibility of smuggling is thus a strong argument against high tax localities increasing their rates still further.

However, this argument has definite limits. The fear of smuggling need not inhibit either the federal government or local governments with relatively low tobacco taxes from increasing the taxes on cigarettes. Furthermore, significant differentials can be created without raising the average price if existing cigarette taxes on low tar brands are reduced, a move which need not produce a net revenue loss if the tax on high brands were simultaneously increased.

Nevertheless, smuggling remains a significant constraint for some communities. Under a tar and nicotine tax, the amount of smuggling (and switching) should increase with the proportion of all cigarette brands taxed at the higher rate, as well as with the size of the incremental tax. As more brands with reduced tar and nicotine levels and a lower tax liability become available, the incentive to smuggle will be more than proportionately reduced.[75]

An additional problem, especially for smaller local governments, is tax avoidance through extra-jurisdictional purchases. Like smuggling, the effect of this avoidance will depend upon the rate of the tax relative to the taxes of the surrounding areas and the distance which local citizens must travel for lower taxed brands. Instead of going to the trouble of buying high tar cigarettes in another jurisdiction, at least some consumers, especially new ones, will probably switch to a safer, cheaper brand.[76]

In high-tax jurisdiction existing revenue losses from smuggling [77] and other forms of cigarette tax evasion might be reduced with a stronger law enforcement effort. In New York, for example, the current level of enforcement is clearly inadequate. The city's Cigarette Tax Enforcement Unit operates on an unvaring nine-to-five, no-weekend work schedule, a fact presumably well known to the smugglers.[78] The increased temptation to

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smuggle created by high-tax local governments increasing their taxes on cigarettes might well be offset by increased and more effective law enforcement.

E. The equity of a tar and nicotine tax

Any increase in cigarette taxes, regardless of form, will be somewhat regressive. Although the middle class and the wealthy spend more on tobacco than the poor, this expenditure is a smaller proportion of their income.[79] However, a tar and nicotine tax should be less regressive than a customary flat-rate tax: The poor consumer can escape the tax entirely by switching to low tar brands, and if the tax does force him to switch, the net result of health cost savings might even prove quite progressive.

In sum, a tar and nicotine tax gives a government an effective tool for inducing reduction in tar and nicotine levels, while providing a reliable source of revenue. Although a flat-rate tax poses fewer administrative problems, a tar and nicotine tax, which in any case uses the same collection mechanism as the flat-rate tax, is quite administrable. However, smuggling and extrajurisdictional purchases may lessen the effectiveness of a tar and nicotine tax, and the tax, like all excise taxes, may be somewhat regressive.

III. ENGINEERING AN EFFECTIVE TAX

Designing the most effective tar and nicotine tax involves four considerations: the limitation of the tax to cigarettes, the best milligram cutoff points for tar and nicotine liability, the optimal rate structure, and the level of government imposing the tax.

A. Taxing cigarettes only

Health and administrative reasons dictate that the tax be restricted to cigarettes. In terms of health, pipe- and cigar-smoking entail ingesting a very much smaller quantity of tar and nicotine. Thus, while cigarettes comprise roughly eighty per cent of all tobacco sales, they are the cause of ninety-six per cent of all tobacco related deaths.[80] Therefore medical authorities argue that cigars and pipes should be given relative encouragement.[81] But cigar and pipe smokers are substantially less likely to be regular smokers and are much more likely to switch both smoking mode and brand than cigarette smokers.[82] The cigar industry has consequently found it difficult to pass increased costs on to the consumer.[83] Thus, tax increases on cigars and pipe tobacco would undoubtedly have the opposite effect of accelerating their persistent long-term loss of tobacco market share.

Administratively, it is easier to tax only cigarettes because a new cigarette tax can be collected through mechanisms already established for collecting the current cigarette taxes, whereas taxes on other forms of tobacco would generally require new collection procedures. Moreover, Federal Trade Commission tests of cigarette tar and nicotine content would provide a dependable, generally accepted, and no-cost method of determining the liability of particular brands and types of cigarettes. To extend a tar and nicotine tax to cigars and pipe tobacco, however, government would have to develop and implement a measuring and testing system for a large number of low-volume tobacco products. Since relatively little research has been conducted on cigar and pipe smoking, determining appropriate standards would also be a problem.[84]

B. Delimiting tax liability

Since a small amount of tar or nicotine is not "safe," but only less harmful than a larger dosage, there are no clear, medically determined cutoff points for tax liability. Consequently, the points at which tax liability occur should be selected so as to produce the largest and most rapid reduction in both tar and nicotine levels. As manufacturers can reduce tar without altering nicotine content and vice versa,[85] a government seeking to diminish the consumption of both elements should base tax liability on both.

More than one cutoff point for one or both substances can exist, and government could create a wide range of corresponding tax rates. It would probably be desirable, for example, to offer an additional incentive for the small class of cigarettes with exceptionally low tar and nicotine levels.[86] However, New York's experience with its 0, 3, and 4 cent tax indicates that to achieve adequate impact at the retail level, each tax increment should ideally be at least a nickel; and this factor clearly limits the number of levels most governments will be able to impose.

The determination of the exact cutoff points for tar and nicotine involves an inevitable tradeoff. When the level of tar and nicotine subject to the tax is lowered, more smokers and brands are affected by the monetary incentive and more revenue is gained. On the other hand, when the level of taxable tar and nicotine is raised more brands are left untaxed, the consumer has a greater choice of brands to switch to, and the taxed manufacturer must confront a greater number of untaxed competitive brands. An additional crucial consideration is that assuming manufacturers believe that lowering a brand's tar and nicotine levels a great deal would undermine brand loyalty, the incentives for manufacturer change created by a variable tax would be greatest on brands just above the cutoff points.[87] From the standpoint of manufacturer incentive, the cutoff points should thus be just below the levels contained in a large number of cigarette brands. Presently, a group of over sixty per cent of all cigarettes exists within a narrow range just above 17.0 milligrams of tar per cigarette and 1.1 milligrams of nicotine per cigarette.[88]

More specifically, a tar cutoff point between 17 and 18 milligrams or 18 and 19 milligrams, and a nicotine cutoff point between 1.1 and 1.2 milligrams or 1.2 and 1.3 milligrams appears to maximize the tax's impact.[89] While any other point or combination of points is possible and may become desirable as tar and nicotine levels shift, 17.0 milligrams of tar and 1.1 milligrams of nicotine per cigarette seem to be the most effective cutoff points now. These cutoff points provide more revenue than a higher cutoff would;[90] they leave a larger number of cigarettes subject to the tax's incentives. Yet, whatever incentive impact they lose by leaving fewer brands tax-free for consumers to switch to they gain by having a larger number of cigarettes very close to the border thus enabling manufacturers to avoid the tax with relatively little effort. They are the cutoff points adopted by New York.

The tax rate could be increased if either or both of the two cutoff points is exceeded. Since tar and nicotine levels are usually closely related,[91] cigarettes with both tar and nicotine levels above the cutoff points are likely to contain more tar and more nicotine than cigarettes with one of the elements above and the other below the cutoff. Consequently, higher tax rates are appropriate when both cutoff points are exceeded. This reasoning suggests a three-tier system of incremental taxation with low or no tax increase for cigarettes with tar and nicotine content below both the cutoff points, and a sharp increase in tax liability if one cutoff point is exceeded, and another, smaller increment if both points are violated.

As switching takes place after the enactment of the tax, fewer and fewer cigarettes will be subject to the pull of the tax's incentives. Consequently governments should probably plan to review the cutoffs periodically to determine whether they should be lowered to ensure that the tax's effectiveness is maintained. Such periodic, gradual lowering of the cutoff would maintain the tax's incentive impact at a high level, allow the industry to cut tar and nicotine gradually without disrupting brand loyalties, and provide a relatively steady flow of revenue from the tax despite steadily receding tar and nicotine levels.

C. Determining the tax rates

The tax rates applied to different brands of cigarettes can be varied depending on their tar and nicotine content either by rearranging existing taxes or by simply increasing the rates applied to the high tar and nicotine brands. Given the importance of significant differences between the tax rates applied to cigarettes falling on different sides of the tar and nicotine cutoff points, government could ideally employ both means.

However, governments are much more likely simply to increase the rates applicable to high tar brands. How big should these additional levies be? The first problem is to determine the minimal selective increase in the tax necessary. If there are to be three different tax levels (0, 1, and 2 cents a pack), cigarettes above both cutoffs must be taxed at least two cents more than untaxed brands. In terms of the manufacturers' ability to absorb the tax, a two cent tax would approximately halve average profits, a powerful incentive. This estimate is based on the fact that while the historical profit margin is approximately two cents,[92] any tax absorbed would necessarily result in a federal tax savings of approximately one-half (48%). Thus, absorbing a four-cent-a-pack increase would theoretically wipe out all profit. However, even four cents may somewhat underestimate the tax necessary to insure against manufacturer absorption of the tax. Manufacturers could help cover losses on high tar brands with profits from other untaxed brands, although this is not likely to continue for long. It is somewhat more likely that losses in some local markets where a brand is subject to the tax could be covered by profits from the rest of the market, though this would not be possible if the tax were national and would become increasingly difficult as more and more governments enacted similar taxes. Moreover, to the extent that the high tar and nicotine tobaccos are generally the least costly, profit margins on cigarettes with cheaper tobacco may be higher than the industry average, thus allowing even more absorption. Finally, although wholesalers and retailers have no interest in protecting sales of one brand against another, they may help manufacturers absorb at least small tax differences, both as a matter of industry solidarity and, more importantly, as a means of keeping their record-keeping and sales process simple.

Another sort of minimum rate is determined by the inability of vending machines to handle differentials smaller than a nickel. Thus, differentials of at least five cents, preferably ten cents a pack are desirable to ensure that retail prices generally reflect the tax.

In contrast to the question of a minimum tax rate, it is not clear that there is a ceiling above which tax rates should not rise. The chief limiting factor for local and state jurisdictions is the fear of smuggling. This restraint applies especially to those localities that already have relatively high cigarette taxes. Thus, for example, New York City felt it would not impose new cigarette taxes much over four cents a pack.[93] Within the range established by these minimums and perceived maximum rates, governments will probably set rates primarily in light of their revenue needs and the importance they attribute to their public health objectives.

Thus the most promising combination of cutoffs and rates appears to be a three-tier system: The eighty per cent of all cigarettes with more than 17.0 milligrams of tar and 1.1 milligrams of nicotine would be taxed at the

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Footnotes at end of article.

highest rate; the nine per cent that exceeed only one standard would be taxed at a slightly lower rate, and the eleven per cent below both cutoffs would not be taxed at all. The rate applied to double violators must be at least two cents and should be more than four or five cents a pack.

D. Level of government

While a tar and nicotine tax could be adopted by any level of government, New York's reluctance to raise its rates above three and four cents a pack for fear of additional smuggling suggests that the level of government does make a difference. In contrast to New York, the federal government could impose a national tar and nicotine tax with little or no concern for smuggling.[94]

Particular local conditions as well as the size of the jurisdiction must also be considered. Thus, for example, state and local governments with relatively low tobacco taxes should be able to impose stiff new tar and nicotine taxes without stimulating a flow of smuggled cigarettes into their jurisdictions. Moreover, new taxes in such areas should reduce local sales to smugglers. Increases in cigarette taxation in low-rate jurisdictions would also allow new cigarette imposts in high-tax areas without an increase in smuggling over present levels.

Another local condition that must be weighed in designing any new cigarette tax is the proportion of the population within the jurisdiction that commutes to or from other jurisdictions regularly. If it is a significant percentage, revenue calculations should be lowered to account for "avoidance," a tendency to buy more often in the nearby low tax areas. Avoidance is more likely to be a problem for New York, for example, than for other areas. However, if avoidance is already occurring, incremental losses may well be small as in New York.[95]

The imposition of a tar and nicotine tax by a local or state government will have a much lower incentive effect on national cigarette manufacturers than would a national tax, or even a number of local and state taxes. The New York tax, for example, applies to only 3.3 per cent of the taxed cigarette sales in the nation. Manufacturers may be reluctant to make major product or marketing changes in response to special tax problems encountered in only a small part of their market.

The leverage local taxes can have on national producers should not, however, be underestimated. Even New York's small 3.3 per cent of national sales amounts to 16.5 billion cigarettes a year, hardly an insignificant market. Further, the warning effect of a tax varying by tar and nicotine content may be extended beyond a local jurisdiction by commuters, tourists, other visitors, and possibly the news media. Moreover, the impact of local taxes on the cigarette industry will be magnified if and to the extent that it appears to the industry that the tar and nicotine tax is becoming a national trend.

Even if the national manufacturers succeed in appearing to ignore the first few local governments' tar and nicotine taxes.[96] these taxes will still give local cigarette customers an incentive to switch to safer brands, and any such switching will reduce the manufacturers' high tar and nicotine production. Because retail pricing decisions are made by a great number of local wholesalers and retailers, and because these dealers would have to pay the local taxes (at least initially) and then make the decision to absorb or pass the tax on, the manufacturers should find it difficult to orchestrate uniform pricing in the face of a differentiated tax. Moreover, local governments can choose from a wide range of steps, ranging from required notices to fixed prices, to ensure that local incentives are not lost.[97]

A national tar and nicotine tax could be collected from the manufacturers—unlike state and local taxes which can be collected only locally from wholesalers and retailers. A tax imposed on the manufacturer tends to pyramid, or grow as it is passed on through the chain of distribution. By contrast, a tax levied on one locality's merchants tends to be partially absorbed as some merchants try to avoid losing customers to neighboring communities by holding prices down. For both reasons a national tax would better serve the government's public health purposes, as it would create a bigger price advantage for safer brands. Moreover, a tax collected from a few manufacturers is slightly easier to enforce than one collected locally—though this burden should not be overemphasized as there is almost no incremental cost to "piggybacking" either a state or local tar and nicotine tax on current collection systems, which exist in all fifty states.[98]

Thus, the most desirable tar and nicotine tax would be a federal one. Its terms would not be constrained by smuggling and avoidance; it could not be ignored because it would affect the national market; and it could be easily collected directly from the manufacturers. However, the tax could still be effectively implemented by most states and local governments, especially those which are large, have relatively low existing taxes, and have a small percentage of commuters who travel to and from adjacent low tax areas.

CONCLUSION

Government can take a realistic step toward improving the public health by imposing a tar and nicotine tax. Recognizing the fact that most smokers are habitual and that it is therefore unrealistic to expect to reduce total consumption quickly, the tar and nicotine tax seeks to reduce the harmful elements in what is smoked. It divides high against low tar and nicotine brands and gains much of its effectiveness from the resulting competitive clash. It is a good source of revenue and poses few administrative problems. It should give government the power to force a change in smoking patterns.[99]

FOOTNOTES

[*] The opinions and analyses set forth in this article are the author's sole responsibility and should not be taken to express the viewpoint of the firm of McKisney & Company, Inc.

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[1] *See* p. 1490.

[2] Under the New York program, cigarettes with 17 milligrams of tar and 1.1 milligrams of nicotine or less are tax-free; those exceeding both standards are taxed at four cents a pack. Thus, according to the tar and nicotine measurements of the Federal Trade Commission in August, 1971, Winstons are taxed at four cents while lower tar and nicotine Dorals are not taxed at all. These rates were merely added to the city's existing four-cents-a-pack, general cigarette tax, in order not to lose revenue or reduce whatever deterrent effect the high flat-rate tax has. Tar and Nicotine Ordinance, Local Law 34, 5 New York City, N.Y. Admin. Code § D46.80 (Supp. 1971).

Administratively the tar and nicotine tax simply "piggy-backs" the traditional flat-rate tax mechanism. Both are collected simultaneously at the wholesale level through the sale of required tax stamps, and policing one automatically enforces the other. The New York tax applies only to cigarettes, not cigars or manufactured tobacco. *Id.*

[3] The idea of varying cigarette taxes with the harmful components in cigarette smoke is a simple, almost obvious reform that has been proposed, apparently independently, several times prior to New York's consideration of the idea. On September 12, 1967, Senator Robert Kennedy proposed such a tax nationally. Letter from Dr. Daniel Horn, National Clearinghouse for Smoking and Health, U.S. Public Health Service, to Mayor John V. Lindsay, May 27, 1971, replying to a request from the Mayor for comments on the proposed New York tax. In December 1970, Representative John Busienger introduced a bill in the Massachusetts legislature that would authorize a master plan for taxation to include the study of relating the state cigarette tax to tar and nicotine content. Interviews with the Clerk of the Massachusetts House and Mr. Ronald F. Rosenblith, aide to Representative Busienger, February 1971. Recently at the federal level, Senator Frank Moss has introduced a bill that would establish a national tar and nicotine tax. N.Y. Times, Jan. 16, 1972, § 3 (Business and Finance), at F, col. 1. U.S. Surgeon General Jesse L. Steinfeld, in reporting that the Nixon Administration is considering a series of new initiatives to reduce the hazards of cigarette smoking, specifically suggested levying such a tax. The Wall Street J., Jan. 11, 1972, at 5, col. 2.

[4] Much of the data and analyses used in this article was originally undertaken by the author as part of the McKinsey & Company staff working for the Bureau of the Budget of the City of New York to analyze alternative means of increasing city tax revenues. The study initially weighed a wide range of alternative tobacco taxes. The author is indebted to the city for releasing this material for use in the preparation of this article, and to his colleagues at McKinsey, notably Gerald P. Hillman, for their help and critical comments.

[5] These authorities include the President's Commission on Heart Diseases, Cancer, and Stroke; the U.S. Surgeon General, and the U.S. Public Health Service.

The U.S. Federal Trade Commission has officially recommended to the Congress that the warning label now required on all cigarette packs be amended to read: "Warning: Cigarette smoking is dangerous to your health and may cause death from cancer, coronary heart disease, chronic bronchitis, pulmonary emphysema, and other diseases." Federal Trade Comm'n, Annual Report: 1969 at 11 (1969). The Federal Communications Communications Commission has held that it is no longer a controversial issue "that cigarette smoking is a hazard to public health (*i.e.*, the main cause of lung cancer; the most important cause of chronic bronchitis or pulmonary emphysema, etc.)." 35 Fed. Reg. 18282, 19283 (1970). A compilation listing the various authorities alleging a relationship between the elements of tobacco smoke and disease, part of the original McKinsey study prepared for New York City, is also on file with the *Yale Law Journal*.

[6] A partial list includes: American Association for Cancer Research: American Association for Thoracic Surgergy; American Cancer Society; American College of Chest Physicians; American College Health Association; American College of Physicians; American Heart Association; American Medical Association; and the medical associations of California, New York, and Pennsylvania.

[7] "Premature deaths and disabling illnesses caused by cigarette smoking have now reached epidemic proportions and present the most challenging of all opportunities for preventive medicine in this country." Royal College of Physicians, Smoking and Health Nov. 1, (1971). In January 1972, the U.S. Surgeon General concurred:

> I can think of no bigger public health hazard about which we know and can do something [than smoking]:

Wall Street J., Jan. 1, 1972, at 5, col. 2.

[8] Smoking's external costs include discomfort and danger to others. *See* note 24 *infra.* Smoking also causes increased welfare and public hospital expenses, heavy forest dam-

age from cigarette fires, and higher auto accident rates. H. Diehl, Tobacco and Your Health: The Smoking Controversy 108, 198, 200, 201 (1969). National Advisory Cancer Council, Progress Against Cancer 1970, at 42; Speer, *Tobacco and the Nonsmoker: A Study of Subjective Symptoms*, 16 Arch. Environmental Health 443 (1968). Although the association between smoking and work loss and hospitalization seems firmly established (*see* Diehl, *id.* at 198), exact percentages are less certain given the ambiguity in diagnosing many diseases as well as the problems of case sampling. National productivity may suffer also from smoking. In Britain as many as fifty million working days may be lost every year as a consequence of cigarette smoking. Royal College of Physicians, Smoking and Health Now, supra note 7, at 33.

[9] Although intervention to protect the public health has long been an accepted government function, doing so in the case of smoking is challenged by the industry and some conservatives as an infringement of the citizens' freedom. While insuring a clean and safe water supply is beyond the power of individual citizens and requires joint action, it is argued that each person is—and should continue to be—free to choose whether or not to smoke.

There are two counter arguments to this anti-interventionist position. The first is that the individual is no longer free to choose once he has begun to smoke and has become habituated. This argument is reinforced by the fact that most people who start to smoke do so when they are young.

The second counter argument is that the illness, disability, and premature death linked to tobacco are harmful and costly to society as well as the individual victim and thus justify government intervention. *See* note 8 *supra*.

Whether or not the smoker who creates these costs is able to stop at will, the considerable costs he imposes on society by not doing so justify government intervention, if only to limit the costs and/or to seek compensation.

[10] Tobacco Tax Council, Inc., The Tax Burden on Tobacco: Historical Compilation 79 (1971). New York's new tar and nicotine tax is another clear indication of the developing trend of legislative intent against smoking.

[11] Led by the Surgeon General and the Public Health Service, the government issued repeated warnings to the public. It caused warnings to be broadcast in reply to cigarette advertisements under the authority of the FCC's equal-time doctrine, and it forced cigarette manufacturers to print warnings on each pack sold.

[12] Effective January, 1971, cigarette advertisements were banned from the broadcast media, Wash. Post, Jan. 1, 1971, § B, at 1, col. 1.

[13] High cigarette taxes and publicized warnings probably limit the harm done by smoking to some degree by discouraging some potential smokers from beginning and by encouraging a few smokers to switch from cigarettes to relatively less harmful cigar and pipe smoking. All the efforts against smoking have in fact caused the manufacturers to respond to the health issue by catering to the market for lower tar and nicotine brands. Manufacturers certainly know the value of advertising low tar and nicotine content. The Philip Morris Company introduced a new "lowered tar and nicotine" variant on its leading Marlboro brand, called "Marlboro Lights," just after New York passed its tar and nicotine tax.

[14] An analysis of increases in the traditional flat-rate cigarette tax in New York, New York State, and five neighboring states during the last ten years reveals a small decrease in the number of packs taxed per capita shortly after most increases in the tax rates. McKinsey Study, part of the data and analyses prepared for New York City, on file with the *Yale Law Journal*. However, probably only part of that decrease can be explained by the deterrent to sales of post-tax price increases and the publicity about the health implications of smoking usually associated with such increases. Because of the relatively high tax rates of the Northeastern states studied, each new increase would encourage smuggling as well as discourage smoking. In any case, the disincentive effect suggested by the figures is much smaller than that sought by public health officials.

[15] A. Prest, Public Finance 369 (1963); and Standard and Poor's Industry Surveys: Tobacco 108 (1970). However, George Weissman, president of Philip Morris, Inc, has stated that he considered flat-rate taxes "a very present and severe threat to sales." N.Y. Times, Jan. 16, 1972, § 3 (Business and Finance), at 7, col. 1.

[16] Business Week, Dec. 25, 1971, at 56; N.Y. Times, Jan. 16, 1972, § 3 (Business and Finance), at 7, col. 2; Wall Street J., Jan. 17, 1972, at 30, col. 2. The prohibition on cigarette broadcasts of course also ended the "equal time" previously made available for warnings about the health consequences of smoking. The net effect of this change may have been to reduce the public's concern about cigarettes.

[17] Tobacco Tax Council, *supra* note 10, at 6.

[18] In 1971 the average cigarette, taking sales volume into account, had the same tar level as 1970, but an increase from 1.3 to 1.4 milligrams of nicotine (in a range of 1.0 to 1.8) per cigarette relative to 1970, Federal Trade Comm'n, The Tar and Nicotine Content of Cigarettes, April, 1972; Maxwell, *Cigarette Scorebox*, Barrons, Nov 2, 1972, at 11.

[19] Maxwell, *supra* note 18. Sales of one hundred millimeter filtered cigarettes advanced seven per cent in 1971, the industry's greatest gain. Business Week, *supra* note 16. This general trend is desirable from the industry's viewpoint because each increase in length means an increase in sales, given the fact that smokers tend not to reduce the number of cigarettes they smoke, even though each one is longer and more expensive. Moreover, smokers of king-sized and 100 millimeter cigarettes tend to smoke their cigarettes as close to the butt as do smokers of regular cigarettes. Moore, Bross, Shamberger & Bock, *Tar and Nicotine Removal From Fifty-Six Brands of Cigarettes*, 20 Cancer 323, 331 (1967). These longer cigarettes, therefore, induce the smoker to absorb more tar and nicotine than he otherwise would. Federal Trade Comm'n Report to Congress: 1969, at 16–17 (1969); telephone interview with Dr. D. Schoplind of the U.S. Public Health Service, Feb., 1971.

Generally, king-sized cigarettes have higher tar and nicotine levels than regulars and the new 100 millimeter cigarettes have even higher levels. One part of the data and analyses prepared by McKinsey for New York City, on file with the *Yale Law Journal*. This study is confirmed by earlier United States' and Canadian studies using independent measurements. Forbes, Robinson & Stanton, *Tar and Nicotine Retrieval From Cigarettes Available in Canada*, 23 Cancer 910 (1969).

[20] Although in general filtered cigarette smoke has lower tar and nicotine content than unfiltered smoke, some cigarettes have only token filters and others are made from low-grade tobacco (high in tar and nicotine) so that despite the filter the smoker receives a highly dangerous dose. The filter thus engenders a false sense of safety. For example, only four cigarette brands (all nonfilter) out of 121 varieties tested by the Federal Trade Commission in August, 1971, had a higher tar content than the American Brands Company's Bull Durham, a filter cigarette. Only three had a higher nicotine count. Other filter cigarettes with particularly high tar and nicotine contents include Old Gold, Marlboro, and Winston. The United States Public Health Service's National Advisory Cancer Council recommended in 1970 that "a trend noted in some of the more recently introduced filter cigarettes, designed for increased 'satisfaction' and resulting in higher 'tar' and nicotine yields, should be reversed." National Advisory Cancer Council Report, *supra* note 8, at 56.

[21] A compilation of the alleged links between various diseases and the components of cigarette smoke, on file with the *Yale Law Journal*, originally one part of the data and analyses prepared by McKinsey for New York City.

[22] In the words of a committee reporting to the U.S. Surgeon General: "The preponderance of scientific evidence strongly suggests that the lower tar and nicotine content of cigarette smoke, the less harmful are the effects." *Hearings on H.R. 643, 1237, 3055, 6543, and Similar Bills Before the Committee on Interstate and Foreign Commerce*, 91st Cong., 1st Sess., ser. 91–11, pt. 2, at 455 (1969).

[23] *See* Hammond, *Smoking in Relation to Physical Complaints*, 3 Arch. Envir. Health 146 (1961); Wynder & Hoffman, *Reduction of Tumorigenicity of Cigarette Smoke: An Experimental Approach*, 192 J. Am. Medical Ass'n 88 (1965); Bock, Moore & Clark, *Carcinogenic Activity of Cigarette Smoke Condensate*, 34 J. Nat'l Cancer Inst. 481–93 (1965); Forbes, Robinson & Stanton, *supra* note 19, at 910 (1969); Moore, Bross, Shamberger & Bock, *supra* note 19, at 323 (1967).

[24] For example, the level of carbon monoxide in cigarette smoke, which displaces essential oxygen in the blood's hemoglobin, has been linked to arteriosclerosis, coronary heart disease, and temporary mental slowing. Public Health Service, U.S. Dep't of Health, Ed. & Welfare, The Health Consequences of Smoking: A Report of the Surgeon General 62–63 (1972). The other elements, long listed in this category, are tar and nicotine. Not only was the classic smoke-filled room (or automobile) reported to be dangerous to those with heart or respiratory diseases, but, according to some tests, the level of carbon monoxide introduced into a twelve by fourteen foot room after one pack of cigarettes had been smoked was also sufficient to reduce the auditory discrimination, visual acuity, and ability to distinguish the relative brightness of lights of completely healthy adults. Inhalation of carbon monoxide can be reduced by charcoal filters which are, however, largely ineffective in reducing tar and nicotine. Polynuclear aromatic hydrocarbons in tar, many of which are considered carcinogenic, could also be reduced. Report of the Surgeon General 280 (1971); Wynder & Hoffman, *Experimental Tobacco Carcinogenesis*, 162 Science 862 (1968).

[25] Moreover, the F.T.C. has sought and won a voluntary agreement from most manufacturers to print the F.T.C.-measured tar and nicotine content of each type and brand of cigarette, *Hearings*, *supra* note 22, at 455, 458, and pt. 1, at 87; Federal Trade Comm'n, Report to Congress Pursuant to the Public Health Cigarette Smoking Act, December 1967 and 1970.

[26] Gases such as carbon monoxide are, of course, not part of the smoke's particulate content. However, a reduction in tar and nicotine correlates with a reduction in carbon monoxide. Telephone interview with Mr. Emil Corwin, National Clearing House on Smoking and Health, U.S. Public Health Service, Feb. 18, 1972.

[27] It has been shown that the number of cigarettes smoked, how completely each is smoked, and how deeply the smoke is inhaled are stable habits. Diehl, *supra* note 8,

at 202; Moore, Bross, Shamberger & Bock, *supra* note 19, at 323, 331; *cf.* TIME Marketing Research Report No. 1606 (1970). There is still some controversy as to whether the cigarette smoker's "need" for nicotine is physiological or psychological. Telephone interview with Mr. Emil Corwin, National Clearinghouse for Smoking and Health, U.S. Public Health Service, Feb., 1971. *See also* Royal College, *supra* note 8, at 112–13. Probably the most dramatic proof that the number of cigarettes smoked is not dependent on tar and nicotine levels came with the introduction and rapid popular acceptance of filters. Filters led to a sharp decrease in average tar and nicotine consumption. However, per capita cigarette consumption did not increase in that decade; it leveled off. Tobacco Tax Council, Inc., The Tax Burden on Tobacco 3 (1970). It therefore seems safe to assume that reducing tar and nicotine content per cigarette would result in less tar and nicotine consumption, not more.

[28] Nat'l Advisory Cancer Council Report, *supra* note 8, at 55, 56; Moore *et al., supra* note 19; Wynder & Hoffman, *supra* note 23; *cf.* Moshy, 162 Tobacco 22 (1966).

[29] Statement of Professor W. H. Johnson, Department of Biological and Agricultural Engineering, North Carolina State University, *Hearings, supra* note 22, pt. 3, at 1368–71. Cigarette manufacturers interviewed reported that the method is not now in use. However, Professor W. H. Johnson of North Carolina State University reports that R. J. Reynolds is experimenting with another method of modifying tobacco structure known as "puffing" which would also reduce tar and nicotine content per cigarette by increasing volume. Dr. Johnson further reports that tests are now being conducted on the use of a volume-expanding foaming agent for reconstituted sheet tobacco that would achieve the same effect. Telephone interviews with Professor W. H. Johnson, and officials and technicians of several major cagirette companies in February, 1971.

[30] Prohibiting smoking altogether would suffer from the same fundamental weakness as past measures. Many, perhaps most smokers, would find their habit driving them to break the law. Unless the federal government were willing and able to mount a massive, uncorruptible enforcement effort, large-scale, high-priced smuggling would result. Given the difficulty of preventing such smuggling, the power of the cigarette industry, the degree to which governments have come to depend on tobacco tax revenues, and the country's experience with the Eighteenth Amendment, total prohibition is not a realistic option.

[31] Even highly selective prohibition would probably create some smuggling unless enforced at the national level. However, should the tax act too slowly or prove inadequate alone, selective prohibition remains a reasonable supplementary step for the national government to consider. Its impact would be instantaneous and unambiguous. Combining selective prohibition of the most dangerous brands with a tar and nicotine tax would not reduce the tax's revenues greatly since most smokers of the prohibited brands would theoretically switch rather than quit.

[32] Some sumptuary excise taxes are affixed according to the undesirable element in the commodity, such as the alcoholic content of wine. Distilled spirits or wine above twenty-four per cent of absolute alcohol by volume are taxed at a rate of $10.50 on each proof gallon. 26 U.S.C. § 5001 (1970). Differential rates are applied to wines: those with less than fourteen per cent of alcohol by volume, generally table wine, are taxed seventeen cents per wine gallon; those with between fourteen and twenty-one per cent are taxed sixty-seven cents per wine gallon; and those with between twenty-one and twenty-four per cent, generally port or sherry, are taxed $2.25 per wine gallon. 26 U.S.C. § 5041 (1970). Beer is taxed at a rate of $9.00 per thirty-one gallon barrel. 26 U.S.C. § 5051 (1970). If beer were taxed at the distilled spirits rate, the amount due would be $26.04. Despite the apparent parallel with the tar and nicotine tax, these taxes are not perceived as incentive taxes designed to reduce consumption. The higher rates for higher proof drinks are defended instead primarily on the grounds of progressivity. Moreover, there is a great deal of difference between beer and scotch, table wine and sherry—much more so than between Winstons and Marlboros. This difference substantially reduces and potential effectiveness of a tax designed to cause switching by creating price differences. Nonetheless, the differences that do exist in fact encourage some marginal switching from distilled spirits to "the poor man's drink," beer.

[33] *See* J. Due, Indirect Taxation in Developing Economies 63–64 (1970); Staff of the Joint Economic Comm., 88th Cong., 2d Sess., The Federal Tax System: Facts and Problems 150 (1964).

[34] Incentive taxes allow the government to intervene in many areas of production and consumption without assuming the burdens of operating the production enterprise. Government operations are often classic monopolies, either because competition is legally prohibited (as with the police) or because the services provided are at prices well below cost (as with sanitation or health services). Such monopolies have become inefficient and unresponsive; the task is now to create a government that can provide essential services, police the market economy, reallocate resources, and set social priorities, through more effective, responsive, and efficient mechanisms.

Taxation is but one of several means by which government can amend the existing market situation through incentive devices. Government could ensure that adequate resources are given to those whom it wishes to target for specific services by issuing chits or vouchers redeemable in cash by any qualified and licensed person who provides the specified service. For services like sanitation, government could act as a bargaining agent representing its citizen constituency in awarding short-term franchises to independent contractors and then policing and evaluating their performance. Government bounties could be paid directly to those who have done something the state wants done, and could be used, for example, to replace the corruptible police monopoly at least in areas like white-collar law enforcement. Incentive taxes are thus negative bounties penalizing those who fail to do what the government wants.

[35] Moreover, since companies already satisfying the standards set for tax exemption, and/or those relatively close to meeting the standards would benefit from such a differential tax, opposition from the industries to be taxed might be less than what one would otherwise expect. The opposition to a new incentive tax, however, is likely to be more vigorous than is the case with more traditional across-the-board taxes—*e.g.*, excise and sales taxes. This is so because an effective incentive tax will force uncomfortable changes on an industry of usually politically well-organized companies, whereas the traditional flat-rate in the end affects only consumer prices. Although the impact of a tar and nicotine tax would vary a great deal from company to company, no industry source has yet supported such a tax.

[36] Some reformers have, however, long argued that the current flat-rate tax on cigarettes should be replaced by an *ad valorem* tax on the grounds that the flat-rate tax contributes significantly to the oligopolistic structure and lack of price competition in the industry by bearing down proportionately more heavily on any low-priced cigarette. *See* Robertson, *Concentration in the Tobacco Industry as Affected by Tax Policies* in Taxation & Business Concentration, (The Tax Institute ed. 1950). *See also* N. Shilling, Excise Taxation of Monopoly 225–30 (1969). A tar-nicotine tax would run afoul of this argument because it differentiates according to the degree to which a cigarette endangers the public health and not according to price. However, price competition in the cigarette industry is undesirable from the perspective of public health policy. Government almost certainly does not wish to induce new companies into the industry or to foster the aggressive competition or price-cutting that would result. Its intent seems clearly to be to discourage smoking, not vice versa. Price competition would be especially harmful from a health point of view: Because high tar and nicotine tobacco is relatively inexpensive, it would probably be preferred by manufacturers of low-priced cigarettes.

[37] The costs of the smoking-related illnesses and premature death cannot of course be quantified. Even if exact charges could be calculated, administrative limitations would probably not allow as many rate distinctions between the different goods in any taxed class as the differences in the so imposed costs would justify.

[38] Some retailers now pass on the slightly higher wholesale price for "100" cigarettes while others do not.

[39] Distributors and retailers may also favor brands that give them a better profit margin by, for example, giving them the best display positions and more columns in the vending machines.

[40] Promotional efforts may succeed if one assumes that preference for any one brand of cigarette is primarily, if not exclusively based on something that goes on in the mind rather than in the body. *See* Robertson, *supra* note 36, at 33.

[41] However, even if a tar and nicotine tax were reflected in varying retail prices, some consumers, attempting to assess the relative hazards of different cigarettes, might be confused if they depended on price distinctions alone. A tar and nicotine tax with three different rates—like New York's 0, 3 and 4 cents a pack—could lead each retailer to sell cigarettes at as many as six different prices, with up to three prices for regular and king-size brands of varied tar and nicotine content and three prices for the generally higher-priced 100 millimeter brands. Possibly some relatively safe 100 millimeter cigarettes would be selling for more than shorter cigarettes with higher tar and nicotine levels. However, the probability of this confusion occurring is limited: Not all retailers maintain the small price differential for 100 millimeter brands, and the 100's generally have higher tar and nicotine levels.

Some confusion might also occur because prices will vary from retailer to retailer (because of differences in overhead, competition, the use of tobacco as a central or attraction item, etc.). Consequently, even with retail prices that fully reflect the tax's differentials, a low tar and nicotine cigarette may have a higher price when retailed by Store A than a high tar and nicotine cigarette retailed by Store B. This risk would, of course, decline rapidly as the differential between taxed and exempt cigarettes increased.

Fortunately, these problems are more apparent than real. Consumers who buy only one brand will not be affected. Other consumers are unlikely to be misled by markups that vary from store to store, as such variation does not affect the price differences between brands at any particular outlet.

[42] For example, retail tobacconists may attempt to maintain the current simple one and two price structure, with higher prices in some outlets for 100 millimeter cigarettes, especially where they must sell large volumes quickly such as at concessions in athletic stadiums or railroad stations. This has

clearly been the case in New York. The size of the tax will be a major factor in these decisions: A few cents per pack can obviously be more easily absorbed than a dime. *See* pp. 1505–06.

[43] In 1933, the major cigarette manufacturers cut their prices forty per cent to deal with "economy cigarettes" sold by competitors. Robertson, *supra* note 36, at 31–32.

[44] *See* p. 1513. This calculation does not include wholesaler and retailer margins because these men are unlikely to be willing to give up much of their margins to protect one brand over another as long as total sales are not immediately threatened.

[45] After New York's tar and nicotine tax was enacted, the Philip Morris Company introduced "Marlboro Lights," a variant on their leading Marlboro brand with tar and nicotine levels "lowered" below the city's cut-off points. This introduction of a variant on a major brand, instead of an entirely new name, was a departure from the industry norm. At the same time, American Brands introduced a conventional new low tar brand, "Lucky Ten." The introduction of these brands may have been caused by factors other than the New York tax, such as a growing consumer demand for low tar cigarettes as a result of government warnings. It seems probable, however, that the tax at least added to the already considerable "health issue" pressure on the industry, and possibly suggested a way to respond.

[46] Tar and Nicotine Ordinances, Local Law 34, 5 New York City, N.Y., Admin. Code § D46.8.0 (Supp. 1971).

[47] In spite of his authority to control prices, the Finance Administrator chose to act initially to require only that all retailers post notices provided by the city explaining why and how much each brand is taxed. See *The City Record*, Nov. 30, 1971, at 5471, col. 2, and N.Y. Times, Dec. 24, 1971, at 7, col. 3.

[48] Robertson, *supra* note 36, at 29–34.

[49] *See* U.S. Dep't of Agriculture, June 1970, at 9 Tobacco Situation.

[50] *See* note 13.

[51] This estimate is computed by determining how many packs of cigarettes actually passed through the city's tax mechanism by dividing total revenue from the old four-cents-a-pack flat-rate tax by four. Then, by taking the pretax proportion of total cigarette sales attributable to each level of tar and nicotine, one can compute what the size of the new tax should be if no shifting had occurred. The average monthly revenue from New York's tax has been 15.4 per cent below that figure. (The months of July and August 1971 were excluded from this calculation because the revenue generated in these months was temporarily depressed by administrative start-up problems.)

The difference would be explained if there had been a shift of 12.7 per cent of all cigarettes sold from high tar and nicotine to exempt brands. This figure assumes that the ten per cent of cigarettes above only one of the two standards (and therefore taxed at only three cents) will be twice as likely to be switched to the zero cent rate as the seventy-five per cent of all brands (taxed at four cents) which are farther from the borderline. The monthly revenue figures were supplied by Mr. Peter Shalleck of the New York City Finance Administration, January and June, 1972.

[52] *See* p. 1502.

[53] The low tax differentials of three to four cents a pack allow many retailers to continue to charge one price for all brands. This presumably limits the tax's impact on the consumer. Indeed, if the tax had no impact, its failure might have been explained by the inadequacy of the incentive. Still, the failure of the tax's distinctions to be reflected fully in retail prices suggests that future taxes should have larger differentials.

[54] Revenue estimates based on the 1971–72 brand sales volume and tar-nicotine level figures are higher, not lower, than 1970–71. The average level of tar remained constant but the average lèvel of nicotine increased significantly. Maxwell, *Cigarette Scoreboard*, Barrons, Dec. 1971; Feb. 1972; and the Apr. 1972, F.T.C. Tar and Nicotine Measurements.

[55] Although the city has 3.8 per cent of the nation's population, its traditional four-cents-a-pack flat-rate cigarette tax is collected on only 1.5 billion cigarettes, 3.3 per cent of national sales. The assumption that the difference is smuggled is supported by the fact that urban centers have the highest population of smokers, followed by suburbs, and then rural areas. Diehl, *supra* note 8, at 122–23.

[56] The calculation of twelve to thirteen per cent indicates what is happening among those who buy from legitimate dealers. Since those who buy from both legitimate and illegal sources will almost always buy the same brand in both places, the trend observed among sales by legitimate dealers may also be reflected in the black market. On the other hand, some smokers of brands now subject to the new tax may have sought out bootleg sources to avoid the tax. This last possibility is somewhat tempered by the fact that cigarette smugglers pass on to their customers only part of the difference between their purchase supply cost and legitimate retail prices. Thus, some New York smuggling operations are reported to be charging a higher price for cigarettes subject to the tar and nicotine tax than for those that are exempt. Interview with Mr. Morris Weintraub, Managing Director, Wholesale Tobacco Distributors of New York, Inc., Dec. 23, 1971.

[57] The two per cent increase attributed to the tar and nicotine tax is derived as follows. For the first ten months of the fiscal year 1971–72, the total rise in smuggling and avoidance for New York was 3.8 per cent. This 3.8 per cent figure is computed by comparing the average monthly tax receipts for the first ten months of the fiscal year 1971–72 with the average receipts for 1968–71. The tax receipt data were supplied by Mr. Peter Shalleck, New York City Finance Administration. During the period 1968–71, average per capita consumption remained virtually static: 2640 cigarettes per capita in 1968 *vs.* 2648 cigarettes in 1971. Tobacco Tax Council, *supra* note 10, at 3. Since the city's population has also remained static during 1968–71, the 3.8 per cent smuggling and avoidance estimate should not be increased by any increase in total national sales.

However, it would be wrong to attribute the 3.8 per cent increase solely to the tar and nicotine tax. On June 1, 1971, the sales tax was raised one per cent—which is equivalent to .5 to .6 cents a pack. The tar and nicotine tax had an average initial impact of 3.5 cents a pack. The state cigarette tax was then increased three cents a pack in February 1972. Although one can see a further drop in taxed sales after February 1972, it is extremely difficult to disentangle the effects of the different taxes directly. However, a reasonable assumption is that the tar and nicotine tax caused only as much of the loss as its portion of the increased tax burden, roughly half the 3.8 per cent loss.

[58] Smugglers would have to increase the number of high-tar and nicotine cigarettes sold dramatically to account for the switching reflected in the city's revenue figures. Even if all the increase in smuggling were in high-content brands, and if all prior-bootleg sales of low-content brands were replaced with high-content sales, the increase in high tar and nicotine cigarettes sold necessary to account for New York's switching could be reached only if prior bootlegged sales had an exceptionally large proportion of low-content brands, a rather unlikely eventuality.

[59] Interview with Mr. Morris Weintraub, and Mr. Alan Weintraub of the Cigarette Merchandisers' Association (New York), December, 1971.

[60] The McKinsey estimate of the annual revenue that New York City could expect from its tar and nicotine tax was $22.6 million. Although revenue for the first six months was running at a $22.7 million annual rate, the slow start up in July and August, added smuggling and avoidance caused by other increases in the local cigarette tax burden, and some continuing switching to low tar brands may push actual first year revenue slightly below $22.6 million.

[61] These estimates are all based on the assumption that tax liability would result, as in the case of New York, at cut-off points of 17 milligrams of tar and 1.1 milligrams of nicotine per cigarette. A midrange revenue estimate for the first year of a national tar and nicotine tax with rates of 0, 3 and 4 cents a pack is $839 million; a similar estimate for rate of 0, 9 and 10 cents a pack is $1,978 million. Assuming that total demand for cigarettes remained unchanged, each additional penny added to the existing flat-rate federal tax of 8 cents per pack would rate $255.8 million in new revenue a year. Tobacco Tax Council, The Tax Burden on Tobacco 6 (1970).

[62] Smuggling and evasion can be estimated from past increases in cigarette tax rates, although a tar and nicotine tax should lead to somewhat less smuggling than an equivalent flat-rate cigarette tax as it would provide smokers with the legal alternative of avoiding the tax by switching to low tar and nicotine cigarettes. For a discussion of increases in cigarette tax rates see Bureau of the Census, U.S. Dep't of Commerce, State Gov't Finances in 1970 (1970). Given past experience, revenue estimates can assume that additional tobacco taxes will not lead to a rapid, lasting drop in cigarette consumption although it may help discourage some people from starting the habit and a small number from continuing. *Cf.* City and County of Denver, Financing Municipal Government in Denver (1955); Hamovitch, *Sales Taxation: An Analysis of the Effects of Rate Increases in Two Contrasting Cases*, 19 Nat'l Tax J. 411 (1966); McAllister, *The Border Tax Problem in Washington*, 16 Nat'l Tax J. 362 (1961).

[63] This effect tends to be hidden because the areas with highest cigarette retail prices (and taxes) are generally urban, and city-dwellers smoke more on average than non-urban Americans.

[64] *See* note 57 *supra*.

[65] State governments would have no trouble in piggy-backing on their own taxes. Local governments without a cigarette tax of their own would, however, probably have to work out an agreement with their state's tax administration to permit joint stamps and common licensing of agents.

[66] Federal Trade Comm'n, Tax and Nicotine Content of Cigarettes (issued periodically).

[67] For example, some of the older machines located in markets like New York with unusually high prices will have trouble moving to prices of sixty-five or seventy cents a pack because at least four coins will be required for each transaction. Telephone interviews with Mr. Alan Weintraub, The Cigarette Merchandisers' Association (New York) and Mr. Classano, Rowe International Corporation, vending machine manufacturers and operators, February 1971.

[68] In New York City, only half the cigarette vending machines can handle three or more prices; an additional forty per cent are able to charge two different prices. Telephone interviews with twenty vending machine companies in the metropolitan area, February 1971.

[69] The old one-price machines are owned and operated primarily by clubs, restaurants,

and small stores. Increased price variation would reduce the value of these older machines somewhat, thereby hurting the small businessmen.

[70] In either case the vending machine company would find sales of low tar and nicotine cigarettes more profitable than those taxed at a higher rate, which should lead operators to seek to sell a larger percentage of low tar and nicotine cigarettes.

[71] Vending machine operators in New York City have experienced a short-term conversion problem, a permanent increase in clerical costs, a new fall in sales due to smuggling, and some problems of theft by servicemen as a result of the tar and nicotine tax. (Correspondence from Cigarette Merchandisers' Association (New York) to Richard Lewisohn, Finance Administrator, and Mr. Harry Katz, Assistant Finance Administrator, July to December 1971; interview with Mr. Morris Weintraub and Mr. Alan Weintraub of the Association and the Wholesale Tobacco Distributors of New York, December 23, 1971.) One of the largest vending companies, Paramount, claims a conversion expense of $16,000. However serious the costs of conversion and increased record keeping, the vending machine companies' chief complaint is a drop in sales allegedly ranging up to fourteen per cent. (Correspondence between vending machine operating companies, November and December 1971.) The vending companies affected attribute these losses to smuggling, although the number of packs actually taxed declined only 2.8 per cent following the imposition of the tar and nicotine tax and increased state sales tax.

[72] This cost would be substantially smaller than that of initially adjusting to several different rates because it could be accomplished primarily by shuffling brands in the columns of the machines.

[73] *See, e.g.*, p. 1502 *supra*.

[74] D. Cressey, Theft of a Nation 245 (1969); R. Salerno & J Tompkins, The Crime Confederation 38, 158 (1969); letter from Governor Nelson Rockefeller of New York to Congressman Emanuel Celler, Jan. 23, 1970, stating, "[C]igarette smuggling has proved to be a highly profitable source of income for elements of organized crime. . . ."

[75] The tobacco industry in areas subject to smuggling could minimize evasion under a tar and nicotine tax by not raising cigarette prices on cigarettes not subject to new taxes. The industry campaigned vigorously against New York's new tax on the grounds that the tax increase would encourage smuggling, an entirely legitimate argument. However, the industry's initial effort to raise prices five cents across the board once the tax was enacted, even on those cigarettes not subject to the tar and nicotine tax at all, is not consistent with its sense of urgency and commitment in dealing with the problem.

[76] Although most smokers have strong short-term brand loyalty, the typical smoker changes brand allegiance periodically. The new federal ban on cigarette broadcast advertising may weaken brand loyalties. Brand market shares have, in any case, fluctuated widely over time (Standard & Poor's, *supra* note 15, at 106–08). However, *short-term* brand loyalty for cigarettes is quite high. (*See Consumer Dynamics in the Supermarket,*, at Progressive Grocer K89 (1966).)

[77] Mr. Albert Sohn of the New York State Commission of Investigation estimates that the State and City of New York lost $342 million in revenues as a result of cigarette sumggling over the last six years. The New York Post, Jan. 18, 1972, at 4 col. 2.

[78] Testimony of Mr. Beverly Starkey, chief of the New York Special Investigating Division and Mr. Joseph Haggerty, head of the Cigarette Tax Enforcement Unit, before the New York State Investigation Commission, Jan. 19, 1972. Cigarette smuggling in New York is a misdemeanor, regardless of the volume smuggled. However, the civil tax penalty is stiff—$100.00 a carton plus fifty per cent of the unpaid cigarette tax.

[79] Any increase in cigarette taxes, regardless of its form, will have to meet the objection that such an increase is regressive. The poor and near-poor begin smoking at an earlier age and smoke more than the more wealthy and better educated. A. Prest, Public Finance 370 (1963); Heath, 101 A.M.A. Arch. Internal Medicine 377 (1958); McArthur, Waldron & Dickinson, *The Psychology of Smoking*, 56 J. Abnormal & Social Psychology 267, 267–75 (1958); Salber & MacMahon, *Cigarette Smoking Among High School Students Related to Social Class and Parental Smoking Habits*, 51 Am. J. Public Health 1780 (1961). Smokers with annual incomes of less than $6,000 spend a roughly constant proportion of their income on tobacco; wealthier smokers spend proportionately less. Diehl., *supra* note 8, at 122–23.

[80] Bell & Laing, *Statistical Analysis of Mortality Rates of Cigarette, Pipe and Cigar Smokers*, 100 Canadian Medical Ass'n J. 806 (1969).

[81] Cigar and pipe smoke is so heavy and alkaline that inhaling is unpleasant and therefore rare. In early 1971, the Royal College of Physicians (London) reported that:

> The (resulting) remarkable disparity of risk between smokers of cigarettes and smokers of pipes and cigars suggests that much saving of life and health might be achieved if cigarette smokers were to change to pipes and cigars.

Royal College, supra note 7, at 131. To encourage such switching, the Royal College advocated tax differentials. In fact, such differentials already exist in the United States: For example, the federal government taxes cigars with the same tobacco content as cigarettes at $0.75 a thousand rate instead of the $4.00 a thousand rate applied to cigarettes. 26 U.S.C. 5701(a)(b) (1954).

No study has been undertaken as of this date which has compared the danger of smoking small cigars to that of smoking cigarettes. Telephone interviews with Dr. George Moore, Roswell Park Memorial Institute; Dr. Woodward, Department of Agriculture (Philadelphia Laboratory); Dr. Don Schoplind, National Clearinghouse for Smoking and Health; and Mr. Brauninger, Federal Trade Commission, February 8, 1971. Dr. Moore suggested that small cigars were probably less dangerous than cigarettes because they are likely to be inhaled less frequently, and because fewer are likely to be consumed by the average smoker on any given day.

However, even so, the pipe smoker has a mortality rate eleven per cent higher than nonsmokers. Garfinkel, *The Association Between Cigarette Smoking and Coronary Heart Disease and Other Vascular Diseases*, 44 Bull. N.Y. Acad. Med. 1496 (1968). *See also* Surgeon General's Report 233 (1964).

[82] *See, e.g.*, TIME Marketing and Research Report No. 1606 (1970).

[83] Annual Reports compiled by Cigar Manufacturers Association of America and First National City Bank, Letter of Apr., 1970.

[84] Moreover, past experience with cigar and manufactured tobacco taxes has been discouraging. Although all the states, and at least 272 localities tax cigarettes, only twenty-two states and seventeen localities tax other tobacco products. Congress repealed the tax on manufactured tobacco in 1965, primarily because it was considered especially regressive. New York State imposed a fifteen per cent tax on cigars and pipe tobacco in 1959, but the tax was repealed in 1961, after massive smuggling and mail order evasion, a drop in retail sales of twenty-five to thirty per cent, declines in tobacconists' sales of other goods, and spirited opposition from the retailers supported by the press. *See N.Y. Times*, Nov. 29, 1959, § 3 at 1, col. 8, June 15, 1960, § 4, at 1, col. 5.

[85] The Federal Trade Commission's *Tar and Nicotine Content of Cigarettes*, which is issued periodically, shows variations in the relationship between the tar and nicotine levels in individual brands from November, 1970, to April, 1972.

[86] Providing special reductions or exemptions from existing flat-rate taxes as well as from the extra charges of a tar and nicotine tax for the small number of cigarettes with exceptionally low tar and nicotine counts—*e.g.*, those with less than 10 mgs. of tar and 0.6 mgs. of nicotine per cigarette—would be a valuable refinement of the incentive structure that would involve so little revenue loss that it might be acceptable even to governments giving high priority to the goal of revenue generation. Providing this additional incentive would underline the tax's public health objective, thereby increasing its potential educational impact.

[87] This consideration is important because as the number of consumers shifting from a taxed-brand decreases, the manufacturer is less likely to alter the tar and nicotine content of his brand for fear of jeopardizing his remaining market. However, if he can easily get the tar and nicotine content of his brand below the cut-off points, even a slight decrease in his market might push him to avoid the tax, thereby causing an involuntary switch by his remaining consumer market.

[88] McKinsey compilation on file with the *Yale Law Journal*, orginally one part of the data and analyses prepared for New York City.

[89] In a range of ten to thirty milligrams per cigarette of tar, sixty-three per cent of all cigarettes produced fall within the narrow band of eighteen through twenty milligrams. The next largest such three milligram grouping would be nineteen through twenty-nine milligrams, which accounts for approximately forty-five per cent of all cigarettes produced. A tax cutoff between seventeen and eighteen milligrams or eighteen and nineteen milligrams therefore appears to be the point of maximum leverage. In a range of 1.0 to 1.8 milligrams of nicotine per cigarette, a pattern somewhat similar to that of tar content is apparent; sixty-seven per cent of all cigarettes fall in the 1.2 to 1.4 milligram band and seventy-three per cent in the 1.3 to 1.5 milligram band.

[90] A seventeen milligrams of tar cutoff would yield a local government approximately seventeen per cent more revenue than an eighteen milligram cutoff, assuming a four cent a pack rate for cigarettes above the standard and the probable switching as a result of the tax.

A 1.1 milligram per cigarette cutoff for nicotine would yield approximately three per cent more revenue than a cutoff of 1.2 milligrams assuming a four cents a pack rate and estimated switching (based on New York City's experience) as a result of the tax.

[91] McKinsey calculations based on Federal Trade Comm'n, Tar and Nicotine Content of Cigarettes, November, 1970, April, 1972; Maxwell, *Cigarette Scorebox*, Barrons (Fall 1970).

[92] Standard & Poor's, *supra* note 15, at T114 (1970). However, company profit margins vary widely.

[93] When enacted, New York's tar and nicotine tax made the city cigarette taxes the highest in the nation. Nevertheless, fourteen states, including all of New York State's immediate neighbors, still had higher ratios of tax to average retail price. Based on comparisons made from Commerce Clearing House, *State Tax Reporter* on state tax rates.

[94] For much the same reasons only the federal government would find it easier to implement selective prohibition than local governments subject to smuggling.

[95] *See* p. 1502.

[96] It is possible that the industry might seek to undercut the tar and nicotine tax innovation by making it seem ineffective. The industry has lobbied against the tax vigorously thus far, clearly perceiving it as a

threat. It could afford to do so, even in the face of steep local taxes, if a procedure for supporting local dealers with resources from the rest of the industry—possibly analogous to the oil companies' support for local outlets during gasoline price wars—could be worked out.

[97] *See* p. 1500.

[98] *See* p. 1505.

[99] Government facing stiff citizen resistance to new taxes may find the dual health and revenue intent of the tar and nicotine tax a significant advantage. In the words of one high New York City official, "Who can oppose a tax on cancer?"

S. 456

Be it enacted by the Senate and House of Representatievs of the United States of America in Congress assembled, That this Act may be cited as the "Cigarette Tar Tax Act".

Sec. 2. (a) Section 5701(b) of the Internal Revenue Code of 1954 (relating to tax on cigarettes) is amended to read as follows:

"(b) Cigarettes.—On cigarettes, manufactured in or imported into the United States, there shall be imposed the following taxes:

"(1) Small cigarettes.—On cigarettes, weighing not more than 3 pounds per thousand, the tax shall be determined under the following table:

"If the tar content thereof is—	The tax per thousand cigarettes shall be—
10 mg. or less	$4
More than 10 mg. but not more than 15 mg	7
More than 15 mg. but not more than 20 mg	10
More than 20 mg	15

"(2) Large cigarettes.—

"(A) In general.—On cigarettes weighing more than 3 pounds per thousand, the tax per thousand shall be 2.1 times the tax prescribed by paragraph (1).

"(B) Special rule for long cigarettes.—On large cigarettes (as described in subparagraph (A)) which are more than 6½ inches long, the tax per thousand shall be determined under paragraph (1), counting each 2¾ inches, or fraction thereof, of the length of each as one cigarette.

"(3) Determination of tar content.—

"(A) Testing by federal trade commission.—The Federal Trade Commission shall from time to time (but not less often than once each calendar year) test each brand of cigarettes manufactured in or imported into the United States for the tar contents of cigarettes of such brand. The conditions, methods, and procedures for conducting such tests shall be prescribed by (and may be changed by) the Commission by regulations issued by it for purposes of this paragraph. Until such time as such regulations are first issued, the conditions, methods, and procedures for conducting such tests shall be those approved by the Commission for formal testing which are in effect on the date of the enactment of the Cigarette Tar Tax Act.

"(B) Certification to Secretary.—At least once each calendar year, the Chairman of the Federal Trade Commission shall certify to the Secretary or his delegate, on the basis of the tests conducted pursuant to subparagraph (A); the tar content of each brand of cigarettes manufactured in or imported into the United States. The tar content of a brand of cigarettes as contained in such certification shall, for purposes of applying paragraphs (1) and (2), be the tar content of cigarettes of such brand for the period beginning with the day after such certification is made with respect to such brand and ending with the day on which the next certification is made with respect to such brand."

(b) The amendment made by subsection (a) shall take effect on the first day of the first calendar quarter which begins more than 30 days after the date of the enactment of this Act, except that, with respect to the authority of the Federal Trade Commission to issue regulations for purposes of sections 5701(b)(3) of the Internal Revenue Code of 1954 (as added by subsection (a)), such amendment shall take effect on the date of the enactment of this Act.

* * * * *

A bill to amend the taxation law of the State of —— to increase the rate of tax imposed on the sale and use of certain cigarettes

Be it enacted by the Senate [General Assembly] as follows:

Subdivision —— of Section —— of Title —— of the Taxation Law of the State of —— is hereby amended to read as follows:

Section 1.

(a) A tax is hereby imposed on the sale, use, possession for sale within this State of all cigarettes at the rate of —— for each ten cigarettes or fraction thereof.

(b) In addition to the tax provided for in subdivision (a), there is hereby imposed a tax on the sale, use or possession for sale within this State of all cigarettes according to the tar and nicotine content of said cigarettes, at the following rates:

1. —— cents for each ten cigarettes where the tar content exceeds x milligrams per cigarette; except that for each —— milligrams per cigarette over x milligrams the tax shall be increased by —— cents.
2. —— cents for each ten cigarettes where the nicotine content exceeds y milligrams per cigarette; except that for each —— milligrams per cigarette over y milligrams the tax shall be increased by —— cents.

(c) The term "use" means the exercise of any right or power actual or constructive and shall include but is not limited to, the receipt, storage or any keeping or retention for any length of time, but shall not include possession for sale.

Sec. 2. The [State Commissioner of Revenue] shall prepare annually a list of the tar and nicotine content of all brands of cigarettes sold within this State. In establishing said list, the most recently published report of the Federal Trade Commission concerning the tar and nicotine content of cigarettes, or in the event that the Federal Trade Commission has not published such a report within the last twelve (12) months, a report obtained from a testing laboratory satisfactory to the [State Commissioner of Revenue], shall be prima facie evidence of the tar and nicotine content of the various brands of cigarettes.

Sec. 3. The [State Commissioner or Revenue] shall utilize the list provided for in Section 2 to annually assess the amount of additional tax to be imposed on each brand and type of cigarette as provided in Section 1(b).

Sec. 4. The [State Commissioner of Revenue] is hereby empowered to do all acts necessary for effectuating the purposes of this law, including adoption of rules and regulations in furtherance of the statutory purpose.

Sec. 5. It is intended that the ultimate incidence of the tax shall be upon the consumer. In furtherance of this intent, the [State Commissioner of Revenue] may provide by appropriate regulation for the maintenance of such differentials in wholesale and retail prices of cigarettes sold by any vendor, other than the manufacturer, so as to reflect the amount of tax attributable to the tar and nicotine content of cigarettes sold. In so doing, he may use and consider the factory price of various brands of cigarettes. In addition, he may consider the mode or method by which retail sales are effected and limit his regulations so as to affect any one or more or all of such modes or methods.

* * * * *

Sec. 7. It is intended that the taxes imposed by this Article shall be imposed upon only one sale of any cigarette. The primary responsibility for the tax shall rest at the wholesale level. It shall be presumed that all cigarettes within the state are subject to tax until the contrary is established, and the burden of proof that any cigarettes are not taxable hereunder shall be upon the person in possession thereof.

* * * * *

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. ROBERT C. BYRD. Mr. President, if the Chair will recognize me, I will be glad to yield to the distinguished Senator from Utah.

The PRESIDING OFFICER. The Senator from Utah is recognized for an additional 3 minutes.

Mr. MOSS. Mr. President, I thank the Senator from West Virginia for his courtesy.

QUORUM CALL

Mr. MOSS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The PRESIDENT pro tempore laid before the Senate the following letters, which were referred as indicated:

Notice Published in the Federal Register

A letter from the Acting Assistant Secretary for Science and Technology, Department of Commerce, transmitting, for the information of the Senate, a notice of finding published in the Federal Register that a flammability standard for children's sleepwear, sizes 7 through 14, may be needed (with accompanying papers); to the Committee on Commerce.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. HUMPHREY, from the Committee on Agriculture and Forestry, with an amendment:

H.R. 4278. An act to amend the National School Lunch Act to assure that Federal financial assistance to the child nutrition programs is maintained at the level budgeted for fiscal year ending June 30, 1973 (Rept. No. 93–59).

By Mr. CANNON, from the Committee on Rules and Administration, without amendment:

S. Res. 80. An original resolution to pay a gratuity to Shirley L. Bacon. Placed on calendar.

By Mr. FULBRIGHT, from the Committee on Foreign Relations, without amendment:

S. 590. A bill to require that future appointments of certain officers in the Executive Office of the President be subject to confirmation by the Senate (Rept. No. 93–60). Referred to the Committee on Armed Services.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated:

By Mr. BELLMON:

S. 1162. A bill to encourage the development of the natural energy resources of the United States in order to assure dependable and adequate energy supplies. Referred to the Committee on Interior and Insular Affairs, by unanimous consent.

By Mr. BAKER:

S. 1163. A bill to provide for a program for the regulation of surface mining of coal to protect the environment, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

By Mr. CHILES (for himself and Mr. GURNEY):

S. 1164. A bill to provide for the establishment of the Guano River National Park in the State of Florida, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

By Mr. MOSS:

S. 1165. A bill to amend the Federal Cigarette Labeling and Advertising Act of 1965, as amended by the Public Health Cigarette Smoking Act of 1969, to define the term "little cigar" and for other purposes. Referred to the Committee on Commerce.

S. 1166. A bill to amend the National Traffic and Motor Vehicle Safety Act of 1966 to require the establishment of a Federal motor vehicle safety standard with respect to rear lighting. Referred to the Committee on Commerce.

By Mr. HART:

S. 1167. A bill to supplement the antitrust laws, and to protect trade and commerce against oligopoly power or monopoly power, and for other purposes. Referred to the Committee on the Judiciary.

By Mr. HUMPHREY:

S. 1168. A bill to provide for the establishment of an Older Workers Conservation Corps, and for other purposes. Referred to the Committee on Labor and Public Welfare.

By Mr. HRUSKA:

S. 1169. A bill for the relief of Henry Edward Steele. Referred to the Committee on the Judiciary.

By Mr. FULBRIGHT (by request):

S. 1170. A bill authorizing continuing appropriations for Peace Corps. Referred to the Committee on Foreign Relations.

S. 1171. A bill to amend the Foreign Service Buildings Act, 1926, to authorize additional appropriations, and for other purposes. Referred to the Committee on Foreign Relations.

By Mr. ERVIN (by request):

S. 1172. A bill to amend the Act of August 25, 1958, as amended, and the Presidential Transition Act of 1963. Referred to the Committee on Government Operations.

By Mr. SPARKMAN:

S.J. Res. 74. A joint resolution to authorize the President to issue a proclamation designating the last full calendar week in April of each year as "National Secretaries Week." Referred to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BELLMON:

S. 1162. A bill to encourage the development of the natural energy resources of the United States in order to assure dependable and adequate energy supplies. Referred to the Committee on Interior and Insular Affairs, by unanimous sent.

NATIONAL ENERGY RESOURCE DEVELOPMENT ACT OF 1973

Mr. BELLMON. Mr. President, plainly the events of this winter have proved that the United States must have a clear, concise, definite national energy policy. I am today introducing a bill to help accomplish this objective.

This proposal is based primarily upon my experiences as a member of the Interior Committee which, under the leadership of its able chairman, Senator Henry JACKSON, has conducted months of hearings on energy policy. These hearings are pursuant to the terms of Senate Resolution 45 whose principal author is the distinguished senior Senator from West Virginia (Mr. RANDOLPH).

It is not the intent of this proposal in any way to attempt to preempt the work of the Senate Interior Committee, which is well along in developing a proposal for a national energy policy under the terms of Senate Resolution 45. Rather, it is my intent to sum up the impressions gained in 4 years' work as a member of the Interior Committee as a contribution to the total effort of the Senate in developing a national energy policy.

Mr. President, absurd as it sounds, every Member of this body and every citizen of this Nation should now be giving thanks for the weatherman—we should bless him because he has been particularly rough on us this winter. This winter he has hit the country with a series of low blows almost unparalleled in our country's history. Consider—record snows in the South, record early cold in the Midwest, record rain in the Corn Belt, January temperatures 20–30 degrees below normal, and ice storms all over the Nation. In so doing he has done the country a real favor.

Until now, our country has been fiddling while it has been running out of fuel to burn. Because of the capricious nature of this winter's weather we have record demands upon the Nation's energy supplies—heating oil to warm cold homes, residual oil to heat factories, coal and natural gas to turn electric turbines, liquefied petroleum gasses to fuel crop dryers, and diesel fuel, jet fuel and gasoline to move freight and passengers. These demands have not been met.

What is the good of all this? It is this: By hitting the country with his Sunday punch, the weatherman has done more to wake the Nation up to its energy problems and bring environmental realism than all the energy speechmakers put together.

Miraculously, just when the weatherman had the country down for a nine count, he relaxed his grip; and it now appears we will make it through the rest of the winter without people freezing in the dark.

But another winter is less than 12 months away. We must use this time to correct the senseless energy policy or lack of policy we have followed these past 20 years.

The energy problem—whether it is a crisis or not—now has the country's attention. It does not take many hours in a cold home or office or many days of factory shutdown to convince folks that the Nation's energy problems are very real and very, very present.

The question is asked: Do we need to run short of energy? The answer is, "No," at least not for the next 500 years. We have more than enough natural deposits of oil, natural gas, uranium, coal, and oil shale still in the ground to last at least 500 years.

Beyond that, who knows? By then surely we will have perfected a solar cell or harnessed fission or learned to draw heat from the core of the earth. In fact, we may have practical, workable breeder reatcors operating by 1990. Our big energy problem consists of getting along for these next 20 years. A person can get awfully cold and hungry in 20 years, or 20 days, or 20 hours.

If all these natural energy sources are lying around, how did we get in this shape? Let me tell it like it is. The plain, bald fact is this: Our problem is mostly the fault of Government.

First, there is the Federal Power Commission. It got started in the energy policy business a few years back when the oil production States got fed up with seeing their natural gas being burned up in flares. They passed laws saying the oil producers could not sell their crude oil until they also found a market for their natural gas.

That forced the producers to scramble around to find buyers for the natural gas which no one seemed to want so the companies could sell the crude oil which everyone wanted. So gas was for sale to anyone—at any price. Big pipelines were built from Texas, Kansas, Wyoming, Louisiana, Oklahoma, and other gas producing States to the large cities where natural gas was a much more desirable fuel than the coal that had been used for fuel.

This is where the Federal Commission came along. Government became concerned that once the cities were hooked, literally, on natural gas, the producers would raise gas prices. So the FPC's job was to see that the consumer got a fair shake. No gouging.

For awhile everything went well. Even though natural gas was so cheap no one could afford to drill for it, oil producers found plenty of gas accidentally as they drilled more and more oil wells. Coal mines either shut down or failed to expand because who wanted dusty, sweaty, dirty-burning coal when convenient clean-burning gas was plentiful and cheaper—about one-third the cost of other fuels on a B.t.u. basis?

So everyone who could burn gas—factories, office buildings, homes, even electrical generating plants—went all out for gas.

Now the plot thickens. Because cheap gas took over much of the market the prices of other kinds of fuel were depressed. Even crude oil could not compete, at least not when it was produced from the high-cost fields in the continental U.S.A.

So the oil producers began to look around. They found fabulous oil fields in other countries, especially in the area of the Persian Gulf. When this oil began to threaten the U.S. market and our security, Government again came to the rescue—this time by establishing the "oil import program." The purpose of the oil import program was to hold down the level of imported crude to about 12 percent of U.S. consumption. It was felt that the country's national security would be endangered if we became dependent for more than that amount of imported crude. Also, the oil import program helped hold the price of domestically produced crude up to levels that made continue U.S. production profitable—at least for a time.

All this time, the United States and world demand for energy was growing—air conditioning, space heating, more and bigger trucks and planes and cars and trains. No one worried about running out of fuel.

Now enter the environmentalists. These are the folks who feel that anyone or anything that messes up the air or water or earth should be stopped.

Among the worst of the bad guys in the minds of environmentalists are those who dig oil wells in the ocean and occasionally spill some crude. In the same category are the coal miners who strip away the overburden to get at seams of coal and leave the countryside ravished. Not far behind are the utility companies who build power generating plants in places where danger from atomic leakage or pollution exists. A special degree of hatred was reserved by the environmental movement for the companies who wanted to build a hot oil line across the Alaskan tundra to bring north slope oil to consumers in the lower 48 States.

So while a bigger and bigger population was using more and more energy to live better and better, the domestic energy-producing industry was getting further and further behind.

Lacking profits comparable with those earned by investments in other types of endeavors, the domestic energy industry either languished or went to foreign countres where the oil fields had not been picked over. Fewer and fewer domestic wells were drilled, fewer and fewer new coal mines were opened, and construction of electrical generating plants and oil refineries was delayed or plans were abandoned.

Now enter the winter of 1972–73. Even though the country has 80 times as much crude oil in the ground as we used in 1971, there was not enough jet fuel for planes or diesel fuel for trucks and trains. Even though there is 800 times as much coal in the ground as we used in 1971, there was not enough available to turn electrical generators. Even though there is 100 times as much natural gas in the ground as we used in 1971, there was not enough available to heat homes and office buildings. Even though there is oil in oil shale deposits sufficient for several hundred years, none is being produced.

Plainly, something is wrong—and as is often the case, much of the blame rests upon Government.

Take the Federal Power Commission, for example. By holding down the price of natural gas to unrealistically low levels, it encouraged overusage of natural gas. Much of this convenient, clean-burning fuel is being burned under boilers because it is cheaper than other fuels. At the same time, because gas is so cheap, production of other fuels is discouraged.

Take Congress. Right when Government should have been providing an economic incentive to accelerate domestic oil and gas production, Congress hiked taxes on the energy industry by some $700 million annually. This tax increase simply meant $700 million less each year for developing new energy supplies.

Take the Treasury and Interior Departments. Right when drilling on the Outer Continental Shelf and other Federal lands should have been accelerated, the availability of public land for energy development was actually reduced. Also, the construction of the Alaskan Pipeline was postponed for years—and still is.

So here we are in this country—sitting on hundreds of years' supply of energy, but our fuel tanks are nearly empty. Here we are with spring upon us, and already there is talk of gas rationing for the coming summer.

To illustrate the problem, I would like to quote from a letter I received recently from Earl R. Gibble, president of the Gibble Oil Co. in Cushing, Okla. Mr. Gibble wrote:

> I am sure you are aware of our problems here in Oklahoma, particularly in the Cushing area, through Forrest Fuqua with Midland Cooperatives, Inc. Forrest has made so many trips to Washington to talk with you. Gibble Oil Company has always purchased all of its fuel from Midland. Now that they have closed the refinery, we will have to close our stations. We have a little over 200 stations in Oklahoma. We only have a 55% supply left in storage for the month of February and a 50% supply for March. At present we have no supply at all for April. That means over two hundred families will be without employment. We certainly hate to have to give up what we have worked 37 years to build.
>
> Now what we need is to find oil, and too, we need pipe lines laid into the Midwest whereby we can get some of this foreign oil. When we shut down the drilling in this part of the country some few years ago, we were afraid at the time that this was going to happen. We desperately need oil.

Also I would like to quote from a letter Mr. Gibble sent to all Gibble Gas dealers on February 6, 1973:

> We really have some bad news for you this time. This I hate to tell you, As you know, I have told you many times that we would have or I believed that we would have plenty of gas for the Gibble Gas stations. This is what the refinery has been telling me, that they were going to take care of Gibble Oil Company. Now they are running real short of crude and it is impossible to meet the needs for the refinery. The first we knew we were going to be short was the first of this month. Then we didn't know how much. The refinery officials here have just gotten back from a meeting with the officials in Minneapolis. On Saturday, February 3rd they had this report for us: We are cut back 45% on our January purchases. They were 3,170,391 gallons and the amount we will get for February will be 1,764,048 gallons. The amount we have for you is 55% of what you purchased in January.

What must we do? Two courses are open to us. We can continue on the path we have followed. We can continue to depress—politically, environmentally and economically—the production of energy from our abundant domestic resources. Following this course we will see the U.S.A. 50-percent dependent upon imported crude by 1975—the drain on our foreign exchange will be at least $9 billion per year. The danger and damage from this policy is plain. What if the supplying countries decide they would rather have their oil in the ground than our shrinking dollars—which they do not need—in the bank? What if the oil tankers are sunk at sea? What if other energy hungry countries out-bid us for the world's limited supply of oil? Over dependence on energy imports is an open invitation to economic chaos and national disaster.

Fortunately another course is open. We can adopt a national energy policy geared to make the country basically self-reliant. This is what we should have done long ago energywise. By doing so we avoid both the economic and national security dangers which accompany high levels of oil imports. By so doing we can assure future generations the same freedom to live and move and grow that we have had during our lifetimes.

Mr. President, the bill is not long and it is not complicated. Briefly, here is what the bill does. First, it enlarges the authority and the responsibility of the present Joint Committee on Atomic Energy to encompass all forms of energy. The invaluable public forum for debating and deciding Government policy relating to atomic energy which this committee provides will be extended to cover all energy forms.

At present no such forum exists. As a result much misinformation on energy matters has been inflicted upon energy users who have had no opportunity to have the full facts. This condition needs to be remedied immediately.

At present there is no official in the executive branch below the level of the President who has the stature and the clear authority to adequately deal with energy decisions. This bill creates such a position, an Under Secretary of Interior for Energy.

Since much of the Nation's remaining energy resources are located on public lands, immediate steps must be taken to make these deposits available for development if the Nation's energy needs are to be reliably met. The bill makes such action national policy. It further provides an additional option for leasing so that capital needed for exploration and development will not be unnecessarily immobilized. Total income to the Government will likely be increased.

The bill makes provision for a governmental commission to develop methods of reducing waste and improving the distribution of the Nation's scarce energy resources.

Mr. President, present unrealistic governmental regulation of domestically produced natural gas has caused wasteful overutilization and serious underproduction of this convenient clean burning fuel. This bill provides for the orderly deregulation of all natural gas prices. Market influences will quickly restrain wasteful usage of natural gas and accelerate gas production. Consumers, who presently suffer from shortages of domestically produced natural gas or who are paying exorbitantly high prices for undependable imported liquified natural gas, will then be better served.

Mr. President, at the very time the Nation's energy requirements began to exceed our producing capability the Congress acted to remove or decrease one of the most important incentives for new exploration and development—the depletion allowance. Predictably, the rate of drilling new oil and gas well has declined.

The number of U.S. wells are as follows: 1956, 16,207; 1960, 11,704; 1965, 9,466; 1970, 7,693; 1971, 6,922, and 1972, 7,587.

This trend must be reversed or the Nation's present energy crunch will become a catastrophe.

This bill provides a new means of applying the depletion allowances to provide an extra incentive for exploring and developing the Nation's domestic energy resources.

In order to accelerate research on new and better means of finding and developing domestic energy resources, the bill provides for joint industrywide research efforts. The same provisions would allow joint or coordinated programs to desulfurize coal or crude oil.

Mr. President, as was done when atomic energy was first developed, provision is made to allow the Defense Department to contract for new sources of needed fuel at above current market prices. This provision will allow for construction and operation of demonstration plants to produce crude oil from coal or oil shale. Several years will be saved by getting these plants into operation now before the economics of the energy industry would normally justify such investments.

Mr. President, I ask unanimous consent that the bill may be printed in the Record, together with a section-by-section analysis of the bill.

There being no objection, the 6, 11 and analysis were ordered to be printed in the Record, as follows:

S. 1162

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled. That this Act may be cited as the "National Energy Resource Development Act of 1973".

TITLE I—CHANGE OF JOINT COMMITTEE ON ATOMIC ENERGY INTO JOINT COMMITTEE ON ENERGY

CHANGE OF NAME AND FUNCTIONS

Sec. 101. Chapter 17 of the Atomic Energy Act of 1954 (42 U.S.C. secs. 2251–2257) is amended—

(1) by striking out "ATOMIC" in the chapter heading;

(2) by striking out "ATOMIC" in section 201; and

(3) by strikiing out section 202 and inserting in lieu thereof the following:

"Sec. 102. Authority and Duty.—

"(a) The Joint Committee shall make continuing studies of problems relating to the development, use, and supply of energy for the purpose of making such recommendations to the Congress with respect thereto as it deems advisable in the interests of the national security, the public health and welfare, and the Nation's economic stability. In making such studies the Joint Committee shall hold periodic public hearings. The Commission and other agencies of the Government exercising responsibilities in matters pertaining to the development, use, and supply of all forms of energy, shall keep the Joint Committee fully and currently informed with respect to their activities in such matters,

"(b) All bills, resolutions, and other matters in the Senate or House of Representatives relating primarily to the Commission or to the development, use, or control of atomic energy shall be referred to the Joint Committee.

"(c) The members of the Joint Committee who are members of the Senate shall from time to time report to the Senate, and the members of the Joint Committee who are members of the House of Representatives shall from time to time report to the House (1) their findings and recommendations with respect to problems relating to the development, use, and supply of eenrgy, and (2) their recommendations, by bill or otherwise, with respect to matters within the jurisdiction of their respective Houses which are referred to the Joint Committee under subsection (b) of which otherwise relate to atomic energy and are within the jurisdiction of the Joint Committee."

TITLE II—OFFICE OF UNDER SECRETARY OF THE INTERIOR FOR ENERGY AND MINERAL RESOURCES AND NEW PROGRAMS IN THE DEPARTMENT OF THE INTERIOR

UNDER SECRETARY OF THE INTERIOR FOR ENERGY AND MINERAL RESOURCES

Sec. 201. (a) There is established in the Department of the Interior an Office of Under Secretary of the Interior for Energy and Mineral Resources. The Under Secretary shall be appointed by the President by and with the advice and consent of the Senate.

(b) All functions of the Secretary of the Interior—

(1) on the date of enactment of this Act being carried out by the Assistant Secretary for Mineral Resources,

(2) pursuant to this title, and

(3) all other functions of the Secretary with respect to sources of energy,

shall be carried out through the Under Secretary of the Interior and Energy and Mineral Resources.

(d) Effective thirty days after the date on which the initial Under Secretary takes the oath of office after appointment pursuant to this section the office of Assitant Secretary for Mineral Resources in the Department of the Interior is abolished.

(e) Section 5314 of title 5 of the United States Code (relating to pay rates at level III of the Executive Schedule) is amended by inserting at the end thereof the following:

"(58) Under Secretary of the Interior for Energy and Mineral Resources."

CHANGE IN TYPE OF PAYMENTS FOR MINERAL LEASES ON FEDERAL LANDS

Sec. 202. (a) Notwithstanding any provision of law to the contrary, the Secretary of the Interior shall determine and put into effect, not later than ninety days after the date of enactment of this Act, with respect to mineral leases entered into or renewed thereafter, in addition to the present system of leasing, a system of payments for mineral leases on offshore Federal lands which is based on the amount of production under such leases, and which includes work performance requirements determined by the Secretary.

(b) Leases issued or renewed after enactment of this Act shall not be transferable nor may lessor acquire partners without the express consent of the Secretary of the Interior.

INCREASE IN MINERAL LEASING

Sec. 203. The Secretary of the Interior shall immediately undertake a program to increase the acreage under mineral leases on offshore Federal lands in the first year after the date of enactment of this Act to an amount equal to five times the amount of such acreage offered for lease in the year immediately prior to the date of enactment of this Act, and in each year thereafter to further increase such acreage under such leases to the extent possible.

COMMISSION ON ENERGY UTILIZATION AND LOGISTICS

Sec. 204. The Secretary of the Interior shall appoint an Advisory Commission on Energy Utilization and Logistics composed of representatives from energy production, processing, transportation and distribution industries, government regulatory agencies and environmental groups, in addition to others as may be necessary to make an investigation and study for the purpose of determining—

(1) means of making the optimum utilization of energy supplies, including but not limited to matters relating to energy supplies, conservation, and environmental protection, and

(2) means of improving energy logistics, including but not limited to flexibility in pipeline, water carrier and rail carriers systems and the relationship to energy processing and consuming centers. The Commission shall report the results of such investigation and study, together with its recommendations, to the Secretary and the Congress as soon as practicable.

(3) there is authorized to be appropriated for this purpose a sum not to exceed $500,000.

TITLE III—TERMINATION OF FEDERAL POWER COMMISSION'S AUTHORITY TO REGULATE CHARGES FOR THE PRODUCTION OR GATHERING OF NATURAL GAS

AMENDMENT OF NATURAL GAS ACT

Sec. 301. Section 5 of the Natural Gas Act (15 U.S.C. 717d) is amended by inserting at the end thereof the following new subsections:

"(c) Notwithstanding any other provision of this Act except as provided in subsection (e), the Commission shall establish, not later than ninety days after the effective date of this subsection, a minimum charge for the production and gathering of natural gas by a natural gas company. Such charge shall be equal to the average charge, during the calendar year 1972 for all domestically produced and gathered natural gas (not including any charge for transportation), increased by 50 per centum thereof. Effective one year after establishing such charge the Commission shall increase such charge by an amount equal to 25 per ceatum thereof, and effective one year after such increase the Commission shall establish an additional increase amounting to 25 per centum of the previous year's charge. A minimum charge pursuant to this subsection shall apply only to contracts for sale entered into or renegotiated during the period when such charge is in effect.

"(d) Effective three years after the initial establishment of a minimum charge pursuant to subsection (c), all authority of the Commission with respect to the fixing of the charge for the production or gathering of natural gas is terminated. During such three-year period the Commission shall exercise its authority with respect to the fixing of the charge for the production or gathering of natural gas in accordance with a plan for phased deregulation which makes adequate provision for the time, at the end of such three-year period, when all such authority of the Commission will terminate.

"(e) Effective on the date of enactment of this subsection all authority of the Commission with respect to the fixing of the charge for the production or gathering of natural gas which is brought into production or after such date is terminated."

TITLE IV—ADDITIONAL PERCENTAGE DEPLETION FOR INCREASED DOMESTIC PRODUCTION OF OIL AND GAS AND ELIMINATION OF PERCENTAGE DEPLETION FOR OIL AND GAS WELLS LOCATED OUTSIDE THE UNITED STATES

SEC. 401. (a) Section 613 of the Internal Revenue Code of 1954 (relating to percentage depletion) is amended by adding at the end thereof the following new subsection:

"(e) Increased Domestic Production of Oil and Gas.—

"(1) Additional percentage depletion allowed.—In the case of oil and gas wells located in the United States, the percentage specified in subsection (b) shall be increased by 1% for each 5% or major fraction thereof of increased production by the taxpayer during the taxable year up to a maximum of 10%. The limitation contained in the second sentence of subsection (a) shall not apply with respect to so much of the allowance for depletion for any well as is attributable to the application of the preceding sentence.

"(2) Increased production.—For purposes of paragraph (1), the percentage of increased production by a taxpayer during any taxable year is the percentage by which the amount of oil and gas produced by him from wells located in the United States during the taxable year exceeds the amount of oil and gas produced by him from wells located in the United States during 1972.

(b) The amendment made by subsection (a) shall apply to taxable years beginning after the date of the enactment of this Act.

AMENDMENTS OF INTERNAL REVENUE CODE OF 1954 APPLYING TO INTERNATIONAL ASPECTS

SEC. 402. (a) Effective with respect to taxable years beginning during the one-year period beginning on the day after the date of the enactment of this Act, section 613(b)(1)(A) of the Internal Revenue Code of 1954 (relating to percentage depletion rate for oil and gas wells) is amended to read as follows:

"(A) oil and gas wells located in the United States (if located outside the United States, the rate shall be 15 percent);".

(b) Effective with respect to taxable years beginning during the one-year period beginning on the day after the close of the one-year period referred to in subsection (a), section 613(b)(1)(A) of such Code is amended by striking out "15 percent" and inserting in lieu thereof "10 percent".

(c) Effective with respect to taxable years beginning during the one-year period beginning on the day after the close of the one-year period referred to in subsection (b), section 613(b)(1)(A) of such Code is amended by striking out "10 percent" and inserting in lieu thereof "5 percent".

(d) Effective with respect to taxable years beginning after the close of the one-year period referred to in subsection (c)—

(1) section 613(b)(1)(A) of such Code is amended to read as follows:

"(A) oil and gas wells located in the United States;", and

(2) section 613(a) of such Code is amended by adding at the end thereof the following new sentence: "In the case of oil and gas wells located outside the United States, the allowances for depletion under section 611 shall be computed without reference to this section."

TITLE V—OTHER PROVISIONS TO PROMOTE DOMESTIC ENERGY SUPPLIES

EXEMPTION FROM ANTITRUST LAWS FOR CERTAIN AGREEMENTS

SEC. 501. (a) The anti-trust laws, as defined in section 1 of the Act of October 15, 1914 (15 U.S.C. 12) ond in the Federal Trade Commission Act (15 U.S.C. 41 et seq.) shall not apply to any joint agreement by or among persons engaged in the production or development of energy resources, including but not limited to secondary and tertiary recovery of crude oil or gas and extraction of sulfur from coal, natural gas and crude oil, if such agreement is solely for the purpose of carrying out research to improve such production or development.

(b) As used in this section "person" means any individual, partnership, corporation, or unincorporated association or any combination or association thereof.

(c) Nothing in this section shall affect any cause of action existing on the date of enactment of this section.

NATIONAL DEFENSE ENERGY RESOURCE DEVELOPMENT AND PRODUCTION INCENTIVE PROGRAM

SEC. 502. The Secretary of Defense shall enter into contracts or agreements that will guarantee for a 15-year period after enactment of this Act the purchase of low sulfur hydrocarbon liquids, produced from coal or oil shale up to the level of Department of Defense annual oil and oil products requirements plus normal reserves at a price adequate to insure the producer a reasonable return on investment.

S. 1162

NATIONAL ENERGY RESOURCE DEVELOPMENT ACT OF 1973

TITLE I. CHANGE OF JOINT COMMITTEE ON ATOMIC ENERGY INTO JOINT COMMITTEE ON ENERGY

SEC. 101. Changes the Joint Committee on Atomic Energy to a Joint Committee on Energy with the following authority and duties:

(a) Make studies of problems relating to the development, use, and supply and make such recommendations to Congress as it deems is in the interests of national security, the public health and welfare, and economic stability.

(b) All legislation in the House and Senate relating to Atomic Energy or the Commission will be referred to the Joint Committee.

(c) Members of the Joint Committee will from time to time report to their respective Houses of Congress on the findings and recommendations of the Joint Committee.

TITLE II. OFFICE OF UNDER SECRETARY OF THE INTERIOR FOR ENERGY AND MINERAL RESOURCES AND NEW PROGRAMS IN THE DEPARTMENT OF THE INTERIOR

SEC. 201. Establishes an Undersecretary for Energy and Mineral Resources in the Department of the Interior who will carry out all functions of the Secretary and the Deparment as it relates to energy. Abolishes the Office of Assistant Secretary for Mineral Resources and places the new position at level III of the Executive Schedule relating to pay rates.

SEC. 202. Establishes in addition to the present system of leasing of federal lands a new system of payments for leases on offshore lands based on the amount of production under such leases. This new system would apply to all new leases made 90 days after enactment and to renewals of existing leases.

SEC. 203. Establishes a new leasing plan to increase the amount of leased land in the first year to 5 times the amount of land leased in the year preceding enactment of the Act. This goal should be continued for the succeeding years also.

SEC. 204. Establishes a Commission on Energy Utilization and Logistics in the Department of the Interior. Commissioners to come from representatives of the energy industry, government, agencies, environmental groups. The Commission will study and investigate means of making optimum use of supplies, and the best uses and systems of delivery of energy sources.

TITLE III. TERMINATION OF FEDERAL POWER COMMISSION'S AUTHORITY TO REGULATE CHARGES FOR THE PRODUCTION OR GATHERING OF NATURAL GAS

SEC. 301. Adds new subsections to Section 5 of the Natural Gas Act which provide for the setting by the Commission (FPC) of a minimum charge for natural gas within 90 days after enactment of the Act. This new minimum charge is to be equal to the average charge during 1972 for all domestically produced and gathered natural gas (not including transportation) increased by 50 percent. The following year after enactment the charge is to be raised 25 percent above the first minimum and the third year an additional 25 percent. All price fixing authority of the Commission is terminated other than the foregoing.

TITLE IV. ADDITIONAL PERCENTAGE DEPLETION FOR INCREASED DOMESTIC PRODUCTION OF OIL AND GAS AND ELIMINATION OF PERCENTAGE DEPLETION FOR OIL AND GAS WELLS LOCATED OUTSIDE THE UNITED STATES

SEC. 401. Allows for an additional one percent of depletion allowance for each 5 percent of increased production up to 10 percent. This provision applies to domestic production only.

SEC. 402. Repeals the depletion allowance for wells located outside the United States in a three year period. First year reduction from present 15 percent to 10 percent; Second year from 10 percent to 5 percent; Third year from 5 percent to zero (0).

TITLE V. OTHER PROVISIONS TO PROMOTE DOMESTIC ENERGY SUPPLIES

SEC. 501. Exempts from antitrust laws certain activities of parties when those activities relate to research and development of way to improve energy use and recovery.

SEC. 502. Authorizes the Secretary of Defense to enter into contracts with companies who will produce low sulphur hydrocarbon fuels from coal and/or oil shale.

Mr. BELLMON subsequently said: Mr. President, I asked unanimous consent that the bill I introduced earlier this morning be referred to the Committee on Interior and Insular Affairs. Because of the fact that other committees may be involved in some of the issues. I hope they will be given an opportunity to review the bill as the hearings progress.

The PRESIDING OFFICER. Without objection, it is so ordered.

By Mr. BAKER:

S. 1163. A bill to provide for a program for the regulation of surface mining of coal to protect the environment, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

COAL STRIP MINE CONTROL ACT OF 1973

Mr. BAKER. Mr. President, I send to the desk and request appropriate referral of a bill to establish a Federal-State partnership to provide control over the environmental impact of coal surface mining in the United States, to be known as the Coal Strip Mine Control Act of 1973.

The bill I send to the desk is modeled after S. 3000, the Coal Strip Mine Control Act of 1972, which Senator John Sherman Cooper and I introduced in December of 1971. While the bill recognizes the need to balance environmental and energy concerns, it provides the soundest regulatory approach to the abuses of strip mining. This approach embodies the following key differences from other pending bills.

First, it vests regulatory authority in EPA, an agency with proved environmental regulatory competence, rather than in a department that has the conflicting purposes of promoting and regulating the minerals industry.

Second, it zeroes in on the major source of abuse in mining, the strip-mining of coal, rather than dissipating Federal and State efforts to cover a wide range of activities reaching to every local sand and gravel pit.

Third, it sets up an interim Federal program which will take effect 9 months after enactment—far sooner than any of the other proposals now before the Senate.

Fourth, it sets up a program to begin the reclamation of previously mined "orphan lands."

At the time we introduced S. 3000 over a year ago, Senator Cooper and I stated that the chief hallmark of the battle to bring strip mining under control was time. The situation then as now in the Appalachian region borders on disaster. I sincerely hope that we will see action on this legislation early in this session.

Coal production in this country is an extremely important industry and demand for increased power in years to come will expand markets for this mineral. But mining for coal in recent years has placed a substantial environmental burden upon the already economically depressed Appalachian region and if unchecked will result in the degradation of thousands of acres of lands in the West. It is imperative that the economic benefits and environmental hazard of coal surface mining be brought into balance.

The last Congress saw many programs advanced representing a broad spectrum of approaches to this problem. Some of these failed to take full cognizance of the serious environmental disruption caused by coal surface mining. Others failed to recognize the importance of coal production to fuel the power demands of the country. I can sympathize with those who would ban coal surface mining, for I have seen first hand the ruined landscapes and polluted streams. But I cannot advocate an approach to control of this problem which would lead us into other equally serious problems.

The bill which I have just sent to the desk contains a permit program administered on an interim basis by the Federal Government to insure an immediate and timely response to the problem and then delegated to the States as they establish the machinery and power to deal with the problem. The bill requires that the regulatory scheme deal with all aspects of mining and reclamation—including blasting and road building practices—to insure that landslides, erosion, and other offsite impacts of operations will be controlled, and that reclamation of the site will substantially restore both the original topography and vegetative cover. To assure that these requirements are carried out, a carefully monitored permit program is established, providing that no permit for mining shall issue if there is probable cause to believe that reclamation of the site as proposed by the applicant cannot be achieved or if the mining operation will pose an undue hazard to adjacent lands or waters or if the mining would result in the destruction of a scienic resource valuable to the area.

Additionally before any permit can issue under this program a performance bond must be filed in an amount sufficient to reclaim the site should the permittee default in his obligation. The bond remains in effect throughout operations and until reclamation, including revegetation, is complete.

While the bill necessarily leaves much of the detail of reclamation to regulation, it specifies several stringent standards.

Reclamation of the site must leave the land in substantially the same use and contour as existed prior to mining. Obviously revegetation will require many years to completely repair to the same condition as existed at the commencement of mining. The bill demands that revegetation must be of plants and trees indigenous to the area and must have achieved sufficient stability to be self-sustaining. Offsite storage of spoil—long the prime cause of landslides and siltation—is allowed only to permit storage of excess spoil material and for construction of necessary drainage. The bill demands careful monitoring of such storage to insure that storage sites are rapidly stabilized and vegetated.

Under the bill existing State controls over coal surface mining would continue after enactment for a period of 6 months. During which time the Administrator of the Environmental Protection Agency would develop the regulations and guidelines for the program and a permit mechanism to effectuate these standards. After this initial 6 months no surface mining for coal could be carried on without a permit issued by EPA. Within 8 months after the promulgation of guidelines by the EPA—for which a period of 3 months is specified—the States shall submit programs covering the industry in that State. The Administrator must within 4 months thereafter either approve or disapprove the plan submitted. If the State program or a portion thereof is approved the Administrator may delegate to the designated State agency all or a portion of his authority under the bill.

As is apparent from the foregoing the Administrator of the permit program is vested with a great deal of discretion. He must make very difficult decisions bearing heavily upon the environmental success of the program. In 1970, the administration, with the consent of the Congress, saw fit to create an agency to reflect the great public concern and care for our endangered ecology. If we are to fulfill the purpose of that agency we must take care not to fragment environmental responsibility among the various mission-oriented departments, which are confronted by a multiplicity of functions and subject to intense and often conflicting pressures. For example, the Interior Department was criticized severely in a GAO report only last year for its failure to protect adequately against strip mining abuses on lands it administers. By way of contrast EPA not only is free from such potential conflicts, but is able to dovetail a stripmining control program with its present efforts to control water and air pollution from mining and to explore the use of mines for solid waste disposal.

For these reasons the Environmental Protection Agency is the only appropriate choice for administration of a surface mine program which has the goal of protecting the environment from dangerous mining techniques while considering the Nation's energy needs.

The real heart of the challenge is the establishment of new and improved techniques for surface mining and reclamation. For too many years the techniques employed in coal surface mining have been determined only by expedience. Under the existing philosophy of contour surface mining, that technique is best which moves the most overburden off the coal in the fastest and cheapest way. On many operations in the Appalachian Mountains overburden has been blasted and pushed down steep slopes into roads and waterways below causing pollution of streams, destruction of wildlife habitat, permanent destruction of the landscape, and often threatening homes and domestic water supplies. In contour mining the use of gravity to eliminate overburden must be stopped. The employment of techniques presently under study will permit the continuance of contour mining but without the problems presently associated with it.

One such new technique—the so-called double-box cut method of mining—is presently being studied by the Tennessee Valley Authority in an area of my State extensively despoiled by previous mining. This spring I intend to view the results of the experiment. Hopefully this technique will prove to be one way of meeting the environmental problem in an economically sound manner.

I am convinced that those who decry environmental demands as a threat to the industry possess little faith in the ingenuity of American enterprise. The standards in the bill I have introduced demand no more than careful planning and employment of long available earth-moving techniques. Hopefully, the industry can and will move beyond these as advanced technology is developed.

The lesson of the past is very clear. We cannot afford to sacrifice our environment to the demands of economy. The chief challenge of the future is the balancing of pressing economic, social, and environmental needs and the development of policies that insure that we do not destroy the quality of life in the quest for energy. It is with that intent that I introduce this bill.

Mr. President, another legacy of past years of unregulated strip mining is millions of acres of devastated, ruined land. In addition to being an eyesore and burden to the economy of the immediate area where mining is carried on, these orphaned lands contribute millions of tons of siltation to the streams and rivers of the Nation annually. While the chief thrust of our endeavor to meet the issue of strip mining must be to bring present practices under control, no program would be complete which did not deal with the troublesome problem of discontinued and abandoned operations.

For this reason, I have added a title to the bill at the desk giving the Soil Conservation Service of the Department of Agriculture the power to render technical assistance and grants of up to 75 percent of project costs to soil conservation districts across the Nation for the purpose of ameliorating problems resulting from orphan surface mine sites.

There are over 2 million acres of nonfederally owned surface mined lands in the United States needing conservation treatment. In their present state, these areas are nonproductive, eroding, and gullied liabilities to the communities, counties, States, and the Nation. The annual load of sediment produced by erosion from these abandoned surface mined areas is estimated to range up to 200 tons per acre. This sediment is being deposited on adjacent areas and in downstream channels and reservoirs. In addition, acid draining from the mined areas in some parts of the country is contaminating water in streams and reservoirs. This erosion, sediment, pollution, and contamination is restricting the economic base of the people in the affected areas by unnecessarily limiting the available life sustaining soil and water resources.

The present efforts to rehabilitate old surface mined areas are inadequate. Damages to adjacent lands, water, fish, wildlife, and beauty continue. Much needs to be done and can be done to restore these areas and make them assets to the communities where they exist and to reduce their damaging effect on other areas. The incentive of Federal participation is needed to stimulate and assist local action. The necessary local organizations, soil conservation districts, already exist and are ready to participate in sponsoring needed improvements when Federal and State assistance is available.

An excellent example of what can be done to reclaim lands affected by mining comes from West Virginia. Soil conservation districts there have been entering into contracts with mine operators to carry out reclamation treatments for nearly 20 years. Between 1954 and 1971, there were 4,948 plans developed covering 106,706 acres of affected lands. Of this acreage, 80,916 had been planted to protective vegetation.

But, this is only an example of what the unique cooperative efforts of soil conservation districts and the Soil Conservation Service have accomplished on this important environmental problem. A USDA news release of September 14, 1972, and accompanying data by States shows how effective the work of this Federal agency and local units of State government have been.

I ask unanimous consent that the certain pertinent material be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SCS HELPS TURN HAZARDOUS MINE SPOILS INTO USEFUL LAND

WASHINGTON, September 14.—Surface-mined land can be transformed from a hazardous eyesore into acreage useful for many farm or community purposes, USDA Soil Conservation Service Administrator Kenneth E. Grant said today.

More than 10,000 private landowners reclaimed over a third of a million acres from 1965–71 alone, Mr. Grant said. He cited recent SCS reports from each state showing that landowners and mine operators had reclaimed a total of 338,000 acres in the seven-year period.

"Their work has resulted in significant reductions in soil erosion, sedimentation, and acid pollution of streams from these sites," Mr. Gfant said. "They have added to the beauty of the countryside. And they have helped turn useless land into valuable property for forest, pasture or range, wildlife habitat, recreation areas, crop production, building sites, and other uses."

Mr. Grant stressed that much more work needs to be done, since more than 4 million acres had been disturbed as of January 1, 1972, in surface-mining operations to harvest coal, sand and gravel, and some 40 other commodities.

"More than 90 percent of this land is privately owned," Mr. Grant said. "It is intermingled with farm, ranch, forest and other land in rural and suburban America—on which SCS already is giving conservation help through districts and in watershed projects and resource conservation and development projects."

Of the total acreage disturbed, Mr. Grant said that 2,181,200 acres needs land shaping, plantings, or water-control structures to prevent further land and water damage. The remaining 1,823,700 acres already have been reclaimed or have stabilized themselves over a period of years. Mr. Grant said that surface mining has been practiced for more than 100 years.

"About 15 percent of the land needing reclamation has been treated in the last seven years," Mr. Grant said. "This is significant progress when you consider that to date there is no formal program for technical and financial help on these problem sites on private land. District cooperators have undertaken mined-land reclamation as part of their overall conservation activities."

Mr. Grant said that about half of the States now have statutes calling for some form of surface-mined land reclamation work. Their provisions vary widely.

SCS participation in surface-mined land restoration began in the 1930's, Mr. Grant said. In addition to recommending vegetative and mechanical measures to restore a mined area, SCS also is active in developing new plants that can survive under the difficult slopes and acid conditions found on most surface-mined land. One of the 20 SCS plant materials centers, at Quicksand, Ky., was established specifically to locate, study, and increase the supply of plants for surface-mined land. Several other centers also are turning out useful plants. Among those found especially well suited are deertongue grass, switchgrass, 'Cardinal' autumn-olive, 'Chemung' and 'Emerald' crown-vetch, 'Latcho' flatpea, 'Arnot' bristly locust, 'Rem' Red Amur honeysuckle, Japanese bush lespedeza, and weeping lovegrass.

"These plants are well adapted to mined-land conditions and provide a higher percentage of surface cover in a shorter period of time than trees," Mr. Grant said. "They also provide excellent food and cover for many species of wildlife. And their flowers and foliage have a high esthetic value."

In addition to the new figures announced today, more details about surface-mined land problems and opportunities are in a 1971 SCS publication, MP–1082, "Restoring Surface-Mined Land." Copies are available from local SCS offices or for 15 cents from the U.S. Government Printing Office, Washington, D.C. 20402.

STATUS OF LAND DISTURBED BY SURFACE MINING IN THE UNITED STATES, AS OF JAN. 1, 1972, BY STATE[1]

[Thousand acres]

State	Land requiring reclamation	Land not requiring reclamation	Total land disturbed
Alabama	127.9	43.1	171.0
Alaska	4.4	6.7	11.1
Arizona	29.7	28.3	58.0
Arkansas	17.1	6.6	23.7
California	69.7	109.5	179.2
Colorado	41.3	14.8	56.1
Connecticut	12.2	5.1	17.3
Delaware	2.2	1.9	4.1
Florida	196.0	58.8	254.8
Georgia	28.1	13.1	41.2
Hawaii	.1	.1	.2
Idaho	16.0	8.1	24.1
Illinois	66.3	102.2	168.5
Indiana	25.0	120.7	145.7
Iowa	32.4	18.3	50.7
Kansas	67.4	13.5	80.9
Kentucky	58.0	187.4	245.4
Louisiana	26.4	9.8	36.2
Maine	26.4	13.2	39.6
Maryland	25.0	12.7	37.7
Massachusetts	30.7	17.8	48.5
Michigan	72.4	22.0	94.4
Minnesota	52.6	72.7	125.3
Mississippi	22.0	10.3	32.3
Missouri	93.9	18.5	112.4
Montana	22.0	9.3	31.3
Nebraska	12.5	10.5	23.0
Nevada	21.7	12.7	34.4
New Hampshire	4.4	4.3	8.7
New Jersey	17.6	10.8	28.4
New Mexico	13.3	8.8	22.1
New York	40.0	18.0	58.0
North Carolina	27.1	15.7	42.8
North Dakota	27.5	17.1	44.6
Ohio	191.6	162.1	353.7
Oklahoma	5.0	25.0	30.0
Oregon	6.6	2.8	9.4
Pennsylvania	240.9	201.5	442.4
Rhode Island	2.6	1.2	3.8
South Carolina	20.0	15.0	35.0
South Dakota	16.0	18.2	34.2
Tennessee	40.0	78.9	118.9
Texas	136.8	34.0	170.8
Utah	3.4	2.8	6.2
Vermont	4.2	2.6	6.8
Virginia	33.0	48.8	81.8
Washington	5.5	3.6	9.1
West Virginia	100.0	170.9	270.9
Wisconsin	35.3	27.2	62.5
Wyoming	11.0	6.7	17.7
Total	2,181.2	1,823.7	4,004.9

[1] Compiled from estimates provided by State offices of the Soil Conservation Service, USDA.

MINED-LAND RECLAMATION WORK IN CONSERVATION DISTRICTS,[1] 1965–71 INCLUSIVE

State	Number of districts involved	Number of cooperators	Area reclaimed (thousand acres)
Alabama	49	205	43.1
Alaska	1	0	.1
Arizona	5	11	4.2
Arkansas	9	14	.5
California	42	58	7.5
Colorado	56	68	2.3
Connecticut	6	14	.3
Delaware	3	28	.8
Florida	12	20	12.5
Georgia	19	169	4.9
Hawaii	0	0	0
Idaho	52	60	1.9
Illinois	60	120	31.1
Indiana	15	223	20.4
Iowa	29	169	3.5
Kansas	42	371	4.3
Kentucky	39	377	14.9
Louisiana	12	141	1.3
Maine	16	100	.7
Maryland	20	139	3.7
Massachusetts	15	200	2.5
Michigan	81	274	2.5
Minnesota	59	121	6.4
Mississippi	14	34	2.0
Missouri	19	50	1.5
Montana	25	150	1.6
Nebraska	62	240	5.4
Nevada	12	2	.3
New Hampshire	10	50	.2
New Jersey	12	18	.8
New Mexico	7	19	.5
New York	56	86	1.2
North Carolina	51	173	1.7
North Dakota	39	375	2.5
Ohio	42	350	10.5
Oklahoma	6	10	1.5
Oregon	15	30	.2
Pennsylvania	50	500	28.0
Rhode Island	3	3	0
South Carolina	8	6	.8
South Dakota	40	700	1.0
Tennessee	18	213	9.1
Texas	107	1,394	13.1
Utah	7	8	.3
Vermont	0	0	0
Virginia	1	100	26.0

MINED-LAND RECLAMATION WORK IN CONSERVATION DISTRICTS,[1] 1965-71 INCLUSIVE—Continued

State	Number of districts involved	Number of cooperators	Area reclaimed (thousand acres)
Washington	1	1	0
West Virginia	11	2,500	55.2
Wisconsin	72	314	4.7
Wyoming	7	10	.5
Total	1,337	10,218	338.0

[1] Data compiled by Soil Conservation Service, USDA, September 1972.

Mr. BAKER. Mr. President, this widespread interest on the part of private landowners prior to the recent emphasis on the problems associated with mining is significant. It is strong evidence that a sound Federal-State-private program will be locally supported.

Reclamation and conservation treatment of surface mined lands can be accomplished most effectively and efficiently as part of a total soil and water conservation program on privately owned lands. These lands are an integral part of the drainage area in which they are located and their treatment cannot be separated from other lands in the drainage area on which the Department of Agriculture is already giving technical and financial assistance. In short, the Federal organization already exists with longstanding working relationships with State and local governments and private landowners to get on with the job.

The Soil Conservation Service furnishes technical assistance through soil conservation districts to individual landowners and operators under the Soil Conservation Act of 1935. This agency and other USDA agencies also provide both technical and financial assistance for treating surface mined areas in small watershed projects and resource conservation and development projects that are high sediment producing sources. These programs are helpful and have produced good results as illustrated above, but they have not been adequate to treat the many critical areas in the Nation to which this bill would be applicable.

Experience gained under the existing programs has proven that mined areas and the associated spoil banks can be effectively treated. The cost of applying vegetative practices alone, however, will vary from $100 to over $300 per acre. Because of the nature of the spoil, the establishment of vegetative cover is unusually slow. May years will elapse before landowners can expect to realize onsite benefits. Also, in many instances, some structural type measures such as grade stabilization and gully control structures will be required. Hence, on many properties, the onsite benefits cannot be expected to equal the treatment costs. Effective offsite benefits from sediment reduction and pollution control requires action on sizable areas of land constituting small drainage areas or watersheds. Individual efforts are ineffective unless they are a part of a coordinated plan. Group action is, therefore, the logical and practical approach. Federal technical and financial assistance is necessary to activate this work on an adequate scale.

The need for treating the problems on surface-mined lands falls naturally into two categories: Reclaiming lands presently needing conservation treatment and preventing damages on lands to be mined in the future. Here is a task for the private citizen, for industry, and for local, State, and Federal governments. Surface-mined lands are intermingled with forested, agricultural, and other rural lands. This makes it imperative that long-range solutions for surface-mined land reclamation be based on total land-use planning. Plans for treating, developing, and using surface-mined lands must be consistent with plans of adjacent lands and be applied on a watershed basis. Plans must provide for sound multiple use of forest lands, croplands, and grasslands, and should emphasize improvements for fish, wildlife, and outdoor recreation. The impact of land use and treatment on water must receive major attention. It cannot be overemphasized.

Preventing damages on lands and waters to be mined in the future will be dealt with in other bills before the Congress and the expertise of the Department of Agriculture and soil conservation districts should be used in that effort. This bill proposes an immediate attack on an environmental problem that has persisted far too long—cleaning up the past damages.

Since surface mining has been a practice in this country for more than a hundred years, most of the areas needing reclamation were mined prior to the passage of laws requiring reclamation. Twenty-eight States now have laws, some enacted rather recently, which require the restoration of newly surface-mined areas. Such laws do not, however, provide for the reclamation of the large area of old surface-mined lands, sometimes referred to as orphan lands. There is, therefore, a need now for a new approach, a new authority, administered in conjunction with the Department of Agriculture's land and water conservation programs so as to give unified direction to the application of a wholly coordinated program for reclamation and utilization of these surfaced-mined lands.

The most recent reliable information on costs of reclaiming surface-mined lands is in the report "Surface Mining and Our Environment" resulting from the national study of surface mining completed under Public Law 89-4. This report shows two levels of cost—one for basic reclamation and the other for rehabilitation: Basic reclaimation consists of remedial measures necessary to alleviate or eliminate conditions resulting from surface mining, such as erosion, flooding, water pollution, damage to acquatic and wildlife habitat, barriers to access, and hazards to public safety. Rehabilitation comprises land development for parks and recreational areas, residential and industrial sites, scenic improvements, and other specialized land uses contributing to the economic potential, or social improvement of areas.

The report shows costs of $360 per acre for basic reclamation and $600 per acre for rehabilitation. This latter cost includes the amount required for basic reclamation plus the additional costs to develop the land for specialized uses. Although these cost estimates are averages, they are adequate for estimating the costs of applying conservation treatments to the 2.2 million acres of privately owned lands in need of attention. The proportion of these costs to be borne by the Federal and private sectors should be based on the degree of public benefits resulting from applying the treatments. As a general rule, the elimination or abatement of offsite damages will require and justify a higher degree of Federal participation in costs.

A 20-year program for applying basic reclamation on the 2.2 million acres of privately owned lands now needing treatment will cost approximately $36,500,000 annually. If the Federal share of this cost is 75 percent, the annual Federal cost will be approximately $27 million.

It is proposed that the program go forward in a sound and orderly manner with priority assigned to areas most critically in need of reclamation where local interests are ready to assume their responsibilities under the program.

This proposed legislation would authorize Federal assistance in developing and carrying out a comprehensive technically sound plan for the reclamation and rehabilitation of non-federally owned strip- or surface-mined areas. It would assure proper treatment of the areas by providing technical and financial assistance to plan and install needed measures. This would result in reduced erosion and subsequent sedimentation; reduce the contamination of streams and reservoirs by mine acids; improve the habitat for fish and wildlife; contribute to the restoration of productivity and beauty of affected areas; and create a healthful atmosphere for needed recreation, thereby improving the economic base of the people living in the area and substantially benefiting downstream land and water resources and improvements.

The program would produce specific benefits such as:

First. Stabilizing the areas and preventing sediment from washing onto adjacent lands and sediment deposition in the stream channels and reservoirs.

Second. Reducing water pollution resulting from sediment and acid drainage from affected areas.

Third. Reducing air pollution—fumes and smoke from burning coal and refuse in abandoned areas.

Fourth. Eliminating or controlling attractive nuisances created by deep pits and steep spoils which often constitute safety hazards.

Fifth. Restoring much of the natural beauty of the area.

Sixth. Restoring desirable habitats for fish, birds, and wildlife.

Seventh. Restoring the productive functions of watersheds and stream courses damaged by mining in streambeds.

Eighth. Encouraging the States, not having such laws, to enact legislation to assure reclaiming of newly surface mined areas.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD at this point.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1163

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Coal Strip Mine Control Act of 1973."

The Congress finds that the practice of surface mining for coal in the United States has resulted in the devastation of vast areas of land, in substantial environmental degradation, in an economic and social hardship on the people of these areas and in the loss of significant scenic and natural resources.

The Congress further finds that a program of uniform regulation of surface mining of coal must be enacted to insure against these threats and that such regulation must permit the surface mining of coal only when such mining can be undertaken in a manner which will prevent environmental degradation.

TITLE I—FEDERAL INTERIM PROGRAM

REGULATION

SEC. 101. (a) On and after the date of the enactment of this Act, any coal surface mine the products of which enter commerce or the operations of which affect commerce shall be subject to the provisions of this Act.

(b) On and after two hundred and seventy days from the enactment of this Act, no person shall engage in or carry out any activity involving the extraction of coal from a surface mine subject to the provisions of this Act by surface mining methods, unless such person has first obtained a permit issued in accordance with the provisions of this Act.

CRITERIA

SEC. 102. (a) Within ninety days following the enactment of this Act, the Administrator of the Environmental Protection Agency in consultation with the Secretary of Agriculture and the Secretary of the Interior shall promulgate (and from time to time thereafter revise) such regulations as he deems necessary in connection with the surface mining of coal setting forth—

1. the criteria for reclamation programs required in connection with the issuance of a permit to engage in the extraction of minerals by surface mining methods;

2. criteria on necessary procedures, methods and techniques to be followed in the operation of surface mining methods pursuant to a permit issued in accordance with the provisions of this Act;

3. criteria on land policy identifying zones where, due to physical characteristics areas within such zones cannot be adequately reclaimed, surface mining shall not be permitted;

4. criteria on procedures, methods and techniques to be used in connection with the use of explosives in strip mining operations subject to this Act; and

5. criteria on regulating road construction necessary in connection with surface mining operations subject to this Act.

(b) Such regulations shall insure, among other things that—

1. reclamation of the site will return said land to a use and contour substantially as it existed prior to commencement of operations or to a different use or contour if proposed in the application for permit if the Administrator determines that such alternative plan is at least as environmentally protective as restoration of the original contour; where an application is made to mine an abandoned, previously mined site, in order to encourage restripping the Administrator may approve a reclamation plan proposing a different final use or contour, if he determines that restoration of the original use and contour is impracticable and that the proposed reclamation plan will provide control of off-site environmental impacts and will return the site to a stable and useful condition;

2. mining and reclamation operations will be in compliance with all applicable Federal and State air and water pollution control standards and will control or prevent erosion, flooding, and pollution of water, release of toxic substances, accidental land or rock slides, damage to fish or wildlife or their habitat, or public or private property, waste of mineral resources, destruction or loss of a valuable scenic resource, and hazards to public health and safety; and

3. techniques employed in mining and reclamation under this Act conform to the best practicable technology for operations upon land of like nature and character.

4. permanent off-bench storage of spoil material will not be permitted, except as necessary for construction of drainage ways from and across the site and for the storage of spoil material not needed for reconstruction of the contour as provided in subsection 1 of this section; all off-bench storage areas shall be designed and constructed to meet the requirements of subsection 2 of this section; all permanent off-bench spoil storage areas shall be stabilized and revegetated to the same extent and in the same manner as required for on-site reclamation.

5. the process of reclamation shall progress as the surface mining progresses, at such a distance behind the extraction of minerals as the Administrator shall by regulations prescribe in accordance with the provisions of this title.

6. revegetation of the site, and all off-bench spoil storage areas will provide both immediate and permanent control of erosion and will establish self-sustaining growth of plants and trees indigenous to the area.

(c) Any regulation issued by the Administrator under this section shall be subject to judicial review in the District Court for the District of Columbia upon the filing of a petition in such court praying that the regulation be modified or set aside in whole or in part. The commencement of such a proceeding shall not, unless specifically ordered by the court, operate as a stay of the Administrator's decision.

PERMITS

SEC. 203. (a) On and after the date of enactment of this Act and until a State regulatory program is in effect under title II of this Act, permits for operations subject to the provisions of this title shall be issued by the Administrator pursuant to regulations issued under this section.

(b) Within ninety days following the enactment of this Act the Administrator shall issue regulations specifying the forms upon which applications for permits may be made. Such regulations shall specify the information which the Administrator shall require in order to make the determinations necessary to insure compliance with the intent and purpose of this Act, and shall include a map and plan of the proposed operation, and complete plan of reclamation for the area of land to be affected, including, but not limited to, the method of strip mining, engineering technique, the character and description of the equipment, prevention of harmful surface water drainage, prevention of water accumulation in the pit, backfilling, grading, resoiling, revegetation, a time schedule for completion of each of the phases, an estimate of the cost of reclamation per acre, and the written consent of the owner of the surface of the land upon which the applicant proposes to engage in mining operations to entry upon such land by the applicant or his agents and any officers, employees, or agents of the Environmental Protection Agency, or any Federal officer or employee designated by the Administrator during all phases of mining and for a period of five years after the operation is completed or abandoned for the purpose of reclamation and inspection.

(c) Insofar as is practicable in States where surface mining regulatory programs are in effect the Administrator shall utilize available State personnel in the implementation of the Federal interim permit program.

RENEWAL

SEC. 104. (a) Any holder of a valid surface mining permit issued pursuant to this Act who wishes to continue the operation beyond the original permit shall make application for said renewal within sixty days prior to the expiration of said permit. Said application shall contain such information as the Adminstrator may prescribe by regulation, and shall include—

(1) a listing of any claim settlements or judgments against the applicant arising out of or in connection with its operation under said permit;

(2) written assurance by the person issuing the performance bond in effect for said operations that said bond continues and will continue in full force and effect for any extension requested in said application.

APPROVAL

SEC. 105. (a) Upon the filing of an application in accordance with section 103 of this Act, or of an application for renewal under section 104 of this Act, the Administrator shall, after opportunity for public hearing, investigate and approve or disapprove the application. No permit application or renewal shall be approved if the Administrator finds on the basis of the information set forth in the application, or from information available to him, that—

(1) there is probable cause to believe that the reclamation of the area of affected lands covered by the application cannot be achieved;

"(2)(A) the surface mining operations covered by such application would pose undue hazards to adjacent lands or waters; or

"(B) the strip mining would result in the destruction or loss of a scenic resource valuable to the area or region; or

(3) the carrying out of the surface mining operations covered by such application would be in violation of any provision of this Act or any regulation issued pursuant thereto; or

(4) The person filing such application is in violation of any provision of this act or any regulation issued pursuant thereto;

(5) The person has forfeited a bond or partial bond for performance or was a principal of any past partnership, association, corporation, firm, subsidiary of a corporation, or other organization which forfeited a bond or partial bond for performance in accordance with any past permit issued pursuant to this Act or pursuant to any State program for the regulation of coal surface mining.

(6) The proposed plan of mining and reclamation would render practically or economically inaccessible a significant known reserve of coal or would otherwise result in the wasting of a significant amount of coal.

(b) No permit application shall be approved unless the plain of operation and reclamation required under section 103(b) of this title is approved. The Administrator may approve a plan of operation and a reclamation plan that complies with the requirements of this Act and regulations issued pursuant thereto. Nothing in this Act shall be construed as prohibiting the Administrator from approving any reclamation plan which provides for the retention of certain access roads.

(c) The Administrator shall notify the applicant by registered mail within sixty days after the receipt of the complete application whether the application has been approved. If the Administrator fails to notify the applicant within the prescribed period, the applicant may request in writing a hearing before the Administrator. The hearing shall be held within thirty days after receipt of the request.

(d) If the application for permit or renewal is approved, the Administrator shall determine the amount of bond per acre that the operator shall furnish before a permit or renewal is issued. The amount of bond shall be stated in the notice of approval sent to the applicant.

(e) If the application is not approved, the Administrator shall state the reasons for its disapproval and may propose modifications, delete areas, or reject it entirely. If the applicant disagrees with the decision of the Administrator, he may request in writing a hearing before the Administrator. The Administrator shall hold the hearing within thirty days after receipt of the request. Judicial review of such decisions shall be in the United States District Court for the district in which operations are proposed.

BONDING REQUIREMENTS

SEC. 106 (a) After a permit application has been approved, but before a permit is issued, the applicant shall file with the Administrator the bond for performance, on a form prescribed and furnished by the Administrator, payable to the Administrator and conditioned that the applicant shall faithfully perform all the applicable requirements of this Act and regulations issued pursuant thereto. The amount of the bond required for each permit shall depend upon the reclamation requirements, and shall be determined by the Administrator. Liability under the bond shall be for the duration of surface mining at the operation and for a period of five years thereafter, unless released sooner as provided in section 111 of this title. The bond shall be executed by the applicant and a corporate surety licensed to do business in the State where such operation is located; except that the applicant may elect to deposit cash, negotiable bonds of the United States Government or such State, or bonds of the United States Government or such State, or negotiable certificates of deposit having a par value equal to or greater than the amount of the surety bond and issued by any bank organized or transacting business in the United States. Cash or securities so deposited shall be deposited upon such terms as the Administrator may prescribe.

(b) After the permit application has been approved, and the bond or deposit filed, the Administrator shall issue a permit to the applicant.

(c) Any permit issued pursuant to this title shall be valid for a period of one year following its date of issuance. No surface mining operations shall be carried out pursuant to such permit unless such permit has been registered with the Register of Deeds (or other comparable officer) in such county or other political subdivision in which lands affected by such permit are located. Such registration shall include the name and address of the person to whom such permit was issued and, if such person is a corporation or other entity, the name and address of its registered agent, and a brief description of the lands upon which operations are permitted.

NONCOMPLIANCE

SEC. 107. (a) In any case in which the Administrator determines that any person holding a valid, unexpired permit issued pursuant to this Act has failed or is failing to comply with the provisions of this Act or any regulation issued pursuant thereto or the terms of any such permit, the Administrator shall notify such permit holder in writing that he is in noncompliance and order the immediate termination of any operation in violation of the provisions under which the permit issued and that he shall have fifteen days (or such additional period as the Administrator in his sole discretion may prescribe) within which to repair damages caused by said operation. If upon the expiration of such period contained in that notification such person has not so complied or if he shall fail or refuse to terminate said operations as ordered by the Administrator, the Administrator shall immediately take action in accordance with the provisions of section 110 of this Act, to revoke such permit. If the Administrator determines that such person, prior to the date of expiration of such period, is in compliance with the provisions of this Act and such regulations and terms with respect to which he was so notified, he shall take no action with respect to revoking such permit and such noncompliance shall be deemed not to be a violation for purposes of sections 105 and 110. The provisions of this section requiring notification of noncompliance shall not apply in any case involving fraud or any willful or knowing violation on the part of such permit holder; in all such cases an order to cease operations shall be issued and action taken under section 110 immediately.

REPORTS

SEC. 108. (a) On or before the expiration of each ninety day period following the effective date of section 101(c) of this title, the operator of a surface mining operation shall file a report with the Administrator on a form provided by the Administrator that accurately states the number and location of acres of land mined, and the number and location of acres of land reclaimed. An annual report with the same type of information shall be filed with the Administrator not later than the first day of February of each year for the previous year.

SANCTIONS

SEC. 109. (a)(1) Whoever knowingly violates the provisions of this Act or obtains a permit or renewal thereof pursuant to this Act through fraudulent means, shall be fined not more than $10,000.

(2) In addiion to the fine authorized under paragraph (1) of this subsection, and subject to the provisions of section 107 of this title the appropriate court may impose fine in an amount equal to not more than $5,000 for each acre of land stripped in violation of the provisions of this Act.

REVOCATION OF PERMITS

SEC. 110. (a) The Administrator may, subject to the provisions of this Act, revoke any permit or renewal thereof issued pursuant to this Act if he determines that—

1. the operator has violated any provision of this Act or any regulation issued pursuant thereto; or

2. such permit or renewal was obtained through fraud.

RELEASE OF BONDS

SEC. 111. (a) The Administrator may upon the application of the operator release in whole or in part any bond issued pursuant to this Act if it shall appear that said bond or portion thereof may be so released consistent with the requirements of this title.

(b) If the Administrator does not approve the reclamation performed by the permittee, the Administrator shall notify the permittee in writing within twenty days after the request for release is filed. The notice shall state reasons for said rejection and shall recommend actions to remedy said failure, and shall afford the operator an opportunity for hearing. Judicial review of any decision under this section shall be in the United States District Court for the District in which said operations are located.

TITLE II—STATE REGULATORY PROGRAM

ESTABLISHMENT

SEC. 201. (a)(1) Each State in which surface mining for coal is conducted shall, after reasonable notice and public hearings, adopt and submit to the Administrator, within eight months after the promulgation of criteria and guidelines (or any revision thereof) under section 102 of this Act, a program which provides for the regulation of surface mining in such State.

(2) The Administrator shall, within four months after the date required for submission of a regulatory program under paragraph (1) of this subsection or within four months of the submission of any such program thereafter approve or disapprove such program or each portion thereof. The Administrator shall approve such program or any portion thereof, if he determines that it was adopted after reasonable notice and hearing and that—

(A) it provides a permit or equivalent program to regulate the initiation and conduct of surface mining and restoration following such mining which permit program shall meet the requirements established for the interim program under title I of this Act;

(B) it provides that any State (other than the permitting State), whose land or waters may be affected by the issuance of a permit may submit written recommendations to the permitting State (and the Administrator) with respect to any permit application and, if any part of such written recommendations are not accepted by the permitting State, that the permitting State will notify such affected State (and the Administrator) in writing of its failure to so accept such recommendations together with its reasons for so doing;

(C) it provides that permits are fixed on terms not exceeding two years;

(D) it provides that permits can be terminated or modified for cause including, but not limited to, the following:

(i) violations of any conditions of the permit;

(ii) obtaining a permit by misrepresentation, or failure to disclose fully all relevant facts;

(iii) changes in conditions that require either a temporary or permanent change, including cessation, in the permitted activity;

(E) it provides for inspection, monitoring, entering, and reports in a manner which will meet the requirements of section 203 of this Act;

(F) it provides for abatement of violations of the regulatory program, including permits and permit conditions, including civil and criminal penalties and other ways and means of enforcement;

(G) it provides for the filing of restoration plans and procedures, including restoration measures taken during and after completion of surface mine operation;

(H) it provides for the posting of performance bonds sufficient to insure restoration in compliance with the approved restoration plan;

(I) it provides for the designation of a single agency, or with the Administrator's approval, an interstate organization upon which the responsibility for administering and enforcing the program is conferred by the State which will insure full participation of those agencies responsible for air quality, water quality, and other areas of environmental protection;

(J) it provides for funding and manpower are or will be committed to the administration and enforcement of the regulations sufficient to carry out the purposes of this title;

(K) it provides for monitoring by the State agency of environmental changes in surface mined areas and adjacent lands and waters to assess the effectiveness of the regulatory program; and

(L) it provides for revision, after public hearings, of such program from time to time, but at least every five years, as may be necessary to take account of revisions of criteria and guidelines under section 102 of this Act.

(b)(1) After the effective date of any regulatory program under this title, each State shall transmit to the Administrator a copy of any permit application received by such State and provide notice to the Administrator of all actions related to the consideration of such permit applications, including all permits proposed to be issued by such State, except that the administrator may waive the requirements of this section for permits or groups of permits where deemed appropriate.

(2) No permit shall issue until the Administrator is satisfied that the conditions to be imposed by the State meet the requirements of this Act.

(3) The Administrator may, within thirty days after receipt of any permit application, waive the requirements of clause (2) of this paragraph as to such permit application.

(c) Whenever the Administrator determines after public hearing that a State is not administering a program approved under this section or section 202, in accordance with requirements of this section, he shall so notify the State and, if appropriate corrective action is not taken within a reasonable time, not to exceed ninety days, the Administrator shall withdraw approval of such program.

(d) Copies of any permit application and any permit issued under this section shall be available to the public, in an appropriate place in each State. Such permit applications or permits, or portions thereof, shall further be available on request for the purposes of reproduction.

INSPECTIONS, MONITORING, AND ENTRY

SEC. 202. (a) For the purpose (1) of developing or assisting in the development of any regulatory program under this Act or any permit under this Act, or (2) of determining whether any person is in violation of any requirement of such a plan or any other provision of this Act—

(A) The Administrator may require any person owning or operating any surface coal mine to (i) establish and maintain such records, (ii) make such reports, (iii) install, use, and maintain such monitoring equipment or method, and (iv) provide such other information as he may reasonably require; and

(B) the Administrator or his authorized representative, upon presentation of his credentials—

(i) shall have a right of entry to, upon, or through any surface coal mine or any premises in which any records required to be maintained under paragraph (2)(A) of this subsection are located, and

(ii) may at reasonable times have access to and copy any records, inspect any monitoring equipment or method required under paragraph (2)(A) of this subsection.

(b)(1) Each State with an approved regulatory program may develop and submit to the Administrator a procedure for carrying out this section or portions thereof in such State. If the Administrator finds the State procedure is adequate, he shall delegate to such State any authority he has to carry out this section.

(2) Nothing in this subsection shall prohibit the Administrator from carrying out in a State, at any time, the authority granted under this section.

(c) Any records, reports, or information obtained under this section shall be available to the public, except that upon a showing satisfactory to the Administrator by any person that records, reports, or information, or particular part thereof, to which the Administrator has access under this section, if made public would divulge methods or processes entitled to protection as trade secrets of such person, the Administrator shall consider such record, report, or information, or particular portion thereof confidential in accordance with the purposes of section 1905 of title 18 of the United States Code, except that such record, report, or information may be disclosed to other officers, employees, or authorized representatives of the United States concerned with carrying out this Act or when relevant in any proceeding under this Act.

FEDERAL ENFORCEMENT

SEC. 203. (a)(1) Whenever, on the basis of any information available to him, the Administrator finds that any person is in violation of section 201 of this Act, or of any permit or permit condition under this title, the Administrator shall notify the person alleged to be in violation of the permit or permit condition and the State in which the permit or permit condition applies of such finding and publish such finding. If such violation extends beyond the fifteenth day after the date of the Administrator's notification, the Administrator shall issue an order requiring such person to comply with the requirements of such permit or permit condition or he shall bring a civil action in accordance with subsection (b) of this section.

(2) Whenever, on the basis of information available to him, the Administrator finds that violations of a State regulatory program approved under section 201 of this Act are so widespread that such violations appear to result from a failure of the State in which such regulatory program applies to enforce such program effectively, he shall so notify the State. If the Administrator finds that such failure extends beyond the thirtieth days after such notice, he shall give public notice of such finding. During the period beginning with such public notice and ending when such State satisfies the Administrator that it will enforce such program (hereafter referred to in this section as "period of federally assumed enforcement"), the Administrator may enforce any permit or permit condition under such program with respect to any person—

(A) by issuing an order to comply with such permit or permit condition, or

(B) by bringing a civil action under subsection (b) of this section.

(3) An order issued under this section shall take effect immediately. A copy of any order issued under this section shall be sent to the State in which the violation occurs. Any order issued under this section shall state with reasonable specificity the nature of the violation specify a time for compliance which the Administrator determines is reasonable, taking into account the seriousness of the violation and any good faith efforts to comply with applicable requirements. In any case in which an order or notice under this section is issued to a corporation, a copy of such order shall be issued to appropriate corporate officers.

(4) All notices or orders issued or the termination thereof under this section shall be published in the Federal Register.

(b) The Administrator may commence a civil action for appropriate relief, including a permanent or temporary injunction, whenever any person—

(1) violates or fails or refuses to comply with any order issued under subsection (a) or this section, or

(2) violates any requirement of an approved State regulatory program during any period of federally assumed enforcement or violates any permit or permit condition more than fifteen days after having been notified by the Administrator under subsection (a)(1) of this section of a finding that such person is violating such permit or permit condition; or

(3) violates section 101 of this Act; or

(4) fails or refuses to comply with any requirement of this Act or any regulation issued hereunder.

Any action under this section may be brought in the district court of the United States for the district in which the defendant is located or resides or is doing business, and such court shall have jurisdiction to restrain such violation and to require compliance. Notice of the commencement of such action shall be given to the appropriate State.

(c)(1) Any person who willfully or negligently (A) violates any requirement of an approved State regulatory program during any period of federally assumed enforcement or violates any permit or permit condition more than fifteen days after having been notified by the Administrator under subsection (a)(1) of this section that such person is violating such requirement, or (B) violates or fails or refuses to comply with any order issued by the Administrator under subsection (a) of this section, or (C) violates section 101 of this Act, shall be punished by a fine of not more than $10,000 per day of violation. If the conviction is for a violation committed after the first conviction of such person under this paragraph, punishment shall be by a fine of not more than $20,000 per day of violation.

(2) Any person who knowingly makes any false statement, representation, or certification in any application, record, report, plan, or other document filed or required to be maintained under this Act or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under this Act, shall, upon conviction, be punished by a fine of not more than $10,000, or by imprisonment for not more than six months, or both.

JUDICIAL REVIEW

SEC. 204. (a)(1) A petition for review of action of the Administrator in approving a State regulatory program may be filed by any interested person only in the United States Court of Appeals for the District of Columbia. A petition for review of the Administration's action in issuing or denying any permit or permit condition, under section 201 of this Act, may be filed by any interested person only in the United States Court of Appeals for the appropriate circuit. Any such petition shall be within thirty days from the date of such determination, approval, promulgation, issuance, or denial, or after such date if such petition is based solely on grounds arising after such thirtieth day.

(2) Action of the Administrator with respect to which review could have been obtained under paragraph (1) of this subsection shall not be subject to judicial review in civil or criminal proceedings for enforcement.

(b) In any judicial proceeding in which review is sought of a determination under this Act required to be made on the record after notice and opportunity for hearing, if any party applies to the court for leave to adduce additional evidence, and shows to the satisfaction of the court that such additional evidence is material and that there were reasonable grounds for the failure to adduce such evidence in the proceeding before the Administrator, the court may order such additional evidence (and evidence in rebuttal thereof) to be taken before the Administrator, in such manner and upon such terms and conditions as the court may deem proper. The Administrator may modify his findings as to the facts, or make new findings, by reason of the additional evidence so taken and he shall file such modified or new findings, and his recommendation, if any, for the modification or setting aside of this original determination, with the return of such additional evidence.

SEC. 205. Grants. The Administrator is authorized to make grants to any State for the purpose of assisting such State in developing, administering and enforcing environmental regulations under this Title provided that such grants do not exceed 80 percent of the program development costs incurred during the year preceding approval by the Administrator and do not exceed 60 percent of the total costs incurred during the first year following approval, 45 percent during the second year following approval, 30 percent during the third year following approval, and 15 percent during the fourth year following approval, at which time the Federal grants shall cease.

TITLE III—ORPHAN MINE RECLAMATION

SEC. 301. Congress recognizes that there are large areas of non-Federal lands in the Nation which have been damaged by surface mining and which have never been reclaimed or rehabilitated, and that runoff and erosion of soils in these areas is resulting in the deposit of sediment on adjacent land and into stream channels and reservoirs, the pollution of water by sediment and acid drainage, impairment of the beauty of the natural landscape, and injury to the public health and safety, and it is, therefore, declared to be the policy of Congress to provide Federal assistance in reclamation and rehabilitation of such lands and thereby to contribute to flood prevention, control and prevention of soil erosion, reduction of sediment damage, prevention of pollution, restoration of productivity and natural beauty, promotion of public recreation, development of fish, wildlife, and other natural resources, improvement of the economy and stability of the affected areas, and promotion of the public health, safety, and general welfare.

SEC. 302. In order to assist States and their political subdivisions, soil and water conservation districts, in developing and carrying out within watershed and subwatershed areas plans for works and measures for the reclamation and rehabilitation of non-Federal lands which have been damaged by surface mining and which are presently in a scarred or unreclaimed condition, the Secretary of Agriculture, hereinafter referred to in this title as the Secretary, is authorized, upon the request of States:

(a) to provide to the States and soil conservation districts technical assistance by the Soil Conservation Service for developing plans for the reclamation and rehabilitation of such lands, which plans may include works and measures such as revegetation, land smoothing, diversions, grade stabilization and gully-control structures, debris basins, bank sloping, drainage, access roads for maintenance, and any other works, measures, or practices deemed necessary by the Secretary; and

(b) to cooperate and enter into agreements with, and to make grants to and provide other aid as the Secretary deems necessary and appropriate in the public interest to effectuate the purposes of this Act to soil conservation districts for the purpose of carrying out any such plan that has been approved by the Secretary and the Governor of the State, or his designated representative, subject to such conditions as may be prescribed by the Secretary: *Provided,* That the Federal share of the cost of the reclamation and rehabilitation of any such lands included in an approved plan shall not exceed 75 per centum of the estimated total cost thereof.

SEC. 303. The program herein authorized shall apply to the unreclaimed or unrehabilitated lands damaged by surface mining located in States which have heretofore enacted, or shall hereafter enact, legislation requiring reclamation or rehabilitation of lands damaged by surface mining when the Secretary determines that:

(a) significant public benefits will be derived from the reclamation and rehabilitation of such lands;

(b) such lands were damaged by surface mining prior to the date of enactment of this Act, sometimes referred to as "orphan lands"; and

(c) there does not exist a contractual or other legal requirement for the adequate reclamation or rehabilitation of such lands: *Provided,* That the Secretary may carry out a limited program of reclamation of lands damaged by surface mining for demonstration purposes in those States which do not have laws requiring reclamation or rehabilitation of such lands.

SEC. 304. The Secretary may require as a condition to the furnishing of assistance hereunder to any owner of lands included in an approved plan that such landowner shall:

(a) enter into an agreement of not to exceed ten years providing for the installation and maintenance of the needed works and measures specified in such plan; and

(b) install or cause to be installed such needed works and measures in accordance with technical specifications as approved by the Secretary.

SEC. 305. The Secretary is authorized to prescribe such rules and regulations as he deems necessary or desirable to carry out the purposes of this Title.

TITLE IV

DEFINITIONS

SEC. 401. For the purposes of this Act, the term—

(a) "Administrator" means the Administrator of the Environmental Protection Agency;

(b) "Commerce" means trade, traffic, commerce, transportation, or communication between any State, the Commonwealth of Puerto Rico, the District of Columbia, or any territory or possession of the United States and any other place outside the respective bounadaries thereof, or wholly within the District of Columbia, or any territory or possession of the United States, or between points in the same State, if passing through any point outside the boundaries thereof;

(c) "Coal" includes bituminous coal, lignite, and anthracite;

(d) "Surface mine" means any surface mine from which coal is extracted, after removal of all or part of the overburden above, its natural deposits in the earth;

(e) "Person" means any individual, partnership, association, corporation, firm, subsidiary of a corporation, or other organization;

(f) "State" includes a State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, Virgin Islands, American Samoa, Guam, Trust Territory of the Pacific Islands, and Indian tribes; and

(g) "Site" means the land from which the overburden or coal is removed by surface mining, and all other land area in which the natural land surface has been disturbed as a result of or incidental to the surface mining activities of the operator, including but not limited to private ways and roads appurtenant to any such area, land excavations, workings, refuse banks, spoil banks, culm banks, tailings, repair areas, storage areas, processing areas, shipping areas, and areas in which structures, facilities, equipment, machines, tools or other materials or property which result from, or are used in, surface mining operations are situated.

(h) "Contour" means the shape and form of the land on which and adjacent to which surface mining is conducted. The phrase "return said land to a . . . contour substantially as it existed prior to commencement of operations . . ." as used in sections 102(b)(1) of the Act and elsewhere in the Act shall mean the use of original spoil material to refill and recover pits, benches, and high walls so that the original slope and plane of the land is substantially restored to a permanent and stable condition.

(i) "Surface mining" means all or any part of the process followed in the production of minerals from a natural mineral deposit by the open pit or open cut method, auger method, highwall mining method which requires a new cut or removal of overburden, or any other mining process in which the strata or oveburden is removed or displaced in order to recover the mineral; or in which the surface soil is disturbed or removed for the purpose of determining the location, quality or quantity of a natural mineral deposit, but shall not include excavation or grading when conducted solely in aid of on-site farming or construction.

(j) "Spoil material" means all earth and other materials which are removed to gain access to the mineral in the process of surface mining.

(k) "Spoil bank" means the everburden as it is piled or deposited in the process of surface mining, including reject coal.

(1) "bench" as used in this act and especially as used in subsection 4 of section 102(b) shall mean the level area from which the coal and overburden have been removed; the term shall not indicate in any case a constructed or "fill" bench unless such is specifically stated.

APPROPRIATIONS

SEC. 402. In addition to such fines as may be collected pursuant to the provisions of this Act there is authorized to be appropriated to the Administrator the sum of $——— for fiscal year 1974, and the sum of $——— for fiscal year 1975, and thereafter such sums as may be necessary for the purposes of this Act.

By Mr. CHILES (for himself and Mr. GURNEY):

S. 1164. A bill to provide for the establishment of the Guano River National Park in the State of Florida, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

Mr. CHILES. Mr. President, I am introducing a bill today which would provide for the Guano River National Park in the State of Florida. This is a companion measure to the bill introduced by Congressman BILL CHAPPELL. Senator GURNEY is joining me in introducing this measure.

This unique area consists of 10,000 acres of lush, high, dry land in St. Johns County. It also consists of 4½ miles of ocean frontage, 9 miles of freshwater lakes and ponds, and 11 miles of intercoastal waterway.

This legislation would authorize the Secretary of the Interior to designate and acquire the land for recreational purposes.

This irreplaceable and precious natural resource could be used and appreciated by almost 2 million people living within a 100-mile radius of the area. It is the only land of its type available in the northeast Florida area.

The acquisition of this area represents the kind of legacy which we need to protect and preserve, for not only this generation, but for all to come.

Efforts to acquire this unique area has broad support in my home State of Florida and would offer an invaluable asset for use and enjoyment for all our citizens.

I sincerely hope this legislation will receive an early hearing by the Congress so that we may move to protect one of the most unique and beautiful areas in Florida.

I ask that a copy of this legislation be printed at this point in my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1164

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) for the purpose of preserving a relatively unspoiled area of ocean beaches, fresh water lakes and ponds, and associated uplands for the inspiration and benefit of present and future generations, the Secretary of the Interior (hereinafter referred to as the Secretary) is authorized to designate not to exceed 10,000 acres in St. Johns County, Florida, within the area described in subsection (b) for the establishment of the Guano River National Park.

(b) The area referred to in subsection (a) is bounded generally as follows: Beginning at the confluence of the Guano River and the Intercoastal Waterway; thence easterly and northerly along the Atlantic Ocean approximately four and one-half miles; thence westerly to the Intercoastal Waterway; thence southerly along the Intercoastal Waterway to the point of beginning.

Sec. 2. Within the area designated pursuant to the first section of this Act, the Secretary may acquire lands and interests therein by donation, purchase with donated or appropriated funds, or exchange, except that any property owned by the State of Florida or any political subdivision thereof may be acquired only by donation. When the Secretary determines that lands and interests therein sufficient to constitute an efficiently administrable unit for the purposes of this Act have been acquired, he shall establish the area as the Guano River National Park by publication of a notice to that effect in the Federal Register. Pending such establishment and thereafter, the Secretary shall administer the lands and interests therein acquired for the purposes of this Act in accordance with the Act of August 25, 1916 (39 Stat. 535), as amended and supplemented.

Sec. 3. There are authorized to be appropriated such sums as may be necessary to carry out the purposes of this Act.

By Mr. MOSS:

S. 1165. A bill to amend the Federal Cigarette Labeling and Advertising Act of 1965, as amended by the Public Health Cigarette Smoking Act of 1969, to define the term "little cigar" and for other purposes. Referred to the Committee on Commerce.

LITTLE CIGARS ACT OF 1973

Mr. MOSS. Mr. President, I introduce today a bill to amend the Federal Cigarette Labeling and Advertising Act of 1965 as amended by the Public Health Cigarette Smoking Act of 1969 to define the term "little cigar" and for other purposes.

Mr. President, the Little Cigar Act of 1973 would add to the Federal Cigarette Labeling and Advertising Act a definition for the term "little cigar" and would eliminate the broadcast advertising of "little cigars." In 1969, the Congress acted to eliminate advertising for cigarettes from the broadcast media, but we left untouched the question of little cigars.

Little cigars have been with us for a number of years. Traditionally these products were rolls of tobacco wrapped in leaf tobacco or reconstituted tobacco sheet similar to cigars, but much smaller than cigars. Due to their appearance—they invariably are the same size as cigarettes and are packaged similarly—they can be confused with cigarettes.

Recently little cigars were marketed with broadcast advertising and the seductive advertising themes associated with cigarette advertising which were eliminated with the 1969 Public Health Cigarette Smoking Act. Fortunately, the major marketers have very responsibly announced that they will refrain from further broadcast advertising once their current contracts run out.

The decision that has to be made is whether or not we can continue to permit the advertising of these products when evidence points to their hazardous nature.

During hearings held last February on several questions related to tobacco smoking, much evidence was presented concerning the similarity of the products. Since those hearings, I have tried to fashion a legislative proposal which would eliminate the advertising of the offending products in the broadcast media. Many considerations had to be made. First, I considered establishing a definition of cigarette which included certain of the physical/chemical factors associated with little cigars which made these products likely to be inhaled. The lack of scientific consensus as to a formula and as to a dividing point between cigarettes and cigars precluded the fashioning of a legislative proposal along those lines.

The Cigar Manufacturers Association presented information which suggested the establishment of a third classification for this type of product. Instead of being cigarettes and cigars, little cigars being a subgroup of cigars, the CMA suggested considering a new category which would include most of the little cigars currently on the market. And a third suggestion put forward was to reclassify all little cigars as cigarettes, for the purpose of the Federal Cigarette Labeling and Advertising Act.

The simplest way to proceed, is to take the definition of a little cigar as it exists in the Internal Revenue Code and apply that definition to the Federal Cigarette Labeling and Advertising Act and, at the appropriate place in the act, include little cigars in the prohibition on the broadcast advertising of certain tobacco products.

Contributing to my thinking have been several technical papers which have been submitted by Dr. Fred Bock and Dr. Irwin Bross of Roswell Park Memorial Institute as well as one by Dr. Ernest Wynder of the American Health Foundation. Mr. President, I ask unanimous consent that following my remarks the text of the bill be printed in the Record as well as the technical papers supplied by Drs. Bock, Bross and Wynder.

There being no objection, the bill and material were ordered to be printed in the Record, as follows:

S. 1165

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Little Cigar Act of 1973."

Sec. 2. Section 3 of the Federal Cigarette Labeling and Advertising Act (15 U.S.C. 1331–1340) as amended by the Public Health Cigarette Smoking Act of 1969 is amended by inserting the following new subsection:

(7) The term "little cigar" means—

Any roll of tobacco wrapped in leaf tobacco or any substance containing tobacco (other than any roll of tobacco which is a cigarette within the meaning of subsection (1)) and as to which one thousand units weigh not more than three pounds.

Sec. 3. Section 6 of the Federal Cigarette Labeling and Advertising Act (15 U.S.C. 1331–1340) as amended by the Public Health Cigarette Smoking Act of 1969 is amended by inserting the words, "and little cigars" after the word "cigarettes."

Sec. 4. The amendment made by this Act shall become effective 30 days after the date of enactment.

Roswell Park Memorial Institute,
Buffalo, N.Y., January 19, 1973.

To: Dr. Gerald P. Murphy.

From: Dr. Fred Bock, Orchard Park Laboratories of RPMI.

Subject: Position Paper on the Public Health Implications of Little Cigars.

The importance of little cigars in public health is a result of the interaction of scientific factors that can be measured and intangible characteristics of social behavior and governmental action. In an attempt to sort out these inter-related factors, I have attempted to break the overall problem into a number of questions that permit simpler answers.

What are little cigars? The definition of a cigar depends on the bias of the organization using the term. The cigar industry presumably would like to consider any product composed of tobacco and wrapped in tobacco derivative as a cigar. Because cigars are taxed at a much lower rate than cigarettes, this definition has obvious value to the manufacturer. They consider a little cigar as a cigar having the general size and shape of a cigarette. Little cigars are customarily packaged like cigarettes. The Internal Revenue Service goes one step further by requiring that cigars be composed of "cigar type tobaccos", that is, air cured rather than flue cured types. The distinction is more than academic. It seems most likely that the health hazard of smoke is proportional to its acidity. Air cured tobaccos yield an alkaline smoke because the carbohydrates are lost during curing. All other things being equal, the IRS definition tends to select between high risk and low risk products. Nevertheless, it should be possible to design a product meeting the IRS definition of cigar, but with the hazards of cigarettes. A definition implied by individuals interested in public health considers any product that looks like a cigarette, is packed like a cigarette, and is smoked like a cigarette should not be called a cigar.

It was reported in the Wall Street Journal recently that Philip Morris has a little cigar ready for market but has withheld it due to fears that the Federal Trade Commission will adopt the public health definition of cigars and forbid any television advertising of "little cigars". However, economic factors make the IRS definition dominant. It is generally considered that little cigars cannot achieve important market penetration if they should be taxed as cigarettes. The Wall Street Journal article also said that the first Winchesters submitted to the IRS were called cigarettes by that agency because of the tobacco used. The formula was then modified.

In summary, a little cigar differs from cigarettes with respect to the tobaccos used.

Is smoke from little cigars carcinogenic? Little cigars now on the market contain cigar type tobaccos. Smoke of full-size cigars is slightly more carcinogenic for mouse skin than cigarette smoke. No smoking product of any sort has been found to be noncarcinogenic. The *overwhelming weight* of scientific evidence indicates that smoke from little cigars is carcinogenic.

Should experimental vertification of this conclusion be required for legislative or public relations purposes, costs of an adequate bioassay would be in the order of 75,000–100,000. This would permit a comparison of one commercial cigarette with two commercial little cigars. The study would have little or no scientific value.

Is smoke from little cigars inhalable? The inhalability of smoke depends on three factors, the pH, the concentration of nicotine and pyridine derivatives and the past history of the smoker. Absorption of nicotine and other pyridine derivatives from smoke is enhanced when these compounds are present in the free base form. Cigarette smoke has a slightly acidic pH (approximately 6.0) so that nearly all of the nicotine is ionic and less effectively absorbed. This provides a mild flavor permitting inhalation and encouraging inhalation in individuals who subconsciously seek certain blood levels of nicotine. Absorption of nicotine from inhaled smoke is efficient because most of the smoke nicotine is retained in the lungs until it can be absorbed.

The pH of the smoke of little cigars more nearly represents that of standard cigars than cigarettes.[1] The nicotine levels [1, 2] and pyridine levels [1] of the smoke of both cigarettes and little cigars cover a large range which overlaps. All other things being equal, one might predict that the smoker would be less likely to inhale with little cigars than with cigarettes.

This conclusion must be tempered by data of Bross which shows that cigarette smokers who switch to cigars inhale more than do cigar smokers who never smoke cigarettes. Habitual inhalers tend to continue to inhale even after switching from cigarettes to cigars.

A full answer requires observation of an adequate sample of smokers. Until this is done, we can conclude that the evidence *suggests* that the smoke from little cigars is less inhalable than the smoke of standard size cigars.

Is it likely that little cigars will be an important public health problem? It can be assumed that little cigar smoke does have a hazard, be it large or small, for the individual consumer. Whether little cigars will create a public health problem or even a benefit depends on four factors, none of which can be studied in the laboratory. 1. Will little cigars be consumed in quantity? Were it not for a substantial advertising campaign, the answer would be "no." With a susbtantial advertising campaign, the answer must be "maybe," inasmuch as the cigarette industry has demonstrated its ability to sell almost anything. 2. Will the advertising of little cigars provide "institutional exposure" for cigarettes as a very similar smoking product? If so, the exploitation of little cigars may increase consumption of cigarettes. 3. Will nonsmokers begin smoking little cigars and subsequently switch to smoking cigarettes? 4. Will little cigars replace cigarettes and provide a less hazardous smoking alternative?

I would conclude today that little cigars *might* become an important health problem.

What types of governmental action are appropriate at this time? The general answer depends on personal prejudices about the need for governments to protect their citizens against themselves. There is, however, one important area for which scientific justifications for governmental action exists. A good tobacco scientist could design a smoking product that would be composed of cigar type tobaccos with additives such that the smoke would resemble cigarette smoke. Such a product, if called a cigar, could masquerade as a less hazardous smoking material even if it were more hazardous than cigarettes. It seems prudent to establish preventative regulations at this time, before strong commercial interests are involved. It ought to be possible, for example, to require that cigars provide smoke such that the pH of any puff as measured by the Sensabaugh and Cundiff method [3] would not be less than 6.3. Such a limit would not be the best protection for the public but because it probably would not restrict any present commercial product, would have better opportunity for adoption.

Footnotes at end of article.

Half a loaf seems better than none. It may be necessary for the government to collect hard data with respect to these specific products before this action can be taken. If so, the appropriate studies should be established as soon as possible.

What is the role of RPMI in this area? The role of RPMI in measuring the hazards of cigarettes is very extensive. We have not conducted any experiments with cigars of any sort. No plans for such studies exist at this time inasmuch as they do not merit important scientific attention. We have studied cigarettes made of different types of tobacco and tobacco substitutes. These studies confirm the expectation that any smoking product yields a carcinogenic smoke. The major problems related to the hazards of little cigars transcend laboratroy study. Accordingly, we have no plans for evaluation of little cigars. Facilities for such studies are available should broad social policy warrant them.

FOOTNOTES

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SMOKE OF CIGARETTES AND LITTLE CIGARS

[A Chemical-Analytical Comparison (1)]

ABSTRACT

Chemical-analytical data are presented from a comparison study of the smoke of cigarettes and little cigars. The tobacco products and their mainstream smokes were analyzed for a number of toxic constituents. The study represents a preliminary effort to define "smoke inhalability".

Epidemiological studies have demonstrated that the chance of developing lung cancer is greater for cigarette smokers than for cigar smokers, however, both types of smokers face the same risk of developing cancer of the oral cavity. The difference in the rate at which cigar and cigarette smokers develop lung cancer is related to known differences in inhalation practices which are, in turn, determined by the physiochemical properties of the different smoke (2).

At present, in the United States, the distinction between a cigar and a cigarette is based on the 1961 Internal Revenue definition, made for tax purposes, which defines a cigar as "any roll of tobacco wrapped in leaf tobacco or in any substance containing tobacco" and cigarette as "any roll of tobacco wrapped in paper or any substance not containing tobacco" (3).

It is obvious that if the distinction between cigars and cigarettes is to be meaningful in terms of the potential hazard to human health, it should be based not on the composition of the wrapper, but rather on the physiochemical properties of the smoke and its resulting "inhalability". This study attempts to establish the specific physiochemical differences between the smoke of cigarettes, cigars, and the new, popular category, little cigars. It is hoped that this information will contribute to the establishment of a new distinction among the three which is more relevant to human health.

Cigarettes without filter tips were obtained from the University of Kentucky (4); the filter cigarettes, little cigars B, small cigars C, cigars D from the open market in New York City (Dec. 1971/Jan. 1972); and little cigars A from the open market in Boston, Mass. (Dec. 1971). The filter cigarettes, little cigars B, small cigars C, and cigars D were the largest brands in their respective groups (5). The tobacco products were humidified in a chamber maintained at a relative humidity of 60% and 22°, and subsequently smoked under standard conditions (8). Afterwards they were analyzed by standard procedures for reducing sugars (6), draw resistance (7), burning rate (8), total particulate matter (TPM; 9), moisture in TPM (10), nicotine by gas chromatography (7), carbon monoxide and carbon dioxide (11), hydrogen cyanide (12), acetaldehyde and acrolein (7), pH of total smoke (13), volatile pyridines (11), volatile phenols (14), and benz[a] anthracene (BaA) and benzo[a]pyrene (BaP: 15).

We chose these determinations as indicators of combustibility (burning rate), overall toxicity (TPM and nicotine), degree of nicotine toxicity (pH), toxicity of the gas phase (CO, CO_2, and HCN), cilia toxicity (acetaldehyde and acrolein), toxic and taste influencing volatile bases (pyridines), volatile tumor promoters (phenols), and tumor initiators (benz[*a*]anthracene and benzo[*a*]-pyrene). Since air cured, Burley, and cigar type tobaccos have significantly lower concentrations of reducing sugars than flue cured, sun cured, Bright or Turkish tobaccos, we also determined the total reducing sugars. These latter tobaccos are the major components of many cigarettes. The regular cigars were tested only for pH and pyridines. Results are summarized in Tables 1 through 4.

The concentration of total reducing sugars in the tobacco of little cigars is significantly lower than that of blended cigarettes (table 1). This result was expected since cigars are reported to contain only air cured and fermented tobaccos. These data need further investigation since the low concentration of total reducing sugars in these tobacco types is related to the relatively low concentrations of acids in the tobacco and thereby to the increasing pH value of the total smoke of these tobaccos. At hydrogen ion concentrations below 10^{-6}. (>pH 6), tobacco contains increasing amounts of unprotonated nicotine (and other pyridines), the most toxic form of nicotine in tobacco smoke.

The burning rates of little cigars with filters are relatively rapid, resulting in a low number of puffs for the amount of tobacco in these products (Table 1). The "tar" (TPM) and nicotine concentration in the mainstream smoke of little cigars A is lower than expected for this product. This result is at least partially explained by the tobacco selection and the incorporation of puffed tobacco and reconstituted tobacco sheets into the tobacco blend which was revealed when samples were examined under the microscope.

The pH values for the total smoke show that the smoke of the last two puffs is basic (pH >7.0; table 2). Indeed, our results indictate that as much as 30 to 40% of the smoke of regular cigars is basic in nature. Since only the last two puffs of little cigar A evolve smoke of a basic nature and the nicotine concentration of the smoke is quite low for a tobacco product, one may expect that the smoker of little cigar A is more likely to inhale the total smoke than the smoker of other little cigars. The smoker of standard cigars and most litle cigars is, however, not likely to inhale the total smoke since the higher nicotine concentration of the cigar smoke, coupled with a high pH, makes the inhalation of cigar smoke unpleasant.

The smoke of little cigar A has CO and CO_2 concentrations comparable to cigarette smoke (Table 3; see also ref. 6), whereas the high CO and CO_2 values for little cigar B and small cigar C make it less likely that their smoke is inhaled. The low concentration of hydrogen cyanide, acetaldehyde, and acrolein also indicate that little cigar A is an unusually mild tobacco product (Table 3). The volatile pyridines are primarily pyrosyntheized from tobacco alkaloids. They are assumed to give the smoke its undesirable taste and to contribute to the strength of the smoke flavor of cigars. Table 3 shows that the mainstream smoke of little and small cigars with filter tips have considerably higher concentrations of pyridines than filter cigarettes, but significantly lower concentrations of volatile pyridines than cigars. This finding supports the concept that the little cigar smoke flavor is less harsh than that of cigars. The concentration of volatile phenols is also very low for little cigar A. This results not only from the tobacco blend, but also from the selective removal of these agents by the cellulose acetate filter with its plasticizers (Table 3; Ref. 16). The ratio of *p*-ethylphenol to 2,4- and 2,5-dimethylphenol is significantly greater in little cigar smoke than in cigarette smoke. At present we do not know the significance of this observation. The concentration of benz[*a*]anthracene and benzol[*a*]pyrene in the smoke of 1.0 g of little cigar tobacco is relatively low (Table 3). This result was expected for tobacco products which are largely made up of cigar type or air cured tobacco and reconstituted tobacco sheets (7, 17).

Our preliminary data indicate that on a per puff basis (Table 4) the reduced levels of "tar," nicotine, and CO may permit the tobacco user to inhale the total smoke of some little cigars even though it is otherwise just as toxic as the "uninhalable" smoke of conventional cigars.

We intend to analyze and compare the smoke of various tobacco products for these and additional smoke constituents with the eventual goal of establishing a relationship between physicochemical properties of tobacco smoke and the probability of total inhalation by man. Such a study is of importance in assessing the full harmful potential of smoking products in relation to the way they are used by man.

DIETRICH HOFFMAN.
ERNEST L. WYNDER.

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18. Supported in part by American Cancer Society Grant BC 56P and by National Cancer Institute Grant NIH–NCI–70–2087.

TABLE 1.—ANALYSIS OF CIGARETTES AND LITTLE CIGARS AND SOME OF THEIR SMOKE CONSTITUTENTS

Sample	Length (millimeters)	(Weight milligrams per cigarette)	Reducing sugars (percent of tobacco weight)	Draw resistance (inches)	Burning rate (milligram tobacco per minute)
Cigarette (nonfilter)	85	1,100	9.3	2.6	51.3
Filter cigarette (21-millimeter filter)	85	1,010 [1] 845	7.9	5.3	61.7
Little cigar A (21-millimeter filter)	85	956 [1] 775	1.5	5.2	72.2
Little cigar B (18-millimeter filter)	85	1,078 [1] 934	2.9	5.1	61.0
Small cigar C (15-millimeter filter)	99	1,522 [1] 1,355	2.7	3.5	90.1

[1] Without filter.

Sample	Average number of puffs	TPM wet (milligrams per cigarette)	TPM dry (milligrams per cigarette)	Nicotine (milligrams per cigarette)	TPM[1]-(FTC) (milligrams per cigarette)
Cigarett (nonfilter)	11.0	43.2	39.0	2.85	36.1
Filter cigarette	10.0	23.0	21.7	1.4	20.3
Little cigar A	7.7	21.4	18.0	0.6	17.4
Little cigar B	9.8	39.1	33.6	1.8	31.8
Small cigar C	11.6	49.0	43.7	3.1	40.6

[1] FTC value for TPM=TPM wet minus water and minus nicotine.

Note: Butt length standards are 23 millimeters, in all other instances, filter cigarettes are smoked to a butt length given by the length of the filter plus 3-millimeter margin from the overwrap between the filter and the tobacco.

TABLE 2.—pH OF TOTAL MAINSTREAM SMOKE

Number puffs	Cigarette (nonfilter)	Filter cigarette	Little cigar A	Little cigar B	Small cigar C
3:					
Low	6.09	6.00	6.14	6.30	6.35
Average	6.19	6.15	6.44	6.55	6.53
High	6.29	6.39	6.74	6.81	6.71
5:					
Low	6.04	5.92	6.20	6.11	6.23
Average	6.14	6.12	6.34	6.46	6.49
High	6.23	6.31	6.93	6.86	6.89
7:					
Low	6.00	5.83	6.27	6.05	6.17
Average	6.09	6.01	7.03	6.51	6.56
High	6.17	6.10	7.80	6.98	6.95
9:					
Low	5.95	5.73	----------	6.16	6.16
Average	6.02	5.83	----------	6.98	6.59
High	6.09	5.93	----------	7.81	7.02
Last puff:					
Low	5.90	5.67	6.63	6.25	6.29
Average (11)	5.96	(10) 5.76	(8) 7.73	(10) 7.25	(11) 7.11
High	6.02	5.86	8.83	8.36	7.93

Note: For comparison the pH values of the popular U.S. cigar D: 3d puff—6.26, 6.47, 6.67; 8th puff—6.03, 6.27, 6.55; 13th puff—6.02, 6.29, 6.57; 18th puff—6.16, 6.41, 6.77; 23d puff—6.46 6.81, 7.27; 28th puff—6.83, 7.22, 7.61; 33d puff—7.22, 7.53, 7.90; 38th puff—7.46, 7.78, 8.14; 43d puff—7.66, 7.96, 8.36.
(Average number of puffs: 45.)

TABLE 3.—SELECTED COMPOUNDS IN MAINSTREAM SMOKE

Smoke compound	Cigarette	Filter cigarette	Little cigar A	Little cigar B	Little cigar C
CO_2 volume (percent)	4.6	4.5	5.3	11.1	7.7
CO_2 volume (percent)	9.4	9.6	8.5	13.2	12.7
HCN (μg per cigarette)	536	361	381	697	1,029
Acetaldehyde (μg per cigarette)	770	774	630	1,238	1,150
Acrolein (μg per cigarette)	105	71	41	54	66
Pyridine (μg per cigarette)	24.8	11.0	24.2	35.8	29.5
α-Picoline (μg per cigarette)	13.1	4.5	9.4	13.6	11.5
β-Picoline (μg per cigarette)	23.0	5.6	12.6	20.3	19.0
γ-Picoline (μg per cigarette)	6.8	2.0	3.5	6.4	5.9
Lutidines (μg per cigarette) [1]	15.1	4.2	8.3	9.2	14.4
Total Pyridines (μg per cigarette) [2]	82.8	27.3	58.0	85.3	80.3
Phenol (μg per cigarette)	124.2	33.0	35.1	63.4	94.1
oCresol (μg per cigarette)	24.0	6.8	4.0	10.0	19.5
m+p-Cresol (μg per cigarette)	75.4	22.2	16.9	37.8	67.1
2,4+2,5-Dimethylphenol (μg per cigarette)	9.4	4.6	1.0	3.7	6.1
m+p-ethylphenol (μg per cigarette)	22.1	9.2	6.5	17.6	27.0
Benz]a]anthracene (ng per cigarette)	74	31	34	25	39
Benzo]a]pyrene (ng per cigarette)	47	20	18	22	30

[1] Sum of 2,6-, 2,4-, and 3,5-lutidines which were determined by gas chromatograph individually.
[2] Values for cigar D 536.1 μg.

TABLE 4.—SOME SELECTED TOXIC AGENTS IN THE SMOKE OF A SINGLE PUFF[1]

Sample	TPM[2] (FTC) milligram	Nicotine (milligram)	pH last puff	CO volume (percent)	CO_2 volume (percent)	HCN µg	Total pyridines µg
Cigarette	3.28	0.259	5.96	4.6	9.4	48.7	7.6
Filter cigarette	2.03	.140	5.76	4.5	9.6	36.1	2.7
Little cigar A	2.26	.078	7.73	5.3	8.5	49.5	7.6
Little cigar B	3.24	.183	7.25	11.1	13.2	71.1	8.7
Small cigar C	3.50	.267	7.11	7.7	12.7	88.7	6.9

[1] Values of total smoke divided by number of puffs to reach standard butt length.

[2] FTC value for TPM; TPM wet minus water and minus nicotine.

ROSWELL PARK MEMORIAL INSTITUTE,
Buffalo, N.Y., January 17, 1973.
To: Dr. Gerald P. Murphy.
From: Dr. Irwin D. J. Bross, Department of Biostatistics of RPMI.
Subject: Position Paper on Health Hazards of Small Cigars.

INTRODUCTION

Despite the well-known health hazards of cigarettes, people continue to smoke. This has spurred efforts to find less hazardous tobacco products. The cigarette-like cigars which have become increasingly popular have sometimes been advocated as a less hazardous substitute for cigarettes. However there was very limited data on the hazards of small cigars and the Federal Trade Commission has asked for "additional evidence . . . on the question of whether, in actual use by consumers, 'small cigars' are inhaled in the same manner as cigarettes."[1]

For full-sized cigars there is ample evidence that the risk of lung cancer and certain other health hazards is much lower than for cigarettes. A number of factors are probably involved in this difference. The processing and cutting of the tobacco leaf, the burning temperatures and other combustion properties, the number smoked per day, and the extent to which the smoke is inhaled are factors which are all markedly different for cigars and cigarettes. However the small cigars are much more like cigarettes and there was the distinct possibility that their health hazards may also be more like those of cigarettes. Therefore it is important to get some assessment of hazards as soon as possible.

For some factors, information is available. The tar and nicotine levels of the small cigars have been reported by the Federal Trade Commission's laboratory.[1] Comparison with a report from the same source for cigarettes[2] shows that the tar levels for the small cigars tend to be somewhat higher than for cigarettes. The median level for cigarettes is 19 mg. and for cigars 27.6 mg. There is, however, some overlap between the higher levels for cigarettes and the lower levels for small cigars.

Since there is no reason to believe that the tar from the small cigars is any less carcinogenic, if there were any health advantage to the cigars it would have to come from reduced exposure to smoke. The crucial factor here is probably inhalation.

Only rather limited direct evidence on inhalation patterns of persons who switched from cigarettes to small cigars is now available. It is somewhat difficult to obtain this kind of information directly for several reasons. A relatively small proportion of smokers use these products, there are a number of different brands with different burning characteristics, and inhalation patterns for persons who have just switched to small cigars may not have stabilized. Hence it is not easy to obtain a sufficiently large and a representative sample of persons who switched to small cigars to get reliable results.

It will take some time to obtain the desired direct information and it is undesirable to indefinitely postpone several crucial decisions: Should the small cigars carry the same warning label as cigarettes? Should they be taxed as cigarettes? What restrictions on advertising statements should be made?

Several different federal agencies as well the general public have a stake in getting a prompt answer to the question: Are the health hazards of small cigars like those of large cigars or like those of cigarettes?

By approaching the problem as one involving habitual behavior, we are able to obtain a reliable answer to this question without excessive delay. We start with the question: Can we predict the inhalation and other smoking habits of persons who switch from cigarettes to small cigars? If we can make this prediction then we can make a putative assessment of the health hazards of this new product. Finally, if we can assess the health hazards we can see whether the policy should be to encourage the use of these new products or treat them as another kind of cigarette.

DATA ON INHALATION PATTERNS

When I first discussed small cigars with Dr. Fred Bock, an expert on tobacco carcinogenesis at Roswell Park Memorial Institute for Cancer Research, he remembered a remark that Dr. Charles Ross had made. Dr. Ross, a lung surgeon and former colleague at RPMI, had the clinical impression that his patients who switched from cigarettes to cigars inhaled much more than the usual cigar smoker. If this could be validated by actual data (and in my experience clinical impressions have about 50–50 chance of validation) this would tell us something about the inhalation patterns that could be expected with small cigars. Fortunately, the data that was needed was right at hand.

Since 1957 the Epidemiology Department had been obtaining interviews with almost all patients admitted to RPMI "concerning their smoking habits and exposures to other potential environmental hazards"[3, 4]. While a majority of patients have cancer, more than one-third have non-neoplastic diseases. Adequate and relevant data on the inhalation of 3,916 white males were available on magnetic tape.

The question of inhalation that is most directly pertinent to the hypothesis about carryover of habits concerns frequency of inhalation. The responses range from "almost every puff" to "never inhale". For persons smoking only cigarettes, 76% fall in the highest category and only 7% never inhale. For persons smoking only cigars 4% report that they inhale almost every puff and 89% say they never inhale. These results, which are in line with previous reports on inhalation, show clearly the marked difference in inhalation habits for the two forms of tobacco.

The cigar smokers who also smoke cigarettes report inhalation patterns which are intermediate between the cigar only and cigarette only patterns. They stand out clearly from both groups. The pattern is similar whether the individuals continue to smoke both products, have stopped smoking cigarettes but have continued smoking cigars, or have stopped smoking cigarettes and have switched to cigars. In all three groups about 20 percent report inhaling "almost every puff". The respective percentages and confidence intervals are shown in Figure 1.

Figure 1 validates the clinic impression in an unequivocal way. When individuals have smoked cigarettes prior to or concurrently with cigars the inhalation pattern for cigarette smoking tends to carryover to their cigar smoking. Note that here we are talking about *regular* cigars—a tobacco product which is not entirely pleasant to inhale.

IMPLICATIONS OF THE DATA

Figure 1 uses simple biostatistical procedures (i.e., confidence intervals) to provide a clearcut validation of the hypothesis that cigarette smokers carry over their inhalation habits to regular cigars when they switch (or switch back and forth). The immediate implications concerning the health hazards of small cigars can be seen from relatively simply and straightforward scientific arguments. For example, although the data does not involve the cigarette-like cigars, some prediction can be made concerning the proportion inhaling "almost every puff" for persons switching from cigarettes to such cigars. This proportion is clearly somewhere between the 20 percent for regular cigars and the 75 percent for cigarettes. To get a closer estimate we can interpolate between the two endpoints on the basis of the physical characteristics of the products and their smoke.

One of the properties of the smoke which is considered closely related to whether the smoke is pleasant to inhale or not is the alkalinity as measured by pH. Hoffman and Wynder have recently shown[5] in an ingenious puff-by-puff analysis of pH that the small cigars they tested are very similar to cigarettes in this respect. Other physical characteristics of the small cigars are also more like those of cigarettes than those of cigars. Hence an estimate of inhalation frequency can be obtained by interpolation from the pH or other physical characteristics.

Hoffman and Wynder report that "as much as 30 to 40 percent of the smoke of regular cigars is basic in nature". Cigarette smoke, whether from filtered or non-filtered cigarettes, does not become basic. With small cigars the smoke does not become basic until the last puff or two. According to Wynder and Hoffman ". . . the higher nicotine concentration of the cigar smoke, coupled with a high pH, makes the inhalation of cigar smoke unpleasant". The cigarette-like cigars have nicotine levels comparable to cigarettes.

Combining this laboratory data with the previous findings on inhalation frequency for persons switching to regular cigars, it is clear that the inhalation levels for small cigars will be closer to the 75% level for cigarettes then to the 20% level for regular cigars. A conservative estimate would be that over 50% of the persons switching to small cigars would inhale almost every puff. Moreover, while the actual proportion would probably vary with the brand of cigars smoked, the carryover of inhalation habits would occur for all brands.

The estimate of "over 50%" inhalation may not be very precise but it is good enough for a number of practical decisions. *It strongly implies that health hazards of small cigars will be more like those of cigarettes than those of regular cigars.* Hence as a matter of public policy, there is no reason to give preferential treatment to small cigars insofar as advertising, hazard labels, or taxation is concerned. While the hazard of cigarette-like cigars has not been proved "beyond a shadow of a doubt", there is strong factual evidence indicating hazard. Unless contrary factual evidence can be produced that exonerates the small cigars, the benefit of the doubt should go to the public rather than to the product.

Footnotes at end of article.

TABLE I.—CONFIDENCE INTERVALS ON PERCENTAGE REPORTING INHALATION "ALMOST EVERY PUFF": CURRENT AND PREVIOUS TOBACCO USAGE BY TYPE OF TOBACCO, CIGAR, OR CIGARETTE

Current usage[1]	Previous usage[1]	Number of patients	Type inhaled	Percentage inhaling "almost every puff"		
					Confidence limits	
				Percent	Lower	Upper
Cigarettes only	Cigarettes only	2,359	Cigarette	74.8	73.1	76.6
Cigars only	Cigars only	649	Cigars	4.5	3.0	6.0
Cigarettes and cigars	Cigarettes and cigars	520	do	20.4	10.5	28.0
Cigars	do	93	do	18.3	9.0	10.0
None	do	186	do	21.5	17.8	24.2
Cigars	Cigarettes only	64	do	17.2	16.0	28.0

[1] Status of tobacco usage by type of tobacco.

FOOTNOTES

[1] Federal Trade Commission, Report of "Tar" and Nicotine Content of the Smoke of 25 Varieties of Small Cigars. Federal Trade Commission NEWS. (July 3, 1972).

[2] Federal Trade Commission, Report of "Tar" and Nicotine Content of the Smoke of 142 Varieties of Cigarettes. (July 1972).

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[5] Wynder, E. L., Hoffmann, D.: "Smoke of Cigarettes and Little Cigars: An Analytical Comparison." Science *178* (4066):1197–1199, December 15, 1972.

By Mr. MOSS:

S. 1166. A bill to amend the National Traffic and Motor Vehicle Safety Act of 1966 to require the establishment of a Federal motor vehicle safety standard with respect to rear lighting. Referred to the Committee on Commerce.

REAR MOUNTED LIGHTING SYSTEM

Mr. MOSS. Mr. President, I introduce for appropriate reference a bill to amend the National Traffic and Motor Vehicle Safety Act of 1966 to require the establishment of standards related to rear-mounted lighting systems.

I believe this legislation would be an important step in providing rear-end protection for the motorist and greater safety on our highways. The bill calls for standards to meet a very specific problem.

Our automobile lighting systems are deficient. That deficiency is particularly apparent in rear-mounted warning light systems, which rely upon varying configurations and intensity of the same colors to indicate turns and stops.

I believe it is possible and desirable to devise a better system, a system that would apply other colors such as amber and green the way our traffic lights currently guide us. I ask unanimous consent that the text of the legislation be printed in the RECORD at the conclusion of my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1166

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Motor Vehicle Rear Lighting Act".

SEC. 2. (a) Title I of the National Traffic and Motor Vehicle Safety Act of 1966 is amended by inserting after section 103 thereof the following new section:

"REAR LIGHTING STANDARD

"SEC. 103A. (a) Within 180 days after the date of enactment of the Motor Vehicle Rear Lighting Act, the Secretary shall establish by order a Federal motor vehicle safety standard relating to rear lighting systems consistent with the requirements of this section. The standard so established shall be in addition to and consistent with any standard established under section 103 with respect to lamps, reflective devices, and associated equipment and other standards established under that section which relate to the mechanisms governing the acceleration or braking of motor vehicles.

"(b) The Federal motor vehicle safety standard relating to rear lighting systems, which the Secretary is required under subsection (a) to establish, shall require that the rear lighting system of any motor vehicle manufactured after the effective date of the standard shall include—

"(1) a green light (or lights), visible from behind the motor vehicle, activated only when the accelerator control mechanism is holding the throttle in a position other than idle; and

"(2) an amber light (or lights), visible from behind the motor vehicle, activated whenever neither the light referred to in paragraph (1) is being activated nor the braking indicator light is being activated.

"(c) The rear lighting system standard required under this section shall also provide—

"(1) that the entire rear lighting system of any motor vehicle to which the standard applies shall be so arranged and displayed that an individual with defective color vision will be able to determine which lights are being activated on a motor vehicle in front of him;

"(2) that the rear lighting system of any motor vehicle to which the standard applies shall be displayed in such a manner as to avoid any possible confusion with traffic semaphore signals; and

"(3) for the avoidance of overlapping and ambiguous lighting signal displays to the greatest extent practicable."

By Mr. HART:

S. 1167. A bill to supplement the antitrust laws, and to protect trade and commerce against oligopoly power or monopoly power, and for other purposes. Referred to the Committee on the Judiciary.

INDUSTRIAL REORGANIZATION ACT

Mr. HART. Mr. President, back in 1890, Senator John Sherman rose to begin the debate that led to passage of the first antitrust law and explained that he had not planned lengthy remarks because:

> I supposed the public facts upon which it (the bill) is founded were so manifest that no debate was necessary to bring these facts to the attention of the Senate.

The trusts, of course, in those days were rampant. Name a possibility, it existed—oil, whisky, lumber, sugar, tea, steel, paper.

Of course, in those days there were no militant consumer groups to reckon with and there was no public relations industry to smooth over the rough edges of monopoly arrogance and greed.

So the disagreeable nature of monopoly power and the unpleasant attitude of the men who ran it was much more patent.

But in terms of concentration of economic power and all its unhealthy side effects, the situation today is not much different from what it was then.

With about 400,000 manufacturing firms in this country today, a mere 200 control two-thirds of the assets of all.

In the major sectors of our economy, markets are dominated by two, three or five companies that often behave as one when it comes to pricing policy.

The Antitrust and Monopoly Subcommittee has been examining this problem for a number of years and in the mind of this student there is no longer any doubt that concentration of economic power has contributed heavily to the waves of inflation that plague us so consistently.

Consumers in this economy must depend on competition to get value. And competition does not flourish when the number of competitors is being steadily diminished.

The Sherman and Clayton Acts, in my opinion, were soundly conceived bills, but they did not contemplate the complex business conditions that exist today. And the acts have been so interpreted over the years that enforcers are sent on distant chases after fox while the chicken coop remains infested with wolves.

In fact, the wolves are often in such solid possession of the coop that whatever enforcers can be mustered are often too small in number to mount an assault.

Consider the IBM case. Four years ago, the Government charged the company with monopolization under the Sherman Act.

Several private cases were also filed against IBM—the best-known being brought by the Control Data Corp.

As part of the discovery process, IBM produced 40 million documents.

At first, the Antitrust Division attempted to set up its own retrieval system and data bank for these 40 million documents. After spending $100,000 the Division realized that Control Data was far ahead in its efforts—and had developed a more sophisticated system.

Justice therefore asked for—and

received—access to the company's retrieval system.

Control Data, I am told, expended about $3 million in compiling this material. In contrast, may I note that the entire Antitrust Division's budget is $12½ million. On that line another interesting figure is that when the Control Data case was settled IBM paid CDC $15 million "for costs and expenses of the litigation including fees and disbursements of counsel."

The irony of the situation is that as part of a settlement of their private case, Control Data a few weeks ago destroyed the index to the documents. Unless the court forces reconstruction of the index, Justice must start all over again.

There are those who think that such a burden is too much for the Division, and that the IBM case will never be prosecuted effectively because of this.

The situation demonstrates that we have only one choice if we persist in attempting to eradicate economic concentration by showing in each case exactly how it harms the Nation: make the Government agencies administering the antitrust laws more equally matched with their opponents.

We are hogtied on the time element involved in a major antitrust case. Look at the IBM case again. It is 4 years since it began and the best estimate is that another 2 to 3 years will lapse before completion—with the possibility of more time devoted to appeals. Obviously, if there is harm being done by corporations involved in major antitrust cases, the Nation must wait far too long for any relief that a governmental victory can bring.

Take another example: The Government's case against El Paso Pipeline was filed in 1957. It has three times been up to the Supreme Court—divestiture has been ordered and still El Paso owns the property that the Supreme Court has ordered sold.

Clearly, even with a many times larger Antitrust Division—and millions more dollars yearly—it would take a couple of centuries of "behavioral" cases to eradicate the economic concentration that haunts this country.

Time, I feel, is a luxury we do not have. Nor can I embrace the general idea—for I dislike giantism in Government for many of the same reasons I dislike it in industry: When the battle of the giants begins, the people will be more and more left out of the decisions.

My real fear is that we will forsake the antitrust route for dealing with the problems created by the lack of competition in the economy, and instead embrace direct Government regulation.

And one has only to look at the record for most governmental regulatory bodies, and wage and price controls which have been used off and on through the years, to see how inequitable and inefficient Government regulation is compared to competition.

Mr. President, the Industrial Reorganization Act which I reintroduce today would eliminate the burden of proving how monopoly is bad. In effect, it restates a basic credo of this country since its inception: Too much power in too few hands is incompatible with democracy.

In this I sign on with Senator Sherman—a Republican—who said back in 1890:

> If we will not endure a king as a political power we should not endure a king over the production, transportation and sale of any of the necessities of life. If we would not submit to an emperor we should not submit to an autocrat of trade, with power to prevent competition and to fix the price of any commodity.

It was the power itself that Senator Sherman—speaking for the majority of his day—feared. And it is power that we should fear today. In industry, a giant corporation has many, varied, and subtle impacts on competition in that industry.

Its hulking size has much to do with entry of competitors, behavior of competitors and competition in general in the industry. For example, a woman who was attempting to get financing to begin a small computer service corporation once told me that bank after bank turned her down. They apparently had no quarrel with her qualifications and abilities. But they simply shook their heads and said:

> How can you expect to make it when IBM dominates that industry?

The impacts are subtle and have absolutely nothing to do with the presence or lack of good intentions of the management of the big firm.

The industrial reorganization bill that I resubmit today would add what I believe are two important new wrinkles to antitrust enforcement procedures.

Trustbusters would no longer have to rely on evidence that defendant firms intended to create monopolies to control prices or to exclude competitors. Under this bill we would concern ourselves less with the intent of the defendant firms and more with the result of their actions.

The antitrust enforcement system would for the first time be geared to deal with the mechanics of dismantling monopolies—a necessary second step that the present system has trouble managing.

Mr. President, in addition to prescribing ways of determining if monopoly power is present and providing for its dissipation, the bill also establishes a special commission to study concentrated industries and develop plans to make them more competitive.

These plans would then be submitted to Congress for approval, rejection, or change.

The bill being reintroduced today is identical to the one I proposed last year as a dialog bill. Following its introduction last June, I circulated it widely among the top 200 corporations, antitrust experts, economists, and others for comment. Some valuable suggestions for modification were received and others are promised. I have not altered the bill at this time, because we plan to begin hearings on it within a few weeks at which time these and other suggestions can be considered.

Those hearings will begin late this month, and I invite anyone interested in participating to contact the Senate Antitrust Subcommittee.

Mr. President, I ask unanimous consent that the complete text of the Industrial Reorganization Act be printed at this point in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1167

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Industrial Reorganization Act". The Congress finds and declares that (1) the United States of America is committed to a private enterprise system and a free market economy, in the belief that competition spurs innovation, promotes productivity, preserves a democratic society; and provides an opportunity for a more equitable distribution of wealth while avoiding the undue concentration of economic, social, and political power; (2) the decline of competition in industries with oligopoly or monopoly power has contributed to unemployment, inflation, inefficiency, and underutilization of economic capacity, and the decline of exports, thereby rendering monetary and fiscal policies inadequate and necessitating Government market controls subverting our basic commitment to a free market economy; (3) the preservation of a private enterprise system, a free market economy, and a democratic society in the United States of America requires legislation to supplement the policy of the antitrust laws through new enforcement mechanisms designed to responsibly restructure industries dominated by oligopoly or monopoly power; (4) the powers vested in these new enforcement mechanisms are to be exercised to promote competition throughout the economy to the maximum extent feasible, and to protect trade and commerce against oligopoly or monopoly power.

TITLE I—POSSESSION OF MONOPOLY POWER

SEC. 101. (a) It is hereby declared to be unlawful for any corporation or two or more corporations, whether by agreement or not, to possess monopoly power in any line of commerce in any section of the country or with foreign nations.

(b) There shall be a rebuttable presumption that monopoly power is possessed—

(1) by any corporation if the average rate of return on net worth after taxes is in excess of 15 per centum over a period of five consecutive years out of the most recent seven years preceding the filing of the complaint, or

(2) if there has been no substantial price competition among two or more corporations in any line of commerce in any section of the country for a period of three consecutive years out of the most recent five years preceding the filing of the complaint, or

(3) if any four or fewer corporations account for 50 per centum (or more) of sales in any line of commerce in any section of the country in any year out of the most recent three years preceding the filing of the complaint.

In all other instances, the burden shall lie on the Industrial Reorganization Commission established under title II of this Act to prove the possession of monopoly power.

(c) A corporation shall not be required to divest monopoly power if it can show—

(1) such power is due solely to the ownership of valid patents, lawfully acquired and lawfully used, or

(2) such a divestiture would result in a loss of substantial economies.

The burden shall be upon the corporation or corporations to prove that monopoly power should not be divested pursuant to paragraphs (1) and (2) of the above subsection:

Provided, however, That upon a showing of the possession of monopoly power pursuant to paragraph (1), the burden shall be upon the Industrial Reorganization Commission to show the invalidity, unlawful acquisition, or unlawful use of a patent or patents.

TITLE III—INDUSTRIAL REORGANIZATION COMMISSION

DEFINITIONS

SEC. 201. As used in this title, the term—

(1) "industry" means all extractive, processing, smelting, refining, transporting, manufacturing, assembling, fabricating, constructing, financing, distributing, or other economic activity carried on in closely related parts of commerce;

(2) "registered corporation" means a firm required by the Commission to file a registration statement under section 205;

(3) "Commission" means the Industrial Reorganization Commission established under section 202;

(4) "Commissioner" means the Commissioner of the Commission;

(5) "person" means an individual, a corportion, a partnership, an association, a joint stock company, a business trust, or an unincorporated organization; and

(6) "security" means any note, stock, Treasury stock, bond, debenture, evidence of indebtedness, certificate of interest or participation in any profit-sharing agreement, collateral-trust certificate, preorganization certificate or subscription, transferable share, investment contract, voting-trust certificate, certificate of deposit for a security, fractional undivided interest in oil, gas, or other mineral rights, or, in general, any interest or instrument commonly known as a "security', or any certificate of interest or participation in, temporary or interim certificate for, receipt for, guarantee of, or warrant or right to subscribe to or purchase, any of the foregoing.

ESTABLISHMENT OF COMMISSION

SEC. 202. (a) There is an independent agency to be known as the Industrial Reorganization Commission.

(b) The Commission shall be under the direction and supervision of a Commissioner, who shall be appointed by the President, by and with the advice and consent of the Senate, for a term of seven and one-half years. Any individual appointed to fill a vacancy in such office occurring due to the death, resignation, or removal of the Commissioner shall serve only for the remainder of the term of his predecessor. The Commissioner shall continue to serve after the end of the term to which he was appointed until his sucessor has qualified. The Commissioner shall not engage in any other activity while holding office. The Commissioner may be removed by the President for inefficiency, neglect of duty, or malfeasance in office.

(c) The Commissioner shall appoint and fix the compensation of an Executive Director and such other officers, agents, and employees as he deems necessary to assist him in carrying out the duties of the Commission. The Executive Director shall be the chief administrative officer of the Commission, and he shall perform his duties under the direction and supervision of the Commissioner. The Commissioner may delegate any of his functions, other than the making of regulations, to the Executive Director.

(d) The Commission shall have an official seal which shall be judicially noticed.

(e) Section 5314 of title 5, United States Code, is amended by adding at the end thereof the following:

"(59) Commissioner, Industrial Reorganization Commission.".

(f) The Office of Management and Budget shall not inspect, examine, audit, or review the records or work of the Commission or comment on any budget request made by the Commission. The Comptroller General shall conduct such reviews, audits, and evaluations of the Commission as he deems necessary. All accounts, budgets, and records of the Commission shall be submitted to the General Accounting Office from time to time as the Comptroller General may require, and the Commission shall maintain, preserve, and make available for inspection by the General Accounting Office such records as the Comptroller general may require.

(g) Section 3502 of title 44, United States Code, is amended by inserting in the first paragraph (defining "Federal agency"), ", the Industrial Reorganization Commission" after "the General Accounting Office".

(h) The Commission shall terminate its operations fifteen years after the date of enactment of this Act, and the functions, jurisdiction, powers, and duties of the Commission shall be transferred to the Federal Trade Commission. Upon transfer, the Federal Trade Commission shall succeed the Commission as a party in any legal proceedings, and any judgment or decree of any court of the United States applicable to the Commission shall, at the discretion of that court, be applicable to the Federal Trade Commission.

DUTIES OF THE COMMISSION

SEC. 203. (a)(1) In order to determine whether or not any corporation, or two or more corporations, are in violation of title I of this Act, and develop a plan of reorganization to make competition more effective within each industry, the Commission shall study the structure, performance, and control of each of the following industries:

(A) chemicals and drugs;

(B) electrical machinery and equipment;

(C) electronic computing and communication equipment;

(D) energy;

(E) iron and steel;

(F) motor vehicles; and

(G) nonferrous metals.

(2) The Commission shall develop a plan of reorganization for each such industry whether or not any corporation is determined to be in violation of title I. In developing a plan of reorganization for any industry, the Commission shall determine for each such industry—

(A) the maximum feasible number of competitors at every level without the loss of substantial economies;

(B) the minimum feasible degree of vertical integration without the loss of substantial economies; and

(C) the maximum feasible degree of ease of entry at every level.

(3) The Commission shall study the collective-bargaining practices within each industry named in paragraph (1), and determine the effect of those practices on competition within that industry.

(4) The Commission shall report to the Congress not later than June 30 in each odd-numbered year with respect to the status of each study undertaken under paragraph (1), (2), or (3) and each plan to be developed under paragraph (2), together with such recommendations, including recommendations for legislation as it deems necessary. Such legislative recommendations may include, but are not limited to, amendments to the antitrust laws, the Internal Revenue Code, the patent laws, and the National Labor Relations Act. The Commission may also report to Congress upon the effect on competition of the policies of executive or regulatory agencies of Government together with such recommendations, including recommendations for legislation, as it deems necessary.

(5) The Commission shall prosecute violations of title I of this Act.

(b) The Commission shall enforce the provisions of title I of this Act by filing a complaint and proposed order of reorganization with the Industrial Reorganization Court, established under title III of this Act, in accordance with the provisions of that title.

(c) Whenever the Commission obtains information under this title which furnishes a reasonable basis for inferring that any corporation or person has acted in violation of any law of the United States other than title I or of any State relating to trade or commerce, it shall notify the appropriate law enforcement official. The Commission shall furnish information obtained under this title to the Attorney General of the United States, the Federal Trade Commission, the Federal Power Commission, the Securities and Exchange Commission, and any other Federal regulatory or administrative body upon request, and whenever the Commission obtains information under this title which furnishes a reasonable basis for inferring that a corporation may act in violation of section 7 of the Act entitled "An Act to supplement existing laws against unlawful restraints and monopolies, and for other purposes" approved October 15, 1914, as amended (38 Stat. 731; 15 U.S.C. 18), it shall notify the Attorney General of the United States and the Federal Trade Commission, and furnish to them the information upon which that inference is based.

POWERS OF THE COMMISSION

SEC. 204. (a) The Commission shall have power—

(1) to conduct studies of the structure, performance, and control of any industry and its collective-bargaining practices directly or by contract or other arrangement;

(2) to require corporations in industries named in section 203(a), or any person who the Commission shall have reason to believe affects the structure, performance or control of any such industry, to file registration statements in such form as the Commission may require in order to carry out the provisions of section 203(a);

(3) to require periodic and special reports and such other information of corporations, from time to time, as may be necessary to carry out the provisions of this Act, including but not limited to reports by product or line of commerce;

(4) to inspect and examine accounts, procedures, correspondence, memorandums, papers, books, and other records under section 205;

(5) to require interlocking relationship reports and securities control reports by officers, directors, or persons, directly or indirectly, controlling, exercising, or executing the right to vote of 1 per centum or more of any class of securities for any registered corporation under section 206;

(6) to furnish information to the appropriate Federal or State law enforcement official whenever the Commission determines, on the basis of information received by it, that there may be or has been a violation of the Federal or State law;

(7) to sue and be sued in its own name and appear by its own counsel in any legal proceedings brought by or against it;

(8) to request and obtain from any executive department or agency any information or assistance it deems necessary to carry out the duties under this title;

(9) to prosecute complaints before, and submit proposed orders of reorganization to, the Industrial Reorganization Court established under title III of this Act;

(10) to carry out such investigations as may be appropriate to determine whether there is any violation of any provision of this Act;

(11) to sit and act at such times and places, administer such oaths, and require by subpena or otherwise the attendance and testimony of such witnesses and production of such books, records, correspondence, memorandums, papers, and documents at it deems advisable, to administer oaths or affirmations to witnesses appearing before it;

(12) to disclose by publication, or otherwise to make available upon request, any information (other than trade secrets or

processes) it deems appropriate for public disclosure, subject to the provisions of section 207;

(13) to procure temporary and intermittent services to the same extent as is authorized by section 3109 of title 5, United States Code, but at rates not to exceed $125 a day for individuals;

(14) to issue such regulations, orders, and reports as may be necessary to carry out the provisions of this title; and

(15) to take such other actions as may be necessary to enable it to carry out its duties under the provisions of this title.

(b) Each executive department and agency is required to the extent permitted by law, to furnish information and assistance to the Commission, with or without reimbursement therefor, upon request by the Commission.

(c) Subpenas shall be issued under the signature of the Commissioner or Executive Director and may be served by any person designated. In the case of contumacy or refusal to obey a subpena issued under paragraph (11) of subsection (a) by any person who resides, is found, or transacts business within the jurisdiction of any district court of the United States, such court, upon application made by the Commission, shall have jurisdiction to issue to such person an order requiring such persons to appear before the Commission or an employee thereof, there to produce evidence if so ordered, or there to give testimony touching the matter under inquiry. Any failure of such persons to obey any such order of the court may be punished by the court as a contempt thereof.

REGISTRATION STATEMENTS; REPORTS; RECORDS

SEC. 205. (a) Any corporation or any person required by the Commission to register under section 204(a)(2) shall file with the Commission a registration statement and such additional reports and information as the Commission may require from time to time.

(b) Each registration statement shall contain—

(1) a copy of the corporate charter, articles of incorporation, partnership agreement, or other agreement or document under which that corporation is organized and doing business;

(2) a copy of such related documents, including but not limited to, bylaws, indentures, mortgages, trust indentures, underwriting agreements, and voting trust agreements, as the Commission may require; and

(3) such additional information and documents as the Commission may require, including but not limited to—

(A) a statement of the organizational and financial structure of the corporation and the nature of the business in which the corporation is engaged;

(B) a statement of the terms, position, rights, and privileges of each class of security which the corporation has authorized and/or outstanding;

(C) a statement of the underwriting arrangements, and copies of the underwriting agreements, under which the corporation's securities have been offered to the public or otherwise during the preceding five years, and a statement of the relationship of the underwriters of the securities to the corporation and/or to its officers or directors and the interest of those underwriters in the corporation:

(D) a statement of the names and addresses of the directors and principal officers of the corporation, the compensation paid to them directly or indirectly, their interest in the securities of, their contracts with, and their borrowings from, the corporation;

(E) a list of the name and address of, and amount of each class of securities held by each shareholder of the corporation;

(F) a statement of the corporation's bonus, profit sharing, and stock option plans;

(G) a copy of any contract to which the corporation is a party; and

(H) a copy of any balance sheet, financial statement, profit and loss statement, or any other report for any product or line of commerce in any section of the country or with foreign nations for any of the preceding seven years, in such form as the Commission may require, and certified, if required by the Commission, by an independent public accountant.

(c) In addition to the registration statement, the Commission may require the filing with it of additional reports of a periodic or special nature necessary to enable it to supplement or bring up to date information contained in registration statements, including, but not limited to, answers to questions raised by the Commission, the minutes of directors', stockholders', or other meetings, and additional information on the financial condition, security structure, security holdings, and assets of a corporation.

(d) Each registered corporation shall keep and preserve such records, accounts, and other documents as the Commission may require, and shall make all of its records, documents, memorandums, correspondence, accounts, and cost accounting procedures available for inspection at reasonable time by Commission employees.

REPORTS BY OFFICERS, DIRECTORS, AND OTHER PERSONS

SEC. 206. (a) Any person who is a director or officer of a registered corporation shall file a report under this section with the Commission in such form and at such times as the Commission may require. The report shall contain—

(1) a list of the name and address of, and amount of securities held beneficially and/or of record in any other corporation by any officer or director;

(2) if required by the Commission, a report of changes in the securities ownership in any other corporation; and

(3) a list of the name and address of each other corporation of which that person is an officer, director, or employee.

(b) Any person who, directly or indirectly, through one or more persons, owns beneficially or of record or controls, exercises, or executes the right to vote, 1 per centum or more of any class of security or any security convertible into or exchangeable, with or without additional consideration, for 1 per centum or more of any class of security of any registered corporation or if the aggregate percentages of the classes total 1 per centum or more, shall file a report under this section with the Commission in such form and at such times as the Commission may require. The percentage is to be calculated on the basis of the number of shares of, or for debt securities the face amount of, any class of security actually outstanding. If not a natural person, the Commission shall require such additional information as may be necessary to carry out the purpose of this subsection.

PUBLIC DISCLOSURE OF INFORMATION

SEC. 207. (a) When the public disclosure of information obtained under this title would be in the public interest as determined by the Commission, the Commission may, after notice of the appropriate corporation or person, make that information available to the public, under such charges and conditions as the Commission may prescribe.

(b) Any person filing a registration statement, report, notification, or other document with the Commission may object to public disclosure of any or all of the information by filing a petition with the Industrial Reorganization Court established pursuant to title III of this Act, in accordance with the provisions of that title.

(c) It shall be unlawful for any officer or employee of the Commission—

(1) to disclose any patent application, trade secret, or secret process contained in any document filed with the Commission or obtained under this title except as necessary to carry out his duties under this title; and

(2) to disclose to any other person any information contained in any document filed with the Commission or obtained under this title, except as provided in this title or in order to carry out his duties under this title, or to use any such information for personal benefit, unless that information has been made available to the public under subsection (a), for a reasonable period of time prior to such use.

PENALTIES

SEC. 208. Any person who violates any provision of this title shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine not exceeding $500,000, if not a natural person, or if a natural person, $100,000, or by imprisonment not exceeding one year, or both.

AUTHORIZATION OF APPROPRIATIONS

SEC. 209. There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this title.

TITLE III—ESTABLISHMENT OF INDUSTRIAL REORGANIZATION COURT

ESTABLISHMENT OF COURT

SEC. 301. (a) Part I of title 28, United States Code, is amended by inserting after chapter 11 thereof the following new chapter:

"Chapter 12—INDUSTRIAL REORGANIZATION COURT

"Sec.
"271. Appointment and number of judges.
"272. Precedence of judges.
"273. Tenure and salaries of judges.
"274. Sessions.
"275. Division of business.
"276. Single-judge trials.
"277. Three-judge trials.
"278. Vacant judgeship.
"279. Publication of decisions.
"280. Bias or prejudice of judge.
"281. Report of court proceedings.

"§271. Appointment and number of judges

"The President shall appoint, by and with the advice and consent of the Senate, a chief judge and 14 associate judges who shall constitute a court of record known as the United States Industrial Reorganization Court. Such court is hereby declared to be established under article III of the Constitution of the United States.

"§ 272. Precedence of judges

"The chief judge of the Industrial Reorganization Court shall have precedence and preside at any session of the court which he attends.

"The other judges shall have precedence and preside according to the seniority of their commissions. Judges whose commissions bear the same date shall have precedence according to seniority in age.

"§ 273. Tenure and salaries of judges

"The chief judge and associate judges of the Industrial Reorganization Court shall hold office during good behavior. Each shall receive a salary of $40,000 per year.

"§ 274. Sessions

"The Industrial Reorganizaton Court may hold court at such times and places as it may fix by rule.

"§ 275. Division of business

"The business of the Industrial Reorganization Court shall be divided among the judges as provided by the rules and orders of the court.

"The chief judge of the Industrial Reorganization Court shall be responsible for the observance of such rules and orders and shall divide the business and assign the cases so far as such rules and orders do not otherwise prescribe.

"§ 276. Single-judge trials

"Except as otherwise provided in section 277 of this title, the judicial power of the Industrial Reorganization Court with respect to any case, suit, or proceeding, shall be exercised by a single judge, who may preside alone and hold a regular or special session of court at the same time other sessions are held by other judges.

"§ 277. Three-judge trials

"(a) Upon application of any party to a civil action, or upon his own initiative, the chief judge of the Industrial Reorganization Court shall designate any three judges of the court to hear and determine any civil action which the chief judge finds—

"(1) raises an issue of the constitutionality of an Act of Congress, a proclamation of the President, or an Executive order; or

"(2) has broad or significant implications in the administration or interpretation of the Industrial Reorganization Act.

"(b) A majority of the three judges designated may hear and determine the civil action and all questions pending therein.

"§ 278. Vacant judgeship

"When the office of a judge becomes vacant, all pending process, pleadings, and proceedings shall, when necessary, be continued by the clerk until a judge is appointed or designated to hold such court.

"§ 279. Publication of decisions

"All decisions of the Industrial Reorganization Court shall be preserved and open to inspection. The court shall forward copies of each decision to the Industrial Reorganization Commission.

"§ 280. Bias or prejudice of judge

"Whenever a party to any proceeding in the Industrial Reorganization Court makes and files a timely and sufficient affidavit that the judge before whom the matter is pending has a personal bias or prejudice either against him or in favor of any adverse party, such judge shall proceed no further therein, but another judge shall be assigned to hear such proceeding on such petition and affidavit.

"The affidavit shall state the facts and the reasons for the belief that bias or prejudice exists, and shall be filed not less than ten days before the beginning of the term at which the proceeding is to be heard, or good cause shall be shown for failure to file it within such time. A party may file only one such affidavit in any case. It shall be accompanied by a certificate of counsel of record stating that it is made in good faith.

"§ 281. Report of court proceedings

"The Industrial Reorganization Court is authorized to contract for the reporting of all proceedings made in open court, and in such contract to fix the terms and conditions under which such reporting services shall be performed including the terms under which transcripts shall be supplied by the contractor to the court and other persons, departments, and agencies."

(b) The chapter analysis of part I of such title is amended by inserting after the item relating to chapter 11 of the following:

"12. Industrial Reorganization Court__ 271".

(c) Section 451 of such title is amended by inserting—

(1) in the first paragraph (defining "court of the United States") ", the Industrial Reorganization Court" after "the Customs Court";

(2) in the third paragraph (defining "judge of the United States") ", Industrial Reorganization Court" after "Customs Court".

OFFICERS AND EMPLOYEES

SEC. 302. (a) Part III of title 28, United States Code, is amended by inserting after chapter 55 the following new chapter:

"Chapter 56—INDUSTRIAL REORGANIZATION COURT

"Sec.

"911. Clerk and employees.

"912. Marshal and deputy marshals.

"913. Bailiffs and messengers.

"§ 911. Clerk and employees

"The Industrial Reorganization Court may appoint a clerk and such assistant clerks, stenographic law clerks, clerical assistants, and other employees as may be necessary, all of whom shall be subject to removal by the court. The clerk shall pay into the Treasury all fees, costs, and other moneys collected by him.

"§ 912. Marshal and deputy marshals

"The Industrial Reorganization Court may appoint a marshal and deputy marshals, who shall be subject to removal by the court.

"The marshal and his deputy marshals shall attend court at its sessions, serve and execute all process and orders issued by it, and exercise the powers and perform the duties concerning all matters within such court's jurisdiction assigned to them by the court.

"Under regulations prescribed by the Director of the Administrative Office of the United States Courts, the marshal shall pay the salaries, office expenses, and travel and subsistence allowances of the judges, officers, and employees of the court, and shall disburse funds appropriated for all expenses of the court.

"On all disbursements made by the marshal of the Industrial Reorganization Court for official salaries, the certificate of the payee shall be sufficient without verification on oath.

"United States marshals for other districts where sessions of the court are held shall serve as marshals of the court.

"§ 913. Bailiffs and messengers

"The Industrial Reorganization Court may appoint necessary bailiffs and messengers who shall be subject to removal by the court.

"Each bailiff shall attend the court, preserve order, and perform such other necessary duties as the court directs."

(b) The chapter analysis of part III of such title is amended by inserting after the item relating to chapter 55 the following:

"56. Industrial Reorganization Court__ 911".

(c) Section 610 of such title is amended by striking out "and the Customs Court" and inserting "the Customs Court, and the Industrial Reorganization Court".

JURISDICTION

SEC. 303. (a) Part IV of title 28 is amended by adding at the end thereof the following new chapter:

"Chapter 96—INDUSTRIAL REORGANIZATION COURT

"Sec.

"1591. Powers generally.

"1592. Jurisdiction.

"1593. Restoration of effective competition.

"1594. Enforcement of competitive orders; appointment of trustees; disposition of assets.

"1595. Time for complying with orders.

"§ 1591. Powers generally

"The Industrial Reorganization Court and each judge thereof shall possess all the powers of a district court of the United States for preserving order, compelling the attendance of witnesses, and the production of evidence.

"§ 1592. Jurisdiction

"(a) The Industrial Reorganization Court shall have original jurisdiction to hear and determine all complaints and proposed orders of reorganization filed by the Industrial Reorganization Commission under title I of the Industrial Reorganization Act.

"(b) After the Industrial Reorganization Commission has filed a complaint and proposed order of reorganization, the Industrial Reorganization Court shall enter a judgment determining whether a corporation or two or more corporations possess monopoly power in any part of trade or commerce among the several States or with foreign nations.

"(c) The Industrial Reorganization Court shall also have original jurisdiction of petitions filed pursuant to section 207 of title II of this Act and of such other proceedings under that Act as the court shall deem necessary and appropriate to effectuate its purposes.

"§ 1593. Restoration of effective competition

"(a) Any corporation or two or more corporations may, within sixty days from the entry of judgment pursuant to section 1592 (b), file an alternate proposed order or orders of reorganization.

(b) file an alternative proposed order or reorganization, the Industrial Reorganization Court shall conduct a proceeding to determine whether or not the proposed order or orders of reorganization would restore effective competition. In making its determination, the court may call witnesses in accordance with the provisions of sections 2652 and 2653 of this title.

"(c) The court shall enter an order of reorganization appropriate to effectuate the purposes of this Act. The order of reorganization may require a corporation or two or more corporations to take such action as the court shall find necessary to restore effective competition. The order may include—

"(1) a requirement that a corporation modify any contract to which it is a party, terminate any agreement with another corporation, or modify its methods of distribution;

"(2) a requirement that a corporation grant licenses (with or without provision for the payment of royalties) under any patent, copyright, or trademark owned by that corporation, share technical information with others, or dispose of any such patent, copyright, or trademark;

"(3) a requirement that a corporation divest itself of particular assets, including tangible and intangible assets, cash, stock, securities, accounts receivable, and other obligations; and

"(4) such other requirements as the court may find necessary to restore effective competition.

"(d) Any order entered under this section shall be subject to judicial review as provided in section 2114 of this title.

"§ 1594. Enforcement of orders of reorganization; appointment of trustee; disposition of assets

"The Industrial Reorganization Commission may apply to the Industrial Reorganization Court to enforce compliance with any order issued under section 1593 of this title. In any such proceeding the court as a court of equity may, to such extent as it deems necessary for purposes of enforcement of such order, take exclusive jurisdiction and possession of the corporation or any portion thereof, and the assets, or any portion thereof, wherever located; and the court shall have jurisdiction, in any such proceeding to appoint a trustee, and the court may constitute and appoint the Commission as sole trustee to hold and administer under the direction of the court, the assets so possessed. In any proceeding for the enforcement of an order of the court issued under section 1593 of this title, the trustee, with the approval of the court, shall have power to dispose of any or all of such assets and, subject to such terms and conditions as the court may prescribe, may make such disposition in accordance with the order to restore effective competition, which shall have been approved by the court after opportunity for hearing.

"In any proceeding under this section, the court shall not appoint any person other than the Commission as trustee or receiver without notifying the Commission and giving it an opportunity to be heard before making any such appointment.

"§ 1595. Time for complying with orders

"Any order under section 1593 of this title shall be complied with within two years from the date of such order and the Industrial Reorganization Court shall, upon a showing (made before or after the entry of such order) that the corporation has been or will be unable in the exercise of due diligence to comply with such order within such time, extend such time for an additional period not exceeding two years, if it finds such extension necessary or appropriate in the public interest."

(b) The chapter analysis of part IV is amended by inserting after the item relating to chapter 95 the following:

"96. Industrial Reorganization Court__ 1591".

REVIEW OF DECISIONS

Sec. 304. (a) Part V of title 28 is amended by adding at the end thereof the following new section:

"§ 2114. Review of Industrial Reorganization Court orders

"(a) In any proceeding brought in the Industrial Reorganization Court, an appeal from the final order of the Industrial Reorganization Court will lie only to the Supreme Court.

"(b) The scope of review on appeal of any Industrial Reorganization Court order to the Supreme Court under this section shall be limited to: (1) whether or not the Industrial Reorganization Court proceeded correctly under the provisions of this title; and (2) whether or not the findings of fact of the Industrial Reorganization Court are supported by substantial evidence."

(b) The table of sections of chapter 133 of such title is amended by adding at the end thereof the following:

"2114. Review of Industrial Reorganization Court orders.".

PROCEDURE

Sec. 305. (a) Part VI of title 28, United States Code, is amended by inserting after chapter 169 the following new chapter:

"Chapter 170—INDUSTRIAL REORGANIZATION COURT PROCEDURE

"Sec.
"2651. Rules of procedure.
"2652. Expert witnesses.
"2653. Other witnesses.

"§ 2651. Rules of procedure

"Proceedings of the Industrial Reorganization Court shall be conducted pursuant to the Federal Rules of Civil Procedure in effect at the time, subject to such additional rules (which may supersede or supplement the Federal Rules of Civil Procedure) as shall be adopted by the court for the purposes of proceedings before it under this title.

"§ 2652. Expert witnesses

"In any proceedings before it under this title, the Industrial Reorganization Court may designate one or more economists or other persons to serve as expert witnesses to be called by the court. Such witness or witnesses (a) may be furnished with all the evidence introduced by any party; (b) may offer additional evidence subject to objection by any party; (c) may offer an analysis of issues with particular reference to orders proposed to restore effective competition; (d) may recommend appropriate provisions for orders proposed to restore effective competition; and (e) shall be subject to cross-examination and rebuttal.

"§ 2653. Other witnesses

"In any proceeding before it under this title, the Industrial Reorganization Court may call as a witness any person it deems necessary to effectuate the purposes of this Act. Such witnesses may include, but is not necessarily limited to, competitors, suppliers, customers, sources of capital, creditors, consumers, employees, or shareholders."

(b) The chapter analysis of part VI is amended by inserting after the item relating to chapter 169 the following:

"170. Industrial Reorganization Court procedure ______________________ 2651".

By Mr. HUMPHREY

S. 1168. A bill to provide for the establishment of an Older Workers Conservation Corps, and for other purposes. Referred to the Committee on Labor and Public Welfare.

OLDER WORKERS CONSERVATION CORPS

Mr. HUMPHREY. Mr. President, I am today reintroducing for appropriate reference, a bill to provide for a major expansion of job opportunities for older Americans—S. 3208 in the last Congress.

Mr. President, it is almost beyond comprehension to me that we have ignored the employment needs of older Americans, despite the tremendous expansion of manpower assistance to other groups in the last decade. The unemployment rate of people 55 and over was 10.3 percent at the end of 1972—including some 425,000 unemployed. Yet, out of 909,200 enrollees in manpower programs during fiscal 1972, only 3.7 percent—or 33,210 individuals—were age 55 and over.

Rarely has a Government program been designed so well to exclude those who most need its help, as have our manpower programs. This exclusion is little short of a national scandal. Clearly many of the 6 million people 55 and over who are now in poverty would not be there if employment were available.

It seems as though the Government has completely given up on the idea that older people have the right to expect help in finding employment and training once they lose a job. Yet there are countless numbers of older people who are supporting themselves and getting greater satisfaction from life by being active and working. A recent report by the Department of Health, Education, and Welfare, in fact, finds a direct correlation between continued activity and sustained health during older years.

Mr. President, under my bill, an Older Workers Conservation Corps program would be established which would be administered by the Secretaries of Agriculture and Interior. This program would promote useful part-time work opportunities in various conservation and environmental improvement activities for unemployed low-income persons who are 55 years old and older and who have poor employment prospects.

This program is designed to supplement—not replace—the vital pilot projects under Operation Mainstream, administered through the Department of Labor, and providing training and limited employment to disadvantaged older persons in important community service projects. It has become clearly evident that a Government-wide emphasis must be placed upon the establishment of effective and comprehensive community service programs for older Americans across the Nation, to meet both their critical income needs and to enable our States and cities to provide essential social services and community improvement services.

Problems of inadequate income and joblessness are particularly severe among older Americans living in rural areas. That is why, in addition to again jointly sponsoring major legislation to establish comprehensive community service programs for and by older persons across America, I am again introducing this bill to provide good job opportunities at a fair wage for thousands of older Americans in our rural counties. They want to work, not wait still longer in destitution and despair. They want to continue to share in the development and improvement of our country, not be pushed aside and told to get along on meager savings and accept their isolation from society. And after long years of hard work, they deserve the security of a livable income, not the sudden cancellation of pension rights from job layoffs.

The Older Workers Conservation Corps can play an important role in achieving these goals, through providing employment to thousands of older Americans in areas of conservation, beautification, environmental improvement, and community development projects.

Mr. President, I ask unanimous consent that the full text of the Older Workers Conservation Corps Act be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 1168

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Older Workers Conservation Corps Act".

Sec. 2. (a) In order to foster and promote useful part-time work opportunities in various and related conservation activities for unemployed low-income persons who are fifty-five years old and older and who have poor employment prospects, the Secretaries of Agriculture and Interior (hereinafter referred to as the Secretaries) are authorized to establish an Older Workers Conservation Corps (hereinafter referred to as the "program").

(b) In order to carry out the provisions of this Act, the Secretaries are authorized:

(1) to enter into agreements where feasible with public or private nonprofit agencies or organizations, agencies of a State government or a political subdivision of a State (having elected or duly appointed governing officials), or a combination of such political subdivisions, in order to further the purposes and goals of the program. Such agreements may include provisions for the payment of costs, as provided in subsection (c), of projects developed by such organizations and agencies in cooperation with the Secretaries in order to make the program effective or to supplement it. No payment shall be made by the Secretaries toward the cost of any project established or administered by any organization or agency unless they determine that such projects—

(A) will provide employment only for eligible individuals except for necessary technical, administrative, and supervisory personnel, but such personnel shall, to the fullest extent possible, be recruited from among eligible individuals;

(B) will provide employment in the immediate areas in which the individuals reside;

(C) will employ eligible individuals in projects related to publicly owned and operated facilities and projects or projects sponsored by organizations exempt from taxation under the provisions of section 501(c)(3) of the Internal Revenue Code of 1954 (other than political parties), except projects involving the construction, operation, or maintenance of any facility used or to be used as a place of sectarian religious instruction or worship;

(D) will contribute to the general welfare of the Nation, State, and community;

(E) will provide employment for eligible individuals who do not have opportunities for other suitable public or private paid employment, other than projects supported under the Economic Opportunity Act of 1964, or under this Act;

(F) will result in an increase in employment opportunities for eligible individuals and will not result in the displacement of employed workers or impair existing contracts;

(G) will utilize methods of recruitment and selection which will assure that the maximum number of eligible individuals will have an opportunity to participate in the program;

(H) will include short-term training as may be necessary to make the most effective use of the skills and talents of those individuals who are participating;

(I) will assure that safe and healthy conditions of work will be provided, and will assure that persons employed under such program will be paid rates comparable to the rates of pay prevailing in the same labor market area for persons in similar occupations, but in no event shall any person employed under such program be paid at a rate less than that prescribed by section 6(a)(1) of the Fair Labor Standards Act of 1938, as amended;

(J) will be established or administered with the advice of persons competent in the field of service in which employment is being provided, and of persons who are knowledgeable with regard to the needs of older persons; and

(K) will authorize pay for transportation costs of eligible participants which may be incurred in employment in any project funded under this Act in accordance with regulations promulgated by the Secretaries; and

(2) to make, issue, and amend such regulations as may be necessary to effectively carry out the provisions of this Act.

(c)(1) The Secretaries are authorized to pay not to exceed 90 per centum of the cost of any project which is the subject of an agreement entered into under subsection (b), except that the Secretaries are authorized to pay all of the cost of any such project which is (A) an emergency or disaster project or (B) a project located in an economically depressed area or (C) projects involving federally owned, operated, or supervised lands.

(2) The non-Federal share shall be in cash or in kind. In determining the amount of the non-Federal share, the Secretaries are authorized to attribute fair market value to services and facilities contributed from non-Federal sources.

ADMINISTRATION

Sec. 3. (a) In carrying out the provisions of this Act, the Secretaries are authorized to use, with their consent, the services, equipment, personnel, and facilities of Federal and other agencies with or without reimbursement and on a similar basis to cooperate with other public and private agencies and instrumentalities in the use of services, equipment, and facilities.

(b) The Secretaries shall establish criteria designed to assure equitable participation in the administration of the Older Workers Conservation Corps projects by agencies and organizations eligible for payment under section 2(b).

(c) The Secretaries shall not delegate their functions and duties of this Act to any other department or agency of the Government.

PARTICIPANTS NOT FEDERAL EMPLOYEES

Sec. 4. (a) Eligible individuals who are employed in any project funded by this Act shall not be considered to be Federal employees as a result of such employment and shall not be subject to the provisions of part III of title 5, United States Code.

(b) No contract shall be entered into under this Act with a contractor who is or whose employees are under State law exempted from operation of the State workmen's compensation law, generally applicable to employees, unless the contractor shall undertake to provide through insurance by a recognized carrier, or by self-insurance, as allowed by State law, that the persons employed under the contract, shall enjoy workmen's compensation coverage equal to that provided by law for covered employment.

INTERAGENCY COOPERATION

Sec. 5. The Secretaries shall establish jointly an interagency advisory board with a view to achieving optional coordination of such program.

EQUITABLE DISTRIBUTION OF ASSISTANCE

Sec. 6. The Secretaries of Agriculture and Interior shall share equally in the distribution of funds appropriated to carry out the provisions of this Act.

DEFINITIONS

Sec. 7. As used in this Act:

(a) "State" means any of the several States of the United States and the District of Columbia.

(b) "Eligible individuals" means an individual who is fifty-five years old or older, who has a low income and who has or would have difficulty in securing employment.

(c) "Conservation" means maintenance or restoration of natural resources; community betterment or beautification; antipollution and environmental quality efforts; economic development; recreational development; and other such projects which are essential and necessary to the community, States, and Nation as the Secretaries, by regulation, may prescribe.

AUTHORIZATION OF APPROPRIATIONS

Sec. 8. There are hereby authorized to be appropriated $130,000,000 for the fiscal year ending June 30, 1974, and $150,000,000 for fiscal year ending June 30, 1975.

By Mr. FULBRIGHT (by request):

S. 1170. A bill authorizing continuing appropriations for Peace Corps. Referred to the Committee on Foreign Relations.

Mr. FULBRIGHT. Mr. President, by request, I introduce for appropriate reference a bill to amend the Peace Corps Act authorizing continuing appropriations for the next 2 fiscal years.

The bill has been requested by the Acting Director of ACTION and I am introducing it in order that there may be a specific bill to which Members of the Senate and the public may direct their attention and comments.

I reserve my right to support or oppose this bill, as well as any suggested amendments to it, when the matter is considered by the Committee on Foreign Relations.

I ask unanimous consent that the bill be printed in the Record at this point, together with the letter from the Acting Director of ACTION to the Vice President dated March 1, 1973.

There being no objection, the bill and letter were ordered to be printed in the Record, as follows:

S. 1170

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the first phrase of section 3(b) of the Peace Corps Act (22 U.S.C. 2502(b), ending with a colon, is amended to read as follows, "There are authorized to be appropriated to the President for the Fiscal Year 1974 not to exceed $77,001,000 and for the Fiscal Year 1975 such sums as may be necessary to carry out the purposes of this Act."

ACTION,
Washington, D.C., February 27, 1973.

Hon. Spiro Agnew,
President of the Senate.

Dear Mr. President: I am transmitting herewith a proposed bill amending the Peace Corps Act to authorize appropriations for Peace Corps for the next two fiscal years.

The bill would authorize the appropriation of $77,001,000 for FY 1973, and such sums as may be necessary to carry out the purposes of the Peace Corps Act for FY 1975.

The bill is necessary to provide this agency with the authority and flexibility to successfully operate the Peace Corps. I recommend its prompt enactment.

We are advised by the Office of Management and Budget that enactment of this legislation would be in accord with the program of the President.

Sincerely yours,

Water C. Howe,
Acting Director of ACTION.

By Mr. FULBRIGHT (by request):

S. 1171. A bill to amend the Foreign Service Buildings Act, 1926, to authorize additional appropriations, and for other purposes. Referred to the Committee on Foreign Relations.

Mr. FULBRIGHT. Mr. President, by request, I introduce for appropriate reference a bill to amend the Foreign Service Buildings Act of 1926, as amended (22 U.S.C. 292–301), to provide authorization for appropriations for the buildings program for fiscal years 1974 and 1975 and to amend portions of the basic statute.

The bill has been requested by the Acting Assistant Secretary of State for Congressional Relations and I am introducing this bill in order that there may be specific legislation to which Members of the Senate and the public may direct their attention and comments.

I reserve my right to support or oppose this bill, as well as any suggested amendments to it, when the matter is considered by the Committee on Foreign Relations.

I ask unanimous consent that the bill be printed in the Record at this point, together with the letter from the Acting Assistant Secretary of State for Congressional Relations to the Vice President dated February 23, 1973.

There being no objection, the bill and letter were ordered to be printed in the Record, as follows:

S. 1171

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, **That section 4 of the Foreign Service Buildings Act, 1926, as amended (22 U.S.C. 295), is further amended—**

By adding the following new paragraph subsection (g):

"(g) In addition to amounts authorized before the date of enactment of this subsection, there is hereby authorized to be appropriated to the Secretary of State—

(1) for acquisition by purchase or construction (including acquisition of leaseholds) of sites and buildings in foreign countries under this act, and for major alterations of buildings acquired under this act, for fiscal years 1974 and 1975, $13,811,000, of which not to exceed $4,511,000 may be appropriated for fiscal year 1974; and,

(2) for use to carry out other purposes of this act for fiscal years 1974 and 1975, $45,800,000, of which not to exceed $21,700,000 may be appropriated for fiscal year 1974.

Sec. 2. Former subsection (g) of section 4 is hereby redesignated subsection (h) and subparagraph (2) of that subsection is deleted and the following submitted in lieu thereof:

"(2) In addition to such sums as are authorized by paragraph subsection (g), above, there are hereby authorized to be appropriated to the Secretary of State such additional or supplemental amounts as may be necessary for increases in salary, pay, retirement, or other employee benefits authorized by law, and other nondiscretionary costs."

Department of State,
Washington, D.C., February 23, 1973.
Hon. Spiro T. Agnew,
President of the Senate,
Washington, D.C.

Dear Mr. President: The Department of State enclosed and recommends for your consideration proposed legislation to amend the Foreign Service Buildings Act of 1926, as amended (22 U.S.C. 292–301) to provide authorization for appropriations for the Buildings Program for fiscal years 1974 and 1975 and to amend portions of the basic statute.

The authorized levels sought by this bill are $13,811,000 for the capital program and $45,800,000 for the operating expenses of the Program for fiscal years 1974 and 1975 under the combined regular appropriation (Acquisition, Operation and Maintenance of Buildings Abroad) and the Special Foreign Currency Program (under Public Law 480 of 1954).

The Department of State has been informed by the Office of Management and Budget that there is no objection to this proposal from the standpoint of the Administration's program.

A letter similar in content is being sent to the Speaker of the House.

Sincerely yours,
Marshall Wright,
Acting Assistant Secretary for Congressional Relations.

By Mr. ERVIN (by request):

S. 1172. A bill to amend the act of August 25, 1958, as amended, and the Presidential Transition Act of 1963. Referred to the Committee on Government Operations.

Mr. ERVIN. Mr. President, I introduce, by request, a bill to amend the act of August 25, 1958, as amended, and the Presidential Transition Act of 1963.

This legislation was requested by the General Services Administration and I ask unanimous consent that a copy of the bill and a letter from the Acting Administrator of the General Services Administration explaining the need for its consideration and enactment be printed in the Record.

There being no objection, the bill and letter were ordered to be printed in the Record, as follows:

S. 1172

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act of August 25, 1958 (72 Stat. 838), as amended, is further amended by:

(a) deleting the last two sentences of section 1(b), and inserting in lieu thereof: "Each former President shall fix basic rates of compensation for persons employed for him under this subsection. The annual rate of compensation payable to any such person shall not exceed the annual rate of basic pay now or hereafter provided for positions at level II of the Executive Schedule (5 U.S.C. 5313; 2 U.S.C. 358, note).'" and

(b) adding at the end of the Act, the following new section:

"Sec. 2. This Act, other than subsections (a) and (e) of section 1, shall not become effective with respect to a former President until the end of the fiscal year next succeeding the fiscal year in which his term of office as President expired."

Sec. 2. The Presidential Transition Act of 1963 (78 Stat. 153; 3. U.S.C. 102, note), is amended as follows:

(a) by deleting the first sentence of section 4, and substituting therefor the following: "The Administrator is authorized to provide, upon request, to each former President and each former Vice President, for the period commencing from the date of expiration of his term of office as President or Vice President, and ending not later than June 30 of the succeeding fiscal year, for use in connection with winding up the affairs of his office, necessary services and facilities of the same general character as authorized by this Act to be provided to Presidents-elect and Vice Presidents-elect.";

(b) by deleting the last sentence of section 4; and

(c) by deleting the first sentence of section 5 and substituting therefor the following: "There are hereby authorized to be appropriated to the Administrator such funds as may be necessary for carrying out the purposes of this Act, but not to exceed $1,500,000 for any one Presidential transition. Of any amount so appropriated, sixty percent shall be available for the purposes of section 3 of this Act, and within the period prescribed in section 3(b) of this Act. Forty percent of the amount so appropriated shall be available during the remainder of the fiscal year in which the transition occurs and the next succeeding fiscal year for the purposes of section 4 of this Act."

General Services Administration,
Washington, D.C., January 29, 1973.
Hon. Spiro T. Agnew,
President of the Senate,
Washington, D.C.

Dear Mr. President: There is transmitted herewith for referral to the appropriate Committee a draft of legislation "To amend the Act of August 25, 1958, as amended, and the Presidential Transition Act of 1963."

The bill would accomplish three things: (1) remove the limitation on compensation payable to members of a former President's staff; (2) extend the period of availability of transition funds to an outgoing President or Vice President; and (3) increase from $900,000 to $1,500,000 the authorization for appropriations for carrying out a Presidential transition.

In a report to the Congress dated November 16, 1970, entitled "Federal Assistance for Presidential Transitions," the Comptroller General of the United States states that the Congress may wish to consider: (1) providing for adjustment of the overall limit on compensation of the former President's staff in line with pay raises, or eliminating the limitation; (2) extending the period of availability of funds to the former President and Vice President; and (3) increasing the funds authorized for the incoming President and Vice President.

The first recommendation concerns funds available to former Presidents under the Act of August 25, 1958, commonly known as the Former Presidents Act, after termination of fund availability under the Presidential Transition Act. At present, the compensation of a member of the former President's staff may not exceed that of positions at Level II of the Executive Schedule. The aggregate compensation for the staff may not exceed $96,000 per year. Thus, while individual staff salaries are tied to Executive Level pay scales which are increased periodically, the overall limitation is fixed by statute. The draft bill would eliminate the provisions restricting aggregate salaries of members of a former President's staff. We believe this, the second of the Comptroller General's alternative recommendations, to be preferable to the first, under which the overall limit on staff compensation would be adjusted in line with pay raises. Elimination of the limitation, for which there appears to be no compelling need, would avoid the needless complexity of a formula for periodic increases as Executive Schedule and General Schedule salaries are increased.

We believe it more appropriate to allow each former President to determine for himself what portion of the funds appropriated for his use would be used for staff salaries.

The second recommendation concerns the period of availability of transitional funds to the outgoing administration. The Presidential Transition Act provides that services and monies appropriated thereunder for a former President or Vice President shall be available for a period of six months from the date of expiration of the term of office. After this period, funds at a much-reduced level are available to a former President under the Former Presidents Act. No further provision is made for a former Vice President. Under the ratio used in the 1968–69 transition, the average monthly rate would be $62,500 for the former President and $12,500 for the former Vice President; and at the end of the six-month period, $8,000 for the former and nothing for the latter.

The experience of the latest transition indicates that a longer period of availability of funds under the Presidential Transition Act is desirable, since the burdens of former Presidents and Vice Presidents, while greatest in the months immediately after leaving office, do not decline as rapidly as the six-month limitation implies. The screening of President Johnson's papers prior to release to the presidential library had hardly begun when the funds would have terminated had it not been for the appropriation language in the Independent Offices and Department of Housing and Urban Development Appropriation Act, 1969, which made the funds available until June 30, 1970. In light of this experience, the draft bill not only would make the funds available until June 30 of the fiscal year succeeding the expiration of the term of office, but would increase the maximum authorization to the outgoing Administration from $450,000 to $600,000.

As to the third recommendation, the law presently provides $900,000 for Presidential transition expenses, and is silent on how this amount is to be divided between incoming and outgoing administrations. It was divided equally in the case of the 1968–69 transition, this intention having been adduced from the legislative history—specifically, a comment by Senator Warren G. Magnuson appearing in the Congressional Record, volume 114, part 17, page 22005.

The present Administration having spent an estimated $1,500,000 in the transition process, the General Accounting Office found the provision of $450,000 to be clearly inadequate. The Comptroller General's report refers to the existence, in uncertain proportion, of both quasi-official and political responsibilities of Presidents-elect and Vice Presidents-elect. We concur in their belief that, although there is no objective means of determining the proportion in which total expenses should be borne by public and private funds, the Federal assistance must cover a substantial part of the transition expenses if the Presidential Transition Act is to function as intended. The draft bill would increase the total authorization to $1,500,000 with 60% of any amount appropriated to be available to the incoming administration and 40% to the outgoing. This would raise the ceiling from $450,000 to $900,000 for the incoming Administration, and from $450,000 to $600,000 for the outgoing. Although the Comptroller General has not specifically recommended an increase for the outgoing administration, the need therefor is implicit in the first and second recommendations, discussed above.

It is believed that the draft bill would provide more equitable treatment to both incoming and outgoing Presidents and Vice Presidents, and make for a more orderly and efficient transition. We urge its prompt introduction and enactment.

The Office of Management and Budget has advised that, from the standpoint of the Administration's program, there is no objection to the submission of this proposed legislation to the Congress.

Sincerely,

ARTHUR F. SAMPSON,
Acting Administrator.

ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTIONS

S. 355

At the request of Mr. MANSFIELD (for Mr. MAGNUSON), the Senator from North Dakota (Mr. BURDICK) and the Senator from Illinois (Mr. PERCY) were added as cosponsors of S. 355, to amend the National Traffic and Motor Vehicle Safety Act of 1966 to provide for remedies of defects without charge, and for other purposes.

S. 356

At the request of Mr. MANSFIELD (for Mr. MAGNUSON), the Senator from Illinois (Mr. PERCY) was added as a cosponsor of S. 356, to provide disclosure standards for written consumer product warranties against defect or malfunction; to define Federal content standards for such warranties; to amend the Federal Trade Commission Act in order to improve its consumer protection activities; and for other purposes.

S. 433

At the request of Mr. ROBERT C. BYRD (for Mr. MAGNUSON), the Senator from Tennessee (Mr. BAKER), the Senator from Indiana (Mr. BAYH), the Senator from Kentucky (Mr. COOK), the Senator from California (Mr. CRANSTON), the Senator from Indiana (Mr. HARTKE), the Senator from Iowa (Mr. HUGHES), the Senator from Minnesota (Mr. HUMPHREY), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Wyoming (Mr. MCGEE), the Senator from South Dakota (Mr. MCGOVERN), the Senator from Utah (Mr. MOSS), the Senator from Rhode Island (Mr. PASTORE), the Senator from Rhode Island (Mr. PELL), the Senator from Alaska (Mr. STEVENS), the Senator from New Jersey (Mr. WILLIAMS), and the Senator from West Virginia (Mr. RANDOLPH) were added as cosponsors of S. 433, a bill to assure that the public is provided with an adequate quantity of safe drinking water, and for other purposes.

S. 514

At the request of Mr. MOSS, the Senator from Texas (Mr. BENTSEN) was added as a cosponsor of S. 514, to amend the act of June 27, 1960 (74 Stat. 220), relating to the preservation of historical and archeological data.

S. 582

At the request of Mr. SCOTT of Pennsylvania, the Senator from North Dakota (Mr. BURDICK) was added as a cosponsor of S. 582, providing social services for the aged.

S. 589

At the request of Mr. AIKEN, the Senator from Minnesota (Mr. MONDALE) was added as a cosponsor of S. 589, making an urgent supplemental appropriation for the National Industrial Reserve under the Independent Agencies Appropriation Act for the fiscal year ending June 30, 1973.

S. 626, S. 627, S. 628, AND S. 629

At the request of Mr. MOSS, the Senator from Alabama (Mr. SPARKMAN) was added as a cosponsor of S. 626, to provide increases in certain annuities payable under chapter 83 of title 5, United States Code; S. 627, to provide that the first $4,000 received as Civil Service retirement annuity from the United States or any agency thereof shall be excluded from gross income; S. 628, to eliminate the annuity reduction made in order to provide a surviving spouse with an annuity during periods when the annuitant is not married; and S. 629, to increase the contribution by the Federal Government to the costs of Federal employees' health benefits insurance.

S. 752

At the request of Mr. SCOTT of Pennsylvania, the Senator from North Carolina (Mr. HELMS) was added as a cosponsor of S. 752, to incorporate Pop Warner Little Scholars, Inc.

S. 780

At the request of Mr. SPARKMAN, the Senator from Colorado (Mr. HASKELL) was added as a cosponsor of S. 780, to amend the Clayton Act by adding a new section to prohibit sales below cost for the purpose of destroying competition or eliminating a competitor.

S. 783

At the request of Mr. CHILES, the Senator from Minnesota (Mr. HUMPHREY), the Senator from Maine (Mr. MUSKIE), and the Senator from South Dakota (Mr. ABOUREZK) were added as cosponsors of S. 783, to establish the Everglades-Big Cypress National Recreation Area in the State of Florida.

S. 871

Mr. COTTON. Mr. President, I ask that the names of the senior Senator from Georgia (Mr. TALMADGE) and the senior Senator from Minnesota (Mr. MONDALE) be added as cosponsors to S. 871 to correct certain inequities in the crediting of National Guard Technician Service in connection with Civil Service retirement. The addition of the two Senators, from far distant regions of the Nation, brings to a total of 17 Senators who are sponsoring this measure; and is a further indication of the broad support for equity for the National Guard technicians.

The PRESIDING OFFICER. Without objection, it is so ordered.

S. 968

At the request of Mr. SPARKMAN, the Senator from Florida (Mr. CHILES) was added as a cosponsor of S. 968, to authorize Federal savings and loan associations and national banks to own stock in and invest in loans to certain State housing corporations.

S. 1065

At the request of Mr. MANSFIELD (for Mr. MAGNUSON), the Senator from New Hampshire (Mr. COTTON) was added as a cosponsor of S. 1065, to amend section 1306(a) of the Federal Aviation Act of 1958, as amended, to authorize the investment of the war risk insurance fund in securities of, or guaranteed by, the United States.

S. 1066

At the request of Mr. MANSFIELD (for Mr. MAGNUSON), the Senator from New Hampshire (Mr. COTTON) was added as a cosponsor of S. 1066, to amend title 49, United States Code, to provide for criminal penalties for all who knowingly and willfully refuse or fail to file required reports, keep required data or falsify records; provide criminal penalties for unlawful carriage of persons for compensation or hire; to increase the civil penalty limits; and for other purposes.

S. 1083

At the request of Mr. MANSFIELD (for Mr. BAYH), the Senator from North Carolina (Mr. ERVIN) was added as a cosponsor of S. 1083, to amend certain provisions of Federal law relating to explosives.

SENATE JOINT RESOLUTION 64

At the request of Mr. CHURCH, the Senator from Nevada (Mr. BIBLE), the Senator from North Carolina (Mr. ERVIN), and the Senator from Iowa (Mr. HUGHES) were added as cosponsors of Senate Joint Resolution 64, a resolution to protect religious rights in the case of abortion and sterilization procedures.

SENATE RESOLUTION 80—ORIGINAL RESOLUTION REPORTED TO PAY A GRATUITY

(Ordered to be placed on the calendar.)

Mr. CANNON, from the Committee on Rules and Administration, reported the following resolution:

Resolved, That the Secretary of the Senate hereby is authorized and directed to pay, from the contingent fund of the Senate, to Shirley L. Bacon, widow of Raymond E. Bacon, an employee of the Senate at the time of his death, a sum equal to one year's compensation at the rate he was receiving by law at the time of his death, said sum to be considered inclusive of funeral expenses, and all other allowances.

HIGHWAY CONSTRUCTION AUTHORIZATIONS—AMENDMENT

AMENDMENT NO. 28

(Ordered to be printed and referred to the Committee on Public Works.)

Mr. HANSEN (for himself and Mr. McGee) submitted an amendment intended to be proposed by them jointly to the bill (S. 502) to authorize appropriations for the construction of certain highways in accordance with title 23 of the United States Code, and for other purposes.

ORDER FOR STAR PRINT OF AMENDMENT NO. 27 TO S. 158

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent on behalf of the Senator from California (Mr. Cranston) that amendment No. 27 to S. 158, introduced on March 8, 1973, be reprinted as a star print to reflect certain changes that resulted from an error in printing.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL COSPONSOR OF AN AMENDMENT

AMENDMENT NO. 21 TO S. 517

At the request of Mr. Curtis, the name of the Senator from Washington (Mr. Magnuson) was added as a cosponsor of amendment No. 21 to S. 517, to extend titles I, II, III, IV, V, and VII of the Agricultural Act of 1970 for 5 years.

ANNOUNCEMENT OF HEARINGS CONCERNING HOUSING PROGRAMS

Mr. SPARKMAN. Mr. President, I should like to announce that the Subcommittee on Housing and Urban Affairs will conduct oversight hearings on housing and urban development programs for 2 weeks starting April 3, 1973.

The primary purpose of the hearings is to obtain information from the public and users of the programs to enable the committee to evaluate the programs as to their effectiveness and efficiency in carrying out the purpose for which they were created. Data will be provided on housing needs and to what extent the programs are meeting these needs, the cost and failure rate of housing subsidy programs, and the success and failure of community development programs.

A secondary purpose is to hear testimony on the impoundment of appropriated funds for housing and urban development programs announced by the Secretary of Housing and Urban Development on January 8 and by the Secretary of Agriculture on January 11. The sudden cutoff of Federal housing assistance funds has placed many sponsoring groups, home builders, nonprofit church groups, city governments, and many others in a serious financial loss position. Since the original announcement, a number of HUD field orders have been issued which have modified the original impoundment orders, in some cases easing up on the orders, but in others placing further restrictions on the use of Federal funds. The most serious issue remaining seems to be the position of the administration on the urban development budget cuts for the interim period until new programs can be authorized and funded sometime in fiscal 1975. The subcommittee would like to have the administration explain its position on these cutoffs and what it intends to do about the many inequities that still exist as a result of the arbitrary freeze on housing and urban development funds.

Testimony from a cross-section of public witnesses will be heard to give the subcommittee a basis for developing legislation for which subcommittee hearings will be held this summer.

The subcommittee would welcome statements for inclusion in the record of the hearings.

The hearings will commence each day at 10 a.m. in room 5302 of the Dirksen Senate Office Building.

ANNOUNCEMENT OF HEARINGS CONCERNING SOFTWOOD LUMBER

Mr. SPARKMAN. Mr. President, I should like to announce that the Subcommittee on Housing and Urban Affairs of the Committee on Banking, Housing and Urban Affairs will hold 2 days of hearings on Monday, March 26, and Tuesday, March 27, on the supply and price of softwood lumber, including S. 1033 on lumber exports introduced by Senator Packwood.

The subcommittee would welcome statements for inclusion in the record of the hearings.

The hearings will commence each day at 10 a.m. in room 5302 of the Dirksen Senate Office Building.

NOTICE OF HEARING

Mr. ROBERT C. BYRD. Mr. President, at the request of the distinguished Senator from Louisiana (Mr. Johnston), I ask unanimous consent to have a notice of hearing printed in the Record.

The PRESIDING OFFICER. Without objection it is so ordered.

Notice of Hearings on Authorization for Appropriations

Mr. Johnston. Mr. President, the Subcommittee on Production and Stabilization of the Committee on Banking, Housing and Urban Affairs will commence hearings on legislation to authorize appropriations for the President's National Commission for Productivity at 10:00 a.m. on March 14, 1973, in room 5302, New Senate Office Building.

All persons wishing to testify should contact Mr. Gerald Allen, room 5300, New Senate Office Building; telephone 225–7391.

ADDITIONAL STATEMENTS

RAINBOW BRIDGE CRISIS

Mr. MOSS. Mr. President, the February 27 Federal court ruling, which orders the Secretary of the Interior to remove any waters of Lake Powell which have crossed over the boundaries of Rainbow Bridge National Monument in southern Utah, and to prevent any water from entering in the future, has precipitated a crisis in the Upper Colorado River Basin States of Utah, Wyoming, Colorado, and New Mexico.

Within a few days, unless a stay is granted, 4 million acres of water may be released from Lake Powell, to be lost forever to the upper basin, and the purpose of the Colorado River Storage Act will be violated, because the upper basin will be unable to meet its legal water deliveries to the lower basin States of Arizona, Nevada, and California. Under the provisions of the court decree, there will be a continuing loss of approximately 1 million acre-feet of water per year, and a $3 million loss each year in power revenues due to the Treasury as repayment of the project costs.

The tragic aspect of the entire situation is that neither Rainbow Bridge National Monument, nor the arch of Rainbow Bridge itself, is being—or can ever be—harmed in any way by the small flow of water into the monument. A U.S. Geological Survey study conducted in 1959 concluded that even if Lake Powell were filled to its maximum level of 3,700 feet, the narrow finger of water which would back up under the bridge would be a full 20 to 30 feet below the shelf on which the base of the bridge stands. The abutments of the bridge would not be touched or affected in any way. Moreover, in my opinion, the clear, calm streamer of blue water would enhance the beauty of the area.

I have introduced a bill, S. 1057, to remove from the Colorado River Storage Act the requirement that no lake water be allowed to enter any national park or monument under the provisions of the act. I hope it can be given immediate consideration.

In support of the bill, I ask unanimous consent that the following materials be placed in the Congressional Record: First, a copy of S. 1057; second a memorandum I have prepared giving the background of the crisis, and detailing the current situation; third, a memorandum outlining in full the effects of the court order which has been prepared by Ival Goslin, executive director of the Upper Colorado River Commission; and fourth, excerpts from a study conducted by the U.S. Geological Survey for the Bureau of Reclamation and which were the basis of a proposal to build a barrier dam to keep the waters out of the monument, but which Congress expressly forbade. These studies bear out my contention that the maximum water level of Lake Powell would never damage Rainbow Bridge.

There being no objection, the material was ordered to be printed in the Record, as follows:

S. 1057

A bill to amend the Colorado River Storage Project Act in order to remove the prohibition against constructing dams or reservoirs authorized in such Act within national parks or monuments

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the third section of the Act entitled "An Act to authorize the Secretary of the Interior to construct, operate, and maintain the Colorado River storage project and participating projects, and for other purposes", approved April 11, 1956 (70 Stat. 105), is amended by striking out the following: "It is the intention of Congress that no dam or reservoir constructed under the authorization of this Act shall be within any national park or monument.".

Rainbow Bridge Crisis

(Memorandum by Senator **Frank E. Moss**)

In 1956, when the Colorado River Storage Project Act was passed, language was included as follows:

"It is the intention of Congress that no dam or reservoir constructed under the authorization of this Act shall remain within any national park or monument."

This language was inserted primarily to protect Dinosaur National Monument should Echo Park Dam be built, but it also applies to the 160-acre Rainbow Bridge National Monument, and the waters of Lake Powell.

As Lake Powell has filled, some water has backed up into the Rainbow Bridge National Monument, but it has remained far below the base of Rainbow Bridge, and in no way endangers it. The level of the Lake would be more than 20 feet below the base of the Bridge at one side, and 30 feet at the other.

Some time ago, a group of environmentalists filed suit in Utah's Federal Court to require the Department of the Interior to enforce the provisions of the Colorado River Storage Act as they relate to Rainbow Bridge National Monument. On February 27 of this year, Judge Willis Ritter, Senior Federal Judge in Utah, handed down a decree which permanently orders and enjoins the Secretary of the Interior to remove any waters of Lake Powell from the National Monument, and orders the Department to take whatever steps are necessary to prevent any water from entering the Monument in the future.

I understand that the Department of the Interior intends to ask for a stay of execution, and also to appeal Judge Ritter's decision to the Tenth Circuit Court of Appeals. They are not hopeful that Judge Ritter will grant a stay, and the outcome of the appeal is uncertain.

The Ritter decision nullifies the purpose of the Colorado River Storage Act of 1954, and of the Colorado River Basin Project Act of 1968, which further spells out operating procedures.

Within a few days, unless a stay of execution is granted, the Department of the Interior, to prepare for the Spring run-off, will have to initiate the release of at least four million acre feet of water from Lake Powell in excess of that required to be released under the dam's operating criteria. This water would be lost forever to the Upper Basin states insofar as its use for regulated delivery to the Lower Basin in exchange for diversions of water upstream.

If the decree is allowed to stand, the four Upper Colorado Basin states—Utah, Colorado, Wyoming and New Mexico, will lose approximately *one million* acre feet a year of water apportioned to them for consumptive use under the Colorado River Compact, and the Upper Colorado River Basin Compact.

In addition, about *$3 million* will be lost each year in power revenues to the Treasury as repayment of the costs of the Colorado River Storage Act and participating projects. This loss can only be forestalled by taking one of three actions, (1) greatly increasing power rates, (2) completely reorganizing the payment arrangements of the Colorado River Storage Project, and (3) foreclosing further water utilization to the Upper Basin States. All are equally undesirable.

The release of the additional four million acre feet of water would constitute an immediate violation of the operating criteria whose parameters are subscribed in Section 602 of the Colorado River Basin Project Act of 1968. If the decision is allowed to stand, the Secretary will have to violate these criteria on a permanent basis, unless he truncates the storage space in Lake Meade by about one-half. Otherwise he will be unable to act within the terms of the operating criteria which were placed in the law as a compromise between the Lower Basin States and the Upper Basin States to establish equitable operations of the River.

What this really means is that the four Upper Basin States will lose their ability to use water apportioned to them under the "law of the river." Their reduction will have to be imposed because the storage water in Lake Powell between elevations 3606 and 3700 above sea level will be lost. The Upper Basin will be unable to make Compact deliveries to the Lower Basin without curtailing water uses in the four States. It was planned that about half of the water for storage in Lake Powell for release in low water years would be stored in the space above elevation 3606. Obviously if Lake Powell is forced to operate at a reduced capacity, additional storage dams will have to be constructed elsewhere in the system.

Since the 86th Congress, I have had a bill pending before the Senate Interior Committee which would remove from the Colorado River Storage Act of 1966 the requirement that no water be allowed to back up into national parks or monuments *constructed under the authorization of that Act.*

The Rainbow Bridge is the only national monument or park to which the reservation now applies. The reservation would not apply to any other project built under any other authorization, and its removal would not affect any other national park or monument.

I have reintroduced the bill this session (it is S. 1057) and I ask that hearings be held on it *immediately*. It is the only certain way to head off the catastrophe which is now hanging over the entire Colorado River Basin Project. We don't know whether a stay will be granted; we don't know how a higher court will hold if the case is appealed.

In my opinion, the water which backs up into Rainbow Bridge National Monument, and at certain seasons goes far enough to stand under the Bridge itself in the narrow channel of Bridge Creek, enhances rather than detracts from the beauty of the Bridge. Bridge Creek is a rushing stream in the Spring run-off, but it dries off quickly. Springs and seeps are abundant, at the canyon bottom level. The fact that Lake Powell water has spread one of its fingers up toward Rainbow Bridge has made it much more accessible. It is now possible to go within about haff a mile of the Monument by boat. As a result some 40,000 people saw this great natural wonder last year, in comparison with a mere handful of people who used to see it when they had to hike in a distance of about 6½ miles from the muddy Colorado River. The water is, and will remain, far below the abutments of the Bridge.

The Bureau of Reclamation attempted to comply with the provisions of the Colorado River Storage Act back in the early 1960's. In the budget requests for both 1961 and 1962 funds were requested to build a barrier dam which would have prevented any water from entering Lake Powell when it filled to the 3,700 foot level (the maximum level of the lake). The dam would have cost about $25 million, and would have been an unsightly scar on the landscape. Furthermore, when the water receded at low water periods, it would have left an ugly mud flat, and a mud-splattered dam.

I went before the Senate Appropriations Committee on both the 1961 and 1962 budget requests and asked that the money be deleted. The late great Senator Carl Hayden, then Chairman of the Senate Appropriations Committee, agreed completely that it was a senseless and unnecessary expenditure, and the money, for the Rainbow Bridge barrier dam was never appropriated.

The dam would have been a great disfigurement. The clear blue finger of water is not. It is there now, and it should stay there. Lake Powell must not be lowered. The water and power supply system of the Upper Colorado River Basin States must not be endangered.

Effects of Judge's Decree of February 27, 1973, in Rainbow Bridge Case on Four Upper Division States: Utah, Colorado, New Mexico, and Wyoming

(By Ival Goslin, executive director, Upper Colorado River Commission)

The Judge's decree permanently orders and enjoins the Secretary of the Interior to remove any waters of Lake Powell that are within the boundaries of the 160-acre Rainbow Bridge National Monument and to take whatever steps are necessary to prevent any water from entering the Monument in the future. The major adverse effects of this decree on the four Upper Division States are:

1. Within a few days, unless a stay of execution is requested and granted, in order to comply with this decree, there will have to be initiated the release of at least four million acre feet of water from Lake Powell in excess of that required to be released under the long-term operating criteria. This water will be lost forever to the Upper Basin States insofar as its use for regulated delivery to the Lower Basin in exchange for diversions of water for beneficial use in the Upper Basin.

2. The release of the additional four million acre feet of water in 1973 constitutes an act of immediate violation of the operating criteria whose parameters are subscribed in Section 602 of the Colorado River Basin Project Act of 1968. (Public Law 90–537).

3. If the decree is allowed to stand, the four Upper Basin States will be prevented from the use of water apportioned to them under the "law of the river"—the Colorado River Compact and the Upper Colorado River Basin Compact. The loss will be approximately one million acre feet per year. This reduction in water use will have to be imposed because the storage water in Lake Powell between elevations 3606 and 3700 feet above sea level will be lost. The Upper Basin will be unable to make compact deliveries to the Lower Basin without curtailing water uses in Utah, Colorado, New Mexico and Wyoming in years of low river flows. It was planned that about half the water in storage in Lake Powell for release in low water years would be in the space above elevation 3606. Obviously, with Lake Powell operated at a reduced capacity, additional storage will have to be constructed on the river system in order for the Upper Division to meet its legal water delivery obligation to the Lower Basin and use the water to which it is also legally entitled.

4. Because of the loss of about $3,000,000 per year in power revenues by reason of the lower water level in Lake Powell, the repayment to the Federal Treasury of costs of the Colorado River Storage Project and participating projects cannot be made within the limits set by the Congress in the Colorado River Storage Project Act (70 Stat. 105). The lowet level will preclude further water utilization in the Upper Basin, and the Glen Canyon Dam will be almost exclusively for power generation. Its storage function will be permanently impaired. Furthermore, this conversion cannot be made into an efficient operation without spending millions of dollars for the construction of a new spillway in the dam at the proper elevation.

5. At the restricted elevation, the Colorado River cannot be regulated effectively in the interests of the best conservation of the extremely limited-by-nature water resources. The lip of the spillway in the dam is at elevation 3648 feet. In order to operate the reservoir with a water level below the boundaries of the Rainbow Bridge National Monument, the water will have to be released every year many feet below elevation 3606

in order to provide space for Spring run-off. As pointed out above, the loss this year will be four million acre feet.

6. On a permanent basis, the Secretary of the Interior will have to violate Section 602 of the Colorado River Basin Project Act, unless he also truncates the storage space in Lake Meade by about one-half, because otherwise he will be unable to act within the terms of the operating criteria which were placed in the law as a compromise between the Lower Basin States and the Upper Basin States in order to establish equitable operation of the River.

7. The Colorado River Storage Project Act provided a Congressionally-approved integrated program. At the retricted reservoir content of about one-half capacity, the proper purpose of the Colorado River Storage Project and the intent of the Congress to make possible the conservation and utilization of water in the Upper Basin States, while at the same time making Compact-required deliveries to the Lower Basin, will be violated.

Excerpts From "A Geologic Examination of Rainbow Bridge National Monument"—1959

(By Wallace R. Hansen)

"In response to a request by the National Park Service, the U.S. Geological Survey made a brief geologic examination of Rainbow Bridge National Monument and vicinity in cooperation with the Park Service and the U.S. Bureau of Reclamation. * * *"

"The writer was accompanied to the Rainbow Bridge area by Messrs. J. Neil Murdock, Regional Geologist, Region IV, Bureau of Reclamation, and James Eden, Superintendent, Glen Canyon National Recreation Area, National Park Service. * * *"

GEOLOGY OF RAINBOW BRIDGE

"Rainbow Bridge reportedly is the world's largest natural bridge. As measured many years ago by W. B. Douglas, its height above the floor of Bridge Canyon is 309 feet and its span is 278 feet. At its apex it is 42 feet thick and 33 feet across. The arch itself is carved entirely from Navajo sandstone. Its footings and the inner gorge beneath the arch consist of sandstone units of the Kayenta formation.

"The exposed portion of the Kayenta formation at Rainbow Bridge consists entirely of pale red, fine- to medium-grained, moderately hard to hard well-cemented, flaggy, crossbedded sandstone, which under the bridge, varies little in character from base to top. * * *"

"Springs and seeps are abundant in the Kayenta and Navajo formations in the Rainbow Bridge Area. * * * Abundant springs at or a few feet above canyon-bottom level and perennial drainage through most of the lower lengths of Bridge and Aztec Creeks indicate that the water table is at or near canyon-bottom level and that the rocks below this level are effectively saturated most of the time. Seeps or springs high above the canyon bottoms in recesses or alcoves indicate local saturation and perched water talbes. Such seeps are common in the Rainbow Bridge area, but they are mostly smaller and fewer than those at the canyon bottom. * * *

EFFECTS OF POSSIBLE STANDING WATER UNDER RAINBOW BRIDGE

"There appears to be no valid geologic reason to fear structural damage to Rainbow Bridge as a result of possible repeated incursions and withdrawals of reservoir wates to and from the inner gorge of Bridge Creek beneath the bridge. Rocks within this zone consist entirely of sandstone units of the Kayenta formation, which at the bridge is intermittently saturated by ground water under existing conditions and shows no deleterious effects. Intermittent wetting with reservoir water would only duplicate already existing conditions. The erosive effect of possible wave action in the narrow inner channel would assuredly be negligible and certainly would be less vigorous than the actions of past flash floods, which themseves have not endangered the structural stability of the bridge. The Navajo-Kayenta contact, at an altitude of about 3,720 feet beneath the bridge, is sufficiently high to preclude its being wetted even by flood-stage water levels in the reservoir. Even if the water could rise to the contact—which it could not—there is no reason to believe that Rainbow Bridge would be endangered. In fact, intermittent seepage now occurs in the Navajo sandstone just above the contact in the left abutment. * * *

HIGHLIGHTS OF 1972 NASA ACTIVITIES

Mr. GOLDWATER. Mr. President, as ranking Republican member of the Senate Aeronautical and Space Sciences Committee, I am happy to report that the year 1972 was one of the most productive and successful periods in the history of our space program.

As we all know, the year saw the successful flight of Apollo 17 and its return to earth. Apollo 17, for your information, was a record-breaking NASA endeavor. It recorded the longest manned lunar landing flight—301 hours and 51 minutes. It included the longest time spent in lunar orbit—147 hours and 48 minutes; the longest total extravehicular activity time—23 hours and 12 minutes. In addition, the Apollo 17 recorded the largest moon sample return—an estimated 249 pounds of material.

The Apollo 17 which splashed down December 19, Mr. President was a fitting climax to a truly spectacular year in space exploration.

Because of these important developments and their bearing on future space activities, I ask unanimous consent to have the highlights of NASA's 1972 activities printed in the RECORD.

There being no objection, the highlights were ordered to be printed in the RECORD, as follows:

National Aeronautics and Space Administration Highlights of 1972 Activities

MANNED SPACEFLIGHT

Early in January, President Nixon recommended, and the Congress approved, proceeding with the development of the Space Shuttle—a reusable manned space vehicle which will be used for a wide variety of space missions in earth orbit. The Space Shuttle will be launched as a rocket and landed as an airplane.

The Shuttle will operate from Kennedy Space Center in Florida and Vandenberg Air Force Base in California. North American Rockwell Corporation's Space Division, Downey, California, was selected as the prime contractor.

With the return to earth of Apollo 17 on December 19, the United States completed the last, longest, and most successful of seven manned lunar landings.

Apollo 17 records included:

Longest manned lunar landing flight; 301 hours, 51 minutes.

Largest lunar sample return: An estimated 115 kilograms (249 pounds).

Longest total extravehicular activity time: 23 hours, 12 minutes.

Longest time in lunar orbit; 147 hours, 48 minutes.

Apollo 17 was launched at 12:33 a.m. December 7. It was manned by Eugene A. Cernan, Commander; Ronald E. Evans, Command Module Pilot; and, Harrison H. Schmitt, Lunar Module Pilot.

The fifth manned lunar landing, Apollo 17, took place April 19. After liftoff from Cape Kennedy April 16, John Young, Commander, and Charles Duke, Lunar Module Pilot, spent nearly three days exploring the Descartes highlands region of the moon while Ken Mattingly, Command Module Pilot, orbited the moon operating a complex array of scientific instruments and two lunar mapping cameras. Apollo 16 splashed down in the Pacific Ocean April 27.

During his visit to Russia in May, President Nixon signed an agreement with Chairman Kosygin of the USSR to conduct an earth orbital rendezvous and docking of a U.S. spacecraft with a Russian spacecraft. In July 1975, a U.S. Apollo spacecraft will link up with a Soviet Soyuz spacecraft and while docked together, astronauts and cosmonauts will visit both spacecraft and perform a number of scientific tasks. A major purpose of the Apollo Soyuz Test Project (ASTP) is to develop a rescue capability by demonstrating systems that will permit the docking in orbit of any future manned spacecraft of either nation.

For Skylab, the nation's first space station, 1972 was the year when it all began coming together. The three flight crews and two backup crews were named in January and promptly began an intensive year of training.

The hardware elements—spacecraft components and equipment for conducting scientific, technical and biomedical investigations—were built and tested in many parts of the country and then shipped to Florida for final assembly and testing.

Back-to-back 1973 launches, planned for May 14 and 15, will get Skylab started on an eight-month operational period during which the spacecraft cluster will be visited three times for periods of up to 56 days by three-man crews who will conduct a wide range of experiments in earth resources, solar astronomy, medical and other fields.

The manned orbital research facility will have features that cannot be found on earth: zero-gravity; a broad view of the earth's surface features; a capability for examining the sun and stars from outside the earth's dense and hampering atmosphere.

SPACE SCIENCE

Mariner 9 was put into orbit around Mars late in 1971. The windmill-shaped, solar-powered spacecraft circled the planet 698 times in 349 days and before being shut down on October 27, completely mapped the bleak Martian surface.

As the spacecraft's TV cameras watched the seasons change below, its scientific instruments returned a wealth of data that has revised all previous concepts of Mars.

Among Mariner 9's major observations were:

A geologically active planet with volcanic mountains larger than any on earth;

An equatorial crevasse three to four times deeper than the Grand Canyon;

Indications that free-flowing water may have once existed on Mars;

The evolution of a monumental dust storm that raged to an altitude of 50 to 60 kilometers (30 to 35 miles), cooling the surface and warming the atmosphere—a measurement of great value to scientists who have long been trying to calculate the effect of increasing pollution on earth's global climate.

Mariner 9's findings laid the groundwork for America's next venture to Mars, the Viking expedition in 1975–76 which will search for evidence of life on the planet.

Meantime, a new era in space exploration opened March 2 with the launch of Pioneer 10 toward Jupiter on man's first probe of the giant outer planets.

Pioneer 10 is the first spacecraft to fly beyond the orbit of Mars, the first to penetrate the Asteroid Belt, the first intended to look closeup at Jupiter, a thousand times as big as earth, and the first destined to escape the solar system.

As the year ended, Pioneer 10 had passed safely three-fourths of the way through the Asteroid Belt but still had a quarter of a billion miles to fly before training its camera on Jupiter's colorful bands and roving Great Red Spot in December of 1973. From that distance its radio signal will take 45 minutes to reach earth.

The heaviest and most complex U.S. space observatory, named for the Polish astronomer Copernicus, was launched on August 21 and began studying ultraviolet and X-ray sources in the heavens with a clarity never before possible. So precise is the pointing accuracy that Copernicus could hold its telescope, the largest ever placed in space, on an object smaller than a basketball if seen at a distance of 650 kilometers (400 miles).

Two other U.S. scientific satellites were launched during 1972: Explorer 47, designed to study earth-sun interactions from an orbit reaching half way to the moon; and Explorer 48, which surveyed the sky for gamma ray sources. Explorer 48, launched for NASA by an Italian crew from a platform in the Indian Ocean, was the 26th success in a row for the NASA Scout rocket, a new record for the U.S. space program. In addition, NASA launched four scientific satellities for, or in cooperation with, European organizations.

Two dozen scientific spacecraft orbited in earlier years continued to return miles of tape-recorded data on the solar system and the universe beyond. Ten of them, plus far-off Pioneer 10, teamed up to observe great solar storms in August, giving early warning of the disruption and detecting the first evidence of nuclear reactions on the surface of the sum.

APPLICATIONS

On July 23 a major step was taken toward the establishment of a comprehensive information base about the earth's resources and its surface environment with the launch of the first Earth Resources Technology Satellite (ERTS–1).

The 891-kilogram (1,965–pound) satellite was placed into a 920-kilometer (570-mile) orbit by a Delta launch vehicle from the Western Test Range (WTR), California, and began returning excellent pictures of the earth's surface July 25.

The main purpose of this first mission is to demonstrate the usefulness of remote sensing of conditions on the earth's surface and environment on a global scale and on a repetitive basis. It is expected that data from ERTS–1 will contribute importantly to the fields of agriculture, forestry, geology, geography (land use management), hydrology, pollution control, oceanography, meteorology and ecology.

Two weather satellites were launched on Delta rockets from WTR: National Oceanic and Atmospheric Administration–2 (NOAA–2) and NASA's Nimbus–5.

NOAA–2 is an operational meteorological satellite launched by NASA October 15 for the NOAA as part of that Agency's operational weather satellite system. Nimbus, launched December 11, is a research and development satellite carrying three new experiments along with three improved experiments similar to those carried in earlier satellites. One experiment involves, for the first time, taking vertical temperature measurements through the clouds down to the surface of the earth.

Two commercial communications satellites in the INTELSAT IV series were launched January 22 and June 13 for the Communications Satellite Corporation aboard NASA's Atlas Centaur launch vehicle to become part of the global communications satellite network.

In addition a small communications relay satellite, Oscar–6, was carried into orbit aboard the NOAA–2 launch vehicle for the Radio Amateur Satellite Corporation. It is being used by ham radio operators around the world. And the first in a new series of Canadian domestic communications satellites, TELESAT–A of "Anik" (Eskimo for brother), was launched by NASA on a Delta rocket. Both the Intelsats and the Canadian satellite were launched from Kennedy Space Center, Florida.

AERONAUTICAL RESEARCH AND TECHNOLOGY

Major thrusts of NASA's aeronautical research and technology efforts were keyed to jet engine noise abatement and the reduction of airway and airport congestion.

Significant progress has been achieved in programs to develop technology for a quiet jet engine, to develop designs for quieting U.S. commercial jetliners flying the nation's airways today, and to develop quieter aircraft takeoff and landing procedures.

Programs for control of jet engine exhaust emissions have demonstrated techniques for achieving significant reductions in pollutants.

Additional progress was achieved in composite materials research, avionics, aerodynamics including the supercritical and antisymetrical wings), electronic flight control systems, general aviation safety, supersonic and hypersonic research, and in basic research in materials and structures.

TECHNOLOGY UTILIZATION

NASA continued to distribute information about benefits from aerospace technology to both the private and public sectors of the national economy at an ever-increasing rate during 1972.

Noteworthy during the year was accelerated use in such fields as medicine, nondestructive testing, and engineering design. Many other fields and disciplines used NASA services in creating new commercial products, and improving others.

A compact, fully automatic gas analyzer now on the commercial market offers prompt information on respiratory and metabolic functions. It can be used in hospital intensive care units and by anesthesiologists.

Ultra-clean laminar air-flow techniques developed by NASA for assembling spacecraft are helping surgeons prevent infections in hospital operating rooms. The number of these special clean room surgeries has risen from less than 50 a year ago to nearly 200 today.

Devices such as eye-operated switches have been used in a Huntsville, Alabama, hospital to test various applications of NASA-developed technology to aid quadriplegics.

Immobile patients are able to do such things as open and close doors and windows, control room temperatures, change radio and TV stations, adjust the position of their beds, and signal the nurse.

Nondestructive testing techniques developed by NASA are gaining widespread industrial use. A good example is a rapid-scan infrared tire tester being used daily by a major U.S. tire manufacturer.

NASTRAN, a computer program designed by NASA to analyze the behavior of structures under stress, is now a design tool familiar to more than 600 American engineers outside the space agency. More than 70 industrial firms, universities, laboratories and Government agencies are using it to solve their structural engineering problems.

For example, front suspension and steering linkages in a line of American cars and light trucks are now being designed with NASTRAN assistance. NASTRAN analysis can also be applied in the construction of bridges, power plants, skyscrapers, and airplanes.

Increasingly items of fireproof or fire protective clothing and fire-retardant or fire-resistant building materials appeared on the commercial market, spurred by NASA research.

NASA has developed several fire retardant or non-flammable foams, paints, fabrics, and glass fiber laminates. The International Association of Firefighters recently asked NASA to develop protective suits from new materials first developed for the space program.

New, successful lines of high-energy batteries appeared on the commercial market during 1972, providing sure, fast starts for portable power tools and sports equipment, thanks to battery technology originally developed by NASA.

These new products include both lead-acid and nickel-cadmium batteries capable of being recharged 90 to 100 times faster than existing batteries. Most commerical batteries required 14 to 16 hours for full recharge. All of the new batteries can be recharged in 15 to 20 minutes without damage to the cells and some nickel-cadmium units can be recharged in as little as 6 minutes.

A heat pin, developed jointly by NASA and the Atomic Energy Commission, found increasing use during 1972 in products for industrial and household markets. The heat pin, first used in NASA spacecraft and in cooling nuclear reactors can transport heat at about 500 times the rate possible with the best solid conductors. It is being used to speed the cooking of roasts, to recover heat lost in furnace flues and to cool the oil in motorcycles.

Paper-thin flat conductors, an adaptation of space technology, are now being marketed commercially. The adhesive-backed flat cables and switches are applied on walls, ceilings and floors with no need for costly installation inside walls or ceilings. They are readily concealed by paint, wallpaper, tile or carpeting.

INTERNATIONAL AFFAIRS

The principal events affecting the NASA international program in 1972 were the May 24 US/USSR Agreement Concerning Cooperation in the Exploration and Use of Outer Space and the European decision to proceed with system definition studies of a Sortie Laboratory for use with the Space Shuttle.

In other areas of cooperative international activity, 1972 was marked by satellite and probe launchings, foreign participation in approved NASA missions, the issuance of nineteen Announcements of Flight Opportunities (AFO's) inviting foreign participation, continued and expanded activity in the earth resources and lunar sample programs, two new agreements completed in support of Project Skylab, and tracking and data acquisition assistance between NASA and certain foreign space activities.

LAUNCH RECORD

The year 1972 was the first in NASA's history in which all of NASA's launches and missions were successful. The 1972 record of eighteen successful launches includes two Saturn Vs, four Atlas-Centaurs, seven Deltas and five Scouts. Eight each were launched from Cape Kennedy and the Western Test Range and one each from Wallops Station, Virginia, and the San Marco platform off the coast of Kenya, Africa.

NASA's Scout rocket, a 100-foot high, all solid-propellant rocket, currently has 28 straight successful launches, a record for the space program. Overall, Scout has an 89 percent success record out of 55 launches while the workhorse Delta rocket has 91 percent successes out of 93 launches.

More than 80 sounding rockets also were launched by NASA in 1972 on a variety of scientific and meteorological missions.

SUMMARY

In 1972, some programs came to close with their initial goals reached or surpassed, while newer programs were being developed with a confidence based on successful past performance. In 1972, NASA-developed technology and systems found increasingly wider use in both the private and public sectors of the national and international economy. In summary, 1972 was a year marked by solid accomplishment both in flight programs and in supporting research and technology.

TRIBUTE TO CAST IRON SOIL PIPE INDUSTRY AND TO ALABAMA'S ROLE THEREIN

Mr. ALLEN. Mr. President, I rise at this time to extend congratulations to the Cast Iron Soil Pipe Institute and to its company members who produce over 95 percent of the cast iron soil pipe and fittings manufactured in this country. I further extend my sincere congratulations to the thousands of fine, industrious citizens who are employees of these companies. The industry has just completed a remarkably successful record year and I pay tribute to all those who made that record possible. That record is reflected in statistics published every month and made available by the U.S. Department of Commerce. During 1972, the industry produced and shipped more tons of cast iron soil pipe and fittings than in any previous year in history. The total for 1972 was 1,041,820 tons of pipe and fittings shipped. It was the fourth year out of the last five in which the industry total surpassed the million-ton milestone.

In the field of drainage, waste, and vent plumbing systems, cast iron is the proven, reliable material which has given faithful service over the years. Cast iron has been the perennial sales leader in its field throughout the entire life of modern plumbing. And yet, with all of its stability and past achievements, the industry has been unwilling to rest on its laurels. Instead, it has reached out to the future with an imaginative openness to the demands of industrial change.

The time-proven method of joining cast iron drainage pipe together is the lead and oakum method.

This method and these materials are still the favorite of those who seek quality performance from the drainage, waste, and vent systems in their homes.

The industry has, however, experimented with modern methods of joining pipe together. There is now in the industry repertoire the no-hub system and the compression gasket system. There are, in addition, a number of other innovations including service weight pipe and most recently of all, the singlestak, or self-venting system. These innovative systems also chalked up a remarkable sales record during 1972.

The industry last year sold over 35 million no-hub assemblies. This was an increase of better than 15 percent over the total for 1971. The industry also sold over 29 million compression gaskets.

I am immensely proud that my own State of Alabama has been for many years the foremost State in the Nation in the production of cast iron soil pipe and fittings. The foundries of this industry and the jobs they provide our people are an integral part of the economy of many Alabama communities. Our State can be proud of its record of industry progress, due in no small part to the example of leadership and the quality of industrial statesmanship of so many officers and representatives of the cast iron soil pipe producing companies, and to the loyal and dedicated work of their many employees.

The president of the Cast Iron Soil Pipe Institute for the coming year is Mr. James B. Horan of Tyler Pipe Industries, Tyler, Tex. I congratulate him upon his election and I extend to him and his fellow officers and board members, every best wish for a successful quarterly membership meeting to be held this week at the Sheraton-Dallas Hotel in Dallas, Tex. May the men and women in this great industry enjoy yet greater success and set new records once again during 1973.

SECOND ANNUAL MODEL U.S. SENATE IN DELAND, FLA.

Mr. CHILES. Mr. President, on the weekend of April 12–15 Stetson University will sponsor its Second Annual Model U.S. Senate in Deland, Fla. The 4 days have been planned with the goal of duplicating as closely as possible the activities and atmosphere of the U.S. Senate. Representing 50 colleges and universities, 100 students from across the Southeast will each assume a senatorial characterization and participate in committee hearings, party caucuses, and Senate sessions.

The students will be active in writing legislation as well as voicing their opinion on current issues facing our Congress today. I believe that you will agree with me when I note that this particular form of simulation is an important learning tool for our Nation's future lawmakers. I feel also that this model senate is worthy of our attention for another reason and that is for the possible interchange of ideas between us who attend the workshop and our voting youth.

Those taking time from their busy schedules to attend the senate are the Senator from Oregon, MARK HATFIELD, and three Representatives from Florida, LOU FREY, WILLIAM CHAPPELL, and BILL GUNTER. We commend them for helping to provide a deeper knowledge and understanding of our governmental process to the student senators.

I should like to give recognition to the two political science faculty advisers, Dr. T. Wayne Bailey and Dr. Gary L. Maris, as well as to Dr. John E. Johns, president of Stetson.

However, the responsibility for a successful program rests in the hands of the student committee at Stetson and I should like at this time to commend them for their work: Cynthia Horton, Winter Park, chairman; Sandy Blankenburg, Tulsa, Okla.; Kathy Kimbrough, Lancaster, N.Y.; Linda Mattheison, Jacksonville; Rick Harwood, Lighthouse Point; Rhonda Wilson, St. Petersburg; Barb Cox, Davenport; Maryesther Murrill, Arcadia; Cedric Bryant, High Springs; Pam Waxler, Stuart; Tom Stapleton, Sanford and Henry Teel, Birmingham, Ala.

DEATH OF GEORGE W. SARBACHER, JR.

Mr. SCOTT of Pennsylvania. Mr. President, it was with a sense of shock and profound sorrow that I learned of the death of an old friend and an esteemed former colleague in the House of Representatives. I refer to the late George W. Sarbacher, Jr., who represented the old Fifth Pennsylvania District in the 80th Congress and who passed away on Sunday, March 4 at the Suburban Hospital in Montgomery County, Md., where he and his wonderful family have lived in recent years.

After leaving the Congress he served his State as deputy director of revenue for the Commonwealth of Pennsylvania. Later he returned to the Washington area where he joined the National Scientific Laboratories. He moved up through various positions with that firm, eventually becoming president and chairman of the board. In 1970 at the invitation of former Postmaster General Blount, he joined the Postal Service and at the time of his death was serving as chairman of its management advisory team.

George Sarbacher crowded much adventure and achievement into his comparatively short span of 53 years. Born in Philadelphia, he graduated from Temple University and enlisted in the Marine Corps in 1941. He served with distinction in the 2d Marine Division through the campaigns of Guadalcanal, Bougainville, and Guam, for which service he received several citations and medals.

In 1946 while still on active duty in the Marine Corps he was drafted to run for a seat in the House of Representatives. Because he was an officer on active duty he could not campaign nor participate in any way. Despite this, however, he defeated the incumbent, who had considerable seniority. Only then did he transfer from the regular Marine Corps to the reserves.

When he took his seat at the age of 27 he was the youngest Member of the Congress. He had a winning, dimpled smile that made him look even younger then he was. During his first week of service, one of the very senior chairmen of one of the most prestigious committees in the House looked in his direction, pointed and snapped his fingers as though calling for a page.

In those days the pages in the House did not wear distinctive garb, as they now do. This incident prompted George to have a friendly talk with Speaker Joe Martin. Shortly thereafter a regulation was adopted requiring all pages in the House to wear dark blue suits and black ties. George delighted to relate this story and once observed:

> If I'm not remembered for anything else, they can always say that I was responsible for putting the House pages into blue suits.

But he will be remembered for much else. During his congressional service he was dedicated to veterans and fought for improved veterans' rights and services. He made a coast-to-coast detailed inspection of hospitals administered by the Veterans' Administration, which resulted in an exhaustive report, which in turn was responsible for vastly improved practices and facilities in VA hospitals.

George was utterly devoted to his family. I offer my sincere sympathy to his sweet, charming wife Dolly, to his son George W. III and to his two lovely daughters. He had one grandson and I regret for him that he did not have the opportunity of really knowing his grandfather.

George Sarbacher radiated happiness. He always retained his youthful appearance and friendly smile. Quietly and without ostentation he devoted himself to neighborhood and charitable works, especially the Heart Fund. All who knew him are bound to have felt richer for the experience. I am grateful for having known him and having served with him in the Congress and with his many friends I shall always cherish his memory with deep affection. One more name has been added to the "well done" tributes on the long roll of Marine Corps valor.

A LOOK AT OUR NATIONAL SPACE PROGRAM

Mr. ALLEN. Mr. President, as the result of national dedication, the United States has attained complete technological supremacy over all other nations of the world. For example, our accomplishments in space have showered the earth with benefits in medicine, education, transportation, textiles, and in almost every other facet of our everyday life.

But, since attaining this supremacy, there have been severe attacks on those areas, such as the National Aeronautics and Space Administration, which are the source of our past accomplishments. I have spoken of this previously, calling for a sensible approach to funding and programing technical and scientific projects so that there would be stability and good judgment in the utilization of the thousands of highly competent men and women whose efforts contribute to the development of the new knowledge which benefits all mankind.

My alarm at the decline in long-range planning for scientific programs has recently been heightened by a speech delivered by Dean Courtland Perkins, the highly respected Dean of Engineering at Princeton University. Speaking before a meeting of the American Institute of Aeronautics and Astronautics on January 9, 1973, Dean Perkins made three major points: First it is important to preserve in some fashion the great competence built up within NASA; second it is important to agree on NASA's role for the future; and third we must do something to intrigue our best young minds back to important areas of technology and science.

Mr. President, this is a subject of vital importance to the United States, and I ask unanimous consent that Dean Perkins' remarks be printed in the Record so that they may be readily available for reading by all Senators.

There being no objection, the remarks were ordered to be printed in the Record, as follows:

A Look at Our National Space Program—
The Shuttle Program

(By Courtland Perkins)

Mr. President—honored guests—ladies and gentlemen: It is a great pleasure for me to participate in this important annual meeting of the AIAA and an honor for me to be able to address this important luncheon meeting on certain aspects of our national space program. A program at a very difficult crossroads, particularly with respect to our National Aeronautical and Space Administration (NASA). It is fifteen years since the organization of NASA and the start of the build up of space programs by NASA and by the military. We have witnessed on both sides a succession of successes that are truly astonishing—yet today we are all unsure of what we have accomplished and where this leads us.

This afternoon I want to make these points:

1. It is important to preserve in some fashion the great competence built up within NASA—thru its manned space program
2. It is important to agree on NASA's role for the future and better delineate its cperational and technical responsibilities and
3. We must do something to intrigue our best young minds back to important areas of technology and science.

Any discussion of space activities today can hardly help but start from consideration of the Apollo program completed so magnificently last month. I believe all will agree that the total NASA manned program culminating in Apollo 17 was the most spectacular technical achievement that the world has witnessed to date, and certainly achieved Apollo's great objective set out by President Kennedy in 1961 to land a man on the moon and recover him safely before 1970. This was a startling goal and a great target that focused our national attention—occupied many of our best minds—motivated our young scholars—and funded as a by product, many things that we could never have done otherwise. It has been a brilliant success and achieved its major objective of demonstrating our technical prowess to the world and with equal importance, to ourselves. We stand in awe of this great accomplishment and only wonder at what do we do now?

It is very difficult to understand Apollo if one had not lived through the events of the 1950s. At the end of World War II and up into the early 50s this country was convinced that it had no competition in science and technology and its prestige and self respect were monumental. Hadn't we perfected radar developed the A and H bombs, the intercontinental bomber, television and others?

Then in swift succession we received three tremendous jolts that shook the country to its foundation. First the Russians whom we felt would take years to develop nuclear weapons showed that they were close behind us and in fact almost exploded their first hydrogen device before we did.

Shortly thereafter our intelligence sources discovered that the Russians were experimenting with and developing ballistic missiles with ranges and payload making ICBMs a near reality. This information received our instant attention and helped create our crash missile program of Atlas—Titan—MM—and Polaris. By 1960 the lead of the Russians in missilery gave us great concern and we faced with real fear a "Missile Gap." Politically massive retaliation had to be abandoned leading eventually to various forms of mutual deterrence. This rapidly eroded confidence in our superiority in science and technology and in its place came doubt and concern.

This concern was deepened in 1959 when the Russians launched the first earth orbiting Satellite "Sputnik" and high-lighted our own activities as both inadequate and something of a joke. The country now compounded their fear of a missile gap with concern over loss of prestige and real self doubt. When in 1959 the Russians successfully orbited their first manned spacecraft far in advance of our own Mercury program the country demanded extraordinary action. We wanted to close the missile gap but also wanted to accomplish a major space first to prove to the world *and to ourselves* that we were *number one* in science and technology and to restore our prestige in the eyes of the world. We sought for and found a program that would stretch our technical skills and our financial strength to the limit giving us a good chance of accomplishing this mission before the Russians.

As we all know the objective decided upon was project Apollo. Everyone knew that it would take a maximum effort of our technical people as the mission itself was on the fringe of possibilities. It would also require top national priority and a great deal of money. Twenty billion was estimated as its cost over a ten year period. It was also felt that Apollo would require great national resolve to face the probability of some form of disaster in space for a complicated program conducted openly in front of the world.

Apollo was erected not for the purposes of space science-lunar geology or bio engineering but was purely motivated by elements of fear and prestige. The country and the congress were ready to back this undertaking and did so without stint during the decade.

This demonstrates a fact well known to anyone involved in large development programs. We can do anything we choose if the project can be defied, given top national priority, stability over the period of its development, and adequate funding. Apollo was such a program.

I think no one will disagree that Apollo succeeded in its objectives far beyond the fondest expectation of those who helped create it. Its success has been truly astonishing and it can be said with confidence that the scientific and technical prestige of the country has not only been restored but actually enhanced as the world watched and participated in, through equally astonishing communications, the first lunar landing by Apollo 11. Since that time the world marvelled that Apollo 12 could land next to the unmanned spacecraft surveyor, suffered agonies while Apollo 13 was brilliantly recovered after a major failure of its oxygen tanks, envied Allan Shepard his lunar iron shot during Apollo 14, rode with the crew of Apollo 15 on the lunar rover to Hadley's Rill, watched the crew of Apollo 16 launch itself from the moon through the Rover's TV camera and watched the last Apollo 17 perform an almost flawless mission. Apollo was a magnificent success, a great credit to this country and to the remarkable NASA technical team that accomplished it.

Apollo scientific output was very high and important, but it was a by product of the major objectives. We must keep in mind that Congress didn't appropriate twenty four billion for lunar geophysics. The main motivation came from our early fear and concerns of prestige and self doubt. Apollo then succeeded far beyond anyone's dreams of the early 60s and its success has generated several important reactions. Probably the most important of these was that it apparently drove the Russians out of this type of competition. It is apparent that there was a Russian program for a manned lunar landing but this program was overwhelmed by events (Apollo) and some of their own technical difficulties—they soon gave up this game. This in a sense was too bad as competition with the Russians has always been a major factor in our space program.

We cannot have a two man race if one of the competitors does not want to run. There is still some element of competition with the Russians but it is very small and largely lost as a motivating factor. This is one of NASA's problems today. NASA itself was created in the frightening era of the 1950s on these very motivations and they are having difficulty today in justifying their programs to the Congress along new lines.

The dilemma is that Apollo generated a great competence in the NASA—in space technology—in program management—and in facilities. All of these are now available to the country for whatever undertaking they would like to start. It would be an unacceptable waste to merely throw it all away. The question is can this be used usefully for space programs of interest to the country in last decades of the twentieth century. It is up to the Administration and to the Congress to more clearly state the mission and rationale for the NASA during the next fifteen years.

In 1965 the Speaker wrote a letter to Mr. Webb then the administrator of NASA suggesting that the motivations that were giving Apollo top national priority and heavy stable funding were indeed fragile ones, and that NASA should concern itself more with the use of space for practical earth oriented purposes. There was considerable question at that time as to Russian intention toward a manned lunar program and many realized that a new major program like Apollo could not be supported in an environment where fear and concern over prestige were eliminated.

NASA had been thinking along the same lines and erected summer studies in 1966/67 to focus attention on the very real payoffs on earth from the use of orbiting spacecraft. Our AIAA president, Dr. Puckett, was an important member of this study and they resulted in the indentification of many application potentials.

The most visible were in the various fields of communication, weather monitoring, navigation, mapping, and survey of our natural resources. From that time on NASA has maintained a sophisticated program in space application. NASA has emerged as an innovator of new potentials working with possible users of a new capability and finally providing some operational support. Communications is a good example. NASA did much of the basic work in developing communication satellites and now supports this civilian sector with launch services while pushing out into new areas of communication concepts. There are a multitude of possible space applications which can be developed for the civilian sector but as of today the great launch and payload costs of such systems overwhelms studies of their cost effectiveness.

Space science, another NASA line item, has emerged as a very sophisticated activity with many remarkable successes achieved across a wide spectrum of science. Among the most rewarding have been those programs dealing with astronomy and planetary science. The role of NASA in space science is to help, with the advice of the scientific community, make scientific experiments possible—act as a project integrator—provide launch and readout services—and stimulate new areas. The difficulty with space science is that it continues to be something of a by product of our desire for a national space program. The scientists of the country are not all convinced that space science is the most important science and if given the option would recommend spending this money differently. Space science and exploration then is an inevitable part of a "national space program" undertaken today for no other rationale that this country should spend some of its resources on pushing out space related frontiers. Again many more of these missions would be possible if the very large cost involved in conducing them could be reduced.

No organization was more rudely shaken by the emergence of practical space operations than the DOD and, in particular, its most explosive service and the USAF. Prior to October 1957 space operations for military purposes were ridiculed and any attempt by the military to develop serious space systems was rapidly thrown out as visionary. The Air Force had a surveillance satellite study in progress at the time but it was only funded as a study with no real intent behind it.

After Sputnik the Air Force typically went overboard for space operations and in 1958 at their summer study identified many potentials for space activity across the total front of military operations. This study identified all of those things that we are doing today but also suggested many more that we aren't doing. Many of the things that we aren't doing are those programs for which space adds nothing to a capability except cost. Others aren't being done because the Russians and ourselves have agreed to permit certain activities and not precipitate some form of space warfare.

Man in space was considered at first to be an important military potential and the Air Force was unhappy when their man in space soonest program (MISS) was turned over to the NASA at the time of its activation. The Air Force then embarked on its Winged Reentry program Dynasoar and then to its space station the Manned Orbiting Laboratory (MOL). Finally all manned military programs were eliminated as no viable military mission was uncovered for man in earth orbit. It was learned finally that the Air Force could not have its major and most expensive R&D line item, a program for which a real mission was not understood. Man in earth orbit has little military payoff as we view it today. There is also severe question as to his use for non-military missions in earth orbit as well. The NASA Sky-lab program should help resolve this particular debate.

After the initial euphoria, the USAF and DOD concentrated on real military payoffs, or cost effective if you like that phrase. These areas are surveillance, warning, strategic and tactical communications and navigation. These missions are real and important with space providing a unique capability. There are several more missions that might better be done through the use of space systems if they didn't cost so much.

In today's constrained budget the Armed Services have to give up a front line operational capability to fund such support systems. The system then must be very good indeed to have the Navy give up a new ship or the Air Force give up a new wing of fighters to pay for it. Military space programs then have achieved a solid base of real payoffs. These will inevitably expand further in the years ahead, particularly if the very high cost of space operations can be reduced.

Apollo and all our unmanned programs both in the NASA and the military have been astonishingly successful and through them we have bought and paid for a position of dominance in space activity and in many technologies. We have established great leads in the following technical areas:

1. Solid State devices-integrated circuits-computers.
2. Inertial guidance.
3. Design for high reliability.
4. Operational use of liquid hydrogen as a fuel.
5. Simulation based training.
6. Fuel cells.
7. Systems management and control.

Technological leadership like this is crucial to this country. Our position in world trade requires that we continue to maintain our eminence in areas of high technology. Our National problem is that our young bright minds are turning away from science and technology and if this continues much further we are in for really difficult times. We must excite these young people and convince them that their own interest and the interest of the country are involved in the discovery of new science and the exploitation of new science into new technology. Industry-government-universities must all concentrate on this very real and difficult problem.

Our National Space Program then will be strongly based on real earth oriented payoffs available through space systems. The heart of this will be from both the military and civilian sectors and we can expect these capabilities to grow steadily in the coming years.

Beyond these we have those programs that the country feels that it must do. Not for prestige or fear rationale but because they are the natural goals of a wealthy and progressive society. We must continue to involve ourselves in programs of space science and continue our remarkable activities in space exploration. Perhaps cooperating with the USSR.

At the heart of all this is the potential expansion of these activities through the reduction of the cost of space operation. Today we are impeded across the full spectrum of activities due to extremely high launch costs and the cost of space payloads. Thus NASA must consider this to be their number one objective in fulfilling their mission of advancing space technology. We feel that we can reduce these costs only by the following possibilities.

A. Antigravity.
B. A breakthrough in propulsion.
C. Recovery and reuse of launch systems and payloads.

Of these the only one that might have a payoff for us today is (C) the recovery and reuse of launch systems and payloads. This has led us inevitably to the NASA shuttle program that does many things for us.

A. takes full advantage of the NASA capabilities developed through their manned space program.
B. Reduces our complicated stable of rocket launchers required for a wide variety of missions.
C. Lowers the cost and increases the flexability of space operations.
D. Signals our young people that we are not about to throw away our carefully developed technical capability.
E. Can provide the focus for many new technical advances during the next decade.

We are orienting our national space program along new lines and developing new motivations. There is a solid base for our national space program which can be expanded further in many practical ways if we can reduce the cost. The shuttle program can do this and I urge our AIAA membership, the Congress and the Administration to continue their support of this important program.

VITAL SPEECHES OF THE DAY

The country should be proud of our remarkable successes in space activity—it is a thing we have done very well—and we can do much more if the total program is given adequate direction and support.

THE ROLE OF AGRICULTURE IN THE ECONOMY

Mr. CURTIS. Mr. President, the importance and role of agriculture in our economy and our way of life are misunderstood by a majority of the American people.

I am convinced of this because I have made a long study of it. More than a year ago, the esteemed Congressman from Texas, Mr. George Mahon, and I set out to do something to change that.

Congressman Mahon and I called together the leaders of a number of private companies that depend, for the success of their firms, on sales of their products to farmers and ranchers. We asked these companies to help tell the positive story of agriculture to the American people. The National Agricultural Institute took on the job of coordinating the effort. Congressman Mahon and I are very pleased with the way it is going, and we expect some very significant announcements to be made soon.

We are especially pleased that the press of the country is awakening to the great lack of understanding that exists about agriculture. This includes some editors and newspapers in the metropolitan areas which is very encouraging.

In the February 24 issue of Editor and Publisher magazine, Mr. Terrence L. Day wrote an excellent article explaining the problems we face with the metropolitan press. I respectfully request permission that Mr. Day's article, "Agriculture, a Metropolitan Cinderella," be printed in full in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Agriculture, a Metropolitan Cinderella?

(By Terrence L. Day)

There is a void in modern reportage, a gulf which could lead to a major crisis in America.

Never in the world's history have so many been so dependent upon so few, or so ignorant of their situation, as Americans today. More than 95 percent of the nation's people are dependent upon the less than 5 percent who man the nation's farms.

Agriculture is a metropolitan Cinderella who labors hard for urban America, but who works without appreciation because there is a knowledge chasm left unbridged by modern journalism, or inadequately bridged at best. That vital informational link, the farm beat, has been plowed under or sent out to graze on the south 40 on most urban newspapers today.

WRONG NEWS POLICY

A news executive recently explained his paper's abandoned farm beat: "We don't have very many farmers in our circulation area any more."

Unfortunately that philosophy is all too apparent in today's newsrooms. What J. Henri Fabre, the French entomologist and author, said of history is equally apropos of journalism: "History . . . celebrates the battle fields whereon we meet our death, but scorns to speak of plowed fields whereby we thrive; it knows the name of the King's bastards, but cannot tell us the origin of wheat. That is the way of human folly."

Journalism celebrates city streets whereon we riot, but scorns agriculture whereby we prosper; it reports which movie star is living out of wedlock with whom, but does not tell us about our source of food.

Today's newspapers may not have very many farmer subscribers, but their readers all have one thing in common: they eat. And as long as they do, newspapers should take a vital, intelligent interest in agriculture.

WRITE FOR CITY READERS

Editors don't expect an aerospace editor to write for aerospace employes. They don't ask science writers to write for scientists, nor education writers to slant articles to educators. Political writers aren't asked to write for politicians, and transportation writers don't write for truck drivers.

So why should farm writers write for farmers? They shouldn't. They should write about agriculture, for city folk. But all too much of the little farm writing today is of small value or interest to urbanites because it does not put agriculture in terms they can understand.

The reasons for strong farm beats are manifold, but paramount are reader interest and public interest. Readers are interested in farm news that is written for them, and nowhere is the need for farm editors to serve the public interest more apparent than in the hubbub over food prices.

The most prevalent and most inaccurate myth in America today is the "high" food prices legend believed by almost every consumer and promulgated by nearly every newspaper and television station in America.

Why does almost everyone think food is expensive? Because today's news media fails miserably to understand agriculture and to report it accurately. It is a digression, but you won't believe that food is cheap unless we document it, so let's digress.

Agriculture has given America the lowest-cost food bill in the history of mankind—16 percent of disposable income in 1971, compared with 23 percent in 1950, according to U.S. Department of Agriculture statistics.

It's an unpopular story, but our great agricultural progress has reduced food costs by 30 percent during the past 21 years. As a bonus, Americans also get a greater variety of food, a higher standard of eating (including twice as much beef), less kitchen drudgery, and more meals "out-on-the-town."

America's food bill in 1971 was $118 billion—a whopping $51.7 billion less than it would be if Americans still paid 23 percent of their income for food as they did in 1950.

That is $51.7 billion which Americans spent for second cars, trail bikes, boats, stereophonic sound systems, fancy furniture, summer cottages, dishwashers, color television, and a host of other consumer goods. But how much is $51.7 billion? It is $15.1 billion more than the total value of all automobiles manufactured in the United States and of the distribution costs of all foreign-made automobiles sold in the United States in 1969! (Based on U.S. Statistical Abstract figures.)

In other words, the unparalleled efficency of the American farm is one of the basic reasons for the high and still rising American standard of living, a principal difference between our standard of living and that of other countries. (Englishmen spend 29 percent of their income for food. Italians 45 percent, and Indians 80 percent.)

SHOULD GIVE THANKS

Instead of complaining about "high" food prices, we Americans should be on our knees giving thanks for our share of the $51.7 billion a year the nation saves on groceries. It is the very substance of our high standard of living.

But, you say, look at what's happening to food prices. Meat has gone up, eggs have gone up. Yes, and they'll come down, too. But not with the same fanfare with which they went up.

Recently when the price of eggs threatened to reach $1 a dozen the news was headlined for days on end. But when they dropped to 59 cents a dozen, our local newspaper didn't have a single line of copy with that news.

The result is a public misimpression that prices are always going up. That's true of cars, clothes and a lot of other things; but not of food. Food prices fluctuate because farmers cannot control production, and prices rise and fall with supply.

Further, reporters have wholly failed to put food prices into perspective with wages. Big, black headlines shout the news that food prices are expected to increase at an annual rate of about 4.5 percent during the first half of 1973. But what reporters have compared that with anticipated wage increases?

The Nixon Administration says 5.5 percent increases are acceptable, and few authorities feel that wage increases will be held that low in 1973.

It doesn't take an Einstein, or even a high school math teacher, to calculate that if food prices increase 4.5 percent and income rises 5.5 percent, the percentage of our income spent for food will decrease. The increase we see in food prices is inflation—and food is an anchor trying to hold inflation down. Food prices are not contributing to inflation.

With urban America and the press which serves it both ignorant of the realities of agriculture, there is a real threat to the agricultural abundance which is the foundation upon which America has become the world's wealthiest nation—a nation with the highest standard of poverty that the world has ever known.

How is America threatened?

With 95 percent of her population in the cities, and the one-man, one-vote rule, the farm bloc has withered to a tiny voice in a distant pasture.

Unless the farm-city information gap is bridged by the press, it is entirely conceivable that an urban-dominated, urban-oriented Congress could pass legislation which would wreak havoc with agricultural production, or fail to pass legislation essential to a healthy agriculture.

It would be tragic for America to learn the hard way that all of the social reform and anti-poverty programs in the world will be of no benefit if America's unparalleled agricultural miracle is permitted to wither. For modern agriculture is not a permanent miracle which can be ignored once achieved. It is a miracle which must be repeated every year.

But the moment America goes on a binge of anti-farm legislation, capriciously banning vital agricultural chemicals, wildly slashing farm programs, and arbitrarily siding against farmers on national issues; the nation will be sowing the seeds of wretchedness for the cities as well as for the farms.

Food prices will really become high, and with less to spend for other things there will be massive layoffs in city factories which will lose much of their market for consumer goods.

Re-creation of farm beats to report agriculture for city audiences, to give America more balanced reporting on issues touching the farm, would be a small price to pay for prosperity insurance.

EXPANSION OF PRESIDENTIAL POWERS

Mr. ERVIN. Mr. President, the New York Times recently published a series of four articles which explored with great perception and insight the expansion of presidential powers under the Nixon administration.

The Times' reporter, Mr. John Herbers, surveyed several ways in which presidential authority has grown, such as the increasing use of executive impoundment of funds appropriated by the Congress, and the exercise of executive privilege to keep lower-level White House officials from testifying before Congress.

Mr. Herbers examined the historical development of presidential powers, and he conducted interviews with several leading students of the presidency.

Mr. President, these articles have especial significance in light of the struggle that is taking place between the Congress and the Executive over the proper role of the legislative branch in our constitutional system of government.

I ask unanimous consent that the four articles from the New York Times be printed in the Record.

There being no objection, the articles were ordered to be printed in the Record, as follows:

Nixon's Presidency: Expansion of Power

(By John Herbers)

Washington, March 3.—Richard M. Nixon, in what he achieved in his first term and what he has undertaken in his second, is attempting an expansion of Presidential powers that could have more impact on the national Government than that of any President since Franklin D. Roosevelt.

That is the opinion of historians, political scientists and other students of the Presidency who were interviewed during recent weeks while Mr. Nixon was restructuring his Administration for another four years and challenging Congress to what could be a bitter struggle over the constitutional balance of powers.

"In so many ways," said Henry Steele Commager, the historian, "I think Mr. Nixon has gone far beyond any previous Presidents in our history."

Thomas E. Cronin, a young Presidential scholar at the Center for the Study of Democratic Institutions, Santa Barbara, Calif., said of Mr. Nixon: "He has systematically gone about trying to strengthen the Presidency in a great number of ways, frequently by circumventing the Constitution or expanding on past practices that were ambiguous or questionable."

This has been done by strong Presidents in the past, and some have emerged as heroes. In times of emergency, as with Franklin D. Roosevelt during the Depression of the nineteen-thirties, for example, he devalued the dollar and took other actions to restore prosperity. More recently, as society has become more technological and complicated, Presidents have consolidated control of the budget and management of the economy under the White House.

What is involved in the current struggle, however, in the opinion of many, is the settling of national priorities, the future of the system of checks and balances established by the Founding Fathers and the authority that future Presidents will have to make war by their own decision.

Although Mr. Nixon, as a self-proclaimed activist President, is expanding his authority in almost every area, he says that his efforts to gain more control over the use of Federal money would reduce the jurisdiction of the President's office over the long run, by eliminating social programs undertaken and expanded by Presidents Eisenhower, Kennedy and Johnson. Mr. Nixon wants to return this authority to state and local governments.

In his second Inaugural Address Mr. Nixon stressed not only turning authority back to the state and local governments but also more self-reliance of individuals at home and of foreign nations.

IDEOLOGICAL SHIFTS

In the uproar, many Americans have come loose from their ideological moorings as President Nixon has moved to gain more influence over Congress, the Supreme Court, the Federal bureaucracy, his own political party and public opinion.

Conservatives who have traditionally favored a strong Congress and a weakened Presidency are now advocating the reverse. Liberals who have long viewed the Presidency as the best means of achieving a humane foreign policy and helping the needy at home are crying for restraints on the President.

Among intellectuals, there is division and confusion as to what precisely is happening and what should be done. But the feeling that the balance of powers may be out of kilter goes deep.

Inside the White House, the view is that the President is doing no more than exercising powers established by a succession of strong Presidents, most of them Democrats, to carry out what Mr. Nixon views as the will of the majority of the people. It is pointed out that even before he was elected in 1968, Mr. Nixon promised a strong, active Presidency to heal a torn and divided society.

"A COUNTERREVOLUTION"

"Sure, he is leading a counterrevolution," one Presidential aide said, "but it is mostly against some of the things that were done in the national Government in the nineteen-sixties. It doesn't go back to Harry Truman or anything like that. And in the war, he did what was necessary to bring a peace we could live with. He couldn't do it by committee."

Among outside observers, there is a general belief that Mr. Nixon is conducting a more powerful Presidency, both in foreign and domestic affairs, than either Lyndon B. Johnson or John F. Kennedy, both active Presidents who broadened powers inherited from their predecessors.

Much of his new power is accumulative, with trends that began during or after World War II coming to maturity in his Administration. One example is the shift from treaties, which require Senate approval, to executive agreements, which stand on their own.

Although the President has consolidated power in many areas there are two causing the most concern.

DEGREE, NOT KIND

First, in foreign affairs, Mr. Nixon, it is widely believed, has expanded somewhat the powers used by President Johnson, but close observers of both Administrations say the difference is one of degree, not of kind. In ordering the bombing of North Vietnam and military excursions into Cambodia and Laos, he acted under precedents established by Mr. Johnson.

The difference is that he did not advise and consult Congress and others as much as had been done in the past and he did not publicly offer constitutional justification for going around executive action.

The war powers are now viewed as so institutionalized in the executive branch that the American President is freer to take military action on his own than the executives of most other major nations. In the Soviet Union, for example, Premier Aleksei N. Kosygin had to gain approval of the Politboro before ordering the invasion of Czechoslovakia in 1968.

Second, in domestic affairs, Mr. Nixon is using his office to reverse some aspects of a trend that has been under way since the nineteen-thirties—the growth of the national Government as the chief instrument for public policy and services. This trend was given its impetus in the Roosevelt Administration.

METHODS BEING USED

Mr. Nixon is seeking to arrest this trend by public persuasion, by impounding funds that exceed his budget, by deciding which programs will be reduced or eliminated and by threatening to eliminate others if Congress does not turn back more authority to state and local governments. In this regard, he is going farther than any President not involved in total war.

As a result of these two developments, Congress is in a greater fury than has been seen in many years. Charges of Presidential usurption from Congress are nothing new. A century and a half ago, Senator Henry Clay accused President Jackson of attempting to concentrate "all power in the hands of one man," an argument that has emanated periodically from Congress ever since and is now heard daily from Democratic members.

President Nixon, however, has taken this old constitutional struggle into a new era. In the past, strong Presidents who viewed their office as the "tribune of the people" usually sought an expansion of governmental responsibility over a more conservative Congress. Now the roles of Congress and the Presidency are reversed.

The conflict is heightened by the fact that Mr. Nixon moved in the domestic area before the Congressional challenge of his war powers was resolved. Pending in Congress, among other measures, is a bill to require Congressional approval of any act of war 30 days after the President initiates it, legislation that faces almost certain veto should it pass both houses.

CONCERN IN BOTH PARTIES

There is concern in both parties of Congress that the constitutional system is giving way to Presidential Government without checks. In this regard, a range of experts on Government will meet in a symposium here Wednesday and Thursday to examine what happened to the constitutional provision that Congress makes the laws and the President executes them. The symposium is sponsored by an informal group headed by Senator Harold E. Hughes, Democrat of Iowa.

One of the participants is Dr. Commager, whose books on the American past have been read by two generations of students. He lives in rural Massachusetts just off the Amherst College campus in a white-columned, eighteen-forties house. Great stacks of worn books reach the high ceilings. The scene suggests continuity with the nation's origins.

One day recently, as the meadows outside his study window lay under sheets of glazed snow, Dr. Commager was asked his opinion of how Mr. Nixon's use of Presidential power compared with that of previous Presidents.

"He has usurped or aggrandized authority in almost every field," Dr. Commager said. "Even in wartime—the only thing comparable is the Civil War, which was a very special kind of war and therefore the kind of instantaneous action that Lincoln took was domestically required—even in wartime, it seems to me there was no such broad-gauged and wide-fronted assault on the integrity of the constitutional system as we now have."

"UNDERMINING THE COURTS"

President Lincoln, he continued, "did not try to undermine the Court, for example, as Mr. Nixon is undermining the Court. He did not challenge the power of Congress over appropriations as Mr. Nixon is doing. He did not exert executive prerogatives and executive privileges as Mr. Nixon is doing, not only for himself but for subordinates well down the line. In so many ways, I think, Mr. Nixon has gone far beyond any previous Presidents in our history."

This is an extreme but not uncommon view.

A far different opinion was expressed by Theodore J. Lowi, a political scientist formerly of the University of Chicago and now at Cornell and the author of "The End of Liberalism," published in 1969, Mr. Lowi believes that Presidential power took a quantum jump, not under Mr. Nixon, but under President Kennedy, especially in the management of the economy.

He said Congress over the years had placed itself in a state of "permanent receivership" by delegation of authority to the President, that the struggle now was essentially a partisan one between a Republican President and a Democratic Congress and that Mr. Nixon was doing no more than institutionalizing powers used by his predecessors. But he is no less disturbed than Dr. Commager about the erosion of Congressional authority.

1968 RADIO ADDRESS

In 1968, shortly before his election to office, Mr. Nixon delivered a radio address describing his views of the Presidency.

"The days of a passive Presidency belong to a simpler past," he said. "Let me be very clear about this: The next President must take an activist view of his office. He must articulate the nation's values, define its goals and marshal its will. Under a Nixon Administration, the Presidency will be deeply involved in the entire sweep of American public concern. The first responsibility of leadership is to gain mastery over events and to shape the future in the image of our hopes."

This is the kind of Presidency that liberal Democrats had been advocating for generations and are still advocating, but with more checks. Mr. Nixon's assistants and supporters seem surprised that any one would question his use of power. They insist he is acting within a constitutional framework to carry out a "mandate" from last November's elections, when the President won reelection by a landslide.

An article of faith in the White House is an analysis of last year's elections by Kevin Phillips, a columnist and former Justice Department official. It takes issue with Democratic Congressional leaders who say Congress, too, has a national mandate, one that is quite different from Mr. Nixon's.

"Note that in the last election," he wrote, "Senate candidates endorsing Nixon or effectively refusing to support Senator George S. McGovern won a heavy national majority of the popular vote cast for Senator. If available, statistics for House races would probably be similar. Most Southern Democrats refused to support McGovern or were more or less openly for Nixon. Add their votes to the votes of the G.O.P. Nixon supporters and you have a majority."

Thus, the reasoning goes, not only the Presidential election but also the Congressional elections constitute an endorsement of the Nixon war moves and a "mandate" to eliminate Great Society social programs.

Whatever the accuracy of the Phillips analysis, there is deep faith in the White House that President Nixon is so confident of having public opinion on his side that he is in no mood to proceed with more restraint.

There is a strong belief among scholars and observers that Mr. Nixon could well win the fight with Congress on both the spending and war powers issues. He is reported to be confident of having the votes in Congress to override vetoes. A two-thirds vote in each house is required to override the President.

The Supreme Court, these scholars and observers say, is not likely to offer Congress much hope on constitutionality. Traditionally, the Court has steered clear of fights between the two other branches, refusing to take such cases brought before it.

A LONG TRADITION

Further, there is a long tradition of Presidents making their own powers, with public opinion and their desire to look good in history being the chief restraints. Woodrow Wilson, writing in 1907 before his election to the office, said "The President is at liberty both in law and conscience to be as big a man as he can. His capacity will set the limit."

The struggle is filled with ironies. One is that Mr. Nixon seems to be expanding the powers of his office to bring about a more conservative period in which the national Government, and thus the Presidency, would play a lesser role in the national life.

In this century, the Presidency has grown to have such enormous prestige and receive so much public attention that it is the instrument of Government Americans look to most—for everything from national defense to obtaining social justice.

Mr. Nixon's statement in his second Inaugural Address urging more "self-reliance—"Ask not just what will Government do for me, but what I can do for myself"—was viewed widely as an effort to persuade Americans to look less to the White House, especially for social services and redistribution of wealth. In this sense, if he succeeds, the powers of the Presidency would be lessened.

ANALYSIS BY ROSSITER

Clinton Rossiter, the historian, wrote during the Eisenhower Administration that the 20th-century Presidency had emerged as a defender of poor minorities, an advocate of civil liberties and civil rights and an opponent of "those who would drag us backward into the swamps of primitivism and oppression."

Mr. Cronin, the scholar at the Center for the Study of Democratic Institutions, said Mr. Nixon was the first modern President to take the side of the affluent majority in these matters and to take positions that "contradict the American dream." This opinion of course, is strongly rejected by Nixon supporters, but it nevertheless has wide currency and is at the root of many of the fears about the Nixon Government.

Another fear is the effect of the 22d Amendment, which limits Presidents to two terms and was ratified after the four-term Roosevelt Administration. James MacGregor Burns of Williams College, who has written widely on the Presidency, said, "Nixon is our only acknowledged lame duck President in history except Eisenhower," who governed with restraint.

MAGNIFICENT LION

Mr. Burns suggested that Mr. Nixon might be moving with more caution if he had a chance of winning another term. An advocate of a strong Presidency, Mr. Burns said that the office should have more power in domestic matters, not less, but that the President should be under more political restraints, one of which would be abolition of the 22d Amendment.

Mr. Rossiter, in "The American Presidency," published in 1956, wrote, "The President is not a Gulliver, immobilized by 10,000 tiny cords, not even a Prometheus, chained to a rock of frustration. He is, rather, a kind of magnificent lion who can roam widely and do great deeds so long as he does not try to break loose from his broad reservation."

The reservation has become considerably larger since the relatively gentle Eisenhower years, and the boundaries are now in dispute.

NIXON'S PRESIDENCY: CRISIS FOR CONGRESS

(By John Herbers)

WASHINGTON, March 4.—"You just think we're dumb," Senator Clifford P. Case, Republican of New Jersey, told George P. Shultz, Secretary of the Treasury and Counselor to the President, during a recent hearing on Capitol Hill.

Senator Case was not only right about White House disdain of members of Congress, he was also understating it.

"Congress is lazy, too," said a Presidential aide, pounding his fist on his desk for emphasis during a recent interview. "They work short hours. They don't know how to consult. They say they want to consult with the President, but then they come up here and don't say anything."

"They criticize us for not advising or consulting them in military matters," he continued. "But they cannot keep a secret. If we tell them anything it is out within 30 minutes after they have gone back to the Hill."

That attitude toward Congress runs deep in the White House, and it underscores the seriousness of the constitutional struggle being waged between the executive and legislative branches of the Government as President Nixon, wielding perhaps more power than any President in history, moves into a second term with a landslide victory behind him.

At the heart of the contest is the President's recent move to reorder domestic priorities by impounding funds and liquidating some agencies despite Congressional mandates. But it also involves a general erosion of powers from the Congress to the Presidency, a process that has been under way for many years but has accelerated in the Nixon Administration.

A survey of a wide range of authorities on the Government during the last several weeks shows that, in the opinion of many, the struggle is so weighted to the side of the Presidency that if Mr. Nixon does not relax his demands—his aides insist that he will not—Congress could be left far weaker than it already had become when Mr. Nixon took office in 1969.

"We are now in the midst of a grave and domestic constitutional crisis brought on by the Administration's unilateral efforts to reorder our domestic priorities," said Senator Jacob K. Javits, who actively supported Mr. Nixon's re-election. "This crisis covers every aspect of legislation pending in the Congress or which may be proposed."

SOME ADMINISTRATION CONCERN

On the other hand, there is concern within the Administration that the fight will become so embittered and members of Congress so enraged that they will find ways to upset the President's goals and priorities.

"I agree 100 per cent with what the President is doing," said a high Administration official. "But I fear the spending fight with Congress may go too far."

Nevertheless, beyond the immediate issues and priorities, what is at stake is whether Congress survives as a strong and effective branch of the Government and whether more power continues to accumulate in the Presidency without accompanying restraints and means of accountability to the public, according to many students of government.

Some contend that the erosion of Congressional authority to the Presidency already has gone further under President Nixon than is generally recognized. Following are some of the developments:

President Nixon broadened and institutionalized the war powers of his office by conducting the war in Southeast Asia at his pleasure under precedents and practices used by former President Johnson, but without as close consultation with Congress, which under the Constitution holds the authority to declare war. He also extended the practice of using executive agreements in foreign affairs in place of treaties, which require Senate approval. Thus, "an illegal war was ended by an illegal agreement," according to a Congressional staff member referring to the recent settlement of the war in Vietnam.

While the nerve ends of many members of Congress were still raw from the long and bitter fight on war powers, President Nixon served notice in his recent budget message that in order to control inflation and carry out his campaign pledge not to seek a tax rise, he would not fund some programs enacted by Congress and would curtail others, with Great Society social programs enacted under Democrats in the nineteen-sixties bearing the brunt of the cuts. This went further than any other President had in moving against Congressional power to spend.

Although his aides strongly deny it, it is the opinion of many nonpartisan authorities on the subject that President Nixon has broadened the use of executive privilege to protect himself and members of his Administration from Congressional and public inquiry.

Reorganization of the executive branch by the President has curtailed Congressional access and authority in some areas of the Government. For example, by increasing the budgetary controls by the executive branch over the regulatory agencies, a power that once rested solely with Congress, the Administration forced the Federal Trade Commission, through a cut of funds, to cancel a planned investigation in hospital and medical practices, according to the testimony of the former commission chairman, Miles W. Kirkpatrick.

In a number of little ways, the Nixon Administration has defied Congress. When the Senate Finance Committee wanted to conduct its own study of the welfare situation, the Administration would not let the committee use its computers and would make only that information available for the computers that the Administration wanted it to have.

President Nixon, who terms himself an activist in the Presidency and views the office as the chief representative of the public, said in his Jan. 31 press conference that Congress represented special interests while the President represented all of the people.

"The Interior Committee wants to have more parks and the Agriculture Committee wants cheap R.E.A. [Rural Electrification Administration] loans and the Committee on Education and Labor wants more for education, and each of these wants we all sympathize with," he said. "But there is only one place in this Government where somebody has got to speak not for the special interests which the Congress represents but for the general interest." That place, he said, is the White House.

LITTLE SOUGHT FROM CONGRESS

On the spending issue, President Nixon is in a unique position. He is the first President since the Federal budget became an important instrument in managing the economy—a development of the last two decades—to be caught in a position of having steadily rising Government costs collide head-on with his policy for controlling inflation. That policy is to hold spending to a budget level of $268-billion for the fiscal year beginning July 1, rather than raising taxes.

The fight with Congress is essentially over which branch of the Government will decide which programs will be cut and by how much. Mr. Nixon has moved to do so by executive action while legislation contend that such power belongs to the Congress.

Further according to sources both in and out of the Administration, there is not much Mr. Nixon wants from Congress this year. His program is for contracting many Government services, not expanding them.

Charles L. Schultze, who was budget director under President Johnson and is now with the Brookings Institution, pointed out in an interview that other recent Presidents all wanted something from Congress in legislation, usually quite a lot.

"In the past," said Mr. Schultze, "funds would be impounded for a time, as Mr. Nixon is doing now, but they became a matter of negotiations between the President and Congress and eventually most of them would be released.

"For at least 15 years," he continued, "Presidents have been trying to get rid of the Rural Environmental Assistance Program or have it reduced, but they always gave in to Congress in the end because there was something they wanted from Congress. Now Nixon has simply cut it off and there is no bargaining position."

A TEST OF WILLS

The program, called REAP, which helps farmers reclaim land, has been costing more than $200-million a year. Congress, as a test of wills, is in the process of passing legislation that would force the President to spend the money, but White House sources say the President is confident that his opponents on the Hill can never muster the two-thirds vote in both houses needed to override his veto.

At the same time, the President's men are happily dismantling the Office of Economic Opportunity, the agency established by the Johnson Administration to help eradicate poverty, despite specific prohibitions in the law against doing so. White House lawyers say they are acting under other laws, delegations of power from Congress, that give the President authority to do so.

Nevertheless, Mr. Schultze and other experts agree that what Mr. Nixon is doing is boldly extending power for the Presidency "in degree if not in kind." Mr. Schultze pointed out that the President's actions in impounding funds as Commander in Chief of the armed forces have far more precedent than impounding funds to eliminate entire domestic programs.

Thus President Jefferson's refusal to buy gunboats and President Truman's order to impound $700-million appropriated for the Air Force, examples cited by Mr. Nixon and his assistants, are not precedents at all for what is being done now, according to Mr. Schultze.

On the use of executive privilege, a debate has raged between the White House and Congress on whether Mr. Nixon has expanded that power, which most authorities agree is needed to protect the autonomy of the Presidency but is frequently used to hide waste, corruption or other misdeeds from the legislative branch.

A recent example of its use was the refusal by Air Force Secretary Robert C. Seamans Jr. to disclose the conversations he had with members of the White House in regard to the dismissal of A. Ernest Fitzgerald, who exposed the $2-billion overrun on the C-5A transport plane.

John D. Ehrlichman, assistant to the President for domestic affairs, said in an interview with U.S. News & World Report Feb. 18 that Mr. Nixon had adopted a procedure to minimize the use of executive privilege. He said that Mr. Nixon had invoked the privilege only three times in four years, whereas President Kennedy invoked it six times in three years.

"The President has been very openhanded in providing witnesses and documents to the Congress," he said.

Clark R. Mollenhoff, a former Nixon aide who is now Washington bureau chief for the Des Moines Register, has made a detailed study of the issue over a period of years. He contends that Mr. Nixon has broadened the use of executive privilege in several respects over practices of the Kennedy and Johnson Administrations, especially extending it to officials lower down the line.

"The President now says that all actions by White House officials can be treated as confidential and not subject to the subpoena process of the Congress or the courts," Mr. Mollenhoff wrote.

"The White House game plan has been to refuse initially all requests for information that are potentially embarrassing, and to clothe all members of the White House staff with the 'executive privilege,'" he said. "If the issue becomes too hot to handle, as it did in the International Telephone and Telegraph case, the President will permit the White House officials to appear and answer questions in a manner as restricted as the practical political situation allows."

LAW IS PASSED OVER

President Nixon has extended powers over Congress in ways that have received little attention. After Franklin D. Roosevelt devalued the dollar during the depression, Congress passed a law in 1945 providing that only Congress could set the price of gold, the step involved in devaluation. Despite the law's explicit provisions, however, Mr. Nixon has twice devalued the dollar by executive action, and it drew no protest because of Congressional recognition that the world money markets should not be tipped off in advance, as Congressional action would have done.

This is an example of how power has steadily accumulated in the Presidency. Over the years, Congress and the President have repeatedly waged war over constitutional authority, but most of the fights in the 19th century and well into the 20th involved Presdential revolt against Congressional dominance.

James A. Garfield in 1881, in fighting that dominance by refusing the advice of friends to compromise with a Senator on the appointment of the Federal collector of the Port of New York, said:

NEW POWERS STAY

"If it were a difference between individuals there could be some sense in such advice. But the one represents a whole independent function of the Government. The other is one-seventy-sixth of one-half of another independent branch of the Government with which compound vulgar fractions the President is asked to compromise."

Today it is Congress struggling to find ways to resist Presidential dominance.

In the past, once a President gained new powers they remained for his successors. Clinton Rossiter, the historian, wrote during the Eisenhower Administration that "strong Presidents have been followed by weak ones; in the aftermath of every 'dictator,' Congress has exulted in the 'restoration of the balance wisely ordained by the fathers.' Yet the ebbs have been more apparent than real, and each new strong President has picked up where the last one left off."

Presidential scholars, who have educated millions of Americans on the need for a strong Presidency and are now frightened by the Nixon phenomenon, still by and large advocate a strong Presidency but want to keep a vital Congress as a check on the executive office.

Henry Steel Commager, asked for an answer to the current struggle, said, "One answer would be impeachment if the Congress had any guts, but it doesn't. The simple answer is to really assert the appropriation power."

But the question is whether the country would support the Congress even in that endeavor. The Nixon White House is confident that it would not.

THE CONSTITUTION ON POWERS

[From the New York Times]

WASHINGTON, March 4.—Following are certain provisions of the Constitution regarding the delegation of powers between the Congress and the President:

CONGRESS

(Article I, section 8)

The Congress shall have power:

To lay and collect taxes, duties, imposts and excises, to pay debts and provide for the common defense and general welfare of the United States; but all duties, imposts and excises shall be uniform throughout the United States;

To borrow money on the credit of the United States;

To regulate commerce with foreign nations, and among the several states, and with the Indian tribes;

To coin money, regulate the value thereof, and of foreign coin, and fix the standard of weights and measures;

To declare war, grant letters of marque and reprisal, and make rules concerning captives on land and water;

To raise and support armies, but no appropriation of money to that use shall be for a longer term than two years;

To provide and maintain a navy;

To make rules for the government and regulation of the land and naval forces;

To make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the Government of the United States or in any department or officer thereof.

THE PRESIDENT

(Article II, sections 2 and 3)

The President shall be Commander in Chief of the Army and Navy of the United States, and of the militia of the several states, when called into the actual service of the United States; he may require the opinion in writing, of the principal officer in each of the executive departments, upon any subject relating to the duties of their respective office, and he shall have power to grant reprieves and pardons for offenses against the United States, except in case of impeachment.

He shall have power, by and with the

advice and consent of the Senate, to make treaties provided two-thirds of the Senators present concur; and he shall nominate, and by and with the advice and consent of the Senate, shall appoint ambassadors, other public ministers and consuls, judges of the Supreme Court, and all other officers of the United States, whose appointments are not herein otherwise provided for, and which shall be established by law. But the Congress may by law vest the appointment of such inferior officers, as they think proper, in the President alone, in the courts of law, or in the heads of departments.

NIXON'S PRESIDENCY: CENTRALIZED CONTROL

(By John Herbers)

WASHINGTON, March 5.—Frederic V. Malek is a 36-year-old self-made millionaire with boyish blue eyes, degrees from West Point and Harvard Business School and a reputation for being a super manager and an effective but restrained hatchet man in the jungles of Washington bureaucracy.

As the new deputy director of the Office of Management and Budget, Mr. Malek has set up a network of loyal Nixon men like himself in key positions throughout the department to help President Nixon get control of the permanent government run by 2.5 million civil servants.

M. Malek is the prototype of the managerial and business people whom Mr. Nixon has placed in high positions, and the Malek operation is an example of the President's methods as he has gone further than any modern President in trying to shape the bureaucracy to conform to both the style and purposes of the President.

The result is a highly centralized and homogeneous leadership in the executive branch that accelerates a long trend of concentrating more authority and decision-making under the White House umbrella.

Mr. Nixon, by executive order, has put in force the main features of an Administration-wide reorganization plan that Congress had refused to pass. The Nixon order created a super Cabinet devoid of any former elected officials. He has moved into the White House authority over a variety of affairs, such as lobbying and press relations, that had rested in the departments.

Students of government agree that a wayward and stubborn bureaucracy has frustrated the goals of every President and that the President should exercise control. However, fears have been aroused that because of the manner in which the President proceeded, public access to the decision-making processes has been severely curtailed. This comes at a time when the Presidency has become the most powerful instrument of United States Government in history.

Thomas E. Cronin, a visiting fellow at the center for the Study of Democratic Institutions, in Santa Barbara, Calif., who has written widely on the Presidency, said in a recent interview that the White House "has become a powerful inner sanctum of Government, isolated from traditional, constitutional checks and balances."

Mr. Cronin said it was now common practice for "anonymous, unelected and unratified aides" to take important actions in both foreign and domestic area "with no semblance of public scrutiny."

There also are complaints from the President's critics that in his massive reorganization he has weakened his system of advisers and Cabinet members. Traditionally, Cabinet posts and other high offices have been held by politicians with diverse constituencies, scholars, innovators and in some instances political hacks, who represented a broad spectrum of the President's party and a sprinkling from the opposition.

In his first term, Mr. Nixon followed this pattern. But now high posts, with rare exceptions are held by little-known Nixon loyalists who can be dismissed or transferred at will without creating a ripple in public.

Arthur M. Schlesinger Jr., the historian who was an aide to President Kennedy, wrote recently, "in his first term, President Nixon kept his cabinet at arm's length; and in his second term he has put together what, with one or two exceptions, is the most anonymous Cabinet within memory, a Cabinet of clerks, of compliant and faceless men who stand for nothing, have no independent national position and are guaranteed not to defy Presidential whim."

DRIVE CALLED REFORM

President Nixon has explained his move against the bureaucracy as a reform effort.

"Americans are fed up with wasteful, muscle bound government in Washington and are anxious for a change that works," he said Jan. 5. He made the comment in announcing that he was issuing an executive order to place into effect his reorganization proposal that Congress had long ignored.

Even Mr. Nixon's enemies agree that a President must control the bureaucracy to some degree if he is to carry out goals promised in his campaign for election. Every President has acknowledged the frustration of doing so.

President Kennedy once became so discouraged that he told an aide not to abandon a minor project of remodeling Lafayette Park across from the White House, quipping, "Hell, this may be the only thing I'll ever get done."

No one is sure, not even Mr. Malek, how Mr. Nixon's extensive changes will work out. But the desire of Presidents to control the bureaucracy is so great that if Mr. Nixon succeeds, in the opinion of some Government experts, he may well set a precedent that will shape the future of the Presidency.

Nevertheless, the erosion of decision-making from the departments, which are relatively open, to the White House, which is inaccessible to many groups, has been increasing for some time, during the Kennedy and Johnson administrations, but more rapidly under Mr. Nixon.

SENATOR'S SOURCE SHIFTS

Senator Ernest F. Hollings, Democrat of South Carolina, said in a 1971 speech, "It used to be that if I had a problem with food stamps, I went to see the Secretary of Agriculture, whose department had jurisdiction over the problem. Not any more, I must go to the White House. If I want the latest on textiles I won't get it from the Secretary of Commerce. I am forced to go to the White House."

This is due partly to the fact that in a more complicated society there are conflicts between the departments that have to be settled at the top. There has to be a referee between them.

But much of the reason is that the White House frequently does not trust the departments, which have constituencies of their own.

Examples of departmental loss of power abound. The Treasury Department, with a competent research staff, has for years been at the forefront of administration innovations on tax legislation. Now, sources say the department is rarely consulted as high-level policy discussions go on in the White House.

The Office of Management and Budget, a White House agency, recently suspended housing subsidy programs without consulting the Department of Housing and Urban Development. The State Department has been even further removed from foreign policy decisions than under the Johnson and Kennedy Administrations.

As a result, the White House staff, in Mr. Nixon's words, has "grown like Topsy." At least 4,000 people were employed on the President's personal staff and in the executive offices at the first of the year, and others there had been borrowed from other agencies.

BIG REDUCTION PLANNED

President Nixon has said that this figure will soon be reduced to 2,000, but most of the reductions are coming from the Office of Economic Opportunity, which was put directly under the President in 1964 to receive special attention but is now being dismantled.

"Agencies that really amount to entire ministries operate out of there under names the public rarely hears, such as the Office of Telecommunications Policy, [headed by Clay T. Whitehead] which oversees the entire communications industry," an Administration official said.

The White House assistants have a strong influence not only over the executive departments but also over the supposedly independent regulatory agencies in several ways. One example is that the Office of Management and Budget can stop investigations by the agencies simply by reducing their funds.

Miles W. Kirkpatrick, former chairman of the Federal Trade Commission, said that several of his investigations had been eliminated in this way, Senator Lee Metcalf, Democrat of Montana, has introduced legislation to restore budget control to Congress.

In 1968, shortly before Mr. Nixon's election to office, he said, "I want a Government drawn from the broadest possible base—an administration made up of Republicans, Democrats and independents, and drawn from politics, from career government service, from universities, from business, from the professions—one including not only executives and administrators, but scholars and thinkers."

In his first term he complied with that philosophy, appointing a range of executives that included former Michigan Gov. George Romney, a liberal, as Housing Secretary, and former Texas Gov. John D. Connally, a conservative Democrat, as Treasury Secretary.

But some of his appointments caused him problems and frustrated his purposes. Administration sources frequently cite the example of Robert Ball, the Social Security administrator who was dismissed at the end of the first term.

"The President would make a policy and enunciate it," said a close Nixon aide. "But then Ball would go up to Congress, the doors to the committee room would close and he would say what he really thought. He was very persuasive. We couldn't have that."

And there were more personal difficulties, Former Alaska Gov. Walter J. Hickel, Mr. Nixon's Secretary of Interior, who was dismissed after several disagreements with the President, wrote a book about his experiences. In his last meeting with Mr. Nixon, Mr. Hickel wrote:

"He repeatedly referred to me as an 'adversary.' Initially I considered that a compliment, because to me an adversary within an organization is a valuable asset. It was only after the President had used the term many times and with a disapproving inflection that I realized he considered an adversary an enemy. I could not understand why he would consider me an enemy."

NO MORE OPPOSITION

For his second term, Mr. Nixon has cleaned house of adversaries and policy thwarters. His new high-level appointments come mostly from the business world or from lower Administration posts.

The most controversial is that of Roy Ash, former president of Litton Industries, who is now director of the Office of Management and Budget. Because of the enormous policy decisions in that office and the fact that Litton is a Government contractor with cost overruns, Congress is demanding through legislation likely to be enacted that the Office be subject of Senate confirmation.

But this is considered largely a symbolic protest. Even if Congress should prevail by overriding the President's expected veto on the issue, the President's power is so great in the selection of assistants that he could simply give Mr. Ash another title and let him perform the same duties, according to authoritative sources outside the Administration.

Foreign policy has increasingly centered on Henry A. Kissinger, who has the title of Presidential assistant for national security affairs but is frequently called the de facto Secretary of State.

"Henry is it in the foreign policy, outside the President himself, of course," said an Administration official. "When Henry is off on peace negotiations or somewhere and something happens, say in Africa, the State Department just flounders around and waits until he gets in touch. Sometimes things are just put aside. Henry even handles all his own press relations and tells his assistants not to say anything.

It is the most centralized kind of operation you could devise."

PROMOTIONS FROM STAFF

Mr. Malek's operation cuts across virtually the entire executive branch. The pattern has been for the President to pick a trusted White House staff member and appoint him to a higher position in a department or agency—John C. Whitaker as Under Secretary of Interior, for example.

There were conflicting reports on how the operation will work. Some sources said that Mr. Malek, with four or five assistants in the Office of Management and Budget, would work directly with White House loyalists out in the departments to achieve goals and timetables to see that the President's policies were carried out.

Others, however, said it would mostly involve Mr. Malek and his assistants working with assistant secretaries for management, with full participation of the Secretaries. Nevertheless, the entire operation points to great White House participation in departmental operations, according to several sources, and this is enhanced by the fact that Mr. Malek was formerly the President's talent scout who recruited into government many of the officials involved.

In the past, department heads have frequently generated policies of their own not completely in accord with those of the President.

"This is a thing of the past now," said a high Nixon aide.

There are other operations of a similar nature, such as the following:

The lobbying operation for the executive branch is being reorganized at Mr. Nixon's direction under William E. Timmons, the President's assistant for government relations, to make all of its members more responsive to the White House. Departmental lobbyists in the past have been picked by individual secretaries and thus have been loyal to the secretary first and the White House second, particularly if the Secretary does not see eye to eye with the president. Hereafter all Government lobbyists will be picked by the White House team and come directly under its jurisdiction.

The public information offices in the executive branch are being more centralized under a White House operation now undergoing revision. It is expected that the operation will be headed by Ronald L. Ziegler, the President's press secretary, with Ken W. Clawson, deputy director of communications for the White House, holding a top position.

Already the practice is for the White House to approve the public information officers in the agencies, insisting in most cases that they be strong on Nixon salesmanship.

The growing White House responsibility has required another layer of overseers to oversee the overseers. Mr. Nixon has brought four officials into the White House as counselors, while permitting them to retain Secretary functions. They are George P. Shultz, Treasury Secretary, for economics, James T. Lynn, Housing and Urban Development Secretary, for community development; Casper W. Weinberger, Health, Education and Welfare Secretary, for human resources, and Earl L. Butz, Agriculture Secretary, for natural resources.

Among students of government there is less concern about the concentration of power than about the processes of government becoming obscured in the executive offices of the Presidency.

"We know almost everything about Presidents," James McGregor Burns wrote recently. "But we know all too little about the vast gray executive establishment that expands, proliferates, and partly devours the decision-making apparatus of the rest of the Government, behind the pleasantly deceptive 'low profile' of the White House."

NIXON'S PRESIDENCY: A NATION IS CHANGED

(By John Herbers)

WASHINGTON, March 6.—For four years, Nixon Administration officials traveled the nation telling audiences that the Federal Government, over which they were presiding, was flawed in many ways as a means of delivering services to the public.

The standard argument, used by everyone from the President to deputy assistant secretaries, was that the Federal Government was "muscle-bound" under a "patronizing bureaucratic elite" and that local governments should be trusted and strengthened.

Now they are fulfilling their prophecy. Money and authority are flowing back to the states and the President and his men are dismantling programs built by four decades of Democratic government. Although it has just begun, this reversal of a long-term trend is one of the many ways in which the Nixon Presidency has had enormous impact on the national life.

In what he accomplished in his first term and what he has undertaken in his second, Mr. Nixon is strongly influencing what kind of schools people attend, what kind of cities and communities they live in, what kind of news they watch on television and read in the press, what taxes they pay and to whom, what system of justice they live under, what their employment and income opportunities will be, and a host of other matters affecting their daily lives.

Like all Presidents, Mr. Nixon is seeking to have an important impact on the nation. But he has undertaken to make fundamental changes in what kind of schools people attend, what kind of cities and communities they live in, what kind of news they watch on television and read in the papers, what taxes they pay and to whom, what system of justice they live under, what their employment and income opportunities will be and a host of other matters affecting their daily lives.

Mr. Nixon is making an extraordinary mark on American society, according to political leaders and students of the Presidency, by making bold use of Presidential powers and expanding in a number of ways the enormous influence that the White House brings to bear on public opinion.

With almost four years remaining in office and with a landslide victory behind him, Mr. Nixon is seeking to consolidate his gains, make new initiatives in shaping the national life and leave a legacy for his successor that would be difficult to reverse.

Some Nixon supporters expect Mr. Nixon to be so successful that the age will be named for him.

THE NIXON ERA

"This is going to be known as the Nixon era," said one of his aides. "I know it is."

The President's own words give an indication of his intent to be a highly active President for the rest of his Administration.

"I believe in the battle," Mr. Nixon told Saul Pett of The Associated Press in a recent interview, "whether it's the battle of a campaign or the battle of this office, which is a continuing battle. It's always there wherever you go. I perhaps, carry it more than others because that's my way."

Mr. Nixon's opponents are saying that the President, in his use of his powers and in his unilateral assault on social programs, has overplayed his hand and will be rebuked, as have other recent Presidents after landslide victories—Franklin D. Roosevelt, in his attempt to enlarge the Supreme Court, and Lyndon B. Johnson, with his escalation of the Vietnam war, for example.

REJECTION FORESEEN

"I do not read America's mood as this President does," said Senator Edmund S. Muskie, Democrat of Maine, who sought the Presidency in 1972, in predicting that Mr. Nixon's leadership will eventually be rejected as too "negative and narrow."

But at the White House there is not much sign of concern. There, with Richard Nixon firmly in control of the nation's most powerful institution of government, which he has expanded in several respects, the skies all look blue.

To take only one aspect of the Nixon Presidency, the endeavor to dismantle assistance programs and turn more authority back to the state and local governments—New Federalism, the President calls it—is having a wide impact on education, science, agriculture, antipoverty efforts, race relations and the cities.

An example of the depth of the impact comes from William J. McGill, president of Columbia University, who said in a recent statement that there was a "major ideological component" in the action that added up to shifting public funds away from private higher educational institutions to public ones that stress vocational education.

"I believe that Columbia and other leading institutions will begin to lose substantial amounts of Federal support," he said. "Students will go into the public sector in large numbers, because all their costs will be paid there."

PLEA TO ALBANY

"Next year, instead of going to Washington looking for support, we will be going to Albany," he said, and that will mean that Federal money sent to the New York state government for education will go to state-supported colleges. "I believe it forecasts very hard days ahead for major institutions."

Some authorities, however, believe that Mr. Nixon's influence on the Supreme Court may ultimately have greater effect on the country than what he does with Federal money.

In making appointments to the Court, Mr. Nixon has taken greater precautions to see that his nominees follow his idelogy than any other recent President, according to some authorities on the Court.

Presidents have frequently been surprised at how the Justices they appointed turned out. The late Felix Frankfurter, for example, was more conservative on the Court than he appeared when Franklin Roosevelt appointed him.

One way to be more certain is to elevate Justices from the lower courts. Of Mr. Nixon's six nominees to the Court—two were rejected by the Senate—four were picked from the Federal appeals courts, where they had demonstrated the kind of "strict constructionist" rulings favored by Mr. Nixon. These included Chief Justice Warren E. Burger.

The two others were Justice William H. Rehnquist, as Assistant Attorney General with proved conservative views, and Justice

Lewis F. Powell, Jr., a lawyer who had written widely in support of Administration policies, such as crime control.

With almost four years remaining in his term, it is considered almost certain that Mr. Nixon will have an ideological majority on the nine-member Court before his term is out.

Beyond appointments, Mr. Nixon has gone further than other modern Presidents in publicly attacking court rulings.

His stance against school busing—he accused the courts of "busing for the sake of busing"—seem to have brought a virtual halt to court-initiated efforts to integrate schools where new transportation is involved.

He has publicly advocated legislation to find ways to get around Supreme Court rulings against Federal aid to parochial schools.

Another institution on which Mr. Nixon is applying more than coverage pressure is the news media. He has, through Vice President Agnew and other White House officials, publicly accused the national media of bias.

His Justice Department stopped publication of the Pentagon papers for 12 days on the ground that they violated national security and has sought to force reporters to disclose confidential information in criminal cases.

His Office of Telecommunications has proposed legislation that could curtail criticism of government by making local stations responsible for news balance on network broadcasts.

The precise effect of this and other actions on the content of news is in dispute. On the one hand, Herbert G. Klein, the President's director of communications, gave the White House point of view in a "Meet the Press" television Jan. 7:

"I think the key thing is that while there has been a lot of rhetoric and there has been a lot of talk about intimidation, I have not met any intimidated reporters and I never want to. Secondly, the fact is that if you look at the actions, the actions of the Administration, the implementation of the Freedom of Information Act has opened more [official documents]. The actions which we are supporting in Congress, including taking a new look at [reporters'] shield laws, are ones which I think are favorable toward the media."

CRITICAL LOOK AT NEWS

One belief current among both critics and supporters of the Administration is that the White House actions have forced the media to take a healthy, critical look at content of news.

There is a strong belief in the media that the actions have made television and radio particularly cautious and timid in some respects. For example, the number of television and radio entries in the competition for the Robert F. Kennedy Awards, which honor reporting critical of how institutions of all kinds treat the poor and minorities, dropped sharply between 1970 and 1971.

"The only thing we could attribute it to," said a network reporter, who was one of the judges, "was Vice President Agnew's broadside attacks on the media in 1970."

The Nixon Presidency is having an impact, too, on non-Federal Governmental institutions.

When Mr. Nixon came to office in 1969, the nation's mayors were not only fearful of what he would do to the cities, but they were also hostile because they envisioned losing categorical grants, those made for specific purposes. And most were Democrats without Mr. Nixon's suburban constituency.

After four years, Mr. Nixon has made peace, even though Federal aid to large cities has dropped, if the effects of inflation are taken into account. With some exceptions, he appeased them with revenue sharing and armies of lobbyists that would descend on every national urban convention preaching the Administration policy of returning power to local officials.

"Although they are still lambasting the Administration for a shortage of funds," said a spokesman for the United States Conference of Mayors-National League of Cities, "you can bet they are all for the way Nixon is doing it, even with a little less money. Nixon has changed the whole context of the argument on national priorities. You don't hear many Mayors any more talking about helping poor minorities."

Under the categorical urban grants enacted by the Democrats, much of the aid was specifically directed to the poor, and to get the money, the Mayors emphasized the need. Under the Nixon formula, the Mayors have wide latitude in use of the funds, and the money is going largely for general purposes such as salaries of policemen and street cleaning.

GAINS WITH LABOR

In other areas, Mr. Nixon has made important gains with organized labor, once the preserve of Democrats, by making concessions and appealing to labor leaders.

He has neutralized the liberal wing of the Republican party by working for the defeat of those Republicans who publicly attacked his policies.

He is diluting the influence of Democratic lobbyist-lawyers in Washington, who have been barons of policy making, by releasing Administration officials to set up law practices as competing Republicans with better access to the executive branch. Charles W. Colson, special counsel to the President, is an example.

The list goes on.

Students of government say that much of what has happened bears on the kind of institution the Presidency has become in recent years.

For several years, some political scientists have been complaining that the Presidency has become so sanctified in the public mind that Americans have a hard time distinguishing what the President does from their sense of patriotism.

For several years, some political scientists have been complaining that the Presidency has become so sanctified in the public mind that Americans equate criticism of the President with desecration of the flag.

George E. Reedy, former press secretary to President Johnson, wrote in "The Twilight of the Presidency" that the office had become the American monarchy, with all the regalia "except ermine robes, a scepter and a crown."

All recent Presidents have capitalized on the sanctity of the office to consolidate their power and put their political programs into effect. This involves conducting the outward signs of the office in the expected manner so that Americans support the style, not the substance.

In the process, political scientists say, the public does not put the President's words and actions to the same critical test that it maintains for other Government officials.

Thomas E. Cronin, a former White House fellow under President Johnson, who, like Mr. Reedy, found many aspects of that Administration abysmal, has written for a forthcoming book a "Script for a Cosmetic Presidency." All recent Presidents have followed it to some extent. Some of the elements are:

"Travel widely, be a statesman and run for the Nobel Peace Prize; claim to be a consensus leader when the polls are favorable and a 'Profile in Courage' leader when you drop in the polls; proclaim the open Presidency but practice White House government, decision-making centralization and Presidency by secrecy; hold numerous news conferences during your honeymoon, but afterwards appeal direct to the people by direct address; protect and strengthen the powers of the Presidency for the rewards of history; if all else fails, wage war on the press."

Most White House observers agree that Mr. Nixon has followed the script quite well.

"The most sensible resolution," Mr. Cronin concluded, "is to depersonalize and demythologize the Presidency, to understand how it works, to appreciate what it can and cannot do, and to hold Presidents critically to account."

ALL THAT IS RIGHT WITH TODAY'S YOUTH

Mr. CHILES. Mr. President, we hear a great deal today about what is wrong with the youth of America. Yet, I would like to share with you a situation that occurred in the small Florida community of Mayo that points up all that is right with today's youth.

On February 9, 1973, Buddy Dale Lyons was practicing wrestling holds in the Lafayette High School gymnasium in Mayo. Buddy Dale had a freak, tragic accident, suffering a broken neck and a fractured vertebra. He is now totally paralyzed from the neck down.

His friends and classmates rallied to this young man's support. Each year the senior class at Lafayette sponsors fund-raising activities all throughout the year to enable them to come to Washington to see their Government in action. We were expecting them on March 13.

This year, the seniors will not visit their Nation's Capitol. Instead, they have decided to cancel their trip and donate the funds they worked so hard to collect to Buddy Dale and his parents to help cover his tremendous medical expenses.

These fine young people washed cars and sponsored bake sales; they encouraged other citizens and community groups to help and they opened a Buddy Dale Lyons fund at the Lafayette County State Bank.

The road to recovery for Buddy Dale will be a long, difficult one. But the love, concern and compassion of his classmates and neighbors have helped give him the courage and determination to begin.

ADDRESS BY VICE PRESIDENT AT DINNER OF VFW

Mr. GOLDWATER. Mr. President, since the fighting ended in Vietnam, a public debate seems to have arisen over whether our Government should extend unconditional amnesty to draft dodgers and deserters. Many of the arguments in favor of forgiving those men who refused to serve while others were fighting and dying, raise the Civil War.

Recently, Mr. President, the Honorable Spiro T. Agnew, Vice President of the United States, addressed himself to the question of amnesty and the Lincoln question in an address to the congressional dinner of the Veterans of Foreign Wars. Among other things, the Vice President pointed out:

> Now, it is true that Abraham Lincoln issued several decrees of amnesty but none was related to draft laws and all had strings attached. Amnesties regarding union army deserters required them to return to their units and serve out their enlistments with

forfeiture of pay and allowances, and in some instances, with additional time tacked on to their original tours of duty. Can those of you who have served in the armed forces envisage a more difficult punishment for a deserter than to serve out the remainder of his time in his old unit just back from combat? And without pay and allowances.

The Vice President emphasized that the Vietnam draft dodgers and deserters have not admitted that they were wrong but, on the contrary, claim that the United States is wrong.

The Vice President added:

> If we simply accepted all of these people back and said, you're forgiven, you were right, it was an immoral war, what would happen if trouble broke out ten or twenty years from now? We would have established a precedent that would encourage those who chose to evade their responsibilities to do so; after all, they might reason, they'll be automatically forgiven once the trouble ceases. Ladies and gentlemen, we cannot afford to—and we do not intend to—establish that precedent.

In the same speech, Mr. AGNEW, reviewed his recent trip to eight Asian nations and said that the peace agreement signed in Paris has served to solidify respect and integrity for the United States throughout the Far East.

Mr. President, I ask unanimous consent that Mr. AGNEW's speech for March 6, 1973 be printed at this point in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

ADDRESS BY THE VICE PRESIDENT OF THE UNITED STATES

It gives me special pleasure to address you at a time when we stand poised, for the first time in decades, to enter a generation of peace.

It is a period, ladies and gentlemen, that will be viewed as one of the most significant in the history of our Nation. For I know that we will stand firmly together to build this generation of peace, just as we stood firmly together behind the President who made peace possible.

America concluded the war in Vietnam honorably because the great majority of our citizens stood united behind the judgment of three Presidents that Vietnam was an honorable and moral cause.

And there is another issue on which I know we also stand united. That issue is immediate and unqualified amnesty for draft dodgers and deserters. We oppose it.

It is an issue which is being blown out of proportion, but that's to be expected. Now that the anti-war movement has collapsed, all those idle protestors have to have something to shout about.

And, of course, just as their views on the war were magnified out of all reasonable proportion by their sympathizers in the media, so now are their views on amnesty being given unjustifiably solicitous attention. Scarcely a day passes when we don't find on the editorial pages of some of our prestigious national newspapers essays calling for amnesty.

These pleas take many forms. The emotional approach is the most honest, but not the most popular. The most popular approach—the argument from historical analogy—is specious. Such pleas generally seek to inform us, for instance, that Abraham Lincoln set the precedent for a general amnesty just after the Civil War.

Now it's true that Abraham Lincoln issued several decrees of amnesty but none was related to draft laws and all had strings attached. Amnesties regarding Union Army deserters required them to return to their units and serve out their enlistments with forfeiture of pay and allowances and, in some instances, with additional time tacked on to their original tours of duty. Can those of you who have served in the armed forces envisage a more difficult punishment for a deserter than to serve out the remainder of his time in his old unit just back from combat? And without pay and allowances!

In "Abraham Lincoln, The War Years," Carl Sandburg tells of a deserter who had written from Canada to President Lincoln to say he had repented and that he would present himself at the White House grounds ready for military service again. Identified by the clothes he said he would be wearing, he was arrested on the President's order. The President then ordered him returned to his regiment, with the stipulation that, when his term of enlistment expired, he should serve a term in prison equal to the number of days that he was absent by desertion.

President Lincoln also offered amnesty to some soldiers of the Confederacy, provided that they renounced the Confederacy and swore allegiance to the Constitution of the United States. That particular amnesty had a purely military purpose—it was designed to encourage desertions from the Southern armed forces.

President Lincoln's views on how to handle those who would not serve their country in its hour of need were shared by all other wartime Presidents. Little wonder then that when we hear that those who deserted or who dodged the draft and went to Sweden or Canada are the country's finest young men—and should be received as heroes refusing to fight an immoral war—it makes some of us a little impatient. Such illogic is particularly irritating after we have watched with awe, and with the very deepest respect, the repatriation of our prisoners of war. Gentlemen, they are the men who are the heroes of this war, not those who, for whatever reasons, took the easy way out.

I think the American people realize the specious nature of the argument that deserters and draft dodgers are to be congratulated—the tremendous welcome and outpouring of goodwill for our returning POW's proves that most of us still have balanced judgment. The reception given the POW's shows that America accepts them as heroes in their own right. Moreover, their reception is symbolic of the gratitude we feel for all those who have served in Vietnam—not only those who were captured and are now returning, but also those who died, and those who came back wounded or crippled, and those who fought and fortunately returned whole.

Now, as for the deserters and draft dodgers. . . . People make mistakes. We all understand that. When they recognize their mistakes and accept the punishment as the natural consequence of those mistakes, certainly some may be entitled to another chance. But these draft dodgers and deserters have not admitted that they are wrong; on the contrary, they say that the country is wrong and they are right. Until they recognize that it is they who have erred and not the country, we must be unyielding in how we treat them.

If we simply accepted all of these people back and said, you're forgiven, you were right, it was an immoral war, what would happen if trouble broke out 10 or 20 years from now? We would have established a precedent that would encourage those who chose to evade their responsibilities to do so; after all, they might reason, they'll be automatically forgiven once the trouble ceases. Ladies and gentlemen, we cannot afford to—and we do not intend to—establish that precedent.

On January 27th in Paris, Secretary Rogers on President Nixon's behalf signed a peace agreement which honors the traditions of the United States in a most appropriate way. Through that carefully negotiated agreement, the prospects for peace in Indochina have brightened dramatically. But the President also upheld the principle that America will never compromise her commitments to human freedom and the right of nations to be secure from aggression by their neighbors.

That day was a day for thanksgiving, a day for quiet reflection, and certainly a day for pride. The seemingly interminable fighting was coming to an end. America's conditions for an honorable settlement had been fulfilled. The enemy was not presented with a victory over our gallant ally, and the legitimate, duly elected government of South Vietnam remained in control. The rights of the people of South Vietnam were preserved. Moreover, our prisoners of war, under the terms of the agreement, are being returned and all our missing in action are to be accounted for. Our forces are coming home from South Vietnam after succeeding in the mission they were sent there to perform.

The peace sought by President Nixon is based on the realities of the world as it exists—it is a peace resting on the solid foundation of American strength and resolve, yet fashioned through negotiation rather than confrontation.

None of this would have come to pass unless the President had made it possible for us to sit down with the leaders of the People's Republic of China to talk over our differences, rather than fighting about them. Nor would it have come about had not the President convinced the Soviet Union that solutions to global issues—mutual force reductions, limitations of strategic arms, cooperation in trade, science, health and space—were more important to them than their support for so-called wars of national liberation.

The long and bitter debate in America over the Vietnam war has come to focus on one basic issue: whether the United States would honor its commitment to defend a brave ally against calculated aggression, or whether in the face of great difficulty and harsh criticism, it would simply cut its losses and abandon its commitments. The President chose the former course, knowing that the cold, searching eye of history and the conscience of the American people would never condone his taking the easy way.

In his search for a settlement, the President faced difficult choices: whether to move toward a simple bilateral agreement with Hanoi, which would have accomplished American withdrawal and permitted the war to drag on endlessly in the South, or whether to try for what his critics said was impossible—a comprehensive agreement to stop the fighting throughout Vietnam, and later throughout the rest of Indochina, and to establish the machinery for a lasting peace. And again, the President chose the tough, high road.

Has it been worth it? Based on my recent trip to eight Asian nations, I would voice a resounding "yes." We succeeded in achieving our objectives in South Vietnam and Indochina, and we have done our part to preserve the environment for growth and cooperation which has been developing so impressively over the past several years throughout Southeast Asia.

Consider Indonesia:

This country was gravely threatened by outside subversion in the early 1960's. Today it is a stable, growing non-Communist nation which is helping to supervise the cease-fire in Vietnam. It is trying to cooperate within the framework of ASEAN—the group composed of the nations on the Malay peninsula, as well as Indonesia and the Philippines—cooperate in such ways that these nations will be able, through mutual efforts, to achieve a true neutrality and independence based on their ability to defend themselves.

Consider Singapore:

It has imaginative leadership, impressive industrial growth and burgeoning trade throughout the world.

Consider Malayasia:

Its economic and social programs are models of progressive planning, admired throughout the world. It is trying, through land reform and other devices, to redistribute the wealth in a fair way to its people. This country has some racial problems to overcome, but it is trying to work its way through this equitably and doing very well at it.

Or consider Thailand:

It is blessed with strength and an inherent stability; a benign monarchy, a King who goes every week into the hills to visit with the tribes to show his presence; and a tough Prime Minister, a military man who insists on a law and order environment. Thailand remains a very formidable obstacle to the spread of insurgency and Communism in that part of the world.

During the course of my trip, I had long sessions with the top young technocrats in each of the countries I visited. These are able young people, many trained in the United States and many sharing our own economic concepts and drive for disciplined development. They told me of their hopes, their plans and their needs. They are in touch with each other throughout the area devising ways of cooperating to achieve their common goals.

But, more important, the leaders who direct these impressive young experts, whether in Indonesia, or Singapore, or Malaysia, or Thailand or Vietnam, uniformly assured me that had it not been for the stability fostered by the steadfast United States presence in Southeast Asia, they would never have had the time to advance their work. The leaders I talked with are guardedly hopeful that the Paris Agreements will lead to an era of broader peace, but they also believe that the United States has achieved a settlement with honor that assures our continued presence and support. And they need that so much. Not one country that I visited on this or on any of my five trips to Asia in the four years I've been Vice President has ever indicated any dissatisfaction with the role of the United States. All have seen us as a force supporting their desire for self-determination and freedom in the region.

These men I spoke with are responsible for directing the aspirations and objectives of nearly ¼ billion people spread over a large and strategic area of the globe. Their cultures are old, but most of these nations are young politically, and they are moving with increasing confidence to solve their problems.

Indonesia is a model in this respect. A group called the IGGI—the Intergovernmental Group on Indonesia—coordinates economic assistance to Indonesia. Working with the expert advice of the World Bank, the donor countries—primarily Japan and the United States, each of which contributes about one third of Indonesia's over $600 million in economic assistance—have been able to help Indonesia make incredible progress.

Indonesia is very rich in natural resources, but needs know-how, discipline and assistance to bring itself to a position where it can maintain progress and meet the expectations of its people. Such progress will ensure that insurrection and Communist subversion cannot again flourish there. We are performing a very important function in Asia and I hope the Congress will understand, when it considers the aid bills, that what we are doing when we give these monies for military assistance or for economic aid is making an investment in the stability of what has truly become a small world. Many of our people, unfortunately, feel that we should pursue a course of neo-isolationism and worry only about things at home. But believe me, ladies and gentlemen, the world shrinks every day; modern transportation and communications have made it impossible for us to divorce ourselves from the needs of the rest of the globe without subjecting future generations to grave risks.

And these people have leadership. They have quality leadership and they have energy. Of course, we can provide only a stabilizing presence, some aid and investment and capital, technical expertise, trade opportunities and above all, patience and interest. But if my recent trip has taught me anything, it is that the leaders of these nations regard these American contributions as essential ingredients in their forward planning. We must continue to provide these essentials now that the fighting is ending and we can finally turn wholeheartedly toward the solution of mutual economic and social problems.

In sum, my travels have taught me that there is a broader significance to the settlement in Paris than peace with honor in Vietnam and the maintenance of the South Vietnamese people's right to choose their own destiny. What we have done is solidify respect for the integrity of the United States. That means we can preserve a continuing role in a large area of the world which needs and wants our help, our capital and our know-how.

All of this is a tribute to a President who had the courage in the face of the harshest type of criticism to stay on a course that he knew was right. More than that, it's a tribute to the wisdom and the fortitude of the overwhelming majority of American people who placed their faith in his leadership and in our system. May I express my thanks to the members of the VFW for being an important segment of that majority.

HUMAN REWARD

Mr. FULBRIGHT. Mr. President. From time to time an article appears in one of the newspapers worthy of insertion in the Congressional Record for the attention of the Members of this body.

Such an article is that written by Mr. F. R. Buckley appearing in the New York Times of March 6, 1973.

It is a sensitive, perceptive treatment of one of the most important and most misunderstood human relationships which trouble our country.

I ask unanimous consent to insert it in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Human Reward

(By F. R. Buckley)

Should any human being serve another? Is it *right* for one person to devote the greater part of his life to caring for the domestic chores of someone else? And is this, whether wrong or right, desirable?

These socially tender questions were brought up recently in the Op-Ed page, and they continue to itch. The writer's position was that for white or black, domestic service is demeaning. "In short," the article said, "employing household servants reinforces the notion that an elite group is entitled to rights and privileges withheld from others because of the accidents of history."

Leave aside that it's a tricky matter to militate against such accidents (that you were born rich, whereas I poor, and you bright, whereas I dopey), and leave aside whether one ought to penalize the fortunate when in no way one thereby benefits the unfortunate. *Someone* has to attend the menial chores, as they are called: wipe toilet bowls with Lysol, cook, dispose of garbage.

Plainly, no one expects Mr. Nixon to wash out his own undies. I doubt anyone would deem it socially desirable for Leonard Bernstein to polish his shoes during those respites from work necessary for the fermentation in him of the creative juices. (It so happens I *enjoy* polishing shoes, which soothes *my* creative nature; but that's beside the point.) The answer, according to the article, is for household workers to form an agency, of which they are stockholders, and through which the deadly dull dailies get done in an efficient and impersonal manner. Just another job.

What is left out is what our world increasingly needs: love, a sense of vocation and a sense of personally counting.

Permit me two private illustrations. My mother's standby servants have been with her thirty-odd years. Shortly after the war, one quit to take a job at a factory. Shorter hours, higher pay. Within three months she was back. By comparison with her duties as a waitress in a private home, she found the production line to be uncreative and unvaried. It was too impersonal. There was, in fact, she felt, less freedom, less dignity. She was a cipher. But with us, Ella has always been a member of the family.

That's one woman, an American, and a black. In Spain, my white waitress of four years left to get married. Her husband wham-bang planted her with two infant children, drank away the funds of the flower shop we had financed for him, and ran off. Polo can neither read nor write (and refuses to learn). She has no industrial skills. For a time, she worked in a cafeteria. She implored us to take her back; and contentedly ruled my household until I left Spain, ten years later. She is pensioned, financially secure: but she writes as of two weeks ago that she misses us desperately, and would we somehow bring her over?

These anecdotes make do for half a dozen more I could tell. Not only are some people untrained for increasingly technological contemporary life; not only are some individuals incapable of learning industrial skills, mentally or emotionally; but there are people in this world who prefer the personal contact of working with a family. All forms of labor, without *caritas*, are intolerable. That goes for the junior executive as well as the person at a lathe. To some individuals, there's a satisfaction in the intimacy that can grow between master and servant within a household that can't be had elsewhere. My feeling is that thousands of our presently employed would find this to be so if only Americans flushed out of their psyches the notion that to hire out as a domestic is necessarily to lead a servile existence.

The Pope is the first servant of the church, the President of the people. Every queen has her ladies-in-waiting, every bride her maids. We every one of us serve someone or something, and the only valid criterion is whether what we serve is worthy and commands our love.

No mother is demeaned in the wiping of her baby's bottom; no nurse in the same act of love for helpless old people. Because we are blacks who descend from slaves, or because we descend from white immigrants who may have been virtual serfs in the Old Country, we have evolved a prejudice about a calling (not everybody makes a good servant) that is among the world's most honorable: so long as there is *caritas*. And no matter how universally we hope to train the population, there will always be some for whom work in a household is the logical profession. Depending on that household, it can be rich in human reward.

TREE PLANTING

Mr. SPARKMAN. Mr. President, as we are all aware, our country is facing a serious shortage of lumber today. Unless active steps are taken soon to alleviate and rectify this situation, it could have a most serious and critical effect on many aspects of our Nation's economy, as well as an immediate impact on the housing construction situation that already is approaching the crisis stage. In this regard, the Joint Committee on Defense Production, of which I am chairman, is undertaking a preliminary investigation to determine the causes of this shortage and the reasons for the high prices existing in this market today.

I would like to compliment the Weyerhaeuser Corp. on its reforestation program which was so very well advertised and pictured in the February 27 full page ad of the Washington Post entitled: "This year we'll plant two trees for every family in America." Weyerhaeuser will plant 100 million seedlings in 1973 alone, or 275,000 seedlings a day on land owned in the States of Washington, Oregon, North Carolina, Arkansas, Oklahoma, Mississippi, and in my own home State of Alabama.

It is an ambitious program—and expensive. Certainly we all know that such programs are necessary if we are going to keep up with demands for lumber, plywood, paper and the thousands of other things we use from wood. In emphasizing these demands, Weyerhaeuser points out that every man, woman, and child in the United States uses the equivalent of a 100-foot tree every year.

I think that we all know that forests do more than provide wood. They add beauty, enrich the ecology for all living things, and provide land for recreation. I would like to compliment Weyerhaeuser Corp. on its 100 million annual planting, which is the largest project of its kind ever undertaken. Last year it planted 74 million new seedlings and has consistently been following the principles of tree farming since its very origin, often bringing previously brushy and poorly stocked land into full production with seedlings coming from its own nurseries.

THE DAY MY FAITH MEANT MOST TO ME

Mr. DOMINICK. Mr. President, I am pleased to bring to the attention of my colleagues an article which was written by Michael Kercheval, a young constituent of mine in Grand Junction, Colo. His essay was written in response to the annual Guideposts Youth Writing Contest which resulted in 1,349 entries.

Guideposts is an inter-faith publication of Guidepost Associates, Inc., Carmel, New York. Dr. Norman Vincent Peale is a co-founder and the publisher of Guideposts magazine.

As one of the five finalists, Mike Kercheval was brought to Washington, D.C., and he and the other finalists were guests at an award luncheon in the Capitol recently hosted by Guideposts.

The five finalists represented a cross-section of America, coming from Colorado, Tennessee, Michigan, California, and Connecticut. Mike Kercheval's second place award was a $2,000 scholarship to the college of his choice. He is a junior at Grand Junction High School and the son of Dr. and Mrs. Marion Kercheval.

For the benefit of my colleagues and readers of the RECORD, I ask unanimous consent that Mike Kercheval's essay entitled "The Day My Faith Meant Most to Me" be printed in the RECORD.

There being no objection, the essay was ordered to be printed in the RECORD, as follows:

THE DAY MY FAITH MEANT MOST TO ME

(By Michael Kercheval)

On the Sunday before I left for South America, our family attended church. It was hard to keep my mind on the service, as I was filled with such excitement, but I tried to put my mind to God during our silent prayer. I had just begun to pray when my mind wandered back to the Colombian trip. Doubt hit me. "What am I really doing? Here I am, an inexperienced sixteen-year-old boy, splitting for the wilds—different language, different customs, different people. What if I run into a problem?"

At that moment I tried to think of some way I could back out or just forget about everything and hope it would go away. The minister was now reading the Scripture. Even though I hadn't been listening very well, I remember these words, "Let us give of ourselves unto others."

I had an opportunity to do just this. I realized for sure that I couldn't pass up the chance. I thanked God for this reassurance and asked Him to guide me. After church, I felt confident and ready to carry out my mission. The following Tuesday I was on my way.

After I arrived in our village of Genova, Colombia, and got settled with my partner, Mark, a boy from California, things went well. During the first two weeks we gave over 300 polio innoculations. Many of these we completed by going from door to door on our own, seeking out the young children.

Our second week drew to a close on a Saturday night. The next morning I decided not to go to church, primarily because I would be able to understand so little of what was said. Instead, I decided to read something from the Bible and turned to a page in the New Testament. At first, I didn't really pay too much attention to the passage because I was reading Scripture mostly to put my conscience at ease. However, one part did stick in my mind. Paul, I think it was, was explaining to the early Christians that they weren't followers simply believing in Christ and going to church on Sunday. They should give or do something for someone out of a desire to help and not because they expect something in return.

This thought in mind, I straightened up my room, gathered my vaccine applicators, took the cold, red, sticky polio vaccine out of the tiny refrigerator and set out. I walked the two miles to the village fire station, a choice location right next to the church and across from the marketplace.

I had arrived just in time, for as soon as I opened my bag, all eight of the church doors opened at once to emit a flood of brightly dressed people who rapidly engulfed the entire marketplace. One of the firemen announced over the truck's loudspeaker that I was in the station ready to vaccinate and I was immediately in business.

All day long I worked hard with no chance to stop, even for lunch. It was already dark by the time I finished the last patient. I was so tired when I returned to the hospital that I decided to go right to bed. I had just about fallen asleep when I heard the front door open into the hall. Because I was the only person in this wing, I climbed out of bed and peered outside my door. Before me was a large man, dressed in a suit, holding a huge black man, whose arms cradled a bloody mass of poncho and skin hanging from his stomach.

I helped the uninjured man lay the bleeding native on one of the benches as he explained to me how the man had been wounded in a drunken brawl. I ran down the hall in search of one of the two nurses on duty.

Things happened fast. In a moment I was dressed and helping load the victim into the jeep ambulance, bound for a larger government hospital. I started back to bed. It was 11 o'clock. The nurse stopped me and said that I must go with her since the doctor wasn't there. She was afraid that the injured man might get violent as he became sober and the pain increased.

Oh, no! I thought. *I can't handle this. I've got to get out of this somehow.*

As I was about to make up some phony excuse, again God encouraged me.

"Muy bien," I said to the nurse, and dashed inside to grab my coat.

Once before I had made the six-hour ride between our village and Armenia, a city of about 100,000 people with a fairly modern hospital. I remembered the trip as long and dry, over a narrow, rocky mountain road. During the first hour of tonight's ride, the man slept quietly and the Jeep rolled along smoothly. Then I remembered that this hour's ride before our village and the hour's ride just outside of Armenia were relatively smooth. The worst was yet to come.

I had almost fallen asleep on my metal fender seat when the Jeep suddenly rocked violently and slammed me against the cab. I looked at my watch. It was 12:15 a.m. The patient had also felt the jolt. He began moaning and thrashing around trying to grab the blood-soaked pad placed over his lacerated stomach. The nurse became frightened and screamed orders to me in Spanish, none of which I understood. I became frightened, too, but I knew I couldn't panic. "Okay, God," I prayed to myself, "I really need Your help."

Suddenly the man ripped the bandage from his abdomen, exposing the gory wound. The last thing I wanted to do was touch that mess of a man, but I knew I had to act quickly. I thought of Jesus touching the lepers as I seized the man's arms and blood-covered hands, and tightly restrained them. The nurse, reassured, replaced the bandages and dropped back into her seat in relief. I continued to maintain a warm clasp on one of the man's hands.

The Jeep jarred along and I realized we had five more hours to travel. I thought I could never last out the sight, the smell and the bitter cold. Once again my mind went to the Lord. I thanked Him for the courage He'd given me.

Soon I saw the tightened muscles of the hardened coffee picker relax as though he'd fallen asleep. He continued to grip my hand as if for security. The remaining hours passed. When the patient would moan or try to grab his bandage, I was able to reassure him by merely squeezing more firmly on his hand.

We reached the hospital at 5:15 a.m. and turned our patient over to the capable doctors. As we walked out the door to start our return journey, the sun was just rising over the mountains. Another day was about to begin in Colombia.

A PROPHET WHO HAS HONOR IN HIS OWN COUNTRY

Mr. ERVIN. Mr. President, as a general rule, I do not make insertions in the CONGRESSIONAL RECORD concerning North Carolinians who have distinguished themselves in various walks of life. I am constrained to depart from this rule in this instance.

My good friend of many years, J. D.

Fitz, publisher of the Morganton News-Herald, has been selected as Man of the Year for 1972. As appears from the attached news items, J. D. Fitz has been extremely active in the business, civic, and religious life of my hometown, and occupies the unique position of being a prophet with honor in his own country. This honor, which is being bestowed upon him by those who know him best, could not have been more worthily bestowed.

I ask unanimous consent that the attached newspaper clippings be printed at this point in the body of the RECORD.

There being no objection, the clippings were ordered to be printed in the RECORD, as follows:

J. D. FITZ PICKED AS MAN OF THE YEAR

J. D. Fitz, publisher of The News Herald and a resident of Burke County for over 27 years, today was announced as Morganton's Man of the Year for 1972.

The announcement came from the sponsoring Morganton Rotary Club.

Stephen A. Blahut, Rotary president, said Fitz, a longtime Rotarian, had been picked by a secret committee which had just reported its selection to him.

A date will be announced soon for the Man of the Year banquet at which a giant trophy will be presented to the 1972 recipient. Details of the program will be arranged as soon as a time is set for the community-wide dinner.

The 1971 Man of the Year, merchant Burand L. McGinnis, will make the presentation of the trophy which he has held for the past year. In turn, he will receive from the Rotary Club a smaller loving cup for his permanent possession.

Blahut noted in his announcement that the Man of the Year award was begun in 1948 when Fitz was president of the Rotary Club and during the years he has assisted with many of the award ceremonies—as master of ceremonies, program chairman and the like.

He has had a part in saluting many prior Men of the Year but now he is on the receiving end, the Rotary officer noted.

Fitz, who is currently serving as president of the North Carolina Press Association, has been active in a variety of civic and church affairs.

It was as a Rotarian that he started a club project to welcome a Tourist of the Week during the vacation season when Rotarians halt an out-of-state car and invite the occupants to be guests at the club's luncheon. This project, still going strong, has attracted nation-wide attention for Morganton. He still serves as master of ceremonies for the final week's special program when a larger number of tourists are invited.

Fitz was president of the Burke County Chamber of Commerce when he started a project called a newcomers' luncheon at which a few chamber members attend a meeting to welcome new arrivals to Burke County. This is a project which continues.

He was on the committee that arranged for the first American Field Service student.

Fitz is a member of the First Baptist Church where he has served as deacon, currently on the finance committee, many years chief usher and for 15 years teacher for a class of junior boys.

He helped to organize Little League baseball here and served as coach and league official for several years. He is a director of the United Christian Shelter Home and has served on the Burke County United Fund.

Fitz hails from Reidsville. He was born December 16, 1915 at Price, near Reidsville, in Rockingham County of Scotch-Irish ancestry. He was the son of the late M. H. and Dollie Gregory Fitz.

In 1937 he married the former Lena Truitt of Reidsville, and they have one daughter, Mrs. Charles G. (Susan) Poteat Jr.

He and Mrs. Fitz have had a unique addition to their family They co-sponsored with Rotary the arrival of Mr. and Mrs. Ki Hyun Chun whom they brought to this country and kept in their home until they were able to obtain quarters of their own. When the Chuns had their first child—born after their arrival here—they named her Lena for Mrs. Fitz.

Fitz' interest in the newspaper business started at an early age as he grew up in the Reidsville Review. From 1934 to 1935 he was with the Greensboro News Record; from 1935 to 1941 he was with the Shelby Daily Star; from 1941 to 1942 he was with the Northwestern Press, North Wilkesboro. In 1942 he was with Daily Independent, Kannapolis; and from 1942 to 1943 he was advertising manager of the Cleveland Times.

In 1945 he accepted the position of advertising manager of The News Herald, in 1949 he became assistant publisher; in 1955 general manager; and in 1960 he became publisher and he is vice-president of The News Herald Publishing Corporation.

He was secretary of North Carolina Press Association 1959–1969, and in 1972 was elected president. A director since 1969, he served on many committees and is a director of the Journalism Foundation.

It was after he retired as NCPA secretary that he was honored at a state convention session with a "This Is Your Life" type of program.

He is a trustee and member executive of the Gardner-Webb College.

Fitz was president of the Morganton Rotary Club in 1948–49; he was president of the Mid-Western Press Association in 1949–50; Member Sigma Delta Chi; he served for three years as State director of the National Editorial Association; president of the Merchants Association; and was state director of the N.C. Merchants Association.

He was president of the Burke County Chamber of Commerce in 1970.

He served as a United States Commissioner from 1948 to 1951. He was appointed by Governor Terry Sanford as one of the original members of the USS North Carolina Battleship Commission in January 1962, reappointed by Governor Dan Moore and Governor Robert Scott.

From 1943–1945, during World War II, he was first sergeant at the Tank Destroyer Training Center at Fort Hood, Texas.

It was after his discharge from the service in World War II that he came to Morganton for what he thought would be a stopgap or temporary position but he liked the community and remained here to make his home and carve out his career.

[From the Morgantown (N.C.) News Herald, Feb. 23, 1973]

OUR BEST BOW TO OUR OWN

To say that excitement prevails at The News Herald from front door to back shop over the selection of Publisher J. D. Fitz as Morganton's Man of the Year for 1972 would capture the prize for understatement for several years.

We are all as happy as Brer Rabbit in the briar patch—all except J. D. Fitz himself. He's self-conscious and a bit ill at ease. He was president of the Rotary Club in 1948 when the Man of the Year award was instituted, and he has watched with interest and pride at the annual banquets when Morganton has saluted the recipients. It was interesting for him, often the chief planner, to note that a flabbergasted recipient's first reaction was usually "What have I done to deserve this great honor?"

Strangely enough, his reaction is the same. And he wasn't sure that it would be cricket for him to be interviewed by The News Herald about the honor and about himself. He was completely willing for the news department to use the simple and brief announcement from Rotary Club President Stephen A. Blahut.

"I just don't know what the committee was thinking about," he said, with his voice trailing off as if coming out of a daze.

People at The News Herald know the committee had many things to think about. One thing is that J. D. Fitz is a promoter, or a booster, if you will. Because of that talent, things happen when he is around. The committee had only to follow his trail through many interests, all dating back to his arrival in Morganton in 1945. A longtime member of the Rotary Club, he served it as president and started projects in addition to the Man of the Year award which have lasted. He has been active in the Burke County Chamber of Commerce and served as its president in 1971, during which time he began projects which are continuing. He has served as deacon and a busy member of the First Baptist Church and in many other community roles through the years. His memberships and affiliations and positions of honor and service are too numerous to enumerate.

His booster trait permeates his life. He is currently president of the North Carolina Press Association and when he gets around over the state to various press functions, he sounds like a one-man roving Chamber of Commerce for Morganton. It was the same during the ten-year period he served as secreary of the Press Association beginning in 1959 at the death of the late Miss Beatrice Cobb who had held the position for many years. When he stepped down as secretary because of growing responsibilities at The News Herald, the press group saluted him with a "This Is Your Life" type of program at its convention.

Those who know him are aware that what courses through his veins is the cream—not milk—of human kindness and that he is a giant blob of tender compassions which he often tries to conceal. Few things have given him more satisfaction than to be able to spearhead an effort to bring to America an attractive young Korean couple, Mr. and Mrs. Ki Hyun Chun, who remained in the Fitz home until they could secure quarters of their own. To him and Lena Fitz they were "our Korean children," and to them the Fitzes are Mom and Pop. The Chuns now have a tiny daughter, appropriately named Lena, who should prove that a 50 per cent return on any investment should be sufficiently rewarding.

There is much that could be said about the Man of the Year's father image in The News Herald but it gets a little sentimental for being close home.

Suffice it to say, The News Herald will be well represented when Publisher Fitz receives the Man of the Year trophy and they will be among the loudest and sincerest cheerers.

It has been said with more than a semblance of truth, that behind every worthwhile man there is a woman. It is so in the case of the Fitzes. The former Lena Truitt has shared her husband's successes and sorrows and has upheld and encouraged him in his career.

There should be no doubt in anybody's mind about the qualifications of J. D. Fitz for the Man of the Year award. If there should be the slightest reservation in his own mind, let him brush it aside immediately. If perchance he should not merit the great honor at this time, he shouldn't worry. Lena will see to it that he will be worthy in all the years to come. And she's just the Grand Gal to do it too.

TUSKEGEE STUDY

Mr. HUMPHREY. Mr. President, a recent newspaper article points out the immediate need of legislation in the field of human experimentation. At the first open session of a Government probe into the Tuskegee Study, which began in 1932 and continued until publicity closed the project last year, several doctors testified that there is no evidence that participants in the controversial Federal syphilis experiment ever gave their informed consent to participate.

Mr. President, in introducing the National Human Experimentation Board Act of 1973 (S. 878) I stated that mere consent was not an adequate protection for people involved in complicated and dangerous human experimentation. We need information on and guidelines for all experiments involving human subjects that occur in this country. We here in Congress have a moral responsibility to see that Federal funds are not used in inhuman and careless ways.

Two days after the above information was revealed, Caspar W. Weinberger, Secretary of Health, Education, and Welfare, announced that all necessary medical care would be given to the survivors of the syphilis experiment. Mr. Weinberger said:

> I have personally reviewed the facts in this study, because of this highly unusual and, to our knowledge, fortunately unique research project, I feel that the Federal Government has a strong obligation to continue medical care for all the participants by providing them a full range of medical services for the rest of their lives.

Mr. President, I submit that the Secretary of Health, Education, and Welfare has no way of knowing whether the Tuskegee study is unique or not. We have no method of obtaining reliable information on Federal projects involving human experimentation.

Mr. President, I ask unanimous consent that the article on the Tuskegee study be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington (D.C.) Post, Feb. 24, 1973]

SYPHILIS STUDY IS HIT ON NOTIFYING PATIENTS

(By Jean Heller)

Doctors testified yesterday that there is no evidence that participants in a controversial federal syphilis experiment ever gave their informed consent to take part.

Furthermore, they said, the Alabama black men who participated probably didn't know they were subjects of a scientific experiment or understand the nature and potential danger of the disease they had.

And one of the doctors said he believed the participants had been subjected to undue coercion to cooperate.

The men testified at the first open session of a government-appointed citizens' panel investigating the experiment, known as the Tuskegee Study, which began in 1932 and ended after public disclosure of the project last summer. The experiment was sponsored by the U.S. Public Health Service, a division of the Department of Health, Education and Welfare.

In the study, conducted among poor, rural black men in Macon County, Ala., more than 430 men all with syphilis, were never given treatment for the disease so that PHS doctors could study what damage untreated syphilis does to the human body.

At least 28, and possibly as many as 107, of the men died as a direct result of untreated syphilis.

Dr. Reginald James, now with the Social Security Administration, was in Macon County during the late 1930s and early 1940s working on a venereal disease treatment program for the Alabama state health department.

He testified that a nurse assigned to aid him also was participating in the administration of the Tuskegee Study and pointed out the experiment's participants so the doctor wouldn't treat them.

"There were some people who wanted treatment and were told if they took it they would be out of the study," Dr. James said. "They knew they would lose the cash and free burial which had been promised to them in return for their participation."

Dr. J. W. Williams, a Tuskegee doctor who worked as an intern on the experiment in 1932–33, told the panel he helped take blood tests of men who came to the clinics set up by the PHS.

"In the early clinics, nobody was told about the active condition of his serology," Dr. Williams said. "In some cases maybe a person was told he had bad blood and he knew that was a social stigma, but he didn't know what the consequences could be."

Dr. Arnold Schroeter, now a consultant in dermatology at the Mayo Clinic in Rochester, Minn., managed the Tuskegee Study between 1969 and 1971.

"If a patient asked what was wrong with him, he was told," Dr. Schroeter said. "So far as informed consent, I have no knowledge, no record, that was obtained." However, he added that the concept of informed consent did not exist as strongly in the 1930s as it does today.

TECHNOLOGY SCARE STORIES

Mr. GOLDWATER. Mr. President, the administration is making determined efforts to eliminate discrimination against American goods and services abroad.

Because Japanese industry was in shambles after World War II, the United States agreed that Japan should pursue restrictive policies until her economy was rebuilt. Today Japan is thriving, but is reluctant to do away with privileges granted under other circumstances. Of all our trading partners, Japan is the least willing to give American goods and investment a fair shake.

In view of our trade problems with the Japanese, it is dismaying to see an important labor union official churn the pot when an American company has successfully negotiated with the Japanese.

Mr. President, on Wednesday morning, March 7, the Washington Post carried a story on page A–10 entitled, "U.S. Approves Space Rocket Sales to Japan."

On the same day, the New York Times carried a similar story on page 12 entitled "AFL–CIO Says Rocket Sold to Japan Can Be Converted to Military Missile."

The substance of these stories has to do with the objection of Mr. Andrew J. Biemiller, legislative director, AFL–CIO, to the sale of Thor-Delta launch vehicles to the Japanese. He has at least three complaints:

First, the launch vehicles might be converted to military purposes "with little modification."

Second, the export of American technology could have a "devastating impact" on our economy.

Third, the aerospace industry is putting "profits above patriotism" because the deal provides for production in Japan under license and because of the possibility of Japan converting the Thor-Deltas into ICBM's.

What are the facts of the case?

The decision to sell Thor-Delta technology to Japan was made by the U.S. Government as a result of the Japan-United State space cooperation agreement of July 31, 1969. In this agreement the United States undertook to help the the export of unclassified U.S. launch vehicle technology up to the Thor-Delta level. In other words, we agreed to sell the Japanese rocket technologly having a 1968 ventage.

The Japanese undertook to restrict any activities resulting from the use of U.S. technology to peaceful purposes. In addition, the Japanese agreed to prevent the transfer of U.S. technology and equipment to third countries.

I believe our Government was right to approve the sale of the Thor-Delta technology and that Mr. Biemiller is wrong for the following reasons:

First, no guideance system is being provided to the Japanese.

Second, to say that the liquid-fueled Thor-Delta can be converted into an ICBM is a little like saying a Lockheed Electra can be converted into a bomber. Both can be done, but in each case you end up with an outmoded, ineffective, vulnerable, and expensive weapon.

Third, one of the benefits to be gained from America's investment in high technology research and development is a payoff in balance of trade.

Fourth, there are other nations that could provide Japan with the needed launch vehicles.

This appears to be a situation in which technology scare stories are being thrown up to conceal the real motives of the storytellers. It is easy to excite the passions of those who have not had the opportunity to study rocket technology. Just linking the words "Japanese," "rocket," and "ICBM" is enough to rekindle unpleasant memories.

There is an overriding concern in this episode. America must trade in order to survive. Any efforts to disrupt international trade place the Nation in peril.

For example, the United States is increasingly dependent upon foreign sources of energy, mainly petroleum.

A look at the figures show what has been happening. In 1960, we imported $1.5 billion of petroleum products and exported $478 million for a deficit of about $1.2 billion. Each year since then we have imported more. In 1972, the picture was $4.3 billion worth of petroleum imports and $445 million of exports for a deficit of about $3.8 billion.

Those who would disrupt America's trade patterns would be well advised to stop questioning the patriotism of others and closely reexamine their own.

Mr. President, I ask unanmious consent to include the two newspaper articles mentioned at this point in my remarks.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the New York Times, Mar. 7, 1973]

AFL–CIO Says Rocket Sold to Japan Can Be Converted to Military Missile

(By John W. Finney)

Washington, March 6.—The A.F.L.–C.I.O. complained to Congress today that the McDonnell-Douglas Corporation, with Government encouragement, was helping Japan produce a rocket that could be converted into a military ballistic missile.

The complaint was lodged by Andrew J. Biemiller, legislative director of the American Federation of Labor and Congress of Industrial Organizations, in testimony before a Senate finance subcommittee on international trade.

TERMS OF ACCORD CITED

Mr. Biemiller cited the sale of the rocket, a Thor-Delta, as an example of what he said was the way the United States aerospace industry was putting "profits ahead of patriotism" in exporting technology developed at Government expense, with a resulting loss of jobs for American workers.

The State Department replied that the Thor-Delta was being sold to Japan under a 1969 agreement on space cooperation in which the United States offered to help Japan acquire the rocket technology needed to launch communications and other types of satellites. The 1969 agreement specifically referred to assistance for Japan on Thor-Delta rocket technology.

Noting that the sale of the Thor-Delta technology was arranged under the Government policy of encouraging international cooperation in space research, the State Department spokesman, Charles W. Bray 3d, emphasized that the 1969 agreement specifically provided that any technology or equipment transferred to Japan "be used solely for peaceful purposes."

Mr. Bray also contended that the Thor-Delta rocket "has very little or no military potential"—a statement supported by spokesmen for the McDonnell-Douglas Corporation.

A conflicting view as offered by Mr. Biemiller, who asserted that "with little modification" the Thor-Delta rocket could be converted into an offensive missile capable of carrying a nuclear warhead over distances of 1,500 to 5,000 miles.

In a statement on the Senate floor, Senator Abraham A. Ribicoff, Democrat of Connecticut, the chairman of the Senate Finance subcommittee, said that Mr. Biemiller's testimony about the export of modern weapons technology raised "serious national security implications."

"The sale of our military technology to foreign nations also raises the issue of why this technology, created at great expense to the American taxpayer, is being sold to foreign companies for production abroad" he said.

MILITARY VALUE DENIED

The Thor rocket was developed by the Air Force in the mid-nineteen-fifties as an intermediate-range ballistic missile with a 1,500-mile range. With the development of longer-range, more reliable intercontinental missiles, such as the Minuteman, the Thor was removed from the classification of military weapons and converted into a rocket for launching satellites. With the addition of the high-energy upper stages, the Thor-Delta has become the workhorse of both the civilian and military space programs.

The argument made by State Department and McDonnell-Douglas officials is that it would take substantial engineering to reconvert the Thor-Delta rocket that is being sold to Japan back to a military role. Even then, they contend, Japan would have an obsolete military ballistic missile.

For example, it was pointed out by these officials, the Thor-Delta, with radio-controlled guidance, does not have the precise inertial guidance now used in military ballistic missiles. In addition, they noted that the Thor-Delta uses liquid fuels, making it extremely difficult to launch on the short notice normally required for military missiles.

In theory, officials acknowledged, the Thor rocket could be converted into a military weapon. But as a deterrent against a missile attack, they argued, it would be a highly vulnerable, ineffective weapon.

Under a principle that has grown out of the pacifist Japanese Constitution, imposed by American officials during the post-World War II occupation period, Tokyo has renounced the acquisition of any offensive weapons. State Department officials said it had been decided that this prohibition did not apply to the Thor-Delta since the rocket had little military capability and would be used only for peaceful purposes in launching communications and scientific satellites.

Under a contract with the United States Government, McDonnell-Douglas will assist Japan in producing an early version of the first stage of the Thor-Delta rocket, with Japan developing her own upper states. The prototype of the first Thor-Delta rocket for Japan is now being built at the McDonnell-Douglas plant in Santa Monica, Calif., but eventually the rockets will be produced in Japan.

The missile arrangement with Japan is the first of its kind, the American officials said.

LOSS OF JOBS CHARGED

The potential effect of the agreement, Mr. Biemiller said, will be to displace several hundred workers now engaged in production of the Thor-Delta rocket as well as to place Japan in direct competition with the United States in the launching of satellites.

The rejoiner of State Department officials was that the model of the rocket being sold to Japan was no longer being produced in this country. They also said that Japan planned to produce only a small number of the rockets for her own purposes, with the first launching not scheduled until 1975.

As another example of how "American industrial leadership is being rapidly sold off and exploited abroad," Mr. Diemiller cited a recent Government-approved contract under which McDonnell-Douglas licensed Mitsubishi of Japan to produce 91 of its F–4 fighter-bombers.

The result, he said, was a heavy loss of employment among United States aircraft technicians, the loss of an export industry and the transfer of a military production facility to another nation.

[From the Washington Post, Mar. 7, 1973]

United States Approves Space Rocket Sales to Japan

(By Dusko Doder)

The Nixon administration has authorized the first major export of advanced U.S. space technology by approving the sale of the Thor-Delta rocket launching system to Japan.

The sale was approved under a 1969 agreement on space cooperation which obligates the Japanese to use the rocket system for peaceful purposes only. The system has "very little or no military potential," State Department spokesman Charles Bray said.

Bray disclosed details of the sale after an AFL-CIO representative told a congressional hearing that the Thor-Delta system which is manufactured by McDonnel-Douglas Corp., is "in the process of being sold" to Japan.

Andrew J. Biemiller, AFL-CIO's legislative director, charged that exports of high technology would adversely affect the labor market.

Sources said the Japanese would get the "first generation" Thor-Delta system, which includes a first stage booster and a second stage rocket, but without a guidance system that is essential for military purposes.

This type of system is capable of lifting payloads of up to 300 pounds into orbit. It has "no meaningful military capability without a guidance system," the sources said.

The United States has developed a second generation of Thor-Delta vehicles with orbital payloads up to 4,000 pounds. The system is one of the smallest used by NASA in its scientific observation satellite program.

Bray said the sale "serves our objective of seeking broader international cooperation" in peaceful exploration of outer space.

However, Biemiller saw the export of aerospace technology as having a "devastating impact" on the American economy and society.

Testifying before the international trade subcommittee of the Senate Finance Committee, he said that McDonnell-Douglas also has permission to build 91 F–4 fighter bombers in Japan and that Northrop may soon build its F–5E fighters in Taiwan.

He said U.S. workers "are understandably upset" over these technology transfers, fearing they are being sold "for the exclusive profit of McDonnell-Douglas while the nation loses a basic resource."

"Millions of dollars in U.S. funds and expensive trial-and-error testing brought about a basic technological system which is now being sold out at a fraction of its worth," he complained.

The State Department would not disclose the sale price. But Biemiller said the sale included $100 million in profits for McDonnell-Douglas and its subcontractors over four to five years.

Biemiller said that the sale of the Thor-Delta was approved after the Japanese decided to permit U.S. capital to invest in the Japanese automotive industry.

"Both moves would profit stockholders of the corporations involved at the expense of U.S. aerospace and automobile workers," he said. American firms with subsidiaries abroad are "putting profits ahead of patriotism," he added.

Sen. Abraham Ribicoff (D-Conn.), chairman of the subcommittee investigating the impact of multinational corporations on U.S. foreign policy, saw "serious national security implications" in yesterday's disclosures.

"The sale of our military technology to foreign nations also raised the issue of why this technology, created at great expense to the American taxpayer, is being sold to foreign companies for production abroad," he said.

UNION CAMP CORP.'S DONATION FOR CONSERVATION OF THE GREAT DISMAL SWAMP

Mr. ERVIN. Mr. President, Union Camp Corp.'s donation of 50,000 acres of the Great Dismal Swamp in Virginia to the Nature Conservancy will not only prove to be of great benefit to Union Camp and its stockholders, but has also nourished the hope of all conservationists.

The Dismal Swamp, including the regions of Lake Drummond and Washington's Ditch, is a wilderness quite unlike other swamplands. Not only can the region boast of a singular history but its wildlife preservation has been of continuous interest to conservation organizations—both locally and nationally. The cost, however, has heretofore prohibited conservationists from acquiring the Great Dismal Swamp in order to preserve it.

Union Camp has nurtured this huge tract and its thick growth of hardwoods, even though pines are preferable to its business interests. This admirable ecological attentiveness has left the heart of the Great Dismal Swamp unspoiled.

For those of us—whether ecologically or historically minded—who share an interest in preserving this region, Union Camp's generous gift is to be considered a far-reaching one which will enable this swamp to be noted and enjoyed for generations. Others hopefully will take their cue from Union Camp and consolidate their efforts in a movement to preserve our diminishing natural areas.

Mr. President, I ask unanimous consent that six newspaper articles from the Norfolk Virginian-Pilot and the Greensboro Daily News be printed in the RECORD.

There being no objection, the articles were ordered to be printed, as follows:

[From the Virginian Pilot, Jan. 17, 1973]

UCC To Give Dismal Swamp—50,000 Acres for Preserve

(By Wayne Woodlief and Don Hill)

WASHINGTON.—Union Camp Corp, is donating its entire dismal swamp holdings—50,000 acres valued at $12.6 million—for preservation as a natural wilderness.

The donation of prime land in the Virginia portion of the historic swamp, astride the Virginia-North Carolina line, is to be announced officially today from the forest products firm's Wayne, N.J., headquarters.

But press releases announcing the gift to The Nature Conservancy, the country's largest nonprofit land conservation organization, showed up on Capitol Hill Tuesday.

Several Virginia and North Carolina senators and congressmen have pressed legislation intended to preserve and protect the Dismal Swamp.

The Nature Conservancy plans to convey the 50,000 acres to the U.S. Department of Interior for operation as a national wildlife refuge.

A formal donation ceremony, involving Interior Secretary Rogers Morton and Union Camp and Nature Conservancy officials, will be held next month in Washington.

Union Camp, at next month's ceremonies, will donate an "undivided interest" of 40 per cent of its Dismal Swamp holdings, and will add more land over the next three years, with complete transfer scheduled during 1975, in time for the U.S. bicentennial celebration.

The Union Camp donation includes Lake Drummond, a nearly circular lake covering about 3,000 acres with an average maximum depth of 6 feet, which, Nansemond Indian legend has it, was created centuries ago by the "Fire Bird"—perhaps a meteor.

It also includes the Washington Ditch, dug by George Washington and his associates in 1763 to drain the land for agricultural purposes.

The 50,000 acres represent about half the Dismal Swamp acreage in Virginia and is "the largest and most significant land gift the Conservancy has received" in its 20-year history, according to Conservancy President Everett M. Woodman.

The Dismal is a wildland of forest and bog, and still contains stands of juniper, cyprus, and other hardwoods. Its abundant wildlife includes wood ducks, pileated woodpeckers, warblers, Carolina wrens, waterfowl, red-shouldered hawks, deer, wildcat, and bear.

The swamp is rich in folklore, with tales of ghosts of Indians and pirates, and eerie lights in the night.

The Union Camp press release indicates that a combination of conservation-mindedness and tax benefits led to the extraordinary gift.

Union Camp Board Chairman Alexander Calder Jr. said "the historic significance of our Dismal Swamp acreage and its proximity to a rapidly-growing major population center (it is 10 miles southwest of Norfolk) make it a vital asset to be retained for enjoyment and use by present and future citizens while providing an important addition to the National Wildlife Refuge system."

Samuel M. Kinney Jr., president of the company, said, "The nation's tax laws, quite properly, encourage this type of action by individuals and corporations.

"These laws make it possible for Union Camp to donate one of its assets—in this case a beautiful natural resource—and in exchange receive the benefit of a deduction of its appraised value from taxable earnings over a period of several years. This benefits everyone: future generations of Americans as well as Union Camp Corp. and its shareholders."

Union Camp owns about 1,700,000 acres in six Southeastern states. One of its predecessor companies, Camp Manufacturing Co., acquired the Dismal Swamp holdings in 1909.

[From the Greensboro Daily News,
Jan. 21, 1973]

Dismal's Conservation Is Third Alternative

(By Don Hill)

WASHINGTON.—There were many lovers of the Great Dismal Swamp—and I was one of them—who feared 15 years ago that the fate of that enchanting wilderness was sealed. But in 1968 a new and happier fate began to be woven for a significant section of the swamp.

It was about 15 years ago when the vast holdings of the John L. Roper Lumber Co. passed into the hands of developers and when the latest systems of land reclamation in the swamp began to be perfected.

At that time, a remarkable group called The Nature Conservancy, which could place its roots back to 1917, was known to only a few thousand conservationists.

The Nature Conservancy has had its eye on the Virginia-North Carolina swamp for a long time. But it was in 1968 that its keen-eyed professionals began to perceive the nearing of a tipping point when land values and development methods would place the Dismal Swamp technologically and economically forever out of conservationists' reach.

At practically that same time, Union Camp Corp. began a routine study to find the best use for 50,000 acres of the Dismal Swamp which it numbered among its vast holdings in the East.

It had a number of alternatives.

Its tract, by far the wildest, largest, best managed and most beautiful single property left in the Great Dismal was heavily forested in juniper, cypress and other hardwoods. It had not been cut over in 25 years and would be reaching full maturity in about 20 more. Timbering for profit was clearly a possibility.

So was clearing and draining the swampland, subdividing it and bringing it to the point of first harvest. The "reclamation" would enhance the land's value. Combined with timbering it could reap millions of dollars.

But a third alternative, conserving the land, was attractive also. This has been called the decade of ecology. Union Camp's holdings in the Dismal included Lake Drummond, a hidden-away jewel among lakes. They included Washington's Ditch, surveyed by George Washington. They included the former site of Dismal Town where slaves once lived deep in the swamp cutting shingles for their masters or for bootleg sale.

In the course of studying this third alternative, Union Camp's corporate officials in Wayne, N.J., made a list of conservation organizations to which they might look for help.

In Washington, D.C., the Nature Conservancy's officials were also making a list—of key land owners in the Dismal Swamp. At the head of their list, as the largest and best, was Union Camp.

Pat Noonan, at 28 vice president and director of operations for The Nature Conservancy, wrote to Union Camp expressing interest in the tract.

Samuel M. Kinney, then executive vice president, now president of Union Camp, recalled last week how the decision was made to contact The Nature Conservancy. On the basis of the group's annual reports and the caliber of its backers, like the Ford Foundation, The Nature Conservancy was placed at the top of Union Camp's list.

About a year ago, Kinney and other Union Camp people traveled to Washington to meet with Noonan and his staff. The conversation considered a number of approaches, including the possibility of The Nature Conservancy's buying the Union Camp Dismal Swamp holdings.

Pat Noonan is not what a company president probably expects when he comes to meet with an idealistic young conservationist. Noonan is a tough, direct man, born in the South but raised in Washington, D.C., son of a lawyer and a former scholarship football player at Gettysburg College. He earned a degree in business administration at Gettysburg and a masters in city and regional planning in night school.

He tried planning for awhile, then struck out in his own real estate business in 1967. He's still a licensed broker in D.C. and a professional real estate appraiser. You can get rich in that business with a background like Noonan's. But he quit to join The Nature Conservancy. "We all have different goals," he said last week. "The beauty of The Conservancy is you have something tangible when you finish your work.

Noonan put some hard facts before Union Camp's officials. Among them must have been these: If you sell a $12.6 million piece of property, you can expect brokerage fees and financing discounts to exceed $250,000. If the property was originally acquired for very little, as were Union Camp's Swamp holdings in 1909, you can expect a tax bite of about $4 million. The dollars to keep will probably be about $8 million. But if you give the land away, tax laws written to encourage such philanthropy can give a corporation a tax writeoff of some $7 million.

To a company like Union Camp, which had already invested heavily in the stewardship of its Dismal Swamp holdings and had demonstrated its interest in their conservation, the economics must have seemed irrestible.

But there was a clincher: The federal government since 1926 had been officially cognizant of the desirability of preserving the swamp. So had the governments of both Virginia and North Carolina.

Conservation organization had been crying about the need for decades. In recent years the public had begun to join the clamor.

It was clear that well over a million dollars worth of good will was built into a proposition of Union Camp's donating its section of the Dismal Swamp to be maintained in perpetuity as a wilderness reserve of unique character.

After years of talk, two years of intensive study, and six months of firm negotiations, the deal was struck a week ago last Thursday afternoon and formally announced by Union Camp later in the day.

There are other important owners of Dismal Swamp land, including Atlantic Farms, Inc., Georgia-Pacific, and Weyerhaeuser.

There are many lovers of the Great Dismal Swamp—and I am one of them—who find reason for optimism that some of these other owners may find it possible to follow Union Camp's lead and give or sell their holdings to the future.

[From the Virginian Pilot, Jan. 18, 1973]

Gift of Swamp "Tremendous"

(By Nita Sizer)

SUFFOLK.—"This is tremendous," was conservationist William E. Ashley Jr.'s reaction Wednesday to news that Union Camp Corp. is donating its Dismal Swamp holdings in Virginia to The Nature Conservancy for a reservation as a natural wilderness.

The 50,000-acre section, unique among wild areas remaining on the Eastern Seaboard, has an appraised value of $12.6 million.

Plans call for the swamp land to be conveyed to the U.S. Department of the Interior for operation as a national wildlife refuge.

Ashley, who has actively sought the preservation of the Dismal Swamp for more than two years, said he is "truly delighted. I knew something would be done, but I didn't know Union Camp would come through so generously.

"I'm writing Union Camp today on behalf of local, state and national Izaac Walton Leagues."

The gift, said Ashley, "is going to mean a lot. Our generation will not really feel the full significance. But future generations will see what it means when this area grows into one big metropolitan area.

"It will be probably the only place where people can get away from the hustle and bustle. This was the last place on the Eastern Seaboard we had to work with."

Work on preservation of the swamp as a wildlife refuge has been underway for several years, Ashley said, with the Nature Conservancy helping in an unofficial capacity. Ashley was vice president of an informal group formed 2½ years ago in Virginia Beach for the preservation of the swamp.

That group effort faded. However Ashley, representing Virginia's Izaac Walton Leagues, and Alvah Duke of Chesapeake, representing the Virginia Wilderness Society, appeared before Senate and congressional committees in Washington on behalf of bills introduced a year ago for the swamp's preservation.

He and Duke won national conservation awards in Chicago last year for their efforts on preserving the swamp and were given two state conservation awards by the Virginia Izaac Walton League in October.

Union Camp President Samuel M. Kinney Jr. said Wednesday that the company has retained only gas and oil rights in the property and those only if the Interior Department should someday decide that in the national interest these should be exploited.

Interior Secretary Rogers Morton said, "We are particularly pleased that Union Camp has so appropriately recognized the high responsibility to the nation that goes with the ownership and use of a property which has outstanding value in illustrating the natural history of the United States."

The Nature Conservancy, first started by a group of scientists in 1946 as The Ecologist Union, was incorporated in 1951 under its present name as a nonprofit land conservation organization. It maintains headquarters in metropolitan Washington and regional offices in Atlanta, Minneapolis, Cincinnati, San Francisco, and Arlington.

Jack Lynn, of the organization's Arlington office, said that the Dismal Swamp property soon will be transferred to the Interior Department. The department's Bureau of Sports Fisheries and Wildlife will develop a use plan for it within the next year, Lynn said, "and since the intent is to preserve the ecological system (of the swamp) any plan would have to adhere to that."

He said he doubts that the swamp will be open to the public in the immediate future, adding "My guess is that there will be little change right away."

His organization has about 25,000 members, Lynn said, and exists on support from the public. To date, it has helped in preserving about 350,000 acres, involving more than 850 projects in 45 states and Virgin Islands. Projects include swamps, marshes, prairies, mountains, and beaches.

[From the Virginian Pilot, Jan. 27, 1973]

HER DISMAL SWAMP SECRET WELL-KEPT

By Patrice Owens

VIRGINIA BEACH.—Don't ever tell Mrs. Barbara Racine that a woman cannot keep a secret. Mrs. Racine said that for about a year she kept secret the negotiations between Union Camp Corp. and the Nature Conservancy.

Union Camp is donating its 50,000-acre Dismal Swamp holdings for preservation as a natural wilderness. The property is valued at $12.6 million.

The Nature Conservancy is one of the nation's largest land conservation organizations.

It purchases land or accepts gifts of land to be kept in its natural state.

Mrs. Racine was chairman of the Dismal Swamp Preservation Committee of the Conservation Council of Virginia. For two years, the committee worked toward the donation of swamp land for conservation use.

The 12-member committee organized at Old Dominion University in June 1970. At their first meeting, Mrs. Racine said, they decided to try for government backing for their projects. The committee wrote to the State Department of Conservation and Economic Development, and to the Division of Parks, and were told that funds were not available to back their effort. Mrs. Racine said they then decided to approach the Nature Conservancy.

On the weekend of Oct. 11 and 12, 1970, the committee sponsored a tour of the swamp. Invited were legislators and other conservation groups, including representatives of the Nature Conservancy.

On Aug. 7, 1970, the Dismal Swamp Preservation Committee wrote a letter to Union Camp asking if corporate officials would meet with the Nature Conservancy and consider donating the corporation's holdings as a wildlife refuge or national forest. The committee received a letter from John C. Parker, legal consultant at Union Camp, saying that if the committee and the nature conservancy came up with a good plan, they would meet with the conservancy.

In November 1970, the committee received a letter from the Nature Conservancy's eastern regional director, Stephen L. Keiley.

The letter asked if the committee could collect information about the swamp, including the exact amount of acreage and a map of the swamp with an overlay to scale of the land owned by businesses and private citizens and its value.

"The committee work became an 8-hours-a-day, 7-days-a-week job. We used money out of our own pockets to finance everything. We visited courthouses and went through records of swamp land ownerships, and got quite a lot of help from the Army Corps of Engineers," Mrs. Racine said.

She said that the Nature Conservancy used the committees maps in negotiations with Union Camp Corporation.

The committee approached another owner of large tracts of swamp land about donating the land for either a wildlife refuge or a national forest, Mrs. Racine said. The owners offered to sell the land to the committee.

Not prepared to buy land, the committee told the conservancy officials about the offer. The owners then offered to sell the land to the conservancy at a higher price.

Mrs. Racine said that because they feared that the other land owners might raise prices, the conservancy officials decided that all negotiations should be kept confidential. Mrs. Racine could not even tell others on the preservation committee.

"You don't know how much I've wanted to tell someone. I never want anyone to say that a woman can't keep a secret," she said. "Membership on the committee dwindled down because everyone thought nothing was being accomplished. I was the last member."

The Nature Conservancy asked that the preservation committee provide a brochure on the swamp.

"We had printed 500 of them, and have over 400 left," she said.

Mrs. Racine said that the brochure was the committee's last active role in acquiring the land, but since mid-1972 she received calls from the conservancy office keeping her informed of progress.

A spokesman for the Nature Conservancy said that Mrs. Racine was "kept into the picture locally. We needed somebody locally who could keep the pot boiling."

Mrs. Racine became interested in the swamp while acting as environmental quality chairman for the Virginia Beach chapter of the League of Woman Voters.

She said, "I have lived all over the United States and I have never seen a spot more beautiful. The swamp is anything but dreary and dismal. It is the largest open space area left on the eastern seacoast."

"I have read volumes on the swamp, talked to old timers in the area, and to the Corps of Engineers about it. I would go to sleep at night and dream about the Dismal Swamp. I really don't think I'd get involved with anything this big again," she said.

"I was working on a civic committee to improve the sewer in our area. My husband said once, 'How many husbands can say when they answer the phone that their wives were either out at the swamp or at the sewer?' "

[From the Virginian Pilot, Jan. 18, 1973]

UNION CAMP'S GIFT TO THE PEOPLE

EDITOR, *Virginian-Pilot:*

The Dismal Swamp Preservation Committee is overjoyed that Union Camp is donating 50,000 acres of the Great Dismal Swamp to the Nature Conservancy. At long last the secret we have been keeping is out and we can talk!

For three years the Dismal Swamp Preservation Committee has been the working committee for the National Nature Conservancy. We have provided the Conservancy with background material on the Swamp and have traveled to Washington to meet with the Conservancy and Government officials.

At the request of the Nature Conservancy, we raised funds and printed a booklet on the Great Dismal Swamp. Photographer J. T. McClenny and MacIntosh Studios furnished us with pictures of Dismal Swamp.

The Corps of Engineers aided us in getting Nature Conservancy officials into the Dismal Swamp unnoticed.

The Dismal Swamp Preservation Committee instigated the first move towards the initial meetings between Union Camp and the Nature Conservancy. It has been a long wait for citizens interested in preservation of the Great Dismal Swamp, and many citizens have worked towards this day.

We hope that all citizens of Tidewater Virginia are as excited as we are. Union Camp has made history with this present to the public. Not enough can be said in commending it for its action.

BARBARA RACINE,
Chairman, Dismal Swamp Preservation Committee.
VIRGINIA BEACH.

[From the Virginian Pilot, Jan. 19, 1973]

THE SWAMP GIFT

Union Camp Corporation president Samuel M. Kinney Jr. long may be remembered for his refreshing candor when he explained why his company is donating its entire Dismal Swamp holdings to The Nature Conservancy.

"Although the Nation's tax laws encourage this type action, we were motivated by self-interest," he admitted.

Often in cases of philanthropy, officials seize the chance to emphasize their unselfish human charity rather than cite what's likely the real inducement, a tax benefit. And there are many aspects of the gift that Mr. Kinney could have exploited. This is prime land in Virginia's portion of the historic swamp. It includes the famous Lake Drummond, a nearly circular body of shallow, cypress-stained water that, according to legend, was created by "The Fire Bird."

Mr. Kinney did admit the swamp is a "beautiful natural resource," but didn't mind explaining that the impulse for disposing of the section is that its stand of hardwood isn't accessible for fast, inexpensive harvesting. Today forestry companies such as Union Camp prefer to raise fast-growing pines, move in with harvesting equipment, then reforest with pines, a method that environmentalists in their uncharitableness call "the green blight."

During the 63 years the Dismal Swamp acreage has been in the hands of Union Camp and its predecessor company, it has been cared for with environmental consciousness. The timber in the 50,000 acres is not virgin but has been allowed to stay in hardwood and retain its wildland characteristics. Other swamp acres are interlaced with roads and canals, a legacy of development. In the Union Camp holdings, canals were dug sparingly and no roads were built from swamp spoil.

Mr. Kinney spoke frankly because he wanted stockholders to know the company is protecting their interests. But the company has, in this instance, looked out for the interests of nature lovers, too.

SCRAP IRON EXPORTS

Mr. SPARKMAN. Mr. President, a major objective of our national economic policy must be to insure a continuing and reliable supply of adequate housing to meet the needs of our fellow citizens for shelter. At all price levels, that supply depends in turn upon a constant and reliable flow of building materials at prices builders and the homebuying public can afford.

With this end in view, both the Congress and the housing agencies of the Federal Government have for several decades devoted much time and effort to assuring that supply lines of needed materials shall remain open and the prices remain within the realm of reason.

Because of this I am deeply concerned by the daily reports of serious shortages developing in the domestic supply of essential building materials—shortages which are traceable in some instances to extensive outflows in the form of exports.

A case in point is that of scrap iron and scrap steel. Last year, according to Department of Commerce reports, total exports of ferrous scrap totaled slightly over 7 million tons. This year it is estimated that the total of such exports will reach 11 million tons. Figures released for the month of January 1973 indicate that total ferrous scrap exports for that month were 900,438 tons, and this would seem to give credence to the 11 million estimate for this coming year. This sudden and dramatic increase in the volume of scrap exports has been at the expense of domestic industry and the domestic consumer. I am reliably informed that during the past 6 months, the price of cast iron scrap in Alabama has risen from $42 a gross ton to $56 a gross ton. Price differentials for other grades of scrap have been even more dramatic.

I am also informed that cast iron foundries in the State of Alabama have on several recent occasions had less than 1 day's supply of ferrous scrap in inventory as a result of large exports.

Congress expressed its concern about the risks of uncontrolled exports when it enacted the Export Administration Act of 1969. Only last year, this body extended the life of that act for 2 additional years.

The sense of the Congress in the original enactment of this legislation and the subsequent renewals is perfectly clear. There are times and circumstances when the need for judicious application of exports curbs on a particular commodity is overwhelming. At such times, the national interest is not well served by redundant studies and analyses, or by polite conferences and expressions of sympathy spoken by administration officials to persons and industries in dire need.

I am therefore taking this occasion to call upon my colleagues to join me in a forthright call to action. What the domestic homebuilding industry needs and what the various segments of the iron and steel industry need is action to meet a grave national shortage of iron and steel scrap. The act which was passed by the Congress for situations such as this one needs to be triggered into action.

Incidentally, I am informed that the United States is the only country in the world now allowing the export of steel scrap. This, obviously, greatly increases the pressures on the American supply of ferrous scrap. Our American foundry industry is seriously threatened, and I urge remedial action without delay.

COMMENTS ON SENATOR PROXMIRE'S RELEASE DATED MARCH 8, 1973

Mr. GOLDWATER. Mr. President, in his press release dated March 8, 1973, the junior Senator from Wisconsin charged that there has been a "44-percent increase in 3 years" in the price of each B–1 bomber. His conclusion is wrong—in fact, grossly wrong—and I think that it is imperative that the record be set straight in this regard.

Over the past 3 years, the actual increase in the procurement unit price of the B–1 has been only 3.6 percent, not the 44 percent alleged by Senator PROXMIRE. By unit price, I mean the unit procurement cost in terms of constant 1970 dollars, which is a fair, realistic, and standard basis for identification of costs for comparison purposes. Also, I think it is important to point out that this very small increase has been fully reported to the appropriate committees of Congress by the Air Force. In a moment I will explain exactly how this 3.6-percent increase is calculated.

Why is the Senator's conclusion wrong? It is wrong for the classic reasons—that is, it is based on erroneous assumptions and unsound analysis. Consider the following examples:

First, his figure for percentage increase in price is based upon a comparison of a figure stated in 1968 dollars with a figure stated in "then year" dollars, that is, a figure which includes a factor for continuing inflation in the years ahead. This is the old story of comparing apples and oranges. The way to make an accurate, objective comparison is to first convert all dollar figures to a constant-year basis. This my colleague did not do.

Next, the Senator stated that the price for each B–1 will be $51.5 million. This is wrong. In fact, this overstates the "then year" unit program cost, which includes the cost of research and development as well as procurement costs, by more than 10 percent. In this connection, he made the error of adding operational type costs to acquisition costs and 14 years of predicted economic escalation to arrive at his "unit program cost." Of course, this is in contradiction to the procurement unit and program unit costs concepts applied to all aircraft, and reported to the Congress on a regular, periodic basis.

So in short, what my colleague has done is to compare accurate data in an unsound way.

Now the facts of the B–1 program are as follows:

The B–1 contract was awarded in June 1970. At that time, the estimate for the unit procurement cost—which excludes research and development—was $30.8 million in 1970 dollars. The current estimate for the unit procurement cost converted to constant 1970 dollars, is, as you may know, about $31.9 million. A comparison of these two figures, both accurate and both expressed on a common constant dollar basis, shows that the procurement unit price of the B–1 has risen only 3.6 percent. Moreover, the cost data for this current estimate includes those costs associated with factors such as a recently reported weight increase, and a 3-month extension in the flight program. This extended flight program will allow 6 full months of avionics flight testing by Air Force crews prior to a production decision being made.

Regarding this 3-month extension in the flight program, it must be noted that this in no way can be called a cost growth. Rather, it was a deliberate decision by the Air Force to increase the "fly-before-buy" time, and "fly-before-buy" is a philosophy which the Senator from Wisconsin strongly advocates—as do I. However, we must also recognize that "fly-before-buy" does add cost to a program even though it is a worthwhile investment. In addition, therefore, to this increase in procurement unit cost of which I have spoken, this "fly-before-buy" investment also has increased the development portion of the program unit cost by an additional $373,000 per aircraft.

As I previously said, the Air Force has indeed reported a weight increase in the B–1. However, I believe it is appropriate to remind my colleagues of the structural problems the Air Force has encountered in the C–5A after rigidly adhering to an empty weight specification. Let me assure you that the Air Force does not intend to let this happen in the B–1. Allow me to explain further. In order to focus design emphasis on aircraft structural integrity, an aircraft empty weight goal was established in lieu of a specified empty weight. This empty weight goal was based on preliminary engineering layouts. Since the goal was established, the empty weight estimate has increased only 12 percent. The latest empty weight estimates are based on calculations made from engineering drawings which are now 75 percent completed.

With regard to other assertions made by Senator PROXMIRE, I can only state that they are either misleading, or inaccurate, or both. For example, he states that the program appears to be in violation of the "fly-before-buy" concept, when in fact, as I have already noted, the B–1 program is a premier example of the "fly-before-buy" approach. There is no production option in the current B–1 development contract. Instead, 15 months of flight testing has been planned before a production decision is scheduled to be made. Indeed, the Strategic Air Command, as well as other commands, will participate in the flight test program and will conduct an initial operational test and evaluation prior to the production decision. This will include captive flight testing of the short-range attack missile—SRAM—to prove the aircraft and missile compatibility. In addition, aerial drops of SRAM dummy missiles will be accomplished to test the safe separation of the SRAM from the B–1. The performance of the SRAM, once released from an aircraft, has already been demonstrated in launch tests conducted by B–52 and FB–111 aircraft.

I could go on at length about the Senator's charges. However, what is most important is that we not be deluded by impulsive, unfounded assertions. Rather, we need to keep the true, fundamental aspects of the program before us. There is an essential need to modernize the heavy bomber force, which is now composed of aging B–52's, and there is an essential need to be able to counter the more advanced, sophisticated threats projected for the future. The B–1 is being specifically designed to satisfy these needs.

The B–1 program is an orderly development program which will yield high dividends for our national security. In this regard, there is no substitute for the contribution made by the bomber to our strategic deterrent posture—and no more cost-effective way to maintain the effectiveness of the bomber force than the B–1 program.

A SERIOUS SITUATION IN THE DOMINICAN REPUBLIC

Mr. FULBRIGHT. Mr. President, I desire to call the attention of the Senate to a serious situation in the Dominican Republic. Although some of the facts are still obscure, the basic outline is clear enough:

Approximately a month ago, eight or 10 armed men landed undetected in a small boat on the south coast of the Dominican Republic. As they made their way inland into rugged mountain terrain, they were detected by peasants who reported their presence to Dominican authorities. Units of the Dominican Army, totalling approximatey 300 men, were deployed in the area. Over a period of several days, two skirmishes ensued. In the first, two or three soldiers were killed or wounded. In the second, three guerrillas were killed, one of them identified by the Dominican authorities as former Col. Francisco Caamaño Denó who, it will be recalled, was one of the leaders of the uprising which resulted in the 1965 U.S. intervention in the Dominican Republic. The other five—or seven, as the case may be—guerrillas escaped and at last reports were still at large.

The Government of the Dominican Republic, headed by President Joaquin Balaguer, reacted strongly to this incident. It ordered the arrest of former President Juan Bosch, whom Balaguer defeated in the elections of 1966; of Jose Francisco Peña Gómez, secretary-general of Bosch's party, the PRD—Partido Revolucionario Democratico; and of approximately 200 other PRD members. Although Bosch's house in Santo Dominco was searched by the police, Bosch himself managed to escape, as did Peña Gómez. Many other PRD leaders were in fact arrested and held in jail for a short time. I understand that most of them have now been relased. Despite assurances from President Balaguer, Bosch, and Peña Gómez remain in hiding, apparently fearful for their safety.

I bring these facts to the attention of the Senate, Mr. President, because of the history of intimate U.S. involvement in the internal affairs of the Dominican Republic. As a consequence of this history, most Dominicans believe that the United States still exercises a critical influence on events in their country. It is my opinion that the influence has deceased substantially from what it was 8 years ago, but the operative fact is not what I think but what most Dominicans think.

I would be opposed to any renewed U.S. intervention in Dominican affairs, either open or covert. I do not think we should support either President Balaguer or his opposition. Nor do I think we should give the appearance of supporting either one or the other.

However, given the history of our past actions, it is fair to say that most Dominicans think we are supporting the Balaguer Government. The necessity of establishing not only a hands-off policy, but the credibility of such a policy, provides a golden opportunity to break what ties remain between the U.S. Government and the security forces of the Dominican Government. We would greatly enhance our credibility in the Dominican Republic if we were now to take advantage of this opportunity to withdraw the U.S. military assistance advisory group and publicly to end what is left of the AID public safety program.

The Dominican Republican will have a presidential election in 1974. Preelectoral maneuvering has already started, with the principal issue so far being whether or not President Balaguer will seek to succeed himself. How he deals with the opposition in the meantime thus becomes an important and delicate matter particularly in view of the fact that, as a consequence of the long Trujillo dictatorship, continuismo is an emotional and volatile issue in Dominican politics. Withdrawing the MAAG at this time would serve notice on all concerned that the United States not only intends to follow a noninterventionist policy, but also intends to give the appearance of such a policy.

I hope that the events of the last month do not prove to be the forerunner of a policy of deliberate harassment of the opposition. If they do, then we should also reconsider other forms of assistance to the Dominican Republic which last year amounted to $30 million.

MINORITY VIEWS OF SENATOR SAM J. ERVIN, JR., ON THE CONSUMER PROTECTION AGENCY BILL

Mr. ERVIN. Mr. President, legislation will be coming before the Senate again this year to create an independent Consumer Protection Agency. For this reason, I ask unanimous consent that my minority views expressed in a report by the Committee on Government Operations on S. 3970, the Consumer Protection Organization Act of 1972, be printed in the RECORD. The bill was the object of much debate in committee as well as on the floor of the Senate last year and was finally laid aside in the last days of Congress. I am hopeful all Members of the Senate will carefully study my arguments against this legislation.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

MINORITY VIEWS OF SENATOR SAM J. ERVIN

"The existence of the CPA will unquestionably make consumers relatively poorer. There will of course be the deprivation of income and benefits which will occur because of the massive bureaucratic delays caused by the CPA and because of the tax revenues needed to cover these delays and the cost of the CPA itself. Consumers would almost surely be better off without such regulation and with the money they pay in taxes to buy more safety and information.

"Beyond that, the delays in putting products on the market and forcing firms to expend resources on clearing new products with the bureaucracy, the heavy governmental burden on products which do not meet some norm of perfection will inevitably increase the cost of commodities. And this increase in costs—dictated principally by the political views of the consuming middle class—is likely to have its most detrimental impact on the poor, who will get more quality only when they can pay the higher price."—Prof. RALPH K. WINTER, *Professor of Law, Yale Law School.*

INTRODUCTION

I firmly believe that S. 1177 and the mood it represents presents the basic issue to the United States Senate of how far we want to travel down the road to a totally federally compartmentalized and regulated society. To my mind, S. 1177 is another major vehicle to allow over-zealous bureaucrats to slow down and impede action within our economic system. With new governmental delays and burdens on the production and development of products within our free enterprise system, I believe we are approaching a real danger point where our economic system, like a burned-out star could cave in on itself.

This measure puts the Federal government directly into every transaction relating to goods or services consummated or contracted for anywhere in the United States of America. It proceeds on the idea that we must let the government do for the people what the people ought to do for themselves. It is premised on the idea that the people of the United States cannot manage their own affairs without government supervision. It proceeds on the idea that the people of the United States shall no longer be required to recognize their responsibility for the activities of their lives as one of the attributes of liberty.

In short, the bill is based on the theory that every businessman in the United States sits up all night scheming about how he can cheat his customers and that all consumers are a bunch of idiotic nitwits who ought to be put under bureaucratic guard because they can't manage their own affairs.

This bill is being pushed in the name of the consumer, but I can never forget that when the guillotine was about to behead a famous French lady during the French Revolution, she exclaimed, "O Liberty, how many crimes are committed in thy name." I want to say, "O Consumers, what crimes we are about to commit in your name."

TITLE II—CONSUMER PROTECTION AGENCY

Title II would create an independent Consumer Protection Agency (CPA) with the primary role of sending its agents into administrative agency and court deliberations at the Federal, State and local levels of government to protect the interests of consumers.

In S. 1177, the primary role for the consumer agency is that of an advocate for consumer causes and for those only. In the words of the Majority Report, the consumer agency will have "neither the authority nor the responsibility" to decide "what solutions are in the best interests of the public at large." Nor to "balance the consumer interest against any others in order to reach a policy position." Indeed, it is recognized that the consumer agency may, on many occasions, represent only one of many competing consumer interests. The bill then elects to turn the agency loose to select its own mission and act with almost total discretion and impunity throughout our government under the banner of consumerism.

STRUCTURE OF THE CONSUMER PROTECTION AGENCY

An amendment offered during the latter stages of the Committee's review of this bill, and which I supported, changed the structure of the CPA from an agency with a single administrator at its head to a 3-man commission similar in structure to the Law Enforcement Assistance Administration.

Unfortunately, in order to comply with the majority of the Committee's wishes to report the bill for floor action in September, the Committee did not have time to make the necessary additional amendments to conform the remainder of the bill to the new commission structure. Thus, such conforming amendments, some of them concerning substantive decisions, will have to be made on the floor.

For example, we shall have to decide what, if any, are the specific duties of all commissioners—whether the Chairman, alone, may decide whether to take action under the bill, or whether the three commissioners must vote on all proposed actions.

The so-called "heart" of the bill is found in sections 203 and 204 which provide for CPA adversary advocacy in other governmental forums with the right to appeal to the courts decisions of other administrative agencies.

WHEN CAN THE CPA ACT?

To confer this type of authority carries with it the obligation carefully to circumscribe where the Agency will act. This bill provides the touchstone of the Agency's authority in one phrase: The Agency may act whenever it is in the "interest of consumers." Section 401 (11) of the bill defines that phrase to encompass consumer concerns dealing with any business transaction affecting production, distribution, sale of goods, property service or credit for personal use. This definition, of course, circumscribes nothing at all. Rather, it embraces the entire conduct of the government in any matter which may have economic effect. My first concern with this bill is the simple fact that we have unleashed an advocate with the capability of substantially affecting our governmental processes and we have imposed no constraint upon where he may go.

Ironically, despite the language of the bill, it is clear the majority intended something else. The report states that the definition in fact excludes many agency actions which affect the health, safety and economic welfare of consumers. It cites as examples FCC license renewals, NLRB actions and EPA activities. On the other hand, it concludes that a rise in the price of steel, an oil import quota or FCC cable television rules are proper areas for the Agency's concern. But I cannot find in this bill the language that supports these distinctions. We can agree that a rise in the price of steel affects the consumer interest because of its impact on consumer goods. But substantial and costly environmental improvements and unfair labor practices affect the consumer in precisely the same way. Indeed, what consumer would believe that wages, strikes, boycotts and featherbedding do not affect what he buys and how much he pays.

One must conclude that the CPA's power to act is too broad to be compatible with our constitutional system of government.

DIFFERENCES IN HOUSE-PASSED BILL

The differences between the House-passed bill, H.R. 10835, and the bill reported here are too numerous to list in these few pages. Suffice it to say that the House bill is much more limited in scope, would create a statutory Office of Consumer Affairs instead of a 3-man Council, would have a single head of the Consumer Protection Agency instead of a 3-man Commission, would not allow consumer agents to have independent subpoena-like authority, would not allow intervention in state and local proceedings, nor would it provide for Federal grants-in-aid to state and local projects.

DISCRETIONARY INTRUSION IN "PROCEEDINGS" UNDER TITLE II

Section 203(a) of the bill authorizes the Agency to intervene in the more traditional structured proceedings conducted by Federal agencies. Under this section, in the more formalized "proceedings" of such "Federal agencies," consumer agents would enter as a matter of unchallengeable right and assign themselves whatever available participatory status they feel necessary to win the case—anything from submitting a written comment to full party status with the right to cross-examine other parties. See Sec. 203(a).

This represents a vast amount of unprecedented discretion, similar to a football fan having the discretionary right to come off the sidelines, whenever he sees the need, and order the quarterback to allow him to play at any of the positions the interloper sees fit to play. All this, of course, in the praiseworthy interest of winning the game.

At present, the forum agency determines whom Congress intended to participate in their proceedings, and what status in those proceedings is warranted under the appropriate law.

The danger, of course, is that the proposed CPA "procedural" discretionary power is, in fact, substantive regulatory power in practice.

It is silly to say that the CPA will have no regulatory function if it is given the power to ask a court to revoke a broadcast license or ban a new drug contrary to the decision of the regulatory agency with primary jurisdiction. Consider how this will work in formal agency adjudications which, by present law, have to be decided upon the record developed during the administrative proceeding. For example, there is no doubt, under this bill, that the CPA could enter any unfair labor practice proceeding of the National Labor Relations Board merely by making the unchallengeable finding that such a proceeding "may" result in a substantial effect upon the interests of consumers in buying fairly priced goods or services. See Sec. 203(a).

Now protection of the interests of consumers may warrant intrusion by the CPA in such a case, but does it warrant full party status (if chosen by the CPA) equal to the labor union involved? That is not for us to determine under this bill only the CPA.

The point is, the NLRB is required to make its decision on the record. If the Board must allow the CPA into a proceeding as a full party in situations where it would not do so under present law, the hearing record could be "stacked" by the CPA's tax-funded lawyers. And it is that very same hearing record upon which the tax-funded courts would rely if the tax-funded CPA appeals the tax-funded NLRB decision.

It is for this reason and others that the Federal Trade Commission, no longer a slouch when it comes to consumer protection, opposes this bill's giving the CPA such rights to intrude in FTC adjudications. See letter from Chairman Miles Kirkpatrick on file with Committee on Government Operations.

I believe that the CPA's "procedural" discretion is, in fact, substantive regulatory power and it violates our wise governmental rule of having enforcement proceedings conducted by a single prosecutor. In part, this belief stems from the precept that one accused of wrong-doing be given a fair chance to defend. But it is grounded as well in sound theories of government: The law enforcement agency formulates its policies within broad objectives and brings its enforcement actions to implement specific goals. Its discretion in this regard and the control of its own proceedings should not be disturbed without good reason. There is no need to sacrifice the teachings of our own experience where the Agency may appear without party status and make its presence felt.

DISCRETIONARY INTRUSION IN "ACTIVITIES" UNDER TITLE II

Section 203(b) of this bill confers upon the advocate an unequivocal right to participate in all of the informal activities in which the government may engage. Under the section, the advocate is to present his views to responsible officials.

Such Federal activities encompass everything a Federal agency or any of its personnel may do—including mailing a letter, making an unauthorized telephone call, holding an intra-agency conference. See Sec. 401(4).

In such "activities", the CPA may, as a matter of unchallengeable right, present oral or written briefs and arguments in situations where persons outside the agency do not participate. See Sec. 203(b)(1). Such a situation would be a policy conference between a Department Secretary and his staff.

In addition, Section 203(b)(2) would require that the advocate "have an opportunity equal to that of any other person outside the Agency to participate in such activity." Such a situation would be a trade negotiation activity between the President or a State Department official and a representative of a foreign government. I find this section the most difficult, ill-conceived and incomprehensible provision of the bill.

It should be noted that a provision was inserted to prevent complete chaos where activities with outsiders took place over the telephone. The so-called "Telephone Amendment" provides that such CPA equal-time participation in activities need not be simultaneous with that of the outsider, but should occur within a reasonable time. See Sec. 203(b)(2).

I have grave concern with the wisdom of authorizing participation of right in any and every informal activity which may be carried out in the government.

Such unbridled power to participate in the billions of Federal deliberations of an unstructured nature will no doubt result in considerable difficulties for the existing agencies and considerable surprise to the unsuspecting public when used.

Take, for example, a recent matter of considerable concern to and substantial effect on consumers of goods in the marketplace—dock strikes.

What will happen in Federally mediated collective bargaining negotiations when a consumer protection agent shows up, briefcase in hand, and exercises his unchallengeable right to negotiate on equal grounds with labor and management. I submit that such negotiations may be knocked into a cocked, tri-corner hat.

I must concur, for example, with the views of the Department of Justice in its comments about intrusion of the Agency in decisions concerning whether or not particular cases should be filed, settled or appealed. As Deputy Attorney General Erickson stated:

"No other government official has that right at present, and for good reason. The exercise of prosecutorial discretion is a delicate and sensitive task, best left to the branch of government chosen by Congress to conduct litigation * * *."

Nor can I readily acquiesce in a proposal which would inject the Agency in matters of foreign trade and currency exchange which touch so closely upon our foreign policy or, for that matter, in many other areas as well. My first difficulty with this section is that we have not yet begun to explore and we can only dimly perceive the ramifications such intrusions entail.

The language of Section 203(b)(2) is a source of still further concern. It is unintelligible. Every day thousands of government officials deal with thousands of persons outside an agency in the daily conduct of business. Those dealings cover the entire range of human behavior. In these circumstances, what can it mean to have an opportunity "equal" to that of someone else who did or might theoretically participate in a government decision? When an agency deals with many parties, each playing different roles, by what role is that opportunity to be measured?

There is little solace in the explanation offered by the report. In effect, the report states that the language does not mean what it says, but rather what is really intended is to give the advocate a fair chance. Here, then, is still another new standard engrafted on the bill to establish the way in which our government officials must act.

The problems created by this text are not simply problems of confusion. Whatever content we may give to the term "equal opportunity," we have constructed a rigid "right" which we would enact into law. I am concerned that the presence of such a right will convert even the most informal decision-making into a type of semi-litigation.

INFORMATION GATHERING UNDER TITLE II

Section 207(a) authorizes the Administrator to gather information concerning the interests of consumer. The Agency may, of course, gather its information from the entire outside world. Section 207(b) buttresses this authority with the power to invoke mandatory processes to collect certain types of information from the public at large. Through the complaint procedures in Section 206, the Agency is provided an additional independent source of raw material.

Specific procedures have been created to enable the Agency to gather additional information necessary to participate in specific government activities and proceedings. Section 205 provides for special notice of government activities and, when such notice is given, access to status reports and general information as well. Where the Agency decides to participate or intervene it further provided that it may invoke the discovery powers appropriate under the host agency's rules of practice and procedure applicable to all participants.

Beyond this, under Section 207(c) we have authorized the Agency to obtain information from other government sources. I have, of course, no objection to obtaining appropriate information from the various agencies in government. But the terms of Section 207(c) go far beyond the bounds of necessity and propriety. They are dangerous, they offend the most rudimentary concepts of due process, and they seriously threaten the proper functioning of the government agencies themselves.

Section 207(c) gives the Agency, in its discretion, the power to collect and organize every document, paper and record in the possession of any agency or department of the United States. It contains only limited exemptions.[1] The information is obtainable by the Agency upon its demand and upon its own determination that it would like to have it. This section of the bill would give to this Agency more power to assemble private data than the fondest notions of those who would establish a new Federal data bank. It would do this without establishing effective protection against misuse of the assembled data for political, partisan or private advantage. The fundamental question raised by this section of the bill is not whether there are adequate limitations upon the Agency's disclosure of this kind of information, but whether anybody—let alone a partisan for a specific cause—should be permitted to collect in his own hands and on his own authority the massive confidential documents, papers and records covered here.

Were there some need for this massive type of access, we might well consider the proper methods of collection and the protections we would impose. But the functions which this Agency is to perform the ample power under present law to collect the data appropriate for its needs argues against the extraordinary power conferred under Section 207(c).

How can this section be reconciled with the execution of the functions we expect our other government agencies to perform? What justification can we invoke to furnish this Agency with access to civil or criminal investigative files compiled for law enforcement purposes even where investigations are still pending and regardless of the need for security? How shall we justify access to the most confidential business or other internal data concerning third persons submitted upon the understanding that it is to be treated confidentially or submitted for limited purposes only? Indeed, we cannot even justify the broad access to all interchange of ideas within an agency itself.

Administrative agencies cannot function in a total fishbowl. As a recent House Report stated:

"A full and frank exchange of opinions would be impossible if all internal (agency) communications were made public * * * (A)dvice from staff assistants and the exchange of ideas amongst agency personnel would not be completely frank if they were forced to 'operate in a fishbowl'."

Nor can they function where their own sources of information will dry up because of their inability to guarantee the confidentiality of information which can only be obtained on that understanding. They certainly cannot function where one man has—at one and the same time—the power to demand the most intimate and privileged details of agency advice and planning for use against the agency itself.

Finally, we have created this Agency to provide fair representation of views in the government. It is for this purpose that we have authorized the Agency to litigate, when necessary, with other agencies and with third parties as well. In the litigation with third parties, the special status afforded the Agency under Section 207(c) destroys the very fairness we seek to preserve by having the Agency, along with all other advocates, subject to the rule of discovery in the proceeding. In litigation with other agencies of government, this section would do even more: it would grant to the Agency access to the work product of counsel and communications for counsel in the very agencies against whom it is litigating—and in the midst of the litigation itself. The ultimate irony of Section 207(c) is its destruction of the most rudimentary concepts of fair adjudication.

PROBLEMS IN TITLE III

The last major title of this bill would grant the CPA power to administer millions of dollars of Federal grants-in-aid to State and local consumer activities, both governmental and private.

I see two general problems with this title, one philosophical, the other pragmatic.

First, I would not so much mind a bill that provided similar State and local grants in an effort to decentralize consumer protection and bring it down to the grass roots where it belongs.

A bill that adds to the Federal agencies in Washington while at the same time increases Federal control over activities at the State and local levels, however, is nothing more than a bureaucratic barbell that is sure to give the out-of-condition taxpayer a hernia, if not a broken back.

If there is any doubt that Title III would give a few Federal consumer agents a great deal of control over the direction of programs affecting the economies of various States and localities, I simply ask my brethren in the Senate to review the bill.

Consider carefully the discretion to be enjoyed by the CPA in stipulating for what its millions of dollars should be used. Consider the many governmental and non-governmental organizations in your State—would they be tempted to bow to a Federal agent's conception of consumer protection to get their hands on a million dollars?

My second problem is perhaps more pragmatic than philosophical.

We would create here a commission, the chief purpose of which is to instill new vigor in Federal agency consumer protection efforts.

Yet, during their very first year, we would saddle the three CPA Commissioners with the burden of administering a major grants-in-aid program that would be applicable in all States and territories.

As we have seen with the Law Enforcement Assistance Administration—the principal purpose of which is just to administer grants in a narrow area—the task of dispensing Federal funds can be a complicated and controversial one.

CPA'S POWER TO CHALLENGE OTHER FEDERAL AGENCIES IN COURT—CHANGING THE LAW

Hearing debates on these provisions, and their supportive subsequent sections, I was reminded of a statement in a major Supreme Court case, the law of which may be greatly altered by this bill.

In SEC v. Chenery Corp., Mr. Justice Jackson stated, "Now I realize fully what Mark Twain meant when he said, 'The more you explain it, the most I don't understand it.' "[2]

The *Chenery* case, still the law until this incomprehensible bill is enacted, held in pertinent part that the courts cannot disturb a decision of an administrative agency where—

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[1] Information relating to national security, personnel, routine executive and administrative functions, income tax returns and policy recommendations. It would also exclude information which an agency is expressly prohibited by law from disclosing to another Federal agency.

[2] 332 U.S. 194, 214 (1947).

> "It is the product of administrative experience, appreciation of the complexities of the problem, realization of the statutory policies, and responsible treatment of the uncontested facts. It is the type of judgment which administrative agencies are best equipped to make and which justifies the use of the administrative process * * *. Whether we agree or disagree with the result reached, it is an allowable judgment which we cannot disturb." [3]

Under this bill, Congress will be conferring upon the CPA legislative "standing" to take other Federal agencies to court. See Sec. 204. Standing to sue or appeal, heretofore, was a judicial conclusion based upon the facts and the law in each case.

Our overburdened Federal courts, if this bill is enacted, will now be faced with a docket full of U.S. v. U.S. cases where on Federal agency endowed by Congress with the automatic right to sue to protect the "interests of consumers" is challenging another Federal agency endowed by Congress to take action in the "public interest."

This will mean, of course, that the courts will not be able to trust in Congressional judgment and give great weight to agency expertise. The courts will have to become, in a great many cases, administrative agencies themselves to decide de novo the issues when the "Government" comes to them speaking with two voices.

For example, in a recent case of considerable concern in consumer circles, the Food and Drug Administration decided after extensive hearings that peanut butter should contain at least 90 percent peanuts, otherwise it must be labeled imitation peanut butter.

Some consumer groups were satisfied, others wanted a higher percentage. Manufacturers, most of whom produced peanut butter with less than 90 percent peanuts, wanted less, pointing to the fact that consumers liked the taste of their products and considered them peanut butter.

Now suppose the CPA were involved in this case and it challenged in court, as a congressionally mandated expert, the expertise of FDA. Which expert should the court give weight to?

The answer is that the court must go into the record itself to find out which side is right. In effect, the court must hold judicial peanut butter hearings, thus the court could become enmeshed in the type of judicial situation which was supposed to be avoided by Congressional creation of an administrative process.

CONFUSION OF PUBLIC DUTIES AND PRIVATE RIGHTS

Some may point to this example and say, quite rightly, that the consumer groups and manufacturers involved could have appealed.

In point of fact, this FDA, peanut butter decision was appealed by the manufacturing interests. The courts denied their pleas on, among others, the grounds mentioned above in the *Chenery* case.[4]

Some might ask, therefore, why not give the CPA the same rights as the manufacturer? The answer is fundamental to our form of government, but a point that has been to often overlooked in considering this bill.

It is one thing to point at the actions of private special interest representatives, be they manufacturers, consumers or environmentalists, in challenging their government in court. That is their right, a right to be cherished.

It is an entirely different thing to confuse that private right with the congressionally mandated duty of Federal agencies to protect the rights of the public.

In cases of special interests challenging governmental actions which affect them, the government often, if not unusually, prevails. In cases of government versus government—as proposed in this bill—the government, by definition, always loses. And that loss, if it could have been prevented, means a failing of Congress.

Such internecine warfare indicates not a perfecting furtherance of the governmental process, as in the case of a special interest standing up for its rights, but a breakdown in the government, a house divided which must rely upon the Judicial branch to administer the laws.

This distinction between private rights and public duties is sometimes hard to perceive. Perhaps an analogy to the Judicial branch might make clear this distortion of lawyer-client relationship.

Suppose I were to introduce a bill allowing the judges of any Federal Court of Appeals—not the parties before the court—to intervene in the proceedings of any other Federal Court of Appeals to protect consumer interests, and where the intervening judge disagreed with the decision of the forum judge, to appeal that decision to the Supreme Court as any adversely affected party could.

To assure passage of this bill, I would call it the "Consumer Interest Protection Organization Act," fill it chock full of legal rights that only a handful of lawyers would understand, have Ralph Nader demand the resignation of Chief Justice Warren Burger, and delay progress of the bill until an election year.

To be sure, a small handful of reactionaries might try to argue that intervention by one Federal judge into the responsibilities that we pay another Federal judge to perform is a waste of taxpayers' money, dangerous to our government and would produce coercion and chaos in our court system.

These arguments easily could be overcome by pointing out that the bill would only provide for procedural not substantive or regulatory rights, that it only would be allowing governmental officials to do better what private citizens could do, and, most important, the arguments of these reactionaries should be totally discounted because they represent special interest groups with less voting power than the larger consumer special interest group.

NONPARALLEL PRESENT CASES

To be sure, there are now very limited instances where one Federal agency's differences with another cannot be mediated through the Solicitor General, and an appeal is taken on limited grounds, rather than such pervasive grounds as consumer interests.

For example, the Justice Department's Antitrust Division has at times challenged in court the actions of other agencies on the grounds of their potential anti-competitive effect.

One need only review these few U.S. v. U.S. cases to see the great difficulties the courts face in resolving two conflicting, but authorized, federal actions. These time-consuming cases almost always result in lengthy and convoluted opinions with major dissents. They are also usually taken to the Supreme Court at taxpayers' expense—paying the costs of plaintiff, defendent and court. And, invariably, the courts are forced to "make law." [5]

The proper goal of this special interest legislation should be to improve the various administrative forums to assure that the interests of consumers, as a vital part of the larger public interest, are given due consideration.

This goal cannot be achieved by making the courts the arbiters of the pervasive intricacies and vagaries of what is best for each American in his consumer aspect. It is for Congress to attempt to achieve this goal by drafting a law with considerably more attention to the problems involved than has been given in this bill.

CPA'S IMPACT ON THE COURT

It is legislation such as this that Chief Justice Warren Burger had in mind when he delivered his "State of the Judiciary" message to the American Bar Association in San Francisco last month.

The Chief Justice urged that reporting committees file with the Judiciary Committees a "Court Impact Statement" so that the needs of the overburdened courts could be considered by Congress as well as the needs for new legislation.

In this regard, I have received letters from two high-ranking administrators in the Judiciary branch, the Head of the Administrative Office of the Courts, and the Director of the Federal Judicial Center, stating that referral of this bill to the Judiciary Committee would be appropriate.

CPA'S IMPACT ON CONGRESS

The Chairmen of the Committee on Agriculture and the Committee on Banking and Currency have written to me as Chairman of the Government Operations Committee indicating that they may seek referral of the bill to their committees because of the many programs conducted by agencies within their oversight responsibilities which would be affected by the bill.

It is not hard to foresee the CPA, itself an oversight, agency, requesting to justify its existence by testifying against its sister agencies at the various Congressional oversight hearings on these other agencies.

This may have some salutary aspects, but, on the other hand, we must realize that we may be legislating governmental cat fights here in the Senate as well as in the courts.

CPA'S IMPACT ON AGENCIES

It was the late President John F. Kennedy who warned Congress that statutes under which Federal agencies operate "should neither place responsibilities upon agencies beyond the practical limits of administrative action, nor couch their objectives in such indecisive terms as to leave vast areas open for the free play of agency discretion." [6]

This bill flunks that test in a unique way—it would place responsibilities upon existing agencies well beyond the practical limits of administrative action by commanding all of them to change their rules of procedure to accommodate the free play of CPA discretion in their deliberations. See Sec. 203(c).

In that same Message to Congress, President Kennedy warned that, although Congress and the President should oversee carefully the activities of Federal agencies—

> This does not mean that either the President or the Congress should intrude or seek to intervene in those matters which by law these agencies have to decide on the basis of open and recorded evidence, where they, like the judiciary, must determine independently what conclusion will best serve the public interest as that interest may be defined by law." [7]

Intervention, if determined necessary by the Executive or the Congress, he said, should be accorded no special preference or influence.

The CPA, of course, would have unprecedented preferential powers with which to influence such agency decisions.

CPA AND "FEDERAL AGENCY"

Let us take a hard look at the intrusion powers proposed for the CPA in this bill.

First, one has to realize that these powers apply to "Federal agencies," a term defined in the bill to mean "agency" as defined by the Administrative Procedure Act, including wholly owned Government corporations. See Sec. 401(9).

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[3] Ibid. at 208–09 (1947).

[4] See *Corn Products Co.* v. *HEW*, 427 F. 2d 511 (3rd Cir. 1970), *cert. den.*, 400 U.S. 957.

[5] See, e.g., *United States* v. *Philadelphia National Bank*, 347 U.S. 321 (1963), lengthy and convoluted opinion with strong dissents.

[6] See Message from the President of the United States relative to the Regulatory Agencies of Our Government, April 13, 1961.

[7] Ibid.

The Administrative Procedure Act, in turn, defines an "agency" as "each authority of the Government of the United States, whether or not it is within or subject to review by another agency"; certain few exceptions are provided, including Congress, the Federal Courts and territorial governments.

During the Committee's executive sessions, we exempted the Central Intelligence Agency, Federal Bureau of Investigation, National Security Agency and the national security and intelligence functions of both the Department of Defense and the Office of Emergency Preparedness.

A question to be resolved on the floor is whether such organizations as the Pay Board, Price Commission, etc., are "Federal Agencies" if they are excluded by statute from the definition section in the Administrative Procedures Act. See, e.g., Section 207(a) of the Economic Stabilization Act, as amended, P.L. 92-210, 85 Stat. 743.

SURVEY OF FEDERAL AGENCIES

The Subcommittee on Executive Reorganization was asked by Senator Allen in December of last year to survey the major Federal agencies to determine which of their responsibilities might be affected by the proposed Consumer's Protection Agency. Since the Subcommittee felt that there was not sufficient time to solicit the agencies views, Senator Allen wrote each of them personally.

As of August 10, Senator Allen had introduced into the Congressional Record responses from 36 Federal agencies. Over 1300 proceedings or activities that would be subject to CPA intrusion were described in these responses, and many additional activities were subsumed in several general comments similar to that of the Federal Communications Commission:

"If the provisions of section 203, which enpowers the CPA to intervene as of right in Commission 'proceedings' and 'activities' which 'substantially affect the interests of consumers,' as defined in section 401, are broadly interpreted (as required by section 3(5)) then it could be contended that potentially everything the Commission does could affect the interests of consumers. The decision to intervene or participate would rest with the Administrator's interpretation as to how 'substantially' the proceeding or activity affected the interest of consumers."

I also understand that since his last Congressional Record insert on August 10, Senator Allen has received responses from additional Federal agencies showing many more Federal proceedings or activities, and there are inquiries still unanswered.

IMPORTANCE OF REVIEWING AGENCIES VIEWS

One of the basic premises of this bill is that the Senate cannot exercise adequately its oversight functions and must delegate them to an independent agency.

But surely those of us who have oversight responsibilities can at least care about them enough to attempt to find out which of them would be affected by this bill.

Senator Allen, who also serves on the Agriculture Committee, sent his first inquiry to the Department of Agriculture, requesting that they provide him with a list of the proceedings and activities subject to sections 203 and 204 of the bill (the adversary advocacy sections).

The USDA replied with a 31-page memorandum listing matter-of-factly hundreds of its proceedings and activities that would be subject to attack by the CPA. If I were on the Agriculture Committee, I would think that this USDA letter was must reading in preparation for the debate. It convinced Senator Allen to attempt to alter the bill in Committee with the Amicus Amendment, and, when that failed, to vote against the bill that he wished to support.

The critical issue here is whether it is appropriate to delegate to one agency such potentially disruptive discretionary power, or are there areas of our oversight that we wish to withhold from all or part of the operations of this bill?

I do not think that it is responsible to say, as some do, that we should rely on the judgment of some unknown political appointees, and not worry about them sticking their noses into where they clearly do not belong.

If the CPA does not belong in any particular area of Federal activity, we should prevent it from entering that activity now, not wait until it does unexpected damage five, ten or fifty years from now.

Allowing blanket participation in all of Government might be acceptable if we were treating this CPA as part of the Government under the Amicus Amendment. But we are here creating a fox to put in the Federal henhouse.

AGENCIES RESPONSES STILL RELEVANT

There may be some who, either having not read the bill or not understanding it, may question whether Federal agency response based upon Committee prints prior to this one are still relevant.

A complete review of the letters indicated that they still reflect accurately the effect the reported bill will have on the agencies responding.

After the Committee completed action on S. 1177, I wrote to each agency and asked if their initial response would be changed by the Committee bill. All the answers which I have received thus far indicate that there would be no change in the original letters.

While I have not heard from the Internal Revenue Service, there is one major exception pertaining to that part of the Internal Revenue Service reponse that describes proceedings and activities revolving around income tax returns.

Senator Allen was successful in amending the bill in Committee to modify the proposed power under which the CPA would have an unchallengable right to demand and review copies of consumers' income tax returns. His amendment would prevent any CPA access to such returns under this bill. The many other listed proceedings described in the IRS letter still apply, however.

There also may be minor exceptions pertaining to parts of the responses of the Defense Supply Agency and the Office of Emergency Preparedness. Those few described proceedings applicable to national security or intelligence functions no longer would be covered under an amendment made during the latter stages of the full Committee's review. See Sec. 407.

The remainder of the proceedings still would be subject to CPA disruption if the CPA decides to enter them.

No one can stop the CPA from entering any Federal agency deliberation of its choice. See Section 210(e)(1); Section 203.

If the CPA says that any Federal agency deliberation may affect substantially the interests of consumers, no one man challenge that determination. See section 210(e)(2).

The "guideline" provided the CPA for determining what are the "interests of consumers" is so broad as to be all-inclusive. See Section 401(11). Literally everything the Federal government does easily could be interpreted by the CPA as falling within this definition of "interests of consumers"—a President's conference with advisers on whether he should recommend a declaration of war, for example, would be an "agency activity" that "may" result in a substantial effect on the major concerns of consumers relating to the costs or availability of goods bought in the marketplace.

FEDERAL AGENCIES WARN AGAINST CONSUMER PROTECTION AGENCY

Although Senator Allen's inquiries asked the Federal agencies to merely supply him with a list of their proceedings or activities that would be subject to CPA intrusion and appeal to the courts, many agencies could not supress their fears or refrain from asking directly or by implication for an exemption.

The Justice Department filed one of the most stinging objections to the bill, warning that CPA intrusion in the Department's exercise of its prosecutorial discretion to file, settle or appeal a case could disrupt this delicate and sensitive task. The Justice Department, registering several warnings relating to other specific problems of broad adversary advocacy, stated its total opposition to the bill and concluded the "proposed [Consumer Protection] Agency's powers of advocacy and intervention in Federal administrative agencies' decision-making are too broad, and pose a threat that the orderly and effective dispatch of the public business in the public interest might be significantly disrupted."

The Tariff Commission raised several problems that would be caused by CPA intrusion under this bill, chief of which was the difficulty of preserving the Commission's independence. The Tariff Commission warned that if the bill were enacted, it would take internal procedural steps to protect itself and preserve its independence.

The Internal Revenue Service raised the question of whether, under present section 203(d), the CPA could request that Revenue Rulings under the Revenue Code be revoked or modified or even that new Rulings be published, and, if IRS failed to act, whether it would be required publicly to give its reasons therefore [and be subject to court appeal by CPA]. The answer, of course, is yes.

The Department of Agriculture, in the cover letter to its memorandum listing affected USDA proceedings, asks whether its administrative decisions to recommend institution of criminal prosecutions or civil or administrative proceedings would be subject to CPA intrusion. The answer, of course, is yes. [I also have been asked whether a Committee amendment excluding "Government sales to foreign governments" from the section 401 (11) definition of "interests of consumers" exempts the activities of the Commodity Credit Corporation. Research has indicated that it does not, and, if that was the intent of the Committee, a more specific amendment will have to be offered on the floor.]

The Agency for International Development was quick to point out that it does not consider its activities to affect American consumers "directly." AID's opinions as to direct or indirect effects, of course, have nothing to do with this bill under which the CPA makes all such decisions.

The Atomic Energy Commission pointed out that even its preparation for congressional hearings and its drafting of recommended legislation, because they are authorized "activities," would be subject to CPA intrusion.

The Federal Mediation and Conciliation Service expressed serious concern over the impact of CPA intrusion in its collective bargaining activities, saying that it would have an adverse impact on the Service's mission.

The National Labor Relations Board, similarly, stated that because of the sensitive nature of its duties, it never allows third parties into formal Board proceedings, except as an amicus curiae. That will all change, of course, if this bill is enacted.

The Federal Power Commission stated that "the authority which this bill would confer upon the Consumer Protection Agency, if improvidently exercised, could substantially hamper effective regulation by this Commission . . . by postponing finality of decision in matters of pressing public concern. The power to seek judicial review even in the absence of such intervention or participation could impose another layer of regulation upon this Commission and impair its effectiveness to the detriment of the public."

The Pay Board also commented similarly, saying it has no problem with CPA participating as a witness in public hearings, but that it does not want to allow third persons who do not have a direct and substantial financial interest to interject themselves into sensitive informal negotiations.

The Price Commission pointed out that it handles very confidential information that is prohibited from legal access to third parties. The CPA, of course, would have such access under this bill.

The Tennessee Valley Authority raised objection to CPA intrusion in its Board's power ratemaking deliberations, as well as its pricing of fertilizer, saying these functions should remain the responsibility of the TVA, and not subject to CPA advocacy which would be "most undesirable" and lead to unnecessary "public misunderstanding and dissatisfaction."

The Office of Emergency Preparedness stated that, "A very large number of activities, even of this single agency, might be affected—and adversely so—by the sweeping sphere of activity of the Consumer Protection Agency under the bill as presently written."

The Transportation Department stated that it would be a difficult for it to list all of its affected responsibilities, because the definition of "agency activity" subject to intrusion "is so general as to encompass a wide range of activities under the many statutes which the Department administers."

The Comptroller of the Currency said that the bill presents a "potential serious problem" with respect to the CPA gaining access to bank records through the various Federal banking agencies.

The Federal Deposit Insurance Corporation stated that, "Sections 203 and 204 seem sufficiently broad to encompass any action of the Corporation."

The Food and Drug Administration response stated that "presence of a consumer representative could inhibit the free exchange in such informal hearings" as those concerning whether to report an action to the Attorney General for criminal prosecution.

The Postal Service and the Postal Rate Commission pointed to the statutory Postal advocate which represents the public in their proceedings as evidence for there being no need for CPA intrusion.

The Federal Trade Commission stated, "while the Commission is most interested in receiving any information a consumer advocate may wish to transmit, whether in a rulemaking or in an adjudicative proceeding, we are somewhat reluctant to support his active intervention in the Commission's adjudicative proceedings."

THE "AMICUS" AMENDMENT

There was an amendment proposed in Committee that, in my opinion, would have solved many of the problems in this bill without doing violence to the ideals of the most enthusiastic supporters of a CPA.

Termed by some as the "Amicus" Amendment, it was defeated by a vote of 10 to 5 in our 18-man Committee.

It should be given serious attention on the floor when it is raised again.

It borrows from the concept of an amicus curiae ("friend of the court"), an advocate who intervenes in a friendly, not adversarial, fashion, to aid the court in interpreting the appropriate law.

The Amicus amendment would give the CPA far more powers than an amicus curiae, of course, but its philosophy is similarly positive, not negative.

The CPA, under the amendment, would be allowed to enter, as of unchallengeable right, all of the proceedings and activities that the CPA would enter under the reported bill.

Thus, as with the present bill, the amendment suffers from the fact that Congress would have no idea where the CPA would go among the various bureaucracies. But it compensates for this by defining more narrowly and constructively what the CPA could do in its forays.

When in such proceedings or activities, the CPA would have a 3-step form of advocacy which would be much less inefficient, and far less disruptive, than what is proposed in the present bill.

First, it would present arguments and briefs, orally or in writing, in the same manner as an amicus curiae in court. That is, it would not participate as a party in all the day-to-day and month-to-month legal infighting, but act on a higher plane as one of the Government attempting to assure with efficiency and without disruption that another part of the Government gives due consideration to the interests of consumers.

Secondly, the CPA would, as of unchallengeable right, be granted an opportunity to present its written views on the written data, views and arguments upon which the forum agency will make a decision. That is, prior to taking final action, the forum agency must give the CPA the right to have the last word, so to speak.

Thirdly, rather than appealing the decisions of its sister agencies to the courts, the CPA would have the unchallengeable right to seek an administrative rehearing or reconsideration, where such is available, of any decision with which it disagrees.

In the courts, the Amicus amendment provides the CPA with the unchallengeable right to enter, as an amicus curiae to protect consumer interests, any proceeding involving federal law.

Trial period approach

Supporters of the Amicus approach, of which I am one, stress that this should be considered a trial period approach.

We anticipate that the CPA shortly would return to Congress and ask for more power if needed to deal with specific problems. At such time, the CPA would not only be able to describe these areas of need, but to suggest appropriate procedures for implementing the new powers.

Who will deny the CPA the powers it demonstrates it needs? Who can prove now that the CPA needs the strongest possible powers to cover the proceedings of the smallest Federal monument commission to the Office of the President? Few, if any, know what "Federal agencies" exist in the sprawling Federal Government.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Is there further morning business? If not, morning business is concluded.

ORDER OF BUSINESSS

Mr. ROBERT C. BYRD. Mr. President, I know of no further legislative business that the leadership intends to call up today, and I know of no further executive business that the leadership intends to call up today.

EULOGIES OF FORMER SENATOR GUY M. GILLETTE, OF IOWA

The PRESIDING OFFICER. Under the previous order, the legislative business having been disposed of, there will now be a period of not to exceed 1½ hours for speeches eulogizing the late Senator Guy Gillette.

Mr. HUGHES. Mr. President, as it happened, Guy Gillette's wife was a native of my hometown. There are those who still serve on the floor of this august body who had the opportunity of serving with Guy Gillette. One of those is present on the floor today in the person of the distinguished senior Senator from Vermont, a man who is certainly a senior Senator in the entire Senate.

Mr. President, I first yield to him at this time.

Mr. AIKEN. Mr. President, Guy Gillette was a Member of the Senate when I arrived here in January of 1941. I lost no time in associating myself with him in his work, which was primarily agriculture.

I might say that for the first 2 or 3 years I was more closely associated with Guy Gillette than almost any other Member of this body.

As a member of the Agriculture Committee, I served with him on what was called the Gillette rubber committee, a committee which was seeking a way to produce rubber from domestic sources, particularly from milkweed, since our supply of natural rubber from other countries was being cut off by the war. It was our business to visit certain parts of this country—I believe we went to Canada also at one time—trying to figure out some way to produce more rubber here in our own country.

The efforts of this committee were very helpful temporarily, although synthetic rubber, like other synthetic materials, was eventually manufactured from petroleum.

Guy Gillette's first interest was agriculture, a subject which was of paramount importance in his home State of Iowa, and American agriculture today owes much to this great statesman.

I well recall his interest in the international field, where his differences with President Roosevelt were quite pronounced and where American agriculture played such a great part in restoring the war devastated countries.

He was, indeed, devoted to American agriculture, to his home State of Iowa, and to his country.

Although we regret his passing, we are indeed glad that he had such a long and useful life, in which he accomplished so much for these United States of ours.

Mr. HUGHES. Mr. President, I want to express my deep appreciation to the leadership of the Senate for scheduling this time for eulogies of a great Senator and one of the most illustrious citizens ever to be produced by my native State of Iowa.

Guy Mark Gillette died on Saturday, March 3, at the age of 94, in his home community of Cherokee, in western Iowa. Cherokee is just 28 miles from my home town of Ida Grove.

A warm, genial man who had many friends in Congress on both sides of the aisle, I know it would have made him happy that a number of his Senate friends and colleagues are expressing their esteem and friendship for him today. His son Mark, the only immediate family member who survives, will cherish these words of eulogy.

We remember Guy Gillette as a tall, handsome, silver-haired man, who looked and lived the part of the great Senator he was.

We remember him as a ruggedly independent spirit who did not hestitate to challenge the most powerful leaders if he thought they were wrong—as was the case when he stoutly opposed President Roosevelt over the packing of the Supreme Court.

We remember him as a public servant big enough to change his mind when he felt the national interest warranted such a change. A strong isolationist in the 1930's, he became a devout internationalist in the 1940's and aided in the establishment of the United Nations.

In this context, we particularly remember his dedicated involvement in the formation of the new nation of Israel.

We remember, perhaps best of all, that despite all of the distinctions he won in the course of his life, Guy Gillette remained a plain, unpretentious, friendly person, who never lost his roots in the Iowa soil and his feeling for the people of his native State.

A farmer himself, he felt that his most valuable contributions in his public service career were in helping to meet the legitimate needs of the farmer—helping them to get power and lights for their farms and to develop soybeans as a new cash crop.

What it adds up to is that Guy Gillette had that ideal balance we seek in a Congressman and a Senator—an ardent concern for the needs of his own State but, along with it, a wise and courageous concern for the national interest and for our role as a nation in the world community.

I knew Guy Gillette over a period of many years—first as a legendary hero and, later, as a wise counselor and father-figure. His home town of Cherokee was near Ida Grove, where I was born and lived—on the beautiful western slope of Iowa, in the valley of the Missouri River. Mrs. Gillette, who preceded the Senator in death in 1956, originally came from Ida Grove.

Although a strong man and a commanding presence, Senator Gillette never forced his opinion on you or denied his help when it was sought.

Stewart McClure, staff director of the Labor and Public Welfare Committee, who served as Administrative Assistant to Senator Gillette, sent me recently a copy of a letter he had received from the Senator back in 1964. I was Governor of Iowa at the time and had asked Senator Gillette for help in checking out the possibility of Federal assistance for an alcoholism project involving studies with the four Scandinavian countries. As always, the Senator responded promptly and generously and his letter to Stewart McClure was to enlist his former associate's help in running down the requested information.

Guy Mark Gillette was born on a farm 2 miles west of Cherokee, Iowa, on February 3, 1879. He received a law degree from Drake University in 1900 and practiced law in Cherokee for 17 years. He enlisted in the Spanish-American war at 19. In World War I, he became a captain in the Army serving 5 months overseas.

Following the war, he returned to farming for 14 years, a time he later described as a period of "happy days" in his life.

Pressed by friends to run for Congress in 1932, Guy accepted the nomination with considerable reluctance, but, once having committed himself, he characteristically gave the campaign his best effort. He won by 10,000 votes that year, and 2 years later boosted his margin to 26,000 votes.

In the light of current controversy over food prices and agricultural production, it is interesting to note that, as a Congressman, Guy Gillette exerted effort to expose monopoly and profiteering by middlemen in the food industry.

As a Congressman and New Dealer, Guy Gillette soon showed the independence that was to characterize his public career throughout its duration. He opposed the National Recovery Administration program of President Roosevelt and voted against the Roosevelt administration's Agricultural Adjustment Act.

He was renominated for the House in 1936, but that summer, following the tragic death of Senator Richard Louis Murphy in an automobile accident, he was nominated for the Senate vacancy and won it handily that fall.

In the Senate, when he stoutly opposed President Roosevelt's Supreme Court reorganization plan, he earned himself a place on the administration's purge list in the next campaign. However, he won the nomination and the election.

In the years that followed, Senator Gillette was prominent among midwestern isolationists, voting against lend-lease and against extending selective service. When the Neutrality Act was proposed as an aid to England and France, he was also in opposition.

In the early 1940's, however, he completely changed his viewpoint and forthrightly proclaimed it. He introduced a resolution that supported the principles of the Atlantic Charter and was among those urging the negotiation of "a postwar peace charter."

Subsequently, he was named to the bipartisan Senate panel that worked with the State Department in drafting the United Nations Charter.

He was also one of those responsible, in 1943, for the formation of the War Refugee Board and became a compassionate advocate for saving the Jewish people of Europe who had survived the persecution of the Nazis.

In 1944, Senator Gillette strongly opposed President Roosevelt's bid for a fourth term. He had opposed the third term in 1940, but this time he felt it so strongly that he withdrew as a delegate to the Democratic National Convention.

Following his defeat for reelection in 1944 by Bourke Hickenlooper, Senator Gillette was offered a Federal judgeship by President Truman. He chose, instead, the presidency of the American League for a Free Palestine, a group proposing the formation of a democratic Jewish-Arab government for Palestine.

In 1948, he again won election to the Senate. As a member of a Senate Elections Subcommittee, he was a strong influence in restraining the witchhunting activities of the late Senator Joseph R. McCarthy.

After his defeat by Tom Martin in 1954, Senator Gillette served a few years as counsel for committees of the Senate; then in 1961, returned to his Cherokee farm where he remained until his final illness.

Whether dealing with a local problem of the folks back home or a matter of national significance, Guy Gillette was equally conscientious. In the light of present-day concern about the first amendment and the need for declassifying public records that no longer endanger national security, an episode in Senator Gillette's life gives an interesting insight into his attitude on such matters.

Mr. Drexel A. Sprecher, of Bethesda, Md., who was formerly Deputy Chief Counsel and Director of Publications, Office of the U.S. Chief of Counsel for War Crimes, recently wrote me as follows:

> The recent death of Senator Guy Gillette of Iowa brings to mind a historical incident in which you will be interested both as a Senator from Iowa and as a member of the Armed Services Committee of the Senate.
>
> In 1950 and 1951 the then War Crimes Division, Office of the Judge Advocate General, Department of the Army, was proceeding with the editing and publishing of the principal materials from the twelve war crimes trials held in Nuremberg, Germany between 1946 and 1949 before American Military Tribunals.
>
> The records of these trials, and particularly the contemporaneous documents placed in evidence, disclosed many dimensions of the internal workings of Germany during the period of the Nazi dictatorship which were not disclosed, or only partially disclosed, during the earlier trial before the first International Military Tribunal at Nuremberg.
>
> Suddenly, during 1950, the Army was placed under heavy pressures to discontinue or curtail this publications project. Principal reasons then cited were those of financial economy and the supposed virtue of downplaying or even forgetting some of the involvements and actions which occurred in Germany under Hitler.
>
> When this situation was called to the attention of Senator Guy Gillette, he immediately made pertinent inquiries and then actively intervened by a variety of communications to persuade the Pentagon and members of Congress that the Army should publish all of the planned 15 volumes. His efforts had a telling effect, and eventually the Government Printing Office did publish the 15 volumes ("Trials of War Criminals before the Nuremberg Military Tribunals").
>
> These volumes contain over 20,000 pages of now readily available history. Both historians and thoughtful citizens owe Senator Gillette a debt because he would not allow this significant record to remain inaccessible to students of history and to the general public.

I am sure that those colleagues who served with Senator Gillette remember him well as a powerful orator who spoke with conviction and generally without benefit of manuscript or notes. He was a down-to-earth person with a homespun sense of humor that enabled him to accept political defeat philosophically as well as victory.

In Iowa, a predominantly Republican State since the Civil War, he was a powerful and effective campaigner. This was primarily because even those constituents who disagreed with him respected his integrity, his wisdom, and his consistent willingness to take a firm stand on politically sensitive issues.

As a member of the Senate Foreign Relations Committee, Senator Gillette worked closely with Cordell Hull and other prominent leaders of both parties. It is interesting to note that one of his intimate friends in Washington was the distinguished present minority leader of the Senate, Senator SCOTT.

The Cherokee Daily Times recalls:

> In his later years he was active locally as a member of the Chamber of Commerce and Rotary Club, as Chairman of the Cherokee County Red Cross for three years, as member of the Cherokee Library Board and as a member of the Chamber's industrial committee. He also served as a director of the Cherokee State Bank.

In other words, retirement from the Senate and passing the landmark of 75 in no way diminished the man from Cherokee's zest for life, love of people, and commitment to public service.

In 1964, as Governor, I had the privilege of attending a community banquet in Guy Gillette's honor, one of the most memorable experiences of my years in public office.

As the Cherokee Daily Times recounts it:

> Tributes came from President Lyndon Johnson, ex-President Truman, Senator Margaret Chase Smith and Senator Henry Cabot Lodge.
>
> The following year, Gillette was presented with a scroll of honor by the United Nations Association of Iowa.

In 1966, at the age of 87, Senator Gillette suffered a stroke and was hospitalized.

Now that strong heart is stilled, but the memory of this great American from Iowa's western slope who was, in appearance, character and comportment, the prototype of everyone's image of a great Senator will live on through the years.

Mr. President, the distinguished former Senator from Oregon, Mr. Wayne Morse, has written an eloquent personal tribute to the late Guy Gillette which I would like to read at this time:

> Senator Guy Gillette, a dedicated public servant of the people of Iowa, was no slave to party regularity. Always a member of the Democratic Party, he often opposed Democratic Party legislative programs which he believed were not in the public interest. He survived an attempt to purge him from the Senate, after his vigorous opposition to President Roosevelt's proposal to pack the Supreme Court.
>
> Although basically a New Dealer in political philosophy, Guy Gillette voted with a minority of Democrats in Congress in opposition to a few New Deal proposals, but always worked to improve them once they became law.
>
> For some years prior to World War II he was more isolationist than internationalist, but Germany's international outlawry convinced him that his country could not live unto itself alone. He backed our entrance into the war, and offered the Gillette Resolution supporting the principles of the Atlantic Charter as advocated by President Roosevelt. Guy Gillette was one of the Senators selected to work with the State Department to draft the United Nations Charter.
>
> Perhaps his most outstanding contributions in domestic legislation were his labors in behalf of farmers, and his never-failing defense of civil and human rights. As chairman of the Gillette sub-committee, he was among the first in the Senate to challenge the Senatorial misconduct of Joe McCarthy.
>
> Guy Gillette was courageous; he was intelligent; he was a kindly, gentle man devoted to the task of making the Federal Government responsive to the needs of the people. The history of the House of Representatives, and of the Senate, is the stronger because of the service of Guy Gillette.

I would like to conclude my remarks with a beautiful message I have just received from a distinguished journalist and public servant, Tristram Coffin:

> I knew Senator Gillette when I was a working reporter on Capitol Hill, and he was one of my very favorite people—a man gentle and wise, completely honest and educated in the best sense. He understood America and its people and had faith in them. Without knowing it, he gave a great many people strength by his calm good humor and faith in democracy.

Mr. HARRY F. BYRD, JR. Mr. President, Senator Gillette left the Senate quite a while before I became a Member of the Senate.

I remember him quite well, however, I used to come to the Senate in those days when he served here. I remember him as a tall, very striking Senator. I remember him as a Senator of great courage.

I remember his fight against the court-packing plan in 1937 and 1938.

I remember the effort to purge Senator Gillette from the Senate undertaken by the President of the United States; a purge, incidentally, that failed.

I remember him as a very close and dear friend of my father. They served together. My father and Senator Gillette served together for some 14 to 16 years.

I remember that his hometown was Cherokee.

I remember that Mrs. Gillette's name was Rose.

Through the 30 some years that have elapsed since Senator Gillette became a Member of the Senate, I remember him as one of the finest Members to serve in this body.

I am pleased to join today with the two distinguished Senators from Iowa in saying a few words about a splendid outstanding Senator.

Mr. HUGHES. Mr. President, the distinguished Senator from West Virginia (Mr. RANDOLPH) is out of the city today. As many of the Members of this body know, Senator RANDOLPH is an old friend and colleague of Senator Gillette, and he asked me to place his tribute in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

STATEMENT BY SENATOR RANDOLPH

The significance of a man's life often emerges in clearer and more compelling perspective in the aftermath of his death, in the effect which that life and death are seen to have on the lives of others. It is extremely gratifying to that individual if, after retiring from the public arena, he is granted added years of leisure to reflect and review his role in the great scheme of things.

So it was with Senator Guy Gillette of Cherokee, Iowa, whose death on March 3 saddened all of us who knew him as a great Senator and as a great American.

Guy Gillette and I both entered the House of Representatives in the 73d Congress, in 1932. We served together in the House until his election to the Senate in 1936. We remained friends during his illustrious career as Senator and in the years after.

He stood tall among the Senators of his time—noble, dignified, modest, gracious, handsome, white haired. No Senator took his constitutional duties more seriously, yet he could look upon himself with a delightfully detached sense of humor.

Some time after he had been retired from the Senate, he was approached by representatives of Otto Preminger, the Hollywood producer, about a part in the film version of "Advise and Consent." His comment on this conversation was as follows:

"When they phoned to me from Washington about a "spear-carrying" part in the mob scene in the filming of Advise and Consent, they told me it would be just a small part and that there would be little or nothing to learn for a speaking part. That it was probably that all I would have to say would be "aye" or "no" of certain roll calls.

"I told them there was no harder job than that. That after twenty years' service in the Congress, I very well knew that to know when to say "aye" or "no" on roll calls was what most Senators, including me, had never thoroughly learned. And it would be a privilege to have someone tell me."

While the history of our times will recall Guy Gillette's great contributions to our Nation's foreign policy, especially his role as a member of the Foreign Relations Committee in the development of the concept of the United Nations, he was never so preoccupied with world-shaking public questions as to neglect the fundamental interests and needs of his fellow citizens at home.

I recall vividly that in 1944 a presidential directive had been issued canceling the plans for construction of 28 civilian airports in 17 States on the ground that critical materials were needed for the war effort.

Four of those airports were to be in my home State of West Virginia, at Martinsburg, Parkersburg, Wheeling, and Wiley Ford. The people in those communities had already begun preparations. One community had moved a church out of the way and razed a schoolhouse. Another had spent $20,000, a great deal of money in those days, on its share of the cost of building its airport. All this was in jeopardy.

We founded a special committee of House and Senate Members to seek redress at the White House.

When I went down the roster of all the 96 Senators looking for one who could help us have the maximum impact upon the President, my selection was Guy Gillette, of Iowa, then a towering figure in this body. I urged him to head our delegation to the White House. He accepted immediately.

We called on the President in his upstairs study at 8:30 in the evening. He received us before a crackling fireplace and asked us to present our case.

Following Senator Gillette's cogent introduction, each of us presented our arguments for continuing the construction of these 28 civilian airports. President Roosevelt listened attentively throughout the 18 or 20 minutes we counselled with him. He did not interrupt and he did not ask any questions. At the end, he said, in effect:

"Gentlemen you have made your case. The order will be reversed tomorrow morning."

It is to that intervention, headed by Guy Gillette, that 28 cities in this country, four of them in West Virginia, owe the fact that they began to benefit from civilian air service even before World War II ended.

His indomitable will and his unquenchable spirit during years of illness kept him not only alive but ever keenly interested in our country's affairs. One remarkable achievement of this grand old man is this: At the age of 87, his writing hand paralyzed, he taught himself to write with the other hand. He maintained regular correspondence with friends throughout Iowa and the Nation and advised Iowans in Democratic politics on how best to proceed. May his memory burn on warm and bright.

I am privileged to join with his legion of friends and admirers in marking the passing of Guy Gillette, whose presence on this earth has improved it, and whose service on behalf of his fellow Iowans, his fellow Americans, and of all mankind will be written large in the annals of history.

Mr. HUGHES. Mr. President, my distinguished colleague from Iowa (Mr. CLARK) now wishes some time to eulogize Senator Gillette and I yield to him as much time as he desires.

Mr. CLARK. Mr. President, we are all here this afternoon to honor the memory of Guy Gillette.

He died last week in the same town where he was born 94 years ago—Cherokee, Iowa. He spent so many of those years in the service of his State and his country—as a farmer, an attorney, a veteran, a Member of the U.S. House of Representatives and, finally, a Member of the U.S. Senate. For all but 4 of the years between 1933 and 1955, he represented the people of Iowa—first as a Congressman from what was the 9th Congressional District and then as a Senator.

There are others here today, like my distinguished colleague from Vermont, Senator AIKEN, who served with him and knew him better. They will best be able to describe Senator Gillette and what he did in the Senate, but I can speak to what he stood for all of those years. When I was growing up in Iowa, he represented the best in public officials and public service: integrity, tenacity, independence, courage. I remember him for those qualities.

He was a good Democrat, but he was not blinded by party loyalty. He opposed the National Recovery Administration program and President Roosevelt's proposal to "pack" the Supreme Court because he thought neither was in the best interests of the country. This earned him a place on President Roosevelt's so-called "purge list" in 1938. Despite that, he was reelected to the Senate.

Guy Gillette will be remembered for his vigorous and early support of the United Nations. In 1943, he introduced a resolution supporting the principles of the Atlantic Charter and recommending that the President negotiate a "postwar peace charter." That resolution led to his participation in the drafting of what would become the United Nations Charter.

In so many ways, he was ahead of his time. He fought racial prejudice, campaigned for election reform, and was a leader in efforts to create a War Refugee Board. He was particularly concerned about the plight of the European Jewish community after the war.

Like few others, Senator Gillette foresaw the tragedy of Southeast Asia. On April 5, 1954, not quite 20 years ago, he urged the United Nations to take up the Indochina question. He told the Senate:

> This is a time for plain speaking, and for a frank, honest, and earnest search for the best possible course for America to follow. Even though not a single American may have fired a shot, or been fired on, in the war in Indochina, America is deeply, dangerously, and perhaps inextricably involved in this area.

And 2 weeks later, Senator Gillette repeated the same message:

> If the war in Indochina at one time did not constitute a threat to international peace and security, that time has long since passed. The war in Indochina has become the most critical threat to international peace and security now facing the nations of the world.

It was to remain that way for almost 20 years. Senator Gillette had the good fortune to live long enough to hear how peace, however tentative and fragile, had come to that part of the world which he had seen troubled by war for so many years.

His life was long, and it was full. Wherever he was in public life, he left his mark. Guy Gillette was a man of the soil, a man of the law, a man of common sense and common decency. It is an honor to hold his old seat in the U.S. Senate.

His passing is a deep loss—for his family, for his friends and neighbors in Cherokee, for Iowa, and for the country. He will be missed.

Mr. HUGHES. Mr. President, it was in 1957 that I first made up my mind to seek public office in Iowa. One of the first individuals I sought out to counsel with was the great Senator from Northwest Iowa who lived 28 miles from my home. I wanted him to advise and counsel me on what I should do. At that time I had just changed my registration from the Republican Party to the Democratic Party and found myself in a sort of dilemma—disliked and detested by the local Republicans around my part of the State, and sort of unwanted by the young Democrats I had decided to join.

But in the midst of this dilemma, former Congressman and former Senator Guy Gillette made me feel very welcome. He discussed with me the great philosophy of his party, the trials and tribulations of public office, and agreed to endorse my campaign for the very first office that I ever sought. I had not sought him out for that purpose but he volunteered to attempt to try and break the ice for a relatively young man seeking public office for the very first time. He endorsed that campaign, and those that followed over the course of the years up to the time he was immobilized by a stroke.

He participated in dinners and functions all over the State of Iowa. He was sought out for advice and counsel by every Democratic candidate for every office, regardless of whether it was Secretary of Agriculture, the State legislature, for the Senate, or for Governor—whatever it might be. He was our friend. He spoke for me at fund raising dinners— not just the important ones at the State level, but sometimes at the precinct level, to help raise funds for the Democratic Party to continue the political processes. He truly valued the party system in America.

But, more than that, he valued the individual conscience of every man, woman, and child, the dignity of all the citizens of our country, as well as respect for all the citizens of the world.

It would be difficult for me to express my feelings when I first visited Guy Gillette, which was in 1968. He was immobilized by a stroke. He was in bed, using exercise equipment, but unable to get out of bed, with a bright gleam in his eye reflecting that his brilliant mind was still functioning completely. At that time, I was deeply impressed that here was a man, even though in his late 80's, who was still contributing something of value, from a bed he knew he would never rise from again, still showing his affection for his State and Nation.

Since that time, as long as he was able, we exchanged occasional correspondence, although the last few times he did so feebly, it was irregular and not very precise. He had reached the point where he was ready to leave this life but he accepted willingly the fact that his course had run. He looked with the divine hope that we all share for an eternity in which he would find that better peace that most of us seek here on this earth. But he never saw the day when he gave up with his mind, his voice, and his great energy to try to make a contribution to the betterment of the human race.

It was with a great deal of respect, love, and admiration over the years in my public service that in the back of my memory. I always thought of this man who, though many times I disagreed with him, saw the light. I was the first Democratic Senator from my State to come into this body since his last defeat in a public election, and I knew that I had to fill a large pair of shoes when I came to this body.

I was reminded by one of those who worked with Senator Gillette that Senator Gillette introduced a resolution in 1939 that brought into being the radio and press gallery in this very body, and that it was one of his battles to see that there was space at the moment of what was happening and being said here. I think it is a tribute, again, to a great Senator, a great man, but more important, a decent human being, and indicates the value and esteem in which he is held by all who knew him in public and private life.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative cerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, I wish to join my colleagues in eulogizing our late, departed colleague, the former Senator from Iowa, Guy Gillette.

I had the opportunity to serve with him for a few years when I first came to the Senate, and I found him to be a man of outstanding integrity and understanding, a man who made many contributions to the welfare of his State and to the Nation as a whole.

At this time, I would like to read to the Senate a statement I have just received by another former colleague, Senator Burton K. Wheeler of Montana, relative to his relationship with Senator Guy Gillette:

> Senator Guy M. Gillette was one of the Progressives of the Senate. In the tradition of LaFollette, Norris, Borah and Walsh of Montana, he sought social justice and the protection of farmers and laborers against exploitation. To this end he supported the reforms of President Roosevelt but recognized that the little man looked to an independent Supreme Court to protect his civil rights. He therefore opposed Roosevelt's Court packing plan.
>
> He was a handsome man with a commanding presence, but shunned the conceit of either. He was gentle, considerate and given to careful deliberation. While sometimes criticized for being slow to make up his mind, once his decision was made, he had the courage and integrity to adhere to his judgment no matter what the pressure or temptation. His wisdom and fortitude made him one of the most respected members of the Senate. Few surpassed him in ability and none possessed higher principles. He served his State of Iowa and the nation faithfully and with great competence.
>
> BURTON K. WHEELER.

Mr. President, I join Senator Wheeler in what he has said about Senator Gillette, and I wish to add to Senator Wheeler's reference: "In the tradition of LaFollette, Norris, Borah, and Walsh of Montana, he sought social justice and the protection of farmers and laborers against exploitation." To that list of outstanding Senators should be added the name of Senator Burton K. Wheeler.

I am delighted at this time to read this letter from a distinguished former colleague of ours in this body, a man who in his own right made a splendid reputation, a man who was fair, a man who had ability, and a man who possessed high principles.

Mr. YOUNG. Mr. President, March 3 marked the passing of Senator Guy M. Gillette—one who had made a great contribution to his State and Nation as a Member of this body.

Guy Gillette was an able, well respected Senator—one who I had the privilege of serving with during his last years in the Senate. He was one who had a very special interest in agriculture and he truly was a great and powerful friend of farm causes.

It was my privilege to serve as one of five Senate Members on a Senate Agriculture Subcommittee of which Senator Gillette was the chairman. The other members of this special subcommittee were the late Senator Scott W. Lucas of Illinois, the late Senator Spessard Holland of Florida, Senator GEORGE D. AIKEN of Vermont, and myself. My friend Senator AIKEN and I are the only two members of that committee left.

This special committee dealt with the utilization of farm crops and was appointed in April of 1949. It was typical of Senator Gillette's interest in agriculture. The purpose of this subcommittee was to find new uses for agricultural surpluses, such as converting surpluses into rubber and alcohol and many other products. It was an idea that deserved much more attention and consideration than it was given.

Mr. President, I will always have pleasant memories of serving with Senator Guy Gillette—a wonderful friend and a great, great Senator. I extend my deepest sympathy to the family.

Mr. ERVIN. Mr. President, I appreciate the opportunity to say something about the late Guy Gillette, who was a most distinguished Member of this body.

I became acquainted with him personally after I came to the Senate in June 1954. He was then representing the great State of Iowa in the Senate and, as I recall, was defeated in the election that November.

I had learned to admire Senator Gillette long before I became acquainted with him personally. He was a man who carried his own sovereignty under his own hat. Although he was a good Democrat, he differed on certain issues with President Franklin D. Roosevelt and was one of the selected victims of a presidential purge on that account. The great Democrats of Iowa and the great people of Iowa displayed their fidelity to the independence of mind which Senator Gillette had exhibited, and returned him to the Senate for, I believe, the last term he served.

After Senator Gillette was unsuccessful in his bid to return to the Senate in 1954, he worked for a time as an aide to a subcommittee chaired by Senator Olin Johnston of South Carolina, and during that time I came to know him even better than I had known him while he was serving in the Senate.

On one occasion he told Senator Johnston and myself that he thought there was one defect in the setup of Senate committees, and that was that there was no committee or subcommittee which was charged with the primary duty of studying the encroachment of one branch of the Government upon another. Senator Gillette entertained the opinion that the continuance of our country as the republic it was intended to be depended upon observance of the doctrine of separation of governmental powers among the President, the Congress, and the courts. He suggested to Senator Johnston and myself that there ought to be some committee set up to study the manner in which the doctrine of the separation of powers was being observed or violated.

In consequence of this conversation with Senator Gillette, I had a conversation with the distinguished majority leader, Senator MANSFIELD, and the then distinguished minority leader, Senator Dirksen, in which I pointed out the observations which Senator Gillette had made to me and Senator Johnston on this subject. Both of them thought there was much validity in those suggestions. In consequence, they introduced a resolution to establish a subcommittee of the Senate Committee on the Judiciary to study the way in which the doctrine of the separation of the powers of Government at the Federal level was being observed.

After adoption of the resolution, I became the chairman of such a subcommittee, and this subcommittee for some years has been studying the encroachment of one branch of the Federal Government on the domain assigned by the Constitution to the other branches. As a result of that, we have had a great deal of study done on some subjects which are of primary concern in the Senate at this time. One of those subjects that we have studied in detail is the impoundment issue. Another is the pocket veto issue. Another is the question of what we have come to know as executive privilege. The fact that this subcommittee has made these studies and has amassed a considerable amount of historical and other evidence related to them can be traced to the foresight of former Senator Gillette, who in effect is the intellectual father of this particular subcommittee.

I always found Senator Gillette to be a person of vast ability and complete devotion to the system of government which the Constitution was ordained to establish.

The country is fortunate that he lived to the ripe age of 94 and that during a large portion of those 94 years he served the people of this Nation and the people of Iowa in the office of U.S. Senator where he manifested a high degree of intelligence and complete devotion to fundamental principles and a degree of moral and political courage which is seldom evidenced in the annals of our Nation.

Mr. PASTORE. Mr. President, the clock of memory turns back some 20 years as today the Senate recalls the majestic figure of an old colleague, Guy Gillette, whose oratory was one of the attractions of this Capitol for a score of years as he served in both House and Senate.

Twenty-one Senators who served with Guy Gillette in his final year of 1954 are still serving today. Another Senator had resigned—to became Vice President of the United States and then be back to preside over the Senate—Richard Nixon.

I do not presume on this day of eulogy to add to the biographies of the late Senator—but I will borrow the farewell spoken on December 2, 1954, in the final moments of the final session—spoken by then minority leader, Lyndon Johnson of Texas:

> My good and trusted friend, Guy Gillette, has served with us many years. His dignity and his statesmanship—particularly in the realm of foreign affairs—has been a guiding beacon for both Democrats and Republicans. He has served with distinction and integrity and I shall always treasure our personal association. I shall be calling on him for advice and counsel in the years to come no matter where he may be.

Now two great statesmen belong to the ages. They have our praise and our prayers. May they rest in peace.

Mr. HARTKE. Mr. President, with the

passing of Senator Guy M. Gillette, the Nation has lost a great patriot whose long and distinguished public career has brought him a place of respect in the hearts of many Americans.

The distinguished Senator from Iowa began service to his country when he enlisted in the Spanish-American War at the age of 19. He served as a captain in World War I. He went on to become a U.S. Representative in 1932 until 1936 and served as U.S. Senator for 14 years between 1936 and 1955.

He was a longtime advocate of the United Nations. He helped the late Secretary of State Cordell Hull in preparing a tentative draft of the original United Nations Charter while serving as a member of the bipartisan Senate committee.

It is with deep sorrow that the Congress mourns the passing of Senator Gillette.

Mr. HUMPHREY. Mr. President, I share the sorrow of my colleagues at the death of Senator Guy Gillette of Iowa. He was one of the most independent and articulate men ever to serve in the Senate. I had the privilege of serving with him during his second term in the Senate, and I remember that Guy Gillette always spoke his mind, whatever the issue.

As an outspoken Democrat from a Republican State, he did not desert his opinions just to be popular, and partly for this reason, Senator Gillette lost his bid for reelection in 1945. But 3 years later the people of Iowa decided that they wanted their forthright spokesman back in the Senate, and returned him to office.

Guy Gillette would not give in to pressure, whether it came from the left or the right. He opposed President Roosevelt when he disagreed with him, most notably on the President's bill to increase the membership of the Supreme Court.

Nor did Senator Gillette acquiesce to the injustices and totalitarian aspects of the McCarthy era. He questioned Senator McCarthy's use of contributions to his crusade, was attacked in return, and was eventually vindicated by the Select Senate Committee which called for censure of Senator McCarthy.

America's farmers remember Senator Gillette as their friend. We remember him as the author of early legislation to fight the exploitation of racial prejudice in election campaigns.

Many of us remember him as a man who began his public life as an isolationist, but who ended up helping the State Department draft the Charter for the United Nations.

Certainly this body was honored to have a Senator of Guy Gillette's independence, compassion, and patriotism.

Mr. FULBRIGHT. Mr. President, the death of Senator Guy Gillette of Iowa brought to mind his long service on the Committee on Foreign Relations. Prone as we are in this body to think in terms of seniority, I had labored under the impression that long ago when I became a member of the Committee on Foreign Relations—in 1949, to be precise—that Senator Gillette was junior to me in service on the committee. For two Congresses—from 1951 to 1955—I was senior to Guy Gillette in our service on that committee.

The fact was, however, that Guy Gillette first became a member of the Committee on Foreign Relations in 1939 and served on the committee throughout the war—until 1945.

When Senator Gillette returned to the committee in 1949, he was one of its most active members, participating in the committee's endeavors to strengthen the United Nations Charter.

Senator Gillette was ever the guardian of the Constitution. He was one of those who was early in consciousness of the dangers to our system implicit in what is occasionally a tendency toward slackness in Senate procedures.

Some Members will recall that in 1952 and 1953 the Senate had gotten into the habit of approving treaties in a most proforma manner. Despite the fact that action on treaties is one of the most important functions given to the Senate by the Constitution, during the year 1952 the Senate acted upon only five out of 25 treaties by a rollcall vote, the other 20 having been approved by a voice vote.

When Senator Gillette in early 1952 found that the Greek-Turkish protocol to the North Atlantic Treaty had been approved with only six Senators on the floor, he demanded its reconsideration. Fortunately, the protocol had not yet been sent to the President by the unanimous-consent procedure which we now so often follow in order to avoid the requirement of the Senate rules that motions to reconsider are in order for 2 days of actual session after the vote. That protocol was recalled and passed by a rollcall vote.

As a result of the position taken by Senator Gillette and others, on July 20, 1953, the acting majority leader, Senator Knowland, announced that the Majority Policy Committee, as a matter of operating procedure thereafter, would insist that on treaties as well as constitutional amendments, there would be a quorum call before any vote, and a request for a yea-and-nay vote.

This is a small point in history, but significant in that it was a slight beginning in the preservation of the constitutional role of the Senate which I, for one, find constantly threatened by increasing assertion of power by the Executive, and by a tendency toward passiveness on our part.

Senator Gillette was a fine gentleman, as well as a great Senator. While he has not been among us for the many years since his retirement, he was one of those who contributed to the strength of our constitutional system.

Mr. SPARKMAN. Mr. President, I ask unanimous consent to have printed in the RECORD a statement by our former colleague Senator Lister Hill.

The PRESIDING OFFICER. Without objection, it is so ordered.

STATEMENT BY FORMER SENATOR LISTER HILL

Guy Gillette was my friend and colleague. He served in the House of Representatives and in the Senate during a total of 18 years. He lived for almost a century and left his mark on many areas of our country's life—in foreign relations, in agriculture, in consumer protection, and most importantly in defense of the constitutional separation of powers among the legislative, the executive, and the judiciary.

I served with him on the Foreign Relations Committee.

He was an independent-minded Democrat. He strongly supported the New Deal, but he also strongly opposed President Roosevelt's effort to "pack" the Supreme Court. He was among the first to urge the creation of what was to become the United Nations. He was truly a stateman and the Nation is the better for his having lived and worked among us. It is an honor to join with his other friends and colleagues in this tribute to his memory.

Mr. HUGHES. Mr. President, the Senator from Iowa is not aware of any further comments to be made for the RECORD today.

ORDER TO KEEP RECORD OPEN FOR EULOGIES ON THE LATE SENATOR GUY GILLETTE

Mr. HUGHES. Mr. President, the Senator from Iowa is unaware of any other Members of this body who intend to place into the record today eulogies in behalf of the late Senator from Iowa, Guy Gillette, but I ask unanimous consent that the record be kept open for 2 weeks to receive such eulogies as Members of the Senate may care to submit.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRINTING EULOGIES TO THE LATE SENATOR GUY GILLETTE AS SENATE DOCUMENT

Mr. HUGHES. Mr. President, at the end of the 2-week period of time, I ask unanimous consent that the eulogies presented and given here today be incorporated into a Senate document and printed as such.

The PRESIDING OFFICER. Without objection, it is so ordered.

QUORUM CALL

Mr. HUGHES. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ERVIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. HELMS). Without objection, it is so ordered.

WITHDRAWAL AND RELEASE OF CERTAIN EXECUTIVE SESSION TESTIMONY AND OTHER PAPERS

Mr. ERVIN. Mr. President, the resolution which I am offering is to permit the withdrawal and release to the U.S. Department of Justice of certain documents and executive session testimony submitted before the Senate Permanent Subcommittee on Investigations of the Committee on Government Operations. This resolution is in response to a request on behalf of the U.S. Department of Justice in connection with its prosecution of a criminal trial now pending within the U.S. District Court for the Southern District of Florida.

The criminal case is a direct result of an investigation made by the subcommittee during the period of 1970–71. This inquiry examined the theft and conversion of stolen securities throughout the United States.

Mr. President, I ask unanimous consent that the resolution be immediately considered and agreed to.

The PRESIDING OFFICER. Is there objection to the request of the Senator from North Carolina?

There being no objection, the Senate proceeded to the consideration of the resolution (S. Res. 81), which was agreed to.

The preamble was agreed to.

The resolution as agreed to, with its preamble, reads as follows:

S. Res. 81

Resolution to permit withdrawal and release of certain executive session testimony and other papers

Whereas the case of *United States of America* v. *Irving Devine, et al.*, Criminal Docket No. 72–733 is pending within the United States District Court for the Southern District of Florida; and

Whereas the Senate Permanent Subcommittee on Investigations has certain papers and transcriptions of executive session testimony which had been secured by members of said Subcommittee during the course of their duties as employees of the Senate; and

Whereas by the privileges of the Senate of the United States and by Rule XXX of the Standing Rules of the Senate no memorial or other paper presented to the Senate shall be withdrawn from its possession except by Resolution of the Senate; and

Whereas a representative of the Department of Justice has requested the release of certain papers and transcriptions of executive session testimony of Michael Raymond, a witness before said Subcommittee; Therefore be it

Resolved, That the Permanent Subcommittee on Investigations may release the documents, memorials, papers and transcriptions relating to the public and executive session testimony of Michael Raymond to the Department of Justice for the use thereof in the above-stated case.

QUORUM CALL

Mr. ROBERT C. BYRD. Mr. President, I sugegst the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Berry, one of its reading clerks, announced that the House had passed a joint resolution (H.J. Res. 334) to provide for the designation of the second full calendar week in March 1973 as "National Employ the Older Worker Week," in which it requested the concurrence of the Senate.

NATIONAL EMPLOY THE OLDER WORKER WEEK

Mr. ROBERT C. BYRD. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on House Joint Resolution 334.

The PRESIDING OFFICER (Mr. Helms) laid before the Senate House Joint Resolution 334, a joint resolution to provide for the designation of the second full calendar week in March 1973 as "National Employ the Older Worker Week," which was read twice by its title.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of the joint resolution.

The PRESIDING OFFICER. Is there objection to the present consideration of the joint resolution?

There being no objection, the Senate proceeded to consider the joint resolution.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent to have printed in the Record a statement by my distinguished colleague from West Virginia (Mr. Randolph), together with an insertion which he has also asked to have printed in the Record.

The PRESIDING OFFICER. Without objection, it is so ordered.

Support for National Employ the Older Worker Week

I wholeheartedly support the resolution to authorize the President to designate the second full week in March as "National Employ the Older Worker Week."

As the Senate sponsor of this proposal I am especially gratified that this measure is cosponsored by every Member of the Senate Committee on Aging, as well as other Members of the Senate. Mr. President, I ask unanimous consent that the cosponsors of S.J. Res. 49 be printed in the Record at the close of my remarks.

(See exhibit 1.)

The major purpose of this resolution is to build upon the solid achievements and continuing leadership of the American Legion in encouraging public and private employers to hire older workers.

Since 1959 the Legion has designated a particular week during each year to promote the employment of aged and aging Americans.

At this time national attention is directed at the advantages of hiring middle-aged and older individuals. Additionally, awards are presented to employers who demonstrate outstanding leadership in employing mature workers.

These efforts, I strongly believe, have proved to be enormously successful in combating some of the false stereotypes about the effectiveness of older workers.

Quite clearly, educational efforts are essential to help inform the public about the many attributes and true capabilities of aged and aging Americans. As a group, mature workers have many excellent qualities to be top notch employees. They have experience, stability, and dependability to perform well on the job.

A recent study by the New York Commissioner on Human Rights provides further compelling evidence about the effective performance of older workers. The Commission's survey of more than 100,000 State employees revealed that workers over age 65 performed their jobs "about equal to and sometimes noticeably better than younger workers."

Another advantage of this resolution is that it can provide greater national attention to create a more favorable climate for the employment of middle-aged and older workers.

Before concluding my remarks, Mr. President, I wish to commend the American Legion for its leadership in encouraging the hiring of older Americans.

For these reasons, I reaffirm my strong support for the enactment of this measure.

Exhibit 1

Cosponsors of Senate Joint Resolution 49—National Employ the Older Worker Week

Senator Beall, Senator Bible, Senator Brooke, Senator Chiles, Senator Church, Senator Clark, Senator Cranston, Senator Domenici, Senator Eagleton, Senator Fong, Senator Gurney, Senator Hansen, Senator Hartke, Senator Kennedy, Senator Mondale, Senator Moss, Senator Muskie, Senator Pell, Senator Percy, Senator Saxbe, Senator Stafford, Senator Tunney, and Senator Williams.

Mr. CHURCH. Mr. President, I strongly support the passage of House Joint Resolution 334, which would authorize the President to designate the second full week in March as "National Employ the Older Worker Week."

An identical resolution—Senate Joint Resolution 49—has been sponsored by every member of the Senate Committee on Aging, of which I am chairman. This proposal, which was introduced on February 2 by Senator Randolph—the chairman of the Committee on Aging's Subcommittee on Employment and Retirement Incomes—had been ordered reported earlier by the Federal Charters, Holidays and Celebration Subcommittee of the Senate Judiciary Committee. However, no final action could be taken by the full committee, because of the hearings on the nomination of Patrick Gray to be the Director of the FBI.

For these reasons, the House has acted first on this resolution to permit the Senate to call up this measure directly from the desk and to act on it now.

At the outset, I wish to thank the chairman of the Senate Judiciary Committee, Mr. Eastland; the majority leader, Mr. Mansfield; the chairman of the Federal Charters, Holidays and Celebrations Subcommittee, Mr. Hruska; and the majority whip, Mr. Byrd, for their splendid cooperation in permitting prompt action on this resolution.

Today many false stereotypes hinder the employment of middle-aged and older workers. These attitudes, unfortunately, are leading to a greater and potentially dangerous dependency ratio of nonworkers to workers.

During the past year alone nearly 800,000 persons aged 45 or older withdrew from the labor force, all too often involuntarily. On the other hand, nearly 2 million additional jobs were created for persons under age 45 during this same period.

No nation can ever hope to achieve its full potential if many of its experienced and skillful citizens are not allowed to participate. Much more can be gained, I strongly believe, by developing national policies which maximize job opportunities for mature workers.

Several studies have clearly demonstrated that it is in the employer's interest to employ older workers.

They are less likely to be absent from work for trivial reasons.

Their productivity compares very favorably with younger workers. In many cases, their work performance is noticeably better.

Mr. President, I also want to pay special tribute to the American Legion for its leadership efforts in promoting employment of older workers. During the past 14 years—since 1959—the Legion has been in the forefront in encouraging the employment of older workers.

And the primary purpose of this resolution is to build upon the American Legion's earlier successful efforts in this meritorious endeavor.

For these reasons I urge prompt approval of this resolution by the Congress and the White House.

The PRESIDING OFFICER. The question is on the third reading and passage of the joint resolution.

The joint resolution (H.J. Res. 334) was ordered to a third reading, read the third time, and passed.

ORDER FOR ADJOURNMENT

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in adjournment until 12 o'clock noon tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR TRANSACTION OF ROUTINE MORNING BUSINESS TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that on tomorrow, after the two leaders have been recognized under the standing order, there be a period for the transaction of routine morning business not to exceed 30 minutes with a limitation on statements therein of 3 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR CONSIDERATION OF PUBLIC HEALTH SERVICE ACT EXTENSION OF 1973 TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that on tomorrow, at the conclusion of the routine morning business, the Senate proceed to the consideration of Calendar No. 63, S. 1136, a bill to extend the expiring authorities in the Public Health Service Act and the Community Mental Health Centers Act.

Mr. GRIFFIN. Mr. President, reserving the right to object—and I shall not object—I do want to call attention to the fact that this particular bill was not referred to the appropriate legislative committee for consideration and that there is no report to accompany the bill.

The bill has been placed on the Calendar. It is my understanding that it is a bill that was considered to the last Congress. Of course, this is a procedure that is resorted to from time to time. However, I would note that it is not the ordinary, regular way to consider legislation, particularly important and expensive legislation. And while it would serve no purpose to object, because the leadership is free to call it up in any event, I do want to be sure that our colleagues are on notice that this legislation will be taken up and that there is no report available and that it will involve some additional staff effort for Senators to be familiar with this legislation and to intelligently be able to consider it tomorrow.

The PRESIDING OFFICER. Is there objection to the request of the Senator from West Virginia? The Chair hears none, and it is so ordered.

PROGRAM

Mr. ROBERT C. BYRD. Mr. President, the program for tomorrow is as follows:

The Senate will convene at 12 o'clock noon tomorrow.

After the two leaders or their designees have been recognized under the standing order, there will be a period for the transaction of routine morning business of not to exceed 30 minutes, with statements therein limited to 3 minutes each.

At the conclusion of routine morning business, the Senate will take up S. 1136, a bill to extend the expiring authority of the Public Health Services Act and the Community Mental Health Centers Act. I would anticipate one or more yea-and-nay votes thereon.

ADJOURNMENT

Mr. ROBERT C. BYRD. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 12 o'clock noon tomorrow.

The motion was agreed to, and at 2:01 p.m. the Senate adjourned until tomorrow, Tuesday, March 13, 1973, at 12 meridian.

NOMINATIONS

Executive nominations received by the Senate March 12, 1973:

CIVIL AERONAUTICS BOARD

Lee R. West, of Oklahoma, to be a member of the Civil Aeronautics Board for the term of 6 years expiring December 31, 1978, vice Robert T. Murphy, term expired.

DEPARTMENT OF LABOR

John H. Stender, of Washington, to be an Assistant Secretary of Labor, vice George C. Guenther, resigned.

IN THE AIR FORCE

The following-named officers for promotion as a Reserve of the Air Force, under the appropriate provisions of chapter 837, title 10, United States Code, as amended, and Public Law 92-129.

Lieutenant colonel to colonel

LINE OF THE AIR FORCE

Bays, Kenneth J., [redacted].
France, John L., [redacted].
Greene, Cecil W., [redacted].
Hutchinson, William F., [redacted].
Kelley, Charles D., [redacted].
Mahi, George Jr., [redacted].
Skinner, Charles R., [redacted].
Soscia, Louis J., [redacted].
Straub, Daniel L., [redacted].
Troutman, Ray K., [redacted].
Walsh, Harold V., Jr., [redacted].

CHAPLAIN CORPS

Neumann, Thomas J., [redacted].
Thielen, Thoralf T., [redacted].

MEDICAL CORPS

Brown, Dewees H., [redacted].
Po, Robert, [redacted].
Whitehead, Leslie E., [redacted].

Major to lieutenant colonel

LINE OF THE AIR FORCE

Adams, Lewis R., [redacted].
Bankston, Charles A., [redacted].
Cantrell, Verlin G., [redacted].
Couch, Jesse M., [redacted].
Duffy, Geroge H., [redacted].
Echevarria, Ramon L. [redacted].
Forsyth, James L., [redacted].
Frank, Vernon E., [redacted].
Fucchi, Rinaldo, [redacted].
Gorrell, Arnold D., [redacted].
Harris, Teddy L., [redacted].
Higley, Martin F., [redacted].
Hill, James R. M., [redacted].
Hiller, Walter, [redacted].
Huff. Frank F., [redacted].
Hunter, Neil W., [redacted].
Johnston, Reginald L., [redacted].
Lawrence, Leonard E., [redacted].
Lee, Harold B., [redacted].
Mathews, Richard G., [redacted].
McIlwain, Teddy C., [redacted].
Monkvic, John A., [redacted].
Montgomery, Charley A., Jr., [redacted].
Olsen, Ronald J., [redacted].
Petrelli, Edmond J., [redacted].
Rhodes, Duane L., [redacted].
Rowley, Clarence W., [redacted].
Sabbs, Frederick J., [redacted].
Sigl, Walter J., [redacted].
Smith, Richard M., [redacted].
Steinert, Donald L. F., [redacted].
Thelen, Donald J., [redacted].
Thomas Maxzeller L., Jr., [redacted].
Watson, James W., [redacted].
Wilson, Earthern H., [redacted].

MEDICAL CORPS

Burns, John B., [redacted].
Gigax, John H., [redacted].
Ramey, Ralph, Jr., [redacted].
Shapiro, Allen, [redacted].

NURSE CORPS

Graham, Ivra M., [redacted].
Holian, John G., [redacted].
Kopczynski, Helen D., [redacted].
Stephens, Geneva, [redacted].

MEDICAL SERVICE CORPS

Scheihing, Theodore R., [redacted].

VETERINARY CORPS

Hines, Richard J., Jr., [redacted].
Kupper, James L., [redacted].
Parker, Cleveland L., [redacted].

The following officers for appintment in the Reserve of the Air Force, in the grade indicated, Line of the Air Force, under the provisions of section 593, title 10, United States Code and Public Law 92–129.

To be Colonel

Cady, Daniel C., [redacted].

To be Lieutenant Colonel

Ernst, William S., [redacted].
Kershaw, Hyrum W., [redacted].
Wason, Robert C., [redacted].

The following officers for appointment in the Reserve of the Air Force (Medical Corps), in the grade of lieutenant colonel, under the provisions of section 593, title 10, United States Code and Public Law 92–129, with a view to designation as medical officers under the provisions of section 8067, title 10, United States Code.

Allensworth, William B., [redacted].
Ashby, Richard H., [redacted].
Eagleton, John E., Jr., [redacted].
Fettus, George H., III, [redacted].
Moore, Patrick J., [redacted].

The following officers for appointment as temporary officers in the U.S. Air Force (Medical Corps), in the grade of lieutenant colonel, under the provisions of section 8444 and 8447, title 10, United States Code and Public Law 92–129, with a view to designations of section 8067, title 10, United States Code.

Sanders, James G., [redacted].
Via, Bobby M., [redacted].

IN THE ARMY

The following-named persons for appointment in the Regular Army of the United States, in the grades specified, under the provisions of title 10, United States Code, sections 3283 through 3294 and 3311:

To be captain

Baucom, Sara E., [redacted].
Bishop, Lois E., [redacted].
McNamara, Sally A., [redacted].

To be first lieutenant

Fichtner, James M., [redacted].
Hamper, Sandra L., [redacted].
Harrison, Judith A., [redacted].
Hofmann, John R., Jr. [redacted].
Johnson, Valerie A., [redacted].
Keeton, Thomas E., [redacted].
Polner, David T., [redacted].
Quinn, Rose E., [redacted].
Rettig, Fannie M., [redacted].
Rowan, James H., [redacted].
Stegen, Martha C., [redacted].
Stepp, Terry A., [redacted].
Steele, Charles D., [redacted].
Zimmerman, Carol H., [redacted].

To be second lieutenant

Archer, Sally E., [redacted].
Clark, Willa R., [redacted].
Jelks, David A., [redacted].
Stalbaum, Harriett P. [redacted].

The following-named distinguished military students for appointment in the Regular Army of the United States, in the grade of second lieutenant, under provisions of title 10, United States Code, sections 2106, 3283, 3284, 3286, 3287, 3288, and 3290:

Abel, Stephen A., [redacted].
Acree, Nathan E. Jr., [redacted].
Adams, Richard A., [redacted].
Adamson, Larry C., [redacted].
Addison, Gary R., [redacted].
Addison, Ronald E., [redacted].
Adee, Daniel S., [redacted].
Adelson, Maurice B., [redacted].
Alexander, Robert H., [redacted].
Allen, Ronald L., [redacted].
Alston, Sammie A., [redacted].
Ames, Richard A., [redacted].
Arbona, Pedro L., [redacted].
Archual, Michael J., [redacted].
Aspinall, Laurin J., [redacted].
Aston, Michael E., [redacted].
Austin, Steve P., [redacted].
Azama, Wesley J., [redacted].
Bacak, Stanley C., [redacted].
Bailey, Ralph C., [redacted].
Baker, Charles B., [redacted].
Balch, John W., [redacted].
Banker, Gary W., [redacted].
Bannister, Kimball B., [redacted].
Barb, John M., [redacted].
Barr, Dean D., [redacted].
Barry, Thomas H., [redacted].
Bartell, Michael A., [redacted].
Bastone, John J., [redacted].
Battles, Emmett L., [redacted].
Batts, Joe R., [redacted].
Baughn, Carl W., Jr. [redacted].
Brazemore, Haywood M., [redacted].
Beach, Harold A., [redacted].
Beane, Thomas F., [redacted].
Beard, Walter S., [redacted].
Beaton, James B., [redacted].
Beckett, Lewis W., [redacted].
Beeson, Christoper J., [redacted].
Bell, David J., [redacted].
Bennett, Johnie J., [redacted].
Benoit, Jonathan W. [redacted].
Bergeron, Robert D., [redacted].
Bethers, Bruce R., [redacted].
Betty, Gerald R., [redacted].
Bielamowicz, Thomas E., [redacted].
Biggs, John D., [redacted].
Bird, Graham D., Jr. [redacted].
Birmingham, Daniel M., [redacted].
Bisek, Eugene, [redacted].
Blackwell, Buddy J., [redacted].
Bledsoe, Michael R., [redacted].
Blevins, Homer L., [redacted].
Boehnlein, Bruce F., [redacted].
Bonfield, James A., [redacted].
Booher, Dennis A., [redacted].
Boomers, Robert G., [redacted].
Boucher, Donald W., [redacted].
Bowen, James T. S., [redacted].
Bowen, William F., Jr., [redacted].
Bowers, Gregory L., [redacted].
Box, James H., Jr., [redacted].
Boxler, Gary L., [redacted].
Boyatt, Michael D., [redacted].
Boyd, Gregory J., [redacted].
Braaf, Robert G., [redacted].
Bradley, David L., [redacted].
Brangenberg, Gerald A., [redacted].
Bratcher, Charles D., [redacted].
Breeden, William L., [redacted].
Brewer, Paul G., Jr., [redacted].
Briceland, Patrick J., [redacted].
Bridge, William D., [redacted].
Brinker, David A., [redacted].
Brodeur, Steven P., [redacted].
Brontoli, Richard F., [redacted].
Brown, Arvin H., [redacted].
Brown, Charles R., [redacted].
Brown, Herbert G., [redacted].
Brown, Isaac, [redacted].
Brown, Timothy J., [redacted].
Brownlee, Daniel P., [redacted].
Bruns, John G., [redacted].
Brunson, Kendrick W., [redacted].
Buehler, David J., [redacted].
Bulinski, Daniel G., [redacted].
Burford, David P., [redacted].
Burgoyne, Lawrence K., [redacted].
Burke, John N., [redacted].
Burke, Thomas J., [redacted].
Burns, Charles, [redacted].
Burt, Michael C., [redacted].
Burton, Charles R., [redacted].
Burton, Richard C., Jr., [redacted].
Burton, Thomas L., [redacted].
Butkus, Raymond T., [redacted].
Byrne, Kenneth M., [redacted].
Byron, Richard J., [redacted].
Cady, James H., [redacted].
Cain, Michael, [redacted].
Callahan, Michael B., [redacted].
Camp, Kenneth A., [redacted].
Campbell, Kevin T., [redacted].
Campbell, Vincent W., [redacted].
Cantlon, Scott E., [redacted].
Cantu, Frank, Jr., [redacted].
Cardwell, Gerald D., [redacted].
Carlino, Charles A., [redacted].
Carlock, Robert C., Jr., [redacted].
Caron, Dennis P., [redacted].
Carpenter, Arlin D., [redacted].
Carr, Steve D., [redacted].
Carraway, Thomas P., [redacted].
Carver, Douglas L., [redacted].
Cass, Steven L., [redacted].
Cavin, William R., Jr., [redacted].
Cerone, Joseph D., [redacted].
Cervantes, Mario A., [redacted].
Chalkley, James R., [redacted].
Chandler, Garth K., [redacted].
Chapman, Stephen W., [redacted].
Chappelle, Kenneth T., [redacted].
Chin, Tommy H., [redacted].
Choate, Kenneth, [redacted].
Christensen, Dan R., [redacted].
Christensen, James E., [redacted].
Ciriaco, John J., [redacted].
Clark, Alvin W., [redacted].
Clark, Andre, [redacted].
Cleland, Ned M., [redacted].
Cleven, Ray D., [redacted].
Close, Allen C., [redacted].
Coe, William C., [redacted].
Coffee, Carl, [redacted].
Coffman, Sammy L., [redacted].
Cole, Charles G., [redacted].
Conrad, Scott W., [redacted].
Cooler, Ernest W., III, [redacted].
Coombs, Willis E., [redacted].
Coon, Thomas G., [redacted].
Cooper, Robert W., [redacted].
Corkern, Murphy W., Jr., [redacted].
Corley, Harry L., [redacted].
Cornett, Stanley N., [redacted].
Coronado, Alexander R., [redacted].
Cortez, Christopher A., [redacted].
Cox, Jerel L., [redacted].
Crabtree, Douglas A., [redacted].
Crawford, William M., [redacted].
Cribbs, Wayne R., [redacted].
Cromwell, Scott L., [redacted].
Crotty, Robert B., [redacted].
Crump, Christopher H., [redacted].
Cude, William B., [redacted].
Cullen, Michael T., [redacted].
Cummins, Michael L., [redacted].
Curry, James A., [redacted].
Curtis, James B., [redacted].
Cusack, Timmonthy J., [redacted].
Dabling, Robert C., [redacted].
Dady, Patrick S., [redacted].
Danzie, Bobby E., [redacted].
David, Carl J., [redacted].
Daniels, Steven H. E., [redacted].
Darwin, Charles E., [redacted].
Daschke, Carl E., [redacted].
Davenport, Clyde E., [redacted].
Davis, David P., [redacted].
Davis, Garry E., [redacted].
Davis, Gary R., [redacted].
Dawkins, Reginald, [redacted].
Dean, Mark K., [redacted].
Deeter, Louis P., [redacted].
Delgado, Dwighd D., [redacted].
Denlinger, Grover R., [redacted].
Denny, Craig K., [redacted].
Deramo, Antonio G., [redacted].
Devera, Herman V., [redacted].
Dial, Cortez K., [redacted].
Dibb, Roger A., [redacted].
Dickens, Larry M., [redacted].
Dixon, Brain C., [redacted].
Domaszek, Gerald R., [redacted].
Downing, Eddie, [redacted].
Drebus, John R., [redacted].
Driggers, Robert A. Jr., [redacted].
Durham, John D., [redacted].
Eberhard, Chadwick M., [redacted].
Edwards, James T., [redacted].
Ehly, William E., [redacted].
Elliott, Mark M., [redacted].
Ellis, John W., [redacted].
Ellis, Steven L., [redacted].
Epperson, Steven H., [redacted].
Estes, Stephen N., [redacted].
Evans, Frederick M., [redacted].
Evans, Richard L., [redacted].
Exum, Titus H., [redacted].
Fadler, Ronald J., [redacted].
Fairbanks, James W., [redacted].
Fanning, Reed, B., [redacted].
Farwell, Jay E., [redacted].
Fath, Robert D., [redacted].

Fedora, David F., xxx-xx-xxxx.
Feeney, Christopher D., xxx-xx-xxxx.
Feller, Sidney F., xxx-xx-xxxx.
Felton, Roger L., xxx-xx-xxxx.
Ferguson, Francis G., xxx-xx-xxxx.
Ferguson, Marion M., xxx-xx-xxxx.
Ferschweiler, Keith J., xxx-xx-xxxx.
Fields, James L., xxx-xx-xxxx.
Filling, Robert L., xxx-xx-xxxx.
Fine, Charles W., xxx-xx-xxxx.
Finley, Herman F., Jr., xxx-xx-xxxx.
Fisher, Edward A., xxx-xx-xxxx.
Fisher, Ronald G., xxx-xx-xxxx.
Flavin, Mark J., xxx-xx-xxxx.
Flesher, Robert G., xxx-xx-xxxx.
Forestal, James T., xxx-xx-xxxx.
Fortner, Rex. D., xxx-xx-xxxx.
Foscue, Macon W., xxx-xx-xxxx.
Fowler, Billy W., xxx-xx-xxxx.
Fowler, John C., xxx-xx-xxxx.
Fox, Lynn C., xxx-xx-xxxx.
Frankl, George H., xxx-xx-xxxx.
Franks, Edwin L., xxx-xx-xxxx.
Freeman, Joseph E., xxx-xx-xxxx.
Freeman, Norman E., xxx-xx-xxxx.
Fritz, Gary R., xxx-xx-xxxx.
Frost, Kenneth B., xxx-xx-xxxx.
Fuggiti, Jay A., xxx-xx-xxxx.
Fukumitsu, Keith K., xxx-xx-xxxx.
Fuller, Thomas G., xxx-xx-xxxx.
Fulmer, Randy J., xxx-xx-xxxx.
Fuqua, Ronald R., xxx-xx-xxxx.
Furlo, Michael A., xxx-xx-xxxx.
Gallen, John F., xxx-xx-xxxx.
Garcia, Leonel, xxx-xx-xxxx.
Garrett, William A., xxx-xx-xxxx.
Gerber, Thomas C., xxx-xx-xxxx.
Gerbers, Paul F., xxx-xx-xxxx.
Gerhard, John P., xxx-xx-xxxx.
Gest, Stanley A., xxx-xx-xxxx.
Gibson, Stephen G., xxx-xx-xxxx.
Gillum, Roger E., xxx-xx-xxxx.
Glasgow, Wesley L., xxx-xx-xxxx.
Glatt, Thomas A., xxx-xx-xxxx.
Goeke, Richard K., xxx-xx-xxxx.
Gonzalez, Juan F., xxx-xx-xxxx.
Gordon, James E., xxx-xx-xxxx.
Gordon, Joe W., Jr., xxx-xx-xxxx.
Gordon, Larry R., xxx-xx-xxxx.
Gowan, Roger W., xxx-xx-xxxx.
Graber, Gary J., xxx-xx-xxxx.
Graham, Gilbert M., xxx-xx-xxxx.
Grant, Barry C., xxx-xx-xxxx.
Grant, James, xxx-xx-xxxx.
Grant, Robert L., xxx-xx-xxxx.
Greene, Dennis R., xxx-xx-xxxx.
Greene, Steven B., Jr., xxx-xx-xxxx.
Greer, Olen L., xxx-xx-xxxx.
Gregory, Charles R., xxx-xx-xxxx.
Greiling, Ralph R., xxx-xx-xxxx.
Griffen, Wendell L., xxx-xx-xxxx.
Griffith, Jerome E., xxx-xx-xxxx.
Grignon, Alvin L., xxx-xx-xxxx.
Grigson, Allan E., xxx-xx-xxxx.
Grissom, Robert W., III, xxx-xx-xxxx.
Griwatz, Darryl H., xxx-xx-xxxx.
Gromek, Patrick J., xxx-xx-xxxx.
Gronke, Jack A., xxx-xx-xxxx.
Grundy, Cody D., xxx-xx-xxxx.
Grzella, James J., xxx-xx-xxxx.
Guarr, Bartes A., xxx-xx-xxxx.
Gumke, Rickie L., xxx-xx-xxxx.
Gundlach, Charles T., xxx-xx-xxxx.
Guta, Charles J., xxx-xx-xxxx.
Hakes, Russell A., xxx-xx-xxxx.
Hale, David T., xxx-xx-xxxx.
Hall, Richard B., xxx-xx-xxxx.
Hambridge, Robert W., xxx-xx-xxxx.
Hamby, James R., xxx-xx-xxxx.
Hames, John M., xxx-xx-xxxx.
Hamilton, Philip E., xxx-xx-xxxx.
Hammer, Gary W., xxx-xx-xxxx.
Hancock, Lonnie E., xxx-xx-xxxx.
Harmon, Robert T., xxx-xx-xxxx.
Harper, Fred P., Jr., xxx-xx-xxxx.
Harris, Bobby L., xxx-xx-xxxx.
Harris, Darryl L., xxx-xx-xxxx.
Harris, Randall C., xxx-xx-xxxx.
Hartt, Richard W., xxx-xx-xxxx.
Hartwell, John F., xxx-xx-xxxx.
Harvey, Larry D., xxx-xx-xxxx.
Havasy, Charles M., xxx-xx-xxxx.
Helton, Randy L., xxx-xx-xxxx.
Hembree, Larry F., xxx-xx-xxxx.
Henricks, Richard A., xxx-xx-xxxx.
Henry, Charles W., xxx-xx-xxxx.
Henry, Douglas M., xxx-xx-xxxx.
Henshaw, Robert E., xxx-xx-xxxx.
Herrig, James A., xxx-xx-xxxx.
Hervey, Theodore E., xxx-xx-xxxx.
Heystek, Larry G., xxx-xx-xxxx.
Hicks, John P., Jr., xxx-xx-xxxx.
Hidalgo, Jose A., Jr., xxx-xx-xxxx.
Hiers, Terry Q., xxx-xx-xxxx.
Hill, Amyl J., xxx-xx-xxxx.
Hill, George W., xxx-xx-xxxx.
Hill, Greg W., xxx-xx-xxxx.
Hill, James, W., Jr., xxx-xx-xxxx.
Hilliard, Nathan L., xxx-xx-xxxx.
Hillman, Bradley R., xxx-xx-xxxx.
Hinojosa, Paul A., xxx-xx-xxxx.
Hledik, Randall S., xxx-xx-xxxx.
Hobbs, Curtis L., Jr., xxx-xx-xxxx.
Hodges, Norman B., III, xxx-xx-xxxx.
Hoel, Elvin L., xxx-xx-xxxx.
Hoff, Christopher R., xxx-xx-xxxx.
Hogue, Daniel T., xxx-xx-xxxx.
Holden, Russell J., xxx-xx-xxxx.
Holland, Francis N., xxx-xx-xxxx.
Holmes, Daniel J., xxx-xx-xxxx.
Holt, Bernard H., xxx-xx-xxxx.
Honchul, Delbert D., xxx-xx-xxxx.
Hopper, Larry D., xxx-xx-xxxx.
Hooper, Travis L., xxx-xx-xxxx.
Horton, Phillip B., xxx-xx-xxxx.
Horton, Walter S. J., xxx-xx-xxxx.
Houle, Zoel G., xxx-xx-xxxx.
Howard, Willie, Jr., xxx-xx-xxxx.
Hudson, Thomas C., xxx-xx-xxxx.
Hummel, Jack P., xxx-xx-xxxx.
Hutcheson, Bill T., xxx-xx-xxxx.
Hyde, Richard M., Jr., xxx-xx-xxxx.
Jacobs, Ronald A., xxx-xx-xxxx.
Jackson, Barry A., xxx-xx-xxxx.
Jackson, Carl W. B., xxx-xx-xxxx.
Jackson, Joseph C., xxx-xx-xxxx.
Jackson, Richard, xxx-xx-xxxx.
Jackson, Thomas B., xxx-xx-xxxx.
Jackson, Thomas J., xxx-xx-xxxx.
James, Scott A., xxx-xx-xxxx.
Janak, Ronald J., xxx-xx-xxxx.
Janney, David E., xxx-xx-xxxx.
Jarboe, Douglas R., xxx-xx-xxxx.
Jay, Charles N., xxx-xx-xxxx.
Jenkins, Darryl W., xxx-xx-xxxx.
Jevons, Keith R., xxx-xx-xxxx.
Jinkins, Larry W., xxx-xx-xxxx.
Jodko, Juliusz, xxx-xx-xxxx.
Johnson, Abe Jr., xxx-xx-xxxx.
Johnson, James K., xxx-xx-xxxx.
Johnson, Jerome, xxx-xx-xxxx.
Johnson, Rex A., xxx-xx-xxxx.
Johnson, Robert N., Jr., xxx-xx-xxxx.
Johnson, Thomas J., Jr., xxx-xx-xxxx.
Jones, Allen E., Jr., xxx-xx-xxxx.
Jones, Charles R., xxx-xx-xxxx.
Jones, Harry L., III, xxx-xx-xxxx.
Jones, Jeffrey L., xxx-xx-xxxx.
Jones, Roger W., xxx-xx-xxxx.
Jordan, Herbert A., xxx-xx-xxxx.
Juranek, William G., xxx-xx-xxxx.
Kacho, Jay D., xxx-xx-xxxx.
Kalmerton, Michael A., xxx-xx-xxxx.
Kampshoff, Ralph E., xxx-xx-xxxx.
Karcz, Jan S., xxx-xx-xxxx.
Keeven, Richard D., xxx-xx-xxxx.
Kell, Robert A., xxx-xx-xxxx.
Keller, Paul D., xxx-xx-xxxx.
Kelley, Charles E., xxx-xx-xxxx.
Kelly, James F., xxx-xx-xxxx.
Kendrick, Archie J., xxx-xx-xxxx.
Kenneally, Michael Y., xxx-xx-xxxx.
Kennedy, Michael P., xxx-xx-xxxx.
Kim, Myung H., xxx-xx-xxxx.
Kimberlin, Gary L., xxx-xx-xxxx.
Kirk, Frederick C., xxx-xx-xxxx.
Kitsuwa, Gordon T., xxx-xx-xxxx.
Knight, Max L., xxx-xx-xxxx.
Kochik, Ronald D., xxx-xx-xxxx.
Kohoutek, John L., xxx-xx-xxxx.
Kolbert, John B., xxx-xx-xxxx.
Kotz, Tommy P., xxx-xx-xxxx.
Kovich, George F., xxx-xx-xxxx.
Kramer, Dennis L., xxx-xx-xxxx.
Krupenevich, Thomas P., xxx-xx-xxxx.
Kumashiro, Jon T., xxx-xx-xxxx.
Ladley, Thomas W., xxx-xx-xxxx.
Ladny, George, xxx-xx-xxxx.
Lambert, Geoffrey C., xxx-xx-xxxx.
Landgraf, Walter F., Jr., xxx-xx-xxxx.
Lauderdale, Larry C., xxx-xx-xxxx.
Lane, Michael E., xxx-xx-xxxx.
Lane, Stephen B., xxx-xx-xxxx.
Lange, Robert E., xxx-xx-xxxx.
Larson, Dean A., xxx-xx-xxxx.
Larsson, Ralph R., xxx-xx-xxxx.
Lattimore, John D., xxx-xx-xxxx.
Lawson, Donald E., Jr., xxx-xx-xxxx.
Lechicky, Roman A., xxx-xx-xxxx.
Ledbetter, Richard B., Jr., xxx-xx-xxxx.
Lee, Robert E., xxx-xx-xxxx.
Lemmerman, Richard L., xxx-xx-xxxx.
Le Monde, Dennis R., xxx-xx-xxxx.
Lenaghan, Patrick J., xxx-xx-xxxx.
Lenhard, Keith A., xxx-xx-xxxx.
Leopold, Gary R., xxx-xx-xxxx.
Liebe, Richard H., xxx-xx-xxxx.
Lietzke, Robert J., xxx-xx-xxxx.
Lindholm, Bruce F., xxx-xx-xxxx.
Lindsay, David M., xxx-xx-xxxx.
Lindseth, Theodore K., xxx-xx-xxxx.
Lindsey, Danny R., xxx-xx-xxxx.
Lingamfelter, Lee S., xxx-xx-xxxx.
Litrio, John P., xxx-xx-xxxx.
Little, James S., xxx-xx-xxxx.
Lofton, Alvin L., xxx-xx-xxxx.
Loggie, Thomas G. F., xxx-xx-xxxx.
Lohsen, Richard A., xxx-xx-xxxx.
Lombardo, Frederic A., xxx-xx-xxxx.
Long, Glenn D., xxx-xx-xxxx.
Longhurst, Craig P., xxx-xx-xxxx.
Longman, Gary E., xxx-xx-xxxx.
Longobardi, Paul G., xxx-xx-xxxx.
Lucan, Henry L., xxx-xx-xxxx.
Luger, James D., xxx-xx-xxxx.
Lunders, William G., xxx-xx-xxxx.
Lynch, Patrick E., xxx-xx-xxxx.
Lynn, Bruce N., Jr., xxx-xx-xxxx.
Lyons, Leslie C., xxx-xx-xxxx.
Mackiewicz, Thomas L., xxx-xx-xxxx.
Macon, James, xxx-xx-xxxx.
Madden, John V., xxx-xx-xxxx.
Magas, Larry F., xxx-xx-xxxx.
Mahoney, William M., xxx-xx-xxxx.
Major, Timothy R., xxx-xx-xxxx.
Makin, James R., xxx-xx-xxxx.
Makaruk, Donald M., xxx-xx-xxxx.
Malkemes, Robert J., xxx-xx-xxxx.
Malone, John M., xxx-xx-xxxx.
Mannich, Hubert A., xxx-xx-xxxx.
Manno, James M., xxx-xx-xxxx.
Marin, James S., xxx-xx-xxxx.
Marks, Jerry L., xxx-xx-xxxx.
Marrero, Pascual, xxx-xx-xxxx.
Marshall, Jimmy L., xxx-xx-xxxx.
Marstrand, Robert G., xxx-xx-xxxx.
Martin, Herbert W., xxx-xx-xxxx.
Martin, John T., xxx-xx-xxxx.
Martin, Mabry E., xxx-xx-xxxx.
Martin, Michael J., xxx-xx-xxxx.
Martin, Paul D., xxx-xx-xxxx.
Martin, Stephen T., xxx-xx-xxxx.
Mastroianni, Kerry E., xxx-xx-xxxx.
Mata, Armando G., xxx-xx-xxxx.
Matherly, Ulysses G., Jr., xxx-xx-xxxx.
Mathis, Richard C., xxx-xx-xxxx.
Maughan, Richard T., xxx-xx-xxxx.
Mawchley, Blaine R. xxx-xx-xxxx.
Maynard, Gregory P., xxx-xx-xxxx.
Mays, Hubert L., xxx-xx-xxxx.
McCalmont, Robert D., xxx-xx-xxxx.
McAlpin, William T., xxx-xx-xxxx.
McBride, James O., xxx-xx-xxxx.
McCarthy, Michael J., xxx-xx-xxxx.
McClendon, Michael B., xxx-xx-xxxx.
McConnell, Bruce F., xxx-xx-xxxx.
McCue, Timothy M., xxx-xx-xxxx.
McDowell, James E. xxx-xx-xxxx.
McDowell, Thomas R., xxx-xx-xxxx.
McFadden, Thomas P., xxx-xx-xxxx.
McFarlain, Glenn J., xxx-xx-xxxx.
McKee, Harold E., xxx-xx-xxxx.

McKnight, Danny R., [redacted].
McLaughlin, David O., [redacted].
McLean, Gregory L., [redacted].
McLellan, William A., Jr., [redacted].
McMillian, Gerald R., Jr. [redacted].
McMurphy, William C., [redacted].
McNeil, Timothy C., [redacted].
McNett, Paul C., [redacted].
McShane, Patrick J., [redacted].
McSweeney, Dennis M., [redacted].
McWatters, Harland D., [redacted].
Mecum, William A., [redacted].
Medford, Rodney H., [redacted].
Meers, Herman L., [redacted].
Melvin, Timothy E., [redacted].
Mickelson, John C., Jr., [redacted].
Miller, Charles D., [redacted].
Mims, John W., [redacted].
Mitchell, James E., [redacted].
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Mitchell, Leroy, Jr., [redacted].
Miyake, Kirk D., [redacted].
Moak, David M., [redacted].
Mochow, Mark S., [redacted].
Moller, John R., [redacted].
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Moore, Randall C., [redacted].
Moore, Roger S., [redacted].
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Moran, Allen J., [redacted].
Moran, Errol L., [redacted].
Moreira, Benjamin, Jr., [redacted].
Morgan, Paul E., [redacted].
Morris, Coy R., [redacted].
Moscovic, David P., [redacted].
Muirheid, Douglas J., [redacted].
Mules, Bradley P., [redacted].
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Murphy, Richard E., [redacted].
Murray, Jeffrey R., [redacted].
Navin, Philip X., Jr., [redacted].
Nefzger, Steven J., [redacted].
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Nelson, Ray A., [redacted].
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Newman, Robert B., [redacted].
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Nicholls, Donald H., [redacted].
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Nitsch, Karthur W., [redacted].
Nixon, Jerome Q., [redacted].
Noe, Timothy E., Jr., [redacted].
Norcross, Bert N., [redacted].
Nordyke, John W., [redacted].
Nye, Donald E., [redacted].
Oberst, David J., [redacted].
Oborn, Garth R., [redacted].
Obuch, Gregg B., [redacted].
Oddo, Joseph, [redacted].
Ogle, Gary A., [redacted].
Ojeda, Antonio, [redacted].
O Keiff, James R., Jr., [redacted].
Olson, Christopher J., [redacted].
Ortegren, Leif A., [redacted].
Palmasani, Michael J. [redacted].
Palmer, James T., [redacted].
Palmer, John W., [redacted].
Palmore, Winston D., [redacted].
Parella, Stephen D., [redacted].
Park, Terry V., [redacted].
Parker, Eddie, [redacted].
Parker, Enoch A., Jr., [redacted].
Parker, Randall A., [redacted].
Parks, Wilder, Jr., [redacted].
Partridge, Mark S., [redacted].
Passow, Richard A., [redacted].
Pastian, Dale E., [redacted].
Patterson, Marion L., [redacted].
Patterson, Martin W., [redacted].
Pattillo, Michael G., [redacted].
Patty, Thomas L. [redacted].
Pawley, Jerel E., [redacted].
Pearson, Thomas R., [redacted].
Peden, Robert W. [redacted].
Peebles, William R., [redacted].
Pence, John L., [redacted].
Perkins, Elbert N., [redacted].
Pfau, James P., [redacted].
Pfeifer, Charles F., [redacted].
Phillips, Alvin K., [redacted].
Phillips, Mark, [redacted].
Pierson, Mark H., [redacted].
Plachinski, William J., [redacted].
Plunkett, Larry S., [redacted].
Poitevent, Robert R., [redacted].
Poole, Michael K., [redacted].
Pozorski, Paul J., [redacted].
Price, Alan R., [redacted].
Prinz, Robert E., [redacted].
Quinn, Daniel M., [redacted].
Quirk, Robert E., [redacted].
Raiha, Glenn N., [redacted].
Rankin, Thomas C., [redacted].
Read, Curt M., [redacted].
Redd, Paul C., [redacted].
Redding, Peter J., [redacted].
Reed, James R., [redacted].
Seese, Blaik L., [redacted].
Reeves, Lee E., Jr., [redacted].
Rehm, Ronald L., [redacted].
Reinstatler, Jerome W., [redacted].
Reynolds, James P., [redacted].
Rice, Matthew M., [redacted].
Richardson, Michael A., [redacted].
Richardson, Timothy C., [redacted].
Richardson, Wiley M., [redacted].
Riley, Donald R., [redacted].
Rines, Paul W., [redacted].
Ririe, James I., [redacted].
Rives, John S., II, [redacted].
Roberts, Ryan T., [redacted].
Robertson, Danaa, [redacted].
Robertson, Malcolm E., [redacted].
Robinson, Kenneth B., [redacted].
Rodriguez, Jose M., [redacted].
Rogers, Alfred W., [redacted].
Roper, Ned B., Jr., [redacted].
Rorie, Lee K., [redacted].
Rosamond, Donald C., [redacted].
Rosier, Earvin L., [redacted].
Ross, Carl T., [redacted].
Ross, Kenneth R., [redacted].
Roth, Stuart A., [redacted].
Rousseau, James M., [redacted].
Rumold, Edward, [redacted].
Russo, Robert F., [redacted].
Rust, William D., [redacted].
Rybka, Anthony J., [redacted].
Ryczak, Robert S., [redacted].
Sandahl, Richard C., [redacted].
Sands, Lionel J., [redacted].
Santiago, Eric F., [redacted].
Schattin, Neil M., [redacted].
Scheible, James M., [redacted].
Schluep, John M., [redacted].
Schmidt, Michael S., [redacted].
Schneider, Carl N., [redacted].
Schofield, Mark, [redacted].
Schrum, James C., [redacted].
Schumm, Brian M., [redacted].
Schwoebel, Charles G., [redacted].
Scott, Gregory L., [redacted].
Scraper, Danny L., [redacted].
Scrivner, Terry L., [redacted].
Scroggins, John C., [redacted].
Searle, Gary A., [redacted].
Sedr, William W., [redacted].
Seek, Noel G., Jr., [redacted].
Sellers, James M., [redacted].
Senkovich, Steven W., [redacted].
Seveney, Wayne A., [redacted].
Shannon, Robert M., Jr., [redacted].
Shaughnessy, James R., [redacted].
Shea, Eric A., [redacted].
Shedlosky, Mark E., [redacted].
Shepherd, Robert E., [redacted].
Sherman, Kermit G., [redacted].
Sherrill, Stephen D., [redacted].
Shi, David E., [redacted].
Shirley, Ralph M., Jr., [redacted].
Shrader, Joe D., [redacted].
Siebrase, Timothy A., [redacted].
Sikich, Geary W., [redacted].
Siller, Richard B., [redacted].
Simon, Jeffrey C., [redacted].
Sims, Clarence P., Jr., [redacted].
Singer, Ronald E., [redacted].
Slovensky, Richard C., [redacted].
Small, James W., [redacted].
Smith, Dean A., [redacted].
Smith, John A., [redacted].
Smith, John D., [redacted].
Smith, John W., [redacted].
Smolinski, Donald R., [redacted].
Snowberger, Stephen T., [redacted].
Snyder, Charles E., III, [redacted].
Soneira, William R., [redacted].
Sorenson, Charles D., [redacted].
Spangler, Charles G., [redacted].
Spencer, Gary A., [redacted].
Spies, William J., [redacted].
Spiker, Douglas K., [redacted].
Spivey, George T., III, [redacted].
Sprague, Thomas W., [redacted].
Stamper, Gary D., [redacted].
Stanislo, Nick K., Jr., [redacted].
Stanley, Robert M., [redacted].
Starks, Burnes O., Jr., [redacted].
Steakley, Roderic G., [redacted].
Steed, Stephen K., [redacted].
Stephens, John T., [redacted].
Stephenson, Stephen G. [redacted].
Stewart, Herbert M., [redacted].
Stock, James D., [redacted].
Stone, Culver E., Jr., [redacted].
Stone, Samuel A., [redacted].
Stoner, William F., [redacted].
Stovall, Henry L., Jr., [redacted].
Stradt, William C., [redacted].
Stucker, Larry A., [redacted].
Studer, Mark D., [redacted].
Stuewe, William R., [redacted].
Sturdivant, Louis W., [redacted].
Sullivan, Donald P., [redacted].
Sullivan, Donald W., [redacted].
Sullivan, Thomas E., [redacted].
Sumbler, Scott D., [redacted].
Sumers, George M., [redacted].
Surratt, James M., [redacted].
Swanson, Howard M., [redacted].
Sydelko, Thomas G., [redacted].
Synovec, Thomas E., [redacted].
Szczepaniak, Michael F., [redacted].
Talbot, Michael T., [redacted].
Tambini, Richard J., [redacted].
Tanner, Nathan S., [redacted].
Taylor, Stephen C., [redacted].
Taylor, Thomas W., [redacted].
Taylor, William S., [redacted].
Telese, Charles Alan, [redacted].
Teixeira, Thomas, [redacted].
Thomas, Vincent A., Jr., [redacted].
Thompson, Gregory J., [redacted].
Thomson, Robert B., [redacted].
Throckmorton, David L., [redacted].
Tielke, Cecil T., [redacted].
Timpner, Andrew S., [redacted].
Tolley, Stephen G., [redacted].
Tomsick, Roland P., [redacted].
Toole, David H., [redacted].
Torres, Nelson, [redacted].
Torres, Raul H., [redacted].
Tuttle, Henry S., [redacted].
Urbanski, Robert F., [redacted].
Vance, Michael T., [redacted].
Tweddell, Michael C., [redacted].
Tyree, Lew G., [redacted].
Urban, Joseph Edward, III [redacted].
Uttley, James L., [redacted].
Vallario, Richard A., [redacted].
Van Atta, Michael J., [redacted].
Van, Charles S., [redacted].
Velarde, Barry L., [redacted].
Vasquez, Adolfo E., [redacted].
Velazquez, Herminio, [redacted].
Velk, John W., [redacted].
Verkamp, John R., [redacted].
Viney, Richard L., [redacted].
Virden, Dennis D., [redacted].
Volpe, Francis X., [redacted].
Wagner, J. Mark, [redacted].
Wagner, William F., III, [redacted].
Waite, Michael S., [redacted].
Walk, Gregory P., [redacted].
Walker, James R., [redacted].
Walker, Robin C., [redacted].
Walker, Russell D., [redacted].
Walker, William D., [redacted].
Waller, Lamonte W., [redacted].
Walls, Ronnie M., [redacted].

Walters, Larry J., [redacted].
Ward, David H., [redacted].
Warren, Roy H., [redacted].
Washington, Ollie, Jr., [redacted].
Watson, Curtis L., [redacted].
Watts, Robert E., [redacted].
Weaks, Ronald E., [redacted].
Webb, Richard C., [redacted].
Weber, Roger M., [redacted].
Weddington, Roy E., [redacted].
Weir, William C., [redacted].
Weiss, Hanns J., [redacted].
Weissenburger, Fred E., [redacted].
Welch, James P., [redacted].
Wells, Chris H., [redacted].
Wells, James A., [redacted].
Wentzy, David A., [redacted].
Werner, George C. Jr., [redacted].
Wheeler, George F., [redacted].
Wheeler, John G., [redacted].
Whisenhunt, Robert H., [redacted].
Whitman, Michael L., [redacted].
Whitworth, Robert L., [redacted].
Whitworth, Trevor J., [redacted].
Wickersham, John M., Jr., [redacted].
Widner, William H., Jr., [redacted].
Wilkerson, Billy P. II, [redacted].
Wilkerson, Francis J., [redacted].
Wilkinson, Dennis W., [redacted].
Williams, Charles S., [redacted].
Williams, Robert A., [redacted].
Wilks, Samuel A., [redacted].
Williams, Dale E., [redacted].
Williams, Michael K., [redacted].
Williams, Robert R., Jr., [redacted].
Williamson, Arba G. III, [redacted].
Williamson, Daniel C., [redacted].
Willis, Thomas T., Jr., [redacted].
Wingad, Keith R., [redacted].
Wistrand, Richard R., [redacted].
Wolfe, James D., [redacted].
Wolfe, Paul L., [redacted].
Wolfe, Roderick D., [redacted].
Wolfkill, Albert J., [redacted].
Woodard, James W., [redacted].
Worrell, Rodney L., Jr., [redacted].
Wyatt, Richard B., [redacted].
Wyman, Robert D., [redacted].
Yates, Donald R., [redacted].
Young, Anthony H., [redacted].
Young, Michael F., [redacted].
Youngblood, Dennis L., [redacted].
Zavosky, Michael A., [redacted].
Zeisel, Keith, S., [redacted].
Zodun, Donald M., [redacted].

The following-named scholarship students for appointment in the Regular Army of the United States in the grade of second lieutenant, under provisions of title 10, United States Code, sections 2107, 3283, 3284, 3286, 3287, 3288, and 3290:

Abner, Charles, Jr., [redacted].
Accinelli, Steven R., [redacted].
Ackerman, Michael J., [redacted].
Adams, Gary E., [redacted].
Akers, Ronald J., [redacted].
Albertson, Edward G., [redacted].
Albright, James L., [redacted].
Allam, Robert P., [redacted].
Allen, James C., [redacted].
Allen Robert C., [redacted].
Almquist, Allen F., III, [redacted].
Alonso, Ricardo L., [redacted].
Alvarez, Francisco J., [redacted].
Andersen, Bruce T., [redacted].
Anderson, Jed G., [redacted].
Anderson, Monte J., [redacted].
Andrews, Aaron R., [redacted].
Anthony, William M., [redacted].
Archie, Sergei, [redacted].
Arnberg, Gregory C., [redacted].
Arriola, Meliton C., Jr., [redacted].
Aylward, Robert W., [redacted].
Babylon, William T., [redacted].
Baggett, Marion C., [redacted].
Bagley, Warren P., [redacted].
Bailey, Michael J., [redacted].
Bailey, William W., [redacted].
Ballard, Robert K., Jr., [redacted].
Bannerman, Earl S., [redacted].
Barnard, Steven P., [redacted].
Barnes, Bruce D., [redacted].
Barney, Paul L., II, [redacted].
Barone, Lyle, [redacted].
Barrett, Mark T., [redacted].
Barry, Thomas F., [redacted].
Basquill, Stephen A., [redacted].
Baughman, James P., [redacted].
Beamer, Robert L., [redacted].
Beasley, Brad M., [redacted].
Beaty, Douglas R., [redacted].
Becker, Charles M., [redacted].
Beckman, Thomas D., [redacted].
Becton, Joel D., [redacted].
Bedinger, George M., [redacted].
Belknap, James E., [redacted].
Benjamin, Scott D., [redacted].
Bennett, Gary L., [redacted].
Bennett, Michael C., [redacted].
Bennett, Raymond K., [redacted].
Bennett, William T., Jr., [redacted].
Benson, Nolon J., Jr., [redacted].
Bergeron, Scott M., [redacted].
Berggren, Clark L., [redacted].
Berk, Joseph H., [redacted].
Berry, Thomas H., [redacted].
Bethers, Larry G., [redacted].
Bikus, David L., [redacted].
Bill, Frank L., [redacted].
Blackwood, Robert E., [redacted].
Blazer, Randolph C., [redacted].
Bliss, John L., [redacted].
Blissenbach, Paul K., [redacted].
Bock, Douglas B., [redacted].
Boehm, Michael W., [redacted].
Bolinder, Scott W., [redacted].
Booth, Larry G., [redacted].
Border, Gary L., [redacted].
Boswell, James D., [redacted].
Boulter, Douglas R., [redacted].
Bowden, Walter D., [redacted].
Bowen, Philip E., [redacted].
Bower, Jeffrey L., [redacted].
Bowman, Steven A., [redacted].
Box, Robert L., [redacted].
Brammell, Gary G., [redacted].
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Bridges, Russell P., [redacted].
Brisson, Douglas D., [redacted].
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Buker, Robert H., [redacted].
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Burt, Walter J., [redacted].
Buser, Samuel J., [redacted].
Byers, Mark E., [redacted].
Byrd, Duane E., [redacted].
Byrd, Larry G., [redacted].
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Camp, James O., [redacted].
Camp, Roland W., [redacted].
Candee, Lester G., [redacted].
Cannon, James W., Jr., [redacted].
Cantwell, Harry J. III, [redacted].
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Carson, Fletcher T., [redacted].
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Cavasso, Campbell, [redacted].
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Chamales, Louis, [redacted].
Checchia, Mark E., [redacted].
Childs, Thomas M., [redacted].
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Conway, Vance R., [redacted].
Cook, George F., [redacted].
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Cooper, William J., [redacted].
Corpuz, Mariano, [redacted].
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Ing, Darrell H. W., [redacted].
Ingalls, Arthur B., Jr., [redacted].
Irvine, Allen D., [redacted].
Jackman, Galen B., [redacted].
Jackson, David A., [redacted].
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Kimball, Reed J., [redacted].
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Kincannon, Pettus A. [redacted].
King, Kyle W., [redacted].
Kinoshita, George J., Jr., [redacted].
Kirkland, Donald E., [redacted].
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Kleysteuber, Robert C., [redacted].
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Kropp, Donald, [redacted].
Krueger, Werner C., [redacted].
Kruse, Alan D., [redacted].
Kunce, Edward P., [redacted].
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Lavine, Michael J., [redacted].
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Lindsay, Albert J., [redacted].
Little, William T., [redacted].
Lloyd, Kenneth A., [redacted].
Lo, Christopher, [redacted].
Love, Terry. A., [redacted].
Lowe, James P., [redacted].
Lower, Dallas T., [redacted].
Lowery, David W., [redacted].
Luedtke, Dwight R., [redacted].
Luik, Joseph W., [redacted].
Lum, David W. O., [redacted].
Lunasco, Dave K., [redacted].
Lundry, Edward E., [redacted].
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Lynn, Scott S., [redacted].
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Manago, Williams M., Jr., [redacted].
Mangual, Jesus A., [redacted].
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Marsh, John R., [redacted].
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Martin, Ronald P., [redacted].
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Matheke, Edward Y., [redacted].
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Mayes, Bruce J., [redacted].
Mayfield, Bobby E., [redacted].
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McBride, John P., [redacted].
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Mock, David C., [redacted].
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Notestine, Lamar, [redacted].
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Nugent, Thomas H., III, [redacted].
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Osborne, William N., [redacted].
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Poff, Laird H., [redacted].
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Stith, William H., [redacted].
Stone, Frank J., III, [redacted].
Stone, J. Elmer, [redacted].
Stovall, Jess M., II, [redacted].
Sudduth, John R., III, [redacted].
Sullivan, Jeremiah J., [redacted].
Sutherland, David J., [redacted].
Sutphen, Fred M., [redacted].
Sutton, Robert C., Jr., [redacted].
Sutton, Thomas H., [redacted].
Sweeney, Patrick C., [redacted].
Sweeney, Patrick J., Jr., [redacted].
Syracuse, Joseph A., [redacted].
Szasz, Ernest J., [redacted].
Takao, Alan C., [redacted].
Tanguan, Philip J., [redacted].
Tarkenton, Scott L., [redacted].
Taylor, Gregory, [redacted].
Teter, William A., [redacted].
Tettinger, John S., [redacted].
Thomas, Ernest C., [redacted].
Thomas, Patrick A., [redacted].
Thomas, Richard B., [redacted].
Thompson, Bruce W., [redacted].
Thompson, Dennis W., [redacted].
Thompson, Karl D., [redacted].
Thompson, Robert J., [redacted].
Thompson, Tom E., [redacted].
Thrasher, Michael R., [redacted].
Tindall, Robert E., [redacted].
Tiso, Roland J., [redacted].
Tolbert, Joe V., [redacted].
Totten, Barry N., [redacted].
Trausch, James S., [redacted].
Treewater, Michael J., [redacted].
Trotter, Vernon L., [redacted].
Trzop, Peter R., [redacted].
Tucker, Patrick M., [redacted].
Underwood, Randy Y., [redacted].
Utter, Richard R., [redacted].
Vandertulip, William D., [redacted].
Van Groll, Mark A., [redacted].
Van Horn, Robert H., Jr., [redacted].

Van Horn, William A., [redacted].
Van. Kleeck, David A., [redacted].
Vasey, Clyde R., III, [redacted].
Veitch, William A., II, [redacted].
Venable, Bruce A., [redacted].
Veve, Thomas D., [redacted].
Victor, Chester S., [redacted].
Villasenor, Ernesto E., [redacted].
Volz, Robert D., [redacted].
Walker, Charles R., [redacted].
Walker, Geary L., [redacted].
Walker, Michael E., [redacted].
Walker, Stephen J., [redacted].
Walsh, Gary L., [redacted].
Walters, Peter D., [redacted].
Wamsley, Michael P., [redacted].
Ward, Thomas E., II, [redacted].
Watson, Donald E., [redacted].
Waugh, Steven A., [redacted].
Way, Robert B., Jr., [redacted].
Weaver, David T., [redacted].
Weeks, Roy L., Jr., [redacted].
Wegner, William E., [redacted].
Weidler, Gary R., [redacted].
Weir, Donald S., [redacted].
Welch, Daniel L., [redacted].
Wesley, William A., [redacted].
West, Steven R., [redacted].
Westhaus, Arnold J., [redacted].
Westholm, Robert L., Jr., [redacted].
Wheel, David J., [redacted].
Whelden, Craig B., [redacted].
White, William A., [redacted].
Whittington, Terry C., [redacted].
Whittington, William E., IV, [redacted].
Whitworth, Donald D., [redacted].
Wieck, Paul H., II, [redacted].
Wilde, Ronnie L., [redacted].
Wilkes, Wayne K., [redacted].
Williams, David E., [redacted].
Williams, Gilbert F., [redacted].
Williams, Sam J., [redacted].
Williams, Shane L., [redacted].
Wilson, James C., [redacted].
Wilson, Michael A., [redacted].
Windham, James H., [redacted].
Wold, Norman H., [redacted].
Wolff, Donald A., [redacted].
Woodley, Leon, [redacted].
Woofter, John R., [redacted].
Woznicki, Richard T., [redacted].
Wozny, Douglas K., [redacted].
Wright, Charles T., [redacted].
Wright, Walter E., [redacted].
Yang, Philip S. H., [redacted].
Yeakey, George W., [redacted].
Young, Alan G., [redacted].
Young, Andy L., [redacted].
Young, Dan C., [redacted].
Zachariasen, Craig Z., [redacted].
Zachgo, Charles L., [redacted].
Zaleski, Edward J., [redacted].
Zoller, Walter M., [redacted].

IN THE NAVY

The following named officers of the United States Navy for temporary promotion to the grade of captain in the staff corps, as indicated, subject to qualification therefor as provided by law:

MEDICAL CORPS

Aaron, Benjamin L.
Anatasi, Caspar W.
Bailey, David W.
Beasley, Walter E. I.
Becker, Matthew K.
Bemiller, Carl R.
Bishop, Robert P.
Blais, Bernard R.
Bloom, Joseph D.
Cantrell, Robert W.
Castell, Donald O.
*Chappelka, Alfred R.
Conky, George A.
Cowen, Malcolm L.
Cox, Jay S.
Deaner, Richard M.
Dickson, Larry G.
Dolan, Michael F.
Dully, Frank E. Jr.
Elliott, Robert C.
Farin, Walter E.
Flynn, Peter A.
Gallent, James H.
Goller, Vernon L.
*Harmon Stanley D.
Herman, Clifford M.
Hodge, Warren W.
Hoeffler, Dennis F.
Hoke, Bob
Jones, Clyde W.
Kelley, Donald L.
Kerwin, Joseph P.
Lang, Jesse E.
Lawton, George M.
*Leonard, John H.
Levy, Jerome
MacDonald, Rodney I.
Martin, George F.
Mathews, George W.
McDermott William M., Jr.
*Meehan, William L.
Miewald, John R.
Miner, Walter F.
*Moquin, Ross B.
*Myers, Robert C.
Norton, Richard H.
Ochs, Charles W.
Payne, Charles F.
Randall, Glenn H.
Rish, Berkley L.
Rivera, Julo C.
Robl, Robert J.
Russotto, Joseph A.
Sacks, Ellsworth John J.
*Salisbury, Edward M.
Sargent, Charles R.
Scott, Charles M.
Shepard, Barclay Moffat
*Shute, Howard E.
Stanton, Kevin C.
*Stenger, John R.
Swartz, Philip K.
Takaki, Norman K.
Thompson, Robert E.
Tobey, Raymond E.
Weir, Gordon J., Jr.

SUPPLY CORPS

Allinder, Joe A., Jr.
Bates, Robert L.
Brown, Russell M.
Brunson, Robert L.
Catanach, Anthony H.
Curtis, Richard E.
Derby, Francis A.
Donzell, Richard J.
Earl, Robert J.
Eckert, George H., Jr.
Flolid, Robert E.
French, Robert C.
*Gustavson, Arthur R.
Henry, Gerald R.
Hubbard, Charles C.
Kenealy, William E., Jr.
Kollios, Achilleas, E.
Lemma, Paul A.
Lenz, Allen J.
Maier, Raymond G.
McCoy, Thomas E., Jr.
McDonald, Francis E.
Moore, Guy T.
Moyer, William R.
Neelley, Charles G.
*Nehez, James R., Jr.
Normand, Robert L.
Palmer, Donald R.
Pomponio, Bruno A.
Ross, Orrin B.
Schanz, Thomas L.
Watt, Robert C.

CHAPLAIN CORPS

Beck, John Thomas
*Bontrager, John Kenneth
Boreczky, John Vincent
Gillis, Edward Francis
*Herrmann, Theodore Carl
Reagan, Ernest McDowell, Jr.
Seim, James Emmett
Stevenson, Neil MacGill
Vanbeck, Alfred Frank
Wicker, Richard Fenton, Jr.

CIVIL ENGINEER CORPS

Belton, Edward Hughes
Crowley, Irwin Daniel, Jr.
Demidio, Joseph Anthony
Erickson, James Albert
Keegan, Robert Daniel
Lapolla, Joseph
Mathews, Charles Joseph
Reese Joseph Lyman, Jr.
Rickels, Jack Clinton
Wear, John Ross
Wilson, Dean Gordon
Wright, John Albert

JUDGE ADVOCATE GENERAL'S CORPS

Baum, Joseph Herbert
Bruner, James Robert
Dowd, George Gordon, Jr.
Fink, Edward Robert
Hairston, Thomas Fleetwood
Jenkins, John Smith
Waite, Charles Eugene
Walker, Peter Brockway

DENTAL CORPS

Baker, Ronald Dale
Barbor, Gerald Leon
Bodine, Theodore Alan, Jr.
Brown, Kenneth Edward
Charles, James Hamilton, Jr.
*Collevecchio Emido Joseph
Coombs, Paul Spencer
Davidson, Richard Shelton
Eichel, Frederick Pecht
Firtell, David Norman
Garver, Don Gordon
Herr, Albert
*Kelly, James Frederic
King, Gordon Eugene
Klima, James Emil
Little, Richard Wesley
McDonald, Edwin Earl, Jr.
McLaughlin, Edward James
McLeod, Carlton Joseph
Moffitt, William Clarence
Nester, Calvin Dale
Pepek, Stanley Edward
Romaniello, Ronald Michael
Sanderson, Alexander Drennan
Scott, William Joseph
Wirthlin, Milton Robert, Jr.
Witte, Ernest Thompson

MEDICAL SERVICE CORPS

Buckley Emanuel Navarro
Dean, Jerdon Jay
*Gay, Laverne William
Gill, Robert Ledman
Jula, Paul Nestor
Long, William Lee
Longest, Clifford B.
*Schlamm, Norbert Arnold
Wells, John Emilus
Wolf, John Washington
Joung, Johnny Wilbur

NURSE CORPS

Osborne, Loah Gean

The following named officers of the United States Navy for temporary promotion to the grade of commander in the line and staff corps, as indicated, subject to qualification therefor as provided by law:

LINE

Adams, Douglas Neal
Adler, Roy Walter
Albright, John Douglas
Alexander, Richard Kenneth
Alkire, James Carl
Allender, George Roberts
Anckonie, Alex, III
Anderson, Donald Ralph
Arata, William Augustus, III
Askey, Henry Benjamin
Astorino, Gerald Paul
Barry, Thomas Joseph
Bartholomew, Thomas Charles
Bassett, Frank Eugene
Bayne, James Lewis
Belcher, Samuel Abram, III
Bellay, Daniel John
Berg, Robert Peter
Bergondy, Paul John
Bernet, Karl Robert
Bishop, Jack Dell
Bitoff, John William
Blackistone, David L.
Bliss, John Robert
Brake, Robert Leroy
Branch, Nathan Edward
Bridgman, Walter Elmer, Jr.
Brooks, Paul Eugene
Brown, Frank Herbert
Bruce Malvin Davidson
Bull, Lyle Franklin
Burns, Robert Edward
Caldwell, Robert Kinnaird
Carson, Aubrey Weaver
Chapple, Michael Wreford
Chrisman, John Aubrey, Jr.
Clardy, Herman Stacy, Jr.
Clark, Charles Wiggin, Jr.
Clark, Jeremy Carew
Clement, Frank John
Comly, Samuel Pancoast, III
Conley, Thomas Hugh, Jr.
Cooper, Grant Alexander
Cossairt, Larry Addison
Cover, Donald Lee
Cowdrill, David Thomas
Cox, David Barker
Coyne, George Kermit, Jr.
Craft, Don Carleton
Crane, Hugh Roy
Creighton, George C., III
Curry, James Delos
Dalebout, Ronald Alan
Daniels, Shane Patrick
Davis, Walter Jackson, Jr.
Depeyster, Robert Boyd
Dickmann, David Bruce
Dittrick, John James, Jr.
Doss, Dale Walter
Dougherty, Thomas Ford, Jr.
Duffey, Russell Gilbert
Earley, William Layton
Eddleman, Harold Eugene
Edwards, Scott

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* Appointment issued ad interim.

Elliott, George Milton
Ettel, Michael Joseph
Farnham, David West
Fisher, Martin Richard
Fitzgerald, James Leo, Jr.
Fleming, Thomas Edward
Forsman, Charles Joseph
Gadbaw, Coleman Jerome, Jr.
Galstan, Gerald Needham
Gamboa, John Frank
Gard, Perry William, III
Gatje, Peter Herbert
Gibbons, Thomas
Gibson, Clifford William
Gibson, David Bruce
Gibson, Richard Charles, Jr.
Giese, Carl Emil, Jr.
Gilles, John Michael
Gilmore, Russell Eden
Given, Philip Roberts
Gladin, Jack Roger
Gloeckner, Frank James, III
Gorham, David Shive
Gorham, Milton Reid, Jr.
Graham, Richard Henry
Grasmuck, Robert John
Green, James Arthur, Jr.
Griffin, Hoke Daniel
Groder, Richard Allen
Gross, Alvin Chris, Jr.
Gustafson, Kenneth Ray
Hallier, Manuel Albert
Hardy, Ray Sterling, Jr.
Hayes, William Vincent
Hebert, Larry
Hendrix, Marion Francis
Herman, Robert William
Hernandez, Jesse Jiminez
Hewett, Marle David
Higgins, James Dunkin, Jr.
Hilt, John William
Hinson, Elbert Farrell
Hodkins, William Floyd
Hohmann, William Daniel
Holcomb, Don
Holland, John Diamond, Jr.
Holloman, Floyd William, Jr.
Holthaus, Hollis Lee
Horn, Leslie John
Hotard, William Carroll
Houston, Jerry Beaman
Hulme, John Bryant
Ingram, Forney Hurst, Jr.
Jackson, Perry Yates, Jr.
Jacobs, Paul Hamilton
Jenkins, Roger Gerald
Johnson, Everett Lavern
Johnson, Joseph William
Johnson, Lester Oscar, Jr.
Johnson, Martin Palmer
Kane, Fredric Clement, Jr.
Kauber, Rodney Kenneth
Kerr, Howard J., Jr.
Kessler, Edward Leo, Jr.
Kineke, John Ives
Kinnier, John Wesley
Klipp, Eugene Reid
Koenig, John Weldon
Kuechmann, Jerome Anthony
Kuhlke, Robert Ellsworth
Kunz, Chester Arthur, Jr.
Lamb, Larry Rex
Lamoureux, Robert Joseph
Larzelere, Charles W., III
Laseter, Jesse Lee
Leary, John Augustine, II
Leroy, Franklin Theodore
Leszcynski, Vincent John
Lindstrom, Axel Leonard
Lineberger, Preston Hearne
Long, David Elbert
Lucas, Robert Peter
Luhrs, Larry Lee
MacVean, Chales Robert
Manahan, Maurice Harlow
Massa Lawrence Lee
Massey, Lance Bradford
Matheson, John Whitman
Mathews, James Patrick
Mauz, Henry Herrward, Jr.
Mayo, Ned Henderson
Mays, Samuel Edwin, Jr.
McCain, John Sidney, III
McConnell, Harry Emerson
McCorry, John Hay
McDermontt, James Joseph
McKee, Richard Grant
McLaine, Warren Everett, Jr.
McMillan, John Garbriel
Meinhold, Richard James
Merriken, Stuart Anderson
Messegee, James Allen
Miller, Aloysius, Rudolph
Mills, Christopher Matheson
Molenda, Paul Henry
Monteath, Gordon M., Jr.
Moore, Leonard Moody
Morgan, David Eugene
Morris, Harold Glenn, Jr.
Morrison, Jerry Edwin
Moser, Robert Lee
Mosman, Donald Eugene
Mowery, Russell Vernon
Murphy, James Harry
Musgrove, Robert Wesley
Norton, Lee Edward, Jr.
O'Neal, Edward Allan
Osborne, James Thomas
Otto, Carl Hyde
Pabst, Howard Lloyd
Parks, Terrence Jon
Pellerin, Alfred Eugene, III
Penny, Lawrence Allen
Penta, Albert Michael
Pivarnik, William Dyer
Poarch, William Hillary
Powers, Richard Michael
Price, Robert Paschal
Putnam, Wayne Arnie
Rauch, Leo Albert
Raudio, Victor John
Read, Dennis Spencer
Redgate, James Paul
Reid, James Robert, III
Reid, Lawrence Renwick, Jr.
Ressler, Paul Michael
Reynolds, James Guy
Robbins, William Thomas, Jr.
Robinson, Kenneth George
Robison, Delma Coy
Roder, Peter Stevan
Rogers, Donald Kay
Roper, Vincent William
Rosen, Robert Stanley
Roy, Arthur
Royse, Perry Richard, Jr.
Schlauder, Wallace Joseph
Sears, David Freeman
Seeberger, John Joseph
Sellden, Carl Ivar
Sheehan, James Edward
Sherman, John Edward
Shoquist, David Roger
Slayman, Kelson Edward
Smith, Ralph Edward
Spraker, Irvin Lamonte
Spydell, Robert Edward
Stanford, David Leland
Steed, Samuel
Stephens, William Lee
Streeter, Gregory Frederick
Summers, Carl Richards
Sword, Curtis Sterling, Jr.
Taggart, Donald John
Taylor, James Richard C.
Taylor, Raynor Andrew Kent
Tedder, James Eugene
Templeton, Felix Eugene
Thiemann, Henry Joseph F., Jr.
Thomas, Richard Savage
Thomas, William Lafayette, Jr.
Truesdell, William Marlowe
Truly, Richard Harrison
Tuft, Markham Dennis
Vanatta, Jerry Lyall
Vettese, Joseph John
Vinson, John Thomas
Walston, Kenneth Robert
Warner, James Stewart
Warren, Robert Leonard
Watson, Ian McEwan
Weaver, Robert Earl
Welles, Bradford Wolcott
Westfahl, Richard Karl
White, Howard Gervis
White, Robert
White, Steve Carneal
Whitmire, Robert Lee
Wiley, Robert Charles
Williams, Eldon Grady
Wilson, Alger Lee
Whitherspoon, Emanuel Earl
Woodley, Richard Paul
Wright, Frederick W., III
Wright, Leo Charles
Young, Howard Leyland, Jr.
Zanin, Wilbur Francis, Jr.
Zorn, Nicholas Donald
Zwart, Ronald Peter

MEDICAL CORPS

Abbott, Emile Glines, II
Anderson, Homer Allen J.
Batcheller, John Wesley
Bell, Donald Dudley
Bell, Roger Allen
Bellanca, Joseph John
Belmont, Anthony Poth
Blood, Joseph Belton, Jr.
Bouvier, John Joseph
Bruton, Orin Hugh
Cole, Joe Charles
Cook, Taylor Irving
Dovi, Sebastian Frank J.
Dwinnell, Frank Laffey
Eason, Francis Joseph
Evertson, Larry Richard
Fleming, George Edward
Foreman, David Ross
Freeman, Richard Emery
Galasyn, Valentine Davi
Garvin, David Francis
Gerber, Frederic Hanfor
Giuntoli, Robert Lawren
Gold, Robert Stanley
Goodman, Dennis Bernard
Grasinger, John E.
Graybiel, Ashton Lynd
Green, Joseph Pieri
Hanson, Donovan Dean
Harrer, David Stanley
Harrison, William Orvil
Harvey, Claude Alden
Hauser, James Lincoln
Haynes, Henry Dodge
Heaster, James Matthew
Henrie, Edwin John
Hodges, Leon Carey, Jr.
Hoke, Hugh Holman, Jr.
Houts, Robert L.
Howe, John Keith, Jr.
Hunt, Ernest W., Jr.
Jervey, George McDonald
Jones, Harvey Michael
Just, Samuel Victor
Kammerer, William Rober
Kardinal, Carl Gustav
Kearney, Donald Joseph
Kellogg, Gordon Fowler
Kesselman, Alexander Le
Klofkorn, Raymond W.
Koomos, George L., Jr.
Lambert, James Arthur J.
Landes, James Wilbur
Landry, Sylvio Garrett
Lapine, Thomas John
Larsen, Geoffrey Arthur
Lewis, Robert Bennie
Lyons, James Frampton
Maclean, Thomas Archie
Mallon, Robert Bingham
Mantel, Lewis
Marnell, Daniel John
Mastin, Robert Eldon
McCarthy, Michael Patri
McCauley, Robert Franci
McKinlay, Robert T., Jr.
Meese, Richard Foulke
Milroy, William Charles
Munden, Frank A., Jr.
Negron, George Luis
Nernoff, John III
Nielsen, Louis Timothy

Oury, James Howard
Park, Phillip Marlin
Parker, David Donald
Pearson, Arthur Robert
Peloquin, William Henry
Pleet, Albert Bernard
Potter, Roger Allen
Principe, Ralph F.
Pruyn, Stephen C.
Queen, Thomas Allen
Rasmussen, Bruce David
Reed Charles Nelson II
Rend, Charles Ambrose
Robinson, Donald M.
Roche, William David, Jr.
Rotert, Larry Gean
Sandri, Piero Francesco
Sayler, Osbey Louis
Schaefer, Wendelin Walt
Schell, Paul Lee
Schueller, William Alan
Schwabe, Maria Rafael
Senechal, John Hughes
Shaeffer, Charlie W., Jr.
Shipman, Nolan Daniel
Smart, Robert Henry
Smyth, Joseph P.
Spencer, Harold Lee
Stone, William Charles
Strout, Eugene S.
Swope, John Peter
Thrasher, James Winfiel
Trefny, Frank A.
Vertuno, Leonard L.
Virgilio, Richard Willi
Voltolina, Eugene Josep
Weaver, Joseph William
West, Gerard Michael
Williams, Paul Franklin
Williams, Theodore Guy
Wilson, Orville Douglas
Wright, William Brandon
Ziegler, David C.

SUPPLY CORPS

Baker, James Hershel
Caro, James McDavid
Carver, Roy Edmond
Crane, Lee Duane
Dempsey, Edward John
Deruggiero, Saverio Anthony
Ekholm, Harry Hilding, Jr.
Filipiak, Francis Leonard
Fraher, Jeremiah
Hanna, Robert Martin
Hanson, Allan Henry
Hicks, Chesley Marshall, Jr.
Jaap, Joseph Davies
Jaecques, Raymond Cyril
Johnson, Omer Louis
Knight, James Walton, Jr.
Lombard, Graydon Frederick
Lord, Charles William
Lucas, Duane Brian
Marbain, Max David
Maxwell, John Richard,
Nix, Harvey Wilbert, Jr.
Pierce, Gordon Edward, Jr.,
Powell, Hal Bacon
Risinger, Robert Elvin
Sims, Thomas Malone, Jr.
Vanni, Ralph Joseph
Wyatt, John Matthew

CHAPLAIN CORPS

Baez, Samuel
Ferguson, Edmond Blant
Finn, Daniel Emmett
Hawley, Quinn Libert
MacCullagh, Richard Edward
Thacker, Donald Lee
Toland, Paul Leo
Weaver, John Franklin

CIVIL ENGINEER CORPS

Bolinger, Donald Servis
Bottorff, David Elliott
Gilmore, Gordon Ray
O'Donnell, William Joseph
Perez, Johnny
Schattner, Bernard Lipper
Steadley, Alfred Miller, Jr.
Tinker, Gordon Wilson

JUDGE ADVOCATE GENERAL'S CORPS

Donato, Don Jr.

DENTAL CORPS

Ackley, George William, Jr.
Bell, Walter Craig
Benn, Barry
Bumgardner, Willie Alva
Canal, John Wayne
Copeland, Richard Allen
Drake, David Lavery
Hodes, Leonard Franklin
Kawashima, Zitsuo
Kepley, Benjamin Franklin
Lamarche, Robert Guy
Lusk, Samuel Stowell
Mach, Joseph Steven
Mohr, Richard Walter
Oldfield, Ronald Earl
Regan, Paul Francis
Sabala, Clyde Lasa
Salmon, Thomas Newton
Scoralle, Donald Lawrence
Smith, Cameron Mulford
Stout, William Andrew
Streicher, Carl William

MEDICAL SERVICE CORPS

Brown, Charles Robert
Casler, Wilfred Ignasia
Comfort, Gerald George, Sr.
Hodges, Richard Claxton
Law, Malcolm Kenyon
Smith, Fred Ewing

NURSE CORPS

Dudley, Julia Barnes
Ottoson, John
Sisk, Elizabeth Anne

The following named officers of the U.S. Navy for temporary promotion to the grade of lieutenant commander in the line and staff corps, as indicated, subject to qualification therefor as provided by law:

LINE

Acree, Paul Gene
Albers, Robert John
Amerau, Harold Francis, Jr.
Amidon, Ronald Edwin
Andersen, Lewis Ray
Anderson, Allan Walker
Anderson, Jerold French
Anderson, Jimmy Duke
Andrews, Edward Keith
Austin, Marshall Harlan, Jr.
Authement, Charles Francis
Bacon, Robert Peter
Bailey, Artise Glenn, Jr.
Baker, Garrett Elbert
Baker, Ronald Boyd
Baland, George Arnold
Ball, Robert Harold
Ball, Robert Lee
Ballew, Robert Douglas
Ballew, William Chadwick
Barry, John Lewis
Bartman, Carl Newton
Bass, Julius Preston, Jr.
Baumann, Carl Vincent
Baxley, Warren Candler, Jr.
Bays, Robert
Beard, Eugene Douglas
Becker, Alfred Edward
Beeler, Carroll Robert
Beery, James Robert
Beeson, Thomas Franklin
Benintende, Bob
Benson, Ray Wallace
Beougher, Rolland Ben
Best, Jimmie Merrill
Billings, Richard Arthur
Binford, Benjamin James
Bird, Ronald Stanley
Bishop, John Allison
Blades, Peter David
Bloch, Paul Stanley
Boink, Louis Herman, III.
Bond, James Leonard
Bontrop, Paul Nichols, Jr.
Bostic, Wayne Huston
Boston, Glenn John
Bourbonnais, Charles Robert
Bowden, Peter Klaus
Boyter, James Thomas
Bozich, Robert
Bradner, Charles Rawles
Brady, Bruce Milo
Branco, Robert John
Brearton, Gerald Arthur
Breen, William James, III.
Brenner, William Rush, Jr.
Brenton, George Wilbert, III.
Bright, Charles Norman
Brodt, Roger William
Brown, Robert Lee
Bucholz, Albert August, Jr.
Bucholz, Marvin John
Bucholz, Roger Coleman
Burcham, William Richard
Burgess, Larry Lee
Burke, James Lawrence
Burke, Richard Leon
Burlingame, Anson H., Jr.
Bushong, Robert Lee
Butler, Joseph Malcolm
Butler, Thomas Harold
Butters, Alvin Lavern, Jr.
Byerly, James Hampton, Jr.
Byron, Roger Walter
Cain, William Michael
Callahan, Jeffrey Edwin
Callaway, Leigh Lawrence
Callies, Lee Roy
Campbell, Archibald George
Caplinger, Royce Lee
Carpenter, Nicholas Mallory
Carpenter, Melvin R., III
Carroll, Charles Cecil
Carter, Lee Scott
Carter, Major Leonard
Cashman, David Matthew
Catlin, Carl Victor
Cavanaugh, Francis Patrick
Chagaris, Peter James
Chalfant, Donald Kenneth
Chancellor, Robert Oren
Chapman, Paul Thomas
Chenery, Robert Lucius
Childs, Jack Manning
Christian, Dennis Howard
Cisek, Peter John
Clancy, James Patrick
Clark, Donald Bartlett
Clark, John William
Clark, Ralph Belmont, Jr.
Clark, Ronald Woodrow
Clark, Terrell Irvin
Clay, Henry Leonard, III
Clesen, Gerard Foster
Cliffton, Donald Wayne
Coalson, Ronald Roger
Cobb, Harold Norman
Cole, Ronald Arthur
Coleman, Randy J.
Collins, John Patrick, Jr.
Colyar, Robert William
Conder. Robert Aubrey
Conjura, John Edward
Connor, Ernie Eugene
Cook, Gary Newton
Counter, James Richard
Cowell, Neil
Cox, Norman Otha
Creager, Hugh Gunder
Creely, Allan John
Croll, William Howard
Crooks, David Robert
Crossen, William Joseph
Crowe, Olen
Crump, David Allen
Cully, John David
Curran, William Francis, Jr.
Curtiss, Edward Barnes
Daly, Daniel Anthony
Dammeyer, George Howard
Damron, John Richard, Jr.
Daniel, Johnny Hale
Dannerth, Richard Carl
Dassler, Frederick W., Jr.
Davenport, Wortham David
Davis, Dickey Parrish
Davis, Norman Ewing
Davis, Thomas Anthony

Davis, Thomas Kevin, Jr.
Dawson, Richard Wesley
Deaton, James Paul
Debenport, David Rogers
Deda, Donald James
Deer, Robert
Degreef, Donald James
Destcroix, Lawrence E., Jr.
Dickson, Paul Bevis
Dilley, James Earl
Dixson, Max Harry
Doctor, Michael Stewart
Dolbec, Richard David
Dolgow, Barry Lee
Donath, Robert Milton
Donndelinger, Paul William
Doroshenk, Theodore
Dow, John Irvan
Drumm, R. David
Duermeyer, Stephen Paul
Dumas, James Walter
Dupont, Francis William, Jr.
Durham, William Rucker
Durr, Donald Gordon
Duskin, George Harley
Dutrow, Samuel Richard, Jr.
Dyck, Harry Milton, Jr.
Dyer, Robert Deane
Dynes, James Henry
Eacott, Richard George
Echlin, Delos Eugene
Eichman, Thurman Edwin
Elliott, Thomas Jene
Ellis, Robert Lee, Jr.
Erickson, William John
Etchingham, John Berchmans, Jr.
Eutsler, Roland Byerly, Jr.
Ewing, William David
Faricy, John Jerome, Jr.
Farrell, Robert Joseph
Fast, Richard Edwin
Fausz, James Edward
Favaro, Joseph Dominic
Fillingim, Ronald Louis
Fink, Ralph, III
Finotti, Donald Gustavo
Fisher, Kenneth Leroy
Flint, Charles Gerard
Folsom, Benjamin Franklin, Jr.
Foltzer, Louis Leonard
Forbes, George Thomas
Forrester, George Steven
Fox, James Charles, Jr.
Fragomene, Vincent Michael
Fraine, Robert Howard
Freise, Roger William
French, Stanley Lee
Fusco, Charles, Jr.
Galkin, Kenneth Earl
Gastar, Stanley Douglas
Gebhardt, Laurence Philbert
Gibson, Elwood Lloyd
Giffin, Eugene Riley
Gildersleeve, Elmer James
Giles, Grover Skip
Gillett, John Braxton, Jr.
Gilmore, Richard Delano
Gladstone, Steele
Gleason, David Alan
Goodin, William Franklin
Gordon, Kenneth Elwood, Jr.
Gordon, Leonard
Gosselin, Richard Leon
Graham, Charles Irvin
Grause, Francis Patrick
Graville, William Neil
Greene, Robert Michael
Greenwell, William Manly
Grigsby, Jerry Carson
Grubaugh, Gene Calvin
Guenther, Michael Lyle
Gumm, William Eugene
Gunn, Lee Fredric
Haacke, Karl Marlin
Hagerup, Jack Edward
Haley, Willard James
Hamilton, Stephen Howard
Hand, James Michael
Harding, Ronald William
Hardt, Lorry Michael
Hargis, Richard Anthony
Harper, Stephen Kent
Harrell, Joe Wayne
Harrison, James Douglas
Harrison, Robert Wesley
Hausmann, Gerald Leo
Hawkins, Vaughan Austin
Hawley, Thomas Peck, Jr.
Hayden, William Buford
Heames, Richard David
Heckler, Francis Daniel, Jr.
Heid, Billy Lee
Hekel, Ulis Dean
Henry, Gordon Albert
Hepner, Bruce William
Hertzler, Charles Miller
Hickman, Donald Patrick
Hill, Theodore Drummond, Jr.
Hilzer, Ralph Conrad, Jr.
Hinds, Howard Huntington, Jr.
Hinkel, Harold James
Hockey, Edmund Richard
Hogan, John Benedict, Jr.
Holbert, Warren Lee
Hollarn, James William
Hollingsworth, Donald Lloyd
Honey, Lowell Ray, Jr.
Hope, Robert Edward
Hoskins, Samuel Britton
Hough, Howard Arthur
Houser, George Clifford, Jr.
Howze, Odis William, Jr.
Hubbard, Edward Briggs, Jr.
Hubble, Hilbert Roland
Huff, Gerald Lewis, Jr.
Hurley, George Edward, Jr.
Husak, Stephen Bruce
Hyde, Joseph Goree
Jackson, Lesley Jerry
Jackson, Richard Alan
Jamerson, Clifford Larry
Jeffers, Barry Newman
Jogan, Stephen
Johnson, Arnold Gale
Johnson, Carlton Roy
Johnson, Charles Harold
Johnson, Gary Lane
Johnson, Kenneth Gregory
Johnson, Myron Theodore, Jr.
Johnson, Thomas Randall
Johnston, Robert Sharrow
Jones, Raymond David
Jordan, David Lee
Juhl, Clarence Henry
Jukoski, Michael Joseph
Julian, James Allen
Kampf, Michael, III
Karlisch, Manfred
Kearley, John Albert
Keffer, David Franklin, Jr.
Keller, Paul Parker
Kelley, John Haran
Kelly, George William
Kemmerer, Frank Edward
Kennedy, James Conway, Jr.
King, Harold Warren
Kinlaw, Howard McConneral, Jr.
Kirkpatrick, Howard David
Kirkwood, Kenneth Melvin
Klaas, Jack Ulrich
Klopfenstein, Timothy David
Kodalen, Kenneth Cameron
Kohler, Robert Wilmer
Koiro, Ralph Nicholas
Kott, James Richard
Kozain, William Paul
Kramar, Joel David
Krause, Lawrence Charles
Krieger, David Harry
Kruse, Harry Rudolph
Kruszona, Raymond Robert
Kuhn, Frank Rudolf
Kukulski, Dennis Reginald
Ladd, Edward Harrison, III
Ladek, Kenneth Eugene
Lamoureux, George Joseph
Lane, Thomas Francis
Larson, Garry Lee
Lauer, Joseph James
Lawler, Curry Montgomery, Jr.
Lawrence, William Robert
Leboeuf, Lovencie Adam, Jr.
Ledbetter, Douglas Eugene
Lee, Howard Frank
Lehman, Harry
Lehmann, Charles Edward
Leland, George Clark
Leo, Don Garrett
Lewis, Ronald Bruce
Lewis, Ronald Patterson
Lindmark, Bruce Willard
Listol, Lavern Duwane
Littleton, Martin Wilson, III
Livermore, Leroy Walter
Livernois, Omer Alcide, Jr.
Longcore, Duane Maclyn
Longshaw, Jeffrey Scott
Lonnon, Lawrence Walter
Lopez, Thomas Joseph
Loughmiller, James Michael
Lowe, Julian Robbins
Ludwig, Carl Levi
Luecke, John Michael
Lull, Thomas Elwood
Lupton, William Lloydd
MacMichael, John Lee
Madison, William Ross
Magnus, Royal Stapleton
Mahood, James Norton
Martin, Kenneth Mark
Martin, Theodore Joseph
Martinez, Carlos Manuel
Maslowski, James Irwin
Matthews, John Edward
Mattson, James Lee
Maugeri, Peter James
McCarthy, Richard Joseph
McClure, Melvin Maury
McConagha, David Leigh
McConkey, Robert Franklin, III
McDaniel, Charles Harold
McDermott, Michael James, III
McGeorge, Glenwood William
McGlothlin, Larry Wyman
McGrath, Frank Kossler
McHargue, Gary Robert
McKelvain, Burrel Ray
McKinney, Michael Patrick
McMahon, James Patrick
McWhirter, Michael Reed
Mellin, William Francis, Jr.
Meyer, James Roger
Milam, Lonzo Oliver
Miller, Dennie Lee
Miller, Donald Charles
Mills, Clifford Childers
Millward, John Emery
Mitchell, Thomas Arthur
Mladineo, Stephen Victor
Montgomery, David James
Moore, Richard Lee
Morell, Ronald William
Morgan, Edward Lee
Morgen, Marty Paul
Morris, Roy Anthony, Jr.
Moser, Ronald Bryant
Mosher, Richard Lee
Moshgat, Jack Wilbur
Mowbray, James Francis
Munro, Richard Pullman, Jr.
Murphy, Lawrence Timothy
Myrick, James Albert
Nash, John Thornton
Nelson, Barron Craig
Nelson, Bruce Emerson
Nelson, Jerome Allen
Nemcosky, Martin Joseph, Jr
Noce, Robert Stephen
Norcross, William Griffin
Norris, Lewis Harold
Norwood, Richard Leon
Odle, Billy Fay
Oehlenschlager, John Gary
Ohlander, Ronald Bert
Olson, James Duane, II
O'Neill, David Lynn
O'Rourke, William George
Ostertag, James Joseph
Owen, Harry Clinton, III
Pacek, Robert Dennis
Paige, Gordon Curtis
Park, Carl Sheldon, Jr.
Parkinson, Keith Lee

Parodi, Richard Steven
Pate, David Brantley
Paul, Gerald Everett
Paulsen, William Gary
Paust, John Michael
Pawlas, Robert Wayne
Payton, James Eugene
Pearson, Russell Glenn, Jr.
Pennington, Arthur James
Pennington, Donald Robert
Perna, Gerald Matthew
Petersen, Richard James
Peterson, Donald Lee
Petre, Preston Olivier
Pfaff, George Leland
Phaneuf, David Roland
Pilling, Donald Lee
Pinkston, Larry Michael
Pollock, John Corse, III
Polsenski, Martin Joseph, Jr.
Price, Thomas Davis, Jr.
Puccini, Donald Emil
Pulver, William Donald
Pursel, John Joseph
Pursel, Thomas Moyer
Quist, Alfred Benson
Ramos, Frank Sebastian
Ramsdell, Steven Ulrey
Randall, Richard Francis
Rantschler, Robert Dale
Reason, Joseph Paul
Reckner, James Richard
Redus, William Clyde
Regan, John Francis
Reid, John Mark, Jr.
Reilly, Leo James
Rempt, Rodney Peter
Renager, Burton Whitmon, Jr.
Reumann, Richard Edward
Ricabaugh, George Glenn
Rice, Ervin Edward
Rice, Paul Donavon
Rice, Peter Adolph
Richards, Alva Gerald
Richardson, Clarence Lee
Richartz, Helmuth Herbert
Riley, Robert Handley
Ritzman, William Floyd
Robertshaw, Donald George
Robertson, Charles Lowry
Rogers, James William
Ronan, Lawrence Edward
Rooney, James William
Roth, Patrick Henry
Rountree, John McKinley, Jr.
Roybal, Genaro Marcelino
Rummler, David Clark
Runberg, John Eynar, Jr.
Rushing, John Michael
Safley, Gordon Wayne
Sala, Virgil
Sale, Charles Latane, Jr.
Sandway, Karl Martin
Sanford, Richard Martin
Saul, Carlton Wayne
Savage, Eugene Maurice
Schaar, Brian Warren
Schalde, John Arthur
Schmidt, Knute Menge, Jr.
Schmoker, Alan Elliott
Schneider, Paul Thomas
Schnier, Keith Leon
Schofield, Lee Neal
Scholl, Clifford William, Jr.
Schrock, Edward Lee
Schroeder, Arthur John
Schultz, Robert William, Jr.
Schultz, Roger Frederic
Schupbach, Duane Fredrick
Scigulinsky, Kenneth Frank
Scott, Patrick Randolph
Scott, Thomas Bairner, III
Sehlin, Donald Barry
Seyl, Stephen Joseph
Sharp, Erwin Arthur
Sharp, Walter Eugene
Shaw, Michael Gilbert
Sherer, Cecil Wise
Shoemaker, Stephen Collier
Shriver, Ronald Eugene
Siegel, William Morris
Sierras, Eugene L., Jr.
Simms, Richard Galen
Simpson, John Drury, Jr.
Simpson, Richard John
Simpson, Thomas Elroy
Sipe, Edman Leon
Sirmans, Russell Emerson
Skidmore, William Harvey
Skoog, Mark Chester
Slaasted, Richard Michael
Sloane, Richard Tobias
Small, Robert Frank
Smereczniak, David Afton
Smith, Eldin Dean
Smith, Jerry Livingston
Smith, John Walter
Smith, Robert Allen
Snodgrass, Donald James
Snyder, John Harrison
Sokol, David
Sosnowy, Edward Dominick
Soucek, Philip Merrill
Spring, William Roger
Springer, Robert William
Steiner, Clifford
Stevens, David Michael
Stevens, Thomas Francis
Stevenson, Clyde Melvin
Stevenson, John Wayne
Steward, Mobray Wayne
Stewart, Malcolm Wayne
Stewart, Robert Paul
Stock, Michael John
Stocktonidus, Lewis
Stoll, Peter Steven
Stroebel, Donald Walter
Strum, Richard Ralph
Stubbs, Leslie Eugene
Stucki, Laurence Valdimir
Sugermeyer, Neil Storck
Sullivan, Huey H., III
Sullivan, James Edward
Sullivan, James Joseph
Sullivan, John Lawrence
Tana, Yasuto
Tassin, Terry Jude
Taylor, Billy Glen
Telquist, Lee Michael
Templin, Charles Leonard
Thelen, Frank, III
Thiele, James Frederick
Thomas, Donald Gene
Thompson, Donald Joseph
Thompson, Alexander
Tilt, Thomas William
Tittle, Harold Edwin
Todd, Alan Mitchell
Tolbert, Otis
Tootle, Dan Calvin
Trickett, James Raymon
Tripp, Philip Burr
Trotter, Earl Clay
Trumbauer, Harry Bentley, Jr.
Turner, Everett, Eugene, Jr.
Tweel, John Alexander
Vail, David William
Vanderwier, Gerald Michael
Vandyke, John Charles
Veasey, James Alexander, III
Vermilyea, David Whitney
Vetter, Donald Robert
Vickery, Wayne Marshall
Vidrine, David Matthew
Vinroot, Charles Arthur
Volk, Charles Louis, Jr
Vroom, James Edgar, II
Wagner, Tod William
Walker, Michael eGorge
Wall, Eugene Albert
Walters, Louis Alan
Waters, Gordy Waymond
Watson, Bruce Wallace
Weaver, Thomas Stephen
Webb, Hugh Leonard
Webb, Jack Kenneth
Weerts, Gary Lee
Weisensee, William John, Jr.
Wendt, William Arthur
Wenyon, Leonard James
West, Franklin Griffith, Jr.
Whiffen, Calvin Uridge, III
Whitehead, Kenneth Lee
Whitmore, John Thomas
Wicks, Guy Weaver
Wiita, Marlin Dale
Wiley, James William
Wilkerson, David Paul
Wilkins, Frank Scott
Wilkinson, John Palen, III
Willett, D. G.
Williams, Billy Bryan
Williams, Larry Dale
Williams, Paul Richard
Wilson, Edmund Powell A.
Wilson, Melvin Arthur
Wilson, Robert Craig
Wilson, Stephen Ray
Winn, James Richard
Winter, Albert William
Wixom, Robert Frank
Wojcik, Raymond Thomas
Wong, Henry Kingsy
Wood, Gerald William
Wuthrich, Lawrence Gene
Yusi, Frank Louis
Zardeskas, Ralph Anthony
Zerr, John Joseph
Zunich, Ralph Edward

MEDICAL CORPS

Allen, Raymond Gary
Anderson, Edward Franci
Armacost, James Owen
Ascarelli, Emanual Davi
Barber, Keenan Frank
Blackstone, Thomas Lee
Bradley, Vincent Depaul
Byrd, William Eugene
Carlton, Thomas Grant
Castelli, John Baptist
Cate, Vasa William
Claeys, Donald Walter
Clark, Robert Thomas
Clarke, William Robert
Clubb, Robert James
Cobb, Orr McClentic, Jr.
Conroy, John Joseph, III
Cunningham, Mark Alan
Dalforno, Victor Michae
Davis, Arthur Brian
Davis, William Lee
Deck, David H.
Donaldson, John Culver
Donaldson, John Finglas
Donlan, Charles Joseph
Edge, Otis Henry, Jr.
Engelman, David Ream
Gendron, Richard Mauric
Gilbert, Henry Tucker, I
Griffin, Howard Aubrey
Grossman, Jay Robert
Harris, Robert David
Harris, Ronald Tyrone
Harris, Russle Herbert
Hicks, Frances Faline
Hicks, James Stowers
Hobby, George Alvin
Hopkins, Milan Lewis
Hughes, Robert Edward
Humphries, Thomas Joel
Hyatt, Floyd Richard
Iacovoni, Victor Emanue
Jacobson, Albert Dale
Johnston, Glenn Richard
Jorgensen, James Paul
Kane, Edward William
Keel, William Aubrey, Jr.
Komadina, Steven Anthony
Koterbay, Robert John
Landis, Andrew Ellsworth
Lawson, Richard Weldon
Lewis, Paul Elwood II
Lightsey, Alton Lionel
Logen, Peter Daniel
Lowell, William Grayson
MacNeil, Daniel Joseph
Manjerovic, Richard Michael
Mann, James Tift, III
May, William Edward
McCracken, Linton Edgar
McGinnis, Michael Jon

Mills, Stephen Currie
Moeser, Thomas Eugene
Moors, Richard Lee
Murray, Brian Philip
Nealis, Richard Harmon
Neilson, Kevin Charles
Nettles, Willard H., Jr.
Noffsinger, Jay Edwin
O'Callaghan, James Howell
O'Grady, William Brian
Osborne, Robert Clark
Palenschat, Douglas Art
Pelletiere, Vincent James
Phares, John Carmony
Ranck, Sidney Graydon J.
Randolph, Robert Perry
Rankin, David Lee
Rathbun, Lawrence Arden
Reagin, David Earl
Robinson, Terrance Andrew
Rose, Richard Steven
Ross, Franklin Harvey J.
Sanders, Henry Albert I
Sauer, Ferdinand Francis
Saunders, Brian Stanley
Schechner, Stephen Alan
Schrantz, William Francis
Seward, John Peter
Smith, David Andrew
Smith, Harry William
Spencer, Donald Allen
Spruce, Wayne Ellsworth
Stidman, Frederick C., Jr.
Stiglitz, Avery
Sugden, Richard Greer
Swan, Davis McKean
Taylor, Gerald Dale
Taylor, Norman Wayne
Taylor, Raymond Frederick
Toms, Billy Roy
Tretheway, Donald Garth
Underhill, Thurlow Reed
Vance, Donald Alton
Whitner, William Church
Zissman, Edward Neal

SUPPLY CORPS

Blaschke, Edwin Henry, Jr.
Caplain, David Alan
Carter W. J., Jr.
Chase, Dana Chester
Cheney, James Cowser
Cicio, John David
Clark, Robert Hamilton
Conti, Carmen Daniel
Cook, Frank Cummings, III
Cook, Glover Hardy, Jr.
Cook, Herman Theodore
Cordova. Stephen Malcolm
Curtis, Glen Dale
Dagrosa, Richard Louis
Dahlen, David Gordon
Deruiter, Kenneth
Dolores, George, Jr.
Ebbers, Richard Earl
Gaboury, Paul Albert, II
Gallagher, Patrick Francis
Gibson, Blair Edwin
Graeter, William F., II
Hall, David William
Hargus, James William
Hislop, Charles Edward
James, William Byrd
Kasse, David Ivan
Ketcham, Richard Dean
Kingston, David Tallman
Kohlmann, John Thomas
Lee, William Thomas
Losquadro, Joseph Pasquale
Marshall, Terry Lynn
Mate, Gerald Edward
McCollough, Wesley Lee
McCormack, Robert Steele
McCosco, Charles Fred
McLean, Forrest Thomas
McPherson, Thomas Dale
Mesterhazy, Andrew Paul
Moles, Robert Francis
Molishus, Joseph, Jr.
Moran, Thomas Albert
Morgan, Edward Aiken, Jr.
Mullen, John David
Myers, William Martin
Norton, Ronald Ward
Outlaw, George Dedric, Jr.
Paulson, John Jacob
Payne, David Almon
Reagan, Joseph Emmett
Robertson, Herbert Milton
Robinson, Richard Daniel
Ruble, David Ross
Ruppmann, Heinz Otto
Sanchez, Domingo Hall
Sarfaty, Dennis Paul
Schmidt, Carl August, Jr.
Schultz, Thomas Craig
Schutte, Harvey Charles
Semmens, Thomas Perry, Jr.
Solatka, Robert James
Stalnaker, Delbert Kenneth
Sweazey, George Edgar, Jr.
Swenson, Donald Wayne
Tarantino, David Arthur
Tastad, Michael Louis
Thieman, Richard James
Tonokovich, Thomas Marvin
Traaen, Lloyd Halvor
Tucker, James Thomas
Tucker, Thomas Grady
Webb, James Michael
Williams, Gary Dean
Williams, Michael C.
Winget, William Peter
Yeatts, Ralph Leroy

CHAPLAIN CORPS

Cary, Peter John
Connelly, Albert P. III
Rothermel, Fred Allen

CIVIL ENGINEER CORPS

Conroy, John Francis
Coston, Oscar Lee, Jr.
Dougherty, James Michael
Falke, John Whelan
Hendrickson, Jack Ellis
Henley, John Steele
Hilderbrand, William Casey
McBride, Robert Norman
McTomney, William Paul
Milkintas, John Clayton
Morris, Henry Minard
Niemeier, William Ray
Pabarcus, John Russell
Parsons, James Fowler
Riggin, Donald Curtis, Jr.
Rowan, Howard Kemp
Sargent, Delon Denny
Siler, Richard Terry
Sleight, Leon Jay
Taylor, Ernest Theodore
Watson, Francis Xavier

JUDGE ADVOCATE GENERAL'S CORPS

Decarlo, Nicholas Peter
Ellis, Charles Edmond, Jr.
Fulkes, Duane Sherman
Gerken, Robert Thomas
Hewett, Peter Augustine, Jr.
Kahn, Thomas Kenneth
Kirkham, Steven Dorsey
Wylie, Thomas Langford

DENTAL CORPS

Benz, Richard David
Cochran, Michael Alan
Davis, Melvin Lee
Fleming, James Gerald, Jr.
Funk, Edward Adrian
Glass, Ernest Gilbert
Haasl, Robert James
Krueger, Frederic
Lynch, Vincent Michael
Lynde, Thomas Ainsworth
Rohen, Robert Michael
Wilson, William Thomas
Winstead, Herbert West

MEDICAL SERVICE CORPS

Adams, George Michael
Antonopoulos, Adam Theodore
Aringdale, Gorgon Lyle
Ashburn, James Henry
Ayers, Samuel Hugh, Jr.
Baker, George Franklin
Bates, James Francis
Berghage, Thomas Eugene
Bondi, Kenneth Robert
Bookout, Thomas Eugene
Boyle, Richard Lee
Butts, Charles Monroe
Carter, Franklin Wood
Clem, Nicholas Jerry
Cobet, Andre Benoit
Collings, Donald Earl
Combs, Wesley Berry
Connors, Francis Simon
Cook, Jimmie Charles
Corley, Richard Annon
Cota, Richard Jesse
Cunningham, William F.
Dalton, James Travis
Danziger, Richard Ellis
Dekrey, Charles Ross
Doptis, Leigh Errol
Dotson, Robert Melvin
Eklund, Paul George
Evans, Delbert Eugene
Felt, Walter Robert
Fisher, Frank D. R.
Fisher, Stephen Todd
Foxx, Stanley Alan
Franklin, Douglass Wayne
Galbreath, Jerry Dean
Gaugler, Robert Walter
Greear, John Fields, III
Gregory George Harry
Hall, David Allen
Hays, Elwin Jesse
Hilling Levi Nelson
Hmel, Leonard John
Hodge, Frederick Allen
Holcomb, Howard Edwin
House, John Francis
Hurder, Richard James
Johnson, Richard Lee
King, William Goodrich
Kouns, David Michael
Lashley, Kenneth Lamar
Levan, Donald Robert
Lewis, Jack Terry
Lewis, Larry Allen
Louy, James William
Martin, Donald Gene
McCullah, Robert Douglas
McDonald, John Leroy
McManaman, Vincent Leo
McNamara, John Edward, III
Medlock, Thomas Perry
Milek, Mary Lynn
Miller, Allen Byrd
Moy, Michael William
Mullins, William Franklin
Murray, John Lee
Narut, Thomas Edward
Oglesby, Norman Gabriel
Olson, James Gordon
Palmer, Timothy Trow
Parson, William Michael
Pepera, Leroy Joseph
Piatt, Austin Eugene
Pilkington, Richard Herbert
Rausch, Jack Lee
Renfro, Gene F.
Reysen, Richard Harry
Riley, Phillip Truman
Robinson, Richard Allen
Sammons, John Henry
Sawyer, Dennis Lee
Schinski, Vernon David
Schubert, Deane Edward
Schultz, Warren Walter
Shaver, Roger Galen
Sholdt, Lester Lance
Sippel, John Edward
Skinner, Howard Lee
Slipsager, Frederick Andrew
Smith, James Leroy
Smith, Lloyd Dean
Socks, James Frederick
Spillman, Graham B., Jr.

Stafford, Erich Estill
Stefanakos, Thomas Kostas
Strong, Douglas Michael
Thome, Carl Donald
Truman, Patrick Andrew
Uddin, David E.,
Vickerman, Raymond Harold
Watko, Laurence Phillip
Wienkers, Charles Francis
Windholz, Francis Leo
Woodman, Daniel Ralph
Wortendyke, John
Young, John William
Zink, George Arthur

NURSE CORPS

Cash, Carolyn Jeanette
Coffin, Barbara Ellen
Colucci, Michael Joseph
Cornell, Mary Elizabeth
Dloughy, Elaine Jean
Downs, Robert James
Gangwer, Constance Wray
Gannon, Charlotte Caldwell
Hay, Mary Kathryn
Howard, William James
Hunter, Hazel Mary
Iwata, Miki
Johnson, Carolyn Ann
Kelly, Sharon K.
Kirkpatrick, Sandra Anthony
Krall, Virginia Mary
Leary, Cornelia Ann
Lindelof, Sandra Sue
Lufkin, Janice Mae
Maffeo, Edith Jane
Mazzone, Nancy Rose Marie
McCumber, Susan Anne
Murrow, Elizabeth Jean
Polak, Kristen Ann
Snyder, Eilleen Esther
Spanier, Bernice Clare
Spring, Pollyann
Stoll, Caroline Jean
Toepke, Nancy Hull
Ulschmid, Margaret Mary
Ward, Maureen Winifred
Wilke, Joanne Marie
Yonk, Patricia Mae

The following named officers of the Reserve of the U.S. Navy for temporary promotion to the grade of captain in the staff corps, as indicated, subject to qualification therefor as provided by law:

MEDICAL CORPS

Dekrey, John A.
Gehry, Eugene L., Jr.
Grenier, Rodolphe A.
Wallace, Craig K.

CHAPLAIN CORPS

Keyser, Charles L.

The following named officers of the Reserve of the U.S. Navy for temporary promotion to the grade of commander in the Medical Corps subject to qualification herefor as provided by law:

Bergfeld, John A.
Butler, Albert B.
Crawford, William G.
Davis, Timothy J.
Dunlap, Daniel C.
Gabel, Ronald E.
Hanson, Bruce A.
Hung, Hing Y.
Johannes, James D.
Kelly, Daniel J.
Kraft, Avram R.
Lee, Charles D., Jr.
Mac Donald, Charles J.
Miller, Ira D.
Piconi, John R.
Rice, Bruce J.
Rosenthal, Samuel G.
Santiago, Lombardo M.
Smith, Dale J.
Whitecotten, Glenn L.
Walsh, Patrick C.
Winebright, James W.

The following named Regular officers of the U.S. Navy, for temporary promotion to the grade of commander in the line and staff corps, as indicated, pursuant to title 10, United States Code, section 5787, subject to qualification therefor as provided by law:

LINE

Gillen, Robert F.
Henrizi, John T.
Porter, Ethan O.
Rothschild, Robert E.

SUPPLY CORPS

Smith, Billy G.

Comdr. Ruth M. Tomsuden for permanent promotion to the grade of captain in the Supply Corps of the Navy subject to qualification therefor as provided by law.

The following named women officers of the U.S. Navy, for permanent promotion to the grade of commander in the line and staff corps, as indicated, subject to qualification therefor as provided by law:

LINE

Adsit, Carol A.
Burman, Rita M.
Sheppard, Beverly F.

SUPPLY CORPS

McMorrow, Janice R.

The following named women officers of the U.S. Navy, for permanent promotion to the grade of lieutenant commander in the line and staff corps, as indicated, subject to qualification therefor as provided by law:

LINE

Bell, Barbara F.
Cook, Dixie C.
Currie, Louise B.
Francisco, Donna L.
Frederick, Margaret A.
Gregory, Barbara L.
Hanna, Beverly J.
Hansen, Kathleen
Holmes, Gloria A.
Motz, Ingrid M. I.
Renninger, Jane F.
Tracy, Barbara O.
Turner, Bonnie L.
Turner, Margie L.
Ward, Gail M.

SUPPLY CORPS

McWhorter, Paula
Olsen, Linnea M.

Lt. Comdrs. John R. Miller and Roger M. Keithly, Jr., U.S. Navy, for transfer to and appointment in the Judge Advocate General's Corps in the permanent grade of lieutenant and the temporary grade of lieutenant commander.

The following named officers of the U.S. Navy for transfer to and appointment in the Judge Advocate General's Corps in the permanent grade of lieutenant (junior grade) and the temporary grade of lieutenant:

Babington, William R., Jr.
Banks, Stephen A.
Grant, Harold E.
Griffin, Michael A.
Kerr, Gerald L., III
Misiaszek, Peter E.
Nolta, Franklin L.
Perzold, Robert K.
Pompey, Charles S.
Reeve, Thomas B., Jr.
Rosintoski, Lawrence J.
Scholz, Ronald W.
Scully, John J.
Smith, Willie, Jr.
Uris, Richard B.
Warner Robert S., Jr.

The following named officers for transfer to and appointment in the Supply Corps in the permanent grade of lieutenant (junior grade) and the temporary grade of lieutenant:

Dow William C.
Minton, David S.
Rawlings, David G.
Wenchel, George F.

The following named officers for transfer to and appointment in the Supply Corps in the permanent grade of ensign:

Calia, John E.
Gilbert, George B.
Hinton, James R.
Joens, Steven K.
Tucker, Benjamin W., Jr.

Lt. Noel T. Bird, Medical Service Corps., U.S. Navy, for transfer to and appointment in the line of the Navy, not restricted in the performance of duty, in the permanent grade of lieutenant (junior grade) and the temporary grade of lieutenant.

Cmdr. James A. Buckley, Supply Corps, U.S. Naval Reserve, for transfer to and appointment in the line of the Naval Reserve, in the permanent grade of commander.

Lt. Gerald E. Mate, Supply Corps, U.S. Navy, for temporary promotion to the grade of lieutenant in the Supply Corps, subject to qualification therefor as provided by law.

Comdrs. Robert F. Cary, Jr. and Richard F. Kiepfer, Medical Corps, U.S. Navy, for temporary promotion to the grade of commander in the Medical Corps subject to qualification therefore as provided by law.

Lt. Comdr. William D. Craver, Medical Corps, U.S. Navy, for temporary promotion to the grade of lieutenant commander in the Medical Corps subject to qualification therefor as provided by law.

The following named lieutenant commanders in the line and staff corps of the Navy for temporray promotion to the grade of commander pursant to title 10, United States Code, section 5787, while serving in, or ordered to, billets for which the grade of Commander is authorized and for unrestricted appointment to the grade of commander when eligible pursuant to law and regulation subject to qualification therefor as provided by law:

LINE

George, Hugo C.
Koening, John W.
Oleson, Charles A.
Tiedemann, Hollie J., Jr.

SUPPLY CORPS

Burke, Leroy
Johnson, Edward M., Jr.

CIVIL ENGINEER CORPS

Currie, Wayne L.

Lt. James P. Vambell, U.S. Navy, for permanent promotion to the grade of lieutenant subject to qualification therefor as provided by law.

The following named officers of the U.S. Navy for permanent promotion to the grade of lieutenant (junior grade) in the line and staff corps, as indicated, subject to qualification therefor as provided by law:

LINE

Gilmer, Franklin B.
Hoope, Douglas D.
Monteville, Arthur R.
Kennish, James R.
Stewart, Malcolm W.
Selfridge, Harry E.

SUPPLY CORPS

Johnson, Darold L.

CONFIRMATIONS

Executive nominations confirmed by the Senate, March 12, 1973:

DEPARTMENT OF AGRICULTURE

Robert W. Long, of California, to be an Assistant Secretary of Agriculture.

FEDERAL AVIATION ADMINISTRATION

Alexander P. Butterfield, of California, to be Administrator of the Federal Aviation Administration.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

Subject to qualifications provided by law, the following for permanent appointment to the grades indicated in the National Oceanic and Atmospheric Administration:

To be lieutenant

Dennis Pepe

To be lieutenant (junior grade)

Kent P. Dolan

(The above nominations were approved subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

EXTENSIONS OF REMARKS

IDAHO OFFICE ON AGING: AT WORK IN 39 SITES

HON. FRANK CHURCH

OF IDAHO

IN THE SENATE OF THE UNITED STATES

Monday, March 12, 1973

Mr. CHURCH. Mr. President, one of the major goals of the Older Americans Act of 1965 was to encourage establishment of statewide offices on aging which would, in turn, help municipalities or counties to establish their own agencies to work with and for elderly citizens.

Every State in the Union now has a State agency on aging, and there are now many local agencies and even a few which operate on a regional basis. In this way, Federal funds are used for grassroots purposes, based upon grassroots decisions. The Older Americans Act is a fine example of Federal-State local cooperation; and this concept was incorporated in the Older American Comprehensive Service Amendments approved last year in both Houses and again this year in the Senate.

An article which appeared in the February 19 issue of the Idaho Statesman describes the work of the State Office on Aging in that State. It describes that State. It describes the rich range of programs which are provided, not only through the Older Americans Act, but through other Federal programs as well.

Idaho is fortunate, too, in that its office on aging is one unit in the State Department of Special Services, which is responsible for other programs for other Idahoans in all age groups. The department, under the direction of Mrs. Kay Pell, encourages close communication among the units under its jurisdiction. The Office on Aging, under the direction of Mr. Wil Overgaard, can thus relate its efforts to others in the department.

I believe that the Statesman article gives a good picture of the program on aging in Idaho; it tells what is happening to people in down-to-earth terms, and it makes good argument for enactment of the Older Americans Act amendments at the earliest possible date. I would, therefore, ask unanimous consent to include the article in the Extensions of Remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

OFFICE OF AGING RUNS 39 SITES TO ASSIST ELDERS OF GEM STATE

(By Carrie Biven)

Mrs. Joseph Johnson (not her real name) is widowed at the age of 67. She lives in rural Fremont County in Eastern Idaho. The wife of a farmer, she pursued a busy, secluded life assisting her husband in making a living and rearing her six children.

Now all of the children have their own families and live a minimum of 100 miles to as distant as the East Coast from their mother. When her husband died last October, she was left stranded.

She had never taken time to learn to drive, so the family automobile sits without a licensed driver. Now, she believes 67 is too late in life to undertake learning to drive.

A distance of several miles stretches between her home and the nearest church. Ashton is the nearest town, 10 miles away. She lives near enough to two families to see them occasionally. But she needs more.

A means of transportation to town for groceries, for keeping doctor appointments, for going to church and for keeping in contact with the outer world in case of emergency, or just to keep an interest in life, is a top priority.

If Mrs. Johnson were the only person in Idaho in such a predicament, perhaps her plight could "be solved easily and simply" by moving her into town to a small apartment to spend her remaining years. And when she became too decrepit to wait on herself, she could then be placed in a nursing home to await her last moment.

But the Idaho Office on Aging has a different view, because of other Idahoans in similar circumstances. Wil Overgaard, as deputy director of the Office on Aging, has no desire to twiddle his thumbs while people who can pursue useful and rewarding lives waste away uncared for and unnoticed.

Nearly three years have elapsed since Overgaard became deputy director. In that time the Idaho Office on Aging has established 39 community centers for the elderly throughout Idaho.

Some of the services rendered the elderly without cost as a result of the establishment of the centers include homemakers and home health aides, retirement jobs referral, information, and referral services, transportation, nutrition, arts and humanities for senior citizens, recreation and free-time activities. Nutrition has been improved through a hot lunch program in some areas.

The Foster Grandparents program at the Idaho State School and Hospital, Nampa, and State Hospital South, Blackfoot, has recruited 70 foster grandparents who serve four hours a day, five days a week, working with mentally retarded, physically handicapped, or emotionally disturbed children.

Just getting in gear is the Nursing Home Ombudsman Project created to provide volunteers to act as intermediaries between the patient and the government. The project is serving 15 licensed nursing homes in Southwest Idaho.

The Retired Senior Volunteer Program, now operating in 10 areas, affords the elderly an opportunity for continued involvement in community life through volunteer services to public agencies and private, non-profit organizations.

But all this is not enough, Overgaard stresses, for persons like Mrs. Johnson. Many older Idahoans still are being overlooked.

In order to reach more of the "unreached," the Department of Health, Education and Welfare, by authority of the amended Older Americans Act, has announced plans to implement a new Areawide Model Projects Program to serve older Americans. To be operated on the national level by the Administration on Aging (AOA), an entity of HEW, the program spirals down to the aging office of each participating state.

Overgaard noted the primary objective of the areawide projects is to coordinate and cement al programs for the elderly so more people will be better served without duplication of effort.

"First, we have determined the needs of all our elderly citizens in geographic areas of high priority. Now, we must attempt to satisfy these needs on a priority basis. For these persons who are able, with some assistance from our programs, to live independently in the community and participate fully in community life, it is our responsibility to make this possible, in order that they feel wanted, needed in their quest of a useful life."

Institutional care can be postponed many years for some elderly persons (Mrs. Johnson, for instance), if needed transportation can be provided, along with homemaker and home health services, social welfare counseling, home visits and telephone calls of reassurance, Overgaard believes.

'Home maintenance may turn out to be a priority for the elderly on low incomes," he added.

CUYAHOGA COUNTY BAR ASSOCIATION HONORS OUTSTANDING PUBLIC SERVANTS

HON. CHARLES A. VANIK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, March 12, 1973

Mr. VANIK. Mr. Speaker, on February 28, 1973, the Greater Cleveland community joined in honoring five individuals who have given more than 180 years of service to the "Bench and Bar" in Cuyahoga County. This year's noon luncheon was the 27th annual Public Servants Merit Awards Luncheon—a civic effort undertaken by the Cuyahoga County Bar Association to praise those who have given so much in civic service to the people of the Greater Cleveland area.

Five remarkable individuals were honored in this year's luncheon:

ELIZABETH M. HOPKINS

Miss Hopkins first joined the staff of the juvenile court 39 years ago and is presently the supervisor of the clerk's office in the juvenile court. For more than a decade prior to her employment with Judge Harry L. Eastman—founder of the juvenile court in our county—she served as a complaint clerk for the Cleveland Humane Society. In all, Miss Hopkins has now completed over half a century of receiving and journalizing the personal complaints of juveniles or the child caring agencies who file on their behalf.

MAURICE H. BERG

Mr. Maurice H. Berg is presently the deputy in charge of the psychiatric unit of the probate court. He was first appointed a constable in the probate court on June 1, 1934. He was an application clerk during 1938 and 1939 and then was assigned to the court's psychiatric unit in 1941. He is now deputy in charge with four referees assigned to assist him in hearing matters relating to the mental health of residents of Cuyahoga County.

JOHN E. GARMONE

Mr. Garmone, a 1940 graduate of Case Western Reserve Law School, is now the chief deputy clerk of the criminal division of the Cleveland Municipal Court. For 27 years he has been a vital link in the system of administration of justice in Cleveland.

VINCENT D. CASEY

Mr. Casey has been in the service of the county clerk's office for 24 years and is presently administrative assistant of the auto bureau's tax and title information Department in one of the Nation's most populous counties.

JOSEPH BENIK

Mr. Benik is presently chief deputy clerk of the U.S. District Court of the Northern District of Ohio. Mr. Benik has served all his working career—some 21 years now—with the court and is another of the experienced and dedicated public servants who, with the others listed above, have done so much to help in the smooth and efficient conduct of judicial business in the Greater Cleveland area.

I would like to add my personal congratulations and best wishes to this year's honorees—and on behalf of the Cleveland community, commend the County Bar Association, and in particular, Mr. Franklin Polk, chairman of the Merit Awards luncheon, for its continuing support and assistance to good government in Cuyahoga County.

HARRY MAUCK—"MR. NONPARIEL"

HON. DICK CLARK

OF IOWA

IN THE SENATE OF THE UNITED STATES

Monday, March 12, 1973

Mr. CLARK. Mr. President, Iowa has lost one of its most distinguished journalists. Harry Mauck died February 28, after 53 years in the newspaper business.

He began as typesetter on the Hubbard, Iowa Review at the age of 12. Mr. Mauck then worked for several Iowa newspapers before joining the Council Bluffs Nonpareil in 1929. During his 44 years on the staff of that newspaper he truly became "Mr. Nonpareil."

At various times he was city editor, managing editor, director of the New Nonpareil Co., and finally a secretary of the company. After almost 30 years as an editor, Harry Mauck returned to reporting in 1968 to cover the Iowa State Legislature.

His achievements were not limited to journalism—he was an outstanding citizen. He served Iowa from 1970–72 as an appointee to the State Historical Society's Board of Curators, and for years he was a leader in his church and in civic groups.

Harry Mauck will be missed by readers of the Nonpareil, his colleagues and friends, by his community, and his State.

Mr. President, I ask unanimous consent to insert an article on Mr. Mauck's life and death in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

NONPAREIL EDITOR HARRY MAUCK DIES

"Mr. Nonpareil" is dead.

Harry Mauck Jr., dean of the news staff, died Wednesday afternoon at an Omaha hospital after a long illness. He was 65 and resided at 309 Huntington Ave.

The associate editor suffered from lymphoma, a type of cancer, and had been on sick leave since last November. He had been hospitalized since Sunday.

Newspapering was his life; The Nonpareil his home base for nearly 40 years.

A native of Lake City, Mauck began newspapering at age 12 as a typesetter on the Hubbard (Iowa) Review, a weekly newspaper. He lived in several small Iowa communities before attending Parsons College at Fairfield and Drake University at Des Moines.

RAILROAD REPORTER

Mauck worked on various Iowa newspapers before joining The Nonpareil June 29, 1929 as a railroad reporter. He served in various news reporting positions on The Nonpareil, including one year as sports editor. He became city editor in the fall of 1939 and managing editor in 1949. He was elected a director of the New Nonpareil Co. in 1959 and was named secretary of the company in 1955.

After almost 20 years as managing editor, he asked to return to the field of writing and special assignments in 1968. He was then named associate editor. He handled the editorial page and covered the State Legislature.

He was well-known in Iowa and national newspaper circles, and spoke many times at the American Press Institute at Columbia University, New York, after he attended the City Editors Seminar there in 1949.

He was president of the Iowa Associated Press Managing Editors Association in 1955, a past director of the Iowa Daily Press Association for which he served several times at chairman of its news committee, and a member of Sigma Delta Chi, professional journalism society.

GOVERNOR'S APPOINTEE

Mauck completed a two-year term in 1972 as a governor's appointee to the Board of Curators of the State Historical Society for Iowa.

He was a member of St. Paul's Episcopal Church, where he had served as vestryman and warden; and also belonged to the Rotary, Elks and Aeous clubs, having served in various capacities in each.

He is survived by: widow, Genevieve, daughter, Mrs. Frederika Gene Rerrick of Minneapolis; son, William C. of Indio, Calif.; mother, Mrs. H. C. Mauck of Boone; brother, Frederick R. of Davenport, and sister, Miss Jane Mauck of Cedar Falls, and four grandchildren.

Funeral services will be held at 11 a.m. Saturday at the Meyer Chapel, with the Rev. Raymond Ray, rector of St. Paul's Episcopal Church, officiating.

The casket will remain closed after 9:30 p.m. Friday.

Graveside services will be at 4 p.m. Saturday at Hubbard.

Memorials may be made to St. Paul's Church of the Council Bluffs Public Library.

AID TO NORTH VIETNAM DRAWS INCREASING CRITICISM

HON. JOE L. EVINS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Monday, March 12, 1973

Mr. EVINS of Tennessee. Mr. Speaker, criticism of the administration proposal to provide billions in aid to a former enemy—North Vietnam—continues to mount.

The latest criticism comes from the weekly Washington report, the conservative Human Events, which points out that the war in Indochina is still there, and even while Hanoi continues its attacks on Laos the administration pushes its proposal for reparations in North Vietnam.

Because of the interest of my colleagues and the American people in this most important subject, I place the article from Human Events in the RECORD herewith.

The article follows:

WHY THE RUSH TO AID NORTH VIETNAM?

With the war in Indochina still raging, with Hanoi's regiments continuing to batter free Laos into submission, even after last week's cease-fire arrangement, and with fresh intelligence that Hanoi is sending tanks, men and munitions into South Vietnam in flagrant violation of the January 28 truce, we think it is hardly time for the Administration to continue pressing for the U.S. taxpayer to lavish from $2 to $3 billion on North Vietnam.

Yet that is precisely what the Administration is doing. The campaign to bribe the barbaric rulers of the North is clearly in high gear. In the 10th Century, the English under Ethelred the Unready tried to buy off the Danish invaders with an extravagant ransom called the "Danegeld." It didn't work too well, as the Danes kept invading and Ethelred was forced to flee into Normandy. The Administration is rushing ahead with plans to have the United States pay a North Vietnamesegeld.

After Dr. Kissinger visited with Hanoi's top leaders for four days beginning February 10, a U.S.-North Vietnam communiqué was whisked to the fore establishing a Joint Economic Commission to channel postwar American reconstruction aid to Hanoi.

The wording of the communiqué, falling just short of convincing the world that we've been the guilty party in the war all along, talks about "the manner in which the United States will contribute to healing the wounds of the war and to postwar economic reconstruction in North Vietnam." (Soviet Russia, Red China and Hanoi, one must understand, are not required to heal the wounds of this war or ante up a dime to those nations they helped to wreck. Just the United States.)

Appearing before the Senate Foreign Relations Committee seven days later, Secretary of State William Rogers fueled the campaign to rain dollars on Hanoi by urging Congress to back the idea. But Rogers indicated the Administration might pay the ransom whether the Congress likes it or not. Though Rogers insisted that Congress would be fully consulted before we plunge ahead, he did not maintain that it would have final authority on the matter.

Indeed, Rogers specifically refused to rule out the possibility that the Administration just might dip into the foreign aid contingency fund to bail out Hanoi.

When Dr. Kissinger returned last week from Peking—where he laid the groundwork for full diplomatic relations with Red China—he also came back selling aid to Hanoi. Dr. Kissinger contended before a press conference that such aid should not be considered reparations or ransom, but a "long-term investment in a structure of peace."

Reaction to the Administration's idea has not been particularly favorable on the Hill. Sen. William Brock (R.-Tenn.) has said: "I cannot support the Hanoi aid proposal. It is wrong." Sen. Robert Byrd (D.-W. Va.), the Democratic whip in the upper chamber, asserts: "I am against it, period. I'm against it now, I'll be against it six months from now, I'll be against it a year from now. I can't vote for foreign aid for North Vietnam when the Administration is impounding monies for programs that are vitally important for my own people in West Virginia."

Sen. Barry Goldwater (R.-Ariz): "The North Vietnamese were the culprits in this. They could have ended the war before it caused any damage to their country. Their failure to do so caused many American deaths, and I don't think we should pay them for it. My mail is running heavily against it, and my feeling is that the American people will oppose it to a rather great extent."

Sen. William Proxmire (D.-Wis.): "Large-scale aid to North Vietnam is out of the question. One or two billion dollars for Hanoi has as much chance as a billion or two for the U.S. poverty program—and that is zero. No aid at any level will come until our prisoners of war are accounted for and all military activity is ended. That could be a very long time."

A major argument trotted out by supporters is that the proposed aid to Hanoi is somehow comparable to the massive aid we shovelled into Germany and Japan after World War II. But the actions taken by the United States to rebuild the economies of these former enemies are in no way analogous.

The United States furnished aid to both these countries only after we had vanquished them in battle and had deposed from power the warring governments in control. The mind fairly reels at the thought that we would ever have lavished aid, say, on a Hitler-ruled Germany, let alone on a Hitler-ruled Germany whose invading armies were still ruthlessly engaged in naked aggression against neighboring nations.

Yet we are now proposing to provide aid to a country whose armies are still marauding in a deadly fashion throughout Indochina and have committed no fewer than 4,100 violations of the South Vietnam cease-fire agreement since it was signed just about four months ago.

The aid proposal is breathtaking, to say the least. The scope of the aid is also stunning. The $2.5-billion figure that has been floating about in Administration circles is greater than all the aid given to Japan after World War II, and Japan then had a population of 73 million people compared with North Vietnam's 21 million. Also, the $2.5 billion figure is three times as much as Red China gave Hanoi in the four peak years of the Vietnam war, and a half-billion more than the Soviet Union provided in the same period.

The mere thought of giving aid to Hanoi is extremely difficult to swallow, though one supposes it might be less unpalatable if the Communists were scrupulously living up to the Vietnam and Laotian cease-fire agreements as the Nixon Administration has verbally demanded.

Distasteful as it would be to provide aid to Hanoi under any circumstances, some sense could be made of dispensing a little bribe money if that's what it took to get Hanoi to stop its aggression. But nothing has taken place since the January 28 cease-fire in Vietnam to indicate that Hanoi has any intention of complying with lofty agreements solemnly signed.

Far from offering any sign that its troops plan to leave Cambodia, as is strictly required by the cease-fire provisions, Hanoi has urged its forces in that country to fight even harder and entrench themselves even further. In Laos, North Vietnamese regiments are not leaving that country, as Hanoi has promised they would, but occupy two-thirds of that nation's territory and are gulping up new territory each day. So aggressive have the North Vietnamese troops been in Laos since last week's cease-fire there that Souvanna Phouma has been desperately urging us to renew the bombing.

Despite the cease-fire in Vietnam, U.S. intelligence sources last week reported that the North Vietnamese were pouring hundreds of tanks and thousands of fresh troops into the Laotian supply trails in recent weeks, with much of the armor and personnel headed toward South Vietnam.

Intelligence reports say Hanoi has sent more than 250 tanks, many powerful 122mm. and 130mm. guns, about 50 armored personnel carriers and about 1,300 tons of supplies into southern Laos since early February.

These sources, related an AP dispatch, "also estimated that about 15,000 North Vietnamese troops have moved into southern Laos since the [Vietnam] cease-fire. Intelligence analysts say about half are headed for the region near Saigon, some into the South Vietnamese Central Highlands, and others into the area below the demilitarized zone."

Meanwhile, a single motor-fuel pipeline which North Vietnam Army engineers laid across the DMZ last spring to support a tank-led invasion is reported undergoing expansion with a second pipeline to increase the flow of oil and gas from North Vietnam.

Dr. Kissinger has said the Vietnam agreement includes a "flat prohibition" against the use of Laos and Cambodia for infiltration of weapons and personnel into South Vietnam. Under the agreement, moreover, Hanoi's troops are required to leave these countries they've invaded and return north. In addition, the agreement forbids the DMZ to be used for military purposes. Unfortunately, however, Hanoi has thus far decided not to live up to these critical provisions and, apparently, is violating them in the most flagrant manner.

The time, then, has come for the Administration to stop trying to sell the Congress on the vital need for America to pour billions of dollars into North Vietnam. Instead, the President should be spending his efforts in convincing Hanoi that the B-52s will fly north again unless Hanoi begins complying with the cease-fire provisions it has formally agreed to.

ALMA V. JOHN: BLACK PRIDE

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, March 12, 1973

Mr. RANGEL. Mr. Speaker, it is my distinct pleasure to submit for your attention and the attention of my colleagues, a WPIX television press item announcing Alma V. John as the recipient of the Mary McLeod Bethune Award presented by the African-American Historical Association.

In the struggle to raise the level of black consciousness in this country, Ms. John's devotion, talents and energy stand out. That she is honored with this prestigious award is indeed appropriate.

AFRICAN-AMERICAN HISTORICAL ASSOCIATION HONORS ALMA JOHN, PRODUCER OF WPIX TV'S "BLACK PRIDE" SERIES

Alma V. John, producer of WPIX-TV's weekly community affairs series, "Black Pride," has been honored with the Mary McLeod Bethune Award presented by the African-American Historical Association at their 36th annual breakfast held February 18 in the grand ballroom of the Waldorf-Astoria.

The association bestowed this most coveted Mary McLeod Bethune Award, so named in tribute to the noted American educator, upon Mrs. John in appreciation for her outstanding contribution in the field of communications and her unselfish dedication to improving the lot of her fellow man and enriching the lives of other peoples' children. The presentation was made by Sara Slack, women's editor of the New York Amsterdam News.

On her channel II program, "Black Pride," Mrs. John brings to the black community an awareness of their heritage and culture. The program covers a wide spectrum of interests: education, medicine, the arts, religion, history, issues of the day, and focuses on the problems and people of the black community.

VICTIMS NOT BENEFICIARIES

HON. J. EDWARD ROUSH

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 12, 1973

Mr. ROUSH. Mr. Speaker, I am very concerned about an issue which I believe must be worrying other Members of this Congress. One of the main complaints I am receiving in the mail concerns the reduction of non-service-connected pension benefits payable by the Veterans' Administration which followed upon the 20-percent social security increases the Congress voted last year.

Ironically the reduction of VA benefits did not occur until January of this year because the veterans' benefits income voted by Congress in 1971 also increased the amount of income a person could receive and still receive their VA pension. This was to take into account the increase that had been voted in social security benefits previously, an increase many veterans had received.

But, in the last Congress, while we generously increased social security benefits by 20 percent, we did not pass another bill increasing the income limitation for beneficiaries of veterans pensions.

Consequently I have had a number of people writing me that they are getting less than last year. And they are, for beginning in January those who received additional social security income—and it was across-the-board—found their VA benefit reduced. It was less and is less than what they received for several months last year following the 20-percent increase and before the end of the year. In fact, I believe that their total pension income is probably now less, at least relative to a period at the end of last year.

So I would like to quote to you from some of these letters I have received. One lady wrote me that—

> After the social security was raised to help with the rapidly rising cost of living, medical bills etc., now our veterans pension has been lowered in 1973.

As another put it "every time one raises the other one cuts."

A World War I veteran wrote the following:

> As you know time is running out on the World War One Veterans and nothing is being done to relieve the hardships of many of us who are in advanced years and are receiving small pensions such as I received in 1972, $61.35 per month, and *when the social security increase of 20% was passed and added to my monthly payment, the VA reduced my pension to $50.30 per month.* (emphasis supplied).

Speaking of the Congress, one veteran said:

> As a veteran don't think much of them reducing my little VA pension cause I got a

small social security raise. I believe in economy but we both can see where there is a dozen places to save money than to take it from a veteran. . . .

I think most of us would agree.

I know that the Veterans Affairs Committee is planning on hearings on the whole issue of the effect of other income—social security, railroad retirement, et cetera—on veterans benefits. I would like to urge that these hearings commence as soon as possible and that a bill be sent to the House floor as quickly as possible, a bill that will retore to these people the full advantage of the social security increase.

BUDGET REFORM

HON. WILLIAM M. KETCHUM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 7, 1973

Mr. KETCHUM. Mr. Speaker, I am very proud to join with not only the freshmen Members of Congress but also those more senior Members in urging an end to fiscal irresponsibility wherever in Government it may exist. The fuel for the fires of the furnace of inflation lie right here in the halls of Government, not with the workers in the steel mills of Pennsylvania, nor the laborers in the fields of California, and certainly not with their employers, large and small, across this Nation.

Members of Congress and the executive branch as well have long had the best of both worlds before the American public. They could vote and grant huge appropriations for favorite programs and mount the stumps in the hinterland loudly proclaiming their great deeds while failing to tell these same constituents that they have neglected to pass the revenue bills to pay for the programs; sheer, unadulterated hypocrisy on the part of both parties, I might add.

The people we represent are demanding, and surely deserve, the right to have their Government operate their business the same way the citizen must, within their means, or face certain bankruptcy. Our present world position reflects how far we have traveled on this road. It is not too late to stop this dream world trip.

I respectfully suggest to all the Members for their consideration the following means to end this insanity:

First. To pass an amendment to the U.S. Constitution which demands that expenditures may not exceed revenues.

Second. Immediately establish, fund, and staff an office of the congressional analysts working for the Congress and whose job it would be to closely examine all aspects of the budget and on a continuing basis report to the Congress so that we may more closely evaluate our national priorities.

Third. Immediately establish a committee, joint or otherwise, to oversee and prepare a congressional response to the administration budget as is done in many States today.

Fourth. Establish and maintain a reasonable ceiling on the budget.

Mr. Speaker, I stand prepared to assist in any way I may this effort in a completely bipartisan manner. While I totally understand that I may philosophically differ with other Members on priorities, I am more than willing to argue my case and accept the will of the Congress in this regard. Our people can no longer wait, the Congress can no longer vacillate, the time for this reform is now.

SOCIAL SERVICE REGULATIONS IMPOSE HUMAN SUFFERING

HON. ANDREW YOUNG

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 12, 1973

Mr. YOUNG of Georgia. Mr. Speaker, the new social service regulations proposed by the Department of Health, Education, and Welfare would have a devastating effect on millions of citizens.

The regulations would cut off modest but effective services to children, to the elderly, to the mentally retarded, to drug addicts and alcoholics, and to the working poor who would be forced back on welfare. I have strongly urged HEW Secretary Caspar W. Weinberger to withdraw these inhumane regulations which are in blatant violation of the intent of Congress.

Today I wish to call to the attention of the House a letter to Secretary Weinberger from Gov. Jimmy Carter of Georgia, who vividly describes some of the consequences of the regulations in our State of Georgia. As the Governor observes, in Georgia alone, the proposed regulations would eliminate participation for 4,243 children in day care, 3,714 retardates in community training centers, 24,243 women active in family planning clinics, 8,100 children and adults in foster care, and 2,079 alcoholics and drug addicts. In other words, an unwarranted edict by the Federal bureaucracy would take a terrible toll in human suffering.

The text of the Governor's letter is as follows:

EXECUTIVE DEPARTMENT,
Atlanta, Ga., March 8, 1973.

Hon. CASPAR W. WEINBERGER,
Secretary of Health, Education, and Welfare, Washington, D.C.

DEAR SECRETARY WEINBERGER: Each day the ruinous implications of the proposed new social service regulations become clearer:

Staff report that our program for treating drug addicts will lose the use of $1.2 million; only 18% of current patients will remain eligible under the new regulations. The extremely valuable Statewide telephone "drug information center" will be lost since this service will no longer be an optional service.

The Wonder World Child Center in rural Lincolnton, Georgia, writes of two young mothers on welfare until three months ago who will have to go back to welfare if the center closes; it cannot continue to use the private funds the local citizens raised themselves to start the program.

Even though the young mothers above earn less than the minimum wage, the proposed regulation on allowable income will make their children ineligible for day care.

The "We Care" Center in Swainsboro, Georgia, established after tremendous effort and interest of local citizens, writes poignantly of the progress of an eight-year-old boy diagnosed as hopelessly emotionally disturbed and refused admittance to school. Another child enrolled at age two could not walk or crawl and had been kept in a box by older siblings. His mother is in a state hospital and the father works to support five children. Due to loving attention this child is now indicernible from other normal children in the center.

The above center cares for the children of 65 working women, mostly black and many employed for the first time. The community raised the matching money and the University is so impressed with the center it is field testing teaching techniques there.

A woman 83 and her son 66, both in poor health, are able to live at home with "homemaker-home health aide service" five days per week from the Athens, Georgia Council on Aging. Without this attention both will have to go to nursing homes at a cost easily four times as great. Since they are on small Social Security stipends and not "current welfare recipients," the proposed regulations will exclude them.

A 16-year-old severely retarded girl—with frequent seizures and unable to walk—will be excluded from a Douglasville, Georgia "training center for the retarded" where she was making good progress. She will be ineligible until she is 17½ years old because of the proposed rule that service can be given only to those who will likely be eligible for welfare within six months.

Why further restrict such obviously worthwhile efforts when Congress has already placed a firm fiscal ceiling on the program? The alternatives to the above examples will be increased welfare, Medicaid, and institutional costs. It is neither economical nor humane!

By listing them in the law, Congress deliberately created a special status for six program efforts: child care, family planning, retardation services, foster care, drug addiction and alcoholism. The proposed regulations ignore this intent of Congress and will result in a severe reduction in the listed services. The impact in Georgia will eliminate participation for . . .

4, 243 children in day care;

3,714 retardates in community training centers;

24,243 women active in family planning clinics;

8,100 children and adults in foster care;

2,079 alcoholics and drug addicts.

Again I strongly urge you to withdraw these proposed regulations. Allow states to operate existing programs without disruption and within the fiscal and statutory limits set by the Congress. It makes no sense to deny these helpful sevices to the "working poor" and increase the likelihood they will also become dependent on welfare. Congress did not intend such an unfair and unjust result.

Sincerely,

JIMMY CARTER.

JOE LaBUDA'S TRAVIS AFB FEDERAL CREDIT UNION IS CONSUMER'S BEST FRIEND

HON. ROBERT L. LEGGETT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 12, 1973

Mr. LEGGETT. Mr. Speaker, credit unions have become a way of life in the

United States. These unions of investors and borrowers were practicing consumerism long before that word became a staple in the American vocabulary. By banding together, individuals have been able to maximize the profitability of saving by lending to their neighbors, with the entire transaction under the control of those involved.

An example of the high degree of effectiveness that is possible through this type of community action is offered by the Travis AFB Federal Credit Union. This institution, run by an elected board of governors and managed by Lt. Col. (Ret.) J. E. LaBuda, recently announced that it is refunding to its borrowers 20 percent of all interest paid on loans by borrowers in 1972. This is in addition to an annual dividend rate of 5.75 percent compounded semiannually paid to investors.

A great deal of the credit for this fine showing goes to Joe LaBuda himself. Active in the credit union movement since 1960, he is a member of the board of directors of the Credit Union International Association as well as first vice-president of the California Credit Union League.

Credit unions themselves have been praised from all corners of our society for the outstanding services they provide, especially to the military community. The Travis AFB Federal Credit Union provides a sterling example of the way in which consumers can band together under effective leadership to get the most from their saved and borrowed dollars.

WATER ISLAND—THE FOURTH LARGEST OF THE VIRGIN ISLANDS

HON. RON DE LUGO

OF THE VIRGIN ISLANDS

IN THE HOUSE OF REPRESENTATIVES

Monday, March 12, 1973

Mr. DE LUGO. Mr. Speaker, the legislation which I am introducing today would transfer title to Water Island to the government of the Virgin Islands, and authorize the acquisition of some of the outstanding leasehold interests in real property on the island.

Before discussing the reasons for this legislation I believe it would be useful to briefly sketch the history of the holdings on this fourth largest of the Virgin Islands. The 500 acres comprising the island were purchased by the U.S. Government in 1944 from the West Indian Co., and 6 years later it was declared surplus. In 1952 Water Island was transferred to the jurisdiction of the Department of the Interior, and in that same year was leased to Water Island, Inc., for a term of 20 years with an option to renew for an additional 20-year period. This option has been exercised, and the second 20-year term will expire on December 31, 1992.

Through a series of subleases and assignments approximately 165 acres are presently held by the Sprat Bay Club, Inc., which is the major sublessee. The club in turn has executed subleases which represent shares of the Sprat Bay Club, Inc., and these are owned by 35 families and amount to approximately 80 acres.

In 1965 the principal lease was transferred from Water Island, Inc., to the Water Isle Hotel & Beach Club, Inc., These two corporations have sold subleases mostly for 1-acre homesites; 62 of these sites are still vacant, and about 40 acres remain unsold.

In the past 20 years 65 families have built homes on Water Island; 29 of these reside there permanently and pay Virgin Island income taxes, while the remainder presumably pay income taxes in other jurisdictions.

It is interesting to note some of the more important sections of the lease agreement between the Secretary of the Interior and Water Island, Inc. The preamble states:

> That, Whereas, Water Island ... was placed under the control and administrative jurisdiction of the Department of the Interior ... so that it might be developed in such a manner as to contribute effectively to the economy of the Virgin Islands . . . "and" Whereas, development of the area as a tourist area appears to be the most effective use to which it may be put. . . .

The lease stipulates that—

> The leased property and improvements shall be developed into a resort area, comprising dwelling and recreational facilities, and parts thereof may be devoted to residences, whether private or cooperative or otherwise, agriculture, horticulture, the breeding and raising of livestock and poultry and other purposes.

The lease provides for an annual fixed rental of $3,000 and 3 percent of gross receipts between $200,000 and $300,000, and 4 percent of gross receipts above $300,000. During the first 20-year term of the lease approximately $100,000 has been collected from the annual rental and the percentage of gross receipts.

There is a possessory interest clause which states that upon the termination or expiration of the lease

> The Lessee will sell and transfer to its successor its possessory interest in the improvement made by it . . . at the fair value thereof.

In addition—

> The Lessee shall have the option to occupy and operate the premises and the property until the fair value of its possessory interest . . . shall be paid to it.

It is further stipulated in the lease that—

> The Lessee and sub-lessees shall not be liable for any taxes or assessments levied upon the demised premises or the improvements thereon.

From the foregoing it is apparent that the original intent of the lease has not been complied with, and that Water Island is being substantially developed as a community of private dwellings rather than as a "tourist resort." This may be seen by examining the relative acreages involved. Of the total 500 acres comprising the island 34 are used for the hotel and related facilities while 360 has been allocated for private residential purposes; 47 acres of beach site are owned by the lessee for possible future hotel development. In addition 59 acres are devoted to service and maintenance facilities, and 20 acres are classified as being partially resort and partially private residential land. In the first 20 years of the lease approximately 10 times as much land has been designated for private residential use than for tourist purposes.

In view of the great need for additional recreation areas in the Virgin Islands, and the rapidly growing pressure on the limited land available, we cannot permit Water Island to be almost exclusively developed for private residential purposes. The major portion of this land, which lies adjacent to our principal population center, must be made to serve a wider public need. Therefore the intent of my bill is to authorize the Secretary of the Interior to buy back the unimproved land on Water Island, and those improvements which are unsuited to the interests of the territory, and to transfer title to the island to the Virgin Islands Government.

The decision regarding which property will be purchased is to be made by the Secretary "in consultation with the Governor and Legislature of the Virgin Islands." This means that our chief executive and elected representatives will have a key position in determining the future development of this vital land space.

The Department of the Interior Audit Report entitled the "Lessees Compliance with Provisions of Leases for Water Island" states that,

> Development of the island, or a major portion thereof, into a rather exclusive, private residential preserve . . . is probably not in the best interest of either the Federal or the Territorial Governments.

Further it notes that—

> Large-scale residential development will also make it very difficult (and probably very expensive) for Water Island to be used for any other purpose at the expiration of the lease term. Residential development will not result in much of an increase in annual rent paid, and since the property is owned by the Federal Government, neither the lessee nor sublessees pay real property taxes to the Territorial Government.

While the Virgin Islands Government does not build or maintain the roads on Water Island or provide many other services, the audit report points out that this:

> The situation is not really much different in other private residential developments in the Virgin Islands where property owners pay real property taxes.

Although residents are not assessed a property tax they do use facilities and services which are, at least in part, supported by such taxes. The report notes that,

> Many residents of Water Island work on St. Thomas; their children go to school on St. Thomas; they use the roads, airport, shopping facilities, etc. on St. Thomas and most of the persons employed by Water Island businesses and residents live on St. Thomas. Many of these employees are bonded aliens and other noncitizens who become residents because of employment on Water Island.

The vesting of title in the Virgin Islands government will unequivocally subject the residents of Water Island to all of the laws of the Virgin Islands including those relating to real property taxation. Since the immunity from property taxation contained in the lease is in the nature of a property right which cannot be taken without just compensation, the bill I am introducing provides that the U.S. Government will pay those property taxes assessed during the remainder of the lease term.

The clear applicability of Virgin Island law to the residents of Water Island will bring an end to the contentious problems involving the use of the island's beaches, and assure that all provisions of our civil rights legislation are complied with. These beaches are a great natural resource which must be available for the pleasure and enjoyment of the whole population as well as visitors to our territory.

I am hopeful that passage of my legislation will remove the problems associated with Water Island, and contribute to the increased well-being of our people.

CALL FOR ACTION AT LORTON

HON. STANFORD E. PARRIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 12, 1973

Mr. PARRIS. Mr. Speaker, I include the joint resolution of the Virginia General Assembly which urges Congress to take immediate corrective steps to insure the proper administration of the Lorton Reformatory, which is located in my congressional district.

As you know I have pending before the House District of Columbia Committee legislation which would transfer control of Lorton from the District of Columbia Department of Corrections to the Attorney General. I think this resolution is very important testimony to the need for the enactment of that legislation. The resolution follows:

COMMONWEALTH OF VIRGINIA GENERAL ASSEMBLY—HOUSE JOINT RESOLUTION NO. 229

Memorializing the Congress of the United States to undertake corrective actions at the Lorton Prison Complex to insure proper administration and security of that facility

Whereas, the District of Columbia's penal institution at Lorton, Virginia is unique in that it is physically located within the confines of the Commonwealth of Virginia; and

Whereas, the administration and control of subject facility is exclusively that of the District of Columbia government with no participation by local or State governmental officials or agencies; and

Whereas, there have been one hundred thirty-seven instances of prisoner escapes during the nineteen hundred seventy-two calendar year, an increase of fifty-eight over nineteen hundred seventy-one, endangering the lives and safety of Virginia citizens; and

Whereas, the administrators of subject facility have responded to local citizen concern in an arrogant and most uncooperative manner; and

Whereas, citizens of Virginia have been captured in their homes, kidnapped and escapees of the Lorton Complex have been charged with the murder of a police officer; and

Whereas, there have been fifteen inmate assaults on prison officers and sixty-three cases of assaults by inmates upon inmates with three violent deaths; and

Whereas, the consumption of alcoholic beverages and use of hard drugs has become commonplace within the prison complex with four recorded instances of death due to drug overdose in nineteen hundred seventy-two; and

Whereas, escapes have taken place at Lorton Prison and gone unreported to Fairfax County, Prince William County, and State law enforcement agencies, for as long as an eight hour period of time, endangering the lives and safety of Virginia residents; now, therefore, be it

Resolved by the House of Delegates, the Senate of Virginia concurring, That the Congress of the United States is memorialized by the General Assembly of Virginia to give its most expeditious consideration to transferring the control of the Lorton Prison Complex to the Federal Prison Systems, and to undertake corrective actions to insure proper administration and security of subject facility.

Resolved further, That the Clerk of the House of Delegates is instructed to send copies of this resolution to the Clerk of the House of Representatives and the Senate of the United States Congress, and to the Virginia delegation in the Congress.

Agreed to by the House of Delegates, February 7, 1973.

GEORGE R. RICH,
Clerk.

Agreed to by the Senate, February 23, 1973.

LOUISE LUCAS,
Clerk.

AID TO REPUBLIC OF KOREA

HON. WENDELL WYATT

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Monday, March 12, 1973

Mr. WYATT. Mr. Speaker, various plans to reduce aid to the Republic of Korea are floating around, and I believe that all of them are untimely, ill conceived, and inconsistent with the welfare of the United States.

The proposals of some to reduce or even to terminate financial aid and military support to the Republic of Korea would be a serious blunder on the part of our country.

I believe that the American people rightfully take great pride in having been so vitally instrumental in the social and economic gains of a country subjected to the same type of aggression we have witnessed in Vietnam.

At the present time the two Governments of the entire Korean peninsula appear to be making good progress in their peace talks. I would never be a party to action which could force our longtime friends in the south to bargain without the vital strength we help supply. The free elections in Korea have produced a leadership committed to peace in the Far East and to individual productivity. To discontinue our helping hand would be to throw away our substantial past investment in stability in this part of the Orient. Literally thousands of Koreans visit the United States annually, and likewise thousands of Americans visit Korea annually. We are very strong trading partners.

The people of the Republic of Korea have picked themselves up by their bootstraps in attempting to develop a free, independent, and viable economy. We have helped them, and should continue to do so until they have fully achieved their objective. They will be the first to acknowledge the achievement of their goal, and this time should not be far off.

LEGISLATION TO CORRECT MEDICAID ABUSES

HON. EDWARD I. KOCH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, March 12, 1973

Mr. KOCH. Mr. Speaker, I am introducing a bill today to give cities like New York, responsible for the administration of medicaid, the option of providing these health services through neighborhood health centers rather than private physicians. Today, the law requires that a State plan for medicaid assistance provide that medicaid patients have "freedom of choice" in the selection of their physicians. The way the system is working today, however, in New York City there is little freedom of choice for patients; freedom of choice is effectively limited to the doctors, and the majority of doctors are opting not to participate in the medicaid program. Consequently, only 23 percent of the city's licensed physicians treat medicaid patients; and 4 percent of the doctors are collecting 85 percent of the fees.

Because so few doctors will now participate in medicaid, the system has been opened to abuses by unscrupulous physicians. Many excellent, conscientious doctors continue to participate in medicaid, but too many doctors abuse the system through overcharging, charging for services not rendered, and even putting patients through unnecessary tests and treatment. These practices have sent prices up sharply while undermining the quality of health care. Both the patients and the taxpayers are suffering.

Medicaid costs in New York City have doubled in recent years and now $1.3 billion is being spent on medicaid in New York City alone.

One might properly ask if local administrative agencies could not easily identify abuses. In New York City the flagrant abuses are often identified, but court action in prosecuting offenders can take years, and in the meantime the unscrupulous physicians continue to collect six-figure medicaid fees. Many cases are never prosecuted, and of course, thousands of smaller abuses go undetected.

In addition to the "free choice" of a physician the medicaid patient also has the "free choice" to go to whatever hospital clinics he or she wishes. Fees for such out-patient visits in New York City generally run between $40 and $50 and can run as high as $94. The tab is picked up by the taxpayers, many of whom cannot afford this "freedom of choice" for themselves.

Our first goal must be quality health care. At the same time we must be sure that the city and our taxpayers are getting a fair return for their investment in this program. This is not happening in New York City today.

As I have indicated, some $1.3 billion was spent in fiscal year 1972 in New York City for medicaid services. For this amount of money quality comprehensive health care can be provided through neighborhood health centers. This does not mean the medicaid patients would be relegated to impersonal health clinics where they would wait for hours and then be attended to by physicians they did not know. The neighborhood health centers I am proposing would have staff physicians; a patient would be assigned to one such physician, or a team of specialists, and return to their doctor on succeeding visits.

My bill would simply give cities whose medicaid programs have been subjected to abuses the option of providing medicaid assistance in this way. Many localities would decide to continue the present system and they would be free to do so. The localities are given the responsibility for administering this program; it is appropriate that the Federal Government, after establishing standards of health care, give them sufficient administrative flexibility to meet their enrollees needs.

The expenditure of $1.3 billion in a city where there are approximately 1 million on welfare plus those who are medically indigent, averages to an annual per patient cost of approximately $1,000. This compares with the national average health cost of $350 per man, woman, and child in this country. Through my work with the children and youth program funded under title V of the Social Security Act, I have seen an example of a program providing excellent, comprehensive, personalized health care to the children of low-income families through centers such as those I have proposed. In the 6 years these projects have been operating, they have increased the "well registrants" by 50 percent and reduced costs to an average $126 per registrant. These children and youth projects have been able to attract excellent physicians for their staffs; similarly, there are many fine doctors in New York City who would be willing and anxious to work full or part time in centers for medicaid patients. Through such centers, staffed by salaried physicians, excellent health care could be provided and costs cut.

Mr. Speaker, I would note at this time that my bill provides an exception for persons with serious chronic disabilities. These persons would be encouraged to go the neighborhood centers, but they would be allowed to continue with their own physicians, from whom many have been receiving continuous treatment for years, if they so desire. The definition of what constitutes a "serious chronic disability" would be made by the Secretary of HEW, but as an example it would include such disabilities as multiple sclerosis, hemophilia, muscular dystrophy, and conditions requiring dialysis.

In giving the cities this option to provide medicaid services through neighborhood health centers the Congress must demand that quality health care will be rendered. The bill stipulates that this option may be used only if the centers are provided for the dispensation of such medical services. In addition, this legislation would allow the city to purchase drugs and eyeglasses at wholesale prices for dispensation through these clinics. Within the present budget, new centers could be opened and quality health care provided.

In the past few weeks I have inserted in the Record the whole series of excellent articles written by William Sherman in the New York Daily News. These articles speak for themselves in detailing the extent of medicaid abuses in New York City. However, for emphasis, let me again note the following distressing examples of these abuses:

A radiologist in Brooklyn who received $956,053 from medicaid in 1971 and 1972 and who has been charged with taking an average of 19 unnecessary X-rays per patient.

A Central Park West physician who gave all his medicaid patients injections of both penicillin and bicillin at a cost to medicaid of $1 per injection. These injections were judged to be needless and the physician has been ordered to refund $2,600 to medicaid.

A private clinic in Hunts Point which mainly serves medicaid patients and has been judged "unsafe and unsanitary," the waiting area "filled with litter" and the clinic's disposal of used needles and syringes is "unsatisfactory and unsanitary."

I believe that my bill would lead to the correction of these abuses, and I urge my colleagues here to give it their thoughtful consideration.

AT THESE PRICES, WE CAN EXPECT QUALITY

HON. BILL ALEXANDER

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Monday, March 12, 1973

Mr. ALEXANDER. Mr. Speaker, from time to time I have shared with my colleagues the comments of my constituents concerning the operation of the U.S. Postal Service. There have been many times when I have questioned its efficiency and effectiveness. After reading the following article from the Memphis Press Scimitar, I can only hope that poor administration does not play a part in the poor postal service. For at these salaries, I think we should be getting some of the best administrators available.

The article follows:

IRATE CONGRESSMEN WILL PROBE POSTAL EXECUTIVES' SALARIES

(By Dan Thomasson)

WASHINGTON.—Irate members of Congress, besieged by complaints from home over deteriorating mail service, are preparing an investigation of the unusually high salaries paid the U.S. Postal Service's executives.

The Postal Service, turned into a semi-autonomous corporation two years ago, has 48 executive positions for which the annual salary range exceeds the $42,500 being paid the nation's lawmakers.

This compares with only 20 positions throughout all the rest of government, excluding Congress and the Cabinet, where the salary even reaches the $42,500 level. These 20 include the secretaries of the various armed services, the Under Secretary of State, deputy attorney general and other subcabinet posts.

Postmaster General Elmer T. Klassen receives $60,000 annually, the same salary paid members of President Nixon's cabinet. Klassen has one senior assistant postmaster general who draws $52,500, three who make $50,000 and one who is paid $46,000 a year.

A deputy postmaster general's post that has a top salary of $58,830 is now vacant.

The latest congressional records show that when it was occupied last spring, the man who held the job, Merril A. Hayden, was paid $57,500.

The lowest paid of the senior assistant postmasters general is Paul N. Carlin. But his $46,000-a-year salary is a contrast to a salary in the mid-$30,000 range he drew only two years ago in the old Post Office Department where he was a congressional affairs specialist.

In addition to the senior assistant postmasters general, there are two assistant postmasters general receiving $45,000 annually, one getting $44,500 and six drawing $42,500.

Five regional postmasters general are paid $45,000 each annually, although under the present Postal Executive Service (PES) schedule their salaries can go as high as $56,329 a year.

These include Carl C. Ulsaker in Memphis; Clarence B. Gels, Chicago; Edward V. Dorsey, Philadelphia; Harold R. Larsen, New York; and Fred Huleen, San Francisco.

All five have assistants whose salaries can go as high as $43,800 annually under the current pay schedule. But currently these assistants are drawing between $35,000 and $39,000.

Congressional Records show that Postal Service has 111 executives who are being paid between $30,000 and $40,000 annually and 34 of these drew between $35,000 and $40,000.

Edward Day, a Washington attorney who served as postmaster general in the cabinet of the late President John F. Kennedy, testified during a little noticed appearance before Congress last fall that when he was running the Post Office only 10 persons made above $20,000 annually.

He said there are more than 1,000 Postal Service executives whose salaries exceed that figure.

Meanwhile, the Postal Service has asked the Federal Pay Board to permit it to raise the salaries of some 77,000 non-union employes. The increase calls for an extra $500 a year with a one-shot "cost of living" boost of $160 for the first year.

A similar proposal was made to the Pay Board last summer but was rejected. A spokesman for the Postal Service said, however, that Klassen has high hopes, the second salary increase bid will be approved.

Meanwhile, members of the House Post Office and Civil Service Committee including Reps. H. R. Gross of Iowa, senior Republican, and Morris K. Udall of Ariz., second-ranking Democrat, have asked their committee staff men to begin collecting detailed information on postal salaries for an investigation and possible hearings early next year.

Gross heatedly opposed the Udall-authored legislation that turned the Post Office into a semi-public corporation more than two years ago. He has complained bitterly that Congress failed to incorporate tight restrictions on salaries.

Former Postmaster General Winton N. Blount tried to keep Congress from putting $60,000 lid on the postmaster general's salary. But Gross prevailed and the limit remains.

ATLANTIC UNION WITHOUT U.S.A.

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 12, 1973

Mr. RARICK. Mr. Speaker, judging from the latest reports, the Atlantic Union concept of regional government by restoring the United States to the role of a European colony to bolster military, economic, and financial assistance is moot.

Our European friends no longer want us as an equal state now that we have become a financial handicap.

America has long propped up European governments with men and money, but now that the mother countries have drained America dry they repudiate their angel like a depleted gold mine. The Europeans' desire not to be interdependent must be accepted as for the best. For if they cannot be counted now what could we ever expect in the way of "mutual assistance" if our nations were integrated?

This European repudiation of America should serve as the coup de grace to the threat of any Atlantic Union including the United States. The only Union the American people need is the Union of 50 sovereign States called the United States.

The related news clippings follow:

[From the Washington Evening Star and Daily News, Mar. 9, 1973]

MONETARY COLLAPSE FEARED: EUROPE WARNS UNITED STATES

(By Andrew Borowiec)

PARIS.—Warnings that international speculators may destroy the western monetary system dominated a 14-nation conference on how to deal with the latest financial crisis today.

U.S. Secretary of the Treasury George Shultz promised America's European partners to help solve the current crisis which spilled out of control after the Feb. 12 dollar devaluation, the second in 14 months.

There was no immediate information as to what concrete measures Shultz proposed to take in the face of a European barrage of proposals that the United States shoulder most of the burden.

In any case, Shultz was reported to have voiced complaints at European hesitations which were demonstrated at yesterday's meeting of the nine Common Market countries which failed to adopt a common stand.

The European point of view was presented by French Finance Minister Valery Giscard d'Estaing and his Belgian colleague Willy de Clercq.

Addressing the conference at the International Monetary Fund building, Giscard d'Estaing urged "immediate and concentrated action against speculators." He said international speculators want to "undermine the very basis of our cooperation."

The French finance minister stressed that the Western monetary system could collapse unless immediate action is taken.

De Clercq offered a series of European proposals, the gist of which consists of American efforts to support the Feb. 12 dollar parity by a number of measures involving tighter credits, capital flow restrictions and other steps.

He asked the U.S. Treasury and Federal Reserve Board to:

Install controls on the outflow of dollars to other countries.

Raise interest rates to attract deposits from abroad.

Borrow foreign currencies from central banks and the International Monetary Fund and use them to buy up dollars.

De Clercq urged the United States to intervene on world markets to maintain the value of the dollar.

The Paris meeting opened amid skepticism that immediate and effective measures could be adopted. It followed an emergency session of the European Common Market finance ministers in Brussels yesterday which failed to agree on a concerted currency float.

Unless the Paris meeting comes up with a solution—which was doubtful—the nine Common Market countries are likely to float their currencies individually, with provisions to prevent them from straying too far.

When a currency floats it has no fixed relation to the dollar, or other currencies for that matter. A modified float, which is what is being considered by the Common Market, would call for central bank intervention if the rates vacillate out of control.

Such a solution would permit reopening of currency exchanges which have been shut all week. However, it would merely be a stopgap solution—as have been all solutions adopted since the Western monetary system went haywire four years ago.

In addition to the nine Common Market countries and the United States, those participating in the Paris meeting are Canada, Japan, Sweden and Switzerland.

President Nixon has said firmly that the dollar would not be devalued again. Another devaluation would totally shatter world confidence in the United States and would raise more havoc in trade and financial relations. As it is, many economists regard the dollar as commercially undervalued.

The United States alone can do little to prevent the movement of the billions of speculative dollars from one country to another. Only a joint American-European solution could bring concrete results.

One of the widely discussed proposals in Europe concerns a massive foreign currency loan by the Key European countries to the United States. Such a loan would permit the United States to buy back at least a portion of the mass of dollars which have found their way to Europe because of America's trade deficit.

The United States is represented at the Paris meeting by Secretary of the Treasury Shultz, assisted by Under Secretary for Monetary Affairs Paul A. Volcker and Federal Reserve Board Chairman Arthur F. Burns.

[From the Washington Evening Star and Daily News, Mar. 9, 1973]

NEW EUROPE UNITY AT EXPENSE OF UNITED STATES DISMAYS NIXON

(By Saul Friedman)

BONN.—President Nixon within the last few days has privately conveyed to European leaders his dismay that Europe may be growing more united at the expense of the Atlantic Alliance and the United States.

But his expressions of concern were met with unusually firm replies that Europe, as it tries to settle problems like the dollar crisis, will continue to give its own unity first priority.

The European attitude toward "unity first" may have accounted, in part, for Nixon's decision to delay a planned trip to this part of the world. A European trip had been tentatively scheduled this spring, but has now been put off at least until the second half of this year or even later.

These new signs of emerging conflict between the United States and its old Cold War friends in Europe came on the eve of this week's vital monetary talks in Brussels and Paris, which could affect negotiations later this year on trade, defense and the big American balance-of-payments obligation to Europe.

LINKING SOUGHT

The President and American policymakers had hoped that they could convince Europe's leaders to link problems of trade, defense and money to help the United States solve its economic problems abroad.

A year ago, many European leaders—especially West German Chancellor Willie Brandt—supported the American view that the Continent ought to organize a new mechanism for dealing with the linked problems.

But now, following two devaluations of the dollar, and the latest dollar onslaught, those same pro-American leaders have changed their minds.

Even Brandt now agrees with the view of British Prime Minister Edward Heath and the anti-American French that monetary, trade and defense problems should be dealt with separately, in long, tough bargaining sessions.

If President Nixon intends to journey to Europe later this year or early next, it has been suggested to him that in addition to meeting with individual heads-of-state, he also confer with those who speak for a unified Europe.

The President was also told that one spectacular meeting at the summit, though it might be symbolically important for Europe's sense of unity, would not now go very far in solving problems driving the United States and Europe apart.

The most immediate problem, which was on Nixon's mind when he expressed his concern about the trends and motives of European unity, is the monetary situation.

European leaders friendly to the United States before the first devaluation, and even after the second, were willing to concede that those two moves were necessary to give the Americans a little better trade edge.

LATEST CRISIS

But the most recent crisis seemed to pull European finance ministers, foreign ministers, and heads of state closer together and away from the United States.

One European spokesman said: "Once again, threats from the United States rather than American exhortations to unify, are bringing us closer."

The Nixon administration is said to have expressed doubts that European integration should be the first priority in the money crisis, when instead it should be an instrument to bring about cooperation across the Atlantic.

But a high West German official replied that Europe cannot have an instrument for transatlantic cooperation unless the instrument is first created by the Europeans.

RELIGIOUS PERSECUTION CONTINUES IN U.S.S.R.

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, March 12, 1973

Mr. CRANE. Mr. Speaker, in recent days there has been a great deal of discussion about the alleged "liberalization" of life in the Soviet Union. Many clergymen have expressed the view that communism and Christianity are, in fact, compatible and that past misunderstandings may have been based upon ignorance rather than truth. Carrying this new philosophy into action we find a new Christan activism, one which holds that capitalism and not communism may be the enemy.

The unfortunate fact is that ever since

the Russian Revolution of 1917, religion has been held in disrepute in the Soviet Union and from that time forward the most strenuous efforts have been made by the Soviet Government to eliminate it.

In 1925, for example, the League of Militant Atheists was formed in the Soviet Union to spread and publish antireligious material and, like the government's economic plan, an atheistic 5-year plan was launched in 1927 and again in 1932. The program aimed at the complete disappearance of God's name from the U.S.S.R by 1937. In the late 1930's, the League was reported to have 3.5 million members.

Despite a 50-year campaign calling for its eradication, religion remains a force in modern Russia. Many in the West believed that the death of Stalin would usher a more liberal period into the life of Soviet citizens. Unfortunately, things have gotten worse, and not better.

Beginning in late 1961, children under 18 years of age were forbidden to attend Baptist worship services and by the fall of 1963 this restriction was being applied in Orthodox Churches as well. In 1963, the Central Committee of the Komsomol urged that services not be allowed to continue if children were present in church.

Many religious institutions have been closed. Synagogues have been converted into clubs, Buddhist monasteries were shut down, Moslem mosques have been converted into atheist museums, and the printing of the Koran has been prohibited. All religions suffer persecution at the hands of a state which considers itself the supreme arbiter of all moral values.

Recently, DeWitt S. Copp, European correspondent of Human Events, had a conversation in London with the Reverend Michael Bourdeaux, director of the Center for the Study of Religion and Communism. On the morning of the visit a bundle of letters and documents had arrived from the Council of Baptist Prisoners in the Soviet Union, a group made up of relatives of Baptist Christians now imprisoned.

The crime for which they have been sentenced to prison: Spreading their faith. Writes DeWitt Copp:

> Most had been charged under Article 142 of the Soviet Penal Code, concerning the separation of church and state—which forbids any attempt to instruct or to inform the young about the Christian Gospel. The penalty—three years in prison for the first offense. And if you keep it up, you can be charged under Article 70 for anti-Soviet activities and be sentenced to from 10 to 15 years.

Despite these facts the World Council of Churches, the National Council of Churches, and the Baptist Alliance continue to maintain that there is no persecution of Christians in the Soviet Union.

To really discover whether or not religious persecution is continuing in the Soviet Union, writes Mr. Copp:

> One only needs to ask those imprisoned for their religious beliefs.

I wish to share with my colleagues DeWitt Copp's important article, "Religious Persecution Continues in U.S.S.R.," which appeared in Human Events of February 17, 1973, and insert it into the RECORD at this time:

RELIGIOUS PERSECUTION CONTINUES IN U.S.S.R. WHILE MUCH PUBLICITY HAS BEEN GIVEN TO THE PLIGHT OF SOVIET JEWS, LITTLE ATTENTION HAS BEEN PAID TO THE SUPPRESSION OF CHRISTIANS IN RUSSIA

(By DeWitt S. Copp)

LONDON.—Much has been and is being reported on the problems of the Jews in the Soviet Union, and the desire of many to leave it for a new life in Israel. Very little, however, has been heard about the plight of Christians in the U.S.S.R. It is a plight in which religious persecution goes hand in hand with a dramatic religious story.

A man who knows this story better than most is the Rev. Michael Bourdeaux, director of the Center for the Study of Religion and Communism, in Great Britain.

As an Anglican minister, the reverend came to the directorship of this important center through an early interest in things Russian, followed by undergraduate studies at Oxford that combined theology with Russian, and in 1959–60, a year of study in Moscow. During that period, being fluent in the language, he was able to establish contacts with, as he termed it, "many people from the grass roots," both in Moscow and other major cities as well as in rural areas. From these contacts, and the contacts of others with a similar interest, he has over the past decade been able to compile a mass of first-hand information on the true state of the Christian Church—both Russian Orthodox and Protestant—and its adherents in the Soviet Union.

On the morning that we discussed the subject, he produced a thick bundle of letters and documents and photographs which had just arrived by specially organized means from the Baptist community in Russia. Included was an underground publication printed secretly by the Council of Baptist Prisoners. The Council is made up of relatives of Baptist Christians now imprisoned in the USSR. The publication gave names, dates, locations, offenses and length of prison terms.

The crime? Spreading the word of the Lord.

Most had been charged under Article 142 of the Soviet Penal Code, concerning the separation of church and state—which forbids any attempt to instruct or to inform the young about the Christian Gospel.

The penalty—three years in prison for the first offense. And if you keep it up, you can be charged under Article 70 for anti-Soviet activities and be sentenced from 10 to 15 years.

This is the grim side of the story, but the optimistic side is that more and more young people in the Soviet Union are turning to the Christian religion. This is reflected in the ages of those receiving sentences for attempted missionary work—18, 19 and many in their early 20s. The fact is best corroborated, says the Rev. Bourdeaux, not by going to the religious but to the atheists—the Soviet press, inside Moscow and out, where young people are named, held up to ridicule, their characters blackened for religious activity.

To sense the real meaning of "this gradual resurgence" in the face of persecution, one must reflect on the position of organized religion in the Soviet Union today. It is estimated, but cannot be proven because the Kremlin will not allow statistics on it, that there are approximately 30 million members of the Russian Orthodox Church and somewhere between a million and a million and a half Protestants—largely Baptists.

Throughout the USSR there are only three Russian Orthodox seminaries—one near Moscow, one in Leningrad and the third in Odessa. Enrollment is about 250 students in each. If a student wishes to attend, he must not only apply to the church but also to the state, and it is the latter that makes the final decision on his acceptance. Thus the student who is accepted is under state control from the outset.

There are no seminaries for any of the Protestant denominations.

At this time there are between 7,000–8,000 legally recognized Russian Orthodox churches in the Soviet Union and somewhere between 2,500 and 5,000 Protestant. Thus if the individual Christian, regardless of his faith, lives in a town or province where there is no church and he *legally* seeks to form one, the state will suppress it. If he persists, he will be fined and receive an automatic sentence of 15 days. If he attempts to organize a worship group clandestinely, and he is caught—and many are—he goes to prison.

There is, of course, in this modern day determination a familiar correlation in the suppression of the early Christians by the Romans. The Soviets do not physically feed the offenders to the lions, but they try to break the religious spirit in other ways. Even in those places where a church is permitted, the individual who is a student or a professor had better not be caught going to worship. He can be expelled from the university or lose his job as a result.

It would be incorrect to say that the Kremlin dictates the policy of the Russian Orthodox Church. It doesn't have to, for church leaders are chosen by the state through rigid appointment. Only conformists are wanted.

The Baptists, who have been in Russia for a century, have seldom had it easy. From 1905–1917 and after the Revolution until 1927 when Stalin began to cement his control, they were left alone.

During World War II as a matter of need Stalin relaxed his persecution of all faiths. Khrushchev also persecuted the religious, and as can be seen things are not much better under Brezhnev. However, as the Rev. Bourdeaux and his assistants can attest, there is a steady flow of material on Christian religious activities at the grass-roots level coming out from behind the Iron Curtain and helpful material going back in. The latter, of course, is to encourage those who are willing to risk imprisonment, deprivation, social ostracism and ridicule to spread the Christian Gospel where people hunger for a faith that transcends the sterile dictates of little men.

And what do the powerful world church organizations have to say about all this?

The official position of the World Council of Churches, the National Council of Churches and the Baptist Alliance is to maintain that there is *no religious persecution of Christians in the Soviet Union*. All of these bodies, the Rev. Bourdeaux maintains, have accepted verbal assurance from Eastern churchmen, refusing themselves to investigate the situation. After all, Soviet churchmen joined the Baptist Alliance in 1954 and the World Council in 1916. To question their position might anger them and make them resign, and that would never do, for the underlying rationale is that a little religious freedom is better than none at all. But as the reverend points out, the Kremlin needs the respectability of these organizations far more than they need the Soviet churchmen.

In spite of the insistence of these churchly bodies—not in turning the other cheek but in turning a deaf ear and a blind eye to the reviled state of Christianity in the Soviet Union—the word through dedicated people like the Rev. Bourdeaux is beginning to make itself felt. Soon there will be a bimonthly publication, *Religion in Communist Lands*,* published by the Center which will cite the situation chapter and verse. And in that regard, Radio Liberty is doing a tremendous service in reporting to the Russian people what is going on and what is being said in their own country.

As to the repeated liberal cant that there is a dialogue going on between the church and the Communist state—there is no dialogue except in the Western minds of the duped. In Poland, Rumania and East Germany where the Church still remains strong, no mention is made of such theoretical nonsense; it simply doesn't exist. In Hungary, Czechoslovakia, Bulgaria and the Soviet Union, where the Church has been brought under firm state control, the church leadership maintains there is nothing antagonistic between communism and Christianity.

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* Centre for the Study of Religion and Communism, 34 Lubbock Road, Chislehurst, Kent BR 7 5JJ, England. Subscription rate: $7 per year by sea mail, $10 by air mail.

Well, one only needs to ask those imprisoned for their religious beliefs. And one need only wonder who will raise the question of such persecution before the Soviet delegation now sitting in Helsinki.

MIAMI'S INTERNATIONAL CENTER AIDS U.S. BALANCE OF PAYMENTS

HON. DANTE B. FASCELL

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 12, 1973

Mr. FASCELL. Mr. Speaker, not all the news about the U.S. balance of payments is bad news. I am pleased to report that in the Miami Customs District, at least, the balance of trade is strongly in favor of the United States. An important factor in this achievement has been the way in which various sectors of the community have organized to promote exports and encourage tourism from abroad. Key to these effective joint efforts has been Miami's International Center.

Its creation was spearheaded by some of the area's outstanding businessmen. They recognized the necessity for coordinated direction and action of Miami's potential as an international trade center was to be fully realized. One of Miami's outstanding businessmen and banker, William Pallot, was part of the organizing group. His determined leadership breathed life into the concept.

Now the center's president, Mr. William Pallot, recently outlined its functions in a speech before a special workshop of the Partners of the Americas' Florida-Colombia Alliance. Because of the unique character of the International Center and the possibility that it might well serve as a model for other cities, I wish to draw the attention of the House to Mr. Pallot's remarks:

SPEECH OF MR. WILLIAM PALLOT BEFORE DELEGATES TO THE FLORIDA-COLOMBIA ALLIANCE WORKSHOP, JANUARY 12, 1973

The name of your organization is the Florida Colombia alliance. With that name you have acknowledged that Colombia is only one of many American republics; that Colombia has a unique national entity, with unmistakable characteristics that distinguish it from other nations of Central and South America.

You have avoided a common mistake made by too many people who think of Latin America as an integrated continent of related States . . . with artificial boundaries . . . wherein the problems, fears, aspiration, hopes, faith and cultures of all peoples are the same.

Your understanding of the truth . . . and the consequences of your undertakings, have improved relations and strengthened meaningful ties between the people of Florida representing our national government and the people of Colombia representing theirs. Your efforts have cultivated a firm basis for mutual respect of differences in historic backgrounds . . . and ethic images between U.S. and Colombian citizens.

For this Lt. Governor Tom Adams and your alliance should be commended. What you are doing should be encouraged by our national government and emulated in other States to the extent that it is possible.

It was proper that the leadership of such an organization should have arisen in Florida. It is fitting that men and women of business and industry should cooperate with public officials, educators and students to accomplish what you have set out to do.

The results of such work and its influence on the culture and economy of our State and nation are incredibly important.

It is this influence that I will discuss as my contribution to this conference. I want to tell you about a complex of associations that have recently joined forces in a co-operative effort to provide unified leadership and uniform patterns for orderly growth in what we believe will become one of the worlds most important centers for international trade, tourism and cultural exchange.

I want to tell you about Greater Miami's international center. A new organization . . . bottomed on an amalgamation of 3 already existing organizations that we now refer to as councils.

First, . . . is the Board of International Trade with its importers, exporters, freight forwarders, bankers, manufacturers, shippers, professional, insurance and business people.

Second, is the Council of Multi-National Corporations with a membership from Alcoa, 3-M, Dow, Texaco, Gulf, Coca-Cola and others of that magnitude.

Third, the Council of Civic and Cultural Affairs with representation from the University of Miami, Florida International University, local and international chambers of commerce, several world trade associations, the Council of the Americas, as well as civic and social leaders of the community.

Duplication and overlapping efforts that existed prior to the amalgamation have been eliminated or minimized. Where there were 3 or more staffs and offices, there is now only one staff and one office.

Today nearly every inquiry from abroad relating to international business in the Miami area finds its way to the center office and receives prompt attention.

The combined available resources of the center's broad membership . . . are used: To develop commerce and tourism; to maintain advanced standards in the field of export by providing educational and related services to members; and by making significant contributions . . . designed to improve balance of trade problems.

For the last 14 consecutive months . . . we have seen imports into the U.S. exceed exports by no less than $300 million in any one month. The Florida story has been an exception.

International center can't claim all the credit for the very comfortable margins of exports over imports recorded in the Miami customs district. However, for purposes of this discussion, it is worthy of note . . . that total exports reported in this district in 1971 . . . amounted to $804.5 million versus imports in the sum of $406.5 million. More importantly, during the first seven months of 1972, exports totaled $690.8 million versus imports totaling $397.9 million. Those are healthy balances.

Using those numbers . . . exports in 1972 should exceed $1.1 billion versus $700 million in imports, . . . and the center or its predecessor councils had more than a little to do with that.

The center works closely with all governmental agencies and trade associations . . . to promote international business and cultural exchange. At the moment . . . we are discussing plans with State officials and the Florida Council of 100 . . . to expand our activities by organizing centers in other metropolitan communities of Florida so that what we are doing in Miami, can be emulated elsewhere in the State . . . to mutual advantage.

We can't compare the North Florida Customs District with the Miami district because it includes several large gulf ports in other States. However we know that Florida does have a favorable trade balance. And in a nation plagued with large imbalance problems the Florida record is meaningful and there are reasons for the difference.

Consider that Florida has 15 deep water ports . . . and that none is more than 100 miles from any part of the State . . . that Florida has five international airports and numerous others, none of which is more than 50 miles from any part of the State.

Consider that international air service in Miami compares favorably with any other major airport in the country and is much closer to rich markets in Latin America and the Caribbean.

Consider that greater Miami's communications systems are unexcelled anywhere. That Miami has an excellent employment market with a bi-lingual, multi-cultural population; a growing system of international banking institutions; excellent accommodations for tourists and conventions; good facilities for higher education; political stability and a temperate climate.

Consider that in just one year Disney World became the number one single tourist attraction in the world and is itself surrounded by numerous other famous attractions such as Cypress Gardens; Busch Gardens, Silver Springs, Lion Country, and Cape Kennedy.

These are most desirable ingredients around which South Florida can be solidly established as the finest center for international tourism in the entire world.

Methods for the best use of these ingredients are being explored by appropriate governmental agencies working with industry, colleges and associations like International Center, the Florida Council of 100, and the Council of the Americas.

Do you know that there are 82 million people in other countries who can afford vacations in the U.S.?

Do you know that the federal government has tripled its budget to promote tourism and tap that lucrative market? Even finance travel costs?

International center and the Miami office of the Florida Dept. of Commerce are already developing plans for getting a substantial share of that business.

The center has conducted workshops and seminars . . . designed to keep current with the numerous federal programs that provide incentives and produce money to increase exports from Florida.

International center is working with the U.S. and Florida departments of commerce to improve marketing techniques and to increase sales of domestic goods overseas. One method that has proved successful is the sponsorship of trade missions or fairs.

The Florida dept. of commerce and international center within the past 12 months conducted 5 successful missions.

The first one went to Central America where we sold over $200 thousand worth of merchandise from exhibits. Orders were taken for an additional $1.5 million and participants bid on another $4 million for proposed projects, some of which have already materialized.

In April we sponsored the first trade fair ever conducted in the free port of Manaus, Brazil, where $91 thousand was sold from exhibits. Orders were taken for an additional $505 thousand and contacts were established to account for future sales of at least $1 million annually.

At the third mission, in Haiti and the Dominican Republic, we sold $358 thousand worth of goods from displays; $1.2 million was sold for future delivery, and $3.5 million was bid on proposed projects.

At the fourth fair . . . in Bogota, Colombia . . . we sold over $130 thousand from displays; orders totaling more than $1.3 million were taken for future delivery; and more than $5.6 million was bid on proposed projects. More than a million people visited our exhibit. It was the first time that there was U.S. participation in the important annual Bogota fair, and Florida was the only state involved.

In November, with Eastern Airlines and Disney World participating, we took our 5th trade mission to Jamaica.

Last year Jamaica imported over $70 million from Florida before the mission. At the mission we sold $145 thousand worth of merchandise from displays. Orders were taken for an additional $1.5 million and nearly $3 million was bid on proposed projects.

These fairs and missions also promote tourism and establish valuable person to person relationships that are sorely needed to improve commerce and implement cultural interchange.

These programs and others involve students from the University of Miami, Florida International University, and Florida Atlantic University. The students plan and work with businessmen and public officials. There is no generation gap, nor is there any lack of communications or understanding. This is bridge building at the highest level, youth, industry, and government working together.

By this time you should have an idea of what International Center is and what it can do.

By now you must be thinking about how much more can be accomplished for our state if such centers were organized in the other Metropolitan communities of Florida.

Perhaps you are even thinking about how effectively the Florida-Colombian Alliance can contribute to the efforts of International Center and conversely how the center can make contributions to your alliance.

If you were not thinking about that, I hope you will. I hope you will agree that lines of communications should be established and that we can only gain from cooperation.

The future holds unlimited challenges and possibilities. Miami is to Latin America, South Africa and the Caribbean—what New York is to Europe—or Los Angeles and San Francisco to the Orient. But there is one important difference: The potential for developing trade with, and tourism from the emerging nations of Latin America and Africa is immeasurably greater.

Total exports to Latin America are already in the $7 billion range, and large portions of that business go through the Coral Gables offices of multinational corporations located there, even though products are shipped from othe ports.

Miami has 7 Edge Act banks—compared to 4 each in Los Angeles, San Francisco, and Chicago. This condition exists mainly because of Miami's proximity to Latin America.

The new Federal Reserve office in Coral Gables handles more items than any office in the Southeastern United States. It employs 400 people and clears over 22 million checks per month. That's more than Atlanta which has long been considered the financial center of the South.

There are at least 5 times as many direct flights from Latin America to Miami than to New Orleans, a city that for many years was considered the inter-American gateway.

Greater Miami is now the financial center and corporate capital of the Americas, and we have only begun.

What we do to prepare for the future, will determine what we will become.

Certainly we can agree that we don't want anything in Florida that esthetically resembles Los Angeles or New York.

Certainly we can agree that we must establish a foundation upon which we can continue to develop foreign trade, with a healthy balance in our favor.

Certainly we can agree that we must continue to improve our tourist facilities and accommodations.

Certainly we can agree that the integrity of U.S. currency can only be restored to the extent that unfavorable trade balances can be reversed.

Certainly we can agree that we can have progress without doing violence to our natural surroundings.

We can have progress with the very best culture that 5 continents can offer. We can provide decent housing . . . surrounded by clear fresh water and handsome landscapes. We can enjoy progress in the best environment or we can tolerate something less or worse.

Our goal at international center is the orderly development of commerce, and the establishment of cultural relationships with the international community at the people, government, political and esthetic levels. If there are better ways to strengthen our economy or improve our culture we want to know about them. That is why we welcome opportunities to talk about what we do and about the things we plan to do.

We offer and ask for assistance. We suggest to those who lend us their ears to lend us their strength and we offer ours.

There isn't a business or professional person in this State . . . who won't derive substantial benefit from the work done by organizations like the center and the alliance, and the degree can only be measured by the amount of support given and received.

LP-GAS: LOW POLLUTION FUEL CATCHES ON IN HAWAII

HON. SPARK M. MATSUNAGA

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Monday, March 12, 1973

Mr. MATSUNAGA. Mr. Speaker, by 1976 automobile manufacturers will be required to meet stringent standards for carbon monoxide, hydrocarbon, and nitrogen oxide emissions. Although imaginative proposals to help Detroit meet those standards have been numerous, most are several years away from economic feasibility.

However, for several years a fuel has been available which, with minimal equipment changes meets these new standards. It is liquefied petroleum gas—LP-gas.

LP-gas has been used by some Hawaii trucking fleets, forklift operators and State and county highway fleets for 20 years to minimize carbon monoxide hazards to personnel, and has proved to reduce maintenance costs. Despite these advantages, nonusers of LP-gas are still in the majority.

In Hawaii, though, where our environment is one of our most precious natural resources, a greater awareness of the possibilties of LP-gas in meeting upcoming Federal emission regulations is developing.

With the thought that my colleagues will find the environmental benefits of LP-gas of interest, I am submitting for the RECORD an article by Nelson Shreve from Hawaii Fleet Management, the official publication of the Hawaii Trucking Association:

LP-GAS HITS THE ROAD—BUT, VERY, VERY SLOWLY

(By Nelson Shreve)

Although the merits of liquefied petroleum gas as an automotive fuel have been recognized for some years, the product has been slow in taking to the streets of Hawaii. For the last 20 years, forklift operators in the islands have used equipment powered with LP-gas because its extremely clean burning properties minimize any carbon monoxide hazard to personnel working in closed-in areas.

Besides protecting lives, the forklift users also found that LP-gas was safeguarding profits in lower engine maintenance costs and oil changes every 3,000 hours instead of every 200. One maintenance supervisor in Honolulu reports breaking down a propane-powered forklift engine that had logged the equivalent of 500,000 miles and finding the hone marks made during manufacture still visible on the cylinder walls.

A number of highway fleets, notably many operated by State and County agencies, have made extensive studies and switched to propane. The process is simple. The equipment can be ordered factory installed from some manufacturers. But more commonly, conventional gasoline fuel systems are converted to LP-gas by various automotive dealers and shops, and by Gasco's Clean Air Center.

But the non-users are still in the majority and have resisted the efforts of Gasco, until recently the only supplier of automotive quality propane in the State, to convince them that, for a fleet owner, LP-gas is the only way to go.

Bud Coleman, manager of the Clean Air Center, has applied his analyzer to this hesitation and diagnoses a combination of psychological blocks and out-of-tune economics.

First, he believes, is the perfectly natural disinclination to junk several hundred dollars worth of fuel system on a rig that is entirely operational, then spend up to $400 plus installation costs on a different system. An entirely valid line of reasoning for a vehicle owner who trades equipment in every two years or so, but missing the point for a fleet operator looking at the long haul operating expenses of a number of units, Coleman believes.

The relatively low number of propane dispensing units is another apparent stumbling block, particularly for fleets whose units must be stationed in widely dispersed neighborhoods and can't return to a central marshalling yard every night for a refill. Gasco had hoped to install retail dispensing equipment at key gasoline stations around the Island, and one Union 76 station is selling the company's product. But there has been a reluctance on the part of oil companies to spread out the welcome mat for a direct competitor.

However, in spite of the low profile of propane dispensing units, Gasco's automotive product is available at retail at seven different locations in Honolulu and one in Kailua. Oahu Gas Service, Inc., a company that recently went into competition with Gasco in the field, has announced plans to build its own service stations, which should further broaden the supply base.

More resistance comes from auto mechanics, most of them weaned on gasoline engines and leery of a departure from their accustomed tradition. Coleman points out that the difference really isn't that great, and that propane and gasoline are simply two different factions that can be distilled from the same batch of crude oil. Furthermore, the fuel system conversion is relatively simple and can be completed in as little time as two hours unless a lot of engine parts have to be removed before the installation can be made. Tim Monro, who is Coleman's assistant and also in charge of mechanic training for customers, uses a three-step program: He performs the first installation himself while the trainees watch. Then the second installation is performed by students with Monroe coaching each step. Finally they do the third one by themselves while their instructor observes.

Basically, the operation consists of removing the gasoline carburetor, installing a new propane carburetor, and mounting a device called the converter, which transforms the pressurized liquid into a gas, then attaching a new propane carburetor. With the new equipment there is no longer any need for a fuel pump since propane in the closed system is under pressure, and therefore there is one less component to wear out. The need for after-parts is further reduced by the simplicity of the propane carburetor, which has neither float ball nor needle valve.

Fuel reservoirs are more complex than normal gasoline tanks, and consist of pressure vessels in a variety of shapes and sizes to fit the trunk of a sedan, the bed of a pickup truck or station wagon, and the regular fuel bay of a big truck. All tanks are fitted with check valves that automatically shut off in case of fuel line failure. Wherever a fuel line must pass through metal, a hole is drilled and a coupling welded into the barrier, with the hose fitted to each side. This eliminates the friction problem that could be caused by merely passing the hose through a hole in the barrier.

Precautions regardless, Coleman detects a lingering suspicion in the minds of many toward a vehicle with a tankful of pressurized gas aboard. But he points out that the heavy gauge pressure vessel with all its safety devices is even less hazardous than a sheet metal gasoline tank. Coleman gives as an example a propane racing car that rolled seven times during a road race and ended wheels-up with the engine still running. The ignition had to be shut off before the driver could be extricated from the car—which was subsequently righted and driven off under its own power.

Besides the long-term maintenance savings to be realized, Coleman emphasizes that there is an even more pressing reason for switching to a cleaner fuel as the steady clamor to save the environment hardens from agitation into legislation. Already, two states—California and New Jersey—have established emission criteria and are enforcing them by setting up roadblocks and checking vehicles with infrared analyzers which can gauge both carbon monoxide and hydrocarbon emission with great accuracy.

Almost any gasoline engine in good shape and regardless of year can be adjusted to yield far less fallout and live up to the standards that have been established. But propane burning engines will remain clean and in compliance with far less attention. (One of Coleman's pet demonstrations is to roll a visiting prospect's car into the diagnostic bay at the Clean Air Center. In most cases, either the carbon monoxide or hydrocarbon readings or both are well into the polluting range, while a new propane installation in the next bay registers clean even before any carburetor or ignition adjustments have been made.)

The year 1975 has been designated as the year of clean exhaust emission. But getting all vehicles into compliance in Hawaii and enforcing the law is going to require time because of the expensive and complex testing equipment that is a must for emission monitoring and control.

But Coleman detects the first steps being taken. Until a few months ago, the Clean Air Center was the only facility on Oahu that had an infrared analyzer. Recently, however, a Honolulu auto dealer tried to buy one—only to find the local supplier was back-ordered for four months.

LEE HAMILTON'S MARCH 12, 1973, WASHINGTON REPORT ON ISSUES FACING AMERICAN AGRICULTURE IN 1973

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 12, 1973

Mr. HAMILTON. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the following: My Washington Report of March 12, 1973, concerning the issues facing American agriculture in 1973:

CONGRESSMAN LEE HAMILTON'S WASHINGTON REPORT, MARCH 12, 1973

This is a big year for American agriculture.

A variety of factors have converged to confront the nation with major decisions about the direction of American agriculture. These decisions cannot be put off much longer, and they will affect, not alone the farmer and his family, but all Americans.

Among the factors pushing agriculture to the forefront is the President's call for a major reversal in American agricultural policy, including the virtual elimination of direct program payments to farmers and deep cuts and terminations of several rural programs. His plan, if adopted, would end a plan, begun in the Depression years, under which the government has set limits on how much a farmer may grow and remain eligible for subsidies.

The Agricultural Act of 1970 expires in 1973 at a time when urban Congressmen dominate the Congress. Only 85 (or 20 percent) of the 435 House Members come from rural districts (in 1960, 53 percent came from rural districts). Moreover, 41 of the Congressmen who voted for the 1970 bill have been defeated or retired.

Alongside these factors are the record levels for livestock and grain prices (average farm prices are 22 percent higher than one year ago), and total farm income (more than $19 billion in 1972). At the same time consumers are confronting the fastest rising food prices in recent history. Small wonder then that the farmer is concerned, even apprehensive, and that American agriculture stands at the crossroads.

In the commodity programs, the President proposes to eliminate gradually the direct subsidies that supplement the prices received by farmers and substitute a system under which farmers would be paid for withholding land from cultivation. Top Agriculture Department officials have said that their goal is to help the farmer get his income from the marketplace, move the government out of agriculture, and allow the farmer greater freedom to make production and marketing decisions.

The Administration proposes to put an additional 40 million acres back into production, leaving only 20 million acres "set aside", and to curb rising food prices by increasing production. The Administration would also like to have any commodity surpluses which exceed domestic demand absorbed by new markets abroad. Under the Administration's approach a number of federal programs which aid the farmer and rural areas will be terminated, including grants for water and sewer systems, rural housing and disaster loans, grants for conservation, and the program for 2 percent direct loans for electrification will be replaced with 5 percent government guaranteed loans.

All of this adds up to fundamental change, new risks, and old fears. Farmers would be pleased to be rid of controls and subsidies, but their sense of history cautions them that farming has always run in boom-and-bust cycles and that, once free of controls, the farmer's productivity and competitiveness can produce enormous surpluses to depress prices.

Critics of the Administration's proposals, many of whom are in Congress, contend that farm policy should be directed toward assuring the production of abundant supplies of food and fiber at reasonable, and reasonably stable, prices, with the emphasis on improved farm family income. These critics contend that the Administration's plan to achieve production adjustments by means of a general cropland retirement program will not work. Production will soar and prices will plunge; and the small farmer, who would be at a special disadvantage because he must use all his cropland, would be hurt most.

The President's plan, then, will face stiff resistance, but reaction to it among the farm bloc leaders has varied from strong support to vigorous opposition. To get their proposals adopted, the Administration's strategy is to place heavy emphasis on the urban domination of the Congress, high farm income, rising food prices and the increased foreign markets. They press the argument with urban Congressmen that with rising food prices and exports and good prices there is no need for farm programs. The plan is a political gamble, but it is based on a changing electorate and on new economic conditions.

It is hard to see at present how these differences will be resolved. The Administration would prefer a straightforward approach that would clearly move farm policy toward a 1980 target date of removing the government from commodity programs.

On the other hand, at present and because of its concern about the impact of the Administration's programs on farm prices, the Congress does not appear likely to accept this approach.

Compromises must be made, but it appears to me that farm policy will move in the direction of reduced payments to farmers and more Executive discretion to run the farm programs.

A TRIBUTE TO CHARLES BOREN

HON. ALPHONZO BELL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 12, 1973

Mr. BELL. Mr. Speaker, I rise today to bring to the attention of the Congress an event of unusual significance that will occur at the end of this month in Los Angeles.

It is actually three events, Mr. Speaker, two of them predicted upon the third.

Charles Boren, vice-chairman of the board of the Association of Motion Picture and Television Producers, and a close personal friend of mine, will retire from the Association on March 25 of this year.

That may not seem at first glance to be a significant event, Mr. Speaker, until one realizes that Mr. Boren will be calling close to a quarter-century as the motion picture industry's chief labor negotiator.

He has handled the industry's contract negotiations and labor relations during an era of the most significant change ever to affect this 78-year-old industry. Mr. Boren was at the helm during the years when the production industry divested itself of the theaters it owned, necessitating a radical change in its production planning. And he presided over the years when a rival medium came upon the scene—television—and more quickly than had been thought possible, became nearly an equal of the traditional market, the theater. The changes this new medium required in the working arrangements in the industry created a continuing stream of problems that it fell to Charles Boren's leadership to solve.

Mr. Speaker, the efforts of this man on behalf of the motion picture industry are so highly thought of that he will be honored on Tuesday, March 27, by the Academy of Motion Picture Arts and Sciences, which will present him with an honorary award in the form of the familiar Oscar statuette on the worldwide telecast originating from Los Angeles.

This is the same award, Mr. Speaker, that was presented to Charles Chaplin last year; to Walt Disney, for the creation of Mickey Mouse; to D. W. Griffith, for creating the motion picture art form, and to a select group of industry greats such as Mack Sennett, Douglas Fairbanks, Adolph Zukor, Cecil B. DeMille, Louis B. Mayer, Gary Cooper, Cary Grant, and Bob Hope.

On the Friday before that date, Mr. Speaker, it will be my privilege to attend a special dinner being given for Mr. Boren at the Beverly Hilton Hotel in Beverly Hills, where the association he served for 25 years, on behalf of the industry he served for 38 years, will honor him for his contributions.

A thousand persons are expected to attend this dinner. Danny Thomas will be the master of ceremonies for this evening of accolade. Among those who will sit at the head table will be Lew Wasserman, president of MCA, Inc., the parent company of Universal Studies, and chairman of the board of the Association of Motion Picture and Television Producers; Billy H. Hunt, executive vice president and chief operating officer of the association; Jack Valenti, president of the association; James Aubrey, president of MGM; Gordon Stulberg, president of 20th Century-Fox; Donn Tatum, chairman of the board of Walt Disney Productions; Ted Ashley, chairman of the board of Warner Bros.; Dan Taradash, president of the Academy of Motion Picture Arts and Sciences; Robert Wise, president of the Directors Guild of America; Samuel Z. Arkoff, chairman of the board, American International Pictures; and Mrs. Y. Frank Freeman, widow of the late chairman of the AMPTP board.

Charles Boren first entered the motion pictures industry in 1935, when he was employed in the personnel office at Paramount Pictures.

In 1941 he was named studio manager and served in that capacity, and also as industrial relations manager for the studio, until 1947.

In March, 1947, he was named to head labor relations for the Association of Motion Picture Producers, and in December, 1958, was named executive vice-president. He was elected to the AMPTP Board in 1965.

He was born in Owensville, Ind., on January 9, 1907 and graduated from the College of Letters, Arts and Sciences of the University of Southern California in 1929.

While at USC Charlie Boren played football for famed coach Howard Jones and won letters in 1925, 1927, and 1928 as a halfback, end and running guard. After graduation and until he joined Paramount, he was assistant counselor of men, and assistant football coach at USC.

Charles Boren was president of his junior and senior class while in high school in Long Beach. In 1925, at USC, he became a member of Sigma Chi.

During high school and college Boren worked in the construction trade and as a longshoreman on the docks of Los Angeles Harbor.

Active in alumni affairs at USC, he was elected president of the General Alumni Association of USC in 1965, after serving on the board of governors of the alumni association since 1963.

He also was named a trustee of the university in October 1964.

In June 1962 Charles Boren was tapped for Skull and Dagger, the men's honor society. He has served as alumni chairman of Homecoming Week and was chairman of a dinner honoring Dr. Rufus B. von KleinSmid, USC chancellor.

He has been a member of the board of directors of the California State Chamber of Commerce since 1958.

He has been active in minority affairs, serving as the honorary cochairman of the Los Angeles Urban League's "Equal Opportunity Day," and receiving the Founders Image Award in 1969 from the Beverly Hills-Hollywood branch of the National Association for the Advancement of Colored People for his work on behalf of minorities.

Charles Boren has received numerous awards and citations from labor groups, including an award in 1968 from the International Alliance of Theatrical Stage Employees for service to the motion picture industry and to Hollywood, and the first honorary life membership card ever presented to a management negotiator from the American Federation of Musicians in 1972.

He was president of Central Casting Corp. from 1960 to 1972 and has been an executive vice president of the Motion Picture Association of America since 1963.

He has served as the first chairman of the boards of trustees of the Motion Picture Health and Welfare Fund, the Motion Picture Industry Pension Plan, the Screen Actors Guild Pension and Health and Welfare Plans, the Producers Guild Pension Plan, the Writers Guild Pension Plan, and the Directors Guild, Pension and Health and Welfare Plans.

He was chairman of the board of the Contract Services Administration Trust Fund for 8 years and is a member of the board of trustees of the Motion Picture and Television Fund.

He served four terms as a member of the board of governors of the Academy of Motion Picture Arts and Sciences, from 1967 through 1972.

Mr. Speaker, Charles Boren has been one of the great pioneers of the motion picture industry and it will give all of us who are his friends great pleasure this month to show him something of the profound admiration, gratitude, and respect.

LEAA: REVENUE SHARING TO POLICE FOR FEDERAL CONTROL OF LAW ENFORCEMENT

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 12, 1973

Mr. RARICK. Mr. Speaker, the Law Enforcement Assistance Administration originally established by Congress to make the streets safe from crime by pouring billions of tax dollars into local and State police agencies continues to develop its bureaucratic threat to locally Controlled Law Enforcement.

Like all Federal bureaucracies, LEAA publishes its compliance orders in the Federal Register. The guidelines for March 9 do not relate to crime in the conventional sense but rather indicate the LEAA, leadership is more concerned with theories of social justice than giving the American people a top notch, effective police force. According to the latest defacto order, continued LEAA funding will depend, not upon police, statistics showing positive action in crime control or making the streets safe, but rather in achieving race and sex balance. The penalty to the police for not obeying the LEAA—the "cutting off" of Federal funds. This new regulation is reminiscent of the old "school-funds" cannot used by HEW at least until the public schools were federalized.

And the new LEAA guidelines may well require the busing of police officers and employees to achieve race and sex balance. Continued funding requires State and local law enforcement agencies, jails and prisons to take special steps to recruit minorities in suburbs or rural areas where minorities may not live. So if the recruits and employees do not have transportation, who can doubt that some Federal judge would even hesitate to order busing?

Police departments, now conditioned to LEAA funds in their expanded budgets, will find these additional funds no longer an asset in upgrading law and order to combat crime but rather a liability denying them time and money to keep in compliance with a Washington bureaucracy. The nationally controlled police force continues to shape up.

Back in 1970 when the LEAA funding concept for State and local police was passed under the motherhood title of Law Enforcement Assistance Amendments to the Omnibus Crime Control and Safe Streets Act of 1968, I explained my vote against the bill—one of only two—thusly:

[From the CONGRESSIONAL RECORD, June 10, 1970]

Mr. RARICK. Mr. Speaker, the crime situation in the United States has reached such crisis proportions that the Members are hearing from the folks at home with demands that something must be done. The political impulse seem to be to do something, even it it is wrong.

We are being asked to ignore the cause of the problem—the many crime-favoring Supreme Court laws. We are being urged to hoodwink our people into thinking that by massive expenditures of Federal money, by so-called upgrading our local and State police officers, and modernizing our correctional facilities, we can deter the criminal threat.

The crime problem in the United States is not the fault of this body—nor the police officers, nor the taxpayers. We are hiding our heads in the sand if we think we can fool the people into believing that by giving away more of their money, they will be any safer from the criminal element which roams our streets and highways like some sacred cow.

H.R. 17825, now before us, carries the emotional title of law enforcement assistance amendments to the Omnibus Crime Control and Safe Streets Act of 1968. But, fancy-sounding names on legislation will not stop criminals nor deter crime, nor even accurately describe the bill. We already have enough laws on the books.

The gut problem is that as we continue to talk about reducing crime, our law enforcement agencies are denied the freedom to enforce the laws. This bill offers no solution. It but provides for $2,150,000,000 to be doled out over 3 years for grants to local and State police who agree to comply with various edicts and guidelines laid down by the Attorney General of the United States and enforced by the administrator of the Law Enforcement Assistance Act. Except for this purported financial assistance, the measure offers only false promises of help to the police of America in their efforts to stop crime.

Those of us who live in the South are familiar with Federal funding programs based upon compliance. The funded State or local organization loses all semblance of representing its local people and becomes completely subservient to the funding agency. In this instance, any law enforcement agency accepting Federal funds, which does not toe the line of compliance, can expect to be threatened with loss of funds and if not whipped into line, have its funds cut off.

We of the South have witnessed firsthand what has happened to our State and local governmental agencies that accepted Federal funds. We need only point to the wholesale destruction of our public schools and public education system which are in many areas either abandoned by a large segment of our people or made wholly inadequate to educate the youth.

With Federal funds necessarily comes Federal control. It is utterly ridiculous for any rationally informed person to believe that we can buy personal safety or freedom from crime. It is equally ridiculous to believe that we can hand out Federal money and not end up with Federal control and domination over our local police.

Up to now, the sociological pseudo-intellectuals have sought to justify throwing away billions of tax dollars with their theories that we can buy off criminals with massive Federal programs and funds. While they still refuse to acknowledge the utter futility of their upside down thinking, some of the same spokesmen, that is, Ramsey Clark, the National Governors' Conference, the League of Cities, the U.S. Conference of Mayors, the National Association of Counties, the National Commission on the Causes and Prevention of Violence, and representatives of do-gooder organizations now support this bill and ask this body to buy the police away from the people and put them under the control of an appointed Fed.

The police power under the Constitution of the United States, with rare exception caused by judicial fiat, has historically been reserved to the States. Now, after 190 years of constitutional government, with the police being under the State and local control, we are told that the Constitution must be warped if it says what it does not say.

If it is a national police force that the Federal bureaucrats want, they have the Army, Navy, and Marines. I for one, oppose every effort to destroy local police forces, or to even chance the "foot-in-the-door" power building which is constantly sought by the socialist bureaucrats in their craze for domination of every facet of local and State government.

This is bad legislation—spurred on by emotion and frustration—more laws by the democracy phobia of the mob—demands without regard or consideration for the further erosion and destruction of constitutional government.

I intend to abide by my oath of office by casting my peoples' vote against this bill. I will continue to support my local police in upholding their responsibilities to maintain law and order to their people, unbridled by additional unnecessary Federal controls and redtape.

I insert a related news story

[From the Washington Post, Mar. 10, 1973]

LEAA BANS HEIGHT BIAS BY AGENCIES

(By Susanna McBee)

Police departments, correctional institutions and courts across the nation that receive aid from the Law Enforcement Assistance Administration were told yesterday they can no longer use minimum height requirements to deny jobs to minorities and women.

A guideline published in the Federal Register, and effective immediately, bans the height limitation in the 40,000 LEAA-funded agencies unless height can be shown to be essential to job performance.

"The guideline is necessary to prevent law enforcement agencies from denying employment opportunities to many Puerto Ricans, Mexican-Americans, Japanese-Americans, and to women," said the Leadership Conference on Civil Rights, which has negotiated with the LEAA for more than a year on anti-discrimination issues.

Another guideline effective at once requires the agencies to take "affirmative action" to correct deficiencies in the numbers of minorities and women in their work forces.

Both actions are subject to comment for 45 days and possible modification.

The LEAA, which is spending nearly $1 billion this year aiding state and local law enforcement agencies, also agreed to require jails and prisons to take special steps to recruit minorities even if they are located in suburbs or rural areas where minorities do not live.

The national funding agency said it would cut off funds in appropriate cases against state and local law organizations with discriminatory employment practices. In the past it has not applied such sanctions.

PSYCHOLOGY OF DRUG ABUSE

HON. BILL ALEXANDER

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Monday, March 12, 1973

Mr. ALEXANDER. Mr. Speaker, today I bring you the conclusion of a series of writings by Dr. John Buckman an associate professor of psychiatry at the University of Virginia School of Medicine. I became acquainted with Dr. Buckman when he was a keynote speaker at a Conference on Drug Abuse which I conducted in the First Congressional District of Arkansas.

The first part of this article has appeared previously in the CONGRESSIONAL RECORD.

The material follows:

DRUG ABUSE

DRUG ABUSE AND THE ADOLESCENT PERIOD

This generation has inherited a world which is vastly different from anything that existed before the second world war. Previous concepts of space, time distance, feasibility, and predictability have been vastly altered, if not completely shaken, by speed of travel, speed of dissemination of information, the information explosion itself, the contraceptive pill, and the invention of the ultimate weapon—the hydrogen bomb. The fact that we are facing vast and apparently insoluble problems such as prospects of continuing wars, pollution, and overpopulation produces a generation of people who, while certainly more informed and more aware, are at the same time more frightened, anxious, and in need of escape. One method of escape, of course, is drugs. Adolescence has always been a difficult period. In this society the difficulties have been compounded by disruption of family life, by the rapid speed of change, by protracting adolescence for extended education, and by the adolescent's growing realization that the adult world seems unable to cope with the enormity of the problems.

Freud, in 1905, described it as a period of final transformation; Ernest Jones, in 1922, stressed the correlation between adolescence and infancy. He pointed out that the adolescent recapitulates developmental stages of the first five years of life and thus the successful or unsuccessful emergency from adolescence will be determined largely by the case with which the early developmental stages were dealt with. Anna Freud, in 1936, described adolescence as a struggle for survival in which all defense mechanisms are brought into play and strained to the utmost. In connection with this. I feel that adolescence may be the worst period to experiment with drugs because hallucinogens and psychedelics especially further loosen the already brittle adolescent defenses. Anna Freud went on to say, "Adolescents are excessively egoistic regarding themselves as the center of the universe and the sole object of interest, and yet at no time in later life are they capable of so much self-sacrifice and devotion. They form the most passionate love relations only to break them off abruptly as they began them. They oscillate between blind submission to some self chosen leader and defiant rebellion against any and every authority." Here again some of the motivations for drug abuse become apparent: as a form of self-medication, to allay anxiety, but also as a form of rebellion against authority, and at times as a statement of allegiance to chosen leaders or martyrs. Going back to Anna Freud. I quote, "Their moods veer between lighthearted optimism and the blackest pessimism." Here we can understand how drugs may be used as a form of slow destruction or sudden suicide.

In 1958 Anna Freud likened adolescence to mourning over a previously occupied position in the family. She talks of "the urgency of their needs and their intolerance for frustration." "The height of elation or depth of despair, the quickly rising enthusiasm, the utter hopelessness, the burning or at other times sterile, intellectual, and philosophical preoccupations, the yearning for freedom, the sense of loneliness, the feeling of oppression by the parents, the impotent rages or active hate directed against the adult world, the erotic crushes whether homosexually or heterosexually directed—the suicidal phantasies." These are some of the states of mood and perception that the adolescent may attempt to correct or prolong by the use of the various drugs. He may crave the hallucinogens or psychedelic experience which will give him some relief from pain, some euphoria, some detachment from a hostile and understanding world. At other times, these drugs give a sense of belonging, of understanding, of communion, and of meaning. Some of these are valid, some are delusional, of course.

Erickson (1950) commented on the need that the adolescent has for final establishment of an ego identity. He said, "In their search for a new sense of continuity and sameness, adolescents have to refight many of the battles of early years, even though to do so they must artificially appoint perfectly well-meaning people to play the role of adversaries and they are ever ready to install lasting idols and ideals as guardians of a final identity. Erickson's words have become especially pertinent now. Present adolescent behavior, whether just simply delinquent or drug abusing, is a good illustration of what Erickson talks about. One meaning of drug abuse, as well as dress and hairstyle, is to form a sense of group identity, a sense of belonging; but also to reject parents and parental standards as well as to provoke a punitive response. This need to provoke, to argue, to destroy, to ridicule, and generally to "bug" the older generation brings the question frequently asked by adolescents, "If you have legalized alcohol, why don't you legalize marijuana?" It can be easily seen that this sort of question is not posed to be resolved but to continue the conflict; both the young and the old fall into the trap of using this senseless argument in order to "clobber" each other over the head.

To survive and remain sane in the face of external pressures and eruption from within, the adolescent must use a vast variety of defense mechanisms, some of which have been well established and some of which have become available more recently, namely drugs. Instead of gradual detachment from parents. They attempt to leave them suddenly and altogether. They may seek out parent substitutes or leaders or may form passionate new ties to members of the opposite or their own sex.

Here again, escaping to drugs aids this type of defense. The user may achieve either actual or delusional feeling of closeness or belonging. He may also identify with charismatic and messianic figures such as Timothy Leary; these figures, in every case, will be as unlike the drug user's parents as possible. Love for parents changes into hate, dependency into revolt, respect and admiration to contempt and derision. All this is done in order to ease the separation. Others may show ideas of grandeur or suffering which may assume Christ-like propositions with corresponding phantasies of saving the world (Freud. 1953).

This defense again can be closely linked with drug abuse, especially drugs of the psychedelic type. These drugs aid in the dissolution of ego defenses and give rise to depersonalization, derealization and oceanic feelings with transcendental or mystical experiences. Some adolescents, at the beginning of the psychotic state, are to some extent aware of threatening disintegration and are profoundly anxious about it. They may use drugs as a form of self-medication or as an unconscious or even conscious suicidal attempt. The conflict areas of the adolescent are: coping with aggressive feelings, adult sexuality, dependency-independency issues, and identity diffusion.

The adolescent defenses tend to be brittle and a whole host of auxiliary defense mechanisms have to be brought into action. The adolescent may be tempted to use drugs in order to deny or mortify his impulses. Here, the powerful drugs of addiction as well as hallucinogens may be used. Heroin is a drive suppressant, modifying primarily sexual and aggressive feelings as well as thirst and hunger. Prone to use heroin will be those who are already in physical and psychic pain and those who tend to cope with problems by withdrawal and oblivion. Some of the psychedelic users are good evidence for the use of these drugs in order to control aggression and deny hostility.

If we listen very carefully to what they say, they will claim that these drugs make them more at peace with themselves more at peace with the world, more tolerant, more understanding of the other man's point of view. These are the "flower children" and the "love is all children" who insist that the way to solve problems of modern materialist oriented, war addicted society is to withdraw into communes, return to the uncomplicated life and organic foods, and to share all possessions. They may live in communes which are closely knit incestuous communities devoted to peace.

Some provide aggression in the surrounding community. Occasionally this massive denial of hostility may fail and allegedly one or more members of the commune will break out and commit some bizarre murder in the community. For some individuals prolonged use of strong psychedelics produces profound attitudes of passivity and dependence. Many of them may see it as a result of insight gain, but in many cases, it is obvious to the psychiatrist that the picture is that of profound regression, precipitated by the drug use and maintained by normal stress of life.

If in college or at work, this person may become a "drop-out." He will rationalize his action by claiming that work is uninteresting or that his study is irrelevant. Privately, he will admit that he has difficulties in concentration and in relating to other people. He may also begin to have sleep difficulties and hypochondriacal concerns.

THE NEED FOR AND FEAR OF ISOLATION

Winnicott, speaking on adolescence in London in 1962, said, "The adolescent is essentially an isolate . . . in his respect, the adolescent is repeating an essential phase of infancy."

The hallucinogens or psychedelics may be used in order to deny isolation or produce an illusion of sharing and communion with others. For many it may be a valid interpretation and experience. But for the prepsychotic, or the already anxious adolescent, the feeling of unity with others is illusory and transient and he may be tempted to repeat again and again the drug experience in order to recapture the feeling which escapes him as soon as the drug action is terminated. If he should progress to the hard narcotics and become addicted, he may have achieved profound regression and, in Winnicott's view (1953), the drug may be used as a transitional object.

Savitt, in 1963, gave an excellent description of the addict: "The addict is unable to experience love and gratification through the usual channels of incorporation and introjection. Because of the inability to tolerate delay, he seeks an emergency measure which by-passes the oral route of incorporation in favor of a more primitive one, the intravenous channel."

Psychiatrists, psychologists, and sociologists have for a long time been trying to determine a personality pattern which would be common to all drug abusers. There are some basic differences between addictions and psychological habituation, even though we insist on lumping all of these together now as drug dependence. The diagnostic and statistical manual of mental disorders treats drug dependence as a personality disorder: "characterized by deeply ingrained, maladaptive patterns of behavior that are perceptibly different in quality from psychotic and neurotic symptoms. Generally, these are lifelong patterns, often recognizable by the time of adolescence or earlier."

Fenichel (1948) classified drug addiction with the impulse neurosis. They show "the need to get something that is not merely sexual satisfaction, but also security and assurance of self-assertion and as such essential to the person's very existence." He further said, "Persons of this kind react to stimulation differently from others. They are intolerant of tension, they cannot endure pain, frustration, situations of waiting." And, he added, "All other strivings become gradually more and more replaced by the pharmatoxic longing. Interests in reality gradually disappear, except those having to do with procuring the drug. In the end, all of reality may come to reside in the hypodermic needle." The sexual symbolism of the repeated penetrations by injection is obvious; as one addict mentioned to James Mathis (1970), "You know Doc, the addict screws himself."

Ewing (1967), writing on non-narcotic addictive agents, says, "Often the patient can be characterized as a passive-aggressive personality, passive dependent type. A history of weak or absent father and an indulgent, but rejecting, mother is common. A tendency to be manipulative of others is often observed as the patient seeks gratification from the environment."

Wikler (1970) expresses the importance of primary reenforcement in conditioning leading to drug abuse: "Thus, alcohol, barbiturates, and minor tranquilizers may be used to release inhibitions; narcotics to reduce aggression as well as hunger, pain, fatigue, sexual desire, and fantasy; and amphetamines to reduce hunger, fatigue, and depression. Hallucinogens may be used to intensify fantasy."

Blachy (1970) considers drug abuse as a seductive behavior and says, "Seductive behaviors have the following qualities: (1) The victim actively partcipates in his own victimization; (2) Negativism (he knows the danger but does it anyway); (3) Short term gain; (4) Long term penalty." Among seductive behaviors he includes drug abuse, sex deivations, truancy, rape, robbery, smoking, rioting, gambling, alcoholism, and divorce. Persons engaged in one seduction are likely to be involved in others. He points out that different persons have different seductive thresholds. There are also different seductive thresholds for each individual during different stages of life. Risk is increased during *traumatic periods* in which are included adolescence, marriage, job loss, menopause, retirement, and debility. When speaking of adolescence, there are also periods of greater danger of exposure to seduction. These are parental divorce, move to a new neighborhood, loss of school satisfaction, persuasion by peer consultants, and the release from jail.

Maurer (1970) speaking about students and drugs, says, the drug user feels, "The society has not provided me with the emotional competence to cope wtih the world without the chemical." He further says, "It indeed is a society in which the pursuit of escape by chemical and other means is a well entrenched value." He documents it by saying that in 1968, Americans spent 794 million dollars in amusement parks, 30 billion dollars on vacations, 14.4 billion dollars on alcohol, and 420 million dollars on headache remedies. They smoked 500 billion cigarettes, and tranquilizers, were the most prescribed drugs in 1968.

CONCLUSION

The history of drug abuse is as long as history. While all drugs are being abused, this paper has attempted only to elucidate some of the psychological reasons why the western adolescent might be attracted to excessive drug use or experimentation. There has grown in the past 8 years a great interest in drugs which produce an altered state of consciousness. It is the opinion of this writer that the adolescent years may be the worst years to experiment with the strong hallucinogens like LSD, mescaline, or psilocybin. The adolescent is already under enormouse pressure, both from within and without, and any drug which further loosens ego defenses may produce flooding with little opportunity for integration. Early drug experimentation is usually haphazard and involves numerous drugs at the same time. There is some evidence that different individuals, may eventually become dependent on a drug or a combination of drugs which particularly suits individual psychological needs. Wieder and Kaplan (1964) try to document this in their article "Drug Use in Adolescence. Psychodynamic Meaning and Pharmacogenic Effect." Another complicating factor in our society is the extent to which adolescence is being prolonged, especially through the educational system. Peter Blos (1962) says, "The term prolonged adolescence as used here refers to a static perservation in the adolescent position which under normal circumstances is of a transitory nature. A maturational phase which is intended to be left behind after it has accomplished its task becomes a way of life."

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A TRIBUTE TO LYNDON B. JOHNSON

HON. CLEMENT J. ZABLOCKI

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, March 12, 1973

Mr. ZABLOCKI. Mr. President, the recent passing of former President Lyndon B. Johnson was a tragic loss shared by all Americans. President Johnson was truly a formidable leader—a dynamic, vigorous, and forthright leader of men.

President Johnson came to the Presidency under conditions he did not desire or enjoy. Therefore as the first southern President in over 100 years he transcended the politics of regionalism and sought first what was best for the people of our Nation. Under his great leadership and with the cooperation of Congress he reaffirmed the strength and vitality of the American people and the stability of our political system. Certainly one of the high points of his public career was his "we shall overcome" speech on civil rights delivered to a joint session of Congress in 1964. It electrified the audience and gave a dramatic emphasis to Johnson's own commitment to civil rights—a commitment which had been previously questioned because of his southern background.

From my experience in Congress, President Johnson was one of the most easily accessible Presidents for Members of Congress to see and consult with. I recall an occasion during the early 1960's in which Johnson, then still the Vice President, was planning an appearance at a dinner in Milwaukee. In preparation for the event, he called together the entire Wisconsin delegation for our advice and counsel. After he had spoken his piece about what the visit was to accomplish he went around the table and asked each person to his views on the upcoming event. This episode epitomized his "let us reason together" approach and his reliance on local advice and counsel in his efforts to serve the people. On difficult and controversial matters he summoned congressional leaders usually on a bipartisan basis to consult and "reason together."

President Johnson firmly believed in the American dream—justice and equality for all Americans. In his quest to fulfill that dream, he launched the Great Society. Instead of progress and harmony at home, however, President Johnson was faced with seemingly irreconcilable division at home and a war in Asia. In an attempt to avert the growing division at home and to bring about an end to our involvement in Asia, President Johnson voluntarily declined to run for the Presidency in a final and courageous effort to bring our Nation together again.

At the time of his untimely passing, our Nation is still divided and responsible and effective leadership is still lacking although peace apparently seems to be at hand. It is a real pity that he was not able to hear the official ending of the war which brought him so much personal anguish and grief.

No President in modern times has assumed office under more unenviable conditions, nor has a President given so much of himself in spirit and in body to solve our Nation's problems. I am sure that the American people and history will remember Lyndon Johnson as one of our greatest leaders.

Mrs. Zablocki joins me in expressing our deepest sympathies to Mrs. Johnson and the family.

FALSE ENTRIES IN NAVY RECORDS?

HON. LES ASPIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, March 12, 1973

Mr. ASPIN. Mr. Speaker, the Criminal Division of the Department of Justice is currently investigating the possibility of false entries in Navy records in connection with the overspending of more than $100 million in personnel funds. The Justice Department is investigating whether Navy officials, who are responsible for spending $110 million more than authorized by Congress for personnel expenses, are engaged in a massive coverup, including possibly making false entries in official records.

Apparently, once the Navy officials discovered that they were overspending in 1969, nothing was done to correct the situation and eventually the officials tried to cover up the whole affair. Members of my staff have discussed this matter with the Justice Department officials who confirm the ongoing investigation and the alleged coverup by Navy officials.

Mr. Speaker, neither the Navy nor the Congress can condone or tolerate book juggling and the making of false entries. It is a Federal criminal offense to falsify any official document or record. Penalties for conviction range from 5 to 10 years in prison and $5,000 to $10,000 in fines.

Last January the Congress was provided with a complete report of the overspending by the Navy. In the report were statements by two civilian employees that included acknowledgments that they had authorized adjustments in Navy records. While they deny any wrongdoing in connection with the practice and said superiors and peers had approved it, their action raises serious questions. The Justice Department must fully investigate whether employees of the Department of the Navy willfully falsified official records in violation of criminal statutes.

Mr. Speaker, I have also learned that a preliminary audit of presonnel accounts submitted to the Secretary of Defense on December 15, 1972, show a "possible" overspending of approximately $100 million in the Army's personnel accounts.

An Army official has confirmed that the interim audit did show possible overobligation.

The only difference between the Army and Navy overspending seems to be that once it was clear that extra money was needed, the Army increased its budgetary request while the Navy continued the practice and eventually tried to cover it up.

The Army plans to submit a final audit of possible overspending on March 31. All of the military services were ordered last August 11 to perform special audits of past year personnel accounts to determine if overspending had occurred.

In view of the possibility of overspending in the Army, I have asked the General Accounting Office to completely review and investigate the Army's report of possible overspending. We must make sure that the Army's overspending has been stopped and corrective action taken.

The GAO was already investigating overspending in the Navy and I understand is presently preparing a draft report.

In this year of impoundments, it is imperative that Congress should gain the upper hand in fiscal management. It is intolerable for any department or agency to spend more than they are appropriated by Congress.

My letter to Comptroller General Staats follows:

MARCH 12, 1973.

Hon. ELMER B. STAATS,
Comptroller General of the United States,
Washington, D.C.

DEAR MR. STAATS: I am writing to you today to request that your office review a final audit of possible over-obligations in the Department of the Army which will be submitted to the Secretary of Defense March 31, 1973.

Specifically, I hope that the GAO will consider the following questions:

Does the Army audit adequately reflect the true extent, if any, of the over-obligations in Army accounts in recent years?

Does the Army report name officials responsible for the over-expenditures?

What was, by account and year, the over-obligation, if any, in the Army?

Does the GAO consider the Army's audit adequate and reflective of standard auditing principles?

If your staff has any additional questions, I hope that they will not hesitate to contact a member of my staff, Mr. Bill Broydrick.

Thank you very much for your cooperation in this matter.

Sincerely,

LES ASPIN,
Member of Congress.

MOORHEAD BILL ALLOWS FULL RECEIPT OF 20 PERCENT SOCIAL SECURITY INCREASE

HON. WILLIAM S. MOORHEAD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 12, 1973

Mr. MOORHEAD of Pennsylvania. Mr. Speaker, today I am introducing legislation to allow social security recipients to enjoy the full 20-percent increase we passed last year.

I am sure that few of us realized, when we voted this needed boost in 1972, that the benefit increase would cause a corresponding cut in other types of assistance, including: Veterans' pensions, food stamps, medicaid, public housing, and more.

This legislation, which has been introduced by others, directs States to disregard the 1972 increase when determining eligibility for other types of aid.

I know each of us has received hundreds of letters from elderly constituents who are confused and angry over what appears to be giving with one hand while we snatch away the other.

I hope the Ways and Means Committee will give a full hearing to this and other bills on the subject.

AN IMPORTANT AGRICULTURAL ACHIEVEMENT

HON. JAMES R. JONES

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 12, 1973

Mr. JONES of Oklahoma. Mr. Speaker, I would like to call the attention of the House to an important, perhaps revolutionary, scientific development that occurred recently. Two wheat scientists, Ben Gerrish and Dr. G. V. Rao, have completed research that has resulted in fractionalizing the whole wheat kernel. A recent article in the Tulsa World hailed this achievement and pointed out the uses that can be made of this discovery.

The article is as follows:

[From the Tulsa (Okla.) World, Feb. 20, 1973]

WHEAT SAVANTS REPORT IMPORTANT DISCOVERIES

(By Gus McCaslin)

HUTCHINSON, Kans.—Scientists were jubilant here Monday when Far-Mar-Co, described as the world's largest grain cooperative, announced discoveries the firm says can revolutionize the wheat industry.

Dr. Wayne E. Henry, director of Far-Mar-Co research and development, said the cooperative's wheat scientists have "fractionalized the whole wheat kernel."

This means the wheat berry has been separated into its component parts—starch, gluten, bran and germ.

The work was done by two Far-Mar-Co scientists—Ben Gerrish and Dr. G. V. Rao, protein chemist from India.

The scientists said the results of this scientific breakthrough can mean thousands of products for consumers.

Uses of these wheat components range from the production of oils and greases, vitamin E, cold cream, building materials, papers, plastics and film.

The research was begun two years ago through a $113,900 grant from the Kansas Wheat Commission. Far-Mar-Co added about $225,000 to the research project.

A $700,000 pilot plant with a 1,000-pound-an-hour wheat-use capacity is planned. Henry said the plant should be in operation here this year.

E. L. Hatcher, Lamar, Colo., wheat farmer and head of the National Wheat Institute, said the NWI has approved a $500,000 grant for Far-Mar-Co wheat research.

Henry said wheat broken into its component parts is worth at least $4.03 a bushel.

This is good news for wheat growers perpetually burdened with surpluses which depress prices to near production costs.

Far-Mar-Co is owned by 700 local cooperatives in 2,200 communities. These local cooperatives are owned by 300,000 farmers in eight states including Oklahoma.

ADDRESS OF GEORGE LEBER, MINISTER OF DEFENSE, THE FEDERAL REPUBLIC OF GERMANY

HON. JOHN BRADEMAS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 12, 1973

Mr. BRADEMAS. Mr. Speaker, last month, in Munich, Germany, I participated, together with our distinguished colleagues, Senator JOHN TOWER of Texas and Representative SAM STRATTON of New York, in a conference on defense problems that affect the United States and other member nations of the North Atlantic Treaty Organization.

The meeting was known as the Tenth Annual International Wehrkunde-Encounter.

Delegates to the conference included defense officials of several European nations as well as academic experts on security affairs, and journalists.

During the conference, Mr. George Leber, the able Minister of Defense of the Federal Republic of Germany, presented an illuminating address on "The Relationship of Western Europe With the U.S.A. and the Soviet Union".

Because I believe Mr. Leber's address to have been a most significant one, I insert it at this point in the RECORD:

THE RELATIONSHIP OF WESTERN EUROPE WITH THE USA AND THE SOVIET UNION

(By Georg Leber)

Anyone who is aware of the scope of the subject encompassed by the title "The relationship of Western Europe with the USA and the Soviet Union" will soon realize that there are no easy answers to the fundamental questions which arise in this context.

1. A glance at the map shows that Western Europe is at the same time the strategically important transatlantic beachhead of the United States and a narrow marginal zone on the double continent of Eurasia with favourable climatic, geological, and traffic conditions. For more reasons than one, this marginal zone is of interest to the Soviet Union the dominant power on this double continent and the strategic rival of the United States. It is understandable, therefore, that Western Europe tries to secure its independence from an ideologically expansive, if for the moment power-politically static, Soviet Union by leaning towards the United States. For varied, good reasons the confidence of the Western European nations in their ability to preserve their independence alone and without outside help, is limited.

U.S. OCCUPIES ARTICLE POSITION

2. The military force balance is analogous to the geopolitical conditions: In the nuclear-strategic field, Western Europe, with its national French and British nuclear capabilities, plays only a minor role. All West European efforts notwithstanding, the regional force ratio in Europe can be maintained in a relative state of balance only by the strategic commitment of the United States and a substantial military U.S. presence in Europe. This is true especially in the Central Region and in the Mediterranean. An adequate capability for deterrence, crisis management, and certain forms of defence must be kept in constant readiness through the concerted efforts of the European and transatlantic allies. This is as true today as it was yesterday, and as it will be tomorrow.

SEPARATE STATES WEAKEN EUROPEAN ROLE

3. Politically, Western Europe's situation is, if anything, even less favourable than are its military and geographical conditions: There is no consolidated West European state or even confederation of states or federal states. The aggregate of the political interests of the West European states is looked after more or less in the classical form of nation-state politics, among each other as well as vis-a-vis third countries, especially the United States and the Soviet Union. This diminishes the European's ability to fix common political goals and it diminishes even more the prospects of achieving them. Often, the ability to act in unison is paralysed by internal European differences. This is of special importance to the foreign, security, and defence policies of Western Europe. A greater measure of commonality was achieved, although with difficulty, in the economic and monetary areas, because the European Communities provided a framework for it. The enlargement of the European Communities has raised many hopes which will have to be fulfilled. We are aware of the need to facilitate, in a West European framework, joint political decision-making by the heads of government, by governments and parliaments; but the way in which this goal can be achieved is still in the dark. Nobody fails to see the difficulties involved.

4. The position and the problems of Western Europe in the relationship between the two world powers are determined not only by the state of Western Europe but also by the relationship between the two world powers, and by the place Western Europe occupies on the weighting scales of each of these two world powers.

IDEOLOGICAL DIFFERENCES STILL PREVAIL

The decades since World War II have been characterized by the tense relationship between the world powers. Every regional conflict into which these powers interposed themselves or into which they were drawn, bore the risk of escalating into a world-wide conflagration, or of being settled without regard to the interests of the countries immediately concerned. The early decision by the United States after World War II to help Europe back on its feet and thus to escape from the political and economic grip of the Soviet Union has probably saved us from suffering the same fate as Korea and Indochina. The development of a force balance adequate to the political objectives of the West, i.e. deterrence, crisis management and defence, the development of a strong economy in Western Europe and the continuation of a close political alliance between the United States and Western Europe, in which again and again joint interests were defined, through compromise, has had the effect that today the use of military force between East and West appears to have ceased to be a suitable means of realizing political objectives in Europe. Ultimatums, threats and pressures have not produced for the Soviet Union lasting successes outside the Warsaw Pact. We must not delude ourselves, however, that the rivalry between the world powers and the struggle between Communist ideology and the liberal democratic way of life has thus been ended. While this rivalry is now limited in its choice of means, it is not limited in its objectives.

If the military force balance is given less attention than it deserves, the number of means to be used in this competitive struggle may again increase. If the North Atlantic Alliance breaks up, the same is to be expected. The maintenance of the force ratio and the normalization of political relations between East and West limit the means available in the continuous struggle for the shaping of Europe and the relations between the world powers. The normalization of relations with the Soviet Union and the countries of Eastern Europe, however, cannot be allowed to go beyond the point where we cease to be able to maintain the full cohesion of the Western Alliance. The rivalry between Western Europe and Eastern Europe find its limits at the vital requirement for the maintenance of peace, which stands or falls with the solidarity of the Alliance. In practical terms, this means that the United States could not follow an adamant course towards the Soviet Union against the will of Western Europe. Equally unconceivably, could the Western Europe allies, collectively or individually, embark on or sustain such a course against the will of the United States. The preservation of an adequate force ratio and a step-by-step normalization of relations between East and West are equally essential prerequisites for a continued identity of United States and Western Europe interests and for the assertion of these interests. Both factors ensure the freedom of Western Europe and the parity of the United States with the Soviet Union.

PERSPECTIVES OF THE ALLIANCE AND EAST-WEST RELATIONS

1. The Alliance and the East-West relationship have entered a new phase of development. As far as the United States is concerned, the developments in both areas reflect the policy of the Nixon doctrine. The United States' partnership with its closer allies, especially the West European nations and Japan, and its willingness to talk with its opponent determine the course of U.S. foreign policy. From this it follows that the freedom of Western Europe depends on the identity of interests between the United States and its West European allies and a gradual normalization of the relations between East and West, though there is certainly no reason to expect that this would or, indeed, could do away with the rivalry between the power centres and ideologies.

Let us take a somewhat closer look at the situation in the Western Alliance: In view of their economic strength the United States and Western Europe could be equal pillars of an Atlantic Alliance. But because of the embryonic state of political union in Western Europe this equality is a purely numerical one and does not exist in terms of political influence. In the United States numerical comparisons have given rise to political and economic expectations which Western Europe is unable to meet. In Europe the potential of the American economy as depicted in statistical figures has led to a call for a fundamental change in U.S. economic policy. Finding a common basis will be a difficult task, one that may be even more difficult in the future than it has been in the past. There is no prospect of a new international trade and monetary system for the 80s and 90s to replace the present system (IMF, GATT) which has got out of hand, nor is there any indication of a political will to establish such a system. Finally, it should be realized that sustained differences between the United States and Western Europe over trade and monetary policy would have adverse effects on their cooperation in the fields of foreign and security policy.

SUBSTANTIAL U.S. PRESENCE NECESSARY

2. The security of Western Europe, however, will, regardless of the nuclear parity between the United States and the Soviet Union, continue to depend on the strategic nuclear deterrent of the United States and a substantial U.S. military presence in Europe. This is true although Western Europe's financial and military contribution to Alliance defence exceeds that of the United States—a fact the public on either side of the Atlantic is largely unaware of. Here again the discrepancy between the actual figures and military and political utility is obvious.

WITHOUT INTERNAL UNITY, EUROPE MAY LOSE UNITED STATES

After a long period of peace in Europe the readiness to do what is necessary to maintain the balance of power is declining in both sides of the Atlantic. Proposals are put forward which pretend to be aiming at a functionally oriented division of effort and a more equitable sharing of the defence burden while actually the idea is to shift part of one's own burden to somebody else's shoulders. Following these proposals would inevitably hamper the cooperation in the Alliance. The same is true of the effects of France's withdrawal from the integrated military organization. Criticism of the form of government in one member country or another or even open dissociation from the policies of major allies are a strain on the cohesion of the Alliance. Such controversies are incompatible with the necessary solidarity among the allies. They lead to alienation and diminish the effectiveness of the Alliance, thus jeopardizing the continued preservation of the peace and weakening the position of both the United States and Western Europe vis-à-vis the Soviet Union. They carry the risk of Western Europe losing its influence on, and its weight and importance as a factor in, U.S. foreign and security policy. They may help to bring about a situation in which the United States may find it wise to seek security agreements with the Soviet Union to reduce the security risk in its relationship with the other superpower. Developments of this kind were bound to arouse mistrust between the allies. In the long run the importance of Western Europe as a factor in U.S. strategic thinking would be lessened. Tendencies and views of this sort are all the more dangerous as Soviet predominance in the Warsaw Pact prevents similar developments on the other side. Signs of erosion in the Atlantic Alliance would certainly encourage the Soviet Union to step up its efforts at gaining greater influence in Western Europe and the progress towards European unity would be put in jeopardy. It seems as though the members of NATO, and in particular the general public in the member countries, are not always fully aware of this danger.

SALT SUCCESS INDICATES NORMALIZATION

3. The SALT II, CSCE and MBFR negotiation projects mark a new phase in the process of normalization in the relationship between East and West which has its roots in the NATO doctrine of defense *and* détente (Harmel Report of 1967). The beginning normalization of relations between the United States and China on the one hand and the United States and the Soviet Union on the other has furthered this process just as have the results of the Ostpolitik of the German Federal Government. Ostpolitik has been a deliberate attempt to put our relations with the Soviet Union and the other East European countries, especially the GOR, which we do not regard as a foreign country, on a new footing so that we may come from a relationship of orderly coexistence to one of positive cooperation without abandoning the right of self-determination of the German people. The three negotiation projects—SALT, CSCE and MBFR—do involve dangers and risks, but they also hold out chances.

Given the numerical superiority of Soviet capabilities in the strategic nuclear field, the existing balance might be upset if the Soviet Union succeeded in catching up with the United States in qualitative terms. On the other hand, the freezing of the parity may have created a basis for a more stable balance between the two super-powers which is unaffected by the concern about the other's superiority.

As regards the Conference on Security and Cooperation in Europe, a consolidation of the Soviet rule in Eastern Central Europe might be the only concrete result. The Conference also offers a chance of identifying common economic and cultural interests and possibly common security interests as well, provided the progress towards West European unity will not be impeded. The most critical issue here is no doubt that of a freer movement of people and information across national borders—a central element of the Western concept of human dignity. That this Conference has also brought to light divergencies of interest between the Soviet Union and the East European nations will hardly have come as a surprise to any of us, though we should not expect to derive any great advantage from this. The MBFR talks might result in a reduction of the "adequate force ratio" to a level no longer sufficient to support the NATO strategy of flexible response. But there is also a chance that, while undiminished security for both sides is ensured, the immediately combat ready forces may be reduced in strength in a balanced manner.

DETENTE MUST BE VIEWED WITH CAUTION

The most immediate danger, however, lies in the tendency of Western democracies to take the results of such negotiations or, indeed, even the mere fact that negotiations are taking place, as evidence that the power political conflict of interest between East and West has been settled. Their will to assert themselves in the face of Communist ideology and military threats and political pressure might begin to flag and sooner or later they might even fail to recognize threats to their freedom and independence. Our foremost task is to seize our chances while not losing sight of the risks and dangers involved.

CONCLUSIONS FOR WESTERN EUROPE

From these international and security policy aspects, some important conclusions do emerge. Realizing them is a particularly difficult task at a time when expectations regarding results from détente are running high.

First. The demands by the individual citizen of his state and his society are nowadays rather often out of proportion to his own readiness to shoulder burdens and duties for the common good. This is especially true of the defence effort. As I see it, convincing the people of our nations that military defence preparedness is a prerequisite of peace and détente and that repelling of the Communist ideology remains the precondition for maintaining our freedom is the major task we are facing today.

Second. In the relations between the United States of America and the Soviet Union, Western Europe has a special role. Western Europe can achieve its own goals, its independence from a foreign will, the free evolution of the forces of its own society, and its political union only in an alliance with the United States. Irrespective of all current problems, we have to uphold our conviction that Western Europe cannot unite against but only in an alliance with the United States.

Third. The inclusion of Western Europe in the strategic nuclear protection by the United States will remain of paramount importance to the United States as long as it has an interest in maintaining a stable peaceful order in Europe.

Fourth. East-West negotiations on relevant questions of security policy, be it in the nuclear strategic or in the conventional field, restricted to a region contribute to reducing the security risks while the East-West rivalry continues. East-West agreements designed to normalize relations are oriented towards the same objective. Both efforts can be undertaken only if there is a sound Western political and military alliance.

Fifth. As desirable as the political union of Western Europe is, as small are the prospects of having in the foreseeable future, a West European defense union which would be, in the Western Alliance, a pillar equal to the United States. On no account would it be able to replace the military presence of the United States in Europe and the deterrence of the U.S. strategic nuclear capability.

Sixth. The armed forces of all Western allies are all caught in an enormous cost squeeze. It is particularly strong in the field of operating cost, with the result that funds are diverted from new investments, which in turn leads to obsolescence in military hardware. The armed forces must, therefore, be so structured that it will be possible to maintain within the framework of the economic and technological conditions of our nations and economic systems adequate forces which are immediately or at very short notice ready and fully available. All technological and geographical possibilities must be exploited for their maintenances. The concepts of the fifties for the armed forces structures will no longer suffice today. If we were to adhere to the old concepts, we certainly would be heading for a substantial decrease of combat effectiveness. With a certain time lag, a similar situation may arise in the future also for the Soviet Union and the East European nations. Since the political and economic systems are not comparable, it is not possible to say anything definite in this matter today.

Seventh. The trends in the Western Alliance force the European partners gradually to eliminate, within the framework of this Alliance, the duplication of effort in their defence capabilities. The instruments for this are harmonization of operational doctrines, common development, procurement, logistic support and maintenance of equipment, common training systems and, not least, a distribution of military roles which have to be fulfilled to accomplish the overall mission.

Eighth. European cooperation augments the military and perhaps also the politico-military effectiveness of the European defence efforts and makes it easier to continue the presence of American troops in Europe. It is true that the United States has a strategic interest in Western Europe. If the U.S. should not pursue this interest, the ensuing consequences for the United States and Europe would differ: the U.S. might be tempted to restore the balance with the Soviet Union in some other way whereas Western Europe in its entity would be exposed to pressure from the Euro-Asian Soviet Union without being able to put up a sufficient counterweight. This in turn would inevitably affect the position of the United States as a world power.

Ninth. The Federal Republic of Germany today makes a significant military contribution to our common Alliance. It will continue to do so. It will change the structure of its armed forces in order to overcome the weaknesses which in the present structure affect their combat effectiveness to an evergrowing degree. But the armed forces of the Federal Republic can accomplish their political task and their military missions only in very close association with the military units of our allies which would not be ensured by just the classical form of coalition.

Tenth. For the next few years very much is at stake for the partners in the alliance. Our decision-making must be guided by our major goals which have a direct bearing on our political existence and not by current events. It would be a good thing if independent personalities would be appointed by the governments to form a commission to translate or try to translate our common goals into common tasks and programmes. They should make suggestions, worked out jointly without bias, whose realization would meet a political challenge of our time in promoting the peace.

ALFREDO V BONFIL

HON. E de la GARZA

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, March 12, 1973

Mr. DE LA GARZA. Mr. Speaker, my colleagues of the House of Representatives and my colleagues who were members of the United States-Mexico Interparliamentary Conference of last year—

I have recently received word of the tragic death of our friend and colleague, Alfredo V Bonfil. Diputado Bonfil and others met their death in an airplane crash near the city of Vera Cruz on January 28, 1973.

We remember Diputado Bonfil as the leader of the House delegation from Mexico at our last conference. We remember him as one of the bright young stars in the Mexican horizon. We remember him as an energetic, untiring representative of the best interests of his country—firm and dedicated—yet always friendly and courteous.

It is always sad when one so young does—it is sadder still when one with so much promise for the future leaves us.

We share this great loss with the Government of Mexico; with the people of Mexico; with the people of Queretaro; with his wife, Yolanda Ojeda de Bonfil; and with his son, Juan Ramon.

We share our sincere sympathy with all of them and I would ask you, Mr. Speaker, and my colleagues in the Chamber, to join me in extending our sincere condolences to the Government and people of Mexico and to the members of the Bonfil family.

As a final tribute to this departed friend and colleague, we are reminded of the following from Julius Caesar:

> His life was gentle, and the elements so mixed in him that nature might stand up and say to all the world, "This was a man."

AN INEQUITY THAT NEEDS CORRECTING

HON. O. C. FISHER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, March 12, 1973

Mr. FISHER. Mr. Speaker, for years an inequity has existed between computation of retired pay for a commissioned officer and an enlisted member. The commissioned officer may under certain conditions count his service in the National Guard or Reserve component when computing his retired pay. An enlisted member cannot.

On February 28 I introduced H.R. 4941, a bill to amend title 10, United States Code, to permit certain enlisted members to add their Reserve time in computing their retired pay.

This bill is designed to correct the peculiarity in the law I have referred to. Commitments in the National Guard or Reserves are the same for a commissioned officer as for an enlisted member. Both are subject to almost identical requirements and both have been recalled or subject to recall to active duty during World War II, Korea, and Vietnam.

Both have served their Nation well, and have gone on to committing themselves to a career in the military. But upon retiring, we find the law allows the commissioned officer to include National Guard and/or Reserve time in computing retired pay, while the enlisted member must forgo this privilege.

The Non-Commissioned Officers Association of the United States of America—NCOA—composed in excess of 110,000 noncommissioned and petty officers of the Army, Marine Corps, Navy, Air Force, and Coast Guard; active, retired, National Guardsmen, reservists, and veterans; has respectfully requested for years that its Government correct this inequity.

Gladdened by the recent recommendation of the House Special Subcommittee on Retired-Pay Revisions report of December 29, 1973—H.A.S.C. 92–80—to correct ths inequity, I take this opportunity to invite my colleagues to support this legislation. It is the least we can do to thank those career noncommissioned and petty officers, so appropriately hailed as "the backbone of our military services," who remained in the National Guard and the Reserves to eventually return to active duty and serve their country honorably for 20 or more years.

M–X: THE MISSILE SYSTEM FOR THE YEAR 2000

HON. ROBERT H. MOLLOHAN

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 12, 1973

Mr. MOLLOHAN. Mr. Speaker, the intercontinental ballistic missile is of central importance to this country's ability to deter nuclear war. Only inadequate attention has been paid to the problem of how and in what direction the ICBM should grow in the decades ahead. Lt. Gen. Otto J Glasser, the Air Force's Deputy Chief of Staff for Research and Development, was interviewed by Air Force magazine on this subject and the resultant article which appeared in the publication's March issue goes a long way toward summarizing the range of options which are open to us:

M–X: The Missile System for the Year 2000

(By Edgar Ulsamer, senior editor, Air Force magazine)

The apocalyptic image of nuclear war forces those who get paid for preventing it to assume the worst about the other side's strengths and their own side's weaknesses.

This fact of life is at the root of preliminary Air Force studies of future strategic weapon systems that eventually might augment or even replace the present family of Minuteman and Titan ICBMs.

Equally compelling is the recognition that no weapon system lasts forever and that, therefore, all possible approaches underlying the concept and design of follow-on systems should be examined. The Air Force is doing just that as part of an unhurried but comprehensive analysis of what such a future system should look like.

The tentative name of the exploratory effort is M-X, for "Missile system X," Lt. Gen. Otto J. Glasser, USAF's Deputy Chief of Staff for Research and Development, told Air Force Magazine that there is no timetable for completing these studies because "it isn't at all clear that we can reasonably credit the Soviets with any near-term capability that could wipe out our ICBM force as a strategic entity.

"It is an arrant overestimation to say that Minuteman is vulnerable, if 'vulnerable' means it is wiped out *in toto*. When we talk about future vulnerability of Minuteman, we think, in a statistical sense, of the number of missiles that might be lost to a concentrated wave of attacking enemy missiles. Everything that can be reasonably extrapolated from present Soviet capabilities confirms that no matter how we set the scenario, a sufficient number of Minuteman missiles can be expected to survive to carry out the system's assigned assured-destruction role."

This does not mean that an even more survivable system will not be needed at some future date.

"The obvious way to ameliorate future vulnerabilities of ICBM systems is to change from fixed hardened sites to mobile basing. It is equally obvious to most Air Force planners that there is nothing more mobile than an aircraft, and that no mobile system shows greater operational and cost-effective advantages than an air-mobile strategic system," according to General Glasser.

If, in the past, mobile systems have not been emphasized, he told Air Force Magazine, "then we must attribute this to the only defect in Air Force thinking that we might be guilty of—our concern about cost and, therefore, the desire to incrementally and inexpensively improve what we already have, rather than to go after brand-new, completely innovative systems such as the Navy's Trident program."

ADVANTAGES OF AN AIR-MOBILE SYSTEM

The Air Force, of course, has been aware for some time of the broad range of advantages peculiar to an air-mobile system. Among them, General Glasser pointed out, is a vast increase in survivability because "such a system can be scrambled on even the faintest warning, yet stay on alert at almost no additional expense over extended periods." An added benefit of the system's mobility, he added, is "that we think we can squeeze a very impressive weapon system into a rather small package because so much of the range [that the weapon must cover] can be accommodated by the carrier itself."

Studies of air-mobile systems and how they could be configured and operated have been going on for years. Initially, some experts doubted that such a system could achieve required accuracy. But advances in guidance technology have brought about a change in outlook.

"While I am not suggesting that solving the guidance problem is a piece of cake, there now are many competent scientists in this country who are convinced that they know exactly how to do the guidance job reliably and efficiently," General Glasser pointed out. Two factors are considered critical to the accuracy of any mobile system—the ability to update the navigational system (calibrating the system by taking position fixes) and the time lag between the precise moment when bearings are taken and when this information is translated into navigational corrections.

The guidance and navigation system can be updated by taking either stellar or navigation satellite fixes. Of these two techniques, General Glasser suggested that "stellar updating is more probable because there is no reason for inducting the additional inaccuracies that could come from a satellite system. The only problem is that the system needs clear air so that it can carry forward [all navigational information from the outset of the missile's flight and from subsequent position fixes] to its destination with a high degree of precision."

Time lag does not pose significant problems if sophisticated digital computers are used. "Not only can we update very quickly with advanced computers, but we also keep track of what is happening to the missile between the microsecond-long observations on a dead reckoning basis by either Doppler or inertial means. We know that this is possible because many of our current weapon systems are predicated on this technique," General Glasser pointed out.

While Air Force and Department of Defense planners appear to be moving toward the conclusion that the Air Force's next ballistic missile system should be mobile, and most likely air-mobile, no decisions have been made on whether it would augment the present ICBMs or replace some or all of them. Stressing that these latter decisions are largely outside the purview of the Air Force because of SALT and for other reasons. General Glasser pointed out that from the military point of view "replacement is, of course, not the ideal way.

"The Soviets seem to recognize this because they haven't thrown anything away that they have ever built [in terms of strategic systems]. All our calculations lead to the conclusion that the most cost-effective way to achieve strategic deterrence is through proliferation [of the weapon systems, or aim points, that an aggressor must destroy in order to be sure that his victim will not be correct, then the best option, in case we decide to build an air-mobile system, would be to use it to augment the already existing force. Other factors, of course, might preclude this."

Many different concepts can be used in designing an air-mobile ballistic missile system. "The trade offs in terms of cost against reaction time are quite interesting, but have not been defined sufficiently to support any specific recommendations. Obviously, we will have to run more trade-off studies to pinpoint the approach that offers the greatest efficacy," General Glasser said.

The key to an air-mobile system's efficacy is the ability to launch from outside the enemy's detection range in order to preclude identification and attack with a high degree of reliability," General Glasser said. The ability to evade detection and attack can be obtained in different ways and to different degrees. "We can postulate, for instance, that we want a carrier that doesn't do much more than lift the missiles off the ground and circle around North America. This provides the system, in effect, with zero reaction time. Our missile carrier is up there ready to launch at any time," he explained.

Conversely, there is considerable merit in an air-mobile system that uses the carrier aircraft to transport its ballistic missiles reasonably close to the target area. The difference between these two approaches is considerable, in terms of cost as well as reaction time.

"The costliest way to transport payloads is by rocket power, and, as a result, the price extracted for the immediate reaction capability of the system that operates on a fully intercontinental basis is far greater than the one that transports its missiles for an extra 2,000 miles or so by the more economical jet power," General Glasser pointed out. The reaction time of the system that delivers its missile to the launch area at jet speeds is, of course, correspondingly longer than that of the long-legged system.

Still another fundamental operational aspect will affect the design of an air-mobile system: the question of whether or not a certain fraction of such a force should be airborne all the time. "Our studies to date show that it is very possible to have the entire force on the ground and yet be able to survive a surprise attack in sufficient quantity to maintain the system's lethality. But this fact notwithstanding, we found—and so reported to [senior Department of Defense officials]—that even if we postulate the need for airborne alert, such a system would still stay well within the bounds of reasonable systems costs," he added.

Because no conclusions have yet been reached as to how and where a future air-mobile system might be used, the actual configuration of the launching aircraft, as well as of the missile itself, cannot be predicted.

On the other hand, the present state of US technology in terms of nuclear yield and guidance accuracy makes it safe to predict that an air-mobile system can be built that is at once "an excellent weapon system and can be kept at very reasonable cost levels," General Glasser asserted.

TERMINAL GUIDANCE POTENTIAL

While terminal guidance has special appeal in the case of mobile systems, its attractiveness extends to all ballistic missiles. A number of variable and imponderable factors—such as atmospheric conditions over the target and geodetic uncertainties—establish what is in fact an attainable upper limit of ballistic missile accuracy. But this barrier can be eliminated by such techniques as terrain matching or map matching whereby the ballistic reentry vehicle (RV) guides itself to its target with the help of a computer and aerodynamic controls. The question is, however, whether such a capability, which obviously doesn't come cheap, is worth the price. Obviously, in the case of targets which are already within the lethal range of unguided RVs, terminal guidance would be superfluous. The degree of hardness of a given target combined with the warhead's yield and the accuracy of its delivery determine the lethal zone of the nuclear weapon. Accuracy is expressed in CEP, or circular error probability.

While the CEP of US ICBMs cannot be revealed, it already denotes high accuracy, but can be improved even further without resorting to terminal guidance. But this may not be good enough to guarantee a reliable damage-limitation capability involving very hard targets, such as new Soviet missile silos and command and control centers. Terminal guidance, therefore, might make sense if, as General Glasser put it, "we can justify it in terms of economics. Our studies have not yet progressed sufficiently to bring this out. What is clear, however, is that there exists a potential to incorporate terminal guidance into ballistic missiles."

Terminal guidance of ballistic missiles requires different techniques than those underlying electro-optically guided bombs or missiles. "These tactical systems rely on a lock-on, which is being provided through human intervention. Terminal guidance of a ballistic missile requires another technological leap forward. We will have to be able in fact, to tell the missile, 'When you get to the target area, you will recognize the target by such and such characteristics which you will ascertain with either your visual or radar sensors, through either terrain matching or map matching.' There is no question about the technological feasibility of such a system, but there are many unanswered questions about its cost and practicality," according to General Glasser.

Another technique to provide ballistic missiles with extremely high precision, General Glasser pointed out, is through the use of satellite-based guidance or target designation. Techniques of this type appear to be well within existing technological capabilities but would, of course, also lend to significant cost increases.

LAND-MOBILE SYSTEMS

Although most of the experts concerned with future strategic systems now favor air-mobility, the land-mobile concept has not been abandoned. In the past, some defense experts have expressed fears that a land-mobile system could become unduly vulnerable if exposed to a surprise attack by submarine-launched ballistic missiles with a depressed trajectory (*see "Soviet Development," p. 64*). General Glasser rejected this argument, saying that detailed assessments of the potential effect of such a capability on survivability of the USAF bomber fleet show "that it would cause us some pain by reducing the basin area but would not provide the attacker with an insuperable advantage. The same condition obtains, of course, with regard to those land-mobile ballistic missile systems that are moved on warning to various launch sites from one central storage point."

Land-mobile schemes that show promise, depending on whether cost or survivability has top priority, fall into the following broad categories, according to General Glasser:

An off-road mobile system that constantly "wanders around the countryside," and whose exact location is extremely difficult to pinpoint by a would-be attacker;

A "shell-game" system consisting of many more shelters than missiles, with the missiles being moved periodically from and to different shelters so that a potential aggressor would not know which were empty at a given time. This approach requires life-support and housekeeping facilities at all shelters and is, therefore, costly;

A so-called garage system arranged in the form of a wheel. A housekeeping and missile storage center is located at the hub and a certain number (thirteen is often seen as operationally and economically most effective) of "garages" arrayed around it. The missile and its launch crew rush out from the central housekeeping facility to one of the garages as soon as warning is received. Again, the attacker is kept guessing as to which shelter the defender will launch from. This is the least costly system because the individual launch sites includes no life-support facilities.

Any of these approaches appear feasible and may use either trucks, tracked vehicles, or ground effects machines (GEM) to transport the missiles.

THE QUESTION OF DAMAGE LIMITATION

A lingering and politically sensitive question associated with the design of future ballistic systems and the incremental improvement of the existing Minuteman system involves damage-limitation capabilities. In the lexicon of nuclear war gaming, damage limitation means the ability to successfully attack the missile forces held in reserve by the other side, after the enemy has launched a first strike involving most but not all of his missiles. The objective is, of course, to prevent further attacks, hence the term damage limitation.

In a practical sense, damage limitations requires the ability to attack the enemy's missiles and command centers in their hardened sites in order to prevent him from further aggression against the defender's surviving civilian population. This presupposes a combination of high accuracy and high warhead yield, with the former relatively more important. The United States currently does not posses a reliable damage-limitation capability, mainly because in a qualitative sense it is the same as a first-strike capability, and the United States historically has shunned a first strike posture. But a new consideration was hinted at when President Nixon, in his report to the Congress on "U.S. Foreign Policy for the 1970s," rejected the indiscriminate mass destruction of enemy civilians as the sole possible response and requested instead ". . . that we have the forces and procedures that provide us with the alternatives appropriate to the nature and level of the provocation." This would seem to include damage limitation.

In addition, unemotional analyses of the two capabilities show that one is not synonymous with the other. The hard-target kill capability required for damage limitation is a function of missile accuracy and warhead yield in relation to the hardness of the target. A first-strike capability is all of these qualities *plus* large quantities and variety of both offensive and defensive weapons as well as associated strategy and tactics.

General Glasser expressed the opinion that "the ability to limit damage can well be seen as a form of additional deterrence and as a means to further discourage the other side from nuclear brinkmanship. I would think that the American people will want to have the ability to limit nuclear damage to the United States." For the time being, damage limitation appears to be possible only through ICBM's, the sea-launched missile lacking the accuracy to attack hardened targets and the bomber, under most conditions, requiring too much time to reach them.

Any decision to provide the Air Force's ICBM force with a full damage-limitation capability rests, of course, with the White House and the National Security Council. **SALT I contains no prohibition against the** development of such a capability.

THE SURVIVABILITY OF MINUTEMAN

"If we consider the hardness of our silos, present Soviet capabilities in guidance technology, and the inherent growth potential of our ICBM force, Minuteman must be considered a completely satisfactory, enduring capability. If we add reasonable conjecture about the growth of Soviet capabilities—and we have done this—prudence dictates that we undertake precautionary steps. This is the reason behind our new UGS [upgrade silo] system, which gives us a dramatic increase in survivability at a modest cost of about $1 million per silo," General Glasser emphasized.

The existing 1,000 Minuteman silos are scattered over six bases covering several states. The underground steel and concrete structures are separated from each other by an average of five nautical miles to prevent more than one being destroyed by a single warhead. The silos themselves are unmanned and controlled locally from underground, hardened launch control centers (LCCs). There are five LCCs in each Minuteman squadron and each LCC normally controls ten Minuteman silos. Each LCC is linked to all of the fifty missiles in the squadron to provide emergency control. In addition, the entire Minuteman force can be launched remotely, from SAC's Airborne Command Post.

Because of the hardening and the redundant, netted command and control system, the problem of a successful attack against the entire force, even assuming that US national policy might require the ICBMs to ride out the full attack rather than to launch in retaliation when the first enemy missile strikes, "appears insurmountable from the Soviet point of view," General Glasser said. "The problem has many facets, including command and control, timing, penetration of dust and debris clouds, accuracy, and yield, and it is staggering," he added.

An enemy who wants to destroy the US ICBM force—without regard to this nation's strategic bomber and nuclear submarine forces—must attack an efficiently hardened, dispersed force. And he has to attack all of them within a very short time. This time element is crucial. If it is too short many of the attacking missiles will be destroyed by "fratricide," blown off course, or rendered ineffective in some other way. If the interval is too long, the enemy invites a retaliatory launch.

Recent Air Force calculations indicate that "the task of laying on a precise attack with high confidence of success may be as difficult, or more difficult, than solving the ASW [anti-submarine warfare] problem." Because of their high penetration capability, their multiple, highly accurate warheads, and their high readiness (more than ninety-eight percent can be launched at any given moment), even a small number of surviving Minuteman missiles can inflict unacceptable damage on an aggressor.

In this era of mounting cost concern, Minuteman's most attractive virtue may be the fact that it provides more than sixty-five percent of Triad forces on alert, at an annual operating cost about one-third that of the SLBM (sub-launched ballistic missile) force and about one-fourth that of the bomber force.

COMMAND DATA BUFFER

An important new capability is being added to the Minuteman force through the Command Data Buffer system. Heretofore, each missile was programmed for a very limited number of targets. To change the targets in the missile's computer, a new targeting tape had to be produced at SAC headquarters, and a SAC retargeting team had to go to the silo and insert the new information in the missile's computer—a time-consuming and highly cumbersome process, especially during or following a nuclear attack. The Command Data Buffer will provide the ICBM force with a "remote retargeting capability that operates with the speed of light," General Glasser explained.

Scheduled to cover eventually all 550 Minuteman IIIs (out of a total of 1,054 Minuteman and Titan missiles), Command Data Buffer links the Minuteman III launch control center to the individual silos through an electronic system that is secure, hardened against electromagnetic pulse (EMP), blast, and shock, and operable on the minimum amounts of power that can be expected to be available during and after a nuclear attack. The advantages of the new system are numerous and varied, ranging from reduced operating costs to increased operational flexibility, including instant responsiveness to changes in the potential threats as well as in national policies that govern the use of the offensive strategic forces.

"The efficiency of the entire ICBM force is enhanced a priori, and the value of the surviving force vastly increased by Command Data Buffer," General Glasser pointed out. In terms of specific operational advantage, Command Data Buffer, he said, "implies, at least potentially, the capability to reconstitute the force (after) a nuclear first strike and the ability to retarget with the aid of an attack assessment system. Simply stated, this means we will be able to survey what's left of our own force and to retarget and reassign with the speed of light. As the planners revise SIOP (Single Integrated Operations Plan) on a continuous basis, they will be able to modify the targeting of the force to match these changes in SIOP." (Command Data Buffer does not entail any change in the redundant, highly hardened command and control system of the ICBM force, but functions only as a special communications link for the transmission of targeting information.)

Combined with steady and significant increases in the ability to provide unambiguous warning of impeding attacks on the United States through complementary and redundant optical and electromagnetic sensors, improving accuracies, and far greater silo hardening, Command Data Buffer will help ensure what General Glasser termed "the enduring, completely satisfactory" nature of the Minuteman system, the mainstay of U.S. strategic deterrence.

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 12, 1973

Mr. SCHERLE. Mr. Speaker, for more than 3 years, I have reminded my colleagues daily of the plight of our prisoners of war. Now, for most of us, the war is over. Yet despite the cease-fire agreement's provisions for the release of all prisoners, fewer than 600 of the more than 1,900 men who were lost while on active duty in Southeast Asia have been identified by the enemy as alive and captive. The remaining 1,220 men are still missing in action.

A child asks: "Where is daddy?" A mother asks: "How is my son?" A wife wonders: "Is my husband alive or dead?" How long?

Until those men are accounted for, their families will continue to undergo the special suffering reserved for the relatives of those who simply disappear without a trace, the living lost, the dead with graves unmarked. For their families, peace brings no respite from frustration, anixety and uncertainty. Some can look forward to a whole lifetime shadowed by grief.

We must make every effort to alleviate their anguish by redoubling our search for the missing servicemen. Of the incalculable debt owed to them and their families, we can at least pay that minimum. Until I am satisfied, therefore, that we are meeting our obligation, I will continue to ask, "How long?"

DEDICATION OF THE MUNICIPAL ACTIVITY CENTER IN GARDENA, CALIF.

Hon. Yvonne Brathwaite Burke

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 12, 1973

Mrs. BURKE of California. Mr. Speaker, I would like to submit the following article from the South Bay Los Angeles Times regarding the dedication of the municipal activity center in Gardena, Calif., and commend the citizens who worked so hard to make this center a reality.

The building of the municipal activity center is a fine example of what a community can do with the assistance of its community leaders. Mayor Ken Nakaoka of Gardena and other civic leaders have done an excellent job raising funds to lease the building; youths of various racial background have contributed much labor and money; contractors and businessmen donated building supplies as well as labor. This joint effort on the part of the community serves as an outstanding tribute to the creative accomplishments produced by dynamic concerned citizens and public leaders.

The article follows:

[From the South Bay Los Angeles Times, Jan 21, 1973]

GARDENA YOUTHS TO HOLD FESTIVAL

GARDENA.—A festival beginning at noon today will raise money so that 40 young persons in this community can help 250 older persons to enjoy their leisure years.

Miss Karen Chomori, spokesman for the Gardena Pioneer Project, said the city's senior citizen programs are fine for those who speak English. But Gardena has one of the highest concentrations of persons of Oriental ancestry in the United States and many of the older ones are first generation American and don't readily communicate with those outside the eastern culture.

"The Isseis (first generation) have their own particular problems in addition to the usual problems of all older persons," said Miss Chomori. "So the young Japanese-Americans in the community have formed a club to help."

Today's festival has a goal of $12,000 which the young Japanese-Americans hope to raise at 2000 W. 162nd St. where two bands, assorted booths and Japanese food will be available to the general public.

Miss Chomori said the money will keep the Japanese Cultural Center at 15350 S. Western Ave. open so Isseis can stop by for hours of Go, a favorite "war" board game more complex than chess.

IDEAS SHARED

And it'll pay for the center's offering the services of a bilingual social worker every Friday afternoon who can untangle Social Security and Medicare and medical problems.

There's a group of Issei women meetings every Sunday afternoon at the center for handcraft workshops where they share ideas and make clothing, ornaments and flowers.

And the center turns into a meeting place where the older ones are met by the youth for trips to theaters, to potluck dinners, to convalescent homes where they visit their friends.

Miss Chomori said Pioneer Project members have driven busloads of Isseis to the county's various gardens, to the Queen Mary and to such projects as the Nisei VFW's annual carnival.

"All senior citizens have the problem of transportation," said Miss Chomori. "Many of our grandparents didn't learn to drive at all, so they are doubly dependent on us. It's important for all people to be with others of the same age and background.

"So the Gardena Pioneers are working overtime to see that our senior citizens have a place where they really can enjoy themselves."

PHILADELPHIA BAR AND HEW REGULATIONS

HON. JOSHUA EILBERG

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 12, 1973

Mr. EILBERG. Mr. Speaker, I have recently received a copy of a policy resolution of the Philadelphia Bar Association from Joseph N. Bongiovanni, Jr., chancellor of that organization. The Philadelphia Bar has taken a strong position in opposition to the proposed social services regulations of the Department of Health, Education, and Welfare. It especially takes exception to the administration's plans to drastically curtail the operations of Community Legal Services, Inc., in Philadelphia.

I am inserting Chancellor Bongiovanni's letter and the accompanying resolution of the Philadelphia Bar Association in the RECORD and recommend its consideration to our colleagues:

PHILADELPHIA BAR ASSOCIATION,
Philadelphia, Pa., March 5, 1973.

Hon. JOSHUA EILBERG,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN EILBERG: Enclosed you will find a Resolution which was passed unanimously on February 27, 1973 by our Association. We urge you to act to oppose the adoption of proposed HEW regulations (Fed. Register, Vol. 38, No. 32, February 16, 1973) which exclude legal services as an optional social service to be provided by the States. Elimination of legal services under HEW would drastically affect Community Legal Services, Inc. (CLS) of Philadelphia.

One third of the CLS program in Philadelphia is funded by the Pennsylvania Department of Public Welfare which applies its own funds and contributions from local foundations as matching funds for HEW money. Eighteen lawyers are able to work in the area of domestic, consumer, employment, health and welfare, education and housing law serving over 10,000 people at a total cost of $490,000.

Pennsylvania is one of only five states that has opted to provide legal services with HEW funds since 1968. Of the $4 million spent nationally by HEW on legal services, $2.8 million is spent in Pennsylvania.

It is our understanding that HEW strongly encouraged utilizing social service funds for the development of legal services in the past. Acting in reliance on federal urging Pennsylvania has become the leading state in the provision of legal service. To deactivate these programs at this time when the present crisis in OEO legal services funding exists would seriously affect thousands of persons in our City and State.

If the states are to have a greater role in deciding for themselves the mix of services best able to meet the needs of their citizens and if a ceiling is already placed on the funds available from HEW, the intent of the regulations can only be construed as an effort to deny access to the law by the poor.

Community Legal Services, Inc. is essential to the system of justice in Philadelphia. A recent Evaluation by the State of Pennsylvania concluded:

"CLS, its special project funded by DPW and particularly the employment section are entitled to both praise and congratulations. They qualify on the basis of efficiency of operation, quality of service, possibility of immense payoff and support by the client community as among the strongest programs I have seen. They deserve the support of DPW because of the direct benefits which will and do presently inure to DPW and its clients—and even more basically, for the reason that CLS and the projects contribute to even more basic notions of humanity. In the final analysis it is this role that promises to clients the achievement of that to which, by any standard, they are entitled."

We urge you to ensure that legal services is included as either a specifically mentioned optional service or that they will be allowed under a general category in the final regulations that are adopted.

Your prompt attention to this matter will be greatly appreciated.

Very truly yours,
JOSEPH N. BONGIOVANNI, Jr.,
Chancellor.

RESOLUTION

Whereas, Proposed regulations have been promulgated by the U.S. Department of Health, Education and Welfare which would eliminate legal services as an optional social service to be provided by the states to welfare recipients and which would eliminate the use of private contributions to the state as matching funds for federal participation and which would restrict client eligibility for these services;

Whereas, The state of Pennsylvania is one of only five states which has opted to utilize private state and federal funds for the provision of legal services;

Whereas, In Philadelphia one-third of the provision of professional legal services is dependent upon funding under this program whereby services to over 10,000 persons are provided;

Whereas, The Philadelphia Bar Association sponsors and supports the provision of full and adequate legal services to the poor;

Now, therefore, it is resolved that:

The Secretary of Health, Education and Welfare adopt regulations which:

(a) include legal services as an optional service to be provided by states under Social and Rehabilitation services;

(b) allow private contributions to the states to be utilized as matching funds for federal participation in these programs;

(c) maintain present levels of eligibility for these services.

CITIES CAN SOLVE OWN PROBLEMS

HON. WILLIAM H. HUDNUT III

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 12, 1973

Mr. HUDNUT. Mr. Speaker, as a citizen of Indianapolis I am very proud of my city. Like all large cities, we have our problems, but Indianapolis is a unique and wonderful place to live, work and raise a family. In my opinion, much credit is due our Mayor, the Honorable Richard Lugar, and his administration, for steering our city in the right direction and providing solutions to many of the problems that plague other cities in our country.

Recently Mayor Lugar spoke to the Champaign, Ill., Chamber of Commerce and my good friend, our minority whip, the distinguished gentleman from Illinois (Mr. ARENDS) brought an article from the Champaign News Gazette concerning the Mayor's appearance to my attention.

In his usual articulate and eloquent way, Mayor Lugar has carried his message about how problems can be solved more effectively by local officials in city halls rather than relying on the Federal Government to act in Washington. I feel that all of my colleagues as well as readers of the CONGRESSIONAL RECORD would be interested in this article and I would like to share it with them:

CITIES CAN SOLVE OWN PROBLEMS

(By Ed Borman)

Mayor Richard Lugar of Indianapolis came to Champaign Wednesday night to contend that local officials in city halls can solve problems more effectively than federal bureaucrats in Washington.

The 40-year-old mayor, who won reelection as a Republican after consolidating city and county government in Indianapolis, hammered away at the theme in a news conference and in a speech at the annual meeting of the Champaign Chamber of Commerce.

His objective was support for President Nixon in the controversy that is building up over the President's proposal to end "categorical" grants for specific programs administered by federal agencies and make money available—through revenue sharing—for local communities to attack their own problems under their own leadership.

Mayor Lugar made his point to Chamber of Commerce members this way:

"The good things that were supposed to occur in housing, education, health care, and in minority rights simply have not occurred in most places under the programs of the past.

"There is a world of difference between rhetoric and a delivery system that will do the job. Delivery in the American governmental system comes at the local level.

"Congressmen do not arrest burglars, put out fires, treat patients in hospitals, or teach children in classrooms. They are policy makers on what national standards should be.

"To deceive themselves and others that policy decisions will necessarily deliver results is a cruel deception.

"What we are attempting to say is that whether or not local officials were up to the job in the past, and honest men may differ on that, unless they are up to it now, and unless they are given the wherewithal and authority to do it, the good things that many Americans would like to see—in life style, standards of living and environment—probably will not occur at all."

He emphasized that, under President Nixon's proposal, cities such as Champaign would receive money for such things as job training, education, and community development. Authority and responsibility for spending the money would be in the hands of mayors, city councils, and other local officials.

At the local level, people can make changes. Officials are responsive to those who can criticize. They have to meet them face to face. They have to produce results that are creditable and are not dependent on the whims of Congress, changes in national administration, or the ebbs and flows of public opinion," he declared.

The goal, he insisted, is "the greatest possible latitude for people to determine their own destiny at the local level."

Mayor Lugar emphasized that President Nixon "has not called for a major cut in the federal budget." The "din," he said, is over how the money will be distributed and who will have authority for spending it.

"More money is going to be spent in the coming year than was spent last year. Sizable increases are provided for Medicaid, scholarships, Social Security. This is a fairly ample budget and a substantially greater one than before," he said.

Controversy over the budget is based on programs that heretofore have been administered through the Office of Economic Opportunity, the Model Cities organization, and the Department of Housing and Urban Development.

"These programs are being wound up and pulled together into the Community Development Revenue Sharing bill, in which priorities will be determined at the local level by locally elected officials," he said.

He declared, "I am convinced that, after the Special Revenue Sharing legislation is passed, our city and most cities will receive more money than we are receiving now in the various categorical grants."

Revenue sharing and categorical grants are "the difference between night and day," Lugar declared.

"As opposed to having very narrowly defined categorical programs with very tight strings on what we can do, we will have very broad grants—for health or housing or manpower training—that our community can use with the greatest effectiveness.

"This is a rebirth of governmental responsibility. Scholars may ask if local officials are up to this—if there is the expertise in city hall that is found in the federal bureaucracy. This is the guts question," he said.

His message to the Chamber of Commerce is that, if local authority is to produce results, the "first team" of community leaders will have to be put to work in city hall.

Lugar has been referred to as President Nixon's "favorite mayor." His position is directly opposite that of many Democratic mayors.

He told newsmen, "I suspect a large number of Democratic mayors are engaged in political brinksmanship. They have taken an adversary position, hoping that in strident and sometimes shrill voices they might push the President one way or another. I don't think they will."

The big test of the Nixon policy will come in congress on the Community Development Revenue Sharing bill, Lugar observed:

"The Community Development Revenue Sharing bill was introduced in the last session of Congress. It did not make a lot of headway.

"Both friends and critics of the President have indicated that one of the reasons he has adopted his current strategy on the budget is to bring attention toward winding up categorical grants and pulling them together in revenue sharing. He has certainly gained attention. I am hopeful he will gain support."

SOME STRAIGHT TALK ABOUT SELECTIVE SERVICE

HON. SPARK M. MATSUNAGA

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Monday, March 12, 1973

Mr. MATSUNAGA. Mr. Speaker, the President's power to induct young men into military service will expire, for the most part, on July 1, 1973. Yet present plans of the administration call for the Selective Service System to continue operations virtually unaffected.

I believe that there are pressing reasons why that should not be permitted by the Congress, and I have therefore introduced legislation, House Joint Resolution 382, to repeal entirely the Military Selective Service Act. Although I have not circulated a general request, I would welcome cosponsors for this effort.

The National Council to Repeal the Draft—NCRD—a well-known organization with wide membership, has compiled what I believe is an invaluable guide to the basic issues presented by the proposal to dismantle the Selective Service System entirely. In the hope that my colleagues and other readers of the RECORD might have the benefit of the clear exposition of this matter, I include at this point the text of the NCRD pamphlet, "Selective Service Without the Draft?":

SELECTIVE SERVICE WITHOUT THE DRAFT?

WHAT IS THE CURRENT STATUS OF THE DRAFT?

Although the Selective Service System is in full operation, no one is being drafted at the present time, since President Nixon is not using his induction authority. Defense Secretary Laird recently stated that "use of the draft has ended."

DOES THIS MEAN THAT WE HAVE REACHED THE GOAL OF AN ALL-VOLUNTEER ARMED FORCE BEFORE THE JULY 1 TARGET DATE?

Yes. There are no serious problems with enlistments in terms of numbers, mental abilities, or racial mix. We no longer have to depend upon draftees to help meet our manpower needs.

WHAT WILL BE THE STATUS OF THE SELECTIVE SERVICE SYSTEM AFTER JULY 1?

If no new legislation is passed, Selective Service will continue as it has in the past with its draft boards, required registration, lotteries, classifications, and so on. However, since the President's induction authority expires on that date, he may no longer use the system to draft 19-year-olds.

THEN NO ONE CAN BE DRAFTED AFTER JULY 1?

Not quite. The President may still draft registrants who have been deferred in the past and who are under age 35. There are millions of these men and such drafting could go on for the next 15 years even without the induction authority in force.

There is also a section of the law which provides for the induction of young men into a "National Security Training Corps" for six months of basic military training. While this section has never been used, it is spelled out in the law and could be activated easily.

WHAT SELECTIVE SERVICE LEGISLATION, IF ANY, DOES THE ADMINISTRATION PROPOSE?

We do not know. The President had not announced, as of March 1, 1973, whether or not he would request an extension of the induction authority. He also had not said if he planned to modify the functions of the Selective Service System, although he still proposed to spend $55 million on the System in Fiscal 1974.

WHY SHOULD WE SPEND ALL THAT MONEY ON THE SELECTIVE SERVICE SYSTEM IF WE ARE DEPENDING SOLELY ON VOLUNTEERS?

The only possible argument is for insurance purposes in the event that we had to enlarge the Army greatly so that we might participate in a major ground war.

BUT EVEN IN PEACETIME WE COULD HAVE A SHORTAGE OF MEN. SHOULDN'T WE KEEP SELECTIVE SERVICE FOR THAT POSSIBILITY?

Such a shortage is not likely. Improvement in recruiting techniques and military life have led to a significant increase in the quality and quantity of volunteers. In any case, Congress has many options other than reinstating Selective Service. It can adjust manpower levels, recruiting budgets, job categories, enlistment periods, salaries, fringe benefits—as is done by employers everywhere. The use of those controls, not conscription, has been our military tradition for 160 years.

WHAT ABOUT THE INSURANCE ARGUMENT? SHOULDN'T WE KEEP SELECTIVE SERVICE ON STANDBY IN CASE OF WAR?

The assertion that Selective Service provides emergency manpower insurance is misleading. Since draftees take six months to process and train, they are of no immediate value in any emergency situation. Pentagon policy wisely calls for the use of regulars and reservists before draftees in any future war. In addition, we should not overlook the fact that whenever this nation has been clearly threatened, we have had ample volunteers at the outset of hostilities. The use of regulars, reservists, and these early volunteers will provide us the time to create a drafting agency if one is necessary. We activated a draft very rapidly from scratch during World War I and could do it even faster today with modern computerized technology.

WHAT IF THE NATION IS NOT "CLEARLY" THREATENED?

Then we have the Vietnam experience all over again. Our heavy commitment of ground troops was made possible by President Johnson's increasing the draft calls from 7800 a month in December 1964 to 40,200 a month a year later. Hawks and doves alike agree that we never should have gotten involved there without a national consensus. The availability of a drafting mechanism, even in standby form, increases the likelihood that it will be used in response to an international "crisis". A standby draft then may actually increase the chances for yet another undeclared war.

HAVE WE EVER HAD A STANDBY DRAFT BEFORE?

Not exactly. However, the situation was somewhat analogus in 1947–48. The military had gone on an all-volunteer basis after World War II and Selective Service was reduced to an Office of Selective Service Records. The Armed Forces then sabotaged the volunteer concept by raising mental requirements for enlistment, limiting the number of women and black enlistees, replacing civilian employees with military personnel, minimizing recruiting efforts, and increasing minimum terms of enlistment. In response to the manpower shortage which developed, even though it was a small one, President Truman requested the "temporary reenactment" of Selective Service which we still live under today.

WHY SHOULD CONGRESS BE INTERESTED IN REPEAL OF THE SELECTIVE SERVICE ACT?

First, because it should always be interested in eliminating wasteful programs. Second, because of the many pressing social needs which could use the money saved. For instance, the $55 million gained by ending Selective Service could provide 100 million school lunches, 3000 low-cost homes, or annual salaries for 5500 policemen. Third, Congress should repeal the draft in order to regain from the President its constitutional power to "raise armies" and declare war. Sections of the draft law which do not expire—such as inducting previously deferred registrants—clearly erode Congressional power.

WHY SHOULD THE DEFENSE DEPARTMENT BE INTERESTED IN REPEAL?

Top-level civilian and military leaders are committed to the volunteer concept. Many of them realize that the unpopular draft is coupled with the unpopular war, and that the best interests of the country will be served by the elimination of Selective Service. Any residue of the draft hurts their attempts to build the all-volunteer force because many middle-level Pentagon people are not in sympathy with the volunteer approach. Life was much easier for these middle-level officials when draft calls could be issued to cover up faulty manpower policies. As long as a standby draft mechanism exists, such individuals cannot be expected to devote their full energies to the changes necessary to insure that services will continue to attract and retain qualified young men and women.

Finally, military leadership at all levels will improve as those in charge realize that the draft is no longer there as a back-up—thus requiring them to lead their troops rather than to simply order them. It has often been said that the military leaders of today do not rate with those of the 1940s. It may not be coincidental that the World War II leaders had to learn their leadership skills in forces manned solely by volunteers.

WHY SHOULD THE PRESIDENT BE INTERESTED IN REPEAL?

For similar reasons. He certainly wants to be sure that the volunteer approach works. As long as the Selective Service Act is a law of the land, he runs the risk that some military people will give up the struggle and request that the draft be reinstituted just as was done in 1948.

Repeal of the Selective Service Act would enable him to keep his pledge of September 11, 1968, to "eliminate Selective Service completely."

The President also has expressed a desire to hold down federal spending. He should welcome the chance to save $55 million by closing down this bureaucratic relic of an earlier age.

WILL DRAFT REPEAL BILLS BE INTRODUCED IN THIS SESSION OF CONGRESS?

Yes, they will. Senator Mark Hatfield of Oregon has introduced a bill in the Senate (S.J. Res. 54) and Representative Spark Matsunaga of Hawaii has introduced H.J. Res. 382 in the House of Representatives.

WHEN SOVIETS PLAY IT IS NOT FUN GAMES

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, March 12, 1973

Mr. DERWINSKI. Mr. Speaker, I must reemphasize my concern that too much wishful thinking is involved in analyses of current United States-U.S.S.R. relations. A column by the noted columnist, John P. Roche, which appeared in the Chicago Today of Wednesday, March 7, 1973, is, I believe, a most objective commentary.

The article follows:

WHEN SOVIETS PLAY IT'S NOT FUN GAME

(By John P. Roche)

"How far is it from 10 a.m. to the Washington Monument?"

That may seem like a strange question, but I sometimes suspect our negotiations with the Soviet Union are conducted in an equally absurd fashion. They are operating on one wavelength, and we on another. But the hook is that we persist in trying to persuade ourselves that the gap is not there, that in reality we are communicating on the same level.

Earlier columns have referred to the debacle at the UNESCO conference last year where an American delegate on the resolutions committee innocently approved a Soviet-sponsored motion on freedom of communications.

Why not? Don't we believe in freedom of communications? Of course we do, but the resolution actually authorized censorship!

At the last minute someone blew the whistle and the American delegation ended up in the small minority opposing this ploy [as we did later when a similar Soviet resolution whizzed thru the United Nations General Assembly].

Now at the preparatory talks in Helsinki for the Conference on Security and Cooperation in Europe [ESC] Moscow has agreed to included on the agenda an item calling for "the expansion of cultural cooperation and contacts between organizations and individuals, and dissemination of information."

Splendid! The U. S. S. R. has backed down from its rigid approach. Doubtless it will stop jamming Radio Liberty, open its borders to those who wish to leave and, in general, relax its strict censorship.

But, comrades, there is a footnote: This Soviet "concession" is carefully hedged. This "expansion of cultural cooperation" and "dissemination of information" can in no way be construed to legitimize "anticulture," which is defined as "false, slanderous propaganda."

When you realize that "false, slanderous propaganda" includes virtually any reference to the realities of the Communist police state, the footnote suddenly assumes somewhat greater magnitude than the original "concession."

Similarly there is a Conference on Mutual and Balanced Force Reductions [MBFR] scheduled for Vienna. Here the Soviet position is predictable: Both sides pull troops out of Europe. We bring our armed forces back 5,000 miles, and they pull their divisions back 500. It has a surface symmetry, but then "How far is it from 10 a. m. to the Washington Monument?"

The point was made most effective in testimony before Sen. Henry Jackson's subcommittee on national security and international operations by William R. Van Cleave, who in 1969–71 was an adviser to the U. S. Strategic Arms Limitation Talks [SALT]. Van Cleave's remarks, originally made last summer but cleared only recently, are directed precisely to the American failure to realize negotiations are a tested Soviet weapons-system. In his words: "The U. S. did not approach [the SALT] talks as a bargaining process or a competitive one; instead we approached SALT as a cooperative process—as one in which both sides perceived the objectives and urgencies similarly."

The Soviets, he continued, "seem clearly to have regarded SALT as another competitive endeavor, where the objective is unilateral advantage and where one can gain at the expense of the other . . . Arms negotiation, like diplomacy and politics, is to the Soviets a means to maximize political or strategic advantage and gain where possible at the expense of the other side . . . The American approach to SALT, accordingly, was primarily analytical and technical, and the Soviet approach primarily political. The U. S. viewed SALT as if it were a scientific-analytical matter. The Soviets regarded it as a political process."

Dr. Van Cleave's testimony is so valuable that one hates to abridge it, but space limitations are such that I can only end by hoping that the President of the United States reads it carefully and briefs his delegates accordingly.

The game in Europe is not being played for matchsticks.

HE LAUNCHED THE ATTACK

HON. JOSEPH M. GAYDOS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 12, 1973

Mr. GAYDOS. Mr. Speaker, Edwin H. Gott has stepped aside as board chairman of United States Steel Corp., having reached the compulsory retirement age, and thus has brought to a close a very significant chapter in the steel industry's history.

When first taking over 4 years ago as the top man in the industry's largest corporation, Mr. Gott faced both a national recession and the problem of growing steel imports.

The first came to an end shortly. But the import problem remains and still has to be met by the industry with the help and understanding of the Government.

Steel imports are climbing simply because, as Mr. Gott said recently, foreign firms enjoy a combination of tax rebates and other Government aids which give them a competitive advantage over our free enterprise producers.

Higher wage rates here, he told business editor Jack Markowitz of the Pittsburgh Post Gazette, could be managed in meeting foreign competition because of our better knowledge and productivity. The trouble, however, is the special consideration given companies overseas by their own governments—considerations aimed, I might add, at allowing them to grab greater and greater shares of the U.S. domestic market.

If work trade were conducted on a more equitable basis, Mr. Gott believes the U.S. steelmaker could best his European and Japanese rivals at every turn.

It is this kind of talk which marks the change in industry policy that came about during Mr. Gott's United States Steel chairmanship. And it is a distinct departure from that "say nothing do not offend the Government" gag which American steel men formerly had imposed upon themselves.

While the United States Workers Union leaders were decrying the rising volume of imports and demanding action to curb them in Washington, steel management generally preferred to remain silent. The idea apparently was to leave the matter to the diplomats. But, as we have seen, the diplomats did little except quibble with their foreign counterparts and draw up flimsy understandings about quotas and cutbacks which were easily circumvented.

Fortunately, led by Mr. Gott, those in the steel executive offices have changed their tune. They have joined the union leadership and others concerned over the matter, including many in Congress, in demanding a fair break from Government for their industry and others struggling against foreign competition and especially in our own country.

It is good today to see steel management and steel labor standing together on a matter of such importance to the economic health of the entire Nation. Mr. Gott deserves the most credit for bringing this about. His statements on the import crisis have done much also to alert the public to industry's needs and to override the pretensions of those who have held sway for far too long with their notions that this country, no matter what others may do, must always subjugate its own interests to some vaunted goal of "one worldism."

MAYOR BLACKWELL

HON. ROBERT F. DRINAN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, March 12, 1973

Mr. DRINAN. Mr. Speaker, on Saturday afternoon, March 10, 1973, I saw at firsthand over a period of almost 4 hours what the abolition of the OEO program would mean to the 130,000 American citizens in my congressional district who have been served over the past 8 years by the Montachusetts Opportunity Council—MOC.

Almost 40 witnesses testified at a hearing conducted by my office with respect to the impact which the Nixon administration's cutbacks would mean to the approximately 29,000 individuals who each year have been served by MOC, one of the finest and most creative antipoverty agencies in Massachusetts.

During the past 7 years MOC has grown from a $17,000 antipoverty unit of limited scope to a $2 million operation with a complex web of relationships with all types of other programs and services designed to assist the elderly, the disadvantaged, the unemployed and the sick.

One of the most compelling conclusions which came to me from the hearing conducted by my office on March 10 was the overwhelming number of volunteers who have participated in countless ways in the implementation of the 20 varied programs administered by MOC. I learned anew, Mr. Speaker, on March 10 that OEO with its community action councils has been reaching out into the community for the past several years and has been involving citizens at every level in the problems of the poor and the disadvantaged.

In the city of Fitchburg, Mass., for example, one fourth of the budget of the Community Action Committee comes from the city of Fitchburg and the United Fund. If the balance of the budget which comes from MOC is cut off the people of Fitchburg will no longer have the Spanish-speaking Center, the Volunteer Corps to administer the food surplus program, the availability of medical transportation to clinics and hospitals for those who are too sick or too poor to travel by themselves and other comparable services which the people of this city have enjoyed because of the Fitchburg multiservice center.

Mr. Speaker I attach herewith a strong and eloquent statement by the Mayor of Fitchburg, the Honorable Carleton Blackwell. His eloquent voice sums up the despair of public officials and private citizens who behold an administration which wants to end the war on poverty.

Mayor Blackwell's statement follows:

Mayor Blackwell

Congressman Robert Drinan: We thank you for joining us today and for bringing our message back to the Congress and the President.

In 1960 there were 39,851,000 people living in poverty in the United States. These figures are as defined by the Government. In 1969 that figure had been reduced to 24,147,000 through the efforts of administrations that were compassionate. In 1969 the figure again began to rise and in late 1971 it stood at 25,559,000. Who would care to comment on where this figure will be in years to come if we allow the cease fire in the war on poverty which is now proposed by the present administration? Will those people join these statistics who have been given hope and promise at our multi-service center on Day street for the past years? Will they be joined by the youngsters whom I have watched at the Water Street and Cleghorn Neighborhood Youth Centers, youngsters who had never had anyone put their hands on them and tell them they were loved until they came to these centers?

I wish that acting director Phillips of O.E.O., who charges that community action grants of federal money have been used to provide "patronage for local cadres of political activists" could have been with us to send off and then visit the hundreds of kids in project summertime who had never before experienced such a thing. Maybe they were the "cadres of political activists". Many of them came from the same neighborhood of which a letter I received yesterday from H.U.D. spoke. The letter said that there will be no land acquisition in connection with a neighborhood development program which we have been working on for a long time, land which would have been used as playgrounds for these same children. We are going to take the head start program away from the smaller ones so there will be no experience margin for them between home and the structured school system. And it looks like we may lose the 75 Turnkey Housing units promised to our housing authority. So where does the family go whose tenement is burned out?

The cities have severe problems, Congressman. What will happen to the cities in the transitional period from now until July 1, 1974? We cannot continue to shift the tax burden from the Federal level to the municipal level, and that is what this impoundment of funds is doing. There are programs which we will have to pick up locally while still paying Federal taxes at the same level. We were told repeatedly that revenue sharing would not replace programs but a H.U.D. document now says "with the increasing availability of general revenue-sharing funds it is expected that States and localities will be able to continue the most promising projects and programs formerly supported by Federal catagorical assistance programs."

I was and am a believer in the concept of revenue-sharing because I believe in home rule, but that was revenue-sharing as we were told it would be. I do not want to lose revenue-sharing but I ask you, Congressman, to do all in your power to maintain the trend of less poverty, not more.

I shall be bringing to the attention of my colleagues additional testimony given at the conference conducted by my office on March 10. I have the hope that other Members of Congress will offer to their constituents the opportunity to speak openly and candidly about their convictions concerning the proposed termination of the war on poverty. I am sure that all of us will discover once again to our dismay that the number of individuals under the poverty line, which in late 1971 stood at 25,559,000 people is now increasing for the first time in almost 15 years.

BARBITURATE ABUSE

HON. WILLIAM LEHMAN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 12, 1973

Mr. LEHMAN. Mr. Speaker, today I am introducing three bills aimed at controlling the flood of amphetamines and barbiturates into illegal markets. These measures were introduced on the Senate side by Mr. BAYH.

Clearly, abuse of these two substances is reaching epidemic proportions. Figures indicate that at least 14 million Americans have abused amphetamines, barbiturates and other prescription drugs which can be obtained legally, as well as on the streets. The National Commission on Marihuana and Drug Abuse reports that between 500,000 and 1 million Americans are barbiturate addicts. What is generally not realized, however, is that barbiturates are addictive much like heroin. But whereas opiates frequently depress violent behavior, barbiturates tend to permit this kind of behavior to be vented.

The problem is that as long as drug manufacturers continue to produce these substances in greater quantities than are needed to meet legitimate needs, then we cannot realistically expect abuse of these substances to decline.

An important point was made by the Bureau of Narcotics and Dangerous Drugs when it testified in May 1972, that—

> Unlike the case of all other major drugs of abuse, it appears that barbiturates are supplied exclusively from what begins as legitimate production.

To date, the Bureau has not uncovered a single working illegal barbiturate laboratory in the country. Diversion of these substances is not uncommon.

The first bill I am introducing amends the Controlled Substances Act by moving amobarbital, pentobarbital, secobarbital and butabarbital from schedule III to schedule II. Schedule II requires that production quotas be established to meet only current medical, scientific, research, and industrial needs.

The second bill amends the Controlled Substances Act to require the identification by manufacturers of each schedule II dosage unit produced. Each manufacturer of solid oral form barbiturates would be required to place identifying marks or symbols on their products in order to facilitate law enforcement efforts to determine the original source of the drugs found illegally diverted.

The third bill provides for the Attorney General to conduct a comprehensive study and analysis of the diversion of controlled substances. Additionally, this bill requires that manufacturers incorporate an inert tracer ingredient in all schedule II and schedule III stimulants and depressants in order to provide assistance in source identification. Lastly, this bill provides for the systematic collection of data relevant to drug diversion, and requires a thorough assessment of law enforcement efforts in this area.

Here follows below a section-by-section analysis of the bills, as well as the text of each:

H.R. —

A bill to amend the Controlled Substances Act to move certain barbiturates from schedule III of such Act to schedule II

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Barbiturate Control Act of 1973."

SEC. 2. Schedule II of section 202(c) of the Controlled Substances Act (Public Law 91–513; 84 Stat. 1250) is amended by adding at the end thereof the following new paragraph:

(d) Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a depressant effect on the central nervous system:

"(1) Amobarbital;
"(2) Pentobarbital;
"(3) Secobarbital;
"(4) Butabarbital.".

Section-by-Section Analysis of the Dangerous Drug Identification Act of 1973

Section 1: This section contains a short title to reflect the amending of the Controlled Substances Act of 1970.

Section 2: This section amends section 305 of the Act making it unlawful to manufacture or distribute solid oral form substances in schedule II, unless each solid oral form dosage unit carries a manufacturer's identification as required by regulation of the Attorney General.

Section 3: This section provides that 305 (e) of this Act shall become effective one year after the date of enactment.

H.R. —

A bill to amend the Controlled Substances Act to require identification by manufacturer of each schedule II dosage unit produced

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Dangerous Drug Identification Act of 1973."

SEC. 2. Section 305 of the Controlled Substances Act (Public Law 91–513; 84 Stat. 1250) is amended by adding at the end thereof the following new paragraph:

"(e) It shall be unlawful to manufacture or distribute solid oral form controlled substances in schedule II, unless each solid oral form dosage unit carries a manufacturer's identification as required by regulation of the Attorney General.".

SEC. 3. Section 305(e) shall become effective on the first day of the twelfth calendar month that begins after the day immediately preceding the date of enactment.

SECTION-BY-SECTION ANALYSIS OF THE DANGEROUS DRUG TRACER AND LAW ENFORCEMENT INFORMATION ACT OF 1973 (S. 985)

Section 1: This section contains a short title to reflect the amending of the Controlled Substances Act of 1970.

Section 2: This section amends section 305 of the Act making it unlawful to manufacture or distribute Schedule II or Schedule III depressant and stimulant substances unless they contain tracer ingredients. It also authorizes the Attorney General to require tracers in other substances as may be necessary.

Section 3: This section amends section 502 of the Act by requiring the Attorney General, after consultation with the Secretary of Health, Education and Welfare and others knowledgeable in the manufacture, distribution and monitoring of controlled substances, to determine appropriate methods for incorporating tracers in depressants and stimulant controlled substances. This amendment of section 502 requires the Attorney General to conduct programs to implement the tracer program; to develop rapid field and laboratory tracer identification techniques; to train local, State and Federal law enforcement personnel regarding the identification of tracer elements and investigation of diversion; and to establish standards to evaluate diversion and tracer control of other controlled substances.

Section 4(a): The subsection amends Part E of the Act by adding two new sections. The new section 504 requires the Attorney General to establish regulations to obtain comprehensive information from State and local law enforcement agencies in order to assess the nature and extent of diversion and the impact of efforts to curb diversion; to establish a uniform system for investigating and reporting the disposition of investigations regarding dangerous drug purchases and orders of an unusual or suspicious nature reported by registrants under the Act; to obtain from State and local law enforcement agencies all currently available information of the diversion of controlled substances, including reports of thefts, seizures and arrests involving such substances; and to obtain information on thefts and shortages of controlled substances within the military supply system and establish regular meetings with the military services regarding diversion of such substances.

The new section 505 requires the Attorney General to submit an annual report to the Congress on the nature and extent of controlled substances diversion; the effectiveness of law enforcement efforts to curb diversion of controlled substances; and the effectiveness of the tracer system.

Section 4(b): This subsection redesignates sections 504 through 516 of the Act.

Section 5(a): This subsection defines "abandon" as a voluntary relinquishment of possession or control of a controlled substance without vesting possession or control in another authorized person.

Section 5(b): This subsection redesignates clauses 12 through 26 of section 102 of the Act.

Section 5(c): This subsection amends section 304(a) of the Act by providing that abandonment or failure to maintain effective controls against diversion or failure to provide a standard of control consistent with the public health or safety are grounds for suspension or revocation of the registration required to manufacture, distribute or dispense controlled substances under the Act.

Section 5(d): This subsection amends section 401(b) of the Act by providing criminal penalties for registrants who abandon controlled substances.

Section 6(a): This subsection provides that all sections except section 305(e) shall become effective upon enactment.

Section 6(b): This subsection provides that section 305(e) of this Act, requiring the incorporation of tracer ingredients in certain controlled substances, shall become effective one year after the date of enactment.

Section 7: This section authorizes such sums as may be necessary to carry out the purpose of this Act for fiscal year 1974 and for each of the following five fiscal years.

H.R. —

A bill to amend the Controlled Substances Act to establish effective controls against diversion of particular controlled substances and to assist law enforcement agencies in the investigation of the diversion of controlled substances into other than legitimate medical, scientific, and industrial channels, by requiring manufacturers to incorporate inert, innocuous tracer elements in all schedule II and III depressant and stimulant substances, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Dangerous Drug Tracer and Law Enforcement Information Act of 1973."

SEC. 2. Section 305 of the Controlled Substances Act (Public Law 91–513; 84 Stat. 1250) is amended by adding at the end thereof the following new paragraph:

"(e)(1) It shall be unlawful to manufacture or distribute schedule II or schedule III depressant and stimulant controlled substances, including immediate precursors, unless such substances contain an inert, innocuous tracer ingredient identifying the manufacturer or manufacturers, as required by regulation of the Attorney General. (2) The Attorney General is authorized to require the incorporation of tracer ingredients in any controlled substance as necessary to maintain effective control against diversion into other than legitimate medical, scientific, and industrial channels."

SEC. 3. Section 502 of the Controlled Substances Act is amended by redesignating paragraph (b), (c), and (d) as paragraphs (c), (d), and (e), respectively, and by adding after (a) the following new paragraph:

"(b) The Attorney General, after consultation with the Secretary of Health, Education, and Welfare and with national organizations representative of persons with knowledge and experience in the manufacture, distribution, and monitoring of controlled substances, shall determine appropriate methods for incorporating tracer ingredients in schedule II and III depressant and stimulate substances in a manner that will facilitate the investigation of the illegal diversion of these substances. To carry out the purposes of section 305(e) and of this section the Attorney General shall conduct research and educational programs. Such programs shall include—

"(1) Studies or special research projects designed to develop and implement a network of tracer elements to be incorporated in schedules II and III depressant and stimulant substances so as to facilitate law enforcement efforts to identify the channels of illegal diversion of these substances.

"(2) Studies or special research projects to develop rapid field and laboratory methods for identifications of the tracer elements and manufacturers of schedule II and III depressant and stimulant substances.

"(3) Training programs for local, State, and Federal law enforcement personnel on the identification of tracer elements and the investigation of diversion of schedule II and III depressant and stimulant substances.

"(4) Studies or special research projects designed to establish standards to evaluate diversion of controlled substances other than depressants and stimulants in schedule II or schedule III and the necessity for incorporating tracer ingredients in such substances pursuant to section 305(e)(2)."

SEC. 4. (a) Part E of the Controlled Substances Act is amended by adding immediately after section 503 thereof the following new sections:

"INFORMATION ON DIVERSION OF DEPRESSANTS AND STIMULANTS

"SEC. 504. In order to meet the need for comprehensive information required to measure the extent of controlled substance diversion and the impact of efforts to curb such diversion the Attorney General shall—

"(1) Establish regulations to obtain from State and local law enforcement agencies information necessary to evaluate the diversion of controlled substances; to assess law enforcement efforts to control such diversion; and to insure that new State and local information systems are consistent with the Attorney General's diversion control efforts.

"(2) Establish a uniform information system for each region that will provide control overall reports of dangerous drug purchases and orders of an unusual or suspicious nature received from registrants and over the disposition of such reports.

"(3) Direct regional offices to obtain from State and local law enforcement agencies available information on the diversion of controlled substances, including reports of thefts, seizures, and arrests involving such substances.

"(4) Obtain information on thefts and shortages of controlled substances within the military supply system and establish a procedure for meeting with appropriate military officials on a regular basis to exchange information on mutual problems concerning the diversion of controlled substances.

"REPORT TO CONGRESS

"SEC. 505. Within one year after the effective date of section 305(e), and annually thereafter, the Attorney General shall submit to the Congress a comprehensive report on the diversion of controlled substances including, but not limited to, the following:

"(1) The nature and extent of controlled substances diversion;

(2) The effectiveness of law enforcement efforts to curb diversion;

"(3) The operation of the tracer system provided for in this Act, and its effectiveness in the investigation and prevention of diversion of controlled substances into illegal channels."

(b) Sections 504 through 516 of part E of such Act are hereby redesignated as sections 506 through 518, respectively.

SEC. 5. (a) Section 102 of the Controlled Substances Act is amended by adding immediately after clause (11) thereof the following new clause:

"(12) The term 'abandon' means to relinquish voluntarily possession or control of a controlled substance without vesting possession or control in another person authorized under this Act to have such possession or control."

(b) Clauses (12) through (26) of section 102 of such Act are hereby redesignated as clauses (13) through (27), respectively.

(c) Section 304(a) of the Controlled Substances Act is amended (1) by striking out "or" after the semicolon in clause (2); (2) by striking out the period at the end of clause (3) and inserting in lieu thereof a semicolon and the word "or"; and (3) by adding after clause (3) the following new clauses:

"(4) has abandoned or otherwise failed to maintain effective controls against the diversion of any controlled substance into other than legitimate medical, scientific, research, or industrial channels; or

"(5) has failed to provide a standard of control consistent with the public health or safety."

(d) That part of section 401(b) of the Controlled Substances Act which precedes paragraph (1)(A) thereof is amended by inserting immediately before the word "shall", a comma and the following: "or any person subject to the requirements of part C who violates subsection (d) of this section,".

(e) Section 401 is amended by adding at the end thereof the following:

"(d) It shall be unlawful for any person who is subject to the requirements of part C of this title to abandon a controlled substance.".

SEC. 6. (a) Except as otherwise provided in this section, all sections in this Act including this section shall become effective upon enactment.

(b) Section 305(e) shall become effective on the first day of the twelfth calendar month that begins after the day immediately preceding the date of enactment.

SEC. 7. There are authorized to be appropriated for the fiscal year ending June 30, 1974, and for each of the next five years, such sums as may be necessary for carrying out this Act.

MORE ACCOMPLISHMENTS OF REGIONAL MEDICAL PROGRAMS

HON. BILL ALEXANDER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 12, 1973

Mr. ALEXANDER. Mr. Speaker, in a speech last week I told my colleagues of the accomplishments of the Arkansas regional medical program thus far and spoke of the need for expanding the health care for our Nation's indigents, elderly, and rural citizens.

Today I would like to share with you some more examples of the effectiveness of this program recently designated for phasing out by the administration. Ms. Shirley Holbrook, the director of nursing services at Community Methodist Hospital in Paragould, wrote me the following letter:

COMMUNITY METHODIST HOSPITAL,
Paragould, Ark., February 9, 1973.

Hon. BILL ALEXANDER,
U.S. Congress, Washington, D.C.

DEAR CONGRESSMAN ALEXANDER: It is important that you know of and understand some of the impact the Regional Medical Programs have had on the delivery of health care services in Eastern Arkansas.

In 1969 our hospital was able to send two registered nurses to a Cardiac Nurse Training Course in Nashville, Tennessee. The course was sponsored by the American College of Cardiology and lasted two months. Their tuition, books, room and board were paid with Regional Medical Program post graduate education grant monies. At that time we did not have a coronary care unit. We did have plans for the construction of such a unit which would open in 1972. Our needs and plans for meeting these needs were similar to other hospitals in the area. As a result of the training of these two registered nurses, our hospital became the base for a regional cardiac course for Northeast Arkansas, Southern Missouri and parts of Tennessee. To date we have certified 110 other nurses through this program. We believe we are making a real contribution to health care, a contribution that could not have been made without Regional Medical Program funding.

In 1971 our hospital became certified as the first hospital-based Home Care Agency in Arkansas. This was achieved through a grant which allowed for our being a pilot project in home care for a five state area. Funding for this project terminates this spring. Community Methodist Hospital will continue the Home Care program because we believe this is needed by our elderly citizens and that we are offering a needed service.

Other services have been rendered, but these two are outstanding from my viewpoint. I do not believe these would have been accomplished without assistance from the Regional Medical Programs.

I would appreciate your considering the good that has been done and, ask that you use your influence to continue appropriations for Regional Medical Program services.

Sincerely,
SHIRLEY HOLBROOK, R.N.,
Director of Nursing Services.

WASHINGTON INSIGHT

HON. JOHN BRADEMAS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 12, 1973

Mr. BRADEMAS. Mr. Speaker, last Friday, March 9, Speaker of the House, the Honorable CARL ALBERT of Oklahoma, and Minority Leader, the Honorable GERALD R. FORD of Michigan, appeared in the first of a series of monthly discussion programs aired on WSJV–TV in Elkhart, Ind.

I had the privilege of moderating the program, "Washington Insight."

Because I am confident all of our colleagues are interested in their views, I insert a transcript of this discussion in the RECORD:

WASHINGTON INSIGHT

This is Washington Insight with Congressman John Brademas.

Mr. BRADEMAS. Welcome to Washington Insight. I'm delighted and honored to have as my guests two distinguished colleagues in the House of Representatives, the Honorable Carl Albert, Speaker of the House from the State of Oklahoma, a Democrat. And the Honorable Gerald Ford, Minority Leader of the House of Representatives, Republican of the State of Michigan.

We meet at a time when the war in Vietnam is ending, when the attention of the nation is turning home and at a time when the role of Congress and our constitutional system is under more discussion than at any point in many years.

Today we're going to talk about these and some of the other questions facing our country. Mr. Speaker, let's begin with you sir. What do you think is the most important issue facing the 93rd Congress this year?

IMPOUNDMENT QUESTION CUTS ACROSS ISSUES

Speaker ALBERT. To single out an issue would be equivalent to saying some other issue is not important, it sort of depends on the plane in which you talk but we have the continuing issue, which I think has been highlighted due to the impoundment of funds by the President, of the historic role between the Administration and the Congress. Where do the powers of the Congress end and where do the powers of the legislature end. It seems to me that that is one of the challenging issues not only of this Congress but of this generation.

Mr. BRADEMAS. Mr. Ford, what do you think is the top issue facing Congress this year?

Mr. FORD. I believe the Speaker has highlighted an issue which cuts across many other issues. The impoundment problem does involve itself with the total fiscal picture. And every program, domestic or foreign, involves fiscal affairs and the President has taken a very strong stand that if we are to be strong at home and able to handle our commitments abroad, we have to be fiscally responsible. And that, of course, leads into the problem of the impoundment of certain funds by the President in order to stay within the $250 billion dollar ceiling for this fiscal year and the $268.7 billion spending for the next fiscal year.

Mr. BRADEMAS. Well, what about that Mr. Speaker?

NIXON CUTS WITHOUT CONSULTATION

Speaker ALBERT. Well, first of all, kicking figures around is an easy trick. The budget requests of the President have gone up substantially just about every year since he has been here over the last budget of President Johnson when we were at the height of Vietnam, at the height of the Great Society. But, of course, there has been inflation, there's been other things that have contributed to that and we cannot short-circuit the fiscal issue. It's very important. It's important to the economy of the country, it's important to jobs, important to prices, important to keep down inflation but we've got one issue that is very difficult for me to get around in discussing this issue and that is this. Although the President requested the Congress to set a $250 billion ceiling and the House voted for that $250 billion ceiling, the Congress did not give it to him, yet in spite of that the President has imposed on his own a $250 billion ceiling and is picking out more or less the programs where the cuts should be made. Now this to me is a direct thrust at the Congressional responsibility for doing the legislating for the country.

Mr. BRADEMAS. Gerry, let me make a comment on the Speaker's observations. The House did pass a $250 billion spending ceiling last year and finally the Congress as a whole did pass a ceiling to some extent but with many, many loopholes in it. But I think it's interesting to note that in the final version that the Congress passed last year, it told the President to report back to the Congress the areas where he had impounded certain funds, which to me is a recognition or acknowledgement by the Congress that the President has that authority—to make impoundments or to hold money that Congress has appropriated and not spend it. Now, in addition, in either the House version or the final version and I'm sorry I can't remember which, actually the President was directed to make certain impoundments. I have a quote, I believe that it's in the final version that said in effect, Mr. President, we want you to hold a ceiling of $250 billion and all you have to do is impound certain money that we appropriated and report back to us where those impoundments took place.

But isn't it true that there are forms of impoundment that have been delegated to Congress as distinguished from the forms of impoundment that the President has taken unto himself, Mr. Speaker, what about that?

Speaker ALBERT. Well, I think so and certainly I don't think, I don't think anybody in the United States thought that when the President was running for re-election that he was going to cut out the REAP program for instance which the Congress has just passed.

Mr. BRADEMAS. What's that, Mr. Speaker?

DEMOCRATS COULD SWEEP IN 1974

Speaker ALBERT. That's the Rural Environmental Agency. It's a program which in another form, a conservation form, has been going on for 30 years. We don't have any more dust bowls, although we've had droughts. It's done a tremendous amount of good both to conserve the soil and to protect the environment of the nation. That's just one example. I don't think anybody, and the President got a substantial vote in the rural counties of America, the rural areas of America thought that he was going to eliminate the historic procedure for making rural electrification loans. They just had a convention at Dallas on this very subject and everybody was amazed and most of them actually and probably had voted for President Nixon but for other reasons, not because they thought of this. Had they thought of this they probably wouldn't have done it. And I say to Gerry, if we don't form our own priorities up here and do the things the American people want done and insist that the President do it, use the power we have to see that he does it, we're going to have so many Democrats in the next Congress we're going to have to move part of them on your side of the aisle.

Mr. **BRADEMAS**. Gerry, let me ask you following the Speaker's statement that your reaction to the Harris poll that came out a few days ago that showed by 55 to 31 percent that the American people think that the President is not cooperating enough with Congress and that he's taking too much power unto himself. What's your reaction to that?

NIXON'S CAMPAIGN PROMISES HIT

Mr. **FORD**. I think you have to look at it not just from that one poll. There was a poll taken right after or a month after the President was elected and it showed that he had about 68% of the American people believing that he was doing a good job. There was another poll that came a week or two ago that indicated that the public supported President Nixon in his efforts to hold the line on spending. Now I want to be honest and frank with you and say that when they began to itemize some of the programs that he was thinking of holding back money on or eliminating them individually the public may have supported this program or that program but on the overall issue of whether the President should hold the line against spending that would cause either more inflation or extra taxes, the American people supported him. Now, in all modesty, John, and Mr. Speaker, I think it all depends on whose ox is being gored. I came here two years after you did in the 81st Congress and you may remember, Mr. Speaker, a Democratic President had impounded $750 million of money Congress had appropriated for the expansion of the Air Force from 48 to 58 wings.

Mr. **BRADEMAS**. But Gerry let me interrupt and say wasn't that in his role as commander in chief?

Mr. **FORD**. I don't see how you can differentiate between a man's role as commander in chief and chief executive. Mr. Truman impounded $750 million and wouldn't spend it even though Congress had appropriated the money and President Kennedy impounded money, President Johnson did. What I'm saying is that all Presidents have done it.

Speaker **ALBERT**. Every President has done it since I've been in office but they have never done it to the extent that President Nixon has done it, they have never done it without preconsultation with Congress and the Leaders of Congress. I remember President Johnson calling us to the ranch one time on a fiscal situation that demanded some restraint and it was temporary. Go back to Jefferson. There's been times when money has been withheld because it wasn't needed by the time they got around to spending it. There have been times when it's been temporarily held but as a general rule, the rule of reason, the rule of time and all of those things come in otherwise, and I've heard you make speeches on this subject many times, otherwise we are becoming not the principal legislative source of authority in the nation and that is not good.

Mr. **BRADEMAS**. Let me turn our subject to another area. I see there's some disagreement here between the Speaker and the Minority Leader. Mr. Speaker, on the question of government spending, Congress has been frequently criticized for not being able to control government spending. In fact this is one of President Nixon's major criticisms. What about that? What do you say?

CONGRESS CONSISTENTLY CUTS PRESIDENT'S BUDGET

Speaker **ALBERT**. Well, of course, we have consistently held to or cut the President's budget in nearly every year since I've been in Congress. The Congress doesn't appropriate beyond the budget. It often changes the item but there are other things that contribute to inflation—not just the appropriations that we finally make and I'd like to say, back to this issue of impoundment of funds, it will be an important issue. Hearings are being held in the Senate. And are going to be commenced in the House on this very subject and I think the nation wants this subject aired. I don't think the nation wants the President to have legislative authority any more than it wants us to direct the President to do things that purely within the realm of his role as executive or as commander in chief.

Mr. **FORD**. Let me respond, if I might, John, and let's take a law suit that's now being brought, I think, by the state of Missouri objecting to the impoundment of highway funds. Now the first person to my knowledge who impounded highway trust fund moneys and refused to spend them was President Johnson because of the fiscal crisis in 1966 or 1967. President Nixon has also done that and now it's my recollection the state of Missouri has started a law suit and it's out of the District Court. It's now before the Court of Appeals. Undoubtedly it will get to the Supreme Court and we'll finally have a test on whether a President, whether he's Democratic or Republican, can impound monies that have been collected and appropriated by the Congress and therefore unspent as the Congress has dictated now.

Speaker **ALBERT**. But you remember, were you the Leader then because we were called to the ranch and the President specifically mentioned the highway funds, he mentioned a definite and limited period of time and he sought the advice of the Leadership and took no action until, not only just the elected Leadership of Congress but the Committees that were responsible were willing to assent to it.

CAN CONGRESS FORCE SPENDING?

Mr. **FORD**. Well, I did go to the ranch with you, Mr. Speaker, and President Johnson did talk to us about this. But I don't think that's the real crucial part of this issue. The real issue is whether Congress can force the President to spend money when the President, in looking over the total fiscal picture and the problems of inflation and more taxes, makes a decision as Chief Executive that for a period of time, he is not going to spend this money or he won't obligate these funds. Now, the Congress still has the authority to appropriate money or not to appropriate money.

Speaker **ALBERT**. I think that probably he has quite a bit of authority on his side on that issue. But he's taken it upon himself to select the programs which the Congress has enacted and to specify where the impoundments will take place and where they won't take place. I don't believe that the country wanted any Presidents to dismantle, as some say he is doing ultimately, with or without Congressional consent, the OEO and many other programs.

Mr. **FORD**. Well, let me just take the OEO program, Mr. Speaker. The President is going to continue the Legal Services Program providing the Congress responds and establishes it as a going organization. It would be funded and there's $73 million as I recollect in the President's budget for the next fiscal year for Legal Services.

Mr. **BRACHMAN**. But what if we don't do it the way he wants us to do it.

Mr. **FORD**. Well, that's Congress's responsibility. I hope that we respond affirmatively. The President in the OEO program is continuing all of the health aspects of the poverty program. The President is taking those things under OEO, the poverty program, that have worked.

Speaker **ALBERT**. That he thinks have worked. I'm getting letters from all over the United States—we're getting more mail than we can answer on this very issue.

Mr. **FORD**. So am I but a lot of it comes, Mr. Speaker, from people who have had jobs or now have jobs, who want these jobs perpetuated.

Speaker **ALBERT**. Part of it does, of course, but part of it comes from people who have been the beneficiaries of programs.

Mr. **BRADEMAS**. Well, let's turn to some of these programs that I know are the subject of discussion in the country. When you look at the President's proposed budget for fiscal 1974, he's cut back funds for a number of programs in education, health, pollution control, and higher education, libraries and he said that these programs can be taken care of through revenue sharing. Now Mr. Speaker, what do you think about that so far as the mayors and the governors, they were all in town the other day, were concerned and I want to hear Gerry Ford's comment on that.

REVENUE SHARING A DISAPPOINTMENT

Speaker **ALBERT**. The Governors, of course, would like to have control of the money and so would the mayors. The Governors, some of them, argue that special revenue sharing is important, but it should be administered at the state level not at the federal level and not at the county level. The mayors want to distribute the funds and to set their own priorities, but it seems to me that it's no assault on our federal system to have specific types of programs such as we've had in the past. Aid to education, Hill-Burton funds, funds for conservation of soil and all those things. I don't see anything wrong and I don't see it as an assault on the federal system, a cutting out of the states, for us to do this. We are also representatives of the American people as well as the chief executives. Now I supported, reluctantly I must say, the general revenue sharing program last year because I thought some of the cities were up against it to such an extent, that we'd better do it, but I don't know about special revenue sharing. I would prefer, if I'm going to have to vote to levy the taxes to have something to say about how the money is spent.

Mr. **FORD**. John, I think it's fair to say that if you take the President's program for special revenue sharing in the field of education, actually, there's more money available than there would have been under the accumulated categorical grant programs. Now this does require Congressional action before the fiscal year begins if we are to move from many categorical grant programs into special revenue sharing for education. I think because of the differences in many, many states, it's far wiser for the individual state to have authority and control in the distribution of those education funds within that state than it is for the federal government to deal directly with the individual people at the local level. The problems in Indiana, John, are different from those in Oklahoma in the field of education and they're quite different from Michigan to Arizona and the Governors and their responsible people in the field of education, in my opinion, are better equipped if they have more money in education to divide it up appropriately and properly to the various educational programs than if you go from the federal government to the local people.

Mr. BRADEMAS. Of course, a lot of the mayors who came to see the Speaker and me a few days ago, you will recall Mr. Speaker, said that under general revenue sharing they got a certain amount of money but with the cut back in the funds for the various categorical programs they were losing more money than they were getting in revenue sharings funds and for that reason some of them are very leary about revenue sharing. Let me turn to another subject, and Gerry, I wanted to ask you one quick question in view of your comment there. You're the elected leader of the Republicans elected in the House of Representatives by your colleagues in the House, do you regard yourself as Minority Leader as having a role chiefly to speak for the Republicans in the House or to serve as a spokesman for the Republican who occupies the White House.

Mr. FORD. John, it's a combination of both. Really I have three constituencies and by far the most important is the one back in the 5th District of Michigan. I also have 191 other Republican constituents in the House of Representatives. I have to represent them at the White House. But I also am the conduit for the views of the White House with the Republicans in the House of Representatives. So I have three constituencies. I seldom have any serious differences because I think my own personal convictions coincide with those of the President, the majority of the Republicans in the House and those from my home district. Occasionally there is a conflict, but not serious.

PROUD OF HARD-WORKING CONGRESS

Mr. BRADEMAS. Mr. Speaker, a White House Assistant was quoted the other day as saying "Congress is Lazy." What do you have to say about that, particularly in view of some of the procedural changes we've been engaged in the last several weeks.

Speaker ALBERT. Well, I haven't worked harder myself. I can't speak for every member of Congress on my side, neither can Gerry on his. I think this is one of the hardest working organizations in the country. I have respect for government employees everywhere. But I know my own office staff work longer hours than the bureaucracy works.

Mr. FORD. On that point I would agree entirely with the Speaker. I've been in several professions in my lifetime and I work harder in the Congress than I ever did in any one of the several other professions. And my staff here in Washington as well as out home put in long hours and they work hard at trying to solve problems and I think our colleagues, Mr. Speaker, Democratic or Republican, House or Senate, work longer and harder and try to do a conscientious job. I'm proud of members of Congress of either political party.

Mr. BRADEMAS. What are we doing, Mr. Speaker, about Congressional Reform? We've been pretty busy on our side this year.

REFORMING THE LEGISLATIVE PROCESS

Speaker ALBERT. Well, we've had a lot of reform in the last few years. This year we've done more to reform the caucus and the internal workings of the Democratic Party in the House, I think, than we've ever done before. For the first time we have come up with the idea of vitalizing the Steering Committee and making it a part of the caucus, a working agency of the caucus. We have voted on every Chairman of every Committee. We have divided Subcommittee Chairmanships over the last two years from about 60 some odd, if I remember correctly, to over 120. We have spread the Democracy of the House around among younger members. We've done a lot in nearly every area to try to improve both the Democracy and the efficiency, the responsibility of the House of Representative and to regive to the House of Representatives which is the people's branch of government a public image that it does not sit and twittle it's thumbs but that it responds as quickly as it can, being as large as it is, to the changing moods and methods of the country.

Mr. BRADEMAS. Jerry, let me ask you a question. The President has told us that we've been winning the war against inflation, but when beef prices have shot up he's told us it's patriotic to eat fish. What are you eating at the Ford household at night?

PREDICT 3 PERCENT INFLATION BY DECEMBER

Mr. FORD. Well, John, I happen to think that when you look at the overall problems that we've made substantial progress in trying to whip the rising cost of living. Now, my wife, who goes to the shopping center, comes back and says she has problems with the family budget, I understand them. But when you look at the fact that three years ago we had 5 to 6% inflation per year and we're down to 3% per year and the economists' tell us that by the end of this calendar year, overall it will be down under 3%, I think we're making headway. Now, people can't say that they're for the farmer on the one hand and then condemn farm prices or food prices on the other. Some of these people who are condemning the fact that food prices have gone up are the same people who have espoused the cause of farmer's at the market place on the other. Now you can't have it both ways. And some of our colleagues try to play both ends against the middle. Now, the President's working on the problems of inflation, our fiscal problems do relate to it. I think we're in the right direction and I trust that by the end of this calendar year some of the food prices will be more moderate and all the experts say they will.

Mr. BRADEMAS. Mr. Speaker, what do you think about what Mr. Ford has said especially in terms with wage-price controls and given the skyrocketing cost of food.

Speaker ALBERT. Well, I have had pleas from many constituents, although I come from a District that's largely agricultural, for stricter controls, across the board, you can't control one element without controlling the other. Now I'm for the farmer prospering, for the beef producer prospering. I come from a District that produces a lot of cattle and I'm a beef eater by choice as long as I can afford it but I'll tell you a lot of the profit that has been made, a lot of the cost that has gone into the inflation of food prices, has not been going into the pockets of the farmer, for instance, the Russian Wheat Sale, rightly or wrongly, has undoubtedly made an impact on the price of bread, and I'm getting 100s of letters from independent grocers saying why did you sell this wheat? I'm getting hundreds of letters from wheat growers saying that I've never had such a bad year in my life. So there's something wrong. I don't know what it is.

Mr. BRADEMAS. And now George Meany is saying that he does not agree with what he understands to be the Administration's position on the 5.5% limitation on wage increases. Gerry, what do you think about that?

Mr. FORD. Well, I believe that the Cost of Living Council has a tough job trying to hold the lid on prices and at the same time not let wages get out of hand. If we let this spiral accelerate again on the upward side, then all of us are going to have serious problems because if you let the country get on an inflationary spiral that is always a signal that we could have economic chaos which means the kind of adverse economic recession or depression. That's what we don't want and therefore I happen to think that we've got to pass the extension of the wage-price control legislation, we've got to control dividends and interest, we've got to control wages responsibility, and we have to find a way to help the consumer get a better break at the market place when he or she buys food. If we are all willing to tighten our belt, I think we can make it work.

Mr. BRADEMAS. Mr. Speaker, a quick last question. What's the outlook for tax reform and health legislation this year.

Speaker ALBERT. The Committee on Ways and Means has announced that the tax reform bill will be the first major item of legislation. What the details of that bill will be, I don't know. It's very complicated. Everyone knows there are all kinds of loopholes. Most of those loopholes are there because the special privilege of some group or another, most of them are there, nevertheless, with the belief on the part of those who are enjoying them that they are necessary for their continuation and their proper contribution to the nation. I hope we get a good bill in this area.

Mr. BRADEMAS. Mr. Speaker, I am going to have to say as we say in the House, that the time of the Gentleman from Oklahoma, and the Gentleman from Michigan has expired. But ladies and gentleman, I know that you join with me in expressing our thanks to the distinguished Speaker of the House of Representatives Carl Albert and the distinguished Minority Leader Gerald Ford of Michigan for participating in this program. Thanks to you for being with us and we look forward to another Washington Insight in the very near future.

SOME BOOZE ADDITIVES WORSE THAN HANGOVER

HON. BENJAMIN S. ROSENTHAL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, March 12, 1973

Mr. ROSENTHAL. Mr. Speaker, in our concern over complete ingredient labeling of food, there is a tendency to ignore the extensive use of chemical additives in alcoholic beverages. One person who has not ignored better labeling of booze is Dr. Michael F. Jacobson, codirector of the Center for Science in the Public Interest and author of "Eater's Digest, the Consumer's Factbook of Food Additives." Last year he wrote a booklet entitled "Chemical Additives in Booze," which helped draw attention to possible lifesaving benefits of full ingredient disclosure in beer, wine, and spirits.

I have introduced legislation which would accomplish that goal. More than 70 of my colleagues have joined in cosponsoring the Truth in Food Labeling Act, H.R. 1650.

The identity of the chemical additives that are permitted in beer has been a closely held secret shared by the Internal Revenue Service and the breweries. The American beer drinker has been kept in the dark. The list of permitted additives is not published in either FDA or IRS regulations. The Internal Revenue Service enforces FDA standards and regulations as they apply to alcoholic beverages. Dr. Jacobson, however, has obtained a copy of the list of permissible additives and sent me a copy. I am making it public today for what is probably the first time.

The list of 59 substances—ranging from adipic acid to terpineol—will be a true shock to every beer lover. Tannin and enzymes can be used to chillproof beer. Calcium disodium ethylenediaminetetraacetate can be used to prevent gushing. Propylene glycol alginate can be used to stabilize the foam. Sodium hydrosulfite can be used to prevent oxidation. Quassia extract, sucrose octaacetate and many other substances can be added as flavoring. Caramel and three coal tar dyes can be used as artificial colorings. And, last but not least, heptyl hydroxybenzoate can be used as a preservative.

Most of the chemicals are probably safe. However, some of the additives have not been adequately tested. And many individuals may be allergic to certain others, such as F.D. & C. Yellow No. 5.

Not all brewers use questionable additives and the public has the right to know which these are. The way to accomplish this is to require that all additives in all alcoholic beverages—as well as in all other foods—be listed on the label.

Following is the list prepared by the Treasury Department's Bureau of Alcohol, Tobacco, and Firearms showing chemical additives used in making beer:

ADJUNCTS REPORTED TO BE EMPLOYED IN BREWING

Adjunct	Range of levels reported used	Applicable limitations on use
1. Adjuncts employed for conversion:		
Proteases and amylases derived from nontoxic strains of:		
Aspergillus niger	0.000024 to 0.00884 percent (0.24 to 88.4 p.p.m.)	GRAS-GBP—Industry Circular No. 68.5.
Aspergillus oryzae	0.000017 to 0.00136 percent (0.17 to 13.6 p.p.m.)	Do.
Bacillus subtilis	0.00016 to 0.00333 percent (1.6 to 33.3 p.p.m.)	Do.
Diastase	0.0000156 to 0.0000584 percent (0.156 to 0.584 p.p.m.)	Do.
Ficin	0.00025 to 0.005434 percent (2.5 to 54.34 p.p.m.)	Do.
Papain	0.00044 to 0.00176 percent (4.4 to 17.6 p.p.m.)	GRAS–GBP—Industry Circular No. 68–5. Also on FDA advisory GRAS list, 21 CFR Sec. 121.101(d)(8).
2. Adjuncts employed for clarifying in finished beer (chillproofing):		
Proteases and amylases derived from nontoxic strains of:		
Aspergillus niger	(1)	GRAS-GBP—Industry Circular No. 68–5.
Aspergillus oryzae	0.00001992 to 0.000250 percent (0.1992 to 2.50 p.p.m.)	Do.
Bacillus subtilis	0.0000016 to 0.0000336 percent (0.016 to 0.336 p.p.m.)	Do.
Bromelain	0.0000626 to 0.0000632 percent (0.626 to 0.632 p.p.m.)	Do.
Ficin	0.0001592 to 0.0003184 percent (1.592 to 3.184 p.p.m.)	Do.
Papain	0.00007524 to 0.0030 percent (0.7524 to 30 p.p.m.)	GRAS–GBP—Industry Circular No. 68–5. Also on FDA advisory GRAS list, 21 CFR sec. 121.101(d)(8).
Pepsin	0.000052 to 0.000076 percent (0.52 to 0.76 p.p.m.)	GRAS–GBP—Industry Circular No. 68–5.
Gallotannin (tannin)	0.0021 to 0.0084 percent (21 to 84 p.p.m.)	GRAS–GBP—Industry Circular No. 68–5. Subject to a maximum of 100 p.p.m. in finished beer. Also on FDA advisory GRAS list, 21 CFR sec. 121.101(e)(2).
3. Adjuncts employed to stabilize foam and adjuncts employed to prevent gushing:		
Alginate (propylene glycol alginate)	0.0010 to 0.0320 percent (10 to 320 p.p.m.)	GBP—Industry Circular No. 68–5. Specifically approved by the FDA, 21 CFR sec. 121.1015.
Calcium disodium EDTA (calcium disodium ethylenediaminetetraacetate).	0.0005 to 0.0010 percent (5 to 10 p.p.m)	GBP—Industry Circular No. 68–5. Specifically approved for use ni brewing up to 25 p.p.m. 21 CFR sec. 121.1017.
Gum arabic (acacia)	0.0002 to 0.0400 percent (2 to 400 p.p.m.)	GRAS–GBP—Industry Circular No. 68–5. Also on FDA advisory GRAS list, 21 CFR sec. 121.101(d)(7).
Peptone	0.0001 to 0.0054 percent (1 to 54 p.p.m.)	GRAS–GBP—Industry Circular No. 68–5.
4. Adjuncts employed to prevent oxidation:		
Ascorbate (sodium ascorbate)	0.00014 to 0.00209 percent (1.4 to 20.9 p.p.m.)	GRAS–GBP—Industry Circular No. 68–5. Also on FDA advisory GRAS list, 21 CFR sec. 121.101(d)(2).
Isoascorbates (sodium erythorbate)	0.0002 to 0.0300 percent (2 to 300 p.p.m.)	Do.
Potassium metabisulfite	0.00006 to 0.0080 percent (0.6 to 80 p.p.m.)	GRAS–GBP—Industry Circular No. 68–5. Also on FDA advisory GRAS list, 21 C.F.R. sec. 121.101(d)(2), subject to limitation of 25 p.p.m. SO_2 in finished product.
Sodium bisulfite	0.0001 to 0.0160 percent (1 to 160 p.p.m.)	Do.
Sodium hydrosulfite (dithionite)	0.00028 to 0.0078 percent (2.8 to 78 p.p.m.)	GRAS–GBP—Industry Circular No. 68–5. Considered GRAS for use in brewing in amounts such that no residue of sodium dithionite shall remain in the beer, and subject to a limitation of 25 p.p.m. SO_2 in the finished product.
Sodium metabisulfite	<0.0001 to 0.0208 percent (<1 to 208 p.p.m.)	GRAS–GBP—Industry Circular No. 68–5. Also on FDA advisory GRAS list, 21 CFR sec. 121.101(d)(2), subject to limitation of 25 p.p.m. SO_2 in finished product.
5. Adjuncts employed as natural and artificial flavors:		
Acetic acid	0.0000192 to 0.0060 percent (0.192 to 60 p.p.m.)	GRAS–GBP—Industry Circular No. 68–5. Also on FDA advisory GRAS list, 21 CFR sec. 121.101(d)(8); also on FEMA GRAS list.
Adipic acid	do	GBP—Specifically approved by FDA as a synthetic flavoring substance, 21 CFR sec. 121.1164; also on FEMA GRAS list.
Anethole	do	GRAS–GBP—On FDA advisory GRAS list, 21 CFR sec. 121.101(g); also on FEMA GRAS list.
Benzaldehyde	do	Do.
Citric acid	0.0080 to 0.1000 percent (80 to 1,000 p.p.m.)	GRAS–GBP—Industry Circular No. 68–5. Also on FDA advisory GRAS list, 21 CFR sec. 121.101(d)(8); also on FEMA GRAS list.
Decanal	do	GRAS–GBP—On FDA advisory GRAS list, 21 CFR sec. 121.101(g); also on FEMA GRAS list.
Ethanal (acetaldehyde)	<0.0001 to 0.0040 percent (<1 to 40 p.p.m.)	GRAS–GBP—Industry Circular No. 68–5. Also on FDA advisory GRAS list, 21 CFR sec. 121.101(g); also on FEMA GRAS list.
Ethyl acetate	do	Do.
Ethyl isobutyrate	do	GBP—Industry Circular No. 68–5. Specifically approved by FDA as a synthetic flavoring substance, 21 CFR sec. 121.1164; also on FEMA GRAS list.
Ethyl maltol	do	GBP—Specifically approved by FDA as a synthetic flavoring substance, 21 CFR sec. 121.1164.
Gentian, extract	do	GBP—Specifically approved by FDA as a natural flavoring substance, 21 CFR sec. 121.1163; also on FEMA GRAS list.
Glycerin (glycerol)	do	GRAS–GBP—Industry Circular No. 68–5. Also on FDA advisory GRAS list, 21 CFR sec. 121.101(d)(8); also on FEMA GRAS list.
Grapefruit, oil	do	GRAS–GBP—On FDA advisory GRAS list, 21 CFR sec. 121.101(e)(2); also on FEMA GRAS list.
Isoamyl-acetate	do	GBP—Industry Circular No. 68–5. Specifically approved by FDA as a synthetic flavoring substance, 21 CFR sec. 121.1164; also on FEMA GRAS list.
Isoamyl butyrate	do	Do.
Isobutyl acetate	do	Do.
Juniper berries	do	GRAS–GBP—On FDA advisory GRAS list, 21 CFR sec. 121.101(e)(2); also on FEMA GRAS list.
Lemon, oil	do	Do.
Licorice root	do	Do.
Lime, oil	do	Do.
Malic acid	do	GRAS–GBP—On FDA advisory GRAS list, 21 CFR sec. 121.101(d)(8); also on FEMA GRAS List.
Methyl anthranilate	do	GRAS–GBP—On FDA advisory GRAS list, 21 CFR sec. 121.101(g); also on FEMA GRAS list.
Nootkatone	do	GBP—Specifically approved by FDA as a synthetic flavoring substance, 21 CFR sec. 121.1164.
Octanal	do	GBP—Specifically approved by FDA as a synthetic flavoring substance, 21 CFR sec. 121.1164; also on FEMA GRAS list.

Footnotes at end of table.

ADJUNCTS REPORTED TO BE EMPLOYED IN BREWING—Continued

Adjunct	Range of levels reported used	Applicable limitations on use
5. Adjuncts employed as natural and artificial flavors—Con.		
Orange, oil	<0.0001 to 0.0040 percent (<1 to 40 p.p.m.)	GRAS-GBP—On FDA advisory GRAS list, 21 CFR sec. 121.101(e)(2); also on FEMA GRAS list.
Quassia, extract	0.000288 to 0.0009 percent (2.88 to 9 p.p.m.)	GBP—Industry Circular No. 68-5. Specifically approved by FDA as a natural flavoring substance, 21 CFR sec. 121.1163; also on FEMA GRAS list.
Sodium citrate	do	GRAS-GBP—On FDA advisory GRAS list, 21 CFR sec. 121.101(d)(6); also on FEMA GRAS list.
Sucrose octaacetate	do	GBP—Specifically approved by FDA as a synthetic flavoring substance, 21 CFR sec. 121.1164; also on FEMA GRAS list.
Tartaric acid	0.0080 to 0.0800 percent (80 to 800 p.p.m.)	GRAS-GBP—Industry Circular No. 68-5. Also on FDA advisory GRAS list, 21 CFR sec. 121.101(d)(8); also on FEMA GRAS list.
α-Terpineol	do	GBP—Specifically approved by FDA as a synthetic flavoring substance, 21 CFR sec. 121.1164; also on FEMA GRAS list.
6. Adjuncts employed as artificial colors:		
Caramel	0.0001 to 1.1800 percent (1 to 11,800 p.p.m.)	GRAS-GBP—Industry Circular No. 68-5. Also on FDA advisory GRAS list, 21 CFR sec. 121.101(d) (8).
F.D. & C. Blue No. 1	do	GBP—Industry Circular No. 68-5. Specifically approved by FDA for use in foods, 21 CFR sec. 8.206.
F.D. & C. Red No. 40	do	GBP—Specifically approved by FDA for use in foods, 21 CFR sec. 8.244.
F.D. & C. Yellow No. 5	do	GBP—Industry Circular No. 68-5. Specifically approved by FDA for use in foods, 21 CFR sec. 8.275.
7. Adjuncts employed as microbiological inhibitors: η-Heptyl-ρ-hydroxybenzoate (heptylparaben).	0.0012 percent (12 p.p.m.)	GBP—Industry Circular No. 68-5. Specifically approved by FDA for use in fermented malt beverages up to 12 p.p.m., 21 CFR sec. 121.1186.

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[1] Approved on application filed in accordance with ATFD Industry Circular Nos. 70-28 and 71-1.

NATIONAL CIVIL SERVICE LEAGUE AWARDS PRESENTED TO TWO AT TREASURY

HON. HOWARD W. ROBISON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 8, 1973

Mr. ROBISON of New York. Mr. Speaker, each year the National Civil Service League recognizes outstanding achievement by Federal employees by presenting two types of awards. Five people are selected to receive the Career Service Award for excellence in the Federal service throughout their career and five employees are selected to receive the Special Achievement Award for outstanding work on a single project.

In the announcement of these awards for 1973, I was pleased to notice that two employees of the Treasury Department were among the 10 selected for this year's awards. Charlotte Tuttle Lloyd, Assistant General Counsel for the Treasury, was selected for the Career Service Award and Edward F. Preston, Assistant Commissioner of Internal Revenue for Stabilization was chosen for the Special Achievement Award.

The Treasury should be proud of these two individuals. The fact that they were among only 10 selected also speaks well for the quality of all the employees of the Treasury.

Biographies of the two awards recipients follow:

CHARLOTTE TUTTLE LLOYD

Charlotte Tuttle Lloyd has been a resident of Alexandria, Virginia, since 1938. She was born in New York City, the daughter of Charles H. Tuttle, a distinguished lawyer, United States Attorney and civic leader, and the former Helene Wheeler of Oswego, New York. Mrs. Lloyd was educated in Public School 186 and Barnard School for Girls in New York City, at Vassar College and Columbia Law School, receiving her LL.B. from Columbia in 1934. At Vassar College she was elected to Phi Beta Kappa in her junior year, and at Columbia was a member of the Columbia Law Review.

After graduation from law school, Mrs. Lloyd commenced practice in the Solicitor's Office of the Interior Department, becoming an Assistant Solicitor in 1939. She worked primarily on Indian matters, but during World War II was Chief of the Mines Section of the Solicitor's Office. At the close of the war she transferred to the United Nations Relief and Rehabilitation Administration as an Assistant General Counsel, serving at the headquarters in Washington, D.C. and in London, England, until the termination of that organization in 1948.

In the years between 1948 and 1961, Mrs. Lloyd was preoccupied with the concerns of her family, civic responsibilities and private practice. During this period her husband, David D. Lloyd, was an Assistant to President Truman and later Executive Director of the Truman Library Corporation which erected the Truman Library in Independence, Missouri. As a member of the Alexandria PTA during the school days of her children, Andrew and Louisa, she became the Juvenile Protection Chairman of the Virginia Council of Parents and Teachers. She was active in the Alexandria YWCA and President of the Alexandria Community Welfare Council. She carried on alternately full-time and part-time private practice in Washington, D.C. Her husband was also in private practice at the time of his death in 1962.

In 1961 Mrs. Lloyd joined the staff of the General Counsel of the Treasury Department and was placed in charge of the Opinion Section in September 1962. As Chief of that Section she prepared several opinions on constitutional aspects of tax legislation, some of which were printed in the Congressional Record. In December 1965 Mrs. Lloyd was designated Assistant General Counsel by Secretary Fowler, becoming the first woman to hold a legal position of such rank in the history of the Treasury. In that position she has been responsible for the legal work of the Fiscal Service pertaining to the Office of the Treasurer and the Bureau of Accounts, as well as being responsible for the legal work for the Assistant Secretary for Administration in the administrative operations of the Treasury and in the application of administrative law and procedure. She has been particularly concerned with the administration of the Freedom of Information Act, the equal opportunity program, and, recently, with the Federal Advisory Committee Act. She has been one of the two Treasury members of the Administrative Conference of the United States since it was organized in 1968.

In private life Mrs. Lloyd has been Mrs. Homer A. Walkup since 1967, having then married Captain Walkup of the U.S. Navy Judge Advocate General's Corps, also long active in civic and religious affairs in Alexandria. Their combined families now include 3 sons, 2 daughters, 3 grandsons and 3 granddaughters.

EDWARD F. PRESTON

Edward F. Preston, a career Federal employee, was appointed Assistant Commissioner of Internal Revenue for Stabilization in October 1971.

In this position, Mr. Preston is responsible for the service and compliance functions of Phase II of the President's Economic Stabilization Program. His duties under the stabilization program will include: supplying public information and answering public inquiries; receiving and investigating complaints; monitoring compliance; and receiving, and reviewing and making decisions on requests for exemption or exception to economic stabilization provisions.

A native of Boston, Mr. Preston, 52, attended Northwestern University there and Syracuse University in New York, graduating in 1946 with a B.A. in political science. In 1948 he earned an M.A. in public administration from the Maxwell School of Citizenship and Public Affairs at Syracuse University. After completing graduate studies, he entered the Federal service as a junior professional assistant on the management staff of the Department of the Treasury.

Two years later, he transferred to the Internal Revenue Service as a management analyst. After a series of progressively more responsible administrative positions, including senior staff man to the Assistant Commissioner for Operations and assistant to the Deputy Commissioner of Internal Revenue, he was promoted in 1960 to the position of Assistant Commissioner for Administration.

In 1964, Mr. Preston was awarded a Presidential Citation for his work in connection with a major realignment of the IRS field organization. In June 1971, he received an Exceptional Service Award from the Secretary of the Treasury for providing dynamic leadership for the entire Service in major areas such as executive selection and development, career programs, and improved service to taxpayers.

Prior to his present assignment, he actively participated in the 90-day Wage-Price freeze and was one of the key IRS officials commended by the Secretary of the Treasury, and the Executive Director of the Cost of Living Council, for an outstanding performance.

He is active in the American Society for Public Administration and served as a Vice President of the National Capitol Area Chapter for several years.

Mr. and Mrs. Preston live in Mt. Vernon, Va. They have two children.

ENERGY CRISIS RECEIVES ANOTHER ASSIST

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 12, 1973

Mr. RARICK. Mr. Speaker, in a recent report to the people of my district on the much publicized oil and gas shortage, I advised them that there was no "energy crisis" in our country. The so-called crisis is but the slowdown in fuel production resulting from too much Government interference in energy development in the continental United States, and from the efforts to sell international development, including oil and gas imports from foreign countries. In varied degrees, the diagnosis that our energy shortage results from stymieing production is a conclusion of most experts who have investigated the problem.

But, alas, the political experts' efforts to solve the problem by treating the symptom rather than the cause continues with the announcement that the Cost of Living Council has reimposed mandatory price controls on U.S. oil companies. More controls over domestic energy production can only result in less production, less development, and less exploration, thus aggravating the problem and increasing the severity of the present shortage.

While major oil producers and multinationals are assisted in abandoning domestic energy production by Government edict, they are encouraged to develop foreign oil production for imports. The result can only be future price increases, a worsening of our balance-of-payments problem, and increased dependence on foreign fuels. For example, the Exxon Corp., formerly known as Esso, is reported to have made 52 percent of its 1970 profits from overseas production. According to a massive study by the U.S. Tariff Commission, the $268 billion pool of capital controlled by U.S.-based corporations and banks overseas dwarfs the resources of national central banks.

The report states:

> This $268 billion, all managed by private persons in a private market which is virtually uncontrolled by any sort of official institution, amounts to more than twice the total of all international reserves held in central banks and international monetary institutions in the world.
>
> These are reserves with which central banks fight to defend their exchange rates. The resources of the private sector outclass them.

The severity of the manipulated energy crisis as a result of handcuffing American production at home must be analyzed as another of the tools of internationalism to redistribute the wealth, jobs, and interdependence of the American people around the world.

Artificially created shortages can be expected to trigger a crusade by patriotic Americans to curb food shortages, power shortages, fuel shortages, in an effort to help their national leaders solve the problem which these same leaders have created and are promoting in the interest of international development and international peace.

As a long-time Washington observer noted the other day:

> Nothing just happens in Washington, everything is planned that way.

I insert the following related news clippings:

[From the Washington Evening Star and Daily News, Mar. 7, 1973]

FOR NATURAL GAS, THE ENERGY SQUEEZE IS NOW

(By Stephen M. Aug and John Fialka)

The strange new world the United States faces as the result of its energy shortages this winter is already here for Mayor Ralph Troy of Monroe, La.

His city, built atop a huge natural gas field, will soon be without enough gas to run its municipal electric power plant.

The crisis began in the chilly, damp days of late December. Troy was informed that the city's natural gas supply, which feeds the power plant and also heats its homes, would be cut by 70 percent.

In January, while Troy was looking for an alternate supply of fuel, an ice storm hit, coating many of the drafty, gas-heated shacks of the city's poor with crystal and pushing the temperatures down into the 20s, a near-record low for Monroe.

Then Troy discovered that the country was in the midst of an oil shortage. If he could get oil, it would be more than twice the price of the cheap gas that fueled the city, but he could find no long-term assurances of an oil supply.

"We know everybody's got a fuel problem," Troy grumbled during a recent interview, "but the city of Monroe is sitting on what was at one time the world's largest natural gas field. Our gas is being taken out of our dirt and sent north."

Although it had been predicted, the nation's massive gas shortage that began in the late fall fell on most people with the same jolt of surprise that it had in Monroe.

As one federal official later noted, the shortage was the start of a "domino effect." It played a major role in triggering a shortage in heating oil. This heating oil shortage, in turn, is the major cause of a gasoline shortage that both government and industry experts anticipate during the peak driving months of late spring and the summer.

The severity of the impact of shortages on the nation's fuel supply system has been such that the nation's consumers, like the residents of Monroe, finally provided gas by United Pipeline Co. on an "emergency basis," may now be looking at the last remaining days of cheap fuel.

The gas shortage really began with a bumper crop of more than a billion bushels of corn and soybeans in the Midwest. The problem was that much of the bumper crop was lying wet in the fields after an unusually cold, damp fall.

Normally, the gas crop-drying machines finish their by work by November when the onset of winter creates the demand for natural gas to heat homes.

Last fall, however, the crop-driers were in the peak of their operation in November and December, producing a strain on gas supply system that ultimately broke it down.

Officials in Washington and the executives of the many gas supply companies that operate the system had to make some hard decisions. First, crop-driers and other customers who bought gas on an uninterruptible basis—accepting the risk that supplies could be cut off and getting a discount in price—were told there would be no more gas for them.

The Federal Power Commission put into effect a contingency plan that gives top priority during shortages to homeowners and small businessmen. Near the bottom of the priority list are large industries, including, electric power plants, that use natural gas to fuel boilers.

By early December, the first signs of what was to be a chaotic winter were evident. Mountains of corn, awaiting drying, were piled in the streets of small Iowa towns.

Federal and state officials, beginning to cope with the first spot shortages, found evidence, that even the interruptible customers had never really been persuaded that there could be such a thing as a fuel shortage.

For instance, the landlord of a 42-unit apartment house in Des Moines, Iowa, had prepared for such an eventuality by putting a 290-gallon oil tank—about the size needed for a four bedroom home—in his basement.

During the December gas shutoff, the tank had to be filled every 24 hours. Some Midwest factory owners had made no provision for alternative fuel and simply shut down during the interruption.

The Denver public school system shut down for a week and went into half sessions for another week for lack of gas. For protection next year, Denver Mayor William H. McNichols is looking for an available oil tank farm.

His major problem, according to city attorney William H. Van Duzer, is that, so far, no major oil company has bid on the school system's oil needs at any price.

DEALERS PRESSED

With major gas customers banging on their doors for fuel oil, the nation's local oil dealers found themselves in an impossible position.

"This load shifting by the gas utilities is insidious," Robert B. Greenes, president of the National Oil Jobbers Council, later told the Cost of Living Council.

"We have no idea of the volume required so we can't plan for it. The gas companies promote this high-discount interruptible concept to the high-volume, low-profit consumers, then arbitrarily cut them off to sell that same gas to higher profit residential-commercial space heat competition for oil heat's conventional markets," he added.

The Federal Power Commission's statistics on curtailments on both the interruptible and "firm" gas supply contracts that occurred as the crisis progressed show that in November, the nation was 86.6 billion cubic feet short of demand. In December, the figure jumped to 121.6 billion. There are no statistics available for January, but the curtailments are believed to be as substantial as, or more severe than in December.

What caused the gas shortage? Did anybody have warning it was coming? Is it here to stay?

WARNING ISSUED

According to John N. Nassikas, chairman of the FPC, there was ample, early warning. He said he warned the President's Office of Emergency Planning in August that the nation faced a possible shortfall of 1,065 billion cubic feet of natural gas. Nassikas now believes that the actual shortfall will be quite close to his prediction, about 1,120 billion cubic feet.

"The whole gas shortage was very precisely forecast," he said in an interview, "because we had been working on it (the supply problem) for three and a half years now. I don't think that the shortage of the other alternate fuels to displace gas in a particular region of the country was specifically pinpointed."

Because the nation has been using more gas than it produces, the FPC has been warning of the possibility of a severe shortage for five years, since 1968 when it first noted that U.S. gas reserves were declining.

The rate of drilling, or exploring, for natural gas has been dropping since 1956.

Consumption, however, has jumped from 17.9 trillion cubic feet in 1966 to about 25 trillion last year. According to industry experts, at the present rate of demand growth, most of the reserves will be exhausted in 11 years.

As gas supplies dwindle, reducing the pressures in the wells, companies will have to go to greater expense to pump it into the pipelines.

Meanwhile, the federal government and the gas companies are studying ways to make the supplies last longer. One of the most sensitive indicators of their progress will be the consumer's pocketbook.

Much of the gas industry, and the President's Council of Economic Advisers, have recommended that the Federal Power Commission stop regulating the price of gas—now hovering around a nationwide average of 20 cents per thousand cubic feet at the well—and allow it to float.

Exactly to what point it might float is unclear; however, there are some indications. Supplies of intrastate gas, or gas that is not regulated by the FRC, are already selling at 52 cents per thousand cubic feet in the Southwest.

Imports of liquefied natural gas from Algeria may come in at around 83 cents. Gasified coal and other gas substitutes are likely to be priced at more than $1. Companies now negotiating for Soviet gas supplies have indicated that a "reasonable" price might be $1.50.

If the price of gas is deregulated, it is likely to provoke a strong outburst from consumer groups. For instance if the gas in southern Louisiana is increased from its present 26-cent ceiling to 45 cents, as has been proposed, consumers would pay an additional $190 million for the gas that is still in the ground, according to Martin Lobel, a Washington attorney who has studied the problem on behalf of consumer groups.

"When companies talk about deregulation, they are talking about a lot of money," he said.

CRITICISM FROM CONGRESS

When the FPC has moved toward steps leading to deregulation, it has faced lawsuits and strong criticism from Congress. Some industry critics—particularly Sens. Philip A. Hart, D-Mich., and William L. Proxmire, D-Wis.—have accused gas producers of sitting on potential gas reserves while waiting for the FPC to raise the price.

They and others have argued that no one knows for sure just how much gas is left. The FPC is now attempting to complete a nationwide survey in an attempt to answer the question.

Environmentalists will also soon feel the pinch of moves to stretch the gas supply. The FPC and other government agencies are now attempting to pursuade major industries and utilities to switch to other fuels such as coal that can be used efficiently in large facilities.

One of the reasons for the popularity of gas among industrial users, however, is that it is the simplest way to meet air pollution control standards because it is the cleanest fuel.

According to industry and government sources, President Nixon's forthcoming message on energy is likely to call for both deregulation and the relaxation of some air pollution control standards to permit the switch to coal.

A strong industry-backed effort is also under way to persuade the government to permit drilling off the Atlantic Coast, where large oil and gas fields are believed to be, as well as to hasten the federal push behind various Alaska pipeline plans, which could bring both oil and gas down from the massive Alaskan fields.

Both the offshore drilling and proposed pipeline plans have been vociferously resisted by environmental groups.

This spring, the nation's farmers and consumers may receive yet another jolt from the gas shortage. In order to remove farm subsidies and to fill a blossoming demand among other nations for U.S. grain, the U.S. Department of Agriculture has permitted up to 40 million more acres to be cultivated.

Much of this land has lain dormant for years and will require extensive fertilization. The basic ingredient of anhydrous ammonia, a commonly used fertilizer for grains is natural gas.

According to William Baxter, vice president of CFI Industries, one of the nation's larger fertilizer producers, the gas shortage may trigger a fertilizer shortage that would result in lower yields, leaner cattle and, ultimately, still higher beef prices.

And finally, according to the FPC's Nassikas, there will be another persuader for those who believe—as the residents of Monroe, La., once did—that a gas shortage could not possibly touch their lives.

Next winter, according to Nassikas, will "be worse."

[From the Washington Evening Star and Daily News, Mar. 7, 1973]

UNITED STATES REIMPOSES FUEL PRICE LID

(By John Holusha)

The administration has reimposed mandatory price controls on the nation's largest oil corporations—the first use of the so-called "club in the closet" in Phase 3.

The ruling by the Cost of Living Council, issued late yesterday, brings back under control 23 oil firms with sales of more than $250 million a year. They comprise about 95 percent of the $80 billion industry in terms of annual sales.

A similar approach to controlling farm prices, which are now unregulated, is under consideration, the New York Times reported today. Although the Nixon administration has been emphatically opposed to applying price controls to farmers, the situation in oil is described as similiar to the farm situation: Demand is outstriping supply and thereby raising prices.

Yesterday's ruling allows the oil companies to lift their prices by an overall average of one percent over those in effect Jan. 10, when Phase 3 went into effect.

The one percent annual limit applies to all the applicable products the companies produce. Thus, any particular product could increase greatly in price, as long as the avefage stays under the limit.

Testimony presented at three days of hearings on home heating oil prices in February indicated that some companies are near the one percent limit now.

These firms will be allowed to boost the annual increase another 0.5 percent, to 1.5 percent, if they can show their costs have risen since the reimposition of controls.

Price increases totaling more than 1.5 percent must be backed up with figures showing that the company will not exceed its profit margin limit, and the council must be notified in advance.

Despite increasingly tough administration rhetoric about willingness to use its stand-by authority under Phase 3, yesterday's announcement was conciliatory in tone.

Council Director John T. Dunlop said the reimposition of controls "is not a punitive measure. It is designed to prevent increasing pressure for higher crude oil and petroleum product prices from triggering inflationary price increases."

The decision, Dunlop said, "gives oil companies flexibility to maintain adequate domestic supplies of crude oil and petroleum products. It does not interfere with the ability of oil companies to respond to seasonal variations and demand, market conditions both here and abroad, and individual company circumstances.

Most of the companies involved are multinational, so the question arises whether they might direct their products to foreign markets where they can get higher prices if controls hold down the U.S. price.

The council's deputy director, James W. McLane, said he did not anticipate a supply problem.

"It is our expectation that this action will not alter the oil companies' normal marketing behavior. In fact, it should increase supply because of the certainty it provides. Now they know what the rules are," he said.

At the beginning of Phase 3 several administration spokesmen said the reimposition of mandatory controls would mean the program had not succeeded in its objective of preparing for a control-free economy.

McLane said, however, the oil situation is a special one.

In Oklahoma City, the chairman of the Kerr McGee Corp. called the administration's action "very unwise" and said it "will not bring forth an adequate supply of oil and refined products."

Dean McGee said it was "unbelievable" that the government would justify its decision on grounds to assure supplies when it in fact will discourage the search for additional domestic supplies.

The controls are being reimposed under a catch-all provision which allows for mandatory controls when the council feels that "the goals of the program would be significantly advanced by reasserting controls over an industry . . ." the statement reimposing controls said.

When the largely voluntary Phase 3 controls were announced in January, administration officials stressed that anti-inflation enforcement was not being abandoned, and that they would use their powers to stiffen controls when needed. This threat has come to be called the "club in the closet" of Phase 3.

Yesterday's statement said the controls are being reimposed "both because of the influence of petroleum price movements in other sectors of the economy through what might be called a ripple effect, and because petroleum products serve as important inputs into the production process in most sectors."

[From the Washington Evening Star and Daily News, Feb. 27, 1973]

POWER, IMPACT ENORMOUS: MULTINATIONALS SCRUTINIZED

(By John Holusha)

Have multi-national corporations actually "exported" jobs from the United States? Or would the jobs have vanished anyway in the face of foreign competition?

Are the multi-nationals eroding this country's industrial base by building plants abroad rather than in the United States? Are they ducking U.S. taxes by leaving profits abroad? Are they "running away" from U.S. labor and social standards?

These are the questions the Senate Finance subcommittee on international trade is trying to answer through a series of hearings which began yesterday.

Hard answers may be a long time coming since the available facts can be tailored to support the predispositions of the individual or group concerned.

A subcommittee staff report, however, gives some indication of the power and economic impact of the multinationals.

Typically, they are enormous. General Motors, if its annual sales were compared to gross national product, would be the 23rd largest nation on earth, larger than Switzerland, Yugoslavia, Venezula, Greece or Turkey.

They are broadly based. The Exxon Corp. in 1970 drew 52 percent of its $1.3 billion in profits from overseas. The figure was 50 percent for IBM, 38 percent for Xerox and 45 percent for Dow Chemical.

According to a massive study by the U.S. Tariff Commission, the $268 billion pool of capital controlled by U.S.-based corporations and banks overseas dwarfs the resources of national central banks.

"This $268 billion all managed by private persons in a private market which is virtually uncontrolled by any sort of official institution, amounts to more than twice the total of all international reserves held in central banks and international monetary institutions in the world . . ." the report states.

"These are reserves with which central banks fight to defend their exchange rates. The resources of the private sector outclass them."

Sen. Abraham Ribicoff, D-Conn., chairman of the subcommittee, underscored the point in questioning presidential aide Peter M. Flanigan. He noted that the recent devaluation of the dollar was touched off by $6 billion in dollars flooding into Germany—an amount too large for the country to absorb at the old exchange rate.

"Somebody made a quick profit of $450 million," Ribicoff declared: "Can you tell us who it was?"

NO WAY TO CHECK

Flanigan said there is at present simply no way to check on currency speculation by multi-nationals.

Flanigan was questioned closely about declines in manufacturing jobs in the United States and increases overseas. "How will we absorb 20 million additional employes in the next 10 years?" Ribicoff asked.

Some decline in manufacturing jobs may be the result "of the natural development of our economy," Flanigan said. He drew a parallel with farming, which has become increasingly productive in the United States even though employment has declined. Services, he indicated, will have to absorb a larger percentage of the work force.

[From the Washington Evening Star and Daily News, Feb. 26, 1973]

Occidental Sees Deal With Soviets by 1974

(By Dow Jones)

Occidental Petroleum Co. chairman Armand Hammer reports he would "expect Oxy's 20-year fertilizer exchange agreement with Russia to be closed by the end of this year."

That deal involves Occidental's agreement to exchange $150 million of fertilizer annually with the Soviet Union for a similar value in ammonia and urea which Occidental could sell domestically.

Hammer, who just returned from the Soviet Union, said the fertilizer deal "is progressing well," but there are so many different organizations that have to be consulted and technical questions to be resolved that it will take time."

DISCUSS PIPELINE

Coupled with the fertilizer deal, Hammer said, are discussions concerning an ammonia pipeline, the first of its kind in Russia.

He said that he had had a two-hour discussion with Soviet Community party chief Leonid Brezhnev during which "a wide range of both Occidental and U.S.-Russian trade shows great promise."

Hammer added, "There is a great misunderstanding relating to the manner in which the Russians negotiate . . . they take their time . . . but nonetheless all of our plans there are moving along smoothly."

PROGRESS ON GAS

Concerning a natural gas deal with the Soviets in which Occidental has El Paso Natural Gas as a partner, Hammer said, "We're definitely making progress, but the natural gas agreement will await President Nixon's energy message."

Hammer said he will return to Russia for further negotiations late next month.

Hammer, discussing the company's Peruvian oil concessions, said reserve holdings there "are at least as big if not bigger than those we hold in Libya."

Oxy is completing its second test well there, the upper zone of which came in at a minimum 3,800 barrels a day, he said. There "are still more zones to go through on the second well. The first tested at 2,160 barrels a day."

Currently, Hammer said, the company is negotiating with the Peruvian government concerning a pipeline to bring out oil over the Andes but on a lower elevation than the Ecuadoran pipeline.

The North Sea oil concessions held by Occidental are, in Hammer's opinion, "the closest to production of Occidental's new oil development areas." There, too, the company is drilling a second well that is "encouraging, with some shows of oil."

TO START REFINERY

He said construction of a 120,000-barrel Canvey Island refinery on the Thames River in London is expected to begin by the end of this year.

Hammer said that all Occidental divisions are profitable. He observed that "chemicals are doing very well and there should be substantial improvement in our coal business."

With respect to coal, he said that Occidental "has succeeded in renegotiating some of its major coal contracts in the last six months."

In response to a question relating to speculation that Nixon's energy message next month will urge that oil companies build refineries on the East Coast, Hammer said Occidental wouldn't back off from such an opportunity and indicated that the company would still be in the market for such a project as the ill-fated Machiasport, Maine, refiner plan of a couple of years ago.

Concerning earnings, Hammer said, "We will show a profit for 1972 compared with a loss in the prior year, and 1973 looks like a very good one."

EULOGY TO THE HONORABLE GEORGE W. COLLINS

HON. SPARK M. MATSUNAGA

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Monday, March 12, 1973

Mr. MATSUNAGA. Mr. Speaker, I take this opportunity to add my voice to those of my colleagues who in recent weeks have given well-deserved praise to the late Representative George W. Collins of Illinois. I was deeply saddened by his untimely passing in an airplane crash in December, for George was a personal friend of mine.

Though he served in this body only a short time—just a little over 2 years—he represented Illinois Sixth District exceedingly well, basing his decisions on what would best serve his constituents—the people of Chicago's West Side.

During his short tenure, George Collins gained the respect and admiration of his colleagues for being a committed and diligent man dedicated to humanitarian principles. His dedication is exemplified by the fact that that last tragic flight was carrying him to personally purchase gifts for a children's Christmas party which he sponsored annually.

I extend to his wife, Cardiss, and their son, Kevin, my heartfelt sympathy for their personal loss and assure them that their grief is shared by his former colleagues in the House of Representatives like myself.

PRESIDENT NIXON'S STRONG STATEMENT ON LAW AND ORDER AND CAPITAL PUNISHMENT DESERVES SUPPORT OF CONGRESS

HON. JOE L. EVINS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Monday, March 12, 1973

Mr. EVINS of Tennessee. Mr. Speaker, President Nixon on Saturday last issued a strong statement on law and order including an announcement of his intention to seek legislation authorizing the death penalty for such crimes as air hijacking, kidnaping, firebombing, attacks on prison guards or other police officers, and conviction for treason or other war-related crimes.

I support the President and his strong law and order statement and concur in his conclusions concerning capital punishment for certain specific crimes.

It is obvious that the shadow cast by the Supreme Court on the legality of the death penalty has encouraged criminals to commit acts of murder and commit other crimes of violence.

The death penalty is not only a fitting punishment for these crimes but will also act as a deterrent to those who would commit similar crimes.

Beginning with the assassination of President John F. Kennedy, we have seen a new era of violence in our Nation and throughout the world. Senator Robert F. Kennedy and Dr. Martin Luther King were cut down by assassins' bullets. Gov. George Wallace was critically wounded and permanently paralyzed by an assassin a few miles from the Nation's Capitol. Senator John Stennis was gravely wounded by a robber's bullet in Washington. Recently in the Sudan two American diplomats were murdered by an Arab extremist group.

In the face of this continuing pattern of violence, many of our judges adopt a soft-headed, tolerant approach that is endangering our American way of life by creating disrespect for law and order and for our judicial system and its effectiveness.

Certainly individual rights must be protected, but the rights of law-abiding Americans also must be protected.

I commend the President for his strong declaration on law and order and the need for legislation in this area, in the public interest.

ALASKA PIPELINE PERMITS RAISES QUESTIONS

HON. LES ASPIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, March 12, 1973

Mr. ASPIN. Mr. Speaker, last Friday, the distinguished Senator from Washington (Mr. JACKSON) the chairman of the Senate Interior Committee held 1 day of hearings concerning proposed amendments to the Mineral Leasing Act.

The recent court of appeals decision concerning the granting of permits for the trans-Alaska pipeline raises very serious questions about the present feasibility of the Mineral Leasing Act. The court, as many of my colleagues know, ruled that the Interior Department cannot grant a right-of-way in excess of 54 feet for a pipeline over Federal land. The Mineral Leasing Act specifically stipulates that pipeline rights-of-way may not exceed 54 feet.

Leaving aside the merits of any change in the Mineral Leasing Act, I believe that it is important that two issues—the pipeline issue and the changes in the Mineral Leasing Act—be considered separately. The building of a trans-Alaska or trans-Canadian route raises such fundamental questions about the environment, and our future energy policy that it should be specifically considered in a series of exhaustive hearings by both Houses.

It would be a serious mistake to pass a change in the Mineral Leasing Act which would automatically allow the granting of a permit for the trans-Alaska pipeline without considering specifically and in detail the merits of a Canadian as opposed to an Alaska pipeline.

I submitted a statement for the record at last Friday's hearings which may be of interest to many of my colleagues. The statement follows:

TESTIMONY BY HON. LES ASPIN—MARCH 9, 1973

Mr. Chairman, first of all let me thank you for the opportunity to submit testimony to this Committee concerning right-of-way questions that have arisen as a result of the recent Court of Appeals decision concerning the Alaskan pipeline.

There is no doubt that the recent Court of Appeals decision raises basic questions about the adequacy of the Mineral Leasing Act and the dimensions of various rights-of-way permissible across federal lands. However, I believe in its consideration of the right-cf-way question, this Committee should not ignore nor confuse the right-of-way issue with the equally important question of whether North Slope Oil will be piped via a trans-Alaskan route or a trans-Canadian route.

Most importantly, I hope that this Committee does not report out legislation that addresses itself to the general question of rights-of-way across federal land, while not taking into account such legislation's direct effect on the building of a pipeline. Any legislation on the general question of rights-of-way should contain a provision that requires specific authorization by Congress of any pipeline involving Alaska's North Slope oil. S. 1081, S. 1056, title IV of S. 1041, and section 122 of S. 1040, while changing general right-of-way provisions, could also allow the issuance of trans-Alaskan rights-of-way subject to court review. Thus, specific provisions in any legislation should allow an exemption for the pipeline decision or a specific requirement for Congressional approval of any pipeline.

Simply, put we are faced with separate issues that must be decided by Congress. First, Congress must decide whether basic changes are needed in the Mineral Leasing Act allowing wider rights-of-way. Secondly, I believe Congress must make the fundamental decision about whether a trans-Alaskan or trans-Canadian pipeline is built.

Therefore, I urge the Committee to hold a series of comprehensive hearings on the question of an oil pipeline through Alaska or Canada and allow Congressional consideration of the merits of the pipeline issue. Extensive hearings are needed to fully explore the environmental and economic advantages of building a Canadian rather than an Alaskan pipeline.

This issue is of such complexity and importance that I believe we need several weeks later this spring to explore the advantages of a Canadian pipeline in Congressional hearings.

Most importantly, time is needed to develop additional environmental information about the Canadian route and to fully explore the economic advantages of a Canadian line. Forty-two members of Congress and I have urged President Nixon to undertake environmental studies of the Canadian pipeline route. While the high environmental costs of the Alaskan route are well known and it is widely accepted that a Canadian route would be less costly in an environmental sense, further study is needed to fully assess the environmental impact of a pipeline through Canada.

Extensive hearings are also needed to fully develop the case for the economic advantages to the East and Midwest of a trans-Canadian line. A trans-Canadian route can help avert future fuel oil shortages in the Midwest and East by bringing Alaskan oil directly to the region. Fuel oil prices can be lowered significantly in the Midwest and East if a Canadian pipeline is built.

In addition to more environmental studies of the Canadian route negotiations with the Canadian government should be initiated by our government to explore the possibility of reaching an early agreement about pipeline rights and distribution with the Canadian government.

Our whole energy policy rests upon making the right decision about a pipeline. Serious study and thorough hearings are needed to make sure Congress makes an educated judgment. I believe that if opponents of the trans-Alaskan pipeline are given adequate opportunity to present their case, it will become abundantly clear that the environmental and economic advantages of a Canadian as opposed to an Alaskan route are so overwhelming that Congress should decide against building a trans-Alaskan pipeline.

Mr. Chairman, legislation affecting the right-of-way issue could have a direct impact on the pipeline question. Therefore, this Committee must carefully delineate between issues and offer proper assurances that a right-of-way change bill will not automatically affect the pipeline decision. Otherwise, it is possible that the pipeline issue will be decided de facto by the passage of a change in the right-of-way provisions. I am sure that this is not the intention of the Committee and I am confident that full consideration in the format of extensive hearings on the pipeline issue will be held and that Congress will make a final judgment about whether to build a trans-Alaskan or a trans-Canadian pipeline.

FRED RIETZKE PREPARES FUTURE POSTAL PATRONS

HON. ROBERT L. LEGGETT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 12, 1973

Mr. LEGGETT. Mr. Speaker, Fred Rietzke is a postal clerk in Woodland, Calif. We all know what postal clerks do—sell stamps, weigh packages, sort mail, and generally keep the local post office running. Mr. Rietzke, however, is not satisfied to let his efforts stop there.

On his own time and at his own expense, Mr. Rietzke has built a model post office which has become a familiar sight in the elementary schools of the Woodland area. Below is an article from the Woodland-Davis Democrat which chronicles Fred Rietzke's thoroughly unique and commendable activities.

MODEL POST OFFICE AIDS YOLO PUPILS

(By Joyce Krieg)

When the kids come home from school and say they've been playing post office, don't panic. Chances are that's what they have been doing—learning how the postal service works from Fred Rietzke and his traveling post office.

Rietzke, a clerk in the Woodland post office, has constructed a miniature post office and for the past five years has displayed it at elementary schools. An entirely voluntary effort, Rietzke made the post office model and speaks to the children on his lunch hour.

He first began his post office touring show when his son—now a senior at Chico state university—was in second grade and wanted to show his classmates what his dad did for a living. This grew into a tour of the post office for the children in the class, a tradition carried on for many years.

The post office show changed with the years. Rietzke, originally a mail carrier, put away his bag and began working behind the window. There wasn't time for him to take children on tours of the post office. This, coupled with the Woodland joint unified school district's curtailment of field trips, helped Rietzke evolve the idea of the post office exhibit.

His wife, who Rietzke calls "my social secretary" works at Whitehead school and arranges most of his appearances at the elementary schools.

A special feature of the post office lesson is the miniature post office, including mail slots and boxes for each student, which Rietzke lets the schools keep for several days. He also lets them borrow uniforms, too.

"The kids thoroughly enjoy wearing them," Rietzke remarked. "They roll up the sleeves and the cuffs drag on the floor—they really look cute!"

The post office show came to Plainfield elementary school last week and for nearly an hour Sue Guidoni's second graders learned about zip codes, exotic foreign stamps and valuable old stamps.

Like most youngsters, the Plainfield students were especially curious about number—the bigger the better. When one child wanted to know how many mail boxes there are in Woodland, Rietzke knew the answer—1,500.

But when another wanted to know how many stamps there are in the entire world, Rietzke just laughed, "How many stars are in the sky? That's probably how many stamps there are in the world."

"How big is the post office?" asked one boy.

"Gi-ant!" put in another before Rietzke was able to tell them that the Woodland post office is about as big as the Plainfield playground, an answer that brought gasps and wide-eyed stares from the second-graders.

Miss Guidoni said that Rietzke's talk and the model post office has been a "real incentive for writing letters" for her students. Each child in her class has his own post office box and there are boxes for each of the other classes in the school too.

This has made Miss Guidoni's classroom the communications center of Plainfield school. With Valentine's day approaching, the boxes are overflowing with hand-made love messages for everyone from the "little red haired girl" to principal William Linford.

Much of Rietzke's speech centered around the hobby of stamp collecting, a subject that immediately drew attentive listeners from the class. He told the youngsters about the United Nations stamps, which only may be purchased in the UN buildings in Switzerland and New York, the wildlife stamps showing rare and unusual animals and strange foreign stamps—"to tell you the truth, I don't even know where these are from!"

Many of the youngsters at remote Plainfield school were especially interested in the rural mail routes, since most of them receive their mail this way. Rietzke showed pictures of unusual mail boxes—some shaped like cars or bird houses—and told the children that any kind of box is legal "as long as it keeps the mail dry and has the person's name on it."

After introducing the youngsters to the mysteries of zip codes, pick up notices and c.o.d., Rietzke opened up another favorite subject, the mail man's uniform.

"When I grow up I want to be a postman," one boy said after viewing the blue jackets. "Well good!" Rietzke put in enthusiastically. "You'll have to study hard your math and spelling," he warned.

"Some of you girls may grow up to be a mail clerk—you never know," he added.

Before letting the children come up to inspect the post office boxes and uniforms, Rietzke said, "If you ever come up to the post office, you'll see me at the window or my friend Bert.

"Now all you have to do is start writing letters."

SENATE—*Tuesday, March 13, 1973*

The Senate met at 12 o'clock meridian and was called to order by Hon. WILLIAM D. HATHAWAY, a Senator from the State of Maine.

PRAYER

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

O God, in whom our fathers trusted and in whom we trust, since in Thy mercy another day has been added to our lives, we offer to Thee all that we are or hope to be. May Thy completeness surround our incompleteness, Thy strength support our weakness. Thy divine wisdom guide our human minds. Give us the manhood of the Master. Grant us greatness of spirit to match the magnitude of our labors. And here we would offer to Thee life's highest gift—our lives, by Thy mercy made clean, strong, and trustworthy in the service of the Nation.

We pray in His name who came not to be ministered unto, but to minister. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. EASTLAND).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., March 13, 1973.

To the Senate:

Being temporarily absent from the Senate on official duties, I appoint Hon. WILLIAM D. HATHAWAY, a Senator from the State of Maine, to perform the duties of the Chair during my absence.

JAMES O. EASTLAND,
President pro tempore.

Mr. HATHAWAY thereupon took the chair as Acting President pro tempore.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States, submitting nominations were communicated to the Senate by Mr. Marks, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Acting President pro tempore (Mr. HATHAWAY) laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(The nominations received today are printed at the end of Senate proceedings.)

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Monday, March 12, 1973, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

MESSAGE FROM THE HOUSE—ENROLLED JOINT RESOLUTION SIGNED

A message from the House of Representatives by Mr. Hackney, one of its reading clerks, announced that the Speaker had affixed his signature to the enrolled joint resolution (H.J. Res. 334) to provide for the designation of the second full calendar week in March 1973 as "National Employ the Older Worker Week."

The enrolled joint resolution was subsequently signed by the Acting President pro tempore (Mr. HATHAWAY).

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees may be authorized to meet during the session of the Senate today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

SHIRLEY L. BACON

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 66, Senate Resolution 80.

The ACTING PRESIDENT pro tempore. The bill will be stated by title.

The assistant legislative clerk read as follows:

S. Res. 80, to pay a gratuity to Shirley L. Bacon.

The ACTING PRESIDENT pro tempore. Is there objection to the present consideration of the resolution?

There being no objection, the resolution was considered and agreed to, as follows:

Resolved, That the Secretary of the Senate hereby is authorized and directed to pay, from the contingent fund of the Senate, to Shirley L. Bacon, widow of Raymond E. Bacon, an employee of the Senate at the time of his death, a sum equal to one year's compensation at the rate he was receiving by law at the time of his death, said sum to be considered inclusive of funeral expenses and all other allowances.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. Does the Senator from Pennsylvania desire to be recognized at this time?

Mr. SCOTT of Pennsylvania. Mr. President, I yield back my time.

TRANSACTION OF ROUTINE MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of routine morning business for not to exceed 30 minutes, with statements therein limited to 3 minutes.

EXECUTIVE PRIVILEGE

Mr. ROBERT C. BYRD. Mr. President, I am disturbed by President Nixon's statement yesterday, in which he said that he would invoke Executive privilege as a means of keeping current and former members of his personal staff from appearing before congressional committees.

What particularly disturbs me is his precedent-setting shield of former staff members from congressional inquiries, and the fact that his statement was issued during the Senate Judiciary Committee's first-time-ever hearings on the nomination of a Director of the Federal Bureau of Investigation.

As all of us are aware, the present chapter in the age-old debate over Executive privilege arose during the last few years of the Vietnam war. That war is now ending, and the President deserves all the accolades he has received for achieving peace, however tenuous, in Southeast Asia. I would hope that the President now would take steps to quell the struggle between the executive and legislative branches of our Government. He will only heighten the pitch of the battle by indiscriminately using Executive privilege.

I agree with President Nixon that there is nothing new in Executive privilege. Presidents have been using it ever since George Washington protested the investigation by Congress of the Saint Clair Expedition during his first term as Chief Executive. Despite the contention of privilege, however, all of the Saint Clair documents were eventually turned over to Congress.

There is no mention of such a privilege in the Constitution. Its exercise is asserted to be an inherent power of the President, on the ground that it is necessary to provide the Executive with the autonomy to properly discharge its duties in faithfully executing the laws.

On the other hand, the Constitution vests all legislative power in the Congress, and the power to legislate carries with it, by implication, the authority to obtain information needed in the rightful exercise of that power and to employ compulsory process for that purpose.

The issue involves competing principles: The alleged power of the President to withhold information, the disclosure of which he feels would impede the performance of his constitutional responsibilities; and the power of the legislative branch to obtain the information it needs in order to legislate. But the basic principle involved here is the right of the public to know what the Government is doing. When the people, through their elected representatives, do not know what is going on in another part of the Government, those who govern are not properly accountable for their actions. Accountability is the very basis of our democratic system.

While conceivably a privileged communication between the President and an adviser should be accorded some protection, such a privilege should not be extended to the point that it includes an unwillingness to share the Government with the Congress. Some way must be found to curtail the assertion of executive privilege, except in situations involving bona fide privileged communications of great sensitivity.

The indiscriminate use of executive privilege—such as its blanket extension to all former staff members of the President—can only serve to distort its historical concept and injure the credibility of the Government.

Mr. MANSFIELD. Mr. President, will the distinguished Senator from West Virginia yield?

The ACTING PRESIDENT pro tempore. The time of the Senator from West Virginia has expired.

Mr. MANSFIELD. Mr. President, I seek recognition.

The ACTING PRESIDENT pro tempore. The Senator from Montana is recognized.

Mr. MANSFIELD. Mr. President, I want to commend the distinguished Senator from West Virginia for the cogent statement he has just made. It does appear to me that the question of Executive privilege may well be approaching a crisis stage and I would hope that the President would reconsider the statement which he issued yesterday which I think covers too much territory, goes back too far, and leaves out former officials from appearing before the appropriate congressional committees under reasonable and seasonable circumstances.

It is my understanding that the Judiciary Committee is meeting today to look into this matter of calling Mr. John Dean——

Mr. ROBERT C. BYRD. The Senator is correct.

Mr. MANSFIELD (continuing). To appear before that committee, on the basis of certain statements made by Mr. L. Patrick Gray, the President's nominee for the office of Director of the Federal Bureau of Investigation.

There is, in the words of the distinguished Senator from North Carolina (Mr. ERVIN), as he applied it to the impoundment issue:

> Not a syllable in the Constitution which gives a President, any President, the right to assert executive privilege.

We all recognize that there must be a certain degree of confidentiality between a President and certain of his advisers, but that must not be all-embraceable because, as the Senator has said, the public has a right to know, and sometimes they can know only through the appropriate committees considering certain nominees or certain types of legislation.

We do not want to pry into the confidentiality which any President is entitled to have, but we do not want to see the doctrine of Executive privilege, which embraces confidentiality, spread too far, too wide, or too far back, because this matter should be settled between the Congress and the President on an amicable basis. Certainly we should be able to reach an accommodation which would recognize the rights of the Chief Executive on the one hand, the right of confidentiality, the right of Executive privilege to a limited degree, and also the right of Congress, in this instance the Senate, to have access to knowledge and to be able to listen to witnesses who can give us information to which the public is entitled; because, regardless of our position as President or Senator, the public is entitled to the final and, may I say, the primary consideration, because the President and the Members of this body are servants of the people and are answerable to them.

So I hope that an adjudication or at least an accommodation of this matter can be arrived at, in the interest of both the executive branch and the legislative branch.

The ACTING PRESIDENT pro tempore. The time of the Senator from Montana has expired.

Mr. ROBERT C. BYRD. I thank the distinguished majority leader.

QUORUM CALL

The ACTING PRESIDENT pro tempore. Is there further morning business?

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The ACTING PRESIDENT pro tempore (Mr. HATHAWAY) laid before the Senate the following letters, which were referred as indicated:

REPORT ENTITLED "BETTER USE COULD BE MADE OF U.S. ASSISTANCE AND OTHER SUPPORT TO THE PHILIPPINES"

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a secret report entitled "Better Use Could Be Made of U.S. Assistance and Other Support to the Philippines" (with an accompanying report); to the Committee on Government Operations.

PETITIONS

Petitions were laid before the Senate and referred as indicated:

By the ACTING PRESIDENT pro tempore (Mr. HATHAWAY):

A joint resolution of the House of Delegates of the Commonwealth of Virginia; to the Committee on the District of Columbia:

"HOUSE JOINT RESOLUTION No. 229

"Memorializing the Congress of the United States to undertake corrective actions at the Lorton Prison Complex to insure proper administration and security of that facility

"Whereas, the District of Columbia's penal institution at Lorton, Virginia is unique in that it is physically located within the confines of the Commonwealth of Virginia; and

"Whereas, the administration and control of subject facility is exclusively that of the District of Columbia government with no participation by local or State governmental officials or agencies; and

"Whereas, there have been one hundred thirty-seven instances of prisoner escapes during the nineteen hundred seventy-two calendar year, an increase of fifty-eight over nineteen hundred seventy-one, endangering the lives and safety of Virginia citizens; and

"Whereas, the administrators of subject facility have responded to local citizen concern in an arrogant and most uncooperative manner; and

"Whereas, citizens of Virginia have been captured in their homes, kidnapped and escapees of the Lorton Complex have been charged with the murder of a police officer; and

"Whereas, there have been fifteen inmate assaults on prison officers and sixty-three cases of assaults by inmates upon inmates with three violent deaths; and

"Whereas, the consumption of alcoholic beverages and use of hard drugs has become commonplace within the prison complex with four recorded instances of death due to drug overdose in nineteen hundred seventy-two; and

"Whereas, escapes have taken place at Lorton Prison and gone unreported to Fairfax County, Prince William County, and State law enforcement agencies, for as long as an eight hour period of time, endangering the lives and safety of Virginia residents; now, therefore, be it

"*Resolved by the House of Delegates, the Senate of Virginia concurring,* That the Congress of the United States is memorialized by the General Assembly of Virginia to give its most expeditious consideration to transferring the control of the Lorton Prison Complex to the Federal Prison Systems, and to undertake corrective actions to insure proper administration and security of subject facility.

"*Resolved further,* That the Clerk of the House of Delegates is instructed to send copies of this resolution to the Clerk of the House of Representatives and the Senate of the United States Congress, and to the Virginia delegation in the Congress.

"Agreed to by the House of Delegates, February 7, 1973.

"Agreed to by the Senate, February 23, 1973."

A joint resolution of the Senate of the Commonwealth of Virginia; to the Committee on the Judiciary.

"SENATE JOINT RESOLUTION No. 130

"Memorializing the Congress of the United States to propose an amendment to the Constitution of the United States, relating to tenure of federal justices and judges

"Whereas, the justices of the Supreme Court and judges of the inferior courts of the United States are appointed for life, and are removable only by impeachment; and

"Whereas, in forty-seven of the fifty states, including this Commonwealth, the judiciary has fixed tenure; and

"Whereas, the experience in this Commonwealth reveals that although the judges may be removed from office at the end of their terms, the judiciary has remained independent; and

"Whereas the Congress of the United States should be granted the power parallel to that which this General Assembly now has, that is, to review the records of its federal justices and judges of inferior courts; now, therefore, be it

"*Resolved by the Senate of Virginia, the House of Delegates concurring,* That the Congress of the United States is hereby memorialized to adopt and offer to the States for ratification or rejection the following amendment to the Constitution of the United States:

" 'ARTICLE —

" 'SECTION 1. Notwithstanding the provisions of the second sentence of Section 1 of Article II of the Constitution, each justice of the Supreme Court and each judge of an inferior court established by Congress under Section 1 of Article III shall hold his office during good behavior for terms of eight years. During the eighth year of each term of office of any such justice or judge, his nomination for an additional term of office for the judgeship which he holds shall be placed before the Senate in the manner provided by the law, for the advice and consent of the Senate to such additional term, unless that justice or judge requests that his nomination not be so placed. Any justice or judge whose nomination for an additional term of office is so placed before the Senate may remain in office until the Senate gives its advice and consent to, or rejects, such nomination. If the Senate gives its advice and consent to an additional term of office, that term shall commence from the date of such advice and consent, or the day immediately following the last day of his prior term of office, whichever is later.

" 'SEC. 2. The terms of office established by Section 1 of this article shall apply to any individual whose nomination for a judgeship is submitted after the ratification of this article to the Senate for its advice and consent.'

"*Resolved further,* That the Clerk of the Senate is hereby instructed to send copies of this Joint Resolution to the members of the Virginia delegation in the Congress of the United States and to the President and Vice President of the United States, and the Clerks of the Senate and the House of Representatives.

"Agreed To By The Senate without amendment February 9, 1973.

"Agreed To By The House of Delegates without amendment February 23, 1973."

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. BENTSEN, from the Committee on Public Works, with an amendment:

S. 502. A bill to authorize appropriations for the construction of certain highways in accordance with title 23 of the United States Code, and for other purposes (Rept. No. 93-61), together with individual views.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated:

By Mr. COOK:

S. 1173. A bill to amend the National Traffic and Motor Vehicle Safety Act of 1966. Referred to the Committee on Commerce.

S. 1174. A bill to authorize the U.S. District Court for the Eastern District of Kentucky to hold court at Pineville, Ky. Referred to the Committee on the Judiciary.

S. 1175. A bill to amend section 142 of title 28, United States Code, relating to the furnishing of accommodations to judges of the courts of appeals of the United States. Referred to the Committee on the Judiciary.

By Mr. COOK (for himself and Mr. NELSON):

S. 1176. A bill to amend section 3304(a) of title 5, United States Code, to provide for oral examinations in the competitive service. Referred to the Committee on Post Office and Civil Service.

By Mr. TALMADGE (by request):

S. 1177. A bill to continue mandatory price support for tung nuts only through the 1976 crop. Referred to the Committee on Agriculture and Forestry.

By Mr. TALMADGE:

S. 1178. A bill to establish certain qualifications for individuals appointed to the Supreme Court. Referred to the Committee on the Judiciary.

By Mr. BENTSEN:

S. 1179. A bill to strengthen and improve the private retirement system by establishing minimum standards for participation in and vesting of benefits under pension and profit-sharing retirement plans; by establishing minimum funding standards; by requiring termination of insurance; and by allowing Federal income tax credits to individuals for personal retirement savings. Referred to the Committee on Finance.

By Mr. RIBICOFF:

S. 1180. A bill to discontinue price support programs for agricultural commodities beginning with the 1974 crops of such commodities. Referred to the Committee on Agriculture and Forestry.

By Mr. CRANSTON:

S. 1181. A bill for the relief of Jenelyn Ching Lim; and

S. 1182. A bill for the relief of Anna Maria Farmer. Referred to the Committee on the Judiciary.

By Mr. YOUNG:

S. 1183. A bill for the relief of Isabelle Gannat. Referred to the Committee on the Judiciary.

By Mr. ERVIN:

S. 1184. A bill to incorporate the National Federation of Music Clubs. Referred to the Committee on the Judiciary.

By Mr. CASE:

S. 1185. A bill to provide for the control of surface and underground coal mining operations which adversely affect the quality of our environment, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

By Mr. SCHWEIKER:

S. 1186. A bill exempting State lotteries from certain Federal prohibitions. Referred to the Committee on the Judiciary.

By Mr. PROXMIRE:

S. 1187. A bill to repeal the Military Selective Service Act. Referred to the Committee on Armed Services.

By Mr. BROCK (for himself, Mr. BEALL, Mr. BENNETT, Mr. DOLE, Mr. DOMINICK, Mr. FANNIN, and Mr. TOWER):

S. 1188. A bill to promote the utilization of improved technology in federally assisted housing projects and to increase productivity in order to meet our national housing goals, and for other purposes. Referred to the Committee on Banking, Housing and Urban Affairs.

By Mr. WEICKER:

S. 1189. A bill to promote fair, understandable, and enforceable regulations for nomination and election to Federal office, by limiting the collection and expenditure of funds, and by simplifying reporting regulations. Referred to the Committee on Rules and Administration.

By Mr. MONDALE:

S. 1190. A bill to amend the Atomic Energy Act of 1954 to permit the States concurrently with the Atomic Energy Commission to regulate the emission of radioactive effluents. Referred to the Joint Committee on Atomic Energy.

By Mr. MONDALE (for himself, Mr. WILLIAMS, Mr. RANDOLPH, Mr. BIBLE, Mr. MCGOVERN, Mr. PASTORE, Mr. BEALL, Mr. STAFFORD, Mr. HUGHES, Mr. HATHAWAY, Mr. PELL, Mr. KENNEDY, Mr. BAYH, Mr. PACKWOOD, and Mr. HUMPHREY):

S. 1191. A bill to establish a National Center on Child Abuse and Neglect, to provide financial assistance for a demonstration program for the prevention, identification, and treatment of child abuse and neglect, and for other purposes. Referred to the Committee on Labor and Public Welfare.

By Mr. COOK:

S. 1192. A bill to establish a Federal Amateur Sports Commission. Referred to the Committee on Commerce.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. COOK:

S. 1173. A bill to amend the National Traffic and Motor Vehicle Safety Act of 1966. Referred to the Committee on Commerce.

Mr. COOK. Mr. President, July 10, 1973, will be a tragic day for our Nation. On that day, the two-millionth American will die in an automobile crash. Two million Americans, needlessly dead. Two million Americans, more than twice as many people as those who have died in all the foreign wars in which our country has been involved.

The number of 2 million is not the only horrifying statistic involving automobile accidents. Another 106,342,000 Americans have been maimed or seriously injured during the past half century.

What is even more tragic is the fact that so many of these needless deaths and injuries could have been prevented. They could have been prevented through the use of one item that is already installed in close to 90 percent of the cars on our highways. That one item is a seat belt.

Yet, despite the evidence that 10,000 to 20,000 lives could be saved each year if people used seat belts, less than 30 percent of the motor vehicle occupants buckle up.

It is apparently for that reason, the failure to buckle up, that the Department of Transportation has ordered car manufacturers to install passive restraints on all cars manufactured after August 15, 1975.

But, few people realize that the proposal to require installation of passive restraints also will completely remove the requirement for installation of seat belts in automobiles. In other words, after August 15, 1975, the only way a person will be able to purchase a car with seat belts is to install them himself at an additional cost that will probably be three times higher than the cost of mass installation.

As we all are well aware, passive restraints have not been perfected. Until they are, I feel that we should continue to require installation of seat belts in every car that is manufactured.

We already know that seat belts are effective, and we should keep them until it can be proven, beyond a doubt, that there is a device 100 percent as effective as seat belts.

Even if the technology on passive restraints proves successful enough to meet the 1975 deadline, between now and that date, as well as in the estimated 10 years before the majority of cars on the highway are so equipped, more than 200,000 lives can be saved by seat belts.

Seat belts impose no additional financial burden on motorists, whereas at the present time, the White House Office of Science and Technology reports passive restraints would add $370 to the price of a car.

Seat belts are already required to be in every car that is made. Let us keep them there until we know for sure that we have found something else that can do the job equally as well or better. It is a small price to pay for 200,000 lives.

We have also observed lately that there are ways to make people use seat belts.

In Australia, the first country to enact mandatory seat belt use legislation, seat belt use is up to more than 75 percent, and as a result, fatalities and serious injuries have decreased dramatically.

Several of our State legislatures are considering mandatory use legislation, and in one State where it is up for consideration, the publicity over the proposed law is considered to be largely responsible for a marked decrease in highway fatalities during the first 2 months of this year.

There is increasing interest in mandatory seat belt use legislation. American Motors, General Motors, and Ford are among the automobile companies endorsing proposed legislation. Many of the major insurance companies have expressed support of mandatory use legislation, and groups such as the National Safety Council and the American Association of Automotive Medicine have given it their stamp of approval.

But let us not wait for mandatory seat belt use legislation to be passed. And let us not wait for technology to catch up with rules and regulations. We know seat belts work. We do not know for sure that passive restraints will work. We cannot possibly save every automobile fatality. But if we can be assured of saving more than 200,000, is it not worth it?

That is why I am introducing legislation requiring the Department of Transportation to maintain the requirement that seat belts be installed in every automobile. It is a small effort, but one that can save thousands of our fellow citizens.

By Mr. COOK:

S. 1175. A bill to amend section 142 of title 28, United States Code, relating to the furnishing of accommodations to judges of the courts of appeals of the United States. Referred to the Committee on the Judiciary.

Mr. COOK. Mr. President, section 142 of title 28 of the United States Code provides that office accommodations be made available to U.S. district court judges and U.S. courts of appeals judges only at those places where regular terms of court are authorized by law to be held. This has worked a particular hardship on judges of the courts of appeals since a great deal of their time is spent away from court reviewing appellate briefs. Therefore, although there might be office space available in a Federal building close to the home of an appellate judge, if the court of appeals or district court is not authorized to sit there, the appellate judge must oftentimes travel many miles just to reach his chambers.

Thus, today I am introducing legislation which will correct the situation referred to above. The proposal that I am presenting will make it possible for judges of the U.S. courts of appeals to work near their homes when not actually sitting in court. The proposed legislation would accomplish this without any cost to the Government since it would be applicable only where Federal facilities are already available.

Mr. President, I ask unanimous consent that a copy of the proposed legislation appear in the Record at this point.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 1175

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, that section 142 of title 28, United States Code, is amended by adding the following sentence at the end thereof:

"The limitations and restrictions contained in this section shall not be applicable to the furnishing of accommodations to judges of the courts of appeals at places where federal facilities are available and the judicial council of the circuit approves."

By Mr. COOK (for himself and Mr. Nelson):

S. 1176. A bill to amend section 3304 (a) of title 5, United States Code, to provide for oral examinations in the competitive service. Referred to the Committee on Post Office and Civil Service.

Mr. COOK. Mr. President, on behalf of myself and the distinguished junior Senator from Wisconsin (Mr. Gaylord Nelson) I introduce a bill to amend the law relating to the Federal competitive service. This bill would provide for oral examinations for individuals in acquiring competitive status after serving under an indefinite appointment or temporary appointment for 3 years.

Last year, our Subcommittee on Merchant Marine, of the Senate Commerce Committee, held hearings on towboat pilot licensing and found numerous cases of hardship caused by the requirement of a written examination, particularly among the Cajuns of Louisiana, some Indians and others. These men must spend extended periods of time on the river and while they are often not capable of taking the written examination, they are exceedingly capable in performing their work.

I feel strongly that since an understanding of the job and the performance thereof, rather than an understanding of the written word, if of prime importance, these men should be allowed to be examined orally. When I had a chance to question Admiral Rea, of the Coast Guard, following submission of my testimony in regard to towboat pilot licensing, Admiral Rea assured me that the Coast Guard would make every effort to insure that their regulations would not discriminate against qualified people simply because of their inability to read and write.

I ask that the bill be appropriately referred and hope that we can obtain favorable action on it.

By Mr. TALMADGE (by request):

S. 1177. A bill to continue mandatory price support for tung nuts only through the 1976 crop. Referred to the Committee on Agriculture and Forestry.

Mr. TALMADGE. Mr. President, I ask unanimous consent that the letter transmitting the draft bill be printed in the Record.

There being no objection, the letter was ordered to be printed in the Record as follows:

Department of Agriculture,
Washington, D.C., March 5, 1973.
Hon. Spiro T. Agnew,
President of the U.S. Senate.

Dear Mr. President: There is enclosed for the consideration of the Congress a draft bill which would amend Section 201 of the Agricultural Act of 1949, to continue the mandatory provisions of tung support only through the 1976 crop.

Domestic use of tung oil has steadily declined from 112 million pounds in the 1949–50 marketing year to less than one-fourth that annual quantity since 1968. These reduced U.S. requirements continue to be supplied in large measure by imported tung oil. Domestic production, which reached a peak of 45 million pounds in 1958, has since declined to less than one-tenth that level because of rising costs, the frequency of serious freeze damage, and because of hurricane damage which almost wiped out the industry in 1969. Oil output in 1971 was only 100,000 pounds; the good weather crop year of 1972 will produce little more than 4 million pounds of oil.

Tung oil prices have been so low in recent years that the CCC acquires virtually all of the oil from the tung crop. CCC inventories from acquisitions reached 63 million pounds in 1967. However, small crops and steady sales into the domestic market reduced total CCC-owned inventories to less than 25 million pounds by November 1, 1972. With CCC acquisition costs ranging from 24 to 27 cents per pound for domestically-produced oil, and domestic market prices as low as 10.50 cents, the CCC losses from sales have ranged from 9 to 18 cents per pound since 1966. The CCC sales price for tung oil is currently about 13 cents per pound against the support level for domestically-produced oil of 27.2 cents.

Tung production in the United States has proved to be uneconomic for producers and processors and holds no promise in the future except at continued heavy government cost. The domestic crops have been highly susceptible to freeze and hurricane damage. About two-thirds of the declining orchards were destroyed by Hurricane Camille in 1969. Fewer than 100 producers remain with an economic size orchard of 50 or more producing acres. Potential maximum production of tung oil in a good year is estimated now at 5 million pounds.

Accordingly, the Department of Agriculture recommends that the mandatory support requirement for tung oil be rescinded after four years. It is believed that this proposal will permit growers with currently producing orchards to plan for an orderly transition to other land uses.

Enactment of the proposed legislation would not require additional funds and will reduce future losses to the Federal Government. The reduction in losses to the Federal Government is estimated to be an average decrease in budget authority and outlays of between $500,000 and $750,000 annually beginning in fiscal year 1978. The Commodity Credit Corporation should have disposed of all stocks of tung oil by fiscal year 1978.

An identical letter and draft bill have been submitted to the Speaker of the House of Representatives.

The Office of Management and Budget advises that there is no objection to the presentation of this proposed legislation from the standpoint of the Administration's program.

Sincerely,

J. Phil Campbell,
Under Secretary.

By Mr. TALMADGE:

S. 1178. A bill to establish certain qualifications for individuals appointed to the Supreme Court. Referred to the Committee on the Judiciary.

Mr. TALMADGE. Mr. President, it is high time that something was done about the Supreme Court of the United States. This message is sent to me more than any other by the citizens of my State, and I am in complete agreement with them.

I realize, Mr. President, that this is not a popular thing to say in academic circles. Our liberal scholars tell us that the Supreme Court must be immune from all public pressures. They must be given lifetime tenure, and situated in a position where they can do anything they please without being answerable to anyone. Whenever someone has the audacity to suggest that perhaps the Court may be abusing its power, these scholars tell us that the nine Justices must be kept tucked in safe and snug, in their ivory tower, at all costs. They warn us in fearful tones that if the Court is exposed to the public, it will have an adverse effect on their performance.

Well, Mr. President, I would just like to say that I do not see how they could do any worse than they are doing now. They have made a shambles out of our public school system. They have placed revolving doors on all the criminal courts of this country, and they have generally made a destructive nuisance of themselves. Sometimes I think the motto, "Equal Justice Under Law", should be removed from the front of the Supreme Court Building, and replaced with the statement, "We Know Best."

In short, Mr. President, I have no more patience with those who warn me against tampering with the Court. It has been a long time since I was in the Navy, Mr. President, but I think that if I am adrift in a leaky lifeboat, and there are nine men drilling holes in the bottom of it, I am going to start tampering with them a little.

I have taken two steps, Mr. President, and I do not regard them as drastic. I have already cosponsored a constitutional amendment introduced by Senator Harry F. Byrd Jr., of Virginia, which would provide for the periodic reconfirmation of Supreme Court Justices.

Today, I am introducing legislation to provide that no man can serve on the Supreme Court unless he has had 5 years prior service on either the highest appellate court of his State, or the Federal appellate bench. In other words, Mr President, I do not think the Supreme Court of the United States is a good place to break in new judges.

But it seems to me that it is not unreasonable to require that before a man ascends to the highest court in our land, he have a little judicial experience. I urge my colleagues to give serious and thoughtful consideration to this measure, and I hope that they will approve it.

By Mr. BENTSEN:

S. 1179. A bill to strengthen and improve the private retirement system by establishing minimum standards for participation in and vesting of benefits under pension and profit-sharing retirement plans; by establishing minimum funding standards; by requiring termination of insurance; and by allowing Federal income tax credits to individuals for personal retirement savings. Referred to the Committee on Finance.

Mr. BENTSEN. Mr. President, I believe that one of the domestic issues that must receive top priority during the 93d Congress is the need to strengthen and improve America's private retirement system.

Over the past several decades tens of millions of American working men and women have confidently approached their retirement age expecting to receive a sizeable monthly pension.

The expectations of many of these workers have been fulfilled. America's private retirement system has performed very well for the millions of retired Americans presently receiving their expected retirement benefits.

But, unfortunately there are instances where workers have not received pension benefits that they have earned through years of long, hard labor. Their dreams of financial security after retirement have been shattered. Promises have been broken. In these instances America's private retirement system has not only failed to perform adequately, it has performed very poorly.

Congress must now enact legislation to assure a more consistent performance by the private retirement system and to assure that minimum standards of equity and fiduciary responsibility be established. Participants of private retirement plans must be assured that they will receive the benefits that they have worked for are entitled to receive.

Legislation should be directed toward two general goals. First, we must safeguard the pension rights which millions of American working men and women have earned. Second, efforts must be made to encourage the tens of millions of workers who do not now adequately participate in the private retirement system to independently save for their retirement.

Mr. President, I am today introducing comprehensive legislation which would amend the Internal Revenue Code for the purpose of both eliminating inadequacies in many private retirement plans as well as providing a tax incentive to encourage more people to save for their retirement. The most effective method to achieve these goals is to amend the Internal Revenue Code. The favorable tax treatment granted to pension and other retirement plans has been a major stimulus for the growth of America's retirement system.

Under current tax laws qualified pension plans receive three tax benefits. First, employers are given a tax deduction for all contributions made to a qualified plan. Second, the investment earnings of assets in the plan are tax exempt. Third, employer contributions are not taxable to the employee at the time of contribution. Rather, the income tax is deferred until the money is actually distributed to the employee after his retirement—at which time he is usually in a much lower tax bracket.

The law which has promoted the enormous growth of retirement plans—the Internal Revenue Code—is the law which can most effectively eliminate most of the inequities that have developed in many plans. The Internal Revenue Code already imposes many restrictions on private retirement plans for the specific purpose of protecting those American workers who participate in these plans. The most practical method to impose additional, but related, restrictions would be to add them to our tax law.

It is now several decades since Congress decided to promote the growth of private retirement plans through Federal tax incentives. The Internal Revenue Service which is a part of the Department of Treasury has been administering these laws since their enactment. Over the years the Internal Revenue Service has acquired the experience and expertise needed to administer the tax laws pertaining to the many complicated and diverse retirement plans currently used by private business. It only seems natural that we should utilize the experience and knowledge acquired by the Internal Revenue Service to as large an extent as possible to administer new pension regulations that Congress might enact. There is little justification to create a new Federal agency or to divide jurisdiction between two separate Federal departments where an existing agency can adequately do the job. It is imperative that Congress attempt to streamline the operations of the Federal Government as much as possible and pension reform is no exception.

Most Americans are probably unaware of the enormous size of the private retirement system in our country. More than 30 million active workers are currently participating in the system. Over 4 million retired workers are receiving benefits. The assets in private retirement funds currently exceed $150 billion and are increasing every year.

Millions of American workers have watched employers contribute money into retirement funds on their behalf. The assets in these funds have increased in value through investment earnings. Many of these workers are now retired and receiving sizable retirement benefits. Private pension benefits when added to social security benefits can provide financial security to retired workers. This combined income can give many senior citizens an opportunity to enjoy their old age with a sense of economic well-being. It will help many senior citizens avoid becoming a financial burden on their families or communities.

There is substantial evidence that the private pension system generally works effectively. It is an excellent example of the ability of our free enterprise system to respond to a vital need—the need for the American worker to set aside a portion of his earnings for his retirement so that he will have financial security in his later years. The private retirement system has demonstrated a great degree of flexibility in its ability to offer various types of retirement programs for widely varying businesses throughout all sections of the United States.

When operating effectively, private retirement plans are an illustration of the free enterprise system at its best. When operating effectively, this system deserves the applause of all Americans for its ability to provide benefits to those retired workers who are fortunate enough to have participated in retirement plans during employment.

Unfortunately, not all private retirement plans have performed adequately. Too many retired workers have lost their anticipated pensions. Too many promised benefits have failed to become a reality.

I have received a great deal of correspondence from my constituents in Texas pointing out many of the tragic failures of the private retirement system. These persons have urged Congress to take appropriate action. During the past 2 years the Senate Labor Subcommittee has conducted a comprehensive study of this problem which has demonstrated beyond any doubt the need for immediate legislative action.

I would now like to explain some of the problems with the private retirement system which have been brought to public attention and which require prompt legislative action by the 93d Congress.

One of the fundamental problems involves the loss of pensions by workers who leave their jobs after long periods of employment but before their earned pensions become vested because of unreasonable vesting requirements. Vesting occurs when an employee receives a nonforfeitable right to the money contributed to a pension plan on his behalf. Vesting may occur after an employee works for a company a specified number of years or after an employee reaches a certain age and under some pension plans vesting is based on a combination of age and years of service. Different pension plans contain different vesting formulas but once an employee's pension rights are vested, the employee is entitled to receive his benefits at the normal retirement age even if he leaves the company before that time. Wherever an employee goes he retains an absolute right to any vested benefits he may have earned.

Unfortunately, too many examples have been brought to public attention in which employees, with many years of service with a company, have been denied absolutely all of their earned pensions because they separated from their jobs just prior to fulfilling unreasonably stringent vesting requirements. These workers have been denied benefits for which they have worked so hard. They have been denied a needed retirement income they had confidently anticipated receiving.

For example, consider the case of Stephen Duane who worked at a New Jersey warehouse for 32 years during which time he was accumulating a pension. The warehouse was closed down in 1970, and Stephen Duane lost his job. He was 51 years old at the time. However, this was 4 years short of his company's minimum pension age and as a result he lost all of his pension rights. Despite 32 years of service, during which time he was earning a pension, Stephen Duane received absolutely no pension.

The experience of Thomas Litchko, a father of five, is equally tragic. Mr. Litchko had been employed by the same Pennsylvania corporation for 20 years during which time he was earning a pension. In the spring of 1972—when Mr. Litchko was 39 years old—his company closed down and he was informed that he had no vested rights, that he was not entitled to any pension whatsoever. Under the provisions of his pension plan an employee had to reach the age of 40 before he would receive any vested rights. Thomas Litchko was only 1 year short of vesting and consequently lost 20 years worth of accumulated pensions.

Another example of unreasonable vesting requirements involves the participants of a union-administered pension plan in Chicago. Each local within this union administers its own pension plan. Under the terms of these plans a worker must remain within the same local for 20 years in order to acquire any vested rights. Sometimes a slight shift in jobs—perhaps from the loading docks to the weighing station—involves a shift in union locals and a complete loss of all pension rights for an employee with less than 20 years on the first job.

These are only three examples of the way countless numbers of American working men and women have been tragically victimized by unreasonable vesting provisions in their pension plans.

According to statistics supplied by the administration last year, the pensions of more than two-thirds of all current participants in private pension plans are not now vested. Even among older employees, whose need for vesting is more acute, many pensions are not now vested. Forty percent of participants age 45 or older, 34 percent of participants age 50 or older, and 26 percent of participants age 55 or older do not have vested pension rights.

The need is clear. Congress must establish minimum vesting standards to protect the American worker.

I propose that at the very least an employee should receive a nonforfeitable right to 25 percent of his accumulated pension after 5 years of participation in a pension plan and an additional 5 percent each following year. Once these benefits are vested, an employee will retain these rights wherever he goes.

However, a minimum vesting standard by itself will most certainly not provide a complete solution to the problems of the private retirement system. Many tragic examples have been publicized in which employees have been denied pension benefits—benefits that had actually vested—simply because the pension plan's assets were insufficient to meet all of its obligations.

This raises two related but very important problems—funding and termination insurance. I believe that there is a clear need to legislate minimum funding standards so that pension plans are accumulating sufficient assets to meet their obligations. I also believe that it is essential for all pension plans to acquire termination insurance to guarantee payment of all vested benefits in the event that a plan happens to terminate with insufficient assets to meet its obligations. There have been countless examples of pension plan failures that demonstrate this need.

Perhaps the most noted example involves the closing of the Studebaker plant in South Bend, Ind., in 1964 and the accompanying termination of its pension plan. Even though this was a liberal plan which called for the systematic funding of liabilities, there were not enough assets available to pay all claims when the plan terminated. After the assets were distributed, 4,000 vested employees between the ages of 40 and 60 had received only 15 percent of their anticipated benefits. In fact, some 2,900 employees under the age of 40, some of whom were vested, were left with absolutely nothing.

Unfortunately this was far from an isolated example.

The Senate Labor Subcommittee conducted extensive hearings in 1972 in various cities throughout the Nation to study the loss of retirement benefits as a result of plan terminations. The subcommittee uncovered a great many recent examples of pension plan terminations that resulted in the loss of vested benefits. For example, due to the termination of a company pension plan in Pennsylvania in 1972 approximately 500 vested workers are going to receive only about one-third of their entitled benefits. Another tragic example involved the termination of the pension plan of a midwestern company in 1971. As a result of this termination, 112 retirees had their benefits reduced by 62 percent while there were no remaining funds to provide benefits for the 75 vested participants, who lost absolutely everything.

If anyone questions the existence of lost benefits due to pension plan terminations, he need only read the hearings of the Labor Subcommittee. Hundreds of pages of testimony by American working men and women vividly describe many of the tragic consequences of terminations. Whether 5,000 or 50,000 American working men and women suffer losses each year from terminations, no one can doubt the seriousness of the problem.

One must not forget that the termination of a retirement plan is much more than a statistic compiled for Government charts. It is much more than a list of numbers or a series of percentages. As the victims of pension plan terminations can easily attest, a termination represents a great personal tragedy. It was certainly a real tragedy for the retired worker in Minnesota who learned that he might lose his vested pension because his former employer was about to discontinue the retirement plan. This retired worker said:

> If I get a cut in my pension, I don't know what I will do. My wife has been mentally ill for 14 years and had 45 shock treatments and I am doctoring for cancer since 1954. So you can see my health and my wife's are not too good. Her medicine for a year runs over $500 not including mine, so we need all the pension fund we can get.

The experience of Olaf Anderson of Philadelphia provides another illustration of a victim of a pension plan termination. After working for the same company for 48 years he retired in 1970 and began to receive a pension of $100 a month. However, the company pension plan was terminated in 1971 and Mr. Anderson now receives no pension at all. It is interesting to note that this company provided its employees with a booklet describing the pension plan. The booklet informed the employees that you can look forward to retirement with peace of mind knowing that under the plan there will be a pension check in the mail to you from the company every month for life.

In light of such occurrences, it is not difficult to understand why so many Americans look at the private retirement system as a series of broken promises.

These examples clearly illustrate that minimum vesting standards alone provide no protection to employees when a plan terminates with insufficient assets to cover all liabilities. I believe further protection is absolutely necessary. I believe that Congress must establish minimum funding standards so that all employers make sufficient contributions to back up all vested benefits over a reasonable period of time. I also believe termination insurance is essential to insure that employees will be protected in the event that their plan does terminate before becoming fully funded. Pension reform without minimum funding standards and required insurance is really no reform at all.

The principle of termination insurance is certainly nothing new. In fact, it is well-established and has proved effective in the matter of bank and savings deposits for almost 40 years through the Federal Deposit Insurance Corporation. Reinsurance has also been applied in the housing mortgage field. Just 2 years ago Congress enacted the Security Investor Act which creates a Government-chartered corporation to guarantee stock market investors against losses stemming from financial difficulties of brokerage houses.

Some individuals will argue that enactment of this legislation would result in excessive Federal interference with the private retirement system. I strongly disagree. My proposals will not result in excessive Federal interference since a very large number of pension plans already comply with these minimum vesting and funding standards. Those plans must serve as a model for others to follow.

I strongly oppose efforts toward a Federal takeover of the private pension system. I believe that the free enterprise system can work effectively in this area but only if a proper balance is reached between the interests of employers and employees. One must not forget that the Federal Government has a longstanding policy of encouraging retirement plans by means of the tax laws. It is only fair that this Government policy be administered equitably so that employees benefit to the same extent as the employers who establish the plans.

Under my proposal, employers and employees will remain free to work out pension plan arrangements best suited to their own particular needs and requirements. These proposals will help our free enterprise system operate more effectively.

While legislation is essential to safeguard the pension rights of those Americans who now adequately participate in private retirement plans, Congress must give equal attention to two very related problems. First, there are tens of millions of American working men and women who do not now participate in any retirement plan whatsoever. Currently about one half of our nonagricultural work force—about 30 million workers—are not covered by retirement plans. Second, many employees who do, in fact, participate in retirement plans will not receive adequate benefits because employers are simply not making adequate contributions into the plan on behalf of the employees.

It is clearly discriminatory for Congress to provide special tax benefits for the 30 million participants of private retirement plans while totally denying any tax benefits to the tens of millions of workers who are not able to participate in these plans. These persons certainly deserve equitable treatment from Congress.

We must remember that when a consumer purchases an item such as a television or car a portion of the price will be used to create the pension of the electrical worker or auto worker. It is inequitable that many persons who indirectly contribute to the pension plans of others cannot even establish a tax qualified pension plan for themselves.

Congress must now provide a mechanism for the millions of workers who do not currently participate in the private retirement system to save on their own. One method to do this would be to offer individuals a Federal tax credit for a portion of their current income placed in a retirement fund. I am today proposing such a tax credit.

A tax credit is much more desirable than a deduction in this particular situation. A tax credit would provide a greater economic benefit to persons in a relatively lower income bracket than would a deduction. Those workers with lower incomes have a greater need for a monthly pension to provide financial security during their retirement years.

My proposed tax credit could be used by a great number of American workers who do not participate in employer-sponsored plans. Once these persons reach middle age and no longer have the financial responsibilities of raising a family they have a much greater opportunity to save some money—even if only a small amount. The availability of this tax credit would be an incentive to put these savings in a fund for a retirement income.

In addition, this tax credit will provide an incentive for small employers to establish pension plans. For those employers who presently cannot afford to set up a plan on their own, a tax credit for employee contributions would offer a mechanism for both the employer and employees to join together to make contributions to a plan.

Although the legislation I am introducing today contains no provisions relating to fiduciary responsibility and disclosure, I will most certainly support proposals to enact stringent fiduciary responsibility and disclosure laws. This can be most effectively accomplished by amending the Welfare and Pension Plan Disclosure Act. The bill I am introducing today contains only those provisions that I believe should be included in the Internal Revenue Code.

There is no question that any comprehensive program to alleviate the problems of the private retirement system must also focus on the areas of fiduciary responsibility and disclosure. The assets in private pension plans currently exceed $150 billion. It is essential that legislation be enacted to insure that pension plan administrators who handle these vast sums of money discharge their duties solely in the interests of the plan participants and their beneficiaries. There have been many instances of misuse and poor management of pension plan assets which demonstrate the need for stricter controls. For example, the executives of one corporation reportedly used pension plan assets to purchase real estate from the corporation at an inflated price. There have been other examples of companies that routinely dip into pension funds to make corporate acquisitions. These conflicts-of-interests in the handling of pension funds must be prohibited.

In addition, pension plans must be required to disclose more detailed information to plan participants and the Federal Government. This will enable the government to more easily discover illegal uses of pension plan assets. It is especially important that all communications to employees be presented in a manner that an average participant can easily understand. It is clearly unfair to hold an employee accountable for acts which disqualify him from benefits, if he had no knowledge of these acts, or if these conditions were stated in a misleading or incomprehensible manner in plan booklets.

I will strongly support legislation which would achieve greater fiduciary responsibility and disclosure by making appropriate amendments to the Welfare and Pension Plan Disclosure Act. Since the Department of Labor is currently involved in these two areas, it would be appropriate to retain these functions within the Department of Labor.

My proposals are consistent with the recommendations of the 1971 White House Conference on Aging.

The White House Conference on Aging made the following recommendations:

> Social Security benefits provide a basic protection which should continue to be improved but which can be augmented through private pension plans.
>
> The Federal Government should take action to encourage broader coverage under private pension plans and insure receipt of benefits by workers and their survivors.
>
> It should require early vesting and/or portability, survivor benefits, and complete disclosure of beneficiaries of eligibility and benefit provisions of the plans.
>
> In addition, Federal requirements should assure fiduciary responsibility, minimum funding requirements and protection through reinsurance and other measures, of the promised benefits.

I would now like to explain why my proposals would more effectively remedy the problems of the private retirement system than would the Williams-Javits pension reform bill.

I am aware that about 50 of my colleagues in the Senate have cosponsored the Williams-Javits bill. I have the greatest admiration for the personal efforts made by Senators WILLIAMS and JAVITS on behalf of pension reform. I doubt there are many persons who have devoted a greater amount of their time and energy working to improve America's private retirement system.

However, prior to entering the U.S. Senate 2 years ago, I had many years of personal experience in the private pension field. On a day-to-day basis I was closely involved in the administration of pension plans and saw firsthand many of the problems that require legislative action. Based upon my experience I am unable to agree with many of the provisions of the Williams-Javits bill.

First, I firmly believe that all retirement plans, regardless of size, must comply with minimum vesting, funding and termination insurance standards. Small plans should not be exempt from these requirements. The Williams-Javits bill, on the other hand, exempts plans covering 25 or fewer participants. The loss of earned pensions by a retired worker is a personal tragedy whether the worker once participated in a small or large pension plan. Employees paticipating in small plans certainly deserve as much protection as employees in large plans. In fact, a study conducted by the Bureau of Labor Statistics indicates that small plans are the most likely to terminate. It would be inconsistent to exempt from minimum standards those plans for which the participants are most in need of protection. Thus, no exemption is given to small plans in my bill.

I am well aware of the argument that many small plans might be forced to terminate if they are subject to the minimum standards. However, this does not provide a sufficient justification to exempt small plans. In all too many instances, the owner of a small corporation will establish a pension plan which has a lengthy vesting period so that only the employer himself, and perhaps a few close associates, are likely to remain with the company long enough to be eligible for a pension. In such a situation all of the money that had previously been contributed to the plan on behalf of the employees will eventually be distributed to the employers. There is absolutely no justification for Congress to specifically permit such abuses by giving small plans an exemption from minimum vesting, funding and reinsurance standards.

Second, there is not a sufficient justification to exempt from minimum standards those union administered plans that are financed solely by contributions from union members. The Williams-Javits bill does provide such an exemption. Employees deserve the same protection for their retirement income regardless whether the plan is administered by a union and financed solely by employee contributions. Participants of such plans face the same tragedy upon loss of pension benefits.

Third, the minimum standards relating to vesting and funding should be administered by the Internal Revenue Service which is within the Department of Treasury rather than be administered by the Labor Department as would be the case under the Williams-Javits bill. The tax laws presently have standards—although very limited ones—relating to vesting and funding. Over the years the pension specialists within IRS have acquired the experience and expertise needed to administer the laws dealing with the complex and diverse types of retirement plans currently in existence. It seems only natural that this same department should be empowered—and greatly expanded—to oversee any new restrictions placed on private pension plans.

Fourth, I would allow earlier vesting than the Williams-Javits bill. I propose that an employee receive a nonforfeitable right to 25 percent of his accumulated benefits after 5 years of service under the plan. The Williams-Javits bill, on the other hand, does not require any vesting until the end of 8 years. Thus employees who leave their jobs between 5 and 8 years of service would receive at least 25 percent vesting under my bill but none under the Williams-Javits bill.

Fifth, I would establish a termination insurance program to be administered by a federally chartered nonprofit corporation. By this approach, we can utilize the experience of the private retirement system to as great an extent as possible and limit the expansion of the Federal bureaucracy. The Williams-Javits bill would create an insurance fund within the Department of Labor.

Sixth, I am proposing a tax credit for employee contributions to retirement plans. This is necessary to encourage those employees who do not now participate in the private retirement system to save for their own retirement.

In conclusion, I am today introducing legislation which will authorize the Internal Revenue Service to administer the vesting, funding and termination insurance provisions of this legislation. A Federal tax credit is also proposed to encourage retirement savings for those who do not now adequately participate in private pension plans. In addition, I will support legislation to establish strong fiduciary responsibility and disclosure laws. Enactment of these proposals will make the private retirement system much more responsive to the needs of the American people.

Enactment of such legislation must be a matter of top priority in the 93d Congress.

Mr. President, I ask unanimous consent that at this point in the RECORD there be printed a fact sheet and a summary of my major proposals as well as a more detailed analysis of my bill. In addition, I ask unanimous consent to have the text of my bill included immediately thereafter.

There being no objection, the material and bill were ordered to be printed in the RECORD, as follows:

FACT SHEET, SENATOR LLOYD BENTSEN'S PROPOSED "COMPREHENSIVE PRIVATE PENSION SECURITY ACT OF 1973"

1. ADMINISTRATION AND ENFORCEMENT

Minimum vesting, funding and termination insurance requirements would be added to the Internal Revenue Code as additional requirements for favorable tax treatment.

2. MINIMUM VESTING AND ELIGIBILITY STANDARDS

At a minimum, after five years of participation in a pension plan a worker would receive a non-forfeitable right to at least 25% of the pension benefits that he has accumulated and this would be increased by at least 5% each following year.

No retirement plan would be permitted to require as a condition of eligibility to participate in the plan, a period of service longer than one year or an age greater than 30, whichever occurs later.

3. MINIMUM FUNDING STANDARDS

All pension plan obligations attributable to current service liabilities must be funded annually. In addition, past service liabilities must be funded over a 30 year period.

4. REQUIRED TERMINATION INSURANCE

All Pension plans will be required to purchase termination insurance from the *Pension Guarantee Corporation* which will be established as a non-profit corporation chartered by the Federal Government.

5. VOLUNTARY PORTABILITY

Upon a change of employment an employee will be allowed a tax-free transfer of vested pension rights from job to job but only if both the employee and employer consent to such a transfer. In addition, transfers of pension rights to qualified "individual retirement accounts" will be tax-free.

6. COVERAGE AND EXEMPTIONS

No exemption from minimum standards will be granted to small plans or union-administered plans. However, plans administered by the Federal or State and local governments will be exempt.

7. TAX CREDIT FOR EMPLOYEE CONTRIBUTIONS TO RETIREMENT PLANS

Individuals will receive a limited Federal tax credit for their own contributions to either qualified employer-sponsored retirement plans or qualified "individual retirement accounts."

SUMMARY OF MAJOR PROVISIONS—SENATOR LLOYD BENTSEN'S "COMPREHENSIVE PRIVATE PENSION SECURITY ACT OF 1973"

The "Comprehensive Private Pension Security Act" which will amend the Internal Revenue Code includes the following major provisions:

1. *Administration by the Department of Treasury*—Minimum vesting funding and termination insurance requirements for private retirement plans *would be added to the Internal Revenue Code as additional requirements for favorable tax treatment.* Thus these standards would be administered by the Department of Treasury—specifically the Internal Revenue Service.

The tax benefits granted to qualified pension and profit-sharing plans have been a major stimulus for the rapid growth of the private retirement system. In as much as federal tax laws currently impose vesting and funding standards—although very limited ones—the most practical method to impose additional standards would be to add them to our tax laws.

The Internal Revenue Service already has a staff that has been administering these laws for several decades. Pension specialists within IRS have acquired the experience and expertise needed to administer these laws which deal with the many complex and diverse types of retirement plans currently in existence.

2. *Coverage and Exemptions*—All private retirement plans regardless of the plan's size would be required to comply with the minimum standards in order to qualify for favorable tax treatment. Employees participating in small plans deserve as much protection as employees participating in large plans.

Although some small plans may have difficulty complying with the minimum standards, this does not justify granting them an exemption. In all too many cases, the owner of a small corporation will establish a pension plan which has such a lengthy vesting period that only the employer himself, and a few close associates, have any probability of remaining with the company long enough to be eligible for a pension. In such a situation all the money that had been previously contributed to the plan on behalf of the other employees will eventually be distributed to the employer and his close associates. There is absolutely no justification for Congress to specifically permit such abuses by giving small plans an exemption from minimum vesting, funding and reinsurance standards.

No exemption would be given to those retirement plans administered by employee organizations and financed exclusively by employee contributions. The participants of these plans deserve as much protection as the participants of any other plan.

Plans established by state and local governments would, however, be exempt from the minimum standards. State and local governments must be allowed to make their own determination of the best method to protect the pension rights of municipal and state employees. These are questions of state and local sovereignty and the Federal Government should not interfere.

Plans established pursuant to specific federal laws would also be exempt since they are subject to separate statutory control.

3. *Minimum Vesting and Eligibility Standards*—At a minimum, after five years of participation in a pension plan a worker would receive a nonforfeitable right to at least 25% of the pension benefits that he has accumulated and this will be increased by at least 5% each following year. Employees should be excluded from mandated vesting during the first few years of service because they have a high turnover rate and employees who leave after a very few years of service would only accumulate a very small pension anyway. Vesting after five years of participation in the plan is a reasonable starting period. Since the employer will not be required to provide nonforfeitable benefits for those employees who leave within five years, the money which would otherwise have been required to provide benefits for these persons can instead be used to provide greater benefits for employees with many years of service. Although, under this formula, an employee will not be fully vested until 20 years of participation, the money which would be required for faster vesting could instead be available for increased benefits.

This proposed vesting standard would apply retroactively for persons aged 45 or greater on the date of enactment of the Act so that these persons would receive credit for service rendered prior to the date of enactment. It is important that persons who are now middle aged be able to take advantage of this proposal in order to provide for their retirement income.

A formula that ties vesting to an employee's age should not be adopted. Such an approach would result in discrimination in hiring against older job applicants. An employer would be reluctant to hire an older applicant who would immediately vest under a formula based on an employee's age. This must be avoided since older persons already face a tremendous amount of difficulty finding a new job.

No retirement plan should be permitted to require as a condition of eligibility to participate in the plan, a period of service longer than 1 year or an age greater than 30.

4. *Minimum Funding Standards*—Minimum vesting standards are meaningless if a pension plan, as a result of inadequate funding, does not have sufficient assets to meet all obligations to plan participants. All plans must comply with minimum funding requirements so that the vested rights of employees are adequately safeguarded. Pension obligations attributable to current service liabilities must be funded annually. In addition, *past service liabilities must be funded within 30 years.* These funding standards will protect the interests of employees yet will avoid imposing an unreasonable increase in the cost of administering a pension plan.

The Secretary of Treasury will be empowered to certify which actuaries can be used to attest to the operating soundness of retirement plans. This will assure that only qualified actuaries will determine the level of contributions needed to adequately fund a plan.

The selection of actuarial assumptions and funding methods should be left to the discretion of the actuary. Federal regulations in this area are not necessary if only certified actuaries are involved in the operations of pension plans.

5. *Required Termination Insurance*—Although adequate funding requirements are an essential component of any proposal to protect pension plan participants, further protection is necessary. Pension plans might terminate before prior service liabilities (created either at the time the plan was established or on account of a benefit increase) are liquidated.

If a pension plan did terminate before prior service liabilities were liquidated, there would be insufficient assets to meet the obligations of the plan. In these circumstances the only method to adequately protect employee rights would be through a system of termination insurance.

A private non-profit corporation chartered by the Federal Government should be created to administer this insurance program. The private retirement system has the experience and expertise necessary to administer the termination insurance program.

6. *Voluntary Portability*—Upon a change of employment an employee will be allowed a tax-free transfer of vested pension rights from job to job but only if both the employee and employer consent to such a transfer. In addition, transfers of pension rights to qualified "individual retirement accounts" will be tax-free.

7. *Enforcement*—The vesting, funding and reinsurance provisions would be enforced by denying favorable tax treatment to any plan that fails to comply with these requirements. The threat of losing tax privileges will be a sufficient method to insure compliance with the requirements. Thus the minimum standards would be self-enforcing. Under current tax laws qualified pension plans receive three tax benefits. First, employers are given a tax deduction for *all* contributions made to a qualified plan. Second, the investment earnings of assets in the plan are tax-exempt. Third, employer contributions are not taxable to the employee at the time of contribution. Rather, the income tax is deferred until the money is actually distributed to the employee after his retirement—at which time he is usually in a much lower tax bracket.

8. *Transition and Variances*—Pension plans will be given three years from the date of enactment of the vesting and funding provisions to comply with these minimum standards. This will give plan administrators sufficient time to amend their plans and to make provision for the additional costs involved. Plans will be required to obtain termination insurance within one year after enactment of the requirement so that participants will be quickly protected against a possible loss of benefits due to a termination.

Because mandatory compliance with the vesting and funding provisions might cause undue hardship to the employer or participants of certain retirement plans, the Secretary of Treasury is authorized to suspend these standards in the following three *exceptional circumstances*. First, if adoption of the vesting standard at the required time will cause "substantial economic injury," the Secretary of Treasury can defer applicability of the resting provision for up to five years. Second, if an employer can demonstrate that he is unable to make a required annual contribution, the Secretary of Treasury will be authorized to waive such contribution. The resulting deficiency, however, will have to be funded within 5 years. Third, the Secretary of Treasury will be specifically required to issue special funding regulations pertaining to the funding of multi-employer plans.

9. *Tax Credit for Employee Contributions to Retirement Plans*—An employee would be entitled to a federal tax credit equal to the lesser of $375 or 25% of any employee contributions to a qualified retirement plan. This tax credit would be allowed for employee contributions to either employer-sponsored plans or "individual retirement accounts."

However, the allowable credit would be reduced to reflect any employer contributions made on behalf of any taxpayer. In addition, the allowable credit will be further reduced for those taxpayers not covered by the Social Security system or the Railroad Retirement system in order to reflect the amount of tax that would have been imposed had they been covered.

This tax credit can serve three very useful purposes. *First,* it will provide an incentive to those employees who do not now participate in retirement plans to save on their own. *Second,* those employees who participate in company retirement plans which provide inadequate benefits will be encouraged to make their own contributions to the plan so that they can receive higher benefits after retirement. *Third,* in those instances in which an employer can not afford to establish a plan on his own, a tax credit for employee contributions will encourage the employees and employer to join together to make contributions to provide a pension for employees.

The Department of the Treasury has made an estimate of the revenue that would be lost upon enactment of this tax credit. For the first full year of operation when benefits would be largely confined to persons covered by existing contributory pension plans, the revenue loss is estimated at about $400 million. As employees who are not covered or not adequately covered by existing pension plans set up their own individual plans, the cost would rise so that by the fourth year the cost would be about $600 million.

EXPLANATION OF SENATOR LLOYD BENTSEN'S PROPOSED "COMPREHENSIVE PENSION SECURITY ACT OF 1973"

Administration by the Department of Treasury

Minimum vesting and funding standards and requirements for termination insurance would be added to the Internal Revenue Code as additional requirements for favorable tax treatment.

Under current tax laws qualified pension plans receive three tax benefits. First, employers are given a tax deduction for *all* contributions made to a qualified plan. Second, the investment earnings of assets in the plan are tax-exempt. Third, employer contributions are not taxable to the employee at the time of contribution. Rather, the income tax is *deferred* until the money is actually distributed to the employee after his retirement—at which time he is in a much lower tax bracket.

In essence the federal government has made a policy determination to subsidize the private pension system by allowing substantial tax savings. Congress recognized that these tax privileges might be abused and imposed various requirements for favorable tax treatment in an effort to safeguard the rights of lower paid company employees. For example, Section 401 (a) of the Internal Revenue Code states that to qualify for tax privileges a plan established by an employer must be for the "exclusive benefit of his employees" and it must not "discriminate in favor of employees who are officers, shareholders" or other highly compensated employees.

In addition, the Internal Revenue Service has imposed very limited vesting and funding requirements which pension or profit-sharing plans must comply with in order to qualify for favorable tax treatment.

Decades ago Congress decided to utilize federal tax laws as the instrument to encourage the expansion of pension plans and also decided to impose restrictions on how these plans could operate. The Internal Revenue Service which is a part of the Department of Treasury has been administering these laws since their enactment. Since that time the Treasury Department has acquired the experience and expertise needed to deal with the many detailed and widely varying types of retirement plans currently in existence. It seems natural that this same government department should be empowered and greatly expanded to oversee new restrictions placed on private pension plans. There is no justification to create a new federal agency or to divide jurisdiction between two separate federal departments where an existing agency can adequately do the job. It is imperative that we attempt to streamline the operations of the federal government as much as possible and pension reform is no exception.

Inasmuch as the Internal Revenue Service is presently administering the laws dealing with vesting and funding of private retirement plans, the IRS should administer any new laws in this area.

In summary, there are two major reasons why the Treasury Department should be empowered to administer new pension laws. First, the statute by which our government has encouraged the growth of pension plans—the Internal Revenue Code—should be the same statute that includes safeguards to prevent the abuse of this incentive. Second, the Internal Revenue Service has already acquired expertise and experience in administering laws dealing with retirement plans.

COVERAGES AND EXEMPTIONS

A question arises as to whether small pension plans should be subject to the same vesting and funding standards and the same requirement to purchase termination insurance as large pension plans. After careful thought, I have concluded that all private pension plans regardless of the number of participants must comply with the same minimum requirements. There should be no exemptions for small plans.

Employees in small plans deserve as much protection as employees in larger ones. The denial of earned pensions to a retired worker is a personal tragedy whether he participated in a small or large plan. In fact, there is evidence that small pension plans are usually the least well funded and the most likely to terminate. Employees participating in small plans therefore are in the greatest need of protection. It would be inconsistent to provide an exemption from minimum requirements to those plans that are in the most need of reform.

It would also be extremely difficult to select an arbitrary number and say that plans covering fewer participants are exempt. How does one justify an exemption for fewer than 10 persons as more desirable than an exemption for less than 15, 20 or 25?

In addition the selection of an arbitrary number poses problems for an employer who is below the exemption level but is contemplating raising his work force above that level. Might this exemption discourage him from hiring additional employees?

I am aware that many argue the additional costs of vesting, funding and reinsurance are particularly burdensome to small employers. They contend that many small employers might be unable to pay the additional costs which might require terminating their pension plans or that small employers who presently do not have pension plans might be discouraged from establishing one. This is not a sufficient justification to exempt small plans. If a small employer cannot afford to set up an adequate pension plan, he should not be allowed to set up any plan. A small employer who establishes a lengthy vesting requirement, for example, sometimes does so with the hope that none of his employees will remain with the company long enough to vest. In that situation all contributions—those for the employees as well as the owner—will eventually be distributed to the owner. The tax privileges were not enacted to give small employers such a windfall.

No exemption would be given to those retirement plans administered by employee organizations and financed exclusively by employee contributions. The participants in these plans deserve as much protection as the participants of any other plan.

Plans established by state and local governments, however, would be exempt from the minimum standards. State and local governments must be allowed to make their own determination of the best method to protect the pension rights of municipal and state employees. These are questions of state and local sovereignty and the Federal government should not interfere.

Likewise the various retirement plans established by the federal government would be exempt since these are regulated by other statutes.

MINIMUM ELIGIBILITY AND VESTING STANDARDS

A fundamental problem in our private pension system involves the loss of pensions by workers who leave their jobs before their pension rights become vested. Vesting occurs when an employee receives a nonforfeitable right to the money contributed to a pension plan on his behalf. Once an employee's pension rights are vested, he is entitled to receive his benefits even if he leaves the company prior to retirement. A vested employee retains his rights wherever he may go.

There have been countless examples of employees who have worked for a company for many years, but have lost all of their pension because they left their job before complying with unreasonably long vesting requirements.

For example, consider the case of Stephen Duane who worked at a New Jersey warehouse for 32 years during which time he was earning a pension. The warehouse was closed down in 1970 and Stephen Duane lost his job. He was 51 years old at the time. However, this was four years short of his company's minimum pension age and as a result he lost all of his pension rights. Despite 32 years of service, during which time he was earning a pension, Stephen Duane received absolutely no pension.

Many similar tragedies have been brought to public attention over the past two years during testimony before the Senate Labor Subcommittee. These hearings clearly demonstrate the need for Congress to require all private pension plans to adopt at least some minimum vesting standard to adequately protect the interests of plan participants.

The question naturally arises as to what vesting formula should be the minimum required. Many formulas have been suggested. Some are based solely on years of service. Others are based on a combination of age and number of years of service.

This bill proposes that a worker be entitled to 25% vesting after five years of plan participation and that this be increased by at least 5% for each year of service thereafter so that the worker has a 100% vested right to all pensions earned to that date after 20 years. This proposal has certain distinct advantages over previous ones proposed.

I would like to insert in the record a simplified chart which will illustrate my bill's vesting proposal, as compared with the Williams-Javits proposal and one which would provide a flat 100% vesting after 10 years of participation.

[In percent]

	Years of participation in the plan															
	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20
Proposal:																
Bentsen "5/25"	25	30	35	40	45	50	55	60	65	70	75	80	85	90	95	100
"8/30"	0	0	0	30	40	50	60	70	80	90	100	100	100	100	100	100
Flat "10/100"	0	0	0	0	0	100	100	100	100	100	100	100	100	100	100	100

As you can see, this proposal starts vesting with fewer years of service than the other two and increases at a modest rate. A worker completing at least five years of service would be assured of something when he retired. This is not guaranteed under the other proposals. Likewise, this proposal should not impose as large a cost burden on employers because it increases in modest increments. The other bill would catch or surpass my proposal after 10 years.

One of the problems is that there are large numbers of workers who complete five to ten years of service and leave before they have a chance to acquire a vested right to a pension benefit. On the other hand, short term employees should be excluded from any mandated minimum vesting schedule because of their high turnover. That is why I set five years as the starting point. This is a reasonable point of initiation.

I do not believe that full vesting after ten years is the best approach. Such a proposal provides no assistance to an employee who terminates employment prior to the ten year period. The proposal might also encourage employers to discharge workers just prior to ten years of service.

The proposals which tie vesting to age do not appear to be the best way of solving the problems experienced by workers. A formula—such as the "rule of 50" advanced by the Administration—would guarantee a worker a 50% vested right when the combination of the employee's age and the number of years of covered service equaled 50 years. It would then increase by at least 10 percent for each year thereafter. This formula would have the very undesirable side effect of fostering job discrimination against older applicants. Under this rule a 50 year old applicant would vest almost immediately while a 20 year old applicant would not vest for 15 years. This could be a substantial incentive not to hire the 50 year old applicant because the cost of funding a pension for anyone close to retirement age is comparatively high. In that older workers already face a great difficulty in finding employment, a vesting formula should not be adopted which would aggravate the problem.

My proposed vesting standard would apply retroactively for persons aged 45 or greater so that these persons would receive credit for service prior to enactment of the law. It is essential that middle aged workers can take immediate advantage of the law to provide for their retirement security.

This legislation would also provide that no retirement plan could require as a condition of eligibility to participate in the plan, a period of service longer than 1 year or an age greater than 30.

MINIMUM FUNDING STANDARDS

Although minimum vesting standards are essential, vesting alone is a meaningless gesture unless there are sufficient assets in the pension fund to guarantee payment of all vested rights. What good is full vesting to an elderly employee who is about to retire when there are simply insufficient assets to pay for his vested pension benefits? Very little good.

It is for this reason that my legislation includes minimum *funding* as well as *termination insurance* requirements. It is imperative that if Congress makes a policy determination to require minimum vesting standards, Congress must also guarantee that vesting is more than an empty promise. We must insure that pension benefits—for which American workers have worked so hard—turn out to be a reality upon retirement not a broken promise.

The term *funding* specifically refers to the accumulation of sufficient assets in a pension plan to assure the existence of adequate funds to pay pension obligations as they become due. A determination of what exactly constitutes adequate funding is a controversial question.

First, one must consider the three basic ways pension obligations arise: (1) At the end of each year of employment under a plan, an employee is entitled to pension credits for that year of work. This is known as "normal service cost." (2) When a new pension plan is created, employees may be granted credit for past service with the company. Employees are thus treated as if the plan had been in effect during the earlier years. This liability is referred to as "prior service liability." (3) When a plan is amended to provide increased benefits employees may also be granted credit for past service with the company. This is also referred to as a "prior service liability."

The Internal Revenue Service currently has minimum funding requirements. In order for a pension plan to qualify for favorable tax treatment, contributions must be made to the plan each year in an amount that equals the sum of the following two factors : (1) The benefits attributable to current employee service and (2) The interest on the unfunded accrued liability of the plan, if any. (The unfunded accrued liability refers to any past service obligations for which no contributions have been made.)

Existing IRS funding requirements are not adequate. The inherent weakness is that the employer is not required to make payments toward the *principal* of the unfunded accrued liability. Without mandatory funding of this *principal* as well as the *interest*, a pension plan may never be in financial posture to meet its pension obligations to its employees.

In fact a special President Committee on Corporate Pension Funds concluded in 1965 that present funding standards must be strengthened. This Committee specifically stated:

"Pension plans without adequate funding may turn out to be empty or only partially fulfilled promises. The purpose of concessions granted by the Federal Government to qualified pension plans is to encourage the growth of sound plans which supplement the public retirement security system. This social objective can be served only if funds adequate to pay expected benefits are accumulated. The minimum standards for funding under present law do not assure adequate funding. The setting of standards for adequate funding, therefore, becomes an important public concern."

Despite the recommendations by this Presidential Committee that unfunded liabilities be funded, many pension plans are presently underfunded. A study of over 1000 private retirement funds by the Senate Labor Subcommittee demonstrated that a significant minority of pension plans were substantially underfunded. Over ten percent of the plans had a ratio of assets to vested liabilities of 50 percent or less.

My bill provides the general rule that contributions to a plan must be sufficient to fund pension obligations attributable to present service and that initial unfunded liabilities should be liquidated in equal installments over a period not to exceed 30 years. This is the most reasonable method to protect the interests of employees and yet avoid an unreasonable increase in the cost of administering a pension plan.

Sometimes funding deficits arise because actual plan experience differs from the actuarial assumptions utilized in determining the contributions. This can arise for several reasons such as an unexpected low rate of employee turnover or an unexpectedly low rate of investment earnings of plan assets. This deficit is known as an "experience deficiency." My bill will require that an employer fund an "experience deficiency" over a term not exceeding the average remaining working life of the employees covered by the plan.

The Secretary of Treasury should be empowered to certify actuaries who will be permitted to attest to the actuarial soundness of retirement plans. However, the selection of actuarial assumptions and funding methods to be utilized in a particular plan should be left to the discretion of the actuary and should not be prescribed by a government agency. Each plan presents funding considerations peculiar to the particular provisions of the plan, the make-up of the covered participants and the financial considerations applicable to the employer or employees involved. There is no single set or range of funding methods and assumptions that are suitable for all situations. Instead, it is necessary that the funding assumptions and methods be designed to fit the particular facts at hand. This is a task properly left to a qualified actuary working within the context of the plan involved. The role of the government should be limited to prescribing a minimum schedule for funding normal service costs and past service liabilities.

Under my bill an individual insured pension plan will be considered to meet the funding requirements if it is funded by level annual premiums to retirement age for each individual participant and benefits are guaranteed by the insurance company to the extent that premiums have been paid.

REQUIRED TERMINATION INSURANCE

Although adequate funding requirements are an essential component of any proposal to protect pension plan participants, further protection is necessary. Pension plans might terminate before prior service liabilities (created either at the time the plan was established or on account of a benefit increase) are liquidated. If a pension plan did terminate before prior service liabilities were liquidated there would be insufficient assets to meet the obligations of the plan. In these circumstances the only method to adequately protect employee rights would be through a system of termination insurance.

My proposal would establish a *Pension Guarantee Corporation* which would be a non-profit membership corporation composed of all retirement plans purchasing termination insurance. The Board of Directors would be made up of five Presidential appointees plus the Secretary of Treasury (or his designee) and the Secretary of Labor (or his designee).

Each pension plan will be required to pay an annual premium to the Pension Guarantee Corporation which will be a percentage of the plan's *unfunded vested liabilities*.

The bill specifically sets the premium rate for the first three years of operation of the Pension Guarantee Corporation. It will be 0.2 percent of unfunded vested liabilities in most cases but could go as high as 0.4 percent in a few instances.

After three years, the Pension Guarantee Corporation will permit the Corporation to set differential rates based upon the risk of plan termination.

If the pension guarantee fund should run short on funds, the Corporation would be able to impose special assessments upon its members and, in addition, borrow money from the United States Treasury.

COSTS OF VESTING, FUNDING, AND REINSURANCE

I am well aware that the costs to employers or unions of providing a pension plan will be increased for all plans to the extent that the plan does not already satisfy this bill's proposed minimum standards. However, this is a small price to pay to guarantee that the tragic losses of pension benefits which happen too frequently do not continue to occur. It must be remembered that pensions have been earned through years of employment—they are not a gift—and we must assure that these pensions do not disappear. It must be emphasized that the costs of vesting, funding and termination insurance are costs to the employer or union and *not to the federal government.*

PORTABILITY

Portability refers to the process by which an employee is permitted to transfer his earned pension rights from job to job and at the end of his career be able to convert all such benefits into a final benefit amount reflecting all of his prior service.

Upon a change of employment, I believe that an employee should be allowed a tax-free transfer of vested pension rights from job to job but only if both the employees and employer consent to such transfer. In addition, transfers of pension rights to qualified "individual retirement accounts" should be tax-free.

ENFORCEMENT

The vesting, funding and insurance provisions would be enforced by denying favorable tax treatment to any plan that fails to comply with these requirements. The threat of losing tax privileges will be a sufficient method to insure compliance with the requirements. Thus these minimum standards would be self-enforcing.

Under current tax laws qualified pension plans receive three tax benefits. First, employers are given a tax deduction for all contributions made to a qualified plan. Second, the investment earnings of assets in the plan are tax-exempt. Third, employer contributions are not taxable to the employee at the time of contribution. Rather, the income tax is *deferred* until the money is actually distributed to the employee after his retirement—at which time he is in a much lower tax bracket.

TRANSITION RULES AND VARIANCES

Pension plans will be given three years from the date of enactment of the vesting and funding provisions to comply with these minimum standards. This will give plan administrators sufficient time to amend their plans and to make provision for the additional costs involved. Plans will be required to obtain termination insurance within one year after enactment of the requirement so that participants will be quickly protected against a possible loss of benefits due to a termination.

Because mandatory compliance with the vesting and funding provisions might cause undue hardship to the employer or participants of certain retirement plans, the Secretary of Treasury is authorized to suspend these standards in the following three exceptional circumstances. *First*, if adoption of the vesting standard at the required time will cause "substantial economic injury" the Secretary of Treasury can defer applicability of the vesting provision for up to five years. *Second*, if an employer can demonstrate that he is unable to make a required annual contribution, the Secretary of Treasury will be authorized to waive such contribution. The resulting deficiency, however, will have to be funded within 5 years. *Third*, the Secretary of Treasury will be specifically required to issue special funding regulations pertaining to the funding of multi-employer plans. A multi-employer plan refers to a collectively bargained pension plan to which a substantial number of unaffiliated employers are required to contribute and which covers a substantial portion of the industry. Even if some of the participating employers should suffer financial setbacks, a multi-employer pension fund would still remain solvent. All multi-employer plans must have funding schedules which give reasonable assurances that the plan's benefit commitments will be met and which reflect the particular circumstances affecting the plan, industry, or other pertinent factors.

TAX CREDIT FOR EMPLOYEE CONTRIBUTIONS

While legislation is essential to safeguard the pension rights of those Americans who now adequately participate in private retirement plans Congress must give equal attention to two very related problems. First, there are tens of millions of American working men and women who do not now participate in any retirement plan whatsoever. Currently about one half of our nonagricultural work force—about 30 million workers—are not covered by retirement plans. Second, many employees who do, in fact, participate in retirement plans will not receive adequate benefits because employers are simply not making adequate contributions into the plan on behalf of the employees.

It is clearly discriminatory for Congress to provide special tax benefits for the 30 million Americans who do participate in private retirement plans while *totally denying* any tax benefits to the tens of millions of workers who do not now participate in these plans. These persons certainly deserve equitable treatment from Congress.

We must remember that when a consumer purchases an item such as a television or car, a portion of the price will be used to create the pension of the electrical worker or auto worker. It is inequitable that many persons who indirectly contribute to the pension plans of others cannot even establish a tax-qualified pension plan for themselves.

Congress must now provide a mechanism for the millions of workers who do not currently participate in the private retirement system to save on their own. One method to do this would be to offer individuals a federal tax credit for a portion of their current income placed into an individual retirement fund. I am proposing such a tax credit.

Under my proposal, a credit would be allowed for either an employee contribution to a qualified employer-established plan or an individual's contribution to his own qualified "individual retirement account."

The amount allowable as a tax credit each year could not exceed the lesser of $375 or 25% of the amount of the individual's contribution. Under this formula, an individual who contributes $1500 would be eligible for the maximum credit of $375.

However, the maximum allowable credit would be reduced by 25% of any payments made by the individual's employer to a qualified pension plan on behalf of the individual. For this purpose, an individual would be permitted to assume that employer contributions on his behalf are 7% of his earned income. He could show, however, that a lesser amount had been contributed on his behalf.

Since 7% of $21,286 equals $1500, a participant in an employer-established plan who has an earned income equal to or greater than $21,286 would not be able to take advantage of the tax credit.

In addition, the allowable credit would be further reduced for those persons who receive income which was not covered by the social security system or the railroad retirement system. The allowable credit would be reduced by 25% of the tax that would have been imposed on such income had the income been subject to the Federal Insurance Contribution Act. This reflects the fact that FICA taxes are not deductible.

A new Section 409 would be added to the Internal Revenue Code which would provide favorable tax treatment to the money contributed to a qualified *"individual retiremen account."* The investment earnings of such fund would be tax-exempt.

The account could be held by a bank, insurance company, trustee or custodian. The funds in these accounts could be invested in a broad range of assets including stocks, bonds, bank accounts, and insurance or annuity contracts. Participants in employer-sponsored plans could make their personal contributions to these plans. It is anticipated that banks, insurance companies and mutual funds would provide prototype plans for these accounts.

My proposal would strongly discourage the distribution of the assets in the retirement plan before the recipient reaches age 59½. A tax penalty equal to 30% of the amount of any premature distribution of assets would be imposed unless the recipient or a dependent had serious and costly medical problems. The penalty tax would be in addition to the regular tax imposed on such distribution.

A credit for employee contributions to qualified retirement plans is much more desirable than a deduction. A tax credit would provide a greater economic benefit than a deduction for those who are in a relatively lower income bracket. I believe that my proposed tax credit could be used by many American workers. Once these persons reach middle age and no longer have the financial responsibilities of raising a family they have a much greater opportunity to save some money—even if only a small amount. The availability of this tax credit would be an incentive to put these savings in a fund for a retirement income.

In addition, this tax credit will be an incentive for small employers to establish pension plans. For those employers who presently cannot afford to set up a plan on their own, a tax credit for employee contributions would offer a mechanism for both the employer and employees to join together to make contributions to a plan.

The Department of the Treasury has made an estimate of the revenue that would be lost upon enactment of this tax credit. For the first full year of operation when benefits would be largely confined to persons covered by existing contributory pension plans, the revenue loss is estimated at about $400 million. As employees who are not covered or not adequately covered by existing pension plans set up their own individual plans, the cost would rise so that by the fourth year the cost would be about $600 million.

FIDUCIARY RESPONSIBILITY AND DISCLOSURE

Although my bill does not include any provisions relating to fiduciary responsibility and disclosure, I will fully support legislation to enact strong fiduciary responsibility and disclosure laws. This can most effectively be done by amending the Welfare and Pension Plan Disclosure Act. My bill only includes those provisions which I believe should be included in the Internal Revenue Code.

The assets in private retirement plans currently exceed $150 billion. It is essential that those who administer these funds do so in a manner which is in the best interests of all participants of the plans. In order to insure that this is achieved, strict rules of conduct should be enacted governing the conduct of trustees and fiduciaries who administer these plans. Fiduciaries must be required to discharge their duties solely in the interests of the participants and their beneficiaries. Conflicts of interest must be prohibited. For example, a fiduciary should be prohibited from dealing with pension assets for his own account and a fiduciary should be prohibited from loaning any money to a person who is a party-in-interest. The fiduciary should be held personally liable for his breach of any responsibility owed to the fund, and must reimburse the fund for any loss resulting from such a breach. He must also pay over to the fund any loss resulting from such a breach. He must also pay over to the fund any personal profit realized through use of fund assets.

Pension plans most also be required to disclose more detailed information to plan participants and the federal government. This will help the government find out about any misuse of the assets of retirement plans. In addition pension plan administrators will be required to furnish or make available to participants an explanation of benefits due and the circumstances under which an employee may be disqualified from receiving benefits. It is essential that all communications to employees must be presented in a manner that an average participant can understand intelligently. It is grossly unfair to hold an employee accountable for acts which disqualify him from benefits, if he had no knowledge of these acts, or if these conditions were stated in a misleading or incomprehensible manner in plan booklets.

I will strongly support legislation that establishes strong fiduciary responsibility and disclosure laws by amending the Welfare and Pension Plan Disclosure Act.

S. 1179

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Comprehensive Private Pension Security Act of 1973".

TITLE I—FINDINGS; PURPOSE

FINDINGS

SEC. 101. (a) The Congress finds that—

(1) the growth in size, scope, and numbers of private retirement plans in recent years has been rapid and substantial;

(2) part of this growth is attributable to the favorable tax treatment offered to these plans;

(3) the continued well-being and security of millions of employees and their dependents are directly affected by these plans;

(4) a significant number of these employee benefit plans have failed to protect adequately the interests of plan participants;

(5) many employees with long years of employment with a company are being denied benefits due to the existence of unreasonable vesting provisions in such plans;

(6) due to inadequate funding of many private retirement plans, such plans have insufficient assets to pay all earned benefits;

(7) due to the termination of plans before requisite funds have been accumulated, employees and their dependents have been deprived of anticipated benefits; and

(8) in order to provide for the uniform treatment of expenditures bearing on the free flow of commerce, to protect the general taxing power of the United States, and to protect the interests of employees and their beneficiaries, it is desirable to amend the Internal Revenue Code of 1954 to require, as a condition of qualification under section 401 of that Code, minimum vesting, funding, and termination insurance requirements for pension, profit sharing, and deferred compensation plans.

(b) The Congress further finds that, despite the growth of retirement benefit plans, about one-half of the full-time private nonagricultural adult work force is not covered by existing retirement plans and that it is therefore desirable to enact Federal tax incentives to encourage those workers who are not presently participating in employee benefit plans to save independently for their retirement.

PURPOSES

SEC. 102. It is the purpose of this Act—

(1) to protect interstate commerce, the Federal taxing power, and the interests of participants in private pension plans and their beneficiaries by strengthening and improving such plans by requiring them (A) to adopt reasonable vesting standards, (B) to meet minimum standards of funding, and (C) to protect the vested rights of participants against losses due to plan termination through the establishment of pension plan liability insurance; and

(2) to offer a Federal tax incentive to encourage employees to save independently for their own retirement.

TITLE II—OFFICE OF PENSION PLAN ADMINISTRATION

ESTABLISHMENT OF OFFICE

SEC. 201. (a) There is established within the Internal Revenue Service an office to be known as the Office of Pension Plan Administration (hereinafter referred to as the "Office"). The Office shall be under the supervision and direction of an Assistant Commissioner of the Internal Revenue Service.

(b) Section 5109 of title 5, United States Code, is amended by adding at the end thereof the following new subsection:

"(c) The position held by the employee appointed under section 201(a) of the Comprehensive Private Pension Security Act of 1973 is classified at GS–18, and is in addition to the number of positions authorized by section 5108(a) of this title."

DUTIES; TRANSFER OF FUNCTIONS

SEC. 202. (a) The Office shall carry out all functions of the Internal Revenue Service with respect to pension, profit-sharing, and deferred compensation plans.

(b) All functions of the Secretary of the Treasury which are carried out through the Pension Trust Branch of the Internal Revenue Service are transferred to the Assistant Commissioner of the Internal Revenue Service who is head of the Office.

TITLE III—AMENDMENTS TO THE INTERNAL REVENUE CODE

AMENDMENT OF 1954 CODE

SEC. 301. (a) AMENDMENT OF 1954 CODE.—Except as otherwise expressly provided, whenever in this title a reference is made (by way of amendment, repeal, or otherwise) to a section, chapter, or other provision, the reference shall be considered to be made to a section, chapter, or other provision of the Internal Revenue Code of 1954.

(b) Technical and Conforming Changes.—The Secretary of the Treasury or his delegate shall, as soon as practical (but in any event not later than 90 days after the date of enactment of this Act) submit to the Committee on Ways and Means of the House of Representatives a draft of any technical and conforming changes in the Internal Revenue Code of 1954 which are necessary to reflect throughout such Code the changes in the substantive provisions of law made by this title.

Subtitle A—QUALIFIED TRUSTS

MINIMUM STANDARDS RELATING TO PARTICIPANT ELIGIBILITY

SEC. 321. PERIOD OF SERVICE OR AGE RETIREMENT.—Section 401 (a) (relating to requirements for qualification) is amended by adding at the end thereof the following new paragraph:

"(II) Except in the case of a plan benefiting owner-employees to which subsection (d) applies, a trust shall not constitute a qualified trust under this section if the plan of which such trust is a part requires, as a condition of participation, that an employee—

"(A) have a period of service with the employer in excess of 1 year, or

"(B) have attained an age in excess of 30 years whichever occurs later."

MINIMUM STANDARDS RELATING TO VESTING

SEC. 322. (a) VESTING QUALIFICATION.—Section 401(a) (relating to requirements for qualification) is amended by adding at the end thereof the following:

"(12) (A) A trust shall not constitute a qualified trust under this section unless the plan of which such trust is a part provides that an employee's rights to at least the percentage specified below of his accrued benefits are nonforfeitable:

"Years of plan participation:	Minimum percentage of accrued benefits that must be nonforfeitable
Less than 5	0
5	25
6	30
7	35
8	40
9	45
10	50
11	55
12	60
13	65
14	70
15	75
16	80
17	85
18	90
19	95
20 and over	100

For purposes of this subparagraph, service rendered prior to the establishment of a plan may be disregarded in applying the table contained in this paragraph, except that any participant in that plan who has attained 45 years of age on the effective date of this paragraph shall receive credit for accrued benefits attributable to service rendered prior to that date.

"(B) The Secretary or his delegate may defer, with respect to a plan in existence on the date of enactment of the Comprehensive Private Pension Security Act of 1973, in whole or in part, applicability of the requirements of subparagraph (A) for a period not to exceed 5 years from the effective date of this paragraph upon a showing that compliance with the vesting requirements on the part of the plan would result in increasing the cost of the employer or employers contributing to the plan to such an extent that substantial economic injury would be caused to such employer or employers and to the interests of the participants or beneficiaries in the plan. For purposes of this subparagraph the term 'substantial economic injury' includes, but is not limited to, a showing that (i) a substantial risk to the capability of voluntarily continuing the plan exists, (ii) the plan will be unable to discharge its existing contractual obligations for benefits, (iii) a substantial curtailment of pension or other benefit levels or the levels of employees' compensation would result, or (iv) there will be an adverse effect on the levels of employment with respect to the work force employed by the employer or employers contributing to the plan.

"(C) For purposes of applying the schedule in subparagraph (A), the term 'years of plan participation' means all years of participation (whether or not continuous), except that a plan may provide that—

"(i) 2 of the 5 years required to qualify for the 25 percent vested right under subparagraph (A) shall be continuous under standards prescribed by the Secretary or his delegate,

"(ii) service by a participant prior to the age of 30 may be ignored in determining eligibility for a vested right under this section, unless such participant or an employer has contributed to the plan with respect to such service, and

"(iii) if an employee terminates service and then is initially re-employed on a date occurring more than 10 years after the last date on which his service was terminated, each period of service shall be treated separately for purposes of applying the plan's vesting provisions.

"(13) If a plan is a class year plan, then a trust forming part of the plan shall not constitute a qualified trust under this section unless the plan provides that the participant shall acquire a nonforfeitable right to 100 percent of the employer's constribution on his behalf with respect to any given year, not later than the end of the fifth year following the year for which such contribution was made. For the purposes of this paragraph, the term 'class year plan' means a profit-sharing-retirement plan which provides for the separate vesting of each annual contribution made by the employer on behalf of a participant.

"(14) A trust forming part of a plan shall not constitute a qualified trust under this section unless the plan provides that an employee's interest thereunder shall not be capable of assignment or alienation and the plan does not confer upon an employee, personal representative, or dependent, or any other person, any right or interest capable of being assigned or otherwise alienated.

"(15) A trust forming part of a plan shall not constitute a qualified trust under this section unless the plan provides that an employee's nonforfeitable interest in such plan may be distributed commencing no later than the normal retirement age in the same form as retirement benefits payable to employees who remain until normal retirement age. For the purposes of this subparagraph, 'normal retirement age' means the normal retirement age, specified under the plan but not older than age 65, or in the absence of plan provisions specifying the normal retirement age, such age shall be age 65."

FUNDING REQUIREMENT

Sec. 323. Section 401 (relating to qualified pension, profit-sharing, and stock bonus plans) is amended by redesignating subsection (j) as (n) and inserting after subsection (i) the following new subsections:

"(j)(1) Funding Requirements.—A trust shall not constitute a qualified trust under this section unless the plan of which such trust is a part requires that the employer and if applicable, the employees, make annual or more frequent contributions to the plan in amounts which are sufficient—

"(A) to meet all normal service costs;

"(B) in the case of any initial unfunded liability resulting from the establishment or amendment of the plan, to fund such liability, no slower than ratably, over a term not exceeding 30 years from the date of such establishment or amendment; and

"(C) in the case of an experience deficiency, to remove such deficiency, no slower than ratably, over a term not exceeding the average remaining working life of the employees covered by the plan determined as of the date such deficiency was determined. In the case of a plan which was established prior to the effective date of this paragraph, the 30-year period referred to in subparagraph (B) may, at the option of the employer, be measured from such effective date with respect to any initial unfunded liability existing on such date.

"(2) A plan shall be considered to meet the requirements of paragraph (1) only if, within 6 months after the effective date of regulations promulgated by the Secretary or his delegate to implement this paragraph (but in no event more than 12 months after the effective date of this paragraph or within six months after the date of plan establishment, whichever is later), the plan administrator submits a report of an actuary stating—

"(A) the estimated cost of benefits in respect of service for the first plan year following the effective date of this paragraph and the formula for computing such cost in subsequent years up to the date of the following report;

"(B) the initial unfunded liability, if any, for benefits under the plan as of the effective date of this paragraph, or, if later, as of the date such plan is established;

"(C) the payments required to remove such unfunded liability and experience deficiencies in accordance with this paragraph;

"(D) the actuarial assumptions used and the basis for using such actuarial assumptions; and

"(E) such other pertinent actuarial information as may be required by the Secretary or his delegate.

The Secretary or his delegate shall prescribe rules and regulations establishing standards and qualifications for persons responsible for performing actuarial services in connection with this subsection and, upon application of any such person, certify whether such person meets the standards and qualifications prescribed.

"(3) A plan shall not meet the requirements of paragraph (1) unless the administrator of the plan causes it to be reviewed not less than once every 5 years by an actuary certified under paragraph (2) and submits a report to the Secretary or his delegate stating—

"(A) the estimated cost of benefits in respect of service in the next succeeding 5-year period and the formula for computing such cost for such subsequent 5-year period;

"(B) the surplus or the experience deficiency in the plan after making allowance for the present value of all payments required to be made in the future by the employer as determined by previous reports;

"(C) the payments which will remove any such experience deficiency over the term specified in paragraph (1)(C) of this subsection;

"(D) the actuarial assumptions used and the basis for using such actuarial assumptions; and

"(E) such other pertinent actuarial information as the Secretary or his delegate may require.

"(4) Where a plan is funded exclusively by the purchase of individual insurance contracts which require level annual premium payments to be paid extending not beyond the retirement age for each individual participant in the plan and commencing with the participant's entry into the plan (or, in the case of an increase in benefits, commencing at the time such increase becomes effective), and benefits provided by the plan are equal to the benefits provided under each contract, and are guaranteed by the insurance carrier to the extent premiums have been paid, such plan shall be considered to meet the requirements of this subsection.

"(5) The Secretary or his delegate may exempt any plan, in whole or in part, from the requirements of paragraphs (2) and (3) where he finds the filing of the reports required thereunder to be unnecessary.

"(6) Notwithstanding any other provision of this subsection, a multi-employer plan, as defined in regulations prescribed by the Secretary or his delegate, shall be considered to meet the requirements of this subsection if it requires the employers to make contributions according to a funding schedule approved by the Secretary or his delegate. Any such plan must give reasonable assurances that the plan's benefit commitments will be met and must reflect the particular circumstances affecting the plan, industry, or other pertinent factors.

"(7) For the purposes of this subsection, the term 'experience deficiency' with respect to a pension plan means any actuarial deficit, determined at the time of a review of the plan, that is attributable to factors other than the existence of an initial unfunded liability or the failure of any employer to make any contribution required by the terms of the plan or by law.

"(k) Waiver of Funding Requirement.—If, upon application and notice to affected or interested parties by the plan administrator, the Secretary or his delegate determines that any employer or employers (and, if appropriate, the employees) are unable to make annual contributions to the plan in compliance with the funding requirements of subsection (j), the Secretary or his delegate may waive the annual contribution otherwise required to be paid, and prescribe an additional period of not more than 5 years for the amortization of such annual funding deficiency. If the funding deficiency is removed on at least a ratable basis over such period, the plan shall be considered to have met the requirement of subsection (j) for such period. No waiver shall be granted unless the Secretary or his delegate is satisfied after a review of the financial condition of the plan and other related matters that such waiver—

"(1) will not adversely affect the interest of participants or beneficiaries of such plan; and

"(2) will not impair the capability of the Pension Guarantee Corporation equitably to underwrite vested benefit losses.

If any plan has been granted 5 or more consecutive waivers under this subsection, the Secretary or his delegate shall take such action under section 408 as he deems appropriate.

"(l) Plan Termination.—A trust shall constitute a qualified trust under this section only if the plan of which the trust is a part provides that, upon its complete termination or substantial termination (as determined by the Secretary or his delegate), all assets of the plan will be applied—

"(1) first, to refund to retired and nonretired participants in the plan the amount of contributions made by them;

"(2) second, to provide benefits to participants (or their survivors) in the plan who have retired prior to the date of such termination and have been receiving benefits under the plan;

"(3) third, to provide benefits to those participants (or their survivors) in the plan who, on the date of such termination, had the right to retire and receive benefits under the plan;

"(4) fourth, to provide benefits to those participants in the plan who acquired vested rights under the plan prior to termination of the plan but had not reached normal retirement age on the date of such termination; and

"(5) fifth, to provide benefits to any other participants in the plan who are entitled to benefits under the plan pursuant to the requirements of subsection (a)(7) of this section.

This subsection shall not apply to assets (including insurance contracts) which have been allocated to specific employees or to assets which, under provisions of the plan adopted pursuant to regulations prescribed by the Secretary or his delegate to preclude the discrimination prohibited by subsection (a)(4), may not be used for designated employees in the event of early termination."

ENFORCEMENT OF FUNDING REQUIREMENTS

Sec. 324. Part I of subchapter D of chapter 1 (relating to pension, profit-sharing, stock bonus plans, etc.) is amended by adding at the end thereof the following new section:

"Sec. 408. Failure to make required contributions.

"Whenever the Secretary or his delegate determines that the employer or other person responsible for the administration of a plan which has elected to be treated as a plan which meets the requirements of section 401 or 404(a)(2) fails to make the contributions required by section 401(j), (absent a waiver under section 401(k)) the Secretary or his delegate may—

"(1) order that the plan be terminated if, after notice and opportunity for a hearing, such action is considered necessary to protect the interests of participants,

"(2) require that any deductions attributable to the maintenance and operation of a qualified pension or profit-sharing plan for the 5 taxable years immediately preceding the year of termination be included in the income of the employer in the year of termination, or

"(3) take such other action as he deems consistent with the purposes of such section."

INSURANCE REQUIREMENTS

Sec. 325. Section 401 (relating to qualified pension, profit-sharing, and stock bonus plans) is amended by adding at the end thereof the following new subsection:

"(m) Insurance Requirement.—A trust forming part of a plan shall constitute a qualified trust under this section only so long as the unfunded vested liabilities (whether incurred before the date of enactment of the Comprehensive Private Pension Security Act of 1973 or later) of that trust are insured by the Pension Guarantee Corporation."

CERTAIN TRANSFERS NOT CONSIDERED DISTRIBUTIONS

SEC. 326. Section 402(a) (relating to taxability of beneficiary of exempt trust) is amended by redesignating paragraphs (3) through (5) as (4) through (6), and by inserting after paragraph (2) the following new paragraph:

"(3) CERTAIN TRANSFERS.—For purposes of this section, a transfer of any amount representing an employee's interest in an employee's trust described in section 401(a) which is exempt from tax under section 501 (a), or in an individual retirement account described in section 409, shall not be considered a distribution under paragraph (1) if the transfer is made in connection with a change of employment by the employee and the transfer is made from a trust under his former employer, or from his individual retirement account, to—

"(A) a trust under his new employer, or

"(B) to an individual retirement account of the taxpayer."

TECHNICAL AMENDMENTS

SEC. 327. (a) Section 401 (relating to qualified pension, profit-sharing, and stock bonus plans) is amended by adding at the end thereof the following new subsection:

"(n) Certain Provisions Inapplicable to Government Plans.—The provisions of paragraphs (ii) through (15) of subsection (a) and of subsections (j), (k), (l), and (m) shall not apply to any plan operated by the Government of the United States or of any State or political subdivision thereof."

(b) Section 404(a)(2) (relating to employee's annuities) is amended by—

(1) inserting "(12), (13), (14), and (15)," after "section 401(a) (3), (4), (5), (6), (7), and (8),"; and

(2) inserting "(j), (l), and (m)," after "section 401(d) (other than paragraph (1)),".

(c) Section 805(d)(1)(C) (relating to pension plan reserves defined) is amended by striking out "section 401(a) (3), (4), (5), (6), (7), and (8)" and inserting "section 401 (a) (other than paragraphs (1), (2), (9), (10), and (11)), and subsections (j), (l), and (m) of section 401".

EFFECTIVE DATE

SEC 328. The amendments made by this subtitle shall apply with respect to taxable years beginning more than 3 years after the date of enactment of this Act, except that the amendment made by section 325 shall apply with respect to taxable years beginning more than 1 year after the date of enactment of this Act.

SUBTITLE B—RETIREMENT SAVINGS CREDIT

CREDIT ALLOWED

SEC. 341. (a) ALLOWANCE OF CREDIT.—Subpart A of part IV of subchapter A of chapter 1 (relating to credits against tax) is amended by redesignating section 42 as 43, and by inserting after section 41 the following new section:

"Sec. 42. Retirement Savings.

"(a) CREDIT ALLOWED.—There shall be allowed, as a credit against the tax imposed by this chapter, amounts paid during the taxable year by an individual (other than as an employer)—

"(1) to a qualified individual retirement account (as defined in section 409(a)).

"(2) to an employees' trust described in section 401(a) which is exempt from tax under section 501(a).

"(3) for the purchase of an annuity contract under a plan which meets the requirements of section 404(a) (2).

"(4) to or under a qualified bond purchase plan (as defined in section 405), or

"(5) for the purchase of an annuity contract described in section 403(b).

"(b) LIMITATION.—

"(1) GENERAL RULE.—The amount allowable as a credit under subsection (a) to an individual for any taxable year shall not exceed the lesser of $375 or 25 percentum of the amount described in subsection (a) paid during such year.

"(2) REDUCTION ON ACCOUNT OF EMPLOYER OR OWNER-EMPLOYEE CONTRIBUTIONS.—The amount computed under paragraph (1) of this subsection shall be reduced by—

"(A) 25 percentum of the amount of any contributions made by the taxpayer as an owner-employee during his taxable year, and

"(B) 25 percentum of the amount (determined in accordance with regulations prescribed by the Secretary or his delegate) of any contributions made on behalf of the taxpayer by his employer during the taxpayer's taxable year—

"(i) to an employee's trust described in section 401(a) which is exempt from tax under section 501(a),

"(ii) for the purchase of an annuity contract under a plan which meets the requirements of section 404(a) (2),

"(iii) to or under a qualified bond purchase plan (as defined in section 405), or

"(iv) for the purchase of an annuity contract described in section 403(b).

In accordance with regulations prescribed by the Secretary or his delegate, the amount of any contributions described in the preceding sentence made on behalf of a taxpayer by his employer during his taxable year may, at the option of the taxpayer, be considered to be 7 percent of his earned income for such taxable year attributable to the performance of personal services for such employer.

"(3) REDUCTION APPLICABLE TO CERTAIN PUBLIC AND OTHER EMPLOYEES.—If a taxpayer has earned income for the taxable year which is not subject to tax under chapter 2, 21, or 22, the amounts which may be taken into account in determining the allowable credit under subsection (a) shall be the amounts described in such subsection reduced by an amount equal to 25 percent of the tax (or the increase in the tax) that would be imposed upon such income under section 3101 for such taxable year if the personal services from the performance of which such income is derived constituted employment (within the meaning of section 3121(b)).

"(4) MARRIED INDIVIDUALS.—The limitation provided by this subsection in the case of a married individual shall be determined without regard to the earned income of his spouse and without regard to contributions described in paragraph (2) made on behalf of his spouse. For purposes of this subsection, the earned income of a married individual shall be determined without regard to community property laws.

"(5) EARNED INCOME DEFINED.—For purposes of this subsection, the term 'earned income' has the meaning assigned to such term in—

"(A) in the case of a self-employed individual, section 401(c)(2), and

"(B) in the case of an individual who is not a self-employed individual, section 911 (b)."

INDIVIDUAL RETIREMENT ACCOUNTS

SEC. 342. Part I of subchapter D of chapter 1 (relating to pension, profit-sharing, stock bonus plans, etc.) is amended by adding at the end thereof the following new section:

"Sec. 409. Individual Retirement Accounts

"(a) REQUIREMENTS FOR QUALIFICATION.—A trust, custodial account, annuity contract, or other similar arrangement created or organized in the United States shall constitute a qualified individual retirement account under this section only if—

"(1) it is maintained for the purpose of distribution to the individual who established it, his spouse, or his beneficiaries, the contributions thereto and the income therefrom;

"(2) except as otherwise provided in subsections (b) (1) and (2), contributions thereto during any taxable year may not exceed the lesser of 20 percent of earned income (as defined in section 42(b)(5)) or $1,500 for such taxable year and may be made only by the individual who established it or his spouse;

"(3) except as otherwise provided in subsection (b)(3), the assets thereof are not commingled with the other property of the individual who established it or his spouse, and the contributions are used to purchase an annuity meeting the requirements of section 401(g), or the contributions are held in trust, by or in the custody of, a bank (as defined in section 401(d)(1)), a credit union described in section 501(c)(14), or any other person who demonstrates to the satisfaction of the Secretary or his delegate that the manner in which he will hold or have custody of such assets will be consistent with the requirements of this paragraph;

"(4) except as otherwise provided in subsection (b)(1), under the plan or the other governing instrument, no benefits may be paid to the individual who established it before he attains the age of 59½ years unless (in accordance with regulations prescribed by the Secretary or his delegate) he, his spouse, or one of his dependents (as defined in section 152) becomes seriously ill and he is required to spend a substantial sum of money in medical bills and this expenditure poses a severe financial hardship;

"(5) under the plan or other governing instrument the entire interest of the individual who established it will be distributed to him not later than his taxable year in which he attains the age of 70½ years, or will be distributed, commencing not later than such taxable year, in accordance with regulations prescribed by the Secretary or his delegate, over—

"(A) the life of such individual or the lives of such individual and his spouse, or

"(B) a period not extending beyond the life expectancy of such individual or the life expectancy of such individual and his spouse; and

"(6) if contributions thereto may be used for the purchase of annuity or similar contracts issued by a life insurance company, under the plan or other governing instrument, any refunds of premiums and any amounts in the nature of a dividend or similar distribution must be held by the issuer of such contract and may be applied only toward the payment of future premiums or to the purchase of additional similar benefits.

"(b) SPECIAL RULES.—

"(1) TRANSFER OF ASSETS.—Subsections (a)(2) and (a)(4) shall not be applied to prevent the contribution of amounts to which section 72(p) would otherwise apply to qualified individual retirement account for the benefit of the same taxpayer or the same taxpayer and his spouse.

"(2) LIMITATION ON CONTRIBUTIONS.—Under regulations prescribed by the Secretary or his delegate, rules similar to the rules provided in paragraphs (2) and (3) of section 401(e) (relating to excess contributions on behalf of owner-employees) are to apply to contributions to a qualified individual retirement account to the extent necessary to carry out the purposes of this section.

"(3) USE OF COMMON TRUST FUNDS.—Subsection (a)(3) shall not be applied to prevent the investment of the assets of a qualified individual retirement account in a common trust fund.

"(c) TREATMENT AS QUALIFIED TRUST BENEFITING OWNER-EMPLOYEE.—For purposes of subchapter F and subtitle F, a qualified individual retirement account shall be treated as a trust described in section 401(a) which is part of a plan providing contributions or benefits for employees some or all of whom are owner-employees as defined in section 401(c)(3)), the individual who established such qualified individual retirement account and his spouse shall be treated as owner-employees for whom such contributions or benefits are provided, and the person holding or having custody of the assets of such qualified individual retirement account shall be treated as the trustee of such trust.

"(d) Taxability of Beneficiary of Qualified Individual Retirement Account.—

"(1) In general.—Except as provided in paragraph (2), the amount actually distributed or made available to any beneficiary by a qualified individual retirement account shall be taxable to him, in the year in which so distributed or made available under section 72 (relating to annuities).

"(2) Recontributed amounts.—Paragraph (1) shall not apply to any amount distributed or made available by a qualified individual retirement account to the individual who established such account to the extent that, within 60 days after the day on which such amount is distributed or made available, such amount is contributed to a qualified individual retirement account for the benefit of such individual or such individual and his spouse.

"(3) Applicability of section 72 (m).—Under regulations prescribed by the Secretary or his delegate, an individual establishing a qualified individual retirement account shall be treated as an owner-employee for purposes of applying paragraphs (1), (2), (3), and (4) of section 72 (m) (relating to special rules applicable to employee annuities and distributions under employee plans).

"(e) Capital Gains Treatment and Limitation of Tax Not to Apply to Distributions.—Section 72(n), section 402(a)(2), and section 403(a)(2) shall not apply to any amount distributed or made available by a qualified individual retirement account."

TREATMENT OF DISTRIBUTIONS FROM QUALIFIED INDIVIDUAL RETIREMENT ACCOUNTS

Sec. 343. (a) In General.—Section 72 (relating to annuities) is amended by redesignating subsection (p) as subsection (q) and by inserting after subsection (o) the following new subsection:

"(p) Premature Distributions From Qualified Individual Retirement Accounts.—

"(1) Application of Subsection.—This subsection shall apply to—

"(A) distributions from a qualified individual retirement account, and

"(B) amounts which are received from a qualified trust describe in section 401(a) or under a plan described in section 403 (a), but only to the extent attributable under regulations prescribed by the Secretary or his delegate to amounts with respect to which a credit was allowable under section 42 (relating to retirement savings),

which are includable in gross income and which are received by the individual who established such qualified individual retirement account or who was allowed such credit (or the spouse of such individual) before he or his spouse attains the age of 59½ years, for any reason other than his becoming disabled (within the meaning of section 409 (a)(4)), but only to the extent that such amount is not contributed within 60 days after the day on which such amount is distributed or made available to a qualified individual retirement account for the benefit of such individual or such individual and his spouse.

"(2) Amount of Penalty.—If an individual is required to include in gross income for the taxable year an amount to which this subsection applies, there shall be imposed an additional tax for such taxable year equal to 30 percent of such amount. Any tax imposed under this paragraph shall not be reduced by any credit under part IV of subchapter A (other than sections 31 and 39 thereof), and shall not be treated as tax imposed by this chapter for purposes of section 56."

(b) Investment in the Contract.—

(1) Subparagraph (A) of section 72 (c) (1) (relating to definition of investment in the contract) is amended by inserting after "contract" the following: "for which no credit was allowed under section 42 (relating to retirement savings)".

(2) Section 72 (d)(2) (relating to employees' annuities) is amended by striking out "and" at the end of subparagraph (A), by striking out the period at the end of subparagraph (B) and inserting in lieu thereof "; and", and by inserting after subparagraph (B) the following new subparagraph:

"(C) any contribution made with respect to the contract shall not be treated as consideration for the contract contributed by the employee to the extent that a credit was allowed under section 42 (relating to retirement savings) with respect to such contribution."

(c) Amounts Received Before Annuity Starting Date.—Section 72 (m)(1) (relating to special rule applicable to amounts received before annuity starting date) is amended to read as follows:

"(1) Certain amounts received before annuity starting date.—Any amounts received under an annuity, endowment, or life insurance contract before the annuity starting date which are not received as an annuity (within the meaning of subsection (e) (2)) shall be included in the recipient's gross income for the taxable year in which received to the extent that such amounts, plus all amounts theretofore received under the contract and includable in gross income under this paragraph, do not exceed the aggregate premiums or other consideration paid for the contract—

"(A) while the employee was an owner-employee which were allowed as deductions under section 404 for the taxable year and all prior taxable years, or

"(B) with respect to which credits were allowed under section 42 for the taxable year and all prior taxable years, except to the extent that, within 60 days after the day on which such amounts are received, such amounts are contributed to a qualified individual retirement account for the benefit of the recipient or the recipient and his spouse.

Any such amounts so received which are not includable in gross income under this paragraph shall be subject to the provisions of subsection (c)."

TECHNICAL AND CLERICAL AMENDMENTS

Sec. 344. (a) Technical Amendments.—

(1) Pension Plan Reserves.—

(A) Section 805 (d) (1) (relating to definition of pension plan reserves) is amended by striking out "or" at the end of subparagraph (C), by striking the period at the end of subparagraph (D) and inserting in lieu thereof" "; or", and by adding at the end thereof the following new subparagraph:

"(E) purchased under contracts entered into with trusts, custodial accounts, or other similar arrangements which (as of the time the contracts were entered into) were deemed to be qualified individual retirement accounts (and defined in section 409 (a))"

(B) Section 801 (g) (7) (relating to segregated asset accounts) is amended by striking out "or (D)" and inserting in lieu thereof "(B), or (E)".

(2) Averageable Income.—Paragraph (2) (A) of section 1302 (a) (relating to definition of averageable income) is amended by striking out "section 72(m) (5)" and inserting in lieu thereof "section 72 (m) (5) or 72 (p)".

(3) Earned Income.—Section 1348 (b) (1) (relating to definition of earned income) is amended by striking out "72 (n)" and inserting in lieu thereof "72 (n), 72 (p)".

(b) Clerical Amendments.—

(1) The table of sections for subpart A of part IV of subchapter A of chapter 1 is amended by striking out the last item and inserting in lieu thereof the following new items:

"Sec. 42. Retirement savings.
"Sec. 43. Overpayments of tax."

(2) The table of sections for part I of subchapter D of chapter 1 is amended by adding at the end thereof the following new items:

"Sec. 408. Failure to make required contributions.
"Sec. 409. Individual retirement accounts."

EFFECTIVE DATE

Sec. 345. The amendments made by this title shall apply with respect to taxable years beginning more than 1 year after the date of enactment of this Act.

TITLE IV—PENSION INSURANCE

Sec. 401. (a) There is created a Pension Guarantee Corporation (hereinafter referred to as the "Corporation") which shall insure, as hereinafter provided, the unfunded vested liabilities of all pension, profit-sharing, stock-bonus, and bond purchase plans which otherwise qualify under sections 401 or 404 (a) (2) of the Internal Revenue Code of 1954.

(b) The Corporation shall not be an agency or establishment of the United States Government.

(c) The Corporation shall be a nonprofit membership corporation composed of those plans which purchase insurance from the corporation.

(d) Except as otherwise provided in this title, the Corporation shall be subject to, and have all the powers conferred on a nonprofit corporation by the District of Columbia Nonprofit Corporation Act (D.C. Code 29–1001).

BOARD OF DIRECTORS

Sec. 402. (a) The Corporation shall have a Board of Directors which, subject to the provisions of this Act, shall determine the policies which shall govern the operations of the Corporation.

(b) The Board of Directors shall consist of—

(1) the Secretary of the Treasury or his designee, ex officio;

(2) the Secretary of Labor or his designee, ex officio; and

(3) 5 directors appointed by the President as follows—

(A) 2 from among persons associated with employee organizations,

(B) 2 from among persons associated with employers, and

(C) 1 from among members of the general public not eligible for appointment under subparagraphs (A) and (B).

(c) The President shall designate a Chairman and Vice Chairman from among those Directors appointed under paragraph (3) of subsection (b).

(d)(1) Except as provided in subparagraphs (A) and (B), each director shall be appointed for a term of three years.

(A) of the Directors first appointed, two shall hold office for a term of one year, two shall hold office for a term of two years, and one shall hold office for a term of three years, as designated by the President at the time of their appointment.

(B) A vacancy in the Board shall be filled in the same manner as the original appointment was made. Any director appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed only for the remainder of such term. A director may serve after the expiration of his term until his successor has taken office.

(e) All matters relating to compensation of directors shall be as provided in the bylaws of the Corporation.

(f) The Board of Directors shall meet at the call of its Chairman, or as otherwise provided by the bylaws of the Corporation.

BYLAWS

Sec. 403. (a) As soon as practicable but not later than forty-five days after the date of enactment of this title, the Board of Directors shall adopt initial bylaws and rules relating to the conduct of the business of the Corporation and the exercise of the rights and powers granted to it by this title, and shall file a copy thereof with the Secretary of the Treasury (hereinafter referred to as the "Secretary"). Thereafter, the Board of Directors may alter, supplement, or repeal any existing bylaw or rule and may adopt additional bylaws and rules, and in each such case shall file a copy thereof with the Secretary.

(b) Each such bylaw or rule or amendment thereto shall take effect upon the thirtieth day (or such later date as the Board of Directors may designate) after the filing of the copy thereof with the Secretary or upon such earlier date as the Secretary may determine, unless the Secretary shall by notice to the Corporation setting forth the reasons therefor, disapprove the same, in whole or in part, as being contrary to the public interest or contrary to the purposes of this title.

(c) The Secretary may, by such rules or regulations as he determines to be necessary or appropriate in the public interest or to effectuate the purposes of this title, require the adoption, amendment alteration of, supplement to or rescission of any bylaw or rule by the Corporation whenever adopted.

PENSION GUARANTEE FUNDS

SEC. 404. (a) The Corporation shall establish 2 funds, one of which shall be known as the "Single-employer Fund" and the other of which shall be known as the "Multi-employer Fund" (hereinafter referred to as the "insurance funds"). All amounts received as premiums, assessments, or fees, and any other moneys, property, or assets derived from the operation by the Corporation of the insurance program shall be deposited in the appropriate insurance fund and all claims, expenses, and payments pursuant to the operation of such program shall be paid from the appropriate insurance fund.

(b) All moneys of the insurance funds may be invested in obligations of the United States or in obligations guaranteed as to principal and interest by the United States.

PROTECTION OF PARTICIPANTS

SEC. 405. (a) Subject to the limitations in subsection (b), upon the termination of a member plan, the Corporation shall cause to be paid to each participant in such plan, or to his beneficiary (if such beneficiary would be entitled to receive such benefits), an amount or amounts which (when added to the amounts paid to him by the plan) are necessary to provide him retirement benefits in an amount equal to the retirement benefits with respect to which he had nonforfeitable rights under the plan upon the date of termination of the plan.

(b) The aggregate amount payable to a participant or his beneficiary by the Corporation shall not exceed the amount which, in addition to the sum of the amounts paid him by the plan, is necessary to provide a monthly retirement benefit for the life of the participant payable at normal retirement age (or, in the case of a participant who was disabled prior to the termination of the plan, payable at such time as is specified in the plan) equal to the lesser of (1) $1000 or (2) 50 percent of his average monthly wage for the 5-year period following the date on which the plan became a member of the Corporation for which his earnings were their greatest. In the case of a participant (or a beneficiary) who is receiving retirement benefits at the time the plan is terminated, the limitations on the amounts of payments from the Corporation shall be determined under regulations issued by the Corporation consistent with the principles of this subsection.

(c) Unless otherwise authorized by the Corporation, no amount shall be payable by the Corporation in the case of a plan which is terminated within 5 years after it becomes a member of the Corporation. The Corporation may authorize payments in the cases of such a plan only if—

(1) it was maintained as a qualified plan under section 401 of the Internal Revenue Code of 1954 for more than 5 years prior to its termination;

(2) the Corporation is satisfied that during the period the plan was not a member, it was in substantial compliance with the provisions of section 401 (j) of the Internal Revenue Code of 1954 (relating to funding requirements); and

(3) such payments will not prevent equitable underwriting of losses of vested benefits otherwise covered by this title.

(d) no amount shall be payable by the Corporation with respect to benefits which were created by a plan amendment which took effect within the 3-year period to its termination.

(e) No amount shall be payable by the Corporation with respect to the interest of a participant who, on the date of the plan's termination, is the owner of 10 percent or more of the voting stock of the employer, or of a 10 percent or more interest in the employer where it is an unincorporated trade or business.

(f) The Corporation shall, by regulation, prescribe the procedures under which the funds of terminated plans shall be wound up and liquidated and the proceeds therefrom applied to payment of the non-forfeitable benefits of participants and beneficiaries. In implementing this subsection, the Corporation shall have authority—

(1) to transfer the funds in the terminated plan to the appropriate insurance fund for purposes of liquidation and payment of benefits to participants and beneficiaries;

(2) to purchase single-premium life annuities with the funds of the terminated plan; or

(3) to take such other action as may be appropriate to assure equitable arrangements for the payment of non-forfeitable benefits to participants and beneficiaries under the plan.

INITIAL ASSESSMENTS

SEC. 406. Each member plan of the Corporation shall pay to the Corporation, on becoming a member, a uniform assessment as prescribed by the Corporation to cover the administrative costs of establishing and maintaining the insurance program.

ANNUAL PREMIUMS

SEC. 407. (a) Each member plan shall pay an annual premium to the Corporation determined by applying the premium rate established by the Corporation for that year to the plan's unfunded liabilities for nonforfeitable benefits which are protected by the insurance program (referred to herein as "unfunded vested liabilities"). The Corporation may establish a uniform premium rate for all member plans, may establish a separate uniform premium rates for single employer plans and for multi-employer plans, or may establish a schedule of premium rates which vary by the likelihood that, and the extent to which, a plan may produce liabilities to the insurance program.

(b) For the 3-year period immediately following the effective date of this title, the annual premiums payable pursuant to subsection (a) shall not exceed—

(1) two-tenths of a percent of a plan's unfunded vested liabilities incurred prior to the date of enactment of this Act, where such plan is a multi-employer plan or where such plan's median ratio of plan assets to unfunded vested liabilities was 75 percent during the 5-year period immediately preceding the enactment of this Act or, in the event of a plan established within such 5-year period, where the plan has reduced the amount of such unfunded vested liabilities at the rate of at least 5 percent each year since the plan's date of establishment; or

(2) four-tenths of a percent of a plan's unfunded vested liabilities incurred prior to the date of enactment of this Act where such plan does not meet the standards set forth in paragraph (2) and is not a multi-employer plan.

(c) The Corporation is authorized to prescribe different premium rates after the initial 3-year period based upon experience and other relevant factors.

(d) The Corporation may impose upon its members such special assessments as it may deem necessary and appropriate to provide additional funds to meet obligations of the insurance program. Any assessments so made on a plan for any year shall not exceed the annual premium payable by the plan for that year multiplied by 3, and shall be determined in a manner consistent with the methods for determining such annual premium.

(e) In the event that one or both of the insurance funds is or may reasonably appear to be insufficient for the purposes of this Act, the Secretary is authorized to make loans to the Corporation. At the time of application for, and as a condition to, any such loan, the Corporation shall file with the Secretary a statement with respect to the anticipated use of the proceeds of the loan. A loan shall be made only if the Secretary determines that it is necessary for the protection of participants of member plans and the maintenance of confidence in the private retirement system. The Corporation must submit a plan which provides a reasonable assurance of prompt repayment under the circumstances. Such loan shall bear interest at a rate determined by the Secretary, taking into consideration the current average market yield on outstanding marketable obligations of the United States of comparable maturities. The Secretary may reduce the interest rate if he determines such reduction to be in the national interest. There are authorized to be appropriated to the Secretary of the Treasury such sums as may be necessary to carry out his duties under this title.

By Mr. RIBICOFF:

S. 1180. A bill to discontinue price support programs for agricultural commodities beginning with the 1974 crops of such commodities. Referred to the Committee on Agriculture and Forestry.

AN END TO FARM SUBSIDIES

Mr. RIBICOFF. Mr. President, the administration has finally revealed what every housewife has known for months—food prices are skyrocketing.

Consider what has happened to the American breakfast. In the last year the wholesale price of eggs is up 40 percent, wheat 57 percent, coffee 40 percent, cocoa 47 percent and bacon 48 percent. No matter what the product, prices are rising at record rates—both at the retail and wholesale levels and there is no end in sight.

For some families, the price increases may only mean that they will have to forego steaks and roasts for chicken and hamburger. But those families already finding it difficult to purchase such lower priced items may now find it impossible to buy balanced meals, especially since their wages have been limited by the President's economic program.

We could help eliminate this problem immediately by placing price controls on raw agricultural products. President Nixon has that power and should use it. When Congress reviews wage-price legislation in the coming weeks, I will introduce an amendment to require him to freeze food prices.

Price controls are not the final answer, however. We also need to develop long-term solutions to the chronic rise in food prices. I am therefore introducing legislation today to eliminate Federal agriculture subsidy programs.

Farm subsidies come in two basic forms—acreage restrictions and price-support loans. With acreage restrictions, direct cash payments are made to farmers in return for their promise to reduce their productive acreage.

Price-support loans allow the Government to purchase certain commodities through nonrecourse loan agreements. Such agreements permit a farmer to borrow money from the Government using his unharvested crop as collateral. If the price of the crop turns out to be higher than the value of the loan the crop is sold and the loan repaid. If the crop is worth less than the loan, the farmer defaults and the Government adds his produce to its stockpile. Because the loans are nonrecourse, the Government cannot sue the farmer for the difference between the loan value and the crop value. That difference is pocketed by the farmer as a subsidy.

During fiscal year 1972, farmers were paid more than $4.6 billion in direct payments and nonrecourse loans. In addition, American consumers pay another $4.5 billion yearly in higher food prices artificially inflated by the subsidy programs. Farm prices in recent years would have been as much as 15 percent lower had these programs not been in existence.

These expensive and inflationary programs are based on the myth of the small farm which dominated American agriculture during the 1920's and 1930's. Because of the vast numbers of small farmers in those days and their lack of organization, there was no way to control agricultural production. As a result the Federal Government entered the marketplace to stabilize prices.

These conditions no longer exist. The small farmer is not a major factor in American agriculture. Farming is now a major business and should be treated as such.

Three-fourths of all farm sales are now made by 19 percent of all farmers. Owners of farms selling less than $5,000 in products received 83.5 percent of their total income from nonfarm sources. Despite the fact that these farms account for a tiny portion of the market, we continue to spend up to $10 billion annually to protect them.

Ironically, small farmers do not receive much from the subsidy programs. Charles L. Schultze, the former Director of the Bureau of the Budget, has pointed out that our farm subsidies are not distributed according to income—small farmers getting the most and the big ones the least. Instead they are based on production—the more a farm produces, the greater the value of price supports and subsidies. As a result, the bulk of the subsidies go to the farmers with the highest income.

For example, the Agriculture Department divides farms into categories based on sales. Category 1 farms had sales in excess of $40,000 while category 6 farms had sales of less than $2,500. According to 1969 figures, category 1 farms included only 7.1 percent of the total number of farms but accounted for 51.6 percent of total sales. These few farms received 40.3 percent of the farm subsidies.

At the other end of the scale, category 6 farms accounted for 41.2 percent of the total number of farms but only 2.7 percent of total sales. These truly small farmers received only 5.3 percent of Federal subsidies.

It is time we recognized what the Agriculture Department's own Young Executives Committee has pointed out:

> National policy should not be directed at assuring any particular level of income from farming for the nation's farmers. Income from farming should be of concern only to the extent that it affects the industry's ability to produce efficiently adequate supplies. National policy should be directed toward maintaining agriculture as a viable industry, not as a way of life.

The expiration this year of the Agricultural Act of 1970 provides us with an opportunity to restore some balance to agriculture legislation. The present subsidy programs are vestiges of the past and no longer applicable to the agriculture industry of the 1970's.

If we are ever to bring food prices under control, these old laws must be abolished and modern legislation designed for a free market economy enacted.

I ask unanimous consent that the text of the bill to end farm subsidies be printed at this point in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1180

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That notwithstanding any other provision of law, no funds may be obligated or expended under authority of the Commodity Corporation Charter Act, as amended, the Sugar Act of 1948, as amended, the Agricultural Act of 1949, as amended, the Food and Agricultural Act of 1965, as amended, the National Wool Act of 1954, as amended, or under any other Act, for the purpose of carrying out any price support or subsidy program for any agricultural commodity or product thereof.

SEC. 2. The provisions of this Act shall be effective with respect to crops harvested in 1974 and succeeding calendar years and, in the case of wool and mohair, after December 31, 1973.

By Mr. ERVIN:

S. 1184. A bill to incorporate the National Federation of Music Clubs. Referred to the Committee on the Judiciary.

FEDERAL CHARTER BILL FOR NATIONAL FEDERATION OF MUSIC CLUBS

Mr. ERVIN. Mr. President, I introduce today a bill to provide a national charter for the National Federation of Music Clubs. In both the 91st and 92d Congresses, I introduced similar legislation for the chartering of this meritorious organization. On November 12, 1971, a public hearing was held for the consideration of this and other charter bills. Unfortunately, no action was taken on the bill by the Subcommittee on Federal Charters, Holidays, and Celebrations of the Committee on the Judiciary. Since that time the National Federation of Music Clubs has continued its educational and altruistic promotion of music in our country and plans to celebrate its 75th anniversary at its national convention in April of this year.

It has provided leadership in making the fine arts an important part of our national life. Actually, the influence of the national federation is international in scope because it is the world's largest philanthropic music organization.

I believe that the passage of a bill to give a Federal charter to the National Federation of Music Clubs would be a most helpful contribution to the advancement of music in our country. It would mean governmental recognition for the work of the national federation, and thereby add to its prestige and strengthen the place of music in our national life. A Federal charter for this fine organization will not mean any Federal control over its activities. It will not result in any Government subsidy for the organization's work. Passage of this bill will simply give recognition to this outstanding music group, just as the National Music Council, the American Symphony Orchestra League, and the American National Theater and Academy have been honored by Congress.

It is my earnest hope that this Congress will have the opportunity to act favorably on this bill in the very near future.

Mr. President, I ask unanimous consent that the text of the bill be printed at this point in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1184

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Congress finds and declares that—

(1) the influence of the National Federation of Music Clubs is felt throughout the United States and throughout the world;

(2) the National Federation of Music Clubs has provided leadership in making the fine arts an important part of our national and international life; and

(3) the National Federation of Music Clubs is devoted to encouraging excellence in all fields of music.

SEC. 2. Mrs. Maurice Honigman, Doctor Merle Montgomery, Mrs. J. Knox Byrum, Miss Gertrude P. Caulfield, Mrs. Jack C. Ward, Mrs. Naomi Reynolds, Mrs. Dwight D. Robinson, Mr. J. Phillip Plank, and Mrs. James A. Brady; and their successors are hereby created and declared to be a body corporate by the name of the National Federation of Music Clubs (hereinafter referred to as the "corporation"), and by such name shall be known and have perpetual succession, and the powers, limitations, and restrictions herein contained.

SEC. 3. The persons named in section 2 of this Act shall be the incorporators of the corporation and a majority of such persons are authorized to complete the organization of the corporation by the selection of officers and employees, the adoption of a constitution and bylaws, not inconsistent with this Act, and the doing of such other acts as may be necessary for such purpose.

SEC. 4. This corporation is formed for fraternal, patriotic, historical, and educational purposes; to bring into working relations with one another, music clubs and other musical organizations and individuals directly or indirectly associated with musical activity for the purpose of developing and maintaining high musical standards; to aid and encourage musical education; and to promote American music and American artists throughout the United States of America and other nations.

SEC. 5. The corporation shall have power—

(1) to sue and be sued, complain, and defend in any court of competent jurisdiction;

(2) to adopt, alter, and use a corporate seal;

(3) to appoint and fix the compensation of such officers, employees, managers, and agents, as its business may require, and define their authority and duties;

(4) to adopt, amend, and alter bylaws and regulations not inconsistent with the laws of the United States or any State, or the District of Columbia, in which such corporation is to operate, for the management of its property and the regulation of its affairs;

(5) to make and carry out contracts;

(6) to charge and collect membership dues, subscription fees, and receive contributions or grants of money to be devoted to the carrying out of its purposes;

(7) to take and hold by lease, gift, purchase, grant, devise, or bequest any property, real, personal, or mixed, necessary for attaining the objects and carrying into effect the purposes of the corporation, subject, however, to applicable provisions of law of any State or the District of Columbia (A) governing the amount or kind of real and personal property which may be held by or (B) otherwise limiting or controlling the ownership of real and personal property by, a corporation operating in such State, or the District of Columbia;

(8) to transfer, convey, lease, sublease, mortgage, encumber, and otherwise alienate real, personal, or mixed property;

(9) to borrow money for the purposes of the corporation, issue bonds or other evidences of indebtedness therefor, and secure the same by mortgage, deed of trust, pledge, or otherwise, subject in every case to all applicable provisions of the Federal and State laws or of the laws of the District of Columbia; and

(10) to do any and all lawful acts and things necessary and proper to carry out the objects and purposes of the corporation.

SEC. 6. Eligibility for membership in the corporation and the rights and privileges of members shall, except as provided in this Act, be determined as the constitution and bylaws of the corporation may provide.

SEC. 7. (a) Upon the enactment of this Act and for not more than one year thereafter, the membership of the initial board of directors of the corporation shall consist of those persons named in section 2 of this Act.

(b) Thereafter, the board of directors of the corporation shall consist of such number, shall be selected in such manner, and shall serve for such term as may be prescribed in the constitution and bylaws of the corporation.

(c) The board of directors shall be the governing board of the corporation, and shall be responsible for the general policies and program of the corporation and for the control of all funds of the corporation.

(d) The board of directors may establish an executive committee and other committees to exercise such power as may be prescribed in the bylaws.

SEC. 8. The officers of the corporation shall be those provided in its by laws. Such officers shall be elected in such manner, for such term, and with such duties, as may be prescribed in such bylaws.

SEC. 9. (a) The principal office of the corporation shall be located at 600 South Michigan Avenue, Chicago, Illinois, 60605, or in such other place as may later be determined by the board of directors, but the activities of the corporation shall not be confined to that place but may be conducted throughout the United States and each territory, possession, and dependency of the United States.

(b) The corporation shall maintain at all times in the District of Columbia a designated agent authorized to accept service of process for the corporation, and notice to or service upon such agent, or mailed to the business address of such agent, shall be deemed notice to, or service upon, the corporation.

SEC. 10. (a) No part of the income or assets of the corporation shall inure to any member, officer, employee or member of the board of directors, executive board, or committees, or be distributable to any such person during the life of the corporation or upon its dissolution or final liquidation. Nothing in this subsection, however, shall be construed to prevent the payment of reasonable compensation to officers of the corporation or reimbursement for actual expenses in amounts approved by the corporation's board of directors.

(b) The corporation shall not make loans to its members, officers, employees, or members of the board of directors, executive board, or committees. Any member of the board of directors who votes for or assents to the making of such loan, shall be jointly and severally liable to the corporation for the amount of such a loan until the repayment thereof.

SEC. 11. The corporation shall be liable for the acts of its officers, agents, managers, and employees when acting within the scope of their authority or employment.

SEC. 12. The corporation and its officers and members of the board of directors as such, shall not contribute to or otherwise support or assist any political party or candidate for office.

SEC. 13. The corporation shall have no power to issue any shares of stock nor to declare or pay any dividends.

SEC. 14. The corporation shall keep correct and complete books and records of account. It shall also keep minutes of the proceedings of its members and board of directors, and executive board and committees authorized by the board of directors. The corporation shall keep at its principal office a record of the names and addresses of its members entitled to vote. All books and records of the corporation may be inspected by any member, or his agent or attorney, for any proper purpose, at any reasonable time.

SEC. 15. Upon dissolution or final liquidation of the corporation, after discharge or satisfaction of all outstanding obligations and liabilities, the remaining assets of the corporation may be distributed in accordance with the determination of the board of directors of the corporation and in compliance with this Act, the bylaws of the corporation, and all other Federal and State laws and laws of the District of Columbia applicable thereto.

SEC. 16. The corporation shall have the sole and exclusive right to use and allow or refuse to others the use of the name "National Federation of Music Clubs", and to have and to use such distinctive insignia, emblems, seals, and badges, descriptive or designating marks, and words or phrases, as may be required to carry out the purposes of the corporation. No powers or privileges hereby granted shall, however, interfere or conflict with established or vested rights.

SEC. 17. The first section of the Act entitled "An Act to provide for audit of accounts of private corporations established under Federal law", approved August 30, 1964 (78 Stat. 635; 36 U.S.C. 1101), is amended by adding at the end thereof the following:

"(49) National Federation of Music Clubs".

SEC. 18. The right to alter, amend, or repeal this Act is hereby expressly reserved to the Congress.

By Mr. CASE:

S. 1185. A bill to provide for the control of surface and underground coal mining operations which adversely affect the quality of our environment, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

Mr. CASE. Mr. President, I am today introducing a bill to phase out strip mining of coal in this country.

My bill, which is identical to H.R. 1000, introduced in the House by Congressman KEN HECHLER of West Virginia, would halt within 6 months the most destructive form of coal surface mining, that known as contour mining. Other forms of coal surface mining would be phased out over an 18-month period following enactment of the bill. In addition, the bill would require stricter Federal control of surface mining and reclamation of surface-mined areas during the 18-month phaseout period.

I am well aware of the issues this bill raises, just as I am aware that there are alternatives to surface mining.

There may be those who would say it is folly to phase out strip mining at a time when we are facing shortages of sources of energy.

But strip mining may actually be delaying needed development of the sources of energy needed to meet today's shortages.

We are fortunate at this time of need to have abundant reserves of coal, particularly of low-sulfur coal that can be deep mined in the very areas where surface mining is now taking place.

Of the 1,552 billion tons of known reserves of coal, only 3 percent, or 45 billion tons, can be strip mined. The remainder can be extracted only by deep mining. In other words, to meet our current energy shortages, we are going to have to turn more toward deep-mined coal.

But, since 1965, strip mining of coal has contributed to a decline of coal mining in the underground pits. More than 1,700 deep mines in Appalachia alone closed between 1965 and 1970, leaving thousands of persons who worked in the mines without jobs.

If environmental costs are ignored, it is cheaper to tear away the surface of the earth to lay bare a seam of coal. This is particularly true if long neglected safety measures are required, as they must be, in the deep mines.

Mine operators have argued that the reduced costs of surface mining are necessary in order for coal to compete with other fuels whose prices have been held down by government regulation.

But an increase in the costs of all fuels is inevitable as we face shortages of known reserves of all sources of energy except coal.

In this situation, coal can once again become cost competitive and can provide the energy we need to fill in gaps left by diminishing supplies of other fuels.

But development of the deep mine reserves of coal will be delayed as long as we permit surface miners to produce at a cost which does not include the social, environmental, flood, and health damage that is caused by strip mining.

In past Congresses, we have faced up to the need to assess the costs of damage to our environment caused by air and water pollution. The National Environmental Protection Act of 1969, the Clean Air Act of 1971, and the Clean Water Act of 1972 are examples of the bold legislation which previous Congresses have considered and approved.

These laws had a great deal of opposition when they were introduced and they still have their critics. But they have not stifled our economy as some feared they would. And they have demonstrated that we can have a healthy economy and a healthy environment at the same time if we are willing to make the hard decisions needed to promote these objectives.

It is time we faced the facts in regard to surface mining of coal. It is time we begin to prepare for a shift in the coal mining industry from reliance on strip mining to deep mined coal. The reserves of the closed deep mines and the reserves still untouched must be made available to the market.

It is in this context, that I ask that this bill be referred to committee and urge that it be given serious attention.

By Mr. SCHWEIKER:

S. 1186. A bill exempting State lotteries from certain Federal prohibitions. Referred to the Committee on the Judiciary.

Mr. SCHWEIKER. Mr. President, today, I introduce the State Lottery Exemption Act of 1973, a bill to exempt official State-operated lotteries from restrictive Federal postal, broadcasting, and gambling laws.

This bill is identical to the bill I introduced during the last session of the Congress, S. 3573.

States today are hard-pressed to raise revenues for important public services. The popularity of State lotteries to date indicates that the public supports this method of raising revenue, and my bill will eliminate current Federal restrictions on the operation of State lotteries.

State-operated lotteries, like Pennsylvania's new lottery, are key new methods to raise important State revenues, and we must insure that Federal laws do not impede these State efforts. Pennsylvania's lottery, which began in March 1972, is netting over $50 million a year, which is being used for property tax relief for the elderly.

The exemptions I recommend will enable States to more freely publicize the lottery, to attract more lottery ticket buyers, and to insure that all aspects of the lottery's operation are fully in accord with Federal laws.

My bill will accomplish the following: First, allow radio and television stations to broadcast information about the lottery, including the winning numbers. Tile 18, United States Code, section 1304, currently bans any lottery broadcasting, and the Federal Communications Commission has specifically ruled that the current law is to be strictly enforced.

Second, allow newspapers to freely publish lottery information without fear of violating postal regulations. Title 18, United States Code, section 1302, prohibits the use of the mails for distribution of information about lotteries in newspapers. The U.S. Postal Service has permitted publication of legitimate "news" about lotteries so long as the "news stories were not merely fulfilling a necessary part of the operation of a lottery." However, Postal Service representatives have visited Pennsylvania newspapers in connection with publication of lottery information, and a memorandum which has been given to these newspapers in the State by the Postal Service says that—

> Even if the only information published is the winning number, identified as such, and no mention is made of the prizes pertaining thereto, the mailing of the publication might be found to be prohibited by postal lottery law.

The Postal Service has advised newspapers "to seek the guidance of private legal counsel as to contemplated mailings of items dealing with lotteries." I think it would be better to exempt State-controlled lotteries from the prohibitions altogether to eliminate any uncertainty or confusion for newspapers.

Third, allow advertisements of State lotteries in newspapers and on radio and television. This will allow the States to publicize their lotteries more comprehensively, and will help insure greater revenues from the lotteries.

Fourth, insure that States operating lotteries are not subject to the Federal 10-percent wagering tax. Section 4401 of the Internal Revenue Code requires that the operator of a lottery shall pay a 10-percent excise tax "on all wagers placed in such lottery." Exemptions from this tax provided by section 4402 only include lotteries where "the ultimate winners—are determined by the results of a horse race," and do not include computerized number lotteries such as Pennsylvania's. Clearly the intent of the law is to exempt legitimate fundraising events from the gambling tax, and I would hope that my bill might be passed quickly to clarify the law to insure that all State lotteries are exempted from this tax.

Fifth, exempt State-operated lotteries from the Federal tax on "coin-operated gaming devices" imposed by section 4461 of the Internal Revenue Code. This will allow States to utilize coin-operated vending machine sales of lottery tickets, without the threat of an additional tax.

Sixth, allow mailing of lottery tickets, and information about State lotteries. Title 18, United States Code, section 1302, prohibits the use of the mails for distribution of lottery tickets, for sending checks or money orders to purchase tickets, or for any solicitation connected with the lottery. Exemption of State-controlled lotteries from this prohibition would allow a State to expand its lottery sales.

Seventh, allow transportation in interstate commerce of State lottery tickets, equipment and information. Three sections of title 18, United States Code, section 1301, dealing with "transportation lottery tickets"; section 1084, dealing with "transmission of wagering information"; and section 1953, dealing with "Interstate transportation of wagering paraphernalia"—all provide restrictions on transportation aspects of lotteries which should be exempted.

Eighth, exempt State-operated lotteries from section 3005 of the postal laws which allows postmasters to return mail concerning lotteries.

The bill will exempt official State lotteries from provisions of the law which seriously impair the ability of States to continue these revenue-raising methods successfully, such as the broadcasting, newspaper mailing, and 10-percent wagering tax provisions. Some of the other provisions are relatively technical exemptions. However, all of them should be enacted so that the laws of the U.S. Government are consistent in recognizing a State's legitimate interest in using lottery, sweepstakes, or wagering pools to obtain needed funds for public services.

Nearly half the States are either conducting or considering State lotteries. Some predict that every State will someday be engaging in some lottery system to raise revenues. It is in the interest of each Member of Congress to modify the Federal laws to permit the maximum operation of State lotteries, and I urge my colleagues to act promptly on this legislation.

Mr. President, I ask unanimous consent that the text of the "State Lottery Exemption Act of 1972" be printed in the RECORD following these remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1186

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act shall be cited as the "State Lottery Exemption Act of 1973."

SEC. 2. (a) Chapter 1 of title 18, United States Code (relating to general provisions), is amended by adding at the end thereof the following new section:

"§ 16. State-conducted lotteries, sweepstakes, and wagering pools

"(a) The provisions of chapter 61 and of sections 1084 and 1953 of this title shall not apply with respect to any lottery, sweepstakes, or wagering pool conducted by any agency of a State acting under authority of State law.

"(b) For purposes of this section, 'State' includes any of the several States of the Union, the Commonwealth of Puerto Rico, the District of Columbia, or any territory or possession of the United States."

(b) The table of contents of chapter 1 of such title 18 is amended by adding at the end thereof the following new item:

"16. State-conducted lotteries, sweepstakes, and wagering pools."

SEC. 3. (a) Section 4402 of the Internal Revenue Code of 1954 (relating to exemptions from the wagering tax) is amended by striking out paragraph (3) and inserting in lieu thereof the following:

"(3) STATE-CONDUCTED LOTTERIES, ETC.—On any wager placed in a sweepstakes, wagering pool, or lottery which is conducted by an agency of a State acting under authority of State law, but only if such wager is placed with the State agency conducting such sweepstakes, wagering pool, or lottery, or with its authorized employees or agents."

(b) Section 4462(b) of such Code (relating to exclusions from definition of coin-operated gaming device) is amended—

(1) by striking out "or" at the end of paragraph (1),

(2) by striking out the period at the end of paragraph (2) and inserting in lieu thereof "; or", and

(3) by adding after paragraph (2) the following new paragraph:

"(3) a vending machine which (A) dispenses tickets on a sweepstakes, wagering pool, or lottery which is conducted by an agency of a State acting under authority of

State law and (B) is maintained by the State agency conducting such sweepstakes, wagering pool, or lottery, or by its authorized employees or agents."

(c) The amendment made by subsection (a) shall apply with respect to wagers placed after the date of the enactment of this Act. The amendments made by subsection (b) shall apply with respect to periods after such date.

SEC. 4. Section 3005 of title 39, United States Code, is amended by adding at the end thereof the following new subsection:

"(c) The provisions of subsection (a) of this section shall not apply to any lottery, gift enterprise, or scheme for the distribution of money or of real or personal property by lottery, chance, or drawing of any kind conducted by any agency of a State acting under authority of State law. For purposes of this subsection, 'State' includes any of the several States of the Union, the Commonwealth of Puerto Rico, the District of Columbia, or any territory or possession of the United States.".

By Mr. PROXMIRE:

S. 1187. A bill to repeal the Military Selective Service Act. Referred to the Committee on Armed Services.

REPEAL OF MILITARY SELECTIVE SERVICE ACT

Mr. PROXMIRE. Mr. President, I send a bill to the desk to repeal the Military Selective Service Act effective June 30, 1973, and ask that it be appropriately referred.

Mr. President, I am the chairman of the Subcommittees on Housing and Urban Development, Space, Science, and Veterans of the Senate Appropriations Committee before which the funds for the Selective Service System are reviewed. I, therefore, have a special concern about the money we now spend for Selective Service.

We have ended the draft, but we have not ended the institution of the draft.

FIFTY-FIVE MILLION DOLLARS, YET NO ONE IS BEING DRAFTED

Under the law today not a single person is being drafted. Yet the Selective Service System is asking for $55 million next year to maintain 925 offices and a staff of 4,340 bureaucrats. This includes 56 State boards, 96 appeal boards, a Presidential appeals board, and one local board for every county or equivalent subdivision in the United States. In addition to the paid personnel, there are some 40,000 or more citizens who give voluntarily of their time.

The continuation of this huge bureaucracy at a time when no one is being drafted is probably the biggest single boondoggle now going on in the Government. It is a ridiculous and wasteful expenditure of funds.

We stopped the draft but the bureaucracy goes on forever.

LARGE FUNDS FOR VOLUNTEER FORCE AND RESERVES

Because we stopped the draft, the budget includes $4.1 billion for increased pay allowances for the regular military forces in an effort to upgrade those forces and to achieve an all-volunteer army.

In addition, extra funds are going to modernize the Reserve and the National Guard who, according to the President's budget itself:

> Are now designated as the primary course for augmenting the active forces in an emergency—page 76.

If we need the draft, the all-volunteer force and the Reserves will give us time to recreate the machinery.

Keeping the institution of the draft in being after the draft has ended cannot be justified on any basis of national security or national defense.

If we get into a small war, the Reserves and National Guard are supposed to be ready. That's what we are paying them for. In that case, we will not need the draft.

If we get into a major war with Russia or China there would be no time to call up men, hear their appeals, put them in training camps, transport them to Europe or Asia, and send them into battle. It would take at least a year to do that and by that time the war would be over. Even if we kept every bureaucrat on duty for the next 10 years, there is no way the draft could help in a major confrontation or atomic war with Russia or China.

END OF THE BOONDOGGLE

I am introducing this bill today so that when the Selective Service Director comes before my Appropriations Subcommittee for funds, he cannot claim he needs the money, because Congress has decreed that his bureaucracy should continue after the need for it is dead.

By Mr. BROCK (for himself, Mr. BEALL, Mr. BENNETT, Mr. DOLE, Mr. DOMINICK, Mr. FANNIN, and Mr. TOWER):

S. 1188. A bill to promote the utilization of improved technology in federally assisted housing projects and to increase productivity in order to meet our national housing goals, and for other purposes. Referred to the Committee on Banking, Housing and Urban Affairs.

Mr. BROCK. Mr. President, on behalf of myself and the Senator from Maryland (Mr. BEALL), the Senator from Utah (Mr. BENNETT), the Senator from Arizona (Mr. FANNIN), the Senator from Kansas (Mr. DOLE), the Senator from Colorado (Mr. DOMINICK), and the Senator from Texas (Mr. TOWER), I introduce a bill aimed at ending restrictive work rules and outmoded building code bars to the use of new or improved building products and methods.

A recent Wall Street Journal article predicted that housing costs would continue to rise in 1973, this year by 10 percent. What this means is that needed housing will continue to be priced out of the reach of many Americans, particularly those in the middle- and lower-income groups. Here in Washington, the reaction has been to apply a bandaid cure by merely increasing Federal housing subsidies rather than diagnosing and curing the underlying causes. In the Senate-passed Housing and Urban Development Act of 1972, such subsidies were raised to cover families with incomes of $11,000. Besides putting an undue and unnecessary burden on the American taxpayer, this approach fails to solve the problem.

If we were free to employ the latest construction technology and products we could lick this problem. The new technology to which I refer can range from prehung doors to entire buildings designed as a system. Prof. Kenneth Zapp, of Case Western Reserve University, predicted in a recent Technology Review article that building construction costs could be cut by 25 percent by using available technology. However, until there is unrestricted use of these products, the full extent of the resulting cost savings cannot be determined. The Douglas Commission—National Commission on Urban Problems—said that since industrialized products are limited from use on a national scale, they cannot be mass produced. Moreover, architects and engineers, knowing they will face code or union problems intentionally "design around" the new products. Contractors, in order to get the job done, acquiesce.

Unfortunately, restrictive work practices and outdated building codes severely limit the use of technological advances. The work-rule barriers result from collective bargaining agreements that allow building trades unions to refuse to handle or install certain products. This results in a limitation on the use of cost-saving products, lower availability of housing, and higher prices. The building code impediments, ostensibly established to protect health and safety, too often serve only to perpetuate out-of-date and far more costly products.

The bill I introduce today would set aside these roadblocks in federally assisted and subsidized programs. It is the same measure I introduced in the 92d Congress as S. 3373 and subsequently amended—Senate amendment No. 1575. It is an outgrowth of the breakthrough amendment offered by the distinguished Senator from Texas (Mr. TOWER) to the Housing and Urban Development Act of 1969. As finally adopted, that amendment directed the Secretary of Housing and Urban Development to:

> (4) assure, to the extent feasible in connection with housing construction, any major rehabilitation and maintenance under grams assisted under this section that there is no restriction by contract, building codes, zoning ordinances, or practice against the employment of new or improved technologies, techniques, materials, and methods, or of preassembled products which may reduce the cost or improve the quality of such construction, rehabilitation, and maintenance, and therefore stimulate expanded production of housing under such programs, except where such restriction is necessary to insure safe and healthful working and living conditions.

Thus, Congress has evidenced a legislative policy recognizing the necessity for use of technological advances in construction. Unfortunately, Congress has not given enforcement power to support this legislative policy. My bill should fill this gap.

I offered a proposal similar to S. 3373 during the executive session on the Housing and Urban Development Act of 1972. The Subcommittee on Housing and Urban Affairs initially adopted it. Later it was reconsidered and narrowly defeated. I then offered a proposal during the floor debate on the housing bill. I withdrew the amendment after the committee chairman, the distinguished Senator from Alabama (Mr. SPARKMAN), scheduled hearings. These hearings were held on June 20 through 23, 1972, and have been printed in a committee document entitled "Improved Technology and Removal of Prevailing Wage Requirement in Federally Assisted Housing."

What emerged from the hearings was clear evidence that product boycotts, restrictive work rules, and restrictive building codes continue to contribute significantly to the cost of home construction.

For instance, Robert F. Thompson, director and member of the Labor Relations Committee, U.S. Chamber of Commerce, testified that, in a Western State, the painters' and decorators' union refused to allow the use of prefinished cabinets and doors that would cost 50 percent less than painting those same cabinets and doors on the construction site.

Donald L. Chapman, testifying jointly on behalf of the Consulting Engineers Council of the United States and the National Society of Professional Engineers, explained how his engineering firm had specified a certain type of high-pressure supply duct work, manufactured by any one of three companies, for an air conditioning and heating system in a St. Paul bank building. The local of the Sheet Metal Workers of America demanded that the duct work, instead of being purchased, be fabricated on the jobsite, claiming this was work its members had traditionally performed. The union made its claim in spite of the fact that the contractor never had fabricated such duct work and that there were no facilities in the area capable of the required milling. As Mr. Chapman pointed out:

> In effect, we were being told that we could not specify the type of duct work we felt was best suited for this project, even though the client was relying upon us to assure the subsequent satisfactory operation of his facility.

Congressman BOB WILSON, of California, reported that in his State members of the sheet metal workers union refuse to allow prefabricated sheet metal products on the jobsite unless they bear union labels. Even if the factory-built product is manufactured in a plant organized by members of the union, the local will object if the plant is out of its immediate area. As a result, these products must be made at the jobsite at a substantial increase in cost.

My bill contains the mechanics to allow the use of the new technology without involving the Federal bureaucracy. It recognizes the need to protect health and safety and to adapt to local differences while still providing the needed boost to productivity in the construction industry.

The bill itself is straight forward. Its important provisions are:

First, through a civil court action in a Federal or State court, any person may prevent the enforcement of any local code, law, ordinance or work rule that restricts his use of new techniques or materials in a federally assisted housing program unless it is necessary to enhance health or safety. No action by a Government agency is required.

Second, the remedy does not apply if the code or work practice is required to protect health or safety of working or living conditions. The person who raises this defense must show by a preponderance of the evidence, first, that the restraint is necessary to insure safe and healthful working or living conditions, and second, that the new product fails to provide this assurance.

Third, the court may order equitable or preventive relief and damages although damages may not be assessed against a local government body.

Fourth, the safety and health issue and all other questions under the bill will be decided by State or Federal courts in the locality.

I want to point out that my bill does not provide the means for establishing a national building code. As a result of the subcommittee hearings on S. 3373, I found objections to the bill centered around a provision using standards established by a HUD-approved standard setting or testing agency to create a presumption that a new product or technique meets safety and health requirements. As a result, I amended the bill to eliminate any involvement with such agencies, and took a different approach by placing the burden of proof on the person invoking the health and safety exception. This new approach is included in the bill I introduce today and is described in the foregoing outline. It is a significant improvement since it avoids the recurring questions of national standards, qualified testing, and standard-setting agencies and HUD involvement.

I believe my bill provides a simple solution that can provide lower cost housing to all our citizens. It allows the man who thinks he has built a better "mousetrap" the opportunity to test his idea in the marketplace for the benefit of the consumer. I cannot see why anyone should be afraid to have a work rule, product, or local building code tested in this manner.

I ask unanimous consent that the bill be printed at this point in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1188

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) any provision or requirement in any building code or other local law or ordinance, or in any contract or agreement, or any practice or other restraint which interferes with or restricts the use of new or improved techniques, methods, or materials or the use of preassembled products in connection with any development, construction, rehabilitation, or maintenance activity assisted under any program administered by the Secretary of Housing and Urban Development shall be unlawful with respect to such activity: *Provided,* That nothing contained in this paragraph (a) shall be construed to make unlawful any such provisions, requirement, practice or restraint if it is shown by a preponderance of the evidence (1) that such provision, requirement, practice or restraint is necessary to assure safe and healthful working or living conditions and (2) that such technique, method, material or product fails to assure such safe and healthful working or living conditions.

(b) Any person who is aggrieved because of any provision or requirement in any building code or other local law or ordinance, or because of any contract, agreement, practice, or other restraint unlawful under subsection (a) of this Act may bring a civil action in any appropriate United States district court notwithstanding any other provision of law and without regard to the amount in controversy, or in any appropriate State or local court of general jurisdiction to obtain equitable or preventive relief for violations of this section, or for appropriate damages, and may request such relief, or enter a claim for such damages, in any court whenever relevant in connection with a defense to, or counterclaim in, any suit or action brought against such person in that court, except that damages shall not be awarded where the person bringing the action under this section is aggrieved by reason of any provision or requirement in any building code or other local law or ordinance.

By Mr. WEICKER:

S. 1189. A bill to promote fair, understandable, and enforceable regulations for nomination and election to Federal office, by limiting the collection and expenditure of funds, and by simplifying reporting regulations. Referred to the Committee on Rules and Administration.

THE FEDERAL ELECTION CAMPAIGN REFORM ACT

Mr. WEICKER. Mr. President, I am today introducing the "Federal Election Campaign Reform Act." This is the first in a series of bills I will introduce on Federal election standards and practices, legislation that will place before the Congress its first order of business—its own honor.

The power of the purse has become the most undisciplined, uncontrolled, and irresponsible force in politics.

Our method of financing campaigns has done more to demean the practitioners of politics and to discredit the political system in the eyes of the public than anything else.

Politics has, in the public eye, become the apprentice of corruption, rather than the master over it.

The legislation I am introducing today will begin the process of remedying this, by revising and reforming the morass of campaign regulations, that have grown like elephant grass, until men everywhere— candidates and voters alike—can neither understand nor obey them.

It will limit the time period for expenditures and contributions.

It will limit each candidate to one political committee.

It will limit the use of his personal funds.

It will tell the complete financial story—before the election.

This same legislation will include publication requirements that will mean something—to voters—before election day. And the penalties will finally mean something—to politicians, by applying monetary fines, equal to the amount of violation, to publicize notice of the violation.

At a later date I will introduce supplementary legislation, which will, for the first time, set into law a code of ethics. This second step is based on the practical knowledge that endless available "loopholes" are an ever-present risk, that can never be "patched" or "plugged" by specific legislation. Self-enforcement, of the spirit, as well as the letter of the law, will be an important part of the eventual solution.

This package of legislation goes to the very heart of some of the gravest issues facing America today—issues as to whether Americans want to believe in their political system, or whether they want to turn it over to the corruption of money and its sordid companions.

The rising costs of campaigns have fostered the most vicious competition for campaign dollars, from men and groups using their pocketbooks to gain political influence. These costs are accelerated by the new reliance on television and technology.

The Citizen's Research Foundation, which does the most systematic study of this area, estimates that costs which inched up from $140 million in 1952 to $200 million in 1964, underwent an astounding 50-percent increase in 1968, to $300 million. The 1970 Senate primary in California cost almost $4 million.

As costs rise, candidates turn more and more to rich men and groups for their funds. A Gallup poll has showed that only 8 percent of adult Americans made a political contribution in 1968—a significant reduction from previous years. I have heard of a lot of contributions, but how can we continue to call $2 million given to the President by one man last fall a "contribution."

The legacy of all this is increasing distrust. The Center for Political Studies reported in 1971 that those people professing to have a high degree of trust in Federal Government had dropped from 62 to 37 percent in 6 years. Lou Harris reported later in the year that—and I quote—"sizable majorities of the public are prepared to believe the worst about politicians." And this is not just money—it is integrity, it is professional ethics, it is our future.

Which brings me back to the specifics of the bill I am introducing today.

The first step it will take is to limit costs. This bill will, for the first time, not allow money to be spent or collected—in any way whatsoever—except during the calendar year of the election.

In addition, all collections or contracting for new obligations will be cut off 2 weeks before the election—and a complete financial report issued at that time.

Money could still be spent during the last 2 weeks of the campaign—but only for items contracted for and duly reported.

Clearly, any deficit would become public knowledge, before the election—and such a deficit would, under this bill, become the personal liability of the candidate.

This set of spending and collecting limitations would accomplish a number of results. First, it would effectively monitor financial activity by narrowing it to a manageable time period—the period from January 1 to election day. Second, it gives the public information in an area they have never shown an interest in before now, but an area in which they should have an interest—the postelection donation. One-quarter to a third of all money is raised after the election. It is "bad money"—money that rides on the winner's new office. Finally, and most important, these regulations would bring the complete facts to the voters attention, 2 weeks before the election—in time for voters to express their own opinion of the campaign's conduct.

This controls the time period—and time is money, especially the time after the election.

The next step is to regulate financial conduct of a campaign. In the legislation I will introduce, all money would be controlled by one committee—and only one committee—for each candidate. No more confusing the public—one repository where we look to monitor what is happening.

An equally important regulation will prohibit contributions back and forth between political committees. What happens today is that a committee, such as a congressional campaign committee, gets money from a donor. It brings that money into a "common fund." When it is handed on to a candidate, often a candidate specified by the original donor, only the ambiguous name of a "committee" next appears on the candidate's reports.

This is called laundering of donations, and it will be prevented. Committees and other political organizations will still be able to function, but they will have to modify their methods of operation. They will still be able to solicit or administer contributions—but if they collect a donation, it will have to be given to the eventual candidate in the name of the original donor.

In an additional regulation, no candidate could spend more than $5,000 of his personal funds on his campaign, except for deficits.

The second step, and an important step in implementing all the regulations, is to get some reports that are meaningful—and timely.

First, all reporting would be done to two places—and only two places—the Comptroller General and the appropriate State election supervisory office.

Second, there would, at most, be only two reporting times: 2 weeks prior to a primary, if there is one, and 2 weeks before the election itself. The important point here is that the key statistics—the whole story—will come to your attention 2 weeks before the election.

Finally, this legislation imposes a unique form of penalty.

The bill would impose no jail term, because that has proved totally unrealistic, in terms of enforcement, under the present law—for obvious reasons.

There would be no simplistic fine, such as the $5,000 under present law, which is easily paid—and then forgotten.

Instead, a fine would be levied and the money collected from the fine would be used to publish the violation. If it is a monetary violation, the fine would be three times the amount of the violation. If it is a nonmonetary violation, the fine would be an amount set by the Comptroller General which would be sufficient to notify the public of the offense.

In all cases, the fine can be increased to provide adequate public notice. And most important, the violator must be the one to notify the public of his offense.

This, then, is the substance of the bill I am introducing. It is presented in understandable form, and simplifies the thousands and thousands of regulatory words now on the books—which in their maze of provisions are so often only counterproductive.

It takes a giant step, to be sure—but giant steps are needed.

American politics is in trouble—not because of communism, or socialism, or defeatism—but because of American politics.

The old locker room wink, and "it's who you know" game, does not sell anymore—because too many Americans either cannot get in the club or know nobody.

I would like to return now to some thoughts that I expressed in the midst of the election campaign last fall.

I said then, that the American political system is too important to be left to the politicians and the politically astute activities among the public.

This business of integrity in politics is well worth keeping, well worth rebuilding.

If you cheapen a politician, or he cheapens himself, then how about a Constitution next, how about a Bill of Rights, how about the concept of America itself?

The real threat has been from within, for some time now. And the time is late.

First, it is corruption that is concealed.

Then, corruption that is condoned.

Then, corruption that collapses us all.

I received very little mail over Watergate or ITT. Whether that is condonation—or whether it is a "sophistication" that accepts a certain amount of wrong—the time is late.

Each drop of water erodes the rock a little more. And every violation of ethics, justice, and common decency that is accepted without protest makes the climate of receptivity toward new outrages that much more hospitable.

I believe in the original and not the modified American dream—and that is the way I undertake my present task in the Senate of the United States. Whether I am right or wrong will be determined by the people of Connecticut in 1976.

I do not believe we have become a nation of moral zombies. Americans will not stand by forever watching the cancer of corruption.

The truth is, my friends, that a good 99 percent of people in Government are good, honest, decent men and women. But I do say that it is time for the 99 percent to shake off the bemused lethargy when they come face-to-face with corruption and lack of integrity.

We have got to restore the code of integrity and honor to our society, to the politicians that make the laws, to the electorate that goes ahead and puts those politicians in. We must have a rededication of truth and decency and respect for the law. When it redounds unfavorably to our prejudices as well as when it confirms them, we must make an unshakeable commitment against any incursions on basic civil and human rights of our people, an uncompromising commitment.

These are principles that have always given us a strength way beyond our numbers.

When I spoke on this issue last fall, I noted that the election would soon be over and the temptation would be, as it always is with Americans, to dust off their hands, grin sheepishly, and try to forget what has gone on both during and before that particular election campaign. But not this time.

There can be no philosophical or political rationalization for lawbreaking, physical or mental. There was adult criticism of youth antics several years ago—remember that. Well, what I see today are the adults of America throwing the bricks—only this time it is not a store window that is being shattered, it is the American dream.

To all of which I say, "No." Too many of us believe in it still. Too many are in need of it still.

Mr. President, I ask unanimous consent that the text of the bill be printed in the Record at this point.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 1189

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Federal Election Campaign Reform Act".

LIMITATIONS ON CONTRIBUTIONS AND EXPENDITURES

Sec. 2. Section 608 of title 18, United States Code, is amended to read as follows:

"§ 608. Limitations on contributions and expenditures

"(a) No candidate or political committee in a campaign for nomination or in a campaign for election to Federal elective office may, directly or indirectly, in any way whatsoever—

"(1) accept or arrange for any contribution, or expend or contract for any obligation, prior to the beginning of the calendar year in which the election is scheduled, or

"(2) accept any contribution, or contract for any obligation, after a date two weeks prior to the scheduled election date, or

"(3) make expenditures or contributions in excess of $5,000 from his personal funds, or the personal funds of his immediate family, or from such funds being contributed or expended through the use of a third party."

Sec. 3. Title 18, United States Code, is amended by adding the following sections:

"§ 614. Contributions by political committees

"Political committees shall not make any contribution to any candidate, political committee or other campaign for Federal elective office; *Provided,* That such committees may administer or solicit contributions, so long as such contributions are given directly by the initial contributor to a candidate or political committee.

"§ 615 No more than one political committee

"A candidate may establish no more than one political committee, in such candidate's own name; *Provided,* That the name of the committee, as well as the name of its chairman and treasurer, shall be filed with the Comptroller General immediately upon its formation; and should such a committee be established, all contributions received or expenditures made in connection with the campaign for nomination or election to Federal elective office shall be received or made by such committee and not by the candidate."

REPORTS

Sec. 4. Section 434 of title 2, United States Code, is amended to read as follows:

"§ 434. Reports by political committees or candidates

"(a) Each treasurer of a political committee supporting a candidate or candidates for Federal elective office—or each candidate, should such candidate not establish a political committee in his own name—shall file a report with the Comptroller General two weeks prior to a scheduled primary election date and two weeks prior to a scheduled election date for such candidate or candidates."

"Contents of reports

"(b) Each report shall be cumulative, shall report with respect to any activity in connection with the candidacy, and shall disclose—

"(1) the full name, social security number, and mailing address of each person who has contributed an aggregate amount or value in excess of $100, together with the amount of such contributions.

"(2) the full name and mailing address of each person to whom a debt or obligation is owed, in excess of $100.

"(3) the full name and mailing address of each person to whom an aggregate amount or value of expenditures have been made, including amounts or values expended to affiliates or subsidiaries, in excess of $1,000.

"(4) the total sum of all contributions received.

"(5) the total sum of all expenditures.

"(6) the total sum of all debts and obligations."

PENALTIES

Sec. 5. (a) Section 441 of title 2, United States Code, is amended to read as follows:

"§ 441. Penalties for violations.

"Any person who violates any of the provisions of this subchapter shall be fined in an amount at least equal to three times the amount of any monetary violation, or, in the case of nonmonetary violations, such amount as will satisfy the provisions of this subsection. The monies collected from the fine shall be spent by the violator for general publication or transmission, to the widest possible extent in the geographical area in which the campaign or election was held, of at last the content of the Comptroller General's findings. The means of such transmission or publication shall be determined by the Comptroller General, and shall require the complete expenditure of the fine, unless the Comptroller General determines that a lesser amount, determined by him, will achieve complete publication and transmission of the nature of the violation. An additional fine may be levied if the Comptroller General shall determine that, due to the nature of the violation, an additional amount is needed to properly publish the violation."

(b) Title 18, United States Code, is amended by adding the following section:

"§ 615. Penalties for violations

"Any person who violates any of the provisions of this subchapter shall be fined, in an amount at least equal to three times the amount of any monetary violation, or, in the case of non-monetary violations, such amount as will satisfy the provisions of this subsection. The monies collected from the fine shall be spent by the violator for general publication or transmission, to the widest possible extent in the geographical area in which the campaign or election was held, of at least the content of the Comptroller General's findings. The means of such transmission or publication shall be determined by the Comptroller General, and shall require the complete expenditure of the fine, unless the Comptroller General determines that a lesser amount, determined by him, will achieve complete publication and transmission of the nature of the violation. An additional fine may be levied if the Comptroller General shall determine that, due to the nature of the violation, an additional amount is needed to properly publish the violation."

COMPTROLLER GENERAL

Sec. 6. The Federal Election Campaign Act of 1971 is amended by inserting the words "Comptroller General" wherever the words "supervisory officer" appear.

DEFINITIONS

Sec. 7. Section 591(b) of title 18, United States Code, and section 431(b) of title 2, United States Code, are amended by adding after subsection (2) of each section the following:

"or (3) has publicly announced his candidacy for such office, or has knowledge or information that any other person or political committee has received contributions or made expenditures for the purpose of bringing about his nomination for election, or election, to such an office."

Sec. 8. Section 102(4) of the Campaign Communications Reform Act and section 315(f)(2) of the Communications Act of 1934 are amended by:

(1) striking "and", and

(2) inserting before the period the following:

", and (c) has publicly announced his candidacy for such office, or has knowledge or information that any other person or political committee has received contributions or made expenditures for the purpose of bringing about his nomination for election, or election, to such office."

EFFECT ON STATE LAW

Sec. 9(a). Nothing in this Act shall be deemed to invalidate or make inapplicable any provision of any State law, except where compliance with such provision of law would result in a violation of, or extend or limit, a provision of this Act.

(b). Notwithstanding subsection (a), no provision of State law shall be construed to prohibit any person from taking any action authorized by this Act or from making any expenditure (as such term is defined in section 301(f) of this Act) which he could lawfully make under this Act.

PARTIAL INVALIDITY

Sec. 10. If any provision of this Act, or the application thereof to any person or circumstance, is held invalid, the validity of the remainder of the Act and the application of such provision to other persons and circumstances shall not be affected thereby.

EFFECTIVE DATE

Sec. 11. The provisions of this Act shall become effective on December 31, 1973, or sixty days after the date of enactment of this Act, whichever is later.

By Mr. MONDALE:

S. 1190. A bill to amend the Atomic Energy Act of 1954 to permit the States concurrently with the Atomic Energy Commission to regulate the emission of radioactive effluents. Referred to the Joint Committee on Atomic Energy.

Mr. MONDALE. Mr. President, today I am introducing a bill to permit the States to regulate concurrently with the Atomic Energy Commission the release of radioactive effluents from atomic energy facilities.

Basically, my bill would enable States to enforce more stringent controls over wastes from nuclear energy production and utilization facilities, than those implemented by the AEC. The objectives of this measure are briefly to: First. recognize the legitimate interests and responsibilities of the States in protecting the health of their people and the quality of their air, water, and soil; second, permit a higher degree of protection from the effects of radioactivity where States judge that local conditions or technological capabilities so warrant; third, bring conformity to Federal laws affecting States rights and responsibilities in the field of environmental protection; and fourth, provide a State backstop against conflicts of interest which might arise as a result of the AEC's dual role as the promoter and regulator of atomic energy.

The State of Minnesota has for some time been deeply concerned about the adequacy of the AEC's regulatory program. In recognition of the debate within the scientific community regarding the health effects of low-level radioactivity, Minnesota established a program of controls over emissions from nuclear powerplants many times more restrictive than those of the AEC. In response to the mounting controversy and to the pioneering efforts of the State of Minnesota, the AEC subsequently proposed strengthening its own regulatory program.

Rather than removing the arguments in favor of State jurisdiction in this area, I believe that the AEC's proposed action clearly illustrates the value of letting States establish more restrictive regulatory programs—as a method to insure that regulatory efforts will keep pace with scientific discoveries and advances in control technology.

However, Minnesota's right to regulate emissions from atomic energy facilities was successfully challenged in the courts. Last April the Supreme Court affirmed a lower court ruling that the Federal Government has exclusive authority to regulate the release of radioactivity from nuclear powerplants as implied by the provisions of the Atomic Energy Act.

My bill would amend the Atomic Energy Act to permit States to exercise concurrent regulatory authority with the AEC over radioactive wastes from powerplants. State regulations would be subject to the limitation that they are for the protection of the public health and safety and that action permitted by any State, with respect to the discharge of disposal of radioactive effluent, is not specifically forbidden by the Commission.

At the present time States have the authority to set higher standards over the discharge of nonradioactive wastes into their air and waterways under the Clean Air and Federal Water Pollution Control Acts. Extending such authority to radioactive emissions would bring consistency to Federal laws affecting the environment.

States now have responsibility for regulating the major source of radiation exposure to their people—X-ray machines. Radioactive releases from cyclotrons, uranium mining and in certain cases uranium milling operations are not regulated by the AEC. Historically, States have, therefore, had considerable experience in the control of radiation exposure.

The strong interest of States in exercising responsibility over the release of radioactive wastes from powerplants is clearly demonstrated in the number of States which expressed support for Minnesota's position prior to the recent Court decision last spring. The list of such States includes Arkansas, Delaware, Illinois, Kansas, Maryland, Michigan, Mississippi, Missouri, Pennsylvania, Vermont, Virginia, West Virginia, and Wisconsin.

State expertise and interest in this field is growing as more and more States are directly affected by the construction of reactors within their borders. Twenty-eight nuclear powerplants are now in operation in the United States. Fifty-two are being built, and 70 are planned with reactors on order. I believe that decisions regarding the release of emissions from these facilities can best be made with the active involvement of concerned States.

As an illustration of the strong support for passage of my bill, I call the attention of my colleagues to letters of endorsement submitted by Gov. Wendell R. Anderson and by the Minnesota Pollution Control Agency.

Mr. President, I ask unanimous consent that the full text of these letters and my bill be printed at this point in the RECORD.

There being no objection, the letters and bill were ordered to be printed in the RECORD, as follows:

STATE OF MINNESOTA,
ST. PAUL, MINN., *January 12, 1973.*

Hon. WALTER F. MONDALE,
U.S. Senate,
Hon. DONALD M. FRASER,
U.S. House of Representatives,
Washington, D.C.

DEAR SENATOR MONDALE and CONGRESSMAN FRASER: It is my understanding that you are prepared to introduce in the 93rd Congress a bill to permit the states to regulate the emissions of radioactive effluents from nuclear power plants, including state authority to enforce standards for such radioactive emissions at lesser quantities than provided by the Atomic Energy Commission. I assume this legislation is analogous to the bill you introduced in the last session of Congress.

The State of Minnesota has led the movement nationwide to nullify the current federal pre-emption of the right of state government, so to protect the health and safety of its citizens, to regulate nuclear power plants, including the right to set more restrictive standards than the Atomic Energy Commission. You have our complete support in your efforts to amend the Atomic Energy Act of 1954 to accomplish this end.

With warmest personal regards.

Sincerely,

WENDELL R. ANDERSON,
Governor.

MINNESOTA POLLUTION CONTROL AGENCY,
Minneapolis, Minn., January 11, 1973.

Hon. WALTER F. MONDALE,
Old Senate Office Building,
Washington, D.C.

DEAR FRITZ: I am pleased to learn that you intend to re-introduce the bill amending the Atomic Energy Act to permit states to set stricter regulations for radioactive emissions than those of the Atomic Energy Commission.

Many Minnesotans have long believed that Minnesota has both the right and the duty to set stricter standards than the AEC. Therefore, the Minnesota Pollution Control Agency set such standards to govern the Monticello Nuclear Plant. A court suit followed and last April the U.S. Supreme Court affirmed a lower court ruling that Congress had pre-empted the field and placed regulatory authority over radioactive emissions exclusively with the federal government. I hope that Congress will soon act to return this traditional right to the states so that they will have the ability to act in the best interest of their citizens in this matter.

As you know, states have the right to set stricter standards for non-radioactive water and air pollutants. Extending this right to radioactive emissions would place regulation in the hands of competent local authorities, who are responsive to the need for protection.

At its recent monthly meeting, the MPCA passed the enclosed resolution on the matter.

We need and want the legislation you propose and the Minnesota Pollution Control Agency Board and I heartily extend our support and endorsement of your efforts and of the efforts of your co-sponsors.

Sincerely yours,

GRANT J. MERRITT,
Executive Director.

RESOLUTION II

(Passed by the MPCA Board—
January 8, 1973)

The Minnesota Pollution Control Agency Board supports the response of Congressmen Fraser, Quie and Karth and Senators Mondale and Humphrey to our request to introduce legislation allowing the states to regulate, concurrently with the Atomic Energy Commission, radioactive emissions from nuclear power plants. That legislation, (HR 17120 and S 4093 in the last Congress—new numbers not yet available in this Congress), will accomplish our goal of allowing concurrent regulation.

We respectfully request that the Minnesota Legislature send a memorial to Congress affirming our position and adding its support to this legislation.

S. 1190

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in Congress finds and declares that—

(1) the control by the several States of the emission of radioactive effluents from facilities regulated by the Atomic Energy Commission is compatible with the development of atomic energy and its regulation on a national scale;

(2) current law does not sufficiently enable the several States to regulate such radioactive emissions in order to protect the public health and safety; and

(3) it is the intent of this Act to establish the concurrent authority of the several States to regulate such radioactive emissions, including the authority to enforce standards for such radioactive emissions, which permit lesser quantities of such emissions from such facilities than do the standards established by the Commission.

SEC. 2. Section 274 of the Atomic Energy Act of 1954 is amended—

(1) by striking out paragraph (6) of subsection a, and inserting in lieu thereof the following:

"(6) to give full recognition to the legitimate interest and responsibility of each State in matters pertaining to the public health and safety.";

(2) by striking out "No agreement" in subsection c. and inserting in lieu thereof "Subject to subsection o., no agreement"; and

(3) by adding at the end thereof a new subsection as follows:

"o. Nothing in this Act shall be construed to prevent any State from regulating concurrently with the Commission and the discharge or disposal of radioactive effluents from the site of a utilization or production facility in such State.—

"(1) the requirements or standards imposed by such State are for the protection of the public health and safety, and

"(2) action permitted or tolerated by such

State with respect to the discharge or disposal of such effluents is not specifically prohibited by the Commission."

By Mr. MONDALE (for himself, Mr. Williams, Mr. Randolph, Mr. Bible, Mr. McGovern, Mr. Pastore, Mr. Beall, Mr. Stafford, Mr. Hughes, Mr. Hathaway, Mr. Pell, Mr. Kennedy, Mr. Bayh, Mr. Packwood, and Mr. Humphrey):

S. 1191. A bill to establish a National Center on Child Abuse and Neglect, to provide financial assistance for a demonstration program for the prevention, identification, and treatment of child abuse and neglect, and for other purposes. Referred to the Committee on Labor and Public Welfare.

Mr. MONDALE. Mr. President, I would like to take this opportunity to explain my reasons for introducing today the Child Abuse Prevention Act.

One of the most tragic and perplexing problems that has been brought to the attention of my Subcommittee on Children and Youth is that of child abuse and how to deal with it legally.

Although laws requiring the reporting of suspected child abuse cases exist in all States in one form or another, we still hear of incidents that are reported too late—only after the child has died or suffered permanent damage.

No informed resident of the Washington area can be unaware of the tragic cases of child abuse which have come to light in recent months in Prince Georges and Montgomery Counties. Unfortunately, these are not isolated cases. According to the National Center for Prevention and Treatment of Child Abuse and Neglect in Denver, Colo., as many as 60,000 children nationally require protection each year.

I ask unanimous consent to place in the Record at this time a list of descriptions of child abuse cases which have come to the attention of the child abuse team at the National Center. They demonstrate more vividly than anything I can say the pressing reasons for early congressional action on the problem of child abuse.

There being no objection, the material was ordered to be printed in the Record, as follows:

CHILD ABUSE

CHILD IN HOSPITAL—FOSTER CARE—HOME

Allan, a 2 month-old boy, was admitted because of severe failure to thrive, with malnutrition and dehydration. He (at 2 mos.) weighed less than ½ lb. over his birth weight and while in the hospital gained over 1 lb. in 9 days. Therefore, the welfare department filed a dependency petition and received temporary custody and the baby was placed in foster care. A rehearing of the situation was planned for a 3 months interval, during which time the mother received general counseling; belonged to a young mother's group and had support from the welfare worker. In the last 2 months of counseling, a great amount of progress was made and at the next hearing, the child was returned home, with the stipulation of continuing contact with the welfare worker and medical follow-up every 3 weeks. The child and mother are thriving.

MEDICAL REPORT, BUT WITHOUT COURT ACTION

Jimmy was a 2-month-old child, who, on admission to the hospital, was found to have bruises around the eyes, 3 small scars on the abdomen and tenderness of the left upper arm. X-ray examination showed a fracture of this area. The police and the child protective services of child welfare were formally notified by the physician, but neither felt that there was enough evidence to present the boy to Juvenile Court. One month after discharge, the child was taken to another hospital where he was dead on arrival and his body showed innumerable signs of injuries.

"THE CHILD WHO WAS HATED"

(Relinquishment not facilitated)

The neighbor of David, age four years, became concerned when she noticed many large bruises on the little boy. She soon learned that the step-mother frequently beat the child and on occasion left the child alone for long periods of time. She called for instructions on how best to help the child. She was advised to try to become a friendly, helpful neighbor but that, if the child was left alone again, to call the police. The next day the child was left alone, the police were called and arrived 2 hours later, five minutes after the mother had arrived home. The neighbors, pre-school teacher, and a psychologist contacted the welfare department regarding the child's home situation. The step-mother was encouraged to go to the welfare department to ask for help. She frankly told them she could not stand the child, never wanted to see him again and asked for immediate placement for adoption. She was told it would be impossible to relinquish so abruptly, that the child could not be placed that day and the parents would first have to get involved in relinquishment counseling. Three weeks later David arrived dead in the emergency room. He had been dead for at least 72 hours and had severe burns from his waist down.

RECURRENT INJURY AND THEN REPORTED

Cindy was seen at 6 weeks of age at another medical institution for fractures of both bones of the right lower leg. Since the mother admitted causing these, the attending physician did not report the case. Four days prior to the present admission (at age 6 months) there were recurrent seizures and increasing lethargy. The child was very lethargic, without voluntary muscle control and did not react to light or noise stimuli. The fontanelle was bulging and further tests showed there to be a collection of bloody fluid around the brain. Because of the severe brain injuries and the history of past trauma, the Welfare Department filed a dependency petition which was sustained in court and the baby was placed in foster care.

PARENTAL DISABILITY

(Successful voluntary relinquishment)

Both parents of Ruth are diagnosed schizophrenics, released from the hospital prior to Ruth's birth. Mother's first child is in the custody of her former husband. Abortion was offered to the mother during her pregnancy but refused. Intensive follow-up of the family was done by social worker lay therapist, and "on call" psychiatrist. After 2 years of moderately good care the marriage became very unstable and during separations, and chaotic reconciliations, the parents were able to recognize Ruth's need for a stable home and their own inability to provide this. The parents relinquished Ruth in court to Welfare Department for adoption. No physical injury to Ruth, however, the mother frequently spoke of her feelings, under stress, of wanting to injure child.

TWELVE-YEAR-OLD MOTHER AND TWO TRIES AT JUDICIAL REMEDY

Jane, age 12, conceived a premature baby who was fathered by her mother's fiance with whom she had repeated intercourse. While the baby was in the premature unit, Jane treated it like a doll. The nurses and doctors felt that she was totally unable to mother this child because of her very immature behavior, which was at the 9–10 year level. The Juvenile Court informally refused a request by the Welfare Department for relinquishment of the baby and foster care supervision for Jane, to help her to go back to school and interrupt her relationship to her step father-to-be on the basis that "she has not yet been proven to be an incompetent mother". Another jurisdiction was sought and another judge ordered relinquishment for a successful adoption which promptly followed. Jane did well in foster care, returned to school and continuing as a supervised dependent under court order, has excellent prospects in a good foster home and with continuing, but less damaging, contacts with her mother and her new husband.

Mr. MONDALE. Mr. President, these are ugly stories. Most of us would probably prefer not to have to read them and be confronted with the dilemma they present for our society. But our society can no longer justify the inadequate laws and services which have allowed child abuse to become such a widespread occurrence.

The active interest of my subcommittee in child abuse dates from last year, when we published a document of selected readings on the subject, part 2 of "Rights of Children, 1972."

I am pleased that our further investigations into child abuse have the strong support of the chairman of the full Committee on Labor and Public Welfare, Senator Williams. I ask unanimous consent that a copy of a letter from the Senator from New Jersey to me be placed in the Record at this time.

There being no objection, the letter was ordered to be printed in the Record, as follows:

U.S. Senate,
Washington, D.C., March 8, 1973.

Hon. Walter F. Mondale,
Chairman, Subcommittee on Children and Youth, Committee on Labor and Public Welfare, Washington, D.C.

Dear Fritz: I have been following with great interest the preliminary research and investigation which the Subcommittee on Children and Youth has conducted in the area of child abuse. The compilation of materials which the Subcommittee published last winter is an important beginning.

Child abuse is a sickening, largely overlooked problem in America. In the last several months, however, the media has begun to turn its attention to this phenomenon and it has become clear that brutality against children by their parents has been dramatically and tragically increasing. This fact is confirmed by recent studies showing child abuse to be on the rise in the United States. We can no longer afford to ignore this situation and the implications that it has for children, families, and, indeed, the entire nation.

As Chairman of the Labor and Public Welfare Committee, I cannot urge you strongly enough to expand your Subcommittee's examination and evaluation of this issue. It is my hope that you will begin hearings as soon as possible with a goal of identifying precisely what role, if any, federal legislation and federal resources might play in the solution of this problem. The time has come to prevent the occurrence of child abuse, identify the victims, and provide the necessary help to these children and their families.

I want you to know that you will have my full support and cooperation in this vital effort.

Sincerely,
HARRISON A. WILLIAMS, Jr.,
Chairman.

Mr. MONDALE. Mr. President, the bill I am introducing is intended to be a vehicle for a thorough examination of child abuse and its legal, sociological, and medical implications. The subcommittee will hold hearings on the bill starting March 26 and 27 in Washington. It is my hope that the testimony collected in hearings will assist us in preparing a final version of the legislation which would—unlike the many State laws which have been passed in recent years—provide a meaningful solution to the problem of child abuse.

This bill would:

First. Establish a National Center of Child Abuse and Neglect to monitor research, maintain a clearinghouse on child abuse programs and compile and publish training materials for persons working in the field;

Second. Establish a program of demonstration grants to be used in training personnel, providing personnel to areas that lack their own programs on child abuse and support other innovative projects aimed at preventing or treating child abuse or neglect;

Third. Create a National Commission on Child Abuse and Neglect to examine some of the issues relating to child abuse including the effectiveness of existing laws, and the proper role of the Federal Government in the area of child abuse;

Fourth. Amend existing legislation authorizing child welfare programs to require a State plan outlining the system used to deal with child abuse.

In the course of our hearings on the bill we expect to hear from some of the country's foremost experts on the legal, sociclogical, psychological, and medical aspects of child abuse. In addition, we have scheduled to testify the founder of Parents Anonymous, a new organization which holds great promise for persons who have abused children by enabling them to share their problems and offer each other emotional support. Another element of the hearing will be the detailed examination of how child abuse teams—made up of doctors, lawyers, social workers, and lay aides—have met with some success in identifying, preventing, and treating child abuse.

I ask unanimous consent to place in the RECORD copies of editorials which appeared in three of our Nation's leading newspapers, and which testify to the need for legislative action on child abuse; and other materials relevant to the legislation. I also request that a copy of the bill be printed at the end of my remarks.

There being no objection, the material and bill were ordered to be printed in the RECORD, as follows:

RESCUING THE VICTIMS WHO CAN'T FIGHT BACK

Among the most unpleasant stories we come across in the news business are reports of child abuse—chilling accounts of the neglect, battering, torture and occasional killing of helpless children by their parents or other adults. Somehow, most people would prefer to believe that these instances of inhumanity must be extremely rare, or perhaps limited exclusively to poor and uneducated families. But experts can tell you that child abuse is unique to no one special group, and that it is a phenomenon far more widespread than is generally believed.

As it happens, the instances gaining the most public attention are usually cases of fatal or near-fatal beatings, in which a parent has been charged. But increasingly, authorities are discovering evidence that repeated physical torture and other severe mistreatment of children are going unreported because people are afraid or at least reluctant to notify police. Worse still, many of the young victims who finally are removed from their homes after tragic experiences are subsequently returned to those homes—only to endure more horror.

There is no precise way to calculate the degree of permanent damage to human lives in these instances, largely because there aren't any reliable statistics on the extent of the problem. Moreover, the procedures for dealing with child abuse cases are, for the most part, failing to meet the need for major remedial action.

At least in Greater Washington there has been some movement to improve approaches to child abuse, stemming from a singularly tragic case in Montgomery County last year. Attention focused on the problem when a 9-year-old Damascus girl died, apparently from beating, burning and other ill treatment; her father and stepmother are awaiting trial on a charge of murder.

Citing this case in the Maryland General Assembly recently State Senator Victor L. Crawford (D-Montgomery) has urged passage of a bill designed to give social workers and police greater power to enter homes where instances of child abuse are suspected. Senator Crawford explains that because social workers lack the authority to force their way into such homes, they were unable to go into the home where they suspected that the Damacus girl was being mistreated last year.

Under existing law, social workers accompanied by police may force their way into a home if they think there "is probable cause" to believe that a serious crime is being committed; but "probably cause" is a legal term meaning that police must have more than a mere suspicion of wrongdoing, and they must obtain a warrant before forcibly entering. Senator Crawford's bill would permit social workers to enter homes without a warrant when they suspect a case of child abuse, to remove any children found to be in danger. Police would be required to accompany social workers for their protection, but not necessarily to make arrests. If a social worker decided to remove a child, a petition would have to be filed with juvenile court and court action taken within five days.

The Crawford bill has met with some understandable opposition, for it does alter established safeguards against indiscriminate breaking into homes by authorities. Montgomery County State's Attorney Andrew L. Sonner—a leader in the effort to focus more attention on child abuse problems—has argued that the proposal is unnecessary, noting that since the case of the girl last year, Montgomery County officials have worked out procedures with police to handle emergency cases.

Besides, he says, "I'm not sure I want our citizens to have their homes broken into without probable cause. There ought to be some information the police are acting on, some standards of probable cause as in other cases." Furthermore, says Mr. Sonner, the bill might hinder social workers because it would require them to be accompanied by police when seeking entry into a home. A spokesman for state social workers, also attacking the proposal, says it would give to much power to social workers.

If every prosecutor's office in Maryland were as concerned about child abuse cases as Mr. Sonner is, and if all local police forces had the manpower and concern to assist social workers in their often dangerous assignments, there might not be any need for legislation along the lines of Senator Crawford's proposals. But the established procedures for recognizing and reporting child abuse cases haven't been working well—and children's lives are at stake. With sensitive and specific safeguards to restrict indiscriminate invasions by social workers and policemen, the Crawford proposal may be worth a careful test.

Legislative attention ought not to stop at this level, however; the concern voiced by Mr. Sonner and others—that identification of child abuse cases in only one part of the problem—is not addressed by the Crawford bill. The handling and treatment of reported cases, the decisions of when (or whether) to return children to their homes, and the whole approach to family-problem situations all cry out for more official concern.

Nationally, some of the more successful programs involve a team approach to child abuse cases, combining the talents of professional experts in all aspects of the problem—psychologists, nurses, social workers, attorneys, teachers, police and so on. Such teams can review abuse cases quickly and decide what measures might help resolve conditions contributing to each case; thus the responsibility for critical decisions is not dumped on one overworked or possibly incompetent social worker, or on a lone policeman who has many other pressing duties.

But the level of interest and concern among local agencies, state legislators, physicians—and the general public—never seems to go much beyond brief spurts of hand-wringing and quick-fix proposals in reaction to some especially chilling case that makes the headlines. Meanwhile, little lives are being threatened and ruined, and the cruelty takes many forms besides physical assault and battery. There are children who are starved, neglected, exploited, overworked and exposed to unwholesome or demoralizing circumstances. They are victims who cannot fight back, who cannot even report the crimes committed against them.

With the General Assembly now in session, and with Senator Crawford, State's Attorney Sonner and others pushing for new ways to approach child abuse problems, Maryland could take the lead in efforts to rescue and protect mistreated children. We hope the lawmakers in Annapolis will not let this important opportunity pass them by.

[From the Washington Star and News, Nov. 30, 1972]

DEALING WITH CHILD ABUSE

Child abuse is one of the most repugnant crimes growing in our midst, because it is practiced on the most helpless members of society, some of them not even out of the crib. Also, it's one of the most ignored offenses, occurring more often than not in the privacy of homes. Neighbors tend to look the other way, teachers often hesitate to report the parents of bruised and battered students. But Montgomery County Executive James P. Gleason isn't ignoring it, and we expect that his statements on the subject this week will provoke considerable discussion.

That will be all to the good, because this is a rapidly worsening problem, in Montgomery and many other counties, and deserves much more attention than it has received. But Gleason's bold proposals for combating child abuse certainly should be subjected to a good deal of expert scrutiny, and public discussion, before any action is taken on them.

He advocates treating this malefaction much more as a sickness than a crime. He proposes a bill in the next state legislative session to reduce the charge from a felony to a misdemeanor. This measure, which Gleason says he can get introduced, would lower the maximum penalty for child abuse from the present 15-year sentence down to six months and a $1,000 fine. He also wants to bypass prosecutors until social service agencies have investigated alleged offenses, and give total legal immunity to people reporting child abuse cases. But while reducing the punishment for offenders, Gleason would impose some hard new penalties on "professionals," such as doctors, teachers, police and social workers, who fail to report suspected cases. That might bring more results than any of his other proposals.

Undoubtedly Gleason is right in saying this offense stems mainly from psychological sickness, and that the emphasis should be on identifying all the child-beaters and treating them. And a great many more of them might, as he contends, be reported to authorities if the maximum sentence weren't so heavy. There is no guarantee of that, however, and more evidence of potential efficacy of the penalty-reduction plan should be offered. To retain any penalty at all is to recognize that this is both a sickness *and* a crime. Nor is it any small crime. According to one school of thought, practically all forms of crime are the result of psychological illness, but how far that idea can be extended in the workings of justice indeed is a ticklish question. Some people who expend their surplus aggressions upon children are fully capable of finding other outlets, and they must not be dealt with softly by the law.

It seems clear, though, that most of the child abusers are driven by a singular compulsion, and there is encouraging testimony from experts that this can be cured in a large majority of cases. So Gleason is on the right track in calling for more effective means of finding and treating those afflicted adults. Some modifications of law obviously are necessary, and the General Assembly should seek the best advice available in deciding how far to extend those alterations.

[From the New York Times, Nov. 17, 1972]

ABUSE OF CHILDREN

Under the auspices of the University of Colorado Medical Center, a new organization has been set up to deal with a shocking fact of American society—the abuse and willful neglect of some 60,000 children a year. The hope is not merely to discover instances of abuse and to effect the separation of these pitiful victims from their parents, though that is often necessary for a time, but to go to work on the parents themselves. A team made up of a pediatrician, a psychiatrist, a nurse, a social worker and possibly a lay therapist will work with the involved parent, not punitively but with the aim of rehabilitation.

While this National Center for the Prevention and Treatment of Child Abuse and Neglect is new, its basic aim is by no means untried. It will build on the work of Dr. C. Henry Kempe, chairman of the university's Department of Pediatrics. This highly regarded pioneer in the field has used his coordinated team approach in more than 500 cases with such success that 80 per cent of the affected families were reunited without any recurrence of abuse.

The $558,000 grant by the Robert Wood Johnson Foundation is a wise investment and a hopeful one for the country. No society can afford to be indifferent to the appalling mistreatment of the most helpless and innocent of its citizens.

[From Woman's Day]

AT LAST! HELP FOR CHILD-ABUSERS

(By Sara Davidson)

Not far from Disneyland, in the Southern California suburb of Anaheim, nine women are sitting in the living room of a sunny ranch house. One is rocking a baby dressed in spotless white on her lap. Another is doing needlepoint. A third is fighting back tears.

Cindy, the young woman near tears, is asked to share her problem with the others. In a soft but hurried voice she tells how she lost her temper the night before when she took her three-year-old son to a hamburger house for dinner. "I told him before we left that if he didn't behave, if he couldn't sit in his seat and eat like a little gentleman, we wouldn't do it again. No sooner did I give our order than he slid out of the booth, ran behind the counter and knocked over someone's soup. Then he ran through the swinging doors into the kitchen. I had to chase him through the restaurant.

The woman next to Cindy winces. "That's so embarrassing when it happens in public." Another woman says, "I wonder why kids do it. To punish the mother or what?"

Cindy says, "When I finally caught him, I pulled him into the rest room and started clobbering him on the floor. I don't know how to handle his tantrums in public. He's so different from the way I was as a child. It scares me the way I can love him so much and then turn on him." She puts her head in her hands and cries.

The other women are all nodding. "We know what you're feeling," says one. "We've been there." They may not have experienced the exact situation, but like Cindy, all have found themselves lashing out aggressively at their children when frustrated. These nine mothers have come, by various routes, to an organization called Parents Anonymous—a private self-help group for parents who abuse their children.

Abuse can take many forms, from physical beatings to verbal attacks or icy withdrawal. All parents feel occasional urges to whack their children, and may sometimes give in to the impulse. But those who come to Parents Anonymous find themselves doing it consistently and uncontrollably. Most have had difficulties with their children since they were born. Doctors in California have found that parents who punish their babies—when it is extremely doubtful that infants can comprehend punishment at all—are likely to abuse the children as they grow up. Following their outbursts, parents tend to feel remorseful and terrified of losing their sanity. Even worse, they rarely tell anyone what they have done for fear their children will be taken away from them.

Parents Anonymous (usually called P.A.) offers one of the few opportunities for relating these experiences freely. Members meet once a week to explore new ways of responding to their children, in between meetings they run a network of telephone calls to feed each other love, warmth and support. From the start, there is both relief and greater pain. As one P.A. veteran advised a new member, "It hurts to grow."

The nine women in Anaheim this evening are being introduced to the founder of P.A. a former child-abuser known simply as Jolly K. Jolly is a tall, handsome woman of thirty-one who wears bell-bottoms and gold-rimmed glasses. She periodically visits the chapters spread through eleven states and Canada, and will, if asked, lead a meeting.

As coffee cups are passed, the members report how the past week has gone. The first girl, Pam, says she has had seven good days. "I like myself, and I know how wonderful that must look to my children." Liz, who is pregnant, reports that she has been getting along "beautifully" with her husband and four-year-old son, Timmy, but wants "to murder the little boy downstairs."

When the others ask why, Liz explains that the boy is two years older than Timmy and twice his size. "He gets all the kids on the block to pick on Timmy and my son won't defend himself. I try to help him; I tell him to hit back, but he won't. He comes crying to me, and keeps asking if I love him. He's afraid I'm going to leave him. He cries, 'Don't leave me, don't leave me' and there's no way I can prove to him I love him. It's so frustrating! Today I got so mad I yelled my head off at him."

Jolly asks, "Do you feel inadequate?"

"Yes," Liz replies, "because there's nothing I can do to reassure him."

Kay, a soft-spoken blond of twenty-four, suggests, "Show him in little ways that you love him."

Liz: "I do, and five minutes later he's back again crying."

Jolly: "Let's reconstruct this scene. Let's say I'm a four-year-old coming to you crying. Some big meanies are picking on me and my ego is shattered. What do you do to help a little guy start feeling like he's worth something?"

Liz holds out her arms. "I hug him and tell him I love him."

Jolly: "Do you tell him *why* you love him?"

Liz cocks her head. "I never thought about it. I don't know why I love him. I guess because he's mine."

Jolly: "If I were you, I might say, 'I love you because you're a nice, warm person, and Mommy loves nice, warm people.' "

Liz shakes her head. "He won't understand that."

Jolly: "Not the words, maybe, but the feeling will come across. Tell him every five minutes if you have to. And remember you're not doing it for *him!* We don't care so much about the four-year-old as we care about the mother. If you can reassure him so he feels better, you'll be proud of yourself. And as you feel better about yourself, he'll feel better about himself."

Liz fidgets in her chair. She says her son will never believe her. "If he'd only get up his gumption and beat up that bully!"

Pam says, "That's not realistic, Liz. Timmy only weights thirty pounds, and he's not old enough to grasp the principles of karate."

Jolly: "You think, Liz, that if you were a good, loving mother, you'd be able to straighten out all Timmy's problems and make him some kind of super tough guy who never gets bullied. Now because you can't do all that, you feel frustrated and inadequate. You think you're a bad mother, and you get angry.

"Why don't you try talking to your son about frustration? Tell him it's frustrating for everyone to have a bully around. Tell him you'd like to make it better for him but you can't—and that that doesn't mean you don't love him or that he isn't a good person. He won't understand all the words, but he'll get the message: Mommy cares."

Liz nods. So does everyone else. They can almost see the insight flicker in her gray-blue eyes.

"Start looking at your feelings and analyzing them," Jolly continues. "Once you see what they are, lay them open to your son. He'd rather hear about your feelings of frustration than get yelled at or beaten because of those feelings."

Liz is crying now, but nodding her head vigorously. "I'll start tomorrow," she promises.

A year ago, when Liz first came to P.A., she had beaten, bitten and kicked her son and hurled him against walls. It is difficult to imagine this from the fresh-faced creature sitting on a velvet sofa, just as it is difficult to imagine the other mothers in the room being driven to violent acts. They are all middle-class women, indistinguishable from those in any suburban shopping mall.

Until fairly recently, most doctors, government officials and health authorities operated on the assumption that child abuse was a bizarre and rare deviation—something that doesn't happen to "normal people."

The first step taken by all P.A. members is to try to redirect their anger. Instead of hitting their children they are told to pound walls, kick chairs or scream out the door. "Right away you start acting in ways you don't have to feel so badly about afterwards," Jolly says. "You can even laugh about it." In addition, parents are urged not to discipline children when they're angry, but to wait four or five hours until they are cool enough to spank, if necessary, without losing control.

The second step is learning how to reach out to other people for help. "You learn to recognize a crisis in the making, and when you get super-uptight, you call every member in the group if you have to until you find someone who can stick with you." Members are told to call each other not only in bad moments but also when they have handled a situation well "to fish for compliments. That helps build up your ego," Jolly says.

This leads to the third stage in P.A., which is to repair emotional damage and alter the way members look at themselves and their children. Jolly says she learned through a long process of self-probing that she hated Faith "because I hated myself. At first it was an act of sheer willpower even to put my arms around her. I would say, 'I love you' and grit my teeth. But the more I was able to accept and like myself, the more I was able to like Faith and to see her as a completely separate individual. She was not my bad self and Roz was not my good self. Each was a separate, unique person."

Faith is in therapy now because, Jolly says, "her ego was almost destroyed. She thinks she deserved the treatment she got because she was such a bad character. But she's getting better. The other morning she came to me and said, 'I like Faith today.' I think that's pretty healthy. And she trusts me enough to say, if she feels like it, 'I hate you, you're mean.' Three years ago, she would have died for less than that."

Jolly says she still gets angry at Faith and feels like "clobbering her, but would I? No. I don't have to be afraid of the urge. I can handle it. If not, I could always call my husband or another P.A. member, or go back to kicking the chair."

According to Jolly, all but two of those who've stayed with P.A. about four months have been able to control and modify their abusive behavior. But progress is not easy to make, and P.A. will not work for everyone. "Some people can't function in a group, and some may be psychotic," she explains.

Dr. Ray Helfer, the author of two books on child abuse and a member of P.A.'s Advisory Board, says that one of the drawbacks of the organization is that the members "lack a model of healthy parenting—a person who understands child development and can provide examples of healthy ways to handle problems as they arise." For this reason, he said, some hospitals and agencies are experimenting with special day-care centers, traditional group therapy and parent aids—lay therapists who make home visits. The advantage of P.A., Dr. Helfer says, is that the members can treat the symptoms immediately without deep therapy. "It's a good way to short-circuit abusive habits."

To see how P.A. affects different people, I drove back to Anaheim the day after the meeting and met with three members—Kay, Cindy and Pam. Kay is an exceptionally pretty, slender young woman with fair skin and straight blond hair. While somewhat shy, she projects an air of warmth and concern. Married to an engineer, she has a son, five, and a daughter, three. Kay's difficulty is with her daughter; in the three months since joining P.A., she has progressed from hating her consistently to a state where she can enjoy and appreciate her *sometimes*.

Cindy is new. She has been to only two meetings, and feels hopeless about ever improving. Separated from her husband, she works as a lab technician to support herself and their three-year-old son.

Pam is a bright, inquisitive thirty-year-old who dresses with meticulous taste and constantly reads books about child-raising. She is married to an insurance broker and has three daughters: eight, three and nine months. She came to P.A. because she felt frantic and utterly unable to cope with her oldest child, who is hyperactive. She is more confident now, but still has "down days."

The feelings these mothers express about their children are quite different. Kay says she hates her daughter, Pam has mixed emotions, and Cindy says she loves her son more than anything in life. But after an hour's talk, it becomes apparent that all three are operating in the same basic pattern. They see in their children qualities they detest in themselves, their husbands or their relatives, and they project onto the children enormous capabilities beyond their years.

Pam says she hates her eight-year-old for lying, and adds, almost offhandedly, "I was a liar when I was a kid."

Kay says her daughter "brings out things in me I loathe. I never thought I could treat a human being the way I've treated her. I started slapping her on the face when she was a week old. I couldn't stand her voice or the way she eats. Nothing about her pleased me. I never wanted to hurt her, but I wished she would die of some infant sickness."

I asked Kay if she was abused as a child. "I wasn't beaten," she answered, "but my sister was, and it scared me. I think I was more abused verbally. I was told I was a dummy and nothing I could do was right." When Kay's daughter was born, the child appeared in the same grim light. "Nothing she did was worth anything. She robbed me of time I wanted to spend with my son and I was afraid she would break up my marriage." We got that cleared up at the last meeting. As someone pointed out, "Why give her that much power? She's just a three-year-old. She's right!"

Cindy, a tiny woman with perfect features and perfectly combed hair, calls her young son "the man of the house. He runs me," she says, "and I'm afraid now because I see the beginnings of the same sick relationship I had with his father." Although Cindy says she is extremely loving and permissive most of the time, when she gets angry or has a bad day, "I just have to pound on him until my feelings are satisfied. He must be so confused! I'm terrified I'll alienate him and he'll abandon me, and he's my whole life." She starts to cry.

Pam says, "I know your son loves you and needs you."

Kay adds: "It would be good for you to have some outside interests. Maybe when you get to know and trust us, you can leave him with us or trade off baby-sitting." Cindy seems inconsolable.

Pam tells her, "If all of us have pulled ourselves out of the pit, you can too." She describes the days before she came to P.A. when she beat her hyperactive daughter with a strap in order to "break her down, get her to be subdued and respect me. Everybody I went to for help could tell me what was wrong," she said, "but nobody ever told me what to do. At the first P.A. meeting, people made suggestions. And they worked! There's such a difference in our house. Now when my daughter gets out of control, I can subdue her by loving her and making her feel secure. And I go to my husband for help—something I never did before. I'm not cured, but at least I'm on top of the thing. I'm not desperate anymore."

Pam admits she was nervous about joining P.A. because she thought child-abusers were "low-class, low-grade, crummy people." She's found that this is not necessarily the case at all. "And I don't think P.A. is just for child-beaters, either," she says. "It's for people who need help because they can't handle difficulties with their kids."

Kay agrees. "I'll stay in it forever, because I know there'll be problems as my children grow up, and this way I'll have the group to support me. If I don't know how to deal with something. I can always call the sponsor for advice, instead of worrying and brooding, I'll be reassured and feel confident I'm doing the best thing."

It was late in the day now. Pam's daughters were in the kitchen making instant brownies, and the other two women had to pick up their children. Kay asked Cindy if she felt any better.

Cindy jerked her head slightly, startled to find that, for a brief time, she had been distracted from her own grief. She managed a weak smile. The others put their arms around her as she said, "Yes. Somehow I do."

[American Academy of Pediatrics, Committee on Infant and Pre-School Child]

Maltreatment of Children

THE PHYSICALLY ABUSED CHILD

Maltreatment of children, or child abuse, takes many forms. It may be serious gross neglect of the child's welfare to the point of starvation,[1] cruelty resulting in emotional damage to the child, or physical assault by a parent, older sibling, or person charged with the care of the child, as described in the term "battered child syndrome."[2,3] We do not know the actual number of maltreated children, nor their subdivision into physical and emotional abuse. It is likely that the battered child is the least frequent yet currently the most discussed. This paper will concern itself primarily with the physically abused child.

Recently, the problem of maltreatment of children has received much attention. Perhaps part of the recent public interest in this problem has resulted from the dramatic phrase "battered child syndrome,"[2] which was first used by Kempe, *et al.* during a panel discussion at an annual meeting of the American Academy of Pediatrics.

But long before the phrase was coined, interest in the problem of multiple injuries had begun. About 20 years ago Caffey[4] described x-ray findings of multiple fractures in the long bones, and a diagnostic tool was developed. Since then the child with multiple injuries indicating new or recent injuries superimposed on old has come under increasing scrutiny, especially in the last three or four years. Later studies by hospital pediatric and x-ray departments added to the earlier reports of "skeletal trauma in infants"[5,6] which, in turn, have altered pediatricians, roentgenologists, and other physicians to the possibility of child abuse. As physicians have become more aware of the possibility of maltreatment as the cause of multiple injuries, the number of discovered cases has grown. The American Humane Association[7] estimates that there are some 10,000 cases of such abuse each year in the United States, but only a fraction of these are reported. However, aroused public and professional interest will, no doubt, cause more to be reported in future years. The increased public attention has been expressed by many newspaper and magazine articles, as well as television and radio programs. Additionally, the whole spectrum of professional organizations—social, welfare, medical, and governmental—have joined in attempting to meet the problem.[8-16]

What is to be done about the problem of child abuse? Some communities have had, and still have, facilities to protect neglected, abused, and exploited children. These child protective services are too few, but where they have existed, they have worked fairly well in helping these children once they have been brought to the attention of the community. Such resources usually have involved local departments of welfare,

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Footnotes at end of article.

voluntary child protective associations, other social agencies, and the courts—family, juvenile, or district court with juvenile jurisdiction. It is obvious from the incidence of child abuse that these facilities alone did not reveal the magnitude of the problem, nor did they exert prophylactic deterrents to child abuse. Something more was needed to help unravel this problem. Some of the approaches to the problem have recently taken a new direction, growing directly from increased medical interest coupled with public alarm. As of September, 1965, 47 states had passed legislation dealing with the abused child. In most cases these law require physicians or other health personnel, who have reasonable cause to suspect that a child has had serious physical injury or injuries inflicted upon him other than by accidental means, to report the case to the proper authority designated to receive these reports, whether it be police or some other law enforcement agency, or a department of welfare.

The purpose of such reporting by physicians is to cause the protective services of the community to be brought to bear in an effort to protect the health and welfare of these children and to prevent further abuses. The physician who, previously, when he suspected physical abuse, limited his participation to the best possible professional care for the child and to personal investigation of the family and/or a referral to the social service department of the hospital for an investigation, now has a legislative duty to report these cases to a community authority.[17] Prior to such a law, separation of the child from the family resulted infrequently, and repeated abuse often occurred, sometimes resulting in death of the child or permanent crippling or brain damage.

A few of the laws have been aimed at reporting incidents of assault and in punishing the abusive adult,[17, 18] In such states, little attention has been given to the need for continued protection of the child and the rehabilitation (if possible) of the child's family. In the majority of states, however, where the intent of the law is to protect the child, the needs of both the child and his parents have been recognized and help has been recommended for both.

If these protective functions are to be increased by early medical case finding and reporting of child abuse (and this trend is already evident), responsible agencies must be provided with sufficient funds and qualified personnel to provide protection for the child. There must be legal authority to permit removal of the child from his home, and authority to implement prompt social investigation and responsible community action concerning the child and his parents.

The present pattern of child protective programs varies greatly across the country. Agencies responsible for investigation and for provision by protective services include private organizations (e.g., the Society for Prevention of Cruelty to Children in Brooklyn and Manhattan); county or city departments of welfare, the juvenile branch of the municipal police; and the investigating section of the juvenile or family court. Regardless of the plan used by a community to protect its children, the important point about reported cases of maltreatment, in addition to medical care of the child, is the need for prompt investigation of the case, followed by appropriate action by the investigating agency. This action may take the form of assistance to the family to promote more responsible behavior or removal of the child to a safer environment than his home

For example, in New York City there is a special Child Protective Services Unit. Following the passage of a legislative act making the reporting of suspected child abuse mandatory, the unit was set up by the Department of Welfare of New York City as part of its Bureau of Child Welfare in New York. This unit operates a central register whereas all cases of suspected or proven physical maltreatment are recorded and where all information relevant to a child or to his family may be readily available. The New York program, now a year old, has experienced a sharp increase in reporting by hospital physicians; at the same time a shortage of personnel, funds, and other facilities has already become evident.[19]

Observations previously reported indicate that the parents are in some instances mentally ill, mentally retarded, or emotionally immature, inadequate persons who themselves were so neglected or abused that they failed to grow into responsible adults. Also, persons of all walks of life, including professionals, have been incriminated.

With the assistance and supervision of a social agency, some of these parents can be helped to become responsible adults.[14] Punishment of these parents by placing them in jail generally serves little or no useful purpose other than to remove them from the abused child and his siblings for a limited period of time. It does not make them better parents or more able to deal with their children in a sound, constructive way. Indeed, their resentment at having been jailed may lead to even more severe punishment of the child. These individuals must be helped to grow themselves, and if this is not possible, they must be relieved of the responsibility for their children.

Role of the physician

The physician's duty is primarily to care for the maltreated child and to initiate steps designed to prevent further maltreatment. In many states he is now legally mandated to report a case of suspected physical abuse. This he must do, but he must exert care in arriving at his decision. The physician's knowledge may be limited to the medical condition of the child and to what background information may be elicited from the parents. X-ray findings may reveal single or multiple bone injuries, some new, some old, and further study may determine the absence of a disease process that might have contributed to the abnormalities. The physician may suspect that the parents' account does not explain adequately the child's injuries. He may also sense that the parent-child relationship is in some way pathologic. Thus the physician's knowledge of the incident, though considerable and sufficient to report suspicion of trauma, upon further investigation may not be sufficient as a basis for legal action against a specific person by a community agency. Further investigation is required by a social service, welfare, or law enforcement agency. The information obtained through investigation added to the original medical knowledge provides a firm foundation for further social or legal action.

Reporting of maltreatment becomes easier when the child has been hospitalized than when he has not. The physician reports the case to the hospital administrator who alerts the appropriate community agency, which in turn investigates and acts.

The physician encountering a case of suspected maltreatment in office practice is handicapped in the full evaluation of the child's condition and the background situation. He may be further handicapped by the traditional physician-patient relationship, and by lack of time in trying to obtain an accurate history. Also, he may lack laboratory facilities, x-ray, etc., to make a suitable evaluation. In such instance, since he must assure the safety of the child, the physician should try to hospitalize the child for protection and for evaluation.[20, 21] If the family refuses to allow hospitalization, the physician can obtain a court order for this purpose.

In some instances the practicing physician is apprehensive about becoming involved in legal action. Much of his concern springs from the difficulty of detecting and dealing with assault. He is also concerned about being involved in a law suit, spending time in court, and patient criticism. He should exert caution in taking action on suspicion of abuse. When in doubt, he should seek help and advice from others, but whatever decision he makes should not jeopardize the child's welfare. The hospital physician can more easily avail himself of consultations in the hospital, so that the decision becomes one of a group rather than of an individual. This is likely to be more accurate, yet errors are discovered even after group decisions. To erroneously add an accusation of willful abuse to the burden of guilt of these parents is traumatic and serves no useful purpose.

Elmer and a group [22] including a pediatrician and psychologist re-evaluated 50 children previously believed to have been physically abused. Thirteen had either died or were hospitalized. Four of the remaining children were discovered to have been injured at birth or later, but the injuries were not inflicted by the suspected parent. No decision could be made about seven, although some of these probably were victims of abuse.

The inclusion in state laws of provisions granting immunity from liability for the reporting physician has removed much of the previous apprehension of reporting on suspicion alone. The widespread dissemination of the fact that the physician is legally mandated to report a case of suspected child abuse should also remove, or at least reduce, the parents' resentment.

Role of community

The community must set up a plan whereby cases of maltreatment are reported to an appropriate investigating agency just as soon as they are suspected. Action must be initiated immediately upon receiving the telephone report from the physician, or it may be too late to save the child's life. The agency must have medical and paramedical personnel available and, as already mentioned, adequate funds and facilities to do a prompt and effective job. The agency must then take the necessary action either by helping the family to function more adequately or by seeking legal action to remove the child to a safer environment should this prove necessary.[23]

As indicated earlier, various plans of child protection exist and are now operating in many communities. Where the legal basis and the implementation are adequate, these present programs have been found to be effective. If new reporting and investigating procedures are established, the Committee believes that it should be done through departments of welfare or health or through child welfare agencies. In those areas of the United States inadequate represented by city or county health or welfare departments or by child welfare agencies authorized to provide protective services, the local law enforcement authorities should be notified of maltreatment.

Central register

Any program of protection against child abuse involves several phases: case finding; case reporting to an authorized agency that can offer prompt protective action for the child; investigation of the circumstances surrounding the abuse; and maintenance of a register of each reported incident.

The central register is an important aspect of a program. This facilitates the detection of cases of repeated abuse, since parents of abused children frequently take them to different physicians or hospitals after each episode or attack to avoid identification with previous episodes. If a central register exists, a physician, hospital administrator, or social worker can, by telephoning, quickly discover whether a case is one involving repeated injury or neglect and

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Footnotes at end of article.

possible abuse. The registry may be maintained by any agency the community selects, but again the Committee believes that either the city or county department of health or welfare is the most logical choice, since it is more likely to have necessary financial and clerical facilities and is experienced in maintaining registers.

The Committee urges those communities that already have effective child protective programs to expand their programs to include a registry.[1]

Wilson[24] reported a case that raises the important question: What shall be done about a person registered as suspected of having inflicted injury on a child who is later found innocent? How does this name get removed from the register? This might be very difficult and require much red tape and a judicial order. The problem might be solved if all reports are held in a temporary file and moved to a permanent one only when the suspicion is found to be based on fact, or when there continues to be doubt as to guilt of the parent. However, when the parent is proved innocent his record should be destroyed.

In setting up a program it is most important that the reporting physician or hospital be given legal immunity in reporting suspected maltreatment. This will deter suits and will encourage the person to report a case of suspected abuse which he otherwise might not do.

Recommendations

The Committee on the Infant and Preschool Child believes that mandatory reporting by physicians of suspected cases of child abuse is justified and that legislation for this purpose should be primarily of a protective rather than a punitive nature. It also believes that communities should be encouraged to develop their own sound programs to provide the necessary services to protect the child after a case has been reported.

Legislation should be guided by the following principles:

1. Physicians should be required to report suspected cases of child abuse immediately to the agency legally charged with the responsibility of investigating child abuse, preferably the county or state department of welfare or health or their local representatives, or to the nearest law enforcement agency.
2. The agency should have ample personnel and resources to take action immediately upon receipt of the report.
3. Reported cases should be investigated promptly and appropriate service provided for the child and family.
4. The child should be protected by the agency either by continued hospitalization, supervision at home, or removal from home through family or juvenile court action when indicated.
5. The agency should keep a central register of all such cases. Provision should be made for the removal of case records from the register when it is found that abuse did not, in fact, occur.
6. The reporting physician or hospital should be granted immunity from suit.

A program following these principles should be successful in identifying abused children and in protecting them from further abuse; in restoring those families that are capable of rehabilitation; in allowing the physician to perform responsibly within the bounds of medical knowledge and ethics; and in allowing the community to meet its obligations to its children.

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[From the U.S. Department of Health, Education, and Welfare]

THE ABUSED CHILD

INTRODUCTION

Child neglect and abuse are not new phenomena in our society, or in any society. What is new is the increase and violence in the attacks on infants and young children by parents or other caretakers. Evidence of this abuse, and awareness of it on the part of physicians began to pour into the Children's Bureau about 1960. Spurred by these accounts and by the interest aroused by the symposium on "The Battered Child" at the meeting of the American Academy of Pediatrics in October 1961, the Children's Bureau undertook the task of assembling information and starting action.

In January 1962, a group of consultants was asked to meet with the Children's Bureau to consider what might be done. This group was impressed by the results reported from California where mandatory reporting by physicians and hospitals is in force. One of the steps suggested by this group was the development of a "model law" for States.

Subsequently, the Children's Bureau called together a small technical group, largely from the legal profession to discuss and develop specifications for such legislation. Using this group's conclusions as a basis, the Children's Bureau, in conjunction with the Office of the General Counsel of the U.S. Department of Health, Education, and Welfare, drew up a statement of principles and suggested language for State legislation on reporting of the physically abused child. This material has now been widely reviewed by doctors, lawyers, social workers, juvenile court judges, hospital administrators, and interested citizens. Agreement on the need for such legislation was almost universal. On some of the specifics, differences of opinion exist. Insofar as possible, the ideas of the consultants have been incorporated and differing approaches reconciled in this pamphlet.

The sole purpose of this legislative proposal is to protect the child. By identifying the child in hazard, it is hoped that his plight will lead to protection from further abuse and to providing him with a safe and wholesome environment denied him by his rightful protectors—his parents.

PRINCIPLES AND SUGGESTED LANGUAGE FOR LEGISLATION ON REPORTING OF THE PHYSICALLY ABUSED CHILD

Many State laws that protect children from injuries and hazards already exist. As Children become more vulnerable to danger in our fast-moving, ever-changing society, other protections are needed.

This legislative guide represents the first several steps which the Children's Bureau believes must be taken to assure identification, protection, and treatment for children who have had injuries inflicted upon them by their parents or others responsible for their care. A growing number of such injuries are being reported by medical personnel who are in a position to detect them.

This guide for State legislation is a first step and would require official reporting of these cases. Since injuries of this nature are seen most frequently by physicians in hospitals, or private practice, this legislation would place upon physicians the responsibility for reporting these injuries to the appropriate law enforcement official. At present, law enforcement constitutes the only chain of services which is sure to exist in every community and within reach of any medical personnel given responsibility for this reporting. Upon receipt of such a report, the law enforcement official may follow any of several measures to assure care and protection of the child. He may make the investigation himself and place the child in protective care for which provision already has been made. Or he may refer the child's case to a voluntary or public social agency given this responsibility by law. Such an agency would make the investigation and take responsibility for the immediate care of the child, if necessary. This agency also would continue to work with the parents toward a plan for the care of the child. This plan might range from temporary foster care of the child while his parents receive help with the problems causing their abuse of him to termination of their parental rights and plans for the permanent care of the child including adoption, if indicated.

In our society, care and protection of children beyond the parental role are the responsibility of the State. This responsibility is usually discharged through social welfare agencies. Logically, the planning for the child and working with the parents in cases of abuse should rest with the public welfare department.

Many States have this responsibility spelled out in their welfare laws. The Children's Bureau legislative guide *Proposals for Drafting Principles and Suggested Language for Legislation on Public Child Welfare and Youth Services*[1] specifically defines this responsibility and makes it mandatory on the welfare department to provide this protection to children. Where States do not have legislation placing this responsibility in the public welfare department or where legislation exists but has not been implemented, considerable work and planning may be necessary to establish and set in motion the services required for protection of children in jeopardy because of actions by their parents or others responsible for their care.

In considering State legislation involving children, one basic principle should always be kept in mind:

Parents have the primary responsibility for meeting the needs of their children. Society has an obligation to help parents discharge this responsibility. Society must assume this responsibility when parents are unable to do so.

The physical abuse of children frequently follows a pattern of severe and repeated injury to very young children. The evil which this present pamphlet seeks to alleviate, and to eliminate in reported cases, is that inflicted on children by other than accidental means by those who should be least likely to engage in such conduct—their parents or other persons responsible for their care and protection and against whom such children are most likely to need the protection of society. When children are abused or mistreated by other persons, their parents or those responsible for their care and protection are expected to take whatever action may be indicated under the law. But when the family or home environment itself is unsafe for children, when it has produced their injuries and threatens them with more, the duty of the State is to provide protective services.

In order to initiate protective services, cases of such inflicted injury to children must be promptly called to the attention of appropriate agencies of government for investigation and such action as reasonably may be indicated, whether these cases are referred to social welfare agencies or to the courts.

Children who have suffered physical abuse at the hands of parents or other persons responsible for their care and protection are most frequently brought or come to the attention of physicians, either in private practice or at hospitals, for care and treatment. Physicians, because of the nature of the injuries and the case histories of these children, are in an optimum position to form reasonable, preliminary judgments as to how the injuries occurred. Although the proposed legislation is not intended to prevent or discourage voluntary reporting by others, because of the seriousness of the situation for children and for society, it makes reporting mandatory on physicians or the institutions where physicians' services are provided, as is the case with gunshot wounds. Therefore, when a physician has diagnosed a case as within the purview of the statute, neither he nor the institution should have any discretion in the matter of notifying the appropriate police authority with respect to it. Under the proposed statute, without regard for considerations growing out of the physician-patient relationship or any other matter, he would have the duty to make or cause to be made a prompt report.

The proposed legislation requires a report to be made when there is reasonable cause to suspect that physical injury was inflicted by a parent or other person responsible for the care of the child. That is to say, when there is reasonable cause to suspect that the case at hand falls within the category of evil which the statute is designed to act upon. The duty which would be imposed upon the reporter is necessarily a limited one. In its decisionmaking aspects, it is akin to that performed by a grand jury when it finds probable cause that a given individual committed a crime. But, unlike a grand jury, the reporter would not be called upon to identify any given individual, i.e., the mother, the father, etc., as the one who inflicted the injury.

Basically, the legislative language would require a reasonable judgment on the part of the reporter that the injuries are not reasonably explainable as having happened accidentally; that, therefore, they were inflicted upon the child; and that they were inflicted in the family or home setting. It contemplates, furthermore, that the reporter will base his judgment on the facts readily available to him in the conduct of his professional services. He is not expected to make any outside, independent investigation. The reporter would be concerned only with what is disclosed by him by the nature and extent of the injuries and the case history. If from these he finds a reasonable likelihood, both that the injuries were inflicted on the child by other than accidental means and that they were inflicted by a parent or other person responsible for the child's care, he would have to make a report. If he is not able to draw this hypothesis with respect to each of these facets, he is not required to report.

A physician in making his diagnosis would have to decide whether or not the case before him falls within the statute. But, in so doing, his would be the preliminary act. The report would initiate investigative machinery and might or might not result in law enforcement, social service, or judicial action. The decision to report, therefore, while it should be carefully considered and derived from the available evidence, implies no factor of infallibility. In making it, a physician would not be functioning as a judge or jury. He merely would be acting on a reasonable suspicion stemming from his professional experience and expert opinion. More than this would not be required of him.

Even with respect to physicians who are on the staffs of hospitals or similar institutions, the responsibility for initiating a report is on them and not on hospital administrative officials. The decision involved appears to be largely medical in nature. To the extent that nonmedical factors enter the diagnosis, they, too, would have been adduced by the physician. It would seem anomalous, therefore, that another person, particularly a nonmedical person who had no direct contact with the case, should have initial responsibility for this report. Moreover, when a staff physician notifies the appropriate administrative person, making a report is mandatory.

With respect to the contents of the report, the suggested legislative language is self-explanatory. In describing the child's injuries, with inclusion of other relevant data as the physician has obtained in the course of carrying out his professional duties, he is not required to specify any individual as having inflicted the injury, nor is he burdened with obtaining additional information.

As drafted, the suggested legislative language does not specify the "appropriate police authority." This would be impossible in this material in view of the nationwide diversity as to the identity of the authority having responsibility to investigate and follow up reports of this kind. If adopted as written, the initial decision as to whom to contact would rest with the physician or the institution. In most political subdivisions, the police department would be the appropriate authority. Where police departments have specialized units with qualified staff, reports could be made or referred to such units. In some jurisdictions, it might be necessary for reports to be made to the sheriff's or marshal's office, or the equivalent. Consequently, in some States it may be desirable for the legislation to identify specifically the appropriate police authority.

Moreover, the suggested legislative language relates only to the reporting of cases to the appropriate police authority. It does not prescribe the duties of such authority upon receipt of the report, nor does it provide for the responsibilities of society in the protection, care, and treatment of the child who is the subject of the report. By the same token, it makes no provision with respect to the handling of the parents or other persons responsible for the child's care and protection whose failures, as such, have forced the State to act in the affairs of the child affected. It presupposes the existence in the States of adequate, applicable legal and social machinery—laws, enforcement, and social welfare agencies and courts—and that these will be put in motion by the making of the required reports. The proposed statute presupposes a duty of the police authority to make an immediate and careful investigation of the report and to take appropriate followup action, or to refer the case to the public welfare agency for investigation and followup action when such arrangement has previously been made. This is based upon the further assumption that under the laws of the jurisdiction, a report would allege facts and conditions which could bring the child and the adults involved within the jurisdiction of the juvenile court, with the adults possibly also subject to the criminal laws of the State.

The Standard Juvenile Court Act, 1959 (sixth edition) and the *Standard Family Court Act, 1959*, indicate the kinds of jurisdictional provisions which would permit these cases to be brought within the purview of the specialized court. With respect to the investigative and followup activities that may be expected of the police, an informative and authoritative discussion is contained in the recent Children's Bureau publication, *Police Work With Children: Perspective and Principles*.[2]

Many cases will indicate the need for referral by the police authority to the public child welfare agency for protective services.

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[1] "Proposals for Drafting Principles and Suggested Language for Legislation on Public Child Welfare and Youth Services." Washington 25, D.C.: U.S. Department of Health, Education, and Welfare, Welfare Administration, Children's Bureau, 1957. 130 pp.

[2] "Police Work With Children: Perspectives and Principles." Children's Bureau Publication 399. Washington 25, D.C.: U.S. Government Printing Office, 1962. 106 pp. (58–67).

Indeed, the Children's Bureau publication *Proposals for Drafting Principles and Suggested Language for Legislation on Public Child Welfare and Youth Services* recommends that it be mandatory on the State department to investigate complaints of neglect and abuse of children and to offer social services or make proper referral to another agency.

Suggested Language for State Legislation on Reporting of the Physically Abused Child

An act for the mandatory reporting by physicians and institutions of certain physical abuse of children

1. PURPOSE

The purpose of this Act is to provide for the protection of children who have had physical injury inflicted upon them and who are further threatened by the conduct of those responsible for their care and protection. Physicians who become aware of such cases should report them to appropriate police authority thereby causing the protective services of the State to be brought to bear in an effort to protect the health and welfare of these children and to prevent further abuses.

2. REPORTS BY PHYSICIANS AND INSTITUTIONS

Any physician, including any licensed doctor of medicine, licensed osteopathic physician, intern and resident, having reasonable cause to suspect that child under the age of ——[1] brought to him or coming before him for examination, care or treatment has had serious physical injury or injuries inflicted upon him other than by accidental means by a parent or other person responsible for his care, shall report or cause reports to be made in accordance with the provisions of this Act; *provided* that when the attendance of a physician with respect to a child is pursuant to the performance of services as a member of the staff of a hospital or similar institution he shall notify the person in charge of the institution or his designated delegate who shall report or cause reports to be made in accordance with the provisions of this Act.

3. NATURE AND CONSENT OF REPORT: TO WHOM MADE

An oral report shall be made immediately by telephone or otherwise, and followed as soon thereafter as possible by a report in writing, to an appropriate police authority. Such reports shall contain the names and addresses of the child and his parents or other persons responsible for his care, if known, the child's age, the nature and extent of the child's injuries (including any evidence of previous injuries), and any other information that the physician believes might be helpful in establishing the cause of the injuries and the identity of the perpetrator.

4. IMMUNITY FROM LIABILITY

Anyone participating in good faith in the making of a report pursuant to this Act shall have immunity from any liability, civil or criminal, that might otherwise be incurred or imposed. Any such participant shall have the same immunity with respect to participation in any judicial proceeding resulting from such report.

5. EVIDENCE NOT PRIVILEGED

Neither the physician-patient privilege nor the husband-wife privilege shall be a ground for excluding evidence regarding a child's injuries or the cause thereof, in any judicial proceeding resulting from a report pursuant to this Act.

6. PENALTY FOR VIOLATION

Anyone knowingly and willfully violating the provisions of this Act shall be guilty of a misdemeanor.

The Battered-Child Syndrome

(By C. Henry Kempe, M.D., Denver, Frederic N. Silverman, M.D., Cincinnati, Brandt F. Steele, M.D., William Droegemueller, M.D., and Henry K. Silver, M.D., Denver)

(Note.—Figures and references mentioned are not printed in Record.)

The battered-child syndrome, a clinical condition in young children who have received serious physical abuse, is a frequent cause of permanent injury or death. The syndrome should be considered in any child exhibiting evidence of fracture of any bone, subdural hematoma, failure to thrive, soft tissue swellings or skin bruising, in any child who dies suddenly, or where the degree and type of injury is at variance with the history given regarding the occurrence of the trauma. Psychiatric factors are probably of prime importance in the pathogenesis of the disorder, but knowledge of these factors is limited. Physicians have a duty and responsibility to the child to require a full evaluation of the problem and to guarantee that no expected repetition of trauma will be permitted to occur.

The battered-child syndrome is a term used by us to characterize a clinical condition in young children who have received serious physical abuse, generally from a parent or foster parent. The condition has also been described as "unrecognized trauma" by radiologists, orthopedists, pediatricians, and social service workers. It is a significant cause of childhood disability and death. Unfortunately, it is frequently not recognized or, if diagnosed, is inadequately handled by the physician because of hesitation to bring the case to the attention of the proper authorities.

INCIDENCE

In an attempt to collect data on the incidence of this problem, we undertook a nation-wide survey of hospitals which were asked to indicate the incidence of this syndrome in a one-year period. Among 71 hospitals replying, 302 such cases were reported to have occurred; 33 of the children died; and 85 suffered permanent brain injury. In one-third of the cases proper medical diagnosis was followed by some type of legal action. We also surveyed 77 District Attorneys who reported that they had knowledge of 447 cases in a similar one-year period. Of these, 45 died, and 29 suffered permanent brain damage; court action was initiated in 46% of this group. This condition has been a particularly common problem in our hospitals; on a single day, in November, 1961, the Pediatric Service of the Colorado General Hospital was caring for 4 infants suffering from the parent-inflicted battered-child syndrome. Two of the 4 died of their central nervous system trauma; 1 subsequently died suddenly in an unexplained manner 4 weeks after discharge from the hospital while under the care of its parents, while the fourth is still enjoying good health.

CLINICAL MANIFESTATIONS

The clinical manifestations of the battered-child syndrome vary widely from those cases in which the trauma is very mild and is often unsuspected and unrecognized, to those who exhibit the most florid evidence of injury to the soft tissues and skeleton. In the former group, the patients' signs and symptoms may be considered to have resulted from failure to thrive from some other cause or to have been produced by a metabolic disorder, an infectious process, or some other disturbance. In these patients specific findings of trauma such as bruises or characteristic roentgenographic changes as described below may be misinterpreted and their significance not recognized.

The battered-child syndrome may occur at any age, but, in general, the affected children are younger than 3 years. In some instances the clinical manifestations are limited to those resulting from a single episode of trauma, but more often the child's general health is below par, and he shows evidence of neglect including poor skin hygiene, multiple soft tissue injuries, and malnutrition. One often obtains a history of previous episodes suggestive of parental neglect or trauma. A marked discrepency between clinical findings and historical data as supplied by the parents is a major diagnostic feature of the battered-child syndrome. The fact that no new lesions, either of the soft tissue or of the bone, occur while the child is in the hospital or in a protected environment lends added weight to the diagnosis and tends to exclude many diseases of the skeletal or hemopoietic systems in which lesions may occur spontaneously or after minor trauma. Subdural hematoma, with or without fracture of the skull, is in our experience, an extremely frequent finding even in the absence of fractures of the long bones. In an occasional case the parent or parent-substitute may also have assaulted the child by administering an overdose of a drug or by exposing the child to natural gas or other toxic substances. The characteristic distribution of these multiple fractures and the observation that the lesions are in different stages of healing are of additional value in making the diagnosis.

In most instances, the diagnostic bone lesions are observed incidental to examination for purposes other than evaluation for possible abuse. Occasionally, examination following known injury discloses signs of other, unsuspected skeletal involvement. When parental assault is under consideration, radiologic examination of the entire skeleton may provide objective confirmation. Following diagnosis, radiologic examination can document the healing of lesions and reveal the appearance of new lesions if additional trauma has been inflicted.

The radiologic manifestations of trauma to growing skeletal structures are the same whether or not there is a history of injury. Yet there is reluctance on the part of many physicans to accept the radiologic signs as indications of repetitive trauma and possible abuse. This reluctance stems from the emotional unwillingness of the physician to consider abuse as the cause of the child's difficulty and also because of unfamiliarity with certain aspects of fracture healing so that he is unsure of the significance of the lesions that are present. To the informed physician, the bones tell a story the child is too young or too freightened to tell.

PSYCHIATRIC ASPECTS

Psychiatric knowledge pertaining to the problem of the battered child is meager, and the literature on the subject is almost nonexistent. The type and degree of physical attack varies greatly. At one extreme, there is direct murder of children. This is usually done by a parent or other close relative, and, in these individuals, a frank psychosis is usually readily apparent. At the other extreme are those cases where no overt harm has occurred, and one parent, more often the mother, comes to the psychiatrist for help, filled with anxiety and guilt related to fantasies of hurting the child. Occasionally the disorder has gone beyond the point of fantasy and has resulted in severe slapping or spanking. In such cases the adult is usually responsive to treatment; it is not known whether or not the disturbance in these adults would progress to the point where they would inflict significant trauma on the child.

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[1] It is recommended that the maximum age of juvenile court jurisdiction in the State be used.

Between these 2 extremes are a large number of battered children with mild to severe injury which may clear completely or result in permanent damage or even death after repeated attack. Descriptions of such children have been published by numerous investigators including radiologists, orthopedists, and social workers. The latter have reported on their studies of investigations of families in which children have been beaten and of their work in effecting satisfactory placement for the protection of the child. In some of these published reports the parents, or at least the parent who inflicted the abuse, have been found to be of low intelligence. Often, they are described as psychopathic or sociopathic characters. Alcoholism, sexual promiscuity, unstable marriages, and minor criminal activities are reportedly common amongst them. They are immature, impulsive, self-centered, hypersensitive, and quick to react with poorly controlled aggression. Data in some cases indicate that such attacking parents had themselves been subject to some degree of attack from their parents in their own childhood.

Beating of children, however, is not confined to people with a psychopathic personality or of borderline socioeconomic status. It also occurs among people with good education and stable financial and social background. However, from the scant data that are available, it would appear that in these cases, too, there is a defect in character structure which allows aggressive impulses to be expressed too freely. There is also some suggestion that the attacking parent was subjected to similar abuse in childhood. It would appear that one of the most important factors to be found in families where parental assault occurs is "to do unto others as you have been done by." This is not surprising; it has long been recognized by psychologists and social anthropologists that patterns of child rearing, both good and bad, are passed from one generation to the next in relatively unchanged form. Psychologically, one could describe this phenomenon as an identification with the aggressive parent, this identification occurring despite strong wishes of the person to be different. Not infrequently the beaten infant is a product of an unwanted pregnancy, a pregnancy which began before marriage, too soon after marriage, or at some other time felt to be extremely inconvenient. Sometimes several children in one family have been beaten; at other times one child is singled out for attack while others are treated quite lovingly. We have also seen instances in which the sex of the child who is severely attacked is related to very specific factors in the context of the abusive parent's neurosis.

It is often difficult to obtain the information that a child has been attacked by its parent. To be sure, some of the extremely sociopathic characters will say, "Yeah, Johnny would not stop crying so I hit him. So what? He cried harder so I hit him harder." Sometimes one spouse will indicate that the other was the attacking person, but more often there is complete denial of any knowledge of injury to the child and the maintenance of an attitude of complete innocence on the part of both parents. Such attitudes are maintained despite the fact that evidence of physical attack is obvious and that the trauma could not have happened in any other way. Denial by the parents of any involvement in the abusive episode may, at times, be a conscious, protective device, but in other instances it may be a denial based upon psychological repression. Thus, one mother who seemed to have been the one who injured her baby had complete amnesia for the episodes in which her aggression burst forth so strikingly.

In addition to the reluctance of the parents to give information regarding the attacks on their children, there is another factor which is of great importance and extreme interest as it relates to the difficulty in delving into the problem of parental neglect and abuse. This is the fact that physicians have great difficulty both in believing that parents could have attacked their children and in undertaking the essential questioning of parents on this subject. Many physicians find it hard to believe that such an attack could have occurred and they attempt to obliterate such suspicions from their minds, even in the face of obvious circumstantial evidence. The reason for this is not clearly understood. One possibility is that the arousal of the physician's antipathy in response to such situations is so great that it is easier for the physician to deny the possibility of such attack than to have to deal with the excessive anger which surges up in him when he realizes the truth of the situation. Furthermore, the physician's training and personality usually makes it quite difficult for him to assume the role of policeman or district attorney and start questioning patients as if he were investigating a crime. The humanitarian-minded physician finds it most difficult to proceed when he is met with protestations of innocence from the aggressive parent, especially when the battered child was brought to him voluntarily.

Although the technique wherein the physician obtains the necessary information in cases of child beating is not adequately solved, certain routes of questioning have been particularly fruitful in some cases.

One spouse may be asked about the other spouse in relation to unusual or curious behavior or for direct description of dealings with the baby. Clues to the parents' character and pattern of response may be obtained by asking questions about sources of worry and tension. Revealing answers may be brought out by questions concerning the baby such as, "Does he cry a lot? Is he stubborn? Does he obey well? Does he eat well? Do you have problems in controlling him?" A few general questions concerning the parents' own ideas of how they themselves were brought up may bring forth illuminating answers; interviews, with grandparents or other relatives may elicit additional suggestive data. In some cases, psychological tests may disclose strong aggressive tendencies, impulsive behavior, and lack of adequate mechanisms of controlling impulsive behavior. In other cases only prolonged contact in a psychotherapeutic milieu will lead to a complete understanding of the background and circumstances surrounding the parental attack. Observation by nurses or other ancillary personnel of the behavior of the parents in relation to the hospitalized infant is often extremely valuable.

The following 2 condensed case histories depict some of the problems encountered in dealing with the battered-child syndrome.

REPORT OF CASES

Case 1.—The patient was brought to the hospital at the age of 3 months because of enlargement of the head, convulsions, and spells of unconsciousness. Examination revealed bilateral subdural hematomas, which were later operated upon with great improvement in physical status. There had been a hospital admission at the age of one month because of a fracture of the right femur, sustained "when the baby turned over in the crib and caught its leg in the slats." There was no history of any head trauma except "when the baby was in the other hospital a child threw a little toy at her and hit her in the head." The father had never been alone with the baby, and the symptoms of difficulty appeared to have begun when the mother had been caring for the baby. Both parents showed concern and requested the best possible care for their infant. The father, a graduate engineer, related instances of impulsive behavior, but these did not appear to be particularly abnormal, and he showed appropriate emotional concern over the baby's appearance and impending operation. The mother, aged 21, a high school graduate, was very warm, friendly, and gave all the appearance of having endeavored to be a good mother. However, it was noted by both nurses and physicians that she did not react as appropriately or seem as upset about the baby's appearance as did her husband. From interviews with the father and later with the mother, it became apparent that she had occasionally shown very impulsive, angry behavior, sometimes acting rather strangely and doing bizarre things which she could not explain nor remember. This was their first child and had resulted from an unwanted pregnancy which had occurred almost immediately after marriage and before the parents were ready for it. Early in pregnancy the mother had made statements about giving the baby away, but by the time of delivery she was apparently delighted with the baby and seemed to be quite fond of it. After many interviews, it became apparent that the mother had identified herself with her own mother who had also been unhappy with her first pregnancy and had frequently beaten her children. Despite very strong conscious wishes to be a kind, good mother, the mother of our patient was evidently repeating the behavior of her own mother toward herself. Although an admission of guilt was not obtained, it seemed likely that the mother was the one responsible for attacking the child; only after several months of treatment did the amnesia for the aggressive outbursts begin to lift. She responded well to treatment, but for a prolonged period after the infant left the hospital the mother was not allowed alone with her.

Case 2.—This patient was admitted to the hospital at the age of 13 months with signs of central nervous system damage and was found to have a fractured skull. The parents were questioned closely, but no history of trauma could be elicited. After one week in the hospital no further treatment was deemed necessary, so the infant was discharged home in the care of her mother, only to return a few hours later with hemiparesis, a defect in vision, and a new depressed skull fracture on the other side of the head. There was no satisfactory explanation for the new skull fracture, but the mother denied having been involved in causing the injury, even though the history revealed that the child had changed markedly during the hour when the mother had been alone with her. The parents of this child were a young, middle-class couple, who in less than 2 years of marriage, had been separated, divorced, and remarried. Both felt that the infant had been unwanted and had come too soon in the marriage. The mother gave a history of having had a "nervous breakdown" during her teens. She had received psychiatric assistance because she had been markedly upset early in the pregnancy. Following an uneventful delivery, she had been depressed and had received further psychiatric aid and 4 electroshock treatments. The mother tended to gloss over the unhappiness during the pregnancy and stated that she was quite delighted when the baby was born. It is interesting to note that the baby's first symptoms of difficulty began the first day after its first birthday, suggesting an "anniversary reaction." On psychological and neurological examination, this mother showed definite signs of organic brain damage probably of lifelong duration and possibly related to her own prematurity. Apparently her significant intellectual defects had been camouflaged by an attitude of coy, naive, cooperative sweetness which distracted attention from her deficits. It was noteworthy that she had managed to complete a year of college work despite a borderline I.Q. It appeared that the impairment in mental functioning was probably the prime factor associated with poor control of aggressive impulses. It is known that some individuals may react with aggressive attack or psychosis when faced with demands beyond their intellectual capacity. This mother was not allowed to have unsupervised care of her child.

Up to the present time, therapeutic experience with the parents of battered children is minimal. Counseling carried on in social agencies has been far from successful or rewarding. We know of no reports of successful psychotherapy in such cases. In general, psychiatrists feel that treatment of the so-called psychopath or sociopath is rarely successful. Further psychological investigation of the character structure of attacking parents is sorely needed. Hopefully, better understanding of the mechanisms involved in the control and release of aggressive impulses will aid in the earlier diagnosis, prevention of attack, and treatment of parents, as well as give us better ability to predict the likelihood of further attack in the future. At present, there is no safe remedy in the situation except the separation of battered children from their insufficiently protective parents.

TECHNIQUES OF EVALUATION

A physician needs to have a high initial level of suspicion of the diagnosis of the battered-child syndrome in instances of subdural hematoma, multiple unexplained fractures at different stages of healing, failure to thrive, when soft tissue swellings or skin bruising are present, or in any other situation where the degree and type of injury is at variance with the history given regarding its occurrence or in any child who dies suddenly. Where the problem of parental abuse comes up for consideration, the physician should tell the parents that it is his opinion that the injury should not occur if the child were adequately protected, and he should indicate that he would welcome the parents giving him the full story so that he might be able to give greater assistance to them to prevent similar occurrences from taking place in the future. The idea that they can now help the child by giving a very complete history of circumstances surrounding the injury sometimes helps the parents feel that they are atoning for the wrong that they have done. But in many instances, regardless of the approach used in attempting to elicit a full story of the abusive incident(s), the parents will continue to deny that they were guilty of any wrongdoing. In talking with the parents, the physician may sometimes obtain added information by showing that he understands their problem and that he wishes to be of aid to them as well as to the child. He may help them reveal the circumstances of the injuries by pointing out reasons that they may use to explain their action.

If it is suggested that "new parents sometimes lose their tempers and are a little too forceful in their actions," the parents may grasp such a statement as the excuse for their actions. Interrogation should not be angry or hostile but should be sympathetic and quiet with the physician indicating his assurance that the diagnosis is well established on the basis of objective findings and that all parties, including the parents, have an obligation to avoid a repetition of the circumstances leading to the trauma. The doctor should recognize that bringing the child for medical attention in itself does not necessarily indicate that the parents were innocent of wrongdoing and are showing proper concern; trauma may have been inflicted during times of uncontrollable temporary rage. Regardless of the physician's personal reluctance to become involved, complete investigation is necessary for the child's protection so that a decision can be made as to the necessity of placing the child away from the parents until matters are fully clarified.

Often, the guilty parent is the one who gives the impression of being the more normal. In 2 recent instances young physicians have assumed that the mother was at fault because she was unkempt and depressed while the father, in each case a military man with good grooming and polite manners, turned out to be the psychopathic member of the family. In these instances it became apparent that the mother had good reason to be depressed.

RADIOLOGIC FEATURES

Radiologic examination plays 2 main roles in the problem of child-abuse. Initially, it is a tool for case finding, and, subsequently, it is useful as a guide in management.

The diagnostic signs result from a combination of circumstances: age of patient, nature of the injury, the time that has elapsed before the examination is carried out, and whether the traumatic episode was repeated or occurred only once.

Age.—As a general rule, the children are under 3 years of age; most, in fact, are infants. In this age group the relative amount of radiolucent cartilage is great; therefore, anatomical disruptions of cartilage without gross deformity are radiologically invisible or difficult to demonstrate (Fig. 1a). Since the periosteum of infants is less securely attached to the underlying bone than in older children and adults, it is more easily and extensively stripped from the shaft by hemorrhage than in older patients. In infancy massive subperiosteal hematomas may follow injury and elevate the active periosteum so that new bone formation can take place around and remote from the parent shaft (Figs. 1c and 2).

Nature of Injury.—The ease and frequency with which a child is seized by his arms or legs make injuries to the appendicular skeleton the most common in this syndrome. Even when bony injuries are present elsewhere, e.g., skull, spine, or ribs, signs of injuries to the extremities are usually present. The extremities are the "handles" for rough handling, whether the arm is pulled to bring a reluctant child to his feet or to speed his ascent upstairs or whether the legs are held while swinging the tiny body in a punitive way or in an attempt to enforce corrective measures. The forces applied by an adult hand in grasping and seizing usually involve traction and torsion; these are the forces most likely to produce epiphyseal separations and periosteal shearing (Figs. 1 and 3). Shaft fractures result from direct blows or from bending and compression forces.

Time After Injury That the X-Ray Examination Is Made.—This is important in evaluating known or suspected cases of child-abuse. Unless gross fractures, dislocations, or epiphyseal separations were produced, no signs of bone injury are found during the first week after a specific injury. Reparative changes may first become manifest about 12 to 14 days after the injury and can increase over the subsequent weeks depending on the extent of initial injury and the degree of repetition (Fig. 4). Reparative changes are more active in the growing bones of children than in adults and are reflected radiologically in the excessive new bone reaction. Histologically, the reaction has been confused with neoplastic change by those unfamiliar with the vigorous reactions of young growing tissue.

Repetition of Injury.—This is probably the most important factor in producing diagnostic radiologic signs of the syndrome. The findings may depend on diminished immobilization of an injured bone leading to recurring macro- and microtrauma in the area of injury and healing, with accompanying excessive local reaction and hemorrhage, and ultimately, exaggerated repair. Secondly, repetitive injury may produce bone lesions in one area at one time, and in another area at another, producing lesions in several areas and in different stages of healing (Fig. 3).

Thus, the classical radiologic features of the battered-child syndrome are usually found in the appendicular skeleton in very young children. There may be irregularities of mineralization in the metaphyses of some of the major tubular bones with slight malalignment of the adjacent epiphyseal ossification center. An overt fracture may be present in another bone. Elsewhere, there may be abundant and active but well-calcified subperiosteal reaction with widening from the shaft toward one end of the bone. One or more bones may demonstrate distinctly thickened cortices, residuals of previously healed periosteal reactions. In addition, the radiographic features of a subdural hematoma with or without obvious skull fracture may be present.

Differential Diagnosis.—The radiologic features are so distinct that other diseases generally are considered only because of the reluctance to accept the implications of the bony lesions. Unless certain aspects of bones healing are considered, the pertinent findings may be missed. In many cases roentgenographic examination is only undertaken soon after known injury; if a fracture is found, reexamination is done after reduction and immobilization; and, if satisfactory positioning has been obtained, the next examination is usually not carried out for a period of 6 weeks when the cast is removed. Any interval films that may have been taken prior to this time probably would have been unsatisfactory since the fine details of the bony lesions would have been obscured by the cast. If fragmentation and bone production are seen, they are considered to be evidence of repair rather than manifestations of multiple or repetitive trauma. If obvious fracture or the knowledge of injury is absent, the bony changes may be considered to be the result of scurvy, syphilis, infantile cortical hyperostoses, or other conditions. The distribution of lesions in the abused child is unrelated to rates of growth; moreover, an extensive lesion may be present at the slow-growing end of a bone which otherwise is normally mineralized and shows no evidence of metabolic disorder at its rapidly growing end.

Scurvy is commonly suggested as an alternative diagnosis, since it also produces large calcifying subperiosteal hemorrhages due to trauma and local exaggerations most marked in areas of rapid growth. However, scurvy is a systemic disease in which all of the bones show the generalized osteoporosis associated with the disease. The dietary histories of most children with recognized trauma have not been grossly abnormal, and whenever the vitamin C content of the blood has been determined, it has been normal.

In the first months of life *syphilis* can result in metaphyseal and periosteal lesions similar to those under discussion. However, the bone lesions of syphilis tend to be symmetrical and are usually accompanied by other stigmata of the disease. Serological tests should be obtained in questionable cases.

Osteogenesis imperfecta also has bony changes which may be confused with those due to trauma, but it too is a generalized disease, and evidence of the disorder should be present in the bones which are not involved in the disruptive-productive reaction. Even when skull fractures are present, the mosaic ossification pattern of the cranial vault, characteristic of osteogenesis, imperfecta, is not seen in the battered-child syndrome. Fractures in osteogenesis imperfecta are commonly of the shafts; they usually occur in the metaphyseal regions in the battered-child syndrome. Blue sclerae, skeletal deformities, and a family history of similar abnormalities were absent in reported instances of children with unrecognized trauma.

Productive diaphyseal lesions may occur in *infantile cortical hyperostosis,* but the metaphyseal lesions of unrecognized trauma easily serve to differentiate the 2 conditions. The characteristic mandibular involvement of infantile cortical hyperostosis does not occur following trauma although obvious mandibular fracture may be produced.

Evidence that repetitive unrecognized trauma is the cause of the bony changes found in the battered-child syndrome is, in part, derived from the finding that similar roentgenographic findings are present in *paraplegic patients with sensory deficit* and in patients with *congenital indifference to pain;* in both of whom similar pathogenic mechanisms operate. In paraplegic children unappreciated injuries have resulted in radiologic pictures with irregular metaphyseal rarefactions, exaggerated subperiosteal new bone formation, and ultimate healing with residual external cortical thickening comparable to those in the battered-child syndrome. In paraplegic adults, excessive callus may form as a consequence of the lack of immobilization, and the lesion may be erroneously diagnosed as osteogenic sarcoma. In children with congenital indifference (or insensitivity) to pain, identical radiologic manifestations may be found.

To summarize, the radiologic manifestations of trauma are specific, and the metaphyseal lesions in particular occur in no other disease of which we are aware. The findings permit a radiologic diagnosis even when the clinical history seems to refute the possibility of trauma. Under such circumstances, the history must be reviewed, and the child's environment, carefully investigated.

MANAGEMENT

The principal concern of the physician should be to make the correct diagnosis so that he can institute proper therapy and make certain that a similar event will not occur again. He should report possible willful trauma to the police department or any special children's protective service that operates in his community. The report that he makes should be restricted to the objective findings which can be verified and, where possible, should be supported by photographs and roentgenograms. For hospitalized patients, the hospital director and the social service department should be notified. In many states the hospital is also required to report any case of possible unexplained injury to the proper authorities. The physician should acquaint himself with the facilities available in private and public agencies that provide protective services for children. These include children's humane societies, divisions of welfare departments, and societies for the prevention of cruelty to children. These, as well as the police department, maintain a close association with the juvenile court. Any of these agencies may be of assistance in bringing the case before the court which alone has the legal power to sustain a dependency petition for temporary or permanent separation of the child from the parents' custody. In addition to the legal investigation, it is usually helpful to have an evaluation of the psychological and social factors in the case; this should be started while the child is still in the hospital. If necessary, a court order should be obtained so that such investigation may be performed.

In many instances the prompt return of the child to the home is contraindicated because of the threat that additional trauma offers to the child's health and life. Temporary placement with relatives or in a well-supervised foster home is often indicated in order to prevent further tragic injury or death to a child who is returned too soon to the original dangerous environment. All too often, despite the apparent cooperativeness of the parents and their apparent desire to have the child with them, the child returns to his home only to be assaulted again and suffer permanent brain damage or death. Therefore, the bias should be in favor of the child's safety; everything should be done to prevent repeated trauma, and the physician should not be satisfied to return the child to an environment where even a moderate risk of repetition exists.

SUMMARY

The battered-child syndrome, a clinical condition in young children who have received serious physical abuse, is a frequent cause of permanent injury or death. Although the findings are quite variable, the syndrome should be considered in any child exhibiting evidence of possible trauma or neglect (fracture of any bone, subdural hematoma, multiple soft tissue injuries, poor skin hygiene, or malnutrition) or where there is a marked discrepancy between the clinical findings and the historical data as supplied by the parents. In cases where a history of specific injury is not available, or in any child who dies suddenly, roentgenograms of the entire skeleton should still be obtained in order to ascertain the presence of characteristic multiple bony lesions in various stages of healing.

Psychiatric factors are probably of prime importance in the pathogenesis of the disorder, but our knowledge of these factors is limited. Parents who inflict abuse on their children do not necessarily have psychopathic or sociopathic personalities or come from borderline socioeconomic groups, although most published cases have been in these categories. In most cases some defect in character structure is probably present; often parents may be repeating the type of child care practiced on them in their childhood.

Physicians, because of their own feelings and their difficulty in playing a role that they find hard to assume, may have great reluctance in believing that parents were guilty of abuse. They may also find it difficult to initiate proper investigation so as to assure adequate management of the case. Above all, the physician's duty and responsibility to the child requires a full evaluation of the problem and a guarantee that the expected repetition of trauma will not be permitted to occur.

CUMULATIVE CHILD ABUSE REPORT

HENNEPIN COUNTY WELFARE DEPARTMENT (MINNESOTA)

January 1, 1972

Reference is made to Minnesota Statute 1961, Section 626.52 as amended by Laws 1963 (7-1-63), Chapter 484, and by Laws Chapter 759, 1965 (7-1-65). An act relating to the protection of the abused and battered child; requiring the reporting of injuries or evidence of injuries appearing to arise from the maltreatment of minors.

Referrals to Child Protective Services, Hennepin County Welfare Department, from July 1, 1963, to December 31, 1971, totaled 383 children abused from 358 families. These referrals occured as follows:

Dates	Number of—		
	Children	Cases	Incidents
July 1 to Dec. 31, 1963	6		
Jan. 1 to Dec. 31, 1964	15		
Jan. 1 to Dec. 31, 1965	9		
Jan. 1 to Dec. 31, 1966	22		
Jan. 1 to Dec. 31, 1967	34		
Jan. 1 to Dec. 31, 1968	56		
Jan. 1 to Dec. 31, 1969	61		
Jan. 1 to Dec. 31, 1970	68		
Jan. 1 to Dec. 31, 1971	112	107	116

Classification of the extent of abuse:

1. Battered-child syndrome, i.e., repetitive injuries—41 incidents.

2. Physical abuse, severe, occurring one time. The beating resulted in lacerations or fractures—55 incidents.

3. Physical abuse, moderate. No fractures but bruises on face and body and beating usually occurring more than once. The abuse usually occurred as a result of severe uncontrolled discipline methods—287 incidents.

Of the 383 children referred, 14 died from unexplained injuries.

Legal disposition on death cases referred:

County Attorney and police investigation—14.

Criminal charges were filed against the alleged perpetrator in the deaths of five children.

1—Perpetrator committed to Anoka State Hospital.

2—Perpetrators found guilty; sentenced to prison.

1—Perpetrator indicted for murder; committed to St. Peter State Hospital.

1—Perpetrator found not guilty of manslaughter but guilty of child neglect and committed to 90 days in the County Workhouse.

4—Insufficient evidence to file charges.

Legal action on cases where child was injured but alive (370 children):

307—no court action of any kind.

6—cases handled by criminal court for prosecution of an adult assaulting a child. All found guilty (1 mother, 2 boyfriends, 1 stepfather, 1 father).

56—children referred to Juvenile Court on basis of neglect.

53—children found to be neglected and legal custody given to Hennepin County Welfare Department.

2—alleged child-abuse cases were dismissed by Juvenile Court for evidence without foundation.

1—child found to be neglected and parental rights terminated.

Living arrangements of children referred to Child Protective Services as physically abused:

255—remained at home or returned home from hospital (12 returned home under legal custody of Welfare Department).

33—placed in foster homes by court order (legal custody of child given to Welfare Department).

45—placed in foster homes by parents' voluntary consent.

23—placed with relatives by parents' voluntary consent.

14—children deceased.

Who allegedly attacked child in number of incidents of abuse reported?

	Previous years, 1963–70	1971	Total
Mother	96	30	126
Father	69	27	96
Both	8	0	8
Stepparents	30	15	45
Nonrelatives	18	6	24
Mother's BF/father's GF	33	15	48
Siblings or other relatives	7	3	10
Unknown	13	20	33
Ruled out			
Total incidents reported	274	116	390

The ages of children physically abused ranged from 17 days to 16 years, with 63% under school age. The ages were as follows:

	Amount
Under 1	86
Over 1—Under 2	52
Over 2—Under 3	61
Over 3—Under 4	42
Over 4—Under 5	11
Total	[1] 252
Over 5—Under 7	51
Over 7	80
Total	131
Grand total	383

[1] 65.7 percent.

Origin of incidents of physically abused children reported since the law was passed:

	Previous years, July 1, 1963, to Dec. 31, 1969	1970	1971	Total
Neighbors	8	7	6	21
Private physicians	34	8	16	58
Private hospitals	5	2	2	9
Hennepin County General Hospital	81	9	17	107
University hospitals	1	0	0	1
Police	25	14	13	52
Within agency (other units of HCWD)	4	7	25	36
Relatives	9	8	23	40
Public health nurse	4	1	0	5
School nurse	4	0	0	4
Private nurse	2	1	0	3
School social worker	13	5	7	25
School principal or teacher	2	1	2	5
Other county welfare departments	1	0	1	2
Probation officers	3	1	1	5
Day care mother or nursery school	1	2	0	3
Private welfare agencies	2	0	0	2
Community health care clinics	3	4	2	9
Self-referral (abused child himself)	1	1	1	3
Total	203	71	116	390

	1967	1968	1969	1970	1971
Child abuse:					
Children	34	56	61	68	112
Male	22	32	38	46	70
Female	12	24	23	22	42

INJURIES SUSTAINED (1 OR COMBINATION OF BELOW)

	Previous years	1971
Bruises, welts	170	78
Malnutrition	6	0
Burns, scalding	9	1
Abrasions, lacerations	40	16
Wounds, cuts, punctures	17	7
Bone fracture(s)	20	14
Brain damage	7	0
Skull fractures	10	8
Bites	2	1
Exposure	4	0
Hematoma	6	2
Internal injuries	2	4
Attempted dismemberment		1
Sprains, dislocations		2
Choking, attempted drowning		2
Poisoning		1
None apparent	5	8

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Child Abuse Prevention Act".

THE NATIONAL CENTER ON CHILD ABUSE AND NEGLECT

SEC. 2. (a) The Secretary of Health, Education, and Welfare (hereinafter referred to in this Act as the "Secretary") is authorized and directed to establish an office to be known as the "National Center on Child Abuse and Neglect" (hereinafter referred to in this section as the "Center").

(b) The Secretary through the Center shall—

(1) compile a listing of accidents involving children who have not obtained 18 years of age

(2) compile, analyze, and publish a summary annually of recently conducted and currently conducted research on child abuse and neglect;

(3) develop and maintain an information clearinghouse on all programs, including private programs showing points of success, for the prevention, identification, and treatment of child abuse and neglect; and

(3) compile and publish training materials for personnel who are engaged or intend to engage in the prevention, identification, and treatment of child abuse and neglect.

(c) There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this section.

DEMONSTRATION PROGRAM FOR THE PREVENTION, IDENTIFICATION, AND TREATMENT OF CHILD ABUSE AND NEGLECT

SEC. 3. (a) The Secretary is authorized and directed to make grants to, and enter into contracts with, public agencies or nonprofit private organizations for demonstration programs designed to prevent, identify, and treat child abuse and neglect. Grants under this section may be used—

(1) for the development and establishment of training programs for professional and para-professional personnel in the fields of medicine, law, and social work who are engaged in, or intend to work in the field of the prevention, identification, and treatment of child abuse and neglect;

(2) for furnishing services of teams of professional and para-professional personnel, who are trained in the prevention, identification, and treatment of child abuse and neglect cases, on a consulting basis to small communities where such services are not available; and

(3) for such other innovative projects that show promise of successfully preventing or treating cases of child abuse and neglect as the Secretary may approve.

(b) There are authorized to be appropriated $10 million for the fiscal year ending June 30, 1973, and $20 million for each of the succeeding four fiscal years.

THE NATIONAL COMMISSION ON CHILD ABUSE AND NEGLECT

SEC. 4. (a) There is hereby established a National Commission on Child Abuse and Neglect.

(b) The Commission shall be composed of fifteen members to be appointed by the President from among persons who by reason of experience or training in the field of preventing and treating child abuse and neglect are especially qualified to serve on the Commission. The Secretary and the Director of the Office of Child Development shall be ex officio members of the Commission. Appointment of the Commission shall be completed not later than 60 days following enactment of this act.

(c) (1) The President shall designate one of the members to serve as chairman and one to serve as vice chairman.

(2) Any vacancy in the Commission shall not affect its powers. Eight members of the Commission shall constitute a quorum.

(d) (1) The Commission shall make a complete and full study and investigation of—

(A) the effectiveness of existing child abuse and neglect reporting laws and ordinances, with special consideration of the impact, if any, of penalties of varying severity for child abuse, on the effectiveness of provisions requiring the reporting of child abuse by medical doctors and other professionals.

(B) the proper role of the Federal Government in assisting State and local public and private efforts to prevent, identify, and treat cases of child abuse and neglect.

(2) The Commission shall transmit to the President and to the Congress not later than one year after the first meeting of the Commission a final report containing a detailed statement of the findings and conclusions of the Commission, together with such recommendations, including recommendations for legislation, as it deems advisable.

(e) (1) The Commission or, on the authorization of the Commission, any subcommittee or members thereof, may, for the purpose of carrying out the provisions of this title, hold such hearings, take such testimony, and sit and act at such times and places as the Commission deems advisable. Any member authorized by the Commission may administer oaths or affirmations to witnesses appearing before the Commission or any subcommittee or members thereof.

(2) Each department, agency, and instrumentality of the executive branch of the Government, including independent agencies, is authorized and directed to furnish to the Commission, upon request made by the Chairman or Vice Chairman, such information as the Commission deems necessary to carry out its functions under this Act.

(3) Subject to such rules and regulations as may be adopted by the Commission, the Chairman shall have the power to—

(A) appoint and fix the compensation of an executive director, and such additional staff personnel as he deems necessary, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, but at rates not in excess of the maximum rate for GS–18 of the General Schedule under section 5332 of such title, and

(B) procure temporary and intermittent services to the same extent as is authorized by section 3109 of title 5, United States Code, but at rates not to exceed $50 a day for individuals.

(4) The Commission is authorized to enter into contracts with Federal, State, and local public agencies, and with private, nonprofit firms, institutions, and individuals for the conduct of research or surveys, the preparation of reports, and other activities necessary to the discharge of its duties.

(f) Members of the Commission shall receive compensation at the rate of $100 per day for each day they are engaged in the performance of their duties as members of the Commission and shall be entitled to reimbursement for travel, subsistence, and other necessary expenses incurred by them in the performance of their duties as members of the Commission.

(g) There are hereby authorized to be appropriated such sums as may be necessary, not to exceed a total of $——— to carry out the provisions of this section.

(h) On the ninetieth day after the date of submission of its final report to the President, the Commission shall cease to exist.

CHILD ABUSE PREVENTION PROGRAMS UNDER SOCIAL SECURITY ACT

SEC. 5. Section 422 (a) (1) of the Social Security Act is amended—

(1) by striking out "and" at the end of subparagraph (B) thereof, and

(2) by adding after subparagraph (C) thereof the following new subparagraph:

"(D) effective July 1, 1973, includes, with respect to the prevention of child abuse, a special program under which—

"(i) effective procedures are established for the discovery of instances of child abuse and neglect, and for the prevention, remedying, and otherwise treating of the problem of child abuse and neglect (including procedures to assure the enforcement of State and local laws dealing with child abuse),

"(ii) there is collected and reported to the Secretary and to the public such information and data (in accordance with regulations of the Secretary) which adequately and fully reflect the extent to which laws of the State (and the enforcement of such laws) are adequate in meeting the problem of child abuse in the State, and the steps, if any, which are being taken to assure the adequacy of such laws and the enforcement thereof, and

"(iii) cooperative arrangements are entered into with the State health authority, the State agency primarily responsible for State supervision of public schools, and other appropriate agencies to assure to the maximum extent feasible that instances of child abuse will be reported to the appropriate agencies within the State and that appropriate services and action are taken by such agencies with respect to each instance of child abuse so reported, and".

Mr. RANDOLPH. Mr. President, it is a privilege to join the able Senator from Minnesota (Mr. MONDALE) in sponsoring this important legislation. This is a step—a very necessary first step—in the direction of greater rights and protection for children who have been battered, neglected, and abused.

On February 15 I spoke of the alarming increases in the number of incidences of child abuse. However, there is much that is still unknown about this perplexing problem. Literally thousands of cases of child abuse and neglect go undetected and unreported each year.

There are statutes and programs in all 50 States concerning child abuse. It appears, however, that existing programs are not providing the direction and coordination needed to deal with this crisis so damaging to our children and their families. There is an urgent requirement for greater resources to investigate the depth of the problem; establish an information and research program; and to develop centers for the care of abused children and treatment of abusive parents.

It is my hope that through a concerted Federal effort the proper direction and emphasis can be added to laws and programs already in existence to aid in lessening the spread of child abuse. Better coordinated reporting procedures and a greater public awareness will perhaps bring more undetected cases into the open, allowing for the treatment of children and families.

This legislation provides a springboard to more far-reaching action and a greater understanding of the problem. I again commend the Senator from Minnesota (Mr. MONDALE) for his leadership in the area of children's rights and his foresight in proposing this vital legislation.

I ask unanimous consent to have printed in the RECORD at this point an article that appeared in the Huntington Herald Dispatch and Advertiser on February 17, which describes the effective child abuse program being conducted by the Department of Child Welfare in the Ashland, Ky., region.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Huntington (W. Va.) Herald Dispatch and Advertiser, Feb. 17, 1973]

REPORTS OF CHILD ABUSE INCREASING

(By Jim Warren)

ASHLAND, KY.—"It was only a little fall, so he can't really be hurt, can he?"

The nervous aunt repeated that question over and over as doctors examined her battered seven-year-old nephew.

She had brought the barely conscious boy into the hospital emergency room only moments before. He had, she said, fallen from the front steps of his parents home while playing.

But the child was suffering from a ruptured spleen, concussion and cuts and bruises over his entire body. To the physicians, the injuries seemed far too severe for "only a little fall."

X-rays showed evidence of other, older injuries; partially healed fractures, calcium deposits around joints and crushed blood vessels.

The boy was rushed to surgery and a call was placed to the Kentucky Department of Child Welfare.

That's just one way Charlie Bonta, Child Welfare area administrator, hears about suspected cases of child abuse. Other calls come from teachers, concerned citizens and police. And Child Welfare is getting more and more such calls from every source.

Child abuse, once perhaps thought to be an exclusively urban problem, is increasing in this section of Kentucky and over the state as a whole.

According to Bonta, Child Welfare Region F (including Boyd, Greenup, Lawrence and 15 other Eastern Kentucky counties) reported eight suspected cases of child abuse in 1971. Last year, that figure jumped to 71 cases.

Between July 1, 1971 and June 30, 1972, more than 300 suspected cases were reported in the state.

"Child abuse is a problem that's been with us a long time, but it's remained hidden," Bonta said. "Now our department has the staff and the laws to bring it out into the open."

Not all the cases are confirmed, but the rapid increase in the number of reported cases has alarmed Child Welfare officials.

"We really have no idea how much child abuse actually goes on," Bonta pointed out. "The reported cases are the only ones we ever hear about, and I'm convinced that incidence level is much higher than the reporting level."

According to Bonta, the case described above is a fairly common one. Investigation showed the boy had been repeatedly abused by his father and the abuse was never reported because of efforts by the aunt and other family members to protect the father.

Shielding of abusive parents is only one reason why many child abuses cases go unreported.

Citizens often are reluctant to report the suspected child abuse because they fear the notoriety, court proceedings and other actions that might result. In addition, many fear they are wrong and that they might be sued by the parents involved.

Kentucky law not only requires anyone having knowledge of child abuse to report it, but provides punishment for those who refuse to do so. In addition, the law provides immunity for persons who report abuse cases.

Under that law, a citizen can file a report if he has any reason to believe a child is being abused, whether or not he has seen actual abuse take place.

"Despite the law and the protection built into it, we still have difficulty getting evidence in abuse cases," Bonta said. "Abusers tend to deny their actions, other family members will try to protect the abusive parent and the child often is too young to give testimony."

According to psychologists, abusive parents fall into several categories and harm their children for a variety of reasons. Usually the abuse is a symptom fo the parent's own personal problems, which may range from violent schizophrenia to immature character disorders.

Some abusive parents suffer from psychotic tendencies and their abuse is unpredictable and sometimes violent. Infanticide and child homicide often result in such cases.

Others abuse because of a generally hostile character that may stem from personal inadequacy, alcoholism and financial problems.

Some parents are cold, rigid and simply uable to feel love or protectiveness toward their children.

In many cases the abuse results from marital conflicts that are displaced onto the child. Often the abused child was premaritally or extramaritally conceived.

Bonta pointed out that abusers are not always parents, but may be relatives or persons outside the family.

While physical injury is the most immediate danger for the abused child, he also may suffer emotional harm that can affect him throughout life. An abused child may suffer behavioral disorders such as bed-wetting and truancy that make it difficult to place him in a foster home.

Not infrequently, an abused child will grow up to become an abusive parent himself.

According to Bonta, Child Welfare may take various approaches in abuse cases.

In extreme cases, where the child is in serious danger, the department may seek court authority to remove the child to a foster home, or to the home of a relative. If he needs medical attention, the child may be committed to Child Welfare and placed in a hospital.

In most cases, however, the department tries to keep the child in the home and treat the parent's emotional or other problems that have caused the abuse.

"We've become increasingly aware that removal of the child and prosecution of the parent does not solve the problem of the victimized child or of the family itself," Bonta said.

"We feel that removal of the child often can splinter the family completely and cause more problems than leaving him in the home. Our main objective is to protect the child and treat the parent to see that abuse doesn't happen again."

Treatment procedures vary and are tailored to the particular case involved. Usually, the department's social workers try to develop a "supportive relationship" with the parent, letting him release verbally on the worker the fears and stresses that otherwise might be transferred to the child.

Such treatment may involve relatives, neighbors, teachers, physicians, volunteers and workers from the Kentucky Department of Mental Health.

In time, the parent is able to resolve his hostility and begin to meet the needs of the child.

"Treatment may continue for long periods, sometimes until the child reaches adolescence," Bonta said.

"With this type of approach, we've had an extremely high rate of success and few cases of recurring abuse. With the staff available, we're really optimistic that progress can be made in almost every case."

Mr. BEALL. Mr. President, the shocking revelations brought about by increased cases of child abuse have aroused public sensibility and created much social concern. Although there are no reliable statistics, it is estimated that the probable national incidence of serious child abuse is more than 10,000 cases a year.

This concern is evidenced by the fact that in the past decade all States have enacted child abuse laws providing for reporting by physicians and other specified persons of suspected cases of child abuse to the proper authorities. In 46 States this reporting law is mandatory. My own State of Maryland enacted a mandatory reporting law in June of 1966. At the same time a Central Registry of Incidents of Suspected Child Abuse was established in order to collect and analyze data on suspected child abuse. During the first years of operation the number of incidents reported increased sharply each year. However, in 1971 the increase leveled off and only 3 percent more incidents were reported in 1971 compared to 1970.

It is evident from the increase in reported cases that the State laws are bringing cases of child abuse before the public. However, very little is known about the reasons why such acts are committed and little data is availablle on either the abused child or the perpetrator. It is for this reason that I am pleased to join the distinguished chairman of the Subcommittee on Children and Youth (Mr. MONDALE), in sponsoring the "Child Abuse Prevention Act."

This legislation would aid the present efforts by establishing a National Center on Child Abuse and Neglect to compile and analyze data on this problem and develop and maintain an information clearinghouse on all programs. In addition, a National Commission on Child Abuse and Neglect is established to study the effectiveness of existing laws and ordinances to investigate the proper role of the Federal Government in assisting the States and local and private efforts to provide for the prevention, identification, and treatment of child abuse.

I am pleased that hearings will be held on this legislation not only to bring a focus to this problem, but to enable us to determine the most effective method of complementing existing law and efforts in this area.

By Mr. COOK:

S. 1192. A bill to establish a Federal Amateur Sports Commission. Referred to the Committee on Commerce.

Mr. COOK. Mr. President, there are few Members of this body, nor many Americans who are unaware of the chaotic situation in the amateur sports world in this country. Last year's Olympic games witnessed a collection of mistakes which, it seems, only the Government could match. Our young, dedicated athletes, competing only out of pride and a desire to represent the United States in international competition, were frustrated at every turn by coaching blunders. The misinterpretation of rules, and officiating which was totally incompetent.

Only recently, the long lasting feud between the AAU and the NCAA over preeminence in the amateur sports world, has returned to the Congress, which was again unable to effect a resolution. The result of this latest episode is that the highly publicized, and greatly anticipated, basketball series between the Russian team and the U.S. team is in serious jeopardy.

There is little reason to burden this record with documented evidence of the confused state of affairs which our talented athletes are forced to face. The large number of rules and regulations with which these men and women are forced to comply serve only to handicap their pursuits, and stifle their development and success. The situation is crystal clear—the amateur sports hierarchy, riddled by divisiveness, is not functioning in the best interests of the athletes. Rather, that hierarchy has become a self-perpetuating, self-aggrandizing system which seriously jeopardizes the ability of the United States to field representative teams in international competition. Training facilities for our amateur athletes have reached the dimensions of a national disgrace. Olympic hurdlers have sometimes been forced to train with only one hurdle at their disposal. The training table for some of our athletes at the Olympic trials, according to Olympian Steve Prefontaine, has been "the corner hot dog stand."

It is time that this body endeavor to correct this problem which the rules of amateur sports in this country cannot even see. I ask unanimous consent that there be printed in the RECORD at this point an article by Mr. Ron Barak from the Southern California Law Review titled "The Government of Amateur Athletics: The NCAA-AAU Dispute," which gives an excellent and accurate picture of the dimensions of this problem.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE GOVERNMENT OF AMATEUR ATHLETICS: THE NCAA–AAU DISPUTE

Jurisdiction over American amateur athletics has long been a subject of controversy.[1] In the last several years the debate has become increasingly heated. Two groups—the Amateur Athletic Union of the United States (AAU) and the National Collegiate Athletic Association (NCAA)—have been particularly involved in the conflict.[2] The main victims of the controversy, however, are the athlete, the coach and the public. The repeated condemnations of and threatened reprisals against non-cooperating athletes[3] have caused national resentment. In addition, America's position as a leading world power in amateur sports is being threatened.[4]

The problem has so far defied solution, although a number of prominent people have attempted its settlement[5] and federal legislation has been threatened.[6] This Note will consider the positions of the various disputants, analyze the relationship of domestic athletics to international competition (a prime factor in the dispute) and offer a possible solution.

I. STRUCTURE OF AMATEUR ATHLETICS

A. International

International federations and committees determine the eligibility of athletes for international competition. For instance, the International Olympic Committee (IOC) controls participation in the Olympic Games,[7] generally considered a pinnacle of athletic achievement.[8] Since domestic athletes must adhere to the international rules, the international bodies can effectively influence the government of domestic amateur competition. Much of the current dispute concerns the degree to which purely domestic activities should respond to these private international influences.[9]

In addition to the IOC, several international federations govern individual sports.[10] Among these are the International Amateur Athletic Federation (IAAF), controlling track and field, and the Federation Internationale de Gymnastique (FIG), with jurisdiction over gymnastics.[11] These federations are the result of private international effort, as with the IOC, and administer independent and autonomous programs. In addition, the IOC has delegated to them the technical supervision of the events on the Olympic program. In order for an athlete to participate in the vast majority of international competitions, he must be in good standing with the international federation in charge of his sport.[12]

B. National

American athletes compete in both domestic and international events. The interwoven affiliation between national and international bodies greatly complicates the government of domestic athletics. To some extent the failure to effectively resolve the AAU–NCAA dispute is due to misunderstandings about the relationships between these international and national organizations.

The IOC rules provide for the formation of national Olympic committees[13] and authorize them to join with the national federations[14] of their respective countries "to organize and control the representatives of their country at the Olympic Games."[15] Only these national Olympic committees, recognized and approved by the IOC, can enter competitors in the Olympic Games.[16] The national federations are members of the national Olympic committee and also hold membership in their various respective international federations. Only one organization per country may hold membership in any one international federation.[17] In many countries there is a separate national member for each international federation.[18] In the United States, however, the AAU acts as the national member for eleven international sports.[19]

Although there had been a national Olympic committee in the United States for some time,[20] the United States Olympic Committee (USOC)[21] was incorporated by act of Congress in 1950[22] "to exercise exclusive jurisdiction . . . over all matters pertaining to the participation of the United States in the Olympic Games and and in the Pan American Games . . ." and "to select and obtain for the United States the most competent amateur representation possible in the competitions and events of the Olympic Games and of the Pan American Games."[23] The USOC membership includes every important American amateur sports association.[24] In accordance with IOC rules, however, the USOC recognizes only one national governing body for each sport and provides that these national federations shall constitute a voting majority of the USOC.[25] The USOC recognizes several national federations, giving the AAU ten votes and each other federation one vote. Presumably this is because the AAU acts as the national federation in ten sports.[26] The balance of the votes are distributed among the nonfederation members.[27]

The AAU was established in 1888 as a union of athletic clubs, operating through one central association. This organization became impractical with expansion and in a few years the current structure, a union of district associations, each operating with some degree of autonomy, was adopted. The AAU has a Board of Governors, who decide and enforce the national and, concurrently with the district associations, the local AAU policies.[28] Voting control of the Board is in the district associations, although a few votes are given to "allied bodies," the Armed Forces, and past presidents and past secretaries of the AAU.[29]

The IOC empowers the national federations to act as a liason between the corresponding international federation and its national Olympic Committee. In addition no athlete may compete in the Olympic Games, unless he is "a member of the organization in his own country affiliated to the International Federation recognized by the International Olympic Committee governing his sport,"[30] and thus, the national federations control an athlete's entry in the Olympic Games. A major issue in the present controversy concerns the degree to which national federations should control domestic athletics simply because they have the responsibility of enforcing international regulations.

In the United States, as in most other countries, many organizations maintain amateur athletic programs.[31] Much of the current animosity arises because these organizations feel that they are not adequately represented in the selection of athletes for international competition. Moreover, many athletic associations feel that the national federations' control over domestic athletics far exceeds that necessary for their interna-

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tional responsibilities. These associations further complain that their lack of representation in the national federations' policy decisions is not commensurate with their contribution to amateur athletics.[32]

The NCAA's increased unhappiness with AAU policy and conduct and the NCAA's inability to influence such policies led the NCAA to cancel its affiliation with the AAU in 1960.[33] A special committee was appointed to negotiate a correction of what the NCAA viewed as the AAU's organizational faults.[34] Failing to reach an agreement with the AAU after two years, the NCAA encouraged the formation of new, independent national federations in basketball, baseball, gymnastics, and track and field.[35] These federations invited the AAU to join with them in an attempt to administer a unified program; the AAU, of course, declined.[36] These federations hoped to gain national control of their respective sports and to replace the AAU as the international United States' representative.[37]

Since they compete directly with the AAU in seeking to administer "open" [38] programs, and since they threaten the AAU's status as the national representative for certain sports,[39] it is not surprising that the AAU has strenuously resisted their efforts. These federations in turn strongly resist the AAU's efforts to preserve its dominant position.

The AAU-NCAA dispute is essentially jurisdictional—which of various organizations sponsoring programs in the United States will govern these sports? Due to strength of the private international governing network, the United States Government is not as free to resolve the dispute as it would be in a purely domestic conflict. To the extent that the AAU operates as a representative of the international federations it enjoys some degree of immunity from public control.

The AAU contends that as a national federation it has the right, and the duty, to exercise authority both internationally and domestically.[40] Thus, they hold that an American athlete who violates the AAU rule in effect violates the international rules themselves and thus jeopardizes his international eligibility.[41]

The NCAA contends that the international rules authorize a national federation to enforce rules specifically required by the international federations, but that those rules contain no requirements concerning domestic competition.[42] They argue that an international governing body's attempt to authorize such domestic control would be beyond the power of private associations. They also maintain that the AAU is attempting an "unjustified and illegal monopoly control over domestic competition" [43] and that athletes should be able to compete in domestic contests not approved by the AAU without jeopardizing their international standing.[44]

If Americans wish to continue participating in the international arena, the simplest alternative is to obey the rules of the international federation.[45] So long as they are not unconstitutional or odious, a domestic organization's rules necessary for continued international competition should be relatively immune from attack if we are not to jeopardize our right to participate internationally. It would seem that any domestic regulation not necessary for the enforcement of international rules would be subject to governmental regulation. An exploration of the rules necessary to a national federation's international responsibility will be helpful in determining which domestic regulations may be in excess of that responsibility.

III. THE ROLE OF THE NATIONAL FEDERATIONS

A. Responsibility to the International Olympic Committee

The IOC provides that only nations with recognized national Olympic committees may send athletes to the Olympic Games.[46] In order to gain recognition a majority of the Committee's votes must be held by a minimum of five national federations who hold membership in international federations.[47] Only one such federation may be recognized in each sport.[48] National federations select the nation's entries and pass them on to the national Olympic committee for its approval.[49] Finally, in order "to participate in the Olympic Games, a competitor must . . . be a member of the . . . [national federation] governing his sport." [50] In short, the IOC has made the national federations agents to enforce its rules to the extent that the national federations, including the AAU, can prevent an athlete's participation in the Olympic Games.[51] Yet, in fulfilling its responsibility of certifying athletes for the Olympic Games, the national federation has wide latitude in determining the selection criteria. Moreover, the IOC declaration that only one national federation can act as its agent in each sport,[52] states nothing about the number of national federations that may regulate domestic athletics.

B. Responsibility to international federations

Just as the IOC has jurisdiction over only the Olympic Games, the IAAF claims jurisdiction over only "international meeting" [53] and FIG limits its realm to "FIG's contests." [54] The IAAF requires that the eligibility of an athlete who wishes to participate in these international meetings be certified by the national federation in his country.[55] Further, in order to be eligible for international certification, the athlete must be eligible for competition in events governed by his national federation.[56] As mentioned above, only one national governing body per country qualifies for membership in any international federation. The AAU is the federation recognized by the IAAF and by FIG.

The IAAF and FIG thus follow a pattern similar to the IOC. They provide that member national federations shall serve as their agents in enforcing its rules. Accordingly, the AAU has the power to prevent an American athlete from competing in an IAAF "international meeting" or a "FIG contest." As with the IOC "details" are left in large measure to the national federations.

C. Domestic regulation

As noted above, the IOC and the international federations, allow the national federations leeway in applying the general policies of the international federation to the enforcement of the national federation's domestic policies. We shall explore some of the national federations' regulations, specifically the AAU's, to determine if the regulations are commensurate with its international responsibility.

The AAU seeks to impose uniform rules for the sports within its "jurisdiction." [57] It claims jurisdiction over thirteen sports [58] and jurisdiction is reserved over "any matter or matters where in [the AAU's] opinion, the best interests of the [AAU] will be served thereby." [59]

The AAU requires that its approval ("sanction") be sought for events not exclusively limited to members of a single AAU-affiliated club or AAU district association.[60]

"As a condition to the granting of an A.A.U. sanction, the organization applying must confirm that the A.A.U. is the sole United States governing body in the sport for which sanction is applied, and must further agree that as a further condition to the granting of such sanction, such organization will neither seek nor accept sanction from any other group or body claiming jurisdiction in such sport, nor permit athletes who are not eligible to compete under A.A.U. rules to compete in such sanctioned event." [61]

The promoters of the event must also agree that no athlete shall be allowed to compete or participate unless he is certified by the AAU [62] and the AAU also requires payment of a sanctioning fee.[63]

These sanctioning requirements lead to the much-discussed distinction between "open" and "closed" competition. A sanction is required for "open" meets but not for "closed" ones. If only members of a single AAU affiliate may enter, the competition is termed "closed"; otherwise it is "open." For instance, suppose national organization "A," an "allied member" of the AAU, is composed of several member clubs, "A_1", "A_2", "A_3". Competition between "A_1" and "A_2" would be "closed"; an AAU "sanction" would be unnecessary. National competition between all of "A's" member clubs would also be "closed." Even though the NCAA is no longer an "allied member" of the AAU, the AAU treats it as such and classifies competition between its member institutions as "closed."

The AAU in effect says that all open competition—whether or not AAU promoted or conducted—must be sanctioned and that only athletes in good standing with the AAU may participate in such competition. The AAU lists various ways an athlete may disqualify himself, and reserves the right to determine the question of an athlete's eligibility.[64] For instance, any participant in an non-sanctioned open competition may be barred from future AAU sponsored or sanctioned competition.[65]

The AAU justifies its sanctioning requirements as necessary to assure the maintenance of amateurism; to facilitate keeping of records; and to inform athletes if it is "safe" to compete in a given meet so that if any national or international rules are violated, the responsibility will lie with the AAU and not the individual athlete. But if these values are served without requiring a "sanction" for a competition between UCLA and USC, as members of the NCAA, or between the Beverly Hills YMCA and the Los Angeles YMCA, it is difficult to see what added dangers exist that require the "sanction" of a competition between the Los Angeles YMCA and USC.

IV. VALIDITY OF THE NATIONAL FEDERATIONS' (AAU'S) DOMESTIC REGULATION

The validity of the AAU's regulation depends on the values the AAU, or any national federation, serves as a private national association. What are the values an amateur athletic association serves; do the AAU's regulations serve these values; might a different scheme of amateur athletic administration better serve these values?

As discussed above, the AAU's regulations are partly required by the international governing bodies. Government attempts to hinder these regulations would probably cause undesirable international repercussions.[66]

The international good will which stems from friendly international athletic competition, the maintenance of uniform standards for amateurism and international eligibility, and the recognition of world records warrant the non-interference. The prospect of national governments, influenced by conflicting political and commercial interests serving these functions does not provide an attractive alternative.[67] To the extent, therefore, that these international governing bodies appoint national federations to administer necessary regulations, these agents' regulations should be accepted as legitimate. Moreover, since there are relatively few internationally required regulations, much could be accomplished without interfering with the international rules and thus we shall not attempt to examine their validity or autonomy.[68]

The AAU does promulgate regulations not specifically required by international bodies. When not acting as agent of various international associations, the AAU would seem more readily within the reach of government supervision. The values served by national athletic associations are distinct from, though related to, the values fostered by international rules enforcement. The international

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rules insure a suitable international arena in which United States athletes can compete. However, the national association's activities and regulations serve important national values, among them success in the international arena, and should be evaluated in terms of how well they further these values.

The associations also further national values by promoting the success of American athletes in international competition. Local competition provides healthy activity for those not necessarily interested in competing internationally. By involving many people in athletic competition, the associations promote physical fitness. Athletic competition may also be coupled with social activities.[69] Finally, domestic regulation maintains uniform standards of amateurism and facilitates recognition of individual records.

The active domestic programs provide potential international competitors with interest, encouragement and experience. Participation of American teams in international competition excites national pride and enhances American prestige.[70]

National athletic associations have, at least in the United States, a history of serving many of these values. Following the Civil War the condition of amateur sports cried for regulation.[71] In 1888 interested sportsmen formed the AAU to remedy a disgraceful situation that was due largely to the activities of dishonest promoters.[72]

". . . [A]mateur athletics in this country were in a chaotic condition. Track athletes competed under assumed names for money prizes; professionals were brought from different sections of the country and competed one day for prizes and the next for money.[73]

In 1888 there were no other associations with the interest and power to actively oppose this corruption, and largely as a result of the AAU's efforts, the corruption that then flourished is seldom seen today. However, since the 1880's other associations have come to play a major role in the development of amateur athletics.[74] These groups conduct successful programs and, like the AAU, maintain "clean" sports programs. The AAU was once the only significant amateur athletic association in the country; it is now one of many. Nevertheless, the AAU continues to claim domestic control of amateur athletics. Many of the other associations challenge the appropriateness of the AAU acting as the sole domestic governing body [75] and even object to its acting as the sole international representtative, arguing that their contributions to America's athletic efforts should give them some share in the international representation.[76]

As suggested above, the United States should have no objection to an international governing body's agent national federation administering international regulations in this country so long as the international regulations do not conflict with domestic law. This does not, however, help determine whether, and to what degree, the national federation should have discretion in setting domestic policy. It appears also that, regardless of the merits of the dispute, the AAU is no longer representative of the domestic effort in amateur athletics. The continued fight for control can only further damage the nation's sports programs, and the values they promote. Moreover, disputing associations have not demonstrated that they can solve the problems on their own.

Government solution, whether legislative or judicial, need not challenge the rule-making authority of the international governing bodies; it is not necessary for the government to exert any continuing control over amateur athletics.[77] Whether the United States should go one step further and attempt to expressly designate whom the international governing bodies must accept as their national agent, or simply do so impliedly through nonrecognition of a national federation,[78] is not entirely clear. These international matters are sensitive and probably should be handled more delicately than an attempt to solve disputes in domestic matters in which the international governing bodies have no particular interest.[79]

V. SOLUTION

It has become impractical for the AAU alone to act as the national governing body for domestic amateur athletics. Even if a restructuring of the AAU could be accomplished to give other organizations more representation, it is improbable that this alternative would be an effective solution. The long history of the dispute makes other associations' acceptance of integration into the AAU framework highly unlikely. Realization of the values served by national athletic competition would be furthered by the formation of a new national organization that would establish a unified program and assure cooperation among the various independent athletic associations.[80] The simplest alternative would be to declare that the AAU can no longer act as the sole domestic governing body, but may operate merely as one of several private athletic associations in the United States. These associations would then comprise a new national governing body with each member-association sharing in the control of the new organization.

There is, of course, a problem of whether the international agency responsibility should be divorced from domestic control, *i.e.*, whether the AAU—no longer the national governing body—should continue as the agency responsible for international representation. Aside from the international governing body's regulations (which may leave little room for debate),[81] separate bodies would be inefficient. Possibly that accounts for international federations' restricting membership to the effective domestic governing body.

Separate international-national groups would complicate communication of changes in international rules to domestic athletic associations. Moreover, it is very difficult to draw the line between "domestic" and "international." [82] Two bodies might spend a great deal of time disputing the location of that boundary.

Thus the maintenance of a strong national sports program would be aided by the formation of a unified organization with both domestic control and international regulatory powers.[83] It is desirable, however, to obtain the efficiencies of this unification without alienating the international federations.

A. Voluntary agreement by the parties involved

Nearly everyone believes that agreement by the disputants would be the most desirable means of achieving change; there is, however, little chance of such agreement. Aside from the history of the dispute [84] and the failure of settlement efforts,[85] the current leaders in the disputing organizations are probably too personally involved to be able to negotiate objectively and with the best interests of the country in mind.[86] Moreover, several smaller athletic associations which make significant contributions to American athletic programs, would possibly not receive an effective voice in any arrangement devised by the AAU and the NCAA.

B. Arbitration

Arbitration has already been attempted.[87] Since arbitration is generally binding only if the parties agree that it shall be,[88] there is little difference between this approach and voluntary agreement. The Chairman of the Sports Arbitration Board has admitted that the parties have not agreed to accept his Board's authority.[89] Absent some form of compulsory arbitration, the failure of the Sports Arbitration Board to reach an acceptable solution during the past two and one-half years [90] indicates that arbitration probably will not provide a solution.

C. Judicial intervention

A judicial solution may be possible.[91] The AAU's opponents assert that its policies conflict with the antitrust laws.[92] The NCAA cites *Washington State Bowling Proprietors Association v. Pacific Lanes, Inc.*[93] and *People v. Santa Clara Valley Bowling Proprietors Association,*[94] to argue:

"Recent court decisions affecting associations purporting to govern sporting events have held that a boycott is a per se violation of Section I of the Sherman Act to the extent that the rules of such an association are designed to have, or do have, the effect of precluding parties from dealing with others." [95]

In *Pacific Lanes* the owner of a bowling establishment claimed that other lanes through their private trade association had agreed to sanction bowling tournaments only if the tournaments were restricted to persons who did all their league and tournament bowling in member establishments.[96] Citing *Klor's, Inc. v. Broadway-Hale Stores, Inc.*,[97] the court stated that group boycotts are per se violations of the Sherman Act. The court rejected the defendants' argument that *Klor's* applied only to commercial boycotts.[98]

In *Santa Clara* [99] California brought an action under the Cartwright Act [100] against several bowling proprietors' associations. The charge was essentially the same as that in *Pacific Lanes:* eligibility rules amounted to group boycotting in restraint of trade. The court enjoined the defendants from requiring, as a condition of eligibility, that a bowler restrict any or all of his league play to member establishments.[101]

A study of private universities and colleges suggests another approach to judicial intervention.[102] The author argued that harmful actions by private persons and associations are generally limited by extra-legal societal controls; only where these controls fail should courts intervene.[103] Economic activities are ordinarily regulated by the competitive pressure of the market; associational abuses are generally curbed by association elections; family relations are normally restricted by social mores and customs. When a student selects a university, however, he must do so on an all-or-nothing basis; the school's potential to exercise coercion is substantially unrestricted.[104] The same conclusion may apply to the AAU because of its control over international participation by U.S. groups and individuals. Arguably the situation is even worse—a student initially has a choice of which institution to attend, but an athlete has no choice as to what national federation will govern his sport.

St. Augustine High School v. Louisiana High School Athletic Association [105] shows some judicial willingness to intervene in school-related athletic problems. A Negro high school sought membership in a high school athletic association, composed primarily of public schools. The court, finding the association an agency of the state and thus subject to the fourteenth amendment, ruled that if the high school met all qualifications for membership, the association's failure to grant the necessary approval violated the equal protection and due process clauses of the Constitution.[106]

Assuming that the AAU's conduct is challengeable on antitrust, common law, or constitutional grounds, a judicial remedy may still prove insufficient to solve the problem. In *Pacific Lanes* the plaintiff suffered damages to his business. Perhaps an athletic association could demonstrate similar damages and obtain a money judgment. Perhaps injunctive relief similar to that awarded in *Santa Clara* would be possible. Such awards could eliminate the monopolistic eligibility rules presently asserted by the AAU. Admission into the AAU so as to qualify for international competition might be compelled, as in *St. Augustine*. But these decisions will

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not solve the basic problem of reallocating governing authority among the many organizations now contributing to the athletic programs of this country. While the cases just examined indicate that courts will oppose improper conduct exercised by athletic associations, there is no evidence that they would hold the present organizational structures to be themselves illegal and remediable.[107]

D. Legislation

Perhaps the simplest and most effective approach is legislation. Members of Congress have already indicated a willingness to invoke the legislative process if necessary,[108] and legislation has been proposed in the area of track and field. Senate Joint Resolution 67 provides for a federal commissioner with jurisdiction over track and field in the United States including power to sanction open meets and certify athletes for participation in international competition. The Resolution provides that the commissioner would be the sole United States representative to the IAAF. This approach is objectionable because the permanent government intervention in track and field would very probably be unacceptable to the international governing bodies.[109]

Senate Joint Resolution 68 calls for the creation of a compulsory arbitration board and makes board decisions enforceable by the Attorney General in the federal district court. This approach involves selecting a board to do indirectly what Congress is equally capable of doing on its own—i.e. drafting a "charter" for amateur athletics. The present arbitration board's inability to reach a solution suggests that there may be little added expertise or efficiency by Congress deferring to a smaller body. Another difficulty of Senate Resolution 68 is that it makes no provision for future disagreements; the board dissolves after a short period of time.

Senate Joint Resolution 59 is more promising. It creates a new private governing body, with equitable representation for all associations. The resolution would treat the AAU as one of many associations in the United States. This new organization would serve domestically and, hopefully, internationally.[110] This raises the delicate question of the extent to which legislation should designate the United States' international representatives. If the international federations adhere closely to their rules [111] it would only be necessary to designate a new national governing body; if their rules are not entirely determinative, the desired result could be obtained by adding that the new organization alone would be permitted to accept the responsibility delegated by the international federation.

It is only speculation as to how narrowly the international federations will construe their rules and how strenuously they might react to an attempt to dictate who would be their agent. Silence as to international designation might mean the legislation would be less likely to arouse both domestic and international resistance. But on the other hand, if the international federations did not feel compelled to follow their rules and recognize the new organization, subsequent legislation might be necessary. International designation in the initial legislation would eliminate the unpleasant possibility of struggling for legislation twice. At the same time, however, it might be going further than necessary—and beyond what some of the international federations might be willing to accept.

Legislation stipulating that only the newly established national governing body could act internationally seems the better alternative.[112] If in fact the international federations rely on the "plain meaning" of their rules, there would be little reason for them to take offense at action consistent with their own espoused policy. If, however, they do not closely follow those rules, such legislation would eventually have to be attempted. At least direct application of the latter course of action would avoid the possible necessity of two efforts.

Although the present investigation by the Senate Commerce Committee has primarily concerned track and field, similar difficulties prevail in other sports as well.[113] Congress should settle the controversy along the lines of Senate Joint Resolution 59, expanding its coverage to include other amateur sports in the United States.

FOOTNOTES

[1] The proud and historic tradition of amateur athletics in the United States has been profoundly shaken by a bitter conflict. . . . Our finest young athletes fear to take the chance to compete for their national honor. Threats of sanction or retaliation dog their footsteps. Their academic standing may be imperiled and their future careers jeopardized.

At stake, ultimately, is our continued ability to demonstrate in the Olympic Games that fitness and zest for voluntary competition are the hallmarks of a free and democratic society. . . .

Remarks of Senator Warren G. Magnuson, *Hearings Before the Senate Committee on Commerce*, 89th Cong., 1st Sess., ser. 89–40, at 1 (August 16, 1965) [hereinafter cited as *1965 Hearings*].

[2] *See, e.g.*, A. Flath, A History of Relations Between the National Collegiate Athletic Association and the Amateur Athletic Union of the United States (1905–63) (1964).

[3] I received a letter from the AAU where it listed the names of the meets in which I was safe to compete. They were listed as being sanctioned by the national body, the Amateur Athletic Union. I was told in this correspondence if I competed in any meets not sanctioned by the AAU . . . that . . . I would be subject to suspension from all future competition internationally.

Statement of Harold V. Connolly, *1965 Hearings*, at 96.

[My] coach was in touch with our athletic director and the athletic director said that Walter Byers [NCAA Executive Director] had phoned him and told him if I was to compete in the AAU championships, that St. John's would be penalized. . . .

Statement of Tom Farrell, *id.*, at 62; *see also* statement of Gerry Lindgren, *id.*, at 27.

[4] For example, in 1965 the United States lost its first dual track meet with the Russian team since the series began in 1958. Many experts blamed the loss on the NCAA-AAU dispute over the sanctions of the qualifying meet which resulted in an NCAA ban on the meet. *See* S. Res. 147, 89th Cong., 1st Sess., 111 Cong. Rec. 23529 (1965).

[5] Among these are John K. Kennedy, Hubert H. Humphrey, and Douglas MacArthur.

[6] We are prepared to go even farther. Even to considering legislation if necessary." Magnuson, *supra* note 1. The controversy provoked hearings before the Senate Commerce Committee in August 1965 and again in August 1967.

[7] The direction of the Olympic Movement and the control of the Olympic Games and the Olympic Winter Games are vested in the International Olympic Committee. . . .

International Olympic Committee, The Olympic Games, art. 4, 11 (1967) [hereinafter cited as IOC Handbook]. The articles further provide:

The International Olympic Committee is the final arbiter on all questions concerning the Olympic Games and the Olympic Movement.

Id., art. 23, at 17.

[8] The importance of it can be illustrated by the fact . . . that the Japanese spent some $3 billion to stage the games in Tokyo [in 1964]. . . . They were so proud of having the Olympic games that they practically rebuilt the city of Tokyo.

Statement of Avery Brundage, *1965 Hearings*, at 473.

[9] The IOC is a private organization. It originated at a World Congress of sports associations held in 1894, *Id.* at 51–53.

[10] *Id.*, at 84. *See also* International Amateur Athletic Federation, Official Handbook 1967/1968, rule 2, at 37 (1967) [hereinafter cited as IAAF Handbook]: By-laws of the Federation Internationale de Gymnastique, art. 1, at 1 (transl. effective Oct. 5, 1958 [hereinafter cited as FIG Handbook].

[11] These two international federations are singled out as illustrations because the controversy has been particularly bitter and publicized in these two sports.

[12] *See, e.g.*, IOC Handbook, art. 23, at 17; IAAF Handbook, rule 52, at 53; FIG Handbook, art. 30, at 8.

[13] IOC Handbook, art. 24, at 18.

[14] These national federations generally have the same relationship to the national Olympic committees as the international federations have to the IOC. Further, in order that contestants from a country can participate in the Olympic Games, a national Olympic committee must be composed of at least five national federations. These federations in turn must be recognized as active members of the international federations governing their sports on the Olympic program. *Id.*

[15] The same rule also states that the national federations and the national Olympic committees "shall cooperate . . . in guarding and enforcing amateur rules." IOC Handbook, art. 24, at 18.

[16] *Id.*

[17] Only one member for each country can be affiliated." IAAF Handbook, Rule 2, at 37; "One single national Federation is recognized in each nation. . ." FIG Handbook, art. 2, at 1.

[18] It is permissible, however, and there are countries in which the same body acts as a national federation in several sports.

[19] The Amateur Athletic Union of the United States is the largest and strongest amateur sport governing body in the world. No other amateur sport governing body controls so many different sports.

The Amateur Athletic Union holds membership in the following international amateur Federations, and is the only recognized governing body of the United States for the sports these Federations claim jurisdiction over for International contests: International Amateur Swimming Federation, International Amateur Athletic Federation, International Amateur Boxing Federation, International Amateur Wrestling Federation, International Amateur Gymnastics Federation [Federation Internationale de Gymnastique], International Bobsleigh and Tobaggan Federation, International Fieldball and Handball Federation, International Judo Federation, International Amateur Luge Federation.

Official Handbook of the Amateur Athletic Union of the United States 5 (1966) [hereinafter cited as AAU Handbook].

[20] The national committee in the United States was organized in 1900 "and it was one which was somewhat self-appointed." W. Schroeder, The Pattern of Amateur Track & Field in the United States of America (undated mimeo material on file at the University of Southern California Law Library).

[21] Prior to 1964 it was known as the United States Olympic Association.

[22] Pub. L. No. 81–805, § 1 (Sept. 21, 1950).

[23] This language is incorporated into the Constitution, By-Laws and General Rules of the United States Olympic Committee, art. II, § 1(3)-(4), at 3 (1967) [hereinafter cited as USOC Handbook].

[24] *Id.*, art. III, at 4.

[25] IOC Handbook, art. 24, at 19. *See also* USOC Handbook, art. III, at 4.

[26] *See* USOC Handbook, art. III, at 4.

[27] *Id.* In addition, new members may be admitted following a two-thirds vote at a regularly called meeting of the USOC. *Id.*, art. V, at 7.

[28] AAU Handbook, art. IX, at 20.

[29] *Id.*, art. VII, at 17–19. This article provides that a district association with a membership of eight clubs receives six votes on the Board. The representation increases with membership to a maximum of thirty-six votes for a district association of 352 clubs. Article XVII places no minimum on the number of athletes that constitute a "club." *Id.* at 24. Thus a district association representing only a small number of athletes can receive six votes on the Board of Governors. The NCAA, as a one time "Allied Body," received only one vote, in spite of the fact that it claims to represent over 24,000 athletes in intercollegiate track and field alone. *1965 Hearings*, at 371. The fifty-five district associations of the AAU cast 772 votes compared to the one vote for the NCAA. *See* AAU Handbook, art. VII, at 17.

[30] IOC Handbook, rule 34, at 24–25.

[31] The NCAA and the National Association of Intercollegiate Athletics (NAIA) provide local and national athletic programs for the member colleges. The National Federation of Student High School Athletic Associations (NFSHSAA) and the National Junior College Athletic Association (NJCAA) maintain similar programs for their members. Several religious athletic associations also conduct amateur athletic programs. The Young Men's Christian Association (YMCA), the Catholic Youth Organization (CYO) and the Jewish Welfare Board (JWB) are examples. The JWB, in addition to its various domestic activities, sends U.S. athletes abroad to participate every four years in the World Maccabiah Games. The Armed Forces have active athletic programs in several sports and consistently place many athletes on United States teams. The National Recreation Association (NRA) represents city and county recreation departments across the country and is just beginning to tap its potential.

In addition to these activities, the United States, for the first time, in 1965 entered a team in the World University Games sponsored by the International University Sports Federation (FISU), FISU claims the approval of the IOC for its activities and has appointed the United States Collegiate Sports Council (USCSC) as its national representative. USCSC is composed of various national sports associations, representing perhaps the first significant coalition of such athletic organizations. Its members are the NCAA, NAIA, NJCAA, United States National Student Association (USNSA), and American Association for Health, Physical Education, and Recreation (AAHPER).

[32] The collegiate coaches of the United States are working with or have worked with 99 percent of the top flight athletes in the United States.

[Y]et we are denied the privilege and responsibility of sharing in the formulation of policy which directly affects our program.

Statement contained in report submitted by Walter Byers, Executive Director, NCAA, 1965 *Hearings*, at 378, 383.

[33] NCAA, Report of the NCAA Council (Jan. 11, 1965) (on file at the University of Southern California Law Library). For a list of NCAA grievances, *see* report submitted by Byers, *supra* note 32, at 381–82.

[34] *See id.* at 5.

[35] *Id.* at 6.

[36] *See id.*, at 5.

[37] NCAA, Organizational Meeting of the United States Federations in the Sports of Basketball, Gymnastics, and Track and Field 5 (March 4–6, 1962).

[38] Basically, "open" meets are those in which athletes from more than one classification, as recognized by the AAU, compete. *See* note 60 *infra* and text following note 63 *infra*.

[39] For instance, at a November 1967 executive committee meeting of FIG the committee reportedly decided to recognize the NCAA-backed United States Gymnastics Federation (USGF) as the national representative instead of the previously recognized AAU. The decision is tentative; it would have to be approved by the FIG Congress, which meets in July, 1968. *See generally* Bare, The Modern Gymnast, Nov. 1967, at 10. According to FIG rules such a change would also have to be concurred in by the United States Government. *See* note 66 *infra*.

[40] "Internationally" means regulation required by the international federations; "domestically" means regulations not specifically required by the international rules. The AAU claims that much, if not all, of the regulations it imposes are internationally required:

Resolved, That the IAAF in congress assembled in the city of Belgrade, Yugoslavia, on the 17th day of September 1962, hereby records its full and unanimous confidence and support of the Amateur Athletic Union of the United States as the recognized governing body of amateur athletics in the United States, and the IAAF hereby calls upon its members throughout the world for diligence in the strict enforcement of the rules of the IAAF in regard to the invitations for the exchange of athletes with the United States, to make sure that U.S. athletes are certified by the AAU as AAU members and as amateurs; furthermore, that athletes of no member of the IAAF be permitted to compete in the United States in open meets except those conducted or sanctioned by the Amateur Athletic Union of the United States. The IAAF also hereby reaffirms its constitutional and traditional concern that amateur athletes be controlled by amateurs for the benefit of amateur athletes. . . .

Senator Pearson. I take it this resolution has reference only to international competition?

Mr. Hull [Executive Director, AAU]. It refers to open competition in the United States as well. (explanation added)

Senator Pearson. Domestically, too?

Mr. Hull. Yes, sir. This is a point that was made, and one of the things they state in their resolution was that the members of the IAAF could compete in open meets in the United States only in those conducted or sanctioned by the Amateur Athletic Union. . . .

Senator Pearson. What was the reason for an international organization passing a resolution covering domestic open track meets?

Mr. Hull. They have rules which are very necessary if you want to participate internationally. I think they were trying, of course, obviously, to protect and make it clear to the world that they supported the rules of the Amateur Athletic Union, and intended to continue that support. . . .

Senator Pearson. When you got this resolution, and I am not so naive that I don't know probably who drafted it and who proposed it, what was the effect of it? To solidify your position with the international body? Or to solve the domestic situation as to open track meets in the United States? . . .

Mr. Hull. To us it meant our rules were completely supportive of the IAAF and their administration of them was supported, and the question of open competition in the United States, in the minds of the IAAF members was an activity that belonged solely to the recognized governing body.

Senator Pearson. What is the basis for that? Where are the rules that decree that to be the policy and the law, in fact, as to domestic track meets?

Mr. Hull. I don't think you will find any rule that specifically says exactly what will be done in each country. They do say of course there can be only one single governing body.

Senator Pearson. In international competition, to certify for international competition?

Mr. Hull. It doesn't say that, Senator Pearson. It says there will be one single governing body in each nation.

Senator Pearson. I understand that. What is the authority for the sole jurisdiction for sanctioning open track meets that the AAU, as I understand it, claims it possesses?

Mr. Hull. In my best judgment this is a reasonable application of the governing authority. When they say there will be a single governing body, they don't say that body will govern only internationally. They are elected as the representative of that country for governing that sport.

Senator Pearson. That is your interpretation, but where is your authority?

Mr. Hull. . . .

They say a basic policy, a single governing body, and it follows that that governing body will apply reasonable jurisdiction, and this is what we think we are applying. The open competition idea to show you what I think is the reasonableness of it . . . the IAAF in stating their own authority says that they alone—and they use the world "alone"—can sanction international competition. Then it would follow that if we are to have a single governing body and the world body alone can sanction international competition, then surely the international [should read nation] body alone can sanction [national] competition, and this is the pattern throughout the world. This is nothing peculiar to the United States. . . .

Senator Pearson. That makes as much sense as some of this dispute.

1965 Hearings, at 339–43.

The resolution gives IAAF support to the AAU as the recognized governing body of amateur athletics. In addition, the IAAF asks its members throughout the world to enforce IAAF rules regarding exchange of athletes with the United States to ensure that U.S. athletes are AAU certified. This means that the AA must certify to the IAAF which U.S. athletes are eligible to participate in international competition and that all other members of the IAAF must confirm such certification before allowing their athletes to compete against an American athlete. The resolution might be interpreted to mean that athletes of IAAF members cannot complete in an open meet in the United States unless conducted or sanctioned by the AAU. Thus, since the AAU is a member of the IAAF, athletes holding membership in the AAU cannot compete in open domestic meets in the United States unless conducted or sanctioned by the AAU.

On the other hand, the resolution may refer only to international competition over which the IAAF assumes jurisdiction. *See generally* note 53 *infra* and accompanying text. Under this latter view, only athletes of other IAAF members are included. The IAAF does not assert jurisdiction over meets open only to Americans. *See* note 53 *infra*. Furthermore, even accepting the AAU's position, the resolution applies only to U.S. athletes holding membership in the AAU; all other U.S. athletes may still be free to compete in unsanctioned open meets.

In the first two exchanges in the hearing excerpted, quoted Col. Hull apparently interprets the resolution as stating that the IAAF requires domestic athletes to submit to AAU control. However, in the next two exchanges, Col. Hull states that it is AAU rules, not IAAF rules that give the AAU dominion over the domestic scene; the IAAF merely supports the AAU rules.

Col. Hull also insists that there can be only one single governing body in each nation. But IAAF rules merely state that "[o]nly one member for each country can be affiliated," note 17 *supra*, and that the "national Governing body . . . shall be eligible for membership. . . ." IAAF Handbook, rule 8, at 43. As Senator Pearson pointed out, this can be interpreted to mean that only one national governing body in the United States can be selected by the IAAF as its agent in international matters concerning the United States; and that the IAAF chooses from existing national governing bodies in a country, but has no say as to the number or domestic role of those bodies. *Cf.* note 66 *infra*.

[41] *See, e.g.*, Hull, *As U.S. Governing Body, The AAU Must Play by International Rules*, Amateur Athlete, Feb. 8, 1965, at 41.

[42] For example, the IAAF makes ineligible for IAAF competition any athlete who, since reaching the age of 16, competes in any sport for any pecuniary reward. IAAF Handbook, rule 53 at 53. Enforcing this regulation, the AAU stipulates that an athlete ceases to be eligible if he competes for money. AAU Handbook, rule VI(1)(b), at 73, but goes beyond IAAF requirements in applying this mandate to athletes under the age of 16 as well. Furthermore, little support is to be found for the AAU sanctioning requirements (note 61 *infra* and accompanying text); no such homage is required by international federation regulations. The NCAA maintains that "In asserting that it is required by the IAAF to 'sanction' track meets which are . . . [domestic], the AAU asserts a power which is not required by its role as a 'National Governing Body' within the IAAF family." NCAA, Position of the National Collegiate Athletic Association Before the Sports Arbitration Board, May 1–2, 1967, at 3.

[43] *See id.* at 1.

[44] The NCAA argues that in so competing an athlete does not violate any IAAF rule. In addition it maintains that "nothing in IAAF Rule 10 or 53 requires or authorizes a national governing body to regulate its own nationals because of their actions within their own country." *Id.* at 4.

But cf., IAAF Handbook, rule 54, at 57: "[A]ny person who is, and for so long as he remains, ineligible to compete in competitions under the jurisdiction of his national governing body is ineligible to compete under the rules of the International Amateur Athletic Federation." Rule 54 is very much like the IAAF Resolution set forth and discussed at note 46 *supra*. It lends support to its member-national governing bodies as the domestic authorities within their countries. This rule, however, does not require the governing bodies to rule ineligible athletes who participate in unsanctioned events. Such conditions are established by the national bodies themselves and are subject to government regulation. *See* note 66 *infra*.

[45] It is difficult to predict the results of American rejection of an international rule. The United States athletes "need" the international governing bodies' approval for access to the top-flight international competition. Yet, on the other hand, the international governing bodies "need" American athletes to maintain the high caliber of competitions. Furthermore, the sports-minded American public provides a large portion of the revenue the international governing bodies derive from these competitions.

It has been argued that the IAAF will not accept such an organization. Don't you believe it. If this was the only official body it would have to embrace it. The greatest athletic nation in the world hardly could be disbarred on a mere technicality as long as the IAAF now embraces such government-controlled federations as those from the Iron Curtain countries.

Los Angeles Times, Feb. 5, 1968, pt. 3, at 2, cols. 1–2.

The Soviet Union is the prime example amongst a host of nations around the world whose governments not only run their amateur athletic programs but also subsidize the competitors to the point of professionalizing them.

Los Angeles Times, Jan. 22, 1968, pt. 3, at 2, cols. 1–2.

[46] IOC Handbook, art. 24, at 18.

[47] *Id.* at 19.

[48] *Id.*

[49] *Id.*, art 34, at 24–25. Within the United States this may be simply a matter of form, since IOC and USOC rules call for the AAU to hold a majority position on the USOC.

[50] *Id.*

[51] This delegation of authority is only with respect to the Olympic Games; the IOC has no authority as to any other international program.

[52] IOC Handbook, art. 23, at 17.

[53] 1. An international athletic meeting is defined as follows:

(a) A meeting arranged between two or more members of the Federation; or

(b) A meeting organized by the Federation or a member of the Federation or by a club affiliated to and having the sanction of a member, provided other members of the Federation or their clubs take part in the meeting.

2. Neither a national championship open to all amateur athletes, nor a competition in which a touring team of athletes take part as individuals, shall be considered an international meeting.

3. At all international meetings the rules and regulations of the Federation shall apply.

4. All international meetings must be sanctioned by the I.A.A.F. or by a member of the Federation. . . .

5. No athlete or club may take part in an athletic meeting in a foreign country without the written approval of his governing body, and no member of the Federation shall allow any foreign athlete to enter any competition without such permit certifying that he is an amateur and permitted to compete in the country concerned.

An invitation to an athlete to compete in a meeting in a country other than his own shall not be extended directly or indirectly by an individual, a club, college, university or other athletic organization, but only by the governing body of the inviting country through the governing body of the country such athlete represents.

All negotiations for the participation of an athlete in contests in another country shall be carried on by the governing body of the countries concerned. . . .

6. Any athlete competing in any foreign country (other than in international meetings as above defined) shall, in respect to that competition, be subject to the athletic laws of that country.

IAAF Handbook, art. 10, at 47–48.

[54] Q. If [the United States] sends a team to the World [Gymnastics] Championships . . .

A. That is another question.

Q. [The University Games] is an international competition, just like the World Championships are?

A. Oh no, no, no. It is quite different. This is a FISU competition.

Q. So when [FIG's] regulations say ["contest"] they really mean a ["contest"] of FIG?

A. Yes. FIG.

Q. Not any international ["contest"]?

A. No. That does not concern our statutes.

Interview with Arthur Gander, FIG President, in Tokyo, Japan, September, 1967 (Tape recording on file in the University of Southern California Law Library).

[55] *See, e.g.*, IAAF Handbook, art. 55, at 57.

[56] *Id.*, at art. 54 note 44 *supra*. "The FIG's contests, including those of the Olympic Games, are open only to gymnasts of the affiliated federations." FIG Handbook, art 30, at 9.

[57] *See* AAU Handbook, art II(6); art. IX(13) (1966).

[58] *Id.* at art. III.

[59] *Id.*, art. IX(3)(a), at 23.

[60] All games, meets, benefits, exhibitions or entertainments of any kind where athletes compete or exhibit or demonstrate or display talents or techniques must be sanctioned, excepting those open only to members of a [single] club, organization or group that is a member of an Association of this Union or by an Allied Member.

Id., rule I(1), at 52.

[61] *Id.*, rule I(2)(b), at 52.

[62] *Id.*, rule II, at 58.

[63] *Id.*, art. X(4), at 23; rule I(4), at 55.

[64] *Id.*, art. IX, at 20; art. X(1), (3) at 22; By-Law V, at 40; rules VI, at 73; and VII, at 77. The AAU will "consider and determine questions concerning the amateur status of any athlete . . . [and] if [it] shall find that the athlete has violated the rules of amateurism as set forth in the Constitution, By-Laws and/or Rules of the Union, it shall impose such punishment or penalty as may be provided therein, and in cases where no punishment or penalty is set forth, such punishment or penalty as it may deem just." *Id.*, art. X(1)(i), at 22.

[65] *Id.*, rule VII(3), at 77. Other grounds for suspension include knowingly competing against an athlete ineligible under AAU Rules; entering an event and failing to compete without satisfactory excuse; refusing to appear or testify before an AAU Registration Committee; using drugs; committing anv number of acts that render one a professional rather than an amateur.

[66] The United States government could, of course, refuse to recognize the AAU as a national governing body. The international bodies by their own rules could not make the AAU their agent.

[T]he conditions of admission being . . . [that the applicant] must be recognized by the highest national authority on sports, as being the Federation governing gymnastics in that country.

FIG Handbook, art. 25 at 7.

Arthur Gander, FIG President, has stated:

If the [Senate Commerce Committee]—I mean the government—would write us [that they] formed a new body—a governing body of gymnastics in the United States—well then, that is all right for us too.

Q. The new body would be automatically accepted?

A. *Automatically*, of course. (emphasis is original)

Interview with Arthur Gander, FIG President, in Tokyo, Japan, September 1967 (Tape recording on file in University of Southern California Law Library).

See note 40 *supra* interpreting IAAF rules in this regard and note 79 *infra* where the first paragraph of the letter from the IAAF acknowledges that the United States can make such a change. To the extent that the IAAF's refusal to accept such a change appears inconsistent with the interpretation of the relevant IAAF rules in note 40 *supra*, or with the above position of FIG, the second and third paragraphs of the same letter from the IAAF may limit the inconsistency to direct and continuing governmental influences.

[67] For example, North Korea boycotted both the 1967 World University Games and the 1968 Winter Olympics because FISU and the IOG, respectively, refused to recognize its entry as "The Democratic People's Republic of Korea" rather than "North Korea."

[68] Members of the International Olympic Committee are representatives of the Committee in their countries and not delegates of their country to the Committee. They may not accept from the Governments of their countries . . . instructions which will in any way bind them or interfere with the independence of their vote.

IOC Handbook, art. 10, at 13.

National Olympic Committee must be completely independent and autonomous and in a position to resist all political, religious or commercial pressure.

Id., art. 25, at 20.

. . . the Federations retain their complete autonomy, independence of action and national aims in their country's territory.

FIG Handbook, art. 2, at 1.

[69] For example, consider the various YMCA programs.

[70] It is clear today, and it has been for the years since Jesse Owens' magnificent performance in the 1936 Olympics . . . that America's athletic fortunes are interwoven with our foreign relations. . . . Athletics have played a part in the cold war, and it is strikingly apparent that whatever limits America's ability to present its finest athletes in international competition clearly works against the best interests of our country.

Remarks of Senator Henry M. Jackson, *1965 Hearings*, at 4.

[71] *See* A. Flath, A History of Relations Between the National Collegiate Athletic Association and the Amateur Athletic Union of the United States (1905–63) 5 (1964).

[72] *Id.*, at xvi.

[73] AAU Handbook at 41.

[74] *See* note 31 *supra* and accompanying text.

[75] Throughout the long history of this dispute the AAU has urged all other organizations to join the AAU as the solution to the problem, but the evolution of the problem has been exactly the opposite: organizations which were affiliated with the AAU have left the AAU; organizations which sought in vain to resolve the problem within the AAU or by agreement with it were unable to do so and instead have created the USTFF [and the USGF]. Today when the AAU still makes the same suggestion, it sounds as a shopworn and broken record to the athletes, coaches, athletic directors, trainers and high school and college officials to whom the very name AAU is a term of approbrium which stands for a parade of ill-mannered practices based on un-American assertion of control through the illegal use of the boycott.

NCAA, Position of the National Collegiate Athletic Association Before the Sports Arbitration Board, May, 1–2, 1967, at page 5. However, simply replacing the AAU with the NCAA supported United States Track and Field Federation (USTFF) or USGF would help very little to reach an effective solution; the dispute would continue, with the parties merely reversed.

[76] *Id.*

[77] *See* note 79 *infra* indicating that the IAAF's objects only to continued government control.

[78] *See* note 81 *infra* and accompanying text.

[79] For instance, an interview with Arthur Gander, President of FIG, disclosed the following:

Q. What authority [does] the AAU [have] as FIG's representative in our country?

A. The AAU is the only body in the United States who can arrange international competition with affiliated federations. . . . Further [the AAU] is the only body who select[s] an Olympic or a World Champion team. [The AAU] has the right to do it. How [the AAU] does it . . . it doesn't bother us, you know . . . how the [AAU] collects the gymnasts, well, we cannot change it.

Q. Any [FIG contest] must be sanctioned by the AAU [if it involves the United States] as the representative of FIG so that FIG is [in effect] sanctioning the meet. But now if we have a meet between the University of Southern California and Pennsylvania State University there is no AAU sanction and there is no FIG sanction. Why . . . if this is acceptable to FIG, and they make no concern over an internal competition, would FIG object, for example, if the USGF wants to run a national championship and they don't want an AAU sanction? Is this a different situation? The AAU says yes.

A. Your question concerning the [USGF] championships—if it must be sanctioned or not by the AAU—we do not know the regulations of the AAU concerning gymnastics in the United States. If the regulations of the AAU say every championship . . . other than [closed championships] must be sanctioned by the AAU, well then it is finished. [It is] *internal American business*. (emphasis added)

Interview with Arthur Gander, FIG President, in Tokyo, Japan, September, 1967. (Tape recording on file at the University of Southern California Law Library.)

The IAAF's position is as follows:

The AAU is the affiliated member of the IAAF and it alone is recognized. *Whereas Governments naturally have power in their own countries to set up any body that they like,* any body set up in opposition to our recognized member would in the I.A.A.F., and I feel sure in all other International Federations, not be acceptable, and any athletes not affiliated to our official body would be ineligible for international competition, including the Olympic Games. (emphasis added)

The position of government is quite clear; they are encouraged to provide finance for facilities and to help pay towards the cost of the administrators and coaches etc., but they are not acceptable *in the actual running of the sport* . . . the French Government the other day demanded that it should have two members on the French National Olympic Committee. This was not acceptable to the International Olympic Committee and the French National Olympic Committee was informed that it would lose its affiliation and therefore would not be eligible to send a team to the Olympic Games unless this section was deleted from its rules. (emphasis added)

Before the 1964 Games in Tokyo the Indonesian Government had set up its own organization to run an unlicensed meeting called GANEFO. Our member Federation did not take part in this but all the athletes who did were suspended and were unable, in spite of a great fuss made by their Governments, to compete in the Olympic Games in Tokyo.

Letter from the Marquess of Exeter, K.C.M.B., President, IAAF, to Southern California Law Review, August 2, 1967. (On file in the University of Southern California Law Library.) The Marquess acknowledged the right of a government to establish a body to govern domestically. The IAAF's criticism is that the body would be subject to governmental influence. Such need not be the case. The body could operate under government charter but independent of government control. It could be similar to the federally chartered USOC, which the IOC has never questioned.

[80] The AAU contends that such a change, essentially a reapportionment of voting authority, is unnecessary because "all organizations [holding membership in the AAU] have a just and equitable voice. . . ." Hull, *As U.S. Governing Bodies, the AAU Must Play by International Rules*, Amateur Athlete, Feb. 1965 at 47. *But cf.* note 29 *supra* which discusses the voting inequalities in the AAU. It is possible that broader voting representation in the AAU would be a remedy to present difficulties. The long history of dispute, however, indicates that there may be significant psychological barriers to the now-dissenting organizations "joining" the AAU.

At the same time, it is imperative to recognize that such a new organization cannot be in the AAU and cannot be in any way under the authority of the AAU if the new organization is to have the support of the persons who are today conducting the track programs of the country.

NCAA, Position of the National Collegiate Athletic Association Before the Sports Arbitration Board, May 1–2, 1967, at 5.

[81] International rules provide that a national federation's membership in the international governing federation is conditioned on the national group being recognized as a national governing body in its country. *See* IAAF Handbook, rule 8, at 43 and FIG Handbook, art. 25, at note 66 *supra*.

[82] To illustrate: A United States team is to be selected to compete against an All-Star European track and field team. Is this selection a "domestic" or an "international" matter? Clearly the competition between the teams is international, but the selection of the United States team is not as readily classified.

[83] One of the obvious benefits from such an arrangement is the presence of "checks and balances." A recent example of communication failure illustrates a problem that would be solved if all interested parties had access to the international federations' decisions. In order to judge international gymnastics competition one must hold an international judge's certificate, obtained from FIG upon successfully completing their course of instruction. Such a course was conducted by FIG in Mexico City in July, 1967.

Was the AAU instructed that there was a limit as to the number of Americans that could attend the course? Answer of [FIG President] Gander: The number for the AAU was fixed on 5–7 men.

Letter from Arthur Gander, FIG President, to the Southern California Law Review, Oct. 3, 1967. On the other hand, the information disseminated prior to the course by the AAU was that:

Two judges from the United States may attend. All expenses for the course must be borne by the individual judge. (emphasis added)

Letter from Mr. Donald Wilderoter, Chairman, National AAU Gymnastics Committee, and Mr. Thomas Maloney, Chairman, National AAU Gymnastics Technical Committee to members of the national judges' list, May 26, 1967. (On file in the University of Southern California Law Library).

Although the change from "5–7" to "two" may have been a mere oversight, the problem is one of an apparent conflict of interest. Prior to this course Mr. Wilderoter and Mr. Maloney were the only FIG-certified judges in the United States; i.e., the only American judges eligible to officiate in international gymnastics competition. The threat to their "natural monopoly" was directly proportional to the number of Americans allowed to participate at the FIG course in Mexico.

Upon inquiry, Mr. Wilderoter and Mr. Maloney both expressed the view that the interests of United States gymnastics would best be served by qualifying as many American judges as possible, but indicated that they were under the impression that FIG had restricted United States participation to two judges. Interviews with Mr. Wilderoter and Mr. Maloney, respectively, March, 1968. (Tape recordings on file at the University of Southern California Law Library.)

Such apparent conflicts of interest cast the participants in an embarrassing light. And even an inadvertent mistake can impair the development of American atthletics. The proposed structure would minimize the chances of either intentional of unintentional error by broadening the basis of representation: instead of one association regulating its *competitor* associations, there would be one association, with internal checks, regulating its *member* associations.

[84] *See* A. Flath, A History of Relations Between the National Collegiate Athletic Association and the Amateur Athletic Union of the United States, (1905–63) (1964).

[85] Throughout two continuous weeks of hearings that have followed, it has been the expectation of the Committee that the parties to these disputes would agree to a solu-

tion, or at least to a means of affecting a solution, without any action by the committee or the Senate. However, it has become irrefutably evident that the primary disputants, the National Collegiate Athletic Association and the Amateur Athletic Union, have adopted positions which make a private reconciliation impossible.

S. Rep. No. 753, 89th Cong., 1st Sess. 29 (1965).

[86] Yet it is obvious to me that the leaders of both groups, instead of trying to settle their differences, are so busy trying to protect their own vested interests that their prime considerations—the best interest of the athlete, the best interest of amateur athletics and the best interest of the nation—have been forgotten.

Press Release, Statement of Senator James B. Pearson in the Senate, April 3, 1967 (on file in the University of Southern California Law Library).

[87] S. Res. 147, 89th Cong., 1st Sess. 77 (1965).

[88] For example, the resolution provides for arbitration for only those matters ". . . which are submitted to it by the parties to such disputes." *Id.*

[89] [O]ur authority to arbitrate derives from the Senate Resolution which in turn was accepted by the parties. There were, however, qualifications imposed, at least by the AAU, and subsequently by all of the parties. . . . It is our intention to make a decision in the near future which will be based on the authority we have pursuant to the Senate Resolution, taking into account the circumstances posed by the qualifications submitted by the parties. In the final analysis, I believe that the enforceability of our award will depend upon the support and acceptance it received from the public.

Letter from Mr. Theodore Kheel, Chairman, Sports Arbitration Board to SOUTHERN CALIFORNIA LAW REVIEW, June 6, 1967 (On file in the University of Southern California Law Library).

[90] The Sports Arbitration Board made its final report to the Senate Commerce Committee on February 1, 1968. In sum, the Board ruled that the AAU is the sole United States governing authority for international competition, but is not the national governing body for domestic purposes. The Board further opined that only open domestic meets have potential international significance that requires AAU sanctioning, and that sanction must issue automatically if international requirements are satisfied. The arrangement is to be binding for five years. The United States Track and Field Federation (USTFF) said it would not accept the Board's decision and will continue to run meets without AAU sanction. Los Angeles Times, Feb. 5, 1968, Pt. 3, at 2, col. 1–2. The NCAA also refused to abide by the Board's decision.

The NCAA and the USTFF feel they have gained nothing under the Board ruling. Their position is not without support. The AAU has been affirmed as far as the international authority. While the ruling says that they are not the national governing body domestically, and are compelled to issue sanction for open domestic meets when international standards are satisfied, little is gained here too. IAAF and FIG positions place the power right back with the AAU. *See* IAAF HANDBOOK, art. 54, note 44 *supra;* FIG HANDBOOK, art 30, note 56 *supra*.

About all that can be said for the action taken by Theodore Kheel's Senate-appointed committee to solve the . . . feud is that it took over two years to accomplish nothing.

[The] committee actually didn't change a thing. Los Angeles Times, Feb. 5, 1968, Pt. 3, at 2, col. 1–2.

[91] *See* Note, *Developments in the Law—Judicial Control of Actions of Private Associations,* 76 HARV. L. REV. 983, 990 (1963).

[92] It is my personal conviction, based upon competent, legal advice, that [AAU Rule I(2)(b), text at n.61] is in direct violation of the antitrust laws of the land. This opinion is submitted on the basis of legal advice from our own counsel as well as the respected deans of law schools and professors of law at highly respected institutions.

Mr. Walter Byers, *1965 Hearings*, at 386.

Effective November 1, 1968, the NCAA will resume enforcement of its own By-laws 7 (b) and (c) which prohibit NCAA athletes from certain competition:

7(b)

SECTION 1. No member institution shall be represented or permit its student-athletes to compete in any track and field meet which is not sponsored, promoted, managed and controlled by a collegiate entity unless such meet complies with the following requirements:

(a) The management of the meet must comply with the Association's principles of amateurism and all applicable interpretations.

(b) The sponsoring body must show evidence of sound management and the ability to conduct properly track and field competition. Any non-collegiate or non-conference sponsoring organization shall include in the membership of its administration committee at least two representatives from member institutions of this Association, one to be a faculty member and one to be an athletic official, to be appointed by the Extra Events Committee of this Association.

(c) The meet shall be conducted by competent track and field officials and proper medical supervision shall be provided as verified by the District member of the NCAA Track and Field Rules Committee from the District in which the event is located.

(d) Meets shall not be certified if they conflict with each other because of dates and geographical location.

NCAA, 1968 MANUAL 45–46. By-law 7(c) contains identical language covering gymnastics. *Id.*

The NCAA distinguishes By-laws 7(b) and (c) from AAU Rule I(2) (b): . . . The rule is not a restraint upon competition. It does not prevent a student from participating in any proper competition consistent with his educational program. In fact, it is a reasonable rule and a rule which is necessary to the internal operation of the NCAA and its member institutions' programs. This rule stands in sharp contrast to a rule such as AAU General Rule 1–(2)–(b) which is an out and out boycott rule which prevents any meet operator from sanctioning or accepting the sanction of any organization other than the AAU. That AAU rule in our opinion is illegal because it constitutes a boycott and because boycotts are a per se violation of the antitrust laws.

NCAA News, Feb. 1968, at 3.

It might be argued that the language of By-law 7(b) is less harsh than that of Rule I(2) (b), but history bears out that the difference is in form only. *See, e.g.,* the remarks of Gerry Lindgren and Tom Farrell note 3 *supra*.

[93] 356 F. 2d 371 (9th Cir. 1966).

[94] 238 Cal. App. 2d 255, 47 Cal. Rptr. 570 (Dist. Ct. App. 1965).

[95] NCAA, Position of the National Collegiate Athletic Association Before The Sports Arbitration Board, May 1–2, 1967, at 1.

[96] The league rules appear closely analogous to the AAU rule I(2) (b). *See* 356 F.2d 371, 374 (9th Cir. 1966).

[97] 359 U.S. 207 (1959).

[98] The court refuted this narrow construction citing *Radiant Burners, Inc. v. People's Gas Light & Coke Co.,* 364 U.S. 656 (1961) and *Jerrold Electronics Corp. v. Westcoast Broadcasting Co.,* 341 F.2d 653 (9th Cir. 1965), which both held group refusals by manufacturers or dealers to deal with customers to be per se violations of the Sherman Act.

[99] 238 Cal. App. 2d 225, 47 Cal. Rptr. 570 (Dist. Ct. App. 1965).

[100] California's Antitrust laws, Bus. & Prof. Code § 16700 (West 1954).

[101] 238 Cal. App. 2d at 227, 47 Cal. Rptr. at 570.

Another antitrust argument is that AAU policies constitute a "tie-in." One might take the position that the AAU holds monopoly power in the "international market" (tying market) which it is trying to extend to the "domestic market" (tied market). *See, e.g.,* United Shoe Mach. Corp. v. United States, 258 U.S. 451, (1922); International Salt Co. v. United States, 332 U.S. 392 (1947); Northern Pac. Ry. Co. v. United States, 356 U.S. 1 (1958).

[102] Note, 72 YALE L.J. 1362 (1963).

[103] *Id.* at 1387.

[104] *Id.*

[105] 270 F. Supp. 767 (E.D. La. 1967).

[106] *Id.* at 774.

[107] It might seem that admission would also mean voting power. But if the court's reason for ordering admission was to preserve a plaintiff's athletic "standing," it would be unnecessary to give the plaintiff voting power also.

[108] *See, e.g.,* Magnuson Remarks, *supra* note 6. Jurisdiction for Congressional action can be derived from the commerce clause. *See, e.g.,* Washington State Bowling Proprietors Ass'n v. Pacific Lanes, Inc., 356 F.2d 371 (9th Cir. 1966). The court found that the boycott reduced the plaintiff's ability to draw out-of-state bowlers or conduct major tournaments with inter-state attendance, and caused a decline in inter-state transactions such as the rentals and sales possible to a successful business.

[109] *See generally* note 79 and accompanying text.

[110] Mr. President, the proposed United States Track and Field Association would be the supreme policy making body of track and field in the United States. It is hoped, under the authority granted by this legislation, that it would be the United States representative in the International Amateur Athletic Federation. . . .

Press release, Statement of Senator James B. Pearson in the Senate, April 3, 1967 (on file in the University of Southern California Law Library).

The resolution is generally compatible with what has been said in this note, but some changes would be desirable. Section 3(7) includes "one from among representatives of the general public" on the Board of Directors. In order to avoid the difficulties encountered by France it would be advisable to exclude government participation. *See* IAAF position, note 79 *supra*. Section 8, which limits the Association's powers, should also preclude the Association from sponsoring programs that would bring it into competition with its member associations.

[111] *See* note 81 *supra*.

[112] Section 4(3) should be rephrased to more clearly reflect this view.

[113] Gymnastics is one outstanding example. FIG has acknowledged the problems in American gymnastics. *See* note 39 *supra*.

Mr. COOK. Mr. President, in an effort to seek a solution to this situation, I am today introducing legislation which would establish a Federal Amateur Sports Commission, which would have primary responsibility and authority for establishing one set of rules and regulations which would govern the participation of Americans in international athletic competition. The proposal is intended, purely and simply, to make it easier for the American amateur to compete internationally, by creating a body which will be responsive to his needs and will totally support and encourage his efforts.

This Commission, in addition to its basic rulemaking authority, would have jurisdiction over the athletic facilities of federally supported institutions, and would be able to make these facilities available for the use of all of our amateur athletes when they are not in normal use. The Commission would also conduct investigations and studies aimed at improving the condition of our facilities, as well as studies of safety and health factors in sports. All of these areas are now the sources of serious problems for our athletes; and I believe a Federal organization is required to give for international athletic programs the support and encouragement they so desperately require. I ask unanimous consent that this legislation, "the Federal Amateur Sports Act of 1973," be printed in full in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1192

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act be cited as the "Federal Amateur Sports Act of 1973".

STATEMENT OF FINDINGS

SEC. 2. The Congress hereby finds that—

(1) amateur athletic competition performs a useful role in the development of the individual and the enrichment of his experience;

(2) athletic competition between citizens of different nations provides a valuable exchange of cultural and personal ideas, and thereby contributes substantially to the ideals of international cooperation in all fields;

(3) the diffusion of authority over amateur athletics among various organizations in the United States has resulted in a lack of coordination which handicaps the individual athlete in international competition;

(4) the United States has a vital interest in assuring that its amateur athletes are offered the greatest support in their training and development in order that they will be able to successfully represent the United States in international athletic competition;

(5) amateur athletes should be given the widest latitude in relation to the development and refinement of their athletic talents; and

(6) the existing amateur athletic organizations do not provide the coordination and cooperation necessary for the achievement of the aforementioned goals.

DECLARATION OF PURPOSE

SEC. 3. The Congress hereby declares that—

(1) it is the purpose of this Act to protect and promote the interests of the individual amateur athlete in the United States and to provide the coordination of efforts necessary to assist American athletes in their development and training, by establishing a Federal Amateur Sports Commission.

(2) it is the purpose of the Commission to promulgate rules and regulations which will improve the coordination of the various amateur athletic organizations and aid in the development of amateur athletic programs in the United States, and thereby in the competitive ability of American athletes in international athletic competition.

(3) it is also the purpose of the Commission to study and analyze the development and use of athletic facilities in the United States and to coordinate the use of those facilities in order to better serve in the development of amateur athletics in the United States; and

(4) it is also the purpose of the Commission to study all factors of athletic competition which relate to the safety and health of athletes, including techniques and procedures for treating injuries and other ailments which result from, or hinder, athletic activity.

SEC. 4. As used in this Act—

(1) the term "amateur athlete" means an athlete who is not remunerated for his athletic performances, except for the payment of expenses incurred incident to his athletic performances.

(2) the term "international athletic competition" means athletic competition in which an athlete or athletes of the United States compete with or against an athlete or athletes of any other nation.

(3) the term "athletic facilities" means any structures or areas of land in or on which it is intended that athletic activity will be conducted.

(4) the term "amateur organization" means any organization which sponsors, sanctions, organizes, or in any other manner controls or supervises the conduct of amateur athletic competition in which citizens of the United States participate.

FEDERAL SPORTS COMMISSION

SEC. 5. (a) A Commission in hereby created and established within the Department of Commerce to be known as the Federal Amateur Sports Commission (hereinafter referred to as the "Commission") consisting of three Commissioners who shall be appointed by the President, by and with the advice and consent of the Senate, one of whom shall be designated by the President as Chairman. The Chairman shall be the principal executive officer of the Commission and, when so designated, shall act as Chairman until the expiration of his term of office. Any member of the Commission may be removed by the President for neglect of duty or malfeasance in office but for no other cause.

(b) The Commissioners first appointed under this section shall continue in office for terms of three, four, and five years, respectively, from the date of enactment of this Act, the term of each to be designated by the President at the time of nomination. Their successors shall be appointed each for a term of five years from the date of expiration of the term for which his predecessor was appointed and has qualified, except that he shall not so continue to serve beyond the expiration of the next session of Congress subsequent to the expiration of said fixed term of office and except that any person appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed only for the unexpired term.

(c) Not more than two of the Commissioners shall be appointed from the same political party. No person in the employ of, or holding any official relation to any national or international amateur athletic organization shall enter upon the duties of or hold the office of Commissioner. Commissioners shall not engage in any other business, vocation, or employment.

(d) (1) Section 5314 of title 5, United States Code, is amended by adding at the end thereof the following new paragraph:

"(58) Chairman, Federal Amateur Sports Commission."

(2) Section 5315 of title 5, United States Code, is amended by adding at the end thereof the following new paragraph:

"(96) Members, Federal Amateur Sports Commission."

(e) No vacancy in the Commission shall impair the right of the remaining Commissioners to exercise all the powers of the Commission. Two members of the Commission shall constitute a quorum for the transaction of businesss. The Commission shall have an official seal of which judicial notice shall be taken. The Commission shall annually select a Vice Chairman to act in the absence or in the case of the disability of the Chairman or in the case of a vacancy in the office of Chairman.

(f) The Commission shall maintain a principal office and may meet and exercise any or all of its powers at any other place. The Commission may, by one or more of its members or by such agents or agency as it may designate, prosecute any inquiry necessary to its function anywhere in the United States. A Commissioner who participates in such an inquiry shall not be disqualified from subsequently participating in a decision of the Commission in the same matter.

(g) The Commission shall prepare and submit to the President for transmittal to the Congress on or before October 1 of each year a comprehensive report on the administration of this Act for the preceding fiscal year. Such report shall include:

(1) a thorough appraisal, including statistical analyses, estimates, and long-term projections, of the status of amateur sports including, but not limited to, the condition of relations among other amateur sports organizations, the status of efforts to improve safety and health in athletics, the development of programs designed to promote and improve the performance of American athletes in international competition, the status of research into methods for the construction and improvement of athletic facilities, and reports on any problems which may be found to exist in the Commission's jurisdiction;

(2) an evaluation of the degree of observance of Federal amateur sports rules and regulations, including a list of enforcement actions, court decisions, and compromises of alleged violations;

(3) a summary of outstanding problems confronting the administration of this Act, in order of priority;

(4) a list, with a brief statement of the issues, of completed or pending judicial actions under this Act;

(5) the extent of cooperation between the Commission officials and the various organizations in the implementation of this Act, including a log or summary of meetings held between Commission officials and other interested parties; and

(6) an appraisal of the significance and potential effects of any legislation at the State, local, or Federal level which relates to the responsibilities of the Commission.

(h) That report required by subsection (g) shall contain such recommendations for additional legislation as the Commission deems necessary to remedy problems which relate to its jurisdiction.

(i) The Commission shall appoint an Executive Director, a General Counsel, a Director of Information, and such other officers and employees as are necessary in the execution of its functions. Commission employees shall be subject to the provisions of title 5, United States Code, governing appointments in the competitive service.

FEDERAL SPORTS RULES

SEC. 6. The Commission shall have authority to promulgate rules or other regulations which relate to—

(a) "the participation of American citizens in international athletic competition". Rules or other regulations promulgated pursuant to the authority vested in the Commission by this subsection shall preempt any other rule or regulation of any other association which relates to participation of American citizens in international athletic competition.

(b) the use and availability of the facilities of all educational institutions which receive, directly or indirectly, financial assistance from the Federal Government: *Provided, however,* That any rule or other regulation promulgated by the Commission pursuant to this subsection shall not affect the use of such facilities for the normal educational and athletic purposes of any such institution.

AMENDMENTS TO EXISTING LAWS

SEC. 7. (a) Section 3(3) of the Act of September 21, 1950 (64 Stat. 900, 36 U.S.C. 373) relating to the United States Olympic Committee, is amended by striking the entire subsection, and inserting in lieu thereof the following:

"to exercise primary responsibility for the organization of the Olympic Games and the Pan-American Games when celebrated in the United States."

(b) Section 3(4) of the Act of September 21, 1950 (64 Stat. 900, 36 U.S.C. 373) relating to the United States Olympic Committee, is amended by inserting after the word "States," the following words:

", subject to the rules and regulations promulgated by the Federal Amateur Sports Commission relating to the participation of United States citizens in international athletic competition,"

(c) Section 4(1) of the Act of September 21, 1950 (64 Stat. 901, 36 U.S.C. 374) relating to the United States Olympic Committee, is amended by striking the words "to organize, select, finance, and control," and inserting in lieu thereof the words:

"to organize, finance, and select, subject to the rules and regulations promulgated by the Federal Amateur Sports Commission relating to the participation of the United States citizens in international athletic competition,"

SEC. 8. Administrative proceedings of the Commission shall be conducted in accordance with the provisions of subchapter II of Chapter 5 of title 5, United States Code, and judicial review, in accordance with Chapter 7 of title 5, United States Code.

SPORT ADVISORY COUNCIL

SEC. 9. (a) The Commission shall establish an Amateur Sports Advisory Council which it may consult before prescribing a sports rule or regulation. The Council shall be appointed by the Commission and shall be composed of eight members, each of whom shall be qualified by training and experience in one or more of the fields within the jurisdiction of the Commission. No member of the Council shall have held any official position with any organization whose activities relate to the jurisdiction of the Commission.

(b) The Council may propose amateur sports rules and regulations to the Commission for its consideration and may function through subcommittees of its members. All proceedings of the Council shall be public, and record of each proceeding shall be available for public inspection.

(c) Members of the Council who are not officers or employees of the United States shall, while attending meetings or conferences of the Council or while otherwise engaged in the business of the Council, be entitled to receive compensation at a rate fixed by the Commission, not exceeding $100 per diem, including traveltime, and while away from their homes or regular places of business they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code. Payments under this subsection shall not render members of the Council officers or employees of the United States for any purpose.

DIVISION OF ATHLETIC FACILITIES

SEC. 10 (a) The Commission shall establish within its organization the Division of Athletic Facilities, which shall be authorized:

(1) to gather, analyze and make available information relating to existing and/or potential procedures for the financing, construction, maintenance and use of athletic facilities;

(2) to consider methods for the economical renovation, expansion, beautification, alteration and conversion of existing athletic facilities in order to best meet the requirements of the communities in which they are located. Such methods should be directed toward the goal of developing facilities which will meet the optimum degree of flexibility, so as to provide the most economical usage within a community:

(3) to study the relationship between athletic facilities and the neighborhoods and communities in which they are located, and to recommend methods of minimizing the impact of the facility on the neighborhood or community. Particular emphasis will be placed upon the impact of the facilities on traffic patterns, law enforcement, and adjacent or nearby housing, and commercial activities.

(4) to provide consultant services, on a remunerated (fee) basis, to private interests and state or local governments which may require such assistance.

(b) The Commission shall appoint a Director of the Division of Athletic Facilities and such other officers and employees as are necessary in the execution of its functions. Employees of the Division of Athletic Facilities shall be subject to the provisions of title 5, United States Code, governing appointments in the competitive service.

DIVISION OF SAFETY AND HEALTH

SEC. 11. (a) The Commission shall establish within its organization the Division of Safety and Health which shall be authorized:

(1) to gather, analyze, and make available information relating to safety in athletics, and to make recommendation for promoting greater safety in athletic activity.

(2) to study the use of drugs and other medications in treating the injuries of athletes, and the effects of such use of drugs and other medications on the athlete during and subsequent to his or her athletic career.

(3) to study the techniques or physical therapy currently used for the treatment of the injuries of athletes, and to encourage and promote the development of such techniques.

(4) to study the effectiveness of existing athletic equipment in preventing and reducing injuries resulting from athletic activities, and to make recommendations for improving the effectiveness of such equipment. Such studies shall include the safety and health factors of the facilities in and on which athletic activity is conducted, such as playing surfaces, restraining devices, etc.

(b) The Commission shall appoint a Director of the Division of Safety and Health and such other officers and employees as are necessary in the execution of its functions. Employees of the Division of Safety and Health shall be subject to the provisions of title 5, United States Code, governing appointments in the competitive service.

ADDITIONAL POWERS OF THE COMMISSION

SEC. 12. (a) The Commission, or any two members thereof, as authorized by the Commission, may conduct hearings at its office or otherwise secure data and expressions of opinion pertinent to the jurisdiction of the Commission. The Commission shall publish notice of any proposed hearings in the Federal Register and shall afford a reasonable opportunity for interested persons to present relevant testimony and data.

(b) The Commission shall also have the power—

(1) to require, by special or general orders, amateur sports organizations, individuals, and other associations to submit in writing such reports and answers to questions as the Commission may prescribe; such submission shall be made within such reasonable period and under oath or otherwise as the Commission may determine;

(2) to administer oaths;

(3) to require by subpena the attendance and testimony of witnesses and the production of all documentary evidence relating to the execution of its duties;

(4) in the case of disobedience to a subpena or order issued under this subsection, to invoke the aid of any disrict court of the United States in compliance with such subpena order;

(5) in any proceeding or investigation to order testimony to be taken by deposition before any person who is designated by the Commission and has the power to administer oaths and, in such instances, to compel testimony and the production of evidence in the same manner as authorized under paragraphs (3) and (4) of this subsection; and

(6) to pay witnesses the same fees and mileage as are paid in like circumstances in the courts of the United States.

(c) Any district court within the United States within the jurisdiction of which any inquiry is carried on may, upon petition by counsel for the Commission, in case of refusal to obey a subpoena or order of the Commission under subsection (b) of this section, issue an order requiring compliance therewith; and any failure to obey the order of the court may be punished by the court as a contempt thereof.

(d) The Commission is authorized to enter into contracts with governmental entities, private organizations, or individuals for the conduct of activities authorized by this Act.

(e) The Commission is authorized to establish such policies, criteria, and procedures and to prescribe such rules and regulations as it deems necessary to administer this Act and its functions hereunder. Unless otherwise specified, the provisions of title 5, United States Code, section 553, shall apply to such proceeding.

COOPERATION WITH FEDERAL AGENCIES

SEC. 13. The Commission is authorized to obtain from any Federal Department or agency such statistics, data, program reports, and other materials as it may deem necessary to carry out its functions under this Act. Each such department or agency is authorized to cooperate with the Commission and, to the extent permitted by law, to furnish such materials to it. The Commission and the heads of other departments and agencies engaged in administering programs related to amateur athletics shall, to the maximum extent practicable, cooperate and consult in order to ensure fully coordinated efforts.

ENFORCEMENT INJUNCTIONS

SEC. 14. Upon applications by the Attorney General, the district courts of the United States shall have jurisdiction to enjoin the Commission of acts in violation of any rule or regulation issued pursuant to section 6, and to compel the taking or any action required by this Act.

INTERPRETATIONS AND SEPARABILITY

SEC. 15. If any provision of this Act or the application thereof to any person or circumstances is held invalid, the remainder of the Act and the application of such provision to any other person or circumstances shall not be affected thereby.

AUTHORIZATION OR APPROPRIATIONS

SEC. 16. There are hereby authorized to be appropriated for the purpose of carrying out the provisions of this Act, the following sums: $3,000,000 for the fiscal year ending June 30, 1975; $5,000,000 for the fiscal year ending June 30, 1976; and $5,000,000 for the fiscal year ending June 30, 1977.

ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTIONS

S. 427

At the request of Mr. KENNEDY, the Senator from North Dakota (Mr. BURDICK) was added as a cosponsor of S. 427, the Development Disabilities Services and Facilities Construction Act of 1973.

S. 471

At the request of Mr. CHURCH, the Senator from Rhode Island (Mr. PASTORE) was added as a cosponsor of S. 471, to encourage State and local governments to reform their real property tax systems so as to decrease the real property tax systems so as to decrease the real property tax burden of low- and moderate-income individuals who have attained age 65.

S. 522

Mr. MOSS. Mr. President, I ask unanimous consent that the Senator from Alaska (Mr. Stevens) be added as a cosponsor of my bill, S. 522, "Fish Disease Control Act of 1973."

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Mr. President, I am pleased to cosponsor S. 522, the "Fish Disease Control Act of 1973." This is a worthy piece of legislation. It attempts to control several vicious diseases which attack and destroy many thousands of fish annually. Animals, not only in Alaska, but throughout the United States, will be saved as a result. Trout and salmon as well as various other species have a great deal at stake in this legislation.

Dr. Joseph Linduska of the Bureau of Sport Fisheries and Wildlife testified before the Subcommittee on Oceans and Atmosphere on November 24, 1971, that during 1970 commercial and sport fishermen took a combined salmon and steelhead catch total worth over $90 million in the Pacific Northwest. The commercial trout fishery during 1971 produced over 25 million pounds of trout which were worth over $14 million. Several diseases hang like the "sword of Damocles" over our valuable fish. These are whirling disease, which causes severe crippling and frequent spells of mad "tail chasing", and infectious pancreatic necrosis (IPN). Another disease which has not yet been found in North America, but which has run rampant in European trout is viral hemorrhagic septicemia (VHS). Not only these diseases but channel catfish virus disease and other severe sicknesses will be combated by this bill.

I have sought out the position of the Alaska Department of Fish and Game on this legislation. That department strongly supports the bill and has urged my cosponsorship. They have informed me that the bill will benefit Alaska commercial fisheries and recreational fisheries by preventing the importation and introduction from foreign countries and other States of serious fish diseases.

Mr. President, I request unanimous consent that a short statement by Commissioner James W. Brooks of the Alaska Department of Fish and Game on this bill be printed in the Congressional Record in its entirety at this point.

There being no objection, the statement was ordered to be printed in the Record, as follows:

The Alaska Department of Fish and Game urges your co-sponsorship of "Fish Diseases Control Act of 1973" with Senator Moss of Utah. This bill, if adopted, would benefit Alaska Commercial fisheries and recreational fisheries by preventing the importation and introduction from foreign countries and interstate transport of serious fish diseases. With uncontrolled shipment of live fish and eggs in foreign and interstate commerce, the appropriation for dissemination of dangerous fish diseases throughout the continent is magnified. The problem of controlling fish diseases exceeds regular boundaries and is of international significance.

The Alaska Department of Fish and Game supported resolutions for the introduction and adoption of protective legislation as regards to fish diseases at both meetings of the Western and International Associations of State Fish and Game Commissioners in 1972.

James W. Brooks,
Commissioner.

S. 707

At the request of Mr. Ribicoff, the Senator from South Dakota (Mr. Abourezk), the Senator from Indiana (Mr. Bayh), the Senator from Massachusetts (Mr. Brooke), the Senator from Nevada (Mr. Cannon), the Senator from New Jersey (Mr. Case), the Senator from Florida (Mr. Chiles), the Senator from Iowa (Mr. Clark), the Senator from Alaska (Mr. Gravel), the Senator from Michigan (Mr. Hart), the Senator from Colorado (Mr. Haskell), the Senator from Maine (Mr. Hathaway), the Senator from Iowa (Mr. Hughes), the Senator from Minnesota (Mr. Humphrey), the Senator from Massachusetts (Mr. Kennedy), the Senator from Maryland (Mr. Mathias), the Senator from South Dakota (Mr. McGovern), the Senator from Montana (Mr. Metcalf), the Senator from Minnesota (Mr. Mondale), the Senator from Wisconsin (Mr. Nelson), the Senator from Rhode Island (Mr. Pastore), the Senator from Rhode Island (Mr. Pell), the Senator from Vermont (Mr. Stafford), the Senator from Illinois (Mr. Stevenson), and the Senator from New Jersey (Mr. Williams) were added as cosponsors of S. 707, a bill to establish a Council of Consumer Advisers in the Executive Office of the President, to establish an independent Consumer Protection Agency, and to authorize a program of grants, in order to protect and serve the interests of consumers, and for other purposes.

Mr. CASE. Mr. President, I am glad to join in sponsoring S. 707 to give the consumer a stronger voice in the Federal Government.

Our bill will establish a Consumer Protection Agency to act as a consumer's advocate in the Federal Government and in the courts. It also will establish a council, along the lines of the Council of Economic Advisers, to advise the President on consumer matters.

Legislation to set up a Consumer Protection Agency has passed previously both Houses of Congress on different occasions by wide margins. Last year, the Senate sought to pass a bill nearly identical to S. 707, but this effort was thwarted by a filibuster in the closing days of Congress.

The need for a Consumer Protection Agency could not be more clear. For, each week and each year, the Federal Government makes numerous decisions which vitally affect the interests of American consumers.

The decisions are the result of formal and informal actions.

Formal actions, depending on a particular agency's rules, may be characterized by advance notice to the public, open hearings and a written record. In notice and comment type proceedings—also formal—the docket, or file of responses, is open to the public.

Formal actions may involve the Food and Drug Administration deciding the efficacy of a drug. Or it may involve actions by the Interstate Commerce Commission and the Civil Aeronautics Board on freight rates and fares.

Or, in another type of formal action, the Federal Trade Commission may conduct an investigation to determine whether a company should be punished for a deceptive practice, such as misleading advertising.

Another type of action—particularly susceptible to abuse—is the informal proceeding which is conducted out of sight of the public and usually without its knowledge. In a Senate Government Operations Committee report last year, it was estimated that "perhaps 90 percent" of the Government's work is accomplished informally.

The committee pointed out that such activities as the Government's investigation of interstate phone rates, the recall of adulterated food, and the removal of lead-based Christmas tree tinsel from the market all involve, or involved, informal actions, despite their potential impact on the consumer.

In an example of how far informal decisionmaking can go, the committee report took note of the Department of Agriculture's decision to permit cooked poultry in frankfurters and sausage. The Department not only kept the public in the dark as to its actions, but when it made them public it did so, according to the report, in a "a secret USDA in-house publication."

In such cases the consumer interest is represented, if at all, after the informal decisions are made. By then it is usually too late to undo what damage has been done.

On formal matters, the consumer is handicapped by a lack of time and resources to do an adequate job in his own behalf. On the other hand, his industry counterpart will be well and fully represented and, furthermore, can write off the cost as an expense of doing business.

While the consumer is not without resources, these are not, at this time, an effective counterweight to the resources that industry and other special interests can bring to their side of a cause.

And so long as the consumer lacks the means for promptly, effectively, and consistently presenting his views, it is almost too much to expect that agency decisions and actions will reflect his concerns.

It is essential that balance be provided. The means for doing this is the establishment of a Consumer Protection Agency as provided by S. 707.

Under our bill, the CPA would have authority to intervene in formal agency proceedings, presenting evidence, cross-examining witnesses, and proposing findings and conclusions.

Before it can intervene, the agency would have to determine that a substantial consumer interest is at stake.

And where regulator and regulated engage in informal decisionmaking, the CPA will have the right to notice of such proceedings and to make the consumer interest known verbally or in writing.

Beyond this, the Agency will have authority to represent the consumer interest in court if any agency's action leads to litigation; to press Federal agencies to act when action is called for; to try to help consumers victimized in the marketplace, and to inform itself and the public about shoddy goods and shady practices.

The CPA is not established to be antibusiness. No doubt it frequently will advocate positions supported by all or parts of an industry where it is in the consumer interest to do so. Or it might initiate a complaint against an unethical firm which is giving an entire industry a bad name.

To the extent CPA is successful in its work it will improve the marketplace for consumer and honest businessman alike.

I believe our bill is essential to the greater protection of the consumer and I urge its enactment this year.

S. 1033

Mr. PACKWOOD. Mr. President, I ask unanimous consent that the senior Senator from Minnesota (Mr. MONDALE) be hereafter listed as a cosponsor of S. 1033, the Timber Export Administration Act of 1973.

Mr. MONDALE has been of invaluable assistance to the continuing effort by the Subcommittee on International Finance to better understand the difficulties associated with unrestricted log exports. Although Mr. MONDALE is no longer a member of the Committee on Banking, Housing and Urban Affairs, as the chairman of the Subcommittee on International Finance, he exhibited an extraordinary awareness of, and concern over, the issue.

I am delighted to announce his cosponsorship of the proposal.

The PRESIDING OFFICER. Without objection, it is so ordered.

S. 1136

At the request of Mr. KENNEDY, the Senator from Connecticut (Mr. RIBICOFF) and the Senator from Alaska (Mr. GRAVEL) were added as cosponsors of S. 1136, the Public Health Service Act of 1973.

FEDERAL-AID HIGHWAY ACT OF 1973—AMENDMENT

AMENDMENT NO. 29

(Ordered to be printed and to lie on the table.)

Mr. KENNEDY (for himself, Mr. WEICKER, Mr. BIDEN, Mr. PELL, Mr. PASTORE, Mr. HART, Mr. BROOKE, Mr. RIBICOFF, and Mr. HATHAWAY) submitted an amendment intended to be proposed by them jointly to the bill (S. 502) to authorize appropriations for the construction of certain highways in accordance with title 23 of the United States Code, and for other purposes.

Mr. KENNEDY. Mr. President, I am pleased to introduce, for myself and the distinguished Senator from Connecticut (Mr. WEICKER) and others, an amendment to S. 502, the Federal-Aid Highway Act of 1973.

Tomorrow, the Senate will begin debating whether we will open the highway trust fund to bus and rail mass transit or whether we will continue to deny to cities and States the flexibility to decide how best to meet their transportation needs.

This amendment is an effort to remedy the major flaw in S. 502, the failure to permit flexibility to cities and States in their use of non-Interstate Highway trust fund moneys.

As in the past, the committee bill would prohibit New York, Boston, and all other urban areas where some 75 percent of our population lives, from choosing to use a portion of their funds for rail mass transit.

The committee bill also backtracks from its own actions last fall by prohibiting rural States from choosing to use any portion of their rural fund allocation for public transportation of any sort.

Therefore, we feel it is urgent to offer an option to local and State governments, an option to decide locally on how much of the trust fund allotment should be used for building highways, how much for developing a bus mass transit, and how much for developing a rail mass transit system.

This amendment will allow cities and States to use their non-Interstate moneys, some $2.3 billion each year, for bus or rail mass transit as well as for building highways.

In providing this option, we have recognized the concern expressed by numerous Senators that the balance provided by the committee bill in the allocations of funds between States, and in the allocations between urban and rural areas within States, not be disturbed. We have added specific language therefore to this amendment to reemphasize the action already taken by the committee to insure that urban funds are spent in urban areas and rural funds are spent in rural areas.

But we are seeking to remedy the failure of the past 16 years, a failure to recognize that meeting America's transportation needs means developing a balanced transportation system. For 16 years, we have been passing out Federal funds through the highway trust fund to create a system that was so biased in favor of highway construction that other needs were not met.

Thus, since 1956 some $53 billion in Federal trust fund moneys have been spent to build highways, yet less than by one-tenth as much has been allocated for mass transit. Since 1950, some 268 mass transit systems have disappeared and a similar decline has occurred in intercity rail transportation, systems which have been virtually excluded from Federal assistance.

In this amendment, we merely are asking that cities and States have flexibility to determine how much of their non-Interstate Highway trust fund allocations will be used for building highways and how much for mass transit. We assume that most rural States will continue to spend their allocations on needed roads and we assume that many urban States will spend a portion of their funds on highways as well. But we believe they both should have the option to use a portion of their funds on public bus or rail transportation systems.

This amendment will give them that option.

Mr. President, Senator WEICKER and I have addressed letters to our colleagues explaining this amendment and providing as well a detailed explanation of its impact. I ask unanimous consent that they be printed in the RECORD along with several news articles on this subject.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, D.C., March 12, 1973.

DEAR COLLEAGUE: We intend to introduce an amendment to S. 502, the Federal Aid Highway Act of 1973, which will be considered by the Senate later this week. The amendment would broaden the language of the Act to allow $2.3 billion in non-interstate highway funds to be used for mass transit each of the next three fiscal years.

The aim of our amendment is very simple: it would add a new dimension of flexibility on transportation planning where too little now exists. States and localities have not been able to use their allocations from the highway trust fund to meet transportation needs, only to build highways.

As ordered reported by the Senate Public Works Committee, the bill provides no option for any of the money to be available for any form of rail mass transit. Nor does the Committee bill this year permit rural funds to be used for any form of mass transit, even buses, except for a small demonstration program.

There are new innovations—commuter cars on existing rail lines, modern at-grade tram systems, monorails, and minirapid transit systems—as well as traditional bus and rail transit systems which have broad applications for meeting the nation's transportation needs. At a time when the Environmental Protection Agency has warned 67 cities that they must restrict auto traffic to meet Clean Air Act standards, when the Department of Transportation joins environmental groups in finding our transportation system suffering from urban congestion and imbalances in financing, and when 32 cities have blocked federally financed highway routes, the need for a balanced transportation system is apparent.

For that reason, we have proposed an amendment which provides an option to states and localities as to how best to use their non-interstate allocations. This amendment does not mandate any action, it merely permits greater flexibility to local and state government officials in deciding whether to build highways, to develop bus mass transit systems or to develop rail mass transit systems.

And as a result of suggestions made numerous Senators, the Amendment will insure that funds authorized for urban areas would be spent in urban areas, and that funds authorized for rural areas would be spent in rural areas. Thus, the amendment does not affect, in any way, the allocation between states, nor does it affect the urban-rural split of funds within states.

If you would like to join us in sponsoring this amendment, or if we can be of any further assistance, please have a member of your staff call Mark Schneider (54543) or Bob Dotchin (54041).

Sincerely,

EDWARD M. KENNEDY,
LOWELL P. WEICKER, Jr.

EXPLANATION: KENNEDY-WEICKER AMENDMENT TO S. 502—FEDERAL-AID HIGHWAY ACT OF 1973

What the amendment does do:

1. It does permit states and local governments to use noninterstate urban monies for

rail mass transit, and bus mass transit in addition to highways in urban areas.

2. It does permit state governments to use non-interstate rural monies for bus and rail mass transit in addition to highways in rural areas.

3. It does permit the Secretary flexibility in the use of funds in national parks and on Indian reservations to meet transportation needs for building highways or developing bus or mass transit systems.

What the amendment does *not* do:

1. It does *not* affect the allocation of trust fund monies between states.

2. It does *not* affect the earmarking of monies by the Committee bill between urban and rural areas.

3. It does *not* affect the Interstate Highway Authorization.

4. It does *not* affect a single planning requirement contained in the Committee bill.

Thus, the Kennedy-Weicker Amendment simply provides the option to states and cities enabling them to decide for themselves how to meet their transportation needs, by developing bus and rail transit and by building highways. The amendment does not mandate a single bus system in urban or rural areas or a single rail mass transit system or a single highway. It merely provides the additional option of mass transit to states and cities in making their choices of how best to meet their transportation needs.

The effect of the Kennedy-Weicker bill is shown graphically below:

PUBLIC WORKS COMMITTEE BILL (S. 502)—KENNEDY-WEICKER AMENDMENT

Program	Fiscal year authorization (millions) 1974	1975	1976	Authorization amounts	Use of funds
Interstate	$3,250	$3,250	$3,250	No change	No change.
½ of 1 percent	50	50	50		
Total	3,300	3,300	3,300		
Rural:					
Primary	650	650	650	do	Option for bus or rail transit.
Secondary	350	350	350		
Total	1,000	1,000	1,000		
Urban:					
Urban system	850	850	850	do	Do
Urban extensions	350	350	350		
Total	1,200	1,200	1,200		
Rural demonstration	30	30		do	Do.
Park roads	30	30	30		
Indian reservation roads	75	75	75		
Other	465	365	365	do	No change.
Total	6,100	6,000	5,970		

OCTOBER 19, 1972.

The EDITOR,
Boston Herald Traveler and Record American,
Boston, Mass.

DEAR SIR: I am writing to thank you for the support expressed in your September 26 editorial for my efforts to amend the 1972 highway act to permit highway trust fund money to be spent on mass rail transit, according to local communities' determination of how best to solve their own transportation problems. Unfortunately, the optimism expressed in your editorial was slightly premature.

The Senate passage of a slightly more limited amendment permitting flexibility in the use of $800 million as opposed to the $2.3 billion which I and Senator Weicker had urged was only one step. The House, where the highway lobby traditionally has been strongest, rejected that effort. And House conferees were not willing to take any action allowing even one dime from the highway trust fund to go anywhere except into more concrete.

The conference committee agreed to a one-year extension of existing programs, but the House did not act prior to adjournment. The result is a draw. The highway lobby succeeded in blocking the opening of a trust fund for a balanced transportation system but at the same time they lost their battle for across the board extension of highway programs. This assures us of another crack at the highway trust fund early next session.

I look forward to do all I can to see that we establish a balanced transportation system, and permitting funds from the trust fund to go to mass transit is one way to achieve that goal.

Sincerely,

EDWARD M. KENNEDY.

[From the Boston Herald Traveler & Record American, Boston, Mass. Sept. 26, 1972]

OF ROAD AND RAILS

The tremendous influence the highway lobby has exerted over the Congress since the multibillion Highway Trust Fund was created in 1956 appears to have been, if not broken, at least weakened in Washington last week.

We have no quarrel with highway construction, which has done much to open the Massachusetts countryside and make small towns accessible to the thousands of city dwellers who have fled to more inviting environments.

But their hope of enjoying their new surroundings depends to a large degree on their being able to commute daily to business without the aggravation and annoying and costly delays caused by traffic jams on overcrowded highways. Only a balanced transit system, a combination of safe, swift, convenient and time-saving rail transit as well as highways, can assure that.

The action of the Senate, in approving a $800 million amendment to the $18 billion federal highway authorization, would permit the states to spend that amount on rapid transit improvements in the form of railroad and subway construction and to purchase much needed equipment.

The MBTA and other public transportation systems in Massachusetts could benefit greatly from the federal funding in this pioneer legislation, if it survives in the House, where the fondness for highways is much more pronounced.

Actually, the $800 million is only a small part of the total needed to do the job properly. It is scarcely more than enough for this state alone to meet its growing needs. But it would be a start that is long overdue. The $2.3 billion which had been proposed by Senator Kennedy and Lowell Weicker of Connecticut would have been more realistic.

But the present amendment, sponsored by Sen. Edmund Muskie of Maine and Sen. John Sherman Cooper of Kentucky was strongly supported by U.S. Transportation Secretary Volpe; and on the basis of the broader bipartisan support was rated the better chance for passage.

Volpe's argument for federal support for rail transit was right to the point: "We need all modes of transportation in some of our cities and we need meaningful alternatives in all of our cities. This bill provides for these alternatives by giving local leaders the flexibility they need to attack the problems which are making our urban areas uninhabitable."

Anyone who has fought the traffic on the Expressway and the main highways to the north, south and west of the city, knows exactly what he meant.

[From the Evening Star-News, Feb. 4, 1973]

AUTOS VERSUS MASS TRANSIT—HIGHWAY TRUST FUND FACES NEW ASSAULT

As I went walking that ribbon of highway
I saw above me the endless skyway
I saw below me the golden valley
This land was made for you and me.
—WOODY GUTHRIE.

(By Martha Angle)

Hardly anyone walks the highways these days; it isn't safe. The skyways are split by freeway ramps and the valleys are blanketed in smog. The mark of the automobile is engraved on the land.

Americans last year traveled more than one trillion miles across 3.7 million miles of highways in more than 112 million motor vehicles.

Four out of five households owned at least one car, and 30 percent of them owned two or more. With only 5.7 percent of the world's population, the United States has 46.1 percent of the world's cars.

But America's love affair with the automobile is starting to sour, especially in the cities where vehicle emissions cloud the air, traffic jams fray the nerves and urban freeways slice through neighborhoods. The automobile's energy appetite has led to threats of gasoline rationing.

Congress this year will decide whether the federal government—which for the past two decades has lent its financial and political muscle to a vast expansion of America's highways and automobile travel—should now shift its priorities towards other forms of transportation, most notably mass transit.

On Wednesday, the Senate Public Works Committee will open hearings on the proposed Federal Aid Highway Act of 1973, legislation which will play a critical role in determining transportation policy directions for the rest of this decade.

Highway aid bills normally are enacted in even-numbered years. But the divisions in Congress are so deep that the House and Senate deadlocked over last year's bill and it died on the final day of the 92nd Congress.

The fight centers on whether the 17-year-old Highway Trust Fund—which has always been reserved exclusively for road construction purposes—should be opened up for mass transit spending, including outlays for rapid rail.

The Senate last year voted to "bust the trust." The House refused to consider it. Lobbyists on both sides of the issue are gearing up for a massive tug-of-war.

Leading the fight to open up the trust fund is the Highway Action Coalition, an amalgam of approximately two dozen civic, environmental, labor, health and political organization directed by 24-year-old John D. Kramer.

Battling to preserve the sanctity of the fund, and to expand rather than reduce outlays for highway construction, are a number of interest groups that make up the so-called "highway lobby." Prominent among them are the Highway Users Federation, the American Road Builders Association, the American Association of State Highway Officials and the American Trucking Association.

The Highway Trust Fund, created by Congress in 1956, is financed through highway user taxes—primarily a four cents per gallon gasoline tax, plus levies on trucks, automotive parts, tires and lubricating oil.

With an annual income now approaching $6 billion, the fund permits road construction on a pay-as-you-build basis. As of last Oct. 1, the federal government had spent $55.6 billion in Highway Trust Fund money, according to the Federal Highway Administration.

The balance on hand in the trust fund as of Jan. 1 was $4.68 billion—a figure which rises every day as tax revenues flow in. The unpaid obligations as of the same day were $6.87 billion, an FHA spokesman said, a figure representing "projects in the pipeline."

The federal government has been in the road-building business for most of this century, and its involvement can actually be traced back to Article 1, Section 8 of the U.S. Constitution which authorizes Congress "to establish Post Offices and post roads."

In the early part of this century, federal highway aid was aimed largely at "getting the farmer out of the mud," as one official of the Highway Users Federation put it.

Then in 1944, Congress authorized creation of a national system of interstate and defense highways to link major cities and provide coast-to-coast highway routes.

With creation of the Highway Trust Fund in 1956, a road building boom began. Top priority was given to a 42,500-mile interstate system, with the federal government paying 90 percent of the cost and states the other 10 percent.

Federal funds for construction of primary and secondary roads, plus urban extensions of those routes, was made available to the state on a 50–50 matching basis. And in 1970, a $100 million pot was set up to pay for urban highways not fitting into the other categories.

With a secure source of funding, the federal aid highway program has been immensely successful. The interstate system is 80 percent complete, with 33,796 miles open to traffic. All told, about one-quarter of the nation's 3.7 million miles of highway have been built with federal assistance.

But critics charge that the existence of a huge reservoir of money reserved exclusively for highway spending has led to an excessive reliance on automotive travel to meet transportation needs.

"It's a self-perpetuating argument," said Kramer.

"Since the money can only be used for highways, expenditures on highways have gone up inexorably. The more you drive, the more gas you use, which means that more money flows into the trust fund and more roads are built—which encourages you to drive more," Kramer said.

Sen. Lowell P. Weicker, R-Conn., a leading Senate advocate of opening up the trust fund to mass transit, said:

"Highways were our first priority when the Trust Fund was set up in 1956. But the building of highways became a national obsession—and this obsession has caused what can only be described as the 'great American motion sickness . . .'

"Seventy-five percent of our people now live in urban areas, and endless highways often do them more harm than good . . . We have become a nation of automotive lemmings."

But pro-highway forces contend that the resources of the Highway Trust Fund are inadequate to meet foreseeable road-building needs, let alone other types of public transportation such as rapid rail.

"Ground transportation is an underfunded service in the United States. We are not keeping up with the demands," says Peter G. Koltnow, vice president for professional affairs of the Highway Users Federation.

LEGISLATION OFFERED

"Highway taxes are not enough to keep up with highway needs, let alone transit," Koltnow said. "We believe transit deserves a long-range commitment of adequate funds, but not by shifting from pocket to pocket."

Weicker and Sen. Edward M. Kennedy, D-Mass., have introduced the most sweeping "trust-busting" legislation of this Congress.

Their bill would not touch some $3.25 billion set aside for interstate highway construction in the next fiscal year, but would give cities and states the option of using $2.75 billion in trust fund money either for highways (primary, secondary, urban extension and urban system) or for public transportation—either bus or rail.

Sen. Edmund S. Muskie, D-Maine, is chief sponsor of somewhat more modest legislation that would permit states to use up to $1 billion a year for public transportation projects instead of urban roads.

Muskie has also proposed that states be required to set up automobile emission inspection programs and his bill would allocate up to $350 million a year in Highway Trust Fund money to pay for these.

In addition, he would allow the secretary of Transportation to divert up to 10 percent of annual trust fund revenues (about $550 million) to emergency transportation programs in cities forced to reduce auto traffic to meet federal air quality standards.

The Senate Public Works Committee last year voted 8–7 against busting the trust, but was overridden when the full Senate adopted a slightly less expensive version of Muskie's proposal to make trust funds available for mass transit. But the bill died.

The committee bill introduced this year by Sen. Lloyd Bentsen, D-Texas, would make $650 million in trust fund money available for highway-related public transportation, including the purchases of buses. It would not allow spending for rapid rail.

The committee will probably support the Bentsen bill, but the full Senate is likely once more to go further and support trust fund expenditures for mass transit as well. "The question really is how pregnant are we going to be," one source commented.

Several factors could influence a floor vote on the issue. One is the departure of John Volpe as secretary of Transportation. Volpe, a committee source said, "really lobbied that provision (the trust-busting amendment) through the Senate."

BACKED BY ADMINISTRATION

Although the amendment carried by a 48–26 margin, he said, "it's hard to say how much of that was a personal tribute to Volpe and how much was the power of the administration."

The Nixon administration, as the President's transportation budget message makes clear, will once again support efforts to open the trust fund to mass transit spending. Volpe's successor, Claude Brinegar, will testify at Wednesday's hearing. But it is not yet clear how hard they will fight for their position.

Another factor which could prove important this year is the retirement of Sen. John Cooper, R-Ky., an enormously respected and effective advocate of trust-busting who was the ranking GOP member of the Senate Public Works Committee.

It was Cooper, more than any other single member, who held the Senate conferees in line during the closing days of the last session and refused to compromise on the trust-busting issue.

The House Public Works Committee is once again likely to resist efforts to open up the Trust Fund for mass transit, although there is an outside chance the committee might agree to make some money available for highway-related public transportation.

EXPECTED TO REACH FLOOR

Last year, a parliamentary ruling—coupled with an 8–7 vote in the Rules Committee—prevented a House vote on the trust-busting issue itself. The only floor vote came on a motion to waive a rule that was blocking debate of the issue, and that motion lost 200 to 168.

This year, the chances are good that the issue will at least reach the floor. There are four new members of the Rules Committee and a new chairman, and last year's parliamentary ruling could well be changed.

The House committee is not only fighting to block trustbusting moves; it is also pursuing a crusade of its own to create a whole new 10,000-mile "priority primary" highway system that foes have dubbed the "junior interstate system."

The Senate is opposed to creation of this new 10,000-mile network of dual highways, contending that a thorough study is needed before such a major expansion of the federal highway program is undertaken.

With the Highway Trust Fund now scheduled to expire in 1977, many senators feel it is time to take a hard look at the entire future of federal highway aid. To approve the 10,000-mile priority primary system at this point would almost certainly predetermine the continuation of the trust fund, they believe.

As the Senate committee prepares for this week's opening two days of hearings, lobbying groups of all persuasions are preparing testimony and swinging into action behind the scenes. The heat for the moment is concentrated on the Senate, since the House does not yet even have a bill introduced.

One new member of the Senate Public Works Committee has already started receiving letters from individuals and organizations in his home state congratulating him upon his assignment to the committee and seeking his support for keeping the Highway Trust Fund inviolate.

Several letters were from constituent organizations of the American Road Builders Association, which is made up of some 5,400 contractors, equipment manufacturers, county and municipal public works officials and engineering groups.

One letter, from a county engineer's office said: "These taxes (in the trust fund) are generated by road users and this money should come back to the roads, not mass transit. Let mass transit pay for itself!"

HEAT FROM BACK HOME

Daniel J. Henson, executive vice president of the American Road Builders Association—which has offices directly across the street from the Department of Transportation—said his organization's Washington office does not engage in direct Capitol Hill lobbying.

"We do run a lot of briefings here for our members, officers of our state chapters," he said. "We emphasize grass roots support; that's our attitude. I'm sure members of Congress really want to hear from their constituents.

The "heat from back home" lobbying technique is not the exclusive preserve of pro-highway interests, however. Kramer's organization, the Highway Action Coalition, began prodding its constituent members through its newsletter as long ago as last November.

"While members of Congress are in their districts between sessions is a good time for catching up on some lost votes and paving the way to win votes from the new legislators," said the lead article in "The Concrete Opposition."

"The pro-highway heat is already on. The recess presents a rare opportunity for face-to-face meetings with your senators and representatives and you will be letting us all down if you do not take advantage of this opportunity," the newsletter warned.

[From the Washington Star-News, Feb. 5, 1973]

Highway Trust Fund Battle Holds Key to Area Transport

(By Martha Angle)

As Congress this week begins grappling with proposed new federal aid highway legislation, attention of legislators and lobbyists alike will focus primarily upon efforts to open up the long-sacrosanct Highway Trust Fund for mass transit spending.

The outcome of the fight may signal whether federal transportation policy for the rest of this decade will continue to emphasize highway construction and automobile travel or shift towards mass transportation, both bus and rail.

And the outcome also will have important consequences for the transportation systems of the D.C. area.

As a practical matter, even if the "trust busting" forces prevail in Congress, the amount of money likely to be made available for mass transit is little more than a drop in the bucket when measured against the needs of the nation's cities.

The construction of a rapid rail system is immensely expensive. The Washington area Metro system alone will cost an estimated $3 billion.

At best, Congress is unlikely to provide more than $1 billion annually in Highway Trust Fund revenues for mass transit projects across the country. The total annual revenues in the trust fund now approach $6 billion.

But there is a "sleeper" provision in all pending Senate versions of this year's highway bill that could free additional billions for mass transit spending and have sweeping ramifications in the District, Maryland and Virginia.

This provision, considered almost certain to be approved, would permit the secretary of Transportation—at the request of a state's governor and the affected local government—to eliminate non-essential interstate highway segments in urban areas.

The funds already set aside for construction of these urban freeways would remain available for use by the city involved on other urban roads or—if the trust-busting forces prevail—for expenditures on mass transit in that city.

In the District, for instance, some $1.2 billion is allocated for construction of 30 miles of interstate highway. But only 11 miles have actually been built, at a cost of some $459 million, according to the Federal Highway Administration.

CONTROVERSIAL PROJECTS

The remaining freeway segments include a number of extremely controversial and expensive projects such as the Three Sisters Bridge, the now-dormant North Central Freeway, the Potomac River Freeway and the K Street extension of Interstate Route 66. The K Street project, a 2.9-mile freeway stretch estimated to cost $243.6 million, is the single most expensive interstate segment in the nation.

If the so-called "interstate transfer" provision is adopted, along with language to make urban road funds available for mass transit, all of the District's unexpended interstate money would theoretically become available for new Metro lines or added buses.

Maryland and Virginia could be affected as well. In Maryland, according to the FHA, 326 miles of the planned 353 miles of interstate highway have been constructed. But only $781 million of the state's $1.89 billion interstate allocation has been spent.

INCLUDES I–66 SEGMENT

The remaining mileage is almost entirely for hotly contested urban freeways through Baltimore, and city interstate segments are the most expensive to build. Thus about $1.1 billion remains in the pot and could be used for transit purposes instead of roads if Congress adopts the two key provisions of the highway bill.

Virginia has built 843 miles of its 1,073-mile interstate network and has another 57 miles under construction. The state has spent $1.5 billion of its $2.4 billion allocation. Not much of the remaining mileage is in urban areas, but two projects which are include the Northern Virginia segment of I–66 and the approaches to the Three Sisters Bridge, totaling $107.7 million.

The interstate transfer provision permitting governors in conjunction with city officials to scrap previously planned interstate segments but still hang onto the money allotted for them grew out of last year's decision by Massachusetts Gov. Francis Sargent to cancel $1 billion worth of urban freeways in Boston.

Sargent also barred any increase in downtown parking in Boston and proposed a 15-year, $1.5 billion mass transit effort there.

RESISTANCE EXPECTED

The House, traditionally a bastion of pro-highway support, is expected to put up bitter resistance to both the interstate transfer proposal and to the larger bid to make urban highway funds available—at local option—for bus and rail mass transit.

In another move affecting the Washington area, the House is also expected to try again this year to mandate construction of the Three Sisters Bridge across the Potomac River.

Congress first ordered construction of the bridge—which is to carry the as yet unfinished I–66 across the river into the District—in the 1968 Highway Act, but a series of court challenges has halted all work on the project.

The U.S. Court of Appeals for the District ruled in October, 1971 that the Department of Transportation would have to hold further hearings and conduct more studies before construction could proceed. Last March, the Supreme Court turned down the government's appeal from that ruling.

But in an unusual judicial aside, Chief Justice Warren Burger said that "Congress may, of course, take any further legislative action it deems necessary to make unmistakably clear its intentions with respect to the Three Sisters Bridge project, even to the point of limiting or prohibiting judicial review of its directives."

The House last year seized upon Burger's suggestion and adopted language prohibiting any court from taking any action to impede, delay or halt construction of the bridge. Although the Senate refused to accept this language last year, a renewed House drive for its approval is almost a certainty.

MASS TRANSIT SUBSIDIES

There is one other pending tranportation proposal in Congress which may wind up as part of the 1973 Federal Aid Highway Act and which could affect the Washington area.

Sen. Harrison A. Williams Jr., D-N.J., has introduced legislation to make $800 million in mass transit operating subsidies available over the next two fiscal years out of general tax revenues rather than the Highway Trust Fund. A similar measure has been introduced in the House.

The Nixon administration, which favors making trust fund money available for mass transit construction, bitterly opposes operating subsidies for transit system contending that such subsidies would reward inefficiency and waste in local transit operations.

Nonetheless, the proposal carried easily in the Senate last year and was included in the final House-Senate conference version of the highway bill which died in the closing moments of the 92nd Congress. It stands a good chance of adoption again this year.

Mr. WEICKER. Mr. President, I am pleased to join with the distinguished Senator from Massachusetts in this amendment to S. 502—the Federal-Aid Highway Act of 1973—an amendment which would bring the greatest degree of balance to our transportation system.

Senator KENNEDY and myself, as well as Senators BAKER and MUSKIE, have offered amendments that would permit highway trust fund moneys to be used for mass transit. The Kennedy-Weicker amendment applied this broadened use to $2.3 billion of trust fund moneys, while the Baker-Muskie amendment has $850 million as its goal.

Mr. President, I would like to briefly explain how the Kennedy-Weicker amendment would operate.

It is important to note, at the outset, that the bill proposed by Senator KENNEDY and myself will in no way interfere with that portion of the trust fund set aside for completion of our Interstate Highway System. Our proposal would, however, give State and local governments the choice—and I emphasize the word choice—of spending noninterstate funds to the fullest advantage where buses, railroads, or subways present a more viable solution to the transportation problem.

In the simplest terms, then, this proposal provides that an estimated $3.25 billion, allocated for completion of the Interstate System, would not be touched.

The important distinction would be the treatment of an estimated $2.3 billion allocated for noninterstate funding. While there would be no requirement that these funds be spent on mass transit, States and cities would be given an option to spend their funds on rail or bus transit.

In urban areas, this amendment would allow the option of using moneys allocated under the noninterstate portion of the highway bill which sets aside funds for urban areas—and I emphasize the word urban—to be spent for rail or bus transit or for highways, in those same urban areas.

In rural areas, the moneys allocated for noninterstate rural projects under the highway bill could likewise be spent for bus and rail transit or for highways, in those rural areas.

Thus, the amendment assures that funds authorized for urban areas would be spent in urban areas. It does not, in any way, affect the urban-rural split of funds.

In addition, the amendment permits the Secretary of Transportation flexibility in the use of highway funds for national parks or Indian reservations for the construction of highways or for developing other types of transportation systems that may be more convenient for hoards of visitors, or more accessible to lower-income populations.

Therefore, the amendment does not affect the allocation of moneys, as between States, in the highway bill reported out of the Public Works Committee.

It does not affect the allocation of moneys as between urban and rural areas.

It does not affect a single planning requirement as recommended by the bill that was recently reported out of the Public Works Committee.

It does not, of course, affect the Interstate System.

Mr. President, the senior Senator from Massachusetts and I have offered an amendment that is not antihighway in its purpose, but is only antirigidity. For the first time transportation decisions could be made by humans living in 1973, not a highway trust fund created in 1956. This proposal states that in diversity rather than sameness lies the answer to mobility in the United States.

Senator Kennedy and I have proposed an amendment to the highway bill which would provide for flexibility. The Kennedy-Weicker amendment is reasonable, adequately financed, and has the greatest public support—and should be the law.

AMENDMENT NO. 30

(Ordered to be printed and to lie on the table.)

Mr. WILLIAMS (for himself, Mr. Stevenson, Mr. Percy, Mr. Javits, Mr. Case, Mr. Randolph, Mr. Cranston, Mr. Burdick, Mr. Hathaway, and Mr. Gravel) submitted an amendment, intended to be proposed by them, jointly, to Senate bill 502, supra.

ADDITIONAL COSPONSORS OF AN AMENDMENT

AMENDMENT NO. 20 TO S. 929

At the request of Mr. Proxmire, the Senator from Texas (Mr. Bentsen), the Senator from Idaho (Mr. Church), and the Senator from Oregon (Mr. Hatfield) were added as cosponsors of Amendment No. 20 to S. 929, setting a ceiling on spending in fiscal year 1974 at $265 billion.

NOTICE OF HEARINGS ON S. 707 AND S. 1160

Mr. RIBICOFF. Mr. President, the Subcommittee on Reorganization, Research, and International Organizations of the Committee on Government Operations and the Consumer Subcommittee of the Commerce Committee will begin joint hearings on S. 707 and S. 1160 on March 20, 1973. The hearings will commence at 10 a.m. in room 3302 in the New Senate Office Building.

ANNOUNCEMENT ON FIELD HEARINGS

Mr. PACKWOOD. Mr. President, as the ranking minority member of the Subcommittee on International Finance of the Committee on Banking, Housing and Urban Affairs, I am announcing at this time that field hearings will be conducted by the subcommittee on April 11, 1973, in Portland, Oreg., and on April 13, 1973, in San Francisco, Calif.

The purpose of these hearings will be to inquire into the need for additional legislative restrictions on log export activity. Legislation on this issue has been introduced by Senator Church, Senator Cranston, and myself, S. 1033.

ADDITIONAL STATEMENTS

THE CAB—NEW ENGLAND'S LAST HOPE

Mr. COTTON. Mr. President, on Friday, March 2, the Valley News of Lebanon, N.H., reprinted on its editorial page a column from the Boston Globe entitled "Viewpoint: Delta Duck's Local Service."

Mr. President, in order that this article may be viewed in its proper perspective one should have an appreciation of the circumstances leading up to it. Briefly, on April 24 1972, the Civil Aeronautics Board—(CAB)—by a vote of 3 to 2, approved the merger of Delta Air Lines, Inc., and Northeast Airlines, Inc.—Docket No. 23315. At this same time, the CAB was confronted, also, with Delta's application in another proceeding before it, the New England Service Investigation, filed only a little over 1 month earlier on March 14, 1972, to delete from the post-merger certificate 18 of 26 New England area cities certificated to Northeast Airlines.

Mr. President, as the Honorable Robert T. Murphy, member of the CAB correctly observed in his dissenting opinion:

> Throughout this proceeding (until March 14, 1972) Delta has deftly sidestepped all requests to divulge its plans for service in New England on grounds that this is a matter for consideration in the *New England Service Investigation*.

On this same point, Mr. President, the majority opinion of the CAB noted the following:

> We have taken official notice of Delta's recent application in the *New England Service Investigation* to be relieved of responsibility in 18 of the 26 New England cities currently certificated to Northeast. Delta is within its rights in requesting such release. *However, its application is clearly contrary to one of the principal purposes of the Board in approving this merger—namely, improved New England service.*
>
> *We are not disposed to approve this merger merely to award Delta further North-South routes.* We note and rely upon assurances given by Delta during the course of oral argument in this case that it will faithfully discharge the full scope of its post-merger certificate obligations in regard to New England service.* * *"

Mr. President, it is in this context that the editorial reprinted from the Boston Globe notes the following:

> When Delta Air Lines won the right to fly into New England over the dead body of Northeast Airlines last August, it did so with the understanding that it would pick up responsibility for Northeast's local routes in addition to carrying travelers up and down the so-called 'Gold Coast' between Miami and Boston. Now Delta wants to stick with the bacon and get out of the boondocks, a petition we believe should be denied.
>
> * * * * *
>
> For Delta, which is the nation's fifth largest airline and its second most profitable, to seek now to dump its responsibilities to New England's outlying communities while keeping the cream of the lucrative Florida route seems the height of cynicism. The decision will rest with the five-member Civil Aeronautics Board, which is currently conducting a survey of the New England service area, with the examiner's report due sometime this summer.

Mr. President, I have been decrying the lack of adequate and reliable certificated air service to my State of New Hampshire and its sister New England States now for several years. Frequently, I have been criticized for taking too parochial a stand with respect to this and related issues, such as the Delta-Northeast merger and the pending New England service investigation. If this means that I have been doing my job as a Member of the U.S. Senate representing the interests of my constituents in the State of New Hampshire, as well as other New England States having a common interest in this problem, then I plead guilty with considerable pride.

But, Mr. President, I would hasten to point out that the results of the New England service investigation now pending before the CAB may have considerably broader implications and may serve as a bellwether for the fate of future air service to smaller communities throughout our entire Nation. Thus, my ongoing battle in what I view to be in the public interest to obtain a sound air transportation network for New Hampshire and New England may also have implications for many other States, such as Delaware, Illinois, Indiana, Montana, and Texas. For what I am seeking is only to insure that the Civil Aeronautics Board carry forth its congressional mandate under the Declaration of Policy of the Federal Aviation Act of 1958, as amended, and that it does, in fact, act in the "public interest."

Mr. President, I would like to point out that the CAB's concept of what constitutes the "public interest" has not been so narrowly construed as now appears to be the case. On March 3, 1965, the CAB, in *United Air Lines, Inc., Service to Providence, Rhode Island* (42 C.A.B. 105), addressed several issues, including whether the certificate of public convenience and necessity of United for its route 1 should be amended so as to delete Providence, R.I., pursuant to the carrier's application. Notwithstanding the recommendation of its own Bureau of Economic Regulation to grant United's application, the CAB denied it.

Mr. President, in reaching this decision the opinion of the CAB represents a striking parallel to the situation in my own State and other New England States. For example, concerning United's sales and promotional effort with respect to Providence, R.I., the Board observed:

> The sales and promotion staff never really had anything to sell.

And, quoting from the testimony of Rhode Island's witness:

> The point I am driving at is that United has carried on a progressive program of de-emphasizing service . . . They closed out their sales staff . . . . They carried on their operations through contracts with another airline. So I think it is a planned program.

Such, I submit, Mr. President, is the situation which has been prevalent during the last several years with respect to air service to northern New England.

Mr. President, the CAB then went on to observe the following in the United case:

> The plain and simple fact is that United has been unwilling to provide the service and the equipment that would have developed the traffic potential available to it at Providence. . . . As a result, there never was full development of the traffic between Providence and points to the West to which United could provide one-plane service.

Again, Mr. President, the Board went on to note the following:

> It is clear that United has a good market at Providence which it has failed to develop. *It is also evident that the service heretofore provided has not been satisfactory in meeting the needs of the public and is accountable for the limited traffic generated.*" (Emphasis supplied)

Mr. President, this simply begs the question as to what has happened since the CAB's denial of United's application to delete service at Providence, R.I. Well, in calendar 1962 United had some 700 departures, enplaning a litle more than 3,500 passengers. Later, in fiscal 1970 with newer equipment, it had more than 900 departures, but enplaned almost 35,000 passengers, or almost a tenfold increase. The point is, Mr. President, that, like any other service, patronage is dependent upon the quality and reliability of such service. But, perhaps of equal, if not greater, importance is the fact that here, in the case of United Air Lines, we had an unwilling or reluctant air carrier which was, in fact, required to fully perform a service obligation. It not only performed but performed well, as statistics now demonstrate. Unfortunately, our New England region has never really had the opportunity to demonstrate that with adequate and reliable certificated air service it, too, possesses the potential to generate a reasonable level of traffic.

Mr. President, the five members of the Civil Aeronautics Board represent New England's last hope in obtaining adequate and reliable certificated air service. And, I wish to emphasize that in the Delta-Northeast merger case the CAB seemed to be unanimous—all five members—in expressing shock, if not disbelief, at Delta's audacity, if you will, in seeking, just prior to the approval of the merger, to delete 18 of 26 New England service points in another proceeding. Members Murphy and Minetti in filing dissenting and separate statements, respectively, took the strongest position opposing the merger pending clarification of Delta's intentions to discharge its newly acquired service obligations in New England. But, even the three-member majority of the CAB, although approving the Delta-Northeast merger, did, in fact, note that the application to delete 18 of its 26 service points in New England was "clearly contrary to one of the principal purposes of the Board in approving this merger; namely, improved New England service." It is the intention of this Senator—and I would hope my colleagues in the Senate who are similarly situated or may be so in the future—to see to it that the CAB makes good on its stated word. In effect, the Board has said that Delta cannot have its cake and eat it, too. And while the Boston Globe editorial correctly observes "Delta Ducks Local Service," the Civil Aeronautics Board should not be permitted to duck its public interest obligation.

Mr. President, I ask unanimous consent to have printed at this point in the RECORD the full text of the article appearing in the Valley News of Friday, March 2, and a table concerning United Air Lines service and traffic at Providence, R.I.

There being no objection, the article and table were ordered to be printed in the RECORD, as follows:

DELTA DUCKS LOCAL SERVICE

When Delta Airlines won the right to fly into New England over the dead body of Northeast Airlines last August, it did so with the understanding that it would pick up responsibility for Northeast's local routes in addition to carrying travelers up and down the so-called "Gold Coast" between Miami and Boston. Now Delta wants to stick with the bacon and get out of the boondocks, a petition we believe should be denied.

There is no disagreeing that Northeast was killed off in large part because of its obligation to maintain service to New England's backwoods and waters. But the question remains of finding a solution that will not leave 18 outpost communities without air service of any kind.

We agree with Delta that this need not be and in some cases cannot be in the form of 30- and 40-passenger jet service making the required minimum one round trip a day. But the alternative of free and open competition for the local business by small commuter airlines doesn't work either. If direct service by Delta imposes an unreasonable burden on the carrier, a free-for-all among the commuter airlines fails to protect the passengers.

In the scramble for local business, commuter airlines appear and disappear almost monthly—the victims of under-funding, over-expansion and seasonal traffic. Without route protection, without schedule requirements and with unregulated fares, the small airlines cut each others' throats and all too often crash financially in the process. Among the victims locally in the past few years have been Cape and Islands Airways, Air Spur and Trans East. Executive Airlines, which cut into Cape and Islands' business from Nantucket through Hyannis to Boston, went into bankruptcy and had to be rescued by new management.

Everyone agrees that the answer is smaller planes and frequent, reliable service. This implies some sort of systematized approach to commuter airlines. And an example has been set by Allegheny Airlines which has contracts with 11 commuter airlines serving 20 communities. The commuters fly Allegheny's colors and must meet certain service standards in return for assistance with reservations, ticketing and ground services and, in most cases, a financial guarantee.

Delta wants no part of such close ties. And at least two New England commuter airlines agree. But public regulations, which they would prefer, would prevent competition, while the Allegheny system only offsets it by giving the Allegheny commuter an edge in the market. And it would require provision for a public subsidy rather than the private guarantee. Finally, public regulation, with all its red tape, might shut out such small but successful operations as Downeast Airlines, a one-man air service flying from Rockland, Me., to Boston, or Provincetown-Boston Airways, which operates only between Boston and Provincetown.

The merger between Delta and Northeast Airlines was approved by the Civil Aeronautics Board and okayed by a US Court of Appeals over a counter-proposal by Eastern and National Airlines that they would financially guarantee service to such points as Nantucket, Lebanon and Augusta, if they could split the rich East Coast service to Florida without competition from Delta.

For Delta, which is the nation's fifth largest airline and its second most profitable, to seek now to dump its responsibilities to New England's outlying communities while keeping the cream of the lucrative Florida route seems the height of cynicism. The decision will rest with the five-member Civil Aeronautics Board, which is currently conducting a survey of the New England service area, with the examiner's report due sometime this summer.

If the Allegheny commuter system could increase traffic between Johnstown and Pittsburgh from 16,462 in the last year of truck service to 37,000 in the first year of service by the commuter airline, the penalty to Delta might not be so high. The reward to New England's outlying communities could be enormous.

UNITED AIR LINES SERVICE AND TRAFFIC AT PROVIDENCE, R.I.

Type of aircraft	Departures	Passengers enplaned
Calendar 1962:		
DC-6	122	
DC-6B	463	
DC-7/7B	115	
Total	700	3,530
Fiscal 1970:		
B-727-100	423	
B-727-200	30	
B-737	459	
Total	912	34,506

Source: Airport activity statistics, CAB/FAA.

UNITED AIRLINES DAILY FIGHTS[1]

	To Providence		
	Number of flights	Equipment	Stops
At Dec. 1, 1962:			
Boston	1	DC-6B	0
Cleveland	1	DC-6B	1
Hartford	1	DC-6B	0
At Feb. 15, 1973:			
Chicago	[2]2	B-727	0
Cleveland	[2]1	B-737	0
Salt Lake City			
Boise			
Pendleton, Oreg			

	From Providence		
	Number of flights	Equipment	Stops
At Dec. 1, 1962:			
Boston	1	DC-6B	0
Cleveland	1	DC-6B	1
Hartford	1	DC-6B	0
At Feb. 15, 1973:			
Chicago	[3]2	B-727	0
Turnaround flight	1	B-737	1
Cleveland	1	B-737	0
Salt Lake City	1	B-727	1
Boise	1	B-727	2
Pendleton, Oreg	1	B-727	3

[1] Scheduled to operate 5 or more days per week.

[2] Turnaround flight(s).

[3] 1 turnaround flight.

Source: Official Airline Guide.

SENATOR KENNEDY'S ADDRESS ON AGE DISCRIMINATION

Mr. CHURCH. Mr. President, nearly 5 years ago the Congress enacted the Age Discrimination in Employment Act to protect persons 40 to 64 against age bias in hiring, discharge, compensation, and other conditions of employment.

However, advancing age still continues

to be a formidable obstacle for millions of mature workers.

And the 1972 report by the Secretary of Labor clearly shows that job bias because of age is still a very real and serious problem. Approximately one out of every three firms investigated during the past year were found to be in violation of the act.

Instances of refusals to hire increased from 683 in fiscal 1971 to 818 in fiscal 1972. Failure to promote mature workers was involved in 339 situations, nearly 28 percent greater than the previous year.

There was, however, one encouraging note: discriminatory advertising declined from 1,765 to 1,298.

Another important development is the recent Greyhound case, which may ultimately establish a landmark precedent concerning enforcement activities for the Age Discrimination in Employment Act.

In that case Federal District Judge Parsons held that Greyhound's policy of refusing to hire drivers over age 35 did not come within the act's exception for a bona fide occupational qualification reasonably necessary for the normal operations of its business.

Judge Parsons declared:

> I believe strongly that functional capacity and not chronological age ought be the most important factor as to whether or not an individual can do a job safely.

A few weeks ago the National Council on the Aging conducted a seminar on the Age Discrimination in Employment Act.

This conference provided an excellent opportunity for representatives of private industry, labor, and Government, to exchange ideas and recommendations.

One of the highlights of the conference was an address made by Senator EDWARD KENNEDY. His presentation, as always, was well reasoned and powerfully presented.

His recommendations, it seems to me, merit serious and close consideration by the Congress.

For these reasons, Mr. President, I ask unanimous consent that the text of Senator KENNEDY's excellent presentation be printed at this point in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

ADDRESS BY SENATOR EDWARD M. KENNEDY

I want to express my appreciation for the opportunity to address this seminar on the Age Discrimination in Employment Act. As always, it is a privilege to participate in activities sponsored by the National Council on Aging which has sought to serve the needs of the nation's elderly for more than two decades.

I want to thank Hal Sheppard for his kind introduction. Hal has been one of the foremost leaders in the field of aging and one of our most valued advisors.

I also want to express a special word of appreciation to Jack Ossofsky. As someone who has benefitted in the past from Jack's counsel on matters affecting the elderly, I can testify that the work he has done at NCOA has helped make it one of the most respected national organizations providing research, services and technical assistance on problems affecting the elderly.

The seminar today is no exception for it reflects the conviction of this organization that no man or woman should be disqualified from full participation in the life of the nation because of their age.

Yet no one, and particularly not you who are gathered here, can deny that competent, able and available men and women are rejected for work in America today solely because they are called old.

They are the workers turned into the street by a plant shut-down.

They are the workers forced into early retirement by both industry and government.

They are the workers who finally drop out, frustrated by the fruitless search for jobs, jobs that all too often have a sign over the door—"young only."

Discrimination against older workers in hiring and promotions and inadequate retirement policies reflect the youth-oriented side of our culture. But there is another strain as well, one that recognizes the values of experience and the dignity of age.

The toughest, most demanding job in the country is only a few blocks from here at 1600 Pennsylvania Avenue. And no one finds it strange that most of our Presidents were over 50 when inaugurated. Nor do we find it strange that the average age of Senate Committee Chairmen is over 60.

Also, it should be recalled that Hugo Black was not named to the Supreme Court of this land until the age of 51, where he served for 34 years and distinguished himself as one of our greatest Justices.

Yet, had he applied for work in most of our major corporations, he might well have been rejected.

The first national response to the problem of age discrimination in employment did not truly occur until 1964 when a Presidential order was issued establishing a policy of equal employment in hiring in the federal government.

Congress then also acted, adding a provision to the 1964 Civil Rights Act, calling for a "full and complete study of the factors which might tend to result in discrimination in employment because of age and of the consequences of such discrimination on the economy and individuals affected."

The study found unemployment of older workers costing the economy one million man-years of productive output each year. It found laws to protect workers in only a few states and even those were full of loopholes and rarely enforced. And it found too that the rationale surrounding that discrimination was concocted more from old wives' tales than from reality. Competence, productivity, loyalty, experience, dependability and performance did not depend on age, the study found, but on the individual.

Its conclusion was that widespread, pervasive discrimination was present in every sphere of commerce, industry and government, and its consequences were individual suffering and the waste of vital human resources.

The Congressional response was the Age Discrimination in Employment Act of 1967. Its purposes were to promote employment of older workers based on ability—not birthdate; to prohibit arbitrary age discrimination; and to help employers and workers find ways to meet the problems arising from the impact of age on employment.

But passing legislation, particularly in the area of discrimination, does not assure its disappearance. And today, five years later, the picture that one finds is not bright.

Older workers still are the last to be hired and the first to be fired.

Today, 867,000 persons over 45 are out of work—a 45% jump in the past four years. And those between 55 and 64 have been out of work the longest, an average of four to five months.

What does that mean to the individual? It means savings wiped out. It means health insurance gone. It means a sense of self worth damaged perhaps beyond repair

Some are lost to the labor force forever. But they are not drop-outs. Society has pushed them out.

And the evils of discrimination fall across the whole range of our economy, hitting white collar workers and professionals as well as blue collar workers.

John Stanier was a Florida lawyer, former President of the Canaveral Chapter of the Federal Bar Association and a NASA legal advisor. He told a Senate Special Committee on Aging that his job was eliminated in 1969 when he was 46.

For two years, he searched for work in the legal field. He told the Committee: "It was then I learned of the rule of thumb practiced by major law firms. They do not employ lawyers over 40 years of age unless there is a very special circumstance."

Chloe Seymour of Roanoke, Alabama, had a similar story to tell. She was one of over a thousand workers who lost their jobs when a major textile mill shut its doors in Roanoke. Half of the work force were over 40, and like Chloe, had started in the mill in their teens and worked there all their lives. Four months later, 65 percent of those who were still out of work were 45 and over.

Forrest Hanna was another victim. He had been a worker at the Studebaker Plant in South Bend, Indiana. He testified: "Of course, when the plant closed, my 29 years, insofar as my pension was concerned, that went down the drain."

Eight years later his job with the State Labor Department was eliminated and his pension rights went down the drain again, because he had not worked the full 10 years. Now he is 59 and as he told the Committee, "I just won't have the time" to qualify for a pension in a new job.

For these men and women, the promise of equal employment opportunity that the Age Discrimination in Employment Act offered has not been fulfilled. And hundreds of thousands of others share the same disillusionment.

Congress provided the tools to do the job but they have been used all too seldom. Enforcement of this law—in an Administration that prides itself as a law and order Administration—has been far down on the list of priorities.

In fiscal year 1972, there were only 69 Labor Department positions specifically budgeted for implementing the ADEA. And the 1,000 Labor Department compliance officers devote only an estimated 10 percent of their time to investigating age discrimination. Yet they must oversee 685,000 establishments employing an estimated 20 million persons covered by the Act.

Today, nearly five years after the law took effect, there have been less than 120 suits filed. And the evidence is clear that the number of violations is continuing to rise. Of the 6,800 investigations conducted in FY 1971, 36% discovered law violations, up 14% from the previous year.

Although many conciliation efforts by the Labor Department have been successful, they rarely have the exemplary effect that vigorous law enforcement has. The recent Pan American Airways decision is a good example. It has sent shock waves through private industry, causing re-evaluation of existing policies affecting older workers. And yesterday's decision in the Greyhound case is a clear warning to private industry of the requirement to tear down age discrimination barriers.

But the private employer is not alone. The public employer often is just as blind to the worth of older persons. Instead of being the example of the model employer, the federal government too often is one of the leading offenders.

A study by Elizabeth Heidbreder of NCOA for the Senate Special Committee on Aging last year found federal training programs frequently are off limits to older workers.

And she also found that middle-aged federal employees are being asked to bear the brunt of the government effort to pare down the federal work force. More and more older workers are being ordered to retire. Thus, in the last two years, involuntary early retirements have been six times the level in 1969. Clearly, older workers are becoming the scape-goats of the federal bureaucracy.

I believe what is called for today is a national manpower policy that is committed to maximize the talents and skills of middle-aged and older workers and to remove all vestiges of age discrimination in employment.

First, there must be acceptance of the White House Conference on Aging goal of "free choice between continuing in employment as long as one wishes and is able, or retiring on adequate income with opportunities for meaningful activities." When middle-aged and older workers comprise more than a third of the nation's work force, we cannot afford to waste their skills and experience. I would urge as one step that your corporations consider joining NCOA and other groups in establishing a 40-and-older job-skills bank to try and prevent the waste of talent that is occurring today.

Second, both public and private training programs must be opened to older workers to enable them to update their skills so they may compete in the job market on equal terms with the young.

Too often, industries concerned with retooling their plants are unwilling to make the same investment in human beings as they do in machines. The Labor Department has been an accomplice in this practice, its policies effectively denying workers equal access to manpower training programs.

And there is much private industry can do. Companies such as General Foods, Corning Glass and Polaroid already have established counseling and re-training services. There is no reason why more major corporations cannot set up within their own companies, mid-career counseling and training centers to permit the re-tooling of middle-aged workers.

Third, the Age Discrimination in Employment Act should be extended to cover all employees in both the public and private sectors of the economy. And sufficient funds and personnel should be made available so that no company and no government agency can violate the law with impunity.

Fourth, we must offer the opportunity for second careers to older workers, through job redesign and job creation. In this regard, I have sponsored legislation to establish a community service employment program for persons 55 and older who lack job opportunities. Under this program, the Secretary of Labor would provide assistance to national voluntary agencies and state and local governments to employ older men and women in hospitals, schools, libraries and other community service agencies.

And the same concept should be tried in business and industry in an effort to adapt and restructure jobs specifically to employ older people—both full and part-time.

Finally, we must examine the entire field of involuntary retirement. Congress, five years ago, in the ADEA, charged the Secretary of Labor with studying this matter. But we are still waiting for that report. Hopefully, it will be completed soon and will form the basis for a complete re-examination of our retirement policies. For there are indications that they may need major adjustment.

The Social Security Administration in 1970 found that half the men subject to compulsory retirement received a 60 percent cut in their previous income upon retirement. And what is equally disturbing, more than half of those forced into retirement said they did not want to quit working. I believe that no man who wants to work and is able to do the job should be shoved onto the fringes of society. Yet that is what our compulsory retirement policies seem to be doing. Clearly, they need to be changed.

Other nations have seen the impact of medical advances and research showing that age does not necessarily mean deterioration of ability. And they have reversed the pressure toward early retirement.

Yet too often, we allow the elderly to become the victims of the technological age rather than the beneficiaries. Instead of recognizing the increased years that they have to contribute to society, we view them as obstacles to change and progress.

As a nation, we neither can afford nor countenance policies that banish middleaged and older persons from active participation in American life, exiling them as surely as if they were sent to Elba—their capacities unused, their talents unwanted, their ideas unexpressed.

To change that grim picture, we must have the cooperation of business and government. But with that cooperation, the prospect for achieving equal opportunity for all Americans becomes bright and we can look forward to the day when the old as well as the young enjoy the full promise of this great nation.

LOOKING BACKWARD AT THE WAR

Mr. SCOTT of Pennsylvania. Mr. President, the March 11 issue of the Washington Star-News included a column by Mr. William C. Moore entitled "Looking Backward at the War." In an interesting prepostmortem, Mr. Moore looks at history's treatment of past U.S. wars as a key to how historians will treat the war in Vietnam and its dissenters.

I ask unanimous consent that this column be printed in the RECORD and direct it to the attention of my colleagues.

There being no objection, the column was ordered to be printed in the RECORD, as follows:

LOOKING BACKWARD AT THE WAR

(By William C. Moore)

It is not unusual these days to hear the war in Vietnam described as a blot on the honor and morality of the United States.

Is history likely to assess Vietnam in such harsh terms?

Historians pride themselves on two scores:

1. They analyze events in a broad sense—in the light of strategic national objectives and policies, not day-to-day tactical successes or failures.

2. They accept no conclusions unless documented by exhaustive factual research of authoritative documents. They avoid speculation and emotional judgments.

Under these criteria, a fundamental fact that research will reveal to historians is this: The national policy of the United States for the past quarter of a century has been to contain communism, to prevent its spread into free, independent nations.

This policy, historians will find, has been implemented by every president beginning with President Truman. These are facts documented in National Security Council papers, some of which are already resting in national archives and available to all.

Historians will also find that every President, beginning with Mr. Truman, has taken action—sometimes diplomatic, sometimes economic, often military—to deter the expansion of Communist powers.

President Johnson and President Nixon saw Vietnam in the same light.

Already therefore, the thrust of history is fairly well set by the major events of our time, all of which center around efforts to prevent Communists from encroaching into the free world.

The Korean War, for example, will not be debated in the light of whether or not it was the first war Americans failed to win. It will be coldly analyzed in the light of whether it succeeded or failed to prevent Communist domination over South Korea. Historians will report that it succeeded.

Moreover, historians are not likely to be sidetracked by the rewriting of history by intellectual revisionists who currently are pushing the theme that the United States "overreacted" to some imaginary Communist threat. It is fashionable now to say that the U.S. overreacted, that Communism has not become the powerful, insatiable evil everyone predicted.

Who is to say what the Communists would have become if the U.S. had not reacted?

Historians will not waste research on such speculation. They will report that the Communists did try to take control of free world nations, including Vietnam, that the United States did react to prevent this.

Nor are historians likely to spend much time evaluating the influence or impact on history of the antiwar demonstrators. Every President has had his detractors during war.

Woodrow Wilson had his "'imperialists" who deplored his idealism. They almost succeeded in passing a bill which would have formed a war cabinet to assist him in running the war. The "America firsters" exasperated Franklin Roosevelt. President Truman experienced intellectual "peaceniks."

But it was President Lincoln who suffered the most violent antiwar opposition of all. The most vocal and militant were called "copperheads." The similarity between them and the peace groups of today is striking:

The majority of them (the "fire in the rear" Lincoln called them) were liberal members of the Democratic Party in the northern states. They were activists, vocal, often disrespectful, always self-righteous.

Their leader was a distinguished Congressman—Clement L. Vallandigham.

Their talisman—worn as a sign of recognition and peace—was the center section of a copper coin bearing the head of the goddess of liberty.

Their premise was that the Civil War was immoral, illegal, and hopeless—a "big nothing" to use the vernacular of today's liberals. Mr. Lincon's actions, they argued, were unconstitutional; the South should be permitted to go its separate way.

The "Copperheads" did not prevail. President Lincoln held to the course he had set for the nation. History records how right he was. The "Copperheads" receive little attention in the sweep of history. Their only legacy is this: Some people won't fight, for anything, not even the greatest of causes.

It will take the long enquiry of history to explain the war in Vietnam. But most certainly this enquiry will not treat Vietnam in isolation. In the grand sweep of history it will be seen as one of a series of actions taken by free men to prevent the spread of an ideology alien to their freedom.

If historians judge U.S. policy of preventing the spread of Communism a moral one; if they judge this policy to be in the best interests of free men, then the war in Vietnam will be recorded as something quite different from a blot on the honor of this country.

History may simply record that just as Lafayette, Von Steuben, Kosciusko and their European compatriots fought in our revolution for no other reasons that to make us free, we fought in Vietnam for no other reason than to keep men free.

William C. Moore, a retired Air Force colonel, has written many articles on military affairs.

GREATEST BAND IN DIXIE

Mr. ALLEN. Mr. President, each year, as part of the Mardi Gras in New Orleans, top high school bands from throughout the Nation are invited to participate in the "Greatest Bands in Dixie" parade and in the "Parade of Champions."

I am proud of the fact that two bands from high schools in Etowah County, Ala., which is my home county, were among those invited to take part in the competition this year.

For the fifth time in the past 9 years, the 135-member Emma Sansom High School Band of Gadsden walked off with the top prize as the Greatest Band in Dixie.

The Etowah County High School Band was on its first trip to the Mardi Gras and won first place in the Parade of Champions.

Needless to say, I am proud of the young people whose efforts brought these prizes back to their home schools. They devoted many long hours of practice to attain the perfection necessary to win over the many other bands competing in New Orleans. Great credit goes to Pat Morrow, director of the Emma Sansom Band and Rip Reagan, the school's principal, and former director of many of Emma Sansom's championship bands of past years; and to Tom Cole, director of the Etowah Band and to H. Joe York, principal of Etowah County high schools.

All Alabamans are proud of the achievements of these bands.

In its March 7 issue the Gadsden Times published a fine editorial detailing the accomplishments of the two bands, and on the same day the Birmingham Post-Herald had a newsstory concerning the awards. I ask unanimous consent that these two articles be published in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

EMMA SANSOM BAND "GREATEST"

GADSEN.—Continuing a trend that begun in the early 60s, the Emma Sansom High School Band was again named the "Greatest Band in Dixie" at the New Orleans Mardi Gras.

It marked the fifth time in the past nine years that the 135-member marching unit walked off with the top prize in the national event, a part of the Krewe of Mid-City Parade.

Penn Highland of Lewiston, Pa., came in second, followed by Central High of West Helena, Ark.

The band began its climb when Rip Reagan became director in 1960. He is now principal of the school.

TOP HONORS

Two fine high school bands are back home after taking top honors and bringing renown to their schools in weekend competition at Mardi Gras in New Orleans.

Emma Sansom's band was judged best in the "Greatest Bands in Dixie" parade.

Etowah, on its first trip to New Orleans, won first place in the "Parade of Champions."

Credit goes first of all to the young people who have disciplined themselves to put in the long hours of band practice necessary to achieve this high distinction; then to their schools which have provided the opportunity and qualified directors and to the community which believes that music is important and wants to make it available on every level.

The Times is proud of the trophies the two bands brought home. It is excited to note that out of eight tries, Sansom has placed first five times, second and third once each, and that Etowah on its first trip went straight to the top.

Even more important, though, is that so many young people are cultivating a love of music and a talent that will prove a lifelong pleasure.

LETTERS OF GRATIFICATION TO NIXON FROM POW'S

Mr. SCOTT of Pennsylvania. Mr. President, the ending of the Vietnam war has brought thousands of letters of gratification to the President, the most touching of which being from returning prisoners of war and their families. I ask unanimous consent that several of these letters be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

EXPRESSIONS OF APPRECIATION AND SUPPORT RECEIVED BY PRESIDENT NIXON FROM POW'S AND THEIR FAMILIES

In a cell in Hanoi carved in the wall is "God bless you Richard Nixon." Thank you Mr. President for your most gracious and thoughtful letter.

Lt. Cmdr. FREDERICK R. PURRINGTON,
USN POW, Boston Naval Hospital.

I know that we PW's and our families cannot begin to express our thanks for the courageous stand you made while under extreme pressure from some elements at home to trust our fate to the "good will" of the communists.

We who were there know that you took the only course of action the communists understand and respect.

We PW's know what great courage is required to hold firmly to a course you know is right even when you are all alone and no one may ever appreciate your sacrifice.

Lt. Col. ARMAND J. MYERS,
USAF POW, Medical Center,
Lackland AFB.

The most important factor that influenced my morale as a prisoner of war was my faith and confidence in your personal integrity and moral courage. Hopefully future Presidents blessed with your example of leadership to emulate will never be faced with the situation you inherited. You have my support, trust and service for the rest of our lives.

Cmdr. THEODORE F. KOPFMAN,
POW, Oakland, Calif.

When we received word that you had been elected President of the United States of America, I knew that we were on our way to achieve an honorable peace. My faith in you and our fellow Americans never faltered. Thank you for returning us with honor. I assure you we return filled with pride and faith in the future. God bless you and God bless America.

Maj. ROBERT N. DAUGHTREY,
USAF POW,
Sheppard AFB Hospital, Texas.

I personally wish to thank you for your determined efforts to end this war with honor and bring me home.

Lt. Col. HARLAN P. CHAPMAN,
USMC POW, Naval Hospital, Oakland, Calif.

There is no way that I can express to you sir and the American people and my home town, Billings, Montana, the great joy and gratitude I feel for your efforts and the wonderful reception I am receiving. I feel extremely privileged to have been on the first C141 out of Hanoi and to have received a personal message from you sir along with the corsage for my mother. You have been an inspiration to me for years.

Lt. Cmdr. RODNEY A. KNUTSON,
USN POW, Billings, Mont.

My sincere gratitude for your very kind letter. I can only echo the words of some of my friends—it is indeed an honor to serve our country under adverse conditions. Added to this is the honor of serving under a commander in chief as yourself, a leader of the highest order. It was a real pleasure to observe developments in NVN during December 1972.

My belated congratulations on your success in the recent Presidential Elections. At a prison known as "Dogpatch," you were a ten to one favorite, and we were behind you all the way.

It's great to be back.

Maj. JON A. REYNOLDS,
USAF POW.

My family and I want to thank you from the bottom of our hearts for having the courage of your conviction to do what was necessary to bring Vietnam war to an end and reuniting me with my family. I am very proud to be an American and wear the uniform of the United States Air Force. May God bless you and United States of America.

Lt. Col. WILLIAM H. MEANS, Jr.,
USAF POW, Honolulu.

My son, Lee, and I are leaving to meet LDCR Larry Spencer in San Diego. I've had faith that you would do everything possible for our men ever since I shook hands with you and Mrs. Nixon in 1969. I didn't know then he was Iowa's first POW. It has been seven long years and we are grateful to you that he is coming home.

MYRA SPENCER,
Earlham, Iowa.

During the 1968 campaign I beseeched that you put prisoners of war high on settlement priorities. You have kept your promise and I thank you.

Mrs. GRETA TERRELL,
Wife of Lt. Col. Irvy David Terrell, Jr., Atlanta, Ga.

As a member of the National League of Families of POW's and MIA's in Southeast Asia, let it not be said that I forgot to thank you and all our leaders who have accomplished this agreement—to an honorable peace.

Miss LOUISE SETTERGUIST,
Duluth, Minn.

Because of you a relative of 6½ years as a POW is coming home. God bless.

CORREAN MANN,
Takoma, Wash.

It is weren't for you, Mr. Nixon, they wouldn't be coming home as soon as they are, and I would probably never be able to see my uncle again, alive. You're doing a great job, please keep it up.

Miss DEBRA MILLER,
Niece of a POW, Clinton, Iowa.

Our faith in your sincerity has never faltered. May God bless you and yours.

Col. and Mrs. PHILIP J. GALANTI,
Parents of Lt. Cmdr. Paul Galanti, USN POW, Gastonia, N.C.

Thank you for bringing peace to our country. I feel it will heal many wounds being suffered here and abroad.

Mrs. LAURA N. NEWCOMB,
Mother of Capt. G. Newcomb, USAF POW.

Thank you and God Bless You—Our son is on the POW List.

We were behind you all the way. We know Joe will want to thank you when he gets home—

Joseph A. Rose, II,
Father of a POW, Clarksburg, W. Va.

Because of your perseverance for a just peace, John's and my separation was not in vain.

May God's light continue to shine on you and yours in the coming years.

Shirley L. Stavast,
Wife of Col. John E. Stavast, USAF POW, Clareont, Calif.

We as a family of a prisoner of war want to express our deep appreciation for your courage and determination on ending the war in Vietnam in an honorable way.

Mr. and Mrs. Eugene Perricone,
Parents of SSG Richard R. Perricone, USA POW, Uniondale, N.Y.

Fruition of your hard work is deeply appreciated. Thank you for your concern and tribute.

Mrs. H. K. Flesher,
Wife of Maj. Hubert K. Flesher, USAF POW, Rancho Cordova, Calif.

Thank you and Dr. Kissinger for making this negotiated peace a reality. It means a lot of different things to a lot of people but for our family it means a POW husband is returning. Thank you for keeping the confidence that we placed in your hands.

Mrs. Darlene M. Sehorn,
Wife of Capt. James Sehorn, USAF POW, Forest Grove, Oreg.

Words cannot express the joy felt by our family last evening. Your courage, steadfastness and devotion to ideals and issues was apparent throughout the text of your statement concerning the treaty of peace in Southeast Asia. The comment on former President Johnson was most appropriate. Also the very warm thoughts concerning the families of the Prisoner and Missing reconfirmed your deep concern for these men and their families.

You have indeed made it possible for all men involved to return home with honor. Your fortitude will long be remembered by our family. Thank you.

Shirley Johnson,
Wife of Samuel R. Johnson, POW, Plano, Tex.

On behalf of a group of Vietnam War Gold Star Mothers, I have been requested to express our gratitude and appreciation for the Peace with Honor you have made possible, and your remembrance of our beloved sons, who will never return to us, in your television and radio messages. It is these very thoughtful acts that make you the great American you are. We in turn pay homage to you and thank God you are our elected leader. Thank you from all of us.

Bettyann Helene Funk,
Mother of a KIA.

Congratulations President Nixon!, not on winning any war, but on being a warm, and kind human being, and one of the most outstanding Presidents in the history our country.

Mrs. Dorothy A. Tette,
Sister of John B. Tette, KIA.

It is with great pride that I write you tonite, to thank you for all your efforts, your stand and determination to fight for and achieve an honorable peace.

Very much pressure was put upon you by political groups, war demonstrators, religious organizations and many many others. It has always been my prayers that you would not weaken to this pressure. Thank God you have finally reached this goal and reached an honorable cease fire.

Robert M. Comstock,
Father of Sgt. Robert James Comstock, KIA, Lovilia, Iowa.

I am thankful for men like you who put their heart into helping their country. I am also thankful for an Honorable Peace. Now I can say with true conviction that PFC Ivan R. Smith did not die in vain.

Mrs. Sherry L. Lanahan,
Sister of Pfc. Ivan R. Smith, KIA, Greenwood, Ind.

CONGRESS SHOULD STUDY PROPOSED RULES OF EVIDENCE

Mr. ERVIN. Mr. President, on February 7, 1973, the Senate adopted S. 583, a bill to delay the implementation of the proposed rules of evidence for Federal courts. These rules have been submitted to the Congress by the Supreme Court upon the recommendation of the Judicial Conference and, absent congressional action, will have the full force and effect of law 90 days after their submission to Congress pursuant to the Rules Enabling Act.

The Senate acted wisely in delaying the implementation of these very controversial rules. The American Bar Association's House of Delegates, at its recent midwinter meeting in Cleveland, Ohio, supported the postponement of these proposed rules until Congress examines them carefully. Many individual members of the bar and private citizens have expressed concern about them.

In an editorial of March 12, 1973, the Evening Star also urges Congress to take the time required to give these rules careful consideration. The editorial correctly points out that the proposed rules go "beyond procedural reforms into substantive areas, and raise questions of intrusion on constitutional rights."

Mr. President, I ask unanimous consent that this editorial be printed at this point in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

RULES THAT RAISE QUESTIONS

The Senate was right, we think, in voting to delay the implementation of those new rules of evidence which the Supreme Court has proposed for use by all the federal courts. They will automatically become effective July 1 unless Congress disapproves of them. A summary rejection would be unwise, but Congress certainly should take a long and studious look at them before deciding what to do. The House takes up the matter this week, and we hope it also will vote for a postponement of decision.

This isn't to say, however, that no decisions are needed. Some members of Congress probably have it in the back of their minds to permanently shelve the whole proposition. The Supreme Court has been accused of butting in on Congress' power to make rules governing the courts. But the argument over method shouldn't obscure the fact that a more uniform system is badly needed by the federal courts. As things stand, they encounter many administrative difficulties in conforming to the diverse rules of evidence of the various states. Measures to improve the efficiency of the federal judiciary are long overdue, and Congress should get some action underway.

The new rules it is now considering were drawn up by a committee of the Judicial Conference, and uniformity is their purpose. They represent years of study, and many of the proposed alterations have merit But the committee seems to have painted with much too broad a brush, going beyond procedural reforms into substantive areas, and raising questions of intrusion on constitutional rights. In other words, making law, instead of merely finding better ways to administer it.

In their worst aspect, the rules would set up a "secrets of state" classification under which government information—nobody can tell how much—could be withheld from federal court proceedings. Nor would these evidence restrictions apply solely to matters of national security and international relations. A vague "official information" category is included, enabling the government to keep secret a great many facts about its domestic operations.

Well, the country doesn't need an official secrets act, coming in the sheep's clothing of judicial reform, or in any other form for that matter. Another objectionable innovation in these rules is elimination of the privilege under which conversations between doctor and patient and husband and wife have been inadmissable. This is going too far, too fast, perhaps exceeding any authority Congress has given the Supreme Court to set judicial procedures.

So Congress now should sift all the provisions with a critical eye and delete some of them, while salvaging those better ones that would make the federal courts run more smoothly.

KENTUCKY CRIME COMMISSION AND THE PAY BOARD

Mr. COOK. Mr. President, today I would like to make known to my colleagues in the Senate the disposition of a case filed by the Kentucky Crime Commission before the Pay Board.

On June 30, 1972, the Kentucky Crime Commission filed a request for exemption or exception with the Pay Board in order to implement a 15-percent pay supplement to all local police in the Commonwealth of Kentucky who had participated in, an inservice program. Money for this program, entitled the Kentucky law enforcement foundation program fund, was channeled from two sources, the Kentucky general fund and safe streets funds, and a matching grant from the Omnibus Crime Control and Safe Streets Act, totaling $4.7 million. The Kentucky plan was approved by the Law Enforcement Assistance Administration in April 1972, and Jerris Leonard, Administrator of the LEAA, wrote to Donald Rumsfeld, urging the Cost of Living Council to approve the entire funding for the Commonwealth of Kentucky.

In order to participate in this program each local police unit must meet the standards which are:

First. Each police officer must be paid a minimum of $4,350 annually by a participating locality;

Second. All officers hired on or after July 1, 1972, must have attained a high school degree or its equivalency;

Third. All officers hired on or after July 1, 1972, must successfully complete a minimum basic training course of 400 hours;

Fourth. All officers, whether employed before or after July 1, 1972, must successfully complete a minimum in-service training course of 40 hours each year;

Fifth. Each police department must comply with all applicable statutes governing local police including the transmission of data to the Bureau of Criminal Information and Statistics; and,

Sixth. All departments must comply with reasonable rules and regulations, appropriate to the size and location of the department, issued by the Kentucky Crime Commission to facilitate the administration of the fund and further the purpose of the act.

I was notified by the Kentucky Crime Commission that they had filed for exemption or exception with the Pay Board and on September 27, 1972, I wrote to Robert Tiernan, Executive Director of the Pay Board, urging their favorable consideration of the application on the basis of three provisions contained in the Pay Board regulations:

First. Section 201.11(2) where the employees are considered to be essential to the efficient operations of the employer, wages and salaries may be increased exceeding the standard in order to attract or retain these employees;

Second. Section 201.11(9)(D) states that the Board in reviewing new contracts and pay practices "shall consider such factors as are necessary to promote improvement in the quality of governmental service."

Third. Section 201.57(k) states that the Board can consider exceptions or exemptions where "new or revised job classifications" exist.

It is my opinion that the Kentucky Crime Commission was eligible for exemption or exception under all three of these Pay Board provisions.

The Pay Board had this case before it for almost 8 months. Upon numerous and frequent inquiries from my office, I was informed that the case would necessarily proceed slowly through their bureaucratic process since it was a precedent-setting case. We patiently awaited their decision, believing that the matter was being thoroughly and deliberately reviewed.

At last, on February 7, 1973, the Pay Board rendered a reckless and ill-contrived decision and order which stated that each appropriate employee unit—of which there are 187—may receive a 5.5-percent increase in wages and salaries for the second control year if their average annual compensation was more than $8,120, but less than $9,013. Those employee units falling below the $8,120 figure could receive an additional 5.5 percent; and those employee units above the annual average compensation level of $9,013 could receive nothing.

This was quite a blow to the Louisville and Jefferson County police unit, comprising half of all eligible policemen in the State, since it was above the $9,013 level and therefore could receive no incentive supplement. In addition, the decision and order left in question some other local units in urban areas who might also be above the $9,013 figure.

For the RECORD I would like to state that Louisville has 22 percent of the State's population, 41 percent of the crime, and the Pay Board order eliminated distribution of 43 percent of the appropriated funds.

Not only do I question the wisdom of the decision; the workability of the decision; the anti-inflationary value of the decision; the constitutionality of the decision; the arbitrariness of the decision; but I would like to point out that the decision directly conflicts with the Kentucky State Legislature's intent stated in section 15,450 of the Kentucky revised statutes creating the Kentucky law enforcement program fund that payments be made at the same rate to all participating law enforcement agencies throughout the Commonwealth. Now the Governor is faced with the dilemma of violating the Pay Board decision and order or the intent of the Kentucky law. The Governor has determined that, if necessary, he will violate the Pay Board order, not Kentucky State law.

In the final version of the Economic Stabilization Act the intent of the Congress that any program receiving financial assistance from the U.S. Government shall not be encumbered by the Pay Board is expressed in section 203(F) where it states:

> The authority conferred by this section shall not be exercised to preclude the payment of any increase in wages . . . (2) required in order to comply with wage determinations made by any agency in the executive branch of the Government pursuant to law for work (A) performed under contracts with, or to be performed with financial assistance from, the United States or the District of Columbia, or any agency or instrumentality thereof . . .

Kentucky is essentially rural in character, but we do have problems in the urban areas with crime. In a poll recently conducted in Jefferson County—where, I remind you, the Pay Board will allow no payments—it was learned that citizens in that area rank police protection as their No. 1 government service priority. But this is not just indicative of the Louisville and Jefferson County area, "We support our local police" bumper stickers are on thousands of cars throughout the State. Not only do Kentuckians want police protection, but they have also communicated to their State representatives that they want money to upgrade those police units to fight crime. The Kentucky Crime Commission is trying to implement constituent intent supported by Federal funds and approval, but it is being directly thwarted by the Pay Board.

I do not have to explain to Members of the Congress and the public that crime prevention is a high-ranking priority among all citizens in this country. And I do not have to tell you that increased quality in enforcement of the law would significantly deter the growth of crime. I have often stated that the laws are on the books but what is needed is better enforcement. This cannot be achieved by merely stating it. New techniques must be developed, better training and higher educational standards must be established for policemen. As Jerris Leonard so succinctly stated in his letter to Director Rumsfeld:

> Programs have been developed to attract persons to law enforcement work by offering educational opportunity as part of the early years of service. One form of encouragement being effectively employed in some jurisdictions is an incentive pay plan that is linked to educational achievement, salaries, under this plan, are increased as college work is completed . . .
>
> It is LEAA's belief that the social responsibilities borne by law enforcement officials and the high order of skills and intelligence necessary to perform them underscores society's obligation to provide its law enforcement personnel with the requisite education and training to perform their functions.
>
> In the past, a policeman's role could be described as protecting life and property and keeping the peace. Today law enforcement includes the responsibility to prevent crime and disorder as well as the protection of life and property.

I would add to this that in order to keep well-trained and qualified policemen, it is necessary to provide them with incentive salaries commensurate with their increased skills and performance.

How can the pay board, therefore, justify its decision as anti-inflationary? It would seem to me that training law enforcement officials to be better equipped to prevent crime is enormously less costly and inflationary than the court procedure costs and incarceration.

Recently Louisville reported a 9.8-percent decrease in reported crime, one of 83 cities to report such a decrease. The size of the decrease rated eighth among the 29 cities in Louisville's population group—250,000 to 500,000. Yet, this same law enforcement agency is totally deprived of any incentive benefits thanks to to decision rendered by the pay board.

The Kentucky Crime Commission filed a request for review. The appeal neatly outlined the effects of the pay board's decision which we considered unworkable. In order to make certain that the case would receive a thorough review and understanding, I met with two staff attorneys from the pay board in an attempt to familiarize them with our predicament. I explained how the Kentucky Crime Commission would like for the decision and order to be rewritten so that it would be workable and equitable. Furthermore, in response to their inquiry, I stated that the Kentucky Crime Commission would prefer that the case be reviwed by the Cost of Living Council since the pay board was scheduled to have only one final meeting before fading away into phase III. Since this meeting with the staff attorneys in my office was held on Friday and the last pay board meeting was due to be held on the following Wednesday, we were informed that there was little, if any, likelihood that the Pay Board would consider the Kentucky Crime Commission appeal. This pleased us since we appreciated the opportunity for a new and impartial panel to hear the case.

On Thursday, following the Wednesday Pay Board meeting, I was called to be advised that the Pay Board had considered the Kentucky Crime Commission appeal and had reaffirmed the original decision and order. I later learned that the Pay Board panel met for approximately 2½ hours at which time they conducted routine business and considered one case—that of the Kentucky Crime Commission.

Although the Kentucky Crime Commission had to wait 8 months for an original decision, they only had to wait less than 1 week for an answer to their appeal, specifically made to the Cost of Living Council—not the Pay Board. Now, I would like to know what kind of efficiency this is? The original decision was made during phase III—after controls became voluntary—yet we were told to be patient for 8 months, because of the import and wide-range implications of the decision. When we made the same request of the Pay Board it was completely ignored. I think you will have to agree that the Pay Board most assuredly acts in whatever capricious manner it so intends.

It is not difficult for me now to understand where phase III was conceived. It was, no doubt, dreamed up by the Pay Board in one of its weekly meetings. Not only are the phase III guidelines vague, but it appears now that the 5.5-percent guidelines are as voluntary and irrelevant as anyone so chooses to treat them. The President has stated he wants to hold inflation down to 2.5 percent, but I certainly would like to know how this goal can be achieved given the phase III regulations.

With rent and lumber prices now soaring I wonder what the Cost of Living Council plans to do or say when everyone recognizes that phase III is merely a paper tiger to all but the construction, food, and health industries. These sectors have complained to me of discrimination. And rightly so. They are not the only ones responsible for inflation, and they, alone, cannot keep the inflation rate down to 2.5 percent.

It is my intention to strongly oppose extension of the Economic Stabilization Act. I can see no reason why the American taxpayer is shackled with the responsibility for supporting this bureaucratic foundation which is rendering it a great disservice in pretending to combat inflation. I see nothing but confusion and an attitude of indifference on the part of the Cost of Living Council. It is inconceivable to me that they really perceive or care about the good of the American people.

Further, I question their constitutional rights in interfering with the intent of State and local jurisdictions as well as the Congress of the United States. Our power has again been usurped.

I ask unanimous consent that a letter from the crime commission be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

CRIME COMMISSION,
Louisville, Ky., February 26, 1973.

Hon. WENDELL H. FORD,
Governor, Commonwealth of Kentucky, State Capitol Building, Frankfort, Ky.

DEAR GOVERNOR FORD: At the February 22, 1973 meeting of the Louisville and Jefferson County Crime Commission and the Louisville Regional Crime Council, the question of the pay incentive for local police officers and the decision of the Federal Pay Board was discussed. The Commission and Council unanimously passed the following statement:

"We resolve to support the legislation passed by the 1972 General Assembly which provided for minimum police training standards and salary supplements for police and we support the implementation of that legislation as soon as possible. We commend and support Governor Wendell Ford in his efforts to overturn the recent decision of the Federal Pay Board in order to insure the complete implementation of the legislation."

As is obvious by our resolution, we support your efforts to increase the pay of our local policemen. We want you to know that we are in agreement with your actions and will assist you in your efforts.

Sincerely,

STUART E. SPECKTER,
Chairman, Crime Commission.
JAMES M. CALDWELL,
Chairman, Crime Council.

THE GENOCIDE CONVENTION—WHY THE SENATE SHOULD REFUSE TO RATIFY IT

Mr. ERVIN. Mr. President, it would be extremely unwise for the Senate of the United States to ratify the Genocide Convention which was reported by the Senate Foreign Relations Committee on March 6, 1973.

HISTORY OF THE GENOCIDE CONVENTION

During the 1940's activists connected with the United Nations engaged in a strenuous effort to establish by treaties laws to supersede domestic laws of nations throughout the earth. The Genocide Convention represents one of these efforts. It originated in a resolution of the United Nations condemning genocide as a crime whether "committed on religious, racial, political, or any other grounds." When reduced to its final form it excluded genocide committed on "political" grounds because some of the parties to it did not wish to surrender even nominally their right to exterminate political groups hostile to their rulers. Under its provisions, individuals as well as persons exercising governmental power would be subject to trial and punishment for offenses which have always been regarded as matters falling within the domestic jurisdiction of the various nations.

The Genocide Convention was adopted by the General Assembly of the United Nations on December 10, 1948, and was submitted by President Harry S Truman to the Senate for its consideration on June 16, 1949. The Senate Foreign Relations Committee appointed a subcommittee composed of very able Senators, who conducted hearings in January and February 1950, and reported to the full committee that the United States should not ratify the convention in any event unless the Senate adopted four substantial understandings and one substantial declaration.

From the time of that report in 1950 until 1971, the Senate Foreign Relations Committee and the Senate itself by inaction refused to ratify this convention.

After 20 years of inaction, during the first session of the 92d Congress, the Foreign Relations Committee reported favorably on the convention. Again, by its inaction, the 92d Congress chose not to ratify the convention. This year the Foreign Relations Committee has tried to resurrect the convention, notwithstanding the fact that there has been no change of circumstances which would make what was unwise in 1950 and 1971 wise in 1973.

The only argument now advanced for ratification of this convention is that it would improve the image of the United States in the eyes of Russia and other totalitarian parties to the convention, which strange to say have repudiated by understanding and reservations many of the provisions of the convention.

For example, these nations refuse to be bound by article IX which subjects their actions under it to the jurisdiction of the International Court of Justice. Some of the proponents of ratification by the Senate advance the rather strange argument that the United States can safely ratify the convention because there is no effective way to enforce its provisions against the United States if the United States refuses to abide by them. I cannot buy this argument because I think that any nation which makes a contract in the form of a treaty should accept its obligations even in the event such obligations prove to be contrary to its own interest. Otherwise, why make treaties.

Before discussing the obligations which the United States would assume as the result of Senate ratification of the Genocide Convention, I wish to call attention to its salient provisions.

PROVISIONS OF THE GENOCIDE CONVENTION

By the Genocide Convention or treaty the contracting parties affirm in article I "that genocide, whether committed in time of peace or in time of war, is a crime under international law which they undertake to prevent and to punish."

Articles II and III of the convention read:

Article II

In the present convention, genocide means any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such:

(a) Killing members of the group;

(b) Causing serious bodily or mental harm to members of the group;

(c) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part;

(d) Imposing measures intended to prevent births within the group;

(e) Forcibly transferring children of the group to another group.

Article III

The following acts shall be punishable:

(a) Genocide;

(b) Conspiracy to commit genocide;

(c) Direct and public incitement to commit genocide;

(d) Attempt to commit genocide;

(e) Complicity in genocide.

Article IV specifies that "persons committing genocide or any of the other acts enumerated in article III shall be punished, whether they are constitutionally responsible rulers, public officials or private individuals."

Article V obligates the contracting parties to enact the necessary legislation to give effect to the provisions of the convention and to provide effective penalties "for persons guilty of genocide or of any of the other acts enumerated in article III."

Article VI provides that "persons charged with genocide or any of the other acts enumerated in article III shall be tried by a competent tribunal of the nation in the territory of which the act was committed or by such international penal tribunal as may have jurisdiction with respect to those contracting parties which shall have accepted its jurisdiction."

Article VII provides that the parties to the treaty pledge themselves in genocide cases to grant extradition in accordance with their laws and treaties. Article VIII provides that "any contracting party may call upon the competent organs of the United Nations to take such action under the Charter of the United Nations as they consider appropriate for the prevention and suppression of acts of genocide or any of the other acts enumerated in Article III."

Article IX provides that "disputes between the Contracting Parties relating to the interpretation, application, or fulfillment of the present Convention—shall be submitted to the International Court of Justice at the request of any of the parties to the dispute."

This brings me to the considerations which ought to deter the Senate from ratifying the Genocide Convention. Time and space compel me to limit my statement to only the most substantial of them.

CONVENTION DISTORTS CONCEPT OF GENOCIDE

First, if the Senate should ratify the Genocide Convention, the United States would be obligated by it to prosecute and punish public officials and private citizens of our country for acts alien to the concept embodied in the term genocide.

The definition of genocide appears in article II which states that the term genocide embraces five specified acts "committed with intent to destroy, in whole or in part, a national, ethnical, racial, or religious group, as such." The convention definition of genocide is inconsistent with the real meaning of the term, which is "the systematic, planned annihilation of a racial, political, or cultural group." The word annihilation clearly contemplates the complete destruction or the complete wiping out of the designated group.

Yet, the convention definition covers the destruction either in whole or in part of members of a group embraced by it. This means that a public official or a private individual is to be subject to prosecution and punishment for genocide if he intentionally destroys a single member of one of the specified groups.

When it considered this convention in 1950, the subcommittee of the Committee on Foreign Relations took note of the fact that the convention distorts and perverts the entire concept embraced in the word "genocide," and for that reason stated that the Senate ought not to consider ratification of the convention unless it announced this understanding of its meaning:

> That the United States Government understands and construes the crime of genocide which it undertakes to punish in accordance with this convention, to mean the commission of any of the acts enumerated in article II of the convention, with the intent to destroy an entire national, ethnical, racial, or religious group within the territory of the United States, in such manner as to effect a substantial portion of the group concerned.

This distortion and perversion of the plain concept embraced in the word "genocide" represents an effort on the part of the drafters of the convention to make punishable either in the courts of an adherent to the treaty or in an international tribunal to be established under the terms of the treaty, all of the acts enumerated in articles II and III of the convention.

Since an intent to destroy a single person belonging to one of the four designated groups would subject an official or individual to punishment, the treaty would make virtually every person in any nation adhering to it a potential victim of genocide as the meaning of that term is distorted and perverted by the convention. This is true simply because virtually every person on earth belongs to one or more of the four groups designated.

This observation is made exceedingly plain by the fact that an ethnical group is a "social group within a cultural and social system that claims or is accorded special status on the basis of complex, often variable traits including religious, linguistic, ancestral, or physical characteristics."

In its March 6, 1973, Report, Executive Report No. 93–5, the Foreign Relations Committee proposes an understanding which, in effect, acknowledges this problem with the convention's language, but which certainly does not resolve it. Indeed, the understanding proposed by the committee in this connection increases the confusion as to the meaning of the convention.

DRASTIC IMPACT OF CONVENTION ON OUR SYSTEM OF GOVERNMENT

Second. Article II, section 2 of the Constitution provides that "the President shall have power, by and with the advice and consent of the Senate, to make treaties, provided two-thirds of the Senators present concur." Article VI of the Constitution provides that "the Constitution and the laws of the United States, which shall be made in pursuance thereof, and all treaties made or which shall be made under the authority of the United States, shall be the supreme law of the land; and the judges in every State shall be bound thereby, anything in the Constitution or laws of any State to the contrary notwithstanding."

If the Senate should ratify the Genocide Convention, these constitutional provisions would automatically make the Convention the law of the land, put all of its self-executing provisions into immediate effect as such, and impose upon the United States the obligation to take whatever steps are necessary to make its non-self-executing provisions effective. This means that the provisions of the Genocide Convention would immediately supersede all State laws and practices inconsistent with them, and would nullify all provisions of all acts of Congress and prior treaties of the United States inconsistent with them.

While Congress could repeal provisions of the Genocide Convention by future legislation, the States would be bound by them as long as the Convention remained in effect. Moreover, the Genocide Convention would immediately require and authorize Congress to enact legislation implementing its provisions, even though such legislation were beyond the power of Congress in the absence of the Convention, and even though such legislation would deprive the States of the power to prosecute and punish in their courts acts condemned by articles II and III of the Convention.

Surely, the Senate should pause and ponder what the impact of the ratification of the Genocide Convention would have on our system of government.

It is noted that virtually all the other nations of the earth have no constitutional or legal principle similar to article VI of the Constitution of the United States making treaties "the supreme law of the land," and that for this reason treaties do not take effect as internal law in other nations unless their legislative branches of government adopt laws subsequent to their ratification giving them such effect.

Third. One of the most drastic impacts the ratification of the Genocide Convention would have upon our system of government is in the criminal field. If the Senate should ratify the Genocide Convention, the duty and the power to prosecute and punish criminal homicides, assaults and batteries, and kidnapings covered by categories (a), (b) and (e) of article II of the convention would be forthwith transferred from the States which have always had such duty and power in respect to these crimes to the Federal Government. To make this transfer of justification workable, Congress would be required to enact new laws laying down rules of procedure to govern the trial of these newly created Federal and international crimes. Pending the passage of such laws, our country would experience utter confusion in the administration of criminal justice in respect to homicides, assaults and batteries, and kidnapings.

Proponents of ratification may argue that many homicides, assaults and batteries, and kidnapings would not fall within the definition of genocide. This contention accentuates rather than minimizes the folly of ratifying the Genocide Convention.

As has been pointed out, virtually every person in America falls within one or more of the four groups designated in the Genocide Convention, and any offense denounced by the Genocide Convention against any one of them would ostensibly fall within the scope of the convention. The jurisdiction of the Federal courts under the Genocide Convention would not depend upon what the jury found in particular cases. It would depend upon the allegations made in the indictments or informations charging the offenses.

Consequently, we can reasonably expect that demands will be made that every homicide, every assault and battery inflicting serious injury, and every kidnaping shall be tried in a Federal court, or in an international court to be established pursuant to the convention. What this will do to increase the congestion in the already overburdened Federal courts of our land beggars description.

In the absence of ratification of the convention, demands were made that the United Nations investigate the slaying of

Black Panthers by police officers in 1970 on the ground that their slaying constituted genocide under article II(a), and that the United Nations investigate the action of the legislature of one State in respect to welfare benefits on the ground that the legislative action constituted genocide under article II(c).

I respectfully suggest that the Senate should pause and ponder whether it is desirable to ratify a convention which would necessitate a fundamental alteration in the way in which criminal justice has been administered in the United States ever since our country came into existence as a free republic.

When the subcommittee of the Senate Foreign Relations Committee considered the Genocide Convention in 1950, it clearly recognized that ratification of the convention would play havoc with our system of administering criminal justice in respect to domestic crimes made Federal and international crimes by articles II and III, and for this reason decided that the Senate should not ratify the convention in any event without making this declaration:

In giving its advice and consent to the ratification of the Convention on the Prevention and Punishment of the Crime of Genocide, the Senate of the United States of America does so considering this to be an exercise of the authority of the Federal Government to define and punish offenses against the law of nations, expressly conferred by article I, section 8, clause 10 of the U.S. Constitution, and consequently, the traditional jurisdiction of the several States of the Union with regard to crime is in no way abridged.

Confusion in the administration of criminal justice in respect to domestic crimes made Federal or international crimes by the Genocide Convention would not disappear with the enactment of legislation by Congress implementing the convention. The validity of this observation may be illustrated by taking a single crime, that of unlawful homicide. Under the Constitution of the United States, Congress does not have the power to make unlawful homicides generally Federal or international crimes. If ratified by the Senate, the Genocide Convention would give Congress this power in respect to homicides constituting genocide under the definition contained in the convention. Jurisdiction to prosecute and punish other unlawful homicides would remain in the State.

The only distinction between unlawful homicides remaining in the jurisdiction of the States and unlawful homicides transferred by the Genocide Convention and Acts of Congress implementing it to the Federal Government would depend upon whether the homicide is committed with genocidal intent. As a consequence, every unlawful homicide would apparently be within the jurisdiction of both the Federal and the State government insofar as the external circumstances of the slaying are concerned.

Hence, either State or Federal courts could assert jurisdiction in respect to virtually all homicides, and an acquittal of the charge in one court would not bar a second prosecution based on the same facts in the other court. This being true, a person could be twice placed in jeopardy for the same offense.

The power of a Federal court to try a person for a homicide on the ground that it constitutes genocide depends upon the allegations of the indictment and not upon the ultimate finding of the jury. On a trial in the Federal court, the jury would be compelled to acquit the accused of genocide unless it found that he acted with the requisite genicodal intent, no matter how atrocious the circumstances attending the homicide otherwise might be. In such a case, the accused would go unwhipped of justice unless he was placed upon trial a second time in a State court.

The Senate should be slow to ratify any convention which would make such confusion in the administration of criminal justice in cases of this kind.

MEANING OF CONVENTION SHROUDED IN UNCERTAINTY

Fourth. If the Senate should ratify the Genocide Convention, it would place obligations upon the United States to prosecute and punish as genocides acts whose nature the convention fails to disclose and to take steps whose nature the convention fails to reveal.

If the convention is ratified, article II(b) would impose upon the United States the duty to prevent and to prosecute and punish public officials and individuals who cause "mental harm to members" of any one of the four groups named in the convention. What mental harm means in this context is totally incomprehensible, and what psychological acts or omissions are made punishable in this context are left in obscurity. When the Subcommittee of the Senate Foreign Relations Committee considered the Genocide Convention in 1950, it reached the conclusion that the Senate ought not to ratify the Genocide Convention in any event unless it expressed this understanding:

That the United States Government understands and construes the words "mental harm" appearing in article II of this Convention to mean permanent physical injury to mental faculties.

In its report of March 6, 1973, the Foreign Relations Committee proposed an understanding to the convention in language almost exactly like and with the same apparent meaning as the subcommittee's language of 1950. Even this language does not reduce to reasonable certainty the meaning of "mental harm to members."

If the convention is ratified, article II(c) would impose upon the United States the duty to prevent and to prosecute and punish anyone who deliberately inflicts "on the group conditions of life calculated to bring about its physical destruction in whole or in part." What this means, no mind can fathom. Does it mean that a State or county official who refuses to give to a member of one of the four groups designated in the convention the amount of welfare benefits deemed desirable is to be punished or prosecuted for genocide? Does it mean that the Court of International Justice shall have power under article IX to adjudge that Congress or a State legislature which does not make available to members of one of the four groups what the Court deems to be adequate welfare benefits has violated the convention?

If the convention is ratified, article III(c) makes any official or individual in our land punishable for "direct and public incitement to commit genocide." What does this mean? Does it mean that the convention undertakes to make a Senator or a Congressman punishable for genocide if he makes a speech outside of the Chamber of his respective House in which he justifies the action of Arabs in killing Jews, or the action of Jews killing Arabs? Does it undertake to deprive public officials and citizens of America of the right to freedom of speech with respect to matters falling within the terms of the Genocide Convention?

If anyone believes that the first amendment invalidates my apprehension on this score, let him read and ponder *Fox* v. *Washington*, 236 U.S. 273, and *Feiner* v. *New York*, 340 U.S. 315, as well as the majority and dissenting opinions in *Terminiello* v. *Chicago*, 337 U.S. 1.

If the convention is ratified, public officials and private citizens of our land will be subject to punishment in Federal courts or possibly in international penal tribunals to be established under article VI if they are guilty of the undefined offense designated as "complicity in genocide." What is "complicity in genocide?" The convention does not say.

When the subcommittee of the Senate Foreign Relations Committee considered the Convention in 1950, it recognized the vagueness and uncertainty of this proposed Federal and international crime, and recommended that the Senate should not ratify this Convention in any event without stating the following reservation:

> That the United States Government understands and construes the words 'complicity in genocide' appearing in article II of this Convention to mean participation before and after the fact and aiding and abetting in the commission of the crime of genocide.

If the convention is ratified, article II would impose upon the United States the obligation to prevent and to punish as a crime under international law any act of genocide "whether committed in time of peace or in time of war," and article VIII would authorize any party to the convention to call on the United Nations to take such action against the United State under the charter of the United Nations it considers "appropriate for the prevention and suppression of acts of genocide, or any of the other acts enumerated in article III" occurring or likely to occur anywhere in the United States.

What actual obligation does article I impose upon the United States with respect to events occurring either in peace or in war in lands beyond the seas? Does it require the United States to go to war to prevent one nation from killing the nationals of another nation? The Convention does not say, but article IX places the power to determine this question in the International Court of Justice.

Does article VIII imply that the United States agrees that the United Nations is to investigate or take action concerning the acts of public officials and individuals occurring within the borders of the United States? The convention does not say, but article IX leaves this determination to the International Court of Justice.

Able lawyers have expressed the fear that article VI imposes upon the Congress an implied commitment to support the creation of an international court for trials of American citizens for genocide. I find myself in complete harmony with their opposition to subjecting our citizens and other persons within our territorial jurisdiction to trial, conviction, and sentence for acts of genocide committed in the United States by an international penal tribunal where they would not be surrounded by the constitutional safeguards and legal rights accorded persons charged with a domestic crime.

CONVENTION MAKES SOLDIERS PUNISHABLE FOR SERVING THEIR COUNTRY IN COMBAT

Fifth. If the Senate should ratify the Genocide Convention, it would make American soldiers fighting under the flag of their country in foreign lands triable and punishable in foreign courts—even in courts of our warring enemy—for killing and seriously wounding members of the military forces of our warring enemy.

This is made indisputable by article I which provides that genocide is punishable under the convention whether it is committed in time of peace or in time of war, and by the fact that it contains no provision exempting soldiers engaged in combat from the coverage of the provisions of the convention. When soldiers kill or seriously wound members of a detachment of the military forces of a hostile nation, they certainly do so with intent to destroy, in whole or in part, a national group as such. Hence, their acts in combat fall clearly within the purview of the convention. In such cases, they are triable and punishable under article VI in the courts of the nation in whose territory their acts are committed, or in such an international penal tribunal "as may have jurisdiction with respect to those contracting parties which shall have accepted its jurisdiction."

These things being true, American soldiers who killed or seriously wounded North Vietnamese soldiers or members of the Vietcong, or South Vietnamese civilians in South Vietnam, might have been triable and punishable in courts sitting in South Vietnam, and American aviators who killed North Vietnamese soldiers or civilians in bombing raids upon targets in North Vietnam, and who were taken prisoner by the North Vietnamese, might have been triable and punishable in the courts of North Vietnam. No sophistry can erase this obvious interpretation of the Genocide Convention.

CONVENTION SUBORDINATES THE AMERICAN GOVERNMENT TO THE WORLD COURT

Sixth. If the Senate should ratify the Genocide Convention, article I would impose upon the President, as the Chief Executive of the United States, the duty to enforce both the provisions of the convention and any acts of Congress implementing them as the supreme law of the land.

Article V would obligate the Congress to enact legislation to give effect to all the provisions of the convention, and to provide effective penalties for persons guilty of genocide or of any of the other acts enumerated in article III, and article VI would obligate the Supreme Court of the United States and all inferior Federal courts created by Congress to interpret and apply all of the provisions of the convention and of the acts of Congress implementing it to cases coming before them under the terms of the convention and the acts of Congress implementing such terms.

Seventh. If the Senate should ratify the Genocide Convention, it would bring into play article IX which provides that disputes between the parties to the convention relating to the "interpretation, application, or fulfillment" of the convention "shall be submitted to the International Court of Justice at the request of any of the parties to the dispute."

Under this article the International Court of Justice would be empowered to decree that the President of the United States, as Chief Executive Officer of the United States, had interpreted and applied the provisions of the convention incorrectly and by so doing impose upon the President of the United States its notions as to how the convention should be interpreted and enforced; the power to adjudge that legislation enacted by Congress to give effect to the provisions of the convention was insufficient to fulfill the obligations imposed upon it by the convention; and the power to adjudge that the Supreme Court of the United States and Federal courts inferior to it had interpreted and applied the provisions of the convention incorrectly and by so doing require these tribunals to apply its notions as to how such provisions should be interpreted and applied to future cases coming before them.

When their attention is called to the drastic powers which the ratification of the Genocide Convention would bestow upon the International Court of Justice in respect to the President, the Congress, and the Supreme Court and other inferior Federal courts, the proponents of ratification assert that these agencies of the Government of the United States do not have to obey the rulings of the International Court of Justice if they deem that such ruling infringe upon the fundamental sovereignty of the United States. In so doing they ignore the solemn obligation assumed by the United States under article 94 of the charter of the United Nations which reads as follows:

> Each member of the United Nations undertakes to comply with the decisions of the International Court of Justice in any case to which it is a party.

The charter of the United Nations clearly contemplates that the United Nations will not interfere in the domestic affairs of any nation. The Genocide Convention goes a bow shot beyond the charter of the United Nations. It undertakes to regulate certain domestic affairs of the parties to it by converting what have always been domestic crimes into international crimes, and confers upon the International Court of Justice the vast powers set forth in article IX.

Consequently, if the Senate should ratify it, the Genocide Convention would render the Connally reservation, which was designed to prevent the International Court of Justice from exercising jurisdiction over any domestic affair of the United States, inapplicable to any of the matters covered by the convention, and would nullify the Vandenberg reservation to the jurisdiction of the International Court of Justice, which stipulates that American acceptance of compulsory jurisdiction of the Court shall not apply to "disputes arising under a multilateral treaty, unless all parties to the treaty affected by the decision are also parties to the case before the Court, or the United States specially agrees to jurisdiction."

What I have said does not militate against the good intentions of those who drafted the Genocide Convention, or those who favor its ratification. All of us are opposed to the systematic, planned annihilation of any national, ethnical, racial, or religious group. The existing laws of the United States and its several States are adequate to punish all of the physical acts of violence denounced by the Genocide Convention. Hence the Senate does not need to ratify the Genocide Convention in order to make these acts punishable as crimes if committed within the borders of our land.

But the Senate should not permit itself to be persuaded by the good intentions of the proponents of ratification to ratify a convention which would have such a tragic impact upon the system of government which has always existed in our land, and which for the first time in our history undertakes to make undefined psychological harms inflicted in some undefined manner Federal and international crimes.

The American Bar Association has twice urged the Senate to reject the Genocide Convention—once in 1949 and again in 1970.

In closing, I urge every Senator to read the booklet entitled "The Convention on the Prevention and Punishment of the Crime of Genocide" prepared by 36 of the most distinguished and patriotic lawyers of America.

When this convention was originally submitted to the Senate for ratification or rejection, one of Americas' ablest jurist, Orie L. Phillips, chief judge of the U.S. Court of Appeals for the 10th Circuit, wrote an article entitled "The Genocide Convention: Its Effect on Our Legal System," which was published in the American Bar Association Journal for August 1949. I ask unanimous consent that the article be printed in the RECORD. I commend it to all Senators for their reading.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE GENOCIDE CONVENTION: ITS EFFECT ON OUR LEGAL SYSTEM

(By Orie L. Phillips)

(NOTE.—In this article, Judge Phillips makes a concise, precise, analysis of the terms of the proposed Convention on the

Prevention and Punishment of Genocide, and then discusses the effect of the Convention should it be consented to by the Senate. He points out that, under the Constitution, a treaty is the supreme law of the land, superior to any state constitution or statute, and any existing federal statute, and that once a treaty has been approved by the Senate no further action is necessary to make it part of the municipal law of every State, binding upon individuals. While recognizing our international responsibilities, Judge Phillips questions the wisdom of this Convention and offers a suggestion that will carry out our international obligations without subjecting individual Americans to trial and conviction by a court that may not operate under the safeguards to an accused accorded by our legal system.)

On June 16, 1949, the President transmitted to the Senate the Convention on Genocide with the request that the Senate give its advice and consent to its ratification.

By this Treaty the contracting parties confirm that genocide is "A crime under international law which they undertake to prevent and punish."

Articles II and III of the Convention read:

ARTICLE II

In the present Convention, genocide means any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such:

(a) Killing members of the group;

(b) Causing serious bodily or mental harm to members of the group;

(c) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part;

(d) Imposing measures intended to prevent births within the group;

(e) Forcibly transferring children of the group to another group.

ARTICLE III

The following acts shall be punishable:

(a) Genocide;

(b) Conspiracy to commit genocide;

(c) Direct and public incitement to commit genocide;

(d) Attempt to commit genocide;

(e) Complicity in genocide.

Article V obligates the contracting parties to enact the necessary legislation to give effect to the provisions of the Convention and to provide effective penalties "for persons guilty of genocide or any of the other acts enumerated in Article III."

Article VI provides that "person charged with genocide or any of the other acts enumerated in Article II shall be tried by a competent tribunal of the state" in which the act was committed, or by "such international penal tribunal as may have jurisdiction with respect to such contracting parties which shall have accepted its jurisdiction."

Article IX provides that disputes between the contracting parties relating to the "interpretation, application or fulfillment of the present convention," shall be submitted to the International Court of Justice at the request of any party to the dispute.

Thus, it will be seen that it is proposed by the action of the President, consented to by two-thirds of the Senators present[1] when Senate action is taken, to define certain acts, which have traditionally been regarded as domestic crimes, as international crimes and to obligate the United States to provide for their punishment and for the trial of persons accused thereof either in our domestic courts or in an international tribunal.

Treaty-making power is reviewed

It would seem appropriate, therefore, to review the treaty-making power.

Section 2 of Article II of the United States Constitution authorizes the President by and with the advice and consent of the Senate to make treaties, provided two-thirds of the Senators present concur.

The power is not one granted by the states. Neither did the powers of external sovereignty depend on the affirmative grants of the Constitution. If they had not been mentioned in the Constitution, they would have vested in the Federal Government as necessary concomitants of nationality. They embrace all the powers of government necessary to maintain an effective control of international relations.[2]

". . . the external powers of the United States are to be exercised without regard to state laws or policies."[3]

". . . the field which affects international relations is 'the one aspect of our government that from the first has been most generally conceded imperatively to demand broad national authority.' "[4]

The treaty-making power is not limited by any express provision in the Constitution. But it does not authorize what the Constitution forbids and its exercise must not be inconsistent with the nature of our Government and the relation between the states and the United States.[5]

The treaty-making power is not subject to the limitations imposed by the Constitution on the power of Congress to enact legislation, and treaties may be made which affect rights under the control of the states.[6]

Treaty is equivalent to statute

A treaty, entered into in accordance with constitutional requirements, to the extent that it is self-executing, has the force and effect of a legislative enactment and to all intents and purposes is the equivalent of an Act of Congress. In addition to being an international contract, it becomes municipal law of the United States and of each of the states, and the judges of every state are bound thereby, anything in the constitution or laws of any state to the contrary notwithstanding.[7]

In the event of a conflict between a treaty made in accordance with constitutional requirements and the provisions of a state constitution or a state statute, whether enacted prior or subsequently to the making of the treaty, the treaty will control.[8]

But, a treaty may be abrogated by the enactment of a subsequent federal statute which is clearly inconsistent therewith.[9]

Thus, it will be seen that it is proposed that we set out on a course, under a power without express limitation and of broad scope, to enact domestic criminal law, without any concurrence by the House of Representatives, the body traditionally regarded as closest to the people.

Moreover, if the offenses involved should be regarded as international in character by Section 8 of Article I of the United States Constitution, Congress has the power "to define and punish . . . offenses against the law of nations."

Convention would become supreme law of land

Since the Convention in most respects is self-executing, in those respects, on ratification, it would become the supreme law of the land. That would not be true as to any other contracting party except France and a few other states. Even if non-self-executing, the obligation to implement the Treaty by legislation is as binding as the Treaty itself.

It is one of our fundamental concepts that a legislative body, in the exercise of its power to declare what constitutes a crime, must define it so as to inform persons subject thereto, with reasonable precision, what it intends to prohibit so they may have a certain and understandable rule of conduct and know what it is their duty to avoid. "A statute which either forbids or requires the doing of an act in terms so vague that men of common intelligence must necessarily guess at its meaning and differ as to its application, violates the first essential of due process of law."[10]

Do the definitions in Articles II and III of the Convention meet that test?

What is a part of a national, ethnical, racial or religious group—one member, two members, how many?

If an act was done with intent to destroy two members of a group, although actuated by no malice toward the group as such, would that be genocide?

Would it not be more accurate and desirable if the prerequisite intent was defined as an act committed with intent to injure one of the enumerated groups as such, so as to make it clear the act must be directed toward the group as such and not merely at an individual member or members thereof?

What is meant by mental harm?

Does not complicity mean the act of an accessory, or to aid, abet, assist, or incite genocide?

A person accused of an offense defined by the Convention, if tried by an international penal tribunal, would not be surrounded by the safeguards we accord persons charged with domestic crimes.

Should we ratify Convention with reservations?

In the event we ratify the Convention, should we, by reservation, expressly provide that citizens of the United States and persons within the territorial jurisdiction of the United States, charged with an offense defined in the Convention will be subject to trial and sentence only by a competent judicial tribunal of, and sitting within, the United States, vested with jurisdiction over such offense by federal legislation; that a citizen or other person so charged shall be presumed to be innocent until his guilt has been established by lawful evidence beyond a reasonable doubt; that a citizen or other person so charged shall be protected by all the safeguards embraced within the Constitution of the United States, including the rights guaranteed by the Fourth, Fifth, Sixth, and Eighth Amendments to the Constitution of the United States, to an accused charged with a domestic crime; and that such citizen or other person shall not be subject to be charged, tried, or sentenced by any international penal tribunal? Of course, no international penal tribunal has yet been created, and the advice and consent of the Senate would be necessary to subject our citizens to the jurisdiction of such a tribunal should it be created. But should we not endeavor to close the door to the giving of that advice and consent in the future?

Although the United Nations Charter provides that nothing therein contained shall authorize the United Nations to intervene in matters which are essentially within the domestic jurisdiction of any state, since our representatives have participated in the drafting and approving of the Genocide Convention, if it should thereafter be ratified by the United States, would the matters embraced in such Convention be thereby with drawn from our domestic jurisdiction?

Should we agree to submit to the International Court of Justice a dispute as to the interpretation, application, or fulfillment of the Convention by us? Suppose a citizen of the United States was charged with one of the offenses defined in the Convention—the group involved being an alien racial group—and tried in a competent tribunal in the United States, and our domestic courts, including the Supreme Court of the United States, should hold the act did not constitute an offense under the Convention. Could the state, of which the alien group were subjects, seek a review as to the interpretation of the treaty in the International Court of Justice? If it could not seek a direct review, could it seek an interpretation by the International Court which would be binding on our domestic courts in the future?

Footnotes at end of article.

Should we obligate the United States to undertake to prevent and punish genocide in other states? Such seems to be the import of Article I of the Convention.

I assume that no one will deny that the acts defined in the Convention as offenses are abhorrent and the purpose to prevent them wholly commendable. The question is as to the method and means to attain that end.

If genocide and kindred offenses defined in the treaty are in fact international crimes, would not the wise course be to enact domestic legislation under Section 8, Clause 10, Article I of the Constitution of the United States, defining such offenses, and providing for the trial and punishment of persons committing such offenses, in our own domestic courts, where the accused will be guaranteed his constitutional rights and accorded due process under our concept of that phrase? We would thus set our own house in order, would offer the same protection to the accused as one charged with any domestic crime, and would reserve to our own courts the final determination of questions as to the interpretation of the penal statute. To agree, by international convention, to so define, try, and punish persons who commit the offenses which the treaty undertakes to define, would seem to me to wholly fulfill our international obligation, and would avoid many serious questions with respect to the incipient effects of ratification of the Convention on our constitutional and legal system and questions of policy which will arise on a consideration of concurrence by the Senate in the proposed Convention.

FOOTNOTES

[1] See Art. II, § 2 United States Constitution.

[2] *United States* v. *Curtiss-Wright Corp.*, 299 U.S. 304, 315–318.

[3] *United States* v. *Belmont*, 301 U.S. 324, 331.

[4] *United States* v. *Pink*, 315 U.S. 203, 232.

[5] *Asakura* v. *Seattle*, 265 U.S. 332, 341; *Holden* v. *Joy*, 84 U.S. 211, 243; *Geofroy* v. *Riggs* 133, U.S. 258 267.

[6] *Missouri* v. *Holland*, 252 U.S. 416, 432.

[7] See *Valentine* v. *Neidecker*, 299 U.S. 5, 10; *Whitney* v. *Robertson*, 124 U.S. 190, 194.

[8] *Santovincenzo* v. *Egan*, 284 U.S. 30, 40; *Nielsen* v. *Johnson*, 279 U.S. 47, 52.

[9] *Whitney* v. *Robertson*, 124 U.S. 190, 195; *Botiller* v. *Dominguez*, 130 U.S. 288, 247; 52 *Am. Jur. Treaties*, 818 § 21; Note, 134, *A.L.R.* 885.

[10] *Connally* v. *General Const. Co.*, 269 U.S. 385, 391.

AN INTERNATIONAL SEC

Mr. SAXBE. Mr. President, Robert L. Vesco recently went on nationwide Costa Rican television and radio to respond to the variety of charges which have been leveled at him over the past several months from throughout the world. He then announced he was leaving Costa Rica.

These charges include indictment in Switzerland and a pending trial in the United States for diverting funds from the International Overseas Services, a complex of mutual funds, for alleged personal gain in Costa Rica and other developing countries. Vesco did not comment on the pending Securities and Exchange allegations or the criminal investigations of his operations in the State of New York. He said he had selected Costa Rica as a place for investment because the country needs capital to create employment and to improve the living standards in various sectors. Vesco justified his direction of mutual funds to underdeveloped countries, specifically Costa Rica, because these countries offer better growth potential. In short, Vesco defended his diversion of mutual assets and capital to developing countries because the financial establishment would not make these investments.

Further, Vesco flaunted the fact that he is exempt from prosecution because security laws cannot be enforced internationally. He relied on the fact that there is no multinational procedure to protect investors from highly questionable if not illegal diversion of their money. Vesco stated that he had invested about $25 million in Costa Rica and intends to increase that amount to $150 million.

I am dismayed at each new adventure of the management of the IOS and related funds. Vesco and his predecessors, especially Mr. McAlpin, appear to be taking funds invested by small investors in many countries and diverting them to their own personal gain. While pleading that he has the best interest of his investors at heart, Vesco appears to be trading solid U.S. and other multinational securities for overvalued equities in banks and companies of his own design. Other Costa Rican nationals report that Vesco is buying heavily into business and land companies in that country. However, it is difficult to determine where and how much, because of the structure of Costa Rican corporate law which allows business principals to remain anonymous.

This is not the first case of questionable management of mutual funds, nor will it be the last unless steps are taken by the international business circles and the world community of governments. We have experienced the struggle for control of International Overseas Services and Vesco's financial shenanigans since early in 1971. Now he is using fund assets with complete indiscretion and justifying his actions on the grounds that no country can exercise its securities law if he moves fast enough.

For this reason, I applaud the action taken by the Security and Exchange Commission against Vesco and the numerous other defendants involved in raising money from small, honest investors and funneling it into projects that will provide maximum personal gain for the fund managers. Vesco's actions are a repugnant breach of his fiduciary relationship to the investors of the various IOS funds. I am hopeful that the SEC action against him will succeed in stopping the apparent looting of the fund assets he controlled or continues to administer.

Subsequently, I am optimistic that other actions will force return of any misappropriated funds. However, international attention must be given to this problem and I ask that my colleagues give serious consideration to the formation of legislation to expand the operation of the Security and Exchange Commission by setting up ground rules for an international conference or convention to deal with multinational stock and investment fraud.

NATIONWIDE REGISTRATION PROCEDURE FOR FEDERAL ELECTIONS

Mr. McGEE. Mr. President, the New York Times on Friday endorsed the proposal I have forwarded to establish a simple, uniform registration procedure nationwide for Federal elections. This proposal is embodied in S. 352, which bears cosponsorship from both sides of the aisle. The aim of the legislation is to open the path to the voting booth for the millions of Americans who were foreclosed from casting a ballot last election day because of antique registration requirements and procedures.

As the Times' editorial correctly states:

> The United States is the only major country in the world which places the responsibility of registration entirely on the citizen.

One result has been that as recently as last November 7, when the Nation chose its leadership for the next 4 years, only 55 percent of the eligible citizenry voted. Compared to voter participation in other free nations that is a dismal record.

Mr. President, the Committee on Post Office and Civil Service will complete its hearing record on the issue of voter registration legislation on Friday of this week, taking testimony from a spokesman for the administration and from others knowledgeable in the field. We hope to move at an early date to report a bill to the Senate for consideration. I ask unanimous consent that the New York Times editorial, "The Closed Booth," be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

THE CLOSED BOOTH

For millions of Americans, the voting booth is closed on Election Day. These are the people who failed to get their names on the registration lists. It is possible to criticize them for apathy or inattentiveness. But it is also possible to inquire why local governments make it so difficult to register.

The United States is the only major country in the world that places the responsibility of registration entirely on the citizen. In most free countries the government seeks out citizens as soon as they reach voting age and lists their names on the voting rolls as it does on the tax rolls. But most towns, cities and counties in this country make no such effort. Three-quarters of them have no Saturday or evening registration during most of the year. According to a League of Women Voters' study last year, many districts do not keep their registration offices open for additional hours even in the immediate pre-election period when interest is high.

Senator Gale McGee of Wyoming is the principal sponsor of a bill which would remedy this defect by introducing registration by postcard for Federal elections. A card would be delivered to every mailing address, and those wishing to register could do so by filling out the card and returning it. To encourage the states to adopt the same system for state and local elections, the bill would provide them with a small subsidy to defray registration expenses if they complied with the Federal plan.

The Senate a year ago narrowly defeated the original version of the McGee bill. By coincidence, the Supreme Court a week later achieved one of the purposes of that bill. It struck down state laws which required residency of six months or a year before a person was eligible to register. Despite that gain, there is still need to adopt a simple, uniform registration procedure.

The only argument against registration by mail is the danger of fraud. But the real sources of fraud are corrupt election officials and politically motivated voter registrars. Where they exist, they have long shown that they can subvert the present cumbersome systems. Making life easier for the would-be voter would not affect the potential for fraud one way or the other. The McGee bill, which is expected to reach the floor later this month, deserves approval.

THOMAS G. MASARYK

Mr. PERCY. Mr. President, on the anniversary of the birth of Thomas G. Masaryk, it is appropriate that he should be remembered in the Halls of Congress because, as much as any man, he promoted and fostered the democratic ideal. In 1918 he established a strong democratic state in Czechoslovakia and won the admiration of free men everywhere.

Masaryk was not only the liberator of his country, but also a fervent foe of social injustice and discrimination. He was a leader who embodied the qualities of both a statesman and a philosopher. He has been described by one historian as "a towering figure, humane, a philosopher, a cosmopolitan in the best sense."

On the occasion of the anniversary of Masaryk's birth, the people of Czechoslovakia will recall the democratic state which he gave them, and will stop in their day's activities to praise his name.

For Americans and other free men, the memory of Thomas Masaryk is one of courage, truth, and devotion to freedom. We shall not forget him.

IN MEMORIAM: LYNDON BAINES JOHNSON, HARRY S TRUMAN

Mr. CRANSTON. Mr. President, the distinguished poet laureate of the State of California, Charles B. Garrigus, has memorialized the passing of two great Americans, Harry S Truman and Lyndon B. Johnson.

Mr. Garrigus' eloquent and heartfelt words lyrically honor the spirit and passions of two of our greatest Presidents.

I know my colleagues will want to share these panegyrics with me. Mr. President, I ask unanimous consent that they be printed at this point in the Record.

There being no objection, the eulogies were ordered to be printed in the Record, as follows:

In Memoriam: Lyndon Baines Johnson

Beside the Pedernales cattle low
And Texas skies are filled with starlight's glow;
The winding waters have a ghostly gleam
As if the stars were floating in the stream.
This is the land where Lyndon Johnson grew.
Here live the people Lyndon Johnson knew.
This land—this people—shaped what he would do.

Friendly, proud, ambitious in this place,
He marked the course where he would run his race.
What most he sought was exercise of power,
To furnish civil rights as each man's dower.
He believed that what American must be
Would show the world how true democracy
Could guarantee all men their dignity.
This man whom strong ambition lifted high
Became conspicuous in his country's eye.
Proud, persuasive, pompous and profane,
He drove himself and others for our gain.
He knew his trust, his faith, and his desire
Would lift him to the heights where men aspire
To work for service rather than for hire.

Long hours of stress and anguish caused by war
Weakened a heart already strained too far.
He saw so well the twilight of his day,
But walked with cheerful courage all the way.
Remember Lyndon Johnson for his cause:
That each man suffers for his neighbor's flaws;
That men find freedom in respect for laws.

In Memoriam: Harry Truman

Now by Missouri's lonely hickory hills,
A noble civil servant takes his rest.
He was an unpretentious, common man:
And yet his record ranks him with the best.

Salesman, captain, clerk and politician
Are terms that designate a simple man.
He was all of these, but so much more
That history proudly marks the course he ran.

Thrust by cruel chance into an awful task,
He ne'er complained nor wavered in his course.
His duty and his conscience were his guides;
His deep religious faith in God his force.

The common people saw themselves in him,
Saw faith and fear and doubt before the fact;
Saw anger, pride, and pleasure in the game,
Saw victory in the way he dared to act.

In centuries hence across the stage of time,
The world shall see great men pass in review—
Warriors, kings, the leaders of the earth—
Our Man from Independence walks there too.

TRIBUTE TO SENATOR BURDICK

Mr. HART. Mr. President, I wish to call the attention of my colleagues to a recent newspaper article recognizing the work which my able colleague, the junior Senator from North Dakota (Mr. Burdick) has done on the Subcommittee on National Penitentiaries. This article deals with the serious problems of restoring to offenders the opportunity to achieve the gainful employment which is necessary for them to rehabilitate themselves.

As I said in the statement prepared for the opening of the hearings on this important legislation last February 3, 1972, in referring to rehabilitated former offenders—

> For them a criminal record is not a deterrent to crime but a further deterrent to achieving the minimum level of economic security which is required to achieve a stable lawful pattern of behavior.

Earlier this week, William Raspberry, a newspaper columnist wrote of some of the work which has been done by this subcommittee and its chairman, Mr. Burdick. I commend the article to the attention of my colleagues.

I ask unanimous consent that the article be printed at this point in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the Washington Post, Mar. 5, 1973]

Behind Bars on the Outside

(By William Raspberry)

One of the things that makes rehabilitation of persons convicted of crimes so difficult is the fact that nearly every sentence is, in effect, a life sentence.

The only variable, most of the time, is how much of the sentence is served in prison, and how much on the outside. Two years in the pen and the rest of your life with a record that makes it difficult for you to travel, vote, drive a car, build self-respect or get a decent job is, after all, a life sentence. The reminder comes every time you fill out a job application form that asks: Have you ever been convicted . . .?

It is a situation that Sen. Quentin N. Burdick (D-N.C.) proposes to do something about. Not much, maybe, but something.

He would make it possible for certain offenders to have their criminal records wiped clean, in effect making it legal for them to deny that such records exist.

Burdick, who is chairman of the national penitentiaries subcommittee of the Senate Judiciary Committee, expects to introduce soon an updated—and, one hopes, stronger—version of his 1971 offender rehabilitation bill, which he described at the time as "a small step." It would have made expungement available only to "the one-time offender convicted of a nonviolent offense."

That's small. In fact, the senator's remarks introducing the legislation were much more boldly to the point than the bill itself.

"When a judge pronounces sentence," he said, "it would seem that the law is saying to the offender: At some certain time, such as 10 years from now, you will be returned to society with your debt paid. You should then be ready to assume an honest and upright life. But this is a fiction, because the debt to society continues to be collected.

"I do not believe that the offender should forget what he has done; that is part of his rehabilitation. But there is a time when the records of his crime cease to have any value in determining his eligibility for employment, bonding, and licensing . . .

"It destroys his hope that he may again earn the opportunity for advancement in his job or profession. The ex-offender's failures destroy society's hopes that offenders can be rehabilitated, and becomes a self-fulfilling prophecy."

That's the speech. The bill was a good deal weaker. To begin with, it imposed a waiting period (three years for nonprison sentences, five years for those who have been incarcerated) between the time the "debt to society" is paid and application for expungement could be made. Burdick argues that the waiting period gives an ex-offender time to prove that he has been rehabilitated. But if the ability to find decent work is an essential part of rehabilitation, as Burdick also argues, then the waiting period is counterproductive, and comes at the worst possible time: upon release from prison.

The dilemma was built into the legislation for one key reason: Burdick believes that it is important that record expungement not be automatic and routine, that it require some effort and some positive showing of rehabilitation on the part of the applicant. For that, in Burdick's view, is also part of his rehabilitation.

"The possibility that a past criminal record can be nullified would be an incentive to an offender to try harder to live lawfully," he said. "It would be the light at the end of the tunnel. It would also be a stern reminder of how much he stands to lose by returning to crime."

There were other weaknesses in the proposal. For instance, it was limited only to first-offenders convicted of nonviolent crimes. The limit may have been guided less by logic than the need to satisfy those who resent any proposal to "mollycoddle" dangerous criminals.

Nor did it cover expungement of records of arrest not followed by conviction. Whatever the utility of conviction records, it is hard to see any value whatever in keeping records of arrests only. Such records ought to be automatically and routinely destroyed.

But for all the timidity of the original Burdick proposal and the likelihood that his new proposal won't go far enough, the senator is unmistakably headed in the right direction.

Burdick is fully aware of the pointlessness of introducing a thoroughgoing hardhitting, logical—and unpassable—bill. His approach is to weigh what is needed against what can be achieved.

And if he can get rid of even a few of those paper albatrosses that ex-offenders must wear, he will have achieved a good deal.

THE JAYCEES CENTER FOR IMPROVED CHILD NUTRITION

Mr. PERCY. Mr. President, I am extremely pleased that the U.S. Junior Chamber of Commerce has become an active participant in the war against hunger and malnutrition through the establishment of a Center for Improved Child Nutrition in Bloomington, Minn.

I am also pleased that the Jaycees have selected as their primary goal the expansion of the school lunch and school breakfast programs to the over 18,000 schools throughout the country which do not presently have such programs.

I believe their effort is an important one for the U.S. Jaycees to undertake and I want to commend Mr. Robert Benedict and Mr. David Jones, the director and associate director for Improved Child Nutrition, respectively, for the energy and dedication they have already shown in launching the center's activities.

I want to take note of and enthusiastically endorse the effort by the Jaycees to reach no-program schools in Chicago. The Jaycees are mobilizing the grassroots support which is the vital first step toward the implementation of school lunch and school breakfast programs in innercity schools which badly need them.

I am sure all Members of Congress join me in wishing the Jaycees every success in reaching no-program schools and in spreading the benefits of child nutrition programs to millions of youngsters who do not now enjoy them.

I ask unanimous consent to include in the Record at this point a letter of endorsement from President Nixon to Mr. Samuel D. Winer, president of the U.S. Jaycees, and a copy of the nation center's newsletter, "Common Sense."

There being no objection, the material was ordered to be printed in the Record, as follows:

THE WHITE HOUSE,
Washington, October 24, 1972.

Mr. SAMUEL D. WINER,
President, U.S. Jaycees,
Tulsa, Okla.

DEAR MR. WINER: It was a great pleasure to learn from your October 3 letter about the interest which the U.S. Jaycees have in the National School Lunch Program. I was especially gratified to know that members of my staff, program administrators in the Department of Agriculture, and officials from the Jaycees, including Chairman Benedict, have discussed the program thoroughly in connection with your plans to bring it to the attention of eligible schools which have not yet asked for such assistance.

Of course, the schools themselves must make the final decision about having this program. But the Jaycees, in helping the communities to have a full understanding about the lunch program, can play an effective role in assisting the schools in arriving at a decision which is right for them.

I am deeply encouraged by the willingness of the Jaycees to undertake this important educational project. It is a further example of the outstanding service the Jaycees have traditionally given our cities and towns across the nation, and you may be assured we will be pleased to work closely with you in this undertaking.

With my kindest good wishes,

Sincerely,

RICHARD M. NIXON.

[From Newsletter "Commonsense"]

JAYCEES ESTABLISH CENTER FOR IMPROVED CHILD NUTRITION

Following a national campaign last August and September to expand the School Food Program, the U.S. Jaycees have established a National Center for Improved Child Nutrition. The headquarters, located in Bloomington, Minnesota, will serve as the nerve center in the Jaycees effort to involve nearly 8.7 million children in over 18,000 "no-program" schools.

According to the Center's director, Robert Benedict, who led last fall's legislative campaign, "Studies have shown that it is far less costly and far more humane to deal with a child nutritionally during his formative years than to pay for him both medically and on welfare in later years."

As a result, the new office's primary goal is to individually locate and ascertain the needs of these no-program schools, providing them with up-to-date, concise information and assistance in overcoming the particular obstacles they now face.

"Many school officials just don't know what is available, what costs they will incur, or specifically how to get involved. Moreover, many do not understand how utterly imperative proper nutrition is to a child's physical, mental, and emotional development. This country can make no greater investment than to feed its children."

Recent studies have shown that where school food programs have been introduced into economically deprived areas, they have greatly aided in:

1. Drastically reducing the drop out rate
2. Increasing overall academic performance by up to a grade and a half
3. Substantially decreasing health care problems and costs

In the coming months, the Center will be formulating brochures, organizing statewide workshops, and adding its lobbying impact to the goal of better nutrition for America's children.

AMERICAN SCHOOL FOOD SERVICE APPLAUDS JAYCEES EFFORTS

True builders of peace

"Who are the real builders of peace? Certainly peace is more than merely the absence of war. It is more than merely uprooting the weeds of a garden and letting it lie fallow. Rather, it is the planting of that which will grow and bring forth fruit. It is the establishment of an environment where a child can progress as far as his God-given abilities will allow him. And in the building of a real "generation of peace", the true builders of peace are in the audience today."

So began Robert Benedict, National Jaycees Director for Improved Child Nutrition, as he addressed the American School Food Services, Seventh Annual Industry seminar. Speaking to the top members of the food industry and school food service, Benedict continued,

"Proper nutrition is the imperative prerequisite for a child's physical, mental and emotional development. America can make no greater investment than to feed her children."

Benedict, who in 1967 founded a nationwide organization (Teen Corps of America) which has provided millions of dollars worth of goods and services to America's poverty areas, and in 1972 wrote a book (*The Possible Dream*) about his years in the poverty areas, pointed out that,

"It is senseless to talk about improved education in poverty areas, without first talking about improved nutrition.

"And talking about improved medical or dental health, without first regarding improved nutrition, is about the same as putting a bandaid on a broken leg.

"If we really intend to build a 'generation of peace', we must provide our children with the necessary environment. It is the people in the business of feeding children who are the true builders of peace."

Dr. John Perryman, Executive Director of the 49,000 member American School Food Service Association, returned Benedict's visit and addressed the Jaycees Bosses Night in Minneapolis, Minnesota.

"I believe that the Jaycees will add a sizeable and highly significant force to the long and difficult battle of feeding America's children. We of the American School Food Service Association welcome your efforts in this highly crucial endeavor."

In an address met with great response, Perryman was given a standing ovation for 25 years of dedicated service in feeding America's children.

BREAKTHROUGH IN BALTIMORE

Officials from the Maryland School Food Program, the F.N.S., the U.S.D.A., as well as representatives from 30 non-public, "no-program" schools, welcomed the Jaycees into the fight to involve all children in School feeding programs. In his address to the Notre Dame College Child Nutrition Seminar, David Jones, Associate Director of the U.S. Jaycees Center for Improved Child Nutrition, explained that,

"We as Jaycees do not intend to tell non-public schools what your needs are, but rather to listen to your needs and do all we can to help you feed your students."

The seminar, which materialized through the imagination and hard work of Miss Eleanor Weagly, Coordinator of Maryland Food Service Programs, provided such school food service experts as Dewey Wood and Tom Heafy of the F.N.S. and Dave Overbagh of the U.S.D.A.

According to Overbagh, "One of the major road blocks facing these private schools is lack of information. I think the Jaycees can have a tremendous impact in this area through publicity and through direct contact with the schools. We must also convince these schools that government aid in the kitchen does not lead to government control in the classroom."

The seminar apparently did a superior job of informing and convincing. At the day's end, four schools were ready to begin programs and most of the other schools requested in-depth information as to how programs could be most economically instituted in their situations.

LEGISLATIVE HELP

The Chicago Jaycees were there in force at the Jaycees "mini-seminar", and were interested not only in seeing Chicago's children fed, but in viewing the national plan of action for reaching over eight million children in 18,000 "no-program" schools.

The Chicago Jaycees effort is led by a young "fireball" named Amy Nielson, who is already lining up allies for the nutritional campaign.

"If the real need is to increase the awareness of parents, the public, and politicians, as well as increasing our legislative impact, we are going to need other community groups beyond the Jaycees."

Nielson has already laid the ground work for a joining of efforts with the national P.T.A., and will be meeting with the P.T.A.'s national president later this month.

JAYCEES CENTER RECEIVES FUNDING

Convinced that the Jaycees effort to involve "no-program" schools will work, two organizations have already granted their economic support. The National Child Nutrition Project, headed by Mr. Lewis Straus, has contributed $20,000 for the period from March 1, 1973 to February 28, 1974.

"I fully believe the impact of the U.S. Jaycees entrance into this field will be felt heavily. They are a well respected national group that will swing a good deal of weight in locales across the country. Their approach of having local people talk to local people, about a local situation, is going to have impact."

The National Child Nutrition Project will also be providing the Jaycees effort with technical and resource assistance.

Also received to date is a $2,000 grant by the Eli Lilly Foundation, which has long been active in the fields of human improvement.

Yet, while the Jaycees effort is really gathering steam, it is still in need of funding. According to Jerry Kane, Publicity Director for the Center, "We still need from $50–60,000 to conduct the type of effort necessary to reach those eight million kids."

If you are interested in supporting the Jaycees effort, please write: Jerry Kane, U.S. Jaycees Center for Improved Child Nutrition, 8200 Humboldt Avenue, Bloomington, Minnesota 55431.

EXCITEMENT IN CHICAGO

With over 235 non-public schools unable to obtain access to the School Food Program, the Jaycees scheduled a "mini-seminar" in Chicago to see what could be done. Sponsored by Swift and Company, the all day session brought together some of the "big guns" in the nutrition field, including Dr. Paul LaChance of Rutgers University; Dr. John Murphy of Swift's Research and Development Center; and Jaycees personnel from throughout the country.

The main problem facing Chicago's non-public schools was outlined by a determined and capable Irishman named Jim O'Malley, "Just getting parents and residents to understand the program is the major obstacle we face. Once they understand it, they're sold."

A coordinated effort emerged from the seminar, designed to do just that. O'Malley, Director of School Lunch for the archdiocese of Chicago, and Robert Cobb of the South East Jaycees have set the wheels of progress in motion. O'Malley stated, "We're keying on 35 core-city schools that desperately need the program, and will work out to the peripheral 200 schools from there."

The Jaycee "Plan of Action" includes the door-to-door dissemination of circulars, placing posters in local stores, and securing major publicity about the positive effects of the program in local publications.

According to Robert Cobb, who is leading the effort for Chicago's South End Jaycees, "We fully understand the necessity of this program, and if it takes going door-to-door to tell about it, we've got the manpower and desire to do just that. We intend to see the children of Chicago fed."

SWIFT MAKES IT HAPPEN

The Jaycees Chicago "mini-seminar" was made possible through the kind effort of Swift and Company. Swift not only provided the excellent meeting facilities at their Research and Development Center, but a $2,000 grant to get the top nutritional and Jaycees personnel to the conference. The success of the Chicago effort is due in large part, to the concern and generosity of Swift and Company.

MICHIGAN AND MINNESOTA—NEXT TARGET AREA

Michigan goal—Over 600,000 children

A statewide Jaycees seminar is planned for late April, to involve over 600,000 children in Michigan's more than 1,000 "no-program" schools. Jaycee chapter presidents, local school personnel, and city mayors are being invited to an all day seminar that will:

1. Explain the program's value in investment terms. This will include specific information dealing with the relationship between introduction of the School Food Program and:

(a) Decreased drop-out rate, (b) Upgrading of academic achievement, (c) Reduction of health care problems and costs, (d) Increased federal revenue into a community, as well as increased employment.

Overall emphasis will be on the role of the School Food Program in producing a healthier, more educated citizenry, that is far more able to break the poverty cycle.

2. Provide testimonials of a teacher, principal, and school board member as to the value of the program to the students physical, mental and emotional performance.

3. Outline presentations on the numerous methods available for installing breakfast and lunch programs.

4. Distribute an information pocket, containing:

(a) Application form, (b) Simplified version of regulations and steps required for involvement.

5. Displays and presentations by food industries involved in breakfast, lunch systems.

The seminar will be preceded by a major mailing of Jaycees brochure and cover letter, as well as a passive publicity campaign.

Minnesota—Minneapolis' 19 schools

"It is tragic that these children should not have some type of feeding opportunity."

So stated Lowell C. Kruse, President of the Minneapolis Jaycees, in referring to Minneapolis' 19 "no-program" schools.

"This is especially detestable, since it was the Minneapolis chapter that sponsored the School Lunch Resolution to the U.S. Jaycees National Convention. It is highly important to clear up this problem in our own back yard."

The Jaycees nutritional center has organized a seminar for mid-March to do just that—feed American children whoever they might be.

BRING YOUR FAIR SHARE OF THE TAX DOLLAR HOME

Establish a school feeding program

The current federal reimbursement rates per meal served are as follows:

1. School lunch—8c.
2. Free school lunch—48c (national average).
3. School breakfast—5c.
4. Free school breakfast—15c.

Invest in the future of your community. Give your children the same advantage that children all over the nation enjoy. Feed students!

BUDGET ABDICATES FEDERAL ROLE

Mr. KENNEDY. Mr. President, the budget that has been submitted to the Congress by this administration represents a distorted view of the role of the National Government.

It seems to define national problems in the most limited way, in a way that does not include poverty, or pollution, or inadequate housing. And as Henry Steele Commager, one of our foremost historians, notes in an extremely persuasive analysis:

> Only the national government has the constitutional authority, the financial resources, the administrative talent and the statesmanship to deal with these problems on a national scale.

And a recent editorial in the Washington Post emphasizes the same point that:

> Federal intervention in the cities, as in other areas of national need, has had two aims: to provide resources which state and local governments lacked, and to focus public effort on serious problems which communities were not equipped or inclined to take on by themselves.

Mr. President, I believe the article by Henry Steele Commager, appearing in the March 4, New York Times and the editorial appearing March 7 in the Washington Post demonstrate why the Congress, in carrying out its own responsibilities, should reject the abdication of Federal responsibility contained within the proposed budget. I ask unanimous consent that these articles be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

THE OLD, THE POOR, THE UNEMPLOYED

(By Henry Steele Commager)

AMHERST, MASS.—The object of President Nixon's "new federalism" (which is neither new nor federalism) is to balance the budget, dismantle ineffective social services, and to provide more money for the military. It is submitted to the people not in this bald fashion, however, but as a reduction in Big Government, and a return to localism and voluntarism, that is to "grass roots" democracy. The notion that voluntarism and local authorities can deal effectively with the national and global problems which crowd about us is without support in logic or history, and is dangerous to the well being of the Republic.

The fact is that for a century and a half almost every major reform in our political and social system has come about through the agency of the national government and over the opposition of powerful vested interests, states and local communities.

It is the national government that freed the slaves, not the states or the people of the South, and there is no reason to suppose that these would ever have done so voluntarily. It is the national government that gave blacks the vote, guaranteed them political and civil rights, and finally—in the face of adamantine hostility from Southern states and bitter resentment from local communities, provided some measure of social equality, legal justice and political rights for those who had been fobbed off with second-class citizenship for a century. Ask the blacks if they could have "overcome" through voluntarism.

It is the national government which finally gave the suffrage to women and which, in the past decade, has so greatly expanded the area of woman's rights. It is the national government, too, which extended the suffrage to those over eighteen. And it is the federal courts that imposed a one-man, one-vote rule on reluctant states.

It is the national government which, in the face of the savage hostility of great corporations and of many states, finally provided labor with a Bill of Rights, wiped out child labor, regulated hours and set minimum wages, and spread over workers the mantle of social justice. Ask the workingmen of America if they prefer to rely on the voluntarism of private enterprise rather than on government.

It is the national government that first launched the campaign to conserve the natural resources of the nation and that is now embarked upon a vast program to curb pollution and waste, and to save the waters and the soil for future generations—a program which Mr. Nixon's new federalism is prepared to frustrate. Ask conservationists whether they can rely on the states, or on voluntary action, to resist giant oil, timber, coal and mineral interests for the fulfillment of their fiduciary obligations to future generations.

It is the national government, not the voluntarism of the American Medical Association that finally brought about social security and medicare—just as in Britain, France, Scandinavia and Germany it was government not private interests, that established socialized medicine. It is the national government, not states or private enterprise (which did their best to kill it) that finally provided social security for the victims of our economic system. Ask the old, the poor, the unemployed, the "perishing classes of society" whether they wish to go back to the voluntarism of private charity or the haphazard of local welfare.

It is the national government, through national courts, which has imposed "due process of law" on local police authorities, and on the almost arbitrary standards of many states. We have only to compare the administration of justice and of prisons in local and federal jurisdictions to realize that many of the values of voluntarism and localism are sentimental rather than real.

It is the national government, not the local, which through its almost limitless resources has finally acted to ameliorate the awful inequalities on public education at all levels. And it is the national government which has, in recent years, given vigorous support to the arts, music, libraries, higher education and research in every part of the country.

Now these and many other achievements of nationalism in the arena of health, welfare, conservation, economic equality, and justice are not to be explained on some theory that those who work for the nation are more compassionate than those who work on the local level. The explanation is at once more simple and more practical; namely that as the problems we face are inescapably national, they cannot be solved by local or voluntary action. Pollution is a national problem, no one state can clean up the Mississippi River or the Great Lakes, regulate strip mining, or cleanse the air. Civil rights, medical and hospital care, drugs and mental health and crime, the urban blight, education, unemployment—these are not local but national in impact, and they will yield only to national programs of welfare and social justice. All of them are as national as defense, and all as essential to the well being of the nation, and not even Mr. Nixon or Secretary of Defense Richardson has proposed a return to the militia system, though that would be logical enough in the light of their philosophy.

Only the national government has the constitutional authority, the financial resources, the administrative talent and the statesmanship to deal with these problems on a national scale.

The Nixon-Richardson program is not a philosophy, it is an escape from philosophy; it is not a program, it is the fragmentation of a program.

Poverty With Honor

President Nixon seems to be applying to the cities the strategy that Senator Aiken recommended years ago for Vietnam: He is declaring victory and withdrawing his troops. It can only be a matter of time before the President declares that he has achieved—what? Poverty with honor? "The hour of crisis has passed," Mr. Nixon proclaimed last weekend. "The ship of state is back on an even keel, and we can put behind us the fear of capsizing." In fact, this suggests that the administration's urban mission over the past four years was primarily to quiet the cities and put down the poor. It is a curious, aproach, heralding a retreat which is neither warranted nor wise.

Mr. Nixon's assessment of the state of the cities indicates that a few items might have been left out of his daily news summaries recently. "City governments are no longer on the verge of financial catastrophe," he stated. But there is Detroit, where the public schools are fast running out of funds. There is Philadelphia, where the school system has barely avoided collapse. There is Newark on the edge of bankruptcy. There is Gary, Indiana, where—according to a sobering analysis by Godfrey Hodgson and George Crile in Sunday's Outlook section—the white community which dominates th local economy is pulling out, leaving a largely black, poor population unable to cope. There is the massive concentration of physical decay and social devastation in New York's South Bronx, surveyed recently in the New York Times. There is the fear and desolation in the highest-crime blocks of Washington along 14th Street, which John Saar described in this newspaper on Sunday.

When Mr. Nixon's claims of progress are measured against these realities, the gains don't disappear—but they certainly shrink. The President emaphisized, for instance, that crime is dropping "in more than half of our major cities." To the extent that crime statistics relate to actual crime, any reduction is an accomplishment. But reported crime is still rising, though slowly, in the suburbs, and violence and fear still permeate too many urban neighborhoods. Similarly, the urban air may be getting cleaner, as Mr. Nixon announced, but in more than two dozen cities it is still so unhealthy that traffic controls will have to be imposed to meet the 1975 air quality standards. And to say that a poor child in a rat-ridden ghetto might be breathing slightly more easily these days is not to say that child has any better prospects for a decent home, a solid education, a productive job or a healthy life. To say that a working-class family in an aging neighborhood might be slightly less afraid is not to say that family has been relieved of its heavy tax burden or its sense of insecurity.

The situation in the cities is nowhere near as rosy as the President maintains. But the same token, federal programs for the cities, in the aggregate, have not been ruinous, as he pretends. Some of those programs were hastily conceived, many were under-funded, and most have come due for review. But his complaint about "high-cost, no-fault boondoggling" is wide of the mark. Indeed, most cities could not have achieved even limited gains since the "hour of crisis" unless some federal assistance had been timely and well-targeted.

It is worth recalling that federal intervention in the cities, as in other areas of national need, has had two aims: to provide resources which state and local governments lacked, and to focus public effort on serious problems which communities were not equipped or inclined to take on by themselves.

Mr. Nixon used to recognize this. The heart of his welfare reform program, now abandoned, was the national assumption of responsibility for the problem of poverty. Back in the early days of his first term, there were even a few attempts to shape an enlightened urban strategy, one which recognized that the underlying social and economic woes of central cities often require regional solutions.

But those constructive efforts have now been junked, along with everything else. Mr. Nixon seems to believe despite all the evidence to the contrary, that urban governments have been so enhanced, and urban problems somehow so reduced, that all the cities need from Washington is money—and less of that than before. It comes down to a prescription for self-reliance coupled with the elimination of those programs that could help people achieve it.

SAVE YOUR VISION WEEK

Mr. PERCY. Mr. President, March 4 through 10 was proclaimed by the President as Save Your Vision Week. Each of us in Congress, as well as the general public across the Nation, should consider the meaning of this phrase, for good vision is a blessing perhaps too often taken for granted.

Almost half the population of the United States has some sort of vision problem—the old, the very young, students, workers. Vision impairment respects no age barriers. The effect of these problems is by no means limited solely to the physical aspects of the individual's life. Faulty and uncorrected vision impairs the learning process for our children, makes inroads into the safe working conditions of our workers, contributes to the isolation which many of our elderly citizens feel today. And yet simple tests and simple screening procedures could detect eye conditions before they become major and insurmountable problems.

There have been significant developments in the field of vision care. Eye care practitioners have been specializing in areas affecting specific segments of the population—areas of learning disabilities and geriatric care, to mention two—and refining techniques to alleviate these problems. I have witnessed the fine work of the educational process in the field of vision care. The Illinois College of Optometry in Chicago is a fine representative of the professional health manpower training schools.

As we consider legislation in the health field—and many such bills have already been proposed in this session of Congress—it is incumbent on us to construct these programs so that the total health of the individual is insured, and this must include comprehensive vision care for all citizens of all ages.

Although the Presidentially proclaimed Save Your Vision Week is past, no American should feel that the need to have his vision checked by a professional on a regular basis has passed. A sense of responsibility for our own eye care must continue through every week of the year.

ON AID TO NORTH VIETNAM

Mr. CHURCH. Mr. President, as we all know, there has been a great deal of interest lately in President Nixon's proposal to give aid to North Vietnam.

In response to inquiries last month concerning my position on the subject, I issued a press release which set forth my feelings on the matter in some detail.

I ask unanimous consent, Mr. President, that the text of that press release be printed at this point in the Record.

There being no objection, the release was ordered to be printed in the Record, as follows:

News Release From Senator Frank Church

Washington, February 16.—Senator Frank Church said this week that he disagrees with President Nixon that foreign aid for the reconstruction of Indochina, including North Vietnam should be borne primarily by the American Government.

"After all," Church said, "there are international agencies equipped to do this task: The World Bank, The Asian Development Bank, the United Nations and the many voluntary relief organizations. Individual Americans who wish to contribute to the rebuilding of schools and hospitals, or wish to send food and clothing, are free to do so."

President Nixon has yet to send to Congress his request for money to finance a postwar reconstruction effort for Indochina, but he has mentioned, informally, a figure of around $7.5 billion over a five-year period, a substantial share of which would go to North Vietnam.

"If Congress makes the mistake of funding the assistance program that President Nixon requests," Church warned, "our government will remain directly and deeply involved in the political and economic affairs of Indochina, and thus much more likely to become ensnared in the war again should fighting be renewed."

"Whatever people who favored the war may think," Church continued, "I have no intention of saddling the American taxpayer with the reconstruction of North Vietnam. I would think that North Vietnam should look to China and Russia.

"As for other countries," Church said, "we would do well to remember that their governments asked us to intervene in their behalf. We substituted an American army for that of the South Vietnamese when Saigon's forces were on the verge of collapse, and we fought a war for them at a heavy loss in American lives. Under these circumstances, I can see no reason why it should be our sole responsibility to assume the cost of reconstruction."

"Furthermore," said the Senator, "it strikes me that this is no time for us to be increasing foreign aid anywhere. This week the papers carried the news that President Nixon has again devalued the dollar—for the second time in 14 months. Erosion of international confidence in the dollar is the direct result of our extravagant spending abroad. It can only be rectified by the sharp curtailment of foreign spending."

Last year, said Church, the United States sent abroad $30 billion more than it than it took in.

"No country, however rich, can long sustain so great a financial hemorrhage.

"In view of the President's actions in cutting back domestic spending," concluded Church, "one would think that Congress would resist his requests to increase foreign spending. It is apparent, however, that the Administration intends to press very hard to obtain its now foreign assistance package for Indochina, including North Vietnam. Only the strongest outcry from the public stands any chance of prevailing against it."

PETROLEUM SUPPLY—PRODUCTION SHORTAGES

Mr. DOLE. Mr. President, a resource and energy problem is developing in the United States which if allowed to go unattended with have serious effects throughout the Nation's entire economic structure.

At the moment only two segments of two industries are being directly hurt. I am particularly concerned because these are generally small, independent businesses which are the cornerstone of our free enterprise system, but I am also concerned, because the problem can in no way be confined or contained and is inevitably spreading to other parts of our economy and will eventually come to rest directly on the average citizen.

At this point the problem is twofold, but soon a third, then a fourth, and many more levels will become involved. Basically, it is a problem of too little crude oil being available in America today with the result that independent refiners are unable to produce enough refined petroleum products—particularly gasoline and diesel fuel—to supply the independent retailers who depend on them.

Unable to obtain supplies, these independent retailers—many of which are key suppliers of agricultural fuels—are being forced to curtail operations and in many cases may be forced out of business. Farmers, too, are feeling the impact of these shortages and are rapidly becoming aware of the possibility that they will not have sufficient fuels for their spring plowing.

If farmers cannot get fuel for their tractors to do their planting, they will be unable to meet the rising demand for their crops and products—with the certain outcome of severe dislocations in our rural economy and food prices being driven to new heights. Thus, it is not difficult to appreciate that this problem reaches far beyond one or two industries in a few parts of the country. It is truly a national problem of the most important degree.

The March 9 Washington Star-News carried a very clear and well-documented article by John Fialka concerning these supply-production shortages. I ask unanimous consent that the article be printed at this point in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Pinch Hits Gas Pumps

(By John Fialka)

Rufus P. Limpp of Marshall, Mo., has a problem that the nation may become thoroughly familiar with before the end of the summer.

Although rumors and signs of an impending gasoline shortage have surfaced in Washington in recent weeks, Limpp and thousands of "private brand" gasoline station owners like him have been struggling with the shortage for as much as six months.

The struggle has now evolved, for Limpp, into what may be the free enterprise system's strangest new marketing philosophy.

There have been days now when Limpp has to close all nine of his "Mars" gasoline stations so they will not run out of gasoline. He has discovered that it is dangerous to pump his underground fuel tanks empty.

When they are emptied, they become buoyant and, when the ground is wet, they have a tendency to pop out of the ground, breaking fuel pipes and causing damage.

Limpp has considered pumping them full of water to hold them down. "If I did that, though, then I'd really be out of business, wouldn't I?" he explained to a reporter.

Instead, Limpp has been experimenting with one of his Kansas City stations, pricing its gasoline 4 cents higher than the station across the street. He doesn't sell much gas, but he keeps his tanks in the ground.

'The trouble is, we don't have any game plan for this kind of operation," he said.

According to statistics released by the American Petroleum Institute, the nation's "game plan" for fuel production is now seriously out of kilter. A fuel oil shortage, triggered in part by a natural gas shortage, necessitated a crash program by oil refiners to produce enough heating oil to last out the winter.

The emphasis on heating oil has now brought on the likelihood of a gasoline shortage. And diesel fuel, which is already in tight supply, may present a second shortage situation. Both shortages, if they are not prevented, are likely to cause consumers substantial amounts of money.

First, the gasoline shortage. There is a gap between this year's stocks of gasoline and the amount on hand last year at this time that amounts to around 20 million barrels. The gap now appears to be growing, although the demand for gasoline this spring and summer is expected to be up by at least 10 percent.

The first casualty of a major supply shortage will be the network of small oil companies which are not affiliated with major oil companies and, thus, have no crude or, usually, no refinery of their own. About 10 percent of the gasoline sold in the U.S. is believed to come from little stations such as Limpp's.

Limpp and other station owners have always depended on supplies of surplus gasoline, produced usually by major refiners in excess of their needs, supplies which are no longer there.

PRICE RISE SEEN

One authority on gasoline marketing, Dr. Fred C. Allvine, a professor at Georgia Institute of Technology, believes that the private brand stations, by underselling major, nationally advertised brands by 3 to 5 cents, now function as the main control on gasoline prices.

If the "supply squeeze" shuts down a large number of private brand stations, an event which Allvine believes is possible in the next few months, he expects major oil companies will raise the price of gasoline.

"Should this happen," he recently told the Cost of Living Council, "the public at large will pay a very high price."

It is difficult to tell how far the gasoline shortage has progressed since it was first noticed by private brand stations on the West Coast last fall.

A spokesman for the Society of Independent Gasoline Marketers of America (SIGMA), which has about 200 private brand members, said the group has been unable to come up with any firm numbers on the extent of the shortage. "It's a kind of fear thing. A lot of our members are still trying to deal with major suppliers. Some of them compete against each other. They are afraid to divulge competitive information."

"Let me put it this way," he added. "We don't have any members who aren't experiencing a shortage.

Hugh Lacy is vice president of Urich Oil Company, which owns 100 gas stations and wholesale gasoline to about 300 others on the West Coast.

Urich, the company that invented the self-service gas station shortly after World War II, has suffered from temporary spot shortages throughout the winter. Its main contract with a major gasoline supplier will end this month.

Urich will then have to "cut off" the 300 stations, Lacy believes, and begin to padlock some of its own.

"This whole damned industry is going down the drain," said Lacy. He believes the major oil companies are now waging a "two-pronged war" with the private branders. First, he explained, they cut off supply contracts; second, they have opened a number of new stations with strange sounding names that are now competing at the same price level with the private branders. Some examples are Exxon's "Alert," Mobil's "Sello," and Phillips' "Red Ball."

R. J. Peterson is board chairman of Martin Oil Co., which, at 200 stations is the biggest of the little oil companies operating in the Midwest.

Last winter, he noted, Martin contacted 53 separate oil refinery companies, including almost all of the major ones, and was able to locate only 2.1 million of the 7.6 million barrels of gasoline it needs this year.

Peterson believes that the federal government, by giving its primary attention to the needs of major, international oil companies, is to blame. "They're the ones who put us in this position."

When a private brand marketer runs out of gasoline, there is only one place he can go.

It is called the Oil Import Appeals Board, an obscure Interior Department agency located near an Arlington shopping center.

MORE LICENSES SOUGHT

According to Lewis Flagg III, who was recently removed as chairman of the three-man board, its usual business is giving crude oil import licenses or "tickets" to oil refiners who have experienced supply problems.

Out of the thousands of applicants who had appeared before the board up to last year, only six had ever asked to import gasoline. In January, there were more than 60 petitions for gasoline on Flagg's desk, all of them from private branders.

After giving several substantial import license awards to private brand companies, Flagg was summarily removed from his job in February. The Interior Department gave no reason for his removal. Sen. Thomas J. McIntyre, D-N.H., has charged that it was because Flagg attempted to help the oil industry's smaller businessmen to compete.

The board, however, continues to award import licenses to small companies to import gasoline.

Paul Castenguay, who has now closed 15 private brand stations of a chain of 25 he has operated in Minneapolis, believes that the licenses are virtually worthless to smaller companies.

The awards are so small that it would be impossible, he maintains, for such a company to charter a tanker and then physically bring the oil inland. And major companies, according to Castenguay and others, have refused to trade their product for import tickets.

"I might as well burn the tickets," said Castenguay, referring to a recent award to him by the board.

What do major oil companies think of the situation? A marketing expert for one of them, who asked that his name not be used, put it this way.

"They (the private branders) have always been yelling. Perhaps this year they have something to yell about. We are all having problems and when we're short we have to take care of our own stations first.

"We used to carry these people by keeping our refineries full and selling the excess. Now there is no excess. The energy picnic is over," he added.

HARD TO IMPORT

Unlike crude oil, which has been brought into this country in huge quantities, gasoline may be difficult to import in substantial amounts. European refineries have traditionally concentrated on the heating oil market and the relatively small supplies of gasoline they do produce are frequently below the octane rating necessary to operate the high compression engine of the American car.

Short of gasoline rationing, a contingency which the White House is now studying, the most repeated solution to the problem is to build more refineries.

There are no new refineries being planned in the United States. Rawleigh Warner Jr., board chairman of Mobil, which opened the most recent new refinery at Joliet, Ill., in January, said that major companies are no longer willing to take on the repeated battles with environmentalists and mounting labor costs involved with refinery site location and construction.

Nevertheless, he told the Cost of Living Council, the U.S. will not catch up with its fuel problems unless it finds a way to build five medium-sized refineries each year "from now to the end of the decade."

Many government experts agree with Warner and believe that the federal government will soon have to provide some form of incentive for refinery construction.

REFINERY IDLED

However, to the residents of Cushing, Okla., (pop. 8,500) Warner's argument might sound strange. The town's major industry, a relatively modern refinery, capable of processing 19,000 barrels of petroleum a day, stands idle.

On Feb. 7, the refinery, owned by Midland Cooperative, shut down. It had run out of crude oil. According to Forrest S. Fuqua, its manager, Midland decided to stage a premature overhaul of equipment, rather than lay off the refinery's work force of 165 men.

Next week the overhaul will end. Neither the federal Office of Emergency Preparedness (OEP), the state of Oklahoma, nor any other governmental agencies working on the problem apparatus has been able to persuade the major oil companies that control the crude oil in the fields near Cushing to part with any.

So far, to allow Midland to participate in the nation's Oil Import Program, the Interior Department has issued Midland import licenses for over 2½ million barrels of crude oil.

In the past, the licenses have been valuable. Midland, like many small interior refineries who do not have the capacity to import oil, has always traded its licenses to major oil companies for domestic crude.

"All of a sudden, bang, it doesn't work anymore and here we are sitting high and dry," said Fuqua.

Thus, at a time of acute fuel shortage in the upper Midwest, Midland, which supplies fuel to over 200,000 farm families, is out of business.

And Midland is not alone. The Interior Department recently studied a sample of eleven independent refineries in the Midwest and found eight of them running well below capacity. Five of them have had to cut sales of diesel oil.

The problem, according to an Interior memorandum, was that the "majors (are) not willing to exchange import tickets (licenses) because: a. they are busy utilizing their own tickets first; b. they have no more domestic crude to offer for tickets."

Whatever the reason, the problem is serious enough to draw Agriculture Secretary Earl L. Butz into the fuel shortage problem.

Agriculture's problem is that the Nixon administration's massive attempt to reorient the nation's farmers to production, rather than subsidy, will hinge on increased supplies of gasoline and especially diesel fuel to operate tractors this spring.

Farmers are authorized this year to increase the number of acres they till by up to 40 million acres. Much of the new land, according to an Agriculture report on the subject, has been in the Soil Bank for years and will require extensive plowing.

In addition, because of the wet, cold weather last fall, farmers in the corn belt fell 30 percent behind on their plowing and will have to catch up this spring.

Meanwhile, farmers have been switching from gasoline to diesel tractors in large numbers, according to the report. "These large tractors are heavy consumers of fuel," it adds.

According to Agriculture sources the diesel shortage has already begun to slow plowing in Northern Florida, where farmers have discovered that they will be held to last year's level of fuel purchases by oil dealers.

"The phenomenon is likely to spread northward along with the plowing season," said one source.

As the Nixon administration grasps for a quick way to repair the nation's faltering fuel supply system, it will discover a savage process at work in the market place. The weaker, smaller companies are drying up, leaving increasing shares of the market to the major oil companies.

Perhaps the most poignant portrait of this approaching upheaval is seen by an elderly owner of a private brand gasoline station in a southern state.

Although he has been selling cut-rate gasoline since the Depression, his sources of supply have all disappeared in recent months.

Still, he gets by with a little help from his friends. One of them drives a gasoline truck for a major oil company. Often, after midnight, the truck arrives and smuggles part of its precious cargo into the owner's tanks.

"I cut my teeth on a kerosene funnel," the owner told a reporter. "Ain't nobody going to drive me out of this business."

Mr. DOLE. Mr. President, in recent months I have been closely monitoring the energy situation in the Midwest, and the information that has been brought to my attention only serves to convince me further of the gravity and seriousness of the problem.

One hope of providing relief for the immediate problems is to increase the availability of existing crude oil supplies to independent refineries. I have urged this step in a letter to the President which was signed by the other members of the Kansas congressional delegation. I ask unanimous consent that the text of this letter be printed at this point in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

WASHINGTON, D.C.,
February 27, 1973.

Hon. RICHARD M. NIXON,
The President, The White House,
Washington, D.C.

DEAR MR. PRESIDENT: After discussions and consultations with independent petroleum refiners in Kansas we are convinced that they are in a genuine crisis condition because of their inability to secure sufficient crude supplies. Several factors are involved but their present supply shortage stems primarily from the problem in trading import quota tickets with major oil companies.

A survey of seven independent refineries in Kansas reveals that they are falling short of their capacity by 32,000 barrels a day. This is an equivalent shortage of approximately 1,344,000 gallons of fuel a day.

Aside from the fact that these refineries are suffering efficiency losses because of being forced to operate at less than designed capacity this situation has serious consequences for all Kansas residents (and, we presume for all mid-continent residents). The situation appears to be especially critical for the agricultural sector. These refineries, particularly the cooperatives, (which also are encountering the greatest supply shortages), are major farm suppliers. If present trends continue our farmers will very likely be hit with a significant fuel shortage this spring and summer. This could have disastrous economic consequences for individual farmers and total food grain and feed grain production could be seriously reduced.

We realize that the nation as a whole faces a tight crude oil supply situation but we also believe that there are inequities in the distribution of existing supplies and that mid-continent refiners are experiencing particular inequities.

Therefore, we want to impress upon you the seriousness of the situation and to urge that you continue all efforts to secure immediate relief for these refineries. An increase in the supply of crude oil to the independent refineries of Kansas in the very near future is, we believe, absolutely essential.

Very truly yours,

—— ——.

Mr. DOLE. A reallocation of existing crude oil supplies is, however, not a complete short- or long-term answer. Many other questions involving increased supplies, more efficient use, and better planning must be taken into account as we deal with the broad outlines of a comprehensive national energy policy.

In the weeks and months ahead Congress will be faced with major decisions which will have wide-ranging effects far into the future. Wise answers and constructive solutions are essential, for a great deal is riding on the outcome of our efforts. Energy is the heart of our economy and must be kept strong, healthy, and capable of meeting the demands of the dynamic new forces which are at work in the world of today and tomorrow.

GENOCIDE: A CRIME AGAINST MANKIND

Mr. PROXMIRE. Mr. President, I again rise to continue my daily effort to win Senate ratification of the Genocide Convention. Today, I want to discuss the meaning of the word "genocide" and the significance of that crime throughout history.

The term "genocide"—formed from the roots geno- meaning race and -cide meaning to kill—is relatively new, but the phenomenon itself has been present since the beginning of man's history.

The history of the world offers us countless examples of wars of annihilation and extermination. From the genocide committed by the Assyrian hordes in Old Testament times to the massacre of 6 million Jews in this century, the heinous crime of genocide has been an ever-present occurrence.

Prof. Raphael Lemkin coined the word "genocide" in a report to the Fifth International Conference for the Unification of Penal Law in 1933. Lemkin maintained that this crime against humanity actually involved two separate acts of terror. The first was barbarity, which he said involved attacks against the lives or economic existence of individuals of a religious, racial, or social group. The second was vandalism, which involved the destruction of a group's cultural values.

Professor Lemkin continued his discussion of genocide by explaining that the crime had two phases. Phase one involved the destruction of the national pattern of an oppressed group. This was followed by the second phase which imposed the national pattern of the oppressor on the conquered group.

The scholarly work done by Lemkin and many other conscientious persons along with the painful memory of Hitler's atrocities against the Jews prompted the United Nations to act.

In 1946 that international body adopted the following resolution against genocide:

> Genocide is a denial of the right of existence of entire human groups, as homicide is the denial of the right to live of individual human beings; such denial of the right of existence shocks the conscience of mankind, results in great losses of humanity in the form of cultural and other contributions represented by these human groups, and is contrary to moral law and to the spirit and aims of the United Nations . . . the punishment of the crime of genocide is a matter of international concern.

In 1948 this resolution was followed by the drafting of the International Convention on the Prevention and Punishment of the Crime of Genocide. Since that time 75 nations have ratified this important international convention.

I urge my colleagues to show their opposition to the heinous crime of genocide and swiftly ratify the convention. The United States must go on record in firm and public opposition to this phenomenon which has afflicted mankind for so long.

HUD, CONSUMER PROTECTION, AND THE ECONOMIC SECURITY PROGRAM

Mr. PERCY. Mr. President, I have from time to time pointed out to my colleagues the need for a consumer-oriented Federal Housing Administration.

I have discussed several of my own proposals and I have taken note of a number of privately developed consumer protection plans of benefit to home buyers and homeowners.

One of these plans, the economic security program, was designed to protect the homeowner from loss of his property because of an inability to keep up mortgage payments due to involuntary unemployment. Under this plan, developed by Mr. Lawrence August, executive vice president of E.S.P.-Fidelity Corp., a one-time fee by the builder will provide up to 6 monthly mortgage payments over a 3-year period if an owner becomes unemployed.

HUD first said yes to the use of this plan in connection with FHA-insured mortgages, but subsequently, together with the Veterans' Administration, rejected it. Mr. August is now engaged in litigation with HUD as a result of this reversal of policy.

I believe my colleagues will be interested in an article by Mr. Robert Wright of the New York Times which succinctly describes the circumstances surrounding this particular indication by HUD that the Department is too insensitive to the needs of the ultimate housing consumer. I ask unanimous consent that the article by Mr. Wright entitled "From a Novel Idea Comes—Trouble" be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

FROM A NOVEL IDEA COMES—TROUBLE

(By Robert A. Wright)

LOS ANGELES.—In the depths of the 1970 recession, Lawrence August, a Los Angeles public-relations man, had an idea that he thought would help builders sell houses, protect consumers from the loss of their homes as a result of unemployment and save the Government money.

He also thought the idea would be very profitable, but today he is facing bankruptcy and the possible loss of his own home because his idea foundered in bureaucratic straits.

Mr. August's idea was to start a kind of private unemployment insurance. If a buyer became involuntarily unemployed during his first three years of home ownership, the insurance would meet the monthly mortgage payments for as long as six months. Builders would pay the insurance premiums and use the program as a sales tool.

Now, after a two-and-a-half-year struggle and a personal investment of $59,000, Mr. August has asked the Federal District Court here to enjoin the Government from administering him out of business. He has also filed a $25-million civil suit against the Department of Housing and Urban Development and the Veterans Administration, charging libel and inducement of breach of contract.

The 36-year-old Mr. August says he is pursuing his legal battle because he thinks he can win and reinstitute the program, but for other reasons as well.

"We're going to win the point that non-elected civil servants have to be responsive to public need," he says. "Unfortunately, they don't have to worry about losing their jobs because of conditions beyond their control. If they spend $108-million a year in repossessing homes, it's not their money. What do they care?"

Mr. August has compiled, along with his debt, a voluminous file of correspondence with bureaucrats, and it presents an interesting insight into the workings of Government and the real estate business.

When Mr. August conceived his idea, many developers were finding buyer resistance because of the recession. Unemployment was mounting throughout the nation, and prospective home buyers hesitated to make long-term commitments, fearing that they might be the next ones laid off.

After a year of frustrating negotations, Mr. August found an insurance company that would back his plan, which he called the Economic Security Program, and he formed the E.S.P. Fidelity Corporation to market and administer it.

It was slow going until last March, when E.S.P. Fidelity received word, first through the office of Senator John V. Tunney, the California Democrat, and then directly from Robert Hollister, assstant general counsel of HUD, that the agency had "no legal objection to the program."

"Since the program does not in any way affect the sales price of dwellings," Mr. Hollister's letter said, "we do not intend to treat the payment of the premium by the seller as a reduction in the sales price, which would require an equivalent reduction in the loan."

With the HUD approval in hand, Mr. August disbanded his public-relations firm. E.S.P. signed up 15 builders in eight states, covering some 7,500 home buyers, and was close to signing up 10 more builders and covering 7,500 to 10,000 prospective buyers. Then, because of a decision by an official of the Veterans Administration, the program faltered.

On May 3, the official, G. Jarnigan, chief of the construction and valuation section of the Los Angeles office of the V.A., informed one of the builders who had signed with E.S.P. that the program violated agency regulations concerning sales inducements. Using it could serve as the basis for suspending the builder from participation in V.A. programs, the official said.

A month later, Mr. Hollister, the HUD official, wrote Mr. August, saying that HUD had studied the program further and was changing its mind about having no legal objection.

The Government's objection to the Economic Security Program focused on its contention that the plan was a "giveaway," comparable under Federal regulations to giving buyers free ponies or color television sets. Such sales promotion tools are prohibited by the agencies.

The economic protection was not an integral part of the real estate, the Government argued, so its cost could not be included in a mortgage guaranteed by the Government. In effect, the Government was telling the builders that it would reduce its guarantee by the amount the builders had paid for the E.S.P. coverage.

Mr. August argued that his program was an integral part of the real estate because, unlike a pony or a television set, it did not pass into the possession of the home buyer and he could not sell it or take it away from the real property that was being financed.

Mr. August also noted that many builders, as a sales incentive, absorb closing costs amounting to $400 or $500 without being penalized by the Government agencies.

To Government charges that builders would pass the cost of the program along to consumers, thereby increasing the valuation of the property to be financed, Mr. August replied that his program could actually reduce a builder's interim-financing costs by stimulating sales.

E.S.P. Fidelity's suit uses this example: a home costs the builder $22,000, which he finances at 7.75 per cent. His financial cost is $142 a month, and the entire cost of E.S.P. coverage for the house would be $100. "Thus, if a builder sold his house at least three weeks faster because of the policy, he would lower his cost of interim financing to a point that would cover the cost of the policy." The suit says that in addition the builder would have enhanced his goodwill in the community by offering the program.

Mr. August contends that his company's program, had it become nationally operable, could have reduced Government repossessions by 40 per cent, based on Federal projections. He points out that HUD owns more than 40,000 repossessed homes, purchased at a cost to taxpayers of some $108-million.

Government records, Mr. August maintains, show that most repossessions take place in the first three years of home ownership, which would be covered by his program, and that sudden loss of income by the homeowner is the primary cause of default.

The E.S.P. position was upheld on every point in a review by the Congressional Research Service of the Library of Congress, in a report to the housing subcommittee of the House of Representatives on Oct. 19, Henry B. Schechter, the service's senior specialist in housing, remarked: "As a general matter, it is difficult to understand why F.H.A. and V.A. should oppose E.S.P. policies. In addition to consumer protection, they would help to lower the F.H.A. and V.A. foreclosure rates."

In the course of Mr. August's wrangling with the Government, he has lost most of his E.S.P. clients and has been unable to sign up others who had shown interest, he states in an affidavit submitted to the court.

The Government has until March 23 to respond to the suit, but Mr. August says that without injunctive relief from the courts, E.S.P. Fidelity will be forced into bankruptcy before then.

And he could lose his own home. He said the only way he was able to get an extension on the lease-option he holds on his home was by presenting a copy of his suit to the present owner.

HUMANE TECHNOLOGY

Mr. KENNEDY. Mr. President, as chairman of the newly established Technology Assessment Board, I have received many inquiries from members of the scientific and technical community, from industry, and from the public at large regarding the approach to be followed by the Congressional Office of Technology Assessment. It will be some time before the Technology Assessment Board has established the policy framework within which this office will function.

But in the interim, I think it may be helpful to indicate my own view that the office should take a positive, balanced approach to technology assessment. Rather than seek problems which may impede the utilization of technology, I believe the aim should be to find ways in which science and technology can better serve human needs.

In the March 9 issue of Science magazine, this view was cogently expressed by the distinguished sociologist of science, Amitai Etzioni, and I ask unanimous consent that his remarks be printed in the Record.

There being no objection, the remarks were ordered to be printed in the Record, as follows:

Humane Technology

In cocktail party sociology, where slogans serve as substitutes for thinking, technology is often depicted as anathema to a humane, just, "liberated" society. The defense made by the friends of technology is equally simplistic: "Technology is a set of neutral means; whether it is used to good or evil purposes is not determined by the technology itself."

Both of these viewpoints are as valid as half-truths usually are. In fact, most technologies do have fairly specific uses; no one has yet been killed by a cable television. And, while some technological developments do promote an impersonal, efficiency-minded, mass-production society, other technologies are essential for a more humane society.

Some recent technological developments take over routine and repetitive jobs, freeing people from the drudgery of counting, calculating, remembering numerous dull details. It is also true that these same technologies, those of the computer for instance, generate such routine work as key punching. But they eliminate more drudgery than they impose. Automatic switchboards of telephones do routine work which would require several million people, while generating little menial work. And, the way to combat remaining and newly created routines is to advance technology—to create, for example, computers that understand spoken English—surely not to condemn the machines.

Beyond this, new technology developments contribute to the solution of societal problems very close to the hearts of the deriders of technology, often making progress precisely where nontechnological attempts have failed. Thus, one of the barriers to arms limitation was the demand for human, on-site inspection, a demand quite unacceptable to the U.S.S.R. and unattractive to U.S. corporations worried about their trade secrets. The development of powerful inspection satellites made this issue obsolete. Another example: a cost-effectiveness study made by the Department of Health, Education, and Welfare shows that it is much more economical to avert a death by means of seat belts, a technological innovation, than driver education. The birth control pill, a chemical technology, is much more potent in reducing family size than are efforts to educate people to have smaller families. Instructional television saves teachers the time often used to repeat exercises to their classes ad nauseum; it allows pupils to view the lesson when they choose, as often as they need to, and, soon, at the pace they wish; and it is as effective as or more effective than live teaching—tune in "Sesame Street" some time.

As for the future, pollution will be reduced through the development of less polluting, substitute technologies, not by a return to the pretechnological age. Distance and isolation will be further bridged through technological means such as two-way cable television and more suitable housing patterns. More and more people will be able to enjoy increased free time, culture, education, and each other because more of their chores will be done by machines and supervised by machines, whose excesses are corrected largely by other machines.

All of this is surely less romantic than the world depicted by the advocates of a return to nature, but it is also more likely to be realized, and it promises a *more* livable world, by practically any humane standard, than our Stone Age past. The task before us is to marshal more of technology to the service of human purposes, not to put technology into a self-destruct, reverse thyself gear. This will not be achieved by a blind, wholistic approval of technology, but by carefully developing those tools which can be geared to advance our true values.—Amitai Etzioni, Professor of Sociology, Columbia University, and Director, Center for Policy Research, 475 Riverside Drive, New York 10027.

COMMENTS ON THE FEDERAL GRAND JURY

Mr. ERVIN. Mr. President, in the January issue of Trial magazine, a legal publication of the Trial Lawyers Association, a matter of consequence to all Americans was reviewed. In a series of articles the magazine studied different perspectives of the grand jury system. In an editorial summary, Trial magazine concluded that the grand jury system, the historical shield of the citizen from unwarranted invasions by the sovereign, has slowly been transformed into an arm of the prosecution, an arm used not only to investigate but to maintain a surveillance system over our citizens. This monitoring is accomplished, according to the editorial, by the employment of grand jury mechanisms which were intended to protect the individual—secrecy and the subpena. Added to the Government's tools, while employing the grand jury for investigations, is the ability to override an individual's privilege against self-incrimination by compelling testimony by granting or imposing immunity. This immunity protection is, however, questioned by Trial magazine as not being complete protection, coextensive with the fifth amendment privilege. Immunity has now taken the form of "use immunity," meaning that an individual is protected only from use of the testimony he gave to the grand jury and not from prosecution for the crime about which he testified. The magazine also pointed to other abuses such as the "economic ordeal of trial by distance" where a grand jury in another jurisdiction compels a party to travel a great distance to appear before it, and the "chilling effect" on first amendment rights where a grand jury is able to continue investigations after indictment as an evidence-gathering body. I might add here that Trial magazine is not alone in its questioning of the grand jury system.

The American Criminal Law Review published by the American Bar Association Section of Criminal Law in the summer of 1972 printed a 223-page symposium on the grand jury with articles by leading scholars in the field of criminal law. Although the symposium is of too great a length to be printed here, I will ask that the excellent bibliography in the Review be included in the Record at the end of my remarks.

Mr. President, the Subcommittee on Constitutional Rights in its hearings on newsmen's privilege has come face to face with the grand jury system and the difficulties it can create. The leading cases in the area of newsmen's privilege—U.S. against Caldwell, Branzburg against Hayes and In Re Pappas—all involve the grand jury calling a reporter to provide information that could conceivably be obtained in another fashion. I know this body is also familiar with the Gravel case where a grand jury subpenaed an aide to Senator Gravel to testify concerning the disclosure of the Pentagon papers. In relation to those papers, a grand jury also called Samuel Popkin, a scholar, to testify; he was released from prison after the grand jury was dismissed, and a court case held he could not be cited for contempt for his refusal to give an opinion. The Subcommittee on Constitutional Rights has received complaints from various private individuals concerning grand jury excesses. Senator Kennedy of Massachusetts has addressed this body concerning grand jury problems in Texas and Senator Tunney has brought a letter of protest from California to my attention. The subcommittee has been keeping itself informed of the growing debate on the grand jury, and the staff has begun some preliminary research on the issues that are being raised. As a traditional bulwark of individual rights, the grand jury is an institution which deserves the careful scrutiny of Congress and of every citizen.

I would ask at this point, Mr. President, unanimous consent to have printed in the Record a copy of the editorial appearing in Trial magazine and a bibliography of articles pertaining to the grand jury appearing in the American Criminal Law Review. And I would commend the articles in Trial magazine and the bibliography for reading to all the Members of the Senate.

There being no objection, the material was ordered to be printed in the Record, as follows:

GRAND JURY FAILURE?

Modern times and changing social ideas of the American way of life has reached the American grand jury system—one of the nation's most venerable and awesome judicial fixtures.

Historically, the grand jury was intended to act as a shield between the individual and the power of the state—a protector of the individual's rights.

It was designed as an independent body with extensive powers, immune to the domination of either the court or the governmental prosecutor.

But today the grand jury system is under attack.

Charges are hurled that: it is no longer a protector but an "investigative arm" of the prosecution; it is being used for "surveillance purposes" by the U.S. Justice Department; and it is motivated—on occasions—by political concerns.

All danger signs that need heeding.

Denials that the grand jury is being abused come with vengeance from the Government.

Robert Mardian, former head of the Justice Department's Internal Security Division, argued that the system is vital to routing out necessary information when people dodge giving information about a crime, if testifying offends their political sensitivity.

But the grand jury practice of sitting in secret—a practice once to protect the innocent—in today's modern dress brings "a version strikingly reminiscent" of a proceeding that "threatens to still the presumption of innocence and the right to a public trial."

Added to this is the ordeal of examination without counsel—an atmosphere "heavily weighted in favor of government" even if the witness can consult outside the room with his attorney.

Combine these factors with the grand jury's right to dispense with the witness' privilege against self-incrimination; the economic ordeal of "trial by distance," where the empaneling is made at any place at convenience of the government; and the grand jury's new, and uncontemplated dimension, that allows it to become an evidence-gathering body after indictment, and to probe, expose and punish the exercise of political freedom.

Whether the practice of submitting cases to grand juries is a waste of time and money without any substantial offsetting benefits to the defendant, brings this question:

Does today's grand jury system need investigation, control, modification or total abolition if the rights of American citizens are to be protected properly?

Some reports urge substitution of the use of "grand jury information", by a preliminary hearing. Other reports urge stringent controls. Still others call for mandatory compliance with established rules of law and evidence in the proceedings. And many urge the right of counsel to be present during the entire proceedings.

Federal Judge William J. Campbell, 55 F.R.D. 253, states:

"A most effective way to reduce delay and backlog in our criminal system and expedite trials would be to abolish the grand jury. . . . The process of elimination should be started now. . . . Much of the bad procedural law which clutters the administration of justice is due to the anachronism of the grand jury and its offspring—the criminal indictment."

And in Florida, a questionnaire answered by former grand jurors called for: "increased training for grand jurors; public hearings by government officials on grand jury findings and selection of a better calibre of juror.

In Seattle, U.S. Attorney Stanley Pitkin, a racket-busting prosecutor, says: "With a grand jury one has always a moment of truth."

Ramsey Clark, former Attorney General of the United States and a great liberal, calls for retention of the grand jury system with revitalization of the law so that they (the juries) can become even greater safeguards (for citizens).

Trial feels that the changing times make it necessary that the bench and the bar initiate a national study of the archaic grand jury system and give its recommendations to both the Congress and the state legislatures for prompt action.

Only by such an impartial study can recommendations be acted upon either to abolish the system or set up controls for its modern times use.

[From the American Criminal Law Review, Vol. 10, summer 1972]

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A CASE OF FINE INVESTIGATIVE REPORTING

Mr. PERCY. Mr. President, it is a national disgrace that the inhuman conditions which exist in some of our public institutions are eventually improved only as a result of an exposé by the press and a resulting local scandal. The fact that our society allows prisons, mental institutions, and nursing homes to treat people without human compassion until forced to change by a cry of public anger is an outrage. As long as our society allows this condition to continue, we can only be grateful that members of the press take it upon themselves to investigate individual instances of abuse and to call for improvement.

The Chicago Sun-Times has recently published a series of reports on conditions at the Tinley Park Mental Center. I would like to commend the reporters, Nancy Day and G. Robert Hilliman, for their fine work in exposing the lack of administrative understanding and staff concern at Tinley Park. The series of articles has already led to a local hearing. Hopefully, immediate and substantial improvement of staff-patient relations and living conditions at the center will follow.

I ask unanimous consent that the four articles of the series be printed in the Record.

There being no objection, the articles were ordered to be printed in the Record, as follows:

Who Protects a Patient's Rights?

(By G. Robert Hilliman and Nancy Day)

They have been called "snakepits," "ratholes" and "warehouses"—places, like the Tinley Park Mental Health Center, where the State of Illinois cares for the mentally ill.

For thousands—the young, the old and particularly the poor—they are homes. The state is their guardian.

Rape, sexual assault, prostitution and aggravated battery are felonies on the outside.

And they are felonies on the inside—in the wards and underground tunnels that connect them at the Tinley Park Mental Health Center. But they often go unreported to outside authorities, a violation of strict state mental health regulations.

There are crimes and often suspects. But seldom are there arrests and criminal charges.

Two Sun-Times reporters and two photographers who visited and worked in the hospital's wards at 183d and Harlem found evidence that:

(1) In that last 2½ years, at least six female patients have reported they were raped or in other ways sexually involved with male patients, hospital employers or others.

(2) Two girls, 14 and 15 years old, who walked away from a state drug abuse program on the hospital grounds, were picked up outside by a mental health employe and lured into prostitution.

(3) Hundreds of restraint orders, which allow aides to strap patients to their beds, have

been signed in advance by at least nine staff doctors.

(4) A security guard repeatedly clubbed at least two patients with a blackjack while he tried to bind their wrists and ankles with leather restraint straps.

(5) Patients were restrained without a doctor's order and left unattended for hours, often in urine-soaked beds. One man, even while strapped to his bed, managed to set his mattress on fire three times in one day.

(6) Scores of blank drug-prescription forms, which police say can be easily forged with a doctor's signature, were scattered on ward desks, within easy reach of patients.

Illinois mental health regulations state that the superintendents of mental institutions must immediately report any "actual or apparent violation of criminal law" to "appropriate law enforcement officials."

But Harold C. Piepenbrink, the superintendent at the Tinley Park center, has issued a memo to the security force stating that only "selected" incidents at the hospital should be reported to the Tinley Park police, who have legal jurisdiction on the state grounds.

In an interview, Piepenbrink said he issued the order because the police did not want to be called to the hospital every time "a patient took another patient's socks."

Tinley Park Police Chief Kenneth C. O'Brien said his department is seldom notified about crimes at the hospital, adding:

"We will investigate anything out there, but they (the hospital administrators) don't call us until three or four or five days after the incident has occurred. How can you really investigate a crime then?"

Piepenbrink calls the Tinley Park center "a bastard institution." It was designed to care for nearly 3,000 chronic and geriatric patients and is now used for short-term patient care. Those who must be hospitalized more than two months are sent to other state institutions, Piepenbrink said.

The beige brick buildings of the Tinley Park center—set far apart on plains of mud and dead grass—blend in easily with the barren winter landscape of the south suburb.

The first three hospital buildings—built and furnished at a cost of nearly $4.5 million—were opened in 1958. More than 20 buildings are now scattered on the 411-acre site.

Nearly 900 employees work at the Tinley Park center. The average number of patients is slightly more than 300. But even with the favorable staff-to-patient ratio, wards are often dirty, patients are ignored and security is lax.

Staff morale is low. Aides who work in the wards are not highly paid. A new aide (Mental Health Technician Trainee I) earns $4,812 a year.

Piepenbrink, who is a hospital administrator, earns $36,432 a year—$1,432 more than the state salary of Dr. LeRoy P. Levitt, the newly appointed director of the Department of Mental Health. Dr. Levitt has been dean and professor of psychiatry at the Chicago Medical School since 1966. Another Tinley Park administrator, Norman Kerr, earns $33,540 a year.

But the only time many aides see the hospital's top administrators is when one of the innumerable paper forms is missing. Dozens of employees and patients interviewed by reporters said they have never seen Piepenbrink on the wards.

Conditions, however, are not uniformly horrible at the Tinley Park center. Some programs are considered good. And there are dedicated employees who work long and hard to improve the patients' lot.

But often many of those responsible for developing and executing therapeutic programs at Tinley Park go about their work with indifference and indignation, in the eyes of sources The Sun-Times contacted. A more charitable view is that they are so enmeshed in paper shuffling they lose sight of the end results in humane terms.

"The damn professionals just don't work with the patients," said a staff member who wished not to be identified. "There is no motivation. No one cares for two-way communication.

"Every burden is on the ward workers," he said. "And they lose. They are the ones who must be in the wards eight hours a day while the administrators are busy quarrelling and fighting for power."

Another staff member, a long-time mental health specialist who also feared identification, said the apathy of the staff "from the top down . . . is pervasive."

"Patients are treated as second-class citizens here," she said.

In the wards, patients told a reporter that nurses and aides are not interested in their welfare and are lax in their duties.

"To get a nurse out of the station almost requires an act of Congress," said a man who spent several days as a voluntary patient in the hospital and has since regretted it.

"The governor would have to walk in there himself to get them off their butts."

On one ward, a reporter heard aides shouting at patients who asked questions while the employees sat in the station, munching potato chips and sipping soft drinks.

Security guards at the hospital say they have filed reports with their superiors, charging that doctors have signed restraint orders in advance so aides could strap patients to their beds immediately if they become "bothersome." During December, hundreds of the blank restraint orders signed by staff doctors were found in the Tinley Park wards.

Doctors, according to Illinois Department of Mental Health regulations, are not allowed to sign blank restraint orders, just as they are not allowed to sign blank drug prescription forms. Yet, last month, scores of blank drug prescription forms were found scattered on ward desks, within each reach of all the patients. Police said the blank prescriptions can easily be forged with a doctor's signature and filled in many drug stores.

Restraints, according to mental health policy, can be used only on "a prior written prescription of a physician." In an emergency when a doctor is not immediately available, restraints may be used, but a doctor's order must be obtained within eight hours.

In all cases, the doctor issuing the restraint order is "responsible for seeing that each prescription contains a statement of events leading up to the need for their use and documentation of the purpose for which the restraints are applied."

Mental health regulations state that employes who violate the restraint rules will "be subject to immediate and severe disciplinary action."

"The department will not tolerate any use of restraints in an abusive or punitive manner," the regulations state. "It is the responsibility of the facility superintendent to ensure that this rule is complied with."

Capt. Carlis Richards, the chief of the hospital's security force, said security guards have filed reports with the hospital's administrators, charging that staff doctors have violated the restraint policy and have even failed to examine patients promptly in emergencies.

But Richards said hospital administrators took no action to stop the abuses until reporters questioned them about it. Now, Richards said, the aides fill out the restraint orders and send them to the hospital's switchboard to be signed by staff doctors the next day, still a violation of mental health rules.

Piepenbrink said he sent letters of reprimand to two staff doctors who signed the blank restraint orders and warned others.

"I corrected the situation," Piepenbrink said. "And I expect the practice to stop immediately." But he said he did not know that at least seven other doctors had also signed the blank restraint orders or that the slips were being signed at the telephone switchboard a day later.

Another security officer, Sgt. Charles M. Wilson, said that about two years ago he saw a security guard repeatedly club two patients with a blackjack as he struggled to strap them to their beds.

"We were putting a patient in restraints," Wilson said. "We got him to the floor and (the guard) came out with a blackjack and started hitting him."

Wilson said the guard hit the patient "four or five times" before he was pulled away. Later, Wilson said, he saw the same guard club another patient. Both beatings were reported to hospital administrators, Wilson said.

Despite regulations that prohibit employes from carrying any weapon to work, Wilson said the guard carried the blackjack "at all times" until it was confiscated. Official records show that the guard was given a written reprimand after the blackjack was taken from him on March 1, 1971, by the hospital's chief security officer.

The letter of reprimand—dated March 8, 1971, and signed by Edward C. Simmons, administrative assistant to Piepenbrink—said the guard's possession of the weapon was "a violation of both verbal and written policy and constitutes insubordination."

But the letter contained no mention of the two beatings Wilson witnessed. The guard, who has a minor criminal record, is still employed by the hospital at a state salary of $7,908 a year.

Piepenbrink said a thorough investigation of Wilson's charges found "no indications that the guard had ever used the blackjack."

"The (Wilson's) story could be a fabrication," Piepenbrink said.

On dozens of other occasions, Wilson said he has watched aides brutally push patients around the hospital wards. Once Wilson said, an angry aide slammed an elderly patient who had asked a question against a ward counter. The woman was later treated for a broken hip, he said.

These, however, are not the only violent crimes committed at the hospital.

An extensive study by The Sun-Times of police and hospital security records filed during the last 2½ years found that at least six women patients have reported they were raped or otherwise sexually molested. Security officers and aides at the hospital said scores of other sexual assaults have gone unreported during the same period.

The reports—filed under assault and battery, rape, possible rape, inappropriate behavior and prostitution—tell sordid details of alleged illicit sexual acts.

On Dec. 16, 1972 Tinley Park police were called to investigate an "alleged battery and rape." A 41-year-old woman was found crying hysterically in the bedroom of a ward. Blood was streaming down her face. Her dress was pulled up. A male patient was sitting beside her, blood was on his face and hands. Police turned the case over to the state's attorney. No criminal charges have been filed.

On Nov. 4, 1972, a female patient reported to hospital security officers that she had sexual intercourse with a hospital employe. She later said she was not forcibly raped, and no criminal charges were filed.

On Oct. 22, 1971, a patient told hospital authorities that a male aid unlocked an unused bedroom on the ward, took her inside and had sexual intercourse with her. No criminal charges were filed.

On Oct. 3, 1971, a female patient told security officers that a male patient had forced her into a bathroom and raped her, threatening to cut her throat if she resisted. A doctor said there was no physical evidence of forcible rape. No criminal charges were filed.

On Nov. 12 and 13, 1970, a female patient reported to security officers that she had sexual intercourse with at least two male patients in a basement. No criminal charges were filed.

On May 5, 1970, a female patient who was found by police at a Chicago Heights bus depot said she was forced into a car at the hospital and driven to a south suburban hotel where she was raped by at least two men. No criminal charges were filed.

And on Oct. 26, 1972, two girls who walked away from a state drug abuse program on the hospital grounds were picked up outside by a state youth supervisor, driven to a North Side hotel and lured into prostitution for $20. The girls, 14 and 15 years old, were returned to the drug program the next day. And the youth supervisor was fired. No criminal charges were filed.

Tinley Park police chief O'Brien said he was not notified about the missing girls until 10 days after they returned.

Supt. Piepenbrink said some of the reports were "partially true" and others were "absolutely not true." He did not say which reports were false.

"I believe a couple of disgruntled employes just said these heinous things are happening and that we are trying to cover them up," Piepenbrink said.

But Chief O'Brien said the hospital's security force should have the same training as his 26 policemen. And his policemen should have more training to deal adequately with patients who often wander off the hospital grounds and into the village, he said.

But unless the communications and reporting procedures are improved between the hospital and the police department, O'Brien said additional training will be of little value.

"If you saw a man rape a friend or a member of your family in front of your home, you would call the police immediately," O'Brien told a reporter. "I don't understand what the delay is out at the hospital."

"I don't think anybody is intentionally covering up out there," O'Brien said. "But if there is a cover-up, it goes all the way to Springfield because that's where Piepenbrink has to report."

"These crimes are felonies," the chief said, shuffling through a stack of police and hospital security reports. "These patients are entitled to the same police protection as anyone here in town. But they are not getting it."

How They're Suffering for Their Insanity

(By Nancy Day)

Locked into the men's side day room with no supervisors, the patients milled about aimlessly at the Tinley Park Mental Health Center.

One young woman with long brown hair and big wire-rimmed glasses entered the empty nurses' station, plopped down in a chair and turned up the radio.

"This I really dig," she said in a voice that has a tendency to be too loud.

Humming softly, singing along when she knew the words: "Starry, starry night . . ."

"How you suffered for (almost a shout) your sanity:"

Then, her easy going mood gone sour by the end of the popular tune—"They would not listen . . . perhaps they never will"—she sobbed, "My babies, I want to see my children.

I can face reality!"

Probably, she can't face reality—not fully, anyway. That's why she is confined to the center at 183d and Harlem, where she speaks of six dead babies, abortions, miscarriages.

But still, no one was there to comfort her, no one to encourage the spark of emotional release ignited by the music. Just other patients, lost in their own thoughts.

The young woman was one of many patients I talked with and observed during a series of visits to the center over a three week period. I gained access to the locked wards by posing as a college student volunteer, feigning interest in a mental health career to ask questions of doctors and staff.

I saw patients put into restraints—strapped with leather to their beds—for hours, not allowed to go to a bathroom. I saw patients sprawled in corners, under tables and in shower stalls, with the staff paying no attention. I heard patients verbally abused by employees.

There was nothing to do all day for most of the patients except watch television. I saw a few board games and puzzles, but they were seldom used. The other choices were pacing, waiting for meals or, for the lucky ones, going to "Apple Tree," a cottage on the grounds where there are planned programs and people who exhibit a strong interest in helping the patients.

In contrast, there is little pep or enthusiasm on the ward. Most of the time I spent there was during the day, when the problem is not one of understaffing but of little patient attention by the numerous employees who are on duty. Even though volunteers don't usually spend as much time on the wards as I did, to further guard against false conclusions, fellow Sun-Times reporter G. Robert Hilliman and I interviewed dozens of people—past and present employees and patients.

All substantiated my observations. Most refused to be identified. "You have no idea about the reprisals possible," they warned.

The day the woman cried out for her children, there was a reason the 40 or so men and women of all ages were confined to the men's side. A housekeeper was mopping the floor in the women's day room and didn't want her work immediately messed up.

There was apparently no reason, however, for the aides to stay in the women's ward, tending to their paperwork and angrily shooing away any patient who wandered in when the door connecting the ward was temporarily opened.

On the men's side, with no television, most patients sat in plastic chairs around the sides of the room. Many stared at the falling snow. One hyperactive man fiddled with the Ping-Pong table, its net missing and with only one paddle and no balls.

A middle-aged woman, eyes glazed, mouth open continuously, shuffled around in socks, but no shoes. (Open, dry mouth; glassy eyes, and sluggish behavior are often signs of overmedication, a mental health specialist told me, adding that it's hard to get at the root causes of a patient's problem when he's too doped up.)

Occupied with aimlessly buttoning and unbuttonning the top of the faded blue plaid housedress she wore, the woman focused her attention on a rusty, bent coat hanger on top of a stack of old magazines.

She picked it up and toyed with it, carrying it around for a while.

Lying about the room were other potential weapons in the hands of unstable people: pool cues. No one encouraged patients to play pool for recreation, and none did.

The activity room between the two wards was filthy. Orange and yellow plastic chairs were stacked helter-skelter or overturned. Cigarette butts and empty matchbooks littered the floor. Scribbles covered the walls: names, initials, a big purple "Thank You" and the inscription: "Man has created the means of his own destruction (sic)."

A few watercolor paints, the kind that come in little circles in a metal case, were dried out on a table. One man slept in the corner. I wondered whether he was unconscious.

In the dressing stalls outside the shower room, another man lay face down, motionless.

The next morning, just after breakfast, I entered the ward again. Patients ambled through the halls while staffers gathered for their seemingly interminable meetings.

Day and night, the doors near the nurses' station between men's and women's sides are unlocked. Some patients and employes say the access encourages sexual assaults; administrators I talked to say it makes the ward environment more like the "real world" and note that the tranquilizers make most of the males impotent anyway.

The area the patients have access to is roughly U-shaped, with two long corridors leading to the men's and women's sides. The rooms, which sleep four, are kept locked all day except for patients put in restraints.

The air was very close and stale. Many patients and workers chain smoke, and no windows were open. Most of the patients looked unkempt and no effort was made to help them clean up, although once or twice an aide suggested a patient take a shower.

Two administrators broke the routine when they swept in to berate the ward staff. (The term "administrator" is a job classification with grades from one to five used to describe employes involved in management rather than direct patient care. In hospital jargon, "administrator" can also mean a person with supervisory authority who normally works downstairs, in an office, rather than a ward, whatever his official classification.)

When a woman came to visit her son the day before, no one knew where he was, the men said, and he couldn't be found for several hours. Only physicians are supposed to issue grounds passes, but that Monday aides had signed them. It took an irate mother who made life miserable for some bureaucrats to uncover the practice.

Some of the aides resented the reprimand for signing the passes. I sat at a day room table with two patients as we watched the argument that ensued. One administrator piously told the ward workers: "The idea is more patient contact."

"Hell, we couldn't get much more," retorted one aide. "They reach their arms right in here."

(The glass has been removed from the nursing station, allowing aides to yell at patients without getting up and also allowing patients to grab things. One young man stole a nurse's keys last month, let himself out and escaped in her car, which he later abandoned. He can't recall where.)

The hours dragged on until lunch. Then Barbara Phelps emerged from her "office" —a madeover patients' room at the opposite end of the ward from the dayroom where the inmates frittered away their time to shout "Noon!"

Noted for her flashy dress and belligerent manner, Ms. Phelps is de facto head of the ward, although her official job is licensed practical nurse.

Those too drowsy to notice the clock (and those asleep in out-of-the-way places) got no food.

The "recreation" for the day came after lunch. "Here's to Your Health," a film courtesy of Pfizer Pharmaceuticals, was shown and an illustrated booklet distributed that informed patients they may get side effects from their drugs. In that case, the doctor may prescribe another drug: "one for your emotional symptoms, and a second one to get rid of the side effects of the first one."

The afternoon was more placid because John had been put in restraints.

"Just for half an hour," nurse Kay Mertz told him as she and another female aide strapped him to his bed. It was a mild restraint, just one arm and one leg, but he remained there for more than three hours, urinating in his bed.

When John first arrived, I was told, he was almost totally withdrawn, a result of a crack-up in a penitentiary where he claims he was sent for a crime he did not commit. Later, he came out of his withdrawal, too much so for employes.

That morning, he hopped about the ward, half-dressed, putting his arms around various women, yelling sense and nonsense.

"Stop your hassling, John!"

"Get your shirt on!"

The aides would shout at him, but that was all.

Finally, John put on a bright pink shirt. Unfortunately, it was George's shirt, which caused an argument.

Tired of listening to him, the aides put him in restraints. They warned John earlier that if he did not settle down, he'd "go in restraints."

The restraints were not applied cruelly, but did seem to be more a convenience for the staff than a bar to John hurting himself or others, conditions stipulated in mental health department rules.

The rules also prohibit restraints as a disciplinary measure and say a physician should sign the order, except in an emergency. In this case, the decision was made by the nurse, and I saw no effort to contact a doctor, although he may have been consulted without my knowledge.

The activity director came in briefly. His name is Don Kujawa and he is blind. He talked with the staff a bit and asked why the cupboards were a mess.

During the time I spent on the ward, physicians were seldom around. One doctor (unlicensed, according to state records) told me he didn't need to talk to the patients that much since he could tell how they were doing by watching.

When a woman did come to see this doctor one day, aides were stepping over her knees to rifle through file cabinets, searching for some missing forms. The doctor left her sitting there while he went into an inner room to confer with someone on the phone about lunch.

Even when the physicians did talk to the patients, there was a language problem. The majority of the doctors are foreign-born and many have no psychiatric training. The use of immigrant physicians has been a practice in state mental hospitals for years, and in the past they'd enter private practice as soon as they passed the state licensing exam.

Physician's salaries have recently been upgraded in response to public outcry over past scandals. Supt. Harold C. Piepenbrink told me, "Three years ago, I had one physician with a license; today I have 14 with licenses including four fully trained psychiatrists and seven doctors with permits."

On Feb. 5, the last day I visited the ward, it looked a bit cleaner, although the patients did not.

The woman who had played with the hanger in January was still there, but this time in restraints.

A lithesome girl who looked no more than 18 was worried. She grasped my arm and told me, "There's a woman in there who wants out."

The woman's pleas were hard to understand, sounding as if her mouth was filled with cotton, but her problem was clear. She wiggled her legs back and forth. "I have to go, have to go," she moaned.

I went to a woman I'd never seen on the ward before—activity therapist Lyndall Maxwell, who had just been assigned "upstairs" and was upset about it, mainly because of night duty. She looked rather bewildered and asked an aide what to do.

"She's been taken care of," the aide snapped.

A few minutes later, I checked again. The woman struggled to sit up in the bed, but was held back by the straps on one arm and one leg. I pulled back the sheet to see if she had wet the bed. She wore no underwear—just a shapeless dress.

Next I asked Barbara Phelps, who was striding down the hall, if the woman could at least have a bedpan.

"No, ma'am!" she said, slamming the patient's door.

The next time I looked, someone had placed a bedpan on the next bed, out of the woman's reach. I asked an aide if I should give it to her.

"We're going home, honey," she replied. "Ask the 3 to 11s (the next shift)."

Arthur Dykstra, the $23,680-a-year administrator of the subregion, was surprised that I had been on the ward without his knowledge. He told me he welcomes criticism and is interested in "constructive feedback."

Asked about the apparent lack of interest of so many of his employes in the patients, he said that's one reason he removed the glass from the nursing station: "To encourage interaction."

The administrator, who came to Tinley Park from Elgin last March, said, "At Elgin we had large wards, dimly lit."

"I would fantasize a train station as the patients milled around, their possessions in shopping bags waiting for a train. The train never came. Nothing ever happened.

"At Tinley, we have semi-private rooms. You don't see that same kind of milling."

Just last Monday I was milling. And a patient named Linda handed me her brown paper bag of cigarets and other belongings to hold while she examined her eyebrow she'd singed with a match.

But perhaps someone will be listening to the patients soon. Dykstra said he hopes to have a "patient advocacy system" in operation by the end of this month. Berry Tucker "a young eager-beaver lawyer" in Piepenbrink's words, would serve as an ombudsman. Patients would be given forms they could fill out with questions and complaints.

Under the new security structure proposed by the administration, however, Tucker would also head security—a potential conflict of interest.

PATIENTS LIVE IN "DANGEROUS CONDITIONS"

(By G. Robert Hillman and Nancy Day)

State investigators have uncovered 269 "dangerous conditions"—many of them serious fire code violations—at the Tinley Park Mental Health Center, The Sun-Times has learned.

The violations, reported by investigators for the Illinois Fire Marshal's office during 14 inspection trips to the hospital in the last six months, were ordered corrected within 30 days of each report.

But Capt. Carlis Richards, chief of the hospital's security force, said most of the violations have not been corrected, despite repeated warnings from the state fire-marshal.

"There have been some waivers (adjustments)," Richards said. "But the majority of the conditions exist just as they did prior to or during the investigation."

Richards, who is also in charge of fire protection at the hospital, said often some of the fire alarm systems don't work. "And the staff doesn't know how to turn them on or off," he said.

In one report, State Fire Marshal Robert E. May said his investigators found that the hospital did not even have a fire evacuation plan.

On other inspection trips, May said, investigators found that many fire extinguishers were missing, electrical circuit breakers were locked open, and stairways and corridors were clogged with litter and obstructions.

In many of the hospital buildings, investigators reported that housekeeping was so poor it did not "adequately minimize fire hazards."

May said many of the "dangerous conditions" at the hospital were the result of "bad judgment on the part of maintenance personnel." "Some employes just were not doing the right job at the time," he said.

Harold C. Piepenbrink, superintendent at the Tinley Park center, said he has filed a "full report" on the fire code violations with the state fire marshal.

Piepenbrink said some of the reported violations, such as the lack of automatic sprinkler systems and heat detectors in some buildings, were "construction deficits" and could not be corrected without additional state funds. Other violations were ordered corrected immediately, he said, but he could not explain the delay.

May said the hospital staff had "co-operated fully" with his investigators and he was "satisfied" with Piepenbrink's report.

Piepenbrink, 46, was appointed superintendent in August, 1969—just two months after former Cook County State's Atty. Edward V. Hanrahan issued a report disclosing dozens of incidents of murder, rape, prostitution, torture, narcotics traffic and aggravated battery at Tinley Park and Chicago State hospitals.

"Illicit sexual acts are so common that they are practically ignored," Hanrahan said after a two-month investigation in 1969.

Hanrahan said security guards at the two hospitals were not required under state mental health regulations.

At the Tinley Park center, Piepenbrink has issued a memo to the security force stating that only "selected" incidents at the hospital should be reported to police.

Pipenbrink said he issued the order because the police did not want to be called to the hospital every time "a patient took another patient's socks."

As a result, Tinley Park Police Chief Kenneth C. O'Brien said his department is seldom notified about crimes at the hospital.

An extensive study by The Sun-Times of police and hospital security records filed during the last 2½ years found that at least six female patients have reported they were raped or in other ways sexually involved with male patients, hospital employees or others.

And two girls, 14 and 15 years old, who walked away from a state drug abuse program on the hospital grounds, were picked up outside the institution by a mental health employee, driven to a North Side hotel and lured into prostitution.

Tinley Park police said they were not promptly or properly notified about the incidents and no criminal charges have been filed.

During the 1969 investigation, Hanrahan criticized hospital administrators for reportting patients "discharged" if they wandered away from the hospitals and were not found immediately.

But state mental health regulations still state that "A patient on unauthorized absences, whether voluntary or committed, should be discharged after a reasonable period of time and no attempt shall be made to expend the energies of the Department (of Mental Health) in notifying law enforcement authorities for the purpose of apprehending said patient unless the patient is deemed too dangerous to himself or the community."

In December, 1969, when Piepenbrink was superintendent at both Tinley Park and Manteno State hospitals, the decomposed bodies of three elderly women patients missing four months from the Manteno hospital were found in fields about 300 yards outside the state grounds.

Kankakee County sheriff's police said they had not been notified that two of the women were missing until their bodies were found.

But Edward C. Simmons, then assistant to the superintendent at Manteno, insisted that the police had been notified and that 50-man hospital search parties had looked for the missing women for 10 days. Simmons is now administrative assistant to Piepenbrink at Tinley Park.

In May, 1969, under Piepenbrink's administration, large quantities of drugs—mainly tranquilizers—were discovered missing from the stocks at Manteno and two other state hospitals.

Spot checks by three auditing firms found that in some wards at the hospitals, more than 50 per cent of the tranquilizer stocks were missing.

Investigators said the drug shortages were due either to pill pilferage for resale, shoddy bookkeeping or the unauthorized drugging of patients by hospital employes.

Later, a state legislative investigating committee conducted hearings into charges of sexual abuse, unsanitary conditions and poor supervision at the Manteno hospital.

Sen. Frank M. Ozinga (R-Evergreen Park), chairman of the Legislative Commission to Visit and Examine State Institutions, said after the hearings he was "satisfied" with Piepenbrink's administration at Manteno. But other legislators, including Rep. Robert S. Juckett (R-Park Ridge), said they were "not satisfied with all the answers."

Despite the questions unanswered in the views of some, Piepenbrink was placed in charge of the Tinley Park center in addition to his duties at Manteno.

In the fall of 1971, 35 severely emotionally disturbed children were without electrical power at the Tinley Park center for 11 days. The power was restored only after hospital aides walked off their jobs in protest, saying the children could not be bathed, records could not be kept properly, drugs had to be dispensed by candlelight and people were shivering in the cold nights with no heat.

Simmons said then the children were not moved to another area because Piepenbrink did not want to interrupt the program, even though the aides said the only program possible under the circumstances was "custodial treatment."

Since Ozinga investigated conditions at Manteno in 1969, his commission has issued reports on several other state mental health centers.

The reports have striking similarities. Ozinga's latest report was released last August after an unannounced visit and subsequent hearings at Elgin State Hospital.

The Elgin hospital—a largely long-term institution for patients needing care for more than three months—has some 1,700 employes. The average number of patients is about 1,900. Nearly 900 employes work at the Tinley Park center. The average number of patients is slightly more than 300. Those at Tinley Park who must be hospitalized more than two months are sent to other state institutions.

During his visit to Elgin State Hospital, Ozinga discovered conditions almost identical to those found by Sun-Times reporters and photographers who visited and worked in the Tinley Park wards at 183d and Harlem. Ozinga reported that:

(1) Patients—generally unoccupied, unmotivated and unsupervised—were found scantily dressed, lying on filthy floors and hallways.

(2) Attempts to make the patients responsible for the cleanliness of their wards as a part of a "therapy" program had apparently failed.

(3) Staff morale and motivation was generally poor.

(4) Administrative staff responsible for decision-making within the hospital were characterized more by verbosity than action and were ineffective in directing and monitoring staff performance.

(5) The hospital's manpower and budgetary resources were pressed by demands of the state to provide quick treatment and transfer to community-based facilities and were monopolized by a concern for rapid discharge of patients.

(6) A beleaguered, overburdened and inadequate security staff was rendered nearly useless by the unwillingness of administrators to give security officers their support.

(7) Administrators appeared to have little personal contact with ward living conditions, were "distant from the concerns of front-line, lower echelon staff personnel" and were often viewed by both hospital employes and patients as "out of touch with what was going on at the ward level."

At the Tinley Park center, dozens of employes and patients told reporters they had never seen Piepenbrink on the wards, "not even passing through," as one of them put it.

Saperstein Hearing on Monday

(By Nancy Day)

A hearing into abuses at the Tinley Park Mental Health Center uncovered by The Sun-Times will be held Monday.

The Illinois Mental Health Commission, headed by Sen. Esther Saperstein (D-Chicago), will conduct the day-long hearing on the hospital grounds at 183d and Harlem.

An investigation of the center by the Department of Mental Health at the direction of Gov. Walker already is under way.

Al Ronan, deputy director of the department, said, "I'm concerned with getting things cleaned up as soon as possible."

He urged employes, former patients, relatives and all others who have witnessed anything they feel is detrimental to good mental health care to disclose their information.

"I want to get the situation opened up," he emphasized.

"I need information that can be moved on. People have to be willing to come forth. If they can prove that retaliation has taken place because they have spoken out, that will be moved on, too."

A month-long investigation by The Sun-Times revealed a host of problems at the sprawling mental health center, among them: sexual abuse of patients, illegal restraint orders, drug prescription blanks and sometimes drugs themselves left in easy reach of patients.

The probe also pointed up the remoteness of many administrators from the reality of what is happening at the ward level.

While there are many dedicated employes at the center, there also are many who apparently do little work, regarding the patients as a nuisance to be endured rather than people to be helped.

There are almost 900 employes at the center and slightly more than 300 patients. Not all employes deal with the patients confined there, since some have responsibility for outpatient care at community facilities.

On Monday, Dr. LeRoy P. Levitt and Dr. Patrick Staunton made a preliminary inspection trip to the Tinley Park Center. Dr. Levitt, dean of the Chicago Medical School, has been named by Gov. Walker as the new director of the state department of mental health. Dr. Staunton is regional department administrator.

Dr. Staunton said Tuesday, "We are of course concerned about the many allegations that the news media have made. Dr. Levitt has directed that Mr. Al Ronan and I thoroughly review all the allegations and make a report and recommendations as soon as possible to him."

He added that the tour Monday of all adult wards conducted by Harold C. Piepenbrink, center administrator, turned up "no gross neglect or negligence."

Monday's hearing will begin at 10 a.m., probably in the administration building, Piepenbrink said. An auditorium on the grounds could be used if many show up. Piepenbrink said he would have no further comment on The Sun-Times' disclosures until the hearing.

Sen. Saperstein said all who wish to testify will be heard. All that is necessary is to go to the meeting room and sign in.

Those who cannot attend in person may address written testimony to the commission in care of Sen. Saperstein at 1432 W. Rosemont, Chicago.

The commission is a bipartisan study and investigative body made up of state legislators and private citizens.

Changes in department policy and operation can result from commission recommendations if they are ordered by the director or mandated by the Legislature through amendments to the Mental Health Code.

Sen. Frank Ozinga (R-Evergreen Park), who is a member of the Mental Health Commission and chairman of the Legislative Commission to Visit and Examine State Institutions, is most concerned with security at state mental facilities.

"We've been on this trail for a year," he said.

"These security guards will say to me, 'Ozinga, I'm telling you point-blank. When we're called in to stop a fight they say we can't touch the patients. If we see this sex molesting, the social workers say it's good therapy. What are we supposed to do?' "

Ozinga wants the security staffs expanded, their training upgraded, their manual "reactivated" and "appropriate arrest and other police power" given to them.

"If they do have the authority, then give it to them," he said. "And if they don't, abolish the job and then see what happens."

PRICE RISES OUT OF CONTROL—WHY WE NEED A FREEZE ON WAGES, PRICES, AND PROFITS NOW

Mr. PROXMIRE. Mr. President, last Saturday night I released a letter to President Nixon in which I called on him:

> To impose a six months, across the board, freeze on prices, including food prices, wages, and profits now. A freeze now, stabilizing prices, will help prevent the big inflation followed by a recession, that the economy is headed for.

I took this action as a result of the hearings before the Joint Economic Committee of which I now have the honor to be vice chairman, and because of the huge increase in wholesale prices announced Thursday. In my letter I said:

> There is now rampaging inflation and it will get much worse. This is an emergency and you should act now. A series of events makes this action imperative.

In my letter I cited:

> The colossal rise in wholesale prices announced this week. . . . These are the prices of the future and indicate that matters will get much worse. While housewives and consumers are feeling the pinch of big price increases now, the truth is that "they haven't seen anything yet."

There are also the extraordinary price increases in industrial commodities, devaluation and the continued attack on the dollar, the doldrums in the stock market, and "both the fact and belief that phase III is a much weaker instrument to stop inflation than either phase II or the original freeze." These are additional reasons why the President should act now.

I stated further:

> Finally, there are a large number of major wage contracts up for negotiation soon. If we don't get a tough price control effort now,

labor will demand and get huge increases in these contracts. That will bring on another upward thrust in the wage-price spiral.

I ask unanimous consent that the full text of my letter to the President be printed at this point in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

MARCH 9, 1973.

Hon. RICHARD M. NIXON,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: I am writing to call upon you to impose a six months, across the board, freeze on prices, including food prices, wages, and profits now. You have the power to do that under the Economic Stabilization Act which is now in effect, and under the extension of that Act approved by the Senate Banking Committee only this week.

A freeze now, stabilizing prices, will help prevent the big inflation followed by a recession that the economy is headed for.

A series of events makes this action imperative. The colossal rise in wholesale prices announced this week is a stark fact. These are the prices of the future. They indicate that consumer price increases will be far worse.

They were highest for food and farm products. While housewives and consumers are feeling the pinch of big price increases now, the truth is that, "They haven't seen anything yet."

But price rises are also rampant in industrial commodities. Not only did lumber prices go through the roof, but such bellwether industries as metals and metal products, including steel, machinery and equipment, furniture, pulp and paper, and many others saw extraordinary price increases.

Devaluation and the continued attack on the dollar are additional factors adding to the crisis. Devaluation means higher prices for our imports and for the goods they compete with at home. It also means an additional rise in food prices as more of our food is sold abroad because of the effect of devaluation.

The doldrums in the stock market and both the fact and the belief that Phase III is a much weaker instrument to stop inflation than either Phase II or the original freeze, are additional reasons why you should act now.

Finally, there are a large number of major wage contracts up for negotiation soon. It will be impossible to negotiate non-inflationary wage agreements unless labor is assured that price rises will not nullify the effect of their agreements. If we don't get a tough price control effort now, which only a freeze can bring about, labor will demand and get huge increases in these contracts. That will merely bring on another upward thrust in the wage-price spiral.

Mr. President, there is now rampaging inflation and it will get much worse. This is an emergency and you should act by freezing prices, including food prices, wages, and profits for six months.

With best wishes.

Sincerely,

WILLIAM PROXMIRE,
U.S. Senator.

CONCERN FOR SOUTH AFRICAN STUDENTS

Mr. KENNEDY. Mr. President, for several years I have actively expressed concern about the inhuman racial policies advanced by the Government of the Republic of South Africa. As the world's last civilized country to officially demand distinct rights and privileges for citizens according to their race, South Africa singularly wears the banner of the most undeveloped society among the world's family of nations. Both its laws and its official doctrines are designed to advance the distorted notion of white supremacy. The continued oppression of black Africans who are forced to live under those laws has enslaved all of its citizens in a system that dehumanizes blacks and distorts the true meaning of life for whites.

Reports of recent events in that troubled nation clearly underline the extraordinary effects of the Government's inhuman policies. Using the authority of its Suppression of Communism Act, the Prime Minister of South Africa last week banned several student leaders and teachers from all public appearances. Members of the National Union of South African Students—NUSAS—and the South African Students' Organization—SASO—were banned by the Government, apparently because of their opposition to the Government's policy of racial separation.

For citizens in the United States, or in any other free world nation, the concept of government banning is almost an inconceivable one.

To know what banning means is very important for us in America. The banning action restricts the NUSAS and SASO members to districts where they normally live and forbids them to attend gatherings or to communicate with other people who have been banned. They are not allowed to teach in any educational institution, or to be involved in any way with anything intended for publication, or to be quoted by any other citizens of South Africa.

Because these restrictions were imposed in full accord with existing law, concern of those in other countries should be sharply intense. For, it is obvious that both black and white citizens in South Africa are forced to live under an extremely repressive regime.

On many occasions, South African officials have insisted on dialog with other countries to keep in contact with concepts outside their country. Yet, the Government blatantly denies to its own citizens the very freedoms that have been proposed to inform the rest of the world about life in South Africa.

Demanding that the Government remove the ban on these students and teachers is the minimum to be expected by the force of world opinion. The ban should be lifted not simply because it is an unjust and ill-conceived restraint of personal freedom. But, it should be removed because the banning is an exceptional symbol of the opposition to all that we in this country stand for.

Appealing the banning decision, or even to receive a trial or hearing on the banning order would logically seem to be an acceptable procedure. But the victims of this rigid order are completely denied any hope for the due processes of law as we think of that concept in this country.

The Government's order seems to suggest that the South African regime has so little faith in the talents and the skills of its young people that only through the use of repressive rules can they control the ideal for which the students have campaigned.

That order also suggests the Government may have little faith in its judicial system. For, if those who were banned had indeed violated basic South African law, then the judiciary system should properly serve to determine how justice should be done.

The fundamental concepts of a democratic society guarantee the full protection of the law to all who are accused as violators. South Africa insists that it is a democratic nation. If that is so, at least those people who have been banned deserve to receive the full benefits of the legal system.

It is my hope that from around the world, expressions of concern for the welfare of these students and teachers will insure the benefits of human dignity, individual integrity, and social justice.

I ask unanimous consent that an article of March 8, 1973, entitled "South African Students Protest Banning" published in the Washington Post be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

SOUTH AFRICAN STUDENTS PROTEST "BANNING"

(By Peter Younghusband)

CAPE TOWN.—South African students have planned a wave of nationwide meetings and marches in every major city this week to protest against "banning" orders served on 16 student leaders.

Eight of the leaders are top officials of the white student organization, the National Union of South African Students and the other eight are leaders of its black counterpart, the South African Students organization.

The banning orders, issued under the Suppression of Communism Act, restrict the students to the districts in which they reside, ban them from attending meetings and gatherings, from communicating with each other and from being quoted in any publication. Under the terms of the orders, the 16 students are even prevented from attending lectures or delivering them.

Those banned have no recourse to law, and the government may, if it chooses, extend the ban.

In the case of some of the black students, the restrictions are even more severe. At least three of them have been placed under house arrest.

The government, long irked by the student's vociferous condemnations of its apartheid and educational policies took action after a parliamentary committee which investigated the student organizations in secret sessions, reported that the activities of some student leaders were a threat to the security of the state. The move was clearly designed to smash the leadership of both student groups.

In announcing the banning orders against the white students in Parliament, Prime Minister John Vorster said the action had been taken in the interests of national security and law and order. He alleged, among other things, that NUSAS was financed by foreign sources aiming to overthrow the "existing order" in South Africa.

Geoff Budlender, former president of the Students' Representative Council at the University of Cape Town, who was elected chairman of a new NUSAS interim management committee, said last week:

"Far from being disheartened by the bannings, the government's action has shown that our activities are effective. Our commitments are strengthened and we are encouraged by the spirit of great cooperation and support we have received from the students we represent."

NUSAS represents English-speaking students, not the Afrikaners, and numbers 26,500 members throughout South Africa.

Some newspapers here are probing the deep and apparently somewhat personal dislike Vorster has for student protesters and their supporters.

An Afrikaans author, Andre Brink, widely regarded as one of South Africa's leading writers, wrote to the prime minister warning him to take heed that President Charles de Gaulle of France, who also cracked down harshly on students, fell from power a year later.

Brink was startled by a personally signed reply from the prime minister, in which Vorster said he could see that other "pink liberals" had not learned anything from recent student disorders in South Africa. Vorster ended his letter by wishing Brink a good night's rest "in spite of the curlers in your hair."

Meanwhile, the major opposition party in South Africa, the United Party, is in turmoil over the fact that four of its members who served on the parliamentary committee investigating the student organizations signed the recommendation for "urgent action" against the banned students.

Catherine Taylor, chairman of the party's parliamentary education group, has resigned in protest. Other members have expressed shock at the extent to which the party has become committed in backing the government action against the students.

The signatories protested that they did not know Vorster would ban the students without trial.

NUSAS leader Budlender said: "We regard the United Party as an accomplice of the government in this abhorrent step and equally as guilty."

HOUSING: AN UNSUBSIDIZED SLUMP?

Mr. PERCY. Mr. President, an article in the March 5 issue of Time magazine pointed up some of the unfortunate consequences of the suspension of Federal housing subsidy programs for 18 months as originally announced.

It appears, for example, that housing starts will be down some 20 percent this year, a decline which could have serious "ripple" repercussions throughout the economy.

In addition, although we have heard that a large number of units are in the construction pipeline at this time, the freeze has had the effect in some cities of halting slum-clearing projects in mid-course, even to the point of putting a stop to construction already in progress. What are cities like Chicago, which has applications pending for some 8,500 badly needed housing units, now to do?

We know the freeze is temporary and I am pleased that President Nixon has now promised to have the results of an evaluation of the suspended programs ready in 6 months. But the consequences of even a 6-months' suspension may be far greater in economic and physical and human terms than anyone now anticipates.

I believe these programs to be sound conceptually. The very real problems plaguing them are primarily the result of a lack of adequate supervision and in some instances just plain bad management. The necessary administrative reforms should be promptly implemented. The moratorium should be lifted at the earliest possible time.

I ask unanimous consent that the article from Time entitled "An Unsubsidized Slump?" be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

HOUSING: AN UNSUBSIDIZED SLUMP?

It had long been obvious that the construction industry could not continue in 1973 the blistering pace of last year, when it started a record 2.4 million dwelling units, but economists and builders originally expected only a mild and healthy decline that would halt incipient overbuilding. Now, however, the National Association of Home Builders fears that starts will fall 20%, to around 1.9 million, the lowest since the recession year of 1970. That would be about twice as sharp a drop as first anticipated, and enough to put a painful crimp in builders' profits and hardhat payrolls.

The outlook has been darkened by President Nixon's decision to halt new federal money for subsidy programs that last year financed the construction of 14% of all housing starts. Three key programs are involved:

(1) The Public Housing program, under which the Government pays to local housing authorities about two-thirds of the rent charged low-income tenants in projects designed for them.

(2) Section 235 of the Housing Act of 1968, under which the Federal Housing Administration helps families with average annual incomes of about $7,000 to buy houses. Such families can get FHA-insured mortgage loans of as much as $24,000, and pay as little as 1% interest on them; the FHA pays the rest.

(3) Section 236 of the Housing Act, under which the Government pays most of the interest on mortgage loans to banks and other lenders for apartment houses for poor families. That enables the authorities operating these buildings to charge much lower rents than they would have to if they paid all the interest themselves.

The President ordered that no new projects be approved under any subsidy programs for as long as 18 months, while federal officials re-evaluate the programs' effectiveness. But the order specified that projects already approved by Jan. 5 could go ahead, and it was originally thought that enough work was under way to keep builders busy all year. Indeed, George Romney, who was Secretary of Housing and Urban Development when the freeze began, insisted that at least a quarter of a million subsidized units would be finished this year, about as many as in 1972.

Now, though, it has become obvious that the freeze will not only prevent much new building, but will stop many slum-rebuilding projects in mid-course, halting site-clearance work or even actual construction already in progress. Housing officials in some cities move such projects along on the basis of verbal commitments from federal officials. They sign a formal subsidy contract only when the builders are about to begin putting up steel and pouring concrete, or have already begun.

According to New York City's housing chief Andrew Kerr, the city, acting on Government promises of aid, had begun construction of 6,000 units. But because no written agreement had been signed, no federal funds will now be available, and the future of the housing is uncertain. "The Government left us holding the bag," Kerr asserts. The Chicago Housing Authority had applications pending with the Government for 8,500 units; now all work from planning to demolition has stopped. Plans for public-housing projects also have been interrupted in Milwaukee and Baltimore, and will be resumed only in the unlikely event that local officials can find money to replace federal financing.

The effect of the freeze on some builders will be drastic. In Georgia alone, it is estimated that the suspension of the subsidy programs will cost contractors $383 million in potential business over the next year and a half—$44 million just inside Atlanta. Newark, N.J., officials put the likely loss in construction payrolls in that city at $86 million. Black-owned mortgage-banking firms that have sprung up to specialize in subsidy work will be hurt even more than the builders. Dempsey Travis, president of Chicago's Sivart Mortgage Corp., the nation's largest black-owned mortgage company, has cut his staff 25% since the freeze began. He says he knows of at least seven other black-managed mortgage concerns around the country that have been pushed into bankruptcy or merger.

The programs have not been formally scrapped, just suspended while officials ponder whether they do enough good to be continued, possibly in changed form. A case for such restudy can certainly be made. Some of the subsidy programs have been scarred by scandal. Before a belated FHA crackdown, fast-buck operators in a few cities bought or built ramshackle dwellings under Section 235, got inflated valuations from FHA appraisers and sold the buildings to unsuspecting buyers at unjustifiably high prices. In addition, the attempt to move public housing out of the ghettos and scatter it through white middle-class neighborhoods has met with increasingly stubborn resistance in communities from Black Jack, Mo., to Forest Hills in New York City.

Builders concede that there have been abuses, but argue that tighter management without battering the construction industry from Washington could eliminate them or stopping needed slum clearance. They fear, however, that it will be a long time before they get any federal subsidy again—and with good reason. HUD officials in Chicago have not yet even received federal guidelines for evaluating the success or failure of the suspended programs. That lack indicates that the federal restudy is likely to use up the full 18 months, and then some.

GUY GILLETTE

Mr. MONDALE. Mr. President, the death on March 3 of former Senator Guy Gillette of Iowa has taken from us a truly visionary leader who had the foresight to change his views as conditions demanded, and the leadership to see to it that those views became American policy.

Former Senator Gillette, long an isolationist in international affairs, became convinced that only international solutions would suffice in the post-World War II world. In 1943, he introduced a resolution in the Senate which began the long process leading up to formation of the United Nations. In recognition of his leadership, he was later appointed to a bi-partisan Senate group that worked actively with the State Department in the drafting of the initial UN Charter.

Senator Gillette's 14 years in the Senate were marked by many accomplishments. However, his vision of a peaceful and cooperating world community of man, and the diligence with which he pursued that vision, will forever stand as monuments of wisdom and courage for all Americans.

We will all miss him.

DRUG USE ON THE ASSEMBLY LINE

Mr. KENNEDY. Mr. President, in a recent radio broadcast, National Public Radio explored the issue of drug use on the assembly line.

The report adds to the increasing documentation of a problem that demands our attention and concern. How much of the motivation behind such destructive activities as drug use are tied to the work itself still is unknown. However, the report indicates at least in individual cases that the worker's dissatisfaction with the job itself is a considerable factor.

I ask unanimous consent that the transcript of the program "A Day Is Like a Week: Alienation on the Assembly Line," be printed in the Record.

There being no objection, the transcript was ordered to be printed in the Record, as follows:

[From the National Public Radio, Feb. 21, 1973]

A Day Is Like a Week: Alientation on the Assembly Line

Theodore Bushwright, auto worker at the General Motors assembly plant in Baltimore: I've been at General Motors since October of '58. And I just came off the line. It's more or less a job that ends up where you work by reflex. After so long doing the same thing over and over, it's just reflex. You—you don't have no—no interest at all. You can—don't even have to think about the job, you're so bored. It's just to the point where nobody cares about nothing; you just have to be there so you put in your eight hours or ten hours every day, and that's it. If it would come to the point where a man can feel proud of what little he contributes, it would help a heck of a lot.

Barbara Newman. Theodore Bushwright is an auto worker at a General Motors assembly plant in Baltimore, Maryland. His thoughts about boredom on his job are shared by thousands of workers throughout this land. Studies have shown that boredom is a problem among white collar office workers as well as assembly line workers, but it is worse on the line. A task force preparing a report on work in America called assembly line work the worst in America in terms of boredom and worker alienation.

The assembly line system of production was America's great gift to the Industrial Revolution. By standardizing parts, it lowered costs and put the acquisition of a car within the reach of the average American family.

But the human costs of manning that line have been increasing and many feel a major overhaul of the organization of the assembly line is needed. Sam Zagoria was until recently a board member of the National Labor Relations Board:

Sam Zagoria, former member of the National Labor Relations Board: The technique of the assembly line contributes to job alienation. It has all the possible elements. If we wanted to sit down and tailor-make a job that somebody would grow to hate, it would have the elements of monotony, of repetitiveness, of captivity—of being chained to one spot for a number of hours per day; it would have also the aspects of physical endurance that go into a manual labor kind of thing, and it would have the negative aspects of not using the person's brain, his imagination, his initiative.

BN. There is a growing body of evidence that assembly line work is producing a group of alienated, discontented and angry workers in America's factories and plants. Signs of alienation are the 35% increase in absentee rates during the last decade, high turnover rates, vandalism and even sabotage.

Dr. Michael Maccabee, social psychologist: The University of Michigan studies are beginning to show that when the work is deeply dissatisfying you can even see the results in the cholesterol level of workers. The study recently done by the Duke University Medical School on factors of longevity found out—they didn't even expect it, but they found out—that job satisfaction was the single best predictor of longevity, even more than genetic factors and health history.

BN. Dr. Maccabee's data about the correlation between longevity and job satisfaction is not well known. Neither is the extent to which job dissatisfaction is impelling workers to take drugs simply to cope on the job.

Jim Wright recently conducted a study on this for the White House:

Jim Wright, who conducted a study for the White House on drug abuse among blue collar workers: In spite of the fact that we talked to many, many people who were using drugs, we always had a sense of amazement over just how many problems there were at the work place, that people had to turn to drugs. We're finding that there is a healthy percentage—by a "healthy percentage" I mean roughly about ten percent—of the men in factories who are using drugs *in the plant* but *not outside* the plant. In other words, they're using amphetamines inside the plant so that they can get pepped up and keep up with their jobs on assembly lines and so forth, but they're not using the drugs outside of the plant. And we're finding that many of the people who are using drugs are using them only to cope on the job. And this is a horrifying situation, which is why we're beginning to focus much of our attention to humanizing the work situation, because if the situation is conducive to a good, healthy human environment, one which is conducive to a strong and good mental health of the worker, then possibly the workers would not opt towards alcohol and towards the drugs at the alarming rate that they are presently doing in order to simply cope with the job.

BN. Last summer in a congressional hearing, Jim Wright said that he viewed drug abuse as a form of self-sabotage. That is, the destruction is self inflicted. In order to deal with this problem, a local union in Indiana, local 226 of the UAW, set up a hot line to deal with drug abuse problems. According to the local, it is the only one of its kind in the nation in which union members having trouble with drugs call upon their union brothers and sisters for help.

(Ringing of a telephone.)

Man. UAW Hot Line, Mike speaking.

Woman. Hi.

Man. Hi, Ev.

Woman. Are you there alone?

Man. Huh?

Woman. Are you . . .

BN. The hotline is manned by volunteers of the local union. They would not permit us to tape a live call because they felt it would violate the privacy of the caller. But they arranged for a simulation of a call that did take place a few months ago. One of the people who took the original call now replays it for us:

(Ringing of a telephone.)

Man No. 1. Local Hot Line, Roy speaking.

Man No. 2. Yeah. What's happening?

Man. No. 1. Well, not much, What's happening with you?

Man No. 2. Nothing's happening. Nothing ever happens in here, man.

Man No. 1. You getting warped?

Man No. 2. Hey, You're getting really cool. Yeah. Yeah, if you want to call it that, that's where I'm at, man—with all these lovely people. It's just—it's just not for me. I'll tell you. I mean, you know—did you ever work in a factory?

Man No. 1. Yeah. I work there everyday.

Man No. 2. Everyday? Wow. That's a bummer. That's—I—I cannot believe that: everyday. I can't do it everyday. Maybe—maybe three or four times, you know. But, aahhh, the people here are really sick. You know? Nobody wants to talk. Nobody wants to do nothing but sit on that stupid line and put these, you know, screw—hey, you want to know what I do?

Man No. 1. Yeah, What?

Man No. 2. Yeah, really—are you ready for this? I get paid, like, you know, almost five dollars an hour. Can you dig that?

Man No. 1. Yeah.

Man No. 2. Yeah. And I put this nut on top of this bolt. Huh? Is that cruel?

Man No. 1. Yeah. That's neat, yeah.

Man No. 2. No, man. That's not "neat." See, you don't—you don't see how that's not neat, see, 'cause it just—you know, like nobody talks to you, no—nobody even cares.

Man No. 1. Yeah. I got the same kind of job myself, you know.

Man No. 2. Well . . .

Man No. 1. It's a bummer.

Man No. 2. Yeah Yeah Yeah, but it's even worse tonight than it's ever been, man. Listen, can I tell you something and, you know, like nobody would know, huh?

Man. No. 1: Sure.

Man No. 2. The foreman's really been hassling about missing work, you know. That's all he cares about: just come into work. He don't—he don't care why I can't come into work or something. He don't care I've been up all night. So he says, "Come into work or else," you know. So like I came in, man, and I was really, really down, you know? And I asked this dude, you know, if I could get a little speed, 'cause I knew he had some, you know. And, man, it's not working right, you know? Why, I'll—I'll tell you, people know that I've done some, 'cause they're all staring at me, man, all the time.

Man No. 1. Well, what'd it look like?

Man No. 2. Oh, it was just—It was just a tab, man, like all speed. He called it "strawberry mesc"—you know, mescaline, yeah?

BN. The reason why increasing numbers of assembly line workers are taking drugs is an interesting question. The assembly line has not changed. If anything, work there is easier than in the past. But along with the increased ease is also an increased simplification of jobs. And coupling this with the growing numbers of young workers, the result has been an unhappy situation. Young workers have greater education and higher aspirations than their fathers and grandfathers on the line. They were brought up in a freer society. Researchers say if one characteristic explains them then it is anti-authoritarianism. They do not accept the harsh authority of the line foreman as workers did in the past.

In addition, traditional work off the assembly line has been blocked. Assembly line workers viewed work as a way-station on their drive to becoming small, private entrepreneurs. They would work hard, collect their little nest egg and then open their small store. This route off the assembly line is now closed, as Dr. Maccabee explains:

Dr. Maccabee. You see, what has been going on at the same time that the chance of self-employment has disappeared another process has been happening in the last 60 years or so. And that is the process of scientific management or develop of the—development of the large organization according to principles in which jobs are often constructed and heirarchies are constructed in order to make the roles the most mechanical they can be, so that . . .

BN. And the most efficient.

Dr. Maccabee. And the most efficient—but efficient only in terms of a certain type of person. In other words, what's efficient depends upon who the person is. If you happen to be a—a person who's very self-directed and—and independent and works hard once he's got an assignment given to him, it—it may not be efficient to make him into a part of a machine where he's got a highly formatted and tiny job, because he's angry, and if he's angry, how's he going to be efficient? And I think that gets us right to the—right to the—the nub of the problem today, because as our schools and—and our TV and radio and—and all kinds of cultural stimulation are making people seek more individual development, have higher ambitions, at the same time when those people are put in the kinds of jobs that require very little autonomy, very little individual judgment, very little skill, but just repetitive and monotonous or—highly controlled, then we get into a situation and it comes out in—it may not even come out in awareness; a person may not even be aware that it's the job that's doing it; all he's aware of is that he doesn't want to go to work today, it's hard to get up this morning, he'd rather take a puff of something or other to make him forget what he's doing. And those kinds of activities become symptoms of a problem which is the lack of fit between a type of person who's become more educated and more self-affirmative and a type of work that's increasingly controlled by large central bureaucracies and has the kind of task which—which doesn't require too much.

BN. Another factor in telling us to look at these jobs in another way is the result of studies that I think you've done and also Eric Fromm.

Dr. MACCABEE. Dr. Fromm recently cited a lot of data showing that boredom was directly related to destructiveness and that a—a person who is constanly bored develops, perhaps even unconsciously, a deep sense of powerlessness and of a need to—to assert himself in a way which if—if—if there's no avenue for constructiveness that, what one might call unlived life, becomes something which—which—which stimulates a person to destroy. And that, really, it's so clear when I talk to some of the auto workers, who say to me the only possibility for any ingenuity and any creativeness is a new way to sabotage these cars. I mean, that's just an illustration of it. What else—what else is—where else on our job is there an opportunity to think up something new?

BN. That unlived life that Maccabee speaks of often finds outlet in drugs. Union and management are aware of the growing drug problem on the assembly line, but they have been loathe to publicize it. Carl Wagner conducted a study on drug use on assembly lines for the United Auto Workers, but his study was never released. One high level UAW official gave as the reason for this the devastating data in the report. I asked Carl Wagner about it.

CARL WAGNER, who conducted a study for the UAW on drug abuse on the assembly line: Age more than any other factor tended to predict drug usage. Under the age of 30 the frequency of drug usage rises significantly. For example, those workers under the age of 30 who had used—used drugs numbered about 35 percent. The type of drugs used—well, hashish, marijuana, amphetamines, and barbiturates were overwhelmingly—occurred as the most frequently used drugs. Barbiturates and amphetamines were also used much more frequently among—among older workers than—than, for example, hashish or marijuana. It's—and hallucinogenic drugs. They're used almost exclusively by the younger workers.

One of the staggering discoveries that the—of the—"staggering" maybe is a little dramatic—but one of the really interesting discoveries, I think, of the research was that nearly 92 percent of all workers interviewed had access to drugs, knew where they could buy them.

BN. These are used on the line in factories?

Mr. WAGNER. There are a lot of—there are—there is a lot of drug usage on the line. There is a lot of drug availability in the plant. Reasons for usage differs with the kind of drug used. For example, the overwhelming number of people who used hashish and marijuana used it for kicks. But once you move beyond that you're—you deal with—and you're dealing with, I must—must admit, a fairly large percentage of drug users—the people who are using drugs are using them for job-related reasons in many cases, or factors of alienation. We grouped a number of responses to this, factors of alienation. What I'm suggesting is that a lot of drug usage in the plant is related to the kind of work people do in fact do.

BN. You mean boring, tedious work?

Mr. WAGNER. Oh, yeah. Working—and we don't—remember, a lot of people are speeding on dex' because—we got responses: "So I can work faster," "I'm working two jobs," "Because I get tired," or factors of alienation, stuff like "It's a terrible place to work," "It makes the day—it makes the day go quicker." The—the conclusion is, a lot of people who work in factories have used drugs, definitely a much larger percentage than—than formerly.

I don't know if anybody ought to be surprised by that. Last year Jerry Gordon in a report for BLS indicated that 15,000 people were killed on the job in this country; 25 million were seriously injured. The work place isn't a very nice place.

BN. When public issues like worker alienation are discussed, one tends to speak only to experts. But the most interesting insights come from those directly involved. In this case, assembly line workers.

Pat Clark is 25 years old. He works on the assembly line at the General Motors Delco-Remy plant in Anderson, Indiana. Delco-Remy is one of GM's largest complexes. It employs 15,000 workers assembling electrical systems.

Pat Clark is a founder of the UAW local's drug hot line and I asked him about the drug problem there:

PAT CLARK, assembly line worker at GM's Delco-Remy plant in Anderson, Indiana and founder of the UAW drug hot line there: I would say it's probably the number one problem, because, you know, everybody relates to absenteeism, disciplinaries and everything, but if you go back and look into why people are absent or, you know, why there's so many disciplinaries, you can relate a lot of 'em, and—and I would say most of 'em, 95 percent of 'em, to some background of using drugs, whether it be a hard drug, alcohol, nerve tablets. Let's put it this way: the majority of people that use drugs in the factory are using them because of the factory situation. Okay? It's a very dehumanizing-type factor in there.

I—I know that an eight-year-old child could do the job, because I've seen it done. I've seen a man bring his child in, during a—a tour that they had through the factory; he showed his child the job, and he wanted to see if his—you know, if his boy could do it, and in five minutes the boy was putting the parts on the line almost as fast as he was; and he'd been on that job for eight years.

I mean, you know, when you get into situations like that it's the—it's the situation of the job and the—and the people. People are not geared to work like that; they need some type of break in that monotony. And that's—that's what's very dehumanizing about that. Like, if nothing else, maybe music or a place they could go to read a magazine. But to it—I mean, nobody likes to sit and do something over and over and over, monotonously, again, for eight hours it's like a suspended animation.

BN. What do you do?

Mr. CLARK. I sit for eight hours and do a job over and over and over. I mean, this is why I feel like I do—because I do not feel like I'm achieving anything; I have a complete mental breakdown, I'm not building any type of knowledge up in what I do. I'm not even sure what my part does when it leaves me. And I'm—I'm what they call a "wrapper", so if you can get out what a wrapper is, you know—it's a classified job. I make almost $5.15 an hour with everything involved in it. And I can't tell you that I really like—I don't like the job. If it were not for the money, I wouldn't be there. And it—you know, like I'd rather teach. But why teach for 7,500 to 8,000 a year when I can make 13,000 a year doing a nonsense job?

BN. Roy Winkler, also in his 20s, agrees with Pat Clark about the depth of the drug problem in Anderson:

ROY WINKLER, assembly line worker at Delco-Remy in Anderson, Indiana: I don't think you'd find a line, any line, in Delco-Remy (?) on any shift that's not got somebody doing some type of drug on it. These people are not satisfied; and they're not being rewarded for their work. They are being rewarded monetarily, but even that wears off. I mean, a person is terrifically happy with his job when he first gets it, but after he gets used to the monetary compensation and it becomes something he expects every week and—and has places for that money to go, then he starts looking for rewards in the way of recognition or possibly, I don't know, any one of a number of other things. He needs a lot of things for his personality, for his own psyche, that he doesn't get from the money that he gets from the company.

BN. What about you? You're young, very intelligent. Do you find your job satisfying?

Mr. WINKLER. I work on a hot line. I work with the union. And that's my reward—that's my drug, I suppose. I don't get any reward from my work at Delco-Remy. So I have to seek it out elsewhere. I have hobbies. And I do things out here at the union hall. You know, in 30 years you can retire. And that's what most people out at Delco-Remy are looking for, is their retirement. They just live for getting off the job. That whole eight hours all they concentrate on is getting off the job and getting away, getting away, getting something else to do. And unfortunately, those people who don't have hot rods to work on or scuba diving classes to go to or something like that, then they go to drugs or do something like that in another way.

BN. How did you end up at Delco-Remy?

Mr. WINKLER. Well, if you grow up here in Anderson, I would say you're almost forced to go to work at Delco-Remy if—for monetary reasons.

BN. Both Winkler and Pat Clark are members of that new generation that has come to America's plants and has found them most uncongenial places to work. Pat Clark says why:

PAT CLARK. I think what—I think what you're seeing right now, Barb, you're seeing a—a big transition from 20 years ago. I think you're seeing the majority of people in the plants, just like Jim said, not so concerned with wages anymore. I mean, they're thinking about "Gee, I have to be there eight hours a day," you know—"Why do I have to suffer eight hours a day?" you know——

I think—I think people now are more concerned about "what I have to do in the plant" and what type of recognition besides materialistic values. And I think that's because of the younger people coming in.

"Look, I've got a mind of my own"—Women's Lib, you know, they have a mind of their own; let 'em use it. The young hippie, ten years ago when the hippie generation started: "We are individuals; treat us as such," you know, "Let us make a decision." I think it's going into the plants now. I—I don't think it's "Do I make $100 a week? Or do I make $150 a week?" I don't think they care. The—like Jim said the more wages you get, higher prices and all that type of, you know, gunk that goes in a circle. I think they're concerned with "me as a person"—"Don't set me down like an animal or a machine. Work me as a person. Let me make a decision."

BN. Paradoxically, although workers like Pat Clark and Roy Winkler feel outrage at being treated like machines, neither of them nor their fellow workers are now prepared to strike over proposals to humanize work.

Mr. Winkle. We were talking a minute ago about strike-able issues, that kind of thing. And I think you'd probably define a strike-able issue as an issue that the people feel strongly enough about in the shop in order to—to go on strike to achieve. And I think you need to take into consideration that the people are conditioned to expect from a strike either a monetary gain or fringe benefit gain at this time; they're conditioned to expect that type of thing. They don't normally think of achieving a better condition as far as dehumanization of the job or something like that's concerned. It's something that they'll have to learn to think about, something they'll have to concentrate on for a while in order to understand, though I think that's kind of the case we're in right now.

BN. Irving Bluestone, vice president of the UAW, is aware of widespread dissatisfaction on assembly lines. He is labor's most outspoken advocate of humanizing work.

Mr. Bluestone. It is important for workers to have the ability to have input in their jobs, to exercise their own creative abilities, their innate intelligence. And while there are workers who much prefer the repetitive monotonous job, doing the same thing day in and day out, over and over again, just so long as they can get the hell out of that plant and go home, an increasing number of workers think quite differently.

Participation in the management of the job doesn't necessarily mean redesigning assembly jobs alone. That's part of the problem. There are operations, for instance, which are not auto assembly operations but which are nevertheless assembly types, merry-go-rounds, for instance, where experiments have been undertaken to involve workers in setting up the job—what ideas, what input do they have—and by participating in the decisions relative to the makeup of the job, to the layout, even to the layout of the operation in the plant, in that section of the plant, the workers obtain a sense of participation, of inclusion, so to speak, which gives them a proprietary feeling about what they've doing.

Now, once that's been done, the job hasn't changed particularly. It—it is repetitive; it is monotonous. But the fact that is their job and that they have participated in determining how that job will be set up has some bearing upon their own satisfaction in their work place. The fact is that there have already been a sufficient number of studies indicating the need for a revision of the traditional Frederick Taylor "scientific management" approach to the designing of jobs.

BN. Frederick Taylor is despised by workers. It was he who years ago designed assembly line work to regard workers as interchangeable parts of machines. Bluestone readily admits that no one is sure of how to restructure work. He points, with hope, to the current experiment at the Volvo plant in Sweden, where workers assemble cars in teams off the line. In addition, Bluestone also thinks that it is feasible that workers could participate in decisions about production techniques, how they work, line speed and personnel policies.

One point Bluestone stresses is the lack of democracy on assembly lines where workers are subjected to the authoritarian and capricious rule of line foremen. I asked Roy Winkler and Pat Clark how they felt about their foremen. First Winkler:

Mr. Winkler. You just shut up, really. But once you've had your foreman tell you, "If you don't like your job, get off of it. I'll either find somebody else to replace you or I'll put in a machine that I only have to oil once a year," then, you know, you just shut up and forget all about it.

Mr. Clark. If we are intelligent, then we must find other ways to take out our frustrations. If we are treated like children, then we find other ways to be—regain our ego then, as a man or something. If I'm mad at night and I know if I say anything I'm going to get fired, I'll go out the next day and take a shovel and dig a big ditch or something. You know, it—it's the unintelligent people that can't handle it. You must having a copying skill. Intelligent people, so me, find that different coping skill. Drugs in the plant is a coping skill. If you can't handle what your foreman's saying, go out and get drunk; then you don't care what he says.

Mr. Winkler. If you're treated like you don't have any brains at work, then when you go home you tend to take it out on the people at home. And also, if you're treated like a dummy or like a machine, and you notice, say, a defect in a—in a part you're building or something like that, you tend to ignore that and let it go on, because you're just a machine, you're just a dummy, and—and they've ingrained that into you to where you believe it. "I don't really know there's a defect in that"—and you let it go.

Mr. Clark. Yeah, but you also have—I disagree with that in one respect. I think a lot of people—if you're a dummy, that's one thing; if everybody in the plant is calling you a dummy, that might make you pessimistic; but if one person is calling 20 people in the plant a dummy, if—if you have somebody to share that dumbness with, then you can overcome it. You know, like—like, there's 130 people in the department and the foreman is telling everybody the same type of thing: they can walk around and say, "Hey, who's he think he is?" you know, "I'm not really that dumb, Am I?"

BN. But you asked that question. What do you think of yourself really?

Mr. Clark. What do I think of myself? I'm a very intelligent, light-hearted, fun-type person, who will take—you know, who will take what's handed out to me very passively, because as an end-result I'll get what I want. If I'm dumb to them and I'm getting the money every week, then I could not care what they think, because, you know, "I'll laugh all the way to the bank" is a good statement for something like that.

BN. While Clark and Winkler work in Indiana, there are many workers around the country who share their views, like this worker in Baltimore, Maryland:

Worker, from General Motors Plant in Baltimore, Maryland: Believe it or not, I truly hate General Motors with every fiber in my body because they're—to put it plainly, you know, they're common people; they really are. They—the don't care; they really don't care about anybody. They care about putting that car out. And they don't care if it's halfway decent; you know. They really don't care. That's their attitude: they don't care. They want you to be there on time; they want you to do a job for so many hours, put so many screws in or so many bolts, or put out so many seats or cars. And they don't care how you do it. If you shyster a job or—even a foreman will tell you, "Now, we'll let it go. You know, maybe the inspector will buy it." But I sure in the hell don't want to pay $5,000 for a car that's, you know, put together half-assed, to be honest with you. I feel, you know, strongly about that sometimes. And other times—I guess it's the mood, you know: "Hell, if they don't care, I don't care," you know.

I know I've changed jobs down there. I cannot stand to have the same job more than two years, so I've changed jobs quite frequently down there—because of the boredom; it is a boring place to work.

BN: You're 32. Well, you have a lot of years before you. Do you see yourself as having a good future, or something that you expected when you graduated from high school?

Worker. Well, I—I was thinking about that last night. Really, when I was in the Navy, I—I sewed on a sewing machine on a ship. And I was thinking last night, I said, "That was ten years ago. I've been out of the Navy ten years." And I said, "Gee, just ten years ago if I'd've thought that I'd be working for General Motors sewing on a sewing machine, I'd—if somebody told me that I wouldn't believe it; I really wouldn't."

What the future holds I don't know. I don't like to think about it too much, for the simple reason I'm a strong person, I take it as it comes along. I do make plans on, you know, not a long duration but a short duration. I will survive. I've always said that. I—I'm a kind of person believes in surviving, at all cost. Whatever the cost is, I will survive. But, you know, we're all sort of dreamers in a way. I don't think I dream anymore about becoming a foreman or a—a vice president or something like that. I—I'm considerably happy down there. I kid people and say I just want to be free, you know, be a free individual. I want to—my biggest aspiration now is to retire when I'm 55 years old and live another 30 years and put it to General Motors, you know, because I'll be getting retirement pay.

BN. What about the other guys like you, your age, who maybe aren't as strong—what about the extent of drug addiction on the line? What do you see?

Worker. There is drug abuse in there, yes; I see it. And there's pushers in there, yes; I've seen them too. I don't know if it's against the law to say, you know, that I have, you know, smoked. The jobs are boring. Some jobs are terribly boring; they really are. It's a darn shame that—it's like regimentation; it's over and over again. Some people can adapt to that. I don't know, I—I call 'em weak people, I call 'em mindless people, because they can adapt to that. There's people down there that had the same job for 20 years, doing the same work for 20 years. I couldn't take that; I really couldn't.

BN. UAW President Leonard Woodcock has recently said that proposals to humanize work should not be part of this year's contract negotiations with the big auto makers. This is a step back from the statement just a few months ago of UAW President Douglas Fraser that humanization of the work place would be among the top items during contract negotiations. It appears that the press may have escalated expectations of workers beyond which the union can deliver.

At the present time there is much uncertainty about how to humanize work. One GM official says if assembly lines were abolished it would cost the consumer $15,000 to buy a car. Others say that if workers were satisfied with their work, turnover rates and sabotage would decrease, thereby lowering true costs and improving quality.

So neither the union nor industry is sure what to do about humanizing work and dealing with alienation. The rank and file workers, for their part, are not currently at the point where they would strike over restructure of the work place, partly because they don't know what the restructure would be.

Albert Camus wrote that when work is soulless, life stifles and dies. And we must ask ourselves when we look at all the cars in America and the other manufactured goods we purchase, what was the human cost to produce these goods? Today we have heard about one of these: drugs in the assembly line. Is this a cost we want to continue to pay? This is Barbara Newman.

(Assembly line sounds)

Man. To begin to think of people as people, and not as machines, is the key to the whole thing. When the company or whoever is structuring the work place begins to think of those people as thinking individuals, people who need certain things to service their personality, and instead of thinking of them as machines that they oil once a month, then I think the people will begin to respond, you know, and—and begin to function more effectively.

STUDENT GOVERNMENT DAYS

Mr. ABOUREZK. Mr. President, I have just returned from a speaking appearance at Yankton, in my home State of South Dakota. The occasion was the 25th annual Student Government Days banquet sponsored by the American Legion.

Student Government Days is a nationwide event which allows high school students to actively participate in our government processes, both observing and taking part in the day-to-day operation of the government. I might note here that Yankton, S. Dak., was the originator of Student Government Days, its nationwide character being assumed after its initial success at Yankton.

Of the many capable students who were elected to government posts during this event, the student who was elected mayor, Mike O'Leary, was asked to address those of us attending the banquet. Upon hearing Mike's speech, I knew why he was such a source of pride to his parents, his classmates, and to his community. I ask unanimous consent, that his speech be printed in the Record so that it may be shared by everyone, but especially by those who so gloomily despair of America's youth.

There being no objection, the speech was ordered to be printed in the Record, as follows:

Mike O'Leary's Address to Student Government Days

My first reaction upon being told I had been appointed Mayor for Student Government Days, was "oh, wow, now I have to give a speech—what am I going to say." But then sometime during the next day as I was walking between classes a girl came up to me and said "Mike, your problems are solved, my dad said that just as long as you are going to be speaking with Senator Abourezk he would be more than happy to write a speech for you." I contemplated the offer a minute and then declined as politely as I knew how. Naturally I did not want to offend the girl and her father, but I figured that in all honesty to myself and in all fairness to Senator Abourezk I had better write the speech myself. Thanks anyway, Mr. Hirsch.

Seriously though, as I contemplated what I would say tonight and how I could make it relevant to Student Government Days, I searched for a quote to, you might say, get me out of a jam and to provide me with a guidance for my speech. I looked through a book here and a speech there, but found nothing. Ironically the statement I was looking for was right in front of my nose, or maybe I should say in back of my nose and at the front of my brain, and it has been there as long as I can remember. Because, except for the pledge of allegiance it is probably the statement that I first associated with that great and immense concept of government. "Government of the people, by the people, and for the people." Yes, that is it, the same old familiar phrase that we have heard in countless speeches and read in all our civics books. And now here it is again. Yet as familiar and commonplace as that phrase may be, nonetheless I believe it probably best expresses the whole basis and purpose of government in the United States. But then I asked myself "how does this help my speech? All those people in the audience know what that phrase means. What more can be said about 'government of the people, by the people and for the people' that has not already been said? What new meaning can I give it?"

Then I thought "why if everybody knows what government 'of the people' means do so many people have such a feeling of insignificance and unimportance in the face of government whether it be national or local. Why if everybody knows what government 'by the people' is do so many people feel divorced and completely set apart from government as if it were something completely beyond their reach. Why if everybody knows what government 'for the people' is does our city commission speak to near empty chambers on the second and fourth Mondays of every month, even after they regularly invite some 20–30 citizens to observe them in action. Why if everyone is so aware of what government 'of, by and for the people' means did only about 60% of the national electorate vote in the last general election. And why is this percentage even smaller when the elections are on a local scale. If *all* government is of, by and for *all* the people why is not the election of a member to the local school board as important as electing the President? And why is not the passing of a municipal ordinance considered of the same importance as a law passed by Congress.

If we all have such an awareness of the meaning of this phrase how is it that most of us probably know the names of the starting five for the Yankton Bucks basketball team, yet are stumped when it comes to naming the starting five for the Yankton County Commission? And how is it that we can readily recognize the names of all-pro athletes and Academy Award winners, but if called upon can name but few of our nationally elected and appointed officials, not to mention local officials?

These questions are hard to answer when you stop to think that government and the people that make it work—are probably some of the most important factors in our lives. For it is these instruments that run our schools, build our highways, make and enforce our laws, regulate our businesses and light our streets at night. And whether you agree with it or not I believe it is this same government of, by and for the people, that prompted a returning POW to proclaim the United States the "greatest country on earth". Yet despite this constant association with government, it is still seemingly out of reach to most of us.

I don't mean to make this sound as though I am preaching or as if I am giving a lecture on citizenship, because to be honest with you, I am probably no more up on the issues or any more knowledgable of government than most of you. But I just could not help but ask myself all these questions and ponder these thoughts as I wrote this speech. I just could not help but ask myself why if we are all so aware of the meaning of government of, by and for the people, does government take a back seat in the minds of most Americans? Is it because we take government so much for granted? Is it because we feel so set apart from government and so limited in our power to control it? Or is it that government just doesn't mean that much to us?

As I considered these questions I began to wonder how I could apply all this to Student Government Days. And just as I had questioned what new meaning I could give to government of, by and for the people, I was now questioning what if anything more could I add to all that has been said about Student Government Days in the past? I asked myself "what can I tell those people that they have not already heard? What can I say that won't just bounce off the walls and go in one ear and out the other?" I didn't have any quote to get me going this time so I had to think a little while, then I thought "what good does it do to have a Student Government Day if we students are just going to take what we have learned today and put it on a shelf somewhere in the back of our mind only to let it sit there until next year at this time, when if we have not yet graduated we can take it down from the shelf, dust it off and make some use of it for a day? Or if we are seniors, what are we to gain by just taking the knowledge we have obtained today and putting it on that shelf for good and letting it go at that.

I also questioned myself on how I can expect to give a complete and meaningful speech if I am directing it toward only about one-third of my audience. What about the mothers and fathers and brothers and sisters, what are they gaining from this speech if I am only talking about Student Government Day to students? But I am not just talking to those high school students in the audience. I am talking to everyone from the cooks in the kitchen to Senator Abourezk seated at this table. For in reality are not we all students, in a sense, students of government? And why is Student Government Day just March 12, why can't every day in a sense be a Student Government Day? Why can't this learning and awareness process be a never ending part of our lives as natural as waking in the morning and sleeping at night? For isn't this what government of, by and for the people is all about? People, all students who are daily making at least some effort to become more aware of their government. What I am driving at is that government, by merely existing requires a constant learning process, and a constant awareness. And that this learning process is not meant just for those high school sophomores, juniors and seniors involved in Student Government Day. It is meant for every American, every day.

If you stop to think about it the United States can be our school and the City of Yankton our class room. Our text books are newspapers and magazines and we are even fortunate enough to have audio-visual aids, radio and television. And by taking a few extra minutes each day to read more of the newspaper than just the comics and Ann Landers and to occasionally watch and listen to the news instead of switching the channel we can all be involved in the greatest individualized instruction since Sesame Street.

In closing, I feel that what this whole speech comes down to is that if we as a nation hope to maintain this great concept of government of the people, by the people, and for the people and not just let it slip into something that only idealists believe in, we must be willing to put forth more of an effort than just a passive acknowledgment of government and what it means to us. Because after all the speeches have been made and all the articles have been written I think that what it all boils down to is a simple case of "actions speaking louder than words". For although the task is not difficult, we all must be willing to put forth our fair share in order to keep the "greatest nation on earth" just that.

GOLDA MEIR

Mr. PERCY. Mr. President, May 3 will mark the 75th birthday of Golda Meir, Prime Minister of Israel. The life of this most remarkable and talented leader that many of us have been privileged to know, love, and admire, began in Russia under the shadow of the pograms and has spanned three continents.

Throughout her working life, Golda Meir has devoted herself to seeking a better and more secure future for her people, and for the State of Israel, in whose history she has played such an important role. It is appropriate that a person of her outstanding caliber and dedication should occupy Israel's highest office.

Mr. President, the January 1973 issue of Hadassah contained an interview with Golda Meir by Elie Wiesel. I ask unanimous consent that excerpts from this interview, which provides a warm and illuminating insight into Golda Meir and her place in history, be printed in the Record.

There being no objection, the excerpts were ordered to be printed in the Record, as follows:

[An interview with Elie Wiesel]

GOLDA AT 75

Elie Wiesel. Madame Prime Minister, I have been asked truly the most terrifying question in my life. And the terrifying question was: Have I ever, ever doubted the continuity of Israel. Did I ever believe that at one point the history of the Jewish people would come to an end?

It was hard for me to answer. Did you ever have any doubts?

Golda Meir. No. No, I didn't. There was never a doubt that the Jewish people would go on. And there was never a question of its connection with the Land of Israel.

The fact is that for any Jewish child brought up in Eastern Europe there was no day in which there was no Jewishness, no connection with the Jewish people. . . . We were always the objects of discrimination, of pogroms. The first thing I remember in my life was the preparation of a pogrom in Kiev. The pogrom was against Jews—it was against me.

So there was the consciousness that I was Jewish, and different from all the other children in the yard. There was no pogrom against them. Their fathers were not nailing boards to the door—only my father.

Two things went together: this consciousness that we're different and not wanted, being hurt—and the fact of not giving in. Because the next thing I remember—one of the first memories of my life—is of my older sister joining a movement of self-defense against pogroms.

Elie Wiesel. During the night—what we call night—during the Holocaust—I remember as a child, when I saw for the very first time all those trains unloading. I cannot tell you if I did not have this thought that perhaps this is the end, not only of the Jewish people, but of man.

Golda Meir. That's different. I never conceived of the existence of man, the existence of the world, the existence of civilization—and Jews out of it.

Even during what you call the night, the Hitler period with the sorrow and the fear, there was immediately action taken. I remember we then met in the Histadrut, and we immediately thought, "What can we do, first of all, to let them know that we know and we're doing something about it. And second, we need to do something.

I remember distinctly we decided somebody should go to Ankara and try from there all kinds of ways that didn't make much sense, I suppose (but they worked), to make contact with them—until we finally sent parachutists down to them. There was no such thing as giving in to sorrow, or to tragedy, or to danger. The immediate reaction was, "This is the situation. It looks terrible, it looks hopeless, but something must be done immediately."

Elie Wiesel. Did you believe the report? When the first reports came out, I had doubts.

Golda Meir. We believed them immediately. I remember when we first got the reports about the gas chambers, about the soap from the fat of Jewish bodies and so on, there was a big demonstration in Tel Aviv. The next day I had to see a British official—in connection with my work in the Histadrut—a very fine person. And we began talking about this big demonstration.

He looked at me, and he said: "Tell me, do you really believe it?" He remembered the atrocity propaganda from the First World War. But to us it wasn't atrocity propaganda. We believed it.

Elie Wiesel. That's very strange because I did not. I remember when I came there, and I was in it, it took me many, many days to believe it.

Golda Meir. You were a child. We took Hitler seriously from the very beginning. In 1933, when he came into power, I happened to be in the United States, and a very large demonstration of Jews was organized—because we took it seriously.

But this is something that Jews have learned throughout their history, that when a man or a group makes it their program to kill Jews, no matter how outlandish it sounds, we believe it.

Elie Wiesel. You once told me something very profound. You said you do not feel guilty for what you have not done during the Holocaust. But then you said, you feel guilty because you were not there. What do you mean by that?

Golda Meir. Well, I don't know whether one can explain it—but we were more or less safe, although there was a time when Rommel was practically on our doorstep with his army. We didn't run away. It isn't as though we were there and ran away. But there's a feeling that, at a time of such tragedy, one should have been part of it. And if you weren't, well—it's as though you weren't where you should have been. I can only give one more example which also is pretty terrible.

We have wars—to my sorrow—and I meet fathers and mothers who have lost their sons. At a certain point I have a little feeling also of being guilty that a tragedy like that did not happen to me. It isn't as though my children were not in it. But there's such an abyss between parents that lost their sons and those that did not, that one who's among the fortunate ones feels indebted to them, as though he is to blame for something. Which doesn't make sense, of course, I'm not at fault—but still there is an indebtedness.

Elie Wiesel. Did you go back to Kiev?

Golda Meir. No I never did, because when I came to Moscow in 1948 [as Israel's Ambassador to the USSR], one needed a special permit to travel to Kiev. And I thought, we'll get settled first and I'll go later. But then I was recalled after our first elections to join the Cabinet, and I'm sorry I didn't go. Not that I have clear recollections of anything—I left Kiev when I was five . . .

Elie Wiesel. Do you remember it?

Golda Meir. Practically not. I remember Pinsk, the city that we came to after Kiev, because I left Pinsk for the U.S. when I was eight. I remember my grandfather's home . . . facing the church. During the First World War, Jewish men, forty of them, were lined up near the wall of the church and shot. So, whenever I think of it, I think of these men. Many from Pinsk are here in Israel—for instance, our Minister of Agriculture. It just happened that he wasn't among them. But some of his very close friends were among them.

I don't say that I have no happy memories, but I think everyone in my generation that was brought up in Eastern Europe has some recollections of tragedy.

Elie Wiesel. When did you first come to Jerusalem?

Golda Meir. Well, we arrived in the country in July 1921. About two weeks we were in Tel Aviv and got settled, and then we came to Jerusalem. Jerusalem, naturally, wasn't what it is today, but we didn't go to the new Jerusalem first. We went directly to the Old City, to the Wailing Wall.

Although I . . . knew what the Wall was, and what it represented, I cannot honestly say that on my way to the Wailing Wall I was very emotional. I suppose I pictured it more or less as a monument. Until I got there. Then everything changed. And then everything made sense. I had heard, of course, that men and women—old people primarily—put little pieces of paper with wishes on them in the cracks of the Wall. I can't say that it had made much sense to me.

Elie Wiesel. Did you do it?

Golda Meir. I did. I mean, all of a sudden, it made sense. All of a sudden, to me this was the symbol of our struggle, of having been driven out from this country. But this remained, the Wall was there as a fortress of guarantee that the land will be there when the Jews come back.

To me it was everything. It is almost something alive. And if it's alive, then you talk to it, you have contact with it.

Elie Wiesel. What did you write on the slip of paper you inserted in the Wall?

Golda Meir. I wrote then that—this country should be rebuilt. And the next time I put in a piece of paper was two days after Jerusalem was liberated in 1967. Jerusalem was liberated on Wednesday—I came early Friday morning. There was still sniping in the streets. I knew that the parachutists who were fighting for Jerusalem had many, many casualties. Mainly because the Jordanians had their guns on the roofs of churches and so on, and our men were under strict orders not to shell . . .

Elie Wiesel. Holy places.

Golda Meir. . . . to preserve the holy places. So it was a face-to-face struggle, and they lost many men. Civilians were not yet allowed into the city, but I was leaving that same morning for New York, and the general in charge went with me to the Wall.

It wasn't as it is today. You remember it—there was that little alley, and you had to go through yards and so on. And then I saw again something at the Wall that I'm not capable of describing.

There was a table . . . on it were Uzi submachine guns. . . . Four or five parachutists, with prayer shawls over their uniforms, were praying at the Wall. That's how I found them.

Every once in a while another one would come running in. This was their first chance to get to the Wall . . . and these heroes, they wept like babies.

For many of them, it was the first time that they had been near the Wailing Wall, because they were born after . . . the Old City (came) under Jordanian rule. Here were these men who were strong and determined, and victorious—but when they met up with the Wall they broke down.

And then, it was so natural—I took a piece of paper. This time I wrote *shalom*, peace, and put it in the Wall.

Elie Wiesel. And then a young man came up.

Golda Meir. And one of them—he wept near the Wall as though he would leave his heart there. And he turned around, still with his machine gun, and saw me. I'm not sure that he knew who I was. At any rate, I didn't know him, certainly. All of a sudden he just walked up to me, put his head on my shoulder and really wept like a baby. And I thought, with all this heroism, and with all this, at this moment he felt he needed a mother, to cry on her shoulders. I also cried a little bit, I must admit.

It was a privilege to have my shoulder ready for this boy who wept after all that he had gone through. It's one of my most shattering experiences. . . . They were such wonderful, wonderful men.

Elie Wiesel. Did you see him again?

Golda Meir. No. I have no idea who he is.

Elie Wiesel. Is he alive?

Golda Meir. Oh, I hope so. I mean, he came out alive from that battle. I hope nothing happened to him after that. You see. I have a picture.

Elie Wiesel. Yes?

Golda Meir. I never take photographers with me, but my secretary went with me. I had no idea that he had a camera. That morning I left for New York; from Jerusalem I went directly to the Lod Airfield. When I came back from the United States, he showed me the picture.

Elie Wiesel. Madame Prime Minister, when you were in Moscow as Israel's First Ambassador to the Soviet Union—and you happened to be chosen by destiny or by Jewish history to see those thousands of eyes that later haunted me, and still do—did you ever think that one day you would see the Jews of Russia here?

Golda Meir. Those were the days of the honeymoon between us and the Soviet Union. They had voted for us in the United Nations and made great speeches: how just it was that Jews should have a state of their own, and so on. But we had no idea what we would meet as far as Jews were concerned. We had had no contact with them since the Revolution.

I said to the men on my staff: "Look, bring prayer shawls if you have them. If not, get some of the books that I brought for services. And the first Saturday after we have presented our credentials we will go to the synagogue."

We went, and there were a hundred, maybe a hundred and fifty, old Jews there. That was in August. Then came the High Holy Days.

A few days before Rosh Hashana, Ilya Ehrenberg wrote a big article in *Pravda*, saying that if not for Stalin there wouldn't be a Jewish State, and so on, and so on. "But let there be no mistake," he said, "the State of Israel has nothing to do with the Jews in the Soviet Union. In the Soviet Union there is no Jewish problem and they don't need the State of Israel. Israel is for Jews in capitalistic countries where there is anti-Semitism. Besides, there is no such thing as a Jewish people—that's ridiculous. It's as though one said that everybody that had red hair belongs to one people."

The Jews in Moscow read this just before the holidays, and they understood. . . . They read between the lines. It was a warning to keep away from us.

As we came up the main street to that narrow street going to the synagogue, we stood still. The street was packed, just one ocean of people. And one Jew came up to my counsellor, Namir, and said to him: "This is the answer of Moscow Jewry to Ehrenberg's article."

And when I came out, and stood in this ocean of men and women—some in Red Army uniforms—I can't say I knew that after twenty years I would see many of them here. But one thing I knew, the Soviet Union had not succeeded in breaking the spirit of the Jews.

What I feared was that they would find some other solution, and I reported that to my colleagues when I came back. Either they will let them . . . come here, or they will do something terrible, brutal, cruel. If Stalin had lived, I think it would have been the brutal solution. I had a nightmare that one morning I'd get up and read in the paper that tens of thousands of Moscow Jews had volunteered to go to Birobidjan. That to me was a nightmare.

But I knew that Russia, with all its power, had failed. Jews remained Jews.

Elie Wiesel. Madame Prime Minister, are you happy?

Golda Meir. Of course.

Elie Wiesel. I mean happy with what's happening to our people?

Golda Meir. Look, despite all that's happened, here we are, in the twenty-fifth year of a state that is independent and free, with over two and a half million Jews. There are countries where Jews have suffered, mainly the Arab countries, and we've brought practically all their Jews here.

I saw the Jews come in from Yemen, or from the Atlas Mountains of Morocco, and I see them now, the generation that was born here. Yemenite children came with their eyes—those big, black, beautiful eyes—full of fear. They were so undernourished that children of four could not stand up. And you see them now, tall and strong and free and fearless.

They've become good farmers, excellent farmers. They work in the factories, and they go to school, and they're in the universities, and they are teachers, and they're excellent soldiers when it's necessary to fight. And it's the same with Jews from Morocco and Jews from Libya—from the caves of Libya they came to us.

Of course, there are problems and there are worries. And there are still wars, and of course that's the worst of all. Imagine what we could have done if we didn't have to fight wars. But how can one not be happy when he has lived to see this?

Elie Wiesel. How do you manage to go on and on and on, aware that the Arabs don't want peace, and still speak about reconquering Jerusalem? What is your secret?

Golda Meir. Look, I can't say I'm sure that the war is not over. That wouldn't be honest. We hope so, but that depends upon them.

I am convinced, absolutely, that if there's another war we will win again. The heartbreaking thing is, it means more people dead, not only on our side, but on the other side. I don't believe that an Egyptian mother cares less for her son than a Jewish mother cares for hers. Jewish mothers had their hearts broken, but they knew what their sons were fighting for. They were fighting for our life, for our very existence. What are the Egyptian sons fighting for? To destroy us?

Because it is so cruel, so senseless, and so hopeless to aspire to "throw us into the sea," it must stop. We are doing everything we can; it is a most terrible thing to send men to war.

But despite this tragedy of wars and fighting and so on, everything is growing. Everything is growing.

COAL SURFACE MINING AND RECLAMATION

Mr. METCALF. Mr. President, the Committee on Interior and Insular Affairs began holding hearings on surface mining legislation today and will continue through Friday. Enactment of legislation to regulate surface mining is an urgent national priority.

In order to get better data, Chairman Jackson last November asked the Council on Environmental Quality to lead an interagency study of the environmental, social, and economic impacts of surface mining regulation. That study has just been received and will be printed as a committee print. Since that print will not be available during the hearings, I ask unanimous consent that the summary of the report be printed in the Record.

There being no objection, the summary was ordered to be printed in the Record, as follows:

COAL SURFACE MINING AND RECLAMATION

SUMMARY

This report analyzes the environmental impacts and alternatives for reducing adverse impacts from surface mining of coal; it does not analyze surface mining or reclamation requirements for other minerals.

Background

Surface mining, in which the overburden is stripped away to expose and then remove the underlying coal deposit, can be divided into two general types—area mining and contour mining. Area mining is practiced in relatively flat to gently rolling terrain. Contour mining is practiced where deposits occur in hilly or mountainous country. Augering—drilling horizontally into a coal seam—is usually used in conjunction with contour mining on steep slopes to increase the coal recovery rate.

As of 1972, 4 million acres of land had been disturbed by surface mining; of this, over half was unreclaimed. Twenty thousand miles of highwalls remain, and the water quality of thousands of miles of streams and thousands of acres of lakes has been severely degraded. This disruption of wildlife habitat and impairment of aesthetic and recreational values increases as mining continues to be inadequately controlled.

Surface mining techniques—Effects and control costs

Although environmental damage from surface mining has been severe, it is not an unavoidable consequence of all forms of surface mining. High levels of control can substantially reduce adverse environmental impacts in most areas. The types and severity of environmental damage depend not only on the mining method used, but also on the level and timing of the reclamation which follows. Table I contrasts in a subjective way the environmental effects of the different surface mining techniques because actual quantitative data are not available to measure differences in environmental impacts among mining techniques or to measure the significance of such differences. Actual impacts from a given surface mine depend on conditions specific to the site.

TABLE I.—ESTIMATED ENVIRONMENTAL EFFECTS OF COAL SURFACE MINING

[Scale for severity of environmental indicators: [1] 3=Severe adverse impact; 0=Negligible adverse impact]

Mining technique [2]	Water			Air pollution (dust)	Land use (adjacent land impact and precluded land use	Health and safety (landslides and flooding)	Wildlife habitat and disruption	Esthetics (highwall and vegetation)	Total [4]
	Surface pollution	Ground water	Changed water courses						
Area mining:									
Without reclamation	1–2	0–1	1–3	2–3	2–3	0	1–2	2–3	9-16
With reclamation [3]	0–1	0–1	0–1	1	0	0	0	0	1–4

Footnotes at end of table.

TABLE I.—ESTIMATED ENVIRONMENTAL EFFECTS OF COAL SURFACE MINING—Continued

]Scale for severity of environmental indicators:[1] 3=Severe adverse impact; 0=Negligible adverse impact]

Mining technique[3]	Water: Surface pollution	Water: Ground water	Water: Changed water courses	Air pollution (dust)	Land use (adjacent land impact and precluded land use	Health and safety (landslides and flooding)	Wildlife habitat and disruption	Esthetics (highwall and vegetation)	Total[4]
Contour mining (spoils on downslope):									
Conventional contour strip	3	0–1	2–3	2–3	3	3	1–3	3	17–22
Contour strip with spoils shaping	1–3	0	2–3	2–3	2–3	1–3	1–2	2–3	11–20
Contour strip with terrace backfilling	1–2	0	0–2	1–2	1–2	1–2	1–2	0–1	4–13
Contour strip with contour backfilling	1	0	0–1	1–2	0–1	0–1	1	1	3–8
Augering from narrow bench	1–3	1–3	0–1	0–1	1–2	0–1	0–1	1	3–12
Contour mining (no spoils on downslope):									
Modified block cut	1	0	0	1	0	0	0–1	0–1	2–4
Long wall surface	0–1	1–2	0	0–1	0–1	0	0	0	1–5
Augering with backfilling	0–1	1–2	0	0–1	0	0	0	0	1–4

[1] Indicators are for both temporary and pervasive impacts.

[2] Head of hollow hill technique is not rated here because its environmental effects also depend on the techniques(s) for which it serves as a supplemental method for spoil disposal.

[3] This ranking is for area mining in the Eastern and Central coal regions with adequate rainfall for vegetation. Area mining in the Far West may well be unacceptable unless vegetation can be reestablished.

[4] Aggregating environmental parameters into a single index is difficult and often involves value judgments with respect to relative importance of the factors involved. These totals assume equal weighting of environmental impacts. Use of other weights could alter the ranking of the techniques.

For contour mining, several mining techniques can provide concurrent reclamation with minimal disturbance and environmental impacts on adjacent lands. One technique, the modified block-cut, although not applicable to all sites, incorporates reclamation as an integral part of the mining operation. Lands are reclaimed during mining by backfilling the previously worked area with newly removed overburden. Except for the initial cut, spoils are not deposited on the downslopes, and the land is almost immediately restored to its original contour. As a result, landslides, water pollution, aesthetic blight, and other environmental effects are reduced, although disruption during the active mining operation cannot be completely avoided. Although not widely used now, it offers one promising approach to reduce environmental effects in many, although certainly not all areas. Auger mining—drilling directly into a mountain, usually in conjunction with other contour mining—also minimizes environmental damage when continuous reclamation is practiced. Other mining techniques, properly carried out on appropriate sites, can produce substantially similar levels of environmental impacts.

Costs of reclamation depend on the character of the desired reclamation, on soil characteristics, local cost factors, coal seam and overburden thickness; rainfall, and the like. Table II contrasts total and incremental reclamation costs for the demonstrated contour mining techniques summarized in Table I. This analysis assumes a given slope and coal seam thickness. Both total costs and incremental costs would be different under other conditions. The combination of some of these techniques with augering could substantially change both the incremental cost per ton and possibly the relative costs of the different reclamation techniques. Total costs of reclamation for contour strip mining are $.39 per ton for basic reclamation (shaping and revegetation of spoil banks) and $.56 per ton for a higher level of reclamation by the modified block-cut method. Other reclamation techniques such as terrace or contour backfilling—which would require pulling spoil back up the downslopes—would cost more than the modified block-cut in achieving similar reclamation.

TABLE II.—ESTIMATED COSTS OF MODELS OF CONTOUR STRIP MINING AND RECLAMATION APPROACHES[1]

[In dollars per ton]

Type and degree of reclamation	Production costs[2]	Incremental reclamation costs	Incremental reclamation costs above minimum now required[3]
No reclamation (conventional)	3.90		
Shaping of spoil bank[3]	4.29	0.39	
Terrace backfilling	4.59	.69	0.30
Contour backfilling	4.85	.95	.56
Modified block-cut	4.46	.56	.17
Augering from narrow bench	3.45		
Augering with backfilling[4]	3.51	.06	.03

[1] These cost estimates are for a hypothetical mine, using common assumptions with respect to key variables such as slope, bench width, coal seam thickness, etc. See ch. 1 and app. E for details.

[2] Does not include coal cleaning, freight, or profits.

[3] Shaping of spoil bank required in all major Appalachian mining States.

[4] Assumes complete backfilling of bench, but only plugging of the 1st few feet of the auger hole.

Given that most Appalachian states currently require shaping of spoil banks, the estimated incremental cost per ton of coal with complete reclamation would be $.17 per ton using the modified block-cut technique and $.56 per ton using contour backfilling. These cost increases represent 3% to 9% of current coal prices at the mine. Actual price impacts could be different depending on many factors such as elasticity of demand or industry pricing policies.

Impact of slope angle prohibitions on coal production and reserves

Because most mining on steep slopes is located in Appalachia, the impacts on production and reserves would be greatest in that area. Central and western United States coal reserves and production usually underlie relatively flat terrain.

There were no existing data on surface coal mining production and reserves as a function of slope angle. Methodologies were developed to determine these distributions in Appalachia, and the data are summarized in Tables III and IV.

TABLE III.— URFACE MINE PRODUCTION IN APPALACHIA AS A FUNCTION OF SLOPE ANGLE, 1971

[In millions of tons]

State	Total	0–10°	10°–15°	15°–20°	20°–25°	25° plus	Underground mine production, 1971
Alabama	11.09	4.66	1.55	1.77	1.77	1.33	6.75
Kentucky (eastern)	33.10	0	.60	4.20	7.65	20.65	32.99
Maryland	1.47	.43	.66	0	.38	0	.14
Ohio	38.11	4.08	8.00	15.08	6.39	4.56	12.86
Pennsylvania	25.76	10.73	9.89	3.63	1.04	.48	44.29
Tennessee	5.34	.40	.13	.71	1.71	2.40	2.65
Virginia	9.00	0	.08	.20	.83	8.07	21.63
West Virginia	31.92	1.83	4.43	2.71	8.43	14.46	78.76
Total	155.79	22.13	25.34	28.30	28.20	51.95	200.07
Percentage	100.0	14.2	16.3	18.2	18.1	33.3	

TABLE IV.—STRIPPABLE RESERVES IN APPALACHIA AS A FUNCTION OF SLOPE ANGLE

[Millions of tons]

State	Total	0–10°	10°–15°	15°–20°	20°–25°	25° plus	Total deep reserves in Appalachia
Alabama	169.84	124.79	16.42	13.19	10.04	5.40	12,774
Kentucky (eastern)	766.52	44.80	38.84	106.36	219.36	357.16	37,639
Maryland	27.27	25.17	1.71	.26	.13		1,117
Ohio	1,334.01	961.04	256.44	102.92	13.42		36,505
Pennsylvania	1,293.48	1,116.24	161.34	10.16	3.42	2.45	66.011
Tennessee	135.66	75.85	8.51	22.24	24.26	4.80	2,094
Virginia	226.86			32.06	131.78	63.02	8,324
West Virginia	2,507.01	364.52	592.04	475.87	608.86	465.72	90,059
Total	6,460.65	2,712.41	1,075.30	763.06	1,011.27	898.55	254,523
Percentage	100	42.0	16.6	11.8	15.7	13.9	

The impact of a slope prohibition on production depends on the extent to which alternative sources of coal production substitute for the production lost on steep slopes. These alternatives include underground mining and shifting to less steep slopes. There are a number of constraints to such shifts including land availability and production lead time, capital availability, and matters of concern to labor such as job location, working conditions, and health and safety factors.

Tables V and VI summarize three possible impacts on production in Appalachia from prohibitions of surface mining on slopes greater than 15° and 20°. The high impact case assumes that all production on steep slopes is not replaced by other surface or underground mining. The low impact case assumes all steep slope production outside of central Appalachia is shifted to less steep slopes. In central Appalachia, production losses from precluding mining on steep slopes would only partially be made up by a 10 percent increase in underground mining and a small amount of shifting to less steep slopes. The medium impact case assumes that steep slope production is shifted to less steep slopes outside central Appalachia, with the exception of that conducted by small miners. In central Appalachia, it assumes no surface mining on less steep slopes but a 5 per cent increase in underground production.

TABLE V.—NET PRODUCTION LOSS FOR A 15° SLOPE ANGLE PROHIBITION, 1971

[In million tons per year]

Region and economic area	High impact case	Middle impact case	Low impact case
Northern Appalachia:			
11. Williamsport, Pa	2.81	0.72	0
66. Pittsburgh, Pa	15.12	3.11	0
68. Cleveland, Ohio	6.20	1.24	0
64. Columbus, Ohio	9.03	1.80	0
65. Clarksburg, W. Va	7.64	.31	0
Subtotal	40.80	7.18	0
Central Appalachia:			
52. Huntington, W. Va.–Ashland, Ohio	25.45	22.18	12.54
53. Lexington, Ky	15.56	15.07	14.58
51. Bristol, Va	10.09	8.26	6.52
50. Knoxville, Tenn	11.60	11.40	8.31
Subtotal	62.60	56.91	41.95
Southern Appalachia:			
49. Nashville, Tenn	0	0	0
48. Chattanooga, Tenn	.46	.01	0
45. Birmingham, Ala	4.42	.13	0
Subtotal	4.88	.14	0
Total	108.28	64.23	41.95

TABLE VI.—NET PRODUCTION LOSS FOR A 20° SLOPE ANGLE PROHIBITION, 1971

[In million tons per year]

Region and economic area	High impact case	Middle impact case	Low impact case
Northern Appalachia:			
11. Williamsport, Pa	0.77	.20	0
66. Pittsburgh, Pa	6.33	1.39	0
68. Cleveland, Ohio	5.75	1.15	0
64. Columbus, Ohio	0	0	0
65. Clarksburg, W. Va	7.26	.29	0
Subtotal	20.11	3.03	0
Central Appalachia:			
52. Huntington, W. Va.–Ashland, Ohio	24.70	9.08	[1] (6.55)
53. Lexington, Ky	15.56	15.07	14.58
51. Bristol, Va	9.81	8.06	6.32
50. Knoxville, Tenn	6.69	4.82	2.96
Subtotal	56.76	37.03	17.31
Southern Appalachia:			
49. Nashville, Tenn	0	0	0
48. Chattanooga, Tenn	.39	.01	0
45. Birmingham, Ala	2.81	.08	0
Subtotal	3.20	.09	0
Total	80.07	40.15	17.31

[1] Gain.

A 15° prohibition would preclude production of between 42 and 108 million tons annually, representing between 27% and 70% of Appalachian surface mine production, 11% and 39% of total surface production, or 7% and 18% of total U.S. production. A 20° slope angle prohibition would affect between 17 and 80 million tons annually, representing between 11% and 51% of Appalachian surface mine production, 5% and 20% of total surface production, or 3% to 14% total U.S. production. The immediate production losses from a ban on steep slopes could approximate the larger quantity in each case. The period of maximum loss would depend on the time necessary to expand production from deep mines or from surface mines on less steep slope. This analysis dealt only with production losses in Appalachia and does not take account of possible substitution of coal production in other areas of the country, domestic production of other fossil fuels, or imports of petroleum products.

An important amount of the coal production that would be precluded by slope limits is low in sulfur and ash. This coal is not only valuable for steel production and export, but has become increasingly important to meet the requirements of the Clean Air Act. Appalachian surface mines produce about 30% of all low sulfur coal used in electric power plants. In central Appalachia, which supplies 23 percent of utility low sulfur coal needs, virtually all of this surface mined coal is produced on slopes greater than 20°.

In Appalachia 41% and 30% of total strippable reserves would be lost with 15° and 20° slope angle prohibitions, respectively. Because the overwhelming majority of U.S. reserves is recoverable only by underground mining and because of large and as yet untapped reserves in the West, the loss of reserves from a slope angle prohibition represents under 1% of the total reserves physically available.

Regional economic impact of slope angle prohibitions

Although conditions are improving, Appalachia remains an economically depressed area. Many parts of the region are highly dependent on all coal mining for their existence—over 95% of basic earnings in some counties. Unemployment and poverty levels are high, and per capita income lags behind the rest of the country. While much of Appalachia is shifting to a more diversified and viable economic base, nonetheless, pockets of severe economic depression remain.

The direct economic impacts of a 15° and 20° slope angle limitation on Basic Economic Areas in Appalachia are summarized in Tables VII and VIII. Although not definitive, these data indicate that a 15° or 20° angle prohibition would not have an appreciable economic impact in major sections of northern and southern Appalachia. The impact however, could be significant in nearly all of central Appalachia and especially in those Appalachian counties where coal mining is a major source of employment and few alternative employment opportunities exist. The direct earnings and employment impacts in selected counties in central Appalachia could be severe. The total economic impact on each area and county would be even greater taking into account secondary income and employment effects. Because adjacent areas, already depressed economically, may be experiencing the same economic dislocations, the number of jobs outside these selected counties may also be limited. This report does not analyze offsetting economic effects outside Appalachia or secondary economic impacts.

TABLE VII.—DIRECT ECONOMIC IMPACT OF 15° SLOPE ANGLE PROHIBITION

	Baseline economic data			Scenarios								
				High impact			Medium impact			Low impact		
Economic area	Unemployment rate March 1970	Percent families below poverty level (1969)	Percent of national per capita income (1967)	Percent basic earnings loss	Employment loss		Percent basic earnings loss	Employment loss		Percent basic earnings loss	Employment loss	
					Percent	Number		Percent	Number		Percent	Number
11. Williamsport, Pa	5.1	9.9	84	0.9	0.3	490	0.2	0.1	126	0	0	0
66. Pittsburgh, Pa	4.5	8.8	97	.4	.1	1,588	.1	(1)	344	0	0	0
68. Cleveland, Ohio	3.8	6.8	105	.2	.1	987	(1)	(1)	177	0	0	0
64. Columbus, Ohio	4.2	9.5	92	.5	.1	763	.1	(1)	160	0	0	0
65. Clarksburg, W. Va	4.8	17.1	73	5.0	1.5	1,527	.2	.1	55	0	0	0
52. Huntington, W. Va.-Ashland, Ohio	5.9	21.2	73	3.8	1.2	4,698	2.6	.9	3,168	.4	.1	453
53. Lexington, Ky	4.6	24.1	68	2.6	.9	2,080	2.3	.8	1,829	2.0	.7	1,577
51. Bristol, Va	5.3	21.3	71	2.1	.6	1,477	.9	.3	640	[2] (.3)	[2] (.1)	[2] (199)
50. Knoxville, Tenn	5.3	23.4	67	1.9	.6	1,523	1.7	.5	1,353	1.0	.3	801
49. Nashville, Tenn	3.8	17.9	78	(1)	0	0	0	0	0	0	0	0
48. Chattanooga, Tenn	(3)	17.0	(3)	(3)	(1)	64	(1)	(1)	2	0	0	0
45. Birmingham, Ala	4.5	20.0	75	.4	.1	588	(1)	(1)	15	0	0	0
Total						15,785			7,869			2,632

[1] Nil. [2] Gain. [3] Not available.

TABLE VIII.—DIRECT ECONOMIC IMPACT OF 20° SLOPE ANGLE PROHIBITION

	Baseline economic data			Scenarios								
				High			Medium			Low		
Economic area	Unemployment rate (March 1970)	Percent families below poverty level (1969)	Percent of national per capita (1967)	Percent basic earnings loss	Employment loss		Percent basic earnings loss	Employment loss		Percent basic earnings loss	Employment loss	
					Percent	Number		Percent	Number		Percent	Number
11. Williamsport, Pa	5.1	9.9	84	0.3	0.1	134	0.1	(1)	35	0	0	0
66. Pittsburgh, Pa	4.5	8.8	97	.2	.1	729	(1)	(1)	153	0	0	0
68. Cleveland, Ohio	3.8	6.8	105.	.2	.1	917	(1)	(1)	183	0	0	0
64. Columbus, Ohio	4.2	9.5	92	0	0	0	0	0	0	0	0	0
65. Clarksburg, W. Va	4.8	17.1	73	4.8	1.4	1,451	.2	.1	58	0	0	0
52. Huntington, W. Va.-Ashland, Ohio				3.7	1.2	4,487	.6	.2	709	[2] (2.6)	[2] (.8)	[2] (3,070)
53. Lexington, Ky	4.6	24.1	68	2.6	.9	2,080	2.3	.8	1,828	2.0	.7	1,578
51. Bristol, Va	5.3	21.3	71	2.1	.6	1,450	.9	.3	612	[2] (.3)	[2] (.1)	[2] (226)
50. Knoxville, Tenn	5.3	23.4	67	1.0	.3	818	.6	.2	444	.1	(1)	68
49. Nashville, Tenn	3.8	17.9	78	0	0	0	0	0	0	0	0	0
48. Chattanooga, Tenn	(3)	17.0	(3)	(3)	(1)	41	(3)	(1)	1	0	0	0
45. Birmingham, Ala	4.5	20.0	75	.3	.1	374	(1)	(1)	11	0	0	0

[1] Nil. [2] Gain. [3] Not available.

State regulatory activities

The results of a survey of surface mining laws and regulatory programs in 16 major coal-producing states indicates a progression toward more stringent controls to reduce the environmental damages from surface mining. It is clear, however, that there is a need for further strengthening of the individual state programs. Some states now require concurrent reclamation, but only two also require reshaping to the approximate original contour, or other similarly appropriate condition, for other than area mining. In only a few states have performance standards been adopted for reclamation. Despite an increase in use and amounts of performance bonds, their levels are still generally set at flat rates, unrelated to actual reclamation costs, which frequently exceed such rates. They are usually cancelled shortly after reclamation stops, although environmental damage may continue thereafter or first occur at some future time. Manpower and funds for enforcement of state programs do not appear generally adequate.

Any regulatory program can only be judged by its results. The new laws that have been enacted are too new to judge their results, but in general experience under previous laws has not been good. Unless stronger programs are instituted and carried out, more land will predictably be left damaged by surface mining.

Elements of effective environmental controls

Our findings in this report indicate that at the least three elements of regulatory programs are necessary to protect environmental quality during surface mining operations. First, adequate planning, through the careful preparation and analysis of mining and reclamation plans, is required. These plans should be prepared and analyzed before mining begins to assure that operations will result in the achievement of minimal environmental damage. If difficulties are identified, then the plan can be appropriately modified. Second, specific performance standards are necessary so that miners can choose the most effective techniques to meet them. It is clear that some methods such as the modified block-cut and augering with backfilling can reduce environmental abuse at costs that are small relative to those of other methods for achieving similar results and relative to total coal production costs. Third, there must be sufficiently vigorous enforcement of regulatory programs. Often, in the past, the results of enforcement programs were not satisfactory for a number of reasons. The performance standards did not require an adequate level of reclamation. Earlier reclamation requirements were subject to such broad interpretation that their achievement was often a matter of unnecessary contention between the mine operator and the inspector. And, enforcement did not have behind it adequate performance bonding, manpower, or funding to achieve the desired performance. With stringent, unambiguous performance standards that require reclamation concurrent with mining, it will be easier to judge the adequacy of reclamation performance in each particular case.

In the absence of any one of these three components—adequate planning, adequate performance standards and adequate enforcement—experience indicates that efforts to curb environmental and other damage from surface mining will not be truly successful.

CONCLUSION OF MORNING BUSINESS

Mr. MANSFIELD. Mr. President, is there further morning business?

The ACTING PRESIDENT pro tempore. Is there further morning business? If not, morning business is closed.

PUBLIC HEALTH SERVICE ACT EXTENSION OF 1973

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now proceed to the consideration of S. 1136, which will be stated by title.

The Assistant Legislative Clerk read as follows:

A bill (S. 1136) to extend the expiring authorities in the Public Health Service Act and the Community Mental Health Centers Act.

The Senate proceeded to consider the bill.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER FOR ADJOURNMENT

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that, when the Senate completes its business today, it stand in adjournment until 12 o'clock noon tomorrow.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

PUBLIC HEALTH SERVICE ACT EXTENSION OF 1973

The Senate continued with the consideration of the bill (S. 1136) to extend the expiring authorities in the Public Health Service Act and the Community Mental Health Centers Act.

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. GRIFFIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. GRIFFIN. Mr. President, what is the pending business?

The ACTING PRESIDENT pro tempore. The pending business is S. 1136, a bill to extend the expiring authority for the Public Health Service Act and the Community Mental Health Centers Act.

Mr. GRIFFIN. Mr. President, I move that the pending business be referred to the Committee on Labor and Public Welfare with instructions that it be reported back to the Senate within 2 weeks.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the motion of the Senator from Michigan.

Mr. GRIFFIN. Mr. President, by way of explanation, let me say that I commented yesterday about my concern that this legislation, involving an authorization well in excess of a billion dollars, was on the calendar without committee consideration. I believe that orderly procedures in the Senate would indicate that legislation of this importance, should at least have some kind of consideration by the standing committee of the Senate that has jurisdiction.

I am aware of the fact that similar legislation was passed by the Senate in the last Congress. I understand that it is not exactly the same legislation, that there are some additions to it. I also point out the fact that it was the Senate in a different Congress that passed it.

Since I have included in my motion an instruction that the committee report the bill within a reasonable time frame—one which would give interested people an opportunity to testify if they wished to do so, including administration witnesses—I would hope that such a motion would be acceptable to those who have the responsibility for the bill.

Mr. KENNEDY. Mr. President, will the Senator yield?

Mr. GRIFFIN. I am glad to yield to the distinguished Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I think that this is a reasonable motion that is being made by the assistant minority leader. It takes into consideration, I think, the reasons why it is necessary that the Committee on Labor and Public Welfare press forward on this legislation, and the recognition that on June 30 of this year the entire spectrum of legislation included in this proposal will expire, and that therefore we do have a responsibility to proceed quickly.

I think if we are going to give the kind of thoughtful consideration to the administration's proposal that it should have, and hold hearings on these programs, we ought to at least make sure that we are going to have a continuation of the programs, and during the course of this session, will be able to adjust them, change them, or alter them as the course of the hearings may show to be proper. We are running into a deadline though.

I shall have more to say, after we dispose of this particular motion, in connection with the reasons for the sense of urgency and the need for prompt action by the Health Subcommittee; but the proposal of the assistant minority leader, I think, will insure that the Senate will still have a chance to give consideration to this proposal at an early date and it will give us a chance to work with the House of Representatives in conference about these matters for a suitable period of time.

Therefore, I support the motion, and I hope, as chairman of the Health Subcommittee, that during this 2-week period of time we will hear from the Secretary of HEW. I believe a member of the committee staff has already been in touch with him, and he has indicated a willingness to appear before the committee to give it the benefit of the department's best judgment. We will make every effort to proceed in an orderly way within the committee. In any event, we will have the understanding that within 2 weeks this matter will be before the Senate.

Mr. President, a parliamentary inquiry.

The ACTING PRESIDENT pro tempore. The Senator will state it.

Mr. KENNEDY. Does the motion of the Senator from Michigan mean that the bill would be placed on the calendar within 2 weeks, or reported to the Senate?

The ACTING PRESIDENT pro tempore. Those are the instructions of the motion, the Chair would inform the Senator from Massachusetts.

Mr. KENNEDY. So it would be reported back to the Senate itself?

The ACTING PRESIDENT pro tempore. Yes.

Mr. KENNEDY. I think that is entirely acceptable. I think Senators by that time would have the benefit, hopefully, of the Secretary's comments and ideas.

So with that understanding, I support the motion, and urge its adoption.

Mr. GRIFFIN. I thank the distinguished Senator from Massachusetts for his understanding and cooperation.

I, of course, should not preclude in my motion the possibility that the committee may modify the bill. I think I should modify the motion to say, "with or without committee amendments," and I do so modify it.

The ACTING PRESIDENT pro tempore. The bill will be referred to the committee.

Mr. GRIFFIN. I want to emphasis I do not intend to preclude the committee from working its will and possibly amending the bill.

The ACTING PRESIDENT pro tempore. The committee would have that right under the Senator's motion.

Mr. GRIFFIN. Fine. I appreciate that.

I particularly appreciate the attitude of the distinguished Senator from Massachusetts. Without regard to the merit of this particular bill I would consider the procedure that would be followed, if we were not to do this, a bad precedent. I would hate to see other measures brought to the Senate floor without following the committee process.

There are very good reasons, as we all know, why bills are ordinarily referred to committees. I am reminded of the fact that the Legislative Reorganization Act provides that no bill shall be scheduled for consideration until the report of the committee has been available for 3 days.

Sometimes by unanimous consent we do dispense with that requirement, but that provision in the Legislative Reorganization Act is a very important one.

Obviously, if we are not even going to send the bill to committee, we are really doing away with the protection that the Senate has tried to provide itself and the public in the legislative process. So I appreciate the support of the Senator from Massachusetts.

Mr. TAFT. Will the Senator yield?

Mr. GRIFFIN. I yield.

Mr. TAFT. I thank the Senator. I am happy to hear that the Senator from Massachusetts has agreed to this course of action.

There is a great deal to this action that I am sure we all recognize in trying to clear up some of the unanswered questions with respect to the future of the various programs that are presently authorized and funded. To have gone the route of simple extension without committee hearings would have been perhaps to forfeit too greatly to the House committee involved; the substantive decisions from which we might not have been able to make any report or make any changes.

I hope that the committee will now have hearings. I am sure that the Secretary of HEW, Mr. Weinberger, who has testified I think three times, so far as his confirmation hearings were concerned, and was under the restriction of not yet being the Secretary concerning what he could say, has also testified for 6 or 7 hours, I believe, before the House Commerce Committee on these subjects, will be available and will be most happy, as he has always been, to come to the Hill and to testify in these areas. I think he will be most helpful when he comes.

I hope the committee will get some sense of the direction in which we ought to be going concerning the very important substantive decisions that we are going to be called upon to make in the health field, either in this bill or other legislation later in session.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the motion.

The motion was agreed to.

Mr. KENNEDY. Mr. President, the Senate will within 2 weeks have an opportunity to consider S. 1136, the Public Health Service Act of 1973 which I introduced last week with bipartisan committee cosponsorship. This bill is cosponsored by 15 of the 16 members of the Senate Labor and Public Welfare Committee, including the ranking minority member of the Health Committee, Mr. JAVITS, the ranking minority member of the Health Subcommittee, Mr. SCHWEIKER, and the former ranking minority member of the Health Subcommittee, Mr. DOMINICK.

Mr. President, I want to briefly describe for my colleagues the provisions contained within the committee's bill, and also describe why it is necessary that it be acted on as quickly as possible. Virtually all of the authority contained in the Public Health Service Act expires June 30, 1973. In order to avert the monumental legislative logjam we now face, the Senate passed legislation extending and including most of these expiring programs in September of last year. That bill, S. 3716, was favorably reported to the Senate by the Health Subcommittee and it was passed by the Senate 78 to 0. Regrettably, companion legislation did not emerge from the House of Representatives. And now only 4 months remain before these programs expire.

Mr. President, the administration has had ample opportunity to express its views to the committee regarding these programs. The administration was invited to testify on several of them on May 17, 1972. The administration refused to testify. The administration in testimony in 1972 on several other of the programs covered by the committee's bill testified in opposition to that legislation. And the administration stated on multiple occasions during its testimony that its legislative recommendations for these programs would be forthcoming with the submission of the President's budget for fiscal year 1974. The budget came up January 29, 1973. And again there were no accompanying legislative recommendations for these health programs. In early February the then Secretary-designate of HEW, Mr. Weinberger, testified before the committee to the effect that he did not know when the administration would be in a position to make its legislative recommendations to the Congress. He testified that he hoped it would be possible for the administration to have them ready in February, or March, or April. Mr. President, with a budget which proposes doomsday for many of these programs July 1, 1973, the Congress cannot sit idly by.

Mr. President, this is a crisis situation. For the first time serious questions have been raised with respect to the effectiveness of several of these programs by the President. To cite several examples the President's budget for fiscal year 1974 proposes the total elimination or radical restructuring of the Hill-Burton hospital program, the allied health training program, the regional medical program for heart, cancer, and stroke, the public health training program, and the community mental health centers program. The plain truth is that the President is in effect legislating via the budget process. Some of the concern the President has with respect to the way in which some of these programs are working is valid. But the point is that the Congress must have an opportunity to work its will regarding the shape of the legislation in this regard. It is quite clear that it is not possible for the Congress to do an adequate job of restructuring and updating and consolidating these legislative authorities in 4 months. The Health Subcommittee has for some time now been involved in an effort aimed at the recodification and restructuring of the whole of the Public Health Service Act. I am hopeful that that effort will enable us to consolidate several of the categorical authorities currently contained within the act. This project is one of the highest priority items before the Health Subcommittee. And I am going to do everything I can to assure that legislation in this regard is favorably reported from the committee to the Senate by next winter.

I believe it is necessary to extend all of these legislative authorities for 1 year. That is exactly what the bill does. It makes no substantive changes in the law at all. It adds no new money to the act. It simply extends the life of the act from June 30, 1973, to June 30. 1974. Mr. President, the specific programs extended by this bill are: Health services research and development, health statistics, public health training, migrant health, comprehensive health planning, Hill-Burton, allied health training, regional medical programs, medical libraries, and community mental health centers.

Mr. President, I believe this measure must pass if Congress is to have an opportunity to perform its constitutionally guaranteed right to legislate. I am delighted with the broad bipartisan support for this bill. This is not and should not be a partisan measure. I particularly want to compliment the help and assistance I have received from the distinguished chairman of our committee, Senator WILLIAMS, and from Senators JAVITS, SCHWEIKER, and DOMINICK, who have been more than willing to cooperate with me in this measure. I urge Senators to vote in favor of this essential health bill, when it is reported back to the Senate from the committee 2 weeks from now.

Mr. RIBICOFF. Mr. President, today I am joining with Senator KENNEDY and others in cosponsoring legislation to extend the major health laws for another year. Virtually all of the authority contained in the Public Health Service Act expires on June 30, 1973, and President Nixon's budget would allow these programs to die at that time.

The President says he will replace these programs with a health revenue-sharing system. However, no such proposal has been submitted to the Congress. Therefore, final passage cannot be achieved in time to avoid chaos in the health care field.

Many of us in Congress share the President's concern that there is duplication and lack of coordination in Federal health programs. I proposed the creation of a Department of Health earlier this year to aid the executive branch in bringing order to Federal health policy. But the President's health budget proposal abolishes several Federal health programs of great merit. Unless Congress acts quickly, vital programs dealing with community mental health centers, regional medical programs, medical libraries, allied and public health training, migrant health, comprehensive health planning, hospital renovation, health services research, and others will expire.

It will take time to reform those health care programs which need to be changed. It cannot be done in the 4 months remaining before these programs die. A year's extension will allow us to examine in some detail the merits of these health programs and the President's recommendations. The Hill-Burton hospital construction program would be phased out under the Nixon plan. The President says that there are a sufficient number of hospital beds now. While his contention is borne out by a General Accounting Office study I released last December showing underutilization of hospital beds and a lack of Federal coordination in assessing the need for new hospitals, Hill-Burton still serves a valuable role in providing funds for hospital renovation and ambulatory care centers. An estimated $12.7 billion needs to be spent on fixing up obsolete hospitals, nursing homes, and other health facilities, especially those overcrowded facilities located in urban centers. In 1971, only 4 percent of Hill-Burton grant money was going for new hospital construction. The majority of the funds went for renovation and development of ambulatory care facilities.

Another vital program which would expire under the Nixon health budget is the regional medical program. While its accomplishments have varied from State to State, the Connecticut regional medical program has had great success in coordinating health care activity in the State.

The Connecticut regional medical program—CRMP—has succeeded in developing linkages between almost all the community hospitals in the State with one of the two medical schools—Yale or the University of Connecticut. CRMP has instituted and funded a system of full-time chiefs of service in the hospitals and has developed a cadre of university faculty to assist the affiliated hospitals and full-time chiefs by bringing university expertise to the community. Because of this coordination, which took years of painstaking negotiation to achieve, Connecticut is now in a position to improve the quality of care, moderate health costs, coordinate health facility development, and increase the availability and accessibility of health care. It is tragic that such a program is going to be terminated at the end of June. This should not be allowed to happen.

Many other important programs will be able to continue if this legislation is acted upon promptly. Programs to provide scholarships and loans to nursing students and fellowships to allow medical students and researchers to continue their work in pushing back the frontiers of medical knowledge are vitally important. The student loan programs allow many young people to receive training in various health fields who otherwise would be unable to further their education.

I am pleased that the Senate is taking prompt action on this legislation in order to provide continuity in these vital health programs. All of us agree that the Federal Government must spend its money wisely and efficiently. All health programs must be examined to make sure they are doing an effective job. Successful health care programs should be retained.

Mr. GRIFFIN. Mr. President, has the motion been agreed to?

The ACTING PRESIDENT pro tempore. It has.

Mr. GRIFFIN. I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

FEDERAL AID HIGHWAY ACT OF 1973—COMMITTEE REPORT

Mr. BENTSEN. Mr. President, I report from the Committee on Public Works, S. 502, the Federal Aid Highway Act of 1973. I submit a report (No. 93-61) to accompany S. 502, together with individual views.

Mr. President, I ask unanimous consent that the privileges of the floor be extended to the following members of the staff during the consideration of S. 502, the Federal Aid Highway Act of 1973, including all votes, until action is completed on that bill:

Barry Meyer, Bailey Guard, John Yago, Philip Cummings, Kathy Cudlipp, Clark Norton, Hal Brayman, Jackee Schafer, Leon Billings, of the Committee on Public Works staff, Ron Katz of Sen. Bentsen's staff, and Vic Maerki of Sen. Stafford's staff.

Mr. WEICKER. Mr. President, reserving the right to object, might we not also include in that motion such staff members as may be designated by Senators KENNEDY, MUSKIE, BAKER, and WEICKER?

Mr. ROBERT C. BYRD. May I suggest that we let that go until such persons can be designated by name tomorrow.

Mr. WEICKER. Fine. That is good.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR CONSIDERATION OF FEDERAL HIGHWAY BILL TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that tomorrow at the conclusion of routine morning business the Chair lay before the Senate the Federal highway bill, which has just been reported.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. HASKELL). Without objection, it is so ordered.

RECOGNITION OF SENATOR ROBERT C. BYRD TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that tomorrow, immediately following the remarks of the Senator from Oklahoma (Mr. BARTLETT) I be recognized for not to exceed 15 minutes.

The PRESIDING OFFICER (Mr. HASKELL). Without objection, it is so ordered.

ORDER FOR TRANSACTION OF ROUTINE BUSINESS TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that at the conclusion of the orders for the recognition of Senators tomorrow there be a period for the transaction of routine morning business not to extend beyond the hour of 2 o'clock p.m., with statements therein limited to 3 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order be modified to provide for statements not to exceed 5 minutes each tomorrow, rather than the usual 3 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR ALL COMMITTEES TO HAVE UNTIL MIDNIGHT TONIGHT TO FILE REPORTS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that all committees may be authorized to have until midnight tonight to file reports.

The PRESIDING OFFICER. Without objection, it is so ordered.

QUORUM CALL

Mr. WEICKER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. ROBERT C. BYRD. Mr. President, the program for tomorrow is as follows:

The Senate will convene at 12 o'clock noon, after which the two leaders or their designees will be recognized under the standing order. Following recognition of the two leaders under the standing order, the distinguished junior Senator from Oklahoma (Mr. BARTLETT) will be recognized for not to exceed 15 minutes; after which the junior Senator from West Virginia (Mr. ROBERT C. BYRD) will be recognized for not to exceed 15 minutes; after which there will be a period for the transaction of routine morning business not to extend beyond 2 p.m., with statements therein limited to 5 minutes each.

Upon the completion of the transaction of routine morning business at 2 p.m. tomorrow, the Chair will lay before the Senate S. 502, the Federal Aid Highway Act of 1973. Yea-and-nay votes are expected.

ADJOURNMENT

Mr. ROBERT C. BYRD. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 12 o'clock noon tomorrow.

The motion was agreed to; and at 1:12 p.m., the Senate adjourned until tomorrow, Wednesday, March 14, 1973, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate March 13, 1973:

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Charles C. Edwards, of Maryland, to be an Assistant Secretary of Health, Education, and Welfare, vice Merlin K. DuVal, Jr., resigned.

DIPLOMATIC AND FOREIGN SERVICE

The following-named Foreign Service officers for promotion from class 1 to the class of Career Minister:

Robert O. Blake, of California.
Samuel De Palma, of Maryland.
Philip J. Farley, of Virginia.
William J. Handley, of Virginia.
Francis E. Meloy, Jr., of the District of Columbia.

For promotion from Foreign Service information officers of class 1 to the class of Career Minister for Information.

Alexander A. Klieforth, of California.
John E. Reinhardt, of Maryland.

For promotion from a Foreign Service officer of class 3 to class 2 and to be also a consular officer of the United States of America:

James A. May, of California.

Now a Foreign Service officer of class 3 and a secretary in the Diplomatic Service, to be also a consular officer of the United States of America:

John Eaves, Jr., of New York.

For reapportionment in the Foreign Service as a Foreign Service officer of class 3, a consular officer, and a secretary in the Diplomatic Service of the United States of America:

Seymour H. Glazer, of Virginia.

For appointment as Foreign Service officers of class 3, consular officers, and secretaries in the Diplomatic Service of the United States of America:

Edward Joseph McHale, of New York.
Arthur B. Nixon III, of Texas.
Lewis Curtis Smith, of California.
Myna Beryl Wheat, of California.

For appointment as Foreign Service information officers of Class 3, consular officers, and secretaries in the Diplomatic Service of the United States of America:

Dean Kelvin Brown, of New York.
Graham Kennedy French, of Arizona.
Robert O. Jones, of Maryland.
Arthur Winston Lewis, of Vermont.
William L. Minehart, of Virginia.
Walter Edward Wells, of Connecticut.

For reappointment in the Foreign Service as Foreign Service officers of class 4, consular officers, and secretaries in the Diplomatic Service of the United States of America:

W. Wyatt Martin, of Tennessee.
J. Keith Powell, of Texas.
Gordon L. Streeb, of Minnesota.

For appointment as Foreign Service officers of class 4, consular officers, and secretaries in the Diplomatic Service of the United States of America:

Merwin Carl Blust, of the District of Columbia.
Walter Leon Carter, of the District of Columbia.
Augustine J. Gorman, of Arizona.
Jerald E. Goslin, of Idaho.
Constantine P. Sioris, of the District of Columbia.
William W. Smith, of Pennsylvania.

For appointment as Foreign Service information officers of class 4, consular officers, and secretaries in the Diplomatic Service of the United States of America:

Henry Michael Bennett, of Texas.
Joseph A. Bertot, of Illinois.
Ralph John Crawford, of Michigan.
Lawrence Donald Daks, of Illinois.
George F. Forner, of Washington.
Francis D. Gómez, of Washington.
George A. Miller, of Colorado.
Philip Winston Pillsbury, Jr., of Minnesota.
John Watkins Simmonds, Jr., of Pennsylvania.

For appointment as Foreign Service officers of class 5, consular officers, and secretaries in the Diplomatic Service of the United States of America:

Richard Warren Elam, of California.
John Charles Garon, of Maryland.
Ovsanna Harpootian, of Rhode Island.
John Hargraves Lewis, of Pennsylvania.
Anthony Michael Santiano, of Rhode Island.
Phyllis S. F. Villegoureix-Ritaud, of Virginia.
Wayne W. S. Wong, of Nevada.

For promotion from Foreign Service officers of class 7 to class 6:

Michael T. Barry, of Texas.
Joyce A. Bednarski, of the District of Columbia.
R. Rand Beers, of Michigan.
Charles Henry Blum, of Virginia.
Geoffrey W. Chapman, of New Jersey.
Gene Burl Christy, of Texas.
James P. Covey, of New York.
J. Michael Davis, of Florida.
Wesley W. Egan, Jr., of North Carolina.
Richard W. Erdman, of New Jersey.
Patrick M. Folan, of California.
Richard M. Gibson, of California.
James L. Halmo, of Washington.
Donald K. Holm, of Minnesota.
David H. Kaeuper, of Michigan.
Douglas S. Kinney, of Florida.
Jacques Paul Klein, of Illinois.
C. Michael Konner, of New York.
Douglas Langan, of New Jersey.
Gary E. Lee, of Ohio.
Ronald Dean Lorton, of New York.
Michael M. Mahoney, of Massachusetts.
Gerald McCulloch, of Michigan.
Martin McLean, of New Jersey.
Phillip J. Metzler, of Kansas.
William C. Mims, of Georgia.
Carlos F. J. Moore, of Louisiana.
Kenneth N. Peltier, of Texas.
John U. Nix, of Alabama.
Kenneth W. Parent, of Illinois.
David C. Pugh, of Florida.
David P. Rawson, of Ohio.
Louis D. Sell, of Kentucky.
Andrew Michael Shields, of California.
LeRoy C. Simpkins, of California.
William C. Veale, of Virginia.
David C. Warheit, of California.
Eric R. Weaver, of the District of Columbia.
Thomas M. Widenhouse, of Illinois.
Sharon P. Wilkinson, of New York.
Harry E. Young, Jr., of Kansas.

For promotion from Foreign Service information officers of class 7 to class 6:

G. Whitney Azoy, of New Jersey.
Cesar D. Beltran, of California.
Bruce K. Byers, of Virginia.
Csaba T. Chikes, of Georgia.
Howard E. Daniel, of New Jersey.
Paula J. Durbin, of Hawaii.
David V. Gehle, of Ohio.
Katherine M. Griffin, of North Carolina.
Stevan M. Horning, of Indiana.
Victor L. Jackovich, of Iowa.
Joe B. Johnson, of Texas.
Alan M. King, of Tennessee.
Carol E. Ludwig, of Iowa.
Ray V. McGunigle, Jr., of Pennsylvania.
Stanley N. Schrager, of Illinois.
James D. Settle, of Virginia.
Michael G. Stevens, of Connecticut.
Arthur A. Vaughn, of Maryland.
Van S. Wunder III, of Ohio.

For appointment as Foreign Service officers of class 6, consular officers, and secretaries in the Diplomatic Service of the United States of America:

Lucille Annigian, of Missouri.
Paul Carl Bofinger, of New York.
Franklin Deforest Hyde, of Missouri.
George B. Kettenhofen, of California.
Betty Louise Myles, of California.
Bernard Noland, of California.
M. Cordelia Sanborn, of Arizona.
Elayne Jeannette Urban, of Ohio.

For appointment as a Foreign Service information officer of class 6, a consular officer, and a secretary in the Diplomatic Service of the United States of America:

Joan Mary Gibbons, of Illinois.

For promotion from Foreign Service officers of class 8 to class 7:

Barbara K. Bodine, of California.
Kevin C. Brennan, of California.
Laurel M. Cooper, of California.
Michael Thomas Dixon, of New Jersey.
John M. Evans, of Virginia.
Joseph E. Hayes, of California.
Rex L. Himes, of Washington.
Wayne Stephen Leininger, of Florida.
Robert J. McSwain, of Florida.
William Howard Moore, of Virginia.
Richard A. Morford, of Indiana.
John J. Tkacik, Jr., of Virginia.

For promotion from a Foreign Service information officer of class 8 to class 7:

M. Franklin Keel, of Oklahoma.

For reappointment in the Foreign Service as a Foreign Service officer of class 7, a consular officer, and a secretary in the Diplomatic Service of the United States of America:

Ruth Willow Winstanley, of Indiana.

For appointment as Foreign Service Officers of class 7, consular officers, and secretaries in the Diplomatic Service of the United States of America:

Michael J. Adams, of Pennsylvania.
Clarke William Allard, of New Hampshire.
Michael R. Arietti, of Connecticut.
Robert D. Austin, Jr., of Washington.
Manuel Barrera, of Massachusetts.
James E. Blanford, of Wyoming.
Joseph J. Borich, of South Dakota.
Ralph Lynn Braibanti, of North Carolina.
Harlow J. Carpenter, Jr., of California.
Geraldeen G. Chester, of California.
Robert William Clarke, of Arizona.
Gary Lee Everett, of Texas.
Daniel C. Gamber, of Florida.
Robert Lindsey Glass, of Massachusetts.
Bruce N. Gray, of California.
Andrew Grossman, of New York.
Steven Charles Haas, of Kansas.
William Henry Hall of Delaware.
Michael B. Harrington, of California.
Charles J. Harris, of Louisiana.
Frederick Loren Henneke, of Oklahoma.
Thomas L. Holladay, of Arizona.
John C. Holzman, of Hawaii.
William J. Hudson, of California.
Joel Gerard Imp, of Pennsylvania.
Dennis Coleman Jett, of New Mexico.
Alexandra Uteev Johnson, of California.
Samuel A. Keller, of California.
William Karl Krauss, of New Jersey.
Anthony B. Lamb, of Vermont.
Robert Anthony Lutkoski, of Pennsylvania.
John P. McGuinness, of Virginia.
Robert G. Melson, of Texas.
Edward Wayne Merry, of Oklahoma.
Michael W. Michalak, of the District of Columbia.
Paul T. Murphy, of Connecticut.
Thomas W. Ossola, of Colorado.
William Allen Pierce, of Georgia.
Marilyn Ross Povenmire, of Virginia.
Haywood Rankin, of North Carolina.
John R. Ratigan, of Colorado.
David Snyder Robins, of Washington.
Joseph A. Saloom III, of Virginia.
Joseph B. Schreiber, of Michigan.
Sarah-Ann Smith, of the District of Columbia.
David T. Toyryla, of Texas.
James Donald Walsh, of Pennsylvania.
Dean L. Welty, of Indiana.
Patricia Ann Wertman, of the District of Columbia.
Jeffrey S. White, of California.
Dan A. Wilson, of Texas.
Walter James Woolwine, of West Virginia.
Gerald A. Wunsch, of Indiana.

For appointment as Foreign Service information officers of class 7, consular officers, and secretaries in the Diplomatic Service of the United States of America:

David F. Barry, of New Jersey.
Beverly C. Champion, of the District of Columbia.
Wendell N. Harrison, of New York.
Robert Tadashi Hashimoto, of Hawaii.
J. Daniel Howard, of Tennessee.
Virginia M. L. Loo, of Hawaii.
Gerald C. Mattran, of Illinois.
Ronald J. Post, of Michigan.
Carmen C. Suro, of Maryland.

For appointment as Foreign Service officers of class 8, consular officers, and secretaries in the Diplomatic Service of the United States of America:

Jane Ellen Becker, of Wisconsin.
Jeffrey J. Buczacki, of Connecticut.
Charles Gilman Currier, of New York.
Kenneth Richard Hedstrom, of California.
Marie T. Huhtala, of California.
Patrick Francis Kennedy, of Illinois.
Alan P. Larson, of the District of Columbia.
Dana M. Marshall, of New York.
Janet L. Meek, of Texas.
Leigh A. Morse, of Minnesota.
Larry A. Nelsen, of Michigan.
Joseph T. Sikes, of Alabama.
Alice Kathleen Straub, of New Jersey.
Gregory Michael Suchan, of Ohio.

For appointment as Foreign Service information officers of class 8, consular officers, and secretaries in the Diplomatic Service of the United States of America:

Charles Miller Crouch, of Connecticut.
Mary Lou Edmondson, of Colorado.
Robert B. Hall, of Oregon.
J. Brooks Spector, of Maryland.
E. Ashley Wills, of Georgia.

Foreign Service reserve officers to be consular officers of the United States of America:

Arthur J. Brett, of Maryland.
Luciano D'Angelo, of Colorado.
Paul Y. Dudak, of New Jersey.

Foreign Service reserve officers to be consular officers and secretaries in the Diplomatic Service of the United States of America:

Richard J. Allenbach, of California.
Richard L. Baltimore III, of New York.
Gerald P. Bunton, of Maryland.
Roger Campos, of Texas.
Glenn William Carey, of New Jersey.
Richard Thomas Carter, of the District of Columbia.

Raymond F. Denicourt, of Maryland.
David N. Edger, of Virginia.
Jack P. Gatewood, of Texas.
Raymond D. Grundeman, of California.
James D. Haase, of Virginia.
Robert L. Headley, Jr., of Virginia.
John Holderness, of New York.
James V. Ledesma, of Virginia.
Edna Jo Lee, of Texas.
Dale Ann Lewis, of Massachusetts.
Robert M. Linvill, of Ohio.
Joseph R. McDonald, of Virginia.
William A. Moffett III, of Virginia.
Clyde G. Nora, of New Jersey.
Marcia L. Norman, of Kentucky.
Thomas L. Norwood, Jr., of Florida.
Richard H. Ouderkirk, of Illinois.
Jeffrey Panitt, of Virginia.
William J. Randolph, of Maryland.
Alfred L. Ransome, of Colorado.
Donald K. Reynolds, of Washington.
Charles A. Schmitz, of Missouri.
George L. Summers, of California.
Jon R. Thomas, of Tennessee.
Eugene A. Trahan, Jr., of Louisiana.
David M. Zimmerman, Jr., of Maryland.

Foreign Service reserve officers to be secretaries in the Diplomatic Service of the United States of America:

John J. O'Donnell, of Pennsylvania.
David C. Packard, of New Hampshire.
John H. Stein, of Rhode Island.

Foreign Service staff officers to be consular officers of the United States of America.

Patricia Lee Bookhardt, of Texas.
Hanson R. Malpass, of New Jersey.
Henry A. Miller-Jones, Jr., of Colorado.
Ofelia C. Moreno, of Arizona.
Leslie J. Munroe, of California.
Bernice Ann Powell, of Michigan.
Eugene G. Vincent, of Maryland.
M. Patricia Wazer, of Connecticut.

IN THE AIR FORCE

The following officers to be placed on the retired list in the grade indicated under the provisions of section 8962, title 10 of the United States Code:

To be lieutenant general

Lt. Gen. James V. Edmundson, [redacted] FR (major general, Regular Air Force) U.S. Air Force.

IN THE ARMY

The following-named officers for promotion in the Regular Army of the United States, under the provisions of title 10, United States Code, sections 3284 and 3299:

ARMY PROMOTION LIST

To be lieutenant colonel

Absher, Richard L., [redacted].
Adams, James E., [redacted].
Adamson, George W., [redacted].
Aikman, Jim B., [redacted].
Alch, Wayne F., [redacted].
Alexander, John V., [redacted].
Allan, James R., [redacted].
Allebach, Victor L., [redacted].
Allen, Leverne E., [redacted].
Ambrose, Thomas J., [redacted].
Ames, William I., Jr., [redacted].
Anderson, Benjamin, [redacted].
Anderson, Paul, [redacted].
Anderson, Thomas L., [redacted].
Anderson, Thurman E., [redacted].
Andrews, Wilson P., [redacted].
Angstadt, John P., [redacted].
Arduna, Arthur A., [redacted].
Arnhym, Rolfe G., [redacted].
Artzberger, Ronald, [redacted].
Ash, Philip L., Jr., [redacted].
Ashworth, Servetus, [redacted].
Atwood, Thomas W., [redacted].
Auer, Charles H., [redacted].
Austin, Kenneth S. [redacted].
Ayers, Robert E., [redacted].
Bacey, Algirdas S., [redacted].
Bagby, Hershel W., [redacted].
Bailey, Richard R., [redacted].
Bailey, Rusian B., [redacted].
Baird, Niven J., [redacted].
Baker, John F., [redacted].
Baker, Russell A., Jr., [redacted].
Bal, Roscius I., [redacted].
Ball, Duard D., [redacted].
Bambery, James R., [redacted].
Bamford, Charles F., [redacted].
Bankit, Paul, [redacted].
Banks, Douglas T., [redacted].
Banze, William C., [redacted].
Bardis, Michael J., [redacted].
Barker, James M., [redacted].
Barner, John V., [redacted].
Barrett, Robert E., [redacted].
Bartlett, Fred D., Jr., [redacted].
Barton, Jack L., [redacted].
Barton, Robert E., [redacted].
Bauerband, Edward H., [redacted].
Baughman, Larry J., [redacted].
Bauman, William F., [redacted].
Baynard, Richard A., [redacted].
Beall, George F., [redacted].
Beames, Clare F., III, [redacted].
Bean, Calvin R., [redacted].
Beardsley, William, [redacted].
Beatty, Robert D., [redacted].
Beckwith, Charlie A., [redacted].
Bell, Robert S., [redacted].
Bell, Wiley W., [redacted].
Bell, William R., [redacted].
Benedict, Frank C., [redacted].
Benedict, Edward B., [redacted].
Bente, James A., [redacted].
Bertrand, Robert J., [redacted].
Beshens, Gerald J., [redacted].
Bickmore, Jesse O., [redacted].
Biggerstaff, Allan, [redacted].
Billington, Norton, [redacted].
Bishop, Edward L., [redacted].
Blackledge, David W., [redacted].
Blalock, Charlie L., [redacted].
Blanco Silviano J., [redacted].
Blanton, Clay E., [redacted].
Blastos, Constantin, [redacted].
Blauvelt, Richard B., [redacted].
Bleecker, James F., [redacted].
Blottie, Donald L., [redacted].
Blum, Robert W., [redacted].
Bookman, Edmund B., [redacted].
Boring, Landin F., [redacted].
Born, Keith L., [redacted].
Boucher, Leo Jr., [redacted].
Boudinot Burton S., [redacted].
Bourgeois, Randolph, [redacted].
Bourne, Harold D., [redacted].
Bowen, James E., III, [redacted].
Bowers, James M., [redacted].
Boyd, Eugene T., [redacted].
Boyle, Richard D., [redacted].
Brain, Tom H., [redacted].
Brake, John W., [redacted].
Brannon, William W., [redacted].
Breckenridge, Robert, [redacted].
Brewer, Curtis A., [redacted].
Brewington, Charlie, [redacted].
Brewster, Lawrence, [redacted].
Bricker, James W., [redacted].
Brophy, Jeremiah J., [redacted].
Brosious, George D., [redacted].
Brown, Arthur E., Jr., [redacted].
Brown, Donald S., [redacted].
Brown, Henry L., [redacted].
Brown, Howard E., [redacted].
Bruen, John D., [redacted].
Brumley, William B., [redacted].
Bruns, Bernard W., [redacted].
Buck, Horatio S., Jr., [redacted].
Bukoski, James R., [redacted].
Burdeshaw, William, [redacted].
Burke, Robert J., [redacted].
Burkhardt, William, [redacted].
Burns, Billie R., [redacted].
Busck, Albert A., [redacted].
Butler, Robert E., [redacted].
Butterworth, James, [redacted].
Buzzell, Kenneth E., [redacted].
Byrne, Thomas D., [redacted].
Callahan, Bernard L., [redacted].
Campbell, James G., [redacted].
Campbell, William E., [redacted].
Camper, William C., [redacted].
Canedy, Charles E., [redacted].
Cannon, Lee B., Jr., [redacted].
Cannon, Sammy J., [redacted].
Canonico, John N., [redacted].
Cantrell, Waniford, [redacted].
Carlaw, Clinton L., [redacted].
Carney, Robert I., Jr., [redacted].
Carter, John B., [redacted].
Caruso, John P., [redacted].
Casey, John P., Jr., [redacted].
Cassella, Arthur C., [redacted].
Cassidy, John J., [redacted].
Cates, Arthur J., [redacted].
Caton, Thomas A., [redacted].
Cauthen, John R., [redacted].
Ceglowski, John P., [redacted].
Chaffin, Jimmie M., [redacted].
Chafin, Leonard D., [redacted].
Chamberlain, William, [redacted].
Chandler, Victor E., [redacted].
Childress, Gerald, [redacted].
Ching, Harry L. F., [redacted].
Chomko, Gene N., [redacted].
Christman, Daniel P., [redacted].
Churchill, Jack B., [redacted].
Ciricillo, Alfred S., [redacted].
Clardy, Lawrence L., [redacted].
Clark, Allison P., [redacted].
Cline, Ralph M., Jr., [redacted].
Clingempell, William, [redacted].
Coffey, Vernon C., Jr., [redacted].
Coggins, Donald W., [redacted].
Cole, William A., [redacted].
Coleman, Edward R., [redacted].
Collins, Ashby F., [redacted].
Colson, James B., Jr., [redacted].
Compton, James M., [redacted].
Conder, Raymond C., [redacted].
Connell, Charles R., [redacted].
Connolly, Thomas F., [redacted].
Connolly, William J., [redacted].
Conover, Robert L., [redacted].
Conway, Donald J., [redacted].
Conzelman, Peter S., [redacted].
Cook, Ralph J., Jr., [redacted].
Cooper, Hamilton A., [redacted].
Corbett, Cleveland, [redacted].
Corey, John D., [redacted].
Coroneos, Paul P., [redacted].
Cousland, Walter C., [redacted].
Cox, Floyd W., Jr., [redacted].
Cragun, Dwight L., [redacted].
Crampton, Theodore, [redacted].
Creighton, Neal, [redacted].
Crerar, John H. II, [redacted].
Crim, William T., [redacted].
Crocker, Merle M., [redacted].
Crosby, Robert L., [redacted].
Cross, George M., [redacted].
Cross, John S., [redacted].
Crowell, William B., [redacted].
Currey, Charles E., [redacted].
Daggit, Edward A., [redacted].
Dalone, Arthur A., [redacted].
Daly, Robert F., [redacted].
Damon, James A., [redacted].
Dannemiller, Leo M., [redacted].
Dare, James T., [redacted].
Davies, Joseph F., [redacted].
Davis, Donald F., [redacted].
Davis, Lauren S., [redacted].
Davis, Robley W., Jr., [redacted].
Davis, Willys E., [redacted].
Davisson, Henry L., [redacted].
Dawson, George R., [redacted].
Dawson, John W., [redacted].
Dawson, Wallace H., [redacted].
Deangelis, Joseph A., [redacted].
Dearborn, Charles S., [redacted].
Debord, Leonard A., [redacted].
Delhanty, Raymond, [redacted].
Delbridge, Norman G., [redacted].
Delorenzo, William, [redacted].
Delsanto, Michael, J., [redacted].
Deluca, Anthony P., [redacted].
Demuynck, Jack E., [redacted].
Denison, William E., [redacted].
Desaulniers, John J., [redacted].
Descoteau, Rudolph, [redacted].
Deshazo, Thomas E., [redacted].
Desroches, Bernard, [redacted].

Deville, David A., [redacted]
Dick, Harvey M., [redacted]
Dickson, Lee C., [redacted]
Digison, Donald K., [redacted]
Dinges, Edward A., [redacted]
Dismore, William E., [redacted]
Dobson, Dale E., [redacted]
Dodds, Jack A., [redacted]
Dodge, Griffin N., [redacted]
Doerer, Richard C., [redacted]
Donahue, Robert J., [redacted]
Donnell, Henry K., [redacted]
Doran, Fred R., [redacted]
Dorsey, Robert G., [redacted]
Dotson, Larry D., [redacted]
Dotson, Richard F., [redacted]
Doty, Benjamin E., [redacted]
Doucette, Roger A., [redacted]
Downey, Allan N., [redacted]
Doyle, David K., [redacted]
Drenz, Charles F., [redacted]
Drotor, Harry W., [redacted]
Duffy, James P., Jr., [redacted]
Duffy, William D., [redacted]
Duffy, William J., [redacted]
Dukkony, Stephen J., [redacted]
Dunham, Gerald L., [redacted]
Dunlap, Robert R., [redacted]
Dunn, Charles H., [redacted]
Dunn, James H., [redacted]
Dunne, William A., [redacted]
Durany, John A., [redacted]
Dyment, Leroy W., Jr., [redacted]
Early, Felix L., Jr., [redacted]
Echols, Herald V., [redacted]
Eckles, Donald R., [redacted]
Edwards, Jerry S., [redacted]
Edwards, William M., [redacted]
Egbert, George L., Jr., [redacted]
Ehlert, Richard A., [redacted]
Eineigl, Raymond J., [redacted]
Elder, Robert L., Jr., [redacted]
Ellis, Donald D., [redacted]
Ellis, Warren H., [redacted]
Elmore, Donald J., [redacted]
Emery, Calvin B., [redacted]
Erickson, Alfred H., [redacted]
Evangelos, Christos, [redacted]
Evans, Robert B., [redacted]
Evrard, James A., [redacted]
Eye, Douglas M., [redacted]
Eyman, Robert F., [redacted]
Fail, Eulan T., [redacted]
Faught, William F., [redacted]
Favre, Rolland M., Jr., [redacted]
Fell, Richard W., [redacted]
Fenech, Paul M., [redacted]
Ferguson, William P., [redacted]
Fernandez, Robert N., [redacted]
Ferrara, Leonard S., [redacted]
Ferris, Gordon F., [redacted]
Fiala, Charles J., [redacted]
Field, Nathaniel A., [redacted]
Fields, Charles E., [redacted]
Fifer, William A., [redacted]
Filaseta, Bart M., [redacted]
Fincham, Jack E., [redacted]
Finley, Thomas R., [redacted]
Fischer, Arthur F., [redacted]
Fischer, Richard F., [redacted]
Fischer, Richard L., [redacted]
Fisher, Clyde, Jr., [redacted]
Fitch, John B., [redacted]
Fitzsimmons, Eugene, [redacted]
Flanagan, John S., [redacted]
Fleming, Daniel M., [redacted]
Fleming, Robert J., [redacted]
Flertzheim, Henry A., [redacted]
Forbes, Stanley R., [redacted]
Ford, Allan T., [redacted]
Foster, Edward H., [redacted]
Foster, Howard R., [redacted]
Fox, John G., [redacted]
Fox, Lothar, [redacted]
Franklin, James A., [redacted]
Franseen, Leonard R., [redacted]
Frechette, Joseph P., [redacted]
Freeze, James E., [redacted]
Freimark, Gaillard, [redacted]
Frenier, Julius A., [redacted]
Friedersdorff, Louis, [redacted]
Friedman, Arthur M., [redacted]
Fukumoto, George F., [redacted]
Fuller, Elbert E., Jr., [redacted]
Gallagher, Charles, [redacted]
Gallant, George W., [redacted]
Gannon, Timothy G., [redacted]
Garman, Frederick E., [redacted]
Gearin, Cornelius J., [redacted]
George, Manuel J., [redacted]
George, Raymond L., [redacted]
Germond, George F., [redacted]
Gibbons, William C., [redacted]
Gibbs, Robert M., [redacted]
Gill, Oather J., Jr., [redacted]
Gillespie, John W., [redacted]
Glasgow, Robert E., [redacted]
Goetz, Jerald L., [redacted]
Goff, Lee A., [redacted]
Gonzales, Orlando E., [redacted]
Goodwin, Willard C., [redacted]
Gordon, Robert L., [redacted]
Graham, Harl G., [redacted]
Grant, Samuel J., Jr., [redacted]
Gray, Ralph S., [redacted]
Greear, James N., III, [redacted]
Greenlaw, Kenneth N., [redacted]
Greenquist, James C., [redacted]
Greynolds, William, [redacted]
Grier, Reginald C., [redacted]
Griffin, Bobby F., [redacted]
Griffin, Guilford W., [redacted]
Grissom, Charles C., [redacted]
Gruen, Robert W., [redacted]
Grum, Allen F., [redacted]
Hale, Delmas M., [redacted]
Haley, James F., [redacted]
Hall, Alvin O., Jr., [redacted]
Hall, Everett R., [redacted]
Hall, Henry R., Jr., [redacted]
Hallock, Richard G., [redacted]
Hamilton, Robert H., [redacted]
Hammaker, Charles A., [redacted]
Hancock, Jack L., [redacted]
Hand, Lee M., [redacted]
Hanson, Donald F., [redacted]
Harbuck, Robert L., [redacted]
Harrick, Stephen R., [redacted]
Harris, Bobby J., [redacted]
Harris, John R., [redacted]
Harris, William H., [redacted]
Hastings, C. Frederick, [redacted]
Hausman, Conrad K., [redacted]
Hawlk, Robert C., [redacted]
Hayes, Jack O., [redacted]
Hayward, Barton M., [redacted]
Hazlett, Howard III, [redacted]
Heiberg, Elvin R. II, [redacted]
Heitzke, Kenneth S., [redacted]
Hendricks, Arthur D., [redacted]
Hendricksen, Earl E., [redacted]
Henschel, William E., [redacted]
Henslick, James R., [redacted]
Hendon, James D., [redacted]
Hertel, Robert G., [redacted]
Hetherly, James H., [redacted]
Hewell, Robert E., [redacted]
Hickerson, Charles, [redacted]
Hicks, William W., [redacted]
Higgins, Wiley T., Jr., [redacted]
Hiley, Thomas E., Sr., [redacted]
Hilley, William W., [redacted]
Hind, Peter J., [redacted]
Hobby, Thomas K., [redacted]
Hodges, Albert P., [redacted]
Hodgson, Lowell F., [redacted]
Hoffman, Harry C., II, [redacted]
Holihen, Joseph M., [redacted]
Holley, James P., [redacted]
Holmes, Arthur, Jr., [redacted]
Hooper, George T., [redacted]
Horn, William L., [redacted]
Horner, David D., [redacted]
Horton, William D., [redacted]
Hosford, Jerry N., [redacted]
Howard, Mc Ervin, [redacted]
Howe, Roderick R., [redacted]
Howitz, Ivan H., Jr., [redacted]
Huebner, Robert W., [redacted]
Hughes, Bernard C., [redacted]
Hunt, Jim I., [redacted]
Huntington, Raymond, [redacted]
Huntley, David L., [redacted]
Hurd, Philip S., [redacted]
Hutchins, Charles F., [redacted]
Hutchinson, Cary B., [redacted]
Hutchinson, Harold, [redacted]
Hyde, Richard G., [redacted]
Imhoff, Maximilian, [redacted]
Ingram, Harvie T., [redacted]
Irwin, Thomas G., [redacted]
Isaacson, Roger M., [redacted]
Iverson, Harold E., [redacted]
Jackson, James L., [redacted]
Jackson, William B., [redacted]
Jacquay, Louis H., [redacted]
Jakes, Frank R., [redacted]
James, Lynn M., [redacted]
Jarvis, James W., Jr., [redacted]
Jarvis, Ronald J., [redacted]
Jenes, Theodore G., [redacted]
Jenkins, William M., [redacted]
Jensen, Harold E., [redacted]
Jeo, Calvin C., [redacted]
Jewel, William M., [redacted]
John, Gilbert J., [redacted]
Johnson, Eugene M., [redacted]
Johnson, Frank G., [redacted]
Johnson, Harold R., [redacted]
Johnson, Wilbert T., [redacted]
Johnston, John A., [redacted]
Jones, Albert F., [redacted]
Jones, Bernard P., [redacted]
Jones, Charles L., [redacted]
Jones, Gordon D., [redacted]
Jones, Thomas M., [redacted]
Jordan, Donald R., [redacted]
Josh, Joseph A., [redacted]
Joy, Jesse D., Jr., [redacted]
Judge, Richard F., [redacted]
Junot, Arthur J., [redacted]
Jurling, Darrell D., [redacted]
Kallman, Michael E., [redacted]
Katayama, Robert N., [redacted]
Katt, Beaufort C., [redacted]
Keilman, Richard A., [redacted]
Keith, Norman A., [redacted]
Kelley, Kent C., [redacted]
Kelley, Philip G., Jr., [redacted]
Kelley, William B., [redacted]
Kemp, Robert A., [redacted]
Kempf, Neil, H., [redacted]
Kennedy, John L., Jr., [redacted]
Kenyon, Robert B., [redacted]
Ketzler, Kenneth L., [redacted]
Kiefer, Charles A., [redacted]
Killion, Edward P., [redacted]
Kinnie, Irvin G., Jr., [redacted]
Kirk, Windle E., [redacted]
Kirkpatrick, Andrew, [redacted]
Kitchin, James W., [redacted]
Kloke, John G., [redacted]
Klopp, Charles A., [redacted]
Knight, Jeffrey O., [redacted]
Knoebel, Frederick, [redacted]
Knudsen, Joseph R., [redacted]
Kobata, Katsuji, [redacted]
Koen, Clyde H., Jr., [redacted]
Koester, Kenneth M., [redacted]
Koontz, William E., [redacted]
Kostner, Raymond J., [redacted]
Kotas, Nicholas S., [redacted]
Kracht, Peter M., [redacted]
Kraft, Donald E., [redacted]
Kramer, John C., [redacted]
Kretzer, Alonzo S., [redacted]
Kunze, Melton H., [redacted]
Kupau, Richard A., [redacted]
Kwasigroch, John F., [redacted]
Labrozzi, Anthony H., [redacted]
Lacouement, Hubert, [redacted]
Laflam, Robert J., [redacted]
LaFrance, Raymond J., [redacted]
Lair, Donald E., [redacted]
Lake, Charles, [redacted]
Lanmie, James L., [redacted]
Land, Joe E., Jr., [redacted]
Landry, Clifford J., [redacted]
Laray, William K., [redacted]
Larsen, David P., [redacted]
Lawrence, Ernest, [redacted]
Lawrence, Paul B., [redacted]
Lawrence, Richard D., [redacted]

Lawrence, William A., [redacted].
Lawson, James C., [redacted].
Layne, Leslie A., [redacted].
Leach, Anthony J., Jr., [redacted].
Lee, Wallace A., [redacted].
Lefebvre, Bernard R., [redacted].
Legener, Richard G., [redacted].
Leisinger, Richard, [redacted].
Leonard, Richard E., [redacted].
Leonard, Robert R., [redacted].
Leroux, Francis, [redacted].
Leuppert, Fred W., [redacted].
Levitt, David M., [redacted].
Levy, Joseph A., [redacted].
Lewis, Glenn W., [redacted].
Lewis, Grover H., Jr., [redacted].
Light, Allen H., Jr., [redacted].
Lindberg, Charles F., [redacted].
Lindholm, Allen T., [redacted].
Linka, James E., [redacted].
Liveoak, Felix L., Jr., [redacted].
Logan, Francis S., [redacted].
Lowman, Charles J., [redacted].
Lowry, Montecue J., [redacted].
Lucas, Warren J., [redacted].
Lugenbeal, Leo H., [redacted].
Lundquist, Richard [redacted].
Lynch, Gordon P., [redacted].
MacLennan, Robert G., [redacted].
MacMillan, William [redacted].
Maddox, Chesley B., [redacted].
Magruder, Lewis F., [redacted].
Mahan, Gary C., [redacted].
Maher, John P., [redacted].
Males, William R., [redacted].
Malouin, Leon F., Jr., [redacted].
Mann, Everett E., Jr., [redacted].
Manning, Thomas J., [redacted].
Manning, William J., [redacted].
Marshall, James L., [redacted].
Marshall, Milford L., [redacted].
Massengale, Eugene, [redacted].
Matthews, Paul D., Jr., [redacted].
Maurer, William W., [redacted].
Mayer, Anton F., [redacted].
Mayhew, Charles H., [redacted].
Mays, George G., [redacted].
McBride, Thomas F., [redacted].
McCaffree, Robert J., [redacted].
McCaffrey, Charles, [redacted].
McClean, Raymond J., [redacted].
McClelland, Thomas, [redacted].
McCluskey, James F., [redacted].
McCormack, Harold, [redacted].
McCormack, Robert F., [redacted].
McCracken, John R., [redacted].
McCurdy, Jasper M., [redacted].
McDermott, Francis, [redacted].
McDonald, Billy A., [redacted].
McDonald, John R., [redacted].
McFarland, James F., [redacted].
McGahee, Mack M., [redacted].
McGarry, Robert S., [redacted].
McGillicuddy, Cornelius, [redacted].
McGinn, Harry L., [redacted].
McGregor, Thomas, [redacted].
McGuffin, Robert F., [redacted].
McGurl, Peter W., [redacted].
McIntyre, Graham W., [redacted].
McIntyre, Lawrence, [redacted].
McIver, James C., [redacted].
McKenzie, Colin W., [redacted].
McKinney, John W., [redacted].
McLennan, Stuart G., [redacted].
McLeod, John S., [redacted].
McMahon, John F., [redacted].
McMillen, James A., [redacted].
McNally, John W., [redacted].
McNeese, Luna V., Jr., [redacted].
McNeill, Charles L., [redacted].
McNutt, Donald L., [redacted].
McSpadden, William, [redacted].
McWhorter, James H., [redacted].
Meadows, Benjamin T., [redacted].
Mehl, Walter J., [redacted].
Meinhardt, Harry P., [redacted].
Meloy, Guy S., III, [redacted].
Menzies, Neil A., [redacted].
Meredith, Alvin L., [redacted].
Merrigan, Jack A., [redacted].
Merritt, Allen S., [redacted].
Merritt, Jack N., [redacted].
Metzner, Edward P., [redacted].
Meyer, Frederick F., [redacted].
Meyer, Richard M., [redacted].
Mickel, Larry S., [redacted].
Mihalik, John A., [redacted].
Mihas, Leo B., [redacted].
Miley, James F., [redacted].
Miller, Clarence A., [redacted].
Miller, David C., [redacted].
Miller, Leon M., [redacted].
Miller, Richard A., [redacted].
Millward, William N., [redacted].
Minix, Thomas E., [redacted].
Mitchell, William L., [redacted].
Mitchum, Dwyer K., [redacted].
Miyamoto, Atsushi A., [redacted].
Moffatt, Edwin G., [redacted].
Moffett, Norman A., [redacted].
Mojecki, John A., [redacted].
Mollichelli, Edward, [redacted].
Monclova, Irving, [redacted].
Mooneyhan, Jack L., [redacted].
Moore, James E., [redacted].
Moore, Peter W., [redacted].
Moore, Robert L., [redacted].
Moore, Robert O. [redacted].
Moran Conrad V., [redacted].
Moreau Donald M., [redacted].
Moretti, Francis C., [redacted].
Morgan, Ernest R., [redacted].
Morris, Hubert, [redacted].
Morrison, Clyde L., [redacted].
Moulthrop, Robert M., [redacted].
Mountel, Robert A., [redacted].
Mundy, William E., [redacted].
Murnighan, Richard, [redacted].
Murphy, Donald G., [redacted].
Murphy, George S., [redacted].
Myers, Richard L., [redacted].
Nair, Robert L., [redacted].
Neal, Charles O., [redacted].
Needles, Paul E., [redacted].
Neilson, Clifford C., [redacted].
Nelson, Lennart N., [redacted].
Nerone, Francis A., [redacted].
Nesbitt, Thomas E., [redacted].
Neuberger, Jack A., [redacted].
New, Guy E., [redacted].
Ng, Richard, [redacted].
Nickolls, Charles E., [redacted].
Nixon, John L., Jr., [redacted].
Noah, Max W., [redacted].
Noll, Wallace W., [redacted].
Norcross, John C., [redacted].
Norris, John T., [redacted].
Nugent, Thomas J., [redacted].
Oblinger, John B., Jr., [redacted].
O'Connor, Edward C., [redacted].
Odekirk, Carl J., [redacted].
Odiorne, David W., Jr., [redacted].
O'Donnell, Matthew B., [redacted].
O'Donohue, John D., [redacted].
Okarski, Gerald M., [redacted].
Okyen, Louis, [redacted].
Olsen, Edmund J., Jr., [redacted].
Olson, Arthur G., [redacted].
Oltman, Richard M., [redacted].
Osborn, Robert B., [redacted].
Otis, Glenn K., [redacted].
Owre, Peter T., [redacted].
Ozaki, John, [redacted].
Paige, Emmett, Jr., [redacted].
Palenchar, Andrew E., [redacted].
Paluh, Joseph R., [redacted].
Pannier, Leon G., Jr. [redacted].
Papajohn, Carroll, [redacted].
Park, Alan H., [redacted].
Parker, David H., [redacted].
Parker, Walter E., [redacted].
Parks, John E., [redacted].
Parlas, Joseph L., Jr., [redacted].
Patellos, Samuel W., [redacted].
Payne, James A., J., [redacted].
Payne, James N., [redacted].
Peachey, William N., [redacted].
Pearson, Hampton R. [redacted].
Peck, Darrell L., [redacted].
Penny, H. Glenn, Jr., [redacted].
Perlow, Joseph P., [redacted].
Perrin, William S., [redacted].
Perry, Richard A., [redacted].
Perry, William R., [redacted].
Peterson, Thorwald, [redacted].
Petree, Neal C., Jr., [redacted].
Petterson, Charles, [redacted].
Pfanzelter, Max R., [redacted].
Pigg, Jimmy L., [redacted].
Pinney, David R., [redacted].
Pins, Dwane F., [redacted].
Plunkett, John J. [redacted].
Poe, Donald E., [redacted].
Pogoloff, Boris, [redacted].
Ponder, Arno L., Jr., [redacted].
Poor, William T., [redacted].
Porter, Marion T., [redacted].
Potter, Russell C., [redacted].
Pratt, James R., [redacted].
Pratt, Joseph B., [redacted].
Pratt, Theodore W., [redacted].
Priem, Charles M., [redacted].
Prillaman, John P., [redacted].
Prime, Charles W., [redacted].
Proietti, Raymond A., [redacted].
Pruitt, James R., [redacted].
Pugliese, Nicholas, [redacted].
Pulsipher, Elwin D., [redacted].
Purcell, Henry III, [redacted].
Queeney, Edward L., [redacted].
Quinn, Paul D., [redacted].
Raisig, Paul J., Jr., [redacted].
Rametta, Thomas P., [redacted].
Ramsay, Donald A., [redacted].
Ramsey, Leroy S., Jr., [redacted].
Randels, Dale K., [redacted].
Rawlinson, William, [redacted].
Ray, William D., [redacted].
Rears, Joseph T., [redacted].
Rector, Lloyd K., [redacted].
Rehman, Donald I., [redacted].
Renner, William D., [redacted].
Reynolds, Frederick, [redacted].
Rhyne, Hal B., [redacted].
Rice, David K., [redacted].
Richard, Donald W., [redacted].
Richardson, Ronald, [redacted].
Rickard, Daniel S., [redacted].
Rickards, Donald A., [redacted].
Riley, Otto N., Jr., [redacted].
Rinehart, Jack L., [redacted].
Rittgers,Forest S., [redacted].
Roach, Dick E., [redacted].
Robbins, William C., [redacted].
Rogers, Ellietson D., [redacted].
Rogers, John C., Jr., [redacted].
Rogers, Ralph W., Jr., [redacted].
Romedy, Cornelius S., [redacted].
Ropp, Ralph E., [redacted].
Roscher, William G., [redacted].
Rose, Llewellyn P., [redacted].
Rosenstein, Marvin, [redacted].
Rothwell, John C., [redacted].
Roughen, Albert H., [redacted].
Rousse, William C., [redacted].
Routh, Elmer L., [redacted].
Rumph, Horry L., [redacted].
Rush, Early J., III, [redacted].
Russo, Vincent M., [redacted].
Rutherford, Billy E., [redacted].
Rutkowski, Joseph F., [redacted].
Rynott, Keith J., [redacted].
Sajo, Alexander J., [redacted].
Sakayeda, Mitsuo, [redacted].
Sampson, Eldon F., [redacted].
Sanabria, Robert, [redacted].
Sanders, Connelly J., [redacted].
Satchell, Max E., [redacted].
Sawyer, Donald E., [redacted].
Scalise, James J., [redacted].
Schmidt, Herbert R., [redacted].
Schoebel, James G., [redacted].
Schotanus, Merle W., [redacted].
Schriver, Byron N., [redacted].
Schroeder, Robert L., [redacted].
Schroeder, William, [redacted].
Schultz, Arthur H., [redacted].
Schultz, Reed S., [redacted].
Schumacher, David J., [redacted].
Schuver, Rudy P., [redacted].
Schweitzer, Robert, [redacted].
Schweizer, Robert L., [redacted].
Scott, Thomas L., [redacted].

Segal, Robert, [redacted].
Seigle, John W., [redacted].
Semerjian, Sarkis, [redacted].
Semerling, Ronald F., [redacted].
Senich, Donald, [redacted].
Seto, Sam C., Jr., [redacted].
Shalala, Samuel R., [redacted].
Shave, Kenneth L., [redacted].
Shaw, Donald E., [redacted].
Sheard, Joe H., [redacted].
Shelby, Roy E., [redacted].
Shields, Roger J., [redacted].
Short, Frisco W., [redacted].
Shultz, Robert H., Jr., [redacted].
Sibley, James S., [redacted].
Siebert, Frederick, [redacted].
Sievers, Ralph H., Jr., [redacted].
Sifford, William F., [redacted].
Simkus, Anthony P., [redacted].
Simmons, John E., [redacted].
Simpson, Henry E., Jr., [redacted].
Singleton, Russell, [redacted].
Skanchy, Rex K., [redacted].
Skelton, Robert D., [redacted].
Skidmore, Lowell H., [redacted].
Slusar, Peter, [redacted].
Small, Eugene F., [redacted].
Small, Harold I., [redacted].
Smallwood, Grady L., [redacted].
Smartt, Richard W., [redacted].
Smith, Billy R., [redacted].
Smith, Dan R., [redacted].
Smith, David C., [redacted].
Smith, James D., [redacted].
Smith, James D., [redacted].
Smith, Noel M., [redacted].
Smith, Ralph H., [redacted].
Smith, Raymond C., [redacted].
Smith, Russell V., [redacted].
Smith, Thomas L., Jr., [redacted].
Smith, William H., [redacted].
Smythe, John D., [redacted].
Snow, Robert R., [redacted].
Solomon, Robert B., [redacted].
Surbet, John W., [redacted].
Soukup, John P., [redacted].
Spang, Allan G., [redacted].
Spaulding, Stanley, [redacted].
Speir, Montgomery T., [redacted].
Spence, Elmer D., [redacted].
Spilker, Wayne E., [redacted].
Spinks, Raymond F., [redacted].
Spotts, Rodney W., [redacted].
Spurlock, William W., [redacted].
Stanley, Davey L., [redacted].
Stapleton, John P., [redacted].
Staum, Vernon E., [redacted].
Stearns, Clarence L., [redacted].
Stebbins, Arthur R., [redacted].
Stevens, Richard W., [redacted].
Stevenson, George D., [redacted].
Stewart, Bernard L., [redacted].
Stillwell, John W., [redacted].
Stipo, Vito D., [redacted].
Stuckelman, James C., [redacted].
Stone, Hardy R., III, [redacted].
Stone, Walter D., Jr., [redacted].
Story, Billy L., [redacted].
Stoudemire, Harry B., [redacted].
Stoutamire, David F., [redacted].
Stribley, Orrin R., [redacted].
Stromgren, Kenneth, [redacted].
Strouse, William R., [redacted].
Stuart, Dale F., [redacted].
Stuart, James R., Jr., [redacted].
Stuckey, Jack C., [redacted].
Suess, Philip M., Jr., [redacted].
Sullivan, Milton D., [redacted].
Sullivan, Roland R., [redacted].
Sullivant, Harold T., [redacted].
Sutton, Thomas R., [redacted].
Sutton, William J. I., [redacted].
Swanson, Carl O., Jr., [redacted].
Swecker, Gerald E., [redacted].
Sweede, Jack E., [redacted].
Sweeney, Kenneth J., [redacted].
Sydner, Elliott P., [redacted].
Tanzer, John B., [redacted].
Tate, Granville, [redacted].
Tate, Wallace L., [redacted].
Taylor, John F., [redacted].
Taylor, William D., [redacted].
Tchon, Richard J., [redacted].
Teal, James A., Jr., [redacted].
Teller, Floyd E., [redacted].
Tharp, Bobby E., [redacted].
Thomas, Joseph T., [redacted].
Thomason, David A., [redacted].
Thompson, Edmund A., [redacted].
Thompson, Harry J., [redacted].
Thompson, Howard B., [redacted].
Thompson, James A., [redacted].
Thompson, William B., [redacted].
Thrasher, Billy J., [redacted].
Todd, Edgar F., [redacted].
Tolbert, James R., [redacted].
Tompkins, Hiram K., [redacted].
Ton, James G., [redacted].
Tourtillott, Raymond, [redacted].
Tower, John B., [redacted].
Trapp, Lawrence R., [redacted].
Treece, Frank L., [redacted].
Tullar, Thomas A., [redacted].
Turner, James J., [redacted].
Turpin, Billie G., [redacted].
Underwood, Bibb A., [redacted].
Uzee, Richard J., [redacted].
Vancamp, Joseph L., [redacted].
Vance, Larkin B., [redacted].
Vander Meer, Richard, [redacted].
Vanstrien, James M., [redacted].
Varnum, Charles S., [redacted].
Vavra, Luke A., Jr., [redacted].
Veley, Corydon A., Jr., [redacted].
Vernau, William F., [redacted].
Vernon, Graham D., [redacted].
Vieler, Eric H., [redacted].
Viereck, Ennis A., Jr., [redacted].
Vilas, John R., [redacted].
Vivaldi, Joseph R., [redacted].
Vorhies, Harold N., [redacted].
Waldrop, Max L., [redacted].
Walker, James H., [redacted].
Walker, Ronald T., [redacted].
Walker, William E., [redacted].
Wall, James L., [redacted].
Wallace, Festus E., [redacted].
Wallace, John C., Jr., [redacted].
Waller, Carol D., [redacted].
Wallis, Charles R., [redacted].
Walrath, Burton J. J., [redacted].
Walsh, Eugene R., [redacted].
Walton, Fred H., Jr., [redacted].
Waltrich, Henry L., [redacted].
Warren, James R., [redacted].
Washington, Sylvester, [redacted].
Waters, Douglas G., [redacted].
Watson, Elmer E., [redacted].
Watson, Robert W., [redacted].
Watts, William D., [redacted].
Wehmeyer, Rubin R., [redacted].
Wehr, Arthur J., Jr., [redacted].
Weihmiller, William, [redacted].
Weikert, Jerard, [redacted].
Welch, William J., [redacted].
Wells, Arthur D., [redacted].
Wells, Don R., [redacted].
Welsh, Robert W., [redacted].
Wenn, Kenneth L., [redacted].
Wereszynski, Henry, [redacted].
Westall, Barnum P., [redacted].
Westin, Paul R., [redacted].
Westlake, Richard K., [redacted].
Whann, John T., [redacted].
Wheeler, William P., [redacted].
Whelan, William E., [redacted].
White, Richard R., [redacted].
Whitesel, Thomas K., [redacted].
Whitmire, Roy A., [redacted].
Whitmore, James F., [redacted].
Wieland, Kay L., [redacted].
Wier, Melville B., [redacted].
Wild, Julian S., [redacted].
Wilkes, Jack B., [redacted].
Williams, Cyrus L., [redacted].
Williams, Grady W., [redacted].
Williams, Raleigh N., [redacted].
Williams, Royce C., [redacted].
Williams, Thomas E., [redacted].
Willis, Maurice L., [redacted].
Wilson, Alvin T., Jr., [redacted].
Wilson, Frank R., [redacted].
Wilson, Gene F., [redacted].
Wilson, Gerald F., [redacted].
Wilson, Jack D., [redacted].
Wilson, Joseph C., [redacted].
Wisdom, Donald A., [redacted].
Wisyanski, David A., [redacted].
Withers, Peter C., [redacted].
Wollenberg, William, [redacted].
Wootten, James P., [redacted].
Worthy, Clifford, Jr., [redacted].
Wright, Herman, [redacted].
Wright, Joseph, [redacted].
Wubbena, William L., [redacted].
Yanamura, Kenneth K., [redacted].
Yoder, Charles D., [redacted].
Young, Clarence J., [redacted].
Young, Clifford E., [redacted].
Young, James L., [redacted].
Young, John H., Jr., [redacted].
Young, John W., [redacted].
Zabcik, Franklin M., [redacted].
Zahm, Ronald J., [redacted].
Zanghi, Joseph A., [redacted].
Zargan, Robert T., [redacted].
Zarnick, Dale L., [redacted].
Zeller, Leonard J., [redacted].
Zenz, Alexander R., [redacted].
Ziek, Thomas G., [redacted].
Zimmer, Charles E., [redacted].
Zimmer, Leon S., [redacted].
Zipp, Charles W., [redacted].
Zwicker, Ralph L., [redacted].

CHAPLAIN

To be lieutenant colonel

Blasingame, Robert, [redacted].
Christoph, Edward J., [redacted].
Kriete, Charles F., [redacted].
Lamm, Harold C., [redacted].
Lent, Peter S., [redacted].
Mueller, Edward M., [redacted].
Willers, Ralph K., [redacted].

WOMEN'S ARMY CORPS

To be lieutenant colonel

Barnwell, Shirley M., [redacted].
Berry, Elizabeth A., [redacted].
Chong, Emma B., [redacted].
Fisher, Audrey A., [redacted].
Oliver, Williemae M., [redacted].
Priore, Renee L., [redacted].
Rossi, Lorraine A., [redacted].
Thompson, Martha J., [redacted].

MEDICAL CORPS

To be lieutenant colonel

Ballard, Anthony, [redacted].
Bass, James W., [redacted].
Bedynek, Julius L., [redacted].
Birk, Thomas C., [redacted].
Bivens, Hollis E., [redacted].
Buchanan, Darrell S., [redacted].
Bzik, Karl D., [redacted].
Cadigan, Francis C., [redacted].
Canfield, Craig J., [redacted].
Cape, Richard F., [redacted].
Chaney, Samuel A., [redacted].
Cox, Donald W., [redacted].
Darlak, Joseph J., [redacted].
Deller, John J., Jr., [redacted].
Dobbs, Olin C., Jr., [redacted].
Druepple, Leroy G., [redacted].
Duffy, Michael M., [redacted].
Fike, Robert H., [redacted].
Gangai, Mauro P., [redacted].
Gardner, Richard M., [redacted].
Gaskill, Harold V., [redacted].
Gregory, Kelly G., [redacted].
Hark, William H., [redacted].
Hertzog, James E., [redacted].
Hieger, Leroy R., [redacted].
Ketchum, James S., [redacted].
Kleanthqus, Costas, [redacted].
Lavenson, George S., [redacted].
LeMay, Sonley R., Jr., [redacted].
Major, John E., [redacted].
McGranahan, George, [redacted].
McIlroy, William, [redacted].
Modlin, Robert K., [redacted].
Moten, Franklin C., [redacted].
Patterson, Peter H., [redacted].
Pettera, Robert L., [redacted].
Robinson, Henry A., [redacted].
Robinson, James P., [redacted].
Rusinko, Andrew, [redacted].

Scragg, William H., [redacted].
Shields, Charles E., [redacted].
Sowell, John M., [redacted].
Stutzman, Ray E., [redacted].
Taft, Foster H., Jr., [redacted].
Tuthill, Dallas B., [redacted].
Virtue, Clarence M., [redacted].
Webb, Charles R., Jr., [redacted].
Wells, Ralph F., [redacted].
Williamson, Harold, [redacted].

DENTAL CORPS

To be lieutenant colonel

Ahlvin, Reno A., Jr., [redacted].
Archer, Eugene G., [redacted].
Auzins, Janis, Jr., [redacted].
Barton, Ronald F., Jr., [redacted].
Belzile, Joseph D., [redacted].
Brady, John M., [redacted].
Carter, Harold G., [redacted].
Cavazos, Edmund, Jr., [redacted].
Chandler, Hubert T., [redacted].
Cochran, Robert M., [redacted].
Cutcher, James L., [redacted].
Davis, Robert M., [redacted].
Fico, Anthony R., [redacted].
Floto, Edward E., [redacted].
Gallegos, Leander T., [redacted].
Genova, James J., [redacted].
Getter, Lee, [redacted].
Gore, Eugene, [redacted].
Hall, James B., [redacted].
Hammond, Harry I., [redacted].
Hatchett, Robert K., [redacted].
Horton, John E., [redacted].
Huey, Robert M., [redacted].
Hughes, Charles L., [redacted].
Hutchins, Dale W., [redacted].
Kamphuis, Robert W., [redacted].
Kopp, Edgar N., [redacted].
Lefler, Billie B., [redacted].
Locke, Samuel M., Jr., [redacted].
Love, John W., [redacted].
Lucksinger, Henry C., [redacted].
Majerus, Roger W., [redacted].
Matthews, Kenneth L., [redacted].
McCasland, John P., [redacted].
Miller, Joseph J., [redacted].
Miller, Ronald K., [redacted].
Oglesby, Erby R., [redacted].
Olivieri, Americo C., [redacted].
Paul, Charles L., [redacted].
Plegge, John, [redacted].
Purdy, Robert B., [redacted].
Qualman, Harold C., [redacted].
Radke, Ryle A., Jr., [redacted].
Rees, Terry D., [redacted].
Ross, Lincoln A., Jr., [redacted].
Schriver, William R., [redacted].
Shaver, Lloyd F., Jr., [redacted].
Shimoda, Larry M., [redacted].
Swainson, Charles N., [redacted].
Tong, Edmund Y., [redacted].
Vongruenigen, James, [redacted].
Webb, Derril L., [redacted].
Williford, John W., [redacted].
Zelin, John R., [redacted].

MEDICAL SERVICE CORPS

To be lieutenant colonel

Allen, Joseph K., [redacted].
Bentley, William R., [redacted].
Burke, James C., [redacted].
Burris, Carshal A., [redacted].
Drenner, Buckley L., [redacted].
Eigenberg, Alfred, [redacted].
Fisher, James B., [redacted].
Frus, Robert L., [redacted].
Gilley, William F., [redacted].
Gregory, Charles W., [redacted].
Grigas, Alfons A., [redacted].
Howlett, Byron P., Jr., [redacted].
Huth, Verlan E., [redacted].
Johnson, Marion P., [redacted].
Jones, William D., [redacted].
Kellel, Frank, Jr., [redacted].
Kershner, Edward C., [redacted].
Krueger, George R., [redacted].
Lesher, Edward R., [redacted].
Meadow, Seymour, [redacted].
Moore, A. Gordon, [redacted].
Plewes, William J., [redacted].
Rada, Roy A., [redacted].
Randolph, George B., [redacted].
Reber, John A., [redacted].
Reding, Donald J., [redacted].
Rocke, Donald C., [redacted].
Rusiewicz, Lawrence, [redacted].
Schiavone, Albert L., [redacted].
Territo, Joseph R., [redacted].
Tuggle, Joseph M., Jr., [redacted].
Vielhaber, David P., [redacted].
Walter, Fred L., [redacted].
Wright, John P., [redacted].

ARMY NURSE CORPS

To be lieutenant colonel

Barnes, Oza E., [redacted].
Bloxham, Carolyn A., [redacted].
Bluemle, Madeline L., [redacted].
Canfield, Margarete, [redacted].
Carr, Mary J., [redacted].
Cunningham, Dillard, [redacted].
Davis, Mildred D., [redacted].
Deming, Anne S., [redacted].
Elko, Mary, [redacted].
Helmann, Eleanor M., [redacted].
Houghton, Jean M., [redacted].
Keneson, Lorene F., [redacted].
Kishpaugh, Barbara, [redacted].
Kumpf, Elizabeth, [redacted].
Lewis, Agnes K., [redacted].
Lewis, Betty J., [redacted].
Light, Lucile M., [redacted].
Lynch, Betty J., [redacted].
Mahoney, Bettijane, [redacted].
McCarthy, Rosemary, [redacted].
McHugh, Mary C., [redacted].
Miller, Martha P., [redacted].
Montgomery, Roena, [redacted].
Munchbach, Rose M., [redacted].
Perrin, Edna M., [redacted].
Pritchard, Mary L., [redacted].
Rogers, Janet A., [redacted].
Sederowicz, Helen J., [redacted].
Stallard, Sally M., [redacted].
Wilson, Essie M., [redacted].
Wilson, Marjorie J., [redacted].
Wisler, Marie G., [redacted].

ARMY MEDICAL SPECIALIST CORPS

To be lieutenant colonel

Accountius, Patricia, [redacted].
Diggs, Mary M., [redacted].
Fisk, Mary L., [redacted].
Kennedy, Annie F., [redacted].
Matthews, Nancy L., [redacted].
Price, Helen E., [redacted].
Rodriguez, Ana L., [redacted].
Strong, Corinne L., [redacted].
Vanharn, Mary A., [redacted].
Werner, Janet L., [redacted].

ARMY PROMOTION LIST

To be major

Barbe, Charles D., [redacted].
Beard, Charles T., [redacted].
Burkhalter, Edward L., [redacted].
Corey, Robert J., [redacted].
Farr, Lorin B., Jr., [redacted].
Graham, Charles M., [redacted].
Griffin, George F., [redacted].
Hadjis, John, [redacted].
Hofmann, Robert M., [redacted].
Hogan, Edward M., [redacted].
Johnson, William M., [redacted].
Keener, Ross F., Jr., [redacted].
Lewis, John H., Jr., [redacted].
Lo Presti, Vincent, [redacted].
Major, Richard B., [redacted].
Malone, Kenneth H., Jr., [redacted].
McDonald, Warren J., [redacted].
Moot, Harrison J., [redacted].
Petheridge, Curtis L., [redacted].
Raetz, Paul E., [redacted].
Reddick, Robert R., [redacted].
Schrontz, Alva G., [redacted].
Stamper, Walton B., [redacted].
Stein, Philip A., [redacted].
Taylor, Billy W., [redacted].
Torbush, John W., Jr., [redacted].
Turley, Jesse D., III, [redacted].
Wilson, Charles C., [redacted].
Yates, Richard P., [redacted].

To be captain

Adams, Ben P., [redacted].
Baker, William G., [redacted].
Benson, Barton K., [redacted].
Bruning, Richard C., [redacted].
Bryant, Hurley D., Jr., [redacted].
Burdette, Robert J., [redacted].
Bush, John R., [redacted].
Butler, Steven M., [redacted].
Bynum, Welfert L., [redacted].
Campbell, Julian, [redacted].
Castleberry, Johnny M., [redacted].
Celani, Albert F., [redacted].
Christiansen, Edward T., [redacted].
Cooper, Robert L., [redacted].
Davis, Guy W., [redacted].
Davis, Stewart O., [redacted].
Dolan, Thomas J., [redacted].
Duck, Theodore A., [redacted].
Duncan, Jimmy L., [redacted].
Edwards, Floyd E., [redacted].
Ellis, Benjamin F., [redacted].
Estrada, Martin, [redacted].
Felder, Jerry W., [redacted].
Galvin, Thomas P., [redacted].
Gilbert, Richard H., [redacted].
Gordon, Clarence, E., [redacted].
Gordon, Francis G., [redacted].
Greene, William P., Jr., [redacted].
Heaston, William P., [redacted].
Hennigan, Mac K., [redacted].
Hogan, Joseph E. Jr., [redacted].
Huckaboy, Warren T., [redacted].
Jackson, James H., [redacted].
Jenkins, Gilbert K., [redacted].
Jenkinson, Earl H., [redacted].
La Hue, Richard G., [redacted].
Lanoue, John D., [redacted].
Locklin, Charles W., Jr., [redacted].
Martin, Wilkes T., Jr., [redacted].
Mathis, Roy N., [redacted].
Maue, David C., [redacted].
McCready, Samuel C., [redacted].
Menson, Richard L., [redacted].
Miesner, William H., [redacted].
Mootz, Eugene D., [redacted].
Parkes, Michael A., [redacted].
Parratt, Stephen W., [redacted].
Pater, Gerald L., [redacted].
Phillips, Paul W., [redacted].
Platt, Richard A., [redacted].
Prager, Henry J., [redacted].
Price, Kenneth L., [redacted].
Prosser, John R., [redacted].
Rackstraw, James T., [redacted].
Recchuite, Martin G., [redacted].
Renner, Jerome S., [redacted].
Rizzato, Bruno F., [redacted].
Roth, Charles J., Jr., [redacted].
Sambolich, Paul, [redacted].
Shoultz, William E., [redacted].
Smith, Thomas A., [redacted].
Stevens, T. J., [redacted].
Stone, Carl E., [redacted].
Sullivan, Michael R., [redacted].
Sutherland, Byran A., [redacted].
Verbeck, Guido F., [redacted].
Vinson, Mark, [redacted].
Wagner, Nelson R., [redacted].
White, Randolph C., [redacted].
Whitesell, Raymond B., [redacted].

MEDICAL CORPS

To be captain

Funderburg, James C., [redacted].
Spence, Michael R., [redacted].

MEDICAL SERVICE CORPS

To be captain

Ashmore, Lee E., [redacted].
De Bree, William P., [redacted].
Grabow, Thomas W., [redacted].
Klugman, Peter J., [redacted].
Smoluk, John J., [redacted].

ARMY MEDICAL SPECIALISTS CORPS

To be captain

Swift Roy A., [redacted].

ARMY NURSE CORPS

To be captain

Gruenewald, Armie K., [redacted].

HOUSE OF REPRESENTATIVES—*Tuesday, March 13, 1973*

The House met at 12 o'clock noon.

Rev. John R. Graham, minister, United First Parish Unitarian Church, Quincy, Mass., offered the following prayer:

We reach for the responsibilities of the day burdened with the realization that the demands defy fulfillment.

While cynics rage and rattle their causes in our ears, may we seek the serenity of our consciences.

There are no right answers; only right actions. May we experience those rare moments when plans and performance meet to create deeds of courage.

Fond of portraying ourselves as guardians of the good, we must become the gatekeepers of compassion.

Wearied by pressure, bowed by business, confused by crises, and distracted by limited loyalties, may we give the same attention to people we do to programs and paper.

May our achievements bear the only mark of meaning: human decency. Then we will not only have done our best but we will have done all that is required of us. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed without amendment a joint resolution of the House of the following title:

H.J. Res. 334. Joint resolution to provide for the designation of the second full calendar week in March 1973 as "National Employ the Older Worker Week."

TRIBUTE TO REV. JOHN R. GRAHAM, UNITED FIRST PARISH CHURCH, QUINCY, MASS.

(Mr. BURKE of Massachusetts asked and was given permission to address the House for 1 minute, to revise and extend his remarks and to include extraneous matter.)

Mr. BURKE of Massachusetts. Mr. Speaker, may I take this opportunity to announce that I am pleased and privileged to announce that Rev. John Rushton Graham of the United First Parish Church of Quincy, Mass., delivered the opening invocation on the floor of the House of Representatives. The United First Parish Church, which is in my district, the 11th District of Massachusetts is also known as the Church of the Presidents "where a noble heritage inspires today's living." John Adams and John Quincy Adams, the second and sixth Presidents of the United States, are buried in the crypt of the historic church.

I am most honored to have the Reverend John Rushton Graham from Quincy, Mass., city of the Presidents, as our chaplain today.

Of added interest to the Members of this body, in February of 1971, the United First Parish Church of Quincy, located at 1266 Hancock Street, Quincy, Mass., was designated by the Advisory Board on National Parks, Historic Sites, Buildings, and Monuments and approved by the Secretary of the Interior Department, Rogers C. B. Morton, as a national historic landmark. The First Parish Church received a certificate and plaque designating it as a national historic landmark and, as a landmark, the property is automatically placed on the national register of historic places.

In its report to the Advisory Board, the National Survey of Historic Sites and Buildings noted that architecturally, the First Parish Church of Quincy represents the transition between the Federal and Greek revival styles. Its massive tetrastyle Doric portico, the monolithic columns of which weigh 25 tons each, is Grecian in inspiration, but the plan as well as the interior detail of the main body of the church, with its graceful arched windows, remains largely within the earlier Federal and Georgian tradition. Built in 1827–28 of Quincy blue granite, the church was designed by Alexander Parris of Boston. A fine mahogany pulpit dominated the galleried interior, which features an exquisitely plastered dome in the center of the ceiling. An unobtrusive rear wing dating from 1889 constitutes the only change to the church since it was built. In 1961–64, the church underwent restoration and stands today in good condition. The First Parish Church is open to visitors who wish to view this historic and important landmark.

ALLEGED ATTACKERS OF SENATOR JOHN STENNIS APPREHENDED

(Mr. MONTGOMERY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MONTGOMERY. Mr. Speaker, of course it is very satisfying to know that those who apparently attacked and shot Senator JOHN STENNIS on January 30 have been apprehended.

I only hope the courts will take swift action and, if proven guilty, these people will be put behind bars with no chance for a quick parole.

As I had feared, one of those arrested had committed a robbery on January 10 and was out on bail at the time he allegedly attacked the Senator. This should come as no surprise since 30 percent of the crime in Washington is committed by persons out on bail.

I congratulate the Mississippi Legislature, city of Jackson, and private individuals for the reward money. It seems that the break in the case came from an informer who was, of course, interested in the reward money.

I commend the Metropolitan Police and the FBI for their endless and patient work in this case. I hope the courts will put strength back in the judicial system here in Washington with quick action on these suspects.

Mr. GERALD R. FORD. Mr. Speaker, will the gentleman from Mississippi yield?

Mr. MONTGOMERY. I yield to the distinguished minority leader.

Mr. GERALD R. FORD. I read that one of those allegedly involved was out on bail. Does the gentleman recollect that we passed several years ago the District of Columbia anticrime bill, which included a preventive detention provision?

I would assume that this individual could have been kept in jail pending his actual trial. I hope if that authority did exist that the court had investigated the individual's previous record, and if it did I regret that it did not keep him in jail pending that trial.

I would like to add, however, Mr. Speaker, that in the administration's new crime bill that is coming up sometime this week, I trust, from the White House, there will be a preventive detention provision in the hard drug area where they have been apprehended and indicted so they can be kept from further criminal activity while awaiting trial.

Mr. MONTGOMERY. I thank the gentleman for his remarks.

PERMISSION FOR COMMITTEE ON RULES TO FILE PRIVILEGED REPORT

Mr. PEPPER. Mr. Speaker, I ask unanimous consent that the Committee on Rules may have until midnight tonight to file a privileged report.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

There was no objection.

COMPREHENSIVE OLDER AMERICANS SERVICES AMENDMENTS OF 1973

Mr. PEPPER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 273 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 273

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 71) to strengthen and improve the Older Americans Act of 1965, and for other purposes. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Education and Labor, the bill shall be read for amendment under the five-minute rule. It shall be in order to consider the amendment in the nature of a substitute recommended by the Committee on Education and Labor now printed in the bill as an original bill for the purpose of amendment under the five-minute rule, said substitute shall be read for amendment by titles instead of by sections, and all points of order against title V of said substitute for failure to comply with the provisions of clause 4, rule XXI are hereby waived. At the conclusion of such consideration, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions. After the passage of H.R. 71, it shall be in order in the House to take from the Speaker's table the bill S. 50 and to move to strike out all after the enacting clause of the said Senate bill and insert in lieu thereof the provisions contained in H.R. 71 as passed by the House.

The SPEAKER. The gentleman from Florida is recognized for 1 hour.

CALL OF THE HOUSE

Mr. BLACKBURN. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. BRADEMAS. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The call was taken by electronic device, and the following Members failed to respond:

[Roll No. 43]

Badillo
Bafalis
Barrett
Bell
Bergland
Biaggi
Blatnik
Brooks
Chisholm
Clark
Collier
Conyers
Delaney
Dulski
Foley
Ford, William D.
Gibbons
Gray
Hanna
Harsha
Harvey
Hays
Hébert
Holifield
Holtzman
Hosmer
Ichord
King
Kyros
McEwen
Mills, Ark.
Moorhead, Pa.
Murphy, N.Y.
Nelsen
Nix
O'Hara
Pike
Price, Tex.
Rarick
Rooney, N.Y.
Roy
Steelman
Steiger, Wis.
Stokes
Waldie

The SPEAKER. On this rollcall 386 Members have recorded their presence by electronic device, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

COMPREHENSIVE OLDER AMERICANS SERVICES AMENDMENTS OF 1973

The SPEAKER. The gentleman from Florida is recognized.

Mr. PEPPER. Mr. Speaker, I yield 30 minutes to the able gentleman from Ohio (Mr. LATTA), and pending that I yield myself as much time as I may consume.

Mr. Speaker, House Resolution 273 provides for an open rule with 1 hour of general debate on H.R. 71, which is a bill to increase and modify grant programs authorized by the Older Americans Act of 1965. This is the greatest bill for older Americans that the Congress has ever had before it. The bill almost completely embodies the recommendations of the White House Conference on Aging held here at the latter part of 1971. H.R. 71 authorizes the Commissioner of Education to make grants to State and local educational agencies for educational programs for elderly persons whose ability to speak and read the English language is limited and who live in an area with a culture different than their own.

The bill would further strengthen the role of the Administration on Aging as a focal point of Federal concern for older persons and upgrade its organization status.

The bill would create a Federal Council on the Aging, and strengthen State agencies on aging as the focal points in planning and developing service systems and area agencies for providing comprehensive, coordinated, community-based services for the elderly.

It would establish a National Information and Resource Clearinghouse for the Aging, and develop a network of information and referral sources in the States and communities.

It would provide authority to lease, renovate, and construct multipurpose senior centers through grants, contracts, or mortgage insurance and support staffing grants for the initial operation of such centers and the delivery of social services.

It would expand the research, demonstration, and training programs of the act and authorize the establishment and support of multidisciplinary centers of gerontology.

It would expand the national older American volunteer program, including foster grandparents and the retired senior volunteer programs.

It would encourage—and this is a very significant feature—encourage that the nutrition program for the elderly is operated, wherever possible, in conjunction with comprehensive, coordinated service systems developed under title III.

It would provide for special impact demonstrations and model projects in the areas of transportation, housing, education, employment, preretirement, and continuing education as a part of comprehensive, coordinated service systems for the elderly.

It would provide special programs for older persons under the Library Services and Construction Act, the National Commission on Libraries and Information Science Act, the Higher Education Act of 1965 and the Adult Education Act. And, finally, it would create a new program to provide for the employment of individuals 55 and over in community service activities.

The rule makes the committee substitute in order as an original bill for the purpose of amendment, and provides that the substitute shall be read for amendment by titles instead of by sections, and that all points of order against title V of said H.R. 71 for failure to comply with the provisions of clause 4, rule XXI of the House of Representatives, which prohibits appropriations in authorization legislation, he warned.

The rule also provides that after the passage of H.R. 71 it shall be in order to take from the Speaker's table the bill S. 50, and to move to strike out all after the enacting clause of the said Senate bill and insert in lieu thereof the provisions of H.R. 71 as passed by the House.

Mr. Speaker, I urge the adoption of House Resolution 273 in order that we may discuss and debate H.R. 71, and so that this very monumental program for older Americans may be considered by the House.

I especially wish to lend my support to the older worker provisions of this bill. In Dade County, Fla., the Dade County Senior Centers have beene sponsoring an older worker manpower program for a couple of years. The people on the program and the community alike share in the benefits. Some of these workers deliver meals every day to shut-ins who would be trying to subsist on a bowl of soup and maybe some cold meat if they were lucky. For the shut-ins, these workers may be the only people they see all day. Therefore delivering the meals is only part of the job. The workers may stop a moment and chat and ascertain if there is anything further they can do. They have saved people's lives by realizing the gas was on with no fire, by finding a man who had fallen and could not get up and call for help, or by noticing that the electrical wiring was in a very unsafe condition and having it corrected. These older people are tireless workers, but only through a program that pays them can they afford to leave their own homes and help others for they too are living in poverty.

Certainly we need to provide an opportunity for older people to share their talents and skills with us. Very soon the few demonstration programs that do exist will be dismantled. Not because they were not successful, but only because these programs are categorical, as they need to be. Surely we need to provide some part-time paid employment for our older people. They do not have the time to wait for unemployment figures to go down. I urge the support of this major piece of legislation and particularly title IX.

The Congress in exacting this bill will heed the challenge of 20 million senior citizens whose representatives met together with other concerned Americans during the President's White House Conference on Aging, in December of 1971. The Congress has responded to a substantial number of recommendations of that conference in this bill which would provide for the needs of the elderly in all walks of life. H.R. 71 together with the Social Security Act Amendments will for the first time in our country's history help us to respond to our responsibilities for older Americans.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. PEPPER. I yield to the gentleman from Iowa.

Mr. GROSS. Mr. Speaker, I would ask the gentleman from Florida why the Committee on Rules found it necessary to waive and thus suspend clause 4 of rule XXI?

Mr. PEPPER. I will say to the able gentleman from Iowa, who is always interested in such a waiver, that this title authorized funds for insurance which would make possible the construction of certain housing projects that are part of this program, and due to the fact that technically that would be an appropriation on an authorization bill the committee was requested to waive this point of order.

The gentleman from Indiana (Mr. BRADEMAS) can give the gentleman further information on the matter if he so desires.

Mr. LATTA. Mr. Speaker, will the gentleman yield further?

Mr. PEPPER. I yield to the gentleman from Ohio.

Mr. LATTA. Mr. Speaker, in a nutshell it sets up a revolving fund, and the gentleman from Iowa knows that in these revolving funds we have to waive points of order so we do not have to reappropriate for each expenditure from the fund.

Mr. GROSS. I thank the gentleman.

Mr. LATTA. Mr. Speaker, this bill is one of the bills which was vetoed by the President. However, as reported this time by the committee it is $601,500,000 less than the vetoed bill. I hasten to point out that this bill still contains $277,450,000 for fiscal year 1973, $470,300,000 for fiscal year 1974, and $627,150,000 for fiscal year 1975.

To give you some idea as to how much this program has escalated, we need only to go back to the year 1966 when $7,500,000 was appropriated. Since then the cost of this program has soared from $7,500,000 to $277 million for fiscal year 1973. It is no wonder we have budgetary problems in this country.

Let me give you a few other examples of the escalation of the costs of social programs over the past couple of years.

Federal outlays which benefit the elderly will total $63.5 billion in 1974, an increase of 71 percent since 1970.

Federal food aid increased 3½ times from $1.2 billion in 1969 to $4.1 billion in 1974.

Total Federal funds benefiting the sick have grown from $18.1 billion to $30.3 billion, or 67 percent, in the last 4 years.

Since 1970, there will be 14.6 million more aged, poor, and disabled beneficiaries receiving medicare and medicaid services.

Research on cancer and heart disease, the two greatest causes of death in the United States, has increased 117 percent since 1969 to a new total of $765 million.

Outlays for special benefits for disabled coal miners—black lung—have increased from $10.4 million in 1970, the first year of the program, to an estimated $965 million in 1974.

Federal outlays for direct benefits to low-income persons increased 88 percent from $16.1 billion to $30.3 billion since this administration took office.

In 1969, outlays for income security programs were $37.7 billion; by 1974, they will have more than doubled, to $87.6 billion.

Since 1969, funds for student grants and work study have increased nearly fourfold by $700 million, with the numbers of awards increasing by more than 1.5 million.

Federal funds for drug abuse prevention and drug law enforcement programs have increased from $82 million to $785 million since 1969; a ten-fold increase.

Federal funds for minority businesses will increase to $1,100 million in 1974—was $700 million in 1972 and $200 million in 1969. Loans to go to over 11,500 minority firms in 1974—9,000 in 1972 and 4,700 in 1968—and management assistance will be provided to over 18,000 minority firms.

Outlays for all air, water, and other pollution control and abatement have increased from $0.7 billion in fiscal year 1969 to $3.1 billion in fiscal year 1974. Outlays for waste treatment grants have increased from $135 million to $1.6 billion in these same years.

Federal funding for Indian programs in the Department of the Interior has more than doubled between fiscal years 1969 and 1974, going from $270 million to $618 million.

Loan and grant obligations under the USDA community development programs increased from $1.3 billion in 1969 to $2.9 billion in 1974.

Is it any wonder that the President has been forced to veto some very attractive and important bills since these spending measures have come full bloom? He will undoubtedly veto this bill unless we cut it back within reason. I suggest we take that course of action and get a bill enacted into law rather than pursue the committee's course of action and get the bill vetoed.

Mr. Speaker, I have no further requests for time.

Mr. GROSS. Mr. Speaker, would the gentleman yield?

Mr. LATTA. I yield to the gentleman from Iowa.

Mr. GROSS. This is projected for 3 years; is it not?

Mr. LATTA. That is correct.

Mr. GROSS. I could not keep track of the gentleman's statement as to expenditures each year.

Mr. LATTA. $277 million.

Mr. GROSS. The total over the 3-year period is well above $1 billion; is it not?

Mr. LATTA. That is correct.

Mr. GROSS. How in the world can anyone in this House today have any idea of what the financial situation of this Government is going to be a year from now, much less 3 years from now?

Mr. LATTA. We really do not know, in answer to the gentleman's question. This bill is typical of the bills this Congress has passed in the last several years which have gotten us into a lot of trouble from a budgetary standpoint. These bills start out with a low figure and each succeeding year we mandate that the Federal Government spend more and more. As this process continues, we have to pay the piper, and we just cannot do it.

Mr. GROSS. I could not agree more with the gentleman from Ohio, and I commend him for his statement.

Mr. LATTA. Mr. Speaker, I reserve the balance of my time.

Mr. MATSUNAGA. Mr. Speaker, will the gentleman yield?

Mr. PEPPER. I yield to the gentleman from Hawaii.

Mr. MATSUNAGA. Mr. Speaker, I rise in support of the rule and of the bill itself, H.R. 71, the proposed Comprehensive Older Americans Services Amendments of 1973.

Mr. Speaker, the greatness of any nation can be measured by the degree to which it cares for its elderly citizens and its needy. Enactment of H.R. 71 into law will add to the greatness of America.

Mr. MATSUNAGA. Mr. Speaker, as a sponsor of H.R. 2252, a similar measure, I would first like to commend the gentleman from Kentucky (Mr. PERKINS), chairman of the Education and Labor Committee, and the gentleman from Indiana (Mr. BRADEMAS), chairman of the subcommittee which developed the bill, for their diligence in pursuing this legislation and for the excellence which they have achieved in their pursuit.

Mr. Speaker, this legislation is not foreign to us. The 92d Congress predecessor of H.R. 71 was passed by overwhelming margins in both Houses, only to be "pocket vetoed" by President Nixon after Congress had adjourned sine die. It would have cost too much to take proper care of our elderly citizens, according to the President. While the House Education and Labor Committee may not have shared this view, it nonetheless fashioned a piece of legislation which is remarkably conciliatory to the President's position. H.R. 71 represents a decrease in authorizations of more than $600 million. Other changes were effected in the bill which should make it more acceptable to the administration.

Still, H.R. 71 contains a great deal which will allow America's elderly citizens at least a chance for a decent level of living.

The central focus of the existing Older Americans Act has been the provision of services to elderly Americans, primarily through more than 1,500 projects financed through title III. H.R. 71 would extend and strengthen the programs now covered by the act. Among other major provisions, the bill would:

Upgrade the Commissioner on Aging and strengthen the Administration on Aging within HEW.

Concentrate project grants under title III on services aimed at providing economic and personal independence for the aged.

Increase research and demonstration efforts in the field of aging.

Establish a program of multipurpose senior centers as focal points for the delivery of services to the elderly.

Expand elderly volunteer programs such as RSVP and foster grandparents.

Establishes a community service employment program for older Americans, to provide employment for low-income elderly and an economical way to meet pressing public needs.

Mr. Speaker, the provisions of H.R. 71 are not a panacea for the problems of the elderly. But they are certainly not the fiscal boondoggle which some have suggested. This measure is a reasoned, bipartisan approach to one of America's highest priorities—the welfare of our aged.

I urge the overwhelming approval of the rule and H.R. 71.

Mr. PEPPER. Mr. Speaker, I have no further requests for time.

I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. BRADEMAS. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 71) to strengthen and improve the Older Americans Act of 1965, and for other purposes.

The SPEAKER. The question is on the motion offered by the gentleman from Indiana (Mr. BRADEMAS).

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 71, with Mr. NEDZI in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from Indiana (Mr. BRADEMAS) will be recognized for 30 minutes, and the gentleman from Minnesota (Mr. QUIE) will be recognized for 30 minutes.

The Chair recognizes the gentleman from Indiana.

Mr. BRADEMAS. Mr. Chairman, I yield myself 10 minutes.

Mr. BRADEMAS. Mr. Chairman, I rise in support of H.R. 71, the Comprehensive Older Americans Services Amendments of 1973.

Mr. Chairman, this bill is one of the most important pieces of legislation for older citizens since the Social Security and Medicare Acts; for it can mean effective action for older persons through a wide range of services, including transportation, preretirement training, health services, senior citizens' community centers, and employment.

H.R. 71 extends for an additional 3 years the grant programs authorized by the Older Americans Act of 1965, which expired on June 30 of last year. Prompt action is therefore necessary to provide continued support to State agencies on aging, more than 1,200 local agencies on aging, and the more than 1,700 community projects providing services to older people.

But H.R. 71 does not simply extend the present program. Rather, it marks a significant strengthening of the Older Americans Act in ways which will greatly increase our ability to respond to the many and varied problems of older people striving to live independently in their home communities.

BACKGROUND

Mr. Chairman, during the 92d Congress, the Select Subcommittee on Education, which I have the honor to chair, held 14 days of hearings on bills to extend and amend the Older Americans Act of 1965. The subcommittee heard from witnesses representing the various departments of the executive branch, organizations representing the aging, as well as private individuals, Governors. and other State officials.

A bill was unanimously reported by the subcommittee and the full committee and subsequently passed by both Houses of Congress, again unanimously. This measure was subsequently vetoed by the President.

Mr. Chairman, because Mr. PERKINS and I believe this measure to be so important for the well-being of the 20 million older citizens in America, we introduced the vetoed measure once again on the first day of the 93d Congress.

Since that time, over 125 of our colleagues on both sides of the aisle have joined us as cosponsors.

The committee has heard administration officials elaborate more fully on their objections in hearings before my subcommittee and I feel that we have responded to those concerns.

Subsequently, the bill was reported by the subcommittee—12 to 1—and the full committee with only one dissenting vote—33 to 1. Mr. Chairman, I believe the vote of the subcommittee and the full committee is evidence of the wide bipartisan support this measure continues to enjoy.

At this time, Mr. Chairman, I would like to thank all those Members who have joined in cosponsoring this legislation. In particular, I would like to cite the contributions to this legislation of the gentleman from Kentucky, the distinguished chairman of the Education and Labor Committee, Mr. Perkins, as well as the gentleman from Minnesota, the distinguished ranking minority member of the committee, Mr. QUIE.

I would also like to commend other members of the subcommittee, the gentlelady from Hawaii (Mrs. MINK), the the gentleman from Idaho (Mr. HANSEN), the gentleman from Washington (Mr. MEEDS), the gentlelady from New York (Mrs. CHISHOLM), the gentlelady from Connecticut (Mrs. GRASSO), the gentleman from Kentucky (Mr. MAZZOLI), the gentleman from New York (Mr. BADILLO), the gentleman from Florida (Mr. LEHMAN), the gentleman from Pennsylvania (Mr. ESHLEMAN), the gentleman from New York (Mr. PEYSER), and the gentleman from Connecticut (Mr. SARASIN) for their invaluable contributions to the improvement of programs for our older Americans.

Mr. Chairman, by approving this bill today, we can help make possible significant improvement in the lives of 20 million older Americans. Our vote today will mean action, not just rhetoric, for America's older citizens.

SUMMARY

In brief, Mr. Chairman, the measure before us, is, I believe, a most important and necessary measure.

This bill would—

Increase aid to States to meet the variety of problems facing the elderly;

Strengthen the status of the Administration on Aging within the Department of Health, Education, and Welfare;

Authorize special new programs in housing, transportation, preretirement training, and public service employment for the needy aged;

Provide for multidisciplinary gerontological centers to conduct research on aging;

Authorize the construction or acquisition of community senior citizens centers;

Create a Federal Council on the Aging to study various problems affecting the elderly, including taxes and transportation;

Strengthen State agencies on aging as the focal point for providing comprehensive, coordinated, community-based services;

Provide for decentralization of aging services by creating areawide plans within States;

Establish a network of information and referral sources and establish a National Information and Resource Clearinghouse for the Aged;

Expand the research, demonstration, and training programs under the act;

Expand the National Older Americans Volunteer program—which includes Foster Grandparents and the Retired Senior Volunteer program—RSVP;

Coordinate the nutrition program with the various other activities provided under the act;

Provide special programs for older persons under the Library Services and Construction Act, the National Commission on Libraries and Information Science Act, the Higher Education Act, and the Adult Education Act; and

Create a new program in the Department of Labor to provide for employment of individuals 55 and over in community service activities.

RESPONSE TO ADMINISTRATION OBJECTIONS

As I have previously said, Mr. Chairman, I feel that we have responded to many of the objections President Nixon cited in his veto message. Mr. Chairman, we have attempted to meet some of the President's objections by—

Reducing the authorizations from $1.978 billion in the original bill to $1.376 billion over a 3-year period—a cut of $603.500 million;

Deleting title X, which provided training and counseling for middle-aged and older workers; and

Reducing the authorizations for both title II, the basic State program, and title IX, which provides for community employment for the needy elderly and providing that title IX programs be deferred for 1 year.

The amendments are based on the experience gained after more than 7 years of progress since the programs started under the act were launched, on extensive hearings in both House and Senate committees where many recommendations concerning the needs of older people were made by prominent leaders in the field of aging, and on the many recommendations that came out of the recent White House Conference on Aging.

TITLE III—BASIC PROGRAM

Mr. Chairman, the heart of the program, of course, is in title III, which authorizes grants to States and, through them, to local communities to deliver needed social services to the aging. The bulk of the activities carried out under the Older Americans Act have been in connection with the title III programs. Last year, for example, more than 1 million older persons were served by over 1,500 projects funded under title III. These projects delivered a wide range of services including transportation, nutrition, home health, recreation, aid to the handicapped, and services for independent living designed to assist the elderly in retaining their independence and avoiding institutionalization.

These services are funded through what are essentially block grants to State aging agencies. These State agencies, in turn, make project grants to local agencies for the delivery of services within service areas. This legislation strengthens the title III provisions in order to assure delivery of needed services to our elderly population.

Suffice it to say, Mr. Chairman, H.R. 71 responds intelligently and humanely to many of the needs expressed by spokesmen for the elderly and will mean a great deal to the 20 million older people across the country.

This bill indicates to these individuals that we have not forgotten them and that we are concerned that they continue to have the support to contribute to society, not as welfare recipients, but as independent citizens in their own communities.

I urge all Members of the House to support this much needed legislation.

Mr. REID. Mr. Chairman, will the gentleman yield?

Mr. BRADEMAS. I would be glad to yield to my friend the gentleman from New York (Mr. REID).

Mr. REID. Mr. Chairman, I have one question which I would like to put to the distinguished Chairman. The point I have asked the individual gentleman from Indiana is this: Does he not believe that the administration should be put on very clear notice that these services are critically needed for some 30 million senior citizens, including the need for nutrition, and that this bill along with vocational rehabilitation must not be held hostage to outdated priorities; that if this bill along with others is vetoed, the Congress will draw certain conclusions relative to programs which the President may be interested in; and that the subcommittee has made every effort to accommodate its position to a responsible fiscal approach consistent with crucial human needs?

I rise in support of H.R. 71, the Comprehensive Older Americans Services Act, legislation to provide a wide range of programs and services to the elderly.

The Comprehensive Older Americans Services Act is landmark legislation for the Nation's elderly. Administratively, it strengthens the Administration on Aging within HEW by making the Commissioner on Aging responsible to the Secretary and expanding the authority of the Administration on Aging. Title III, the State and community grant program, has been revised to concentrate funds on services aimed at providing economic and personal independence for the aged. Special programs are authorized in housing, transportation, preretirement training, research centers on aging, and community senior citizen centers.

In addition, I would like to draw special attention to title VI, which expands the Foster Grandparents program and the Retired Senior Volunteers program, which I coauthored in 1969. Our senior citizens have considerable wisdom, gathered from a lifetime of experience, and they have a tremendous potential to play an active role in our society. Indeed, many of our senior citizens have their most creative and productive years ahead of them, and these programs, if adequately funded, go a long way toward providing our senior citizens a chance to make a meaningful contribution.

The elderly in this country have been neglected far too long. Health care for senior citizens is less important than highways. Housing has a lower priority than going to the moon. Maintaining the oil depletion allowance is more important than providing adequate income for our 20 million senior Americans.

We spent $5 billion in 1970 to keep ourselves looking young and $1.3 billion on old-age assistance. This must change. The senior citizen has many special problems, but he also has great potential for contributing to our society and we must find ways to help our senior population and to allow them to make these contributions. This legislation we are voting on today, begins to meet some of these challenges head on.

Last year, the House and Senate overwhelmingly passed this legislation only to see it vetoed by the President after Congress had adjourned. The President objected mainly to the authorization levels. To meet these objections the committee has reduced the authorization by 30 percent from $2 billion over a 3-year period to $1.4 billion.

I strongly believe that this reduction more than meets the President's objections and thus I hope that we will swiftly pass this legislation and that it will be signed by the President.

Mr. BRADEMAS. It would be difficult to quarrel with the gentleman, my friend from New York, who has been such a strong supporter of this measure.

Mr. QUIE. Mr. Chairman, I yield 2 minutes to the gentleman from Pennsylvania, the distinguished ranking member of the subcommittee, Mr. ESHLEMAN.

Mr. ESHLEMAN. Mr. Chairman, this bill is very similar to one passed last year 351 to 3 under a suspension of the rules.

It substantially carries out major recommendations of the White House Conference on the Aging and the findings of our subcommittee made during extensive hearings last year.

This bill eliminates the authorization that was contained in the bill vetoed by the President for a special manpower training program for middle-aged Americans. Undoubtedly, this authority is more appropriate to a manpower training bill.

The total of 3-year authorizations in this bill are $1,422,000,000. This is over a half billion dollars less than the bill vetoed by the President last year.

In view of the very rapid and substantial increases in the budget for the Administration on Aging requested by President Nixon over the last 3 years these authorizations do not appear to be unreasonable and I would recommend to my colleagues passage of this bill.

Mr. QUIE. Mr. Chairman, I yield 10 minutes to the gentleman from Indiana (Mr. LANDGREBE).

Mr. LANDGREBE. Mr. Chairman, this bill is really a companion bill to the bill we dealt with last week, H.R. 11. There are great similarities in the two bills.

This bill was introduced into the committee and sponsored by a number of my colleagues on the Committee on Education and Labor, and has a number of features to it to which I must object.

I might remind the Members of the House that I was one of the three Members who voted against this bill when it passed last year. After that, of course, it was vetoed by the President.

However, my vote against the bill last year was based on an entirely different set of circumstances. I voted against the bill last year strictly on the grounds of money. I felt that we simply had to be fiscally responsible in the Congress, even though I appreciated that the program had many important benefits. It still does have some possible benefits, but at some place we have to draw the line.

The bill did pass by a big majority, and it went to the President, where it was vetoed.

Since the President's veto I have had an opportunity to examine this bill and to see the different sections of the bill that I find unacceptable.

No. 1, of course, is that it is still fiscally irresponsible even after it has been reduced following the Presidential veto.

It is administratively unsound and unworkable, and it proliferates programs that will destroy the effectiveness of the program.

It has been said here already today that to take care of the elderly is an honorable thing to do and that we can measure the greatness of our Nation according to our warmth in our hearts and our consideration for older people. Well, I would challenge anybody to prove that I do not have as much love for people as any Member in this House. However, that is not the point which I am trying to make. We are discussing a bill, and we are also discussing philosophies.

I have swung about, have done a complete 180-degree turnabout since last year because here I am proposing, promoting, and pleading for an extension of older Americans bill, but in the form of a substitute for the fiscally irresponsible bill that is before us.

In 1971, the budget for this bill was $27 million. In 1972 it was $100 million and in 1973, $257 million. Does that not indicate that the President of the United States has some concern and consideration for older Americans?

Be that as it may, the liberals are going to be voting for this bill and they are going to be voting against my amendment.

For those who are on the floor who missed the article entitled "Requiem for the New Deal" in last Sunday's Star and Daily News, I would like to read for the record the following:

> The liberal rationale for expensive social programs is both to redistribute income and to encourage the kind of social mobility that would reduce poverty to a matter of choice or bad luck. Since federal services programs have accomplished neither, it would make sense to undertake them more cautiously while making efforts to give money directly to the poor.

Mr. Chairman, if the liberals would like to hear a little bit of the fine print which they may have missed, I will continue:

> But many liberal critics who have no use for Nixon's motives have a more complex reaction to his plan to dismantle federal social programs. During the past few years a group of serious social scientists and technocrats, many of them former advisers to Kennedy and Johnson, have been finding fault with the spending programs of the sixties.

And I suppose they could have included the seventies—

> Their work, far from being an opportunistic response to a perceived public drift to the right, reflects a growing skepticism about the notion of meeting social problems with bureaucratic remedies.

Mr. Chairman, I want to make it as emphatically clear as I can that this bill before us, H.R. 71, does not do more for older people; it does more for the bureaucracy. I am thankful that the President of the United States, the Secretary of HEW, and other people involved in the bureaucracy are now opposed to this discredited approach of proliferating the programs duplicating the authorities, and really getting little or no services down to the people.

Mr. Chairman, I am going to take what time I am allowed here to go through the bill section by section. The portion concerning "Administration," of course, is something that anyone can read for himself.

> There is established in the Office of the Secretary an Administration on Aging which shall be headed by a Commissioner on Aging. In the performance of his functions he shall be directly responsible to the Secretary.

In other words, we drop out this SRS chain of command, and he becomes directly responsible to the Secretary.

> The Commissioner shall not delegate any of his functions to any other officer who is not directly responsible to him unless he first submits a plan . . .

This bill also sets up this new gold ribbon committee of 15 people who will have to be appointed by the President with the advice and consent of the other body. They shall receive GS-18 wages, with travel allowances and per diems.

Mr. Chairman, what are they going to be doing? They are going to order some studies to be made, with vast costs and far-reaching results, and I am sure the older people would like to know more about it.

Mr. Chairman, let me read further from the bill:

> The Council shall undertake a study of the interrelationships of benefit programs for the elderly operated by Federal, State, and local government agencies.

Following the completion of this study, then they shall make a report.

Study No. 2:

> The Council shall undertake a study of the combined impact of all taxes on the elderly—

Including but not limited to income, property, sales, and social security taxes.

Mr. Chairman, the third vast study done by these GS-18 committee members, a study ordered by them:

> The Council shall, after consultation with the Secretary of Transportation and the Secretary of Housing and Urban Development, conduct a comprehensive study and survey of the transportation problems of older Americans . . .

Mr. Chairman, in my minority report on the bill I did not spend more time on these things because there are many more serious things to which I object. The change in concept at least between my amendment and this bill is very important in the State organization.

Mr. Chairman, in the committee bill it says:

> The State shall, in accordance with regulations of the Commissioner, designate a State agency as the sole State agency.

They have dropped the word "Governor." In fact the word "Governor" has been totally omitted in H.R. 7. I rather like my Governor. We have a good Republican Governor in the State of Indiana.

Mr. Chairman, it further says over here on page 136:

> The Commissioner shall, in accordance with regulations he shall prescribe, disburse the funds so withheld directly to any public or nonprofit private organization or agency or political subdivision of such State submitting an approved plan in accordance with the provisions of section 304 and section 306. Any such payment or payments shall be matched . . . by the local agencies.

Under the bill that I am offering as a substitute, if the State is found not to be in compliance, their funds are simply cut off and the matter goes before the courts rather than going past the States and directly to political subdivisions, or non-profit organizations who might qualify.

The difference is that in my amendment, should a State fail to live up to Federal standards, their funds are simply cut off and they must appeal to the courts while under H.R. 71, should the State agency fall out of compliance, the Commissioner is authorized to ignore that particular State agency and proceed to disburse funds directly to political subdivisions or nonprofit organizations within that State. Only then can that State appeal to the courts.

Being a strong advocate of States rights I must prefer the language in my amendment.

With regard to training programs for the aged, we are going to have all sorts of them and we are going to build multidisciplinary centers for gerontology. We are also going to build senior citizens centers according to all of the Federal rules and regulations. Then, of course, these multipurpose centers will take precedence over some of the other needs of the community.

But my friends, the senior citizens I know are concerned with roofs over their heads. Not once have I received a letter from any senior citizen saying, "Will you please promote a multidisciplinary center for gerontology." Nor has even one senior citizen contacted me requesting a plush new senior citizens center. On the other hand, I know of many fine senior citizen programs being carried on in my community. For instance, in the KC hall in Rensselaer, Ind., 70 to 90 senior citizens meet each Tuesday, also in the union hall in Lafayette, as well as the pavilion at the city park in Lafayette, senior citizens groups gather in fellowship. Also the Valpo YMCA has promoted a most beneficial golden age club for many years. None of these are draining the public treasury and all are making a great contribution to the happiness and welfare of large numbers of older Americans.

The CHAIRMAN. The time of the gentleman has expired?

Mr. LANDGREBE. May I have 2 additional minutes?

Mr. QUIE. Mr. Chairman, I yield the gentleman 2 additional minutes.

Mr. LANDGREBE. I need the 2 minutes for just two points.

One, this act amends a whole multitude of acts in the Congress. This bill does not only amend the Older Americans Act but the Library Services and Construction Act, the National Commission on Libraries Act, the Higher Education Act, and the Adult Education Act, just to mention a few.

I also strongly oppose title IX of the committee bill.

The committee did strike out title X, a job training program. I am authorized to say before this body publicly and officially that the Department of Labor is opposed to title IX. They do not want it in the bill because it duplicates what they are already doing; except, of course, that it goes far beyond anything they would think of doing.

For example, Mr. Chairman, on page 183, line 4, it says:

> (K) will authorize pay for necessary transportation costs of eligible individuals which may be incurred in employment at any project funded under this title in accordance with regulations promulgated by the Secretary; and the age for qualification under this title is 55.

I have a few friends in Indiana who work for a living and must get up at 4 or 5 o'clock in the morning and start up their autos and drive off to the factory, pay their union dues, United Fund contributions, their taxes, and deductions, and go home and try to eke out a living on what is left.

This alone I think is a new concept and disqualifies the bill.

In conclusion I will say I am against the bill as being fiscally irresponsible and administratively unsound and one which proliferates programs which will not improve the program but will eventually destroy its effectiveness.

Mr. BRADEMAS. Mr. Chairman, I yield 1 minute to the distinguished gentlewoman from Michigan (Mrs. GRIFFITHS).

Mrs. GRIFFITHS. I thank the gentleman for yielding to me.

I would like to say I am going to vote for this act, but I would like to point out that we are legislating in this act for the same people that we are legislating for under the Social Security Act. We are setting up two delivery systems. This is a very expensive way to handle legislation.

What we need to do in this Congress is to combine the services that serve one group of people and have one administration and take care of the entire thing out of one committee with one administration for one group of people so that they get the service at a lower cost than that at which we are now operating.

We have here the aged welfare poor and those with some money. Many fall between the cracks. It is really a very poor way of legislating.

Mr. CEDERBERG. Will the gentlewoman yield?

Mrs. GRIFFITHS. Yes; I yield to the gentleman.

Mr. CEDERBERG. I want to join the gentlewoman in her statement that she believes we ought to have one delivery system. It happens to be one of the reasons why I am going to vote in opposition to it.

This is not because I do not have concern for the older Americans, we all do, but I think we are going to have to consolidate some of these programs or we are going to go very far afield.

The gentlewoman from Michigan (Mrs. GRIFFITHS) serves, as do I, on the Joint Budget Committee, and we have not taken any action as yet, and here we come in with this kind of legislation and I think it is completely out of reason.

Mr. BRADEMAS. Mr. Chairman, I yield 7 minutes to the distinguished chairman of the committee, the gentleman from Kentucky (Mr. PERKINS).

I wonder if the gentleman from Kentucky would yield to me for just one moment?

Mr. PERKINS. I yield to the gentleman from Indiana.

Mr. BRADEMAS. Mr. Chairman, I appreciate the contribution of my friend, the distinguished gentlewoman from Michigan (Mrs. GRIFFITHS). I would point out, however, that the bill under consideration provides services for any older persons whether they may be on social security or not. While I understand the concern of the gentlewoman from Michigan I would also have to point out in this regard that this is a time when the administration appears to be cutting back on social services for a variety of purposes, including the category of the elderly.

Again I thank the gentleman for yielding.

Mr. PERKINS. Mr. Chairman, I rise in support of the legislation.

At the outset I should like to discuss briefly the background of H.R. 71, a bill to strengthen and improve the Older Americans Act.

Authorizations for programs under the Older Americans Act expired on June 30, 1972. In the second session of the 92d Congress, H.R. 15657, a bill to amend and strengthen the act, passed the House with only three dissenting votes, and passed the Senate unanimously. A conference report embodying the best of the two versions of the bill was approved by voice vote in the House on October 14, and unanimously in the Senate on October 12. As my colleagues know, however, H.R. 15657 was subsequently vetoed by the President.

The introduced version of H.R. 71 is identical to the conference report. Hearings were held on this legislation by the Select Subcommittee on Education which subsequently amended H.R. 71 to reflect certain of the recommendations made by the administration during the hearings. May I take this opportunity to congratulate and commend the chairman of our Select Subcommittee on Education, the gentleman from Indiana (Mr. BRADEMAS). The conscientious and active leadership he has provided over the last few years has made a great contribution toward helping to better meet the needs of elderly citizens. I want to compliment also the ranking minority member of our committee, Mr. QUIE, and members from both sides of the aisle—subcommittee and full committee—for their work and cooperation on H.R. 71.

May I briefly outline the major provisions of the act.

Title II of H.R. 71 upgrades the Administration on Aging in the Department of Health, Education, and Welfare by transferring it from the welfare-oriented Social and Rehabilitation Service to the Office of the Secretary of HEW. In 1965, the Administration on Aging was designed as an office with authority and great visibility in the Federal structure. In recent years, through budgetary and organizational efforts, the Administration on Aging has been downgraded. Provisions of title II will insure that the Administration has the authority and the visibility which was originally intended. The proposed substitute would maintain the existing administrative structures and mechanisms, which will allow for further erosion of the AOA to even lower layers of the HEW bureaucracy.

Title II also provides for a National Information Resource Clearing House, which will collect, organize, and disseminate information related to the particular problems of the aging. Furthermore, title II provides for the establishment of a Federal Council on the Aging, which is assigned an active role in promoting the interests of older persons throughout the whole range of Federal policies and programs.

Title III of H.R. 71 strengthens and extends the major operating program which authorizes grants to States and local communities to deliver needed social services to the aging. Last year more than 1 million older persons were served by over 1,500 projects funded under title III.

The debate indicates that there is not a clear understanding of what occurs under title III. I should like at this point to discuss briefly the types of programs which have been supported under title III of the act. In 1970, of the 816,000 older persons served in title III—

Nine thousand five hundred were aided by homemaker health aids;

Three hundred were placed in foster homes;

Four thousand received protective services;

Fifteen thousand four hundred were given employment referrals;

Five hundred five thousand participated in recreation and leisure activities;

Seventy-six thousand were given transportation services;

Close to 17,000 either received delivered meals or meals in group settings; and

Fifty thousand received counseling services.

Many received more than one type of service. Mr. Chairman, these are not services which are being duplicated under other programs. It should be stated again that participation in the Older American Act programs is not reserved exclusively for persons on welfare.

Let me add, however, that many of the efforts provide additional services to those who are most in need. I recall about a year ago that a group of elderly people from my section of the country were permitted to come to Washington and for the first time to see the Capitol of the United States. It was the first time that they enjoyed a privilege like this. These were poor people who would not have had this opportunity were it not for the act we are considering today.

Presently $68,000,000 is budgeted for the basic program for the current year, as contrasted with $85,000,000 which is proposed to be authorized. The authorizations for the basic program over the 3-year period in the bill under consideration are $165,000,000 less than the authorizations in the bill which was vetoed. There are no authorization ceilings in the substitute bill for fiscal year 1975 and years thereafter.

Title III also authorizes grants to the States for program administration and a program of grants for model projects. The authorizations in this bill for these programs over the 3-year period is $70,000,000 less than that in the vetoed bill.

Title IV of H.R. 71 expands research in aging and the training of needed personnel in the field of gerontology.

Title V authorizes a series of new efforts directed at expanding the availability of multipurpose senior centers. These include grants for the acquisition, remodeling, and renovation of facilities, the provision of mortgage insurance, interest subsidy grants and initial staffing grants for such centers.

Title VI would extend the Foster Grandparents program and the Retired Senior Volunteer program and would enlarge volunteer opportunities for the aging under such programs.

Title VII provides for the coordination of the "Meals on Wheels" program with the delivery of other social services under title III, and for the utilization of other Federal programs in the new nutritional program.

Title VIII authorizes special library and educational programs for older citizens. Specifically, the Library Services Act, Adult Education Act and the University Extension and Continuing Education programs are modified so as to give needed emphasis to problems of the elderly.

Title IX provides for a new program of community service employment for the aging. This program builds upon the success of Operation Mainstream and will provide programs under which unemployed, low-income persons 55 years or over will be employed in community service activities. Fifty million dollars would be authorized in fiscal year 1974, as compared to $100,000,000 in the vetoed bill, and $100,000,000 in fiscal year 1975 as compared with $150,000,000 in the vetoed bill.

The need for title IX is clear. A little less than 6 percent of the emergency employment program consists of persons over 55 years of age, and yet they comprise more than double that percentage of unemployment. Operation Mainstream has been reduced from 31,000 participants to 27,000, and the administration plans to phase out this program during the next 2 years.

Consider also the following statistics:

Persons 45 years or over account for 20 percent of the unemployment—27 percent of the long-term joblessness and 31 percent of the very long-term unemployment. Yet the 45-plus age category constitutes only 4.9 percent of all new enrollments in manpower programs.

Even in Operation Mainstream, individuals 45 or over constitute less than a majority—44 percent of all participants.

As of January 867,000 45 or older were unemployed, approximately 45 percent greater than 4 years ago. There are now more than 2,700,000 men aged 45 to 64 who are not in the labor force, and 11,700,000 women. Assuming that just 25 percent of these men and 5 percent of the women wanted and needed employment, this would increase unemployment for persons in this category by nearly 1,300,000—from 867,000 to about 2,200,000.

Approval of title IX is imperative in my judgment.

Mr. Chairman, this is an excellent bill which will help older Americans to lead fuller and richer lives. It is responsive to the concerns and needs expressed in our extensive hearings and it is responsive to the objections of the President in many respects. Let us keep in mind that authorizations for all the programs have been reduced by over $600,000,000 from the vetoed measure. This is a responsive and a responsible measure, and I urge its overwhelming approval.

Mr. WYLIE. Mr. Chairman, will the gentleman yield?

Mr. PERKINS. Will the gentleman from Indiana yield?

Mr. BRADEMAS. I yield the chairman 1 additional minute.

Mr. PERKINS. I yield to the gentleman from Ohio.

Mr. WYLIE. I certainly would not want to be placed in the position of voting against the elderly. I should like to ask a question on the creation of this Federal Council on the Aging. What was the reasoning behind asking that the Commissioner be confirmed by the Senate, and that the 15 members of the Council be confirmed by the Senate?

Mr. PERKINS. Let me say to the distinguished gentleman that we establish the Administration on Aging in the Office of the Secretary. The Council provided for in the bill, has very important statutory responsibilities including being advisers to the Secretary, the Commissioner on Aging, the President, and the Congress.

Mr. BRADEMAS. If the gentleman will yield, I might say further to the gentleman from Ohio that we were not impressed by the work of the present Committee of the National Commission on Aging, which has already been established. By establishing a Federal Council on the Aging, and by providing that Congress would have a role in the confirmation process of the members who would be appointed by the President, we hope to insure that we would have first-class people who would, indeed, do their jobs.

Mr. WYLIE. Will the gentleman yield for an additional question?

Mr. BRADEMAS. I yield 1 minute.

Mr. WYLIE. I think the point I wanted to make here was that there is a Commission on Aging in HEW at the present time; is there not? Is there a precedent for establishing a Cabinet-type level position for each members of such a Commission and why the change?

Mr. BRADEMAS. We have had since 1965, when the Older Americans Act was first passed, a, Presidentially appointed Commissioner on the Aging. It is quite clearly the intent of Congress in establishing an Administration on the Aging, headed by a Presidentially appointed Commissioner, that there would be the highest level visibility for and attention to the problems of the elderly. But it is also clear from the record which was demonstrated by the White House Conference on the Aging of 1971, that there has been by the administration a systematic downgrading of the aging. I may say it began in the last administration and has continued into this administration.

Mr. WYLIE. My concern is that we are making the problems of the aging more political by putting it in this type of political arena. Aren't we establishing in effect another Cabinet-level department of Government outside the jurisdiction of the Department of Health, Education, and Welfare.

Mr. BRADEMAS. The gentleman said something about its being in the political arena?

Mr. WYLIE. Does this not put the whole problem of aging more in the political arena than at present?

Mr. BRADEMAS. Not at all. The gentleman may not be aware of the fact that the present law provides the Commissioner who is in charge of the Administration on the Aging is appointed by the President of the United States. We do not make any changes in that at all.

Mr. WYLIE. Who selects the Commissioner?

Mr. BRADEMAS. The President of the United States appoints the Commissioner.

Mr. MEEDS. Mr. Chairman, will the gentleman yield?

Mr. PERKINS. I yield to the gentleman from Washington.

Mr. MEEDS. Mr. Chairman, 2 years ago the White House Conference on Aging polled 200,000 persons 55 years of age and older about the problems of growing old. The results of that poll make the most compelling case I know for passage of the Comprehensive Older Americans Act.

More than half of those responding said they did not have enough money to make ends meet. Half had to live on less than $200 a month. Twenty percent were limited to less than $100 per month. Although social security was originally intended as an income supplement, 72 percent of those replying to the poll said it was their sole source of income.

Perhaps the most poignant finding was that 17.4 percent answered the question: "Do you sometimes feel that you have nothing to live for" with a "yes."

What happens to people in this country when they are too old to work—but too young to slow down? What is left to live for? It certainly is not financial reward, except for a fortunate few. Small towns have shrunken and families flown apart on the winds of social change. The children and grandchildren who once lived down the street now make lives of their own a thousand or more miles away. Only 5 percent of older people responding to the 1971 poll said they received money from relatives.

Public transportation no longer exists in small cities. Few older persons own or drive cars. Transportation is better in the big cities—but older and slower citizens are favorite targets of street criminals. Serious health problems go untreated, because of the difficulty in getting to doctors' offices. Food costs have so outrun fixed incomes that nutrition is a serious problem. It is no wonder many old people drift into 50-year-old thoughts or disengage their minds to watch television all day and all night. One of the greatest wastes of our time is the mind death of elderly Americans bored into senility. Death is not of the body alone.

There is no good reason to waste the lives and experiences of senior citizens, because they have passed an arbitrary age or no longer feel like working full time. As one of the sponsors of the original Older Americans Act, I was delighted to see a White House Conference on Aging called to discuss these problems. Last year's Older Americans Act amendments, passed unanimously by both House and Senate, was one of the key results of that dramatic conference. But White House interest in its own conference and the fate of the elderly seems to have been less than ageless. One year after thousands of people told us about growing old in America, the President vetoed the bill.

This geriatric turnabout was strongly felt in my own congressional district. The South Snohomish County Senior Center, located in Edmonds, Wash., was praised at the White House Conference on Aging for its programs. High-ranking administration officials visited there to bask in the warm lights of publicity. Then the glow faded into the cold certainty of last year's veto.

The talented director of the center came to me to tell of the veto's damage. It demonstrates how our senior citizens were taken into the White House, assured of Mr. Nixon's concern and then shoved out the back door into budgetary oblivion.

At the South County Center, last fall's veto doomed a subsidized hot lunch program serving 700 persons a week; doomed planning for a new senior center to serve 9,000 citizens; hampered operation of services to 4,500 persons at the existing center and shut off areawide planning for the future. Senior centers in other areas are also affected.

The Education and Labor Committee has cut the authorization in H.R. 71 by one-third while trying to maintain an adequate level of services. This bill expands services to the elderly, such as nutritional, transportation, health, education, and preretirement training. In addition, it expands the opportunities to use the time and talents of senior citizens in community service, senior volunteer programs, foster grandparents, and in other capacities where their experience can benefit others.

People who have worked hard all their lives are entitled to a decent retirement. It would be thoughtless and wasteful to consider senior citizens throwaway people who have used up their usefulness. I urge approval of H.R. 71 to make retirement years more meaningful both to senior citizens and the rest of society.

Mr. QUIE. Mr. Chairman, I yield 5 minutes to the gentleman from Idaho (Mr. HANSEN).

Mr. HANSEN of Idaho. Mr. Chairman, I am happy to rise in support of H.R. 71 as amended by our committee. Last October, in urging support of the conference report on H.R. 15657—the Older Americans Act amendments—I made the following statement:

> It is extremely important that this effort to improve the Older Americans Act succeed. The twenty million Americans who are aged 65 or older do not have problems which differ from those of the younger population; it is simply that their problems tend to be much more acute and older people need and deserve more help in solving them. Governmental effort alone will never meet the needs of our older citizens, but in many fields it is the major factor and it can be vitally important in galvanizing private action and in coordinating the work of public and private agencies. The heart of this bill is a strengthened and improved system for the delivery of services at the State and local level, as suggested by Secretary Richardson of Health, Education, and Welfare and the Commissioner on Aging, Mr. John Martin.

I think that statement is applicable with equal force to this renewed effort to strengthen the Older Americans Act through H.R. 71. This Congress, working cooperatively with President Nixon over the past several years, has greatly enhanced the income of older Americans through improvements in the social security system. This income strategy, as it is often called, is fundamental to any concerted attack on the problems of the elderly in our society. But it cannot succeed entirely without a complementary "services strategy" designed to reach this vulnerable segment of our population with the kinds of assistance which a basic level of income cannot assure.

Indeed the necessity for this other approach—the one represented by the bill today—has been recognized by President Nixon in the very substantial increases in his requests for funding for the Older Americans Act and related programs over the past 5 fiscal years—from a level of $27.5 million in fiscal 1970 to $257 million in the current fiscal year. It is also recognized in the administration proposal for improving State and local delivery systems for services under this act. That proposal is embodied in H.R. 71.

But the committee bill—which was worked out on a bipartisan basis and reported with overwhelming support on both sides of the aisle—goes further than the administration proposal. It incorporates administrative provisions and new program authorizations which represent the views of those of us who worked on this legislation. These views were not formed in a vacuum. They were shaped in extensive hearings held both here in Washington and in other areas of the Nation. They reflect many of the concerns and recommendations of the White House Conference on Aging. They represent many constructive suggestions of organizations of senior citizens. Finally, at least in my own case, this assessment of needs was based upon close and systematc consultation with older people in my own congressional district and elsewhere in the State of Idaho.

This bill, in short, represents a congressional determination of needs and priorities as they relate to older citizens. With all due respect for the views and advice of the executive branch, I have helped shape this bill in the exercise of my own constitutional responsibilities as a Member of Congress. Our responsibility is to legislate as wisely as we know how on the basis of our independent assessment of national priorities.

One of the issues we dealt with was the position of the Administration on Aging and the Commissioner on Aging within the structure of the Department of Health, Education, and Welfare. This bill strengthens the position of both, making the Commissioner—who incidentally is a Presidential appointee—directly responsible to the Secretary. It makes it difficult to delegate program responsibilty away from the Administration on Aging. For a variety of reasons, including that of assuring both a high level of attention for and a close supervision of programs affecting 20 million people, we made these decisions. The Department frankly does not like the decision. But we made it after very careful consideration of the view of the Department, which simply does not coincide with the majority view on both sides of our committee.

The Department has also argued with our addition of new authorizations under this bill. But these have been added to strengthen what our committee considered to be critical factors in the delivery of services to the elderly. For example, there would be funds for local multipurpose senior centers in title V of the act as amended by this bill. We feel that such authority is desirable to assure that there is a specific place people can go both for services and for information. All too often the elderly are shuffled from agency to agency at the local level in their quest for various kinds of help. The existence of such centers, properly staffed and utilized by other agencies, would do much to alleviate this problem. The bill restricts the use of funds for construction to situations in which there is no suitable facility which can be leased, altered, or renovated to serve this purpose. Moreover, 25 percent of the funds most come from non-Federal sources, so there will be a substantial local investment in these centers.

At the national level, we have sought to encourage research and demonstration projects in the social and economic problems associated with aging. This is an appropriate and effective activity for the Federal Government, and one which in most cases must be pursued on a national basis. Thus, the authorization in title IV for multidisciplinary centers of gerontology—focused upon the nonmedical aspects of aging—may in the years ahead prove to be an important tool in building a better understanding of problems we must learn to solve.

I do not think the authorization levels in this bill are too high. When we look at the size of the population to be served and at the special needs we are addressing, the authorizations appear reasonable. Moreover, on a purely practical level, the rapid increase in funding for these programs—increases in most cases requested by the President—would seem to argue that we should set authorization levels high enough to permit such continued expansion as the President and the Congress may think desirable. I would rather have a ceiling higher than needed than one lower than required for comfort. The authorizations in this bill are not an invitation to reckless spending, but opportunities for well-planned investments.

We have eliminated the worst aspect of the bill vetoed last year—a manpower training provisions which had no place in this legislation. We have slashed authorizations from the levels contained in the vetoed bill. Having made these responses to the criticisms of the executive branch, we have proceeded to work our will on this legislation.

I urge enactment of H.R. 71 as reported by our committee.

Mrs. HECKLER of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. HANSEN of Idaho. I yield to the gentlewoman from Massachusetts.

Mrs. HECKLER of Massachusetts. Mr. Chairman, I would like to lend my support to H.R. 71, particularly to title IX of H.R. 71. This is the only measure on hand that addresses itself to the social problems of the elderly—as opposed to medical programs such as medicaid and medicare, and economic programs of long standing such as social security.

We do not live by medicine along—no more than we live by bread alone. We rely on each other for so much more.

When we care about each other, then we deserve to be called a society. And a society without a shared and cherished vision of what might be—is a desolate society. One lacking in vitality and cohesiveness. H.R. 71 provides a viable method of keeping our senior citizens within the mainstream of life. This bill allows those we revere and respect to stand proudly in the communities they helped to build.

Our senior citizens often find that they must live alone and stand alone—because of the mobile nature of America today. Sons and daughters who might otherwise be providing the companionship of family life often live thousands of miles away. Lifelong friends pass on, move away, or reach that point when they need continuing professional care. Being old all too often means to be lonely.

H.R. 71 responds to the needs of the lonely; it helps answer the requirements of those who would like to live out their lives in a society—not just in a small room or apartment on a tea-and-toast diet.

H.R. 71, however, goes a step beyond the creation of diversions for those who have little or nothing to do. This bill enables senior citizens to provide real service to the community; the benefits are significant; it is a bill that deserves our full support.

Let me give one example of how successful such a program can be:

In Fall River, Mass., under the sponsorship of Citizens for Citizens, we have a Senior Aides program which employs a number of senior citizens in community service programs. These individuals work in my district. They are active at our famed Marine Museum—an asset to the city, but one which is chronically plagued with insufficient funds. The Senior Aides also visit lonely and handicapped shutins among Fall River's 24,600 elderly. They are helping each other as they help themselves. They are a valuable asset.

The Senior Aides greatly help out in our day care programs so that each child can receive personal attention and guidance.

The work performance and reliability of these individuals should encourage us to support this legislation.

Mr. QUIE. Mr. Chairman, I yield 3 minutes to the gentleman from New York (Mr. PEYSER).

Mr. SARASIN. Mr. Chairman, will the gentleman yield?

Mr. PEYSER. I am glad to yield to the gentleman from Connecticut.

Mr. SARASIN. Mr. Chairman, I would I would like to say a few words in support of title IX; the Older American Community Service Employment Act in reference to a project in my district.

Waterbury, Conn., is grateful to have a program called Senior Aides which is administered by the Waterbury Area Retired Workers Council. Individuals 55 and older and at poverty-level income serve Waterbury in community service agencies. Their rapport with children in day-care programs and with the elderly in senior drop-in centers has proven their worth for improving the conditions in the community.

This community has used the Senior Aides to reach out to the shut-in and handicapped elderly. The Aides give many of these people a spark to live and a concern for their health and welfare.

The need for title IX of the Older Americans Act has been demonstrated in Waterbury and I hope it will get a chance to be demonstrated in my colleagues' communities.

Mr. PEYSER. Mr. Chairman, I am glad to take over at this time as a pinch hitter temporarily for the gentleman from Illinois (Mr. MICHEL), even though my remarks may not coincide with those of the gentleman from Illinois.

I do rise in support of this legislation. I think that this bill for the elderly is more responsive to the needs of the elderly than any piece of legislation that has come before this Congress. We tend often to use the term "elderly." This makes it a very abstract type of word and we forget that we are talking about real people who have real needs. Hopefully, through this bill we can answer some of those needs.

Believe me, after being out in the field and talking with the elderly, meeting in hearings which we have held over the last several years, I understand that no matter what type of legislation we enact, we are not going to answer all of the needs of the elderly, but at least this will make a major contribution to answering some of the needs which we should have answered a long time ago.

One thing we cannot legislate, of course, is a cure for loneliness. But, there is a small part of this bill which in one way speaks to the problem. That is in title II of the bill where we speak of encouraging the action of young people of high school age and college age to get involved in volunteer programs with the elderly. Since this legislation was originally issued a year ago and was passed by this House, we have had the opportunity in New York City of putting to work this idea of getting volunteer people in the high schools and colleges to start working with the elderly. The results have been most gratifying, and it has proved to be a great education for young people and a great gift for the older people to have this kind of exposure.

I am most hopeful that when this bill is passed this small section of the bill, which involves no money, will be highlighted by the Director and will get the attention which it deserves in bringing young people in contact with our older people, because this can really answer a lot of the problems.

I trust this bill will be passed by a large majority.

Mr. BRADEMAS. Mr. Chairman, I yield 5 minutes to the gentlewoman from Hawaii (Mrs. MINK).

Mrs. MINK. Mr. Chairman, I should like to take this opportunity to commend the chairman of our Select Subcommittee for his conscientious efforts not only in this session, in bringing the legislation to the floor expeditiously, but also for his efforts in the last Congress, when we worked on this bill and unfortunately the bill did not become law.

Mr. Chairman, I rise in support of H.R. 71, the Comprehensive Older Americans Services Amendments of 1973.

Adoption of this legislation is essential if we are to fulfill our obligation to provide needed assistance to millions of elderly people in this country. The purpose of H.R. 71 is to extend and amend the Older Americans Act and amend other legislation which provides services and programs for the elderly.

Congress enacted the Older Americans Act in 1965, and revised it in 1967 and 1969. In 1972, Congress passed H.R. 15657 to achieve the same goals now sought by H.R. 71. The vote in the House was 351 to 3. Nevertheless, H.R. 15657 was pocket vetoed by President Nixon on October 30, 1972. The President stressed his opposition to the level of authorization, certain categorical programs, and the manpower training programs in the bill.

The House Committee on Education and Labor has sought to take account of the President's objectives, and I believe we have gone more than halfway in H.R. 71. The bill, a reported by a vote of 33 to 1, reduces the authorization level from $2 billion, over a 3-year period, in the vetoed bill, to $1.4 billion. In addition, the committee eliminated title X, Middle-Aged and Older Workers Training Act, and consolidated the Transportation study and demonstration project into the provision of the bill relating to the Federal Council on Aging and Model Projects.

Overall, the bill authorizes the expenditure of $277.45 million in fiscal year 1973, as compared with an administration request of $275 million. For fiscal year 1974, the administration proposed to reduce its assistance for the elderly to $244 million, while H.R. 71 would authorize $471.3 million. It would be tragic to follow the administration proposal and cut funding from $257 to $244 million at a time when the number of aged is increasing and their needs are escalating.

H.R. 71 strengthens the Administration on Aging within HEW, increases aid to the States, authorizes special programs in housing, transportation, and preretirement training, and establishes research centers on aging and community senior citizen centers. One worthy provision amends the Adult Education Act to aid in the education of elderly persons whose ability to speak and read the English language is limited and who live in an area with a culture different from their own.

Another major provision of the bill is the additional authorization of $7 million for the current fiscal year, and a similar amount for fiscal year 1974, for the senior opportunities and services program. This program has had significant success in Hawaii as well as many other States. Unfortunately, the administration's proposed budget apparently contemplates phasing out this valuable program which functions under the Office of Economic Opportunity.

Senior opportunities and services has been one of the most successful OEO programs, generating 40 cents in local resources for every Federal dollar spent. This is the largest non-Federal share of any OEO program, and it seems to me that this reflects great acceptance of SOS by local officials. If our intent is to favor programs supported by the localities, certainly we must expand and strengthen SOS. H.R. 71 would provide strong reaffirmation of congressional intent that this program be continued as presently constituted. We would add sufficient additional authorization to make possible an increase in the number of SOS projects from 264 to 495 this fiscal year, and to 825 by fiscal year 1974.

It should be emphasized that in enacting this legislation we are building on programs that have convincingly proved their worth. Such activities as the foster grandparents program, retired senior volunteer program, and nutrition program for the elderly have fulfilled a vital role in expanding the opportunities and services for millions of those who are aged and needy.

The bill authorizes an increase over the budget proposal of only some $20 million for the current fiscal year. At a time when the President asks an increase of $5.6 billion for Pentagon spending, even with the Vietnam war supposedly ending, it seems to me we can provide this small advance for the older citizens of our country.

I urge the adoption of H.R. 71.

Mr. QUIE. Mr. Chairman, I yield myself 5 minutes.

Mr. Chairman, I support H.R. 71, the legislation which has been worked out by our committee over the past 2 years. Yet I think there are controversial aspects in this bill which deserves a full discussion in Congress.

One indisputable fact is that President Nixon has dramatically increased budget proposals for service programs for older Americans which are included in this legislation. In 1970 we expended $27.5 million on all of the programs—including nutrition projects—covered by H.R. 71. In each of the years 1973 and 1974, President Nixon budgeted over nine times this amount for the same programs. This is a performance which deserves high praise, and it must not be lost sight of in the course of this debate. The President has been highly supportive of the programs authorized under the Older Americans Act of 1965.

Nevertheless, he felt compelled to veto H.R. 15657, the Comprehensive Older Americans Service Amendments of 1972. The President in his veto message cited the very high level of authorizations for these programs over a 3-year period and the addition of two categorical manpower programs which were not in the House-passed bill. The most objectionable of these was title X of the vetoed bill, manpower training for middle-aged or older Americans. It was objectionable, because it duplicated existing authority and further complicated the administration of manpower programs with yet another narrow, categorical authority.

The bill before us eliminates title X and reduces the total 3-year authorizations more than $600 million below that of the vetoed bill.

The bill, however, still has a total 1974 authorization far above the $249 million level in the President's budget. The bill contains an authorization for 1974 of $470.3 million, to which must be added the $150 million authorized for the nutrition program—title VII of the Older Americans Act—which is not affected by this bill. That means that with the enactment of this bill the total 1974 authorization for programs included in the President's budget would exceed $620 million.

Although I support this bill, this is a matter of concern to me and I know that the level of authorizations is a matter of concern to the House.

But I think this issue needs to be put in perspective. When the President initially presented his budget for fiscal 1973 he asked for $157 million for these programs, more than double the expenditures in 1972. Subsequently, the Congress enacted Public Law 92-258 which authorized $100 million in fiscal 1973 and $150 million in 1974 for nutrition programs for the elderly—thus going far above the President's initial 1973 budget for programs under the Older Americans Act.

This could have been called a budget busting authorization. But after studying the recommendations of the White House Conference on Aging, and after reviewing such successful pilot programs as Meals on Wheels the President revised his 1973 budget and asked for the entire $100 million for nutrition for the elderly, bringing his total revised request for these programs for 1973 to $257 million.

In the absence of the $100 million authorization for nutrition the President would have been unable to make this dramatic increase in his budget for these programs.

I am not saying that the same thing will happen this year or next, but only that the authorizations agreed upon in this bill provide flexibility for the budgetary and appropriations process to work within them. Choices will be made. Some appropriations may come close to certain authorization ceilings; other authorizations may not be funded at all.

This bill was worked out cooperatively on a bipartisan basis in both the subcommittee and full committee and represents the kind of compromise which always occurs in these situations. Those of us who support the bill feel that we have worked out an effective means of strengthening the Administration on Aging and more importantly, for getting more and better coordinated services to elderly citizens who need them. The bill incorporates the administration's recommendations for improving planning and the delivery of services at the State and local level. It also incorporates many recommendations of the 1971 White House Conference on Aging, and the findings of extensive and well-conducted hearings held last year by the Select Subcommittee on Education.

With the exception of title IX, which authorizes a community service employment program for older Americans—this bill is virtually identical to the bill which passed the House last July 17 under a suspension of the rules by a vote of 351 to 3. Actually, many of the authorizations in this bill are lower than in the bill we approved last year. Were it not for the authorizations for title IX in this bill the total would be lower than the total we approved last year.

Accordingly Mr. Chairman, I urge my colleagues to support H.R. 71 as reported by our committee and include the following statistics for the information of the Members:

BUDGET AND APPROPRIATIONS HISTORY OF OLDER AMERICANS ACT AND RELATED PROGRAMS 1970-74

Program	Actual, 1970	Actual, 1971	Actual, 1972	Revised budget estimate, 1973	Budget estimate, 1974
Title III: (State and area programs and planning)	[1]13.0	[1]15.2	[1]44.7	100.0	100.0
Title IV: Research	3.1	2.8	9.0	9.0	9.0
Title V: Training	2.6	3.0	8.0	8.0	0
Title VI:					
RSVP	0	.5	15.0	15.0	15.0
Foster Grandparents	8.8	16.5	25.0	25.0	25.0
Title VII: Nutrition				100.0	100.0
Total	27.5	38.0	101.7	257.0	249.0

[1] Includes nutrition projects such as "Meals on Wheels".

Mr. WHALEN. Mr. Chairman, will the gentleman yield?

Mr. QUIE. I yield to the gentleman from Ohio (Mr. WHALEN).

Mr. WHALEN. Mr. Chairman, the bill before us today is indeed important. It offers us another opportunity to help make the United States a better place to live and work for our older citizens. Mr. Chairman, I am particularly pleased that the committee has retained title IX which has provided assistance to many of my constituents. In my district, senior citizens are employed under an operation mainstream program locally sponsored by the Senior Citizens' Center of the Greater Dayton Area. Under this program, some of the older workers are trained homemaker aides who go into private homes and help other older people who are unable to provide completely for themselves. These aides cook a nutritious hot meal, help wash hair, do grocery shopping, or pick up a prescription, and give companionship. If these aides were not there to lend this hand, many individuals would have to be placed in nursing homes which would be far more costly. Further, this arrangement enables a person to stay in his own home which is the environment medical professionals and senior citizens prefer the most.

Mr. Chairman, I believe that we must continue to provide this and other opportunities to older people so that they may share their talents and experiences with our local communities. Therefore, I urge approval of the committee's bill.

Mr. WYLIE. Will the gentleman yield for a question?

Mr. QUIE. I yield myself 1 additional minute, and I yield to the gentleman.

Mr. WYLIE. I thank the gentleman for yielding.

The title III funding formula bothers me a little. Does not title III funding formula or program rather restrict the States in how this money can be spent?

As I read it, it says that if the States are not following through on the program as outlined in title III, the Federal Government will assume the administration of a State's program? Am I correct about that? Or is that an unfair statement?

Mr. QUIE. If the chairman of the subcommittee wants to make a comment on it, I will yield to him.

Mr. BRADEMAS. No. I see no evidence for the allegation that the gentleman is making. It is true the purpose of the title II program is to support project to help older persons. It would not be appropriate, therefore, for States to expend the moneys allocated for title III for other purposes.

Mr. QUIE. I thank the gentleman.

Mr. BRADEMAS. Mr. Chairman, I yield 1 minute to the gentlewoman from Texas (Miss JORDAN).

Miss JORDAN. Mr. Chairman, the Education and Labor Committee has been responsive to some of the President's objections when he vetoed this bill last year:

The bill's authorizations for expenditures have been reduced by over $600 million.

One of the bill's categorical programs has been eliminated in response to the administration's complaint about proliferation of categorical programs.

The rest of the administration's objections to this legislation have been considered and rejected by the committee, and I think rightly so. Further reducing the authorizations, or providing for declining matching shares from the Federal Government, or limiting the number of years in which Federal assistance can be provided to any project would diminish Federal support for social services programs for the elderly too much.

The committee is proposing a workable scheme for delivering vital supporting services in the fields of nutrition, transportation, employment, recreation, and health. It recognizes these kinds of services as a continuing responsibility of the Federal Government. These are vital services which flesh out the income support provided by social security and medicare programs. Without these supporting services, I shudder to think how many of our elderly citizens would survive.

There are 53,768 citizens over 62 in the 18th Congressional District which I represent. At least one-fifth of these live in abject poverty, scratching out an existence. The older they get, the poorer they are. At least one-third of those over 65 are below the low-income level.

The programs authorized by this bill give these forgotten Americans some hope that their Government will allow them to live out the remainder of their lives with minimal comfort and dignity.

Mr. BRADEMAS. Mr. Chairman, I yield 1 minute to the gentleman from Florida (Mr. LEHMAN), a member of the subcommittee.

Mr. LEHMAN. Mr. Chairman, I rise in support of the comprehensive older Americans services amendments, and urge my colleagues to lend their full support to this bill.

My particular congressional district in Miami has an unusually high percentage of retired older Americans. Many of them are energetic and dedicated people, but they are in great need of special services. This bill deals with their needs such as housing and transportation, retirement planning and continuing education.

One portion of the bill, title IX, provides for the employment of older people in our schools as teacher aides in the vocational and industrial arts. This would serve a double purpose: first, it would give our elderly the opportunity to continue to use their long-earned skills. Second, from exposure to these older citizens, the students may well acquire an understanding and appreciation of the dignity of labor, a quality of life that is rapidly disappearing.

Our older Americans are an important untapped human resource. Only now are we beginning to realize that these people should not and do not want to be shelved. We must meet their special needs, and we should provide the means whereby their special skills and knowledge can be available especially to our young Americans.

Mr. BRADEMAS. Mr. Chairman, I yield such time as he may consume to the gentleman from Illinois (Mr. PRICE).

Mr. PRICE of Illinois. Mr. Chairman, I want to commend the Committee on Education and Labor, and also the gentleman from Indiana (Mr. BRADEMAS) for their sponsorship of this legislation, and I hope that the House will give this legislation a resounding victory this afternoon.

Mr. Chairman, as a sponsor of H.R. 71, amending the 1965 Older Americans Act, I am deeply committed to enacting legislation expanding the opportunities of our senior citizens.

This measure is such a commitment to our elderly. It is a commitment that this Congress should honor. As its predecessor in the last Congress, H.R. 15657, which President Nixon vetoed, this measure represents congressional intent that our elderly have the right to remain productive citizens throughout their lifetimes.

Today, there are 20 million Americans in this country who are 65 and older; that is one of every 10 Americans. They are the fastest growing group in our population; yet over 25 percent of them live in poverty. This is sad commentary for a nation that prides herself on human dignity.

We talk of quality of life. How can we justify neglecting over 10 percent of our population? Clearly, our elderly have a right to enjoying life in the dignity and security they have earned and deserved.

This $625 million measure recognizes this right. It provides for community service employment opportunities for individuals 55 and over; the establishment of senior citizen centers and staffs; development of an information and clearinghouse system; expansion of the National Older American Volunteer program including Foster Grandparents and Retired Senior Volunteer programs; comprehensive coordinated community—based services including nutrition, model low cost transportation, housing, education and employment programs, and expanded research programs into the problems of the agency.

Of particular interest is title IX of the bill establishing an older American community service employment program. It is designed to assist individuals 55 or older who have low income and who have, or would have, difficulty in securing employment.

The Department of Labor would cover at least 90 percent of the cost and 100 percent of the costs of projects located in emergency or disaster areas or in economically depressed areas. Eligible community service activities include social, health, welfare, educational, library, recreational, conservation, maintenance, restoration of natural resources, community beautification, environmental protection, economic development, and other community services deemed essential. Senior citizens would be employed at publicly owned and operated facilities and projects or projects sponsored by charitable organizations and would be paid at least prevailing or minimum wages whichever is higher.

There is clear need for this type of program. Only 4.9 percent of the available public employment opportunities went to people aged 45 and over in 1972, yet they represent: 20 percent of the total unemployed; 27 percent of the long-term—15 weeks—unemployed; 31 percent of the very long-term—27 weeks—unemployed; and 36 percent of the civilian labor force.

In sum, Mr. Chairman, we have an obligation to see that our senior citizens remain in the mainstream of American life. These venerable Americans should not be forced to live out their lives in fear and degradation.

Mr. BRADEMAS. Mr. Chairman, I yield 1 minute to a member of the committee, the gentleman from Pennsylvania (Mr. DENT).

Mr. DENT. Mr. Chairman, I just want to say that when I was the chairman of this committee in 1965 that this original act came out of that committee, and at that time I did not think I would be standing here confessing that I probably had a conflict of interest now, since I passed the age of 65 last Saturday.

Mr. QUIE. Mr. Chairman, I yield back the balance of my time.

Mr. VANIK. Mr. Chairman, I rise in support of the passage of this bill, the Older Americans Services Amendments of 1973.

In 1972 the President informed the Nation in his state of the Union address:

> The best thing our country can give to its older citizens is the chance to be part of it, the chance to play a continuing role in the Great American Adventure.

Despite these lofty words, the administration has failed to take leadership in dealing with the grave problems that face the 20 million elderly of this country. More than this, the President has frustrated congressional efforts to alleviate the misery of our older Americans.

Last fall, the Congress passed—over the President's opposition—a 20-percent increase in social security benefits. Once the increases became law, the administration did an apparent about-face. It not only approved of the increases, but also tried to take implicit credit for them. To quote from the President's most recent state of the Union message, the segment on human resources:

> One measure of the Nation's devotion to our older citizens is the fact that the programs benefitting them—including Social Security and a wide range of other activities—now account for nearly one-fourth of the entire Federal budget. Social Security benefit-levels have been increased 51% in the past four years—the most rapid increase in history.

There is no mention here of the President's opposition last summer to the 20-percent increase in benefits voted by Congress. There is no mention here of the administration's persistent foot-dragging in aid to our elderly.

If this were not enough, the administration's latest proposals on medicare reveal just how feeble its commitment to our older Americans really is. These proposed changes would add up to nearly $1 billion in the medical expenses of medicare beneficiaries and substantially wash out last year's social security increase. The rationale advanced by the Department of Health, Education, and Welfare in support of these changes would provide "a cost awareness on the part of the medical care consumer."

If there is any segment of our population which does not need an additional cost awareness it is our older citizens who must get by on a fixed income, while the cost of living accelerates out of sight.

Now the administration has another opportunity to show good faith in its dealings with older Americans. The Comprehensive Older Americans Services Amendments of 1973 represents an extensive effort to consolidate and strengthen Federal programs for the elderly.

The President had an opportunity to approve substantially the same piece of legislation last year. He did not. The bill before us attempts to come to grips with his objections. The general level of funding was cut from $2 to $1.4 billion—a reduction of 30 percent.

More specifically, H.R. 71 makes important improvements in the vital areas of organization and funding in order to provide Federal assistance directly to the most critical needs of our elderly.

First, the bill takes the Commissioner on Aging out of a closet at HEW and places him in a direct line of authority and responsibility to the Secretary. At the same time the lines of authority of the Administration on Aging are significantly broadened. Further, there is established under H.R. 71 a Council on Aging which will provide advice directly to the President.

Second, this bill authorizes the expenditure of $1.4 billion over a 3-year period to fund an entire range of research and direct AID programs. The essential thrust of this effort will be to promote the personal and economic independence of the elderly.

The President was correct in stating that our older citizens have a real contribution to make to the health and well-being of our Nation. But they must be given the opportunity to contribute. Years of governmental neglect have erected formidable barriers around the older citizens of this country. They have become—quite unnecessarily—the isolated and forgotten of our population.

The barriers which presently eliminate our elderly from the mainstream of American life can and must be ripped apart. There is no more time for hollow rhetoric. There is no more time for idle promises. There is only time to meet these problems directly, forcefully, and meaningfully through the enactment of the Comprehensive Older Americans Services Amendments of 1973.

Mr. Chairman, H.R. 71 is another in a string of bills which the Congress is in the process of repassing after a series of Presidential vetoes of important social programs last fall. Most of the controversy surrounding the passage of these bills deals with the cost of the programs involved. In repassing this bill, for example, the authorization level has been cut by some $600 million or 30 percent.

I am deeply concerned about the way in which we are going about the process of providing appropriations for the Federal Government and our failure to coordinate authorization levels with future appropriation requirements.

I do not want to be misunderstood, Mr. Speaker. I am very much in favor of the bill before us, the Older Americans Services Amendments. I am also in favor of another important social program which we are considering today—the Vocational Rehabilitation Amendments.

But I can also understand the concern of the administration at the failure of the Congress to come up with some form of overall budget. In both its authorization bills and its appropriation bills, the Congress has no clear total goal, objective, or program in mind.

I fear that this Congress will be faced with the problem of dozens of vetoes, dozens of repassed bills, a great deal of partisanship and needless debate—unless we can develop some form of budget development, review, and control system of our own.

Because the bill we are dealing with today is before us basically because of the budget and expenditure controversy, I would like to speak at some length on how that budget problem can be dealt with so the type of controversy we face today can be avoided in the future—and so that the Congress can develop a budget which better serves the needs of the American people.

When the administration's budget for fiscal year 1974 was released to the public on January 29 of this year, I made a preliminary analysis of the general tone and direction of this all-important Government document.

After an initial examination, I stated:

> I am sadly disappointed in the direction, the emphasis, and the priorities of this budget. With only limited funds available to meet so many problems, billions are being directed in unneeded, obsolete, and useless programs.

It was obvious that the administration's new budget was a "budget of subsidies for special interests;" it was a "bureaucrat's budget," insuring the employment of high-ranking Government officials, while cutting services to those who need them most. It was a budget which continued unprecedented military expenditures, despite the end to the war in Southeast Asia. It was a budget which failed to recognize new problems—such as the energy crisis. Finally, it was a budget that was extremely difficult to read: a flim-flam operation in which budget cuts and the elimination of programs were hidden, while the public was told that they were being included in "new" revenue sharing proposals.

After nearly a month of carefully examining the administration's 1,100-page budget appendix, I am more firmly convinced than ever that my comments of January 29 were accurate—and that this budget is a disaster for the American people.

It is imperative that the Congress carefully review the priorities established by this budget and that the Congress amend it to more accurately and fully reflect the needs and priorities of this Nation. In an effort to increase the public and congressional debate on the programs funded by the administration's budget as well as the direction in which we want our Nation to move. I would like to present my own budget for fiscal year 1974.

It is, of course, impossible to build a complete budget for the Federal Government in a few weeks. After all, this is a task which occupies several thousand bureaucrats for up to 2 years before the budget is formally announced to the public. Therefore, I am presenting a counterbudget: A budget built on the basic administration budget but with the elimination or cutback of certain programs and increases in other programs.

SUPPORT FOR $269 BILLION EXPENDITURE CEILING—OR LESS

I firmly believe that it is important for the economy that the deficit be minimized and that Federal expenditures be held within or even below the $269 billion advocated by the President. The deficit might be reduced even further by long-needed revenue-raising tax reform—a step which the administration seems to oppose. At the present time there is a raging battle between the Congress and the President over the question of expenditures and the impounding of funds which the Congress has appropriated. I disagree with many of the President's impoundment decisions—but it is my feeling that neither side is all right or all wrong in this debate. Frankly, I do not feel that we in the Congress can require the President to spend all of the money which we appropriate until such time as we in Congress establish a program of budget controls for ourselves. Before we make excessive criticisms of the President, we should put our own House in order—so that in the end the general welfare of all the American people can be better served.

CONGRESSIONAL BUDGET REFORM

The movement for reform of the Congressional budget process must involve three key elements: time, organization, and improved technology.

To grapple adequately with the vast complexity of the Federal budget, the Congress must first of all have time. The present 6 months of deliberation is woefully inadequate. By shifting the budgetary process from a fiscal to a calendar year, Congress would increase the "lead time" within which Congress can study, debate, and act upon each of the hundreds of segments of the budget.

A second essential factor of change is organization. There have been recent suggestions within the Congress to establish a type of "superbudget" committee.

This committee could be composed of members of the Tax and Appropriations Committees of each House, either meeting separately in each Chamber or in a joint session. This committee would offer the Congress a comprehensive analysis of the President's budget proposals and would be able to examine the state of the economy so that an overall budget ceiling would be set. Then within this expenditure ceiling general levels of spending—levels which could not be exceeded—could be set for the various areas of Government concern: health, defense, housing, and so forth. In this way, the constitutional duty of the Congress to make appropriations and establish priorities would be restored; no longer would the President alone declare a spending ceiling and then proceed to impound funds and eliminate whole programs. If the Congress will do its duty and establish its own budget for the year, then this issue of impoundments and expenditure ceilings—the issue which is creating so much of the present controversy and debate—would be removed.

In addition, an adequately staffed Budget Committee, equipped with necessary computers, would not only be able to take a closer look at the success or failure of various programs, but it would also have the ability to work with the administration in developing the direction and trend of future budgets. This would enable the Congress to return to its constitutional role of determining the Nation's long-term priorities.

The task before the Congress in this period of constitutional crisis and debate will not be an easy one. Reform of the Congress will take time. I, for one, do not believe that the fight should be carried on with rhetoric or strictly on party lines; in this debate neither the Executive nor the Congress should consider all its positions correct and the stands of the other branch of Government all wrong. During this period of debate, our foremost consideration must be the progress and welfare of the country.

In early February there was a vote in the House of Representatives instructing the President to spend nearly $260 million in funds for a program called Rural Environmental Assistance—REAP. This was not an environmental program—it is estimated that at least half of the funds in the program are spent on such anti-environmental items as pesticides and stream channelization. Nevertheless, a majority of the House voted to require the President to spend these funds, feeling that the President was infringing on the constitutional prerogatives of the Congress in impounding these funds. My vote was cast against the majority and to permit the President to withhold these funds. I simply do not believe that until the Congress establishes an efficient budget system to guide itself in making appropriations, we should force the President to make inflationary expenditures on wasteful and low priority programs. I am against impoundment and executive discretion in these areas. But until the Congress provides reforms to make such action by the President unnecessary, then—for the sake of the American people—we cannot insist that these low priority programs be continued.

EXAMINING THE BUDGET

The Federal budget is an extremely difficult document to use. One rapidly gets the idea that it is made difficult to read on purpose—so that the reader cannot readily tell how much a program is cut or increased.

During 18 years of service in the Congress, I have seen a number of budgets, but I believe that this is the most deceptive and confusing one which has been presented to the Congress.

The several budget analyses, which are fairly short, 300-page-long, easily readable summaries, do not tell the reader how specific programs are affected by the proposed budget. The reader must turn to the 1,119-page appendix to the budget. There, each Government program is described and analyzed—but the process is still not easy. Part 1 of the appendix provides detailed explanations of direct expenditure programs. Part 2 lists changes in employment by agency. Part 3 provides the administration's supplemental requests and amendments for the remaining 5 months of the current fiscal year. Part 4 deals with a wide range of Federal agencies which are not included in the Federal budget for a variety of reasons, but which do have a tremendous effect on the economy—agencies such as the Export-Import Bank and the various home loan bank boards.

As I have pointed out at several points in the tables comprising the counterbudget, there is great potential for confusion and misrepresentation in the budget. For example, in comparing expenditures between fiscal year 1973 and 1974, the administration may say that there is an increase in the budget. But later one finds in the back of the budget, in part 3, that the administration has requested an amendment to the fiscal year 1973 program—an amendment cutting the program in half. When one compares the original fiscal year 1973 budget request with the request for fiscal year 1974, one then realizes that the appropriation request is not increased at all—actually it has decreased from the original fiscal year 1973 request—the request probably already approved by the Congress.

There is another great opportunity in this budget for creating confusion and deception: Reorganization. A number of Federal agencies are being terminated, reorganized, or transferred. In reading about these agencies in the budget, one will find a notation that the function of the agency is being transferred to another agency—but when one turns to the detailed explanation of that other agency, one finds no mention of the transfer. In fact, one often finds that this agency too has had its budget slashed.

Finally, confusion and deception are created by the frequent reference to old and new revenue sharing programs. For example, the reader is told that the various categorical grant manpower training programs are being consolidated and the money will be distributed to the States under a new revenue sharing program. This sounds like an improvement—until the reader adds up the budget for the various grant programs. Then one realizes that the revenue sharing budget for manpower training and employment is actually being cut by over a billion dollars.

Not only may the promise of the new revenue sharing plans turn to dust in the hands of the Governors and mayors of the Nation, because of cutbacks in the total level of funding for each category—but the general revenue sharing program enacted last year to provide new money has already proven to be a crushing disappointment to those large-city mayors who needed its assistance the most. The depth of this disappointment can be seen by the testimony which a number of these mayors recently gave to a Senate committee. As Mayor Roman Gribbs of Detroit testified:

> If the President terminates, and phases out many of the categorical federal programs which provide the cities with assistance in the vital areas of health and community Redevelopment, and says it is to be replaced with General Revenue Sharing, what will be the City's gain? All the *extra*, let me repeat, *extra*, financial support we expected from General Revenue Sharing, will be wiped out if these funds must be substituted for lost programs. The use of this substitution logic is completely contrary to the expressed intent of General Revenue Sharing . . . and a personal commitment the President made to us.

Truly, this is a budget of sham and mirages.

VANIK COUNTERBUDGET

These, then, are my basic assumptions in developing a counterbudget:

First, that the expenditure ceiling should be held to $269 billion and can be even further reduced to cut the deficit and reduce inflation;

Second, that each program expenditure must be examined on its merits; that there are no "sacred cows" in the budget; and,

Third, that impoundment is not the real constitutional issue: The real constitutional issue is the ability of the Congress to reform itself so that it can develop an effective and rational control over Federal spending as was intended by the Constitution.

In examining the President's budget, I made cuts of $12.84 billion in programs which I consider to be low priority. In all too many areas, this is not a lean budget; it is a fat budget. I felt it absolutely necessary to add some $5.51 billion to restore or initiate vitally needed programs. Thus, with little trouble at all, I was able to cut the budget by some $7.3 billion, leaving this money to be used for reducing the deficit, for emergencies, or to provide additional support to those programs most in need.

Following is a list of the major cuts and major additions which I would make to the budget.

Major increases and new programs	Cost (in millions)	Request after "counter-budget" adjustment
Foreign Aid, Military and Civilian	2,600	2,055
Department of Agriculture (crop subsidy, sugar subsidy programs, etc.)	2,209	8,291
Department of Commerce, ship subsidies, Maritime Administration	200	343
Department of Defense, reduction of bases, troops overseas, elimination of certain unnecessary weapons systems	5,831	77,649
Department of Interior, elimination of new irrigation projects, Bureau of Reclamation	203	135
Department of Transportation, delay of new airport capital construction, FAA trust funds	350	533
CAB subsidies to airlines	66	0

Major cutbacks and elimination of programs	Amount saved (in millions)	Request after "counter budget" adjustment
Department of Agriculture, increased food programs for low-income children, Food and Nutrition Service	100	
Corps of Engineers, protection works on Great Lakes	100	
HEW, restoration of education, health, and medicare programs	1,524	75,001
HUD, increase in block grants to cities for solving urban problems	1,000	4,712
Labor, restoration of manpower training programs	502	9,453
NASA, shift from outer space research to energy and pollution control research of $1 billion, net change, zero		
Small Business Administration, disaster loans	200	451
EPA, waste treatment construction and research	1,050	1,638

With the additional $7.3 billion left over from this counterbudget, a number of things could be done. The deficit, which the administration estimates will be $12.7 billion in fiscal year 1974, could be considerably reduced. But it also appears that the administration plans to take new action against a wide range of social programs. Some of this surplus must be held ready to block these further cuts. Moneys should be available to insure that Vietnam era GI benefits are not cut—a move which the administration is apparently beginning to consider. This will demand the commitment of as much as $100 million. Last year, the Congress set a ceiling on the amount of money which could be spent for social services—assistance in drug rehabilitation and for the retarded. Through new regulations issued in the last several weeks, the administration appears to be trying to reduce these services from $2.5 billion to $1.8 billion. Certainly the counterbudget should provide for the continuation of these vital social services at the previous level, thus entailing an expenditure of $700 million. Additional money should be available for education assistance, both for elementary and secondary schools and for assistance to college students. An additional billion dollars could be wisely committed to these programs. Further funds for water pollution construction grants, mass transit and for energy research should be available, dependent on the ability to use them wisely. Property tax relief for those on fixed, low incomes might be possible with some of these remaining funds.

It is obvious that no two Members of Congress would agree on every item in the budget. This is simply my view of how changes could and should be made in this budget. Even these dollar levels of cuts and increases will vary throughout the year as the Nation's needs and the state of the economy become clearer. You may be sure that I will give my every effort in the 93d Congress to work for these goals—for a Federal budget which seeks to serve those who most need its service—for a Government of compassion, a Government for the people.

Mr. Chairman, so that other Members may have some idea of the type of adjustment which we should be considering if we are to bring some order out of the chaos of the present budget debate, I would like to include in the RECORD at this point my own "counterbudget" which seeks to support programs—such as H.R. 71—within the overall expenditure ceiling.

The "counterbudget" follows:

AGENCY TOTAL AND SELECTED LINE ITEMS: COUNTERBUDGET COMMENTS AND AMENDMENTS

[Amounts in thousands]

	1972 enacted	1973 estimate	1974 estimate	Proposed savings	Comments and amendments	Proposed additions
LEGISLATIVE BRANCH						
House of Representatives:						
Total Federal funds House of Representatives:						
Budget authority	136,769	142,268	145,294		The Congress continues to provide itself with certain luxuries of office, yet has failed to develop an effective system of budget review and control.	
Outlays	128,830	135,148	138,123			
Furniture:						
Budget authority	587	1,040	733		Budget review	733
Outlays	460			733		
Government Printing Office:						
Total Federal funds Government Printing Office:						
Budget authority	56,330	75,947	107,621		In general, construction of new Federal buildings should be delayed in a year when housing for elderly, handicapped, and low-income persons has been suspended.	
Outlays	71,876	67,741	90,920			
Acquisition of site and general plans and designs for buildings:						
Budget authority			7,800			
Outlays			7,800	7,800		
EXECUTIVE OFFICE OF THE PRESIDENT						
Office of Science and Technology:						
General and special funds: Salaries and expenses:						
Budget authority	2,300	2,100			This, combined with other science research reductions, indicates administration's failure to recognize and deal with environmental and energy problems. (See NASA budget.)	
Outlays	1,829	2,052	300			
Disaster relief:						
General and special funds: Disaster relief:						
Budget authority	85,000	492,444 100,000	100,000		This, combined with reduction in Small Business Administration disaster assistance, fails to recognize and anticipate flooding problem in Great Lakes Basin. (See Small Business Administration.)	
Outlays	92,169	320,000 5,000	200,000 50,000			

	1972 enacted	1973 estimate	1974 estimate	Proposed savings	Comments and amendments	Proposed additions
Foreign Assistance:						
Federal funds:						
Budget authority	3,888,698	2,952,827	4,056,000		In a year of severe domestic austerity, foreign assistance should be held at or below levels of previous years. In addition, level of military assistance to military dictatorships should be re-examined.	-----------
Outlay	2,798,774	2,575,020	3,000,395			
Trust funds						
Budget authority	2,096,763	1,063,695	599,292			
Outlay	86,874	−158,950	9,292			
Total foreign assistance:						
Budget authority	5,985,461	4,016,522	4,655,292			
Outlay	2,885,648	2,416,070	3,009,687	2,600,000		
DEPARTMENT OF AGRICULTURE						
Departmental Management:						
Rural development grants and technical assistance:						
Budget authority			20,000		In a year when urban programs have been cancelled, new rural industrial development should be delayed.	-----------
Outlay			9,000	20,000		
International Programs:						
Foreign Assistance and Special Export Programs:						
Total Federal funds foreign assistance and special export programs:						
Budget authority	1,320,400	895,000	653,638		In a year of continuing high wheat prices and world demand, some of the remaining export subsidies in these programs could be struck. Our agricultural exports should be based on free market conditions unsupported by subsidy.	-----------
Outlay	1,320,400	895,000	653,638	300,000		
Agricultural Stabilization and Conservation:						
Sugar Act program:						
Budget authority	86,000	84,500	89,500		This subsidy program, which raises the price of sugar to American consumers by as much as 3 cents per pound, must be eliminated.	-----------
Outlay	86,133	87,700	92,500	89,500		
Corporations:						
Commodity Credit Corporation:						
Total Federal funds price support and related activities:						
Budget authority	4,530,640	3,267,575	3,457,409		Price support legislation must be amended this spring, limiting subsidies to $10,000 per farm rather than $55,000, and further tightening regulations of this program. Free agricultural marketing should reduce need for Government support.	-----------
Outlay	3,983,371	3,404,153	2,710,386	1,500,000		
Farmers Home Administration:						
Total Federal Funds Farmers Home Administration:						
Budget authority	665,629	599,834	791,780	-----------	At a time when the needs of urban housing are being denied, there can be little support for increases of this magnitude in rural housing development—Support which is also harmful to the urban sector. Price supports for agri-business are allowed to increase needlessly through expansion of the Commodity Credit Corporation. At the same time direct subsidies to the truly needed—our children and poor—are sacrificed. In particular, the budget fails to provide adequate pre-school and summer feeding for hungry children.	-----------
Outlays	429,421	−431,437	312,895	300,000		
Food and Nutrition Service:						
Total Federal funds Food and Nutrition Service:						
Budget authority	2,984,924	3,183,231	2,975,993	-----------	Low-income child feeding	100,000
Outlays	2,624,912	2,891,012	2,982,978	-----------		
DEPARTMENT OF COMMERCE						
Minority Business Enterprise:						
General and special funds:						
Minority business development:						
Budget authority	43,597	63,921	74,531	-----------	The Administration claims to have transferred the funds for community economic development from OEO to Commerce's OMBE. Yet the OEO budget of $30,000,000 in fiscal year 1973 for economic development appears as a $10,000,000 increase in OMBE's budget—a cut in commitment to small business of $20,000,000.	-----------
Outlays	8,304	42,890	65,800	-----------		-----------
Maritime Administration:						
General and special funds:						
Ship construction:						
Budget authority	229,687	455,000	275,000	-----------	Most of this construction money will be for tankers—subsidies for existing energy producers. This subsidy money, which is intended to ease the energy crisis, is misdirected.	-----------
Outlays	143,252	182,000	213,000	200,000		-----------
DEPARTMENT OF DEFENSE—MILITARY						
Military Personnel:						
Total Federal funds military personnel:						
Budget authority	22,964,100	23,139,035	22,648,600	-----------	While military force levels are declining, command structures could still be simplified. Secretary Laird indicated last year that more efficient use of bases could save $1,000,000,000 per year. With lessening of tensions in Korea, infantry divisions could be brought home. United States should take initiative in force reduction talks in Europe by reducing number of units in Europe. At least $26,000 is saved for each soldier returned home.	-----------
Outlays	23,035,791	23,085,000	22,500,000	2,000,000		-----------
Operation and Maintenance:						
Total Federal funds operation and maintenance:						
Budget authority	20,792,244	21,382,396	22,405,423	-----------	-----------	-----------
Outlays	21,674,910	21,540,000	21,662,000	-----------	-----------	-----------
Procurement:						
Aircraft procurement, Navy:						
Budget authority			2,958,300		Procurement expenditures can be reduced by more careful contract methods and the termination of obsolete or unnecessary new weapons programs. These would include, as examples, fantastic cost overruns in the expensive F–14, F–15 jet fighter programs, termination of further aircraft carrier construction, and delay or reduction of the $1.7 billion in this budget for the Trident submarine missile system.	-----------
Outlays			436,000			
Weapons procurement, Navy:						
Budget authority			942,000			
Outlays			132,000			
Shipbuilding and conversion, Navy:						
Budget authority	3,005,200	2,970,600	3,901,800			
Outlays	1,977,649	2,022,000	2,418,000			
Other procurement, Navy:						
Budget authority	1,641,603	2,310,900	1,393,800			
Outlays	1,839,309	1,585,000	1,787,000			
Total Federal funds procurement:						
Budget authority	17,776,892	17,799,870	18,806,400			
Outlays	17,131,395	15,600,000	16,490,000	2,000,000		

AGENCY TOTAL AND SELECTED LINE ITEMS: COUNTERBUDGET COMMENTS AND AMENDMENTS—Continued

[Amounts in thousands]

	1972 enacted	1973 estimate	1974 estimate	Proposed savings	Comments and amendments	Proposed additions
DEPARTMENT OF DEFENSE—military—Continued						
Research, Development, Test, and Evaluation:						
General and special funds:						
Research, development, test, and evaluation, Army:						
Budget authority	1,799,656	1,824,551	2,108,700		Similar reductions could be made in research programs. For example, further work on the B-1 bombers—a highly questionable project in the missile age—and the Airborne Warning and Control System (AWACS) should be reconsidered.	------------
Outlays	1,778,730	1,822,000	1,917,000			
Research, development, test, and evaluation, Navy:						
Budget authority	2,367,609	2,541,604	2,709,100			
Outlays	2,426,633	2,319,000	2,559,000			
Research, development, test, and evaluation, Air Force:						
Budget authority	2,903,444	3,120,040	3,212,500			
Outlays	3,205,071	3,005,000	3,097,000			
Research, development, test, and evaluation, Defense agencies:						
Budget authority	448,353	446,311	500,400			
Outlays	470,775	465,000	473,000			
Director of test and evaluation, Defense:						
Budget authority		27,000	24,600			
Outlays		11,000	23,000			
Total Federal funds research, development, test, and evaluation:						
Budget authority	7,519,062	7,959,506	8,555,300			
Outlays	7,881,209	7,622,000	8,069,000	1,000,000		
Military construction:						
Total Federal funds military construction:						
Budget Authority	1,286,887	1,355,841	1,787,500	431,000	Base closing and consolidation should be considered and the closest possible review of military construction should be undertaken in a year when civilian and urban construction is curtailed. In particular, further heavy construction in the NATO infrastructure should be delayed pending the results of MBFR talks in Vienna.	------------
Outlay	1,108,005	1,068,000	1,220,000	------------		
Total Department of Defense—Military:						
Budget Authority	75,084,472	77,804,277	83,480,866			
Outlay	75,150,654	74,200,000	78,200,000			
DEPARTMENT OF DEFENSE—CIVIL						
Of Engineers—Civil:						
Total Corps of Engineers—Civil:						
Budget Authority	1,580,841	1,840,121	1,470,000		This budget request contains several hundred million dollars for construction of new navigation and barge traffic projects but fails to provide adequate protection for the Great Lakes Communities against flooding and erosion or the adequate containment of polluted dredgings.	
Outlays	1,485,481	1,698,000	1,579,000	400,000		
					Community and Environmental Protection, Great Lakes	100,000
DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE						
Health Services and Mental Health Administration:						
Health services planning and development:						
Budget authority	474,165	330,187	103,081	------------	The budget figures printed here for Health Services Planning and Development are a classic example of the type of distortion and confusion built into the budget. In fiscal year 1973, footnote "g" indicated a recision or decrease in fiscal year 1973 funds of $173,187,000 leaving total budget authority for fiscal year 1973 at $157,000,000. If new authorization legislation is passed, the budget request would be $163,081,000 which the Department claims to be an increase of $6,081,000 over the fiscal year 1973 budget. It is—but only after the fiscal year 1973 budget is cut in half. Thus the Department claims an increase in program support while actually cutting the program in half.	
		−173,187	60,000	------------		
Outlays	405,819	412,000	352,240	------------		
		−20,100	−78,240	------------		
			18,000	------------		
Preventive health services:						
Budget authority	88,762	157,372	125,080	------------		
		−17,272				
Outlays	78,229	129,171	131,031	------------		
		−2,341	−14,931	------------		
					Drastic cuts in Health services planning and development have been made. Regional medical programs have been wiped out.	
					Maintenance of outlays in health services planning	100,000
					Preventive health service down over $30,000,000, while—because of recision—the Administration claims it is down only $15,000,000.	
					Maintenance of health services	30,000
National Institutes of Health:						
Total Federal funds, National Institutes of Health:						
Budget authority	2,218,656	1,998,613	1,964,862	------------	While commitment to the National Cancer Institute is up $67,000,000, the total outlay for the National Institutes of Health is down by over $33,000,000.	33,000
Outlays	1,751,921	2,015,196	2,140,300	------------		
Social and Rehabilitation Service:						
Social and rehabilitation services:						
Budget authority	830,664	1,029,113	964,128	------------	Social and rehabilitation services provide aid to mentally retarded and physically handicapped—a forgotten segment of our population. These cuts of over $64,000,000 are indefensible.	64,000
		−42,949				
Outlays	726,404	940,296	992,101	------------		
		−34,753	−7,902			
Office of Education:						
General and special funds:						
Education revenue sharing:						
Budget authority			2,527,366	------------	While revenue sharing will provide some more flexibility to local primary and secondary schools, total fiscal year 1974 budget requests for these education programs is $471,000,000 below the fiscal year 1973 budget requests for the various categorical grant programs—most of which would be enclosed within the revenue sharing program. Revenue sharing must not be a disguise for reduced funding and program cancellation.	471,000
Outlays			1,692,699	------------		
Social Security Administration:						
Social Security trust funds (proposed legislation):						
Federal old-age and survivors insurance trust fund:						
Budget authority			9,000	------------	The budget proposes legislation which would increase the cost of medical service to Medicare beneficiaries by $826,000,000. This proposal amendment should be defeated so that Medicare coverage can at least remain at its present level. This cut coupled with inflationary impact effectively washes out advantage to elderly of last year's 20 percent increase in benefits.	826,000
Outlays			−308,000	------------		
Federal disability insurance trust fund:						
Outlays			−2,000	------------		
Federal hospital insurance trust fund:						
Budget authority			10,000	------------		
Outlays			−345,000	------------		
Federal supplementary medical insurance trust fund:						
Budget authority			5,000	------------		
Outlays			−171,000	------------		
Total social security trust funds (proposed legislation).						
Budget authority			24,000	------------		
Outlays			−826,000	------------		

	1972 enacted	1973 estimate	1974 estimate	Proposed savings	Comments and amendments	Proposed additions
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT						
Total Federal funds community development:						
Budget authority	2,156,405	2,187,671	162,700		While these categorical grant programs may be replaced by a form of revenue sharing at an annual appropriation level of $2,300,900,000—some $120,000,000 above fiscal year 1973 levels—the level is still too low to provide the type of assistance as desperately needed by Cleveland and other major cities.	1,000,000
Outlays	1,983,556	1,879,609	1,928,090			
DEPARTMENT OF THE INTERIOR						
Bureau of Indian Affairs:						
General and special funds:						
Education and welfare services: Budget authority	273,094	303,285	295,572		Budget allocations for education for the country's Indians are reduced even though the number of children enrolled in Bureau schools is to increase from 70,361 last year to 74,091 for 1974.	7,713
Contract authority: Permanent, indefinite: Budget Authority.	1,500	1,500	1,500			
Liquidation of contract authority	(693)	(271)	(1,500)			
Outlays	267,435	296,499	285,000			
Mineral Resources:						
Geological Survey:						
General and special funds:						
Surveys, investigations and research:						
Budget authority	130,979	150,450	156,000 5,000		Geological survey funds include $850,000 for the Alaska pipeline. This expenditure cannot at this time be justified in view of the questionable environmental impact statement on this project—which could be avoided by construction of a trans-Canadian pipeline delivering fuel directly to the midwest, where it is most needed.	
Outlays	127,480	142,585	152,000 4,000	850		
					Rerouting of pipeline	850
Office of Coal Research:						
General and special funds:						
Salaries and expenses:						
Budget authority	30,650	43,490	52,500		Gasification of coal represents a major alternative for future production of clean, safe fuel. Yet, an inordinate amount of funds—74 percent of all research allocations—is being expended in the area of nuclear research.	
Outlays	15,761	39,800	54,500			
					Increased coal research	10,000
Office of Oil and Gas:						
General and special funds:						
Salaries and expenses:						
Budget authority	1,500	1,485	1,485		We face a grave shortage of fossil fuels, but the budget reflects only a shallow Federal commitment to a real solution of these problems.	
Outlays	1,452	1,565	1,485			
Water and Power Resources:						
Bureau of Reclamation:						
General and special funds:						
General investigations:						
Budget authority	22,400	23,827	15,300		The budget shows only a token commitment to geothermal investigations. Geothermal energy is one of the most promising future sources of regional clean energy, but the budget cuts geothermal research from $1,500,000 to $1,200,000.	
Outlays	21,846	22,500	17,700			
					Increased geothermal research	300
Bureau of Outdoor Recreation:						
Total Federal funds, Bureau of Outdoor Recreation:						
Budget authority	394,413	334,130	89,659		Expenditures for recreation, parks, and open spaces should be maintained.	245
Outlay	193,412	239,416	249,709			
Loan program:						
Budget authority	11,395	20,380	16,672		The Bureau of Reclamation has outlived its utility. No new construction and/or loan programs can be justified, particularly when many large farmers using irrigated land apply for crop subsidies.	
Outlay	13,465	20,000	18,000			
Recreational and fish and wildlife facilities, Upper Colorado River storage project:						
Budget authority	605	950	600			
Outlay	1,478	2,000	800			
Emergency fund (special fund):						
Budget authority	1,000		1,000			
Outlay	178	1,000	1,000			
Construction and rehabilitation (special fund):						
Budget authority	217,161	271,329	177,268			
Outlay	187,235	255,320	216,533	177,268		
Colorado River Basin project: Budget authority	1,175	11,200	2,000		In a period of tight budgetary requirements, additional development of the Colorado River should be assumed by the private sector, and not through Government subsidy. The cost of these programs should be borne by those who benefit.	
Contract authority: Permanent: Budget authority.	29,100	17,900				
Liquidation of contract authority	(31,500)	(53,000)	(52,500)			
Outlay	33,915	63,687	57,385			
Upper Colorado River storage project:						
Budget authority	27,284	45,770	22,883			
Outlay	17,020	27,000	23,000	24,883		
Secretarial Offices:						
Central energy research and development fund:						
Budget authority			25,000		Creation of an energy research and development fund is a good idea, but more funds are needed given the energy emergency. (See NASA budget.)	
Outlay			15,000			
DEPARTMENT OF JUSTICE						
Legal activities and general administration:						
General and special funds:						
Salaries and expenses, general administration:						
Budget authority	10,507	14,000	19,693		Personnel increases in general administration have ballooned the upper levels of the Department. Employment has jumped from 648 in 1972 to 952 for this year. Manpower needs should be closely examined.	
Outlays	10,224	13,504	19,377			
DEPARTMENT OF LABOR						
Manpower Administration:						
Emergency employment assistance:						
Budget authority	1,000,000	1,249,317			By law, the emergency employment program is in effect when unemployment will be below 4.5 percent by July 1, 1973. Provision should be made for the continuation of necessary employment programs, including a continuation of now cancelled summer youth employment programs.	500,000
Authority	567,030	1,100,000	580,317			
Departmental management:						
General and special funds:						
Salaries and expenses:						
Budget authority	20,237	25,386 −1,210	23,225		General fund of departmental management includes a reduction in the Federal effort to promote employment for the handicapped.	
Outlays	21,018	23,225 −1,210	23,225		Maintenance of employment of handicapped	2,000

AGENCY TOTAL AND SELECTED LINE ITEMS: COUNTERBUDGET COMMENTS AND AMENDMENTS—Continued

[Amounts in thousands]

	1972 enacted	1973 estimate	1974 estimate	Proposed savings	Comments and amendments	Proposed additions
DEPARTMENT OF TRANSPORTATION						
Federal Aviation Administration:						
Grants-in-aid for airports (Airport and airway trust fund):						
Budget authority	15,000	15,000	3,000		As urban programs for the low-income are cutback in the name of controlling inflation, expenditures for construction of airport facilities should be spread out or delayed.	------------
Contract authority:						
Budget authority			560,000			
	(92,000)	(100,000)	(200,000)			
Liquidation of contract authority:						
Outlays	105,483	220,000	234,000	350,000		
Federal Railroad Administration:						
High-speed ground transportation research and development:						
Budget authority	25,000	52,500	27,100	------------	Reducing research and development for high speed transportation while at the same time spending $93,000,000 on Amtrak subsidies betrays the confusion of the administration in this vital area: passenger railroads cannot be widely successful until improvements in rail travel are developed.	
Outlays	20,097	25,000	28,300	------------		
DEPARTMENT OF THE TREASURY						
Internal Revenue Service:						
Compliance:						
Budget authority	622,402	591,902 2,627	622,430	------------	Audit assessments in 1973 fall by $500,000,000 over the previous year. In view of evidence of increasing tax evasion, auditing procedures should be expanded significantly. In large corporations, every hour of IRS audit increases Federal revenues by over $1,000.	
Outlays	613,279	600,747 2,071	618,874 556	------------ ------------		
					Increased audit staff	10,000
ATOMIC ENERGY COMMISSION						
Total Atomic Energy Commission:						
Budget authority	2,293,315	2,633,390	2,429,375	------------	The AEC budget fails to provide an adequate response to the energy crisis. Increases in nuclear safety and nuclear fusion research as well as non-nuclear energy sources are inadequate. The AEC's budget increases are directed largely toward military development and continuation of the increasingly questionable Liquid Metal Fast Breeder Reactor. Total AEC expenditures are inordinately high when it is estimated that nuclear energy will be supplying only about 15 percent of the Nation's energy needs in 1995. Expenditures within AEC must be realigned.	------------
Outlays	2,391,960	2,193,833	2,374,000	------------		
ENVIRONMENTAL PROTECTION AGENCY						
Construction grants: Budget authority	2,000,000	1,900,000			Despite the Congress' overwhelming commitment to the new Water Pollution Control bill, the administration is holding up funding for this bill and the grants necessary for the construction of waste treatment plants mandated on State and local governments by the bill. This contract authority must be increased in order to eliminate delays and speed up the day when we will have clean water throughout our Nation.	------------
Contract authority: Budget authority		5,000,000				
Liquidation of contract authority			(200,000)	------------		
Outlays	413,408	727,000	1,600,000	------------		
					Construction grants	1,000,000
					Solid waste and recycling center grants have been terminated. This program must be restored	50,000
GENERAL SERVICES ADMINISTRATION						
Real property activities:						
Total Federal funds real property activities:						
Budget authority	780,369	802,382	407,794	300,000	Additional governmental belt tightening in the construction and acquisition of new government building is necessary in a period of severe reductions in low income housing assistance. These projects should be postponed until needed for business recovery.	------------
Outlays	645,788	765,025	789,841			
General activities:						
General and special funds:						
Expenses for economic opportunity (liquidating functions):						
Budget authority			33,000	------------	A $33,000,000 appropriation for the liquidation of OEO might be better spent, not on bureaucratic procedures, but on low-income persons who need it.	------------
Outlays			27,130	------------		
NATIONAL AERONAUTICS AND SPACE ADMINISTRATION						
General and special funds:						
Research and development (manned space flight):						
BA	1,279,075	1,182,400	1,032,000	------------	Spending of over $1,000,000,000 on space travel, manned space flight, skylab, the Apollo-Soyeuz test project, the space shuttle—must now assume a low priority.	------------
O	1,376,592	1,094,500	1,134,000	------------		
Total research and development:						
BA	2,522,700	2,600,900	2,197,000		Likewise, the research and development, including manned space flights, represents a commitment beyond the Nation's means. Scientific inquiry in outer space must be balanced against more immediate needs. I believe the expertise of NASA's manpower should be directed, to an increasing extent, on solutions to environmental and energy problems on earth.	------------
O	2,623,160	2,296,000	2,359,000	1,000,000		
					Energy and pollution control research on earth	1,000,000
ACTION						
General and special funds:						
Peace Corps, Action international programs:						
Budget authority	72,500	80,842	77,001	------------	The budget of the Peace Corps is cut while military assistance to foreign governments is growing next year by $132,000,000. At the same time, funds for domestic Action programs are reduced with the most serious cut coming in the foster grandparents program for older Americans.	
Outlays	76,790	82,279	76,696			
Operating expenses, domestic programs:						
Budget authority	79,092	83,758	92,399			
Outlays	51,985	87,721	86,004			
					Maintenance of programs	5,200
ADMINISTRATIVE CONFERENCE OF THE UNITED STATES						
Total Administrative Conference of the United States:						
Budget authority	408	450	700	------------	The administrative conference, instituted to improve administrative procedures within the Federal government, is a highly bureaucratic expenditure and must be considered a low priority item.	------------
Outlays	418	487	674	250		
ADVISORY COMMITTEE ON FEDERAL PAY						
General and special funds:						
Salaries and expenses:						
Budget authority			130	------------	The move to provide equity within the pay structures of the Federal government is a justifiable goal, but spending in a time of tight budgetary spending should be spread out.	------------
Outlays			120	100		

	1972 enacted	1973 estimate	1974 estimate	Proposed savings	Comments and amendments	Proposed additions
ARMS CONTROL AND DISARMAMENT AGENCY						
General and special funds:						
Arms control and disarmament activities:						
Budget authority	9,116	10,000	6,700		While defense expenditures on weaponry procurement expand, the effort for international arms control and disarmament suffers.	
Outlays	9,006	10,000	7,800			
CENTRAL INTELLIGENCE AGENCY						
General and special funds:						
Construction: Outlays	10				Annually, the Congress is asked to appropriate funds blindly to the CIA. The taxpaying public has a right to know, at least in general terms, where its money is spent.	
CIVIL AERONAUTICS BOARD						
Payments to air carriers: Budget authority	53,600	42,509	66,431		According to recent studies by independent economists, the policy of public subsidies to private carriers deserves closer scrutiny in a time of austerity. The budget provides for reliance on the private sector in the area of housing but has no difficulty justifying a subsidy of millions of dollars to airline companies.	
Contract authority: Permanent, indefinite: Budget authority	11,491	26,800		66,431		
DISTRICT OF COLUMBIA						
Federal funds:						
Budget authority	318,658	365,725	473,830		The per capita budget expenditures of Washington, D.C., have long exceeded and often are 50 percent higher than for cities of a comparable size, such as Cleveland, Ohio. Austerity demands being more reasonable in the allocation of funds to the District and spreading expenditures for necessary projects out over several years.	
Outlays	363,598	423,906	464,215			
Deductions for offsetting receipts:						
Proprietary receipts from the public:						
Budget authority	−48,640	−51,662	−52,943			
Outlays						
Total, District of Columbia:						
Budget authority	270,018	314,063	420,887			
Outlays	314,958	372,244	411,272	50,000		
FEDERAL POWER COMMISSION						
General and special funds:						
Salaries and expenses:						
Budget authority	22,200	23,500 100	27,163		The budget provides money for regulatory agencies which are not sufficiently protecting the public interest. The direction of the FPC has been toward deregulation of natural gas pricing without full examination of the problems of natural gas supply.	
FEDERAL TRADE COMMISSION						
General and special funds:						
Salaries and expenses:						
Budget Authority	25,092	30,430	30,090		There now appears real reason for concern for the direction of the FTC. Activist chairman Miles Kirkpatrick has been replaced and the FTC's fiscal year 1974 budget provides for a million dollar cut in consumer protection activities.	1,000
Outlays	24,556	29,445	30,040			
					Consumer protection	1,000
HISTORICAL AND MEMORIAL COMMISSIONS						
American Revolution Bicentennial Commission:						
Total American Revolution Bicentennial Commission:						
Budget Authority	3,845	6,274	7,225	951	American Revolution Bicentennial Commission represents a prime example of self-indulgent and wasteful spending. The number of permanent positions on the commission has swelled from 58 in 1972 to 144 for this coming year, with an average salary of $16,000.	
Outlays	604	2,610	5,014			
INTERGOVERNMENTAL AGENCIES						
Advisory Commission on Intergovernmental Relations:						
Federal funds:						
Budget Authority	733	794	901	107	There is no justification for increasing the commission's budget in a period of austerity. It is of interest that the commission is conducting a study of the value added tax—a regressive national sales tax—but, like the budget itself, is not considering real national tax reform.	
Outlays	652	926	966			
INTERNATIONAL RADIO BROADCASTING						
General and special funds:						
International radio broadcasting activities:						
Budget authority	32,225	38,795	44,640		Radio Free Europe and Radio Liberty should not be expanded when the domestic needs of our citizens are neglected and trade forces are reducing the need for such propaganda.	
Outlays	32,000	38,520	44,640	5,845		
PENNYSLVANIA AVENUE DEVELOPMENT CORPORATION						
General and special funds:						
Salaries and expenses:						
Budget authority			200		When community development programs are liquidated throughout the Nation, the face lifting of Pennsylvania Avenue should be delayed.	
		735				
Outlays			200			
		200	535	200		
SMALL BUSINESS ADMINISTRATION						
Disaster loan fund:						
Permanent, indefinite:						
Budget authority	170,000	1,380,000			The termination of SBA disaster loan fund is unrealistic in the face of pending flooding disasters on the Great Lakes. Provision should be made now for disaster relief.	
Budget authority	2,354	2,390	1,961			
Outlays	289,207	1,135,507	143,677			
					Disaster loan fund	200,000
TEMPORARY STUDY COMMISSIONS						
Commission To Review National Policy Toward Gambling:						
Salaries and expenses:						
Budget authority			356		An expenditure of $356,000 for a Commission study to review national policy toward gambling cannot be justified as a priority expenditure—particularly in light of the Government's record of ignoring such Commission reports.	
Outlay			340	356		
UNITED STATES INFORMATION AGENCY						
Acquisition and construction radio facilities:						
Budget authority	1,100	1,000	17,000		In a time of shrinking commitment by the Government to the nation's social ills, further expansion of USIA's international activities are not justified.	
Outlay	3,218	3,258	3,315	16,000		

Mr. McKINNEY. Mr. Chairman, I rise in support of title IX of the Older Americans Act Amendments. It is one thing to read this particular section of the legislation—Community Service Employment for Older Americans—and learn that its intent is to provide community service jobs for low income older Americans in the fields of education, social services, recreation services, conservation, environmental restoration, and so forth. This reads well and sounds commendable, particularly when one realizes the problem of unemployment among our elderly.

But the full impact does not register unless a person is familiar with a project funded under this section and in this regard I would like to discuss one such project in my district—the senior aides program in Bridgeport, Conn.

The Bridgeport Commission on Senior Citizens entered into a contract with the National Council of Senior Citizens for this project and the results have far surpassed expectations. Now in its fourth year of funding, Bridgeport's senior aides have become an integral part of the community's agencies. Presently there are 60 aides to 18 host agencies and their services have enabled these organizations to expand and implement new programs. In fact, there is a waiting list of host agencies, hoping that this program will be expanded so that additional senior aides can be hired and assigned to them. The Bridgeport program is presently limited to 60 participants but if further funding were available, I have been advised that there would be no problem in placing 200 additional aides.

Some of the aides help the American Cancer Society by delivering dressings and equipment to homebound patients and counseling patients and families. At the Bridgeport Regional Center for Mental Retardation, the aides act as therapists to mentally retarded children on a one-to-one ratio. The Bridgeport Commission on Senior Citizens has expanded its information and referral operations for the area elderly by utilizing senior aides to assist older citizens in matters of medicare, social security, health, transportation, and so forth.

The reliability and performance of the senior aides has brought community plaudit and acclaim. To quote from some of the host agencies' letters:

> We heavily rely on the services they cheerfully perform;
>
> We wouldn't know what we'd do without them and don't know how we managed without them;
>
> Of all of our volunteers, Senior Aides rank highest in their contribution of services.

And what of the senior aides themselves? While it is true they receive remuneration for their services, the money has become secondary to them. The prime motivating force is the feeling of being needed, of being useful, of having person-to-person contact. Those participating in the program now have a reason to get up, dress and face the day. As one senior aide put it, "If not for this program, we would have died." Here let me mention that the average age of Bridgeport's senior aides is 70 and, according to Department of Labor statistics, their work performance is unbelievable.

The director of the Bridgeport senior aides program, Mrs. Gertrude Kutno, is a dynamic individual, affectionately dubbed the "Senior Delinquent" because of her adamant support of the program. She sees the project as invaluable to the participants, to the host agencies, to the community. Everyone reaps the benefits of the senior aid program. And, as Mrs. Kutno states:

> One of the beauties of this program is that the money spent by the federal government goes where it's supposed to go, to the Senior Aides.

The funds we appropriate do not pay for the administrative work of the program nor for upkeep; local government pays those costs. No, this is one of those unique Federal programs where the money actually is received by those whom we intended to help.

I urge support of title IX so that programs similar to senior aides can be available to more of our cities, to more of our older Americans.

Mr. ALEXANDER. Mr. Chairman, I rise in support of H.R. 71, which is designed to carry forth the commitment of Congress to help our Nation's older Americans cope with the problems which face them.

These senior citizens have made valuable contributions of their time, energy and talents to our national society. Their efforts have earned them the respect of younger generations. As their needs in the areas of health, housing, recreation, transportation, and employment change it is the responsibility of our Nation to aid them in fulfilling their requirements.

While time may have slowed their pace and reduced their stamina, it has not necessarily robbed them of the ability to continue contributing to society. Evidence of this can readily be found in what older Americans have done in such programs as Foster Grandparents, projects dealing with the environment or providing counsel to new and developing business ventures.

The proposal which we consider today is intended to assist our senior citizens, continue to render services to society and to assist them in dealing with the special problems associated with growing older.

While the bill is intended to immediately benefit our older Americans, the whole Nation will gain when our senior citizens are assured of being able to live out their lives in dignity.

I urge that the Congress vote for our older Americans and pass this proposal before us today.

Mr. RODINO. Mr. Chairman, I welcome this opportunity to vouch for the mutual benefits of a senior employment program and service to my community. A Senior Aides program in Newark is sponsored by the North Jersey Community Union in the heart of the Central Ward of Newark. Among other services, the North Jersey Community Union Center operates a neighborhood health clinic and two child development classes for children from 2 to 5 years in a remodeled brewery which was abandoned many years ago.

Senior Aides work 4 hours a day to assist in the operation of the center. Most of the surrounding area is now bulldozed wasteland except for a complex of highrise public housing units across from the North Jersey Community Union facility. President Nixon may believe the "hour of crisis has passed" for our Nation's cities. I invite him to visit Newark and see for himself the folly of such a remark.

The work of the North Jersey Community Union facility grows more invaluable with each passing day. Not only are patients served by a medical staff of excellent skill and knowledge, but individuals are visited in their homes by staff of equal training, with the warmth, efficiency and understanding so vital to our citizens in need of medical attention and special care. The efforts of this program in reaching out to better the lives of the men and women so much in need of assistance, so much in need of someone to answer their many questions, of someone to take the time to explain to them in Spanish, Portuguese, Italian, Polish or whatever language they understand, exactly what is happening, someone to bring them hope and confidence, simply must be continued. I, therefore, join with my many colleagues at this time in giving my deepest support for H.R. 71.

Mr. STUDDS. Mr. Chairman, I urge swift passage of the Comprehensive Older Americans Services Amendments of 1973 as reported by the Education and Labor Committee. This legislation deals directly and effectively with many of the problems that face our older citizens.

I would particularly like to give my full support to the Older Americans Community Service Employment Act—title IX The senior aides employment program funded by this act has proven to be highly successful. Full funding must be continued.

I have met with senior aides in my district. One of them asked me, "Why does President Nixon talk about the value of hard work and the benefits of meaningful employment and then eliminate the one program that has given me a job and a sense of purpose?" This woman is 73 years old and is a house keeping aide in an institution for mentally retarded children. Her significant contribution to her community and her sense of pride and well-being are threatened by the proposed elimination of the senior aide program.

There is a great need for this program The elderly must be given the opportunity to put their experience and wisdom to good use helping others. The program provides employment for those over 55 who have no income or whose income is below the poverty level, and it provides local communities with a huge reservoir of untapped talent and expertise. We must allow the elderly to lead productive and meaningful lives.

I strongly urge inclusion of the Older Americans Community Service Act in H.R. 71, and I ask my colleagues to vote favorably on this entire legislation. It is time for us to realize that the millions of older Americans are one of this country's most valuable natural resources.

Mr. ROSTENKOWSKI. Mr. Chairman, I rise in support of H.R. 71, the Comprehensive Older Americans Services Act. This bill would amend and extend the Older Americans Act and amend other legislation which provides services and programs for the elderly. This legislation strengthens the Administration on Aging—AOA—within the Department of Health, Education, and Welfare; increases aid to the States; authorizes special programs in housing, transportation, and preretirement training; and establishes research centers on aging and community senior citizens centers. Authorizations in this bill total $277.5 million for fiscal year 1973, $471.3 million for fiscal year 1974 and $628.2 million for fiscal year 1975.

Title IX of this bill, which establishes a community service employment for older Americans program, is of particular interest to me. In Chicago, we currently have in operation a very beneficial and successful program similar to that which title IX would provide. The Chicago senior aides project has been funded since July 1, 1968. The Chicago Committee on Urban Opportunities, as the sponsoring agency, has assumed local control for the administration of this program.

The Chicago senior aides project provides 60 jobs for persons 55 years or older who are at or below the poverty threshold, as defined by the OEO guidelines, to perform community services to the communities in which they live.

In Chicago, four agencies including the sponsor are assigned senior aides to deliver these services to the communities.

Chicago Committee on Urban Opportunities assign senior aides to Urban Progress Centers. They deliver services to the elderly citizens in the community.

The Illinois State Employment Service are assigned senior aides who assist the older worker specialist in providing employment for the middle and older workers of Chicago. The Chicago Jewish Vocational Service are assigned senior aides who help supervise a 2- to 12-week workshop program leading toward employment of physically, mentally, and emotionally handicapped persons of all ages. Hull House senior aides provide homemaker home health assistants to shut-ins in Chicago.

A nationwide senior citizens employment program would provide similar programs for localities all over America. Can we afford to do less than to utilize the talents and resources of our elderly citizens?

Mr. Chairman, on October 30, 1972, the President vetoed H.R. 15657, the Comprehensive Older Americans Act of 1972, which had passed the House by a vote of 351 to 3. In his veto message, the President objected to the manpower training programs in the bill, certain categorical programs, and the level of authorization.

H.R. 71 is an effort to meet the administrations major objections, while at the same time, enacting a program that will meet the needs of the elderly. I therefore strongly support this legislation and urge my colleagues in the House to do the same.

Mrs. GRASSO. Mr. Chairman, as a cosponsor of H.R. 71, the Older Americans Comprehensive Services Amendments of 1973, I strongly support the bill as reported by the House Education and Labor Committee.

In the 92d Congress the House passed H.R. 15657, the original version of this legislation, by the lop-sided vote of 351 to 3. Yet, despite overwhelming congressional support, the bill fell victim to a pocket veto on October 30.

Today the House has the opportunity to renew its commitment to the elderly of America by approving H.R. 71, as reported.

As reported by the committee, H.R. 71 addressed itself to the pressing needs of the older American. For example, Title III concentrates funds in those State and community services geared to providing greater economic and social independence for our elderly. The State of Connecticut could receive $6.2 million between fiscal 1973 and fiscal 1975 for services. The moneys would help improve community planning and coordination of services, fund promising demonstration projects, train needed personnel, and initiate or expand programs under the act.

The enactment of the nutrition program for the elderly reemphasized the importance of multipurpose senior citizens' centers for the overall well-being of the elderly. Title V of the Older Americans Comprehensive Services Amendments of 1973 would provide $86 million over 3 years in grants and contracts to establish and staff these centers.

In speaking about H.R. 15657 in the last Congress, I stated:

> (This bill) is designed to tear down the barriers which tend to confine older America—barriers which long have restricted older Americans who could and should lead constructive lives. Most important, this legislation would make it possible to build comprehensive programs that encourage older citizens to participate actively in the mainstream of community life.

That statement was accurate last year, and it is just as accurate at the present time.

Mr. Chairman, millions of elderly citizens across the Nation have given their energies to the growth of this great Nation. Now that they are retired, they deserve much more than just our respect and gratitude. They deserve an opportunity to live the remainder of their lives with dignity and security within and not apart from the rest of society.

For the good of older Americans, I hope that the reduction in the authorization level by 30 percent and the removal of title X will satisfy the administration's objections to this legislation. In any event, one thing is clear. We must not turn our backs on our older citizens. In the past, the Congress has shown foresight and compassion toward this important segment of our population. I am therefore certain that Congress will continue its leadership role by passing H.R. 71.

Mr. RINALDO. Mr. Chairman, rarely has Congress been called upon to enact such vital legislation as the Comprehensive Older Americans Services Amendments of 1973. I strongly support this proposal because helping to care for our senior citizens who are unable to care for themselves should be top priority for the 93d Congress.

In 1965, the Congress of the United States, realizing the growing problems that many States and local communities were having in meeting the needs of the elderly, passed the Older Americans Act. Since that time, the Older Americans Act has aided many of the Nation's 20 million senior citizens. During 1972 alone, more than 1½ million older Americans were provided with needed social services and opportunities for volunteer service activities. Yet, this number represents only a small fraction of the many older individuals in need of services and activities which draw them out of social isolation and enable them to realize their skills and talents and feel needed again.

The provisions contained in H.R. 71, which I have cosponsored, would greatly strengthen and significantly expand the programs authorized under the Older Americans Act as well as provide authority for new services and programs for older people who are in need. They would provide for sorely needed supportive social services and opportunities for older people to take part in volunteer service activities, recreation, or adult education programs.

I would like to discuss briefly some of the major provisions of this bill. First, the amendments would place the Administration on Aging within the Office of the Secretary of Health, Education, and Welfare. This is particularly significant because the Commissioner on Aging would be directly responsible to the Secretary and would not be able to delegate any of his functions to other officers who are not directly responsible to him. In essence, we would know where the power lies and just how that power is exercised. In addition, the amendments offered in H.R. 71 would require other Federal agencies carrying out programs relating to the purposes of the Older Americans Act to cooperate with the Administration on Aging. I am sure I need not detail how important it is to have coordinated Federal programs which deal with the important needs of such a large segment of our population. I believe that the benefits of Federal coordination of projects and programs in this area are self-evident.

This bill would also revise and extend the provisions in title III, State, and community grant programs, so that State and local agencies on aging could effectively develop a network of comprehensive and coordinated service systems for older people. The amended title III would provide a framework for planning for the delivery of social services as well as a wide range of social services which include health services; information, referral, and counseling services; home repair services; meal services, and recreational and educational activities.

In addition, the proposed amendments would provide authority for model demonstration projects. These projects would be designed to improve and expand social services in the areas of transportation, housing, continued education, preretirement counseling, and other services for handicapped individuals.

The bill also adds a new title to the Older Americans Act under which funds would be provided for the construction or leasing of multipurpose senior citizens centers and the initial staffing of these centers. Multipurpose centers have proven to be an effective source for providing a wide range of varied services required and desired by older people.

Title IX is important because it would provide a program of community service employment for older people which is to be modeled after the successful Operation Mainstream program and administered by the Department of Labor. This new program would greatly improve the employment opportunities for low-income persons age 55 and over. With approximately 25 percent of our 20 million older Americans living on incomes below the poverty level, the importance of this program is apparent. Though this bill legislates a 1-year delay in its operation, I strongly support this measure.

The other provisions contained in these amendments are also worthy of swift congressional action, but time does not allow me to discuss them today. I do want to add, however, that I cannot overemphasize the importance of this legislation and the impact it would have on the lives of our senior citizens. It is now up to this Congress to support this measure and see that this bill is enacted into law.

America's older citizens need the supportive measures which this bill makes possible so that in their advanced years they may live self-sufficient, independent, and dignified lives, rather than lives of deprivation and loneliness.

Mr. **BURKE** of Florida. Mr. Chairman, I am pleased to support H.R. 71, the Comprehensive Older Americans Services Amendments of 1972. As a sponsor and supporter of this legislation in both the 92d, and now the 93d Congress, I sincerely hope that there will be speedy passage, and that it will meet with the approval of the White House.

I have from time to time stated that I am a fiscal conservative in favor of ending deficit spending by the Federal Government. Certainly few will quarrel with the fact that deficit spending leads to two of the most insidious harms to our citizens—inflation and higher taxes. However, we as elected Members of the Congress have the responsibility to identify and to solve problems that plague the people of our society. In my opinion, one of the most pressing is the problem faced by elderly Americans. We have strived to improve living conditions in order that many of our citizens will live longer and be healthier. Yet, I believe we have failed to accommodate them with many things they need. This is a tragedy, and one which we cannot permit to continue.

Perhaps there are parts of H.R. 71, which is before you today, that can be improved. All of us are aware that it has been criticized for having excessive authorization levels and an unnecessary amount of categorical programs. It is my hope that most of these criticisms will be taken care of during these debates and by amendments. All of us hope for good legislation and, I firmly believe, in the need for this legislation.

Since 1965 when the Older Americans Act was first enacted programs designed to maintain independent living arrangements for the elderly and to reach shut-ins, have helped elderly Americans maintain a sense of dignity and independence in their own familiar community environment. The programs contained in H.R. 71 would serve to strengthen and improve the Older Americans Act of 1965 by:

First, strengthening the role of the Administration on Aging as a focal point of Federal concern for older persons and upgrading its organizational status;

Second, creating a national advisory council;

Third, strengthening State agencies on aging as the focal points in planning and developing service systems and area agencies for providing comprehensive coordinated, community based services for the elderly;

Fourth, establishing a national information and resource center for the aging and developing a network of information and referral sources in the States and communities;

Fifth, providing authority to lease, renovate and construct multipurpose senior centers through grants, contracts or mortgage insurance and supporting staffing grants for the initial operation of such centers and the delivery of social services;

Sixth, expanding the research, demonstration, and training programs of the act;

Seventh, expanding the national older Americans volunteer program;

Eighth, encouraging that the nutritional program for the elderly be operated, wherever possible, in conjunction with comprehensive, coordinated service systems, and,

Ninth, providing for special impact demonstrations in the area of transportation, housing, employment, preretirement and continuing education as a part of comprehensive, coordinated services systems for the elderly.

Mr. Chairman, all of us are, I am sure, aware from the many letters that we have received that the worst enemy of our elderly Americans is inflation, and perhaps, if we are going to be truthful, in many ways H.R. 71 will contribute to further inflation. Yet I, nevertheless, feel that the ultimate good that will come from this legislation will far outweigh any inflationary harm. If Congress cuts down on Government spending, and I feel we must, let us cut spending in areas where reductions will do the least harm and affect those who have the time and vitality to surmount the setback, rather than our elderly whose years are short and whose strength is waning. Let us give them back a part of what they truly deserve by making their remaining years brighter.

Mr. **TAYLOR** of North Carolina. Mr. Chairman, I, too, rise in support of the Older Americans Act and its senior's employment provisions, title IX. The benefits of the concepts embodied in title IX have been amply demonstrated by a senior aides project encompassing seven counties of my district in North Carolina which is sponsored by the Governor's Coordinating Council on Aging and administered by the County of Franklin Health Council. In the seven counties, senior aides are assigned to mental health centers, sheltered workshops, child development centers, and other local service agencies. Supervisors of the various centers continually testify that without the assistance of the senior aides, needed community services would have to be cut back or curtailed.

Let me share examples of the mutual benefits of the senior aides program as it operates in my district. A senior aide was assigned to a home nursing service as a home health aide. She received on-the-job training under the supervision of a registered nurse. Although the aide had only a fifth-grade education, her supervisor anticipates she soon will reach a level of competence to be employed as a full-time staff member. Before the program, the senior aide was in a desperate financial situation and was receiving surplus commodities. Another senior aide arranged with a local shoe company, the Wellco Shoe Co., to donate new shoes for some 55 children enrolled in the county's child development centers in which the aide worked. This was through her own initiative over and above her assigned duties. We cannot afford to let this type of employment program for older workers lapse. I urge support for title IX.

Mr. **JOHNSON** of California. Mr. Chairman, I rise today in support of H.R. 71, the Comprehensive Older Americans Services Amendments of 1973. I am a cosponsor of this legislation, as I was of a similar bill that was passed by the Congress last year and vetoed by the President.

The purpose of H.R. 71 is to extend, strengthen and modify the grant programs authorized under the Older Americans Act of 1965. The bill has been amended to reflect the concerns of the President, and I am hopeful that we can see it signed into law at an early date. Specifically, H.R. 71 does the following:

First, strengthens the role of the Administration on Aging as a focal point of Federal concern for older persons and upgrades its organizational status;

Second, creates a Federal Council on Aging;

Third, strengthens State agencies on aging as the focal points in planning and developing service systems and area agencies for providing comprehensive coordinated, community-based services for the elderly;

Fourth, establishes a National Information and Resource Clearinghouse for the Aging, and develops a network of information and referral sources in the States and communities;

Fifth, provides authority to lease, renovate and construct multipurpose senior centers and supports staffing grants for the initial operation of such centers and the delivery of social services;

Sixth, expands the research, demonstration, and training programs of the act and authorizes the establishment and support of multidisciplinary centers of gerontology;

Seventh, expands the National Older Americans Volunteer program;

Eighth, encourages that the nutrition program for the elderly is operated, wherever possible, in conjunction with comprehensive, coordinated service systems developed under title III;

Ninth, provides for special impact

demonstrations and model projects in the areas of transportation, housing, education, employment, preretirement, and continuing education as a part of comprehensive, coordinated service systems for the elderly; and

Tenth, creates a new program to provide for the employment of individuals 55 and over in community service activities.

This legislation builds on our experience with the programs authorized by the Older Americans Act of 1965. This approach, which proved successful in providing services to over 1 million older persons last year, is embodied in H.R. 71. I strongly urge all my colleagues to support the Comprehensive Older Americans Act Amendments of 1973.

Mr. DIGGS. Mr. Chairman, "welfare." Is there a dirtier word in today's vocabulary? Everybody hates welfare. Unemployed people hate to receive it and working people hate to have to pay for it.

Today we have an opportunity to take thousands of elderly Americans off the welfare rolls by voting for H.R. 71 as reported out of the Education and Labor Committee. Title IX will provide elderly Americans with something that has eluded them for decades—jobs.

Not make-work or giveaway jobs, but jobs which will serve the community. Jobs which will make communities better areas in which we live.

The poor and elderly elected me as their representative. It is my duty, as well as everyone else's in this legislative forum, to meet the needs of my electorate.

I urge every Member of this body to stand with me and vote "yes" on H.R. 71 as reported out of committee.

I include the following:

(Statement submitted for Committee Record)

National Council of Senior Citizens, Inc.,
Washington, D.C., February 8, 1973.

Hon. John Brademas,
Chairman, Select Committee on Education, U.S. House of Representatives, Washington, D.C.

Dear Congressman Brademas: You are aware that the National Council of Senior Citizens is completely supportive of H.R. 71. We supported the bill last year when it was favorably passed by Congress and our clubs were bitterly disappointed when this legislation became the subject of a pocket veto at the end of the 92nd Congress.

While you should understand we completely support all sections of H.R. 71 we believe your committee will be most interested in these specific comments on the subject of the importance of including Titles IX and X in the final legislation.

Frankly, the validity of national benefits in Community Service Employment for Older Americans, Title IX, has been demonstrated since 1968 by the Senior Aides employment program sponsored by the National Council of Senior Citizens.

Those eligible for employment in part-time, community service jobs must be 55 years of age and over with annual incomes below the poverty level. Some of the para-professional jobs the Senior Aides hold in the 33 communities of the National Council of Senior Citizens' program include clinic aides with mental health centers, teacher aides with child day care centers, information, referral, and followup aides with senior service centers, and home visitor aides with social service agencies.

Early in its history the National Council of Senior Citizens became aware that among some 40 million Americans 55 years and over there were several million capable of full-time or part-time employment if only opportunities were available to them.

The Senior Aides program currently holds its Congressional authorization from "Operation Mainstream" legislation. Congress enacted such legislation because of the conviction that certain "categorical" groups in American society needed special attention. Congress designated that programs should be designed "to deal with the incidence of long-term unemployment among persons fifty-five and older."

The first priority of the National Council of Senior Citizens was to concern itself with those who either had no income at all, whose income was so small as to place them in the poverty index category, or who were on welfare.

Although there were some skeptical persons who doubted that the elderly could be attracted to participate in such an employment program, we found that for every position available there was an average of 12 applicants.

The National Council of Senior Citizen's senior citizens community service demonstration program does not use federal funds for local administrative costs. The community must raise its own administrative funds, further assuring local control. The federal contribution goes directly into the pockets of the elderly poor participating as Senior Aides.

Currently we have 146 of what we call Homemaker-Home Health Aides on the program. They earn an average hourly wage of $2.10. On an annual basis, including fringe benefits, transportation and national and local administration costs, the total amount for this Senior Aides Homemaker Service totals $506,211 annually.

These Homemakers serve 584 older persons per year in their homes—aged people whose only alternative would normally be costly nursing home care. (This service can only be provided through a program such as Senior Aides since community non-profit agencies do not usually have the funds to pay workers for such services). Given an average of $15 per day nursing home care cost, it would run $3,197,400 in nursing home costs each year.

If you deduct the $506,211 which represents the cost for the Senior Aides from the alternative—nursing home fees under Medicaid, for example, you can appreciate the enormous savings which a figure of $2,691,189 represents.

An excerpt from one of the many testimonials we receive will give an idea of the multiple benefits of community service employment programs for older Americans.

A Senior Aide from Baltimore writes:

"I have been employed in a Senior Aide program for the past six months. It is a means of partial support and gives me the feeling of being alive. I think it is a very worthy and important program and should be continued.

"My duties as a Senior Aide have included home visits, counseling the aged, the poor and disabled, assisting them to obtain medical assistance and food stamps, clerical work dealing with Project Serve. This service is most necessary for those who are unable to get the help they so urgently need through their own effort. This program has also given me the freedom and independence that paying one's own way allows, and also allows me to contribute toward taxes.

"People should have the freedom of working to whatever age they want to. Age discrimination is unjust, therefore it should be ruled out."

Mr. Paul J. Passer, Jr., Deputy Assistant Secretary for Manpower and Manpower Administration, U.S. Department of Labor, in testifying before the Senate Subcommittee on Aging admitted that the administration of the Senior Aides type programs by national organizations such as ours was good. He also admitted that reaction of senior citizens groups to our program was good. Yet the Administration has taken the position that they do not want categorical aid programs—whether they work or not.

The Administration has earmarked funds in its new F.Y. 1974 budget for programs aiding veterans, criminal offenders, Spanish-speaking people, Indians, migrant workers, etc. (p. 633 Appendix to the Budget for F.Y. 1974). The National Council of Senior Citizens in no way wishes to oppose this type of categorical aid to these special groups. But statistics have shown that the special group, the older workers, needs the protection of categorical aid. The Administration seeks to place older workers' programs in a general Manpower Revenue Sharing Fund.

The Emergency Employment Act of 1971 was the major Federal effort to provide public employment opportunities to all ages out of one pot. Yet the older worker, despite representing 25% of the poor, received only 6% of the available public employment job opportunities, according to the Department of Labor. What hope is there then that older workers would be able to obtain their chance to utilize these Manpower Revenue Sharing funds? Through the demonstration program that the National Council has administered, in only 33 cities and towns across the nation, we have seen a new attitude formed about the older worker. People really do not stop functioning at a set chronological age.

A vicious cycle begins to consume many older workers—they are laid off, told to retire, many without any pensions, and a new employer will not take them on because they are old. Their funds are very limited; they become dejected, as anyone would; they cannot afford to socialize or take part in other functions; they stay at home; their bodies and minds are not activated by normal outside stimuli; and society says, "they're senile, put them in an institution." Yet, for many, all that is needed so that our nation won't lose this experience, talent, skills and manpower, is to provide a purpose for living. The National Council was greeted with a qualified testimony to this fact when one of our Project Directors received the following unsolicited letter:

"Medical Diagnostic Clinic, P.A.,
"Birmingham, Ala., October 26, 1972.

"Mr. Elliott Conway,
"Project Director, Senior Aides Program, Muscle Shoals Council of Local Governments, Muscle Shoals, Ala.

"Dear Mr. Conway: On October the 10th of 1972, we had the occasion to examine twenty-two Senior Aides from the Muscle Shoals Council of Local Governments Senior Aides program. We would like to take this opportunity to thank you for allowing us to be of assistance in this new and fine program.

"Our impression of the attitude and outlook of these senior citizens involved in your Senior Aides program was so strong following the day we spent with them in physical examination that we felt obligated to write and express our extreme pleasure in the knowledge that a program such as yours is being carried out. Due to the logistics of examining all twenty-two Senior Aides on the 10th of October, the majority of your program members were required to wait several hours between chest x-ray, EKG, urinalysis and actual physical examination. Throughout the day we were continuously astounded at the fact that a group of older senior citizens seemed to exhibit such enthusiasm and such patience combined with a real sense of cheerfulness and optimistic outlook usually not seen in a group such as this. Since that time we have had occasion to comment frequently about the fact that your entire group of Senior Aides were uniformly of good spirit and a pleasant, alert nature.

"In the medical profession, we frequently encounter the geriatric patient who has become depressed and frequently physically debilitated often secondary to a real feeling of being out of touch with the mainstream of life and activities in his environment. Our encounter with your Senior Aides represented to us an example of senior citizens involved in current and appropriate activities which make them real, meaningful members of the local community and of society in general.

"Please accept our congratulations on a task too infrequently undertaken and obviously so important. The success of your program, I am sure, becomes immediately apparent to all who encounter and come in contact with your Senior Aides. Please let us offer to them and to you any help or assistance which we might be able to provide in the future.

"With sincerest regards,

"CHARLES B. CROW, M.D.
"JAMES L. TAYLOR, P.A."

The President, speaking at the 1971 White House Conference on Aging, said that programs such as Senior Aides "have proven remarkably successful at the demonstration level."

He ordered the doubling of funds because he stated "projects such as Green Thumb and Senior Aides have demonstrated that older Americans can make valuable contributions in health, education and community service projects even as they earn additional income."

We agreed with the President then—and we hope that this concept is continued. Inclusion of Titles IX and X will guarantee it.

Sincerely,

WILLIAM R. HUTTON,
Executive Director.

Mr. BLACKBURN. Mr. Chairman, today I rise in support of the substitute bill, H.R. 4813, offered by the gentleman from Indiana, Mr. EARL LANDGREBE. I feel that this approach is far superior to the bill reported by the Education and Labor Committee, H.R. 71, the Older Americans Amendments of 1973.

The Nixon administration has shown its concern for the elderly by increasing the funding under the Older Americans Act from $27 million in 1970 to a budget request of $244.6 million for 1974. This is a tenfold increase.

The legislation which has been reported by the committee, while in many aspects very beneficial to the elderly, has some very grave problems associated with it. They fall into three basic categories: First, excessively high authorization levels; second, unnecessary and unsound proliferation of categorical programs; and third, program reorganization which impedes the efficient delivery of services.

The bill as reported by the committee contains an authorization level of $516 million, even though the budget request was $244 million. This is a classic example of one-upsmanship: no matter what the President recommends for the elderly, the Congress is determined to do more, regardless of the cost of implementation. If the committee is serious about this matter, I would suggest that they consider changing the authorizations to state: "such sums which may be necessary."

The bill also calls for the proliferation of categorical grant programs. It is universally agreed by all persons that this is a very unsound approach to meet the needs of the elderly. For example, the bill calls for an authorization for community service employment. This is adding another manpower program and duplicating a program which is already being administered by the Department of Labor. Furthermore, the President has requested that a special manpower revenue-sharing program be adopted. The bill calls for the establishment of multidisciplinary centers of gerontology. All this would do is provide funds to a few universities for research in the field of gerontology. I do not believe this is the proper approach to this problem.

Finally, the bill authorizes mortgage insurance and subsidies for multipurpose senior centers. I am opposed to this provision for several reasons. In the 1972 Housing and Urban Development Act, authority was granted under the special revenue-sharing section for these funds to be used for the construction of senior centers. Second, I do not see why this Congress should grant the authority for providing mortgage insurance to the Department of Health, Education, and Welfare. This function has always been carried out by the Federal Housing Administration and has been handled quite successfully. I see absolutely no reason to establish a bureaucracy for mortgage insurance programs in HEW.

One of the most onerous provisions reported by the committee is stating that the Congress will decide the organizational structure and the internal management of the department. To date, the Congress has never attempted to organize the internal workings of a Federal agency. If we begin this service, the Congress will become hopelessly mired down in deciding which agency or bureau of the department should administer the program.

Specifically, the bill calls for the Administrator of Aging to be removed from the Social and Rehabilitation Research Center where all socially oriented programs are administered, and placed in the office of the Secretary. All statutory authority would be given to the Administrator instead of the Secretary, which would prevent the Secretary from having any control over the workings of this agency. Also, the Administrator could not delegate any of his authority to any official not directly responsible to him. It is a well known fact that a department or agency would never adequately function under this type of system if it were applied.

For these reasons, I urge my colleagues to support H.R. 4813, the substitute offered by Mr. LANDGREBE. We must help remove the inequities found in the committee bill.

Mr. JONES of Tennessee. Mr. Chairman, several speakers today in support of H.R. 71 and title IX represent our larger cities. I should like to describe how a demonstration senior aides program benefits my district.

Some 253,614 people in my district are, according to the 1970 census, living in rural areas. Since this is over one-half of the Seventh District's population, I represent what some people call a rural district. Since last summer the Northwest Tennessee Development District, representing nine rural counties in my district, has sponsored a senior aides program. The development district, under the able leadership of my good friend Mr. Bob Brandon, began as a regional planning agency to determine what is needed to improve the multicounty area.

Studies made by the development district show that older citizens need additional income and want to work. In fact, there are 53,469 persons 65 years of age and over in the Seventh District and many of these people need the continued benefits offered to them by the senior aides program.

Our senior aides program offers an opportunity for those older persons who need to work and who want to work to help in providing basic community services. For instance, several of our senior aides assist the hard-pressed professional staffs of the good, but relatively few, hospitals in the area. A formerly very poor senior aid is now able to buy materials to make needed repairs on his very modest home. I urge support of H.R. 71 and title IX, so that older Americans and communities throughout our Nation may "do for themselves" as President Nixon exhorted in his inaugural address.

Mrs. SCHROEDER. Mr. Chairman, the bill before us today is indeed important. It has been more than a year now since the delegates to the White House Conference on Aging brought to the fore the many hurdles our older Americans have to cross each day. These hurdles would seem small to some people—food on the table, a place to live, usable transportation, a meeting place, a job to earn very needed funds.

I have heard from many older people who have expressed their desire to stay in the mainstream of American life. Yet for the poor elderly, the only type of life they can really afford is to become shut-ins. Most everything else costs money, and to many people 40 cents for a bus ride is more than they can afford.

The Older Americans Act Amendments, H.R. 71, title IX, especially interests me. Title IX was modeled after an older workers program we have in Denver. The sponsor, Senior Services, Inc., has reported that this program is a 100-percent success. The only problem is the limited number of enrollee slots provided under this demonstration program. We have a long waiting list of older people wanting to work for their livelihood. The older workers have provided Denver and the surrounding areas with good community service. They work with elderly shut-ins, with mentally retarded children from poor families. They are the added human resource that really cares and they are living examples of the stamina our elderly people have.

Unfortunately, this older workers program funded with Operation Mainstream funds may be discontinued shortly. Most of these older workers had incomes below the poverty line before they were hired. Now their only available alternative is to go on welfare. But these older people wish to earn their own way and provide for others.

I feel strongly that we, as responsible legislators, must at least provide an opportunity for older people to continue sharing their years of skill and talents with us. Older people really do not have the time to patiently wait for us to debate this issue on political grounds. We must carry their recommendations into action now.

Mr. KARTH. Mr. Chairman, in the last year the great city of St. Paul, in cooperation with the Wilder Foundation and the St. Paul Ramsay County Mental Health Center, has had the opportunity to sponsor an Operation Mainstream program to place older people in community service employment. I have heard how an older widow was placed at one of our halfway houses for chemically dependent women. Within a few months this woman was able to show such great promise in helping to rehabilitate the house's residents that she is being hired as a permanent employee. Without this older worker program, she would never had had the chance to show her talents in this area.

Other older persons are helping mentally retarded people learn to live outside an institution. They help these retardates learn how to tell time, read a calendar, understand the bus routes so they can get around by themselves.

I understand that these demonstration programs are going to be phased out. Therefore the provisions in this act for employment of older workers need to be funded so both the older people and our own communities will profit. I do not think America can afford to waste these valuable resources.

Mr. DONOHUE. Mr. Chairman, I most earnestly urge and hope that the House will promptly and overwhelmingly approve the legislative proposal now before us, H.R. 71, the Comprehensive Older Americans Services Amendments of 1973.

America's older citizens have a wide variety of needs which are properly and reasonably addressed by this comprehensive legislative measure. Under the several titles and provisions of this proposal, the Administration on Aging would be upgraded, strengthened, and expanded to cover more of the programs which affect the elderly in America. State and community grant programs would be revised to concentrate funds in those services aimed at providing more economic and personal independence for older persons. The measure further calls for the establishment of special impact programs to overcome the increasing problems of older Americans in such diversified fields as housing, transportation, employment, continuing education, and preretirement.

As you know, Mr. Chairman, the various titles and provisions of this measure are very similar indeed, in purpose and intent, to the legislation passed by both the House and the Senate during the second session of the 92d Congress. The record will show that the House passed that measure by a vote of 351 to 3; the Senate passed the measure by a vote of 89 to 0.

Mr. Chairman, it is my considered opinion that this new bill, H.R. 71, reasonably responds to the major reservations expressed by the President when he pocket vetoed it. And at the same time, it continues to provide the crucial services necessary for returning our impoverished and despairing elderly to a fuller, more meaningful existence in our American society. It would be a tragedy if we fail to timely and effectively respond to the clearly defined problems facing the elderly. Therefore, as we attempt to achieve a reasonable compromise with the administration by reducing authorization levels, we must also achieve a workable and responsive program which will demonstrate to the aged who suffer from too little attention and too little concern, that their country will not forsake them when their need is greatest. I very earnestly believe that this revised measure prudently and effectively meets these two basic objectives and I therefore think it merits the resounding approval of the House.

Mr. CLEVELAND. Mr. Chairman, I rise in support of H.R. 71, the Comprehensive Older Americans Services Amendments of 1973, a much-needed measure to strengthen our system of providing services to the senior citizens of our Nation.

My personal observations of needs in my own Second District of New Hampshire and the many communications I have received from constituents reflecting similar concerns strengthen my conviction that we should enact this legislation.

Indeed, this is strikingly similar to the bill whose overwhelming passage I supported last year, and to H.R. 2302 which I cosponsored early in this session.

Briefly summarized, this legislation would strengthen representation on behalf of the particular needs of the elderly by reestablishing the Administration on Aging, headed by a Commissioner reporting directly to the Secretary of Health, Education, and Welfare, and expanding its role.

Establishment of a national information clearinghouse for the aging and the Federal Council on the Aging also should serve to heighten concern for the problems of the aging and improve the information base on which policy decisions are made.

In my judgment, one of the most important of the bill's titles is the one calling for statewide plans for coordinated and comprehensive delivery of services to the aged, carried out through planning and service areas. There is the realistic hope here that a comprehensive focus bringing to bear all available public and private resources on the total needs of the individual should yield maximum benefits from existing programs as well.

Particularly relevant to the needs of the elderly in New Hampshire is the provision for model projects involving housing, transportation, continuing education, preretirement information, special services for the handicapped, and employment opportunities.

There also has been a demonstrated need for programs to recruit and train personnel to work in this field, as provided in the bill, and for the multidisciplinary research centers of gerontology as part of the process.

Another vital need in New Hampshire met by this bill is support for senior citizens service centers. Their proven popularity with those whom they serve demonstrates their potential for an upgraded and expanded role as a community focal point for development and delivery of social and nutritional services.

Expansion, extension, and amendments of other programs, including the foster grandparents, retired senior volunteers, nutrition, and a number of educational programs represent another strength of this bill.

I wish to take note, Mr. Chairman, of criticism directed at a final title, supporting community service employment for the elderly, to the effect that the unemployment rate for that category is low. In this regard I would point out that the unemployment rate does not measure those who have dropped out of the labor force, that is, have given up all hope of finding useful employment. Nevertheless, there is talent here that can be used, and in the process enable our senior citizens to help themselves.

In conclusion, I want to express the hope that programs which we enact here will prove of sufficient benefit as to warrant expansion with State and local support. Also, existing resources under general revenue sharing and under any special revenue sharing measures to be enacted should be regarded as a long-term alternative to these categorical grants. Part of the need for this bill has been the burgeoning of fragmented programs and the inability of intended beneficiaries to avail themselves of their due share in the benefits.

I also am concerned about the level of spending, and wish to commend my colleagues on the Committee on Education and Labor for producing a bill $600 million lower than the one vetoed on economy grounds last year after the Senate raised the spending authorization above the House level.

Mr. MINISH. Mr. Chairman, I rise in strong support of the Comprehensive Older Americans Services Act.

This legislation, which I have cosponsored, will give renewed hope to those often forgotten and neglected members of our society—our 20 million senior citizens—by assisting them to reach their full potential for meaningful service to their communities.

H.R. 71 would strengthen the role of the Administration on Aging as a focal point of Federal concern for older Americans. The Administration would be upgraded within the Department of Health, Education, and Welfare by making it directly responsible to the Secretary. It would also consolidate existing research and training programs and expand the training functions of the Commissioner on Aging.

Senior citizens are encouraged to participate more fully in programs of benefit to all persons through an expansion of the foster grandparents program, which provides part-time volunteer opportunities for older persons to serve children with special needs, and the retired senior volunteer program, which permits senior citizens to become involved in a variety of significant volunteer services in local communities.

In addition, the bill would create a new community service employment for older Americans program to provide community service jobs for low-income older Americans over the age of 55 in the fields of education, social services, recreational services, restoration of the environment, and economic development.

Of particular concern to me are the transportation research programs which hopefully will be expanded under title IV of the bill. Lack of mobility is one of the most serious problems facing senior citizens today and I am pleased that the Administration on Aging, in cooperating with the Urban Mass Transportation Administration, has given priority to the search for solutions to the transportation problems of older Americans.

In this connection, I have sponsored legislation which would require half fares for the elderly during nonpeak hours on mass transit systems receiving Federal operating assistance. My bill would also earmark funds for transportation services designed to meet the needs of the elderly.

The lack of adequate transportation facilities hits especially hard at older Americans who often live a life of solitary confinement, segregated from their friends and family, community activities, and employment opportunities.

Mr. Chairman, I urge overwhelming approval of this legislation by the House.

Mr. MOLLOHAN. Mr. Chairman, there is a tremendous human waste in denying employment to people merely on the basis of old age. Not only is there a loss in productivity, but in the deprivation of a fully satisfying life for those older citizens left jobless. America has been allowing some of its most productive citizens to senselessly waste their remaining years simply because they are aged.

Today we can cease this human waste by voting for H.R. 71 as it was reported out of the Education and Labor Committee. This bill is very similar to one I cosponsored earlier in this Congress. This sponsorship was premised on a sincere conviction that the provision of programs which continue the contribution of the senior citizen to society is worthwhile both for the individuals involved and for the Nation as a whole. My district has a senior service community project which has demonstrated how the entire population has benefited from the expertise senior citizens have. These people work with the school system, retarded children, bedridden seniors and semiinvalids. I am particularly concerned that title IX of this measure be retained and fully funded. It is this title which has the most beneficial impact on the local programs.

I pledge my full support to H.R. 71 as reported out of committee.

Mr. DOMINICK V. DANIELS. Mr. Chairman, I rise today to support the Older Americans Comprehensive Services Amendments of 1973. As former chairman of the Select Education Subcommittee, I have long been concerned about the plight of our older citizens. The amendments which we are considering today will, I believe, play a significant part in increasing the opportunities available to older people. These amendments will provide needed community services so that older people can remain independent in their own communities. They will provide service opportunities so that older people can gain a feeling of participation and a much needed sense of being of importance and of carrying out a useful role.

In particular, I would like to stress my strong support for the community service employment program which would greatly increase the opportunities for employment for older workers. As chairman of the Select Subcommittee on Labor, I have been very concerned about the problem of unemployment among older workers. Unemployment for middle-aged and older workers—persons 45 and older—is 73 percent higher than it was 3 years ago. There are more than 1 million persons in this age category who are jobless. Unfortunately, when older workers have a break in employment they have more serious problems in finding another job than younger workers.

Despite the Age Discrimination in Employment Act, older workers still face discrimination in hiring. In addition, their lower average level of education attainment, and in some cases, obsolescence of skills, make it more difficult for them to compete with younger workers. Yet, low earnings, underemployment, or frequent unemployment in the later working years cut down on the amount which can be saved or credited toward a retirement income. Thus a lack of employment opportunity can mean an individual will be forced to live at the poverty level for the rest of his years since his retirement benefits will, in most cases, be low either as a result of periods of unemployment or as a result of having had to opt for reduced early benefits. The community service employment program will help to alleviate these problems.

In addition, title VII, providing for nutrition for the elderly, deals with an extremely critical part of the lives of elderly Americans. The incidence of diseases attributed to nutritional deficiencies, as well as malnutrition, is disproportionately higher among the elderly than among any other age or demographic group. They are more vulnerable, not only because of age itself, but because as a group they have been pushed aside by a society which has grown more extended as it glorifies the cult of youth, a process not wholly disconnected from the fact that youth as a group spend more money and receive more attention from industrial markets and advertising.

The elderly of today lived and worked in an era of financial deprivation. They spent their working lives in the depression and the Eisenhower recessions. The small savings they were able to put away for this time in their lives as well as their social security insurance benefits and pensions have been eaten up by skyrocketing inflation over which they have had no control. Only 10 years ago, the elderly comprised 15 percent of the Nation's poor. Today they comprise 20 percent of Americans who must subsist on incomes below the poverty limits.

I urge that my colleagues support this bill reported out by the committee and reject the administration's substitute which would gut the Federal Government's responsibility toward older Americans.

Mr. YOUNG of Georgia. Mr. Chairman, I speak today in support of the House of Representatives bill 71 which would extend benefits to millions of senior citizens in this Nation of ours suffering unnecessary harm from the lack of sufficient comprehensive programs in the areas of health, education, social services, and recreation.

These are the collective lot of valuable citizens who have served the United States of America well, and now, after retirement find themselves left out of the benefits of their daily toil. These Americans, like our youth, are an indispensable part of the true hope of a profitable future for us all.

Just because they have retired does not mean that they have nothing to contribute by the way of wisdom to our aspiring youth in the classroom as teacher aides. To the contrary, I would think that because of all that they have experienced, they might add to the return to the extended family.

This legislation before us will provide delivery of a full range of essential services to our older citizens, a host of volunteer community roles, and meaningful, gainful employment opportunities.

In the 92d Congress, a similar measure passed the House 351 to 3, but went down to defeat at the hands of President Nixon's veto. Though today's bill has been trimmed down in hope of bypassing similar action at the White House, I see positive action today as a commitment on the part of the Government to invest in life, rather than death. I ask: Are we not to include those who have lived through a generation of war in the President's generation of peace?

Mr. BINGHAM. Mr. Chairman, I rise in strong support of the Comprehensive Older Americans Services Amendments of 1973—H.R. 71—and in opposition to the Landgrebe substitute.

There is no need for me to repeat the compelling arguments put forward by the distinguished chairman of the committee (Mr. PERKINS) and the able chairman of this subcommittee (Mr. BRADEMAS).

I should, however, like to say just a word in support of title IX of the bill which would permanently establish a community service employment for older Americans program. For this title to be eliminated from the bill, as proposed in the Landgrebe substitute, would be a tragedy.

I have been interested in this type of program for a number of years, having introduced the Older Americans Community Service Employment Act on August 12, 1970, in the 91st Congress and reintroduced it in the 92d Congress. In the 92d Congress, this legislation was sponsored and very ably promoted in the Senate by the distinguished Senator from Massachusetts, EDWARD KENNEDY, and by that longtime champion of assistance to older Americans, Senator HARRISON A. WILLIAMS of New Jersey. The bill was passed by the Senate as part of its version of H.R. 15657 and was retained by the conference committee. The entire bill, however, was vetoed by the President.

In recent years, a senior citizens community service program has been in operation in my congressional district, receiving its funds from the Department of Labor, but it has had no assurance of survival. Like other senior aide programs around the country, this has been an enormously successful activity. At limited cost, it has provided a number of senior citizens with useful and constructive employment, thus providing them not only with badly needed supplemental income but also with a feeling of being needed in the community. At the same time, the community has benefited from their efforts. I know of no program which has received more high praise, including compliments from President Nixon, and which meets so many needs at minimum cost. I cannot believe that the Congress will not want to continue this program.

Accordingly, I urge my colleagues to vote against the Landgrebe substitute and for the committee bill.

Mr. MOAKLEY. Mr. Chairman, the importance of the inclusion of title IX in the Older Americans Act is unfathomable.

Although it provides only a small group of the aged with employment, it has a direct bearing on all the elderly of Boston. The elderly become involved in recreation, community organization, planning for services, information and referral, telephone reassurance, and nutrition.

The persons who are employed under title IX would enable Boston's Commission on the Affairs of the Elderly and its director, Edward Dwyer, to sink its roots into the city and neighborhoods. This would enable Boston to develop quick and effective reactions to the needs of its senior citizens.

The passage of H.R. 71 with title IX included, will enable the elderly themselves and the Commission to meet the needs of the senior citizens of the great city of Boston.

Mr. CLAY. Mr. Chairman, title IX, employment and manpower training programs for our elderly should be supported in our bill today.

St. Louis, Mo., has a senior aides program which employs 62 of our elderly in community service programs. It is sponsored by the Cardinal Ritter Institute. The majority of these individuals serve St. Louis' elderly which comprise 15 percent of the city's population.

The aides save taxpayers thousands of dollars by making home care visits to indigent St. Louisans and thus keeping them out of expensive nursing homes and hospitals.

Our local and State mental health hospitals utilize the services of the aides to followup on patients who leave the hospital. Some of the senior aides assist in geriatric wards by giving personal guidance to patients and directing them in their rehabilitative process.

Many of the senior aides have been put onto payrolls of their local agencies because of the invaluable, skilled, and reliable service.

These are excellent programs, Mr. Chairman, and worthy of our support.

Mr. BADILLO. Mr. Chairman, I rise in support of H.R. 71, the Comprehensive Older Americans Services Act of 1973. This is, of course, the second time that Congress is attempting to pass this very important piece of legislation. Its predecessor, H.R. 15657 was pocket vetoed by the President who deemed that it contained "a range of narrow, categorical service programs which would seriously interfere with our effort to develop coordinated services for older persons. The bill we have before us today attempts to avert another Presidential veto through overall cuts in authorizations and the sacrifice of some of the programs, such as the badly needed middle-aged and older workers training provisions previously embodied in the legislation.

Despite the 20-percent increase in social security benefits, enacted by Congress in the face of Presidential opposition, and the widely publicized federalization of welfare for the elderly and the disabled, our senior citizens have not been faring well under the present administration. More than half of our elderly population, 5.9 million single individuals and 4.6 million couples, still have incomes below the Labor Department's intermediate level budget. Also, despite the increases, social security income now can purchase significantly less goods and services than it did a decade ago. Social security benefits in 1950 sufficed for at least half of the budget requirements necessary for the moderate standard of living established by the Bureau of Labor Statistics—today's greatly increased income will secure only two-fifths of those requirements.

Besides the general increase in the cost of living which has in effect reduced the 52-percent cumulative increases achieved by Congress to a 30-percent actual gain, one of the major problems faced by the elderly has been the extremely high cost of medical care. And, instead of improving the provisions of medicare and extending its benefits, the administration has attempted to balance its budget by increasing part B deductible by 20 percent and increasing the deductible for hospital insurance from $44 to $68, or 55 percent during the first 4 years of its term in office. Soon Congress will have to entertain yet another proposal for an increase which purportedly would increase the part B deductible by another $15, and force the elderly to pay the full costs of room and board for the first day of their hospital stay as well as 10 percent of all hospital costs incurred thereafter. Medicare premiums alone have risen 45 percent during the past 4 years, from $48 to $70, and they are expected to go yet higher.

Housing for senior citizens is suffering from the moratorium and the administration's decision to do away with the successful section 202 program. In addition, the newly promulgated guidelines for public housing will force authorities to take fewer of the most needy because their increased operating costs will in part have to be offset through a higher level of rents.

The bill before us can, of course, not take care of all these problems. But it can greatly help to create the environment for meeting some of the most urgent needs. The establishment, under title II, of an Administration on Aging will serve as an important focus of concern for our senior citizens. Primary responsibility for carrying out the programs authorized under this act will rest with this Administration, thus enhancing the programs' effectiveness, and assuring the cooperation of Federal agencies. The National Information and Resource Clearinghouse authorized under section 204 should be an invaluable tool for coping with the special problems encountered by the aging. Title III's new emphasis on encouraging collaboration among States and local agencies to concentrate resources for the development of comprehensive service systems will, I am sure, assist in assuring a more satisfactory level of social services. This in turn will mitigate some of the chaotic conditions created by the imposition of the ceiling on social service moneys contributed by the Federal Government.

Since both the quality and quantity of services we can provide for this segment of our population depend on the availability of highly trained personnel, the training and research authorization under title IV should prove invaluable. Title V, multipurpose senior centers, capable of providing health, social, educational, and recreational facilities, should help to marshal and focus concern and services throughout our communities.

Unfortunately, our Nation has to a large extent been leaving untapped the great reservoir of talent and experience that our senior citizens collectively possess. Title IV, the national older Americans volunteer program, should go a long way toward rectifying this situation. The programs enumerated in it have proved to be successful and popular in the past and will, I am sure, continue to do so in the future. Coupled with the provisions of the Older Americans Community Services Employment Act, title IX, it should make it possible for our Nation to draw upon the contributions that our senior citizens are anxious and able to make.

All in all, the bill before us is an excellent piece of legislation, representing detailed and painstaking study and work. I urge its speedy and overwhelming passage.

Mr. WOLFF. Mr. Chairman, as a cosponsor of the Comprehensive Older Americans Services Act and an active supporter of this legislation last session, it deeply disturbs me that we should even have this bill before us again. Last session, both the House and Senate unanimously approved the Older Americans Act; the intent of the Congress was clear in its overwhelming endorsement of this comprehensive measure that will significantly strengthen our efforts to meet the special problems and needs of the elderly. The President's veto of this measure, at a time when inflation and a high cost of living has increased burdens for the elderly, seems to me an unthinking act totally out of keeping with the role of a responsible, humane government. As the President's pocket veto made it impossible for Congress to reassert its will in this matter last session, it is imperative that we act now to reaffirm our commitment to developing and coordinating services for older Americans by enacting the bill before us today.

Although the President seems to feel that this bill is fiscally unsound, the fact is that the committee has done an admirable job of amending the vetoed bill to meet the administration's major objections, without sacrificing the overall effectiveness and comprehensive nature of this legislation, and that no other legislation addresses itself to the aims of the Older Americans Act of 1973. This bill recognizes that the problems of our elderly extend beyond those of health and income into areas like transportation, nutrition, housing, and employment. I am particularly pleased that the bill will aid the States in helping our elderly overcome transportation barriers and that it will assure that our nutrition program for the elderly will operate with coordinated service systems. These are both areas in which I have been actively involved, having coauthored the bill which set up the low-cost meals for the aged program and proposed through several channels that we increase transportation opportunities for our senior citizens. In addition, it is vitally important that we strengthen, as this bill does, the role of the Administration on Aging as the Federal center for dealing with the concerns of the aged.

The administration seems particularly opposed in this legislation to the community services employment program, which would provide jobs in the areas of education, recreation, conservation, and social services for low-income older Americans. I cannot understand this objection as this seems to me the kind of program which in the long run will more than pay for itself, not only by keeping our elderly off the welfare rolls, but by filling gaps in our community service programs. This is essentially the type of program which will contribute toward helping older Americans to become self-reliant, active members of the community, an objective which the President himself has advanced.

Mr. Chairman, for the sake of the millions of senior citizens to whom we have expressed a commitment to insure their living in dignity and comfort, I urge the House to reassert its intent and will that the Comprehensive Older Americans Services Act become law.

Mr. EDWARDS of California. Mr. Chairman, I want to urge my colleagues to support H.R. 71, the Older Americans Comprehensive Service Amendments. Long awaited by senior citizens of this country, this bill will implement the recommendations of the 1971 White House Conference on the Aging and provide the elderly with services and programs they desperately need. As reported by the Education and Labor Committee, with an approval of 31 to 1, it is a strong, forward-looking and constructive measure that should not be weakened by amendment.

In the last Congress another version of this measure, overwhelmingly passed by the House, was vetoed by the President. H.R. 71 attempts to meet the major objections voiced by the President in his veto message, while retaining the strengths of a program adequate to meet the needs of the elderly. In addition to the endorsement of government officials, delegates to the Aging Conference and leading organizations of senior citizens, this bill has the enthusiastic support of the elderly themselves.

In the past, the Older Americans Act has set a fine example of Federal-State cooperation, setting up offices on aging in every State and offering a wide range of programs for development. The amendments of H.R. 71 would enhance the existing opportunities, strengthening the Administration on Aging—HEW, increasing State aid, authorizing special housing, transportation and training programs, establishing research and senior citizens centers. For 21 million elderly Americans, this measure will mean a life that continues to be meaningful, fulfilling, and part of the mainstream of society. For the 6 million Americans over the age of 55 who live in poverty and isolation, it will mean another chance to work and to be an independent and self-sufficient individual. But, together with other efforts to provide jobs and better health care for the senior citizens of the country, it will mean increased benefits for the Nation as a whole in providing us with a wealth of experience, skill, and knowledge which would otherwise go untapped.

Mr. CONYERS. Mr. Chairman, I rise today in support of H.R. 71, the bill designed to strengthen and improve the Older Americans Act of 1965.

For 4 years in my own city of Detroit, the program administered under title IX, the senior aids community project, has been a resounding and unequivocal success. Since the inception of this project, Detroit's welfare dollars have decreased, and the senior citizens enrolled in the program have begun to contribute tax dollars to the city, State, and Federal Governments. Persons employed on this project now have dollars which they earned themselves to spend on food, clothing, public transportation, and other necessities of life. No longer do they depend on welfare allotments to meet their needs and the needs of their families.

There are currently 60 senior citizens participating in the Detroit senior aids community project. Under the terms of title IX, in order to foster and promote useful part-time work opportunities in community service activities for unemployed low-income persons who are 55 years old or older and who have poor employment prospects, the Secretary of Labor is authorized to establish an older American community service employment program. In order to carry out the provisions of title IX, the Secretary is further authorized to enter into agreements with public or private nonprofit agencies to guarantee financial banking for participants in the program.

At present in Detroit, 17 public and private nonprofit agencies are using the senior citizens in the program to meet Detroit's community needs in a variety of settings; from schools and hospitals to clinics, senior citizen centers, and agencies for the handicapped. These people have become outstanding and informal "civil servants" of our great city of Detroit.

The story of a 62-year-old Detroit gentleman who I shall call Mr. Cooper is completely representative of the case histories in the files of the administrators of the Detroit Senior Aids Community project. Mr. Cooper was found one day a little over 2 years ago living in a flop house in Detroit. Everything he owned, he carried on his person; a small comb, a couple of handkerchiefs, and his only set of clothes, which he had not been able to afford to replace in years. Mr. Cooper had been on welfare for 8 years. He had a totally negative self-image, was sullen, talked to no one, and appeared at times to be suicidal.

Two years ago, Mr. Cooper was enrolled in the Detroit Senior Aids Community project, after having made application at the local community action center. He was employed at Mother Waddle's Perpetual Mission as a handyman, issuing food and clothing to the residents of the mission. Soon, his health returned. Now that he was making $2.30 per hour, he could afford to move out of the flop house and into a comfortable but modest one-bedroom apartment. He was able to buy new clothes for the first time in years. After a few months, he started, slowly at first, to freely converse with those he met at the mission. Soon, he had made several lasting friendships. He began feeling better about himself. In the 2 years of his employment, Mr. Cooper has never been absent or tardy once.

There are 60 "Mr. Coopers" now enrolled in the Detroit program. Each is a living testimonial to what senior citizens can do for themselves if the Government will only treat them with a measure of respect, and out of a common recognition of their human needs. Finances for the Detroit program are funnelled through the Department of Labor's mainstream program authorized under title IX to the National Council of Senior Citizens, which in turn funds the Senior Aids project. The people of the city of Detroit and the people of cities all over this Nation need projects like the Older American Community Service Employment program. For the sake of elderly Americans all across America, I shall cast my vote in favor of H.R. 71 as reported by the House Education and Labor Committee. I respectfully urge my colleagues to do likewise.

Mr. HEINZ. Mr. Chairman, I rise to endorse H.R. 71, the Older Americans Act Amendments, as reported to the House by the Committee on Education and Labor. Special praise is in order for the committee and the leadership of both Mr. Quie and Mr. Brademas, who have labored diligently to design a strong bill that deals directly with the problems burdening elderly Americans.

Last year I strongly supported H.R. 15657, the Older Americans Comprehensive Services Amendments. Unfortunately President Nixon felt compelled to veto this legislation because he believed it too costly and, therefore, likely to contribute to inflation. But with the basic authorizing legislation having expired at the end of 1972, the time has come for Congress and the President to act quickly to adopt reauthorizing legislation which improves and expands programs serving senior citizens.

On February 22, 1973, I offered H.R. 4635, as a compromise between last year's congressionally passed position and the administration position. Such compromise is imperative since no purpose will be served by the further delay of this legislation, delay resulting from the growing feud between Congress and the President.

Mr. Chairman, the House Committee on Education and Labor has reported a bill, H.R. 71, which is a wise and reasonable compromise between the earlier congressional and Presidential differences. The committee has cut the total authorization level in the bill by more than $600 million, a cut of more than 30 percent, and a cut made without damaging the integrity of the Older Americans programs. Moreover, the committee completely deleted title X of last year's bill, a title, which would have established a manpower program which the President found particularly objectionable.

I believe H.R. 71 is now a workable compromise acceptable to Congress, to the President, and most importantly, to elderly Americans. Therefore, I intend to vote against Mr. LANDGREBE's amendment in the nature of a substitute, and I intend to vote in favor of the committee version of H.R. 71, the Comprehensive Older Americans Services Amendments of 1973.

However, Mr. Chairman, at the present time it appears that because of a previous commitment I may inadvertently miss the vote on final passage of H.R. 71. But if I am present I do intend to vote as I have indicated, against the Landgrebe substitute and in favor of the committee's excellent version of H.R. 71.

Mr. BURKE of Massachusetts. Mr. Chairman, I wish to express my firm support for H.R. 71. This bill represents a comprehensive effort to alleviate a broad range of problems facing the elderly of this country today. H.R. 71 seeks to reinforce and elaborate upon the programs of the Older Americans Act of 1965; programs which have an established record of success and effectiveness. I do not know of a single person who can find fault with the accomplishments of such worthy programs as the retired senior volunteer program, the foster grandparent program, and others. Last year, under title III of the Older Americans Act of 1965, 1,721 projects provided assistance for 800,313 elderly citizens of this country. These projects serve to comfort and ease the loneliness of the much neglected shut-ins, provide essential transportation that enables the elderly to visit their physicians and attend religious services, they help provide nutritional meals, decent housing, training and guidance, plus a host of other services which are urgently needed by our senior citizens.

When the Older Americans Act of 1965 was passed and signed into law, all of us here in Congress had high hopes for it. Some of these hopes were realized, as I have indicated, but it has become increasingly more difficult for many of the goals of this act to be accomplished. The act established the Administration on Aging within the Department of Health, Education, and Welfare. The Administration was to be a highly visible body within HEW and was to be headed by a Commissioner appointed by the President. This organization was to function as a national clearinghouse for dealing with the problems of the elderly. Instead, in 1967 the AOA was placed within the Social and Rehabilitation Service and programs initiated by the AOA became diffuse. Since that time, the responsibilities of the Commissioner have continued to decline, and so has his effectiveness.

This bill seeks to restore the Commissioner of AOA to an effective and respected position. H.R. 71 provides the Commissioner with the authority to issue grants in order to initiate programs in gap areas where demonstrable need is evident. Financial resources to share in the cost of development and operation of programs are essential if the Commissioner is to achieve effective coordination with other agencies. H.R. 71 aims at achieving maximum effectiveness in all programs for the aging by requiring that all Federal agencies desiring to create programs related to the purposes of the Older Americans Act shall consult with the AOA in executing these policies. Such reforms represent a significant innovation in the present law and in my opinion will go a long way toward increasing the effectiveness with which the AOA can deal with the problems facing our senior citizens.

This bill also establishes a National Advisory Council on the Aging to keep the President informed on matters relating to the special needs of the elderly. This council is required under H.R. 71 to undertake two major studies. The first study is to be for the purpose of examining the interrelationships of all Federal, State, and local agencies operating to benefit the elderly. Many of these agencies overlap one another under existing structures. The resultant inequity becomes manifest when older people receiving benefits under the jurisdiction of more than one agency are granted an increase in one program, they often face a proportionate decrease in the other. In effect there is no increase at all for the individual. The tragedy here is that the reason for the initial increase is often a very pressing one, and yet, the net result is self-defeating. I feel very strongly, as you know, that every effort should be made to help free our senior citizens from the unreasonable burdens brought on by a fixed income.

The second study the council will undertake is a review of the combined impact of all taxes on the elderly. Taxes on income, property, sales, and social security among others will be examined. Hopefully this study will find a solution to the tax burden under which our elderly suffer. Consider the implications of an elderly homeowner who is retired and living on a fixed income. How is he to cope with a sudden rise in property taxes? Is he to be expected to abandon the home which in many cases he has worked for all his life? Certainly there exists a better solution.

This bill represents a realistic approach toward solving the problems of the elderly. It will establish a single, clearly identifiable Federal agency to handle all matters relating to our senior citizens. It also establishes a single State Agency on Aging in each of our States so that the elderly citizens will have better access to information on obtaining much needed benefits and services. The bill will provide funds for the study of all problems encountered by the elderly. It will fund organizations to assist the elderly in education, transportation, medical needs, nutritional needs, and most importantly, it does so with the aim in mind of enabling our senior citizens to live independent lives in the dignity of their own homes.

Our Nation owes a great debt to our senior citizens. It was they who built this country, who carried us through depressions, fought for our national liberties in time of war, worked to erase hunger and disease, and overcome the countless other problems of a growing Nation. We realized our obligation in the last Congress only to see our efforts laid to waste by the pocket veto. It is our duty to see that our obligations are fulfilled.

I have seen the effects of what a senior service community project can do for the elderly. Boston was fortunate enough to receive a senior service community project. Its impact has been such that I now see the elderly of Boston continue as a viable resource to the entire city of Boston.

Not only has employment in the senior service community project made life better for them, it has made it better for all the elderly of Boston. Now shut-ins know they will get a friendly visitor or telephone call several times a week, when they go to the hospital there will be a sympathetic friend to comfort them if they are ill and must wait for a doctor, or if they do not speak English there will be an interpreter.

Mr. Chairman, we owe our senior citizens too much to deprive them of such programs, and I respectfully urge all of my colleagues to join me in voting for the passage of H.R. 71.

Mr. O'NEILL. Mr. Chairman, I rise in strong support of H.R. 71, the Comprehensive Older Americans Service Amendments of 1973. For today, we are considering the most benevolent and innovative program of social service ever developed for our senior citizens.

This program is creative, progressive and comprehensive. And it will meet the vital needs of the elderly in this country. The services provided for in this bill are designed to help support and enable the 20 million aged in our population to maintain an independent existence, enrich their golden aged years, and avoid institutionalization.

No longer will senior citizens feel isolated, lonely, helpless and neglected.

No longer will indigent senior citizens suffer from nutritional deficiencies.

No longer will the elderly find it difficult to maintain a sense of dignity in their own familiar community environment.

No longer will low-income senior citizens who are able to work find it difficult to seek community service jobs.

Last year alone, more than 1 million senior citizens took advantage of the opportunities offered by this act. Next year, more than twice that number will be gratuitously affected.

Older persons will be able to see their doctor when necessary, do their own grocery shopping, go on a sightseeing trip, or pay a visit to their loved ones because of the more than 428 transportation services provided for the elderly in this bill.

An impoverished and rurally isolated senior citizen knows what it is like not to have a hot meal each day. Some senior citizens suffer from nutritional deficiencies because they are too ill to get out or to cook for themselves. If this bill is enacted, many senior citizens will be served at least two nutritional meals 5 days a week.

Multipurpose centers for senior citizens, established by this bill, will enable older Americans, particularly those whose incomes are below the poverty line, to come together to eat a low-cost nutritionally sound meal. Meeting at these centers to eat meals will not only promote better health through improved nutrition; but in addition, congregating at community parties provided by these centers will help to reduce the isolation and loneliness of older citizens.

Through popular volunteer programs for the elderly, like the Foster Grandfather program, a senior citizen can help other golden agers by providing transportation or delivering meals to those who cannot cook for themselves, or perhaps even teaching adult education courses to other senior citizens. Some of the volunteer programs set up in this bill enable senior citizens to offer their services to young children with special needs on a one-to-one basis. In this way, the elderly not only make valuable contributions to their own community, but in turn, receive personal gratification from a sense of accomplishment and a willingness to help others help themselves.

This bill provides in-home health aides for the senior citizen who is unable to leave the confines of his domicile, and provides visiting nurses for those who need daily medical attention in an outpatient basis.

I firmly believe that the most significant innovation in this bill is the provision establishing a community service employment for older Americans program to develop community service jobs for low income older Americans over the age of 55 in fields of educational services, recreational services, restoration of the environment, and economic development.

Mr. Chairman, I believe that we have a commitment to aid the elderly under the aegis of this program and through other programs which help our senior citizens.

The President, in vetoing the Older Americans Act last year and in his budget proposal for this year, has presented a program of benign neglect for the elderly.

Where the President has failed to provide leadership in assisting the needs of the elderly, the Congress will assume the mantle of leadership in authorizing adequate programs to meet the nutritional, health, social, and economic demands of older Americans.

Mr. Chairman, immediate adoption of H.R. 71, the comprehensive older Americans service amendments, marks the beginning of a congressional commitment to aid our senior citizens.

Mr. CULVER. Mr. Chairman, this Nation for over a decade has been facing what many regard as a national crisis resulting from an unconscionable neglect of our older Americans. During this time, the Nation's elderly have looked to Congress for relief. Congress has responded by enacting several major pieces of legislation to aid the elderly. Once again this body has the opportunity to improve the quality of life for our 20 million senior citizens.

The bill before us today is substantially the same legislation which passed this body last year with only three dissenting votes. Despite this overwhelming bipartisan support, the bill was vetoed by President Nixon. This veto by the President and the low priority of programs for the elderly in his budget requests create an urgent need for action on this bill by the House.

The problem of the elderly is a particularly important concern in the State of Iowa, which has the largest percentage—12 percent—of population over 65 of any State, other than Florida. This bill is designed to help these Iowa citizens and all senior citizens.

H.R. 71 amends and extends the Older Americans Act in an effort to strengthen our national program for elderly and retired Americans. In May 1972, I introduced a package of bills in an attempt to lay the groundwork for a comprehensive national program for senior citizens. I am pleased to note that the major proposals in my legislation are included in H.R. 71.

Mr. Chairman, if this bill becomes law, our senior citizens' lives will be improved in many respects. To cite a few examples:

The first steps are taken toward restoring the elderly's freedom of mobility by studying the ways in which they can be granted access to low-cost transportation;

The community service employment program will allow the elderly to contribute to society in meaningful and responsible employment;

Elderly will be able to gather at senior citizen community centers to share meals, conversation, and participate in retraining, employment, and other programs.;

Senior citizens will be able to make more productive use of their free time by serving as foster grandparents to children in need or as senior health aides and companions to elderly in need;

Better educational opportunities will be provided to those senior citizens wishing to advance their education.

In short, Mr. Chairman, this bill will permit senior citizens to live their lives with greater dignity and peace of mind.

Among the many worthy provisions of this bill, I have a special interest in several areas. For example, the community service employment and community multipurpose center provisions are substantially the same as my 1972 proposals. Any comprehensive program for the elderly should include these programs.

I also recognize the particular burden our deteriorating transportation systems have placed on the elderly. Few communities in Iowa, for example, have any public transportation. Most elderly are not licensed to drive and cannot afford a taxi.

The critical need for transportation is often the subject of letters to me from senior citizens in my district. Last week, for example, the president and members of a senior citizens club in Cedar Rapids wrote me of their needs for bus transportation to take their 86 members to their club meetings and other functions. These elderly persons were saving coupons to raise the $1,000 needed for the cost of such transportation.

H.R. 71 also strengthens the Administration on Aging—AOA—within the Department of Health, Education, and Welfare; increases aid to the States; authorities special programs in housing, transportation, and preretirement training; and establishes research centers on aging.

According to the committee report on this bill, most of the Administration's stated objections to last year's bill have been met in H.R. 71. I hope, therefore, this legislation will not be killed by a Presidential veto.

I am greatly concerned, however, by the low priority accorded programs for the elderly by this administration. Two critical problems of the elderly, not covered by this bill, are the high cost of medical care and adequate housing. Recent policies of the administration have compounded the hardships being experienced by the elderly in these areas.

The administration's proposals for amending the medicare law may cost the elderly millions in increased medical bills. The recent moratorium on housing programs will delay the completion of many housing projects for the elderly.

With this situation existing, I was dismayed to learn that a HUD official reportedly told a group of elderly residents of Davenport, Iowa, that the only thing they could do about the administration's policies was to pray. Such a callous comment not only demonstrates a lack of understanding of the sense of hopelessness existing among our elderly, but also fails to account for the effort in Congress to redirect the President's priorities so as to be consistent with the pressing human need in our society.

I have written to the Secretary of Housing and Urban Development asking for an investigation of this purported statement and I am including a copy of that letter and article for the RECORD.

That letter and article said:

Hon. JAMES T. LYNN,
Secretary, Department of Housing and Urban Development, Washington, D.C.

DEAR MR. SECRETARY: I was very dismayed to learn of a comment reportedly made by an official of your department in Davenport, Iowa on February 21, 1973. As I am aware of no action taken by your department to mitigate the effect of this remark since it was allegedly made, I am taking this occasion to bring it to your attention.

According to a newspaper account, Guy Birch, area director of the Housing and Urban Development office in Omaha, Nebraska, was asked by a group of elderly residents in Davenport what they could do about the current HUD housing policies. According to the report, his reply was, "You've got your beads. It sometimes helps to turn to a power greater than our own for support." The headline of the news report was "HUD Aid Tells Aging To

Pray." (Times-Democrat, Thursday, February 22, 1973, page 28).

Knowing as I do of the severe hardships being experienced by the elderly in Iowa, and elsewhere, because of the current cutbacks and moratoriums in federal housing programs by the Administration, I am able to understand the sense of hopelessness which a remark like this can produce. I can well understand, for example, the feelings expressed in a letter to me from one senior citizen who attended this meeting. Mrs. Lloyd Nelson of Davenport wrote: "This has been an awful blow for these elderly to take, after they have tried and prayed for years their living conditions are (still) terrible downtown."

Such a remark by Mr. Birch to these senior citizens is not only ill-considered and in poor taste, but displays a callous attitude towards the anxiety and frustration being experienced by the elderly in our society today.

The plight of our aging citizens is a national disgrace. Perhaps one-quarter of our senior citizens live their lives below the poverty level. In most cases, their housing meets only minimal standards of decency or is entirely inadequate. At a time when we urgently need a national commitment to decent housing for the poor and the aged, officials of this Administration are reportedly telling people that all they can do about it is to pray.

If this remark was made, it not only was insensitive, but inaccurate. The nation's poor and elderly are entitled to and can expect assistance from other than divine origins. The Democratic leadership in the 93rd Congress has made a commitment to bring decent housing to our elderly, and this commitment can be fulfilled within the confines of a sound fiscal policy. As long as this commitment exists in Congress, our senior citizens can retain hope for a better life.

Mr. Secretary, I request that you investigate the circumstances surrounding this alleged remark by an official of your department. If this remark was in fact made, the senior citizens of Iowa and the nation deserve an apology.

Sincerely,

JOHN C. CULVER,
Member of Congress.

[From the Times-Democrat, Feb. 22, 1973]

HUD AIDE TELLS AGING TO PRAY

(By Bruce Johnson)

About 100 gray-haired residents of Davenport had a chance Wednesday to ask a federal official where they can turn in the face of government cutbacks on housing programs.

Guy Birch, area director of the Housing and Urban Development office in Omaha, Neb., told them they could always pray.

"You've got your beads," Birch said. "It sometimes helps to turn to a power greater than our own for support."

Birch and his staff assistants were in Davenport Wednesday for the ceremonial signing of a formal agreement between HUD and the city regarding ongoing services. But what he had to tell the elderly audience in the city council chamber left them with little to celebrate.

"Many of our programs have been suspended or terminated by the secretary's directive, to give us a chance to look at them and see if the money is really being spent as it was intended to be used," Birch said. "We in government are frustrated because we know that your problems don't change even if the programs do."

Among the Davenport projects that were indefinitely delayed by a freeze announced in January by former HUD Secretary George Romney were 100 units of low-cost conventional housing for the elderly and another 175 units of housing for poor families and the elderly.

Steve Goebel, a young staff worker for Senior Iowans, Inc., was the first to respond to Birch's suggestion to "turn to a power greater than our own."

"Just when some of these programs are far enough along to be funded, the government comes along and wipes them all out," Goebel said. "Frankly, I'm embarrassed that the best answer you can give these people is to pray."

Ray Wilcox, the 67-year-old vice president of the Scott County chapter of the American Association of Retired Persons, rose slowly from his seat to say that he reads his Bible every night.

"It says in there that faith without works is dead," Wilcox noted. "You can do all the praying you want to, but if you don't start doing something you won't get any housing."

A succession of speakers made their way to a microphone to plead for adequate housing for the city's elderly, especially those living in the decaying apartments above the stores and businesses in the downtown core.

Charlie Williams, 78, president of a senior citizens group, said: "Since Mr. Romney visited Davenport last year, our plight has worsened. Some of the homes of our aged have no kitchen, no running water; there is faulty wiring, poor heating, too many steps to climb and toilets that you have to share with three or four other families—and when you get to the toilet it is not uncommon to find a vagabond sleeping in there."

"Several of our elderly have already passed away since signing up for the waiting list for new housing. How many more will die before something is done?" he asked. The crowd applauded loudly.

Birch more than once pressed the theme that President Nixon is trying to divert the decision-making away from Washington and back to the local level.

"I throw it back to you," Birch told John Hand, another Senior Iowans case worker whose voice had trembled as he described fire hazards in some of the places where old people are forced to live.

"The police in Washington can't know all of your problems," Birch said. "How many fires will it take before the people locally become concerned enough to do something for their own elderly?"

Thelma Kass, a former member of the Iowa Commission on Aging, took issue with the HUD director on his statement that federal officials aren't fully informed of the needs at the local level.

"I was a delegate to the White House Conference on Aging a year-and-a-half-ago, and it seems we made a lot of noise at that time," Mrs. Kass said. "Is that all the farther it goes? What good does it do to write your congressman when the letter just goes in the wastebasket?"

Paul Ryan, a member of the Davenport Levee Improvement Commission, described himself as "probably a senior citizen too" and told of his efforts with other businessmen to get an elderly housing program started several years ago.

"We were told to wait, and we're still waiting," Ryan said. "We owe these people," he added, waiving an arm toward the audience. "They gave us the society we have today, and they shouldn't have to wait any longer for a decent home."

Where do you suggest we go from here," asked Agnes Neumann, director of the volunteer Meals on Wheels program. "The need is now, but you say the money isn't available now. Where do we turn?"

Elsie Nelson, a Senior Iowans member and familiar face at governmental sessions where problems of the aged are being discussed, vowed to "be around a long time and to keep fighting for the cause."

"We're starting to think we are the forgotten people," Mrs. Nelson said.

The administration's new regulations for the funding and administration of social services programs also will result in cutbacks in aid to the elderly and others. For example, these regulations may deny food assistance to the 3.1 million elderly and disabled persons who are below the poverty line. In addition, many services will be curtailed, including employment services, health and legal services, and educational services, and I have indicated to the Department of Health, Education, and Welfare my indignation and objections to these proposed regulations.

The passage of this bill serves to reaffirm the commitment by this Congress to our Nation's senior citizens at a time when many of our programs for the elderly are faltering under the misdirected priorities of the President. Legitimate limitations on Federal spending are a concern which I share. However, demands for budgetary control should not be an excuse for further neglect of our elderly. The Nation's resources are great enough to permit a decent standard of living for all senior citizens, indeed, for all Americans regardless of age.

Mr. Chairman, while accusing Congress of fiscal irresponsibility, this administration at the same time has been dispensing special favors to its wealthy and influential friends. It complains about the amount of the congressional authorization for the elderly and poor, but urges financial assistance and continued tax breaks for large corporations and other business interests. It asks for self-reliance from the elderly and the poor while it offers subsidies to special interests. When large businesses could not make ends meet, they received help. When the elderly cannot make ends meet, they are told to pray.

In my judgment, the quality of a society is properly measured by the circumstances which characterize the lives of its elderly people. It is time to end the neglect of our elderly, and this bill takes a major step in that direction. Just as this administration has extended a helping hand to the privileged, so must Congress now extend a helping hand to the poor and elderly.

Mr. KEMP. Mr. Chairman, this vote today on the Older Americans Act is one of the most difficult that I have ever had to cast as a Member of Congress.

I have consistently supported efforts to enrich the lives of the Nation's older citizens. However, the greatest threat to the goals which seek to assist this worthy group of Americans is the financial bankruptcy of our country. I consider solving the fiscal crisis of America to be the highest priority of the 93d Congress. To this end, I have introduced legislation which would establish the machinery to enable Congress to get a hold of the budget and arrive at its own spending priorities within a prescribed spending ceiling.

I hoped that the Democratic leadership in this Congress would have accepted the responsibility of helping provide Congress a budget reform bill with a spending ceiling before bringing up all of these pieces of legislation. I consider it the height of irresponsibility to be bringing up this early in the session, a number of bills which very likely, when added up, would increase the deficit of this country by another $3 to $4 billion.

I have not seen one bill introduced, by any Member, that would increase taxes in order to pay for these deficits. If these deficits are not paid for in higher taxes, they will be financed by borrowing, which is, as anyone knows, highly inflationary. Mr. Chairman, I find those alternatives reprehensible.

Inflation is totally inconsistent with our desire to help senior citizens who are on fixed incomes and who are hurt the most by the deterioration of purchasing power and higher prices.

I am voting no on H.R. 71 after great deliberation, Mr. Chairman. I very much wanted to support a fiscally sound and humanitarian piece of legislation that would not only serve the ends of senior citizens but would be consistent with our goals of budget reform and fiscal sanity. And I will support the amendment of my colleague, Mr. LANDGREBE, which would put existing community resources to work to serve the elderly but will not create the kind of funding pressures that would carry spending on this program so far beyond the present budget request.

There can be no doubt about the high priority placed on the well-being of older Americans, both by recent Congresses and by the administration. Recent funding trends are clear:

Programs of the administration on aging will have risen from $28 million in 1970 to $196 million in 1974, a sevenfold increase in only 4 years.

Social security benefits rates have been increased by 51 percent in the last 4 years, and cash benefits paid to the elderly will have increased from $22.5 billion in 1974.

Medicare and medicaid benefits for the elderly will have increased from $7.8 billion in 1970 to $11.5 billion in 1974.

Total Federal benefits for the elderly will have increased 71 percent from 1970 to 1974, rising from $37.2 billion to $63.8 billion. For anyone to read this vote on H.R. 71 as a retrograde step in my devotion to or support of the well-being of our older Americans would be guilty of a gross misinterpretation. Only after a ceiling on spending has been established by this Congress will the necessary and proper step have been taken that will allow us, with clear conscience, to weigh the reasonableness of conflicting budget demands. When that happens, I expect the advantages of new federalism will quickly come into focus for many Members of this body.

In my committee I supported H.R. 71 hoping that between that time and the time this legislation would come to the floor, the Congress would undertake the reforms as outlined in principle in the interim report of the Select Committee on Budget Control or at least a ceiling on spending. But it is obvious that the Democratic leadership is bringing up these measures precipitously and with great rapidity for no other reason than to frustrate the attempts by those of us on both sides of the aisle and in the administration who believe that Congress should not be considering these legislative authorization bills without first giving consideration to an overall spending ceiling with a debate over priorities between the administration and Congress.

I have my own ideas as to priorities, Mr. Chairman, and I have strongly disagreed with the administration on several aspects of its budget. Congress need not lose control or power to the President. By our action, or our lack of action, we have totally forfeited our responsibility to develop alternative priorities within an overall budget.

Just last week I voted on another piece of legislation which, on the surface, sounded very good. No one wanted to vote against the handicapped any more than they wanted to vote against the older Americans. If I had to do it over again, Mr. Chairman, I would vote against that act from the standpoint that I am increasingly convinced that I cannot vote for these measures. Since this is the only way to demonstrate a protest over the irresponsible approach to legislation being pushed through the 93d Congress.

In conclusion, Mr. Chairman, as one who, along with most if not every Member of this House, shares a deep concern for the elderly, the disadvantaged, the ill, and the handicapped, I firmly believe that the most cruel act we could perform is to permit this Nation to spend itself into bankruptcy. In a bankrupt society the strong, the young, and the healthy might fend for themselves, but the weak, the old, and the handicapped will, indeed, have lost the battle. We cannot permit that to happen. I will not in good conscience vote to let it happen.

Mr. RANDALL. Mr. Chairman, I enthusiastically support H.R. 71, the Older Americans Comprehensive Services Amendment of 1973. I oppose the so-called Landgrebe substitute being H.R. 4813 for reasons I shall recite in a few moments.

As most of our colleagues know, Congress first passed the Older Americans Act in 1965. That act has been amended or revised in 1967 and 1969. Since its enactment, nearly all of our States and territories have created State offices of the aging. Most importantly, there have been a total of nearly 400 local agencies on the aging funded under title III which is the title providing for grants for State and area programs. When it is pointed out there are 400 local agencies being funded under title III, such a number should not be confused with the number of projects funded under title III. Many agencies have more than one project. The facts are that last year more than 1,000,000 persons were served by over 1,500 projects funded under title III.

Now, Mr. Chairman, I am sure that notwithstanding the tempo of the closing days of the campaign nearly all of us were shocked and dismayed by President Nixon's veto of the 1972 Older Americans Act on October 28, 1972. He announced that he vetoed the bill because it contained title IX and title X.

Title IX in the 1972 bill created a public service employment program designed to produce jobs for senior citizens age 55 and older. Title X, on the other hand, would have established a program to provide training for those workers of 45 years and older. President Nixon reasoned that these two sections of the bill would add two "categorical manpower programs."

As we debate H.R. 71 today, we will find it is almost identical to the 1972 legislation which was vetoed, with the exception that title X, which could be described as the "Middle Age Training Act," has been deleted. Also, the authorization has been decreased $601,500,000 under the vetoed 1972 bill. Surely these changes should satisfy the objections raised by the veto. Most Members will hope that the Chief Executive will see fit to sign H.R. 71 into law.

I oppose the Landgrebe substitute, or H.R. 4813, because while it does set certain dollar authorizations for fiscal year 1972 and fiscal year 1974, there is no dollar authorization for fiscal year 1975. It simply provides that after fiscal year 1974 there shall be authorized only such sums as may be appropriated.

But there are so many other differences between the committee bill and the substitute that it is my conclusion that the substitute just does not measure up to the merits of the committee version. For example, the substitute does not extend the very worthwhile foster grandparents program. Nor does it extend RSVP—retired senior volunteer program. The committee version establishes a public service employment program for persons 55 years of age and over. The substitute does not.

One of the more important differences is that the committee bill now elevates the Office of the Administration on Aging—OAA—and makes it stronger and better than it was before. In recent years, there has been a kind of spinoff, or a sort of erosion, or fragmentation of the activities of the Administration on Aging. The committee bill will put the Office of Aging directly under the Secretary of Health, Education, and Welfare.

The committee bill would prevent the Commissioner on Aging from delegating any of his functions to any other office which is not directly responsible to him. The substitute, on the other hand, would continue the present unsatisfactory arrangement which provides that the commissioner on Aging reports only to the Commissioner on Rehabilitation, who is not presidentially appointed. It is quite a substantial improvement to require the Commissioner on Aging be responsive to and report directly to the Secretary of Health, Education, and Welfare, a presidentially appointed official subject to confirmation by the other body.

Mr. Chairman, my interest in the passage of H.R. 71 and in the improvements of the Older Americans Act stems from the fact that it was my honor and privilege to serve as chairman of the Special Studies Subcommittee of the House Committee on Government Operations. Our subcommittee during 1971 and 1972 devoted nearly all of its time to hearings on the efficiency and effectiveness of the Federal Government's expenditures for programs affecting the aging.

It should be remembered that on the House side an effort was made to create a select committee but because of lack of space and facilities for a staff the then chairman of the Rules Committee, the gentleman from Mississippi (Mr.

COLMER) and the House leadership, in conference with the gentleman from California (Mr. HOLIFIELD) the chairman of the full Committee on Government Operations, there was assigned to our subcommittee the task of holding hearings nationwide on the problems of the aging.

During the summer and fall of 1971, as well as during, the winter, spring, and summer of 1972, hearings were held in nearly every section of the United States with the exception of the west coast. While no final report was adopted by the full Committee on Government Operations. Because of the October adjournment of Congress, our subcommittee has recently concluded a report on the special problems of the rural aging. It is because of my knowledge and familiarity with these special problems of our rural elderly that I so enthusiastically support H.R. 71 today.

There are good and sufficient reasons to support this extension of the Older Americans Act without knowing the problems of the aging in rural America. What would be routine support of the pending bill without this special knowledge of the rural elderly becomes a sort of zealous or devoted support when possessed of the detailed knowledge that we have acquired as chairman of this subcommittee.

President Johnson's Commission on Rural Poverty called the elderly poor in the rural areas "the people left behind." That Commission cited the fact that most of these rural poor are the 20 million Americans over 65 years of age who suffer all the effects experienced by the aging in the rural areas, but also onerous additional burdens attributable to their rural situation.

Mr. Chairman, if there is one conclusion that is firm and fixed in my mind as a result of these days and days of hearings, it is the fact that while it is always bad enough to be poor, when you put old age and poverty together you have a doubly bad situation, but the worst of all is to be old and poor and living an isolated life in a rural area. That is why H.R. 71 is so important to carry on title III which provides grants for State and area programs.

Oh, there are so many good projects provided by this bill that I shall take the time to enumerate them all. There is, the foster grandparents program and the retired seniors volunteer program. There is green thumb and green light, just to name a few. Each of these emphasizes the special needs of rural aging for income maintenance, often a part-time employment such as day care for those too old or otherwise unable to work and for badly needed transportation facilities to enable the rural aging to make use of the services meant to assist them.

Let us not forget that those who presently constitute the rural aging are those same persons who refused or were unable to join the vast migration to the urban areas that has taken place over the past four decades. Today these rural aging live either on small farms or in rural communities with a population of less than 2,500. They have inadequate social security benefit levels because of their low earnings or limited coverage during their working lifetimes. Only recently have these self-employed rural people become eligible for social security and thus they have fewer years of covered earnings and their benefits are lower.

Surely, there is a need for the continuation of title III and its variety of programs. The know-how, skills, experience and wisdom of these elderly living in rural communities should be available to the community in which they grew and prospered. They do not want a handout as if they were dependents of the community.

Mr. Chairman, I support H.R. 71 because I have high hopes that it will provide some help for the rural aging whose average annual income is lower than that of their urban counterparts, by at least $1,000 per year.

These older Americans have fewer defenses against rising costs than any other segment of our society. Across the Nation the older homeowner pays about 8 percent of his income in property taxes. The tax burden falls much more heavily on the rural elderly. These rural elderly have not shared equitably in the Federal manpower programs. In the rural areas there are fewer doctors, nurses, pharmacists and dentists although these rural elderly suffer from the same health problems arising from improper nutritional habits as do the city counterparts.

It is my hope as I support H.R. 71 that the green thumb and the green light programs may be expanded so as to bring the older men and women in all rural areas the benefits already demonstrated in limited areas in 18 States. It is my hope that the newly strengthened administration on the aging would consider provision for low cost transportation in rural areas to ease the problems of the rural areas.

Finally, I support H.R. 71 because it emphasizes the concern more of us should have about our older Americans. The Office of the Aging will provide a public advocate for these older citizens. This bill when enacted into law will serve as a beginning for newer and better programs. Most of all, the support of this bill today is a vote of confidence in a program begun in 1965 to do more than mere lip service for those senior citizens who helped build this Nation.

Mr. BRADEMAS. Mr. Chairman, I hope very much that the Members on both sides of the aisle will support H.R. 71, and reject any substitute to it.

Mr. Chairman, I yield back the balance of my time.

Mr. ALEXANDER. Mr. Chairman, I rise in support of H.R. 71, a bill to strengthen the Older Americans Act and our national commitment to assist our senior citizens achieve solutions to the problems facing them.

While this bill is intended to immediately help our older Americans, it will benefit the whole Nation.

These citizens have given years of time and talent to our Nation. Their efforts have earned them the appreciation and respect of our younger generations. As their needs for health care, work, and recreation change, the Nation must move to aid them in meeting these requirements.

Advancing age may have slowed their pace and reduced their stamina, but it has not necessarily robbed them of their ability to participate in worthwhile activities. Their hands and minds can be useful in many projects. Proof of this is easily found in successful foster grandparents programs and in the efforts of retired persons who provide advice, counsel, and labor in community development and environmental projects.

This legislation intends that the contributions which our older citizens can continue, and want to continue, to make to our national life will be put to good use. It is designed to address the health care and social service needs of our senior citizens. All of its provisions have as their intent making it possible for our older Americans to live out their lives in dignity.

I urge my colleagues to act favorably on this proposal.

Mr. DELLUMS. Mr. Chairman, the Oakland area receives the services of a senior aides program which we will get the opportunity to continue if we support title IX of today's bill.

The Social Service Bureau of Oakland is operating a senior aides project which is serving all of Oakland's more needy residents. These older Americans are assisting Oakland's indigent elderly in such areas as shopping, letter writing, reading, and meal planning.

Charitable nursing homes and our parks and recreation department are receiving invaluable assistance in improving the quality of their services.

Aides assist hundreds of persons seeking jobs at our human resources Development department. Their age and rapport with elderly applicants are a notable asset in this service.

Oakland cannot afford to let down a group of individuals who have worked so hard for their community. They should be supported and given the opportunity to continue in their endeavor.

I urge my colleagues to stand with me and vote for the Older Americans Act as reported out by the Education and Labor Committee.

Mr. DINGELL. Mr. Chairman, I rise in support of H.R. 71, a bill to strengthen the Older Americans Act and to provide opportunities of service and activity for senior citizens of this Nation.

It is my firm conviction that the Older Americans Act and the comprehensive older Amercans services amendments are properly designed to aid the elderly.

I support this measure and am happy to have been a cosponsor of the legislation.

This legislation helps all our senior citizens and for those who face poverty, the bill is designed to give older Americans the opportunity to do for themselves and remain in the mainstream of life with self respect.

The bill extends the authorization for several programs to help relieve poverty in the ranks of the elderly and would promote the increased use of their skills.

One of the most popular programs of this act in the Michigan area which I serve in Congress is the foster grandparents program which provides part-time volunteer opportunities for low-income persons age 60 and over who serve our children with special needs in the various institutions.

This is on a person-to-person basis and I believe its results are most rewarding for both the child and these senior volunteers.

Other provisions of the older Americans services bill provide for training program; retired senior volunteer programs within other organizations, agencies and institutions; a nutrition program for those persons below the Bureau of Census poverty level; and a research and demonstration program regarding improved living conditions for the elderly and transportation needs.

I urge support of this bill.

The CHAIRMAN. All time has expired.

Under the rule, the committee amendment in the nature of a substitute now printed in the reported bill will be read by title as an original bill for the purpose of amendment.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Comprehensive Older Americans Services Amendments of 1973".

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. LANDGREBE

Mr. LANDGREBE. Mr. Chairman, I offer an amendment in the nature of a substitute.

The Clerk read as follows:

Amendment in the nature of a substitute offered by Mr. LANDGREBE: Strike out all after the enacting clause and insert in lieu thereof the following:

That this Act may be cited as the "Older Americans Amendments of 1973".

REVISION OF TITLE III

SEC. 2. Title III of the Older Americans Act of 1965 is amended to read as follows:

"TITLE III—GRANTS FOR STATE AND AREA PROGRAMS

"SEC. 301. It is the purpose of this title to encourage and assist State or local agencies to develop greater capacity and foster the development of coordinated service systems to serve older persons by entering into new cooperative arrangements with each other and with providers of social services for planning for the provision of, and providing, social services and, where necessary, to reorganize or reassign functions, in order to—

"(1) secure and maintain maximum independence and dignity in a home environment for older persons capable of self-care with appropriate supportive services and for whom economic independence is not feasible; and

"(2) remove individual and social barriers to economic and personal independence for older persons capable of self-support.

"DEFINITIONS

"SEC. 302. For purposes of this title—

"(1) The term 'social services' means any of the following services which meet such standards as the Secretary may prescribe:

"(A) health, continuing education, welfare, nutritional, informational, recreational, homemaker, counseling, or referral services;

"(B) transportation services where necessary to facilitate access to social services;

"(C) services designed to encourage and assist older persons to use the facilities and services available to them;

"(D) services designed to assist older persons to obtain adequate housing; or

"(E) any other services;

if such services are necessary for the general welfare of older persons.

"(2) The term 'unit of general purpose local government' means (A) a political subdivision of the State whose authority is broad and general and is not limited to only one function or a combination of related functions, or (B) an Indian tribal organization.

"(3) The term 'coordinated system' means a system for providing social services in a manned designed to—

"(A) facilitate accessibility to and utilization of all social services provided within the geographic area served by such system any public or private agency or organization;

"(B) make the most efficient use of social services in meeting the needs of older persons; and

"(C) use available resources efficiently and with a minimum of duplication.

"(4) The term 'Governor' means the Governor of the State, in the case of any of the fifty States, and, in the case of the other States the chief executive officer thereof.

"(d) There are authorized to be appropriated for allotment under this section $80,000,000 for the fiscal year ending June 30, 1973, $80,000,000 for the fiscal year ending June 30, 1974, and such sums as may be necessary for each fiscal year thereafter.

"ALLOTMENTS

"SEC. 303. (a) (1) From the sum appropriated for a fiscal year for allotments under this section, the Virgin Islands, Guam, American Samoa, and the Trust Territory of the Pacific Islands each shall be allotted an amount equal to one-half of 1 per centum of such sum and each other State shall be allotted an amount equal to 1 per centum of such sum.

"(2) From the remainder of the sum appropriated for a fiscal year for allotments under this section, each State shall be allotted an additional amount which bears the same ratio to such remainder as the number of individuals in such State who have attained age sixty-five bears to the total number of individuals in all the States who have attained such age, as determined by the Secretary on the basis of the most recent satisfactory data available to him.

"(b) Whenever the Secretary determines that any amount allotted to a State for a fiscal year under this section will not be used by such State for carrying out the purpose for which the allotment was made during the period such allotment is available therefore, he may make such amount available for carrying out such purpose to one or more other States to the extent he determines such other States will be able to use such additional amount for carrying out such purpose within such period. Any amount made available to a State from an appropriation for a fiscal year pursuant to the preceding sentence shall, for purposes of this title, be regarded as part of such State's allotment (as determined under the preceding provisions of this section) for such year.

"(c) The allotment of a State under this section for a fiscal year shall remain available until the close of the following fiscal year for grants to pay part of the cost (pursuant to section 306) of (1) administration of the State plan by the State agency designated pursuant to section 304(a)(1), including the preparation of State plans submitted to the Secretary under section 305, the evaluation of activities carried out under such plan, the collection of data and the carrying out of research related to the need for social services within the State, the dissemination of information so obtained, the provision of technical assistance to public or nonprofit private agencies and organizations engaged in activities related to the problems of older persons, and the carrying out of demonstration projects of statewide significance relating to the initiation, expansion, or improvement of social services; (2) administration of area plans by area agencies on aging designated pursuant to section 304(a)(3), including the preparation of area plans on aging consistent with section 304(c) and the evaluation of activities carried out under such plans; and (3) social services provided under the State plan.

"ORGANIZATION

"State Organization

"SEC. 304. (a) In order for a State to be eligible to participate in the program of grants to States from allotments under section 303, the Governor of the State shall, in accordance with regulations of the Secretary—

"(1) designate a State agency (hereinafter in this title referred to as 'the State agency') to (A) develop the State plan to be submitted to the Secretary for approval under section 305, (B) administer the State plan within such State, (C) be primarily responsible for the coordination of all State activities related to the purposes of this Act, and (D) review and comment on, at the request of any Federal department or agency, any application from any agency or organization within such State to such Federal department or agency for assistance related to meeting the needs of older persons;

"(2) divide the entire State into distinct areas (hereinafter in this title referred to as 'planning and service areas'), after considering the incidence of the need for social services, the distribution of resources available to provide such services, the boundaries of existing areas within the State which have been delineated or established by the State for the purposes of planning and development, the location of units of general purpose local government within the State, and any other relevant factors;

"(3) determine for which planning and service areas an area plan will be developed, in accordance with subsection (c) of this section, and for each such area designate, after consideration of the views offered by the unit or units of general purpose local government in such area, a public or nonprofit private agency or organization as the area agency on aging for such area; and

"(4) provide assurances satisfactory to the Secretary that the State agency will take into account, in connection with matters of general policy arising in the development and administration of the State plan for any fiscal year, the views of recipients of social services provided under such plan.

"Area Organization

"(b) In order to be eligible for designation under subsection (a), an area agency on aging—

"(1) must be—

"(A) an office or agency designated by the chief elected official or officials of a combination of units of general purpose local government to act on behalf of such combination for this purpose,

"(B) an office or agency of a unit of general purpose local government which is designated for this purpose by the chief elected official or officials of such unit, or

"(C) a public or nonprofit private agency which is under the supervision or direction for this purpose of the designated State agency and which can engage in the planning or provision of a broad range of social services within a planning and service area, and

"(2) must provide assurance, found adequate by the Governor, that it will have the ability to develop an area plan and to carry out, directly or through contractual or other arrangements, a program pursuant to that plan within the planning and service area.

The Governor may designate an agency described in clause (1)(C) of this subsection for a planning and service area only if he finds that no office or agency described in clause (1)(A) or (B) for the planning and service area will have the capacity to carry out the area plan.

"Area Plans

"(c) In order to be approved by the State agency, an area plan for a planning and service area shall be developed by the area agency on aging designated with respect to such area under subsection (a) and shall—

"(1) to provide for the establishment of a coordinated system for the delivery of social services within the planning and service area covered by the plan, including determining the need for social services in such area, evaluating the effectiveness of the use of resources in meeting such need, and entering into agreements with providers of social services in such area, for the provision of such services to meet such need;

"(2) in accordance with criteria, established by the Secretary by regulation, relating to priorities, provide for the initiation, expansion, or improvement of social services in the planning and service area covered by the area plan, including planning on a continuing basis with providers of social services in such area to insure the provision, when financial assistance therefor under this title is no longer available, of such services without such assistance;

"(3) provide that the area agency on aging will—

"(A) conduct periodic evaluations of activities carried out pursuant to the area plan;

"(B) render appropriate technical assistance to providers of social services in the planning and service area covered by the area plan; and

"(C) take into account, in connection with matters of general policy arising in the development and administration of the area plan, the views of recipients of services under such plan; and

"(4) specify the activities in the planning and service area covered by the area plan which were assisted with funds made available under title III of this Act prior to enactment of the Older Americans Comprehensive Services Amendments of 1973 and specify each of such activities (A) which will not continue to receive assistance under the area plan, and (B) which will continue to receive assistance under the area plan.

"STATE PLANS

"SEC. 305. (a) In order for a State to be eligible for grants for a fiscal year from its allotment under section 303, except as provided in section 306(b), it shall submit to the Secretary a State plan for such year which meets such criteria as the Secretary may prescribe by regulation and which—

"(1) provides that the State agency will evaluate the need for social services within the State and determine the extent to which existing public or private grants meet such need;

"(2) provides for the use of such methods of administration (including methods relating to the establishment and maintenance of personnel standards on a merit basis, except that the Secretary shall exercise no authority with respect to the selection, tenure of office, or compensation of an individual employed in accordance with such methods) as are necessary for the proper and efficient administration of the plan;

"(3) provides that the State agency will make such reports, in such form, and containing such information, as the Secretary may from time to time require, and comply with such requirements as the Secretary may impose to assure the correctness of such reports;

"(4) provides that the State agency will conduct periodic evaluations of activities and projects carried out under the State plan;

"(5) establishes objectives, consistent with the purposes of this title, toward which activities under the plan will be directed, identifies obstacles to the attainment of those objectives, and indicates how it proposes to overcome those obstacles;

"(6) provides, in any case in which an individual is able to participate in the cost of social services provided to him under the State plan, for such participation (in accordance with regulations prescribed by the Secretary in the light of such ability);

"(7) provides that no social service will be provided by the State agency or an area agency on aging, except where, in the judgment of the State agency, (A) provision of such service by the State agency or an area agency on aging is necessary to assure an adequate supply of such service and (B) payment for such service is not available from other sources;

"(8) provides that each area agency on aging designated pursuant to section 304(a)(3) will develop and submit to the State agency for approval an area plan which complies with section 304(c); and

"(9) specifies the activities in the State which were assisted with sums made available under title III of this Act prior to enactment of the Older Americans Comprehensive Services Amendments of 1973 and specifies each of such activities (A) which will not continue to receive assistance under the State plan submitted pursuant to this section, and (B) which will continue to receive assistance under the State plan submitted pursuant to this section.

"(b) The Secretary shall approve any State plan which he finds fulfills the requirements of subsection (a) of this section.

"(c) The Secretary shall not finally disapprove any State plan, or any modification thereof, or make a final determination that a State is ineligible under section 304, without first affording the State reasonable notice and opportunity for a hearing.

"(d) Whenever the Secretary, after reasonable notice and opportunity for hearing to the State agency, finds that—

"(1) the State is no longer eligible under section 304,

"(2) the State plan has beeen so changed that it no longer complies with the provisions of subsection (a), or

"(3) in the administration of the plan there is a failure to comply substantially with any such provision,

the Secretary shall notify such State agency that no further payments from its allotment under section 303 will be made to the State (or, in his discretion, that further payments to the State will be limited to projects under or portions of the State plan not affected by such failure), until he is satisfied that there will no longer be any failure to comply. Until he is so satisfied, no further payments shall be made to such State from its allotment under this title (or payments shall be limited to projects under or portions of the State plan not affected by such failure).

"(e) A State which is dissatisfied with a final action of the Secretary under subsection (b), (c), or (d) may appeal to the United States court of appeals for the circuit in which the State is located, by filing a petition with such court within sixty days after such final action. A copy of the petition shall be forthwith transmitted by the clerk of the court to the Secretary, or any officer designated by him for that purpose. The Secretary thereupon shall file in the court the record of the proceedings on which he based his action, as provided in section 2112 of title 28, United States Code. Upon the filing of such petition, the court shall have jurisdiction to affirm the action of the Secretary or to set it aside, in whole or in part, temporarily or permanently, but until the filing of the record, the Secretary may modify or set aside his order. The findings of the Secretary as to the facts, if supported by substantial evidence, shall be conclusive, but the court, for good cause shown, may remand the case to the Secretary to take further evidence, and the Secretary may thereupon make new or modified findings of fact and may modify his previous action, and shall file in the court the record of the further proceedings. Such new or modified findings of fact shall likewise be conclusive if supported by substantial evidence. The judgment of the court affirming or setting aside, in whole or in part, any action of the Secretary shall be final, subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code. The commencement of proceedings under this subsection shall not, unless so specifically ordered by the court, operate as a stay of the Secretary's action.

"PAYMENTS

SEC. 306. (a) From a State's allotment under section 303 for fiscal year—

"(1) an amount equal to 15 per centum thereof (but not less than $50,000 in the case of the Virgin Islands, Guam, American Samoa, and the Trust Territory of the Pacific Islands, or $100,000 in the case of any other State) shall be available only for paying such percentage as the State agency determines, but not more than 75 per centum, of the cost of administration of the State plan; and

"(2) such amount as the State agency determines, but not more than 15 per centum thereof, shall be available for paying such percentage as such agency determines, but not more than 75 per centum, of the cost of administration of area plans.

The remainder of such allotment shall be available to such State only for paying—

"(3) such percentage as the Secretary determines, but not more than 90 per centum, of the cost of social services provided under a program or project approved by the area agency on aging in a planning and service area for which there is an area plan approved by the State agency, and

"(4) in the case of social services provided under a program or project approved by the State agency under the State plan in a planning and service area for which there is no area plan approved by the State agency, such percentage as such agency determines, but not more than 75 per centum of the cost of such services for the first year they are so provided, not more than 60 per centum of such cost for the second year they are so provided, and not more than 50 per centum of the cost of such services for the third year they are so provided,

except that not more than 20 per centum of an allotment to State under section 303 for a fiscal year shall be available for payments for social services provided in a planning and service area for which there is no area plan approved by the State agency.

"(b) Payments of grants or contracts under this title may be made (after necessary adjustments on account of previously made overpayments or underpayments) in advance or by way of reimbursement, and in such installments, as the Secretary may determine. From the portion of a State's allotment for a fiscal year which is available pursuant to subsection (a)(1), the Secretary may pay to a State which does not have a State plan approved under section 305 such amounts as he deems appropriate for the purpose of assisting such State in developing a State plan. From a State's allotment for a fiscal year which is available pursuant to section 303, the Secretary may, during the period ending one year after the date of enactment of the Older Americans Comprehensive Services Amendments of 1973, pay, in accordance with such regulations as he may prescribe, to a State which does not have a State plan approved under section 305, such amounts as he deems appropriate for the purpose of continuing Federal financial assistance for activities assisted under the plan of such State approved under section 303 of this Act prior to enactment of the Older Americans

Comprehensive Services Amendments of 1973.

"(c) No allotment to a State under this title shall be available for making payments with respect to any program or project for providing social services under a State plan approved under section 305 after payments have been made from such allotments with respect to such program or project for a period of time equal to three calendar years. No allotment to a State under this title shall be available for making payments with respect to the administration of an area plan approved under section 305(a)(8) after payments have been made from such allotments with respect to the administration of such plan for a period of time equal to three calendar years.

"(d) Not less than 25 per centum of the non-Federal share (pursuant to subsection (a) of this section) of the total expenditures under a State plan approved under this Act for any fiscal year shall be met from funds from State or local public sources. For the purposes of the preceding sentence, fees charged by a State or local public agency for services provided under a State plan approved under this Act shall not be considered funds from State or local public sources.

"(e) A State's allotment under section 303 for a fiscal year shall be reduced by the percentage (if any) by which its expenditures for such year from State sources under its State plan approved under section 305 are less than its expenditures from such sources for the preceding fiscal year.

"MODEL PROJECTS

"SEC. 307. (a) The Secretary may, after consultation with the State agency, or the Governor of the State where there is no State agency, make grants to or contracts with any public or nonprofit private agency or organization within such State for paying part or all of the cost of developing of operating statewide, regional metropolitan area, county, city, or community model projects which will expand or improve social services or otherwise promote the well-being of older persons.

"(b) There are authorized to be appropriated for grants and contracts under this section $16,000,000 for the fiscal year ending June 30, 1973, $16,000,000 for the fiscal year ending June 30, 1974, and such sums as may be necessary for each fiscal year thereafter.

"AVAILABILITY OF SURPLUS COMMODITIES

"SEC. 308. Agricultural commodities and products purchased by the Secretary of Agriculture under section 32 of the Act of August 24, 1935 (7 U.S.C. 612c) may be donated to public or nonprofit private agencies or organizations to be used for providing nutritional services in accordance with the provisions of this title."

AVAILABILITY OF SURPLUS COMMODITIES UNDER TITLE VII

SEC. 3. Section 707 of the Older Americans Act of 1965 is amended to read as follows:

"AVAILABILITY OF SURPLUS COMMODITIES

"SEC. 707. Agricultural commodities and products purchased by the Secretary of Agriculture under section 32 of the Act of August 24, 1935 (7 U.S.C. 612c) may be donated to a recipient of a grant or contract to be used for providing nutritional services in accordance with the provisions of this title."

COORDINATION OF TITLE III AND TITLE VII

SEC. 4. Section 705(a) of the Older Americans Act of 1965 is amended by adding at the end thereof the following new paragraph:

"(5) provide that, wherever possible, nutrition projects assisted under this title shall be made a part of the coordinated systems established under title III of this Act."

STATE PLANNING UNDER TITLE VII

"SEC. 5. Section 705(a)(2)(B) of the Older Americans Act of 1965 is amended by inserting "for the fiscal year ending June 30, 1973," following "administrative cost,"; by striking out "any fiscal year" and inserting in lieu thereof "such fiscal year"; and by adding at the end of the first sentence thereof the following sentence: "For the fiscal years ending after June 30, 1973, funds allotted to a State for State planning and administration pursuant to section 306 of this Act may be used for the administration of the State plan submitted pursuant to this section, except that wherever the Governor of the State designates an agency other than the agency designated under section 304(a)(1) of this Act, then the Secretary shall determine that portion of a State's allotment under section 306 which shall be available to the agency designated under section 705(a)(1) for planning and administration."

EXTENSION OF APPROPRIATIONS AUTHORIZATIONS

SEC. 6. Section 803 of the Older Americans Act of 1965 is amended by striking out "during the fiscal year ending June 30, 1966, and each of the six succeeding fiscal years", in the first sentence thereof, by striking out "and" before "$20,000,000" in the second sentence thereof, and by inserting before the period at the end thereof ", $7,000,000 for the fiscal year ending June 30, 1973, $7,000,000 for the fiscal year ending June 30, 1974, and such sums as may be necessary for each fiscal year thereafter".

EVALUATION

SEC. 7. Section 804 of the Older Americans Act of 1965 is amended by striking out "or VI".

REPEAL OF STUDY AUTHORIZATION

SEC. 8. Title V of the Older Americans Act of 1965 is amended by striking out section 503 thereof.

CONFORMING AMENDMENTS

SEC. 9. The Older Americans Act of 1965 is further amended by striking out—

(1) "303" in section 402(c) and inserting in lieu thereof "304";

(2) "303" in section 502(c) and inserting in lieu thereof "304";

(3) "303" in the first sentence of section 601(a) and inserting in lieu thereof "304";

(4) "303" in section 601(c) and inserting in lieu thereof "304";

(5) "303" in section 612(a)(2)(A) and inserting in lieu thereof "304";

(6) "303" in section 612(a)(3)(C) and inserting in lieu thereof "304";

(7) "303" the first time it appears in the first sentence of section 705(a) and inserting in lieu thereof "304" and "303" the second time it appears in such sentence and inserting in lieu thereof "305"; and

(8) "303" in section 705(a)(1) and inserting in lieu thereof "304".

EFFECTIVE DATE OF AMENDMENTS TO SECTION 305

SEC. 10. The amendments made by this Act shall become effective upon enactment, except that the provisions of section 305 of the Older Americans Act of 1965, as effective prior to such enactment, shall remain effective with respect to appropriations made prior to July 1, 1973, which are available for projects assisted under such section.

Mr. LANDGREBE (during the reading). Mr. Chairman, I ask unanimous consent that further reading of the amendment in the nature of a substitute be dispensed with, and that it may be printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. LANDGREBE. Mr. Chairman, I took about 10 minutes or 12 minutes during general debate to express my deep sentiments and views in opposition to H.R. 71, and I will now consume these 5 minutes that I have in trying as best I can to convince the Members of this body that they ought to vote for the substitute amendment that I am offering to this bill.

Mr. Chairman, the amendment I have offered contains the same basic reworking of title III that was recommended by the Department of Health, Education, and Welfare, and that has been incorporated into H.R. 71. In addition, however, it contains the following title III changes also recommended by HEW, but not incorporated into H.R. 71.

They are as follows:

First, to provide a 3-year limitation on funding of social service projects and area plan administration;

Second, to provide for a 3-year declining Federal matching rate on funding for social service projects not funded pursuant to an area plan;

Third, to provide authority for regulating fees charged by providers of services; and,

Fourth, to change the authorization levels to the figures in the President's budget.

The declining Federal matching rate, 75 percent, 60 percent, and down to 50 percent, and the 3-year limitation on funding of social service projects and area plan administration are an essential part of the administration's title III strategy. H.R. 71, on the other hand, would provide permanent Federal funding, rather than having States and localities assume financial responsibility for aging programs after an initial period of Federal financial assistance.

The time limitation contained in my amendment would, in contrast, allow new funds to be channeled to new programs and new agencies at the end of 3 years. The declining Federal share would mean that the community would have to match at the 3-year period, thus preparing each project and area to become self-sustaining.

The change regarding fee regulation would provide authority to charge fees for services based upon ability to pay, and is in keeping with the administration's policy of focusing free services on the poorest recipients.

The authorizations of "such sums as may be necessary"—I have placed into the substitute bill as introduced the President's budget figures of $257 million for 1973, $244 million for 1974, and "such sums as may be necessary" after that date—provided for in my amendment in my opinion is a sounder managerial approach, and avoids the "expectation gap" that is created by excessive authorizations.

Thus my amendment extends, improves and strengthens the Older Americans Act. It does not, however, contain any of the objectionable provisions which resulted in a veto of last year's amendments to this act. Gone are the excessive authorizations levels; gone are the unnecessary, cost-inflating, tacked-on categorical and duplicative programs; gone are the restrictive and unworkable reorganization changes of HEW. Gone is title IX, opposed very strongly by the Department of Labor.

Mr. Chairman, my amendment improves the Older Americans Act in accordance with the Nixon administration's generous support of the elderly, but avoids the provisions of H.R. 71 which increases costs enormously while doing little to actually provide better services to the elderly—perhaps not merely doing little, but maybe doing harm to that program.

I urge all Members to join me in support of my amendment to H.R. 71.

The CHAIRMAN. The time of the gentleman has expired.

Mr. PERKINS. Mr. Chairman, I rise in opposition to the substitute. We have been talking about responsibility. In my judgment, the substitute is a most irresponsible way to legislate in that it makes the basic program and other programs permanent programs. The basic program, the model projects program and the training and research programs are made permanent programs under the substitute, whereas under the committee bill, they are extended for only 3 years.

Moreover, under the substitute beginning in fiscal year 1975 and every year thereafter, these programs will have an openended authorization. The substitute provides an authorization beginning in fiscal year 1975 of such sums as are necessary for fiscal year 1975 and every year thereafter. The committee bill I repeat is only a 3-year bill with ceilings on the amounts which may be appropriated.

In connection with this matter of authorizations, may I remind my colleagues that the authorizations in the committee bill are $605,000,000 less than the total authorization in the vetoed bill. This is approximately a 32-percent reduction. The authorization for the basic program over the 3-year period is reduced by a total of $165,000,000. The authorizations for fiscal year 1973 in the committee bill reflect our serious consideration of the budget request; $85,000,000 is authorized for the basic program. Pursuant to that authority, the President has requested $68,000,000, a difference of only $17,000,000. In contrast, the substitute places the authorization levels at the budget request. The effect would be to tie the hands of the Appropriations Committee. It would also lessen the flexibility of the President. There would be no room in either the executive or the congressional process to increase funds for the title III program in the event this might be necessary or desirable.

May I remind my colleagues that the President revised his original budget for the title III program in 1972, and in a supplemental request asked for additional funds beyond his original request. Such a request would not be possible if we place the authorizations precisely at the budget figures as is suggested by the substitute for fiscal year 1973 and fiscal year 1974.

The substitute does not extend the foster grandparents nor the RSVP program. I know that my colleagues are aware of the great contribution these programs have made over the last few years, and I suggest that the Members wish to see these programs extended. They are extended through fiscal year 1975 by the committee bill. They are not extended in the substitute.

There is probably no one aspect of H.R. 71 which is more necessary than those provisions dealing with the organization of the Administration on Aging. In recent years the Administration on Aging has been downgraded because of spinoffs and delegations. The responsibilities of the Commissioner have been progressively lessened. The substitute would simply continue existing practices which might very easily result in pushing the Administration on Aging further down into the HEW bureaucracy.

The sponsor of the substitute complains about what he calls the unncessary proliferation of categorical programs in the committee bill. In many respects older Americans are the forgotten citizens of this Nation, and it was because of this that we enacted the original act in 1965. In order to make sure that the elderly are not forgotten, it is not only desirable but in many instances necessary that there be a categorical approach.

As an example, only 6 percent of the emergency employment program consists of persons over 55 years of age. They comprise, however, more than double the percentage of the unemployed. This is justification in and of itself for the title IX categorical program to provide employment for older Americans.

The administration itself recognizes the importance of categorical approaches. The title VII nutrition program is a categorical program and it has enjoyed the enthusiastic support of the administration. In fiscal year 1973, $100,000,000—the full authorization—was requested for this program.

Other categorical programs in H.R. 71 are proposed because the committee has found that in certain existing programs, the plight and need of elderly citizens are not recognized or that there are particular programs which might very appropriately be utilized to better assist the aging.

Mr. Chairman, the substitute should be voted down. The committee bill is a sound program which realistically addressed the needs of older Americans. The committee bill is a stronger and more efficient measure for meeting the documented need. Do not be fooled by the camouflage of lower authorizations for fiscal year 1973 and fiscal year 1974. Remember that in fiscal year 1975 under the substitute, there is an open-ended authorization and such is authorized for every year thereafter.

Mr. MICHEL. Mr. Chairman, I rise in support of the substitute.

Mr. Chairman, I am supporting the Landgrebe substitute for several reasons, but first and foremost because of the dollar level of the authorization. As I understand it, the committee bill would authorize expenditures here of $371 million in excess of the President's budget. Here we are, early in the session, on one of the very first bills, authorizing a piece of legislation which is $371 million over what the President has proposed to spend in this year. As we move through the months ahead there are going to be all kinds of proposals coming before us in education, training, health, welfare, and what have you. If we add $300 or $400 million here and $300 or $400 million there—and we have seen some health, education, and welfare bills come before us with even bigger increases in the past few years—we will have a situation where we will be adding $2, $3, $4, or $5 billion more than the President's budget. How can we go back to our people with these kinds of increases in expenditures and not be for a tax increase?

We just cannot be that irresponsible. Mrs. GRIFFITHS, the gentlewoman from Michigan, earlier in the general debate made a good point. She said that there is a proliferation of programs for the aged, particularly in view of the most recent social security amendments. I would have to agree with that.

Admittedly, this program expires June 30 of this year and must be extended. The Landgrebe substitute does extend the act in a number of areas. We are, of course, currently funding ongoing programs in many of these same areas to be further authorized by the legislation.

State agency activities, planning and social service programs, are already underway with special emphasis on housing, transportation, continuing education, and special needs of the mentally and physically handicapped.

These are in the budget currently and are going to be ongoing, continuing programs; nutrition, is another at $100 million.

The chairman, Mr. PERKINS, said earlier in the debate that we are not doing enough for the elderly. I would have to disagree, and let me tell you why. The cornerstone of HEW's efforts to strenthen individual security and initiative are programs which supply cash assistance to people in need.

The 1974 budget would provide nearly $61.5 billion in various kinds of cash payments, or an increase of $6 billion over 1973. Over 65 percent of the budget is for this purpose.

By far the largest single component of these programs, is cash assistance for the aged such as the social security system and the supplemental security income the new name for the federalized program of public assistance for the aged, the blind, and disabled.

Forty-three and four-tenths billion dollars will be spent in the form of monthly benefit checks to the aged in 1974, an increase of $4.9 billion over 1973.

It seems to me that this in itself is argument enough for those to us who might be on the fence here as to what is the proper route to take. Admittedly, everybody wants to be for programs to assist the aged, but we are talking here about authorizing a dollar level of expenditure, and in so doing we have to keep in mind our overall budget constraints. If we exceed the budget by hundreds of millions on this one piece of legislation we have to be willing to ask for the taxes needed for the higher level. Unless you are willing to do that, you should be supporting the Landgrebe substitute.

Finally, if I might make the point, the group in the American economy which suffers the most by inflation are those on fixed incomes, our elderly people. By supporting the substitute you can still be on the side of our elderly, but at a more reasonable dollar level. That is why this Member is supporting the Landgrebe substitute.

I hope a considerable number of other Members will do likewise.

Mr. ASHBROOK. Mr. Chairman, will the gentleman yield?

Mr. MICHEL. I yield to the gentleman from Ohio.

Mr. ASHBROOK. Mr. Chairman, I thank the gentleman for his statement. In just a few moments, I think he has delivered one of the most succinct and understandable statements we have heard.

I think the vast majority of people would agree, and be in favor of checking inflation. I think it is an irony that those who profess concern for the elderly are the very ones who want more inflation, more erosion of our dollar, and counter the efforts of the administration to cut down on these forces.

I think the gentleman made a very excellent statement. I know the vast majority of Americans will agree. I hope the Members of the House will also agree.

Mr. MICHEL. That opportunity will soon be here and I do thank the gentleman for his kind remarks.

Mr. CEDERBERG. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I want to associate myself with the remarks of the distinguished gentleman from Illinois (Mr. MICHEL).

He has the task of serving on the appropriations subcommittee which has to make the decisions on the dollars which are going to be spent.

It is very easy to authorize. Here we are in this legislation authorizing, and as I read it, for 1973 the sum of $277 million, increasing in 1974 to $470 million, and in 1975 to $627 million.

One of my good colleagues in jest said that this gives the Committee on Appropriations a great deal of flexibility. Yes; it certainly does, but we have the task, as I see it, of bringing some fiscal reform and fiscal responsibility to the Government.

Senior citizens, in my opinion, are just as concerned about that as any of the rest of us.

I know it is not going to be popular, and it is not popular, to stand up and express opposition to legislation of this kind, because that is easily misunderstood. Some will say, "Well, you do not care about the older Americans." Of course, that is not the case at all.

Let us look at what the situation is fiscally and financially in this country. This year we are going to close the books with a $25 billion deficit, and that is at the President's requested expenditure of $250 billion. If the Congress had had its way, the expenditure this year would have been $261 billion, with a deficit of $36 billion for this year.

So we have some reform to do. I thought we were going to do it. Last year, when we increased the debt limit, we set up a joint committee between the House and the Senate, on which I serve, and it is the responsibility of the committee to gather to the Congress its authority over expenditures and to assert some responsibilty ourselves. Yet, before our hearings are even concluded or any decisions are made we are getting from the legislative committees bills every week in excess of what the President is requesting in the way of authorizations. I think we are being completely irresponsible.

Now, the President has suggested a spending ceiling in 1974 of $268.7 billion. The joint committee is supposed to come in with its own spending ceiling.

I should like to ask the chairman of the committee what he is going to do, after this committee meets and decides that the ceiling is going to be thus and so, and tells the committee what the authorization will be. Will he be abiding by it?

Mr. PERKINS. Mr. Chairman, let me say to my distinguished colleague that the bill has been cut back $605 million, as contrasted with the vetoed bill. When we consider the needs of the elderly as well documented in our hearings the authorizations in this bill are reasonable. There is nothing unreasonable about them. They are in fact conservative when compared with the expressed need.

In the substitute there are open-ended authorizations for permanent programs. In my judgment the committee bill is the responsible approach.

Mr. CEDERBERG. No; I do not agree with the gentleman at all. When we increase this authorization to the extent that it is being increased from fiscal year to fiscal year we have built-in pressures for increased expenditures. Nobody knows that more than the gentleman from Kentucky, the chairman of the committee, because he has been a part of the full-funding program in education. We went down that road in education, and we will go down it here because of these requested increases in expenditures.

So far as I am concerned, I have just as much concern for the elderly citizens as anyone else. I have concern for the taxpayers. They are taxpayers.

We can do the job under the Landgrebe substitute in a more orderly, reasonable and sensible manner, and still preserve some fiscal integrity, which I thought the Congress said it wanted.

I am not convinced yet that we are going to have the will to hold things in line, because of the legislation coming out from every committee. We are going to have another bill tomorrow, and no one seems to care one bit about what happens to the financial affairs of the country or what the deficits are going to be or what the tax increases are that are going to be necessary.

I find that when the tax increases become necessary the very ones who stand up and vote against the tax increases are the ones who have always been going down the line for spending the money.

The CHAIRMAN. The question is on the amendment in the nature of a substitute offered by the gentleman from Indiana (Mr. LANDGREBE).

RECORDED VOTE

Mr. GERALD R. FORD. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—yeas 168, nays 229, not voting 34, as follows:

[Roll No. 44]

YEAS—168

Abdnor
Andrews, N.C.
Archer
Arends
Armstrong
Ashbrook
Baker
Beard
Bennett
Blackburn
Bray
Brinkley
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burgener
Burke, Fla.
Burleson, Tex.
Burlison, Mo.
Butler
Byron
Camp
Casey, Tex.
Cederberg
Chamberlain
Clancy
Clausen, Don H.
Clawson, Del
Cochran
Collins
Conable
Conlan
Coughlin
Crane
Daniel, Dan
Daniel, Robert W., Jr.
Davis, Wis.
Dennis
Derwinski
Devine
Dickinson
Downing
Duncan
Edwards, Ala.
Findley
Fisher
Flynt
Ford, Gerald R.
Fountain
Froehlich
Gettys
Goldwater
Goodling
Gross
Grover
Gunter
Guyer
Haley
Hammerschmidt
Hanrahan
Hastings
Hébert
Henderson
Hillis
Hinshaw
Holt
Huber
Hudnut
Hunt
Hutchinson
Jarman
Johnson, Colo.
Johnson, Pa.
Jones, N.C.
Jones, Okla.
Keating
Kemp
Ketchum
Kuykendall
Landgrebe
Landrum
Latta
Lott
Lujan
McClory
McCollister
Madigan
Mahon
Mallary
Mann
Maraziti
Martin, Nebr.
Martin, N.C.
Mathias, Calif.
Michel
Milford
Miller
Mills, Md.
Minshall, Ohio
Mitchell, N.Y.
Mizell
Montgomery
Moorhead, Calif.
Myers
Nelsen
O'Brien
Parris
Passman
Pettis
Pickle
Powell, Ohio
Preyer
Quillen
Regula
Rhodes
Roberts
Robinson, Va.
Robison, N.Y.
Rogers
Roncallo, N.Y.
Rousselot
Runnels
Ruth
Sandman
Satterfield
Saylor
Scherle
Schneebeli
Sebelius
Shriver
Shuster
Sikes
Skubitz
Smith, N.Y.
Snyder
Spence
Stanton, J. William
Steed
Steiger, Ariz.
Stuckey
Symms
Taylor, Mo.
Teague, Calif.
Teague, Tex.
Thomson, Wis.
Thone
Towell, Nev.
Treen
Veysey
Waggonner
Wampler
Ware
Whitehurst
Whitten
Wiggins
Williams
Wilson, Bob
Winn
Wydler
Wylie
Wyman
Young, Fla.
Young, Ill.
Young, S.C.
Zion

NAYS—229

Abzug
Adams
Addabbo
Alexander
Anderson, Calif.
Anderson, Ill.
Andrews, N. Dak.
Annunzio
Ashley
Aspin
Bevill
Biester
Bingham
Boland
Bolling
Bowen
Brademas
Brasco
Breaux
Breckinridge
Broomfield
Brown, Calif.
Burke, Calif.
Burke, Mass.
Burton
Carey, N.Y.
Carney, Ohio
Carter
Clark
Clay
Cleveland
Cohen
Conte
Conyers
Corman
Cotter
Cronin
Culver
Daniels, Dominick V.
Danielson
Davis, S.C.
de la Garza
Dellenback
Dellums
Denholm
Dent
Diggs
Dingell
Donohue
Dorn
Drinan
Dulski
du Pont
Eckhardt
Edwards, Calif.
Eilberg
Erlenborn
Esch
Eshleman
Evans, Colo.
Evins, Tenn.
Fascell
Fish
Flood
Flowers
Foley
Ford, William D.
Forsythe
Fraser
Frenzel
Frey
Fulton
Fuqua
Gaydos
Giaimo
Gilman
Ginn
Gonzalez
Grasso
Gray
Green, Oreg.
Green, Pa.
Griffiths
Gubser
Gude
Hamilton
Hanley
Hanna
Hansen, Idaho
Hansen, Wash.
Harrington
Hawkins
Hays
Hechler, W. Va.
Heckler, Mass.
Heinz
Helstoski
Hicks
Hogan
Holtzman
Horton
Howard
Hungate
Ichord
Johnson, Calif.
Jones, Ala.
Jones, Tenn.
Jordan
Karth
Kastenmeier
Kazen
Kluczynski
Koch
Leggett
Lehman
Lent

Litton
Long, La.
Long, Md.
McCloskey
McCormack
McDade
McFall
McKay
McKinney
McSpadden
Macdonald
Madden
Mailliard
Mathis, Ga.
Matsunaga
Mayne
Mazzoli
Meeds
Melcher
Metcalfe
Mezvinsky
Minish
Mink
Mitchell, Md.
Moakley
Mollohan
Morgan
Mosher
Moss
Murphy, Ill.
Murphy, N.Y.
Natcher
Nedzi
Obey
O'Hara
O'Neill
Owens
Patman
Patten
Pepper
Perkins
Peyser
Pike
Poage
Podell
Price, Ill.
Pritchard
Quie
Railsback
Randall
Rangel
Rees
Reid
Reuss
Riegle
Rinaldo
Rodino
Roe
Roncalio, Wyo.
Rooney, Pa.
Rose
Rosenthal
Rostenkowski
Roush
Roybal
Ruppe
Ryan
St Germain
Sarasin
Sarbanes
Schroeder
Seiberling
Shipley
Shoup
Sisk
Slack
Smith, Iowa
Staggers
Stanton, James V.
Stark
Steele
Stephens
Stokes
Stratton
Stubblefield
Studds
Sullivan
Symington
Talcott
Taylor, N.C.
Thompson, N.J.
Thornton
Tiernan
Udall
Ullman
Van Deerlin
Vander Jagt
Vanik
Vigorito
Walsh
Whalen
White
Wilson, Charles H., Calif.
Wilson, Charles, Tex.
Wolff
Wright
Wyatt
Yates
Yatron
Young, Ga.
Young, Tex.
Zablocki
Zwach

NOT VOTING—34

Badillo
Bafalis
Barrett
Bell
Bergland
Biaggi
Blatnik
Brooks
Chappell
Chisholm
Collier
Davis, Ga.
Delaney
Frelinghuysen
Gibbons
Harsha
Harvey
Holifield
Hosmer
King
Kyros
McEwen
Mills, Ark.
Moorhead, Pa.
Nichols
Nix
Price, Tex.
Rarick
Rooney, N.Y.
Roy
Steelman
Steiger, Wis.
Waldie
Widnall

So the amendment in the nature of a substitute was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

TITLE I—DECLARATION OF OBJECTIVES

FINDINGS AND PURPOSES

SEC. 101. The Congress finds that millions of older citizens in this Nation are suffering unnecessary harm from the lack of adequate services. It is therefore the purpose of this Act, in support of the objectives of the Older Americans Act of 1965, to—

(1) make available comprehensive programs which include a full range of health, education, and social services to our older citizens who need them,

(2) give full and special consideration to older citizens with special needs in planning such programs, and, pending the availability of such programs for all older citizens, give priority to the elderly with the greatest economic and social need,

(3) provide comprehensive programs which will assure the coordinated delivery of a full range of essential services to our older citizens, and, where applicable, also furnish meaningful employment opportunities for many individuals, including older persons, young persons, and volunteers from the community, and

(4) insure that the planning and operation of such programs will be undertaken as a partnership of older citizens, parents, and community, State and local governments, with appropriate assistance from the Federal Government.

SEC. 102. Section 101(8) of the Older Americans Act of 1965 is amended by inserting after "services" the following: ", including access to low-cost transportation,".

TITLE II—ADMINISTRATION ON AGING

SEC. 201. (a) Section 201 of the Older Americans Act of 1965 is amended to read as follows:

"ESTABLISHMENT OF ADMINISTRATION ON AGING

"SEC. 201. (a) There is established in the Office of the Secretary an Administration on Aging (hereinafter in this Act referred to as the 'Administration') which shall be headed by a Commissioner on Aging (hereinafter in this Act referred to as the 'Commissioner'). Except for title VI and as otherwise specifically provided by the Comprehensive Older Americans Services Amendments of 1973, the Administration shall be the principal agency for carrying out this Act. In the performance of his functions, he shall be directly responsible to the Secretary and not to or through any other officer of that Department. The Commissioner shall not delegate any of his functions to any other officer who is not directly responsible to him unless he first submits a plan for such delegation to the Congress. Such delegation is effective at the end of the first period of thirty calendar days of continuous session of Congress after the date on which the plan for such delegation is transmitted to it, unless between the day of transmittal and the end of the thirty-day period either House passes a resolution stating in substance that that House does not favor such delegation. For the purpose of this section, continuing of session is broken only by an adjournment of Congress sine die, and the days on which either House is not in session because of an adjournment of more than three days to a day certain are excluded in the computation of the thirty-day period. Under provisions contained in a reorganization plan, a provision of the plan may be effective.

"(b) The Commissioner shall be appointed by the President by and with the advice and consent of the Senate."

(b)(1) Section 202(4) of the Older Americans Act of 1965 is amended to read as follows:

"(4) develop plans, conduct and arrange for research in the field of aging, and assist in the establishment of and carry out programs designed to meet the needs of older persons for social services, including nutrition, hospitalization, preretirement training, continuing education, low-cost transportation and housing, and health serivces;"

(2) Section 202 of the Older Americans Act of 1965 is amended by striking out "and" at the end of paragraph (7), by striking out the period at the end of paragraph (8) and inserting in lieu thereof "; and", and by adding at the end thereof the following new paragraphs:

"(9) develop basic policies and set priorities with respect to the development and operation of programs and activities conducted under authority of this Act;

"(10) provide for the coordination of Federal programs and activities related to such purposes;

"(11) coordinate, and assist in, the planning and development by public (including Federal, State, and local agencies) and nonprofit private organizations of programs for older persons, with a view to the establishment of a nationwide network of comprehensive, coordinated services and opportunities for such persons;

"(12) convene conferences of such authorities and officials of public (including Federal, State, and local agencies) and nonprofit private organizations concerned with the development and operation of programs for older persons as the Commissioner deems necessary or proper for the development and implementation of policies related to the purposes of this Act;

"(13) develop and operate programs providing services and opportunities as authorized by this Act which are not otherwise provided by existing programs for older persons;

"(14) carry on a continuing evaluation of the programs and activities related to the purposes of this Act, with particular attention to the impact of medicare and medicaid, the Age Discrimination in Employment Act of 1967, and the programs of the National Housing Act relating to housing for the elderly and the setting of standards for the licensing of nursing homes, intermediate care homes, and other facilities providing care for older people;

"(15) provide information and assistance to private nonprofit organizations for the establishment and operation by them of programs and activities related to the purposes of this Act; and

"(16) develop, in coordination with other agencies, a national plan for meeting the needs for trained personnel in the field of aging, and for training persons for carrying out programs related to the purposes of this Act, and conduct and provide for the conducting of such training."

(3) Section 202 of the Act (as amended by the preceding provisions of this subsection) is further amended by inserting "(a)" after "Sec. 202.", and by adding at the end thereof the following new subsection:

"(b) In executing his duties and functions under this Act and carrying out the programs and activities provided for by this Act, the Commissioner, in consultation with the Director of Action, shall take all possible steps to encourage and permit voluntary groups active in social services, including youth organizations active at the high school or college levels, to participate and be involved individually or through representative groups in such programs or activities to the maximum extent feasible, througn the performance of advisory or consultative functions, and in other appropriate ways."

(c) Title II of the Older Americans Act of 1965 is further amended by adding at the end thereof the following new sections:

"FEDERAL AGENCY COOPERATION

"SEC. 203. Federal agencies proposing to establish programs substantially related to the purposes of this Act shall consult with the Administration on Aging prior to the establishment of such services, and Federal agencies administering such programs shall cooperate with the Administration on Aging in carrying out such services.

"THE NATIONAL INFORMATION AND RESOURCE CLEARINGHOUSE FOR THE AGED

"SEC. 204. (a) The Commissinoer is authorized and directed to establish and operate a National Information and Resources Clearinghouse for the Aging which shall—

"(1) collect, analyze, prepare, and disseminate information related to the needs and interests of older persons;

"(2) obtain information concerning older persons from public and private agencies and other organizations serving the needs and interests of older persons and furnish, upon request, information to such agencies and organizations, including information developed by Federal, State, and local public agencies with respect to programs of such agencies designed to serve the needs and interests of older persons;

"(3) encourage the establishment of State and local information centers and provide technical assistance to such centers, including sources established under section 304(c)(3) and section 305(a)(7), to assist older persons to have ready access to information; and

"(4) to carry out a special program for the collection and dissemination of information relevant to consumer interests of older persons in order that such older persons may more readily obtain information concerning goods and services needed by them.

"(b) The Commissioner shall take whatever action is necessary to achieve coordination of activities carried out or assisted by all departments, agencies, and instrumentalities of the Federal Government with respect to the collection, preparation, and dissemination of information relevant to older persons. To the extent practicable, the Commissioner shall carry out his functions under this subsection through the National Information and Resource Clearinghouse for the Aging.

"(c) There are authorized to be appropriated to carry out the purposes of this section $750,000 for the fiscal year ending June 30, 1973, $1,000,000 for the fiscal year ending June 30, 1974, and $1,250,000 for the fiscal year ending June 30, 1975.

"FEDERAL COUNCIL ON THE AGING

"SEC. 205. (a) There is established a Federal Council on the Aging to be composed of fifteen members appointed by the President with the advice and consent of the Senate for terms of three years without regard to the provisions of title 5, United States Code. Members shall be appointed so as to be representative of older Americans, national organizations with an interest in aging, business, labor, and the general public. At least five of the members shall themselves be older persons.

"(b)(1) Of the members first appointed, five shall be appointed for a term of one year, five shall be appointed for a term of two years, and five shall be appointed for a term of three years, as designated by the President at the time of appointment.

"(2) Any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed only for the remainder of such term. Members shall be eligible for reappointment and may serve after the expiration of their terms until their successors have taken office.

"(3) Any vacancy in the Council shall not affect its powers, but shall be filled in the same manner by which the original appointment was made.

"(4) Members of the Council shall, while serving on business of the Council, be entitled to receive compensation at a rate not to exceed the daily rate specified for grade GS-18 in section 5332 of title 5, United States Code, including traveltime, and while so serving away from their homes or regular places of business, they may be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as the expenses authorized by section 5703(b) of title 5, United States Code, for persons in the Government service employed intermittently.

"(c) The President shall designate the Chairman from among the members appointed to the Council. The Council shall meet at the call of the Chairman but not less often than four times a year. The Secretary and the Commissioner on Aging shall be ex officio members of the Council.

"(d) The Council shall—

"(1) advise and assist the President on matters relating to the special needs of older Americans;

"(2) assist the Commissioner in making the appraisal of needs required by section 402;

"(3) review and evaluate, on a continuing basis, Federal policies regarding the aging and programs and other activities affecting the aging conducted or assisted by all Federal departments and agencies for the purpose of appraising their value and their impact on the lives of older Americans; and

"(4) serve as a spokesman on behalf of older Americans by making recommendations to the President, to the Secretary, the Commissioner, and to the Congress with respect to Federal policies regarding the aging and federally conducted or assisted programs and other activities relating to or affecting them;

"(5) inform the public about the problems and needs of the aging, in consultation with the National Information and Resource Clearinghouse for the Aging, by collecting and disseminating information, conducting or commissioning studies and publishing the results thereof, and by issuing publications and reports; and

"(6) provide public forums for discussing and publicizing the problems and needs of the aging and obtaining information relating thereto by conducting public hearings and by conducting or sponsoring conferences, workshops, and other such meetings.

"(e) The Secretary and the Commissioner shall make available to the Council such staff, information, and other assistance as it may require to carry out its activities.

"(f) Beginning with the year 1974 the Council shall make such interim reports as it deems advisable and an annual report of its findings and recommendations to the President no later than March 31 of each year. The President shall transmit each such report to the Congress together with his comments and recommendations.

"(g) The Council shall undertake a study of the interrelationships of benefit programs for the elderly operated by Federal, State, and local government agencies. Following the completion of this study, the President shall submit to Congress no later than eighteen months after the enactment of this Act recommendations for bringing about greater uniformity of eligibility standards, and for eliminating the negative impact that one program's standards may have on another.

"(h) The Council shall undertake a study of the Combined impact of all taxes on the elderly—including but not limited to income, property, sales, and social security taxes. Upon completion of this study, but no later than eighteen months after enactment of this Act, the President shall submit to Congress, and to the Governors and legislatures of the States, the results thereof and such recommendations as he deems necessary.

"(i)(A) The Council shall, after consultation with the Secretary of Transportation and the Secretary of Housing and Urban Development, conduct a comprehensive study and survey of the transportation problems of older Americans with emphasis upon solutions that are practical and can be implemented in a timely fashion. In conducting the study and survey, the Council shall consider—

"(1) the use of all community transportation facilities, particularly public transportation systems, the possible use of schoolbuses, and excess Department of Defense vehicles; and

"(2) the need for revised and improved procedures for obtaining motor vehicle insurance by older Americans to be implemented for use in a coordinated transportation system.

"(B) Not later than June 30, 1975, the Council shall prepare and transmit to the Secretary, to the President, and to the Congress, a report on their findings and recommendations including a plan for implementation of improved transportation services for older Americans and recommendations for additional legislation, administrative and other measures to provide solutions to the transportation problems of older Americans.

"(C) In carrying out the study and survey, the Council is authorized to—

"(i) procure temporary and intermittent services of exports and consultants in accordance with section 3109 of title 5, United States Code, and

"(ii) secure directly from any executive department, bureau, agency, board, commission, office, independent establishment, or instrumentality information, suggestions, estimates, and statistics for the purpose of this section; and each such department, bureau, agency, board, commission, office, independent establishment, or instrumentality is authorized and directed, to the extent permitted by law, to furnish such information, suggestions, estimates, and statistics directly to the Council upon request by them.

"ADMINISTRATION OF THE ACT

"SEC. 206. (a) In carrying out the purposes of this Act, the Commissioner is authorized to:

"(1) provide consultative services and technical assistance to public or nonprofit agencies and organizations;

"(2) provide short-term training and technical instruction;

"(3) conduct research and demonstrations;

"(4) collect, prepare, publish, and disseminate special educational or informational materials, including reports of the projects for which funds are provided under this Act; and

"(5) provide staff and other technical assistance to the Federal Council on the Aging.

"(b) In administering his functions under this Act, the Commissioner may utilize the services and facilities of any agency of the Federal Government and of any other public or nonprofit agency or organization, in accordance with agreements between the Commissioner and the head thereof, and to pay therefor, in advance or by way of reimbursement, as may be provided in the agreement.

"(c) For the purpose of carrying out this section, there are authorized to be appropriated such sums as may be necessary.

"EVALUATION

"SEC. 207. (a) The Secretary shall measure and evaluate the impact of all programs authorized by this Act, their effectiveness in achieving stated goals in general, and in relation to their cost, their impact on related programs, and their structure and mechanisms for delivery of services, including, where appropriate, comparisons with appropriate control groups composed of persons who have not participated in such programs. Evaluations shall be conducted by persons not immediately involved in the administration of the program or project evaluated.

"(b) The Secretary may not make grants or contracts under section 308 or title IV of this Act until he has developed and published general standards to be used by him in evaluating the programs and projects assisted under such section or title. Results of evaluations conducted pursuant to such standards shall be included in the reports required by section 208.

"(c) In carrying out evaluations under this section, the Secretary shall, whenever possible, arrange to obtain the opinions of program and project participants about the strengths and weaknesses of the programs and projects.

"(d) The Secretary shall annually publish summaries of the results of evaluative research and evaluation of program and project impact and effectiveness, the full contents of which shall be available to Congress and the public.

"(e) The Secretary shall take the necessary action to assure that all studies, evaluations, proposals, and data produced or developed with Federal funds shall become the property of the United States.

"(f) Such information as the Secretary may deem necessary for purposes of the evaluations conducted under this section shall be made available to him, upon request by the departments and agencies of the executive branch.

"(g) The Secretary is authorized to use such sums as may be required, but not to exceed 1 per centum of the funds appropriated under this Act, or $1,000,000, whichever is greater, to conduct program and project evaluations (directly, or by grants or contracts) as required by this title. In the case of allotments from such an appropriation, the amount available for such allotments (and the amount deemed appropriated therefor) shall be reduced accordingly.

"REPORTS

"SEC. 208. Not later than one hundred and twenty days after the close of each fiscal year, the Commissioner shall prepare and submit to the Congress a full and complete report on the activities carried out under this Act. Such annual reports shall include statistical data reflecting services and activities provided individuals during the preceding fiscal year.

"JOINT FUNDING OF PROJECTS

"SEC. 209. Pursuant to regulations prescribed by the President, and to the extent consistent with the other provisions of this Act, where funds are provided for a single project by more than one Federal agency to an agency or organization assisted under this Act, the Federal agency principally involved may be designated to act for all in administering the funds provided.

"ADVANCE FUNDING

"SEC. 210. (a) For the purpose of affording adequate notice of funding available under this Act, appropriations under this Act are authorized to be included in the appropriation Act for the fiscal year preceding the fiscal year for which they are available for obligation.

"(b) In order to effect a transition to the advance funding method of timing appropriation action, the amendment made by subsection (a) shall apply notwithstanding that its initial application will result in the enactment in the same year (whether in the same appropriation Act or otherwise) of two separate appropriations, one for the then current fiscal year and one for the succeeding fiscal year."

SEC. 202. Title VIII of the Older Americans Act of 1965 is hereby repealed.

TITLE III—GRANTS FOR STATE AND AREA PROGRAMS

SEC. 301. The Older Americans Act of 1965 is amended by striking out title III and inserting in lieu thereof the following new title:

"TITLE III—GRANTS FOR STATE AND COMMUNITY PROGRAMS ON AGING

"PURPOSE

"SEC. 301. It is the purpose of this title to encourage and assist State and local agencies to concentrate resources in order to develop greater capacity and foster the development of comprehensive and coordinated service systems to serve older persons by entering into new cooperative arrangements with each other and with providers of social services for planning for the provision of, and providing, social services and, where necessary, to reorganize or reassign functions, in order to—

"(1) secure and maintain maximum independence and dignity in a home environment for older persons capable of self-care with appropriate supportive services; and

"(2) remove individual and social barriers to economic and personal independence for older persons.

"DEFINITIONS

"SEC. 302. For purposes of this title—

"(1) The term 'social services' means any of the following services which meet such standards as the Commissioner may prescribe:

"(A) health, continuing education, welfare, informational, recreational, homemaker, counseling, or referral services;

"(B) transportation services where necessary to facilitate access to social services;

"(C) services designed to encourage and assist older persons to use the facilities and services available to them;

"(D) services designed to assist older persons to obtain adequate housing;

"(E) services designed to assist older persons in avoiding institutionalization, including preinstitutionalization evaluation and screening, and home health services; or

"(F) any other services;

if such services are necessary for the general welfare of older persons.

"(2) The term 'unit of general purpose local government' means (A) a political subdivision of the State whose authority is broad and general and is not limited to only one function or a combination of related functions, or (B) an Indian tribal organization.

"(3) The term 'comprehensive and coordinated system' means a system for providing all necessary social services in a manner designed to—

"(A) facilitate accessibility to and utilization of all social services provided within the geographic area served by such system by any public or private agency or organization;

"(B) develop and make the most efficient use of social services in meeting the needs of older persons; and

"(C) use available resources efficiently and with a minimum of duplication.

"AREA PLANNING AND SOCIAL SERVICE PROGRAMS

"SEC. 303. (a) There are authorized to be appropriated $85,000,000 for the fiscal year ending June 30, 1973, $150,000,000 for the fiscal year ending June 30, 1974, and $200,000,000 for the fiscal year ending June 30, 1975, to enable the Commissioner to make grants to each State with a State plan approved under section 305 for paying part of the cost (pursuant to subsection (e) of this section) of—

"(1) the administration of area plans by area agencies on aging designated pursuant to section 304(a)(2)(A), including the preparation of area plans on aging consistent with section 304(c) and the evaluation of activities carried out under such plans; and

"(2) the development of comprehensive and coordinated systems for the delivery of social services.

"(b)(1) From the sums authorized to be appropriated for the fiscal year ending June 30, 1973, under subsection (a) of this section, (A) Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands shall each be allotted an amount equal to one-fourth of 1 per centum of such sum, (B) each other State shall be allotted an amount equal to one-half of 1 per centum of such sum, and (C) from the remainder of the sum so appropriated, each State shall be allotted an additional amount which bears the same ratio to such remainder as the population aged sixty or over in such State bears to the population aged sixty or over in all States.

"(2) From the sums appropriated for the fiscal year ending June 30, 1974, and for the fiscal year ending June 30, 1975, each State shall be allotted an amount which bears the same ratio to such sum as the population aged sixty or over in such State bears to the population aged sixty or over in all States, except that (A) no State shall be allotted less than one-half of 1 per centum of the sum appropriated for the fiscal year for which the determination is made; (B) Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands shall each be allotted no less than one-fourth of 1 per centum of the sum appropriated for the fiscal year for which the determination is made; and (C) no State shall be allotted an amount less than that State received for the fiscal year ending June 30, 1973. For the purpose of the exception contained in clause (A) of this paragraph only, the term 'State' does not include Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands.

"(3) The number of persons aged sixty or over in any State and in all States shall be determined by the Commissioner on the basis of the most recent and satisfactory data available to him.

"(c) Whenever the Commissioner determines that any amount allotted to a State for fiscal year under this section will not be used by such State for carrying out the purpose for which the allotment was made, he shall make such amount available for carrying out such purpose to one or more other States to the extent he determines such other States will be able to use such additional amount for carrying out such purpose. Any amount made available to a State from an appropriation for a fiscal year pursuant to the preceding sentence shall, for purposes of this title, be regarded as part of such State's allotment (as determined under the preceding provisions of this section) for such year.

"(d) The allotment of a State under this section for the fiscal year ending June 30, 1973, shall remain available until the close of the following fiscal year.

"(e) From a State's allotment under this section for a fiscal year—

"(1) such amount as the State agency determines, but not more than 15 per centum thereof, shall be available for paying such percentage as such agency determines, but not more than 75 per centum, of the cost of administration of area plans; and

"(2) such amount as the State agency determines, but not more than 20 per centum thereof, shall be available for paying such percentage as such agency determines, but not more than 75 per centum, of the cost of social services which are not provided as a part of a comprehensive and coordinated system in planning and service areas for which there is an area plan approved by the State agency.

The remainder of such allotment shall be available to such State only for paying such percentage as the State agency determines, but not more than 90 per centum, of the cost of social services provided in the State as a part of comprehensive and coordinated systems in planning and service areas for which there is an area plan approved by the State agency.

"ORGANIZATION

"State Organization

"SEC. 304. (a) In order for a State to be eligible to participate in the programs of grants to States from allotments under section 303 and section 306—

"(1) the State shall, in accordance with regulations of the Commissioner, designate a State agency as the sole State agency (hereinafter in this title referred to as 'the State agency') to: (A) develop the State plan to be submitted to the Commissioner for approval under section 305, (B) administer the State plan within such State, (C) be primarily responsible for the coordination of all State activities related to the purposes of this Act, (D) review and comment on, at the request of any Federal department or agency, any application from any agency or organization within such State to such Federal department or agency for assistance related to meeting the needs of older persons; and (E) divide the entire State into distinct areas (hereinafter in this title referred to as 'planning and service areas'), after considering the geographical distribution of individuals aged sixty and older in the State, the incidence of the need for social services (including the numbers of older persons with low incomes residing in such areas), the distribution of resources available to provide such services, the boundaries of existing areas within the State which were drawn for the planning or administration of social services programs, the location of units of general purpose local government within the State, and any other relevant factors: *Provided*, That any unit of general purpose local government which has a population aged sixty or over of fifty thousand or more or which contains 15 per centum or more of the State's population aged sixty or over shall be designated as a planning and service area and the State may include in any planning and service area designated pursuant to this provision such additional areas adjacent to the unit of general purpose local government so designated as the State determines to be necessary for the effective administration of the programs authorized by this title, and

"(2) the State agency designated pursuant to paragraph (1) shall—

"(A) determine for which planning and service areas an area plan will be developed, in accordance with subsection (c) of this section, and for each such area designate, after consideration of the views offered by the unit or units of general purpose local government in such area, a public or nonprofit private agency or organization as the area agency on aging for such area; and

"(B) provide assurances satisfactory to the Commissioner that the State agency will take into account, in connection with matters of general policy arising in the development and administration of the State plan for any fiscal year, the views of recipients of social services provided under such plan.

"Area Organization

"(b) An area agency on aging designated under subsection (a) must be—

"(1) an established office on aging which is operating within a planning and service area designated pursuant to subsection (a) of this section, or

"(2) any office or agency of a unit of general purpose local government, which is designated for this purpose by the chief elected official or officials of such unit, or

"(3) any office or agency designated by the chief elected official or officials of a combination of units of general purpose local government to act on behalf of such combination for this purpose, or

"(4) any public or nonprofit private agency in a planning and service area which is under the supervision or direction for this purpose of the designated State agency and which can engage in the planning or provision of a broad range of social services within such planning and service area,

and must provide assurance, found adequate by the State agency, that it will have the ability to develop an area plan and to carry out, directly or through contractual or other arrangements, a program pursuant to the plan within the planning and service area. In designating an area agency on aging, the State agency shall give preference to an established office on aging, unless the State agency finds that no such office within the planning and service area will have the capacity to carry out the area plan.

"Area plans

"(c) In order to be approved by the State agency, an area plan for a planning and service area shall be developed by the area agency on aging designated with respect to such area under subsection (a) and shall

"(1) provide for the establishment of a comprehensive and coordinated system for the delivery of social services within the planning and service area covered by the plan, including determining the need for social services in such area (taking into consideration, among other things, the numbers of older persons with low incomes residing in such area), evaluating the effectiveness of the use of resources in meeting such need, and entering into agreements with providers of social services in such area, for the provision of such services to meet such need;

"(2) in accordance with criteria established by the Commissioner by regulation relating to priorities, provide for the initiation, expansion, or improvement of social services in the planning and service area covered by the area plan;

"(3) provide for the establishment and maintenance of information and referral sources in sufficient numbers to assure that all older persons within the planning and service area covered by the plan will have reasonably convenient access to such sources. For purposes of this section and section 305 (a) (7), an information and referral source is a location where the State or other public or private agency or organization (A) maintains current information with respect to the opportunities and services available to older persons, and develops current lists of older persons in need of services and opportunities, and (B) employs a specially trained staff to inform older persons of the opportunities and services which are available, and assists such persons to take advantage of such opportunities and services; and

"(4) provide that the area agency on aging will—

"(A) conduct periodic evaluations of activities carried out pursuant to the area plan;

"(B) render appropriate technical assistance to providers of social services in the planning and service area covered by the area plan;

"(C) where necessary and feasible, enter into arrangements, consistent with the provisions of the area plan, under which funds under this title may be used to provide legal services to older persons in the planning and service area carried out through federally assisted programs or other public or nonprofit agencies;

"(D) take into account, in connection with matters of general policy arising in the development and administration of the area plan, the views of recipients of services under such plan;

"(E) where possible, enter into arrangements with organizations providing day care services for children so as to provide opportunities for older persons to aid or assist, on a voluntary basis, in the delivery of such services to children; and

"(F) establish an advisory council, consisting of representatives of the target population and the general public, to advise the area agency on all matters relating to the administration of the plan and operations concluded thereunder.

"STATE PLANS

"SEC. 305. (a) In order for a State to be eligible for grants for a fiscal year from its allotments under section 303 and section 306, except as provided in section 307(a), it shall submit to the Commissioner a State plan for such year which meets such criteria as the Commissioner may prescribe by regulation and which—

"(1) provides that the State agency will evaluate the need for social services within the State and determine the extent to which existing public or private programs meet such need;

"(2) provides for the use of such methods of administration (including methods relating to the establishment and maintenance of personnel standards on a merit basis, except that the Commissioner shall exercise no authority with respect to the selection, tenure of office, or compensation of an individual employed in accordance with such methods) as are necessary for the proper and efficient administration of the plan;

"(3) provides that the State agency will make such reports, in such form, and containing such information, as the Commissioner may from time to time require, and comply with such requirements as the Commissioner may impose to assure the correctness of such reports;

"(4) provides that the State agency will conduct periodic evaluations of activities and projects carried out under the State plan;

"(5) establish objectives, consistent with the purposes of this title, toward which activities under the plan will be directed, identifies obstacles to the attainment of those objectives, and indicates how it proposes to overcome those obstacles;

"(6) provides that each area agency on aging designated pursuant to section 304(a) (2) (A) will develop and submit to the State agency for approval an area plan which complies with section 304(c);

"(7) provides for establishing and maintaining information and referral sources in sufficient numbers to assure that all older persons in the State who are not furnished adequate information and referral sources under section 304(c) (3) will have reasonably convenient access to such sources;

"(8) provides that no social service will be directly provided by the State agency or an area agency on aging, except where, in the judgment of the State agency, provision of such service by the State agency or an area agency on aging is necessary to assure an adequate supply of such service; and

"(9) provides that preference shall be given to persons aged sixty or over for any staff positions (full time or part time) in State and area agencies for which such persons qualify.

"(b) The Commissioner shall approve any State plan which he finds fulfills the requirements of subsection (a) of this section.

"(c) The Commissioner shall not make a final determination disapproving any State plan, or any modification thereof, or make a final determination that a State is ineligible under section 304, without first affording the State reasonable notice and opportunity for a hearing.

"(d) Whenever the Commissioner, after reasonable notice and opportunity for hearing to the State agency, finds that—

"(1) the State is not eligible under section 304,

"(2) the State plan has been so changed that it no longer complies with the provisions of subsection (a), or

"(3) in the administration of the plan there is a failure to comply substantially with any such provision of subsection (a),

the Commissioner shall notify such State agency that no further payments from its allotments under section 303 and section 306 will be made to the State (or, in his discretion, that further payments to the State will be limited to projects under or portions of the State plan not affected by such failure), until he is satisfied that there will no longer be any failure to comply. Until he is so satisfied, no further payments shall be made to such State from its allotment under section 303 and section 306 (or payments shall be limited to projects under or portions of the State plan not affected by such failure). The Commissioner shall, in accordance with regulations he shall prescribe, disburse the funds so withheld directly to any public or nonprofit private organization or agency or political subdivision of such State submitting an approved plan in accordance with the provisions of section 304 and section 306. Any such payment or payments shall be matched in the proportions specified in section 303 and 306.

"(e) A State which is dissatisfied with a final action of the Commissioner under subsection (b), (c), or (d) may appeal to the United States court of appeals for the circuit in which the State is located, by filing a petition with such court within sixty days after such final action. A copy of the petition shall be forthwith transmitted by the clerk of the court to the Commissioner, or any officer designated by him for that purpose. The Commissioner thereupon shall file in the court the record of the proceedings on which he based his action, as provided in section 2112 of title 28, United States Code. Upon the filing of such petition, the court shall have jurisdiction to affirm the action of the Commissioner or to set it aside, in whole or in part, temporarily or permanently, but until the filing of the record, the Commissioner may modify or set aside his order. The findings of the Commissioner as to the facts, if supported by substantial evidence, shall be conclusive, but the court, for good cause shown, may remand the case to the Commissioner to take further evidence, and the Commissioner may thereupon make new or modified findings of fact and may modify his previous action, and shall file in the court the record of the further proceedings. Such new or modified findings of fact shall likewise be conclusive if supported by substantial evidence. The judgment of the court affirming or setting aside, in whole or in part, any action of the Commissioner shall be final, subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code. The commencement of proceedings under this subsection shall not, unless so specifically ordered by the court, operate as a stay of the Commissioner's action.

"PLANNING, COORDINATION, EVALUATION, AND ADMINISTRATION OF STATE PLANS

"SEC. 306. (a)(1) There are authorized to be appropriated $20,000,000 for the fiscal year ending June 30, 1973, $20,000,000 for the fiscal year ending June 30, 1974, and $20,000,000 for the fiscal year ending June 30, 1975, to make grants to States for paying such percentages as each State agency determines, but not more than 75 per centum, of the cost of the administration of its State plan, including the preparation of the State plan, the evaluation of activities carried out under such plan, the collection of data and the carrying out of analyses related to the need for social services within the State, the dissemination of information so obtained, the provision of short-term training to personnel of public or nonprofit private agencies and organizations engaged in the operation of programs authorized by this Act, and the carrying out of demonstration projects of statewide significance relating to the initiation, expansion, or improvement of social service.

"(2) Any sums allotted to a State under this section for covering part of the cost of the administration of its State plan which the State determines is not needed for such purpose may be used by such State to supplement the amount available under section 303(e)(1) to cover part of the cost of the administration of area plans.

"(b)(1) From the sums appropriated for any fiscal year under subsection (a) of this section, each State shall be allotted an amount which bears the same ratio to such sum as the population aged sixty or over in such State bears to the population aged sixty or over in all States, except that (A) no State shall be allotted less than one-half of 1 per centum of the sum appropriated for the fiscal year for which the determination is made, or $200,000, whichever is greater, and (B) Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands shall each be allotted no less than one-fourth of 1 per centum of the sum appropriated for the fiscal year for which the determination is made, or $50,000, whichever is greater. For the purpose of the exception contained in clause (A) of this paragraph, the term 'State' does not include Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands.

"(2) The number of persons aged sixty or over in any State and in all States shall be determined by the Commissioner on the basis of the most recent satisfactory data available to him.

"(c) The amount of any State's allotment under subsection (b) for any fiscal year which the Commissioner determines will not be required for that year shall be reallotted, from time to time and on such dates during such year as the Commissioner may fix, to other States in proportion to the original allotments to such States under subsection (b) for that year, but with such proportionate amount for any of such other States being reduced to the extent it exceeds the sum the Commissioner estimates such State needs and will be able to use for such year; and the total of such reductions shall be similarly reallotted among the States whose proportionate amounts were not so reduced. Such reallotments shall be made on the basis of the State plan so approved, after taking into consideration the population aged sixty or over. Any amount reallotted to a State under this subsection during a year shall be deemed part of its allotment under subsection (b) for that year.

"(d) The allotment of a State under this section for the fiscal year ending June 30, 1973, shall remain available until the close of the following fiscal year.

"PAYMENTS

"SEC. 307. (a) Payments of grants or contracts under this title may be made (after necessary adjustments on account of previously made overpayments or underpayments) in advance or by way of reimbursement, and in such installments, as the Commissioner may determine. From a State's allotment for a fiscal year which is available pursuant to section 306 the Commissioner may advance to a State which does have a State plan approved under section 305 such amounts as he deems appropriate for the purpose of assisting such State in developing a State plan.

"(b) Beginning with the fiscal year ending June 30, 1975, not less than 25 per centum of the non-Federal share (pursuant to section 303(e)) of the total expenditure under the State plan shall be met from funds from State or local public sources.

"(c) A State's allotment under section 303 for a fiscal year shall be reduced by the percentage (if any) by which its expenditures for such year from State sources under its State plan approved under section 305 are less than its expenditures from such sources for the preceding fiscal year.

"MODEL PROJECTS

"SEC. 308. (a) The Commissioner may, after consultation with the State agency, make grants to any public or nonprofit private agency or organization or contracts with any agency or organization within such State for paying part or all of the cost of developing or operating statewide, regional, metropolitan area, county, city, or community model projects which will expand or improve social services or otherwise promote the well-being of older persons. In making grants and contracts under this section, the Commissioner shall give special consideration to projects designed to—

"(1) assist in meeting the special housing needs of older persons by (A) providing financial assistance to such persons, who own their own homes, necessary to enable them to make the repairs and renovations to their homes which are necessary for them to meet minimum standards, (B) studying and demonstrating methods of adapting existing housing, or construction of new housing, to meet the needs of older persons suffering from physical disabilities. and (C) demonstrating alternative methods of relieving older persons of the burden of real property taxes on their homes;

"(2) improve the transportation services available to older persons by (A) establishing special transportation subsystems for older persons or similar groups with similar mobility restrictions, (B) providing portal-to-portal service and demand actuated services, (C) payment of subsidies to transportation systems to enable them to provide transportation services to older persons on a reduced rate basis, with special emphasis on transportation necessary to enable older persons to obtain health services, (D) payments directly to older persons to enable them to obtain reasonable and necessary transportation services, (E) programs to study the economic and service aspects of transportation for older persons living in urban or rural areas, and (F) programs to study transportation and social service delivery interface:

"(3) meet the needs of unemployed low-income older persons who are unable, because of physical condition, obsolete or inadequate skills, declining economic conditions, or other causes of a lack of employment opportunity to secure appropriate employment, which will enable such persons to participate in projects for public service in such fields as environmental quality, health care, education, public safety, crime prevention and control, prison rehabilitation, transportation, recreation, maintenance of parks, streets, and other public facilities, solid waste removal, pollution control, housing and neighborhood improvements, rural development, conservation, beautification, and other fields of human betterment and community improvement;

"(4) provide continuing education to older persons designed to enable them to lead more productive lives by broadening the educational, cultural, or social awareness of such older persons, emphasizing, where possible, free tuition arrangements with colleges and universities;

"(5) provide preretirement education, information, and relevant services (including the training of personnel to carry out such programs and the conducting of research with respect to the development and operation of such programs) to persons planning retirement; or

"(6) provide services to assist in meeting the particular needs of the physically and mentally impaired older persons including special transportation and escort services, homemaker, home health, and shopping services, reader services, letterwriting services, and other service designed to assist such individuals in leading a more independent life, and encourage older Americans with skills and experience in trades and industry to be employed as aides in the vocational and industrial arts departments of our secondary schools.

"(b) For the purpose of carrying out this section, there are authorized to be appropriated $40,000,000 for the fiscal year ending June 30, 1973, $75,000,000 for the fiscal year ending June 30, 1974, and $100,000,000 for the fiscal year ending June 30, 1975."

TITLE IV—TRAINING AND RESEARCH

SEC. 401. The Older Americans Act of 1965 is amended by striking out titles IV and V and by inserting immediately after title III the following new title:

"TITLE IV—TRAINING AND RESEARCH

"PART A—TRAINING

"STATEMENT OF PURPOSE

"SEC. 401. The purpose of this part is to improve the quality of service and to help meet critical shortages of adequately trained personnel for programs in the field of aging by (1) developing information on the actual needs for personnel to work in the field of aging, both present and long range; (2) providing a broad range of quality training and retraining opportunities, responsive to changing needs of programs in the field of aging; (3) attracting a greater number of qualified persons into the field of aging; and (4) helping to make personnel training programs more responsive to the need for trained personnel in the field of the aging.

"APPRAISING PERSONAL NEEDS IN THE FIELD OF AGING

"SEC. 402. (a) The Commissioner shall from time to time appraise the Nation's existing and future personnel needs in the field of aging, at all levels and in all types of programs, and the adequacy of the Nation's efforts to meet these needs. In developing information relating to personnel needs in the field of aging, the Commissioner shall consult with, and make maximum utilization of statistical and other related information of the Department of Labor, the Veterans'

Administration, the Office of Education, Federal Council on the Aging, the National Foundation on the Arts and Humanities, State educational agencies, other State and local public agencies and offices dealing with problems of the aging, State employment security agencies, and other appropriate public and private agencies.

"(b) The Commissioner shall prepare and publish annually as a part of the annual report provided in section 208 a report on the professions dealing with the problems of the aging, in which he shall present in detail his view on the state of such professions and the trends which he discerns with respect to the future complexion of programs for the aging throughout the Nation and the funds and the needs for well-educated personnel to staff such programs. The report shall indicate the Commissioner's plans concerning the allocation of Federal assistance under this title in relation to the plans and programs of other Federal agencies.

"ATTRACTING QUALIFIED PERSONS TO THE FIELD OF AGING

"SEC. 403. The Commissioner may make grants to State agencies referred to in section 304, State or local educational agencies, institutions of higher education, or other public or nonprofit private agencies, organization, or in public or nonprofit private agencies, organizations, or institutions, and he may enter into contracts with any agency, institution, or organization for the purpose of—

"(1) publicizing available opportunities for careers in the field of aging;

"(2) encouraging qualified persons to enter or reenter the field of aging;

"(3) encouraging artists, craftsmen, artisans, scientists, and persons from other professions and vocations and homemakers, to undertake assignments on a parttime basis or for temporary periods in the field of aging; or

"(4) preparing and disseminating materials, including audiovisual materials and printed materials, for use in recruitment and training of persons employed or preparing for employment in carrying out programs related to the purposes of this Act.

"TRAINING PROGRAMS FOR PERSONNEL IN THE FIELD OF AGING

"SEC. 404. (a) The Commissioner may make grants to any public or nonprofit private agency, organization, or institution or with State agencies referred to in section 304, or contracts with any agency, organization, or institution, to assist them in training persons who are employed or preparing for employment in fields related to the purposes of this Act—

"(1) to assist in covering the cost of courses of training or study (including short-term or regular session institutes and other inservice and preservice training programs),

"(2) for establishing and maintaining fellowships to train persons to be supervisors or trainers of persons employed or preparing for employment in fields related to the purposes of this Act,

"(3) for seminars, conferences, symposiums, and workshops in the field of aging, including the conduct of conferences and other meetings for the purposes of facilitating exchange of information and stimulating new approaches with respect to activities related to the purposes of this Act,

"(4) for the improvement of programs for preparing personnel for careers in the field of aging, including design, development, and evaluation of exemplary training programs, introduction of high quality and more effective curriculums and curricular materials, and

"(5) the provision of increased opportunities for practical experience.

"(b) The Commissioner may include in the terms of any contract or grant under this part provisions authorizing the payment, to persons participating in training programs supported under this part, of such stipends (including allowances for subsistence and other expenses for such persons and their dependents) as he determines to be consistent with prevailing practices under comparable federally supported programs. Where the Commissioner provides for the use of funds under this section for fellowships, he shall (in addition to stipends for the recipients) pay to colleges or universities in which the fellowship is being pursued such amounts as the Commissioner shall determine to be consistent with prevailing practices under comparable federally supported programs.

"PART B—RESEARCH AND DEVELOPMENT PROJECTS

"DESCRIPTION OF ACTIVITIES

"SEC. 411. The Commissioner may make grants to any public or nonprofit private agency, organization, or institution and contracts with any agency, organization, or institution or with any individual for the purpose of—

"(1) studying current patterns and conditions of living of older persons and identifying factors which are beneficial or detrimental to the wholesome and meaningful living of such persons;

"(2) developing or demonstrating new approaches, techniques, and methods (including the use of multipurpose centers) which hold promise of substantial contribution toward wholesome and meaningful living for older persons;

"(3) developing or demonstrating approaches, methods, and techniques for achieving or improving coordination of community services for older persons;

"(4) evaluating these approaches, techniques, and methods, as well as others which may assist older persones to enjoy wholesome and meaningful lives and to continue to contribute to the strength and welfare of our Nation;

"(5) collecting and disseminating, through publications and under appropriate means, information concerning research findings, demonstration results, and other materials developed in connection with activities assisted under this part; or

"(6) conducting conferences and other meetings for the purposes of facilitating exchange of information and stimulating new approaches with respect to activities related to the purposes of this part.

"PART C—MULTIDISCIPLINARY CENTERS OF GERONTOLOGY

"SEC. 421. The Commissioner may make grants to public and private nonprofit agencies, organizations, and institutions for the purpose of establishing or supporting multidisciplinary centers of gerontology. A grant may be made under ths section only if the application therefor—

"(1) provides satisfactory assurance that the applicant will expend the full amount of the grant to establish or support a multidisciplinary center of gerontology which shall—

"(A) recruit and train personnel at the professional and subprofessional levels,

"(B) conduct basic and applied research on work, leisure, and education of older people, living arrangements of older people, social services for older people, the economics of aging, and other related areas,

"(C) provide consultation to public and voluntary organizations with respect to the needs of older people and in planning and developing services for them,

"(D) serve as a repository of information and knowledge with respect to the areas for which it conducts basic and applied research,

"(E) stimulate the incorporation of information on aging into the teaching of biological, behavioral, and social sciences at colleges or universities,

"(F) help to develop training programs on aging in schools of social work, public health, health care administration, education, and in other such schools at colleges and universities, and

"(G) create opportunities for innovative, multidisciplinary efforts in teaching, research, and demonstration projects with respect to aging:

"(2) provides for such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement of and accounting for funds paid to the applicant under this section; and

"(3) provides for making such reports, in such form and containing such information, as the Commissioner may require to carry out his functions under this section, and for keeping such records and for affording such access thereto as the Commissioner may find necessary to assure the correctness and verification of such reports.

"PART D—AUTHORIZATION OF APPROPRIATIONS

"AUTHORIZATION

"SEC. 431. (a) There are authorized to be appropriated for the purposes of carrying out part A of this title $11,000,000 for the fiscal year ending June 30, 1973, $15,000,000 for the fiscal year ending June 30, 1974, and $20,000,000 for the fiscal year ending June 30, 1975.

"(b) There are authorized to be appropriated for the purpose of carrying out the provisions of parts B and C of this title, $15,000,000 for the fiscal year ending June 30, 1973, $25,000,000 for the fiscal year ending June 30, 1974, and $30,000,000 for the fiscal year ending June 30, 1975.

"PAYMENTS OF GRANTS

"SEC. 432. (a) To the extent he deems it appropriate, the Commissioner shall require the recipient of any grant or contract under this title to contribute money, facilities, or services for carrying out the project for which such grant or contract was made.

"(b) Payments under this part pursuant to a grant or contract may be made (after necessary adjustment, in the case of grants, on account of previously made overpayments or underpayments) in advance or by way of reimbursement, and in such installments and on such conditions, as the Commissioner may determine.

"(c) The Commissioner shall make no grant or contract under this title in any State which has established or designated a State agency for purposes of title III of this Act unless the Commissioner has consulted with such State agency regarding such grant or contract."

TITLE V—MULTIPURPOSE SENIOR CENTERS

SEC. 501. The Older Americans Act of 1965 is further amended by inserting immediately after title IV the following new title:

"TITLE V—MULTIPURPOSE SENIOR CENTERS

"PART A—CONSTRUCTION OF MULTIPURPOSE SENIOR CENTERS

"CONSTRUCTION PROJECTS

"SEC. 501. In order to provide a focal point in communities for the development and delivery of social services and nutritional services designed primarily for older persons, the Commissioner may make grants to units of general purpose local government or other public or nonprofit private agencies or organizations, or in public or nonprofit private agency or organization to pay not to exceed 75 per centum of the cost of leasing, altering, or renovating existing facilities to serve as multipurpose senior centers (including the initial equipment of such facilities), and, where utilizing existing facilities is not feasible, not to exceed 75 per centum of the cost of constructing new public or nonprofit private multipurpose senior centers. Facilities assisted by grants or contracts under this part shall be in close proximity to the majority of individuals eligible to use the multipurpose senior center, and within walking distance where possible, except that the total payments made pursuant to such grants or contracts in any State for any fiscal year shall not exceed 10 per centum of the total amount appropriated for the year for the purposes of carrying out this part.

"REQUIREMENTS FOR APPROVAL OF APPLICATIONS

"SEC. 502. (a) A grant or contract for construction under this part may be made only if the application therefor is approved by the Commissioner upon his determination that—

"(1) the application contains or is supported by reasonable assurances that (A) for not less than ten years after completion of construction, the facility will be used for the purposes for which it is to be constructed, (B) sufficient funds will be available to meet the non-Federal share of the cost of constructing the facility, and (C) sufficient funds will be available, when construction is completed, for effective use of the facility for the purpose for which it is being constructed;

"(2) the application contains or is supported by reasonable assurances that there are no existing facilities in the community suitable for leasing as a multipurpose senior center, and that there are no existing facilities in the community which could be altered or renovated to serve such a purpose;

"(3) the plans and specifications are in accordance with regulations relating to minimum standards of construction and equipment; and

"(4) the application contains or is supported by adequate assurance that any laborer or mechanic employed by any contractors or subcontractors in the performance of work on the construction of the facility will be paid wages at rates not less than those prevailing on similar construction in the locality as determined by the Secretary of Labor in accordance with the Davis-Bacon Act, as amended (40 U.S.C. 276a 276a5). The Secretary of Labor shall have, with respect to the labor standards specified in this paragraph, the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (15 F.R. 3176; 64 Stat. 1267), and section 2 of the Act of June 13, 1934, as amended (40 U.S.C. 276c).

"(b) In making grants or contracts under this part, the Commission shall—

"(1) give preference to the construction of multipurpose senior centers in areas where there is being developed a comprehensive and coordinated system under title III of this Act; and

"(2) consult with the Secretary of Housing and Urban Development with respect to the technical adequacy of any proposed construction.

"PAYMENTS

"SEC. 503. Upon approval of any application for a grant or contract under this part, the Commissioner shall reserve, from any appropriation available therefor, the amount of such grant or contract; the amount so reserved may be paid in advance of by way of reimbursement, and in such installments consistent with construction progress, as the Commissioner may determine. The Commissioner's reservation of any amount under this section may be amended by him, either upon approval of an amendment of the application or upon revision of the estimated cost of construction of the facility.

"RECAPTURE OF PAYMENTS

"SEC. 504. If, within ten years after completion of any construction for which funds have been paid under this part—

"(a) the owner of the facility ceases to be a public or nonprofit private agency or organization, or

"(b) the facility shall cease to be used for the purposes for which it was constructed (unless the Commissioner determines, in accordance with regulations, that there is good cause for releasing the applicant or other owner from the obligation to do so),

the United States shall be entitled to recover from the applicant or other owner of the facility an amount which bears to the then value of the facility (or so much thereof as constituted an approved project or projects) the same ratio as the amount of such Federal funds bore to the cost of the facility financed with the aid of such funds. Such value shall be determined by agreement of the parties or by action brought in the United States district court for the district in which such facility is situated.

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 505. (a) There is authorized to be appropriated for the purpose of making grants or contracts under section 501, $10,000,000 for the fiscal year ending June 30, 1973, $15,000,000 for the fiscal year ending June 30, 1974, and $20,000,000 for the fiscal year ending prior to July 1, 1975.

"(b) Sums appropriated for any fiscal year under subsection (a) of this section and remaining unobligated at the end of such year shall remain available for such purpose for the next fiscal year.

"MORTGAGE INSURANCE FOR MULTIPURPOSE SENIOR CENTERS

"SEC. 506. (a) It is the purpose of this section to assist and encourage the provision of urgently needed facilities for programs for the elderly.

"(b) For the purpose of this part the terms 'mortgage', 'mortgagor', 'mortgagee', 'maturity date', and 'State' shall have the meanings respectively set forth in section 207 of the National Housing Act.

"(c) The Secretary of Health, Education, and Welfare is authorized to insure any mortgage (including advances on such mortgage during construction) in accordance with the provisions of this section upon such terms and conditions as he may prescribe and make commitments for insurance of such mortgage prior to the date of its execution or disbursement thereon.

"(d) In order to carry out the purpose of this section, the Secretary is authorized to insure any mortgage which covers a new multipurpose senior center, including equipment to be used in its operation, subject to the following conditions:

"(1) The mortgage shall be executed by a mortgagor, approved by the Secretary, who demonstrates ability successfully to operate one or more programs for the elderly. The Secretary may in his discretion require any such mortgagor to be regulated or restricted as to minimum charges and methods of financing, and, in addition thereto, if the mortgagor is a corporate entity, as to capital structure and rate of return. As an aid to the regulation or restriction of any mortgagor with respect to any of the foregoing matters, the Secretary may make such contracts with and acquire for not to exceed $100 such stock or interest in such mortgagor as he may deem necessary. Any stock or interest so purchased shall be paid for out of the Multipurpose Senior Center Insurance Fund, and shall be redeemed by the mortgagor at par upon the termination of all obligations of the Secretary under the insurance.

"(2) The mortgage shall involve a principal obligation in an amount not to exceed $250,000 and not to exceed 90 per centum of the estimated replacement cost of the property or project, including equipment to be used in the operation of the multipurpose senior center, when the proposed improvements are completed and the equipment is installed.

"(3) The mortgage shall—

"(A) provide for complete amortization by periodic payments within such term as the Secretary shall prescribe, and

"(B) bear interest (exclusive of premium charges for insurance and service charges, if any) at not to exceed such per centum per annum on the principal obligation outstanding at any time as the Secretary finds necessary to meet the mortgage market.

"(4) The Secretary shall not insure any mortgage under this section unless he has determined that the center to be covered by the mortgage will be in compliance with minimum standards to be prescribed by the Secretary.

"(5) In the plans for such Multipurpose Senior Center due consideration shall be given to excellence of architecture and design, and to the inclusion of works of art (not repreesnting more than 1 per centum of the cost of the project).

"(e) The Secretary shall fix and collect premium charges for the insurance of mortgages under this section which shall be payable annually in advance by the mortgagee, either in cash or in debentures of the Multipurpose Senior Center Insurance Fund (established by subsection (h)) issued at par plus accrued interest. In the case of any mortgage such charge shall be not less than an amount equivalent to one-fourth of 1 per centum per annum nor more than an amount equivalent to 1 per centum per annum of the amount of the principal obligation of the mortgage outstanding at any one time, without taking into account delinquent payments or prepayments. In addition to the premium charge herein provided for, the Secretary is authorized to charge and collect such amounts as he may deem reasonable for the appraisal of a property or project during construction; but such charges for appraisal and inspection shall not aggregate more than 1 per centum of the original principal face amount of the mortgage.

"(f) The Secretary may consent to the release of a part or parts of the mortgaged property or project from the lien of any mortgage insured under this section upon such terms and conditions as he may prescribe.

"(g) (1) The Secretary shall have the same functions, powers, and duties (insofar as applicable) with respect to the insurance of mortgages under this section as the Secretary of Housing and Urban Development has with respect to the insurance of mortgages under title II of the National Housing Act.

"(2) The provisions of subsections (e), (g), (h), (i), (j), (k), (l), and (n) of section 207 of the National Housing Act shall apply to mortgages insured under this section; except that, for the purposes of their application with respect to such mortgages, all references in such provisions to the General Insurance Fund shall be deemed to refer to the Multipurpose Senior Center Insurance Fund, and all references in such provisions to 'Secretary' shall be deemed to refer to the Secretary of Health, Education, and Welfare.

"(h) (1) There is hereby created a Multipurpose Senior Center Insurance Fund which shall be used by the Secretary as a revolving fund for carrying out all the insurance provisions of this section. All mortgages insured under this section shall be insured under and be the obligation of the Multipurpose Senior Center Insurance Fund.

"(2) The general expenses of the operations of the Department of Health, Education, and Welfare relating to mortgages insured under this section may be charged to the Multipurpose Senior Center Insurance Fund.

"(3) Moneys in the Multipurpose Senior Center Insurance Fund not needed for the current operations of the Department of Health, Education, and Welfare with respect to mortgages insured under this section shall be deposited with the Treasurer of the United States to the credit of such fund, or invested in bonds or other obligations of, or in bonds or other obligations guaranteed as to principal and interest by, the United States. The Secretary may, with the approval of the Secretary of the Treasury, purchase in the open market debentures issued as obligations of the Multipurpose Senior Center Insurance Fund. Such purchases shall be made at a price which will provide an investment yield of not less than the yield obtainable from other investments authorized by this section. Debentures so purchased shall be canceled and not reissued.

"(4) Premium charges, adjusted premium charges, and appraisal and other fees received on account of the insurance of any mortgage under this section, the receipts derived from property covered by such mortgages and from any claims, debts, contracts, property, and security assigned to the Secretary in connection therewith, and all earnings as the assets of the fund, shall be credited to the Multipurpose Senior Center Insurance Fund. The principal of, and interest paid and to be paid on, debentures which are the obligation of such funds, cash insurance payments and adjustments, and expenses incurred in the handling, management, renovation, and disposal of properties acquired, in connection with mortgages insured under this section, shall be charged to such fund.

"(5) There are authorized to be appropriated to provide initial capital for the Multipurpose Senior Center Insurance Fund, and to assure the soundness of such fund thereafter, such sums as may be necessary.

"ANNUAL INTEREST GRANTS

"Sec. 507. (a) To assist nonprofit agencies to reduce the cost of borrowing from other sources for the construction of facilities, the Secretary may make annual interest grants to such agencies.

"(b) Annual interest grants under this section with respect to any facility shall be made over a fixed period not exceeding forty years, and provision for such grants shall be embodied in a contract guaranteeing their payment over such period. Each such grant shall be in an amount not greater than the difference between (1) the average annual debt service which would be required to be paid, during the life of the loan, on the amount borrowed from other sources for the construction of such facilities, and (2) the average annual debt service which the institution would have been required to pay, during the life of the loan, with respect to such amounts if the applicable interest rate were 3 per centum per annum: *Provided*, That the amount on which such grant is based shall be approved by the Secretary.

"(c)(1) There are hereby authorized to be appropriated to the Secretary such sums as may be necessary for the payment of annual interest grants in accordance with this section.

"(2) Contracts for annual interest grants under this section shall not be entered into in an aggregate amount greater than is authorized in appropriation Acts; and in any event the total amount of annual interest grants in any year pursuant to contracts entered into under this section shall not exceed $1,000,000, which amount shall be increased by $3,000,000 on July 1, 1974, and by $5,000,000 on July 1, 1975.

"(d) Not more than 12½ per centum of the funds provided for in this section for grants may be used within any one State.

"PART B—INITIAL STAFFING OF MULTIPURPOSE SENIOR CENTERS

"PERSONNEL STAFFING GRANT PROGRAM AUTHORIZED

"Sec. 511. (a) For the purpose of assisting in the establishment and initial operation of multipurpose senior centers the Commissioner may, in accordance with the provisions of this part, make grants to meet, for the temporary periods specified in this part, all or part of the costs of compensation of professional and technical personnel for the initial operation of new multipurpose senior centers and for the delivery of social services established therein.

"(b) Grants for such costs of any center under this title may be made only for the period beginning with the first day of the first month for which such grant is made and ending with the close of three years after such first day. Such grants with respect to any center may not exceed 75 per centum of such costs for the first year of the project, 66⅔ per centum of such costs for the second year of the project, and 50 per centum of such costs for the third year of the project.

"(c) In making such grants, the Secretary shall take into account the relative needs of the several States for community centers for senior citizens, their relative financial needs, and their population of persons over sixty years of age.

"(d) For the purpose of this part, there are authorized to be appropriated $10,000,000 for the fiscal year ending June 30, 1973, and for each of the next two succeeding fiscal years.

"DEFINITIONS

"Sec. 512. For purposes of this title—

"(1) the term 'multipurpose senior center' means a community facility for the organization and provision of a broad spectrum of services (including provision of health, social, and educational services and provision of facilities for recreational activities) for older persons.

"(2) the term 'cost of construction' includes the cost of architects' fees and acquisition of land in connection with construction, but does not include the cost of offsite improvements."

TITLE VI—NATIONAL OLDER AMERICANS VOLUNTEER PROGRAM

Sec. 601. Section 601 of the Older Americans Act of 1965 is amended by adding at the end thereof the following new subsection:

"(d) Notwithstanding any other provision of law, no compensation provided to individual volunteers under this part shall be considered income for any purpose whatsoever."

Sec 602. Section 603 of the Older Americans Act of 1965 is amended by inserting immediately before the period at the end thereof the following: "and $20,000,000 for the fiscal year ending June 30, 1973, $30,000,000 for the fiscal year ending June 30, 1974, and $40,000,000 for the fiscal year ending June 30, 1975".

Sec. 603. (a) The heading of part B of title VI of the Older Americans Act of 1965 is amended to read as follows:

"FOSTER GRANDPARENT PROGRAM AND OLDER AMERICANS COMMUNITY SERVICE PROGRAMS".

(b) Section 611 of such Act is amended to read as follows:

"Sec. 611. (a) The Commissioner is authorized to make grants to or contracts with public and nonprofit private agencies and organizations to pay part or all of the cost of development and operation of projects designed to provide opportunities for low-income persons aged sixty or over to render supportive person-to-person services in health, education, welfare, and related settings to children having exceptional needs, including services as 'Foster Grandparents' to children receiving care in hospitals, homes for dependent and neglected children, or other establishments providing care for children with special needs.

"(b) The Commissioner is also authorized to make grants or contracts to carry out the purposes described in subsection (a) in the case of persons (other than children) having exceptional needs, including services as 'senior health aides' to work with persons receiving home health care and nursing care, and as 'senior companions' to persons having developmental disabilities.

"(c) Payments under this part pursuant to a grant or contract may be made (after necessary adjustment on account of previously made overpayments or underpayments) in advance or by way of reimbursement, in such installments and such conditions as the Commissioner may determine.

"(d) Notwithstanding any other provision of law, no compensation provided to individual volunteers under this part shall be considered income for any purpose whatsoever."

(c) The first sentence of section 613 of such Act is amended to read as follows:

"In administering this part, the Commissioner shall consult with the Office of Economic Opportunity, the Departments of Labor and Health, Education, and Welfare and any other Federal agencies administering relevant programs with a view to achieving optimal coordination with such other programs and shall promote the coordination of projects under this part with other public or private programs or projects carried out at State and local levels."

Sec. 604. Section 614 of the Older Americans Act is amended to read as follows:

"AUTHORIZATION OF APPROPRIATIONS

"Sec. 614. (a) There are authorized to be appropriated for grants or contracts under subsection (a) of section 611, $35,000,000 for the fiscal year ending June 30, 1973, $45,000,000 for the fiscal year ending June 30, 1974, $55,000,000 for the fiscal year ending June 30, 1975.

"(b) There are authorized to be appropriated for grants or contracts under subsection (b) of section 611, $6,000,000 for the fiscal year ending June 30, 1973, $7,000,000 for the fiscal year ending June 30, 1974, $8,000,000 for the fiscal year ending June 30, 1975."

Sec. 605. The authorities conferred upon the Commissioner of the Administration on Aging by the amendments made in this title shall be carried out pursuant to delegations of authority, reorganization plans, and transfers made effective prior to the date of enactment of this Act with respect to authorities conferred upon the Secretary of the Department of Health, Education, and Welfare under title VI of the Older Americans Act of 1965, as amended.

TITLE VII—NUTRITION PROGRAM

AVAILABILITY OF SURPLUS COMMODITIES

Sec. 701. Section 707 of the Older Americans Act of 1965 is amended to read as follows:

"AVAILABILITY OF SURPLUS COMMODITIES

"Sec. 707. (a) Agricultural commodities and products purchased by the Secretary of Agriculture under section 32 of the Act of August 24, 1935 (7 U.S.C. 612c), may be donated to a recipient of a grant or contract to be used for providing nutritional services in accordance with the provisions of this title.

"(b) The Commodity Credit Corporation may dispose of food commodities under section 416 of the Agricultural Act of 1949 (7 U.S.C. 1431) by donating them to a recipient of a grant or contract to be used for providing nutritional services in accordance with the provisions of this title.

"(c) Dairy products purchased by the Secretary of Agriculture under section 709 of the Food and Agriculture Act of 1965 (7 U.S.C. 1446a–1) may be used to meet the requirements of programs providing nutritional services in accordance with the provisions of this title."

Sec. 702. Section 705(a) of the Older Americans Act of 1965 is amended by adding at the end thereof the following new paragraph:

"(5) provide that, when mutually agreed upon by recipients of grants and contracts and area planning and service areas agencies, nutrition projects assisted under this title shall be made a part of the comprehensive and coordinated systems established under title III of this Act."

STATE PLANNING

Sec. 703. Section 705(a)(2)(B) of the Older Americans Act of 1965 is amended by inserting "for the fiscal year ending June 30, 1973," following "administrative cost,"; by striking out "any fiscal year" and inserting in lieu thereof "such fiscal year"; and by adding at the end of the first sentence thereof the following sentence: "For the fiscal years ending after June 30, 1973, funds allotted to a State for State planning and administration pursuant to section 306 of this Act may be used for the administration of the State plan submitted pursuant to this section, except that wherever the Governor of the State designates an agency other than the agency designated under section 304(a)(1) of this Act, then the Commissioner shall determine that portion of a State's allotment under section 306 which shall be available to the agency designated under section 705(a)(1) for planning and administration."

CONFORMING AMENDMENT

SEC. 704. (a) The first sentence of section 705(a) of the Older Americans Act of 1965 is amended by striking out "303" the first time it appears in such sentence and inserting in lieu thereof "304" and by striking out "303" the second time it appears in such sentence and inserting in lieu thereof "305".

(b) Section 705(a)(1) of the Older Americans Act of 1965 is amended by striking out "303" and inserting in lieu thereof "304".

(c) Title VII of the Older Americans Act of 1965 is amended by striking out "Secretary" wherever in such title the term refers to the Secretary of Health, Education, and Welfare, and inserting in lieu thereof "Commissioner".

TITLE VIII—AMENDMENTS TO OTHER ACTS

AMENDMENT TO LIBRARY SERVICES AND CONSTRUCTION

SEC. 801. (a) The Library Services and Construction Act (20 U.S.C. 351 et seq.) is amended by adding at the end thereof the following new title:

"TITLE IV—OLDER READERS SERVICES

"GRANTS TO STATES FOR OLDER READERS SERVICES

"SEC. 401. The Commissioner shall carry out a program of making grants to States which have an approved basic State plan under section 6 and have submitted a long-range program and an annual program under section 403 for library services for older persons.

"USES OF FEDERAL FUNDS

"SEC. 402. (a) Funds appropriated pursuant to paragraph (4) of section 4(a) shall be available for grants to States from allotments under section 5(a) for the purpose of carrying out the Federal share of the cost of carrying out State plans submitted and approved under section 403. Such grants shall be used for (1) the training of librarians to work with the elderly; (2) the conduct of special library programs for the elderly; (3) the purchase of special library materials for use by the elderly; (4) the payment of salaries for elderly persons who wish to work in libraries as assistants on programs for the elderly; (5) the provision of in-home visits by librarians and other library personnel to the elderly; (6) the establishment of outreach programs to notify the elderly of library services available to them; and (7) the furnishing of transportation to enable the elderly to have access to library services.

"(b) For the purposes of this title, the Federal share shall be 100 per centum of the cost of carrying out the State plan.

"STATE ANNUAL PROGRAM FOR LIBRARY SERVICES FOR THE ELDERLY

"SEC. 403. Any State desiring to receive a grant from its allotment for the purposes of this title for any fiscal year shall, in addition to having submitted, and having had approved, a basic State plan under section 6, submit for that fiscal year an annual program for library services for older persons. Such program shall be submitted at such time, in such form, and contain such information as the Commissioner may require by regulation and shall—

"(1) set forth a program for the year submitted under which funds paid to the State from appropriations pursuant to paragraph (4) of section 4(a) will be used, consistent with its long-range program for the purposes set forth in section 402, and

"(2) include an extension of the long-range program taking into consideration the results of evaluations.

"COORDINATION WITH PROGRAMS FOR OLDER AMERICANS

"SEC. 404. In carrying out the program authorized by this title, the Commissioner shall consult with the Commissioner of the Administration on Aging and the Director of ACTION for the purpose of coordinating where practicable, the programs assisted under this title with the programs assisted under the Older Americans Act of 1965."

(b) Section 4(a) of the Library Services and Construction Act is amended by adding at the end thereof the following new paragraph:

"(4) For the purpose of making grants to States to enable them to carry out public library service programs for older persons authorized by title IV, there are authorized to be appropriated $11,700,000 for the fiscal year ending June 30, 1973, $12,300,000 for the fiscal year ending June 30, 1974, $12,900,000 for the fiscal year ending June 30, 1975, and $13,700,000 for the fiscal year ending June 30, 1976."

(c)(1) Section 5(a)(1) of such Act is amended by striking out "or (3)" and inserting in lieu thereof "(3), or (4)".

(2) Section 5(a)(2) of such Act is amended by striking out "or (3)" and inserting in lieu thereof "(3), or (4)".

(3) Section 5(a)(3) of such Act is amended by striking out the word "and" at the end of such subparagraph (B) thereof, by striking out the period at the end of subparagraph (C) and inserting in lieu thereof a semicolon and the word "and", and by inserting after subparagraph (C) thereof the following:

"(D) with respect to appropriations for the purposes of title IV, $40,000 for each State, except that it shall be $10,000 in the case of Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands."

(4) The last sentence of section 5(a)(3) of such Act is amended by striking out "or (3)" and inserting in lieu thereof "(3), or (4)".

(5) Section 5(b) of such Act is amended by striking out "or (3)" and inserting in lieu thereof "(3), or (4)".

(c) Section 6(a) of such Act is amended by striking out "and III" and inserting in lieu thereof "III and IV".

(d)(1) Section 7(a) of such Act is amended by striking out "or (3)" and inserting in lieu thereof "(3), or (4)".

(2) Section 7(b)(1) of such Act is amended by inserting "and title IV" after "title III".

(e) The amendments made by subsections (a), (b), and (c) of this section shall be effective after June 30, 1972.

AMENDMENT TO NATIONAL COMMISSION ON LIBRARIES AND INFORMATION SCIENCES ACT

SEC. 802. (a) Section 5(a)(2) of the National Commission on Libraries and Information Science Act is amended by striking out "and" after "areas" and inserting a comma in lieu thereof, and by inserting after "deprived persons," the following: "and of elderly persons,".

(b) The second sentence of section 6(a) (20 U.S.C. 1505(a)) of such Act is amended by inserting before the period at the end thereof the following: ", and at least one other of whom shall be knowledgeable with respect to the library and information service and science needs of the elderly".

AMENDMENT TO HIGHER EDUCATION ACT OF 1965

SEC. 803. Title I of the Higher Education Act of 1965 is amended by redesignating sections 110, 111, and 112 (and cross references thereto) as 111, 112, and 113, respectively, and by inserting after section 109 the following new section:

"SPECIAL PROGRAMS AND PROJECTS RELATING TO PROBLEMS OF THE ELDERLY

"SEC. 110. (a) The Commissioner is authorized to make grants to institutions of higher education (and combinations thereof) to assist such institutions in planning, developing, and carrying out, consistent with the purpose of this title, programs specifically designed to apply the resources of higher education to the problems of the elderly, particularly with regard to transportation and housing problems of elderly persons living in rural and isolated areas.

"(b) For purposes of making grants under this section, there are authorized to be appropriated $5,000,000 for the fiscal year ending June 30, 1973, and each succeeding fiscal year ending prior to July 1, 1977.

"(c) In carrying out the program authorized by this section, the Commissioner shall consult with the Commissioner of the Administration on Aging for the purpose of coordinating, where practicable, the programs assisted under this section with the programs assisted under the Older Americans Act of 1965."

AMENDMENT TO ADULT EDUCATION ACT

SEC. 804. (a) The Adult Education Act (20 U.S.C. 1201 et seq.) is amended by redesignating sections 310, 311, and 312 (and cross references thereto) as sections 311, 312, and 313, respectively, and by inserting after section 309 the following new section:

"SPECIAL PROJECTS FOR THE ELDERLY

"SEC. 310. (a) The Commissioner is authorized to make grants to State and local educational agencies or other public or private nonprofit agencies for programs to further the purpose of this Act by providing educational programs for elderly persons whose ability to speak and read the English language is limited and who live in an area with a culture different than their own. Such programs shall be designed to equip such elderly persons to deal successfully with the practical problems in their everyday life, including the making of purchases, meeting their transportation and housing needs, and complying with governmental requirements such as those for obtaining citizenship, public assistance and social security benefits, and housing.

"(b) For the purpose of making grants under this section there are authorized to be appropriated such sums as may be necessary for the fiscal year ending June 30, 1973, and each succeeding fiscal year ending prior to July 1, 1975.

"(c) In carrying out the program authorized by this section, the Commissioner shall consult with the Commissioner of the Administration on Aging for the purpose of coordinating where practical, the programs assisted under this section with the programs assisted under the Older Americans Act of 1965."

(b) Section 313(a) of such Act, as redesignated, is amended by inserting before the period at the end thereof the following: "(other than section 310)".

ADDITIONAL AUTHORIZATION FOR SENIOR OPPORTUNITIES AND SERVICES

SEC. 805. In addition to the amounts authorized to be appropriated and allocated pursuant to the Economic Opportunity Amendments of 1972, there is further authorized to be appropriated $7,000,000 annually for the fiscal year ending June 30, 1973, and the succeeding fiscal year, to be used for the Senior Opportunities and Services program described in section 222(a)(7) of the Economic Opportunity Act of 1964.

TITLE IX—COMMUNITY SERVICE EMPLOYMENT FOR OLDER AMERICANS

SHORT TITLE

SEC. 901. This title may be cited as the "Older American Community Service Employment Act".

OLDER AMERICAN COMMUNITY SERVICE EMPLOYMENT PROGRAM

SEC. 902. (a) In order to foster and promote useful part-time work opportunities in community service activities for unemployed low-income persons who are fifty-five years old or older and who have poor employment prospects, the Secretary of Labor (hereinafter referred to as the "Secretary") is authorized to establish an older American community service employment program (hereinafter referred to as the "program").

(b) In order to carry out the provisions of this title, the Secretary is authorized—

(1) to enter into agreements with public or private nonprofit agencies or organizations, agencies of a State government or a political subdivision of a State (having elected or duly appointed governing officials), or a combination of such political subdivisions, or Indian tribes on Federal or State reservations in order to further the purposes and goals of the program. Such agreements may include provisions for the payment of costs, as provided in subsection (c), of projects developed by such organizations and agencies in cooperation with the Secretary in order to make the program effective or to supplement it. No payment shall be made by the Secretary toward the cost of any project established or administered by any such organization or agency unless he determines that such project—

(A) will provide employment only for eligible individuals, except for necessary technical, administrative, and supervisory personnel, but such personnel shall, to the fullest extent possible, be recruited from among eligible individuals;

(B) will provide employment for eligible individuals in the community in which such individuals reside, or in nearby communities;

(C) will employ eligible individuals in services related to publicly owned and operated facilties and projects, or propects sponsored by organizations exempt from taxation under the provisions of section 501(c)(3) of the Internal Revenue Code of 1954 (other than political parties), except projects involving the construction, operation, or maintenance of any facility used or to be used as a place for sectarian religious instruction or worship;

(D) will contribute to the general welfare of the community;

(E) will provide employment for eligible individuals whose opportunities for other suitable public or private paid employment are poor;

(F) will result in an increase in employment opportunities for eligible individuals, and will not result in the displacement of employed workers or impair existing contracts;

(G) will utilize methods of recruitment and selection (including, but not limited to, listing of job vacancies with the employment agency operated by any State or political subdivision thereof) which will assure that the maximum number of eligible individuals will have an opportunity to participate in the project;

(H) will include such training as may be necessary to make the most effective use of the skills and talents of those individuals who are participating, and will provide for the payment of the reasonable expenses of individuals being trained, including expenses of individuals being trained, including a reasonable subsistence allowance;

(I) will assure that safe and healthy conditions of work will be provided, and will assure that persons employed in public service jobs assisted under this title shall be paid wages which shall not be lower than whichever is the highest of (i) the minimum wage which would be applicable to the employee under the Fair Labor Standards Act of 1938, if section 6(a)(1) of such Act applied to the participant and if he were not exempt under section 13 thereof, (ii) the State or local minimum wage for the most nearly comparable covered employment, or (iii) the prevailing rates of pay for persons employed in similar public occupations by the same employer;

(J) will be established or administered with the advice of persons competent in the field of service in which employment is being provided, and of persons who are knowledgeable with regard to the needs of older persons;

(K) will authorize pay for necessary transportation costs of eligible individuals which may be incurred in employment at any project funded under this title in accordance with regulations promulgated by the Secretary; and

(L) will assure that to the extent feasible such projects will serve the needs of minority, Indian, and limited English-speaking eligible individuals in proportion to their numbers in the State;

(2) to make, issue, and amend such regulations as may be necessary to effectively carry out the provisions of this title.

(c)(1) The Secretary is authorized to pay not to exceed 90 per centum of the cost of any project which is the subject of an agreement entered into under subsection (b), except that the Secretary is authorized to pay all of the costs of any such project which is (A) an emergency or disaster project or (B) a project located in an economically depressed area as determined in consultation with the Secretary of Commerce and the Director of the Office of Economic Opportunity.

(2) The non-Federal share shall be in cash or in kind. In determining the amount of the non-Federal share, the Secretary is authorized to attribute fair market value to services and facilities contributed from non-Federal sources.

ADMINISTRATION

SEC. 903. (a) In order to effectively carry out the purposes of this title, the Secretary is authorized to consult with agencies of States and their political subdivisions with regard to—

(1) the localities in which community service projects of the type authorized by this title are most needed;

(2) consideration of the employment situation and the types of skills possessed by available local individuals who are eligible to participate; and

(3) potential projects and the number and percentage of eligible individuals in the local population.

(b)(1) The Secretary is authorized and directed to require agencies and organizations administering community service projects and other activities assisted under this title to coordinate their projects and activities with agencies and organizations conducting related manpower and unemployment programs receiving assistance under this Act and under other authorities such as the Economic Opportunity Act of 1964, the Manpower Employment Act of 1971. In carrying out the provisions of this paragraph, the Secretary is authorized to make necessary arrangements to include projects and activities assisted under this title within a common agreement and a common application with projects assisted under this Act and other provisions of law such as the Economic Opportunity Act of 1964, the Manpower Development and Training Act of 1962, the Emergency Employment Act of 1971.

(2) The Secretary is authorized to make whatever arrangements that are necessary to carry out the programs assisted under this title as part of any general manpower legislation hereafter enacted, except that appropriations for programs assisted under this title may not be expended for programs assisted under that title.

(c) In carrying out the provisions of this title, the Secretary is authorized to use, with their consent, the services, equipment, personnel, and facilities of Federal and other agencies with or without reimbursement, and on a similar basis to cooperate with other public and private agencies, and instrumentalities in the use of services, equipment, and facilities.

(d) The Secretary shall establish criteria designed to assure equitable participation in the administration of community service projects by agencies and organizations eligible for payment under section 902(b).

(e) Payments under this title may be made in advance or by way of reimbursement and in such installments as the Secretary may determine.

(f) The Secretary shall not delegate his functions and duties under this title to any other department or agency of Government.

PARTICIPANTS NOT FEDERAL EMPLOYEES

SEC. 904. (a) Eligible individuals who are employed in any project funded under this title shall not be considered to be Federal employees as a result of such employment and shall not be subject to the provisions of part III of title 5, United States Code.

(b) No contract shall be entered into under this title with a contractor who is, or whose employees are, under State law, exempted from operation of the State workmen's compensation law, generally applicable to employees, unless the contractor shall undertake to provide either through insurance by a recognized carrier, or by self-insurance, as allowed by State law, that the persons employed under the contract, shall enjoy workmen's compensation coverage equal to that provided by law for covered employment. The Secretary must establish standards for severance benefits, in lieu of unemployment insurance coverage, for eligible individuals who have participated in qualifying programs and who have become unemployed.

INTERAGENCY COOPERATION

SEC. 905. The Secretary shall consult and cooperate with the Office of Economic Opportunity, the Administration on Aging, the Department of Health, Education, and Welfare, and any other related Federal agency administering related programs, with a view to achieving optimal coordination with such other programs and shall promote the coordination of projects under this title with other public and private programs or projects of similar nature. Such Federal agencies shall cooperate with the Secretary in disseminating information about the availability of assistance under this title and in promoting the identification and interests of individuals eligible for employment in projects funded under this title.

EQUITABLE DISTRIBUTION OF ASSISTANCE

SEC. 906. (a)(1) From the sums appropriated for any fiscal year under section 908 there shall be initially allotted for projects within each State an amount which bears the same ratio to such sum as the population, aged fifty-five or over in such State bears to the population aged fifty-five or over in all States, except that (A) no State shall be allotted less than one-half of 1 per centum of the sum appropriated for the fiscal year for which the determination is made; and (B) Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands shall each be allotted an amount equal to one-fourth of 1 per centum of the sum appropriated for the fiscal year for which the determination is made. For the purpose of the exception contained in this paragraph, the term "State" does not include Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands.

(2) The number of persons aged fifty-five or over in any State and for all States shall be determined by the Secretary on the basis of the most satisfactory data available to him.

(b) The amount allotted for projects within any State under subsection (a) for any fiscal year which the Secretary determines will not be required for that year shall be reallotted, from time to time and on such dates during such year as the Secretary may fix, to projects within other States in proportion to the original allotments to projects within such States under subsection (a) for that year, but with such proportionate amount for any of such other States being reduced to the extent it exceeds the sum the Secretary estimates that projects within such State need and will be able to use for such year; and the total of such reductions shall be similarly reallotted among the States whose proportionate amounts were not so reduced. Any amount reallotted to a State under this subsection during a year shall be deemed part of its allotment under subsection (a) for that year.

(c) The amount apportioned for projects within each State under subsection (a) shall be apportioned among areas within each such State in an equitable manner, taking into consideration the proportion which eligible persons in each such area bears to such total number of such persons, respectively, in that State.

DEFINITIONS

SEC. 907. As used in this title—

(a) "State" means any of the several States of the United States, the District of Columbia, Puerto Rico, the Virgin Islands, American Samoa, Guam, and the Trust Territory of the Pacific Islands;

(b) "eligible individual" means an individual who is fifty-five years old or older, who has a low income, and who has or would have difficulty in securing employment, except that pursuant to regulations prescribed by the Secretary any such individual who is sixty years old or older shall have priority for the work opportunities provided for under this Act;

(c) "community service" means social, health, welfare, educational, library, recreational, and other similar services; conservation, maintenance, or restoration of natural resources; community betterment or beautification; antipollution and environmental quality efforts; economic development; and such other services which are essential and necessary to the community as the Secretary, by regulation, may prescribe.

AUTHORIZATION OF APPROPRIATIONS

SEC. 908. There are hereby authorized to be appropriated $50,000,000 for the fiscal year ending June 30, 1974, and $100,000,000 for the fiscal year ending June 30, 1975, to carry out the provisions of this title.

Mr. BRADEMAS (during the reading). Mr. Chairman, as I understand, there are no more amendments pending on the Clerk's desk. I ask unanimous consent that the committee amendment in the nature of a substitute be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. GROSS. Mr. Chairman, this bill, H.R. 71, the Older Americans Act, is a full-blown demonstration of what a little financial pregnancy means when attended by congressional spenders.

In fiscal year 1966, when the act received its first funding, the appropriation was $7½ million.

The bill before us this afternoon authorizes spending in fiscal year 1975 of $627 million—an increase of $619.5 million in annual spending for the same general purpose in less than 10 years.

This bill authorizes the spending of $277.4 million in 1973, $470.3 million in 1974, and $627.1 million in 1975, or a total of nearly $1.4 billion in 3 fiscal years. That is at least $370 million more than is provided in the President's budget.

As I said earlier this afternoon, not a single Member of the House knows what the financial situation of this Government will be a year from now much less 3 years hence. The Landgrebe substitute brought this legislation within reason. The committee amendments are fiscally irresponsible and unacceptable.

I will vote against the committee bill and urge President Nixon to veto it.

The CHAIRMAN. Are there any amendments to be proposed? If not, the question is on the committee amendment in the nature of a substitute.

The committee amendment in the nature of a substitute was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. NEDZI, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 71) to strengthen and improve the Older Americans Act of 1965, and for other purposes, pursuant to House Resolution 273, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

The question is on the amendment.

The amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

Mr. GERALD R. FORD. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 329, nays 69, not voting 33, as follows:

[Roll No. 45]

YEAS—329

Abdnor
Abzug
Adams
Addabbo
Alexander
Anderson, Calif.
Anderson, Ill.
Andrews, N.C.
Andrews, N. Dak.
Annunzio
Ashley
Aspin
Beard
Bennett
Bevill
Biester
Bingham
Boland
Bolling
Bowen
Brademas
Brasco
Bray
Breaux
Breckinridge
Brinkley
Broomfield
Brotzman
Brown, Calif.
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Buchanan
Burke, Calif.
Burke, Fla.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Burton
Byron
Carey, N.Y.
Carney, Ohio
Carter
Casey, Tex.
Chamberlain
Chappell
Clark
Clausen, Don H.
Clay
Cleveland
Cochran
Cohen
Conte
Conyers
Corman
Cotter
Coughlin
Cronin
Culver
Daniels, Dominick V.
Danielson
Davis, Ga.
Davis, S.C.
de la Garza
Dellenback
Dellums
Denholm
Dent
Diggs
Dingell
Donohue
Dorn
Downing
Drinan
Dulski
Duncan
du Pont
Eckhardt
Edwards, Calif.
Eilberg
Erlenborn
Esch
Eshleman
Evans, Colo.
Evins, Tenn.
Fascell
Fish
Flood
Flowers
Flynt
Foley
Ford, William D.
Forsythe
Fountain
Fraser
Frenzel
Frey
Froehlich
Fulton
Fuqua
Gaydos
Gettys
Giaimo
Gilman
Ginn
Gonzalez
Grasso
Gray
Green, Oreg.
Green, Pa.
Griffiths
Grover
Gubser
Gude
Gunter
Haley
Hamilton
Hammerschmidt
Hanley
Hanna
Hanrahan
Hansen, Idaho
Hansen, Wash.
Harrington
Hastings
Hawkins
Hays
Hébert
Hechler, W. Va.
Heckler, Mass.
Helstoski
Henderson
Hicks
Hillis
Hinshaw
Hogan
Holt
Holtzman
Horton
Howard
Hudnut
Hungate
Hunt
Ichord
Johnson, Calif.
Johnson, Pa.
Jones, Ala.
Jones, N.C.
Jones, Okla.
Jones, Tenn.
Jordan
Karth
Kastenmeier
Kazen
Keating
Kluczynski
Koch
Landrum
Leggett
Lehman
Lent
Litton
Long, La.
Long, Md.
Lott
Lujan
McClory
McCloskey
McCormack
McDade
McFall
McKay
McKinney
McSpadden
Macdonald
Madden
Madigan
Mahon
Mailliard
Mallary
Mann
Maraziti
Mathias, Calif.
Mathis, Ga.
Matsunaga
Mayne
Mazzoli
Meeds
Melcher
Metcalfe
Mezvinsky
Milford
Miller
Mills, Md.
Minish
Mink
Minshall, Ohio
Mitchell, Md.
Mitchell, N.Y.
Mizell
Moakley
Mollohan
Montgomery
Moorhead, Calif.
Morgan
Mosher
Moss
Murphy, Ill.
Murphy, N.Y.
Myers
Natcher
Nedzi
Obey
O'Brien
O'Hara
O'Neill
Owens
Passman
Patman
Patten
Pepper
Perkins
Pettis
Peyser
Pickle
Pike
Poage
Podell
Preyer
Price, Ill.
Pritchard
Quie
Quillen
Railsback
Randall
Rangel
Reid
Reuss
Riegle
Rinaldo
Roberts
Robison, N.Y.
Rodino
Roe
Rogers
Roncalio, Wyo.
Roncallo, N.Y.
Rooney, Pa.
Rose
Rosenthal
Rostenkowski
Roush
Roybal
Runnels
Ruppe
Ruth
Ryan
St Germain
Sandman
Sarasin
Sarbanes
Schroeder
Sebelius
Seiberling
Shipley
Shoup
Shriver
Sikes
Sisk
Skubitz
Slack
Smith, Iowa
Smith, N.Y.
Spence
Staggers
Stanton, J. William
Stanton, James V.
Stark
Steed
Steele
Stephens
Stokes
Stratton
Stubblefield
Stuckey
Studds
Sullivan
Symington
Talcott
Taylor, N.C.
Teague, Calif.
Teague, Tex.
Thompson, N.J.
Thomson, Wis.
Thone
Thornton
Tiernan
Udall
Ullman
Van Deerlin
Vander Jagt
Vanik
Veysey
Vigorito
Waggonner
Walsh
Wampler
Whalen
White
Whitten
Widnall
Wilson, Charles H., Calif.
Wilson, Charles, Tex.
Winn
Wolff
Wright
Wyatt
Wylie
Wyman
Yates
Yatron
Young, Fla.
Young, Ga.
Young, Ill.
Young, S.C.
Young, Tex.
Zablocki
Zion
Zwach

NAYS—69

Archer
Arends
Armstrong
Ashbrook
Baker
Blackburn
Broyhill, Va.
Burgener
Butler
Camp
Cederberg
Clancy
Clawson, Del
Collins
Conable
Conlan
Crane
Daniel, Dan
Daniel, Robert W., Jr.
Davis, Wis.
Dennis
Derwinski
Devine
Dickinson
Edwards, Ala.
Findley
Fisher
Ford, Gerald R.
Goldwater
Goodling
Gross
Guyer
Huber
Hutchinson
Jarman
Johnson, Colo.
Kemp
Ketchum

Kuykendall
Landgrebe
Latta
McCollister
Martin, Nebr.
Martin, N.C.
Michel
Nelsen
Parris
Powell, Ohio
Regula
Rhodes
Robinson, Va.
Rousselot
Satterfield
Saylor
Scherle
Schneebeli
Shuster
Snyder
Steiger, Ariz.
Symms
Taylor, Mo.
Towell, Nev.
Treen
Ware
Whitehurst
Wiggins
Williams
Wilson, Bob
Wydler

NOT VOTING—33

Badillo
Bafalis
Barrett
Bell
Bergland
Biaggi
Blatnik
Brooks
Chisholm
Collier
Delaney
Frelinghuysen
Gibbons
Harsha
Harvey
Heinz
Holifield
Hosmer
King
Kyros
McEwen
Mills, Ark.
Moorhead, Pa.
Nichols
Nix
Price, Tex.
Rarick
Rees
Rooney, N.Y.
Roy
Steelman
Steiger, Wis.
Waldie

So the bill was passed.

The Clerk announced the following pairs:

Mr. Holifield with Mr. Bell.
Mr. Rooney of New York with Mr. Bafalis.
Mr. Barrett with Mr. Collier.
Mrs. Chisholm with Mr. Mills of Arkansas.
Mr. Kyros with Mr. Frelinghuysen.
Mr. Moorhead of Pennsylvania with Mr. Harsha.
Mr. Nichols with Mr. Harvey.
Mr. Nix with Mr. Badillo.
Mr. Waldie with Mr. Heinz.
Mr. Roy with Mr. Hosmer.
Mr. Delaney with Mr. King.
Mr. Blatnik with Mr. McEwen.
Mr. Brooks with Mr. Rees.
Mr. Biaggi with Mr. Rarick.
Mr. Bergland with Mr. Steelman.
Mr. Gibbons with Mr. Steiger of Wisconsin.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Mr. BRADEMAS. Mr. Speaker, pursuant to the provisions of House Resolution 273, I call up for immediate consideration the Senate bill (S. 50) to strengthen and improve the Older Americans Act of 1965, and for other purposes.

The Clerk read the title of the Senate bill.

MOTION OFFERED BY MR. BRADEMAS

Mr. BRADEMAS. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. BRADEMAS moves to strike out all after the enacting clause of the bill (S. 50) and insert in lieu thereof the provisions of H.R. 71, as passed.

The motion was agreed to.

The Senate bill was ordered to be read a third time, was read the third time and passed, and a motion to reconsider was laid on the table.

A similar House bill (H.R. 71) was laid on the table.

GENERAL LEAVE

Mr. BRADEMAS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the bill H.R. 71 just passed by the House.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

There was no objection.

ON PRIVILEGE AND THE PUBLIC GOOD

(Mr. LANDRUM asked and was given permission to address the House for 1 minute, to revise and extend his remarks, and include extraneous matter.)

Mr. LANDRUM. Mr. Speaker, amidst all the talk now going through our land about freedom of the press and proposals for new provisions in law for the protection of reporters to maintain confidential sources of information, we hear all sorts of clouded opinions and statements, some apparently made without full understanding of the provisions of our Constitution undergirding the important fundamental "freedom of the press."

Out of the maze of uncertainty surrounding this issue, an editorial from the Bainbridge Post-Searchlight, of Bainbridge, Ga., written by Mr. Sam M. Griffin, Jr., chairman of the legislative committee of the Georgia Press Association, recently came to my attention. I think it is worthy of the thoughtful consideration of every Member of the U.S. Congress, and I offer it as an extension of my remarks with the expressed hope that it will be read carefully by all of the membership.

ON PRIVILEGE AND THE PUBLIC GOOD—PIED OPINIONS AND OTHER CURIOUS NOTIONS

(By the editor)

A few weeks ago, we expressed our thoughts about freedom of the press and the protection of reporters to maintain confidential sources of material. In short, we are of the opinion that the privilege of immunity to be forced to testify before a court of law is an awful responsibility, and one that should be sparingly granted. The criteria for granting requires a balance of the personal rights of the individual and the common good of the public, and the decision must necessarily be made in whichever way the scale tends when all the facts are weighed.

The matter has attracted national significance, and some reporters have served sentences for contempt of court because they refused to reveal their sources in various sorts of cases. One William Farr, who wrote a story on the Charles Manson murder case, has been imprisoned in California because he would not reveal the sources of his information concerning that case in the story. He says that two of the attorneys on the case gave the information to him, but he refuses to testify as to which of the attorneys it was, and all of the attorneys in the case have testified under oath that they did not furnish him with the information.

Somebody has to be lieing, and in judicial circles, that is called perjury. It is not the kind of thing which deserves the dignity of the protection of the law, and we cannot see why journalists should become alarmed over the particular situation.

The worth of a free press depends on the credence and believability of it, and heaven help us, but that has been under deserved discussion in this country over the last two or three decades. If a reporter has evidence substantial enough to be published as the truth, he should have the means to reveal the qualifications of his source, or else be prepared to suffer the consequences and possibly leave the veracity of his work in question.

The freedom of the press, as provided in our Constitution, was created to assure the public of access to the truth of the happenings of the day unencumbered by the influence of government. Its purpose might be described as providing each citizen an extension of himself to hear and attend to the affairs of government and men without pressure or interference of government and men to prevent his knowledge.

There is no greater supporter of the people's right and need to know than I am. I believe fervently in the freedom granted to the press and its responsibilities to the citizen to act as his ear in public affairs. I do not believe that this Constitutionally guaranteed freedom was intended to provide the press greater freedom than is afforded the private citizen in similar matters.

Such desires are not for freedom of the press, but for privilege, and privilege is a matter that is exceedingly difficult to justify or support successfully in our government.

I see where the American Civil Liberties Union has joined with plaintiffs seeking the immunity of reporters to testify in duly constituted courts of law in so far as their sources are concerned. These people, the ACLU, have a record of being supporters of privilege and not freedoms the country over. If there was ever any doubt in my mind, it would now be relieved.

For us, we want no part of privilege of the press. We are satisfied with the guaranteed freedoms, and we do not plan to print news stories that we cannot substantiate. This does not mean that we care to tell our sources to the merely curious, for sources are a part of the competitive business of news reporting, but we do not anticipate printing any information for which the source would not be revealed to proper authorities.

No more cards, Mr. Dealer; we'll play these.

THE "FORT WORTH FIVE" AND AMERICAN JUSTICE

(Mr. PODELL asked and was given permission to address the House for 1 minute and to include extraneous matter.)

Mr. PODELL. Mr. Speaker, five Irish-Americans from the New York City area are being held without bond in a Texas jail. There are no criminal charges pending against these men. They are being held as prisoners because they have refused to give up their constitutional privilege against self-incrimination.

Last June, the five men—Kenneth Tierney, Matthias Reilly, Thomas Laffey, Paschal Morahan, and Daniel Crawford—were served with subpenas and ordered to tell a Federal grand jury in Fort Worth, Tex., about their alleged involvement in attempts to smuggle small weapons into Northern Ireland. When they refused to testify, citing the privilege against self-incrimination, they were granted limited immunity and were ordered to testify. They again refused to do so, on the grounds that the immunity offered was insufficient to protect them against future prosecution by the British Government. The five were then cited for civil contempt, and were sentenced to be incarcerated until they were ready to testify.

Since no Federal facility in the area was deemed suitable to house recalcitrant witnesses, they spent 4 hot, summer months in the Tarrant County jail, where they were denied many of the rights usually enjoyed even by criminal defendants awaiting trial. Most important, perhaps, was the fact that they were held without bail. After Justice Powell affirmed the circuit court decision denying bail, the five were admitted to bail by order of Justice Douglas, pending the disposition of their appeal by the Supreme Court. One month ago, however, the Supreme Court denied their petition for a writ of certiorari, and on January 30 they were forced to return to the Tarrant County jail.

After much public criticism, the men were granted the right to have a 5-minute telephone conversation with their families—once every 2 weeks. The Department of Justice has cut off telephone calls between the men and their attorneys, in flagrant violation of their right to counsel. Recently, they were transferred to somewhat better quarters in the Federal Correctional Institution at Seagoville, outside of Dallas. However, the Justice Department has continued to unreasonably restrict their communication with the outside world.

The Forth Worth Five, as they have come to be called, will apparently be kept in jail until the current term of the grand jury expires on November 4, 1973. The men have never been charged with any crime, and the Department of Justice has not revealed any details of the alleged gun-running activities. The policy of internment without trial is disturbingly reminiscent of practices associated with totalitarian regimes.

While this case is an extension of the tragic strife in Ulster, it has also made painfully apparent some shortcomings in our own legal system.

FEDERAL GRAND JURIES

The grand jury, like most other legal instituitons in America, originated in England, and has been traced back to the year 1166. Traditionally, the grand jury's function was to sift the likely accusations from the improbable ones; it was thus regarded as a legal safeguard which protected citizens from arbitrary or frivolous prosecutions. Unfortunately, our Federal grand jury system has atrophied, and is now merely a rubber stamp for the U.S. attorney's office.

In theory, the grand jury is supposed to hear the prosecutor's evidence and then hand down an indictment only if they feel that the evidence justifies a trial. In practice, the juries rarely refuse to indict, almost never conduct independent investigations, and serve largely to delay the already-complicated legal process and to burden the American taxpayer.

In grand jury proceedings, the witnesses are forbidden to bring their attorneys into the hearing room, where the prosecutor is not bound by formal rules of evidence. All proceedings are held in secret, and there is nothing to prevent the Government from conducting "fishing expeditions" and intimidating witnesses. Thus the grand jury has not only become superfluous, but may in many cases deprive witnesses and potential defendants of due process of law.

In addition to the lack of procedural safeguards during the grand jury hearing, the entire process is vulnerable to the political prejudices of whatever administration happens to be in power. In political "conspiracy" cases, for example, the Government can choose to convene the grand jury—and thus conduct the inevitable trial—in any jurisdiction having the slightest connection with the alleged conspiracy. Thus the celebrated "Berrigan conspiracy" trial, on charges of conspiring to kidnap Henry Kissinger and commit acts of sabotage in Washington, was held not in Washington but in Harrisburg, Pa., in the district where one of the alleged conspirators had been serving a prison term at the time in question. The Department of Justice may have felt that the supposed anti-Catholic sentiment in central Pennsylvania would insure a conviction. As we all know, the plan backfired, and the jury acquitted the defendants of all conspiracy charges.

In the present case, the sole link between the alleged gun-running and the city of Fort Worth is an unsubstantiated claim that some of the guns could have been purchased in Texas. On this flimsy pretext the five Irish-Americans were taken from New York, where most of the alleged crimes would probably have occurred—but where there are also many people of Irish extraction—and were forced to testify in Fort Worth, Tex., where the Nixon administration probably felt there would be little sympathy for them. A system which allows the Government such a tremendous political advantage in choosing the forum for the trial is incompatible with a society of law and justice.

Finally, when the present grand jury expires in November, the new grand jury can start the proceedings all over again. Theoretically, the Fort Worth Five could be jailed for the rest of their lives, with no criminal charges being brought against them.

In 1931 the National Commission on Law Observance and Enforcement recommended that the grand jury be done away with, except for investigations of graft and other large conspiracies. In Britain, where the grand jury was born, it was abolished 40 years ago on the grounds that it was unnecessary. Perhaps if we took a long, hard look at our own Federal grand jury system, we would arrive at the same conclusion.

NO FOREIGN IMMUNITY

Although the Department of Justice has already admitted that it used wiretaps in securing evidence against the Fort Worth Five, the witnesses' refusal to testify is not based chiefly on alleged illegal gathering of evidence, but rather on the possibility that their testimony might be used against them in a British court. The British have requested assistance from our Government in attempting to halt the alleged flow of arms from this country to Northern Ireland. As Mr. Justice Douglas said in dissenting from the Supreme Court's refusal to grant certiorari:

> In the instant case the possibility of foreign prosecution is not insignificant. There are indications that the impetus for the grand jury investigation was the request of foreign powers. It is not enough to say that petitioners are not subject to foreign jurisdiction: At any time petitioners could be traveling in a foreign country or find themselves the subject of various international extradition treaties.

The Department of Justice has refused to approach any foreign government to secure a guarantee that the Fort Worth Five will not be prosecuted on the basis of their own testimony. Moreover, there is no guarantee that they will not be extradited.

FEDERAL IMMUNITY STANDARDS

As if the danger of foreign prosecution were not enough, the Fort Worth Five, if compelled to testify, could also find themselves being tried and convicted in the United States, with the evidence against them coming from sources unearthed by their own testimony. The so-called immunity offered them is nothing more than an assurance that their own words, or the "fruits" thereof, will not be used against them. The Government has not granted them full or "transactional" immunity, which is a guarantee that they will not be prosecuted for acts about which they are compelled to testify.

In this case only testimonial or "use" immunity has been offered in exchange for the witnesses' waiving their fifth amendment rights. With "use" immunity, the Government may use a witness' testimony to explore leads which can be traced back to a supposedly "independent" source; the Government can then prosecute the original witness, who has thus been compelled to assist in compiling evidence for use in his own prosecution.

It is often extremely difficult for a defendant to prove that evidence introduced at trial was actually the fruit of his previous compelled testimony before a grand jury. The prosecutor can disguise evidence so that it appears to have been developed independently of the immunized witness' testimony or information.

Thus mere "use" immunity, such as that granted to the Fort Worth Five, is not a "fair trade" for the protections of the fifth amendment, since it leaves the witness vulnerable to future prosecution for the offenses on which he must testify.

In the name of decency and law, I call upon the Department of Justice to restore the lines of communication between the Fort Worth Five and their attorneys, and, if no formal charges are to be brought against these men, to free them at once. At the same time, the Congress must take steps to investigate and correct the deficiencies in our legal process which have been dramatized by the events in this case.

Accordingly, I am today introducing legislation establishing transactional immunity as the type of immunity to be granted all witnesses who are compelled to waive their privilege against self-incrimination in Federal proceedings. I am also introducing a resolution directing the Judiciary Committee to conduct a broad investigation of the practices and abuses of the Federal grand jury system. I urge all Members of Congress to support these efforts to protect the constitutional rights of witnesses in our system of criminal justice.

H. RES. 300

Resolved, That the Judiciary Committee, acting as a whole or by subcommittee, is authorized and directed to conduct a full and complete investigation and study of the conduct and practices of the United States Department of Justice and the Federal judiciary with respect to grand jury investigations. Such investigation and study shall be completed and reported to the House as soon as practicable, and shall include findings on the following matters:

(1) Whether there is reason for the Government to believe in all cases where witnesses are called before grand juries that each such witness has significant information on the subject of the investigation being made.

(2) Whether the questions asked of each such witness have a close nexus with the criminal activity under investigation.

(3) Whether the criteria employed by the Justice Department in selecting a site for each grand jury investigation are appropriate, especially in cases where such site is distant from the principal residences of a substantial number of prospective witnesses.

(4) The extent to which witnesses subpenaed are not asked any questions before the grand jury.

(5) The instances in which a grand jury was convened in order to investigate lawful demonstrations or other lawful political events, and the instances in which a grand jury was convened simultaneously with lawful events in which the witnesses were to participate.

(6) Whether the questioning of grand jury witnesses has been used, or is capable of being used, to gather personal information about such witnesses for the purpose of domestic intelligence.

(7) Whether the use of grand juries has been made by the Government, or can be made by the Government, to harass or intimidate persons who advocate controversial policies or disagree with the administration.

(8) Whether there is sufficient assurance under present law that the compelled testimony of grand jury witnesses cannot subsequently be used to inciminate them.

(9) Whether grand jury witnesses should have the privilege of legal counsel during grand jury questioning.

H.R. 5539

A bill to amend section 6002 of title 18 of the United States Code to provide transactional immunity for witnesses compelled to testify after refusal on the basis of the privilege against self-incrimination

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 6002 of title 18 of the United States Code is amended by striking out "but no testimony or other information compelled under the order (or any information directly or indirectly derived from such testimony or other information) may be used against the witness in any criminal case," and inserting in lieu thereof the following: "but no witness whose testimony or other information is compelled under the order shall be subject to prosecution for any offense to which such testimony or other information pertains,".

AGRICULTURE, A METROPOLITAN CINDERELLA?

(Mr. ANDREWS of North Dakota asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. ANDREWS of North Dakota. Mr. Speaker, farmers are being continually blamed for what urban residents regard as excessively high food prices and it is refreshing when a distinguished publication such as Editor and Publisher seeks to set the record straight.

The writer of this article, which appeared in the February 24 edition of the Editor and Publisher is assistant agricultural research editor at Washington State University and former western States vice president of the Newspaper Farm Editors of America. The last 3 years of his 11-year career in daily newspaper journalism were spent as a farm writer at The Tri-City Herald in Kennewick, Wash. I am herewith inserting Mr. Terence L. Day's article, "Agriculture, A Metropolitan Cinderella?", which deserves attention from all.

AGRICULTURE, A METROPOLITAN CINDERELLA?

There is a void in modern reportage, a gulf which could lead to a major crisis in America.

Never in the world's history have so many been so dependent upon so few, or so ignorant of their situation, as Americans today. More than 95 percent of the nation's people are dependent upon the less than 5 percent who man the nation's farms.

Agriculture is a metropolitan Cinderella who labors hard for urban America, but who works without appreciation because there is a knowledge chasm left unabridged by modern journalism, or inadequately bridged at best. That vital informational link, the farm beat, has been plowed under or sent out to graze on the south 40 on most urban newspapers today.

WRONG NEWS POLICY

A news executive recently explained his paper's abandoned farm beat: "We don't have very many farmers in our circulation area any more."

Unfortunately that philosophy is all too apparent in today's newsrooms. What J. Henri Fabre, the French entomologist and author, said of history is equally apropos of journalism: "History . . . celebrates the battlefields whereon we meet our death, but scorns to speak of plowed fields whereby we thrive; it knows the name of the king's bastards, but cannot tell us the origin of wheat. That is the way of human folly."

Journalism celebrates city streets whereon we riot, but scorns agriculture whereby we prosper; it reports which movie star is living out of wedlock with whom, but does not tell us about our source of food.

Today's newspapers may not have very many farmer subscribers, but their readers all have one thing in common: they eat. And as long as they do, newspapers should take a vital, intelligent interest in agriculture.

WRITE FOR CITY READERS

Editors don't expect an aerospace editor to write for aerospace employes. They don't ask science writers to write for scientists, nor education writers to slant articles to educators. Political writers aren't asked to write for politicians, and transportation writers don't write for truck drivers.

So why should farm writers write for farmers? They shouldn't. They should write about agriculture, for city folk. But all too much of the little farm writing today is of small value or interest to urbanites because it does not put agriculture in terms they can understand.

The reasons for strong farm beats are manifold, but paramount are reader interest and public interest. Readers are interested in farm news that is written for them, and nowhere is the need for farm editors to serve the public interest more apparent than in the hubbub over food prices.

The most prevalent and most inaccurate myth in America today is the "high" food prices legend believed by almost every consumer and promulgated by nearly every newspaper and television station in America.

Why does almost everyone think food is expensive? Because today's news media fails miserably to understand agriculture and to report it accurately. It is a digression, but you won't believe that food is cheap unless we document it, so let's digress.

Agriculture has given America the lowest-cost food bill in the history of mankind—16 percent of disposable income in 1971, compared with 23 percent in 1950, according to U.S. Department of Agriculture statistics.

It's an unpopular story, but our great agricultural progress has reduced food costs by 30 percent during the past 21 years. As a bonus, Americans also get a greater variety of food, a higher standard of eating (including twice as much beef), less kitchen drudgery, and more meals "out-on-the-town."

America's food bill in 1971 was $118 billion—a whopping $51.7 billion less than it would be if Americans still paid 23 percent of their income for food as they did in 1950.

That is $51.7 billion which Americans spent for second cars, trail bikes, boats, stereophonic sound systems, fancy furniture, summer cottages, dishwashers, color television, and a host of other consumer goods. But how much is $51.7 billion? It is $15.1 billion more than the total value of all automobiles manufactured in the United States and of the distribution costs of all foreign-made automobiles sold in the United States in 1969! (Based on U.S. Statistical Abstract figures.)

In other words, the unparalleled efficiency of the American farm is one of the basic reasons for the high and still rising American standard of living, a principle difference between our standard of living and that of other countries. (Englishmen spend 29 percent of their income for food, Italians 45 percent, and Indians 80 percent.)

SHOULD GIVE THANKS

Instead of complaining about "high" food prices, we Americans should be on our knees giving thanks for our share of the $51.7 billion a year the nation saves on groceries. It is the very substance of our high standard of living.

But, you say, look at what's happening to food prices. Meat has gone up, eggs have gone up. Yes, and they'll come down, too. But not with the same fanfare with which they went up.

Recently when the price of eggs threatened to reach $1 dozen the news was headlined for days on end. But when they dropped to 59 cents a dozen, our local newspaper didn't have a single line of copy with that news.

The result is a public misimpression that prices are always going up. That's true of cars, clothes and a lot of other things; but not of food. Food prices fluctuate because farmers cannot control production, and prices rise and fall with supply.

Further, reporters have wholly failed to put food prices into perspective with wages. Big, black headlines shout the news that food prices are expected to increase at an annual rate of about 4.5 percent during the first half of 1973. But what reporters have compared that with anticipated wage increases?

The Nixon Administration says 5.5 percent increases are acceptable, and few authorities feel that wage increases will be held that low in 1973.

It doesn't take an Einstein, or even a high school math teacher, to calculate that if food prices increase 4.5 percent and income rises 5.5 percent, the percentage of our income spent for food will decrease. The increase we see in food prices is inflation—and food is an anchor trying to hold inflation down. Food prices are not contributing to inflation.

With urban America and the press which serves it both ignorant of the realities of agriculture, there is a real threat to the agricultural abundance which is the foundation upon which America has become the world's wealthiest nation—a nation with the highest standard of poverty that the world has ever known.

How is America threatened?

With 95 percent of her population in the cities, and the one-man, one-vote rule, the farm bloc has withered to a tiny voice in a distant pasture.

Unless the farm-city information gap is bridged by the press, it is entirely conceivable that an urban-dominated, urban-oriented Congress could pass legislation which would wreck havoc with agricultural production, or fail to pass legislation essential to a healthy agriculture.

It would be tragic for America to learn the hard way that all of the social reform and anti-poverty programs in the world will be of no benefit if America's unparalleled agricultural miracle is permitted to wither. For modern agriculture is not a permanent miracle which can be ignored once achieved. It is a miracle which must be repeated every year.

But the moment America goes on a binge of anti-farm legislation, capriciously banning vital agricultural chemicals, wildly slashing farm programs, and arbitrarily siding against farmers on national issues; the nation will be sowing the seeds of wretchedness for the cities as well as for the farms.

Food prices will really become high, and with less to spend for other things there will be massive layoffs in city factories which will lose much of their market for consumer goods.

Re-creation of farm beats to report agriculture for city audiences, to give America more balanced reporting on issues touching the farm, would be a small price to pay for prosperity insurance.

FAIR STAFFING TREATMENT FOR MINORITY IN HOUSE

(Mr. ESCH asked and was given permission to address the House for 1 minute, and to revise and extend his remarks and include extraneous matter.)

Mr. ESCH. Mr. Speaker, Republicans have attempted twice in as many weeks to remedy the inequitable treatment the minority party in Congress receives with regard to investigatory staff. Each time, those in the majority have refused our rights to one-third of committee investigatory staff, even though 44 percent of the House is Republican.

On March 7, many of us were shocked to hear our colleagues in the majority state that—

> The facts of the matter are that the Democratic Party has been chosen and has the responsibility for the legislative program of this House . . . because the Democrats are the majority party.

And—

> With the Majority in this House goes the responsibility of staffing, whether in 1952 when the Republican Party won the Congress, or when the Democratic Party won the Congress.

And—

> Mr. Nixon was chosen to be the President. He has several thousand appointments. Has he offered one-third of them to the Democrats, in the Executive Branch?

Mr. Speaker, the thrust of these remarks made during the minority staffing debate on March 7 are clear: the majority party in either Congress or the executive branch need not be compelled to provide the minority with fair staffing treatment.

This may be the philosophy espoused by Members of the Democrat Party, but Republicans do not share their thinking.

First, were we to become the majority party in Congress, we would not change our position on minority staffing, but would extend to the other party the prerogatives they refuse to grant us; namely, access to one-third of committee investigatory staff.

Second, when the Nixon administration took office after 8 years of Democrat control there were thousands of Democrats on the payrolls in the Government departments and agencies. We did not employ the spoils system and fire these people—although many criticized us for not doing so. There was, in fact some feeling that the presence of so many officials whose sympathies lay with the Democrat Party made it difficult for the Republican administration to carry out its programs. It was even suggested that the Republicans implement in the executie branch the same philosophy as the Democrats advocate for the legislative branch: winner take all. We did not do that, or even advocate it, and we are shocked to hear the Democrats suggest this as a rationale for staffing allocation in the Congress.

On February 28, our efforts to achieve equitable minority staffing were turned down by a 204 to 191 vote, with 14 Democrats voting in favor of this long-needed reform. A week later, on March 7, the vote narrowed to 197–196, with one Democrat voting "present". This time, 17 Democrats had the courage to support fair and equitable treatment for the minority party in Congress.

Mr. Speaker, this issue will be raised again and again until we succeed in guaranteeing the minority party, whether Republican or Democrat, the right to one-third of the staff of standing committees. I hope that enough of our colleagues from the majority side will join with us next time, to make the next vote the final one on this issue.

PROBLEMS OF THE AMERICAN INDIAN

(Mr. HANLEY asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. HANLEY. Mr. Speaker, there is an old saying in the Bible that the first shall be last, and the last shall be first. The reference, of course, has nothing to do with the pecking order here on earth, but we in the United States have found an interesting and tragic way of putting that quotation into social practice.

It is one of the painful ironies of American history that the first citizens of our land are, in fact, our last citizens, with no voice in the Government, with few friends in court and with little hope for the future. The American Indian, to put it bluntly, has been patted on the head by Uncle Sam, put out to pasture and told paternally to be a good little boy.

During my years in Congress, I have had repeated occasion to become involved in the concerns and problems of the American Indian. The treatment they have received at the hands of the American Government is enough to make the strongest man sick to his stomach. Nor have State governments been any more reasonable or fair with them. While I am the last to condone violence, I can understand, in a human sense, the frustration which erupted into the confrontation recently at Wounded Knee, S. Dak. Anyone who has ever dealt with the bureaucracy in the Interior Department's Bureau of Indian Affairs can readily fathom the anger and humiliation which precipitated Wounded Knee. Treaties have been violated and promises broken and no one seemed to care. The Sioux had nothing to lose and everything to gain. Perhaps, just perhaps, someone would listen and do something.

A few years ago, I became involved in a situation in the Northern Tier of New York at the request of the Onondaga Tribe. Their brothers on the St. Regis Reservation, which lies partially within the United States and partially within the Province of Ontario, in Canada, were being illegally taxed.

When the United States signed the Jay Treaty in 1793, we specifically guaranteed the North American Indians free and untrammeled access to the United States-Canadian border. No duties or imposts could be levied against any food or goods they carried back and forth across the border. As it happened on the St. Regis Reservation, many of the Indians lived on one side of the border but did their shopping on the other side. Customs officials attempted to tax the food carried across the line, in direct violation of the Treaty, and no one would listen to the Indian pleas. They had no voice in either government, and so they rioted. I was asked to intercede and I did, willingly. It was quite an experience. That situation has now been resolved, but I suspect there are a thousand like it which have yet to surface. I suspect also that unless the problems and circumstances which precipitated Wounded Knee are taken care of promptly and effectively, those subsurface situations on reservations across the country will erupt likewise.

I mentioned a few moments ago the painful irony of the Indians' place in American life. There is a collateral irony which to me is equally painful. We, as a society and as a Government, took the land and the freedom away from the Indians. And when that was accomplished, we succeeded in taking away their dignity also. We gave them nothing. Yet, when others have attempted to take away our own freedom or when others have threatened democracy, we defeated them, and then proceeded to open up the U.S. Treasury for their benefit. We have poured billions into Japan and Germany; and the administration now proposes to pour more billions into North Vietnam, but we can not even get the Government to honor its solemn treaty obligations with our American Indians.

There is an old saying that you cannot know a man until you have walked a mile in his shoes. I suggest we try walking a mile in the shoes of America's Indians to learn their anguish and frustration. We can no longer be smug or aloof. We can no longer allow the first to be last.

Until this same time next week, this is, so forth and so forth.

TOWARD A MORE RESPONSIBLE NEWS MEDIA

(Mr. TAYLOR of Missouri asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. TAYLOR of Missouri. Mr. Speaker, every day the American people are faced with the ominous task of sorting out hard factual news from the cryptic opinions of major networks news commentators. Because the people's right to accurate information about current events is so important for the existence of our form of Government, I feel that news reporters must accept the responsibility to give hard factual news unclouded by their interpretative remarks. Network reporters must start labeling their opinons as such, and separate their opinions from the hard news of the day. A growing sentiment within the broadcast industry for more responsible news reporting is reflected in the following editorial by Mr. Don Daley which was recently aired on KGBX radio in Springfield, Mo. The editorial is critical of irresponsible and over-emotional newcasters who attempt to create a mythical White House conspiracy against the press on scheduled network news programs. The editorial follows:

> The President of the National Broadcasting Company, of which this station is an affiliate, stated recently in Fort Worth, Texas that "The Federal Government has shown a pattern of action aimed at weakening the news media as the public's watchdog."
>
> Now, there is no doubt what he means by that . . . or is there? Some of these earnest defenders of the news media are making so much noise for such questionable reasons that the genuine threats to press freedom may be obscured. What they cry wolf about most often recently is the attitude toward the news media of the present administration in Washington. Where Nixon is involved it is easy to see in every problem of the press the manifestation of a sinister plot to punish and stifle the media.
>
> A former President of CBS even went so far as to say, "The climate Nixon is creating is open season on journalism. This is a plot . . . Yes, a plot against free speech. Nixon really doesn't believe in a free and open society."
>
> Walter Cronkite of CBS has expressed a similar opinion to the effect that there is a White House conspiracy against the press.
>
> We say such statements are hogwash. There simply is no proof of a conspiracy or *any* organized effort to stifle freedom of the press and to suggest the White House is planning to wipe out the Bill of Rights, starting with freedom of the press, is utter nonsense.
>
> But it is dangerous nonsense because it can create a supercharged, emotional atmosphere in which the real problems of the news media may very well not get the attention they deserve.
>
> Let's take just one case . . . and there are many to show what we mean. In the fuss over "The Selling of the Pentagon" the threat to CBS was in the form of a subpoena issued by a *Committee of Congress* . . . not by the White House. In fact, Asst. Defense Secretary Daniel Henkin, one of the administration officials who had the most cause to feel wronged by the documentary sided with CBS in resisting the subpoena! If there is a conspiracy . . . someone at the White House evidently forgot to tell Henkin!

Another complaint of some media defenders is that high Government officials are constantly badmouthing the press, Spiro Agnew is cited most often, but others are complained of, too. Dan Rather said recently, "I'm certainly not saying that they all sit around a table and plan some grand strategy to hit the media from all fronts. But I am convinced that in a broad, general way, the people around Nixon have come to know that it is OK to attack the media."

So it is OK. So what? Government officials have been critical of the press since America began. The only President who never quarreled with the press was William Henry Harrison who died a month after taking office.

Our advice to the president of NBC, for what it is worth, and we have suggested this before, stop worrying about the Government attacks. The press does have some serious problems with Government that must be resolved, but why do not you direct your newsmen on the network to start labeling opinion as such and try to separate it from the hard news of the day—then go out and hire a newsman or two, if you can find them—with a more conservative persuasion about the world to balance out all the liberals on the network. My guess is all those surveys that have shown the public thinks network TV news is biased might change after a while. Then, concentrate on stopping the movement toward denying reporters the right to maintain the confidentiality of their informants, before we all wind up with dried up sources of news that are absolutely needed to keep the public informed.

Unfortunately, it is going to be more difficult to muster support for the legitimate concerns of the free press if some news media spokesmen, including network presidents, continue to present these concerns stridently, simplistically, and unfairly.

ARRESTS IN STENNIS SHOOTING

(Mr. FROEHLICH asked and was given permission to address the House for 1 minute to revise and extend his remarks and include extraneous matter.)

Mr. FROEHLICH. Mr. Speaker, the Congress, the citizens of the Nation's Capital, and the people of America are grateful for the arrests last night in connection with the shooting of Senator John Stennis.

The sickening, cold-blooded attack last January on one of the country's most able and eminent lawmakers appalled the Nation and created in many lawmakers a discernible apprehension for their safety in Washington.

In a legal sense we may not presume the three young men who were arrested to be guilty of the crimes with which they are charged, but a lot of us will rest easier knowing that three people have been arrested who had in their possession the watch that Senator STENNIS was wearing the night he was shot.

I believe the FBI, the Metropolitan Police Department, and the many citizens and groups who participated in the search for the Senator's assailants are to be commended for their efforts. They did their best. According to the newspaper this morning, at least 1,000 persons were questioned in the shooting as part of one of the most intensive manhunts in Washington's history.

We are all very thankful for the success they achieved.

But, Mr. Speaker, I think it is necessary now to ask what will happen to these three young men if they plead guilty or if they are convicted of this senseless and brutal crime. I am very much afraid that after thousands of dollars were spent and hundreds, if not thousands, of man-hours were expended to obtain their capture, these men will be able to escape all meaningful punishment for their conduct.

They are charged with a Federal crime that was committed in the District of Columbia. They will be tried in a Federal court in the District of Columbia.

According to the paper, the ages of the men are 18, 19, and 21.

As you know, Mr. Speaker, in the District of Columbia, persons under the age of 22 who are convicted of serious crimes must be considered for sentencing under the Youth Corrections Act. In determining whether to sentence under that act, a trial judge in the District is not free to weigh the relative merits of the Youth Corrections Act versus adult confinement. The sole standard for decision is whether a so-called "youth offender" will derive any benefit from sentencing under the act. If he will, he must be sentenced under the act. Only if the judge affirmatively finds that the young offender will not benefit from rehabilitative treatment under the act can the defendant then be sentenced as an adult for a substantial sentence.

Persons sentenced under the Youth Corrections Act are sent to a youth center. It is almost impossible for them to remain there for more than 6 years. In actual fact, in the District of Columbia, most youth offenders are released after about a year at the center.

Anyone who wants to check the decisions on the act should read *United States* v. *Waters,* 437 F. 2d 722 (1970), and *United States* v. *Ward,* 454 F. 2d 992 (1971).

My question, Mr. Speaker, is simply this: If the Youth Corrections Act, as interpreted by the U.S. Court of Appeals for the District of Columbia, requires that calculating, insensitive, coldblooded hoodlums like the men who shot JOHN STENNIS, be treated with kid gloves—if we can expect to see these near murderers out on the streets again in about a year and a half—then, Mr. Speaker, should we not change that law at the earliest opportunity? My answer is "Yes."

INDICTMENTS START CLEANUP OF NEW YORK MEAT DISTRIBUTION SYSTEM

(Mr. MELCHER asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. MELCHER. Mr. Speaker, indictments were returned in New York City today by State and Federal grand juries which I hope are the first steps in leading to a cleanup of the meat distribution system there.

These indictments also are particularly significant because they represent the fruits of cooperation between the New York County district attorney's office and a Federal strike force, which joined an already going State investigation last summer.

It is my understanding that this investigation still is continuing.

Our House Agriculture Livestock and Grains Subcommittee conducted a series of hearings into beef prices during the last session of Congress when we heard testimony from one official who had taken part in an earlier New York grand jury investigation.

It is clear, Mr. Speaker, that the indictments which were returned today reveal practices which could be at least partially responsible for unnecessarily high beef prices in the East.

I commend these State and Federal officials for pursuing their investigation to this stage and for continuing it on what I now understand to be a different phase.

Mr. Speaker, the Associated Press carried an account of the indictments which I believe should be called to the attention of my colleagues. The article follows:

INDICTMENTS START CLEANUP OF NEW YORK DISTRIBUTION SYSTEM

WASHINGTON.—Iowa Beef Processors, Inc., the Nation's largest meat brokerage company was indicted by Federal and State grand juries today on charges of conspiring to bribe labor union officials and supermarket meat buyers, the Justice Department announced.

A top official of IBP and an employee of a New York City supermarket chain also were indicted on bribe charges.

Four officials of New York City Meat Brokerage firms were chargd with filing false employers' quarterly payroll tax returns by placing nonexistent persons on their payrolls.

Two Federal and two State indictments were returned in U.S. District Court and New York County Court in New York City.

Charged in a two-count Federal indictment were:

Currier Holman, Sioux City, Nebr., cochairman of the Board of Iowa Beef Processors, headquartered in Dakota City, Nebr., which had annual sales in 1972 of $1.28 billion.

C. P. Sales, Inc., New York City meat brokerage firm formerly known as Cattle Pact Sales, Inc. and

Moe Steinman of New York City, director of labor relations for Daitch Shopwell, a New York supermarket chain.

The indictment charges Holman and Steinman with conspiring from January 1969 to the presnt to pay commissions to Steinman to arrange for the purchase by New York City supermarkets of IBP's boxed beef products to make sure there was no union opposition to the sale of the products.

Part of the commission, the indictment said, would be used to pay off supermarket officials for buying meat in New York City and labor union officials responsible for unions having jurisdiction over the processing and sale of beef products in New York City.

ABORTION: RESTORING THE PEOPLE'S RIGHT TO DECIDE

The SPEAKER pro tempore (Mr. MAZZOLI). Under a previous order of the House, the gentleman from Virginia (Mr. WHITEHURST) is recognized for 10 minutes.

Mr. WHITEHURST. Mr. Speaker, after months of research, the Supreme Court recently delivered a scholarly essay which examined the laws governing abortion throughout history, then invalidated nearly all existing State regulation of this subject.

I have no quarrel with the Court's recommendation that pregnancy be treated differently at various stages under the law. The decision probably reflects good medical thinking at the present time. I do object, however, to the Court's usurping what is clearly a legislative prerogative simply because the elected Representatives of the people had reached a different conclusion. By this ruling, the Court has insisted on imposing its legislative judgment on the Nation as a whole, depriving the people of the opportunity to adjust their laws to reflect the different attitudes toward abortion that exist in various parts of the country.

My objection is shared by thoughtful members of the Court itself. Mr. Justice White, dissenting in the abortion case, said:

> The Court apparently values the convenience of the pregnant mother more than the continued existence and development of the life or potential life which she carries. Whether or not I might agree with that marshalling of values, I can in no event join the Court's judgment because I find no constitutional warrant for imposing such an order of priorities on the people and the legislatures of the States.
>
> In a sensitive area such as this, involving as it does issues over which reasonable men may easily and heatedly differ, I cannot accept the Court's exercise of its clear power of choice by imposing a constitutional barrier to state efforts to protect human life by investing mothers and doctors with the constitutionally protected right to exterminate it. This issue, for the most part, should be left with the people and to the political processes the people have devised to govern their affairs.

Mr. Speaker, the Constitution has established ways to check the exercise of excess powers by all three branches of Government. The appropriate response to this decision which Justice Rehnquist and Justice White called an improvident and extravagant exercise of the power of judicial review, is to amend the Constitution to expressly guarantee the people's right to have this issue decided by Representatives directly accountable to the people.

I am therefore introducing today a measure which will guarantee this right. My amendment states:

> Nothing in this Constitution shall bar any State or Territory or the District of Columbia, with regard to any area over which it has jurisdiction, from allowing, regulating, or prohibiting the practice of abortion.

This language would permit the enactment of a wide range of legislative approaches to abortion. It would not relieve the legislatures of the obligation to enact such laws in language which would not be impermissibly vague. Nor would it dispense with the procedural requisities of the Bill of Rights and Due Process. It would simply restore the basic power of the States to legislate with regard to abortion.

This is not a partisan issue, nor even a liberal-conservative one. In the last election, both President Nixon and Senator MCGOVERN advocated State rather than Federal action in this field.

Mr. Speaker, in a democracy, questions of life, death, and belief cannot be decided from above. Only by giving the people a voice in issues like this can we hope to develop solutions that will be acceptable. I invite my colleagues to join me in restoring that voice to the people.

THE QUESTION OF FEDERAL SUPPORT FOR RURAL WATER AND SEWER SYSTEMS

The SPEAKER pro tempore (Mr. MAZZOLI). Under a previous order of the House, the gentleman from New York (Mr. ROBISON) is recognized for 10 minutes.

Mr. ROBISON of New York. Mr. Speaker, a few weeks ago I glanced over a statistical breakdown of my congressional district as prepared by the Bureau of the Census. I was interested to note that the rural residents in my area continue to move to the cities, that the median voting age was falling, that incomes were up—all these figures providing grist for my political mill. Then I gave a look at various other lists of numbers, which are often noted with interest and quickly forgotten. I guess I have looked at one such item, the number of families without adequate plumbing facilities, in such a manner before. During my younger years, I probably wandered through every corner of the southern tier of New York, so I was not surprised to see that 2.8 percent of the occupied housing units in my congressional district were without adequate plumbing facilities. I know of a few farm houses which draw water from the old wells they have used since my childhood. They are the kind of dwellings which seem to make up most of the 2.8-percent category.

But I have never added those individuals to their counterparts in New York State, and certainly not to those of the rest of the country. However, the Department of Agriculture has, and they tell me it appears that some 20 to 22 million persons, or approximately 5 million families, in this country, do not have adequate inside water or plumbing. It is further estimated that two-thirds of these families have incomes under the $3,000 level; so most of these people, "lacking some or all plumbing facilities"—as the Census Bureau would have it—are "poor" people. Often, because of their geographic or social isolation, they have been left out of such public and private water distribution systems as may exist. That is also to say that most of them have been left out because of their poverty. And, if there were ever a cycle of poverty, it is the one described by the American Public Health Association where poor or inadequate household water leads to debilitating intestinal diseases, which translate into more and longer disability days, which implies loss of income, which implies lessened resources for attacking unsanitary conditions—and so the cycle of poverty goes on.

James H. McDermott of the Environmental Protection Agency adds:

> In addition to the physical illnesses, there are psychological effects as evidenced by a lack of incentive to do anything productive. Many of our staff engineers have observed these relationships while working on water supply problems in underdeveloped countries throughout the world. It has been demonstrated within developing countries that water supply is an essential element in economic development. One measure of the importance of water supply to economic development is the total of almost one billion dollars spent by the U.S. Agency for International Development over a 25 year period in support of water supply programs in underdeveloped countries . . . It is paradoxical that these concepts we promote and support abroad have not been applied in the economically depressed regions of our country.

Mr. McDermott's concluding paradox is one worth dwelling upon in this day of revenue sharing. Here is a problem which is easily recognized in many other countries, but has failed to attract attention or sufficient resources at home. I am sure that the explanation has many parts but, in large degree, it is that the people who suffer from these conditions are spread throughout the country, in small pockets here and there. Even when recognized, they are given low priority by local and State jurisdictions because of their relatively small numbers.

Yet, as the Department of Agriculture suggests, their numbers may add up to over 20 million citizens when we look across the country. Here is a number of sufficient magnitude—and a privation of such proportions—as to motivate the interest and response of this body; and I would hope, in recognizing the problem that my colleagues will allow that the "Rural Drinking Water Assistance Act," which I am introducing today, is some part of the solution.

To a considerable degree, the solution lies in a better definition of the problem. Through a "rural water survey," the "Rural Drinking Water Assistance Act" would determine more accurately than we now know the number and location of those who presently have no household drinking water, or are inadequately supplied, and the number of persons who are experiencing impairment of health as a result.

To oversee the survey, and to coordinate the work of the several Government agencies which may participate, my proposal establishes a "Rural Water Council," composed of the Secretaries of Agriculture and HUD, the Administrator of the Environmental Protection Agency, and the Surgeon General, in addition to nine public members appointed by the President. On the basis of the policy recommendations from the Council, the Secretary of Agriculture is authorized to provide $220 million in grants and loans to nonprofit associations organized to provide rural water systems. These water distribution systems may include single and multifamily wells, in addition to piped surface water, as is best suited to the particular locality.

The Secretary of Agriculture would also make available up to $20 million of his funding authority to support the organization of rural water supply associations which might not otherwise have access to sufficient organizational tools because of low income or insufficient consultation and guidance.

Mr. Speaker, I am most anxious that this legislation draw the attention and support of my colleagues, so that we may look to a serious domestic problem, which has waited too long for attention. Having said that much, I suspect it will also be said—from the other side of the coin—that any such proposal for a new, categorical Federal-aid program comes at a bad time given our current difficulties, and budgetary arguments, over the existing rural water and waste-disposal planning and development grant program. We have, in this House, just passed by a substantial margin, H.R. 3298, a bill which, though opposed by the administration, would attempt to "restore" that particular program. The eventual fate of that bill, like a lot of other matters around here, still hangs in the balance.

As it happens, I accidentally missed my vote on final passage of H.R. 3298, but I subsequently expressed—for the record—my reservations about it and stated that, had I been present, I would not have voted for it. A broader explanation of that position on my part is not here necessary; suffice it to say only, in that regard, that it was the administration's position, as I remember it, that the argument then before the House was not one over the need for continuing a program of Federal support for rural water and sewer systems, but rather over how that effort would be organized and that assistance delivered.

Some of that argument—on which neither the Committee on Agriculture nor this House properly focused in its passage of H.R. 3298—may apply to the proposal I am now making and, insofar as it would, let me say now that I am flexible as to both the organization of the Federal effort I believe needs to be made here, as well as to the nature of the delivery of such Federal assistance as I also believe is clearly indicated.

The point to be addressed, then, is whether or not—given our present and difficult budgetary dilemma—there ought to be a moratorium of sorts on new proposals to meet obvious, but hitherto ignored, national needs. The answer to that, I think, should clearly be "No," for new initiatives to meet emerging national problems cannot long be held back without damage to the Nation and its environment, but should be considered on their respective merits with their comparative priorities weighted as against either existing programs of categorical assistance or other, new proposals for the same.

It is in that spirit that this proposal, then, is made, and my colleagues' consideration of the merits thereof solicited.

THE VETERAN SHOULD BE SERVED

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Connecticut (Mr. McKINNEY) is recognized for 5 minutes.

Mr. McKINNEY. Mr. Speaker, I have received innumerable letters from individual citizens and veteran organizations, urging the restoration of Memorial Day and Veterans Day to their traditional dates of May 30 and November 11, respectively.

The legislation changing the observance dates of several legal holidays was passed before I was elected to Congress. I have no doubt that at the time it was felt that with the longer weekends, families could have more time together and that such a change would not detract from the observance of these holidays. In the last Congress I did not support legislation to return Veterans Day and Memorial Day to their traditional dates because I felt we needed more time to evaluate the Monday-holiday change. I now fully support the move for restoration of Veterans Day and Memorial Day to their traditional dates.

As a whole, I believe our society has become very blasé with respect to our national holidays and I further believe that this attitude has become more prevalent due to the Monday-holiday change. Bluntly stated, we now simply have long weekends and an added opportunity to take advantage of shopping sales. The action of Congress in changing these traditional dates detracts from the proper recognition of the historic ideals and principles that these 2 days represent.

I have now introduced legislation to restore Veterans Day and Memorial Day to their traditional dates, a step which I believe is important in once again conferring on these days the dignity they deserve.

Speaking of veterans, I would like to discuss another matter which I am sure all of us have had called to our attention by many veterans and their families, that is, the deduction in their pension checks due to the 20-percent social security increase last fall.

The three previous times there were increases in social security benefits, Congress adjusted the law so that our veterans would not be penalized in having their pensions decreased. It should be done again for, to our pensioners, any type of reduction in the paycheck is a critical matter, what with high living costs. The letters I have received on this issue are heart rending:

> Could you please tell me why you give with one hand and take back with the other? It's like giving candy to a child and then taking it away from him.

Another letter reads:

> We don't want charity, welfare or food stamps. It would be better to keep your raises because it's no big bargain.

And another:

> This truly creates a hardship. We in our age group are unable to work in order to supplement our income. We are financially back to where we started prior to October.

It is estimated that over 1.3 million veterans and widows of veterans have had a reduction in their veterans pensions because of the social security increase. Another 20,000-plus veterans are losing their veterans pensions altogether.

So as not to have this travesty repeated, and to remedy the present injustice, I have helped to introduce legislation to amend title 38 of the United States Code to protect recipients of veterans pensions from having the amount of such pensions reduced because of increases in social security benefits.

I hope that my colleagues will join in backing both the return of Veterans Day and Memorial Day to their traditional dates and legislation to restore full benefits to our veterans. These men have served our country faithfully and we, in turn, should demonstrate our appreciation by early and favorable consideration of these two measures.

CONTINUATION OF REPORT ON VETERANS BENEFITS LEGISLATION

The **SPEAKER** pro tempore. Under a previous order of the House, the gentleman from New York (Mr. KEMP) is recognized for 10 minutes.

Mr. **KEMP**. Mr. Speaker, yesterday in a special order I spoke on legislation which I have introduced to improve veterans' education benefits and I inserted a report prepared by the Veterans' Club of Canisius College, Buffalo, N.Y. I now include the appendices of that report and the text of my Veterans' Education Act of 1973:

APPENDIX 1, SEC. A

PUBLIC INSTITUTION IN-STATE RESIDENT

[Full-time undergraduate]

	School year 1945–46	School year 1971–72
1. Cost of education per year	[1] $110.00	[2] $460.00
2. Cost of room and board	[3] $437.66	[4] $983.00
3. Cost of goods (all items) 1967 equals 100 percent	[5] 53.9	[6] 121.3
4. Inflation of $1 (1945 equals $1)	$1.00	$2.25
5. G.I. bill subsistence allowance/month	[7] $65.00	$220.00
6. G.I. bill tuition allowance	[8] $110.00	0
7. Total subsistence and tuition allowance	$695.00	$1,980.00
8. Total subsistence and tuition allowance in 1971 dollars	$1,563.00	$1,980.00
9. Subsistence allowance in 1971 dollars	$1,316.25	$1,980.00
10. Tuition cost to student	0	$460.00
11. Room and board cost to student	$984.74	$983.00
12. Money to veteran above room and board and tuition in 1971 dollars	$378.51	$537.00
13. Advantage to veteran of 1945	−$159.49	
14. Percentage decrease in G.I. bill to provide parity		10.6
15. Monthly subsistence should be		$196.68

[1] "Crisis in College Finance," Roger A. Freeman, Institute for Social Science Research, 1965, p. 94. Interpolation of cost in 1940 and 1950.

[2] Educational Statistical Digest, table 127, p. 95. Average of col. 3 and 4, 71–72.

[3] Association of American Colleges Bulletin, 1948, vol. 34, p. 255.

[4] Educational Statistical Digest, table 127, p. 95. Average of col. 7 and 8 plus average of col. 11 and 12 for public institutions.

[5] Consumer Price Index.

[6] Ibid.

[7] G.I. bill for monthly subsistence in 1945 dollars for 1945.

[8] Average tuition expenditure for each veteran based on average tuition cost.

PRIVATE INSTITUTION IN-STATE RESIDENT

[Full-time undergraduate]

	School year 1945–46	School year 1971–73
1. Cost of education per year	[1] $342.00	[2] $1,957.00
2. Cost of room and board	[3] $437.66	[4] $1,221.00
3. Cost of goods (all items) 1967=100 percent	[5] 53.9	[6] 121.3
4. Inflation of $1.00 (1945=$1.00)	1.00	2.25
5. G.I. bill subsistence allowance/month	[7] $65.00	$220.00
6. G.I. bill tuition allowance	[8] $342.00	$0
7. Total subsistence and tuition allowance	$927.00	$1,980.00
8. Total subsistence and tuition allowance in 1971 dollars	$2,085.75	$1,980.00
9. Subsistence allowance in 1971 dollars	$1,316.25	$1,980.00
10. Tuition cost to student	$0	$1,957.00
11. Room and board cost to student	$984.74	$1,221.00
12. Money to veteran above room and board and tuition in 1971 dollars	$378.51	−$1,198.00
13. Advantage to veteran of 1945	$1,529.51	
14. Percentage increase in G.I. bill to provide parity		77.2
15. Monthly subsistence should be		$389.84

[1] "Crisis in College Finance," Roger A. Freeman, Institute for Social Science Research, 1965, p. 94. Interpolation of cost in 1940 and 1950.

[2] Educational Statistical Digest, table 127, p. 95. Average of col. 3 and 4, 71–72.

[3] Association of American Colleges Bulletin, 1948, vol. 34, p. 255.

[4] Educational Statistical Digest, table 127, p. 95. Average of col. 7 and 8 plus average of col. 11 and 12 for private institutions.

[5] Consumer Price Index.

[6] Ibid.

[7] G.I. bill for monthly subsistence in 1945 dollars for 1945.

[8] Average tuition expenditure for each veteran based on average tuition cost.

APPENDIX 2, SEC. A

PUBLIC INSTITUTION OUT-OF-STATE RESIDENT

[Full-time undergraduate]

	School year—	
	1945–46	1971–72
1. Cost of education per year	[1] $110.00	[2] $1,345.32
2. Cost of room and board	[3] 437.66	[4] 983.00
3. Cost of goods (all items) 1967=100 percent	[5] 53.9	[6] 121.3
4. Inflation of $1.00 (1945=$1.00)	1.00	2.25
5. G.I. bill subsistence allowance/month	[7] 65.00	220.00
6. G.I. bill tuition allowance	[8] 110.00	0.00
7. Total subsistence and tuition allowance	695.00	1,980.00
8. Total subsistence and tuition allowance in 1971 dollars	1,563.75	1,980.00
9. Subsistence allowance in 1971 dollars	1,316.00	1,980.00
10. Tuition cost to student	0.00	1,345.32
11. Room and board cost to student	984.74	983.00
12. Money to veteran above room and board and tuition in 1971 dollars	331.26	−348.32
13. Advantage to veteran of 1945	679.58	
14. Percentage increase in G.I. bill to provide parity		34.2
15. Monthly subsistence should be		295.24

[1] "Crisis in College Finance," Roger A. Freeman, Institute for Social Science Research, 1965, p. 94. Interpolation of cost in 1940 and 1950.

[2] Educational Statistical Digest, table 127, p. 95. Average of col. 3 and 4. Average for 66–67 vs. 71–72 shows 66.5 percent increase for state residents, therefore, tuition for non-residents are assumed to have increased by 66.5 percent (interpolation).

[3] Association of American Colleges Bulletin, 1948, vol. 34, p. 255.

[4] Educational Statistical Digest, table 127, p. 95. Average of col. 7 and 8 plus average of col. 11 and 12 for public institutions.

[5] Consumer Price Index.

[6] Ibid.

[7] G.I. bill for monthly subsistence in 1945 dollars for 1945.

[8] Average tuition expenditure for each veteran based on average tuition cost.

APPENDIX 2, SEC. B

PRIVATE INSTITUTION OUT-OF-STATE RESIDENT

[Full-time undergraduate]

	School year 1945–46	School year 1971–72
1. Cost of education per year	[1] $342.00	[2] $1,957.00
2. Cost of room and board	[2] $437.66	[4] $1,221.00
3. Cost of goods (all items) 1967=100 percent	[5] 53.9	[6] 121.3
4. Inflation of $1.00 (1945=$1.00)	1.00	2.25
5. G.I. bill subsistence allowance/month	[7] $65.00	$220.00
6. G.I. bill tuition allowance	[8] $342.00	$0.00
7. Total subsistence and tuition allowance	$927.00	$1,980.00
8. Total subsistence and tuition allowance in 1971 dollars	$2,085.00	$1,980.00
9. Subsistence allowance in 1971 dollars	$1,316.25	$1,980.00
10. Tuition cost to student	$0.00	$1,957.00
11. Room and board cost to student	$984.74	$1,221.00
12. Money to veteran above room and board and tuition in 1971 dollars	$331.51	−$1,198.00
13. Advantage to veteran of 1945	$1,529.51	
14. Percentage increase in G.I. bill to provide parity		77.2
15. Monthly subsistence should be		$389.84

[1] "Crisis in College Finance," Roger A. Freeman, Institute for Social Science Research, 1965, p. 94. Interpolation of cost in 1940 and 1950.

[2] Educational Statistical Digest, table 127, p. 95. Average of col. 3 and 4, 71–72.

[3] Association of American Colleges Bulletin, 1948, vol. 34, p. 255.

[4] Educational Statistical Digest, table 127, p. 95. Average of col. 7 and 8 plus average of col. 11 and 12 for private institutions.

[5] Consumer Price Index.

[6] Ibid.

[7] G.I. bill for monthly subsistence in 1945 dollars for 1945.

[8] Average tuition expenditure for each veteran based on average tuition cost. See footnote 1 above.

APPENDIX 3, SEC. A

PUBLIC INSTITUTION IN-STATE COMMUTER

[Full-time undergraduate]

	School year 1945–46	School year 1971–72
1. Cost of education per year	[1] $110.00	[2] $460.00
2. Cost of room and board	(3)	(3)
3. Cost of goods (all items) 1967=100 percent	[4] 53.9	[5] 121.3
4. Inflation of $1.00 (1945=$1.00)	1.00	2.25
5. G.I. bill subsistence allowance/month	[6] $65.00	$220.00
6. G.I. bill tuition allowance	[7] $110.00	$0.00
7. Total subsistence and tuition allowance	$695.00	$1,980.00
8. Total subsistence and tuition allowance in 1971 dollars	$1,563.75	$1,980.00
9. Subsistence allowance in 1971 dollars	$1,316.25	$1,980.00
10. Tuition cost to student	$0.00	$460.00
11. Room and board cost to student	(3)	(3)
12. Money to veteran above room and board and tuition in 1971 dollars	$1,316.25	$1,520.00
13. Advantage to veteran of 1945	−$203.75	
14. Percentage decrease in G.I. bill to provide parity		10.3
15. Monthly subsistence should be		$197.40

[1] "Crisis in College Finance," Roger A. Freeman, Institute for Social Science Research, 1965, p. 94. Interpolation of cost in 1940 and 1950.

[2] Educational Statistical Digest, table 127, p. 95. Average of col. 3 and 4, 71–72.

[3] Not available.

[4] Consumer Price Index.

[5] Ibid.

[6] G.I. bill for monthly subsistence in 1945 dollars for 1945

[7] Average tuition expenditure for each veteran based on average tuition cost. See footnote 1 above.

APPENDIX 3, SEC. B

PRIVATE INSTITUTION IN-STATE COMMUTER

[Full-time undergraduate]

	School year 1945–46	School year 1971–72
1. Cost of education per year	[1] $342.00	$1,957.00
2. Cost of room and board	(3)	(3)
3. Cost of goods (all items) 1967=100 percent	[4] 53.9	[5] 121.3
4. Inflation of $1.00 (1945=$1.00)	1.00	2.25
5. G.I. bill subsistence allowance/month	[6] 65.00	220.00
6. G.I. bill tuition allowance	[7] 342.00	0.00
7. Total subsistence and tuition allowance	927.00	1,980.00
8. Total subsistence and tuition allowance in 1971 dollars	2,085.00	1,980.00
9. Subsistence allowance in 1971 dollars	1,316.25	1,980.00
10. Tuition cost to student	0.00	1,957.00
11. Room and board cost to student	(3)	(3)
12. Money to veteran above room and board and tuition in 1971 dollars	1,316.00	23.00
13. Advantage to veteran of 1945	1,293.25	
14. Percentage increase in G.I. bill to provide parity		65.3
15. Monthly subsistence should be		363.66

[1] "Crisis in College Finance," Roger A. Freeman, Institute for Social Science Research, 1965, p. 94. Interpolation of cost in 1940 and 1950.

[2] Educational Statistical Digest, table 127, p. 95. Average of col. 3 and 4, 71–72.

[3] Not available.

[4] Consumer Price Index.

[5] Ibid.

[6] G.I. bill for monthly subsistence in 1945 dollars for 1945.

[7] Average tuition expenditure for each veteran based on average tuition cost. See footnote 1 above.

H.R. 4811

To amend title 38, United States Code, to provide for the payment of tuition, in addition to educational assistance allowances, on behalf of veterans pursuing certain programs of education under chapter 34 of such title.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Veterans Education Act of 1973".

SEC. 2. Sections 1671, 1674, and 1676 of title 38, United States Code, are each amended by inserting "tuition and" immediately before "educational assistance".

SEC. 3. Section 1681 of title 38, United States Code, is amended—

(1) by amending subsection (a) to read as follows:

"GENERAL

"(a) The Administrator shall, in accordance with the applicable provisions of this section and section 1780 of this title, pay (1) on behalf of each eligible veteran who is pursuing a program of education under this chapter on a half-time or more basis his tuition, and (2) to each eligible veteran who is pursuing a program of education under this chapter an educational assistance allowance to meet, in part, the expenses of his subsistence and other educational costs."; and

(2) by inserting "tuition and" immediately after "The" in subsection (b).

SEC. 4. (a) Subchapter IV of chapter 34 of title 38, United States Code, is amended by inserting immediately after section 1681 the following new section:

"§ 1681A. Tuition

"(a) In the case of an eligible veteran who is pursuing a program of education under this chapter on a half time or more basis, other than a program exclusively by correspondence or a program of flight training, the Administrator shall pay directly to the educational institution on behalf of such veteran the customary cost of tuition (including such laboratory, library, or other similar fees as are customarily charged, as well as the cost of books, supplies, equipment, and other necessary expenses, excluding board, lodging, other living expenses, and travel) which similarly circumstanced nonveterans enrolled in the same courses are required to pay.

"(b) In no event shall the payment authorized by subsection (a) of this section exceed $1,000 for an ordinary school year. If the educational institution has no customary cost of tuition, a fair and reasonable rate of payment for tuition, fees, or other charges for such course or courses shall be determined by the Administrator."

(b) The analysis of such chapter 34 is amended by inserting immediately after

"1681. Educational assistance allowance."

the following:

"1681A. Tuition.".

SEC. 5. Sections 1677(b), 1682(b)(B), 1696(b)(2) and 1786(a)(2), of title 38, United States Code, are each amended by striking out "$220" and inserting in lieu thereof "$331".

SEC. 6. (a) Subsection (a) of section 1780 of title 38, United States Code, is amended—

(1) by striking out "Payment of educational assistance or subsistence allowances to eligible veterans or eligible persons" and inserting in lieu thereof the following: "Payment of tuition on behalf of, and educational assistance or subsistence allowances to, eligible veterans, and payment of educational assistance allowances to eligible persons";

(2) by inserting "1681A," immediately before 1682,"; and

(3) by striking out "to any" at the beginning of paragraphs (1) and (2) and inserting in lieu thereof "to or on behalf of any".

(b) Subsection (d) of such section 1780 is amended by striking out "books," and "the initial installment of tuition,".

(c) Subsection (e) of such section 1780 is amended—

(1) by amending the center heading for such subsection by inserting "Payment of Tuition and" immediately before "Prepayment"; and

(2) by inserting "payments of tuition on behalf of any eligible veteran and" immediately before "subsequent payments".

(d) Subsection (g) of subsection 1780 is amended by inserting "tuition and" immediately before "educational assistance allowance", and by inserting "for educational assistance" immediately after "lump sum payment".

(e) Subsection (h) of such section 1780 is amended by inserting "tuition or" immediately before "educational assistance".

(f)(1) The side heading for such section 1780 is amended by inserting "tuition and" immediately before "educational assistance".

(2) The analysis of subchapter II of chapter 36 of title 38, United States Code, is amended by striking out

"1780. Payment of educational or subsistence assistance allowances."

and inserting the following:

"1780. Payment of tuition and educational assistance or subsistence allowances.".

SEC. 7. Section 1781 of title 38, United States Code, is amended by inserting "tuition or" immediately after "No".

SEC. 8. Section 1785 of title 38, United States Code, is amended by inserting "on behalf of or" immediately after "has been made".

SEC. 9. Section 1790 of title 38, United States Code, is amended—

(1) by inserting "tuition and" immediately before "educational assistance allowance" in subsection (b) thereof; and

(2) by inserting "who have tuition paid on their behalf or" immediately before "educational assistance" in subsection (c) thereof.

SEC. 10. Section 1793 of title 38, United States Code is amended by inserting "tuition on behalf of or" immediately before "an educational assistance allowance".

SEC. 11. The amendments made by this Act shall take effect September 1, 1973.

OPEN COMMITTEE MEETINGS RESOLUTION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts (Mr. O'NEILL) is recognized for 5 minutes.

Mr. O'NEILL. Mr. Speaker, the 93d Congress is dedicated to reform. And it is dedicated to making Congress a coequal branch of the Federal Government, once again.

By passing House Resolution 259, the Open Meetings Resolution, the House of Representatives has taken a giant step forward toward restoring public confidence in the legislative process.

For too long, congressional deliberations have been conducted in a pervasive atmosphere of secrecy where uncertainty and rumor naturally flourish,

For too long, the emphasis in the Congress has been on closed-door meetings where important decisions of national concern have been made.

Both the Members of Congress and the American people have the right to know how decisions are reached, what alternatives were considered and discarded and why.

Mr. Speaker, it was more than 2 years ago that the Members of the House of Representatives passed the monumental Recorded Teller Amendment to the Legislative Reorganization Act of 1970, in which 20 Members could ask for a recorded vote on any amendment. Prior to the passage of this significant reform, a Member's vote on a crucial amendment was secret. The Recorded Teller Amendment has made the Members of the House more accountable to their constituents.

House Resolution 259, the open meetings resolution, is but another step in this whole reform process which is designed to make a Member more responsive to his constituency and to restore public confidence in the Congress.

In passing this resolution Congress has taken the lead to make openness the rule rather than the exception. Hearings and executive sessions can be closed only in situations where national security may be jeopardized or where a law or Rule of the House of Representatives has been violated. Any meeting, including a markup session, can be closed for any reason, provided no person other than Members and congressional staff are allowed to attend the closed session. Closing a meeting requires merely the support of a majority of the members of the committee present in a rollcall vote.

House Resolution 259 is a carefully

balanced proposal. And it is a progressive step which has created a presumption of open meetings while still providing the means for closing sessions when necessary. I heartily applaud the action taken by the Members of the House in endorsing this historically significant reform.

ROSTENKOWSKI LEGISLATION TO EASE GREAT LAKES FLOODING

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. ROSTENKOWSKI) is recognized for 5 minutes.

Mr. ROSTENKOWSKI. Mr. Speaker, as a native Chicagoan, I was raised less than a mile from the shore of Lake Michigan, one of the five lakes that constitute the largest body of fresh water on the earth's surface and a source of essential water supply for over 40 million people throughout the midwest region. But the benefits of the Great Lakes go far beyond the basic water source—they are a source of food, transportation, power, economic activity and recreation for the people whose roots reach deeply into the surrounding territory.

Unfortunately, the beneficial relationship that so many of us have enjoyed with these lakes is presently endangered. Extremely high water levels on most of the Great Lakes now threaten hundreds of miles of valuable shoreline. November and December both saw damaging floods and now, as spring approaches, the waters continue to rise.

In addition, the record high levels on each of the lakes have caused extensive erosion and accompanying property damage on the surrounding shoreline. Lake Michigan and Lake Huron are projected to rise an additional 15 inches this year over the high level of 1972 which resulted in more than 100 million dollars damage to shoreline properties.

As a result of much consultation on this problem with local officials and the U.S. Army Corps of Engineers in Chicago, I am today introducing, with all the other members of the Chicago delegation, legislation which would increase the diversion of Lake Michigan into the Illinois Waterway. The aim of this legislation is to prevent additional erosion on the shoreline of the lake and to improve the quality of water in the Illinois Waterway, which includes the Chicago, Des Plaines and Illinois Rivers.

This legislation would authorize the State of Illinois and the Metropolitan Sanitary District of Greater Chicago, under the supervision of the Secretary of the Army, to increase diversion of water from Lake Michigan to 10,000 cubic feet per second, an increase of 6,800 over the 3,200 cubic-feet-per-second now provided by law. The supervision of the Secretary of the Army and the Corps of Engineers will provide that there would be no excess of water flowing through the Illinois Waterway.

In addition to providing much-needed relief from the present threat of flooding, this measure would also help residents of Chicago and the surrounding suburbs by greatly improving the quality of the water in the three affected rivers. Improved water quality will enable the city of Chicago to provide for additional park and recreational facilities along both the north and south branches of the Chicago River.

This additional diversion would be authorized for a 5-year period and would have to be approved by the United States and Canada. Within 5 years the Secretary of the Army would report to Congress, recommending whether to continue the increased diversion.

As the spring thaw will bring even higher levels to the record heights that we are presently confronted with, the urgency of this measure cannot be overstated. I hope that my colleagues on the House Committee on Public Works will consider this measure at an early date.

SYMPOSIUM ON THE ROLE OF CONGRESS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. McFALL) is recognized for 5 minutes.

Mr. McFALL. Mr. Speaker, Senators BILL BROCK, Tennessee, and SAM ERVIN, North Carolina, were panelists at a recent symposium on The Role of Congress in Atlanta. Their insights are of such quality that I include them in today's RECORD. The panel moderator was Louis Banks, editorial director, Time, Inc.:

Mr. BANKS. Maybe one of the reasons why Congress has problems is that it is frequently caricatured. I think that long before Will Rogers came along the public entertainers had fun with Congress and Congressmen, and many times perhaps the press helped. And maybe on occasions it was justified.

But tonight we have as representatives of Congress two U.S. Senators who are as far from caricature as it is possible to be. Both somewhat conservative, both pillars in the Senate—one abuilding, one sturdily holding up the edifice in the best tradition of congressional legend.

Our first speaker is Senator William Brock, the Junior Senator from Tennessee. He is the younger. You have his biography. Soon after he took the measure of Senator Albert Gore in 1970 he told TIME's Atlanta Bureau: "If I can become the bridge between the people I know—that is the establishment, the well-to-do—and the disadvantaged, then I am performing a service that is very much needed. A politician should be right in the middle that way."

Senator Brock was given the duty of corralling the young vote for President Nixon, and he went at it with a kind of distinctive flare, and the results, you must admit, were remarkable. President Nixon came through with apparently a majority of the youth vote.

Our guest approached that, as all things, with a style and vigor uniquely his own. It is my great pleasure to introduce Senator Brock of Tennessee.

Sen. BROCK. You know sometimes I think TIME has a mean streak putting me on the platform with somebody who is as knowledgable as Sam Ervin. But I do feel strongly on this subject. And, if I may, I'd just like to give you a couple of brief remarks which might lead to some further discussion.

First, let me say that I am grateful for the effort that Time Inc. is making because I think this is one of the most crucial topics we have before us in this country. It is said time and again that congressional reform is a cause without a constituency. Perhaps we are going to create a constituency and I think that's good.

I listened to Dr. Huitt and I read his paper with a great deal of interest. I am in rather considerable disagreement with some of the points. But let me start out by agreeing.

I think not only the Congress but the Constitution and our system of government itself reflects perhaps the most remarkable institution known in the history of man. It is an institution that provides for the diffusion of power, for a balancing of emotion against intellect, but more than anything else it is an institution that provides for the maximum motivation of people to be concerned with, and involved in, their own future.

And that's the real strength of this nation of ours as far as I am concerned.

I am not sure that it is fair to debate now or at any point in these 200 years the weight of the Congress viz-a-viz the President because that is a constantly shifting thing. It depends in considerable degree, as Dr. Huitt pointed out, on the personality, the force of the President and upon the emotional climate of the Congress. So I won't try to criticize Congress tonight for being weak because I don't think it is, but I will criticize it for being wrong. I will criticize it for allowing a certain rigidity to set in. A rigidity that is not responsive to the body politic. And a rigidity which is terribly frightening in a country in that one branch of government, and only one branch, is really the people's response mechanism. And one branch that is the mechanism of reform in this society of ours.

If that institution itself is incapable of reform, then I think we've got a problem.

We have a system of government that the President has tried to address over the last three years. A system of almost an advocacy type of government in which we create agencies in the Executive Branch based upon pressure groups.

And it is very nice if you happen to be one of the groups that can name a member of the Cabinet. If you are a businessman you have your advocate in the Cabinet in the Secretary of Commerce. If you are a union man you have your advocate in the Secretary of Labor. If you are a farmer—and so on and on.

But people always seem to get left out of that process. There is always somebody who doesn't have a spokesman.

The President has tried in his reorganization plan to address that by asking that we shift this emphasis away from specific groups and toward our specific problems. Instead of a Department of Health, Education and Welfare administering the educational programs and a Department of Agriculture administering nutritional programs as if the two had no connection whatever, the President urges that we create a Department of Human Resources that would deal with the total human problem. And similarly with other Cabinet posts.

I look at the Congress maybe in the same light. I remember in 1969, when I was fortunate enough to lead a group of 22 members of Congress to 50 of our institutions of higher learning, not to talk to young people, but to listen to them. I guess it was one of the more remarkable exercises in our political history. There were 22 politicians who went to 50 college campuses and we didn't make a single speech.

We listened to perhaps poorly articulated expressions of enormous frustration on the part of young people. Frustration with their country, their Government, their institutions. And it was a frustration that may have had its origin in large degree in the war in Viet Nam, but it went so much deeper than that because what I heard young people saying to me, even if they didn't put it exactly in these words, would be something like this: I'm really terrified because all of my life I've been taught that in this nation, if nowhere else, I'm supposed to have some say in where my country's going. And for some reason just in the last few months or years I'm getting the feeling maybe I've lost my voice, that people just aren't listening very much any more."

Whether you agree with that feeling on the part of some of these young people or not; whether or not you accept their premise or their argument, the fact that they feel it is important because they are not somebody else's children, they are ours. And they are a reflection of us.

So when we got back to the Congress and tried to prepare the report for the President and the Congress on some things that might be done, such as draft reform and an all-volunteer army and an 18-year-old vote, we did something else. We took the next two years to study the Government itself and to see if it really was responsive to that particular group of people.

We went into the Executive Branch and we asked them for a list of their programs dealing with young people and we found a rather remarkable thing. There weren't 30 programs or 40 programs, there were 500 programs that directly impacted on people under 25 years of age in the country. Five hundred different programs competing with each other, but not often complementing each other.

We asked the agencies for an evaluation of those programs and it was remarkable. It was almost as if the same man had dictated the same reports to the same secretary and it was typed on the same typewriter. They were all the same. "I've got a great program. I've only got two needs: more men and more money."

So we began to wonder just how we got into a situation where there are 500 different programs. We looked at manpower training programs. We found out how many different programs there were and how many different agencies were competing, each coming to the Congress, going to their respective committees and getting money. Each coming up with a magic solution to a particular problem.

When we looked at that we could turn around and look at the Congress because the Congress was granting all these reqeusts. You see, the Congress was creating the programs, passing the legislation and appropriating the money. We couldn't understand why the Congress would create two directly competitive programs in the same agency, much less two or three in three or four different agencies, but that's what was happening.

The fact of the matter is that the Congress considers almost every bill as if it is a case unique and has no relationship to the whole. Sometimes it acts in its own wisdom; sometimes as a response to political pressure or emotional heat. But it is a response because Congress is a responsive body. It often acts, however, out of context.

Congress, to my knowledge, has never established a ranking of national needs. Congress has never established the relative need between the education community on the one side and environment on the other, or between the water pollution and the air pollution problems. We want to do it all, because that's popular. It's nice to go home with that kind of record of passing everything. But we've got to the point where that just won't cut the mustard any more.

We have inefficiency and we have inequity. We have a General Accounting Office that audits our programs in dollars and cents and it is a remarkably fine agency. But isn't it remarkable that with all the power and interest we have in people in Washington we've got an agency of the Government that audits programs in terms of dollars and cents, but not an agency that audits our programs in terms of human beings. What impact do we have? Are we helping people or hurting them? Are we really doing something or are we adding to the problem?

I think there is a desperate need for the Congress to take an honest look at itself and say: "Maybe we do need some internal revision of our structure. Maybe it's a little bit late after 200 years for us to reward all positions of leadership and responsibility on the basis of one factor, seniority. Maybe we could coordinate our programs a little bit better by having a legislative budget instead of depending entirely on the President's budget. Maybe we need to staff up the Congress so that it can honestly, intellectually have the answers that the President has at his behest."

We don't have those answers. We don't have those facts. We are the people's branch. We are the responsive branch. And if that branch is not responsible, if it's incapable of internal reform, then I think we've got a problem, and I think we do.

Thank you very much.

Mr. BANKS. Senator Brock, thank you very much.

Those of you who have ever browsed around the Capitol in Washington and dropped in on the Senior Senator from North Carolina have always come away, I'm sure, convinced that you have talked with one of the living legends of the Senate.

He has two great attributes of which the U.S. is in sad deficit. He has a lovely, warm sense of humor and a respect and love for law. And the two qualities taken together provide the meaning of "justice," a word too rarely heard in all our contemporary talk about "problems" and "positions."

Colleagues have reported that he has three rooms filled with books on constitutional law at home and a Senate office filled with law books. When his staff can't find him they look first in the Capitol Library and, indeed, he's usually there.

It must be clear from these brief remarks that Senator Ervin is uniquely qualified to speak about the role of Congress, not to mention the role of seniority in Congress, and it is our great honor and privilege to invite him to do so.

Sen. ERVIN. I believe we are operating under House Rules, which provides a five-minute rule, one that is pretty hard on a filibusterer.

Like Bill Brock I read with great interest Ralph Huitt's very fine paper on Congress, and I am so used to hearing outsiders cuss the Congress I found this paper very disarming because it expressed so many of the views I have. Now, I am used to Congress being criticized. I think that's an inevitable part of our political rights.

We have a little town called Valdese, N.C., eight miles from my home in Morganton and we have quite a remarkable character there: Francis Garu. He ran a textile plant.

On one occasion they printed Francis Garu's name on the ballot as a candidate for mayor without his consent. This cotton broker was in the textile plant trying to sell cotton to Mr. Garu and Mr. Francis was cussing. He said that they printed his name on the ballot as a candidate for mayor without his consent and if they elected him he wouldn't qualify.

Well, the cotton broker went out and came back in about six weeks and he remembered the conversation he had with Mr. Francis. The last time he was there and he said: "What did happen in the election?"

Mr. Francis says: "You know those fools went ahead and elected me mayor." The cotton broker said, "Well, did you qualify?"

He said, "I reckon I'm qualified. I've been sworn in and cussed out. If that doesn't qualify you for public office I don't know what does."

Well, it was a great refreshing experience when Ralph Huitt spoke words of praise for the Congress.

I would like to say that Congress does much better than the news media give it credit for on many occasions. I can illustrate this by telling you a story about two senators from Pennsylvania: Hugh Scott, Republican leader, and Joe Clark, a Democrat.

On one occasion we had the appropriations bill for defense, which carried an appropriation of about $75 billions, and when the bill came up Joe made a motion to postpone consideration of the bill for a week to give the Senators an opportunity to find out what was in it.

He was making a little speech in favor of his motion and Hugh Scott was conversing very audibly with several people on the Republican side of the island, and it annoyed Joe.

So Joe said: "Mr. President, I wish my colleague would listen to what I have to say." And Hugh Scott said, "Well, Mr. President, I always listen to what my colleague has to say with alertness and caution."

And Joe Clark said: "Why, Mr. President, I don't understand why my colleague adds that word 'caution' to his statement, because those who keep track of such things say that my colleague and I vote alike about 63% of the time." And Hugh Scott said: "Mr. President, that's the most encouraging news I've received for a long time. I had no idea that my colleague voted in such an intelligent fashion as often as that."

So we act in a more intelligent manner more often than we get credit for.

Now I would like to emphasize the fact that our Constitution was not written to create an efficient Government. It was written to create an inefficient Government. Because you have, as Ralph Huitt said, a separation of the institutions of government. You have the Executive Branch, which participates to some extent in legislation. You have the Legislative Branch and you have the Judicial Branch. And these branches were set up to keep this nation free.

Now I would like to emphasize that there is a great difference between the Executive branch, which has only one head, and the Legislative branch, which has 535 heads. 435 Congressmen and 100 Senators.

Now I think it was created so that all of the people of this vast nation would have representation. We have people of diverse philosophies, people of different economic interests, and it is inevitable that a legislative body that represents those people would not be an efficient machine.

I hear a lot of people criticize the Congress because they say it is not efficient. And when I ask them why they say that, they say: "Because Congress didn't pass the law I thought they ought to pass."

Well, that doesn't prove that Congress is a derelict body. It proves perhaps that Congress in most cases has more wisdom than a man in his community.

Now I listened to my good friend Bill Brock criticize in a very gentle way the seniority system. Now since all of the color has gone out of my hair and I have been in the Senate for 18 years I am going to defend the seniority system. The seniority system in many respects is a bad system. The only thing that is worse than the seniority system is every alternative that has ever been proposed for it.

I think about the seniority system as illustrated by two Senators from Georgia. One of them was Dick Russell. I often said if I had the arbitrary power to appoint a President of the U.S., Dick Russell would have been my first and my last choice because he was the most admirably qualified man for that office, largely because of his seniority. And another Georgian who illustrates the advantage of seniority is Herman Talmadge.

Dick Russell knew more about national

events than perhaps any other man in the country, and I'm sure that Herman Talmadge knows more about the problems of agriculture than any other person by reason of his long service. However, I am going to make one complaint about Herman. In my young days I used to sow wild oats and raise Cain, and they never have had an agriculture program and offered any price support or any encouragement for either one of those crops.

Now the committee system that Ralph Huitt discussed so well is the product of long experience in Congress. This Congress has existed more or less under its present rules since 1789. During this time empires have risen and fallen. Many countries that were then powerful have become weak or nonexistent. And, yet, the U.S. goes along continually and the Congress of the U.S. is undoubtedly the most powerful political legislative body on the face of the earth.

The thing about Congress is that we don't take the recommendations of Presidents very often. We did for Woodrow Wilson at first and then Franklin D. Roosevelt and Lyndon Johnson. And that's the security of the U.S.

You cannot expect 435 Congressmen and a 100 Senators to agree. They can't set priorities because everybody would set a different priority. For example, I would set a priority on moonshine liquor if I was running it because a lot of my constituents still make that up in the hills of North Carolina.

But it is true that Congress has abrogated a great many of its functions to the Executive Branch of the Government. Now Congress does that perhaps as a sort of protective measure.

Bill Brock knows that in the House, the Rules Committee has rather supreme power and most of the members of the House have abused the Rules Committee because it wouldn't report for floor action certain bills that they were interested in. But the truth of it is, the average member of the House in the moment of truth will say that this Rules Committee, which he cusses out, is the greatest benefactor for the members of the House because it won't let some fool legislation get out on the floor that ought to be killed.

So it is a great thing for the institution, because the House member can claim that he's for any kind of proposition there and he could get it passed if it wasn't for the Rules Committee.

Now the Executive Branch, like every branch of government, has a tendency to claim further powers and we have had some controversy during the last few years with the Executive Branch. We have had it on the question of impounding of funds and we have had quite a controversy with the Executive Branch on the question of executive privilege.

We have an expression in North Carolina that if you catch a person who wears wool shorts sometimes you can make him do right.

And we had quite a controversy between the Executive Branch of the Government on the question of Executive privilege. The executive likes to keep secrets about what is going on in the Executive Branch and they don't like to tell Congress about it. And, so, we had the nomination of Mr. Kleindienst to be the Attorney General and we wanted some information from Peter Flanigan about the ITT matter and they said: "He cannot testify. That's the executive privilege."

Well, it occurred to me we had the executive where the wool was short.

And, so, I just said: "I'm going to urge the Judiciary Committee and the Senate not to act on this nomination until Mr. Flanigan comes down here to testify." And Mr. Flanigan came down and testified.

So I think we need to recapture some of our powers, but I think we are really a powerful body and I don't think we will ever get where we can think with one mind.

Now it will be fine if Congress adopted all of my sound views on all propositions. But I am not optimistic enough to think they will do that. And if they adopt a monolithic program like they have in Russia, if Congress could do that, they would destroy the very function that the Constitution intended to give Congress. They didn't intend Congress to be too efficient.

I'm a great believer in Congress. I don't think there is a thing in the Congress that needs reform except the same thing that needs reform in all of the people. The only thing we need to reform is people. If they reformed the people everything would work to perfection, but it would be a mighty dull and unintersting world, wouldn't it

And I'm glad that Ralph Huitt to a very large extent shares my views about Congress. He has been down there and worked with us.

I'll emphasize what Ralph said. The reason people criticize Congress is that they know what Congress is doing. Everything that Congress does is in the open. On every vote.

I started to say "of importance," but almost every vote of importance or unimportance we have a roll call vote on it. And sometimes I wish there were some way we could avoid some of them because some of these things are highly controversial, but you have to stand up and you have to be counted on one side or the other.

Not so with the Executive Branch of the Government. And, having served on the appellate court for six years, not so with the judges. I'll tell you this, having sat in on conferences with judges and seen them in operation and heard the kind of remarks they make, I'll say that people would criticize the courts just as much as they criticize the Congress if they knew what was going on in the courtroom, and the same thing about the Executive Branch.

A TRIBUTE TO HON. WILLIAM JENNINGS BRYAN DORN

The SPEAKER pro tempore, Under a previous order of the House, the gentleman from South Carolina (Mr. DAVIS) is recognized for 15 minutes.

Mr. DAVIS of South Carolina. Mr. Speaker, I would like to draw to the attention of my colleagues the yeoman work being done by the chairman of the Veterans Affairs Committee and the dean of the South Carolina delegation, the Honorable WILLIAM JENNINGS BRYAN DORN. He is without question the finest friend the veteran has today. He is also one of the most distinguished sons that South Carolina has ever produced. I have had the pleasure of knowing the chairman for almost all of my life and now have the distinction of serving with him in this august body.

He has toiled for the people of the Third District for a quarter of a century and although not quite as long, unquestionably just as diligently for servicemen of all ranks. He is a patriot of whom the Founding Fathers would have been proud, a statesman as worthy as his namesake, and a friend of unprecedented proportions. He is the unquestioned leader of the South Carolina delegation and can always be counted upon to give excellent advice on any problem. His grasp of national and international affairs is awesome and, I feel, best described in the following newspaper article from my First District. I would like to present it at this time for my colleagues' perusal:

[Excerpt from Charleston News & Courier]

DORN: VIETNAM VETERANS SPECIAL—DATELINE WASHINGTON

U.S. Rep. Bryan Dorn D-S.C., believes the Vietnam veteran is a special breed, different from the men who fought before him in other wars.

But the new chairman of the House Veterans Affairs committee is confident that the Veterans Administration (VA) is meeting unique needs of America's latest combat returnee.

Dorn spoke in an interview just after release of a highly critical Ralph Nader report on the VA's response to what the Nader people see as an entirely different kind of returning soldier.

On the point of difference, they get some agreement from the new chairman.

"The Vietnam veteran is different in this respect," said Dorn, drawing deeply on a cigar and apparently as deeply into his thought on the matter. "And that is this . . . He served in an undeclared war. Not only an undeclared war, but one in which . . . about which . . . there was much divisiveness."

That alone, believes Dorn, must give a man "a little bit of a complex." There was never any unanimity, he laments. "Psychologically the Vietnam veteran is in a different category. He wonders how he will be accepted. Will he be thought of as a square, for instance? . . . He's not sure he will be welcomed home with open arms. Will his friends be against him?"

After meeting and socializing with the nation's two largest veterans organizations, conventioning in Washington, Dorn said it is within these groups—American Legion and Veterans of Foreign Wars (VPW) that the Vietnam soldier will find his friends.

Nader's people, on the other hand, say these groups—filled with older men who remember popular wars—do not relate to this younger veteran and may actually be antagonistic towards him.

Dorn doesn't believe that.

"Our great veterans organizations", as he calls them repeatedly, are embarked on a strong recruitment campaign to attract their young comrades. They are also, according to Dorn, most effective in the countrywide education effort that tells Vietnam vets what benefits he has a right to from the VA.

The chairman does acknowledge with regret, the fact that the Vietnam soldier has responded neither to the organization nor, to some extent, the VA.

"He's not joining our standard, great national veterans organizations as he should", said Dorn. "Not to the extent that we had hoped."

The chairman is also disappointed that not enough Vietnam personnel are yet taking advantage of the GI education rights administered by the VA.

He sees positive economic benefits for them and the country if they did so. And, in another sense, he would like to see the Vietnam Veteran spend his time in school until the job climate gets better for him.

"There are still too many Vietnam veterans who can't get a job," he says flatly, and with obvious dislike.

For one explanation, he believes "all the demonstrations," the ugly public mood about Vietnam is somehow subconsciously affecting employers' attitudes toward the Vietnam veteran.

And, he agrees with the Nader criticism that inflated accounts of the new soldiers' tendency to violence is unjustified.

The Nader people contest the violence-prone theory. They say it is a judgment which is statistically unsupportable, but one which is gaining momentum from psychologists looking for hidden motives and from news media reports of violent crimes committed by Vietnam vets.

The publicity surrounding New Orleans sniper Mark Essex is one example cited by Dorn.

However, the Nader report itself gives some impetus to the reports of widespread drug use among Vietnam returnees. Furthermore, it contends that the VA set up its 40 drug abuse clinics reluctantly and too hurriedly and, consequently, the units are failing their mission to rescue soldiers from the drug addiction.

Dorn denies that "hard core drug addiction" is any higher among Vietnam returnees than was alcoholism among men who returned from World War II.

He has confidence in the ability of the military's screening process to pinpoint addiction in the men it is prepared to discharge. And he believes in the way VA hospitals are treating the men referred to them from this screening process.

Nader challenges both.

But he gets support from Dorn—evidenced long before this latest Nader blast. Dorn agrees in many cases drug addiction incurred during Vietnam service should be classified as a "service-connected disability," thus meriting the highest priority for VA medical treatment.

Musing about the youth "subjected to that kind of atmosphere," Dorn said he would be in favor of declaring addiction a service-connected disability if, beyond question, a man's discharge was "otherwise honorable."

He is aware that drug addiction often leads to personality problems and actions that stain the discharge classification. He knows too the VA will not just treat anyone regardless of the origins of disability, who has a dishonorable discharge.

And he further knows that—before the Defense Department developed a more sympathetic attitude toward discovery of its addicts and their treatment without penalty—an undetermined number were discharged with dishonor by virtue of addiction alone—or from action which grew out of addiction.

Still, Dorn sees the classification of discharge as a Defense Department and not a VA function.

VA could not act, he says, unless the affected man's record clearly shows the reason for the discharge. And it may never be able to act with a more generous attention to the addict it is now treating unless the President changes his mind about a bill he vetoed last session. That bill would have permitted the treatment of addiction, in some cases, as a service disability.

What Nader said he wanted the VA hospital system to become is a combat-oriented program which treats the injuries—physical and mental—of those people scarred by the war.

In the Nader view VA hospitals are now geriatric homes. They depress the young he says and they do not emphasize the medical specialties needed by the Vietnam victim—who is staying alive in greater numbers than the wounded in other wars but by virtue of that very fact and because of the high use of booby traps and the mines in Southeast Asia, is returning home more severely maimed.

Nader documents that a higher percentage of paraplegics, amputees and double amputees emerged from the Vietnam conflict than from the Korea War and World War II.

He says VA hospitals should be strengthened. He adds that with enactment of a national health insurance program, any VA patient who is not being treated for a service-connected injury should go to the new national programs. VA, he says, should concentrate on the combat wounded.

He cites figures—which Dorn verifies—that by far most of VA's hospital load involves care of those injured in car accidents or who are old and never saw war duty.

The veterans organizations see this proposal to absorb VA in a national health insurance plan as "the biggest single issue, the biggest threat to the VA" now present, according to one Hill source.

Dorn himself could never buy it because he, and those who agree with Nader, simply start off from an entirely different operating premise.

Nader believes the country owes its greatest responsibility to any man "who wore the uniform" even when one suggests that man did no more than obey the subscription laws.

TO ASSIST OWNERS OF SMALL AREAS OF FOREST LAND

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia (Mr. STUCKEY) is recognized for 5 minutes.

Mr. STUCKEY. Mr. Speaker, today I am introducing legislation to assist the owners of small areas of forest land in the protection, development, and management of their land.

There is a strong need now for a cooperative Federal-private forest landowner program.

Basically it is a matter of economics. The Nation's growing demands on forests and related land resources cannot be met by intensive management of Federal lands and industrial forests alone.

There are 309 million acres of nonindustrial private forest land and 29 million acres of non-Federal public forest land. This represents 65 percent of the Nation's total forest resources available for timber, water, fish, wildlife, and outdoor recreational opportunities. Historically the level of protection and management of these forest lands has been low.

The situation in the south Georgia area has already become critical. My district—the Eighth District of Georgia—has more than 5 million acres of timberland out of a total of 7 million acres of land in the district. It has a potential for becoming a large wood producing center, and landowners need to begin now to do all they can to get full use of their forest land. However, the small forest landowner often faces the same problems as the small farmer or businessman. He does not have the necessary capital.

Our natural resources are one of our greatest commodities and we should do all we can to protect and develop them.

THE FORT WORTH FIVE

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New York (Ms. ABZUG) is recognized for 10 minutes.

Ms. ABZUG. Mr. Speaker, today, 9 months after Kenneth Tierney, Thomas Laffey, Mathias Reilly, Paschal Morahan, and Daniel Crawford were summoned to Fort Worth, Tex., to appear before a grand jury there, the Department of Justice finally came forward with a partial explanation of what their case is all about.

What the Department said in that partial explanation was that the investigation "could have been brought" in New York, where the five men reside, instead of down in Texas, far from their families, friends, jobs, and lawyers. This admission proves that the dragging of these men some 1,400 miles from home and their jailing there for nearly 5 months constitute nothing other than political harassment.

Assistant Attorney General A. William Olson also admitted that despite the fact that the grand jury was convened in Texas, not one witness from Texas has been subpenaed to appear in the investigation.

Subcommittee No. 1 of the House Judiciary Committee, chaired by JOSHUA EILBERG, today held a hearing on my resolution of inquiry, House Resolution 220, which would require the Justice Department to provide the House with facts regarding the Fort Worth Five case. These facts will help us as Members of Congress to decide whether there have been abuses of the grand jury system, whether any corrective legislation is needed and, if so, what form it should take.

Included at the conclusion of my remarks are the text of House Resolution 220 and the text of my statement before Subcommittee No. 1:

H. RES. 220

Resolved, That the Attorney General be, and he is hereby directed to furnish the House of Representatives within ten days after the adoption of this resolution, with the following information:

1. The basis of the venue in the Northern District of Texas of the present grand jury investigation before which Kenneth Tierney, Thomas Laffey, Matthias Reilly, Paschal Morahan and Daniel Crawford have been summoned.

2. A listing of any other districts in which the said grand jury investigation might have been conducted, together with the basis of venue for each such district.

3. Whether the said grand jury investigation has been completed.

STATEMENT OF REPRESENTATIVE BELLA S. ABZUG ON HOUSE RESOLUTION 220, A RESOLUTION OF INQUIRY, BEFORE SUBCOMMITTEE NO. 1, HOUSE COMMITTEE ON THE JUDICIARY

Chairman Eilberg, distinguished members of Subcommittee No. 1, I appreciate the opportunity to appear before you this morning to present my views on House Resolution 220, a resolution of inquiry which I introduced on February 19th of this year. I am pleased to note that eight of my colleagues—Jonathan Bingham, Hugh Carey, James Delaney, Edward Koch, Benjamin Rosenthal, James V. Stanton, Robert Tiernan and Lester Wolff—have joined in sponsoring this or similar resolutions. I ask that a copy of this resolution be included in the record at the conclusion of my opening statement if not already in the record at this point.

This resolution has only one purpose. It is intended to secure for the House of Representatives information—facts—which, considered together with other conduct and practices of the Department of Justice with respect to grand jury investigations, will help us as Members of Congress to decide whether there have been abuses of the grand jury system, whether any corrective legislation is needed and, if so, what form it should take. That is all we seek here, and I believe that this information is absolutely necessary to enable us to discharge our constitutional responsibility of representing the people of the United States.

The inquiries posed in my resolution relate specifically to the case of the "Fort Worth Five," a group of Irish-American residents of the New York area who were subpoenaed to appear last June 19th before a Fort Worth grand jury investigation into alleged procurement of weapons destined for use in Northern Ireland. The five men—Kenneth Tierney, Thomas Laffey, Matthias Reilly, Paschal Morahan and Daniel Crawford—invoked their Fifth Amendment rights against self-incrimination and declined to answer questions put to them by the grand jury. They were then offered grants of immunity from prosecution which, for reasons not at issue in this resolution, they believed insufficiently broad to protect their rights against self-incrimination.

Subsequently, the men were held in civil contempt of the grand jury on June 27, 1972 and jailed for three months before Justice William O. Douglas ordered bail granted pending the appeal of their case. The U.S. Court of Appeals for the Fifth Circuit affirmed the contempt citation and the U.S. Supreme Court decided in January of this year that it would not hear the case. Bail was thereupon revoked and the men returned to jail on January 29, 1973. They remain there at this time. They have thus far spent a total of four and one-half months in jail.

This resolution is *not* concerned with the question of Northern Ireland. That issue is within the province of the Committee on Foreign Affairs, which has in the past taken an active interest in the Irish situation and which I hope will continue to do so.

This resolution is *not* concerned with the question of the guilt, innocence or involvement of any individual with regard to any crime or alleged crime.

This resolution is *not* concerned with the questions of grants of immunity, the Self-Incrimination Clause of the Fifth Amendment, information gained by wiretapping, or any other issues which have been or might be raised in connection with this case. I do think that the entire question of our immunity statutes and their use by the Department of Justice merits a careful examination by Congress, even though that issue is not within the ambit of my resolution of inquiry.

Finally, this resolution is *not* intended to constitute any improper interference with the administration of justice. It does not seek to try this case in Congress. It requests only information which is directly and unquestionably relevant to basic questions of Due Process of Law to which witnesses are entitled, to the power and responsibility of Congress to inquire into and oversee the activities of the Department of Justice in executing the laws which Congress enacts, and the authority of Congress to legislate regarding the rights of witnesses before grand juries and grand jury procedures generally.

What we are trying to ascertain here is why the Department of Justice caused these men to be summoned before a grand jury some 1400 miles from their homes, their families, their friends and their lawyers, thus raising serious questions involving the right to due process of law under the Fifth Amendment and the right to counsel under the Sixth Amendment.

These five individuals are working people with wives and children who depend upon them for support. Kenneth Tierney is a nurse, Matthias Reilly a bus mechanic, Paschal Morahan a carpenter, Daniel Crawford a house painter and Thomas Laffey a real estate salesman. For one thing, they cannot afford the enormous expense of having their lawyers, who live and practice in New York City, shuttle back and forth to Fort Worth. More basically, they are far from the love and support of their friends and families. Their circumstances are a powerful argument for extending to the grand jury system the venue protections which the Constitution and the common law provide with respect to criminal trials.

There are some facts about this case of which we are already aware, and it is their disquieting import which leads me to seek further information by means of this resolution.

First, all five of these men are from the New York City area. I am informed that affidavits of each of the men have been submitted to this subcommittee in which each swears that he had never been in the State of Texas, spoken with anyone in the State of Texas or received any written communication from anyone in the State of Texas prior to being summoned before the Fort Worth grand jury. With the exception of a letter which Kenneth Tierney once wrote to the late Lyndon B. Johnson, none of the five had ever written to anyone in Texas either.

Second, one of several investigations into the same subject matter being conducted by the Justice Department has been in progress for quite some time in the Southern District of New York. All five of these men live in that district or within a few miles of its borders.

Third, according to a *New York Times* article last June 25th, the reason for locating this particular investigation in Fort Worth was "the high regard in which Attorney General Kleindienst holds Mr. Mahon [at that time the United States Attorney for the Northern District and now a District Judge there] and [United States District] Judge Brewster." I ask that the text of this article appear in the record at the conclusion of my statement.

Fourth, the Department of Justice has indicated that none of these five men has ever been a criminal suspect, and the offers of immunity tend to bear this out.

The information for which House Resolution 220 calls would help us to fill in some of the gaps in the circumstances I have just noted. It would afford us a chance to view the matter clearly from the standpoint of the Department of Justice when it began this investigation. This will in turn aid us in making our own determination of whether the behavior of the Department in the case has included in its motivation political harassment, whether it has violated any law, and whether it indicates a need for corrective or amendatory legislation.

When this case first arose last summer, I joined with numerous other Members of Congress in seeking information from the Department of Justice. After many requests were made, the Department finally agreed to have Assistant Attorney General A. William Olson brief interested Members. However, Mr. Olson cancelled out on about ten minutes' notice and the meeting was never rescheduled despite the repeated requests of interested Representatives.

Since that time, and continuing up to the present, many Members of Congress have made numerous requests for an explanation from the Department of Justice of why these men were taken to Texas when every indication we have is that they could have been called before the grand jury in New York. None of these inquiries has received a satisfactory response.

It is against this background that I have finally resorted to so formal an information-seeking device as a resolution of inquiry to find out what this case is all about.

This case is far from the first questionable use of the grand jury under the administration of Richard Nixon, John Mitchell and Richard Kleindienst, nor is this the first time that I have questioned the use of the grand jury under the stewardship of these men.

Early in 1971, I introduced a resolution asking for an investigation of the Federal Bureau of Investigation. One event which led me to propose it was the Harrisburg Case, in which a number of individuals prominent in the antiwar movement were accused of plotting to kidnap Henry Kissinger and blow up steam tunnels here in Washington. One question I raised in my statement in support of that resolution was, "How was Harrisburg chosen as the place of venue?" (Congressional Record, April 7, 1971, page 10127). It seemed apparent to me at that time that Harrisburg had been chosen because of its relatively rural, conservative setting, far from the friends and counsel of the defendants. I note that with the exception of two convictions for illegally passing letters in and out of a Federal correctional institution, no convictions for either substantive offense or for conspiracy were secured.

We had last summer the case of forty Vietnam veterans who were down in Miami to make their views heard during the presidential nominating conventions being held there. Before they could begin their petitioning for a redress of grievances, they were hauled before a Federal grand jury at the other end of the State of Florida and effectively prevented from exercising their right of peaceful protest.

Leslie Bacon was picked up just a few blocks from where we sit for questioning in the March 1971 bombing of the Capitol Building, also within walking distance of this spot. Where was she taken before a grand jury? In Seattle, Washington, 3000 miles away. She, too, was never indicted.

The Justice Department claims that the Northern District of Texas is a proper locus of venue in that it is investigating criminal violations "occuring within the District." As a matter of law, this may be so. In an effort to find out whether it is so, the resolution before you ask for the "basis of the venue in the Northern District." Without this information, we have no way of finding out whether the legal requirements of venue have been satisfied here.

Even if the Department of Justice has some basis of venue here in a strict legal sense, we are left with the question of whether there were other locations, far more convenient to these five men and no less so for the Government, where this investigation might have taken place. It is to secure the answer to this question that my resolution asks for "a listing of any other districts in which the said grand jury investigation might have been conducted, together with the basis of venue for each such district."

House Resolution 281, a later version of this resolution of inquiry, varies this particular question slightly to dispose of a possible technical objection to the resolution on the ground that it seeks opinion rather than fact. This version seeks "a listing of any other districts which were considered by the Department of Justice as sites for the said grand jury investigation, together with the basis of venue for each such district."

Finally, even if there was at one time a reasonable basis for having taken these men to Fort Worth for questioning, that basis would no longer exist if the investigation there has been concluded. That is the reason for the third portion of my resolution, which asks whether the investigation has been completed.

The historic role and purpose of the grand jury was not to serve as an extension of the prosecutor, but as a barrier and a protection between the prosecutor and the private citizen. Its job is supposed to be the making of an independent weighing of the evidence presented by the prosecution and an independent determination as to whether there is sufficient ground to prosecute. That is why the Fifth Amendment provides that "No person shall be held to answer for a capital, or otherwise infamous crime, unless a presentment or indictment of a Grand Jury. . . . "

The significance of venue and the potential for its abuse by taking an individual far from his family, friends and counsel is also recognized in the Constitution. Article III, Section 2, Clause 3 provides that all criminal trials "shall be held in the State where the said Crimes have been committed."

These concepts are the basis of our liberty. The absence of such protection in the 13 colonies led to the stormy formation of the United States of America.

What kind of liberty have we when men charged with no crime are separated from the families whom they love and support and attorneys whose advice they need and taken 1400 miles away to be questioned when they could be questioned practically on their doorsteps?

What kind of Due Process of Law have we when such men are confined in an old, dark jail with no exercise facilities and unpalatable food? I visited the Fort Worth Five when they were in the Tarrant County Jail and I there learned that they were being permitted no phone calls. I note that they have now been transferred to the Federal prison at Seagoville, Texas, where conditions are said to be somewhat better.

What kind of freedom have we when such men are not permitted to make telephone calls to their loved ones, or are permitted to make such calls once every two weeks for a period of five minutes?

I practiced law for many years before I came to Congress. I am quite familiar with the grand jury system and how it can be abused by a prosecutor. I have for some time been concerned by the misuse of the grand jury in cases such as this one, and the extreme and unconscionable deprivation of liberty which we have seen in this case, together with information about other recent cases with political overtones, make out a stong case for remedial legislation. In fact, it was the shocking circumstances of this case which impelled me to introduce at the last session of Congress a bill to establish for grand jury proceedings a *forum non conveniens* procedure similar to that presently available in civil cases. The bill has been introduced in this session as H.R. 4322 and referred to this subcommittee. It would provide for the transfer of a grand jury proceeding "for the convenience of witnesses, where the interest of justic so requires, . . . to any other district where it might properly have been convened.

This *forum non conveniens* proposal may not represent the best or only solution for this problem. It is, however, a serious suggestion which I hope will soon be joined by other such suggestions, so that you can delve into the general questions raised by the Fort Worth Five case and determine what changes or improvement may be in order with respect to our grand jury system.

In the meantime, we as representatives of the people of the United States have a responsibility to secure full knowledge about this and similarly suspicious cases. As a coequal branch in our Federal system of government, we share with the other two branches the duty of seeing to it that the commands of the Constitution, including the command that no person in this country shall be "deprived of life, liberty, or property, without due process of law," are fully and strictly obeyed.

I thank you for your kind attention, and urge upon you the favorable reporting of House Resolution 220 to the full Judiciary Committee and the full House, so that we may learn the truth about the treatment of these five Americans.

AIR POLLUTION AND GASOLINE RATIONING, SOME OF THE OPTIONS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. DANIELSON) is recognized for 10 minutes.

Mr. DANIELSON. Mr. Speaker, we have always known that the cost of cleaning up our environment will be high, but we may never have realized just how high. Several weeks ago William D. Ruckelshaus, Director of the Environmental Protection Agency, made an official statement that, in southern California, in order to meet the air quality standards established by the Clean Air Act Amendments of 1970, it may be necessary to reduce the consumption of gasoline by 80 percent.

I do not agree that Mr. Ruckelshaus' prediction is necessary, but there is much truth in what he says. If our automotive industry continues to drag its feet, if its management continues to be "on strike" and determined not to meet its responsibility under the law, then the ominous results which he predicts could, indeed, come about. But that situation can be avoided. According to press reports, at least three automobile engines have already been developed which not only meet, but exceed, the air quality standards for 1975. With a conscientious and determined effort, I am sure that other engines can be made to conform.

Such must be the case. Gasoline rationing by 80 percent in southern California is not acceptable as a solution; it would destroy the entire economy of southern California. This cannot be permitted to happen.

It is time, Mr. Speaker, to think very seriously about the implications of gasoline rationing and the alternatives available to us, for air pollution is not the only factor which could compel gasoline rationing. The critical fuel shortage, usually referred to as the "energy crisis," demands immediate steps to reduce our fuel consumption, for we in the United States are literally "running out of gas."

For the informaiton of our colleagues, I insert in the RECORD a letter to Mr. Ruckelshaus, from Hon. Baxter Ward, member of the Los Angeles County Board of Supervisors, who clearly sets forth the problem and some of the options available to us. And I warn my colleagues from communities where air pollution is not yet acute, that very little time remains before, they, too, will be confronted with the problems described by Mr. Ward.

BOARD OF SUPERVISORS,
COUNTY OF LOS ANGELES,
Los Angeles, Calif., January 15, 1973.

Mr. WILLIAM D. RUCKELSHAUS,
Director, Environmental Protection Agency, Washington, D.C.

DEAR MR. RUCKELSHAUS: As you prepare to attend the hearings in Southern California on the subject of the possible heavy rationing of gasoline in Southern California, may I please make these observations:

(1) Probably between 70 to 80 percent of the miles driven here are work-related—travel to and from job, supplies being brought in, finished products moving to market, plus consumer travel to point of sale. The balance of our travel could be for social, recreational, and school purposes. This means that if you cut into more than 20 or 25 percent of our fuel supply, that you will drastically alter our economic picture here, and I believe that a serious localized depression would be the result.

(2) We could accept gasoline restrictions if we had actual alternatives. If you seriously wish to aid this area, will you please consider Federal assistance to our transportation limitations. We cannot afford at this time a Bond Issue for rapid transit in rail development that probably would not serve more than 100 miles of track anyway. But we do have available hundreds and hundreds of miles of track operated by three existing railroads here (Southern Pacific, Union Pacific, and Santa Fe). The assessed market value of all the Southern Pacific facilities in this County (hundreds of miles of track, huge yards, engines, cars, and all support facilities) is given at about $140,000,000. That figure is roughly 1/20 of the most recent estimate to build a rapid transit rail corridor here that would not be as extensive as existing Southern Pacific tracks.

Inasmuch as you want us to move now toward cleaner air, we need your help now in rapid transit development. Can the Federal government devise some means under which a local rapid transit authority could gain access as needed to the existing facilities of the Southern Pacific and/or other railroads here—on a payment basis that will insure no injury to the railroads, and probably a reasonable profit as well? Some of the routes will require additional double-tracking, but that is easy to accomplish along an already-owned right of way.

Your assistance in the utilization of existing rail facilities would be the greatest single help the Federal government could provide.

(3) On an outright grant basis, this County needs assistance in the development of a complete bus and feeder system on a grid layout plan that would assure people that there are routes and services to take from home to place of business, etc.

(4) We need swift Federal assistance in arranging for the removal of lead in gasoline. The Detroit-made anti-smog devices can operate successfully only on unleaded gasoline, and therefore a Federal standard should be developed to remove lead within 12 months—with the provision that any substitute compounds contain no potentially injurious substance that could be released into the air.

(5) The very composition of gasoline itself must be upgraded and substantially altered. No matter how efficient an engine or muffling system is, if the gasoline, in effect, is dirty going in, it will be dirty coming out. Refineries should be required by law to develop a pure form of gasoline, regardless of how many extra stages in the refining process this might require.

(6) Refineries themselves must be subjected to strict processing controls on a 24-hour basis—because there is evidence that a breakdown in a refining plant in Los Angeles County can cause a heavy smog blanket throughout the whole area on what otherwise had been forecast as a clear day.

We need your assistance, and we applaud the level of air standards you seek, but we believe that there are additional steps to be taken on behalf of those standards that will do a great deal to clear the air, not just here, but throughout the nation.

Sincerely,

BAXTER WARD.

NIXON CUTS THREATEN NEARLY 30 PROGRAMS AT UNC

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. FOUNTAIN) is recognized for 5 minutes.

Mr. FOUNTAIN. Mr. Speaker, an article in the Chapel Hill, N.C., Newspaper on March 9, 1973, provided a quick summary of some of the effects of the administration's proposed educational budgetary cutbacks on just one of the hundreds of institutions affected, and I would like to call it to the attention of my colleagues. I would also like to call attention to a letter illustrative of the confused situation facing one school in that same great university.

As I understand it, the figures quoted in the article do not necessarily reflect all of the effects of the proposed cuts, but do demonstrate the extent of the task being faced by North Carolina General Assembly in finding replacement funds from the State's tax revenues, if vital programs are to be retained.

Clearly, the Federal budget must be held in check, and we must work toward the end of deficit spending.

Clearly, all Federal programs, including those for defense, must give a little next year. We have no other choice if we are to put the dollar back on a sound basis and curb inflation.

However, the way the administration has ordered its priorities is open to question, and the Congress should revise them responsibly and in the best interests of the Nation.

The article concerning the situation at the University of North Carolina is as follows:

[From the Chapel Hill (N.C.) Newspaper, Mar. 9, 1973]

NIXON CUTS THREATEN NEARLY 30 PROGRAMS AT UNC

(By Steve Adams)

Nearly 30 vital programs of the University here are threatened by President Nixon's proposed budget cuts, Chancellor Ferebee Taylor said in a letter to UNC President William Friday this week.

Taylor asked Friday's assistance in finding $5.5 million in the next biennium to continue programs which have been Federally funded in the past but are now in jeopardy.

For the biennium, the Division of Health Affairs will need $4,878,000 and Academic Affairs will need $716,000, according to the chancellor.

In the Division of Health Affairs, the School of Public Health will need almost $2.3 million in alternative funds. The School of Medicine will need more than $2 million, the School of Dentistry about $57,000, the School of Nursing over $200,000, the School of Pharmacy $32,000, the Carolina Population Center $155,000, the Office of Allied Health Sciences $112,000 and the Institute of Speech and Hearing Sciences over $21,000.

In the Division of Academic Affairs, The School of Social Work will need $227,000, Clinical Psychology $167,000, Quantitative Psychology $185,000 and Social Psychology $45,000.

The problem is most acute in the School of Public Health, which was granted $751,029 in Federal funds for general purpose training support in 1972–74, Taylor said. Almost $530,000 was used for teaching salaries, with the rest going mostly for graduate student support, according to the chancellor. The President's budget provides no funds for the School in fiscal 1974, the letter says.

The School of Public Health needs $962,000 in 1973–74 and another $1,325,000 in fiscal 1974, the Chancellor said.

Among the critical funding programs in public health, the letter says, is the Hill-Rhodes Law, passed in 1958, which supports faculty, staff and non-personnel costs to increase professional public health manpower in the U.S. The Hill-Rhodes Law provides general funds for public health education, much as per-student grants provide funds for the Schools of Medicine and Dentistry. More than $1.1 million in alternate funds will be required in the next biennium to replace these funds, according to Taylor.

The School of Public Health also needs funds for continuing education and field service, which keeps public health personnel informed of new developments and provides short-term training in specialty and technical areas; for a public health laboratory practice program, which trains personnel to supervise diagnostic and inservice training activites of modern public health laboratories; and for its training program for non-physician health directors for local public health agencies. Funds are also being cut off for programs in dental public health practice, biostatistics training, special-purpose training and professional nursing.

The School of Medicine will lose 12 teaching grants in 1973–1974. The Medical School of Medicine needs about $2 million in the next biennium to continue programs in neurology, otolaryngology, microbiology, basic residency in psychiatry, research in psychiatry, general practice in psychiatry and psychiatry for undergraduates. Funds are also needed for programs in pediatric cardiology, general practice residency, renal physiology and disease, pediatric physical therapy and physical therapy.

The School of Dentistry needs $57,000 to continue its program in community dentistry. The program is aimed at teaching dental students how they can be most effective in their prospective communities.

Of several grants in the School of Nursing, one of special importance expires this year and is not being renewed. Twenty-eight students in the master of science in nursing program are supported by this grant for trainees in professional nursing. The School needs over $200,000 for the biennium.

The Carolina Population Center needs $155,000 for population studies.

In the Division of Academic Affairs, the Department of Psychology is the only department in the College of Arts and Sciences affected by Taylor's recommendations. The program in clinical psychology has a national reputation and has received training grants for the last 24 years, the letter says. The program needs $167,000 for the biennium.

The Ph. D. program in quantitative psychology is internationally recognized. Training has been oriented toward applications in the mental health field and qualifies student for positions in research, investigating problems of human behavior, or in graduate teaching and research, according to the letter. The program needs $185,000 for the biennium.

Social psychology will not be affected until 1974–75.

The School of Social Work needs $227,000 to continue its special training programs in community services. Three grants in these programs expire this year and they are essential to the school, according to Taylor. Aimed at preparing students for policy formulation and management roles in social problem areas, these grants have provided traineeships for students and salaries for field instructors who give the students special training in community health services and in dealing with crime delinquency, community psychiatric problems and corrections.

In addition, here is the text of a letter from the dean of the School of Pharmacy at the University of North Carolina to my colleague from North Carolina, Senator SAM J. ERVIN, JR., which adds more details about the financial uncertainty his school, in particular, is facing:

THE UNIVERSITY OF
NORTH CAROLINA,
SCHOOL OF PHARMACY,
Chapel Hill, March 9, 1973.

Hon. SAM J. ERVIN, Jr.,
U.S. Senate,
Washington, D.C.

DEAR SENATOR ERVIN: For many years schools of pharmacy have strived mightily in the training of pharmacists to achieve the level of excellence made possible in the training of physicians, dentists, and other health professionals by the more adequate local support, supplemented greatly by Federal assistance, that have benefited schools of medicine, dentistry, and other health professional schools. Only in recent years have schools of pharmacy participated in the benefits of Federal support through student financial aids and Capitation (Institutional) Grants.

During the last three years, Capitation (Institutional) Grants have been made to schools of pharmacy to increase enrollments and to improve the quality of instruction of pharmacy students. With regard to the quality of instruction, the 1972–73 and subsequent Capitation Grants were intended to "Provide, at schools of pharmacy, for increased emphasis on, and training in, clinical pharmacy, drug use and abuse, and where appropriate, clinical pharmacology"—specified as a mandatory project or schools of pharmacy in Section III of the NIH–1363–1 Application to Participate in the Health Professions Capitation Grant Program.

Our School of Pharmacy received and used almost completely the following Capitation (Institutional) Grants. The funds have been consumed in accordance with the purposes of the grants as indicated below.

1970–71	$305, 954
1971–72	280, 821
1972–73	407, 809

These grants have made it possible for the School to enroll more students and to improve greatly the quality of instruction they are receiving.

3-year periods	Average enrollments in fall semester	Percent increase	Average number of graduates	Percent increase
1967–70	490.7		95.3	
1970–73	572.7	16.7	141.0	48.0

These grants have been used particularly to develop a first-rate clinical pharmacy program and drug abuse education program (Item G. pp. 10–11, "Summary of Projects . . . Progress Report on Projects" from the School's 1973–1974 Capitation Grant application). The excellence of these programs is recognized throughout the country and, if you so desire, I shall furnish detailed information about them. Moreover, the Grants have also supported projects that are supportive to the "Clinical Pharmacy Training and Drug Abuse Education Programs".

The strong dependence of the School of Pharmacy and, particularly the School's clinical pharmacy program on Capitation Grant support is clearly evident in the attached summaries of 1972–73 expenditures and encumbrances for personnel and non-personnel items.

The Capitation Grant provided 32.7% of the salaries of the School's faculty and professional staff which includes, in particular, 72.7% of the salaries for the Division of Pharmacy Practice personnel (the principal responsibilities of most of whom reside in the clinical pharmacy program). In terms of positions—without the Capitation Grant, the School will lose 18.5 Full-Time Equivalents (38.1%) of its faculty and professional staff and this includes 11.5 FTE's (77.2%) of the faculty and professional staff of the Division of Pharmacy Practice (clinical pharmacy). The Capitation Grant also provides 28.8% of the School's classified personnel salaries (clerical, etc.) and, again, the Division of Pharmacy Practice will suffer most from a loss of Capitation Grant support.

A substantial part of the non-personnel expenditures and encumbrances in 1972–73 (47.8% of $120,725) came from the Capitation Grant. However, most of these expenditures were for non-recurring items (equipment, renovation, etc.)

The imminent loss of student financial aids at our School of Pharmacy can be equated with support for 35 new students entering in the fall, 1973, and corresponding to $35,532. Again, I shall be most willing to furnish details.

We have been led to expect Capitation Grant support in 1973–1974 up to 50% of the 1972–1973 level. If we actually receive an amount equivalent to 50% of the current year's Grant ($407,809), we shall be able to sustain our clinical pharmacy program for at least one year even though we shall have to retrench or phase out a number of other programs. During this period, we would make every effort to obtain support from other sources; realizing, however, that the School of Pharmacy will be in competition not only with other schools of pharmacy but also with other health professional schools that are also affected by loss of Federal support and which traditionally have been more generously supported than schools of pharmacy.

We urgently need this support and appeal to you for your help in our effort to deal with the very difficult situation in which the School is placed by the threatened loss of much of the Capitation Grant support in 1973–1974 and the total loss of such support thereafter. Please call upon me and my colleagues on the faculty of the School of Pharmacy for any further information you may desire regarding the School's financial distress that will inevitably result from decreased Federal support.

Very sincerely yours,

Geo. P. Hager, *Dean*.

THE JOINT STUDY COMMITTEE ON BUDGET CONTROL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Tennessee (Mr. Fulton) is recognized for 5 minutes.

Mr. FULTON. Mr. Speaker, this morning I was afforded to appear and testify before the Joint Study Committee on Budget Control to outline my thinking as to what we might and should do to halt the establishment of funding priorities through executive fiat. In preparation of this material I was very ably assisted by Mr. Stephen Taffet of the University of Rochester who is spending a semester interning in my Washington congressional office.

Mr. Speaker, I include my testimony in the Record at this point:

Introductory Statement Before Joint Study Committee on Budget Control

Mr. Chairman, and members of this important Committee, I appreciate the opportunity to be here before you this morning. Because I realize your time is short and the list of those waiting to be heard is long, I would like to simply briefly summarize my testimony at this time and submit a full statement for the Record of these Hearings.

As you know, our constitutional branch of government is faced with a very grave challenge today. That challenge is whether or not we will continue to exercise our power over the public purse in the future as we have, or should have, in the past.

The Constitution is quite clear on this. We have the authority. What we are attempting to do here is to best determine just how we shall proceed about this task and what instrument, organization and equipment may be available to us to facilitate this mandatory undertaking.

In essence, my suggestions are three-fold:

1. We must establish our own Congressional budget control agency responsible to and staffed and appointed by the Congress.

2. We must consider institution of longer fiscal periods, and

3. We must better evaluate existing programs, not only at the Federal funding level but at the local grass-roots level where the money is or is not being spent wisely.

Gentlemen, as I said, my comments are outlined more specifically in a prepared statement which I respectfully request permission to place into the record of these hearings at this time.

I would like to express my appreciation to Mr. Stephen Taffet of the University of Rochester who has been so helpful to me in researching this material. Again, my thanks to you for this opportunity to be with you this morning. Your time is limited, your responsibility is formidable, but your competence is equal to the task. Thank you.

Joint Study Committee on Budget Control Testimony—March 13, 1973

Let me begin by saying that in some ways our announced purpose—reassertion of Congressional control over the budget process—has in part been accomplished. The formulation of this committee, its interim report and these hearings themselves, are truly significant steps in the direction of our goal. I say that because I believe that this Congress has just about had its fill of Executive intervention in provinces that are constitutionally the right of Congress. The existence of this committee should serve as an admonition to the President to be cautious of overzealous infringement on Congressional prerogatives.

We have all seen and probably felt some of the effects of allowing the Executive the privilege of budget formulation. I am most hopeful and confident that these proceedings and the suggestions of authorities with expertise far greater than my own in these matters will signal the enactment of legislation creating a Congressional institution for budget management.

What we seek will not be easily achieved. However, there is an overriding imperative to which I appeal: to the delegation of power of the purse to the Congress, as outlined in the Constitution. From the start of our deliberations, our interest in the Nation's well-being must be recognized. This is not a devious attempt to rob the President of any of his power. I view these proceedings and their goal very much in terms of rectifying a situation that is not now in this Nation's best fiscal interests.

The failure of Congress to arrest the erosion of legislative control over the budget has been a grave oversight. It has been compounded by several legislative devices that we unknowingly instituted ourselves. We have a constitutional mandate to lay and collect taxes and to provide for the defense and general welfare of this great Nation. Others in our government claim to be operating under mandates from the people. Let us not fail to remember that the ideals of our Constitution are a mandate of unassailable veracity. There are few if any who would wish to contest this point. Thus we must pledge ourselves to the construction of a mechanism that will restore to Congress fiscal policy and priority determination so that this duty can once again rest in the domain for which the Founding Fathers intended.

We, the Congress, are constitutionally entrusted with the fiscal decision making at its last resort, yet we are not equipped with an agency suitable to this task. Anyone who has ever viewed and studied the Federal budget knows of the sheer mind-boggling magnitude of the document. It is simply absurd to expect the average Member to sit down with the budget, read this voluminous literature without direction, and make an intelligent evaluation. Congress must have an integrating agency to serve its Members. Otherwise, we might just as well amend the Constitution, forfeiting all fiscal determination to the President.

The most striking flaw in the present system of Presidential formulation and Congressional review is the unity of the former and the disjunction of the latter. Granted that even to allow the President the privilege of formulation takes from the Congress the initial opportunity to build into the document legislative priorities. But having received a structured document that intrinsically represents priorities as established by the Administration, we then dismantle it in the Appropriations Committee into thirteen separate authorizations. By doing so we automatically divest Congress of the opportunity to view the spending program as a whole. This approach was probably instituted initially for lack of a better review process. In any case, it leaves us at a severe disadvantage relative to the Executive.

The Executive possesses varied information resources—computer banks and manpower—to manage the budget process competently (from their point of view). These are the tools needed by Congress in order to balance the present disparity. Without them, Congress is at a distinct disadvantage in effectively questioning, or setting, budget priorities.

We tell ourselves that we really do oversee the funding of programs and the establishment of national priorities. However, I submit that the extent of vigilance has been to shuffle millions about in a multi-multibillion dollar scheme. There is an illusion of control, but in reality, we are failing to assert ourselves responsibly.

By the way of proposals, I believe there are several initiatives that Congress must take:

1) Establishment of a Congressional budget agency

2) Institution of longer term fiscal periods

3) Better evaluation of existing programs

1) My earlier remarks, I believe, have pointed out the imbalance of the present system and the need for a branch of the Congress that would provide the information and integration inputs that budget writing requires. This agency could be established as a joint committee with extensive staff authorization or as an independent, nonpartisan Congressional arm, staffed with economists and fiscal authorities who would formulate budget policy and be available for the use of Members.

The creation of such an agency would provide Congress with its own estimates of revenue income in addition to those of the Office of Management and Budget. I am fully aware that after a certain level, information becomes marginally less useful and finally valueless. But in the present situation Congress reviews budgets in a virtual informational vacuum. This agency would relieve the information disparity, which will continue to widen unless Congress takes action to create its own resource mechanism.

The General Accounting Office has in the past provided information and cost accounts to Congress. Notwithstanding, Congress has never used GAO to its full potential. The Legislative Reorganization Act of 1945 detailed the expansion of the GAO into a full-fledged agency for Congressional expenditure analysis. Section 206 of the Act outlined the full range of responsibility the GAO was to have in keeping Members informed during the budget process. However, Congress has not invoked all of the GAO's duties that were assigned to it by the Reorganization Act.

While I have called for the creation of a new agency, the GAO might well be reorganized and expanded to fulfill the present Congressional need. In the course of its reorganization, I would strongly urge that the Comptroller General become a legislative appointee, rather than an Executive one, as he currently is. This would centralize the General Accounting Office under the wing of the Congress.

2) The institution of longer term fiscal periods would allow for greater care and preparation of each budget. Some budget measures must be considered yearly, but many expenditures can be appropriated up to three years in advance. Other continuing programs might require only five-year evaluation. The annual budget is certainly not rewritten from scratch each year, as many expenditures are carry-overs from previous years. The annual approach to fiscal affairs distorts evaluation of programs because the

spending appropriation review ignores the effectiveness of the program over time. The institution of longer term fiscal periods would permit program review with regard to trends that may be surfacing over a period of years.

Looking to the future, if the GAO or a comparable arm of the Congress were to be as beneficial as I think it could be, we might contemplate extending fiscal review from one year to two or three. At this time such a suggestion seems somewhat impractical, but, given time, a GAO-type agency might provide legislators with enough preliminary information to enable longer term planning. Economic trends and revenue-producing plans could be accounted for, and provisions made to accommodate national fiscal policy. In addition, if the Congress were to authorize more programs on a three year basis, the budget could be divided into three parts. Each part would be reviewed every third year, and the depth of examination would surpass in degree any that we are now capable of. The load of the budget review would be considerably lightened and Members would be better able to evaluate individual programs.

The careful scrutiny of Federal programs will solidify Congressional grasp on priority determination. There are a number of programs funded annually that should be reviewed for effectiveness and appropriateness of monies spent. In union with increased powers of fiscal policy, that its own budget agency would provide, increased regulatory review would restore substantially to Congress its power of the purse.

I have heard and read of some who would label this committee and its reform effort a "toothless tiger." We are in the position to be much tougher than that. I fervently hope that these proceedings will result in a condensation of ideas on the subject of Congressional reassertion and be the impetus behind constructive, practical legislation to develop in Congress the mechanisms and expertise which we lack, yet which we so vitally need. Thank you.

STATEMENT OF POSITION

(Mr. CHAMBERLAIN asked and was given permission to address the House for 1 minute, to revise and extend his remarks.)

Mr. CHAMBERLAIN. Mr. Speaker, it was my privilege to be a member of the House delegation to the recent meeting of the Interparliamentary Union, held in Helsinki, Finland. While attending this meeting I missed several votes in the House. I would like to have the RECORD reflect my position on these several issues. Had I been present I would have voted as follows:

On rollcall No. 8, I would have voted "yea."

On rollcall No. 9, I would have voted "yea."

On rollcall No. 10, I would have voted "yea."

On rollcall No. 11, I would have voted "yea."

On rollcall No. 14, I would have voted "nay."

On rollcall No. 15, I would have voted "yea."

On rollcall No. 16, I would have voted "yea."

On rollcall No. 17, I would have voted "nay."

In addition, Mr. Speaker, on February 21, it was necessary for me to be absent to attend a funeral. I would like the RECORD to show that had I been present, I would have voted "yea" on rollcall No. 20.

OUTSTANDING INTERNATIONAL BUSINESS STUDENT

(Mr. PEPPER asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PEPPER. Mr. Speaker, I am proud to call to the attention of our colleagues the recipient of the third annual Thomas E. Flynn Award of the University of Miami for the outstanding student of international business.

The recipient of this honor this year is Mr. Henry C. Clark of 6405 Santona Avenue, Coral Gables, a senior in the University of Miami School of Business Administration. In addition to his academic achievements, Mr. Clark is president of the International Association of Students in Economics and Business. He participated in an official trade mission to Jamaica last year and has been selected to work as an exchange student with a foreign company in either Japan or Germany following his graduation.

The Flynn award was established by a 1956 graduate of the University of Miami, Mr. Thomas E. Flynn, who established the international freight forwarders' firm of Thomas E. Flynn & Co. This award helps to encourage young people to develop the outstanding knowledge of international business which is vital to the long-term health of our economy in a highly competitive world.

Further information on the program is included in the following newspaper article which I wish to insert in the RECORD at this point:

STUDENT AWARDED

A UM senior has been named recipient of the third annual Thomas E. Flynn Award for the outstanding student of international business.

Henry C. Clark of 6405 Santona Ave., Coral Gables, Fla., will receive a personal plaque and his name will be engraved on the Business Administration's 25-year Flynn master plaque. Clark will also receive a trip to Tampa, Fla., in June to attend the annual convention of the Chamber of Commerce of the Americas.

The award is based on outstanding interest in international business and academic contributions. The program is coordinated by Dr. William G. Heuson, acting dean of the UM School of Business Administration, and Dr. John M. Dyer, professor of marketing.

The award was established by Thomas E. Flynn, president of Thomas E. Flynn & Co., international freight forwarders, of Miami, Fla. Flynn received his Bachelor of Business Administration degree from UM in 1956.

Clark is president of The International Association of Students in Economics and Business (AIESEC) and vice president of Alpha Kappa Psi, national business fraternity. He is also on the Dean's List with an academic average of 3.3 and has served as vice president and accountant for the Nov. 1972 Trade Mission to Jamaica.

He has been selected as an AIESEC exchange student to either Japan or Germany to work at a foreign company in marketing or accounting for 1½ years.

The award will be given at 3 p.m. Tuesday, Feb. 27, during "Career '73," a career planning program, at Brockway Lecture Hall, Otto G. Richter Library.

THE WORLD MARKETING CHALLENGE

(Mr. PEPPER asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PEPPER. Mr. Speaker, the devaluation of the dollar has heightened our national concern over our ability to compete in the markets of the world. I am confident that we can meet the challenge through the combined efforts of the many elements that make up a modern economy. One of these is the support which our educational institutions give to American business, and which is represented in my area by the outstanding School of Business Administration of the University of Miami.

Among the able and dedicated leaders of that school of business administration is Dr. John M. Dyer, an internationally known professor of marketing. He has recently completed a current bibliography of current writing on comparative marketing which are pertinent to the current international marketing challenge we face as a nation. I would like to bring this bibliography to the attention of our colleagues and to all who read this RECORD:

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RIGHTS-OF-WAY ACROSS PUBLIC LANDS

(Mr. MEEDS asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MEEDS. Mr. Speaker, I am today introducing a bill identical to S. 1081 introduced in the Senate by Senator HENRY M. JACKSON. The bill deals with rights-of-way across public lands.

On February 9, in its decision in the case of the Wilderness Society, et al against Morton, et al., the Supreme Court interpreted the Mineral Lands Leasing Act as disallowing construction of oil and gas pipelines unless both construction and operation can take place in the space of 25 feet on each side of the line.

The decision means that at the same time as we find ourselves in the midst of an energy crisis, we cannot build pipelines necessary to alleviate the problem. All proposed and future pipelines and other rights-of-way are in jeopardy. In order to resolve the dilemma, I introduced H.R. 4651.

The measure I am placing before the House today is identical to S. 1081. Although I have questions concerning a number of the bill's provisions, I am introducing it because I feel that the issues contained in the Senate measure should be before the House for consideration. Hopefully, the introduction of this measure will facilitate early and comprehensive action by the Committee on Interior and Insular Affairs concerning rights-of-way.

ASOTIN DAM PROJECT SHOULD BE RECONSIDERED

(Mr. SYMMS asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SYMMS. Mr. Speaker, I am introducing this legislation today because there is very little justification for building Asotin Dam. The time has come when we must begin to put most of our emphasis on the development of new sources of power—such as advanced nuclear-powered and geothermal powered generating plants that can keep pace with the growing demands of our Nation. Conventional means of generating power can no longer be expected to keep up with the needs of our people.

Environmental surveys clearly indicate that any economic benefits from the Asotin project are heavily overshadowed by damage to the environment.

There will be enough times when we will be forced to make compromises between productivity and the environment. Let us not find ourselves moving ahead on construction when the facts point in another direction.

SERIOUS INEQUITIES IMPOSED ON NATIONAL GUARD TECHNICIANS

(Mr. BLACKBURN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. BLACKBURN. Mr. Speaker, among the many matters of major concern to needs that of the serious inequities imposed on a group of the finest employees this Nation has ever had, that is, the National Guard technicians. I am, therefore, introducing a bill today to amend these inequities which deprive the Members of this fine organization of reasonable retirement income, adequate survivor benefits, and above poverty-level disability benefits.

Men and women, many of whom had been called out and served devotedly and unquestioningly in World War II, Korea, the Berlin crisis, and Vietnam, and stood ready to protect our homefront, providing 24-hour air defense coverage, flew cargo to overseas sites including Vietnam, and kept a strategic reserve force within days of possible combat involvement, were ill-served by legislation that gave them a mere 55-percent status for retirement and far less actual Federal employee status than that.

Necessary procedural changes should be effected by statute to provide formally for their Federal appointment and supervision. Their resulting formal designation by State would entitle them to Civil Service Retirement Act credit and related Federal benefits, which is only their just due.

It was argued in the Senate Armed Services Committee hearing in 1967 that these employees were covered by Social Security benefits. Little recognition was given to the fact that the mandatory age of retirement is 62, and that benefits under the act cannot begin before age 62, and then only at a reduced amount.

We must erase the injustice to a group that have always contributed the maximum for many years, and who, at this time, are deemed eligible only for minimal social security, no State benefit, and partial civil service.

I feel that if the program does not improve drastically, with the next upturn in the economy, there will be a huge exodus. The productive ones will leave after the Department of Defense has spent thousands of dollars to train them for their technical skills only to be lost to private industry.

With your full support, we can today initiate a remedy of the imperfections of Public Law 90–486 (title 5, United States Code). I urge you to support my legislation which will grant to our dedicated, long-term employees sufficient funds to maintain dignity and reasonable life standards.

We cannot continue to penalize diligence, patriotism, and devotion, and reward these with token provision for declining years of life and health.

Please consider the importance of the legislation I am introducing, and know I welcome your support in rectifying a situation that will affect the lives of many of our highly deserving citizens.

NETWORK POLICING

(Mr. DEVINE asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. DEVINE. Mr. Speaker, last Friday, March 9, the CBS network had been scheduled to show the second of a series of drama productions by Joseph Papp. It was entitled "Sticks and Bones", a story about a returning Vietnam veteran, blinded by battle, and rebuffed by his anti-Vietnam family, finally resulting in suicide.

But something happened last week which led to the cancellation of "Sticks and Bones", something profound and illustrative of the growing awareness of local stations to their respective communities' interests.

Mr. Speaker, over 70 affiliate stations told CBS that they would not carry the production, that they considered the program to be one of bad taste and, therefore, not acceptable to their viewing audiences.

Now I have not seen this play. All that that I know about "Sticks and Bones" is what I have read in the newspapers and, therefore, I cannot adequately comment on the play's content. But, then again, this is not the issue here. The real issue here is whether or not these licensees, these CBS affiliates, had the right to tell the CBS network that the Papp production would not be carried on their respective stations.

Mr. Speaker, we all know the networks are not licensed by the Federal Communications Commission. But the affiliate and independent stations are regulated by the FCC. These stations, therefore, constantly must insure that all programing reflects the interests and needs of the licensees' audiences. If not, as we have seen over the last several years, various community groups will register their complaints with the Commission. In short, the broadcaster, as a temporary permittee, a fiduciary if you will, is answerable to his community for the 3 years of his service.

On the other hand, the networks, as nonregulated entities, can contract for any type of program they desire, regardless of taste or decency. As a practical matter, the networks will send programs down the interconnection line which, for the most part, are acceptable to the local stations. Nevertheless, there have been times when, perhaps, a station or two have indicated to the networks that a certain program would not be shown.

Not so very long ago, in my district, a CBS affiliate station refused to carry an episode of "Maude." This decision was not hastily or easily made. It was made after extensive consultation with the community. Again, I will not comment on the pros and cons of that particular program. Rather I would point out that the local station had not only the right, but also the obligation to make this decision in this and any other case. I am happy to report the affiliate exercised this right.

This latest incident, however, involving "Sticks and Bones" illustrates the vast discontent of the CBS affiliates. This was not a case of involving a station or two. This incident involved over 70 affiliate stations, a little less than one-half of the total CBS affiliates, disgruntled with the CBS decision to contract for a program not in the best interests of the local stations' communities.

Now, we all hear of the cooperation of the networks and the respective affiliate boards. This is the way it should be. But I must ask at this point, how, if the CBS network in its continuing dialog with its affiliates, could have come up with a production that was rejected outright by over 70 affiliate stations. Herein lies the nub of the matter. Maybe the New York decisionmakers are out of step with the rest of the country.

Perhaps it is true, as many people in the business seem to think, that local station responsibility has been, in effect, a misnomer; that more and more, these stations feel hopeless in their attempts to effectively articulate views to the networks. There is a problem here, Mr. Speaker, and I am not certain how it is to be resolved. Perhaps, this latest incident may well be the beginning of real, increased local station responsibility and interaction with the networks. I would hope so, and I would hope that the Congress examines carefully this critical issue at a time when stations are asking the Congress for stability in the license renewal process.

The following articles are pertinent to this issue:

[From the Washington Evening Star and Daily News, March 8, 1973]

CBS AT FEET OF CLAY

(By Frank Getlein)

The cancellation by CBS of tomorrow night's long-scheduled showing of a television version of the prize-winning drama, "Sticks and Bones," represents—inadvertently or otherwise—the first major triumph of the White House policy toward ideas on commercial television as enunciated by Clay T. Whitehead, the President's telecommunications chief.

Whitehead has become nationally known in the last few months for his denunciations of what he has called "ideological plugola" on network shows.

He has consistently refused to offer a single example of what he means by that self-contradictory phrase, but it is a safe bet that "Sticks and Bones" would come under any definition that accorded with the overall White House view of the world.

The play, produced by Joseph Papp's New York Shakespeare Festival, is a bitter and not entirely successful drama of the return of a blinded Vietnam veteran to a family which, along with the parish priest, totally fails to understand or accept him, finally agreeing that his suicide is the best solution to the problem posed by his return to a world hardly aware of the war in Vietnam and unwilling to think about it.

It seems fair to guess that the point of view expressed in the play about the war in Vietnam and about veterans of that war and their reception by the American community is at variance with the White House view of those events and people.

Inasmuch as Whitehead has consistently refused to specify what he means by "ideological plugola," it is fair, too, to see "Sticks and Bones" as an example of what neither Whitehead nor his master want on television, to see it as "ideological plugola."

If these reasonable assumptions are indeed true, the cancellation of the show has worked out exactly according to the plan proposed by Whitehead in his landmark "plugola" speech for keeping ideas offensive to the administration off the air.

Whitehead, who has since affirmed his dedication to the First Amendment in theory, urged local television station owners to scrutinize more carefully the material they accept from the networks on the broadcasting of which much of their income depends.

Local stations, the telecommunications chief said, should be held responsible for all network "plugola" they carry and their responsibility should be a factor in FCC. hearings on the renewal of the Federal licences under which television and radio station owners operate.

Despite Whitehead's professed love for the First Amendment and his expressed belief that it applies to the broadcast media as well as to the products of the printing press, most comment on his speech construed his plan as an open threat to station owners: screen out network material unfavorable to the Nixon administration or risk losing your license.

Since, by and large, television station owners around the country are better known for their devotion to making money hand over fist than they are for caring two cents for the Bill of Rights in whole or in part, it was widely anticipated that Whitehead's threat, if it was a threat, would have no difficulty influencing those businessmen.

The "Sticks and Bones" cancellation runs precisely to the script outlined by Whitehead. CBS cancelled tomorrow night's showing of the play following the refusal of some 80 of the network's 184 affiliate stations to carry the play.

Broadcast networks are not in the habit of announcing such decisions by saying they caved in to pressure. The CBS formula centered on the "abrasive" qualities the play might have for Americans currently preoccupied with the return of American prisoners of war.

Presumably, in the view of CBS executives, American television-watchers are capable of thinking only one thought about a subject at a time.

Since at this time viewers are supposedly thinking only how noble the prisoners are as they snappily salute the flag and thank the commander-in-chief—and how prudent, for that matter, with their pooled endorsement fee plan—the living-room audience is unable to face the thought that some Vietnam veterans, the wounded among them, have not received the warm welcome accorded the prisoners.

Again, it is not unreasonable to suppose that Whitehead and his master would share the view that TV-11 watchers should be undisturbed in their patriotic reflections.

There is a small irony in the fact that CBS has probably been the most outspoken of the networks against Whitehead's plans for cleansing the airwaves of "ideological plugola."

For a while there it looked as if a serious fight were shaping up between Frank Stanton, the network's highest spokesman for policy, and Whitehead.

On the basis of the "Sticks and Bones" decision, Stanton may go a round or two of shadow-boxing for the public record, but when the chips are down Whitehead will win, every time—by default.

As if to make the "ideological" nature of the network's collapse even clearer, Washington vice president Richard Jencks said that economic considerations were not involved.

Advertisers, he noted, get no guarantee on the number of stations carrying a program. "If anything," he said, "from an economic standpoint, we would have benefitted from keeping it on the air—clearly so."

Whitehead's triumph over the anti-war play is made even more ominous by two coincidental developments elsewhere in broadcasting.

On Sunday, NBC will present a play called "Duty Bound," dealing with the public issue of amnesty for young men who refused to serve in the Vietnam war. Cast in the form of a trial of one of them, the show manages to go through an entire hour without once using the word "Vietnam."

The author, Allan Sloane, who wrote the play under the sponsorship of the National Council of Churches, says that dropping the name and address of the war in question was demanded by NBC, which apparently has received the same message CBS has from Whitehead.

Meanwhile, in public broadcasting, television's last best hope, Henry Loomis, the other arm of the administration's effort to make television as bland as possible, chose the day after the CBS towel-throwing to withdraw financial support for the spectrum of public-issue programs his Corporation for Public Broadcasting has been financing.

Dumped programs include the William Buckley and Bill Moyers shows and "Washington Week in Review."

When Whitehead first unveiled the administration's campaign against "ideological plugola," it was widely assumed—in view of Whitehead's stern refusal ever to say what he was talking about—that the object of White House ire was chiefly the news programs.

Other administration spokesmen have at times seemed to take umbrage at Walter Cronkite's twinkle and David Brinkley's raised eyebrow. It now appears that fiction programs are as subject as the news to the "plugola" cleansing presided over by Whitehead.

[From Washington Evening Star and Daily News, March 9, 1973]

A Word From Local Stations

(By Richard Wilson)

Behind the subtle changes in tone which TV viewers may have noted in their favorite or unfavorite news and public affairs programs lies a great ferment in the broadcasting industry. Nothing illustrates the point more directly than the refusal of 69 of the 184 affiliates of the Columbia Broadcasting System to air a TV version of an award-winning Broadway play dramatizing an atypical return of a blinded Vietnam veteran to an uncaring world.

CBS consequently "postponed" the Joseph Papp-produced "Sticks And Bones" which ends with the veteran encased in a black plastic bag draped over a row of garbage cans. CBS's judgment was sound. The country is in no mood for this kind of propaganda-in-art while such healthy looking, dedicated and jubilant former prisoners of war are returning from Vietnam.

The concerted action of the affiliates, however, has a more profound meaning indicating that the assault upon the networks of Vice President Agnew and White House Communications Director Clay T. Whitehead is beginning to find its mark.

The average TV viewer cannot be expected to understand the relationship of locally owned radio-TV stations with the networks. As affiliates, these local stations are under no contractual, legal requirement to broadcast all programs supplied by the networks. Networks supply to the affiliates a variety of programs absorbing most of the local station time at no cost. In fact, the networks pay the local station a fixed percentage, usually about 30 percent of the Class A rate charged by the stations to their other clients.

The stations also may air spot commercials at scheduled station breaks and keep the revenue. There are certain expectations of the local stations. They are expected to broadcast most of the network programs and could find their affiliation cancelled if they did not do so, but there are also limitations on the networks' freedom of action. If they cancelled out station WXYZ there might be no other outlet to go to in a lucrative marketing area.

The affiliate-network relationship is a delicate one for the further reason that local stations are supposed to be responsive to the needs and interests of their own communities.

So, when more than one-third of the CBS affiliates say no to the network moguls it means something. And what bothers the network moguls is that this could be a surface indication that Vice President Agnew and Communications Director Whitehead have not so subtly influenced the conscious or unconscious attitudes of local station ownership and management without which the networks would wither.

Whitehead put it to the stations and the networks bluntly: The stations should exercise more discretion in the news programs they accept from the networks so as to continue in tune with the needs and interests of their own communities. Various network officials have rightly charged that through Agnew and Whitehead the Nixon administration is trying to reduce public trust and create a divisive issue between the networks and their affiliates. Exactly. And for the reason that the networks are putting over "ideological plugola" of which "Sticks And Bones" is certainly a prime example.

Those who wish for a sophisticated insight of this extremely subtle subject will find it in an article by Edward Jay Epstein in the New Yorker Magazine written as a result of several years' study.

Epstein said a large mouthful which bears careful reading and study at the conclusion of his article: "As long as the requisites of network broadcasting remain essentially the same, network news can be expected to define American society by the problems of a few urban areas (that's where the camera crews are) rather than of the entire nation, by action rather than ideas, by dramatic protests rather than substantive contradictions, by "newsmakers" rather than economic and social structures, by a typical rather than typical views and by synthetic national themes rather than disparate local events.

Those "synthetic national themes" are what bother Agnew and Whitehead and what bothered the local station managers who turned down "Sticks and Bones." The "disparate local events" (in other words, what actually happens) are often separately blown up into national themes which are not, in fact, typical of anything but are as untypical as a blind Vietnam veteran found on a garbage heap.

And now that the local stations have had their say the network moguls will tremble

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[From Broadcasting, Mar. 12, 1973]

Papp Dumped as Affiliates Rise Against CBS Special

CBS–TV, faced with a massive revolt by affiliates, "postponed" last week its scheduled presentation of *Sticks and Bones*, a bitter allegorical drama about a blinded war veteran driven to suicide on his return home.

It was the first time in the memory of long-time observers that affiliates had forced the reversal of a network programing decision in such a fashion. But there was also growing speculation that CBS officials may not have been as much "forced" as it first appeared—that some of them, at least, were not displeased with the prospect of getting the show deferred if not dropped.

CBS–TV disclosed its decision after more than a third of the affiliates in the scheduled line-up, including many of the biggest, notified it they would not carry the program. CBS–TV President Robert D. Wood, explaining the decision, said "many of us, both at the network and among the stations, are now convinced" that the timing was bad, coinciding as it did with the return of former prisoners of war and other Vietnam war veterans.

The program, second in what was planned to be a series of productions by Joseph Papp's New York Shakespeare Festival over a four-year period, had been set for last Friday (March 9) at 9–11 p.m. EST. By the time Mr. Wood called it off, in a wire to affiliates last Tuesday afternoon, 69 affiliates had already said they would not clear the program. They represented 37.5% of the 184 affiliates who normally carry the CBS Friday-night movie in that time period, and every indication was that the total would have kept growing if Mr. Wood had not acted.

A number of affiliates who had not served notice that they would reject the program said later, when queried by BROADCASTING, that they would have refused to clear if CBS had not put it off. A smaller proportion said they were not sure what they would have done. And, although Mr. Wood's message spoke hopefully of scheduling it later "when the context of its showing will be less distressing and its possible application to actual events less immediate," most said they would not, or probably would not, carry it at any time.

If CBS does not present it by mid-September—that is, during the 1972–73 season—Mr. Papp's contract, it was learned, provides for the show to become his property.

For his part, Mr. Papp denounced the CBS decision as "a cowardly cop-out," accused the network of censorship in violation of the First Amendment and vowed he would produce nothing else under his CBS contract. "Hamlet" or "King Lear" was to have been next.

The TV version of *Sticks and Bones*, an award-winning Broadway and off-Broadway hit also produced by Mr. Papp, reportedly cost something over $400,000. CBS sources said Mr. Papp had already been paid because, under the terms of his contract, CBS provided financing "up front."

Thus CBS stands to lose $400,000-plus—which, for that matter, is almost what it would have lost even if the play had been presented on schedule: According to the best information available, only two 30-second commercials had been sold in the two-hour production. It was not clear, in fact, whether even those two had actually been sold or whether they represented time held by regular Friday-night movie advertisers who had not pulled out.

Clay T. Whitehead, director of the Office of Telecommunications Policy, who created a furor in asserting that affiliates should play a more aggressive role in dealing with their networks—they are responsible for everything they broadcast, he noted in his celebrated Indianapolis speech (Broadcasting, Jan. 1)—was quoted after a breakfast with Washington correspondents as describing the episode as "a good example of how the process ought to work."

An OTP spokesman, disclaiming knowledge of the program or of the CBS decision-making process, said: "The fact that the stations and the network could work together is a healthy thing."

Whether they had or had not planned to carry the show, broadcasters tended to reject—virtually without qualification—any suggestions that the affiliates' revolt had been stimulated by Mr. Whitehead's celebrated speech. One did suggest that "this could be the worst sort of pressure, where you react without realizing it's an influence at all," but even he felt others probably were right in thinking the rejections stemmed simply from dislike for the program, its timing or both.

There have been frequent private complaints among affiliates of all networks—and occasional public complaints—reflecting discontent with specific network programs or policies, particularly in news. CBS has been on the receiving end of its share of this sort of muttered dissatisfaction, most recently perhaps in the case of its showing of the "Who's Afraid of Virginia Woolf?" movie and for its *Maude* series, which some affiliates dislike for themes or language or both. But nowhere has there been an uprising to rival the one against *Sticks and Bones*.

Mr. Wood in his message to stations described it thus: "Never has there been a greater or more serious and responsible sense of concern expressed by our affiliates about a projected program and the timing of its broadcast."

Among the 69 affiliates who had rejected the program before Mr. Wood's telegram went out were all 11 members of the board of the CBS–TV Affiliates Association.

Most of the stations questioned independently after the postponement agreed with Mr. Wood's assertion, in his telegram to them, that presenting the program at this time "might be unnecessarily abrasive to the feelings of millions of Americans whose lives or attention are at the moment emotionally dominated by the returning POW's and other veterans who have suffered the ravages of war."

They also tended to agree with his description of the drama as "a serious, concerned and powerful tragedy of some of the uglier aspects of human nature as revealed in a highly imaginative contemporary story," although some called it "the ultimate in morbidity," "sick" and "without purpose or point."

Edwin Pfeiffer of WPRI–TV Providence, R.I., chairman of the CBS–TV affiliates board, confirmed that he and all other members of the board had declined to carry the program after seeing it in one or both of two closed-circuit screenings provided by the network.

He declined, he said, because he felt the program—and especially the veteran's suicide—would have "a most negative effect on the country." He was not sure he would clear it in the future, either, particularly because of the suicide which he thought "could conceivably appear to be an attractive alternative to some people who have a mental problem."

More than that, Mr. Pfeiffer said, the suicide scene was "such a sick scene that my secretary had to leave the room," and the play, over-all, though "a very powerful piece of drama," was also "a very unattractive piece of work" and so "negative" and "depressing" that "people could respond to it in a bad way."

Attitudes toward the program were lukewarm even among some stations that had planned to carry it.

James Ferguson, program director of WAGA–TV Atlanta, said his station had agreed to clear it because "in our judgment it could possibly have some value to others than ourselves." But, he said, "my personal opinion is it's something we could live without, particularly in the light of current events." He added, "It didn't tell me anything—it's certainly out of someone's imagination."

Dan Gold, station manager of WTOP-TV Washington, which also had planned to carry it, said he was prepared to present a "disclaimer" just before and early into the program cautioning that it might be "too mature for younger and particularly sensitive viewers." (CBS sources said they too had considered presenting a "disclaimer" and "probably would have," but the decision on postponement was reached first.)

Mr. Gold said WTOP's decision to carry the play was made in the context of "the needs and interests of this community," but he also noted that the needs and interests of other communities may be different, calling for different treatment by their broadcasters. Indeed, it was reported that WTOP–TV's sister station WJXT(TV) Jacksonville, Fla., made a somewhat different assessment of its own: It reportedly planned to carry the program, also with a disclaimer, but to delay it to a later hour the same night.

There was a third closed-circuit feed of the program last Wednesday, and Mr. Wood urged affiliates to invite local newsmen and community leaders to see it "because we believe that this drama by David Rabe has great creative integrity and that the basis of our decision to postpone its broadcast ought to be fully and widely understood."

Among those who watched the screening in New York and Washington there was agreement that the drama was powerful and in many instances "rough"—and some who had also seen the stage version said they thought the TV adaptation was the rougher of the two.

It deals with the bitterness, tensions and both mental and physical violence in the relationships between the blinded veteran and his parents and younger brother. The suicide scene near the end is most violent, showing the family urging him to slash his wrist, the younger brother providing the razor, and, for a moment, the blooded hand raised to the blinded eyes, while the family talks to the dying man, his father offering assurance that "we'll all be happier now."

But other scenes and themes seemed sure to draw criticism as well, among them the depiction of a Catholic priest and, especially in the current Washington mood against the advertising of over-the-counter drugs, its implicit linking of aspirin with the drug culture.

As for how they got themselves in this scheduling predicament in the first place, CBS sources said the play was taped at about the same time as Mr. Papp's *Much Ado About Nothing*—presented to widespread critical acclaim on Feb. 2—and that the commitment to presentation last Friday was made before the Vietnam cease-fire was set and the return of POW's begun. Mr. Papp pegged the date at Jan. 24, three days before the cease-fire agreements were signed. But CBS sources said it went into production last summer, well before the White House reported peace was at hand.

The TV version was said to differ considerably from the stage production—and also, according to some sources, from the original TV scripts Mr. Papp submitted. One change, made by Mr. Papp himself, was in the names of the play's characters who on the stage was called Ozzie and Harriet and David and Ricky. Other than that, the chief differences in the TV adaptation were said to be its elimination of almost all of the original version's profanity and, after the tapes were delivered, deletion of shots in the suicide scene that showed the young soldier actually slashing his wrist.

Most of the affiliate revolt against the program seemed to have developed last week, according to CBS sources. They estimated that as of the preceding Friday (March 2) no more than a dozen stations had turned it down—perhaps, they said, because many had missed the only closed-circuit feed that had been presented at that point. A second closed-circuit showing was fed on Sunday and then, as one source put it, "an avalanche hit us." By early Tuesday afternoon rejections had reached "69, going on 100." Actually the final count was put at 71.

The affiliates board, all of whom were said to have rejected the program independently—they were not consulted as a group—is composed of officials of: WBTV–TV, Charlotte, N.C. (Charles Crutchfield); WAFB–TV, Baton Rouge (Tom Gibbens); WISH–TV, Indianapolis (Robert McConnell; WCPO–TV, Cincinnati (Robert Gordon); WMT–TV, Cedar Rapids, Iowa (Lew Van Nostrand); KTVH(TV), Wichita, Kans. (Dale Larsen); KLAS–TV, Las Vegas (Mark Smith); KUHI–TV, Joplin, Mo. (Melvin Caldwell); KTVA (TV), Anchorage (A. G. Hiebert); and KSL–TV, Salt Lake City (Arch Madsen) as well as WPRI–TV.

Other stations that rejected it reportedly include KOIN–TV, Portland, Oreg.; KDKA–TV, Pittsburgh; WMAR–TV, Baltimore; KRLD–TV, Dallas; KOOL–TV, Phoenix; KLZ–TV, Denver; WTEN–TV, Albany, N.Y.; WWI–TV, New Orleans; KWTV(TV), Oklahoma City; KOLN–TV, Lincoln, Nebr.; WCCO–TV, Minneapolis; KKTV(TV), Colorado Springs; WDBJ–TV, Roanoke, Va.; KENS–TV, San Antonio, Tex.; KFDA–TV, Amarillo, Tex.; KFDM–TV, Beaumont, Tex.; WJW–TV, Cleveland; WJBK–TV, Detroit; WLAC–TV, Nashville; WTAR–TV, Norfolk, Va.; WFMY–TV, Greensboro, N.C.; WKYT–TV, Lexington, Ky.; WANE–TV, Fort Wayne, Ind.; WISN–TV, Mobile, Ala.; KSLA–TV, Shreveport, La.; KGGM–TV, Albuquerque, N.M.; WIBW–TV, Topeka, Kans.; WKZO–TV, Kalamazoo, Mich.; WTOL–TV, Toledo, Ohio; WDAU–TV, Scranton, Pa.; KDAL–TV, Duluth, Minn.; KCMO–TV, Kansas City, Mo.; WREC–TV, Memphis, and WJIM–TV, Lansing, Mich.

[From Television Digest, Mar. 12, 1973]

Affiliates Veto "Sticks & Bones"

Unprecedented outcry by affiliates forced CBS–TV to cancel scheduled March 9 showing of "Sticks & Bones"—fictional story of return of blinded war veteran—and debate immediately erupted over whether affiliates' response was motivated by attacks by OTP Dir. Clay Whitehead on alleged "ideological plugola" offered by networks. "Yes," screamed play's producer Joseph Papp, newspapers and some govt. officials critical of Administration. "Whitehead wasn't considered, had no impact," countered every CBS affiliate and other broadcast executives to whom we talked.

Show was canceled after it had been closed-circuited twice to affiliates—and after 69 of 180 had told CBS they wouldn't carry it (and we're told over 100 would have canceled if network hadn't acted). In telegram to affiliates announcing cancellation, CBS–TV Pres. Robert Wood said: "The play deals in compelling, allegorical terms with the callous reception of an American veteran returning blinded from war. [It] is a serious, concerned & powerful tragedy of some of the uglier aspects of human nature . . . In light of recent developments [return of Vietnam Pow's], its presentation on the air at this time might be abrasive to the feelings of millions of Americans . . . Never has there been a greater or more serious & responsible sense of concern expressed by our affiliates about a projected program and the timing of its broadcast."

Wood said "Sticks & Bones" would be rescheduled "when the context of its showing will be less distressing and its possible application to actual events less immediate." However, affiliates & CBS executives alike predicted it will never be shown. "It is inappropriate for TV at any time," one affiliate told us. "I wouldn't show the goddamn thing any time," added another. "It's just unfortunate that we all chose to react so strongly after Whitehead's attempt to intimidate networks through us." Added another prominent broadcaster:

"The country would have been absolutely outraged if CBS had aired that program . . . The media would have been in deep, deep difficulty." Edwin Pfeiffer, chmn. of CBS–TV Affiliates Board, replied "absolutely not" when asked if Whitehead charges influenced him or other affiliates. He said all 11 members of Board independently decided not to carry program, and that Board brought "absolutely no pressure" on CBS. High-ranking CBS official said 'we made the courageous & right decision to kill it . . . It's lamentable that 'Sticks & Bones' got as far as it did."

Papp called CBS action "a cowardly cop-out," said he wouldn't honor a 4-year, $7-million contract to provide CBS with 11 plays ("Sticks & Bones" was 2nd; "Much Ado About Nothing" the first). "It's frightening that this monster corporation, CBS, has decided to put its tail between its legs and back away from this program because some affiliates find it too strong stuff," Papp said. "They're accepting control by their affiliates, denying millions the right to see an important work of art. This is implicitly a First Amendment issue."

As might be expected, FCC Comr. Johnson blamed CBS action on White House intimidation, while Washington Star-News headlined story "CBS at Feet of Clay," called cancellation 'the first major triumph of the White House policy toward ideas on commercial TV." Syndicated columnist Richard Wilson commented: "The concerted action of the affiliates [indicates] that the assault upon the networks of Vice President Agnew and White House Communications Dir. [sic] Clay T. Whitehead is beginning to find its mark . . . And now that the local stations have had their say, the network moguls will tremble."

Whitehead, however, commenting on CBS's action, said "this is a good example of how the process ought to work" with network responding to its affiliates. Another high-ranking govt. official, who has been critical of Whitehead speech attacking networks, said that scheduling of "Sticks & Bones" in first place "is another indication of CBS's lack of awareness and being out of step with the public. This is the way to do it, for the affiliates to exert pressure . . . Children's TV is another example of where CBS is out of step. CBS has done nothing diverse for children—while ABC & NBC have, so that the government won't have to act . . . And on its news bias, CBS is out of step there too."

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mrs. Chisholm (at the request of Mr. McFall), for today through March 22, on account of illness.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. Hillis) to revise and extend their remarks and include extraneous matter):

Mr. Robison of New York for 10 minutes today.

Mr. McKinney, for 5 minutes, today.

Mr. Whitehurst, for 5 minutes, today.

Mr. Abdnor, for 60 minutes, on March 14.

Mr. Kemp, for 10 minutes, today.

Mr. Hogan, for 30 minutes, today.

(The following Members (at the request of Mr. Andrews of North Carolina), to revise and extend their remarks and include extraneous matter:)

Mr. O'Neill, for 5 minutes, today.

Mr. Gonzalez, for 5 minutes, today.

Mr. Rostenkowski, for 5 minutes, today.

Mr. Murphy of New York, for 5 minutes, today.

Mr. Rodino, for 5 minutes, today.

Mr. Reuss, for 10 minutes, today.

Mr. McFall, for 5 minutes, today.

Mr. Davis of South Carolina, for 15 minutes, today.

Mr. Stuckey, for 5 minutes, today.

Ms. Abzug, for 10 minutes, today.

Mr. Danielson, for 10 minutes, today.

Mr. Fountain, for 5 minutes, today.

Mr. Moss, for 5 minutes, today.

Mr. Benitez, for 60 minutes, on March 22.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. Nedzi and to include extraneous matter in two instances.

Mr. Gross to insert remarks immediately preceding passage of H.R. 71.

Mr. Stratton to revise and extend his remarks and include an address by the Secretary of the Army of the British Government notwithstanding the cost of $467.50.

Mr. Eckhardt and to include extraneous matter notwithstanding the fact it exceeds two pages of the Congressional Record and is estimated by the Public Printer to cost $680.

(The following Members (at the request of Mr. Hillis) and to include extraneous matter:)

Mr. Cohen.

Mr. Scherle in 10 instances.

Mr. Roncallo of New York.

Mr. Pritchard.

Mr. King.

Mr. Smith of New York.

Mr. Quie.

Mr. Hanrahan.

Mr. Whitehurst.

Mr. Symms.

Mr. Vander Jagt.

Mr. Arends.

Mr. Gilman.

Mr. Del Clawson in two instances.

Mr. Zwach.

Mr. Wyman in two instances.

Mr. Heinz.

Mr. Keating.

Mr. Hammerschmidt.

Mr. Hogan in three instances.

Mr. Rousselot in two instances.

(The following Members (at the request of Mr. Andrews of North Carolina) and to include extraneous matter:)

Mr. Jones of Oklahoma.

Mr. Moakley in two instances.

Mr. Seiberling in 10 instances.

Mr. Badillo.

Mr. Waldie in five instances.

Mr. Carney of Ohio in three instances.

Mr. Hanna in four instances.

Mr. Gonzalez in three instances.

Mr. Rarick in three instances.

Mr. Burton.

Mr. Vanik in two instances.

Mr. Murphy of New York in two instances.

Mr. Edwards of California.

Mr. Bolling in two instances.

Mr. Rodino.

Mr. Hungate.

Mr. Studds in two instances.

Mr. Jarman.

Mr. Pepper in two instances.

Mr. de Lugo.

Mr. Wright.

Mr. Hébert in two instances.

Mr. Dominick V. Daniels.

Mr. Burke of Massachusetts in two instances.

Mr. Koch in five instances.

Mr. Jones of Tennessee in six instances.

Mr. Moss in two instances.

Mr. Drinan in four instances.

Mr. O'Neill.

ENROLLED JOINT RESOLUTION SIGNED

Mr. HAYS, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a joint resolution of the House of the following title, which was thereupon signed by the Speaker:

H.J. Res. 334. Joint resolution to provide for the designation of the second full calendar week in March 1973 as "National Employ the Older Worker Week."

ADJOURNMENT

Mr. ANDREWS of North Carolina. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 2 o'clock and 55 minutes p.m.), the House adjourned until tomorrow, Wednesday, March 14, 1973, at 12 o'clock noon.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. BOLLING: Committee on Rules. House Resolution 279. Resolution to create a special committee to investigate campaign expenditures (Rept. No. 93–54). Referred to the House Calendar.

Mr. BOLLING: Committee on Rules. House Resolution 294. Resolution providing for the consideration of S. 583, an act to promote the separation of constitutional powers by securing to the Congress additional time in which to consider the Rules of Evidence for U.S. Courts and Magistrates, the Amendments to the Federal Rules of Civil Procedure and the Amendments to the Federal Rules of Criminal Procedure which the Supreme Court on November 20, 1972, ordered the Chief Justice to transmit to the Congress (Rept. No. 93–55). Referred to the House Calendar.

Mr. LONG of Louisiana: Committee on Rules. House Resolution 295. Resolution providing for the consideration of H.R. 2246, a bill to amend the Public Works and Economic Development Act of 1965 to extend the authorizations for a 1-year period. (Rept. No. 93–56). Referred to the House Calendar.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

571. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to Public Law 92–403; to the Committee on Foreign Affairs.

572. A letter from the Administrator, National Aeronautics and Space Administration; transmitting a report on the disposal of certain excess foreign property by NASA, pursuant to section 404(d) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 514); to the Committee on Government Operations.

573. A letter from the Secretary of Health, Education, and Welfare; transmitting a draft of proposed legislation to amend the Federal Food, Drug, and Cosmetic Act to require the disclosure of ingredients on the labels of all foods; to the Committee on Interstate and Foreign Commerce.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mrs. CHISHOLM (for herself, and Mr. HAWKINS):

H.R. 5478. A bill to preserve the Office of Economic Opportunity; to the Committee on Education and Labor.

By Mr. ASPIN:

H.R. 5479. A bill to amend title 37 of the United States Code in order to repeal the provisions providing personal money allowances for certain military officers; to the Committee on Armed Services.

By Mr. BIESTER:

H.R. 5480. A bill to protect collectors of antique glassware against the manufacture in the United States or the importation of limitations of such glassware; to the Committee on Interstate and Foreign Commerce.

By Mr. BLACKBURN:

H.R. 5481. A bill to amend title 5, United States Code, to correct certain inequities in the crediting of National Guard technician service in connection with civil service retirement, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. BRAY:

H.R. 5482. A bill to amend the Communications Act of 1934 to establish orderly procedures for the consideration of applications for renewal of broadcast licenses; to the Committee on Interstate and Foreign Commerce.

By Mr. BROYHILL of Virginia:

H.R. 5483. A bill to correct inequities in the crediting of sick leave of certain former commissioned officers of the Public Health Service who acquired competitive civil service status and transferred to classified positions in the Federal Water Pollution Control Administration subject to chapter 51 and subchapter III of chapter 53 of title 5, United States Code; to the Committee on Post Office and Civil Service.

By Mr. BROYHILL of North Carolina (for himself, Mr. ROONEY of Pennsylvania, Mr. ANDREWS of North Carolina, Mr. HAMMERSCHMIDT, Mr. HEINZ, and Mr. VEYSEY):

H.R. 5484. A bill to amend the Communications Act of 1934 to establish orderly procedures for the consideration of applications for renewal of broadcast licenses; to the Committee on Interstate and Foreign Commerce.

By Mr. BROYHILL of Virginia:

H.R. 5485. A bill to provide that widows and children of the employees of the District of Columbia, and of members of the Metropolitan Police Reserve Corps of the District of Columbia, may receive annuities and participate in the Federal employee health insurance program, under certain conditions; to the Committee on Post Office and Civil Service.

By Mr. BROYHILL of Virginia (for himself, Mr. BOB WILSON, and Mr. GERALD R. FORD):

H.R. 5486. A bill to provide for the establishment of a memorial at the National Arboretum to Benjamin Boneval Latrobe; to the Committee on Public Works.

By Mr. BURKE of Florida:

H.R. 5487. A bill to amend the Communications Act of 1934 to establish orderly procedures for the consideration of applications for renewal of broadcast licenses; to the Committee on Interstate and Foreign Commerce.

By Mr. BURTON:

H.R. 5488. A bill to establish a Congressional Office of the Budget Analysis and Program Evaluation; to provide participation by State and local officials and the general public in the departmental budgetmaking process; to provide investigations by the Comptroller General of impoundment reports; to provide legislative oversight and veto of impoundments; and for other purposes; to the Committee on Government Operations.

H.R. 5489. A bill to amend the act of June 27, 1960 (74 Stat. 220), relating to the preservation of historical and archeological data; to the Committee on Interior and Insular Affairs.

By Mr. CLARK:

H.R. 5490. A bill to amend the Railroad Retirement Act of 1937 to provide a full annuity for any individual (without regard to his age) who has completed 30 years of railroad service; to the Committee Interstate and Foreign Commerce.

By Mr. CONABLE:

H.R. 5491. A bill relating to the income tax treatment of charitable contributions of inventory and certain other ordinary income property; to the Committee on Ways and Means.

By Mr. DENT:

H.R. 5492. A bill to amend title 32, United States Code to provide that Army and Air Force National Guard technicians shall not be required to wear the military uniform while performing their duties in a civilian status; to the Committee on Armed Services.

H.R. 5493. A bill to increase the contribution of the Government to the costs of health benefits for Federal employees, and for other purposes; to the Committee on Post Office and Civil Service.

H.R. 5494. A bill to amend the age and service requirements for immediate retirement under subchapter III of chapter 83 of title 5, United States Code, and for other purposes; to the Committee on Post Office and Civil Service.

H.R. 5495. A bill to amend title 5, United States Code, to correct certain inequities in the crediting of National Guard technician service in connection with civil service retirement, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. DINGELL (for himself, and Mr. ROE):

H.R. 5496. A bill to authorize the Secretary of the Interior to assist the States in controlling damage caused by predatory animals; to establish a program of research concerning the control and conservation of predatory animals; to restrict the use of toxic chemicals as a method of predator control; and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. DORN:

H.R. 5497. A bill to amend certain provisions of Federal law relating to explosives; to the Committee on the Judiciary.

By Mr. DORN (for himself, Mr. SAYLOR, Mr. TEAGUE of Texas, Mr. HALEY, Mr. DULSKI, Mr. ROBERTS, Mr. SATTERFIELD, Mr. HELSTOSKI, Mr. EDWARDS of California, Mr. MONTGOMERY, Mr. CARNEY of Ohio, Mr. DANIELSON, Mrs. GRASSO, Mr. WOLFF, Mr. BRINKLEY, Mr. CHARLES WILSON of Texas, Mr. TEAGUE of California, Mrs. HECKLER of Massachusetts, Mr. HILLIS, Mr. WALSH, and Mr. BOWEN):

H.R. 5498. A bill relating to the authority of the Administrator of Veterans' Affairs to readjust the schedule of ratings for the disabilities of veterans; to the construction, alteration, and acquisition of hispitals and domiciliary facilities; to the closing of hospital and domiciliary facilities and regional offices; and to the transfer of real property under the jurisdiction or control of the Administrator of Veterans' Affairs; to the Committee on Veterans' Affairs.

By Mr. FLYNT:

H.R. 5499. A bill to authorize the Secretary of Agriculture to develop and carry out a forestry incentives program to encourage a higher level of forest resource protection, development, and management by small nonindustrial private and non-Federal public forest landowners, and for other purposes; to the Committee on Agriculture.

H.R. 5500. A bill to amend the Federal Trade Commission Act (15 U.S.C. 41) to provide that under certain circumstances exclusive territorial arrangements shall not be deemed unlawful; to the Committee on Interstate and Foreign Commerce.

By Mr. GERALD R. FORD:

H.R. 5501. A bill to amend title 37, United States Code, to provide travel and transportation allowances for emergency leave and ordinary leave for compassionate reasons granted to servicemen stationed overseas; to the Committee on Armed Services.

By Mr. FORSYTHE:

H.R. 5502. A bill to amend the Internal Revenue Code of 1954 to permit an exemption of the first $5,000 of retirement income received by a taxpayer under a public retirement system or any other system if the taxpayer is at least 65 years of age; to the Committee on Ways and Means.

By Mr. FULTON:

H.R. 5503. A bill to amend the Internal Revenue Code of 1954 to raise the limitation on used property taken into account for purposes of the investment credit from $50,000 to $150,000; to the Committee on Ways and Means.

By Mr. FUQUA:

H.R. 5504. A bill to amend title 10, United States Code, to restore the system of recomputation of retired pay for certain members and former members of the Armed Forces; to the Committee on Armed Services.

H.R. 5505. A bill to prohibit assaults on State law enforcement officers, firemen, and judicial officers; to the Committee on the Judiciary.

By Mr. GOODLING (for himself and Mr. Findley):

H.R. 5506. A bill to amend the Agricultural Adjustment Act of 1933, as amended and reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended, to authorize marketing orders for apples; to the Committee on Agriculture.

By Mr. GRAY:

H.R. 5507. A bill to authorize the conveyance to the city of Salem, Ill., of a statue of William Jennings Bryan; to the Committee on House Administration.

By Mr. GROVER:

H.R. 5508. A bill to amend title 5, United States Code, to correct certain inequities in the crediting of National Guard technician service in connection with civil service retirement, and for other purposes; to the Commttee on Post Office and Civil Service.

By Mr. GUDE:

H.R. 5509. A bill to provide for the acquisition and operation by the Washington Metropolitan Area Transit Authority of Washington National Airport, Dulles International Airport, and Friendship International Airport, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. HANLEY:

H.R. 5510. A bill to permit officers and employees of the Federal Government to elect coverage under the old-age, survivors, and disability insurance system; to the Committee on Ways and Means.

By Mr. HASTINGS:

H.R. 5511. A bill to amend the Federal Food, Drug, and Cosmetic Act to establish a code system for the identification of prescription drugs, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 5512. A bill to amend section 1(16) of the Interstate Commerce Act authorizing the Interstate Commerce Commission to continue rail transportation services; to the Committee on Interstate and Foreign Commerce.

By Mr. HILLIS (for himself, Mr. Hechler of West Virginia, Mr. Thone, Mr. Hunt, Mr. Rosenthal, Mr. Hudnut, Mr. Jones of North Carolina, Mr. Won Pat, Mr. Forsythe, Mr. Collier, Mr. Charles H. Wilson of California, Mr. Sandman, Mr. Eilberg, Mr. Whitehurst, Mr. Steiger of Arizona, Mr. Zwach, and Mr. Ketchum):

H.R. 5513. A bill to establish improved nationwide standards of mail service, require annual authorization of public service appropriations to the U.S. Postal Service, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. HILLIS (for himself, Mr. Moorhead of California, Mr. Moorhead of Pennsylvania, Mr. Veysey, Mr. Davis of South Carolina, Mr. Froehlich, Mr. Roy, Mr. Anderson of Illinois, Mr. Hungate, Mr. Pritchard, and Mr. Owens):

H.R. 5514. A bill to establish improved nationwide standards of mail service, require annual authorization of public service appropriations to the U.S. Postal Service, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. KETCHUM (for himself, Mr. Alexander, Mr. Bafalis, Mr. Brown of California, Mr. Burgener, Mr. Cronin, Mr. Danielson, Mr. Davis of South Carolina, Mr. Fisher, Mr. Harrington, Mr. Jones of North Carolina, Mr. Lehman, Mr. Mitchell of Maryland, Mr. Moorhead of California, Mr. Podell, Mr. Railsback, Mr. Roybal, Mr. Thone, Mr. Wright, Mr. Yatron, Mr. Conyers, and Mrs. Mink):

H.R. 5515. A bill to amend the Internal Revenue Code of 1954 to provide that amounts paid to certain related individuals shall be allowable as a deduction under the provision permitting a deduction for dependent care services necessary for gainful employment; to the Committee on Ways and Means.

By Mr. KOCH (for himself and Mr. Eilberg):

H.R. 5516. A bill to restore to Federal civilian employees their rights to participate, as private citizens, in the political life of the Nation, to protect Federal civilian employees from improper political solicitations, and for other purposes; to the Committee on House Administration.

By Mr. LEHMAN:

H.R. 5517. A bill to provide increases in certain annuities payable under chapter 83 of title 5, United States Code, and for other purposes; to the Committee on Post Office and Civil Service.

H.R. 5518. A bill to amend chapter 83 of title 5, United States Code, to eliminate the survivorship reduction during periods of nonmarriage of certain annuitants; to the Committee on Post Office and Civil Service.

By Mr. LUJAN:

H.R. 5519. A bill to authorize Federal cost sharing in promoting public safety through the elimination of hazardous open canals by converting them to closed conduits and by fencing; to the Committee on Interior and Insular Affairs.

By Mr. McCOLLISTER:

H.R. 5520. A bill to amend the Internal Revenue Code of 1954 to allow a credit against the individual income tax for tuition paid for the elementary or secondary education of dependents; to the Committee on Ways and Means.

H.R. 5521. A bill to amend the Internal Revenue Code of 1954 to provide a deduction for amounts expended by law enforcement officers and firemen for meals which they are required to eat while on duty; to the Committee on Ways and Means.

By Mr. McKINNEY:

H.R. 5522. A bill to provide that, after January 1, 1973, Memorial Day be observed on May 30, of each year and Veterans Day be observed on the 11th of November of each year; to the Committee on the Judiciary.

By Mr. MATSUNAGA:

H.R. 5523. A bill to amend the Public Works and Economic Development Act of 1965 to extend the authorizations for a 1-year period; to the Committee on Public Works.

By Mr. MEEDS:

H.R. 5524. A bill to authorize the Secretary of the Interior to grant rights-of-way across Federal lands where the use of such rights-of-way is in the public interest and the applicant for the right-of-way demonstrates the financial and technical capability to use the right-of-way in a manner which will protect the environment; to the Committee on Interior and Insular Affairs.

By Mr. MELCHER:

H.R. 5525. A bill to declare that certain mineral interests are held by the United States in trust for the Chippewa Cree Tribe of the Rocky Boy's Reservation, Mont.; to the Committee on Interior and Insular Affairs.

By Mr. MITCHELL of New York:

H.R. 5526. A bill to amend the Public Works and Economic Development Act of 1965 to extend the authorizations for a 1-year period; to the Committee on Public Works.

By Mr. MOAKLEY:

H.R. 5527. A bill to extend the contiguous fishery zone of the United States to the 200-mile limit, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. MOORHEAD of California:

H.R. 5528. A bill to amend section 2 of the Internal Revenue Code of 1954 (relating to definitions of surviving spouse and head of household); to the Committee on Ways and Means.

By Mr. MOSS (for himself, Mr. Eckhardt, and Mr. Helstoski):

H.R. 5529. A bill to amend the National Traffic and Motor Vehicle Safety Act of 1966 to authorize appropriations for the fiscal years 1974, 1975, and 1976, to provide for the recall of certain defective motor vehicles without charge to the owners thereof, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. MURPHY of New York:

H.R. 5530. A bill to require the President to notify the Congress whenever he impounds funds, or authorizes the impounding of funds, and to provide a procedure under which the House of Representatives and the Senate may disapprove the President's action and require him to cease such impounding; to the Committee on Rules.

H.R. 5531. A bill to permit officers and employees of the Federal Government to elect coverage under the old-age, survivors, and disability insurance system; to the Committee on Ways and Means.

By Mr. MURPHY of New York (for himself and Mr. Podell):

H.R. 5532. A bill to amend the Investment Advisors Act of 1940 to provide for regulation of persons rating municipal bonds; to the Committee on Interstate and Foreign Commerce.

By Mr. MURPHY of New York (for himself, Mr. Hastings, Mr. Williams, Mr. Yatron, Mrs. Chisholm, Mr. Brademas, Mr. Riegle, Mr. Podell, Mr. Badillo, Mr. Roybal, Mr. Moorhead of Pennsylvania, Mr. Ruppe, Mr. Wolff, Mr. Rees, Mr. Owens, Mr. Mazzoli, Mr. Studds, Mr. Matsunaga, Mr. Flowers, Miss Holtzman, Mr. McKinney, Mr. Price of Illinois, Mr. Lent, Mr. Brown of California, and Mr. Harrington):

H.R. 5533. A bill to provide for the humane care, treatment, habilitation and protection of the mentally retarded in residential facilities through the establishment of strict quality operation and control standards and the support of the implementation of such standards by Federal assistance, to establish State plans which require a survey of need for assistance to residential facilities to enable them to be in compliance with such standards, seek to minimize inappropriate admissions to residential facilities and develop strategies which stimulate the development of regional and community programs for the mentally retarded which include the integration of such residential facilities, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. MURPHY of New York (for himself, Mr. Hastings, Mr. Thompson of New Jersey, Mr. Addabbo, Mr. Walsh, Mr. Roe, Ms. Abzug, Mr. Alexander, Mr. Carey of New York, Mr. Clark, Mr. Hanley, Mr. Harrington, Mr. Hechler of West Virginia, Mr. Mitchell of Maryland, Mr. Rooney of Pennsylvania, Mr. Symington, Mr. Charles Wilson of Texas, and Mr. Vanik):

H.R. 5534. A bill to provide for the humane care, treatment, habilitation and protection of the mentally retarded in residential facilities through the establishment of strict quality operation and control standards and the support of the implementation of such standards by Federal assistance, to establish State plans which require a survey of need for assistance to residential facilities to enable them to be in compliance with such standards, seek to minimize inappropriate admissions to residential facilities and develop strategies which stimulate the development of regional and community programs for the mentally retarded which include the integration of such residential facilities, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. MURPHY of New York (for himself, Mr. Hastings, Mr. Won Pat, Mr. Bingham, Mr. Edwards of California, Mr. Leggett, Mr. Howard, Mr. Tiernan, Mr. Reid, Mr. Delaney, Mr. Lehman, Mr. Hawkins, Mr. Preyer, Mr. Thone, Mr. Moss, Mr. Carney of Ohio, Mr. Gonzalez, Mr. Gilman, Mr. Dulski, Mr. Brasco, Mr. Koch, Mr. Fraser, Mr. Pike, Mr. Eilberg, and Mr. Corman):

H.R. 5535. A bill to provide for the humane care, treatment, habilitation and protection of the mentally retarded in residential facilities through the establishment of strict quality operation and control standards and the support of the implementation of such standards by Federal assistance, to establish State plans which require a survey of need for assistance to residential facilities to enable them to be in compliance with such standards, seek to minimize inappropriate admissions to residential facilities and develop strategies which stimulate the development of regional and community programs for the mentally retarded which include the integration of such residential facilities, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. NELSEN (by request):

H.R. 5536. A bill to amend the Rural Electrification Act of 1936, as amended, to provide adequate funds for rural electric and telephone systems at interest rates which will allow them to achieve the objectives of the act; to the Committee on Agriculture.

By Mr. PATTEN:

H.R. 5537. A bill to provide for the issuance of a special postage stamp in commemoration of the life and service of Dr. William Beaumont; to the Committee on Post Office and Civil Service.

By Mr. PEPPER (for himself, Mr. Aspin, Mr. Brasco, Mr. Buchanan, Mr. Dorn, Mr. Eilberg, Mrs. Heckler of Massachusetts, Mr. Kemp, Mr. Murphy of New York, Mr. Murphy of Illinois, Mr. Podell, Mr. Quillen, Mr. Roe, Mr. Wright, Mr. Won Pat, and Mr. Yatron):

H.R. 5538. A bill to amend the Internal Revenue Code of 1954 to provide that the first $5,000 of compensation paid to law enforcement officers shall not be subject to the income tax; to the Committee on Ways and Means.

By Mr. PODELL:

H.R. 5539. A bill to amend section 6002 of title 18 of the United States Code to provide transactional immunity for witnesses compelled to testify after refusal on the basis of the privilege against self-incrimination; to the Committee on the Judiciary.

By Mr. RODINO:

H.R. 5540. A bill to prohibit the making of clad strip from which slugs can be cut for use in coin operated machines and to prohibit misrepresentation as to proof and uncirculated coins; to the Committee on the Judiciary.

By Mr. ROBISON of New York:

H.R. 5541. A bill to provide for a rural water survey, to create a Rural Water Council, to provide incentive grants for rural water supply projects, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. ROSTENKOWSKI (for himself, Mr. Kluczynski, Mr. Yates, Mr. Annunzio, Mr. Murphy of Illinois, and Mr. Metcalfe):

H.R. 5542. A bill to authorize the State of Illinois and the Metropolitan Sanitary District of Greater Chicago, under the direction of the Secretary of the Army, to increase the diversion of water from Lake Michigan into the Illinois Waterway in order to control and eliminate water erosion on the shoreline of Lake Michigan and to improve the quality of the water in the Illinois Waterway; to the Committee on Public Works.

By Mr. ROY (for himself, Mrs. Sullivan, Mr. Bell, Mr. Brown of California, Mr. Burton, Mr. Corman, Mr. Danielson, Mr. Fraser, Mrs. Grasso, Ms. Holtzman, Mr. Lent, Mr. Rosenthal, Mr. Tiernan, and Mr. Wolff):

H.R. 5543. A bill to establish a Consumer Savings Disclosure Act in order to provide for uniform and full disclosure of information with respect to the computation and payment of earnings on certain savings deposits; to the Committee on Banking and Currency.

By Mr. SHOUP:

H.R. 5544. A bill to designate the Spanish Peaks Wilderness, Gallatin National Forest, in the State of Montana; to the Committee on Interior and Insular Affairs.

H.R. 5545. A bill to amend title 5, United States Code, to correct certain inequities in the crediting of National Guard technician service in connection with civil service retirement, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. STAGGERS (for himself and Mr. Devine) (by request):

H.R. 5546. A bill to amend the Communications Act of 1934 to provide that licenses for the operation of a broadcast station shall be issued for a term of 5 years, and to establish orderly procedures for the consideration of applications for the renewal of such licenses; to the Committee on Interstate and Foreign Commerce.

By Mr. STRATTON:

H.R. 5547. A bill to amend the Public Works and Economic Development Act of 1965 to extend the authorizations for a 1-year period; to the Committee on Public Works.

By Mr. SYMMS:

H.R. 5548. A bill to terminate the authorization of the Asotin Dam, Snake River, Idaho and Washington; to the Committee on Public Works.

By Mr. UDALL:

H.R. 5549. A bill to amend the Mineral Leasing Act, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. ULLMAN (for himself, Mr. Clark, Mr. Davis of South Carolina, Mr. Derwinski, Mrs. Green of Oregon, Mr. Hastings, Mr. Helstoski, Mr. Hudnut, Mr. Lehman, Mr. Madden, Mr. Tiernan, Mr. Won Pat, Mr. Yatron, and Mr. Young of Illinois):

H.R. 5550. A bill to establish new program of health care delivery and comprehensive health care benefits (including catastrophic coverage), to be available to aged persons, and to employed, unemployed, and low-income individuals, at a cost related to their income; to the Committee on Ways and Means.

By Mr. WALDIE:

H.R. 5551. A bill to amend the Education of the Handicapped Act to provide for comprehensive education programs for severely and profoundly mentally retarded children; to the Committee on Education and Labor.

H.R. 5552. A bill to assist the States in developing a plan for the provision of comprehensive services to persons affected by mental retardation and other developmental disabilities originating in childhood, to assist the States in the provision of such services in accordance with such plan, to assist in the construction of facilities to provide the services needed to carry out such plan, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 5553. A bill to amend the Mental Retardation Facilities and Community Mental Health Centers Construction Act of 1963 to provide grants for costs of initiating services in community mental retardation facilities; to the Committee on Interstate and Foreign Commerce.

H.R. 5554. A bill to provide for the humane care, treatment, habilitation and protection of the mentally retarded in residential facilities through the establishment of strict quality operation and control standards and the support of the implementation of such standards by Federal assistance, to establish State plans which require a survey of need for assistance to residential facilities to enable them to be in compliance with such standards, seek to minimize inappropriate admissions to residential facilities and develop strategies which stimulate the development of regional and community programs for the mentally retarded which include the integration of such residential facilities, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 5555. A bill to amend title 5, United States Code, to allow credit for civil service retirement purposes for time spent by Japanese-Americans in World War II internment camps; to the Committee on Post Office and Civil Service.

H.R. 5556. A bill to provide adequate mental health care and psychiatric care to all Americans; to the Committee on Ways and Means.

H.R. 5557. A bill to amend title XIV (and title XVI) of the Social Security Act to permit aid to the permanently and totally disabled to be paid, under approved State plans with Federal matching, to individuals in institutions for the mentally retarded; to the Committee on Ways and Means.

By Mr. WALDIE (for himself, Mr. Rousselot, Mr. White, and Mr. Charles H. Wilson of California):

H.R. 5558. A bill to include inspectors of the Immigration and Naturalization Service or the Bureau of Customs within the provisions of section 8336(c) of title 5, United States Code, relating to the retirement of certain employees engaged in hazardous occupations, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. WILLIAMS:

H.R. 5559. A bill to amend title 5, United States Code, to correct certain inequities in the crediting of National Guard technician service in connection with civil service retirement, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. YOUNG of Florida:

H.R. 5560. A bill to amend chapter 44 of title 18 of the United States Code (respecting firearms) to penalize the use of firearms in the commission of any felony and to increase the penalties in certain related existing provisions; to the Committee on the Judiciary.

By Mr. ZWACH:

H.R. 5561. A bill to extend to all unmarried individuals the full tax benefits of income splitting now enjoyed by married individuals filing joint returns; to the Committee on Ways and Means.

By Mr. BROYHILL of Virginia (for himself, Mr. Rhodes, and Mr. Steiger of Arizona):

H.J. Res. 421. Joint resolution authorizing the President to proclaim the last complete calendar week in April of each year as "National Secretaries' Week" and to proclaim Wednesday of such week as "National Secretaries' Day"; to the Committee on the Judiciary.

By Mr. BURKE of Massachusetts (for himself, Mr. McKinney, and Mr. Rangel):

H.J. Res. 422. Joint resolution to authorize the emergency importation of oil into the United States; to the Committee on Ways and Means.

By Mr. DOMINICK V. DANIELS:

H.J. Res. 423. Joint resolution proposing an amendment to the Constitution of the United States guaranteeing the right to life to the unborn, the ill, the aged, or the incapacitated; to the Committee on the Judiciary.

By Mr. EDWARDS of California:

H.J. Res. 424. Joint resolution proposing an amendment to the Constitution of the United States providing that the term of office of Members of the U.S. House of Representatives shall be 4 years; to the Committee on the Judiciary.

By Mr. MARAZITI (for himself, Mr. Pettis, Mr. Collier, Mr. Won Pat, Mr. Veysey, and Mr. Roy):

H.J. Res. 425. Joint resolution designating a "National Day of Recognition and Prayer" to honor those Americans killed in the Vietnam conflict; to the Committee on the Judiciary.

By Mr. SMITH of New York:

H.J. Res. 426. Joint resolution requesting the President to issue a proclamation designating the week of April 23, 1973, as "Nicolaus Copernicus Week" marking the quinquecentennial of his birth; to the Committee on the Judiciary.

By Mr. WHITEHURST:

H.J. Res. 427. Joint resolution proposing an amendment to the Constitution of the United States; to the Committee on the Judiciary.

By Mr. KOCH (for himself and Mr. Bingham):

H. Con. Res. 151. Concurrent resolution expressing the sense of the Congress with respect to the treatment of Jews in Iraq and Syria; to the Committee on Foreign Affairs.

By Mr. DIGGS:

H. Res. 293. Resolution to provide funds for the expenses of the investigations and studies authorized by House Resolution 162; to the Committee on House Administration.

By Mr. FRASER (for himself, Mr. Biester, Mr. Burke of Florida, Mr. Foley, Mr. Reid, and Mr. Winn):

H. Res. 296. Resolution on U.S. oceans policy at the Law of the Sea Conference; to the Committee on Foreign Affairs.

By Mr. KEATING:

H. Res. 297. Resolution to provide for an investigation by the Committee on House Administration of an alarm system for the Capitol Building and Congressional office buildings; to the Committee on Rules.

By Mr. KOCH:

H. Res. 298. Resolution creating a select committee to conduct an investigation and study on Indian Affairs; to the Committee on Rules.

By Mr. PEPPER:

H. Res. 299. Resolution to provide funds for the Select Committee on Crime for studies and investigations authorized by House Resolution 256; to the Committee on House Administration.

By Mr. PODELL:

H. Res. 300. Resolution authorizing and directing the Committee on the Judiciary to conduct an investigation and study of the conduct and practices of the U.S. Department of Justice and the Federal judiciary with respect to grand jury investigations; to the Committee on Rules.

By Mr. THOMPSON of New Jersey:

H. Res. 301. Resolution providing funds for the Committee on Rules; to the Committee on House Administration.

H. Res. 302. Resolution to provide funds for the expenses of the investigation and study authorized by House Resolution 72; to the Committee on House Administration.

H. Res. 303. Resolution to provide funds for the expenses of the investigation and study authorized by House Resolution 182; to the Committee on House Administration.

H. Res. 304. Resolution to provide funds for the expenses of the investigations and studies authorized by House Resolution 163; to the Committee on House Administration.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

81. By the SPEAKER: Memorial of the Legislature of the State of New York, relative to the treatment of Soviet Jews and the granting of most-favored-nation status to the U.S.S.R.; to the Committee on Foreign Affairs.

82. Also, memorial of the Legislature of the Commonwealth of Virginia, requesting Congress to propose an amendment to the Constitution of the United States relating to tenure of Federal justices and judges; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BROYHILL of Virginia (by request):

H.R. 5562. A bill for the relief of David B. Smith; to the Committee on the Judiciary.

By Mr. FISHER:

H.R. 5563. A bill for the relief of Isaac Salinas; to the Committee on the Judiciary.

By Mrs. HANSEN of Washington:

H.R. 5564. A bill to incorporate in the District of Columbia the American Ex-Prisoners of War; to the Committee on the District of Columbia.

By Mr. JOHNSON of Pennsylvania:

H.R. 5565. A bill for the relief of Comdr. Howard A. Weltner, U.S. Naval Reserve; to the Committee on the Judiciary.

By Mr. LEHMAN:

H.R. 5566. A bill for the relief of Harry Slutsky and Lillian Slutsky; to the Committee on the Judiciary.

H.R. 5567. A bill for the relief of Marta Leocada Gamboa Suarez; to the Committee on the Judiciary.

By Mr. LENT:

H.R. 5568. A bill for the relief of Mauro Zaino, his wife, Maria Zaino, and their daughter, Carmela Zaino; to the Committee on the Judiciary.

By Mr. McKINNEY:

H.R. 5569. A bill for the relief of Iolanda C. Masotta; to the Committee on the Judiciary.

H.R. 5570. A bill for the relief of James Vincent Melia, his wife Eugenia Melia, and their children, Serafina Melia, Rocco Fernando Melia, and Ncola Melia; to the Committee on the Judiciary.

H.R. 5571. A bill for the relief of Michelangelo Morelli; to the Committee on the Judiciary.

By Mr. MITCHELL of New York:

H.R. 5572. A bill relating to the date on which the Glove Manufacturers Pension Trust is deemed to have qualified for purposes of the Internal Revenue Code of 1954; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

61. By the SPEAKER: Petition of the Common Council, Poughkeepsie, N.Y., relative to funding of the rehabilitation loan program under section 312 of the Housing Act; to the Committee on Banking and Currency.

62. Also, petition of James E. Steele, et al., Huntsville, Ala., relative to protection for law enforcement officers sued for damages in Federal court resulting from the performance of their duties; to the Committee on the Judiciary.

63. Also, petition of Jerry Heft, Leavenworth, Kans., relative to conditions in the Leavenworth Penitentiary; to the Committee on the Judiciary.

EXTENSIONS OF REMARKS

JAMES I. LOEB COMMENTS ON THE MANSFIELD-AIKEN AMENDMENT TO THE CONSTITUTION

HON. RICHARD BOLLING

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 13, 1973

Mr. BOLLING. Mr. Speaker, on March 13, 1972, just 1 year ago today, Senator Mansfield, on behalf of himself and Senator Aiken, introduced in the Senate, Senate Joint Resolution 215, "proposing an amendment to the Constitution of the United States relating to the nomination of individuals for election to the offices of the President and Vice President of the United States." The amendment calls for a national presidential primary. Because so many of us have had a feeling of unreality and even inequity in the way we have been nominating our presidential candidates, the Mansfield-Aiken proposal received wide and largely favorable attention. But, so far as I know, nothing much has happened with the proposal since its introduction, probably because we were all so occupied with the 1972 nomination and election process.

Recently I asked an old friend, James I. Loeb, who has long been a student of American politics, to give me his informal views on the Mansfield-Aiken proposal. Jim Loeb has been a newspaper publisher and editor, a political activist, a White House consultant, and a diplomat, having served as U.S. Ambassador to Peru and then to Guinea. I think his memorandum contains some ideas that are not only interesting, but constructive and realistic. It follows:

JAMES I. LOEB COMMENTS

Perhaps the most significant aspect of the proposal made last year by Senators Mansfield and Aiken for a Constitutional Amendment providing for a national presidential primary is that it is bi-partisan.

Since the one-sided results of the presidential election became clear early in the evening of November 7th last, the Democrats have been licking their wounds while the Republicans have been licking their chops. But if the Republicans enjoyed the plight of the Democrats last November, they should be foresighted enough to realize that they will be in the same rocky boat in 1976 since neither party will have an incumbent President eligible to succeed himself.

Furthermore, and rather ironically, the new state laws establishing more primaries and new regulations in the nonprimary states will affect Republicans as well as Democrats, even if all the specific party rules do not. Hence both parties should be equally interested in reassessing and reconsidering the nominating process as it has now developed.

Some Democrats will be convinced that 1972 was just a mistake and that Sen. Edward Kennedy will unite their party in 1976, so that no time should be wasted in discussions as to the past and possible changes for the future. Such thinking hardly does justice to the statesmanship of Senator Kennedy who would surely be the first to insist that the political process should not depend on any one man in any one set of circumstances.

Before commenting on the specifics of Mansfield-Aiken, I would offer a fundamental thesis and I offer it without in any way impugning the motives of the leadership or the membership of the McGovern-Fraser Commission: To put it briefly, in 1972 the presidential nominating system was so drastically changed in degree that it was fundamentally changed in essence.

Many of the changes, however well motivated and theoretically sound, were conceived in terms of mathematics and abstract concepts rather than in terms of the realistic dynamics of American politics. Two aspects of the American political reality which were overlooked were: (1) the sheer size of the United States of America and (2) the regionalism of American politics. In testimony before the McGovern Commission at its first hearing in Washington I warned that we were in danger of developing a perfect nominating process for Denmark, a small homogeneous country with no major regional problems. (This may be recorded as the first prophecy to be justified by events in a long life of political prophecies!)

There is no point in justifying the primary system by what happened before 1972. It was a different system, entirely. A system which involves a dozen or so primaries of which only three or four are meaningful, with the others called "beauty contests" to which no one paid much attention, is not at all to be equated with the 1972 system of some 23 primaries, all of them meaningful, plus new laws and party regulations in the non-primary states which made the selection-process for delegates meaningful there as well.

In addition, whether by happenstance or otherwise, the 1972 primaries were multi-candidate affairs while in the recent past, with a few notable exceptions, we had become accustomed to two-candidate primaries. (In 1968, Johnson and McCarthy in New Hampshire and Wisconsin, McCarthy and Robert Kennedy in the others; in 1964, principally Goldwater and Rockefeller among the Republicans; in 1960, Kennedy and Humphrey, with no serious contests among the Republicans; in 1956, Stevenson and Kefauver; in 1952, Eisenhower and Taft among the Republicans with no serious primaries among the Democrats, except perhaps Kefauver's defeat of President Truman in New Hampshire.) The multi-candidate primaries this past year were very different, with pluralities winning in most States. In only one State did Senator McGovern win a clear majority, with 52% in Massachusetts. (He had just about 50% in Oregon with little opposition.)

It is submitted that multi-candidate primaries without run-offs tends to produce candidates representing a minority viewpoint, and anyone who would be so bold as to propose 23 primaries to be followed by 23 run-offs would risk homicide.

In other words, the 1972 system, combining a multitude of separate multi-candidate primaries without run-offs and a series of meaningful contests in non-primary states, has the tendency to produce minority candidates. The other side of this coin is that the candidates who seek to unite the party are handicapped in the present system. Indeed, if Governor Wallace had understood the possibilities of the new system as well as Senator McGovern and his advisers did, Wallace might have come to the Democratic Convention with far greater strength that he did.

The 1972 system could encourage polarization within both major parties, and thus even greater polarization in the election itself. If this should happen, the republic could be in serious danger.

In seeking a solution to the problem, it should be understood that, in many fundamental respects, there is no going back to what once was and no longer is. There is no possible way to limit the number of primaries in the several states. On the contrary, the inevitable tendency will be for the number of primaries to increase rather than diminish, since a primary is the easiest way out for any governor or any state legislature, with the added inducement of great national publicity and an increase in the tourist business (in the off-season in most states).

In offering some reserved approval of the national primary idea, I am compelled to eat a generous portion of crow. More than twenty years ago I served—briefly and unimportantly—on the White House staff as a consultant to Charles S. Murphy, President Truman's Counsel. During that period I wrote a brilliant (sic!) memorandum giving all the arguments against the national primary idea then being espoused by the late Sen. Estes Kefauver. I would still accept the 1952 primary system. But the overriding point is: there is no going back!

The one aspect of Mansfield-Aiken which deserves the greatest support is that it standardizes the procedures in the several states. If there is one field in which it would seem that states' rights have no relevance at all, it is in the field of the nomination and the election of the President of the United States. After all, the Republicans and Democrats of California, New York and Wyoming are not nominating candidates for President of the USA. Now that the Supreme Court has ruled on the rights of the citizens with respect to the election of Congressmen and even of state and county legislators, it is high time that similar standards be applied to the process by which we choose our presidential candidates.

How ridiculous it is to depend on the whims of 50 state legislatures for the basic decisions leading to the nomination of our presidential candidates! Suppose the legislatures of New York and California should decide to hold their primaries on the second Tuesday of January of the presidential year! What, then, would happen to the primaries in the other states? Why should some states permit winner-take-all primaries while other states, because they provide for proportional representation, have far less impact on the final solution? Why should the states be able to "jockey for position" in terms of the dates of their primaries? The national standardization required by Mansfield-Aiken is essential if equity is to be achieved.

Mansfield-Aiken is also sound and reasonable, it seems to me, in its requirements (in Section 3) that an adequate number of signatures be essential for candidates to be placed on the national primary ballet.

But in a number of very significant respects, I would hope that Senators Mansfield and Aiken and their supporters in both Houses of the Congress would give serious thought to a rather fundamental reconsideration of the proposed amendment.

(1) If it were constitutionally possible to adopt a national system by a simple act of Congress, it would seem to be far preferable to an amendment to the Constitution. It is not so much that an amendment is difficult to be passed by the Congress and by the states but rather that it is equally difficult to change, once passed. After all, we are dealing with one of the most sensitive and significant aspects of our governmental structure, the nomination of its top leadership. No one is wise enough to have the Absolute Truth in this elusive field. If an amendment is deemed to be required constitutionally, I would urge that it be brief and that it merely grant to the Congress the right and the obligation to establish laws governing the national nominating procedures for the President of the United States.

The other specific provisions in Mansfield-Aiken would then be set forth in an act or acts of the Congress.

(2) Mansfield-Aiken calls for nomination in a national primary "by direct popular vote." This proposal seems to me to be symptomatic of the mathematical approach to the problem rather than a consideration of the political realities. It fails to take into account the regionalism that exists, and is likely to continue to exist, in this large nation. Under Mansfield-Aiken, a regional candidate could get, say, 80% of the vote from his own region and become the nominee of his party while a half dozen or more candidates were dividing the votes in the other regions. If the contest were limited to two candidates, this danger would either be eliminated or enormously diminished but a two candidate national primary seems highly unlikely.

It would be far preferable to count the results of the popular votes by states, as we do in the election itself, using the electoral votes assigned now to each state as the basis of the result. That would limit the regional impact of any one candidate to the regions and states in which he has voting strength, as it should, indeed as it must. This would in no way limit the power of the national committees of the parties to decide the size of the conventions by allocating two or more delegates for each electoral vote, or to allocate additional delegates to the several states depending on whatever factors each party would want to consider (such as the voting pattern in the previous presidential election).

(3) Mansfield-Aiken says nothing about the selection of delegates to the national conventions of the parties. I would urge that the candidates be responsible for the selection of the delegates in the several states. In other words, if a candidate receives 35% of the primary vote in Iowa, he should be entitled to 35% of the delegates from that state. He should have the right to choose his delegates as he wishes. He could either name them himself or have them chosen by a caucus of his supporters in the state. The major point is that the candidate should be responsible and accountable for the selection.

A major dividend of this system is that it might well resolve the tough problem of the so-called quota system which now exists in the Democratic rules (although a footnote in the McGovern Commission report specifically excludes quotas as such). Even those of us who have consistently sought to achieve the fullest representation for minorities, for women and for the young, are bothered by the inherent conflict between the quota system and the democratic process. For example, there is no reason to insist, by party regulation or by law, that a racist candidate be represented at a national convention by blacks, or that an antifeminist candidate be required to be represented by a delegation with roughly 50% women members. If the candidate himself is accountable for the delegates who represent him, he will see to it that they reflect his views in terms of minority representation. If they do not include sufficient minority representation, the candidate will pay the price politically. This is as it should be, and it would eliminate the challenges made on the basis of mathematics. The real challenge, both at the national conventions and in the November elections, is the political challenge.

(4) Mansfield-Aiken would require only a plurality of 40% of the national vote to nominate a candidate. This not only opens up the possibility of nominating a candidate who represents only a minority of his party, but it increases the dangers of nominating a

predominantly regional candidate as indicated above. I would urge that a majority be required for nomination as the candidate of each party.

(5) A major suggestion for changing the Mansfield-Aiken proposal has to do with the run-off election in the event that no candidate receives 40% (or even 50%) of the votes. A national run-off is admittedly a cumbersome procedure. It lengthens the nominating process, and in Mansfield-Aiken by 28 days, which means a new campaign of four weeks. And it serves to diminish, almost to the point of eliminating, the importance of the national conventions which, for better or worse, are the only occasions during a four-year period when the several parties become, if only for a few days, national parties rather than confederations of state fiefdoms.

I would urge the elimination of the run-off and I would propose that the final decision of the nominating process be made by the national conventions. If a candidate were to win 50% or a majority of the delegates in the national primary, he would obviously be assured of the nomination before the convention takes place. The convention would, then, ratify his nomination, nominate a vice-presidential candidate, adopt a platform, and launch the campaign. If, on the other hand, no candidate obtained a majority of the delegates, the issue would be decided by the convention.

It will be charged that this system would make for "wheeling and dealing" among the candidates. But that is merely a pejorative term for politics, especially for coalition politics. The two-party system is dependent on coalition politics. Indeed, it would take a courageous soul who would dare to insist that "wheeling and dealing" is unknown in the primary system as it has been in the past, and especially as it was in 1972.

(6) A relatively minor but nonetheless significant detail in Mansfield-Aiken has to do with the date of the proposed national primary, the first Tuesday after the first Monday in August. This date is subject to the legitimate criticism that it comes during the summer vacation season when many families are discombobulated in one way or another. Conventions, which involve upwards of 3,000 active partisans, can be conveniently held in August but the holding of primaries at this time would involve, hopefully, many millions of voters, the vast majority of whom would be far from political activists. I would suggest a non-summer date, perhaps, at the latest, the first Tuesday after the first Monday in June.

(7) Finally, whenever there is a discussion of a national primary, there is a discussion of finances. While it would be hard to imagine the expenditure of more money than was required in the 1972 primaries (almost completely limited, of course, to the one party in which there were major contests), the issue should be dealt with in the legislation. I claim no expertise in this field but I would think that the legislation could require some free television and radio time for all qualified candidates, hopefully Federal funds for the candidates, and limitations on the amounts that could be expended.

The general argument against any form of national primary will be made that it favors well known candidates and does not give the lesser known candidates an opportunity to build their strength gradually, as Senator McGovern did in 1972. Whatever one's party affiliation or political preference in 1972, it must be said that George McGovern waged a gallant battle against enormous odds. Nevertheless, I find it strange that he should have been considered an unknown, even at the beginning of his primary campaign. After all, he had been a U.S. senator for 10 years and a very distinguished senator who had taken the leadership on the Vietnam issue over the past several years. He had even been a presidential candidate in 1968, with wide television coverage. Furthermore, he had easily the best and most widespread organization of any of the candidates, with college students and liberal activists working for him in every state. This organization would have counted heavily in a national primary. Adlai Stevenson was far less well known in early 1952. Finally, it is fair to raise the question as to whether a nominating process for the Presidency should be geared to the possible nomination of a relatively unknown candidate.

If, as Senators Mansfield and Aiken clearly believe, along with millions of Americans of all political convictions, the present catch-as-catch-can nominating system is dangerously unjust and unrepresentative, there is still time, but barely, to make essential changes before 1976. Especially is time of the essence if any form of constitutional amendment is involved.

It would seem highly appropriate that the United States demonstrate that it has come of age politically by starting its third century as a nation with the inauguration of a reasonable and equitable method of nominating our presidential candidates.

SAVE YOUR VISION WEEK

HON. DEL CLAWSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 13, 1973

Mr. DEL CLAWSON. Mr. Speaker, this year Save Your Vision Week, proclaimed by the President as the week of March 4–10, came at a most appropriate time for the Congress. We are considering a host of health proposals, many of which could in time change the face of the Nation's health care system.

Vision is, of course, a vital part of the Nation's health. In addition to their daily contributions in this area, the primary eye care practitioners, the optometrists of the Nation, have for 47 years supported Save Your Vision Week in a massive effort to educate the public to the necessity of good eye care. The quality of the individual's vision affects his learning abilities, his work, his personal and emotional development.

As the Congressman from California's 23d District, I am proud of the development of the new campus of the Southern California College of Optometry. New facilities are under construction at Fullerton; the first class will matriculate there in September of this year. the 6.85-acre site is located within a 100-mile radius of 35 colleges and universities which are expected to provide a majority of the new students at SCCO.

Dr. Richard L. Hopping, an outstanding optometrist from Dayton, Ohio, and past president of the American Optometric Association, has assumed the duties as president of this fine segment of the Nation's health professional training complex. Established in 1904 as the Los Angeles College of Optometry, this institution has already played a significant role in meeting optometric manpower needs in California, as well as other Southwestern States.

The new facilities provide space for an enrollment increase exceeding 50 percent, in answer to the mounting vision needs of the public. The entire campus exemplifies the tremendous progress of optometric education in the last decade.

A Federal grant of almost $2 million has supported this construction effort at Fullerton. Such support has made possible the increase in needed professional facilities. Continued support for students entering the professional health care field may also be required as a necessary followthrough.

THE SADDENING CELEBRATION

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 13, 1973

Mr. WALDIE. Mr. Speaker, perhaps because the columns of Art Hoppe are so regularly humorous and entertaining, it is overlooked that he can also be one of the most gifted, sensitive, and movingly serious writers around.

Mr. Hoppe perhaps writes only one or two such "serious" pieces a year, or less. When he does, it is well worth our time to note it.

There is little I could say by way of introduction or description of a recent column by Mr. Hoppe entitled, "The Saddening Celebration," which appeared in the San Francisco Chronicle last February 14.

The eloquence and sincerity of the column speak for themselves, and I find it best to offer it in the same spirit in which I myself concluded reading it, which was in silence.

The column follows:

The Saddening Celebration

(By Arthur Hoppe)

For the past week the front pages have carried little else but the story of our returning prisoners of war.

Each day, I've glanced at the pictures of grinning young men and tearfully happy wives. And I've turned the page.

I don't want to read about it. "Hero's Welcome for Freed POWs," the headline says. I don't want to watch as the tiny figure on the television screen waves joyously from the steps of the airplane and then, through the electronic magic of Instant Re-Play, waves joyously once again.

I know this is the one happy moment of this long and ugly war. I know this is as close to a victory celebration as we'll ever have.

Yet I can't bring myself to share in the mood of national jubilation. I only feel sad.

Partly, it is the 500 or so young men themselves. I'm glad they're finally coming home. I try to imagine what it would be like to spend eight years in a foreign prison camp. The poor bastards!

Yet it was we who sent them over there to be captured and confined. It was we who sent them to fight this long and ugly war because we could find no way out of the mess without admitting we were wrong.

They are living evidence of our guilt. They are, in a way, us. For we were all, as the peace pamphlets used to say, prisoners of the war.

And their happiness now is in direct ratio to the agony we put them through. Maybe this is true for the nation as a whole. Maybe this is the cause of our jubilation now. So when I see the joy in their faces that their agony is over, I turn the page. I flick off the set. I only feel sad.

The President has asked us to offer "a prayer of thanks for all who have borne this battle." When he says that I don't think of our 500 prisoners. I think of those who bore far worse in this battle. But they are dead. More than a million of them. I can't thank them for dying. The poor bastards! I only feel sad.

The President says we must "resolve anew to be worthy of the sacrifices they have made." The sacrifices for what? The map of Vietnam is unchanged. The Viet Cong still hold their enclaves. A dictator still rules in Saigon. More than 145,000 North Vietnamese troops still remain in the south.

A decade of sacrifices. A million lives, a billion dollars, our own country torn apart. Yet nothing has changed. And I am asked to feel worthy of this. I only feel sad.

But that is only part of it. It is mostly, I think, that I begrudge this long and ugly war even this one happy moment.

Its very ugliness and pointlessness, I had come to feel, was its only virtue. After a decade of this ugly and pointless war, the country had come to look upon it with revulsion. And I had hope that this revulsion would extend to any future war our leaders might want to embroil us in as they play their game of global strategy.

But how quickly we forget.

The President talks now of the "selflessness" of our cause, of "peace with honor," of noble "sacrifices." And now the nation's mood is one of jubilation as we celebrate what is fast becoming a famous victory in glorious battle.

So I glance away from the happy faces of these 500 young men. They are the symbols of this war. We should never have sent them over there. Now at last we have them back. They are the only fruits of our victory. And yet the nation celebrates.

How quickly we forget.

And that, I think, is perhaps the saddest thing of all.

FIRE IN THE HOUSE

HON. WILLIAM J. KEATING

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 13, 1973

Mr. KEATING. Mr. Speaker what would happen if a fire would break out at this moment in the Capitol or one of the office buildings? The fact is no one here knows any of the fire signals or procedures, because there are none.

After the tragic bombing of the Capitol 2 years ago, I introduced legislation directing the House Administration Committee to study the problem and inform the Members of the House, their staffs, employees of the House, and visitors of evacuation and fire procedures.

I am reintroducing the resolution today.

Through the legislative bell system we know what to do for a vote, or quorum call, or civil defense attack; but we do not know what to do if there is a need to evacuate the buildings. We have all heard the civil defense warning tested; but has any Member ever heard a fire alarm tested?

During the past 6 years there have been more than 12,000 deaths annually as a result of fire.

This year the Congress has already held hearings on fire safety in high rise buildings. By passing the Occupational Safety and Health Act we have put tight fire safety regulations into effect for industry; yet these regulations are not implemented here in the Capitol Building and the congressional office buildings. We in the Congress should be setting the example.

Today, I am reintroducing the bill and hope that the House Administration Committee will take action before we are forced to move by a tragedy.

THE OLD, THE POOR, THE UNEMPLOYED

HON. JOHN E. MOSS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 13, 1973

Mr. MOSS. Mr. Speaker, in an age when we are told that volunteerism and local responsibility can deal effectively with national and world problems, I feel that this article by Henry Steele Commager should be read and pondered by all. I insert in the RECORD the following New York Times' article, "The Old, the Poor, the Unemployed":

THE OLD, THE POOR, THE UNEMPLOYED

(By Henry Steele Commager)

AMHERST, MASS.—The object of President Nixon's "new federalism" (which is neither new nor federalism) is to balance the budget, dismantle ineffective social services, and to provide more money for the military. It is submitted to the people not in this bald fashion, however, but as a reduction in Big Government, and a return to localism and voluntarism, that is to "grass roots" democracy. The notion that voluntarism and local authorities can deal effectively with the national and global problems which crowd about us is without support in logic or history, and is dangerous to the well being of the Republic.

The fact is that for a century and a half almost every major reform in our political and social system has come about through the agency of the national government and over the opposition of powerful vested interests, states and local communities.

It is the national government that freed the slaves, not the states or the people of the South, and there is no reason to suppose that these would ever have done so voluntarily. It is the national government that gave blacks the vote, guaranteed them political and civil rights, and finally—in the face of adamantine hostility from Southern states and bitter resentment from local communities, provided some measure of social equality, legal justice and political rights for those who had been fobbed off with second-class citizenship. Ask the blacks if they could have "overcome" through voluntarism.

It is the national government which finally gave the suffrage to women and which, in the past decade, has so greatly expanded the area of woman's rights. It is the national government, too, which extended the suffrage to those over eighteen. And it is the federal courts that imposed a one-man, one-vote rule on reluctant states.

It is the national government which, in the face of the savage hostility of great corporations and of many states, finally provided labor with a Bill of Rights, wiped out child labor, regulated hours and set minimum wages, and spread over workers the mantle of social justice. Ask the workingmen of America if they prefer to rely on the voluntarism of private enterprise rather than on government.

It is the national government that first launched the campaign to conserve the natural resources of the nation and that is now embarked upon a vast program to curb pollution and waste, and to save the waters and the soil for future generations—a program which Mr. Nixon's new federalism is prepared to frustrate. Ask conservationists whether they can rely on the states, or on voluntary action, to resist giant oil, timber, coal and mineral interests for the fulfillment of their fiduciary obligations to future generations.

It is the national government, not the voluntarism of the American Medical Association that finally brought about social security and medicare—just as in Britain, France, Scandinavia and Germany it was government, not private interests, that established socialized medicine. It is the national government, not states or private enterprise (which did their best to kill it) that finally provided social security for the victims of our economic system. Ask the old, the poor, the unemployed, the "perishing classes of society" whether they wish to go back to the voluntarism of private charity or the haphazard of local welfare.

It is the national government, through national courts, which has imposed "due process of law" on local police authorities, and on the almost arbitrary standards of many states. We have only to compare the administration of justice and of prisons in local and federal jurisdictions to realize that many of the values of voluntarism and localism are sentimental rather than real.

It is the national government, not the local, which through its almost limitless resources has finally acted to ameliorate the awful inequalities on public education at all levels. And it is the national government which has, in recent years, given vigorous support to the arts, music, libraries, higher education and research in every part of the country.

Now these and many other achievements of nationalism in the arena of health, welfare, conservation, economic equality, and justice are not to be explained on some theory that those who work for the nation are more compassionate than those who work on the local level. The explanation is at once more simple and more practical; namely that as the problems we face are inescapably national, they cannot be solved by local or voluntary action. Pollution is a national problem, no one state can clean up the Mississippi River or the Great Lakes, regulate strip mining, or cleanse the air. Civil rights, medical and hospital care, drugs and mental health and crime, the urban blight, education, unemployment—these are not local but national in impact, and they will yield only to national programs of welfare and social justice. All of them are as national as defense, and all as essential to the well being of the nation, and not even Mr. Nixon or Secretary of Defense Richardson has proposed a return to the militia system, though that would be logical enough in the light of their philosophy.

Only the national government has the constitutional authority, the financial resources, the administrative talent and the statesmanship to deal with these problems on a national scale.

The Nixon-Richardson program is not a philosophy, it is an escape from philosophy; it is not a program, it is the fragmentation of a program.

SPRING VALLEY JEWISH COMMUNITY CENTER CELEBRATES GOLDEN JUBILEE

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 13, 1973

Mr. GILMAN. Mr. Speaker, I am pleased to call to the attention of my colleagues today, the 50th anniversary of the Jewish Community Center in Spring Valley, N.Y., which is celebrating that event during the month of March.

From a small handful of 12 active, alert citizens who recognized the need for providing Rockland County with effective communal programs, this organization has grown and has been providing a vital stimulus to community life since 1923.

Throughout its 50 years, the Spring Valley Jewish Community Center has assumed an integral role in the lives of many citizens in the Spring Valley area. This center now serves over 550 families, provides a wide variety of services, including: day school programs, religious training and nursery schools, assistance for the elderly and a gathering place for the youth of the area.

Our great Nation is the product of civic minded individuals such as this coming together in an effort to provide a better way of life for their community. The Jewish Community Center, in its meaningful response to the needs of the residents of Spring Valley, is the synthesis of this communion of citizens providing a more productive and fruitful life for those it serves.

The Jewish Community Center of Spring Valley is deserving of our commendations as it commemorates its jubilee year.

TO AMEND THE INVESTMENT ADVISORS ACT OF 1940 TO PROVIDE FOR REGULATION OF PERSONS RATING MUNICIPAL BONDS

HON. JOHN M. MURPHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 13, 1973

Mr. MURPHY of New York. Mr. Speaker, I introduce with Congressman BERT PODELL a bill to amend the Investment Advisors Act of 1940 to provide for regulation or persons rating municipal bonds. I believe that this legislation would aid municipal governments in obtaining needed funds through the bond markets. It would assure that the persons and agencies that rate these bonds, for a fee charged to the bond issuer, follow a known set of standards and apply these standards consistently among all municipalities.

The need for this bill is perhaps most apparent from the obvious inconsistency in the ratings given to New York City. There have not only been inconsistencies in these ratings among the several rating services resulting in millions of dollars added to the cost of the financing, there have also been inconsistencies in the treatment of different cities, and even inconsistencies among separate bond issues guaranteed by the city of New York by the same rating service. This differing application of rating standards both between cities and among the rating services unfairly penalizes the taxpayers of the downgraded cities. To the extent that some cities may be upgraded the present system provides an unwarranted fiscal dividend.

Examples of these disparities are clearly evident from a comparison of the ratings given to New York City and several other large cities by three of the most widely respected rating services. First of all, New York City has been rated Baa—later redefined as Baa-1—"lower medium grade"—fourth highest of nine grades by Moody's since July 1965. Standard and Poor's since July 1966 have rated the same obligations BBB—"medium grade"—the fourth highest of 12 grades. Dun and Bradstreet from July 1965 until their absorption by Moody's in 1971 rated New York City as "average"—"short of meeting 'good' standards, but the elements of strength on the whole outweigh any significant weakness"—the fourth highest of eight categories and "10"—of 22—on "credit risk" in their double rating system.

At the same time Standard and Poor's gave Detroit a higher "A" rating while Moody rated Detroit lower—"Baa"—as did Dun and Bradstreet—"Fair 13."

Further confusing the rating standards is the fact that a bond issue by the New York State Urban Development Corp. was given a higher rating than New York City's bonds. This occurred in spite of the fact that the corporation had no fiscal support of its own, except a moral commitment from the State to meet any deficits in debt service requirements. The situation is even more incomprehensible when it is realized that the State constitution provides that any payments to New York City must be applied to meeting debt service requirements if the appropriating authorities fail to meet the annual debt service charges on the city's obligations.

I could continue to point out other gross inequities of the rating services, but I believe these examples sufficiently illustrate the problem.

I do want to point out, however, Mr. Speaker, that the taxpayers of New York City are by no means the only ones who suffer undue financial burden from the questionable behavior of the municipal bond rating agencies. In spite of the fact that there has not been a major loss on any municipal security since the depression only one of the 20 largest cities—Milwaukee—is given the highest quality rating by all three of the rating agencies surveyed. Of the five largest cities in the country—all of which certainly generate sufficient income and have more than adequate resources to cover all outstanding debt even with their recurring cash flow and current account difficulties—only Los Angeles is given an excellent rating consistently, and even that rating is short of the highest prime category.

The purpose of this legislation, Mr. Speaker, is not to infringe upon the freedom of the rating services. It is not designed to force them to rate New York City's or any other municipalities obligations at a higher grade than warranted. Rather, it is to insure that first, the standards used to derive the ratings are reasonable and in effect do measure credit worthiness; second, the standards decided upon are consistently applied and differences of opinion are based on fact and sound reasoning; and third, the same standards are applied to corporations, municipalities, and any other issuers of obligations that ask for and receive a credit rating. With respect to point three, it is difficult for me to comprehend how any corporation can be a better credit risk than a municipality such as New York City. The city has never defaulted on a financial obligation since its founding. It provides a first lien on all city revenues for payment of debt service, which currently amount to nine times the amound needed for payments of interest and principal on the bonds outstanding. It has the power to subject all taxable property to an unlimited ad valorem tax to pay bond interest and principal, which is currently 8.7 percent of the full value of real taxable property. And the State constitution provides for the use of State funds to meet any debt service not covered by appropriation by the city.

Furthermore, Mr. Speaker, this bill will institute procedures to be followed by anyone who believes they have been adversely affected by the action of a municipal bond rating agency. It will give protection to those who have been financing the needs of the city, but have been at the mercy of agencies that may, either haphazardly or purposefully, have caused them additional financial burdens.

The legislation that Congressman PODELL and I introduce today, would require the rating agency to issue a new rating based on the foregoing requirements, if after hearings, the regulating commission should find that the original rating was in violation of these requirements.

Mr. Speaker, I believe that both sides of the aisle will agree with me, that no private organization should have as much power as the rating agencies have, to affect the salability, and therefore the interest cost to the taxpayer, of Government bonds without some sort of responsiveness to the financial welfare of the taxpayers. I think that we can all agree, in view of the national scope of capital markets, that the most efficient and effective safeguard for the taxpayer would be the establishment of a Federal commission with regulatory and enforcement powers.

THE PRICE OF LUMBER

HON. RICHARD T. HANNA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 13, 1973

Mr. HANNA. Mr. Speaker, I am sure that most of the Members of this body have received, as I have, numerous complaints about the dramatic increase in lumber prices and the corresponding increase in the price of new homes. While the administration congratulates itself at every turn on its victory over inflation, prices in these two related areas continue to rise at an unprecedented rate. During phases I and II, the wholesale price of lumber rose 14.5 percent. That, I submit, is no victory over which to brag.

There is considerable evidence that the

increase in lumber prices has been in large measure a case of demand-pull inflation in the midst of poorly conceived price control policies; 1971 and 1972 were record-setting years for housing construction with 2.1 million and 2.4 million starts respectively. Even with a casual acquaintanceship with economic principles one can see that those facts suggest a marked increase in the demand for lumber, and that in the absence of increased supply or price controls this pressure would drive up the price of lumber.

In what appears to be complete disregard or ignorance of these facts, the administration on last May 2 exempted from phase II all firms employing 60 or less people. It so happens that most lumber suppliers fall into that category. The administration did not respond to the inevitable increase in lumber prices until mid-July, when it exempted the lumber industry from the "60 or less" exemption. The lumber situation has remained in a state of confusion ever since, and with the advent of phase III, prices have begun a new upward spiral.

There is every reason to believe, Mr. Speaker, that the demand pressure on lumber prices will remain heavy in 1973. Unless public policies in terms of price controls and timber supply are adjusted accordingly, the price of new homes will continue to rise at an unacceptable rate.

I believe, Mr. Speaker, that if the Members will review the following figures, they will agree with me that in the area of lumber prices, as in the case of food, the administration has failed to live up to its promises and boasts:

LUMBER WHOLESALE PRICE INDEXES AND PERCENTAGE INCREASES, AUGUST 1971–DECEMBER 1972

Commodity	Wholesale price indexes				Percentage changes			
	August 1971	October 1972	November 1972	December 1972	August 1971 to December 1972	October 1972 to November 1972	November 1972 to December 1972	Monthly average, August 1971–December 1972
All commodities	114.9	120.0	120.7	122.9	7.0	0.6	1.8	0.4
All lumber	146.7	166.1	166.8	167.9	14.5	.4	.7	.9
Softwood lumber	154.5	175.1	176.0	177.2	14.7	.5	.7	.9
Douglas fir lumber	150.9	167.9	168.1	168.3	11.5	.1	.1	.7
Southern pine lumber	141.4	154.8	156.3	156.3	10.5	.1	0	.7
Other softwood lumber	161.2	186.3	187.2	189.3	17.4	.4	1.1	1.1
Hardwood lumber	87.1	130.3	130.4	131.0	50.4	.1	.5	3.2
Millwork	123.8	130.7	130.9	130.7	5.6	.2	−.2	.4
Softwood plywood	138.7	159.9	157.4	155.2	11.9	−1.6	−1.4	.7
Hardwood plywood	100.3	107.0107	107.0	107.0	6.7	0	0	.4

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 13, 1973

Mr. SCHERLE. Mr. Speaker, for more than 3 years, I have reminded my colleagues daily of the plight of our prisoners of war. Now, for most of us, the war is over. Yet despite the cease-fire agreements provisions for the release of all prisoners, fewer than 600 of the more than 1,900 men who were lost while on active duty in Southeast Asia have been identified by the enemy as alive and captive. The remaining 1,220 men are still missing in action.

A child asks: "Where is Daddy?" A mother asks: "How is my son?" A wife wonders: "Is my husband alive or dead?" How long?

Until those men are accounted for, their families will continue to undergo the special suffering reserved for the relatives of those who simply disappear without a trace, the living lost, the dead with graves unmarked. For their families, peace brings no respite from frustration, anxiety, and uncertainty. Some can look forward to a whole lifetime shadowed by grief.

We must make every effort to alleviate their anguish by redoubling our search for the missing servicemen. Of the incalculable debt owed to them and their families, we can at least pay that minimum. Until I am satisfied, therefore, that we are meeting our obligation, I will continue to ask, "How long?"

IN MEMORY OF THE LATE LYNDON BAINES JOHNSON

HON. WILBUR D. MILLS

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 6, 1973

Mr. MILLS of Arkansas. Mr. Speaker, in the passing of Lyndon Baines Johnson, the Nation has lost not only its remaining former Chief Executive, it has also lost a great public servant and a true friend of the people.

Lyndon Johnson first came to Washington in 1931 as a secretary to a Congressman. He left Washington in 1969 upon his retirement from the presidency of the United States. During that 38-year period, he indelibly inscribed his mark on the pages of U.S. history. As a congressional staffer, Member of the House, U.S. Senator, majority leader of the Senate, and finally as President of the United States, he served this Nation well and faithfully.

Perhaps no other era in the life of this country has been as eventful and challenging for those in positions of leadership than these past four decades, encompassing the Great Depression, World War II, the Cold War, the Korean conflict, unprecedented domestic social upheaval, and Vietnam. Lyndon Johnson never shirked the awesome responsibilities that fell on his shoulders during these times. He gave the Nation his very best during his active public service and continued to serve as a source of sound advice and good counsel for this Nation and its leaders during his retirement years on his beloved ranch along the Pedernales River.

We all mourn the passing of this strong leader and great statesman from our midst.

MY RESPONSIBILITY TO FREEDOM

HON. JOHN JARMAN

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 13, 1973

Mr. JARMAN. Mr. Speaker, Mr. James Matthew Ray of Oklahoma City is the 1973 Oklahoma State winner of the Voice of Democracy contest sponsored by the Veterans of Foreign Wars. Matt is from my congressional district and it is with pride that I submit for the RECORD a copy of his winning essay:

MY RESPONSIBILITY TO FREEDOM

(By Matt May)

Once there was a wise old man who lived in the hills of West Virginia. He was well known for his profound knowledge and philosophical insight. One day some boys from a neighboring village decided to play a trick on the old hermit, to test his wisdom. They caught a bird and proceeded to the hermit's cave. One of the boys cupped the bird in his hands and called to the hermit, "Say, old man, what is it that I have in my hands?" Hearing the chirping and noise the hermit said it was a bird. "Yes, but is it dead or alive?" asked the boy. If the hermit said the bird was alive, the boy would crush it in his hands. If the hermit said the bird was dead, the boy would open his hands and let the bird fly free. The hermit thought a moment and then replied, "It is what you make it."

Just as the bird in the cupped hands of the boy, our country's future is on a teetering block. Whether it will be a prosperous one or one of desperation is determined by our actions. It is what we make it.

The hermit had the insight to foresee a problem or perhaps a tragedy arising in his own little world. It is up to each individual in our society to recognize the problems facing our country and to exercise his individual responsibilities to freedom.

Each of us should follow after the pattern of Daniel Webster when he made his famous March 7, Compromise Speech. In one part he stated:

"I wish to speak today, not as a Massachusetts man, nor as a northern man, but as an American, and a member of the Senate of the United States . . . (but) I have a duty to perform, and I mean to perform it with fidelity, not without a sense of existing dangers, but not without hope."

Perhaps we cannot give as much as this great Senator when he sacrificed his future political career to attempt to save the Union from division. But we can sacrifice a few minutes to study candidates platforms and then vote during each election, as well as having respect for the civil laws governing social behavior, and serving in the armed services when called on to do so.

These responsibilities are few, yet they are so often disregarded. An American should realize the danger in such an omission. I know I must meet these obligations if I am to be a beneficial part of my country. And when I meet my responsibilities, I will try to do what I think is best for the United States. My decisions should not be selfish but instead should render aid to the people of the nation. I should remember as Andrew Hamilton once stated: "the man who loves his country prefers its liberty to all other considerations, well knowing that without liberty life is a misery . . ." This is why we have to accept our responsibilities as being intricate parts of our lives.

However, many of our youth today have been expressing their views on many important issues and often they are silenced. There is nothing wrong with a person expressing diverse views in America as Patrick Henry showed us back in 1775, when he stated:

"(But) different men often see the same subjects in different lights; and, therefore, I hope that it will not be thought disrespectful to those gentlemen if, entertaining as I do, opinions of a character very opposite to theirs, I shall speak forth my sentiments freely and without reserve."

America is definitely founded on this principle; however, many times the youth of today try to dramatize their views with violence. The expression of one's views does not have to be accompanied by violence. Even when an individual exercises his right of opinion, he must remember that there are rules governing our social actions that are established to protect every person. In expressing my views, I must be sure not to infringe on another's rights. Any improvement in my country that I seek to establish should be possible through the structure of our government. I must always remember that what I feel would be best for the U.S. is not necessarily what the majority would see as being best.

Yet even though this may be true, I must acknowledge that I have certain obligations to my country; I must sincerely try to vote in all elections to which I am qualified; I must respect all laws governing social behavior; and when called to do so, fight for the virtues which my country holds as necessary. I cling earnestly to these beliefs. For my hands are cupped and I must make the decision.

LEGISLATION FOR THE MENTALLY RETARDED

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 13, 1973

Mr. WALDIE. Mr. Speaker, one of the top priority issues of this session of Congress must be an extensive legislative program for mental health care in this country. The last session of Congress displayed relative inattention and insensitivity to the problems which the States and nonprofit organizations are facing in providing necessary assistance to the needs of the mentally retarded. No bills dealing with the needs of the retarded were adopted by the last Congress, and this is a track record of which none of us can be proud.

In light of the recent cutbacks in funding and disclosures of widespread underfunding of State institutions serving the mentally retarded such as Pacific State Hospital in Pomona, Calif., the need for improved and expanded Federal assistance programs becomes even more acute.

Toward that end, I am today introducing a comprehensive package of bills designed to assist private and public institutions in the treatment and care of mental patients and a massive upgrading in mental health diagnosis and treatment.

More than 200,000 mentally retarded persons in this country are forced to live out their lives in facilities that not only fail to meet their special needs, but often set them back even farther into the depths of retardation.

Mental retardation does not have to be absolute. Our technological society has, in practice, made relative retardation synonymous with absolute retardation, but studies have shown, particularly with children, that retardation cannot only be curbed, but in some cases, cured, where there is proper stimulation, conducive surroundings, and positive reinforcement.

Early experience can, as psychologists have suggested, absolutely retard a child's intellectual growth. But that retardation seems to be more temporary than we have believed, and children retain an enormous potential for recovery. Thus, it appears that a 2-year-old who is seriously retarded in the absolute sense is able to recover normal intellectual functioning within a period of several years in proper surroundings with proper treatment.

Unfortunately, the conditions which exist in our institutions today do not meet these criteria. A major part of the legislation I am introducing today, known as the Bill of Rights for the Mentally Retarded, provides some $30 million a year for 3 years to assist the States in conducting comprehensive studies of the cost of bringing existing residential facilities into compliance with established standards, to review the present State plans and developing strategies to fulfill the purpose of the bill—to provide for the humane care, treatment, habilitation, and protection of the mentally retarded in residential facilities.

Any State seeking funds under this legislation would have to comply with the standards established by a 15-member National Advisory Council in order to qualify for assistance.

I am also introducing a bill which amends the Social Security Act to provide that an institution which is primarily for the mentally retarded shall not be considered an institution for mental diseases. This permits aid to be given to the permanently and totally disabled, under approved State plans with Federal matching, to individuals in institutions for the mentally retarded.

Another bill amends the Education of Handicapped Act to provide for comprehensive education programs for severely and profoundly mentally retarded children.

Finally, I am introducing a Mental Health Act which provides adequate mental health care and psychiatric care for all Americans and ends the discrimination between mental health care and other forms of health care.

THE F-14 TOMCAT

HON. ANGELO D. RONCALLO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 13, 1973

Mr. RONCALLO of New York. Mr. Speaker, an editorial from the North Dakota Jamestown Sun, explaining the superiority of the Grumman F-14 over any of today's aircraft and the necessity for keeping America militarily strong has been brought to my attention. I would like to share this editorial with my distinguished colleagues:

BUFFALO TERRITORY: THE F-14 TOMCAT

(By Jack Evans)

The program of development and manufacture of the F-14 air superiority fighter, parts of which are manufactured in our community, has moved along very well through design, experimental and initial-delivery stages.

The F-14—also known as the Tomcat—is a supersonic jet plane made for U.S. Navy use. It is also adaptable to other U.S. armed services.

According to neutral observers and the aircraft's prime contractor, Grumman Aerospace Corporation of Bethpage, N.Y., the Tomcat has no equal in the world—even including the USSR's MIG Foxbat. Military experts concede this new Russian supersonic MIG is tops among fighter-bomber jet aircraft made outside the United States.

The U. S. Navy fully agrees with estimates of the capabilities of the tremendously fast, potentially most effective F-14 Tomcat.

Twenty-five F-14 Tomcats have been completed and delivered. Thirteen of these have been used for the punishing stress, speed, performance and reliability tests that must be made before a plane is delivered to its military purchasers. Twelve of the planes have been delivered to the U.S. Navy for its own special testing.

The Tomcat has lived up to all the Navy's expectations, as well as those of its designers and manufacturers. In fact, the Navy is as near being ecstatic over the F-14's performance and potential as that most-conservative of our branches can be.

A test compared the F-14 Tomcat with the F-4J. The F-4J is preferred by some members of Congress. The test was held on Feb. 22. The F-14 Tomcat was flown by a Navy pilot with a neutral umpire accompanying him in the plane. The F-4J was flown by a project test pilot. Eight pre-briefed encounters—as between a U.S. aircraft and any potential enemy—were run in the test. Eight out of eight times the F-14 Tomcat defeated the F-4J hands down. In fact, witnesses agreed that the F-4J is not competition for the F-14.

The defeated test-plane has what are called "slotted wings"—the leading edge of the wings has slots which added to maneuverability of the craft and change somewhat the dynamics of the leading edge of the wings at various speeds.

The winning F-14 Tomcat has an entirely different feature which is understandable even to those not sophisticated in aerospace dynamics. The wings of the Tomcat are retractable. At takeoff they are extended out from the plane in somewhat the manner of a bird soaring. When the F-14 reaches a specified high speed, the wings retract back along the fuselage in a conformation like the fins on a rocket. When the plane is ready to land, its wings are again "spread" and it lands at a speed slow enough to permit it to land on the deck of an aircraft carrier or on a similarly short runway on land.

Probably the most outstanding battle capability of the F-14 Tomcat permits it to take on, via its own computer, as many as six adversaries at once. Any one or all of those adversaries may be up to 600 miles away. All six may be in different locations. The Tomcat's computerized radar-targeting system can be used with rockets, bombs or 20 mm machine guns. The latter fire at a speed of over 6,000 rounds per minute from a modern-day version of the old "gattling gun."

Continuance of the program of manufacture of the Grumman F-14 Tomcat is in doubt because committees of the U.S. Senate are now debating the amount of money that should be spent on going forward with manufacture and delivery of this plane. Inflation has caught up with the Tomcat's cost of manufacture. Grumman, the plane's maker insists on being able to follow through on this project, step-by-step and lot-by-lot on a sound monetary basis. It wants U.S. funds for the project increased somewhat so that building and delivery of this great new defense weapon will remain fiscally sound and not have to be abandoned somewhere along the way in the future.

The United States, just now pulling out of a long and agonizing armed conflict, hopes this country and all countries are headed into a generation or two or three of peace that eventually will defuse the earth of the dread of worldwide conflict.

Our potential or possible enemies in any conflict understand, and have for years, that the U.S. wants this elongated peace time and international good will.

But our potential or possible enemies will understand our desire for peace a little more clearly if they know that we are continuing to make sure we are safe with the very best of military weapons. An outstanding example is the Grumman F-14 Tomcat.

Readers are urged to let their U.S. Representatives and U.S. Senators know their feelings on keeping the U.S. foremost in aerospace design and military hardware.

The United States doesn't want the biggest number of men and material in any of its armed services. It certainly wants the best, however.

SUPPORTS NEED FOR CONGRESSIONAL BUDGET REFORM

HON. EDWARD R. MADIGAN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 7, 1973

Mr. MADIGAN. Mr. Speaker, it was my pleasure recently to join with my fellow first-term Republican colleagues in the House in signing a resolution calling on the Congress to begin the long overdue trek toward Federal budgetary reform and fiscal responsibility. We were joined by 10 equally concerned Democrats who are also serving their first term in Congress.

Federal budget reform is long past due. We need an effective ceiling on Federal spending and a reform of the outmoded budgetary procedures under which the Congress operates.

Several of my fellow first-term colleagues are, like me, former members of State legislative bodies. Few State legislatures operate in a manner which avoids coming to grasp with matching anticipated State income with anticipated expenses. It seems almost incredible to me that our Federal Government can operate without this necessary discipline on income and spending. Members of the legislative branch of our Government must be provided the opportunity to vote on the entire expected expenditures of the Federal Government in relation to estimated Federal revenues.

In his budget message of January 29, 1973, President Nixon said:

> Higher federal tax rates are not needed now or in the years ahead to assure adequate resources for properly responsive government, if the business of government is well managed. The surest way to avoid inflation or higher taxes or both is for the Congress to join me in a concerted effort to control federal spending.

His proposed budget has sent shock waves through both the U.S. citizenry and the Congress, as well. It indicates clearly that he is willing to do his part in bringing Federal spending and deficit budgets under control—something neither his administration nor any of the past five administrations have been able to accomplish.

The executive branch of our Federal Government has lived through deficit budgets year after year due to lack of congressional control of the Federal budget. In the past 54 years, the Federal budget has been in a deficit position 37 times. In 32 of those years, the budgets were submitted to Congress with a deficit.

The size of the deficit has become steadily worse, and as a Republican, it pains me that the President of my party has administered the largest total deficit in our Federal budget in any 4-year period.

I am sure that the President's current actions reflect his own dissatisfaction with that situation.

Of the 16 years in which there were surpluses, 10 occurred before 1931. Since that time there have been just 6 years of administrative budget surpluses. Those years were 1947, 1948, 1951, 1956, 1957, and 1960—administrations of both Democratic and Republican Presidents.

Apart from the years during World War II, the largest deficits have occurred in recent years. In 1968 the deficit was $28 billion; in 1970 it was $13 billion; in 1971, it was $30 billion; in 1972 it was $29 billion; the estimate for 1973 is $34 billion and 1974 is estimated at $28 billion.

This increase in the size of Federal deficits cannot be construed to be the fault of either the executive or legislative branches of our Government. It is the responsibility of both. Those of us in the Congress serving our first terms feel particularly the need and challenge to do what we can to correct the seeming lack of control currently exercised over the budgetary process by the House of Representatives. Nothing is more worthy of our time and best efforts this year than the task of regaining control of the Federal budget. It is easier to not set priorities than to set them. It is easier to authorize expenditures than to decide how the revenue for those program expenditures will be provided. It is easier to appropriate money piecemeal from the President's budget requests than to adopt a budget ourselves.

Fifty years ago, the Congress established the present appropriations system. The purpose then was to bring management of the expenditure process under a single committee's jurisdiction. The Appropriations Committee today in the House more nearly functions as 13 separate committees rather than as a single entity.

While much must be done before the Federal budgetary process can be brought under the control so badly needed, the 92d Congress took a wise step in establishing the Joint Study Committee on Budget Control. This committee seems well on the road to doing the first effective job of tackling and solving the problem. Recently it submitted an interim report on its efforts to establish an effective permanent mechanism for budget control which will assure a more comprehensive and coordinated review of budget totals and determination of spending priorities.

The Joint Study Committee believes that the failure to arrive at congressional budgetary decisions on an overall basis has been a contributory factor in the size of our Federal budget deficits. I agree wholeheartedly. Much of the problem appears to be that no legislative committee has the responsibility to decide whether or not total expenditures are appropriate. As a result, each spending bill appears to be considered by Congress as a separate entity and any review of relative priorities among spending programs for the most part is made solely within the context of the bill then being considered by Congress.

The Joint Committee's interim report indicates that the Appropriations Committee has effective control over less than 50 percent of the budget.

It is heartening to know that the Joint Committee's recommendations include support for a mechanism within Congress to determine the proper level of expenditures for the coming fiscal year, provide an overall ceiling on expenditures on budget authority for each year, and determine the aggregate revenue and debt levels which appropriately should be associated with the expenditure and budgetary authority limits.

Additional recommendations of the Joint Committee's report call for limitations on expenditures in legislation which provides funding separately from the annual appropriations process. The initial action for spending ceilings is to occur early in the legislative session which seems necessary if there is to be effective control on the spending authorizations approved early in the session as well as those approved in the waning days of each congressional session.

The long-range outlook for expenditures not only in the current year, but for 3 to 5 years in the future is also called for in the report. In an effort to provide for emergency situations the committee's recommendations also provide for authorizations at least 1 year in advance, except in unusual circumstances.

These recommendations are encouraging signs that the House is willing to do its part in bringing about control over our Federal budget.

I support the study underway by this most important joint committee of the Congress and look forward to its final recommendations containing the details of the general guidelines outlined in its interim report.

MOTOR VEHICLE SAFETY AMENDMENTS OF 1973

HON. JOHN E. MOSS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 13, 1973

Mr. MOSS. Mr. Speaker, on behalf of myself and my colleagues, Representatives BOB ECKHARDT, Democrat, of Texas, and HENRY HELSTOSKI, Democrat, of New Jersey, I am today introducing the Motor Vehicle Safety Amendments of 1973. This legislation represents the first major revision of the National Traffic and Motor Vehicle Safety Act since its enactment in 1966.

Among the most significant of the provisions of this legislation are the following:

First. It will require the recall by manufacturers of motor vehicles which are found to have a safety-related defect or which fail to comply with a Federal motor vehicle safety standard, without charge to the owners.

Second. It will extend the recall provisions of the act to all registered owners of recalled vehicles listed in State registration records, not merely to first purchasers and those owning vehicles under warranty as presently provided.

Third. It will require that the defect investigation files of the Department of Transportation be available to the public—except with respect to information containing or relating to trade secrets—and that members of the public be allowed to participate in the determination of the existence or nonexistence of safety defects.

Fourth. It will increase the maximum civil penalty for violation of the act from $400,000 to $800,000.

Fifth. It will add criminal penalties for persons "knowingly and willfully" violating the act.

Sixth. It will direct the Secretary to obtain and evaluate cost data whenever it becomes an issue in a safety proceeding under the act.

Seventh. It will provide for substantial increases in authorization of appropriations for the automobile safety program over the next 3 fiscal years; from $37.4 million for fiscal year 1973 to $70 million proposed for fiscal years 1974, 1975, and 1976.

Mr. Speaker, 56,300 Americans died in motor vehicle accidents in 1972. This is an increase of more than 1,000 deaths over 1971.

Two million American citizens were injured seriously in motor vehicle accidents in 1972. The National Safety Council estimates the economic loss from such accidents at $17.5 billion a year.

During the decade of the 1970's, as many as 600,000 Americans may die on our Nation's highways. This is more deaths than in all the wars that our country has fought.

While the rate of deaths per mile traveled on the highways has declined slightly in recent years, I believe our Nation can and must take more effective steps to reduce the human carnage and economic loss from motor vehicle accidents.

This legislation should not be taken as criticism of all of the efforts of the Department of Transportation and the National Highway Traffic Safety Administration—NHTSA. There are dedicated Federal officials in these agencies who have long sought to stem the tide of highway death and injury. This legislation, together with the increased funding which it provides, will give them the tools with which to do a better job for the American people.

The text of the legislation follows Mr. ECKHARDT's remarks in today's CONGRESSIONAL RECORD.

A section-by-section explanation of the legislation follows:

MOTOR VEHICLE SAFETY AMENDMENTS OF 1973: SECTION-BY-SECTION EXPLANATION OF THE BILL

Section 2—Authorization of Appropriations: This section will authorize $70 million for purposes of carrying out the National Traffic and Motor Vehicle Safety Act for each of the fiscal years 1974, 1975 and 1976. This represents a substantial increase over the 1973 authorization of $37.4 million. It is made necessary by the continuing increase in deaths and injuries from motor vehicle accidents on our nation's highways, the apparent inability of the Department of Transportation (DOT) to adhere to its safety standards program and long delays by DOT in processing defect investigations.

Section 3(a)—Notification and Recall: The purpose of the National Traffic and Motor Vehicle Safety Act of 1966 [hereinafter the 1966 Act] is to reduce deaths and injuries from motor vehicle accidents by removing unsafe vehicles from the public highways. Based upon limited surveying done to date, Department of Transportation's statistics indicate that owners will bring in defective vehicles for repair of declared defects about 75% of the time, if manufacturers bear the cost. But where the manufacturer refuses to pay for the repair of the defect, as was the case with the 1961–1969 Corvair heater recall, less than 10% of the vehicle owners have their vehicles repaired.

Despite prior assurance to Congress by the auto industry that defective vehicles would be remedied at no cost to the owners, there have been instances of refusals by manufacturers to remedy at their expense millions of defective vehicles. Thus in November 1971, General Motors refused to bear the cost of remedying 680,000 1961–1969 Corvairs with defective heater systems. Instead owners were asked to bear the average $170 cost of the repair which might have to be repeated annually. In November 1972, Volkswagen refused to bear the cost of replacing defective windshield wipers on 3.7 million 1949–1969 Volkswagens, at a cost of approximately $3.70 per car.

To eliminate such compromises of motor vehicle safety, § 3 would amend the 1966 Act to require the Department of Transportation (DOT) to order the manufacturer to remedy safety related defects or violations of federal safety standards, provided they were not inconsequential in nature. Ordinarily, a defect could be most optimally eliminated by requiring the manufacturer to recall for repairs at the manufacturer's expense. Where no permanent repair was feasible within a sixty-day period DOT and the National Highway Traffic Safety Administration (NHTSA) are directed to require the manufacturer to buy back the motor vehicle at a reasonable depreciated value based on actual use, or to replace the vehicle with a comparable vehicle free of defects.

Section 3 would also alleviate the delayed recall problem. In the recall of 6.7 million Chevrolets for defective engine mounts, only about one-third of the vehicles have had the defect remedied more than one year after the December 1971 announcement of the recall. As of December 1, 1972, 2.3 million Chevrolets had been repaired; leaving 4.4 million defective Chevrolets on the road. By requiring repurchase or replacement if the vehicle is not repaired within sixty days of tender for repair by the owner, § 3 would create a strong incentive for the manufacture to allocate sufficient resources to speedily conduct the recall.

Section 3(b)—Availability of Information: The Department of Transportation currently has a backlog of about thirty-three defect investigations that have been pending for more than one year. Defect investigations such as these may drag on interminably both because of inadequate funding of the motor vehicle safety program and because of agency inertia.

The oldest investigation (gasoline leaking Rochester Quadrajet carburetors on 1965–1966 General Motors) has been pending since November 27, 1967. This investigation was deactivated twice, allegedly on the basis of information supplied by General Motors. The first time General Motors said the defect was limited to Oldsmobiles and since Oldsmobiles were already being recalled, the investigation should be closed. It was. Two years later, DOT reopened the investigation when it found reports of leaking Quadrajet carburetors and ensuing fires on other General Motors vehicles. This time the investigation was closed when GM argued this carburetor was defective on vehicles other than Oldsmobile but that failures would most likely occur by 30,000 miles. Since the average 1966 vehicle had accumulated more than 36,000 miles, it was claimed there was no need to recall as the defective carburetors had already failed. Almost two more years of inaction passed before DOT determined that these failures were still occurring. This investigation, and probably others, could have been resolved years earlier if the public had access to information on pending investigations so as to be able to provide information in their possession to DOT. In addition, access to such information will at least permit consumers to take such steps as may be available to them to protect themselves during the pendency of such investigations. § 3 of the bill amends § 113 (d) and (e) of the 1966 Act to provide a public right of access to such investigatory information, subject to protection of manufacturers trade secrets.

Section 3(c)—Notification of Registered Owners: § 113(b) of the 1966 requires notification only to the first purchaser and subsequent warranty holders. In the defective windshield wiper recall, Volkswagen took advantage of this provision to notify only 220,000 of the some 3,150,000 registered U.S. owners, one out of every fourteen owners. Unlike most other manufacturers, Volkswagon refused to purchase owner names and addresses from state registration lists in order to notify the remaining 2,930,000 owners. § 3(c) of the bill would require notice to all registered owners listed in state records available to manufacturers.

Section 4—Enforcement: The 1966 Act does not prohibit manufacturers, distributors, dealers, or others in the motor vehicle repair business from removing or rendering inoperative elements of a motor vehicle required by Federal motor vehicle safety standards. A recent survey of motor vehicle dealers by the Insurance Institute for Highway Safety showed that almost all dealers surveyed were willing to disconnect federally required seat belt warning devices or to show how they could be disconnected or rendered inoperative. § 4 of the bill would prohibit disconnecting or rendering inoperative safety devices, in much the same manner that § 203(a) of the Clean Air Act prohibits removing or rendering inoperative motor vehicle emission control equipment.

§ 4 would also amend § 109 of the 1966 Act to increase the maximum civil penalty from 400,000 to 800,000 dollars. This would partially implement the recommendation of "Federal Consumer Safety Legislation," a report prepared for the National Commission on Product Safety, by Howard A. Heffon, former Chief Counsel of the NHTSA, that "the maximum amount of civil penalties should be substantially increased." Id. at 8, 103–105. The appropriateness of higher civil penalties under the 1966 Act is also evidenced by the recent seven million dollar fine imposed by a federal court on the Ford Motor Company under the Clean Air Act.

Section 4(b)(5) also adds a criminal penalty of a $1000 fine for each noncomplying motor vehicle, one year imprisonment, or both for "knowingly and willfully" violating the provisions of the 1966 Act. Criminal penalties are presently found in most federal safety statutes, such as the Food, Drug and Cosmetic Act, (Sec. 303), the Flammable Fabrics Act (Sec. 7) and the Consumer Product Safety Act (Sec. 21).

Section 5—Inspection and Record Keeping: This section of the bill makes two changes in the present law. First, it makes minor and technical corrections in the language of Section 112 to assure that the Secretary may conduct inspections and investigations to enforce not only motor vehicle safety standards but also any other rules, regulations or orders issued in accordance with the Act. Secondly, this section adds new provisions giving the Secretary authority to thoroughly investigate motor vehicle accidents including authority to subpoena witnesses and documents. This subpoena authority is quite similar to the Secretary's powers under the Interstate Commerce Act with regard to interstate carriers and is necessary to assist in the development of detailed information about motor vehicle defects and the causes of deaths and injuries.

Section 6—Cost Information: A new section would be added to the Act to require the Secretary to obtain cost information in any proceeding where a motor vehicle manufacturer opposed an action of the Secretary because of increased cost. Section 103(f) of the present law requires the Secretary to consider, in prescribing a motor vehicle safety standard, whether it is reasonable and practicable. As agency witnesses have testified before the Congress, attempts have been made in developing safety standards to consider cost factors because of unsubstantiated industry comments about cost, but the agency has been hampered in making such a factual determination by the absence of detailed cost information.

Various attempts have been made in the past to acquire cost information but to date they have been unsuccessful. When the companies claimed in 1967 and 1968 that prices would increase because of the cost of new motor vehicle safety standards, Senators Magnuson and Mondale urged them to provide substantiating data, without success. The NHTSA for several years let contracts to research companies to accumulate estimates of the cost of various safety standards but the information acquired contains little cost data. In 1968 Senator Ribicoff, a leader in the fight for increased motor vehicle safety, held a hearing to determine whether means could be developed for the agency to acquire information to assess the increased cost and price impact of safety standards. The burden was placed on the Bureau of Labor Statistics to provide such information, but experience has shown that the information the BLS gets from the companies will not be shared in useful form with either the NHTSA or the public.

To this day the public remains unaware of the actual cost impact of various safety standards. It is time to end this speculation and, wherever possible, make the facts known to the decision makers and to the public.

Section 7—Agency Responsibility: New Section 126 will encourage broader public participation in the standard setting and recall actions of NHTSA. It is similar to section 10 of the Consumer Product Safety Act (P.L. 92–573).

Existing law and Agency regulations permit interested parties to petition the Agency for the issuance, amendment or revocation of federal motor vehicle safety standards and require the Agency to "grant or deny" such petitions. However no time limits are provided for Agency deliberation on such petitions; and in some cases, petitions more than a year old have not been acted upon. Section 126 makes it a statutory requirement that the Agency respond to such petition within 120 days.

About twenty-five investigations have been pending for more than one year, several investigations have been pending for more than two years, and some for more than three. Section 126 makes it possible for interested parties to limit the duration of Agency deliberation on such an investigation to four months by filing petitions requesting the NHTSA to initiate or complete the investigation. If the Secretary denies either type of petition, he must publish his reasons in the Federal Register.

Neither the present law, nor current regulations provide effective recourse to an interested party whose petition is denied or neglected by the Agency. Section 126(e) eliminates this failing by creating a right for such petitioner to commence a civil action in U.S. district court to force the Agency to take action if it has failed to comply with the 120-day limit.

Section 126 places several limits on the right of interested parties to petition. First, it provides that the petitioner may commence a civil suit only after the Agency has been afforded an adequate opportunity to respond to a properly submitted petition. Second, the section limits the scope of relief which may be granted by a district court to an order that the Agency initiate or complete an action under sections 103 or 113 of the Act. Third, the section requires petitions commencing such actions to demonstrate by a preponderance of the evidence in a de novo proceeding the need for the action requested by petitioner. These limitations will serve to discourage frivilous petitions.

Section 8—National Motor Vehicle Safety Advisory Council: § 104 of the 1966 Act created the Motor Vehicle Safety Advisory Council, a majority of whose member must be from the public sector. However, the statute includes no definition of "representatives of the general public." In the past some members of the Council, who apparently have been designated as representatives of the general public have had substantial connections with groups who are directly economically interested in the operation of the law. Section 8 would establish a definition of the term "representatives of the general public" and would require that the Chairman of the Council be designated from this group. These changes in the law will give the Council new stature and assist it in achieving its goal of promoting motor vehicle safety.

ECONOMIC PROGRESS IN ARKANSAS AND OKLAHOMA

HON. JAMES R. JONES

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 13, 1973

Mr. JONES of Oklahoma. Mr. Speaker, on February 27, the Washington Post published a perceptive article by columnist Joseph Kraft on the Arkansas River project which I would like to call to the attention of my colleagues.

When the McClellan-Kerr Arkansas River Navigation System was under construction in the 1960's, the project had plenty of detractors and disbelievers, among them Mr. Kraft. They were convinced that the project was impractical at best, that its benefits could never justify the sums of money appropriated for its construction. It was popular to quote the remark, attributed to an officer of the Corps of Engineers, that "it would have been cheaper to pave the river."

But the detractors have been proved wrong, and many of the disbelievers have been converted. The project has turned out to be a boon to the States it serves and to the country. Although its impact cannot be measured in economics alone, the economic benefits are worth emphasizing. It has brought new industry worth millions and new people to parts of Arkansas and Oklahoma. It has linked the economics of the Midwest to the rest of the world. And those who remember the muddy and flood-prone Arkansas River of old rejoice at the silt-free waterway that has taken its place.

As a reminder that economic progress need not be our enemy, I would like to share Mr. Kraft's column with the Members of the House.

The article follows:

A RIVER—AND A STATE—REVITALIZED

(By Joseph Kraft)

LITTLE ROCK, ARK.—Headlong growth, bringing pollution and congestion and a riot of other ills, is visibly destroying many parts of the country along the Atlantic and Pacific coastlines. But how can growth be arrested in a country where the national ethic is to give maximum scope to individual initiative?

The answer is that instead of trying to restrict growth, it makes better sense to disperse it to less advanced parts of the country. A good case in point is the tonic effect on the area around Little Rock of the Arkansas River project.

That project has made the river navigable for 450 miles from its juncture with the Mississippi to Tulsa, Okla. Dredging and construction of 18 dams and locks cost an estimated $1.3 billion spread over 15 years beginning in 1957 with formal completion last year. During the 1960s the project became known as the "biggest pork barrel in history."

I remember flying over the project about 10 years ago with its most powerful sponsor, the late Sen. Robert Kerr of Oklahoma. The stream below us was a muddy trickle. Sen. Kerr stopped along the way to open (with a golden bulldozer) construction on various ports so obscure that I do not remember their names.

At the end of the day I asked an officer from the Army Corps of Engineers which was building the project whether it wasn't unduly expensive. "Hell," he said, "it would have been cheaper to pave the river."

But that judgment, which echoed my own sentiments, has been unsaid by the results. The river has been totally transformed.

The dams have stopped the silting, and with the sediment gone, the tiny organisms known as plankton have reappeared, reopening the river to the life-giving force of the sun. The river has become greenish-blue in color, instead of brown. Bass and other fresh-water fish rare 10 years ago are now abundant. A fresh-water shrimp, unknown before, has turned up.

The cleaning up of the river and the lakes created back of the dams has made the area exceedingly attractive for recreational purposes. Arkansas has become a magnet for retirees from Illinois, Missouri and Kansas. Many companies which value recreation highly in their choice of sites are turning toward the state. The town of Russellville, 65 miles from Little Rock, is one good example.

The Firestone Company is putting in a plant. So is a food division of the conglomerate company, International Telephone and Telegraph. Middle South Utilities, the chief power company in the area, is investing an estimated $300 million in new generating facilities.

Improved navigation facilities have quickened commerce throughout the area. Hundreds of thousands of tons of Arkansas rice and soy beans go down river and across the oceans to Europe and Japan every year.

Bauxite from the Caribbean feeds aluminum plants near Little Rock. Steel from Japan is building a new bridge across the river. Over last weekend, two new foreign auto agencies, stocked with cars shipped direct to Little Rock by sea, opened their doors here.

The result of all this activity is a mild population boom. This state lost population throughout the 1930s, the 1940s and most of the 1950s. With the Arkansas River project, the adverse trend has been turned around. Population is now back where it was in 1940—at about 2 million—and steadily rising.

No one in this state doubts that the project has paid off. "It has exceeded the highest hopes of all its sponsors by far," Dale Bumpers, the attractive and energetic young Democratic governor said the other day.

More important are the national implications of what has been done here. Ecologists and environmentalists cannot on their own check forever the pressure for more and more development along the coasts.

At best they can slow down the headlong growth. They can achieve full success only if the pressure for growth which comes from individuals and families and companies is channeled elsewhere, as it has been here in the Arkansas River Valley.

THE LATE DR. CHARLES DJERF

HON. JAMES A. BURKE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 13, 1973

Mr. BURKE of Massachusetts. Mr. Speaker, being a doctor requires one to spend extra hours in the service of mankind. Today, however, I would like to honor a man who went beyond that point and lived community service 24 hours a day, Dr. Charles Djerf of Quincy, Mass., who died on February 13, 1973.

Few men have done more for the physical and mental health of the Quincy area children. Dr. Djerf served 16 years on the Quincy school committee and then moved on to valuably aid the South Shore Mental Health Association. For many, this would have been more than enough for one lifetime but Dr. Djerf's tremendous energy, zeal, and public concern seemed to know no bounds. Nearly 3 years ago he began to organize Quincy's first drug rehabilitation program. Needless to say, drug rehabilitation is an extremely controversial topic in today's society but it is a fitting tribute to Dr. Djerf's many wonderful talents that he succeeded in molding together the efforts of public officials, educators, businessmen, residents, and city leaders to insure Survival, Inc.'s birth and continuation. A severe heart attack in 1971 removed him from Survival's leadership but it never reduced his intense interest in the welfare of Quincy's teenagers, some of whom he had cared for as infants.

We in the Quincy area will never forget Dr. Djerf's efforts. Their effects will be felt by many for a long time. The following newsclipping glowingly describes the final tribute given to Dr. Djerf by his many admirers.

The article follows:

[From the Quincy Patriot Ledger, Feb. 16 1973]

CROWD OVERFLOWS CHURCH AT DR. CHARLES DJERF RITES

QUINCY.—An overflow crowd of civic leaders, physicians, young people and friends gathered at the United First Parish Church yesterday afternoon to pay their last respects to pediatrician Dr. Charles Djerf.

Dr. Djerf, a school committeeman for many years, the founder of Survival, Inc., and a participant in numerous organizations in the city succumbed to heart disease Tuesday.

The Rev. Frank Bauer of the Wollaston Lutheran Church, in a brief eulogy, pointed out that Dr. Djerf's lengthy obituary made no mention of any church affiliation.

"He was not a member," Rev. Bauer continued, "but I wonder how many churchmen could bring together so many clergy and laity of so many diverse denominations."

"HIGHEST CALIBER"

"He would have nothing to do with organized religion . . . but Charles Djerf was a religionist of the highest caliber," the Rev. Mr. Bauer said.

"His list of accomplishments is staggering, his services rendered to his nation, city and fellow men exhaust you just to read it," he said.

"Long before 'getting involved' was part of our vocabulary, this man was living it, 24 hours a day, seven days a week.

"He was always fighting for what was right—at least as he saw it," The Rev. Mr. Bauer said.

Dr. Djerf's final years were anything but restful as he thrust himself into controversy again as he tried to organize a drug rehabilitation program.

Yesterday's crowd of mourners included more young people than might be expected for a man of 62.

Charles Dimond, of Survival, Inc., said many of the drug program's staff were in attendance in addition to drug-dependent youths in the methadone maintenance program. Teen-agers with school books under their arms stopped in. Some were medical patients while others were participants in the Survival walk-in center.

NURSES DOT AUDIENCE

Nurses from Quincy City Hospital and Dr. Djerf's private practice dotted the audience while about 40 members of the city's medical community were there.

About Dr. Djerf's dedication to his profession, The Rev. Mr. Bauer said, "You have to borrow the adjectives reserved for martyrs and saints."

Paraphrasing a biblical quote he added, "Now here is a true man of Israel. There is no deceit, there is nothing false in him."

The Rev. Mr. Bauer was assisted in the service by the Rev. Laurence M. Brock, chaplain at Boston City Hospital, and the Rev. John R. Graham, minister of the United First Parish Church.

Pallbearers for the funeral were all close friends, but they reflected Dr. Djerf's diverse interests. They included Dr. Lawrence P. Creedon, Quincy superintendent of schools; Joseph Whiteman of Survival; Richard Mann of the Quincy symphony Orchestra; Charles Sweeney of Quincy Junior College; Edward Percy, Quincy Rotary president; Frank Vallier of the Great Books Council and president of Survival; and long-time friends Louis Cessani and Henry Curtis.

Honorary pallbearers, all Quincy Rotary past presidents, included Frank Bushman, Heslip Sutherland, Dr. Edmond Demski, Bert Eckblom, Russell Scammell, George Bonsall, Nissie Grossman, Forrest I. Neal, Joseph Pinel and A. Wendall Clark.

MUSICAL PORTIONS

Musical portions were provided by church organist Mrs. Gale Harrison and the Quincy High School Concert Choir while a contingent of 40 Air Force Junior ROTC students from the high school, under the command of Sgt. Edwin Frost, formed an honor guard into the church.

A 25-man detachment of the Ancient Honorable Artillery Company headed by Col. James Lamphier was also in attendance.

But the largest group of admirers of Dr. Djerf did not attend the funeral.

Instead, as the funeral cortege wound its way towards Blue Hill Cemetery, Braintree, scores of children from the Willard Elementary school filled the schoolyard. A special group of youngsters—his patients—lined the curb.

As the procession slowed outside Dr. Djerf's medical building, the children saluted in a touching farewell to an old, good friend.

CREW RESTORES SPARKLE TO DINGY CAPITOL MURALS

HON. GILBERT GUDE

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 13, 1973

Mr. GUDE. Mr. Speaker, the current decorating of the hallway on the first floor of the House wing of the Capitol reminds me of the distinguished work of the late Joseph Giacalone of Silver Spring.

Mr. Giacalone was called to Washington during the depression to complete the Capitol dome frieze. It had been begun by Constantine Brumidi who died shortly after a fall from a scaffold.

Mr. Giacalone decorated St. Mary's Church here in the 1930's and, from the late 1940's, worked with his five sons, whom he trained, in restoring each year the decorations in the Capitol and the Library of Congress.

He restored the ceiling of Speaker Sam Rayburn's office and then, at Speaker Rayburn's request, duplicated the ceiling in the Rayburn Memorial Library at Bonham, Tex. He also restored the Brumidi hallway in the Capitol.

Born in Palermo, Italy, in 1890, Mr. Giacalone began painting there as a youngster and, at 14, went to New York to study decoration at Cooper Union.

Before coming to Washington in 1932, he worked on decorations in Grand Central Station and the Empire State Building.

Mr. Giacalone died last year in a Wheaton nursing home at 81. His sons live in Silver Spring.

Two excellent observers of the congressional scene, Miss Elsie Carper of the Washington Post and John McKelway of the Evening Star reported on Mr. Giacalone's work in 1957 and 1960, respectively. The newspaper reports follow:

[From the Washington Post-Times Herald, Sept. 30, 1957]

Crew Restores Sparkle to Dingy Capitol Murals

(By Elsie Carper)

The Brumidi murals in the Capitol which have grown dull and dirty during the past century are being restored to brilliant life under the skillful hands of artist-decorators.

The murals that weave scenes and personalities from American history with studies of birds, animals and children are situated along ground floor corridors of the Senate wing.

The astounding variety of medallions and nature studies, portraits and landscapes were painted nearly a hundred years ago by Constantino Brumidi, a political refugee from Italy. Frequently called the "Michelangelo of the Capitol," Brumidi devoted the last 25 years of his life "to make beautiful the Capitol of the one country on earth in which there is liberty."

The Italian artist, who painted the large fresco of George Washington in the "eye" of the dome and was working on the encircling frieze when he died, drew his inspiration for the corridor decorations from the Vatican where he once was employed.

Painting in the elaborate style of the 15th century, Brumidi covered the walls from floor to vaulted ceiling with small, detailed and brilliantly colored figures.

While the fresco paintings were done with water-mixed pigments on wet plaster, the corridor paintings were executed in oil on a dry surface.

The grime of a century obscured the detail of the corridor paintings and turned the once bright reds and greens of a parrot's feathers and the yellow of a butterfly's wings to a dingy gray.

Francis H. Cumberland, decorator-foreman of the Capitol Paint Shop, has assembled a staff of three decorators who have carefully washed the walls and are restoring the murals where plaster has been chipped and where the brushing of coat sleeves has worn away the color.

Cumberland, who does much of the restoring himself, is helped by Joseph Giacalone, an Italian-born decorator, whose first art job was coloring post cards as a boy in his native country. He later learned more of his trade as a youth at New York City's Cooper Union. His assistants are his two sons, Albert and Rudolph.

[From the Evening Star, Feb. 18, 1960]

The Rambler . . . Climbs a Scaffold

(By John McKelway)

Walking through the slush on Capitol Hill, it was decided to see if any other capital paints the dome of its headquarters red.

The Library of Congress, which has most of the answers and a competent staff to find them, was across the street.

The Substitute Rambler decided not to enter the building by the dark, street-level door but mounted the gray steps instead and passed quickly through the main entrance, checked his coat and headed for the reading room.

It was late in the afternoon and the great hall was empty, except for a blue uniform which moved slightly above, near a railing and in the vicinity of the Gutenberg Bibles.

The visitor found the subject of capitol domes fading with the day and discovered, for the first time, how very beautiful the hall of the Library is. Because it is a building of books and exhibits, few people ever really stop and look around at the main hall—they pass quickly through and to the printed word.

It is a cathedral of white marble columns which gracefully support a ceiling decorated in red and blue and gold. The skylights are of stained glass, the floors are mosaic. It is the architecture of the Italian Renaissance which blossomed in the 15th century.

On the top floor of the hall, in the southwest corner, a comical scaffolding had been piled together and reached to the ceiling. Michelangelo, who probably would feel perfectly at home on his back on top of the scaffold, was not there. But someone had been working. The paintings, the intricate designs, seems fresher than those at the other end of the hall.

And closer examination showed cracks in other sections of the ceiling.

Later, with Merton J. Foley and Irwin Boniface, the two top "buildings and grounds" men at the library, the visitor climbed the 35-foot scaffolding.

The ceiling is plaster, about an inch thick. It is slightly rough and must have been difficult to paint on in such detail.

The two officials explained that two men were working on the job, replastering and touching up the paintings. A palette covered with gobs of green paint was resting on the floor of the scaffold beside, incongruously, an empty half-pint carton labeled "buttermilk."

We climbed down the series of ladders and Mr. Foley said two Italians who normally work over at the Capitol were handling the job. They have been working for about two weeks and no one has been able to find out how long it will take them.

The Library was started in 1886 and opened in 1897. A total of 50 painters and sculptors worked on the building at one time or another. They were the artisans of the time and restoration of their work is turned over only to the few remaining artisans of today.

It turned out the work on the ceiling is under the care of Joseph Giacaloni, 69, formerly of Palermo, Italy, and his son, Arthur.

Mr. Giacaloni, who came to the United States in 1902, has four other sons, all artists.

Over the telephone, he told the Substitute Rambler the paintings were "very nice" in his opinion and had held up without any retouching for 63 years. Some, he said, were done in water color and some in oil. He fills in the ceiling cracks with plaster and then retouches.

Asked if he sipped buttermilk while working, Mr. Giacaloni explained that he uses it to take the shine out of the paintings he retouches. He said the acid in the milk works better than anything else.

He said he did not know how long the job will take.

The question did not seem to interest him particularly.

ESTATE TAXES

HON. J. J. PICKLE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 13, 1973

Mr. PICKLE. Mr. Speaker, there is an old saying that nothing is certain but death and taxes, but as far as the Internal Revenue Service is concerned, taxes are more certain, because they do not end with the grave. Estate taxes have skyrocketed in the past decade to the point where many beneficiaries must sell all or most all of their inheritance simply to pay the taxes on it.

Those who are hurt most by these taxes are not just the very rich, who have sizable estates, for they normally have their property managed by lawyers who know the ropes when it comes to paying fewer taxes. The taxes fall hardest on the average citizen, who plans to leave a small estate behind, but through lack of knowledge and expert advice actually leaves his beneficiaries very little after taxes.

Some of the traps into which the average citizen falls include the provision that taxes must be paid on life insurance proceeds, on profits from jointly owned businesses and property, and on gifts made within the last 3 years of life.

One of the most inequitable provisions of estate tax law works against those who inherit farm or ranch property. Although many States allow tax relief to farmlands, the Federal Government assesses inheritance property at "market value"—on the basis of its potential as speculative or development property.

In this respect, I introduced H.R. 3863 last month to provide an alternate method of figuring taxes on this type of inheritance, in other words, to insure it is assessed on the basis of what it is worth as agricultural property. Under the present system, the heirs to many family farms and ranches are literally forced to sell the property to pay taxes.

The current estate tax system and what the average citizen can do on his own to lower the inheritance tax burden on his estate is examined in an article from the March 1973 issue of the American Legion magazine which I present below:

Death Taxes Will Get You If You Don't Watch Out

(By Ralph Richards)

Once upon a time, estate taxes were "soak the rich" schemes.

Today, many white collar workers are "rich" by such standards and their estates may be taxable.

A man can be poor in life, yet "rich" enough in death to have his estate taxed before his heirs or beneficiaries can get their share.

These days an estate that can hardly support a beneficiary at the poverty level can be subject to death taxes.

There are two things that have brought estate taxes down to the level of those of very moderate means. One is inflation, and the other is the inclusion of life insurance proceeds in an estate for tax purposes.

Inflation has steadily reduced the size—in real value—of estates that may be subject to death taxes.

The amount of the exemption from federal estate taxes has changed from time to time. The present exemption of $60,000 was established back in 1939, when $60,000 was a lot more money than it is now, as the actual value of dollars has become less and less with the cheapening of our currency.

Thus, we can have such cases as a single man, the sole support of his crippled sister, who dies and leaves her a $35,000 home, a $40,000 life insurance policy and—after debts are paid—furnishings and a car worth $5,000. That is an $80,000 estate. How rich does it make the sister?

Her $35,000 home is no palace today. Her life insurance proceeds can earn her $2,400 a year if invested at six per cent. Yearly taxes on the home are $1,200 and going up, leaving her another $1,200 to live on and going down.

It is plain that when the brother dies he owns almost nothing beyond the insurance policy he has kept up to protect his sister, except his own modest home and its contents. It is equally plain that the sister cannot live from the estate, unless she sells the house and finds much meaner living quarters. But this estate is $20,000 over the exemption of $60,000, so it is subject to a federal estate tax in the approximate amount of $1,600. Under such circumstances, it is rather ridiculous to keep thinking of estate taxes as the sole concern of the rich.

There are, however, ways to avoid or minimize estate taxes. Our courts have held that it is the duty of a man to arrange his affairs in such a manner that he and his estate will not pay unnecessary taxes, and this every man should do.

Men of substantial means usually study these matters, either themselves or through competent estate planners, and manage their affairs so as to be taxed the least. They are also likely to keep the best records of their financial transactions, and to know what records are likely to serve their heirs best when the federal estate tax collector comes around. But many people who don't consider themselves rich have never learned what records may be important to minimize the taxes on their estates.

It is possible to handle life insurance so that all or some of its proceeds will not be taxed in your estate.

Ill-advised decisions about joint ownership of property or business ventures may result in needless estate taxation.

It is possible to reduce your estate while you live by making gifts that will reduce the death tax.

The provisions of a will with respect to property left to a husband or wife may result in more or less estate taxes.

A short article cannot give anyone a complete education in these matters, but it can alert you to the general situation.

Actually, there are two kinds of death taxes. One is the estate tax, which I call a tax on the right to die, and it is levied on the total value of the assets of an estate. The principal tax of this kind is, of course, the federal estate tax imposed by our national government. A portion of this tax—a small portion—is credited to the state where the deceased lived. Some of the states also impose estate taxes, but in a large number of cases—including Florida—the amount of the state tax is limited to the amount that can be claimed as a credit on the federal tax. Thus, this is not really an additional tax, but a small tax that is paid to the state and taken credit for on the tax paid to the Federal Government.

But some states do impose an additional and separate tax, which I call a tax on the right to inherit. Such taxes are not based on the total size of the estate, but merely on the size of the inheritance received by an heir or beneficiary. In other words, the tax collector of a state that levies an inheritance tax says to you: "Hey, Mac, you were pretty lucky to inherit that $10,000 from your Uncle Harry, and I want my cut out of it." Just to give you a general idea as to taxes of this kind, here is a list of the *maximum* inheritance taxes imposed by some of our larger states:

California, 24%.
Florida, None.
Georgia, None.
Illinois, 30%.
Massachusetts, 19.3%.
New Jersey, 16%.
New York, None.
Pennsylvania, 15%.
Texas, 20%.

The federal estate tax is, of course, the same in every state, and that is what we will discuss. The law requires the filing of a federal estate tax return on every estate having gross assets of more than $60,000. There may not be any tax due, but, nevertheless, the return must be filed within nine months after date of death. If there is a tax due, it must be paid when the return is filed.

The federal estate tax return is known as Internal Revenue Service Form 706, and it is quite a document. I have one here and will try to explain it.

Schedule A covers real estate, Schedule B covers stocks and bonds, and Schedule C covers mortgages, notes and cash. There is nothing difficult or unusual about these schedules, and the various assets are simply listed with the value of each.

Schedule D covers life insurance, and there is a good deal of misunderstanding about this because of the many changes that have been made in the law with respect to the taxation of life insurance proceeds.

For many years after the federal estate tax was first imposed, life insurance proceeds were not taxed at all. Then the law was changed, and for a time life insurance was taxed only if payable to the estate of a deceased, but not if payable to an individual. Then there was another change in the law, and *all* life insurance proceeds were included in estates for tax purposes, but there was a special exemption of $40,000. Finally, the law was changed again; the special exemption was abolished.

So, at the present time, all proceeds of an insurance policy on a person's life must be included in his estate for taxation just the same as any other asset.

That is, the proceeds must be included *if the policy was owned by the person who died.*

It is possible, of course, for a man's life to be insured under a policy owned by someone other than himself, and this is frequently advisable. Yet with some types of insurance, it is impossible. Take the case of a businessman who is required to make a trip and decides to go by air. Before embarking on his plane he goes to an insurance agent in the airport, pays for a $150,000 policy and gets on the plane with the rather comfortable feeling that at least his wife will have an extra $150,000 if the plane falls down. He is automatically considered the owner of the policy, and his wife will *not* have an extra $150,000, and perhaps not anywhere near that much, for the $150,000 proceeds of the policy will have to be included in this man's estate for tax purposes. Uncle Sam will take a bite out of it. In fact, it is quite possible that the tax collector will get more of the insurance proceeds than the wife. This depends, of course, on how large the man's whole estate is and what the estate tax bracket will be. Federal estate taxes start at 3 per cent and go up as high as 77 per cent.

There is, however, a perfectly legitimate way in which more usual types of insurance can be carried on a man's life and still not have the proceeds included in his estate for tax purposes. This can be accomplished by having the policy owned by the wife, or daughter or son, or someone other than the man whose life is insured. Assuming that the policy is to be owned by the wife, she should be designated right on the face of the policy as the owner thereof. If the wife pays the premiums out of her own independent funds, and the husband has no control over the policy in any way, then it is not an asset of the husband whose life is insured, it need not be listed as an asset on the federal estate tax return when he is deceased, and the proceeds of the policy are not subject to any tax at all. If the wife pays the premiums with money that her husband gives her during the last three years of his life, then the Treasury Department may attempt to tax the proceeds of the policy, or some of them, under the "gift of contemplation of death" theory. So the safest procedure, of course, is to have the wife pay the premiums out of her own independent funds. But even if the husband does give the wife the money with which to pay the premiums, or some of them, there is a good chance that the bulk of the proceeds of the policy will escape taxation. On the other hand, the *entire* proceeds will certainly be included in the man's estate for tax purposes if he owns the policy and pays the premiums himself.

Schedule E of the federal estate tax return covers jointly owned property. I think there is even more misunderstanding about the taxation of jointly owned property than there is about the proceeds of life insurance. For some reason there seems to be a general impression that property placed in joint ownership is beyond the reach of the tax collector. Nothing could be further from the truth. Not only is there no tax savings to be gained by placing property in joint ownership, but sometimes joint ownership brings on additional taxes that could have been avoided. Let me give you an actual example that came to my attention some years ago.

A man and his wife went into business together. They had one daughter and the wife died about the time the daughter was grown. Thereafter, the father and daughter operated the business together, and it soon began to make money. As the years went by and the profits increased, they became very substantial. For some reason this man and his daughter never consulted an attorney, a tax accountant, or an estate planner of any sort. They simply listened to curbstone advice, and this advice was that if they would just place everything in their joint names, then their assets would be completely beyond the reach of the tax collector.

By the time this man died, he and his daughter had accumulated several hundred thousand dollars. Every dime of it was invested in securities that were registered in the names of the father and daughter "as joint tenants with right of survivorship." When the daughter sent the stocks in to be transferred to her name, the corporations refused to make such a transfer without proof of the fact that death taxes had been paid on her father's estate. It was at this point that she came in to see me, and asked me to explain to the corporations that there could be no tax on her father's estate because all of the assets were jointly owned. She was terribly shocked when I told her that joint ownership could not avoid taxes, and that the tax on her father's estate—including *all* the jointly owned stocks—would be in the neighborhood of $100,000. She refused to believe me until she had consulted a tax specialist and gotten the same advice from him.

When the daughter finally reluctantly resigned herself to the filing of a federal estate tax return, she asked me to include only one half of the securities in the return because the other half—she said—belonged to her. I told her I would try to have one half of the securities exempted from taxation, but that I was not at all sure the Treasury Department would go along with this.

When the estate tax return was turned over to an agent for audit, the agent came in to talk to us about the situation. The daughter said she and her father had always been partners in the business, and that all profits belonged to them 50–50. The agent asked her whether she and her father had ever had a partnership agreement, and she said they had not. She said she didn't consider such an agreement necessary since she was in business with her own father. The agent took the position that under these circumstances the business was presumed to belong to the father as the head of the family, that the daughter was merely an employee, and that all the securities were fully taxable in the father's estate. The result was a very heavy estate tax, practically all of which could have been legitimately avoided.

If these people had had the proper advice at the outset, they would have divided the profits as they came in—placing half in the father's name and half in the daughter's name. Later on, when the father reached retirement age, he should have adopted a gift program whereby he gradually transferred assets to his daughter until his total assets were down to $60,000 or less, at which point there would have been no death tax at all on his estate. It is possible that the gifts to the daughter would have involved some gift tax, but this would have been relatively small.

I do not mean to say that joint ownership should never be used. It is a very useful device under some circumstances. But a man may pay a penalty if he does not know what he is doing when he enters into a joint ownership arrangement.

In cases where a husband and wife have total assets so small that there is no possibility of any estate taxes, and where they are very certain that they want the survivor to own all the assets outright in the case of the death of one of them, then there are definite advantages in placing their assets—or practically all of them—in joint ownership. Sometimes the delay and expense of probating a will can be avoided in this way. Let me make it clear, however, that a federal estate tax return will have to be filed if the joint assets exceed $60,000, even though no tax is payable. Where all property is jointly owned by the husband and wife, there is no death tax unless the assets exceed $120,000. This is because of the marital deduction, which I will discuss a little later. But a return must still be filed if the assets exceed $60,000.

The chief reason that joint ownership is not advisable in large estates is because the Treasury Department always takes the position that jointly owned assets are the property of the first joint owner who happens to die, and the burden is on the estate to prove otherwise. For example, let's suppose that a wife inherits $25,000 from her father, that her husband contributes $25,000 from his own funds, and that they take the $50,000 and buy stocks that are registered in their joint names. Then let's suppose that the man dies some years later, and a tax return has to be filed on his estate. Since these stocks were jointly owned, they must be listed in the return, and the Treasury Department will take the position that the stocks belong to the husband and are wholly taxable in his estate. If the wife furnished one half of the proceeds that went into the purchase of these stocks, and these funds came from her father or some source other than her husband, then only one half of the value of the stocks will be taxed in the husband's estate. Ordinarily, such proof is difficult or impossible to furnish. How many wives have intermingled inherited or earned assets with their husband's assets and can still prove where they came from? So usually the entire value of the jointly owned property is taxed in the estate of the husband where he is the first one to die. Conversely, if the wife dies first, then all jointly owned property must be listed in her estate tax return. If the husband has furnished the money to purchase some of the jointly owned assets, then he must furnish absolute proof of that fact if he is going to avoid having such assets taxed in his wife's estate.

Among other things, there is a message here about keeping better records than many people keep.

It is usually a good idea to have the family home held in joint ownership, where it is the intention of both parties that the survivor shall own the property absolutely in the case of the death of one of them.

Also, where a man wants to make sure that his wife will have immediate funds in the event of his death, it is a good idea to keep the *desired amount* (rather than all they own) in a joint bank or savings and loan account. Then he will know that these funds are immediately available to his wife in the event of his death, since they belong to the survivor on the spot without need to probate a will first.

Thus, there are cases in which joint ownership is beneficial and desirable. However, for reasons that I have outlined, I would not advise joint ownership to any extent in substantial estates—at least without the advice of a competent estate planner.

Schedule F of the federal estate tax return covers miscellaneous property, so here we list all assets that do not fit any other schedule. There is no special point to make about Schedule F.

Schedule G covers "transfers during decedent's life," and here is another matter that does not seem to be very widely understood. "Transfers" are often gifts made while the deceased still lived.

This matter of death taxes—and all taxes, for that matter—causes a running battle between the taxpayer and the tax collector. Every time the taxpayer finds a loophole that will enable him to save some taxes, the tax collector gets Congress to change the laws so as to plug the loophole. When federal estate taxes were first imposed many years ago, there was no such thing as a gift tax; therefore, when a wealthy man got old or sick or thought he was likely to die, he proceeded to reduce the taxes on his estate—or perhaps eliminate them altogether—by giving a large share of his assets to his wife and children. Congress countered this move by passing a law placing a tax on gifts, and at the present time the gift tax rates are approximately three-fourths of the death tax rates.

I won't go into the rather complicated subject of gift taxes, but in general a man has to pay a gift tax every time he gives away money or assets in excess of certain limits prescribed by the law. But even when he completes a gift during his lifetime, and pays a gift tax on it, the amount of the gift may still be included in his estate for federal estate tax purposes.

Gifts made *in contemplation of death* are taxable in a man's estate just as though the gift had not been made, and this brings on the very difficult question of when a gift is or is not made in contemplation of death.

Suppose a young man of 30, in excellent health, inherits a million dollars from his father and decides to give half of it to his wife. Obviously, such a gift is not made in contemplation of death. At the other extreme, suppose a man of 80 is told by his doctor that he has incurable cancer and cannot live more than a few months. If this man then proceeds to make substantial gifts to his wife, or to his children, such gifts are quite obviously made in contemplation of death. In between these two extremes, there are an infinite number of cases where gifts are made under circumstances that may or may not involve contemplation of death.

For many years the tax collector was permitted to claim contemplation of death with respect to any gift, whenever made, and as a result there were countless disputes and a vast amount of litigation on this subject. Finally, the taxpayer got a break, and in 1950, Congress amended the law to provide that the Treasury Department could claim that a gift was made in contemplation of death only if the gift was made within the last three years of the taxpayer's life. Therefore, if you are planning to make substantial gifts in order to reduce the death taxes on your estate, I would advise you very strongly to be sure to live three years after the gift is completed.

Perhaps I should make one point clear in connection with this matter. If a man makes a gift, pays a gift tax on it, and then dies within three years, the amount of the gift will probably be included in his estate for death tax purposes on the ground that it was made in contemplation of death. However, in that event, the estate is entitled to a credit in the amount of the gift tax paid. In other words, the same asset is not subject to *both* gift taxes and death taxes.

All of this does mean that you can reduce your taxable estate by adopting a gift plan and making gifts to the intended beneficiaries under your will over a period of years. Only the gifts made during the last three years of your life can be attacked as gifts in contemplation of death, and even these gifts will not be included in your estate if it can be shown that they were made pursuant to a long-term gift plan.

Let me give you an actual example of what can be accomplished by a proper gift program. Many years ago I represented Mr. X, and when he was 60 years old he came in to talk to me about his affairs. He had an estate of about a million dollars, most all of it in real estate. He was a widower, with two children and several grandchildren. If he had died right then, with no marital deduction the death tax on his estate would have been well over $300,000. I advised him to adopt a gift program, and he agreed. It is rather difficult to give away real estate by degrees, so we solved this problem by forming a corporation and having him convey all of his real estate to the corporation. All of the stock in the corporation was originally owned by him. We then worked out a program under which he would give a certain number of shares of stock in the corporation to each of his children and to each of his grandchildren every year. Fortunately, he lived some 20 years after adopting the gift program, and by that time he had given away so much of the stock that the taxes on his estate were very small. Most people can't hope to save as much as $300,000 in death taxes, but a proper gift program can save taxes for any man who has a substantial estate.

The remaining schedules in the estate tax return provide the brighter side of the picture. They cover deductions that may be made from the gross amount of an estate before it is taxed.

The ordinary deductions include any debts owed by the deceased, his funeral expenses, and all costs of administering his estate. All bequests to charity are deductible, which accounts for the fact that very wealthy men frequently leave a large portion of their estates to churches, hospitals or similar institutions. They simply prefer to have their estates go to charity rather than to the tax collector.

But the most important deduction of all, if the deceased was married and left a surviving spouse, is what we call the "marital deduction." This feature of the law was first included in the 1948 Internal Revenue Code, which is the same code that first permitted husbands and wives to file joint income tax returns. So it may safely be said that the 1948 Code gave the American taxpayer the best break he has ever received.

Under the marital deduction, all property interests passing to one's surviving spouse, up to one half of his or her estate, are deductible in computing taxes. In other words, if a man leaves his wife at least one half of his estate, the gross value of his estate is cut right in half for the purpose of computing death taxes. And the same principle applies, of course, if the deceased is a woman and leaves a surviving husband. Whatever she leaves her husband, up to one half of her estate, may be deducted in computing taxes.

It may be supposed that most married people leave their spouses at least one half of their estates. Under those circumstances, when the first of two married people dies, there is no tax unless the estate exceeds $120,000.

A man may love his wife very much and want her to have the benefit of all of his assets, but not outright ownership of the assets. This he can accomplish by establishing one or more trusts for her benefit. He may have many motives for doing this. He may want to preserve the assets of his estate for his children and grandchildren after his spouse dies. He may believe that his wife is so innocent in money matters and investments that she may become a prey for con men. But some forms of trusts may make the estate ineligible for the marital deduction—and substantially increase the estate tax.

The advice of a competent estate planner is essential in setting up trusts of this kind. A trust *can* be set up in such a manner that it will qualify for the marital deduction.

The great value of the marital deduction will be more apparent if I quote you a few figures. An estate of $120,000 without the marital deduction will pay a tax of approximately $9,500. The same estate with the marital deduction pays no tax at all. An estate of $200,000 without the marital deduction pays a tax of approximately $32,700. The same estate, with the marital deduction, pays a tax of approximately $4,800. An estate of half a million dollars without marital deduction pays a tax of approximately $126,500. The same estate with marital deduction pays a tax of approximately $47,700.

As of what date is an estate evaluated for tax purposes? This could be very important, as we learned back in 1929, when estates paid taxes based on their value at the date of death.

Some wealthy men were unfortunate enough to die just before the great stock market crash. The securities of these estates had to be valued as of the date of death. By the time the executors got around to filing the returns and paying the tax, the value of the securities had dropped to the point where the tax took practically everything that was left.

As a result of this situation, Congress wrote into law a feature we call the "optional valuation date." This provision originally gave the executor the option of valuing the assets of the estate either as of the date of death or as of one year after date of death. The tax return was then required to be filed, and the tax paid, within fifteen months after date of death.

In 1969, Congress was on one of its frequent hunts for more revenue, or more quickly collected revenue. As a result, the law was changed so that the optional valuation period is now only six months instead of one year. Thus, the assets of an estate may now be valued either as of date of death, or as of six months after date of death. Present law requires that the tax return be filed and the tax paid within nine months from date of death. This change in the law became effective January 1, 1971.

In an article in this magazine last September on the financial effects of moving from one state to another, I mentioned briefly the fact that any state where you ever lived might want to tax your estate when you die, if it is a state with a death tax.

Perhaps I should repeat here the suggestion that if you move from one state to another, you should be sure to take all of your movable property with you. This, of course, includes stocks, bonds, promissory notes, bank accounts and any other movable property. And you should, in your various legal documents, file a clear record of the state which you consider to be your legal residence. This may help prevent your former state or states from taxing what you leave behind in this world.

There have been cases of wealthy men with homes or other property located in several states whose entire property was claimed for death tax purposes by the demands of numerous states, each of which maintained that the departed was one of its own.

On a smaller scale, this sort of multiple state taxation can be inflicted on people of lesser means if they move about among the states and do not take precautions in advance. And if they leave property in more than one state their wills may have to be probated in more than one.

We have often heard that nothing is certain but death and taxes. One brings on the other, as far as estate taxes are concerned.

NEWSMEN'S NOTES ILLEGIBLE ANYWAY, REPORTERS OBSERVE

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 13, 1973

Mr. WALDIE. Mr. Speaker, largely overlooked in the controversy currently raging over the subpenaing of newsmen's notes is the virtually unanimous testimony of reporters that they themselves cannot read or decipher their own notes longer than a day after they are written, and perhaps on occasion not for that long.

If this is true, the argument that newsmen's confidential notes are vital to the efficient administration of justice would seem clearly erroneous.

This insightful observation was recently made in a characteristically wise commentary by Mr. James Reston of the New York Times. He argues:

> Have you ever seen a reporter's notes? Would any serious judge really accept most of them in evidence? They are a jumble of phrases, home-made shorthand, disconnected words, names, wisecracks by press-table companions, lunch dates, doodles, descriptions of somebody's necktie or expression, and large and apparently significant numbers, probably reminding the reporter of nothing more than his next deadline.

There is, at the same time, a second and profoundly serious thread running through Mr. Reston's column. It is the simple but important observation that whatever the executive, judicial, or legislative branches may do, newsmen will continue to honor the ethic of their profession which calls on them to refuse to disclose confidential sources and newsgathering information. He points out:

> The democratic tradition hasn't gone on for over 200 years in this country for nothing. There are still a lot of people in government here who will insist on telling the truth, even if they are hounded out of Washington for doing so, and most reporters will go to jail rather than squeal on them because they were faithful to the larger interests of the nation.

Because of its wisdom and timeliness, Mr. Speaker, I offer the full text of Mr. Reston's column, printed in the Sacramento, Calif., Bee on February 11, 1973:

Reporters Will Refuse Demand

(By James Reston)

Washington.—At some point, Oliver Wendell Holmes or some other philosophic after-dinner speaker must have said that there was more to life than the law, and this may be what the courts have overlooked by trying to compel newsmen to disclose the sources of their information and turn over their notes to the legal authorities.

In its 5–4 decision in the Caldwell case, the majority of the Supreme Court said: "These courts have . . . concluded that the First Amendment (freedom of the press) interest asserted by the newsman was outweighed by the general obligation of a citizen to appear before a grand jury or at trial, pursuant to a subpoena, and give what information he possesses . . . We are asked . . . to grant newsmen a testimonial privilege that other citizens do not enjoy. This we decline to do."

So this is now the law, but it leaves out of account some of the practical problems of life. The Supreme Court majority opinion seems to rest on two assumptions: First, that newsmen keep notes that make sense to anybody but themselves, and second, that reporters would rather disclose their sources than go to jail.

Have you ever seen a reporter's notes? Wouldn't any serious judge really accept most of them in evidence? They are a jumble of phrases, home-made shorthand, disconnected words, names, wisecracks by press-table companions, lunch dates, doodles, descriptions of somebody's necktie or expression, and large and apparently significant numbers, probably reminding the reporter of nothing more than his next deadline.

This is not quite as casual or irresponsible as it sounds. By his notes, the reporter is sending signals to himself. For a few hours, he knows what the squiggles on his paper mean. By putting them there, he puts them in his mind. Ask him a week later what they mean, and he'd probably be totally lost.

No American judge, even with the wisdom of Holmes or Brandeis, or the experience of Chief Justice Burger, who grew up with one of the most remarkable generations of American journalists in Minnesota—Hedley Donovan, the editor of Time, Eric Sevareid of CBS, Phil Potter of the Baltimore Sun, Dick Wilson of the Cowles papers, and many others—could possibly figure out the mysteries of reporters' notes even with the help of all the cryptographers in the republic.

On the question of going to jail rather than disclosing the sources of information, the chances are that the newspaper tradition of keeping promises, of being faithful to the people who have faith in them, will probably prevail long after the present administration and the present controversy over the First Amendment have passed.

The democratic tradition hasn't gone on for over 200 years in this country for nothing. There are still a lot of people in government here who will insist on telling the truth, even if they are hounded out of Washington for doing so, and most reporters will go to jail rather than squeal on them because they were faithful to the larger interests of the nation.

Besides, jail for serious reporters, trying to investigate the corruption of power, in either party, is not the worst thing that can happen to them. There is so much corruption, and they chase it under such unequal circumstances, even to the point of physical exhaustion, that many of them would almost welcome a little relief from the tyranny of the deadline to think and read, even in the pokey.

Besides, the White House and the courts, in this controversy with the press and the television and radio networks over the last couple of years, have made their point and won most of the battles. They have created an atmosphere of anxiety, if not fear, among the Washington civil servants, who are the real source of information in this city. The Nixon administration lost the Pentagon papers case in the Supreme Court, and the Watergate bugging case in the federal district court but they won the Caldwell case, and the word has gone out to the civil servants and the press to be very careful about talking too much or exposing too much. And this is probably the signal the administration wanted to get over in the first place.

But American life and tradition are still too strong to be overwhelmed by intimidation of the civil servants or orders by the Supreme Court to hand over all the information reporters possess about their sources and in their notes. The reporters won't break their promises to their sources, even if they have to go to jail, and most of them won't turn over their notes, though it would be a puzzle to the judges and the juries if they actually did.

ADDRESS OF HON. PETER BLAKER, UNDER SECRETARY OF DEFENSE FOR ARMY OF THE UNITED KINGDOM, DELIVERED AT THE 10TH ANNUAL WEHRKUNDE MEETING IN MUNICH, GERMANY, FEBRUARY 25, 1973

HON. SAMUEL S. STRATTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 13, 1973

Mr. STRATTON. Mr. Speaker, last month, in company with the distinguished senior Senator from Texas (Mr. Tower) and the able gentleman from Indiana (Mr. Brademas) I had the privilege of attending the 10th annual meeting of the Wehrkunde organization in Munich, Germany. "Wehrkunde" is a small private organization whose purpose it is to study the military defense situation in Western Europe, basically within the NATO area. Those attending its sessions are government officials, military men, journalists, diplomats, businessmen, and certain private citizens.

One of the scheduled "papers" at this meeting was presented by the Army Secretary of the United Kingdom, Mr. Peter Blaker. Because I believe that Mr. Blaker's remarks underscore some of the problems which any democracy faces in maintaining a strong defense these days, and also because it points up the realism and the determination of our British allies in carrying through this job—a side we here in this country do not always get a chance to see and to understand—I am happy to bring this fine address to the attention of my colleagues:

The 10th International Wehrkunde-Encounter in Munich—Maintaining Military Security in an Era of Détente

(By Peter Blaker)

There are two lines in one of Shakespeare's late and metaphysical sonnets in which the poet addresses his soul:

"Why so large cost, having so short a lease,
Does thou upon thy fading mansion spend?"
(Sonnet 146)

The feelings of large sectors of the public towards military forces are somewhat similar. If I gauge public opinion correctly, these lines capture rather well what some people are saying to us: "Why are you spending so much money—25 billion dollars in Western Europe alone every year—on a luxury you cannot afford, a luxury which even if you could maintain it in the proper state demanded by its own logic has for many years been irrelevant to the modern world and is becoming increasingly so; you will not be able to evade your responsibilities much longer, because the public will not stand for it: your lease is running out." In this paper I want to examine this mood which makes the job of running the defense machine so much more difficult, looking at how and why the mood makes itself felt. I shall play the Devil's Advocate and develop the sort of case against defense which seems to be in minds of so many people today and which we cannot ignore; placing special emphasis on the the job ofrunning the defence machine so fence activity, let alone increased levels of defence activity, appear incongruous. I then propose to fight back setting out some of the facts and figures of what we are doing and why. I shall admit to the semblance of a paradox but go on to explain it and set out the arguments which I think should be used in countering attacks on defence. Finally, in preparation for our discussion, I shall make a few observations on the problems of getting this message across.

First, I am right in thinking defence unpopular? Some would say that I am not. They would point out that in Britain we are successfully running volunteer armed forces, and that while our recruiting targets, totalling well over 40,000 a year, are by no means met in full every year, nevertheless we do get the great majority of the men we need: that is a sure indication that defence is not regarded with hostility. Or taking the issue a different way, it might be said that serious intellectual discussion of defence has never been so widespread as in recent years. There is informed comment in the media, and many institutes have begun to concentrate on defence issues and to do important research which complements the work of government defence departments. Defence has become an important specialization in the study of international relations. Defence, in fact, enjoys a fair degree of popularity in both practical and academic terms.

I do not deny any of this. We in Britain are proud of our volunteer forces and are encouraged by the level of debate in which we take part on defence issues. But is the public as a whole aware of defence as a fundamental part of national and European endeavour—not defence the provider of jobs or defence the rich seam of academic theses? I cannot escape the feeling that defence is *not* one of those subjects which, like so many economic or industrial issues for example, hold attention in cafes, in schools and university common rooms.

It is more than this. The man in the street shows either complacency or no positive interest. He does not think about defence or security at all, and I feel bound to say that often his attitude is shared by many of his representative in parliament! But younger people show a negative interest in the form sometimes of open hostility. We are all familiar with the manifestations of anti-militarism—demonstrations, and protest meetings, and the semiautomatic championing of the rebel cause often without regard to its justice. Defence authorities, like police authorities, suffer acutely from a common and vocal conviction that Authority is necessarily an oppressor. It is not pacificism—in a violent society honest pacificism has its problems as much as defence does. I think it is more a fear of what is believed to be a mindless and infinitely dangerous defence automaton which is interested only in itself, not in people.

It is interesting, and might be helpful, to speculate how this feeling has come about. It would be accepted, I think, that it is a relatively new feeling, expressed in the main by the post-war generation of about university age, but by no means confined to them—some older sceptics are identifying themselves with the view. Many people in Britain would claim a connexion with the ending of conscription, and the taste of discipline it fed the young, which coincided with the emergence of the new hostility. I would not agree; nor, I think would my NATO colleagues: it is coincidence, nothing more. The reasons are deeper than a simple absence of experience of authority, although one of the main ones is not unconnected: twenty-seven years of peace in Europe. Or at least absence of war. This has led to a belief, not necessarily conscientious, that wars can never be necessary, and that therefore all things military are likewise unnecessary. This belief has been perhaps reinforced by a consciousness of the waning of European power after world war II; by more recent confrontations—Biafra, Bangladesh; and I fear, most dramatically and immediately, by the conflict in Vietnam. War in the abstract, war in which peoples' loyalties are involved only at many removes, has thanks to television been brought into peoples' homes in all its horror. As a result people have not been prepared to analyse the justice of causes, only to revile the destructiveness of warfare and the irrelevance of the political framework that allows it: the concept of "defence".

In addition to this, people have begun to look further into the means and methods of warfare, and have concluded that, even within its own terms, war is wanton and unnecessarily cruel. Incendiary weapons, chemical weapons, biological weapons, nuclear weapons: all catch at the emotions. And simultaneously a welcome altruism is developing in the young's perception of social relations—answer enough to those who think conscription alone could instil a sense of service and responsibility. A conviction that the strong should assist the weak, that the rich should help the poor, as a basic principle of human conduct. In this frame of reference defence is to some the prime example of the strong and rich helping themselves.

I am not suggesting that I have been outlining logical thought processes; only that I have touched on some of the factors—especially the emotive factors—which predispose people to think in one way, rather than another. Nor am I criticizing people for being uncritical. As I shall explain later, my belief is that people draw the wrong conclusions because they are not given the opportunity to know the full picture.

This then is the mood of underlying hostility which dictates the way people, especially young people, regard defence issues. Let me pursue this a little further, narrowing my perspective to concentrate on the way these attitudes could and do take expression as a more thoughtful attack on defence, particularly defence in Europe.

The Devil's Advocate might first ask why we are dong it at all. We cannot seriously believe that he would say there is a risk of another major conflict. Who would be so foolish? Do we think that if we removed all our forces, and disbanded them, anything would change? The relationships between major powers have now stabilized to the point where there is an excellent understanding between them about the realities of the international balance of interests. The military aspect is irrelevant now: it is an economic burden that creates more problems than it solves. For example, he would not continue NATO, because simply by existing NATO obliges the Warsaw Pact to exist and vice versa. It perpetuates Cold War attitudes—suspicion and distrust—and keeps states apart, where good sense demands they should cooperate together. The very existence of a defence posture indicates a failure of diplomacy, or worse, a conscious desire to wield power at the expense of others. In our alleged desire to show the East we are just as strong as they, we have to rely on weapons of unparalleled destructiveness. To possess the capability of blowing the world apart. By what right do we gamble in this way with the lives of ordinary people? Will the earth itself be able to support the survivors of our holocaust? Will not future generations inherit the scars of our recklessness? And of course, we could always do it by mistake.

To keep up this charade, the critic would argue, we are spending in the West about 3½% of our combined Gross National Products on a counter-productive phantasm. Britain is spending 5½ percent. That money could help the under-privileged, at home and abroad; improve health and education services; and contribute to national prosperity. And in addition we could be said to be commandeering large proportions of national resources to meet our private ends: we are forcing large numbers of men to acquire a taste for violence, and removing them from the productive labour force; we are occupying much industrial productive capacity with the manufacture of defence equipment and depriving the economy of growth.

It is useless to point to weaknesses in the argument in terms of economic or international relations theory. I indicated earlier how this approach is based upon a conditioned emotional response. But its main elements are that defence is worse than unnecessary because it is:

a. destabilizing;
b. highly expensive; and
c. morally wrong.

Our problem is much more acute at a time like the present, when we are entering, in President Nixon's term, an "era of negotiation"; when the public are expecting some tangible signs of thaw in international relationships. The sign they are looking for, naturally enough, is a reduction in defence effort, and the release of resources to other activities. At last, it might be said, statesmen have seen where their best interests lie. Chancellor Brandt's Ostpolitik has led the way; the Russians and Americans have had a certain amount of success in the SALT talks; the Security Conference is being prepared, and so are talks on force reductions. We are urged to do all we can to hurry the process on, so that states can enjoy as soon as possible the benefits of relaxed tensions without the burden of a crippling defence effort. We Defence Ministers are asked to recognise that the only obstacle to a rapid East/West reconciliation is the fact that we are maintaining our armed forces in strength, and our strategic deterrent: how irresponsible it is to jeopardize the chances of a genuine détente by so blatantly showing suspicion and plain disbelief of Eastern intentions! Mr. Brezhnev spoke in Moscow in December ápropos of force reductions: "The strengthening of peace in Europe is a very important and great issue for the fate of all mankind. We are fighting with all our energy and purposefulness so that Europe, which has been an eruptive point, should not be the starting point of another war. We can see clearly that reaction, militarism and revenge-seekers of various hues have not given up their attempts to turn the whole course of affairs in Europe back into the past. But this shall not come true: "To persist in maintaining our military posture in the face of such a Soviet attitude—so runs the accusation—is to be unashamedly provocative. To argue as we have done against making any reductions in force levels and for improving our defence capabilities is to guarantee that progress towards détente will be stymied.

That, I think, is how an argument might run and I hope I have indicated the sort of thinking that might lie beneath it. Now let us shift the frame of reference and examine how governments, and in particular Defence Ministers, perceive these same issues; and see the extent to which our critics are attacking real as opposed to imaginary targets.

Governments, despite what may be claimed to the contrary, are probably as well placed as any to appreciate the unspeakable horrors of war. Let no one accuse Authority of enjoying war as a game. We engage in defence in order to ensure that countries do not have to make a sacrifice. Defence is the price we pay for avoiding war. We engage in détente in order to ensure that that price is as low as possible. We share the aspiration of our critics: a world without armaments, a world without greed, a world in which international cooperation and individual prosperity provide all the security we need. We do not agree with our critics that a world without armaments is necessarily a secure world—yet. We do not think that we are mature enough—yet—to be able to pool our interests and pursue them without the stability given us by a system of alliances based ultimately on the threat of resort to arms to protect our rights to self-determination. We are cynical enough not to pin too much faith in a world without greed. Yet we do believe that the growth of the European Economic community marks one means of progress towards our ultimate common goal. So does the pursuit within that framework of realistic measures of arms control and disarmament.

We therefore welcome *Ostpolitik*. We welcome SALT. We are taking part in the CSCE and MBFR talks. But we must be cautious about détente. We must remember that the political intentions of the East and the present mild international atmosphere could change for the worse a great deal more quickly than we could change our military capabilities to meet a new situation. This rock face is liable to crumble: we must secure every foot-hold before we move into the next. We have already secured the banning of biological weapons. But there is plenty of scope for mistakes. Our American friends have secured the limitation of antiballistic missiles; and now they are examining ways with the Russians of securing permanent agreements on strategic offensive systems. We are making progress.

On the more political side, the preparatory talks for the projected conference on Cooperation and Security in Europe have made an encouraging start. But we must ensure that the Conference really does give us a secure foothold on the route to better understanding: there is a great danger that the Conference might be tempted to make do with impressive but hollow declarations which will delude the public into thinking firm, a hold that will crumble away as soon as any weight is put upon it. Back in the military field, the exploratory consultations in Vienna concerning Mutual and Balanced Force Reduction have made a cautious start. These of course are at the heart of current thinking about détente. It would be encouraging indeed if we could reach an agreement with the East guaranteeing us undiminished security but at a lower level of forces: That would be a giant step forward. Unfortunately it will be a difficult step to make for many good and practical reasons: it is not easy to judge the relative capabilities of forces as disparate as those of NATO or the Warsaw Pact, or to assess what reductions would leave the balance of security unimpaired. The sad fact is that no straightforward reductions can do this. One reason for this is the Warsaw Pact's numerical superiority over NATO: we cannot forget that on the Central Front the Warsaw Pact has at present twice as many men as NATO; 17,000 tanks to NATO's 4,200; and 5,000 pieces of artillery to NATO's 1,800. Another is the Warsaw Pact's geographical advantages of speedy reinforcement as compared to NATO having to move across the Atlantic Ocean. It will be no quick or easy task to unravel the complexities of MBFR and knit them into progress.

Western Governments, I suggest, are firmly committed to the pursuit of détente. Any other policy would be unthinkable. But we must secure the substance of détente, not the shadow. Certainly we see as our long term aim a reduction in the expenditure we allot to defence, to enable resources to be released to further other national priorities which might be of more direct positive benefit to our countries. But only as the result of a long and gradual process. Defence costs, like all other costs, rise. The cost of maintaining any given capability relative to one's adversary tends over a period of time to increase in real terms: Volunteer manpower for example is increasingly expensive—it has to be in order to attract the men to maintain a satisfactory manning position—and attempts to reduce manpower costs by designing equipment which needs fewer men to run it quickly increase an equipment bill which is likely to be escalating independently as a result of the increased subtlety of weapon systems. Reducing forces therefore does not necessarily mean lower defence expenditure if the relative balance of security is to be maintained.

We are left nevertheless with the paradox that, at a time when tensions are relaxing, we are spending more money in the very area which on a superficial view seems most likely to increase tensions. I have observed that this is because we have to maintain the balance of military power and that this process is becoming more and more costly. By way of justification of the paradox, it would be as well to remind ourselves why, in answer to our critics, we consider it necessary to maintain such a level of defence: what we are defending ourselves against; and what tools we are buying to do the job.

What we are buying first of all, is deterrence. NATO's policy is not offensive. But it is based upon a determination to preserve the territorial integrity of its member countries and upon a will to respond to every stage of aggression with an appropriate level of force.

The flexible response strategy, which NATO member Governments re-affirmed only recently, means that we must have the necessary conventional forces to respond appropriately to all levels of aggression. They must be able both to cope with a limited action, perhaps designed to present NATO with a fait accompli, and to defend effectively against a full-scale aggression, to give us time to bring the aggressor to his senses before we have to initiate the use of nuclear weapons to restore the credibility of our deterrent.

We think it necessary to maintain a deterrent posture because, despite the peaceful words of Mr. Brezhnev quoted above, we perceive in the armed forces of the Warsaw Pact a vast potential for destruction which is increasing in effectiveness every year. For their part, the East are certainly not anticipating the outcome of East/West negotiations by any relaxation in defence effort and we can only judge their motives by what they do, not by what they say they will do. Soviet Union defence expenditures, we believe, grew by about 5 percent every year during the 1960's, and are still increasing. Currently her annual defence expenditure probably stands at more than 70 billion dollars. She has been steadily building up her strategic capabiltiy and her conventional forces, and has maintained her effort to strengthen the other forces of the Warsaw Pact. And these forces maintain a high state of preparedness.

But why is this a real threat? Why do we interpret these facts in the sense that it is the Warsaw Pact setting the pace for NATO rather than trying to keep up with it? Experience should tell us that the Soviet doctrine of both international relations and internal administration is very different from our own. It depends on rigid central control, rigid adherence to the central line, and a desire to establish and wield power as widely as possible. The established methods of trade and social and intellectual contacts enjoyed by the West are seen as a threat to the effective pursuit of Soviet interests. It is not NATO which threatens the Warsaw Pact: it is the existence of stable and prosperous and different Western society, which the Soviets are not content to live with on normal terms. The Soviet Union is not geared to fight economic battles. Upon those who have fallen beneath her hegemony she imposes by force what she cannot impose by diplomacy and persuasion. We cannot believe that Budapest, Berlin and Prague were aberrations. Nor that the hounding of critics of the regime and rule-breakers within the Soviet Union are administrative errors. We cannot be confident that if there was nothing to stop her she would be less ruthless with those that still enjoy the right of self-determination.

If the armed forces of the Soviet Union and her allies continue steadily to increase in size and strength, and those of the West to reduce, we shall very soon see the West lacking the political will and psychological firmness to stand up to the East; we may even find ourselves unable to act without first taking explicit account of likely Russian reactions.

That is why, so long as the other side maintains armed forces, so must we. While NATO maintains and increases its strength it is a permanent reminder that over-ambition will not pay; that force will be met; and that difficulties in international relationships must be resolved over the conference table, not on the battle field. For if the Soviet Union did press aggression to the limit, there would be no victors in an European war. Our security rests upon our will and ability to deter. Defence is its visible manifestation. It follows that the Soviet Union will seek to pursue spoiling tactics towards Western Europe. If she can cause conflict within the North Atlantic Alliance or delay moves towards political integration within the European Economic Community, her influence will be the greater because our cohesion will be less. This is one of the reasons why practical cooperation is so important especially in matters of defence.

Within the Western Alliance the European countries, in particular, should seek to cooperate more closely on defence and to establish a greater identity of view. In keeping with the sum of its resources, Europe should seek to exert more influence on the major issues affecting Western security and be prepared to assume increased responsibility for its own defence. There is also continuing pressure on all European Governments to make the most effective use of the limited resources available for defence. Bilateral staff talks, collaborative projects for arms procurement and the practical activities of the Eurogroup are already making important contributions. In the communiqué issued after their last meeting in December the Eurogroup Ministers emphasised their commitment to the principles of collaboration. But it will be necessary to extend existing forms of cooperation both in scope and depth if Europe's needs are to be met. That process should be facilitated by the growing European unity symbolised by agreement on the enlargement of the European Economic Community.

The Soviet Union, we fear, will exploit to the full her opportunities to promote divisions by presenting to public opinion—especially uncritical public opinion and opinion conditioned to be hostile—the so-called shortcomings of the western system: its alleged militarism, reaction and unfairness. We must be on our guard against this danger.

The Soviet approach to détente is not likely to correspond very closely with that of the West. The Russians will hope to erode the collective will of the Alliance to deter; to split the Alliance by playing on any detectable policy differences between the allies and by holding out to our publics the promise of a world without arms, without threats and without deterrents. No one can deny these are attractive prospects. But it will be clear from my arguments earlier that Soviet motives will be aimed at preparing the ground for an extension of Russian influence. Détente offers them an easy way of doing this; but we must show the East that, while we are anxious for détente, we can only accept what we feel to be genuine détente, in other words a relaxed international situation in which no side will have gained an advantage relative to the other. That is why we must keep our level of security—and not allow precipitate action to put us at a permanent disadvantage. By keeping up our defence efforts we are not jeopardising détente: we are demonstrating that we take it very seriously: indeed that we are prepared to pay for it.

This means that we must not countenance the notion of unilateral reductions in NATO's strength. In negotiations such as those which lie ahead of us at the moment, bargaining from a position of strength is vital to ensure equity, and experience and history show that this is the way to improve the quality of peace. It would be fatal to undermine our position before we start.

I believe we shall find it increasingly difficult to maintain security if we cannot get across to our publics this message of the risks involved in détente. It has been said many times before that we should give more thought to the public presentation of the problem of defence and foreign policy. At the beginning of this paper I indicated that apathy was no less a problem than hostility. Somehow we must not only argue our case convincingly, but in doing so catch the public imagination: we must tell them more; we must overcome the myth that defence is totally secret business—what could be more a matter of public concern that the essential realities of national security? In the British Ministry of Defence we publish a great deal of information in our annual White Paper—we are the only Department to issue a policy statement of this kind every year. We also publish a short illustrated version of the White Paper for distribution in schools. We must be careful how far we go in the discretion: we risk being branded as promulgators of militarist and warmongering propaganda; but we must take the risk. We must dispel the mood of complacency and hostility which distorts the real problems. We must stimulate the media; promote more defence studies at universities; we must talk to schools about foreign policy; and we must hope that a new Europeanism will follow from the enlargement of the European Community, and prove more receptive to discussion of these vital common issues.

Our news is not without drama, but a great difficulty is that it is not immediate drama. It would be gravely wrong of us to dramatize the issues in the hope of achieving direct emotional appeal. We must I think rely on a more gradual process of widening intellectual and academic interest broadening out into the media. We are doing all we can to encourage this: conferences such as the Wehrkundetagung are of valuable assistance in the process. But we must do more, and do it soon.

It is clearly very tempting for governments—and oppositions—not to make the effort that is required; to allow instead vocal public pressure for reductions in defence effort, or perhaps for neutralism, to build up to unsupportable levels and meekly to lower their defence. To me such action would be to accede to demands for negligence. Irresponsible factions might win easy short term popularity and to their people to explain the true facts of an uncomfortable situation and the paramount importance of defence, and to convince them that it is an era of negotiations for détente, possibly more than at any other time, that military security must be maintained.

DAYS OF "CHEAP FOOD" MAY BE OVER

HON. WILLIAM L. HUNGATE

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 13, 1973

Mr. HUNGATE. Mr. Speaker, the following article from the New York Times, Sunday, March 11, points out facts which farmers have been urging for years. Namely, that the 16 percent of net disposable income is spent on food in the United States, representing the lowest cost for food of any country. Unfortunately, the article also indicates the "honeymoon" may be over:

DAYS OF "CHEAP FOOD" MAY BE OVER

(By Morton I. Sosland)

As food prices continue to soar, Washington officials have been offering relief in the form of promises that prices will decline sharply in the last half of 1973. Such an outcome seems to be predicated on recent changes in Government crop programs.

However, such predictions arise from an oversimplification of what has happened in world commodity markets in the last six months.

The assumption of both the Cost of Living Council and the Department of Agriculture is that record high crop prices—not only in the United States but in practically all other countries—have been caused by demand outpacing supply.

The assumption is that by increasing supply, prices for wheat, corn, soybeans, beef and poultry (the list is endless and not necessarily limited to things grown on farms) will fall back to levels that prevailed early last summer.

While it would be unwise to posit that present price levels will be sustained over a long period time, it is equally foolish, as well as self-deceptive, to hold out hope that recent upward price moves are only an aberration on a long-term trend that assures the availability of "cheap food" ad infinitum.

A case can be made that cheap food in that context is a thing of the past, that the world is moving through a true watershed in food production and demand and that this is an economic development of historic importance all too little appreciated and most dangerous to neglect for any length of time.

In this discussion cheap food is defined as meaning that food costs represent a smaller share of annual family spending than would be the case if true supply and demand forces were allowed to function in a commercial farming situation.

Within that definition, cheap food has prevailed in the United States since the nineteen-thirties. It has been the cornerstone of Britain's economy since the middle of the 19th century and provided a key foundation for Japanese economic growth since World War II.

To a great extent, United States farm programs that began in the nineteen-thirties have been more of a cheap food subsidy to American consumers than their more widely criticized and publicized role as a subsidy to American farmers. Until the price advances that began this last summer, American families on the average spent only about 16 per cent of net disposable income on food, the lowest share of any country.

This was made possible by a farm program that subsidized growers through direct income supplements and payments for withholding land from production that might not, in the long run, have been planted anyway.

American consumers have not been the sole beneficiaries of these policies. Japan and Britain, traditionally the largest food importers, have relied on cheap American food for many years.

The fact that such availability is coming to a swift end has been perceived first by the British. The chairman of a leading British food company declared recently that "the era of cheap food is over." And one of that country's labor leaders said a few days later, "We no longer have the divine right to be cheaply fed."

These dramatic declarations go considerably beyond the impact on British food prices of membership in the European Economic Community. They reflect an appreciation in Britain that fundamental changes have occurred in the world supply-demand situation for food.

Even though this impact may first be recognized in Britain and Japan, where reliance on food imports causes supersensitivity to basic changes, it will be only a matter of time before food prices in the United States will call forth similar realizations.

Two fundamental forces are at work of a dimension that is yet very difficult to measure.

On the demand side is the apparent decision by leaders of the Communist bloc to raise the "standard of eating" of their peoples. That commitment has been an important part of five-year plans for decades.

This year the intent has been made crystal clear by huge purchases by the Soviet Union in world grain market in order to do everything possible to prevent shortages of bread and to sustain rapidly increasing livestock and poultry numbers. In stark contrast with past poor crop years, the Soviet leaders made a very conscious decision to maintain food supplies at tremendous costs.

Now that the Soviet Union has learned how easy it is to buy on the American market and even to fool the capitalists in the bargain, it would be the height of folly not to expect continued takings.

Upgrading of the diet in the Communist-bloc nations poses the need for massive additional quantities of grains that will have reverberations into every American supermarket.

A pronounced multiplier effect comes into operation when consumption patterns shift from grain-based diets to diets of meat and poultry. Each unit of beef production requires eight units of feed. In the case of pork it is a 4-to-1 ratio and for chickens it is 2½ pounds of feed to make one pound of poultry.

If the Soviet Union succeeds in meeting its 1980 goal of raising livestock and poultry consumption by 25 percent (which would still leave that country's consumers with 40 percent less meat than the average American), the Soviet Union and Eastern Europe will require annually at least 75 million more tons of grains than presently utilized.

Industry experts say the Soviet Union can be expected to supply half of that increased need by expanding domestic production. The remainder will have to come from the United States and other suppliers, creating quite a strain in view of the fact that American feed grain exports this year are expected to be 33.2 million tons.

The great uncertainties of Soviet demand are nearly overshadowed by the mystery of potential buying by China. Just consider that one more pound of chicken a year for every Chinese requires slightly more than 900,000 tons of feed grains.

Introducing the Soviet Union and China as potential buyers of unknown dimension on the world food market comes at a time when political and budgetary realities in the United States are dictating a major shift away from old methods of agricultural support.

On the supply side, President Nixon has called for a gradual phasing out of income supplements, the keystone of farm programs for some years. He and his advisers would have the marketplace, not the Government in Washington, tell the farmer how much wheat, corn and soybeans should be planted and how many cattle or broilers should be raised.

He recognizes that farming has become an industry and that the concept of living on a farm as a way of life is past.

But the President has not stated that encouragement of crop and livestock production at a total large enough to satisfy expanding American and usual world needs—much less the explosive potential of buying by the Soviet Union and China—will require continued high prices in the absence of income supplements. Otherwise, the markets will not function as a signal to farmers.

Land suitable for crop production in the United States is limited. Witness the fact that farmers last fall, in response to the highest prices in a quarter of a century, seeded only 1 percent more acres to winter wheat.

Inputs such as fertilizer, insecticides, herbicides and better seeds are, in a very real economic sense, substitutes for land.

In the past, relatively few American farmers have considered land as a cost. Accelerating commercialization of farming will change that attitude. If we are approaching the limits of cropland, then prices very near present high levels will be required to stimulate the inputs that substitute for land.

Much about the present situation heralds expanded corporate participation in farming—perhaps not by national companies but by area and regional business entities. Before such companies will commit the capital inputs required, they will have to look to market returns substantially above the cheap food of the past.

As an economic benchmark of this magnitude is reached, it is important that the national leaders who are making important policy and legislative decisions become aware of these new realities.

For example, farm programs must be structured to allow for the establishment of reserves that will make this country's ability to supply unprecedented business more than an accident, as was the case this year.

The end of the era of cheap food is the price American consumers will pay for an adequate domestic supply and for establishing the United States as a reliable source of food for hundreds of millions of people around the world including new and important customers in the Soviet Union and China.

WASHINGTON RESEARCH PROJECT ANALYSIS OF PROPOSED HEW SOCIAL SERVICE REGULATIONS

HON. ROBERT F. DRINAN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 13, 1973

Mr. DRINAN. Mr. Speaker, on February 16, 1973, the Social and Rehabilitation Service of the Department of Health, Education, and Welfare printed its proposed regulations governing the funding and administration of social service programs. These regulations, slated to go into effect on March 19, will have the result of substantially curtailing many important social services.

These proposed regulations have aroused a storm of controversy. One of the most informative and perceptive commentaries on the proposed regulations was prepared by the Washington research project. I commend this analysis, done in the form of a letter to the Administrator of the Social and Rehabilitation Service of Health, Education, and Welfare, to my colleagues, and urge them to write to the Administrator by March 19, so that these ill-conceived regulations are withdrawn. The text of the Washington research project analysis is as follows:

WASHINGTON RESEARCH PROJECT,
Washington, D.C. March 9, 1973.

To: Administrator
Social and Rehabilitation Service
Department of Health, Education and Welfare
330 Independence Avenue, S.W.
Washington, D.C.

Subject: Proposed Regulations for Service Programs for Families and Children and Aged, Blind, or Disabled Individuals: Titles I, IV (Parts A and B), X, XIV, and XVI of the Social Security Act

The following are comments on and objections to the proposed amendments to 45 CFR Parts 220, 221, 222, and 226 published under a notice of proposed rule making in the Federal Register on February 16, 1973 (Volume 38, Number 32).

The Washington Research Project is a nonprofit, public interest organization concerned with federal programs and policies affecting the poor and minority groups, especially children. Our comments on the proposed regulations are focused particularly on their effects in eliminating services to large numbers of poor and near poor families and in reducing the quality of those services which would continue to be provided on a much more limited basis.

I. GENERAL COMMENTS

The principal effect and apparent intent of the proposed regulations is to limit expenditures for social services far below the amounts intended to be spent by Congress. The history of the social services amendments contained in the 1972 revenue sharing act makes unmistakeably clear that Congress rejected any sweeping cutbacks in the existing social services program, such as those originally proposed by the Senate. Instead, it agreed to preserve the current program, within the confines of a state allocation formula, and with a targeting on certain clearly specified services. Indeed, in response to specific questions on the floor of the House of Representatives as to the effect of the ceiling on current programs, Chairman Wilbur Mills stated that "we have not changed the definition of social services that are available for those who are recipients of or applicants for welfare," and that Congress intended no restriction on the nature of social services.

The $2.5 billion ceiling was carefully chosen and supported by the Congress, over a lower amount approved by the Senate, because it would not disrupt most of the valuable services currently being provided. Although imposition of the ceiling might require some reordering of expenditures, the states have ample authority and flexibility under existing regulations to make the needed adjustments. This 2.5 billion ceiling plainly was more than an authorization in the traditional sense. The language of the statute says that "the Secretary shall allot" to each state its share of the social services funds. The regulations proposed by the Department therefore go far beyond the Congressional mandate and have the effect of impounding funds which Congress intended should be spent. Preliminary estimates by the states indicate that they will receive $1 to $1.3 billion less under the proposed social services program than they were entitled to receive under Congress's revenue sharing allocations.

Thus, contrary to the suggestion of the Secretary that the proposed regulations represent "the elimination of requirements which are not based on legislative mandates," the Department has clearly exceeded the intent of Congress and the language of the law. Other explanations of the Department are equally misleading and cloud their actual intent.

The Department contends that the regulations would "strengthen the role of state agencies in managing the program," "give states more options in determining services," and "put decision-making closer to the point where services are used." In fact, these regulations would remove the options now available to the states, limit their flexibility in operating programs, and impose new bureaucratic requirements which will hopelessly mire welfare agencies in red-tape and paperwork, at the expense of recipients of the services.

Similarly, the Secretary insists that the proposed regulations give "increased emphasis to services that help people move toward self-sufficiency and employment." In fact, they would so seriously restrict the eligibility for services as to prohibit lasting self-sufficiency and force repeated return to dependency.

Finally, one of the alleged intentions of these regulations is "reducing overlap" with other federally-supported programs. The reality is that there are no alternatives for public support of many of the programs which would be terminated, and in other cases the alternatives which might presently exist are being cut back or terminated by other Administration proposals.

II. ELIGIBILITY FOR SERVICES (221.6 AND 221.7)

The proposed definitions of eligibility and the requirements for constant redetermination of eligibility are too restrictive to accomplish the stated objectives of "self-sufficiency and employment," and they are so cumbersome as to assure the very bureaucratic maze this Administration allegedly seeks to eliminate. In setting a ceiling on social services expenditures and identifying broadly available services, Congress made no effort nor did it indicate any intent to narrow the current definitions of past and potential recipients. The restrictive definitions contained in the proposed regulations administratively eliminate virtually all past and potential recipients from the program, which Congress declined to do.

The limited definition of past recipient to one who has received welfare within the previous three months is too narrow to offer any security or stability to an individual who leaves the welfare rolls, and would in many cases lead to an almost immediate return to dependency. At a minimum, a past recipient should be entitled to services for at least one year, regardless of current income, with the possibility of extending those services for a longer period if they are necessary to avoid renewed dependency.

The definition of potential recipient is even more restrictive. The automatic elimination of services as soon as income exceeds 133-1/3 percent of the state's financial assistance payments level, or when resources exceed permissible levels for financial assistance, would arbitrarily exclude individuals and families before they reach a point of "self-sufficiency" and would result in returns to dependency. In many states, these new definitions would make ineligible for services families with incomes below the federal poverty level and even below the state's own defined standard of need. Further, sole reliance on income to determine eligibility ignores the fact that need for services is an equally significant factor in defining a potential welfare recipient. By identifying in the revenue sharing act those services which should be fully available to potential as well as current recipients (e.g., child care, services for alcoholics and narcotics addicts) Congress intended to deal with problems which, in the absence of services, would lead to dependency regardless of income. A fee schedule for services, reasonably related to income, as provided by current regulations, would assure availability of services according to need, while directing the bulk of federal dollars toward lower income groups.

In requiring frequent redetermination of eligibility—every 90 days for past and current recipients and every six months for potential recipients—the new regulations go far beyond the language of the statute, which provides for review of current recipients' service plans at least once a year, with no required review for past and potentials. The proposal would create an administrative nightmare which, at best, would delay services and would almost certainly deny services to many. They would intensify the movement of recipients in and out of services and reinforce the cycle of dependency caused by the narrow eligibility definitions. Further, they would result in new and unnecessary harrassment of recipients, and can only be interpreted as intended to discourage eligibles from seeking services. States welfare agencies have already indicated that they are incapable of meeting these requirements.

III. PRIVATE SOURCES OF STATE'S SHARE (221.26)

The absolute prohibition against the use of donated private funds or in-kind contributions arbitrarily eliminates an estimated $150 million in social services expenditures and terminates many of the most effective local programs. While improper uses of such funds should be controlled, an attack on the private sources ignores the apparent major causes of abuse in the program—the refinancing of state and local public expenditures. What is more, it contradicts this Administration's emphasis on voluntary action and public/private cooperation. For example, in the area of day care, the Council of State Governments estimates that the prohibition against private funds will eliminate $55 million in services. Such a cut is particularly ironic in view of the President's own expressed deep concern about "too much" public intervention in child care and his stated personal preference for day care provided through private sources (President's Message Accompanying Veto of S. 2007, December 9, 1971).

The importance of private sources of funds was noted by then-Secretary of HEW Eliot Richardson in a letter to Chairman Wilbur Mills of the House Ways and Means Committee, dated October 13, 1972, in which he urged modification of any legislative history to make clear that the "partnership between private donations and public agencies should be encouraged rather than discouraged." Reading that letter into the Congressional Record, Congressman Burke of Massachusetts engaged in a colloquy with colleagues from the Ways and Means Committee, denying "the impression" that Congress intended to restrict private matching and pointing out that Senate Finance Committee provisions to that effect had been dropped in conference on H.R. 1 (Congressional Record, vol. 118, pt. XXVIII, p. 36929).

IV. OPTIONAL SERVICES (221.5(B)(1))

Contrary to the impression presented by the Department that the proposed regulation would increase the state's options in providing social services, the new limited listing of services restricts choices and prohibits state and local-determination of services programs. The Social Security Act requires that a state must provide a program "for such family services . . . as may be necessary in the light of the particular home conditions and other needs . . . in order to assist such child, relative, and individual to attain or retain capability for self-support and care and in order to maintain and strengthen family life and to foster child development." The elimination of certain optional services which have been listed in the regulations in the past plus the removal of authority for the state to provide additional optional services if they are part of their own state plan, prevent the states from carrying out this clear legislative mandate.

For example, according to a special analysis of the Office of Management and Budget, social services outlays for nonemployment-related day care were estimated to be $154 million for fiscal 1974, providing services for 253,000 children. States will no longer have the option to provide such services since such care is no longer listed as an allowable service. Similarly, at least five states have included in their services plans legal services which were clearly allowable under the existing regulations. Since these are no longer included in the list of optional services, such assistance to recipients must be terminated.

Congress clearly did not intend to restrict such services for current recipients, but in fact offered assurances that they would continue (Congressional Record, vol. 118, pt. XXVII, p. 35521). We recommend that the proposed regulations be modifed to include in the list of optional services at least legal services and day care in addition to that defined at 221.9(b)(3), and that a state be permitted to include in its state plan other optional services which clearly meet the needs of eligible individuals. Such plans would continue to be subject to approval by SRS.

V. CHILD CARE

The impact of the eligibility definitions and the elimination of private funds is especially hard felt in the area of day care. Denial of child care to a broader range of past and potential recipients may well be the single most important factor in preventing the "self-dependency" which these regulations purportedly seek. In addition, as noted above, the arbitrary denial of all nonemployment-related day care removes essential services for dependent children and families—denying services to over one-quarter million children, according to OMB's own estimate.

In Califorina, for example, according to State Superintendent of Public Instruction Wilson Riles, these regulations will reduce day care funds in the state by $40 million, terminating services for more than 35,000 children, forcing 5,000 teachers and paraprofessionals out of jobs in child care programs, and ending employment for large numbers of working poor and single parents who may well find themselves back on welfare roles. In New York, the City's Agency for Child Development indicates that more than one-half of the 33,000 children now in its day care programs will no longer be eligible, forcing their parents back on to welfare which costs the city two-and-a-half times the cost of day care. Pennsylvania officials estimate that at least 12,000 children will be out of day care if the regulations go into effect. In Minnesota, 50 to 60 percent of the 24,000 children currently reciving services will no longer be eligible, and the state's funds will be reduced by at least $20 million. In Minneapolis, more than 60 percent of the children receiving services will no longer be eligible, and at least 95% of the $2 million spent for day care will disappear. St. Paul will lose up to $1,212,000 in day care services. Maryland officials predict that half of the 12,000 children presently served will be evicted from day care centers around the state.

Beyond this absolute reduction in the amount of day care provided and the number of children served, the proposed regulations place additional restrictions which will undermine the quality of that care which would be provided for the much narrower group of children who would continue to be eligible. The proposed regulations eliminate all references to federal standards for child care, other than the most inadequate requirements for inhome care. Departmental assurances that federal standards "will apply" at some indeterminate time in the future when "suitable" ones have been written are not sufficient guarantees of program quality for children.

Congress has made it clear that federal standards do apply to all federally-supported child care and that those standards may be "no less comprehensive" than the Federal Interagency Day Care Requirements of 1968. While Congress has recognized the necessity for modifying those requirements from time to time. Chairman Carl Perkins of the House Education and Labor Committee emphasized that the Congressional intent of adding language to the extension of the Economic Opportunity Act in 1972, was to prohibit changes which would reduce the quality of care required by the federal standards, particularly with regard to child-staff ratios (Congressional Record, vol. 118, pt. XXII, p. 29396). We urge that the proposed regulations be clarified to indicate that the Federal Interagency Day Care Requirements of 1968 to apply, as required by law, in order to avoid any confusion on this point.

While the indefinite status of federal standards causes concern about the quality of care to be provided, there are other provisions in the proposed regulations which clearly reduce that quality. By prohibiting federal financial participation for any "subsistence and other maintenance assistance items even when such items are components of a comprehensive program of a service facility" (221.53(j)), and by removing all references to food and food preparation costs as allowable expenditures, the proposed regulations eliminate payments for food and all of the costs associated with preparing and serving food in day care programs. Such language suggests that either day care operators, including operators of family day care homes, will have to pay such costs out of their own resources, or that children in such programs will be required to provide their own food. This would almost certainly deny nutritional meals to children, most of them already in or near poverty, during the time they are in day care programs. This language should be clarified to assure that food and food-related costs in day care programs will continue to be eligible for federal funds.

The proposed regulations also drastically reduce parent involvement in their children's day care programs, contrary to the 1967 Social Security Act Amendments. The President has taken a strong position that federally-supported child care programs must not "diminish . . . parental authority and parental involvement with children" (President's Message Accompanying Veto of S. 2007, December 9, 1971). Yet, current requirements that parents be involved in the choice of care and that the care be suitable to the needs of their children have been eliminated. Further, while day care advisory committees would be retained at the state level, there would no longer be any requirement that one-third of their membership be drawn from the parents of children receiving services. Parent committees have been influential and constructive in a variety of HEW programs, including not only social services but Head-start and Elementary and Secondary Education Act programs as well, and there has been no suggestion by the Congress that they be eliminated.

In addition, states no longer would be required to extend or improve services, to develop alternative sources of services, or to mobilize resources to provide services.

We urge that the regulations be modified to restore parent participation in child care programs and to require and provide incentives to states to expand available sources of day care.

VI. FAIR HEARINGS

Current regulations attempt to protect the rights of recipients of services by making provision for a fair hearing under which applicants or recipients may appeal denial of or exclusion from services, failure to take into account recipient choice of services, or a determination that an individual must participate in a service program. Those rights have been removed by the proposed regulations in violation of both the statutory requirement for fair hearings and the constitutional requirement of due process of law, which applies to the denial of services as well as cash assistance.

THE FEDERAL BUDGET

HON. J. J. PICKLE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 13, 1973

Mr. PICKLE. Mr. Speaker, in his struggle with Congress over control of the Federal budget, the President has used historical examples to argue that the power of impoundment is his to use as he sees fit.

Unfortunately, while those examples do show that Presidents in earlier times used impoundment as a tool for fiscal responsibility, the circumstances surrounding those uses were substantially different from those that exist today.

Prof. Joseph Cooper of Rice University examined this difference in a letter published by the Washington Post on March 10, and I offer it here for those who did not read it then.

In the letter, Professor Cooper states clearly that the oft-cited Jefferson impoundment of funds in 1803 "provides no precedent for the type of impoundment practiced by the Nixon administration."

We all know that history is a great teacher—from the mistakes and successes of the past we derive wisdom and courage to deal with the present and build for the future. Soon this very struggle between the Executive and the legislature will be history, and much will be learned from it. In the meantime, however, we cannot allow our path to be determined by a distorted interpretation of past political events.

The letter follows:

IMPOUNDMENT: AN ARROGATION OF POWER THAT BELONGS TO THE CONGRESS

The instance administration spokesmen continually cite to demonstrate the historical legitimacy of impoundment as practiced by the Nixon administration derives from an action of President Jefferson's in 1803. In his Third Annual Message to Congress, delivered on October 17, 1803, Jefferson reported that he had not spent $50,000 appropriated the previous February to build 15 gunboats for service on the Mississippi.

Contrary to what administration spokesmen so easily assume, however, this instance provides no precedent for the type of impoundment practiced by the Nixon administration.

Jefferson spent the money within a relatively short period after his October Message. In this message he did not, as the Nixon administration now does, claim a right to impose his own policy judgments on the execution of law, to kill or trim programs in accord with his own policy desires. He merely stated that since the Louisiana Purchase had ended any immediate need for the gunboats, he would not spend the money until he could be sure that the new gunboats would be the best ones possible. And that is exactly what he did, judging both by his Fourth Annual Message to Congress, delivered on November 9, 1804, and the comments of Richard Hildreth in the fifth volume of his "History of the United States" (p. 539). In short, what occurred in 1803 was merely a case of deferred spending which did not destroy or impair the program goals of Congress, rather than an impoundment as now practiced by the Nixon administration.

So much, then, for the notion that President Jefferson acted like President Nixon on impoundment. If we maintain a critical distinction between presidential actions that impound appropriated funds because changed conditions or greater administrative efficiency with reference to specific program goals render expenditure wasteful and presidential actions that impound funds simply because the President personally has other policy preferences or priorities, any impoundments of the latter type made during the course of the 19th century were so isolated that they have since been forgotten.

The modern history of impoundment begins in 1921. In that year Charles Dawes, first director of the Budget Bureau, established a system under which appropriated funds not necessary to accomplish the program goals of laws might be saved or reserved rather than expended. However, as is clear from his writings, Dawes certainly did not believe that the Budget Bureau had authority to do anything more than this by way of impoundment. Indeed, even in the late 1940's the Budget Bureau was so nervous about its legal authority to impound appropriated funds for any reason that it sought and secured statutory authority to establish reserves whenever savings were made possible by changed conditions of greater efficiency of operation (Section 1211 of the General Appropriation Act for 1951).

It is true, of course, that the policy type of impoundment did not commence in the Nixon administration. The chain of events leading to the present crisis began in the administration of Franklin D. Roosevelt. Nonetheless, under Roosevelt such impoundments constituted a novel and illegitimate imposition on the prerogatives of Congress as understood from the earliest days of the Republic and they continue to do so today. What the Nixon administration has added is not only an expansion in scope so large that it threatens Congress' standing as lawmaker, but also unabashed audacity in claiming as a right something that represents simply an arrogation of power.

JOSEPH COOPER.

MONTHLY CALENDAR OF THE SMITHSONIAN INSTITUTION

HON. HENRY P. SMITH III

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 13, 1973

Mr. SMITH of New York. Mr. Speaker, it is my privilege to insert in the RECORD each month the monthly calendar of the Smithsonian Institution. The March calendar of events follows:

MARCH AT THE SMITHSONIAN

THURSDAY, MARCH 1

Seminar in Neurobiology: *Role of Cyclic AMP in the Nervous System*. Lecturer: Alfred G. Gilman, University of Virginia. Part of a series of graduate level lectures on current research in neurobiology, sponsored jointly by the Consortium of Universities and the Smithsonian Institution Radiation Biology Laboratory. Question and answer period follows each lecture. 7:30 p.m., History and Technology Building auditorium. Future lectures: March 8, 22, 29, April 5, 12, 26, May 3 and 10. The public is welcome.

Free Film Theatre: *The Eskimo: Fight for Life*—a warm, intimate portrayal of the Netsilik Eskimos. 12:30 p.m., Baird Auditorium, Natural History Building.

Exhibition: *When Coal Was King: Breakers & Depots*. Pen and ink drawings by Fred Bartlett of coal breakers and railroad stations in Pennsylvania, West Virginia and Maryland. Hall of Power Machinery, Museum of History and Technology, through April.

SATURDAY, MARCH 3

Illustrated Lecture: *An Ethnic Focus: Spanish-Americans*. Speaker: Richard Ahlborn, Curator, Division of Ethnic and Western Cultural History. 10:30 a.m., History and Technology Building auditorium.

American Indian Theatre Ensemble. *Na Haaz Zan* and *Body Indian*—two plays by Indian authors, performed by the first all-Indian theatre group in America. Drama, music and contemporary dance are used to present a view of the American Indian experience. 8:30 p.m., Baird Auditorium, Natural History Building. $5 general; $4 Resident Associates; $3 students. Sponsored by the Indian Awareness Program of the Smithsonian Division of Performing Arts. For tickets call 381-5395. Repeat performances: March 4 and 5.

SUNDAY, MARCH 4

American Indian Theatre Ensemble. *Na Haaz Zan* and *Body Indian*. See March 3 for details.

MONDAY, MARCH 5

American Indian Theatre Ensemble. *Na Haaz Zan* and *Body Indian*. See March 3 for details.

WEDNESDAY, MARCH 7

Free Film Theatre: *Williamsburg: Story of a Patriot; Williamsburg Restored*. Two films about the city and its restoration. 12:30 p.m., History and Technology Building auditorium (note new location).

THURSDAY, MARCH 8

Creative Screen: *L'oeuf a la coque* (Boiled Egg)—French cartoon about the misadventures of an apparently tipsy and overconfident boiled egg; *Wayne Theibaud*—views of everyday objects, figures and landscapes translated into colorful paintings by this contemporary California artist. 11:45 a.m., 12:30, 1:15 and 2 p.m., The Renwick Gallery.

Free Film Theatre: *Williamsburg: Story of a Patriot; Williamsburg Restored*. Repeat. See March 7 for details.

Seminar in Neurobiology: *Modes of Communication Between Nerve Cells in the Central Nervous System*. Lecturer: John C. Eccles, State University of New York, Buffalo. See March 1 for details.

FRIDAY, MARCH 9

Exhibition: *Art for Public Spaces*. Fifty prize-winning designs from a HUD-sponsored National Community Arts Competition for new ideas in environmental decoration and enrichment. Three categories are represented: designs for interiors, pedestrian areas and cities. National Collection of Fine Arts, through April 22.

Food Demonstration/Lecture: *Earth, Water, Fire, Air*. Barbara Friedlander will speak on natural foods—what they are, what "organic" means, how best to buy, store, and use foods. 1 and 8 p.m., The Renwick Gallery. First of five weekly lecture/demonstrations in conjunction with the Renwick exhibition *Objects for Preparing Food*. Tickets are free; available in the Renwick Museum Shop. (No phone or mail orders.)

Exhibition: *Chaim Goldberg's Shtetl*. Paintings, drawings, and prints by the artist on his childhood in a Polish-Jewish community. Sponsored by the Smithsonian's Division of Graphic Arts and the June 1 Gallery of Fine Arts. Museum of History and Technology, through May.

SATURDAY, MARCH 10

Dance: *Saeko Ichinohe and Company*. Contemporary Japanese dancers will perform choreography created by Miss Ichinohe and inspired by both Japanese tradition and her experiences in the West. 8:30 p.m., Baird Auditorium, Natural History Building. $2.50. Call 381-5395 for tickets. Sponsored by the Division of Performing Arts in cooperation with the Japan-America Society.

Illustrated Lecture: *How Pharmacy Museums Developed in This Country and Abroad*. Speaker: Dr. Sami K. Hamarneh, Historian of Pharmacy. 10:30 a.m., History and Technology Building auditorium.

SUNDAY, MARCH 11

African Sculpture: *African Sculpture and Its Impact on Modern Art*. Warren Robbins, founder and director, Museum of African Art, discusses the difference between the traditional art of Africa and the art of the Western World. First in a three-lecture study of life in Western and Central Africa seen through its sculpture. 11 a.m., Museum of African Art. $3.25 general; $2.50 Associates. Series tickets also available. Remaining lectures March 18 and 25. Sponsored by the Smithsonian Resident Associates. For further information call 381-5157.

Jazz Heritage Concert: *"Sonny" Rollins*. Called the greatest living tenor saxophonist, Rollins is not only a gifted instrumentalist but also a composer, probably best known for his work on the British film *Alfie*. 8 p.m., Baird Auditorium, Natural History Building. $4.50 general, $4 Associates, $3 students. Call 381-5395 for tickets. Sponsored by the Division of Performing Arts.

MONDAY, MARCH 12

Audubon Lecture: *Canada's Mountain Wilderness*. Edgar T. Jones, presents a film depicting wildlife of the Rocky Mountains through many unique close-ups of animals, birds and wildflowers. 5:15 and 8:30 p.m., Baird Auditorium, Natural History Museum. Sponsored by the Audubon Naturalist Society.

Illustrated Lecture: *The Eighteenth Century English Country House*, with Mr. W. R. Dalzell, one of England's great architectural historians. 8 p.m., History and Technology Bulding auditorium. $3.50 general; $2.50 Associates. Call 381-5157 for tickets. Sponsored by the Smithsonian Resident Associates.

TUESDAY, MARCH 13

Oriental Art Lecture: *Illustrations of the 'Tales of Isle' by Sotatsu and Korin*. Speaker: Professor Miyeko Murase, Columbia University. 8:30 p.m., The Freer Gallery of Art Exhibition galleries of the Freer open at 6:30 p.m. prior to the lecture.

WEDNESDAY, MARCH 14

Lecture: *The Image of the Hero*. Third in the series, *Images of America: Four Themes in 19th Century American Art*, by Dr. Lois Fink, Coordinator of Research, National Collection of Fine Arts, 4 p.m., Lecture Hall, NCFA. Final lecture will be held March 21.

Free Film Theatre: *The Forth Road Bridge*—a colorful film about Scotland's Firth of Forth Bridge, the longest single-span bridge in Europe. 12:30 p.m., History and Technology Building auditorium.

THURSDAY, MARCH 15

Free Film Theatre: *The Forth Road Bridge*. Repeat. See March 14 for details.

FRIDAY, MARCH 16

Exhibition: *Contemporary Paintings from India*. Fifty-four oils by 18 artists. Survey of the modern scene in India, organized by the Museum of Contemporary Art in New Delhi and sponsored by the Government of India. Celebrates the 25th anniversary of India's Independence. The Renwick Gallery, through April 15.

Food Demonstration/Lecture: *What America Gave*. James A. Beard, regarded internationally as America's foremost authority on food and drink, will discuss America's contribution to cookery and the part played by the various ethnic groups in the U.S. food scene. 1 and 8 p.m., The Renwick Gallery. Tickets are free; available in the Renwick Museum Shop. (No phone or mail orders.)

Exhibition: *Tropical Blossoms*. Thirty-five color photographs, by Dr. Edward Ayensu, Chairman of the Smithsonian's Department of Botany and Smithsonian photographer Kjell Sandved. Museum of Natural History.

SATURDAY, MARCH 17

Lecture: *The Practice of Bloodletting*. Speaker: Doris J. Leckie, Research Assistant, Division of Medical Sciences. A brief history of bloodletting from antiquity to the 20th century, including the techniques and various instruments used. 10:30 a.m., History and Technology Building auditorium.

SUNDAY, MARCH 18

African Sculpture Lecture: *African Art and African Philosophy*. Crispin Davies Chindongo, former Charge d'Affaires of the Malawi Embassy in Washington, will discuss the traditional beliefs of African tribes as reflected in their art. 11 a.m., Museum of African Art. $3.25 general, $2.50 Associates. Sponsored by the Smithsonian Resident Associates. Call 381-5157 for tickets.

MONDAY, MARCH 19

Concert: *Jean Hakes*, soprano, and *Michael Rogers*, piano. Canzonettas and a sonata by Haydn, with a "Mozart piano" of 1788; Liszt songs and Scott Joplin piano rags, using an 1850 Chickering square grand; and contemporary works by Dorothy Klotzman, Robert Helps, Earl Kim and Aaron Copland. 8:30 a.m., History and Technology Building. $3 general, $1 students. For tickets write Division of Musical Instruments, Smithsonian Institution, Washington, D.C. 20560, or call 381-5398.

WEDNESDAY, MARCH 21

Lecture: *The Image of Death*. Final lecture in the series, *Images of America: Four Themes in 19th Century American Art*, by Dr. Lois Fink, Coordinator of Research, National Collection of Fine Arts. Dr. Fink will discuss the obsessive attitude towards death as it is expressed in sculpture, popular prints and paintings. 4 p.m., Lecture Hall, NCFA.

Lunchbox Forum: *Apollo 17 Preliminary Results*. An informal discussion led by Farouk El Baz, of the National Air and Space Museum, 12 noon, Room 449, Smithsonian Institute "Castle" Building.

Free Film Theatre: *Future Shock*—A pessimistic but provocative look at our future and the choices confronting us. Based on the book by Alvin Toffler, 12:30 p.m., History and Technology Building auditorium.

THURSDAY, MARCH 22

Creative Screen: *Shantinikitan*—a film on the Visva-Bharati University, founded by philosopher Tagore; *Nandlal Bose*—sketches, paintings and frescoes of one of India's leading artists and inspirational teachers. 11:45 a.m., 12:30, 1:15, and 2 p.m., The Renwick Gallery.

Free Film Theatre: *Future Shock*. Repeat. See March 21 for details.

Seminar in Neurobiology: *The Regulation of Catecholamines and the Effect of Psychoactive Drugs*. Lecturer: Julius Axelrod, National Institute of Mental Health. See March 1 for details.

National Capital Shell Club: Monthly meeting and program. 8 p.m., Room 43, Natural History Building. The public is welcome.

Slide Lecture: *Color and Design, New Directions in Contemporary Rug Making*, by Nell Znamierowski. 7:30 p.m., Baird Auditorium, Natural History Building. $2.50 general, $2 Associates. Call 381–5157. Sponsored by the Smithsonian Resident Associates.

FRIDAY, MARCH 23

Exhibition: *The Eighth Dulin National Print and Drawing Competition*. Some 65 drawings and prints from the eighth annual open competition conducted by the Dulin Gallery of Arts in Knoxville. National Collection of Fine Arts, through April 22.

Food Demonstration: *Trip to China*, Joyce Chen, author of *Joyce Chen Cookbook*, will report on her visit to the People's Republic of China last fall, and will demonstrate the use of Chinese cooking utensils. 1 and 8 p.m., The Renwick Gallery. Tickets are free; available in the Renwick Museum Shop. (No phone or mail orders.)

Films: *History and Culture of the Middle East*, Parts I and II—Historical development of the Middle East from ancient times through events of the 20th century. *The Sufi Way*—music, art and dance explain the philosophical meanings of Sufism, a system of Moslem mysticism. Sponsored by the American Turkish Association and the Freer Gallery of Art. 8 p.m. Freer Gallery auditorium.

SATURDAY, MARCH 24

American Guitar Concert: *Tiny Grimes*, pioneer in jazz guitar and *Jim Hall*, great lyric artist. 8 p.m., Baird Auditorium, Natural History Building. $3.25 general; $2.75 Associates and students. Sponsored by the Div. of Performing Arts. Call 381–5395.

Lecture: *The History and Development of the Steam Locomotives in the United States*. Speaker: John H. White, Jr., Chairman, Department of Industries. 10:30 a.m., History and Technology Building auditorium.

SUNDAY, MARCH 25

African Sculpture Lecture: *Music and Dance—Their Place in African Life*. Dayo Adeyemi, Education Department, Museum of African Art, will discuss the significance of various kinds of music in day-to-day life in African Society. Musical instruments will be demonstrated. 11 a.m., Museum of African Art. $3.25 general, $2.50 Associates. Sponsored by the Smithsonian Resident Associates. Call 381–5157 for tickets.

MONDAY, MARCH 26

Lecture: *Great Craftsman of Royal Worcester*. Henry Sandon, curator of the Dyson Perrins Museum in Worcester, England, will discuss the painters, gilders and craftsmen who designed the great works of Royal Worcester. 8 p.m., History and Technology Building auditorium. $3.50 general; $2.50 Associates. Call 381–5157 for tickets. Sponsored by the Smithsonian Resident Associates.

TUESDAY, MARCH 27

Demonstration: An all-day demonstration of commercial and non-commercial items from the exhibition, *Objects for Preparing Food*. 11 a.m. to 4 p.m., The Renwick Gallery. Free admission.

WEDNESDAY, MARCH 28

Free Film Theatre: *Moving On*—an exciting history of railroading and the people involved. 12:30 p.m., History and Technology Building auditorium.

THURSDAY, MARCH 29

Free Film Theatre: *Moving On*. Repeat. See March 28 for details.

Concert: *James Weaver*, harpsichord. Bach Partita in B-flat, and Sonata II in d minor, on a Dulcken harpsichord of 1745, Little preludes by Francois Couperin, and a Suite by Louis Couperin, on a Stehlin harpsichord of 1760. 8:30 p.m., History and Technology Building. $3 general; $1 students. For tickets write Division of Musical Instruments, Smithsonian Institution, Washington, D.C. 20360, or call 381–5398.

Seminar in Neurobiology: *The Adrenergic Neuron*. Lecturer: Rita Levi-Montalcini, Washington University. See March 1 for details.

FRIDAY, MARCH 30

Food Demonstration Lecture: *West African Cooking*. Dinah Ayensu, originally from Ghana, will talk on the cookery of Ghana and its neighboring nations. 1 and 8 p.m., The Renwick Gallery. Tickets are free; available in the Renwick Museum Shop. (No phone or mail orders.)

Illustrated Lecture: *The Historical Arms of the Hapsburg Collection*. Dr. Ortwin Gamber, Associate Curator, Imperial Armouries. History Museum of Vienna, Austria, will speak. 8 p.m., History and Technology Building Auditorium. Presented by the Smithsonian Division of Military History.

SATURDAY, MARCH 31

Lecture: *Audio-Visual Design for Exhibits*. Speaker: Ronald K. Chedister, Smithsonsian Audio-Visual Designer. 10:30 a.m., History and Technology Building Auditorium.

OTHER EVENTS

(Sponsored by the Smithsonian Associates—
For reservations call 381–5157)

Sculpture: The African visage

Lecture series on the sculpture of Western and Central Africa. See March 11, 18 and 25 in Calendar.

New American filmmakers series II

Organized by the Whitney Museum of Art. 5:30 Sundays, History and Technology Building auditorium. March schedule: Films by Artists (Mar. 4); Highlights of the Tenth Ann Arbor Film Festival (Mar. 11); Hildur the Magician (Mar. 18): Film on Film (Mar. 25). $1.25 general, 75 cents Associates.

Day tours

Bethlehem Steel—Sparrows Point Plant, Mar. 6; Winterthur & Odessa, Mar. 24; Hard-hat tour of Metro, Mar. 4 or 11; Antiquing in New Market, Mar. 3 or Apr. 14. Behind the Scenes in the Museum of Natural History (for young people), Mar. 30.

Kennedy Center series

Lecture, Mar. 21. $5 general, $4 Associates. Walter Terry, dance critic for *Saturday Review* and *Dance Magazine*. 7:30 p.m., The Freer Gallery of Art auditorium.

Women at work

Women in Science—Dr. Lucille E. St. Hoyme, Associate Curator, Physical Anthropology. Monthly lecture/luncheon series. $12 general; $11 Associates. Advance reservations required.

HOURS

Smithsonian museums are open seven days a week from 10 a.m.–5:30 p.m. Cafeteria, MHT, 11 a.m.–5 p.m.

National Zoo buildings are open from 9 a.m.–4:30 p.m., seven days a week.

Anacostia Neighborhood Museum is open 10 a.m.–6 p.m. weekdays, 1–6 p.m. weekends.

MUSEUM TOURS

Walk-in tours

Highlight of the Museum of History and Technology—weekdays, 10:30 and 11:30 a.m. (1 p.m. by advanced request); weekends, 10:30 a.m., 12 noon, 1:30 and 5 p.m.

First Ladies Gowns—Monday through Wednesday, 10:30 and 11:30 a.m. Thursday and Friday, 10:30, 11:30 a.m. and 1 p.m. Museum of History and Technology.

National Portrait Gallery—Monday through Friday, 11 a.m. and 1 p.m.

The Renwick Gallery—Brazilian Baroque

Tours of this exhibit in either Spanish or English can be arranged by calling 381–6541.

For Group Tours in other museums call:

381–6471—Museum of Natural History, Museum of History and Technology, National Air and Space Museum.

381–0347—National Portrait Gallery.

381–6541—National Collection of Fine Arts.

381–5344—The Freer Gallery of Art.

PUPPET THEATRE

SKAZKI, legendary Russian fables, presented in the new area-style puppet theater in the Arts and Industries Biulding. Two fairy-tales will be performed—*The Loving Dragon*, and *The Tale of Neverwash*. Wednesdays through Fridays: 10:30 and 11:30 a.m. Saturdays and Sundays: 11 a.m., 12:30 and 2:30 p.m. (No holiday performances.) Children $1, adults $1.25 (special group rates available). Call 381–5395 for reservations. Produced by Allan Stevens and Company for the Smithsonian Division of Performing Arts.

STUDY TOURS

Foreign Study Tours—for further details write Miss Schumann, Smithsonian Institution, Washington, D.C. 20560.

Cave Paintings: April 2–24.

Baroque Tour of Germany and Austria: May 11–June 2.

Russia including Siberia: May 31–June 22.

African Safari: July 17–Aug. 8.

Mexico and Guatemala: Aug. 27–Sept. 14.

International Aerospace Tour: Sept. 17–Oct. 3.

Domestic Study Tours—for further details write Mrs. Kilkenny, Room 106–SI, Smithsonian Institution, Washington, D.C. 20560.

Big Bend National Park, Texas: March 11–17.

Family Weekend: Field trips in and around the Smithsonian. April 13–15.

Folkcraft and Musical Instrument Makers, Kentucky, North Carolina and Virginia: April 23–29.

Vanishing Indian Crafts: May.

Haiti Skin Diving on the Santa Maria site: May 13–23.

Olympic National Park: June 24–July 1.

Alaska Float Trip: July 18–Aug. 1.

California Colonial History: Sept. 22–29.

Acadia National Park: Sept.

Sea and Shore Laboratory: Florida: Oct. 11–18.

RADIO SMITHSONIAN

Radio Smithsonian, a program of music and conversation growing out of the Institution's many activities, is broadcast every Sunday on WGMS–AM (570) and FM (103.5) from 9–9:30 p.m. The program schedule for March:

4th—Who Really Discovered America?, featuring Mexican historian Edmundo O'Gorman and two Smithsonian staff members, Dr. Wilcomb Washburn and Dr. Melvin Jackson; Exploring "The Hell of the World." Smithsonian archeologist William Trousdale discusses his work in the desolate land of Sistan in southwestern Afghanistan.

11th—Duke Ellington: The Great American Composer, with Martin Williams, Director of the Smithsonian's Jazz Studies Program.

18th—Citizen Apathy and Initiative, featuring Albert Collin, Research Associate of the Bureau of Social Science Research; David Sills, author of The Volunteers; Ben Wattenberg, co-author of The Real Majority; and John Dixon, Director of the Center for a Voluntary Society.

25th—Is the Chesapeake in Danger?, discussion with Dr. Francis Williamson, Director, Smithsonian's Chesapeake Bay Center for Environmental Studies; Baroque Art of Brazil, with Dr. Robert C. Smith, art historian at the University of Pennsylvania.

Radio Smithsonian can also be heard over WAMU–FM (88.5), Fridays at 2 p.m.

The Washington Art Scene—Produced by Radio Smithsonian and radio station WGMS. Benjamin Forgey, art critic for the *Evening Star-Daily News*, hosts the show, with comments on exhibits and other events in the Washington art community and a schedule of openings at public and private galleries in the area. Sundays at 6:30 p.m. WGMS-AM (570); WGMS-FM (103.5).

DEMONSTRATIONS—MUSEUM OF HISTORY AND TECHNOLOGY

Music Machines—American Style. Mechanical and electronic music machines. Monday through Friday, 1:00 p.m. 2nd floor. As part of this exhibit, films will be shown continuously throughout the day as follows:

Mar. 2–8—Songs of Disney I
Mar. 9–15—Highlights from MGM Musicals
Mar. 16–22—Songs of Disney II
Mar. 23–29—Highlights from MGM Musicals
Mar. 30–April 5—Songs of Disney I

Spinning and Weaving—Tuesday through Thursday, 10 a.m.-2 p.m. 1st floor.

Hand-Set Printing Presses Monday, Tuesday, Thursday, Friday, 2–4 p.m., 3rd floor.

Musical Instruments. A selection of 18th and 19th century instruments, and American folk, instruments. Lutes and guitars, Wednesdays, 1:30 p.m. Keyboard demonstrations, Monday and Friday, 1:30 p.m.; Hall of Musical Instruments, 3rd floor.

Steam Engines. Wednesday through Friday, 1–2:30 p.m. 1st floor.

Machine Tools. Wednesday through Friday, 1–2 p.m. 1st floor.

YOUNG PEOPLE'S FESTIVAL OF THE ARTS, ANACOSTIA NEIGHBORHOOD MUSEUM, MARCH 4-30

Drama, dance, gospel music, poetry, panel discussions and many other, varied programs are scheduled throughout the month. Sunday programs are as follows (for a complete listing or information call 678–1200):

Mar. 4—Electric Fuzz jazz and rock concert, 1:15 p.m. Epitaph to a Black Movement (theatre) 3 p.m.

Mar. 11—Electric Fuzz jazz and rock concert, 1:15 p.m. Karate demonstration 1:30 p.m. Ebony Visions 3 p.m.

Mar. 18—Gospel Music, 3 p.m.

Mar. 25—Moving Toward Our Black Selves: poetry by local poets, 4 p.m.

1973 KITE CARNIVAL

Co-sponsored by the Smithsonian Resident Associates and Parks for All Seasons, National Parks.

March 10.—Lecture by Paul Garber, Historian Emeritus of the National Air and Space Museum, on the history and uses of kites, the different types and how to fly them. Free—tickets are required. Call 381–5157. 2 p.m., Baird Auditorium, Natural History Building.

March 17—Kite Fying. Washington Monument Grounds. 12 noon-5 p.m. Free kites will be distributed by Parks for all Seasons. Entertainment at the Sylvan Theatre.

March 24—Kite Competition. Washington Monument Grounds. 12 noon-2 p.m. Competition is divided into three age groups; kites must be home-made by the contestant. Awards will be given at 3 p.m. Raindate: March 25. (Call 381–6481)

Dial-a-Phenomenon—737–8655 for weekly announcements on stars, planets and worldwide occurences of short-lived natural phenomens.

Dial-a-Museum—737–8811 for the daily announcement on new exhibits and special events.

Changes of address and calendar requests: mail to Central Information Desk, Great Hall, Smithsonian Institution Building, Washington, D.C. 20560.

The Smithsonian Monthly Calendar of Events is prepared by the Office of Public Affairs. Editor: Lilas Wiltshire. *Deadline for entire entries in the April Calendar: March 5.*

ADDRESS BY CONGRESSMAN WALTER E. POWELL TO THE DAYTON, OHIO, CHAPTER OF THE NATIONAL SECURITY INDUSTRIAL ASSOCIATION

HON. LESLIE C. ARENDS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 13, 1973

Mr. ARENDS. Mr. Speaker, my good friend and colleague, Congressman WALTER E. POWELL of Ohio's Eighth District, addressed the Dayton Chapter of the National Security Industrial Association on February 16. His thought-provoking address has been called to my attention.

It is a masterful job. It says a number of things which need saying. It places clearly in perspective one of the most important issues of the times—the peacetime need for a strong national defense.

I commend Congressman POWELL, and I would recommend his address for careful reading and thoughtful study by every member of the House. That address follows:

ADDRESS BY CONGRESSMAN WALTER E. POWELL

I am going to direct my comments this afternoon to the work done by a segment of our society that bears the burden of insuring that America remains strong and vigorous and able to meet its present and future challenges. I am referring, of course, to the so-called "military-industrial complex". The phrase, as you no doubt recall, was first mentioned by President Eisenhower twelve years ago. In his farewell address, Eisenhower reminded the American people that the United States, which until the beginning of the Second World War, had not had an armaments industry was no longer able to risk a temporary, stop-gap approach to our national defense needs. Instead, it had been compelled "to create a permanent armaments industry of vast proportions" in support of a huge defense establishment costing more than the total net income of U.S. corporations. The President stated:

"This conjunction of an immense military establishment and a large arms industry is now in the American experience. The total influence—economic, political, even spiritual—is felt in every city, every State house, every office of the Federal Government. We recognize the imperative need for this development. Yet we must not fail to comprehend its grave implications. Our toil, resources and livelihood are involved; so is the very structure of our society.

"In the councils of Government, we must guard against the acquisition of unwarranted influence, whether sought or unsought, by the military-industrial complex. The potential for the Disastrous rise of misplaced power exists and will persist.

"We must never let the weight of this combination endanger our liberties or democratic processes. We should take nothing for granted".

During the past few years, due mainly to the Vietnam war, we have witnessed a nationwide concern and interest over the possible "ill-effects" this complex has on our country. In fact, it seems that hardly a day goes by that the phrase "military-industrial complex" is not cited and that the Eisenhower warning is not invoked to drive home some point in current controversy.

I believe the term "military-industrial complex" is a misnomer as it is used today. It has the connotation of being something undesirable. Something that is too big, too influential, too uncontrolled, too war-like and too reckless. Instead, I recommend using the term "industry-government team" since it more closely represents the relationship that actually exists. Generally speaking, by definition "teamwork" implies equal participation in all efforts in which a group of individuals or organizations associate themselves for the purpose of achieving a common goal.

I firmly believe our common goal, our primary national interest, is survival. Of course, there are those who do not agree. They say America needs a "re-ordering of our national priorities" with an emphasis on solving our domestic problems. Certainly, our domestic situation should be a matter of deep concern to all of us, but priorities involve the problems of choice. If as a nation, we could have everything we wanted, if there were no constraints on achieving our goals, the problems of priorities would not arise. But once we recognize that we face limits and constraints, that we cannot simultaneously satisfy all the legitimate objectives which we set for ourselves, then the necessity of choice arises.

What is the constraint? Survival in the face of possible external aggression. The choice that this consideration would always be our number one priority was made by our founding fathers almost two centuries ago when they established a Federal Government "to provide for the common defense". Unless we can defend our status as a free and independent nation, any other priorities, no matter how good, are meaningless.

The Soviet Union knows this and understands it well. They have strengthened their forces, while we have not. In relative terms, for example, we are weaker today vis-a-vis the Soviet Union than at any other time in the past 25 years. Even more startling is the prospect that, at present growth rates, the Russians will have superior strategic strength in the near future. The $74.6 billion in our current defense budget represents the lowest percentage of our GNP allotted to defense since 1951—about 6.8 percent. Compare that to the Soviet's 15 to 20 percent! And no Soviet warship assigned to a combat role is over 20 years old—while the majority of our fleet exceeds that. Their submarine shipyards are the most modern in the world—with their sub fleet numbering over 350—over 100 of which are nuclear-powered. By 1975, they will have 50 percent more nuclear-powered submarines than we have. Our B–52's are now 17 years old—and they will be more than 25 years old before we can replace them with the B–1 bomber.

Aside from air and naval power, the Soviets have the edge on the defensive side of the strategic picture, far exceeding this nation in the number of air defense radar sites, command and control facilities, and surface-to-air missile launchers.

Among their anti-ballistic missile defenses, they currently have operational a system designed to provide an area of defense for the region surrounding Moscow. Our corresponding safeguard program, on the other hand, which will provide protection for a portion of our retaliatory minuteman forces, will not attain an initial operating capability for at least another two years. And that will happen only if authorizations continue at their current level.

Even while we have been at the negotiating table, the Soviet Union has been at work boosting its military might. When the initial strategic arms limitation talks began, for example, the Soviets had 1,100 strategic systems, both land-based and sea-based. They now have 2,359—a 114% increase in the Soviet threat while the talks have been in progress. Of course, they have been strictly adhering to the terms of the SALT treaty and interim agreement freezing offensive weapons. But it is obvious that, at the same time, they have been doing all that the pacts allow.

SALT II talks are now underway. Let's hope that out of them comes a high degree of stability in the strategic balance. If stability is not achieved, I am afraid that the warning given by the President's blue ribbon defense panel will come true. The panel stated: "It has come increasingly clear that if observable trends continue, the United States will become a second-rate power, incapable of assuring the future security and freedom of its people."

I mentioned earlier that the "industry-government team" is thought undesirable in the minds of many Americans. They charge that the "team" has become too big, too influential, too uncontrolled, too war-like and too reckless for the good of our country. When viewed objectively, the "team" is none of these.

First, let me put to rest the contention of being "too big". Certainly, the "team" is the Nation's largest single activity. It employs one in every ten Americans, either in service with the military or with its more than 120,000 suppliers. But at the same time it has the Nation's single most important task—insuring the survival of America's 210 million people. Not to mention the protection and support we provide for the rest of the free world.

And, contrary to popular belief, the "team" is not influential as a result of the supposed "excess" profits that it makes. Because these profits simply do not exist, notwithstanding what some of our illustrious senators would have you believe.

Let me explain. Total defense procurement of goods and services from industry (including defense-related items purchased by the Atomic Energy Commission) is about $36 billion in this current fiscal year. This includes the entire national defense program, excluding only pay and cash allowances for personnel. That $36 billion includes procurement both in the United States and overseas: it covers all types of contracting and procurement methods—competitive, non-competitive, off-the-shelf, and any other.

The General Accounting Office, which serves as congressional watchdog of Federal programs and monies, was recently directed to make a study of profits realized on defense contracts. The GAO study covered over half of all defense procurement (and about 60 percent of awards over $10,000) for the four years 1966–69 inclusive. After its lengthy investigation, GAO found that the rates of return on defense work were 4.3 percent of sales before taxes and 2.3 percent of sales after taxes.

Of course, one cannot simply apply this 2.3% profit after taxes to the $36 billion in total defense procurement and conclude that the total profits would amount to $828 million after taxes. We don't know, for example, whether that rate would apply to competitive and off-the-shelf procurements, any more than an individual knows the profits realized when he purchases a car or an appliance. Furthermore, some allowance must be made for sub-contracting and the changes in the tax laws that have been made since the 1966–69 study period.

Nor is the "team" influential because of the two-way traffic in personnel between the military and its contractors. The congress has been quite cautious about this; present conflict-of-interest laws prohibit a retired officer from "selling" anything at all to the branch of service he retired from. However, he may sell to the other branches, but only after a three year waiting period.

Too uncontrolled? Certainly not. From the very beginning, the military has had elaborate and formal contracting procedures. Nobody knows this better than Jack Catton's and Jim Stuart's people at the base. Incidentally, it has been estimated that each contractor must submit as much as a ton of paperwork in the course of a weapons acquisition process. And as the recent testimony of Mr. Rule indicates, the data is thoroughly reviewed. In addition, congress holds extensive hearings and debate on the military budget.

Where cuts should be made, they are defense spending, as a matter of fact, has been falling in recent years. Between the 1968 and 1972 fiscal years, procurement declined by 20 percent, from $45.4 billion to about $36.4 billion of total defense outlays.

And, every time someone mentions the "team" as being too reckless and too war-like, I get the impression that they have seen the movie, "Dr. Strangelove". As you recall, the movie's plot centered around an errant general's command to a SAC bomber squadron to attack the Soviet Union. As the movie goes on we see all the difficulty the Government has in re-establishing contact with the planes and the eventual destruction of part of Moscow. Of course, the movie was a satire—but unfortunately, everyone didn't see it that way.

Actually, history shows that we are a peace-loving Nation that hesitates, sometimes to the point of absurdity, to have an adequate military defense. In both World War I and World War II we were dragged into wars without the industrial capacity or planning to meet immediate military needs. Both times we were saved, not by foresight, but by time provided by the width of the oceans and the armies of our allies who were holding the foe at bay far from our shores.

If America had been in a state of readiness in the late 1930's, it is possible that World War II might never have been fought. There is certainly no question that if we had had the arms and leadership at the beginning of that war that we had only 2 years later, we would have ended it in half the time with tremendous savings.

Today, in an age in which intercontinental ballistic missiles can leap across entire continents in just a few minutes, there would simply be no time to convert from civilian to military production in the event of an all-out war. So, in order to have the military in a constant state of readiness, a large portion of U.S. industry has remained geared to serving military needs.

I say let's not confuse being prepared with being reckless and war-like.

For the most part, I believe these charges are a thing of the past. The Vietnam war is over—our troops are being withdrawn, the prisoners of war are being returned and those missing in action are being accounted for. We owe President Nixon a debt of gratitude for the patience and determination he showed in bringing our Nation an honorable peace.

However, we must be vigilant. American hatred of armed conflict is so deep that now that this war has ended, many people will want to wash their hands of the whole military business because they want no more of it and what it does. Consequently, they will ask that our manpower be dispersed, our weapons dismantled—so that we can be through with war "forever".

No one wants war. But, history shows, unfortunately, that the "forever" the people want is seldom more than 17 years. When the chips are down—like World War II and Vietnam—we again are caught completely unprepared. And the hysteria starts all over again—men must be mobilized and weapons must be improvised and produced at once.

I was pleased to see that President Nixon has foreseen this possibility and made adjustments in his budget to keep us prepared for any eventuality. Under that $81.1 billion budget we are committed to continue development of the Trident ballistic missile system; provide further development of the B–1 strategic bomber; continue conversion of our missiles to the advanced Minutemen III and Poseidon systems; and begin development of a strategic submarine-launched cruise missile.

We must maintain a strong military defense even though our country is moving from an era of confrontation to an era of negotiation with Red China and the Soviet Union. We must maintain our defense to prevent the possibility that Communist countries might mistake our willingness to negotiate for a willingness to give in to their demands. Strong military defense isn't the enemy of peace—it is the guardian of peace.

A BILL TO PERMIT EARLY RETIREMENT OF CUSTOMS AND IMMIGRATION "INSPECTORS"

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 13, 1973

Mr. WALDIE. Mr. Speaker, I am today introducing a bill to permit the early retirement of Customs and Immigration "inspectors" by including them within the definition of "law enforcement personnel" for retirement purposes. Under the provisions of this bill, final approval of "inspectors' " requests for early retirement would be made by the Civil Service Commission.

Under present statute, Customs and Immigration "inspectors" are not granted this preferential retirement treatment, because they are not considered to be involved primarily in the investigation or apprehension of individuals suspected of criminal activity. However, I believe the activities of the "inspectors" to be of such basic importance to their integrity and enforcement of our Customs and Immigration laws, that we must in fact statutorily acknowledge their "law enforcement" role.

Mr. Speaker, I submit this bill for the careful consideration of the Members.

I include the full text of the bill in the RECORD:

H.R. 5558

To include inspectors of the Immigration and Naturalization Service or the Bureau of Customs within the provisions of section 8336(c) of title 5, United States Code, relating to the retirement of certain employees engaged in hazardous occupations, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the first sentence of section 8336(c) of title 5, United States Code, is amended to read as follows:

"(c) An employee, the duties of whose position are primarily—

(1) the investigation, apprehension, or detention of individuals suspected or convicted of offenses against the criminal laws of the United States;

(2) to perform work as an inspector in the Immigration and Naturalization Service or in the Bureau of Customs; or

(3) to perform work directly connected with the control and extinguishment of fires or the maintenance and use of firefighting apparatus and equipment;

including an employe engaged in this activity who is transferred to a supervisory or administrative position, who is separated from the service after becoming 50 years of age and completing 20 years of service in the performance of these duties is entitled to an annuity if the head of his agency recommends his retirement and the Civil Service Commission approves that recommendation.".

(b) The third sentence of section 833b(c) of title 5, United States Code, is amended by redesignating the reference "(1)", "(2)", "(3)", and "(4)", as "(A)", "(B)", "(C)", and "(D)", respectively.

CONGRESSMAN DANIELS LAMENTS PASSING OF JERSEY CITY COUNCIL PRESIDENT KELAHER, "THE BEST OF THE BREED"

HON. DOMINICK V. DANIELS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 13, 1973

Mr. DOMINICK V. DANIELS. Mr. Speaker, it is with great regret that I announce to the Members of this House, the passing of a good friend of mine and a most able public servant, John J. Kelaher, the president of the Jersey City Council, who passed to his immortal reward on Thursday, March 8, 1973, at the age of 59.

Mr. Kelaher, a longtime civic and political leader, has served continuously since 1961 on the city council, a remarkable record when one considers the twists and turns of the political trail that have marked the last decade in Jersey City.

Mr. Speaker, many newspaper men have noted that Jack Kelaher was a typical representative of the old-school political leader. If this is so, he was the very best of the breed. Charming and gracious, he was loved by all and had the respect of those who differed with him on political issues of the day. I know that I shall miss his big heart, his unfailing sense of kindness, and his dedication to Jersey City.

To his wife, Helen, the former Helen Murphy, and his son, John J., and his daughter, Mary Patrica, I extend my deepest sympathy in their hour of bereavement. Mrs. Daniels, who shared my high regard for Jack, joins me in expressing our condolences.

Mr. Speaker, the Jersey Journal, in its edition of March 9, 1973, editorially noted the passing of Jack Kelaher and I include this editorial following my remarks:

> COUNCIL PRESIDENT
>
> Providence accorded John J. Kelaher the dignity of dying while in office. Jersey City's council president passed on as the administration was announcing its choices for the next council and he was not among them. He should not have been among them even if he had lived; physicians had been advising him for the last year to leave public life and conserve his health.
>
> There are not many left like him—the true, old style Jersey City politician with the Gaelic flair which was the mark of Jersey City public life these last two generations, the kind so often described as "courtly gentlemen." These were men of "practical" politics, a style less in favor when theoretical considerations get more notice. The old times—the wakes, the visting, the hat-tipping on election day—are almost gone. If their vogue is past, there is the recollection that the best of those men contributed to the advancement of the city. And John J. Kelaher was among the best of them.

MANUEL JARA TO BE HONORED BY NATIONAL CONFERENCE OF CHRISTIANS AND JEWS

HON. JIM WRIGHT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 13, 1973

Mr. WRIGHT. Mr. Speaker, we are all aware, I am sure, of the dedicated and wonderful work done by the National Conference of Christians and Jews. This nationwide organization has worked since 1928 to foster the ideals of brotherhood and respect among individuals, regardless of religion, color, or ethnic origin.

In view of the remarkable record of this organization it is especially pleasing to learn of an announcement by the west Texas region of the National Conference of Christians and Jews that my very good friend, Manuel Jara of Fort Worth, will be this year's recipient of its annual Brotherhood Award.

The award is to be made at the 22d Brotherhood Citation Dinner which is being held at 7 p.m., Thursday, March 29, in the grand ballroom of the Sheraton-Fort Worth Hotel.

Manuel Jara personifies the best in the human spirit, and has devoted his life to the philosophy of brotherhood. Mr. William C. Conner, chairman of this year's NCCJ Brotherhood Citation Dinner in Fort Worth, summed it up when he said:

> No one in this community represents these ideals better than Manuel Jara. He is a living example of the attitudes we should express in our relations with others.

Manuel Jara is presently working on many projects with many different organizations in the Fort Worth area. He is president of the Catholic Social Services of Tarrant County, as well as president of the International Good Neighbor Council in Forth Worth.

Mr. Jara also serves in an advisory capacity to such groups as the bilingual advisory board and the Fort Worth Public Schools Human Relations Committee. He is presently involved with more than 20 civic and humanitarian organizations and has in the past served on many more.

On November 18, 1967, the county judge of Tarrant County declared that day as "Manuel Jara Day" in honor of his distinguished humanitarian work. In 1972 he was awarded a certificate of appreciation by President Nixon for 5 years of service to the Selective Service System as an adviser. He was honored in 1967 with an Urban Service award from Sargent Shriver, Director of the Office of Economic Opportunity.

Manuel Jara is a man with a compassionate and unselfish view of the world. His work has benefited not only his fellow Texans of all races and religions but all Americans. By his years of untiring devotion to the principles of brotherhood he has helped make our Nation a better place to live. By the efforts of men like him, and those who will follow his example, perhaps someday we may all see the world as he does. Manuel Jara recognizes the simple similarity of being human and, by being human, of being brothers. He has devoted his life to helping others recognize this simple truth.

I am proud to know Manuel Jara and want to commend the NCCJ for its choice of Manuel for this year's Brotherhood award, and to commend the NCCJ for its years of service to mankind. Through men like Manuel Jara and organizations like the NCCJ, perhaps one day we will really all be brothers, as we should be.

IRVIN R. TCHON, CIVIL LEADER, ACTIVE IN FIELD OF DRUG ABUSE EDUCATION

HON. ROBERT P. HANRAHAN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 13, 1973

Mr. HANRAHAN. Mr. Speaker, I should like to take this opportunity to publicly acknowledge the work of Mr. Irvin R. Tchon, of Chicago, in the field of drug abuse education. For some time now, Mr. Tchon has been active in helping youths in the Chicago area through drug abuse programs.

In appreciation of his dedicated services on behalf of the community and the youth he has helped, Alderman Laskowski, of Chicago, has proposed a resolution in Mr. Tchon's honor.

The resolution is as follows:

> Whereas, Mr. Irvin R. Tchon, of 3218 N. Central Park Avenue, a pharmacist and a well-known Polish-American civic and community leader and resident of the 35th Ward was recently honored by various organizations and associations; and
>
> Whereas, Mr. Tchon was awarded the Distinguished Service Award by the County Superintendent of Schools in grateful recognition of loyal and meritorious service to the people of Cook County through dedicated leadership on advancing the highest ideals of American education; and, also, was awarded the Aladdin Light Education Award by the County School Minority Assistant Superintendent for his participation in Minority and Economic Studies and Environmental Minority Youth Training; and
>
> Whereas, Mr. Tchon, a member of the Retail Druggist Association, has been very active in our City and especially in the 35th Ward youth work concerning drug abuse and education, providing leadership and coordination of education and informative efforts of organizations interested in the area of drug abuse. He assisted in drug abuse education programs and is currently giving of himself wholeheartedily and tirelessly to this cause; now, therefore,
>
> *Be It Resolved,* That the Mayor and members of the City Council of the City of Chicago, in meeting assembled this 28th day of July, 1971, do hereby express their appreciation for the dedicated labors of Irvin R. Tchon on behalf of the youth and his community, and extend their best wishes for continued success in his efforts and for many years of fruitful and happy life.

It is the work of such men as Mr. Tchon that enables us to conquer many of the social problems in America today.

WE MUST GET TOUGH

HON. JOSEPH M. GAYDOS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 13, 1973

Mr. GAYDOS. Mr. Speaker, the need of harsher measures to deal with the addictive drug traffic is recognized by every concerned American.

This Nation never before has faced a crime as degraded and fearsome in its potentialities and, therefore, is ill-prepared under present circumstances to handle it.

Unfortunately, we have judges who, in some instinct for supertolerance and perhaps pity for the victims, have failed to apply even those antinarcotics statutes now on the books.

In far too many cases drug suspects have been convicted and then released after serving minimum sentences only to show up again as pushers or, desperate for money to finance their habit, in other crimes.

The problem cannot be solved by leniency. Neither can it be abated, so we have learned through experience, by supposed understanding of the drug user's plight and programs designed to help him after he becomes hooked.

What is needed is a crackdown with all the force necessary to get this awful thing under control. In view of this, I am gratified to read in news dispatches that the White House is in the process of preparing what is termed a "tough" antidrug bill for submission to this Congress.

My hope is that the bill will include the toughest possible sentences for dope pushers and the means whereby courts will be compelled to hand down such sentences. I tend to agree with New York Governor Nelson Rockefeller in his recommendation to his State's legislature that life imprisonment be given these people with no parole permitted.

Surely, the crime of pushing—the addicting, indeed, of youngsters—is worse in the long run than that of murder itself. A murderer kills in an instant. A drug pusher murders by slow degrees, exacting years of agony from his victim before a sordid death finally takes place.

The drug racket never can be cleaned up as long as the pusher is allowed to spend a brief time in prison and then to hit the streets again. He must be put away for good as a continuing menace. He can be shown no mercy.

Far too many offenders now escape full punishment even after arrest because present laws demand proof of intent to sell hard narcotics—heroin and cocaine, principally—found in their possession. The White House legislation, according to the reports, aims to get around this barrier by making the mere having of a dope supply beyond an addict's own short-term need sufficient evidence in itself of intentions to peddle the stuff. This is a much needed change.

The drug problem is one of the most complex ever to confront us. And yet, as with all man-created problems, is one which can be brought into line by the adoption and application of whatever legal measures are required to get the job done. The ordeal of recent years in which we have tolerated the growth of this crime with its destruction of countless lives, mostly those of young people, certainly has taught us one thing. The problem will not pass away of itself or by our neglect or by public education efforts, commendable as they may appear to be in some instances. It must be smashed. And the enforcement agencies need hard laws and compulsory court help to do so—both the responsibility of Congress in its wisdom to provide.

NEWS BULLETIN OF THE AMERICAN REVOLUTION BICENTENNIAL COMMISSION

HON. G. WILLIAM WHITEHURST

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 13, 1973

Mr. WHITEHURST. Mr. Speaker, I am inserting the March 5, 1973, edition of the news bulletin of the American Revolution Bicentennial Commission—ARBC. I take this action to help keep my colleagues informed of events being planned and taking place across the country preparing for the Nation's 200th anniversary in 1976. The bulletin is compiled and written by the staff of the ARBC communications committee. The bulletin follows:

WASHINGTON, D.C.,
March 5, 1973.

The stated goal of the Bicentennial is to forge a new national commitment, a new Spirit of '76, a spirit which vitalizes the ideas for which the Revolution was fought and a spirit which will unite the nation in purpose and in dedication to the advancement of human welfare as it moves into its Third Century.

A Ukrainian National Committee for the Bicentennial has been created by the Ukrainian Congress Committee of America, the central representative body of Ukrainians in the United States. Mr. Taras Szmagala of Cleveland will serve as chairman of the Committee and Mr. Walter Bacad of New York will serve as President. Both men are nationally prominent leaders in the Ukrainian community in the United States. Creation of a broad-based committee representative of all generations of Ukrainians as well as professions and pursuits as planned as one of many ethnic groups around the country to participate in the Bicentennial. As an editorial, by Anthony Dragan who was instrumental in forming the Committee, in *Svoboda* the Ukrainian Daily notes: "It is imperative that we marshall the best of our talent in each and every area of pursuit and that we pool that talent together to sow that we, too, have a "Past to Remember—and a Future to Mold."

On Tuesday, February 27, the eighth installment of Alistair Cooke's series "America" was seen on NBC-TV. Entitled, "Money on the Land," it featured the building of some of America's greatest fortunes, the men who amassed them—and what they did with them. The next episode entitled "The Huddled Masses," provided Cooke with some fascinating research and he was reminded that Vice President Spiro T. Agnew and Sen. Edmund Muskie have something in common even if they sit on opposite sides of the political aisle: cards listing the names of their fathers share a file at the offices of the Immigration and Naturalization Service in New York City, Theodore Anagostopoulos and a Polish tailor named Marcieszewski. The episode will be colorcast on Tuesday, March 13, 10:00 p.m. EST.

More TV viewing: "Strange and Terrible Times," which will dwell on crises that threatened the very existence of the United States but were overcome by the perseverance and determination of the American character, will be presented on "The American Experience," on NBC-TV Friday, April 27, at 9:00 p.m. EST. Chet Huntley is host-narrator for "The American Experience," a series of 10 one-hour dramatic essays keyed to the American Revolution Bicentennial. This special, second in the series, will re-create three precarious periods in U.S. history—the Revolutionary War, the Civil War and the Great Depression—while relating these struggles to the violence and upheaval of the present.

The Institute of Outdoor Drama Newsletter published at the University of North Carolina at Chapel Hill makes note of a number of dramatic presentations with historical backgrounds to be presented in several states. Kermit Hunter's "The Trail of Tears," the story of the Cherokee's hegira from the S.E. United States to the West, will be presented at Tahlequah, Oklahoma June 23 through August 25; "In Freedom We'll Live," based on the battles of Trenton and Princeton in 1776–77, is planned by the New Jersey Historical Drama Association at Princeton and "Ramona," a California romance, will be performed at Hemet, California on April 28–29, May 5–6 and May 12–13. Auditions will be held for "The Cross and the Sword," "The Lost Colony," "The Stephen Foster Story," "Tecumseh!" "Unto These Hills," "The Legend of Daniel Boone," and others on March 10 at the Institute of Outdoor Drama in Chapel Hill.

George Washington to his Troops, 1782: "Notwithstanding the Troops are verging so near perfection, some small improvements may yet be made; to wear the hair cut or tied in the same manner through a whole corps, would still be a very considerable improvement. . . . At general inspection and reviews, two pounds of flour and one-half pound of rendering tallow, per hundred men, may be drawn from the contractors for dressing hair."

The City of North Las Vegas was named the first "Bicentennial City" by members of the Nevada American Revolution Bicentennial Commission meeting recently in Carson City. Included in the proposals submitted to the NARBC for approval is the preservation and restoration of the Kyle Ranch which would provide a "living history" of southern Nevada.

In Virginia, the Hampton Bicentennial Committee has adopted as its theme, "Hampton, Revolutionary Port Town and Home of Virginia's Navy and War Heroes." Projects of the Committee include creation of a "living indoor-outdoor museum;" creation of Hampton Heritage Park and Activity Center; opening of the waterfront for use and public enjoyment; painting of a diorama "Hampton, Revolutionary War Port Town," and creation of "Windows of the Past" in the walls of old and new buildings. Also planned is production of a musical by Al Carmines, a native of Hampton and writer of "A Look at the Fifties," which has been enjoying a hit run at the Arena Stage in Washington, D.C. Many other vital and ambitious projects worthy of emulation are in the works; fife and drum corps, international exchange programs, arts and crafts festivals among them.

From the *Navajo Times*, February 1, 1973. Governor Bruce King speaking to the New Mexico Bicentennial Congress announced the appointment of Benny Atencio, Chairman of the All Pueblo Council, to the New Mexico Bicentennial Commission. He noted, "It is a special opportunity for our citizens to remember and pay tribute to our own history and traditions." He stressed the multicultural aspects of New Mexico. Emphasis was placed strongly by all attendees at the Congress on the need to actively involve all the many cultures in New Mexico's celebration of the Bicentennial to be held in 1976. Zuni Governor Robert Lewis said in a scheduled address, "80 years before the Pilgrims landed, the Spanish were in contact with my people. There were seven villages, well organized, government-wise and community wise." He said the Zunis are proud of the fact that long before the white men came to America they had an organized civilization complete with community services, government and law and order.

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ABOLISH THE DEATH PENALTY

HON. ROBERT F. DRINAN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 13, 1973

Mr. DRINAN. Mr. Speaker, in an act that can only be called ill-advised and unconscionable, President Nixon has called upon Congress to reinstate the death penalty. In an exceptionally lucid editorial, the New York Times today answered the President's argument that the death penalty is necessary to deter crime. I commend this editorial, the text of which follows, to my colleagues:

THOU SHALT NOT KILL

President Nixon has called on Congress to defeat crime in America by restoring the death penalty. The appeal appears based on a theory as questionable as the proverbial promise to fight fire with fire. Even were moral considerations to be put aside, judicial murder happens not to be a particularly effective way to accomplish the desired end.

Mr. Nixon thinks otherwise. "Contrary to the views of some social theorists," he said in his radio address to the nation, "I am convinced that the death penalty can be an effective deterrent against specific crimes."

This view ignores more than the opinions of "some social theorists." The National Commission on Reform of Federal Criminal Laws in 1971 recommended the abolition of capital punishment. The World Council of Churches called on all nations to ban the death penalty as a violation of "the sanctity of life." A growing number of European and Latin American countries have eliminated capital punishment from their judicial arsenal. The Vatican revoked the death penalty in 1969. And in its latest ruling, the Supreme Court held, although by a disconcertingly narrow majority of 5 to 4, that the death penalty is cruel and unusual punishment in violation of the Eighth Amendment.

But for Mr. Nixon, the issue seems merely part of a simplistic "get tough" answer to what is widely acknowledged to be a serious but also a complex problem of violent crime. He considers the major cause of such crime "soft-headed judges" and a permissive philosophy." The President appears to revert to a variation of the theme that helped him climb to political success in the past. Having once benefited from accusing his opponents of being "soft" on Communism, he now implies that those who disagree with his concept of law and order are "soft" on crime.

The dangerous element of deception in the President's approach is the suggestion that a reluctance "to bring the criminal to justice" is at issue. In fact, of course, there can be no serious disagreement over the need to apprehend, try, convict and punish criminals. The question is whether reliance on the death penalty is either effective or moral.

On the matter of effectiveness, the argument can be simply stated. If the death penalty is mandated for certain crimes, juries will be increasingly reluctant to convict. In addition, a cornered criminal—whether he be caught on a plane in flight or in any other situation endangering the lives of others—is far more likely to drag others along to a fate that for him has become inevitable. If, on the other hand, the death penalty is permitted but not mandatory, it is difficut to see how the Supreme Court's objection to its uneven and unpredictable application could be overcome.

The question of morality should not require either argument or advocacy in a civilized society. One need not be soft on murderers to believe that a criminal's actions do not absolve the government from the strictures of the Sixth Commandment against killing. Clearly, that is the spirit that has prevailed in the United States, where no execution has taken place since 1967. It is difficult to see how the executioner's return would symbolize Mr. Nixon's view of "law and order" as "code words for goodness and decency."

LEGISLATION TO LOWER PRICES FOR BREAD AND OTHER WHEAT PRODUCTS

HON. ELLA T. GRASSO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 13, 1973

Mrs. GRASSO. Mr. Speaker, with food prices enjoying a stranglehold on the American public, the consumer needs every assistance available to lower the market basket price of food.

For this reason, I am today introducing legislation designed to lower prices for bread and other domestic wheat products by repealing the 75-cent excise tax on each bushel of wheat used to produce these items.

The 75-cent-per-bushel charge which my bill would repeal, commonly known as the bread tax, is imposed under the Agriculture Adjustment Act. The bread tax was enacted in 1962 and has maintained a 75-cent-per-bushel rate since then. The tax is collected from millers, those who turn wheat into flour. The cost to the miller is reflected in higher costs to the baker for flour which are passed on as price increases for bread to the consumer. The revenues collected from the millers are used to pay a portion of the cost of farm subsidy payments.

The bread tax accounts for nearly 2 cents of the price of a 1-pound loaf of bread. Repeal of this unnecessary tax on wheat products would provide some consumer price relief for these important food items.

It is my hope that the House will pass my bill as quickly as possible so that the consumer can look forward to some relief from the frustrations of food shopping.

EIGHT REPUBLICAN SENATORS SPEAK OUT

HON. STEVEN D. SYMMS

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 13, 1973

Mr. SYMMS. Mr. Speaker, eight Republican Members of the U.S. Senate recently undertook a noteworthy effort to assure that their party does not go tripping down the same sort of primrose path which one of their colleagues recently led the Democratic party. They actually called the hand of the new Republican National Chairman when he appointed as chairman of the party's reform commission the man who led the floor fight at the National Convention to alter the delegate allocation formula so that Southern, Western, and small-population States would be deprived of their rightful voice in party affairs.

I like that sort of frankness and open dialog with respect to political policy and decisionmaking. Given the timidity with which most of the troops tend to receive the dictates of party leaders these days, I applaud these Senators, not only for the position they have taken but for their example in speaking out for their convictions.

I want them to know that I concur in what they did and that I am grateful for the assurances their letter elicited from the national chairman. With them, I shall be watching to be certain those assurances are carried out. I know many of my Republican colleagues in the House and concerned Republicans all around the country will be doing the same.

Mr. Speaker, I include the recent column by Mr. Frank van der Linden, discussing the Senators' letter and the chairman's response, at the conclusion of my remarks. Mr. van der Linden's column is distributed nationally by the United Features Syndicate of New York:

EIGHT REPUBLICAN SENATORS SPEAK OUT

(By Frank van der Linden)

WASHINGTON.—Republican National Chairman George Bush is quietly reassuring suspicious conservatives that he won't reopen the intra-party fight over 1976 convention delegate allotments nor favor any George McGovern-style quotas for minority groups.

Eight Republican Senators—Nebraska's Carl Curtis and Roman Hruska, Wallace Bennett of Utah, Norris Cotton of New Hampshire, Milton Young of North Dakota, Hiram Fong of Hawaii, Clifford Hansen of Wyoming, and Jesse Helms of North Carolina—sent Bush a round-robin letter expressing their "shock" over his appointment of youthful Wisconsin Congressman William Steiger to head a party reform commission.

Only too well, they remembered Steiger's floor fight at Miami Beach last August, in the unsuccessful attempt to give the large Northern states a bigger share of the 1976 convention delegates—a formula which "would have worked to the profound disadvantage of Southern, Western and small states."

Noting that the convention rejected Steiger's stand by a two to one margin, the Senators told Bush, they hoped his choice of Steiger did not indicate a desire to reopen the delegate fight or "to follow the path of

Senator George McGovern and his associates who have done so much to destroy the Democratic Party."

"We believe," they added, "that President Nixon's overwhelming victory in November is proof that the people of the United States will not buy the kind of reforms the McGovernites have advocated nor will the American voter, who each election becomes more sophisticated, accept reforms which seem constructive but which have as a practical consequence the same effect as the McGovern style changes."

The Senator's sharp warning reflected the conservatives' widespread fear that, in his eagerness to bring more young people and minority group voters into the Republican party, as directed by the President, the new chairman would move to the left in the general direction of McGovern-style delegate quotas.

Although he is an oil millionaire and a former Texas Congressman, right-wing Republicans also recall that Bush is a native New Englander, son of the late Connecticut Senator Prescott Bush, and former ambassador to the United Nations—sure signs of incipient Eastern liberalism.

Bush swiftly smoothed the protesting Senators' ruffled feathers by assuring them that neither he nor Bill Steiger had any intention of reopening the delegate question, which the Miami Beach convention had decided, "two to one."

"As chairman, I respect and will support the will of the convention," he wrote. "I can assure you that I will not be a party to permitting—to say nothing of leading—our party down the so-called McGovern course."

In his efforts to elect more Republican members of Congress, the chairman said, he favors welcoming many new voters but "not on a quota basis."

Defending Steiger as "a fair, decent man who will do this job with dedication and maximum integrity," Bush promised that the reform commission would be "broad-based and balanced." He vowed that he would lead the party neither to the left nor to the right. His aim, he said was "to make our party the majority party for the first time in ages."

LEWISTON DAILY SUN'S 80TH BIRTHDAY

HON. WILLIAM S. COHEN

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 13, 1973

Mr. COHEN. Mr. Speaker, the Lewiston Daily Sun, a newspaper that services Maine's Androscoggin, Oxford, and Franklin Counties, has just passed its 80th birthday. Accordingly, I want to express best wishes to the Sun upon entering its 81st year of publication.

Along with the Journal, which the Sun acquired in 1923, the papers have a combined circulation of 48,250 daily newspapers and employ 180 persons. All of us who are regular readers of the Sun have been continually provided with first-rate news service over the years.

Indeed, at a time when the media are increasingly under attack, the Lewiston Daily Sun has exemplified the finest qualities of the journalism profession. Accurate and ethical in its reporting and fair in its editorial reactions, the Sun deserves to be recognized as one of America's great newspapers. To all who are connected with the Sun, I wish them a happy birthday.

MOTOR VEHICLE SAFETY AMENDMENTS OF 1973

HON. BOB ECKHARDT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 13, 1973

Mr. ECKHARDT. Mr. Speaker, I am today joining with the principal sponsor, Representative John E. Moss, Democrat of California, and Representative Henry Helstoski, Democrat of New Jersey, to introduce the Motor Vehicle Safety Amendments of 1973. This legislation represents a series of essential improvements to the National Traffic and Motor Vehicle Safety Act of 1966.

Mr. Speaker, 56,300 Americans died in motor vehicle accidents in 1972. This is an increase of more than 1,000 deaths over 1971.

Two million American citizens were injured seriously in motor vehicle accidents in 1972. The National Safety Council estimates the economic loss from such accidents at $17.5 billion a year.

During the decade of the 1970's as many as 600,000 Americans may die on our Nation's highways. This is more deaths than in all the wars that our country has fought in.

While the rate of deaths per mile traveled on the highways has declined slightly in recent years, I believe our Nation can and must take more effective steps to reduce the human carnage and economic loss from motor vehicle accidents. This legislation will be a first step.

A statement by Mr. Moss together with a section-by-section explanation of the bill will be found in the Extensions of Remarks.

The text of the Motor Vehicle Safety Amendments of 1973 is as follows:

H.R. 5529

A bill to amend the National Traffic and Motor Vehicle Safety Act of 1966 to authorize appropriations for the fiscal years 1974, 1975, and 1976, to provide for the recall of certain defective motor vehicles without charge to the owners thereof and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Section 1. Short Title.

This Act may be cited as the "Motor Vehicle Safety Amendments of 1973".

Sec. 2. Authorization of Appropriations.

Section 121 of the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1409) is amended to read as follows:

"Sec. 121. There are authorized to be appropriated for the purpose of carrying out this Act, not to exceed $70,000,000 per fiscal year for the fiscal year ending June 30, 1974, and for each of the two succeeding fiscal years."

Sec. 3. Notification and Recall.

(a) Remedy Without Charge to Owner.—

(1) Section 113(c) of the National Traffic and Motor Vehicle Safety Act of 1966 is amended to read as follows:

"(c) (1) The notification required by subsection (a) or (e) of this section shall contain a clear description of such failure to comply with applicable motor vehicle safety standards or such defect, an evaluation of the risk to traffic safety reasonably related to such defect, and a statement of the measures to be taken to repair such failure or defect.

"(2) Whenever the Secretary requires the manufacturer to remedy the defect or failure under subsection (h), he shall require the manufacturer (either in the notification required by subsection (a) or (e), or in a subsequent notification) to notify the persons described in subsection (b) of the manufacturer's obligation to so remedy the defect or failure."

(2) Section 113 of such Act is amended by adding the following new subsection at the end theerof:

"(h) (1) (A) Whenever a manufacturer is required under subsection (a) or (e) of this section to furnish notification of a defect in any motor vehicle or item of motor vehicle equipment or of any failure to comply with an applicable Federal motor vehicle safety standard, the Secretary shall (after providing an opportunity, in the proceeding under subsection (e) for the oral and written presentation of views by interested persons) order the manufacturer to remedy such defect or failure in such motor vehicle or item of motor vehicle equipment, without charge to the owner of such motor vehicle or item of motor vehicle equipment and in such manner as is specified by the Secretary; except that where a defect or failure in such motor vehicle or item of motor vehicle equipment cannot be adequately repaired within a reasonable period (which period shall not exceed sixty days after the owner tenders the vehicle or item of equipment for repairs, unless the Secretary extends such period for good cause and publishes his reasons therefor in the Federal Register) the Secretary shall require that the motor vehicle or item of equipment be replaced with a new or equivalent vehicle or item of equipment without charge, or that the purchase price be refunded in full (less a reasonable allowance for depreciation based on actual use if the vehicle or item of equipment has been in the possession of one or more purchasers, excluding any dealer or distributor, for more than one year).

"(B) In any case in which subparagraph (A) applies to a tire, the manufacturer of such tire shall not be required to replace such tire without charge if the tire is presented for remedy more than sixty days after (i) the owner of such tire receives actual notice under subsection (c) (2) of the manufacturer's obligation to remedy the tire or (ii) replacement tires become available, whichever is later.

"(2) (A) If the Secretary determines that the defect or failure to comply with an applicable motor vehicle safety standard is of such inconsequential nature that the purposes of this title and the public interest would not be served by requiring the manufacturer to remedy the defect or failure, the Secretary may exempt such manufacturer from the requirements of paragraph (1) of this subsection.

"(B) Paragraph (1) of this subsection shall not apply to a defect in or failure to comply of a particular motor vehicle or item of motor vehicle equipment to the extent that such vehicle or item of equipment is subject to section 111."

(3) Section 105(a) (1) of such Act is amended by inserting "or 113(h)" after "section 103".

(b) Availability of Information; Public Participation.—

(1) The second sentence of section 113 (d) of such Act is amended to read as follows: Any information which may indicate the existence of a defect which relates to motor vehicle safety or of the failure of a motor vehicle or item of motor vehicle equipment to comply with an applicable Federal motor vehicle safety standard under section 103 shall be public information. The Secretary shall disclose so much of any other information obtained under this subsection or section 112 to the public as he determines will assist the purposes in carrying out this Act; but he shall not (under the authority

of this sentence) make available or disclose to the public any information which contains or relates to a trade secret or other matter referred to in section 1905 of title 18, United States Code, unless he determines that it is necessary to carry out the purposes of this Act."

(2) Section 113(e) of such Act is amended by striking out the third and fourth sentences and inserting in lieu thereof the following: "Such notice shall be published in the Federal Register, and may be disseminated by other means if the Secretary deems it necessary for public safety. The information on which such notice is based shall be made available to the public. The Secretary shall afford interested persons an opportunity to present views and evidence in support thereof, as to whether there is a failure of compliance, or the alleged defect affects motor vehicle safety. If after such presentation by interested persons, the Secretary determines that such vehicle or item of equipment does not comply with applicable Federal motor vehicle safety standards, or contains a defect which relates to motor vehicle safety, the Secretary shall direct the manufacturer to furnish the notification specified in subsection (c) of this section to the purchaser of such motor vehicle or item of motor vehicle equipment as provided in subsections (a) and (b) of this section."

(c) Notification to Registered Owner.—Section 113(b)(1) of such Act is amended by striking out ", and to any subsequent purchaser to whom has been transferred any warranty on such motor vehicle or motor vehicle equipment" and inserting in lieu thereof "or the failure to comply, and to any other person who is a registered owner (listed in State records available to manufacturers) of the motor vehicle containing such defect or failure or in which equipment containing such defect or failure is installed".

(d) Conforming Amendment.—Section 113 (b) of such Act is amended by inserting immediately after "required by subsection (a)" the following: "or (e)".

Sec. 4. Enforcement.

(a) Prohibited Acts.—

(1) (A) Section 108(a) of the National Traffic and Motor Vehicle Safety Act of 1966 is amended by inserting "(1)" after "Sec. 108. (a)", by redesignating paragraphs (1), (2), (3), and (4) as subparagraphs (A), (B), (C), and (D), respectively, and by adding at the end of such subsection the following new paragraph:

"(2) No manufacturer, distributor, dealer, or motor vehicle repair business shall knowingly remove, or render inoperative in whole or part, any device or element of design installed on or in a motor vehicle or item of motor vehicle equipment in compliance with an applicable Federal motor vehicle safety standard, unless such manufacturer, distributor, dealer, or repair business reasonably believes that such vehicle or item of equipment will not be used during the time such device or element of design is removed or rendered inoperative. For purposes of this paragraph, the term "motor vehicle repair business' means any person who holds himself out to the public as in the business of repairing motor vehicles or motor vehicle equipment for compensation."

(B) Subsection (b) of section 108 of such Act is amended by inserting "(A)" after "Paragraph (1)" in paragraphs (1), (2) and (5) of such subsection and by inserting "(A)" after "paragraph (1)" in paragraph (3) of such subsection.

(2) Section 108(a) of such Act (15 U.S.C. 1397) (as amended by paragraph (1) of this subsection) is amended—

(A) by inserting after the semicolon in paragraph (1) (B) the following: "fail to keep specified records in accordance with such section; or fail or refuse to permit entry, impounding or inspection, as required under section 112(b);" and

(B) by changing the period at the end of paragraph (1) (D) to a semicolon and adding at the end of subsection (a) the following new subparagraphs:

"(E) fail or refuse to comply with an order of the Secretary as required under section 113(h); or

"(F) fail to comply with any rule, regulation or order issued under section 112, 113, or 114."

(b) Penalties.—Section 109 of such Act (15 U.S.C. 1398) is amended—

(1) by inserting "(1)" after "Sec. 109. (a)",

(2) by redesignating subsection (b) as paragraph (2) of subsection (a),

(3) by striking out ", or any regulation issued thereunder," in the first and second sentences of subsection (a)(1) (as so redesignated by paragraph (1));

(4) by striking out "$400,000" in the second sentence of such subsection (a)(1) and inserting in lieu thereof "$800,000"; and

(5) by adding at the end of such section 109 the following new subsection:

"(b)(1)(A) Any person who knowingly and willfully violates section 108 of this Act shall be fined not more than $1,000, or shall be imprisoned not more than one year, or both.

"(B) Any person may be fined not more than $1,000 under subparagraph (A) for each motor vehicle or item of motor vehicle equipment with respect to which a violation of section 108 occurred, or for each failure or refusal to allow or perform an act required by such section. A person may not be imprisoned under subparagraph (A) for more than one year with respect to any related series of violations.

"(2) Any individual director, officer, or agent of a corporation who knowingly and willfully authorizes, orders, or performs any of the acts or practices constituting in whole or in part a violation of section 108, shall be subject to penalties under this section without regard to any penalties to which that corporation may be subject under paragraph (1) of this subsection."

(c) Injunctions.—

(1) The first sentence of section 110(a) of such Act (15 U.S.C. 1399) is amended (1) by inserting "(or rules, regulations or orders thereunder)" after "violations of this title", and (2) by inserting immediately after "pursuant to this title," the following: "or to contain a defect (A) which relates to motor vehicle safety and (B) with respect to which notification has been given under section 113(a) or required to be given under section 113(e),".

(2) The next to the last sentence of section 110(a) of such Act is amended by deleting the period at the end thereof and adding the following: "or to remedy the defect.".

Sec. 5. Inspection and Recordkeeping.

(a) Subsections (a), (b), and (c) of section 112 of the National Traffic and Motor Vehicle Safety Act of 1966 are amended to read as follows:

"(a)(1) The Secretary is authorized to conduct any inspection or investigation—

"(A) which may be necessary to enforce this title and any rules, regulations, or orders issued thereunder, or

"(B) which relates to the facts, circumstances, conditions, and causes of any motor vehicle accident and which is for the purposes of carrying out his functions under this Act.

The Secretary shall furnish the Attorney General and, when appropriate, the Secretary of the Treasury any information obtained indicating noncompliance with this title or any rules, regulations, or orders issued thereunder, for appropriate action. In making investigations under subparagraph (B), the Secretary shall cooperate with appropriate State and local officials to the greatest extent possible consistent with the purposes of this subsection.

"(2) For purposes of carrying out paragraph (1), officers or employees duly designated by the Secretary, upon presenting appropriate credentials and written notice to the owner, operator, or agent in charge, are authorized, at reasonable times and in a reasonable manner—

"(A) to enter (i) any factory, warehouse, or establishment in which motor vehicles or items of motor vehicle equipment are manufactured, or held for introduction into interstate commerce or are held for sale after such introduction, or (ii) any premises where a motor vehicle or item of motor vehicle equipment involved in a motor vehicle accident is located;

"(B) to impound for a period not to exceed 72 hours, any motor vehicle or item of motor vehicle equipment involved in a motor vehicle accident; and

"(C) to inspect any factory, warehouse, establishment, vehicle, or equipment referred to in subparagraph (A) or (B).

Each inspection under this paragraph shall be commenced and completed with reasonable promptness.

"(3)(A) Whenever, under the authority of paragraph (2)(B), the Secretary inspects or temporarily impounds for the purpose of inspection any motor vehicle (other than a vehicle subject to part II of the Interstate Commerce Act), he shall pay reasonable compensation to the owner of such vehicle to the extent that such inspection or impounding results in the denial of the use of the vehicle to its owner or in the reduction in value of the vehicle.

"(B) As used in this subsection, 'motor vehicle accident' means an occurrence associated with the maintenance, use, or operation of a motor vehicle or item of motor vehicle equipment in or as a result of which any person suffers death or personal injury, or in which there is property damage to a safety related system or item of equipment.

"(b) Every manufacturer of motor vehicles and motor vehicle equipment shall establish and maintain such records, and every manufacturer, dealer, or distributor shall make such reports, as the Secretary may reasonably require to enable him to determine whether such manufacturer, dealer, or distributor has acted or is acting in compliance with this title or any rules, regulations, or orders issued thereunder and shall, upon request of an officer or employee duly designated by the Secretary, permit such officer or employee to inspect appropriate books, papers, records, and documents relevant to determining whether such manufacturer, dealer, or distributor has acted or is acting in compliance with this title or any rules, regulations ,or orders issued thereunder. Nothing in this subsection shall be construed as imposing recordkeeping requirements on distributors or dealers.

"(c)(1) For the purpose of carrying out the provisions of this title, the Secretary, or on the authorization of the Secretary, any officer or employee of the Department of Transportation may hold such hearings, take such testimony, sit and act at such times and places, administer such oaths, and require, by subpena or otherwise, the attendance and testimony of such witnesses and the production of such books, papers, correspondence, memorandums, contracts, agreements, or other records as the Secretary, or such officer or employee, deems advisable.

"(2) In order to carry out the provisions of this title, the Secretary or his duly authorized agent shall at all reasonable times have access to, and for the purposes of examination the right to copy, any documentary evidence of any person having materials or information relevant to any function of the Secretary under this title.

"(3) The Secretary is authorized to require, by general or special orders, any person to file, in such form as the Secretary may prescribe, reports or answers in writing to specific questions relating to any function of the Secretary under this title. Such reports and answers shall be made under oath or otherwise, and shall be filed with the Secretary within such reasonable period as the Secretary may prescribe.

"(4) Any of the district courts of the United States within the jurisdiction of which an inquiry is carried on may, in the case of contumacy or refusal to obey a subpena or order of the Secretary or such officer or employee issued under paragraph (1) or paragraph (3) of this subsection, issue an order requiring compliance therewith; and any failure to obey such order of the court may be punished by such court as a contempt thereof.

"(5) Witnesses summoned pursuant to this subsection shall be paid the same fees and mileage that are paid witnesses in the courts of the United States.

"(6) (A) The Secretary is authorized to request from any department, agency, or instrumentality of the Government any information he deems necessary to carry out his functions under this title; and each such department, agency, or instrumentality is authorized and directed to cooperate with the Secretary and to furnish such information to the Department of Transportation upon request made by the Secretary.

"(B) The head of any Federal department, agency, or instrumentality is authorized to detail, on a reimbursable basis, any personnel of such department, agency, or instrumentality to assist in carrying out the duties of the Secretary under this title."

(b) Section 112(e) of such Act is amended by striking out "subsection (b) or (c)" and inserting in lieu thereof "this title".

SEC. 6. COST INFORMATION.

The National Traffic and Motor Vehicle Safety Act of 1966 is amended by adding at the end thereof the following new section:

"SEC. 125. (a) Whenever any manufacturer opposes an action of the Secretary under section 103, or under any other provision of this Act, on the ground of increased cost, the manufacturer shall submit such cost information (in such detail as the Secretary may by rule or order prescribe) as may be necessary in order to properly evaluate the manufacturer's statement. The Secretary shall thereafter promptly prepare an evaluation of such cost information.

"(b) Such cost information together with the Secretary's evaluation thereof, shall be available to the public unless the manufacturer establishes that it contains a trade secret. Notice of the availability of such information shall be published in the Federal Register. If the Secretary determines that any portion of such information contains a trade secret, such portion may be disclosed to the public only in such manner as to preserve the confidentiality of such trade secret or in such combined or summary form so as not to disclose the identity of any individual manufacturer, except that any such information may be disclosed to other officers or employees concerned with carrying out this title or when relevant in any proceeding under this title. Nothing in this subsection shall authorize the withholding of information by the Secretary or any officer or employee under his control, from the duly authorized committees of the Congress.

"(c) For purposes of this section 'cost information' means information with respect to alleged cost increases resulting from action by the Secretary, in such a form as to permit the public and the Secretary to make an informed judgment on the validity of the manufacturer's statements. Such term includes both the manufacturer's cost and the cost to retail purchasers.

"(d) The Secretary is authorized to establish rules and regulations prescribing forms and procedures for the submission of cost data under this section.

"(e) Nothing in this section shall be construed to restrict the authority of the Secretary to obtain or require submission of information under any other provision of this Act."

SEC. 7. AGENCY RESPONSIBILITY.

The National Traffic and Motor Vehicle Safety Act of 1966 (as amended by section 6 of this Act) is amended by adding at the end thereof the following new section:

"SEC. 126. (a) Any interested person may file with the Secretary a petition requesting him (1) to commence and complete a proceeding respecting the issuance, amendment or revocation of an order puruant to Section 103 or 113 of this Act or (2) (in the case of such proceeding commenced before the petition is filed) to complete such proceeding.

"(b) Such petition shall set forth (1) facts which it is claimed establish that an order, amendment, or revocation thereof is necessary, and (2) a brief description of the substance of the order or amendment thereof which it is claimed should be issued by the Secretary.

"(c) The Secretary may hold a public hearing or may conduct such investigation or proceeding as he deems appropriate in order to determine whether or not such petition should be granted.

"(d) Within one hundred and twenty days after filing of a petition described in subsection (b), the Secretary shall either grant or deny the petition. If the Secretary grants such petition, he shall promptly commence or complete the proceeding as requested in the petition. If the Secretary denies such petition he shall publish in the Federal Register his reasons for such denial.

"(e) (1) If the Secretary denies the petition made under this section (or if he fails to grant or deny such petition within one hundred and twenty days), the petitioner may commence a civil action in a United States district court to compel the Secretary to commence or complete the proceeding (or both) as requested in the petition. Any such action shall be filed by the petitioner within sixty days after the Secretary's denial of the petition or (if the Secretary fails to grant or deny the petition within one hundred and twenty days) within sixty days after the expiration of the one hundred and twenty-day period.

"(2) If the petitioner can demonstrate to the satisfaction of the court, by a preponderance of the evidence in a de novo proceeding before such court, that the motor vehicle or motor vehicle equipment involved presents an unreasonable risk of injury (in the case of a requested proceeding pursuant to section 103) or contains a failure to comply with a standard under section 103 or defect which relates to motor vehicle safety (in the case of a requested proceeding pursuant to section 113) and that the failure of the Secretary to commence or complete the proceeding as requested in the petition unreasonably exposes the petitioner or other consumers to a risk of injury presented by the motor vehicle or motor vehicle equipment, the court shall order the Secretary to commence or complete the proceeding (or both) as requestion in the petition.

"(3) In any action under this subsection, the district court shall have no authority to compel the Secretary to take any action other than the commencement or completion (or both) of a proceeding pursuant to section 103 or section 113.

"(f) The remedies under this section shall be in addition to, and not in lieu of other remedies provided by law."

SEC. 8. NATIONAL MOTOR VEHICLE SAFETY ADVISORY COUNCIL.

Section 104 of the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1393) is amended by inserting "(1)" after "SEC. 104. (a)", and by adding the following new paragraphs at the end of subsection (a);

"(2) For the purposes of this section, the term 'representative of the general public' means an individual who (A) is not in the employ of, or holding any official relation to any person who is (i) a manufacturer, dealer, or distributor, or (ii) a supplier of any manufacturer, dealer, or distributor, (B) does not own stock or bonds of substantial value in any person described in subparagraph (A) (i) or (ii), and (C) is not in any other manner directly or indirectly pecuniarily interested in such a person. The Secretary shall publish the names of the members of the Council annually and shall designate which members represent the general public. The Chairman of the Council shall be chosen by the Council from among the members representing the general public.

"(3) Section 14(a) of the Federal Advisory Committee Act (relating to termination) shall not apply to the Council."

SEC. 9. CONFORMING AMENDMENT.

Section 102(10) of the National Traffic and Motor Vehicle Safety Act of 1966 is amended to read as follows:

"(10) 'Secretary' means the Secretary of Transportation."

SEC. 10. EFFECTIVE DATE.

The amendments made by this Act shall take effect on the sixtieth day after the date of enactment of this Act.

BILL WILSON

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 13, 1973

Mr. EDWARDS of California. Mr. Speaker, because I cannot be present on March 24, 1973, at the testimonial dinner honoring Mr. William A. "Bill" Wilson, Sr., of Santa Clara, Calif., I would like to recognize him here as an outstanding member of the community and a dedicated friend of education.

For over 50 years, Bill Wilson has been contributing to the civic and community improvement of the city of Santa Clara. Owner of the Jewel Bakery since 1923, he has been active in the Santa Clara Club, a member of the Advisory Board of the Bank of America, president of the board of directors of the Santa Clara Savings & Loan, a member of the board of directors of the San Jose Steel Corp., president of the San Jose Rotary Club, a member of the Santa Clara Planning Commission, and an active participant in many Red Cross projects.

However, the activities enumerated above represent only a small role compared to the tremendous amount of time and energy Mr. Wilson has willingly and tirelessly donated to the schools of Santa Clara. A school board member for over 30 years, William A. Wilson Elementary School was named in his honor in 1955. From 1960–66, he served as president of both the Santa Clara Elementary School District Board and the Santa Clara High School Board. Since that time, he has been a member of the Santa Clara Unified School District. The decisiveness, thoroughness, and dedication that Bill Wilson brings to all his involvements have marked his concern for the welfare of the children of Santa Clara. I can think of no one else who so deserves this testimonial in his honor.

PAUL HOFFMAN OF THE VIRGIN ISLANDS—OLYMPIC SILVER MEDALIST

HON. RON DE LUGO

OF THE VIRGIN ISLANDS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 13, 1973

Mr. DE LUGO. Mr. Speaker, the Virgin Islands is recognized as the home of many fine athletes. It has been a source of pride to us that so many of our people have excelled in athletic pursuits as well as other endeavors. Most notably these achievements are in professional sports, but occasionally widespread recognition is accorded amateurs.

Last summer Virgin Islanders were proud when Paul Hoffman, the son of Municipal Court Judge and Mrs. Louis Hoffman, of Saint Thomas, won a silver medal in rowing at the 1972 Olmpic Games in Munich as coxswain of the U.S. team.

Mr. Speaker, it is my pleasure to now insert in the RECORD a resolution passed by the legislature of the Virgin Islands, December 20, 1972, congratulating Paul on his victory:

RESOLUTION

Whereas Paul Hoffman, born April 21, 1946, is a person who has been closely associated with the Virgin Islands for many years, having moved to the Virgin Islands with his parents at the age of two, been educated through the eighth grade in Virgin Islands schools, and having returned to the Virgin Islands after college graduation as a teacher at the Charlotte Amalie High School and at Gramboko School; and

Whereas Paul Hoffman became interested in the sport of rowing while attending Brianston Prep School in England, where he became a proficient coxswain, which is the position he subsequently held on the rowing crew of Harvard University for four years, culminating with his membership, along with other Harvard crew members, on the 1968 U.S. Olympic Rowing Team; and

Whereas Paul Hoffman continued to take an active part in the sport of rowing after graduation from Harvard and won the position of coxswain on the 1972 U.S. Olympic Rowing Team, thereby participating in the 1972 Olympic Games held in Munich, Germany; and

Whereas Paul Hoffman and his teammates were successful in winning a Silver Medal in Munich, Germany in the "Eight-oared Olympic Crew" the most prestigious of the Olympic rowing events; and

Whereas the Legislature finds that it is appropriate that Paul Hoffman's significant accomplishments in the 1972 Olympic Games, in which the people of the Virgin Islands take considerable pride, be formally recognized; Now, Therefore,

Be it resolved by the Legislature of the Virgin Islands:

Section 1. That Mr. Paul Hoffman is hereby cited and congratulated for his outstanding athletic accomplishment in guiding the 1972 Olympic Rowing Team, as its coxswain, to a second place finish and a Silver Medal in the Eight-oared Olympic Crew event in the 1972 Olympic Games recently held in Munich, Germany.

Section 2. That a copy of this Resolution, immediately upon its passage, be appropriately prepared and presented to Mr. Paul Hoffman by the President of the Legislature or his designee, at a ceremony to be held in his honor.

AT HOME

HON. LAWRENCE J. HOGAN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 13, 1973

Mr. HOGAN. Mr. Speaker, the most recent issue of the National Review contained an article by M. Stanton Evans regarding the recent Supreme Court decision on abortion. I submit Mr. Evans' article for the RECORD:

AT HOME

Last month's pro-abortion ruling by the Supreme Court is a shocking inversion of fact and logic which calls for vigorous counteraction.

Reading over the Court's decision, one is struck by its grim Orwellian reversal of the simplest ethical values. In the majority statement, the central issues of life and death are blandly ignored or handled in parentheses, while secondary considerations of utility are pushed to the forefront as crucial matters of discussion. If this decision were all there were to go on, you would scarcely know that what is being talked about is the cold and deliberate extermination of human life.

In the Court's analysis, the issue at stake in abortion is the danger of the operation to the mother, period. When restrictive abortion laws were drafted, says the Court, the operation was considered especially hazardous; now medical science has made it less so. After three months, however, the mortality rate for the mother is as high as or higher than the mortality rate from childbirth, so from this point forward the state may regulate abortions—albeit in a manner (professedly enhancing the "psychological" well-being of the mother) which still amounts to elective abortion.

On this showing, the life of the child in embryo counts for nothing. The child may be killed on demand up to three months and under certain regulations thereafter, strictly to serve the health and/or convenience of the mother—and the moral obtuseness of the Court. The whole question of whether the child has any rights in the matter is settled out of hand without the slightest effort, on the record, to grapple with the complexities of this issue.

The Court majority finesses the issue by saying the drafters of the Fourteenth Amendment didn't believe the child in embryo was a "person" and did not intend to confer the protection of this amendment on the fetus—and far be it from this Court to enlarge upon the purposes of the drafters. But even if true this argument would be irrelevant, since it would merely imply that the Federal Government is not empowered to override laws which *victimize* the fetus. That interpretation would say nothing about laws which *protect* the fetus, conferring or recognizing rights on the initiative of the states. The Fourteenth Amendment merely says that, in certain categories, the state must refrain from abridging rights.

The Court's further treatment of our subject makes it plain, moreover, that this diffident show of strict construction is nothing but a ruse. For, considering the *convenience* of the mother, the Court elaborates an invented "right to privacy" which even the supple intellect of Justice Douglas does not pretend to deduce from the Fourteenth Amendment or the intention of its framers, but simply posits as something the Court in its majesty has decided to protect. Where the life of the child in embryo is at stake, the Court is a model of strict construction and judicial quiescence; but where the mere convenience of the mother is at stake, it is willing to let its imagination roam afar in pursuit of "rights" nowhere envisioned by the drafters of the Constitution.

There is, of course, impressive medical and legal evidence that genetically separable human life begins at conception. As Dr. Arnold Gesell observes, "when the embryo is only four weeks old, there is evidence of behavior patterning; the heart beats. In two more weeks slow back and forth movements of the arms and limbs appear. Before the twelfth week of uterine life the fingers flex in reflex grasps." Similar statements of other authorities have been previously cited here.

Unless the life described by Gesell is to be extinguished in an orgy of permissive abortion, concerned citizens must demand redress. A movement is afoot in Congress and in various state capitals to secure adoption of a constitutional amendment to protect the rights of the unborn. Rep. Lawrence Hogan (R., Md.) is the author of this proposed amendment, which asserts that "neither the United States nor any state shall deprive any human being, from the moment of conception, of life without the due process of law; nor deny to any human being, from the moment of conception, within its jurisdiction, the equal protection of the law."

The Hogan amendment also deals with the mounting possibility of a drive for euthanasia, which has followed in the wake of permissive abortion in other countries. To date the euthanasia or mercy-killing argument has been relatively subdued in the United States, but it has gained adherents in recent years and the success of the antilife forces in the abortion cases will no doubt embolden the euthanasia drive. In an effort to head off this movement before it grows much further, the Hogan amendment says that "neither the United States nor any state shall deprive any human being of life on account of age, illness, or incapacity."

For those who think the euthanasia danger far-fetched, it is worth observing that serious proposals have been made to this effect in Europe, and that such developments are all too natural once indifference to life has become the vogue. As noted by Notre Dame's Charles Rice: "Anyone who thinks the [Supreme Court's] decision is merely about abortion is mistaken. If the Court can define some human beings as non-persons because they are too young . . . , it can also do it to others because they are too old. Or retarded. Or whatever. We will have euthanasia, unless we adopt the Human Life Amendment."

MANAGEMENT AND LABOR TAKE NOTE

HON. LOUIS C. WYMAN

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 13, 1973

Mr. WYMAN. Mr. Speaker, as policy is pondered in this country relative to strike or not to strike, to compromise or not to compromise, it might not be inappropriate to observe that both management and labor in the United States should take note of one of the reasons the Japanese economy is booming and the Japanese yen is up 17 percent over the U.S. dollar in a single year. In Japan workers are both loyal and enthusiastic in their effort. Management is concerned and compassionate. All together both glory in the combined result which is sharply increased productivity.

The following article by Tom Braden in today's Washington Post tells the story. U.S. management and labor should take note before another round of wage demands and price increases further erode our country's competitive position:

JAPAN: A NATION OF COMPANY MEN

TOKYO.—When William D. Eberle, President Nixon's trade negotiator, turns up here next month to demand trade concessions from the Japanese, he will find them acquiescent. They have already decided to concede. They will import our beef; they will import our oranges; most important of all—and it was a decision taken in anguish—they will import our computers. But one thing they cannot concede. And that may be the one thing which will make a failure out of William D. Eberle.

On paper, Mr. Eberle's problem seems relatively simple. It is to reduce the flow of dollars into Japan and thus strike a balance of trade. Decrease the value of goods Japan sells to the United States; increase the value of goods Japan buys from the United States. Eberle is not a high-protectionist and neither is his boss. The Nixon Administration is aware of the perils of tariff wars and properly cautious about the international recession which tariff wars can bring. Therefore all would seem to be ready for the neat balance which will restore the dollar in comparison to the yen.

But the "thing"—I don't know another short word for it—may ruin all. The "thing" is Japan's system of labor relations. It virtually ensures that Japanese goods will undersell American goods of similar value and comes awkwardly close to ensuring that Japanese goods will be better made than American goods of similar price.

Consider the way the "thing" works by imagining yourself for a moment a Japanese worker, about 24 years of age and looking for a job. You won't have any trouble finding one; there is no unemployment in Japan. But you will choose among various companies and the one you choose will be the company for which you will work until the day, at 55 or 60, you retire. What this means for Mr. Eberle is trouble.

Next to his country and his family, the Japanese feel loyalty to his company. He sings the company song; puts suggestions in the company box; stays after hours to attend the company social; goes on weekends or vacations to the company spa; saves (at an astonishingly high rate of interest) at the company bank; borrows (at an astonishingly low rate of interest) from the company fund. The company buys the land on which he builds his house and sells it to him cheaply over 15 or 20 years. When he retires, the company pays him a substantial pension, and when he is ill, he stays free at the company hospital. Meantime, he is assured that unless he steals the company money or in some other way outrages decency or the law, he will never be fired, laid off or demoted.

The "thing" is simply remarkable. An American who views it for the first time can fall into the error of imagining it as a means by which the rich rob the poor—as the company store of the 19th century sometimes robbed the American workingman. But it is not like that at all. It is cradle-to-the-grave security on the job. And the Japanese worker gives in return his best performance, his total loyalty and his freedom of movement. "You don't quit a job in Japan," a worker at the Panasonic television factory told me. "People would think you were not a nice person."

An American is also likely to scoff at the "thing" as square, unsophisticated, overly sincere."

But it works. And as long as it works, William Eberle and his successors are going to find it very difficult to make American goods compete in the world's market with goods made in Japan.

RETIREMENT CREDITS FOR JAPANESE AMERICANS IN WORLD WAR II INTERNMENT CAMPS

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 13, 1973

Mr. WALDIE. Mr. Speaker, I am introducing today a bill which would give Japanese Americans who are Federal employees and who were interned in camps during World War II retirement credit for the time spent in confinement.

The passage of this bill, and H.R. 1 of last session which gave social security credit for the internship years, would give at least some redress for the suffering and anguish borne by the Japanese Americans who were interned during the war years.

The Federal Government, the employer of these American citizens, was responsible for the unjust tragedy of their internment. Though little can be done to substantially repair the lives thus broken and interrupted, this minor atonement on the part of the Federal Government for the great wrong done these loyal Americans is a small step in that direction.

I submit this bill for the immediate and careful consideration of the Members.

I include the full text of the bill in the RECORD:

H.R. 5555

A bill to amend title 5, United States Code, to allow credit for civil service retirement purposes for time spent by Japanese-Americans in World War II internment camps

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 8332 of title 5, United States Code, is amended by adding at the end thereof the following new subsection:

"(1) (1) Any employee or Member who is a Japanese-American World War II internee shall be allowed credit for the period or periods during which he was detained or interned in a camp or similar facility or installation during World War II as described in paragraph (2) (A) of this subsection (and shall be considered to have performed service creditable for purposes of this subchapter while so detained or interned).

"(2) As used in this subsection—

"(A) the term 'Japanese-American World War II internee' means a United States citizen (or alien lawfully admitted for permanent residence) of Japanese ancestry who was evacuated or excluded by the appropriate military commander from a military or geographic area in the United States (or voluntarily departed from such an area prior to but in anticipation of an order of exclusion therefrom), during World War II, and was detained or interned in a camp or similar facility or installation in accordance with the policy and program of the United States with respect to persons of Japanese ancestry in the interests of the national security during World War II, whether pursuant to Executive Order Numbered 9066, dated February 19, 1942, section 67 of the Act of April 30, 1900, 'Executive Order Numbered 9489, dated October 18, 1944, sections 4067 through 4070 of the Revised Statutes of the United States, or otherwise; and

"(B) the term 'World War II' means the period beginning with September 1, 1940, and ending at the close of July 24, 1947.

"(3) (A) The Commission shall prescribe such regulations and take such actions as may be necessary or appropriate to insure that all Japanese-American World War II internees will be informed of their rights under this subsection and to assist them in submitting (in or with their applications for annuities under this subchapter) the information required to substantiate the performance by them of service referred to in paragraph (1).

"(B) Not withstanding any other provision of this subchapter, any Japanese-American World War II internee who is entitled to an annuity under this subchapter for the month in which this subsection is enacted, or who thereafter becomes so entitled without having taken into account service referred to in paragraph (1), may request in writing (in such manner and form as the Commission shall prescribe) that such service be credited to him in computing his annuity under section 8339; and the Commission shall thereupon recompute such internee's annuity so as to give him credit for such service, effective with the month following the month in which such request is made.

"(4) Any department or agency of the United States which performed functions or presently possesses records relating to the detention or internment of persons of Japanese ancestry during World War II shall, at the request of the Commission, certify to the Commission with respect to any Japanese-American World War II internee such information as the Commission deems necessary to carry out its functions under this subsection."

SEC. 2. (a) Section 8333(a) of title 5, United States Code, is amended by inserting "(not including any service described in section 8332(1))" after "service".

(b) Section 8334(g) of such Code is amended by striking out "or" at the end of paragraph (4), by striking out the period at the end of paragraph (5) and inserting in lieu thereof "; or", and by adding at the end thereof the following new paragraph:

"(6) periods of detention or internment credited under section 8332(1) of this title."

SEC. 3. Except as otherwise provided in the amendments made by this Act, such amendments shall apply with respect to annuities accruing under subchapter III of chapter 83 of title 5, United States Code, for months after the month in which this Act is enacted.

CAUGHT IN THE PINCH

HON. JOHN M. ZWACH

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 13, 1973

Mr. ZWACH. Mr. Speaker, ever since the first grain from last fall's harvest started going to market, our congressional office has been deluged with requests for help in obtaining railroad cars to move the grain to market.

I had the occasion to read an excellent editorial by Garland Hubin in the Buffalo Lake News, a weekly newspaper in our Minnesota Sixth Congressional District, which explained the problems our producers are having.

Some of our most popular farm programs have been cut off and plans are being made to reduce or phase out others because of the big crop our producers had last year, but as Editor Hubin points out, raising a big crop and getting it to market are two different things.

Mr. Speaker, to give my colleagues an insight into some of the problems our producers are facing, I would like to insert editor Hubin's editorial in the Congressional Record:

CAUGHT IN THE PINCH

Last year, farmers in this area raised an outstanding crop and after looking at the market these days . . . they should be rich . . . but such is not the case!

Farmers are learning that raising a big crop and getting it on the market are two different things! Elevators across the northwest are full and running over and no railroad cars are in sight to move the crop to market.

Not being prepared for an "everything at once" movement of grain, the railroads are choking on the Russian shipment of wheat, port terminals are filled waiting for shipping boats and railroads cars are filling the yards, waiting to be unloaded.

Occasionally a few empty grain cars trickle onto local sidings where elevators fill them the same day and send them on their way.

Further confounding the situation is the fact that the big grain semi-trailers shy away from hauling grain because it takes a half a day to unload at terminals.

Much of our problem can be blamed on the transportation industry . . . but it all ends up hurting the farmer and costing him money when it is no fault of his!

Someone in high government places just wasn't thinking when they made that wheat deal with the Russians and then took the priority to move the grain at the expense of the American farmer!

RESTRUCTURING OF LOCAL OEO PROGRAMS

HON. ALBERT H. QUIE

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 13, 1973

Mr. QUIE. Mr. Speaker, I recently saw an editorial in the Reno, Nev., State Journal entitled "Reno Poverty Agency Planning for Future." This editorial states an example of how a local OEO-funded agency plans to continue operating long after OEO ceases to exist.

Contrary to the fears of many, this editorial points out that the poverty program will not be dead after June 30, 1973, and that through good planning, programs which have proven to be successful will continue.

Mr. Speaker, under leave to extend my remarks in the Record, I include this editorial and an accompanying article, as follows:

RENO POVERTY AGENCY PLANNING FOR FUTURE

As the funeral march sounded nationally for the Office of Economic Opportunity (OEO), Washoe County's OEO affiliate—the Economic Opportunity Board (EOB)—was speaking of a future of innovate possibilities.

The proposed and probable OEO demise, now being hastened in Washington, seemed light years away last Friday as EOB chairman William Moon and Executive Director Cloyd Phillips spoke with a confidence born of successes.

Programs initiated by the OEO in Washoe County and now administered by the EOB have long since been picked up and funded by other federal government departments. Thus OEO's probable death will have a relatively minor effect on social programs in Washoe County, the officials said.

The EOB now has a $2½ million yearly budget with only $370,000 of that coming from OEO. Such programs as Head Start, Home Start and Meals on Wheels will not be affected by the OEO's death.

The EOB, unlike several similar administrative boards set up to govern OEO programs, has carried out its functions so well its programs have been adopted as basic and necessary. Only the monies for planning, administration, research and the summer Neighborhood Youth Corps still come from the OEO.

And local poverty officials hope that much of this $370,000 loss will be made up for with non-strings-attached grants from special revenue-sharing funds. The officials are presently attempting to contract with local government bodies, offering expertise in poverty affairs for funds.

Even if special revenue sharing funds are not as plentiful as expected, and local governmental entities are not inclined toward EOB approaches, poverty officials feel they have the talents necessary to carry on.

Moon and Phillips say the EOB future is that of a profit-oriented, self-sustaining agency; and that businesses and fund-raising programs are now being planned toward this end.

Successful program implementation of the past must be applauded and innovative ideas of the future should be welcomed and sustained.

It is the Journal's hope that, rather than a restricted federal arm, the EOB will become, as Moon and Phillips want it to be—a locally funded community poverty agency prospering as a result of its own ingenuity and competence.

POVERTY OFFICIALS SEE NEW ERA

Two top officers of the Washoe County Economic Opportunity Board (EOB) have broken stand with fellow anti-poverty workers and issued a statement approving of the dismantling of the Office of Economic Opportunity.

William Moon, chairman of the EOB Board of Directors and Cloyd Phillips, the EOB executive director, said the cutback may prove to be a step into the future.

FEWER STRINGS

They said only a small percentage of federal funds now received by the EOB will be eliminated if the OEO makes its forced exit. Also, proposed special revenue sharing moneys, which are expected to make up for OEO losses, would come with fewer strings attached.

Moon said the new situation would force local and state control over programs for social problems. Under the federal program, he said, there was no room to move where the needs really were.

A proposed special revenue sharing bill would give federal grants to poverty program agencies through local governments without restrictions being placed by the local government, he said.

Phillips said he would prefer to work with local political bodies such as ACOG (the Area Council of Governments) and not the people from the national office.

FUNDS SOUGHT

Moon and Phillips said they would try to get the $116,000 they need to refinance their administration, planning and research branches.

Phillips said, however, the EOB is not asking for charity but is proposing contracts, and offering expertise in social planning program development in return for financial assistance.

Despite the appeals for funding to local governments this year, both Moon and Phillips said the future of the EOB lies in creating a self-sustaining, profit-oriented agency.

Moon refuted criticisms the OEO had been a failure. He said he felt it had lived a full and successful life.

COUPON MISERS SAVE MORE THAN PENNIES

HON. BENJAMIN S. ROSENTHAL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 13, 1973

Mr. ROSENTHAL. Mr. Speaker, in the face of rapidly rising food prices in the past several years, it is important that every consumer take advantage of each opportunity to reduce his grocery bill. One such opportunity is the vast and ready availability of grocery savings coupons for almost every kind of food product. By wisely redeeming these coupons, a consumer can realize substantial savings when shopping for food.

Farm prices in February 1973 were 22 percent higher than those of February 1972. This rise in the cost of food was expressed in the $37 jump in the annual market basket of food for an American family of three in the past year.

An article by Patricia F. Bode in the current issue of the National Observer presents a series of detailed and valuable suggestions concerning the redemption of food coupons. Consumers would be well advised to use these suggestions in their battle against inflation. Therefore, I am inserting Ms. Bode's article in the Record at this point:

COUPON MISERS SAVE MORE THAN PENNIES: SYSTEMATIC COLLECTING WHITTLES DOLLARS FROM FOOD BILLS IF YOU CONCENTRATE ON STAPLES AND AVOID FRILLS

(By Patricia F. Bode)

"Clip us for a quarter." "Let us give you a hand on the price." "Save 10 cents." "Refund." "Get one free!" Such messages on grocery coupons become especially appealing as food prices soar.

Nearly every type of food products can be yours for a few cents less if you systematically redeem manufacturers' coupons. You'll find them printed regularly on the food pages of newspapers and magazines. They also appear on food packaging and sometimes are included with the package contents.

Typically a checkout clerk at a supermarket will give you the face amount of a coupon in cash if you have purchased the item required by the coupon. Sometimes a coupon must be mailed to a manufacturer, usually with several box tops or other evidence of product purchase, for cash refunds of as much as $2. An avid coupon and box-top saver can pick up $3 to $5 a month from mailed refunds.

COUPON SUGAR

Mrs. Sue Allen, a Greenbelt, Md., widow, says she has saved $40 since last August by redeeming coupons while buying groceries for her family of three. "Just last week, I put the money in the bank. Right now it's in my retirement fund, but I'll have it for something special if I want it," she says. To keep track of how much she could save Mrs. Allen filled a sugar bowl with the coins she obtained for her coupons.

Mrs. Allen emphasizes she doesn't purchase unnecessary groceries in order to use all her coupons. She says she never redeems shampoo or tooth-paste coupons because she buys such items on special at a discount store. She continues to buy many products sold under supermarkets' private labels, which often are cheaper than brand-name products with coupon rebates.

"Sometimes I try a new product because I have an introductory coupon," Mrs. Allen admits. "But I probably would try it out anyway, and with a coupon I don't feel like I'm splurging quite as much."

STAPLES ARE INCLUDED

Obviously you won't cut down your food bill if coupon clipping induces you to buy expensive frozen pastry when you normally would settle for pudding. However, alert collectors can find coupons for staples like flour, sugar, bread, and meat. Cereal is another good coupon item. And if you regularly buy snacks, convenience foods, or brand-name vegetables, there's a coupon for almost every variety.

To save the most money, make coupon clipping an organized project. Don't keep your collection of cut-outs in disarray or you'll waste valuable time and diminish your savings by overlooking coupons. What's more, fellow shoppers may become tempted to run you down with their grocery carts if you stand in a crowded supermarket line fumbling through a handful of tattered coupons.

Some tips on efficient coupon clipping:

Clip newspaper food pages the day of publication. If a particular issue has coupons for many items you want, it may be worthwhile to buy additional copies to get more coupons.

If the product isn't pictured on the coupon, clip part of the ad if it shows a picture that may help you quickly locate the item.

In the store watch for special refund displays and packages with coupons inside. If a manufacturer is temporarily promoting an item you regularly use, buy more than one package.

Sort coupons and paper-clip items in categories such as dairy products, soap, paper goods, and pet foods. Make index tabs to clip to each bundle and store them in a recipe file or small box.

Check for time limits on redemption and put dated coupons in a separate category. Place in order of expiration date and make an effort to spend them before undated coupons.

Group coupons for the same product with the largest redemption value on top. Redeem a coupon for 20 cents off before one for 5 cents off.

If you can't find a product, talk to the manager or check other supermarkets.

Promptly return unused coupons to your file after shopping to avoid losing or damaging them.

Don't hold undated coupons indefinitely; the product may be discontinued.

Trade coupons for items you don't use to friends who do.

Save labels and proof-of-purchase marks on packages to send in when manufacturers offer refunds.

AMERICANS OPPOSE AID TO NORTH VIETNAM; WHY SHOULD THEY SUPPORT AID TO THE UNITED NATIONS?

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 13, 1973

Mr. RARICK. Mr. Speaker, I continue to receive widespread disapproval from my constituency over the administration's apparent commitment to give foreign aid to North Vietnam as a lever to achieve peace in that area.

I am reminded of the selling technique used by those internationalists who support lopsided U.S. contributions to the U.N. They point out that the U.N. per capita costs amount to only about $2.13 for every man, woman, and child in the United States. Using a similar argument for aid to North Vietnam, the cost would come to $12.19 for every living American. If dissatisfaction comes because we are aiding the murderers and butchers of American men and our allies, why has there not been similar dissatisfaction for our aid to other enemies of the free world who sit in New York City with diplomatic immunity and honorable titles as Ambassadors of the U.N.?

If the American taxpayers are to be asked to support the U.N., which is controlled by the Russians and the Red Chinese why is the opposition limited to aid to devastated North Vietnam, which is to be made an international showcase of communism at the expense of the American taxpayers?

TRIBUTE TO SEWANHAKA HIGH SCHOOL STUDENTS

HON. LESTER L. WOLFF

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 13, 1973

Mr. WOLFF. Mr. Speaker, I would like to bring to the attention of my colleagues a project that has been undertaken by several high school students in my district who are members of the Future Business Leaders of America chapter at Sewanhaka High School in Floral Park, N.Y. A group of 10 students from the FBLA chapter at Sewanhaka have for the last few months given up more than 12 hours of their free time each week in order to tutor elementary school children with learning disabilities. Working with third graders in four elementary schools in the area, these high school students have devoted a significant portion of their afterschool hours to helping these children improve their reading skills.

Mr. Speaker, I feel that these 10 students should be commended and recognized for their unselfish dedication and initiative in undertaking this project. As one who has worked on several fronts to improve and enhance programs geared toward aiding children with learning problems, I am deeply aware of the need to which these Sewanhaka students have responded, and I am deeply encouraged that their efforts may set an example for other students to follow. Too often today, people are quick to criticize the "younger generation" for being selfishly unaware of the needs and concerns of others; yet more and more often, I am encountering young people like these FBLA members at Sewanhaka who not only recognize the problems in our society but actively pitch in, lending their time and talents for the good of others. I am pleased to pay this special tribute to these 10 high school students and want them to know that we are proud of their efforts to help many younger students to overcome their learning problems.

SELECT COMMITTEE ON INDIAN AFFAIRS IS NEEDED

HON. EDWARD I. KOCH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 13, 1973

Mr. KOCH. Mr. Speaker, once again the problem of Indian affairs has come to national attention through the occupation of Wounded Knee, S. Dak. The incident, at the very least, symbolizes the Indians' deep frustration with their lives as affected by the Federal Government. The House of Representatives, through its committees and through its Members, many of whom are privileged to have native Americans for constituents, is responsible for some abuses that the American Indian has experienced. I believe that we can best aid native Americans through analyzing our own institution.

A significant dispute over the jurisdiction of the Bureau of Indian Affairs has continued for some time. It has, at various times, been recommended that this jurisdiction be shifted to HEW or that the Bureau be established as an Executive agency. The reason for the dispute arises from the nature of the Indian existence—living on land reserved by the Indian tribes from land granted to the United States through treaties. Thus, arises a sometime dilemma between the protection of the resources of the reservation by the Federal Government as trustee and the delivery of services to meet the needs of Indians apart from the needs of the land.

Recently, too, there have been complaints involving the competence of the BIA and its responsiveness to the problems of native Americans. Willingness to alter the jurisdiction of the BIA has been hindered by many factors, and an investigation of it should immediately be held to evaluate its response to the issues.

I am also proposing that we evaluate the workings of our own committee response to the problem. Jurisdiction over Indian affairs is granted to the Interior Committee and its Indian Affairs Subcommittee. The Interior Committee passes on many measures which have great importance to Indians and for which the committee has considerable expertise and knowledge. These are basically areas involving land, resources, and the environment.

However, often bills arise that affect Indians but are the concern of other committees as well. For instance, the Indian Education Act involved both the Interior and the Education and Labor Committees; various measures dealing with Federal and State jurisdiction for Indian offenses or other legal issues are properly under the purview of the Judiciary Committee.

A case in point is the welfare reform bill, H.R. 1 of last session, which was under the jurisdiction of the Ways and Means Committee. That bill, you will remember, provided for the disposition of some assets of an individual before he or she would be eligible for welfare grants and various factors were to be taken into consideration in determining eligibility and in allocating the Federal share to be paid to the States.

Obviously, this bill was of prime concern to poor people everywhere and to thousands of impoverished Indians. Yet, neither the Ways and Means Committee nor the Interior Committee called one witness, or asked HEW or the Department of the Interior for one statement or any native American's views on the important provisions of the bill as it would pertain to them.

Of course, this bill would have affected thousands of Indians on reservations and in our urban areas. It would have affected the Bureau of Indian Affairs' own welfare department, HEW's administration of the act, the status of Indian assets such as land, grazing, hunting and fishing rights, per capita payments from the Indian Claims Commission, employment programs and many other vital matters.

Fortunately, at the last moment, Senator RIBICOFF introduced amendments in the Senate Finance Committee, but these also were not subject to hearings. Native Americans everywhere can legitimately ask whether Congress is acting as befits their trustee.

Mr. Speaker, what I am proposing today is the establishment of a Select Committee on Indian Affairs. This committee will act to identify serious issues affecting native Americans and to insure consideration of Indian interests from the relevant House committees.

This Select Committee would be responsible for evaluating legislation such as welfare, housing, education, health, civil rights, the Federal criminal code, resource management, and environmental measures as effects native Americans. This committee will also bring to the attention of the relevant committee or committees the particular interests that the status of Indians under our constitution and treaties demands. And, this committee could hold hearings on the responsiveness of the Bureau of Indian Affairs.

This committee would not take jurisdiction away from the Interior Committee nor any other committee. It would provide an institutional commitment on our part to insure that all future legislation would adequately consider the interests of native Americans.

I urge our colleagues to support the resolution I am introducing today to establish a Select Committee on Indian Affairs and, I would hope that a similar committee would be established in the Senate.

Everyone today recalls that in our history we have treated the Indian population in a shoddy way. It is time that we redress these grievances.

INTERVIEW WITH THE CALIFORNIA DIRECTOR OF OEO

HON. DEL CLAWSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 13, 1973

Mr. DEL CLAWSON. Mr. Speaker, the Sacramento Bee of February 4, 1973, contained an interview with the California Director of OEO, Mr. Robert B. Hawkins, Jr. Mr. Hawkins has worked in the State OEO program for 3 years. During the current attempts to evaluate the effectiveness of the various antipoverty programs it should be helpful to have an appraisal from another level of government. In that spirit, at this point in the CONGRESSIONAL RECORD I am inserting the article for the information of my colleagues.

HAWKINS ON OEO: MORE FAILURES THAN SUCCESSES

(By Lee Fremstad)

(EDITOR'S NOTE.—State OEO Director Robert Hawkins Jr. is the son of Mr. and Mrs. Robert Hawkins of Cooper School Road. The 31-year-old Ph.D. attended the rural Cooper School, then Monte Vista and Vacaville High Schools before finishing his high school education at the New Mexico Military Institute. He is a graduate of San Francisco State University. He joined the State OEO in 1970 and in late 1971 was named state director. The following interview concerning the success of the antipoverty program in California is reprinted from the Sacramento Bee.)

President Nixon's dismantling of the war on poverty prompted an advance obituary of the program in California during an interview with the state antipoverty chief, Robert B. Hawkins Jr.

His verdict: More failures than successes. Plus a prediction that almost all of the 40-some local outposts of that war, the community action agencies (CAAs), are doomed to a certain death in competition for city and county support.

Moreover, adds the 31-year-old Ph.D. whose rhetoric ranges effortlessly from academic abstractions to the earthy four-letter level, there will be few to mourn the CAAs.

Hawkins' judgment in sum: The war on poverty promised much but had no way to measure what it produced, failed to create permanent institutions to serve the poor, failed even to really involve them, and created a "plantation system" that will collapse once federal money stops.

It is Nixon's intention to cut off that money on July 1, shifting some of the Office of Economic Opportunity (OEO) programs like Head Start, Indian services, migrant services, health and community development to other agencies.

"As far as the CAAs are concerned, they are going to have to become competitors in their local government economies," said Hawkins.

"OEO has been saying for four years—and the CAAs have been mouthing it but not believing it—that the CAAs should develop good working relationships with city hall.

WHICH WILL SURVIVE?

"Their survival rate is going to be in relation to which of them have good relationships with their local governments. The Fresno and San Mateo County programs are likely to survive because they have very good working relationships with their city fathers. San Francisco probably will and Oakland might."

"Head Start is going to Health, Education and Welfare. Going through the CAAs was really a formality anyway. The Indians get their money as before, through the Intertribal council—it merely means they are going to receive federal funds from another agency.

"What the President is doing is an excellent move because it will produce an environment in which community action agencies must compete in order to survive."

APPOINTED BY REAGAN

Hawkins, an appointee of Gov. Ronald Reagan, took over directorship of the embattled State OEO in 1971 after the departure of Lewis K. Uhler. Under Uhler the state office—federally funded but under Reagan administration control—had been in frequent public conflict with the local agencies and deep in controversy because of Uhler's efforts to kill California Rural Legal Assistance.

OEO efforts since Lyndon B. Johnson declared war on poverty have at least given local governments an awareness of the problems of the poor, Hawkins feels.

"The awareness of poverty has been well-established," he said. "The willingness of city and county governments to take over these programs indicates that local government is not adverse to the interests of the poor."

PUBLIC FACTOR

One of the plus factors of the antipoverty effort, Hawkins believes, was to provide a steppingstone for numbers of bright, aggressive young blacks and other minorities who went to work for the programs.

"In the early '60s it was an excellent mobility mechanism for qualified minorities," he said. "It gave them administrative experience and an education on how the system works. Most of them stayed no more than two years before being grabbed up by the business sector or moving into government jobs.

"It had value too in bringing into focus for the minority community the fact that one is never free when he is dependent for his total existence on the government.

"I think one of the greatest forces in creating the black nationalist movement has been the poverty program. A lot of bright young blacks spent a few years in the program and saw that their communities have become more dependent, rather than less. They find they have to build their community from within.

In a sense what we've developed in the OEO program is the plantation system.

To use the colonial metaphor, the program has failed to build institutions. The British in India built a legal system, courts, communications — institutions that survived when they pulled out.

"You pull the federal money out of any of these poverty programs and it just isn't going to be sustained by the community because the institutions haven't been built."

OAKLAND EXAMPLE

Hawkins pulled out a 1971 opinion research study conducted in Oakland in the heart of that city's community action agency target area. It showed few of the poor—3 per cent—were even aware of the agency as a force to speak for poor people. The Black Panthers and NAACP were more frequently named.

"Only 11 per cent could identify the director (Percy Moore), who saw himself as being very charismatic," Hawkins said smiling.

"The majority of poor people did not participate.

"If you went to Watts and asked the man on the street, chances are he had never heard of the program, and yet they were spending $60 million a year there."

REGIONAL OFFICES

Hawkins also blames OEO regional internal conflicts for some of the shortcomings of the aborted war.

"The thing that has killed the CAAs has been the regional (federal) offices," said Hawkins. "The problem was in all these civil servants who came to the war on poverty as young zealots in 1964 and '65, many of them from the Peace Corps, who have basically been a government-bloc in our society.

"The problem is, all their theory is wrong. The problem is, there are no people in the country who have less latent capability to become a group.

POOR'S ASPIRATIONS

"Every study has shown that low-income people have the same diverse aspirations as any other people. Our Okaland study showed, for instance, that those in the target areas were much stronger on law and order than the middle class.

"The only thing that you can really note is the fact that he — the low-income man —

doesn't have enough money to realize the things that are important to him.

"One of the most insidious parts of the antipoverty program is to make us think of poor people as a class. The poor have attitudes and aspirations as varied as any other group.

"The zealous 'exiles' worked on the conflict model—that you have to confront and bowl the establishment over. They see power as something to be taken away from someone else rather than to be generated by creating institutions.

"The 'exiles' never made any real demands on (CAA) programs. Those agencies who merely followed the party line of the regional office were refunded year after year.

"The people who have suffered in this have been the poor. They've just been ripped off."

TOWARD INCREASED VOTER REGISTRATION

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 13, 1973

Mr. RANGEL. Mr. Speaker, David N. Dinkins, president of the New York City Board of Elections, is one of the many State election officials who support voter registration reforms. Mr. Dinkins recently attended the press conference in New York City where I announced the introduction of my Voter Registration Rights Act of 1973 (H.R. 4846) in the House of Representatives.

Herewith is the prepared statement of Mr. Dinkins endorsing the proposal of voter registration through the use of the postal service:

I am very pleased to associate myself with the effort of Congressman Charles Rangel in the area of voter registration, and I wholeheartedly endorse his National Voter Registration Rights Act of 1973 and will work with him to assure its passage into law.

The following is a statement made by me on February 2, 1973 concerning voter registration at a hearing converged by Attorney General Louis J. Lefkowitz.

It is my contention that participation in the electoral process is an absolute right—not a privilege bestowed by government.

Basic to the guarantee of that right is the adoption and implementation of the philosophy that the ability to cast a ballot is an easy and convenient fashion is a public governmental obligation. The individual citizen should not have that burden—it is a public obligation, not a private obligation.

Our law requires that in order to vote one must first register to vote. To this end, it must be recognized that registration should not be used as a means of restricting the number of persons that vote. That was once the apparent purpose of registration and although it is no longer so intended, such restriction is often the effect of our system of registration.

In the 1968 Presidential Election, only 59.1% of the New York State voting population actually went to the polls. This number was even less than the national figure of 60.1%. In the 1972 election, with about 139 million Americans potentially eligible to vote, less than 76,200,000 actually voted, or 76% of the approximately one hundred million who are registered nationally. Note that this 76% of those who are registered represents only 54.5% of the total potentially eligible voting population. New York's statistics for the 1972 presidential election are as low as the National average.

Non-registration is an acknowledged national scandal in a country possessing a great national heritage as a participatory democracy. Recent elections in Europe have turned out 72% of the qualified electorate in Britain (considered low there); 75% in Ireland; 76% in Canada; 80% in France; 87% in Sweden and Denmark. We in the United States and particularly we in the Empire State, suffer greatly by comparison.

Since most persons who register vote, the problem of low voter turnout is in effect the problem of low voter registration.

The difficulties involved in registering to vote would appear to explain the discrepancies between voter turnout in the United States and Europe. As was stated by Charlotte Rae Kemble, Executive Director of Frontlash, Inc., in the "McGee Hearings", *"In most free European countries, registration is not a burden placed on the individual citizen, but a public responsibility.* Government agencies periodically conduct the enrollment of all qualified electors, and voter turnouts of 75 to 90 percent are the norm. In Canada the government appoints a bi-partisan team of enumerators in each election district who canvass every household and publicly post the lists of qualified voters. A *recent spot check showed that the registration level is 98% of the voting age population.*

While many believe that so-called voter apathy is mainly responsible for lack of greater voter participation, I do not agree. May I quote from remarks made by U.S. Senator Gale W. McGee of Wyoming, Chairman of the Senate Committee on Post Office and Civil Service, as he opened hearings on a series of bills focusing on voter registration—he said in part:

"It also seems somewhat hypocritical to me for these who hold the privilege of political office or influence to call, on the one hand, for feasible participation by all citizens in the affairs of state while, on the other hand, retaining barriers which restrict and in some cases prevent voting.

"A Gallup poll taken in December, 1969, concluded that it was not a lack of interest but rather the residency and other registration qualifications that proved to be the greatest barrier to wider voter participation in our nation."

Senator McGee went on to point out that in 1896 when the States first began to adopt strict registration systems, about 80 percent of qualified Americans voted.

He stated that:

"By 1924, when the last of the States had finally adopted stringent registration requirements, the voter turnout had dropped to but 48%. . . . These historic facts would certainly lead one to believe that Gallup is correct and that difficult registration operations have had a negative impact on our pursuit of an improved democracy."

In New York City, fire-house and mobile registration efforts, and the use of volunteer inspectors or registrars in the communities of our city, conceived and implemented by the late great Maurice J. O'Rourke, and the volunteer or community registration continued even now by the Board of Elections headed until last July by Commissioner William F. Larkin, and now by me, have produced great increases in the number of registered voters. Last year, we registered 453,000 in this fashion. But this is not a satisfactory system. We can do much better. It is possible to reach most of the potentially eligible voters by a system of mail registration.

I propose a system of mail registration on a very simple card form that will be easily available, at each office of the Board of Elections, at public buildings such as the offices of Social Service Department, and Post Office; at private commercial places such as banks, utilities and telephone company offices. This form could as well be included in public or governmental mailings, and private mailings, including mailings of income tax returns, welfare checks, telephone and utility bills.

This form would be mailed to any office of the Board of Elections for processing by teams of employees who meet the bi-partisan requirement of our State Constitution. Enrollment, that is, designation by the registrant of a party, could be handled on the same form.

Such a system would be no more susceptible to fraud than the system we now employ. Use could be made of electronic processes in order to check against some currently available objective information bank, such as the rolls of the Social Security System. Available also is the current mail check.

Incidentally, in the past there has been proposed Federal legislation roughly along these lines as well as the proposal that would make registration automatic through use of the Social Security registration process. Congressman Charles Rangel will make public some proposals in this area in the very near future. Some such form of registration (if indeed there need be registration) is critically essential if we are in fact to be a democracy.

I am pleased to report that the Joint Legislative Committee on Election Law, chaired by Assemblyman Peter Biondo, seems inclined to recommend a bill that would permit a registered voter who moved his residence, to effect a transfer of his registration by mail.

At all events, every effort must be made by government to make the voting process simple, easy and convenient. It is my belief that the proposals I shall now enumerate will tend to accomplish this while admittedly leaving much to be desired.

TODAY HE WAS MAYOR . . .

HON. OGDEN R. REID

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 13, 1973

Mr. REID. Mr. Speaker, in this day and age we read so much about the alienation of youth and the problems of the generation gap, we tend to forget that the great majority of our young people are decent, upstanding Americans working towards a meaningful participation in our society. It is with great pleasure that I read the following story of one such youth, Paul Voight. Also, I noted with special warmth that it was written by a very talented and accomplished reporter, Peggy Voight, who just happens to be Paul's mother. I know that my colleagues will join me in thanking both of the Voights and I include the reprint from the White Plains Reporter Dispatch in the RECORD:

TODAY, HE WAS MAYOR . . .

(By Peggy Voight)

SCARSDALE.—The Mayor strode into Village Hall Monday morning—his blonde, shoulder length hair flowing—eager to take charge.

The mayor?

Shoulder-length blonde hair?

No. It wasn't Richard W. Darrow, the real mayor.

In this country that brags that any boy can grow up to be president, on Monday, Feb. 5—Boy Scout Government Day—the mayor of Scarsdale (for-a-day) was none other than Paul Voight, my 17-year-old Eagle Scout.

It was an honor he achieved by virtue of the fact that as a member of Hartsdale Troop 67, he was elected chairman of the Senior Scout Council for 19 Boy Scout Troops in the Cohawney District of the Washington

Irving Council, Boy Scouts of America. Other scouts took over other village officials' roles for the day—and in most cases their real-life counterparts were there to show them the ropes.

It's not quite president of the United States, but mayor of Scarsdale,—it's the stuff that inspires a boy's parents to a modest swelling of pride. The kid can't be all bad.

The experience was not without its educational benefits for Paul.

He learned, for example that mayors, even real ones, can't close the schools. Nor, if they are hockey nuts can they commandeer a field and produce an instant skating rink (though Scarsdale now has one in the works).

He didn't gavel any important laws into existence, or take any action that would perpetuate. "The American Way of Life."

What he did find out, he says, is that village government is largely concerned with garbage collection and disposal.

It was ever thus—as I can remember from the five years Scarsdale happened to be my "beat" on the newspaper.

Which makes me, if not an expert, at least a diligent watcher of the last four or five mayors of Scarsdale.

Without exception, they have been a courteous, conscientious, savvy lot as they go about the gentlemanly task of preserving Scarsdale as an oasis in the metropolitan sprawl.

I'd say Paul was in good company.

One difference.

I've never had to worry before about whether the mayor would turn up looking appropriate to the stature of the job.

I needn't have worried. His spotless scout uniform, with its sash of medals, his shined shoes. It was one of those moments mothers can't quite believe.

He was beautiful—shoulder-length blonde hair and all.

THE UNITED STATES AND THE MIDDLE EAST: 1973

HON. THOMAS P. O'NEILL, JR.

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 13, 1973

Mr. O'NEILL. Mr. Speaker, I am submitting for the RECORD a report compiled by the New England Leadership Conference concerning the United States and its relationship to the Middle East. As this report deals with two current issues of intense interest, the energy crisis and the apparent settlement of the war in Indochina, and their effect upon the Middle East situation, I recommend that all Members review this material. In addition, I am including a resolution adopted by the New England Leadership Conference pertaining to trade agreements with the Soviet Union.

The material follows:

THE UNITED STATES AND THE MIDDLE EAST: 1973

The past two years have seen America's vital interests in the Middle East, the Mediterranean and in Europe, defended and advanced by a Middle East policy that is realistic, positive—and highly successful.

Nevertheless, it is once again becoming fashionable to call for the intrusion of Great Power initiatives into the Middle East situation. This renewed drive is based largely on two false assumptions: (1) that what has been achieved in Indo-China can or should be imitated in the Middle East; and (2) that the "energy crisis" demands a re-orientation of U.S. policy in the Middle East.

(1) *The Indo-China Parallel*

A glance at the conditions in Indo-China and the Middle East, two dissimilar regions, shows the error of this assumption, and points up the fact that many of the aims sought by the peace moves in Indo-China had long been achieved in the Middle East. The Indo-China situation is not a peace, but a cease-fire—not yet fully effective. In the Middle East an effective cease-fire has been in existence since August, 1970.

In South East Asia the cease-fire was designed to extricate U.S. forces directly involved in the fighting and to obtain the release of American P.O.W.'s. In the Middle East, no involvement of U.S. fighting men has existed or is in prospect. Moreover, whatever dangers of direct U.S.-Soviet confrontation may have existed have diminished considerably with the pullout of Soviet fighting men from the Suez Canal zone.

Moreover, because of the direct involvement of American fighting men in South East Asia and deep concern over those held as P.O.W.'s, the U.S. felt that it had to make agreements without the full participation and approbation of its ally on the spot. In the Middle East, however, America's friends are defending themselves solely with their own forces, and any attempt to negotiate arrangements behind their backs, or to impose a settlement, would be impractical, counterproductive and politically absurd.

This does not mean that the situation now prevailing in either of the two areas is necessarily stable over a long period of time, or that nothing further is required. It does mean, however, that the now-fashionable concept of the Middle East being next in line for the kind of international treatment extended to South East Asia is based on profound misconception of the realities in the two areas.

(2) *Middle East Policy and the "Energy Crisis"*

Spokesmen for some of the major oil companies and the oil industry lobby have launched a campaign which consciously exaggerates and distorts the true nature and dimension of our energy problems. Past masters at confusing private corporate interests with the public interest, they are exploiting fears of an "energy crisis" to promote government policies and public outlays that will provide an enormous economic windfall for the major oil-importing companies at the expense of the American consumer and taxpayer, and America's vital interests.

Incidental to their major campaign, whose purpose is to convince the American public and policy-makers that only with vastly increased imports of Middle East oil can we meet the "energy crisis", they have renewed their old and discredited scare-talk. They urge moves to appease belligerent Arab interests at the expense of Israel, on the premise that otherwise unnamed Middle East countries might withhold their oil and threaten our economic and defense potential. Although these old arguments are always presented in the guise of a cold calculation of our national interest, they lack both logic and accuracy. Indeed, the ever-ready obeisance of international oil companies to the cause of militant Arab propaganda is transparent.

First, however the "energy crisis" is defined, it has developed for reasons that have no connection whatever with U.S. Middle East policy. If Israel did not exist, the problem and the prospects relating to energy sources for America would be precisely what they are today. Second, while certain powerful oil interests may find it politic, for their own benefit, to urge appeasement of Arab belligerents, the policies they advocate for America have serious negative consequences from political, economic, defense and environmental standpoints.

Finally, the "energy crisis" they proclaim, although real, is only temporary. It results from mistaken economic and political policies of the past and is not due to any inherent shortage in energy sources. It can best be met by development of domestic supplies which are more than adequate for our needs now and into the indefinite future.

The comprehensive study, "The Energy Crisis and the U.S. Middle East Policy," prepared for the New England Leadership Conference and available separately, details the factual, statistical and analytical background of the issue. Its major points should be noted:

1. The U.S. is blessed with enormous energy reserves. For example, recent findings of the National Petroleum Council show that even with the increasing demands projected, energy sources within the U.S. are sufficient for more than 200 years of *complete* energy supply: oil reserves sufficient to meet demand for more than 65 years; gas reserves sufficient for more than 50 years; accessible coal reserves equivalent to more than 300 years supply; uranium reserves for 25 years of electric power; and shale oil reserves sufficient to meet requirements for at least 35 years. (In addition, potential supplies from Canada and Latin America vastly increase the total potential energy sources available to the U.S.)

2. Research and technology are rapidly advancing toward safe nuclear power development through fusion as well as fission; liquification of coal, sulphur-free, into oil; gassification of coal for natural gas; de-sulphurization of coal into a pollutant-free solid fuel; and economic shale-oil production.

3. In spite of adequate energy resources, a temporary shortage exists—largely because additional domestic sources of supply have been allowed to remain undeveloped in order to keep oil prices artificially high, and as a result of private investment emphasis on developing cheaper, more advantageous foreign sources of oil and gas.

4. Domestic production can be significantly increased by allowing domestic producers to operate near 100% of capacity, rather than the 70–80% normally fixed by the Texas Railway Commission. In addition, appropriate incentives and controls can induce more efficient design of appliances, engines, heating systems, structures and other energy consuming elements, while an inevitable increase in fuel prices will induce more conservation and less waste of energy.

The extent of the "energy crisis" depends on the commitment and speed with which domestic sources are developed, the use we make of available supplies, and the volume of imports we are willing to accept.

5. Vastly improved oil imports from the Middle East, as proposed by some oil spokesmen, are neither possible nor desirable:

a. Paying for that oil would result in a balance of payments deficit that would grow from the present $2.7 billion annually to $20–30 billion, depending upon price increases.

b. To transport that oil would require a tanker fleet of no less than 350 ships, each of a quarter million ton dead weight—equal to over 50% of the present world tanker fleet—with deep water ports developed to accommodate vessels of 60–80 feet draft. Conservative estimates based on current costs would be $50 million for each tanker and $150 million for dredging each potential port—a multi-billion total.

Also, the dangers of environmental damage through the rupture of even a single one of these super-tankers would be considerably increased.

To face what, at worst, may be a 5–10 year shortage period, the oil companies are urging a decision to invest billions of dollars and risk major environmental damage.

c. The energy policy they propose, calling for a vastly increased investment in and dependence on Middle East oil (60% of our total supply by 1985), could invite precisely the kind of political and economic blackmail that the oil-importing companies now urge us to avoid by pre-emptive appeasement, i.e., a turn away from dependable friends like Israel and Iran, toward an expedient policy that might assuage the militant extremists of the Arab world. Such a turn, however, would have a directly de-stabilizing political effect on the region, and greatly increase the potential for chaos in the international oil industry.

6. The major oil-importing companies are urging increased oil imports as the primary solution to our energy shortage because that is their route to maximum profits. Pricing, leasing and labor cost differentials between foreign and domestic oil production have been so great as to strongly favor foreign investment over domestic, but the situation is now changing rapidly. Middle East oil taxes have risen sharply and oil-producing countries are demanding ownership shares. By 1976 all contracts with Arab nations will have expired, and it is expected that 51%—control—of all foreign companies will be in Arab hands by 1983. The companies are pressing therefore to get as much oil and as much profit out of the Middle East as they can in the years immediately ahead.

Although the new pattern of ownership-control of oil sources represents a potential boon rather than a burden for the oil-consuming world, through the inevitable development of more effective international competition for markets as well as supplies, the individual oil companies of course are concerned with their own short-term interests. But in terms of energy sources and needs, and the practical advantages of alternative policy possibilities, it should be abundantly clear that the U.S. remains free to base its Middle East policy on broad national interest, on principle rather than fear.

THE ROAD TO STABILITY AND PEACE

There is no reason to suspect that U.S. policy makers do not fully understand these basic realities.

U.S. Middle East policy, in the past two years, recognized that outside powers can be helpful in stimulating the process of peace-making by discouraging the notion that there is any feasible alternative to a peace agreement, freely negotiated among the parties themselves. It recognized that outside powers cannot and should not attempt to prejudge or spell out in any way what the territorial, juridicial or demographic outcome of an agreement between the parties should be; that negotiations between the parties must remain free and untrammeled, and that there must be no implication or appearance of pressure for imposition.

U.S. policy has been positive. It has afforded America's friends and allies in the area, specifically Israel, the type of sophisticated military assistance essential to defend themselves effectively in accordance with the Nixon doctrine. America has maintained a strong, determined and credible posture, orchestrated in a manner that has deterred the U.S.S.R. from military adventures in the area.

This policy has made possible a process which is essential to the ultimate attainment of peace and to American national interests. It should not be interrupted.

One by-product of this process has been the weakening of the Soviet position in the Mediterranean through the exacerbation of conflicts of interest between the U.S.S.R. and its clients. No less important has been the gradual realization impressed on Arab thought that no dictates of outside powers can rescue Arab regimes from their self-induced catastrophies, without their having to meet the requirements of real peace. Indeed, the past two years have marked the first period in more than two decades in which Arab leaders have had to confront the prospect of truly negotiating their differences with Israel and of recognizing Israel's right to exist as a sovereign nation.

There also is now underway in the West Bank and the Gaza Strip a most important and promising process, albeit gradual, of symbiosis between Israelis and Palestinian Arabs in such vital fields as commerce, public service, communication and tourism. The astonishing fact of life in these territories today is the reality of peace which no document drafted by the most utopian of peace-makers would have dared to envisage. Trade and commerce between Israel and Arab countries go freely both ways across the Jordan River. Last summer alone, 150,000 Arabs, mostly citizens of these countries, visited their relatives in the West Bank, frequented the beaches of Netanya, and the zoo in Tel Aviv, and obtained treatment in the medical clinics and hospitals of Israel. Under a whole generation of armistice agreements between Israel and her neighbors between 1947 and 1967, the two peoples were hermetically sealed off from one another. Since 1967, without a formal peace or armistice agreement, and under a mere cease-fire, there is intermingling, and even fraternization, unknown heretofore between Jew and Arab.

These are the factors which create, slowly but surely, the essential preconditions for the eventual conclusion of a more formal peace to be freely and directly negotiated between the parties themselves. The interruption of this ongoing process through the interposition of third parties, however well-meaning, will do nothing except reawaken old illusions among Arab leaders that the reality of Israel need not be faced directly, thus making it more difficult for the ordinary Arab man or woman to continue his own specific accommodation with this reality. Thus an illusory peace proposal among statesmen may sabotage a very real process of peace among the people.

The fact is that the Arab governments, so called "revolutionary" as well as conservative, who must ultimately be party to any formal Middle East peace, are authoritarian military dictatorships, feudal or semi-feudal monarchies, dominated by their military establishments in ruling oligarchies that have proven to be unable or unwilling to improve the lot of their people.

Moreover, none of these Arab countries has solved the problem of orderly and peaceful succession to power. Assassination, coup and counter-coup constitute the routine method of transferring power from one ruling group to another. Nor does the historical record provide any basis to expect that a new ruling group will accept or honor the commitments of their deposed predecessors. This instability casts great doubt on the durability of any pro-forma agreement, until and unless the necessary preconditions exist in the form of broader public support, based on the very kind of intermingling now underway between Israel and the Arabs in the territories under Israel control.

Focusing world attention once more upon the Middle East as a "number one crisis area", at this moment of hope and relative quiet, would constitute an open invitation to local militants to heat up the situation as a way of bringing about the outside intervention upon which some Arab leaders still place their hopes. Renewed war-talk in Egypt and Syria, and the current flurry of diplomatic activity by Egypt's emissaries in the major capitals of the world, represent one more desperate effort to induce outside intervention rather than face the facts of international life.

As long as Arab leaders are encouraged to expect outside intervention, they will continue to nourish the hope of eradicating the State of Israel. This attitude is exemplified in the public statements of one of the most influential spokesmen in the Arab world, Mr. Heykal, editor of Cairo's *Al Anram*:

"Egypt risks nothing by attempting first of all to solve the first phase by political means."—Aug. 2, 1970

"There are only two specific Arab goals at this stage. 1. Elimination of consequences of the '67 aggression through Israel's withdrawal from all lands it occupied that year. 2. Elimination of the 1948 aggression through the eradication of Israel . . ."—Feb. 26, 1971

". . . there is no conflict between us and Israel over borders, but over existence . . ."—March 10, 1972

Many outsiders to the conflict find it convenient to ascribe the implicit destructiveness and horror of such statements to "Arab rhetoric". But repeated attempts since 1948 to implement those sentiments were thwarted only by Israel's determination and ability to resist. It is time that full credence be placed in such statements because they represent, not domestic propaganda, but a clear and sober statement of the intentions of Arab leaders who obdurately refuse to recognize Israel's right to exist.

Finally, it should be clear that the underlying conflict in the region is not over territory or refugees. The Arab aggressions in 1956 and 1967 took place when Israel did not hold the Golan Heights, the West Bank or Gaza, and the Old City of Jerusalem was still in Jordanian control. Heykal's statement, quoted above, succinctly makes the point. Nor were there any "refugees" in 1947 and 1948, when the Arab states began their invasion and first war of annihilation against Israel. Certainly, too, any thoughtful observer knows that any complete amelioration of the refugee problems—Jewish as well as Arab—can come only as part of a total peace arrangement between the parties and not before.

The real issue is and always has been the refusal by the Arab oligarchies to recognize the Jewish people's right to national self-determination in their historic homeland.

The greatest threat to the process of real peace-making in the Middle East resides in the renewed intervention of outside forces, pursuing their own interests, which would surely interrupt the ongoing development of those practical accommodations between Arabs and Jews that are among the essential preconditions for lasting peace.

RESOLUTION ON THE MIDDLE EAST

The cause of true and lasting peace in the Middle East has been advanced in the last two years by a U.S. policy that is realistic, positive—and highly successful. There is no valid reason to depart from this policy which so well serves America's vital interests.

We therefore:

1. vigorously endorse and support the Middle East policy pursued by the U.S. and supported by the Congress during the past two years. We urge that U.S. diplomacy continue to conform to that policy, and reject all pressures for the renewed intrusion of outside initiatives, however well-meaning, into the Middle East situation.

2. strongly urge the Big Powers and the U.S. Secretariat to desist from activities and statements that will revive false hopes that outside intervention will eliminate the need for direct, free and untrammelled negotiations between the Arabs and Israel, which alone can bring the Middle East to the threshold of genuine peace.

3. call upon all people of good will to encourage and support the ongoing process of accommodation between Arabs and Jews in the West Bank and Gaza, in such fields as commerce, public service, communication and tourism, which is helping to create, slowly but surely, the essential preconditions for peace and reconciliation.

RESOLUTION ON TRADE AGREEMENTS WITH THE SOVIET UNION

Whereas, the right to emigrate is a fundamental human right, affirmed by the Universal Declaration of Human Rights which was adopted unanimously by the United Nations General Assembly, and

Whereas, the Soviet Union and nations bound to the Soviet Union continue to deprive their citizens of this right in direct defiance of the Universal Declaration; and

Whereas, the American commitment to human rights is in the highest American traditions and,

Whereas, the Congress of the United States can give concrete expression to this commitment.

Be it resolved, that the New England Leadership Conference strongly endorses the Jackson-Mills-Vanik legislation to deny most-favored-nation treatment and U.S. credits to the Soviet Union and other nonmarket economy countries which deny their citizens the right or opportunity to emigrate; and

Be it further resolved that copies of this resolution be transmitted to Senator Henry M. Jackson, to Congressmen Wilbur Mills and Charles Vanik, to each member of the New England delegation in the U.S. Congress.

MEDICAL EVIDENCE ON ABORTION

HON. LAWRENCE J. HOGAN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 13, 1973

Mr. HOGAN. Mr. Speaker, today I would like to insert excerpts of medical evidence from the Massachusetts criminal abortion trial Commonwealth against Brunelle. It is tragic that the U.S. Supreme Court assumed the task of deciding such a grave constitutional issue in the Texas and Georgia abortion cases with an incomplete record. The trial court hearings in the Texas and Georgia cases consisted only of oral arguments; no medical experts testified and no depositions were taken by the trial courts.

I commend this testimony to the attention of our colleagues:

DIRECT EXAMINATION OF HEBERT RATNER, M.D., BY MR. IRWIN

Q (by Mr. Irwin) Now, sir, as part of your study of abortion as it pertains to public health, have you made a determination or do you have an opinion as to when in the process of the growth of a fetus it becomes a human being?

A (Dr. Ratner) A physician who is an anthropologic physician, as opposed to a veterinarian, has as patients human beings. It is a necessity when he practices medicine that he recognize his patient; in terms of medical science he distinguishes human beings from nonhuman beings, and that is how he comes to take care of human beings as opposed to goats, and so forth.

In determining who is a human being, you can only appeal to your senses—sight and other various senses—and other various scientific observations that you can make.

The observations that you make about a baby that is born is that it is a human being. It is the same baby three minutes before it was born, a month before it was born; three months before it was born; and as you can go back, tracing at what point it is not a human being, you come to the point prior to fertilization. It is at the point of fertilization that you have to ask yourself the crucial question, to answer the question, namely, is the fertilized egg a part of another organism, or whether it is a distinct or separate organism; whether it is a part or a whole? At that point, all your biological principles indicate that the zygote is not part of the male, as the sperm is and—that the zygote is not part of the mother, as the unfertilized egg is. But that it is its own separate organism, controlled by its own genetic pattern and not by the mother's. It is now an individual organism, a human being that is in residence in the womb of the mother from whom he gets his nourishment and warmth while he proceeds with his independent existence as an organism.

Q Doctor, are you familiar with a physician known as Dr. Robert Hall?

A I am.

Q And are you aware, sir, that he testified in connection with this particular hearing?

A I am.

Q All right. Doctor, have you heard Dr. Hall use the phrase, "potential human being"?

A I have heard him use this phrase.

Q And would you tell us whether or not, based upon your experience in this particular field, as well as based upon your education and your training, whether or not the phrase "potential human being" is an accepted medical term by medical standards for describing a fetus?

A It is not an accepted medical term. I would say when you talk about "potential human being," that is a metaphysical term which contradicts what "human being" means. You are either a human being or not a human being, and there is no such thing as a potential human being, unless you are talking about sperm or eggs, which are not human beings, which have a future possibility of becoming human beings, but there is no adding or subtracting from what the concept of a human being is. Whether you have arms or no arms, or hearing or no hearing, or sight or blindness, you still remain a human being, whether you are conscious or in coma.

DIRECT EXAMINATION OF GARRETT HARDIN, PH.D., BY MR. OTERI

Q. (by Mr. Oteri) Doctor, would you define for us the science of biology?

A. (Dr. Hardin) Biology is the science that deals with the structure, functioning and activity of living objects, both plant and animal.

Q. Do you have an opinion based upon your education, training and experience, as to when life begins in animals?

A. Life is passed on from one cell to another and from one organism to another, and, in fact it never, in our experience, begins. Spermatozoa is alive; the egg is alive; the zygote that results from it is alive.

And if you go back before the spermatozoa, you find that the mother cell that gave rise to spermatozoa is alive and the egg cell that gave rise to the egg is alive; and as far back as you go, all the cells and organisms are alive, until practically three billion years ago, when scientists believe life begins.

THE COURT. I believe that is too far back. We have all we can do to deal with the present.

Q. In the study of biology, is the *Homo sapiens,* the human being, included in the studies of animals as far as biology is concerned?

A. Yes, it is.

Q. So what you have been talking about as to the beginning of life applies to *Homo sapiens,* is that correct?

A. Indeed, yes.

Q. Are you familiar with the biological term "zygote"?

A. Yes.

Q. Would you describe for us the biological characteristics of a zygote and their function?

A. By the union of a living sperm with a living egg, the zygote is formed. This zygote is just barely visible to the naked eye under favorable conditions of illumination. It apparently has very little structure through the ordinary microscope and even the electron microscope. However, biologists are sure, on the basis of a vast body of evidence, that in fact there is in this apparently structureless thing quite elaborate structure at the sub-microscopic level; that it contains in it material which tells the zygote how to develop into a mature human being, given the right circumstances.

* * * * *

Q. And can you describe for us briefly, with particular attention to the time that certain biological development steps occur in this embryo?

A. Yes. In the development, I should say that there is more than merely cell division and cell differentiation. There is also a great deal of cell death. Many of the individual cells, having served a temporary purpose, die and are liquidated. There is not only formation of new material: there is destruction of old material, in the complex process of development. Various organs are formed one after another, and simultaneously. . . . By the 12th week, some spontaneous movement takes place. These are not detectable by the mother; they are too tiny, too small.

But by the 16th week, they usually are detectable, and it is this age which is called the time of quickening. This is the time it used to be thought that life began. This is quite a mistake. The embryo is always alive, but it used to be thought that the time of awakening was the time that life began.

* * * * *

Q. In your opinion, what is the earliest possible age in the development of an embryo that it could sustain life, should it be born at that point?

A. This is clearly related to the state of technology. It used to be we thought seven months—28 weeks—was the earliest stage.

With the development of medical science, this has now been pushed back to 20 weeks when it could be sustained. It is risky; it often does not work, and if you do succeed in sustaining life, it may be the life of a mentally defective child or a blind child, if you dont adjust your apparatus exactly right, but it can be sustained from the 20th week on, with the present technology.

CROSS EXAMINATION OF GARRETT HARDIN, PH.D. BY MR. IRWIN

Q (by Mr. Irwin) Now, with reference to the point of conception, of fertilization, is it not at that moment that every human being who eventually survives this human process has once and for all the hereditary factors assigned to his life?

A (Dr. Hardin) Approximately correct. I put in the slight qualification because it is possible for a mutation to take place later during the development. This is a rather rare event, but it does happen.

Normally, most characteristics are determined at the moment of fertilization.

Q So, to that extent, at the point of fertilization we have some bit of humanness about this particular zygote, do we not?

A At that point we can say that the zygote is a member of the species, *Homo sapiens.* Whether you call it human or not involves nonscientific issues.

Q But it is a *Homo sapiens* at that point?

A That's right.

Q Which, if allowed to grow or continue to grow, except in those instances that you have related of spontaneous abortion, or clinical abortion, will mature into a human being; is that correct?

A. Yes, that is correct.

Q Is it your testimony, Professor, that there is no human being until the mother delivers the child?

A I am not capable of answering this question, because it involves non-scientific issues; namely, how do you define a "human being." This is not a scientific issue; it is a theological or metaphysical . . .

Q What is growing in the mother's womb is physical?

A Yes.

Q It can be seen

A Yes.

Q It can be touched?

A Yes.

Q And felt. Is that metaphysical or physical?

A Physical.

Q Your testimony is that through all these hundreds of years of medical science, medicine hasn't been able to label what that physical thing is; is that correct?

A No, you raised the issue of human . . .

Q Isn't that what you said?

Mr. OTERI. Let him answer.

THE WITNESS. . . . You raised the issue of human, and I said there is no definition of human that you will find in a medical or scientific book.

Q What is your definition of "human"?

A Society defines what is human, and some societies define it differently. The majority of societies do not define an individual as human until the time of christening, which usually takes place several weeks after birth and before the individual is taken to be christened, it is not human.

Q What societies are those?

A This is essentially that of the Jewish society. It is also that of innumerable societies that we call primitive, almost beyond number, and the idea of christening is a very widespread idea, and this marks the time beyond which the individual has rights of being a member of the community.

Before christening, it has no such rights.

Q Do you subscribe to that, scientifically?

A This is not a scientific issue.

Q When a thing becomes a human being is not a scientific issue?

A Precisely.

Q You are aware, are you not, of the use of electrocardiograms?

A Yes.

Q Is it a fact that a fetus, tracings of a fetus, of the heart in a fetus can be made at 12 weeks by the use of an electrocardiogram?

A Yes.

Q Does that indicate the presence of life to you?

A Life has been there from the very beginning. This is nothing new. This is just a particular manifestation of life.

Q You can see it is life?

A It is always life.

Q Right?

A It is always alive.

Q At what point does it become human?

A Again we are back to that question, which is not a scientific question.

Q This is the one area of medical science which nobody has been able to pin down—is that what you are telling us?

A It is not an area of medical science. This is an area of metaphysics, theology, and law.

Q You are an advocate of abortion on demand?

A I am against compulsory pregnancy.

Q Are you an advocate of abortion on demand?

A When I say I am against compulsory pregnancy, I am against compelling a woman to be pregnant against her wishes.

Q Did you deliver a speech entitled "The Case for Abortion"?

A Yes.

Q When you were a professor of biology?

A That's right.

Q And were you quoted in there, in that particular speech, as saying: "Any woman, at any time"—"At any time"—"should be able to procure a legal abortion without even giving a reason"?

A Yes.

Q Now, is that a fair statement of your position on abortion?

A Not now.

Q Have you changed that?

A This was 1963, when I gave that speech. I no longer word it that way, because the phrase "abortion on demand" is seen as a threatening one by the medical profession, who do not want to be demanded to do anything, and this is why I insist on saying that I am against compulsory pregnancy; and I ask those in favor of compulsory pregnancy to say why they want the pregnancy to be compulsory.

I have changed the words that I had used. The consequences are the same.

Q Professor Hardin, did you just this past May deliver a speech to the California Convention on Abortion, on May 11, 1969?

A I think that's right.

Q And there were you quoted as saying—and again I quote: "Total circumstances are such that a child born at a point of time and under certain circumstances that will not receive"—and these are your words—"a fair shake in life, then the mother should feel in her bones that she has no right to continue the pregnancy." Are those your words, in that speech in California?

A Yes, they are.

Q Were these your additional words in California, on May 11, 1969: "It may seem like a cold-hearted thing to say, but we should make abortion available to keep down taxes"?

A Yes, sir, I said that.

Q Is that a fair statement of your position on abortion today, or have you changed since May?

A No, this is a fair statement of part of my position. This has a background which you did not read.

CROSS EXAMINATION OF FRANK J. AYD, JR., M.D., BY MR. OTERI

Q (by Mr. Oteri) Now, Doctor, you tell us that in your opinion that the zygote is a human being, is that right?

A (Dr. Ayd) Fertilized ovum is a human being.

Q Is that known as a zygote?

A That's correct.

Q And you tell us that it becomes human at the moment of—you used the term "conception"?

A That's right. Fertilization.

Q You tell us this is so because the genetic plans for the future are laid in the zygote at that time, is that correct?

A Not only that, but the ovum was a human ovum and the sperm was a human sperm.

Q Now, Doctor, does the zygote at the moment of conception have the capacity to sustain life, if it were passed out of the mother right at that moment?

A No.

Q At one week does it have the capacity?

A No.

Q What is the earliest time that you are aware of when this embryo or fetus is capable of sustaining life when it leaves the mother?

A It depends on where the mother is.

Q Let's say in America.

A It depends if it is in a hospital in America; if there are facilities to provide care for premature infants, it may survive as early as 20 weeks.

Q As early as 20 weeks?

A Yes.

Q That is the earliest time you would say?

A That's correct.

Q During the 20 week period, it does not have the capacity to sustain independent life?

A Nor does a newborn child.

Q Nor does a newborn child. That is part of your answer, is that correct?

A A newborn child has to be fed by somebody. It can't sustain—it can't feed itself. A newborn child is incapable of sustaining itself.

Q This particular zygote of a few days' duration—let's say three days old?

A Yes.

Q It has a genetic package, does it not?

A Yes.

Q And this package, of course, is a blueprint for what this child or this human being will be after it is born; it has the color of the eyes? It has the size of the frame, and all the rest?

A Yes.

Q But this zygote, with this package, this blueprint in it, does not and cannot, without the intercession of the mother and all the biological systems of the mother's body supporting it, cannot develop into a human being as we know, as a live, viable person?

A At this moment, no, but in the future.

Q At the moment.

A At this moment, no.

Q When you say it is a human being, is that a medical term or a metaphysical term?

A It is a medical term.

Q The human being is a medical term?

A Yes.

Q Would you name for me one textbook, obstetrical and gynecological textbook that uses "the human being" to describe the fetus or the embryo?

A The medical textbooks usually refer to "human zygote" or "human fetus." "Human embryo," to distinguish it from a nonhuman.

Q Is it fair to say that the term "human being" involves a metaphysical distinction as opposed to medical opinion?

A It is not just a metaphysical one.

Q The embryo in the womb of the mother at, let's say, one week—what is the difference between the embyro in the womb of the woman and the embryo in the womb of a female rhesus monkey at one week?

A You have a difference in genetic composition. Point No. 2, the embryo in the monkey, rhesus monkey, came from the sperm of monkeys and—sperm of a monkey and an ovum of a monkey, in contradistinction to the fact that the human embryo came from a human sperm and a human ovum. And I guess the third one, I should think quite obvious: One is in the womb of a monkey and the other is in the womb of a human.

Q Could you tell us, if delivered a week old zygote of a—could you tell us whether it was a human zygote or a monkey zygote?

A I personally could not, and geneticists and embryologists can. They do tissue studies so they know the genetic composition of the human.

Q They can tell you *Homo sapiens* as opposed to the rhesus monkey?

A Yes.

Q Doesn't the term "human being" involve for you a distinction between—what is the distinction medically between a human being and an animal? A monkey? There is something which distinguishes us from animals. Will you tell us what that is?

A From the purely biological basis, it is a genetic make-up.

Q That is what you base all your decisions on—purely biological distinctions?

A The human being goes through a continuous stage of evolution, as does every other living organism, from its inception or conception until its death. You are a potential person and I am a potential person. You are not the same man now as you were yesterday, and I am not the same man now as I was yesterday, and you have a continuous biological evolution from the moment of conception until death; you have a continuous evolution of personality, you have a continuous evolution of intelligence.

Q Does the zygote of one week have a personality?

A It has intelligence *in potentia*. The intelligence is there, but it cannot manifest itself.

Q Does it have it?

A Yes. It has the necessary genetic make-up. There is no human way at this particular time to measure, but the mere fact we cannot measure does not disprove its existence.

Q Nor does it prove its existence?

A Yes.

Q What do you base your conclusion that the zygote has intelligence at one day?

A Because of its genetic make-up.

Q Is there any scientific publication of which you are aware that substantiates your position that there is an active intelligence in the one day old zygote?

A I didn't say there was an active intelligence.

Q Are you familiar with anencephalic children?

A Yes.

Q That is children who have no cerebrum in their brain?

A Yes.

Q And they can't think when they are born live?

A Let's put it this way: They cannot verbalize.

Q Is there any way of measuring whether a person without a cerebrum can think?

A Only at this moment, because of lack of refined tools to do so.

CONTROVERSY OVER EPA POLLUTION CONTROL PROPOSALS

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 13, 1973

Mr. BROWN of California. Mr. Speaker, a great deal of controversy has erupted in Southern California over a recent proposal by the Environmental Protection Agency to reduce pollution in that area. Last Thursday, March 8, I testified before a hearing held by the EPA regarding this proposal, and I enter that testimony into the RECORD for the benefit of those who have asked my views on this proposal:

TESTIMONY ON THE EPA IMPLEMENTATION PLAN FOR THE CLEAN AIR ACT

(By Representative GEORGE E. BROWN, JR.)

Mr. Chairman, these hearings will bring out many reservations as to the necessity, practicality and desirability of the Implementation Plan now before us. Many, if not most, of these reservations will be expressed by those who have had the power to control air pollution for many years, and who have failed to exercise that power. The various levels of government; industry, especially the automobile industry; and large segments of the population at large; all have not only failed to control air pollution, but rather in many cases have aggravated the problem.

These failures led the Congress to write the legislation which has led to this plan. The Clean Air Act amendments set a strict timetable for the achievement of clean air, giving state and local governments the responsibility—and opportunity—to devise a plan which would meet specific standards within the set time. State and local authorities still did not act, despite the fact that the congressionally mandated ambient air quality standards, based upon extension medical evidence, are as lenient as the health interests of our citizens will permit. I might point out here that the EPA, required by the law to intervene at this stage, did not do so until taken to court by the cities of Riverside and San Bernardino. Now that the EPA has drawn up a plan which will meet the requirements of the law, it should not offer the protests of those who refused to act when they had the power as a rationalization for further delay in the achievement of clean air.

This particular proposal can probably be improved upon, and I have heard many suggestions that merit further investigation. But we cannot escape the fact that the consistent failure of industry and local governments to control air pollution makes federal involvement and strict enforcement of the current law mandatory. The EPA should recognize this and it should not recommend that the standards or the deadlines be changed. If gasoline rationing is necessary to achieve the ambient air quality standards, then it should be implemented to the extent necessary. I do not see gasoline rationing as a solution to the air pollution problem, although the commitment to utilize it will contribute to the solutions. But if this commitment to achieve clean air is abandoned, the search for solutions that this proposal has stimulated may also be abandoned.

Alternatives to gasoline rationing as a means of reducing the amount of vehicle miles traveled exist. The proposed regulation as written is flexible enough to accommodate these alternate methods (The proposed regulation states that "the amount of gasoline to be controlled shall be determined by the Administrator no later than 30 days prior to the effective date of the control period. This determination shall be based on the hydrocarbon emission reduction required for the attainment and maintenance of the national standard for photochemical oxidants in Metropolitan Los Angeles Intra-State AQCR."). The EPA should not lead people to believe that the present law and the proposed regulation are inflexible as to the approaches that could be taken. The amount of gasoline rationing is not fixed by this proposed rule, and other measures to reduce air pollution that might be taken will reduce the amount of gasoline control that will be necessary. As to the alternatives to rationing, many of them can't be immediately implemented. However, there are numerous proposals that could be included in this implementation plan that would partially solve the problem. The Clean Air Act itself says that implementation plans should include "emission limitations, schedules, and timetables for compliance with such limitations, and such other measures as may be necessary to insure attainment and maintenance of such primary or secondary standard including, but not limited to, land-use and transportation controls."

Mr. Ruckelshaus, when he announced the proposed regulation, stated that there are numerous means of reducing the amount of vehicle miles traveled, but that gasoline rationing was the only sure-fire method that the EPA knew of. This may be the case, but the other means should not be ignored; they should be fostered by the EPA, even if they provide no guaranteed reduction in emissions. Among those alternatives cited by Mr. Ruckelshaus are increased use of mass transit, increased car pooling, vehicle free zones, increasing the cost of motor vehicle use, limiting the number of automobiles and motorcycles registered, and land use controls.

My main concern is that these alternate means of solving the air pollution problem will be bogged down by the same process that has failed to meet the air pollution crisis over the years. There is no air basin wide pollution control agency. There is no air basin wide transportation agency. There is, in fact, virtually no basin wide planning, particularly in the area of land-use.

Nor is there any consideration or concern for energy conservation. All we have is a basin-wide air pollution problem. The overlapping levels and agencies of government and the division of concern have created a hopelessly fragmented approach to these problems. One level is often working against the other levels, frequently with none of them working on the best overall solutions. We need a regional agency that will combine the functions and duties of air pollution control, transportation controls, land use controls and energy conservation. This regional agency should have the ultimate power to enforce air pollution laws, set priorities for transportation spending, determine major land use questions, and try to develop a system that has maximum conservation of energy. The EPA presently has the power to do much of this, and where it does not, it should ask the Congress to provide it with that power. I am not suggesting that the federal government take over the functions of local governments. In the Clean Air Act, the states were given the primary responsibility, but the law gave the federal government the responsibility to step in if the states failed to act. I firmly believe that the federal government should provide the standards, the leadership and the power to guarantee healthy environments to all its citizens.

The federal government is not guiltless in this problem of having different levels and agencies of government working against each other. One glaring example is the Highway Trust Fund, which encourages more highways, which encourage more cars, which waste more energy; while the federal government sets clean air standards that cannot be met if these other trends are continued. These problems must be faced and long range solutions, should be attempted. We should not continue to aggravate problems by continuing the current policies. There should be a moratorium on all major construction in this air basin, until all policies and assumptions are reevaluated to meet the needs of an ecologically sound environment. The Environmental Protection Agency should be a leader in this regional approach and use the power and incentives at its disposal to make this approach work.

CARDINAL MEDEIROS' ELEVATION

HON. GERRY E. STUDDS

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 13, 1973

Mr. STUDDS. Mr. Speaker, on March 5 in Rome, Humberto S. Medeiros was presented with a cardinal's red hat, culminating his rise from a poor Portuguese immigrant to a Prince of the Roman Catholic Church. His life, from studying English in night school to his many good works in the communities which he served, can stand as an example not only to the pious but to the millions of immigrants who seek a new and better life in the United States.

I commend for your further information the following front page editorial from the Diario De Noticias, of New Bedford, Mass., America's only daily newspaper published in Portuguese:

OUR VIEWPOINT

Today we would like to pay tribute to a Man of God who has brought much credit to his native Fall River and to New Bedford—Humberto Cardinal Medeiros.

Born in Arrifes, a village adjoining Ponta Delgada, principal city of St. Michael in the

Azores, he has risen from a poor immigrant to a Prince of the Roman Catholic Church. Even as a boy, the new Cardinal showed an intelligence that foretold of promising opportunities. At the age of 8 he was able to balance his grandfather's accounts.

At 12, he was employed by a wholesale grocer in Ponta Delgada, walking two miles each way daily. He attended school days and worked at night, taking special courses to learn English. In 1937 he was graduated from Fall River's B.M.C. Dufree High School among the top four in a class of 651. And at that, he completed the four-year course in two years!

He then attended Catholic University in Washington, D.C. He became an American citizen in 1940. He furthered his studies in Rome. He was ordained in St. Mary's Cathedral, Fall River, June 16, 1946, by the late Most Reverend James Edwin Cassidy. He offered his first Solemn High Mass the next day in St. Michael Church, Fall River.

We salute His Eminence Humberto Cardinal Medeiros because he has earned and continues to earn the highest praise that can be given to anyone: He is a good man. He also is a great man.

His New Bedford affiliation is associated with Our Lady of Mount Carmel Church on Rivet Street in the South End, where he served as a curate in early 1949. So New Bedford shares in the great honor that has come to a humble, sincere Servant of the Lord.

Many friends of the new Cardinal from both New Bedford and Fall River joined the pilgrimage to Rome for the consistory at which Pope Paul VI officially elevated Bishop Medeiros to the Sacred College of Cardinals. Nearly 200 were with the Right Reverend Monsignor Anthony M. Gomes on the flight to Rome. All members of the Cardinal's immediate family shared in his day of joy, including two brothers and a sister.

From this corner, we again salute Humberto Cardinal Medeiros and wish him well in carrying the high honors bestowed on him and the responsibilities that now are his.

NEIGHBORHOOD LEGAL SERVICE PROGRAMS

HON. H. JOHN HEINZ III

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 13, 1973

Mr. HEINZ. Mr. Speaker, championing the rights of America's underprivileged is the exclusive province of neither conservatives nor liberals. It is both morally and constitutionally correct. What is fundamentally American is that all our citizens, regardless of income level, race, or creed, are equal before the law. In this vein, the operation of neighborhood legal service programs across this land, is evidence that we guarantee the rights to legal representation to those Americans who cannot pay the costs of their day in court.

To better inform my colleagues of the broad-based support for community legal services, I am asking permission to include in the RECORD a letter I received from Robert Stokes, and an editorial describing his activities as president of the local neighborhood legal services. Mr. Stokes is an attorney and a distinguished public servant. He is described in an editorial in the Pittsburgh Post Gazette as a conservative, yet there is no question where he stands in championing the rights of the indigent through continuation of community legal services. What follows is the text of his letter and the editorial:

CLAIRTON, PA., *February 26, 1973.*

As you will recall, I have for several years served on the Board of Directors of the Neighborhood Legal Services program of Allegheny County and for the past two years have been its president. I believe it is very important that all of our citizens be given the opportunity to have their rights recognized and that the Legal Services programs have effectively provided this opportunity to hundreds of thousands of poor people.

The Allegheny County Legal Services program of thirty full-time staff attorneys is not nearly large enough to meet the basic needs for legal services of the County's low-income residents. Yet it appears that the program is in grave danger of being forced to curtail, if not terminate, its operations because of cut backs in funding.

Approximately 60% of the program's funding comes from OEO. The President has proposed that this funding continue through a public legal services corporation which he will ask Congress to create. From our past conversations, I know that you strongly support the creation of a legal services corporation which will insure the independence of legal services attorneys from political influence and permit full representation of the interests of the poor. It is important that such legislation be enacted as soon as possible because uncertainties as to the future of the Legal Services program will result in the more experienced attorneys going elsewhere.

Our most immediate problem, however—and the reason for this letter—is to request your help in securing the modification of proposed regulations of HEW that will drastically affect the Legal Services programs of Pennsylvania, including our Allegheny County program. For the remaining 40% of our funding we are dependent on a 75% match provided by HEW Title IV Social Service funds. These funds are provided under HEW regulations which presently list legal services as an optional social service which the State may provide. The proposed regulations (approved 2/13/73 and contained at p. 4608, F.R. Vol. 38, No. 32, 2/16/73) no longer list legal services as an optional social service for which Title IV funds may be used.

It is essential to our Allegheny County legal services program (as well as most Legal Services programs in Pennsylvania) that these proposed regulations not take effect. We are hopeful that the regulation will be amended to again list legal services as an optional social service which the State may provide to all persons on welfare, including AFDC recipients. Alternatively, we request that general language be added to the regulations which would permit the States to use social services funds for any type of social services provided in the past. And as a last resort we ask that the regulation contain a grandfather clause protecting those Legal Services programs which are now using Title IV funds.

I can see no reason to exclude legal services as an optional social service. Its exclusion will not result in the substantial savings of Federal funds because presently only four states (Pennsylvania, Maryland, Georgia and Montana) receive Title IV funds for legal services and the total contribution by HEW for legal services is less than five million dollars per year. Also since legal services is an optional service, these funds are used only in those States which favor the expansion of legal services programs. In keeping with the Administration's philosophy that the States should be given more opportunity to decide how Federal funds are to be spent, the proposed regulations should be modified to give the States the opportunity to use social services funds for legal services.

I will appreciate your help in this matter. Incidentially, I am enclosing a very favorable editorial which appeared in the February 21st issue of the Pittsburgh Post-Gazette in support of legal services.

Sincerely,

ROBERT F. STOKES.

THE ASSAULT ON LEGAL SERVICES

Among the prime casualties of President Nixon's plan to dismantle the Office of Economic Opportunity apparently would be the controversial Legal Services program. Poverty lawyers in 300 communities throughout the nation have distinguished themselves by their zeal and championing the rights of the indigent and pressing for essential law reform.

Opponents of the Legal Services program contend that litigation in behalf of minority groups which hampers the functions of elected officials is undemocratic in that it contravenes the will of the majority. Most galling to enemies of the federal legal services program has been its success in challenging rulings of federal, state and local agencies which deprive the uninformed poor of basic rights.

President Nixon has assured supporters of the Legal Services program that he will shortly offer legislation calling for creation of a public corporation designed to carry on the functions of the agency without political interference. Believers in the Legal Services program would be less apprehensive if the President had not appointed a sworn enemy of the Legal Services program to preside over the summary liquidation of the OEO.

Howard J. Phillips, acting director of the OEO, has expressed his distaste for the wide-ranging activities of the nation's 2,500 poverty lawyers: "I think Legal Services is rotten and it will be destroyed."

In Allegheny County, Robert F. Stokes, president of the local Neighborhood Legal Services, has revealed his determination to fight dissolution of the legal services program. Mr. Stokes, Republican candidate for County Commissioner in 1971, is especially disturbed at rumors that the government may forbid local legal services agencies to use donated money as the local match for federal funds. The conservative Mr. Stokes, who regards the program as a means of drawing the disadvantaged back into the mainstream, remains skeptical that it can be reconstituted as an effective force once the OEO has been dissolved.

Not only is the right of the poorest citizen to contest an unjust governmental or business action a democratic safeguard, but the opportunity for legal redress is an indispensable safety valve for social discontent. A democratic means for the orderly expression of protest must not be casually discarded.

ABORTION

HON. LAWRENCE J. HOGAN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 13, 1973

Mr. HOGAN. Mr. Speaker, I would like to submit the following reply to a WCBS–TV editorial on February 16, 1973, by Pastor Lester Messerschmidt. Pastor Messerschmidt is the interfaith coordinator of the New York Right to Life Committee and has been active in the fight to overturn the January 22 decision of the Supreme Court to legalize abortion.

The text of this speech maintains the viewpoint expressed in a constitutional amendment, House Joint Resolution 261, that I proposed on January 30 of this year. I would, therefore, like to call this speech to the attention of my colleagues:

ABORTION DECISION

(Replying to a WCBS-TV editorial on the Supreme Court decision on abortion, here is Lutheran Pastor Lester Messerschmidt, Interfaith Coordinator of the New York State Right to Life Committee.)

Describing the Supreme Court's abortion decision, WCBS-TV said the "ruling wisely refrained from defining when life begins." But is this really wise? We think not. All relevant medical authority quite clearly states that human life begins at conception. Even medical authorities that favor abortion have acknowledged this. The official journal of the California Medical Association, for example, has stated it is "a scientific fact, which everyone really knows, that human life begins at conception."

Even if we were to disregard such medical testimony—as the court obviously did—we still could not regard the court's ruling as wise. By asserting that they do not know when life begins, the court is implicity acknowledging that the fetus really might be a living human being. Surely it is not wise but indefensibly presumptuous to legalize abortion when—in the court's own thinking—it may involve the destruction of a human being. Would it be wise to demolish a building that might be inhabited? Yet the court has made abortion legal for virtually any reason in virtually any of the nine months of pregnancy.

For those who are shocked at his decision, do not despair. Birthright projects are now helping pregnant women solve their problems without abortions. Concerned people are moving to prevent the precedent of this decision from menacing the retarded, the infirm, and the elderly. And history tells us that the court's ruling may be overruled; just as the Dred Scott Decision was eventually overturned so that owning a slave ceased to be a citizen's private matter, so too we hope that the abortion ruling may be upset and unborn children may be granted the legal protection they deserve.

ZPG—IS IT RELEVANT?

HON. JOHN A. BLATNIK

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 13, 1973

Mr. BLATNIK. Mr. Speaker, an editorial published in the Minneapolis Tribune, focuses on one aspect of what I believe to be the greatest challenge to the Nation in the coming quarter century—population growth and, more important, population distribution; and the need to plan for both at the national level.

While the population growth rate is dropping—to the point where we can actually begin talking about the arrival of zero population growth and the resultant changes in consumer trends, population maldistribution—its concentration in urban areas—will continue to nullify many benefits of lower total growth rates.

For instance, a national growth rate of less than 2.1 children per family is meaningless if one-sixth of our total population is already concentrated between Boston and Washington, and that trend continues; and if areas like the Washington-Baltimore complex continue to grow by 34 percent per decade as it did between 1960 and 1970.

The Nation should be concerned with the implications of net population growth, or its lack thereof, because it will have a tremendous impact on how the Nation allocates its total resources over the next three decades and more.

But we must also develop a national growth policy related to distribution of population and the elements of economic growth, so that those Americans who prefer to live in less-crowded nonmetropolitan areas will be able to find the satisfying work, comforts, and conveniences as well as health and educational necessities they must presently seek in the metropolitan areas alone.

Our House Public Works Committee will be holding hearings on this subject in the near future, and I invite the ideas of my colleagues as well as of all concerned with the implications of population growth and distribution, and with the factors that determine economic growth throughout the Nation.

Believing as I do that the Minneapolis Tribune editorial contains vital insight into an aspect of Minnesota life which is reflected in the majority of States not included in the Nation's megalopolises, I wish to make it available to all the people of the United States:

POPULATION TRENDS

In the statistics that have showered down upon them—from the tonnage of bombs dropped on Indochina to the costs of the proposed Minneapolis domed stadium—Minnesotans can be excused if they missed two that might be of more significance than all the rest. In 1972, the state's birth rate dropped to new low of 14.4 babies per 1,000 residents. Also, in 1972, for the first time ever, the U.S. fertility rate dropped below the 2.1 children per family necessary for the population simply to replace itself.

The importance of these little figures is not so much in their sizes, but in what they represent. What they point to, in effect, is the distinct possibility that one day, possibly as soon as 80 years from now, America may have a stable, rather than a booming, population, or what is sometimes called zero population growth.

Statistics are risky things to play with, but they do provide the sociologists, scientists, businessmen, legislators and others who are responsible for planning the future with something more than just guidelines. Failure to follow the trends these figures indicate often can lead to serious problems such as that now faces Minnesota's colleges and schools where there are hundreds of empty dormitory beds and classrooms. A more accurate—and less growth-oriented—evaluation of birth statistics might have helped save the state's taxpayers a heap of money that could have been spent on other needs.

But the figures alone are not enough. They have to be clothed with meaning, and trying to do that often raises more questions than can be answered. One of the biggest of those questions is: What will life in America be like if the predictions of a stable population come true? Newsweek, not long ago, put together some of the answers it had gleaned from the experts. Here are some of their very tentative conclusions, short-term and long-term:

Old people will become relatively more numerous, more significant an economic force and more powerful politically. Industries that cater to the old—health facilities, retirement villages and the like—will enjoy a growing boom. By the same token, companies keyed to the young, particularly to infants, face a relative decline. The one-family dwelling will give way more and more to the smaller suburban apartment. Automobiles will probably grow smaller. And, with per-capita income rising, families will have more money to spend and may well tend to spend it on service industries—entertainment, travel and other leisure-time activities—rather than on material goods.

Perhaps most fundamental, the Newsweek summary said, is that "Americans will have to abandon the old expansionist mentality that sees growth as the source of social mobility and economic betterment for the poor. Without a 'rising tide' to raise all the boats, the nation will have to confront its social problems more directly. The only conclusion is that, with a stable population, these woes may be less immense." Many of the changes Newsweek contemplates already, in one way or another, are making their presence known. How Americans think about them today will set the pattern for the future. If life in America is, indeed, following this pattern, it could well mean that Americans are beginning to learn to reduce their scale of living while improving its style. That would be both constructive and enriching.

JOHN DOWNEY SEES HIS MOTHER

HON. ELLA T. GRASSO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 13, 1973

Mrs. GRASSO. Mr. Speaker, the long and lonely night is over for John Downey, for his courageous family, and for friends in his hometown of New Britain in my congressional district and throughout Connecticut.

John Downey is now at the bedside of his mother. But for more than 20 years of his life, he had been a prisoner in China. No words can fully express the relief and thanksgiving all of us feel who have worked and prayed for John Downey's release for so long. We rejoice that the People's Republic of China has responded to the request that Mr. Downey be allowed to come home.

The special sense of joy on this occasion is understandably tempered by the knowledge that Mr. Downey's early release was initiated by the news that his brave and determined mother is severely ill. Throughout the long vigil, Mrs. Mary Downey's staunch spirit matched that of her imprisoned son. Their communion of love and shared hopes over the years make this reunion a testimony to their splendid strength of character.

It is my earnest hope that all Americans will pray for Mrs. Downey's complete recovery so that she will now be able to experience happiness and contentment which has eluded her for so many years. As for her newly freed son, we say "Welcome Home, John Downey, Welcome Home."

LITHUANIA LIVES ON AS "A NATION" AT BALZEKAS MUSEUM

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 13, 1973

Mr. DERWINSKI. Mr. Speaker, in our preoccupation with many personal problems, we often take for granted the blessings which we enjoy as Americans. One of the points that, in my judgment, does not receive enough attention is the great contribution that was made to the development of our country by the immigrants who came from many lands to find opportunities here in the United States. These Americans make a great contribution to the progress of our country and properly maintain a pride and knowledge of the heritage of the land of their forefathers.

A very special undertaking in the Chicago area is the Balzekas Museum of Lithuanian Culture which is featured in an article in the Stickney-Life of Wednesday, March 7, 1973, by that paper's ace reporter, Miss Judy Topinka. I am pleased to insert this very timely and impressive article into the RECORD:

LITHUANIA LIVES ON AS "A NATION" AT BALZEKAS MUSEUM

(By Judy Topinka)

Lithuania may be smothered by the Iron Curtain but its culture goes on in its descendants in Chicago, especially at the Balzekas Museum of Lithuanian Culture, 4012 Archer ave.

Stanley Balzekas, owner of Balzekas Motors, 4030 Archer ave., Chicago, grew up in basically an American home, but his Lithuanian heritage was an accepted part of life. Always a history buff, he collected armor and antique weapons. From that he began reading up on his parents' native land and started collecting other items of the Lithuanian past. The next logical step was to put it all somewhere, and hence, the Balzekas Museum took form.

When the museum opened on June 22, 1966, Balzekas' various collections found a home. Now, with 22 departments expanded to include Lithuanian items, items related to Lithuania culture or items made by Lithuanians, Balzekas is no longer the sole contributor.

"We find many of the older folks die, and their children do not know what to do with old textiles, handicrafts and other items. Yet, they do not want to throw them out. We serve as a good outlet and the community is now making available to us a number of interesting exhibits," said Balzekas who continues to be the museum's angel.

"There was a definite need for a Lithuanian ethnic museum, library and archives," the second generation Lithuanian-American founder said. "In fact, every ethnic group needs one. Our museum, one of the most active and professional in the country, has had other ethnic groups studying it in order that they too can open up similar ones. A Yugoslav museum modeled on ours has already opened in Pennsylvania, and a Belgian one is now operating in Des Moines.

"We should serve as a prototype, too," he continues, "because we followed in the footsteps of all the big museums in the country, getting the best voluntary help possible to operate our departments and doing things professionally."

Running on an operational budget of $30,000 a year, the museum survives because of membership dues and donations. About half the membership is not of Lithuanian descent, "but that is understandable since we have opened various exhibits appealing to all ethnic groups, provide classes in music and art, and cover a broad historical spectrum," Balzekas said.

The museum, open seven days a week at no admission, offers an easter egg decorating class every year which draws a large response from Luthuanians and other nationalities. For the last four years, Mrs. Ursula Astra has come from Grand Rapids, Mich., to show how etchings can be used on Easter eggs following an old Lithuanian custom. She draws more than 600 people a year in two classes, one from 10 a.m. to noon and one from 1 p.m. to 3 p.m., this year starting April 7.

In another exhibit, the art of Belgian lace making was demonstrated, while another featured Polish customs.

"What we are trying to create is a non-chauvinistic atmosphere here. Many of the people of Chicago have lost their parents' language and ways and are Americanized. We want to show Lithuanian culture, but not to the point where we become segregated. We want everyone to enjoy the museum," he said.

Because of the Communist takeover of Lithuania, one cannot get native Lithuanian artifacts anymore, Balzekas pointed out—especially those made before 1945. Although many of the articles on display are not priceless, they are irreplaceable. The oldest exhibit features coins from the 13th century, and also shown are costumes, eastern European maps, dolls, arts and artifacts of old Chicago homes, and folk art.

The library and archives have become so large that it now fulfills requests for information from colleges, universities, scholars and private individuals. Some of the volumes date back to the 16th century. The Baltramaitis collection of art contains more than 5,000 items on all facets of Lithuanian art in addition to information on individual artists.

To meet an apparent need for information concerning Lithuanian genealogy, archives have been created to compile background data relating to families of Lithuanian descent, and a newly formed theater and drama archives will house memorabilia from every part of the world.

EDA AND THE OZARKS

HON. JOHN P. HAMMERSCHMIDT

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 13, 1973

Mr HAMMERSCHMIDT. Mr. Speaker, the House will consider this week legislation to extend for 1 year the Public Works and Economic Development Act of 1965. In view of this, I think it appropriate to call to the attention of my colleagues a timely article appearing in the March 11 Sunday Washington Post.

It presents a good account of a region in the country substandard in economy and heavy out-migration for several decades. As depicted in the article, this situation has now reversed.

Many factors, no doubt, are involved in turning the trend upward. I am convinced that a major contribution has been the Economic Development Administration and the important role of EDA planning districts serving the region.

The EDA concept has exhibited an ideal Federal-local partnership whereby governmental investment yields a substantial return through accelerated receipt of taxes which avail from the multiple economic factors of seed capital. EDA has proven itself as a responsible vehicle for delivering the Federal dollar to meet local needs, with grassroot input determining spending priorities. In depicting Federal-local partnership at work, the article speaks for itself.

The article follows:

END OF OZARKS' OUT-MIGRATION MAY SIGNAL NATIONAL TREND

(By George C. Wilson)

TIMBO, ARK.—Jimmy Driftwood, the balladeer of the Ozarks, is telling about the big decision his parents had to make one summer night when he was a boy growing up in this northwest section of Arkansas.

As he talks, cows heavy with spring calves bawl in the pasture out back. A kettle hisses on the stove inside the wood-plank kitchen of the farmhouse.

"One summer, Mr. Leander Carter came over to our place and said, 'Jimmy, I'd like to hire you for the summer to do everything there is to do on the farm—plow corn, cut sprouts with the hoe, whatever. If you bring your dinner, I'll give you 50 cents a day. If I feed you, I'll give you 40 cents a day.'

"That night," Jimmy continues in a voice tinged with reverence, "my Momma and Dad talked a long time about what would be the most economical thing to do. They finally decided for me to eat with him. They felt like what I would take to eat would be worth more than the difference."

So Jimmy Morris—his stage name of Driftwood came much later, after his country songs had won a national following—worked for Mr. Carter in the summer of 1923. He was happy to be the only boy around with a paying job.

THINGS ARE BETTER

Today, after lots more summers with few jobs, things are much better in Arkansas. So much better, in fact, that Chairman John L. McClellan (D-Ark.) of the Senate Appropriations Committee and others argue that the Arkansas experience is the way to stem the national exodus from farm to city—a migration that continues to empty out the Great Plains as people pile up in urban areas.

McClellan and—by last year's count anyway—at least 39 other senators are pushing a bill (S–10) to give more federal aid to the countryside to hold the people there, away from the cities. That concept is at the heart of the current budget battle as President Nixon moves to eliminate several programs designed to revitalize rural areas.

Beyond the political fight, and probably more important, lies the question of whether what is happening in the Ozarks is the leading edge of a new national trend—people with a choice opting for quality of life even if it means fewer material possessions.

"There was a major reversal of former population losses in a non-metropolitan area extending over northern and western Arkansas, eastern Oklahoma and southwestern Missouri," notes Calvin L. Beale, Agriculture Department specialist in population trends, in examining what happened between 1960 and 1970.

Rural areas in the lower Tennessee Valley, West Central Kentucky, Pacific Coast of Washington, western slope of the Rockies in Colorado and the northern half of Michigan's

Lower Peninsula also made comebacks in the 1960s in terms of holding people in the countryside.

Reasons for this changing tide vary by area, of course, but the Arkansas experience—to examine one dramatic example—suggests that young people will indeed stay "down on the farm" if they can find a job other than farming.

Census Bureau figures for Arkansas show that:

The state's total population dropped from 1,949,387 in 1940 to 1,909,511 in 1950 to 1,786,272 in 1960 as people went looking elsewhere for work. But in 1970 the population climbed to 1,923,295—an increase of 7.7 per cent.

Also, the biggest single jump between 1960 and 1970 was in young people, as the number of people aged 20 to 24 increased from 99,852 to 143,039—a gain of 43.3 per cent. The older population increased substantially, too, as thousands retired to Arkansas—attracted by its low-cost living and pleasant environment.

On a county-by-county basis, 46 of them gained population, 28 lost and one stayed the same between 1960 and 1970. In 1960, only six of the counties gained people over the previous census and 69 lost them.

Personal income climbed sharply, even though many people in Arkansas are still in poverty.

In 1959, 14.2 per cent of the families in the state had incomes of less than $1,000 a year. This percentage was cut by two-thirds by 1969, to 4.4 per cent.

Looked at another way, the median (half-way point between the highest and lowest) income for males in Arkansas over 14 years old was $2,159 in 1959 and $4,026 in 1969. This compares to $3,837 and $5,918 for those two years for the District of Columbia.

THE MINI-BOOM

The biggest single reason for this mini-boom in Arkansas is the industries which have moved into the state, according to the specialists. Close behind is the income from tourists and retirement people. And state leaders see further economic uplift coming rrom the McClellan-Kerr Arkansas River Navigation System—providing a water highway from the Mississippi to Tulsa. Tonnage on the 448-mile waterway increased 45 per cent between 1971 and 1972.

Between 1960 and today, when the population flow reversed, an additional 142,492 jobs were created in Arkansas, according to the Arkansas Industrial Development Commission. Of that total, 75,138 jobs were created by new industry which located in the state since 1960 and the rest were from expansion of existing companies in Arkansas.

The Development Commission said that 754 companies were newcomers to Arkansas, with the largest in terms of employees including American Greeting Corp., Emerson Electric Georgia-Pacific Corp., International Paper, Levi-Strauss, Singer Co., Teletype Corp., Timex, Ward Furniture and Warwick Electronics.

Arkansas' congressional delegation; former Republican Gov. Winthrop Rockefeller; Democratic Gov. Orval Faubus; the Development Agency, and the federal assistance through the Economic Development Administration, Farmers Home Administration and Ozarks Regional Council all are credited with the state's economic advancement.

The Ozarks themselves—and land of steep hills and clear rivers—provided an economic boost as a growing number of tourists came into the state. State leaders are making a concerted effort to draw in more tourists, with the Ozarks Folk Center in Mountain View a prime example.

Rep. Mills, when Mountain View was in his district, championed the folk center which opens next month with performances by the Rackensack Society fiddlers, banjo players and country singers. The $3.39 million center was built under an Economic Development administration grant which paid for 80 per cent of the cost.

LESSON FOR ALL

There is a lesson in all this for the rest of the United States, according to Arkansas' two most powerful Democratic politicians, Chairman McClellan of Senate Appropriations Committee and Wilbur Mills of House Ways and Means Committee—leaders President Nixon must heed if he hopes to get his legislative program through Congress.

The lesson, McClellan and Mills state, is that there is a relatively unexploited middle-ground between the jobless countryside and overcrowded cities.

"The family farms are gone," says the 77-year-old McClellan who has studied the problem for decades. "There is not going to be any more family farms.

"But," he adds, "if we get industry to locate out in these rural areas, then we can keep the people there. The man who likes the outdoors can still do a little farming for himself. He stays. He knows he's got a regular job to depend on."

"Industry, labor and government should study what has happened in Arkansas," Mills said.

"In the long run it will be better for the country if we can get industry to diversify," Mills says. He pushed for numerous small plants for Arkansas in preference to large defense industries which lay off thousands of workers once a contract runs out. Mills contends labor leaders' fears about losing their grip over workers in Arkansas' small plants have not materialized.

Both McClellan and Mills say they agree with Mr. Nixon that federal spending must be held down but that eliminating the Economic Development Administration and Farmers Home Administration is not the way to do it. They are fighting those White House recommendations. Revenue sharing cannot work as a substitute, they argue.

"These little rural communities have to put down the waterlines to attract industry in the first place" McClellan says. "They just don't have the money and they can't borrow it. They can't borrow on some promise that maybe they are going to get some revenue sharing funds from the government. The communities must have these grants and loans. It's much cheaper for the government than trying to rebuild slums where there are not enough jobs for the people who live there."

While jobs are the big factor in holding native Arkansans on the land at long last, other people are coming into the state in pursuit of quality of life—of a better environment for themselves and children.

John C. Johnson is one. At age 46, he quit a well-paying white collar job and a house in the suburbs for a 290-acre farm he bought in the hills outside of Mountain Home, Ark. for about $40,000.

NO SACRIFICE

So far, he does not look upon his new life as an economic sacrifice—not when you figure it out. "I probably made a mistake by not moving here in 1965," he says during a respite from putting in fencing for the beef cattle he has ordered.

"The cost of living has been going up so much since 1965 that there was nothing left of the paychecks I used to get anyhow. You can't earn enough to keep up—at least in the business I was in."

Johnson was senior electrical engineer for the Motorola plant in Phoenix, Ariz. He made close to $20,000 a year, on that job, worked on the communications for the Apollo spaceship and lived in the suburb of Scottsdale.

As he talks of the frustrations of engineering, his wife, Dee, pours some sassafras tea she made in her new role as country wife.

"Ninety-nine per cent of my work in the last 10 years has not been intellectually stimulating," Johnson says. "You're not making big technical breakthroughs working for the electronics industry. You can easily learn all the facts you need to know."

So now Johnson plans to buy 20 pregnant cows for $400 a head, or a total of $8,000; sell the calves next year for $300 ahead, or a total of $6,000, to get most of his initial investment back; then start making a profit with the next bunch of calves from the same cows.

"Back in Scottsdale," Mrs. Johnson says, "it was a big deal when my son, Danny, could fish in the itty-bitty pond in the park. Now he fishes in our own stream out back. This is an answer to a prayer for me."

The Johnsons chose Arkansas because the land, besides being beautiful, is cheaper than in Colorado, taxes are lower and the climate is milder than that of the Great Plains where Johnson grew up.

The conversation in the Johnson living room touches on some of the drawbacks of living in the Ozarks. One of the children needs special schooling but there is none near Mountain View; ice on the roads sometimes cuts off the family from town; stores are sometimes unable to fill even such simple needs as a length of two-by-four, and social life is sparse because "when it gets dark around here, people go to bed."

But on balance, the Johnsons say they are happy they moved to Arkansas last summer. They intend to stay. As a final word on their new life, they bring out a placard presented in farewell by Johnson's fellow employees at Motorola. It concludes: "All in all, we sure envy you."

But the Ozarks certainly are not for everybody. Testifying to this is a nurse interviewed in a glistening corridor of Boone County Hospital in Harrison, Ark.—population 7,239 according to the sign on the highway.

"If I were single, I'd never come here," says Mrs. John Hagen, 25. She says she and her husband moved here from the Erie, Pa., area "because of the unpolluted lakes and country living.

NOT FOR SINGLES

"But," she adds, "this is for young marrieds and retired people—not single gals." She and her husband are looking for farm property but have found prices rising sharply. "People want the growth to stop. They want it the way it is."

Lewis W. Spencer, administrator of the 133-bed Boone County Hospital, readily admits that single nurses are not eager to come to Harrison. "She'd find darn few single young men when she came to Harrison," he says. How she would meet them if she did come is another question. There are no bars in Harrison—part of a dry county—and almost no other gathering places for young singles.

In spite of, or because of, this low-key life in Harrison, Spencer has little trouble in recruiting doctors for his modern hospital in the Ozarks. They come for the quality of life, he says.

"Wherever he goes, a doctor knows he is going to make a good living. We can offer him a fine place to raise a family." The "fine place" includes nearby rivers and lakes; a new ski slope and ice skating rink at the Dogpatch tourist complex outside of town, and mountains for hunting.

Spencer's sales pitch works. He says there are 24 doctors in Harrison now and three more on the way. With 27 doctors to serve a county population of 19,073, this works out to one physician for every 706 people. The national average is one doctor for every 612 people.

The availability of medical care in Harrison and in the Little Rock Medical Center 140 miles to the south is, of course, comforting to people moving to the Ozarks, especially the retirees. The same is true of lower hospital costs—$32 a day for a semi-private and $42 a day for a private room in Boone County Hospital. For comparison Sibley Hospital in the District of Columbia charges $61 a day for a semi-private and $70 for a private room.

Floating down the Buffalo is indeed a delight—at least in March when the water is high. The river is clear with a sand and gravel bottom, and smallmouth bass dart away from the canoe's shadow. On our trip, a flock of wild turkeys flew out of a green glade along the swift water.

The sudden growth of the Ozarks and the changes it is bringing, like turning the Buffalo River into a national park, is not universally applauded, of course. Fred Dirst, who lives in a trailer along the river at Rush, does not mind saying so.

CHANGE LAMENTED

"You from the Park Service?" he asks a visitor, who replies in the negative.

"Good, then it's not open season on you." Dirst tells of how much he hated to give up his riverside farm, but he concedes tourists will soon be coming down the Buffalo in such numbers that the land will be too crowded for his comfort anyway. How about buying another farm somewhere else?

"I'm 72," Dirst says drily, "If you got any farming to do at that age, you should of done it already."

Time after time in interviews with new arrivals in the Ozarks, one hears complaints of muggings, pollution and the general raspiness in the cities they left. Beneath these complaints lies one that is seldom volunteered right away. Lots of people are settling in the lily-white Ozarks of northwest Arkansas to get away from blacks and the strife they associate with them.

"I'm being very honest with you," says a retired life insurance salesman who moved from Chicago with his wife to Mountain Home. "What was left for us back in Chicago? You couldn't go into the city at night without worrying about getting robbed. All that is left back there is a bunch of boos"—short for "jigaboos," a derogatory term for blacks.

A more polite expression is heard frequently in the Ozarks. "You know, we don't have that black-white problem around here."

Native Arkansans when asked about the lack of blacks in the hills say it is from lack of jobs rather than from prejudice. "What in the world would they find to do around here?"

In the eyes of former city dwellers and suburbanites seeking a better quality of life in the Ozarks, one big fear is that growth will mean an end to the beauty they came here to find.

"We would have moved to Washington, D.C., if we could have found some place secure to live. We didn't have that kind of money," says Donald Troyer, 30, a biology major who worked at Washington's Junior Village before moving to Mountain View.

"I like the out-of-doors and the folk setting. But the more people that come here, the more diluted it all becomes."

Political leaders assert they are well aware of such fears about the Arkansas environment.

ORDERLY GROWTH

"We're trying to keep this growth orderly within the city limits of Harrison," says Mayor Hugh Ashley. "But both the counties and small towns better go on with their planning or else there will be a lapse" in controlling the growth.

"We have no county planning yet that we can enforce," says Boone County Judge James Roy Eoff, 51, whose job is really that of county manager rather than magistrate.

"Until we get our plans for the county drawn, we can't do much. We like to see this growth but we don't like to feel these growing pains. We're probably growing faster than old timers would like to see it. But there aren't many old timers.

"As a person, I got all the standing in line I wanted when I was in the service. Personally, I would like to see this growth level off.

"But many people would like to see it keep growing like it is now. . . . The money-hungry people are going to win."

Donald R. Raney, as executive director of the Northwest Arkansas Economic Development District, is charged with worrying full time about the growth problem troubling Judge Eoff and others.

The development district helps officials in nine northwest counties of Arkansas plan their future, and Republican Rep. John Paul Hammerschmidt says its operation should be a model for meshing federal assistance with local needs. The technique is to apply for all available federal and state money for the nine counties and then work up plans with local officials for spending it.

FEARS NOT SHARED

Raney, himself a native Arkansan, does not share Eoff's fears about the future. He believes planning is far enough along to preserve the woods and waters of the Ozarks even as job-providing growth continues.

Ask Raney for a one-word reason for this new prosperity in his jurisdiction and he answers, "Water." Loans and giants financed waterlines for industry, the U.S. Army Corps of Engineers built dams in his northwest district at three places on the White River—Beaver, Bull Shoals and Norfolk—providing attractive recreation spots, flood control, and drinking water.

Now, says Raney, if Arkansas would just change its state constitution to allow realistic taxation to finance such improvements as roads—and if the federal government would continue to make grants for providing and cleaning up water—the new prosperity of the Ozarks will keep spreading at a rapid rate.

THOUGHTS ON AMNESTY AND RECONCILIATION

HON. EDWARD I. KOCH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 13, 1973

Mr. KOCH. Mr. Speaker, with the current discussion about giving aid to the rebuilding of North Vietnam, we should not neglect those men who left this country because they did not agree with the war and now want to come home. I cannot understand how we can justify such magnanimity toward our former enemy while being so unyielding with our own people who left the country because they had legitimate and deep differences with our Vietnam policy. The Reverend Dr. Robert V. Moss, president of the United Church of Christ, delivered a speech on amnesty on February 5, 1973. I recommend Dr. Moss' speech to my colleagues for their thoughtful consideration:

FOR THE HEALING OF THE NATION

(By Rev. Dr. Robert V. Moss)

Now that the hostilities have ceased in Vietnam and the way is open for peace in Southeast Asia, I want to speak of the need for reconciliation at home and to suggest ways of achieving it. To heal America's wounds in the wake of the Vietnam war we dare not try to hide our differences; rather we must recognize those differences and face them squarely. It is in this context that we speak of reconciliation.

I want particularly to speak about amnesty for those who have resisted this war. But resisters are only one of a number of groups who have been damaged by the war.

There are first the men who have died in this war, and their families. There are the disabled. The wives, the parents and the children of those who were crippled or who gave their lives want desperately to believe that their sons and husbands have not sacrificed in vain. What can we say to these people, to ease their deep grief? Certainly there is no glib answer. They did die or were wounded in the service of their country. For many this may be enough. But for those who believe that the war was unjust this may not be an adequate understanding. I know that among those whose sons will never come home there are parents who say their sons did not die in vain . . . because they died in a war that was so despised that there may never be another. I can only pray that that is so. But I suggest that it is the responsibility of the religious community to wrestle with the question of the meaning of the sacrifice which these men have made. It may very well be that we shall not find that meaning until we consider their sacrifice in the context of that which Vietnamese young men made in devotion to their own native land. We are dealing not just with a national tragedy but a human tragedy with world dimensions.

Other victims of the war include the men who have been taken prisoner and their families. Thank God they are now on the way home. It is clear that the military and the government recognize our special responsibility to them.

Then there are the more than six million veterans of the Vietnam era. One in four of these veterans hasn't even a high school diploma. Yet, only about fifteen percent of the non-graduates make use of the G. I. Bill to further their education. The rest have little to offer the job market.

Why aren't Vietnam era veterans using the G. I. Bill, as did veterans of World War II and Korea? Possibly because the present bill offers too little help. Another reason, according to Richard Killmer of the National Council of Churches, is that colleges and universities have been slow in responding to the special needs of veterans. Until recently, few institutions had developed preparatory programs or changed admissions requirements, set up counselling programs or hired tutors for the veterans.

Reflecting their mistrust of government and other established institutions, veterans have made far less use of the Veterans Administration than did those of past wars. The Veterans Administration is looked upon as more of the same old "army game," and they have had their fill of games.

Until 1972 the unemployment rate for Vietnam veterans was substantially higher than for non-veterans of the same age. But as a result of efforts made by the federal government, the states and business and industry the jobless rate among veterans has fallen substantially and is now below that of non-veterans of the same age. But for blacks and other minority veterans the problem persists, with unemployment greater than that of non-veterans of the same age group.

Estimates of the number of Vietnam era veterans addicted to heroin range from 60,000 to as high as 100,000. Most of these men were not using drugs before they went to Vietnam. Some turned to heroin to fight boredom. Others used it to blot out the agony of war. Now it is the major factor in their daily lives.

Most federal agencies have not dealt with the problems of veterans on drugs. Senator

Cranston and other congressmen have accused the Veterans Administration and other agencies of dealing inadequately with the addicted veteran. There are waiting lists for methadone treatment at Veteran Administration hospitals in New York City, with only some 50 beds available.

But drug abuse is only the symptom of the veteran's problem. Psychiatrists working with veterans have identified what is now called the "post Vietnam syndrome"—which includes guilt feelings, frustration at having been made a scapegoat for the country's failures; rage at having been duped and manipulated; a feeling of having been brutalized by combat; alienation from oneself and from society; an inability to think well of oneself, and thus to love others and accept love in return.

The veteran cannot understand why he is rejected by the society he thought he was fighting for. Even worse, rather than expressing outright hostility toward the veteran, our society is even more prone simply to ignore him.

One problem, of course, is that a high proportion of veterans are black, Puerto Rican, Chicano, or from another minority. Some of these men actually thought they could win freedom and respect by going to Vietnam. Imagine their rage and frustration upon their return home to nothing but apathy, rejection and unemployment.

If we are really to meet their needs we are going to have to return to our domestic priorities. We have lost the vision of America's greatness and we need badly to recover it and to move toward it. Essentially the responsibility is going to lie with the President and the Congress, but particularly with the President and much will depend upon the kind of leadership that he offers during the next four years. I hope he will give us a reconciling kind of leadership as we face the future perils and problems.

But in addition to the men who have died in combat, the disabled, those taken prisoner, and the millions of discharged veterans, others have been victimized by this war. They include the draft resisters who have fled into exile, those who have gone underground, and those who have deserted the armed forces. The Seventh General Synod of the United Church of Christ, meeting in Boston in the summer of 1969, recognized the plight of these men when it urged the President to grant "at the earliest possible opportunity, amnesty and pardon for those who, for actions witnessing to their beliefs, have been incarcerated, deprived of the rights of citizenship, or led by their conscience into exile. . . . We urge these bold actions because this nation needs, and is strong enough to embrace, both those who have engaged in the Vietnam conflict and those who have opposed it."

As a result of this action, I was asked in the fall of 1969 to serve on the team of church leaders who, representing the National Council of Churches, met in Windsor, Ontario, with representatives of the Canadian Council of Churches, and with representatives of the draft exile community there, to determine what ministry the churches could perform. We reported to the Assembly of the National Council in December, 1969, recommending that the Canadian Council of Churches engage in a ministry to the deserters and draft exiles in Canada, and that the National Council in this country concentrate on a ministry to the families of those men.

I was able to do this without question, largely because of the action taken by our General Synod. It fell to me as executive officer to move forward, carrying out that resolution in ways that seemed appropriate.

And, of course, the United Church of Christ was not alone. Strong pleas for amnesty have been made by the General Assembly of the United Presbyterian Church in the USA; by the United States Catholic Conference; the National Council of Catholic Bishops; the American Baptist Convention; the United Methodist General Conference; the Lutheran Council in the USA, and others. The National Council of Churches, through its General Board, recommended in December, 1972, amnesty for:

Draft resisters and deserters who have exiled themselves to other countries:

Those currently in prison or military stockades, those on probation, those who have served their sentences, and those who are subject to prosecution for violations of the draft or military law;

Draft resisters and deserters who have gone underground to avoid prosecution;

Vietnam era veterans with less than honorable discharges; and those who have committed civilian acts of resistance to the war or are being prosecuted upon allegations of the same.

One of the most moving pleas for amnesty came from Cardinal Cushing of Boston, in his Easter message of 1970: "Would it be too much," he asked, "to suggest that we empty our jails of all the protesters—the guilty and the innocent—without judging them, call back over the border and around the world the young men who are called deserters, drop the cases that are still awaiting judgment on our college youth? . . . Could we not do all this in the name of life, and with life hope . . . ?"

In my denomination questions were raised, of course, by people who felt these men were traitors. But in trying to answer the questions, we were able to establish a dialogue within the church. Out of that dialogue came the realization that many families in our churches, particularly in Ohio and Pennsylvania, would not be in the United States if their grandparents had not fled Germany in the nineteenth century, at a time when conscription was imposed on the men. Many of the exiles themselves recogniezd that they were carrying on a family tradition.

After the events of the Spring of 1970, I proposed that some of the same people who had been in Windsor, Ontario, go to Vietnam. Dr. Robert J. Marshall, president of the Lutheran Church in America, Dr. William P. Thompson, stated clerk of the United Presbyterian Church in the USA and I were finally able to get clearance through the Chiefs of Chaplains, and we spent a week in Vietnam, talking to over 200 chaplains.

The point we tried to make in those two visits—one to Canada, one to Vietnam—was that the church must be concerned for all human beings, regardless of the positions they may have taken. Although we may not be able to sympathize with, or even understand their positions or actions, we recognize that they are children of God and created in his image. The church provides a chaplain for men in prison, even—or especially—for convicted criminals. On that basis we were able to convince some of our people of the need for a ministry to resisters, deserters and exiles. But the time has come to move beyond ministry to amnesty.

In his press conference last week, President Nixon stressed the fact that amnesty means forgiveness. In this, I suggest, he is mistaken. Indeed, in this view he misunderstands what has been tearing this country apart. On the one hand, there are those who cry for the law's vengeance, while on the other hand there are those who say they were right to resist the war, and that there is nothing to forgive.

It is precisely in such a situation that a sovereign government may exercise its healing power by stating that it simply will not raise the question of criminality for a class of political offenders who do not regard themselves as such.

Amnesty, of course, does not mean forgiveness. Its root word is related to amnesia, and it means "to forget." Amnesty concerns the law's ability to undo what it has done in the past. To forgive a violation is to pardon. But amnesty is a legal action: to forget, to erase, to blot out in recognition of a greater interest—in this case the reconciliation of a nation.

Forgiveness implies guilt, and this is highly offensive to all potential recipients of amnesty. They admit to *illegal* acts, but not to *immoral* acts. Amnesty has to do with the legality of the act. One of the points that impressed me in our discussions in Windsor was a statement of one of the exiles, who said, "We're not particularly interested in amnesty—we're really interested in adequate draft counselling. We worry about our younger brothers and others who will go through this. Many of us would not have been here if we had known all the alternatives open to us."

Many of the Canadian exiles have become landed immigrants, some have become Canadian citizens. But even they want the right to travel back and forth to their homeland.

In this war, a total of from 350,000 to 400,000 deserve some sort of amnesty. Such a large group could not be dealt with on a case-by-case basis. What is needed is a class action that would include everyone mentioned in the National Council of Churches policy statement that I quoted before. That statement recognizes that "genuine reconciliation demands that amnesty be granted to all who are in legal jeopardy because of the war in Indochina."

Amnesty is really a new beginning. In ancient Israel a year of jubilee was celebrated when slaves were freed, the poor were restored to ancestral homes they were forced to sell, the land was permitted to lie fallow. It marked a blotting out of the past and a new beginning for a whole nation.

America needs such a new beginning. I cannot believe that a president who made a great journey to Peking in an effort to wipe out all past misunderstandings and to embark on a new beginning; that a president who travelled to Moscow to reunite the East and the West; that a president who sends Dr. Kissinger to Hanoi to seek ways to help the people who were fighting our armies only last month, cannot find the way for us to be reconciled with our own sons.

President Nixon frequently cites great Amercian presidents. I am sure he knows that he will not be the first American president to grant amnesty after a prolonged war.

Deserters from our army in the Revolutionary War were not punished. Shortly after the new republic was founded, President Washington proclaimed amnesty for participants in the Whiskey Rebellion. Abraham Lincoln not only granted amnesty to draft resisters and deserters, but extended it to men who had done far worse in legal terms—committed treason and borne arms against their own countrymen.

Lincoln faced a nation torn in two, as we do, but he granted this broad amnesty out of compassion, understanding, and a desire to bring our people together. Presidents Harding, Coolidge, and Truman granted amnesty in varying ways. America is no stranger to amnesty.

A year ago the President, when asked about amnesty said that this nation can afford to be generous in time of peace. Only a few weeks later he began his historic journey for peace. In a spirit of reconciliation he set in motion what could result in the ending of the Cold War and of a hostility that has dominated the lives of all Americans for one-quarter of a century.

It was natural to hope that once the President achieved a ceasefire he would show the same kind of reconciling leadership. Certainly his announcement of the agreement encouraged that hope. What, then, has led him to a stand that makes it appear he will not offer that kind of leadership?

I find it almost beyond belief that at the same time he expresses opposition to amnesty for deserters and draft evaders, the President announces that Dr. Kissinger is going to Hanoi to discuss the rebuilding of North Vietnam. Apparently, we can more easily be generous to our enemies in war than to our own sons who have had visited upon them the sins of their fathers.

When the parents of sons who died or were disabled in Vietnam—and I am one of them—and the families of prisoners of war, and the disabled veterans themselves, begin to ask for amnesty—and I am convinced they will—the President will discover how generous this nation really is.

The issue of amnesty will be with us—and dividing us—until it is resolved. There are simply too many people on each side of the neverending dispute over the morality of the Vietnam War. There are too many other problems facing us to continue to be at each other's throats over an issue which now belongs to the historians.

The men who have voluntarily suffered the dreadful ordeal of prison or the awful loneliness and hardship of exile have suffered enough for their convictions—right or wrong. So have their wives, their parents, their children. They have not taken an easy way. It has *not* been easy. There has been an end to war—let there be an end to suffering.

We applaud the peace the President has achieved and his decision to commit our resources to rebuilding war-ravaged Vietnam, both North and South.

But we must rebuild and heal in this country, as well. We must have amnesty for those men who, in an earnest expression of the demands of their conscience, refused to participate. Only history will decide whether those who waged the war or those who refused to participate were right, but we must have peace and unity at home and only a general amnesty can make us a whole people once again. This is a time for prayer, for reappraisal, for unity. Let churches and synagogues of this country exert their moral leadership for a lasting peace at home as well as abroad. It is to be hoped, prayerfully and devoutly, that the President, too, will lead us in that direction.

DOLLAR DEVALUATION

HON. RICHARD T. HANNA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 13, 1973

Mr. HANNA. Mr. Speaker, I know I need not repeat to this body the critical state of imbalance in the U.S. international trade posture. The administration has recently engaged in various exercises allegedly directed toward an immediate resolution of this imbalance. To cite two examples, we have been told that our domestic inflation is a major contributor, that our overvalued dollar has a direct and immediate cause and effect relationship to this imbalance.

Last Tuesday, the Honorable Paul Volcker, Under Secretary of the Treasury for Monetary Affairs, testified before the Subcommittee on International Finance of the Banking and Currency Committee on the administration's dollar devaluation legislation. At that time I took up in some detail with Mr. Volcker the role of inflation in our trade imbalance. I pointed out to the Under Secretary that the relative domestic strength of a nation's currency is not a significant factor in that nation's trade balance: Germany, France, England, and Japan all suffer from much more severe inflations than the United States, yet are precisely contra in their balance-of-trade posture.

Following that exchange, I read in last Thursday's Wall Street Journal an authoritative exposition on the probable lack of measurable impact by the dollar devaluation on our trade imbalance. Parenthetically, it was interesting to note that the strength of our domestic economy was listed as one of the reasons why the devaluation would have little, if any, immediate effect

I remain, therefore, firm in my conclusion earlier placed before this body that the necessary remedy can only be an aggressive trade policy to which all the actors in our domestic economy would be completely committed.

As I noted to Mr. Volcker, perhaps we need a goal, while less prosaic than the late President Kennedy's to put a man on the moon in 10 years but nevertheless potentially more comprehensively rewarding to all Americans, of doubling in the next 10 years that percentage of our GNP which today goes to exports. I want to join with all those voices which say that the country has to move in such a direction and that it must do so soon.

I commend to my colleagues the aforementioned Wall Street Journal article and include it at this point in the RECORD:

THE DOLLAR DEVALUATION IS NOT LIKELY TO SPUR EXPORTS OF U.S. GOODS—SOME FIRMS DON'T BOTHER TO PUSH OVERSEAS SALES; SOME OTHERS LIFT PRICES—TRACTORS AND FROZEN CHICKENS

(By Ralph E. Winter)

When prices go down, sales rise.

That's basic economics. And since devaluation of the dollar makes U.S. exports cheaper abroad, foreign sales of American-made products should jump.

Perhaps, but not as fast or as high as you might think. The laws of economics get a whole lot more complex when applied to international trade instead of to a department-store sale. Talks with exporters and economists indicate that over the long run, the latest round of currency revaluations will indeed make U.S.-made products more competitive in foreign markets. But there probably will be only a modest impact on export totals this year.

Producers of exports ranging from bulldozers to air conditioners cite a number of reasons devaluation won't produce any spurt in their oveseas sales. Probably most important, the U.S. economy is gaining strength so rapidly that many companies have their hands full just meeting domestic demand. There's no strong incentive to capitalize on devaluation to expand export sales.

MANY REASONS

Partly for this reason, not all export prices will decline by the full amount of the change in currency vaues. If U.S. exporters hold dollar prices level, local currency prices of their products would decline 10% or so, depending on the country involved. But, figuring they'd have a hard time filling higher orders anyway, some companies will partially offset effects of devaluation by raising dollar prices, increasing profit margins on what they do sell abroad.

Also, many U.S. exports aren't particularly sensitive to changes in price. Wheat exports, for example, are more affected by drought in the Soviet Union than by the value of the dollar. Foreigners' import restrictions control sales levels of other U.S. exports.

On some products, too, there is a substantial time lag between a decision to buy and actual shipment, delaying any sales increase from devaluation. On other items where foreign competition is stiffening, devaluation may merely prevent a decline in U.S. exports. Finally, there are many categories where U.S.-made goods are so much more costly that a 10% devaluation won't make them competitive with those made abroad.

All this doesn't mean there won't be some increase in exports this year. U.S. exports have been rising practically every year and will very likely rise again in 1973. Exports last year totaled $49.21 billion, up from $43.55 billion in 1971 and more than double the $20.99 billion of 10 years earlier. The trouble is that imports rose faster, hitting $55.56 billion last year and producing a negative balance in merchandise trade of $6.35 billion. Ten years earlier, by contrast, imports totaled only $16.33 billion, and the nation had a $4.52 billion surplus from merchandise transactions. As recently as 1970 there was a $2.71 billion surplus.

NO OVERNIGHT CHANGES

The latest devaluation of the dollar, like the devaluation of 1971, was designed to boost U.S. exports and reduce imports, helping to correct that imbalance. Over the longer pull, it may well work, economists believe. But international trade doesn't turn around in a day.

"The short-term effects of currency revaluations are going to be difficult to discern," says J. J. Gavin Jr., vice president for finance of Borg-Warner Corp. in Chicago. "The whole concept of a devalued dollar is new to U.S. business people, and it is going to take a little time before currency considerations and relationships really get cranked into marketing strategy and planning."

One problem in obtaining maximum advantage from the currency revaluations is that U.S. manufacturers aren't as export oriented as their competitors in Europe and Japan. Many small companies don't seek foreign business at all, and even some large companies don't give exports a high priority.

That lack of export motivation is compounded in a boom year like this. "There is a tendency for the U.S. producer to look at the domstic market as his base," says I. Barry Thompson, vice president and manager of the international division of Central National Bank of Cleveland. "When that base shrinks, as it did during the recession, he tries to supplement it with foreign sales. But when domestic demand is good many tend to forget about exports, making an occasional deal if it comes their way but not really working at developing foreign sales."

TAKING ADVANTAGE

Quite a number of companies right now say they don't have capacity to handle any foreign orders, so they aren't exploring overseas markets to see if devaluation makes their products more competitive. "We're going to be knee deep in business to meet our own domestic needs," says George M. Steinbrenner III, chairman of American Ship Building Co. in Cleveland. "With this energy crisis, our Tampa yard will be busy with tankers, and we have the biggest backlog in our history at the towboat and barge facility at Nashville." Adds an official of a major steel company, "We're under such severe demand pressure here at home that there won't be any great incentive to increase exports this year; we just can't spare much steel to ship overseas."

Some companies are taking advantage of this strong demand situation by increasing dollar prices on overseas sales to fatten profit margains a bit. This is especially true of large deals, where prices are arrived at by negotiation rather than quoting from a standard list. It will result in some increase in dollar receipts from abroad, of course, but price rises partially negate effects of devaluation.

"Our U.S.-made tractors will sell for the same number of French francs or German marks, which will mean a mild increase in dollar receipts from exports," says a Deere & Co. official. "With the brisk demand for our products, we aren't really in position to try to capture a larger market share" by reducing prices.

"We normally write contracts and sell in local currencies, and we don't intend to change those prices," says a man at Dow Chemical Co. in Midland, Mich., which last year exported $275 million of plastics and chemicals. "We think we have a good share of market and don't think we'd improve it that much by cutting prices. Also, in some cases our profit margin on exports has been lower than on domestic sales."

"The bulk of U.S. exports aren't price sensitive," says A. Gary Shilling, first vice president and economist at White Weld & Co. in New York. "They are things like agricultural products, where the volume of exports depends on Russian crop failures, and aircraft and computers where people have to buy from us if they want certain technology." Price reductions on such products have little influence on sales.

Even where U.S.-made products gain some price advantage against foreign competitors, there won't always be an immediate sales increase. For some products, such as frozen chickens, there are extensive import restrictions in many countries that will limit sales gains. Some nations likewise limit imports of auto parts, or place prohibitive taxes on U.S. cars. The Nixon administration intends to try to negotiate away such barriers to U.S. exports, and the recent currency crisis may give U.S. negotiators added persuasiveness. But in any event, the barriers won't drop immediately. In fact, negotiations are likely to be very prolonged and only partially successful.

BUY NOW, DELIVER LATER

Sometimes the nature of the product itself will produce delays in benefiting from the currency revaluations. "Many of the products we export are fairly highly engineered items where buying decisions aren't made in a short period of time," says Borg-Warner's Mr. Gavin. "For instance, if some foreign manufacturer were going to use our air-conditioning compressor on an automobile, they would have to plan to put it on a model at least a year ahead of production."

Makers of complicated production machinery also normally have a substantial lag between order and shipment. And that lead time is longer now than it was a year ago because many U.S. capital-goods plants have substantial order backlogs. Besides delaying sales, these lengthening lead times are costing U.S. producers some sales in competition with European plants that have less business on their books and therefore can deliver more quickly.

Stiffer foreign competition in some product areas also tends to limit U.S. export gains from devaluation. "Our exports will go up as a result of devaluation, but only modestly," says Robert J. McMenamin, manager of marketing for International Harvester Co.'s overseas division. The 1971 dollar devaluation permitted Harvester to remain competitive on some products that were about to be knocked out of competition by the increased availability of construction machinery and heavy trucks from foreign plants, he says. A good part of the price advantage obtained from the latest devaluation also will be required for such market defense, he says, though there should be some new improvement in export sales.

SOME PLANT CONSTRUCTION

Finally, there are a number of manufactured products where foreign producers had a 25% or greater price advantage. A 10% devaluation of the dollar just isn't enough to put the U.S.-made product back into competition. For many of these items, U.S. producers long ago built foreign plants that serve overseas markets, and the latest currency revaluation won't make them switch to a U.S. source. They export mainly specialized machines not available from their overseas facilities.

"Devaluation isn't going to help our foreign sales very much, mainly because exports haven't been very high from our U.S. plants for quite a while," says an official of Warner & Swasey Co., a Cleveland-based producer of machine tools, construction machinery and textile equipment. "As machinery became available at lower prices from producers in Europe and Japan, we began producing overseas to meet competitors on their home ground. We have pretty substantial exports from our British factory, for example, but it would take a few more devaluations before we could export from the U.S. at prices competitive with those of that plant."

Over the long run, though, dollar devaluation probably will result in some U.S. plant construction to serve foreign markets. Dow Chemical, for example, probably will build more domestic capacity to meet growing demand at home and abroad, facilities that might have been built overseas if the U.S. competitive situation hadn't been improved through devaluation.

HOUSE OF REPRESENTATIVES—*Wednesday, March 14, 1973*

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

God is spirit and they that worship Him must worship Him in spirit and in truth.—John 4: 24.

O God, our Father, gracious and compassionate, draw us unto Thyself that we may worship Thee in spirit and in truth. As we pray, do Thou make our hearts channels for Thy spirit in our world that being subdued by Thy love we may be loving, being supported by Thy patience we may be patient, being sustained by Thy strength we may be strong to labor diligently for the welfare of our people.

Help us to walk with Thee through life bearing no ill will, forgiving malice, carrying no resentment, and growing ever more like Thee—great in goodness and good in greatness. So may our Nation be blest with gracious and genuine leadership.

In the spirit of Christ we pray. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

THE HONORABLE DONALD E. YOUNG OF ALASKA

Mr. GERALD R. FORD. Mr. Speaker, I ask unanimous consent that the gentleman from Alaska, Mr. DONALD E. YOUNG, be permitted to take the oath of office today. His certificate of election has not arrived, but there is no contest, and no question has been raised with regard to his election.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. DONALD E. YOUNG appeared at the bar of the House and took the oath of office.

ELECTION TO COMMITTEES

Mr. GERALD R. FORD. Mr. Speaker, I offer a privileged resolution (H. Res. 305) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 305

Resolved, That Don Young of Alaska be, and he is hereby, elected a member of the following standing committees of the House of Representatives: Committee on Interior and Insular Affairs; and Committee on Merchant Marine and Fisheries.

The resolution was agreed to.

A motion to reconsider was laid on the table.

APPOINTMENTS AS MEMBERS OF BOARD OF VISITORS TO THE U.S. COAST GUARD ACADEMY

The SPEAKER laid before the House the following communication from the chairman of the Committee on Merchant Marine and Fisheries:

MARCH 1, 1973.

The HON. CARL ALBERT,
The Speaker, House of Representatives,
Washington, D.C.

DEAR MR. SPEAKER: Pursuant to Section 194 of Title 14 of the United States Code, I have appointed the following members of the Committee on Merchant Marine and Fisheries to serve as members of the Board of Visitors to the United States Coast Guard Academy for the year 1973.

The Honorable JOHN M. MURPHY of New York.

The Honorable PAUL S. SARBANES of Maryland.

The Honorable WILLIAM S. COHEN of Maine.

As Chairman of the Committee on Merchant Marine and Fisheries, I am authorized to serve as an ex officio member of the Board.

Sincerely,

LEONOR K. SULLIVAN,
Chairman.

HOUSING SUBCOMMITTEE HEARING ON HUD MORATORIUM

(Mr. BARRETT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BARRETT. Mr. Speaker, on Tuesday morning at 9:30, March 20, the Subcommittee on Housing of the House Committee on Banking and Currency will conduct a 1-day hearing on the moratorium and suspension of the federally assisted housing and community development programs.

The subcommittee will hear from HUD Secretary, James T. Lynn, and also hear from him in his capacity as Counselor to the President on community development matters. The Secretary will also address himself to the moratorium on the rural housing programs under the Farmers Home Administration. The hearing will be held in room 2128, Rayburn House Office Building.

PRESIDENT IS PERMITTING GOVERNMENT TO "FLOAT" WITHOUT POLICY OR DIRECTION

(Mr. HANNA asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. HANNA. Mr. Speaker, it seems that the recent flurry of governments floating their currency in the international exchange has had a curious side effect on the current administration. Having just reviewed the reports on the President's housing proposals it appears to me that he is trying to manage our Government by permitting it to "float" without policy or direction.

We are first told that what has been done was wrong and a moratorium is imposed to avoid continuing on our misguided and "wasteful" way. Then we are told that the future is too difficult to deal with immediately and we must wait for at least 6 months while "new" programs are developed which "will provide aid to genuinely needy families and eliminate waste."

First of all, I must concede that I have less than full confidence that we will see the promised comprehensive housing proposals on the President's time schedule. Second, I must ask, even if the schedule is followed, what does he offer to compensate for the waste in the interim of that most important of commodities—time?

With painstaking effort and, admittedly, with some albeit limited failures, we have developed an unparalleled capability to produce housing for all segments of our economy. How does the President propose to keep this capability alive for even the minimum of 6 months now facing us? The companies, workmen, and material supply system can be irretrievably lost in less time than they are now confronting. I would hope the President is cognizant of this fact and is prepared to account for this highly questionable hiatus.

NOMINATION OF H. R. CRAWFORD, OF WASHINGTON, D.C., TO BE ASSISTANT SECRETARY OF HUD

(Mr. O'HARA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. O'HARA. Mr. Speaker, I have not often been pleased by the identity of new nominees for policy positions in the Nixon administration, but I was pleasantly surprised a few days ago to read in the newspaper that the President had nominated Mr. H. R. Crawford, of Washington, D.C., to be an Assistant Secretary of the Department of Housing and Urban Development. I became acquainted with Mr. Crawford by chance a couple of years ago and was impressed by his knowledge of Federal housing programs and of the construction industry. Since that first meeting, I have had an opportunity on several occasions to discuss housing programs with Mr. Crawford and to make an inspection trip with him of federally subsidized housing in the Southeast section of Washington, D.C. I found Mr. Crawford to be a man of compassion who understood the housing needs and problems of low- and moderate-income families. I also found him a man who is intensely unhappy with housing efforts designed to meet the needs of low- and moderate-income families that fail to do so. I believe that his understanding of the Nation's housing problems and his commitment to satisfying the housing needs of all Americans will make a real contribution to the formulation of new housing efforts.

PERMISSION FOR COMMITTEE ON HOUSE ADMINISTRATION TO FILE PRIVILEGED RESOLUTIONS

Mr. THOMPSON of New Jersey. Mr. Speaker, I ask unanimous consent that the Committee on House Administration may have until midnight tonight to file several privileged resolutions.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

HIGH GOVERNMENT OFFICIAL IN CHARGE OF OIL SHALE JOINS OIL SHALE DEVELOPMENT CORP.

(Mr. VANIK asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. VANIK. Mr. Speaker, a press release of March 12, 1973, from the Department of the Interior announced that Mr. Hollis M. Dole, Assistant Secretary of the Interior for Mineral Resources, left the Department on March 12 to become senior executive in charge of the jointly sponsored oil shale development program of the Atlantic Richfield Co. and the Oil Shale Corp., headquartered in Denver. The group also goes by the name of Colony Development.

It is interesting to note, Mr. Speaker, that Mr. Dole had oversight of the Office of Oil Shale. It is further interesting to note that the head of the Office of Oil Shale is Mr. Reed Stone, who came to the Department of the Interior 6 years ago—from Atlantic Richfield.

This is—quite possibly—another case of the "revolving door," in which oil men come into the Government, have access to special, detailed, and technical information, and pass this information on to their colleagues who are rejoining the oil industry.

I have no indication or proof that any special inside information has been "leaked out" of the Government by this "job transfer"—but the potential exists for abuse of the public trust.

This is no small program in which these men are involved. The oil shale deposits of the United States are estimated to be worth $8 trillion. Eighty percent of this oil shale is on public land. Six leases will soon be made—by Mr. Stone's office—and the way that those leases are developed will be determined by the Department of the Interior.

Mr. Dole, now with private industry, will be developing an oil shale mine on some of the 20 percent of the oil shale land which is privately held. What special technology information does he carry with him? What information about the timing of the leases on the public lands? What head starts on water rights and avoidance of environmental impact statements?

These appointment maneuvers suggest that Atlantic Richfield has been assigned these positions in the Interior Department—an impropriety which assaults the public trust and weakens public confidence.

CALL OF THE HOUSE

Mr. CLEVELAND. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. O'NEILL. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The call was taken by electronic device, and the following Members failed to respond:

[Roll No. 46]

Andrews, N.C.
Badillo
Bafalis
Bergland
Biaggi
Blatnik
Breckinridge
Burke, Calif.
Carey, N.Y.
Chisholm
Clark
Collier
Conyers
Davis, Ga.
Dorn
Drinan
Dulski
Eckhardt
Edwards, Calif.
Findley
Foley
Fraser
Fulton
Gibbons
Harvey
Hébert
Heckler, Mass.
Holifield
Hosmer
Johnson, Colo.
Jones, Ala.
Jones, Tenn.
King
Kuykendall
Kyros
Lehman
McEwen
Martin, N.C.
Mills, Ark.
Minshall, Ohio
Moorhead, Pa.
Nichols
Nix
Price, Tex.
Rarick
Rooney, N.Y.
Roy
Stubblefield
Stuckey
Sullivan
Symington
Teague, Calif.
Teague, Tex.
Waldie
Whitten
Wolff

The SPEAKER. On this rollcall 376 Members have recorded their presence by electronic device, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

PERSONAL EXPLANATION

Mrs. SULLIVAN. Mr. Speaker, I would just like to ask that I may have the Record show that I am present in the Chamber, even though I walked into the Chamber just after the lights on the electronic voting machine went off.

FURTHER LEGISLATIVE PROGRAM

(Mr. O'NEILL asked and was given permission to address the House for 1 minute.)

Mr. O'NEILL. Mr. Speaker, I take this time to announce that at the conclusion of today's business that the EDA bill will be up for consideration tomorrow, and may I also say that we are adding to the schedule for tomorrow House Resolution 279, a resolution of a special committee of five Members to be appointed by the Speaker to investigate and report to the House matters of election expenditures.

PROVIDING FOR CONSIDERATION OF S. 583, FEDERAL RULES OF EVIDENCE

Mr. BOLLING. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 294 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 294

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (S. 583) to promote the separation of constitutional powers by securing to the Congress additional time in which to consider the Rules of Evidence for United States Courts and Magistrates, the Amendments to the Federal Rules of Civil Procedure and the Amendments to the Federal Rules of Criminal Procedure which the Supreme Court on November 20, 1972, ordered the Chief Justice to transmit to the Congress. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary, the bill shall be read for amendment under the five-minute rule. It shall be in order to consider the amendment in the nature of a substitute recommended by the Committee on the Judiciary now printed in the bill as an original bill for the purpose of amendment under the five-minute rule. At the conclusion of such consideration, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER. The gentleman from Missouri (Mr. BOLLING) is recognized for 1 hour.

Mr. BOLLING. Mr. Speaker, I yield 30 minutes to the gentleman from California (Mr. DEL CLAWSON) pending which I yield myself such time as I may consume.

Mr. Speaker, those who listened to the reading of the rule know that it makes in order an amendment in the nature of a substitute to the bill, now printed in the bill as an original bill for the purpose of amendment.

Mr. Speaker, I know of no controversy whatsoever on the rule, and I have heard of little controversy on the matter which the rule makes in order. I therefore reserve the balance of my time.

Mr. DEL CLAWSON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, House Resolution 294 provides an open rule with 1 hour of general debate on S. 583. The rule also provides that the substitute bill reported by the Committee on the Judiciary be made in order as an original for purposes of amendment.

Mr. Speaker, the purpose of S. 583 which is made in order by this resolution, is to provide that the new rules of evidence and procedure laid down by the Supreme Court on November 20, 1972, and December 18, 1972, will not go into effect, except to the extent and with such amendments, as are approved by Congress.

If Congress does not act, the new rules of evidence and procedure will become effective on July 1, 1973, as provided in the Supreme Court order. According to Senator ERVIN who introduced S. 583, the July 1 deadline would not allow sufficient time to consider in depth such basic changes in the rules of evidence and procedure.

The American Bar Association is in favor of S. 583.

Mr. Speaker, I urge adoption of this resolution so that the House may proceed to consider S. 583.

Mr. Speaker, I have no requests for time. I reserve the balance of my time.

Mr. BOLLING. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

CALL OF THE HOUSE

Mr. GROSS. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. HUNGATE. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The call was taken by electronic device, and the following Members failed to respond:

[Roll No. 47]

Ashbrook
Badillo
Bafalis
Bergland
Biaggi
Blatnik
Boland
Breaux
Breckinridge
Burke, Calif.
Chisholm
Clark
Cleveland
Cochran
Collier
Conyers
Davis, Ga.
Dorn
Downing
du Pont
Flowers
Ford, William D.
Fulton
Gibbons
Hansen, Wash.
Harsha
Harvey
Hébert
Holifield
Hosmer
Johnson, Colo.
Jones, Ala.
King
Kyros
Long, La.
McEwen
Mills, Ark.
Minshall, Ohio
Montgomery
Murphy, N.Y.
Nichols
Nix
O'Hara
Price, Tex.
Rarick
Rees
Rooney, N.Y.
St Germain
Steiger, Wis.
Stubblefield
Stuckey
Symington
Teague, Calif.
Teague, Tex.
Thompson, N.J.
Waggonner
Waldie
Wampler
Wilson, Bob
Wolff
Young, Alaska

The SPEAKER. On this rollcall 371 Members have recorded their presence by electronic device, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

FEDERAL RULES OF EVIDENCE

Mr. HUNGATE. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (S. 583) to promote the separation of constitutional powers by securing to the Congress additional time in which to consider the rules of evidence for U.S. courts and magistrates, the Amendments to the Federal Rules of Civil Procedure and the Amendments to the Federal Rules of Criminal Procedure which the Supreme Court on November 20, 1972, ordered the Chief Justice to transmit to the Congress.

The SPEAKER. The question is on the motion offered by the gentleman from Missouri (Mr. HUNGATE).

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill, S. 583, with Mr. WRIGHT in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from Missouri (Mr. HUNGATE) will be recognized for 30 minutes; and the gentleman from New York (Mr. SMITH) will be recognized for 30 minutes.

The Chair recognizes the gentleman from Missouri.

Mr. HUNGATE. Mr. Chairman, I yield such time as he may consume to the gentleman from New Jersey (Mr. RODINO).

Mr. RODINO. Mr. Chairman, I rise in support of S. 583, a bill which as reported by the Committee on the Judiciary properly assures that the proposed Federal rules of evidence will not go into effect without the affirmative approval of Congress.

On February 5, 1973, the Chief Justice of the United States sent to the Congress 77 proposed rules of evidence for use in the Federal courts. Pursuant to the Supreme Court order and the enabling acts under which it issued, the rules will be placed in operation on July 1, 1973, unless the Congress disapproves them before that date.

In passing S. 583, the Senate recognized, without objection, that the complexity of the rules made it impossible for the Congress to work its will within the time frame established by the court order. Therefore, the Senate passed this legislation deferring the effective date of the proposed rules to the end of the first session of the 93d Congress, unless they are earlier approved by the Congress.

Because of the great importance of this subject to our entire Federal judicial system, I, as chairman of the House Judiciary Committee, appointed in this Congress a Special Subcommittee to consider the proposed rules of evidence in depth. That subcommittee, which is chaired by our able and distinguished colleague, the genleman from Missouri (Mr. HUNGATE) has proceeded diligently and expeditiously. The subcommittee now as a yeoman task ahead of it if it is intelligently, responsibly, and conscientiously to shoulder its responsibility.

The rules are, of course, of primary concern to judges, lawyers, civil litigants, and criminal defendants in our Federal courts. But some of the rules will have a major impact on the day-to-day activities of millions of people who never become involved in litigation. Let me illustrate.

In many States communications between husband and wife are privileged. Disclosure of such communications cannot be compelled in a civil or criminal case. Rule 505, as proposed, eliminates this privilege in the Federal courts in all civil cases and in certain criminal cases. Is this desirable? Will it affect the daily relationships of husbands and wives? Will confidential family communications no longer be encouraged for fear that some day, in some Federal court, one of the couple will be compelled to testify against the other? Should State created policies protecting with relationships be changed by Federal rules of evidence?

Proposed rule 504 eliminates what most of us understand to be universally the law—what we tell our doctor is confidential. Under the proposed rule, only if the information is given to the doctor for purposes of diagnosis or treatment of mental or emotional conditions would the information be privileged. As one witness testified, if a patient sees a doctor about his ulcer and he is considered to be seeing the doctor for the physical ulcer, the information given to the doctor is not privileged. If, however, he is considered to be seeing the doctor concerning the underlying cause of the ulcer—the emotional strain—the information given to the doctor is privileged.

Furthermore, by definition the doctor-patient privilege will exist as between a nondoctor licensed psychologist and patient in some instances, while not existing as between a licensed physician and his patient in other instances. Again, grave public policy and Federal-State relations questions are posed. We have had medical testimony that the quality of medical service may well be affected by the failure of patients to be completely frank for fear that some day, in some Federal court, personal, private information passed on to their doctor will become public. I am speaking of the millions of patients who may never be involved in litigation in a Federal court.

Newsman's privilege, an issue which is the subject of highly controversial hearings presently in progress by another of our subcommittees, is eliminated under these rules in litigation in the Federal courts. This, despite the fact that some 19 States have shield laws which extend such a privilege to newsmen involved in litigation in the courts of those States. Should the happenstance of the court into which the newsman comes—Federal or State—determine his rights? Will this lead to forum shopping and, in effect, eliminate the privilege in those States which have determined as a matter of State policy that such a privilege is in the public interest?

I cite these three issues merely to demonstate some of the problems with which the Congress must wrestle. The final determinations to be arrived at with respect to them are not of concern to us today, for the legislation before the House is in no way directed to the substantive issues—constitutional or policy. S. 583 is directed at only one objective—assuring the people of the United States that the Congress will have ample opportunity to review the rules developed by distinguished committees of the Judicial Conference. There is only one way to do that—provide that the rules will not be operative until approved by the Congress.

As a result, Mr. Chairman, the Judiciary Committee has amended the bill, S. 583, to require affirmative action by the Congress before the rules can go into effect. The committee amendment, which our committee has approved, was originally offered in the special subcommittee by our distinguished colleague from New York, Congresswoman Elizabeth Holtzman. The Holtzman amendment is a good amendment and I would like at this time, to commend our distinguished colleague from New York for every constructive role that she has played in the development of this legislation.

I have been assured by the chairman of the subcommittee that the subcommittee proposes diligently to proceed with its hearings and with consideration of the proposed rules. Passage of this bill will in no way alter that plan.

As you know, the Committee on the Judiciary consists exclusively of attorneys, 38 members from 21 States, many of whom have been prosecutors and defense counsel in both State and Federal courts. The committee, by a virtually unanimous vote, reported S. 583. As a result, I urge all of my colleagues here today to give this measure their full support.

Mr. ECKHARDT. Mr. Chairman, will the gentleman yield?

Mr. RODINO. I yield to the gentleman from Texas (Mr. Eckhardt).

Mr. ECKHARDT. Mr. Chairman, I wish to compliment the distinguished chairman of the full committee and also the able gentleman from Missouri in taking this step. These rules, as proposed by the Supreme Court, do raise extremely serious legal questions.

I know that the gentleman's committee will be concerned in its deliberations about questions like newspapermen at present.

Mr. Chairman, if we should act now, it seems to me we would act prematurely on many matters that deserve deep consideration, and as I understood the statement of the chairman of the committee, which I think was very clear, the statement was that if we act now, we will not act substantively to preclude any particular course.

Mr. RODINO. The gentleman is absolutely correct.

Mr. ECKHARDT. And the import was that we will not discard the work of the Supreme Court, but we will simply permit an input by this body to that work.

Mr. Chairman, I compliment the distinguished gentleman for his consideration of this matter.

Mr. RODINO. I thank the gentleman for his contribution.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. RODINO. I yield to the gentleman from Iowa (Mr. Gross).

Mr. GROSS. Mr. Chairman, I thank the gentleman for yielding.

Let me see if I have this straight. Did we request the Supreme Court to provide new and different rules of evidence, or how does this come about?

Mr. RODINO. The Supreme Court in the enabling statutes has this authority and transmitted these rules to us as a result.

Mr. GROSS. Yes, and this bill has as its purpose to stop the new rules of evidence from going into effect?

Mr. RODINO. Until such time as the Congress has had an opportunity to study them and come back with its recommendations.

Mr. GROSS. And you will come back to the House asking for affirmative action to put the rules into effect?

Mr. RODINO. That is correct.

Mr. GROSS. Did the gentleman say that these new rules promulgated by the Supreme Court affect the relationship of husband and wife?

Mr. RODINO. Yes, sir. The privileged communications between husband and wife that are presently permitted are affected and are restricted as a matter of fact.

Mr. GROSS. I have been wedded to the same woman for some 44 years. I just wonder how the new rules would affect that relationship. I suppose the proposed new rules of evidence are available to all Members.

Mr. RODINO. They are available.

Mr. GROSS. Yes. I am worried. Are these rules promulgated by the Court with respect to the new women's liberation movement or equal rights movement? Does the gentleman know?

Mr. RODINO. I would leave it up to the gentleman to inquire into that. I am sure he can answer his own question.

Mr. GROSS. I thank the gentleman.

Mr. WYLIE. Will the gentleman yield for a question?

Mr. RODINO. I yield to the gentleman.

Mr. WYLIE. Does this bill provide a new procedure? Are we entering into a new area here for the first time? Have we not heretofore allowed the Supreme Court to adopt rules of evidence on its own under the Enabling Acts?

Mr. RODINO. May I yield to the distinguished chairman of the subcommittee?

Mr. HUNGATE. I thank the gentleman for yielding.

The Federal rules of civil and criminal procedures, as the gentleman probably knows, were promulgated by the Supreme Court many, many years ago and went into effect.

Mr. WYLIE. Without any action by this body?

Mr. HUNGATE. I was not here then, but I do not think any action was taken. If you please, they went in by default as far as the Congress is concerned.

Mr. WYLIE. That is the point I wanted to make.

Mr. HUNGATE. Further, I think there is a distinction made as to those who believe the Courts perhaps properly set their own time that they will meet or how long they will meet and certain proper housekeeping matters which you may want to argue about are truly procedural matters. We have substantial testimony that when you get into the rules of evidence you necessarily get into some areas that are substantive.

Mr. WYLIE. Will the gentleman yield for another question?

Mr. RODINO. Yes.

Mr. WYLIE. I notice the bill we have before us only pertains to a set of rules which have already been promulgated by the Supreme Court and do not pertain to any rules which might be promulgated in the future. Was that question considered in the Committee on the Judiciary as to whether we should pass a law which would provide for a similar procedure for subsequent rules that might be adopted by the Supreme Court?

Mr. HUNGATE. If the gentleman will yield further, this general idea was discussed. I might say to the gentleman that there are other areas such as the bankruptcy rules promulgated by the courts which go into effect that way, but we are dealing with a bill originally which we received from the Senate and which we thought had much merit to it, and we hoped that we might possibly approve it. We did not want to undertake too far-ranging an exhibition as to all the enabling acts before the Congress. We thought we would confine ourselves to this one at this point.

Mr. WYLIE. I see. I thank the gentleman.

Mr. RODINO. Mr. Chairman, I yield back the balance of my time.

Mr. SMITH of New York. Mr. Chairman, I yield myself as much time as I may consume.

Mr. Chairman, I support S. 583 as reported by the committee. This proposed legislation serves two valuable purposes. First, it provides the Congress with additional time needed to study the rules of evidence transmitted by the Supreme Court which would otherwise became operational on July 1, 1973. Second, by providing that the rules shall not become effective until such time, and with such amendments, as they are approved by the Congress, the bill as reported recognizes both the importance of, and the problems with, the proposed rules of evidence, and so requires the Congress to play an active role in their promulgation.

It should be noted that the bill, S. 583, which passed the other body on February 7, 1973, would satisfy only the goal of extending the time of Congress in which to consider the rules; it would not, as does the bill as reported by the committee, assert the primacy of the Congress in connection with these rules, by making their effectiveness dependent upon affirmative congressional action.

The need for both additional time to study the rules and for the Congress actively to participate in the rulemaking process in this instance was demonstrated by the evidentiary hearings held on the proposed rules of evidence by the Special Subcommittee on Reform of Federal Criminal Laws of the Judiciary Committee.

Four days of hearings at which more than 20 witnesses testified, as well as an examination of the lengthy and complicated rules themselves, showed plainly that these rules were not of the ordinary character, affecting only technical procedural matters, which the Supreme Court has heretofore promulgated. Rather, the hearings revealed that, among other things, there were constitutional difficulties with some of the proposed rules insofar as they purported, in certain civil cases, to supplant State laws in the area of privilege; that, because of the arguably substantive nature of some of the proposed rules, there was also a serious question whether the rules were within the authority granted by Congress to the Supreme Court in the enabling acts to promulgate rules of "practice and procedure"; that the method of promulgation of these rules by the Advisory and Standing Committees of the Judicial Conference may have been deficient in not affording all interested persons and organizations an opportunity for comment; and that the content and wisdom of a number of specific rules was open to extensive debate.

Mr. Chairman, the bill as reported by the committee will permit the Congress to consider these problems and, if deemed appropriate, to amend the rules to try to solve them. I note that the bill as reported has had overwhelming support. It was reported by the subcommittee with only one dissenting vote and in the full committee by a similarly near-unanimous voice vote. The member of the Judiciary Committee of the other body, who introduced S. 583, has written a letter stating that he will support the bill as reported here. The ranking member of the Judiciary Committee of the other body also has assured the committee of his satisfaction with the bill as reported.

The sole concern expressed has been that this bill not be used as a means to unduly forestall or prevent rules of evidence from being promulgated, thereby destroying the valuable work of the eminent judges, scholars, and practitioners who labored for many years to produce the proposed rules. Let me state in response to this concern that there is no intention by this bill to scuttle the rules of evidence. As the committee report makes clear, the committee intends to proceed as promptly as possible toward a consideration of the rules. Indeed the Special Subcommittee on Reform of Federal Criminal Laws, on which I serve, has already scheduled meetings for the following week to this end.

Mr. Chairman, the bill as reported will greatly facilitate the Congress study of these rules. I therefore urge that it be passed.

The only objection to this bill that we heard was that this might be just a method of stalling action on these rules of evidence, and that no action would be taken. I think probably the chairman of the subcommittee, the distinguished gentleman from Missouri (Mr. HUNGATE) will tell the Members that he has no such intention, and I believe he has already introduced a bill as a working tool for the handling of this matter.

Mr. HUNGATE. Mr. Chairman, will the gentleman yield?

Mr. SMITH of New York. I will be happy to yield to the gentleman from Missouri.

Mr. HUNGATE. Mr. Chairman, I have indeed, under the sponsorship of other colleagues on the Committee on the Judiciary, introduced a bill which involves all of the proposed rules. And I will make a statement of disclaimer, if you wish, that while some of these rules may improve the administration of justice there are others I might amend myself, but that the purpose of that bill is to bring all of the rules before the Congress, and not so as to take on a do-nothing attitude, but to examine the work that has been done for 7 or 8 years by a very distinguished committee, and certainly it would be very unusual if they have not found contributions that add to the administration of justice. We have just one more day of hearings, and then we have scheduled markup sessions.

Mr. WYDLER. Mr. Chairman, will the gentleman yield?

Mr. SMITH of California. I yield to the gentleman from New York.

Mr. WYDLER. Mr. Chairman, I think it would be helpful if a member of the committee would give us some idea as to the way they will handle these problem areas. The gentleman stated, I believe, that 80 or 85 percent of the proposed rules changes are not controversial, and that leaves another 20 percent that we would have to worry about. We had one of these areas mentioned which involved the husband and wife privilege, but I wonder if we could have some idea of the other controversial areas touched on so that we may have some idea as to what they are?

Mr. SMITH of New York. I would say to the gentleman from New York, Mr. Chairman, that because I am not an expert in the field of the controversial proposed new rules, I am going to let someone else answer the gentleman's question, but before I do so I would state to the gentleman from New York that that matter is not before us today.

Mr. WYDLER. I understand that.

Mr. SMITH of New York. Because essentially this subcommittee and the full committee have not had the opportunity yet to go into the rules that may or may not be controversial, and to have hearings on them.

Mr. HUNGATE. Mr. Chairman, will the gentleman yield?

Mr. SMITH of New York. I yield to the gentleman from Missouri.

Mr. HUNGATE. To zero in on an area of ready controversy, I recommend article V to the Members which deals with all of the privileges: husband and wife; doctor and patient; where they have newsman privilege, there would be no such privilege; secrets of State; and official information. I have not covered it all, and that is a shorthand version of the section.

Another section would be hearsay; but I think my colleagues on the Committee would agree that article V is where we heard a general amount of concern.

Mr. WYDLER. I thank the gentleman.

Mr. GROSS. Will the gentleman yield?

Mr. SMITH of New York. I yield to the gentleman from Iowa.

Mr. GROSS. I wonder if when the Committee brings their report or bill to the House, will it be considered, would the gentleman think, under an open rule? I ask that question because of this element of the husband-and-wife relationships. I might want to offer an amendment to that, after spending the years I have in that relationship.

Mr. SMITH of New York. I would say to the gentleman as far as I know, as far as this person is concerned, we have had only the barest preliminary discussion on this matter. No decision has been reached and we have not come anywhere near it.

Mr. HUNGATE. Will the gentleman yield?

Mr. SMITH of New York. I yield to the gentleman from Missouri.

Mr. HUNGATE. The gentleman from Iowa as usual asks very perceiving questions. This is precisely the question the distinguished Committee on Rules put to us. I think our response there was: It was, of course, difficult to speak for all of the members of the Committee on the Judiciary to say what sort of a rule we would be back seeking.

My comment in the committee was that after we have examined this thoroughly, for my part I do not have much fear of putting it to an open rule.

The gentleman has raised an interesting point twice. I think this husband-and-wife situation could concern us all. We realize in some cases it may be a privilege on one side and a hardship post on the other.

Mr. GROSS. Will the gentleman yield further?

Mr. SMITH of New York. I yield to the gentleman from Iowa.

Mr. GROSS. I would be happy if it would be an open rule, but I can see a field day for the lawyers, with non-lawyers taking a back seat, if the rules of evidence come up under an open rule. There would be one big field day for the lawyers.

Mr. SMITH of New York. Mr. Chairman, the bill as reported I think would greatly facilitate the Congress study of these proposed rules.

I urge that it be passed. I reserve the balance of my time.

Mr. HUNGATE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the distinguished former Member of Parliament, A. T. Herbert, once wrote:

> The question "What is the law?" is one which frequently arises in our courts and sometimes receives a satisfactory answer.

We on this committee propose at least to consider very carefully this area of the rules of evidence and to seek what might be some appropriate answers.

The bill before us is a short, simple bill.

It provides that the 77 Rules of Evidence which have been proposed for use in the Federal courts shall not become effective except to the extent, and with such amendments, as they may be expressly approved by act of Congress. By an overwhelming voice vote the Committee on the Judiciary has recommended its passage.

Permit me briefly to outline some of the background and events which have brought us to the point where S. 583 is before this committee for approval.

By orders dated November 20, 1972, and December 18, 1972, the Supreme Court of the United States authorized the Chief Justice to send to Congress proposed Federal Rules of Evidence and amendments to the existing Rules of Civil Procedure and Rules of Criminal Procedure. This he did on February 5, 1973. In its initial authorization order, the Court stated that the proposed evidence rules were prescribed pursuant to sections 3402, 3771 and 3772, title 18, United States Code, and sections 2072 and 2075, title 28, United States Code.

The cited sections of law are commonly known as rules enabling acts. In essence, they empower the Supreme Court to prescribe rules of practice and procedure. Sections 2072 and 2075 of title 28 authorize the promulgation of civil and bankruptcy rules, and section 3771 of title 18, authorizes the promulgation of criminal rules for use up to and including verdict. These three sections provide, in pertinent part:

> Such rules shall not take effect until they have been reported to Congress by the Chief Justice * * * and until the expiration of ninety days after they have been thus reported.

Sections 3402 of title 18 and 3772 of title 28 relate respectively to proceedings before U.S. magistrates and criminal proceedings after verdict. They do not contain the 90-day provision; rather section 3402 is silent as to effective dates, and section 3772 provides that the Supreme Court may fix the effective dates of rules promulgated pursuant to that section.

There is some confusion as to whether the rules will become law for any purposes on May 6, 1973—90 days after their transmittal of February 5—even though their implementation date has been fixed by the Court as July 1, 1973.

In either case, unless an act of Congress is signed into law by the President before July 1, 1973, the rules would be effective on that date in the 11 U.S. circuit courts of appeals, the 93 U.S. district courts, the District Court for the District of the Canal Zone, and the district courts of Guam and the Virgin Islands, and in proceedings before U.S. magistrates.

The special subcommittee of the Committee on the Judiciary opened hearings on the proposed rules on February 7, 2 days after they were received by the Congress from the Chief Justice. We have to date had 5 days of hearings—each running into the afternoon. We continue on March 15.

It is clear from the testimony, and from the materials submitted for our hearing record, that there are substantial constitutional, other legal, and policy questions to be resolved with respect to the proposed rules before any of them should be permitted to become effective.

Witnesses, including former Supreme Court Justice Arthur Goldberg, Chief Judge Henry J. Friendly of the Court of Appeals for the Second Circuit, and Attorney General Robert W. Warren of Wisconsin, who is the president-elect of the National Association of Attorneys General, as well as spokesman for the American College of Trial Lawyers, the National Legal Aid and Defender Association, and the Department of Justice, and indeed, those who appeared on behalf of the Judicial Conference, have brought to the attention of the committee numerous issues, of which the following are illustrative:

First. Can the Supreme Court constitutionally promulgate rules of evidence? Is that a legislative prerogative? Can even the Congress enact rules which impinge on State-created substantive rights?

Second. Are the rules of evidence within the purview of the authority granted the Supreme Court by the enabling acts? Are they rules of practice and procedure? Justice William O. Douglas, dissenting from the Court action, said he doubted that they were.

Third. Assuming no constitutional or other legal problems, and that the rules are within the authority conferred by the enabling acts, is it wise and is there a need as a matter of policy to have rules of evidence uniform in the Federal courts across the country? It is more desirable to have rules uniform as between the Federal courts and the States in which they sit?

Fourth. Has there been enough exposure of the proposed rules for interested and affected persons and organizations to comment? For example, the American Bar Association itself is not yet in a position to speak to the rules. As reflected in correspondence from the president of the association to the chairman of the Committee on the Judiciary:

> The Rules of Evidence * * * which were authorized to be submitted to the Congress * * * have never been submitted to any Committee of the American Bar Association, and contain new matters which were not included in any earlier draft submitted or considerd by the ABA.

A number of specific rules have been the focus of considerable adverse testimony. Among these are rules relating to the role of the judge at trial—rules 105 and 706; presumptions—rules 301 to 303; privileges—lawyer-client, rules 503; doctor-patient, rules 504; husband-wife, rule 505; and secrets of state and other official information, rules 509—newsmen's privileges where existent, 18 States. Other rules which have been the subject of considerable attention by the witnesses include those relating to the disclosure of the identity of informers—rule 510; impeachment of witnesses by evidence of conviction of crime—rule 609; and those relating to hearsay evidence. The questions which have been raised are most difficult and complex. They involve not only law and policy questions, but delicate questions of Federal-State relations.

Even before the proposed rules were sent to the Congress, it was clear they would generate considerable controversy. As a result, Senator ERVIN introduced S. 583, to defer to the end of the first session of the 93d Congress the effective date of the rules. This bill passed the

Senate without objection on February 7, 2 days after the Senate Committee on the Judiciary reported it, also without objection.

The hearings conducted by our subcommittee serve to emphasize that Congress should not have to act under the gun. Clearly, the 168 pages of rules and advisory committee notes which were almost 8 years in the making deserve deliberate, careful congressional consideration. The rules should not be permitted to become effective without affirmative action by the Congress.

There are some who have interpreted the Judiciary Committee bill as intended to kill the rules. This is not so. Other members of the special subcommittee and I and members of the full Committee on the Judiciary have stated in open hearings and meetings our intention to proceed diligently with consideration of the work product of the distinguished Judicial Conference Committee on Rules of Practice and Procedure and its Advisory Committee on Rules of Evidence. We propose to fulfill this commitment.

In this connection, I might mention that the first markup sessions for the rules are scheduled for March 21 and 23. Also, on March 12, I introduced, along with a number of my Judiciary Committee colleagues, H.R. 5463, a bill to enact the rules as proposed by the court. The bill is intended as a vehicle on which the Congress may work its will. It is not necessarily intended by its sponsors as a blanket endorsement of the rules, or even of the concept that uniform rules are necessary or desirable. There is no doubt that some Members will conclude we should not have uniform rules. Others will take issue with specific articles or rules, recommending they be stricken in their entirety or amended in some respects. I, myself, may well propose some changes. On the other hand, some of the proposed rules have, to date, engendered no substantial controversy at the hearings.

To summarize, the nature, complexity, and potential impact of the subject before the Congress make clear that the proposed rules of evidence should not be permitted to go into effect by congressional inaction. The fundamental rights and human relationships which will be affected by the rules, both in and out of the courts, require that the rules be permitted to become effective only if, when, and to the extent they are affirmatively approved by the Congress.

I urge the committee to approve S. 583 in its present text.

Mr. HUTCHINSON. Mr. Chairman, will the gentleman yield?

Mr. HUNGATE. I yield to the gentleman from Michigan.

Mr. HUTCHINSON. Mr. Chairman, first I would ask the gentleman whether he would agree this bill does not represent any kind of confrontation with the Court. The Court agrees that the power is in the Congress to do as it will with these rules of evidence.

Mr. HUNGATE. The gentleman makes a point that should be made. The testimony of the Federal judges before us agreed on that, and the members of this distinguished committee unanimously said this province belongs to the Congress and if the Congress chooses to assert it, the judges do not question that power.

Mr. HUTCHINSON. The other point I wanted to raise with the gentleman has already, I think, adequately been touched upon, but because of some fear that has been expressed in other areas I would like to join the gentleman in his statement that the Judiciary Committee wants to state in the clearest possible way that it has no intent to delay or to take any course of action which might result in inaction. It is the purpose of the committee not only to have these 2 days of markup sessions next week but also we are going to continue and there are going to be some positive results in this session of the Congress, hopefully by this summer. Is that correct?

Mr. HUNGATE. Correct.

I thank the gentleman for his contribution and I would like to concur in his remarks and state I have a tentative deadline. There are nine members of the subcommittee as the gentleman knows, and there is also the full committee, but my deadline is the 1st of July. I would like to see us finish several weeks ahead of that if we could. We are working on this legislation to postpone that effective date, but until it is passed we had better be ready on these substantive questions also. There is no intention on the part of this committee of which I am aware to delay this in any way.

Mr. HUTCHINSON. Mr. Chairman, I thank the gentleman.

Mr. SMITH of New York. Mr. Chairman, I yield 1 minute to the gentleman from Illinois (Mr. McClory).

Mr. McCLORY. Mr. Chairman, I rise in support of this measure. I hope the House will act favorably upon it.

I cannot help but remark that the committee which developed these rules has done a highly commendable job. I have joined with the gentleman from Missouri (Mr. Hungate) as a cosponsor of these rules as legislation. This does not indicate my full support of all the rules, but it does indicate that a substantial part of these codified rules should be given prompt approval by the Congress.

I hope that we will act affirmatively on the measure before us today, and that we will give approval to substantially all of these codified Federal rules of evidence at an early date.

Mr. SMITH of New York. Mr. Chairman, I yield 5 minutes to the gentleman from Indiana (Mr. Dennis).

Mr. DENNIS. Mr. Chairman and members of the Committee, I, too, am on the subcommittee headed by the gentleman from Missouri (Mr. Hungate). I, too, support the action of the subcommittee in regard to these proposed new rules of evidence for the Federal courts. That action has already been described to the Committee and it consists, as the members have been told, basically in a bill which, rather than having the rules which the court has transmitted become law automatically on the expiration of the date unless we act to the contrary, will result in these rules not becoming law until and unless we enact them into law.

I favor that approach on general principles, and also because there are controversial portions of these rules which I think many Members of the House will be interested in addressing themselves to. The rules in general are good. They are the product of the work for a number of years of a very distinguished committee of lawyers. I would like to emphasize what has already been said, that it is no part of the intention of this subcommittee to fail to act.

We are going to present promptly a bill to the House which will in its essentials be these rules, possibly with some amendments made by the committee, and which we will offer as a piece of legislation to the Congress in the near future.

Mr. WYLIE. Mr. Chairman, will the gentleman yield?

Mr. DENNIS. I yield to the gentleman from Ohio.

Mr. WYLIE. Let us assume for the moment that this bill is passed and that the Congress acts on this new set of rules and that they become law. Could the Supreme Court after Congress adjourns sine die adopt a change of those rules?

Mr. DENNIS. I would assume that in theory they could, so long as the enabling acts under which these rules were adopted remain on the books, but I think it would be exceedingly unlikely that they in fact would do so, because the bill we will present will be essentially the Court's rules, which the Court has transmitted after having its commission work on them for about 8 years.

Mr. HUTCHINSON. Mr. Chairman, will the gentleman yield?

Mr. DENNIS. I yield to the gentleman from Michigan.

Mr. HUTCHINSON. I should like to respond to the question raised by the gentleman from Ohio.

Of course, the gentleman understands that if the Supreme Court should propose to promulgate a rule under the law after we adjourn it could not become effective until after that rule had again been transmitted to the Congress for 90 days.

Mr. DENNIS. That is correct also.

Mr. WYLIE. I know that is correct.

Mr. Chairman, will the gentleman yield for a followup question?

Mr. DENNIS. I yield to the gentleman from Ohio.

Mr. WYLIE. This bill applies only to this particular set of rules, and would apply only until the next 90 days or so. Is it 90 days?

Mr. DENNIS. The bill before us now, of course, will provide that these rules will have no force and effect until and unless we adopt them by future legislation.

Mr. WYLIE. I believe the point I want to make is, why did not the committee recommend legislation which would apply to future recommendations?

Mr. DENNIS. I will have to say on that subject—and I will be glad to yield to my distinguished chairman—to do that we would have to get into the whole matter of the enabling acts, which apply not only to these rules but also to the authority to adopt, for instance, the Rules of Civil Procedure and the Rules of Criminal Procedure, and where the authority of the Court to act is plainer than it is in this field. I may say that the committee did not want at this time to get into that fundamental type of revision.

Mr. HUNGATE. Mr. Chairman, will the gentleman yield?

Mr. DENNIS. I yield to the gentleman from Missouri.

Mr. HUNGATE. I thank the gentleman for yielding.

In further response to the inquiry of the gentleman from Ohio, the gentleman from Michigan, I believe, very ably stated the situation regarding the possibility of the court extending the rules.

Section 2072 of title 28, Judiciary and Judicial Procedure, specifically provides:

> Such rules shall not take effect until they have been reported to Congress by the Chief Justice at or after the beginning of a regular session thereof but not later than the first day of May, and until the expiration of ninety days after they have been thus reported.

I have used the gentleman's time, and I will yield him an additional minute.

I want to say to the gentleman from Ohio that I believe we felt we were breaking new ground on the proposed evidence code when compared to prior handling of the bankruptcy rules, the Federal rules of civil procedure, the Federal criminal rules, all coming into effect without congressional action. We were hesitant to do that.

The CHAIRMAN. The time of the gentleman from Indiana has expired.

Mr. SMITH of New York. Mr. Chairman, I yield the gentleman from Indiana 2 additional minutes.

Mr. HUTCHINSON. Mr. Chairman, will the gentleman yield?

Mr. DENNIS. I yield to the gentleman from Michigan.

Mr. HUTCHINSON. I believe we should make the point again that there is an honest question as to whether the enabling acts which refer to the rules of practice and procedure were intended to cover the rules of evidence.

The rules of evidence, in the minds of many attorneys, at least, are something different from the rules of practice and procedure. So there is a question as to whether those enabling acts cover the rules that have been promulgated.

I believe that under these circumstances the Congress had a duty to act affirmatively on this question.

Mr. DENNIS. I will say that I concur with the remarks of the distinguished gentleman from Michigan.

I might add—and this goes to the point asked by the gentleman from New York (Mr. WYDLER) a minute ago—that question particularly arises on this subject of privilege.

There is not only the husband and wife privilege, but the physician and patient privilege, the privilege with respect to Government secrets, the privilege, if any, with respect to police informers, and so on.

Mr. Chairman, there is a very serious question whether those may, in fact, be matters of substantive law, rather than procedure, and, if so, whether they should not be governed by the laws of the States where the court sits under the normal doctrine of Erie versus Tompkins. That is one of the things to which the committee will be addressing itself.

Other portions are less controversial in that sense, but there are other rules of evidence which do not pertain to substance, so much, but which also may be matters on which people have various views, such as modifications of the hearsay rule, for instance, which is a basic, fundamental part of the laws of evidence, matters of impeachment of witnesses, presumptions, and other things which may need our attention.

Mr. WYDLER. Mr. Chairman, will the gentleman yield?

Mr. DENNIS. I yield to the gentleman from New York (Mr. WYDLER).

Mr. WYDLER. Mr. Chairman, what bothers me is this, for example: I have just read this article 5 that the chairman of the subcommittee referred to. That particular article does not say one word about newsmen's privileges at all; it does not even mention it. It just avoids the question and, I suppose, leaves you with the assumption there is none.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HUNGATE. Mr. Chairman, I yield 2 additional minutes to the gentleman from Indiana (Mr. DENNIS).

Mr. DENNIS. Mr. Chairman, I thank the gentleman for yielding.

I will yield further to the gentleman from New York (Mr. WYDLER).

Mr. WYDLER. Mr. Chairman, what I can see developing here is a very difficult legislative situation. The Committee on the Judiciary, as I understand it, has a special subcommittee looking into this particular question of newsmen's privilege. I do not know whether they are going to act or what kind of action they may take or may not take, but that particular matter alone could tend to hold up the whole consideration of this overall review, the current review and reform of the rules of evidence.

Mr. Chairman, I would like to ask that, as a matter of policy, as far as the Committee on the Judiciary is concerned, how is this matter going to be handled? Is this going to be handled by one subcommittee or the other subcommittee, or is this going to become bogged down in a jurisdictional dispute, or is this whole bill going to be hostage to this one question?

Mr. DENNIS. Mr. Chairman, I will yield later to the gentleman from Missouri (Mr. HUNGATE) but first on my own behalf I would just like to say this to the gentleman:

Under these rules as provided there is no newsman's privilege, and the rules also state that the privileges as listed, which do not include the newsman's privilege are the only privileges.

Mr. Chairman, my personal hope would be that under those circumstances—because, as the gentleman says, that is a very controversial issue, and because there is a separate bill on the subject—that whatever might be done on that subject, as far as I am concerned, I would like to see left to the other bill and not brought into this one.

Mr. HUNGATE. Mr. Chairman, will the gentleman yield?

Mr. DENNIS. I yield to the gentleman from Missouri (Mr. HUNGATE).

Mr. HUNGATE. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, if the gentleman who spoke to the House is from one of the 16 or 18 States where the newsmen have this privilege, and if we do not act by July 1 at the latest, those States newsman's privilege will be out the window as far as the Federal courts are concerned. Am I correct in that?

Mr. DENNIS. I think that would be true, yes, in answer to the gentleman's question.

Mr. WYDLER. Mr. Chairman, will the gentleman yield further to me?

Mr. DENNIS. I yield further to the gentleman from New York (Mr. WYDLER).

Mr. WYDLER. Mr. Chairman, that is not the thing that bothers me. I am worried about what is going to happen legislatively, because we are going to have two different subcommittees of the Committee on the Judiciary considering this matter. One of the subcommittee, I understand, is almost exclusively concerning itself with this newsman's privilege problem, but now another subcommittee is going to be concerned with this in the sense that the committee is coming into the general reform of the rules, which includes the section concerned with the newsman's privilege.

The CHAIRMAN. Once again the time of the gentleman has expired.

Mr. HUNGATE. Mr. Chairman, I yield 1 additional minute to the gentleman from Indiana (Mr. DENNIS).

Mr. Chairman, will the gentleman yield?

Mr. DENNIS. I yield to the gentleman for response.

Mr. HUNGATE. I would say to the gentleman that both of these matters will be referred to the full committee as well as the subcommittee, and I think I can assure the gentleman that we will not come out of the full committee with two separate reports and two different bills on this question. All we are requesting the Members to do here today is to give us additional time to study this newsman's privilege problem, because otherwise the new rules will do away with that in some of the States that already have them, and this will give us further time to consider it.

Mr. TREEN. Mr. Chairman, will the gentleman yield?

Mr. DENNIS. I yield to the gentleman from Louisiana.

Mr. TREEN. Mr. Chairman, I thank the gentleman for yielding.

I am a little bit concerned about this. I appreciate the purpose of this bill. It will hold up the effectiveness of the amendments to the Federal law on civil procedure and criminal procedure, and it will also hold up the effectiveness of the rules of evidence.

We have not heretofore had a formal code of evidence as we have had in the rules of procedure. Will some smart criminal lawyer defending someone try to suggest that the effect of this bill would be not to have any rules of evidence at all until we act? I think there is a distinction between the civil procedure——

The CHAIRMAN. The time of the gentleman from Indiana has expired.

Mr. DENNIS. Mr. Chairman, will the gentleman yield me 1 additional minute?

Mr. SMITH of New York. Mr. Chairman, I will yield the gentleman 1 additional minute.

Mr. DENNIS. I yield further to the gentleman from Louisiana.

Mr. TREEN. I thank the gentleman. We are dealing with amendments to a code of procedure both on the civil and the criminal side, but we are not dealing with amendments to a code of evidence in effect. We are dealing with the first code of evidence really being promulgated by the Court. Since you are holding up the effectiveness of that code of evidence, will some smart lawyer be able to say that you do not have any rules of evidence at all until Congress acts?

Mr. DENNIS. I do not think so. I think we have rules of evidence now which are not codified, of course, but can be used as they have been before unless we have done some changing.

Mr. TREEN. I am concerned about it, and I hope you are right.

Mr. DENNIS. I think that is correct.

Mr. HUNGATE. Mr. Chairman, I yield 6 minutes to our colleague on the committee, the gentlewoman from New York (Miss HOLTZMAN).

Miss HOLTZMAN. Mr. Chairman, I rise in support of S. 583 as reported. I wish to express my appreciation for the bipartisan support given to the bill before us and for the distinguished efforts of the subcommittee chairman, the gentleman from Missouri, and the chairman of the Committee on the Judiciary, the gentleman from New Jersey.

The bill before us now consists of an amendment of S. 583 as originally passed by the Senate. As a freshman, I am particularly pleased that this amendment, which I proposed, was reported favorably by the subcommittee considering the proposed Rules of Evidence, the Judiciary Committee as a whole, and the Committee on Rules.

The bill before us provides that the proposed rules of evidence for the Federal courts cannot take effect unless and until Congress explicitly enacts them, with or without changes.

It is urgent that we adopt S. 583 as reported. For, if we take no action, the proposed rules would automatically become law on May 6, the end of the 90-day congressional review period specified in the enabling acts. Yet it is important that we deliberate carefully over these rules before they go into effect.

The proposed rules of evidence do not deal with abstruse legal technicalities. They seek to resolve social issues over which there is now vast national debate: executive secrecy, the newsmen's privilege, and individual privacy.

For example, the Rules permit the executive branch to shroud its activities in secrecy by creating an expanded doctrine of state secrets. Thus, the Government could prevent disclosure of any Government secret—whatever that may be—simply by showing that the so-called secret might disclose matters relating to national defense or international relations. The Government is not required, as it is now, to show that the disclosure of the secret would adversely affect national security. Executive secrecy is also expanded under a vague doctrine of official information which would shield Government documents presently available to litigants.

In addition, the Rules forbid the use in Federal courts of the newsman's privilege and the traditional doctor-patient privilege and severely narrows the long-established right of husbands and wives to keep their communications private—even in diversity cases.

As the hearings have shown, these Rules raise problems of a constitutional dimension. By narrowing the husband-wife privilege they may violate constitutional rights of privacy. By constricting the hearsay doctrine they may abridge a criminal defendant's right under the sixth amendment to confront his accusers. And, it may be that article III of the Constitution prohibits the Supreme Court from promulgating certain substantive rules of evidence, except in the context of a particular case or controversy.

Moreover, to the extent that these rules deal with substantive rights as opposed to housekeeping court procedures the drafters may have overstepped the bounds of congressional authority delegated in the Enabling Act.

The gravity of the issues raised by these proposed rules of evidence dictates that Congress carefully review them. Needless to say, 90 days, the time we now have for such review, clearly is inadequate.

Moreover, if we are to deal meaningfully with the issues raised, it is not sufficient simply to postpone the 90-day deadline—as S. 583 originally provided.

Mere delay does not protect the integrity of the legislative process. Thus, the proposed rules would still go into effect if the House, after lengthy deliberations, enacted revisions but the other body prior to the deadline did not act or could not agree with the House no changes to be made.

It is demeaning for the Congress to work under the threat of a deadline with the attendant risk that inaction would result in rules that are unaccepable to either body.

Finally, in matters as important as this, Congress should always act explicitly and affirmatively. Legislation by inaction is not a practice which this body can adhere to and command the respect of the American public.

The process under which these rules were drafted further demonstrates the need for careful congressional scrutiny. These rules do not come to us with the benefit of widespread public comment and criticism. In fact, major changes in the rules were made virtually at the last minute, essentially as a result of the intervention of the Justice Department and without the opportunity for any public comment. Consequently, many groups including the American Bar Association have requested that Congress postpone the effective date of the rules to permit them time to consider and comment on them.

By adopting S. 583 as reported this House will take a major step toward reasserting its congressional prerogatives. It is Congress—not the Supreme Court or the Justice Department—which has the prime responsibility for establishing national policy with reregard to executive secrecy, newspaperman's privilege and personal privacy. We have, indeed, been grappling with these problems in this very session of the Congress. If we fail to adopt the bill before us we would be delegating the law-make function to an unholy alliance of congressional inaction, executive intervention and judicial fiat.

It is for these reasons, Mr. Chairman, that I urge the adoption of S. 583 as reported.

At this point, Mr. Chairman, I would like to include in the RECORD a memorandum that I have prepared which discusses in greater detail the objections to the various rules that became apparent as a result of the hearings held by the subcommittee which considered these rules:

MEMORANDUM CONCERNING PROPOSED RULES

1. The Rules abridge many important existing substantive rights of federal court litigants, thus violating principles of federalism.

This is true not only of Article V, which by abrogating present and future state-created privileges in the federal courts and substituting its own set of more limited privileges would eliminate the traditional doctor-patient privilege, narrow substantially the long-standing husband-wife privilege, and make inapplicable state statutes or common law protecting newsmen's sources and the confidentiality of the accountants' and social workers' relationships with their clients.

The Rules' abridgment of substantive rights extends beyond privileges. For example, the rules write a new federal doctrine of presumptions (article III) and bar application of State Dead Man's statutes. Those state-created rights also reflect considered state policy judgments that the Rules would override.

The Rules' treatment of privileges was perhaps singled out for criticism by so many witnesses because laws of privilege assure *all* citizens, not just those in court, of the confidentiality of important relationships; abolition of those laws will affect the relationships of *all* citizens, and the ability of those doctors, newsmen, accountants, etc. to serve the public well.

2. The Hearings exposed widespread objections from the bar and public to many other provisions that adversely affect "substantive" rights of litigants.

Testifying bar groups expressed *uniform* opposition to the overall treatment of hearsay evidence and to many particular hearsay provisions. Testimony revealed considerable controversy surrounding provisions governing use of testimony given at preliminary hearings and conduct of those hearings; impeachment of criminal defendants by prior convictions; the effect of the Rules on conspiracy trials; the power of the trial court to summarize the evidence himself; court-appointed "experts" who attain the court's imprimatur; treatment of character evidence; exclusion of prejudicial evidence; juror testimony; impeachment by prosecutors of their own witnesses; and many individual formulations of privileges rules.

3. Rule 509 on governmental secrecy is especially controversial.

All the bar groups that testified, Judge Friendly, and Justice Goldberg concurred on three points: (a) the Rules' definitions of "state secrets" and "official information" that the Government may deny to litigants go far beyond existing case law and executive order; (b) that new in camera procedures for evaluating such claims are unprecedented and unwise; and (c) that the Rules appear to eliminate the traditional balancing test between the needs of the Government and litigant that has been enunciated in previous Supreme Court and lower court cases. They also agreed that the Rules unwisely import the Freedom of Information Act limitations into the litigative forum, and might even narrow the range of information available to the public under that Act.

4. A large number of witnesses criticized the Rules' poor and confusing drafting, inadequate explanatory Notes, and the failure to take into account many of the Constitutional doctrines and safeguards surrounding evidentiary questions.

Some of these problems may be laid to the attempt to make one set of Rules fit both civil and criminal cases. But drafting errors like excluding the state governments from the protection of Rule 509, and failure to consider the effect of the Constitution's confrontation clause on the validity of article VIII on hearsay, are typical of a wide variety of fundamental difficulties.

5. There is serious doubt about the Rules' validity.

The Hearings raised the question whether the drafting committees have acted properly within their statutory delegation of power, 28 U.S.C. §§ 2072, 3771, which explicitly forbids them to "modify, abridge or enlarge any substantive right," or within the Constitutional commands of the Supreme Court. For instance, every bar group, as well as Justice Goldberg and others, held that the doctrine of *Erie Railroad* v. *Tompkins* mandates federal court recognition of state-created privileges in diversity cases. The Second Circuit Court of Appeals has also so held. Yet the drafters repudiate this position. (The Rules would also end existing practice whereby state privileges are often given considerable deference by federal courts in federal question and criminal trials.)

6. The Bar opposes approval of these Rules.

Not a single bar association or lay professional group has come forward to favor adoption of these Rules. The American College of Trial Lawyers, American Trial Lawyers Association, Association of the Bar of the City of New York, an Ad Hoc group of New York Trial Lawyers, the Washington Council of Lawyers, Justice Goldberg, Judge Friendly, and the National Legal Aid and Defender Association all opposed adoption of these Rules. The A.B.A., which is on record favoring at least delay, obviously has serious reservations—especially since it was never consulted with regard to the final draft of the Rules. While the drafters themselves gave vague answers to questions concerning the bulk of comment to earlier drafts of the rules, the fact is that the majority of comment from bar groups throughout the country was hostile not only to whole articles of the Rules dealing with presumptions, privileges, and hearsay, but also to many other provisions retained in the final draft.

7. There is no pressing need for black-letter code of evidence or for uniformity between states as opposed to uniformity within each state among the state and federal courts.

Most bar associations testifying disputed the proposition that Rules are very seriously needed at all, or that the interest in uniformity between various jurisdictions is stronger than the recognized need (being served by the present scheme) for uniformity within each state between the evidentiary doctrines of the state and federal courts. Indeed, Judge Friendly and three bar groups testified that adoption of a rigid black-letter law evidentiary code would be a step backwards. They pointed to the prolongation of trials and increase in appellate reversals, the denial to trial judges of flexibility, the difficulty of dealing with evidentiary issues by black-letter law, and the disadvantage of cutting off development of the law in many areas where such development, on a case by case basis, was presently desirable. On the other hand, no convincing case has been made for such a code. Only one state has adopted either Uniform Rules of Evidence or the Model Evidence Codes; in those three states that have statutory evidence codes, they seem to have been ignored more than utilized.

8. The Hearings revealed critical flaws in the process by which the Rules were adopted: neither the public nor the bar were given adequate opportunity for scrutiny or input.

While the Rules make important public policy judgments, the drafters made no attempt to inform or solicit comment from the public or even those directly affected, like doctors and newsmen. After circulation of a Preliminary Draft in 1969, the drafters submitted their revisions to the Supreme Court without publication; but the Court declined to consider them until publicized. Even then, the Revised Draft was sent directly only to those who had commented before.

At this point, the Justice Department energetically intervened, requesting key changes which had been requested before but rejected by the drafters. In the course of less than two months, (a) very substantial changes were made in a score of key rules, including a complete rewriting of Rule 509 on governmental secrecy, and (b) the changes were approved by the two drafting committees and Judicial Conference and sent to the Supreme Court without publication or circulation to anyone.

During the following year the final revisions were never published; they were available only to the Justice Department and to persons who happened to learn that they had been made and requested a xerox copy from the drafters. Thus, when the Supreme Court issued the Rules in November 1972, even the A.B.A. was taken by surprise to find in them many new provisions it had never before seen.

To the inadequate procedures may be laid in part the apparent bias of Article V in favor of governmental secrecy and against individual privacy, much of the poor drafting and Notes, and the effect of the privileges sections to protect lawyers and corporate clients—those most involved in the drafting—but not doctors, accountants, social workers and journalists.

Mr. SMITH of New York. Mr. Chairman, I yield 2 minutes to the gentleman from Illinois (Mr. RAILSBACK).

Mr. WYDLER. Mr. Chairman, will the gentleman yield?

Mr. RAILSBACK. I yield to the gentleman from New York.

Mr. WYDLER. Mr. Chairman, I still do not believe that I got across to the subcommittee chairman the potential problem that we have here. The chairman of the subcommittee is going to be looking into the question of newsman's privilege, and it seems to me that when this bill comes back later for consideration on the floor, that that issue may be raised, regarding newsman's privilege, so that it is either going to have to be handled by this subcommittee or the gentleman's subcommittee, and I would like to know which subcommittee is going to handle it.

Mr. RAILSBACK. Let me say to the gentleman that the subcommittee chaired by the gentleman from Wisconsin (Mr. KASTENMEIER), Subcommittee No. 3 of the House Committee on the Judiciary, has held lengthy and extended hearings not just this year, but last year as well.

And it is my understanding—and I will direct this question to my friend, and the chairman of the other subcommittee, that our subcommittee would continue to have jurisdiction over this separate issue of newsman's privilege.

I would also say to the gentleman that we have had the chance to discuss this with Albert E. Jenner, Jr., Chairman of the Advisory Committee to the Supreme Court that promulgated the rules which have now been sent to the Congress. He made it very clear to me that his advisory committee which has been working on this for 6 or 7 years purposely left out the issue of newsman's privilege as well as some other issues which they thought would be controversial. So it would be my thought that we would certainly retain our jurisdiction over such matters including newsman's privilege.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. SMITH of New York. Mr. Chairman, I yield 2 additional minutes to the gentleman from Illinois.

Mr. HUNGATE. Mr. Chairman, will the gentleman yield?

Mr. RAILSBACK. I yield to the gentleman from Missouri.

Mr. HUNGATE. The question of privilege as dealt with in the proposed rules of the court says that no person can have the privilege unless it is set forth in the rules. That in effect limits the privileges that are available, and unless they are specified they are abolished.

Mr. RAILSBACK. My understanding would be that we as the Congress of the United States could at any time add or take away rules that have been promulgated by the Supreme Court. Mr. Jenner advised me of that in my telephone conversation with him.

Mr. HUNGATE. The gentleman from Illinois states the problem quite concisely. As I understand it, the subcommittee working on evidence has the option of making the statement that you do not have any privilege; it must be given to you. We can leave that situation as we find it, and then if the full committee in Congress sees fit to give that privilege, it will be there. If they do not see fit to take action, it will be left to the States. I think we can avoid the conflict.

Mr. RAILSBACK. In my remaining time let me just say there were some of us on the committee who would have preferred to have simply extended the time limit, which would have given Congress an additional period of time within which to act, but keeping a date certain such as the end of the session so that if we had acted, the rules then would have gone into effect.

The reason for that is we recognize that a very distinguished committee that recommended these rules to the Supreme Court had been working on them for something like 6 or 7 years. We were very apprehensive that any kind of an open-ended delay mechanism might mean that the rules would never emerge.

I have since joined with the chairman in introducing a bill incorporating the rules——

The CHAIRMAN. The time of the gentleman has expired.

Mr. RAILSBACK. Will the gentleman yield further?

Mr. SMITH of New York. I yield to the gentleman from Illinois.

Mr. RAILSBACK. I have since that time, after having been given the assurance of both my friend, the gentleman from Missouri, and the distinguished ranking member of the subcommittee, Mr. SMITH, that they are not going to delay—rather they are going to undertake the committee hearings right away, the intent being to come out with some legislation. I think all of us have backed off from the Ervin proposal which was passed in the other body, which would have made the rules go into effect at the end of this session if we had not acted.

Mr. HUNGATE. If the gentleman will yield further, I assure him that I have no desire to be known for the nonpassage of legislation. I think there is much that is worth while in the proposed rules, and we would propose legislation on this in the near future.

Mr. RAILSBACK. I thank the gentleman.

Mr. SMITH of New York. Mr. Chairman, I yield 2 minutes to the gentleman from Iowa (Mr. MAYNE).

Mr. MAYNE. Mr. Chairman, I, too, was glad to join the gentleman from Missouri, the chairman of the subcommittee, in introducing the bill to adopt these rules. Like the gentleman from Illinois and some others, I would have preferred the version which was passed in the Senate, because I was somewhat apprehensive that we were, in the bill as reported by the committee, making it possible for congressional inaction to negate a very constructive and laborious achievement by the distinguished Advisory Committee of the Supreme Court of the United States.

I am satisfied after assurances received from the gentleman from Missouri and the gentleman from New York (Mr. SMITH) that the work of the subcommittee will proceed expeditiously, but I should like to just call to the attention of the House the makeup of this very distinguished committee which has labored for 7 years to achieve this result. It is an advisory committee made up of the leading trial lawyers of the United States practicing in the Federal courts and the leading Federal trial judges and appellate judges.

The chairman of the Advisory Committee on Rules of Evidence was Albert E. Jenner, Esquire, of the prominent law firm of Jenner and Block, Chicago, Ill.

The reporter for the committee was Prof. Edward W. Cleary of the College of Law, Arizona State University at Tempe, Ariz.

The members of the committee included: David Berger, Esquire, of Philadelphia; Robert S. Erdahl, Esquire, of Washington, D.C.; Judge Joe Ewing Estes, U.S. District Judge at Dallas, Tex.; Prof. Thomas F. Greene, Jr., of the University of Georgia, Athens, Ga.; Egbert L. Haywood, Esquire, of Durham, N.C.; Judge Charles W. Joiner, U.S. District Judge at Detroit; Frank G. Raichle, Esquire, of Buffalo, N.Y.; Herman F. Selvin, Esquire, of Beverly Hills, Calif.; Judge Simon E. Sobeloff, U.S. Circuit Court of Appeals, Baltimore; Craig Stangenberg, Esquire, of Cleveland, Ohio; Judge Robert Van Pelt, Senior U.S. District Judge, Lincoln, Nebr.; Judge Jack B. Weinstein, U.S. District Judge, Brooklyn, N.Y.; and Edward Bennett Williams, Esquire, of Washington, D.C.

These are craftsmen who deal with the rules of evidence every day, who have long and distinguished careers in trying cases and hearing cases.

Certainly the committee and the Congress should give great respect and consideration to their work product. It is not something which we after 5 days of hearings or even 15 or 30 days of hearings can undo in good conscience, so I hope the subcommittee as we proceed, and I am a member of the subcommittee, will use some restraint in the unquestioned power which we have. It would clearly be an abuse of the legislative process to stop this effort by inaction. I think we will press forward and I hope readily agree on those parts of the rules which are relatively noncontroversial, and the gentleman from Missouri has indicated that will be his modus operandi.

Mr. SMITH of New York. Mr. Chairman, I yield 2 minutes to a member of the subcommittee, the gentleman from Maryland (Mr. HOGAN).

Mr. HOGAN. Mr. Chairman, I would just like to say to our colleagues and particularly the gentleman from New York (Mr. WYDLER) that we ought not today concern ourselves with the substantive matters in the rules of evidence themselves. All we are doing is asking for additional time to go ahead with the thorough analysis which they need. At another time we will have the opportunity and we all will have the opportunity to debate the merits and demerits of the proposed rules. There is substantive disagreement in the subcommittee on the rules themselves. There is no disagreement whatsoever that we need more time for review.

Mr. SMITH of New York. Mr. Chairman, I yield 3 minutes to the gentleman from California (Mr. WIGGINS).

Mr. WIGGINS. Mr. Chairman, I thank the gentleman from New York for yielding.

Mr. Chairman, most of the concerns I have had with this legislation have been answered by the explanations provided by the gentleman from Missouri, but I still have one concern and I would like to mention it.

Should the subcommittee get bogged down on some of the controversial matters contained in the proposed rules, would it be the intention of the subcommittee chairman to proceed expeditiously with those proposals on which agreement can be reached so that the entire package of proposed rules could not be held up because of one controversial proposal?

Mr. HUNGATE. Mr. Chairman, will the gentleman yield?

Mr. WIGGINS. I yield to the gentleman from Missouri.

Mr. HUNGATE. The gentleman seems to understand my method of operation. It would be the hope of the chairman that we would go through and find those rules on which there is no controversy or which have been endorsed by many groups. There are such rules. We would go forward with that and not let the fact that certain of the rules may be and perhaps will remain controversial prevent us from reporting out anything. I would like to see those issues resolved and reported out by the subcommittee within a reasonable time, I would hope by the 1st of July.

Mr. WIGGINS. I understand the gentleman's response to be that it is his intention to report out those matters which are noncontroversial so as not to hold up the prompt adoption of such noncontroversial rules.

That removes, Mr. Chairman, the one remaining concern I have with this legislation. I thank the gentleman.

Mr. DANIELSON. Mr. Chairman, will the gentleman from California yield?

Mr. WIGGINS. I yield to the gentleman from California (Mr. DANIELSON).

Mr. DANIELSON. Mr. Chairman, I rise in support of the bill as reported by the subcommittee and the full committee.

Mr. OWENS. Mr. Chairman, I want to add my support to those who advocate passage of this important bill. This is a proper manifestation of congressional prerogative and in this day of confused Federal constitutional responsibilities, I think it important that we make clear that these proposed rules will be enacted only after careful study of the Congress and under our authority.

I also want to commend the gentlewoman from New York (Miss HOLTZMAN) my colleague on the Judiciary Committee, for her initiative in proposing that implementation of these rules required congressional action. She was the first to raise that point, and it was her amendment in the Judiciary Subcommittee which provided that these rules take effect only after positive congressional action.

Mr. MOORHEAD of Pennsylvania. Mr. Chairman, I rise in support of this measure which will delay the effective date of the proposed Federal rules of evidence.

While I would not presume to speak on the merits of many of the proposed rules, I am strongly persuaded by the results of the hearings chaired by the distinguished gentleman from Missouri (Mr. HUNGATE). It would appear that not only are many of the proposals of a dubious quality on their face, but more important, are in fact substantive law and not merely procedural rules. This was clearly argued by Mr. Justice Douglas in his dissent to the Commission proposals, as it is only the Congress which can by legislation make substantive changes in the law. I stress this point because at this very time the Congress is faced with a grave challenge from the executive branch to its role as an equal partner in this Government.

I would, however, like to comment on proposed rule 509, for the prospect of this rule alone being adopted is in my opinion sufficient reason to disapprove of the entire document. Proposed rule 509 would reverse the thrust of existing law, and in effect, grant a privilege to all Government documents unless the private citizen can meet a burden of proof for disclosure. The Freedom of Information Act (5 U.S.C. 552) clearly puts the burden of proof on the Government to support an exemption from disclosure of a Government record.

Under this proposed rule, any attorney representing the Government can object to the production of a record on the grounds that disclosure of the record would be "contrary to the public interest." As we well know, the "public interest" is a vague standard subject to as many interpretations as there are persons interpreting it.

I submit that the overriding "public interest" is in the fullest possible disclosure of Government information and that any withholding should be limited to those records or documents falling within closely defined areas, and that the presumption must be that any record is public until the Government can prove otherwise.

The case law is clear on this matter:

> "To insure that the disclosure requirements (under the FOI Act) are liberally construed, Congress provided for *de novo* review in the District Court whenever an agency fails to produce documents, with the agency having the burden of proving that the documents are exempt." *Sterling Drug Inc. v. FTC* 450 F 2d 698 (1971)
>
> "The touchstone of any proceedings under the (FOI) Act must be the clear legislative intent to assure public access to all governmental records whose disclosure would not significantly harm specific governmental interests. The policy of the Act requires that the disclosure requirement be construed broadly, the exemptions narrowly." *Soucie v. David* 448 F. 2d 1067 (1971)

Both of the above cited cases, brought under the Freedom of Information Act clearly reflect the legislative mandate for maximum disclosure. It can be argued however that the proposed rule 509 is not in conflict. But, to adopt this rule would at best lead to a hopelessly ambiguous situation, for at least two overall general interpretations of the compatability or conflict of the Freedom of Information Act and the proposed rule are apparent. Assuming an individual has been denied access to an agency record and suit is instituted under the act. Such is a civil suit. The proposed rules of evidence would govern in such proceedings. Yet, it could be argued that the ultimate issue or fact in dispute is the record itself and that therefore its production is not an evidentiary question under the rules.

Of course, if a particular record was sought as part of the case to lead to the production of another record, the rule might come into play. In other words, it is possible that in a straight forward Freedom of Information suit, the Government would be faced with the burden of proof that one of the exemptions in the act was pertinent under the narrow restrictions intended in the act.

On the other hand, it might be deemed that either since the nature of the suit is one of discovery, the rules of evidence would apply, or that the rules supplement, explain or are so entwined with the exemptions in the act that they would somehow be pertinent. This, of course, may involve a complicated interpretation of statutory construction. The rules would have the force of law if not disapproved by Congress. But would they, because they are later in time than the Freedom of Information Act, modify or supersede the act which is a legislative enactment? I cannot answer this question, but the mere fact that the question is raised indicates that the rule 509, at least, has gone beyond a procedural matter and has taken on the aspects of a substantive legislative enactment.

In any case, Mr. Chairman, adoption of this rule would muddle the issue of access to information and may make the production of a government document dependent on whether or not the litigant brought a direct action under the Freedom of Information Act or whether he tried to get production as part of a suit under another statute.

I do not think that this Congress wants an issue as central to our democracy as the public's right to know to be decided on the procedural manner in which a law suit is instigated.

I therefore urge my colleagues to support this measure.

Mr. HUNGATE. Mr. Chairman, I have no further request for time.

Mr. SMITH of New York. Mr. Chairman, I have no further request for time.

The CHAIRMAN. Pursuant to the rule, the Clerk will now read the amendment in the nature of a substitute recommended by the Committee on the Judiciary now printed in the bill as an original bill for the purpose of amendment.

The Clerk read as follow:

S. 583

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding any other provisions of law, the Rules of Evidence for United States Courts and Magistrates, the Amendments to the Federal Rules of Civil Procedure, and the Amendments to the Federal Rules of Criminal Procedure, which are embraced by the orders entered by the Supreme Court of the United States on Monday, November 20, 1972, and Monday, December 18, 1972, shall have no force or effect except to the extent, and with such amendments, as they may be expressly approved by Act of Congress.

Mr. GROSS. Mr. Chairman, I move to strike the necessary number of words.

Mr. Chairman, we have had an interesting debate this afternoon on the estopment of these proposed rules of evidence.

I simply suggest to the House that if and when the Committee on the Judiciary does come up with a bill proposing new rules of evidence, and I see one or two members of the Committee on Rules on the House floor, that there be a rule providing for 8 hours of general debate; that 7½ hours be allocated to the lawyers in the House; and the last 30 minutes be reserved for the nonlawyer Members.

The CHAIRMAN. The question is on the committee amendment in the nature of a substitute.

The committee amendment in the nature of a substitute was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the Chair, Mr. WRIGHT, Chairman of the Committee of the Whole House on the State of the Union, reported that that committee having had under consideration the bill (S. 583) to promote the separation of constitutional powers by securing to the Congress additional time in which to consider the rules of evidence for U.S. courts and magistrates, the amendments to the Federal Rules of Civil Procedure and the amendments to the Federal Rules of Criminal Procedure which the Supreme Court on November 20, 1972, ordered the Chief Justice to transmit to the Congress, pursuant to House Resolution 294, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

The question is on the amendment.

The amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. WYDLER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 399, nays 1, not voting 32, as follows:

[Roll No. 48]

YEAS—399

Abdnor
Abzug
Adams
Addabbo
Alexander
Anderson, Calif.
Anderson, Ill.
Andrews, N.C.
Andrews, N. Dak.
Annunzio
Archer
Arends
Armstrong
Ashbrook
Ashley
Aspin
Baker
Barrett
Beard
Bell
Bennett
Bevill
Biester
Bingham
Blackburn
Boland
Bolling
Bowen
Brademas
Brasco
Bray
Breaux
Breckinridge
Brinkley
Brooks
Broomfield
Brotzman
Brown, Calif.
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burgener
Burke, Calif.
Burke, Fla.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Burton
Butler
Byron
Camp
Carey, N.Y.
Carney, Ohio
Carter
Casey, Tex.
Cederberg
Chamberlain
Chappell
Clancy
Clark
Clausen, Don H.
Clawson, Del
Clay
Cleveland
Cochran
Cohen
Collins
Conable
Conlan
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Conyers
Corman
Cotter
Coughlin
Crane
Cronin
Culver
Daniel, Dan
Daniel, Robert W., Jr.
Daniels, Dominick V.
Danielson
Davis, Ga.
Davis, S.C.
Davis, Wis.
de la Garza
Delaney
Dellenback
Dellums
Denholm
Dennis
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Derwinski
Devine
Dickinson
Diggs
Dingell
Donohue
Dorn
Downing
Drinan
Dulski
Duncan
du Pont
Eckhardt
Edwards, Ala.
Edwards, Calif.
Eilberg
Erlenborn
Esch
Eshleman
Evans, Colo.
Evins, Tenn.
Fascell
Findley
Fish
Fisher
Flood
Flowers
Flynt
Foley
Ford, Gerald R.
Ford, William D.
Forsythe
Fountain
Fraser
Frelinghuysen
Frenzel
Frey
Fuqua
Gaydos
Giaimo
Gilman
Ginn
Goldwater
Gonzalez
Goodling
Grasso
Gray
Green, Oreg.
Green, Pa.
Griffiths
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Hammerschmidt

Hanley
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Hansen, Idaho
Hansen, Wash.
Harrington
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Hechler, W. Va.
Heckler, Mass.
Heinz
Helstoski
Henderson
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Hillis
Hinshaw
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Johnson, Calif.
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Jones, Ala.
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Jones, Okla.
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Landgrebe
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Latta
Leggett
Lehman
Litton
Long, La.
Long, Md.
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McClory
McCloskey
McCollister
McCormack
McDade
McFall
McKay
McKinney
McSpadden
Macdonald
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Madigan
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Mailliard
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Mann
Maraziti
Martin, Nebr.
Martin, N.C.
Mathis, Ga.
Matsunaga
Mayne
Mazzoli
Meeds
Melcher
Metcalfe
Mezvinsky
Milford

Miller
Mills, Md.
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Mitchell, Md.
Mitchell, N.Y.
Mizell
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Montgomery
Moorhead, Calif.
Moorhead, Pa.
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Moss
Murphy, Ill.
Murphy, N.Y.
Myers
Natcher
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Nelsen
Obey
O'Brien
O'Hara
O'Neill
Owens
Parris
Passman
Patman
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Perkins
Pettis
Peyser
Pickle
Pike
Poage
Podell
Powell, Ohio
Preyer
Price, Ill.
Pritchard
Quie
Quillen
Railsback
Randall
Rangel
Regula
Reid
Reuss
Rhodes
Riegle
Rinaldo
Roberts
Robinson, Va.
Robison, N.Y.
Rodino
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Rogers
Roncalio, Wyo.
Roncallo, N.Y.
Rooney, Pa.
Rose
Rosenthal
Rostenkowski
Roush
Rousselot
Roy
Roybal
Runnels
Ruth
Ryan
St Germain
Sandman
Sarasin
Sarbanes
Satterfield
Saylor
Scherle
Schneebeli
Schroeder
Sebelius
Seiberling
Shipley

Shoup
Shriver
Shuster
Sikes
Sisk
Skubitz
Slack
Smith, Iowa
Smith, N.Y.
Snyder
Spence
Staggers
Stanton, J. William
Stanton, James V.
Stark
Steed
Steele
Steelman
Steiger, Ariz.
Steiger, Wis.
Stephens
Stokes
Stratton
Stuckey
Studds
Sullivan
Symington
Symms
Talcott
Taylor, Mo.
Taylor, N.C.
Teague, Calif.
Teague, Tex.
Thompson, N.J.
Thomson, Wis.
Thone
Thornton
Tiernan
Towell, Nev.
Treen
Udall
Ullman
Van Deerlin
Vander Jagt
Vanik
Veysey
Vigorito
Waggonner
Walsh
Wampler
Ware
Whalen
White
Whitehurst
Whitten
Widnall
Wiggins
Williams
Wilson, Bob
Wilson, Charles H., Calif.
Wilson, Charles, Tex.
Winn
Wolff
Wright
Wyatt
Wydler
Wylie
Wyman
Yates
Yatron
Young, Fla.
Young, Ga.
Young, Ill.
Young, S.C.
Young, Tex.
Zablocki
Zion
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NAYS—1

Froehlich

NOT VOTING—32

Badillo
Bafalis
Bergland
Biaggi
Blatnik
Chisholm
Collier
Fulton
Gettys
Gibbons
Harvey

Holifield
Hosmer
Johnson, Colo.
King
Kyros
Lent
McEwen
Mathias, Calif.
Michel
Mills, Ark.
Minshall, Ohio

Nichols
Nix
Price, Tex.
Rarick
Rees
Rooney, N.Y.
Ruppe
Stubblefield
Waldie
Young, Alaska

So the bill was passed.

The Clerk announced the following pairs:

Mr. Rooney of New York with Mr. Hosmer.
Mr. Holifield with Mr. Bafalis.
Mr. Waldie with Mr. Mathias of California.
Mrs. Chisholm with Mr. Rarick.
Mr. Kyros with Mr. Harvey.
Mr. Nichols with Mr. Johnson of Colorado.
Mr. Gettys with Mr. Minshall of Ohio.
Mr. Fulton with Mr. Collier.
Mr. Nix with Mr. Michel.

Mr. Bergland with Mr. McEwen.
Mr. Blatnik with Mr. Lent.
Mr. Biaggi with Mr. King.
Mr. Gibbons with Mr. Price of Texas.
Mr. Stubblefield with Mr. Ruppe.
Mr. Rees with Mr. Young of Alaska.
Mr. Badillo with Mr. Mills of Arkansas.

The result of the vote was announced as above recorded.

The title was amended so as to read: "An act to promote the separation of constitutional powers by suspending the effectiveness of the rules of evidence for U.S. courts and magistrates, the amendments to the Federal Rules of Civil Procedure, and the amendments to the Federal Rules of Criminal Procedure transmitted to the Congress by the Chief Justice on February 5, 1973, until approved by act of Congress."

A motion to reconsider was laid on the table.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Leonard, one of his secretaries.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 4278. An act to amend the National School Lunch Act to assure that Federal financial assistance to the child nutrition programs is maintained at the level budgeted for fiscal year ending June 30, 1973.

GENERAL LEAVE

Mr. HUNGATE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just passed.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

APPOINTMENT OF CONFEREES ON H.R. 4278, AMENDING THE NATIONAL SCHOOL LUNCH ACT

Mr. PERKINS. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 4278) to amend the National School Lunch Act to assure that Federal financial assistance to the child nutrition programs is maintained at the level budgeted for fiscal year ending June 30, 1973, with Senate amendments thereto, disagree to the Senate amendments, and request a conference with the Senate thereon.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky? The Chair hears none, and appoints the following conferees: Messrs. PERKINS, MEEDS, Mrs. MINK, Messrs. HAWKINS, LEHMAN, ANDREWS of North Carolina, QUIE, BELL, ASHBROOK, and FORSYTHE.

OUR FEDERAL SYSTEM OF CRIMINAL JUSTICE—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 93-60)

The SPEAKER laid before the House the following message from the President of the United States; which was read and referred to the Committee on the Judiciary and ordered to be printed:

To the Congress of the United States:

This sixth message to the Congress on the State of the Union concerns our Federal system of criminal justice. It discusses both the progress we have made in improving that system and the additional steps we must take to consolidate our accomplishments and to further our efforts to achieve a safe, just, and law-abiding society.

In the period from 1960 to 1968 serious crime in the United States increased by 122 percent according to the FBI's Uniform Crime Index. The rate of increase accelerated each year until it reached a peak of 17 percent in 1968.

In 1968 one major public opinion poll showed that Americans considered lawlessness to be the top domestic problem facing the Nation. Another poll showed that four out of five Americans believed that "Law and order has broken down in this country." There was a very real fear that crime and violence were becoming a threat to the stability of our society.

The decade of the 1960s was characterized in many quarters by a growing sense of permissiveness in America—as well intentioned as it was poorly reasoned—in which many people were reluctant to take the steps necessary to control crime. It is no coincidence that within a few years' time, America experienced a crime wave that threatened to become uncontrollable.

This Administration came to office in 1969 with the conviction that the integrity of our free institutions demanded stronger and firmer crime control. I promised that the wave of crime would not be the wave of the future. An all-out attack was mounted against crime in the United States.

—The manpower of Federal enforcement and prosecution agencies was increased.

—New legislation was proposed and passed by the Congress to put teeth into Federal enforcement efforts against organized crime, drug trafficking, and crime in the District of Columbia.

—Federal financial aid to State and local criminal justice systems—a forerunner of revenue sharing—was greatly expanded through Administration budgeting and Congressional appropriations, reaching a total of $1.5 billion in the three fiscal years from 1970 through 1972.

These steps marked a clear departure from the philosophy which had come to dominate Federal crime fighting efforts, and which had brought America to record-breaking levels of lawlessness. Slowly, we began to bring America back. The effort has been long, slow, and difficult. In spite of the difficulties, we have made dramatic progress.

In the last four years the Department of Justice has obtained convictions against more than 2500 organized crime figures, including a number of bosses and under-bosses in major cities across the country. The pressure on the underworld is building constantly.

Today, the capital of the United States no longer bears the stigma of also being the Nation's crime capital. As a result of decisive reforms in the criminal justice system the serious crime rate has been cut in half in Washington, D.C. From a peak rate of more than 200 serious crimes per day reached during one month in 1969, the figure has been cut by more than half to 93 per day for the latest month of record in 1973. Felony prosecutions have increased from 2100 to 3800, and the time between arrest and trial for felonies has fallen from ten months to less than two.

Because of the combined efforts of Federal, State, and local agencies, the wave of serious crime in the United States is being brought under control. Latest figures from the FBI's Uniform Crime Index show that serious crime is increasing at the rate of only 1 percent a year—the lowest recorded rate since 1960. A majority of cities with over 100,000 population have an actual reduction in crime.

These statistics and these indices suggest that our anti-crime program is on the right track. They suggest that we are taking the right measures. They prove that the only way to attack crime in America is the way crime attacks our people—without pity. Our program is based on this philosophy, and it is working.

Now we intend to maintain the momentum we have developed by taking additional steps to further improve law enforcement and to further protect the people of the United States.

LAW ENFORCEMENT SPECIAL REVENUE SHARING

Most crime in America does not fall under Federal jurisdiction. Those who serve in the front lines of the battle against crime are the State and local law enforcement authorities. State and local police are supported in turn by many other elements of the criminal justice system, including prosecuting and defending attorneys, judges, and probation and corrections officers. All these elements need assistance and some need dramatic reform, especially the prison systems.

While the Federal Government does not have full jurisdiction in the field of criminal law enforcement, it does have a broad, constitutional responsibility to insure domestic tranquility. I intend to meet that responsibility.

At my direction, the Law Enforcement Assistance Administration (LEAA) has greatly expanded its efforts to aid in the improvement of State and local criminal justice systems. In the last three years of the previous Administration, Federal grants to State and local law enforcement authorities amounted to only $22 million. In the first three years of my Administration, this same assistance totaled more than $1.5 billion—more than 67 times as much. I consider this money to be an investment in justice and safety on our streets, and investment which has been yielding encouraging dividends.

But the job has not been completed. We must now act further to improve the Federal role in the granting of aid for criminal justice. Such improvement can come with the adoption of Special Revenue Sharing for law enforcement.

I believe the transition to Special Revenue Sharing for law enforcement will be a relatively easy one. Since its inception, the LEAA has given block grants which allow State and local authorities somewhat greater discretion than does the old-fashioned categorical grant system. But States and localities still lack both the flexibility and the clear authority they need in spending Federal monies to meet their law enforcement challenges.

Under my proposed legislation, block grants, technical assistance grants, manpower development grants, and aid for correctional institutions would be combined into one $680 million Special Revenue Sharing fund which would be distributed to States and local governments on a formula basis. This money could be used for improving any area of State and local criminal justice systems.

I have repeatedly expressed my conviction that decisions affecting those at State and local levels should be made to the fullest possible extent at State and local levels. This is the guiding principle behind revenue sharing. Experience has demonstrated the validity of this approach and I urge that it now be fully applied to the field of law enforcement and criminal justice.

THE CRIMINAL CODE REFORM ACT

The Federal criminal laws of the United States date back to 1790 and are based on statutes then pertinent to effective law enforcement. With the passage of new criminal laws, with the unfolding of new court decisions interpreting those laws, and with the development and growth of our Nation, many of the concepts still reflected in our criminal laws have become inadequate, clumsy, or outmoded.

In 1966, the Congress established the National Commission on Reform of the Federal Criminal Laws to analyze and evaluate the criminal Code. The Commission's final report of January 7, 1971, has been studied and further refined by the Department of Justice, working with the Congress. In some areas this Administration has substantial disagreements with the Commission's recommendations. But we agree fully with the almost universal recognition that modification of the Code is not merely desirable but absolutely imperative.

Accordingly, I will soon submit to the Congress the Criminal Code Reform Act aimed at a comprehensive revision of existing Federal criminal laws. This act will provide a rational, integrated code of Federal criminal law that is workable and responsive to the demands of a modern Nation.

The act is divided into three parts:

—1. general provisions and principles,

—2. definitions of Federal offenses, and

—3. provisions for sentencing.

Part 1 of the Code establishes general provisions and principles regarding such matters as Federal criminal jurisdiction, culpability, complicity, and legal defenses, and contains a number of significant innovations. Foremost among these is a more effective test for establishing Federal criminal jurisdiction. Those circumstances giving rise to Federal jurisdiction are clearly delineated in the proposed new Code and the extent of jurisdiction is clearly defined.

I am emphatically opposed to encroachment by Federal authorities on State sovereignty, by unnecessarily increasing the areas over which the Federal Government asserts jurisdiction. To the contrary, jurisdiction has been relinquished in those areas where the States have demonstrated no genuine need for assistance in protecting their citizens.

In those instances where jurisdiction is expanded, care has been taken to limit that expansion to areas of compelling Federal interest which are not adequately dealt with under present law. An example of such an instance would be the present law which states that it is a Federal crime to travel in interstate commerce to bribe a witness in a State court proceeding, but it is not a crime to travel in interstate commerce to threaten or intimidate the same witness, though intimidation might even take the form of murdering the witness.

The Federal interest is the same in each case—to assist the State in safeguarding the integrity of its judicial processes. In such a case, an extension of Federal jurisdiction is clearly warranted and is provided for under my proposal.

The rationalization of jurisdictional bases permits greater clarity of drafting, uniformity of interpretation, and the consolidation of numerous statutes presently applying to basically the same conduct.

For example, title 18 of the criminal Code as presently drawn, lists some 70 theft offenses—each written in a different fashion to cover the taking of various kinds of property in different jurisdictional situations. In the proposed new Code, these have been reduced to 5 general sections. Almost 80 forgery, counterfeiting, and related offenses have been replaced by only 3 sections. Over 50 statutes involving perjury and false statements have been reduced to 7 sections. Approximately 70 arson and property destruction offenses have been consolidated into 4 offenses.

Similar changes have been made in the Code's treatment of culpability. Instead of 79 undefined terms or combinations of terms presently found in title 18, the Code uses four clearly defined terms.

Another major innovation reflected in Part One is a codification of general defenses available to a defendant. This change permits clarification of areas in which the law is presently confused and, for the first time, provides uniform Federal standards for defense.

The most significant feature of this chapter is a codification of the "insanity" defense. At present the test is determined by the courts and varies across the country. The standard has become so vague in some instances that it has led to unconscionable abuse by defendants.

My proposed new formulation would provide an insanity defense only if the defendant did not know what he was doing. Under this formulation, which has considerable support in psychiatric and legal circles, the only question considered germane in a murder case, for example, would be whether the defendant knew that he was pulling the trigger of a gun. Questions such as the existence of a mental disease or defect and whether the defendant requires treatment or deserves imprisonment would be reserved for consideration at the time of sentencing.

Part Two of the Code consolidates the definitions of all Federal felonies, as well as certain related Federal offenses of a less serious character. Offenses and, in appropriate instances, specific defenses, are defined in simple, concise terms, and those existing provisions found to be obsolete or unusable have been eliminated—for example, operating a pirate ship on behalf of a "foreign prince," or detaining a United States carrier pigeon. Loopholes in existing law have been closed—for example, statutes concerning the theft of union funds, and new offenses have been created where necessary, as in the case of leaders of organized crime.

We have not indulged in changes merely for the sake of changes. Where existing law has proved satisfactory and where existing statutory language has received favorable interpretation by the courts, the law and the operative language have been retained. In other areas, such as pornography, there has been a thorough revision to reassert the Federal interest in protecting our citizens.

The reforms set forth in Parts One and Two of the Code would be of little practical consequence without a more realistic approach to those problems which arise in the post-conviction phase of dealing with Federal offenses.

For example, the penalty structure prescribed in the present criminal Code is riddled with inconsistencies and inadequacies. Title 18 alone provides 18 different terms of imprisonment and 14 different fines, often with no discernible relationship between the possible term of imprisonment and the possible levying of a fine.

Part Three of the new Code classifies offenses into 8 categories for purposes of assessing and levying imprisonment and fines. It brings the present structure into line with current judgments as to the seriousness of various offenses and with the best opinions of penologists as the efficacy of specific penalties. In some instances, more stringent sanctions are provided. For example, sentences for arson are increased from 5 to 15 years. In other cases penalties are reduced. For example, impersonating a foreign official carries a three year sentence, as opposed to the 10 year term originally prescribed.

To reduce the possibility of unwarranted disparities in sentencing, the Code establishes criteria for the imposition of sentence. At the same time, it provides for parole supervision after all prison sentences, so that even hardened criminals who serve their full prison terms will receive supervision following their release.

There are certain crimes reflecting such a degree of hostility to society that a decent regard for the common welfare requires that a defendant convicted of those crimes be removed from free society. For this reason my proposed new Code provides mandatory minimum prison terms for trafficking in hard narcotics; it provides mandatory minimum prison terms for persons using dangerous weapons in the execution of a crime; and it provides mandatory minimum prison sentences for those convicted as leaders of organized crime.

The magnitude of the proposed revision of the Federal criminal Code will require careful detailed consideration by the Congress. I have no doubt this will be time-consuming. There are, however, two provisions in the Code which I feel require immediate enactment. I have thus directed that provisions relating to the death penalty and to heroin trafficking also be transmitted as separate bills in order that the Congress may act more rapidly on these two measures.

DEATH PENALTY

The sharp reduction in the application of the death penalty was a component of the more permissive attitude toward crime in the last decade.

I do not contend that the death penalty is a panacea that will cure crime. Crime is the product of a variety of different circumstances—sometimes social, sometimes psychological—but it is committed by human beings and at the point of commission it is the product of that individual's motivation. If the incentive not to commit crime is stronger than the incentive *to* commit it, then logic suggests that crime will be reduced. It is in part the entirely justified feeling of the prospective criminal that he will not suffer for his deed which, in the present circumstances, helps allow those deeds to take place.

Federal crimes are rarely "crimes of passion." Airplane hi-jacking is not done in a blind rage; it has to be carefully planned. The use of incendiary devices and bombs is not a crime of passion, nor is kidnapping; all these must be thought out in advance. At present those who plan these crimes do not have to include in their deliberations the possibility that they will be put to death for their deeds. I believe that in making their plans, they should have to consider the fact that if a death results from their crime, they too may die.

Under those conditions, I am confident that the death penalty can be a valuable deterrent. By making the death penalty available, we will provide Federal enforcement authorities with additional leverage to dissuade those individuals who may commit a Federal crime from taking the lives of others in the course of committing that crime.

Hard experience has taught us that with due regard for the rights of all—including the right to life itself—we must return to a greater concern with protecting those who might otherwise be the innocent victims of violent crime than with protecting those who have committed those crimes. The society which fails to recognize this as a reasonable ordering of its priorities must inevitably find itself, in time, at the mercy of criminals.

America was heading in that direction in the last decade, and I believe that we must not risk returning to it again. Accordingly, I am proposing the re-institution of the death penalty for war-related treason, sabotage, and espionage, and for all specifically enumerated crimes under Federal jurisdiction from which death results.

The Department of Justice has examined the constitutionality of the death penalty in the light of the Supreme Court's recent decision in Furman against Georgia. It is the Department's opinion that Furman holds unconstitutional the imposition of the death penalty only insofar as it is applied arbitrarily and capriciously. I believe the best way to accommodate the reservations of the Court is to authorize the automatic imposition of the death penalty where it is warranted.

Under the proposal drafted by the Department of Justice, a hearing would be required after the trial for the purpose of determining the existence or nonexistence of certain rational standards which delineate aggravating factors or mitigating factors.

Among those mitigating factors which would preclude the imposition of a death sentence are the youth of the defendant, his or her mental capacity, or the fact that the crime was committed under duress. Aggravating factors include the creation of a grave risk of danger to the national security, or to the life of another person, or the killing of another person during the commission of one of a circumscribed list of serious offenses, such as treason, kidnapping, or aircraft piracy.

The hearing would be held before the judge who presided at the trial and before either the same jury or, if circumstances require, a jury specially impaneled. Imposition of the death penalty by the judge would be mandatory if the jury returns a special verdict finding the existence of one or more aggravating factors and the absence of any mitigating factor. The death sentence is *prohibited* if the jury finds the existence of one or more mitigating factors.

Current statutes containing the death penalty would be amended to eliminate the requirement for jury recommendation, thus limiting the imposition of the death penalty to cases in which the legislative guidelines for its imposition clearly require it, and eliminating arbitrary and capricious application of the death penalty which the Supreme Court has condemned in the *Furman* case.

DRUG ABUSE

No single law enforcement problem has occupied more time, effort and money in the past four years than that of drug abuse and drug addiction. We have regarded drugs as "public enemy number one," destroying the most precious resource we have—our young people—and breeding lawlessness, violence and death.

When this Administration assumed office in 1969, only $82 million was budgeted by the Federal Government for law enforcement, prevention, and rehabilitation in the field of drug abuse.

Today that figure has been increased to $785 million for 1974—nearly 10 times as much. Narcotics production has been disrupted, more traffickers and distributors have been put out of business, and addicts and abusers have been treated and started on the road to rehabilitation.

Since last June, the supply of heroin on the East Coast has been substantially reduced. The scarcity of heroin in our big Eastern cities has driven up the price of an average "fix" from $4.31 to $9.88, encouraging more addicts to seek medical treatment. At the same time the heroin content of that fix has dropped from 6.5 to 3.7 percent.

Meanwhile, through my Cabinet Committee on International Narcotics Control, action plans are underway to help 59 foreign countries develop and carry out their own national control programs. These efforts, linked with those of the Bureau of Customs and the Bureau of Narcotics and Dangerous Drugs, have produced heartening results.

Our worldwide narcotics seizures almost tripled in 1972 over 1971. Seizures by our anti-narcotics allies abroad are at an all-time high.

In January, 1972, the French seized a half-ton of heroin on a shrimp boat headed for this country. Argentine, Brazilian and Venezuelan agents seized 285 pounds of heroin in three raids in 1972, and with twenty arrests crippled the existing French-Latin American connection. The ringleader was extradited to the U.S. by Paraguay and has just begun to serve a 20-year sentence in Federal prison.

Thailand's Special Narcotics Organization recently seized a total of almost eleven tons of opium along the Burmese border, as well as a half-ton of morphine and heroin.

Recently Iran scored the largest opium seizure on record—over 12 tons taken from smugglers along the Afghanistan border.

Turkey, as a result of a courageous decision by the government under Prime Minister Erim in 1971, has prohibited all cultivation of opium within her borders.

These results are all the more gratifying in light of the fact that heroin is wholly a foreign import to the United States. We do not grow opium here; we do not produce heroin here; yet we have the largest addict population in the world. Clearly we will end our problem faster with continued foreign assistance.

Our domestic accomplishments are keeping pace with international efforts and are producing equally encouraging results. Domestic drug seizures, including seizures of marijuana and hashish, almost doubled in 1972 over 1971. Arrests have risen by more than one-third and convictions have doubled.

In January of 1972, a new agency, the Office of Drug Abuse Law Enforcement (DALE), was created within the Department of Justice. Task forces composed of investigators, attorneys, and special prosecuting attorneys have been assigned to more than forty cities with heroin problems. DALE now arrests pushers at the rate of 550 a month and has obtained 750 convictions.

At my direction, the Internal Revenue Service (IRS) established a special unit to make intensive tax investigations of suspected domestic traffickers. To date, IRS has collected $18 million in currency and property, assessed tax penalties of more than $100 million, and obtained 25 convictions. This effort can be particularly effective in reaching the high level traffickers and financiers who never actually touch the heroin, but who profit from the misery of those who do.

The problem of drug abuse in America is not a law enforcement problem alone. Under my Administration, the Federal Government has pursued a balanced, comprehensive approach to ending this problem. Increased law enforcement efforts have been coupled with expanded treatment programs.

The Special Action Office for Drug Abuse Prevention was created to aid in preventing drug abuse before it begins and in rehabilitating those who have fallen victim to it.

In each year of my Administration, more Federal dollars have been spent on treatment, rehabilitation, prevention, and research in the field of drug abuse than has been budgeted for law enforcement in the drug field.

The Special Action Office for Drug Abuse Prevention is currently developing a special program of Treatment Alternatives to Street Crime (TASC) to break the vicious cycle of addiction, crime, arrest, bail, and more crime. Under the TASC program, arrestees who are scientifically identified as heroin-dependent may be assigned by judges to treatment programs as a condition for release on bail, or as a possible alternative to prosecution.

Federally funded treatment programs have increased from sixteen in January, 1969, to a current level of 400. In the last fiscal year, the Special Action Office created more facilities for treating drug addiction than the Federal Government had provided in all the previous fifty years.

Today, federally funded treatment is available for 100,000 addicts a year. We also have sufficient funds available to expand our facilities to treat 250,000 addicts if required.

Nationwide, in the last two years, the rate of new addiction to heroin registered its first decline since 1964. This is a particularly important trend because it is estimated that one addict "infects" six of his peers.

The trend in narcotic-related deaths is also clearly on its way down. My advisers report to me that virtually complete statistics show such fatalities declined approximately 6 percent in 1972 compared to 1971.

In spite of these accomplishments, however, it is still estimated that one-third to one-half of all individuals arrested for street crimes continue to be narcotics abusers and addicts. What this suggests is that in the area of enforcement we are still only holding our own, and we must increase the tools available to do the job.

The work of the Special Action Office for Drug Abuse Prevention has aided in smoothing the large expansion of Federal effort in the area of drug treatment and prevention. Now we must move to improve Federal action in the area of law enforcement.

Drug abuse treatment specialists have continuously emphasized in their discussions with me the need for strong, effective law enforcement to restrict the availability of drugs and to punish the pusher.

One area where I am convinced of the need for immediate action is that of jailing heroin pushers. Under the Bail Reform Act of 1966, a Federal judge is precluded from considering the danger to the community when setting bail for suspects arrested for selling heroin. The effect of this restriction is that many accused pushers are immediately released on bail and are thus given the opportunity to go out and create more misery, generate more violence, and commit more crimes while they are waiting to be tried for these same activities.

In a study of 422 accused violators, the Bureau of Narcotics and Dangerous Drugs found that 71 percent were freed on bail for a period ranging from three months to more than one year between the time of arrest and the time of trial. Nearly 40 percent of the total were free for a period ranging from one-half year to more than one year. As for the major cases, those involving pushers accused of trafficking in large quantities of heroin, it was found that one-fourth were free for over three months to one-half year; one-fourth were free for one-half year to one year; and 16 percent remained free for over one year prior to their trial.

In most cases these individuals had criminal records. One-fifth had been convicted for a previous drug charge and a total of 64 percent had a record of prior felony arrests. The cost of obtaining such a pretrial release in most cases was minimal; 19 percent of the total sample were freed on personal recognizance and only 23 percent were required to post bonds of $10,000 or more.

Sentencing practices have also been found to be inadequate in many cases. In a study of 955 narcotics drug violators who were arrested by the Bureau of Narcotics and Dangerous Drugs and convicted in the courts, a total of 27 percent received sentences other than imprisonment. Most of these individuals were placed on probation.

This situation is intolerable. I am therefore calling upon the Congress to promptly enact a new Heroin Trafficking Act.

The first part of my proposed legislation would increase the sentences for *heroin* and *morphine* offenses.

For a first offense of *trafficking* in less than four ounces of a mixture or substance containing heroin or morphine, it provides a mandatory sentence of not less than five years nor more than fifteen years. For a first offense of trafficking in four or more ounces, it provides a mandatory sentence of not less than ten years or for life.

For those with a prior felony narcotic conviction who are convicted of trafficking in less than four ounces, my proposed legislation provides a mandatory prison term of ten years to life imprisonment. For second offenders who are convicted of trafficking in *more* than four ounces, I am proposing a mandatory sentence of life imprisonment without parole.

While four ounces of a heroin mixture may seem a very small amount to use as the criterion for major penalties, that amount is actually worth 12-15,000 dollars and would supply about 180 addicts for a day. Anyone selling four or more ounces cannot be considered a small time operator.

For those who are convicted of *possessing* large amounts of heroin but cannot be convicted of trafficking, I am proposing a series of lesser penalties.

To be sure that judges actually apply these tough sentences, my legislation would provide that the mandatory minimum sentences cannot be suspended, nor probation granted.

The second portion of my proposed legislation would deny pre-trial release to those charged with trafficking in heroin or morphine unless the judicial officer finds that release will not pose a danger to the persons or property of others. It would also prohibit the release of anyone convicted of one of the above felonies who is awaiting sentencing or the results of an appeal.

These are very harsh measures, to be applied within very rigid guidelines and providing only a minimum of sentencing discretion to judges. But circumstances warrant such provisions. All the evidence shows that we are now doing a more effective job in the areas of enforcement and rehabilitation. In spite of this progress, however, we find an intolerably high level of street crime being committed by addicts. Part of the reason, I believe, lies in the court system which takes over after drug pushers have been apprehended. The courts are frequently little more than an escape hatch for those who are responsible for the menace of drugs.

Sometimes it seems that as fast as we bail water out of the boat through law enforcement and rehabilitation, it runs right back in through the holes in our judicial system. I intend to plug those holes. Until then, all the money we spend, all the enforcement we provide, and all the rehabilitation services we offer are not going to solve the drug problem in America.

Finally, I want to emphasize my continued opposition to legalizing the possession, sale or use of marijuana. There is no question about whether marijuana is dangerous, the only question is how dangerous. While the matter is still in dispute, the only responsible governmental approach is to prevent marijuana from being legalized. I intend, as I have said before, to do just that.

CONCLUSION

This Nation has fought hard and sacrificed greatly to achieve a lasting peace in the world. Peace in the world, however, must be accompanied by peace in our own land. Of what ultimate value is it to end the threat to our national safety in the world if our citizens face a constant threat to their personal safety in our own streets?

The American people are a law-abiding people. They have faith in the law. It is now time for Government to justify that faith by insuring that the law works, that our system of criminal justice works, and that "domestic tranquility" is preserved.

I believe we have gone a long way toward erasing the apprehensions of the last decade. But we must go further if we are to achieve that peace at home which will truly complement peace abroad.

In the coming months I will propose legislation aimed at curbing the manufacture and sale of cheap handguns commonly known as "Saturday night specials," I will propose reforms of the Federal criminal system to provide speedier and more rational criminal trial procedures, and I will continue to press for innovation and improvement in our correctional systems.

The Federal Government cannot do everything. Indeed, it is prohibited from doing everything. But it can do a great deal. The crime legislation I will submit to the Congress can give us the tools we need to do all that we can do. This is sound, responsible legislation. I am confident that the approval of the American people for measures of the sort that I have suggested will be reflected in the actions of the Congress.

RICHARD NIXON.

THE WHITE HOUSE, *March 14, 1973.*

PRESIDENT NIXON'S MESSAGE ON CRIME

Mr. GERALD R. FORD. Mr. Speaker, I heartily endorse the President's recommendations for mandatory minimum prison sentences for those convicted of certain Federal crimes and I also support the President's proposals for restoring the death penalty in connection with certain Federal crimes.

While the jurisdiction of the Federal Government is limited in the area of law enforcement, Washington must set an example for the Nation if the American people are not to be overwhelmed by lawlessness. I commend the President for exerting precisely the right kind of leadership in the law enforcement field.

I was dismayed when the Supreme Court ruled out capital punishment, and I have long felt that drug pushers have been handled too gently in many cases.

I therefore welcome the Presidential recommendations relating to the death penalty and drug trafficking. I might add that I fully agree with the President's proposal to increase the Federal sentence for arson to 15 years.

Congress should act quickly on the death penalty and drug trafficking legislation, which will be coming to the Hill as separate bills. We should later proceed also to legislate mandatory minimum prison terms for persons using dangerous weapons in the execution of a crime and for those convicted as leaders of organized crime.

Besides providing States and local communities with Federal grants in amounts that can be profitably used, the Congress should launch the Nation into a new get-tough era in dealing with crime. We should start by enacting the President's proposals.

MAINTAIN SUPPORT FOR FREEDOM OF EMIGRATION ACT

(Mr. PODELL asked and was given permission to address the House for 1 minute, and to revise and extend his remarks and include extraneous matter.)

Mr. PODELL. Mr. Speaker, Secretary of the Treasury George Shultz is now in the Soviet Union, conducting talks with Russian officials on improving trade relations. These talks are important not just for the prospect of commercial benefit that they portend; but for a much more important reason. They in effect hold the fate of thousands of Soviet Jews in the balance.

Last month, I joined with a substantial majority of my colleagues in cosponsoring the Freedom of Emigration Act. This act is now a topic of discussion between Secretary Shultz and the Russians. There is fear on the part of the Soviet leadership—and rightly so, I might add—that the Congress of the United States will block any liberalization of trade relationships with the Soviet Union unless the Russians rescind their infamous emigration ransom.

The Russians, in their desire to obtain most-favored-nation trading status, are now beginning to drop hints of what might happen if their aspirations are blocked by the U.S. Congress. There are recurring stories coming out of the Soviet Union which threaten a rise in anti-Semitism if the Freedom of Emigration Act becomes part of the administration's trade bill. There are also hints of a similar rise in anti-Semitism here in the United States.

I find both of these veiled threats disgusting, to say the least. First, because it demonstrates clearly what I have always suspected: That Soviet anti-Semitism is officially sponsored and directed. Second, because of what it says about the moral integrity of the American people.

Secretary Shultz has been trying to calm the Russians' fears, and at the same time to win concessions from them with the "quiet diplomacy" so in vogue with the Nixon administration. He has suggested to the Russians that they take the threats of the Congress at face value, and make certain concessions on the matter of the emigration tax. Secretary Shultz apparently thinks that this will be enough to mollify the distinguished Members of this body. I think he seriously underestimates our concern and determination on this issue.

The Secretary and the Russians should realize, before trade negotiations go any farther, that we mean what we say when we propose legislation that will deny most-favored-nation trading status to the Russians unless they rescind the education tax. We will not be intimidated by threats of renewed anti-Semitic activity. Furthermore, we dare not be intimidated, for to back down on this issue is to compromise our professed beliefs in the freedom of mankind.

We must not let ourselves be modified by any token concessions that Secretary Shultz may win from the Russians now, in a moment when they are anxious to do almost anything to win their trade benefits. If we back down on this question now, and let the Freedom of Emigration Act lapse, what will happen once the trade bill becomes law and the Russians have what they want? I am firmly convinced that the repressions then visited upon the heads of the Jews in the Soviet Union will make current conditions pleasant by comparison.

The Freedom of Emigration Act will make sure that, once rescinded, the education tax or similar repressive measures, will not be reimposed. In this one respect, we cannot afford to take the Russians at their word. It has been given and withdrawn too many times for me to feel that all will be well this time.

In none of this do I, nor any other cosponsor of the Freedom of Emigration Act wish to detract from the efforts that the President and the State Department have engaged in on behalf of Soviet Jewry. Their assistance has been invaluable, and has resulted in many Jews being allowed to leave the Soviet Union who would otherwise not have done so. The purpose of the Freedom of Emigration Act, rather, is to give legislative support and sanction to the administration's very capable efforts. It is an additional clout.

I do not think that the Freedom of Emigration Act is unacceptable as part of a trade agreement with the Soviets. So long as it is U.S. policy to support freedom of emigration for Soviet Jews, there can be nothing inconsistent about making an official legislative statement of such policy. The administration will not switch policies once it has its trade bill. This act will give support to the administration in its diplomatic pursuit of a solution to Jewish emigration from the Soviet Union.

It is vital that those of you who have joined in cosponsoring the Freedom of Emigration Act remain as cosponsors. The stakes are too high to back down now.

EMERGENCY LEGISLATION TO SAVE THE ANTIPOVERTY PROGRAM

(Mrs. MINK asked and was given permission to address the House for 1 minute, to revise and extend her remarks and include extraneous matter.)

Mrs. MINK. Mr. Speaker, President Nixon is literally dismantling before our very eyes the poor people's programs.

This action is being carried out in contravention of the expressed will of the elected representatives of the people who set up this program in 1964.

The hour is late.

If the progress generated these past 8 years is to be retained, we need to act with dispatch to retain the capability of the community action agencies to continue functioning. It should be noted that the calculated strategy of the administration is to rob the antipoverty program of all the tools it needs to do its job.

While Congress deliberates, the community action agencies across the country have been told to dispose of their property. This means that desks, typewriters, files, and other necessary equipment will soon no longer be in the possession of these agencies. Even if Congress eventually acts, in a few weeks our local community agencies will have been stripped of the means to carry out their duties. There will be nothing left in their offices.

On Monday, "Acting Director" Howard J. Phillips, proclaimed the date of April 28 as doomsday for the antipoverty program. All 10 of the Office of Economic Opportunity regional offices will close down by that day. All 907 community action agencies will lose all Federal funding by June 30, 1973.

According to the administration, the killing of OEO is "pursuant to the President's desire to make government more accountable to elected officials and in accordance with the President's 'New Federalism' proposals returning both responsibility and resources to States and localities." Thus, support for community action activities "will become a local option beginning in fiscal 1974, as will support for the Senior Opportunities and Services program and the State Economic Opportunity offices." States and cities wishing to continue the program may do so through the use of revenue sharing funds or their own local resources.

But I ask what will be left for the States and cities to fund? After the rapidly proceeding dismantling process is completed, there will be no agencies to operate at local option. There will be no desks, typewriters, or other equipment to maintain an on-going program. All assets will have by then been turned over to the General Services Administration for disposal.

Acting Director Phillips on January 29 sent a memorandum to all grantees on "termination of section 221 funding" which specifies:

> Property must be inventoried and disposed of in accordance with OEO property regulations . . . The grantee should prepare and submit to OEO for approval a plan for the disposition of all property.

OEO property regulations are set forth in OEO instruction 7001–01, which gives the national headquarters "power of residual disposition." This means that while title to office property acquired with grant funds is vested in the grantee, the national office now headed by Mr. Phillips retains the authority to direct its disposition. So the agencies have no choice but to comply with Mr. Phillips' directive.

The only way to preserve the viability of the community action agencies long enough for there to be any real option, whether by the local or State governments to continue the antipoverty programs is to withdraw the OEO authority to dispose of this property. I am introducing legislation today for that purpose.

My bill, the text of which is included at the end of this statement, would simply state that when an OEO program is discontinued, the Director of OEO shall allow title to all property to be retained by the grantee which has been carrying out the antipoverty program. The only conditions are that the grantee must agree to continue the program by securing alternative public or private funding, and the organization must remain as a nonprofit corporation pursuing the same antipoverty program objectives.

Under my bill, CAA's and other grantees would be able to keep their office furniture and other equipment intact. Otherwise, even if they do find local sources of funding, they will have to go to the inordinate expense of reequipping these hundreds of agencies all across the country.

It makes no sense to me that we should close down all these offices and dispose of all their equipment, and then say that the States and local governments can start up their own antipoverty programs if they choose. Obviously the expense would be enormous. It would be far more efficient and economical, if a change in operations occurs, to make use of existing facilities.

I hope that my bill is taken up expeditiously by the appropriate committees of the Congress. I urge all Members to consider this piece of legislation and join me in its sponsorship.

The text of the bill follows:

H.R. 5618

A bill to amend the Economic Opportunity Act of 1964 to provide that when Federal assistance to a community action program is discontinued, Federal property used for the program shall be transferred to the organization continuing the program

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That part D of title II of the Economic Opportunity Act of 1964 is amended by adding at the end thereof the following new section:

"TITLE TO PROPERTY

"SEC. 246. Where any tangible personal property to which the United States has title is used to carry out a program or activity assisted under this title and such assistance is discontinued, the Director shall permit title to all such tangible personal property to be retained by the organization provided—

"(1) the program will be continued by funds granted under provisions of law other than this title, or from other public or private sources, and

"(2) the organization has been or is incorporated as a non-profit agency and will continue to pursue the same objectives in its programs as those for which funds were provided under this title."

BUSINESS WEEK ATTACKS THE PRESIDENT'S ECONOMIC PROGRAM

(Mr. PATMAN asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. PATMAN. Mr. Speaker, the concern over the economy and phase III continues to grow.

The criticisms are coming from all spectrums of political and economic thought and the latest to weigh in with a detailed analysis of phase III's weaknesses is the highly respected Business Week.

Business Week has traditionally taken a very cautious view and they cannot be counted as an unfriendly publication to the Nixon administration. But their criticisms are quite specific and they appear to echo growing concern in the business community about the unfortunate and premature permissiveness which the President has inserted into the stabilization program.

Mr. Speaker, I place in the RECORD the Business Week editorial, entitled "Phase III Controls: Too Vague, Too Narrow, Too Weak":

PHASE III CONTROLS: TOO VAGUE, TOO NARROW, TOO WEAK

A scant two months after President Nixon's abrupt announcement of Phase III, the whole system of wage and price controls is on the verge of collapse. What began as a well-conceived effort to put some flexibility into the rigid rules of Phase II and move the economy back toward the discipline of the marketplace threatens to end in disaster.

The consumer price index shot up 0.5% in January, an annual rate of 6% in family living costs. The wholesale index for food and farm prices soared 2.9%, promising yet more trouble when these increases work their way through to the supermarket checkout.

Labor leaders are openly scornful of the idea that 1973 wage increases can be held to the 5.5% guideline of Phase II. They are talking of 7.5%, and 8%, and even more.

In the international money markets, new raids on the dollar—triggered by growing mistrust of Phase III—have already forced the President to declare another 10% devaluation. The international payments system has broken down completely, and the world faces the disconcerting prospect of floating currencies and monetary chaos for an indeterminate period.

The stock market dropped 100 points in what was largely a vote of no confidence.

Whatever its theoretical merits, Phase III is a failure. And the nation simply cannot afford a failure of wage and price controls. Instead of applying patches like this week's new oil regulations, the President should terminate Phase III and replace it with a new set of controls that will work.

METAPHORS ARE NOT ENOUGH

Above all, these new rules must be clear, explicit, and backed by a firm determination to make them stick. Phase III suffered from back luck and bad timing, but its fatal flaw was ambiguity. The country waited for clarification, and clarification never came. Administration spokesmen—Treasury Secretary George Shultz, Phase III administrator John Dunlop, and the President himself—all spoke in metaphors. Presumably the clampdown on oil was designed to demonstrate that there really is "a stick in the closet," but the implication is that it will be used only in special situations and then applied lightly.

Essentially, this is the approach of the mediator rather than the controller. A mediator does not lay down the law to anyone. He shuttles back and forth between the parties to a dispute, sympathizing with both and looking for acceptable compromises.

John Dunlop used this technique successfully in the construction industry to bring wages increases to acceptable levels. But what worked in a particular industry over a period of time will not work in an economy facing an immediate inflationary threat. The U.S. cannot mediate with the forces of inflation. It must control them.

For that reason, the Administration must make it clear that there is nothing "voluntary" about the new rules. And it must spread its enforcement net wide enough to ensure compliance by small producers and small labor groups as well as large. The idea that an economy can be managed by applying pressure at a few key spots in big companies and big unions may be workable when the system already is more or less in balance. It is an evasion of the issue—a cop-out—when an inflationary explosion is impending.

THE URGENT PROBLEM OF PRICES

The immediate focus of the new program must be prices. This is the critical area now. The showdown with labor over wage increases will come later. And the controllers will have no hope of winning that showdown without a clean record on prices in the months just ahead.

To control prices there must be clear rules on figuring ceilings and determining what costs can be passed through. There must also be an enforcement apparatus. This means bringing back some of the galling, time-consuming paperwork of Phase II—the reporting and substantiation of price increases. It may also mean a tighter squeeze on profit margins.

All this will be painful for business, but with the economy going into its second year of rapid expansion and with profits still gaining, business cannot plead hardship as it legitimately could in 1971.

Like it or not, the Administration should also expand its price controls to include farm prices—raw agricultural products changing hands for the first time. From the beginning, the exemption of farm prices has been the great weak spot in the control system. Unless the President plugs this hole, he cannot hope to make the rest of the control machinery work.

The best approach to the farm price problem would be to set ceilings, based on the record highs of the past year, and reinforce them by a vigorous program aimed at increasing supplies in the 1973 crop year. Any controls on farm prices involve the risks of shortages and black markets—as well as the political protest from the farm bloc Congressmen. But for the short term, controls are the only way to keep farm prices from dragging the whole economy into more inflation.

If the Administration can make controls stick on prices—especially on food prices, which are more than 20% of the consumer price index—it can reasonably say to labor that the 5.5% guideline is the limit for 1973 wage increases. And that is what it must do if the U.S. is to come out of the year with inflation at last winding down.

This is a crucial year for wage bargaining. It marks the start of a new cycle, with such key industries as rubber, electrical manufacturing, and autos writing new contracts. From the start, the basic strategy of the controls program has been to steer these pattern-setting contracts toward noninflationary settlements. Now, at the critical moment, the U.S. needs controls that work.

INTRODUCTION OF OMNIBUS FIRE RESEARCH AND TRAINING ACT

(Mr. DAVIS of Georgia asked and was given permission to address the House for 1 minute, to revise and extend his remarks, and include extraneous matter.)

Mr. DAVIS of Georgia. Mr. Speaker, I am introducing today a bill entitled the Omnibus Fire Research and Training Act. I am pleased to be joined in introducing this bill by 44 of my colleagues who are cosponsoring this legislation.

This bill is aimed at a major national problem—the problem of fires. Losses from fires each year are staggering. Let me mention only a few of the most notable statistics. Although these figures are not entirely complete, we now know that each year, more than 12,000 Americans lose their lives as a direct result of accidental fires. We also know the young and the old are especially vulnerable to fires. For example, those under 5 or over 65 make up 20 percent of our population, but that same group makes up 45 percent of those who die each year from fires. I would also note that the profession of firefighting is one of the most hazardous we have, ranking second only to mining in fatalities per thousand.

The latest statistics show that over 200 firemen are lost in the performance of their duties each year. These figures are particularly unacceptable when we compare our losses with those in other nations. The United States has the highest fire-related death rate of any country in the world, and is twice that of the second ranking nation, Canada.

Loss of life is obviously not the only detrimental effect of fire. Injuries number in the hundreds of thousands every year, and property losses are equally staggering. It is now estimated that the annual losses of property resulting directly from fires amount to $2.7 billion.

I think everyone would agree that even a small reduction in these losses to life, limb, and property would mark a major improvement. The National Fire Commission, on which I am privileged to serve, has concluded that a reduction of only 5 percent in these losses over the next 5 years would save 8,000 lives, cut injuries by 200,000, and produce a saving in property losses of almost $2 billion.

The bill I introduce today would provide two major tools to bring about a reduction in this Nation's fire losses. It would further step up our fire research effort, and it would provide a much-needed program of fire training and education through the establishment of a U.S. Fire Academy.

This bill would amend the Fire Research and Safety Act of 1968, which served to start a modest but very promising program of fire research in the National Bureau of Standards of the Department of Commerce. Although funding for the program did not become available until 1970, the work of the Bureau to date shows much promise. I believe that a further strengthening of that program and a broadening of the activities within the program to make it a comprehensive attack on the entire fire problem will pay rich dividends. This measure provides that the National Bureau of Standards shall perform a broad program of basic and applied research on all aspects of fires with the aim of providing scientific and technical knowledge applicable to the prevention and reduction of fires. It also specifically directs the NBS to conduct medical and biomedical research related to fire injuries and to the performance of man in the fighting of fires.

I alluded earlier to the lack of truly solid statistics on the occurrences and causes of fires. This bill directs the NBS to undertake a strong data and information gathering effort directed to all aspects of fires. This effort will provide the necessary information to enable us to devise the best strategy in the continuing fight to reduce fire losses.

The second major thrust of the bill is educational. It calls for the establishment of a U.S. Fire Academy, which is patterned on the highly successful Academy for Education and Training operated by the FBI, and its purpose is to advance the professional development of fire service personnel.

In addition, the Academy would conduct a program of equipment development aimed at upgrading the Nation's fire technology, especially in the area of the equipment used and needed by the individual firefighter. It is well recognized that fire training for the professional firefighting forces of this Nation has been a longstanding need. This is especially true for the members of the smaller fire departments throughout the country. The U.S. Fire Academy would provide training of all types, including basic techniques of fire prevention and firefighting, the techniques and command of firefighting, and the administration and management of fire departments and fire services. The courses and programs of the Academy would be available to members of fire departments throughout the Nation.

Mr. Speaker, this legislation requires only a very modest amount of funding. The strengthening of the fire research effort at the NBS and the initial establishment of a fire academy will require only $1 million for fiscal year 1974. I believe that this small sum offers such tremendous potential payoff in terms of savings in lives lost and property destroyed that the Congress should move forward without delay. I join my colleagues who are cosponsoring this bill in commending it to the attention of all Members of the House.

TO RESTORE ORDER AND RESPECT FOR LAW AT WOUNDED KNEE

The SPEAKER pro tempore (Mr. DENHOLM). Under previous order of the House, the gentleman from South Dakota (Mr. ABDNOR) is recognized for 60 minutes.

Mr. ABDNOR. Mr. Speaker, the time has come to restore order and respect for law at Wounded Knee. This can only be accomplished by the immediate arrest and prosecution of the dissident element which is now forcibly occupying that community in defiance of the legitimate representatives of the Oglala Sioux Tribe and the Federal Government.

The AIM Indians are not representative of the vast majority of Sioux on the Pine Ridge Reservation. Their tactics to depose tribal council chairman, Richard Wilson, are as unlawful as the tactics of any similar body would be which tried to depose any mayor or Governor in the land by insurrection or rebellion.

It is interesting to note in today's Washington Post that one of the first demands of AIM in the present negotiations is for the removal of the tribal constitution, and Wilson. This is the same as having 10, or 20, or 30 percent of the people in a community or State rioting to oust the mayor or Governor from office that they do not like or want. I wonder if we could have ever kept any President or elected official in office over a month with tactics of a similar kind?

The demands of the AIM movement have completely ignored the fact that there are legal means by which the leadership of the tribal council can be changed. Three times in the last 11 months opponents of the existing administration at Pine Ridge have tried unsuccessfully to impeach Richard Wilson, tribal chairman. If the Sioux want him removed badly enough, it only takes a petition signed by one-third of the voting members of the tribe to call on election to amend the constitution to provide recall provisions for another election.

It is clear that further delay in bringing law and order to Wounded Knee has only added momentum to the cause championed by those who risk the lives of innocent people and destroy property in an attempt to bring publicity to their goals and ambitions. AIM has taken advantage of the restraint exercised by Federal authorities and the good faith negotiations conducted by the Government at the expense of the law abiding citizens of the reservation.

It is not inconceivable that if we allow AIM leaders like Russell Means, Dennis Banks, and the Bellecourt brothers to threaten the whole concept of tribal government on the Pine Ridge Reservation, we are really jeopardizing the very basis of the Indians' hope of sovereignty through peaceful and democratic means. The only one of these AIM leaders that is even remotely related to the Oglala Sioux in any way is Means, who was born on the reservation. Others are from out of State with prior records of criminal acts.

Is it not possible that if we give in to the demands of AIM that we might be setting the stage for similar extortion by other radical groups on other reservations? This is what might well happen if we allow the terror tactics of AIM to flow unchecked.

The true story of fear and intimidation at Wounded Knee is not being told. It is one of terror of private citizens, and the destruction of livestock and property. Privately owned livestock has been rustled and slaughtered. The Federal post office has been ransacked and postal workers abused. Private property belonging to housing contractors on the reservation has been vandalized. Utilities have been cut off to homes and businesses, schools have been closed, and the lives of citizens threatened. People are at home in fear, and armed.

Mr. Speaker, this is a grave situation indeed. These demands of extortion like those demanded and obtained by the "Trail of Broken Treaties" group who ransacked the BIA in November are outrageous. The Government should never have paid the AIM Indians $66,500 to leave Washington. We must not allow AIM or any other radical group to demand and get their "pound of flesh" every time terror tactics are used.

In the past week President Nixon astutely commented that—

> The Nation that compromises with the terrorists today could well be destroyed by the terrorists tomorrow.

He was, of course, referring to the attack that resulted in the death of two of our country's overseas diplomats in Khartoum.

In my opinion, that comment has application to situations within our own boundaries as well. Our system of government provides for the redress of grievances in an orderly manner giving both sides an opportunity to present their views. When and if we accede to terrorism on the part of any one group to accomplish social change, we are paving the way to the destruction of our form of constitutional government. We cannot allow this to happen. It is time for the Justice Department to move in, arrest and jail those who are in obvious violation of the law at Wounded Knee.

GENERAL LEAVE

Mr. ABDNOR. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks and include extraneous matter on the subject of my special order.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from South Dakota?

There was no objection.

Mr. CRANE. Mr. Speaker, will the gentleman yield?

Mr. ABDNOR. I yield to the gentleman from Illinois.

Mr. CRANE. Mr. Speaker, I wish to join my colleague from South Dakota in his plea that order and respect for law be reestablished at Wounded Knee. I join him in the belief that this will be achieved only by the immediate arrest of the protestors who are now forcibly occupying Wounded Knee in defiance of the representatives of the Oglala Sioux Tribe and the Federal Government.

Those who have used force in their occupation of this community are in violation of both tribal and Federal law. To permit them to continue in their open violation of those laws holds all law enforcement in the United States open to serious question. If men and women in other communities are prosecuted for violating the law, the same should be true in Wounded Knee. Each American has the right to equal protection of the laws. Similarly, each American must be equally responsible for paying the price for their violation.

Unless action is taken now, every group which has a grievance, legitimate or otherwise, will be encouraged to use force and violence in an attempt to coerce and intimidate government to fulfill their aims.

Events at Wounded Knee provide us with yet another example of men and women who have particular grievances and seek redress of such grievances, attempting to achieve their will not through the democratic process, but through the use of force.

The real issue before the Nation is the same issue which faced us during the riot-torn summers of the sixties, through various marches on Washington, and through a variety of threats that if specific pieces of legislation are not approved, violence will ensue. Even at the present time we are told that if certain governmental agencies are dismantled, a summer of rioting and disruption will result.

To permit the Government of the United States to be intimidated by such violence is to admit that representative government has ceased to function. It is to declare that minorities who are willing to use force, violence, and the threat of such actions can influence Government above and beyond mere electoral majorities.

Fortunately, our society provides many means through which legitimate grievances can be presented, investigated, and adjudicated. If the protestors at Wounded Knee have such grievances, it is their responsibility to use the means available to them to seek a just solution. No citizen or group of citizens has the right to use force and violence to impose his will upon others.

The situation at Wounded Knee is a national disgrace. While law enforcement officials stand meekly by, privately owned livestock is being rustled and slaughtered; the Federal post office has been ransacked and agents of the Postal Service abused; private property has been destroyed; citizens have been unable to reach towns for medical care; utilities and schools have been closed.

The majority of those who have illegally occupied Wounded Knee are outsiders—individuals with no direct interest in the Pine Ridge Reservation. The legitimate governing body of the Oglala Sioux is opposed to this illegal àction. Unfortunately, the tribal government has been ignored, and its views are not widely known.

It is now time for Federal officers to enter Wounded Knee to arrest and jail those who are in open and flagrant violation of the law. If this is not done, the legitimate grievances of American Indians, and the entire concept of rule by law, will suffer. Government has shown its own willingness to talk, to be reasonable, to seek just solutions. Now the time to act is clearly at hand. At this point I submit the following:

Washington, D.C.

The PRESIDENT,
The White House,
Washington, D.C.

MY DEAR MR. PRESIDENT: I have just read the comments of my distinguished colleague from South Dakota, Congressman Abdnor, concerning the situation and activities at Wounded Knee. I support his remarks and join him in calling for the arrest and prosecution of the unlawful elements at Wounded Knee.

PHILIP M. CRANE,
Member of Congress.

Washington, D.C.

Hon. ROGERS C. B. MORTON,
Secretary of the Interior, Interior Building,
Washington, D.C.

DEAR MR. SECRETARY: I have just read the comments of my distinguished colleague from South Dakota, Congressman Abdnor, concerning the situation and activities at Wounded Knee. I support his remarks and join him in calling for the arrest and prosecution of the unlawful elements at Wounded Knee.

PHILIP M. CRANE,
Member of Congress.

[News release from Congressman ABDNOR, Mar. 13, 1973]

ABDNOR CALLS FOR ARREST AND PROSECUTION OF DISSIDENT ELEMENTS AT WOUNDED KNEE

The time has come to restore order and respect for law at Wounded Knee. This will only be accomplished by the immediate arrest and prosecution of the dissident element which is now forcibly occupying that community in defiance of the legitimate representatives of the Oglala Sioux Tribe and the federal government.

Arrest of those in violation of tribal and federal law at this time can most likely be accomplished only by force. I feel that the time has passed when that could have been accomplished without the possibility of violent confrontation.

Delay has only added momentum to the cause championed by those identifying themselves as members of the American Indian Movement (AIM) at Wounded Knee. The restraint which has been exercised by federal authorities and the good faith negotiation conducted by federal authorities has been taken advantage of by the AIM leaders. This has only created a more explosive situation in southwestern South Dakota.

I know what AIM claims it wants to accomplish. What AIM has demonstrated by its violent and illegal tactics, however, is that its principal goal is the disruption of legitimate government. This AIM members have accomplished, and they will continue to accomplish this until they are dealt with in terms they understand. I believe that force has become the only option left to federal authorities.

What has been created at Wounded Knee is a refuge for radical and dissident elements, all of whom appear to be willing to violate the civil rights and the property rights of others to further their own cause.

As these elements congregate at Wounded Knee, their call for others to join them is being sent throughout the country by the national media. The dissident Indians drew courage from their increasing numbers, and from their successful defiance of authority. Unchecked, similar refuges will spread to all of our Indian reservations.

As these refuges for lawbreakers spread, so will the violence and destruction of private property. Unchecked, more Indians and non-Indians will flee the reservations, intimidated by the tactics of those who respect no authority of legally constituted governments.

It is the story of this fear and intimidation which now exists in the Wounded Knee area that is not being told. Privately owned livestock is being rustled and slaughtered; the Federal Post Office at Wounded Knee has been ransacked and agents of the Postal Service abused; the property of private contractors present on the reservation to construct housing units for Indians has been vandalized and destroyed; citizens have been threatened and have been unable to reach towns for supplies and medical attention; utilities have been cut off to citizens in the countryside; and schools have been closed, disrupting educational and community activities.

Those citizens who have stayed in their homes have armed themselves and now fear that they must rely on their armament to protect their lives and their property. Conventional law enforcement is at a standstill.

Precedent for governmental disruption and property destruction without penalty was set in Washington in November when the "Trail of Broken Treaties" group ransacked the Bureau of Indian Affairs building and was paid $66,500 to leave. Similar extortion is now being witnessed in South Dakota. To again give in to the demands of those who make mockery of due process of law will only give added incentive to the members of this movement, and will attract added numbers to its ranks.

It must be pointed out that the membership of this group now in occupation of the Wounded Knee area has as a minority Oglala Sioux. Its majority are outsiders—individuals with no direct interest in the affairs on the Pine Ridge Reservation.

The legitimate government of the Oglala Sioux is opposed to occupation of Wounded Knee and is anxious to aid in the eviction of AIM. The tribal government of Chairman Richard Wilson, however, has been ignored, and its story has not been presented to the American public.

What has been presented to the public is a romantic picture staged in dramatic historical setting. The national media, summoned to spread the sensational story as it unfolded, has had a field day playing on this critical situation. Do-gooders have been attracted by this and have prolonged and aggravated this serious situation, not fully understanding the situation nor appreciating how unrepresentative of the Indian people those spokesmen in braided hair and headbands seen on television really are.

They do not understand the criminal background of the leadership of the AIM movement or the crisis that has been created in the lives of the Indians and non-Indians on and near the reservation as a result of the terrorist tactics now employed there.

Allowed to continue, the rank and file tribal membership on that reservation and reservations elsewhere will begin to identify and sympathize with this group. And why shouldn't they? To date AIM has been extremely successful.

AIM members have carefully orchestrated the time, the place and the situation to their best advantage; they have told a story, a story I do not think depicts the situation on the Pine Ridge Reservation or in America today. The recent declaration of secession from this country by the group at Wounded Knee is a truly un-American action; so too are the actions that that group has conducted in bringing the situation to the climactic point it has now reached. America is confronted with anarchy at Wounded Knee.

To end that anarchy, I now call on federal officers to enter Wounded Knee, employing whatever force and technology that may be necessary, but in a fashion respecting human life and avoiding injury, to arrest and jail those who are in obvious violation of law.

I call for this action only after careful evaluation of the situation at Wounded Knee, and after having sounded the opinion of my constituents in my recent visit to South Dakota and a meeting with high officials of the Departments of Justice and Interior. Heretofore I have not intervened, feeling that to do so would serve no useful purpose. The time for inaction has now passed. Thank you.

Mr. ABDNOR. Mr. Speaker, I thank the gentleman from Illinois for his comments.

Mr. KEMP. Mr. Speaker, will the gentleman yield?

Mr. ABDNOR. Mr. Speaker, I yield to the gentleman from New York.

Mr. KEMP. Mr. Speaker, I want to associate myself with the remarks of the gentleman from South Dakota and commend him for his courage in standing up today and bringing this matter to the attention of more people across the country and certainly to the Members of Congress. I appreciate what he has done and I thank the gentleman for yielding.

There is an immediate need to restore order and respect for law at Wounded Knee and this can only be done through a spirit of negotiation, not confrontation. I know the Indians in my own district generally reflect the spirit of negotiation as indicated by the following excerpt from the March 9 issue of the Buffalo Courier Express, including a quote from Dean Williams, president of the Seneca Nation.

> "Those Indians are willing to die and I don't want to see that, but the government seems to be showing off its power and it isn't doing any good," he said. "I sent a telegram to President Nixon asking him to avoid bloodshed."
>
> The Seneca Nation president said he would be willing to serve on any kind of a negotiating committee or truce team to try to resolve the situation.

Mr. BLACKBURN. Mr. Speaker, will the gentleman yield?

Mr. ABDNOR. I yield to the gentleman from Georgia.

Mr. BLACKBURN. Mr. Speaker, I thank the gentleman for yielding and I congratulate him on the research he has done in the matter at Wounded Knee. Those of us who are not from that part of the country are not as familiar with the factual background as is the gentleman in the well, but it is obvious the gentleman has looked into the background of the people involved in this display of terror. It is quite shocking to me to learn that some of them have some form of criminal record in their background.

I noticed in the paper recently a photograph of one of the Indians waving a Communist-made AK–47 automatic infantry weapon. The question comes to my mind, where did he get such a weapon?

I understood the possession of such weapons was illegal as a matter of law. I feel some distress that weapons of this sort could be held in the hands of people who are openly rebellious against our form of government.

I want to thank the gentleman from South Dakota for his research in bringing this matter to the floor of the House.

Mr. CONLAN. Mr. Speaker, will the gentleman yield?

Mr. ABDNOR. I yield to the gentleman from Arizona.

Mr. CONLAN. Mr. Speaker, I would like to congratulate the gentleman from South Dakota for his very cogent observations today.

I happen to represent over 100,000 Indians in the United States, perhaps more than any other Congressman here. I know these people are exceptionally law-abiding. They want to and are participating very substantially in the democratic process and in their own self-government. They do not need a bunch of dissidents, amoral and immoral gangsters, terrorizing their communities. They do not want them in our State. They feel very sorry that the forces of order in South Dakota and at the national level have not acted amicably and firmly enough with their Indian brethren in South Dakota.

I think the gentleman from South Dakota (Mr. ABDNOR) has spoken well on this subject. It would be wise for all of us if the admonition which he has given this afternoon were carried out at all levels including the highest levels of our Government, because this type of terror cannot be condoned and cannot be temporized.

Mr. ABDNOR. I thank the gentleman from Arizona and others who have participated this afternoon. I would like to say that what is happening in South Dakota could happen on any reservation throughout the United States.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. ABDNOR. I yield to the gentleman from Iowa.

Mr. GROSS. Mr. Speaker, I want to join with other Members of the House in commending the gentleman from South Dakota for taking this time on the floor of the House to address himself to this subject.

I returned to Washington last fall and went to the Bureau of Indian Affairs Building, having read in the newspapers accounts of what had happened. I was able to see the interior of the building before the rehabilitation was begun. I never saw more wanton destruction in my life, short of a battlefield.

This was, as the gentleman says, outrageous. It was more than outrageous, it was degrading. The action of the Federal Government in making available $66,500 in cash to the renegade leaders of the group that came to Washington and devastated the interior of the building, its furnishings and equipment, was especially degrading.

It is hard to believe that a settlement was entered into by the Government on those terms. I also attended the 2 days of hearings that were held by the House Committee on Interior and Insular Affairs, and listened to a procession of witnesses try to explain why they tolerated the occupation and destruction of the building, and why they permitted themselves and the taxpayers of this country to be blackmailed.

Again I say to the gentleman that I appreciate the fact that he would take the floor this afternoon. This Government must put a stop to this kind of terrorism, immediately, in South Dakota, Washington, D.C., or wherever it may occur.

Mr. ABDNOR. I thank my colleague from Iowa, and I say that these same AIM leaders who are now out in South Dakota were here in Washington destroying the BIA building.

Mr. ROUSSELOT. Mr. Speaker, will the gentleman yield?

Mr. ABDNOR. I yield to the gentleman from California.

Mr. ROUSSELOT. I too wish to thank our colleague from South Dakota for bringing to the attention of the entire House some of this information which obviously has not been readily available about the insurrection at Wounded Knee. It is a worthy service to present these kind of facts, as he has done.

First, I am particularly interested in the fact that we have not received adequate and full reporting on this issue in some of the news media. The fact that the gentleman has to come here to make sure that these facts are presented, I think, is additional comment on the lack of information which sometimes does occur because the news media did not do a complete job. The error of omission on the part of the news media can be just as damaging as the error of inaccuracy.

Second, it is heartwarming to know that the overwhelming majority of the people living on the reservation do not tolerate this kind of insurrection and destruction. We are grateful to our colleague from South Dakota for dealing in fact instead of in the normal sensationalism so many people sometimes use in rushing to the aid of so-called deprived who carry on this kind of destruction.

We thank our colleague for doing this.

Mr. ABDNOR. I thank the gentleman from California.

Mr. HUDNUT. Mr. Speaker, will the gentleman yield?

Mr. ABDNOR. I yield to the gentleman from Indiana.

Mr. HUDNUT. I thank the gentleman for yielding.

I should like to preface a question I am going to ask the gentleman by expressing my appreciation for his remarks. I do not believe it is just coincidental that they are made to the House on the same day the President's message with reference to law enforcement is delivered to us, one that he gave over the radio last week.

I should like to commend the gentleman for stressing the importance of holding the social fabric together in America by having respect for the law and equal justice under law and doing whatever we can to avoid the tyranny of terrorism which seems so often to be the recourse of those who are so easily frustrated by an inability to achieve their goals and desires through due process.

The question I should like to ask the gentleman is this: I have been approached several times, because I am a clergyman, in the last couple of days, by people who have alleged that churches not only have been involved in the situation to which the gentleman was addressing himself but also have been actively engaged, to use the words of those who make the allegations, in the smuggling of arms to the insurrectionists. I do not know whether this is true, but I would appreciate any information the gentleman can give us on this subject, or any light he can shed.

I thank the gentleman very much.

Mr. ABDNOR. I thank the gentleman from Indiana.

The church has been involved down there, by way of the National Council of Churches.

I misunderstood their mission yesterday, from whatever information I had. My administrative assistant has been in contact with a member of the Council of Churches in South Dakota, and they have told me they were invited down there to participate. I took exception when I saw on television Thursday night the truck driven in there which unloaded groceries to the AIM people, a truck sent in by the Council of Churches. They informed me just this morning it was not food for the members of AIM but for the other people at Wounded Knee. I suppose once it got inside of Wounded Knee it got over to AIM.

This is all I can tell the Members about that.

I should like to conclude by saying that I appreciate what the gentleman from California said about this not being representative of the situation, as understood throughout the United States.

We have in South Dakota, among the Indian tribes, the United Sioux Tribes of South Dakota Council, a council made up of representatives from all the tribal councils. These council members are duly elected, just as representatives here are elected. The tribal chairman is elected, usually for 2 years. In the case of Pine Ridge there are 25 council members.

At the meeting of the United Sioux Tribes the tribal chairman and council members from each reservation are present. I met with this group about 10 days ago, and I can tell the Members that the United Sioux Tribes abhor the radical activities of AIM, as much as anybody else. This is not to their liking, nor do they give their approval.

Mr. SHOUP. Mr. Speaker, will the gentleman yield?

Mr. ABDNOR. I yield to the gentleman from Montana.

Mr. SHOUP. I should like to commend the gentleman from South Dakota for his stand, and I certainly associate myself with his position. I should like to make my feelings known in this regard and included in his special order today, to further emphasize the injustice that is being done at Wounded Knee.

Mr. Speaker, I wish to associate myself with Congressman JAMES ABDNOR of South Dakota in his demand for justice at Wounded Knee.

The minority of extremist reactionaries who are carrying out this transgression on the rights of those residing in the immediate area and on the rights of the members of the Oglala Sioux should be dealt with justly but firmly. It is the right of every member of American society to voice nonviolent opposition. In fact it is the responsibility of citizens to do so when they are opposed to something. But it is not the right of one small segment of this Union to infringe on the rights of everyone else.

AIM—American Indian Movement—claims it is trying to improve the lot of the American Indian as a whole. If its practical application of effort was as pristine as its carefully chosen name and the verbal claims it has been making, then AIM would deserve our recognition as a hard working organization interested in helping to alleviate many of the problems facing American Indians today. But AIM is not so oriented. The group, while saying one thing and espousing one set of principles, practices another. It is clearly the small minority of radicals trying to accomplish by violent confrontation what they have failed to accomplish by working democratically through their tribes. I, like my distinguished colleague from South Dakota, believe that the time has come to stop mollycoddling these reactionaries and simply evict them from the Wounded Knee area they have fortified. It is time for the majority Indian feeling to take precedent.

Mr. Speaker, this is one Nation, indivisible. We are a democracy that is made up of, by, and for all the people in this country. If the majority of Indians in the individual tribes felt the same as the Wounded Knee dissidents, I would feel more compassionate toward them. But the fact of the matter is that most Indians in this country are profoundly embarrassed by it all.

The dissidents at Wounded Knee are the kind of rabble that exist in any society; always anxious to take control and force anarchy upon everyone else. The AIM group could not gain significant control in the tribal governments, which are duly constituted and elected by the individual tribal members. So instead, AIM took over Wounded Knee and demanded that the Federal Government go in and dissolve the tribal government of the Oglala Sioux and set the AIM leadership up in control of the tribe. What they could not accomplish through democratic process, they have attempted to accomplish through totalitarian action.

Perhaps the greatest irony of this entire affair is that during a period of time when we are dealing with hammering out a first amendment shield law to protect newspersons, to insure that the press is able to serve its critical function in our society, the press has failed to tell the story of Wounded Knee adequately. They have been used by AIM with the result that many people in this country who have no firsthand knowledge of Indian problems have a distorted view of the situation at Wounded Knee. They are under the impression that we are dealing with a noble cause, being led by sincere, noble men and women who are only interested in raising the Indian up to his rightful place in society. That is a false image of AIM and what it is doing at Wounded Knee. The rabble-rouser reactionaries occupying Wounded Knee are opportunistic activists who are conducting their confrontation totally without the backing of even the tribe whose reservation they occupy.

One thing that the reporters have not examined in much detail is how many of those occupying Wounded Knee are actually Oglala Sioux. No great effort has been made to tell the American public just how other American Indians feel. Those other Indians, by far the majority of native Americans, have refused to support AIM, refused to vote for AIM members when deciding tribal councils, view the AIM groups as misdirected, misinformed radicals bent on destroying decades of critical work by both Indian leaders and whites to ease tensions and raise the life style of native Americans. Most of the reporters have been more concerned with sending in stories filled with images of the noble savage defending his last stronghold. When will we hear and read of the other side?

The end result of all this has been that do-gooders have been, as Congressman ABNOR pointed out:

> Attracted by this and have prolonged and aggravated this serious situation, not fully understanding the situation nor appreciating how unrepresentative of the Indian people those spokesmen in braided hair and headbands seen on television really are.

Mr. Speaker, I join with my colleague from South Dakota, who represents the area of Wounded Knee and the Oglala Sioux, in calling for an immediate end to the occupation of Wounded Knee by the AIM group and criminal prosecution of those involved. We cannot tolerate anarchy in our society. We cannot tolerate the destruction of property, infringement on the rights of others, Indians and whites alike by the AIM group. Their fires of radical, violent dissent were fueled by the payoff of $66,500 to end the BIA occupation in Washington last November. I say that it is time to stop trying to buy off dissidents. It is time to stop tolerating their authoritarian activities designed to steal duly constituted power from those elected by Indians themselves, and placing everyone in our society at bay.

We are all Americans, whether we be Protestant, Catholic, Jew, black, yellow, white, or red. We are Americans first, with our first responsibility and our first pride in that fact. While we must be cognizant of our individual groups' needs, we must stop pandering ourselves at every opportunity to minority viewpoints and carry as our first responsibility the desires of the majority. That principle exists in this august body and it is the foundation of a popular democracy. So it must be applied in the Wounded Knee case and all other such occurrences.

Though Wounded Knee is outside my own district, it seems to me that AIM's activities spill over to affect us all. I have a substantial Indian constituency, most of whom feel this kind of activity should be stopped. We have remained restrained and silent. Now it is time for us to stand up for the rights of Indians as fellow American citizens.

Mr. MELCHER. Mr. Speaker, a second tragedy at Wounded Knee is possible if American Indian Movement activists continue to flout the law. Their revolution hurts the efforts of Indian tribes everywhere that are trying to solve Indian problems and grievances.

None of us, regardless of the color of our skin or our cultural heritage, should be allowed to take the law into our own hands. Anarchy would be the result. Grievances that we have against the Government must be handled in a democracy through the regular processes of law.

The Indians of America have had grievances aplenty. Some of these have been recognized and corrected. Those that remain should be presented not by such action as taking hostages and seizing physical control of Wounded Knee. The fact that the hostages have been released does not remove the guilt of having taken them.

Tribal officials elected through the democratic process on each reservation by each tribe should be the official spokesmen for the people of each tribe. The American Indian Movement action at Wounded Knee has disregarded the elected Oglala Sioux tribal leadership. It follows, therefore, that the AIM activists are also defying the wishes of the overwhelming majority of the Oglala Sioux people on their own reservation and the fact cannot be ignored that many of the AIM group at Wounded Knee are not of that tribe.

It is a breakdown of law and order that hurts the aspirations of Indian people on the Pine Ridge Reservation and other tribes throughout the country. Violence begets violence.

The AIM leaders should promptly withdraw from their illegal position at Wounded Knee and end their militant seizure of power. The Justice Department handling of this incident has not been successful as yet but it is their duty to enforce law and order.

Legitimate grievances of that tribe cannot be considered until order is restored. The AIM actions at Wounded Knee are preventing this and the fact that they are getting away with it is harmful to Indian peoples everywhere.

The situation is a sad commentary on our ability to run effective government as we should.

Mr. KUYKENDALL. Mr. Speaker, I am proud to associate myself with the remarks of my colleague from South Dakota and with the other distinguished Members of this body who have done so.

Without addressing myself to the history of Indian injustices or to the provocation that may have led to the second battle of Wounded Knee, I wish to commend the gentleman from South Dakota for the courage to say what he has said, and to take the stand that he has taken.

He calls for an end to anarchy and for the restoration of the rights of people who have been inconvenienced or worse. He calls for the U.S. Government to recognize and to exercise its obligations to the people that it governs.

There has been a noticable reluctance throughout the Wounded Knee affair on the part of many in positions of responsibility to act or to call for action. JIM ABDNOR of South Dakota has not shirked that responsibility.

THE FIVE IRISH AMERICANS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. GONZALEZ), is recognized for 15 minutes.

Mr. GONZALEZ. Mr. Speaker, while we are still on this subject of law and order, but from another viewpoint, I notice that the President today sent over the sixth installment of what he describes as the "state of the Union," and in it he is asking this Congress to consider, at a time when he gets ready and presents them, specific bills reflecting his desires along the lines he speaks of in this message concerning reform of the Federal criminal statutes, and he points out in the mimeographed copy which we were handed on the floor a while ago the following—and I quote from page 3:

> With the passage of new criminal laws, with the unfolding of new court decisions interpreting those laws, and with the development and growth of our Nation, many of the concepts still reflected in our criminal laws have become inadequate, clumsy, or outmoded.

Now, Mr. Speaker, I hope that the President in his desire to bring about those wholesome aspects of reform that would be reflected in the codification of our laws will also not unwittingly contribute to a state of hysteria that will lead to the results that most unfortunately this Congress was stampeded into when it passed the amendments in 1970 to the omnibus crime and safe streets law. The amendments of 1970 were described as the so-called antiorganized crime bill.

Mr. Speaker, at that time a few of us expressed our concern, voiced our opposition and voted in the end result against the entire package of amendments because we felt some provisions in those amendments completely outweighed the good in other sections of that legislation.

Mr. Speaker, events since 1970, less than 2 years ago, have clearly confirmed our misgivings, have clearly justified our warnings, and are an ominous reminder that this Congress has obtained the passage and enactment into legal form of some statutes that oppress and bear heavily upon the people as in no other English-speaking jurisdiction in the world today.

Mr. Speaker, as we are gathered here this afternoon, there are five Americans, popularly known as the "Five Irishmen From New York," who are in the Tarrant County jail in Fort Worth, Tex., on the basis of the law that was enacted in 1970 which set out for the first time in Anglo-American jurisprudence the so-called special grand jury.

I remember well the atmosphere that prevailed when this House approved those amendments. Many Members expressed to me privately their misgivings and their agreement with our position, but they said, "Politically, this is 1970, and we cannot be caught voting against a law which is against crime."

Now, let us see what we have done. I have annotated and chronicled 11 purely politically motivated special grand jury activities throughout the country since 1970. For the first time in the history of this jurisdiction, and including even England itself, since the days of the Star Chamber proceedings, any one of the Members of this Congress and any one of our citizens listening to this can forthwith and without any prior warning be notified that a special grand jury has been convened 2,500 miles away from his home locus, and that he must present himself to answer charges there.

This is what has happened to the five from New York who are now in jail again and who prior to last month had been summoned to a specially convened grand jury in Tarrant County not knowing for what purpose they would have to answer in Fort Worth, which is at least 1,800 miles from their homes in New York. These are five Americans of Irish extraction.

It is ironic that today the House is sort of celebrating in anticipation of St. Patrick's Day. These Irishmen we think have been summoned and jailed because British agents have informed our Department of Justice that they suspect these men have been engaged in gunrunning into Ireland.

In all of the months these men have been harassed and pulled from their homesite in New York down to Texas nobody knows for sure if that is the case.

They are men of modest means, and, therefore, they have had to remain in jail. A few weeks ago some of us spoke out and did compel, by focusing and helping focus public attention, their temporary release. However, since then they have again been remanded to jail.

As far as I know, formal charges specifically setting forth what they are suspected of have been long withheld from anybody's knowledge.

What can a citizen do if he is summoned in this fashion with no recourse and no real means of defense and no financial resources?

There have been 10 other instances that can be chronicled of a similar nature that have purely political motivation. All of this we foresaw and warned against in 1970. Unfortunately, the great overwhelming majority here heedlessly went on and voted for this law by an overwhelmingly preponderant vote.

There is nothing in English, American, or the English-speaking world jurisprudence that equals the danger contained in these laws. It does the main reason why the grand jury system was founded to begin with. I must recall to you that grand juries were founded for precisely the reason that the citizen had to have some protection against the overweening and intrusive power of the crown—the state. That has been removed and compounded with a vengeance because in that law we also set up for the first time a completely antagonistic concept to our basic reason of being for a grand jury, and that is we have equipped these juries with the right to issue reports.

I want to remind my colleagues, who are politicians par excellence or else they would not be here, that although they may be taking comfort in the fact that what they consider to be a friendly and a responsible regime is in power in this administration that we can never vouchsafe that our laws will be enforced and carried out by angels. That we must in considering the enactment of the laws take into consideration that maybe the devil himself might be some day enforcing these laws.

What we have done in the passage of this law is to create a monster and an enemy and a constant overhanging threat to the basic liberties of every American. Any criminal or civil district attorney who is desirous of wreaking vengeance on somebody for purely political purposes had a handmade apparatus at his disposal with which to beat the heads of the helpless victims that reflect and represent his political enemies.

As we are gathered here today there are five Americans who are living examples of a great injustice with very little recourse to the proceedings of justice except at the whim of the Justice Department and the administrators who have sought on 11 different occasions special grand juries. Why should this Congress not now take advantage of the President's request that we revise our criminal code in order to reconsider this abomination in the law?

Mr. Speaker, I urgently request that we not be stampeded into hasty enactment of criminal legislative laws merely because we are aroused about the condition of our country and the seemingly unimpeded rampage of criminal behavior in our country.

I want to point out to you that it does very little good for any legislative body to enact more laws if we do not have the efficient administration of those laws. If policemen refuse to arrest, if district attorneys refuse to prosecute, what good is it to add and compound numerous laws in the statute books? Very little. If our system of justice is a hit-and-miss one, if the poor get convicted and the rich escape because they can get legal talent, then I think that is in greater need of reform than the merely artificial content of the phrases of the law.

So I urge my colleagues to think out studiously and carefully, and at the same time cut out this cancerous overgrowth of Star-Chamber procedures that are victimizing our citizens.

The Irish have a saying that it is easy to sleep on another man's wounds, and it is easy for us to talk and sleep comfortably and eat well while five of our fellow citizens are victims of modern-day American Star-Chamber injustices.

WAR POWERS ACT OF 1973

The SPEAKER pro tempore (Mr. WRIGHT). Under a previous order of the House, the gentleman from Michigan (Mr. ESCH), is recognized for 15 minutes.

Mr. ESCH. Mr. Speaker, the end of the Vietnam war has been greeted in the United States with profound relief that at last we have been extracted from this awful quagmire which has been so disruptive to our political processes, our national self-esteem, and our relations with the rest of the world. We greet with joy the return of our prisoners of war and with hope the prospects that fighting is gradually coming to a halt in response to the cease-fire.

Yet the end of this war has been greeted with little elation. For the vast majority of Americans this is the end of what they have long since seen as a seemingly endless conflict. For those of us who have argued against the war for the past few years, this is a time for determination that never again will the United States become involved in a conflict without wide public debate and without the consent of Congress.

One of the major lessons of the Vietnam war has been the inability of the Congress to grapple with the issue of war in a meaningful way. We have seen how very difficult if not impossible it is to control our Nation's warmaking power through appropriations.

WAR POWERS

The obvious lesson for Congress then, is to devise ways to bring to bear its extensive policy powers respecting war at the outset, so that it is not left to fumble later in an after-the-fact attempt to use its appropriations power. To achieve this purpose, I have introduced the War Powers Act of 1973.

The issue addressed by the War Powers Act is a fundamental constitutional issue. The President is limited by the specific language of the Constitution. Indeed, the framers of that document were neither uncertain nor ambiguous about where they wished to vest the authority to initiate war. They themselves were dismayed by the power of the British Crown to commit Great Britain—and its American colonies—to war. It was rightly pointed out by Abraham Lincoln in a letter to his friend, William Herndon, that it was "this power of the kings to involve their countries in war that our Constitution understood to be the most oppressive of all kingly oppression. The Founding Fathers resolved to frame the Constitution so that no man could keep that power for himself."

The purpose of the War Powers Act then, is not to divest the President of his power, but to return that power to that body for whom it was intended.

The provisions of the bill insure that the collective judgment of both the Congress and the President will be brought to bear in decisions involving the introduction of the Armed Forces of the United States in hostilities.

While it leaves the President sufficient leeway to meet an immediate crisis, it provides that, in the absence of a declaration of war, such hostilities shall not be sustained beyond 30 days without congressional consent.

It permits Congress to terminate the authorization to sustain hostilities before the expiration of the 30-day period by means of a joint resolution.

It directs that any bill or resolution, authorizing continuance or termination of military hostilities shall, if sponsored or cosponsored by one-third of the Members of the House of Congress in which it originates, be considered reported to the floor of such House no later than 1 day following its introduction.

It provides that any bill or resolution reported shall immediately become the pending business of the House to which it is reported, and shall be voted upon within 3 days after such report.

Lastly, the bill eliminates a very short yet very significant section of the Javits war powers bill which passed the Senate last year and which has been reintroduced this session. The section concerns the effective date of the bill's enactment and states that the bill shall not apply to hostilities which the Armed Forces of the United States are involved in on the effective date of this act.

There has been a great deal of concern in and out of Congress as to the possibility of the United States being reinvolved in the Vietnam conflict. The concerns stem mainly from a definitial problem—can under this clause the President recommit ground troops to Vietnam because the cease-fire agreement did not constitute an official end to hostilities. This problem has led to a major effort in Congress to disallow the funding of any activities for the war. Yet I would truly hope that Congress has not already forgotten how difficult and unsatisfactory it is for Congress to try and get a meaningful hold on the Vietnam war through the funds cutoff route. In my opinion this whole problem can be much easier dealt with by making the effective date of war powers legislation immediate, thereby, eliminating the possibility of the President's reintroducing troops into Vietnam.

Passage of this legislation will, I think, protect our Nation against future Vietnams. If ever again we enter a war, it will be with full national understanding of and support for our purpose.

The second lesson to be gained from our experience in Vietnam is the horrible destruction which results from modern warfare—the high cost to the economy, the environment, and to human lives. The suffering, in both Vietnams, has been enormous and only extensive efforts can begin to heal the wounds.

I have been pleased by recent indications that the President will push for active U.S. involvement in this effort. We have, I believe, a national moral obligation to help repair what we have helped to destroy. I am concerned, however, that we will approach this task in a unilateral fashion; that, despite our rhetoric about self-determination we will undertake to determine or at least influence the future of this area ourselves—in a new, modern version of the white man's burden.

To avoid this kind of unilateral action, I introduced 2 years ago a resolution which called upon the United Nations to take on the major tasks of bringing back stability to Southeast Asia. My resolution urged:

First. That immediate steps be taken through the United Nations Office of High Commissioner for Refugees, for the immediate placement of refugees in Indochina.

Second. That immediate steps be initiated to reactivate the United Nations Rehabilitation Relief Association in order that an extensive program of rebuilding Indochina be started upon the cessation of hostilities, and that the Congress of the United States state its intentions to appropriate funds to the United Nations to be used specifically for the rehabilitation of Indochina.

I did not choose the United Nations for these heavy responsibilities on the basis of intuitive judgment, but rather after a careful examination of the record. The accomplishments of the United Nations in humanitarian, social, and economic restoration are abundant and impressive. Anyone who has ever analyzed or researched the work of the United Nations, particularly after World War II or Korea, will find a surfeit of facts to substantiate this.

I believe it is the United Nations that can sucessfully lead the struggle to promote order, health, justice, and prosperity in Indochina. If we are to replace the helicopter with the housing development as a symbol of power, the job can be done most efficiently and effectively by the United Nations.

It was the late Ambassador to the United Nations, Adlai Stevenson, who once observed:

> If the United Nations did not exist, it would have to be invented.

At this particular moment in history, I believe this to be an extremely apt statement.

A full year and a half before Germany surrendered but with ultimate victory in sight, 44 nations signed an agreement at the White House, establishing the United Nations Relief and Rehabilitation Administration. It became commonly known thereafter as UNRRA. Its specific purpose was to bring aid and relief to the inhabitants of those countries that were overrun by the enemies of the United Nations. The mission then was to end famine, pestilence, devastation, and disease in these nations.

At the peak of UNRRA operations, there were five types of offices and missions and a staff of nearly 25,000 as follows:

First. Washington headquarters. This was the administrative center for the organization.

Second. European regional office, in London. Supervised all offices, missions, and displaced persons operations in both the Middle East and Europe.

Third. Servicing offices and missions. Twenty-nine of these around the globe engaged in recruiting personnel, processing supplies, expediting the shipment of goods, and providing the various governments with health and welfare services.

Fourth. Missions to receiving countries. There were 16 of these advising governments on the preparation of requests to UNRRA for supplies and their use and distribution thereof within the Nation. They gave technical advice on health, welfare, and both industrial and agricultural rehabilitation.

Fifth. Displaced persons operation in Germany, under ERO supervision. Dealt in repatriation and care of displaced persons in cooperation with the military command.

One of the spin-offs of UNRRA, was its assistance to refugees. Help for the refugees under international sponsorship dates back much further. It can be traced to the League of Nations, in 1921. The pattern established then has been followed for decades. For the most part, we have seen nonpermanent international and intergovernmental agencies solve each problem as it arose. However, since 1951 the United Nations Office of High Commissioner for Refugees has been continuously operating under a mandate which is purely humanitarian, and exclusively nonpolitical. I believe its praiseworthy accomplishments should continue after Vietnam. The High Commissioner has become the international protector of refugees. The refugee problem was large scale after World War II and Korea. There is no reason to believe it will be any different this time. It makes sense that this Office of the United Nations carry on its work and assist those who have become displaced as a result of the fighting in Indochina.

While I believe then that the United Nations is an ideal channel for our aid, I realize there is a possibility that an arrangement cannot be agreed upon by that body. If this is the case, I believe that some other arrangements with those countries giving assistance must be made so that this aid will be truly multilateral in nature.

As we are all aware, there is still killing going on in Indochina. However, with the disengagement of the United States from Vietnam, we can hopefully look forward to a more peaceful situation in the future. As we undertake that peace, let us do all we can to make it effective. First, we must insure that peace will last; and I am convinced that passage of the War Powers Act is a major step in that direction. Second, we must restore Vietnam, North and South, its economy and its people. I am convinced that a revival of UNRRA would be a major step in achieving that goal.

WOUNDED KNEE—1890

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. ROBISON) is recognized for 5 minutes.

Mr. ROBISON of New York. Mr. Speaker, as tensions continue to rise at Wounded Knee, S. Dak., and the militant American Indian Movement leaders take ever more radical steps to dramatize their claims against the Bureau of Indian Affairs and the leadership of the Oglala Sioux Tribe, it may be wise to briefly recall the last confrontation at Wounded Knee in 1890. I am inserting in today's RECORD a description of those events, as narrated by the National Park Service in its publication "Soldier and Brave." Once my colleagues have read about the Federal Government's last dealings with the Indians at Wounded Knee—in a situation frighteningly comparable to what we are now witnessing—they will agree that a special kind of restraint and understanding is called for on all sides. The demands and actions of AIM's leaders are unprecedented and even outrageous. But this Government and its citizens have a unity of compassion and understanding which can see us through these events and take from them the lessons which we still must learn about the place of the American Indian in our society.

WOUNDED KNEE BATTLEFIELD, S. DAK.

Location: Shannon County, on a secondary road, about 16 miles northeast of the town of Pine Ridge.

The regrettable and tragic clash of arms at this site on December 29, 1890, the last significant engagement between Indians and soldiers on the North American Continent, ended nearly four centuries of warfare between westward-wending Americans and the indigenous peoples. Although the majority of the participants on both sides had not intended to use their arms—precipitated by individual indiscretion in a tense and confused situation rather than by organized premeditation—and although the haze of gunsmoke that hung over the battlefield has obscured some of the facts, the action more resembles a massacre than a battle. For 20th-century America, it serves as an example of national guilt for the mistreatment of the Indians.

The arrival of troops on the Pine Ridge Reservation, S. Dak., to quiet the Ghost Dance disorders of 1890 provided the climate for the battle. After Indian police killed Chief Sitting Bull while trying to arrest him on December 15 on the Standing Rock Reservation, his Hunkpapas grew agitated and troop reinforcements arrived. When 200 of the Indians fled southward to the Cheyenne River, military officials feared a Hunkpapa-Miniconjou coalition. Most of the Standing Rock fugitives allied for a time with the Miniconjou Chief Hump and his 400 followers before joining them in surrendering at Fort Bennett, S. Dak.

About 38 of the Hunkpapas joined a more militant group of 350 or so Miniconjou Ghost Dancers led by Big Foot. After a few days of defiance, Big Foot, ill with pneumonia, informed military authorities he would capitulate. When he failed to do so at the appointed time and place, General Miles ordered his arrest. On December 28 a 7th Cavalry detachment under Maj. Samuel M. Whitside intercepted him and his band southwest of the badlands at Porcupine Creek and escorted them about 5 miles westward to Wounded Knee Creek, the place where Big Foot said he would surrender peacefully. Early that night, Col. James W. Forsyth arrived to supervise the operation and the movement of the captives by train to Omaha via Pine Ridge Agency. His force, totaling more than 500 men, included the entire 7th Cavalry Regiment, a company of Oglala scouts, and an artillery detachment.

The disarming occurred the next day. It was not a wise decision, for the Indians had shown no inclination to fight and regarded their guns as cherished possessions and means of livelihood. Between the tepees and the soldiers' tents was the council ring. On a nearby low hill a Hotchkiss battery had its guns trained directly on the Indian camp. The troops, in two cordons, surrounded the council ring.

The warriors did not comply readily with the request to yield their weapons, so a detachment of troops went through the tepees and uncovered about 40 rifles. Tension mounted, for the soldiers had upset the tepees and disturbed women and children; and the officers feared the Indians were still concealing firearms. Meanwhile, the militant medicine man Yellow Bird had circulated among the men urging resistance and reminding them that their ghost-shirts made them invulnerable. The troops attempted to search the warriors and the rifle of one, Black Coyote, considered by many members of his tribe to be crazy, apparently discharged accidentally when he resisted. Yellow Bird gave a signal for retaliation, and several warriors leveled their rifles at the troops, and may even have fired them. The soldiers, reacting to what they deemed to be treachery, sent a volley into the Indian ranks. In a brief but frightful struggle, the combatants ferociously wielded rifle, knife, revolver, and war club.

Soon the Hotchkiss guns opened fire from the hill, indiscriminately mowing down some of the women and children who had gathered to watch the proceedings. Within minutes the field was littered with Indian dead and wounded; tepees were burning; and Indian survivors were scrambling in panic to the shelter of nearby ravines, pursued by the soldiers and raked with fire from the Hotchkiss guns. The bodies of men, women, and children were found scattered for a distance of 2 miles from the scene of the first encounter. Because of the frenzy of the struggle and the density of the participants, coupled with poor visibility from gunsmoke, many Indian innocents met death accidentally. In the confusion, both soldiers and Indians undoubtedly took the lives of some of their own groups.

Of the 230 Indian women and children and 120 men at the camp, 153 were counted dead and 44 wounded, but many of the wounded probably escaped and relatives quickly removed a large number of the dead. Army casualties were 25 dead and 39 wounded. The total casualties were probably the highest in Plains Indian warfare except for the Battle of the Little Bighorn. The battle aroused the Brûlés and Oglalas on the Pine Ridge and Rosebud Reservations, but by January 16, 1891, troops had rounded up the last of the hostiles, who recognized the futility of further opposition.

Although a comparatively small number of Sioux died at Wounded Knee, the Sioux Nation died there too. By that time its people fully realized the totality of the white conquest. Before, despite more than a decade of restricted reservation life, they had dreamed of liberation and of a return to the life mode of their fathers—a sentiment strongly manifested in the Ghost Dance religion. But the nightmare of Wounded Knee jolted them from their sleep. They and all the other Indians knew that the end had finally come and that conformance to the white men's ways was the price of survival. It was perhaps not purely coincidental that the same year as Wounded Knee the U.S. Census Bureau noted the passing of the frontier.

TO COMPENSATE INNOCENT VICTIMS OF VIOLENT CRIMES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. WALSH) is recognized for 15 minutes.

Mr. WALSH. Mr. Speaker, every year in this country there are approximately 740,000 violent crimes committed. Of these, more than 130,000 result in some sort of hospital or medical expenses for the victim.

Approximately 10 percent of these victims are not covered by some form of insurance of hospitalization and the expenses they incur for being in the wrong place at the wrong time can be devastating.

Because I believe this is an unfair situation, I am today introducing legislation that would compensate these innocent victims for those medical and hospital expenses they incur for any bodily injury suffered as the result of a crime.

The Federal Government would contribute 50 percent of this cost, and the State or political subdivision responsible for the enforcement of the law would pay the balance. If more than one jurisdiction below the Federal level was responsible for enforcement, they would share equally in the 50 percent. If the law violated is strictly Federal, then the Federal Government would pay the entire sum.

In addition, there is a provision that would allow a higher jurisdiction to assume the financial obligations under this act for any of its subdivisions. For example, a State may take on all financial obligations of the counties, cities, towns, and so forth within it.

Finally, there is a limitation on who is eligible for compensation. Anyone whose earned annual income equals or exceeds $15,000 would not receive funds under the act except in the case of total disability.

Again, any expenses which are not otherwise compensated for by insurance or other means are eligible for any assistance under the legislation.

Mr. Speaker, this proposal would help to rectify a situation which causes many individuals and families a great deal of financial hardship. Some 97 percent of all violent crimes are perpetrated on those whose income is under $10,000.

It is these people at whom this legislation is aimed. They are the real victims of crime and they are the ones who can least afford the medical and hospital expenses that result.

I feel, Mr. Speaker, that it is only fair that we take steps to alleviate this hardship and I also feel that it is proper for the jurisdiction that was responsible for the enforcement of the law that was broken should contribute a share of the expenses.

In conclusion, I urge prompt action on this legislation so that those Americans who innocently become the victim of a crime and are injured as a result can receive medical treatment that does not render them into debt.

CATASTROPHIC ILLNESS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maryland (Mr. HOGAN) is recognized for 30 minutes.

Mr. HOGAN. Mr. Speaker, I have for some time been concerned over the effect of a catastrophic illness upon the middle and low-middle income families, the group that is not poor enough to receive welfare and related health benefits, nor rich enough to feel no drastic economic impact from such illness.

It is for this reason that I am today reintroducing a bill (H.R. 817) which I originally introduced in the 91st Congress along with 14 bipartisan cosponsors. This legislation, the National Catastrophic Illness Protection Act of 1973, would, if enacted, allow our Nation's families to protect themselves against the scourge of catastrophic illness. The bill would provide the mechanism for such protection in a manner which could involve a very small Federal expenditure.

Catastrophic illness, by definition, would comprise those illnesses which require health-care expenses in excess of what normal basic medical or major medical coverage provides protection for. Once a family finds itself faced with having to pay for health-care costs of an extended nature, they are saddled with a financial burden that is staggering to comprehend.

Imagine, if you will, what it means to finance for years hospital care which will run between $80 and $100 a day after your routine insurance has been exhausted. For middle-income Americans who earn too much to receive welfare and who are not rich enough to even begin to meet such obligations, the result of catastrophic illness is instant poverty. The family is driven to its knees.

Such a family, which has probably already watched one of its members incapacitated and perhaps destroyed medically, also finds that its financial stability has disintegrated. Usually, private hospitals cannot afford to provide care after the family can no longer afford to pay for the hospital's services. This means that the afflicted member of the family must be transferred to whatever public facility exists to treat patients under such circumstances. Unfortunately, these public institutions are often understaffed, underequipped, and horribly overcrowded. All too often they become depositories where families must leave their children or other loved ones, because the doors of all other possible assistance have been slammed in their faces.

Catastrophic illness does not refer to a specific or rare disease. It is any disorder—from the exotic calamity to the common coronary. It is the fall from a stepladder in a home, a highway accident, or even the untimely sting of a bee, which cost one family over $57,000. It is anything that happens to any of us that causes medical expense in excess of what the actuaries tell us we should expect. Virtually every family becomes medically destitute when that point is reached. Fortunately, only a small portion of medical cases are of such magnitude. But for the thousands of families who, through no fault of their own, find themselves pummeled into such an abyss, there is—currently—no hope.

While catastrophic illness is nondiscriminating in whom it attacks, when it attacks and where it attacks, it seems that a tragically high number of these cases involve children. When a child is the victim, the parents are often young marrieds who find themselves depriving their healthy children of a wholesome family life in order to finance the health care of a sick child. Often, the havoc is so great that the young couples must watch their dreams go down the drain as all present and future planning is marshaled toward the single goal of finding the money to pay for their ill child's care.

While nearly all of the pediatric diseases that are catastrophic are individually rare, in the aggregate they afflict more families than most of us would imagine. The list of obscure diseases such as Tay-Sachs disease, Niemann-Pick disease, Gaucher's disease, Fabrey's disease, metachromatic-leukodystrophy, leukemia, muscular dystrophy, myasthenia gravis, and the scores and scores of other maladies that destroy our people at enormous emotional and financial cost to their families appears endless.

Obviously, when catastrophic illness strikes the head of a household—the breadwinner—the disaster is compounded.

We are too great a nation to stand idly by leaving our families that are victimized by catastrophic illness to their own devices. They have no devices. They are alone.

The legislation which I am proposing will go a long way toward mitigating the problems of catastrophic illness because it will stimulate our insurance industry to provide coverage that will allow any family to protect itself fully against the costs of catastrophic illness. The legislation would foster the creation of catastrophic illness—of extended care—insurance pools similar to those that have been successful in making flood insurance and riot insurance feasible.

Because all participating insurance companies would be required to promote the plan aggressively, and because we would be dealing, statistically, with a small minority of all claims, the cost per policy should be low. As more people buy this new protection as part of their health care program, thereby spreading the risk, the cost should drop even more. The Federal role would be limited to reinsuring against losses in those instances where insurance companies paid out more in benefits than they took in in premiums. As the insurance industry gained experience under the plan they would be able to sharpen their actuarial planning so that such losses would be limited, if they occur at all.

We have taken careful steps to preserve the State role in insurance administration and to allow the Secretary of Health, Education, and Welfare to participate in the actuarial review of the policy rate structure in order to assure that the rates charged for those new policies are fair to all parties concerned.

Perhaps the most attractive feature of this legislation is that it would be free of all of the constraints that are plaguing existing federally funded health care programs. We would not be overburdening an already overburdened social security system in order to finance the plan. Families who choose not to participate in the program would not be required to do so. However, on the other hand, families desiring to secure this protection would be assured of an opportunity to do so.

Under my program a deductible formula would be used to stimulate each family to provide basic health care protection. It would be only when this deductible level had been exceeded that the catastrophic insurance protection plan would be utilized. Under our formula, a family with an adjusted gross income of $10,000 would have to either pay the first $8,500 of medical expense or have provided themselves with $8,500 worth of basic insurance protection to offset the deductible requirement. Coverage from existing basic health and major medical plans would generally be sufficient to satisfy this deductible amount. However, if a family with an adjusted gross income of $10,000 incurred expenses during the period of a year that exceeded $8,500, our catastrophic or extended care program would be available to see the family through the period of financial burden when they would ordinarily be left on their own without help.

Again, because relatively few families would experience medical costs of this magnitude in a single year, the costs for this insurance should be quite reasonable—especially as more and more of our citizens availed themselves of its protection.

In developing this legislation I have met with many individuals uniquely experienced in the problems of catastrophic illness. I have discussed this proposal at great length with members of the medical community and have consulted leading members of the insurance community. More important, I have met with families that have been victimized by catastrophic illness. I have studied their plight in great detail. I know that it is wrong that these families are, in effect, abandoned—almost as a small boat adrift in stormy water.

I know that we can do something to help them and we do not have to spend ourselves into Federal bankruptcy to do it. All we need do is utilize a concept that has been tested successfully in other analogous areas.

I know someone who has watched a rare, truly catastrophic illness, strike, and ravage a son—my good friend and former partner, Harold Gershowitz. He, incidentally, suggested the idea for this legislation. In watching his young son slowly die he has chronicled many of his thoughts during this experience in a book of verse. One of his entries seems particularly appropriate to the business before us.

Harold Gershowitz observed that we all seem too busy with the tumultuous pace of day-to-day living to take the time to reflect about those whom life is passing by. Let me share with you his poem entitled "Beautiful Children":

Everyone seems busy
Shopping, working, driving, dating—
While beautiful children lie patiently waiting.
Highways are paved, homes are built
And life keeps rushing ahead—
While beautiful children
Live out their lives having never left their bed.
The seasons come and the seasons go
And we hope for the good times they bring—
While beautiful children
Wait . . . having never known the Fall
And having never seen the Spring.

Our cities are filled with streets and playgrounds
Where boys and girls run and shout,
But there are also institutions filled
With beautiful children
Who have no idea what life is about.

Life can be hectic and full of petty problems
With which we seem too busy to cope,
But there are all these beautiful children
And we busy people are their only hope.

There are indeed, all these beautiful children, and there are their families—the teenagers, the adults, and the senior citizens some of whom are victims—and all of whom are candidates for catastrophic illness. Indeed, we busy people here in this Chamber are their only hope.

I urge my colleagues to support the national catastrophic illness protection bill.

THE QUESTION OF EXECUTIVE PRIVILEGE

The **SPEAKER** pro tempore. Under a previous order of the House, the gentleman from California (Mr. McCloskey) is recognized for 10 minutes.

Mr. McCLOSKEY. Mr. Speaker, the President, in his statement of March 11 on the subject of executive privilege, has raised a constitutional issue of the first magnitude.

In precise terms, the President has said that no member or former member of his personal staff shall testify before the Congress, no matter what the subject may be, and regardless of whether or not the information sought has anything to do with the President's right to receive candid advice from his subordinates.

This concept of executive privilege contemplates no qualification, nor does the President base his position on any argument that the national interest need be served in order to justify a refusal to testify.

On a subject such as the FBI investigation of the Watergate incident, for example, no reasonable argument can be made that the national interest requires that any staff employee's knowledge of political espionage be withheld from the Congress. Neither can it be argued that a staff employee's knowledge of this kind of situation can interfere in any way with the President's conceded need to receive candid advice in the national interest.

It seems to me that the President's statement, and his refusal to permit John Dean to testify before the Senate Judiciary Committee, raises a confrontation which Congress owes a duty to meet head on. This can be done if the Senate Judiciary Committee will subpena Mr. Dean and pursue its ordinary remedies of contempt in the event of Mr. Dean's refusal to respond.

Today, two of my Democratic colleagues have called for use of the contempt power should Mr. Dean decline to testify.

It might be noted, also, that seven Republican members, ordinarily supportive of the President, joined in introducing H.R. 4938 a few days ago, which would permit executive privilege to be claimed only when the President has personally declared that the national interest will otherwise be jeopardized.

I urge our colleagues in the Senate to exercise the congressional contempt power if Mr. Dean refuses to appear. Similarly, I suggest that we consider exercising the power of the purse to cut off Mr. Dean's salary should his refusal continue.

Congress makes the laws, not the President. There is no constitutional nor statutory basis for the power the President has claimed. The President is not entitled to interfere with congressional power to ascertain the truth, any more than Congress is entitled to interfere with his proper action to see that the laws are faithfully executed.

At this point in the Record, I would like to append today's statement by our colleagues from Pennsylvania and California, respectively, on this subject, and also a copy of H.R. 4938.

Mr. Speaker, I ask unanimous consent that at this point in the Record other Members may extend their remarks be allowed to and that I may include a copy of H.R. 4938.

The **SPEAKER** pro tempore (Mr. Wright). Is there objection to the request of the gentleman from California?

There was no objection.

The statements are as follows:

Mr. MOORHEAD of Pennsylvania. Mr. Speaker, a few days ago, the President of the United States unilaterally assumed extraordinary powers well beyond those enumerated in the Constitution which he swore to "preserve, protect, and defend." He announced he would invoke the claim of executive privilege to prevent the officials of his administration from appearing before committees of the Congress of the United States in cases where he felt they should not testify.

The President by this action is not threatening to exercise the claim of executive privilege. In reality, he would be invoking some imagined form of immunity.

We call upon the President of this great Nation to be a "strict constructionist" of the Constitution.

We demand, as two duly-elected Representatives of the people, that he adhere to article II, section 3 of the Constitution requiring him to communicate to Congress and faithfully execute the laws of the United States.

The President's March 12 statement on executive privilege is so far-reaching in its effect upon the traditional structure of the Government of the United States that it should have been submitted to the Congress in the form of a resolution to amend the Constitution.

The President obviously is operating under the illusion—which has become increasingly clear in recent months—that he has the sole power to govern this Nation and that the Congress may intrude only to the extent that he is willing to tolerate and only so long as he regards its actions as wise.

In any case of disagreement, the President appears to assert a self-assumed privilege to make the final and binding determination. This must be rejected by the Congress and by the American people.

Executive privilege, a privilege analogous to the other claims made by Chief Executives of the United States over the many years of so-called inherent powers, has never been fully tested in the courts except to the extent of the test before the Supreme Court in the Youngstown Sheet and Tube case when the late President Truman seized the steel mills under a claim of inherent powers. The Court in that case severely limited the President's inherent powers and struck down the seizure. What the Court said of inherent powers is equally true of any claim of executive privilege.

President Kennedy on March 7, 1962, agreed to limit his claim of those powers by judging each case on its merits and permitting so-called executive privilege to be invoked only by the President. The late President Johnson, in a similar declaration on April 2, 1965, agreed to continue the same policy.

In a letter to the House Foreign Operations and Government Information Subcommittee on April 7, 1969, President Nixon appeared to concur. He used more language; he was not as precise as a few days ago; nevertheless, he did not then assert the kind of privilege broadening the claim of privilege which has occurred in his most recent statement.

If the Congress must join this issue with the President—then let this Congress enter upon that battle with a full understanding of both its powers to act and its responsibility to act to preserve our constitutional form of government.

Through a lack of understanding and because of a Presidential arrogance which outpaces congressional understanding, the Congress must not permit the creation of an executive larger than life. The Congress does not find itself at this moment powerless in challenging this unprecedented and most arrogant form of claim of executive privilege made by any Chief Executive in the history of this Nation.

If witnesses decline to appear, then the body of Congress faced with this challenge to its powers should promptly cite that witness for contempt of Congress and should directly act to take him into custody if the person fails to comply with the congressional demand for appearance and the giving of testimony. A writ of habeas corpus could then be sought, and the issue would be before the courts for the first time in American history.

Any President who bases privilege claims upon a continuing tradition demonstrates an amazing lack of knowledge with the detailed history of the confrontation between the Congress and the Executive.

President Nixon states that Executive privilege was first invoked by President Washington. Presumably, he referred to a House investigation of the defeat of Gen. James St. Clair by the Indians. Every scrap of information on the whole disastrous affair was disclosed by President Washington to Congress. So there was no Executive privilege in this case. The contention that there was is a myth.

In regard to witnesses, there is no trace of this privilege claim in American history until President Eisenhower's administration. So it is patently false that President Nixon's advance assertion of Executive privilege in refusing to allow White House aides to testify before Congress is deep-rooted for "almost 200 years."

The President obviously wants to erect a barrier so that Congress cannot carry out its functions to legislate with the fullest understanding of details of conduct within the executive departments and agencies. But the Congress cannot determine whether there is fidelity to the mandates it has given the executive without compelling the appearance of executive department personnel and requiring them if necessary, to testify under oath.

In doing so, the President picks a most inopportune moment; his motives must be brought sharply into focus in view of the revelations of his nominee for FBI Director before the Senate.

We charge that the President also has added another new element to the claim of Executive privilege and that is the assertion that administration officials need not answer the call of congressional committees if the performance of their duties would be seriously impaired. This new alibi could be voiced by every official. If this is allowed to stand, there will be no need for congressional hearings because there will be no witnesses to inform the Congress and the American people what their Government is doing and why.

The President is trying to recast us into mold of government with a dominant executive, but Congress is dominant under our Constitution. Congress makes the laws and can impeach and question activities of the President and every other Federal official. God forbid that this ever change because then our Constitution will be nothing but a scrap of paper.

We invite—yea, urge—even demand if we must—that President Nixon reexamine his blanket claim of privilege in the light of the strict constructionist doctrine he believes the Justices of the Supreme Court should adhere to in their decisions.

We also remind him of his own words in the U.S. Senate April 22, 1948, when he, as a Member of Congress, was attacking the claim of executive privilege.

> The point has been made that the President of the United States has issued an order that none of this information can be released to the Congress and that therefore the Congress has no right to question the judgment of the President in making that decision.
>
> I say that that proposition cannot stand from a constitutional standpoint or on the basis of the merits for this very good reason: That would mean that the President could have arbitrarily issued an Executive order in the Meyers case, the Teapot Dome case, or any other case denying the Congress of the United States information it needed to conduct an investigation of the executive department and the Congress would have no right to question his decision.

Mr. McCLOSKEY. Mr. Speaker, the copy of the bill H.R. 4938 is as follows:

H.R. 4938

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 552 of title 5 of the United States Code (the Freedom of Information Act) is amended by adding at the end thereof the following:

"(d)(1) Whenever either House of Congress, any committee thereof (to the extent of matter within its jurisdiction), or the Comptroller General of the United States, requests an agency to make available information within its possession or under its control, the head of such agency shall make the information available as soon as practicable but not later than thirty days from the date of the request unless in the interim a statement is submitted by the President or by an agency head signed by the President invoking Executive privilege as the basis upon which the information is being refused.

"(2) Whenever either House of Congress or any committee thereof (to the extent of matter within its jurisdiction) requests the presence of an officer or employee of an agency for testimony regarding matters within the agency's possession or under its control, the officer or employee shall appear and shall supply all information requested except that such officer or employee may refuse to supply those items of information specifically ordered withheld by the President in a signed statement in which Executive privilege is invoked.

"(3) Executive privilege shall be invoked only by the President and only in those instances in which the required information or testimony contains policy recommendations made to the President or agency head and the President determines that disclosure of such information will seriously jeopardize the national interest and his ability or that of the agency head to obtain forthright advice. To the extent possible, however, factual information underlying policy recommendations shall be made available in response to a request.

"(4) 'Agency', as used in this subsection, means a department, agency, instrumentality, or other authority of the Government of the United States (other than the Congress or courts of the United States), including any establishment within the Executive Office of the President."

GOLDEN GLOVES TOURNAMENT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts (Mr. CRONIN) is recognized for 5 minutes.

Mr. CRONIN. Mr. Speaker, the largest newspaper in my district, the Lowell Sun, under the auspices of Lowell Sun Charities, Inc., has sponsored an annual Golden Gloves Tournament in Lowell, Mass., for the past 27 years. Due to the program's overwhelming success, Lowell will host the National Golden Gloves Tournament this year during the week of March 19 to 23. This tournament will focus national attention on the city of Lowell.

During its 27 years of sponsorship, the Lowell Sun has afforded a unique opportunity to participate and achieve in an atmosphere of athletic competition for young men who otherwise may not have had the opportunity. It provides the arena in which young men may realize athletic goals, while providing enjoyment for the people of the Merrimack Valley and New England. Proceeds derived from the tournaments have been donated by Lowell Sun Charities, Inc., to aid various individuals, projects, and organizations in the community.

In the truest sense, Lowell Sun Charities, Inc., has represented "community involvement." They deserve high praise for their efforts in the past and sincere hopes for continued success in the future.

INCREASE COMPENSATION TO VETERANS TOTALLY DISABLED IN COMBAT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. BURKE) is recognized for 10 minutes.

Mr. BURKE of Florida. Mr. Speaker, I have introduced today, a bill, which, if enacted, would provide additional compensation to veterans who are totally disabled as a result of combat injuries.

Now that the war in Vietnam has ended, I feel it is a proper time to think about our men who served in combat, and who have been totally disabled as a result of their service to our country. It is time to reflect on our present policies regarding veterans compensation, and to adjust benefits in accordance with the service that has been given to the United States, and to recognize those who faced enemy fire and were cut down.

It is my opinion, that those who have been wounded and maimed totally in direct combat with the enemy should be singled out from others who have been wounded and maimed while serving in the U.S. armed services and be recognized as men who faced greater danger, under more hazardous conditions and with less chance for survival than others. It can be argued that all permanent and total disabilities are equal in their impact upon individual lives, and I do not contest this. Rather, I feel we should honor those who have borne the brunt of the battle more than any others while still caring for all our disabled veterans. This is, of course, true not only to Vietnam veterans, but of all our totally disabled veterans irrespective of which war they served in.

A "Red Badge of Courage" fades with the years and with the changing tides of public opinion, but we can keep these bright and respected by showing that this Nation values highly those men who place their lives on the line to maintain our Government and our way of life for ourselves and our children.

THE ROLE OF CONGRESS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. McFALL) is recognized for 5 minutes.

Mr. McFALL. Mr. Speaker, Neil MacNeil, who has covered Congress as a Time correspondent for 15 years, recently shared a dais with other well-known congressional experts at a Time, Inc.-sponsored symposium on "The Role of Congress." I wish to include his remarks in the RECORD today, along with other panel comments. The panel moderator was Louis Banks, editorial director, Time, Inc.:

THE ROLE OF CONGRESS

Mr. BANKS. I now present you with a worthy opponent. I quickly identified the man who made that remark about stuffing Congressmen and putting them in the Smithsonian. He is my colleague, Neil MacNeil. He is a scholar in his own right, our resident scholar.

He not only has been covering Congress for TIME for 15 years but he has won his own way into the ranks of scholars for his thoughtful books and his monographs and his very serious discussions on television. He is a television panelist of some note. It will be Neil's role to speak briefly and then lead us into the panel session and perhaps we will again have the Webster-Clay debates.

Mr. MACNEIL. Thank you.

I hesitate, but not enough, to tell a story following Senator Ervin. After-dinner speaking always reminds me of an incident with President Coolidge. He was at a dinner seated on the dais. Next to him was the speaker of the evening who was something of a pompous fellow and rather ostentatiously declined to eat his dinner. He explained to the President that he never ate before speaking.

In due course he got up and made a speech and sat down again next to the President. Cal Coolidge said to him, "You should have et."

By personal observation, all the panelists here tonight and Lou Banks "have et."

I am going to address myself not entirely to what Ralph Huitt said in summarizing his paper. At least in part, I disagree with Dr. Huitt's diagnosis of the good health of Congress. It is perfectly true that Congress continues to hold formidable powers as he illustrates. But I find Congress more and more hesitant and reluctant to use those powers.

I agree with him that the strength of Congress is not broken, but it is bent and sagging, as I see it.

Take the field of foreign affairs. The last five Presidents have made war almost at will and Congress has tamely submitted.

Take the powers of the purse. The President openly frustrates congressional intent by simply refusing to spend the funds appropriated by impounding them. I am not speaking only of the present President, but of all recent Presidents.

So far in this, Congress has acquiesced. Although some members, and notably Senator Ervin, have sought ways to stop the practice.

There are other areas almost as important where the Executive Branch has made incursions on the powers and prerogatives of Congress.

Whatever congressional reforms or congressional reorganizations may be needed, I find a singular lack of a sense of the institutional integrity of Congress, not only by recent Presidents and the outside world but by many members of Congress themselves.

It seems to me over the years that the members of Congress have lacked the will, the grit, if you will, to insist on the coequal status of the Legislative Branch in the federal system.

Part of this, I suggest, flows off the partisan party institution within Congress. Some years ago a Democratic Congressman threw his arms around the shoulders of a Democratic President, Grover Cleveland, and he said, "What's the Constitution between friends?"

There is an instinct by members of Congress, a natural instinct, to excuse or wink at the constitutional incursion of their party's Presidents. It complicates the problem of nicely sorting out these constitutional questions.

Dr. Huitt has suggested in his paper the pendulum effect in American politics, the swing of dominance back and forth between President and Congress, and between Democrats and Republicans. I'd assert that the pendulum has stuck.

The raw political fact is that the Democrats have controlled Congress for practical purposes for the past 40 years. They used to take turns with the Republicans but they do so no longer. This, I suggest, is part of the reason why the Presidents have dominated federal decision making for those same 40 years.

We are all familiar with Lord Acton's famous dictum on power, its tendency to corrupt those who hold it. He was talking, of course, in ethical, not criminal terms. I might add here another less well-known remark. In a letter to Robert E. Lee, Acton wrote that he grieved more for what was lost at Appomattox than he rejoiced at what had been won at Waterloo. He was talking then in 1865 at what he saw as the breakdown of the federal system of checks and balances, what we are talking about here tonight.

The present imbalance, the President's dominance of Government policy and the Democrats' dominance of Congress suggests to me in Actonian terms something less than a healthy situation for the Republic. It has reached the point in Congress that in election after election the Republicans in Congress expect to lose and the Democrats in Congress expect to win. And they both do. It was so this year, and has been so in my experience for 20 years. The Republicans seem engulfed in a psychological morass of defeatism on a national scale. They assume they are the minority party despite what might be happening at any given time in presidential elections. And this defeatism affects how they respond to the President. They see themselves retreating, fighting rearground, delaying actions without any great confidence in themselves or their capacity to decide national policies.

The Democrats have a somewhat different problem, which ironically produces a quite similar result. It was Franklin Roosevelt back in the 1930s who tutored them to yield to the President, and they have never quite kicked the habit. They tend to "go along," in Sam Rayburn's phrase, especially in foreign military matters, but on domestic questions, too. They tend to tolerate the President's initiatives, even when these inhibit the prerogatives of the Congress. That they do this often with grave misgivings doesn't alter the fact that it is done.

To start the panel moving I would like to address a question, if I might, to Senator Ervin on the question of impounding funds. I'd like him, if he would, to state how he sees this in constitutional terms, and what hope there is, through the appropriating process, of the Congress actually taking up and setting national priorities as I think the Constitution intended it to.

Senator Ervin. Well, as Neil MacNeil stated in substance, the Constitution undoubtedly gives Congress the power of the purse. That is one of the greatest of governmental powers. And during recent years Presidents have thwarted the will of Congress in many respects. The present President is not the only sinner in this field because it was done under President Truman, done under President Johnson and done under other Presidents, in a lesser degree than in recent years.

But the result of this is that Congress established a program, provides an appropriation to carry that program into effect, and then the President absolutely refuses to spend the money.

Now I introduced a bill to provide that whenever the President refuses to spend any appropriated funds for a specific objective, he must notify the Congress of his actions and he must spend those funds unless Congress sustains his impoundment within a 60-day period. Of course that doesn't deal with this serious question: Even if such a bill is passed, if a President refused to abide by it, what could Congress do?

I don't think Congress could get a mandamus to compel the President to spend the funds. But, after all, the President takes an oath and says he will faithfully execute the laws of the U.S. and an appropriation bill in my judgment is a law of the U.S. And the President would not be true to his constitutional oath of office unless he carried out the will of Congress where Congress failed to justify his action within the 60-day period.

Mr. Banks. Gentlemen, the evening has moved along and I think we ought to impanel our audience, if it is all right with you, and let them have at us. Please feel free. You have a responsibility and duty here and let's hear from you.

Mr. J. Wesley Watkins. I am Wes Watkins from Greenville, Miss. I am an attorney. To the entire panel, it occurs to me that the basic problem that we are really talking about is what I call an information gap.

The Executive Branch over the last forty years has built up such a fantastic amount of information and recently a computer capability, that Congress is at its mercy for information on which it bases any legislative action it is going to take. I'd like some comment from the panel on how that might be rectified, if you think it should be rectified, and if it would go any distance towards redressing this imbalance.

Mr. Banks. Could we start with Senator Brock on that?

Senator Brock. I'd be delighted. I think that's a very fundamental problem. Not the only problem, but it sure is one of the core problems.

I served on the Senate-House Joint Economic Committee for several years and we tried during those years—Bill Proxmire in the vanguard—to obtain for the committee the ability to create a legislative budget to give them program budgeting and other information, and data-processing techniques and staff, so that the Congress would have the tools that the President has through his Office of Management and Budget. We simply do not have adequate data in the Congress at the present time.

The President's justification comes to him in great reams, but the Congress only sees the figures that the agencies want to bring to us when they bring their appropriation requests down.

What it means is two things: first, we cannot properly evaluate a program request and the various alternatives to it. And, second, perhaps even more fundamental, we cannot address the overall problem of a legislative budget and of the establishment of some ranking of national needs and priorities balanced against the resources we have in any given period.

The Congress simply must have more tools. The Congress can grant itself those tools. It just simply has not done so. I think it is imperative that it do so.

Dr. Huitt. I think the fundamental question about the information gap does not come so much because Congress doesn't have access to the existing data. Goodness knows we are really drowning in facts and figures. The real problem is that we don't have any answers to any questions that really matter.

I spent three and a half years in the Executive Branch, a participant role as assistant secretary of H.E.W. for legislation. I was struck with the fact that we could always find out anything, except what we needed to know. And the policy ultimately was made on a kind of seat-of-the-pants judgment. I will give you an example.

We had a presidential commission on vocational education that was charged with finding out how well vocational education had worked and, therefore, what should be done to it.

The first page of the commission's report said: "There is not a single question that matters about vocational education to which we have the answer. We don't know how many students have taken vocational education in the courses that have been supported by the Government. We don't know therefore, how many of them got jobs related to the vocational education. And, of course, we don't know how long they stayed at those jobs or whether after they left they took jobs related to what they had studied."

Now how in the hell can you say whether vocational education has worked or not if you don't have any answers to questions like that?

Or take the matter of what we should do to improve educational opportunities. This is an American goal because we have looked on this as a way of equalizing opportunities. We have no idea, really, whether the money ought to go into preschool education, as some people claim, or higher education, or what. We don't even know, really, how most of these programs work. And one of the reasons why we don't know is because before we can evaluate a program we have to say what it is supposed to do. We have to develop adequate measures to tell whether it has accomplished its purpose or not.

Now this is not a defense of anything. I'm simply saying that if we were to put into a computer for the use of Congress everything the Executive Branch now knows, Congress would fall victim to the old dictum of the sophisticated computer operators: "Garbage in; garbage out."

Senator Brock. I just don't agree.

We have been trying, for the 10 years I have been in the Congress, to get an information retrieval system available to members of Congress. I can cite you 12 state legislatures that have that. They can have in their offices a little telex copier or a video screen that allows them to punch in a question on education, and then specify vocational education, and then get a listing of all bills that have been introduced on the topic; probe into one particular bill, get pro and con arguments. This kind of information is available to any business that does any medium-size volume, and at least to 12 state legislatures.

And, yet, when I talked to one of my really fine colleagues he said: "Gee, we can't consider something like that. It would cost $2,000,000."

Do you know how much money we are spending? $250 billion a year, and we can't spend $2 million to enable us to do a better job for the people of this country. I just don't understand that. I think it is illogical. I think it is wrong.

Dr. Huitt. Let me just say I happen to agree with Senator Brock. I don't want to appear to say that I don't support the kind of thing you are talking about. I am simply saying that I don't think information by itself solves problems.

Mr. MacNeil. I'd like to make a point on this. The fact is the question of computer retrieval has come before the Congress and it has been voted down. The members are afraid that the taxpayers and the newspaper writers and others will complain about the increasing cost of Congress, and that's where it fails. Congress is badly crippled across the board on inadequate, nonprofessional staffing, and Congress does not have to nerve to vote what they actually need to function as a coequal branch of the Government.

BLOUNT'S BABY

The SPEAKER pro tempore. Under a prevous order of the House, the gentleman from California (Mr. Charles H. Wilson) is recognized for 5 minutes.

Mr. CHARLES H. WILSON. Mr. Speaker, as a number of my colleagues know, I was very shocked to learn that former Postmaster General Winton M. Blount's construction company was awarded an $18 million contract to build a Des Moines, Iowa, bulk mail postal facility.

As the chairman of the Subcommittee on Postal Facilities, Mail, and Labor Management I am, of course, taking particular interest in any contract let on a bulk mail facility which will be an integral part of the Postal Service's overall bulk mail system.

I pointed out in a news release that there has already been some controversy over the site selection and construction of a postal facility at Secaucus, N.J. Now I find that the former Postmaster General is being awarded an $18 million contract to build a bulk mail building in Iowa.

Even if Mr. Blount's former position as Postmaster General has in no way influenced the rewarding of the multimillion dollar contract, the occurrence of such an arrangement looks so shady that it cannot help but further lower the public confidence in the already deeply troubled Postal Service.

I, therefore, requested that Postmaster General Klassen supply me with a comprehensive and detailed report on the U.S. Postal Service's $18 million bulk mail facility contract with the Blount Brothers Corp.

In the meantime, an incisive editorial on the Blount-U.S. Postal Service contract appeared in the March 14 issue of the Federal Times entitled "Blount's Baby." With permission of my colleagues, Mr. Speaker, I will insert this very illuminating editorial in the Congressional Record at this point:

Blount's Baby

Let's take the case of a political appointee who creates a program while in government and later profits from this same program when he returns to private life. Is this kind of thing legal? Probably. But it often smells much like conflict of interest.

A new example, involving a former cabinet member, hit the fan last week.

Reference is to former Postmaster General Winton M. Blount, whose construction company has just been awarded an $18 million contract to build an automated bulk mail factory at Des Moines, Iowa.

The bulk mail system was started while Blount was Postmaster General. It might be remembered, too, that when he left government service Blount said his proudest achievement was that he removed "politics from the postal service."

There still remains, incidentally, a good deal of doubt about this bulk mail center idea. Essentially, the project calls for the contruction of expensive, automated mail factories at various locations throughout the country. Parcels and several other classes of mail will be sent to these mail factories for processing, then sent on to the appropriate destination. One major problem is that mail which originally would go from Point A to Point B—say a distance of 50 miles—will, in many cases, travel several hundred miles. An extreme example cited on Capitol Hill involves a package that now takes a trip of 20 or 30 miles but—under the bulk mail center system—would travel nearly 1000 miles. The entire project is expected to cost more than $1 billion.

In any event, and whether the new system proves a step forward or an expensive step backward, the bulk mail center system is undeniably Blount's baby. And his firm—Blount Bros. Corporation of Montgomery, Ala.—is now making a tidy profit out of the system.

True, Blount Bros. was the low bidder—among 45—to the Army Corps of Engineers for construction of the facility at Des Moines. And by law the Corps is required to accept the qualified low bid in open competition. But many will wonder if the former Postmaster General's contacts did not somehow help him to offer the low bid.

Blount, appointed Postmaster General by President Nixon in 1969, was the last PMG to serve under the Post Office Department and the first in the U.S. Postal Service. During his time in office he put interest in the construction firm he founded into a trust arrangement. He also ordered the firm not to bid on any federal projects while he served with the federal government.

Now that he is no longer with the federal government it's back to business with the government, notably the Postal Service.

Well, as stated before, this may all be perfectly legal and above aboard. But it smacks of cronyism and political chicanery, too.

It reminds us of a remark Joe Louis made a number of years go at ringside after watching a particularly odiferous heavyweight championship boxing match. The "fight" was one in which both boxers appeared to want to lose. Joe Louis, a champion's champion, was asked how the fight might affect professional boxing. Joe replied quickly: "Well, it don't help it none."

The Postal Service has many problems today, as we all know. And the Blount $18 million construction deal most certainly "don't help it none."

ABOLISH THE DEATH PENALTY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts (Mr. Drinan) is recognized for 5 minutes.

Mr. DRINAN. Mr. Speaker, today with 26 of my colleagues I am introducing legislation to abolish the death penalty under all Federal laws.

The timing of this legislation could hardly be more appropriate. For today President Nixon has transmitted to Congress a state of the Union message on criminal justice that calls upon Congress to reinstate the death penalty in certain circumstances as a means of combating serious crime.

Only last June the Supreme Court held, in *Furman* v. *Georgia* (408 U.S. 238), that infliction of capital punishment is unconstitutional under the cruel and unusual punishment clause of the eighth amendment. While many, including myself, read the Court's decision as prohibiting the death penalty under all circumstances, others, including President Nixon, interpret the decision as leaving a narrow zone of situations in which capital punishment may be constitutionally inflicted.

In view of the controversy surrounding the Court's decision, and particularly in light of the President's proposals, I am persuaded that this issue should be finally resolved by Congress.

I would like to quote from Mr. Justice Blackmun's dissenting opinion in Furman against Georgia:

> I yield to no one in depth of my distaste, antipathy, and, indeed, abhorrence for the death penalty, with all its aspects of physical distress and fear and of moral judgement exercised by finite minds. That distaste is buttressed by a belief that capital punishment serves no useful purpose that can be demonstrated. For me, it violates childhood's training and life's experiences and it is not compatible with the philosophical convictions I have been able to develop. It is antagonistic to any sense of "reverence for life." *Were I a legislator, I would vote against the death penalty for the policy reasons argued by counsel for the respective petitioners and expressed and adopted in the several opinions filed by the Justices who vote to reverse these convictions.* [Emphasis supplied.]

Like Mr. Justice Blackmun, I see the necessity for Congress' immediate action in this matter. In introducing this legislation I would like to comment upon the President's proposed reinstatement of the death penalty and then review the arguments for and against capital punishment.

The President bases his support for renewed capital punishment on a simplistic "big stick" theory of justice. So as to attempt to evade the Supreme Court's aversion to the arbitrary nature of past administration of the death penalty, the President's proposal suggests a scheme that would allow the death penalty to be imposed for the crimes of "war-related treason," "sabotage," and most significantly, "all specifically enumerated crimes under Federal jurisdiction from which death results."

This last category is tantamount to opening the floodgates of Government-licensed executions. It is indicative of the President's shortsighted view that justice is a matter of "eye-for-an-eye" vengeance—not correction.

The President would attempt to avoid the constitutional limitations on the death penalty by authorizing the sentencing judge or jury to automatically impose the death penalty "where it is warranted." After the trial and prior to sentencing, a hearing would be held to consider either aggravating or mitigating factors in the case. If one mitigating factor is found, then the death penalty could not be imposed. In the absence of mitigating factors and in the presence of aggravating factors, imposition of the death penalty would be mandatory.

The fallacy of the President's plan is that there is no evidence whatever that the reinstatement of capital punishment will have the effect of reducing the number of serious and violent crimes. The traditional reluctance of juries to send a man to his death can hardly be expected to vanish overnight. The situation will in all likelihood develop where juries continually find mitigating circumstances so as to avoid the mandatory imposition of a penalty which, as is obvious to all, cannot be reversed once executed.

Aside from the fact that this scheme does not remove the possibility that an innocent man may be sent to his death, it is highly doubtful whether this still arbitrary and cruel penalty would survive constitutional scrutiny by the courts. And apart from this consideration, there is no evidence other than the rhetoric of the President and his followers to support the claim that the reinstatement of the death penalty will in fact cut down on the number of crimes. Quite to the contrary, the overwhelming bulk of evidence—supported not by unrealistic social theorists as the President infers, but by eminent jurists and dedicated students of justice, as well as the undeservedly maligned social theorists—suggests that the use of the death penalty has virtually no effect in deterring serious and violent crimes.

The President's criminal justice philosophy—if it can be called that—appeals to the worst and most irrational instincts of fallible man. Even a man presumably of the President's own political persuasions, Mr. Justice Blackmun, whom the President appointed to the Supreme Court, decries the inhumanity and ineffectiveness of capital punishment. The President's National Commission on Reform of Federal Criminal Laws recommended to him in 1971 that capital punishment be abolished. But the President has spurned these learned opinions, and has sought to solve the pressing problem of crime not through positive, realizeable measures which attack the roots of crime, but through dramatic, harsh punitive measures.

"Law and order" slogans and rhetorical fearmongering will not solve the problem of crime, and neither will temporary reinstatement of the dying concept of judicial murder. Capital punishment is more of an indictment of a society than a benefit to it. It is inhumane.

An important study of the deterrent impact of the death penalty was made by Thorsten Sellin in a report for the model penal code project of the American Law Institute. Studies of the homicide rates in contiguous jurisdictions with and without the death penalty show that States with and without the death penalty had virtually identical murder rates and trends. There was no correlation between the status of the death penalty and the homicide rate, according to the study. It was also found that there was no significant decrease or increase in the murder rate following an execution, and that police and prison homicides are virtually the same in abolition States as in death penalty States. Sellin concluded:

> Anyone who carefully examines the . . . data is bound to arrive at the conclusion that the death penalty, as we use it, exercises no influence on the extent or fluctuating rates of capital crime. It has failed as a deterrent.

The way in which the death penalty is administered also undermines its effectiveness as a deterrent. In order to be effective, punishment must be administered immediately, consistently, and relentlessly, and the public must expect this to happen in all cases. The actual practice of capital punishment does not satisfy any of these conditions. Historically, only a small proportion of first-degree murderers were sentenced to death and even fewer were executed. The delay in the conviction and execution of capital offenders is common. This would hardly enable someone contemplating a horrible crime to visualize the death penalty. According to a study by the American Bar Foundation, another effect of long delays in capital trials and executions is a weakening of public confidence in the law.

One of the chief purposes of capital punishment has been the absolute restraint of the offender. Supporters of the death penalty argue that this is the only way to protect society against further crimes by convicted murderers. But is such an extreme measure really necessary, when the alternative, life imprisonment, is an adequate protective measure? Evidence has shown that murderers generally make the best prisoners and have one of the lowest recidivism rates. The vision of a paroled murderer as a danger to the public has been exaggerated. Statistics have pointed out that the behavior of a first-degree murderer released on parole is very good—better even than those paroled from lesser crimes such as property offenders. I do not mean to suggest that parole for a convicted murderer is or should be easily obtained. A study of "incorrigibles" to prevent others from similiar behavior would certainly benefit society more than the execution of these individuals, as would reform of parole and pardon practices and prison conditions.

One of the important arguments against the institution of capital punishment is that it is irrevocable. Unlike any other form of punishment, it forever deprives an individual of the benefit of new law or or new evidence that might affect his conviction. The passage of time, further investigations, and studies of specific cases have shown that innocent men have been wrongly accused and convicted of first-degree murder in the United States. Execution of the innocent raises an important and serious question about the validity of the death penalty.

There is no question in my mind that human life is a highly cherished value that should give way only upon a persuasive showing that capital punishment serves a prime social purpose that cannot otherwise be served. This has not been shown. One of the reasons we must value human life so highly is that human beings are capable of rationality and moral conviction. Do we wish to create an atmosphere of violence by advocating capital punishment as a form of vengeance? The idea of an individual in a courtroom fighting for his life is hardly compatible with the idea of justice and fairness as the goals of our legal system. The purpose of criminal law is and should be to provide protection against violence. But in invoking the death penalty, we are motivated by the same irrationality as the criminal who acted violently. This hardly justifies the death penalty.

At best, the death penalty is applied randomly; at worst it is applied discriminatorily. It is rigged against the poor, the friendless, and members of minority groups. As such, it violates the constitutional guarantee of equality before the law. By remaining sporadic and random, capital punishment has no status as a regular and rational part of criminal justice. The selection of juries and officials creates rampant opportunities for class and racial discrimination. Of 455 men executed for rape in this country since 1930, 90 percent were black. Of those who were executed for murder since 1930, 49 percent were black. In an overwhelming number of cases, it was people who were unable to afford expert and dedicated legal counsel who received the penalty of death.

The trend of history is overwhelmingly toward the abolition of capital punishment. Once in use everywhere for a great variety of crimes, the death penalty has been virtually abandoned in practice. The move toward disuse of the death penalty in America has been paralleled and largely outstripped by the rest of the world. In Europe, only France and Spain have retained the death penalty. In South America it survives only in a few of the smaller countries and in three out of the 33 Mexican jurisdictions. Canada has suspended the death penalty for a period of 5 years. A recent report by the Secretary General of the United Nations concludes that—

> Those countries retaining the death penalty report that in practice it is only exceptionally applied and frequently the persons condemned are later pardoned by executive authority.

As the world's leading legal killer, the Republic of South Africa executes about 100 men per year—most of them black. Do we wish to top this and execute all 582 men on our death rows?

In the United States, 39 States still authorize capital punishment, but the discretionary features of sentencing make contemporary use of the death penalty far less frequent than its authorizations on the statute books might suggest. Capital punishment occurs only in a fraction of cases where it can be legally imposed, a fraction which has been steadily decreasing since 1935. Since 1967, there have been no executions at all in this country.

Let me sum up the reasons for the abolishment of the death penalty: In my view the taking of a human life is morally unacceptable; capital punishment does not serve as a corrective measure because it does not provide for the rehabilitation of criminals; capital punishment is not a deterrent to crimes and is ineffective, because of long delays of sentencing and execution; capital punishment is a violation of due process because there are no standards to guide the judge or the jury in the exercise of it, and it allows discrimination by race and class; capital punishment violates the mark of a civilized society because it contradicts the ideal of human dignity; capital punishment is a cruel and excessive and irrevocable punishment, which serves society less adequately than life imprisonment.

President Nixon now has the burden of proving his case for capital punishment against the great weight of research in the social sciences and against the even heavier burden of the Nation's conscience. I am confident that in the end reason will prevail. It is now up to Congress to ensure the abolition of capital punishment once and for all.

Mr. Speaker, at this point I include a list of the current cosponsors of my bill and the actual text of the legislation:

COSPONSORS OF CONGRESSMAN ROBERT F. DRINAN'S BILL TO ABOLISH CAPITOL PUNISHMENT

Bella S. Abzug, George Brown, Jr., Yvonne B. Burke, Phillip Burton, John Conyers, Jr., Ronald V. Dellums, Charles C. Diggs, Jr., Don Edwards, Donald M. Fraser, Michael Harrington, Augustus F. Hawkins, Ken Hechler, Robert L. Leggett, Paul N. McCloskey, Jr., Ralph H. Metcalfe, Parren J. Mitchell, Robert H. Mollohan, David R. Obey, Charles B. Rangel, Thomas M. Rees, Henry S. Reuss, Edward R. Roybal, Benjamin S. Rosenthal, Robert O. Tiernan, Jerome R. Waldie, and Andrew Young.

TEXT OF LEGISLATION TO ABOLISH THE DEATH PENALTY UNDER ALL FEDERAL LAWS

A bill to abolish the death penalty under all laws of the United States, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, that

(a) no sentence of death shall be imposed hereafter upon any person convicted of any criminal offense punishable under any provision of law of the United States, the District of Columbia, the Commonwealth of Puerto Rico, or any territory or possession of the United States, and no unexecuted sentence of death heretofore imposed under any such provision shall be carried into execution after the date of enactment of this Act. Each such provision which authorizes or requires the imposition of such sentence hereafter shall be deemed to authorize or require the imposition of a sentence to imprisonment for life, and each sentence of death heretofore imposed under any such provision which remains unexecuted on the date of enactment of this Act shall be deemed to be a sentence to imprisonment for life.

(b) The Attorney General is authorized and directed to transmit to the Congress at the earliest practicable time his recommendations for appropriate amendments to be made to all such provisions of law which by their terms provide for or relate to the imposition of any sentence of death in order to substitute for such sentence in all such laws a sentence to imprisonment for life.

THE UNITED STATES CANNOT BE WORLD CARETAKER

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Missouri (Mr. LITTON) is recognized for 5 minutes.

Mr. LITTON. Mr. Speaker, as we stand on the pinnacle of peace, America is understandably weary after the grueling Vietnam conflict. For the 10 years we have fought in Southeast Asia, opposition and bitterness has divided our country like no conflict since the Civil War.

Along these lines, I continue to feel very strongly that the United States should not and cannot continue to be the "caretaker of the world." Hopefully, Vietnam has taught us that. However, neither can we isolate and shield ourselves completely from international affairs.

However badly we blundered and stumbled, Vietnam was not a war where we had aims or desires of conquest—we were there solely to aid. Probably no nation of the world would have sacrificed equally with only the intent of helping others defend themselves. It began in the best of our traditions—one befitting a great and generous nation.

Examining both sides of the issue brings to light the awesome and intricate problem which is likely to become the hottest issue of the 93d Congress.

Those who favor giving financial assistance to Hanoi have an adequate argument. Most outstanding is the promise of aid which is written in article 21 of the cease-fire agreement. Here I question even the constitutionality of such a move. Congress, not the executive branch, is rightfully responsible for allocating funds.

But the administration insists that aid to North Vietnam is a financial investment in peace—that with ample money and materials, North Vietnam will turn inward to peace instead of war. I sincerely hope that this would be the case, but I have doubts. Internal warfare was raging for years before we even became involved in Indochina. I fear that the quest for reunification of all of Vietnam under Communist rule is still top priority in the minds of North Vietnamese leaders.

When we have already invested so much in lives as well as money in the war, why not invest a proposed 2½ billion more to advance the cause of peace? If peace were truly imminent among the Indochinese countries, this would be a small price to pay. But it is simply bad business to sacrifice nearly 50,000 American lives and $135 billion in helping South Vietnam stand on its feet—we have built their air force to the fourth largest in the world—and then counter our 10 years of work and sacrifice by building up North Vietnam so that it may continue to strengthen its aggression toward the south. In other words, I think it is not unreasonable to assume that for every dollar of assistance we give North Vietnam, another dollar will be freed to build up their defense program to advance their cause.

One political analyst for the Washington Star expects Hanoi to receive an estimated $1.7 billion per year in foreign assistance. This amount is just about the size of its 1970 GNP and much higher than the GNF for 1972. My first thought is how will Hanoi handle this huge sum of money. If leaders use the money to better living conditions and promote peace, then it would certainly be a worthwhile investment. But past experience shows that this is not likely. After the 1954 reconstruction program, only 15 percent of total investment was allocated to restoring the devastated agricultural sector where 91 percent of population lives. According to a U.S. News & World Report issue of February 19, the first priority in Hanoi for use of U.S. reconstruction funds would be the restoration of railroads, highways, communication, and powerplants. Then would come the rebuilding of industrial facilities. Last is aid to the people.

The administration denies that the funds impounded from approximately 100 domestic programs will go toward reconstruction assistance in North Vietnam. This is a ridiculous statement—the money had to be trimmed from something and the President simply chose the domestic expenditure. This week administration officials said that at least part could come from our huge $79 billion overall defense budget. Defense Secretary Richardson said that a legitimate cease-fire might allow some saving in the $2.9 billion programed for Southeast Asia operation. If Congress approved, this money could be used. Another way would be for Congress to simply trim the defense budget.

It goes without saying that I would unilaterally oppose any aid which appeared to be reparations or expiation for the sins of imperialistic America, as North Vietnam might make it look. Many officials favor multilateral aid to North Vietnam possibly through the United Nations or the World Bank. But Hanoi stubbornly insists on bilateral aid.

Then there is the argument that points to our reconstruction of Germany and Japan after World War II with the Marshall plan. Many would assume that we should do likewise in North Vietnam. The difference between World War II and the Korean conflict is vast indeed but the most significant is the fact that Germany and Japan promised to set up working democracies with fair and equal representation—and obviously from all indications Hanoi has no intention of doing this.

The difference goes much further than this. After World War II, there was an unconditional surrender by Japan and Germany and a commitment to an end in hostilities. In North Vietnam the situation is not this pleasant. Hanoi has not surrendered; 150,000 of their troops remain in South Vietnam and an end in hostilities is unlikely. Thus, as long as North Vietnam is continuing major hostilities toward South Vietnam and we continue economic aid to repel these hostilities, it would be absurd to provide North Vietnam with funds.

The American people have been told for the past decade that once the war in Vietnam was ended, money would be made available for domestic programs of construction and assistance. We have been led to believe that such domestic moneys would build rural water and sewer systems, new and better methods of transportation systems, housing units, recreational facilities, flood control impoundments, and power generating facilities, such as the Pattonsburg Lake Reservoir.

The President now is proposing that money once promised to the American people for domestic items of necessity and priority will now be spent in building the domestic programs of North Vietnam.

I would honor a reconstruction proposal in North Vietnam that would insure peace throughout Indochina. As to a specific plan, I await the announcement of the administration on this matter. For the present, they are concentrating on the safe release of the 274 remaining POW's. Following the return home of these men, hopefully we will receive information which will provide effective guidelines for a wise and fair handling of the awesome problem of Vietnam reconstruction.

MISREPRESENTATION OF TAX REFORM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin (Mr. REUSS) is recognized for 10 minutes.

Mr. REUSS. Mr. Speaker, Mr. John Ehrlichman had some interesting and, as it turns out, inaccurate things to say about tax reform on "Issues and Answers" last weekend: interesting, because comments from the President's chief domestic affairs adviser are often the best clue we get to the President's own thinking, and inaccurate, because Mr. Ehrlichman is obviously unfamiliar not only with the existing tax system but also with the major proposals to reform it.

Mr. Ehrlichman announced:

> You can't raise $9 billion by simply readjusting corporate income tax exemptions.

There would have to be widespread revision, such as ending tax deductions by homeowners of mortgage interest, stopping personal exemptions or deductions for dependents or for outlays for charity, he continued.

He said:

> Now that is where you can really raise a lot of money. If you can't deduct $700 anymore for every one of your youngsters—this is a loophole, you know, and one that would have to be closed in order to raise the kind of money that we are talking about.

Now, whom is Mr. Erlichman trying to kid? Let me draw to his attention, for example, H.R. 967—the "quick-yield" tax reform bill which I introduced last January with some 60 cosponsors. H.R. 967 proposes to raise $9 billion—not by denying homeowners' tax deductions, not by taking away the deduction for dependents—which, incidentally, is worth $750, not $700, per dependent—and not by changing the deduction for charitable contributions.

Instead, H.R. 967 tightens up taxation of capital gains—including transfers at death—repeals the accelerated asset depreciation range corporations writeoff, requires foreign subsidiaries of U.S. corporations to pay tax on income as earned instead of as repatriated, reduces oil industry special preferences, prevents wealthy non-farmers from using farm "losses" to shelter nonfarm income, gives State and local governments the option of issuing federally subsidized taxable bonds instead of the present tax-exempt securities which offer a major tax shelter to wealthy taxpayers, and, finally, tightens up the minimum tax on tax preferences.

Plugging these loopholes would thus restrict the bounties now enjoyed by some of President Nixon's largest campaign contributors. Perhaps this is why the administration is trying to sour the average taxpayer on tax reform by misrepresenting how the $9 billion would be raised.

COMMENDATION TO DISTRICT OF COLUMBIA NATIONAL GUARD FOR WINNING THE GEORGE WASHINGTON HONOR MEDAL FROM THE FREEDOMS FOUNDATION

The **SPEAKER** pro tempore. Under a previous order of the House, the gentleman from Mississippi (Mr. Montgomery) is recognized for 5 minutes.

Mr. MONTGOMERY. Mr. Speaker, I am very pleased to have this opportunity to commend the officers and men of the District of Columbia National Guard for having won the George Washington Honor Medal from the Freedoms Foundation at Valley Forge for the fifth straight year.

The honor is in recognition of the Guard's continuing interest in Washington area young people and their sponsorship of the Annual Youth Leader's Camp. With the help of some members of the Washington Redskins, the District of Columbia Guard is able to provide a meaningful experience for area youth who probably would never have an opportunity to attend summer camp. I salute them for this worthwhile public service they perform which in turn benefits the entire community.

APRIL 15—BLACK SUNDAY IN OKLAHOMA

The **SPEAKER** pro tempore. Under a previous order of the House, the gentleman from Oklahoma (Mr. McSpadden) is recognized for 5 minutes.

(Mr. McSPADDEN asked and was given permission to revise and extend his remarks.)

Mr. McSPADDEN. Mr. Speaker, with the implementation of provisions of Public Law 92–347 by the U.S. Corps of Engineers, the Park Service, the Departments of Agriculture and the Interior, which call for a schedule of user fees, I would call attention to the enacted formula for the establishment of fees.

Today the Corps of Engineers released the edict that on April 15 the user fees would be started across the width and breadth of our land, and in especially my home State of Oklahoma.

I say that April 15, in addition to being the day that the people across the breadth of our land must pay their income taxes, will also be a very black Sunday for our people.

Public Law 92–347 states, and I quote:

> (Fees shall be set) . . . taking into consideration the direct and indirect cost to the Government, the benefits to the recipient, the public policy or interest served, the comparable recreation fees charged by non-Federal public agencies, the economic and administrative feasibility of fee collection, and other pertinent factors.

I would submit that since 1966 my home State of Oklahoma, under a law that I am very proud of having authored when I was in the State senate, the lake access road program, our State has spent more than $6 million for the construction of lake access roads to the U.S. Corps of Engineers projects. I submit the expenditure of these funds should certainly be considered among the other pertinent factors—and that is the quote from the edict of the Corps of Engineers—when final determination of user fees in Oklahoma is made so that not only the taxpayers of our State, but the taxpayers of other States in the Union where Corps of Engineers projects have been built, shall be credited with the contribution that they have made.

As we continue in our efforts to change the law by the legislative process, I feel our protests to the concept of the user fees will result in lesser fees being charged at fewer sites.

Now pending before the Interior Committee is my repealer bill which would remove the Corps of Engineers from the user fee field once and for all.

I include the following letter which I sent to the Corps of Engineers:

Congress of the United States,
Washington, D.C., March 14, 1973.

Maj. Gen. John W. Morris,
Department of the Army, Office of the Chief of Engineers, Washington, D.C.

Dear General Morris: In further reference to the public announcement expected on or about March 15 concerning user fees for Corps of Engineers' projects in Oklahoma, I would advance one thought for your consideration. Under provisions for use of the Land and Water Conservation Fund Grants, (15.400 Catalog of Federal Domestic Assistance, page 441, 1973 revised) funds made available under the cited act and PL 92–347, the law in question can be used for a variety of objectives. I quote . . . "grants may be used for a wide range of outdoor recreation projects . . . and support facilities such as roads, water supplies, etc."

Under Oklahoma's Lake Access Program, which I authored, the State of Oklahoma has expended since 1966 to January 1, 1973 a total of $6,041,135 for construction of lake access roads to Corps of Engineer projects alone. I would submit that Oklahomans have already "paid the fiddler" and that this contribution of Oklahomans should be taken into consideration when your final fee schedule and use sites are promulgated.

With warmest personal regards, I am

Sincerely yours,

Clem McSpadden,
Member of Congress.

Mr. Speaker, I yield back the remainder of my time.

CONSUMER FOOD REBELLION HAS IMPACT

The **SPEAKER** pro tempore. Under a previous order of the House, the gentleman from Connecticut (Mr. Cotter) is recognized for 5 minutes.

Mr. COTTER. Mr. Speaker, on Monday, the Wall Street Journal carried a story by James P. Gannon entitled "White House Exhorts Top Agriculture Aides Over Food Prices." I believe that the recent meeting at the White House on food prices was a direct result of various consumer actions that are part of a progressive consumer rebellion.

According to the report in the Journal, the meeting took place to impress the Department of Agriculture that the President wants action on food prices.

I am hopeful that this meeting is the start of a serious attack on food cost, but I am deeply suspicious that the White House attack on food prices will prove as disjointed and ineffective as phase III has been to date.

Mr. Speaker, in the article one participant from the Agriculture Department characterized the meeting as "a bull session." I do not think that our ever-increasing food bills will be lowered by "bull sessions," but rather by constructive action. If this description of the meeting is accurate, then the White House meeting is the only place in town where they can afford "bull" while most people cannot afford hamburger.

Mr. Speaker, I am deeply concerned by the content of this article. If it is an accurate portrayal of what went on in the meeting, it means that the White House has very serious doubts about the ability, and I might add, the loyalty of the Department of Agriculture in the fight against higher food prices. The article suggests that the President's chief domestic advisers were "jawboning" the Department of Agriculture in order to get them to follow the President's desires on lowering food prices.

We need action and action immediately. The consumer protest rebellion which is becoming more apparent every day, will not be satisfied with White House meetings, press statements, and bland assurances. What they want and what I want are lower food prices.

As many Members are aware, I am working with the Connecticut Junior Women's Clubs and other groups around the country to lead a meat boycott April 1 through April 7. In addition, to keep pressure on the White House, I am asking consumers to send food checkout slips to the White House, with their names and addresses on the back, urging that President Nixon act to lower prices.

I believe that this activity combined with increasing consumer unrest is having a beneficial effect on mobilizing the President and his assistants to more effective policies to lower food costs. I know that the other Members of Congress are willing to assist the President in this needed action.

For the benefit of my colleagues, I am including the article at this point in my remarks:

WHITE HOUSE EXHORTS TOP AGRICULTURE AIDES OVER PRICES OF FOOD—SESSION CONVENED TO IMPRESS BUREAUCRATS WITH "URGENCY" OF REDUCING COST OF EATING

(By James P. Gannon)

Washington.—The Agriculture Department's top bureaucrats were marched to the White House woodshed yesterday to be told they will have to try harder to get food prices down.

The farm aides, according to one Nixon administration official, were told to apply the same zeal to reducing eating costs that they have shown for years in trying to push farm income up.

Besides getting a lecture on the urgency of stemming the food-price spiral, the Agriculture Department officials discussed with top White House aides the possibility of additional government steps to reduce farm prices by expanding supplies, it is understood.

"SENSE OF URGENCY"

White House Economist Herbert Stein, one of the several top Nixon aides who participated in the meeting, commented, "We wanted to convey the sense of urgency that is being felt by the White House" on the politically sensitive food-price problem. While Agriculture Secretary Earl Butz fully understands the urgency of the problem, Mr. Stein added, "we wanted to convey this down the line a little further" into the lower echelons of the huge Agriculture Department bureaucracy.

The meeting apparently was part of a White House effort to try to redirect the energies of the 110-year-old agriculture agency toward lower food costs instead of higher farm income. The campaign was mentioned Sunday by White House Domestic Policy Chief John Ehrlichman, who said on American Broadcasting Cos.' "Issues and Answers" TV program that "we are having to turn the Department of Agriculture around to work in the other direction" after many years when it "had as its task keeping food prices up for the benefit of the farmer."

The White House meeting yesterday brought together eight or nine top Agriculture Department officials, including Mr. Butz, and more than a half-dozen key Nixon aides, including Mr. Stein, Mr. Ehrlichman and John Dunlop, director of the Cost of Living Council. Under the Phase 3 wage-price controls program, marketing orders and other Agriculture Department actions that affect food prices must be cleared with the Cost of Living Council.

Agriculture Department officials are known to resent the move by White House policy makers into their traditional sphere of influence. They say they consider at least some of the well-publicized White House effort to increase food supplies as largely "cosmetic," unlikely to have much direct immediate impact. One farm official who attended yesterday's White House session characterized it merely as "a bull session."

DIRECT PRICE CONTROLS DENIED

Mr. Stein, who is chairman of the President's Council of Economic Advisers, said the group discussed "some additional actions" that might be taken to combat rising food prices. He wouldn't disclose specifics, but reiterated the administration's position against imposing direct price controls on unprocessed farm products. "We aren't about to do that," he said.

The White House economist said the group also reviewed the impact of recent decisions intended to expand food supplies through such steps as relaxing planting controls and selling government grain stocks. One question discussed, he said, was whether to speed up disposals of the surplus grain. Mr. Stein said administration officials will be in a better position to consider additional steps after reviewing the Agriculture Department's report on farmers' planting intentions, which is due Thursday.

Though Agriculture Department insiders are skeptical that further Washington decisions can coax much more output from farmers who are limited by wet ground, fertilizer shortages and other factors, they cited these possible moves:

Freeing of the more than 16 million acres diverted from production under the feed grain program for planting of more soybeans or corn.

Increasing planting subsidies under the feed grain program, a move that tight-fisted White House budget officers have already endorsed.

Increasing the soybean price support above the $2.25 a bushel in effect since 1969, to encourage added plantings.

THERE IS NO DEATH PENALTY

The SPEAKER pro tempore (Mr. WRIGHT). Under a previous order of the House, the gentleman from Louisiana (Mr. WAGGONNER) is recognized for 5 minutes.

Mr. WAGGONNER. Mr. Speaker, I think all of us here should take notice of the comment made by one of the holdup men during yesterday's attempted robbery of a vending machine company in Prince Georges County, which made the front page of today's Washington Post.

According to the newspaper account, one of the hostages was told at gunpoint:

> We can kill you all—there is no death penalty.

The late Director of the FBI, J. Edgar Hoover used to tell us every year at appropriation time that a major deterrent to crime was a punishment, in the event of conviction, that was commensurate with the crime committed.

Yesterday's crime points up too well that the Congress needs to enact legislation restoring the death penalty if we do not want to see this sort of thing as an every day occurrence.

The article follows:

ONE SLAIN, SIX SHOT IN ROBBERY GUN BATTLE

A gunman was killed and at least six other persons—two more gunmen and four terrorized hostages—were shot yesterday during a robbery attempt broken up by police at a vending machine company in Prince George's County.

Police said they arrested four surviving suspects to end the robbery attempt that began about 3:30 p.m. at the Canteen Corp. offices at 7650 Preston Dr. in the Ardmore Industrial Park near the Beltway and Rte. 50.

The robbers, who apparently grew tense and edgy as their hour-long holdup attempt encountered increasing obstacles, shot one hostage three times and beat or pistol-whipped at least six others, police reported. Thirteen hostages, most of whom were employees of the vending company, were treated at Prince George's General Hospital, where three of them were admitted.

Listed in critical condition were Nancy Weaver, a hostage, who was shot in the throat, and Robert Smith, 27, of 823 N. Henry St., Alexandria, one of the suspects.

Two of the suspects are under indictment for murder, and were scheduled for trial today in a drug-related, execution-style killing in Beltsville on Sept. 19, 1972, according to State's Attorney Arthur A. Marshall Jr.

Marshall identified them as Guy Thurston Marshall, 23, and Robert John Young, 27, and said they were free on bond. Police gave the last known address for both as 5011 Jay St. NE.

Young suffered a cut hand yesterday, while Marshall was reported uninjured.

The fourth surviving suspect was identified as Samuel Edward Brown, 27, of 2930 Knox Pl. SE. He was shot in the stomach and seriously wounded, authorities said.

Marshall said each of the four suspects was charged with armed robbery and murder, since, under the "felony murder" statute suspects in a felony during which a death results can be legally held responsible.

The dead man was identified as Baron J. Cathy, 23, of 2457 55th St. SE.

According to official accounts, Cathy and the two suspects wounded by gunfire were hit by shots fired by some of the approximately 50 county policemen who were dispatched to the canteen offices.

The scene inside the offices and warehouse where the hostages—possibly as many as 20 of them—underwent their ordeal was described as "unbelievable" last night by Lt. Col. John W. Rhoads of the county police.

Teeth were lying on the floor, apparently knocked from the mouth of one of the hostages. Wendy Post, 29, of Lanham, had lost several teeth after being pistol whipped and seriously injured, it was reported.

In addition, the interiors of three rooms and a hallway were chipped and scarred by gunfire.

Raymond U. Johnson, an armed guard for the Dunbar Armored Express Inc., who arrived in the Canteen building during the holdup attempt unaware that anything was amiss, was shot three times by the gunmen, police said.

According to investigators' reports, shortly after Johnson's pistol was taken by the gunmen, he was shot in the leg.

Later, when he was ordered to the bathroom where other hostages were kept, he was chided by a gunman for not moving fast enough, and then was shot in the shoulder.

Still later, after he was ordered to assist the gunmen in stuffing money in a sack, they again found fault with the performance, and he was shot in the neck.

Another hostage, John Terry Robinson, a mechanic for the Canteen Corp., was pistol-whipped but not shot.

According to his own account, he was told by a gunman, "We can kill you all. . . . There's no death penalty."

On hearing this, he told a reporter, he decided to break away, and succeeded in reaching police lines.

"This is the worst robbery I've ever seen," said one robbery detective. "These people even cooperated, but they were beaten anyway.

"They had them lying down in the men's room, and these guys would come in, pick up something and just belt them."

Police said that at one point a gunman "told one hostage he'd shoot her and he did." According to one of the hostages, the robbers fired indiscriminately at times to scare them.

At one point the robbers took hostages outdoors, then demanded that they produce the keys to company vans parked there. But the keys could not be provided, since the robbers had earlier collected all personal property and stored it inside.

Frustrated by this turn of events, one hostage said, the gunmen became particularly abusive.

By 10:30 last night, about six hours after the incident had ended, county authorities had not yet pieced together all the details.

The following account is based on reports from Marshall, police officials and investigators, and on interviews with some of the hostages:

The incident began about 3:30 p.m. when five gunmen arrived at the Canteen Corp. building in a Cadillac automobile.

The five entered the building by three different doors. Once inside, they quickly took hostages. The exact number is still unknown.

Within minutes of the robbers' arrival, at least two alarms were sent out.

In one case, a company employee was talking to a business associate by telephone, as the gunmen approached.

"We're being held up," he said, and hung up.

In addition, a company employee, identified in some accounts as Howard Dillard, an assistant manager, set off a silent alarm, without the knowledge of the robbers. (Dillard was later pistol whipped.)

The first policeman arriving at the scene heard gunfire from within the building. He radioed for help. Ten more cars with police arrived, and the officers began firing at the building.

They stopped as soon as they learned that there were hostages inside.

According to one account, police learned of the hostages from the driver of the Dunbar Armored truck. The truck arrived to make a collection of cash from the company minutes after the holdup began.

Johnson and a second Dunbar guard entered the building to collect the money and were taken prisoner. The driver, who remained outside heard gunfire from within the building, and radioed a call for help.

According to other accounts, it was the escape of Robinson, the mechanic, that alerted police to the fact that hostages were inside.

About this time, two of the gunmen, Young and Brown, fled the besieged building.

Under police fire, they raced to a fence near the perimeter of the compound. Brown was shot in the stomach. Both men surrendered.

During the exchange of fire, the driver of the armored truck maneuvered his vehicle so that police could use it as a moving barricade.

He was credited with operating it in such a way as to provide a mobile screen for Johnson when the wounded guard broke from the gunman and staggered across an open area to safety.

Meanwhile, using a bullhorn, police had begun calling for the surrender of the others.

Smith attempted to flee through a north entrance, and was wounded by gunfire.

Cathy sought to escape through the same entrance and was shot and killed.

Guy Marshall crawled out of the building on all fours and surrendered unharmed.

In addition to two .38 caliber revolvers taken from the Dunbar guards, police said they later recovered a sawed-off shotgun, another .38 caliber revolver, an automatic pistol and a .32 caliber revolver.

The exact amount of money on hand at the Canteen offices yesterday was not divulged.

Both Raymond Johnson, the armed truck guard and William R. Marcks the other guard were treated for gunshot wounds and admitted to Prince George's General Hospital in good condition.

Another hostage, Edward Foley, a Canteen employee, was treated for a superficial gunshot wound of the left arm and released.

Nine other hostages—all Canteen employees—were treated for a variety of bruises, cuts, and other lesser injuries and released.

These were identified by police and hospital sources as, Howard M. Dillard, the manager, Wendy Post, John Ray, John T. Robinson, L. Kirk, Eleanor Miller, Edward W. Gidson, Louise M. Robinson, and I. Constantin.

This story was written by Washington Post Staff writer Martin Weil from reports filed by staff writers F. J. Bachinski, Karlyn Barker and William A. Elsen.

IMPORTANT IDEA FOR BETTER INTER-AMERICAN RELATIONS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. Flood) is recognized for 5 minutes.

Mr. FLOOD. Mr. Speaker, in an address to this House of the Congress in the Congressional Record of February 27, 1973, on "Department of State: Proposal for Consolidating Hemispheric Affairs From Arctic to Antarctic," I recommended that the rank of the Assistant Secretary of State for Inter-American Affairs be increased by statutory enactment to that of Deputy Secretary of State for the Americas responsible directly only to the Secretary of State and that he be charged with supervision over the entire Western Hemisphere including Canada.

The response to this proposal has indeed been gratifying, especially in Latin American diplomatic circles.

The full text of my February 27 address was republished in the English section of the March 2, 1973, issue of El Tiempo, the well-known daily newspaper for all Latin America published in New York. Its significance was emphasized by an accompanying special dispatch to El Tiempo in English and Spanish, which stressed the importance of the idea for fostering better relations between the United States and our sister republics to the south.

Despite the short time that has elapsed since the initial publication in El Tiempo, information has been received that the indicated proposal has already evoked much favorable comment in the press of other hemispheric countries. At an early date the necessary legislation measure will be introduced in the House of Representatives.

In order that the Congress may be apprised of the interest generated by the recent proposal, the indicated editorial and translation are quoted as parts of my remarks:

A Very Important Idea for the Americas

[By Stephen G. Taracido and Luis M. Barcelo]

Yesterday Congressman Daniel J. Flood, a powerful member of the Appropriations Committee of the U.S. House of Representatives, in an address in the Congress presented the most important new idea on Hemispheric relations since President John F. Kennedy's concept of "The Alliance for Progress". Congressman Flood proposed that the handling of Hemispheric affairs from the Arctic to the Antarctic in the Department of State be consolidated and elevated to the status of an Under Secretary of State.

For too long the United States has treated the affairs of the countries in the Americas—of which the United States is a part—as of secondary importance to the affairs of Europe and Asia. Canada and the countries of Latin America have been treated as stepchildren, virtually ignored in questions affecting their vital interests.

Congressman Flood, long known for his sympathy for Latin America and for his advocacy of the much-needed major modernization of the Panama Canal, is to be commended for this effort to treat our sister American nations with the dignity and respect they deserve as our neighbors and Hemispheric co-partners. The New World has long suffered from the "benign neglect" of successive Administrations in Washington. This move in the U.S. Congress is a vital step in the right direction. Bravo, amigo Congressman Flood.

THE MYTH OF THE MONOLITHIC POW

(Mr. LEGGETT asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. LEGGETT. Mr. Speaker, as a long time opponent of the war in Indochina I am hopeful that we are finally getting out, prisoners and all, from the devastation that was Indochina.

The Vietnam war has caused the deepest divisions in this Nation since the War Between the States. Despite administration attempts to portray the POW's as a monolithic force that fully support the President's "peace with honor," it is clear that the POW's are as divided on Vietnam as the rest of us.

Major H. K. Flesher, a 6-year prisoner of war and now a constituent of mine, has made some interesting comments on the conduct of the Vietnam war which I would like to share with my colleagues. Major Flesher states that—

> Any one who has looked at the peace term agreed upon by the North Vietnamese this year will see it is exactly what they asked for as far back as 1969.

This is not an easy statement to make, considering the fact that Major Flesher intends to make the Air Force his career. My own reading of the peace accords indicates that the major is right on the mark. We have a peace with honor in Vietnam only if we are working with a convoluted definition of "honor." The late 4 years has cost us 20,000 American lives and billions of dollars. In my book, peace at that price is not honorable.

It is interesting to note that Major Flesher's position on amnesty is more moderate than most of the Washington politicians who spent the last 6 years not in the prisons of North Vietnam, but in Congress urging an intensification of the war effort. On the question of amnesty, Flesher says:

> I'm not opposed to it. There were lots of young men who were honestly opposed to this war and were not able or willing to have themselves involved in a situation where possibly they would be killing other people for a cause they didn't believe in. I know it would be hard to separate those truly against the war and those just looking for an easy out. I would think, however, our country would want to separate them, if they could, but I don't see how they can. . . . I'm not bitter about these people. It certainly would not make me angry to see these people back home and fitted back into American Society.

It seems to me, Mr. Speaker, that we should take note of what Major Flesher is telling us. Here is a guy that has given more of himself in the war than anybody in this Chamber, yet he has emerged from 6 years of captivity with a highly reasonable and unemotional view of where this country should go after Vietnam.

At this point in the Record, I would like to insert the full account of Major Flesher's remarks published in the Sacramento Bee of March 7:

POW Switch: Flesher Thinks United States Butted Into War

(By Nancy Skelton)

In a stark departure from the "peace with honor" comments of most of his fellow returning prisoners of war, Maj. H. K. Flesher says he "came to believe that possibly we had asserted our noses in somebody else's business" by waging war in Vietnam and that this belief made his days in prison "more difficult."

The 40-year-old Air Force officer, home in Rancho Cordova after more than six years in Hanoi area camps, says "anyone who has looked at the peace term" agreed upon by the North Vietnamese this year will see "it is exactly what they asked for" as far back as 1969.

"If we expected a South Vietnam that essentially belonged to us . . . that was in our camp, then we certainly lost the war"—a war, in the major's opinion, "that wasn't ours to win in the first place."

He is not, he says, opposed to amnesty for America's draft resisters.

UNSURE OF WIN

Speaking quietly in his living room, in a home he had never seen until a week or so ago, the tall, graying military career man said yesterday afternoon: "I don't think we really won the war at all, and I want to stress this is strictly my opinion. I don't want to appear to be speaking for any of the rest of the men . . . there are some, of course, who are 180 degrees opposed to what I've said."

The major feels the peace terms, a complete bombing halt, complete withdrawal, complete dismantling of American installations, an end to political intervention in the south and "some kind of elections," were essentially "no different from what North Vietnam sought more than four years ago.

"I think, generally, the motivations that involved us in this conflict were honest. However, we got ourselves involved in a revolutionary war . . . similar to what this country went through in 1776. People like to compare (Vietnam) with the 1940s when the U.S. intervened against Germany . . . but they are entirely different. Adolf Hitler was invading countries with foreign troops. There were no foreign troops in Vietnam, other than Americans and the people that were in our camp.

VIETNAMESE PROBLEM

"Generally speaking," the major says, "it was a conflict between the Vietnamese people . . . and whether you like it or not, it should have been theirs to decide. I think more and more people came to realize this. Many of us came to believe that possibly we had asserted our noses into somebody else's business."

Asked if this made it harder for him to sit so long in a Hanoi prison cell, the major answered: "Yes, it made the days more difficult."

Flesher, an enlisted man for three years until he won his pilot's wings almost 20 years ago, says he will stay in the Air Force flying fighters. As of the war . . . "the only thing I want to do is really forget about it. I could have been bitter once . . . some are coming home bitter. But for most of us it's been years and years (over there) . . . I don't intend to spend another day with bitterness or anger."

LOTS OF ARGUMENTS

Flesher said he was "involved with a lot of arguments with a lot of the guys" over whether the US won the war, but now—"regardless of what made us become involved in the thing—most of us just want to get back into life."

On the question of amnesty, Flesher says, "I'm not opposed to it.

"There were lots of young men who were honestly opposed to this war and were not able or willing to have themselves involved in a situation where possibly they would be killing other people for a cause they didn't believe in. I know it would be hard to separate those truly against the war and those just looking for any easy out (of the US military). I would think, however, our country would want to separate them, if they could, but I don't see how they can."

What the major says America needs is to "get this war in the background and get this country bound together again and working together again to solve its big problems . . . crime, inflation and the economy, dope and drugs, pollution, slums. I'm not bitter about these people. It certainly would not make me angry to see these people back home and fitted back into American society."

As for reconstruction of North Vietnam, Flesher says "if those are the terms of the agreement I suppose we should live up to them, but we have so much to do right here . . . there are plenty of places right here to spend $7 billion."

"The big thing now that this war is over—instead of squanderng our money someplace else . . . is to start spending it on our truly essential problems."

He says that with the "young people—and let's face it, they are the ones who are going to solve the problems and I'm really impressed with how much more educated, well rounded and interested they are—we're going to be able to pull out of this thing."

CAMP TREATMENT

Flesher referred many times during yesterday's two-hour interview to "the early days" and "later on." Treatment in the camps, he indicated, changed radically toward late 1969 and early 1970. The reason, he feels was not Ho Chi Minh's death as some returning POW's have stated "or efforts by our government . . . but strictly because of the tremendous efforts by the wives and families in their letter-writing campaign" which he says "swamped" North Vietnamese officials not only in Hanoi but in Paris.

While not commenting specifically about prison wrong-doing, Flesher said "there would be some action" taken against some prisoners by fellow POWs charged with that responsibility. Asked whether reports were true that those men returning early under peace group sanctions were those who had been segregated from other prisoners and unable to work within the prison structure. The major said "that's essentially true."

REFUSED HOME

"There were a great number of people who had the opportunity to come home early," he said, indicating most refused. "That's about all I can say right now about it."

Flesher painted a vivid verbal picture of the several camps and cells he spent his six years in. When captured in December 1966, he was placed in solitary confinement—then into a 9-by-6-foot room with one other man nine months later. Afterward he had three roommates in the same room. Then he was moved with five others into a 15-by-12-foot room.

Flesher said he did not spend all his time in the infamous "Hanoi Hilton"—a part of a huge, block-long city jail complex.

On the night of Nov. 21, 1970, he was housed in a camp on the outskirts of Hanoi and had already gone to bed "when we began hearing firing and engine noises and saw the SAM missiles being fired. We knew something was up." It was not until later—after the North Vietnamese had rounded up him and his campmates and brought them back into Hanoi—that they learned the battle had been between North Vietnamese soldiers and members of the Green Berets, who had sneaked behind enemy lines in the daring but fruitless Son Tay prison camp raid.

MILITARY ASSISTANCE TO SAFETY AND TRAFFIC PROGRAM

(Mr. DICKINSON asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. DICKINSON. Mr. Speaker, on January 15 I introduced a bill (H.R. 2006) which would allow implementation of the military assistance to safety and traffic—MAST—program—a program to utilize military helicopters and service paramedical personnel in responding to civilian medical emergencies, in particular to highway accidents.

The MAST program was considered twice during the last Congress: in the Senate as an amendment to the military procurement authorizations and in the House and Senate as part of a larger emergency medical services bill. MAST was dropped from the military procurement authorizations bill and created quite a bit of controversy when it was considered in the emergency medical services bill due to lack of understanding of the program and fear that it would mean greater costs to the Department of Defense. My bill concerns only the MAST program and would provide that MAST operate only within the limits of existing facilities. I would like to take this opportunity to give my colleagues in the House of Representatives a comprehensive look at MAST because I feel it is an important program which should be implemented as soon as possible.

During the late 1960's various individuals and organizations became interested in the possible role of the helicopter in civilian emergency medical service. Studies and trial projects have shown the cost of civilian helicopter ambulances to be not only extremely high, as expected, but the usage to be unexpectedly low. The conclusion is that the helicopter ambulance in the civilian sector must first be justified for other duties which will still allow it to be diverted for emergency air ambulance work when needed. In looking for available helicopters which had already been justified for other uses, and which could be utilized in the emergency medical service system, the use of military helicopters was investigated.

Early in 1970, then Secretary of Defense Laird noted that paramedical personnel and helicopter crewmen were becoming available with the winding down of the Vietnam war. He suggested that these men with a great deal of training and experience in air rescue could be put to work on rescue missions in the United States to fill the need which exists here. Four months later, MAST was born.

Andrew Schneider, in an article which appeared in the October 18, 1972, issue of Family, reported that—

> MAST began in July 1970 with the 507th Medical Company at Fort Sam Houston, Texas, near San Antonio. For the next six months its pilots, medics and 15 H-model Hueys were involved in a test to evaluate the use of combat medical evacuation (medevac) techniques on civilian emergencies.
>
> Within a month, the program-sponsoring Departments of Defense, Transportation and Health, Education and Welfare had activated four additional MAST test sites—two Air Force at Mountain Home AFB, Idaho and Luke AFB, Arizona, and two additional Army at Fort Carson, Colorado and Fort Lewis, Washington.
>
> The initial test of the 507th got off to a rapid start with the unit pulling 11 emergency missions in the first two weeks of the program, with five occurring in one 24-hour period.
>
> Today, the 16 civilian hospitals in the San Antonio areas are still very much involved and enthused with the project. They all have announced a willingness to receive MAST patients and have agreed to provide a landing pad and some method of communicating with the choppers. The Fort Sam Houston program covers the 9500 square miles of San Antonio and its nine surrounding counties.

> This may be one of the only military assistance programs ever to be implemented that [does] not cost the taxpayer an extra penny. . . . [A] pilot with Fort Sam Houston's 507th explained, "all chopper units must fly a minimum number of training missions each week. This we accomplished by flying out to the field and picking up simulated casualties. With MAST, we get in our required flying time and, using the same amount of fuel and medical supplies, we are now saving lives."

The MAST Interagency Executive Group, a national group composed of representatives for the Secretaries of the departments involved in establishing MAST programs policies acts as the final decision authority in all MAST activities. The group has developed criteria for implementing MAST which I would like to list below. From these criteria, it will be readily ascertained that all those involved in MAST are concerned that the program have no adverse effect on military units chosen for utilization and that it not cost the taxpayers money the Government is not already spending.

CONSIDERATIONS

MILITARY RESOURCES

The locations of military units possessing sufficient potential resources for supporting MAST operations will be determined by the department possessing the resources. No military unit will be relocated solely to provide MAST support. At the present time, the only regular military units authorized for participation in the MAST program are U.S. Army aeromedical units and U.S. Air Force Aerospace Recovery and Rescue detachments.

CIVILIAN RESOURCES

At the present time, only a limited civilian air ambulance capability exists comparable to that available to the military services. In many rural and isolated areas demographic constraints restrict adequate ground ambulance operations. Civilian medical capability for treatment of critically injured is generally centered in metropolitan areas.

FUNDING

Initially, only aeromedical and Air Force aerospace recovery and rescue detachments will participate in the MAST Program. As experience is gained, it may be possible to include nonmedical helicopter units. Enabling legislation will be required and must contain provisions for having the emergency medical services system which utilizes MAST reimburse the DOD for the marginal cost of conducting MAST operations in the latter case. Nonmilitary resources, such as radio communications and helicopter landing pads, for conducting MAST activities will be provided by the civilian community.

If you are skeptical about the role the civilian community will be willing to play in MAST, let me reassure you. Already, communities located near bases with MAST capabilities have begun plans to take an active part in the program. In my own district, a helicopter pad at a local hospital was recently dedicated in anticipation of implementation of MAST at Fort Rucker. I was also told about an incident where MAST was in operation. It seems that, during an emergency, MAST helicopters were airlifting a number of accident victims from a small hospital and the pilots mentioned to the hospital staff that a light pole in the parking lot was causing hazardous landing conditions. By the time the third helicopter landed at the hospital, the light pole had been removed.

Certain criteria have also been set up by the Interagency Executive Group concerning site selection for implementation of MAST. Among the criteria are the following which I think you will find enlightening:

CRITERIA—MILITARY

Adequate military resources for supporting MAST operations must be available within the proposed operating area. Primary missions of supporting military aviation units will take precedence over MAST requirements.

CRITERIA—CIVILIAN

The civilian community must submit a plan which demonstrates its capability to utilize the military resources as an adjunct to the existing civilian emergency medical services system. The community also must be willing to provide the necessary civilian communication equipment—including maintenance—to enable the military aircraft to communicate with the various elements of the civilian EMS system.

DEMONSTRATION OF NEED

Community requests must contain evidence documenting the need for MAST support, and a comprehensive plan for effective utilization of air ambulances.

RESOURCES—MILITARY

Supporting military units must have a sufficient number of aircraft adequately equipped to support MAST missions, and sufficient personnel trained to deliver the appropriate level of emergency medical care without compromising primary military mission and effectiveness.

RESOURCES—CIVILIAN

The civilian community must have a major medical facility within the proposed operating area. The facility must be equipped and staffed to provide the required medical support. The community also must present evidence of cooperative agreements between all components of the civilian emergency medical service system. These components must be equipped and staffed to provide the necessary support to the MAST program.

There are other criteria worked out for the MAST program which I can make available to any Member who is interested in taking a closer look at the program. The program is well planned, and I have been informed that approximately 10 additional sites have already been picked out and readied for implementation. The following bases would be ready for operation under MAST within 30 to 45 days after passage of my bill:

Fort Bragg, N.C., Fort Jackson, S.C., Fort Stewart, Ga., Fort Ord, Calif., Fort Bennings, Ga., Fort Hood, Tex., McDill AFB, Fla., Fort Riley, Kans., Fort Sill, Okla., and Fort Bliss, Tex.

The Interagency Coordinating Committee—composed of one member from DOD, DOT, and HEW and serving as administrative staff to the Executive Secretary of the Interagency Executive Group—has also done some planning for implementation at Fort Eustis, Va., Fort Belvoir, Va., Fort Rucker, Ala., and Plattsburg AFB, N.Y.

The success of the test MAST program can be summed up with the following remark quoted in the Andrew Schneider article:

> A MAST project officer said he was worried because the program was going too smoothly. He admitted candidly, "Anytime the military gets involved with the civilian sector, we've come to expect a fair amount of static. When we started MAST we expected smoke from everyone from the American Helicopter Association to the AMA. It's been two years now and all we've gotten is praise. We must be doing something right."

I believe they are doing something right and would like to see the program fully implemented as soon as possible. I hope any of you who believe the program is worthwhile will help get the helicopters off the ground.

WELCOME TO CONGRESSMAN DON YOUNG

(Mr. YOUNG of Florida asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. YOUNG of Florida. Mr. Speaker, I want to welcome the Honorable Don Young of Alaska to the House of Representatives. As one Young to another, I can assure him that his presence will be well noted and long remembered—particularly by confused telephone operators, mailmen, and sundry others trying to figure one Congressman Young from another.

During the 92d Congress, I had the honor of sharing the Young name with my good friend, the Honorable John Young of Texas. Then three more Youngs were added to the 93d Congress. Now Don Young, like myself a Republican and a former State senator, has joined our ranks.

He makes the sixth Young now serving in Congress. This is the most Youngs ever to serve together in the Congress in our Nation's history. And it has been nearly 20 years since that many Congressmen sharing the same name have served in the House of Representatives.

There were eight Johnsons serving in the 78th Congress—with five Smiths to add to the confusion.

Now the Youngs are having their day. We do not have to keep up with the Joneses—there are only four of them in Congress today. Not to mention three Browns, Burkes, Davises, and Wilsons.

Last year, I frequently received phone calls meant for John Young. Our mail was sometimes mixed. Now we are being confused with Andrew, Edward, and Samuel Young as well—and they are being confused with us.

However, despite all the possibilities for confusion with so many Youngs in the House, excellent staff work in the Congress and the various offices involved have kept the mixups to a minimum. Probably the most confused is the visitor who calls out, "Congressman Young!"—and now six heads will turn.

So welcome, Don Young, you are in good company.

PRESIDENT NIXON'S MESSAGE ON LAW ENFORCEMENT

(Mr. HUDNUT asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. HUDNUT. Mr. Speaker, one of my chief concerns about American society as it has been developing over the last 10 to 15 years is its evolving permissiveness that on the one hand encourages disrespect for authority, tradition, and the rule of law, and on the other, excuses infractions thereof and waters down punishments. So I have cosponsored legislation in the Congress that calls for stiffer penalties for drug pushers, a bill to make it a Federal crime to kill or assault a policeman or fireman engaged in the performance of his official duties, and antiskyjacking legislation.

And now, I applaud President Nixon's message on law enforcement, and his recommendations for legislation authorizing the death penalty for such crimes as hijacking, kidnapping, firebombing, and attacks on prison guards or other police officers. I believe the death penalty provision and mandatory life imprisonment sentences would serve both as an effective deterrent to those who would commit such crimes and appropriate punishment for those who commit such crimes. Certainly individual rights and justice must prevail, but society and government also have the obligation to protect the rights, property, and life of law-abiding American citizens—without which protection justice cannot be served.

I commend President Nixon for his strong recommendations in this area of law enforcement, and urge the Congress to take prompt action.

STRIP MINING REGULATION

(Mr. UDALL asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. UDALL. Mr. Speaker, on behalf of Representative PATSY MINK and myself, I am today introducing a bill to provide for the regulation of strip coal mining for the conservation, acquisition, and reclamation of strip coal mining areas and for other purposes. This is the coal surface mining bill the House passed during the 92d Congress. As you know, Mr. Speaker, this bill won overwhelming approval by the House last year, but died at adjournment.

It is indeed unfortunate that affirmative action was not taken during the last Congress, for each day that passes without proper environmental regulation of strip mining means the loss of additional acres of land to the destruction of irresponsible mining activities. This is a double tragedy because many maintain that we have the technology to reclaim much of this land. Without the impetus of Federal controls, however, many operators simply refuse to utilize the technology that exists. In short, we must bring reason and restraint to an intolerable situation. While further amendment of this bill will surely be forthcoming in our deliberations, this legislation, which was approved by the full committee and the House last year, is an appropriate starting point.

Hearings on this legislation will be conducted through the joint efforts of the Environment Subcommittee and the Subcommittee on Mines and Mining which is chaired by Mrs. MINK. These hearings have been scheduled for April 9, 10, 16, and 17, and we would like to encourage comment on any of the bills introduced during the 93d Congress. We anticipate that this cooperative effort will produce informative hearings, and we can look forward to early committee action aimed at achieving responsible environmental regulation.

MAYORS COMMEND CRIME COMMITTEE

(Mr. PEPPER asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PEPPER. Mr. Speaker, copies of telegrams supporting the work of the House Crime Committee have recently come to my attention from the mayors of two Midwestern cities who were witnesses in hearings held last year and in 1969.

Mayor Richard F. Walsh of Kansas City, Kans., addressed the Committee in hearings last October dealing with the increasing problem of drug abuse on secondary and elementary school campuses across the country. Kansas City was one of six cities in which such hearings were held.

Mayor Walsh commends the Crime Committee and, in a larger sense the House of Representatives, for "going out to the country to seek advise from officials and other citizens with expert knowledge in fighting crime and drug abuse."

Mayor Eugene A. Leahy of Omaha, Nebr., advises that he has asked the city council to triple the size of the unit in the police department assigned to narcotics investigations. The mayor testified in late 1969 that while the drug problem in Omaha and other Midwest cities was not nearly as severe as in other urban areas he expected to see a dramatic upswing in the years ahead.

The communication of Mayors Walsh and Leahy are among telegrams and letters received in recent weeks from hundreds of individuals including 11 Governors, 16 attorneys general; 25 mayors; 12 police officials and associations, and 30 citizen associations. I submit the wires from Mayors Walsh and Leahy for the RECORD:

KANSAS CITY, KANS.

CARL ALBERT,
Capitol Hill,
Washington, D.C.

Urge passage of H.R. 205 to continue important work of select committee on crime. Committee hearing last year in Kansas City by Chairman Pepper, Congressman Larry Winn and other members focused attention on the serious problem of drug use and abuse in the schools. Crime committee is to be commended for going out to the country to seek advise from officials and other citizens with expert knowledge in fighting crime and drug abuse.

RICHARD F. WALSH, *Mayor.*

MARCH 6, 1973.

Representative CARL ALBERT,
Speaker of the House, U.S. House of Representatives, Washington, D.C.

I agree with House Resolution 205 which would continue for two years the life of the Select Committee on Crime. The extension of study on street crime and narcotics traffic from the Federal level is urgent if our cities are to make any headway in dealing with these rather complex problems. To this end I am asking our city council for enabling action which will allow for expanding our police department's narcotics unit. This expansion will triple the size of the unit and the added personnel will remain on the unit until such time as the problem is lessened dramatically. I urge you to continue the activities of the Select Committee on Crime so that our efforts will not be in vain.

EUGENE A. LEAHY,
Mayor, City of Omaha, Nebr.

INTRODUCTION OF LAW ENFORCEMENT REVENUE SHARING ACT OF 1973

(Mr. HUTCHINSON asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. HUTCHINSON. Mr. Speaker, I am introducing the Law Enforcement Revenue Sharing Act of 1973. This legislation is intended to redesign the Federal program for State and local law enforcement and criminal justice assistance created in the Omnibus Crime Control and Safe Streets Act of 1968, which expires next June 30.

The Law Enforcement Revenue Sharing Act is a necessary step in the evolution of the current Law Enforcement Assistance Administration program.

The proposed bill will increase local control and flexibility.

The Law Enforcement Revenue Sharing Act will provide a higher level of cooperation and an even better partnership between the Federal Government and our State and local units of government.

It will also give State and local governments new freedom in fulfilling their public safety responsibilities.

The Congress has determined that crime control is a local responsibility. The Law Enforcement Revenue Sharing Act reinforces that fundamental principle. Substantially greater benefits will result for the people of this Nation under this approach.

The legislation is based upon one of the most important concepts of government in our Nation's history—the New Federalism.

The Law Enforcement Revenue Sharing Act embodies the following basic points:

It retains and gives more emphatic recognition of the basic principles of the Federal-State-local relationships in crime control.

It replaces the block grant program with special revenue sharing with increased emphasis on improving crime control.

It provides for public accountability.

It increases emphasis on fiscal control.

It provides for a single planning and action document submission consistent with each State's budget cycle.

It eliminates prior Federal approval as a precondition of funding.

For all of these reasons and more, Mr. Speaker, I believe that this bill is a most significant reform of the Federal criminal justice assistance program. It is a notable occasion in the history of this Nation.

Mr. Speaker, I insert in the RECORD following my remarks, a section-by-section analysis of these features.

SECTION-BY-SECTION ANALYSIS

Title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, is amended in its entirety to authorize special revenue sharing payments to State and units of general local government.

The Declaration and Purpose Clause has been amended to indicate that it is the purpose of this title to authorize special revenue sharing payments.

In addition, the change in wording from "to improve and strengthen law enforcement" to "reduce and prevent crime and delinquency" is a more precise reflection that the goal of the program is the reduction and prevention of crime and delinquency rather than simply the improvement of the system. The wording does not shift the basic past aims of the program. "Prevent" as used in this context refers to programs or projects which appear to have an immediate and direct impact by deterring or impeding the occurrence of crime.

Section 101—provides that all authority of Title I, as amended, is placed in the Attorney General; that there is established a Law Enforcement Assistance Administration with an Administrator appointed with the advice and consent of the Senate and a Deputy Administrator. At the same time it authorizes delegation of all functions, powers and duties created by the Act so that the most efficient operating arrangement may be achieved.

Section 201 encourages States and units of local government to prepare and adopt comprehensive law enforcement plans.

Section 202 places the responsibility for the State law enforcement planning process under the supervision and control of the Governor and deletes former section 203 requirement for a State planning agency. The Governor may still designate a State planning agency; Any area wide planning shall be the responsibility of a multi-jurisdictional planning and policy development organization, the majority of whose members will be elected local officials.

Section 203 sets forth the requirements necessary for a planning process to properly develop a comprehensive State plan and administer such plan.

Section 204(a) requires that a State beginning on or after July 1, 1973, submit a comprehensive State plan. There will no longer be a requirement for prior approval prior to receipt of special revenue sharing funds. A plan shall be submitted every three years with a yearly revision. Subsection (b) authorizes the Attorney General to review such plan and provide comments to the State and Congress and to publish such comments in the Federal Register.

PART C—REVENUE SHARING FOR LAW ENFORCEMENT PURPOSES

Section 301(a) states the purpose of this part to be to encourage States and units of general local government to carry out program and projects to reduce crime and delinquency and provides that assistance under Part C will be in the form of special revenue sharing payments.

Subsection (b) sets forth the types of law enforcement activities which can be funded. Paragraphs 1–8 are identical to the former title I. The additional paragraphs provide eligibility to (9) diagnostic services within the community-based delinquency prevention and correctional programs; (10) express funding authority for improved court administration and law reform programs. This will allow for the funding of court projects where, for example, improvement of civil procedures will have a clear effect on administration of criminal justice; (11) to provide technical assistance formerly authorized by section 515(c); (12) funding authority for law enforcement education programs through contracts with institutions of higher education (former section 406); (13) funding authority for maintenance and operation of State, regional, and local planning processes; and (14) improved management of law enforcement activities. There is authority within section 301(b) to fund corrections programs authorized by Part E in the former title I and training programs for prosecuting attorneys (former section 408).

Subsection (c) removes the matching requirements (formerly required in title I) and permits 100 percent of program costs to be paid from special revenue sharing funds.

Under *Subsection (d)* no funds may be used for land acquisition. The ⅓ personnel compensation limitation has been removed.

Section 302 provides for the authorization to obligate funds for the continuation of projects approved under former Title I prior to the date of enactment of this Act.

Section 303 authorizes the Attorney General to make special revenue sharing payments when a State has on file a comprehensive state plan. There is no longer a requirement that such a plan must be approved by LEAA.

Section (b) sets forth the considerations which must be included for a plan to be comprehensive. This provision incorporates the major assurances in former section 453 for correctional programs.

Section 304 provides for the State government to receive applications for financial assistance from units of local government and other applicants and authorizes the State government to disburse funds when the application is in accordance with the purposes of section 301.

Section 305 allows the Attorney General to reallocate funds if a State fails to file a comprehensive plan.

Section 306(a) sets forth how special revenue sharing funds shall be allocated. Under paragraph (1) eighty-five per centum are special revenue sharing funds. There is first an initial allocation of $200,000 to each of the states for the support of the planning process. Thereafter the remaining funds are allocated according to relative population. Five per centum of this total shall be made available for support of the State and local planning process.

Subparagraph (A) provides for the variable pass through of special revenue sharing funds once the planning funds have been distributed.

Subparagraph (B) provides for pass through of planning funds to units of local government.

Paragraph 2 provides that the remaining fifteen per centum of the appropriated funds shall be allocated to the States, units of local government and non-profit organizations at the discretion of the Attorney General.

Subsection (b) provides that the discretionary grant may be up to 100 per centum of the cost of the program or project.

Section 307 defines special revenue sharing.

Section 308 provides that no person shall be excluded from participation in the program or projects funded under this Act due to discrimination. This is similar language found in Section 122 of the General Revenue Sharing Act except that subsection (b) (3) of this Act authorizes the Attorney General to use the powers and functions of section 509 to secure compliance.

Section 309 provides for the method of payment of special revenue sharing funds.

Section 401 States the purposes of this part which include (1) make grants or enter into contracts with public agencies, institutions of high education, or private organizations to conduct research, demonstrations, or special projects pertaining to the purposes described in this title; (a) make continuing studies to develop new or improved approaches, techniques, systems, etc., to improve and strengthen law enforcement—not limited to projects or programs carried out under this title; (3) carry out behavioral research projects on the causes and preventions of crime and the evaluation of correctional procedures; (4) make recommendations for the improvement and strengthening of law enforcement by Federal, State, and local governments; (5) carry out programs of instructional assistance, such as research fellowships; (6) collect and disseminate information to improve and strengthen law enforcement; and (7) establish a research center to carry out the programs described in this section; (8) cooperates with and renders training and technical assistance to States, units of local government, or other public and private agencies.

Section 402 continues the operation of the National Institute of Law Enforcement and Criminal Justice within the Law Enforcement Assistance Administration.

Section 403 provides that grants for this part may be up to 100 percent of the total cost of each project for which a grant is made.

Section 404 continues the authority under former section 404, regarding the training of State and local law enforcement personnel at the Federal Bureau of Investigation National Academy at Quantico, Virginia.

The substantive portions of former sections 406 through 455 are now incorporated in prior sections.

PART E—ADMINISTRATIVE PROVISIONS

Section 501—Authorizes the Attorney General, after consultation with representatives of States and units of general local government, to establish rules and regulations necessary to the exercise of his functions under, and are consistent with the stated purpose of this title.

Section 502 provides that the Attorney General may establish, alter or discontinue such organizational units of the Administration as he deems necessary.

Section 503 provides that super grade positions remain the same.

Section 504—Section 504 gives a hearing examiner, upon authorization of the Attorney the power to hold hearings, sign and issue subpoenas, administer oaths, examine witnesses, and receive evidence at any place in the United States he may designate.

Section 505 deletes from Section 5315 of Title 5 the positions of Associate Administrators after January 1, 1974.

Section 506 adds to Section 5316 of Title 5 the position of Deputy Administrator.

Section 507 through 511 are identical to prior section 507 through 511 but conform the vesting in the Attorney General of such administrative authority as are found in those sections.

Section 512 requires accounting and auditing evaluations and reviews as the Attorney General may consider necessary to insure full compliance with the requirements of this title.

Subsection (b) authorize review by the Comptroller General.

Section 513 authorizes the Attorney General to request from other Federal agencies statistics, data, program reports, and other material in order that the programs under this title can be carried out in a coordinated manner.

Section 514 provides for the reimbursement of the heads of other Federal departments for the performance of any functions under this title.

Section 515 subsections (a) and (b) of section 515 provide that the Attorney General shall collect and disseminate information on the condition and progress of law enforcement in the United States, deletes former section 515(c) which authorized the Administration to provide technical assistance to States or local governmental units. This is now authorized under parts C and D.

Section 516 subsection (a) of section 516 permits the Attorney General to determine the method of payments under this title.

Subsection (b) of section 516 provides that not more than 12 percent of the funds appropriated for any one fiscal year shall be used in any one State. This limitation does not apply to grants made under part D.

Section 517 authorizes the Attorney General to appoint advisory committees and makes provisions for compensation and travel allowances.

Section 518 provides that nothing contained in this title or any other act shall be construed to authorize any Federal control over any law enforcement agency of any State or political subdivision thereof.

Subsection (b) of former section 518 has been eliminated.

Section 519 directs the Attorney General to report to the President and to the Congress by March of each year on the activities under this title.

Section 520 provides for funding authority to carry out the provisions of the title. In addition, any funds not expended within the current fiscal-year will remain available for obligation until expended.

Section 521 provides for the confidentiality of statistical and research information collected under Administration programs and for a civil sanction of up to $10,000 to enforce such confidentiality.

PART F—DEFINITIONS

Section 601 includes the same definitions as former section 601 with the following additions:

"comprehensiveness as it applies to a State plan, 'area wide' and 'multi-jurisdictional planning and policy development organization."

PART G—CRIMINAL PENALTIES

Section 651 sets forth criminal penalties for whoever embezzles, willfully misapplies, steals, or obtains by fraud any funds, assets or property which are the subject of a grant or contract or other form of assistance.

This section includes under the criminal penalties anyone who *attempts* to embezzle, willfully misapply, steal, or obtain by fraud the same and whoever *receives conceals* or *retains* the same with intent to convert it to his use or gain, knowing it to have been embezzled, willfully misapplied, stolen, or obtained by fraud.

These two categories of crime have been added to strengthen this provision out of an abundance of caution in order to cover those who may not have totally completed the conversion of such funds or property to their use or gain or those who may have received said funds or property knowingly. The "attempt" provision is similar to the proposed Federal Criminal Code Revision and the "receiving" provision is similar to 18 U.S.C. 641 of the present code.

SECTION 3

Makes this Act effective July 1, 1973.

SOME FACTS AND FIGURES ON THE PROPOSED EXTENSION OF THE WEST FRONT OF THE CAPITOL, AMERICA'S LEGISLATIVE CAT WITH NINE LIVES

(Mr. STRATTON asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. STRATTON. Mr. Speaker, the other day the Commission on the Extension of the Capitol proposed that Congress proceed at once to the expenditure of $60 million in this time of strict budget crisis to provide for the extension of the west front of the Capitol, a program we shot down in flames on the floor of this House only about 7 months ago.

Well, Mr. Speaker, all I can say is, "Here we go again! This is where I came in!" As Members are well aware I have been opposing this extension proposal now for nearly 7 years. Each year we succeed in shooting it down. Each year it rises again a Phoenix from its own ashes to haunt us once more. This surely is a legislative cat with nine lives.

How it manages to do so I confess I do not know. Obviously the proposal has neither the support of the Congress nor the support of the people. Yet for some strange reason the proposal is revived over and over again, in the hope presumably that those who speak for the people in opposing it will eventually weary of the long fight and give up, or will somehow be momentarily distracted or be caught looking somewhere else so that the proposal can quietly be slipped by.

Needless to say, Mr. Speaker, I do not intend to let this happen while I am around. The proposal is as bad today as it was when it was first proposed in June, 1966. In fact it is worse, for two specific reasons. First, because we have hard, solid, engineering facts now to back up the contention it is unnecessary. And second because the needless waste of $45 million of the taxpayers money is even less supportable in the midst of today's grave budget crisis than it was back in 1966.

If I may, Mr. Speaker, let me just review the west front project briefly so that I may quickly summarize the growing case against it.

When the extension proposal was first made it was justified on the ground the Capitol was in imminent danger of collapse and only an elaborate, 4-acre, $60 million extension could save the venerable and historic structure. Today we know that assertion was as phony as a $3 bill. In 1970, at a cost of nearly a quarter of a million dollars, Congress commissioned the most prestigious structural engineering firm in the country, the Praeger firm of New York City, to determine the validity of this contention. In early 1971 they filed their report. It concluded: First, that the Capitol was not in any danger of falling down, second, its wear and tear could be repaired and restored without any elaborate change in its design or structure, and third, the cost of this repair and restoration would amount to about $15 million in contrast to the $60 million needed for the expansion.

This report is on the record. Congress and the taxpayers paid mightily for it. Yet the Commission for the Extension of the Capitol and the Architect of the Capitol—who opposed the extension until he got on the Capitol payroll—go on blithely ignoring it and give us their word for it that Praeger & Co. are nuts and were just talking through their hats.

But they cannot really ignore Praeger. They just try to switch the debate. Before Praeger it was that the Capitol was falling down. Now it is a new tune: Congress needs more space. More space for what? We have got lots of unused space and under-used rooms and corridors in the Rayburn Building. What is wrong with them? We have just taken over the whole Congressional Hotel as additional office space. What is wrong with that?

But somehow the space has to be in the Capitol. Why? Well, let us not kid ourselves. Mostly the 290 odd new rooms that will be added to the Nation's No. 1 historic shrine under this $60 million boondoggle will be hideaway offices for favored senior House Members who would prefer to do their office work just off the House floor instead of riding back the 100 yards to the office building. The Capitol architect admits this now: he calls them tuckaway offices. A noble ambition, but is it really worth $60 million at a time of severe budget crisis? A noble ambition, but does it really justify destroying for all time the Nation's most sacred shrine of democracy, covering up—on the eve of our Nation's 200th birthday—the sole remaining portion of the historic original Capitol building of 1800 that even the British redcoats were unable to destroy when they invaded Washington in 1814?

If we build "tuckaway" offices for a few where do we stop? Will the demand for enlargement go on until all 535 Members have secret, "tuckaway" offices?

We are told we need the space to handle visitors. But only a couple of years ago we appropriated millions for a new visitors center two blocks away in the Union Station. Do we really need to build another one now in the Capitol itself? Do we really need to deface this great historic building to make plush office space available for a few officials of the Capitol Historical Society?

We are told we need the space for more restaurants? But we cannot get the ones we have to pay for themselves now. Must we spend another $60 million to build even more restaurants so that the House Restaurant Committee can go even deeper into debt?

The whole process is so utterly and patently absurd that one wonders how grown men can continue to come back to this Nation year after year—like dogs to their vomit—with straight faces and the renewed hope of success. If its space we need must we pay the most exhorbitant costs in all Christendom for space to suit our own personal convenience while poor people are being derived of food stamps, children are losing their milk for lunch, and the aged are being asked to pay increased sums for their medical care?

An ordinary Holiday Inn costs roughly $15 a square foot to build. The costly, plush Rayburn Building cost something like $50 a square foot. The new FBI building on Pennsylvania Avenue, the most expensive in history, will cost about $68 a square foot. Yet the 4 acres of space in the $60 million west front extension will cost nearly six times that fantastic cost, $368 a square foot. Can we really afford it this year? Can we really explain that to our constituents in this economy year?

Mr. Speaker, this is the real question this 93d Congress must face up to this year, and we cannot avoid it.

Recognizing that matters of esthetics or even of history are not likely to pack much wallop in the Halls of Congress I have so far hesitated to touch on the damage which this $60 million boondoggle will also do to a great architectural monument. But let me just touch on two simple points that, let us hope, may ring some small responsive bell, if not in the hearts of this committee then at least of the House. If we have to destroy the present Capitol why in heavens name do we also have to destroy the beautiful Olmstead terraces that surround it on the west and stretch down the side of the hill? Can't we get enough hideaway spaces to slake our space thirst without doing mayhem to the whole Hill. Maybe we can do a passable job of copying the Capitol in Georgia marble. But nobody is around who can duplicate those Olmstead terraces. Cast stone just won't do the job—I do not care what George White tells you.

Finally, Mr. Speaker, has anyone stopped to realize that if we really let the Capitol Architect get going on this project now, the 200th anniversary of this country's birth in just 3 years is certain to find us with the whole vista of the U.S. Capitol as seen from downtown Washington completely torn up in a mess of concrete, mud, wooden fences, and general chaos. Is this really the way we want to greet that historic event?

I really do not think so. Let us come down to earth and admit that the west front extension, after 7 unsuccessful years, is finally dead. Let us give it a decent burial here in this House. And then let us get to work and appropriate $15 million to repair and restore this historic building to its original grace and charm, in time for the celebration and the spirit of 1976.

Under leave to extend my remarks I include first the statement of Mr. Archibald C. Rogers, vice president of the American Institute of Architects, before the House Legislative Appropriations Subcommittee. The AIA's alternate suggestions for getting necessary space in the Capitol merit serious attention. Second, I include a statement by Mr. George Hartmann, architect of Washington, D.C. with regard to the special problem of the Olmstead terraces to which I have already referred. And, finally, I include editorials from the Washington Post of March 4 and the New York Times of March 12 on the subject of the proposed west front extension.

The statements and editorials follow:

RESTORATION OF THE WEST FRONT OF THE U.S. CAPITOL BUILDING

(A statement by Archibald C. Rogers, FAIA, first vice president, the American Institute of Architects to Subcommittee on Legislative Branch, Committee on Appropriations, U.S. House of Representatives, Washington, D.C., March 8, 1973)

Mr. Chairman and Members of the Committee. I am Archibald C. Rogers, FAIA, First Vice President of The American Institute of Architects and a practicing architect and urban planner in Baltimore, Maryland. Accompanying me are George Hartman, AIA, a practicing architect in Washington, D.C. and a member of the Institute's Design Committee, and Maurice Payne, AIA, the Institute's Director of Design Programs.

Today The American Institute of Architects, the national society for the architectural profession representing 24,000 licensed architects, wishes to reaffirm its support for restoration of the West Front of the United States Capitol Building. The Institute's position is based on our professional opinion that restoration is the best course to follow with regard to the West Front. We believe that fact and logic support the case against extension as it is currently planned.

While we have the highest regard for the professional judgment of the Architect of the Capitol, George White, our firm opposition to the extension of the West Front is based on several considerations: (1) the need to preserve the last remaining facade of the original Capitol Building and the terraces designed by America's great landscape architect, Frederick Law Olmstead; (2) the findings of the Congressionally commissioned Praeger-Kavanaugh-Waterbury engineering study affirming the feasibility of restoration; (3) the lack of comprehensive development plan for the Capitol Hill areas; (4) the results of a review of space utilization in the Capitol Building; and (5) possible alternatives to the proposed extension which would supply needed office and meeting space in proximity to the chambers without destroying the West Front.

HISTORIC PRESERVATION

As the 1976 Bicentennial approaches, it is increasingly important that we protect our nation's cultural and historical landmarks in order to maintain a sense of national identity, as well as to preserve important aesthetic attractions.

The Federal Government has developed criteria to determine which properties are worthy of preservation. The prime requisite is historical significance. Historical significance may be found in properties that are naturally the bases from which broad political, military, social, or cultural history can best be presented; in sites which are associated with the lives of key figures in history, with dramatic incidents, or which are symbolic of some great idea or ideal; and in structures that represent the characteristics of an architectural type or the work of a master builder, designer or architect. Surely none here can dispute the applicability of all these criteria to the Capitol Building and its grounds.

If the extension is carried out as proposed, the work of important early American architects and landscape architects—Thornton, Latrobe, Bulfinch and Olmstead—will be lost. We believe the original sandstone walls of the West Front should remain forever, so that future generations of Americans may read their country's heritage in the face of the Capitol.

FEASIBILITY OF RESTORATION

In 1969, Congress commissioned a study to determine the feasibility of restoring the West Front. The results of the study were to be used by the Commission for Extension of the U.S. Capitol in reaching a decision on whether to restore or extend the West Front.

At the same time, Congress approved $2 million dollars to be used for the preparation of plans for extension if the Commission was satisfied that five specific conditions relating to restoration were not fulfilled:

(1) That restoration could be undertaken without creating unsafe conditions and that it would be durable and beautiful for the foreseeable future;

(2) That restoration would not cause any more vacation of existing space than extension;

(3) That the plans for restoration would be adequate for competitive lump sum bidding for the final project;

(4) That the cost of restoration would not exceed $15 million; and

(5) That the time for restoration activity would not exceed the time necessary for extension.

The feasibility report done by the Praeger-Kavanaugh-Waterbury engineering/architectural firm was completed in December, 1970, and concluded that all five conditions for restoration could be met.

Following the release of the Praeger Report, the AIA appointed a Task Force on the West Front, which studied and analyzed the report and unanimously endorsed its method of analysis, its general findings and its conclusions. The Task Force stated that the Praeger Report offers conclusive evidence to sustain the Institute's resolution for, and belief in, the practicality of restoration of the West Front *in situ*.

At this point, I would like to quote from the AIA Task Force report.

"It is our opinion that the proposed restoration as recommended by the Praeger Report fulfills the five conditions for restoration as set down by Congress in Public Law 91–145:

1. That the restoration can, without undue hazard, be made safe, sound, durable and beautiful for the foreseeable future.

2. The restoration can be accomplished with no more vacation of the west central space than would be required by any extension plan.

3. The Praeger Report provides proper methods of restoration. The Task Force recognizes that the work could be done on a competitive, lump sum, fixed price construction bid or bids but we feel that competitive bidding for a fixed profit and overhead with the work being done on a cost basis should be strongly considered in the same way the White House restoration was accomplished.

4. It would be impossible for anyone at this stage of study to guarantee a total restoration cost. However, the Task Force felt that the Praeger Report methods and budget allowed adequate contingency.

5. The Task Force is certain that the restoration work would not exceed the projected time estimated for accomplishing the extension plan.

"This Task Force recommends that the present perimeter facades of the Capitol Building be declared inviolable and the surrounding grounds, bounded by First Streets, East and West, and Independence and Constitution Avenues, be declared open space, devoid of significant structures protruding above present grade levels. Extant mature tree groupings in these surrounding grounds also should also be declared inviolable and sub-surface development be encouraged but confined to areas now either in grass, paving or shrubbery.

"The Task Force observes that the present space usage in the Capitol is crowded, misused, or underused; that many functions now located in the Capitol have questionable need of being there; and some functions are duplicated. The Task Force was made aware of the need for additional space by Members of the House of Representatives, especially space adjacent to the House Chamber.

"Present preliminary findings of the Architect of the Capitol, following a space need study of the House of Representatives, would seem to indicate that any proposed future extension of the Capitol will not begin to meet present, least of all projected, space needs.

"The Task Force reaffirms the AIA's historic position that Master Planning of the Capitol must be undertaken if impetuous action by the Congress is to be avoided. This planning should include (1) an inventory space utilization of present buildings; (2) an analysis of floor area ratio within the confines of the present Capitol area; (3) a study of possible new land acquisition; (4) a study with particular reference to below surface development capability, categories of use, and environmental factors.

"Consideration must be given to the displacing of routine services or lower priority functions now occupying space in the Capitol to new locations.

"With the realization of the Metro system, the Visitor's Center at Union Station and the emergence of new people-mover systems, all parking should be remoted and the Capitol's surrounding grounds cleared of all but official business cars. New systems of shuttles, horizontal elevators and even a Metro branch should be considered. They could provide fast, automatic, safe and frequent services between all of the buildings in the Capitol complex and would make ready proximity a question of time rather than distance.

"It is the recommendation of the Task Force that the Architect of the Capitol could and should request the counsel and guidance of leading architects and other design professionals. Since the future of our Capitol is of deep concern to all Americans, their gratuitous participation in the development of a comprehensive plan can be expected."

In September 1971 the Institute's Board of Directors, representing architects in every region of the United States and elected in grassroots caucuses, accepted and endorsed the Task Force's findings as a reaffirmation of the Institute's long standing position supporting restoration of the West Front. With the Chairman's permission, we would like to have the full report of the AIA Task Force on the West Front inserted in the record at this time.

COMPREHENSIVE DEVELOPMENT PLAN

I would like to comment further on the need for a comprehensive development plan for Capitol Hill.

We move from crisis to crisis under present procedures for approval and construction of Capitol Hill buildings. Unlike other parts of the capital city, neither the Fine Arts Commission nor the National Capital Planning Commission has authority over Capitol Hill architecture and development. A Congressional inquiry in 1965 brought out the fact that there had been no planning for Hill development during the previous eight years. And today, a long-range master plan still does not exist to guide development of Capitol grounds and contiguous areas.

Construction on Capitol Hill seems inextricably steeped in controversy. Much of the cause of this situation can be attributed to the procedures that have been allowed to develop which are not in the best interests of the Capitol Hill area.

For example, most universities, towns, and cities of consequence have recognized the benefits of a master plan. And Congress has insisted that comprehensive master planning be accomplished before Federal funds are granted for Interstate highways, model cities, and other development programs. Yet no such plan exists for Capitol Hill.

"Why," one Congressman has asked, "should this 131 acres known as Capitol Hill be excluded and denied the benefits of comprehensive master planning which Congress in its wisdom . . . felt was an indispensable condition to their spending a dime of Federal funds to help any city?"

Congress should have an orderly plan for the development of the Capitol grounds and contiguous areas. The cost of creating an excellent plan would be far less than the amount which will be spent unnecessarily without one.

The Congress in the past has considered legislation to establish a Commission on Architecture and Planning. The Commission, to be composed of highly experienced professionals, would supervise the implementation of a master plan and would pass on the design of buildings on Capitol Hill. We believe the legislation has a great deal of merit. Accordingly, we strongly urge that the Commission on Architecture and Planning bill be re-introduced and enacted.

At this time I would like to call upon George Hartman to comment on some additional aspects of the proposed West Front extension.

CONCLUSION

If Congress determines that the pressing need for working space in the Capitol must be met in the near future, then we trust that our recommendations for expansion alternatives to the proposed West Front plan be given full and careful consideration.

Our primary recommendations, however, are: (1) that the West Front be restored immediately so that our country's heritage may remain for future generations to view; (2) that a comprehensive study be done of the needs and growth potential of Capitol Hill; and (3) that a master plan for development be prepared. In these activities, The American Institute of Architects again pledges its services and cooperation.

HARTMAN-COX ARCHITECTS,
Washington, D.C., March 7, 1973.

NOTES ON THE PROBLEM OF THE WEST FRONT OF THE CAPITOL

We are now approaching the 100th anniversary of the first proposal to extend the West Front of the Capitol, when the unconventional character of this elevation became apparent upon completion of the dome. There is, however, an important difference between the current proposal to detroy the last remaining facade of the original Capitol, now 144 years old, and Thomas U. Walter's plan of 1874. At this time, the West facade completed in 1829, was less than fifty years old. Walter himself had added the two wings in the 1850's and the dome during 1856–65. It was only logical that he and his immediate successors would propose bringing the building into a traditional classical balance by extending the West Front. This possibility was abandoned with the addition of the Olmstead terraces in 1884–92.

During the 1880's Olmstead made several studies for extensions to the West Front. In fact, surviving drawings show almost every variation ever proposed by anyone, including the suggestions of Bulfinch, Walter and Clark, in addition to his own. These studies ranged from major extensions of the facade to mere face lifts achieved through the addition of pediments. The terraces as built did not allow or provide for any extension of the West Front. Why did Olmstead, whose far-sighted vision was large enough to include the design of Central Park in NYC before the city itself had even developed to the Plaza, not allow for the extension of the facade when he executed the west terraces?

The answer lies in an analysis of the West elevation itself, Capitol Hill falls off rapidly to the West; consequently any addition would project into the sight lines of the dome when seen from below and lessen the present dramatic visual impact of the dome when seen from the West. Furthermore, any addition would tend to unify the center with the two wings and integrate the entire structure into one massive block. To see this effect, compare the regularity of the existing East elevation with the articulation of the existing West facade, while realizing that the current proposal pushes parts of the West Front as far in front of the wings as it now is behind them.

The current massing of the Capitol is the result of a most fortunate series of accidents, as are many of the most successful examples of urbanism. It ranks with Renwick's Smithsonian, Mullet's State War and Navy Building and Meig's Pension Building, as being of unquestionable aesthetic value. No one would any longer seriously propose demolishing the Smithsonian to regularize the Mall, nor remodeling the Executive Office Building to make it match the Treasury. Contemporary planning does not require stylistic continuity through the purging of the past. The West elevation, deliberately preserved for over a hundred years following Olmstead's aesthetic decision, should not now be destroyed through the relentless demands for space and efficiency, and then be justified as being the realization of Walter's original plan. The very real requirements for additional space can be met in other ways. Like it or not, this building is now a monument, albeit a working monument, and there is no such thing as an efficient or economical monument. Any extension or alteration we make to this building will become a symbol of our attitude toward our heritage.

The most immediately apparent alternative to meeting the current space requirements is the development of an underground complex underneath Capitol Hill. Because it will not be seen, it offers the unprecedented advantage of allowing asymmetrical building to respond to an unsymmetrical program. This approach, together with a much needed remodeling of the existing spaces, promises to provide enough additional space for the foreseeable future, unlike the extension of the East and West Fronts. Since the majority of the space behind the proposed West facade would not have windows in any event, and is already spread over 4 to 7 levels, which require a constant reliance on an elaborate system of high speed elevators, if the same space were dug into the hill alongside the House, the majority of the offices would be nearer the floor in terms of walking distance and travel time than they would be in the extended West Front. Furthermore, it is unquestionably less expensive to build and operate underground facilities than it is similar ones above ground. This development is also consistent with meeting the service and communication needs of the entire Capitol Hill complex while simplifying the problems of the existing surface traffic. Moreover, it is a thoroughly contemporary solution, which, while providing exactly the space that is needed where it is needed, is also completely compatible with, and even respectful of, the past.

[From the Washington Post, March 4, 1973]

AN ADDITION THAT DOESN'T ADD UP

Instructed by the Commission for the Extension of the Capitol, Capitol Architect George M. White has rather unexpectedly appeared before the House Appropriations Subcommittee last week, requesting $58 million to begin immediate construction of an addition to the west side of the country's most cherished and venerable building. This request seems politically, economically and aesthetically so utterly unwise, that we cannot conceive that Congress will grant it.

The commission (which is synonymous with the established congressional leadership) and the Architect of the Capitol (who appears to have changed his professional judgment on the matter since his appointment to this job), have, to be sure, pursued their proposal with praiseworthy persistence. It has been around for at least 10 years. But in these years, alas, the rationalizations and justifications for the extension of the west front of the Capitol have crumbled, while the original, historic west front, which the previous Architect of the Capitol claimed was crumbling to the point of collapse, is still standing up quite proudly, thank you. There is no problem about shoring it up, according to competent engineers, for about a quarter of the price we are now asked to pay for plastering (or should we say "marbeling"?) it over with a new addition. And the restoration cost, we might add, would surely be far lower, if the Architect of the Capitol had kept the old facade in good repair, rather than gamble on the realization of his dreams of white marble extensions.

The proposal seems politically unwise because, in the first place, only a year ago Congress, in the face of strong leadership pressure, clearly said "no" to this costly boondoggle. "We knew," said Senators Clifford P. Case (R-N.J.) and William Proxmire (D-Wis.) in a joint statement on the renewed request, "that we spoke for millions who wanted an end to government extravagance." If that was the mood a year ago, it is surely even stronger now that we are in a severe budget crisis and that the Nixon administration asserts to have been given an overwhelming mandate in the last election to curtail and even abolish domestic programs which a good many people consider vital to the national welfare.

Economically, the proposed $58 million expenditure makes no sense at all. That money, says Mr. White, is to buy Congress more space. But space for what? Anyone who has visited his congressman or senator recently will acknowledge that congressional staffs often work in crowded conditions. But the proposed addition would not provide efficient new work space. It would provide hideaways, conference lounges and other rooms for as yet unplanned and unspecified purposes, as well as tourist facilities, which are also to be provided when nearby Union Station is converted into a visitors' center. Nor will the $58 million suffice to pay for this folly. Some of the same group of architects who worked out the extension plan, also designed the Rayburn House Office Building. It was originally estimated to cost $66 million. It ended up costing $129 million. That adds up to $34.26 a square foot which, at the time of its completion, made it the most expensive office building in the world. Even at the present $58 million estimate, the promised added space in the west front addition would come to at least $170 a square foot, or five times as much.

If the Architect of the Capitol would at last get on with drawing up a masterplan for future Capitol development, he would surely find a spot or two where new space could be provided at a more sensible price.

As to the aesthetics of the proposal, it seems nothing short of reckless vandalism to hide the last remaining portion of the original Capitol behind a new marble addition. We don't mean to disparage the talents of Mr. White and his friends, who have already given us quite a few million dollars worth of new construction on Capitol Hill. But we doubt that they are quite as good as William Thornton and Benjamin Henry Latrobe, the great American architects, whose glorious work they would now arrogantly cover up.

[From the New York Times, March 12, 1973]

CAPITOL CRIME

A bad idea never dies—particularly in Congress; it doesn't even fade away. If it's bad enough, it will be revived over and over again, as in the case of the extension of the West Front of the Capitol. Now that this misguided scheme has been proved economically and architecturally outrageous—it would currently cost $60 million for some poorly planned office space achieved through the destruction of art and history—it is being pushed again by Vice President Agnew and the Congressional Commission for the Extension of the Capitol.

Expert and professional opinion opposes the plan on the grounds of irreparable damage to the national patrimony at a grotesque square footage cost. Rational alternate possibilities and studies have been provided, and master planning of the entire Capitol area has begun. But a genuine outrage, like the big swindle, is often easier to pull off than a petty crime.

At the nub of the problem is the fact that a small group of Congressmen apparently believe that they, rather than the American people, own the Capitol and can do whatever they want to it. This is not a remodeling plan, it is vandalism. It deserves immediate burial.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. GIBBONS (at the request of Mr. MCFALL), for today and the balance of the week, on account of death in family.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. GONZALEZ, for 15 minutes, today to revise and extend his remarks and include extraneous material.

(The following Members (at the request of Mr. COHEN) to revise and extend their remarks and include extraneous material:)

Mr. ESCH, for 15 minutes, today.

Mr. BIESTER for 1 hour, March 15.

Mr. VEYSEY, for 15 minutes today.

Mr. ROBISON of New York, for 5 minutes, today.

Mr. WALSH, for 15 minutes, today.

Mr. HOGAN, for 30 minutes, today.

Mr. MCCLOSKEY, for 10 minutes, today.

Mr. CRONIN, for 5 minutes, today.

Mr. BURKE of Florida, for 10 minutes, today.

Mr. YOUNG of Illinois, for 5 minutes, today.

(The following Members (at the request of Mr. MCSPADDEN), to revise and extend their remarks, and to include extraneous matter:)

Mr. MCFALL, today, for 5 minutes.

Mr. CHARLES H. WILSON of California, today, for 5 minutes.

Mr. DRINAN, today, for 5 minutes.

Mr. GONZALEZ, today, for 5 minutes.

Mr. LITTON, today, for 5 minutes.

Mr. FRASER, today, for 5 minutes.

Mr. REUSS, today, for 10 minutes.

Mr. HARRINGTON, today, for 5 minutes.

Mr. BURKE of Massachusetts, today, for 10 minutes.

Mr. MONTGOMERY, today, for 5 minutes.

Mr. MCSPADDEN, today, for 5 minutes.

Mr. COTTER, today, for 5 minutes.

Mr. WAGGONNER, for 5 minutes, today.

Mr. FLOOD, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. GERALD R. FORD immediately following President's message on crime.

(The following Members (at the request of Mr. COHEN) and to include extraneous material:)

Mr. O'BRIEN.
Mr. DICKINSON.
Mr. FREY.
Mr. ESCH.
Mr. PRITCHARD.
Mr. BOB WILSON.
Mr. SPENCE.
Mr. DERWINSKI in three instances.
Mr. CARTER.
Mr. HORTON.
Mr. WYMAN in two instances.
Mr. ROBISON of New York.
Mr. RONCALLO of New York.
Mr. ASHBROOK in three instances.
Mr. MCCLOSKEY.
Mr. ZWACH.
Mr. HUNT.
Mr. FINDLEY.
Mr. CRONIN.
Mr. MCCOLLISTER in 10 instances.
Mr. HASTINGS.
Mr. RHODES in five instances.

(The following Members (at the request of Mr. MCSPADDEN) and to include extraneous matter:)

Mr. CORMAN in two instances.
Mr. GONZALEZ in three instances.
Mr. RARICK in three instances.
Mr. HARRINGTON in 10 instances.
Mr. KARTH in two instances.
Mr. LEHMAN in 10 instances.
Mr. REID.
Mr. EVINS of Tennessee in three instances.
Mr. CLAY.
Mr. HUNGATE.
Mr. BOLLING.
Mr. WON PAT.
Mr. ASHLEY.
Mr. DAVIS of Georgia.
Mr. GUNTER
Mr. TAYLOR of North Carolina.
Mr. RODINO.

JOINT RESOLUTION PRESENTED TO THE PRESIDENT

Mr. HAYS, from the Committee on House Administration, reported that that committee did on March 13, 1973 present to the President, for his approval, a joint resolution of the House of the following title:

H.J. Res. 334. Joint Resolution to provide for the designation of the second full calendar week in March 1973 as "National Employ the Older Worker Week."

ADJOURNMENT

Mr. McSPADDEN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 3 o'clock and 2 minutes p.m.), the House adjourned until Thursday, March 15, 1973, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

574. A letter from the Secretary of Defense, transmitting the military manpower training report for fiscal years 1974 through 1976, pursuant to section 604 of Public Law 92–436 (10 U.S.C. 133, note); to the Committee on Armed Services.

575. A letter from the Acting Assistant Secretary of Defense (Installations and Logistics), transmitting a report covering the period July through December 1972, on negotiated contracts for experimental, developmental, test or research work under 10 U.S.C. 2304(a) (11), and in the interest of national defense or industrial mobilization under 10 U.S.C. 2304(a) (16), pursuant to 10 U.S.C. 2304(e); to the Committee on Armed Services.

576. A letter from the Acting Secretary of the Treasury, transmitting a draft of proposed legislation to extend for 1 year the authority for more flexible regulation of maximum rates of interest or dividends; to the Committee on Banking and Currency.

577. A letter from the Chairman of the Board of Governors, Federal Reserve System, transmitting a portion of the Board's annual report, dealing with monetary policy and the

economy, covering calendar year 1972; to the Committee on Banking and Currency.

578. A letter from the Director, Office of Telecommunications Policy, Executive Office of the President, transmitting a draft of proposed legislation to amend the Communications Act of 1934 to provide that licenses for the operation of a broadcast station shall be issued for a term of 5 years, and to establish orderly procedures for the consideration of applications for the renewal of broadcast licenses; to the Committee on Interstate and Foreign Commerce.

579. A letter from the Secretary of Commerce, transmitting a draft of proposed legislation to establish a national policy relating to conversion to the metric system in the United States; to the Committee on Science and Astronautics.

580. A letter from the Fiscal Assistant Secretary of the Treasury, transmitting the second annual report on the financial condition and results of the operations of the Airport and Airway Trust Fund, pursuant to section 208(e)(1) of the Airport and Airway Revenue Act of 1970, as amended [49 USC 1742(e)(1)] (H. Doc. No. 93-61); to the Committee on Ways and Means and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. THOMPSON of New Jersey: Committee on House Administration. House Resolution 149. Resolution to provide funds for the expenses of the investigation and study authorized by House Resolution 134 of the 93d Congress (Rept. No. 93-57). Referred to the House Calendar.

Mr. THOMPSON of New Jersey: Committee on House Administration. House Resolution 181. Resolution providing for the expenses incurred pursuant to House Resolution 175 (Rept. No. 93-58). Referred to the House Calendar.

Mr. THOMPSON of New Jersey: Committee on House Administration. House Resolution 190. Resolution to provide funds for the expenses of the investigations and studies authorized by House Resolution 19 (Rept. No. 93-59). Referred to the House Calendar.

Mr. THOMPSON of New Jersey: Committee on House Administration. House Resolution 202. Resolution to provide funds for expenses incurred by the Select Committee on the House Restaurant (Rept. No. 93-60). Referred to the House Calendar.

Mr. THOMPSON of New Jersey: Committee on House Administration. House Resolution 219. Resolution providing funds for the expenses of the Committee on Standards of Official Conduct (Rept. No. 93-61). Referred to the House Calendar.

Mr. THOMPSON of New Jersey: Committee on House Administration. House Resolution 225. Resolution to provide additional funds to the Committee on Education and Labor to study welfare and pension plan programs (Rept. No. 93-62). Referred to the House Calendar.

Mr. THOMPSON of New Jersey: Committee on House Administration. House Resolution 249. Resolution to provide funds for the expenses of the investigations and studies by the Committee on House Administration (Rept. No. 93-63). Referred to the House Calendar.

Mr. THOMPSON of New Jersey: Committee on House Administration. House Resolution 261. Resolution to provide funds for the expenses of the investigation and study authorized by House Resolution 180 (Rept. No. 93-64). Referred to the House Calendar.

Mr. THOMPSON of New Jersey: Committee on House Administration. House Resolution 263. Resolution providing funds for the expenses of the Committee on Ways and Means (Rept. No. 93-65). Referred to the House Calendar.

Mr. THOMPSON of New Jersey: Committee on House Administration. House Resolution 264. Resolution to provide for the expenses of investigations and studies to be conducted by the Committee on Armed Services pursuant to House Resolution 185 (Rept. No. 93-66). Referred to the House Calendar.

Mr. THOMPSON of New Jersey: Committee on House Administration. House Resolution 265. Resolution to provide funds for the Committee on the Judiciary (Rept. No. 93-67). Referred to the House Calendar.

Mr. THOMPSON of New Jersey: Committee on House Administration. House Resolution 270. Resolution to provide funds for the expenses of the investigations and studies authorized by House Resolution 253 (Rept. No. 93-68). Referred to the House Calendar.

Mr. THOMPSON of New Jersey: Committee on House Administration. House Resolution 271. Resolution to provide funds for the expenses of the investigations and study authorized by House Resolution 187 (Rept. No. 93-69). Referred to the House Calendar.

Mr. THOMPSON of New Jersey: Committee on House Administration. House Resolution 277. Resolution to provide funds for the expenses of the investigation and study authorized by rule XI(8) and House Resolution 224 (Rept. No. 93-70). Referred to the House Calendar.

Mr. THOMPSON of New Jersey: Committee on House Administration. House Resolution 278. Resolution to provide funds for the expenses of the investigation and study authorized by House Resolution 267, 93d Congress (Rept. No. 93-71). Referred to the House Calendar.

Mr. THOMPSON of New Jersey: Committee on House Administration. House Resolution 285. Resolution to provide funds for the expenses of the investigation and study authorized by House Resolution 228 (Rept. No. 93-72). Referred to the House Calendar.

Mr. THOMPSON of New Jersey: Committee on House Administration. House Resolution 301. Resolution providing funds for the Committee on Rules (Rept. No. 93-73). Referred to the House Calendar.

Mr. THOMPSON of New Jersey: Committee on House Administration. House Resolution 302. Resolution to provide funds for the expenses of the investigation and study authorized by House Resolution 72 (Rept. No. 93-74). Referred to the House Calendar.

Mr. THOMPSON of New Jersey: Committee on House Administration. House Resolution 303. Resolution to provide funds for the expenses of the investigation and study authorized by House Resolution 182 (Rept. No. 93-75). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Ms. ABZUG:

H.R. 5573. A bill to allow States and localities more flexibility in utilizing highway funds, improve the efficiency of the Nation's highway system, and for other purposes; to the Committee on Public Works.

By Mr. ANNUNZIO:

H.R. 5574. A bill to extend to all unmarried individuals the full tax benefits of income splitting now enjoyed by married individuals filing joint returns; to the Committee on Ways and Means.

By Mr. ASHBROOK:

H.R. 5575. A bill to promote the foreign policy of the United States by strengthening and improving the Foreign Service personnel system of the Department of State and of the U.S. Information Agency; to the Committee on Foreign Affairs.

By Mr. ASHLEY:

H.R. 5576. A bill to provide for accelerated research and development in the care and treatment of autistic children, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. BRINKLEY:

H.R. 5577. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968, as amended, to provide benefits to survivors of certain public safety officers who die in the performance of duty; to the Committee on the Judiciary.

By Mr. BROTZMAN (for himself, Mr. BROWN of California, Mr. HARRINGTON, and Mr. VEYSEY):

H.R. 5578. A bill to provide, for purposes of computing retired pay for members of the Armed Forces, and additional credit of service equal to all periods of time spent by any such member as a prisoner of war; to the Committee on Armed Services.

H.R. 5579. A bill to amend title 5, United States Code, to include as creditable service for purposes of civil service retirement certain periods of imprisonment of members of the Armed Forces and of civilian employees by hostile foreign forces, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. BROWN of Michigan:

H.R. 5580. A bill relating to the withholding of income or employment taxes imposed by certain cities on the compensation of Federal employees; to the Committee on Ways and Means.

By Mr. BURKE of Florida:

H.R. 5581. A bill to amend title 38 of the United States Code, in order to provide additional compensation to veterans who are totally disabled as a result of combat injuries; to the Committee on Veterans Affairs.

By Mr. CASEY of Texas:

H.R. 5582. A bill to provide for accelerated research and development in the care and treatment of autistic children, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. CEDERBERG:

H.R. 5583. A bill to create a National Agricultural Bargaining Board, to provide standards for the qualification of associations of producers, to define the mutual obligation of handlers and associations of producers to negotiate regarding agricultural products, and for other purposes; to the Committee on Agriculture.

By Mr. CONABLE:

H.R. 5584. A bill to amend the Internal Revenue Code of 1954, to encourage the preservation of coastal wetlands, open space, and historic buildings and to encourage the preservation and rehabilitation of all structures, and for other purposes; to the Committee on Ways and Means.

H.R. 5585. A bill to amend section 231 of the Trade Expansion Act of 1962, to permit the extension of trade agreement concessions on a reciprocal basis to products of the Union of Soviet Socialist Republics, Rumania, Hungary, Bulgaria, and Czechoslovakia; to the Committee on Ways and Means.

By Mr. CONYERS:

H.R. 5586. A bill to extend the period within which the President may transmit to Congress reorganization plans concerning agencies of the executive branch of the Federal Government; to the Committee on Government Operations.

By Mr. CONYERS (for himself, Mr. Dellums, Mr. Pepper, Mr. Leggett, Mr. Harrington, Mr. Green of Pennsylvania, Mr. Thompson of New Jersey, Mr. Moakley, Mr. Won Pat, Ms. Schroeder, Ms. Jordan, Mr. Brown of California, Mr. Bolling, Mr. Burton, Mr. Sarbanes, Mr. de Lugo, Mr. Owens, Mr. Waldie, Mr. Diggs, Mr. Edwards of California, Mr. Stokes, Mr. Metcalfe, Mr. Mitchell of Maryland, Mr. Rosenthal, and Mr. Hicks):

H.R. 5587. A bill to amend the Economic Opportunity Act of 1964, to require that any plans to reorganize the Office of Economic Opportunity be transmitted to Congress pursuant to the Executive Reorganization Act, and for other purposes; to the Committee on Education and Labor.

By Mr. CONYERS (for himself, Mr. Fraser, Miss Holtzman, Mr. Rooney of Pennsylvania, Mr. Roybal, Mr. Stark, Mr. Riegle, Ms. Abzug, Mr. Young of Georgia, Ms. Mink, Mr. Davis of South Carolina, Mr. McCloskey, Ms. Burke of California, Mr. Seiberling, Mr. Kastenmeier, Mr. Helstoski, Mr. Moorhead of Pennsylvania, Mr. Clay, Mr. Ashley, Mr. Holifield, Mr. McCormack, Mr. William D. Ford, Mr. Meeds, and Mr. Reuss):

H.R. 5588. A bill to amend the Economic Opportunity Act of 1964, to require that any plans to reorganize the Office of Economic Opportunity be transmitted to Congress pursuant to the Executive Reorganization Act, and for other purposes; to the Committee on Education and Labor.

By Mr. DAVIS of Georgia (for himself, Mr. Mosher, Mr. Bevill, Mr. Boland, Mr. Breaux, Mr. Brown of California, Mr. Cotter, Mr. Coughlin, Mr. Davis of South Carolina, Mr. Eilberg, Mr. Fisher, Mr. Fulton, Mr. Gude, Mr. Huber, Mr. Hudnut, Mr. Jones of North Carolina, Mr. Karth, Mr. Lent, Mr. McCormack, Mr. Moakley, Mr. Won Pat, Mr. Pettis, Mr. Pickle, Mr. Rees, and Mr. Roush):

H.R. 5589. A bill to amend the National Bureau of Standards Act of 1901 in order to broaden activities in the field of fire research and training, and for other purposes; to the Committee on Science and Astronautics.

By Mr. DAVIS of Georgia (for himself, Mr. Mosher, Mr. Baker, Mr. Buchanan, Mr. Carney of Ohio, Mr. Delaney, Mr. Esch, Mr. Flynt, Mr. Ginn, Mr. Goldwater, Mr. Grover, Mr. Henderson, Mr. Johnson of California, Mr. Jones of Tennessee, Mr. Jones of Alabama, Mrs. Mink, Mr. Roybal, Mr. Shipley, Mr. Stephens, Mr. Stuckey, Mr. Van Deerlin, and Mr. Wolff):

H.R. 5590. A bill to amend the National Bureau of Standards Act of 1901, in order to broaden activities in the field of fire research and training, and for other purposes; to the Committee on Science and Astronautics.

By Mr. E de la GARZA:

H.R. 5591. A bill to amend the Communications Act of 1934, to establish orderly procedures for the consideration of applications for renewal of broadcast licenses; to the Committee on Interstate and Foreign Commerce.

By Mr. DRINAN (for himself, Ms. Abzug, Mr. Brown of California, Ms. Burke of California, Mr. Burton, Mr. Conyers, Mr. Dellums, Mr. Diggs, Mr. Edwards of California, Mr. Fraser, Mr. Harrington, Mr. Hawkins, Mr. Hechler of West Virginia, Mr. Leggett, Mr. McCloskey, Mr. Metcalfe, Mr. Mitchell of Maryland, Mr. Mollohan, Mr. Obey, Mr. Rangel, Mr. Rees, Mr. Reuss, Mr. Roybal, Mr. Rosenthal, and Mr. Tiernan):

H.R. 5592. A bill to abolish the death penalty under all laws of the United States, and for other purposes; to the Committee on the Judiciary.

By Mr. DRINAN (for himself, Mr. Waldie, and Mr. Young of Georgia):

H.R. 5593. A bill to abolish the death penalty under all laws of the United States, and for other purposes; to the Committee on the Judiciary.

By Mr. ESCH:

H.R. 5594. A bill to make rules governing the use of the Armed Forces of the United States in the absence of a declaration of war by the Congress; to the Committee on Foreign Affairs.

By Mr. ESCH (for himself, Mr. Biester, Mr. Brasco, Mr. Brown of Michigan, Mr. Brown of California, Ms. Burke of California, Mr. Cleveland, Mr. Conte, Mr. Corman, Mr. Derwinski, Mr. Drinan, Mr. Duncan, Mr. Eilberg, Mr. Fish, Mr. Frenzel, Mr. Gude, Mr. Hechler of West Virginia, Mr. Kemp, Mr. Rangel, Mr. Riegle, Mr. Roybal, and Mr. Sisk):

H.R. 5595. A bill to establish a national adoption information exchange system; to the Committee on Education and Labor.

By Mr. FAUNTROY:

H.R. 5596. A bill to amend the District of Columbia Revenue Act of 1937, to provide for the registration of automobiles at least 25 years old as antiques; to the Committee on District of Columbia.

H.R. 5597. A bill to provide for the issuance of special registration certificates and identification tags for motor vehicles operated by members of the Department of the District of Columbia Disabled American Veterans; to the Committee on the District of Columbia.

By Mr. FAUNTROY (for himself, Mr. Dellums, and Mr. Conyers):

H.R. 5598. A bill to regulate the maximum rents to be charged by landlords in the District of Columbia; to the Committee on the District of Columbia.

By Mr. FRELINGHUYSEN:

H.R. 5599. A bill to amend the Truth in Lending Act to prohibit discrimination on account of sex or marital status against individuals seeking credit; to the Committee on Banking and Currency.

By Mrs. GREEN of Oregon:

H.R. 5600. A bill to amend the Railroad Retirement Act of 1937, to provide that an individual who performed military service during a war service period may have such service credited for annuity purposes under that act even though he entered the military service before such war service period began; to the Committee on Interstate and Foreign Commerce.

By Mr. GUBSER:

H.R. 5601. A bill to amend the National Science Foundation Act of 1950 in order to establish a framework of national science policy and to focus the Nation's scientific talent and resources on its priority problems, and for other purposes; to the Committee on Science and Astronautics.

By Mr. GUDE:

H.R. 5602. A bill to amend the Communications Act of 1934, to establish orderly procedures for the consideration of applications for renewal of broadcast licenses; to the Committee on Interstate and Foreign Commerce.

By Mr. HANSEN of Idaho:

H.R. 5603. A bill to amend the Federal law relating to the care and treatment of animals to broaden the categories of persons regulated under such law, to assure that birds in pet stores and zoos are protected, and to increase protection for animals in transit; to the Committee on Agriculture.

H.R. 5604. A bill to provide assistance in improving zoos and aquariums by creating a National Zoological and Aquarium Corporation, and for other purposes; to the Committee on House Administration.

H.R. 5605. A bill to require the Secretary of the Interior to make a comprehensive study of the dolphin and porpoise for the purpose of developing adequate conservation measures; to the Committee on Merchant Marine and Fisheries.

H.R. 5606. A bill to require the Secretary of the Interior to make a comprehensive study of the wolf for the purpose of developing adequate conservation measures; to the Committee on Merchant Marine and Fisheries.

By Mr. HARRINGTON (for himself, Mrs. Heckler of Massachusetts, Mr. Hicks, Mr. Meeds, Mr. Moakley, Mr. Studds, and Mr. Drinan):

H.R. 5607. A bill to provide compensation to U.S. commercial fishing vessel owners for damages incurred by them as a result of an action of a vessel operated by a foreign government or a citizen of a foreign government; to the Committee on Merchant Marine and Fisheries.

By Mr. HASTINGS (for himself, Mr. Rogers, Mr. Satterfield, Mr. Kyros, Mr. Preyer, Mr. Symington, Mr. Roy, Mr. Nelsen, Mr. Carter, Mr. Heinz, and Mr. Hudnut):

H.R. 5608. A bill to extend through fiscal year 1974 the expiring appropriations authorizations in the Public Health Service Act, the Community Mental Health Centers Act, and the Developmental Disabilities Services and Facilities Construction Act, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. HASTINGS (for himself, Mr. Murphy of New York, Mr. Pepper, Mr. Brinkley, Mr. Stokes, Mr. Fascell, Mr. Buchanan, Mr. Kyros, Mr. Stark, Mrs. Schroeder, Mr. Coughlin, Mr. Bell, Mr. Kemp, Mr. Horton, Mr. Roncallo of New York, Mrs. Green of Oregon, Mr. Biester, Mr. Fish, Mr. Rodino, Mr. Biaggi, Mr. Maraziti, Mr. Moakley, Mr. Steiger of Wisconsin, and Mr. Sarbanes):

H.R. 5609. A bill to provide for the humane care, treatment, habilitation, and protection of the mentally retarded in residential facilities through the establishment of strict quality operation and control standards and the support of the implementation of such standards by Federal assistance, to establish State plans which require a survey of need for assistance to residential facilities to enable them to be in compliance with such standards, seek to minimize inappropriate admissions to residential facilities and develop strategies which stimulate the development of regional and community programs for the mentally retarded which include the integration of such residential facilities, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. HAYS:

H.R. 5610. A bill to amend the Foreign Service Buildings Act, 1926, to authorize additional appropriations, and for other purposes; to the Committee on Foreign Affairs.

By Mr. HELSTOSKI:

H.R. 5611. A bill to amend the Economic Stabilization Act of 1970, to establish a Food Price Control Commission in order to control the wholesale and retail level of food prices; to the Committee on Banking and Currency.

By Mr. HOGAN (for himself, Mr. Andrews of North Dakota, Mr. Hastings, Mr. Hawkins, Mr. Roe, and Mr. Williams):

H.R. 5612. A bill to amend the Social Security Act, to establish a national catastrophic illness insurance program under which the Federal Government, acting in cooperation with State insurance authorities and the private insurance industry, will reinsure and otherwise encourage the issuance of private health insurance policies which make adequate health protection available to all Americans at a reasonable cost; to the Committee on Ways and Means.

By Mr. HUTCHINSON (for himself, Mr. McClory, and Mr. Sandman):

H.R. 5613. A bill to provide for Special Law Enforcement Revenue Sharing; to the Committee on the Judiciary.

By Mr. JARMAN:

H.R. 5614. A bill to adopt a moratorium upon State legislation relating to the regulation of travel agents; to the Committee on Interstate and Foreign Commerce.

By Mr. LEHMAN:

H.R. 5615. A bill to establish a congressional internship program for secondary school teachers of government or social studies in honor of President Lyndon Baines Johnson; to the Committee on House Administration.

By Mr. MATSUNAGA:

H.R. 5616. A bill to amend section 931 of the Internal Revenue Code of 1954, as amended; to the Committee on Ways and Means.

By Mr. METCALFE:

H.R. 5617. A bill to create a National Commission on the Olympic Games to review the question of U.S. participation in the Olympic games and to evaluate and formulate recommendations concerning such participation; to the Committee on the Judiciary.

By Mrs. MINK:

H.R. 5618. A bill to amend the Economic Opportunity Act of 1964, to provide that when Federal assistance to a community action program is discontinued, Federal property used for the program shall be transferred to the organization continuing the program; to the Committee on Education and Labor.

H.R. 5619. A bill to prohibit discrimination against locally recruited personnel in the granting of overseas differentials and allowances, equalize the compensation of overseas teachers, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. MOAKLEY:

H.R. 5620. A bill to amend title 38 of the United States Code, in order to grant to any veteran with nonservice-connected disability involving the loss or loss of use of all extremities eligibility for pension, specially adapted housing, and specially adapted automobiles; to the Committee on Veterans' Affairs.

By Mr. NEDZI:

H.R. 5621. A bill to provide for the presentation of a flag of the United States for deceased members of the National Guard and Selected Reserve; to the Committee on Armed Services.

By Mr. O'BRIEN:

H.R. 5622. A bill to amend section 355 of title 38, United States Code, relating to the authority of the Administrator of Veterans' Affairs to readjust the schedule of ratings for the disabilities of veterans; to the Committee on Veterans' Affairs.

By Mr. O'HARA (for himself and Mr. Dellenback):

H.R. 5623. A bill to amend the Higher Education Act of 1965, to protect the freedom of student-athletes and their coaches to participate as representatives of the United States in amateur international athletic events, and for other purposes; to the Committee on Education and Labor.

H.R. 5624. A bill to protect collegiate and other amateur athletes; to the Committee on Education and Labor.

By Mr. REID:

H.R. 5625. A bill to provide for Federal

By Mr. PEYSER:

rent stabilization; to the Committee on Banking and Currency.

By Mr. REID (for himself, Mr. Adams, Mr. Addabbo, Mr. Anderson of California, Mr. Ashley, Mr. Badillo, Mr. Benitez, Mr. Bingham, Mr. Brasco, Mr. Brown of California, Mrs. Burke of California, Mr. Burton, Mrs. Chisholm, Mr. Clay, Mr. Conyers, Mr. Corman, Mr. Dominick V. Daniels, Mr. Danielson, Mr. Dellums, Mr. de Lugo, Mr. Dent, Mr. Diggs, Mr. Drinan, Mr. Eckhardt, and Mr. Edwards of California):

H.R. 5626. A bill to amend the Social Security Act, as amended, to eliminate certain limitations on the use of Federal funds for social service programs; to the Committee on Ways and Means.

By Mr. REID (for himself, Mr. Fraser, Mr. Fulton, Mr. Gonzalez, Mrs. Grasso, Mr. Harrington, Mr. Hawkins, Mr. Hechler of West Virginia, Mr. Helstoski, Ms. Holtzman, Mr. Howard, Mr. Koch, Mr. Kyros, Mr. Leggett, Mr. Lehman, Mr. Matsunaga, Mr. McCloskey, Mr. McFall, Mr. Meeds, Mr. Metcalfe, Mr. Mitchell of Maryland, Mr. Moakley, Mr. Moorhead of Pennsylvania, Mr. Moss, and Mr. Murphy of Illinois):

H.R. 5627. A bill to amend the Social Security Act, as amended, to eliminate certain limitations on the use of Federal funds for social service programs; to the Committee on Ways and Means.

By Mr. REID (for himself, Mr. Pepper, Mr. Podell, Mr. Price of Illinois, Mr. Rangel, Mr. Rees, Mr. Riegle, Mr. Rodino, Mr. Rosenthal, Mr. Roybal, Mr. Sarbanes, Mrs. Schroeder, Mr. Seiberling, Mr. James V. Stanton, Mr. Stark, Mr. Stuckey, Mr. Studds, Mr. Symington, Mr. Thompson of New Jersey, Mr. Tiernan, Mr. Van Deerlin, Mr. Vanik, Mr. Vigorito, Mr. Waldie, and Mr. Wolff):

H.R. 5628. A bill to amend the Social Security Act, as amended, to eliminate certain limitations on the use of Federal funds for social service programs; to the Committee on Ways and Means.

By Mr. REID (for himself, Mr. Won Pat, Mr. Young of Georgia, Mr. Fauntroy, Ms. Jordan, Mr. Yates, Mr. Eilberg, Ms. Abzug, Mr. Murphy of New York, and Mr. Stokes):

H.R. 5629. A bill to amend the Social Security Act, as amended, to eliminate certain limitations on the use of Federal funds for social service programs; to the Committee on Ways and Means.

By Mr. RHODES:

H.R. 5630. A bill to amend the Land and Water Conservation Fund Act of 1965, to establish a special annual entrance permit for handicapped persons; to the Committee on Interior and Insular Affairs.

By Mr. RHODES (for himself, Mr. Del Clawson, Mr. Moorhead of California, and Mr. McCollister):

H.R. 5631. A bill to amend the Federal Salary Act of 1967, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. ROBINSON of Virginia (for himself, Mrs. Holt, and Mr. Sarasin):

H.R. 5632. A bill to improve and implement procedures for fiscal controls in the U.S. Government, and for other purposes; to the Committee on Rules.

By Mr. ROBISON of New York:

H.R. 5633. A bill to amend the National Traffic and Motor Vehicle Safety Act of 1966, to require certain safety standards be established for schoolbuses, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. ROE:

H.R. 5634. A bill to prohibit the impoundment of funds appropriated for airport and airway programs; to the Committee on Appropriations.

H.R. 5635. A bill to prohibit the impoundment of funds appropriated for urban mass transportation; to the Committee on Appropriations.

H.R. 5636. A bill to prohibit the impoundment of funds appropriated for the National Institutes of Health, for assistance to education, or for related programs and activities under the jurisdiction of the Secretary of Health, Education, and Welfare; to the Committee on Appropriations.

H.R. 5637. A bill to prohibit the impoundment of funds appropriated for the Special Action Office for Drug Abuse Prevention; to the Committee on Appropriations.

H.R. 5638. A bill to prohibit the impoundment of funds appropriated to the Veterans' Administration for grants to States for extended care facilities; to the Committee on Appropriations.

H.R. 5639. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968, to include in the definition of law enforcement the enforcement of laws, ordinances, and regulations in any State relative to environmental recreation, including parks; to the Committee on the Judiciary.

By Mr. ROGERS (for himself, Mr. Kyros, Mr. Preyer, Mr. Symington, Mr. Roy, Mr. Hastings, Mr. Heinz, and Mr. Hudnut):

H.R. 5640. A bill to amend the Public Health Service Act, to establish a national program of health research fellowships and traineeships to assure the continued excellence of biomedical research in the United States, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. RUNNELS:

H.R. 5641. A bill to authorize the conveyance of certain lands to the New Mexico State University, Las Cruces, N. Mex.; to the Committee on Interior and Insular Affairs.

By Mr. STAGGERS (for himself and Mr. Devine):

H.R. 5642. A bill to amend the Federal Food, Drug, and Cosmetic Act to require the disclosure of ingredients on the labels of all food; to the Committee on Interstate and Foreign Commerce.

H.R. 5643. A bill to amend the Federal Food, Drug, and Cosmetic Act to establish a code system for the identification of prescription drugs, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. STEELE:

H.R. 5644. A bill to make use of a firearm to commit a felony a Federal crime where such use violates State law, and for other purposes; to the Committee on the Judiciary.

H.R. 5645. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968, as amended, to provide benefits to survivors of certain public safety officers who die in the performance of duty; to the Committee on the Judiciary.

By Mr. STEELMAN:

H.R. 5646. A bill to amend title II of the Social Security Act to provide that no deductions on account of outside earnings will be made from the benefits of an individual who has attained age 65; to the Committee on Ways and Means.

By Mr. STEIGER of Arizona:

H.R. 5647. A bill to authorize the partition of the surface rights in the joint use area of the 1882 Executive order: Hopi Reservation and the surface and subsurface rights in the 1934 Navajo Reservation between the Hopi and Navajo Tribes, to provide for allotments to certain Paiute Indians, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. STUBBLEFIELD:

H.R. 5648. A bill to amend section 355 of title 38, United States Code, relating to the authority of the Administrator of Veterans' Affairs to readjust the schedule of ratings for the disabilities of veterans; to the Committee on Veterans' Affairs.

By Mrs. SULLIVAN:

H.R. 5649. A bill to extend until November 1, 1978, the existing exemption of the Steamboat *Delta Queen* from certain vessel laws; to the Committee on Merchant Marine and Fisheries.

By Mr. THONE:

H.R. 5650. A bill to promote commerce and amend the Federal Power Act to establish a Federal power research and development program to increase efficiencies of electric energy production and utilization, reduce environmental impacts, develop new sources of clean energy, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. UDALL (for himself and Mrs. Mink):

H.R. 5651. A bill to provide for the regulation of surface coal mining for the conservation, acquisition, and reclamation of surface areas affected by coal mining activities, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. WALSH:

H.R. 5652. A bill to provide compensation for the victims of crime; to the Committee on the Judiciary.

By Mr. BOB WILSON:

H.R. 5653. A bill to amend title 10, United States Code, to change the method of computing retired pay of certain enlisted members of the Army, Navy, Air Force, or Marine Corps; to the Committee on Armed Services.

H.R. 5654. A bill to further amend the Federal Civil Defense Act of 1950, as amended, to require national standard firehose screw threads on couplings of firehoses and other equipment used for fire protective purposes; to the Committee on Armed Services.

By Mr. WRIGHT:

H.R. 5655. A bill to amend the Civil Rights Act of 1964, to provide that no State or political subdivision thereof shall enact or enforce any statute, ordinance, resolution, rule, regulation, order or directive whose purpose it is to make residency therein a condition of employment as a member of a fire department; to the Committee on the Judiciary.

By Mr. YOUNG of Florida (for himself and Mr. Veysey):

H.R. 5656. A bill to amend the Communications Act of 1934, to direct the Federal Communications Commission to require the establishment nationally of an emergency telephone call referral system using the telephone number 911 for such calls; to the Committee on Interstate and Foreign Commerce.

By Mr. ZWACH:

H.R. 5657. A bill to restore, reduce, and reform the REAP program; to the Committee on Agriculture.

By Mr. CEDERBERG:

H.J. Res. 428. Joint resolution to authorize the President to issue annually a proclamation designating the month of May in each year as "National Arthritis Month"; to the Committee on the Judiciary.

By Mr. FAUNTROY:

H.J. Res. 429. Joint resolution to amend the Constitution to provide for representation of the District of Columbia in the Congress; to the Committee on the Judiciary.

By Mr. HANSEN of Idaho:

H.J. Res. 430. Joint resolution calling for an immediate and appropriate moratorium on the killing of polar bears; to the Committee on Foreign Affairs.

H.J. Res. 431. Joint resolution calling for an immediate moratorium on the killing of the eastern timber wolf; to the Committee on Foreign Affairs.

By Mr. REID (for himself, Mr. Adams, Mr. Addabbo, Mr. Anderson of California, Mr. Ashley, Mr. Badillo, Mr. Benitez, Mr. Bingham, Mr. Brasco, Mr. Brown of California, Mrs. Burke of California, Mr. Burton, Mrs. Chisholm, Mr. Clay, Mr. Conyers, Mr. Corman, Mr. Dominick V. Daniels, Mr. Danielson, Mr. Dellums, Mr. de Lugo, Mr. Dent, Mr. Diggs, Mr. Drinan, Mr. Eckhardt, and Mr. Edwards of California):

H.J. Res. 432. Joint resolution prescribing model regulations governing implementation of the provisions of the Social Security Act relating to the administration of social service programs; to the Committee on Ways and Means.

By Mr. REID (for himself, Mr. Fraser, Mr. Fulton, Mr. Gonzalez, Mrs. Grasso, Mr. Harrington, Mr. Hawkins, Mr. Hechler of West Virginia, Mr. Helstoski, Ms. Holtzman, Mr. Howard, Mr. Koch, Mr. Kyros, Mr. Leggett, Mr. Lehman, Mr. Matsunaga, Mr. McCloskey, Mr. McFall, Mr. Meeds, Mr. Metcalfe, Mr. Mitchell of Maryland, Mr. Moakley, Mr. Moorhead of Pennsylvania, Mr. Moss, and Mr. Murphy of Illinois):

H.J. Res. 433. Joint resolution prescribing model regulations governing implementation of the provisions of the Social Security Act relating to the administration of social service programs; to the Committee on Ways and Means.

By Mr. REID (for himself, Mr. Pepper, Mr. Podell, Mr. Price of Illinois, Mr. Rangel, Mr. Rees, Mr. Reigle, Mr. Rodino, Mr. Rosenthal, Mr. Roybal, Mr. Sarbanes, Mrs. Schroeder, Mr. Seiberling, Mr. James V. Stanton, Mr. Stark, Mr. Stuckey, Mr. Studds, Mr. Symington, Mr. Thompson of New Jersey, Mr. Tiernan, Mr. Van Deerlin, Mr. Vanik, Mr. Vigorito, Mr. Waldie, and Mr. Wolff):

H.J. Res. 434. Joint resolution prescribing model regulations governing implementation of the provisions of the Social Security Act relating to the administration of social service programs; to the Committee on Ways and Means.

By Mr. REID (for himself, Mr. Won Pat, Mr. Young of Georgia, Mr. Fauntroy, Ms. Jordan, Mr. Yates, Mr. Eilberg, Ms. Abzug, Mr. Murphy of New York, and Mr. Stokes):

H.J. Res. 435. Joint resolution prescribing model regulations governing implementation of the provisions of the Social Security Act relating to the administration of social service programs; to the Committee on Ways and Means.

By Mr. RHODES:

H.J. Res. 436. Joint resolution to establish the Tule Elk National Wildlife Refuge; to the Committee on Merchant Marine and Fisheries.

By Mr. HANSEN of Idaho:

H. Con. Res. 152. Concurrent resolution pertaining to the methods used on animals in research; to the Committee on Science and Astronautics.

By Mr. ROE:

H. Con. Res. 153. Concurrent resolution to establish a joint committee to conduct an investigation of the U.S. Postal Service; to the Committee on Rules.

By Mr. THOMPSON of New Jersey:

H. Res. 306. Resolution to provide funds for the expenses of the studies, investigations, and inquiries authorized by House Resolution 18; to the Committee on House Administration.

H. Res. 307. Resolution to provide funds for the expenses of the investigations and studies authorized by House Resolution 162; to the Committee on House Administration.

H. Res. 308. Resolution authorizing the expenditure of certain funds for the expenses of the Committee on Internal Security; to the Committee on House Administration.

H. Res. 309. Resolution to provide funds for the Select Committee on Crime for studies and investigations authorized by House Resolution 256; to the Committee on House Administration.

By Mr. VEYSEY:

H. Res. 310. Resolution to amend the Rules of the House of Representatives to create a standing committee to be known as the Committee on the Environment; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. CONTE:

H.R. 5658. A bill for the relief of Guadalupe L. Anchecta; to the Committee on the Judiciary.

By Mr. FAUNTROY:

H.R. 5659. A bill to permit the Capital Yacht Club of the District of Columbia to borrow money without regard to the usury laws of the District of Columbia; to the Committee on the District of Columbia.

By Mr. HELSTOSKI (by request):

H.R. 5660. A bill for the relief of Mr. and Mrs. Manuel Abarca; to the Committee on the Judiciary.

H.R. 5661. A bill for the relief of Mr. and Mrs. Luis Labarca; to the Committee on the Judiciary.

H.R. 5662. A bill for the relief of Mr. and Mrs. Ascanio Reyes; to the Committee on the Judiciary.

By Mr. HOGAN:

H.R. 5663. A bill for the relief of Maria Ceballos; to the Committee on the Judiciary.

H.R. 5664. A bill for the relief of Rosa Pasmino; to the Committee on the Judiciary.

By Mr. MITCHELL of Maryland:

H.R. 5665. A bill for the relief of Zahra Shahla Hosseini-Alavi; to the Committee on the Judiciary.

By Mr. PEPPER:

H.R. 5666. A bill for the relief of World Mart, Inc.; to the Committee on the Judiciary.

By Mr. SCHNEEBELI:

H.R. 5667. A bill for the relief of Linda Julie Dickson (nee Waters); to the Comittee on the Judiciary.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

83. By the SPEAKER: Memorial of the Legislature of the State of South Dakota, relative to veterans' benefits; to the Committee on Veterans' Affairs.

84. Also, memorial of the House of Representatives of the State of Illinois, relative to the supply of petroleum fuels; to the Committee on Ways and Means.

SENATE—*Wednesday, March 14, 1973*

The Senate met at 12 o'clock meridian and was called to order by the President pro tempore (Mr. EASTLAND).

PRAYER

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

Almighty God, infinite and eternal, we bow in this hallowed moment not to escape from our burdens but to gain strength to carry them, not to avoid hard thinking but to ask for sharpened minds with which to think, not to seek the easy way but the right way. In these days of Lent, turn our minds to Him who went about doing good, who for our sakes became poor that we through his poverty might become rich—rich not in things or in the coin of the realm but in character, in life with depth and meaning. Give us again the vision of a cross and the spent life and the everlasting truth that whoever loses his life in selfless service shall find it again in the splendor of a new birth and a new manhood, through Him who died for man's redemption and in whose name we pray. Amen.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Allen, one of its reading clerks, announced that the House had passed the bill (S. 50) to strengthen and improve the Older Americans Act of 1965, and for other purposes, with an amendment, in which it requested the concurrence of the Senate.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Tuesday, March 13, 1973, be dispensed with.

The PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees may be authorized to meet during the session of the Senate today.

The PRESIDENT pro tempore. Without objection, it is so ordered.

THANKS TO THE SENATE FROM LADY BIRD JOHNSON

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD a letter addressed to our distinguished Vice President, Mr. AGNEW, from Lady Bird Johnson.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

STONEWALL, TEX.,
March 2, 1973.

DEAR VICE PRESIDENT AGNEW: Please extend our grateful appreciation to dear friends and members of the Senate for their beautiful and lovely floral tribute to Lyndon. He had a special warmth, affection and understanding for all who serve in the Senate and he would have been proud and honored by the thoughtfulness and heartwarming remembrance of those he respected and admired.

Thank you so very much.

Sincerely,

LADY BIRD JOHNSON.

DEATH OF ALEXANDER WARDEN, NEWSPAPER PUBLISHER

Mr. MANSFIELD. Mr. President, a week ago a great Montanan and a good personal friend of mine, Alexander Warden, died in California where he was recuperating from a recent heart attack. Alex Warden is best known as the former owner and publisher of Montana's daily newspaper, the Great Falls Tribune. He was not only active in the newspaper business but was widely known throughout the Nation because of his numerous positions of public service and association with corporate interest active in Montana.

I knew Alex Warden for many years and I considered him one of my very close confidants in matters of politics and issues of importance to the Big Sky Country. While his activities have been somewhat limited in recent years because of his health, he will be sorely missed because his contributions have been many and I wish to take this inadequate means of paying tribute to Alex Warden. Mrs. Mansfield joins me in expressing our bereavement to his widow, Hebe, and his family, many of whom are still active in Montana affairs.

Mr. President, I ask unanimous consent that an article and editorial appearing in the March 8 and 9 issues of the Great Falls Tribune be printed in the RECORD.

There being no objection, the article and editorial were ordered to be printed in the RECORD, as follows:

FORMER TRIBUNE OWNER, ALEXANDER WARDEN, DIES

Alexander Warden, a former owner and publisher of the Great Falls Tribune and a key figure in Montana and national affairs, died Wednesday afternoon in a Palm Springs, Calif., hospital. He was 77.

He and his wife, Hebe, had been vacationing in Palm Desert, Calif., since Feb. 13. Warden had been hospitalized since he suffered a heart attack there 10 days ago. He had been in poor health several years. The family home is at 417 Riverview Court.

Funeral services will be held in Great Falls.

Among numerous positions of public service Warden held was membership on the U.S. Citizens' Commission to NATO (North Atlantic Treaty Organization). He was appointed by Lyndon B. Johnson, then vice president, and attended the NATO Commission meeting in Paris in 1961.

On his return he commented, "If you are sleeping well, you might in your prayers give a slight vote of thanks to NATO, which is largely responsible for the fact we are not now in a world shooting war."

For 17 years Warden was on the board of the State Fair, which his father had helped to originate here.

Warden served at various times as director of the First National Bank, the Federal Reserve Bank of Minneapolis, Great Falls Chamber of Commerce, Rotary Club, Great Falls Concert Association and Meadow Lark Country Club. He also was a member of Sigma Delta Chi, Shrine Club and the Elks.

He had been a director of Western Airlines, Northwest Bancorporation, Buttrey Foods Inc., advisory board of Mountain States Telephone and Telegraph Co., the Salvation Army advisory board, the C. M. Russell Gallery and the College of Great Falls.

He was a life member of the Montana Press Association, served as a member of the University of Montana, advisory Council of 50 in emeritus capacity, and was named in 1968 to the Western Fair Panel.

He was the son of the late Oliver S. Warden and Etta Scott Warden and was born in Great Falls Feb. 7, 1896. His father was owner or co-owner of the Great Falls Tribune from 1895 to his death, except for a brief period when he was business manager and the paper was owned by William A. Clark, Butte mining tycoon.

Warden became publisher on his father's death in 1951 and remained publisher until April, 1965, when the Tribune and Leader were purchased by the Minneapolis Star and Tribune Co. A new corporation, the Great Falls Tribune Co., then was formed to operate the newspapers.

He was graduated from Great Falls High School in 1914, Phillips Exeter Academy in 1915 and received an A.B. degree at Dartmouth College in 1919. In World War I he served as an ensign in the Navy with the Atlantic Fleet.

On his return from Navy service, he became a reporter on the Tribune and was in the sports department when he covered the Dempsey-Gibbons fight at Shelby July 4, 1923. He became Tribune advertising manager in 1929 and when his father died became president and publisher of the Tribune and Leader.

Warden was married to Hebe F. Leggat of Butte Feb. 20, 1923. He is survived by his widow; a son, Scott A. Warden, Helena; daughters, Mrs. Noel (Ashby) Hardy, Tucson, Ariz., and Nancy Kateen, Sacramento, Calif.; a brother, Robert D. Warden, Great Falls; sisters, Mrs. G. A. (Gertrude) Hansen, Great Falls, and Virginia Morell, Boston; a half-brother, Jock Warden, Great Falls, and 10 grandchildren.

ALEXANDER WARDEN

Alexander Warden, publisher of the Tribune and Leader from 1951 until May 1, 1965, played a significant role in the development of Great Falls and Montana.

His contributions to Great Falls and to the state extended far beyond his newspaper responsibilities.

He served with distinction on numerous financial, commercial, civic and cultural boards.

A man with a first-rate mind and a delightful sense of humor, Warden frowned on pomp and pretense. He preferred to be called "Alex." He loved to listen to a well-told joke and was a master story teller.

Alex Warden was a credit to the community and to the state.

Our deepest sympathy goes to his family.

And, as he said in his farewell Tribune editorial April 30, 1965, we say now to Alex Warden, "L'Envoi."

THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of calendar Nos. 64 and 65.

The PRESIDENT pro tempore. Without objection, it is so ordered.

COMMEMORATION OF THE 100TH ANNIVERSARY OF THE CABLE CAR IN SAN FRANCISCO

The bill (S. 776) to authorize the striking of medals in commemoration of the 100th anniversary of the cable car in San Francisco, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 776

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in commemoration of the one hundredth anniversary of the invention of the cable car, the Secretary of the Treasury shall strike and deliver to the San Francisco Cable Car Centennial Committee not more than one hundred and fifty thousand medals with suitable emblems, devices, and inscriptions to be determined by the Secretary of the Treasury after consultation with the committee. The medals, which may be disposed of by the committee at a premium, shall be delivered at such times as may be required by the committee in quantities of not less than two thousand, but no medals shall be struck after December 31, 1974. The medals shall be considered to be national medals within the meaning of section 3551 of the Revised Statutes (31 U.S.C. 368).

Sec. 2. The Secretary of the Treasury shall cause such medals to be struck and delivered at not less than the estimated cost of manufacture, including labor, materials, dies, use of machinery, and overhead expenses, and security satisfactory to the Director of the Mint shall be furnished to indemnify the United States for the full payment of such costs.

Sec. 3. The medals authorized to be struck and delivered under this Act shall be of such size or sizes and of such various metals as shall be determined by the Secretary of the Treasury in consultation with the committee.

FEDERAL FINANCIAL ASSISTANCE TO THE CHILD NUTRITION PROGRAMS

The Senate proceeded to consider the bill, H.R. 4278, to amend the National School Lunch Act to assure that Federal financial assistance to the child nutrition programs is maintained at the level budgeted for fiscal year ending June 30, 1973 which had been reported from the Committee on Agriculture and Forestry with an amendment on page 2, line 14, after the word "section", insert a comma and "section 416 of the Agricultural Act of 1949,".

Mr. HUMPHREY. Mr. President, H.R. 4278, as amended by the Senate Committee on Agriculture and Forestry is designed to provide for this fiscal year cash donations in lieu of agricultural commodity donations for school food service programs if the value of commodity donations is less than 90 percent of the value of deliveries initially programed for fiscal year 1973. The amount of cash donation provided under this bill would be that amount representing the difference between such estimated deliveries and 100 percent of such programed deliveries. Such payments would be apportioned among the States on the basis of the number of lunches and breakfasts served in fiscal 1972, appropriately adjusted between public and nonprofit schools where necessary.

The source of funding for the purchase of donated commodities by USDA include section 6 of the National School Lunch Act; section 32, which is the customs receipts fund established by the August 24, 1935 Act; and section 416 of the Agricultural Act of 1949. The amount of funds programed for these purposes by USDA for fiscal 1973 was initially $313.7 million, later revised to $307.6 million. The total amount programed was designed to provide approximately 7 cents per lunch, a target level established by Congress and accepted by USDA.

H.R. 4278, as passed by the House failed to include in the determination of the shortfall of agricultural commodities, the commodities delivered under the authority of section 416 of the Agricultural Act of 1949. The Senate committee amendment merely adds that source of commodities in order to meet the objectives of the bill. By adding Section 416 authority, an estimated $50 million in unexpended funds would be made available along the unexpended section 6 and section 32 funds for the balance of this fiscal year for these purposes. As to exactly how much of these funds would be available in the form of cash grants in lieu of donated commodities is to be determined by the Secretary of Agriculture based upon his estimated value of commodity deliveries for the balance of this year as of March 15.

It is the intent of both the committee and the Congress that the Secretary's estimate as of March 15 reflect the full amount of donated commodity shortfall so that each State receives a total amount of commodity assistance it expects for this year based on a national average value level of at least 7 cents per lunch.

To insure that the Secretary's March 15 estimate reflects this intent I am requesting that the Secretary submit a report to the Congress showing the total value of commodities delivered to the schools as of March 15 and the total value of commodities that will be delivered to the schools from the period March 15 to the end of this school year. I am requesting this report to show both national totals and a State-by-State breakdown.

Mr. President, on February 5, 1973, Miss Josephine Martin, chairman of the legislative committee of the American School Food Service Association testified before our committee concerning the reduction in donated foods to our Nation's schools and the impact that such reductions is having on the operation of our school feeding programs. I would like to request unanimous consent that her testimony be printed at this point in the Record.

There being no objection, the testimony was ordered to be printed in the Record, as follows:

STATEMENT OF JOSEPHINE MARTIN

Mr. Chairman and Members of the Committee:

I am Josephine Martin, Administrator of the School Food Service Program in the Georgia Department of Education. I appear today in behalf of the American School Food Service Association, a 50,000 member professional organization of school food service personnel whose purpose is committed to improving school food service for America's children.

I wish to thank you and each member of this committee for the leadership and support you have given child nutrition programs. I especially note the progress made in school food service legislation in the past four years. Without your leadership in the enactment of legislation that specifies minimum levels of assistance for meal payments, I shudder to think where school food service would be today in light of impoundments and cutbacks. There are 2 areas of federal funding which are creating great concern for school food service administrators.

The first is the donated foods program. The second is the level of funds for equipment. Although the child nutrition programs have not been faced with impoundments or cutbacks, in the traditional manner, during 1973 fiscal year school food service has suffered a serious reduction in the value of USDA foods delivered to the schools during the 1972–73 school year.

This commodity reduction has made it difficult for schools to operate without (1) operating a deficit program, (2) increasing sale price to children, or (3) requesting higher rates of reimbursement for free meals. In many instances where the meal cost exceeds 48¢, an increase in reimbursement is not possible as the school does not meet criteria for "especially needy" schools. When a school selects the alternative of sale price increases, many children stop buying lunches and therefore *"less* federal money is expended."

According to USDA figures, participation in the school lunch program has dropped 400,000 in November, 1972 as compared to November, 1971. The actual number of pupils eating in October, 1972 was 22,325,249. Either an increase in sale price or a decrease in quantity of food to stay within the budget would have a definite depressing effect on participation.

You are probably wondering just how much the commodities have been reduced. For several years the commodity program has provided an average food value of 7¢ per lunch. Normally many of the foods arrive in September and October. In 1971 basic commodities were allocated by USDA on August 26. Schools in Georgia and in many states prepare all breads, cakes and cookies from donated flour. In 1972–73 year, the schools experienced delays in receiving basic commodities that are supposed to be available in unlimited supply. The basic allocation was made October 2, 1972. Some of these commodities were flour, butter, non-fat dry milk, rice, etc. Consequently, schools had to go to the open market for purchase of these foods, and regardless of quantities of these foods delivered later, the schools cannot recoup losses. Purchased bread averages 3¢ per serving; school baked bread using donated foods averages ½¢ per serving. USDA indicated that mills failed to fulfill contractual requirements. In the meantime, schools suffered serious financial losses.

COMPARISON OF FOODS DELIVERED TO SCHOOLS IN GEORGIA

Through September 30, 1971, 12.8 million pounds; through November 30, 1971, 18.1 million pounds.

Through September 30, 1972, 7.5 million pounds; through November 30, 1972, 14.4 million pounds.

The most serious reduction is the reduction in quantities of meat and cheese available to schools. Because of the market situation, it does not appear that schools will receive beef or cheese this year.

The meal standards prescribed by USDA specifies that schools shall serve 2 ounces of meat or meat alternate in elementary schools and 3 ounces in high schools each day. With local schools paying 81¢ in South Georgia for ground beef, the meat alone costs at least 13.5¢ per serving in an elementary school and 20.2¢ in a secondary school. The schools must serve meat or meat alternate to meet the nutritional needs of children. The meat must be purchased either by USDA or by the local school. The same quantity and quality is needed irregardless of who makes the purchase. USDA purchases at a lower price than local systems.

USDA recently submitted bids for ground beef. The offers came in around 72¢ per pound. USDA did not purchase because the price was too high. During the same period some Georgia schools, on competitive bid, were paying 81¢ per pound in South Georgia; 74¢ on competitive bid in Jonesboro.

Securing accurate figures on foods delivered is very difficult; however, I have secured some statistics which will be of interest. In 1971–72, USDA purchased $68,000,000 of beef and pork for school use. To date, in 1972–73, there has been no beef, no cheese; the department has purchased approximately 357 servings of pork which has not been delivered in many parts of the state as of February 1.

The following chart shows a comparison of foods delivered through November 30 of 1971 and through November 30 of 1972:

	1971	1972
Number of pounds received through Nov. 30	18,149,942	14,404,810
Dollar value received through Nov. 30	$5,637,560	$3,550,717
	Pounds	Pounds
Frozen chicken	863,880	700,860
Canned boned poultry	0	409,683
Frozen turkey	1,225,698	664,875
Frozen pork	308,000	0
Frozen beef (bulk)	770,000	0
Frozen beef (patties)	37,500	0
Cheese	795,150	0
Canned apricots	922,680	0
Canned peaches	442,720	1,105,000
Canned green beans	579,994	0
Canned corn (brine and vacuum pack)	411,623	17,166
Canned green peas	459,640	0
Fresh cranberries	187,550	0
Fresh pears	767,205	0
Raisins	279,900	0
Canned pineapple	74,520	834,748
Canned pears	722,040	0
Canned tomatoes	56,495	0

USDA has purchased pork which will be reflected on January and February reports. There appears to be no hope for purchasing beef and cheese. The cost of foods on a per meal basis in Chatham County, Georgia has increased from 25¢ for the first 5 months in 1971 to 29.7¢ per meal for a corresponding period in 1972, or an increase of 4.7¢ per lunch. This increase reflects the decrease in commodities, as well as increased cost of purchased food. The total value of commodities received in Chatham County through January, 1973 is $69,000 less than the corresponding period in 1972.

Dougherty County, Albany calculates a commodity value of approximately 2.8¢ less per meal in 1972 than 1971.

The reduction in foods came without any warning to systems as USDA had announced its intention in June to supply foods at the 7¢ level.

As a dietitian, I find it very difficult to plan effectively to maximize resources when one financial resource is as variable as commodities, both in quantity and delivery. Schools need an assurance that foods will be delivered or where it is not practical, for USDA to purchase foods because of the total market situation, at a certain point such as February 1, that a cash payment will be made in lieu of foods. Stabilization of this large amount of assistance is needed if schools are to manage resources effectively and provide nutritionally adequate lunches to children. One final note on donated foods. The President's 1974 budget includes an increase of $6.1 million in Section 32 funds for purchase of foods. Since it has not been possible for USDA to spend funds for foods in 1973, the question is will they be used in 1974, or will schools be faced with making up this deficit from children's payments? The reduction in commodities is indeed one of the *greatest* financial crises to be faced!

My second area of concern is the inadequacy of funds for nonfood assistance or equipment. The Congress, the President, the National Advisory Council on Child Nutrition and the Department have each placed in high priority the belief that school food service should be expanded to be available to all needy children. PL 92–433 increased the authorization of funds for equipment to $40,000,000 which was a recognition of need for funds to expand programs. In changing the authorization, the formula was changed. The change in formula without a subsequent increase in appropriations meant for a number of states a decrease in allocation for this year. The states that generally experienced the decrease were states that have made an effort to get some kind of food service to the maximum number of children.

For many schools an increase in participation is impossible because facilities are inadequate. According to USDA statistics only 81.1% of the children eligible for free or reduced lunches are having lunch at school in spite of congressional mandate. As long as schools lack facilities, or have inadequate facilities, there is no way to reach the goal of "putting an end to hunger in America's classrooms." For each year of delay in providing adequate funds for equipment, the amount needed for this purpose will increase as more and more facilities become inadequate or obsolete each year. It is distressing that USDA has not requested additional funds for equipment in 1973 fiscal year, and it is even more distressing that the 1974 budget proposes a standstill of $16.1 million for equipment.

School food service personnel are concerned with the state of the economy. We do, however, seriously face the Congressional mandate of providing nutritionally adequate lunches to all economically needy children, and making available low cost lunches to all children who do not qualify for free or reduced lunches. Unless school administrators have sustained federal assistance in carrying out this mandate, it will not be met. We therefore ask you to give consideration to:

(1) Providing legislation to make it possible and to authorize USDA to make up for short falls in commodities by a cash payment to states.

(2) Provide legislation to use Section 32 funds this year to increase nonfood assistance levels to full authorization.

(3) Fund equipment programs in 1974 at level authorized.

Thank you for the privilege of appearing today to state needs and concerns. The dynamic aggressive leadership of this committee has made it possible.

Although the outlook is bleak today, we are fully confident that your sustained efforts will alleviate the current roadblocks to future progress.

COMPARISON OF DOLLAR VALUE OF COMMODITIES RECEIVED

SEP. 1–DEC. 1, 1971 SEP. 1–DEC. 1, 1972

	1971	1972
Alabama	$4,921,852	$1,880,241
Georgia	5,600,000	3,500,000
Iowa	4,258,006	3,190,405
Kansas	1,440,000	765,000
Kentucky	8,440,997	7,600,898
Minnesota	2,725,000	2,453,000
Mississippi	3,256,993	2,049,427
Nebraska	1,010,778	835,387
North Carolina	15,094,380	4,423,841
Oklahoma	3,353,427	2,416,192
South Dakota	(1)	(1)
Vermont	355,520	135,484
Wyoming	428,858	296,056

[1] Not available.

Source: Survey by ASFSA of State School Food Service Directors.

Mr. HUMPHREY. Miss Martin states:

This commodity reduction has made it difficult for schools to operate without (1) operating a deficit program, (2) increasing sale price to children, or (3) requesting higher rates of reimbursement for free meals.

Last year, at about this time USDA had purchased over 86 percent of the amount of commodities it had programed for the school year, whereas this year, it has thus far purchased only about 67 percent of its programed level. In that it is the judgment of our committee that USDA will not be able to procure the full amount of commodities that it has budgeted to meet its commitments for the balance of this school year, the committee supports the speedy enactment of this bill.

I should like to stress at this point, that this bill is in no way designed to fault USDA. The committee realizes that recent marketplace conditions regarding agricultural commodities has been highly unusual and that these conditions have made it difficult for USDA to carry out its normal purchase and donation of these commodities. However, the committee feels rather strongly that it cannot permit our Nation's school feeding programs to suffer as a result of these unusual conditions. It is for these reasons that the Senate committee, along with the Members of the House, are supporting enactment of this bill.

Mr. TALMADGE. Mr. President, I rise in support of the committee bill, H.R. 4278, which is designed to provide cash in lieu of commodity donations for the national school lunch program. This bill will compensate school districts around the country for a severe shortfall in the delivery of agriculture commodities by the USDA.

The shortfall of agriculture commodities has been especially severe in my own State of Georgia. Because of the numerous complaints that I received from school administrators in my State, I have written to the Secretary of Agriculture repeatedly to request that the delivery of commodities be increased. As a result of my requests, the Secretary did take action to improve commodity deliveries and to buy some commodities which had not previously been purchased. However, the improvement has not been great enough. School districts are still far short of the commodity deliveries that they had been promised. This has placed them in a severe financial squeeze. Hopefully, the passage of H.R. 4278 will provide immediate relief from this financial crisis.

Mr. President, I ask unanimous consent that my correspondence with Secretary Butz be printed at this point in my remarks. Included in this correspondence are tables showing the delivery of agricultural commodities to schools this year as compared with the last school year. These tables show that the situation has been severe in many States and that it has been much worse in some States than others.

I am glad that the Committee on Agriculture and Forestry was able to act so promptly on this emergency legislation and I hope that the Senate will approve it unanimously today.

There being no objection, the correspondence was ordered to be printed in the RECORD, as follows:

NOVEMBER 6, 1972.

Hon. EARL L. BUTZ,
Secretary of Agriculture, U.S. Department of Agriculture, Washington, D.C.

DEAR MR. SECRETARY: As you know, this year the Congress passed Child Nutrition legislation which became Public Law 92-433. One feature of this law is a guarantee of a state-wide average reimbursement of eight cents for lunches served under the National School Lunch Program. And last year Congress approved and the President signed legislation requiring a special reimbursement of 40 cents for free and reduced price lunches.

It was necessary for the Congress to increase the guaranteed reimbursement rate this year for the school lunch program because schools around the nation were having great difficulty in making ends meet. Because of increased food costs and rapidly rising labor costs, they could not continue to operate a sound school lunch program without either raising the price of school lunches or receiving a greater Federal or State reimbursement.

Cash assistance is only one form of Federal assistance that is provided for the School Lunch Program. In addition, the USDA donates agricultural commodities to the schools. During the 1971–72 school year, the USDA's contribution of donated commodities were valued at about seven cents per lunch. One of the witnesses who testified before the Subcommittee on Agricultural Research and General Legislation expressed alarm that the USDA contribution of donated commodities might be reduced for the 1972–73 school year. The Chairman of the Subcommittee, Senator James B. Allen, wrote to the Secretary of Agriculture and asked what level of commodities the USDA intended to maintain for the coming school year. Philip C. Olsson, Acting Assistant Secretary, responded that the USDA believed that it would provide a continued seven cents level of donated commodity support. In its Committee Report on the Child Nutrition Act of 1972, the Committee emphasized its desire to see the level of donated commodity support maintained:

"The Committee wishes to make clear that it intends that the level of donated commodities not be reduced from that level provided during the 1971–72 school year, which was about seven cents. The Committee intends that the seven cents be combined with the eight cents cash reimbursement for a total of 15 cents reimbursement for section 4 lunches."

Since Mr. Olsson expressed the position of the Department that a seven-cent level of donated commodity support would be maintained, I was amazed to find out what is happening in my own State of Georgia. After receiving numerous complaints about the failure of Georgia schools to receive their accustomed deliveries of USDA commodities, I asked for the latest available figures of commodities delivered compared with commodities delivered over the same period of time last year. I was shocked to see that deliveries of basic agricultural commodities have been cut back so severely. Attached is a table which shows dramatically how you have slashed commodity deliveries to Georgia.

Never in the memory of school lunch administrators have Georgia schools been without such basic commodities as dry milk, butter and peanut butter. However, they are currently without these commodities.

I am concerned about the failure of the USDA to purchase and deliver to our schools a number of products which are produced in great quantity in Georgia. The list of these includes poultry, beef, pork, grits, canned vegetables and cornmeal. However, it is extremely distressing to me to find that the USDA is not purchasing sufficient quantities of peanut butter. I have received reports from leaders among the peanut growers in my State that USDA officials are saying that it will be necessary to cut back on the peanut program next year because of the increasing productivity of our farmers. However, I believe that if you would use sufficient quantities of these peanuts in our Child Nutrition Programs and in the PL 480 Program, our excess production would rapidly be utilized.

I have obtained figures showing delivery of commodities to Georgia schools for the period July through September. I would like data showing deliveries through October, not only for Georgia, but for other States. In addition, I would like to know whether the USDA intends to increase its level of commodity deliveries so as to meet its commitment to the Agriculture Committee and its responsibility to American school children.

With every good wish, I am,

Sincerely,

HERMAN E. TALMADGE,
Chairman.

DELIVERY OF COMMODITIES TO GEORGIA SCHOOLS

Commodities	Delivered during July through September 1971	Delivered during July through September 1972	Decrease 1972
Beef, pork, poultry, and cheese (pounds)	1, 345, 867	228, 937	1, 116, 930
Canned goods:			
Fruits, vegetables, and peanut butter (cases)	22, 895	2, 493	20, 402
Flour, dry beans, cornmeal, rice, grits, oatmeal and dry milk (pounds)	3, 339, 080	1, 807, 900	1, 531, 180

Note: Some other items are: shortening 5,078 pounds less this year; salad oil 8,696 cases less this year; butter 163,712 pounds less this year; fruit and vegetable juice 1,095 cases less this year.

NOVEMBER 14, 1972.

Hon. HERMAN E. TALMADGE,
Chairman, Committee on Agriculture and Forestry, U.S. Senate.

DEAR MR. CHAIRMAN: Secretary Butz has asked me to thank you for your letter of November 6 regarding the donated foods which the Department supplies for schools.

Deputy Assistant Secretary Philip Olsson defined the Department's policy in his letter of July 28, 1972 to Senator Allen, in which he stated, "Over the past several years the Department has been able to consistently provide a level of commodity support at about seven cents per lunch. The actual purchase of these commodities, especially those purchased with Section 32 funds is dependent on supply and other market conditions. The Section 32 funds expended on these commodities serve two purposes—agricultural stabilization and school lunch support. Since it is impossible to predict market conditions with complete precision, the Department's budget for commodity purchase is our best educated estimate." Under the circumstances prevailing in recent months, we have been faced with unusual problems in this respect. Our procurement of red meats and cheese has, of course, been particularly affected. At the same time, unfavorable crop harvests have cut back our purchases of vegetables.

We should add, however, that a three months' supply of nonfat dry milk was generally available in Georgia schools before the beginning of the school year. Similarly, we have been able to fill the State's orders for butter and are assured that there is, indeed, a sufficient inventory of that product on hand in the State. The State ordered 136,000 pounds of grits for October shipment. More than half this amount has been received; the remainder is enroute. While the State did not ask for cornmeal for October, it did receive the amount it requested for schools in September. Georgia has received a greater allocation of poultry for schools this year than previously.

Late deliveries of flour for all our programs constitute an endemic problem we have faced over the years, but the specific problem in Georgia is largely the result of late deliveries by a flour mill in Macon. We have every reason to believe that this situation will be remedied promptly.

Peanut butter is available for unrestricted school distribution. Although shipments this year were delayed somewhat because of a requested change in funding from Section 416 to Section 32, we have been attempting to increase the use of peanut butter on a rather broad front. Here the thrust of our efforts has been to encourage the industry to work directly with schools to promote the consumption of peanut butter. We have also authorized the distribution of peanut butter in 500-pound drums for the convenience of bakers who hold processing contracts with schools. The November-December issue of the *School Food Service Journal* will describe ways in which peanut butter use can be increased in schools through processing contracts. We will make sure that a copy of this publication is forwarded for your personal attention.

Additionally, the Department has initiated a test of granular peanuts in Florida schools which promises favorable results nationally. We believe that our continuing efforts to enhance the versatility of this food will prove rewarding.

The data which you requested with regard to commodity deliveries is being compiled for each State represented by members of your committee. It will be provided promptly to the degree that we have received October reports here in Washington.

Sincerely,

RICHARD LYNG,
Assistant Secretary.

COMMODITIES DISTRIBUTED TO SCHOOLS JULY-OCTOBER 1971 AND 1972

[Thousands of pounds]

Food	Alabama		Florida		Georgia		Iowa		Kansas		Louisiana		Minnesota		Mississippi	
	1971	1972	1971	1972	1971	1972	1971	1972	1971	1972	1971	1972	1971	1972	1971	1972
Apples, fresh					10	34										
Applesauce										206		12		59		
Apricots	647		917		923				319		439				503	
Beans, canned			64		176								286			
Beans, dry			103	52	507			40	100	59	10	191	155	36	317	294
Beef, frozen	423		963		732						413		655	(1)	308	
Bulgur		76								35			40	59	6	
Butter		480	1,580	1,037	970	820	874	868	556	563	1,007	913	905	843	412	576
Cheese	506	8	731	1	681		201		134	60	214	3	370		347	
Chickens, frozen	432	288	612	288	576	254		186		(1)	441	595	303	302	288	432
Corn, canned					38						17					
Cornmeal	651		171	131	427	553	1	10		63	437	343	51	45	462	416
Flour	3,070	2,323	3,530	2,564	2,706	3,035	1,333	1,726	1,788	2,179	2,760	3,257	1,403	1,217	1,590	2,111
Grits	217	224	3	18	3							2			25	
Milk, N.F.D	25		346	315	1,306		272	355	270	201	411	347	177	210	364	320
Oats, rolled	174	146	123	74	136		120	138	34	41		57	64	95	13	
Orange juice, frozen					33		(1)		3		417					
Peaches, canned	576	423	82	304	239	582		121					412	905	354	74
Peanut butter		112	202	102	107	204		388		101	73	287	112	159	12	225
Pears, canned	506										105		110		458	
Pears, fresh					404				218		484		198			
Peas, canned					193						130		310		237	
Peas, dry, split		76											24	53		
Pineapple, canned		534		62		308		(2)				24		17		453
Plums, canned																
Pork, canned				150				(1)		70		139				
Pork, frozen					193					214	39	260			193	
Potatoes, dehydrated								(1)		180				(1)		
Potatoes, french fried										300		2		(1)		
Poultry, canned		148				179		517		286		609		354		
Prunes, canned														1		
Prunes, dry													(1)			
Raisins			102	2	36			1			48		7	23	152	
Rice			491	272	546	424	151	11	43	48	1,130	1,092	90	93	487	326
Salad oil		276	260	155	611	67	193	150	64	64	233	188	96	98		
Shortening	374	232	217	351	478	662	240	162	177	165	458	423	166	157	431	393
Tomatoes, canned											11	(1)	(1)			
Turkey, frozen	421	455		773	805	385	71	145		(1)	652	545	351		561	281
Wheat, rolled							103	(1)	19	9	38	6	27	29	12	
Sweetpotatoes, dehydrated														1		
Total	8,026	6,201	10,497	6,651	12,836	7,507	3,559	4,849	3,725	4,844	10,367	9,295	6,342	4,716	7,532	5,401

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[1] Less than 50,000 pounds.

COMMODITIES DISTRIBUTED TO SCHOOLS JULY-OCTOBER 1971 AND 1972

Food	Nebraska		North Carolina		North Dakota		Oklahoma		South Dakota		Vermont		Total, 1971	Total, 1972	Grand total
	1971	1972	1971	1972	1971	1972	1971	1972	1971	1972	1971	1972			
Apples, fresh													10	34	44
Applesauce		71		2		35		44		77		2		508	508
Apricots	163		1,059		90		(1)				28		5,488		5,488
Beans, canned			451		2								176	808	984
Beans, dry	(1)	8	302	449	31	15	122	71	(1)	4	1	1	1,644	1,220	2,868
Beef, frozen	64		693		39		157		75	(1)	64	(1)	4,586		4,586
Bulgur				97	10		31	30	9	7			96	284	380
Butter	314	309	1,484	1,279	160	150	722	892	142	159	94	90	9,220	4,979	18,199
Cheese	249		770		59		206		43		22		4,533	72	4,605
Chickens, frozen	12		644	324		72	147	162	71		36	66	3,562	2,969	6,531
Corn, canned		(1)											55		55
Cornmeal			340	392	7	5	203	190	2	2		10	2,752	2,160	4,912
Flour	440	674	2,694	3,404	257	345	2,431	2,342	367	416	190	199	24,959	25,792	50,751
Grits			33	35							1		282	279	561
Milk, non-fat dry	125	71		505	27	26	301	261	40	41	3	26	3,667	2,678	6,345
Oats, rolled	48	32	77	68	9	8	117	104	23	2	2	11	944	776	1,720
Orange juice, frozen	214		396				17	(1)			4		6,084		1,084
Peaches, canned	2		250	1,464	74	144		1	(1)			2	2,019	4,420	6,439
Peanut butter	12	45	29	305	42	47	47	94	(1)	22	1		636	2,091	2,727
Pears, canned					92					(1)			1,271		1,271
Pears, fresh	77		579		85		64		41		5		2,162		2,162
Peas, canned			89										959		959
Peas, dry split					2		7			2	3	(1)	36	111	147
Pineapple, canned				391				(1)						1,820	1,820
Plums, canned	2												2		2
Pork, canned		139				69		211		56				834	834
Pork, frozen	67	70	68	27	39					1	3	1	602	573	1,175
Potatoes, dehydrated		17		33		4		3		(1)		10		247	247
Potatoes, french fried		49						105		(1)				456	456
Poultry, canned		206		734		1		227		67				3,328	3,328
Prunes, canned														1	1
Prunes, dry	8										(1)		8		8
Raisins			222	25			5						572	51	625
Rice	51	25	345	357	24	20	95	61	23	10	14	12	3,490	2,751	6,241
Salad oil	102	52	311	298	18	21	227	398	44	19	19	20	2,148	1,806	3,954
Shortening		75	504	546	17	22	393	474	45	51	26	28	3,526	3,741	7,267
Tomatoes, canned	5									1	(1)		16	1	17
Turkey, frozen	132		945	911	106	70	143	202	68				4,255	3,767	6,022
Wheat, rolled			6	29	6	3							211	76	287
Sweet potatoes, dehydrated	12	30			3	7			5	3			41	20	61
Total	2,499	1,873	12,296	11,675	1,199	1,064	5,435	5,872	975	940	516	478	85,016	72,453	157,669

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[1] Less than 50,000 pounds.

NOVEMBER 17, 1972.

Hon. EARL L. BUTZ,
Secretary, U.S. Department of Agriculture, Washington, D.C.

DEAR MR. SECRETARY: I am quite disappointed in the letter I received from Secretary Lyng on November 15 in response to my letter to you regarding the failure of the Department of Agriculture to deliver commodities for the School Lunch Program. As I read Secretary Lyng's letter, the USDA is backing down on its responsibility to provide a seven-cent level of donated commodity support for lunches served under the School Lunch Program. Also, I understand there is no hope that schools will get any red meat and cheese during this school year.

In view of the Committee's dialogue with your office and in view of its strong position as stated in the Committee Report on the Child Nutrition Act of 1972, I am dismayed by your present position. I am enclosing a copy of this report with the relevant portions marked for your attention.

As you know, school administrators around the country originally wanted more than eight-cents as a level of reimbursement for the regular school lunch program. They argued that in view of increasing food costs and rising labor costs 10 cents was needed. However, they agreed to accept as a compromise an eight-cent level of guaranteed reimbursement with the understanding that the USDA would continue to provide a seven-cent level of donated commodity support. Therefore, your present position will be regarded as a breach of faith on your part.

I can understand your reluctance to go into the market and buy commodities which are in short supply, for you fear reaction from the nation's consumers. However, children are just as important as any other consumers. They need protein foods even more than adult Americans. I do not believe that the American public will stand for a policy in which we deny meat to our children even though the price is not cheap.

As you know, the eight-cent level of reimbursement for the regular school lunch program and the 40-cent level of reimbursement for the free and reduced price lunch program are guaranteed minimums. You have full authority to provide a greater rate of reimbursements. If you do not intend to increase your deliveries of commodities to an extent which will provide schools with a yearly average value of seven cents per lunch, then I believe you have a responsibility to increase the cash reimbursement to make up the difference.

I have not made my correspondence to you available to the press, for I have hoped that we can work this problem out without creating a public furor. Although you were not then Secretary of Agriculture, I am sure you are familiar with the fight over school lunch funding in 1971. Because of the refusal of the Administration to provide an adequate level of funding for free and reduced price lunches, it was necessary for Congress to pass PL 92-153, which mandated a fixed level of reimbursement both for free and reduced price lunches and for paying lunches.

Although I initiated this legislation, I did so only because there was no other way to save the National School Lunch Program. I feel that whenever the Department of Agriculture comes under public criticism because of its failure to properly administer the School Lunch Program, added ammunition is given to those who cry for the transfer of all feeding programs out of the Department of Agriculture. As you know, there is no stronger foe to efforts to dismantle the Department of Agriculture than I. I believe that any transfer of functions from the USDA will make it that much easier to completely dismantle and eliminate the USDA as a Cabinet level department.

I hope that you will take a personal interest in solving this problem on commodity deliveries and that I will receive a favorable response in the near future. School lunch administrators in my State are desperate for help and I believe that public opinion in this country will force you to take the appropriate action sooner or later.

With every good wish, I am,
Sincerely,

HERMAN E. TALMADGE,
Chairman.

DECEMBER 12, 1972.

Hon. HERMAN E. TALMADGE,
Chairman, Committee on Agriculture and Forestry, U.S. Senate.

DEAR MR. CHAIRMAN: I have reviewed your correspondence with Assistant Secretary Lyng regarding the volume of commodities we have been delivering for the School Lunch Program.

I think you will be pleased to know that we are, today, requesting bids for the delivery of ground beef and ground pork for the School Lunch Program. These purchases will be made with Section 6 funds. A copy of the press release announcing that purchase is enclosed.

I am of the opinion, Mr. Chairman, that with a few exceptions our deliveries of commodities to the schools will total not much less than normal. While it is true that we are not acquiring cheese under the support program and therefore will not be providing the allotments of cheese that many schools would like, and while it is also true that this year there has been bad weather in many parts of the nation which has affected the supply of such things as raisins, prunes, and canned fruit, it is also true that we have been buying much larger quantities this year of frozen turkey, broilers, and canned boned fowl.

We are supplying the schools all that is requested of butter, peanut butter, flour, rice, and a number of other commodities.

Unfortunately, we had some problems with late delivery early in the season which have now been corrected. I have asked the staff of the Agricultural Marketing Service, the Agricultural Stabilization and Conservation Service, and the Food and Nutrition Service, to monitor closely the procurement and shipment of commodities for schools. We are as much concerned as you are, Mr. Chairman, that this valuable program be carried on as effectively as possible.

Sincerely,

EARL L. BUTZ,
Secretary.

USDA ANNOUNCES PLANS TO BUY GROUND BEEF AND GROUND PORK

WASHINGTON, December 12.—The U.S. Department of Agriculture today announced plans to purchase frozen ground beef and frozen ground pork. The commodities will be distributed to schools taking part in the National School Lunch Program.

USDA's Agricultural Marketing Service said purchases will be made only from packers or processors operating under federal inspection so that the products may be shipped in interstate commerce. Vendors also must comply with provisions of the Humane Slaughter Act of 1958. The commodities must be prepared from domestically slaughtered and processed meat. Funds for the programs are provided under Section 6 of the National School Lunch Act.

Specifications for the beef product are in Schedule AA and in Schedule GP for the pork item. Offers of both products must be made in units of 38,500 pounds, net weight.

First offers will be due by 3 p.m. (EST) Tuesday, Dec. 26. USDA will make acceptances by midnight Friday, Dec. 29. Offers and acceptances will be made weekly thereafter until further notice. Depending upon offers and program needs, freight costs may be considered in evaluating offers. The eligible delivery period for the first offer date will be the week beginning Jan. 28, 1973.

Program details will be mailed to the industry this week. Inquiries should be addressed to the Contracting Officer, Livestock Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250.

JANUARY 25, 1973.

Hon. EARL L. BUTZ,
Secretary, U.S. Department of Agriculture, Washington, D.C.

DEAR MR. SECRETARY: I was heartened and encouraged by your letter of December 12 in response to my repeated pleas for improved deliveries of agricultural commodities for the School Lunch Program.

You indicated in this letter that you were requesting bids for the delivery of ground beef and ground pork for the School Lunch Program. Although I know you have purchased some pork, I understand that you have not accepted any bids for delivery of ground beef.

Also, you stated in your letter of December 12 "that with a few exceptions our deliveries of commodities to the schools will total not much less than normal." Unfortunately, schools in my own State of Georgia are not receiving the increase in commodity deliveries that I had anticipated as a result of your letter. Because your initial delivery of commodities for the schools this year was so low, many Georgia school systems were placed in a severe financial predicament. Unfortunately, you have not increased commodity deliveries sufficiently to provide them with significant relief.

I have asked the Administrator of School Food Services to provide me with the latest figures that she has on commodity deliveries. The following is a comparison of the donated foods received in 1971 as compared to 1972:

	1971	1972
Number of pounds received through Nov. 30	18,149,942	14,404,810
Dollar value received through Nov. 30	$5,637,560	$3,550,717

The Committee on Agriculture and Forestry will hear at least one witness on the problem of commodity deliveries during our hearings on program cutbacks and terminations which begin on February 1st. Therefore, I am requesting that you supply the Committee with a breakdown of commodities distributed to schools in the period July through December in 1972 as compared with the corresponding figures for the same period in 1971. Since I know it will be difficult to provide these figures for all states, you may use the same states and the same format that you used in your previous report covering the period July through October. The Committee will need this information by the time that the hearings begin on February 1st.

With every good wish, I am,
Sincerely,

HERMAN E. TALMADGE,
Chairman.

Hon. HERMAN E. TALMADGE,
Chairman, Committee on Agriculture and Forestry, U.S. Senate.

DEAR MR. CHAIRMAN: Thank you for your letter of January 25 regarding the purchase of Agricultural commodities for the National School Lunch Program.

As I indicated in my letter of December 12, 1972, we requested bids for delivery of ground beef and ground pork to be purchased under Section 6 of the National School Lunch Act. The bids to deliver ground pork were much more favorable than those to deliver ground beef. Therefore, in the past 6 weeks we have accepted bids for 10,318,000 pounds of ground pork at a cost of $6,895,981. This will begin reaching the schools shortly.

We have been disappointed at the response to some of our recent requests for bids. For example, we have requested bids for red tart cherries and for green beans for the School Lunch Program. In neither case were sufficient quantities offered to make a full distribution to schools and therefore we made no purchase of these commodities.

Attached is the data that you requested regarding delivery to several schools in certain states. As you will see the amount of commodities delivered varies from state to state.

Sincerely,

EARL L. BUTZ.

AMOUNT OF COMMODITIES DELIVERED

Food	Pounds distributed July to December 1971	Pounds distributed July to December 1972
NORTH CAROLINA SCHOOLS		
Applesauce	1,725,381	67,068
Apricots, canned	829,920	
Beans, dry	540,842	480,138
Beans, canned green	752,324	
Beef, frozen ground	576,620	
Bulgur	117,024	112,512
Butter	1,717,568	1,671,136
Chicken, frozen	1,367,790	1,151,670
Corn, canned	512,338	193,940
Cornmeal	639,250	695,600
Cranberries	150,000	
Flour	5,447,700	5,555,950
Grits	117,552	68,400
Milk, nonfat dry	647,568	517,860
Oats, rolled	149,724	104,364
Peaches, canned	1,819,320	1,478,320
Peanut butter	428,448	424,280
Peas, canned	705,040	
Pineapple, canned	803,988	915,395
Pork, frozen ground	691,955	26,260
Potatoes, dehydrated		35,400
Potatoes, sweet dehydrated	125,550	
Potatoes, sweet syrup	410,766	
Poultry, canned boned		737,998
Prunes, canned dried	863,865	
Raisins	56,736	25,500
Rice	615,590	614,162
Salad oil	400,831	490,366
Shortening, vegetable	1,042,845	1,012,220
Tomato paste	282,975	
Tomatoes canned	1,169,570	48,457
Turkeys, frozen	1,509,261	
Turkey rolls frozen		1,225,183
Wheat, rolled	93,348	47,880
Total	26,311,689	17,700,059
KANSAS		
Applesauce	676,755	206,388
Apricots, canned	260,760	
Beans, dry	238,650	142,525
Beans, canned	228,494	
Beef, frozen	236,362	
Bulgur	59,184	51,168
Butter	979,808	1,022,080
Chicken, frozen	360,090	304,500
Corn, canned	132,361	
Corn meal	112,100	98,150
Flour	3,186,250	3,528,500
Milk, nonfat dry	373,734	339,714
Oats, rolled	70,452	76,896
Peaches, canned	552,160	479,280
Peanut butter	166,444	100,609
Peas, canned	230,960	
Pineapple, canned	251,712	304,456
Pork, canned		69,556
Pork, frozen ground	231,000	354,640
Poultry, canned		485,504
Potatoes, dehydrated		179,970
Potatoes, frozen, french fries		300,000
Prunes, dried (canned)	240,930	
Raisins	22,530	
Rice	85,536	75,216
Salad oil	55,255	130,654
Shortening, vegetable	330,108	297,828
Turkeys, frozen	318,280	245,974
Wheat, rolled	93,456	8,676
Total	9,493,371	8,802,284
NORTH DAKOTA		
Applesauce	233,119	35,114
Apricots, canned	92,560	
Beans, dry	87,550	29,375
Beans, canned	81,776	
Beef, frozen	77,000	
Bulgur	8,880	
Butter	231,360	240,416
Chicken, frozen	177,750	143,970
Corn, canned	75,803	
Corn meal	6,150	5,000
Flour	423,800	453,000
Milk, nonfat	44,766	36,774
Oats, rolled	13,932	11,916
Peaches, canned	196,680	151,880
Peanut butter	64,309	69,341
Peas, canned	80,680	
Peas, dry split	3,240	
Pineapple, canned	90,376	91,742
Pork, canned, natural juice		69,166
Pork, frozen ground	192,170	
Potatoes, dehydrated		4,260
Potatoes, sweet dehydrated		11,903
Poultry, canned		740
Prunes, canned dried	71,055	
Raisins		
Rice	28,350	29,400
Salad oil	44,120	31,370
Shortening, vegetable	30,977	33,156
Tomato paste, canned	6,743	
Tomatoes, canned	47,048	
Turkeys, frozen	175,917	70,081
Wheat, rolled	8,748	3,456
Total	2,594,859	1,522,060
ALABAMA		
Applesauce, canned	1,522,598	353,686
Apricots, canned	489,320	
Beans, dry		284,075
Beans, canned, green	478,648	
Bulgur	141,360	75,900
Butter	1,452,544	1,259,998
Chicken, frozen cut	935,730	899,910
Corn, canned		286,955
Corn meal	564,800	538,900
Cranberries, fresh	93,475	
Flour	2,226,650	3,740,850
Grits, corn	298,512	250,300
Milk, nonfat dry	450,468	278,262
Oats rolled	369,792	229,284
Peaches, canned	1,116,240	960,040
Peanut butter	375,210	144,499
Peas, canned	431,760	
Pineapple	522,054	261,606
Peas, dry split		76,100
Pork, forzen ground	1,000,285	
Prunes, canned dried	503,955	
Poultry, canned		221,894
Rice	468,300	333,800
Salad oil	1,665,556	579,671
Shortening, vegetable		510,740
Tomato, canned	757,350	745,990
Turkeys, frozen	944,956	979,344
Wheat rolled	122,040	182,232
Total	16,931,603	13,194,036
VERMONT		
Applesauce, canned	36,086	2,025
Apricots, canned	35,000	
Beans, dry	31,600	19,150
Beans, canned green	19,623	
Beef, frozen ground		220
Butter	89,888	97,088
Chicken, frozen cut-up	70,950	71,940
Corn meal	10,200	12,700
Cranberries, fresh	21,900	
Flour	204,550	217,600
Grits, corn	1,920	
Meat, canned chopped	18,990	25,830
Milk, nonfat dry	28,944	28,404
Oats, rolled	1,656	13,752
Orange juice, frozen concentrated	1,500	
Peaches, canned	69,800	36,419
Peanut butter	23,379	20,295
Peas, canned	32,000	
Peas, dry split	3,864	
Pineapple, canned	35,687	36,142
Potatoes, frozen french fries		6,300
Potatoes dehydrated		11,265
Pork, frozen ground	113,520	2,688
Prunes, canned dried	37,305	
Raisins	540	
Rice	21,300	14,600
Salad oil	21,852	20,883
Shortening, vegetable	25,988	29,268
Turkeys, frozen	66,680	
Turkey rolls, frozen		10,975
Total	1,024,722	677,544
OKLAHOMA		
Applesauce	334,975	44,104
Apricots	265,880	
Beans, dry	564,224	436,500
Beans, canned green	14,212	
Beef (frozen, ground)	154,055	
Bulgur	56,650	64,600
Butter	1,181,184	1,358,592
Chicken, frozen, cut	216,000	357,390
Corn, canned	7,845	80
Cornmeal	317,050	368,450
Flour	3,690,300	4,285,600
Farina		10,521
Milk, nonfat dry	464,562	490,104
Oats, rolled	172,764	204,984
Orange juice, frozen	62,190	420
Peaches, canned	33,240	600,600
Peanut butter	198,577	178,486
Peas, canned	12,480	
Peas, dry split		29,100
Pineapple, canned	13,869	305,076
Pork, canned		210,974
Pork, frozen ground		
Potatoes, dehydrated		3,000
Potatoes, frozen, french fries		74,880
Potatoes, sweet syrup	11,858	
Poultry, canned		227,549
Prunes, canned dried	15,120	
Raisins	53,370	
Rice	123,800	123,150
Salad oil	295,911	500,809
Shortening, vegetable	714,950	667,700
Tomato paste, canned		
Tomato, canned	20,923	
Turkeys, frozen	312,695	384,763
heat, rolled		
Total	9,308,684	10,927,432
KENTUCKY		
Applesauce	670,518	391,879
Apricots, canned	553,480	
Beans, dry	671,450	684,750
Beans, canned green	478,800	
Beef, canned with natural juice.	16,182	
Beef, frozen ground	269,500	
Butter	1,080,768	1,122,752
Chicken, canned boned	5,438	
Chicken, frozen cut	863,580	749,940
Corn, canned	344,791	108,716
Cornmeal	589,050	549,850
Farina		2,856
Flour	1,671,050	2,195,850
Meat, canned chopped	27,585	11,835
Milk, nonfat dry	76,734	513,702
Oats, rolled	255,852	247,968
Peaches, canned	1,064,080	975,160
Peanut butter	408,199	405,299
Peas, canned	418,880	
Pineapple, canned	536,047	612,471
Poultry, canned boned	24,317	44,326
Pork, canned with natural juices.	15,747	8,482
Pork, frozen ground	616,000	
Potatoes, frozen french fries		300,000
Potatoes, sweet syrup	141,181	
Prunes, canned dried	423,675	
Raisins	240	
Rice	84,250	156,100
Salad oil	273,134	283,390
Shortening, vegetable	463,125	501,822
Tomatoes, canned	727,324	191,365
Turkeys, frozen	628,694	1,116,888
Wheat, rolled	114,768	139,500
Total	13,514,439	13,314,901
SOUTH DAKOTA		
Applesauce, canned	80,676	78,164
Apricots, canned	76,360	
Beans, dry	52,650	35 559
Bulgur	11,808	15,840
Butter	251,872	303,008
Chicken, canned boned		66,642
Chicken, frozen cut-up	66,270	143,100
Corn, canned	318	40
Corn meal		19,850
Flour	613,700	698,750
Grits, corn	2,064	
Lentils	360	
Milk, nonfat dry	67,176	63,450
Oats, rolled	34,920	22,968
Orange juice, frozen concentrate	1,700	
Pears, canned		80
Peaches, canned	149,480	138,600
Peanut butter	51,107	57,495
Peas, canned	64,520	
Peas, dry, split	2,520	3,168
Potatoes, sweet dehydrated		2,581
Pineapple, canned	75,224	87,685
Pork, canned with natural juice		56,419
Pork, frozen ground	69,300	605
Potatoes, dehydrated		45
Potatoes, frozen french fries		390
Potatoes, sweet dehydrated		93
Poultry, canned		1,827
Prunes, canned dried	68,040	
Raisins	96	
Rice	42,506	34,676
Salad oil	15,431	30,261
Shortening, vegetable	70,064	84,886
Tomato, paste canned	333	
Tomatoes, canned	5,814	727
Turkey rolls		36,363
Turkey, frozen	63,446	69,553
Wheat, rolled	11,016	
Total	1,948,771	2,052,825

AMOUNT OF COMMODITIES DELIVERED—Continued

Food	Pounds distributed July to December 1971	Pounds distributed July to December 1972
IOWA		
Applesauce, canned	440,234	
Apricots, canned	415,680	
Beans, dry	287,100	156,925
Beans, canned green	366,700	
Beef, frozen ground	192,390	
Bulgur		
Butter	1,721,152	1,513,792
Cheese		
Chicken, frozen cut	467,880	647,970
Corn, canned	324,757	7,300
Corn meal	88,800	61,900
Cranberries, fresh	103,125	
Flour	2,222,100	2,861,550
Milk, nonfat dry	275,346	427,788
Oats, rolled	129,348	175,464
Orange juice frozen concentrated	9,360	
Peaches, canned	881,640	388,880
Peanut butter	211,654	538,311
Peas, canned		323,800
Pineapple, canned	362,240	295,637
Pork, canned	405,596	740
Pork, frozen ground	500,390	
Potatoes, dehydrated		390
Potatoes, sweet, canned		
Poultry, canned		517,650
Prunes, canned dried	356,220	
Raisins	12,420	1,050
Rice	158,350	91,600
Salad oil	150,057	156,663
Shortening, vegetable	302,550	170,250
Tomato paste, canned	3,579	
Turkeys, frozen	591,826	690,593
Wheat, rolled	95,472	1,872
Total	11,075,966	9,030,125
MISSISSIPPI		
Applesauce	1,093,863	
Apricots	349,920	
Beans, dry	413,032	319,825
Beans, canned, green	340,480	
Beef, frozen, ground	307,395	
Bulgur	6,048	6,336
Butter	767,040	803,668
Chicken, frozen	683,580	398,160
Corn, canned	251,339	151,686
Corn meal	607,100	608,350
Cranberries	100,000	
Flour	2,514,950	2,783,400
Grits	24,816	30,384
Milk, nonfat dry	446,040	363,598
Oats, rolled	13,104	14,292
Peaches, canned	889,960	665,960
Peanut butter	312,216	238,740
Peas, canned	359,960	
Pineapple, canned	369,412	316,751
Pork, frozen, ground	692,560	
Potatoes, sweet, syrup	192,780	
Prunes	359,685	
Raisins	13,152	
Rice	471,012	467,842
Shortening	429,742	438,346
Tomatoes, canned	405,372	601,847
Turkey, frozen	699,642	945,441
Wheat, rolled	12,672	12,492
Total	13,136,874	9,167,118
MINNESOTA		
Applesauce	1,156,032	58,725
Apricots	506,080	
Beans, dry	153,100	128,000
Beans, canned green	440,116	
Beef, frozen ground	206,635	165
Bulgur	33,100	66,500
Butter	1,272,896	1,410,336
Chicken, frozen	597,660	860,670
Corn, canned	337,477	19,875
Corn meal	44,900	78,500
Cranberries, fresh	29,975	
Flour	1,791,500	2,568,138
Milk, nonfat dry	200,278	339,226
Oats, rolled	61,668	117,478
Peaches, canned	997,000	906,091
Peanut butter	198,618	302,569
Peas, canned	449,320	
Peas, dry split	23,200	42,142
Pineapple, canned	489,803	16,684
Plums, canned	41	
Pork, canned		
Pork, frozen ground	614,900	2,090
Potatoes, sweet dehydrated	48,058	29,985
Potatoes, canned sweet		956
Potatoes, french fries		300
Poultry, canned		354,220
Prunes, canned dried	483,120	630
Raisins	80,520	32,910
Rice	181,950	201,300
Salad oil	68,330	167,475
Tomatoes, canned	568,930	262,194
Shortening, vegetable	241,375	[1]229,844
Tomato paste	11,945	
Turkey, frozen ground		
Turkeys, frozen	689,333	461,912
Wheat rolled	35,676	49,068
Total	12,013,536	8,707,983
NEBRASKA		
Applesauce, canned	312,174	79,785
Apricots, canned	162,120	
Beans, dry	350	65,325
Beans, canned, green	96,064	
Bulgur		37,872
Beef, frozen ground	153,010	
Butter	428,768	417,920
Chicken, frozen cut-up	114,660	194,790
Corn, canned	77,553	80
Corn meal	26,200	17,950
Cranberries, fresh	30,000	
Flour	1,718,900	1,141,391
Grits, corn		
Milk, nonfat dry	113,724	135,864
Oats, rolled	32,652	57,204
Orange juice, frozen, concentrated	102,810	
Peaches, canned	416,000	333,600
Peanut butter	42,900	72,146
Peas, canned	100,560	
Peas, dry, split	6,600	
Pineapple, canned	134,385	221,531
Plums, canned	17,263	
Pork, canned, with natural juice		138,636
Pork, frozen, ground	92,455	111,980
Potatoes, dehydrated		16,845
Potatoes, sweet dehydrated	19,344	
Potatoes, canned sweet		29,796
Potatoes, frozen french fries		48,780
Poultry, canned		206,408
Prunes, canned, dried	99,720	
Raisins		
Rice	15,550	47,600
Salad oil	92	96,189
Shortening, vegetable	105,739	123,840
Tomato paste, canned	92,022	
Tomatoes, canned	45,097	
Turkeys, frozen	260,018	242,528
Wheat, rolled		
Total	4,816,730	3,838,060
GEORGIA		
Appleasauce	1,213,259	109,998
Apples, fresh		33,500
Apricots, canned	757,200	
Beans, dry	571,500	684,550
Beans, canned green	640,452	
Beef, frozen ground	423,455	37,500
Butter	2,168,960	1,310,336
Chicken, frozen cut-up	1,187,910	1,309,650
Corn, canned	474,934	71,232
Corn meal	701,650	725,400
Cranberries, fresh	12,500	
Flour	4,633,900	5,247,350
Grits	1,200	44,940
Milk, nonfat dry	1,257,714	525,800
Oats, rolled	360	206,950
Peaches, canned	1,306,560	1,105,000
Peanut butter	440,674	560,134
Peas, canned	607,400	
Pineapple, canned	777,409	886,250
Pork, frozen ground	462,000	
Poultry, canned boned		437,524
Potatoes, sweet syrup	566,903	
Prunes, canned, dried	864,000	
Rice	766,838	581,450
Salad oil	60,060	124,601
Shortening, vegetable	1,121,650	776,650
Tomatoes, canned	1,000,352	70,763
Turkeys, frozen	1,191,660	1,013,648
Total	23,210,490	15,863,226

[1] Figures through November.

Mr. ALLEN. Mr. President, I rise in support of H.R. 4278, a bill that is designed to compensate schools for the shortfall in the delivery of USDA commodities for their school lunch program. This bill would require the Department of Agriculture to honor a commitment made to the Committee on Agriculture and Forestry in 1972. As chairman of the Subcommittee on Agricultural Research and General Legislation, I held hearings last year on H.R. 14896, a bill which made important changes in our child nutrition programs. One of the changes made by this legislation, which became Public Law 92–433, was to provide States with an average reimbursement rate of not less than 8 cents per meal for the regular school lunch program. The representatives of schools had originally wanted a guarantee of more than 8 cents. They had wanted a guarantee of 10 cents per meal for the regular school lunch program. However, they agreed to an 8-cent average reimbursement rate with the understanding that they would recieve the same level of commodity donations from the U.S. Department of Agriculture as in previous years, approximately 7 cents per meal.

During the hearings, however, the chief of the school food service section of the Iowa Department of Public Instruction, expressed concern as to whether this 7-cent level of donated commodity support would be maintained. He pointed out that the administration's budget for commodity donations did not provide an increase sufficient to maintain an average value of donated commodities of 7 cents. Therefore, I wrote to Secretary Butz to inquire as to whether the 7-cent level of commodity donations would be maintained and where the money would come from. I received a response from the Acting Assistant Secretary in which he stated the intention of the Department of Agriculture to provide a continued 7-cent level of donated commodity support. This exchange of correspondence is included in the committee report on page 3.

During the committee's consideration of H.R. 14896 last year, I brought to the committee's attention my concern about whether the 7-cent level of commodity support would be maintained. At my suggestion, the committee stated in its report on H.R. 14896 its intention that the level of donated commodities not be reduced. The committee stated its intention that "the 7 cents be combined with the 8-cent cash reimbursement for a total of 15-cent reimbursement for section 4 lunches."

Testimony received by the Senate Committee on Agriculture and Forestry during its hearings on program cutbacks and terminations, as well as complaints that committee members have received from school lunch administrators, indicate very strongly that the 7-cent level of donated commodity support has not been provided.

All of us realize that the USDA has had some problems in purchasing commodities for the school lunch program this year. Certain commodities which are normally in substantial surplus are this year in short supply. However, the fact that the USDA has problems does not justify neglect of our school lunch program.

School lunch administrators around the country often operate on a hand to mouth basis. They have an extremely difficult time providing nutritious meals for schoolchildren with the money that they receive from Federal donations and from pupil payments. Failure of the USDA to deliver commodities which the schools had been led to expect has created a severe financial crisis for many school districts.

Mr. President, H.R. 4278 will reaffirm the intention of the Committee on Agriculture and Forestry and the intention of Congress. I hope that its early passage will alleviate the financial crisis in which our schools have been placed.

Mr. CLARK. Mr. President. I want to register my wholehearted support for H.R. 4278. In light of the many cutbacks we are currently witnessing in human resource programs, I believe it is important to pass this legislation, which would make it possible during the remainder of this school year to supply or purchase food for those children who participate in the school lunch program. Accordingly, I would like to take this opportunity to call my colleagues' attention to the testimony of Mr. Vern Carpenter, chief of the Iowa School Food Services Section, as presented to the Senate Committee on Agriculture and Forestry. In addition, Mr. Carpenter has provided an excellent analysis of the impact of the Department of Agriculture's budget on child feeding programs in Iowa. I ask that these documents be printed in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

STATEMENT OF VERN CARPENTER, CHIEF SCHOOL FOOD SERVICES SECTION, IOWA DEPARTMENT OF PUBLIC INSTRUCTION

My name is Vern Carpenter and I am state director of school food service programs for the Iowa Department of Public Instruction. I am here today on behalf of the American School Food Service Association and the state school lunch directors.

I wish to thank the committee for the opportunity to testify concerning the cutback of government commodities for child feeding programs.

We are also especially appreciative of the 8 cents minimum payment under section 4 which during last fiscal year was only 6 cents. This 2-cent increase will mean about $1.4 million extra for Iowa's public school feeding programs. More than that, this increase has become all the more vital because so far during this current school year we states just have not been receiving government commodities at the same rate as they were received last school year.

During a hearing of the Subcommittee of Agricultural Research and General Legislation chaired by Senator James B. Allen last July, 1972, the USDA assured the committee that they had budgeted ample funds to provide 7 cents worth of commodities per lunch and that they had taken into consideration the projected growth of the lunch program, breakfast program, and the Special Food Service Program for Children.

At this point in time, the supply of government donated commodities is fully 33 percent below the amount furnished when compared to the same period a year ago. I refer you to Attachment No. 1 for details. Also, Attachment No. 2 shows figures for five other states. Time did not permit gathering up-to-date figures for all states.

For Iowa's figures we used the same procedure for computing this value of commodities for both periods. Without going into detail I point out that prices have risen on some foods during this current school year which often results in a higher dollar figure but a smaller quantity of food received.

Since daily participation has increased this school year, the few commodities we have received have had to be spread even thinner. Obiously, the growth factor has not been provided for.

The school year is one-half completed; we have started the second semester.

It is getting late in the school year to provide adequate time for the USDA to go through bidding procedures, deliver commodities to the States, and for States to distribute these commodities to schools in time to be of maximum benefit to programs during the present school year.

Commodities delivered late in the school year may have to be carried over during summer months. Storing commodities during summer months results in increased storage costs. Also, when commodities are either not delivered or delivered too late for use during the present school year, foods must be purchased which results in cash outgo and lower cash balances.

Attachment No. 3 shows the relative condition of school lunch cash balances in Iowa. I call your attention to the fact that cash balances on December 31, 1972, are lower. There are fewer cash balances above two months, the number of districts having one-month's cash balances is about the same, the number below one-month's cash balance decreased but the number showing a deficit balance sharply increased from 2.37% to 13.31%.

A year ago the Iowa Legislature passed certain measures limiting public school district spending. To make a long detailed legal explanation very short, I can say that for most school districts the well has run dry. We can no longer expect or hope that school district funds will bail out the lunch fund at the end of the school year if the lunch program fails to make ends meet.

Food costs are up. Higher food costs, far fewer government commodities, more cash outgo, lower cash balances, and increased lunch prices to children form a destructive pattern in child feeding programs.

May I present one more set of figures pertaining to Iowa:

COMPARISON—CHILDREN AND ADULT LUNCHES

(The value of government commodities is not included)

	School year 1971–72 (in cents)	School period July to December 1972 (in cents)	Cents increase or decrease	Percent increase or decrease
Food	24.14	26.42	+2.28	+9.44
Labor	17.25	[1] 16.79	−.46	−2.67
Other	3.59	3.92	+.33	+9.19
Total	44.98	47.13	+2.15	+4.78
Noncash expenditures	10.69	12.64	+1.95	+18.24
Total	55.67	59.77	+4.10	+7.36

[1] Some labor costs are paid from school district general funds and later repaid by the lunch fund.

Note. Federal and State reimbursements in Iowa presently is:
Type A lunch, 8.36 cents.
Free lunch, 8.36+41.81=50.17 cents.
Reduced-price lunch, 8.36+20.91=29.27 cents.

Schools cannot break even financially when serving free lunches that cost 59.77 cents to prepare and serve (without commodities) and receive only 50.17 cents reimbursement. These government commodities are sorely needed.

In the opinion of many who work in child feeding, the USDA should either furnish the commodities as budgeted or distribute any unexpended funds to schools on a performance basis. This should be done before the current school year ends.

It must be remembered that child feeding programs deal in pennies. Mr. Chairman, our child feeding programs cannot absorb the loss of one, two, or three cents per lunch.

Thank you for the privilege of testifying before your committee today. I will be happy to respond to your questions.

GOVERNMENT COMMODITIES RECEIVED IN IOWA

1971–72 school year $7,510,777

(USDA figure of 7 cents equals Iowa's figure of 9.78 cents commodities per lunch)

Period and amount	Period and amount	Decrease	Percent decrease
July 1 to Oct. 31, 1971—$3,505,622	July 1 to Oct. 31, 1972—$3,034,336	−$471,286	−13.44
July 1 to Nov. 31, 1971—$4,258,006	July 1 to Nov. 31, 1972—$3,190,405	−1,067,601	−25.07
July 1 to Dec. 31, 1971—$4,983,815	July 1 to Dec. 31, 1972—$3,713,576	−1,270,239	−25.49
July 1, 1971 to Jan. 1, 1972—$6,626,257	July 1, 1972 to Jan. 31, 1973—$4,404,594	−2,221,663	−33.53

Note: Cost=5.46 cents per lunch. Commodity values per unit in Iowa are based on local wholesale prices. Summary for Iowa: 1971–72, 9.78 cents per lunch; July 1, 1972 through Jan. 1, 1973, only 5.46 cents per lunch.

GOVERNMENT COMMODITIES RECEIVED BY FIVE STATES

Period and amount	Period and amount	Decrease	Percent decrease
HAWAII			
July 1 to Oct. 31, 1971—$1,282,994	July 1 to Oct. 31, 1972—$1,030,698	−$252,296	−19.66
INDIANA (MEAT, FRUIT, VEGETABLES)			
July 1 to Oct. 31, 1971—$2,640,890	July 1 to Oct. 31, 1972—$1,778,993	−861,897	−32.64

Footnotes at end of table.

Period and amount	Period and amount	Decrease	Percent decrease
MISSOURI			
July 1 to Oct. 31, 1971—$6,186,289	July 1 to Oct. 31, 1972—$4,266,697	−1,919,592	−31.03
NEBRASKA			
July 1 to Oct. 31, 1971—$671,050	July 1 to Oct. 31, 1972—$480,176	−190,874	−28.44
WISCONSIN			
July 1 to Nov. 30, 1971—$2,024,336	July 1 to Nov. 30, 1972—$1,653,266	−371,070	−18.33

Note: The remaining Midwestern States (6) were unable to furnish figures.

NUMBER OF MONTHS' CASH BALANCE ON HAND IN IOWA'S SCHOOL LUNCH PROGRAMS

Year	Total districts	Percent having 2 months' or more	Percent having 1 month or more	Percent having 0 to 1 month	Percent having deficit
1968–69	466	4.29	27.90	57.51	14.59
1969–70	477	4.61	20.34	60.17	14.88
1970–71	473	4.65	13.95	56.03	25.37
1971–72	465	10.97	28.82	57.84	2.37
July 1 through Dec. 31, 1972	466	7.51	30.47	48.71	13.31

Summary: Effective Dec. 31, 1972, 62 percent of Iowa's public school districts had a cash balance in their lunch fund equal to less than 1-month's operating costs; 13.31 percent showed a deficit balance.

HOW THE U.S. DEPARTMENT OF AGRICULTURE'S BUDGET FOR FOOD ASSISTANCE PROGRAMS AFFECTS IOWA'S CHILD FEEDING PROGRAMS

(By Vern Carpenter)

I. FISCAL YEAR 1973

Total commodities reflected in budget line item A.2. "Commodities to States" was $313,700,000 for the nation or an increase reported to be $2,075,000 above fiscal year 1972.

In July, 1972, this slight increase, which the USDA assured would cover growth in all child feeding programs, was called to the attention of the U.S. Senate Subcommittee of Agricultural Research and General Legislation by Iowa's School Lunch Director, Vern Carpenter, during a hearing.

Mr. Carpenter pointed out that the USDA had stated this sum provided for an increase of 360 million lunches to make a total of 4.470 million lunches. 360 million lunches times the USDA rate of 7 cents per lunch for commodities equaled $2.52 million which is somewhat above $2.075 million.

The question was asked whether the USDA had provided funds for the breakfast program, special food service program, summer camps, Head Start programs, for use in home economics classes as well as for the growth in these programs, particularly the breakfast and special food service program since these programs are also eligible for commodities under Sections 6, 32, and 416.

The chairman of the Subcommittee, Senator James B. Allen, asked the USDA for an explanation of this. The USDA replied that the total sum requested of $313.7 million was adequate because of reserve stocks of commodities on hand.

Rather than repeat all details concerning the present cutback in commodities by the USDA during this current fiscal year, please refer to testimony given by Vern Carpenter before the U.S. Senate Committee on Agriculture and Forestry on February 5, 1973.

In summary, the value of commodities delivered states during this current fiscal year is far less than the value delivered during corresponding period a year ago. At the end of January, 1973, Iowa's supply of commodities was 33% less than that of a year ago.

Thirteen percent of the operating cash balances in Iowa's school lunch programs are deficit balances. Food costs are up. Cash outgo is up. The total cost of preparing and serving the meal is up.

By mandate, we are to "end hunger for all time" and get lunch programs started in all schools not having a program.

This goal will be even more difficult during this second semester of school. It will be increasingly difficult to convince school administrators that they should start new programs when they cannot be assured the new program will not operate at a deficit.

When the USDA recently submitted their FY 74 budget they showed current estimates for FY 73 commodity expenditures as $307,645,000. This represents a decrease of $6,055,000 below the appropriation rather than an increase of $2,075,000 as the approved FY 73 budget called for. Is it little wonder we states are being cut back on commodities this current year.

Based on what must be the current rate of spending to cause the current cutback in commodities furnished states, the total expended for FY 73 might well be far below their current estimate of $311,625,000.

It appears that the increase in federal reimbursement from 6¢ to 8¢ authorized by the Congress will be more than offset by the USDA through cutbacks in government commodities.

Instead of receiving 8 cents reimbursement plus 7 cents worth of commodities for a total of 15 cents per meal, it appears more likely that it will be 8 cents reimbursement plus 4 cents worth of commodities for a total of 12 cents per meal. This would represent a loss of 3 cents per meal which Iowa's lunch programs cannot absorb.

Based on the premise that schools would receive 7 cents worth of commodities, the American School Food Service Association legislative committee had decided to ask for 10 cents reimbursement per lunch for FY 74. Based on the current commodity picture perhaps this should be raised to 12 cents on the assumption that the USDA will furnish only 3 cents worth of commodities for FY 74. Other factors such as higher commodity prices and supply and demand would substantiate such an asking of 12 cents cash reimbursement.

II. FISCAL YEAR 1974

1. Line item A.1. (d) Nonfood Assistance: During the last session of the Congress the authorization for nonfood assistance was raised to $40 million. This was based on the need for funds for no-program schools and for program schools having grossly inadequate equipment.

It was pointed out to the Congress that such existing equipment in school lunch kitchens is old and needs to be replaced. Much of this equipment was used when purchased years ago.

It was understood that the USDA would cause a survey of equipment needs to be taken in all states during this current school year. This has not been done.

It was further understood that the results of this survey would be presented to the Congress so that the Congress would be able to determine how much funds were needed for equipment and how much money they should appropriate for this purpose.

Notwithstanding all of these circumstances, the USDA left this budget line item at $16,110,000—exactly the same figure as for fiscal year 1973.

2. Line item A. 1 (e) State Administrative Expenses:

This line item pertains to funds provided states to supplement their staff in order to effectively instigate and administer child feeding programs.

The request for fiscal year 1973 was $3.5 million; the request for fiscal year 1974 is $3.5 million.

Let us now compare this budget line item with line item A. 4. "Federal Operating Expenses." For federal operating expenses to administer these programs the USDA requested an increase of $385,000 for themselves, but requested no increase for states for administrative expenses.

This appears clearly to be a prime example of "taking care of No. 1 first." It is an example of "I need it but you can do without it."

An explanation is given that the USDA budget for fiscal year 1974 for state administrative expenses "provides for the same level of support as 1973 despite major legislative changes that increased the workload for State personnel."

However, it is also explained that the USDA budget for Federal operating expenses "provides for annualization and the addition of six employees."

States are faced with added indirect costs as per A–87. Some state employees may receive small salary increases. Matching provisions for FICA have been raised. And for most states—not all—the amount received for state administrative expenses has been totally inadequate during past years.

Based upon a distribution formula that is quite obscure, a few states receive the lion's share. We are not proposing that these states receive too much; we are saying that:

(a) the existing formula for distribution needs to be changed, and

(b) the budget asking needs to be increased, and

(c) many of us States receive too little.

Further, if the USDA has experienced a growth in child feeding program operations that would justify additional administrative expense funds, it follows that States would have the same growth and the same need.

This entire SAE funding situation is unfair to many states (opinion), and we Midwest State Directors believe we have collected facts to substantiate our belief.

3. Line item A. 2. Commodities to States:

The USDA FY 74 budget calls for a reported increase of $6,055,000 over their current estimate of FY 73 spending of $307,645,000.

As pointed out in Section I above, it seems doubtful whether the USDA's current rate of spending for FY 73 will reach their current estimate of $307,645,000. For certain, this amount of $307,645,000 is less than the $313,700,000 appropriated by the Congress for 1973. Instead, it represents a decrease of $6,055,000.

In fact, the FY 74 budget asking for $313,700,000, which the USDA reflects as an increase of $6,055,000 over FY 73, is not an increase at all—it turns out to be identical to the FY 73 budget asking as well as to the amount appropriated by the Congress of $313,700,000 for FY 73.

Further, there is no more assurance that the USDA will spend the $313,700,000 requested for FY 74 for commodities than the $313,700,000 appropriated for FY 73.

Let's examine the supposed increase of $6,055,000 requested for FY 1974, which, as pointed out above, does not reflect an actual budget increase.

The $313.7 million is to "represent food purchase levels—actual distribution rate will be 7 cents per lunch; 3 cents per breakfast." States have been instructed to distribute commodities to breakfast programs on the same basis as to lunch programs. We states have not heard about this 3-cent rate for breakfasts nor has the USDA provided a 3-cent commodity distribution chart.

Even so, USDA figures cannot be reconciled. Their budget calls for 4.350 billion lunches and 342 million breakfasts. 4.350 billion lunches times 7 cents plus 342 million breakfasts times 3 cents equals $314,760,000 which is $1,060,000 more than their asking of $313.7 million.

In addition, this sum does not provide any funds for commodities for the Special Food Service Program, Summer Camps, for home economics training, for Head Start programs, nor for disaster feeding.

There is no apparent way to justify the USDA's budget asking of $313.7 million for commodities as either being adequate or above last year's budget.

A form has been designed and mailed to the USDA asking for a breakdown by child feeding program by cents-per-meal per program. If a reply is received, it may shed some light.

It is doubtful whether the USDA can reply at this time and say that commodities for the Special Food Service Program, Summer Camps, etc., can be supplied from their surplus reserve on hand. If they have surplus reserves on hand they should be distributing them to States during this current school year and not hoarding them.

4. Line item B. Special Milk Program:

This calls for a decrease of $72,115,000 which presumably would make milk available for "schools without food service, in child-care centers and in summer camps."

If memory serves correctly, this is at least the fourth time this particular cut has been proposed.

This cut will not provide the special milk program to economically needy children receiving free or reduced-price meals when served midmorning or midafternoon.

Neither will it provide special milk for children bringing sack lunches.

5. Education Special Revenue Sharing:

In a special analyses of the budget for fiscal year 1974, it is stated "It is proposed that the basic school lunch program be folded into education special revenue sharing, and therefore the separate estimates for child nutrition programs declines in 1974 to $1.3 billion.

Does this mean FY 74 or 75?

This is not understood.

Rumor has it that this would apply to Section 4 and possibly state administrative expenses and nonfood assistance, but this is only rumor.

In any event, it is difficult to arrive at the $1.3 billion figure because $1,493,235,000 less Section 4 funds alone of $348,000,000 would leave only $1,145,235,000 and not $1.3 billion.

Mr. SYMINGTON. Mr. President, Missouri school districts are running up deficits of nearly $1.6 million for this school year because they are receiving Federal commodity foods for school lunches which are valued at less than half those received last year.

Mr. Earl Langkop, director of school food services for the Missouri Department of Education, and one of the most knowledgeable people on school food assistance programs, has advised us that the value of federally donated foods for school lunches and breakfasts has been scheduled to provide an average of 7 cents per meal. Because of food market conditions, however, the average amount of commodities available is estimated at only 5 cents or less per meal.

Legislation which already has passed the House would assure that there is funding for these food assistance programs at the level which was budgeted for fiscal 1973. H.R. 4278 would correct this problem by providing the State educational agencies with funds equivalent to the value of the commodities they have not received—or about 2 cents a meal. To assure that the various affected States receive assistance before the end of the schoolyear, the bill provides for cash payments before April 15, 1973.

Knowing of the importance of the school assistance program to Missouri schoolchildren, it is with great pleasure that I support this important legislation.

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

ORDER OF BUSINESS

The PRESIDENT pro tempore. Does the Senator from Pennsylvania wish to be recognized at this time?

Mr. SCOTT of Pennsylvania. Mr. President, I yield back my time.

The PRESIDENT pro tempore. Under the previous order, the distinguished Senator from Oklahoma (Mr. BARTLETT) is now recognized for not to exceed 15 minutes.

FEES FOR RECREATIONAL USE OF FEDERAL LAND

Mr. BARTLETT. Mr. President, I want to discuss the proposal by the Corps of Engineers to charge fees for the recreational use of the Federal land around corps reservoirs.

Traditionally, the Corps of Engineers has not charged the public for the recreational use of any of its facilities. However, on July 11, 1972, Public Law 92–347 was enacted. Among other things, the law provides the following:

> Section 4(B). Special recreation use fees. Each Federal agency developing, administering, or providing specialized sites, facilities, equipment or services related to outdoor recreation shall provide for the collection of special recreation use fees for the use of sites, facilities, equipment, or services furnished at Federal expense.
>
> (1) Daily use fees for overnight occupancy within areas specially developed for such use shall be determined on the basis of the value of the capital improvements offered. The cost of the services furnished, and other pertinent factors. Any person bearing a valid Golden Age Passport issued pursuant to paragraph (4) of subsection (A) of the section shall be entitled upon presentation of such permit to utilize such special recreation facilities at a rate of fifty per centum of the established daily use fee.
>
> (2) Special recreation permits for uses such as group activities, recreation events, motorized recreation vehicles, and other specialized recreation uses may be issued in accordance with procedures and at fees established by the agency involved.

The purpose of this part of Public Law 92–347 was to require persons using highly developed campsite facilities to pay for the use of facilities. Some campsites including showers, sewers, electricity, security, et cetera, can cost hundreds of thousands and are expensive to maintain and to supervise. It is not unrealistic to require the camper to pay for their use. The proposed corps regulations establish fees for the use of overnight camping facilities. This is in keeping with Public Law 92–347. The proposed corps regulations also establish fees for special recreation permits for group activities, recreation events, et cetera. This is in keeping with the law.

However, the Corps of Engineers has elected to go far beyond the intent and purpose of the law.

The corps intends to charge for the day use of facilities which clearly was not provided by the law nor intended in its legislative history. Somehow, out of Public Law 92–347, the corps has come up with what they describe as the "integrated area" concept. Under the "integrated area" approach, the corps plans to charge a picnicker or a boater or a swimmer even if he does not use the camping facilities. In other words, the "integrated area" approach allows the corps to require general user fees for day use of relatively undeveloped facilities which do not require extensive investment or supervision simply because of the proximity of these facilities to a camping area.

The corps argues that the integrated area is composed of highly specialized facilities which required extensive investment and continual supervision and maintenance—justifying a user fee for entrance. As a matter of fact, we do not have any highly developed facilities in Oklahoma. We do have camping grounds and the law clearly authorizes fees for use of these facilities, but grouping together a number of facilities such as roads, overlooks, boat ramps, picnic areas, toilet facilities, drinking fountains, trails, and so forth, with a camping area should not qualify the facilities for user fees. Incidentally, neither Public Law 92-347, nor its history, make any reference to an "integrated area" concept.

The corps is trying to mix oil and water. A person who indulges in any one of the following activities—parking a car in a parking lot, launching a rowboat, lunching at a picnic table, swimming off a beach—fishing from a lake bank—would be forced to pay a fee because the parking lot, the ramp, the picnic table, the beach, and the lake bank are adjacent to or are in the same integrated area in which a camping ground is located.

In fact, the charge is levied even though the activities of one who pays the user fee may not even be related to the so-called developed facilities situated in an integrated area. It makes no sense to make a picnicker pay a fee to use a picnic table simply because it is in the same area as shower facilities, an oarsman to pay a fee to use a boat ramp next to a sewage disposal facility, a Sunday driver contemplating a stroll along the shoreline to pay a fee to park his car in a lot adjacent to facilities for overnight camping. Obviously, what the corps is doing is charging an admission fee.

Pertaining to admission fees, the act provides as follows:

> Section 4 (a) Admission fees—Entrance or admission fees shall be charged only at designated units of the National Park System administered by the Department of the Interior and National Recreation Areas administered by the Department of Agriculture. No admission fees of any kind shall be charged or imposed for entrance into any other Federally owned areas used for outdoor recreation purposes.

Obviously, admission fees for Corps of Engineers recreational areas are strictly prohibited.

Public Law 92-347 is somewhat ambiguous as to what fees can legally be charged. However, the mere ambiguity should be sufficient to negate charging day user fees. Under accepted standards of legislative interpretation of taxation provisions—which is what this amounts to—ambiguities are to be strictly interpreted in favor of the taxpayer—not against him.

Mr. President, whatever ambiguity is present in the law is dispelled by looking at its legislative history. It is obvious that Congress did not intend to require people to pay for swimming, picnicking, hiking, automobile driving, boating, drinking water, toilet facilities, and those basic recreational facilities which are commonly associated with an outdoor area, or Federal reservoirs.

In Senate Report 92-490 at page 4, the Senate Interior Committee said:

> Fees shall not be collected for entrance or access to or use of water areas, undeveloped or lightly developed shore land, picnic grounds, overlook sites, scenic drives, or boat launching ramps where no mechanical or hydraulic equipment is provided.

Similarly, in House Report No. 92-972 at page 8, the House Interior Committee said:

> During both the subcommittee and Full Committee deliberations, it was emphasized that specialized facilities do not include the basic recreational facilities which are commonly associated with or incidental to day use of an outdoor area. No special charge is intended to be imposed under this provision of the bill for the use of roads, trails, overlooks, visitors' centers, wayside exhibits, lightly developed or back country campgrounds, or for picnic areas. Practically all visitors could be expected to use all or most of the facilities on a given visit. Admission—particularly free admission—would be meaningless if a charge is to be imposed for the use of these relatively modest facilities.

And Representative TAYLOR, the floor manager of the House bill, said in the CONGRESSIONAL RECORD on February 7, 1972, pertaining to its interpretation:

> No special charge is to be imposed for the use of facilities which are basic or incidental to the day use of an outdoor area. Charging a fee for the use of a picnic table is too petty, too hard to enforce and causes people to picnic along roadsides and pullovers producing traffic and litter problems. We feel that these are facilities which almost all of the visiting public can be expected to use or where the collection of a special fee would be impractical.

In the Conference Report No. 92-1164 at page 7, the conference reiterated that no fees would be charged for the use of facilities which virtually all visitors might reasonably be expected to utilize.

On February 22, Senator BELLMON and I wrote Senator JACKSON, chairman of the Senate Interior Committee, and asked him to give his opinion as to the legality of the proposed corps fees. In response, the Interior staff prepared a brief of the law with the conclusion as follows:

> Counsel believes that at least one proposed fee (day user fee) is in contravention of the law in that it would be levied for the use of the exempted facilities, not just the use of facilities for which Congress intended user charges to be collected. It would in effect be an entrance or admission fee which is clearly prohibited by the law.

Mr. President, the Corps of Engineers is fully aware of the legislative history of Public Law 92-347. Yet I have in my hand its proposed fee schedule which would require a user to pay to picnic, to swim, to drink water, or even to use the bathroom at a designated corps facility.

I ask unanimous consent to have the proposed fee schedule printed at this point in the RECORD.

There being no objection, the fee schedule was ordered to be printed in the RECORD, as follows:

CORPS OF ENGINEERS—FEE AREAS

Name of area: Type of facility [1]	Restrooms	Drinking water	Showers	Sanitary disposal station	Parking area	Tables	Fireplaces grills	Refuse containers	Access roads (unimproved)	Access roads (paved)	Tent or trailer space	Visitor protection control	Courtesy docks	Fish cleaning station	Play ground	Swimming beach	Shelter house	Open play areas	Fee [2]	Period fee collected
ALPHA LAKE																				
Cove Creek:																				
1	√	√						√	√										$1.00	June 1–Sept. 7.
3	√	√		√	√			√		√			√	√	√	√			1.50	June 1–Oct. 1.
Devils Fork:																				
1	√	√				√	√	√	√		√								2.00	Year round.
Sugar Loaf:																				
1	√	√	√	√		√	√	√		√	√	√							4.00	May 1–Sept. 7.
2	√	√			√		√	√		√							√	√	8.00	June 1–Sept. 7.
3	√	√			√			√		√					√	√			1.00	May 1–Sept. 7.

[1] 1—Family unit campsite; 2—Group use area; 3—Highly developed day use area.

[2] Fees by type of facilities: 1—Per campsite; 2—Per group; 3—Per car.

Mr. BARTLETT. Remember, by "corps facility," I do not mean new facilities. I mean facilities our people have been using free for years—some built and paid for by the taxpayers almost 30 years ago.

General Morris may be correct in asserting that the Corps of Engineers needs additional funds to maintain adequate recreation facilities. But I suggest to General Morris that there are prescribed methods for Federal agencies to receive appropriations, and contravention of public law and congressional intent is not one of them.

The people of Oklahoma and users of Corps of Engineers lakes throughout the United States are naturally upset and frustrated by the corps interpretation of the law. The proposed fees may not seem large to a lot of people, but to fixed, low-income families, any further expenses can be serious. In my home State there are many families who go to the corps lakes throughout the year primary because they cannot afford other types of recreation. The lake areas are a wholesome place for families to enjoy picnicking, swimming, or hiking and yet not incur any expense. This has been one of the nice things that Government has furnished for people.

To picnic or hike or launch a boat just once a week in a particular "integrated area" could cost a family as much as $200 per year according to the proposed regulation on fees. According to the corps proposal, to fish from the bank in a particular integrated area 5 days a week throughout the year would cost a retired man $390.

Surely, it was not the intention of Congress to further burden the poor and those of moderate means.

The Corps of Engineers has been proceeding in a hasty and questionable manner. Senator BELLMON and I said in a letter to Maj. Gen. J. W. Morris, Director of Civil Works, Headquarters, Department of Army, dated February 21, 1973, that:

> It has come to our attention that the protest period relating to the notice of proposed regulations, Public Law 92-347 was unusually short and did not allow time for meaningful expression of opinions by the public.
>
> In the Tulsa, Oklahoma, area for instance, no public release of the proposed regulations or the protest period was made until two days before the protest period ended.
>
> We strongly urge you to reopen the protest period for thirty days to allow adequately citizens the right to comment before the final regulations are published.

The protest period was extended only 1 week.

In a letter dated February 22, 1973, to Major General Morris from Senator BELLMON and me, we pointed out that the fee criteria of the proposed regulations are inconsistent with the intent of the act and asked—

> In order that Congress might have an opportunity to review the proposed user fees and, if necessary, clarify its intent, we respectfully request that implementation of the charges be postponed indefinitely.

At a meeting shortly afterward, our request was denied and we were informed by General Morris that he would within 9 days announce the new corps regulations in Tulsa, Okla., tomorrow, Thursday, March 15. He was not willing to extend the date of finalizing the regulations beyond March 15—making it most difficult to determine the true legislative intent of Public Law 92-347.

Why the big hurry?

Why is there no genuine desire to determine the legislative intent of the act?

Why is the corps taking an action that will prove to be a tremendous burden to the poor and those on low fixed income when it is clear that this was not the intent of Congress? Could it be that the corps' mind is made up and they do not want to be confused with the facts?

I anticipate that some interested persons will see fit to challenge the proposed fees in the courts. I wish them well. However, in the meantime, Senator BELLMON and I are having the Interior Committee staff prepare legislation which even the Corps of Engineers will clearly understand: legislation which will guarantee that our people can enjoy the outdoors without having to pay for day use. I believe our Government can afford this little luxury. Congressman TAYLOR quite appropriately labeled what the corps is preparing to do as petty. A country which spends $269 billion on its budget surely can afford free picnic tables or a free drink of water.

I hope the Corps of Engineers will decide to amend its regulations to eliminate day user fees which are clearly not called for in Public Law 92-347 and which are also tantamount to admission fees which are clearly prohibited.

ORDER OF BUSINESS

Mr. ROBERT C. BYRD. Mr. President, does any Senator wish time?

Mr. HARRY F. BYRD, JR. Mr. President, will the Senator yield?

Mr. ROBERT C. BYRD. Mr. President, I yield to the distinguished senior Senator from Virginia such time as he may require out of the time allotted to me under the order.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

FREEDOM OF THE PRESS

Mr. HARRY F. BYRD, JR. Mr. President, there is a great deal of debate these days over freedom of the press. Legislation has been introduced to grant special immunity to newsmen.

The news media itself has varying views as to whether there should be a so-called shield law, and whether such a shield law should be absolute or impartial.

I think one of the best editorials I have read on this subject is an editorial that was published in a small weekly newspaper in the Shenandoah Valley of Virginia. The editorial was published on March 7, 1973, in the Shenandoah Herald in the town of Woodstock, Va. The editor of the Shenandoah Herald is Robert P. Thompson, and the president of the newspaper is D. Lathan Mims, an outstanding newspaperman who is also editor and general manager of the Daily News Record of Harrisonburg, Va.

This editorial by Editor Thompson ends with this statement:

> The press is doing very well fighting its own battles—its freedom never has been greater. We should leave well enough alone.

Mr. President, basically that is the view, as I understand it, of Clark Mollenhoff, chief of the Des Moines Register's Washington bureau. I have a page from Editor & Publisher, the trade publication, for March 10, 1973, in which it has a statement relating to this matter.

Mr. Mollenhoff was testifying before a congressional committee and he said he had been an investigative reporter for 30 years, had been called before grand juries and always protected his sources, but he thought the first amendment provided all the protection needed and that "eventually an absolute shield law would would hurt the press because it would promote irresponsibility and lack of accountability."

Mr. President, I am inclined to that view. I am also inclined to the view expressed by the Shenandoah Herald; namely, that the press is doing very well fighting its own battles that its freedom never has been greater and that we should leave well enough alone.

I probably will support any reasonable proposal brought forward by the distinguished Senator from North Carolina (Mr. ERVIN), but I am inclined to the views expressed by the Shenandoah Herald and by Mr. Mollenhoff.

Mr. President, I ask unanimous consent to have printed in the RECORD the editorial entitled "Free Press Can Protect Itself," which was published in the Shenandoah Herald.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

FREE PRESS CAN PROTECT ITSELF

> Debate over freedom of the press never has been sedate in the United States of America and, considering the mass of the colliding forces, should we ever expect it to be.
>
> Currrent debate in Congress over whether there should be a national law protecting the right of news media to gather and publish information without revealing its exact source is not an exception from the rule.
>
> It was, however, inevitable that the issue of confidentiality of news sources should reach Congress. Defending or attacking the press is both a popular and a legitimate issue for congressmen—although it also is ironic to reflect on the great number of its own activities that Congress deliberately keeps secret from the public.
>
> The immediate preoccupation of Congress is to determine which of the several "shield laws" before it is most appropriate. These are laws that literally would "shield" sources of news. The subject is critical. There can be no doubt that if a reporter cannot keep his sources confidential the unique free press as we know it cannot survive. If he is forced to expose his informants, either to the government or to a professional press council, the press could soon become a tool of the state. Nevertheless, how best to protect the independence and vitality of the press is a troublesome question.
>
> We believe that the answer can be found in the beliefs of the Founding Fathers, who so often are quoted in the free press debate. Although they may have differed in detail, the men who framed the Bill of Rights agreed in principle. James Madison, who is considered the father of the Bill of Rights, believed in the most liberal protections possible for the press, but not to the extent that deliberate falsehoods would go unpunished. Thomas Jefferson wrote similar beliefs into the Virginia constitution and advocated them for the federal one. William Cushing and John Adams, two of the four drafters of the First Amendment, also averred that "false information about the government should be punished."
>
> All told, the consensus of the Founding Fathers, synthesized by James Wilson, who also helped draft the First Amendment, was that the federal government had no business at all writing laws relating to the press, whether the laws abridged freedom or whether they did not. The press, they believed, should stand on its own feet, like all other citizens.
>
> That is a fair guideline for Congress and the news media today. If we concede at the outset, as we must, that no right in the United States is absolute, any law that Congress considers would sooner or later, and, to some extent, "abridge the freedom of the

press." Even if Congress should try to write some sort of absolute shield law, which is unlikely, the media could still look forward to amendment, alteration and interpretive tempering. Once the federal legalistic camel got his nose into our tent, more of the animal soon would follow.

The press is doing very well fighting its own battles—its freedom never has been greater. We should leave well enough alone.

TV ANCHORMEN ASSESS WHITE HOUSE POLICY TOWARD NETWORK NEWS

Mr. HARRY F. BYRD, JR. Mr. President, the New York Times on Monday showed a great deal of enterprise in bringing together the four top TV anchormen for a discussion with its editors. The questions and answers were published in the New York Times on Monday. The four TV anchormen were Mr. John Chancellor, Mr. Walter Cronkite, Mr. Harry Reasoner, and Mr. Howard K. Smith. One of the questions propounded by the editors of the New York Times was:

> Starting with Vice President Agnew, have the attacks by the administration affected TV coverage in any way?

Reading the replies, one finds that these television commentators feel there has been little, if any, effect adversely on television news casting. For example, Mr. Chancellor's reply to that question as to whether Vice President Agnew's attacks and other attacks by the administration have affected their television coverage in any way, said:

> I don't personally, in my own work and in the network's work, see that there have been any serious changes of any kind.

Harry K. Smith said:

> It has no effect whatever. If it does make people think three times instead of twice, I think that's good. In fact, I think five times before I say something.

Mr. Cronkite said:

> I think that probably these attacks have helped us pull up our boots a little bit and practice our profession with a little more expertise than we applied before, perhaps. And I think that's probably a good effect.

I think that the greater the power of the news media the greater the need for objectivity. Certainly, the network newscasters have great power to sway and mold public opinion. I think they have a great responsibility to the public to present an objective news picture.

I was impressed with the comments of Mr. Smith and his colleagues that the attacks made on the television commentators by Mr. Agnew and other persons in the administration had little adverse effect on news reporting.

I think that trained newsmen are well aware of the need to present an objective news report. I think also, however, that newscasters, just as Senators, Congressmen, and Governors, should be subject to criticism in the handling of their responsibilities. They should not be immune from attack by public officials—any more than public officials shall be immune from attack by broadcasters. All of us, I fear, whether in communications or in Congress tend to be prima donnas.

I have been a newspaperman all my life, and I know there is a natural antagonism—maybe too strong a word, but that a word similar to that is appropriate—between the press on the one hand—and by the press, I mean all the media of communication—and public officials on the other.

Each has a different function, so I think it is natural that there would be differences of viewpoint between the two professions, if we can call public life a profession.

Vice President Agnew made a speech the other day, February 23, 1973, before the Minnesota Newspaper Association at Minneapolis, Minn., which was captioned "The Press and the Presidency." Excerpts from this speech were published in "Human Events" in its issue of March 17.

I ask unanimous consent to insert at this point in the Record those excerpts from the speech by Vice President Agnew, and following that I ask unanimous consent to have inserted in the Record the question and answer discussion between the editors of the New York Times and the four newscasters for the national networks.

There being no objection, the material was ordered to be printed in the Record, as follows:

THE PRESS AND THE PRESIDENCY

(By Vice President Spiro T. Agnew)

"Washington reporters, with their accurate sense of contemporaneity, always believe that each new administration is plotting an assault on the freedom of the press with a determination and malignity never before seen in the Republic; the iniquities of past Presidents fade quickly in retrospect."

The words just expressed are not my own. Nor are they the words of any other member of the Nixon Administration. They were written in 1965 by a member of the Kennedy Administration, Arthur Schlesinger. In his book, *A Thousand Days*, Schlesinger went on to describe the prevailing circumstances of White House-press relations a decade ago:

"So for a time in 1962," wrote the Kennedy Administration's house historian, "they [Washington reporters] proclaimed a deep sense of grievance over the 'hypersensitivity' in the President and the Administration. For its part," continued Schlesinger, "the Administration used to wonder about the hypersensitivity of reporters, who seemed to feel that, if a government official dared disagree with a news story, it was an attempt to 'manage' news.

"When *Look* came out with a piece detailing the indignities which newspapermen were suffering under the reign of terror," wrote Schlesinger, "Kennedy laughed and remarked, 'this is the best example of paranoia I have seen from those fellows yet.' "

Now, as you may have guessed, Arthur Schlesinger does not happen to be my favorite authority on the American past. Nevertheless, I believe his first-hand view of relations between the Kennedy Administration and the press 10 years ago deserve the attention of this audience and all those truly interested in maintaining a free and responsible American Fourth Estate.

I say this because, in an age of revisionism, what we need most desperately in understanding the problems of our time is an accurate perspective.

My remarks tonight therefore are directed at bringing some perspective to the questions uppermost in the minds of this audience and the American Fourth Estate generally. Those questions are:

Is there, to borrow Schlesinger's phrase, a "reign of terror" against the press now going on in Washington?

In the cliché-ology of the 1970s, are the Nixon Administration's press policies producing a "chilling effect" on the 1st Amendment rights?

Is the people's right to know in jeopardy today because this Administration is "plotting an assault on the freedom of the press with a determination and malignity never before seen in the Republic"?

The answer to those questions, ladies and gentlemen of the press, is an emphatic "No."

Certainly, like national Administrations throughout our history, the Nixon Administration has had and will no doubt continue to have its differences with the press. That adversary relationship, as we know, is not only traditional but healthy.

A pliant press is not carrying out its responsibility as an independent guardian of the public interest.

Neither is a government that is pliant to the pressures of day-to-day headlines or editorial criticism necessarily carrying out its long-range responsibilities to the national interest.

Indeed, recent days—with the end of the American involvement in Vietnam and the long awaited return of our prisoners of war—have borne out the wisdom of an American President who, while not insensitive to day-to-day editorial opinion, nevertheless had the courage and perseverance to stay on a course he thought in the best interest of the nation.

When editorial and Administration opinions differ, why cannot the differences be accepted as sincere judgments by both sides?

Why, a decade and two administrations later, must there remain what President Kennedy once described as "paranoia" in the reaction of some members of the press to government's role in this adversary relationship?

Why cannot a public official criticize the editorial advocates for emphasizing that which supports their opinions and playing down that which contradicts them? After all, editors are only human. They are subject to the same business pressures, need for peer approval and pride in the efficacy of their opinions that affect the rest of us fallible mortals.

Yet some prestigious media spokesmen can be read and heard almost daily expressing fear for the future of the 1st Amendment. They assert that the American people are being kept in the dark by a receptive government. A national network newsman has referred to an Administration "conspiracy" against the people's right to know.

It is hard to find any factual basis for this hysteria. Almost nothing goes on in government that is not examined, re-examined, plumbed, analyzed, guessed about, criticized and caricatured by the media. All this effects the American people, as it should. But that doesn't mean that they necessarily accept it as revealed truth. They are not going to automatically embrace a Reasoner dissertation, a Rowan column or a Herblock cartoon any more than they automatically embrace a Nixon or a McGovern thesis.

Under our system, the exceptional good judgment of the American people—a people accustomed since the beginnings of our government to demanding the facts—represents the first line of defense against potential assault on the 1st Amendment or any other of our precious constitutional freedoms.

Resort to hyperbole and the indiscriminate application of terms such as "repression" and "conspiracy" only undermines the credibility of such critics with a general public which, as Schlesinger noted, has heard it all before—during the Kennedy Administration, the Johnson Administration, and now the Nixon Administration.

In this regard, results of a recent Alfred Dupont-Columbia University Survey of Broadcast Journalism indicate a loss of credibility by television network news among the viewing public. But while, predictably, those who conducted the survey try to trace this development to Administration criticism of the media. I would suggest that in the television news industry's response to these results a degree of self-analysis rather than a search for outside scapegoats would seem to be in order.

The determination and maintenance of acceptable professional standards is essential to the preservation of high-quality journalism. If media representatives wish to invoke a privilege unique to their profession, the profession itself must promulgate and enforce standards for the protection of the general community. Otherwise, individuals will have no defense against character assaults through the willful or negligent use of unidentified sources. . . .

The fact is that the Nixon Administration is no more desirous of nor more capable of curtailing freedom of the press in America than any of its predecessors. On the contrary, despite the exaggerated and ill-founded charges of past decades regarding various Administrations' reigns of terror, news coverage of government today is more intensive than ever before in American history.

However, an increase in intensity of coverage does not necessarily mean an increase in information. The new "advocacy journalism" often foreswears objectivity in the interest of what the reporter perceives to be a high moral purpose. The effect of a reporter's zealous dedication to a cause results in a focus of heat more often than light.

The antidote to all this is not more thousands of words supportive of a reporter's personal conclusions, but diversity of opinion. Such diversity provides the best protection against the danger of censorship—whether it be suppression of information by the corporate giants of the national media.

But let me get to the fundamental issue: The major areas of contention between government and the press today do not truly involve incursions of government power into press rights and prerogatives. Rather, they involve the point at which the rights and prerogatives of a free press interface those of other institutions and rights in a free society.

Such questions are complex. They concern 1st Amendment rights and interests about which you, as journalists, are vitally concerned, as well as rights and interests accorded not only members of the Fourth Estate but all Americans under the other parts of the Constitution.

In addition, they concern the fundamental interest of society in the proper administration of justice under a system providing due process.

It would therefore seem that, in any discussion regarding these conflicting rights and interests, we can best serve the public by foregoing oversimplification and the easy stereotype.

Thus, a speech by a government official discussing these problems does not constitute a threat to 1st Amendment rights. Nor do two speeches, despite what that network newsman may believe, constitute a conspiracy.

Indeed, the discourse between government and Fourth Estate in resolving such problems must necessarily be a dialogue, not a monologue. And a dialogue entitles a government official, as much as a network newsman, to tell the American people the way *he* thinks it is on any given day.

However, the most extreme example of such oversimplification of rights and responsibilities, in my opinion, is to be found in the contention of some adherents of a so-called "New Journalism" that they are answerable to a supra-institutional code, independent of the free society in which they operate.

Yet no institution in a free society can operate in a vacuum. The interests of no single institution can be allowed to supersede the interests of all other institutions within that society.

We do not, to paraphrase Orwell, live in a system wherein all institutional rights and interests are equal, but some are more equal than others.

Nor does any institution—whether of government or the press—have a monopoly on truth or on the zeal to pursue truth in the public interest.

The genius of America's free society—that which reflects the philosophy of our revolutionary Founding Fathers—is the absence of such a monopoly.

The framers of our Constitution did not define truth and justice. They sought not to create a lasting frame-work for a society in which the quest for truth and justice could be pursued by all.

For nearly two centuries, our government, through periods of crisis and challenge, has represented the mechanism by which such a society could flourish.

Those who comprise that government at any given moment in history are only temporary repositories of a public trust, responsible to the people and the principles of that society.

So, too, does the American Fourth Estate have a responsibility to the people and to those principles. So, too, are the members of this audience temporary repositories of a trust handed down by American editors and journalists through the decades.

In this, the government and the press of a free people have in common a primarily important mission. From the Administration of George Washington to the Administration of Richard Nixon, we have been and will continue to be, despite our adversary relationship, partners in a vital common endeavor: to maintain the framework of a free society in which all men and women can pursue truth and justice.

TV's Top Anchormen Assess White House Policy Toward Network News

Q.: We'd like to start off by asking you about Clay T. Whitehead and the great deal of comment generated by his Indianapolis speech. What do you think his essential purpose was in combining the promise of a liberalized license-renewal bill for station owners with an attack on "ideological plugola" and "elitist gossip" on network news?

Chancellor. When he made that speech, a lot of people reacted very strongly. There were people saying, "The sky is falling! The sky is falling!" In looking into it, there are a couple of things we have to keep in mind. One is that the people in charge of writing up this legislation—and I believe it has not arrived at the Congress yet—don't see how any proposals can be made to get machinery that would effectively monitor news programs before they come out. And they told us that's not their intent.

The second thing is that the threat to the local station owner has to be thought out. And my view of that is if the F.C.C. should ever decide to take a license away from a station owner because the station carried the wrong kind of news, the chances are very much that it would be overturned in the courts.

And I think we're talking about, from the station owner's point of view, a very remote possibility. What we're left with is another example of the Administration issuing vague threats about us and using some of those speeches as a platform for code words like "plugola" and "gossip."

But as far as the broadcasting industry is concerned, I don't see an awful lot in this practically. I do sense a kind of a colder wind, but we've had a lot of that.

Cronkite. I don't think it's just enough to dismiss it as a colder wind, John, inasmuch as it is an escalation of the continuing attacks against us. I'd agree with you on the technical aspects of it—the problem of drawing legislation that could do the job that Dr. Whitehead suggested he wanted done. I think that's probably why the bill is still kicking around the halls in Washington. They're trying to find a formula under which they can make this thing work in some practical way.

I think far more important is what it indicates—that there's no retreat on the part of the Administration from what I believe to be its firm intent to drag down the press and all of us in broadcast journalism as well. And this is another step to attempt to build a backwash of protest from our affiliate stations to our operations in the network and thus create an added area of influence and pressure against us.

Reasoner. I don't know what he [Whitehead] meant and I don't know that he did. I don't think of a conspiracy in terms of the Government planning step by step what they're doing against the press, any more than we have a regular meeting to plan what we'll lead with that night among the three networks, The New York Times and The Washington Post.

But I think [there]is an atmosphere within the Administration in which this kind of thing is encouraged by anybody who has a bent for it and has a role. In other words, I don't think President Nixon or anybody talked to Dr. Whitehead ahead of time. I suspect that the proposal for the new legislation grew up in a very bureaucratic way, but nobody who had anything to do with it is unconscious of the general Administration attitude.

Smith. I think, with Walter, that it is to be taken seriously. I think, with Harry, that Mr. Whitehead didn't know fully what he was talking about—as Senator [John O.] Pastore [Democrat of Rhode Island] proved when he dismantled him in public at the hearings [last month on the license-renewal bill].

But it's a quantum jump. I did not disagree or oppose Agnew's original speech [in November, 1969, assailing "bias" in some newspapers and networks] as much as I think Walter did. It seems to me that if we give them hell they've got the right to give us hell. And he proposed no structural changes in the broadcasting-industry part. But Whitehead did. And they're going to have one definite effect. Getting local stations to take documentaries in the United States is extremely hard. In Britain they have mass audiences for documentaries. We have to fight our way.

He will give an excuse to many local stations who didn't want to take documentaries in the first place, not to take documentaries they would like to replace with reruns of "I Love Lucy." I think they can't do much about the evening news, because if Harry Reasoner is about to utter a piece of elitist gossip, they will never know until he's done it. It's too late to turn him off.

Cronkite. Sometimes Harry doesn't know it, too.

Chancellor. I'd like to disagree with Reasoner. I do think that at the higher levels of the White House there was a clear knowledge of what the Whitehead proposal was. I can't really quite believe that an Administration so sophisticated in the mechanics of American media would not realize the implications of that speech and discuss it at a very high level.

I don't know if the President had anything to do with it personally. But certainly he bears a very strong responsibility for what his man said.

Cronkite. I go along with that, too. I also wouldn't use the word "conspiracy." I used it once and I'm sorry I did.

But I believe that certainly this is all part of a basic plan. And if the plan isn't laid out on paper, step by step, item by item and time by time, at least the philosophy runs through the Administration. And I cannot believe that this isn't part of the general movement in that direction.

Q. Starting with Vice President Agnew, have the attacks by the Administration affected TV coverage in any way?

Chancellor. I saw a certain drawing back, I think, in being more careful on the part of journalism in America generally, after the Agnew attacks.

I think people in our business, before they use a certain word or phrase, ought to think twice about it. And I think for a period there people were thinking three times. I don't personally, in my own work and in the network's work, see that there have been any serious changes of any kind.

Smith. It has no effect whatever. If it does make people think three times instead of twice I think that's good. In fact, I think five times before I say something.

Cronkite. I don't think one time frequently before saying something, I'd have to admit. But that's not good journalism. We should be very, very careful. And I think that probably these attacks have helped us pull up our boots a little bit and practice our profession with a little more expertise than we applied before, perhaps. And I think that that's probably a good effect.

But it's a side effect from what the intent was, and I cannot agree in any way with the intent. But to answer your question more directly, has it affected us as to the courage with which we tackle the Administration? I think that the clear indications are that that is not the case. And we're in trouble because of it. Watergate and the grain-scandals stories particularly, during the campaign, show that we have not been intimidated to that extent.

Now I would not say, however, that it has not had a subconscious effect, and that worries me a great deal. I try to analyze my own emotions about these things when a matter comes up to us for decision. The first indication to me is that I think I want to pull back a little bit, kind of throw up my dukes and take a quick step back before I launch out again. And that worries me, that reflex action. It indicates that something subconsciously is going on.

Reasoner. I think there's another effect which has been very real, and which I think may have been in the minds of some of the people before Mr. Agnew made his speech—How much time have we spent since November, 1969, in just this kind of a meeting? Or in various kinds of introspection? I don't know what per cent of our total energies—but 10 per cent maybe, or 20 per cent, that should be occupied in more direct responsibilities.

Chancellor. There's something that needs to be added here, and that is that we are living in a slightly different climate for journalism in America today than we did before the Vice President and this Administration made their attacks on us.

One of the changes that I perceive is that we may all be doing our jobs better because the Administration has accused us of being biased against them. And, therefore, I think a lot of editors all over the country—people who have a professional conscience—are going to make sure that their reputations remain intact in this period. I think that there are probably more column inches on Watergate than there might have been otherwise.

But there is more attention paid to the Administration because we are trying to answer to our own ethical standards—those standards having been brought into question by the Administration. It was, in fact, more relaxed in previous Administrations, and I think in some ways we may be doing a better job.

Smith. One of the points Agnew made was "instant commentary." I was delighted in talking with Eric Sevareid the day before yesterday to find out he agreed with me—he hates to do instant commentary on something that's just broken, of which we have no warning. And I would rather like to dispense with instant commentaries and have a little while to think and then give a sensible commentary. So I think it might have helped in that respect.

Q. Even though they may not have changed the way you present things, to what extent have the Agnew and Whitehead speeches damaged the credibility of network news among your listeners?

Chancellor. The mail that came to us in large amounts after the first Agnew speech was about half for us and half against us. Since then there has been a change. And the change is that the Vice President and this Administration have given a sort of legitimacy to views that millions of Americans held and had not articulated before they came out in the open with it.

For a long time in the country, people got their news about the country from newspapers, and not all the newspapers were as good as The New York Times. And not all those papers had readers like The New York Times. So that when I was a young man, people read the sports pages and the comics and occasionally looked at the front page and the editorial page, but got the information they wanted to get when they wanted to get it about their society.

Television came along and changed all that. Now, after network television news began to be a real mechanism in the country, it was serious news put out by serious men. And for the first time the American people were systematically exposed every night to news that comes in a brutal way. On television you can't switch around. If you don't want to read about the ax murders you don't have to in a newspaper. On television you take it or you leave it off completely.

This made a lot of people unhappy with the news they got. The news hadn't changed all that much, although the society was changing, but it was the manner in which they got it. And there were vague and unspecified feelings about the news, and people didn't much like it.

I remember we all then began to get, "Why don't you put a little more good news on, it's too bad." And into that attitude came this Administration, the President and the Vice President, saying that the news isn't any good because those people aren't any good.

And this is the change that has come about. They now have for their fears, for their dissatisfaction about the news—they now can look to the White House, which says, "Yes, you're right, and it's those bad people who are doing it." And that's been serious.

Smith. May I say that I think that if we give them hell they're entitled to give us hell, as long as they don't suggest restrictions on freedom.

Cronkite. But unfortunately they have coupled this with suggestions and restrictions on freedom.

Smith. The last batch of subpoenas [from a variety of sources against newspapermen around the country] worries me more than anything.

Q.: Have the latest attacks been possible only because Spiro Agnew planted the seeds of doubt about the credibility of the press, particularly the Establishment press, in the minds of the American people years before?

Smith. May I observe that we've planted seeds of doubt in the public's mind about the credibility of people in government. And I don't think it's bad if they criticize us. I don't think we're above criticism, as long as there are no specific restrictions on freedom of the press, which I think was basically the position of Agnew.

But I think we're in a new phase here now, which is worrisome. I don't think that was. There should be doubts about The New York Times and there should be doubts about us.

Reasoner. I think that what goes to your question is: Has there been a kind of an adversary attitude in audiences that was not there before? A lot of the mail would say "I'm leaving you and going back to Cronkite because you're a liar," or the other way around—whether one network is more fair than the other.

There's a feeling among a certain segment of the audience that the networks are either their adversaries or their friends in American social life. It's a point which even Senator Pastore misses. In his dialogue with Dr. Whitehead he talked about the right of reporters to give their "plugola" just as much as the President. And neither he nor Dr. Whitehead conceded the possibility, or apparently recognized the possibility, that we aren't plugola-ing anything.

Cronkite. What I object to in the criticism from the White House is not the fact that there is criticism, not even the fact that they would try to raise their own credibility by attacking ours. But what has happened is that this Administration, through what I believe to be a considered and concerted campaign, has managed to politicize the issue of the press vs. the Administration to the point that now we come to the real crunch, which is the matter of our actual freedoms to operate, our freedom to criticize, our right to do that. Our ability to function as journalists without harassment by an offended grand jury, whether it be county, state or Federal, or an investigative unit of the Federal Government.

We've come to that dangerous state now with the press in a position that to defend the right of the people to know—that is, to defend freedom of speech and press—is to somehow or other be anti-Administration.

Thus politicizing the issue, they have again proved to be highly divisive in this society, and have created two Americas—one that believes in freedom of speech and press and one that doesn't.

That's a vast oversimplification, of course, but still, when you get to the heart of it, we're down to that kind of a basic, and that is what concerns me today—the trend in this direction.

Chancellor. I support Walter in this because the subpoenas have gone mainly to reporters for organizations that have been critical of the Nixon Administration. I don't see them going after reporters who've worked on stories the Administration regards as favorable.

Going beyond that, I think that there is a feeling, perhaps on the part of the President, surely on some of his senior aides, that centrally produced information in the American society is somehow wrong. That The New York Times, which runs a large supplementary-wire service; The Los Angeles Times and The Washington Post, which run a large wire service; that the networks which produce for the country's centrally produced news, are somehow wrong for the country.

I think that there are people in the White House who would like to see a fragmentation of the way in which we get news in America, that they would be more comfortable with that news, and that this is not necessarily just being a Republican or a Democrat, but that this would suit their attitudes about the country. I think they'd like to have revenue sharing in information. They'd like to put the money on the stump and have a lot of small localized operations telling the American people what's going on.

Q: To pursue that point about fragmentation of news what's wrong with that?

Smith. It's only not wrong, it's happening. In this city you have three network news programs per evening, but you have many more non-network news programs. It's true in Washington and most big cities. So there's not just three sources of information on television. And local programs often have higher ratings in their locality than network programs can.

Chancellor. I don't see how, in a country this size with problems of Federal and state relationships, with an Executive growing more powerful every day, with foreign relations taking place at sometimes blinding speed and in great secrecy, that you can get along in a society based on an informed public without having centrally—somebody has to produce it centrally. Every other country does it.

Cronkite. I would suggest that we would be well off in this country if we had a good A.P. or U.P.I. of television news, if there were a way that a local station could indeed produce its newspaper of the air.

I don't think, however, that even with that service, that this would mean that television network news should not continue to function. Unfortunately, they [local stations] cannot do the job today and they're not very likely to be willing to pay the price to organize and to provide a service adequate to putting out a full broadcast with all of the national and international news included, on a daily basis.

Reasoner. With all due respect to The Times, this is the first time in history that we've had the equivalent of national newspapers—the three network news broadcasts. A client paper for The Times or The Post or any body else can pick and choose. But an affiliate carries A.B.C., C.B.S. or N.B.C.—and in most American cities that's the only alternative to the paper.

Smith. A main source of information and opinion for upper-middle-class Americans is news magazines. There are only three of those. There have been no complaints of them.

Q. What do you see as the most severe limitations on what you're doing? And how would you remedy them?

Cronkite. I think it's a combination of things. You have to bring what the limitations are into focus. And the severe one, to my mind, is the limitation of time. Now I do not think that you can expand television-network news indefinitely, or any other news. I can't expect people to sit there four or five hours a night to get all the news they need. They're never going to get all the news they need by television. They're going to have to go to print for the bulk of the information each day.

But if we could expand to an hour, my format for that would be to take most of the items we do—not the film pieces necessarily, but the pieces that I do in just the 20-second version of something that happened in a Washington hearing—and I'd expand it to 40 seconds, to get a couple of parenthetical phrases in there, a couple of hanging participial clauses in there, that might explain that story just a little bit better than I'm able to explain it in 20 seconds.

If we could do that, we would find a great deal of the problems that we have in being misunderstood by the public—the fact that we seem to be writing headlines, and we're only getting headlines—and we all know that headlines can be misinterpreted—we'd at least get the second deck of the headline into that story. And I think that would help.

Now, what we're never going to have, I'm afraid, is our own news-gathering staff to the depth that I would like to see it, to make us reasonably independent of the press services. And, as a consequence, we have to go on the air with a lot of material that is handed to us by a press agency. I wish that were not so.

Q. Why can't you have a staff to do that?

Cronkite. Because the outlet, the half-hour, the limited time, makes it totally uneconomic to have a staffer in Kansas City, for instance, when we get one story in two years from Kansas City. That's just not the best way to use your resources. And we don't have the resources.

Q. Couldn't you have a special staff to do investigative reporting?

Cronkite. We do have that. I'd definitely like to have more.

Reasoner. This is partly psychological, isn't it, Walter? I remember the last scoop I got as a reporter was in 1959. And I discussed it with the executive producer of the C.B.S. evening news and he said it's a hell of a story. He said, "Let's leak it to the paper and we'll use it tomorrow night." We didn't want to go with it at that point, we were still digesting and editing and repeating the newspapers. This, I think, has changed very greatly.

Q. Isn't it true that when network news was expanded from 15 minutes to a half hour, the extra 15 minutes was largely taken up with feature type of stuff?

Cronkite. No. I think that's absolutely false.

Chancellor. People used to say to me, "What will you do at N.B.C. if C.B.S. goes to an hour?" And my answer was always, "Go to 15 minutes." I think that the half-hour news program has a sort of proper shape. I'm not sure that people in the United States will spend an hour looking at serious news every night. But I subscribe absolutely to what Walter says about more staff and better facilities with which to do our work.

Q. Do you feel that some of the attacks by the Government might be occasioned by the fact that you are stars and personalities to the public?

Smith. My guess would be that to some extent that's true, that if we were anonymous people who change as the B.B.C. announcers do—every program you have a different man, and you don't announce his name anymore—that would probably get less resentment. But they have people to fixate on with us there, and I think that probably adds a little.

Reasoner. Surveys keep showing that with all of the stirring-up of people, that still if you go out and ask people who they believe, Walter would rate substantially ahead of the Vice President or any politician.

Cronkite. I also noticed in the same poll they threw out a name—Joe Smith or something—of a nonexistent individual, and he came in higher than a lot of Senators. It shows the validity is questionable.

But I think I agree that this is a factor unquestionably. If you can focus the attack on individuals it helps. Now they haven't done that to this extent in broadcasting. I think that in the public statements they haven't come down to aiming at Walter Cronkite or Harry Reasoner, John Chancellor or Howard Smith.

Chancellor. I really think that we're talking about something that goes beyond personalities and goes into an institutional dispute. It's two institutions—the Administation and the national press in this country. And I think if we were all automatons, if you had robots giving the news, they would then be attacking the writers of that news, the producers and editors of that news.

Q.: To what extent are the four of you responsible for the selection of stories?

Chancellor. I work with an executive producer and he and his staff have a lot to do with choosing the stories that go on the air. Where I come into it is in the organization of that, an occasional suggestion, which I hope is followed through, and in pretty much the layout of the program during a particular day. And also the copy that goes into it as opposed to the filmed stories and features we have.

Cronkite. I think the only place that I do not have a direct element of control is in the actual editing of film. That's because of the time problem. It's something one man simply can't do and also handle the flow of the news during the day.

Reasoner. It would be fairly rare that I would make up the line-up. I don't know how Howard works it in Washington, but I'm there, I read the wires, I read the transcript of what film is in and available, and I would assume I have substantial influence, although I don't, for instance, participate in the 11 o'clock meeting that says what's going to happen.

Smith. I probably have less influence, Harry, because of geography and difficulty of communicating. But whenever I object strongly to something I make that known to our producer, who can stay close to things.

Reasoner. Also it's a big news organization. I think it would be pretentious. We've gone past the "I'm so-and-so and here's the news I covered today."

Cronkite. For every person who thinks that there's the cab driver who, when you're going to work at 9:30 in the morning, says, "What are you doing going in now? You're not on till 7 o'clock," there are just as many people who believe we do nothing, that we're news readers. And I'm terribly interested in disabusing them of that fact.

Q.: What's the case either for or against TV newsmen getting exactly the same First Amendment privileges as print newsmen?

Reasoner. The case is all for it. There is no case against it.

Chancellor. We feel it goes down to anybody who has anything to do with getting the news on the air.

Cronkite. I think the phoniest argument in the world is that because we are regulated, therefore we do not have First Amendment rights. I just can't follow the legal labyrinth that comes to that conclusion. It makes no sense to me.

Q.: Are you doing anything about fighting for this?

Chancellor. I think most of our bosses have testified for the most complete kind of embracing shield law. And if asked I'll spare no effort. I really feel very strongly about this because it applies to us as well as to newspapermen. What we seem to be getting to in the country now is that if I want to talk to somebody privately and confidentially I have to say, "Anything that you may say to me may be used in evidence against you."

Smith. Or, "I may be willing to go to jail." You could say that, you know. Let's have some dissent in this. I'm against the shield law. Unless things get a lot worse than they are, I don't want a shield law for anybody. I think it involves too many complexities that haven't been thought out.

For one thing, you've got to define who a reporter is. The so-called underground press, some newsletters. If you said that anybody who gives news out, what's to prevent a mobster from writing a newsletter, and saying, "I'm a journalist; I can't testify"?

I think ambiguity has its value. The British have been ambiguous about a Constitution all their history and it's worked. And I think we should leave the First Amendment these and fight each case one by one. We're not alone. Fifty bills have been introduced in Congress on our behalf.

Cronkite. I'm opposed to any shield law that has conditions. I'm an absolutist in this regard and I take a little different position than Howard here. I believe that anything short of an absolute privilege is dangerous—very dangerous. It hands the Congress, it would seem, the right to pass laws regarding freedoms of speech and press. I don't like that part of the absolute law. But the Supreme Court in the Caldwell case invited the legislation, it seems, and perhaps that's the way to do it—with an absolute privilege. But anything short of that is highly dangerous.

Reasoner. I was going to say that any law except unconditionally—and you aren't going to get an unconditional law—any other law is limiting.

Smith. I think an absolute law is bad, too, if I can continue this dissent. It means, theoretically, that you can be a witness to a murder and you could not be required to testify. You may be the only witness to a murder. It means an experience like I had in Birmingham.

When I left C.B.S. we were doing a documentary on Birmingham. And I was tipped off that they were going to beat the hell out of the First Freedom Riders. I went to the bus station and I watched this phenomenon of the police leaving the streets, all the patrol cars leaving the streets, and these hoodlums taking over. The buses arrived. They climbed in. They beat these people.

I met one of them in Flint, Mich., the other day. He's hospitalized for life. He's paralyzed. Another had 26 stitches taken in his face.

I knew who was behind it. Now I think I should have been subpoenaed. Well, I didn't wait. I volunteered.

Cronkite. That's the point, Howard. I think that the number of cases where you would have abuse of an absolute privilege would be very rare compared to the freedom to report, which would be granted by absolute privilege.

I would rather have the people protected by freedom to report and accept a few abuses where somebody would not volunteer the information, because I would assume in almost 99 cases out of 100, a reporter is going to cooperate to the extent of giving information.

Mr. HARRY F. BYRD, JR. I thank the Senator from West Virginia, and yield back to the Senator from West Virginia the balance of the time.

Mr. ROBERT C. BYRD. Mr. President, the Senator is welcome, and I yield back any time that may be remaining.

TRANSACTION OF ROUTINE MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of routine morning business, not to extend beyond 2 p.m., with statements therein limited to 5 minutes each.

RESOLUTIONS ADOPTED BY HENRICO AND CHESTERFIELD COUNTY COUNCILS ON SCHOOL BUSING

Mr. HARRY F. BYRD, JR. Mr. President, I have paid tribute before to the dedicated citizens of the Commonwealth of Virginia who have consistently opposed compulsory busing of our schoolchildren for the purpose of creating an artificial racial balance in the schools.

Today I want to give special attention to the Henrico County Council of PTA's, a group of parents whose paramount concern is a quality education for their children and all the children of Henrico.

Monday I spoke with six of their representatives, along with their able Congressman, the Honorable Dave Satterfield, Mr. William S. Hanner, Mrs. R. E. Moser, Mr. James D. Rowe, Mrs. E. E. Vesley, Mrs. H. B. Arnold and Mr. R. N. Martin reemphasized their commitment to their children, to the members of their organization and to the people of Virginia—a commitment to preserve the concept of neighborhood schools and to put an end to the educational scourge of forced busing.

They also conveyed to me the sentiments of the Virginia Congress of Parents and Teachers. This statewide organization has passed a resolution reaffirming its opposition to the concept of busing for the purpose of achieving an artificial racial balance. The parents and teachers felt that compulsory busing is not compatible with the concept of quality educational programs.

The Virginia Congress of Parents and Teachers also passed a resolution in support of Senate Joint Resolution 106, the proposal Senator Allen of Alabama, Senator Thurmond of South Carolina and I cosponsored in the 92d Congress, to provide for fixed tenure for Federal judges and to make them subject to periodic reconfirmation. They felt, as we do, that the attacks on our neighborhood schools have been underwritten by some outrageous and irresponsible decisions of segments of our Federal judiciary—a judiciary accountable to no one—and one in which some judges have consistently ignored the principle of judicial restraint for the purpose of implementing their own personal social concepts and not those of constitutional or statutory law.

This measure has been reintroduced by me in this session as Senate Joint Resolution 13 and is cosponsored by Senators Allen, Thurmond, Talmadge, and Nunn.

Mr. President, I salute the Virginia Congress of Parents and Teachers for the courage of its convictions.

And I again say to my colleagues—affirmative action by Congress to end compulsory busing is long overdue.

Affirmative action to make the Federal judiciary more accountable and to restore a balance to our Federal Government is long overdue.

We must act—and I pledge my support to the proposition that we shall act, and soon—to protect our form of government, our educational system, and, most of all, a sound heritage for our children.

Mr. President, I ask unanimous consent that Resolution No. 5 of the Virginia Congress of Parents and Teachers, submitted by the Henrico County Council of PTA's, and Resolution No. 6, submitted by the Chesterfield County Council, A.M. Davis Elementary PTA and Beulah Elementary PTA, be printed in the Record at this point.

There being no objection, the resolutions were ordered to be printed in the Record, as follows:

Sixty-Seventh Annual Convention, Virginia Congress of Parents and Teachers

Resolution Number 5: Submitted by Henrico County Council: passed.

Whereas, no human being is infallible; and

Whereas, the United States Congress, in Joint Senate and House Resolution No. 106, is considering legislation limiting the term of appointment of federal judges to eight years; and

Whereas, such legislation will provide the opportunity to periodically review judicial appointments; be it therefore

Resolved, that the Virginia PTA supports Joint Senate and House Resolution No. 106 in principle.

Note: Resolution No. 106 was entered May 19, 1972. The legislation, of necessity, calls for a constitutional amendment.

Resolution Number 6: Submitted as a combined resolution by Chesterfield County Council, A. M. Davis Elementary PTA, and Beulah Elementary PTA: passed.

Whereas, the program of the National Congress of Parents and Teachers is to promote the welfare of all children and youth in the home, school, church, and community; and

Whereas, the attainment of these objectives is the responsibility of each state congress and local unit; and

Whereas, we support quality educational programs to enable all children to attain their maximum potential without regard for race, creed, religion, or national origin; be it therefore

Resolved, that the Virginia PTA reaffirm its position on the neighborhood school concept that no child shall be bused to achieve an artificial racial balance, and; be it further

Resolved, that this resolution be communicated to the President of the United States, the Governor of Virginia, Congressmen of the United States, General Assemblymen of Virginia, the President of the National Congress of Parents and Teachers, and to the Presidents of the fifty-two state congresses; and, be it further

Resolved, that the Virginia PTA urge all local units to work toward the improvement of neighborhood schools, regardless of their location, so that a program of quality education is available to every child.

Mr. HARRY F. BYRD, JR. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, is there any time left from the time of the assistant majority leader?

The PRESIDING OFFICER. The assistant majority leader's time has all been used. The Chair would advise the distinguished majority leader, the Senator from Montana, that we are still in the period for the transaction of routine morning business, in which 5-minute speeches are permitted.

DESIGNATION OF SENATOR HUGHES TO RESPOND TO ADMINISTRATION'S MESSAGE ON CRIME AND DRUG ABUSE

Mr. MANSFIELD. Mr. President, on behalf of the joint House-Senate Democratic leadership, I am glad to state that the distinguished Senator from Iowa (Mr. Hughes) has been designated by the leadership of the congressional majority in both Houses to deliver the response to the administration's message on crime and drug abuse.

Senator Hughes' message will be broadcast over all four radio networks at varying times early Saturday afternoon, March 17. The radio message, to be about 12 minutes in length, should be considered a reply to the latest segment of the President's state of the Union message delivered, I believe, last Saturday.

Senator Hughes, as chairman of the Senate Subcommittee on Alcoholism and Narcotics, has been a strong voice in the Congress for fighting alcoholism and drug abuse in this country, and is known as a respected expert in these fields.

Senator Hughes was the author and chief sponsor of the Drug Abuse Office and Treatment Act of 1972, which pioneered Federal efforts to combat drug abuse in America.

Senator Hughes also drafted the Comprehensive Alcohol Abuse and Alcohol Prevention, Treatement and Rehabilitation Act of 1970, which won unanimous approval of both Houses of Congress and was hailed as a landmark in Federal legislation for coping with one of the Nation's major health problems.

Senator Hughes follows in the distinguished footsteps of Senator Proxmire of Wisconsin, Senator Ribicoff of Connecticut, and Senator Mondale of Minnesota, all of whom have answered the segmentary state of the Union messages previously given by the President of the United States, and they have done so at the request of the joint Democratic leadership of both Houses, as is Senator Hughes doing this coming weekend. Also, I would say that Members of the House, at the request of the joint Democratic leadership, are taking up their share of the responsibility in presenting the Democratic point of view as the occasion warrants.

QUORUM CALL

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATORS TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that, on tomorrow, after the recognition of the two leaders or their designees under the standing order, the following Senators be recognized, each for not to exceed 15 minutes and in the following order: Mansfield, Robert C. Byrd, Jackson, Ribicoff, Javits, Gurney, and Harry F. Byrd, Jr.

The PRESIDING OFFICER. Without objection, it is so ordered.

QUORUM CALL

The PRESIDING OFFICER. Is there further morning business?

Mr. HARRY F. BYRD, JR. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate stand in recess until the hour of 1:40 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

Thereupon, at 12:56 p.m., the Senate took a recess until 1:40 p.m.; whereupon the Senate reassembled when called to order by the Presiding Officer (Mr. Johnston).

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States were communicated to the Senate by Mr. Marks, one of his secretaries.

FEDERAL SYSTEM OF CRIMINAL JUSTICE—MESSAGE FROM THE PRESIDENT

The PRESIDING OFFICER (Mr. Johnston) laid before the Senate a message from the President of the United States, which was referred to the Committee on the Judiciary. The message is as follows:

To the Congress of the United States:

This sixth message to the Congress on the State of the Union concerns our Federal system of criminal justice. It discusses both the progress we have made in improving that system and the additional steps we must take to consolidate our accomplishments and to further our efforts to achieve a safe, just, and law-abiding society.

In the period from 1960 to 1968 serious crime in the United States increased by 122 percent according to the FBI's Uniform Crime Index. The rate of increase accelerated each year until it reached a peak of 17 percent in 1968.

In 1968 one major public opinion poll showed that Americans considered lawlessness to be the top domestic problem facing the Nation. Another poll showed that four out of five Americans believed that "Law and order has broken down in this country." There was a very real fear that crime and violence were becoming a threat to the stability of our society.

The decade of the 1960s was characterized in many quarters by a growing sense of permissiveness in America—as well intentioned as it was poorly reasoned—in which many people were reluctant to take the steps necessary to control crime. It is no coincidence that within a few years' time, America experienced a crime wave that threatened to become uncontrollable.

This Administration came to office in 1969 with the conviction that the integrity of our free institutions demanded stronger and firmer crime control. I promised that the wave of crime would not be the wave of the future. An all-out attack was mounted against crime in the United States.

—The manpower of Federal enforcement and prosecution agencies was increased.

—New legislation was proposed and passed by the Congress to put teeth into Federal enforcement efforts against organized crime, drug trafficking, and crime in the District of Columbia.

—Federal financial aid to State and local criminal justice systems—a forerunner of revenue sharing—was greatly expanded through Administration budgeting and Congressional appropriations, reaching a total of $1.5 billion in the three fiscal years from 1970 through 1972.

These steps marked a clear departure from the philosophy which had come to dominate Federal crime fighting efforts, and which had brought America to record-breaking levels of lawlessness. Slowly, we began to bring America back. The effort has been long, slow, and difficult. In spite of the difficulties, we have made dramatic progress.

In the last four years the Department of Justice has obtained convictions against more than 2500 organized crime figures, including a number of bosses and under-bosses in major cities across the country. The pressure on the underworld is building constantly.

Today, the capital of the United States no longer bears the stigma of also being the Nation's crime capital. As a result of decisive reforms in the criminal justice system the serious crime rate has been cut in half in Washington, D.C. From a peak rate of more than 200 serious crimes per day reached during one month in 1969, the figure has been cut by more than half to 93 per day for the latest month of record in 1973. Felony prosecutions have increased from 2100 to 3800, and the time between arrest and trial for felonies has fallen from ten months to less than two.

Because of the combined efforts of Federal, State, and local agencies, the wave of serious crime in the United States is being brought under control. Latest figures from the FBI's Uniform Crime Index show that serious crime is increasing at the rate of only one percent a year—the lowest recorded rate since 1960. A majority of cities with over 100,000 population have an actual reduction in crime.

These statistics and these indices suggest that our anti-crime program is on the right track. They suggest that we are taking the right measures. They prove that the only way to attack crime in America is the way crime attacks our people—without pity. Our program is based on this philosophy, and it is working.

Now we intend to maintain the momentum we have developed by taking additional steps to further improve law enforcement and to further protect the people of the United States.

LAW ENFORCEMENT SPECIAL REVENUE SHARING

Most crime in America does not fall under Federal jurisdiction. Those who serve in the front lines of the battle against crime are the State and local law enforcement authorities. State and local police are supported in turn by many other elements of the criminal justice system, including prosecuting and defending attorneys, judges, and probation and corrections officers. All these elements need assistance and some need dramatic reform, especially the prison systems.

While the Federal Government does not have full jurisdiction in the field of criminal law enforcement, it does have a broad, constitutional responsibility to insure domestic tranquility. I intend to meet that responsibility.

At my direction, the Law Enforcement Assistance Administration (LEAA) has greatly expanded its efforts to aid in the improvement of State and local criminal justice systems. In the last three years of the previous Administration, Federal grants to State and local law enforcement authorities amounted to only $22 million. In the first three years of my Administration, this same assistance totaled more than $1.5 billion—more than 67 times as much. I consider this money to be an investment in justice and safety on our streets, an investment which has been yielding encouraging dividends.

But the job has not been completed. We must now act further to improve the Federal role in the granting of aid for criminal justice. Such improvement can come with the adoption of Special Revenue Sharing for law enforcement.

I believe the transition to Special Revenue Sharing for law enforcement will be a relatively easy one. Since its inception, the LEAA has given block grants which allow State and local authorities somewhat greater discretion than does the old-fashioned categorical grant system. But States and localities still lack both the flexibility and the clear authority they need in spending Federal moneys to meet their law enforcement challenges.

Under my proposed legislation, block grants, technical assistance grants, manpower development grants, and aid for correctional institutions would be combined into one $680 million Special Revenue Sharing fund which would be distributed to States and local governments on a formula basis. This money could be used for improving any area of State and local criminal justice systems.

I have repeatedly expressed my conviction that decisions affecting those at State and local levels should be made to the fullest possible extent at State and local levels. This is the guiding principle behind revenue sharing. Experience has demonstrated the validity of this approach and I urge that it now be fully applied to the field of law enforcement and criminal justice.

THE CRIMINAL CODE REFORM ACT

The Federal criminal laws of the United States date back to 1790 and are based on statutes then pertinent to effective law enforcement. With the passage of new criminal laws, with the unfolding of new court decisions interpreting those laws, and with the development and growth of our Nation, many of the concepts still reflected in our criminal laws have become inadequate, clumsy, or outmoded.

In 1966, the Congress established the National Commission on Reform of the Federal Criminal Laws to analyze and evaluate the criminal Code. The Commission's final report of January 7, 1971, has been studied and further refined by the Department of Justice, working with the Congress. In some areas this Administration has substantial disagreements with the Commission's recommendations. But we agree fully with the almost universal recognition that modification of the Code is not merely desirable but absolutely imperative.

Accordingly, I will soon submit to the Congress the Criminal Code Reform Act aimed at a comprehensive revision of existing Federal criminal laws. This act will provide a rational, integrated code of Federal criminal law that is workable and responsive to the demands of a modern Nation.

The act is divided into three parts:

—1. general provisions and principles,

—2. definitions of Federal offenses, and

—3. provisions for sentencing.

Part 1 of the Code establishes general provisions and principles regarding such matters as Federal criminal jurisdiction, culpability, complicity, and legal defenses, and contains a number of significant innovations. Foremost among these is a more effective test for establishing Federal criminal jurisdiction. Those circumstances giving rise to Federal jurisdiction are clearly delineated in the proposed new Code and the extent of jurisdiction is clearly defined.

I am emphatically opposed to encroachment by Federal authorities on State sovereignty, by unnecessarily increasing the areas over which the Federal Government asserts jurisdiction. To the contrary, jurisdiction has been relinquished in those areas where the States have demonstrated no genuine need for assistance in protecting their citizens.

In those instances where jurisdiction is expanded, care has been taken to limit that expansion to areas of compelling Federal interest which are not adequately dealt with under present law. An example of such an instance would be the present law which states that it is a Federal crime to travel in interstate commerce to bribe a witness in a State court proceeding, but it is not a crime to travel in interstate commerce to threaten or intimidate the same witness, though intimidation might even take the form of murdering the witness.

The Federal interest is the same in each case—to assist the State in safeguarding the integrity of its judicial processes. In such a case, an extension of Federal jurisdiction is clearly warranted and is provided for under my proposal.

The rationalization of jurisdictional bases permits greater clarity of drafting, uniformity of interpretation, and the consolidation of numerous statutes presently applying to basically the same conduct.

For example, title 18 of the criminal Code as presently drawn, lists some 70 theft offenses—each written in a different fashion to cover the taking of various kinds of property in different jurisdictional situations. In the proposed new Code, these have been reduced to 5 general sections. Almost 80 forgery, counterfeiting, and related offenses have been replaced by only 3 sections. Over 50 statutes involving perjury and false statements have been reduced to 7 sections. Approximately 70 arson and property destruction offenses have been consolidated into 4 offenses.

Similar changes have been made in the Code's treatment of culpability. Instead of 79 undefined terms or combinations of terms presently found in title 18, the Code uses four clearly defined terms.

Another major innovation reflected in Part One is a codification of general defenses available to a defendant. This change permits clarification of areas in which the law is presently confused and, for the first time, provides uniform Federal standards for defense.

The most significant feature of this chapter is a codification of the "insanity" defense. At present the test is determined by the courts and varies across the country. The standard has become so vague in some instances that it has led to unconscionable abuse by defendants.

My proposed new formulation would provide an insanity defense only if the defendant did not know what he was doing. Under this formulation, which has considerable support in psychiatric and legal circles, the only question considered germane in a murder case, for example, would be whether the defendant knew that he was pulling the trigger of a gun. Questions such as the existence of a mental disease or defect and whether the defendant requires treatment or deserves imprisonment would be reserved for consideration at the time of sentencing.

Part Two of the Code consolidates the definitions of all Federal felonies, as well as certain related Federal offenses of a less serious character. Offenses and, in appropriate instances, specific defenses, are defined in simple, concise terms, and those existing provisions found to be obsolete or unusable have been eliminated—for example, operating a pirate ship on behalf of a "foreign prince," or detaining a United States carrier pigeon. Loopholes in existing law have been closed—for example, statutes concerning the theft of union funds, and new offenses have been created where necessary, as in the case of leaders of organized crime.

We have not indulged in changes merely for the sake of changes. Where existing law has proved satisfactory and where existing statutory language has received favorable interpretation by the courts, the law and the operative language have been retained. In other areas, such as pornography, there has been a thorough revision to reassert the Federal interest in protecting our citizens.

The reforms set forth in Parts One and Two of the Code would be of little practical consequence without a more realistic approach to those problems which arise in the post-conviction phase of dealing with Federal offenses.

For example, the penalty structure prescribed in the present criminal Code is riddled with inconsistencies and inadequacies. Title 18 alone provides 18 different terms of imprisonment and 14 different fines, often with no discernible relationship between the possible term of imprisonment and the possible levying of a fine.

Part Three of the new Code classifies offenses into 8 categories for purposes of assessing and levying imprisonment and fines. It brings the present structure into line with current judgments as to the seriousness of various offenses and with the best opinions of penologists as the efficacy of specific penalties. In some instances, more stringent sanctions are provided. For example, sentences for arson are increased from 5 to 15 years. In other cases penalties are reduced. For example, impersonating a foreign official carries a three year sentence, as opposed to the 10 year term originally prescribed.

To reduce the possibility of unwarranted disparities in sentencing, the Code establishes criteria for the imposition of sentence. At the same time, it provides for parole supervision after all prison sentences, so that even hardened criminals who serve their full prison terms will receive supervision following their release.

There are certain crimes reflecting such a degree of hostility to society that a decent regard for the common welfare requires that a defendant convicted of those crimes be removed from free society. For this reason my proposed new Code provides mandatory minimum prison terms for trafficking in hard narcotics; it provides mandatory minimum prison terms for persons using dangerous weapons in the execution of a crime; and it provides mandatory minimum prison sentences for those convicted as leaders of organized crime.

The magnitude of the proposed revision of the Federal criminal code will require careful detailed consideration by the Congress. I have no doubt this will be time consuming. There are, however, two provisions in the code which I feel require immediate enactment. I have thus directed that provisions relating to the death penalty and to heroin trafficking also be transmitted as separate bills in order that the Congress may act more rapidly on these two measures.

DEATH PENALTY

The sharp reduction in the application of the death penalty was a component of the more permissive attitude toward crime in the last decade.

I do not contend that the death penalty is a panacea that will cure crime. Crime is the product of a variety of different circumstances—sometimes social, sometimes psychological—but it is committed by human beings and at the point of commission it is the product of that individual's motivation. If the incentive not to commit crime is stronger than the incentive *to* commit it, then logic suggests that crime will be reduced. It is in part the entirely justified feeling of the prospective criminal that he will not suffer for his deed which, in the present circumstances, helps allow those deeds to take place.

Federal crimes are rarely "crimes of passion." Airplane hi-jacking is not done in a blind rage; it has to be carefully planned. The use of incendiary devices and bombs is not a crime of passion, nor is kidnapping; all these must be thought out in advance. At present those who plan these crimes do not have to include in their deliberations the possibility that they will be put to death for their deeds. I believe that in making their plans, they should have to consider the fact that if a death results from their crime, they too may die.

Under those conditions, I am confident that the death penalty can be a valuable deterrent. By making the death penalty available, we will provide Federal enforcement authorities with additional leverage to dissuade those individuals who may commit a Federal crime from taking the lives of others in the course of committing that crime.

Hard experience has taught us that with due regard for the rights of all—including the right to life itself—we must return to a greater concern with protecting those who might otherwise be the innocent victims of violent crime than with protecting those who have committed those crimes. The society which fails to recognize this as a reasonable ordering of its priorities must inevitably find itself, in time, at the mercy of criminals.

America was heading in that direction in the last decade, and I believe that we must not risk returning to it again. Accordingly, I am proposing the re-institution of the death penalty for war-related treason, sabotage, and espionage, and for all specifically enumerated crimes under Federal jurisdiction from which death results.

The Department of Justice has examined the constitutionality of the death penalty in the light of the Supreme Court's recent decision in *Furman v. Georgia*. It is the Department's opinion that *Furman* holds unconstitutional the imposition of the death penalty only insofar as it is applied arbitrarily and capriciously. I believe the best way to accommodate the reservations of the Court is to authorize the automatic imposition of the death penalty where it is warranted.

Under the proposal drafted by the Department of Justice, a hearing would be required after the trial for the purpose of determining the existence or nonexistence of certain rational standards which delineate aggravating factors or mitigating factors.

Among those mitigating factors which would preclude the imposition of a death sentence are the youth of the defendant, his or her mental capacity, or the fact that the crime was committed under duress. Aggravating factors include the creation of a grave risk of danger to the national security, or to the life of another person, or the killing of another person during the commission of one of a circumscribed list of serious offenses, such as treason, kidnapping, or aircraft piracy.

The hearing would be held before the judge who presided at the trial and before either the same jury or, if circumstances require, a jury specially impaneled. Imposition of the death penalty by the judge would be mandatory if the jury returns a special verdict finding the existence of one or more aggravating factors and the absence of any mitigating factor. The death sentence is *prohibited* if the jury finds the existence of one or more mitigating factors.

Current statutes containing the death penalty would be amended to eliminate the requirement for jury recommendation, thus limiting the imposition of the death penalty to cases in which the legislative guidelines for its imposition clearly require it, and eliminating arbitrary and capricious application of the death penalty which the Supreme Court has condemned in the *Furman* case.

DRUG ABUSE

No single law enforcement problem has occupied more time, effort and money in the past four years than that of drug abuse and drug addiction. We have regarded drugs as "public enemy number one," destroying the most precious resource we have—our young people—and breeding lawlessness, violence and death.

When this Administration assumed office in 1969, only $82 million was budgeted by the Federal Government for law enforcement, prevention, and rehabilitation in the field of drug abuse.

Today that figure has been increased to $785 million for 1974—nearly 10 times as much. Narcotics production has been disrupted, more traffickers and distributors have been put out of business, and addicts and abusers have been treated and started on the road to rehabilitation.

Since last June, the supply of heroin on the East Coast has been substantially reduced. The scarcity of heroin in our big Eastern cities has driven up the price of an average "fix" from $4.31 to $9.88, encouraging more addicts to seek medical treatment. At the same time the heroin content of that fix has dropped from 6.5 to 3.7 percent.

Meanwhile, through my Cabinet Committee on International Narcotics Control, action plans are underway to help 59 foreign countries develop and carry out their own national control programs. These efforts, linked with those of the Bureau of Customs and the Bureau of Narcotics and Dangerous Drugs, have produced heartening results.

Our worldwide narcotics seizures almost tripled in 1972 over 1971. Seizures by our anti-narcotics allies abroad are at an all-time high.

In January, 1972, the French seized a half-ton of heroin on a shrimp boat headed for this country. Argentine, Brazilian and Venezuelan agents seized 285 pounds of heroin in three raids in 1972, and with twenty arrests crippled the existing French-Latin American connection. The ringleader was extradited to the U.S. by Paraguay and has just begun to serve a 20-year sentence in Federal prison.

Thailand's Special Narcotics Organization recently seized a total of almost 11 tons of opium along the Burmese border, as well as a half-ton of morphine and heroin.

Recently Iran scored the largest opium seizure on record—over 12 tons taken from smugglers along the Afghanistan border.

Turkey, as a result of a courageous decision by the government under Prime Minister Erim in 1971, has prohibited all cultivation of opium within her borders.

These results are all the more gratifying in light of the fact that heroin is wholly a foreign import to the United States. We do not grow opium here; we do not produce heroin here; yet we have the largest addict population in the world. Clearly we will end our problem faster with continued foreign assistance.

Our domestic accomplishments are keeping pace with international efforts and are producing equally encouraging results. Domestic drug seizures, including seizures of marijuana and hashish, almost doubled in 1972 over 1971. Arrests have risen by more than one-third and convictions have doubled.

In January of 1972, a new agency, the Office of Drug Abuse Law Enforcement (DALE), was created within the Department of Justice. Task forces composed of investigators, attorneys, and special prosecuting attorneys have been assigned to more than forty cities with heroin problems. DALE now arrests pushers at the rate of 550 a month and has obtained 750 convictions.

At my direction, the Internal Revenue Service (IRS) established a special unit to make intensive tax investigations of suspected domestic traffickers. To date, IRS has collected $18 million in currency and property, assessed tax penalties of more than $100 million, and obtained 25 convictions. This effort can be particularly effective in reaching the high level traffickers and financiers who never actually touch the heroin, but who profit from the misery of those who do.

The problem of drug abuse in America is not a law enforcement problem alone. Under my Administration, the Federal Government has pursued a balanced, comprehensive approach to ending this problem. Increased law enforcement efforts have been coupled with expanded treatment programs.

The Special Action Office for Drug Abuse Prevention was created to aid in preventing drug abuse before it begins and in rehabilitating those who have fallen victim to it.

In each year of my Administration, more Federal dollars have been spent on treatment, rehabilitation, prevention, and research in the field of drug abuse than has been budgeted for law enforcement in the drug field.

The Special Action Office for Drug Abuse Prevention is currently developing a special program of Treatment Alternatives to Street Crime (TASC) to break the vicious cycle of addiction, crime, arrest, bail, and more crime. Under the TASC program, arrestees who are scientifically identified as heroin-dependent may be assigned by judges to treatment programs as a condition for release on bail, or as a possible alternative to prosecution.

Federally funded treatment programs have increased from sixteen in January, 1969, to a current level of 400. In the last fiscal year, the Special Action Office created more facilities for treating drug addiction than the Federal Government had provided in all the previous fifty years.

Today, federally funded treatment is available for 100,000 addicts a year. We also have sufficient funds available to expand our facilities to treat 250,000 addicts if required.

Nationwide, in the last two years, the rate of new addiction to heroin registered its first decline since 1964. This is a particularly important trend because it is estimated that one addict "infects" six of his peers.

The trend in narcotic-related deaths is also clearly on its way down. My advisers report to me that virtually complete statistics show such fatalities declined approximately 6 percent in 1972 compared to 1971.

In spite of these accomplishments, however, it is still estimated that one-third to one-half of all individuals arrested for street crimes continue to be narcotics abusers and addicts. What this suggests is that in the area of enforcement we are still only holding our own, and we must increase the tools available to do the job.

The work of the Special Action Office for Drug Abuse Prevention has aided in smoothing the large expansion of Federal effort in the area of drug treatment and prevention. Now we must move to improve Federal action in the area of law enforcement.

Drug abuse treatment specialists have continuously emphasized in their discussions with me the need for strong, effective law enforcement to restrict the availability of drugs and to punish the pusher.

One area where I am convinced of the need for immediate action is that of jailing heroin pushers. Under the Bail Reform Act of 1966, a Federal judge is precluded from considering the danger to the community when setting bail for suspects arrested for selling heroin. The effect of this restriction is that many accused pushers are immediately released on bail and are thus given the opportunity to go out and create more misery, generate more violence, and commit more crimes while they are waiting to be tried for these same activities.

In a study of 422 accused violators, the Bureau of Narcotics and Dangerous Drugs found that 71 percent were freed on bail for a period ranging from three months to more than one year between the time of arrest and the time of trial. Nearly 40 percent of the total were free for a period ranging from one-half year to more than one year. As for the major cases, those involving pushers accused of trafficking in large quantities of heroin, it was found that one-fourth were free for over three months to one-half year; one-fourth were free for one-half year to one year; and 16 percent remained free for over one year prior to their trial.

In most cases these individuals had criminal records. One-fifth had been convicted of a previous drug charge and a total of 64 percent had a record of prior felony arrests. The cost of obtaining such a pre-trial release in most cases was minimal; 19 percent of the total sample were freed on personal recognizance and only 23 percent were required to post bonds of $10,000 or more.

Sentencing practices have also been found to be inadequate in many cases. In a study of 955 narcotic drug violators who were arrested by the Bureau of Narcotics and Dangerous Drugs and convicted in the courts, a total of 27 percent received sentences other than imprisonment. Most of these individuals were placed on probation.

This situation is intolerable. I am therefore calling upon the Congress to promptly enact a new Heroin Trafficking Act.

The first part of my proposed legislation would increase the sentences for *heroin* and *morphine* offenses.

For a first offense of *trafficking* in less than four ounces of a mixture or substance containing heroin or morphine, it provides a mandatory sentence of not less than five years more than fifteen years. For a first offense of trafficking in four or more ounces, it provides a mandatory sentence of not less than ten years or for life.

For those with a prior felony narcotic conviction who are convicted of trafficking in less than four ounces, my proposed legislation provides a mandatory prison term of ten years to life imprisonment. For second offenders who are convicted of trafficking in *more* than four ounces, I am proposing a mandatory sentence of life imprisonment without parole.

While four ounces of a heroin mixture may seem a very small amount to use as the criterion for major penalties, that amount is actually worth 12–15,000 dollars and would supply about 180 addicts for a day. Anyone selling four or more ounces cannot be considered a small time operator.

For those who are convicted of *possessing* large amounts of heroin but cannot be convicted of trafficking, I am proposing a series of lesser penalties.

To be sure that judges actually apply these tough sentences, my legislation would provide that the mandatory minimum sentences cannot be suspended, nor probation granted.

The second portion of my proposed legislation would deny pre-trial release to those charged with trafficking in heroin or morphine unless the judicial officer finds that release will not pose a danger to the persons or property of others. It would also prohibit the release of anyone convicted of one of the above felonies who is awaiting sentencing or the results of an appeal.

These are very harsh measures, to be

applied within very rigid guidelines and providing only a minimum of sentencing discretion to judges. But circumstances warrant such provisions. All the evidence shows that we are now doing a more effective job in the areas of enforcement and rehabilitation. In spite of this progress, however, we find an intolerably high level of street crime being committed by addicts. Part of the reason, I believe, lies in the court system which takes over after drug pushers have been apprehended. The courts are frequently little more than an escape hatch for those who are responsible for the menace of drugs.

Sometimes it seems that as fast as we bail water out of the boat through law enforcement and rehabilitation, it runs right back in through the holes in our judicial system. I intend to plug those holes. Until then, all the money we spend, all the enforcement we provide, and all the rehabilitation services we offer are not going to solve the drug problem in America.

Finally, I want to emphasize my continued opposition to legalizing the possession, sale or use of marijuana. There is no question about whether marijuana is dangerous, the only question is how dangerous. While the matter is still in dispute, the only responsible governmental approach is to prevent marijuana from being legalized. I intend, as I have said before, to do just that.

Conclusion

This Nation has fought hard and sacrificed greatly to achieve a lasting peace in the world. Peace in the world, however, must be accomplished by peace in our own land. Of what ultimate value is it to end the threat to our national safety in the world if our citizens face a constant threat to their personal safety in our own streets?

The American people are a law-abiding people. They have faith in the law. It is now time for Government to justify that faith by insuring that the law works, that our system of criminal justice works, and that "domestic tranquility" is preserved.

I believe we have gone a long way toward erasing the apprehensions of the last decade. But we must go further if we are to achieve that peace at home which will truly complement peace abroad.

In the coming months I will propose legislation aimed at curbing the manufacture and sale of cheap handguns commonly known as "Saturday night specials," I will propose reforms of the Federal criminal system to provide speedier and more rational criminal trial procedures, and I will continue to press for innovation and imrovement in our correctional systems.

The Federal Government cannot do everything. Indeed, it is prohibited from doing everything. But it can do a great deal. The crime legislation I will submit to the Congress can give us the tools we need to do all that we can do. This is sound, reasonable legislation. I am confident that the approval of the American people for measures of the sort that I have suggested will be reflected in the actions of the Congress.

RICHARD NIXON.

THE WHITE HOUSE, *March 14, 1973.*

EXECUTIVE MESSAGES REFERRED

As in executive session, the Presiding Officer (Mr. JOHNSTON) laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(The nominations received today are printed at the end of Senate proceedings.)

QUORUM CALL

Mr. AIKEN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The PRESIDENT pro tempore laid before the Senate the following letters, which were referred as indicated:

Proposed Legislation From Department of Agriculture

A letter from the Under Secretary of Agriculture, transmitting a draft of proposed legislation to continue mandatory price support for tung nuts only through the 1976 crop (with an accompanying paper); to the Committee on Agriculture and Forestry.

Report on Military Manpower Training

A letter from the Secretary of Defense, transmitting, pursuant to law, a report on military manpower training, for fiscal year 1974 (with an accompanying report); to the Committee on Armed Services.

Report on Department of Defense Contracts Negotiated for Experimental, Developmental, Test or Research Work

A letter from the Acting Assistant Secretary of Defense (Installations and Logistics), transmitting, pursuant to law, a report on Department of Defense contracts negotiated for experimental, developmental, test or research work, for the period July–December, 1972 (with an accompanying report); to the Committee on Armed Services.

Report on Export Control

A letter from the Secretary of Commerce, transmitting, pursuant to law, a report on export control, covering the fourth quarter of 1972 (with an accompanying report); to the Committee on Banking, Housing and Urban Affairs.

Report on Monetary Policy and the U.S. Economy in 1972

A letter from the Chairman of the Board of Governors, Federal Reserve System, transmitting, pursuant to law, a report entitled "Monetary Policy and the U.S. Economy in 1972—A Prelude to the Annual Report" (with an accompanying report); to the Committee on Banking, Housing and Urban Affairs.

Proposed Legislation From Secretary of the Treasury

A letter from the Acting Secretary of the Treasury, transmitting a draft of proposed legislation to extend for 1 year the authority for more flexible regulation of maximum rates of interest or dividends (with an accompanying paper); to the Committee on Banking, Housing and Urban Affairs.

Proposed Legislation From the Secretary of Commerce

A letter from the Secretary of Commerce, transmitting a draft of proposed legislation to authorize appropriations for the fiscal year 1974 for certain maritime programs of the Department of Commerce (with accompanying papers); to the Committee on Commerce.

Proposed Legislation From Federal Communications Commission

A letter from the Chairman, Federal Communications Commission, transmitting a draft of proposed legislation to amend subsection (b) of section 214 and subsection (c)(1) of section 222 of the Communications Act of 1934, as amended, in order to designate the Secretary of Defense (rather than the Secretaries of the Army and Navy) as the person entitled to receive official notice of the filing of certain applications in the common carrier service and to provide notice to the Secretary of State where under section 214 applications involve service to foreign points (with accompanying papers); to the Committee on Commerce.

A letter from the Chairman, Federal Communications Commission, transmitting a draft of proposed legislation to amend the Communications Act of 1934, as amended, with respect to commissioners and commission employees (with accompanying papers); to the Committee on Commerce.

A letter from the Chairman, Federal Communications Commission, transmitting a draft of proposed legislation to amend the Communications Act of 1934, as amended, with respect to penalties and forfeitures (with accompanying papers); to the Committee on Commerce.

Report of Social Security Administration

A letter from the Secretary of Health, Education, and Welfare, transmitting, pursuant to law, a report of the Social Security Administration, for fiscal year 1972 (with an accompanying report); to the Committee on Finance.

Report on Experience Under the Emergency Unemployment Compensation Act of 1971, as Amended

A letter from the Secretary of Labor, transmitting, pursuant to law, a report on experience under the Emergency Unemployment Compensation Act of 1971, as amended, from the beginning of the program through the end of 1972 (with an accompanying report); to the Committee on Finance.

Report on the Financial Condition and Results of the Operations of the Airport and Airway Trust Fund

A letter from the Fiscal Assistant Secretary, Department of the Treasury, transmitting, pursuant to law, a report on the financial condition and results of the operations of the Airport and Airway Trust Fund, dated June 30, 1972 (with an accompanying report); to the Committee on Finance.

International Agreements, Other Than Treaties

A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to law, international agreements, other than treaties, entered into by the United States (with accompanying papers); to the Committee on Foreign Relations.

Report of U.S. Advisory Commission on Information

A letter from the Chairman, U.S. Advisory Commission on Information, transmitting, pursuant to law, a report of that Commission, dated January 27, 1973 (with an accompanying report); to the Committee on Foreign Relations.

PROPOSED LEGISLATION FROM DEPARTMENT OF STATE

A letter from the Acting Assistant Secretary for Congressional Relations, Department of State, transmitting a draft of proposed legislation to amend the law authorizing the President to extend certain privileges to representatives of member States on the Council of the Organization of American States (with an accompanying paper); to the Committee on Foreign Relations.

PROPOSED LEGISLATION FROM THE SECRETARY OF THE TREASURY

A letter from the Secretary of the Treasury, transmitting a draft of proposed legislation to authorize the Secretary of the Treasury to transfer to the Government of the Republic of the Philippines funds for making payments on certain pre-1934 bonds of the Philippines, and for other purposes (with accompanying papers); to the Committee on Foreign Relations.

PROPOSED LEGISLATION FROM U.S. INFORMATION AGENCY

A letter from the Director, U.S. Information Agency, transmitting a draft of proposed legislation to authorize appropriations for the U.S. Information Agency (with accompanying papers); to the Committee on Foreign Relations.

REPORT OF COMPTROLLER GENERAL

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Audit of Payments From Special Bank Account to Lockheed Aircraft Corp. for the C-5A Aircraft Program During the Quarter Ended December 31, 1972," Department of Defense, dated March 9, 1973 (with an accompanying report); to the Committee on Government Operations.

REPORT ON ADMINISTRATION OF THE FEDERAL METAL AND NONMETALLIC MINE SAFETY ACT

A letter from the Secretary of the Interior, transmitting, pursuant to law, a report on Administration of the Federal Metal and Nonmetallic Mine Safety Act, for the year 1971 (with an accompanying report); to the Committee on Labor and Public Welfare.

PROPOSED LEGISLATION FROM DEPARTMENT OF THE INTERIOR

A letter from the Acting Secretary of the Interior, transmitting a draft of proposed legislation to authorize appropriations for the saline water program for fiscal year 1974, and for other purposes (with an accompanying paper); to the Committee on Interior and Insular Affairs.

REPORT OF ATOMIC ENERGY COMMISSION

A letter from the General Manager, U.S. Atomic Energy Commission, reporting, pursuant to Public Law 85-804, a report of that Commission, for the calendar year ended December 31, 1972; to the Committee on the Judiciary.

PROPOSED LEGISLATION FROM DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

A letter from the Secretary of Health, Education, and Welfare, transmitting a draft of proposed legislation to amend the Federal Food, Drug, and Cosmetic Act to establish a code system for the identification of prescription drugs, and for other purposes (with an accompanying paper); to the Committee on Labor and Public Welfare.

A letter from the Secretary of Health, Education, and Welfare, transmitting a draft of proposed legislation to amend the Federal Food, Drug, and Cosmetic Act to require the disclosure of ingredients on the labels of all foods (with accompanying papers); to the Committee on Labor and Public Welfare.

PROSPECTUS RELATING TO ACQUISITION OF SPACE UNDER LEASE ARRANGEMENTS TO HOUSE THE VETERANS' ADMINISTRATION REGIONAL OFFICE AND THE GENERAL SERVICES ADMINISTRATION REGIONAL OFFICE, SAN FRANCISCO, CALIF.

A letter from the Acting Administrator, General Services Administration, transmitting, pursuant to law, a prospectus relating to the proposed acquisition of certain space for offices of the Veteran's Administration in the San Francisco, Calif. area (with accompanying papers); to the Committee on Public Works.

PETITIONS

Petitions were laid before the Senate and referred as indicated:

By the PRESIDENT pro tempore:

A joint resolution of the Legislature of the State of New York; to the Committee on Finance:

"JOINT RESOLUTION NO. 6

"Joint Resolution of the Legislature of the State of New York memorializing Congress to enact legislation and appropriate necessary funds to provide relief to individuals adversely affected by the social security increases extended by Public Law 92-336 whose conditions were not otherwise assisted by Public Law 92-603

"Whereas, Public Law 92-336 approved July 1, 1972 amended the U.S. Social Security Act to provide for a twenty per cent increase in benefits under the U.S. social security program, and

"Whereas, Public Law 92-603 approved October 30, 1972, further amended such Act to (1) pass along $4 a month of such social security increase to recipients of aid to the aged, blind and disabled who are social security beneficiaries, until January 1, 1974; and (2) provide that individuals who are social security beneficiaries and who are eligible for both cash public assistance and medical assistance benefits in August 1972 will, until October 1974 retain their eligibility for medical assistance, if such social security increase rendered such individuals ineligible for public assistance benefits; and

"Whereas, The Congress did not see fit to provide further relief from the adverse effects of such social security increase on: non-public assistance social security beneficiaries no longer automatically eligible for medical assistance benefits because of such social security increase; individuals made ineligible for federal food stamp benefits because of such increases; and other individuals no longer eligible for benefits under other publicly supported programs because of such social security increase; and

"Whereas, The Legislature finds that such omissions by the Congress are discriminatory and inequitable; and

"Whereas, The Legislature finds that unilateral action by New York State itself to provide relief to such adversely affected individuals, is not possible in the case of the federal food stamp program and will jeopardize receipt of federal aid under the medical assistance program; now, therefore, be it

"*Resolved, (if the Legislature concur)*, That the Congress of the United States be and hereby is respectfully memorialized to enact legislation and appropriate necessary funds to provide speedy relief to individuals adversely affected by the social security increase extended by Public Law 92-336, whose conditions were not otherwise assisted by Public Law 92-603; and be it further

"*Resolved (if the Legislature concur)*, That a copy of this resolution be transmitted to the President of the United States, the Secretary of the Senate, the Clerk of the House of Representatives, and to each member of Congress elected from the State of New York and that they be urged to devote their best efforts to the task of accomplishing the purpose of this resolution."

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. FULBRIGHT, from the Committee on Foreign Relations, with an amendment;

S. 837. A bill to amend the Foreign Assistance Act of 1961, and for other purposes (Report No. 93-62), together with additional views.

By Mr. SPARKMAN, from the Committee on Banking, Housing and Urban Affairs, with an amendment:

S. 398. A bill to extend and amend the Economic Stabilization Act of 1970 (Rept. No. 93-63), together with supplemental views.

By Mr. CANNON, from the Committee on Rules and Administration, without amendment:

S. Con. Res. 13. Concurrent resolution authorizing the printing of additional copies of Senate hearings on the sudden infant death syndrome (Rept. No. 93-64); and

S. Res. 73. Resolution authorizing the printing of a history of the Committee on Finance as a Senate document (Rept. No. 93-66).

By Mr. CANNON, from the Committee on Rules and Administration, with amendments:

S. Res. 45. Resolution authorizing additional expenditures by the Committee on Commerce for inquiries and investigations (Rept. No. 93-65).

By Mr. HRUSKA, from the Committee on the Judiciary, without amendment:

S.J. Res. 11. Joint resolution to pay tribute to law enforcement officers of this country on Law Day, May 1, 1973 (Rept. No. 93-68).

By Mr. EASTLAND, from the Committee on the Judiciary, without amendment:

S. 278. A bill for the relief of Manuela C. Bonito (Rept. No. 93-70);

S. 537. A bill for the relief of Mary Danos Nayak (Rept. No. 93-71); and

S. 666. A bill for the relief of Slobodan Babic (Rept. No. 93-72).

By Mr. EASTLAND, from the Committee on the Judiciary, with an amendment:

S. 89. A bill for the relief of Kuay Ten Chang (Kuay Hong Chang) (Rept. No. 93-73); and

S. 464. A bill for the relief of Guido Bellanca (Rept. No. 93-74).

By Mr. EASTLAND, from the Committee on the Judiciary, with amendments:

S. 84. A bill for the relief of Naoyo Campbell (Rept. No. 93-75); and

S. 280. A bill for the relief of Lenora Lopez (Rept. No. 93-76).

REPORT ENTITLED "THE FEDERAL JUDICIAL SYSTEM"—REPORT OF A COMMITTEE (S. REPT. NO. 93-67)

Mr. BURDICK, from the Committee on the Judiciary, pursuant to section 10, S. Res. 256, 92d Congress, second session, submitted a report entitled "The Federal Judicial System," which was ordered to be printed.

REPORT ENTITLED "IMMIGRATION AND NATURALIZATION"—REPORT OF A COMMITTEE (S. REPT. NO. 93-69)

Mr. EASTLAND, from the Committee on the Judiciary, pursuant to S. Res. 256,

92d Congress, second session, submitted a report entitled "Immigration and Naturalization," which was ordered to be printed.

EXECUTIVE REPORTS OF COMMITTEES

As in executive session, the following favorable reports of nominations were submitted:

By Mr. SPARKMAN, from the Committee on Banking, Housing, and Urban Affairs:

Lorena Causey Matthews, of Tennessee, to be a member of the National Credit Union Board;

Floyd H. Hyde, of California, to be Under Secretary of Housing and Urban Development;

H. R. Crawford, of the District of Columbia, to be an Assistant Secretary of Housing and Urban Development;

Sol Mosher, of Missouri, to be an Assistant Secretary of Housing and Urban Development;

Michael H. Moskow, of New Jersey, to be an Assistant Secretary of Housing and Urban Development; and

James L. Mitchell, of Illinois, to be General Counsel of the Department of Housing and Urban Development.

The above nominations were reported with the recommendation that the nominations be confirmed, subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

By Mr. EASTLAND, from the Committee on the Judiciary:

Lyle S. Garlock, of Virginia, to be a member of the Foreign Claims Settlement Commission of the United States.

The above nomination was reported with the recommendation that the nomination be confirmed, subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

By Mr. EASTLAND, from the Committee on the Judiciary:

Joseph F. Weis, Jr., of Pennsylvania, to be a U.S. circuit judge, Third Circuit; and

Herbert A. Fogel, of Pennsylvania, to be a U.S. district judge for the Eastern District of Pennsylvania.

By Mr. WILLIAMS, from the Committee on Labor and Public Welfare:

Willie J. Usery, Jr., of Georgia, to be Federal Mediation and Conciliation Director.

The above nomination was reported with the recommendation that the nomination be confirmed, subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated:

By Mr. EASTLAND:

S. 1193. A bill for the relief of Oscar H. Barnett. Referred to the Committee on the Judiciary.

By Mr. CURTIS:

S. 1194. A bill for the relief of Emilie Tiongson. Referred to the Committee on the Judiciary.

By Mr. STEVENS:

S. 1195. A bill to provide needed facilities and services not otherwise available for the accommodaton of visitors in the areas administered by the National Park Service, by authorizing the Secretary of the Interior to guarantee loans which are part of concessioner investments in such facilities and services, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

By Mr. JAVITS (for himself and Mr. HRUSKA, Mr. McGEE, and Mr. TOWER):

S. 1196. A bill to establish an Antitrust Review and Revision Commission. Referred to the Committee on the Judiciary.

By Mr. HARTKE:

S. 1197. A bill to amend the Fair Packaging and Labeling Act to provide for a uniform system of quality grades for food products, to provide for a system of labeling of food products to disclose the ingredients thereof, to provide for a system of national standards for nutritional labeling of food products, and to provide for a system of labeling of perishable and semiperishable foods. Referred to the Committee on Commerce.

By Mr. BEALL:

S. 1198. A bill to amend section 5010(d) of title 18 of the United States Code, relating to youth offenders. Referred to the Committee on the Judiciary.

By Mr. HOLLINGS:

S. 1199. A bill to amend section 214 of the Internal Revenue Code of 1954 to permit a married couple to deduct certain household and dependent care expenses when one spouse is a full-time student to the same extent that a deduction would be allowable were both spouses employed. Referred to the Committee on Finance.

S. 1200. A bill to amend title II of the Social Security Act to provide for the payment of monthly insurance benefits to the aged dependent brothers and sisters of a deceased fully insured individual. Referred to the Committee on Finance.

By Mr. JACKSON (for himself and Mr. FANNIN) (by request):

S. 1201. A bill to amend the act of October 15, 1966 (80 Stat. 915), as amended, establishing a program for the preservation of additional historic properties throughout the Nation, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

By Mr. FANNIN:

S. 1202. A bill to amend the Internal Revenue Code of 1954 to make clear the tax treatment intended for guaranteed renewable life, health, and accident insurance contracts in the case of life insurance companies. Referred to the Committee on Finance.

S. 1203. A bill to extend Letters Patent Numbered 2,322,210, and for other purposes. Referred to the Committee on the Judiciary.

By Mr. FANNIN (for himself, Mr. HANSEN, and Mr. THURMOND):

S. 1204. A bill to revise section 801 of the Revenue Act, 1916, to increase the penalty for violation thereof, and for other purposes. Referred to the Committee on Finance.

By Mr. HANSEN:

S. 1205. A bill for the relief of Harry H. Hashimoto. Referred to the Committee on the Judiciary.

By Mr. TOWER:

S. 1206. A bill for the relief of Concepcion Velasquez Rivas. Referred to the Committee on the Judiciary.

By Mr. HANSEN:

S. 1207. A bill to amend section 311(d) (2)(A) of the Internal Revenue Code of 1954. Referred to the Committee on Finance.

By Mr. FONG:

S. 1208. A bill to amend title II of the Social Security Act so as to extend the provisions of section 231 thereof—relating to coverage of persons of Japanese ancestry who were interned during World War II—to such persons who were not citizens of the United States. Referred to the Committee on Finance.

By Mr. HATFIELD:

S. 1209. A bill to amend the Internal Revenue Code of 1954 to permit the deducation of household and dependent care expenses by a married couple when one spouse is a full-time student to the same extent that such expenses could be deducted if both spouses were employed. Referred to the Committee on Finance.

By Mr. BIBLE (for himself and Mr. CANNON):

S. 1210. A bill to amend the Internal Revenue Code of 1954 to allow a deduction from gross income for transportation expenses of certain individuals employed at remote Federal installations. Referred to the Committee on Finance.

By Mr. BIBLE (for himself and Mr. CANNON):

S. 1211. A bill to provide for the disposition of funds appropriated to pay judgments in favor of the Northern Paiute Nation by the Indian Claims Commission in docket numbered 87, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

By Mr. ROTH:

S. 1212. A bill to amend the Outer Continental Shelf Lands Act, as amended, to require a study of the environmental impact of mineral exploration in the Atlantic Ocean. Referred to the Committee on Interior and Insular Affairs.

By Mr. SCHWEIKER:

S. 1213. A bill to establish a Joint Committee on Federal Spending, to require the Congress to establish a limit on expenditures for each fiscal year, and for other purposes. Referred to the Committee on Government Operations.

By Mr. MUSKIE (for himself and Mr. ERVIN):

S. 1214. A bill to amend the Budget and Accounting Act, 1921, so as to provide the Congress with information relating to budget requests of the various departments and establishments of the Government. Referred to the Committee on Government Operations.

By Mr. METCALF:

S. 1215. A bill to amend title II of the Legislative Reorganization Act of 1970 to improve the ability of Congress to specify, obtain, and use the Federal fiscal, budgetary, and program-related data it requires from the executive branch, and for other purposes. Referred to the Committee on Government Operations.

By Mr. SAXBE:

S. 1216. A bill to be cited as the "North Eastern Rail Service Preservation Act of 1973." Referred to the Committee on Commerce.

By Mr. GRAVEL:

S. 1217. A bill to phase out the operation, construction, and export of civilian nuclear-fission power-plants by January, 1980. Referred to the Joint Committee on Atomic Energy.

S. 1218. A bill to amend title II of the Communications Act of 1934 to authorize common carriers subject to such title to provide certain free or reduced rate service for individuals who are deaf or hard of hearing. Referred to the Committee on Commerce.

By Mr. GRAVEL (for himself and Mr. STEVENS):

S. 1219. A bill to amend the Communications Act of 1934 to provide for loan assistance to certain cable television systems. Referred to the Committee on Commerce.

By Mr. MONDALE (for himself, Mr. Javits, Mr. Abourezk, Mr. Bayh, Mr. Biden, Mr. Brock, Mr. Brooke, Mr. Burdick, Mr. Case, Mr. Clark, Mr. Cook, Mr. Cranston, Mr. Eagleton, Mr. Fulbright, Mr. Gravel, Mr. Hart, Mr. Hartke, Mr. Hatfield, Mr. Hathaway, Mr. Hollings, Mr. Huddleston, Mr. Hughes, Mr. Humphrey, Mr. Kennedy, Mr. Mathias, Mr. McGee, Mr. McGovern, Mr. McIntyre, Mr. Montoya, Mr. Moss, Mr. Muskie, Mr. Nelson, Mr. Packwood, Mr. Pastore, Mr. Pell, Mr. Percy, Mr. Randolph, Mr. Ribicoff, Mr. Schweiker, Mr. Stafford, Mr. Stevenson, Mr. Tunney, and Mr. Williams:

S. 1220. A bill to limit the authority of the Secretary of Health, Education, and Welfare to impose, by regulations, certain additional restrictions upon the availability and use of Federal funds authorized for social services under the public assistance programs established by the Social Security Act. Referred to the Committee on Finance.

By Mr. BIBLE:

S. 1221. A bill to provide that Federal employees shall be entitled to accumulate annual leave in excess of 30 days, or receive payment therefor, for periods such employees have been in a missing status while serving in Southeast Asia during the Vietnam era. Referred to the Committee on Post Office and Civil Service.

By Mr. BIBLE (for himself and Mr. Cannon):

S. 1222. A bill to declare that all right, title, and interest of the United States in 2,640 acres, more or less, are hereby held by the United States in trust for the Piaute-Shoshone Tribe of the Fallon Indian Reservation, Nevada. Referred to the Committee on Interior and Insular Affairs.

By Mr. WILLIAMS:

S. 1223. A bill to amend the Act establishing the Gateway National Recreation Area to authorize the Secretary of the Interior to provide for water transportation facilities to the recreation area. Referred to the Committee on Interior and Insular Affairs.

By Mr. GRAVEL (for himself, Mr. Hathaway and Mr. Humphrey):

S. 1224. A bill to provide equality in the availability of communications for all residents of the United States and Puerto Rico. Referred to the Committee on Commerce.

By Mr. GRAVEL (for himself and Mr. Stevens):

S. 1225. A bill to authorize the conveyance of certain property of the United States to the State of Alaska. Referred to the Committee on Interior and Insular Affairs.

By Mr. MAGNUSON:

S. 1226. A bill for the relief of Anacleto Aboyabor Dotollo and Tortosa Torssilla Dotollo. Referred to the Committee on the Judiciary.

By Mr. MAGNUSON (by request):

S. 1227. A bill to amend section 415 of the Communications Act of 1934, as amended, to provide for a two-year period of limitations in proceedings against carriers for the recovery of overcharges or damages not based on overcharges. Referred to the Committee on Commerce.

S. 1228. A bill to authorize appropriations for the fiscal year 1974 for the Corporation for Public Broadcasting. Referred to the Committee on Commerce.

S. 1229. A bill to amend section 318 of the Communications Act of 1934, as amended, to enable the Federal Communications Commission to authorize translator broadcast stations to originate limited amounts of local programing, and to authorize FM radio translator stations to operate unattended in the same manner as is now permitted for television broadcast translator stations. Referred to the Committee on Commerce.

By Mr. MAGNUSON (by request):

S. 1230. A bill to authorize appropriations for the fiscal year 1974 for certain maritime programs of the Department of Commerce. Referred to the Committee on Commerce.

By Mr. MOSS:

S. 1231. A bill to amend the Internal Revenue Code of 1954 to provide that advertising of cigarettes and alcoholic beverages is not a deductible expense. Referred to the Committee on Finance.

S. 1232. A bill to authorize the Secretary of the Interior to consider and act upon an application for modification of Bureau of Land Management coal lease No. D-034365. Referred to the Committee on Interior and Insular Affairs.

By Mr. INOUYE:

S. 1233. A bill for the relief of Akiyo Kojima Molcilio. Referred to the Committee on the Judiciary.

By Mr. HRUSKA (by request):

S. 1234. A bill to provide for Special Law Enforcement Revenue Sharing. Referred to the Committee on the Judiciary.

By Mr. FULBRIGHT (by request):

S. 1235. A bill to amend Public Law 90-553 authorizing an additional appropriation for an International Center for Foreign Chanceries. Referred to the Committee on Foreign Relations.

By Mr. INOUYE:

S. 1236. A bill to amend title 5, United States Code, to allow credit for civil service retirement purposes for time spent by Japanese-Americans in World War II internment camps. Referred to the Committee on Post Office and Civil Service.

By Mr. WILLIAMS:

S. 1237. A bill to amend the Communications Act of 1934 to provide for the regulation of community antenna television systems. Referred to the Committee on Commerce.

S. 1238. A bill to amend section 8(b)(4) of the National Labor Relations Act, as amended, with respect to strike at the sites of construction projects; and

S. 1239. A bill to amend section 302(c) of the Labor-Management Relations Act, 1947, to permit employer contributions for joint industry promotion of products in certain instances. Referred to the Committee on Labor and Public Welfare.

By Mr. MATHIAS:

S. 1240. A bill for the relief of Fermina L. Marinas;

S. 1241. A bill for the relief of Consuelo Coronado; and

S. 1242. A bill for the relief of Asuncion Ventura-Rumi. Referred to the Committee on the Judiciary.

By Mr. BEALL:

S.J. Res. 75. A joint resolution to authorize a study of the operations of the Youth Correction Act. Referred to the Committee on the Judiciary.

By Mr. KENNEDY (for himself, Mr. Bayh, Mr. Brooke, Mr. Cranston, Mr. Eagleton, Mr. Hart, Mr. Hatfield, Mr. Hughes, Mr. Humphrey, Mr. Inouye, Mr. Javits, Mr. McGovern, Mr. Mathias, Mr. Mondale, Mr. Muskie, Mr. Nelson, Mr. Randolph, Mr. Tunney, Mr. Hathaway, and Mr. Proxmire):

S.J. Res. 76. A joint resolution proposing an amendment to the Constitution of the United States granting representation in the Congress to the District of Columbia. Referred to the Committee on the Judiciary.

By Mr. WILLIAMS:

S.J. Res. 77. Joint resolution to authorize the President to proclaim the month of April 1973, as "National Health Professional Careers Month." Referred to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. STEVENS:

S. 1195. A bill to provide needed facilities and services not otherwise available for the accommodation of visitors in the areas administered by the National Park Service, by authorizing the Secretary of the Interior to guarantee loans which are part of concessioner investments in such facilities and services, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

Mr. STEVENS. Mr. President, today I am introducing legislation which would authorize the Secretary of the Interior to guarantee loans used to finance the construction of visitor centers and other facilities in areas under the jurisdiction of the National Park Service.

Specifically, the Secretary would be authorized to guarantee up to 90 percent of the actual cost of a particular improvement. However, a $25 million ceiling would be placed on the aggregate unpaid principal amount of outstanding loans guaranteed under the act. Moreover, a loan could not be guaranteed unless the Secretary finds—first, that the concessioner is unable to obtain the necessary funds without a loan guarantee; second, that the proposed improvement is economically sound; and third, that the proposed improvement is necessary and appropriate for the public use and enjoyment of an area administered by the National Park Service. In order to insure the necessary financing, a revolving fund would be created, with contingency borrowing authority vested in the Secretary of the Interior in the event that at any time, the moneys in the fund were not sufficient to pay an amount owed by the Secretary on account of a loan default.

The introduction of this bill is necessitated by the fact that because the legal title to all improvements erected in areas administered by the National Park Service vests in the U.S. Government, it is very difficult to obtain private capital on a long term basis to construct such improvements. Moreover, the present economic situation makes it difficult to obtain the necessary financing.

Mr. President, I believe that the establishment of visitor centers and related facilities in areas not now served by these improvements would promote public use and enjoyment of our national parks, wilderness areas, wildlife refuges, and other areas of this type. Since the Act stipulates that new facilities and services could be instituted only if they are consistent with the preservation and conservation of areas administered by the Park Service, the natural environment of these withdrawals would not be impaired.

In my State of Alaska, which has numerous areas of great natural beauty, tourism would be stimulated with a concomitant beneficial impact on our entire economy. At the same time, many thousands of Americans would be able to experience the scenic beauty and splendor of Mount McKinley National Park, the Glacier Bay and Katmai National Monuments, and other areas administered by the Park Service in my State. Similar public enjoyment and economic benefits would result in many other parts of the United States. For all of these reasons, I urge the prompt enactment of the bill that I have introduced today.

I ask unanimous consent that this legislation be reprinted at this point in the CONGRESSIONAL RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1195

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

POLICY AND PURPOSE

SECTION 1. It is hereby declared to be the policy of Congress to encourage private persons and corporations to provide and operate facilities and services for the accommodation of visitors in the areas administered by the National Park Service of the Department of the Interior, but only to the extent that such facilities and services are necessary and appropriate for the public use and enjoyment of such areas, and are consistent with their preservation and conservation. However, it is recognized that as legal title to all improvements erected in areas administered by the National Park Service vests in the United States Government, private capital to construct these facilities is not available from conventional sources for long-term financing.

It is the sense of the Congress that the Secretary of the Interior should adopt such policies and take such action as may be necessary or appropriate to implement the foregoing policy, and, in furtherance of that policy, it is the purpose of this Act to authorize the Secretary of the Interior to guarantee loans obtained by concessioners to finance such facilities. To the degree consistent with the best interests of the parties, these loans should be obtained from sources local to the area served.

DEFINITION

SEC. 2. As used in this Act—

(1) The term "Secretary" means the Secretary of the Interior.

(2) The term "concessioner" means a holder of a concession contract with the Department of the Interior, who is authorized to provide and operate, under the supervision of the National Park Service, facilities and services for the accommodation of visitors in areas administered by the National Park Service.

(3) The term "concession contract" means the contract to provide and operate facilities and services granted to the concessioner by the Department of the Interior.

(4) The term "improvement" means any facility used or to be constructed, repaired, or improved in an area referred to in paragraph (2), including equipment to be purchased and used in connection therewith by a concessioner pursuant to the request and subject to the approval of the Secretary, for the purpose of enabling the concessioner to furnish accommodations or to perform services to the public, as such accommodations and services are defined in the concession contract.

(5) The term "financing" shall mean any loan, advance of credit, or bonds or notes issued under a trust indenture.

(6) The term "lender" includes the original maker of any loan and his successors in interest, or the purchaser of a bond or note, except that in the case of a loan or advance of credit involving a trust indenture and an issue of bonds or notes thereunder, it means the trustee designated in such trust indenture and his successors and assigns as trustees, but does not include the holders of the bonds or notes issued under such trust indenture.

(7) The term "actual cost of an improvement" means, as of any specific date, the aggregate (as approved by the Secretary) of (a) all amounts paid by or on account of the concessioner on or before that date, and (b) all amounts the concessioner is then obliged to pay from time to time thereafter, for an improvement.

(8) The term "possessory interest" means the rights of the concessioner in improvements recognized in the concession contract.

GUARANTEE OF LOANS

SEC. 3. (a) When the Secretary determines that not less than 10 per centum of the cost of the improvement will be furnished by the concessioner from sources other than the lender whose financing is to be guaranteed, the Secretary is hereby authorized to guarantee such lender against loss of principal and interest on any financing made by such lender to any concessioner. Such guarantee shall be made on such terms and conditions, and pursuant to such regulations as the Secretary may prescribe, but in no case shall the Secretary pay, pursuant to any such guarantee, an amount in excess of 90 per centum of the actual cost of an improvement.

(b) The faith of the United States is solemnly pledged to the payment of each guarantee made pursuant to this Act.

(c) The aggregate unpaid principal amount of outstanding loans guaranteed under this Act shall not exceed $25,000,000.

GUARANTEE RESTRICTIONS

SEC. 4. No loan shall be guaranteed under this Act, unless the Secretary finds—

(1) that the concessioner would be unable to obtain the necessary funds for the improvement without such guarantee, and in the amount thereof;

(2) at or prior to the time the guarantee is made, that the improvement with respect to which the financing is or will be executed is economically sound; and

(3) that the improvement for which the financing is or will be executed is necessary and appropriate for the public use and enjoyment of an area administered by the National Park Service.

FINANCING GUARANTEE FUND

SEC. 5. (a) There is created a National Park Service Guaranty Fund (hereinafter referred to as the "fund"), which shall be used by the Secretary as a revolving fund for the purpose of carrying out the provisions of this Act. Moneys in the fund shall be deposited in the Treasury of the United States to the credit of the fund, or invested in bonds or other obligations of, or guaranteed as to principal and interest by, the United States.

(b) The Secretary is authorized to fix a guarantee fee in connection with each financing guaranteed under this Act. Such charge shall not be less than one-quarter of 1 per centum per annum, nor more than one-half of 1 per centum per annum of the average principal amount of the financing outstanding. Fee payments shall be made when payments are first advanced under the loan agreement or trust indenture and on each anniversary date thereafter. All such fee payments shall be computed and shall be payable to the Secretary under such regulations as the Secretary may prescribe.

(c) All moneys borrowed by the Secretary under section 7, and all fees collected in connection with financing guaranteed under this Act, shall be deposited in the fund.

DEFAULTS ON FINANCING

SEC. 6. (a) In the event of an act or failure to act which gives the lender the right to mature any financing guaranteed under this Act (any such event being referred to herein as a default), and if there is a failure on the part of the concessioner to remove and remedy the default within thirty days thereafter, the lender shall have the right—

(1) in the case of a default in respect to the payment of principal or interest or the payment of any amount to provide for the payment of guarantee charges to the Secretary, to demand payment at or before the expiration of sixty days after any such default; or

(2) in the case of any other default, including but not limited to a substantial default or continued unsatisfactory performance under the concession contract to demand at any time during the continuance of such default, payment by the Secretary of the unpaid principal amount of such financing and of the unpaid interest thereon to the date of payment. Upon the making of any such demand, the lender shall assign the financing instrument and any obligations evidencing the same to the Secretary. The Secretary may at any time during the continuance of any default notify the lender in writing that a default exists, specifying the same, and that by reason of such default the Secretary intends to terminate the guarantee sixty days after such notice is received by the lender. The lender shall be entitled to demand payment by the Secretary as above provided at any time during such sixty-day period, whether or not the default is removed and remedied, and if the lender shall fail to make such demand, the guarantee may be terminated by the Secretary on or after the expiration of such period. Within a period of thirty days from the date of any such demand, the Secretary shall accept the assignment and promptly pay to the lender the unpaid principal amount of such financing and unpaid interest thereon to the date of payment; except that in any case in which the Secretary has given notice of intention to terminate the guarantee pursuant to the foregoing provisions, the Secretary shall not be required to accept such assignment if, prior to the expiration of such thirty-day period, he shall find that there was no default or that such default was removed and remedied prior to any such demand.

(b) In the event the Secretary shall accept the assignment of a financing agreement upon the default of a concessioner pursuant to subsection (a), he shall take such action against the concessioner or any other parties liable under the financing agreement thereunder as, in his discretion, may be required to protect the interests of the United States and of the lender as they may appear. In any event, and in addition to all other remedies which may be available to the Secretary as a matter of law, or pursuant to the concession contract or the financing agreement, the payment made by the Secretary to the lender under subsection (a) shall constitute a primary lien against the entire possessory interest of the concessioner under the concession contract of such concessioner, without any limitation to the improvements which were acquired by means of the defaulted obligation. The Secretary shall require as a condition of entering into the guarantee herein provided for, that the concessioner shall agree—

(1) default in the financing shall constitute a default under the concession contract;

(2) the Secretary shall have the right, in addition to the rights granted under the concession contract, to offer for sale not only the possessory interest of the concessioner, but all other property of the concessioner which may have been pledged to secure the loan, with any excess of the proceeds of such sale over any amount paid by the Secretary pursuant to subsection (a) to be paid to the concessioner.

If the Secretary shall determine that the interests of the United States do not require the sale of the possessory interest of the concessioner, he may make such agreement with the concessioner as, in the opinion of the Secretary, will result in remedying the default.

(c) Any amount required to be paid by the Secretary pursuant to subsection (a) shall be paid in cash.

BORROWING AUTHORITY

SEC. 7. If at any time the moneys in the fund are not sufficient to pay any amount the Secretary is required to pay by section 6(a), the Secretary is authorized to issue to the Secretary of the Treasury notes or other obligation in such forms and denominations, bearing such maturities, and subject to such terms and conditions as may be prescribed by the Secretary, with the approval of the Secretary of the Treasury. Such notes or other obligations shall bear interest at a rate determined by the Secretary of the Treasury, taking into consideration the current average market yield on outstanding marketable obligations of the United States of comparable maturities during the month preceding the issuance of such notes or other obligations. The Secretary of the Treasury is authorized and directed to purchase any notes and other obligations to be issued hereunder and for such purpose he is authorized to use as a public debt transaction the proceeds from the sale of any securities issued under the Second Liberty Bond Act, as amended, and the purposes for which securities may be issued under such Act, as amended, are extended to include any purchases of such notes and obligations. The Secretary of the Treasury may at any time sell any of the notes or other obligations acquired by him under this section. All redemptions, purchases, and sales by the Secretary of the Treasury of such notes or other obligations shall be treated as public debt transactions of the United States. Funds borrowed under this section shall be deposited in the fund, and redemptions of such notes and obligations shall be made by the Secretary from the fund.

INCONTESTABILITY OF GUARANTEES

SEC. 8. Any contract of guarantee entered into by the Secretary under this Act shall not be terminated, canceled, or otherwise revoked for any reason, except as provided in section 6, and shall be conclusive evidence that the financing complies fully with the provisions of this Act; and any contract of guarantee so entered into shall be incontestable from the date on which it is entered into, except for fraud, duress, or mutual mistake of fact.

AUTHORIZATION OF APPROPRIATIONS

SEC. 9. There are hereby authorized to be appropriated such sums as may be necessary for the administrative expenses incurred in carrying out the provisions of this Act.

By Mr. JAVITS (for himself and Mr. HRUSKA, Mr. MCGEE, and Mr. TOWER):

S. 1196. A bill to establish an Antitrust Review and Revision Commission. Referred to the Committee on the Judiciary.

Mr. JAVITS. Mr. President, I send to the desk and introduce for appropriate reference, a bill to establish an Antitrust Review and Revision Commission. I ask unanimous consent that the text of the bill be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. JAVITS. Mr. President, this bill would establish an 18-member bipartisan Commission which would be charged with the duties of examining our antitrust laws and making recommendations for revising them. The Commission would be composed of eight Members of Congress, four members of the executive branch, and six experts from the private sector, to be chosen in such a manner as to be broadly representative of the various interests, needs, and concerns which the antitrust laws may affect. The Commission would specifically be asked to examine the effect of the antitrust laws upon:

Price levels, product quality and service;

Employment, productivity, output, investment and profit;

Concentration of economic power and financial control;

Foreign trade and international competition; and economic growth.

The bill provides a period of 2 years for this study, in order that fundamental and basic relationships between the antitrust laws and our increasingly complex economy can be thoroughly analyzed and so that proposals for revision of the laws may be given careful and thoughtful review.

Among the reasons why I believe a review and revision of the antitrust statutes has become an economic necessity for our country are:

First, the market structure of our economy and even the nature of the economy itself have changed radically since the adoption of the Sherman Act in 1890; statutes designed to meet the needs of a 19th century economy cannot be expected to provide direction for economic policies of the 1970's.

Second, the vague language of the existing antitrust statutes and the lack of clarity as to the purposes of those statutes have left the courts, the bar, and the business community with little guidance for deciding cases, predicting results, or making business decisions. The result has been confusion, conflict, and uncertainty in the law.

Third, the general language of the law has required that the major antitrust policies be shaped and expressed by the judiciary, which has no significant expertise in the economy. This has led to applications of and developments in the antitrust law, some of which may be said to be anticompetitive and genuinely in conflict with the declared purposes of our antitrust statutes.

Major historical developments affecting the nature and market structure may have rendered obsolete many 19th century conceptions of antitrust and, at the same time, have generated a need for different antitrust rules and weapons.

Perhaps the most important of these historical changes is the evolution of an essentially laissez-faire economy into a mixed business-government economy, characterized by pervasive government involvement as participant and regulator.

Another is the growth of a nation of many small businesses and few trusts into one whose economy is increasingly dominated by corporate giants which, it has been suggested, can operate more economically as far as the consumer is concerned under stable conditions conducive to planning than can small businesses.

Still another important historical change, of great importance today, is the growth of multinational corporations and the development of various international economic institutions, such as GATT, which have drastically changed international trade and the business relationships involved in such trade.

Our antitrust laws, as interpreted by the courts, have not kept pace with these changes. Perhaps the courts are not to be blamed for this, for the judicial function is to interpret statutes consistently with their purpose. However, Congress has the responsibility for seeing that laws and their purpose are kept up to date; antitrust policy in changing times should be made by Congress and not the courts.

It is my hope that the Commission to be established by my bill would give full consideration to the implications of these historical trends for antitrust policy and suggest to Congress appropriate corrective action.

Our antitrust laws are rife with conflict and uncertainty. Vague statutory terms about restraints of trade and attempts to monopolize have been given substance and content by the courts with practically no guidance from Congress. Indeed, it could be argued that Congress has given worse than no guidance by imposing conflicting and contrary mandates on the courts, for it is difficult to reconcile the philosophy of earlier statutes with the price-equivalency of the Robinson-Patman Act, which dampens competition—though it may be necessary for public policy reasons. Confusion has been increased by the overlapping jurisdictions of the Justice Department and the Federal Trade Commission, which should serve separate prosecutorial and regulatory functions; and, by the uncertain relationship between private antitrust actions and suits brought by the Government.

The problem facing lawyers and businessmen was well summarized by Robert H. Jackson when he was Assistant Attorney General for Antitrust:

> In view of the extreme uncertainty which prevails as a result of these vague and conflicting adjudications, it is impossible for a lawyer to determine what business conduct will be pronounced lawful or unlawful by the courts. The situation is embarrassing to businessmen wishing to obey the law and to government officials attempting to enforce it.

If anything, the situation has become far worse since that statement was made in 1938. The Antitrust Review and Revision Commission could perform a great service by laying a basis for a consistent and predictable antitrust law.

Congress now has the benefit of two recent Presidential Task Force reports on the antitrust laws, commissioned by Presidents Johnson and Nixon. These reports made several interesting observations and suggestions. Proposal for legislative action ranged in scope from the breakup of very large firms in highly concentrated industries to a limitation on the duration of antitrust decreases. I believe two general features of the reports tended to render them ineffective. First, in large part the focus of the reports was on the technical improvement of existing laws rather than the clarification and reordering of fundamental concepts. It may be of course that intensive investigation would support the basic principles of our existing laws, but I believe that it is most important that such an investigation be made. A Commission would have the mandate and the time to do so. Second, the task forces were not made up of officials in a position to effectuate their policy conclusions; the reports were simply forwarded by experts to officials who had not participated in making the studies and recommendations.

The Commission to be established by my bill would insure the involvement of Senators and Members of Congress and executive officials who would be in a position to help implement their proposals. These are some of the reasons why I believe it is necessary to establish a high-level Commission to study all aspects of our antitrust policy and make appropriate recommendations to Congress for revising the law. Only on the basis of the recommendations of such a Commission is Congress likely to be moved to action. Such a Commission could be a very effective instrument of reform.

I am not suggesting that we scrap our antitrust laws or that competition is an anachronism. Nor am I so naive as to think that the Commission will resolve all the disparate views about the role of antitrust policy into one broad consensus. However, the time has come when I feel the Commission could make recommendations which would attract broad support in Congress and have a major effect in improving and facilitating our whole enterprise system.

Antitrust laws are today one among many techniques of regulating our economy. The Commission would be expected to examine into the structural issues which are at the core of antitrust policy as well as the relationship between antitrust policy as well as the relationship between antitrust and other forms of regulation. In addition, there are a myriad of special problems in the antitrust area which have occasioned much discussion and litigation in recent years, as to which Congress ought to have some informed judgment available to enable it to consider legislative policy in specific areas.

Thus, the Commission could profitably give its attention to marketing techniques. With the growth of the economy a number of novel marketing techniques have evolved, and with them have come, inevitably, antitrust problems. These problems include resale price maintenance, fair trade laws, limitations on competition between distributors, and a whole panoply of problems connected with franchising.

The Commission could also perform a valuable service by clarifying the relationship between the Justice Department and the FTC in the enforcement scheme. At present, there is a good deal of overlap in their functions, particularly under the Clayton Act. Similarly the relationship between private antitrust actions and Government actions could be clarified.

Another extremely valuable contribution the Commission could make would be to determine if the Robinson-Patman Act, forbidding price discrimination, continues to serve a useful purpose and, if so, to rewrite the act so that the courts which must interpret it, and the businessmen which must obey its commands, can make some sense out of it. For years now the courts have been extending pointed invitations to Congress to do something about this problem, and it is time the invitation was accepted.

Another area in which the Commission clearly could make a most valuable contribution is in the application of our domestic antitrust laws to foreign trade and investment. For many years, experts have been pointing out how the rigid application of the antitrust laws has put our exporters at a serious disadvantage abroad. That is not a matter to be taken lightly in these days of concern with our balance of payments and our trade balance.

No less pressing is the need to encourage the investment of private capital of the United States and other developed countries in the developing countries. Again it is widely felt that our antitrust laws are an inhibiting factor, particularly to the establishment of consortiums of the United States and other private companies from industrialized countries grouping to invest in less developed countries. In both instances, there is a deep conflict between our antitrust philosophy and other major national policies when there should be coordination and thoughtful accommodation between them.

Many experts have concluded that uncertainty about the enforcement of U.S. antitrust laws extraterritorially is the greatest single inhibitor to increased foreign trade and investment. The report of the ABA Committee on Trade Regulation in 1963, for example, highlights the following specific areas of uncertainty in this field:

First, uncertainty as to the terms under which a U.S. business may enter into a joint venture with a competitor, either American or foreign, to engage in business abroad;

Second, uncertainty as to the extent to which U.S. business may cooperate in association with foreign competitors, even when the association is required or permitted by the laws of the foreign country where the activity takes place;

Third, uncertainty as to the extent to which a U.S. business may include territorial and other limitations in patents, trademarks, and know-how licenses;

Fourth, uncertainty due to conflicts between antitrust laws of the United States and the laws of foreign countries, and economic communities, such as the European Common Market; and

Fifth, protests by foreign governments due to the extraterritorial application of U.S. antitrust laws to their nationals.

The list of critical cases which the proposed Commission would be charged with studying could be elaborated at much greater length. But these are some of the major areas of concern.

In the last analysis the enormous job of studying, recommending, and enacting the antitrust laws is with the Congress. The tendency has been in recent years for a major part of the antitrust policy to be articulated by the enforcement agencies and the courts. The Commission I propose would enable Congress, if it will, again to establish basic antitrust policy; and such policy is basic to the economic future of the United States at home and abroad and to its leadership in world affairs.

In short, the keystone to effective operation of the modern American economy may be a revision of the antitrust laws. Our antitrust laws, now over 80 years old, may well have become obsolete. It is high time that Congress take the matter in hand to determine our national policy on U.S. business—marvel of our world and of economic history. We could help enable it to perform its legendary feats for our people and for peace and well-being and justice in the world, if we reviewed the rules under which it operates.

In addition, I would like to state that I believe this bill is quite consistent with what I feel the administration believes in in this field, and I hope that the administration will support it.

I hope very much that this proposal to study and revise the antitrust laws will, at long last, have the effective and positive action which it so richly needs and deserves in the interest of the American economy.

In short, Mr. President, as the antitrust laws determine so heavily what will happen in the American economy, they should now be definitively reviewed, and I introduce the bill for that purpose.

I am joined in the introduction of this measure by the Senator from Nebraska (Mr. HRUSKA), the Senator from Wyoming (Mr. MCGEE), and the Senator from Texas (Mr. TOWER) as cosponsors of the proposal.

EXHIBIT 1

S. 1196

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there is hereby established an Antitrust Review and Revision Commission (hereinafter referred to as the "Commission") constituted in the manner hereinafter provided.

PURPOSE OF THE COMMISSION

SEC. 2. The Commission shall study the antitrust laws of the United States, their applications, and their consequences, and shall report to the President and the Congress the revision, if any, of said antitrust laws which it deems advisable on the basis of such study. The study shall include the effect of said antitrust laws upon:

(a) price levels, product quality and service;

(b) employment, productivity, output, investment, and profits;

(c) concentration of economic power and financial control;

(d) foreign trade and international competition; and

(e) economic growth.

MEMBERSHIP OF THE COMMISSION

SEC. 3. (a) NUMBER AND APPOINTMENT.—The Commission shall be composed of eighteen members appointed by the President as follows:

(1) four from the executive branch of the Government;

(2) four from the Senate, upon the recommendation of the President of the Senate;

(3) four from the House of Representatives, upon recommendation of the Speaker of the House of Representatives and

(4) six from private life.

(b) REPRESENTATION OF VARIED INTERESTS.—The membership of the Commission shall be selected in such a manner as to be broadly represented of the various interests, needs, and concerns which may be affected by the antitrust laws.

(c) POLITICAL AFFILIATION.—Not more than one-half of the members of each class of members set forth in clauses (2), (3), and (4) of subsection (a) shall be from the same political party.

(d) VACANCIES.—Vacancies in the Commission shall not affect its powers but shall be filled in the same manner in which the original appointment was made.

ORGANIZATION OF THE COMMISSION

SEC. 4. The Commission shall select a Chairman and a Vice Chairman from among its members.

QUORUM

SEC. 5. Ten members of the Commission shall constitute a quorum.

COMPENSATION OF MEMBERS OF THE COMMISSION

SEC. 6. (a) MEMBERS OF CONGRESS.—Members of Congress, who are members of the Commission, shall serve without compensation in addition to that received for their services as Members of Congress, but they shall be reimbursed for travel, subsistence, and other necessary expenses incurred by them in the performance of the duties vested in the Commission.

(b) MEMBERS FROM THE EXECUTIVE BRANCH.—Notwithstanding section 5533 of title 5, United States Code, any member of the Commission who is in the executive branch of the Government shall receive the compensation which he would receive if he were not a member of the Commission, plus such additional compensation, if any, as is necessary to make his aggregate salary not exceeding $36,000 and he shall be reimbursed for travel, subsistence, and other necessary expenses incurred by him in the performance of the duties vested in the Commission.

(c) MEMBERS FROM PRIVATE LIFE.—The members from private life shall each receive not exceeding $200 per diem when engaged in the performance of duties vested in the Commission, plus reimbursement for travel, subsistence, and other necessary expenses incurred by them in the performance of such duties.

POWERS OF THE COMMISSION

SEC. 7. (a) (1) HEARINGS.—The Commission or, on the authorization of the Commission, any subcommittee thereof, may, for the purpose of carrying out its functions and duties, held such hearings and sit and act at such times and places, administer such oaths, and require, by subpena or otherwise, the attendance and testimony of such witnesses, and the production of such books, records, correspondence, memoranda, papers, and documents as the Commission or such subcommittee may deem advisable. Subpenas may be issued under the signature of the Chairman or Vice Chairman, or any duty designated member, and may be served by any person designated by the Chairman, the Vice Chairman, or such member.

(2) In case of contumacy or refusal to obey a subpena issued under paragraph (1) of this subsection, any district court of the United States or the United States court of any possession, or the District Court of the United States for the District of Columbia, within the jurisdiction of which the injury is being carried on or within the jurisdiction of which the person guilty of contumacy or refusal to obey is found or resides or transacts business, upon application by the Attorney General of the United States shall have jurisdiction to issue to such person an order requiring such person to appear before the Commission or a subcommittee thereof, there to produce evidence if so ordered, or there to give testimony touching the matter under inquiry; and any failure to obey such order of the court may be punished by the court as a contempt thereof.

(b) OFFICIAL DATA.—Each department, agency, and instrumentality of the executive branch of the Government, including independent agencies, is authorized and directed to furnish to the Commission, upon request made by the Chairman or Vice Chairman, such information as the Commission deems necessary to carry out its functions under this Act.

(c) Subject to such rules and regulations as may be adopted by the Commission, the Chairman shall have the power to—

(1) appoint and fix the compensation of an executive director, and such additional staff personnel as he deems necessary, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, but at rates not in excess of the maximum rate for GS–18 of the General Schedule under section 5332 of such title, and

(2) procure temporary and intermittent services to the same extent as is authorized by section 3109 of title 5, United States Code, but at rates not to exceed $200 a day for individuals.

(d) The Commission is authorized to enter into contracts with Federal or State agencies, private firms, institutions, and individuals for the conduct of research or surveys, the preparation of reports, and other activities necessary to the discharge of its duties.

SEC. 8. The Commission shall transmit to the President and to the Congress not later than two years after the first meeting of the Commission a final report containing a detailed statement of the findings and conclusions of the Commission, together with such recommendations as it deems advisable. The Commission may also submit interim reports prior to submission of its final report.

EXPIRATION OF THE COMMISSION

SEC. 9. Sixty days after the submission to Congress of the final report provided for in section 8, the Commission shall cease to exist.

By Mr. HARTKE:

S. 1197. A bill to amend the Fair Packaging and Labeling Act to provide for a uniform system of quality grades for food products, to provide for a system of labeling of food products to disclose the ingredients thereof, to provide for a system of national standards for nutritional labeling of food products, and to provide for a system of labeling of perishable and semiperishable foods. Referred to the Committee on Commerce.

TRUTH IN FOOD LABELING ACT

Mr. HARTKE. Mr. President, today I introduce the Truth in Food Labeling Act. This legislation is designed to enable the consumer to have all pertinent information at her disposal when she shops at the neighborhood supermarket or the corner grocery store.

This is an age when people are demanding to know more about their environment, yet we know so little about the food we eat. We are ignorant about its quality, its nutritional value, its ingredients, its freshness, and its manufacturer. These are crucial facts, yet they remain hidden from most consumers.

The Truth in Food Labeling Act puts an end to the mystery which envelops the food we eat. In essence, it requires that certain basic information about the contents of that food be printed on the package label in plain and concise language. Specifically, the bill accomplishes the following objectives:

First, it establishes a uniform system of grade labeling for all consumer food products and requires that grade designations appear in a conspicuous and legible type on each food package. To accomplish this purpose, the bill establishes grades "A" to "E" and "substandard" and mandates the use of these terms on all food products with the exception of meat products for which there is currently an inspection and grading program administered by the Secretary of Agriculture.

Second, the bill requires that the labels of food products disclose their ingredients. There is no reason to ask a consumer to buy a product whose contents are not known in full. At a time when we are beginning to learn so much about the harmful effects of certain substances, we must assure the consumer of full knowledge about the food he eats.

Third, the bill requires that food product labels contain information about the nutritional content of that product. The consumer should have access to this information so that nutritional meals can be planned. Although there is ample proof that Americans are eating more food than ever, there is equally ample proof that the nutritional content of our diets is decreasing. If the consumer is to become nutrition-conscious, then she will have to have the nutrient content of foods prominently displayed on each package.

Fourth, the bill requires that all perishable and semiperishable foods contain a "pull date" on the label of the product. This date represents the latest date on which that product can be sold as fresh. During the past several months, much has been written to indicate that many outdated products are being sold every day. Baby food, canned goods, and packaged goods which were stale months and years ago are being sold as fresh products. The most ironic aspect of this problem is that most perishable and semiperishable food products do contain some sort of "pull date," but it is printed in a code form which is not decipherable by the consumer, nor can it be understood by many food store managers. Under my proposal, the "pull date" would have to be stated in the form of day, month, and year.

Fifth, the bill requires the name and place of business of the manufacturer, packager, and distributor to be printed on the packages of food, drugs and cosmetics. This provision will enable a consumer to make better comparisons among competing brands of the same product, and it will also help to promote the public safety. Many products are marketed under private labels. The fact that these products are often cheaper than nationally known brands does not mean that they are necessarily of inferior quality. There are many instances of a manufacturer producing the same product packaged under different—and often competing—brand names sold at different prices. In the Bon Vivant case last year, one of the problems presented to the consumer is that the company marketed its product under different brand names. The consumer was thus uncertain whether the soup he had on his shelves was manufactured by Bon Vivant or another company. This provision of my bill eliminates that uncertainty.

Mr. President, the Truth in Food Labeling Act will lessen substantially the difficulties which consumers face when purchasing food. It will assist in making the consumer informed and knowledgeable about what he buys at the store. The doctrine of "caveat emptor" is only valid so long as the consumer has at his or her disposal adequate information upon which to make a rational purchase judgment.

The only realistic means by which a consumer can obtain that information is through a new and revolutionary system of product labeling. The Truth in Food Labeling Act will achieve this objective by providing the consumer with an opportunity to make a reasoned decision about the best product to buy in light of his individual needs and desires. It will also benefit consumers by promoting competition among food manufacturers and processors. Nothing in this bill imposes an unreasonable requirement on the food industry. If there is opposition, it will come not from those who seek to keep the consumer from being confused by too much information, but from those who seek to keep the consumer from being informed about the food he eats.

Mr. President, I ask unanimous consent that the text of the Truth in Food Labeling Act be printed at this point in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1197

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Food Consumers' Protection Act of 1973".

SEC. 2. (a) The Fair Packaging and Labeling Act (15 U.S.C. 1451–1461) is amended as follows—

(1) by inserting "Title I—Fair Packaging and Labeling" immediately above the heading of section 2;

(2) by redesignating sections 2 through 5 as sections 101 through 104, respectively;

(3) by striking out "section 3" in section 103(a) (as redesignated by clause (2) of this section) and inserting in lieu thereof "section 102";

(4) by striking out "section 3" in section 103 (b) (as redesignated by clause (2) of this section) and inserting in lieu thereof "section 103";

(5) by striking out "section 4" and "section 2" in section 104(b) (as redesignated by clause (2) of this section) and inserting in lieu thereof "section 103" and "section 101", respectively;

(6) by striking out "section 4" in section 104(c) (as redesignated by clause (2) of this section) and inserting in lieu thereof "section 103"; and

(7) by adding immediately after section 104 (as redesignated by clause (2) of this section) the following new titles:

"TITLE II—QUALITY GRADING OF FOOD PRODUCTS

"SEC. 201. (a) It shall be unlawful for any person engaged in the packaging or labeling of any food product for distribution in commerce, or for any person (other than a common carrier for hire, a contract carrier for hire, or a freight forwarder for hire) engaged in the distribution in commerce of any packaged or labeled food product, to distribute or to cause to be distributed in commerce any such product if it is contained in a package, or if there is affixed to that product a label which does not conform to the provisions of this title and regulations promulgated under the authority of this title.

"(b) The prohibition contained in subsection (a) shall not apply to persons engaged in business as wholesale or retail food distributors except to the extent that such persons (1) are engaged in the packaging or labeling of such food, or (2) prescribe or specify by any means the manner in which such food is packaged or labeled.

"SEC. 202. (a) The Secretary of Health, Education, and Welfare shall formulate and prescribe a system of food quality grade designations, expressed in a uniform nomenclature, for all food products.

"(b) No person subject to the prohibition contained in section 201 shall distribute or cause to be distributed in commerce any packaged or labeled food product except in accordance with regulations which shall be prescribed by the Secretary of Health, Education, and Welfare pursuant to this title. Such regulations shall require that any food product distributed in interstate commerce bear a label containing a food quality designation of the food product contained therein, that the label on such product appear in a uniform location on the package, and that such label—

"(1) appear in conspicuous and easily legible type in distinct contrast (by typography, layout, color, embossing, or molding) with other matters on the package;

"(2) contain letters or numerals in type size which shall be (A) established in relationship to the area of the principal display found on the package, and (B) uniform for all packages of substantially the same size; and

"(3) be placed so that the lines of printed matter included in that statement are generally parallel to the base on which the package rests as it is designed to be displayed.

"(c) The Food quality designations for food products adopted by the Secretary shall provide for the following designations in descending order of quality of the food product:

"(1) U.S. GRADE A
"(2) U.S. GRADE B
"(3) U.S. GRADE C
"(4) U.S. GRADE D
"(5) U.S. GRADE E
"(6) SUBSTANDARD.

The Secretary of Health, Education, and Welfare may authorize the use of less than six different designations in the case of any food product if he determines that it is not in the public interest or is impracticable to require such food product to be broken down into six quality designations.

"(d) The Secretary of Health, Education, and Welfare shall immediately initiate and carry out a program of consumer education in conjunction with the promulgation of food quality designations prescribed by him under this title.

"TITLE III—LABELING OF FOOD PRODUCTS TO DISCLOSE INGREDIENTS

"SEC. 301. (a) It shall be unlawful for any person engaged in the packaging or labeling of any food product for distribution in commerce, or for any person (other than a common carrier for hire, a contract carrier for hire, or a freight forwarder for hire) engaged in the distibution in commerce of any packaged or labeled food product, to distribute or to cause to be distributed in commerce any such product if it is contained in a package, or if there is affixed to that product a label which does not conform to the provisions of this title and regulations promulgated under the authority of this title.

"(b) The prohibition contained in subsection (a) shall not apply to persons engaged in business as wholesale or retail food distributors except to the extent that such persons (1) are engaged in the packaging or labeling of such food, or (2) prescribe or specify by any means the manner in which such food is packaged or labeled.

"SEC. 302. No person subject to the prohibition contained in section 301 shall distribute or cause to be distributed in commerce any packaged or labeled food product except in accordance with regulations which shall be prescribed by the Secretary of Health, Education, and Welfare pursuant to this title. Such regulations shall require that any food product distributed in interstate commerce bear a label containing a statement specifying all the ingredients contained in such food product, that the label on such product appear in a uniform location on the package, and that such label—

"(1) appear in conspicuous and easily legible type in distinct contrast (by typography, layout, color, embossing, or molding) with other matters on the package;

"(2) contain letters or numerals in type size which shall be (A) established in relationship to the area of the principal display found on the package, and (B) uniform for all packages of substantially the same size; and

"(3) be placed so that the lines of printed matter included in that statement are generally parallel to the base on which the package rests as it is designed to be displayed.

"TITLE IV—NUTRITIONAL LABELING OF FOOD PRODUCTS

"DEFINITIONS

"SEC. 401. For the purpose of this title—

"(1) The term 'nutritional value' means the amount of nutrients contained in the food expressed in terms of the relationship of the amount of each nutrient contained in such food to the total recommended daily requirement of each such nutrient required to maintain a balanced diet as determined by the Secretary of Health, Education, and Welfare after consultation with the National Academy of Sciences.

"(2) The term 'nutrient' includes protein, vitamin A, B vitamins (thiamin, riboflavin, niacin), vitamin C, vitamin D, carbodydrate, fat, calories, calcium, iron, and such other nutrients as may be prescribed by regulation.

"SEC. 402. (a) It shall be unlawful for any person engaged in the packaging or labeling of any food product for distribution in commerce, or for any person (other than a common carrier for hire, a contract carrier for hire, or a freight forwarder for hire) engaged in the distibution in commerce of any packaged or labeled food product, to distribute or to cause to be distributed in commerce any such product if it is contained in a package, or if there is affixed to that product a label which does not conform to the provisions of this title and regulations promulgated under the authority of this title.

"(b) The prohibition contained in subsection (a) shall not apply to persons engaged in business as wholesale or retail food distributors except to the extent that such persons (1) are engaged in the packaging or labeling of such food, or (2) prescribe or specify by any means the manner in which such food is packaged or labeled.

"LABELING REQUIREMENTS

"SEC. 403. (a) No person subject to the prohibition contained in section 402 shall distribute or cause to be distributed in commerce any packaged or labeled food product except in accordance with regulations which shall be prescribed by the Secretary of Health, Education, and Welfare pursuant to this title. Such regulations shall require that any food product distributed in interstate commerce bear a label containing a statement specifying the nutritional value of the food product contained therein, that the label on such commodity appear in a uniform location on the package, and that such label—

"(1) appear in conspicuous and easily legible type in distinct contrast (by typography, layout, color, embossing, or molding) with other matters on the package;

"(2) contain letters or numerals in type size which shall be (A) established in relationship to the area of the principal display found on the package, and (B) uniform for all packages of substantially the same size;

"(3) be placed so that the lines of printed matter included in that statement are generally parallel to the base on which the package rests as it is designed to be displayed; and

"(4) bear a statement of the nutritional value of each serving if the label appears on a packaged food product which bears a representation as to the number of servings of the food product contained in the package.

"(b) The Secretary may by regulations require additional or supplementary words or phrases to be used in conjunction with the statement of nutritional value appearing on the label whenever he determines that such regulations are necessary to prevent the deception of consumers or to facilitate value comparisons as to any food product. Nothing in this subsection shall prohibit supplemental statements, which are not misleading or deceptive, at other places on the package, describing the nutritional value of the food product contained in such package.

"TITLE V—LABELING REQUIREMENTS FOR PERISHABLE AND SEMI-PERISHABLE FOODS

"DEFINITIONS

"SEC. 501. For purposes of this title—

"(1) The term 'Secretary' means the Secretary of Health, Education, and Welfare.

"(2) The term 'food' has the meaning prescribed for that term by section 201 of the Federal Food, Drug, and Cosmetic Act, except that such term does not include any fresh fruit or vegetable.

"(3) The term perishable or semi-perishable food' means any food which the Secretary determines has a high risk of any of the following as it ages:

"(A) spoilage;

"(B) significant loss of nutritional value; or

"(C) significant loss of palatability.

"(4) The term 'pull date' means the last date on which a perishable or semi-perishable food can be sold for consumption without a high risk of spoilage or significant loss of nutritional value or palatability, if stored by the consumer after that date for the period which a consumer can reasonably be expected to store that food.

"LABELING REQUIREMENTS FOR PERISHABLE AND SEMI-PERISHABLE FOODS

"SEC. 502. (a) No person who manufactures or packages a perishable or semi-perishable food in the form in which it is sold by retail distributors to consumers may distribute (or cause to be distributed) in commerce for purposes of sale a perishable or semi-perishable food packaged by him in such form unless he has, in accordance with the requirements of subsection (f), labeled such packages to show (1) the pull date for such food, and (2) the optimum temperature and humidity conditions for its storage by the ultimate consumer.

"(b) No person engaged in business as a retail distributor of any packaged perishable or semi-perishable food subject to the provisions of subsection (a) may sell, offer to sell, or display for sale such food unless the food's package is labeled in accordance with this title.

"(c) No person engaged in business as a retail distributor of any packaged perishable or semi-perishable food may sell, offer to sell, or display for sale any such food whose pull date, as specified on its package's label, has expired unless—

"(1) the food is fit for human consumption, as determined under applicable Federal, State, or local law,

"(2) such person separates the food from other packaged perishable or semi-perishable foods whose pull dates, as specified on their package's labels, have not expired, and

"(3) such person clearly identifies the food as a food whose pull date has expired.

"(d) No person engaged in the business of manufacturing, processing, packing, or distributing perishable or semi-perishable foods may place packages of such foods, labeled in accordance with subsection (a), in shipping containers or wrappings unless such containers or wrappings are labeled by him, in accordance with regulations of the Secretary, to show the pull date (or dates) on the labels of such packages.

"(e) No person may change, alter, or remove, before the sale of a packaged perishable or semi-perishable food to the ultimate consumer, any pull date required by this section to be placed on the label of such food's package or shipping container or wrapping.

"(f) (1) The pull date and the storage instructions required to be on the label of a packaged perishable or semi-perishable food under subsection (a) shall be determined in the manner prescribed by regulations of the Secretary.

"(2) A pull date shall, in accordance with regulations of the Secretary—

"(A) be (i) in the case of the month contained in the pull date, expressed in the commonly used letter abbreviations for such month, and (ii) otherwise expressed in such combinations of letters and numbers as will enable the consumer to readily identify (without reference to special decoding information) the day, month, or year, as the case may be, comprising the pull date; and

"(B) be separately and conspicuously stated in a uniform location upon the principal display panel of the label required under subsection (a).

"(3) (A) Any regulation under paragraph (1) prescribing the manner in which pull dates for a packaged perishable or semi-perishable food shall be determined may include provisions—

"(i) prescribing the time periods to be used in determining the pull dates for such food,

"(ii) prescribing the data concerning such food (and the conditions affecting it before and after its sale to the consumer) to be used in determining its pull dates, or

"(iii) permitting a person engaged in the business of manufacturing, processing, packaging, or distributing such food to determine its pull dates using such time periods and data as such person considers appropriate.

"(B) If such regulation includes provisions described in subparagraph (A) (iii) of this paragraph, such regulation shall also contain—

"(i) such provisions as may be necessary to provide uniformity, where appropriate, in the time periods used in pull date determinations; and

"(ii) provisions for regular review by the Secretary of the pull date determinations and the time periods and data upon which they are based.

"PENALTIES AND INJUNCTIONS

"SEC. 503. (a) Any person who knowingly or willfully violates any provision of section 502, or any regulation made thereunder, shall be imprisoned for not more than one year or fined not more than $5,000, or both; except that if any person commits such a violation after a conviction of him under this subsection has become final, or commits such a violation with the intent to defraud or mislead, such person shall be imprisoned for not more than three years or fined not more than $25,000, or both.

"(b) Any packaged perishable or semi-perishable food that is distributed in violation of section 502 or any regulation made thereunder shall be liable to be proceeded against at any time on libel of information and condemned in any district court of the United States within the jurisdiction of which such packaged food is found. Section 504 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 334) (relating to seizures) shall apply with respect to proceedings brought under this subsection and to the disposition of packaged foods subject to such proceedings.

"(c) (1) The United States district courts shall have jurisdiction, for cause shown, to restrain violations of section 502 and regulations made thereunder.

"(2) In any proceeding for criminal contempt for violation of an injunction or restraining order issued under this subsection, which violation also constitutes a violation of section 502 or a regulation made thereunder, trial shall be by the court or, upon demand of the accused, by a jury. Such trial shall be conducted in accordance with the practice and procedure applicable in the case of proceedings subject to the provisions of rule 42(b) of the Federal Rules of Criminal Procedure.

"(d) Before any violation of section 502 or a regulation made thereunder is reported by the Secretary to any United States attorney for institution of a criminal proceeding, the person against whom such proceeding is contemplated shall be given appropriate notice and an opportunity to present his views, either orally or in writing, with regard to such contemplated proceeding.

"(e) Nothing in this title shall be construed as requiring the Secretary to report for prosecution, or for the institution of libel or injunction proceedings, minor violations of section 502 or a regulation made thereunder whenever he believes that the public interest will be adequately served by a suitable written notice or warning.

"(f) (1) Actions under subsection (a) or (c) of this section may be brought in the district wherein any act or transaction constituting the violation occurred, or in the district wherein the defendant is found or is an inhabitant or transacts business, and process in such cases may be served in any other district of which the defendant is an inhabitant or wherever the defendant may be found.

"(2) In any actions brought under subsection (a) or (c) of this section, subpenas for witnesses who are required to attend a United States district court may run into any other district."

"TITLE VI—LABELING REQUIREMENTS FOR CERTAIN PACKAGE GOODS

"SEC. 601. (a) Section 403(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 343) is amended by striking out "or" in clause (1) and inserting "and" in lieu thereof.

"(b) Section 502(b) of such Act (21 U.S.C. 352) is amended by striking out "or" in clause (1) and inserting "and" in lieu thereof.

"(c) Section 602(b) of such Act (21 U.S.C. 362) is amended by striking out "or" in clause (1) and inserting "and" in lieu thereof.

"SEC. 602. The amendments made by this Act shall take effect upon the expiration of the one hundred and eighty day period which begins on the date of the enactment of this Act.

SEC. 3. (a) The Fair Packaging and Labeling Act is further amended by inserting "TITLE VI—GENERAL PROVISIONS" above the heading for section 6, and by redesignating sections 6 through 13 as sections 601 through 608, respectively.

(b) Section 601(a) of such Act (as redesignated by subsection (a) of this section) is amended by striking out "section 4 or section 5 of this Act" in subsections (a) and (b) and inserting in lieu thereof "section 103, 104, 201, 302, 403, or 502 of this Act".

(c) Section 602(a) of such Act (as redesignated by subsection (e) of this section) is amended by striking out "section 3 of this Act." and inserting in lieu thereof "section 102, 201, 301, or 402 of this Act. The provisions of this subsection shall not apply with respect to title V."

(d) Section 602(a) of such Act (as redesignated by subsection (a) of this section) is amended by striking out "section 4 and 5" and inserting in lieu thereof "sections 103, 104, 201, 302, 403, and 502".

(e) Section 603 of such Act (as redesignated by subsection (a) of this section) is amended by striking out "section 5(d) and inserting in lieu thereof "section 104(d)".

(f) Section 605 of such Act (as redesignated by subsection (a) of this section) is amended by adding at the end thereof the following:

"(g) The terms 'food' and 'food product' mean any article used for food or drink for man or other animals, and any article used as a component of such article."

(g) Section 607 of such Act (as redesignated by subsection (a) of this section) is amended to read as follows:

"SEC. 607. It is the express intent of Congress to supersede any and all laws of the States or political subdivisions thereof insofar as they may provide for (1) the labeling of the net quantity of contents of the package of any consumer commodity as provided in title I of this Act; (2) the quality grading of food products as provided in title II of this Act; (3) the labeling of the ingredients contained in food products as provided in title III of this Act, (4) the labeling of the nutritional value of food products as provided in title IV of this Act; (5) the labeling of perishable and semi-perishable foods as provided in title V of this Act, which are less stringent than or require information different from the requirements of the appropriate title or regulations promulgated pursuant to such title."

(h) Section 608 of such Act (as redesignated by subsection (a) of this section) is amended by striking "This" and inserting in lieu thereof "(a) Except as provided in subsection (b), this"; and by adding at the end thereof a new subsection as follows:

"(b) The provisions of titles II, III, IV, and V shall become effective six months after the date of enactment of such title, except that the Secretary of Health, Education, and Welfare may by regulation postpone for an additional twelve-month period the effective date of any such title with respect to any class or type of food product on the basis of a finding that such a postponement would be in the public interest."

By Mr. BEALL:

S. 1198. A bill to amend Sec. 5010(d) of title 18, United States Code, relating to youth offenders. Referred to the Committee on the Judiciary.

S.J. Res. 75. A joint resolution to authorize a study of the operations of the Youth Correction Act. Referred to the Committee on the Judiciary.

Mr. BEALL. Mr. President, the continuing problem of crime in the Nation requires us to continually consider the operation of our criminal justice system. On occasion, the laws which we pass designed to improve the situation are misinterpreted by either the executive or judicial branch bringing about the need for further legislation clarifying our desires.

I believe that we have in the District of Columbia, a situation where the court of appeals has taken a congressional act and misinterpreted the original intent of the legislation—and in so doing has created a climate that needs adjustment.

I am speaking, of course, of the use of the sentencing provisions of the Youth Corrections Act. The act, as I pointed out last year, was originally intended to give the Federal courts an alternative to sending a youth between the age of 16 and 22 to an adult institution. Under the act, a sentencing judge could determine that it might be best for the young offender to be placed with his peers rather than with more experienced criminal offenders. On the other hand, he might feel that the offense of the offender was of the type that he deserved incarceration in an adult institution and that sentence would then be available also. The discretion as to the use of the youth provisions was left up to the sentencing judge or so we thought until recent decisions of the court of appeals.

The Federal Act was patterned after the Borstal system, England's answer to the problem of placing youths in the same institutions with adult offenders where the youth might be influenced by this association and led further toward a life of antisocial behavior. Under this system the court has discretionary power to commit young offenders to Borstal training. The word discretionary is the key here since this is now the missing element in the courts of the District of Columbia. Under the decision of the Circuit Court for the District of Columbia in the *United States* v. *Waters* (437 Fed. 722), the courts in this city must now make an affirmative finding that the youth offender will not benefit from rehabilitative treatment before he can be sentenced as an adult. To quote a law review article on the act:

> This requirement places an almost impossible demand on the sentencing judge who, without highly sophisticated powers of intuition approaching clairvoyance, would be hard pressed to say with any finality that any youth, other than a hardened offender, would not benefit from specialized treatment. (Note—The Federal Youth Correction Act—Past Concern In Need Of Legislative Reappraisal—Vol. II No. 1, the American Criminal Law Review).

My only further comment would be that I am not certain that even a hardened habitual offender can be found not to be benefited from such specialized treatment. And so what we have, at least in the District of Columbia where all offenses come under the Federal system, is a procedure where virtually every offender, between the ages of 16 and 22, no matter what his offense, can expect to be sentenced under the youth correction rovisions in our Federal district courts.

Mr. President, the result of this misuse of the act is several fold. First, and perhaps most importantly for the public, we have vicious young criminals, with little or no regard for life and limb, walking the streets after a short period of incarceration even after being convicted of the most serious offenses. We are, therefore, failing to protect the law-abiding citizens of the District of Columbia, Maryland, and Virginia from these hoodlums.

Second, we are bringing about the very situation in our youth institutions that this act was designed to avoid. We are placing together those young men who may have a chance for rehabilitation with the ones who are true criminals and who will commit crimes of violence against the person. This association can only make rehabilitation harder for those who have committed less serious offenses or those who are truly repentant over their criminal acts and want a chance for readjustment to normal society.

A third unfortunate result of the present use of the system in the District is the overcrowding of the youth facility that results from the lack of discretion given the trial judge. Since a judge has virtually no choice, many more offenders are sent to the youth facility than can be beneficially handled. As a result the rehabilitation process suffers greatly. Staff cannot operate under such conditions to give the specialized treatment envisioned under the act.

Under these circumstances, Mr. President, I think it is clear that the Congress must consider the present misuse of the act, as well as completely reassess the youth corrections legislation in light of 20 years of experience with an eye toward improvements that may allow for better rehabilitation of those who can actually benefit from specialized treatment.

I am, therefore, introducing two measures to deal with this situation. The first is quite similar to that which I introduced last year. It is designed to make clear the discretion that I believe was intended to be given to the trial judge under the original bill. It also deals with the procedure for release of offenders and sets up standards which the trial judge can use to make his decision on sentencing.

The second measure is a resolution asking the Justice Department to undertake an investigation of the operation of the youth correction system and changes in the law necessary to make it a more effective rehabilitative procedure.

Mr. President, the problems of the system may be a blessing in disguise. It may require us to confront the facts that the system is not accomplishing its purpose and needs overhaul. In support of these measures, I ask unanimous consent to insert in the RECORD material realting to the act that is informative as to the problems we have encountered under it.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[U.S. District Court for the District of Columbia]

UNITED STATES OF AMERICA *v.*
JAMES A. ALSBROOK

(Criminal Case Nos. 1065–71, 1473–71)

The experience of the Office of the United States Attorney has engendered the fear that crimes of violence committed upon the citizenry of the District of Columbia have been perpetrated by many individuals who have had previous experience as convicted defendants in the criminal justice system. The problem of repeating offenders makes it imperative that the criminal justice system re-examine the philosophy, operation and function of the corrections system in the District of Columbia. The instant case creates the opportunity to examine one major area of the corrections system, namely, the Youth Corrections Act.

The attached exhibits comprise statistics compiled with the assistance of the Metropolitan Police Department which purport to represent the following:

A. The total number of offenders convicted of rape, robbery, and homicide who were parolees and/or residents of Community Treatment Centers (half-way houses) as of November 2, 1971.[1]

B. The total number of youth offenders charged with rape, robbery and homicide who have been rearrested between the months of March through October, 1971.

C. Excerpt, Third Quarterly Report of the Major Violators Branch, Criminal Investigation Division, Metropolitan Police Department.

1. The average time of commitment for rape, robbery and homicide to the Youth Corrections Center at Lorton from sentence date to parole has been:

	Months
1967	32.09
1968	22.78
1969	17.03
1970	10.95
1971	—

2. No distinction whatsoeverever is made between commitments under 18 U.S.C. § 5010 (b) and under 18 U.S.C. § 5010(c) in terms of commitment time.

3. The dramatic yearly decrease in the average commitment time would indicate release procedures are used to control the inmate population rather than to rehabilitate.

4. The large number of violent youth offenders rearrested after release in the community creates the presumption that rehabilitation is not being achieved under the Youth Correction Act as presently implemented.

5. In our survey and within our personal experience in the judicial system, it appears that virtually no violent youthful offender submitted for examination under 18 U.S.C. § 5010(e) is rejected for sentence under the Youth Correction Act. Therefore, we conclude that no meaningful standards exist whereby it can be determined which youthful offenders can be rehabilitated under the Youth Corrections Act.

6. Our statistics lack information concerning the time an offender is released to a Community Treatment Center prior to parole. The information contained in Exhibit C, the Third Quarterly Report of the Major Violators Unit, highlights the need to know this salient fact. The random examples cited in Exhibit C also create the need to know the nature, extent, quality, and date concerning antidrug abuse procedures. It would appear that although urine surveillance is employed, a failure to pass urinalysis has no effect whatsoever on the offender's inexorable march to parole within the previously computed period of time. Moreover, it seems clear that the failure to pass urinalysis carried with it no sanction such as the obvious one, viz. to withdraw the offender from the Community Treatment Center.

7. Our inquiry, therefore, is twofold:

a. Does the underlying data concerning the actual operation of the Youth Corrections Act support the contention that rehabilitation is being achieved?

b. What is the impact of this operation and implementation of this Act upon the safety of public of the District of Columbia.

Wherefore, to assist the Court in its continuing inquiry, we respectfully move the Court to order production of the following information:

1. The monthly urine surveillance reports on all youthful offenders committed under 18 U.S.C. §§ 5010(b) and 5010(c) since the inception of the urine surveillance procedure.

2. A list of youthful felons in community control centers who have been rearrested since January 1, 1967.

3. A list of all furloughs authorized for youthful felons since January 1, 1967, and the number of rearrests while on furlough.

4. The urinalysis reports of all furlough returnees since the inception of the furlough program.

5. A list of persons since January 1, 1967, committed to the Youth Center under the Youth Corrections Act who were sentenced there despite a contrary recommendation by the Department of Corrections.

6. The dates on which all youth offenders listed on the attached exhibits were transferred to a half-way house facility.

7. A list of youthful offenders rejected in the past four years for treatment under the Youth Corrections Act by the Department of Corrections.

Respectfully submitted,

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D.C.D.C. No.	Offense	Sentence years	Sentence date	Date in center	Date of parole	Date of escape	Date of rearrest	Charge	Served
1967									
155047	Robbery	6	July 31, 1967		Aug. 29, 1969				23 months.
147487	Manslaughter	6	Jan. 7, 1967		Feb. 31, 1971				49 months.
156607	Robbery	15	Dec. 20, 1967	Apr. 31, 1971					40 months.
148405	do	12	Sept. 15, 1967	Apr. 1, 1971					43 months to center.
158185	do	6	Dec. 24, 1967	Apr. 31, 1971					40 months.
152153	Rape	6	Oct. 13, 1967		Mar. 18, 1970				29 months.
155577	Robbery	7	Sept. 11, 1967		Mar. 27, 1969				18 months.
156818	do	6	July 7, 1967		Apr. 9, 1969				21 months.
154747	do	8	Jan. 9, 1967		Mar. 13, 1970				39 months.
154460	Murder 2	6	June 23, 1967		Dec. 23, 1968				18 months.
157683	Robbery	6	Oct. 23, 1967		Aug. 1, 1969				22 mohths.
152552	do	6	Nov. 15, 1967		Nov. 7, 1969				24 months.
152705	Rape	6	Oct. 31, 1967		July 6. 1971				46 months.
156138	Robbery	6	Oct. 27, 1967		Apr. 2, 1970				30 months.
147732	do	8	Nov. 15, 1967		May 27, 1969				18 months.
155728	do	6	Dec. 8, 1967		Sept. 25, 1969				22 months.
154854	do	8	Nov. 7, 1967		Aug. 1, 1969				21 months.
156806	do	6	May 6, 1967		Apr. 16, 1971				46 months.
155989	Att. robbery	6	Feb. 27, 1967		Mar. 23, 1970				37 months.
155195	Robbery	8	May 15, 1967	Jan. 26, 1971					43 months.
072575	do	9	July 31, 1967	Apr. 31, 1971					45 months.
1968									
157073	Robbery	6	May 7, 1968		Aug. 22, 1969				15 months.
158803	AWIC, att. robbery	6	Sept. 20, 1968		Oct. 8, 1969				13 months.
157444	Robbery	6	June 5, 1968		June 17, 1970				24 months.
158244	do	6	Oct. 8, 1965		Apr. 10, 1970				18 months.
151604	Rape	6	Sept. 9, 1968		June 17, 1970				21 months.
153052	Robbery	6	Dec. 23, 1968		Apr. 16, 1971				28 months.
159147	Rape	6	Apr. 12, 1968		Oct. 29, 1971				38 months.
157629	Robbery	8	June 21, 1968		Nov. 13, 1970				29 months.
153267	do	6	June 28, 1968		Apr. 23, 1970				22 months.
155473	do	9	Jan. 8, 1968		Nov. 17, 1969				23 months.
154667	do	6	June 7, 1968		Nov. 28, 1969				17 months.
151838	AWIC, rape	6	Oct. 4, 1968		Mar. 17, 1970				17 months to center.
157289	Att. robbery	9	Dec. 2, 1968	UNCD Apr. 31, 1971.					28 months.
146103	Robbery	8	Aug. 21, 1968		June 10, 1970				22 months to center.
157511	do	6	Apr. 22, 1968	Apr. 16, 1971					36 months.
158279	do	12	July 26, 1968		Dec. 11, 1970				29 months.
159471	do	6	May 17, 1968		July 15, 1970				14 months.
147745	Att. robbery	6	Oct. 4, 1968		Feb. —, 1971				28 months.
158747	Armed and plain robbery (2).	8	Sept. 13, 1968		Feb. 13, 1970				17 months.
156133	Robbery	10	Sept. 9, 1968		May 20, 1970				20 months.
155995	do	6	Mar. 27, 1968		July 3, 1969				16 months.
155773	Armed robbery	8	June 25, 1968		Feb. 26, 1970				20 months.
156964	Rape	6	Aug. 30, 1968		Oct. 8, 1969				14 months.
158528	Armed robbery	7	Nov. 15, 1968		Apr. 16, 1971				29 months.
151469	AWIC robbery	8	Aug. 23, 1968		Mar. 23, 1970		July 20, 1971	PPW, shotgun	19 months.
154647	Robbery	6	June 21, 1968		Apr. 3, 1970		Aug. 25, 1971	C.S.A	20 months.
158335	do	8	June 28, 1968		July 26, 1971		Sept. 29, 1971	do	36 months.
1969									
162039	do	10	Nov. 17, 1969		Apr. 16, 1971				17 months.

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[1] In each of the exhibits the length of sentence is either six years or a figure in excess of six years. Wherever six years is indicated, it means that the defendant was sentenced under 18 U.S.C. § 5010(b); where the period of sentence is greater than six years it means that the defendant was sentenced under 18 U.S.C. § 5010(c).

D.C.D.C. No.	Offense	Sentence years	Sentence date	Date in center	Date of parole	Date of escape	Date of rearrest	Charge	Served
1969—Continued									
158611	Robbery	6	Feb. 25, 1969		Apr. 16, 1971				26 months.
160786	Armed robbery	10	Dec. 19, 1969		Apr. 20, 1971				16 months.
158345	Rape	8	Apr. 25, 1969		July 22, 1970				15 months.
160726	Robbery	7	Dec. 4, 1969		Mar. 23, 1971				Do.
162099	do	10	Aug. 1, 1969		February 1971				18 months.
160519	Armed robbery	6	Aug. 8, 1969		Feb. 26, 1970				6 months.
16104	do	6	do		Dec. 4, 1970				16 months.
157481	Robbery	6	Jan. 10, 1969		Sept. 16, 1970				21 months.
158619	Armed robbery	15	May 9, 1969		Sept. 11, 1970				16 months.
160798	do	6	May 28, 1969		Oct. 22, 1971				29 months. to center
161049	Robbery	9	Jan. 4, 1969	Aug. 10, 1971					32 months.
158273	Armed robbery	10	July 25, 1969		Jan. 18, 1971				17 months.
163775	Robbery	6	Dec. 17, 1969		February 1971				14 months.
161116	Armed robbery	6	June 13, 1969		Mar. 27, 1970				9 months.
161609	do	6	Aug. 8, 1969		February 1971				18 months to center.
151618	Robbery	6	Dec. 5, 1969	Sept. 8, 1971					22 months.
161299	do	6	June 27, 1969		Aug. 14, 1971				26 months.
161117	Armed robbery	8	Aug. 8, 1969		Mar. 27, 1970				7 months.
162425	Robbery	6	Oct. 22, 1969		Dec. 31, 1969				2 months.
155542	do	8	Feb. 28, 1969		Sept. 1, 1970				19 months.
163266	Armed robbery	10	Oct. 31, 1969		Feb. 26, 1971				16 months.
160822	Robbery	6	Mar. 14, 1969		June 8. 1970				15 months.
159216	do	10	Nov. 21, 1969		Apr. 16 1971				17 mohths.
159118	Fel. murd. and ADW mslghtr.	6	Oct. 19, 1969		Jan. 13, 1971				14 months.
161939	Robbery	6	July 8, 1969		Feb. 31, 1971				20 months.
162667	Armed robbery	6	July 18, 1969		Dec. 31, 1969				5 months.
161625	Robbery	10	Dec. 1, 1969		Aug. 13, 1971				21 months.
161013	do	6	May 29, 1969		Apr. 16, 1971				23 months.
161218	do	6	Aug. 28. 1969		Jan. 2, 1970				3 months.
158334	AWIC robbery	10	Feb. 14, 1969		Jun. 10, 1971				28 months.
161893	Armed robbery	6	May 19, 1969		July 31, 1970				14 months.
162217	Robbery	7	Sept. 5, 1969		Apr. 16, 1971				19 months.
165244	do	10	Dec. 5, 1969		June 28, 1971				19 months.
162622	Armed robbery	10	Nov. 20, 1969		Apr. 28, 1971				17 months.
159489	Bank robbery	6	May 9, 1959		July 22, 1970				14 months.
162500	Assault rape (armed)	6	Apr. 18, 1969		Feb. 2, 1970				10 months.
161102	Armed robbery	10	July 11, 1969		Feb. 31, 1971				19 months.
162317	ADW and robbery	6	Oct. 10, 1960		do				16 months.
162157	Robbery	6	Nov. 25, 1969		Apr. 16, 1971				17 months.
162698	Assault, att. robbery	6	do		June 17, 1971				19 months
161831	Armed robbery	6	Oct. 24, 1969		Apr. 16, 1971				18 months.
158753	Robbery	6	May 23, 1971		Sept. 22, 1970				16 months.
161861	do	6	July 25, 1969		Aug. 13, 1971				26 months.
162279	do	6	Aug. 1, 1969		Feb. 31, 1971				18 months.
162019	Armed robbery	8	Aug. 15, 1969		do				18 months.
160492	Robbery	6	May 29, 1969		Dec. 9, 1969				7 months.
160813	do	6	Aug. 27, 1969		Aug. 18, 1970				12 months.
160535	Armed and plain robbery	8	Apr. 18, 1969		Apr. 16, 1971				24 months.
158327	Rape	6	Jan. 17, 1969		Aug. 18, 1970				18 months.
	Armed robbery	6	Oct. 24, 1969		Jan. 22, 1971		Apr. 12, 1971	Robbery	15 months.
	do	15	Mar. 14, 1969		Mar. 22, 1971		Apr. 7, 1971	Armed robbery	24 months.
	Robbery	8	July 29, 1969		Feb. 18, 1971		May 30, 1971	CSA	19 months.
161917	Armed robbery	6	May 16, 1969		Oct. 29, 1969		Sept. 3, 1971	CDW gun	5 months.
	do	12	Jan. 12, 1969		July 9, 1971				19 months.
	Robbery	10	June 13, 1969		July 28, 1971				25 months.
157616	do	6	Oct. 31, 1969		Apr. 16, 1971		July 13, 1971	PL	18 months.
162763	do	10	Dec. 3, 1969		Jan. 22, 1971		May 16, 1971	2d degree murder	13 months.
163136	do	6	Nov. 25, 1969		Oct. 6, 1970		May 22, 1971	Homicide	11 months.
152457	do	6	Mar. 13, 1969		Feb. 4, 1971		July 14, 1971	UNA, PIC	23 months.
143490	do	6	May 16, 1969		Oct. 1, 1971		Oct. 21, 1971	Robbery	17 months.
158756	CDW gun and armed robbery.	6	July 18, 1969			July 11, 1971	Aug. 24, 1971	Armed robbery	24 months.
1970									
162104	Robbery	6	Jan. 13, 1970		Jan. 27, 1971				12 months.
167942	(Armed) robbery and ADW.	6	Sept. 17, 1970		Apr. 12, 1971				7 months.
157653	Robbery	7	July 24, 1970	Oct. 6, 1971					15 months to center.
157107	do	10	Oct. 9, 1970		Apr. 16, 1971				6 months.
165363	Armed robbery	10	Mar. 5, 1970		do				13 months.
164176	do	14	Mar. 13, 1970						
148912	Robbery	8	May 27, 1970		June 5, 1970				8 days.
162414	Assault sup. of jury	6	Feb. 19, 1970		May 7, 1971				15 months.
163082	Att. robbery w/armed (Murder 1).	10	Mar. 5, 1970		Sept. 28, 1970				6 months.
165292	Armed robbery	15	July 23, 1970		Oct. 25, 1971				15 months.
165369	do	6	May 1, 1970		Aug. 19, 1970				3 months.
164541	Robbery	6	May 14, 1970		May 7, 1971				12 months.
163333	do	10	May 18, 1970		May 10, 1971				12 months.
165912	Armed robbery	10							
	2 att. robbery	(2) 6	July 17, 1970		Oct. 5, 1971				13 months.
163728	(Armed) robbery	6	Feb. 11, 1970		May 7, 1971				15 months.
158318	do	8	May 22, 1970		June 1, 1971				13 months.
163994	do	6	Apr. 1, 1970		Apr. 16, 1971				12 months.
150097	2nd degree murder, manslaughter.	10	Mar. 11, 1970	Oct. 15, 1971					19 months.
164879	(Armed) robbery	6	May 4, 1970		Sept. 11, 1970				4 months.
165144	do	8	Aug. 27, 1970		Aug. 14, 1971				12 months.
161049	2d M and AWI robbery (Murder 1).	15	Aug. 19, 1970	June 15, 1971					10 months.
162713	Robbery	8	Mar. 4, 1970		Feb. 2, 1971				11 months.
164710	do	6	Oct. 13, 1970		Sept. 8, 1971				Do.
164174	do	6	Dec. 4, 1970	July 27, 1971					7 months.
165214	2d degree murder	10	Sept. 1, 1970		July 10, 1971				10 months.
164769	(Armed) robbery	8	May 14, 1970		July 6, 1971				14 months.
165772	do	10	Sept. 22, 1970		May 20, 1971				8 months.
161722	do	6	Apr. 27, 1970		July 10, 1971				14 months.
163522	do	6	Oct. 2, 1970		May 15, 1971				5 months.
164612	do	6	July 9, 1970		July 14, 1971				12 months.
158286	Robbery	8	Aug. 12, 1970		May 4, 1971				9 months.
163300	(Armed) robbery	6	June 12, 1970		Nov. 5, 1970				5 months.
160537	Robbery	8	Feb. 25, 1970		June 17, 1971				16 months.
160654	do	6	June 25, 1970		July 27, 1971				13 months.
163073	(Murder 1) attempt, armed robbery.	10	Mar. 2, 1970		May 5, 1971				14 months.
165307	(Armed) robbery	6	June 19, 1970	July 13, 1971					13 months.
164351	Armed robbery	6	Nov. 2, 1970		June 8, 1971				7 months.
165483	(Armed) Carnal knowledge.	6	Dec. 23, 1970	Oct. 15, 1971					10 months.

D.C.D.C. No.	Offense	Sentence years	Sentence date	Date in center	Date of parole	Date of escape	Date of rearrest	Charge	Served
1970—Continued									
165545	Armed robbery	6	July 30, 1970		June 5, 1971				11 months.
156819	(Armed) robbery	9	Feb. 24, 1970	Sept. 13, 1971					8 months.
165331	(Armed) and armed robbery	8	July 15, 1970	Oct. 21, 1971					15 months.
163104	Robbery	6	May 12, 1970		April 27, 1971				11 months.
164937	Armed robbery	6	July 27, 1970		May 7, 1971				10 months.
166001	Robbery	14	July 10, 1970	Sept. 21, 1970					14 months.
163648	Armed robbery	10	May 21, 1970		April 9, 1971				11 months.
166993	do	12	July 30, 1970		Aug. 30, 1971				13 months.
161048	do	12	April 30, 1970		do				16 months.
158933	Bank robbery	6	May 22, 1970		June 17, 1971				13 months.
166569	Armed robbery	10	Oct. 23, 1970		July 9, 1971				9 months.
165448	do	10	Aug. 19, 1970		Nov. 1, 1971				15 months.
162390	Att. robbery w/armed	6	Nov. 18, 1970		Mar. 18, 1971				4 months.
165001	(Armed) robbery	6	Aug. 11, 1970		July 13, 1971				11 months.
163946	Robbery	6	Sept. 15, 1970		June 17, 1971				9 months.
162447	Armed robbery	10	Feb. 11, 1970		April 22, 1971				14 months.
162943	AWI robbery (Armed)	6	April 30, 1970		Aug. 23, 1970				4 months.
163571	(Mrdr I-Fel. M) Mansl., Armed robbery.	6	Sept. 28, 1970		July 28, 1971				10 months.
164612	(Armed) rob	6	July 9, 1970		July 14, 1971				12 months.
164964	(Armed) rob	6	May 22, 1970		Apr. 16, 1971				11 months.
165642	Robbery	8	Nov. 3, 1970	July 27, 1971					8 months.
160562	(Armed robbery) AWIR	6	June 8, 1970		Apr. 16, 1971				10 months.
168044	Armed robb	6	Sept. 22, 1970		June 22, 1971				9 months.
160459	Armed robbery	10	Mar. 12, 1970		Apr. 28, 1971				13 months.
153007	Manslaughter	12	Feb. 19, 1970	June 18, 1971					16 months.
163339	Armed and att robbery	10	Jan. 12, 1970		Jan. 27, 1971				12 months.
163189	Robbery	6	Mar. 26, 1970		do				16 months.
160700	(ADW) and robbery	6	Jan. 13, 1970		Apr. 16, 1971				16 months.
166457	Robbery	6	Nov. 18, 1970		May 20, 1971				6 months.
162992	2 cases (rob. and att. rob.)	6	Dec. 10, 1970		June 21, 1971				6 months.
167433	(Armed) rob	8	July 31, 1970		May 7, 1971				10 months.
164878	(Armed) rob	10	May 4, 1970		July 7, 1971				14 months.
163389	Armed robbery	6	May 4, 1970		June 25, 1971				13 months.
151680	Mis. escape robbery	6	Sept. 23, 1970	Oct. 21, 1971					Do.
165037	(Armed) rob	6	July 29, 1970		Aug. 13, 1971				Do.
161714	Armed robbery	12	Jan. 12, 1970		July 9, 1971				19 months.
162941	Armed robbery	10	Apr. 30, 1970		May 5, 1971				13 months.
158402	Robbery	10	July 31, 1970	June 24, 1971					11 months.
159695	AWIR/armed	10	June 26, 1970		Apr. 16, 1971				10 months.
	Robbery	10	Oct. 22, 1969						18 months.
150953	do	6	May 7, 1970		Apr. 16, 1971				11 months.
164719	do	10	June 16, 1970	Sept. 9, 1971					15 months.
165012	Armed robbery	6	Aug. 11, 1970		Aug. 13, 1971				12 months.
165419	do	6	Nov. 16, 1970		July 19, 1971				8 months.
165728	Robbery	6	Sept. 4, 1970	Feb. 3, 1971					5 months.
163262	AWI rob, att robbery	7	Jan. 5, 1970	Aug. 27, 1970					20 months.
	Att robbery	6	June 12, 1970		Feb. 4, 1971		Mar. 3, 1971	UUV, PIC, PPW, PK	7 months.
	2 armed robbery	8	Mar. 16, 1970		Jan. 22, 1971		Mar. 30, 1970	CDW gun	10 months.
	Armed robbery	6	May 12, 1970		Oct. 6, 1970		Apr. 5, 1971	HNA	5 months.
162946	Robbery	9	Apr. 21, 1970		Mar. 4, 1971		June 14, 1971	Burgl 2	11 months.
	do	6	June 1, 1970				Sept. 8, 1971	Armed robbery	
	2d D. murder, 1st D. murder.	15	Sept. 11, 1970	Aug. 3, 1971			Oct. 21, 1971	do	11 months.
165219	Rape	6	Apr. 22, 1970		Oct. 6, 1970		May 4, 1971	Rape	6 months.
164456	Armed robbery	6	May 21, 1970	Mar. 16, 1971			May 12, 1971	PL	10 months.
162176	do	10	June 8, 1970		Apr. 16, 1971		June 16, 1971	CSA CDW gun	10 months.
64755	Armed robbery	10	May 28, 1971	May 27, 1971			July 27, 1971	Armed robbery	12 months.
63268	AWIC robbery, armed	10	Apr. 6, 1970	Mar. 27, 1971			July 6, 1971	do	11 months.
62235	Rape and robbery	8	Jan. 9, 1970	Jan. 22, 1971			do	Sodomy	12 months.
60401	Armed robbery	6	Sept. 16, 1970	May 27, 1971			Aug. 14, 1971	P.L.	11 months.
16327	2 armed robberies	10	Dec. 16, 1970	July 15, 1971			Aug. 5, 1971	do	7 months.
	Armed robbery	6	Oct. 16, 1970	June 15, 1971		July 2, 1971	Sept. 22, 1971	57 counts burglary	8 months.
166041	do	6	Nov. 6, 1970			Apr. 16, 1971	Sept. 2, 1971	Burg. I, armed robbery.	6 months.
165149	do	15	Oct. 16, 1970		Aug. 4, 1971		Sept. 5, 1971	UUV	10 months.
159357	Rape	15	July 1, 1970	Aug. 5, 1971			Oct. 13, 1971	Burg. I	13 months.
162862	Armed robbery	9	Oct. 7, 1970				May 9, 1971	822–71	7 months.
161680	Rape	6	May 22, 1970		Oct. 6, 1970		Aug. 27, 1971	Burg. 2	5 months.
165549	Armed robbery	8	July 30, 1970		June 26, 1971		Aug. 29, 1971	Armed robbery	11 months.
165668	Robbery	6	July 18, 1969			July 11, 1971	Aug. 24, 1971	do	12 months.
164944	Armed robbery	10	May 20, 1970		June 18, 1971		Aug. 19, 1971	do	13 months.
165532	do	6	June 18, 1970		June 21, 1971		Aug. 24, 1971	do	12 months.
1971									
166214	2 armed robberies	15	Jan. 13, 1971	July 22, 1971					6 months.
167722	Armed robbery	10	Feb. 26, 1971		Sept. 25, 1971				7 months.
166353	do	10	Feb. 19, 1971	Oct. 19, 1971					8 months.
165778	Robbery	6	June 30, 1971	Oct. 5, 1971					3 months.
166124	Murder I (Armed robbery).	6	Jan. 28, 1971	Feb. 3, 1971					5 days to center.
165539	Robbery	6	Mar. 19, 1971	Oct. 12, 1971					7 months.
159486	do	6	Jan. 15, 1971		Sept. 13, 1971				8 months.
171017	AWIC robbery	6	Oct. 27, 1971	Oct. 28, 1971					1 day.
169466	Armed robbery	8	Mar. 31, 1971	Aug. 3, 1971					4 months.
165444	Robbery	5	Jan. 7, 1971	June 30, 1971					7 months.
167791	Armed robbery	6	July 30, 1971	Aug. 31, 1971					1 month.
166387	do	10	Apr. 8, 1971	June 3, 1971					2 months.
170195	Att. robbery	6	May 12, 1971	Aug. 7, 1971					3 months.
166787	(Armed) robbery	8	Oct. 8, 1971	Oct. 8, 1971					0.
170196	(Robbery) Att robbery	6	May 12, 1971		Sept. 21, 1971				4 months.
163288	do	6	Aug. 13, 1971		Oct. 29, 1971				2 months.
158741	Armed robbery	15	June 28, 1971	Aug. 17, 1971					2 months.
168208	do	6	Feb. 23, 1971	Oct. 19, 1971					8 months.
167343	do	6	June 25, 1971		Oct. 22, 1971				4 months.
166383	do	6	Apr. 30, 1971	Sept. 28, 1971					5 months.
168784	(2d murder) mnslghtr	6	Jan. 8, 1971		Apr. 29, 1971				Do.
167032	Armed robbery	12	Feb. 12, 1971	Oct. 19, 1971					8 months.
166195	(Robbery) att robbery	6	Jan. 27, 1971	Sept. 28, 1971					Do.
165367	(Armed) robbery	6	Feb. 19, 1971	July 22, 1971					5 months.
166919	(Armed) robbery	10	May 12, 1971	Aug. 31, 1971					3 months.
166381	Robbery	6	June 4, 1971	Sept. 21 1971					Do.
166403	(Manslaughter) 2d murder	7	Apr 7, 1971		Oct. 16, 1971				6 months.

D.C.D.C. No.	Offense	Sentence years	Sentence date	Date in center	Date of parole	Date of escape	Date of rearrest	Charge	Served
1970—Continued									
170400	Waived ind. att. robbery	6	June 9, 1971	Aug. 31, 1971					3 months.
168961	Murder 2	6	Jan. 28, 1971		Sept. 23, 1971				8 months.
170502	Robbery	6	June 22, 1971	Oct. 28, 1971					4 months.
167385	do	6	May 12, 1971	Aug. 17, 1971					3 months.
168500	AWIC w/armed and robbery.	6	Aug. 24, 1971	Oct. 28, 1971					2 months.
167576	Armed robbery	6	Feb. 23, 1971		May 27, 1971		May 31, 1971	CDW	3 months.
218468	do	6	Jan. 25, 1971	May 27, 1971			July 27, 1971	Armed robbery	4 months.
	do	10	Jan. 14, 1971			July 19, 1971	Oct. 18, 1971	do	6 months.

EXHIBIT B

YOUTH ACT PAROLEES' ARRESTS—MARCH–OCTOBER, 1971

DCDC No.	Offense	Sentence years	Sentence date	Date in center	Date of parole	Date of escape	Date of roarrest	Charge
165144	Armed robbery	8	Aug. 27, 1970		Aug. 14, 1971		Mar. 29, 1971	ADW. gun.
165976	Robbery	6	Feb. 28, 1969				Mar. 4, 1971	Disorderly jostling.
	Att. robbery	6	Dec. 30, 1969		Apr. 16, 1971		Mar. 31, 1971	Burglary 2.
	do	6	June 12, 1970		Feb. 4, 1971		Mar. 31, 1971	UUV, PIC, PPW. PIC,
	Robbery				Mar. 3, 1970, Feb. 4, 1971.		Mar. 11, 1971	Rape while armed.
	Armed and armed robbery	8	Mar. 16, 1970		Jan. 22, 1971		Mar. 30, 1971	CDW gun.
	Armed robbery	6	Oct. 24, 1969		do		Apr. 12, 1971	Robbery.
	Robbery				Feb. 4, 1971		Apr. 8, 1971	Armed robbery gun.
159118	Mnslgtr. and ADW. homicide	6	Oct. 10, 1969		Oct. 6, 1970, Jan. 13, 1971.		Apr. 5, 1971	Rape.
159142	Armed robbery	15	Mar. 14, 1969		Mar. 22, 1971		Apr. 7, 1971	Armed robbery.
165563	Armed robbery	6	May 12, 1970		Oct. 6, 1970		Apr. 5, 1971	H.N.A.
158611	Robbery	6	Feb. 25, 1969		Apr. 16, 1971		May 25, 1971	Burglary 2.
164032	do	8	July 29, 1969		Feb. 18, 1971		May 30, 1971	CSA distribution.
156219	Rape	6	Apr. 22, 1970		Oct. 6, 1970		May 4, 1971	Asslt. with int. to rape
161939	Robbery	6	July 8, 1969		do Feb. 31, 1971.		May 20, 1971	CDW gun.
163136	do	6	Nov. 25, 1969		Oct. 6, 1970		May 22, 1971	Homicide.
166333	do				Mar. 10, 1971		May 19, 1971	Armed robbery.
162763	do	10	Dec. 3, 1969		Jan. 22, 1971		May 16, 1971	2d degree murder.
164456	Armed att. robbery	6	May 21, 1970	Mar. 16, 1971			May 12, 1971	Petit larc.
167576	Armed robbery	6	Feb. 23, 1971		May 27, 1971		May 31, 1971	CDW gun.
162946	Robbery	9	Apr. 21, 1970		Mar. 4, 1971		June 14, 1971	Burglary 2.
162176	Armed robbery	10	June 8, 1970		Apr. 16, 1971		June 16, 1971	CSA, CDW.
155464	ADW	10	Jan. 31, 1968		Apr. 26, 1971		June 24, 1971	Armed robbery.
157616	Robbery	6	Oct. 31, 1969		Apr. 16, 1971		July 13, 1971	Petit larceny.
151318	AWIC robbery	8	Aug. 23, 1968		Mar. 23, 1970		July 20, 1971	PPW shotgun.
164755	Armed robbery	10	May 28, 1970	Mar. 23, 1971, May 27, 1971.			Mar. 23, 1971, July 27, 1971.	Armed robbery.
218468	do	6	Jan. 25, 1971				July 22, 1971	Homicide.
163268	AWIC armed robbery	10	Apr. 6, 1970	Mar. 9, 1971, May 27, 1971.			July 16 1971	Armed robb. (shotgun).
158279	Robbery	12	July 26, 1968		Dec. 11, 1970		July 28, 1971	Armed robbery.
162235	AWIC, rape, and robbery	8	Jan. 9, 1970		Mar. 9, 1971, Jan. 22, 1971.		July 6, 1971	Oral sodomy forced.
152457	Robbery	6	Mar. 13, 1969		Aug. 18, 1970		July 14, 1971	U.N.A., PIC.
143173	do				Feb. 14, 1971		July 6, 1971	Murder.
164437	do				May 28, 1971		Aug. 4, 1971	Larceny.
162862	Armed robbery	9	Oct. 7, 1970			May 9, 1971	Aug. 22, 1971	First degree murder.
161680	S.A. (rape and sodomy)	6	May 22, 1970		Oct. 6, 1970		Aug. 27, 1971	Burglary 2.
160798	Armed robbery	6	May 29, 1969		June 23, 1970		Aug. 19, 1971	Armed robbery.
165549	do	8	July 30, 1970		June 26, 1971, FU–25.		Aug. 24, 1971	Burg. I, robb. Hold-up.
165668	Robbery	6	Sept. 4, 1970		June 17, 1971		Aug. 29, 1971	Armed robbery.
154848	do						Aug. 2, 1971	Robbery.
158756	2 cases: CDW and armed robbery	6	July 18, 1969			July 11 1971	Aug. 24, 1971	Robbery, holdup gun.
154647	Robbery	6	June 21, 1968		Apr. 23, 1970		Aug. 25, 1971	CSA distribution sch. 1.
163189	do	6	Mar. 26, 1970		Mar. 18, 1971		Aug. 25, 1971	UNA.
168961	2d degree (homicide)	6	Jan. 28, 1971		Sept. 23, 1971		Aug. 16, 1971	Burglary.
164944	Armed robbery	10	May 20, 1970		June 18, 1971		Aug. 19, 1971	Armed robbery.
165532	Armed robbery	6	Oct. 18, 1970				Aug. 24, 1971	Armed robbery.
166457	Robbery	6	Nov. 18, 1970		May 20, 1971		Aug. 28, 1971	Robb. holdup gun.
160401	Armed robbery	6	Sept. 16, 1970				Aug. 14, 1971	Petit larceny.
163527	2 cases: Armed and robbery	10	Dec. 16, 1970				Aug. 5, 1971	Do.
164170	Robbery	6	Oct. 13, 1970		Sept. 8, 1971		Sept. 16, 1971	CSA.
155755	Att. robbery				June 25, 1971		Sept. 21, 1971	P.I.C.
	Armed robbery	6	Oct. 16, 1970	June 15, 1971		July 2, 1971	Sept. 22, 1971	57 counts burglary.
166041	do	6	Nov. 6, 1970			Apr. 16, 1971	Sept. 2, 1971	Burglary 1, robbery.
168208	do	6	Feb. 23, 1971		Aug. 25, 1971		Sept. 6, 1971	Armed robbery.
158335	Robbery	8	June 16, 1971		July 26, 1971		Sept. 29, 1971	CSA.
161917	do	6	Dec. 13, 1968		Oct. 29, 1969		Sept. 3, 1971	CDW gun.
165149	Armed robbery	15	Oct. 16, 1970		Aug. 4, 1971		Sept. 5, 1971	U.U.V.
158695	Robbery 2d and burglary				Mar. 10, 1971		Sept. 11, 1971	CDW gun.
158747	2 one armed robbery	8	Sept. 13, 1968		Feb. 13, 1970, Oct. 6, 1970.		Sept. 27, 1971	Petit larceny.
	Robbery	6	June 1, 1970				Sept. 8, 1971	Armed robbery.
156806	do	6	June 6, 1967		Oct. 27, 1969		Sept. 18, 1971	Murder.
143490	P.L. and robbery	6	May 16, 1969		Oct. 1, 1970		Oct. 21, 1971	Robbery.
159357	Rape	15	July 1, 1970	Aug. 5, 1971			Oct. 13, 1971	Burglary 1.
163295	2d degree murder	15	Sept. 11, 1970	Aug. 3, 1971			Oct. 21, 1971	Armed robbery.
158747	2 robbery	8	Sept. 13, 1968	Feb. 13, 1970	Feb. 13, 1970		Oct. 6, 1971	Att. UUV.
	Armed robbery	6	Mar. 19, 1971	Jan. 12, 1971			Oct. 24, 1971	Rape.
168138	do	10	Jan. 14, 1971			July 19, 1971	Oct. 18, 1971	Armed robbery.

EXHIBIT C

The following is an excerpt from the Third Quarterly Report of the Major Violators Branch, Criminal Investigation Division, Metropolitan Police Department. The excerpt deals specifically with youthful offenders.

D. Narcotics/Community Correctional Centers:

In July, 1971, the Major Violators Branch was furnished a copy of the D.C. Department of Corrections Narcotic Testing Report for June, 1971. An examination of this report revealed that a number of individuals who had three or more positive urinalysis examinations (demonstrating narcotic usage other than methadone) were being paroled within a short time after such positive examinations. It was also noted that some of the individuals had escaped after failing several urinalysis examinations. The following cases are examples of what happened to individuals with three or more positive urine examinations in June. A positive reaction to methadone was not counted as having a positive Narcotic examination.

Louis Cain—This subject had four positive quinine tests in June, 1971. He was paroled on June 26, 1971, and rearrested for Armed Robbery on August 24, 1971.

Donnie Free—This subject had eight positive quinine and morphine exams in June, 1971, and was paroled on July 28, 1971.

Lewis Hartwell—This subject had five positive quinine and morphine exams in June, 1971, and escaped on July 11, 1971. He was rearrested for Armed Robbery on August 24, 1971.

Zachary Jones—This subect had 3 positive quinine and morphine exams in June, 1971, and was paroled on June 28, 1971.

Terry Stroman—This subject had 3 positive quinine and morphine exams in June, 1971, and was granted an Extended Furlough on June 21, 1971. He was rearrested for Armed Robbery on August 24, 1971.

Vincent Turner—This subject had four positive quinine exams in June, 1971, and was paroled on July 9, 1971.

James Marshall—This subject had four positive quinine and morphine exams in June, 1971, and was paroled on July 14, 1971.

In August, 1971, a copy of the July, 1971 D.C. Department of Corrections Narcotic Testing Report was furnished to the Major Violators Branch. Two hours later a representative from Corrections came to this Branch and asked that the report be returned as it had been furnished by mistake. The report was returned as requested and we have not been furnished any other such reports.

E. Rearrests of Persons on Parole:

In July, August, and September, 1971, this Branch documented the rearrest of 113 individuals who were on either Adult or Youth Parole, under the supervision of the D.C. Department of Corrections, at the time of their rearrest Felony charges accounted for 77 or 65.4% of the rearrest.

The following persons were on . . . Youth Parole when they were rearrested for Robbery.

Name	Previous offense	Date paroled	New arrest	
			Offense	Date
Louis Cain	Robbery	June 26, 1971	Armed robbery	Aug. 14, 1971
Walter A. Covert	do	Aug. 4, 1971	do	Aug. 29, 1971
William H. Covington	do	Oct. 6, 1970	do	Aug. 19, 1971
James L. Edwards	do	May 25, 1971	Robbery	Aug. 2, 1971
Curtis L. Foster	do	May 27, 1971	Armed robbery	July 6, 1971
Larry E. Jones	do	Dec. 11, 1970	do	July 28, 1971
Watson L. Mills	do	Aug. 18, 1970	do	Aug. 24, 1971
Dandre H. Shorter	do	May 20, 1971	do	Aug. 28, 1971
Paul M. Strohman	do	Aug. 4, 1971	do	Aug. 19, 1971
Terry Stroman	do	do	do	Aug. 24, 1971

The following cases are among those documented by this Branch involving the rearrest of individuals on parole under the supervision of the D.C. Department of Corrections.

Virgil Ronald Minor, age 23 years:

On January 9, 1970, this subject was committed to jail after being convicted of Assault with Intent to Rape and Burglary I. He was sentenced under the Federal Youth Corrections Act, Section 5010(b), not to exceed six years.

This conviction was the result of Minor entering an apartment at 2:00 a.m., with a stocking mask on and attempting to rape the female occupant.

On January 29, 1971, Minor was placed on Youth Parole.

On June 29, 1971, about midnight, Minor approached a lone female who was getting into her auto after leaving work. He pointed a pistol at her and also entered the auto. Minor forced the complainant to drive into an alley and then made her commit oral sodomy on him.

On July 6, 1971, after being identified in the case, Minor was arrested on a warrant charging Oral Sodomy and ADW (Pistol). He is now confined to the D.C. Jail pending trial on the new charge.

D'Andre Henry Shorter, age 10 years:

On November 18, 1970, this subject was sentenced under the Federal Youth Corrections Act, Section 5010(B), not to exceed six years, after being convicted of Robbery. The conviction resulted after Shorter knocked a male and female to the ground and robbed them.

On May 20, 1971, the defendant was placed on Youth Parole. On August 28, 1971, Shorter was arrested for Armed Robbery on a warrant charging that on August 18, 1971, he held up a citizen at gunpoint and robbed him of $300.

Shorter was released by the court on his Personal Recognizance following his last arrest under the supervision of the D.C. Bail Agency. His parole has not been revoked and he is free in the community as of the date of this report.

E. Rearrest of Individuals under supervision by D.C. Department of Corrections for Homicide:

William Edward Hawkins, age 20 years:

Henry Halver Jones, age 26 years:

On November 25, 1969, William Edward Hawkins was sentenced under the Federal Youth Corrections Act, Section 5010(B), not to exceed six years, after being convicted of Armed Robbery. He was paroled on November 12, 1970.

On October 3, 1968, Henry H. Jones was convicted of Attempt Burglary II and Destroying Private Property in Superior Court. He was placed on probation from October 3, 1968 until October 2, 1969.

On June 1, 1969, Jones was rearrested for Larceny from the D.C. Government and Burglary II. He was convicted and on June 19, 1970, he was sentenced to serve one to three years in jail.

On November 26, 1970, Jones escaped from the Lorton Complex and remained at large until February 10, 1971. In spite of the escape, Jones was paroled on April 26, 1971.

On May 21, 1971, Hawkins and Jones assaulted a 15-year-old male and stabbed him three times in the chest. The victim died on the scene and Hawkins and Jones fled the scene.

Both subjects were arrested on May 22, 1971, and Henry H. Jones is now confined to the D.C. Jail. William Edward Hawkins was released on his Personal Recognizance by the court, under the supervision of the D.C. Bail Agency, and is at large in the community still on parole.

Investigation of this offense by Homicide Investigators revealed that the 15 year old who was killed was mistakenly identified by Hawkins and Jones for another person they were angry at.

Henry David Johnson, Jr., age 22 years:

On December 3, 1969, this subject was sentenced under the Federal Youth Corrections Act, Section 5010(C), not to exceed 10 years, after being convicted of Armed Robbery and ADW (Gun).

On January 22, 1971, Johnson was placed on Youth Parole.

On April 12, 1971, Johnson fatally shot a 30 year old male in the head during an altercation inside the victim's home. Johnson fled the scene following the homicide.

On May 16, 1971, Johnson was arrested after breaking into an apartment in Northwest. He was arrested hiding under a bed. He was also charged with Second Degree Murder on a warrant at the time of the Burglary arrest.

Henry D. Johnson, Jr. is now confined in the Lorton Complex.

Robert Watson, age 22 years:

On June 5, 1967, this subject was arrested for Armed Robbery after holding up a laundry truck driver. At the time of his arrest he was armed with a handgun. Watson was later identified in other Armed Robberies of delivery truck drivers and was indicted by the Grand Jury in five Armed Robbery cases.

Watson entered a plea of guilty to one count of Armed Robbery and was sentenced under the Federal Youth Corrections Act, Section 5010(B), not to exceed six years, on February 2, 1968. On October 27, 1969, Watson was paroled.

On Friday, September 17, 1971, Watson was arrested in Montgomery County, Maryland, after he followed the female resident of a high-rise apartment from a laundry room to her apartment. Once in the apartment he sexually assaulted the victim and then stabbed her to death.

Watson is now held in the Montgomery County Jail charged with First Degree Murder.

[In the U.S. District Court for the District of Columbia]

UNITED STATES OF AMERICA VERSUS JAMES A. ALSBROOK, CRIMINAL NO. 1066–71

APPEARANCES

John Z. Noyes, Esquire, Counsel for Defendant.

Daniel A. Rezneck, Esquire, Of, Arnold & Porter, Amicus Curiae appointed by the Court.

Robert A. Shuker, Esquire, Richard A. Hibey, Esquire, Assistant United States Attorneys.

John A. Earnest, Esquire, Shane Stark, Esquire, Assistant Corporation Counsel.

John Perazich, Esquire, Paul Chernoff, Esquire, Public Defender Service.

FINDINGS OF FACT AND CONCLUSIONS OF LAW ON ANCILLARY HEARING

The Lorton Youth Center and the D.C. Board of Parole, while finding defendant Alsbrook amenable to rehabilitative treatment under the Federal Youth Corrections Act,[1] recommended that he be sentenced as an adult on the ground that "meaningful treatment cannot be provided due to overcrowding and inadequate facilities." Because of this development and other recent indications that there has been a local breakdown in the administration of the Youth Corrections Act, this Court noticed an ancillary factfinding hearing in aid of sentencing which was held on November 19.[2]

For reasons set out below, the Court has concluded that immediate steps must be taken both by correction authorities and the Court so that the Court's sentencing functions can be carried out in this jurisdiction in a manner consistent with the Act and implementing decisions of the United States Court of Appeals for the District of Columbia.

The Youth Corrections Act was originally enacted in 1950. Later, in 1952, Congress provided that D.C. Code youth offenders would also be eligible for Youth Act commitment. The Act was amended accordingly and funds were subsequently provided for the present Youth facility situated at Lorton, Virginia.

The Act contemplates that offenders convicted prior to reaching age 22 may be considered for commitment under indeterminate sentences to an appropriate youth facility, there to receive treatment and rehabilitation. Typically, educational, vocational and therapeutic assistance are provided at such a Youth Center. Offenders committed under

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Footnotes at end of article.

the Act are released by the correction authorities when considered ready to re-enter civilian life, regardless of the length of interminate sentence imposed by the Court. Often release is to a half-way house or other transitional community center for a short period of one or two months in order that adjustment to civilian life may occur under a degree of supervision.

The Act represents a humane and deliberate effort to assist young offenders by coupling an adequate degree of punishment with supervised treatment in the hope of salvaging many among the increasing number of young adult offenders involved in serious criminal conduct. Similar institutions have been created by some states and many of these programs have, generally speaking, been quite successful. The basic theory of the Act is rehabilitative, a consideration to be given priority unless the sentencing judge is convinced a youth is incorrigible and unable to derive help from the program as provided.[3]

Two types of commitments are available under the Act: a 5010(b) commitment which involves an indeterminate sentence up to six years; and a 5010(c) commitment which involves an indeterminate sentence for a greater number of years as may be specified by the sentencing judge. It is also provided in 5010(e) that an offender may be committed preliminarily for a period of approximately 60 days for the purpose of obtaining a full background report indicating the amenability of the offender to the Youth program in view of his needs and the type and degree of supervision required. Following such study, the Court may impose sentence on the basis of the study report and other information available.

Here in the District of Columbia, many young felony offenders eligible under the Youth Corrections Act have been committed by the United States District Court to the Lorton Youth Center. Judges have made frequent use of the 5010(e) type of preliminary study in order to aid in imposing the ultimate sentence. For reasons that will appear, the Court is not receiving the type of thorough, knowledgeable report which the Court requires to exercise its responsibilities under the Act. Yet in recent months the necessity of an adequate 5010(e) study preliminary to final commitment has become more apparent in view of the decision of the United States Court of Appeals in *Waters* whch requires the sentencing judge to enunciate affirmatively on the record his reasons for believing rehabilitation is not feasible under the Act in any instance where an otherwise eligible youthful offender receives an adult commitment. This usually involves a specified minimum and maximum term at an adult prison.

The Youth Center at Lorton, constructed in 1966, was designed for a capacity of 300 inmates. Single dormitory rooms are provided. The complex has minimal vocational educational and therapeutic accommodations geared to a 300-inmate capacity as designed. A special unit was constructed at the Center to accommodate individuals committed preliminarily for purposes of 5010(e) study.

Because of the rising incidence of crime among young adults, more effective law enforcement, and other factors, this Lorton Youth facility is now completely inadequate to handle commitments by the United States District Court under the Act. This would still be the case even if the heavy commitments to the facility from the Superior Court of felony and misdemeanor offenders were totally ignored.

The Center now has a census of approximately 385 inmates and has on a number of recent occasions had over 400. Correction authorities are unable to handle more than 340 or 350 inmates at the Center and still provide that minimum degree of treatment and rehabilitative service required by the Act.

The special unit at the Center designed for 5010(e) studies has been used to house offenders finally committed under the Act and as a result there are 85 in this unit originally built for 40. The authorities are, against their better judgment, utilizing the D.C. Jail for study purposes in most instances where offenders are initially committed for study under 5010(e). At present, there are 133 defendants undergoing 5010(e) studies at the Jail. Correction authorities generally acknowleged that when such studies are conducted at the Jail they are inadequate, inappropriate and undesirable,[4] and the Court finds that the Jail is not an "appropriate classification center or agency" under 5010(e). This situation is caused solely by the seriously overcrowded conditions at the Lorton Youth Center.

The Mayor-Commissioner advised the Court at the hearing that the Center will refuse to accept more than 350, a number well below current census. This is a frank recognition that the facility cannot now or in the future meet the requirements of the Courts in the community under the Act.[5]

Since September, 1971, 43 defendants believed to be amenable to rehabilitation have, like Ashbrook, been recommended for adult incarceration due entirely to overcrowding and indeed there have been 64 offenders in this category since the first of January. When the authorities limit the level at the Center to 350, a substantially greater number will have to be regularly recommended for adult commitment. There is no legal authority for diverting otherwise eligible youths to adult institutions due solely to lack of space.

These extremely critical overcrowded conditions must be viewed in the light of expected immediate future developments. In the next twelve months the Center expects to receive approximately 1200 commitments, assuming the present procedure which results in committing all parole violators to adult institutions is continued.[6] Thus the immediate requirements which the Courts are expected to place on the Center exceed by well over 100 percent the capacity which the Center when stretched to its outermost limits can or will accept. This conclusion does not reflect any change in the present rate of turnover which is all too rapid.

The pressures from overcrowding result in a complete frustration of the Youth Corrections Act program. Not only are the correction authorities and the sentencing judges required to reach commitment determinations upon inadequate 5010(e) studies; the rehabilitation program of the Center itself is stultified. Vocational, educational and therapeutic facilities are increasingly less effective to handle the numbers presented within the time periods available. The volume of new offenders is such that the Center has been forced to release inmates at all too early a date. Often individuals are sent to half-way houses or other community facilities before they are ready. Such premature release defeats treatment objectives and encourages recidivism. The report submitted by the Mayor-Commissioner states that the Department of Corrections considers the number of persons in the half-way houses or community treatment centers as far too many and that "roughly half that number ought not to be in the center [i.e., the community treatment center] but ought to be in the Youth Center."

About 80 percent of offenders committed to the Center have a drug problem in some degree and yet neither the Center nor the community centers have personnel or facilities that are devoted to the prevention of drug use. Indeed there was evidence at the hearing that continued drug usage by an offender does not even prevent release into the community from half-way houses.[7]

While there have undoubtedly been some advances made at the Youth Center in terms of shortening the program of treatment and rehabilitation, the significant reduction in time spent, particularly by sophisticated defendants committed under the Youth Corrections Act, illustrates the pressures of overcrowding and the consequent lack of adequate rehabilitation care. Robbery, rape and homicide commitments in 1967 averaged 32 months from sentence to parole. By 1970, the figure was down to approximately 11 months and in 1971, at the most eight to ten months. Analysis of information submitted by the U.S. Attorney based on Police Department data received in turn from the correction authorities shows numerous cases of serious offenders committed under the Youth Act for armed robbery, rape, murder or aggravated assaults who spent periods in the Youth Center substantially less than six months, having been sentenced to periods of six, eight, ten or fifteen years, and in some cases such defendants were in the Youth Center only for a period of two or three months.

The Center's operations also suffer from the fact that there has been undue intermingling of highly sophisticated, hardened defendants with defendants who have committed non-violent offenses and have not an experience of frequent incarceration in juvenile or other youth facilities.[8] In spite of the overcrowding the Center has rarely rejected an offender because of his criminal activities. Nor has there been any effort to be highly selective when recommending youthful offenders for incarceration. While some comingly of the sophisticated and unsophisticated defendant may always occur, the present program is made far more difficult and less effective as the numbers in both categories increase and inmates are crowded more and more on top of each other under conditions which minimize the possibility of individualized treatment or control. This situation presently totally defeats efforts of sentencing judges to isolate for special handling defendants whose age or background indicates special rehabilitative needs.

In contrast, the Federal Youth Corrections Act system has established several facilities and can differentiate among types of offenders by age and offense. This desirable flexibility is not available in the District of Columbia. While other Youth Centers operated throughout the country under the Director of the Federal Bureau of Prisons are full, there is much less overcrowding, the number of violent and sophisticated offenders committed is minimal and yet the period of incarceration is substantially longer. It is also significant that these other institutions, unlike the Lorton Youth Center, recognize a clear distinction between 5010 (b) and 5010 (c) commitments, holding 5010 (c), committees a longer period of time.[10] At the Lorton. Youth Center there is no consideration whatsoever given by the authorities to the fact that individuals committed under 5010 (c) sentences have been judicially determined to require longer treatment. Moreover, in the federal institutions, no individual is released to the community without the approval of the Board of Parole,[11] while here the Center does not always consult the Board of Parole and the Court's experience indicates it may act contrary to the Board's wishes in releasing to half-way houses after brief incarceration.

The local correction authorities believe that in order to meet the needs of the Youth Corrections Act in this community it will be necessary to construct one and possibly two additional facilities, each with a projected inmate census of 500. Requests to the Congress for funds to establish the first additional facility have been rejected. No construction of additional facilities is authorized

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Footnotes at end of article.

or in progress. The Director of the Federal Bureau of Prisons has no available facilities to take any of the load from the District of Columbia.

All persons sentenced under the Act are committed to the custody of the Attorney General and it is the ultimate responsibility of the Federal and City authorities to furnish the necessary facilities. This responsibility falls jointly upon the Director of the Federal Bureau of Prisons and the Mayor-Commissioner of this city.[12]

The proper administration of justice, the requirements of the statute and the interests of this community demand that adequate facilities promptly be made available. The shortage of proper accommodations cannot be tolerated any longer. There is need of both an interim and a long-term solution.

The Court accordingly directs the Attorney General, the Director of the Federal Bureau of Prisons and the Mayor-Commissioner jointly to submit in writing within two weeks an interim plan for alleviating the present congestion consistent with the requirements of the Act. The interim plan should specify what steps will be taken and the date by which each phase of the plan will be accomplished. The plan should at the very least accomplish the following:

(a) Create additional temporary facilities for at least 300 male inmates by April 1, 1972.

(b) Provide facilities also sufficient to enable authorities to conduct all 5101(e) studies at a suitable location or locations other than the D.C. Jail by January 1, 1972.

These new facilities may be minimum security facilities if sufficient to accommodate non-violent offenders, including the bulk of offenders in the age group 16–18.

In directing that an interim plan for creation of additional facilities be submitted, the Court has carefully considered elaborate materials presented for the record on behalf of the Mayor-Commissioner. It appears that a detailed analysis of the available capacity of correctional facilities and institutions has already been made by a special task force. On the basis of this analysis, after projecting expected caseloads, the decision has been made administratively that the present facilities at Occoquan could be turned into an additional Youth facility by transferring individuals in the alcoholic rehabilitation program. This and related adjustments would provide a Youth Center facility capable of increasing the present total capacity to 625. This would be sufficient to handle the projected 1972 Youth Center population, although, of course, would not take care of the long-term need. Whether this plan or some variable of this plan is chosen is, however, entirely a matter for consideration of the appropriate authorities.

Since any interilm solution which will be proposed will not fully alleviate the situation, it appears necessary that this Court take some emergency steps consistent with the realities of the problem which will improve administration under the Act. The following has been recommended for consideration of the full Court.[13] Where the individual United States District Court Judge concludes that a defendant may be amenable for final commitment under the Youth Corrections Act, the following should occur:

(1) No defendant shall be so committed under the Youth Corrections Act without a 5010(e) study.

(2) In the event the study indicates that the correction authorities consider the defendant amenable to final commitment under the Youth Corrections Act, the Court shall require as part of the 5010(e) report a precise statement by the correction authorities of the plan of treatment and the approximate period of time it is contemplated the defendant will be in custody before release to a half-way house, including goals that will be set for him prior to release.

(3) No defendant shall be committed under the Youth Corrections Act unless the Attorney General certifies in advance as to each defendant that a facility is available to provide the type of program and adequate period of treatment contemplated in the particular 5010(e) report.

(4) Under appropriate circumstances, the Court shall commit all offenders under U.S. Code offenses for 5010(e) studies and ultimate incarceration at other Youth Centers around the country.

The Court recognizes that if these emergency steps are taken by the Court as a whole and an interim plan is put into effect promptly to alleviate the immediate overcrowding crisis, that further action must still be taken to provide adequate facilities. The Court urges that energetic and immediate action be taken by the Attorney General and the Federal Bureau of Prisons and the Mayor-Commissioner to obtain necessary construction and supportive funds from the Congress so that facilities and personnel can be provided on an expedited basis through emergency appropriations within the shortest possible period of time and without awaiting the implementation of the interim steps to be covered by the plan.

A full discussion of the Court's authority to place an interim plan into effect, to announce emergency procedures, and to take whatever further steps may be necessary to make the Youth Corrections Act viable is not required at this stage. Suffice it to note that as an Article III Court under the Constitution this Court is vested with "the judicial power of the United States." This is a grant of an inherent authority to direct action which is found essential to the continued effective functioning of the Federal Courts. The Court's supervisory powers must be exercized to this end. Unless adequate facilities are made available, the Court's role in sentencing becomes merely advisory and it losses the "judicial power" to enforce its orders of commitment under the Act. Moreover, the mandatory requirements of Sections 5011 to 5014, inclusive, and 5025(c) which direct the Mayor-Commissioner and the Director of the Federal Bureau of Prisons to provide treatment facilities, must be enforced in accordance with the express directions of the Congress. Given comparable constitutional and statutory authority, Courts have in the past ordered executive action without regard to the availability of earmarked funds.[14]

This is such a case—a case where it has become abundantly clear that immediate action by the Court is required to assure the fair and proper administration of justice under a statute enacted by the Congress.

There are many offenders below the age of 22 who come before this Court who can be and have been rehabilitated through the Youth Corrections Act program. Congress has wisely put such a program into effect and experience has emphasized and re-emphasized the validity of this approach to many young offenders in a community such as Washington, D.C. The breakdown that has occurred is a tragedy for this city. Not only are defendants denied the treatment and training Congress requires, but premature release is placing citizens unnecessarily at hazard and it cannot be disputed that a correctional system that ignores the clear intendment of the Court's sentences leads the public to question the very integrity of our judicial process. This Court cannot stand idly by and permit these conditions, whatever the cause, to continue. The Court is entitled to have facilities provided sufficient to make the Act effective and the Court must insist that its sentencing orders are implemented in the interests of the fair and proper administration of justice.

A hearing to consider placing an appropriate interim plan into effect is hereby set for December 23, 1971, at 9:30 a.m.

GERHARD A. GESELL,
U.S. District Judge.

DECEMBER 1, 1971.

FOOTNOTES

[1] 18 U.S.C. 5005 *et seq.*

[2] Chief Judge John J. Sirica sat with the Court as an observer at the hearing. The following appeared as witnesses: Robert C. Whitaker, Superintendent of the Youth Center at Lorton; Allen M. Schuman, Superintendent of Youth Services of the D.C. Department of Corrections; Kenneth L. Hardy, Director of the D.C. Department of Corrections; and Richard J. Heaney, Deputy Director of the Federal Bureau of Prisons.

[3] United States v. Waters, 141 U.S. App. D.C. 289, 437 F.2d 722 (1970). H.R. Rep. No. 2979, 81st Cong., 2d Sess. (1950). S. Rep. No. 1180. 81st Cong., 1st Sess. (1949).

[4] For example, the Superintendent of the Youth Center at Lorton stated:

> [T]o effectively make a recommendation to the Court, on our observation on this man, it is unrealistic to think if we house a man in a jail cell, and we send our C. and P., our diagnostic team up there to call him out of the jail cell to talk to him, and he goes back in the jail cell, who is observing the man, other than the three officers who are in the cell block? There really is no observation. The observation takes place when the man goes up and gives the social history, the background history, school, his work, and so on, and so forth. But it is unrealistic to think we can provide an intelligent observation of the man. (Tr. p. 15.)
>
> I see it as not really being able to effectively observe the man, his behavior, his attitude, what his remorse is about the crime he committed, and so forth.
>
> The ideal—when the Youth Center was constructed some years ago, the man was at the Youth Center, he went about attending classes, being seen by the psychologist on a kind of regular basis, being seen by the classification and social worker, being introduced to vocational and academic programs at the Youth Center, seeing him among the population, as to how he is going to react to institutional life, whether that kind of setting is best for the man. We don't have that kind of situation right now. (Tr. p. 16).

[5] Mr. Whitaker stated the conclusion bluntly:

> Without the tools and without the facilities, we can't do a job. It is unrealistic to think that we have a magic wand, that we can hope with those kinds of population figures and do an effective job in rehabilitating a man. (Tr. p. 88).

[6] "It is anticipated that there will be approximately 900 commitments under 5010(e) and 240 direct commitments under 5010(b) and 5010(c) in the next twelve months. Parole violators presently number approximately 16 per month or 192 in the next twelve months. The anticipated increase totalling 1,256 is of course in addition to our present youth population of 609. This does not include approximately 150 16 and 17 year olds expected in the next twelve months." Letter from Kenneth I. Hardy to Judge Gesell, November 18, 1971, p. 5.

[7] Mr. Schuman estimated that 20 percent presently in half-way houses are drug users. Tr. p. 67.

[8] ". . . Insofar as practical, . . . youth offenders shall be segregated from other offenders, and classes of committed youth offenders shall be segregated according to their needs for treatment." 18 U.S.C. § 5011.

[9] Tr. pp. 161, 154 and 156 (Testimony of Richard J. Heaney, Deputy Director of the Federal Bureau of Prisons).

[10] According to Mr. Heaney's testimony, in 1970, the average commitment under 5010(b) was 21.5 months whereas the average commitment under 5010(c) was 33.6 months. Tr. p. 156.

[11] Tr. p. 173.

[12] The legislative history of what is now 13 U.S.C. § 5025 is sparse. Nevertheless, it indicates that Congress's primary purpose was to transfer supervision of youths convicted

of violations in the District from the U.S. Bureau of Prisons and the Youth Corrections Division of the U.S. Board of Parole to the District of Columbia Mayor-Commissioner. There is no indication from the legislative history of this statute that Congress wanted to relieve authorities of the Department of Justice and the Bureau of Prisons from their statutory obligations in Sections 5011 and 5012 to provide treatment in proper and adequate treatment facilities. H. Rep. No. 387, 90th Cong., 1st Sess.; S. Rep. No. 912, 90th Cong., 1st Sess; Report of the President's Commission on Crime in the District of Columbia on Omnibus Anticrime Bills, 90th Cong., 1st Sess., p. 63; Hearings before the Subcommittee on the Judiciary of the Senate Committee on the District of Columbia, 90th Cong., 1st Sess., p. 75, 133–138, 250.

[13] The Superior Court faces comparable problems in dealing with both felony and misdemeanor cases and obviously that Court can assist in the present difficult circumstances if comparable emergency steps are taken to prevent gross overcrowding and encourage more knowledgeable commitments where the Act is employed.

[14] Increasingly in the area of jail and prison reform, courts are directing changes that perforce will entail additional expenditures. In the Matter of Savoy and Toney Hazel (Docket D.C. Superior Court; Landman v. Royster, Civil Action No. 170–69–R (E.D. Va., Oct. 30, 1971); Holt v. Sarver, 309 F. Supp. 362 (E.D. Ark. 1970), *affirmed*, 442 F.2. 304 (8th Cir. 1971); Jones v. Wittenberg, 323 F. Supp. 93 and 330 F. Supp. 707 (N.D. Ohio 1971); McCray v. Maryland, Misc. Pet. 4363–4430 (Cir. Ct. Montgomery Cty., Md., Nov. 11, 1971; State ex rel Ray v. Smith, 176 Oh. St. 241, 198 N.E. 2d 919 (1964). Also in the area of school desegregation, courts have required certain changes which necessitated additional expenditures. Swann v. Charlotte-Mecklenburg Board of Education, 402 U.S. 1 and Hobson v. Hansen, 269 F. Supp. 401 (D.D.C. 1967), modified, 132 U.S. App. D.C. 372, 408 F.2d 175 (1969).

Killer Sent to Youth Center

(By Winston Groom)

A federal judge here sent a 19-year-old youth convicted of murder to the Youth Center at Lorton yesterday even though the U.S. attorney's office pointed out that he may be released within a few months.

Earlier, U.S. District Judge Aubrey Robinson angrily rejected a prosecution request that he tell the jurors the youth might receive lenient treatment under the Youth Corrections Act if they did not call for the death penalty in the case.

Although the act sets a four-year maximum limit on the time an offender has to spend in actual custody. District Corrections officials have said most inmates are released within a few months.

The youth before Robinson, Richard D. Leake, was given life imprisonment by the jury for the fatal shooting of a 30-year-old grocery store owner in January during a robbery to get money for narcotics.

Before the verdict, Asst. U.S. Atty. Warren L. Miller told Robinson that a failure to explain to the jury that with a sentence of life imprisonment, Lake could be set free quickly under the Youth Act amounted to "not being truthful" to the panel.

The judge, however, said he would not issue any such explanation because it might appear that he was advocating the death penalty.

The prosecution request came on the heels of a case last week in which U.S. District Judge Joseph C. Waddy sent a 20-year-old defendant to the youth center for study after a jury convicted him of what Miller "the most brutal murder I have ever seen."

In that case the defendant, Dennis T. Butler, was founded guilty of killing an elderly landlord who discovered him selling dope to a teen-ager in a vacant apartment. According to court testimony, Butler bound and gagged Jesse K. Mears, 75, then beat and strangled him and rammed a soft drink bottle filled with water down his throat.

Officials in the U.S. attorney's office have become increasingly concerned over the upsurge in Youth Act sentences following a series of rulings by the U.S. Court of Appeals beginning early this year.

Under the rulings, District judges are practically obligated to sentence every defendant 22 years old or younger under the act. A letter from Department of Corrections officials to a District judge last year stated that the average stay for inmates at the youth center was 12 months, but the U.S. attorney's office said that figure has dropped even further to seven or eight months.

The youth center came under increased judicial scrutiny earlier this week when U.S. District Judge Gerhard Gesell ordered a hearing to determine the way the Youth Act is being administered there.

Gesell and Chief Judge John Sirica will conduct the inquiry Friday into the center's recommendation that Gesell sentence a 19-year-old defendant as an adult because of overcrowding at the Lorton facility.

Sirica and Gesell have said the hearing will extend far beyond the overcrowding problem at the center and will delve into areas areas such as how the center determines when a youth is "rehabilitated," guidelines under which inmates are released into halfway houses and given furloughs and the rate of re-arrests among those released.

The appeals court rulings have instructed District judges that they must sentence youths under the Youth Act if they can derive "any" benefit whatever from it.

The rulings also have said that judges must specifically state their reasons for not sentencing offenders under the act.

U.S. Department of Justice,
Washington, D.C., December 29, 1971.
Hon. J. Glenn Beall, Jr.
U.S. Senate,
Washington, D.C.

Dear Senator Beall: This is in response to your letter to Mr. Flannery, dated December 16, 1971, inquiring about the implementation in the District of Columbia of the Federal Youth Corrections Act, 18 U.S. Code § 5005 *et seq*. Since receipt of your letter, Mr. Flannery has been sworn in as a United States District Judge and I have been appointed by the court as his successor. Mr. Flannery, now Judge Flannery, has requested me to reply to your letter.

As you correctly point out in your letter, recent decisions of the United States Court of Appeals for the District of Columbia Circuit construing the Youth Corrections Act make it extremely difficult for trial judges not to sentence young offenders under the Youth Act. These decisions are *United States* vs. *Ward*, Nos. 71–1654 and 71–1677, decided October 29, 1971, and *United States* vs. *Waters*, 437 F. 2d 722 (1970). This is of particular concern to my office because our research demonstrates that the average period of confinement for the many youthful offenders convicted of the most violent crimes of murder, rape, and robbery and sentenced under the Youth Act is only about ten months. For your information I am enclosing a copy of a pleading filed by my office in the District Court in *United States* vs. *Alsbrook*, Criminal Case Nos. 1065–71 and 1473–71, in which we have set forth the results of our research concerning implementation of the Youth Act in the District.

To remedy this situation, my office is doing the following. First, we have requested the Court of Appeals, sitting *en banc*, to reconsider its decisions of *Ward* and *Waters* in light of the legislative history of the Youth Act, legislative history which, in our view, makes it explicitly clear that the Youth Act was intended to provide no more than an optional sentencing alternative for trial judges to be used in their discretion. We also provided the Court with statistics showing that, contrary to the practice in the District of Columbia, the Youth Act has been used by federal judges throughout the country primarily for persons convicted of non-violent crimes. Enclosed for your information is a copy of the memorandum our office filed with the Court of Appeals setting forth its position. The case has been argued, but the Court has not rendered its decision.

The second step taken by our office is to bring this matter to the attention of the Department of Justice. Since what is involved is federal legislation applying throughout the country, it would be the Department which would recommend to the Congress any specific amending legislation. In this regard, I have brought your letter to the attention of the Department. Should any legislation be recommended by the Department, I shall advise you of this fact promptly.

I appreciate your expression of interest in what is for my office a matter of the utmost concern. For, should our request to the Court of Appeals to reconsider its prior decisions not be successful, corrective legislation will, in my view, be necessary. If I can be of any further assistance, please do not hesitate to contact me.

Sincerely,

Harold H. Titus, Jr.,
U.S. Attorney.

Supplementary Memorandum of Appellee

[United States Court of Appeals for the District of Columbia Circuit, No. 23,044 Cr. No. 545–68)]

(United States of America, Appellee, v. Carl M. Reed, Appellant)

The above-captioned case came on for oral argument on February 25, 1971. Since that time this Court has issued its Order on Appellant's Motion for Summary Reversal and Remand in *United States* v. *Ward*, D.C. Cir. Nos. 71–1654 and 71–1677, decided October 29, 1971 in which *United States* v. *Waters*, 141 U.S. App. D.C. 289, 437 F. 2d 722 (1970) was further considered. In both cases this Court suggested that Congress intended the Federal Youth Corrections Act, 18 U.S.C. § 5005 et seq., to receive priority over a sentence under the regular adult statutory provision. *United States* v. *Ward; supra*, slip op. at 4, *United States* v. *Waters*, supra, 141 U.S. App. D.C. at 293, 437 F. 2d at 726.

Appellee submits that the legislative history does not manifest an intent to install the Youth Act as a required primary sentencing consideration, but rather as a discretionary alternative to the regular penalty provision, for the judge in imposing sentence on the eighteen to twenty-two year old offender. As the Senate Committee on the Judiciary stated in reporting favorably on the proposed Act, "while the bill would not deprive the court of any of its present functions as to sentencing, it provides that, upon consideration, the court may place the youth offender on probation, proceed under the Juvenile Delinquency Act, or sentence under any applicable law relating to the offense." S. Rep. No. 1180, 81st Cong., 1st Sess. 1 (1949). That announcement of the bill's (S. 2609) intention is corroborated by the House Committee on the Judiciary's statement that, "the proposed legislation is designed to make available for the discretionary use of the Federal judges a system for the sentencing and treatment of persons under the age of 22 years. . . ." (emphasis supplied), H. Rep. No. 2979, 81st Cong 2 Sess. 1 (1950).

A letter from Peyton Ford, Deputy Attorney General, dated June 21, 1950, to the Honorable Emanuel Celler states:

"The measure would define a youth offender as a person under the age of 22 years who has been convicted of an offense against the United States. While it would not deprive the court of any of its present functions as to sentencing, the bill would provide that, upon conviction, the court may place the youth offender on probation, proceed under the Juvenile delinquency act, or sentence under any applicable provision of law relating to the offender. The court would be authorized, however, in lieu of any penalty of imprisonment otherwise provided by law, to sentence a youth offender to the custody of the Attorney General for treatment and supervision." S. Rep. No. 1180, 11–12.

Nowhere in the Senate or the House Committee Reports, the committee hearings, or in the Congressional debates is there any indication that a judge is precluded from imposing a regular adult sentence unless he first finds that an eligible defendant will not receive any benefit from the Youth Act sentence. Indeed the legislative history is completely to the contrary. When asked for an explanation of the bill (S.2609) Senator Harley Kilgore of West Virginia, the bill's chief sponsor and chaiman of the Senate subcommittee which held the hearings on this legislation stated "The bill does not take away from the court any of its powers but does give to the judges, in cases involving Federal offenses, the right to refer an offender under the age of 24 years to the Department of Justice for a period of 4 years, during which time the Parole Board of the Department of Justice would place the offender in a federal institution for careful examination and study to detemine whether or not he could be reformed, and if possible to reform him." S. Rep. No. 1180, 81st Cong., 1st Sess. 1 (1949). On February 1, 1950, in the Congressional Record, Senate page 1312, Senator Kilgore explained that "The bill would not be compulsory in any sense of the word; but it will give the judges of trial jurisdiction the right to refer the case of any prisoner under 24 years of age, who is not a habitual offender, to the Department of Justice . . . to determine whether a person is a criminal or whether the situation in his or her case is an incurable one, before sentence is passed."

On June 8, 1950, Senator Kilgore stated, "The judges say that the bill will give them an additional facility although use of the system provided by the bill will not be mandatory." Speaking of the imposition of an appropriate sentence, he continued, "However, when there is a case about which a judge is in doubt, if the accused is under the age of 22, the judge may refer the case to the Youth Correction Division," 1950, Cong. Record, Senate, p. 8383.

The optional nature of the Youth Corrections Act as a sentencing vehicle is clearly and repeatedly demonstrated by the testimony at the hearings on this legislation, particularly that of Federal judges who are participated in the drafting of the Youth Act. Significantly, the legislation as proposed contained subsection 5010(d), the principal subsection relied on by this Court on both *Waters* and *Ward*. The Honorable Bolitha J. Laws, Chief Judge, United States District Court for the District of Columbia, after noting that he was one of seven Federal judges appointed to study the subject of sentencing youth offenders stated:

"As to sentencing of youth offenders, in addition to the judge's present power to place on probation or to sentence under existing statutes, the bill gives him three new alternatives in handling offenders under 24.

"First, the judge may commit a youth offender of diagnosis and treatment under this act for an unspecified period up to 6 years, with provision that he be tried on conditional release within 4 years.

"Secondly, if the judge feels that a youth offender convicted of an offense calling for a long term under existing statutes might not respond to treatment within 6 years or that so short a term might have an adverse effect on enforcement of the law, he may set any maximum authorized by law but still give the offender the benefits of treatment under this act.

"Third, if the judge wants more information on a youth offender before sentencing him, he may order a thorough pre-sentence diagnosis at a classification center set up by the Bureau of Prisons.

"It should be noted that the bill in no way reduces the authority or interferes, with the sentencing power of the judges."

He went on to say:

"Now, there is one very important thing I would like to develop. I will put it simply, Senator, I have already told you that this law is purely an optional situation. A judge who feels that the present system is in all respects perfect and who does not want to use the new provisions, except perhaps rarely, does not have to use them. He still may do one of two things. He may admit the man to probation, or he may send to an institution exactly as he does now. However, with regard to those of us who are constantly puzzled and concerned and who do not know the solution, it is possible for us to adapt ourselves to this system and use it." *Hearings*, p. 15.

Judge Laws recollected that in his advocacy of the bill he had met opposition to its passage from some Federal judges.

"There is one thing I would like to say in conclusion, Senator, I have spoken on this subject before judicial conferences—I think five different ones in the United States. I have never explained it fully and completely, but what we did not get was a response from the judges that was favorable. Most of the judges who object to it have not studied it carefully.

"I regret to say that, but there are a great many objections that come when the judges have not comprehended and studied the subject very carefully. When they get the presentation fully made to them, and once they realize *it is entirely optional* and that some of us are not the types of experts that can look across a table into a man's eyes and know what sentence to give him, they say under those circumstances that they do not mind, for those of us who are frail, having the study made for us as long as they themselves are not restricted. . . .

"The way I want to argue this with my brethren who oppose it is: let me do it and let them go on in the way they do.

"When I put that up to them, they say, "All right, Judge, as long as you do not harass me." I will say to them that my prophecy is that at the end of 10 years they will all be doing it, and perhaps they will be doing it at the end of 5 years." *Hearings*, pp. 20–21.

In a dialogue between Senator Kilgore and James V. Bennett, Director, Bureau of Prisons, the motivation for making the application of the bill entirely discretionary is plainly seen.

"Mr. Bennett. Senator, if you will permit, and for your future reference, I would like to introduce some case histories into the record that will support this viewpoint of yours and mine. They may be helpful to you at a later date. I would like to carry forward a little bit further and re-emphasize more than Judge Laws has done, that this bill is discretionary whereas the other bill which you had before did not provide that same discretion. The judge under this bill can now place the man on probation, he can sentence him, as a youth offender for a maximum of 6 years or he can sentence him as a youth offender for whatever maximum the statute will permit.

"Thus, you see it is very difficult for me to conceive of anybody who could rightfully object to the bill because they can use it or not, as they see fit, and yet it gives them all of these additional services and alternatives.

"Senator Kilgore. Mr. Bennett, to be perfectly frank with you, I still personally approve of the mandatory feature rather than the discretionary feature and I will tell you why. I think it will protect the judge from a tremendous lot of annoyance if he can say, "Here, I am going through these steps. The law provides it and I am going according to the law. I am not going to have this group over here insisting that I jack up the penitentiary, set up a prop under the corner of it. I am not going to have this group saying that I just turn him loose willy-nilly.'

"I believe that it would save a lot of the judge's time and a tremendous amount of extra work if it had been mandatory. But I am willing to go along on the discretionary feature in the hope that eventually we can get the bill through." *Hearings*, p. 25.

The Honorable John Parker, United States Circuit Judge, Fourth Circuit concurred in the idea that the Youth Act left the power of the sentencing judge as it had been before the passage of the Act.

"In the first place the act deals only with offenders under 24 years of age. In the second place, it does not interfere with the power of the judge even with respect to those offenders, but gives him merely an alternative method of treatment of those people. That is to say, under this bill the judge may still admit the youthful offender to probation. There is nothing in the bill that prevents that. He may still give the youthful offender the punishment prescribed by existing statutes, there is nothing in the bill that prevents that. All that the bill does is to provide that if in his judgment and discretion, he thinks that the offender before the court is one that can be treated with advantage under this bill, he can sentence him under this bill instead of under the existing law." *Hearings*, p. 43.

Senator Kilgore, in discussing objections to the bill voiced by Federal judges, noted, "Two objected to taking sentencing away from the court and giving it to an executive agency. But that has been answered in S. 2609 because it takes nothing away."

"That is correct; it is purely optional," responded the Honorable Orie L. Phillips, United States Circuit Judge, Tenth Circuit. *Hearings*, p. 69.

Furthermore, that it was not necessarily the intention of this bill to sentence a majority of the younger offenders pursuant to its provisions as indicated in the following colloquy between Senator Kilgore and James E. Palmer, Jr., President of the Federal Bar Association.

Senator Kilgore. "You are going to have a certain number that you will have to deal with, but if in some way we can cure 20 percent or 30 percent, or 40 percent, or 50 percent, at the source, we have done to society in this country a great service and we have saved the taxpayers a tremendous amount of money. Is not that your idea?"

Mr. Palmer. "Indeed, I agree very heartily, sir. May I make just one further brief statement?"

Senator Kilgore. "We will be glad to hear it."

Mr. Palmer. "I can hardly see how there can be intelligent opposition to a measure of this nature. Of course, I am too much of a prosecutor to want to approve anything that would result in placing the stamp of approval on youths who go out and commit serious crimes and then the Government of the United States gets the public reputation of patting them on the back and treating them not as criminals, when they should be treated as criminals.

"But that, in this bill, turns upon the caliber and efficiency of our judges, and also on the ability of the men in charge of the program set up under the bill.

"I have enough confidence in the discretion of our judges to feel that they are not going to abuse this statute, and certainly that those who are charged with the direction of these people are not going to abuse it to the extent that it will ever redound that we are here trying to set up a structure that will give the Government a reputation of dealing too lightly with those who should be dealt with properly." *Hearings*, p. 82.

It is clear, therefore, that the framers of the bill considered that its provisions would be applied solely in this discretion of the trial judge. Nowhere is it stated that a finding of fact must be made before the sentencing judge could employ a sentence under any other applicable penalty provision.

Both the legislative history as outlined above and the implementation of the Youth Act from 1959 to 1970 by the federal judiciary clearly show that it is not only the exceptional case in which an eligible offender would not receive a Youth Act sentence. To the contrary, it was anticipated that the Youth Act would be applied only to federal offenders who had not become crime-hardened and who had not committed a crime of violence. The typical youth offender was expected by Mr. Bennett to be a Dyer Act offender.

Mr. BENNETT. "Senator, apropos of the savings which would occur under this bill, may I say, as I am sure you realize, that far and away the largest number of young offenders who could come to us under the bill are automobile theft cases—1,227 last year were committed to us for automobile thefts.

"Now most of these boys have stolen a car in some city and gone a junket. The problem in many cases is to be able to get them back home. If we could get them home under parental control they would not need to go to prison. Under present circumstances the judge has no way to cope with the problem." *Hearings*, p. 29.

This expectation was borne out by the actual use of the Youth Act.

An analysis of statistics released by the Federal Bureau of Prisons reveals that in no year between 1959 and 1970, inclusive, did commitments under the Youth Act exceed 47.4% of the total of eligible offenders from eighteen to twenty-two years old.[1]

TABLE I

Fiscal year	YCA/adult percent	Total 18 to 22	YCA
1970	39.6	1,997	790
1969	41.7	2,250	938
1968	37.1	2,284	848
1967	40.3	2,305	928
1966	42.9	2,029	871
1965	42.9	2,007	862
1964	44.0	2,070	910
1963	47.4	2,066	979
1962	44.7	2,047	915
1961	47.1	2,149	1,012
1960	46.5	2,112	983
1959	46.4	2,124	986

Thus, it is apparent that employment of the Youth Act Commitment procedures is less common than adult commitment for the eighteen to twenty-two year age group.

TABLE II

Fiscal year	YCA/adult percent	Total YCA commitments [2]	Number of YCA Dyer commitments [3]
1970	38.2	1,160	443
1969	42.0	1,318	554
1968	53.3	1,138	607
1967	58.0	1,264	733
1966	57.7	1,132	653
1965	60.6	1,131	686
1964	63.1	1,149	725
1963	61.4	1,237	759
1962	62.4	1,182	737
1961	63.8	1,324	845
1960	56.7	1,326	752
1959	60.7	1,291	784

Footnotes at end of article.

Additionally, auto theft was by far the offense for which the Youth Act commitments were most often imposed in the period from 1959 to 1970.

From the above tables and their underlying statistical bases it may be seen that the Youth Act was not the ordinary means of commitment used by Federal judges for eligible offenders and the most common offense for which the Youth Act was invoked was the non-violent crime of auto theft.

Finally, that section 5010(d) is not generally conceived of as requiring a finding before the penalty authorized under the applicable statute is imposed may be seen in Mr. Gottshall's article on youth sentences. He notes that:

"Section 5010(d) confers no benefits under the Act. It is generally regarded as nothing more than an affirmative statement that the court, convinced that treatment under 5010(b) or 5010(c) would accomplish no good, has resort to the penalty authorized for the substantive offense. Actually, inquiry among several who assisted in the drafting of the Act confirmed the view that the subsection was included to assure the courts that the regular sentencing provisions were available when they felt that correctional treatment under the Act was inappropriate." *Federal Probation Quarterly, supra.*

This view of the use of section 5010(d) is supported by an article on suggested sentencing procedures. That article, "Forms of Adjudication for Use in Sentencing," James M. Carter, Judge, United States Court of Appeals, Ninth Circuit and Fred Kunzel, Chief Judge, United States District Court, Southern District of California, 44 F.R.D. 197 (1968), which sets out model forms for imposing sentences was first presented to the Ninth Circuit Judicial Conference in 1960. There were three subsequent revisions; the first in 1962 was unpublished and the second, was published in 35 F.R.D. 404 (1964) as part of the papers used at the Institute on Sentencing for United States District Judges held at Denver, Colorado, in January 1964, and the third was in 1968. As the authors' commented, "Many appeals involve a sloppy sentence. In each instance the trial judge knew what he wanted to do with the defendant; in certain instances he used the wrong language." 44 F.R.D. at 198–199.

It is significant that there is no form for a sentence under an adult penalty provision for an offender between the ages of eighteen and twenty-two. The two forms (attached as Appendix C) which cover Youth Act commitments and regular sentences are Forms No. 6 and No. 17. Both forms simply state the order and judgment of imprisonment and make no mention of a finding of lack of benefit derivable from a Youth Act commitment.[4]

Since these forms were carefully developed and undoubtedly in widespread use, it must be assumed that there is scant likelihood that Federal judges included a formal finding pursuant to section 5010(d) as suggested by *Waters*.

The legislative history, as outlined above, contains no indication that an articulated finding is required before an adult sentence may be imposed. In fact, it is clear that the framers intended the Youth Act to be no more than an additional sentencing alternative to be employed in the discretion of the trial judge. Any contention that the words in subsection 5010(d), "shall find," import the requirement that a judge must make an explicit finding on lack of benefit before he can sentence under the regular adult provisions files in the face of the legislative intent. This is particularly clear in light of the fact that subsection 5010(d) was, as we have pointed out, *supra*, p. 12, included in its present form as part of the proposed legislation which, as the hearings unequivocally show, its framers intended only to point to the options available to the sentencing judge. Even should this Court construe the literal wording of subsection 5010(d) to require such a finding, without regard to the clearly discretionary language of subsections 5010(d) and (c), it has been recognized that, "The literal wording of the statute is a primary index but not the sole index to legislative intent. It cannot prevail over strong contrary indications in the legislative history or so as to command an absurd result. *Lange* v. *United States*, — U.S. App. D.C. —, 443 F.2d 720, 722–723 (1971). See also *United States* v. *Public Utilities Comm'n.*, 345 U.S. 295, 315 (1953) and 2 J. Sutherland, *Statutory Construction*, § 4706 at 339–40 (3d ed. 1943). We agree with Mr. Gottshall that the only purpose of subsection 5010(d) was to assure that judges could utilize the regular adult sentencing provisions.

The likely impact of this procedure on the administration of justice will be interminable hearings and the probable defeat of the purposes of the Youth Act. This result seems foreshadowed by the direction of the *dicta* in *United States* v. *Ward*, *supra*, and Appellant's Supplemental Memorandum in Support of the Motion for Summary Reversal in that case filed subsequent to the remand order. Appellant therein contends (Supplemental Memorandum, pp. 12–13). "First, the Youth Act is not to be limited to those who are most 'desirable' for Youth Act commitments. Although an individual might not benefit as much as others from a Youth Act sentence, unless the Court can make a finding that he will receive no benefit whatsoever, he cannot be denied a Youth Act sentence." Since it is inconceivable that even the most hardened criminal would not derive *some* benefit from treatment under the Youth Act, even if only more pleasant surroundings, the purpose of the Youth Act to rehabilitate suitable candidates while isolating them from crime-hardened individuals would inevitably be vitiated, as is readily apparent.

Speaking of the resort of the sentencing judge to the Youth Act is a misdemeanor case, this Court determined that, "[The Youth Act sentence] was to carry out the congressional purpose represented by the Act—to serve the interests of society and of *selected* youth offenders in preference to the statutory sentence for the misdemeanor." *Harvin* v. *United States*, D.C. Cir. No. 22,317, decided May 7, 1971, (*en banc*), slip op. at 7. (emphasis added). This selection process, which is vital to the survival of the Youth Act as a rehabilitative vehicle, necessarily envisages the culling of those individuals deemed suitable for the Youth Act program and rejecting those who would detriment it. To adopt a standard requiring that priority be given to eligible individuals, so long as they would derive *any* benefit from the Act, would result in the very integration of hardened and non-hardened criminals that the Youth Act sought to prevent.

That underlying legislative intent not to require findings is fully supported by the well-accepted procedures for sentence imposition suggested by Judges Carter and Kunzel (*supra*, p. 13). The adoption of those procedures by the Ninth Circuit Judicial Conference and the Institute on Sentencing in 1964, certainly give incontrovertible legitimacy to the legislative intent which mitigates against the imposition of formal findings.

The absence of a requirement imposed by Congress of formal findings in imposing sentence under the Youth Act is consistent with its traditional approach to sentencing. That has always been to leave sentencing to the discretion of the trial judges. Under this approach by Congress, "If the sentence is within the latitude granted by statute and is imposed in a procedurally correct manner, the court has a well-nigh unreviewable discretion. The heavy burden on the court is a reflection of the importance of the sentence to the public interest as well as to the defendant who is most directly affected." *United States* v. *Bryant*, — U.S. App. D.C. —, —, 422 F. 2d 775, 772 (1971).

It is axiomatic that where the imposition of a sentence falls within the statutory limits, the severity of such a sentence does not warrant interference by an appellate court. *Blockburger* v. *United States*, 233 U.S. 299 (1932); *Wilson* v. *United States*, 233 U.S. 299, 335 F. 2d 988 (1963). In *Wilson* this Court recognized that the imposition of a sentence is in the sound discretion of the District Judge. The sentence seems to us unduly harsh but circumstances not disclosed by the record may justify it. 118 U.S. App. D.C. at 320, 335 F. 2d at 983.

Recently the Supreme Court grappled with a similar problem involving the establishment of standards by which a jury could arrive at its sentencing decision. While the case dealt with the imposition of the death penalty, its approach is quite instructive on the general matter of setting up criteria for sentencing. The Court stated,

"Those who have come to grips with the hard task of actually attempting to draft means of channeling capital sentencing discretion have confirmed the lesson taught by the history recounted above. To identify before the fact those characteristics of criminal homicides and their perpetrators which call for the death penalty, and to express these characteristics in language which can be fairly understood and applied by the sentencing authority, appear to be tasks which are beyond human ability." *McGautha v. California*, 402 U.S. 183, 204 (1971).

The Court concluded that,

"In light of history, experience, and the present limitations of human knowledge, we find it quite impossible to say that committing to the untrammelled discretion of the jury the power to pronounce life or death in capital cases is offensive to anything in the Constitution. The States are entitled to assume that jurors confronted with the truly awesome responsibility of decreeing death for a fellow human will act with due regard for the consequences of their decision and will consider a variety of factors, many of which will have been suggested by the evidence or by the arguments of defense counsel. For a court to attempt to catalog the appropriate factors in this elusive area could inhibit rather than expand the scope of consideration, for no list of circumstances would ever be really complete. The infinite variety of cases and facets to each case would make general standards either meaningless 'boiler-plate' or a statement of the obvious that no jury would need." 402 U.S. at 207–6 (footnotes omitted).

The exercise of that sound discretion would be obstructed if a requirement of findings were imposed on the trial judge. In order to make such findings properly, a hearing would have to be held. The burden such a procedure would entail was recognized by the Supreme Court in a case involving the disclosure of a pre-sentence report. The Court remarked, "The type and extent of this information (the probation report) make totally impractical if not impossible open court testimony with cross examination. Such a procedure could endlessly delay criminal administration in a retrial of collateral issues." *Williams* v. *New York*, 337 U.S. 241, 250 (1949). Compare, *Specht* v. *Patterson*, 386 U.S. 605 (1957).

In *Waters*, as well as *Ward*, the sentencing procedure found erroneous was a sentence under the regular penalty provisions plus a recommendation for confinement in a youth institution. The Court concluded that the recommendation was an implicit finding of benefit from treatment under the Youth Act. It was then held that, "The statutory scheme does not envisage this particular combination of rehabilitation and deterrence." *United States* v. *Waters*, 141 U.S .App. D.C. at 293, 437 F 2d at 726.

In the instant case, there was no improper combination of rehabilitation and deterrence as was found to be present in *Waters*.

Since the imposition of sentence under the Youth Act is optional with the judge without a requirement of formal findings, since there was no ambivalent sentence as in *Waters* and *Ward*, since the District Judge fully complied with the proper sentencing procedures, and since there is no indication of an abuse of discretion, appellee submits that the judgment should be affirmed.[6]

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John A. Terry,
Assistant United States Attorney.
Earl J. Silbert,
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Assistant United States Attorney.
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Assistant United States Attorney.

FOOTNOTES

[1] The tables from which these analyses are extracted are attached hereto as Appendices A and B.

[2] YCA commitments include offenders from 18 to 26.

[3] Denominated as "Theft of Motor Vehicle" from 1959 to 1964.

[4] Form No. 17, which is for a sentence after a § 5010(e) study subsumes the requisite finding for imposition of a Youth Act sentence previously made by Form No. 18, commitment for the section 5010(e) study.

[5] Cf. *Mordecai* v. *United States*, 137 U.S. App. D.C. 198, 204, 421 F. 2d 1133, 1139 (1969); *Cox* v. *United States*, C.A. No. 1206–71 (E.D.N.C., Feb. 18, 1971) (Memorandum Opinion).

[6] Appellee respectfully directs the Court's attention to appellee's *Response to Supplementary Memoranda* filed in this case on January 21, 1971, wherein the issues of the applicability of *North Carolina* v. *Pearce*, 395 U.S. 711 (1969), and the possible retroactivity of *Pearce* and *Waters* are discussed.

By Mr. HOLLINGS:

S. 1200. A bill to amend title II of the Social Security Act to provide for the payment of monthly insurance benefits to the aged dependent brothers and sisters of a deceased fully insured individual. Referred to the Committee on Finance.

Mr. HOLLINGS. Mr. President, at a time when we are becoming increasingly aware of the problems facing the elderly in our country, it becomes necessary to do what we are able to equalize the social security laws.

Accordingly, I am introducing a bill which would entitle a dependent brother or sister to receive social security benefits to which a predeceased sibling would have been entitled. Under the present law, a parent who is dependent upon his child for support may receive 82.5 percent of the social security benefits to which the child is entitled should the child predecease the parent. Also, the most commonly known change accomplished by H.R. 1 was to increase widow's benefits at age 65 to 100 percent of earner's entitlement. However, a brother or sister who is dependent for support upon a sibling is not eligible for this sibling's benefits should that sibling predecease him. I feel this presents quite an unfair situation, particularly since there is no apparent reason for making such a distinction between a dependent parent and a dependent sibling.

I ask unanimous consent that the bill be printed in its entirety in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 1200

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 202 of the Social Security Act is amended by adding after subsection (w) the following new subsection:

"Brother's and Sister's Insurance Benefits

"(x)(1) Every brother or sister (as defined in this subsection) of an individual who died a fully insured individual if such brother or sister—

"(A) has attained age 62,

"(B)(i) was receiving at least one-half of his support from such individual at the time of such individual's death or, if such individual had a period of disability which did not end prior to the month in which he died, at the time such period began or at the time of such death, and (ii) filed proof of such support within two years after the date of such death, or, if such individual had such a period of disability, within two years after the month in which such individual filed application with respect to such period of disability or two years after the date of such death, as the case may be,

"(C) has not married since such individual's death,

"(D) is not entitled to old-age insurance benefits, or is entitled to old-age insurance benefits each of which is less than 82½ per centum of the primary insurance amount of such deceased individual if the amount of the brother's or sister's insurance benefit for such month is determinable under paragraph (2)(A) (for 75 per centum of such primary insurance amount in any other case), and

"(E) has filed application for brother's or sister's insurance benefits,

shall be entitled to a brother's or sister's insurance benefit for each month beginning with the first month after December 1973 in which such brother or sister becomes so entitled to such brother's or sister's insurance benefits and ending with the month preceding the first month in which any of the following occurs: such brother or sister dies, marries, or becomes entitled to an old-age insurance benefit equal to or exceeding 82½ percent of the primary insurance amount of such deceased individual if the amount of the brother's or sister's insurance benefit for such month is determinable under paragraph (2)(A) (or 75 percent of such primary insurance amount in any other case).

"(2)(A) Except as provided in subparagraphs (B) and (C), such brother's and sister's insurance benefit for each month shall be equal to 82½ percent of the primary insurance amount of such deceased individual.

"(B) For any month for which more than one brother or sister is entitled to brother's and sister's insurance benefits on the basis of such deceased individual's wages and self-employment income, such benefit for each such brother or sister for such month shall (except as provided in subparagraph (C)) be equal to 75 percent of the primary insurance amount of such deceased individual.

"(C) In any case in which—

"(i) any brother or sister is entitled to a brother's and sister's insurance benefit for a month on the basis of a deceased individual's wages and self-employment income, and

"(ii) another brother or sister of such deceased individual is entitled to a brother's and sister's insurance benefit for such month on the basis of such wages and self-employment income, and on the basis of an application filed after such month and after the month in which the application for the brother's and sister's benefits referred to in clause (i) was filed,

the amount of the brother's and sister's insurance benefit of the brother or sister referred to in clause (i) for the month referred to in such clause shall be determined under subparagraph (A) instead of subparagraph (B) and the amount of the brother's and sister's insurance benefit of a brother or sister referred to in clause (ii) for such month shall be equal to 150 percent of the primary insurance amount of the deceased individual minus the amount (before the application of section 203(a)) of the benefit for such month of the brother or sister referred to in clause (i).

"(3) As used in this subsection, the term 'brother' or 'sister' includes a stepbrother or stepsister, or a brother or sister by adoption.

"(4) In the case of a brother or sister who marries—

"(A) an individual entitled to benefits under this subsection or subsection (b), (e), (f), (g), or (h), or

"(B) an individual who has attained the age of 18 and is entitled to benefits under subsection (d),

such brother's or sister's entitlement to benefits under this subsection shall, notwithstanding the provisions of paragraph (1) but subject to subsection (s), not be terminated by reason of such marriage; except that in the case of such a marriage to a male individual entitled to benefits under subsection (d), the preceding provisions of this paragraph shall not apply with respect to benefits for months after the last month for which such individual is entitled to such benefits under subsection (d) unless he ceases to be so entitled by reason of his death."

(b)(1) Section 202(b)(3)(A) of such Act is amended by striking out "or (h)" and inserting in lieu thereof ", (h), or (x)".

(2) Section 202(c)(2)(A) of such Act is amended by striking out "or (h)" and inserting in lieu thereof "(h), or (x)".

(3) Section 202(e)(3)(A) of such Act is amended by striking out "or (h)" and inserting in lieu thereof "(h), or (x)".

(4) Section 202(f)(4)(A) of such Act is amended by striking out "or (h)" and inserting in lieu thereof "(h), or (x)".

(5) Section 202(g)(3)(A) of such Act is amended by striking out "or (h)" and inserting in lieu thereof "(h), or (x)".

(6) Section 202(h)(4)(A) of such Act is amended by striking out "or (g)" and inserting in lieu thereof "(g), or (x)".

(7) Section 202(j)(1) of such Act is amended by striking out "or (h)" and inserting in lieu thereof "(h), or (x)".

(8) Section 202(o) of such Act is amended by striking out "or (h)" each place that it appears and inserting in lieu thereof "(h), or (x)".

(9) Section 216(b)(3)(A) of such Act is amended by striking out "or (h)" and inserting in lieu thereof "(h), or (x)".

(10) Section 216(c)(6)(A) of such Act is amended by striking out "or (h)" and inserting in lieu thereof "(h), or (x)".

(11) Section 216(f)(3)(A) of such Act is amended by striking out "or (h)" and inserting in lieu thereof "(h), or (x)".

(12) Section 216(g)(6)(A) of such Act is amended by striking out "or (h)" and inserting in lieu thereof "(h), or (x)".

SEC. 2. (a) The amendments made by the first section of this Act shall apply only with respect to monthly insurance benefits which are payable under title II of the Social Security Act for months after December 1973 on the basis of applications filed on or after the date on which this Act is enacted.

(b) The requirement in section 202(x)(1)(B) of the Social Security Act that proof of support be filed within two years after a specified date in order to establish eligibility for brother's or sister's insurance benefits shall not be applicable if such proof of support is filed within two years after the date of the enactment of this Act.

By Mr. JACKSON (for himself and Mr. FANNIN) (by request):

S. 1201. A bill to amend the act of October 15, 1966 (80 Stat. 915), as amended, establishing a program for the preservation of additional historic properties throughout the Nation, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

Mr. JACKSON. Mr. President, by request, I send to the desk on behalf of myself and the Senator from Arizona (Mr. FANNIN) a bill to amend the act of October 15, 1966, as amended, establishing a program for the preservation of additional historic properties throughout the Nation.

Mr. President, this draft legislation was submitted and recommended by the Department of the Interior, and I ask unanimous consent that the executive communication accompanying the proposal from the Secretary of the Interior be printed in the RECORD at this point in my remarks.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. DEPARTMENT OF THE INTERIOR,
Washington, D.C., February 28, 1973.

Hon. SPIRO T. AGNEW,
President of the Senate,
Washington, D.C.

DEAR MR. PRESIDENT: Enclosed is a draft of a bill "To amend the Act of October 15, 1966 (80 Stat. 915), as amended, establishing a program for the preservation of additional historic properties throughout the Nation, and for other purposes."

We recommend that the bill be referred to the appropriate committee for consideration, and we recommend that it be enacted.

The Act of October 15, 1966 (80 Stat. 915; 16 U.S.C. 470), popularly referred to as the "National Historic Preservation Act", authorized a program of matching Federal grants to States and the National Trust for Historic Preservation for purposes of preserving properties significant in American history, architecture, archeology, and culture. The Act also established an Advisory Council on Historic Preservation to advise the President and Congress on matters relating to historic preservation.

The 1966 Act authorized a total of $32 million for grants to States and the National Trust, ending after fiscal year 1970. The Act of May 9, 1970 (84 Stat. 204), amended the 1966 Act to extend the appropriation authorization for grants from fiscal years 1971 through 1973, at an additional total authorization of $32 million.

The Act of May 9, 1970, also added three *ex officio* members to the Advisory Council on Historic Preservation, and it provided for United States participation in the International Centre for the Study of the Preservation and the Restoration of Cultural Property (Rome Centre), authorizing the appropriation of not more than $100,000 annually for fiscal years 1971, 1972, and 1973 for that purpose.

The enclosed draft bill would further amend the National Historic Preservation Act of 1966 by (1) extending indefinitely the funding authorization for matching grants and by (2) extending indefinitely the funding authorization for participation in the Rome Centre.

Extension of funding for matching grants. Existing funding authority for matching grants to States and the National Trust will expire on June 30, 1973. It is essential, therefore, that the funding authority be extended before that date to permit proper programming. We propose a permanent appropriation authorization, instead of the current 3-year authorization.

Extension of funding for Rome Centre. Existing funding authority for United States participation in the activities of the Rome Centre will also expire on June 30, 1973. The enclosed draft bill will extend the current appropriation authorization indefinitely. The Rome Centre is an independent, intergovernmental body of 52 member nations, established under the auspices of UNESCO in 1958. It is the continuing, intergovernmental organization of professional conservators and restorationists. Participation by the United States, as authorized in the 1970 amendments to the National Historic Preservation Act of 1966, is an international expression of this Nation's interest in world-wide historic preservation.

United States membership, which became effective January 20, 1971, is guided by the Advisory Council on Historic Preservation and its Rome Centre Committee, a body consisting of representatives of 25 national institutions and Federal agencies whose programs and interests parallel those of the Rome Centre. Member institutions and agencies of the Rome Centre Committee are (1) the National Park Service, (2) the Smithsonian Institution, (3) the National Trust for Historic Preservation, (4) the Library of Congress, (5) the International Council of Museums (United States National Committee), (6) the Henry Francis du Pont Winterthur Museum, (7) the Cooperstown Graduate Programs, (8) the International Institute for Conservation of Historic and Artistic Works (American Group), (9) the Conservation Center, Institute of Fine Arts, New York University, (10) the Intermuseum Conservation Association, (11) the American Society of Civil Engineers, (12) the Association for Preservation Technology, (13) the Society of Architectural Historians, (14) the School of Architecture, Columbia University, (15) the American Association of Museums, (16) the Society for American Archeology, (17) the American Association for State and Local History, (18) the International Council on Monuments and Sites (U.S. National Committee), (19) Colonial Williamsburg, (20) the National Gallery of Art, (21) the American Institute of Architects, (22) the United States National Commission for UNESCO, (23) the Department of State, (24) the National Endowment for the Arts, and (25) the National Endowment for the Humanities.

Although the period of membership in the Rome Centre has been brief, substantial benefits have accrued. Initiated by the Rome Centre Committee, a traveling summer school for training of architects in restoration work was established, beginning in July 1972. More than half of the 22 participants in 1972 were Americans. The Rome Centre will also sponsor a conference on the preservation and restoration of cultural property in the United States. Held in Williamsburg and Philadelphia, the conference will enable conservators and architect-restorers from the United States and selected western hemisphere countries to consider mutual problems and consider ways in which their disciplines and programs might be integrated. Specifically, the conference will enable National Park Service personnel to benefit from the expertise of foreign participants in the concepts and techniques of historic preservation as they may be applied to the restoration and preservation of historic properties in the National Park System. Beginning in January 1972, an American on special assignment became one of the three program directors for the Rome Centre. Six American students were selected to attend regular Rome Centre training courses on the restoration of ancient monuments and the conservation of mural paintings during fiscal year 1972.

The National Historic Preservation Act of 1966 has already done much to stimulate State, local, and private activity in the preservation of the Nation's historic and cultural heritage. We believe a vigorous extension of the program, in accordance with the authorities proposed herein, is necessary to assure the fulfillment of national aspirations in the preservation of that heritage.

The Office of Management and Budget has advised that there is no objection to the presentation of this proposed legislation from the standpoint of the Administration's program.

Sincerely yours,

NATHANIEL REED,
Assistant Secretary of the Interior.

By Mr. FANNIN (for himself, Mr. HANSEN, and Mr. THURMOND):

S. 1204. A bill to revise section 801 of the Revenue Act, 1916, to increase the penalty for violation thereof, and for other purposes. Referred to the Committee on Finance.

Mr. FANNIN. Mr. President, today I am introducing a bill which would revise section 801 of the Revenue Act of 1916—Antidumping Act—to make the act conform with the standards of our antitrust laws.

This bill was introduced by me in the 92d Congress.

I am pleased that my colleague from Pennsylvania, Senator SCHWEIKER, incorporated the bill as title IV in the Fair International Trade Act of 1972 and the Fair International Trade Act of 1973, which was recently introduced.

When this bill was introduced in 1971, our balance of trade was a negative $2.7 billion, and the need for such legislation as protection against international price discrimination was crucial. I pointed out that it was obvious that we in Government cannot continue to allow the erosion of the American position in world trade.

The continuing deficit in our balance of payments, the dramatic trade deficit for 1972 which reached $6.9 billion, and the two currency devaluations since that time leads me to conclude that many authorities at that time did not appreciate the seriousness of the problem.

Mr. President, I am confident that is not the case today.

The purpose of this bill is to implement the intent of Congress when it enacted the Revenue Act of 1916.

The purpose of that act was to condemn price discrimination by foreign manufacturers and importers which involves sales for export to the United States at prices lower than those charged at the same time and under like circumstances to buyers in the foreign manufacturer's home market when such discrimination is injurious to competition in the United States. This type of price discrimination is called "dumping."

Although it was not the Congress view that such dumping was not already proscribed under the Sherman Act, it was thought necessary to prohibit this particular practice in restraint of trade specifically—just as certain practices already illegal under the Sherman Act became the subject of specific prohibitions under the Clayton Act—and to provide remedies against this illegal practice. The act has not been so successful in accomplishing these specific goals as have the antitrust laws in general, because the standards of proof of illegality have been held to be more stringent than those of the antitrust laws, and because the procedural advantages conferred upon the Government and upon injured parties under the antitrust laws were not, in substantial part, conferred on the Government or on injured parties under the Revenue Act.

This bill will place the Revenue Act of 1916 upon a par with the other antitrust laws, by increasing its effectiveness and viability to that of actions brought under the Sherman and Clayton Acts.

The effectiveness of the Revenue Act of 1916 has been severely crippled by the requirement of specific intent. The act prohibits only dumping carried out "with the intent of destroying or injuring an industry in the United States, or of preventing the establishment of an industry in the United States, or of restraining or monopolizing any part of trade and commerce in such article in the United States." Such a showing of specific intent is not required in order to recover or to obtain relief under the Sherman Act or the Clayton Act. The bill amends the Revenue Act of 1916 by deleting the requirement of specific intent and substituting the traditional, well established and thoroughly understood test of effect upon competition; that is, "the effect of such importation or sale of such articles may be to substantially lessen competition or to tend to create a monopoly:" Furthermore, this test of effect upon competition is given the market definition standard applied in Clayton Act and Sherman Act cases by requiring only that the effect be "in any line of commerce in any section of the United States or its territories."

By substituting the well-tested Sherman Act and Clayton Act criteria of effect upon competition in any line of commerce in any section of the country, the bill ends differentiation or discrimination in the law between foreign manufacturers or importers and domestic businessmen. All would in the future be held to the same antitrust standards.

It should be noted that by removing the requirement of a showing of specific intent, the problem does not arise that the Revenue Act would violate the requirements of due process by imposing criminal sanctions where no intent is shown. As under the Sherman Act, where no specific intent is required, the courts have inferred a requirement of a showing of general intent before criminal sanctions can be imposed.

The bill amends the Revenue Act in a number of ways to place it on a par with the antitrust laws in the imposition of criminal and civil sanctions and in the establishment of procedural standards. For example, criminal sanctions are changed. Whereas violations under the act were subject to a penalty of up to $5,000, the violations in the future would be subject to penalties of up to $50,000, in line with the Sherman Act.

The bill amends the Revenue Act to confer upon the act the liberal venue provisions available to actions under the antitrust laws. Whereas the act allows a party injured to sue a defendant where "defendant resides or is found or has an agent" the bill would add the provision that the defendant could also be sued wherever he "transacts business" to conform to the tests of section 12 of the Clayton Act.

Another amendment to the act confers upon the U.S. attorneys, under the direction of the Attorney General, the duty to prosecute violations of the act. This is in line with actions brought under the Sherman and Clayton Acts. The bill makes it clear that the Government in such actions is entitled upon proper showing to any preliminary relief necessary to prevent further violations until final judgment, up to and including a ban on further importation into the United States of the products subject to discriminatory pricing and dumping.

The bill recognizes the importance of the liberal rules of discovery made available to parties in private actions by the Federal Rules of Civil Procedure. It confirms the equal power of the Federal courts to order discovery of foreign manufacturers and importers alleged to be dumping in the U.S. market in violation of U.S. law to the same extent that the courts can order discovery and enforce their orders addressed to domestic parties. As such, failure to conform to a discovery order could subject an alleged dumper to the sanctions which a court may impose under rule 37(b) of the Federal Rules of Civil Procedure. These sanctions include the imposition of an order that the matters regarding which the order was made or any other designated facts shall be taken to be established for the purposes of the action in accordance with the claim of the complainant who has obtained the order, or an order enjoining further importation into the United States of those articles alleged to be the subject of dumping.

The Revenue Act of 1916 at present does provide for private treble damage actions by parties injured by those intentionally dumping. The purpose of these proposed amendments to the act is to confer upon injured parties an effective means of obtaining equitable and treble damage relief, to realize not only in theory but also in reality the general advantages of the Federal Rules of Civil Procedure and the specific advantages of actions for relief under the antitrust laws.

Making the Revenue Act of 1916 formally part of the antitrust laws has a distinct advantage: Private enforcement of the antitrust laws can be quite expensive. Most parties cannot afford the enormous expenses involved in proof of antitrust violations. Section 5 of the Clayton Act provides that a final judgment or decree resulting from any civil or criminal antitrust action instituted by the United States which affirms that the defendant has violated the antitrust laws can be used in other, private actions as proof of those facts necessarily proved in the Government's action. Proclaiming that the Revenue Act of 1916 is part of the antitrust laws confers this "prima facie effect" advantage on private litigants in actions under this statute as well.

The overall purpose of the bill is to bring the Revenue Act of 1916 into line with the antitrust laws. Its goal is to abolish artificial distinctions between foreign manufacturers and importers on the one hand, and domestic businesses on the other, to apply the same standards of legality to both, and in actions against them to afford to private litigants the same standards of proof and avenues of relief.

Mr. President, I ask unanimous consent that this bill be printed in the Record at this point.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 1204

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 801 of the Act of September 8, 1916, entitled "An Act to raise revenue, and for other purposes" (39 Stat. 798; 15 U.S.C. 72), (hereinafter referred to as the "Revenue Act, 1916"), is amended by—

(1) amending the first sentence of the text of such section to read as follows:

"(a) No person importing or assisting in importing any articles from any foreign country into the United States shall import, sell or cause such articles to be imported or sold within the United States at a price substantially less than the actual market value or wholesale price of such articles, at the time of their importation into the United States, in the principal markets of the country of their production, or of other foreign countries to which they are commonly exported, after adding to such market value or wholesale price, freight, duty, and other charges and expenses necessarily incident to the importation and sale thereof in the United States, where in any line of commerce in any section of the United States or its territories the effect of such importation or sale of such articles may be to substantially lessen competition or to tend to create a monopoly.";

(2) inserting the subsection designation "(b)" before the second paragraph of such section, and striking out "$5,000" in such paragraph and inserting in lieu thereof "$50,000";

(3) inserting the subsection designation "(c)" before the third paragraph of such section, and striking out "defendant resides or is found or has an agent" and inserting in lieu thereof "defendant resides, is found, transacts business, or has an agent";

(4) inserting, before the last paragraph of such section, the following new subsections:

"(d) The several district courts of the United States are hereby invested with jurisdiction to prevent and restrain violations of this Act, and it shall be the duty of the several United States Attorneys in their respective districts under the direction of the Attorney General, to institute proceedings in equity to prevent and restrain such violations. Such proceedings may be by way of petition setting forth the case and praying that such violation shall be enjoined or otherwise prohibited. When the parties complained of shall have been duly notified of such petition the court shall proceed, as soon as may be, to the hearing and determination of the case; and pending such petition and before final decree the court may at any time make such temporary restraining order or prohibition as shall be deemed just in the premises, including but not limited to enjoining the further importation into the United States, or distribution in interstate commerce within the United States, by such defendant of articles which are the same as, or similar to those articles which are alleged in such proceeding to have been sold or imported in violation of the provisions of subsection (a) of this section.

"(e) If a defendant, in any proceeding brought under subsection (c) of this section in any court of the United States, fails to comply with any discovery order, or other order or decree, of such court, the court may find for the purposes of such proceeding that the dumping alleged has been established and in addition to any powers which it may have under this or any other provision of law shall have power to enjoin the further importation into the United States, or distribution in interstate commerce within the United States, by such defendant of articles which are the same as, or similar to, those articles which are alleged in such proceeding to have been sold or imported in violation of the provisions of subsection (a) of this section, until such time as the defendant complies with such order or decree.

"(f) Whenever it shall appear to the court before which any proceeding under subsection (d) or (e) of this section may be pending that the ends of justice require that other parties should be brought before the court, the court may cause them to be summoned, whether they reside in the district in which the court is held or not, and subpoenas to that end may be served in any district by the marshal thereof.

"(g) This section shall be held and considered to be one of the 'antitrust laws' of the United States within the meaning of section 1 of the Act entitled 'An Act to supplement existing laws against unlawful restraints and monopolies, and for other purposes', of October 15, 1914, 38 Stat. 730, as amended, 15 U.S. Code Section 12, and any law of the United States which is applicable to the enforcement of the antitrust laws shall be applicable to the enforcement of this section, except to the extent that any provision of this section is inconsistent with such application."; and

(5) inserting the subsection designation "(h)" before the last paragraph of such section.

By Mr. HANSEN:

S. 1207. A bill to amend section 311(d)(2)(A) of the Internal Revenue Code of 1954. Referred to the Committee on Finance.

Mr. HANSEN. Mr. President, I am reintroducing today a bill which I initially introduced in the last session of the Congress.

The bill, identical to S. 3542 of the 92d Congress, provides for technical changes in the income tax laws of the ownership rules applicable to certain situations in which a corporation uses its own appreciated property to redeem a part of its outstanding stock.

My bill of the last Congress, S. 3542, was not reported out by the Senate Finance Committee because revenue measures must originate in the House. However, the text of S. 3542 was adopted, after recommendation by the Senate Finance Committee, as an amendment to H.R. 7577 on the Senate floor.

As will be recalled, H.R. 7577, as amended, passed the Senate late in the last session on October 16, 1972.

However, the Senate version of H.R. 7577 was not taken up by the House before it adjourned.

An objection was made to the request by Chairman Wilbur Mills of the House Ways and Means Committee for unanimous consent to send the bill to a House-Senate conference and the Congress adjourned shortly thereafter without taking further action. To my knowledge, the objection made on the House floor to the unanimous-consent request was not related to the specific Senate amendment which I have reintroduced in this bill.

I have been informed by the Treasury Department that the present law under consideration is illogical and that they are inclined to support the change which would be made by my bill. I continue to believe that this section of the tax law contains a serious technical defect and I urge the Senate to give the matter its early consideration.

I would like to review again the changes which the amendment in my bill would make. The amendment corrects a technical defect in section 311(d)(2)(A) of the Internal Revenue Code of 1954, which was added by the Tax Reform Act of 1969. The amendment would apply constructive ownership rules in determining whether a shareholder owns at least 10 percent in value of the stock of a corporation which redeems all of his stock so as to protect the corporation from being taxed on any appreciation in property distributed by it in complete redemption of the shareholder's stock.

The bill would amend section 311(d)(2)(A) by inserting after the word "owns" and before the words "at least 10 percent" the following:

"(directly or constructively under the rules of section 318(a) which shall apply in determining ownership of stock for purposes of this subparagraph to the same extent and in the same manner as such rules apply for purposes of section 302(b)(3))".

The general rule of section 311 is that no gain or loss is recognized to a corporation on the distribution of property with respect to its stock. The Tax Reform Act of 1969 made several changes in this general rule. However, section 311(d)(2)(A) continued this protection against recognition of gain to the distributing corporation if the distribution meets two tests. First, the distribution must be in complete redemption of all of the stock of a shareholder who owns at least 10 percent in value of the outstanding stock of the corporation. Second, the redemption must qualify as a complete termination of the shareholder's interest in the corporation.

Section 311(d)(2)(A) applies constructive ownership rules in determining whether the second test of completely terminating the shareholder's interest is met. However, it fails to apply those same constructive ownership rules in determining whether the shareholder owns the requisite 10-percent stock interest.

The amendment merely corrects this situation, and applies the same constructive ownership rules for determining both the termination of interest requirement and the 10-percent stock ownership requirement.

One illustration of the existing problem involves a trust which directly owns 12 percent of the stock of a corporation and which constructively owns an additional 8 percent of the stock which is directly owned by an individual who is sole beneficiary of the trust. Both the trust and the individual desire to have their stock redeemed in a redemption which qualifies as a complete termination of interest. To effect this, all of the stock owned by each must be redeemed because each is treated as a 20-percent shareholder under the constructive ownership rules. The problem is that section 311(d)(2)(A) does not apply the constructive ownership rules in determining whether the individual qualifies as a 10-percent shareholder, so that the corporation will recognize gain if it distributes appreciated property in redemption of the individual's stock. Under the amendment, the individual will be treated as owning the stock held by his trust so as to qualify him as owning at least 10 percent of the stock. If in the above case more than one individual were a beneficiary of the trust, each beneficiary owning stock of the corporation would also have to completely dispose of his stock to enable the trust to attain complete termination of interest.

The amendment applies the constructive ownership rules in applying the 10-percent shareholder test to the same extent and in the same manner as such rules apply for purposes of the complete termination test of section 302(b)(3). This rule precludes an individual from taking into account stock held by another family member for purposes of meeting the 10-percent shareholder test unless he is also treated as constructively owning the other family member's stock in applying section 302(b)(3). For example, if a father directly owns 8 percent of the stock of a corporation and his son directly owns 9 percent of the stock of a corporation, the father would be treated as constructively owning his son's stock to meet the 10-percent shareholder test only if the son's stock is also redeemed in the transaction.

Again, Mr. President, this is a technical type of amendment; and I hope that it will receive expeditious consideration by the Senate.

By Mr. HATFIELD:

S. 1209. A bill to amend the Internal Revenue Code of 1954 to permit the deduction of household and dependent care expenses by a married couple when one spouse is a full-time student to the same extent that such expenses could be deducted if both spouses were employed. Referred to the Committee on Finance.

Mr. HATFIELD. Mr. President, I introduce a bill designed to alleviate an injustice which has been perpetrated against student parents under the present structure of the Internal Revenue Code. That law provides in part that up to $400 per month may be deducted from the personal income tax of married couples for dependent care expenses when both spouses are working full-time or seeking gainful employment, or when one spouse is qualified as disabled.

The intention of that statute is laudable—to enable married persons to work while concurrently providing care for their dependents. But, as presently written, it excludes many thousands of families in which one spouse is working while the other is occupied as a full-time student. As with families where both spouses are employed, these student couples commonly must contract for outside assistance to care for their dependents. But, unlike working parents, they do not enjoy the benefit of a tax deduction which would allow them to bear the burden of that assistance more easily.

Mr. President, my bill will remedy this needless inequity in the law. In submitting it for consideration, I wish to give much deserved credit to my constituent, Mr. Louis Russell of Corvallis, Oreg., who, in articulating his concern over this matter first called it to my attention.

Mr. President, I ask unanimous consent that the text of my bill be printed in the RECORD at this point.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1209

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 214 (e) (2) of the Internal Revenue Code of 1954 (relating to gainful employment requirement) is amended by—

(1) striking out "or" at the end of subparagraph (A),

(2) striking out the period at the end of subparagraph (B) and inserting in lieu thereof a comma and "or", and

(3) adding at the end thereof the following new subparagraph:

"(C) the spouse is a student (as defined in section 151 (e) (4)).".

(b) The amendments made by this Act shall apply with respect to taxable years beginning after the date of enactment of this Act.

By Mr. BIBLE (for himself and Mr. CANNON):

S. 1210. A bill to amend the Internal Revenue Code of 1954 to allow a deduction from gross income for transportation expenses of certain individuals employed at remote Federal installations. Referred to the Committee on Finance.

Mr. BIBLE. Mr. President, for myself and my colleague, Senator CANNON, I introduce for appropriate reference a bill to amend the Internal Revenue Code to allow a deduction from gross income for transportation expenses of certain individuals employed at remote Federal installations.

Generally, under existing law the expense of commuting to and from an individual taxpayer's home and place of employment are not deductible on one's income tax return. Such costs are treated as "personal, living, or family expenses."

No distinction is made between the urban or suburban commuter for whom housing is available conveniently near his place of employment and taxpayers for whom no housing is available within a reasonable distance of his employment; the individual who must travel long distances to and from his worksite each day and who must incur unusually heavy expense to do so.

A case in point is that involving some 4,500 taxpayers employed at the Atomic Energy Commission's test site in Nevada. The Nevada test site encompasses an area of more than 1,300 square miles. It is situated in a vast desert area unfit for habitation and remote from any community capable of providing residential housing for employees and their families. For security reasons, entrance to the test site is strictly controlled. No one is allowed there except on business, and no family living accommodations are provided.

Las Vegas—the only community capable of providing housing for employees and their families—is located 60 miles from the entrance to the test site at Mercury, Nev. Actual job locations within the test site are often 30 miles and more beyond the entrance point. The majority of the employees must travel 90 miles one way to their jobs each day—a round trip of 180 miles. Some travel as much as 140 miles one way, or a distance of 280 miles to and from work.

The magnitude of this travel burden was well illustrated in a letter I received from one test site employee. He reported that the distance from his home in Las Vegas to his forward work area is 90 miles; that based on a 3¾ hour round trip of 180 miles and a 240-day work-year, he must travel 43,200 miles and spend 37½ full 24-hour days getting to and from his job each year.

Needless to say, this is an extraordinary situation.

The work force at the Nevada test site consists principally of contract workers—that is, employees of private contractors. In addition, there is a relatively small group of Federal Government employees and a limited number of military personnel. Both the private contractors and the Federal Government recognize the unusual expense involved in traveling to and from such isolated worksites. In addition to their regular wages, private employees receive a per diem allowance designed to help defray the added expense, which, I am informed, averages about $5 a day. Under regulations prescribed by the Office of Management and Budget, title 5, section 5942 of the United States Code authorizes a special allowance not exceeding $10 a day for civilian Government employees. No comparable provision is made for permanently assigned military personnel—a situation that should be remedied since they confront the same transportation problems.

Under existing tax law and current rulings of the Internal Revenue Service, the travel allowances received by these employees is not deductible from gross income for income tax purposes. But this has not always been the case. In *Wright* v. *Hartsell* (305 F. 2d 221) decided in 1962 by the U.S. Court of Appeals for the Ninth Circuit, the court held that a taxpayer who was unable to live near his remote jobsite was entitled to a deduction for his transportation expenses from a point as near to the jobsite as he could have reasonably lived. Nevada is part of the ninth judicial circuit. Pursuant to that decision, the Internal Revenue Service allowed transportation deductions by test site employees until late in 1969 when the Supreme Court denied certiorari in *U.S.* v. *Lee W. Tauferner* (407 F. 2d 243), a decision of the 10th circuit upholding the Government's position that such expenses are not deductible, contrary to the ruling in Hartsell. Also, in 1971 in the case of ***Sanders et al.*** v. *Commissioner of Internal Revenue* (439 F. 2d 296) the ninth circuit departed from its ruling in Hartsell and held transportation expenses to distant worksites to be nondeductible. Both the Tauferner and Sanders cases involved travel distances and hardships substantially less than those confronting employees of the Nevada test site. Based on these later decisions, the Internal Revenue Service now denies transportation deductions claimed by test site employees.

The courts have produced divergent results on this subject. First the deduction is allowable. Then it is not. The cases seem to proceed on the assumption that there is no convincing way to distinguish the burden borne by remote area employees from those of the suburban commuter. The rule contended for by the Government and adopted by the ninth and tenth circuits—in their recent decisions, at least—seems calculated to serve administrative convenience.

I submit that the two situations are clearly distinguishable—on the facts of distance, expense, and hardship. And I think the tax statute should be tailored so as to take account of the facts and the hardships endured by citizens employed in the Government's work at unusually remote Federal installations.

I first introduced this legislation in September, 1971 as S. 2624 of the 92d Congress and I have been pressing for action on it ever since. In February, 1972, the Treasury Department submitted an adverse report on the bill to the Senate Finance Committee insisting that the costs of transportation to and from work are personal expenses and are not deductible for income tax purposes. Relying on the Sanders decision—a case that involved vastly different facts and circumstances from those obtaining at the test site—the Treasury argued that there is no convincing way to distinguish the expenses incurred by test site commuters from those of other suburban commuters. I reject that argument and submit that the Senate should as well. Taxpayers who must travel 180 miles and more a day because they are unable to live any closer to their work sites incur extraordinary transportation expenses experienced by few other commuters. Their gasoline expense alone is excessive. They must replace their tires more often. The wear and tear on their automobiles is unusually heavy and necessitates more frequent and costly repairs. Their expense burden is far heavier than that of the ordinary commuter—a fact the law can and should recognize.

I am reintroducing that bill today. My bill would not open the door to any general deductibility of commutation expenses. It is carefully drawn to provide relief only in the extraordinary kind of situation that exists at the Nevada test site. Nor would it result in any significant loss of tax revenues. It would allow individuals employed at remote Federal job sites to deduct the expenses paid or incurred for transportation to and from his residence and his jobsite. A location would qualify as a "remote Federal jobsite" only if there is a lack of suitable housing for 70 percent of the employees within 50 miles of the jobsite. And an individual would qualify for the deduction only if his employer pays him a per diem allowance, travel allowance, remote area allowance, or similar allowance separate and apart from his regular compensation.

I submit that this legislation provides a reasonable, workable, and proper basis for distinguishing the expenses of the ordinary urban or suburban commuter from those of the remote area employees. Enactment of this kind of legislation is already overdue, and I again urge prompt favorable action by the Senate.

By Mr. BIBLE (for himself and Mr. CANNON):

S. 1211. A bill to provide for the disposition of funds appropriated to pay judgments in favor of the Northern Paiute Nation by the Indian Claims Commission in docket numbered 87, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

Mr. BIBLE. Mr. President, on behalf of myself and my distinguished colleague, Senator CANNON, I introduce for proper reference a bill to provide for the disposition of funds appropriated to pay judgments in favor of the Northern Paiute Nation by the Indian Claims Commission in docket numbered 87, and for other purposes.

The satisfaction of the $21 million plus interest judgment awarded our Indian constituents in Nevada has been delayed for a long time—over 9 years to be exact—pending a determination by the tribes involved as to how best the judgment funds should be distributed.

I am well aware that there are still those who are not satisfied with the proposal submitted by a large majority of those who will be affected by the payment of this long-delayed obligation of the United States to its Indian citizens. However, I am firmly of the belief that the only way this matter can be settled is through a proper presentation before the Congress, and it is my belief that this can best be accomplished by thorough consideration of our proposed bill.

I ask unanimous consent that the letter dated February 23, 1973, signed by our good friend, Melvin D. Thom, chairman of the Walker River Paiute Tribe of Nevada, be included as a part of my remarks at this time.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

WALKER RIVER PAIUTE TRIBE, WALKER RIVER INDIAN RESERVATION,
Schurz, Nev., February 23, 1973.

Senator ALAN BIBLE,
U.S. Senate,
Washington, D.C.

DEAR SENATOR BIBLE: Reference is made to proposed legislation, S. 3667 of June 5, 1972, which you and Senator Cannon graciously introduced on behalf of the Northern Paiute Nation authorizing the Secretary of the Interior to make final distribution of judgment funds awarded in favor of the Northern Paiute Nation by the Indian Claims Commission in Docket 87. We have been informed that the bill will have to be re-introduced this session and hereby respectfully request that you again re-introduce the bill on behalf of the Northern Paiute Nation. No changes have been made to the proposed legislation originally submitted.

The tribes still wish to be notified in ample time before the congressional subcommittee hearings on the bill so they may have an opportunity to testify at such hearings.

Respectfully yours,
MELVIN D. THOM,
Chairman, Walker River Paiute Tribe.

By Mr. ROTH:

S. 1212. A bill to amend the Outer Continental Shelf Lands Act, as amended, to require a study of the environmental impact of mineral exploration in the Atlantic Ocean. Referred to the Committee on Interior and Insular Affairs.

Mr. ROTH. Mr. President, I am introducing a bill to require a full and complete evaluation of the environmental impact of any oil exploration in the Atlantic Ocean.

The Continental Shelf off the Atlantic coast of our Nation holds a reserve of petroleum and other minerals that may have great potential for this Nation and mankind. But I have grave reservations about embarking upon a major exploration and development program which will have an impact for the rest of our lives—and probably the lives of our children and grandchildren as well—upon the marine environment, the fishing and recreation industries, and upon coastal development, to mention only a few. Hasty action here is a course we could all live to regret.

This legislation adds a new section to the Outer Continental Shelf Lands Act. That new section directs the Secretary of Interior, in conjunction with the Administrators of the Environmental Protection Agency and the National Oceanic and Atmospheric Administration, to undertake a study on the adverse environmental impact of mineral exploitation on the Continental Shelf.

The Secretary would evaluate the impact of mineral exploitation on sealife and the ecology of the ocean. In addition, the study would evaluate the impact of this exploitation on the shorelines of the Nation, including recreational beaches. As part of the study, the Secretary shall also consider whether to ban all mineral development in the sea, if it occurs within 100 miles of the coast.

The area to be covered would extend from the Canadian border to the Georgia-Florida border and eastward from the coast of the United States to the edge of the Continental Shelf.

The bill requires that the findings of this study be reported to Congress within 2 years of the bill's date of enactment.

Subsection (b) of the new section prohibits the issuance of any mineral leases on any of these submerged lands for a period of at least 1 year following the submission of the study report to Congress. Such a 1-year interim period should provide sufficient time for the public to debate fully the findings by the Secretary. It will give the Nation time to restrict mineral exploitation permanently in certain areas, if that is necessary.

I am not saying that this area should not be explored or that it should not be developed. I am saying only that we should find out what lies before us before we proceed at break-neck speed upon a course of exploration and development. All too often, we have failed to investigate these problems in advance, only to find that we have worked irreversible and unnecessary harm. For instance, we permitted massive, uncontrolled ocean dumping in the Atlantic Ocean for years only to discover recently that the dumping had created a "dead sea" off New York, contaminated beaches in New Jersey, and closed valuable shell-fishing beds off Delaware. At this late stage, we simply cannot afford to spoil priceless and irreplaceable natural resources in our rush to develop new sources of petroleum.

I am proud to say that Delware has led the Nation in efforts to preserve, protect, and enhance the coastal environment. We have passed a tough and effective coastal zone management bill and we have set aside extensive land as wildlife sanctuaries, and public recreation areas. These efforts, together with our coastal environment could be lost forever by hasty or improper development of the mineral resources of the seabed beyond the jurisdiction of Delaware.

This is a serious problem, which I hope will be given full and immediate attention by members of the committee so we can proceed quickly toward its solution. I ask unanimous consent that the text of the bill be printed at this point in the CONGRESSIONAL RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1212

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Outer Continental Shelf Lands Act (67 Stat. 462) is amended by the addition of a new section, as follows:

"SEC. 16. (a) The Secretary, in conjunction with the Administrator of the Environmental Protection Agency and the Administrator of the National Oceanic and Atmospheric Administration, shall conduct an accelerated study on environmental and other factors related to the exploitation of minerals, with emphasis on petroleum, in that portion of the Outer Continental Shelf in the Atlantic Ocean that extends from the territorial border between the United States and Canada southward to the territorial border between the States of Georgia and Florida. The study shall include an evaluation of the effect of such exploitation on fish, shellfish, and other forms of marine life in such region, the probability of any accident associated with such mineral exploitation that could cause an adverse impact on marine ecosystems, of the territorial seas or shorelines of the United States, an assessment of the public interest in the immediate exploitation of such minerals, and the economic and environmental effect of any prohibition on mineral exploitation within one hundred miles of the United States. In preparing such a study, the Secretary shall consult with interested industrial, environmental, and educational groups, and then report the results of such study to the Congress within two years of the date of enactment of this section.

"(b) Notwithstanding any other provision of this Act, the Secretary shall not award any mineral leases covering the submerged lands described in subsection (a) until at least one year following the submission of the report required by subsection (a)."

By Mr. SCHWEIKER:

S. 1213. A bill to establish a Joint Committee on Federal Spending, to require the Congress to establish a limit on expenditures for each fiscal year, and for other purposes. Referred to the Committee on Government Operations.

THE FEDERAL SPENDING CONTROL ACT OF 1973

Mr. SCHWEIKER. Mr. President, I introduce a bill to establish a Joint Committee on Federal Spending, to require Congress to establish a limit on expenditure for each fiscal year, and for other purposes, and ask that it be appropriately referred.

The purpose of this legislation is to provide a mechanism for Congress to get a handle on the continuing growth of Federal spending. President Nixon has submitted a budget request for fiscal year 1974 to Congress of $269 billion. This is a very healthy request, which includes an increase in the budget of about $19 billion over fiscal year 1973. The estimated budget deficit will be about $13 billion in fiscal year 1974, in comparison to a deficit of about $25 billion for fiscal year 1973.

The amount of the increase in the budget for next year is fairly consistent with budget increases in recent years. Although the annual increment may not seem unusually large, if you compare the budget 10 years ago to the budget for the upcoming fiscal year, you can readily see how Federal spending has increased. In 1964, the budget was $119 billion. It will now be $269 billion.

This amounts to a $150 billion increase in Federal spending in 10 short years. The increase over the 10-year period of $150 billion is more than the total budget of $119 billion in 1964. The gross national product has doubled during that period of time, but Government spending accounts for an increasing share of the economic pie.

The budget level for fiscal year 1974 is designed to avoid the need of any tax increase this year. I certainly support the President in his efforts to avoid tax increases. Furthermore, I think that it is generally felt among Members of Congress that the amount of the fiscal 1974 budget request is adequate, even perhaps too generous.

The real concern is over priorities—how to slice the pieces of the budgetary pie.

Last year, there was a vigorous debate in Congress over the President's request for $250 billion spending ceiling. I strongly supported settling that ceiling, and voted for it. In fact, legislation to establish a $250 billion ceiling passed both Houses of Congress.

That spending ceiling never became law, however, mainly because of disagreement as to who would decide where and how the spending cuts would be made—the President or the Congress.

The Constitution gives the power of the purse to Congress. While I strongly support the President's efforts to establish firm limitations on the huge increase in Federal spending, I also believe that the authority to determine which programs will be funded and which will be cut must remain in Congress.

This is a serious constitutional problem, but it is important that we not lose sight of the urgent need to control Federal spending while we are debating the Constitution.

In the past, Congress has had no clear-cut mechanism for establishing limits on appropriations. We have simply appropriated on a piecemeal basis, without having any real idea as to where we are going to end up after the appropriations process has been completed.

The President's budget message anticipates another $19 billion increase for fiscal year 1975 to a Federal budget level of $288 billion. Furthermore, the $269 billion figure for fiscal year 1974 does not include funds for the reconstruction of Vietnam and other countries in Indochina. It seems likely that before long a substantial request will be made to Congress for funds for that purpose. Thus, Federal budget continues to increase dramatically year by year.

The national debt is about $465 billion at the present time. By the end of fiscal year 1974, it will be approximately $505 billion. This means that the national debt will have increased 25 percent in 5 short years. One-fourth of the total national debt will have been incurred in only 5 years. The other 75 percent accumulated over a 100-year period, which included World War I, World War II, and the Korean war.

It is long past time for some real restraint.

It is time for Congress to take up the challenge and establish some fiscal responsibility.

The bill I introduce today, the Federal Spending Control Act of 1973, provides for the establishment of a permanent Joint Committee on Federal Spending composed of five members of each Appropriations Committee—Senate and House—three of the majority party and two of the minority party respectively, and three members each fom the House Ways and Means Committee and the Senate Finance Committee, two of the majority party and one of the minority party, respectively. The members of the Joint Committee on Federal Spending will be selected by the membership of their respective committees.

By March 1 of each year, the joint committee will make a report to the Congress on the President's budget proposal. Additionally, the joint committee will report a concurrent resolution to each House recommending a limit on the total amount of outlays to be made during the ensuing fiscal year.

No appropriations bill can be adopted by either House until the concurrent resolution has passed both Houses.

The limit on the total amount of outlays agreed to in the concurrent resolution can be changed only by two-thirds vote of each House. In other words, once the limit has been set, it can be changed only by a two-thirds vote of each House.

In carrying out the will of Congress, the President is given authority to reserve from expenditure and net lending such amounts as may be necessary to keep outlays during the fiscal year within the limit prescribed by the Congress. However, the President may not make cuts in so-called "uncontrollable items" such as interest on the national debt, veterans benefits and services, payments from social insurance trust funds, medicaid, public assistance maintenance grants, social services grants under title IV of the Social Security Act, food stamps, military retirement pay, and judicial salaries.

In addition, no program can be cut by more than 10 percent in order to meet the congressionally-imposed level of spending.

These latter provisions are in accordance with the Jordan amendment, adopted by the Senate last year as part of the debt ceiling bill.

Mr. President, the present controversy over the budget is being portrayed by many as a battle between the savers in the administration and the spenders in the Congress. I disagree with this conclusion. It is not accurate. I am confident that Congress wants to limit Federal spending fully as much as the President does. The question is whether Congress will live up to its responsibility to make appropriations in a responsible way so that we can avoid additional tax increases, fund only programs that are working, and cut the fat out of wasteful programs.

I am confident Congress wants to do this and can do it. The Federal Spending Control Act of 1973 offers a practical way of accomplishing this goal.

Mr. President, I ask that the full text of the Federal Spending Control Act of 1973 be printed in the RECORD at this point.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1213

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Federal Spending Control Act of 1973".

TITLE I—JOINT COMMITTEE ON FEDERAL SPENDING; ANNUAL EXPENDITURE CEILINGS

DEFINITIONS

SEC. 101. For purposes of this title—

(1) "Budget" means the Budget of the United States Government transmitted to the Congress by the President pursuant to the Budget and Accounting Act, 1921;

(2) "Joint committee" means the Joint Committee on Federal Spending established under section 102; and

(3) "Outlays" has the same meaning as used in the budget.

ESTABLISHMENT OF JOINT COMMITTEE

SEC. 102. (a) There is established a joint committee of the Congress which shall be known as the Joint Committee on Federal Spending. The joint committee shall be composed of 16 members as follows:

(1) Five members who are members of the Committee on Appropriations of the Senate, three from the majority party and two from the minority party, to be chosen by such committee;

(2) Three members who are members of the Committee on Finance of the Senate, two from the majority party and one from the minority party, to be chosen by such committee;

(3) Five members who are members of the Committee on Appropriations of the House of Representatives, three from the majority party and two from the minority party, to be chosen by such committee; and

(4) Three members who are members of the Committee on Ways and Means of the House of Representatives, two from the majority party and one from the minority party, to be chosen by such committee.

(b) The joint committee shall select a chairman and vice chairman each Congress from among its members. In each even-numbered Congress the chairman shall be a Member of the House of Representatives and the vice chairman shall be a Member of the Senate. In each odd-numbered Congress the chairman shall be a Member of the Senate and the vice chairman shall be a Member of the House of Representatives.

(c) A quorum of the joint committee shall consist of nine members, except that the joint committee may fix a lesser number for the purpose of taking sworn testimony.

(d) Vacancies in the membership of the joint committee shall not affect the power of the remaining members to execute the functions of the joint committee and shall be filled in the same manner as in the case of the original selection.

(e) No person shall continue to serve as a member of the joint committee after he has ceased to be a member of the committee by which he was chosen, except that members chosen by the Committees on Appropriations and Ways and Means of the House of Representatives who have been reelected to the House may continue to serve as members of the joint committee notwithstanding the expiration of the Congress.

(f) For purposes of paragraph 6 of rule XXV of the Standing Rules of the Senate, service of a Senator as a member of the joint committee, or as chairman of the joint committee, shall not be taken into account.

POWERS

SEC. 103. (a) The joint committee, or any subcommittee thereof, is authorized, in its discretion (1) to make expenditures, (2) to employ personnel, (3) to adopt rules respecting its organization and procedures, (4) to hold hearings, (5) to sit and act at any time or place, (6) to subpena witnesses and documents, (7) with the prior consent of the agency concerned, to use on a reimbursable basis the services of personnel and facilities of any such agency, (8) to procure printing and binding, (9) to procure the temporary services (for periods not in excess of one year) or intermittent services of individual consultants, or organizations thereof, and to provide assistance for the training of its professional staff, in the same manner and under the same conditions as a standing committee of the Senate may procure such services and provide such assistance under subsections (i) and (j), respectively, of section 202 of the Legislative Reorganization Act of 1946, and (10) to take depositions and other testimony. No rule shall be adopted by the joint committee under clause (3) providing that a finding, statement, recommendation, or report may be made by other than a majority of the members of the joint committee then holding office.

(b) Subpenas may be issued over the signature of the chairman of the joint committee or by any member designated by him or the joint committee, and may be served by such person as may be designated by such chairman or member. The chairman of the joint committee or any member thereof may administer oaths to witnesses. The provisions of sections 102–104 of the Revised Statutes (2 U.S.C. 192–194) shall apply in the case of any failure of any witness to comply with a subpena or to testify when summoned under authority of this section.

(c) With the consent of any standing, select, or special committee of the House or Senate, or any joint committee of the Congress, the joint committee may utilize the services of any staff member of such House or Senate committee or joint committee of the Congress whenever the chairman of the joint committee determines that such services are necessary and appropriate.

(d) The head of each department and agency of the executive branch (including the Office of Management and Budget) shall furnish to the joint committee such information and data as the joint committee may request.

(e) The expenses of the joint committee shall be paid from the contingent fund of the Senate from funds appropriated for the joint committee, upon vouchers approved by the chairman of the joint committee or by any member of the joint committee authorized by the chairman.

(f) Members of the joint committee, and its personnel, experts, and consultants, while traveling on official business for the joint committee within or outside the United States, may receive either the per diem allowance authorized to be paid to Members of the Congress or its employees, or their actual and necessary expenses if an itemized statement of such expenses is attached to the voucher.

FUNCTIONS

SEC. 104. Upon the submission of the Budget by the President for each fiscal year (beginning with the fiscal year ending June 30, 1975), the joint committee shall promptly review the Budget (including estimates of revenue receipts) and receive testimony from the executive branch and other interested parties concerning the impact of the submitted Budget, if adopted, on the state of the economy of the United States and existing economic problems. The joint committee shall report the results of such review and shall recommend, in the manner provided in section 105, a limit on the total amount of outlays to be made during such fiscal year.

CEILING ON OUTLAYS

SEC. 105. (a) Not later than March 1 of each year (commencing in 1974), the members of the joint committee who are Members of the Senate shall report to the Senate, and the members of the joint committee who are Members of the House of Representatives shall report to the House, by concurrent resolution, the recommendation of the joint committee specifying a limit on the total amount of outlays to be made during the ensuing fiscal year.

(b) (1) A concurrent resolution reported pursuant to subsection (a) shall be highly privileged in each House. It shall be in order at any time after the third day following the day on which such a resolution is reported to move to proceed to the consideration of the resolution (even though a previous motion to the same effect has been disagreed to). Such a motion shall be highly privileged and shall not be debatable. An amendment to the motion shall not be in order, and it shall not be in order to move to reconsider the vote by which the motion is agreed to or disagreed to.

(2) Debate on the concurrent resolution, and all amendments thereto, shall be limited to not more than 10 hours, which shall be divided equally between those favoring and those opposing the resolution. A motion further to limit debate shall not be debatable. A motion to recommit the resolution shall not be in order, and it shall not be in order to move to reconsider the vote by which the resolution is agreed to or disagreed to.

(3) Motions to postpone, made with re-

spect to the consideration of the concurrent resolution and motions to proceed to the consideration of other business, shall be decided without debate.

(4) Appeals from the decisions of the Chair relating to the application of the rules of the Senate or the House of Representatives, as the case may be, to the procedure relating to the concurrent resolution shall be decided without debate.

(c) If, prior to the passage by one House of a concurrent resolution of that House, such House receives a concurrent resolution passed by the other House—

(1) the procedure with respect to the concurrent resolution reported to the first House shall be the same as if no concurrent resolution had been received from the other House, but

(2) on any vote on final passage of the concurrent resolution of the first House, the concurrent resolution received from the other House shall be automatically substituted for the concurrent resolution of the first House.

(d) If the amount specified in the concurrent resolution with respect to a fiscal year agreed to by the Senate and House of Representatives is not the same, conferees on the part of the Senate and the House of Representatives shall be appointed not later than 2 days after the House of Congress passing the resolution last passes such resolution, unless within those 2 days both Houses of Congress agree upon the same amount without the convening of a committee of conference. Upon appointment of conferees, the committee of conference shall meet immediately to resolve their differences. The provisions of subsection (b) shall be applicable with respect to the consideration of any report of a committee of conference on any such resolution.

(e) After the Senate and House of Representatives have agreed to a concurrent resolution specifying a limit on the total amount of outlays to be made during a fiscal year, the amount so specified shall be effective for purposes of this Act unless the two Houses subsequently agree, by a two-thirds vote of the members of each House present and voting (a quorum being present), to a concurrent resolution with respect to such fiscal year specifying a different amount. If the two Houses do subsequently agree to such a concurrent resolution, the amount specified in such subsequent resolution shall be effective for purposes of this Act for such fiscal year. The provisions of subsections (b), (c), and (d) shall apply with respect to the consideration of any such subsequent resolution.

CONSIDERATION OF APPROPRIATIONS MEASURES

SEC. 106. (a) It shall not be in order in either the Senate or the House of Reprsentatives to consider any measure providing new obligational authority for any fiscal year (beginning with the fiscal year ending June 30, 1975) until the two Houses have agreed to a concurrent resolution pursuant to section 105 specifying a limit on the total amount of outlays to be made during such fiscal year.

(b) The provisions of subsection (a) shall not prevent the conduct of hearings or other consideration of the Budget by any committee of the Senate or the House of Representatives, or any subcommittee thereof, or by any joint committee of the two Houses, or any subcommittee thereof.

EXERCISE OF RULE-MAKING POWERS

SEC. 107. The provisions of sections 105 and 106 are enacted by the Congress—

(1) as an exercise of the rule-making powers of the Senate and the House of Representatives, respectively, or of that House to which they specifically apply; and such rules shall supersede other rules only to the extent that they are inconsistent therewith; and

(2) with full recognition of the constitutional right of either House to change such rules (so far as relating to the procedure in such House) at any time, in the same manner and to the same extent as in the case of any other rule of such House.

TITLE II—PRESIDENTIAL AUTHORITY

AUTHORITY TO RESERVE FROM OUTLAY

SEC. 201. (a) Notwithstanding the provisions of any other law, the President shall, in accordance with subsections (b) and (c), reserve from expenditure and net lending, from appropriations or other obligational authority otherwise available, such amounts as may be necessary to keep outlays during each fiscal year (beginning with the fiscal year ending June 30, 1975) within the limit prescribed for such year under title I of this Act.

(b) In carrying out the provisions of subsection (a) the President may reserve amounts from appropriations or other obligational authority available for all programs and activities, except for expenditures and net lending for—

(1) interest;

(2) veterans' benefits and services;

(3) payments from social insurance trust funds;

(4) medicaid;

(5) public assistance maintenance grants;

(6) social services grants under title IV of the Social Security Act, as amended;

(7) food stamps;

(8) military retirement pay; and

(9) judicial salaries.

(c) In carrying out the provisions of subsections (a) and (b), no amount specified in any appropriation, or any activity, program or item within such appropriation, may be reduced by more than 10 percent.

APPLICATION OF CERTAIN FORMULAS

SEC. 202. In the administration of any program as to which—

(1) the amount of expenditures is limited pursuant to section 201, and

(2) the allocation, grant, apportionment, or other distribution of funds among recipients is required to be determined by application of a formula involving the amount appropriated or otherwise made available for distribution,

the amount available for expenditure (as determined by the President) shall be substituted for the amount appropriated or otherwise made available in the application of the formula.

By Mr. MUSKIE (for himself and Mr. ERVIN):

S. 1214. A bill to amend the Budget and Accounting Act, 1921, so as to provide the Congress with information relating to budget requests of the various departments and establishments of the Government. Referred to the Committee on Government Operations.

Mr. MUSKIE. Mr. President, I introduce today with Senator ERVIN a bill to amend the Budget and Accounting Act of 1921 so as to provide the Congress with information relating to budget requests of the various departments and establishments of the Government. On January 31 of this year, I introduced S. 676, the Public Budgeting and Rulemaking Act of 1973, which contains the same objectives as the bill I am introducing today. Since January 31 I have worked with Senator ERVIN in drafting this legislation to formulate a simpler and more effective method of providing Congress the budget information it needs to perform its constitutional role.

This bill would further the objective of open government by opening budget activities to the appropriate committees of Congress. In addition, this legislation would enable Congress to be involved in the budgetary process from its inception. While it would not interfere with the process of preparing the budget it would permit Congress to monitor OMB contact with an agency or department prior to the submission of their final budgets to Congress.

The present practice allows OMB, through the review and comment process, to decide alone how a program is to be run and funded. The Congress enters the process only when it is nearly complete. In order for Congress to exercise its proper constitutional role it must have available to it the "original thinking" of the agencies. What we get now is deceptive information, ground into pablum and spoon fed to us by the OMB.

This bill establishes a procedure for the timely review of this information, a right which Congress was clearly given in section 206 of the Budget and Accounting Act of 1921. Without such timely and complete information the Congress will have a very difficult time in implementing the thoughtful reform proposals for a responsible legislative role in the budget making process outlined by the Joint Study Committee on Budget Control in their recent recommendations.

By Mr. METCALF:

S. 1215. A bill to amend title II of the Legislative Reorganization Act of 1970 to improve the ability of Congress to specify, obtain, and use the Federal fiscal, budgetary, and program-related data it requires from the executive branch, and for other purposes. Referred to the Committee on Government Operations.

FEDERAL FISCAL AND BUDGETARY INFORMATION ACT OF 1973

Mr. METCALF. Mr. President, expansion of congressional capability to command sources of Federal fiscal, budgetary, and program-related data and information—relevant, reliable, and readily available for uses—is a precondition of effective legislative budgetary control.

Our ability to acquire and process such information, most of which must be obtained from the executive branch, today is woefully inadequate. A legislative budget mechanism, as envisioned in the various bills which have been introduced in this Congress, will impose yet another set of demands, which we are by no means in a position to meet.

We do not now have the capability, for example, to meaningfully subdivide budget authority on a program basis. This is a central issue: We cannot establish overall budget authority and expenditure ceilings without first providing for congressional determination of priorities. Without provision for congressional choices between competing program priorities and interests, we would be giving the Executive a license to determine the course of our national life. Depending solely—or even primarily—on existing fiscal, budgetary and program-related data and information such as that contained in the President's budget document, and attempting to reshuffle this in some fashion, will not move us very far toward a more rational congressional budget process and more effective congressional control of Federal expenditures.

I am convinced that the time has come for Congress to create modern information handling facilities of its own to meet demands imposed on it by the continuing growth in size and complexity of Federal programs and activities.

As Senators will recall, in formulating what became the Legislative Reorganization Act of 1970, Congress foresaw the need for improvement of executive branch information systems, and for provision for consideration of congressional needs in their development and use. Briefly stated, the intent of title II of that act was to insure, first, congressional participation in the design of and the benefits from establishment of an improved Federal fiscal and budgetary information system, and second, congressional access to such information, when and as needed, in the executive branch.

The Joint Committee on Congressional Operations, of which I am chairman in this Congress, has monitored implementation of the title II provisions on a continuing basis since early 1971. Our joint committee has held hearings on this and issued a report describing in detail gaps in existing executive branch reporting practices and capabilities that have serious consequences for congressional review and control of Federal expenditures. Throughout, we have had the fullest cooperation—within Congress—of all the committees, their members, and staffs, with whom we have worked in planning for effective implementation of title II. The same cannot be said for the Office of Management and Budget, which has primary responsibility under the 1970 act for development and maintenance of standardized fiscal and budgetary information systems designed to meet the needs of the various branches of the Federal Government—including Congress.

To date, we have had no evidence that OMB intends to comply with the letter and spirit of the title II provisions. That Office is simply going ahead with its work on budget preparation and related systems intended solely to support Presidential program and budget proposals. In his report of February 7, 1973, for example, the Comptroller General concludes that "the system contemplated by the executive branch will not fulfill the information needs of the Congress."

To get off dead center—to create a congressional facility for acquiring and processing fiscal, budgetary, and program related information—I believe we must now shift the responsibility for building congressional requirements into Federal information systems. Accordingly, I have introduced today a bill amending title II of the 1970 Legislative Reorganization Act to insure that Congress has full access to the information it requires.

My bill will give a congressional agency, the General Accounting Office, responsibility for developing the standards that determine what kinds of information can be generated by executive branch systems. Moreover, it directs the Comptroller General to develop and maintain an up-to-date inventory of information sources and systems, so that we will not have to rely so completely on the Executive's legislative liaison representatives—or on sympathetic employees in the agencies—to identify sources of relevant data and information. And, finally, it directs the Comptroller General to establish a central data bank of fiscal, budgetary, and program-related data and information to meet recurring congressional requirements, a facility to be available to the committees of both Houses though the use of automatic data processing and modern communications techniques.

In short, my bill is designed to reduce congressional reliance on the executive branch middlemen in the information brokerage business. Such a congressionally based and controlled information system is not an alternative to organization and procedural changes presently being suggested to improve the congressional budget process. Its proper development is, however, essential if we are to deal effectively with the problem of establishing congressional budget priorities.

By Mr. GRAVEL:

S. 1217. A bill to phase out the operation, construction, and export of civilian nuclear-fission powerplants by January 1980. Referred to the Joint Committee on Atomic Energy.

THE NUCLEAR POWER MORATORIUM ACT OF 1973

Mr. GRAVEL. Mr. President, my colleagues and other people ask, "If we shut down atomic powerplants, would not we have blackouts?" Absolutely no blackouts will result from the kind of moratorium on atomic power which I am proposing today in the Nuclear Power Moratorium Act of 1973.

Moreover, a very positive benefit would result from this legislation. It would protect American life, property, and national security from the hazards of nuclear-fission powerplants. In 1972, fewer than 30 nuclear powerplants provided a huge amount of the country's danger, but less than 1 percent of the country's total energy. The Moratorium Act would phase out the operation, construction, and export of civilian nuclear-fission powerplants by January 1980.

Mr. President, I ask unanimous consent that the text and number of the moratorium bill be printed at this point in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1217

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Nuclear Power Moratorium Act of 1973".

SEC. 2. (a) The Congress herewith declares that the deployment of civilian nuclear-fission powerplants is presently inconsistent with national security and public safety, as required by Section 3.d. of the Atomic Energy Act of 1954, and the Atomic Energy Commission is herewith directed under the authority of Section 187 of that Act to enforce an immediate moratorium on the operation, construction, and export of all civilian nuclear-fission powerplants, with allowance for temporary exceptions where time is required to activate non-fission substitutes, provided that operation of every plant shall be terminated no later than January 1980.

(b) The moratorium described in Section 2(a) shall last indefinitely, or until the electric utilities have demonstrated to Congress and to their respective customers that the use of nuclear fission to generate electricity will not constitute a significant hazard to the health and safety of the public, or render this country vulnerable to blackmail, terrorism, or economic chaos.

SAFE SUBSTITUTES WILL PREVENT BLACKOUTS

Mr. GRAVEL. It bears repeating that atomic powerplants contributed less than 1 percent of the country's total energy in 1972. If we speak of just electrical energy, the 1972 contribution from atomic power was only 4 percent of the country's supply. By 1980, if there were no moratorium enacted, the figures would be less than 7 percent of the country's total energy, or about 20 percent of the country's electric energy.

The nuclear power moratorium bill clearly allows plenty of time to put substitutes for atomic power into operation. We can shut down every atomic powerplant in the country by January 1980 without causing a single blackout.

On the basis of our coal supplies alone, no threat of blackouts can be justified. We have enough coal in this country to last at least 200 years, and maybe much longer. It takes only 5 years or less to open underground coal mines, and only 5 years to build a modern and relatively clean electric powerplant to burn coal, gasified coal, or oil made from coal.

We can do better than coal, however. We can get at least 10 percent of our electricity from burning trash along with coal in our powerplants. It has been done since May 1972 at a Union Electric Co. plant in St. Louis, and tests are underway to see if an even higher percent of electric power can be made from burning trash. Perhaps we can phase out fission by 1980 on just trash power alone.

INSTANT GAS AND OIL

And we can do even better. We can grow our own clean gas to make electricity. What I mean is that we would use the sun's energy to grow tiny algae plants which can be converted to methane gas naturally, by fermentation. It might be called solar gas or instant gas, to distinguish it from natural gas which may have taken millions of years to make. Some people are calling it synthetic gas.

The conversion of algae and other plants to methane is a technology which was demonstrated long ago. Methane kits suitable for individual farms are available today. The large-scale production of instant gas could be achieved if farmers were encouraged to cultivate algae on some of the land which we pay to keep idle under our farm subsidy program.

A panel appointed by the President's Office of Science and Technology concluded in the summer of 1972 that—

> If solar development programs are adequately supported. . . synthetic fuels from organic materials [could reach public use] in 5 to 8 years.

The algae-to-methane trick is a fundamentally simple technology with a huge potential in a country crying for clean gas. In addition, algae can be burned as fuel directly. In 1972, the National Science Foundation said—

> It has been estimated that all the world's energy requirements in the year 2000 could be met by combustion of high-energy plants cultivated on only about 4% of the world's land surface.

Since the combustion of solar gas puts back into the environment the same things it takes out, it would be hard to do better than instant solar gas.

On the other hand, you can let people and animals go about their daily business of eating plants, and then you can convert their sewage and manure into low sulfur oil. It is a proven capability, thanks to the Department of the Interior, among others. In 1970, the Department put out a little-publicized study saying that the domestic animals in this country—cattle, chickens, pigs—produce enough waste every year to make 2 billion barrels of low-sulfur oil—or nearly 40 percent of our consumption. In addition, our cities generate enough organic garbage each year to make another 400 million barrels.

HYDROGEN FUEL FROM THE WIND

Still, we might do even better than solar gas and oil by producing solar hydrogen with modern windmills, on land or off shore. Windmills attached to generators just suck the power right out of the sky. The power can be stored as hydrogen gas. You use the wind-power to electrolyze water, which separates into hydrogen and oxygen. You can either burn the hydrogen whenever and wherever you need it and get back heat plus water, or you can feed it into fuel cells and get back electricity plus water. Hydrogen is considered by many experts to be an ideal fuel for the future.

Testimony about wind power as an immediate alternative to atomic power was given in January 1973 at Atomic Energy Commission hearings by Prof. William E. Heronemus from the department of civil engineering at the University of Massachusetts, Amherst. He showed how the Long Island Lighting Co. could get 19 billion kilowatt-hours of new power per year from offshore windmills in 1977, instead of from a nuclear powerplant which the company claims it must have in operation by 1977. In Oregon, several utilities have provided a grant to meteorologist E. Wendell Hewson of Oregon State University to make a 3-year study of windpower potential along the coast there.

SUNLIGHT AND OTHER OPTIONS

Then there are also the better-known solar energy systems. Sunlight hitting a photoelectric cell, for instance, makes electricity directly. Solar cells have been used with great reliability in the space program for 12 years already. The President's solar energy panel stated that the total electric energy consumed in the United States during 1969 could have been supplied by the solar energy falling on 0.14 percent of the land area, based on a 10-percent conversion efficiency for solar cells.

Solar cells are too expensive to use today, but the solar energy panel estimated that they could reach public use in 10 to 15 years if some effort is made to reduce their cost.

In addition to all these replacements for atomic power, there is natural geothermal hot water which can be tapped with today's technology in the West and the South. In June 1972, James Hilbert Anderson, Jr. testified to the Senate Interior Committee that such plants would require only 2 years to build.

Last but not least, blackouts could be avoided by increasing the efficiency of the equipment and buildings which use electricity. According to the report called "The Potential for Energy Conservation," put out by the President's Office of Emergency Preparedness in October 1972, industry as a whole could easily cut its energy demand by 10 to 15 percent of the projected demand in 1980 by cutting waste. This would cut the need for new powerplants, nuclear or non-nuclear. Improved efficiency in commercial and household equipment and buildings could also start making a significant difference by 1980.

In summary, shutting down all atomic powerplants by 1980 will cause no blackouts and will require no change in life style. There are so many safe energy-systems—especially solar energy systems—that we do not need nuclear fission now, or ever.

AN INDEFINITE MORATORIUM WILL SAVE MONEY

Nuclear power is a big waste of money. It creates lots of special costs which would never occur if we used only nonfission energy.

Consider just the extra costs for repairs and standby equipment. In November 1972, Consolidated Edison of New York admitted that it took 7 months and 700 men to repair a pipe at its atomic powerplant in 1970. In order not to exceed radiation exposure limits, every qualified welder in the Con Ed system had to be used. Said Con Ed's president—

> A similar repair effort, if made in a conventional plant, would have required 2 weeks and would not have involved more than 25 men.

Savings from an indefinite moratorium on atomic powerplants would also include the following:

The extra cost of having to dismantle 800 radioactive powerplants at the end of their 40-year service;

The budgets—40 years at least—which would be required to build and operate Federal, State, and local monitoring networks for radioactive pollutants;

The budgets—40 years at least—for the Atomic Energy Commission's licensing and regulatory and litigation staffs;

The budgets—40 years at least—for the AEC's research program on radioactive pollutants in the environment;

The huge "contributions" from taxpayers for nuclear breeder research and demonstration plants;

The huge costs of improving and expanding uranium enrichment facilities;

The cost of extra cooling towers for inefficient nuclear fission powerplants;

All other expenses which could simply be skipped forever by taking 100 percent of our power from nonfission technologies; a giant investment in solar energy, geothermal heat, and modern coal technology must be made anyway in order to supply the great bulk—75 percent—of U.S. energy which nuclear fission could not provide even in the year 2000. Since the nonfission energy—sources could easily do the whole job without any contribution from fission, the special expanses of fission are all unnecessary.

The savings achieved by an indefinite nuclear power moratorium shall far exceed its costs, so there is no excuse for electric customers to be threatened with higher electric bills by a utility affected under the moratorium. The costs of a moratorium can be paid from the savings achieved by the moratorium. Additional legislation will be needed when the moratorium is enacted to handle the indemnification in detail.

WILL A MORATORIUM CAUSE UNEMPLOYMENT?

An indefinite nuclear power moratorium will cause no reduction in jobs. It will take just as many people to produce the necessary amount of solar power, geothermal power, or coal power as it would to produce the same amount of nuclear power.

What will be necessary, however, is additional legislation when the moratorium is enacted to make sure that it creates no hardship for people who were working in nuclear fission. They must be guaranteed jobs and appropriate training in nonfission energy systems. We must do away with the callous idea that human beings can be thrown on the junk pile whenever we junk a bad idea. If people do not count, then nothing at all is worth doing.

ADDITIONAL MATERIAL

Elsewhere in the RECORD today, I have placed additional material which explains the urgency of a nuclear power moratorium. I hope that my colleagues will read it and become cosponsors of the nuclear power moratorium bill this year. In order to provide everyone with easy reference to the two sections of the 1954 Atomic Energy Act which are cited in the moratorium bill, I shall quote them here:

> Purpose, Section 3.d. "It is the purpose of this Act to effectuate the policies set forth above by providing for a program to encourage widespread participation in the development and utilization of atomic energy for peaceful purposes to the maximum extent consistent with the common defense and security and with the health and safety of the public".
>
> Modification of license, Section 187, "The terms and conditions of all licenses shall be subject to amendment, revision, or modification, by reason of amendments of this Act or by reason of rules and regulations issued in accordance with the terms of this Act."

By Mr. GRAVEL:

S. 1218. A bill to amend title II of the Communications Act of 1934 to authorize common carriers subject to such title to provide certain free or reduced rate service for individuals who are deaf or hard of hearing. Referred to the Committee on Commerce.

Mr. GRAVEL. Mr. President, today I am introducing a bill which would amend the Communications Act of 1934 to allow common carriers to offer reduced rates for long distance telephone calls to the deaf or hard of hearing.

At first blush it may be difficult to understand the purpose of my bill. I will explain. For the half million or more people in the United States who cannot use the telephone because they are unable to hear, communications over distance is a very difficult matter.

Recently some civic groups around the country have taken it upon themselves to supply teletypewriters to the deaf and hard of hearing, to enable them to use the telephone system by typing to other owners of teletypewriters. Their work in expanding the world of these people is to be applauded. It is my hope that the Congress may see fit to aid them in their work.

While the deaf and hard of hearing can use their teletypewriters for local calls, long distance calls are very expensive. This is because speaking is much faster than typing.

My bill would allow any common carrier to reduce the long distance rates for the deaf and hard of hearing who use teletypewriters. I would hope that the companies will voluntarily reduce these rates after the Congress has passed this legislation. At the same time. I would hope that the common carriers will see fit to supply long distance and information operators equipped to enable the deaf and hard of hearing. This will enable them to participate fully in the advantages which our modern communications system has to offer.

I ask unanimous consent that the bill be printed at this point in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1218

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 210 of the Communications Act of 1934 is amended by inserting at the end thereof the following:

"(c) Nothing in this Act or in any other provision of law shall be construed to prohibit common carriers from providing free or reduced rate service necessary for the operation of teletypewriters for personal use to individuals who are deaf or hard of hearing."

By Mr. GRAVEL (for himself and Mr. STEVENS):

S. 1219. A bill to amend the Communications Act of 1934 to provide for loan assistance to certain cable television systems. Referred to the Committee on Commerce.

Mr. GRAVEL. Mr. President, the solution to our educational, cultural, and transportation problems may lie in a copper wire which will connect the student to the classroom or computerized learning center of his choosing, the sports fan or music lover to the event or recital which he wishes to see, or the worker to his coworkers and his office.

The potential benefits to our society from two-way cable television are virtually limitless. Today I am introducing a bill which will enable all Americans to experience the new age we are about to enter.

The Nation is already being wired at a remarkable rate. Today over 15 million people enjoy the benefits of cable television—CATV. By 1980 reliable estimates indicate that over half of the households in the United States will be linked to cable systems. For the person whose home is connected to cable, life will be much more pleasant and productive. Less time will be spent shopping, banking, finding a physician, making appointments, or rushing about for last-minute needs. The office worker will not be forced to spend an hour a day sitting in his car burning gasoline and polluting the air. The sick child will be able to attend school by staying home in bed. There are already experimental CATV systems in existence which accomplish all of what I have suggested.

The rural American should not be forgotten in this rush to tomorrow. Indeed, the rural American stands to have his life improved more significantly by cable television than does the urbanite. But because he and his neighbors do not live in close proximity, a cable system may prove to be uneconomical for him.

My bill will help assure rural Americans participation in the benefits to be derived from cable television. It authorizes the Secretary of Commerce to make loans to eligible rural cable systems at 4 percent interest.

If there are no objections I ask that the text of my bill be printed in the RECORD at this point.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1219

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That part I of title III of the Communications Act of 1934 is amended by adding to the end thereof the following new section:

"LOAN ASSISTANCE IN CERTAIN CABLE TELEVISION SYSTEMS

"SEC. 331. (a) For purposes of this section:

"(1) The term 'Secretary' means the Secretary of Commerce.

"(2) The term 'cable television' means a system for cable transmission of television signals to the public.

"(3) The term 'eligible cable television system' means a cable television system in the United States whose proposed system (with an optimal arrangement of the system) can reasonably be expected to pass less than a system average of sixty potential consumers per linear mile during the first five years of its operation or which because of a small population base or geographical features a cable system is not otherwise economical. For the purpose of this clause 'economic' means able to make a reasonable rate of return on invested capital after deducting operating costs, depreciations and maintenance.

"(b)(1) The Secretary may make loans in accordance with subsection (c) to any eligible cable television system to enable such system to furnish cable television service or to improve cable television service furnished by it.

"(2) The Secretary shall make, or cause to be made, studies, investigations, and reports concerning cable television, and to publish and disseminate information with respect thereto; and he shall conduct a program of technical and advisory assistance to eligible cable television systems (including assistance in preparing applications).

"(c)(1) Loans made under subsection (b)(1) shall be on such terms and conditions relating to the expenditure of the moneys loaned and the security therefor as the Secretary shall determine and may be made payable in whole or in part out of the income. All such loans shall be self-liquidating within a period of not to exceed thirty-five years, and shall bear interest at the rate of 4 per centum per annum. Loans under this section shall not be made unless the Secretary finds and certifies that in his judgment the security therefor is reasonably adequate and such loan will be repaid within the time agreed.

"(2) Loans under subsection (b)(1) may be made only for the purpose of financing the improvement, expansion, construction, and operation of cable television facilities or systems to furnish and improve cable television service. The Secretary in making such loans shall, insofar as possible, obtain assurance that the cable television service to be furnished or improved thereby will be made available to the widest practicable number of users in the area served by the system. In acting on request for loans the Secretary shall consider (either on his own motion or on petition by persons living in areas which are contiguous to the system proposed by the applicant) and shall, where economically feasible, condition the loan on service to that area. The Secretary shall not make such loans in any one State in any fiscal year in excess of 10 per centum of the funds available for that fiscal year. At least 4 per centum of the amount available in any fiscal year for such loans shall be made available for loans in any State which in the 1970 Census had a rural population in excess of 50 per centum of the total population of such State.

"(d)(1) The Secretary of the Treasury shall make loans to the Secretary in such amounts in the aggregate for each fiscal year commencing with the fiscal year ending June 30, 1974, as the Congress may from time to time determine to be necessary, either without interest or at such rate of interest per annum, not in excess of the rate provided for in subsection (c) of this section, as the Secretary of the Treasury may determine, upon the security of the obligations of borrowers from the Secretary under this section. The Secretary may make all such endorsements, execute all such instruments, and do all such acts and things as shall be necessary to effect the valid transfer and assignment to the Secretary of the Treasury of all such obligations, and execute such trust instruments as shall be agreed upon by the Secretary of all such obligations and the Secretary of the Treasury providing for the holding in trust by the Secretary of all such obligations for the Secretary of the Treasury as security for loans to the Secretary made by the Secretary of the Treasury. For the purpose of making loans or advances pursuant to this section, the Secretary of the Treasury is authorized to use as a public debt transaction the proceeds from the sale of any securities issued under the Second Liberty Bond Act, as amended, and the purposes for which securities may be issued under said Act are extended to include such loans or advances to the Secretary. Repayments to the Secretary of the Treasury on such loans or advances shall be treated as a public debt transaction of the United States.

"(2) There are authorized to be appropriated such sums as may be necessary for the purposes of this section.

"(3) All money representing payments of principal and interest on loans made by the Secretary under this section shall be paid to the Secretary of the Treasury in payment of loans made to the Secretary by the Secretary of the Treasury; upon the payment of such loans all moneys representing payments of principal and interest on loans made under this section shall be covered into the Treasury as miscellaneous receipts.

"(e)(1) The Secretary may bid for and purchase at any foreclosure or other sale, or other sale, or otherwise acquire, property pledged or mortgaged to secure any loan made pursuant to this section; pay the purchase price and any costs and expenes incurred in connection therewith from the sums authorized in subsection (d); accept title to any property so purchased or acquired in the name of the United States of America; operate or lease such property for such period as may be deemed necessary or advisable to protect the investment therein, but not to exceed five years after the acquisition thereof; and sell such property so purchased or acquired, upon such terms and for such consideration as the Secretary shall determine to be reasonable.

"(2) No borrower of funds under this section shall, without the approval of the Secretary, sell or dispose of its property, rights, or franchises, acquired under the provisions of this section, until any loan obtained from the Secretary, including all interest and charges, shall have been repaid.

"(f) The Secretary shall present annually to the Congress not later than the 20th day of January in each year a full report of his activities under this section.

"(g) The Secretary may extend the time of payment of interest or principal of any loans made pursuant to this section."

By Mr. MONDALE (for himself, Mr. Javits, Mr. Abourezk, Mr. Bayh, Mr. Biden, Mr. Brock, Mr. Brooke, Mr. Burdick, Mr. Case, Mr. Clark, Mr. Cook, Mr. Cranston, Mr. Eagleton, Mr. Fulbright, Mr. Gravel, Mr. Hart, Mr. Hartke, Mr. Hatfield, Mr. Hathaway, Mr. Hollings, Mr. Huddleston, Mr. Hughes, Mr. Humphrey, Mr. Kennedy, Mr. Mathias, Mr. McGee, Mr. McGovern, Mr. McIntyre, Mr. Montoya, Mr. Moss, Mr. Muskie, Mr. Nelson, Mr. Packwood, Mr. Pastore, Mr. Pell, Mr. Percy, Mr. Randolph, Mr. Ribicoff, Mr. Schweiker, Mr. Stafford, Mr. Stevenson, Mr. Tunney, and Mr. Williams:

S. 1220. A bill to limit the authority of the Secretary of Health, Education, and Welfare to impose, by regulations, certain additional restrictions upon the availability and use of Federal funds authorized for social services under the public assistance programs established by the Social Security Act. Referred to the Committee on Finance.

Mr. MONDALE. Mr. President, I am introducing legislation to preserve key aspects of the Federal social services program from "impoundment by redtape." My bill reflects the concerns expressed in a letter 45 Senators joined me in sending to Secretary Weinberger on February 15, a copy of which I ask unanimous consent be printed at the close of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. MONDALE. This legislation is cosponsored by a bipartisan coalition of 42 Senators, and endorsed by 12 of our Governors. The Governors supporting our bill include Governors Carter of Georgia, Anderson of Minnesota, Bumpers of Arkansas, Tribbitt of Delaware, Andrus of Idaho, Ford of Kentucky, Mandel of Maryland, Curtis of Maine, Exon of Nebraska, Shapp of Pennsylvania, Rampton of Utah, and Lucey of Wisconsin.

I ask unanimous consent that a copy of my bill, with the list of cosponsors, be printed at the close of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 2.)

Mr. MONDALE. Mr. President, regulations proposed by the administration and scheduled to go into effect on April 1 would cripple the effectiveness of this program which is designed to assist States in helping families off the welfare rolls and in providing alternatives to institutional care for the aged, blind, and disabled.

Last year the Congress adopted a $2.5 billion ceiling and other reforms for the social services program—to prevent abuses and to require States to more carefully order their priorities.

But the new regulations go far beyond the mandate of Congress, to crush existing State programs—for day care so that mothers can work, meals and other services for elderly persons living at home, drug and alcoholism treatment and prevention, juvenile delinquency prevention and other services.

They would sharply reduce the Federal contribution for social services—by $600 million to $1 billion below the level established by the Congress. In Minnesota alone the new regulations would cut over $34 million in services for programs affecting 73,000 children and adults.

Gov. Dale Bumpers of Arkansas recently described the impact of these proposals on his State:

> To give you an example of the effect it would have on our mental retardation programs, when I was elected we had fewer than 20 community facilities caring for a little less than 400 children.
>
> In the past year and a half . . . we have expanded that to 82 facilities caring for over 2,000 children.
>
> Quite frankly, with the guidelines prohibiting the use of private funds and the further restrictions . . . we will probably wind up closing virtually every one of the new ones we have started in the past year and a half.

Under these proposed regulations, former welfare recipients would be denied eligibility for day care or other services just after those services have permitted them to find employment and leave the welfare rolls. So they would be forced back on welfare. As an HEW memo states:

> The regulations will cause many former welfare recipients to quit their jobs . . . [and] create a revolving door effect.

This is precisely the kind of mixed up incentive system which traps people in poverty, and destroys faith in the good intentions of government.

The bill which we are introducing today does not attempt to preserve the old regulations intact. Instead, our bill would preserve the five most essential components of the existing program:

First. The use of privately contributed funds and in-kind contributions to make up the State's matching share.

Second. Existing flexibility for States to offer services to past welfare recipients for up to 2 years and to potential welfare recipients for up to 5 years.

Third. The authority of States to provide drug and alcohol treatment programs, education and training services and comprehensive services for children, the elderly and the disabled under the social services program.

Fourth. The continued application of day care standards established for the program in 1969.

In addition, our bill would free States from unreasonable requirements for reporting as often as every 3 months on the use of funds.

The social services program is an essential effort to aid families in getting off welfare, and to help older or disabled citizens live useful lives outside of institutions. It is a flexible program, with broad authority resting in the States.

The cuts the administration has proposed will not create savings. The American people will pay more in higher State and local taxes, in increased costs for welfare and crime and in the waste of thousands of human lives.

We are hopeful that Secretary Weinberger will revise his proposal to reflect widespread congressional concern. If he does not, we will move through the legislative process to preserve this program, as Congress intended, within the $2.5 billion ceiling established by the Congress last fall.

Exhibit 1

February 14, 1973.

Hon. Caspar Weinberger,
Secretary of Health, Education, and Welfare, Washington, D.C.

Dear Mr. Secretary: We are extremely concerned about reports that forthcoming social service regulations may make fundamental changes in the operation of federally-assisted programs in the fields of day care, aid to the elderly, mental retardation and juvenile delinquency.

In particular, we would like to register our strong opposition to the reported administrative repeal of existing provisions which permit the use of privately contributed funds—from charitable organizations such as the United Way of America—to make up the required local or state match. This proposed change would seriously undermine the excellent existing private-public partnership approach to human problems. These kinds of cooperative efforts should be encouraged rather than discouraged.

Such an extreme change in the existing social services program is unwarranted. Fears of an uncontrollable budget in this area were resolved by the $2.5 billion ceiling on Title IV–A which the Congress adopted last year. And less extreme proposals for dealing with isolated examples of abuse have been offered by individuals such as former Secretary Richardson. We are attaching for your information a copy of a letter Secretary Richardson sent to Representative Wilbur Mills last October concerning this issue.

In addition, we would like to express our concern about other parts of the reported new regulations such as those which would repeal the current use of in-kind contributions for the non-federal match, deny day care eligibility to former welfare recipients just after this day care program has permitted them to find employment and leave the welfare rolls; and raise serious questions about whether the Federal Inter-agency Day Care Standards—which establish minimum protection for children in federally assisted day care and which have been in effect for the past 5 years—will continue to apply.

We respectfully request that we be informed in advance about any proposed changes in areas such as these, and that if and when any changes are proposed they be available for public comment and later revision.

With warmest personal regards,

Sincerely,

Mondale, Javits, Ribicoff, Packwood, Stevenson, Abourezk, Bayh, Beall, Brooke, Burdick, Case, Church Cranston, Dominick, Eagleton, Fulbright, Gravel, Hart, Hartke, Hatfield, Hathaway, Huddleston, Hughes, Humphrey, Kennedy, Mathias, McGee, McGovern, McIntyre, Metcalf, Moss, Muskie, Nelson, Nunn, Pell, Percy, Randolph, Schweicker, Stafford, Stevens, Taft, Tunney, Williams, Clark, Montoya, and Symington.

EXHIBIT 2

S. 1220

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SEC. 2. (a) The regulations of the Secretary of Health, Education, and Welfare (relating to the administration of titles I, X, XIV, and XVI, and part A of title IV, of the Social Security Act) as in effect on January 1, 1973, shall remain in full force and effect insofar as such regulations relate to—

(1) the use of privately contributed funds and in-kind contributions as part of State expenditures, in determining (for purposes of any such title or part A) the amount of the Federal contribution to which any State is entitled on account of expenditures incurred by the State for social services under a State plan approved under any such title or part A, provided that the Secretary may clarify requirements that such privately contributed funds be expended in accordance with a State plan.

(2) the authority of any State, under any such plan, to define the categories or classes of individuals who are eligible to receive such social services;

(3) the authority of any State, under any such plan, to include, as social services, and alcohol treatment programs, education and training services, and comprehensive service programs for children, the elderly, or the disabled (including such programs for mentally retarded children and adults);

(4) reporting requirements of States, under any such plan, with respect to the provision of social services; or

(5) the standards imposed, under any such plan, with respect to the provision, as social services, of day care services.

(b) No regulation, promulgated by the Secretary of Health, Education, and Welfare after January 1, 1973, shall have any force or effect, and any such regulation shall be invalid, if, and insofar as, such regulation is inconsistent with the provisions of subsection (a).

LIST OF COSPONSORS

Senators Javits, Abourezk, Bayh, Biden, Brock, Brooke, Burdick, Case, Clark, Cook, Cranston, Eagleton, Fulbright, Gravel, Hart, Hartke, Hatfield, Hathaway, Hollings, Huddleston, Hughes, Humphrey, Kennedy, Mathias, McGee, McGovern, McIntyre, Montoya, Moss, Muskie, Nelson, Packwood, Pastore, Pell, Percy, Randolph, Ribicoff, Schweiker, Stafford, Stevenson, Tunney, Williams.

Mr. JAVITS. Mr. President, I am pleased to join with Senator WALTER MONDALE, Democrat, of Minnesota, in S. 1220, a bill to bar restrictions by the Secretary of Health, Education, and Welfare imposed by regulations on the availability and use of Federal funds authorized for social services under the Social Security Act. We are joined by a bipartisan group of 47 Senators including the following members of the minority: Senators BROOKE, CASE, COOK, HATFIELD, MATHIAS, PACKWOOD, PERCY, SCHWEIKER, and STAFFORD.

The bill would safeguard the following elements of the existing approach to social services which are threatened by regulations proposed by the Secretary of Health, Education, and Welfare, which the administration intends to make effective April 1; programs affected include day care, aid to the elderly, programs to deal with mental retardation, alcoholism, juvenile delinquency, and other social services under titles IV–A and XVI of the Social Security Act.

First, giving States existing authority to define eligible recipients including past and potential.

A key aspect of the current program is that States and localities are free to provide child care and family services to former and potential welfare clients. Under present law, as a general matter, services may be provided to persons who have been on welfare during the past 2 years and persons who could be on welfare within the following 5 years.

Under the new proposal, a 5-month limitation would pertain with respect to former recipients and a 3-month limitation for potential recipients. Additionally, eligibility cutoffs would be revised so that in New York City, for example, a family of four earning just above $5,400 would not be eligible for day care.

The administrator of the Human Resources Administration of New York City, Jule M. Sugarman, has advised me by letter dated March 7, 1973, that if the regulations are implemented, about 50 percent of the current families enrolled in the child care programs would be ineligible; at the present time there are approximately 368 centers in New York City with a capacity for 26,289 children.

These restrictive elements, if implemented, will impact all of the social services programs, not just to day care. Mr. Sugarman's letter notes:

> We are already considering whether we should not move our Senior Citizen Center program out of Title XVI coverage to spare the elderly the necessity of documenting their near indigency to gain program eligibility.

Mr. President, it is clear that if implemented these regulations will have an effect exactly the opposite of that intended by the Congress for the social services program under the Social Security Act. For example, in day care, it will mean that once the mother works her way off of welfare, she will become ineligible for child care and thus fall back into the welfare category.

Nothing could be more counterproductive or repugnant to the purposes of the law or inimical to the Administration's own concern with the "working poor" than that.

Second, use of privately contributed funds and in-kind contributions as part of the State's matching share.

Under the proposed regulations, the administration proposes to eliminate private contributions which currently may be counted as a part of the State's or locality's 25-percent matching funds.

This will sound the death-knell for many programs throughout New York State and the Nation which find sources of life in the contributions of philanthropic organizations, United Fund, and similar sources. I am advised that in New York City alone one such private organization has provided as much as one-half a million dollars to social services.

Moreover, this proposal should be considered inconsistent with the administration's own emphasis on volunteerism and economy in government since the matching requirement acts as an incentive for funding from the private sector and thus achieves a "multiplier effect" in terms of Federal expenditures.

Third, existing standards for day care.

The proposed regulations eliminate existing requirements with respect to the quality of child care made available under the Social Security Act.

Under the new regulations, there is every risk that programs would become purely "custodial"—that is, lacking in educational, nutritional, and other components that are so key to human development.

Again, nothing could be more counterproductive in terms of the purposes of the Social Security Act since programs without these essential elements can only act to perpetuate the cycle of poverty for a new generation.

It should be noted also that elimination of standards for day care is inconsistent with the law recently enacted by the Congress. The Economic Opportunity Act Amendments of 1972 specifically provided, in section 19 for the application of the Federal interagency day care requirements to all child care programs funded by the Federal Government and the President signed that law on September 19, 1972.

Fourth, authority to provide drug and alcohol treatment programs, education and training services, and other comprehensive programs for children, the elderly or disabled.

Under the new regulations, programs for the rehabilitation of alcoholics and drug addicts are not even eligible activities. In New York City, this will mean the elimination of Federal funding for programs under which 25,000 addicts—5 to 10 percent of the 300,000 to 500,000 in New York City alone—are now being given treatment.

Moreover, there is no mandate in the proposed regulations for the use of subprofessional personnel in service delivery and training and educational leaves—as under previous law.

Fifth, reasonable reporting requirements.

Under the new regulations, States and cities would be required to determine eligibility of each recipient on a quarterly basis; under present law, eligibility must now be determined only once a year and more often only if the State deems necessary.

I support efforts to assure administrative efficiency in carrying out programs but I believe that the proposed regulations impose an element of red tape that can only serve to make the program almost unworkable.

For these five reasons, we propose this amendment to the Social Security

Act in the belief that the regulations proposed by the Secretary remain contrary to the general purposes of the Social Security Act, which is to get people off the welfare rolls. Limiting eligibility to persons on welfare, cutting off private funds, permitting custodial child care, eliminating drug and alcohol treatment programs, and cutting efforts for paraprofessionals and related services can only serve to increase the welfare rolls.

Mr. President, just last December, despite my efforts to seek relief, the Congress imposed a $2.5 billion ceiling on social services throughout the Nation and established a formula for distribution which greatly prejudiced industrial States like New York—indeed the very States that have shown the greatest interest and competency in providing social services.

For this fiscal year, that ceiling has meant that approximately $200 million is available in Federal matching funds for New York State in contrast to the State's original request for and ability to use effectively $800.0 million.

Mr. President, I hope very much that in light of the substantial bipartisan support for our proposal evidenced by cosponsorship for this measure, that the Secretary of Health, Education, and Welfare will reconsider these regulations and abandon them. If there are further reforms that need to be made in the law, we will be pleased to work with the executive branch in developing them, but we do not wish to permit these regulations to be implemented without regard to legislative intent or involvement.

I ask unanimous consent that at this time there be printed in the RECORD a copy of the letter from Jule M. Sugarman, administrator of the Human Resources Commission in New York City, to me dated March 7, 1973, and an article and an editorial from the New York Times of March 7, 1973.

There being no objection the material was ordered to be printed in the RECORD as follows:

1,000 PROTEST FEDERAL PLAN TO CUT DAY-CARE SERVICE

About 1,000 demonstrators, many of them mothers who brought their chilrden, yesterday protested proposed Federal regulations that would end day-care and other social services for many present recipients.

Carrying signs and chanting "We want day care," the protesters marched for about three hours outside 26 Federal Plaza, where the Federal Department of Health, Education and Welfare has offices.

Last month the department proposed terminating Federal support for social services to working mothers who earn salaries more than one-third higher than their state's official poverty level.

In New York State, as many as half the 34,000 working mothers now using centers for their children would be above the $5,400 maximum that would result if the proposals were implemented.

Many mothers said they would have to go on welfare if their day-care services were terminated. Others praised the centers, where children are taken care of while parents work, as "life-savers."

CARING FOR CHILDREN

Working mothers in this and other cities have been expressing concern about the proposed changes in the Federal guidelines which might render their children ineligible for low-cost day care. Unless states and cities make up for the reduction in Federal support, many mothers whose earnings are above the poverty level but too modest to permit expensive unsubsidized private child care would be forced to withdraw their children from any existing centers. In New York the cut-off point would come at an income of $5,400.

The controversy once again puts the spotlight on the important social issues raised by the sponsors of last year's child development legislation. The measure, vetoed by the President, recognized that day care is not, as Mr. Nixon seems to believe, a mere handout for welfare mothers. It is rather an effective device to allow working mothers of limited means to divide their attention between job and home without neglecting their children.

The ultimate effect of a rigid interpretation of financial need in determining eligibility for free or low-fee child care will be to increase the welfare rolls. It would simply become economically impossible for many women to work and still feel confident that their children are well taken care of at the same time. Such a regressive policy clashes head-on not only with compassionate social doctrine but also with the President's own repeated insistence that people help themselves first in order to be eligible for governmental aid.

But the mistaken view that day care is only for children of poverty is dangerous for another reason. The strength of the best of the existing day care centers is that they attract a mix of children from a relatively wide range of home backgrounds. If integration—socio-economic as well as racial—is truly to remain the country's goal, the time to begin is when the children are still too young to have been inoculated with the virus of society's suspicions and hostilities.

When President Nixon vetoed the Child Development Act, he said he considered the measure a threat to the American family. The present situation, in addition to increasing the welfare rolls, is a threat to American childhood.

THE CITY OF NEW YORK,
March 7, 1973.

Hon. JACOB K. JAVITS,
U.S. Senate,
Washington, D.C.

DEAR SENATOR: I appreciate the opportunity afforded to me by your request that I describe the effect that the proposed Title IV–A and XVI HEW Regulations would have on provision of social services to the families and children, disabled, aged and the blind, residing in New York City.

Following are some thoughts on how the proposed changes will affect social programs and the people who benefit from them.

The regulations as proposed, do not provide for recipients of service to be part of advisory committees; although provision is made for a Day Care advisory capacity, it is only on State level. This is contrary to the direction we have taken to enable the citizens of New York City who are users of service, to advise on program content which is most desirable in terms of meeting needs. Placement of advisory function at the State level for Day Care, effectively prevents parental-local participation in shaping programs designed for their children.

By eliminating the provision for fair hearings and substituting a "grievance" provision, the new regulations dilute the concept of accountability of the local and state bureaucratic administrative structure in that they permit for a complaint to be made but do not provide for a method of orderly and objectively responsive resolution. Furthermore, the lack of provision for fair hearings is in violation of the Social Security Act provisions as stated in Title IV–A, Section 402 (a) (4) and Section 406(b).

There is no mandate in the proposed regulations for the use of subprofessional personnel in service delivery. This is contrary to provision of the Social Security Act (as amended), which specifies in Title IV–A, Section 402(a) (5) (B):

"The training and effective use of paid subprofessional staff, with particular emphasis on the full-time or part-time employment of recipients and other persons of low income, as community service aides, in the administration of the plan and for the use of nonpaid or partially paid volunteers in a social service volunteer program in providing services to applicants and recipients and in assisting any advisory committees established by the State agency."

Although this proposed deletion in effect will not change the City's policy in providing entry level opportunities in the service area for people with less then college degrees, it opens up the possibility that the State no longer need go along with the City policy since this is no longer mandated under Federal regulations. Entry level social service jobs have been one of the ways we have provided employment opportunities for current assistance recipients.

There is no mandatory provision for staff development and training and educational leave. The absence of this provision eliminates one of the major programs which had been available to us for the purpose of upgrading skills of our current staff. At a time when maximum staff skills will be needed to produce maximum effectiveness as specified in the proposed regulations, reimbursement for staff development through educational leave is being eliminated.

Mandatory services have been limited to three: Family Planning, Foster Care for Children and Protective Services for Children. This gives the State the option not to approve Preventive Services for Children. This would seriously affect our capacity to exert maximum efforts to forestall and/or prevent placement which is, both socially and fiscally, the most expensive type of care. The failure to mandate services of preventive nature would also appear to be contrary to the intent of the 1967 Amendments which were designed to prevent dependency and promote independence.

The intent of the proposed regulations regarding Day Care seems patently clear: to halt program enrichment and nutrition for those enrolled in group day care programs. Where the current regulations *require* that services be provided to meet the education, emotional social and physical needs of children and their families, the proposed regulations do not speak to those concerns.

The most telling blow however, is the restrictive provision for eligibility. Under the proposed provisions a New York City family of four earning just about $5400, would not be eligible for day care at Federal rate of reimbursement. Approximately 50% of current families enrolled in our program would be ineligible and we would be facing the intolerable decision of having to deny day care services to those families or adding the fiscal burden of the non-reimbursable portion of the program to the heavily encumbered resources of the City and the State. And even that intolerable solution is contingent upon the willingness of the State to share the burden with us.

The restrictive eligibility provisions if implemented, will impact all of the social service programs in addition to day care. We are already considering whether we should not move our Senior Citizen Center program out of Title XVI coverage to spare the elderly the necessity of documenting their near indigence to gain program eligibility. At issue is whether the State will participate with us on an equal cost sharing basis to help stave off the humiliation for the elderly and the destruction of our carefully developed senior citizen program.

Besides being restrictive, the eligibility provisions present an administrative complexity which will need a computer based system to operate. Even though our Medicaid levels are within the 133⅓% provision of the State public assistance level, a Medicaid eligibility would not qualify as eligibility for service since the resources permitted have to be at a Public Assistance level. In effect that would mean, for example, that a working family of four earning $5372 per year who had savings of $100, could not qualify for Day Care under Title IV–A. This might, contrary to intent and desire on the part of HEW, contribute to helping keep single parent working families on assistance. It can be stated that the net effect of the proposed eligibility criteria which limit the definition of former to three months and potential to six months is to provide service virtually exclusively to current recipients, and to move away from the legislative intent of providing supports to those who have become independent or are in danger of becoming dependent.

Although I applaud the goal-oriented and time directed thrust regarding service plans, I regret that the proposed regulations specify that service plans for potential recipients can include only services that deal with problems that can lead to financial dependence. That type of emphasis would seem to engage our ability to provide child care education, home arts education and other such services to families whose lives and whose children's future might benefit from this type of service.

Sincerely,

JULE M. SUGARMAN,
Administrator.

Mr. KENNEDY. Mr. President, I am pleased to join with the distinguished senior Senator from Minnesota (Mr. MONDALE) in introducing legislation to preserve the key elements of the social services program conducted under titles I, IV–A, IV–B, X, XIV, and XVI of the Social Security Act.

Changes proposed last January by the Department of Health, Education, and Welfare would drastically reduce the many vital services provided to residents of Massachusetts and to other needy recipients all across the Nation. Administration proposals to reduce those services without recommending adequate alternatives of aid reflect a marked lack of sensitivity about fundamental human needs. Indeed, the legislation we are introducing today is offered because the Secretary of Health, Education, and Welfare has failed to properly respond to those of us in the Senate who asked him last month to fully explain these rule changes.

Though the Secretary has not provided an explanation, the very able Commissioner of Public Welfare for the State of Massachusetts has articulately described what these new rules will mean to the people of my State.

Commissioner Steven A. Minter has provided me with a very detailed account of how the Health, Education, and Welfare action will drastically alter the lives of thousands of citizens in Massachusetts. Over 70,000 recipients in Massachusetts, including the working poor, the elderly, the physically and mentally handicapped, children who are severely emotionally disturbed and children who suffer abuse, children in day care, children in foster care and many families that had formerly received welfare assistance will be abandoned if the new rules are promulgated.

As of last Friday, March 9, the Department of Health, Education, and Welfare estimated over 10,000 letters had been received from across the country, in response to the Federal Register announcement that changes are scheduled to be made in these vital programs. Surely, such a phenomenal response deserves the most serious consideration by the Department's officials. That overwhelming number is also an indication that many, many people are deeply affected by these social services projects.

This week, my Subcommittee on Federal, State, and Community Services on the Aging Committee will issue a report documenting the full extent of these regulations on elderly services.

It will be vital, unless the rule changes are rescinded, to enact the legislation we are introducing today. These essential services must be assured for all who need them. No one knows better than those who receive these social services or those who administer them, how important they are. I would like to share with other Senators the excellent account of the social service program operations in Massachusetts as described by Commissioner Minter.

I, therefore, request unanimous consent to enter in the RECORD, a letter I received from the Massachusetts Commissioner of Public Welfare, Steven A. Minter, along with supporting materials, that fully document the effect of the proposed rule changes on the residents of Massachusetts.

There being no objection, the material was ordered to be printed in the RECORD. as follows:

THE COMMONWEALTH
OF MASSACHUSETTS,
Boston, Mass., March 7, 1973.

Hon. EDWARD M. KENNEDY,
U.S. Senate,
Washington, D.C.

DEAR SENATOR KENNEDY: As you are no doubt aware, I have had several conversations in the past two weeks with Bob Bates over the issue of proposed Social Services Regulations published by the Department of Health, Education and Welfare on February 16th.

While we in Massachusetts are disturbed over a number of initiatives that the federal government has taken or proposes to take—legislative, administrative and budgetary—I believe these regulations represent at the present time the most critical issue.

I am grateful for the help you and your staff have provided as part of the effort in opposition to the regulations.

The regulations affect virtually every kind of service program operated to aid the poor in the Commonwealth. The import of the regulations, in the simplest of terms, is that the full cost of providing these services falls to the state. This means an additional cost in Massachusetts of $35 million in Fiscal Year 1973 and another $35 million in Fiscal Year 1974, at the very least. Governor Francis W. Sargent has stated that in order for the state to assume this burden, it will be necessary to raise taxes.

The alternative is for the state to turn its back on the handicapped and the poor whom it is committed to serve. All of the services administered by the various state agencies are mandated by Massachusetts state law. The obligation to render such services is spelled out in detail in the statutes.

In our state, a total of 70,000 persons will be affected if the proposed regulations are permitted to go into effect. The people who will be hurt include not only assistance recipients but the working poor, the elderly, families and children.

The linchpin which HEW has used to develop the regulations in the Social Services Amendment to the Revenue Sharing Act of 1972. As part of the Revenue Sharing Act, the Congress placed a ceiling of $2.5 billion on the amount of federal funds available for social service programs, but it rejected efforts to set a lower ceiling and it reaffirmed the importance of these service programs as a means of dealing with the root causes, rather than merely with the symptoms of poverty.

The Administration has acknowledged an outlay of only $1.8 billion of the $2.5 billion allotted by Congress. The proposed regulations are in reality an effort to scuttle the program in direct violation of the repeatedly expressed intention of Congress that these service programs be continued and supported by the Federal Government.

The primary goal of the new Social Services Regulations is self-support. With few minor exceptions, the regulations only permit services to persons who are now on public assistance rolls. In the past, services designed to prevent people from becoming welfare recipients and to strengthen economic and social independence were permitted and encouraged.

For example, a person or family who had received public assistance was eligible for certain services in the succeeding two years after the cash grant was terminated. Also, low income persons who are beset by social or health circumstances which might lead in the next five years to welfare dependency have been provided with preventive services.

The news regulations virtually eliminate these types of services. Specifically, they state that limited services may be provided to a former recipient for maximum of three months and to a potential recipient for six months. To give you an idea of the kinds of service affected—

Children. The kinds of children now being aided through Social Service Programs in the Commonwealth are:

Severely emotionally disturbed, deaf, blind, aphasic, delinquent and physically handicapped children receiving comprehensive services in day and residential treatment programs.

Children in day care.

Children in foster care.

Neglected, abused, and battered children receiving protective services.

Mentally retarded children in community clinical nursery schools and day programs.

The Commonwealth now provides services to these unfortunate children based on their own needs. Under the new regulations, it will not be possible to provide a service unless the child's needs are directly related to the self-support of their parents.

The new regulations governing foster care provide that a child must have been court-committed to be eligible. At the present time in Massachusetts, 80 percent of the 11,000 children in foster care are voluntary placements and would, therefore, be ineligible.

As a result of the regulations, the severely emotionally disturbed, mentally retarded and physically handicapped children now being served would be faced with the alternative of relying on the public school system which is not equipped to provide the highly specialized counseling and treatment these children require. Or they would receive no care at all.

The protective services to neglected, abused and battered infants and youngsters—almost all of whom are emergency cases in need of immediate placement outside their own homes—would have to be curtailed. In recent years the Commonwealth has placed special emphasis on augmenting services to these children and creating special programs for them.

In total, 31,500 children now receiving care, at a cost of $20 million in federal matching money, will be affected by the regulations.

De-institutionalization and the prevention of institutionalization.

The provision of services to enable children and adults—such as delinquent children, drug abusers, the mentally retarded and handicapped—to leave institutions and return to community-based care has been a major objective in Massachusetts. Recent experience with de-institutionalization and alternative care has demonstrated that not only is the quality of care improved, but costs are significantly lower. The Department of Health, Education, and Welfare had also taken a lead role in encouraging this kind of approach as an alternative to institutionalization. The new regulations, however, would necessitate a reversal of this trend. There are 10,000 persons who would be affected, and $15 million in federal matching funds is involved in this area.

Elderly. Inasmuch as the aim of the regulations is to encourage self-support, the impact of the regulations on services to the aged poor who have little or no opportunity to become self-supporting is particularly severe. The majority of the elderly now receiving services are persons living alone and isolated who absolutely require certain aids to enable them to remain basically independent. State agencies now provide a wide range of such services—for example, transportation to and from grocery stores, doctors' offices, hot lunch programs and community centers, homemaker and chore services, day activity programs and counseling. To cut back on these services would have a devastating impact from both a sociological and fiscal standpoint. Without help, thousands of these elderly persons should have to be placed in rest homes, which would mean millions of dollars in additional cost both to the state and the federal government. There are 11,000 elderly persons now benefiting from such services at a cost of $2 million in federal matching funds.

Working poor. Prior to the issuance of these new regulations, state agencies have been able to provide social services to poor working families that are not on welfare but qualify for assistance through services due to their limited incomes. In Massachusetts, a family of four with an income of $7,000 or less was eligible for services.

In many instances, families in this category are former welfare families who need continued help through services to enable them to remain independent of financial assistance. Day care is perhaps the best example. A working mother of three children with an income of less than $7,000 must receive public-funded day care for her children in order for her to retain a job. For the mother to assume the cost of day care herself—which is estimated at $40 per week per child—is clearly not feasible at the low income level. Yet, under the new regulations, a family of four with an income of more than $5,100 will no longer be eligible for services. Thus, the working mother who is helping herself is likely to be forced back to public assistance status.

Donated Funds. The Donated Funds Program, an increasingly useful mechanism under which the Federal Government matches every private dollar contribution (e.g., from the United Fund) with three federal dollars, is being eliminated under the new regulations. Under this program, the Commonwealth has provided protective services, emergency care, day care and summer camperships to almost 7,000 children. In Fiscal Year 1974 it was our intention to provide services totaling $12 million, and to assist at least an additional 5,000 children. The Donated Funds Program represents a partnership between government and the private sector. To eradicate this program is directly contrary to the President's repeated emphasis on the desirability of relying on private organizations, rather than government, wherever possible to meet citizens' needs. At a time when all states and localities are faced with overwhelming fiscal pressures, these private contributions are sorely needed.

Another factor worthy of mention is the administrative workload which the regulations impose. It will be necessary for the Welfare Department to determine eligibility for any type of service on an individual basis; in the past some groups were automatically eligible for service by reason of circumstances, such as living in a Model Cities neighborhood or a public housing project. It will also be necessary to develop an individual plan for services for each individual, and to recheck eligibility every three months, as contrasted with the present once-a-year requirement. To impose such requirements would obviously increase staff needs at a time when government at all levels is ostensibly attempting to contain a ballooning bureaucracy.

I am certain that you realize the disastrous effect of these regulations on the operation of social service programs in our state. Enclosed is a list of the agencies in Massachusetts whose programs will be affected under these rules.

The Human Resources Committee of the National Governors Conference has urged HEW to withdraw the regulations. The National Council of State Welfare Administrators has passed resolution seeking withdrawal.

The regulations can be withheld; they can be changed. But time is short and it is important all concerned take action now.

There is a 30-day comment period ending March 19th, at which time the regulations become effective unless HEW responds.

I urge you to join in the nationwide opposition to this move by writing to the Administrator, Social and Rehabilitation Service, Department of Health, Education, and Welfare, and asking that the Secretary work with appropriate state officials to develop a constructive alternative to the proposed regulations.

I thank you for your interest and your help.

Very truly yours,
Steven A. Minter, *Commissioner*.

Day Care Contracts

This is a list of agencies which DPW is currently contracting with whose contracts will be modified or terminated if the Federal Regulations go into effect.

Action for Boston Community Development, Inc.

Associated Day Care Services of Metropolitan Boston, Inc.

Boston Children's Services.

Bridge Fund, Inc.

Boston Hospital for Women.

Children's World Day Care #1 #2 #3 #4.

Model Cities—Boston, Cambridge.

Church of God; Saints of Christ.

Cooper Community Center Day Care, Creative Learning Environments, Inc., Crispus Attucks Children's Center, Stride Rite Children's Center, Laboure Center, Inc., Junior League of Boston, Inc.

John F. Kennedy Family Service Center.

Massachusetts Health Research Institute.

Our Place to Grow, Inc., Pilgrim Day Care Center, James Jackson Putnam Children's Center, Day Care Center—Salvation Army Spanish Action, Greater Taunton, FACE, Melrose, Newton Community, Chicopee, Webster Square.

United South End Settlements, Wesley Child Care Center, Women's Educational and Industrial Union, Self Help, Inc.

South Shore Day Care Services, Inc., Cambridge Community Schools Commission, The Children's Center of Brookline and Greater Boston, Christ Child Nursery School, Creative Playmates, Inc., Eastern Middlesex Opportunity Council, Inc.

KLH Child Development Center, Lynn Economic Opportunity, Inc., Ready, Inc., South Middlesex Opportunity Council, Action, Inc.

Community Day Care Center of Lawrence, Inc., Haverhill Day Nursery Association, Inc., Lowell Day Nursery Association, Inc., Massachusetts Health Research Institute, North Shore Catholic Charities Centre (Family Day Care), The Woburn Council of Social Concern, Inc.

Community Action Committee of Cape Cod & Islands.

New Bedford Model Cities, On Board, Inc., St. John's Child Care and Development Center, West End Day Nursery of New Bedford, Inc.

Hampshire Community Action Commission.

Holyoke/Chicopee Head Start, Inc.

Northern Educational Services, Inc.

Springfield Day Nursery Corporation.

Springfield Action Commission, Inc.

Assembly of God Church, Children's Aid & Family Service, Inc., Edward St. Day Care, Great Brook Valley Comprehensive Child Care Services, Inc., Guild of St. Agnes.

DONATED FUNDS

Associated Day Care.

Boston Children's Services.

Family Services—Berkshire, Boston, Holyoke, Worcester.

Brockton Day Nursery.

Brockton Youth.

Catholic Services of Fitchburg.

Catholic Charities—Southbridge, Lynn, Brockton, Boston Cambridge and Somerville.

Cambridge Camping—Somerville and Cambridge.

Catholic Family Service—Lynn.

Children's World Day Care.

Edward Street Day Care.

Fitchburg Community Action Great Brook Valley.

Model Cities—Fall River, Holyoke, Lynn, Worcester (Webster Square Catholic Charities, Family Services) YMCA.

Massachusetts Society for the Prevention of Cruelty to Children—Barnstable, Berkshire, Chicopee Falls, Fitchburg, Hampshire/Holyoke, Leominster, Mass. Bay Old Colony, Springfield, Worcester.

New England Camping, Northern Educational Services, Parent and Children's Services.

Springfield Boys Club, Springfield Urban League, United South End Settlements.

Worcester Children's Friend Society.

Worcester Youth Resources.

United Fund—Chicopee, Hampshire, Leominster, Pioneer Valley, Crozier, Inc., Model Cities Agency—Cambridge, Springfield, New United Front, Northampton Elks, Somerville Mental Health, Southbridge United Way, United Community Services—Brockton, Boston, Cambridge, Barnstable, Old Colony, Pittsfield/Berkshire, Mantachusetts, Springfield, Worcester.

Worcester Boys Club.

FAMILY AND CHILDREN'S SERVICES

Catholic Charitable Bureau—Boston, Salem and Worcester, New England Home for Little Wanderers, Avon Home, Child and Family Service—New Bedford, Pittsfield, Springfield Y.W.C.A. (Young Women's Christian Association), Northampton Children's Aid and Family Service.

EXISTING DPW PURCHASE AGREEMENTS WITH PUBLIC AGENCIES

Department of Youth Services.

Department of Mental Health.

Department of Public Health.

Department of Education (Division of Special Education).

Board of Regional Community Colleges.

Southeastern Massachusetts University.

Massachusetts State College System.
Parole Board.
Executive Office of Elder Affairs.
Department of Corrections.
Executive Office of Human Services.
Office for the Commissioner of Veterans' Services.

FACT SHEET FOR MASSACHUSETTS ON PROPOSED NEW SOCIAL SERVICES REGULATIONS

The Department of Health, Education, and Welfare has proposed revisions of the Federal regulations that govern social service programs for families and children (under Title IV of the Social Security Act) and service programs for the aged and disabled persons (under Titles I, XIV, and XVI of the Act). Regulations governing the purchase of services by public welfare agencies (as authorized by the 1967 amendments to the Act) have also been revised. The new rules seek to concentrate the use of Federal matching dollars for current welfare recipients.

Only three services will be mandated for recipients of Aid to Families with Dependent Children (AFDC): foster care, protective services, and family planning. These services and other optional services are aimed toward two goals: self-support and self-sufficiency.

No services are mandated upon States for the aged and disabled. A number of "optional" services are discreetly defined which may be provided.

Potential recipients are more strictly defined. For eligibility as a potential recipient of assistance, under the proposed regulation, the local social service agency must determine that there is a specific problem which will lead to the person's or families' dependence on welfare within 6 months if a service is not provided. Currently, this time period is five years.

For those in the adult categories, the 6-month time limit means that, in order to qualify as a potential recipient, an individual must be at least 64½ years of age; or be likely to meet the State's definition of blindness within 6 months; or be 17½ years old with a condition that is likely to result in permanent and total disability in 6 months.

From an income standpoint, families and individuals qualify as potential recipients if income does not exceed 133⅓ percent of the amount granted by each State for cash assistance to individuals and families.

In addition, once eligibility has been determined and the family or individual begins to receive services, such eligibility must be rechecked quarterly, as compared with annually under the current regulations.

The proposed regulations stipulate that eligibility be determined individually, rather than on a group basis. Thus, families and individuals who live in such low-income areas as Model Cities neighborhoods, public housing, and Indian reservations will no longer be eligible for services on a group basis.

The eligibility and redetermination requirements present overwhelming demands on social service staff. Also, the very detailed and specific service plans which are required will place tremendous burdens upon the social service system, the management and the staff.

Specific requirements when examined are unrealistic. For example, after the termination of a case on public assistance, eligibility for services must be redetermined within 30 days. If 10,000 cases were closed a month in Massachusetts, this would require tremendous manpower for meeting this requirement.

Social services	Present regulation	Proposed regulation	Effects	People affected
I. Services to families and children:				
1. Child care services	Mandatory: (a) Day care services can be provided for child development purposes.	Optional: (a) Day care services can be provided only for needs of parents who are employed, in training or need services.	(a) Eliminate services to children for developmental reasons.	(a) 2,000 children presently receiving services.
	(b) Former and potential eligibility fairly realistic.	(b) Severely restricted eligibility for former and potential.	(b) Severely decrease services to former and potential.	(b) 600 children presently receiving services as former or potential.
2. Foster care services	Mandatory: (a) Allows matching money for services to children voluntarily committed into care.	Mandatory: (a) Eliminates matching money for services to children voluntarily committed into care.	(a) Judicial determination of need for foster care necessary to receive matching monies for placement staff.	80 percent of placement cases voluntary commitment—(August 1972) 4,385 children voluntary.
	(b) Provides matching monies for first 6 months of specialized foster care of institutional care, including maintenance.	(b) Eliminates matching monies for first 6 months of specialized foster care or institutional care, including maintenance.	(b) Increases burden on state to provide essential quality services to children in foster care.	(b) 8,000 children in foster care and group care.
3. Prevention or reduction of births out-of-wedlock.	Mandatory	Eliminated	(a) Eliminates services programs for unmarried mothers.	(a) 500 young women in current program.
Total AFDC cases—83,609; total child welfare cases—11,000.				
II. Services to aged and disabled:				
1. Information and referral	Mandatory	Eliminated		D.P.W. provides services to approximately 7,224 aged cases monthly and to 5,412 disabled cases monthly, Elimination of services makes the task more difficult.
2. Protective services	Mandatory	Optional		
3. Services to enable persons to remain in or to return to their homes and communities.	Mandatory	Eliminated		
4. Services to meet health needs.	Mandatory	Optional		
5. Self-support services for the handicapped.	Mandatory	Eliminated	Eliminates individual counseling.	
6. Homemaker services	Mandatory	Optional (no standards required)		
7. Comprehensive social and rehabilitation services to aged and disabled.	Optional	Eliminated. Replaced by chore services, day care, educational, family planning, home management, housing improvement, foster care, home-delivered meals, transportation.	Eliminates purchase of many social services which will help to rehabilitate individuals and foster independence, particularly mental health, educational and training services.	
Total OAA cases—56,554; total day cases—25,636.				
III. Impact on Department of Public Welfare (DPW) social service programs:				
1. Purchase (a) Public	(1) Allow for extensive purchase of services from other public agencies.	(1) Eliminated	Community based programs will receive no Federal support.	
(b) Private 1. Donated funds	(1) Allows for use of private donations to secure Federal matching dollars.	(1) Eliminated	(1) Three-fourths of donated funds program possible because of private dollars.	
	(2) Private agencies do eligibility screening and service plan.	(2) DPW responsibility to do eligibility screening and service plan.	(2) Impossible to do with present staff.	
	(3) Services to unmarried mothers possible.	(3) Services to unmarried mothers eliminated.		
	(4) Camping possible	(4) Camping eliminated	(4) In 1972, 4,500 children received camping services.	
2. Direct service delivery (a) Foster care and protective services.	(1) Allow matching monies for staff and services to placement of voluntary commitment and for protective services to non-AFDC.	(1) Eliminated	(1) Must take all children through courts to receive Federal dollars.	
	(2) Full specialized foster care and institutional costs for first 6 months matched.	(2) Eliminated	(2) Significant therapeutic resources ignored.	
	(3) Does not require judicial determination on placement cases.	(3) Requires judicial determination on placement cases.	(3) Significant increase in staff required.	
(b) Day care	(1) Services to former and potential possible.	(1) Severely restricts services to former and potential.	(1) Encourages people to remain on welfare.	
	(2) Federal Interagency Day Care standards create quality base.	(2) No FIDC standards required	(2) More staff needed to maintain quality.	
(c) Case management and paperwork system.	Flexible	(1) Foster care through courts (2) Eligibility and redetermination requirements. (3) Service plan very specific.	Tremendous increases in staff resources needed to maintain such a system.	

By Mr. BIBLE:

S. 1221. A bill to provide that Federal employees shall be entitled to accumulate annual leave in excess of 30 days, or receive payment therefor, for periods such employees have been in a missing status while serving in Southeast Asia during the Vietnam era. Referred to the Committee on Post Office and Civil Service.

Mr. BIBLE. Mr. President, I introduce for appropriate reference a bill to overcome a serious inequity in the annual leave statute as it relates to civilian officers and employees of the Federal Government held as prisoners of war during the Vietnam conflict.

My bill would amend section 6304 of title 5 of the United States Code—relating to annual leave—to provide that Federal employees shall be entitled to accumulate annual leave in excess of 30 days, or receive payment therefor, for periods such employees have been in a missing status while serving in Southeast Asia during the Vietnam era .

Existing law—5 U.S.C. 6304—limits the amount of unused annual leave a Federal employee may accumulate to 30 days in the case of personnel employed in stateside activities and 45 days in the case of certain employees stationed outside the United States. This is the so-called use-it-or-lose-it provision of the leave law and is applicable to returning civilian POW's. It poses no particular problem for employees who are in a position to plan and schedule their annual leave but produces a gross inequity in the case of those of our returning prisoners of war who are in the Federal civilian service. The use-it-or-lose-it provision contemplates that the employee will be in a position to take his or her leave. The Congress never intended that the provision should operate to deny leave benefits to prisoners of war held captive by an enemy—national heroes who through no fault of their own were just not in a position to take advantage of the leave benefits due them.

The Senate will recall that Public Law 92-596 approved October 27, 1972, took care of this problem so far as members of the Armed Forces are concerned. That act authorizes our military prisoners of war to accumulate leave beyond the 60- or 90-day limitations previously imposed on them by statute. Certainly our civilian employee prisoners are entitled to the same consideration.

Under the bill I am introducing today, a Federal employee held prisoner of war in Southeast Asia would be entitled to accumulate leave throughout his period in a missing status. The accumulated leave would either remain credited to the employee until used, or the employee could elect to receive instead a lum-sum payment for such accumulated excess leave.

According to information received from the Department of State, there are 10 civilian employees of the Federal Government among the returning prisoners. But this bill would be just as necessary if there were only one such prisoner. Their number is not important. What is important is that the Congress overcome the inequity that will be perpetrated unless the present law is changed. The cost of this measure will be minimal.

Mr. President, our sense of justice and the deep feeling all Americans have for our returning prisoners of war dictates that the Congress should act promptly on this legislation.

By Mr. BIBLE (for himself and Mr. CANNON):

S. 1222. A bill to declare that all right, title, and interest of the United States in 2,640 acres, more or less, are hereby held by the United States in trust for the Piaute-Shoshone Tribe of the Fallon Indian Reservation, Nev. Referred to the Committee on Interior and Insular Affairs.

Mr. BIBLE. Mr. President, on behalf of my colleague, Senator CANNON, and myself, I introduce for appropriate reference a bill to relinquish the right, title, and interest of the United States to some 2,640 acres of land to be held by the United States in trust for the Paiute-Shoshone Tribe of the Fallon Indian Reservation in the State of Nevada.

The Paiute-Shoshone Tribe is morally entitled to the land covered by this bill and the agricultural potential it represents. In the early 1900's when the Congress authorized the Newlands Reclamation Project a land exchange program was entered into between the Indians with landholdings within the project area and the Federal Government. The program resulted in the Fallon Indian Reservation where the Indian families were located on 10-acre tracts with full water rights from the Newlands project. The acreage limits on such family allotments prevent the people involved from making a proper living from the land. The object of this bill is to provide a stronger base for a viable Indian community in an area that was inhabited by the Tribe long before the coming of the white man.

Resolution No. 7-67 adopted December 13, 1966, by the Business Council of the Paiute-Shoshone Tribe of the Fallon Reservation and Colony declares the Indians' urgent need for this additional land. I ask unanimous consent that the text of that resolution be printed in the RECORD at this point.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

RESOLUTION NO. 7-67

Whereas, Article VI, Section 1(a) of the Constitution and Bylaws of the Paiute-Shoshone Tribe of the Fallon Reservation and Colony provides the Fallon Business Council with certain powers to negotiate with the Federal Government on behalf of the tribe, and

Whereas, dating back to the late 1890's a band of Indians settled in the Carson Sink area, and

Whereas, in the early 1900's with the creation of the Newlands Reclamation Project, a land exchange program was entered into between the Indians with land holdings in the project area and the United States of America. The program gave rise to the Fallon Reservation where the Indian families were to be located on 10-acre tracts with full water rights from the Newlands Project, and

Whereas, the Paiute-Shoshone Tribe of the Fallon Reservation and Colony are presently holding a water right on 4,877.3 acres, paid in full, and

Whereas, through experience and affirmed by field surveys, additional lands are required to make beneficial use of the above water rights, and

Whereas, it is the Business Council's understanding that a general review of withdrawn land status near the reservation is being made by the Department of Interior at this time, and

Whereas, members of the Paiute-Shoshone Tribe of the Fallon Reservation and Colony have an urgent need and have demonstrated that it will make use of the water and additional lands to better their standard of living, now therefore,

Be It Resolved that the following described lands:

S1/2 of Section 33, T. 20 N., R. 30 E., MDBM, S1/2 of Section 34, T. 20 N., R. 30 E., MDBM, W1/2 of SE 1/4 & SW1/4 of Sec. 35, T. 20 N., R. 30 E., MDBM, NW1/4 of Section 2, T. 19 N., R. 30 E., MDBM, N1/2 and SW1/4 of Sec. 3, T. 19 N., R. 30 E., MDBM, All of Section 4, T. 19 N., R. 30 E., MDBM and N1/2 and SW1/4 of Sec. 8, T. 19 N., R. 30 E., MDBM, totaling some 2,640 acres be added to the Fallon Reservation and Colony to meet the above stated needs.

CERTIFICATION

I, the undersigned, do hereby certify that the Business Council is composed of 5 members, of whom 4, constituting a quorum were present at a meeting called and held this 13 day of Dec., 1966, and that the foregoing resolution was adopted at such meeting by a vote of 4 for and none against, pursuant to Article VI, Section 1(a) of the Constitution and Bylaws of the Paiute-Shoshone Tribes of the Fallon Reservation and Colony.

VIVIAN HICKS,
Secretary-Treasurer of the Fallon Business Council.

By Mr. WILLIAMS:

S. 1223. A bill to amend the act establishing the Gateway National Recreation Area to authorize the Secretary of the Interior to provide for water transportation facilities to the recreation area. Referred to the Committee on Interior and Insular Affairs.

Mr. WILLIAMS. Mr. President, I am introducing today legislation to provide public access to the Gateway National Recreation Area in the New Jersey-New York Harbor by means of mass transit and water transportation.

Last fall, Congress passed landmark legislation which created Gateway, the first national recreation area accessible to a major urban center. This area will provide extensive recreation facilities to millions of Americans who would probably be unable to travel the great distances to other national areas. In fact, Gateway will be within 100 miles of one-tenth of the Nation's population.

By passing this important legislation, we endorsed the principle of taking the parks to the people and providing those Americans who live in difficult and even harsh urban environments with open spaces and exciting recreation areas.

In this regard, during the consideration of this bill by the Senate Committee on Interior and Insular Affairs, provisions were wisely included for improving and expanding the means of access to the area. Specifically, the legislation authorized the Secretary of the Interior to make every effort to provide public access by mass transit and water transportation. These provisions would minimize the impact of automotive transit on the area and increase the opportunities for access by the large populations of the nearby urban areas.

In addition, this legislation authorized and directed the Secretary of Transportation to assist the Secretary of the Interior in developing a plan for a water-based rapid transit demonstration project. A total of $30 million was authorized for transportation developments. Most regrettably, however, these vital provisions of the Senate-passed bill were deleted in the final Gateway legislation.

I am very concerned that access to the recreation area remains difficult or impossible for many of the citizens that this area was intended to benefit. Since it is estimated that 50 percent of the people who live near the recreation area do not own automobiles, mass transit is essential if the noble goals of this legislation are to be met. The bill I am introducing today is identical to the provisions included in the original Senate-passed Gateway bill. It would in fact provide this mass transit and additionally it would provide an exciting demonstration project of water-based transportation. This latter provisions is especially applicable in this case because each section of the recreation area is accessible by water transportation.

I am reintroducing this legislation because I am convinced that the same wisdom which resulted in Senate support of the identical provision last year prevails and that this provision is essential to maximize the enjoyment of the area for all the neighboring people.

In addition to enabling families without automobiles to visit the park, the funding for mass transit and water-based facilities would prevent severe traffic congestion which exists even now. Anyone who has traveled to Sandy Hook, the part of the recreation area in New Jersey, on Route 36 knows how massive the traffic tie-ups can be. Furthermore, supplementing these roads with mass transit will substantially reduce the amount of pollution in the region.

I trust that my colleagues in the Senate will support this legislation again this year, and, hopefully, the House will act on an identical bill which has been introduced by Representative JIM HOWARD, H.R. 2019.

Mr. President, I ask unanimous consent that the text of this bill and an article from the Red Bank Register which discusses the anticipated transportation difficulties at Sandy Hook be printed at this point in the RECORD.

There being no objection, the bill and article were ordered to be printed in the RECORD, as follows:

S. 1223

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act entitled "An Act to establish the Gateway National Recreation Area in the States of New York and New Jersey, and for other purposes", approved October 27, 1972 (86 Stat. 1308), is amended by—

(1) inserting at the end of section 3 of such Act the following:

"(i) (1) Notwithstanding any other provision of law, the Secretary may provide such services and facilities, including the purchase or rental of ferry services and docking facilities, as he deems necessary or desirable for access to the recreation area. The Secretary may provide such services and facilities directly, or by negotiated contract with public and private agencies or persons without advertising and without securing competitive bids. The Secretary shall make every effort to provide public access to the recreation area by means of mass transit and water transportation in order to minimize the impact of automotive transit on the environment within the recreation area and to increase the opportunities for access by the populations of nearby urban areas.

"(2) The Secretary of Transportation is authorized and directed to assist the Secretary in developing a plan for a water-based rapid transit demonstration project designed to provide rapid and economical transportation to the areas established by this Act."; and

(2) inserting in section 5 of such Act immediately after "in lands" the following: ", not more than $30,000,000 to carry out the purposes of section 3(i) (relating to the establishment of ferry services and docking facilities),".

GATEWAY PARK IMPACT FEARED

WEST LONG BRANCH.—Inclusion of Sandy Hook in the Gateway National Urban Recreation Area may be more bane than boon if mass transit systems aren't developed.

Speaking at Monmouth College yesterday, state Department of Environmental Protection Commissioner Richard J. Sullivan and Assemblyman Chester Apy, R-Monmouth, both sharply criticized failure to include transportation facilities other than highways in the Gateway bill approved last month by Congress.

"I think federal takeover will improve Sandy Hook," Commissioner Sullivan said. "There will be more money for beach rehabilitation" and other improvements that the state can't afford.

"But traffic will worsen and there should be adequate water transportation." Provisions for development of an elaborate system to convey metropolitan New York visitors to Sandy Hook by ferry boat was cut from the final Gateway bill.

Mr. Apy, agreed that highway traffic will become a "nightmare" if the expected thousands of visitors materialize, but said he thinks the answer lies in developing new rail routes.

"I'm skeptical about water approaches," the assemblyman said. "They sound exciting, but they're too esoteric for my tastes."

Rapid transit by train is more acceptable and practical, he claimed.

"As recently as 10 years ago, there was a rail line running right into Highlands. Now they're planning to build in the right-of-way."

That's what's happening to rail lines all over the state," Mr. Apy complained, "and now the cycle is coming round. We have to think about mass transit, using that Bayshore rail line."

Derickson W. Bennett, Conservation Director of the American Littoral Society, which sponsored yesterday's seminar of the Jersey Littoral Task Force, last month expressed fears about Sandy Hook's ability to withstand the predicted 186,000 annual visitors.

Yesterday, Mr. Bennett said that meetings with the Gateway project director had convinced him that development of the park will be slowed because of the lack of mass transit systems.

Mr. Bennett also predicted the Army will be more reluctant than expected to abandon its Ft. Hancock installation at Sandy Hook.

The conservation director said the Littoral Society is continuing to question the use of public funds to rehabilitate private beaches.

While he warned against unrestricted use of dune areas, Mr. Bennett said a beach itself, from the tide line down, is of relatively little ecological importance.

"There's no reason why lots of people can't use a beach." Access to them through privately owned land is the major problem of beachgoers in New Jersey, he said.

By Mr. GRAVEL (for himself, Mr. HATHAWAY and Mr. HUMPHREY):

S. 1224. A bill to provide equality in the availability of communications for all residents of the United States and Puerto Rico. Referred to the Committee on Commerce.

Mr. GRAVEL. Mr. President, if I place a call from Washington, D.C., to Los Angeles during working hours it will cost me $1.35 for 3 minutes—a small price to pay and one of the few real bargains which have resulted from our modern technical know-how. Yet the same call made to Anchorage, Alaska will cost me $4.75.

When Alaska and Hawaii were admitted to the United States their residents understood that they were to participate fully in the American way of life. Yet today, the people of Alaska and Hawaii see live network television only rarely.

They do not see the evening news live from New York and Washington.

They do not see baseball and football when the rest of the nation is watching the games.

They read about the games in their newspapers. Then two weeks later they see them—if the analysis in the papers has not dulled the excitement.

The student of current events also had better be a good reader in these States—the special events coverages made by networks are stale when they arrive.

We like to say that all Americans have equal opportunity. The bill I am introducing today will broaden our concept of equality by adding uniformity in the availability of communications for all residents of the United States.

In December the Federal Communications Commission specified that when a domestic satellite system becomes a reality, interstate communications service between the contiguous States and Alaska, Hawaii, Puerto Rico will be integrated into the uniform rate structure now applicable elsewhere in the United States. This will mean that for the first time Alaska, Hawaii, and Puerto Rico will have live television at reasonable rates. In addition, interstate telephone calls to and from these States will be considerably less expensive.

The FCC's decision reflects a significant change in the philosophy of interstate communications. Unfortunately, the FCC's decision will not be fully implemented for at least 3 years. In the meantime, sizable investments will be made in communications systems linking the States. In order to insure a smooth transition to the domestic satellite system, we should act now to implement the philosophy reflected b ythe FCC's decision.

My bill will allow the Secretary of Commerce to provide grants to States for the purpose of leasing communications channels on satellites when long-distant telephone rates exceed the prevailing transcontinental rates, or where the only practical means of obtaining live television is via satellite.

I ask unanimous consent that the bill be printed at this point in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 1224

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in any case where because of geographical situation or distance from populated areas live network television broadcasting cannot be made available as a practical project without the use of an earth satellite or in the case of an area to which the cost of voice or data transmission from other areas in the United States exceeds prevailing transcontinental domestic rates, the Secretary of Commerce is authorized to make a grant or grants, out of amounts appropriated for the purpose of this Act, to the State (or appropriate agency thereof) in which such area is located in such amount as may be necessary to provide at a reasonable cost adequate communications by satellite in such area, as determined by such State. For the purposes of this Act the term "State" includes the Commonwealth of Puerto Rico.

Sec. 2. There are authorized to be appropriated such amounts as may be necessary for the purpose of this Act.

By Mr. GRAVEL (for himself and Mr. Stevens):

S. 1225. A bill to authorize the conveyance of certain property of the United States to the State of Alaska. Referred to the Committee on Interior and Insular Affairs.

Mr. GRAVEL. Mr. President, I am introducing a bill today on behalf of myself and Senator Stevens to convey to the State of Alaska certain property in Haines known as the Dry Cargo Dock. This bill was originally introduced last October by Senator Stevens as S. 4108. We are reintroducing the bill today in essentially the same form making only a few minor technical changes in the description of the real property to clear up some typographical errors.

The Haines Dry Cargo Dock was constructed in 1950–51. It is 1,032-feet long and 300-feet wide. It was developed at a cost of $2,800,000. In 1952, 63.98 acres of land on Lutak Inlet, which is 5 miles north of Haines, were withdrawn from the public domain for the establishment of the Port of Haines Dry Cargo Dock Site, to support facilities for the construction of the Haines-Fairbanks petroleum pipeline and the adjacent Haines receiving terminal site which is the pipeline terminus. Additionally, in the same year the Department of the Interior granted the Department of the Army a right-of-way for a water line over 1.52 acres of public lands extending from the western boundary of the dock site to a diversion dam and reservoir some distance to the west. The water line extends through the dock site to the adjacent Haines receiving terminal site. The land involved was withdrawn by Executive Order 10355, and Public Land Order 837.

The land, which adjoins State and university lands, has, therefore, not been available for State selection. However, the dock facilities were leased to the State of Alaska since 1962 for the operation of a public terminal for the State ferry system at a rental of $820 per year plus maintenance and other costs.

The development of sawmills in the Haines area and the use of Alaska timber in the Japanese markets created a need for the use of the dock for the storage of timber and vessel loading. Therefore, in 1957 the Army signed a contract permitting the dock to be used for this purpose. Charges 50 cents per thousand board feet for lumber and logs and 50 cents per ton of ore were charged. Dockage fees and other cargo tariffs were also charged. Between 1966 and 1971 over 340 billion board feet of cants and 56 billion board feet of round logs were shipped across the docks. This timber had a value of nearly $27 million.

In 1963 the Alaska State Division of Marine Transportation leased approximately 3 acres of the dock at a nominal rental rate. Included are a terminal building, transfer bridge and towers. They presently plan to expand the facility by construction of a new $300,000 terminal building.

This property has been excessed by the army. A parcel of 1.30 acres is being reassigned to the adjacent Army Haines Receiving Terminal Site and the army is also retaining a permanent easement for the existing government water line right-of-way to serve the Receiving Terminal. Additionally, the Army has recommended that leasable minerals be reserved to the United States. The State of Alaska, the city of Haines and the Haines Borough are interested in obtaining the property. The city of Haines is concerned that shipment and other cargo might be impeded. They are interested in the continuance of the Alaska Marine Highway Terminal at the dock site and in using dock site as well. In a recent letter to the General Services Administration, they stated:

> As the tourist trade in this area continues to develop, it is fast becoming our major industry, and we hope to see service at the dock continue and expand.

The city also believes that as timber and ore shipments continue to need a deep water dock, for which this facility is used, it is important that a public corporation, such as the city of Haines, controls the property and offers fair and equitable treatment to all parties using the facility. The Borough is also interested in the property because it does produce revenue which alleviates the local tax burden. The retention of this property in the State and local governments will insure continuous operation of this extremely vital transportation in a manner which will assist the local economy and comport with the best interests of the Borough inhabitants.

The State fears that the land and dock may be acquired by private interests who would devote the facilities to specific uses or who might hold them for speculation, denying the public the use of the premises. The Alaska Department of Public Works acutely needs the facilities for the expansion of its ferry terminal. The Alaska Department of Highways requires for use of the dock for handling equipment and supplies, especially since paving of the road to the Alaska border in east central Alaska is contemplated. Moreover, important mining developments in southwestern Yukon Territory indicates that Canada may soon require a substantial increase in shipment through Haines.

Legislation is necessary because the General Services Administration, to which the property was transferred for disposal as surplus to the needs of the Federal Government, does not have the authority to transfer the property to a public body except with restrictive covenants which would prevent both the land and dock from meeting the transportation requirements outlined above. The provisions of title 40 U.S.C. section 484 only permits the use of the property for parks or recreational facilities, educational facilities, public health facilities or negotiated sale. Lacking specific appropriations, neither the State, nor the city, nor the borough is able to effect a purchase.

This bill authorizes the conveyance of this property to the State of Alaska. The conveyance is to be without consideration. The bill excepts all mineral rights to the Federal Government. Existing easements are similarly reserved. The State of Alaska must pay the cost attendant to the transfer. I believe these provisions will meet the needs of the State and local governments.

I urge the early consideration of this bill by Congress because of its immediate importance to the people of Haines and the State of Alaska. I request unanimous consent that the bill be printed in the Congressional Record at this point.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 1225

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Administrator of General Services is authorized and directed to convey to the State of Alaska, without consideration, all right, title, and interest of the United States and to the land (together with all improvements thereon) comprising the Port of Haines Dry Cargo Dock Site, Haines, Alaska, more specifically described as follows: Lots 4, 5, 6, 7, 8, south half southwest quarter southeast quarter southwest quarter, northwest quarter southwest quarter southeast quarter southwest quarter, south half northwest quarter southwest quarter southwest quarter, southwest quarter northeast quarter southwest quarter southwest quarter, south half southwest quarter southwest quarter, section 10; and the north half northeast quarter northwest quarter, section 15, township 30 south, range 59 east, Copper River meridian, containing a total of 62.68 acres, more or less, excepting from said land and reserving to the United States, and its assigns, all minerals in, under, and upon said land and the right to explore for, mine, or otherwise extract minerals so reserved, together with such access rights and uses of the surface as may be necessary for the exploration, mining, removal and processing or refining of such minerals.

Sec. 2. The property conveyed pursuant to this Act is subject to existing easements, rights-of-way, and temporary use agreements.

Sec. 3. The State of Alaska shall pay the cost of such surveys as may be necessary to carry out this Act and shall bear all other expenses in connection with the preparation and recording of the legal documents necessary to carry out this Act.

By Mr. MAGNUSON (by request):

S. 1227. A bill to amend section 415 of the Communications Act of 1934, as amended, to provide for a 2-year period of limitations in proceedings against carriers for the recovery of overcharges or damages not based on overcharges. Referred to the Committee on Commerce.

Mr. MAGNUSON. Mr. President, I introduce by request, for appropriate reference, a bill to amend section 415 of the Communications Act of 1934, as amended, to provide for a 2-year period of limitations in proceedings against carriers for the recovery of overcharges or damages not based on overcharges, and ask unanimous consent that the letter of transmittal be printed in the RECORD with the text of the bill.

There being no objection, the letter and bill were ordered to be printed in the RECORD, as follows:

FEDERAL COMMUNICATIONS COMMISSION,
Washington, D.C.

The VICE PRESIDENT,
U.S. Senate, Washington, D.C.

DEAR MR. VICE PRESIDENT: The Commission has adopted as part of its Legislative Program for the 93d Congress a proposal to amend Subsections (b) and (c) of Section 415 of the Communications Act to extend the period of limitation for complaints against carriers for the recovery of damages and overcharges from one year to two years.

Under present conditions, the one year period of limitation is often too short for a user of communications services to discover that he has been incorrectly charged and to file a complaint or bring suit. In 1934, when the one year statute was adopted, most interstate communications were simple messages, such as long distance telephone or telegraph. These two forms of communication were such that the charges for each chargeable element of service were relatively uncomplicated. There was no undue burden on the user to require complaint or suit within one year.

Today, however, communication services are becoming more and more sophisticated and many businesses and organizations have vast, complex, private line networks. These services remain in place for extended periods and the computations of the proper charge under the tariff is often an involved undertaking. A one-year statute for recovery of overcharges, or undercharges, in such cases, is too short.

The Commission's draft bill to accomplish the foregoing objective was submitted to the Office of Management and Budget for its consideration. We have now been advised by that Office that from the standpoint of the Administration's program there would be no objection to the presentation of the draft bill to the Congress for its consideration. Accordingly, there are enclosed six copies of our draft bill and explanatory statement on this subject.

The consideration of the Senate of the proposed amendment to the Communications Act of 1934 would be greatly appreciated. The Commission would be most happy to furnish any additional information that may be desired by the Senate or by the Committee to which this proposal is referred.

Sincerely,

DEAN BURCH, *Chairman.*

EXPLANATION OF PROPOSED AMENDMENT

Subsections 415(b) and (c) presently provide for a one year period of limitations with respect to proceedings against carriers for the recovery of overcharges or damages not based on overcharges.

Under present conditions, the one year period is often too short for a user of communications services to discover that he has been incorrectly charged and to file a complaint or bring suit. In 1934, when the one year statute was adopted, most interstate communications were simple messages, such as long distance telephone or telegraph. These two forms of communication were such that the charges for each charegable element of service were relatively uncomplicated. There was no undue burden on the user to require complaint or suit within one year. Today, however, communication services are becoming more and more sophisticated and many businesses and organizations have vast, complex, private line networks. These services remain in place for extended periods and the computation of the proper charge under the tariff is often an involved undertaking. We do not believe it likely that Congress had this type of service in mind in adapting the language of the Interstate Commerce Act to the Communications Act, when it shortened the period from two years under the Interstate Commerce Act to one year under the Communications Act.

The one year statute can cause further hardship in cases where the carrier is ready and willing to refund overcharges for services performed more than one year back. The statute not only bars the remedy but also destroys the liability.* Because after just one year there is no longer a liability, the carrier may not feel obliged to make a bona-fide refund. It should be the policy of the Communications Act to promote refunds in bona fide cases. Extension of the statute of limitations in subsections 415(b) and (c) from one to two years would provide such encouragement.

Adopted: December 20, 1972, Commissioner Reid concurring in the result.

S. 1227

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsections (b) and (c) of section 415 of the Communications Act of 1934, as amended (47 U.S.C. 415), are amended to read as follows:

(b) All complaints against carriers for the recovery of damages not based on overcharges shall be filed with the Commission within two years from the time the cause of action accrues, and not after, subject to subsection (d) of this section.

(c) For recovery of overcharges action at law shall be begun or complaint filed with the Commission against carriers within two years from the time the cause of action accrues, and not after, subject to subsection (d) of this section, except that if claim for the overcharge has been presented in writing to the carrier within the two-year period of limitation said period shall be extended to include two years from the time notice in writing is given by the carrier to the claimant of disallowance of the claim, or any part or parts thereof, specified in the notice.

By Mr. MAGNUSON (by request):

S. 1228. A bill to authorize appropriations for the fiscal year 1974 for the Corporation for Public Broadcasting. Referred to the Committee on Commerce.

Mr. MAGNUSON. Mr. President, I introduce by request, for appropriate reference, a bill to authorize appropriations for the fiscal year 1974 for the Corporation for Public Broadcasting, and ask unanimous consent that the letter of transmittal be printed in the RECORD with the text of the bill.

There being no objection, the letter and bill were ordered to be printed in the RECORD, as follows:

OFFICE OF TELECOMMUNICATIONS POLICY,
Washington, D.C., February 16, 1973.

Hon. SPIRO T. AGNEW,
President of the Senate,
Washington, D.C.

DEAR MR. PRESIDENT: I am submitting herewith for the consideration of the Congress a proposed revision of Section 396 of the Communications Act of 1934, which pertains to the Corporation for Public Broadcasting.

This bill would authorize the appropriation for fiscal year 1974 of $45 million for the Corporation, of which $5 million must be matched by funds derived elsewhere.

In authorizing the Corporation's funding at a $45 million level, the proposed legislation recognizes the substantial contribution and potential of public broadcasting to the life of the Nation; at the same time, it acknowledges that the still unresolved problems facing Government financed public broadcasting demand the continuation of carefully measured annual funding.

The Secretary of Health, Education, and Welfare will be forwarding to the Congress a proposed authorization for grants for the construction of noncommercial educational broadcasting facilities. This should be considered together with the proposed authorization for the Corporation, since both authorizations involve communications policy aspects of public broadcasting.

The Office of Management and Budget advises that enactment of the proposed legislation would be in accord with the program of the President.

A similar letter is being sent to the Speaker of the House.

Sincerely,

CLAY T. WHITEHEAD.

S. 1228

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 396(k)(1) of the Communications Act of 1934 is amended to read as follows:

"(k)(1) There is authorized to be appropriated for expenses of the Corporation for the fiscal year ending June 30, 1974, the sum of $40,000,000."

(b) Section 396(k)(2) of such Act is amended by striking out "1973" and inserting in lieu thereof "1974".

By Mr. MAGNUSON (by request):

S. 1229. A bill to amend section 318 of the Communications Act of 1934, as amended, to enable the Federal Communications Commission to authorize translator broadcast stations to originate limited amounts of local programing, and to authorize FM radio translator stations to operate unattended in the same manner as is now permitted for television broadcast translator stations. Referred to the Committee on Commerce.

Mr. MAGNUSON. Mr. President, I introduce by request, for appropriate reference, a bill to amend section 318 of the Communications Act of 1934, as amended, to enable the Federal Communications Commission to authorize translator broadcast stations to originate limited amounts of local programing, and to authorize FM radio translator stations to operate unattended in the same manner as is now permitted for television broadcast translator stations, and ask unanimous consent that the letter of transmittal be printed in the RECORD with the text of the bill.

There being no objection, the letter and

**Midwest Horticultural Co.* v. *Pennsylvania Railroad Co.,* 320 U.S. 356 (1943) held that the expiration of the time limit under the Interstate Commerce Act for the bringing of actions by carriers for recovery of their charges does not merely bar the remedy but extinguishes the right.

bill were ordered to be printed in the RECORD, as follows:

FEDERAL COMMUNICATIONS COMMISSION,
Washington, D.C.

THE VICE PRESIDENT,
U.S. Senate,
Washington, D.C.

DEAR MR. VICE PRESIDENT: The Commission has adopted as part of its Legislative Program for the 93d Congress a proposal to amend Section 318 of the Communications Act of 1934, as amended, to remove the licensed operator requirement for FM translators and FM transmitters and to permit the carrying of certain kinds of programming on FM and TV translators.

Section 318 now requires a licensed operator for all broadcast stations except those "engaged solely in the function of rebroadcasting the signals of television broadcast stations." This excepts TV translators from the licensed operator requirement provided no material is originated on the translator. The Commission believes that FM translators like TV translators should be included in the exception.

Technical development now enables FM transmitters without a licensed operator on duty to operate without causing interference to other radio services. The Commission believes that section 318 should reflect this advanced technology by excepting FM broadcast transmitters from the licensed operator requirement.

We also believe that certain kinds of material should be permitted to originate on TV and FM translators operating without a licensed operator. Deletion of the word "solely" from the quoted provision would permit translators to broadcast announcements relevant to the local community.

The Commission's draft bill to accomplish the foregoing objective was submitted to the Office of Management and Budget for its consideration. We have now been advised by that Office that from the standpoint of the Administration's program there would be no objection to the presentation of the draft bill to the Congress for its consideration. Accordingly, there are enclosed six copies of our draft bill and explanatory statement on this subject.

The consideration of the Senate of the proposed amendment to the Communications Act of 1934 would be greatly appreciated. The Commission would be most happy to furnish any additional information that may be desired by the Senate or by the Committee to which this proposal is referred.

Sincerely,

DEAN BURCH, *Chairman*.

EXPLANATION OF PROPOSED AMENDMENT

Translator stations are low-power broadcasting stations which receive the incoming signals of a television or FM radio station, amplify the incoming signals, convert—or "translate"—them to a different output frequency, and retransmit the signals to the community or area which it is desired to serve. Translators are needed in certain areas of the country where, because of terrain or extreme distances, it is not possible to receive directly the signals of the originating television or FM radio station. They were conceived as simple, inexpensive devices which could not be made available to small communities where the demand for television or FM radio service was great and financial resources were meager. In such areas, translators frequently provide local residents with their only source of television or FM radio reception.

Section 318 of the Communications Act of 1934, as amended, 47 U.S.C. § 318, (clause (3) of the first proviso), limits translators to rebroadcasting the signals of their primary stations without any significant alteration of the characteristics of the incoming signals. Although the Commission has interpreted Section 318 to allow UHF television translators to broadcast twenty seconds of commercial advertising per hour, the origination is restricted to slide announcements, and no program origination is permitted. Consequently, translator stations are not self-supporting and must depend on public generosity for their support. In addition, Section 318's prohibition of program origination in many instances deprives those people dependent on translator stations for their television or FM radio reception of news of local political interest or events which vitally affect them. We believe the proposal's substitution of the word "primarily" for "solely" will allow the Commission to authorize limited amounts of local origination in keeping with the public interest.

We recognize the proposal does not set any specific limitations as to the amount of local origination to be permitted. We believe, however, that such a limitation could be best determined in a rule-making proceeding conducted by the Commission to implement this legislation during which the comments received from all interested parties could be analyzed and evaluated. In deciding upon such a limitation the Commission would, of course, be bound by the requirement of Section 318 that origination be limited to the extent necessary to insure that translator stations retain their primary characteristic as rebroadcast stations.

It should be noted that cable television interests have expressed their concern to the Commission with respect to what effect our proposal might have on the relationship of translators and cable systems. Cable operators expressed particular concern with regard to possible interference between VHF television translator stations (those operating on output channels 2 through 13) and cable television systems when broadcast channels are authorized for translator use. We cannot perceive that this proposal would have any effect whatsoever on the matter of electrical interference as it would merely enable the Commission to promulgate rules to authorize program origination by translators. This would have no effect on the frequencies on which translators operate. In any event, if the proposal is enacted into law, the cable operators would have ample opportunity to present their views at the rule-making proceeding the Commission would institute before adopting any rules to effectuate the statute.

We also propose striking the word "television" from Section 318. As previously noted, translators were conceived as simple, inexpensive devices designed to provide broadcast signals to the residents of sparsely populated, rural, remote, or mountainous areas. To make such stations economically feasible, Congress enacted Section 318 in 1960 to enable the Commission to permit television translator stations to operate without a licensed operator. At that time, there were only television translator stations. However, technological advances through the past decade have made FM translator stations possible and, in 1970, the Commission authorized such stations. Now, in order to make the FM translator stations economically feasible, it is necessary to amend Section 318, as proposed, to authorize the FM translators to operate unattended in the same manner as is now permitted for television translator stations.

In sum, the Commission believes the public interest would be served by adoption of the proposed amendment.

Adopted: December 20, 1972, Commissioner Johnson concurring in the result.

S. 1229

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That clause (3) of the first proviso of section 318 of the Communications Act of 1934 (47 U.S.C. 318) is amended—

(1) by striking out "solely" and inserting in lieu thereof "primarily", and

(2) by striking out "television".

By Mr. MAGNUSON (by request):

S. 1230. A bill to authorize appropriations for the fiscal year 1974 for certain maritime programs of the Department of Commerce. Referred to the Committee on Commerce.

Mr. MAGNUSON. Mr. President, I introduce, by request, for appropriate reference, a bill to authorize appropriations for the fiscal year 1974 for certain maritime programs of the Department of Commerce, and ask unanimous consent that the letter of transmittal and statement of purposes and provisions be printed in the RECORD with the text of the bill.

There being no objection, the material and bill ordered to be printed in the RECORD, as follows:

Honorable SPIRO T. AGNEW,
President of the Senate, U.S. Senate,
Washington, D.C.

DEAR MR. PRESIDENT: Enclosed are four copies of a draft bill "To authorize appropriations for the fiscal year 1974 for certain maritime programs of the Department of Commerce," together with a statement of purposes and provisions in support thereof.

We have been advised by the Office of Management and Budget that there would be no objection to the submission of our draft bill to the Congress and further that its enactment would be in accord with the program of the President.

Sincerely,

FREDERICK B. DENT,
Secretary of Commerce.

STATEMENT OF THE PURPOSES AND PROVISIONS OF THE DRAFT BILL TO AUTHORIZE APPROPRIATIONS FOR THE FISCAL YEAR 1974 FOR CERTAIN MARITIME PROGRAMS OF THE DEPARTMENT OF COMMERCE

Section 209 of the Merchant Marine Act, 1936, provides that after December 13, 1967 there are authorized to be appropriated for certain maritime activities of the Department of Commerce only such sums as the Congress may specifically authorize by law.

The draft bill authorizes specific amounts for those activities listed in section 209 for which the Department of Commerce proposes to seek appropriations for the fiscal year 1974, and reflects the continuing Department efforts to provide the essential resources required to accomplish the objectives of the Merchant Marine Act of 1970.

"(a) acquisition, construction, or reconstruction of vessels and construction-differential subsidy and cost of national defense features incident to the construction, reconstruction, or reconditioning of ships, $275,000,000: Provided, That the appropriation act may provide that unobligated balances previously appropriated for purchase of modern or reconstructed United States-flag vessels for lay-up in the National Defense Reserve Fleet, may also be used for construction-differential subsidy."

The fiscal 1974 ship construction program will provide multi-year funding of some ship construction contracts. It is anticipated that 1974 funding will cover unfinanced balances for 2 ships under fiscal 1973 contracts. Construction subsidy contracts for 17 ships are planned in 1974, with 13 vessels being financed with 1974 funds and multi-year financing being utilized for the remaining four. Fiscal 1974 activity is designed to continue the pace of shipbuilding under the 1970 Program which accelerated sharply in 1972 and is anticipated to reach record levels in 1973.

"(b) payment of obligations incurred for ship operation subsidies, $221,515,000."

Operating subsidy funds requested for fiscal year 1974 would provide for payment of subsidy on 2 passenger ships, 185 general cargo liners, and 9 bulk carriers during the year. Additionally the request includes funds for settlement of final subsidies determined to be due subsidized operators for operations in prior years, including 1973 Russian grain carriage, for payment of normal escalation of subsidizable costs for continuing operations; and subsidy for new ships to come into subsidized operation. Included among the new ships will be three bulk carriers, the first of such ships to be built and operated under government subsidy as part of the new bulk program. It is anticipated that the requested funds will be supplemented by an estimated $25,485,000 of unused appropriation to be carried into fiscal year 1974.

"(c) expenses necessary for research and development activities (including reimbursement of the Vessel Operations Revolving Fund for losses resulting from expenses of experimental ship operations), $20,000,000."

The 1974 program provides funding for the continuation of research and development activities in support of the President's Maritime program. Industry cost-sharing in these R&D projects helps to assure that emphasis is placed upon near-term, high pay-off projects which will assist in modernizing the American fleet and its operations. Efforts in FY 1974 are planned in the areas of shipbuilding methods improvements, competitive nuclear propulsion systems and automated shipping systems. The improvement of shipbuilding methods is designed to bring about increased competitiveness in the American shipbuilding industry and a reduction in construction subsidy. In the area of competitive nuclear ships, the major effort will consist of the final design engineering and related test and evaluation of advanced nuclear propulsion systems. The efforts in the area of advanced ship operations will include development of automated ships, advanced navigation/communication systems, pollution abatement systems, advanced tug-barge systems, shipping operations information systems and other activities designed to increase efficiency and reduce operating costs.

"(d) reserve fleet expenses $3,773,000."

Funding provides for the preservation and security of ships held for national defense purposes, distributed among three active fleet sites. Periodic represervation of hulls, machinery, and electrical components, combined with continuous application of cathodic protection to the bottoms, are methods employed in maintaining the ships for further service.

In fiscal 1974, funds will be used for the care of approximately 323 ships retained for national defense purposes. Custody is also provided for about 138 ships scheduled for disposal.

"(e) maritime training at the Merchant Marine Academy at Kings Point, New York, $8,600,000."

This requested authorization is for the operation of the Merchant Marine Academy at Kings Point to train cadets as officers for the U.S. merchant fleet in both peacetime and national emergencies. Approximately 200 officers graduate each year. This requested authorization includes funds for the planned modernization of the Academy electrical system.

"(f) financial assistance to State Marine Schools, $2,427,000."

Under the provisions of the Maritime Academy Act of 1958, as amended, (72 Stat. 622–624), this program provides for training of cadets at State marine schools for service as officers in the United States merchant marine. The six participating State schools, Maine, Massachusetts, Michigan, New York, Texas, and California, prepare officers to man our merchant ships in times of peace and national emergency.

The funding level of $2,427,000 will provide for grants in the amount of $75,000 to each of the participating State schools, allowances not to exceed $600 to cadets for uniforms, textbooks and subsistence, and funds for the maintenance and repair of the training ships used by the schools.

Section 2 of the draft bill would authorize additional supplemental amounts for fiscal 1974 for the activities specified in section 1 of the draft bill to the extent necessary for increases in salary, pay, retirement or other employee benefits authorized by law. The purpose of this section is to avoid having to amend the fiscal 1974 authorization act if supplemental appropriations for fiscal 1974 are sought for this purpose.

S. 1230

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That funds are hereby authorized to be appropriated without fiscal year limitation as the appropriation Act may provide for the use of the Department of Commerce, for the fiscal year 1974, as follows:

(a) acquisition, construction, or reconstruction of vessels and construction-differential subsidy and cost of national defense features incident to the construction, reconstruction, or reconditioning of ships, $275,000,000: *Provided,* That the appropriation Act may provide that unobligated balances previously appropriated for purchase of modern or reconstructed United States-flag vessels for lay up in the National Defense Reserve Fleet, may also be used for construction-differential subsidy;

(b) payment of obligations incurred for ship operation subsidies, $221,515,000;

(c) expenses necessary for research and development activities (including reimbursement of the Vessel Operations Revolving Fund for losses resulting from expenses of experimental ship operations), $20,000,000;

(d) reserve fleet expenses, $3,773,000;

(e) maritime training at the Merchant Marine Academy at Kings Point, New York, $8,600,000; and

(f) financial assistance to State Marine Schools, $2,427,000.

Sec. 2. In addition to the amounts authorized by section 1 of this act, there are authorized to be appropriated for fiscal year 1974 such additional supplemental amounts for the activities for which appropriations are authorized under section 1 of this act as may be necessary for increases in salary, pay, retirement, or other employee benefits authorized by law.

By Mr. MOSS:

S. 1231. A bill to amend the Internal Revenue Code of 1954 to provide that advertising of cigarettes and alcoholic beverages is not a deductible expense. Referred to the Committee on Finance.

Mr. MOSS. Mr. President, I introduce for appropriate reference a bill to amend the Internal Revenue Code of 1954 to provide that cigarette and alcoholic beverage advertising not be deductible business expenses. Mr. President, at a time when we are looking for additional revenues to balance our budget, I believe that we should consider all sources which currently are not taxed. Advertising is an important component of our economic system. Without its stimulus to consumption and productivity, our economic system would not succeed.

But, the legitimacy of advertising as a business expense cannot overshadow the social cost which advertising of certain products may bring on. Here I refer to cigarettes and alcoholic beverages. Neither is necessary for human life, nor contributes to our well-being. But both end up costing the public considerable sums for health care and rehabilitation of those who are afflicted with the diseases which these products bring on. In the long run, the legislation which I propose today will cause one of two things to happen. First, manufacturers of cigarettes and alcoholic products might decide to continue their advertising and pay the additional taxes as a result of their advertising not being a deductible business expense. Thus additional revenues would be brought into the Treasury at the same times as these messages maintain their current frequency. Second, however, advertisers of these products might decide to reduce the frequency with which they place advertisements for these products. In that case the public will also be well served, although tax revenues would not be increased.

Mr. President, I ask unanimous consent that the text of the bill be printed in the Record at the conclusion of my remarks.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 1231

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 162 of the Internal Revenue Code of 1954 (relating to trade or business expenses) is amended by redesignating subsection (h) as subsection (i) and by inserting after subsection (g) the following new subsection:

"(h) Disallowance of Deductions for Advertising of Cigarettes and Alcoholic Beverages.—No deduction otherwise allowable under this chapter shall be allowed for any amount paid or incurred to advertise cigarettes or alcoholic beverages."

Sec. 2. The amendments made by the first section of this Act shall apply to amounts paid or incurred after December 31, 1973, in taxable years ending after such date.

By Mr. HRUSKA (by request):

S. 1234. A bill to provide for Special Law Enforcement Revenue Sharing. Referred to the Committee on the Judiciary.

Mr. HRUSKA. Mr. President, and for an amendment to the Omnibus Crime Control and Safe Streets Act of 1968.

I introduce—by request—the Law Enforcement Revenue Sharing Act of 1973, and ask that it be appropriately referred.

This bill is recommended to the Congress by the administration.

The proposed bill would make several significant changes in title I of the Omnibus Crime Control and Safe Streets Act of 1968.

The proposed bill would continue the Law Enforcement Assistance Administration, since its authorization under title I is scheduled to expire on June 30.

The Law Enforcement Revenue Sharing Act of 1973 is a natural and logical progression from the current program authorized by title I.

Under the existing legislation, the greater part of the funds disbursed by

LEAA are awarded in the form of block grants to the States.

The proposed bill I am introducing would replace block grants and some other types of awards with law enforcement revenue sharing payments to the States.

In enacting the 1968 legislation, the Congress rejected the original proposal to create a categorical grant program for law enforcement assistance. Instead, it adopted an amendment, that replaced the categorical grant approach with the block grant concept.

The block grant approach gave the States much of the flexibility needed to devise effective crime reduction programs. However, one final step must now be taken that will permit the States and localities to have the total flexibility and freedom needed to develop the most effective crime reduction programs possible.

That step is law enforcement revenue sharing.

Under this proposal, no funding authorities which exist under the present act are eliminated. However, it does merge a number of categories into a single law enforcement revenue sharing payment.

Those law enforcement revenue sharing payments would be made to the States on the basis of their relative populations, in the same way as the current block grant payments.

Law enforcement revenue sharing will give the States the tools with which to fashion the most adequate programs to meet their own individual needs, while at the same time assuring that the concern of the Congress to achieve national crime reduction is fully met.

The proposed bill contains a passthrough provision, to ensure that the needs of the localities will be fully met.

It contains provisions for funds that can be used by the States for planning purposes.

The proposed bill gives the States and localities the flexibility needed to develop more effective anti-crime programs—since they bear the basic responsibilities for crime control—and it also contains provisions for accountability to the public.

There are also a number of other detailed provisions of the new bill, and all should be studied closely.

The sum of all of those parts is a new mechanism placing crime control at the levels of government where results can be best achieved and where it will be most responsive to the needs of the people.

Mr. President, I ask unanimous consent that a summary and section-by-section analysis of the major features of the bill, as well as the text of the bill itself, be printed in the RECORD.

There being no objection, the material and bill were ordered to be printed in the RECORD, as follows:

SECTION-BY-SECTION ANALYSIS

Title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, is amended in its entirety to authorize special revenue sharing payments to State and units of general local government.

The Declarations and Purpose Clause has been amended to indicate that it is the purpose of this title to authorize special revenue sharing payments.

In addition, the change in wording from "to improve and strengthen law enforcement" to "reduce and prevent crime and delinquency" is a more precise reflection that the goal of the program is the reduction and prevention of crime and delinquency rather than simply the improvement of the system. The wording does not shift the basic past aims of the program. "Prevent" as used in this context refers to programs or projects which appear to have an immediate and direct impact by deterring or impeding the occurence of crime.

Section 101—provides that all authority of Title I, as amended, is placed in the Attorney General; that there is established a Law Enforcement Assistance Administration with an Administrator appointed with the advice and consent of the Senate and a Deputy Administrator. At the same time it authorizes delegation of all functions, powers and duties created by the Act so that the most efficient operating arrangement may be achieved.

Section 201 encourages States and units of local government to prepare and adopt comprehensive law enforcement plans.

Section 202 places the responsibility for the State law enforcement planning process under the supervision and control of the Governor and deletes former section 203 requirement for a State planning agency. The Governor may still designate a State planning agency; Any area wide planning shall be the responsibility of a multi-jurisdictional planning and policy development organization, the majority of whose members will be elected local officials.

Section 203 sets forth the requirements necessary for a planning process to properly develop a comprehensive State plan and administer such plan.

Section 204(a) requires that a State beginning on or after July 1, 1973, submit a comprehensive State plan. There will no longer be a requirement for prior approval prior to receipt of special revenue sharing funds. A plan shall be submitted every three years with a yearly revision. Subsection (b) authorizes the Attorney General to review such plan and provide comments to the State and Congress and to publish such comments in the Federal Register.

PART C—REVENUE SHARING FOR LAW ENFORCEMENT PURPOSES

Section 301(a) states the purpose of this part to encourage States and units of general local government to carry out program and projects to reduce crime and delinquency and provides that assistance under Part C will be in the form of special revenue sharing payments.

Subsection (b) sets forth the types of law enforcement activities which can be funded. Paragraphs 1–8 are identical to the former title I. The additional paragraphs provide eligibility to (9) diagnostic services within the community-based delinquency prevention and correctional programs; (10) express funding authority for improved court administration and law reform programs. This will allow for the funding of court projects where, for example, improvement of civil procedures will have a clear effect on administration of criminal justice; (11) to provide technical assistance formerly authorized by section 515(c); (12) funding authority for law enforcement education programs through contracts with institutions of higher education (former section 406); (13) funding authority for maintenance and operation of State, regional, and local planning processes; and (14) improved management of law enforcement activities. There is authority within section 301(b) to fund corrections programs authorized by Part E in the former title I and training programs for prosecuting attorneys (former section 408).

Subsection (c) removes the matching requirements (formerly required in title I) and permits 100 percent of program costs to be paid from special revenue sharing funds.

Under Subsection (d) no funds may be used for land acquisition. The 1/3 personnel compensation limitation has been removed.

Section 302 provides for the authorization to obligate funds for the continuation of projects approved under former Title I prior to the date of enactment of this Act.

Section 303 authorizes the Attorney General to make special revenue sharing payments when a State has on file a comprehensive state plan. There is no longer a requirement that such a plan must be approved by LEAA.

Section (b) sets forth the considerations which must be included for a plan to be comprehensive. This provision incorporates the major assurances in former section 453 for correctional programs.

Section 304 provides for the State government to receive applications for financial assistance from units of local government and other applicants and authorizes the State government to disburse funds when the application is in accordance with the purposes of section 301.

Section 305 allows the Attorney General to reallocate funds if a State fails to file a comprehensive plan.

Section 306(a) sets forth how special revenue sharing funds shall be allocated. Under paragraph (1) eighty-five per centum are special revenue sharing funds. There is first an initial allocation of $200,000 to each of the States for support of the planning process. Thereafter the remaining funds are allocated according to relative population. Five per centum of this total shall be made available for support of the State and local planning process.

Subparagraph (A) provides for the variable pass through of special revenue sharing funds once the planning funds have been distributed.

Subparagraph (B) provides for pass through of planning funds to units of local government.

Paragraph 2 provides that the remaining fifteen per centum of the appropriated funds shall be allocated to the States, units of local government and non-profit organizations at the discretion of the Attorney General.

Subsection (b) provides that the discretionary grant may be up to 100 per centum of the cost of the program or project.

Section 307 defines special revenue sharing.

Section 308 provides that no person shall be excluded from participation in the program or projects funded under this Act due to discrimination. This is similar language found in section 122 of the General Revenue Sharing Act except that subsection (b)(3) of this Act authorizes the Attorney General to use the powers and functions of section 509 to secure compliance.

Section 309 provides for the method of payment of special revenue sharing funds.

Section 401 states the purposes of this part which include (1) make grants or enter into contracts with public agencies, institutions of higher education, or private organizations to conduct research, demonstrations, or special projects pertaining to the purposes described in this title; (2) make continuing studies to develop new or improved approaches, techniques, systems, etc., to improve and strengthen law enforcement—not limited to projects or programs carried out under this title; (3) carry out behavioral research projects on the causes and preventions of crime and the evaluation of correctional procedures; (4) make recommendations for the improvement and strengthening of law enforcement by Federal, State, and local governments; (5) carry out programs of instructional assistance, such as research fellowships; (6) collect and disseminate information to improve and strengthen law enforcement; and (7) establish a research center to carry out the programs described in this section; (8) cooperates with and renders training and technical assistance to States, units of local government, or other public and private agencies.

Section 402 continues the operation of the National Institute of Law Enforcement and Criminal Justice within the Law Enforcement Assistance Administration.

Section 403 provides that grants for this part may be up to 100 percent of the total cost of each project for which a grant is made.

Section 404 continues the authority under former section 404, regarding the training of State and local law enforcement personnel at the Federal Bureau of Investigation National Academy at Quantico, Virginia.

The substantive portions of former sections 406 through 455 are now incorporated prior sections.

PART E—ADMINISTRATIVE PROVISIONS

Section 501 authorizes the Attorney General, after consultation with representatives of States and units of general local government, to establish rules and regulations necessary to the exercise of his functions under, and are consistent with the stated purpose of this title.

Section 502 provides that the Attorney General may establish, alter or discontinue such organizational units of the Administration as he deems necessary.

Section 503 provides that super grade positions remain the same.

Section 504 gives a hearing examiner, upon authorization of the Attorney the power to hold hearings, sign and issue subpoenas, administer oaths, examine witnesses, and receive evidence at any place in the United States he may designate.

Section 505 deletes from section 5315 of title 5 the positions of Associate Administrators after January 1, 1974.

Section 506 adds to Section 5316 of title 5 the position of Deputy Administrator.

Sections 507 through 511 are identical to prior sections 507 through 511 but conform the vesting in the Attorney General of such administrative authority as are found in those sections.

Section 512 requires accounting and auditing evaluations and reviews as the Attorney General may consider necessary to insure full compliance with the requirements of this title.

Subsection (b) authorizes review by the Comptroller General.

Section 513 authorizes the Attorney General to request from other Federal agencies statistics, data, program reports, and other material in order that the programs under this title can be carried out in a coordinated manner.

Section 514 provides for the reimbursement of the heads of other Federal departments for the performance of any functions under this title.

Section 515 subsections (a) and (b) of section 515 provide that the Attorney General shall collect and disseminate information on the condition and progress of law enforcement in the United States, deletes former section 515(c) which authorized the Administration to provide technical assistance to States or local governmental units. This is now authorized under part C and D.

Section 516 subsection (a) of section 516 permits the Attorney General to determine the method of payments under this title.

Subsection (b) of section 516 provides that not more than 12 percent of the funds appropriated for any one fiscal year shall be used in any one State. This limitation does not apply to grants made under part D.

Section 517 authorizes the Attorney General to appoint advisory committees and makes provisions for compensation and travel allowances.

Section 518 provides that nothing contained in this title or any other act shall be construed to authorize any Federal control over any law enforcement agency of any State or political subdivision thereof.

Subsection (b) of former section 518 has been eliminated.

Section 519 directs the Attorney General to report to the President and to the Congress by March of each year on the activities under this title.

Section 520 provides for funding authority to carry out the provisions of the title. In addition, any funds not expended within the current fiscal-year will remain available for obligation until expended.

Section 521 provides for the confidentiality of statistical and research information collected under Administration programs and for a civil sanction of up to $10,000 to enforce such confidentiality.

PART F—DEFINITIONS

Section 601 includes the same definitions as former section 601 with the following additions:

"comprehensiveness as it applies to a State plan, 'area wide' and 'multi-jurisdictional planning and policy development organization."

PART G—CRIMINAL PENALTIES

Section 651 sets forth criminal penalties for whoever embezzles, willfully misapplies, steals, or obtains by fraud any funds, assets or property which are the subject of a grant or contract or other form of assistance.

This section includes under the criminal penalties anyone who *attempts* to embezzle, willfully misapply, steal, or obtain by fraud and the same whoever *receives, conceals* or *retains* the same with intent to convert it to his use or gain, knowing it to have been embezzled, willfully misapplied, stolen, or obtained by fraud.

These two categories of crime have been added to strengthen this provision out of an abundance of caution in order to cover those who may not have totally completed the conversion of such funds or property to their use or gain or those who may have received said funds or property knowingly. The "attempt" provision is similar to the proposed Federal Criminal Code Revision and the "receiving" provision is similar to 18 U.S.C. 641 of the present code.

Section 3

Makes the Act effective July 1, 1973.

S. 1234

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Law Enforcement Revenue Sharing Act of 1973".

SEC. 2. Title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, is amended to read as follows:

"DECLARATIONS AND PURPOSE"

"Congress finds that the high incidence of crime in the United States threatens the peace, security, and general welfare of the Nation and its citizens. To prevent crime and to insure the greater safety of the people, law enforcement efforts must be better coordinated, intensified, and made more effective at all levels of government.

"Congress finds further that crime is essentially a local problem that must be dealt with by State and local governments if it is to be controlled effectively.

"It is therefore the declared policy of the Congress to assist State and local governments in strengthening and improving law enforcement at every level by national assistance. It is the purpose of this title to (1) authorize special revenue sharing payments to States and units of local government in order to reduce and prevent crime and delinquency; (2) encourage States and units of general local government to prepare and adopt comprehensive plans based upon their evaluation of State and local problems of law enforcement; (3) encourage improved management of law enforcement activities; and (4) encourage research and development directed toward the improvement of law enforcement and the development of new methods for the prevention and reduction of crime and the detection and apprehension of criminals.

"PART A—LAW ENFORCEMENT ASSISTANCE ADMINISTRATION

"SEC. 101. (a) There is hereby established within the Department of Justice under the authority of the Attorney General, a Law Enforcement Assistance Administration (hereinafter referred to in this title as 'Administration') composed of an Administrator of Law Enforcement Assistance, who shall be appointed by the President, by and with the advice and consent of the Senate, and a Deputy Administrator.

"(b) The Attorney General may delegate, and authorize redelegation of all functions, powers, and duties created and established by this title so long as the Attorney General remains responsible for overall supervision, direction, and management of the programs authorized.

"PART B—STATE PLANNING PROCESS

"SEC. 201. It is the purpose of this part to encourage States and units of general local government to prepare and adopt comprehensive law enforcement plans based on their evaluation of State and local problems of law enforcement.

"SEC. 202. (a) Any State desiring to participate in the special revenue sharing program shall establish a State law enforcement planning process to be under the supervision and control of the Governor and including local government participation for the preparation, revision, and implementation of the State plans required under this part.

"(b) Any areawide planning shall be the responsibility of a multi-jurisdictional planning and policy development organization designated by the Governor pursuant to procedures established for implementing title IV of the Intergovernmental Cooperation Act of 1968, a majority of whose policy board is composed of elected officials representing general local government. Such an organization may have an advisory body on matters relating to the purposes of this title to include representatives of law enforcement agencies and public agencies maintaining programs to reduce and control crime.

"SEC. 203. The State shall—

"(1) develop, after appropriate hearings and consultation with elected representatives of units of general local government, representatives of law enforcement agencies, and of public agencies maintaining programs to reduce and control crime and delinquency, a comprehensive statewide plan for the reduction and prevention of crime and delinquency.

"(2) define, develop, and correlate programs and projects for the State and the units of general local government in the State or combinations of States or units for the reduction and prevention of crime and delinquency.

"(3) establish priorities for the reduction and prevention of crime and delinquency throughout the State.

"(4) adopt measures designed to bring to the attention of the citizens of the State the contents of the comprehensive statewide plan and any substantial modification thereof immediately following the adoption of such plan or any such modification by the State.

"(5) provide for the expenditure of amounts received under special revenue sharing in accordance with the laws and procedures applicable to the expenditure of its own revenues.

"(6) adequately take into account the

plans, needs and requests of the units of general local government in the State and encourage local initiative and interlocal cooperation in the development of programs and projects for the reduction and prevention of crime and delinquency, and provide for an appropriately balanced allocation of funds between the State and the units of general local government in the State and among such units provide in the plan for the allocation of an adequate share of assistance for law enforcement problems in areas characterized by both high crime incidence and high law enforcement activity;

"(7) provide for administration, fiscal control fund accounting, audit and monitoring and evaluation procedures as may be necessary to assure proper management and disbursement of funds received under this title;

"(8) provide for the submission of such reports in such form, at such times, and containing such information as the Attorney General may reasonably require to evaluate the overall impact of the plan and programs and to report to the President and the Congress on its priorities and effectiveness;

"(9) provide for appropriate review of procedures of actions taken by the State government disapproving an application for which funds are available or terminating or refusing to continue financial assistance to a State agency or a unit of general local government or combination of such units;

"(10) provide that all meetings of any planning organizations established under this title at which any final action is taken respecting the approval of comprehensive State plans (or regional or local components thereof), nonconfidential applications for or award of funds, and the allocation or expenditure of such funds shall be public meetings. Such meetings shall be preceded by a public notice giving the time, place and general nature of business to be transacted;

"(11) provide for public access to all nonconfidential records; and

"(12) certify that financial efforts for law enforcement purposes by the State and the aggregate efforts by local units of government within the State (out of their own sources) during a fiscal year are not less than the effort in the preceding year or the average of the prior three years. The Attorney General shall accept such a certification unless he determines that such certification is not sufficiently reliable to enable him to carry out his duties under this title.

"SEC. 204. (a) Each State government which expects to receive funds under Part C for any entitlement period beginning on or after July 1, 1973, shall submit a comprehensive State plan formulated pursuant to Section 301 and 303. Thereafter such plan shall be submitted every three years with an annual revision to reflect any changes necessary. Such revisions shall be submitted annually to the Attorney General.

"(b) The Attorney General shall review such plans and provide the State with such comments and recommendations as he deems appropriate. Within a reasonable time after providing the State with any such comments and recommendations, the Attorney General shall submit such comments and recommendations to Congress and publish them in the Federal Register.

"PART C—REVENUE SHARING FOR LAW ENFORCEMENT PURPOSES

"SEC. 301. (a) It is the purpose of this part to encourage States and units of general local government or combinations thereof, through special revenue sharing payments and other forms of financial assistance, to develop and implement programs and projects to reduce and prevent crime and delinquency.

"(b) The Attorney General is authorized to make special revenue sharing payments and other forms of financial assistance to States for law enforcement purposes including—

"(1) Public protection, including the development, demonstration, evaluation, implementation, and purchase of methods, devices, facilities, and equipment designed to improve and strengthen law enforcement and reduce crime in public and private places.

"(2) The recruiting of law enforcement personnel and the training of personnel in law enforcement.

"(3) Public education relating to crime prevention and encouraging respect for law and order, including education programs in schools and programs to improve public understanding of and cooperation with law enforcement agencies.

"(4) Constructing buildings or other physical facilities which would fulfill or implement the purpose of this section, including local correctional facilities, centers for the treatment of narcotic addicts, and temporary courtroom facilities in areas of high crime incidence.

"(5) The organization, education, and training of special law enforcement units to combat organized crime, including the establishment and development of State organized crime prevention councils, the recruiting and training of special investigative and prosecuting personnel, and the development of systems for collecting, storing, and disseminating information relating to the control of organized crime.

"(6) The organization, education, and training of regular law enforcement officers, special law enforcement units, and law enforcement reserve units for the prevention, detection, and control of riots and other violent civil disorders, including the acquisition of riot control equipment.

"(7) The recruiting, organization, training and education of community service officers to serve with and assist local and State law enforcement agencies in the discharge of their duties through such activities as recruiting; improvement of police-community relations and grievance resolution mechanisms; community patrol activities; encouragement of neighborhood participation in crime prevention and public safety efforts; and other activities designed to improve police capabilities, public safety and the objectives of this section. In no case shall a grant be made under this subcategory without the approval of the local government or local law enforcement agency.

"(8) The establishment of a Criminal Justice Coordinating Council for any unit of general local government or any combination of such units within the State, having a population of two hundred and fifty thousand or more, to assure improved planning and coordination of all law enforcement activities.

"(9) The development and operation of community based delinquent prevention and correctional programs, emphasizing diagnostic services, halfway houses and other community based rehabilitation centers for initial preconviction or postconviction referral of offenders; expanded probationary programs, including paraprofessional and volunteer participation; and community service centers for the guidance and supervision of potential repeat youthful offenders.

"(10) The development and operation of justice reform programs, including improved court administration and law reform.

"(11) The rendering of technical assistance in matters relating to law enforcement.

"(12) The establishment of programs of academic educational assistance through contracts with institutions of higher education for grants or loans to persons enrolled in undergraduate or graduate programs in areas related to law enforcement.

"(13) The operation of State, regional, and local planning processes for the preparation, development, evaluation, and revision of State plans.

"(14) The improved management of law enforcement activities.

"(c) Any special revenue sharing payment made under this section may be used to pay up to 100 per centum of the cost of programs or projects specified in the comprehensive plan required to be submitted under this title.

"(d) No part of any special revenue sharing payment for the purpose of renting, leasing, or constructing buildings or other physical facilities shall be used for land acquisition.

"SEC. 302. (a) The Attorney General is authorized to obligate funds for the continuation of projects approved under Title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, prior to the date of enactment of this title to the extent that such approval provided for continuation.

"(b) Any funds obligated and all activities necessary may be carried out with funds previously appropriated and funds appropriated pursuant to this title.

"SEC. 303. (a) The Attorney General shall make special revenue sharing payments to a State government if such State has on file with the Attorney General a comprehensive State plan which conforms with the purposes and requirements of this title.

"(b) To be comprehensive the plan should conform to the definition in section 601(m) and should consider Statewide priorities for the improvement and coordination of all aspects of law enforcement, the relationship of activities carried out under this title to related activities being carried out under other Federal programs, the general types of improvements to be made in the future, the effective utilization of existing facilities, the encouragement of cooperative arrangements between units of general local government, innovations and advanced techniques in the design of institutions and facilities, and advanced practices in the recruitment, organization, training, and education of law enforcement personnel. It shall thoroughly address improved court programs and practices throughout the State. It shall include a long-range all-inclusive program for the construction, acquisition, or renovation of correctional institutions and facilities in the State and the improvement of correctional programs and practices throughout the State. Such programs must adequately reflect national and State standards for all functions of the correctional and court systems.

"SEC 304. The State government shall receive applications for financial assistance submitted by heads of State agencies and the chief executive officers of units of general local government, combinations of such units and other applicants. When a State government determines that such an application is in accordance with the purposes stated in section 301 and is in conformance with any existing statewide comprehensive law enforcement plan, the State government is authorized to disburse funds to the applicant.

"SEC. 305. Where a State has failed to file a comprehensive State plan as required by this title, the funds allocated for such State under paragraph (1), section 306(a) of this title shall be available for reallocation by the Attorney General under paragraph (2) of section 306(a).

"SEC. 306. (a) The funds appropriated each fiscal year for this part shall be allocated by the Attorney General as follows:

"(1) Eighty-five per centum of such funds shall be allocated among the States as special revenue sharing payments. The Attorney General shall make an initial allocation of $200,000 to each of the States for the support of the State, areawide, and local planning process. The Attorney General shall then allocate the remainder of such funds available among the States according to their relative populations. Of the amount allocated by population 5 per centum of the total shall be made available for support of the State, areawide, and local planning process.

"(A) At least the per centum of the special revenue sharing payments made to the State under this part for any fiscal year which corresponds to the per centum of the State and local law enforcement funds used in the immediately preceding fiscal year by units of general local government shall be made available to such units or combinations of such units in the immediately following fiscal year for the development and implementation of programs and projects for the reduction and prevention of crime and delinquency. Per centum determination will be applied to 70 per centum of the total special revenue sharing payment after reduction of the amount allocated for support of the planning process as specified in section 306(a)(1); the remaining 30 per centum may be used by the State for local or State adult and juvenile correctional programs, court programs, technical assistance, and law enforcement education. Per centum determinations under this paragraph for law enforcement funding and expenditures for such accurate and complete data available for such fiscal year or for the last fiscal year for which such data are available, and reflect adjustments for any major program responsibility shifts between State and local government. Upon application the Attorney General may waive the per centum requirements upon a finding that the planning process developed under part B will assure that special revenue sharing funds for any fiscal year will be available to carry out the provisions of section 203(6).

"(B) Of the funds allocated for the planning process at least 40 per centum of such funds for any fiscal year shall be available to units of general local government or combinations of such units to enable such units and combinations of such units to participate in the formulation of the comprehensive State plan required under the title. Upon application the Attorney General may waive this requirement in whole or in part, upon a finding that the requirement is inappropriate in view of the respective law enforcement planning responsibilities exercised by the State and its units of general local government and that adherence to the requirement would not contribute to the efficient development of the State plan required under this title. In allocating planning funds the State shall assure that major cities and counties within the State receive planning funds to develop comprehensive plans and coordinate functions at the local level.

"(2) Fifteen per centum of such funds, plus any additional amounts made available by virtue of the application of the provisions of sections 305 and 509 of this title to the grant or revenue sharing payment of any State, may, in the discretion of the Attorney General, be allocated among the States, units of general local government, or combinations of such units, and to non-profit organizations according to the criteria and on the terms and conditions the Attorney General determines consistent with the title.

"(b) Any grant made from funds available under paragraph (2) of this subsection may be up to 100 per centum of the cost of the program or project for which such grant is made. No part of any such grant shall be used for land acquisition.

"SEC. 307. For the purposes of this title, the term 'special revenue sharing payment' means a grant of funds allocated to a State in accordance with Section 306.

"SEC. 308(a). No person in any States shall on the ground of race, color, national origin, or sex be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity funded in whole or in part with funds made available from the Law Enforcement Special Revenue Sharing Act.

"(b) Whenever the Attorney General determines that a State government or unit of general local government has failed to comply with subsection (a) or an applicable regulation, he shall notify the Governor of the State of the non-compliance and shall request the Governor to secure compliance. If within a reasonable period of time the Governor fails or refuses to secure compliance, the Attorney General is authorized:

"(1) to institute an appropriate civil action;

"(2) to exercise the powers and functions pursuant to Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d);

"(3) to exercise the powers and functions provided in Section 509 of this title; or

"(4) to take such other action as may be provided by law.

"(c) Whenever the Attorney General has reason to believe that a State government or unit of local government is engaged in a pattern or practice in violation of the provisions of this section, the Attorney General may bring a civil action in any appropriate United States district court for such relief as may be appropriate, including injunctive relief.

"SEC. 309. The amounts appropriated and allocated for special revenue sharing payments shall be paid to the respective States at such intervals and in such installments as the Attorney General may determine, taking account of the objective that the time elapsing between the transfer of funds from the United tSates Treasury and the disbursement thereof by the State shall be minimized.

"PART D—RESEARCH, DEMONSTRATION AND TRAINING

"SEC. 401. It is the purpose of this part to provide for and encourage training, education, research, and development for the purpose of improving law enforcement and developing new methods for the prevention and reduction of crime, and the detection and apprehension of criminals. These purposes will include:

"(1) to make grants to, or enter into contracts with, public agencies, institutions of higher education, or private organizations to conduct research, demonstrations, or special projects pertaining to the purposes described in this title; including the development of new or improved approaches, techniques, systems, equipment, and devices to prevent and reduce crime and delinquency;

"(2) to make continuing studies and undertake programs of research to develop new or improved approaches, techniques, systems, equipment, and devices to prevent and reduce crime and delinquency, including, but not limited to, the effectiveness of projects or programs carried out under this title;

"(3) to carry out programs of behavioral research designed to provide more accurate information on the causes of crime and the effectiveness of various means of preventing crime, and to evaluate the success of correctional procedures;

"(4) to make recommendations for action which can be taken by Federal, State, and local governments and by private persons and organizations to prevent and reduce crime and delinquency;

"(5) to carry out programs of instructional assistance consisting of research fellowships for the programs provided under this section, and special workshops for the presentation and dissemination of information resulting from research, demonstrations, and special projects authorized by this title;

"(6) to carry out a program of collection and dissemination of information obtained by other Federal agencies, public agencies, institutions of higher education or private organizations engaged in projects under this title, including information relating to new or improved approaches, techniques, systems, equipment, and devices to prevent and reduce crime and delinquency;

"(7) to establish a research center to carry out the programs described in this section; and

"(8) to cooperate with and render training and technical assistance to States, units of general local government, combinations of such States or units, or other public or private agencies, organizations, or institutions in matters relating to law enforcement. While participating in the training program or traveling in connection with participation in the training program, State and local personnel shall be allowed travel expenses and a per diem allowance in the same manner as prescribed under section 5703(b) of title 5 for persons employed intermittently in the government service.

"SEC. 402. There is established within the Law Enforcement Assistance Administration a National Institute of Law Enforcement and Criminal Justice. It shall be the purpose of the Institute to encourage research and development to prevent and reduce crime and delinquency.

"SEC. 403. A grant authorized under this part may be up to 100 per centum of the total cost of each project for which such grant is made. The Attorney General shall require, whenever feasible, as a condition of approval of a grant under this part, that the recipient contribute money, facilities, or services to carry out the purposes for which the grant is sought.

"SEC. 404. (a) The Director of the Federal Bureau of Investigation is authorized to—

"(1) establish and conduct training programs at the Federal Bureau of Investigation National Academy at Quantico, Virginia, to provide, at the request of a State or unit of local government, training for State and local law enforcement personnel.

"(2) develop new or improved approaches, techniques, systems, equipment, and devices to improve and strengthen law enforcement; and

"(3) assist in conducting, at the request of a State or unit of local government, local and regional training programs for the training of State and local law enforcement personnel. Such training shall be provided only for persons actually employed as State police or highway patrol, police of a unit of local government, sheriffs and their deputies, and such other persons as the State or unit may nominate for police training while such persons are actually employed as officers of such State or unit.

"(b) In the exercise of the functions, powers and duties established under this section the Director of the Federal Bureau of Investigation shall be under the general authority of the Attorney General.

"PART E—ADMINISTRATIVE PROVISIONS

"SEC. 501. The Attorney General shall prescribe, after appropriate consultation with representatives of States and units of general local government, such regulations as may be necessary or appropriate to carry out the provisions of this title.

"SEC. 502. The Attorney General may establish, alter or discontinue such organizational units of the Administration as he may deem necessary or appropriate.

"SEC. 503. Title 5 of the United States Code, Subsection (c)(10) of section 5108 remains unchanged.

"SEC. 504. Upon authorization of the Attorney General, any hearing examiner assigned to or employed for the purpose of this title, shall have the power to hold hearings, sign and issue subpoenas, administer oaths, examine witnesses, and receive evidence at any place in the United States he may designate.

"SEC. 505. Effective January 1, 1974, section 5315 of title 5 of the United States Code is amended by deleting:

"(90) Associate Administrator of the Law Enforcement Assistance (2)"

"SEC. 506. Section 5316 of title 5 of the United States Code is amended by adding at the end thereof the following new subsection:

"(131) Deputy Administrator of Law Enforcement Assistance."

"Sec. 507. Subject to the civil service and classification laws, the Attorney General is authorized to select, appoint, employ, and fix compensation of such officers and employees, including hearing examiners, as shall be necessary to carry out its powers and duties under this title.

"Sec. 508. The Attorney General is authorized, on a reimbursable basis when appropriate, to use the available services, equipment, personnel, and facilities of other civilian or military agencies and instrumentalities of the Federal Government, and to cooperate with such other agencies and instrumentalities in the establishment and use of services, equipment, personnel, and facilities of the Administration. The Attorney General is further authorized to confer with and avail himself of the cooperation, services, records, and facilities of State, municipal, or other local agencies, and to receive and utilize, for the purposes of this title, property donated or transferred for the purposes of testing by any other Federal agencies, States, units of general local government, public or private agencies, or organizations, institutions of higher education or individuals.

"Sec. 509. Whenever the Attorney General, after reasonable notice and opportunity for hearing to an applicant or a grantee under this title, finds that, with respect to any payments made or to be made under this title there is a substantial failure to comply with—

"(a) the provisions of this title;

"(b) regulations promulgated by the Attorney General under this title; or

"(c) a plan or application submitted in accordance with the provisions of this title, the Attorney General shall notify such applicant or grantee that further payments shall not be made (or in its discretion that further payments shall not be made for activities in which there is such failure), until there is no longer such failure.

"Sec. 510. (a) In carrying out the functions vested by this title in the Department of Justice, the determination, findings, and conclusions of the Attorney General shall be final and conclusive upon all applicants, except as hereafter provided.

"(b) If the application has been rejected or an applicant has been denied a grant or has had a grant, or any portion of a grant, discontinued, or has been given a grant in a lesser amount than such applicant believes appropriate under the provisions of this title, the Attorney General shall notify the applicant or grantee of its action and set forth the reason for the action taken. Whenever an applicant or grantee requests a hearing on action taken by the Attorney General on an application or a grant the Attorney General or any authorized officer thereof, is authorized and directed to hold such hearings or investigations at such times and places as the Attorney General deems necessary, following appropriate and adequate notice to such applicant; and the findings of fact and determinations made by the Attorney General wtih respect thereto shall be final and conclusive, except as otherwise provided herein.

"(c) If such applicant is still dissatisfied with the findings and determinations of the Attorney General, following the notice and hearing provided for in subsection (b) of this section, a request may be made for rehearing, under such regulations and procedures as the Attorney General may establish, and such applicant shall be afforded an opportunity to present such additional information as may be deemed appropriate and pertinent to the matter involved. The findings and determinations of the Attorney General, following such rehearing, shall be final and conclusive upon all parties concerned, except as hereafter provided.

"Sec. 511. (a) If an applicant or grantee is dissatisfied with the Attorney General's final action with respect to the approval of its application submitted under this title, or any applicant or grantee is dissatisfied with the Attorney General's final action under section 509 or section 510, such applicant or grantee may, within sixty days after notice of such action, file with the United States court of appeals for the circuit in which such applicant or grantee is located a petition for review of that action. A copy of the petition shall be forthwith transmitted by the clerk of court to the Department of Justice. The Attorney General shall thereupon file in the court the record of the proceedings on which the action of the Attorney General was based, as provided in section 2112 of title 28, United States Code.

"(b) The determinations and the findings of fact by the Attorney General, if supported by substantial evidence, shall be conclusive; but the court, for good cause shown, may remand the case to the Attorney General to take further evidence. The Attorney General may thereupon make new or modified findings of fact and may modify the previous action, and shall file in the court the record of the further proceedings. Such new or modified findings of fact or determinations shall likewise be conclusive if supported by substantial evidence.

"(c) Upon the filing of such petition, the court shall have jurisdiction to affirm the action of the Attorney General or to set it aside, in whole or in part. The judgment of the court shall be subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code.

"Sec. 512. (a) The Attorney General shall provide for such accounting and auditing procedures, evaluations, and reviews as may be necessary to insure that the expenditures of funds received under this title by State governments and units of local government and other recipients of assistance comply fully with the requirements of this title. The Attorney General is authorized to accept an audit by a State of such expenditures of a State government or unit of local government if he determines that such audit and the audit procedures of that State are sufficiently reliable to enable him to carry out his duties under this title.

"(b) The Comptroller General of the United States is authorized to make reviews of the work as done by the Attorney General, the State governments, and the units of local government as may be necessary for the Congress to evaluate compliance and operations under this title.

"(c) The provisions of this section apply to all recipients of assistance under this title, whether by direct grant or contract from the Administration or by subgrant or subcontract from primary grantees or contractors of the Administration.

"Sec. 513. To insure that all Federal assistance to State and local programs under this title is carried out in a coordinated manner, the Attorney General is authorized to request any Federal department or agency to supply such statistics, data, program reports, and other material as the Attorney General deems necessary to carry out the functions under this title. Each such department or agency is authorized to cooperate with the Attorney General and, to the extent permitted by law, to furnish such materials to the Attorney General. Any Federal department or agency engaged in administering programs related to this title shall, to the maximum extent practicable, consult with and seek advice from the Attorney General to insure fully coordinated efforts, and the Attorney General shall undertake to coordinate such efforts.

"Sec. 514. The Attorney General may arrange with and reimburse the heads of other Federal departments and agencies for the performance of any of the functions under this title.

"Sec. 515. The Attorney General is authorized—

"(a) to conduct evaluation studies of the programs and activities assisted under this title; and

"(b) to collect, evaluate, publish, and disseminate statistics and other information on the condition and progress of law enforcement in the United States.

"Sec. 516. (a) Payments under this title may be made in installments, and in advance or by way of reimbursement, as may be determined by the Attorney General, and may be used to pay the transportation and subsistence expenses of persons attending conferences or other assemblages notwithstanding the provisions of the Joint Resolution entitled 'Joint Resolution to prohibit expenditure of any moneys for housing, feeding, or transporting conventions or meetings', approved February 2, 1935 (31 U.S.C. sec. 551)."

"(b) Not more than 12 per centum of the sums appropriated for any fiscal year to carry out the provisions of this title may be used within any one State except that this limitation shall not apply to grants made pursuant to Part D.

"Sec. 517. (a) The Attorney General may procure the services of experts and consultants in accordance with section 3109 of title 5, United States Code, at rates of compensation for individuals not to exceed the daily equivalent of the rate authorized for GS–18 by section 5332 of title 5, United States Code.

"(b) The Attorney General is authorized to appoint, without regard to the civil service law, technical or other advisory committees to advise the Administration with respect to the administration of this title as it deems necessary. Members of those committees not otherwise in the employ of the United States, while engaged in advising the Administration or attending meetings of the committees, shall be compensated at rates to be fixed by the Attorney General but not to exceed the daily equivalent of the rate authorized for GS–18 by section 5332 of title 5 of the United States Code and while away from home or regular place of business they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of such title 5 for persons in the Government service employed intermittently.

"Sec. 518. Nothing contained in this title or any other Act shall be construed to authorize any department, agency, officer, or employee of the United States to exercise any direction, supervision, or control over any police force or any other law enforcement agency of any State or any political subdivision thereof.

"Sec. 519. On or before March 31 of each year, the Attorney General shall report to the President and to the Congress on activities pursuant to the provisions of this title during the preceding fiscal year.

"Sec. 520. There is authorized to be appropriated, out of the Treasury of the United States, such sums as may be necessary to carry out all provisions of this title. Such sums shall remain available for obligation until expended.

"Sec. 521. (a) To implement the provisions of this title, neither the Attorney General, nor any other officer or employee of the Department, nor any recipient of assistance under the provisions of this title, may, except when expressly authorized under the provisions of this title.

"(1) Use the information collected expressly for statistical or research purposes under programs assisted directly or indirectly by this title for any other purpose; or

"(2) Make any publication whereby such information furnished by any particular private establishment or individual can be identified; or

(3) Permit anyone other than the sworn officers and employees of the Department of Justice, a research grantee under the provisions of this title, or officers and employees of such research grantee under the provisions of this title to examine such information concerning particular private establishments or individuals.

"No department, bureau, agency, officer, or employee of the Government, except as specifically authorized in this title, shall require, for any reason, copies of such information on establishments or individuals which have been retained by any such establishment or individual. Copies of such information which have been so retained shall be immune from legal process, and shall not, without the consent of the establishment or individual concerned, be admitted as evidence or used for any purpose in any action, suit, or other judicial or administrative proceedings.

"(b) Any person violating the provisions of this section, or any rule, regulation, or order issued thereunder, shall be liable to a penalty not to exceed $10,000, in addition to any other penalty imposed by law. The amount of any such penalty shall be payable into the Treasury of the United States and shall be recoverable in a civil suit in the name of the United States.

"Part F—Definitions

"Sec. 601. As used in this title—'Law enforcement' means any activity pertaining to crime prevention, control or reduction or the enforcement of the criminal law, including, but not limited to police efforts to prevent, control, or reduce crime or to apprehend criminals, activities of courts having criminal jurisdiction and related agencies, activities of corrections, probation, or parole authorities, and programs relating to the prevention, control, or reduction of juvenile delinquency or narcotic addiction.

"(b) 'Organized crime' means the unlawful activities of the members of a highly organized, disciplined association engaged in supplying illegal goods and services, including but not limited to gambling, prostitution, loan sharking, narcotics, labor racketeering, and other unlawful activities of members of such organizations.

"(c) 'State' means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, Virgin Islands, Guam, and Samoa.

"(d) 'Unit of general local government' means any city, county, township, town, borough, parish, village, or other general purpose political subdivision of a State, an Indian tribe which performs law enforcement functions as determined by the Secretary of the Interior or, for the purpose of assistance eligibility, any agency of the District of Columbia government or the United States Government performing law enforcement functions in and for the District of Columbia. Such assistance eligibility of any agency of the United States Government shall be for the sole purpose of facilitating the transfer of criminal jurisdiction from the United States District Court for the District of Columbia to the Superior Court of the District of Columbia pursuant to the District of Columbia Court Reform and Criminal Procedure Act of 1970.

"(e) 'Combination' as applied to States or units of general local government means any grouping or joining together of such States or units for the purpose of preparing, developing, or implementing a law enforcement plan.

"(f) 'Construction' means the erection, acquisition, expansion, or repair (but not including minor remodeling or minor repairs) of new or existing buildings or other physical facilities, and the acquisition or installation of initial equipment therefor.

"(g) 'State organized crime prevention council' means a council composed of not more than seven persons established pursuant to State law or established by the chief executive of the State for the purpose of this title, or an existing agency so designated, which council shall be broadly representative of law enforcement officials within such State and whose members by virtue of their training or experience shall be knowledgeable in the prevention and control of organized crime.

"(h) 'Metropolitan area' means a standard metropolitan statistical area as established by the Office of Management and Budget, subject, however, to such modifications and extensions as the Attorney General may determine to be appropriate.

"(i) 'Public agency' means any State, unit of local government, combination of such States or units, or any department, agency, or instrumentality of any of the foregoing.

"(j) 'Institution of higher education' means any such institutions as defined by section 801(a) of the Higher Education Act of 1965 (79 Stat. 1269; 20 U.S.C. 1141(a)), subject, however, to such modifications and extensions as the Attorney General may determine to be appropriate.

"(k) 'Community service officer' means any citizen with the capacity, motivation, integrity, and stability to assist in or perform police work but who may not meet ordinary standards for employment as a regular police officer selected from the immediate locality of the police department of which he is to be a part, and meeting such other qualifications promulgated in regulations pursuant to section 501 as the Attorney General may determine to be appropriate to further the purposes of section 301(b)(7) and this title.

"(1) The term 'correctional institution or facility' means any place for the confinement or rehabilitation of juvenile offenders or individuals charged with or convicted of criminal offenses.

"(m) 'Comprehensive' means that the plan must be a total and integrated analysis of the crime and juvenile delinquency problem within the State; goals, priorities and standards must be established in the plan and the plan must address (both short- and long-term) methods, organization, and operation performance, physical and human resources necessary to accomplish crime prevention; identification, detection, and apprehension of suspects; adjudication; custodial treatment of suspects and offenders; and institutional and non-institutional rehabilitative measures.

"(n) 'Areawide' refers to the geographic scope of problems which transcend the boundaries of any single unit or units of general local government but do not encompass the entire State.

"(o) 'Multi-jurisdictional planning and policy development organization' is an organization which has responsibility for comprehensive planning and has planning and policy control over two or more functional planning and policy development programs.

"Part G—Criminal Penalties

"Sec. 651. Whoever embezzles, willfully misapplies, steals, or obtains by fraud or attempts to embezzle, willfully misapply, steal, or obtain by fraud any funds, assets, or property which are the subject of a grant or contract or other form of assistance pursuant to this title, whether received directly or indirectly from the Administration, or whoever receives, conceals, or retains the same with intent to convert it to his use or gain, knowing it to have been embezzled, willfully misapplied, stolen or obtain by fraud shall be fined not more than $10,000 or imprisoned for not more than five years, or both.

"Whoever knowingly and willfully falsifies, conceals, or covers up by trick, scheme, or device, any material fact in any application for assistance submitted pursuant to this title shall subject to prosecution under the provisions of section 1001 of Title 18, United States Code.

"Any law enforcement program project underwritten, in whole or in part, by any grant, or contract or other form of assistance pursuant to this Act, whether received directly or indirectly from the Administration, shall be subject to the provisions of Section 371 of Title 18, United States Code."

Sec. 3. This Act shall taken effect on July 1, 1973.

By Mr. FULBRIGHT (by request):

S. 1235. A bill to amend Public Law 90–553 authorizing an additional appropriation for an International Center for Foreign Chanceries. Referred to the Committee on Foreign Relations.

Mr. FULBRIGHT. Mr. President, by request, I introduce for appropriate reference a bill to amend Public Law 90–553, which was enacted in October 1968, to create an international center to make sites available for chanceries of foreign embassies in Washington and for a new headquarters for the Organization of American States.

The bill has been requested by the Department of State and I am introducing it in order that there may be a specific bill to which Members of the Senate and the public may direct their attention and comments.

I have long been concerned with the problem of finding and preparing suitable sites in the District of Columbia for foreign chanceries and this measure will help to alleviate this problem. Last September, at the urgent request of the Department of State, the Committee on Foreign Relations reported, and the Senate approved a bill (S. 4039) similar to the one I am introducing. Unfortunately the legislation was submitted so late in the session that it was not possible for the Congress to complete action on the bill.

I ask unanimous consent that the bill be printed in the Record at this point, together with the letter from the Acting Assistant Secretary of State to the Vice President dated February 28, 1973.

There being no objection, the bill and letter were ordered to be printed in the Record, as follows:

S. 1235

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the first sentence of section 6 of Public Law 90–553 (82 Stat. 958), is hereby amended to read as follows:

"There is hereby authorized to be appropriated, without fiscal year limitation, not to exceed $2,200,000 to carry out the purposes of section 5 of this Act: *Provided,* That such sums as may be appropriated hereunder shall be reimbursed to the Treasury from proceeds of the sale or lease of property to foreign governments and international organizations as provided for in the first section of this Act."

Department of State,
Washington, D.C., February 28, 1973.

Hon. Spiro T. Agnew,
President of the Senate.

Dear Mr. President: There is transmitted herewith a proposed bill to amend Public Law 90–553, which was enacted in October 1968 to create an International Center to make sites available for chanceries of foreign embassies in Washington and for a new headquarters for the Organization of American States. The identical bill was first transmitted to both houses of Congress by similar letter of September 22, 1972, and as S. 4039 was passed by the Senate without change on October 14, 1972, but failed to receive action by the House of Representatives before adjournment.

The purpose of the proposed amendment is to revise Section 6 of the existing law so as to authorize an appropriation for the capitalization of the account established by this Section of the Act, not to exceed $2,200,000. Such an appropriation is required to create the fund needed to finance the authorized site improvements which under the Act the Secretary of State is responsible for carrying out.

The legislation as enacted contemplated that the site development work incident to preparing property in the chancery section of the Center for delivery to foreign government purchasers should be funded from the proceeds of sale or lease of such property. The Department of State agreed with the cognizant committees of Congress at the time that the project would be self-liquidating and would require no appropriations. In recent months, however, it has become evident to both the Department and the General Services Administration, its agent for all site development work associated with the International Center, that the purpose of the Act cannot be implemented without an initial appropriation for capitalization of the special account established by PL 90-553. The basic reasons are as follows:

(1) Our experience from negotiations makes it clear that the foreign governments will not enter into final sales contracts and advance the purchase price of lots until the United States has shown its firm commitment to the Center by commencing the site improvements and demonstrating that it has funds available to complete first-phase site development.

(2) No purchaser can be assured by the United States that the improvements will be made by any reasonably determinable date, since in the absence of assured funding the timing is contingent on future sales. This has a severely inhibiting effect on all prospective buyers, in that no government is willing to commit time and money to architectural design and planning, as well as to budget funds for construction, without knowing when it can take delivery of its cleared site.

(3) Sales of most lots in the first phase of development would have to take place before the General Services Administration could finance improvements related to that phase, which cannot be done economically on a piecemeal basis. Under the circumstances it continues to appear unlikely that a sufficient number of such commitments by foreign governments will be forthcoming within a time frame permitting GSA to contract for site development in accordance with project plans and so as to avoid substantial increase in overall costs due to continued delay in construction.

For these reasons both GSA and the Department of State have concluded that Government funds adequate to finance first-phase site development are required to bring the International Center to reality. We wish to emphasize that the change we request will entail no departure from the requirement that the project must be self-liquidating, in that all outlays from the funds appropriated are to be reimbursed through receipts from sales to foreign governments.

In the interest of clarification we should like further to point out that site development embraces the demolition of existing buildings of the old National Bureau of Standards; grading; construction of planned public streets and sidewalks; installation of necessary utilities; and related landscaping—all in accordance with the master plan for the project which was developed through the General Services Administration and which the National Capital Planning Commission approved after detailed consideration and hearings.

We should like to add in conclusion that enactment of the proposed legislation at this time derives added urgency from the circumstance that it would enable the Department of State to complete the sales to the Governments of Finland, Israel, and Singapore which are now pending. A further advantage of early action in this session of Congress is that it could be expected to give impetus to additional sales in time to make possible a substantial degree of realization of the International Center project by the Bicentennial Year.

In December 1971 the Congress, in enacting fiscal year 1972 appropriations for the District of Columbia, made funds available for the first stage of construction of a new campus for the Washington Technical Institute (WTI) on the north half of the Van Ness site. That action made possible last spring the preliminary planning of the phased removal of the Institute from the area reserved for chancery development, as well as, later in 1972, approval of the Institute's master plan by the National Capital Planning Commission and groundbreaking and commencement of site preparation for its new campus. Resolution of the difficult WTI relocation problem, which took two years, has overcome one of the two major obstacles to progress on the International Center. Action by the Congress to authorize an appropriation for a special fund for the Center's first-phase site development would remove the sole remaining obstacle to fulfillment of this much needed and overdue project. It is the Administration's hope and expectation that both WTI and the International Center would thus be substantially realized by the year 1976.

The Office of Management and Budget has advised that enactment of this proposal would be consistent with the Administration's objectives.

It would be appreciated if you would lay the proposed bill before the Senate. An identical bill has been transmitted to the Speaker of the House.

Sincerely yours,

MARSHALL WRIGHT,
Acting Assistant Secretary for Congressional Relations.

By Mr. WILLIAMS:

S. 1237. A bill to amend the Communications Act of 1934 to provide for the regulation of community antenna television systems. Referred to the Committee on Commerce.

Mr. WILLIAMS. Mr. President, in 1971, I introduced the National Community Antenna Television Act which would have specifically granted jurisdiction over CATV to the Federal Communications Commission. At that time, the Commission had virtually no legislative or judicial direction as to the scope of its authority over cable television. Since that bill was introduced, however, the Supreme Court has given some interim guidance concerning the FCC's jurisdiction. In June 1972, the Court held in United States against Midwest Video Corp. that the Commission did not exceed its jurisdiction when it ordered CATV systems with 3,500 or more subscribers to originate programing "to a significant extent." The Court stated in Midwest that the FCC had jurisdiction over CATV to the extent "reasonably ancillary to the effective performance of the Commission's various responsibilities for the regulation of television broadcasting." Nevertheless, the jurisdiction of the Commission can be called into question each time it establishes new regulations for the cable industry. The uncertainty of its authority is increased by the fact that Midwest was decided by a bare 5-to-4 majority, and the dissenting Justices based their opinion on the fact that Congress was the appropriate agency to decide the scope of the FCC's authority and that Congress had not acted. In the future, the majority opinion may well be given a narrow cast unless Congress provides some explicit direction.

There are now about 5.5 million homes and 4,500 communities—most of them quite small—served by cable television systems. In another 3,000 or so cities cable systems have either asked for or recently received franchises. If cable is as well received in the large markets as the industry hopes, there could be more than 25 million homes served by cable systems in 1980.

The enormous potential this technological development holds for our education, information, and entertainment industries is very clear. The potential benefits of CATV become apparent when one considers that within my own State of New Jersey—the most densely populated State in the Nation—there is not a single VHF station, and that UHF television broadcasting is extremely limited both in scope and in geographic coverage. Our neighboring State of Delaware suffers from this same situation, one to which CATV can offer an effective alternative.

Currently, television viewers in most parts of the country have a very limited choice of stations; fewer than half of the local television market areas are served by three or more stations. While most cable systems offer between six and 12 channels of programing, they are capable of providing as many as 80 channels.

The cable television industry was born in the late 1940's. Its principal function was to carry television broadcasts to people in rural areas who were beyond the range of television transmitters which at the time were located almost exclusively in large cities. Since that time the demand for CATV has spread to urban and suburban areas where both improved reception quality and increased program diversity are major selling points.

Almost 40 years ago, Congress enacted the Communications Act of 1934 which charged the FCC with overseeing the broadcast industry in order to promote its development consistent with the public interest. It was impossible in 1934 to anticipate the development of CATV. I believe, Mr. President, it is time for Congress to recognize the sweeping technological changes which have occurred within the broadcast industry since that time, and to reexamine the Communications Act in light of these changes.

Today, I am reintroducing legislation which would amend the act specifically to grant the FCC jurisdiction over CATV. Furthermore, it would establish clear national long-range policy for the FCC to follow in exercising its authority. This policy would establish cable television as a public utility—a recognized monopoly—and would require the establishment of a formula of channel allocation for communities of differing size. Such a formula must include provision for commercial and educational stations, local expression through local program origination, governmental access, and general information communication through public service programs. This listing is by no means exclusive of other services which may be available via cable transmission in the future.

Furthermore, the bill would allow the FCC to prescribe standards of equipment performance and quality of service, uniform technical standards for possible interconnection of cable systems, rules insuring equality of service to all communities be they rich or poor, and rules insuring fair tariffs to the consumer and a fair rate of return to the cable system owner.

Mr. President, the question of whether and to what extent the FCC has jurisdiction over the cable television industry is too pressing to be left for the courts to decide on a case-by-case basis. I believe that this bill represents a workable and effective approach to this problem and I commend it to my colleagues.

I ask unanimous consent that the bill be printed at this point in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 1237

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

THE NATIONAL COMMUNITY TELEVISION ANTENNA ACT OF 1973

DECLARATION OF POLICY

Section 1. The Congress declares that community antenna television systems provide an essential service, and that access to a full offering of diversified television communications and supplemental electronics service via such systems is not a luxury, but is an essential condition for the survival of our society; that few communities will need, or be able to support, two such systems and that a full offering of such service must be uniformly and universally available for public needs and public use.

AMENDMENT OF COMMUNICATIONS ACT OF 1934

Sec. 2. (a) Section 3 of the Communications Act of 1934 (47 U.S.C. 153) is amended by adding at the end thereof the following:

"(gg) 'Community antenna system' means any facility which, in whole or in part, receives directly or indirectly over the air and amplifies or otherwise modifies the signals transmitting programs broadcast by one or more broadcast stations and distributes such signals by wire or cable to subscribing members of the public who pay for such service.".

(b) Part I of title III of the Communications Act of 1934 (47 U.S.C. 301 et seq.) is amended by inserting at the end thereof the following new section:

"REGULATION OF COMMUNITY ANTENNA SYSTEMS

"Sec. 331. The Commission is authorized, as the public interest, convenience, and necessity requires, to prescribe such rules and regulations, issue such authorizations and orders, and prescribe such conditions and restrictions with respect to community antenna television systems as may be necessary to—

"(1) provide for maximum diversity of programming without discrimination;

"(2) prevent unfair rates and charges for the service provided in consideration of the investment involved;

"(3) provide adequate service to communities served;

"(4) provide for related services, including origination of programs, and access for educational and governmental use; and

"(5) exempt, to the extent necessary, such systems which are limited in size and use."

By Mr. **KENNEDY** (for himself and Mr. Bayh, Mr. Brooke, Mr. Cranston, Mr. Eagleton, Mr. Hart, Mr. Hatfield, Mr. Hughes, Mr. Humphrey, Mr. Inouye, Mr. Javits, Mr. McGovern, Mr. Mathias, Mr. Mondale, Mr. Muskie, Mr. Nelson, Mr. Randolph, Mr. Tunney, Mr. Hathaway, and Mr. Proxmire):

S.J. Res. 76. A joint resolution proposing an amendment to the Constitution of tht United States granting representation in the Congress to the District of Columbia. Referred to the Committee on the Judiciary.

Mr. **KENNEDY**. Mr. President, on behalf of Mr. Bayh, Mr. Brooke, Mr. Cranston, Mr. Eagleton, Mr. Hart, Mr. Hatfield, Mr. Hughes, Mr. Humphrey, Mr. Inouye, Mr. Javits, Mr. McGovern, Mr. Mathias, Mr. Mondale, Mr. Muskie, Mr. Nelson, Mr. Randolph, Mr. Tunney, Mr. Hathaway, and Mr. Proxmire and myself, I introduce a joint resolution and I ask that it be printed in the Record.

The **PRESIDING OFFICER**. Without objection it is so ordered.

(See exhibit 1.)

Mr. **KENNEDY**. Mr. President, the purpose of this resolution is to amend the U.S. Constitution to provide full voting representation in Congress for the District of Columbia—two Senators and the number of Representatives—probably two—to which the District would be entitled on the basis of its population.

Full voting representation in Congress for the District of Columbia is an act of simple justice that is long overdue for the citizens of the Nation's Capital. For nearly 200 years, the citizens of the District have been subjected to precisely the sort of injustice that triggered the American Revolution and led to the founding of our Republic.

The constitutional amendment I am offering would provide full voting representation in Congress for the District of Columbia. The amendment would contain seven principal provisions:

First, citizens of the District of Columbia would elect two Senators and the number of Representatives in Congress—probably two—to which the District would be entitled on the basis of population.

Second, each Senator or Representative would be required to be a resident of the District.

Third, each Senator or Representative would possess the same qualifications as to age and citizenship and have the same rights privileges and obligations as other Senators or Representatives.

Fourth, a vacancy in the representation of the District of Columbia in the Senate or the House of Representatives would be filled by a special election by the voters in the District.

Fifth, the amendment would have no effect on the provision in the 33d amendment for determining the number of electors for President and Vice President to be appointed for the District.

Sixth, Congress would have the power to implement the amendment by appropriate legislation.

Seventh, the amendment would have to be ratified by the States separately from the direct popular election amendment.

Nowhere in America should the principles of democracy be more firmly established than in the Nation's Capital. In Washington today, however, democracy is weakest where it should be strongest. The District of Columbia is the last bastion of taxation without representation in the United States. By some cruel irony, a nation founded as a haven from tyranny and oppression denies to the citizens of its Capital the blessings of democracy. Indeed it is fairly said, Washington, D.C., is America's last colony.

Though the merits of the argument for District of Columbia representation in Congress are so well known—and so overwhelming—I believe it would still be useful for me to reiterate them again today. Time after time, the facts and arguments for District of Columbia representation have been set out in detail. The tragic history of 80 years of efforts to achieve this goal is well known.

Efforts to obtain voting representation were thwarted in March 1971, on the floor of the Senate. At that time, I had brought before the Senate a congressional representation resolution to be considered as part of the 18-year-old voting amendment. The timing seemed especially significant, because the District of Columbia was preparing to choose a nonvoting Delegate to the House of Representatives, on the very next day. I chose the 18-year-old vote amendment as a suitable vehicle to bring real democracy to the people of Washington, because it had been demonstrated all too forcefully in the past, that the District of Columbia proposal standing alone would not be reported by the Senate Judiciary Committee, or by the House Rules Committee. The endless arguments that the District of Columbia measure would kill the 18-year-old vote amendment were baseless. For the attention of the Nation was firmly fixed upon the Senate's efforts to extend the franchise for millions of young Americans throughout the Nation. Extending full voting rights to the 760,000 residents of our Capital City was clearly an appropriate direction in which we could have moved. Each State would have been required to ratify the two amendments separately.

With the overwhelming support of 86 Senators, the 18-year-old vote amendment was in no way jeopardized by the District of Columbia measure. Yet, 68 Senators voted to scuttle my proposal to add the District of Columbia vote to the 18-year-old provision. And so it is, that once again, the citizens of the District of Columbia were denied the chance to exercise the most fundamental expression of democracy—the right to choose their own representation in the National Legislature.

To continue that delay is not only inequitable but it can mean a different world for every resident of Washington.

As I introduce this resolution in the 93d Congress and urge my colleagues to bring the congressional vote to the Capitol, I would like to rebut a number of arguments that have been made against this worth proposal:

First, overhanging the entire debate is the specter of racism and partisan politics. I raise these two arguments only to rebut them, because they cannot stand the light of day. No Senator whatever—would vote against the citizens of the District for these reasons.

Second, it is said that the District of Columbia amendment deserves careful study. When I first introduced this measure in 1971, I described in detail the history of efforts to achieve voting representation in Congress for the District of Columbia.

The first constitutional amendment to win this goal was introduced in Congress in 1888. Since that date, hundreds of different amendments have been introduced in Congress, and dozens of hearings have been held by Senate and House committees over the years. The scenario is always the same. Inevitably, the hearings generate overwhelming support for the District of Columbia amendment. And, just as inevitably, every effort meets with uniform frustration and defeat.

At the beginning of June 1970, the Senate Subcommittee on Constitutional Amendments held hearings on the District of Columbia amendment. Under the leadership of Senator BIRCH BAYH, one of the most distinguished and long-standing advocates of the cause of District of Columbia representation, the hearings again developed virtually unanimous support for the District of Columbia amendment. Over the period of the next several weeks, because of its inability to obtain a quorum, the subcommittee was continuously thwarted in its effort to report the amendment favorably. Finally, when the subcommittee was able to muster a quorum at the end of July, Senator BAYH's motion to bring up the District of Columbia amendment for debate and action was blocked by the objection of several members of the subcommittee, and the amendment was effectively killed for that Congress.

On the face of this dismal record, unbroken since the District of Columbia amendment was first proposed in the 19th century, can we really maintain that it needs more debate? I submit that 80 years is long enough.

Third, it is said, only 2 years ago Congress gave the District a nonvoting Delegate and this is enough of an accomplishment for the time being. It is nothing of the sort. The nonvoting Delegate is not an end in itself. The only real value it has is as an interim measure, a half-way house to tide us over the brief period while a constitutional amendment for full representation is enacted by Congress and ratified by the States.

Now that the nonvoting Delegate is a reality, we must fix our attention on the true goal. We must adopt a constitutional amendment for full voting representation for the District, and submit it to the States for ratification. There could be no more ideal result than for the District to have the active voice and benefit of the nonvoting Delegate as a forerunner in the present Congress, to lay the foundation for the voting Senators and Congressmen who will come after him.

The one thing we cannot do is to allow the status of the interim Delegate to deteriorate into that of a permanent nonvoting representative. At last, we have a good chance of success, if only we keep our sights high, and do not relax our effort before the job is done.

Fourth, some opponents of representation for the District of Columbia claim that the amendment would treat the District as a State. They say that the District is not a State but a city, smaller than at least eight other cities in the Nation, and that there is no greater reason for this city to be represented in Congress than larger cities which are denied the right. This argument ignores the obvious fact that other American cities are political subdivisions of States, which are already represented in both the Senate and the House of Representatives.

Moreover, for years, the District of Columbia has traditionally been treated as a State in virtually every major Federal grant legislation. In program after program, in statute after statute, all of us in Congress are familiar with the well-known clause: "For the purposes of this legislation, the term 'State' shall include the District of Columbia."

This argument against District of Columbia representation is heard most frequently in relation to the Senate. The objection is raised that only States should be represented in the Senate. But that argument is no longer seriously accepted. For statehood for the District is gaining increasing support as the most direct method to grant the rights of full citizenship to the people who live in Washington, D.C. I share the strong concern of the Members of this body for the traditions and prerogatives of the Senate, but I feel a stronger concern against the injustice of denying a substantial group in our population the right to participate in making the laws by which they are governed. Vital legislation affecting the lives of all the citizens in the Nation is debated in every session of the Senate. Until the people of the District are represented in the Senate as well as in the House, they will not have the right of true self-government that is the birthright of every American citizen.

In addition, by accepting two Senators for the District of Columbia as part of the amendment, the Senate itself will be demonstrating its good faith to the House. Too often, the Senate has been generous in proposing representation in the House for the District of Columbia, but reluctant to invite the District into the well of the Senate itself. Once the Senate accepts the principle of full-voting representation in the Senate for the District of Columbia, I am confident that the House will follow suit.

To be sure, the status of the District of Columbia is unique in the politics and geography of America. Obviously, for example, we would not grant full voting representation in either the Senate or the House to Puerto Rico, unless that Commonwealth chooses to become a State.

Can we really maintain that the citizens of the District are doomed to a perpetual colonial status, to denial of the most basic right in civilized society—the right that is preservative of all other rights, the right of self-government? Surely this is too high a price to pay for preserving the traditions and prerogatives of the Senate.

Nothing in our Constitution or its history supports the interpretation that the District of Columbia was intended to be denied representation in both the Senate and the House. Indeed, in the Federalist, No. 43, James Madison, one of the principal architects of the Constitution, wrote that the prospective inhabitants of the Federal city "will have had their voice in the election of the Government which is to exercise authority over them." Clearly Madison was assuming that the citizens of the Nation's Capital would be represented in Congress.

Fifth, another, even less persuasive, objection to District of Columbia representation in Congress rests on the proviso in article V of the Constitution, which declares that—

> No State, without its consent, shall be deprived of its equal suffrage in the Senate.

It is far too late in our history to argue that the admission of the District of Columbia to representation in Congress would deprive any State of its "equal suffrage in the Senate." In light of the history of the Constitution and the precedents under it, the meaning of article V is clear—no single State may be given a larger number of Senators than any other State.

This was the essence of the Federal compromise at the Constitutional Convention in 1787. It has guided us for 200 years, and it is intended to endure throughout our history. This is all that article V means, and all that it requires.

In addition, article V has never been read as prohibiting the representation of new States in the Senate, even though—obviously—the admission of a new State dilutes the voice and power of the existing States in the Senate. Indeed, since the ratification of the Constitution by the original 13 States, 37 new States have been admitted to the Union. As a result, the power of the original 13 States in the Senate has been diluted nearly fourfold, from 2 to 26 to 2 to 100. Yet, no one has ever argued that any of the original 13 States has been deprived of its equal suffrage in the Senate.

The principle is clear. So long as the District of Columbia is represented in the Senate no more advantageously than any State, it cannot be said that representation for the District deprives any State of its equal suffrage in the Senate. Each State will still have two votes in the Senate, and each State will still have the same proportionate vote as any other State.

As I have attempted to show, the arguments against full voting representation in Congress for the District of Columbia have no merit, especially in light of the grave injustice that is being perpetuated against the citizens of the District. Today, the United States stands virtually alone among the democratic nations of the world in denying representative government to the people of its Capital City. The citizens of Washington deserve to share in the right of self-government, the birthright of every American citizen. I urge the Senate to establish this symbol of our commitment to our heritage and to the cause of freedom, equality, and justice for all our citizens.

It is my firm hope that this new Congress will bring an end to the shameful denial of the fundamental right to vote for the residents of Washington, D.C.

Historically, it is important to note the efforts of concerned journalists who sought to obtain representation in Congress for the District of Columbia. Mr. Augustus B. Woodward, a protege of Thomas Jefferson, wrote a series of eight articles and pamphlets on the issue for the National Intelligence between 1801 and 1803. His eloquent work preceded by some 80 years the articulate attention of Theodore W. Noyes, who began in 1888 to write a series of fine articles in the Evening Star, strongly urging that the District of Columbia deserves voting representation in the Congress. The history of the movement for District of Columbia representation is, to a great extent a chronicle of Noyes' activities.

In 1914, the movement began to gain broader support with the official backing of the Washington Chamber of Commerce, in a report written by Noyes himself.

In 1916 Noyes was the leading witness at the first Senate hearings ever held on representation in Congress for the District of Columbia.

In 1917 the Washington Board of Trade, the Chamber of Commerce, and many other organizations joined to organize the "Citizens' Joint Committee on National Representation for the District of Columbia," with Noyes as chairman. Noyes held the position until his death, and testified frequently for the committee in Senate and House hearings.

In 1922, in what stood for many years as the high mark of the legislation until Congressman Celler's action in 1967, the Senate District Committee favorably reported the District of Columbia amendment, with a report closely tracking the testimony Noyes had given.

By 1928, Noyes had become known across the Nation for his crusade, testifying before Congress at the age of 70, he was praised as a man "of invincible determination and unquenchable hope."

In 1946, at his death, Noyes' created a small trust to continue the movement for District of Columbia representation in Congress. In the words he used in the bequest, Noyes created the trust because he was "convinced that no other representation is so essential to the welfare of the men and women of my home community." In 1951, the trust published a volume of Noyes' collected writings on the subject, entitled, "Our National Capital and Its Un-Americanized Americans."

The first constitutional amendment to be introduced in Congress for District of Columbia representation was proposed by Senator Henry W. Blair of New Hampshire in 1888, in response to a train of events set in motion by Noyes' articles. On March 10 of that year, the Star carried the fourth article of Noyes' series, describing the unfortunate political plight of the citizens of the District. In the article, Noyes proposed an amendment to provide voting representation in Congress for the District by one Senator and one or more representatives, according to population. As Noyes stated in his article:

> (The amendment) would be a compromise between granting only local, qualified suffrage, which is highly objectionable to the District, and consenting to absolute self-government, which involves a surrender of national control over the capital, and to which the United States, as owner of one-half the city . . . would never consent. The wisdom of this course is sustained by all the arguments which go to show that the constitutional power of "exclusive legislation" by Congress should not be hastily yielded, and also by those who maintain that taxation without representation and inequality of citizens before the law should not be allowed to exist.
>
> The District would be placed in certain respects on a level with the States. Taxed like them, it would have like them a voice in the disposition of the general taxes. It would not, however, stand upon precisely the same footing with them, for the States are subordinated to the general government only in certain defined particulars, whereas the District would be subordinated in all respects . . . enjoying representation in Congress and participation in the choice of the President, who appoints its local officers, Washington would resemble in its municipal government a city which, after voting for the governor and legislature of a State is managed by a commission appointed by the former and approved by the latter.—*Our National Capital and Its Unamericanized Americans*, pp. 62–63.

There is little doubt therefore, that the devoted concern of one Washingtonian, Mr. Theodore W. Noyes, has appropriately set the stage for the work that we are attempting to carry forward today.

In the first half of this century, Noyes emphasized the same arguments that had been made since 1800. And those arguments remain as forceful and appropriate in the 1970's. The principle of self-government is probably the most fundamental basis of human dignity and constitutional rights of the people in the District of Columbia.

Throughout his life, Noyes urged Congress to act without delay. He led the campaign that established the full justification for Washington's citizens to exercise this basic constitutional right.

I am hopeful that we can take the final step toward that goal.

DISTRICT OF COLUMBIA REPRESENTATION IN CONGRESS AND HOME RULE FOR DISTRICT OF COLUMBIA

The proposed amendment deals only with representation in Congress for the District of Columbia. It is not a proposal for "Home Rule" for the District. Citizens of the Nation's capital have never had representation in Congress. Ironically, however, in times past, they have had home rule—the right to choose their own local government. For almost a century—from 1800, when the District of Columbia was first established by Congress, until 1874, when Congress eliminated all elective offices for the District—citizens of the District had at least some form of elected self-government.

I strongly support the principle of home rule for the District of Columbia. Whatever the result of these efforts, however, at least we can agree now that representation in Congress for the District of Columbia is both deserved and justified.

THE NEED FOR FULL VOTING REPRESENTATION IN CONGRESS FOR THE DISTRICT OF COLUMBIA

Full voting representation in Congress is an act of simple justice for the District of Columbia that is long overdue. For nearly a century, every effort to accomplish this goal has met with uniform frustration and defeat. It is time now for Congress to act and end this injustice.

Thanks to the 23d amendment to the Constitution, adopted in 1961, the citizens of the District of Columbia are now eligible to vote for President and Vice President. But, there is still an unfair barrier against their participation in the National Legislature. By some strange anomaly, citizens of the District can vote for their President, but not for their own representatives in Congress.

There is no reasonable basis to continue to exclude the citizens of the District from the right to representation in Congress. We can no longer ignore the fact that the power of the vote in Congress determines much of the life and direction of the Nation. Even without the power of this vote, the people of the District are still required to fulfill all the obligations of American citizenship. But because they have no voice in shaping the laws by which they are governed, they are relegated to the status of second-class citizens in our society.

The residents of the Federal City are as deeply concerned about their city's condition and future as are the residents of Boston, New York, Chicago, Los Angeles, or any other American metropolis. But Washingtonians do not share equally with other Americans in the opportunity to make the decisions that affect their lives. Only a constitutional amendment granting full representation in Congress will enable citizens of the District to enjoy each of the rights granted to all Americans by the Constitution of our country.

District of Columbia representation in Congress, however, is more than just a prize for the citizens of the District. It is also a symbol of the problems and aspirations of the Nation as a whole. For the United States, the world's greatest democracy, to deny the right of representation to the people of its capital is unconscionable, and the shame of the denial is compounded by the bitter racial emotions to which it gives rise. All of us in Congress, whatever the State or District we represent, have the obligation to eliminate this blight on the principles of our democracy.

Washington today is a city of 757,000 people. It has a population greater than that of each of 10 States. Together, those 10 States have a total of 35 representatives in the Senate and the House. Yet, the people of Washington have no voice whatever in Congress. By contrast, those 10 States are currently represented as follows:

[Population, 1970 census]

No Senators, No Representatives, 1 Non-Voting Delegate: District of Columbia	757,000
2 Senators, 2 Representatives:	
New Hampshire	738,000
Idaho	713,000
Montana	694,000
South Dakota	666,000
North Dakota	618,000
2 Senators, 1 Representative:	
Delaware	548,000
Nevada	489,000
Vermont	445,000
Wyoming	332,000
Alaska	302,000

These figures are derived from the 1970 census. Article 1, section 2 of the Constitution requires that the census shall be taken at least once every 10 years. Although the census now fulfills many purposes, the Constitution makes clear that the primary purpose of the census is to determine congressional representation in the House of Representatives. Ironically, in the District of Columbia, the national census continues to fulfull every purpose except its primary purpose.

As viewed by our Nation's official policy, Washingtonians are equal for the purpose of taxation, the draft, and all the other duties of citizenship, but not for the purpose of representation. Each year, they are taxed for hundreds of millions of dollars without representation, and their sons are drafted to fight and die in our Nation's wars. In countless ways, the people of Washington bear the manifold responsibilities of Federal citizenship, but they are denied the opportunity to participate in making the laws by which they are governed.

To deny District citizens a voice and a vote in the Congress is not only to deny 757,000 people their rightful representation in the Senate or House. At least in part, it is also to deny more than 35 million people in 16 different States the full attention of their own Senators and Representatives serving on the Senate and House Committees on the District of Columbia and the respective appropriations subcommittees.

In order to end the participation of Members of Congress on the Senate and House District Committees, the District must have representation in the Congress and home rule. But with congressional representation it may reasonably be expected that at least Senators from the most populous States, like New York, would be more free to devote their attention to their own constituents and would not also be assigned the responsibility of the detailed local work of a District Committee. It is absurd, in the present situation, that Senators and Representatives on the District committees are too often obliged to put their work on national legislation ahead of their work on District legislation. Clearly, it would be desirable to have Senators and Representatives on those committees whose primary loyalty would be to the citizens of the District.

Of course, in the early years of our Republic the status of the District of Columbia was not the same as it is today. Our founding fathers had no idea that the pastures, marshes, and cornfields along the Potomac River would one day become the residence for nearly a million people and the center of one of the Nation's greatest metropolitan areas.

Today, however, the situation is different. The Nation's Capital has expanded into a vast and complex society, the heart of democracy in America. Washingtonians live with precisely the same issues that face every other part of the Nation. War and race, poverty and crime, education and health are the great issues of our time, and they vitally affect all our people. Only in Washington, however, are American citizens denied a voice in solving these problems. The laws and policies that personally affect the daily lives of Washington residents are entirely dictated by us in Congress. Yet, only one Member of Congress is a direct representative of the people of the Capital City, and he has been denied the power to express the will of his constituents, for he cannot vote on legislative matters presented to the full House of Representatives.

Equally important, the vast political changes in our society in recent years have placed extraordinary emphasis on the fair and equal participation of every citizen in the most basic right of all in our democratic society—the right to vote. The decade of the sixties brought enormous progress in this area to millions of Americans. The Civil Rights Acts, the Voting Rights Act, the abolition of the poll tax, the reapportionment decisions of the Supreme Court, and the 18-year-old vote, are just a few of the great steps we have taken in recent years to achieve the ideal stated so eloquently in the Declaration of Independence, that "governments are instituted among men, deriving their just powers from the consent of the governed."

At the same time, the remarkable advances we have secured in another area demonstrates even more clearly the injustice to which hundreds of thousands of Washington citizens are condemned. By denying them the right to representation in Congress, we rob them of one of the basic birthrights of American citizens.

In large part, I believe, the absence of District of Columbia representation in Congress is the result of ignorance and apathy, not conscious discrimination. Wherever I travel in Massachusetts, I find that people are amazed to hear that the citizens of Washington have no representation in Congress. Now that the plight of the Nation's Capital is becoming familiar in States throughout the country, I am hopeful that the remedy will be swift.

I fully understand the issues raised by those concerned about the changing relationship of the Federal Government and the Congress to the District. We all know that this is not and has never been a static relationship. Rather, the relationship has undergone a process of continual evolution through the years.

It is fair to say, however, that the only real controversy in the debate has always been over the question of home rule—a question entirely separate from the fundamental issue of representation in Congress for the citizens of the District.

Agonizing debates over many years have produced a wide variety of proposals to resolve the question of home rule. Some have suggested a federal enclave, withholding most or all Federal property from municipal jurisdiction, but restoring all the rest to local. Others call for complete local self-government, subject only to such minimum controls as may be clearly essential to protect the seat of Federal Government.

No such bitter controversy surrounds the question of District of Columbia representation in Congress. This is one contemporary need to which Congress can and should respond. The people of Washington are entitled to full voting representation in the U.S. Senate and House of Representatives. It is long past time for Congress to demonstrate to our own people and to people long past the world that in America, democracy exists for all.

FULL VOTING REPRESENTATION AND THE NONVOTING DELEGATE

On Wednesday, September 9, 1970, the Senate passed and sent to the President for his signature a bill to create a nonvoting delegate in the House of Representatives for the District of Columbia.

On August 10 of that year, the nonvoting delegate bill had passed the House of Representatives by the overwhelming vote of 300 to 57. Shortly thereafter, upon consulting publicly and privately with leaders in District of Columbia affairs and members of the Senate, I asked the majority leader to defer Senate consideration of the nonvoting delegate bill until after the Labor Day recess.

I believed that this brief delay would enhance the prospect of achieving full voting representation in Congress for the District of Columbia. I was confident that the delay would in no way jeopardize the enactment of the nonvoting delegate bill in this Congress.

As I made clear at the time, I fully supported a nonvoting delegate in Congress for the District of Columbia. I commended the successful efforts of Senator Tydings, Congressman NELSEN, and District leaders in bringing this goal within easy reach at last. I especially commended Mayor Walter Washington, David Carliner, and other leaders of the District for the common bond of unity they formed in successfully urging passage of the nonvoting delegate bill in the House. These leaders have served the District well. There is no difference among us on the overall goal. The question that arose was entirely one of timing and legislative strategy.

A number of Senators and District leaders with whom I conferred shared my concern that the immediate passage of the nonvoting delegate would diminish the very real opportunity we have in this Congress to achieve our vastly more important goal of full voting representation for the District of Columbia—two voting Senators and two voting Congressmen.

When the Senate returned from its Labor Day recess, I conferred again with Members of the Senate and leaders of the District of Columbia. In light of the impending rush toward congressional adjournment, it was clear that the Senate action on the nonvoting delegate bill should no longer be delayed. More important, it was also clear that the brief delay in Senate action had succeeded in bringing an extraordinary amount of local and national attention to the higher goal we seek—full voting representation in Congress for the District—and a deeper understanding of the role of the nonvoting delegate as an interim measure en route to full voting representation.

Within hours after I removed my "hold" on the nonvoting delegate bill, it passed the Senate and was cleared for final action by the President.

Of course, it is now a matter of history, that WALTER FAUNTROY was elected on March 23, 1971, to represent the people of Washington as a nonvoting delegate to the Congress. Mr. FAUNTROY has diligently sought to achieve the benefits of full representation for the people he has been elected to serve. For, he knows, more intimately than anyone, the frustrations and burdens constantly heaped upon the lone voice that Washington residents have been allowed to obtain as their spokesman in our national legislature. He has been the active voice, demanding the vote for District of Columbia residents. His efforts are the forerunner in Congress for the voting Senators and Congressmen who will fashion their service on the foundation he is laying.

Only in this way can we maintain the momentum we have begun to generate. We simply cannot allow the status of the interim delegate to deteriorate into that of a permanent nonvoting representative. At least, we have a good chance of success, if only we keep our sights high, and do not relax our efforts before the job is done.

POSSIBLE ARGUMENTS AGAINST FULL VOTING REPRESENTATION IN CONGRESS FOR THE DISTRICT OF COLUMBIA

In the past, representation in Congress for the District of Columbia has been the subject of a number of unconvincing opposing arguments. Because they are so unconvincing, most of us who favor representation for the District dismiss these arguments as a cover for partisan politics, or, worse, as a cover for racism.

One nonpersuasive objection to District representation rests on the proviso in article V of the Constitution, which declares that—

> No state, without its consent, shall be deprived of its equal suffrage in the Senate.

It is far too late in our history to argue that the admission of the District of Columbia to representation in Congress would deprive any State of its "equal suffrage in the Senate." In light of the history of the Constitution and the precedents under it, the meaning of article V is clear—no single State may be given a larger number of Senators than any other State.

In other words, it was the intention of the Founding Fathers in the proviso of article V to make clear that the Senate could never—even by constitutional amendment—be apportioned by population or on any other basis that would give one State more representatives in the Senate than any other State.

This was the essence of the Federal compromise at the Constitutional Convention in 1787. It has guided us for 200 years, and it is intended to endure throughout our history. This is all that article V means, and all that it requires.

The principle is clear. So long as the District of Columbia is represented in the Senate no more advantageously than any State, it cannot be said that representation for the District deprives any State of its equal suffrage in the Senate. Each State will still have two votes in the Senate, and each State will have the same proportionate vote as any other State.

RECENT EFFORTS TO OBTAIN REPRESENTATION IN CONGRESS FOR THE DISTRICT OF COLUMBIA

Although a large number of proposed constitutional amendments for full voting representation in Congress in the District of Columbia have been introduced over the years, none has yet come to a vote on the floor of either the Senate or the House. In 1971, the Senate moved to table the congressional representation proposal that I offered. And last year the House Rules Committee refused to permit a resolution passed by the Judiciary Committee to come to a vote on the floor. In 1967, the Johnson administration proposed a constitutional amendment to provide a single voting representative for the District in the House of Representatives. The proposal would also have authorized Congress to act by statute to enlarge District of Columbia representation in either the Senate or the House, up to the representation to which the District's population entitles it. Hearings on this proposal were held before the Senate and House Judiciary Committees in the 90th Congress.

No further action was taken in the Senate, but the House Judiciary Committee—under the leadership of its distinguished chairman, Congressman Emanuel Celler—reported the proposal in a much more far-reaching form. As reported, the proposal—essentially the same proposal that I am now offering—would provide for the election of two Senators by the voters of the District and election of the number of Representatives based on the city's population. Unfortunately, the House Rules Committee failed to act on the proposal. No further action could be taken by the House, and the amendment died when the 90th Congress adjourned. But for the remarkable record of achievement already compiled in the House, there would be no real prospect for enactment of the amendment at this time.

It is also significant that a few years earlier, in 1960, the full Senate itself had accepted the principle of representation in Congress for the District of Columbia. By a vote of 63 to 25—well over the two-thirds majority required to pass a constitutional amendment—the Senate accepted an amendment, sponsored by Senator Kenneth Keating, which would have given citizens of the District of Columbia the right not only to vote in presidential elections, but also to be represented in the House of Representatives. Under the provisions of the amendment, Congress was authorized to determine by statute whether the District representatives would be given voting privileges in the House. The provision for District of Columbia voting in presidential elections went on to become the 23d amendment, but the provision for District of Columbia representation in the House died in the House Judiciary Committee. Today, however, the climate in that committee is obviously more favorable toward full voting representation in Congress for the District of Columbia.

In addition, it is worth emphasizing that the principle of District of Columbia representation in Congress has broad and bipartisan support. In his message to Congress on the District of Columbia in April 1969, President Nixon expressed the administration's strong support for District of Columbia representation in Congress. As the President stated:

> It should offend the democratic sense of this nation that the citizens of its capital comprising a population larger than eleven of its states have no voice in Congress.

Both in October 1969 and in September 1970, President Nixon reiterated his strong concern for voting representation in Congress for the citizens of the District. As part of his message to Congress on September 11, 1970, entitled "A Call for Cooperation," the President emphasized his view that the lack of representative government for the people of the District was "one of the truly unacceptable facts of American life." As the President said—

> I share the chagrin that most Americans feel at the fact that Congress continues to deny self-government to the nation's capital.

As long ago as December 1952, President-elect Eisenhower spoke eloquently of the need for the District of Columbia representation in Congress. As he put it, taxation without representation was contrary to the principles of our Nation. He specifically expressed his strong feeling that something was basically wrong in America if we tax the citizens of the District and draft their children for military service, but do not give them the right to vote.

VOTING RIGHTS OF RESIDENTS OF THE DISTRICT OF COLUMBIA UPON ITS ESTABLISHMENT AS THE SEAT OF THE FEDERAL GOVERNMENT

The origin of the District of Columbia is found in Article I Section 8, Clause 17 of the Constitution, which provides:

> The Congress shall have Power . . . To exercise exclusive Legislation in all Cases whatsoever, over the District (not exceeding ten Miles square) as may, by Cession of particular States, and the acceptance of Congress, become the Seat of the Government of the United States.

In 1788, the year after the Constitution was ratified, Maryland ceded territory for the District. In 1789, Virginia also ceded territory. From the Maryland and Virginia cessions, the 10-mile square area on both sides of the Potomac River constituting the original District of Columbia was selected.

In the Residence Act of July 16, 1790, Congress approved the territory ceded by Maryland and Virginia as the site for the seat of the Federal Government, and empowered President Washington to engage in all activities necessary for the site to be ready for occupation and use by the Government of the United States on the first Monday of December, 1800.

The original 10-mile square area—100 square miles—approved for the Nation's Capital contained two municipalities—Georgetown and Alexandria. Georgetown had originally been laid out in 1752. It was incorporated by Maryland in 1789 and had a population of 3,000 persons in 1800. Alexandria had been founded in 1749. It was incorporated by Virginia in 1790, and had a population of 5,000 in 1800.

Prior to the cutoff date of the first Monday of December, 1800, residents of the area included in the District of Columbia continued to vote for Senators and Representatives from their respective States, as well as for the President of the United States and for local officials. In the case of the national election in 1800, for example, voters from the newly laid out city of Washington cast their ballots at Bladensburg, Md. and residents of Georgetown and Alexandria voted in their respective cities.

The right to vote in national elections remained in force until the first Monday in December, 1800, when, as announced in an opinion by Justice William Cranch of the U.S. Circuit Court of the District of Columbia, the exclusive jurisdiction of Congress over the District took effect.

In 1846, at the solicitation of the citizens of Alexandria, aggrieved by the denial of their voting rights and their representation in the Federal Government, Congress ceded the 30 square miles of the Virginia portion of the District back to the State of Virginia. A referendum by the people of the area approved the retrocession by an overwhelming majority of nearly 80 percent. In 1838, Georgetown had sought retrocession unsuccessfully. Thus, the territory comprising the District of Columbia today is the 70 square miles of the original Maryland cession.

The grievances of the people of Alexandria leading to the demand for retrocession to Virginia were vividly described by Representative Robert M. T. Hunter of Virginia in a speech on the floor of the House during the debate on the retrocession bill. The reporter of the debates summarized Congressman Hunter's speech as follows:

> He spoke of the importance of the retrocession to the people of Alexandria; and depicted, in glowing colors, the blight that had fallen on that city by reason of her dependence on the General Government; her declining commerce, her premature decay; the desolation which had come upon her, not by the scourge of God, but by the hand of man. He believed that if the boon contemplated by this bill were granted, the blessings of the people of Alexandria and of their posterity would fall upon Congress. If this opportunity was neglected, Congress would be responsible for whatever evils might result. Cong. Globe, 29th Cong., 1st Sess., p. 778.

The echoes of these grievances are still heard today, more than a century later, with respect to the descendants of the residents of the original Maryland territory ceded to the Nation. The call for action by Congress is now clear.

EARLY EFFORTS TO OBTAIN REPRESENTATION IN CONGRESS FOR THE DISTRICT OF COLUMBIA

From the beginning of the 19th century, there have been a number of strong proponents of full voting representation in Congress for the District of Columbia. One of the earliest advocates was Mr. Augustus B. Woodward, a protege of Thomas Jefferson, who wrote a series of eight articles and pamphlets on the issue for the National Intelligencer between 1801 and 1803. In this pamphlet, entitled "Considerations on the Government of the Territory of Columbia" and signed "Epaminondas," Mr. Woodward described the plight of the citizens of the new District, who were forced to endure the very sort of taxation without representation that had so recently triggered the Revolutionary War. As Mr. Woodward eloquently stated:

> This body of people is as much entitled to the enjoyment of the rights of citizens as any other part of the people of the United States. There can exist no necessity for their disenfranchisement, no necessity for them to repose on the mere generosity of their countrymen to be protected from tyranny; to mere spontaneous attention for the regulation of their interests. They are entitled to a participation in the general councils on the principles of equity and reciprocity. Considerations on the Government of the Territory of Columbia, Nos. I-IV, Georgetown Museum, 1801–1803.

The other well-known early advocate of District of Columbia representation in Congress was Theodore W. Noyes, a native Washingtonian and the editor of the Evening Star from 1908 to 1946. In 1888, a year after he first came to the Star as an associate editor, Noyes wrote a series of five articles entitled "Some of Washington's Grievances," in which he strongly urged that the District of Columbia deserved voting representation in Congress. Throughout his life Noyes devoted much of his time and effort to the cause of District of Columbia representation in Congress and he may legitimately be called the father of the contemporary movement for such representation

In 1888, Mr. Appleton P. Clark, Sr., a local civic leader, submitted a letter requesting presentation of an amendment to Congress for District of Columbia representation in Congress and in the electoral college. The amendment was presented by Senator Blair, and was printed in the CONGRESSIONAL RECORD of April 3, 1888—50th Congress. The amendment was identical to the proposal outlined by Mr. Noyes. On April 5, the Senate Judiciary Committee asked to be discharged from consideration of the amendment for technical procedural reasons, and asked that the amendment be referred to the Committee on Privileges and Elections.

On May 15, 1888, Senator Blair reintroduced the amendment as Senate Joint Resolution 82, and this resolution has come to be accepted as the first constitutional amendment to provide representation for the District of Columbia in Congress.

During the 51st Congress, two constitutional amendments were introduced in the Senate—Senate Joint Resolution 11—December 5, 1889 and Senate Joint Resolution 18—December 9, 1889. On December 19, 1889, both amendments were reported unfavorably by the Senate Committee on Privileges and Elections, with the recommendation that consideration be indefinitely postponed. On September 17, 1890, Senator Blair was recognized and spoke strongly before the Senate in support of the resolutions, but they remained on the calendar without further legislative action.

Although a number of individuals made efforts to promote congressional representation for the District and a number of constitutional amendments were introduced during the ensuing quarter of a century, the next period of major interest in the proposal did not begin until 1915.

In December 1915, House Joint Resolution 37 and Senate Joint Resolution 32—64th Congress—were introduced by Representative Richard W. Austin of Tennessee and Senator George E. Chamberlain of Oregon. The resolutions were identical, and provided that the citizens of the District should be accorded the status of citizens of a State in the elections of President and Vice President and should be represented in Congress on the same basis.

On February 24 and 25, and on March 2, 1916, the Senate Committee on the District of Columbia held the first hearings on the proposal. Theodore Noyes, testifying before the committee, presented the arguments which had been promulgated as early as 1801 in the pamphlets of August B. Woodward.

In his testimony, Noyes emphasized that the arguments made since 1800 for District of Columbia representation were the same, basically, as those he had presented in his article in the Star in 1888. The principle of self-government he said, was so basic to the human dignity and constitutional rights of the people in the District that Congress should act without delay. No further action was taken by the committee, however, and no committee report was filed.

On January 27, 1917, near the end of the 64th Congress, Senator Chamberlain introduced Senate Joint Resolution 196. This proposal is of importance because it was the first of the so-called permissive forms of the amendment to be introduced. Under Senator Chamberlain's new amendment, Congress would have been authorized to act by statute to give the residents of the District the status of citizens of a State for the purpose of representation in Congress and election of the President and Vice President. Under the earlier "mandatory" forms of the constitutional amendment, representation in Congress would have been required by the terms of the amendment itself.

Between 1917 and 1921, 15 additional resolutions were introduced. The Senate District Committee held a new round of hearings on four of the proposals, and on February 21, 1922, Senate Joint Resolution 133, a permissive form of the amendment, was reported favorably by Senator Wesley L. Jones of Washington, the chairman of the committee. (Senate Report No. 507, 67th Congress). Except for the increased population of the District, the findings and conclusions of the committee are as valid and current today as they were in 1922, 48 years ago. As the committee report stated:

> Yet in the District of Columbia, the seat of the government of the United States, 437,571 Americans, performing justly and honorably all the duties of peace and war, remain without any representation whatever in the Government which rules and taxes them, makes the laws they must obey, and sends their sons to battle.
>
> What is there in our scheme of government that requires that the Capital of the United States should be the one capital among the civilized nations, the inhabitants of which are excluded, deliberately and of set purpose, from all participation in their government?

The 1922 report of the Senate District Committee was twice reaffirmed in subsequent Congresses without hearing, but no further substantial legislative action was taken. The rising tide of the movement had crested and begun to subside.

At the beginning of this period, various citizen groups had begun to lend increasingly active support to the District of Columbia representation movement. Outstanding among them was the Citizens' Joint Committee on National Representation for the District of Columbia, which convened initially on November 21, 1917. The committee was composed of delegates from Washington's principal commercial and civil bodies, and was intended to become a smooth working, powerful organization, operating solely and with one voice for the passage by Congress and ratification by the State legislatures of a constitutional amendment to give representation in Congress for citizens of the District. Theodore Noyes was unanimously elected chairman and he served in that capacity until his death July 4, 1946.

The injustice of taxation without representation, and the participation of District citizens in World War I without the full political status of their comrades, had succeeded in bringing the District of Columbia representation issue to the forefront. By 1919, the Citizens' Joint Committee had established an essentially all-inclusive membership among local organizations and institutions. The rolls of the committee contained every significant civil and business organization of Washington, such as the chamber of commerce, the Board of Trade, the Merchants' and Manufacturers' Association, the Central Labor Union, the Federation of Citizens' Associations, the Oldest Inhabitants Association, the bar association, and many others.

The joint committee's executive officers had laid effective groundwork by visiting several cities for the purpose of studying their tax structures. The Washington press carried long accounts of progress toward the goal, and out-of-town correspondents kept other localities aware of the movement.

Red stickers were printed emphasizing that the 400,000 inhabitants of the District paid taxes, obeyed Federal laws, and went to war, but were forced to remain voteless. Businessmen attached the stickers to their nonlocal correspondence. The response throughout the country was surprisingly rapid and heartening. Many persons offered support and expressed astonishment at learning that Washingtonians were disfranchised, or that they were required to pay taxes in any form. And yet, although not a dissident note sounded in these early years, no action occurred in Congress.

Then, the civic front began to crack. The organizations making up the joint committee began to take differing positions on the amendment they desired Congress to enact. A severe blow fell in July 1919, when racial violence broke out in Washington. The disturbances produced deep political divisions within the city on the issue, causing a loss of faith in the people of Washington throughout the country.

Apathy set in. Although the joint committee remained in existence for many years it was never able to generate the strong combination of interests that it had secured in the early years.

Leaders in the District and in Congress sought to maintain the pressure to achieve the goal, but the next major step forward did not come until the action of the House Judiciary Committee in 1967. The time is now at hand to take the final step.

REPRESENTATION OF THE CAPITAL CITY IN THE NATIONAL LEGISLATURE OF FOREIGN NATIONS

The denial of representation in Congress to the District of Columbia stands in sharp contrast to the representation enjoyed by citizens of capital cities governed under a federal system in many foreign nations throughout the world.

Within the British Commonwealth, two of the three nations with national capitals under Federal jurisdiction—Australia and India—grant voting representation in the national legislature to citizens of the capital city. Australia's capital territory at Canberra is administered by the Commonwealth government in much the same fashion as Congress governs the District of Columbia. Canberra, however, unlike the District, has an elected representative in the House of Parliament who has full voting privileges.

India's capital, New Delhi, is administered by the President of India through an administrator of his designation. Elections of representatives to both the upper and lower Houses of Parliament from the capital city are conducted in the same manner as elections for representatives from the other states and territories in India.

In general, the constitutions of European nations grant no special status to the capital cities, and they impose no limitations on the rights of citizens of the caiptal cities to vote in national elections. Even in countries with a Federal structure, such as Austria, West Germany, Switzerland, and the Soviet Union, the electoral codes give the capital cities equal footing with other electoral districts, determined on the basis of population.

Similarly, in three of the four federated republics in Latin America in which a federal district has been established—Argentina, Mexico and Venezuela—the citizens of the capital city enjoy voting representation in the national legislature.

Only in Brazil are the citizens of the capital city, Brasilia, denied such voting representation. And even in Brasilia, the circumstances are unique and reminiscent of the District of Columbia at its origin. Until 1956, Rio de Janeiro was the capital of Brazil, and its citizens enjoyed full voting representation in the national legislature. When the capital was transferred to Brasilia in 1956, the capital was a "new city," like Washington in 1800, carved out of wilderness territory, with a "population" expected to consist essentially of the members of the government and the national legislature. As in the case of Washington, the founding fathers in Brazil simply did not anticipate the rapid growth of their new capital city.

Indeed, half a century ago, in the first committee report of the U.S. Senate urging representation in Congress for the District of Columbia, the Senate District Committee emphasized the irony of the disfranchisement of Washington residents compared to the citizens of the capital cities of Brazil and other Latin American nations.

As the committee stated in 1922:

> National representation of the District will remove from the Nation the shame of impotency.
>
> It will proclaim to the world that the great Republic is as devoted to the principles of representative government and as capable of enforcing them as other republics with capitals in nation-controlled districts, like Mexico, Brazil, and Argentina. These nations have not found themselves impotent to give full national representation to the people of their capitals.
>
> It would proclaim to the world that the people of Washington are as fit to participate in national representative government as the people of Rio de Janeiro, Buenos Aires, and Mexico City. Washington will cease to be the only capital in all the world whose people, slurred as tainted or defective, are unworthy to enjoy the same national representation as that enjoyed by all other cities of the Nation.

The conclusion is inescapable. In nation after nation throughout the world, the citizens of capital cities are accorded the dignity and respect of representation in their national legislatures. Surely the citizens of the Capital of the United States deserve no less.

EXHIBIT 1

S.J. RES. 76

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the following article is hereby proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution only if ratified by the legislatures of three-fourths of the several States within seven years from the date of its submission by the Congress:

"ARTICLE —

"SECTION 1. The people of the District constituting the seat of government of the United States shall elect two Senators and the number of Representatives in Congress to which the District would be entitled by apportionment if it were a State. Each Senator or Representative so elected shall be an inhabitant of the District and shall possess the same qualifications as to age and citizenship and have the same rights, privileges, and obligations as a Senator or Representative from a State.

"SEC. 2. When vacancies happen in the representation of the District in either the Senate or the House of Representatives, the people of the District shall fill such vacancies by election.

"SEC. 3. This article shall have no effect on the provision made in the twenty-third article of amendment to the Constitution for determining the number of electors for President and Vice President to be appointed for the District. Each Representative or Senator from the District shall be entitled to participate in the choosing of the President or Vice President in the House of Representatives or Senate under the twelfth article of amendment as if the District were a State.

"SEC. 4. The Congress shall have power to enforce this article by appropriate legislation."

Mr. KENNEDY. Mr. President, I request unanimous consent to enter in the RECORD, at this point, a statement from Senator BIRCH BAYH, supporting the need to grant full representation in the Congress for the District of Columbia.

The PRESIDING OFFICER. Without objection, it is so ordered.

DISTRICT OF COLUMBIA REPRESENTATION

I am pleased to join today with the distinguished Senator from Massachusetts (Mr. KENNEDY) in introducing an amendment to the Constitution to provide for complete representation in Congress for the District of Columbia. I have long favored such an amendment and I hope that this year, at long last, Congress and the States will agree that the residents of the District, like other citizens of this Nation, deserve fair representation.

For far too many years the people of the District of Columbia have been denied their rightful role in electing our Government. The District is the seat of the greatest representative democracy the world has ever known. Yet it was not until 1964 that its residents even had the opportunity to vote for their President and Vice President. It seems to me indefensible that to this day in the very shadow of the Capitol Building there still reside so many American citizens who have so little to say about so much that affects them so directly.

It should be disturbing to every American that this city of over 750,000 people—more inhabitants than 10 States, which have 34 Representatives in the House and Senate—does not have a voting representative responsible to it. Those who live in the District are required to assume their responsibilities as citizens, but they are not given the full privileges of citizenship. They must pay Federal taxes, they must fight for their Country, they must fulfill every other obligation and responsibility of citizenship. But not one person is elected to vote on the floor of Congress on their behalf.

It is a matter of elementary fairness that those who are asked to risk their lives in their Nation's defense, those who pay Federal taxes, should have some say about how the federal system operates. Indeed, the injustice of taxation without representation was one of the prime elements which drove our forefathers to revolution almost 200 years ago. And yet tday that very injustice persists in the one place it most assuredly should not: the Capital of the Nation born of such grievances.

I feel a special interest in this proposal, Mr. President, because of the positions I am privileged to hold in this body. As Chairman of the Subcommittee on Constitutional Amendments, I have twice presided over hearings on this topic. I am ready again this year to take every appropriate action to move this important amendment toward quick approval by the Congress. And as Chairman of the Subcommittee on Appropriations for the District of Columbia, I have continuing contact with the people who will be most directly affected by the amendment, and with their problems.

Not all of the District's problems will be solved by the amendment I sponsor today, though the feelings of frustration which accompany the lack of representation will be greatly diminished. Important too, we must not forget, are legislative proposals to grant the City home rule—an elected council and mayor with significant and meaningful legislative and executive powers, powers similar to those the public officials have where you and I live, Mr. President. I have supported such proposals in the past, and I will do so again in the future.

Mr. President, the most basic notion of our system of government is that each citizen deserves a chance to be heard, to express his political views through a freely elected representative. That is all that we seek for the people of the District by introducing this amendment. No person deserves less.

By Mr. WILLIAMS:

S.J. Res. 77. Joint resolution to authorize the President to proclaim the month of April 1973 as "National Health Professional Careers Month." Referred to the Committee on the Judiciary.

NATIONAL HEALTH PROFESSIONAL CAREERS MONTH

Mr. WILLIAMS. Mr. President, today I am introducing a joint resolution that would appropriately honor more than 3 million dedicated men and women in the United States by authorizing the President to designate April 1973 as "National Health Professional Careers Month."

As this Nation continues to rapidly advance in the area of medical technology, the need for well-trained professional personnel has become increasingly obvious.

Within recent years, Congress has demonstrated its willingness to share in the responsibility of curbing this shortage problem. In only the last 10 years, seven major health professional assistance acts have been enacted into law. During the 92d Congress, alone, the initiation of the Nurse Training Act of 1971 and the Comprehensive Health Manpower Training Act of 1971 provided for substantial funding for the improving and expanding of educational and training programs and for the construction of adequate facilities throughout the country.

Those who serve in this important profession have also demonstrated their dedication to improving our national health care system. The nearly 3.9 million people who are involved in health careers are not just our extensively educated professionals. They also include such talented workers as this country's youth and elderly who are willing to train and serve in the many diversified areas of the health profession.

Therefore, Mr. President, I believe it would be especially fitting to pay tribute to the many dedicated men and women in the health professions and acknowledge their work and efforts by designating April 1973 as "National Health Professional Careers Month."

ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTIONS

S. 6

At the request of Mr. WILLIAMS, the Senator from California (Mr. CRANSTON) was added as a cosponsor of S. 6, the Education for All Handicapped Children Act of 1973.

S. 34

At the request of Mr. HOLLINGS, the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 34, to provide for accelerated research and development in the care and treatment of autistic children, and for other purposes.

S. 44

At the request of Mr. DOLE, the Senator from Oregon (Mr. HATFIELD), the Senator from New York (Mr. JAVITS), and the Senator from Maine (Mr. MUSKIE) were added as cosponsors of S. 44, to amend the Small Business Act to increase the availability of management counseling to small business concerns.

S. 159

At the request of Mr. DOLE, the Senator from Kentucky (Mr. COOK), the Senator from Minnesota (Mr. HUMPHREY), and the Senator from Montana (Mr. METCALF) were added as cosponsors of S. 159, to provide for reimbursement of extraordinary transportation expenses incurred by certain disabled individuals in the production of their income.

S. 255

At the request of Mr. EAGLETON, the Senator from North Dakota (Mr. BURDICK) was added as a cosponsor of S. 255, to repeal certain provisions which become effective January 1, 1974, of the Food Stamp Act of 1964 and section 416 of the Agricultural Act of 1949 relating to eligibility to participate in the food stamp program and the direct distribution program.

S. 275

At the request of Mr. HARTKE, the Senator from South Dakota (Mr. McGOVERN) was added as a cosponsor of S. 275, a bill to amend title 38 of the United States Code, increasing income limitations relating to payment of disability and death pension, and dependency and indemnity compensation.

S. 762

At the request of Mr. HARTKE, the Senator from New Mexico (Mr. DOMENICI) was added as a cosponsor of S. 762, to authorize recomputation at age 60 of the retired pay of members and former members of the uniformed services whose retired pay is computed on the basis of pay scales in effect prior to January 1, 1972.

S. 793

At the request of Mr. CRANSTON, the Senator from Maine (Mr. HATHAWAY) was added as a cosponsor of S. 793, the Public Service Employment Act of 1973.

S. 813

At the request of Mr. FANNIN, the Senator from Arizona (Mr. GOLDWATER) was added as a cosponsor of S. 813, to authorize the Secretary of the Interior to purchase property located within the San Carlos Mineral Strip.

S. 853

At the request of Mr. TOWER, the Senator from North Carolina (Mr. HELMS) was added as a cosponsor of S. 853, to insure the separation of Federal powers by amending the National Labor Relations Act to provide for trial of unfair labor practice cases in the U.S. district court, and for other purposes.

S. 867

At the request of Mr. Williams, the Senator from Alaska (Mr. Gravel), the Senator from Idaho (Mr. Church), the Senator from Texas (Mr. Bentsen), the Senator from Michigan (Mr. Hart), the Senator from Illinois (Mr. Percy), the Senator from Rhode Island (Mr. Pell), the Senator from South Dakota (Mr. Abourezk), the Senator from West Virginia (Mr. Randolph), the Senator from Maine (Mr. Muskie), the Senator from Utah (Mr. Moss), the Senator from Iowa (Mr. Hughes), the Senator from Minnesota (Mr. Mondale), the Senator from Missouri (Mr. Eagleton), the Senator from Minnesota (Mr. Humphrey), the Senator from South Dakota (Mr. McGovern), the Senator from North Dakota (Mr. Burdick), and the Senator from Nevada (Mr. Bible) be added as cosponsors of S. 867, to eliminate discrimination against women in extending credit.

S. 882

At the request of Mr. Hartke, the Senator from South Dakota (Mr. McGovern), and the Senator from Alaska (Mr. Gravel), were added as cosponsors of S. 882, a bill to amend section 355 of title 38, United States Code, relating to the authority of the Administrator of Veterans' Affairs to readjust the schedule of ratings for the disabilities of veterans.

S. 893

At the request of Mr. Bentsen, the Senator from North Dakota (Mr. Burdick) was added as a cosponsor of S. 893, the Highway Safety Act of 1973.

S. 909

At the request of Mr. Hollings, the Senator from Wyoming (Mr. McGee), the Senator from New Hampshire (Mr. McIntyre), and the Senator from Rhode Island (Mr. Pastore) were added as cosponsors of S. 909, to amend the Federal Property and Administrative Services Act of 1949.

S. 918

At the request of Mr. Gurney, the Senator from North Carolina (Mr. Helms) was added as a cosponsor of S. 918, to require the imposition of a life sentence in connection with the unlawful distribution of certain narcotic drugs.

S. 919

At the request of Mr. Gurney, the Senator from Maryland (Mr. Beall), the Senator from Michigan (Mr. Hart), the Senator from Rhode Island (Mr. Pell), the Senator from Minnesota (Mr. Humphrey), the Senator from North Dakota (Mr. Burdick), the Senator from Ohio (Mr. Taft), and the Senator from Kentucky (Mr. Cook) were added as cosponsors of S. 919, to provide Medicare coverage at cost for widows and spouses of medicare beneficiaries.

S. 970

At the request of Mr. Stevens, the Senator from Utah (Mr. Bennett), the Senator from Nebraska (Mr. Curtis), the Senator from Ohio (Mr. Saxbe), and the Senator from Texas (Mr. Tower), were added as cosponsors of S. 970, to deal with the current energy crisis and to authorize construction of the trans-Alaska pipeline.

S. 975

At the request of Mr. Hartke, the Senator from Pennsylvania (Mr. Schweiker) was added as a cosponsor of S. 975, the Gas Cylinder Safety Act.

S. 994

At the request of Mr. Mondale, the Senator from Illinois (Mr. Percy) was added as a cosponsor of S. 994, the Kidney Transplant Act of 1973.

S. 1029

At the request of Mr. Taft, the Senator from Idaho (Mr. Church) was added as a cosponsor of S. 1029, a bill to provide, in cooperation with the States, benefits to individuals who are totally disabled due to employment-related respiratory disease and to the surviving dependents of individuals whose death was due to such disease or who were totally disabled by such disease at the time of their deaths.

S. 1033

At the request of Mr. Packwood, the Senator from South Dakota (Mr. McGovern) was added as a cosponsor of S. 1033, the Tiber Export Administration Act of 1973.

S. 1051

At the request of Mr. Hartke, the Senator from Rhode Island (Mr. Pastore) was added as a cosponsor of S. 1051, a bill to alter the medicare eligibility requirements for disability beneficiaries.

S. 1052

At the request of Mr. Hartke, the Senator from Minnesota (Mr. Humphrey) was added as a cosponsor of S. 1052, the Consumer Savings Disclosure Act.

S. 1056

At the request of Mr. Fannin, the Senator from Utah (Mr. Moss) was added as a cosponsor of S. 1056, to amend the Mineral Leasing Act of 1920.

S. 1079

At the request of Mr. Fong, the Senator from Utah (Mr. Bennett) was added as a cosponsor of S. 1079, to establish an Advisory Commission on the Reconstruction and Redevelopment of Southeast Asia.

S. 1098

At the request of Mr. Bible, the Senator from Minnesota (Mr. Humphrey), the Senator from Colorado (Mr. Dominick), the Senator from Indiana (Mr. Bayh), the Senator from Rhode Island (Mr. Pell) and the Senator from Wyoming (Mr. McGee) were added as cosponsors of S. 1098, to amend the Internal Revenue Code of 1954 to provide income tax simplification, reform, and relief for small business.

S. 1109

At the request of Mr. Mondale, the Senator from Texas (Mr. Bentsen), the Senator from Iowa (Mr. Clark), the Senator from Colorado (Mr. Haskell), the Senator from Iowa (Mr. Hughes), the Senator from Maine (Mr. Muskie), and the Senator from New Jersey (Mr. Williams) be added as cosponsors to S. 1109, to amend the Internal Revenue Code of 1954 to provide that the designation of payments to the presidential election campaign fund be made on the front page of the taxpayer's income tax return form.

S. 1180

At the request of Mr. Ribicoff, the Senator from Rhode Island (Mr. Pell) was added as a cosponsor of S. 1180, to eliminate farm subsidy programs.

SENATE JOINT RESOLUTION 3

At the request of Mr. Dole, the Senator from Minnesota (Mr. Humphrey) was added as a cosponor of Senate Joint Resolution 3, to provide for a 1974 centennial celebration observing the introduction into the United States of Hard Red Winter Wheat.

SENATE JOINT RESOLUTION 4

At the request of Mr. Dole, the Senator from New York (Mr. Buckley), the Senator from Nevada (Mr. Cannon), the Senator from Idaho (Mr. Church), the Senator from California (Mr. Tunney), and the Senator from New Jersey (Mr. Williams) were added as cosponsors of Senate Joint Resolution 4, to authorize and request the President to issue a proclamation designating a week as "National Welcome Home Our Prisoners Week" upon the release and return to the U.S. of American prisoners of war in Southeast Asia.

SENATE JOINT RESOLUTION 11

At the request of Mr. Hollings, the Senator from Indiana (Mr. Bayh), the Senator from Maryland (Mr. Mathias), the Senator from New York (Mr. Javits), the Senator from North Carolina (Mr. Helms), and the Senator from Washington (Mr. Jackson) were added as cosponsors of Senate Joint Resolution 11, to pay tribute to law enforcement officers of our Nation on Law Day, May 1, 1973.

SENATE JOINT RESOLUTION 53

At the request of Mr. Dole, the Senator from Maryland (Mr. Beall), and the Senator from Alaska (Mr. Stevens) were added as cosponsors of Senate Joint Resolution 53, to establish a joint congressional committee to investigate the causes and origins of U.S. involvement in the hostilities in Vietnam.

SENATE JOINT RESOLUTION 61

At the request of Mr. Hartke, the Senator from West Virginia (Mr. Randolph), the Senator from Arizona (Mr. Goldwater), and the Senator from Minnesota (Mr. Humphrey) were added as cosponsors of Senate Joint Resolution 61 a joint resolution authorizing and requesting the President to proclaim April 1973 as "National Check Your Vehicle Emission Month."

SENATE RESOLUTION 82—SUBMISSION OF A RESOLUTION ENDORSING THE OBJECTIVES OF THE PRESIDENT'S OCEAN POLICY STATEMENT

(Referred to the Committee on Foreign Relations.)

A RESOLUTION ENDORSING THE OBJECTIVES OF THE PRESIDENT'S OCEAN POLICY STATEMENT

Mr. PELL. Mr. President, today I am reintroducing an amended version of a sense of the Senate resolution which was originally submitted on February 8, 1973.

The purpose of this resolution is to endorse the objectives envisioned in the President's ocean policy statement of May 23, 1970. These goals are now being pursued by the U.S. delegation to the United Nations Seabed Committee in its preparation for the Law of the Sea Conference tentatively scheduled for November of 1973.

This new resolution contains some minor language changes which resolve an ambiguity in the original resolution, Senate Resolution 63. The changes are designed to clarify the intention of the resolution to endorse, among other things, the concept of free transit through and over international straits which may be overlapped by territorial seas created by the general international acceptance of a 12-mile territorial sea. The remainder of the resolution is identical to Senate Resolution 63 and the statement which I inserted into the Record on February 8, 1973, is still applicable. I, therefore, reiterate my hope that the Senate will recognize the sense of urgency attending the law of the sea issues and will give this measure its full support.

Mr. President, this resolution is cosponsored by the distinguished senior Senator from New Jersey (Mr. Case). I ask unanimous consent to have its text printed in full in the Record.

There being no objection, the resolution was ordered to be printed in the Record, as follows:

S. Res. 82

Whereas the oceans cover 70 per centum of the earth's surface, and their proper use and development are essential to the United States and to the other countries of the world;

Whereas Presidents Nixon and Johnson have recognized the inadequacy of existing ocean law to prevent conflict, and have urged its modernization to assure orderly and peaceful development for the benefit of all mankind;

Whereas the United States Draft Seabed Treaty of August 1970 offers a practical method of implementing these goals;

Whereas a Law of the Sea Conference is scheduled to convene in November-December 1973, preceded by two preparatory meetings of the United Nations Seabed Committee;

Whereas it is in the national interest of the United States that this conference should speedily reach agreement on a just and effective ocean treaty: Now, therefore, be it

Resolved, That the Senate endorses the following objectives, envisioned in the President's ocean policy statement of May 23, 1970, and which are now being pursued by the United States delegation to the Seabed Committee preparing for the Law of the Sea Conference—

(1) protection of—

(a) the freedoms of the high seas, beyond a twelve-mile territorial sea, for navigation, communication, and scientific research, and

(b) free transit through and over international straits;

(2) recognition of the following international community rights:

(a) protection from ocean pollution,

(b) assurance of the integrity of investments,

(c) substantial sharing of revenues derived from exploitation of the seabeds particularly for the benefit of developing countries,

(d) compulsory settlement of disputes, and

(e) protection of other reasonable uses of the oceans,

beyond the territorial sea including any economic intermediate zone (if agreed upon);

(3) an effective International Seabed Authority to regulate orderly and just development of the mineral resources of the deep seabed as the common heritage of mankind, protecting the interests of both developing and developed countries;

(4) conservation and protection of living resources with fisheries regulated for maximum sustainable yield, with coastal zone management of coastal and anadromous species, and international management of such migratory species as tuna.

Sec. 2. The Senate commends the United States delegation to the Seabed Committee preparing for the Law of the Sea Conference for its excellent work, and encourages the delegation to continue to work diligently for early agreement on an ocean treaty embodying the goals stated in section 1.

SAFE DRINKING WATER ACT OF 1973—AMENDMENT

AMENDMENT NO. 31

(Ordered to be printed, and referred to the Committee on Commerce).

Mr. STEVENS. Mr. President, S. 433, the Safe Drinking Water Act of 1973 was introduced by Chairman Magnuson on January 18. This is very similar to S. 3994 which passed the Senate last year. However, one important floor amendment proposed by the distinguished ranking minority member of the Senate Commerce Committee (Mr. Cotton), the Senator from Kentucky (Mr. Cook), the Senator from Utah (Mr. Bennett), the Senator from Tennessee (Mr. Brock), the Senator from Kansas (Mr. Dole), the Senator from West Virginia (Mr. Randolph), and myself was not included. This amendment to section 11 concerning minimum State grants for drinking water supply program was adopted by the Senate.

Section 11 authorizes State drinking water supply program grants. Under this section, the Federal Government is authorized to make grants to States in order to assist them to establish and maintain adequate programs to assure the safety of public drinking water. Three criteria are set forth as the bases of these grants: First, population, second, financial needs, and third, the extent of the actual or potential water supply problem. No payment may be greater than two-thirds of the cost of any State program.

This provision does not permit small rural States with insufficient tax bases and low populations, but with immense health and drinking water problems, to benefit from the provisions from section 11. As a result, many small States will not be able to obtain State drinking water supply program grants. My amendment will do that. It provides that no State shall receive less than 1 percent of the annual appropriation for grant under section 11 unless the Administrator of the Environmental Protection Agency by regulation reduces the percentage in accordance with the criteria specified in this subsection.

FEDERAL-AID HIGHWAY ACT OF 1973—AMENDMENT

AMENDMENT NO. 32

(Ordered to be printed, and to lie on the table.)

LONG ISLAND SOUND BRIDGE

Mr. RIBICOFF. Mr. President, I send to the desk an amendment prohibiting the expenditure of Federal funds for the construction of approach roads to a proposed bridge across Long Island Sound between Rye and Oyster Bay, N.Y., without the specific approval of the New York and Connecticut State Legislatures.

For years highway planners have schemed to bridge the Sound. Possible sites have included bridges from the tip of Long Island to New London or Old Saybrook, from Bridgeport, Conn., to Port Jefferson, Long Island and from Rye to Oyster Bay. Because a Rhode Island crossing was impractical and Connecticut officials opposed the entire concept, New York finally decided to go ahead on its own and in 1967 the State legislature authorized a bridge. Since then the initial enthusiasm in New York has waned and in 1971 and 1972 the legislature repealed the 1967 authorization. Each time, however, Governor Rockefeller vetoed the repeal. This year another attempt will be made.

At the moment the New York Metropolitan Transportation Authority is going ahead with plans to construct a 16½ mile, $135 million bridge between Rye and Oyster Bay.

On February 13, 1973, however, in a suit filed by the city of Rye, N.Y. and others, a U.S. district judge enjoined the New York Department of Transportation and the MTA from conducting further hearings until more information is made available to the public and the views of Federal, State, and local agencies and private groups have been heard.

The proposed structure will have an immense impact not only on New York, but on the entire Long Island Sound region. Because its northern end is located only a few miles from the Connecticut border, this bridge will funnel millions of cars and trucks onto the already overcrowded Connecticut Turnpike and Merritt Parkway. No one knows exactly how great the increase will be, but the MTA's own environmental impact statement estimated that the bridge will handle 33 million cars per year—half of which would be overflow traffic from other New York bridges and half of which would be newly created.

Because the MTA has kept important information from the public, it is difficult to predict what impact of the bridge will have on the local ecology. It is, however, safe to say that 16½ miles of concrete pillars and roadways will not help the sound.

The bridge will average 25 feet over the water with two raised spans of 55 feet and 135 feet at the north and south ends, respectively, creating chaos among the boats and ships now using Long Island Sound by channeling them into two narrow passages.

Other facts are clear—the noise will

increase, the sound's water quality will deteriorate, the air will grow dirtier, and valuable wet lands at both ends will disappear.

The question is, Who wants it built? Connecticut does not want it.

The Southwestern Connecticut Regional Planning Agency which is comprised of the towns of Wilton, Westport, Norwalk, Darien, New Canaan, and Stamford, has voted unanimously to oppose its construction.

The Nassau, New York County Board of Supervisors unanimously adopted a resolution opposing it.

The entire Nassau County Republican delegation to the New York State Legislature opposed it.

The councils of the New York towns and villages of Rye, Terrytown, Mamaroneck, Oyster Bay, Bayville, Mill Neck, and Lattington oppose it.

The Westchester County, New York Board of Legislators have asked that the project be suspended.

Despite this overwhelming opposition, the New York MTA, which does not answer to the public, intends to forge ahead. It will finance the bridge itself by a bond issue, but will need Federal highway funds to construct the necessary approach roads.

I do not believe that a single Federal dollar should be spent on this project until the people of New York and Connecticut, through their State legislatures, have given their approval.

This bridge is going to have a major and unknown impact on the daily lives of millions of New York and Connecticut citizens. Yet for all intents and purposes they have had no voice in any of the recent decisions regarding the structure. This amendment will allow them to be heard.

I ask unanimous consent that the text of the amendment and a memorandum prepared by Ridgway Hall for the Stamford Area Commerce & Industry Association be printed at this point in the RECORD.

There being no objection, the amendment and memorandum were ordered to be printed in the RECORD, as follows:

AMENDMENT NO. 32

On page 127, line 6, insert the following:

SEC. 155. Notwithstanding any other provisions of Federal law, no funds shall be expended under this Act for approach roads to any bridge across Long Island Sound without the specific approval of the State legislatures of New York and Connecticut.

REPORT ON THE RYE-OYSTER BAY BRIDGE

(Prepared by Ridgway M. Hall, Jr., vice chairman, Municipal Government Affairs Council, SACIA, February 26, 1973)

1. THE BRIDGE

The Rye-Oyster Bay Bridge has been proposed by the New York State Department of Transportation and Metropolitan Transportation Authority (MTA). The site was chosen from eight considered traffic crossings of Long Island Sound. The proposed bridge will be 16½ miles long with an average height of 25 feet over the water. Two raised spans will be provided for passage of tall-rigged ships: one near the north end of 55 feet, and one near the south end of 135 feet.

Together with its access highways, the bridge will link the Cross Westchester Expressway (I-287) and the New England Thruway (I-95) with the Seaford-Oyster Bay Expressway (Route NY135) at Oyster Bay, New York.

The estimated cost of the bridge is $235 million, to be paid for initially by New York State bonds. Federal funds are being sought for the approach highways on each side.

2. ENVIRONMENTAL IMPACT STATEMENT

The most comprehensive statement of the nature and function of the bridge, and its economic, social, and environmental impact, is set forth in a draft Environmental Impact Statement prepared by the New York State Department of Transportation and MTA on November 20, 1972.

a. *Purpose*. The stated purpose of this bridge is to relieve heavy traffic from existing bridges which are closer to metropolitan New York. In addition to benefiting truck shipping, the bridge will also permit greater access for recreational and employment purposes between Long Island and New England and northern New York State.

It is expected that the bridge would soon handle at least 33 million cars per year, as the Throgs Neck Bridge now handles. The impact statement says nearly half of this traffic will be newly generated by the existence of the bridge, as distinct from traffic which otherwise would exist in the area regardless of the bridge.

It is also anticipated that in the future more Long Island Sound bridge crossings will be necessary.

In approaching the transportation problem posed by the dense population in the greater New York metropolitan region,* the authors profess to be guided by the objectives of the Tri-State Regional Planning Commission to: (1) preserve open lands, (2) gather economic activities into concentrations or "clusters", and (3) disperse residential activities. This calls in turn for upgrading of existing rail routes, and provision of bus transportation where rail services is not feasible. Present use of rail service is far below capacity.

b. *Impact on Communities*. At the actual location of the bridge termini, the City of Rye is predominantly residential and has gone on record several times as wishing to preserve that character, while the Oyster Bay area is semi-rural. At the outset, between 80 and 135 houses and commercial establishments will be displaced. On the Oyster Bay side, 20 acres of productive farmland will be irretrievably taken. In addition, the pouring of vast amounts of new traffic into these communities will dramatically change their nature towards urbanization. The tax base for the City of Rye will be decreased by $600,000 to $1,200,000, and that of the Nassau County communities by $700,000 to $1,100,000.

c. *Visual and Navigational Impact*. The bridge will be an intrusion into an open space, and a deterrent to unrestricted travel. It will affect winds and navigation. Boat shipping up and down Long Island Sound will for the most part be channeled into the two previously mentioned vertical clearance span areas. Recreational sailing will also be seriously affected, since most sailboats over 16 feet in length will have to detour to one of the two vertical clearance spans. This could produce substantial boating traffic hazards.

In addition, the glaring lights on the bridge are expected to attract and account for some mortality of birds.

d. *Noise Pollution*. Intense noise pollution caused by the traffic, particularly in the immediate area of the access highways, is conceded. Many high school and elementary schools on both sides of the Sound will be located near the access routes and will suffer a serious increase in noise level and air pollution concentration, as will the United Hospital in Port Chester.

In the short term, construction noise will include pile driving and blasting.

e. *Air Pollution*. As to air quality, while this will be worsened by the exhaust, the statement claims that except for a zone within 100 meters around the bridge, federal ambient minimum standards will be met.

The failure of the impact statement to give adequate consideration to the use of rails, for both passenger travel and freight shipping (discussed below), is especially damaging in terms of air pollution. Automobile emissions account for 80 to 85 percent of the air pollution in our greater metropolitan areas, while railroads operate electrically with virtually no air pollution. Moreover, approximately six times as much energy is required to move a ton of freight by truck as by rail.

f. *Water Pollution*. Adverse effect upon water quality in the Sound is also acknowledged as a result of solid and liquid particles, emitted by vehicles, that fall directly into the Sound, as well as oil, dirt, de-icing salts and other solids dropped by traffic. The statement says that these will largely dissolve or disperse into the Sound. Some slight risk of spills of oils or hazardous materials resulting from an accident on the bridge is also acknowledged.

The statement concedes that no adequate research has been done on the effects of bridge pollutants, oil, absetos, rubber, and other droppings on fish or marine birds.

As with air pollution, the statement tends to be satisfied with compliance with minimum federal health standards, with no consideration for the possibility that eventually we might hope to improve standards of air and water pollution. Moreover the assumption that Long Island Sound has an infinite capacity to absorb oil and automotive emission particles, as any local swimming enthusiast knows, is demonstrably false.

g. *Impact Upon Wildlife and Parkland Areas*. Recreational, marsh and wet land areas on either side of the Sound will be intruded upon. The statement acknowledges adverse impact in terms of noise pollution, air quality and emissions, water quality, natural environment and wetland areas, as well as an adverse impact on various species of fish, birds, woodland animals and other wildlife, plus interruption of recreation, navigation, and some community activities. While the report recites "special concern" for these impacts, nothing specific is proposed which will eliminate them.

The statement acknowledges that "while damage to the shellfish industry might be quantified as a monetary loss, the intangible values of esthetics, recreation and natural habitat are difficult to measure. The important estuarine marsh and wetland habitats are particularly difficult to have economic values assigned."

It dwells at length on the great value of the wetland areas which will be affected by the bridge, including their tremendous productivity for fish and shellfish, birds, other animals, and man. It adds "the wetlands are of educational and recreational value as natural museums and laboratories."

On the Oyster Bay side is one of a limited number of wetland complexes remaining on the north shore of Long Island. It is of major importance as a fish and shellfish breeding ground, and as a migratory bird wintering habitat. The proposed bridge crossing will go through Mill Neck Creek (a portion of the Oyster Bay Natural Wildlife Refuge) and part of Ferry Beach, both public recreational and parkland areas.

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*The New York metropolitan region, as defined by the Tri-State Regional Planning Commission, includes most of southwestern Connecticut. The total area is 7,886 square miles. Its population in 1970 was 19,032,000, or 9.4 percent of the nation's total, located on 0.2 percent of the surface of the United States, for a population density of 2,410 persons per square mile.

On the Rye side, the approach crosses more wetland areas, including Rye-Playland Park and Manursing Island. In the Manursing Island area this is Kirby Pond, with tidal mud flats and the North Nanursing Wildlife Sanctuary, which is a haven for marine life and water fowl. The report concedes that this marshland is presently well preserved.

Three alternative access routes are considered on the Oyster Bay side, and four on the Rye side. Each access route passes to a greater or lesser extent through or over the above described areas. The statement concedes adverse impact, but minimizes this with the comment that if the water fowl, fish, and woodland animals do not like it near the bridge, they can go elsewhere.

h. *Alternatives*. With respect to alternatives, bridge crossings further east were rejected on the grounds that they would be more costly, and do less to alleviate existing traffic congestion.

A tunnel or combination bridge-tunnel alternative was considered and also rejected on grounds of greater expenses as well as engineering difficulties. Moreover 6 to 8 large ventilation towers would be required for a tunnel, and its construction would create major environmental disruption along the bed of the Sound.

As noted above, virtually no attention was given to the increased use of rail service, including existing rail facilities over the Hellgate Bridge. While rail travel would not accomplish everything that the proposed bridge would in terms of making various parts of the country more readily accessible to residents from other parts, it would go a long way towards solving the business and commercial objectives, including the eventual reduction of existing road traffic. As noted above, this approach would avoid most if not all of the serious and permanent damage to the environment and ecology which would be inflicted by the bridge. Finally, greater use of rail service, unlike the bridge, would fulfill the mandate of the Tri-State Regional Planning Commission for a balanced and augmented mass transportation system.

Even the "do nothing" alternative, glossed over by the statement, would seem far better than the bridge. People will not increase traffic and its concomitant noise and air pollution substantially unless they are given the facilities to do so. The bridge is one such facility.

3. SUPPORT FOR THE BRIDGE

The bridge project is supported by the New York State Department of Transportation, the Metropolitan Transportation Authority (Dr. William J. Ronan, Chairman), and Governor Rockefeller.

4. OPPOSITION TO THE BRIDGE

The bridge is opposed by large number of citizens and residents on both the Nassau County and the Westchester sides of the Sound, as well as residents of Connecticut where the traffic impact upon the already overcrowded Merritt Parkway and Connecticut Turnpike will be severe. Among the opponents are: The Connecticut Southwestern Regional Planning Agency, Governor Thomas Meskill, Mayor Julius Wilensky of Stamford, Mayor Edmund Grainger of Rye, the Sierra Club, the National Audubon Society and various local chapters, the Regional Plan Association of New York, Sound Action, Non-partisan Civic Action (Locust Valley, New York), Long Insland Environmental Council, The Nassau County Board of Supervisors, Nassau County Executive Ralph Caso, New York Congressman Lester Wolff and Ogden Reid, Connecticut 4th District Congressman. Stewart B. McKinney, Senators Lowell Weicker and Abraham Ribicoff, the Nassau County Planning Commission, the Town Councils of Rye, Tarrytown, Mamaroneck, Oyster Bay, Bayville, Mill Neck, and Lattington, the Road Review League, the New York State Environmental Lobby, Citizens for Sound Planning, and the Association to Save the Norwalk Islands.

The New York State Legislature has twice voted to strike the Rye-Oyster Bay Bridge from the New York State Department of Transportation's list of authorized projects, but Governor Rockefeller has twice vetoed the bills. A third bill has just been introduced in the current session.

5. IMPACT ON CONNECTICUT

As Stamford's Mayor Julius Wilensky and the Southwestern Regional Planning Agency have noted, the impact of the Rye-Oyster Bay Bridge on southwestern Connecticut will be severe. The most frequently expressed grounds for opposition in Connecticut are, among others:

1. The heavy overloading of the Connecticut Turnpike and Merritt Parkway with commercial and passenger traffic, with resulting traffic problems in the cities of Fairfield County.
2. The dangerous barrier for commercial shipping and pleasure boating on Long Island Sound which would be created by the bridge.
3. The undesirable visual impact on Long Island Sound, which is the region's principal recreational resource.
4. Adverse effect on shellfish grounds, wildlife areas and marshland areas at both extremities of the bridge.
5. Resulting greater imbalance into the already unbalanced transportation system by encouraging more longhaul truck traffic to and from Long Island and southern New England.
6. Further decline in rail freight service to Long Island and southern New England.
7. Increase in truck noise and air pollution as well as consumption of fuel at a time when there is a growing shortage of fuel.
8. Encouragement of longer work trips and further "urban sprawl".

The Connecticut Department of Environmental Protection and Department of Transportation are currently reviewing the bridge project and are planning a joint statement.

There is no question that under the National Environmental Policy Act and other applicable federal statutes, citizens and residents of Connecticut have standing to complain to the sponsoring authorities, to attend public hearings, and otherwise protest and oppose this bridge.

6. LITIGATION

On February 13, 1973, in a suit brought by the City of Rye and others, the U.S. District Court for the Southern District of New York enjoined the New York Department of Transportation and Metropolitan Transportation Authority from going forward with public location hearings until they have solicited the views of applicable federal, state, and local agencies and advisory groups, and made these views and other pertinent information on the bridge location available for public inspection well before such hearings. A companion suit in the Eastern District of New York against the Federal Highway Administration seeks a determination that the Coast Guard, rather than the New York State agencies, must prepare the impact statement required under the National Environmental Policy Act.

AMENDMENT NO. 33

(Ordered to be printed and to lie on the table.)

Mr. PEARSON. Mr. President, the Federal-aid Highway Act of 1970 established a new categorical program for Economic Growth Center Development Highways. This was a program for demonstrating the use of highways in promoting rural development and balanced national growth. It was funded at the level of $50 million for fiscal 1972 and 1973.

A considerable portion of the language of this provision was drawn from my proposed Rural Development Highway Act of 1970. The Federal-aid Highway Act of 1972 passed by the Senate last year retained the Economic Growth Center Development Highways provision with the modification that secondary as well as primary roads were to be included in the program. Also funding for the program was increased to $100 million for fiscal 1975.

Under the provision of this program individual Governors select growth centers within their State for highway development projects. Under the Federal-aid Highway Act of 1970, 111 such growth centers around the country were approved by the Secretary of Transportation. Each State had at least one and no more than three such centers approved by the Secretary.

The economic growth center program authorizes the Secretary to pay up to 100 percent of the cost of engineering, economic, and planning studies for these special projects and the Federal share of the highway projects themselves may be 10-percent more than for regular primary and secondary roads.

Mr. President, the economic growth center highways provision has been eliminated from the bill reported by the Senate Public Works Committee (S. 502). I submit an amendment today to restore the language approved by the Senate last year.

Mr. President, this is not a major program and the amounts of money involved are limited. However, its principal value is that it provides a mechanism for encouraging the States to give more conscious and careful thought in planning the use of highway funds in stimulating balanced economic growth in the rural areas. I believe that if effectively administered this can be an extremely important tool in the overall goal of rural development and balanced national growth which we all now recognize as being of vital importance.

Mr. President, I ask unanimous consent that an article from the magazine Highway and Urban Mass Transportation describing the economic growth center highway program be printed in the Record at this point. This article, I think, does a very effective job of describing the potential of this program.

There being no objection, the article was ordered to be printed in the Record, as follows:

ECONOMIC GROWTH CENTERS SELECTED FOR HIGHWAY PROGRAM

(By John T. Berg)

The Federal Highway Administration recently designated 111 small cities and towns as Economic Growth Centers eligible to participate in a 2-year highway demonstration program authorized by the Federal-Aid Highway Act of 1970. Not all the cities so designated will actually build demonstration projects, but those selected by their Governors for funding will share in an allocation of $50 million each for Fiscal Years 1972 and 1973. These funds are to be used as "ad-ons" or "sweeteners" to normal Federal aid primary allocations in amounts not to exceed 20 percent of the cost of any one project.

This program, designed to demonstrate the conditions under which highway projects can help to provide a catalyst to the development of small urban centers in predominately rural areas, grew out of an increasing national concern with the declining quality of life in rural America and the increasing social costs (e.g., congestion, crime, pollution, etc.,) associated with the growth of large urban centers in the United States.

Reports by a number of commissions (e.g., The President's National Advisory Commission on Rural Poverty (1967), the Advisory Commission on Intergovernmental Relations (1968)), several Congressional hearings, and recent Annual Reports of the Council of Economic Advisers have expressed this concern and have recommended that Federal programs be established that would afford citizens in both rural and urban areas greater choices in employment and residential opportunities, including opportunities for the migrant closer to his present home and in a milieu similar in many respects to his customary way of life.

PATTERNS OF ECONOMIC GROWTH

Although much remains to be learned about the most efficient means of attaining these objectives, an examination of historical patterns of economic growth in the United States gives some indication of the process that has brought social and economic benefits to residents of particular locations.

In the early development of the United States, settlement patterns were heavily influenced by the distribution of arable land. A number of small population centers developed in agricultural areas to service the day-to-day needs of the farm population, while larger more widely spaced centers carried out functions that were less frequently needed or which required the advantages of a centralized concentration of activities.

As the Nation developed beyond the agricultural stage, the advantages of urbanization (e.g., the central location of specialized firms within a large industry, the local availability of various types of business and social services, large and well organized product and input markets, face-to-face business relationships, etc.,) became more important as determinants of the pattern of economic development. The growth of manufacturing and service industries in urban areas led to further expansions of large population centers, while technological advances in primary industries, such as agriculture and mining, that had formerly provided employment for large numbers of rural residents allowed more output to be produced by fewer and fewer workers.

SHIFT TO THE CITIES

Thus, the expansion of activities in large population centers and decreases in labor requirements in rural areas led to a steady flow of migrants into the cities. In 1920, for the first time, more residents of the United States lived in urban places than in rural areas. By 1950, the rural farm population had fallen to 23 million, a drop of almost nine million since 1920, and only one-third of the population resided in rural areas. During the next decade nearly half of the counties in the United States declined in population.

These counties were for the most part rural and constituted large areas of the Great Plains, Southern and Western Corn Belts, lower South, South Central, Appalachian and Ozark Regions, and Upper Michigan.

During the 1960's migration from rural to urban areas continued, though at reduced rates. While 44 percent of all counties had population losses and 75 percent of all rural counties experienced net out-migration, some rural areas, particularly in the south and southeast, developed an embryonic ability to retain their population. Economic and technological changes, including advances in the transportation and communications industries, the greater availability of technical talent and civilized amenities at more and more locations throughout the country, and the increasing congestion of large urban areas, led many industries, particularly the "footloose" industries that no longer need to be tied to a fixed area or resource base, to look to rural areas when making location decisions.

GROWTH CENTERS

Many proponents of policies designed to direct a flow of resources back to rural areas feel that such policies will have the best chance of success if they take full advantage of existing market forces and concentrate on enhancing the economic and social opportunities available in rural communities which have shown an ability to adapt to the economic changes that have taken place in recent years. Such places are called "growth centers" and are deemed to have a better chance of sustaining economic growth than are surrounding communities because they are endowed with a superior array of human, capital and natural resources, or because they have a more diversified economic base and well developed infrastructure.

By enhancing the growth potential of locations with strong linkages as trade, service, employment and social centers with nearby rural areas, benefits of economic and social development can be reinforced in the center and transmitted to residents of surroundings areas. To achieve the greatest possible success, such a development strategy should be fully coordinated with existing and planned Federal programs whenever possible. A concerted, coordinated and expanded program of Federal, State, and local governmental activities will help provide the necessary minimal conditions to spur private industry to locate and expand in or near selected growth centers, and will propel the growth centers and their surrounding areas to further advances.

HIGHWAY INVESTMENTS CAN BE INSTRUMENTAL

Because of the prime importance of integrating smaller urban areas with the surrounding towns and countryside and with larger urban and metropolitan centers, highway investments made in conjunction with other public and private investments can prove to be instrumental in meeting the objectives of a development scheme focusing on growth centers. Thus, the Economic Growth Center Highway Demonstration program is designed to assist rural areas not only by providing existing growth centers with improved accessibility, but also by providing highway planners with information about the types of social and economic settings in which highway improvements are a necessary condition for future economic development.

The criteria set forth in the legislation authorizing the program required that growth centers be geographically and economically capable of contributing significantly to the development of the surrounding area, that they have a population not in excess of 100,000, that demonstration highway projects to receive funding under the program be on the Federal-aid primary system, and that the selection of centers within the Appalachian Region and the Economic Development Regions take into account the purposes of the Appalachian Regional Development Act of 1965 and the Public Works and Economic Development Act of 1965. In addition, administrative criteria were developed which emphasized the importance of other local and regional development programs and previous planning efforts, the possibility of private commercial and industrial activities, the amount if industrial diversification, the past role of centers in providing employment or residence opportunities for nearby residents or recent immigrants, and potential viability based on private and public investment plans.

HOW SELECTED

In order to obtain the maximum demonstration information from the program an effort was made to select centers in as many economic and geographic settings as possible. Each State was, therefore, requested to submit not more than three centers as program candidates and to supply supporting information. It was expected that at least one center from each State would meet the conditions of the program. In response to this invitation, growth center recommendations were received from 49 States and Puerto Rico.

These recommendations were then reviewed by a panel composed of representatives of the Federal Highway Administration, the Office of the Secretary of Transportation, the Economic Development Administration of the Department of Commerce, and the relevant Title V regional economic development commission to determine from the supporting material submitted by the Governors whether centers recommended met the criteria set forth in the legislation and the Instructional Memorandum issued by FHWA (IM 50-6-71). Governors were informed by the Federal Highway Administrator as to which centers were approved and were requested to have State highway departments develop projects in accordance with the usual Federal-aid primary procedures.

A few brief descriptions of approved growth centers may help to indicate the diversity of the centers, as well as the patterns of development that have made these communities important as centers of economic activity in rural areas.

ONE EXAMPLE

For instance, one center, located in the southern region of the country, has a population of over 50,000 and serves as a major trade center for a 13 county area with a population of 225,000. The basic industry in the area is agriculture, with the growth center serving as a major regional market for cotton and as one of the leading livestock markets in the State. Abundant timber resources also supports a thriving forestry industry.

Population growth of 30.3 percent over the past decade is one indicator of the viability of this growth center, particularly when that growth is contrasted with a 7.7 percent growth rate for the State and a population decline of 4.9 percent for the State Economic Area in which the center is located (a State Economic Area is a relatively homogeneous subdivision of a State, consisting of counties which have similar economic and social characteristics). Economic strength is also indicated by a 20 percent increase in the number of manufacturing establishments in the area over the 1963–67 census period and an increase in value added by manufacturing over that period of 24 percent. The expansion of trade activities in the center led to a 50 percent increase in both retail and wholesale sales over the same period.

Economic forecasts for the next twenty years indicate that the economy of the growth center will continue to expand and that residents of surrounding rural areas will find increased opportunities to commute to the growth center to find employment. The population of the center is expected to reach 100,000 by 1990, with total employment expanding by 50 percent. Employment in the center of people living outside the urban area is expected to increase by 31 percent by 1990.

The present transportation system in the growth center area is adequately meeting current needs but highway improvements will be needed to meet future demands caused by expected economic development as well as to stimulate that development by providing improved transportation connections to the urban center for residents of surrounding rural areas and by allowing an expansion of traffic movements from the center to larger urban areas.

OTHER FEDERAL AGENCIES INVOLVED

Several communities that received growth center designation under the FHWA program were also viewed as growth centers by other Federal development agencies. One of these centers, located in the southwestern region of the United States, is an Economic Development Administration growth center and is regarded as a growth area by the Appalachian Regional Commission.

The population of this center grew by 23 percent during the 1960's and is currently 13,520. The 1970 census indicates that 29.5 percent of the population five years of age and older had moved into the center since 1965. Manufacturing employment in the center was approximately 4,000 in 1970, with 55 percent of those employed engaged in metal production, 15 percent in textile, 10 percent in the processing of agricultural products, and 7 percent in apparel production.

Thus, a well diversified industrial base and the rapid immigration that has taken place in recent years are among the economic indicators that give the center bright prospects for future growth.

A concentration of Federal and State programs is another reason for expecting rapid economic and social development in the area. The community's largest employer recently received a 5 million dollar loan from the Economic Development Administration. The expansion financed by this loan is expected to increase the firm's employment by 38 percent. Other agencies, including the Appalachian Regional Commission, the Department of the Interior, the Department of Health, Education and Welfare, the Department of Transportation, the Environmental Protection Agency, and various State agencies, have approved funding for projects such as land development for recreational use ($2.8 million), a regional library ($250,000), a vocational education school ($445,000), a regional airport ($636,000), a college classroom building ($1.5 million), and a sewage treatment plant ($195,000).

State and local officials feel that this center's potential for steady growth over the coming decades will be greatly enhanced by improvements in its highway facilities. The major east-west route in the area goes through the central business district of the center and is already severely congested. It is felt that a planned bypass route will do much to help the central business district by relieving that congestion, will assist the industrial expansion of the center by making adjacent lands accessible, and will provide greater opportunities for commuting into the center by rural residents of surrounding counties.

FACTORS OTHER THAN POPULATION

The viability of some of the centers selected for participation in the program was not exhibited through past population growth. For these centers, other factors, such as the importance of the center in its regional economy, recent changes in industrial mix, income, employment and trade patterns, or public and private investment plans, indicate that future growth can be expected.

One of these centers, located in northern New England, experienced a population decline of 12.8 percent during the 1960's. Despite this population loss, due in large part to the closing of a major military base, there are several indications that the community has the potential to become a major growth point in the rural region that it serves. Both the Economic Development Administration and the New England Regional Commission have evaluated the prospects of this area and have designated the city as a growth center to receive special emphasis in their programs.

The major role that the center plays in regional trade activities is indicated by a 15 percent employment increase in the retail and wholesale trade industries between 1960 and 1970, as well as by a 25 percent increase in retail sales and a 5 percent increase in wholesale sales during the 1963–67 census period. The center is also a regional transportation center of increasing importance. Air traffic at a recently opened international airport is already heavy and is expected to increase substantially over the next few years. The completion of a planned air cargo distribution complex at the airport will greatly enhance the role of the city as a regional distribution center. Another planned development that will do much to insure the future viability of this growth center is an air industrial-commercial park to be constructed on the grounds left vacant by the abandoned military base.

VARIETY OF CHARACTERISTICS

With 111 approved centers in 48 States and Puerto Rico, these brief surveys can illustrate only a few of the many characteristics that made certain communities eligible for growth center designation. Similar characteristics were found in growth centers throughout the Nation, but the importance of any particular growth factor varied according to geographic location, population size, and resource endowment.

The average population size of the centers is 22,795, with a range from 1,140 in Palmer, Alaska, to 76,215 in Pittsfield-North Adams, Massachusetts.

Summary statistics for the entire program indicate that 78 of the centers experienced population growth over the past decade, with 62 percent of these having population increases greater than the national average. In five of nine census divisions in the U.S., the weighted average population growth rate of the FHWA centers was greater than the growth rate of the division. Fifty-six percent of the centers grew faster than the State Economic Area in which they were located. Over the 1963–67 census period, retail sales growth in 58 percent of the centers, and wholesale sales growth in 47 percent of the centers, was greater than the State average. Forty-six of the centers had an increase in the number of manufacturing establishments over the period and the weighted average growth rate of value added in manufacturing for all centers was 44.9 percent. This latter figure compares to a national growth rate of 34.6 percent.

DIVERSITY AND STRENGTH

A further indication of the diversity and strength of the centers is the fact that two of the centers are new towns, two are major service, trade, and employment centers for large Indian Reservations, five are State capitals, 70 are county seats, six are major recreation centers, 22 are cities already designated as growth centers by the Economic Development Administration, 20 are growth areas designated by the Appalachian Regional Commission, and 17 are recognized as growth areas by Title V Regional Commissions.

The interest created by the Economic Growth Center Development Highway Demonstration Program has been overwhelming. The Federal Highway Administration has received letters expressing such interest from hundreds of organizations and individuals throughout the Nation. Other Federal agencies, such as the Departments of Health, Education and Welfare; Housing and Urban Development; and Agriculture; and the Office of Economic Opportunity have requested information about the program and are utilizing the FHWA list of approved centers to determine areas where joint efforts might be productive in assisting rural development.

The States are presently performing "before" studies to establish the economic base of each center and to provide a benchmark for future program evaluation. Hopefully, the evaluation phase of the program will provide much useful information to those concerned with planning transportation systems. The determination of the types of economic settings in which highway investments can provide a necessary catalyst to social and economic development will add to our knowledge and will assist in future highway planning and evaluation efforts.

AMENDMENT NO. 36

(Ordered to be printed and to lie on the table.)

Mr. DOMENICI. Mr. President, I am submitting today on behalf of myself and the Senator from New York (Mr. Buckley) an amendment that I intend to call up at some point during the debate on S. 502, possibly tomorrow.

The purpose of this amendment is very simple. It would insert language that is virtually identical to a provision in the 1970 Federal-Aid Highway Act in place of committee language in this bill that I believe is unfair and unwarranted.

The issue is a very clear one: Should a State continue to receive Interstate System moneys after it completes its portions of the Interstate System?

I believe it should not. Senators Buckley and Scott joined me in filing individual views on this issue in the committee report on S. 502.

The Interstate System was established as a special program with a set goal—completion of a national system of limited access roads for high-speed travel to link most of the major cities of the Nation. It was not intended as a funnel of funds to other programs.

By 1970, some States were nearing completion of their segments of the Interstate System. Because those States receive allocations of interstate moneys on the basis of the cost of completion of the system, such States were faced with an apportionment so small that the State could accomplish very little interstate work, possibly a mile or 2, in any given year.

So the Congress in the 1970 Federal-Aid Highway Act included a provision guaranteeing such a State no less than one-half of 1 percent of the interstate apportionment. My amendment would reinstitute that exact 1970 language.

Thus, instead of such a State receiving possibly one-tenth of 1 percent of the interstate funds—based strictly on an apportioning of funds on the cost-of-completion basis for the system—those States suddenly received one-half of 1 percent to assure a better continuity of work.

Now, the committee bill says, in effect, that because such States will soon be finished, they will be "penalized" unless the committee language is adopted. The only reason a State could possibly be "penalized" is because the Congress in 1970 sought to speed up the allocation of funds to such States.

I do not see how it can now be argued

logically that such a double benefit to such States is justified.

The committee version of one-half of 1 percent would provide that during the period of authorizations of this bill—$3,250 million—any State would be guaranteed a minimum of $16,250,000 after completing its interstate program, and this "interstate" money would be added to the States' regular primary, secondary, or urban systems funds, to be spent at the prevailing 70–30, Federal-State rate.

Evidence indicates that there are three States which will receive their final Federal allocation needed to complete their segments of the Interstate System during the life of this bill, if the 1970 minimum is continued. These States and their remaining costs of construction are:

First. Delaware—which needs $29,018,000 in Federal funds to complete its portion of the interstate, according to the Department of Transportation's revised cost-of-completion estimate.

Second. Nebraska—$27,568,000.

Third. North Dakota—$28,938,000.

I ask unanimous consent that a table of the estimated funds needed to complete the Interstate System be printed in the CONGRESSIONAL RECORD at the conclusion of my remarks, together with a copy of my amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibits 1 and 2.)

Mr. DOMENICI. Mr. President, it should be noted that any State with less than $100 million in Federal interstate work to complete is a potential beneficiary of this provision.

Actually, I believe that such a minimum payment following a State's completion of interstate work would discriminate against those States that have not finished their work on the Interstate System. All States now receive funds for other systems—urban, primary, et cetera—as part of a national program. This committee provision will give additional amounts to those same programs only because a State has completed its share of the interstate. This "interstate windfall" would have no relation to national needs or national formula.

Later in this decade, when possibly 20 States have completed their interstate work, it would be necessary to set aside 10 percent of the interstate program funds—one-half of 1 percent times 20 States—for construction totally unrelated to the Interstate System. Such a diversion of funds will hamper the flexibility of the Congress to increase the primary-secondary-urban program and complete the Interstate System in a reasonable period.

Such a 10-percent diversion—$325 million at current levels—would be equivalent to half the national primary system program in this bill—$650 million yearly. It would approximately double the primary road funds available to those post-interstate States, with no equivalent increase for the States that have not finished their interstate work.

In the effort to provide a transition for a few States, the committee's one-half of 1 percent minimum would create new inequities that will undermine a rational and reasonable Federal-aid highway program.

When the Senate developed this earlier one-half of 1 percent minimum for those States nearing completion of their interstate segments, the Senate Committee on Public Works explained in Senate Report No. 91-1254:

> Section 5. Minimum One-Half Percent Apportionment Factor for Interstate System.
>
> This section would amend Section 104(b) (5) of title 23, to insure that no State receives less than one-half of one per centum of the apportionment for the Interstate System in any year. This provision is necessary because of the problem encountered in Delaware, Idaho, Nebraska, Nevada, New Hampshire, and North Dakota whose cost of completion of the Interstate System has become so small in relationship to the total cost of completion of the Interstate System as to make it difficult for each of these States to maintain a meaningful level of construction activity on the Interstate System. This situation is the result, in part, of controversies which have halted work on certain segments of the System, the designation of the additional 1500 miles of Interstate System provided by the Federal-Aid Highway Act of 1968, and the fact that the States involved have done an excellent job in bringing their portions of the Interstate System to early completion.
>
> This situation raises the problem of the transition from the present Interstate program to any major post-Interstate program. Therefore, subsection (b) would require the Secretary to make recommendations by February 1, 1972, with regard to the apportionment of funds and matching requirements on Federal-aid highways in those States which will be completing construction of the Interstate System during this funding period.

That evaluation mentioned in the above paragraph was submitted as part of the national highway needs report, House Document No. 92-266, part II, dated April 10, 1972, on pages VII 56–58.

In that needs report, the Department of Transportation explained in part that—

> A moderate reduction in the level of Interstate authorizations would enable an orderly completion of the Interstate System and a smooth transition to a post-Interstate program. . . . By phasing down the Interstate apportionments . . . more money will be available for other programs such as the rural system and Special Urban Fund. This would permit more money to go to the States which have finished their Interstate mileage and would aid in the transition for such States from the Interstate program to the post-Interstate System.

Clearly, the Department found no basis for a special postinterstate windfall to States that have finished their interstate work.

In conclusion, I should also point out that the committee did not follow its usual careful procedures in considering this provision. There was no attempt to examine this proposal in terms of demonstrated highway needs in accordance with priorities, supported by hearings and studies.

In short, I believe that the provision was considered too hastily, given its very significant long-term consequences.

For these reasons, I hope the Senate will vote to strike the committee's one-half of 1 percent language, and to substitute my proposal, which is identical to the 1970 act.

EXHIBIT 1

ESTIMATED FEDERAL-AID AND STATE MATCHING FUNDS TO COMPLETE THE SYSTEM AND APPORTIONMENT FACTORS FOR DISTRIBUTION OF 1974 AND 1975 FISCAL YEAR AUTHORIZATIONS

[Dollar amounts in thousand]

State	Estimated Federal-aid and State matching funds required to complete system	Estimated Federal share of funds required to complete system	Apportionment factors (percent)
Alabama	$419,751	$377,776	2.074
Alaska			
Arizona	394,353	371,717	2.040
Arkansas	154,103	138,693	.761
California	1,300,203	1,189,556	6.529
Colorado	416,314	379,179	2.081
Connecticut	589,617	530,655	2.913
Delaware	32,242	29,018	.159
Florida	641,298	577,168	3.168
Georgia	505.400	454,860	2.497
Hawaii	210,313	189,282	1.039
Idaho	88,544	81,744	.449
Illinois	1,001,172	901,055	4.946
Indiana	245,655	221,090	1.214
Iowa	216,581	194,923	1.070
Kansas	245,488	220,939	1.213
Kentucky	299,828	269,845	1.481
Louisiana	616,222	554,600	3.044
Maine	107,078	96,370	.529
Maryland	777,626	699,863	3.842
Massachusetts	631,835	568,652	3.121
Michigan	726,017	653,415	3.587
Minnesota	472,538	425,284	2.334
Mississippi	181,792	163,613	.898
Missouri	389,545	350,591	1.924
Montana	206,061	187,928	1.032
Nebraska	30,631	27,568	.151
Nevada	94,604	89,874	.493
New Hampshire	89,465	80,519	.442
New Jersey	572,979	515,681	2.831
New Mexico	183,430	169,599	.931
New York	780,873	702,786	3.858
North Carolina	370,997	333,897	1.833
North Dakota	32,153	28,938	.159
Ohio	624,038	561,634	3.083
Oklahoma	147,514	132,763	.729
Oregon	502,487	463,595	2.545
Pennsylvania	998,670	898,803	4.933
Rhode Island	181,820	163,638	.898
South Carolina	167,178	150,460	.826
South Dakota	72,467	65,959	.362
Tennessee	281,910	253,719	1.393
Texas	930,236	837,212	4.595
Utah	226,441	213,443	1.172
Vermont	77,331	69,598	.382
Virginia	879,500	793,991	4.358
Washington	723,711	655,899	3.600
West Virginia	467,696	420,926	2.310
Wisconsin	237,002	213,302	1.171
Wyoming	111,919	103,559	.568
District of Columbia	492,358	443,122	2.432
Total	20,146,986	18,218,301	100.000

EXHIBIT 2

AMENDMENT NO. 36

On page 68, line 19, strike subsection (b) through line 12 on page 69, and insert:

(b) No State shall receive less than one-half of 1 per centum of the total apportionment for each of the fiscal years 1974, 1975, and 1976 under paragraph (5) of subsection (b) of section 104 of title 23, United States Code. In addition to all other authorizations for the Interstate System for the three fiscal years ending June 30, 1974, June 30, 1975, and June 30, 1976, there is authorized to be appropriated out of the Highway Trust Fund not to exceed $55,000,000 for each such fiscal year for such System. Such authorization shall be apportioned to each of the States receiving apportionments under section 103 of this Act of less than one-half of 1 per centum for each such fiscal year, so as to insure that each such State will receive for each such fiscal year an amount equal to one-half of 1 per centum of the total apportionment for each such fiscal year under section 103 of this Act, as required by the first sentence of this paragraph.

EXTENSION OF ECONOMIC STABILIZATION ACT OF 1970—AMENDMENTS

AMENDMENT NO. 34

(Ordered to be printed and to lie on the table.)

Mr. TOWER submitted an amendment intended to be proposed by him to the bill (S. 398) to extend and amend the Economic Stabilization Act of 1970.

AMENDMENT NO. 35

(Ordered to be printed and to lie on the table.)

Mr. PROXMIRE submitted an amendment intended to be proposed by him to Senate bill 398 supra.

ADDITIONAL COSPONSORS OF AMENDMENT

AMENDMENT NO. 20 TO 929

Mr. PROXMIRE. I ask unanimous consent that the Senator from Florida (Mr. Chiles), the Senator from Nevada (Mr. Cannon), and the Senator from Iowa (Mr. Hughes), be added as cosponsors to my amendment No. 20 to S. 929 which would establish a ceiling on fiscal year 1974 spending at $265 billion.

The PRESIDING OFFICER. Without objection, it is so ordered.

NOTICE OF ENERGY CONSERVATION HEARINGS

Mr. JACKSON. Mr. President, for the benefit of interested Senators, I wish to announce that the Committee on Interior and Insular Affairs will hold hearings on the subject of energy conservation on Thursday and Friday, March 22 and 23. The hearings will begin at 10 a.m. in room 3110 of the Dirksen Senate Office Building, pursuant to the Senate's National Fuels and Energy Policy Study—Senate Resolution 45, 92d Congress.

In recent months, increasing attention has been focused on the desirability of conservation as a means of reducing energy demand. The purpose of our hearings is to review the nature of energy demand; to explore the potential for reducing this demand through conservation measures; and to examine the economic, political, and social consequences of alternative energy conservation practices. In addition to identifying major conservation opportunities, the committee wants to examine the various alternative mechanisms available—such as pricing policy, taxes, statutory standards, and educational programs—for achieving conservation objectives.

For this purpose the committee has invited several distinguished economists to discuss the problems with and the prospects for energy conservation. We also have invited the Conservation Foundation to convene a panel of representatives of environmental groups for this purpose.

I ask unanimous consent to have printed in the Record a series of questions and policy issues prepared for the use of witnesses participating in these hearings Other interested and affected parties may submit statements in 10 copies for the record, which will remain open until May 1, 1973, for this purpose.

There being no objection, the questions and policy issues were ordered to be printed in the Record, as follows:

General Questions and Policy Issues Hearings on Conservation of Energy

INTRODUCTION

All witnesses and groups or individuals preparing statements for the record should cover the four general issues of List A. To the extent practical, they should also address those specific questions on List B that are within their areas of competence. Witnesses may deal with these issues either in their testimony or if necessary may respond later with a more detailed statement for the record.

A. General issues

I. To what extent is it possible to reduce energy demand by achieving greater efficiencies in the whole energy cycle from production of resources to end use of energy?

II. Is it possible to reduce energy demand substantially without producing undesirable political, economic or social consequences?

III. What are the most significant opportunities for conserving energy (a) in the next ten years and (b) over the longer term?

IV. If a national energy conservation program is desirable, what should be its major elements? What specific legislative or executive actions should be given priority to achieve conservation objectives?

B. Detailed questions and policy issues

Answers to the following detailed questions should be supported wherever practical with historical and current data, quantitative estimates or projections, and reference to more complete sources of underlying data and analysis.

1. What is the composition (by form of energy used) of energy consumption in the United States today and what are the principal factors underlying the increase in consumption in each of the major consuming sectors: residential, commercial, industrial and transportation?

2. Looking ahead, what is the projected U.S. energy consumption on a yearly basis between 1973 and 1985? What are the assumptions with respect to such factors as economic conditions, energy prices, environmental requirements, and research and developmental efforts on which such projections are based?

3. Do the energy industries have the ability to meet the projected consumption of oil, coal, natural gas and electricity in this period from domestic sources or from a combination of domestic and foreign sources? What are the major constraints on their ability to do so?

4. To what extent can tax, pricing or other regulatory policies affect demand in specific energy consuming areas? For example, how sensitive are industrial and residential demand, respectively, to electric rates? How great an effect would a tax on horsepower have in reducing gasoline consumption?

5. Can educational programs be effective in achieving conservation objectives? If so, what kind of programs might have the greatest impact on energy demand?

6. Is it desirable, and if so, feasible to reduce energy demand by regulating promotion and advertising which advocates life styles based on high energy use?

7. Is there a means of measuring the quantitative savings in energy achieved through specific conservation measures against the adverse social or economic impact of such measures?

8. Is it desirable, and if so, feasible to subsidize, directly or indirectly, more plentiful fuels in order to conserve fuels in short supply?

9. Is it desirable, and if so, economically and technically feasible to stretch the use of available fuel resources over a longer period of time through more efficient methods of production and end use controls?

10. On a fuel by fuel basis, how much of energy consumed is necessarily unusable for thermodynamic reasons and how much is unnecessarily wasted? For example, what percentage of the energy content of fossil fuels is converted into electrical energy during the generation process and how much appears as heat? How much of the energy content of fuels used for space heating remains contained within the structure heated and how much is discharged into the atmosphere?

11. In general, for the four major consuming sectors, which methods for reducing energy waste are the most feasible between 1973 and 1980, and after 1980? and what are the economic costs involved? How will such methods affect or be affected by:

The projected demand for energy?

The economic structure as a whole and individual fuel uses in particular?

Technological constraints affecting development of increased efficiency?

Technological advances which would increase efficiency?

Systems use of energy?

Environmental constraints on fuel uses?

Consumer costs?

Traditional modes of life style?

Reprocessing of products developed from fossil fuels not used for combustion such as lubricating oils?

What lead times will be required to implement each of the above indicated methods?

What additional research and development will be required before the feasibility of such methods can be ascertained?

(a) The transportation sector.

The transportation sector currently utilizes 25% of the nation's total energy. By 1980 that figure is estimated to undergo a substantial increase. Responses should consider such subjects as:

(1) Short term improvements in engine design;

(2) Practicability and impact of major shifts among transportation modes;

(3) Relative energy efficiency of mass transit systems;

(4) Proposals for gasoline allocation, levies on automobile weight and horsepower, and improved traffic flow;

(5) Fundamental changes in urban and land use planning.

(b) The residential/commercial sector.

This sector accounts for 21% of national energy consumption. Responses should cover all aspects of the engineering, design and construction of buildings as related to energy consumption including such subjects as:

(1) Insulation;

(2) Selection of heating fuel;

(3) Design criteria;

(4) Requirements for appliances and other energy devices;

(5) Heat recovery, increased recirculation of heated or cooled air, etc.

(c) The industrial sector.

The industrial sector consumes 29% of the total energy used nationally. Responses should concentrate on the energy intensive industries and cover such subject as:

(1) Energy properties and relative merits of fuels in use, including possible fuel substitutions;

(2) Efficiency of individual processes; and prospects for developing less energy-intensive alternate processes;

(3) Phasing out of domestic energy-intensive industries or processes (and possible relocation in energy surplus regions);

(4) Incentives for accelerated retirement of old equipment and addition of more energy efficient equipment;

(5) Upgrading of existing equipment;

(6) Recycling, especially of metal.

(d) Electric utilities.

Electric utilities consume 25% of our national energy. Responses should consider such subjects as:

(1) Potential fuel substitution as a means of conservation;

(2) Greater efficiencies in transmission through high voltage lines, ac/dc current, etc;

(3) Measures for smoothing the daily and seasonal demand cycles and its effect on conservation;

(4) Increases in generation efficiency in conventional plants through use of fuel cells, MHD etc.;

(5) New technology to replace fossil fuel steam turbines;

ANNOUNCEMENT OF OPEN HEARINGS BY SUBCOMMITTEE ON AGING OF LABOR AND PUBLIC WELFARE COMMITTEE—COAUTHORS OF S. 775

Mr. EAGLETON. Mr. President, I wish to announce that a hearing has been scheduled on S. 775, the Research in Aging Act, on Tuesday, March 27, 1973. The hearing will be held in room 6226, Dirksen Senate Office Building at 10 a.m.

I request at this time that the Senator from Nevada (Mr. BIBLE), the Senator from Idaho (Mr. CHURCH), the Senator from Iowa (Mr. CLARK), the Senator from Michigan (Mr. HART), the Senator from Colorado (Mr. HASKELL), the Senator from Maine (Mr. HATHAWAY), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Iowa (Mr. HUGHES), the Senator from Minnesota (Mr. HUMPHREY), the Senator from Hawaii (Mr. INOUYE), the Senator from Wyoming (Mr. MCGEE), the Senator from Montana (Mr. METCALF), the Senator from Minnesota (Mr. MONDALE), the Senator from Maine (Mr. MUSKIE), the Senator from Rhode Island (Mr. PASTORE), the Senator from West Virginia (Mr. RANDOLPH), the Senator from Illinois (Mr. STEVENSON), and the Senator from New Jersey (Mr. WILLIAMS), be added as cosponsors to S. 775.

The PRESIDING OFFICER. Without objection, it is so ordered.

NOTICE OF FOREIGN AGRICULTURAL POLICY SUBCOMMITTEE HEARINGS

Mr. HUMPHREY. Mr. President, the Subcommittee on Foreign Agricultural Policy of the Committee on Agriculture and Forestry will begin hearings March 23 on the world food situation and international agricultural trade in room 324 Russell Office Building. The dates scheduled are March 23 at 10 a.m.; April 4 at 1:30 p.m.; and April 5 at 10 a.m. Governmental witnesses will be heard on March 23 and April 4 and public witnesses on April 5. Anyone wishing to testify should contact the committee clerk as soon as possible. Oral presentation of public witnesses will be limited to 10 minutes. Additional hearing dates in April will be announced later.

ANNOUNCEMENT OF HEARINGS ON IMPROVING CONGRESSIONAL CONTROL OF THE BUDGET

Mr. METCALF. Mr. President, the Government Operations Subcommittee on Budgeting, Management, and Expenditures will conduct hearings on April 2, 9, 11, and 12 on bills to improve congressional control over the Federal budget.

The bills to be considered will include:

S. 40 (Senator BROCK).

S. 565 (Senators NUNN and TALMADGE).

S. 703 (Senator BELLMON).

S. 758 (Senator BEALL).

S. 846 (Senators PERCY, BYRD of Virginia, and CRANSTON).

S. 905 (Senators STEVENSON, ERVIN, MATHIAS, and MCGOVERN).

S. 1030 (Senator HUMPHREY).

S. 1215 (Senator METCALF).

Other bills not yet introduced, which deal with the subject and are referred to the subcommittee, may also be considered. The subcommittee will also consider the recommendations of the Joint Study Committee on Budget Control.

The hearings will be held in room 3302, the Government Operations Committee hearing room, beginning at 10 a.m. each day.

The subcommittee plans to hear testimony of Members of Congress on Monday, April 2. We shall, of course, attempt to schedule on 1 of the other 3 hearing days those Members who wish to testify but cannot do so on Monday, April 2.

All persons wishing to testify or submit statements should get in touch with Staff Director Vic Reinemer or Chief Counsel E. Winslow Turner, telephone 225-1474, room 161, Russell Senate Office Building.

NOTICE OF HEARINGS ON S. 798, THE COMMUNITY SUPERVISION AND SERVICES ACT

Mr. BURDICK. Mr. President, as chairman of the Judiciary Committee's Subcommittee on National Penitentiaries, I wish to announce hearings for the consideration of S. 798, the Community Supervision and Services Act, beginning at 10 a.m. on March 22, 1973, in room 2228 of the Dirksen Office Building.

This legislation is designed to provide clear legislative authorization for a program of pretrial diversion in the system of Federal district courts. Pretrial diversion has been experimented with in a number of cities and it is clear from the evidence which has been presented today, that such an approach provides a meaningful way of dealing with alleged offenders, to provide opportunities for rehabilitation at a savings in the time of our busy courts and at a savings in dollars and cents to taxpayers and potential victims of crime.

These hearings will include representatives of all facets of criminal justice, including the Department of Justice, the American Bar Association, the U.S. Chamber of Commerce, and the Baltimore pretrial diversion project.

Any person who wishes to testify or submit a statement for inclusion in the RECORD should communicate as soon as possible with the Subcommittee on National Penitentiaries, room 6306, extension 225-8994.

NOTICE OF HEARINGS ON EDUCATION OF THE HANDICAPPED

Mr. RANDOLPH. Mr. President, the Senate Subcommittee on the Handicapped has scheduled hearings on the following four bills: S. 896, Education of the Handicapped Amendments of 1973; S. 6, Education for All Handicapped Children Act; S. 34, the Autistic Children Research Act; and S. 808, the Screening for Learning Disabilities Act.

The hearings will be held Tuesday, Wednesday, and Friday, March 20, 21, and 23, in room 4232 Dirksen Office Building, beginning at 9:30 a.m. each day.

Persons wishing to testify on these bills should contact Mrs. Patria Forsythe, professional staff member of the Subcommittee on the Handicapped, area code 202, 225-9077.

ADDITIONAL STATEMENTS

DISTURBING DEVELOPMENTS IN PUBLIC TELEVISION

Mr. BROOKE. Mr. President, scarcely more than a month ago, I expressed in this Chamber my deep concern about actions taken and proposed by the Corporation for Public Broadcasting. At that time, the Corporation Board of Directors had announced its intention to take over control of the national interconnection system linking most of the Nation's 234 public television stations. As I pointed out in my remarks on February 1, such an action would be clearly in violation of both the spirit and the letter of the Public Broadcasting Act of 1967, which established the Corporation for Public Broadcasting and charged CPB with the task of aiding the development of a national system of public television and radio stations.

Today I must express again my concern about the actions of CPB, but this time concern is coupled with indignation. At its March 7 board meeting, CPB moved further down the path toward a Government-operated television network and made the prospect of either bland, innocuous programing or of Government propaganda ever more likely. Again I must insist that the Corporation's action violates the law passed by Congress.

On March 7 the Corporation announced the final list of programs which it intends to fund for the 1973–74 season. Among the grants announced was one for $800,000 for the production of 26 documentaries, with the insidious stipulation that the subject and content of each documentary must meet with the prior approval of the CPB board. This proposal is absolutely without precedent in public television and it certainly was never intended by Congress. In the past, CPB has left program content up to the individual producing stations, while retaining to itself the right to discontinue future funding for programs and series that failed to meet CPB standards. If the Corporation lacks confidence in the ability and integrity of a producer, it should by all means disburse its production money elsewhere. But this proposal for prior review of program subject matter and content amounts to nothing less than censorship. It would be a very sad day for this country when a quasi-governmental organization, charged with the distribution of Federal tax dollars, sets about the business of controlling the production of television programs for national consumption.

News reports of the CPB board meeting have focused on which public affairs programs are still in CPB's good graces and which programs have been left empty-handed.

I agree with those who lament the Corporation Board's decision to discontinue a number of outstanding programs explicitly requested by the Nation's public TV stations—programs such as "Firing Line," "Thirty Minutes With," and "Bill Moyers' Journal." But I feel that it is far more serious to find the Corporation making programing grants that are gift wrapped with the shackle of censorship.

Nor has the Corporation confined its power to grab for absolute control of public television to illegal assumption of programing powers. The CPB board on Wednesday went on to approve a resolution which reaffirms its previously stated position that control of the interconnection system belongs rightfully and legally in its hands. CPB claims that the Public Broadcasting Act gives it ultimate responsibility for the interconnection system, including the crucial matters of program selection and scheduling. CPB then goes on to state piously that it will exercise its responsibility in a "spirit of maximum cooperation with public broadcasting licensees." In other words, the Corporation may choose to consult the stations about interconnection policies, but it reserves the right to ignore the stations' expressed views. The Corporation rejects the idea that the stations should have power over the interconnection system which was originally established to serve their needs.

I submit that this is at best a distorted view of congressional intent in passing the Public Broadcasting Act of 1967 and an interpretation straight from "Alice in Wonderland." The legislation expressly forbids the Corporation from operating the national interconnection which it was to help establish. I quote from the language of the legislation:

> The Corporation may not own or operate any television or radio broadcast station, system or network, community antenna television system or interconnection or program production facility. Section 396(g) (3).

The Corporation has taken the totally disingenuous position that this language simply prohibits the technical operations of the system by CPB, and does not prohibit determining which programs will be distributed to the national system and which would not. This position is an insult to the intelligence of the Congress, Mr. President, for it requires only a modicum of sense to realize that the congressional prohibition I have quoted did not refer merely to placing videotapes on a machine and pushing a button to send programs across the country. Clearly what the Congress was concerned with was control of the content and policies of the interconnection and it is precisely these matters which the Corporation for Public Broadcasting was ordered to keep away from.

The recent CPB actions are indeed puzzling in light of what President Nixon expressed last summer. In vetoing the enlarged public television appropriation, the President stated the system was too centralized in Washington and that there should be more local control. I agree with the President's stated desire for localism. Regrettably, the Corporation for Public Broadcasting has totally ignored his desire. The Corporation must heed the President's message and the stipulation of the Broadcasting Act that it:

> Carry out its purposes and functions and engage in its activities in ways that will most effectively assure the *maximum freedom* of the noncommercial educational television or radio broadcast systems and local stations *from interference with or control of program content or other activities.* Section 39(g) (1) (D). (Emphasis added.)

I cannot stress adequately my fears about the future of public television if the Corporation for Public Broadcasting is not set aright. Nor can I emphasize enough my conviction that the only way to keep the Government funds which help support public broadcasting free from even the hint of Government restraint and censorship is to guarantee that decisionmaking power for program selection and scheduling is kept firmly in the hands of the licensees scattered across the country. They represent the diversity of this country's population from Aberdeen, S. Dak., to Yakima, Wash., with cities like Boston, Los Angeles, and Waycross, Ga., in between. Control of the system which links these stations and gives them their collective strength should be kept in their hands as Congress clearly stated in the Public Broadcasting Act. Public television needs our continued support to bring more and even better programs to the Nation, but it also deserves our careful scrutiny to protect it from the fatal dangers of centralized control.

JAPAN: A NATION OF COMPANY MEN

Mr. FULBRIGHT. Mr. President, Mr. Tom Braden, one of our most distinguished columnists has written a piece on the industrial genius of Japan, which appeared in the Washington Post of March 13.

It is a lucid and succinct explanation of the remarkable efficiency of Japanese industry.

It is also a warning to us to change our old fashioned habits and ideas or suffer the consequences. We should reexamine some of our assumption about the merits of competition and the effects of paternalism. We can no longer afford obsolete prejudices and practices.

I recommend this piece to my colleagues and ask unanimous consent to insert it in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Mar. 13, 1973]

JAPAN: A NATION OF COMPANY MEN

(By Tom Braden)

TOKYO.—When William D. Eberle, President Nixon's trade negotiator, turns up here next month to demand trade concessions from the Japanese, he will find them acquiescent. They have already decided to concede. They will import our beef; they will import our oranges; most important of all—and it was a decision taken in anguish—they will import our computers. But one thing they cannot concede. And that may be the one thing which will make a failure out of William D. Eberle.

On paper, Mr. Eberle's problem seems relatively simple. It is to reduce the flow of dollars into Japan and thus srtike a balance of trade. Decrease the value of goods Japan sells to the United States; increase the value of goods Japan buys from the United States. Eberle is not a high-protectionist and neither is his boss. The Nixon Administration is aware of the perils of tariff wars and properly cautious about the international recession which tariff wars can bring. Therefore all would seem to be ready for the neat balance which will restore the dollar in comparison to the yen.

But the "thing"—I don't know another short word for it—may ruin all. The "thing" is Japan's system of labor relations. It virtually ensures that Japanese goods will undersell American goods of similar value and comes awkwardly close to ensuring that Japanese goods will be better made than American goods of similar price.

Consider the way the "thing" works by imagining yourself for a moment a Japanese worker, about 24 years of age and looking for a job. You won't have any trouble finding one; there is no unemployment in Japan. But you will choose among various companies and the one you choose will be the company for which you will work until the day, at 55 or 60, you retire. What this means for Mr. Eberle is trouble.

Next to his country and his family, the Japanese feels loyalty to his company. He sings the company song; puts suggestions in the company box; stays after hours to attend the company social; goes on weekends or vacations to the company spa; saves (at an astonishingly high rate of interest) at the company bank; borrows (at an astonishingly low rate of interest) from the company fund. The company buys the land on which he builds his house and sells it to him cheaply over 15 or 20 years. When he retires, the company pays him a substantial pension, and when he is ill, he stays free at the company hospital. Meantime, he is assured that unless he steals the company money or in some other way outrages decency or the law, he will never be fired, laid off or demoted.

The "thing" is simply remarkable. An American who views it for the first time can fall into the error of imagining it as a means by which the rich rob the poor—as the company store of the 19th century sometimes robbed the American workingman. But it is not like that at all. It is cradle-to-the-grave security on the job. And the Japanese worker gives in return his best performance, his total loyalty and his freedom of movement. "You don't quit a job in Japan," a worker at the Panasonic television factory told me, "People would think you were not a nice person."

An American is also likely to scoff at the "thing" as square, unsophisticated, overly "sincere."

But it works. And as long as it works, William Eberle and his successors are going to find it very difficult to make American goods compete in the world's market with goods made in Japan.

MR. PRESIDENT ROTH

Mr. SCOTT of Pennsylvania. Mr. President, I was delighted when the Gridiron Club of Washington selected Robert Roth of the Philadelphia Bulletin as its president this year.

I ask unanimous consent that a tribute to Mr. Roth which appeared in the March 11 issue of the Bulletin be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

MR. PRESIDENT ROTH

This is that one weekend of the year during which *two* presidents share attention in Washington, D.C.

One is, of course, the President of the United States.

The other is the President of the Gridiron Club of Washington. And this year the President of the Gridiron Club is The Evening and Sunday Bulletin's Robert Roth whose columns from Washington appear regularly on the adjoining Opinion & Review Page as well as on Page One of the Sunday Bulletin's News & Views section.

Mr. Roth, who presided last night at the annual Gridiron Club dinner, is a perceptive journalist. He is a conscientious writer. His news coverage and his Commentary and analyses have illuminated the Washington scene since the administrations of Franklin D. Roosevelt.

Mr. Roth's elevation to the presidency of the Gridiron Club is a tribute to his standing among Washington correspondents. The Gridiron Club is composed of just 50 of the national capital's most respected newsmen. Among his peers Mr. Roth stands high in his journalistic skills and in his dedication to truth and to the free flow of information.

Each year since 1885 the Gridiron Club has had as its dinner guests 500 or so notables in government, diplomacy, politics, business and the armed forces. Club members lampoon these greats and near-greats in satirical skits. For one night, protocol is eased and men of prominence put aside the loneliness of power and laugh at themselves and with their fellows.

In an era in which laughter, especially at one's self, is an increasingly rare commodity, it becomes all the more precious. Thus The Bulletin, with what we trust will be accepted as pardonable pride, salutes and congratulates Mr. President Roth for his part in all of this.

COSMETIC SAFETY ACT

Mr. EAGLETON. Mr. President, I am sponsoring the Cosmetic Safety Act (S. 863), a bill to give the FDA the authority it needs to insure that only safe cosmetic products are available to the public. Briefly, my bill would require full ingredient and cautionary labeling of cosmetics, premarket safety testing by manufacturers, and registration of manufacturers. It would also require the filing of statements of composition for each product and the filing of complaint letters with the FDA on a routine basis.

Recently two articles have come to my attention which underscore the need for legislation of this kind. Both deal with the so-called feminine hygiene sprays—products which have been on the market only since the mid-1960's and now comprise over a $50 million market. Officials at the FDA have long been aware that these products present a substantial risk of injury to users while having little or no practical utility.

The article by Prof. Joseph Page, Georgetown Law Center, outlines the fruitless struggle that has been waged by consumer advocates seeking tighter regulation of these products. Professor Page concludes that,

> When reluctant regulators administer toothless laws, the result is a charade at the public's expense.

This article appears in the current issue of Washington Monthly.

The second article, by Ross Evans of the Washington Star-News, presents further evidence that the Federal Food, Drug and Cosmetic Act should be amended to require premarket safety testing by manufacturers of cosmetic products. According to this report Ciga-Geigy, manufacturer of triclosan, has discontinued selling this germ-killer to Alberto-Culver for use in FDS, the largest selling feminine hygiene spray. Ciga-Geigy is not convinced that such use is safe, although it has been used in FDS for several months.

I ask unanimous consent that these articles be printed at the close of my remarks.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From The Washington Monthly, March, 1973]

WHAT THE FDA WON'T TELL YOU ABOUT FDS

(By Joseph A. Page)

When feminists are looking for a good illustration of what's wrong with American business, they often point to feminine hygiene sprays. Denounced as both useless and hazardous by doctors and promoted through advertising demeaning to women, the sprays are a classic case of adding injury to insult.

One part of the feminine hygiene deodorant story that has not been explained is the federal government's role. For nearly two years, a combination of weak laws and timid administrators has kept the government from taking the steps necessary to protect the public. The latest installment in this continuing story came in February, 1973, when the Food and Drug Administration (FDA) failed to issue long-expected regulations for the sprays and gave no clue to its next step.

Feminine hygiene sprays are not, as their name might imply, related in any way to health; their only function is to guard against "vaginal odor." That such an odor exists has long been known, but that it is anything but normal was hardly suspected before 1966, when the first of these deodorants hit the U. S. market. The sprays usually contain alcohol, scent, an antibacterial (until recently, the now-banned hexachlorophene), and an aerosol propellant.

The medical world is generally skeptical of the sprays. Doctors stress that routine cleanliness is the best protection against odor; as *The Medical Letter* advised its physician-readers recently, "It is unlikely that commercial deodorant feminine hygiene sprays are as effective as soap and water in promotion of a hygienic and odor-free genital surface." For those who have an odor problem soap can't solve, the sprays may actually be a danger. Physicians point out that odors can be a sign of disease, and that by blocking normal warning signs, a too-assiduous use of deodorant could delay needed treatment.

Deodorant sprays left the pages of *Mademoiselle* and attracted government attention because of their enormous commercial success and the numbers of consumer and doctor complaints that followed. The boom began when Alberto-Culver beat its competitors to the market and introduced FDS in 1966. In short order other sprays joined it, but the real expansion did not come until 1969. Then, in a decision that was to vaginal sprays what the 21st Amendment was to brewers, the National Association of Broadcasters decided to reverse its long-standing rule against televised advertisements for "intimate products."

At least 30 different brands appeared, some seeking distinction by offering "flavors." (Cupid's Quiver, for example, features raspberry, champagne, jasmine, and orange.) Sales jumped from $20 million in 1969 to $67 million in 1971. To convince women of the need for a product which didn't exist before 1966, the four leading manufacturers spent over $8 million on advertising in 1971. A prime target is the youth market. Last spring, one manufacturer offered spray samples for 25 cents to more than a million women in college. Some 209,000 of them responded.

The market fell off in 1972, mainly because hexachlorophene, an ingredient in some of the sprays, received widespread publicity as being responsible for the deaths of more than 30 babies in France. Vaginal deodorant manufacturers have now removed this toxic chemical from their formulas. (A current TV commercial actually seeks to capitalize on this turn of events by advertising that Warner-Lambert's Pristeen is now free of hexachlorophene—although the company had previously done virtually no labeling or advertising to inform the consumer that Pristeen *did* contain the chemical.) *F-D-C Reports,* a trade publication, has quoted an Alberto-Culver official as insisting that the corner has already been turned and that sales of market leader FDS will soon return to 1971 levels.

MEDICAL PROBLEMS

If this were merely a tale about the wilder fringes of the beauty industry, we might dismiss the story as one more example of how the American economy keeps people in jobs. But evidence is accumulating that vaginal sprays pose serious hazards.

The risks arise from what the sprays do to the sensitive pubic region. In the few years the products have been on the market, there has not been time to determine whether there are any long-term risks. Experts feel the most serious problems may not be apparent until the sprays have been tested over time. In any event the short-term medical record is alarming enough. The most common reactions are itching, burning, and rashes, often leading to conditions technically known as cervicitis, cystitis, urethritis, vulvitis, and vaginitis. Once inflamation sets in, it can be persistent; in 18 cases investigated by the government, patients required an average of 30 days to recover.

The government has a responsibility to protect the consumer from hazards like these. The agency responsible, the Food and Drug Administration, has floundered, and the story of its hesitation tells a lot about how government can fail.

Some critics point to sexism as an explanation for the government's failure to take the problem seriously. When Congress, the FDA, and the spray industry are all run by men, they ask, how can women get a fair shake?

GYNECOLOGICAL GRUMBLINGS

The Food, Drug, and Cosmetic Act of 1938 provides the legal framework for FDA authority over the sprays. When the first vaginal deodorants reached the market in October, 1966, there was no regulation requiring that the companies notify the government of this historic event. In fact, the law does not even oblige cosmetics manufacturers to tell the FDA that they are in business, let alone what products they peddle or what ingredients the products contain. There was (and still is) no requirement that companies test cosmetics for safety before marketing them. Only if a cosmetic is adulterated or misbranded can the agency invoke legal sanctions, the most drastic being seizure of the product. But a company can challenge these sanctions in court, and the burden is on the agency to prove that the law has been violated.

From the manufacturer's point of view, there is only one complication in this permissive arrangement. Sometimes, under FDA rules, a cosmetic is not just a cosmetic, but a drug as well. If it is, then the FDA can require the product to meet the same standards as other drugs, most crucial of which are pre-marketing safety tests. The line between "cosmetics" and "drugs" is therefore important, but it is also exceedingly fine. The main test seems to be intent: the law states that a cosmetic may be a drug if it is "intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease," or "is intended to affect the structure of any function of the body."

Until the summer of 1971, the FDA called the sprays cosmetics and let it go at that. Then disturbing signs appeared. Complaints from consumers claiming injury from the sprays were arriving at a rate higher than usual for a cosmetic, and there were sustained grumblings from the medical profession. Several letters from gynecologists describing adverse reactions their patients had suffered after using the sprays appeared in medical journals. Fifteen doctors from the student health service at the University of California at Santa Barbara wrote to Virginia Knauer, President Nixon's Adviser on Consumer Affairs, urging that the sprays be withdrawn from the market.

There was also a prod from elsewhere in the government. The Federal Trade Commission (FTC), responsible for scrutinizing the product's advertisements, formally asked manufacturers to back up their advertising claims with facts. Under the FTC's admittedly cumbersome procedure, this could be a first step toward issuing complaints about deceptive advertising.

The FDA's response was to meet with industry representatives and ask them to cooperate by voluntarily furnishing the agency with information, including safety-test data. The weaknesses in the Food, Drug, and Cosmetic Act forced the agency to take this approach. Unlike the FTC, which has legal authority to subpoena information from industry, the FDA must rely on the manufacturers' good will.

On August 12, 1871, Gus S. Kass, vice president of Alberto-Culver, complied with the FDA's request, and several other companies sent information on consumer complaints, ingredients and testing. Warner-Lambert, however, chose not to let the agency see any data, despite ads claiming that Pristeen "has been developed out of intensive research and tested in leading hospitals under the supervision of gynecologists."

The Alberto-Culver material described tests performed on animals and humans to determine irritancy, rate of hexachlorophene absorption, and levels of hexachlorophene in the blood (as well as odor evaluations made by trained "sniffers"). But the company omitted information on how much of the spray normally penetrates to internal areas, which is surprising since millions of women had been using the product for several years.

THE RACE TO THE MARKET SHELF

The reason for this less-than-thorough testing was Alberto-Culver's determination to beat the competition to the market shelf. Warner-Lambert was actually the first company to test-market a vaginal deodorant, but Alberto-Culver won the race to national distribution, advertised heavily, and established FDS as the market leader. The competition has yet to recover.

The commercial success entailed certain sacrifices, one of which was adequate safety testing. When FDA's medical officials looked over the Alberto-Culver test data, they were not pleased. "The information contained in these studies does not contribute anything to our understanding of the injuries reported to us," wrote Dr. John Gowdy of the FDA's Bureau of Foods, in a memorandum dated November 24, 1971. Dr. Benson C. Schwartz of the agency's Bureau of Drugs concurred, reporting, "The clinical studies submitted are inadequate and not controlled."

Alberto-Culver put forward the best face it could, especially when FDS was challenged in court. When one woman sued for injuries she attributed to FDS, Alberto-Culver's Gus Kass said in a sworn answer to an interrogatory:

"To determine whether FDS was irritating under use conditions: 31 women *completed* the test over a period of five weeks. The study was conducted under the supervision of a gynecologist. The product was applied to the pubic-vaginal area either two or four times daily. Conclusion: *No* irritation or other abnormality which could be attributed to the use of FDS was observed." [Emphasis added.]

This account makes for an interesting comparison with Dr. Schwartz's description of the same study:

"*Thirty-two* human subjects were started on an uncontrolled study in which each patient was examined by a physician and then given a can of FDS to use either two times a day or four times a day depending on her preference. Each patient was then examined at intervals for signs of irritation or erythema. No smears or cultures were made. Patients were not restricted as to other medications and douches. *One patient dropped out,* leaving 31 subjects. The patient that dropped out did so *because of irritation on the right inner thigh which became progressively worse,* forcing her to drop out of the study after two weeks.

"Comment: The company states they found no irritation or other abnormalities which could be attributed to the use of their product. Upon careful review of each clinical report form, seven of the 32 patients showed signs of symptoms of irritation or erythema. *This would give a reaction rate of just under 25 per cent.* Furthermore, if each clinical report form is read, the bias of the examining nurse becomes very obvious as she belittles every positive finding—attempting to blame it on anything but the feminine hygiene deordorant spray." [Emphasis added.]

Recent attempts by public interest advocates to investigate test data sent in by Alberto-Culver and the other companies provoked a flurry of evasive, often contradictory responses at FDA and one unusual result. Shortly after the first request for disclosure, the Alberto-Culver test data was mysteriously and "inadvertently" sent back to the company.

LET THE SPRAYER BEWARE

Between these less-than-reassuring tests and the growing pile of complaints, the FDA was being pushed to act. Internal FDA memoranda prepared by scientists in the Bureau of Foods and the Bureau of Drugs during October, 1971, spelled out the dimensions of the safety problem: four manufacturers admitted receiving 383 complaints, physicians reported approximately 30 injuries, and the FDA received 18 complaints directly from consumers.

The usual reported adverse-reaction rate for cosmetics is one per million units sold. On the basis of the above figures, the rate for vaginal deodorants was running about 10 times higher.

With these facts in hand, the FDA had to confront the problem of what action to take. In typical bureaucratic fashion, its response was to hedge.

What happened within the Bureau of Foods illustrates how promptly regulatory proposals can be watered down as they pass through the pipeline. In an "action memorandum" dated October 19, 1971, a medical officer in the Bureau argued for a ban on the sprays:

"I would suggest that products intended to prevent the development of skin odor in the external perineal [genital] area and dispensed from pressurized containers be considered hazardous per se and may not be offered for sale in interstate commerce unless adequate evidence is presented to the FDA that they are safe under reasonable conditions of use. Since no product presently on the market meets these conditions, they should all be recalled and it would be incumbent on those who propose to market such products to determine the offending ingredient or ingredients and take such corrective measures as might be indicated to make the product safe."

This drastic proposal must have horrified his superiors, for on the same day, the office of the acting director issued an action memorandum repeating the earlier memo verbatim, but deleting the recall provision and changing the conclusion to find that the sprays "may be hazardous." This left the Bureau of Foods committed to the requirement of warning labels which the first October 19 memo had proposed as "a less Draconian approach."

Meanwhile, the Bureau of Drugs was also studying the problem and suggesting regulatory approaches. An August 4, 1971, memorandum argued that vaginal deodorants were mislabeled and hence subject to recall:

"The claims made for the product are misleading in that: they imply that one spray will prevent odor all day; they state that the product(s) have been tested by gynecologist(s)—an implied claim of medical efficacy; they state that the product "stops odor before it starts," implying prophylactic benefit; they state that the product "keeps you fresh all day every day," implying a change in body function or condition; they imply medical benefit in pathologic vaginal problems which are odiferous and should be treated by a physician. . . . Moreover, in permitting these products to masquerade as cosmetics, we presently allow them to be sold with labeling that is false and misleading, lacking adequate precautionary statements and instructions for use."

SIMMONS ON SENSITIVITY

A subsequent Bureau of Drugs me added the point that the terms "hygiene" and "deodorant" are misleading "as they [the sprays] in no way promote hygiene (either cleanliness or health) nor are these products proven or accepted deodorants in this area." But, instead of pursuing this line (which would have acknowledged the Bureau of Foods' jurisdiction over the sprays as cosmetics), the Bureau of Drugs pressed for an agency finding that sprays containing hexachlorophene were drugs. The memo of October 4 spelled out the reasons:

"1. *The nature of the use.* . . . They are intended to be sprayed on and around the perineal area . . . and quite likely in the vaginal area. . . .

"2. *The nature of hexachlorophene.* . . . It kills bacteria [whose] . . . balance is in fact important to body function. . . . Products which alter bodily function are considered to be drugs.

"3. *Recent serious challenges to the safety of hexachlorophene.* . . .

"4. *The possibility of masking the need for medical treatment.* . . ."

Dr. Henry E. Simmons, director of the Bureau of Drugs, spelled this out in more elegant form in an action memorandum dated October 29, 1971:

"The vulva and vagina represent areas of the body that are in a constant state of change. Marked variations occur daily, hourly, and even momentarily under the influence of hormonal stimulation, sexual stimulation, pregnancy, and normal aging.

"From a psychological standpoint, a physical standpoint, a cultural standpoint, and a sexual standpoint it would be an understatement to call this a sensitive area."

This was sound medical judgment and plain common sense. Moreover, it led to the inescapable conclusion that vaginal deodorants ought to remain out of the hands of consumers until the manufacturers proved their safety with valid data obtained through sound testing procedures. In other words, the products *should* be regulated as drugs. Whether they *could* be classified as drugs under existing law and its interpretation by the FDA and courts was another matter.

In a September 29, 1971 memo to a medical officer in the Bureau of Drugs, the FDA's newly appointed legal counsel Peter Barton Hutt gave his opinion of how the law had been construed: "Antibacterial agents [such as hexachlorophene] in deodorants are not intended to affect a bodily function or prevent disease, but only to promote attractiveness." He added that "a representation that a product contains hexachlorophene may well be sufficient to classify it as a drug claim," but warned that the threat of such a classification would merely induce manufacturers to stop making the claim.

A paper Hutt delivered while a partner in a Washington law firm and general counsel to the cosmetics industry's trade association spelled out the fine distinction the FDA had drawn between a "product that absorbs perspiration or masks its odor, or prevents odor by germicidal or bacteriostatic agents that act upon odor-producing bacteria" (a cosmetic) and a "product designed to reduce perspiration odor by reducing the perspiration itself, through a change in the sweat grands" (a drug).

SLOW DOWN, DON'T MOVE TOO FAST

So near the end of 1971 the FDA was stewing busily, but a firm policy decision on the sprays was never reached. Instead, the agency began to move against hexachlorophene because of increasing evidence that the chemical was unsafe. Since most of the sprays contained hexachlorophene, some officials felt that reducing the amount of the chemical might solve the spray problem. This was at best a partial solution, since neither the FDA nor the companies had yet discovered which ingredient actually caused the irritation. In fact, some of the sprays without hexachlorophene caused as many complaints as the rest.

One approach the FDA took was to urge manufacturers to remove hexachlorophene from the sprays voluntarily. On November 10, 1971, FDA press officer John T. Walden said the agency acted because the chemical was not only potentially harmful but unnecessary. "There is no medical justification for [hexachlorophene] in feminine hygiene deodorant sprays," Walden said. Ever ready to pick up the gauntlet, Alberto-Culver President Leonard Lavin immediately sent an angry telegram to HEW Secretary Elliot Richardson and FDA Commissioner Dr. Charles C. Edwards demanding that Walden be fired and claiming that Alberto-Culver had "voluntarily submitted to the FDA scientific findings which completely refute Walden's irresponsible statements." The next day Lavin flew to Washington to meet with Dr. Edwards and repeat his demand. The Commissioner didn't sack Walden, but that wasn't Lavin's real objective. He was out to silence the FDA, and he seemed to succeed, for at the conclusion of the meeting, Dr. Edwards promised he would have no comments for reporters concerning the status of the sprays.

On January 7, 1972, the FDA made its first move, publishing a proposed regulation which, if adopted, would have limited the amount of hexachlorophene in drugs and cosmetics. The use of the chemical in cosmetics could continue only if it served as a "preservative" rather than an active ingredient, at a concentration no higher than 0.1 per cent—and only if manufacturers could not find an alternative preservative. Interested parties were given 60 days to comment.

The FDA never explained the basis for its "preservative" loophole. There was no doubt that the companies were using hexachlorophene as an active ingredient in vaginal deodorants; under this ruling, they could keep on using the toxic chemical in the same amounts as before, calling it a "preservative."

The period for comment expired on March 8, and the usual bureaucratic delay settled over the issue. It took the deaths of 30 babies in France from talcum powder containing hexachlorophene to jar the agency into decisive action. On September 27 the FDA promulgated its final restrictions on the use of hexachlorophene in drugs. The new order retained the preservative loophole and the 0.1-percent limit, but, in response to a written comment submitted by the author and one of his students, it also incorporated a requirement that calculations of the hexachlorophene content in aerosol products be made exclusive of the propellant. A letter from an FDA medical officer in *The New England Journal of Medicine* said "evaporation of the propellant may raise the concentration of hexachlorophene to as high as 95 per cent on the skin immediately after application."

The morning the order was published, industry representatives rushed to the agency and met with FDA compliance officers to argue that the propellant should be included in the hexachlorophene level measurement. The industry, which had already planned to remove hexachlorophene from its sprays, was concerned because the ban would prevent it from selling existing stock. The encounter lasted all of 10 minutes. No FDA scientific personnel attended. That afternoon, following a conference with Peter Hutt, a decision was made to accept the industry position—demonstrating that the agency doesn't always act slowly.

Representatives of women's labor, and consumer groups met with Dr. Edwards to protest the FDA's decision. Though Dr. Edwards refused to budge on the measurement issue, the FDA did modify its final regulation to ban the use of any hexachlorophene in cosmetics which might come in contact with mucous membranes.

A GAME OF CHARADES

At the same time, an article in the October, 1972, issue of *Ms.* told readers that Bureau of Foods chief Robert M. Shaffner had predicted that by the time the article was published, the FDA would have issued a regulation requiring warning labels for the sprays.

On October 20, an advisory committee of obstetricians and gynecologists set up to counsel the FDA voted its opinion that the sprays should be considered drugs and that there is inadequate evidence of their safety and some presumptive evidence that they are unsafe.

The agency seemed to be regaining momentum. In late January, 1973, word leaked out that the FDA was on the verge of requiring warnings on spray labels, so that an intelligent consumer would think twice about using a vaginal deodorant.

But in less than two weeks the regulations had once again been delayed indefinitely. Despite all the internal memos and valiant efforts of medical officers within the agency, the FDA persisted in being soft on the manufacturers. The companies can continue to use the word "hygiene" on labels, misleading though it may be; they do not have to warn users to seek medical help if certain symptoms appear; they do not have to give directions that would insure that the sprays are not applied with excessive force (or at too close a range) and in such a way that the ingredients will not reach the vaginal orifice.

While failing to come to grips with the problem of vaginal deodorants, the FDA adopted an elaborate scheme of "voluntary regulations" drawn up by the cosmetics industry to create the impression of adequate self-regulation in order to obscure the need for new legislation. Instead of asking for legislation to strengthen its inadequate laws, or using what powers it could to regulate the hazardous, poorly tested sprays, the FDA has continued to cooperate with the industry in delaying reform.

When reluctant regulators administer toothless laws, the result is a charade at the public's expense. It may be a while before a better illustration of this truism comes along. Congress, by failing even to hold hearings on the subject, has long demonstrated its indifference to cosmetics regulation. Whether the saga of the sprays will ruffle this blanket of neglect remains to be seen.

Meanwhile, the FDA has begun to receive complaints of adverse reactions to a deodorant tampon, and has met with the manufacturer to ask politely for a list of ingredients and safety-test data. And so it goes.

[From the Washington Star, March 7, 1973]

HYGIENE SPRAY ELEMENT DROPPED BY DRUG FIRM

(By Ross Evans)

A pharmaceutical company has announced that it has stopped selling its exclusive germ-killing agent triclosan, for use in feminine hygiene sprays—a move that poses another obstacle for spray manufacturers seeking a replacement for federally banned hexachlorophene (HCP).

Dr. Frank Lyman, director of industrial medicine of the Ciba-Geigy company, told a Food and Drug Administration advisory panel yesterday that his firm, which holds a patent on triclosan, no longer will sell it for use in the feminine deodorants without explicit FDA authorization for the spray maker.

He had told an October meeting of the same panel that he would not recommend the use of the agent in vaginal sprays, although he knew of "no obvious hazard from such use," according to FDA minutes of the meeting.

Hexachlorophene was used as a germ-killer in many sprays until September, when it was banned by the FDA as a health hazard. The ban was relaxed, however, to allow the sale of existing stocks of HCP sprays.

Of "about a dozen major brands" which had included HCP, two replaced the HCP with some other germ-killer, and four reformulated without germ-killers, an FDA official said. Other brands have not yet reported their new formulas to the FDA, he said. Without a germ-killer a spray is merely a perfume.

THREE CATEGORIES

The FDA advisory panel, studying the effects of germ-killers, expects to make a report this summer dividing anti-germ agents into three groups: generally recognized as safe, not safe, and unknown.

The FDA panel's recommendations, may determine whether any germ-killers are recognized as safe for use in vaginal sprays and whether the FDA will choose to classify them as drugs, which would make them more strictly controlled. They are now classified as cosmetics.

Lyman said later that the only major brand including the germ-killer was Alberto-Culver's FDS. It accounts for a sizable share of the $53 million spray market, according to Richard Sykes, a Ralph Nader associate.

TOXICITY UNKNOWN

Sykes said toxicity levels of triclosan were unknown, citing Lyman's October statement that the liver was a possible "target" of toxic concentrations of the agent.

Sykes said it is possible, but unproven, that women using germ-killing vaginal sprays are more vulnerable to fungus infections.

THE UNITED NATIONS AND INTERNATIONAL STABILITY

Mr. BROOKE. Mr. President, there are many individuals in the United States and elsewhere who continually disparage the United Nations as an imperfect, nay ineffectual organization in the international system. In many areas such criticisms have a certain degree of validity, especially in regards to the questions of peacekeeping and peacemaking. However, I believe that those who see little merit in a continuation of the United Nations are extremely myopic in their failure to perceive that there are no feasible alternative ways to provide the necessary services to humanity now rendered by the United Nations.

The basic question the critics of the United Nations fail to provide a satisfactory answer to is this: What would happen should there be no United Nations? As I have pondered this question, I have come to the conclusion that an international system lacking a United Nations or its functional equivalent would be a far less stable and far more dangerous system.

In regards to why I believe the United Nations to be an important and necessary entity in our world, I call the attention of this body to an excellent article by Prof. Kenneth W. Thompson published recently in VISTA, the magazine of the United Nations Association. The article is entitled, "On Replacing Lost Gods." In regards to the function of the United Nations, Professor Thompson states:

> With the breakdown of the ruling dogmas of freedom, progress and science and the attendant uncertainty and powerlessness that many feel, the United Nations may be more vital than its founders dreamed.

I fully concur with this thought and I believe that in an age of alienation and instability the world can only ignore the United Nations at its own eventual peril.

I ask unanimous consent that Professor Thompson's article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

ON REPLACING LOST GODS

(By Kenneth W. Thompson)

Learned Hand, U.S. vs. Associated Press, 1943: "Right conclusions are more likely to be gathered out of a multitude of tongues than through any kind of authoritative selection. To many, this is and always will be folly; but we have staked upon it our all."

One taproot idea of Western civilization is faith in freedom and the free marketplace. Americans tend to believe that truth will win out over falsehood, right over wrong, reason over unreason in free and open debate. In the interplay of forces of justice and injustice, justice rules the future and behind the dim unknown stands God keeping watch above His own. Another taproot idea is faith in the inevitability of progress. History is on the march. Even the Marxist heresy prophesied that history was moving irresistibly through thesis and antithesis toward a new synthesis, the classless society. Capitalism foresaw the day when increasing production and rising living standards would transform the spiritual no less than the material lives of everyone. A third credo is faith in science. Science has its own momentum and inner logic. It provides the framework and the terms for decisions, taking the place of old-fashioned moral reasoning. It can save man because it leaves nothing to chance. It is grounded in knowledge and facts.

The world crisis is upon us because all three of these regnant ideas—freedom, progress and science—have come under question. What seemed indisputable and irrefutable a generation ago is no longer self-evident. Two-thirds or more of the world's people in the developing countries appear willing to trade freedom for order or for order coupled with economic growth and national prestige. Unbridled freedom in national and world assemblies leads to impasse and chaos and to a shift in the locus of decision to other agencies: the executive in national governments and the great powers in world politics. Freedom of speech and assembly unbalanced by respect for the freedom of others brings pressure, not for freedom but its restriction. We hear pitifully little talk of freedom in certain quarters: whether among the most hard-pressed and beleaguered nations of Africa and Asia or among the defenders of the status quo and the rich and the powerful.

If freedom has fallen under a cloud, however, *progress* as the dominant belief of the culture is yet more in eclipse. Indeed its antithesis, an all-pervasive sense of powerlessness, has spread throughout the land. All too many of our people see mankind and the world not as "growing better and better every day in every way" (Coué) but the very opposite. They have self-doubts about a society that brings us consumer goods but not happiness. But more serious than this, they doubt their ability or their government's or the world's to turn things around. The Club of Rome Report is unnerving not because of its stark and pessimistic diagnosis of present trends of overpopulation, pollution, resource depletion and famine but for the implication however intended that nothing can be done about it. The end of the era of progress has left us—apparently—not with a steadier and more realistic grasp of our prospects but with a failure of nerve and a sense of impotence. How ironic that, in the most powerful nation in the world, people should feel so powerless vis-a-vis the great problems of the 1970's, their governments, their families and across the broad front of threatened individualism. And the more they talk of "people power" or personal potency, the less convincing are their words to themselves or others. It is as though so many words had been uttered in the era of progress about inevitable advancement or invincible man or the transformation of human nature (most recently the process of the "greening of America") that we no longer believe our own words. Could it be that the age of overkill and oversell has left us satisfied and immobolized? Are we alternately the victims of too much and too little faith? Do we vacillate between the role of true believers and total cynics? Is there some profound and as yet unexplored connection between the death of the idea of inevitable progress and the birth of McLuhanism? Have we found greater difficulty coping with our discovery that life is more often a roller-coaster than an escalator precisely because electronics and technology have made us observers glued to the tube, not actors in life's drama?

I do not know the answers, nor perhaps even the proper questions to ask, but I am persuaded that one aspect of the present crisis is our response to history's refutation of inevitable progress. A discovery that had to be traumatic has paralyzed our will to act in a new age of uncertainty, and this as much as objective factors lies at the roots of the crisis.

We must seek the fountainhead of the moral crisis beyond the problems of freedom and progress. It is bound up somehow with the elevation of science to an autonomous, self-contained and all-controlling force in civilization. Our predicament is illustrated in a dispatch from Canada reported in the New York *Times* (August 26, 1972) about Peter Pollen of Victoria, British Columbia, a successful car dealer turned mayor, battling to turn back urban sprawl built on the premise that big is good and bigger is better. The specter of row on row of billboards and crowded apartment buildings and cars sucked into the cities by capital funds overconcentrated on highway development prompted Mayor Pollen to ask: "Who is the enemy?" He answered: "It's the American scene basically. You guys are screwing up your world in the United States, but we're not going to screw up ours." His critics, Canadian developers, struck back by saying, "You can't stop growth"—in other words, the irresistible march of science and technology.

Herein the moral problem. We live in a culture that tends to translate and resolve every issue of moral and social choice in technological terms. If science and technology can build a larger and faster airplane, build it. If research and development, to which we devote 22 percent of our defense budget, can create more lethal weapons, we must have them. If the SALT talks put constraints on quantitative increases, we shift to qualitative refinements. If the family is in travail, the answer isn't in the substance of love but in the techniques of sex manuals. And in the final illness, when neither the doctor nor the family can face the moral choice of prolonging life or accepting death, the availability of techniques and treatment makes the decision for them. Science has become an autonomous force and, by its dramatic advances, coupled with the retreat from moral reasoning, has in this age of numeracy preempted the field.

The message is not that science will destroy us any more than it is that science can save us. Nor is the solution to be found with those moralists who frame every issue in the vocabulary of absolute right and wrong. The challenge we face is to rediscover the habits of moral reasoning that reduce social choices neither to techniques nor to moral absolutes. Professor Paul Freund of the Harvard Law School speaks of the need to look at values not as abstractions but in the context of living social problems. In our fantasies and particularly at election time, we look at the world in categories of simple right and wrong or good and evil. In real life, values cluster together, compete and are in conflict, and can lead, depending on the choice of one or the other, in utterly different directions. Value choices are seldom if ever between good and evil. They more often involve a choice among rights and rights: free speech versus crying fire in a crowded theatre, intellectual curiosity versus the right to privacy, freedom versus order, peace versus justice, freedom of scientific inquiry versus the right of a graduate student to build nuclear weapons in his kitchen. Moral discrimination in human life is less mathematics or science than playing the juggler's act in keeping eight or ten values in view and in balance.

The problem is twice compounded in foreign cultures. How are values that do not exist in the culture stimulated and inculcated? The new nations face problems not only in balancing values in a social context but in inculcating new values toward work, time, achievement, status and perseverance, which have no cultural roots. These are not simply behavioral matters but grow out of the fundamental conception people have of the meaning and purpose of life. Status in Indonesia is a product not of hard work but of inner perfection. There is no Protestant ethnic. Hard work is secondary to a more elemental factor, the condition of the soul. Or take birth control. Large families are highly valued and so is the economic well-being and symbolic immortality achieved through the work and lives of many sons. Science may offer new and efficient techniques, but their acceptance or rejection depends on cultural values.

Or consider violence. The problem in part arises because basic human drives long dormant and controlled can break loose. In Indonesia, the practice is not to leave money to one's children, but this lies athwart the need for savings and capital formation. Young people flood the cities so that 50 percent of the population below 17 are urban youth. Development in cities such as Jakarta is phenomenal and prices skyrocket. Jakarta has a per capita income of $300 and the rest of the country has less than $100 per capita. This has a profound effect on social cohesiveness within the nation, for an elite lives at an international level and the poor are far below it. But also within the cities the youth wait for jobs that never come. The juxtaposition of affluence and poverty, hope and despair, lead to reactions of anger and fear. Violence remains close to the surface; there are naked expressions of pent-up frustration and greed. The great problem is how to keep despair from erupting into violence and stay on top of the problems of living in huge metropolitan areas. It also involves the need to think about the underlying sources from which violence springs.

The point is that, at home or abroad, we need to look beyond science to the aspirations incarnate in man and embedded in culture. If we look only at what man is now, there is little hope for the future. Man has the capacity to be both more and less than he was and is. There are strengths and resources in every man and society that can help them to move ahead. For example, traditional Javanese society embodies the values of self-restraint, sharing and moderation. Americans are generous, voluntaristic and responsive to a mission. The task is to cast these in ideological terms so they can take on behavioral patterns and generate social action. But neither freedom nor progress nor science can do this. It requires leadership and an act of will—but in a context more complex than commonly understood.

This brings us to the United Nations and our underlying faith that "right conclusions are more likely to be gathered out of a multitude of tongues." With the breakdown of the ruling dogmas of freedom, progress and science and the attendant uncertainty and powerlessness that many feel, the United Nations may be more vital than its founders dreamed. The crux of the problem is the need for limited, proximate and interim faiths less vaulting than progress and science but more durable and lasting notwithstanding. More than a century ago, President Lincoln spoke of Americans as a people "destitute of faith but terrified by skepticism." Because so much of ancient faith was shaped in a more simple time of sheep and shepherds, we cast about for substitute faiths. Some find it in the political religion of nationalism, others in the bitch goddess success and still others, among them some of our young, in a curious blending of nihilism, asceticism and moral superiority. Others suffer because their dream has indeed come true but has left them bereft of true satisfaction.

Wilfred Jenks, the beleaguered head of the International Labor Organization, has observed that our dilemma is believing in the United Nations while awaiting the emergence of something better. This kind of faith is never easy to sustain, but we had better grow accustomed to it. The alternative, as we have seen with science or progress, is to link hope to a singular purpose, achieve or fail to approximate it, and fall into despair when utopia is not forthcoming. There may even be some virtue in the fact that the United Nations is as fragile an institution as it is, thus saving its members from self-righteousness and pretentiousness. For it is a fact that the structure of the world reflected in the United Nations bears little relationship to political realities. The two nations of North America are outnumbered 40–2 by the votes of the African states. China with 800 million people can be outvoted 40–1. Is it any wonder that the great powers have tended to act outside the United Nations? Yet in doing so they run the risk of weakening the framework of the only world institution within which global peace can be pursued. It is understandable that the United States and the Soviet Union, for example, would be impatient with the delays, the demands to which they are subjected and the checks to their power within the United Nations. But would these demands be any less outside a constitutional framework? Have the great powers felt any more powerless in seeking to impose their will, say, on Vietnam or on Cuba? And how is one to compare the reactions of the rest of the world to American actions in Korea undertaken within the United Nations framework to those in Vietnam pursued outside the United Nations, and what lessons can we learn?

The crisis in the United Nations is but a reflection of the moral crisis outside its halls. Its actions are no better and no worse than those of its members. And its strengthening and weakening occur as regnant themes and ideas ebb and flow. The United Nations at birth was undergirded by the same dogmas of freedom, progress and science at work in the culture. It was illusory then to speak of "open covenants openly arrived at" or of diplomacy under klieg lights. Dag Hammarskjöld left mankind a legacy of what could be accomplished through "quiet diplomacy" that demonstrated how fruitful and complementary free debate and the healing processes of private diplomacy could be. *Progress* was proclaimed by Cordell Hull who spoke of the new international organization as eliminating alliances, the balance of power and those ancient rivalries among states that congealed in power politics. Yet the living United Nations while failing to eradicate these primordial forces has discovered ways, at its best, of controlling them and ameliorating their most damaging effects. And whereas *science* was rather naively enshrined in UNESCO and other UN agencies, its wisest practitioners have recognized the need to go beyond science, to organize and use it, as was done in Stockholm at the UN Conference on the Human Environment, and to mobilize all the moral force inherent in "the conscience of mankind" to keep science's destructiveness in check.

I believe in the United Nations because it is a far more pragmatic institution than some of its early spokesmen made it out to be. Primarily because it provides a forum for a multitude of tongues to be heard and a process through which a multitude of interests can be accommodated, it is more indispensable now than in the innocence of its infancy. Interest can be balanced against interest and claims and counterclaims registered through voices and votes, not bombs and bullets. The greatest challenge of the 1970's is for men and nations to live with uncertainty—with the decline of old certainties and dogmas. We need one another, yet we fear one another, we hurt one another, turn to aggression and walk a collision course. Because the first order of business of the UN is to harmonize interests, maintain international peace and security and deal with the underlying causes of conflict, its task is an unending one.

In this task and through its manifold activities in social and economic programs, the United Nations is building a stronger world system. Its movement in this regard is bound to be evolutionary not revolutionary, glacial not millennial. If we can help it to carry out this mission, defend its credibility, reinforce its strengths and remedy its weaknesses—and above all not abandon it in isolation, we may yet save ourselves and the world.

ERVIN HONORED AT TEXAS TECH

Mr. BENTSEN. Mr. President, I wish to bring it to the attention of my colleagues that the distinguished senior Senator from North Carolina, Sam Ervin, has recently been honored as the public official who has done the most over the last year to defend freedom of the press.

The award was the first annual Thomas Jefferson Award presented jointly by the Texas Daily Newspaper Association, the Texas Association of Broadcasters, and Texas Tech University. Senator Ervin had been nominated for the award by the North Carolina Press Association.

The award, which was presented to Senator Ervin on February 16 in Lubbock, Tex., carried the following inscription:

> To the Public Official Who Has Made an Outstanding Contribution for the Defense and Preservation of the Freedom of News Media.

The award was presented to Senator Ervin by Guy Ryan, the immediate past president of Sigma Delta Chi, the national journalism society, who described the Senator as—

> An institution—a man who has dedicated 50 years of his life to the service of his fellowman in the battle to preserve America's freedoms. He is one of the few diehards of our time who insist that the founding fathers meant precisely what they said. In these critical times when the freedom of the press is facing its most serious challenge in modern history, we are truly grateful to men like Senator Ervin, for his leadership in helping to preserve this fragile freedom, not simply for the press, but for the people.

I would echo the sentiments by Mr. Ryan, and congratulate my colleague on his well-deserved recognition.

SENATOR RANDOLPH EXPRESSES APPRECIATION FOR "OLDER WORKERS WEEK"

Mr. RANDOLPH. Mr. President, on Monday while I was necessarily absent, the Senate considered and passed House Joint Resolution 344 to provide for the designation of the second full calendar week in March 1973 as "National Employ the Older Workers Week."

I welcome the approval of this resolution which focuses attention on the urgent need for the development of employment programs to assist older workers who can contribute significantly to the progress of our Nation. It was my privilege to sponsor a similar resolution in the Senate in which 23 Senators joined as cosponsors. The Senate measure was Senate Joint Resolution 49.

I express appreciation to Senator CHURCH, the chairman of the Special Committee on Aging; my colleague from West Virginia, Senator ROBERT C. BYRD, the majority whip; Senator EASTLAND, chairman of the Judiciary Committee; and Senator HRUSKA, chairman of the Judiciary Subcommittee on Federal Charters, Holidays and Celebration, for their cooperation and assistance in bringing this measure to passage.

A HIGHER PRIORITY FOR SCHOOLBUS SAFETY

Mr. JAVITS. Mr. President, the central issue in "schoolbusing" should really not be desperation—only a relatively lesser percentage are involved in transportation. The central issue, rather, should be schoolbus safety, involving almost 20 million of our children who each day travel in some 285,000 buses to and from school. In 1971, the most recent data available indicate that there were 47,000 schoolbus accidents, killing 150 and injuring 5,600. While this record is considered superior to the automobile safety record, the fact remains that it is still much too high. The safety and well being of our children merit every action that can be undertaken.

Radio station WINS in New York from time to time broadcasts editorials on issues of public interest. A recent editorial broadcast underscores the importance of effective action for schoolbus safety and I commend it to the Senate. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

A HIGHER PRIORITY FOR SCHOOLBUS SAFETY

The belated return of ice and snow to roads in this area is a reminder that winter is a dangerous time of the year for all vehicles, including school buses. It also reminds us that Congress failed to take action on school bus safety legislation introduced last year by Senator Javits and Congressman John Wydler of New York. Their bill was an outgrowth of studies begun after a fatal 1970 bus crash involving Long Island day school students. It appeared assured of passage following the more recent tragic school bus crash in Rockland County which killed several youngsters and injured many others. Yet, somehow, the bill got lost in the shuffle of presidential election year political priorities.

But, it's another year and Senator Javits and Congressman Wydler have introduced a bill now called the School Bus Safety Act of 1973. It would authorize the Secretary of Transportation to set up reasonable requirements to promote school bus operational safety, including driver qualifications. He would be empowered to order a 60-day halt of any school bus operation where major safety hazards are discovered. With almost 20 million of the nation's youngsters riding school buses daily, this legislation demands a higher priority. It should not take another school bus tragedy to convince our Federal lawmakers that this safety legislation should be approved at once.

HEALING THE POOR OF BEAUFORT-JASPER

Mr. HOLLINGS. Mr. President, on Sunday, February 25, there appeared in the Washington Post an article entitled "Healing the Poor of Beaufort-Jasper." The article, written by Mrs. Natalie Davis Spingarn, former Assistant Director of the Center for Community Planning at HEW, presented an excellent insight into the conditions in Beaufort and Jasper Counties, S.C.

I wish to thank Mrs. Spingarn for her thorough accounting of the day-to-day lives of the people being served by the Beaufort-Jasper comprehensive health program. Mrs. Spingarn's article is an honest look at the development of an overall program for the hungry and poor in this Nation.

This program which began in South Carolina in 1969 has served as a model for similar programs across the country.

I again wish to express my appreciation to Mrs. Spingarn for bringing this program to the attention of her readers.

I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

HEALING THE POOR OF BEAUFORT-JASPER

(By Natalie Davis Spingarn)

BEAUFORT, S.C.—One morning recently, Mrs. Evelena Glover stocked her black bag (the kind family doctors used to carry) with pill bottles, carefully checking each against a doctor's prescription. She then went about one of her average days of 10 house calls and 50-odd driven miles.

"I love this work," she explained in the melodic Gullah accent of the coast. "It's something I've wanted to do for a long time, and when my husband took sick, I began. I enjoy meeting people, going about among them. So many people are so lonely out there; they like me to come and help relieve them of their sufferings."

By "out there" Mrs. Glover meant the marshy tideland country, dotted with tarpaper shacks, mobile homes and occasional ante-bellum mansions, an area where people are mostly poor and isolated. It is the target area of the Beaufort-Jasper Comprehensive Health Services project, a program developed under an Office of Economic Opportunity grant and now expected to be moved over to the Department of Health, Education and Welfare, at least for the time being.

The program is one of about 100 such efforts started throughout the country with aid from OEO and HEW, only it isn't typical of most of the programs. Besides such traditional problems as diabetes and pneumonia, the project has increased its task to deal with non-traditional, environmental ills—the inability of a mother, for instance, to rid a child of worm infestation when the child returns from the doctor to use the bare backyard soil, home of other worm eggs, as his toilet. Other neighborhood centers offer less comprehensive care in varied ways; some are linked to university medical centers, hospitals, prepaid medical plans or other community groups. Some projects are more "passive," offering good care if the poor come and get it, but do not work as aggressively to reach those who need help. And Beaufort-Jasper, generally, has a different flavor than most neighborhood health centers: It has its reception and treatment rooms, its well-stocked central laboratory and pharmacy, and miniversions of both in four satellite centers. But much of this project depends on wheels.

A STABILIZED CRISIS

Sixty-five thousand people live in the 1,300-square-mile Beaufort-Jasper coastal area, including the 139 residents of Daufuskie, one of more than 65 islands dotting the coast that are accessible only by boat or air. Forty per cent, or about 25,000 of these men, women and children have standards of living below federal poverty guidelines ($4,200 a year for a family of four, $2,100 for an individual living alone).

In the late 1960s, a young physician and a U.S. senator first drew national attention to the poor health of these South Carolinians. Dr. Donald Gatch, one of the 18 doctors practicing full time or in semi-retirement in the two counties, testified about the hunger of the residents and about the worms that infested 80 per cent of the children. Sen. Ernest Hollings (D-S.C.) toured the area, and told the country of a shack that had no lights, no heat, no running water, no bath, no toilet, and only a slab of fatback, a half-filled jar of locally harvested oysters and a stick of margarine as food for the 16 inhabitants.

"Dr. Kenneth Aycock, our state health official, who was accompanying me," reported Sen. Hollings, "tentatively diagnosed a man in the house as suffering from pellagra, a disease supposedly nonexistent in this country. In the same house one small child had rickets and another was recovering from scurvy . . ."

Such diseases—more usual in underdeveloped nations—as well as substandard housing and a lagging economy, have not been eradicated in the program's three years, and no real record is available to measure progress. Only recently has a trained evaluator begun to develop statistical indices—such as the decline in the infant mortality rate in Beaufort and Jasper Counties, which stood at 62.4 per 1,000 births in 1965, among the highest in the nation.

And there have been breakdowns in the project's system. For instance, the medical director, Dr. Jerry Galloway, 34, was distraught some weeks ago when two isolated elderly persons froze to death in their separate shacks when the weather dipped to 20 degrees, a wintery low for South Carolina. Ironically, the crew from the project had been putting the finishing touches on a little weatherproof house for one of the victims. But, with a backlog of 800 referrals, they are always racing to catch up with the need, and the woman had not yet been able to move into her new home.

But the staff believes that it has at least stabilized the health crisis, prevented epidemics, and begun to make progress with the 14,000 to 15,000 people now registered in the project—about 80 per cent black, with many more adult women (32 per cent) and children (48 per cent) than men (20 per cent)—a fact that holds true, according to program analysts, in populations served by other health centers, rural and urban.

THE PARAPROFESSIONALS

The project's director is a dynamic black layman, Thomas C. Barnwell Jr., whose family has lived in this area for two centuries. He heads a staff of 206—including six doctors, three dentists, eight registered nurses, six licensed practical nurses, and some 70 paraprofessionals, most of them unheard of ten and even five years ago. Besides the riverfront headquarters in Beaufort, the staff is divided among four satellite centers. There are not enough of most skills to go around; the three dentists, for example, work in mobile home dental units at Hardeeville and Sheldon; the mental health team (a psychologist, psychiatric social worker and psychometrist) work with the public school system out of the St. Helena center.

The professionals depend heavily on the paraprofessionals, like Mrs. Glover, to help them practice a high quality of medicine.

Mrs. Glover, a 49-year-old widow and mother of five grown children, is paid $165 every two weeks—not quite $4,000 a year. She and the other family health workers trained for six months before they began making rounds, taking temperatures or blood pressures or pulses, giving bed baths, teaching cane and crutch walking or the elements of good nutrition, checking diabetics and other chronic patients, giving pre- or post-natal care. Everyone knows them, tells them their troubles. Often they spot a child with pneumonia or someone else who needs a doctor, or they refer a family which needs help to get its septic tank inspected. Each takes care of about 95 families. They often work more than their 9-to-5 day and are on call at night for emergencies. When a patient needs medical help at night, he is most likely to call either his family health worker or his driver—the two staff people he knows best.

"They are very intelligent," says Director of Nurses Estelle Rodriguez. "The only problem is that many are servicemen's wives stationed here at the Marine base (Parris Island). Too often they have to move on in too short a time after we train them. I don't know what we'd do without them."

Another more recently added project paraprofessional, the "health education action worker," combines the tasks done by a health educator, teaching good health habits or roundworm prevention, with those of a community worker and advocate—going to meetings, encouraging residents to work on their own sanitation problems, bringing in guest speakers to speak on sex education or family planning, helping people who wish to quilt or make ceramics and market their wares. Sixteen health education action workers now work out of all the satellite centers. The conventional professional social worker is absent from the project.

ENVIRONMENTAL PROJECTS

As Frederick Drake walks down the street, the people come up to him, asking when he's going to put in their deep wells or screens or septic tank. At 52, the former Marine sergeant stops, takes time to talk patiently, explaining public health licensing or inspection requirements. "They bug me day and night," he says. "It would be so expensive for them to put in a well themselves. There are so many people waiting for such things that the doctors have had to set priorities. Whoever finally puts that deep well in turns into the Lord himself. They idealize me!"

As the project's environmental health director, Drake's work links public health with classic medical care, and the list of "environmental health priorities" the doctors have set for him attests to the magnitude of his task:

Patients with no electricity (no matter what the medical diagnosis is, he has to try to get electricity for them);

Paralyzed or partially paralyzed patients and those who are severely crippled with arthritis;

Amputees;

Stroke patients, if left partially disabled;

Pregnant patients;

Families with small children (below 5 years of age) whose homes need screens, adequate heat, electricity, refrigeration;

Patients over 65 years;

Heart patients;

Emphysema & asthma patients;

Children with impetigo;

Diabetics.

The environmental staff tries not to spend more than $300 per family—a goal which compounds the amount of juggling Drake must do.

Mrs. Louise Simmons, 86, is an example of his patients. Blind, alone, a kerchief wrapped around her head, she shuffles about at midday in a yellow bathrobe and pink slippers. Drake and his men have built her a tiny white sparkling clean house, right next to her dark, broken-down shack, and she has furnished it with sturdy, plain tables, chairs and bed. They hope to add an indoor bathroom, so she will not have to use the woods in back, and a deep well for "potable" drinking water (many residents have used shallow wells which do not produce safe clean water).

"I am sick," Mrs. Simmons explains. "They'll come to take me to the clinic Thursday next week. Lord knows I appreciate what you all have done for me, sergeant! What keeps me is serving God, doing right, serving the good master."

"COMPREHENSIVE" CARE

"Comprehensive" is a mod word in health care circles these days, with different meanings for different people. To the insurance-minded, both public and private, it describes the financial planners and most private physicians, the range of services offered in one convenient place. To the patient it is coming to mean not only financial and geographical access to a wide range of services, but also that all of these services be available right away in the right order and in the right place, when he needs them. Community-minded doctors now tend to feel that everyday, ordinary primary care should be the cornerstone on which other sorts of care can be built: A patient should find his way into a health care system through his own doctor, not through a diabetes control or multiphasic screening program.

If all Americans were entitled to the sort of comprehensive care the Beaufort-Jasper patient gets, the nation's health delivery system and its financing would have to be restructured. When the patient first comes to a center, either on his own or with a family health worker, he and his family are registered, given complete physical exams, and medical histories recorded. The family health worker follows up, visiting the patient's home, and trying to add a social and environmental dimension to the clinical assessment. From then on, he gets the same sort of treatment and medications as in a good modern doctor's office most places in the country—and much more care in his own home when he needs it.

In a city like Washington, patients without cars who cannot afford taxi fare and who are not sick enough for ambulances can suffer greatly on two-hour bus trips to hospital clinics: Some forgo the benefits rather than make the trip. By contrast, in Beaufort and Jasper Counties, where there is no public transportation, the project shuttles 18 minibuses, cars and stationwagons on regular assignments. Some bring patients across causeways and drawbridges to the satellite centers; others take staff members out on emergency errands; others take patients to special clinics or consultants at neighboring hospitals. The drivers, working by two-way radio with the clinics, often spend 70-hours weekly, sometimes starting at 5 a.m., to bring patients to doctors. Once a month, too, a medical team goes by boat to Daufuskie Island to treat residents there. The project is still trying to work out a less arduous, more efficient transportation system.

If a patient needs hospital care, he is sent to private Beaufort Memorial Hospital; there is no limit on the days he can spend there, which may account for a strained relation with the hospital administrative staff, which has accused the project of overcrowding the hospital. Over 1,000 patients will be hospitalized this program year, with over $300,000 paid to Beaufort Hospital—65 per cent by the project, almost all the rest covered by Medicaid and Medicare. The hospital gets the full going rate for project patients—about $60 per patient day. If a patient has special or unusual medical problems—a child with a leukemia, for instance—he is sent to the Medical University of South Carolina in Charleston, at least for initial treatment; the state pays that bill.

Dr. Galloway is somewhat dissatisfied with the complex referral system through which patients are sent to specialty clinics in and around Beaufort for consultations, held on different days in different places. However, patients are provided transportation to the surgeons or cardiologists or orthopedic specialists and the consultations are paid for so they are better off than many middle-class patients left wandering on their own through the impersonal medical jungle. Over $36,000 will be paid to consultants this program year.

The federal government picks up the bill for the project—over $750,000 the first year, $1.7 million the second, almost doubled this year to $3.2 million. This covers more than most neighborhood health projects, and includes both the everyday "primary care" and long or serious illness or costs. Estimates now run from $275 to $300 a year per patient—a sum which is competitive with the cost of packages offered by established prepaid group practice plans in this country, considering the medical needs of the project's patients and everything they get for it. This cost estimate is also well under the national average of public and private health dollars spent per capita in a year: $395.

Though the total spent on health in the United States is large—about $83 billion—it represents only 7.6 per cent of the gross national product. Sixty per cent of these health dollars goes to the private sector, and roughly 1 per cent of the amount spent in the public sector (which includes Medicare and Medicaid) goes to projects like Beaufort-Jasper.

And while it has long been true that the best medical care in the United States was enjoyed only by those who could afford it and get to it, the Beaufort-Jasper project represents a switch: Under law it can serve only the very poor. The near-poor, a sizable number, are left out, a fact which worries Dr. Galloway and his colleagues. They have about 2,500 patients on Medicaid and over 800 on Medicare. But South Carolina does not take advantage of the provision of the federal Medicaid law which aids the "medically needy only," so cannot pay for the 7,000 area residents just above the poverty line.

THE FUTURE?

Though the Office of Economic Opportunity is due to die June 30, the Nixon administration's budget does not call for a similar fate for OEO's comprehensive and HEW's neighborhood health centers. Projects like the Beaufort-Jasper are expected to be transferred to HEW to join the more "mature," less experimental or economically oriented projects that have preceded them. Funding levels are even due to rise slightly—from about $185 million to $198 million for both OEO and HEW centers; the total of all such centers, including migrant, maternal and child health and family planning efforts, will be $354 million through June, 1974. By that time, it is expected that, unless there is a new national health care financing system, they will have to depend on some, as yet unclear, sort of special revenue sharing.

The ultimate individual fate of such projects is far from certain: They could be abolished altogether or they could be converted into different kinds of programs under national health insurance (which would not, in all likelihood, deliver the same environmental health services offered at Beaufort-Jasper—that would be left to other, perhaps local public health or environmental agencies). Still, in a debate on national health proposals, the need they have revealed and the diverse ways in which they have tried to meet that need will be of great interest and concern. A national financing mechanism would only give local communities like those in the Beaufort-Jasper project the chance to organize delivery systems and adapt them to their needs.

CIVIL DISOBEDIENCE

Mr. STEVENS. Mr. President, each fall the Veterans of Foreign Wars conducts a national speech contest for high school students. This worthwhile program annually involves over 50,000 students and encourages them to think out their role in our democracy. This year's theme was "My Responsibility to Freedom."

Representing Alaska is Miss Becky Hayworth, a senior at East High School, Anchorage, Alaska. Becky is the daughter of Mr. and Mrs. Gus Hayworth, both of whom are instructors in the Anchorage school system.

Miss Hayworth has some interesting comments to make on her "Responsibility to Freedom." I ask unanimous consent to insert into the RECORD this thought-provoking speech.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

Henry David Thoreau once wrote in his essay, "Civil Disobedience," of men who blindly serve the state with no thought of their own judgment or moral sense. He put them on a level with wood, earth and stones and said they commanded no more respect than men of straw or lumps of dirt.

He saw them as machines and work animals, not men. He later wrote, "I think that we should be men first, and subjects afterward."

And so from Thoreau came Ghandi, and from Ghandi came King, and from these and many others came what was to be known as Civil Disobedience. Consciences were searched, laws were broken, and in my opinion men became the better for it, for they became "thinking men," no longer blind wooden robots of the state.

To my way of thinking unless a government is a perfect government, with no sign of injustice or corruption; unless a government has reached the highest point attainable by such a system; unless a government is ordained by God and kissed by angels; unless these things are true, then there is a need for Civil Disobedience.

Indeed, civil disobedience is the reason for its own existence, for there would be none if none were needed. However, it is needed and will come about when the state blunders in the dark, for we are men and women of flesh, not of straw.

To clear up the matter about the term civil disobedience, some of the things it is not are revolution, insurrection, and conscientious objection.

It does, however, employ one thing, disobedience to the State, or more simply, the breaking of laws. Now right away people shrink back in fear as the word, "criminal" forms in their minds, but it is only fair to look at this more closely.

First of all, since it is civil disobedience, not obedience we are speaking of, it should naturally follow that the State would have to be defied. This is where it differs from conscientious objection, as that is something which is provided for, if inadequately enough, under the law.

Secondly, the laws broken are not broken by criminal minds as necessarily criminal acts. They are broken as acts of conscience because they are unjust laws.

Civil disobedience, then, involves laws defied for the sake of moral principle. Ideally, no violence enters into the conflict. It is many times a symbolic act, such as draft card burning and often an extremely sacrificial one, as protesters are beaten, attacked and carted off to jail.

I would now like to present two arguments in favor of civil disobedience; the first, individually, the second, collectively.

We live in a time of unpopular laws, though I imagine one could say that about any period in history. Our young men are sent off to fight and die in Vietnam by laws, our minorities are discriminated against by laws, and our youth are forbidden to protest, by laws.

The question comes to mind to what do you as an individual owe your allegiance to first, your country or your conscience? I for one agree with Thoreau in that we should cultivate our respect for right more so than for law. Otherwise, we cannot condemn Nazi Germany under Adolf Hitler, for the people at that time were only following their laws.

Law is such an everchanging idea. Can we afford to mold and shape right to fit the law, or should we not mold and shape the law to fit what is right?

This then brings me to my second argument; one in which civil disobedience is not only good for the individual but for a nation as a whole.

First of all, however, let's discard the belief that "America", love it or leave it, my country right or wrong constitutes patriotism. If a child does something wrong, it would be very unwise for the parent to say, "Go ahead and do what you want. You're my child, right or wrong, and I love you."

This kind of humoring is not love or loyalty; it is condoning a sickness. If a person is sick we try to cure him. Why then is it so anti-patriotic to want to cure your own country of whatever diseases it might have.

To me, civil disobedience is one of the highest forms of patriotism there are. It means stepping out of the beaten path, and going the other way. It involves suffering and sacrifice so that we can have the kind of nation like we planned back in 1776, not like what we've got in 1973.

If we are indeed satisfied with the situation in this country today, and if we expect no more than what we have, then that is what we will get.

But is that really what we want? I hope not. I hope America is willing to wake up to the fact that we are a long way from perfection, that satisfaction can only bring about stagnation, and that civil disobedience, when necessary, brings about change.

As Oscar Wilde wrote in 1891, "Disobedience in the eyes of anyone who has read history is man's original virtue." Let's keep it that way.

A TRIBUTE TO MRS. FRED W. MORRISON

Mr. ERVIN. Mr. President, I was delighted to learn that Mrs. Fred W. Morrison, a North Carolinian and longtime personal friend, has been recognized in the March 1973 issue of the Leaves magazine as one of the outstanding civic leaders of the Washington, D.C., metropolitan area.

A native of Laurinburg, N.C., Emma Neal McQueen Morrison has given generously of her time and talent to a host of worthy enterprises. She is a member of the board of visitors of St. Andrews Presbyterian College, in North Carolina; has served as a director of the Girl Scouts, the Young Women's Christian Association, and the Davis Memorial Goodwill Industries; and, is a national trustee of the Harry S. Truman Library.

As the Leaves article points out, her most outstanding contribution may very well be her work as a member and chairman of the board of the Roanoke Island Historical Association. This association is dedicated to the preservation and commemoration of Roanoke Island, N.C., the site of Sir Walter Raleigh's "Lost Colony."

Mr. President, North Carolina has given our country many outstanding leaders and Mrs. Morrison is certainly one of them. Mrs. Ervin and I are very proud to claim Mrs. Morrison and her husband, Fred W. Morrison, as close personal friends.

I ask unanimous consent that the magazine article to which I refer be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

MRS. FRED W. MORRISON

Mrs. Fred W. Morrison, of 4965 Glenbrook Road, wife of the prominent and well known attorney, is an outstanding example of inspired and inspiring leadership.

Emma Neal McQueen Morrison, a native of Laurinburg, North Carolina, was educated in North Carolina schools and colleges. After graduation she began a business career as Secretary for the State Tax Commission. When Governor O. Max Gardner opened his law office in Washington she came with him as his secretary. However, her business career soon gave way to marriage when she married Governor Gardner's law partner, Fred W. Morrison. Her involvement in area civic and cultural affairs followed very quickly as her many capabilities became known.

She is a Life Member of The Woman's National Democratic Club, serving there in a number of important capacities including that of President—1950–1952. She was Chairman of the Inaugural Ball Invitation Committee for President Kennedy's Inauguration, and President of the North Carolina Society of Washington. She has served as a Director of The Davis Memorial Goodwill Industries, The Girl Scouts and The Young Women's Christian Association, as well as a National Trustee of The Harry S. Truman Library.

Mrs. Morrison is successful in anything she attempts. She was one of the prime movers and most dedicated officials on The D.C. Committee to raise funds to build the Harry S. Truman Library. She is a Fellow of the Library at the present time.

Through living in Washington, the Morrisons maintained close contact with North Carolina. They have a home at Kill Devil Hills, on the Outer Banks of North Carolina. Mrs. Morrison has beautifully restored her childhood home in Laurinburg. The original part of the house was built in the 18th century. Each addition has been restored in keeping with the period in which it was built.

Their only daughter, Mrs. Walter Stroud, lives in North Carolina with her husband and three charming little daughters. The Morrisons understandably spend a great deal of time in their native state.

Six years ago, Mrs. Morrison was designated "The North Carolinian of 1967," and for good reason.

She received the Charles A. Cannon Award from the North Carolina Society for the Preservation of Antiquities in 1965, and the Frederick H. Koch Award for distinguished service in theater arts from the Carolina Dramatic Association in 1970.

She is a member of the Board of Visitors of St. Andrews Presbyterian College, and Vice Chairman of the Historic Bath (N.C.) Commission. In 1955, she was elected to the Board of The Roanoke Island Historical Association.

She has devoted most of her time in recent years to the work of the Association, serving as Chairman since 1961.

The Association was founded in 1931, the outgrowth North Carolinians justifiably felt for the events that transpired on Roanoke Island at Fort Raleigh where the first English colony in North America was established in 1585, some 23 years before Jamestown, and 36 years before Plymouth Rock.

Mrs. Morrison soon found herself with a prime interest in the history of Fort Raleigh.

Celebrations at the site of Fort Raleigh had begun in the 1880's, when Roanoke Islanders and a group of people from the mainland met to consider the commemoration of events connected with the site at a community festival.

A few years later, they formed the Roanoke Colony Memorial Association, and the group acquired the traditional spot. In 1921 a movie was made at Fort Raleigh by the North Carolina Department of Education, with local people acting the part of the colonists, and scenes from this movie were re-enacted in commemorative exercises in the following years.

In 1926, a large scale pageant was seen by some 5000 people, including the British Ambassador to the United States. All of those attending had to come to the Island by boat, as completion of bridges and roads to and on Roanoke Island did not materialize until 1931. It was in that year that The Roanoke Island Historical Association was formed.

From 1931 to 1937 great efforts were made by the Association to have Fort Raleigh ready for the 350th anniversary celebration of the establishment of the first English colony in North America. A number of people collaborated in designing and building the original Waterside Theatre. Much work was necessary to get it ready for the opening date, July 4, 1937, and the Federal Government cooperated by furnishing labor and supplies.

Paul Green, successful playwright and native son of North Carolina was asked to write a special drama to commemorate this special event. The result of his talent was an innovation in the artistic world, a symphonic outdoor drama, depicting the founding of the first English colony in the New World. He called it "The Lost Colony." It immediately captured the interest of the music and dramatic world, opening to a distinguished, most interested and capacity audience, on July 4, 1937.

The story is now well known:

In 1585 a group of English subjects landed on Roanoke Island under the command of Governor John White and claimed the land for Queen Elizabeth. He named it "Fort Raleigh", in honor of Sir Walter Raleigh who had persuaded the Queen to sponsor and finance the expedition. Many hardships were suffered by the colonists, but there were joys too. Virginia Dare, the first child of English parents born in the New World was born on August 18th, 1587. Indian raids were frequent, and Governor White returned to England to secure aid and provisions for his new colony, expecting to be back at an early date. He left the colony in charge of brave men and courageous women who made valiant efforts to maintain the colony and keep up the spirits of the small settlement.

But England's troubles with Spain prevented Governor White's return until 1590, and there he found his colony in ruins, with no sign of any of the colonists. No trace of them was ever found, and only the word "Croatoan" crudely carved on a tree gave mute evidence that they had been the victims of an Indian massacre.

But if so, other evidence of such a horror had been removed, and "The Lost Colony" does not end on this grim note. Instead, Paul Green preferred to think that in the face of increasing danger, the colonists had deemed it necessary to seek another location. He wrote a moving end to this first British settlement. The lovely, poetic plaque on the gate to the Elizabethan Garden at Fort Raleigh records this end as Paul Green envisioned it. "From this hallowed ground on Roanoke Island, they walked away through the dark forest and into history."

"The Lost Colony", as presented that first summer in 1937 was a great success. It received nationwide publicity when President Franklin D. Roosevelt saw it on Virginia Dare's birthday August 18.

Succeeding years brought good seasons and bad seasons to the production. "Outdoor dramas" had arrived. They began springing up all over the United States. By 1968, there were 31 productions of classical, historic, religious, and many original outdoor dramas based on heritage, playing in 21 states including one in Alaska! Audiences had to be shared, but "The Lost Colony" played on, suspending only During World War II.

Production was resumed in 1946, again with good seasons and bad seasons, but always playing to enthusiastic audiences. Outdoor drama was here to stay!

But, in 1947, as luck would have it, part of the stage and buildings of the Waterside Theatre were destroyed by fire. After some rebuilding and repair, the drama continued, using the same buildings and much of the same equipment that had been intended initially to last only one season! So, "The Lost Colony" marched on, and by 1950 over 500,000 people had seen the drama, just in the summer, since 1937.

Then, came 1960, and Hurricane Donna, demolishing the entire back stage of the Waterside Treatre! Something had to be done if the drama was to open in the summer of 1961!

Something WAS done! Civil Defense granted $25,000 in disaster assistance, and other donors provided another $20,000 to replace the destroyed old building with permanent structures, and to repair other damage. The drama opened on schedule, and had a successful summer.

But more—much more—work was needed, with a sure hand to pilot the course to successful completion the high standard the Roanoke Island Historical Association had set for itself.

The efficient, guiding hand was found in Mrs. Morrison. On the Board since 1955, conversant with all the troubles that had beset the Association and "The Lost Colony", she was elected Chairman November 28, 1961.

The Association, working with the National Park Service, acquired 120 additional acres of land at Fort Raleigh, which had been designated a National Historic Site in 1941. By the summer of 1962, a new theatre, replacing the old one, seating approximately 2000 people, was ready. Many other improvements on the site were in evidence, landscaping and rebuilding, with the National Park Service providing $125,000 for the work as part of their future expansion program. Mrs. Morrison's fine hand and persuasive power was very evident in all of this. She spent hours on end, interviewing people and planning for the future of the Association.

In 1963, in addition to being Chairman of the Association, she was named Producer of "The Lost Colony", the first person to hold that title. This in recognition, not only of her ability, but also of her loyalty and dedication.

Now she expended even more time and energy seeking out the best talent available to further obtain her objective, of not only making the theatre the best possible in which to produce "The Lost Colony", but to improve the staging, lighting, costumes and scenery.

To that end, she formulated, aided and abetted by her Board of Directors, a "five year plan". She persuaded Joe Layton, of Broadway and Television fame, to join the Association as Director and Choreographer, and top theatre designers and technicians were brought to Roanoke Island each summer from New York City. Each summer too, the production played to rapt audiences, with changes and improvements evident in each succeeding production.

The goal was achieved, and the "Layton touch" is evident in every facet of the beautiful and moving drama.

In addition to the revitalization of the drama, Mrs. Morrison turned her attention, time and energy, to other improvements in Fort Raleigh. A Craft Shop, improved Visitor Center, Activities Center, and other buildings were erected, and an improved parking lot was provided. The Garden Club of North Carolina, Inc., established an Elizabethan Garden of striking beauty, with its combination of formality and natural setting, and they maintain it with exquisite care.

An Educational Building was built for rehearsals, and for courses for college credit during the season.

Four handsome apartment buildings were erected for members of the cast. 64 persons can be housed in these apartments located in beautiful Morrison Grove.

In putting "The Lost Colony" on a firm, business-like and successful basis, Mrs. Morrison accomplished something that had eluded Lost Colony supporters for nearly three decades. She gives of herself unstintingly, her time, energy and material things as well. Her husband is justly proud of her contributions to the cultural well being of North Carolina, and he approves her frequent trips to the state to personally oversee the many important details of her work there, and to attend the number of Board of Directors meetings required for these smooth running projects.

Mr. & Mrs. Morrison were honored in 1970 by being given the U.S. Department of Interior's Conservation Service Award for their "service to The Roanoke Island Historical Association, Fort Raleigh National Historic Site, and The Lost Colony drama."

Mrs. Morrison is also an honorary citizen of Dare County, where Fort Raleigh is located, and the people of Dare County have established "The Morrison Award" in honor of the support given to the performing arts by Mr. and Mrs. Morrison. The Morrison Award is given annually to a recipient selected by the Awards Committee who has "demonstrated through highest standards of excellence, significant achievements and creative accomplishment in writing, producing, directing, and performance in drama, music, and dance, and other aspects of the Arts."

The first award, in 1967, was given to Paul Green, the author of "The Lost Colony". Andy Griffith, of television fame, who played Sir Walter Raleigh in the drama for several years beginning in 1947, was the recipient of the Award in 1969, and Joe Layton was recognized for his outstanding contribution in 1970.

So, in citing community women for their qualities of leadership, none can surpass Emma Neal Morrison for ability, loyalty, and planning. Those qualities, combined with her charm, personality and friendliness, have, indeed, made her an outstanding leader.

HOME PRESERVATION ACT OF 1973

Mr. TAFT. Mr. President, on Thursday, February 22, Senator CRANSTON and I introduced the Home Preservation Act of 1973. This comprehensive legislation would provide a variety of means to help preserve and upgrade our Nation's housing. It is ridiculous to continue pouring money into new construction and urban renewal without making a concerted attempt to save the suitable housing we already have.

In the last several weeks at least two Ohio newspapers have printed editorials on this bill which I believe should be shared with the entire Senate. I ask unanimous consent that the editorials be printed in the RECORD.

There being no objection, the editorials were ordered to be printed in the RECORD, as follows:

[From the Cincinnati (Ohio) Enquirer, Mar. 2, 1973]

'TIS WORTH A TRY

Sens. Robert Taft Jr. (R-Ohio) and Alan Cranston (D-Calif.) have shown at least an excellent sense of timing with their recent coauthorship of legislation that would encourage the preservation and upkeep of existing housing in America.

Waste, defaults, foreclosures and outright scandals in the federal programs aimed at providing new housing for the nation's poor have induced President Nixon to call for a moratorium on such programs while the whole idea of federal housing subsidies is rethought at the federal level.

At such a time, new ideas should be welcomed, and the Taft-Cranston bill is such an innovation, one with a great deal of merit.

Until now, the emphasis has been on the building of new housing, often with the corollary of razing many old homes which could have been preserved and been made livable at considerably lower cost than the new construction. (In fact, there are many who believe that the older homes were better constructed and more esthetically pleasing than the newer models have been.)

The Taft-Cranston bill would provide government credit so that homeowners and landlords in deteriorating neighborhoods could make the necessary repairs to keep the old homes up; this would be done by extending existing mortgages, obviating the need for new loans. In addition, the elderly and handicapped would be allowed low-interest loans for repairs. Also provided in the "Home Preservation Act of 1973" would be various experimental programs.

At a time when the nation is searching for new alternatives and initiatives in housing, the Taft-Cranston bill is certainly worth a try. And at an estimated start-up cost of $50 million (not high by federal-spending standards), it could be a real bargain.

[From the Toledo (Ohio) Blade, Feb. 25, 1973]

SAVING AGAINST RAZING

Federally subsidized housing has invited enough black eyes to deserve a critical review and overhaul of procedures with unsparing attention to local sponsors, developers, builders, and financial institutions across the nation. A halt to federal funding is justifiable until a way is found to ensure that public resources actually deliver to needy families what is pledged.

In the interim, however, this puts no roofs over heads where need continues greater than ever. Directing attention to this void, Ohio Senator Taft, joined by California Sen. Alan Cranston, is urging that more emphasis be placed on keeping existing housing in good condition.

The bill, proposing $50 million toward this end, could be viewed as a fallback from earlier years. But given the cost of today's construction, the gaping vacant areas leveled under urban renewal with pitifully few replacement homes, and the antagonisms ungenerously raised against relocated housing projects, it deserves prompt attention.

Most important, it would make money available to owners of property in deteriorating neighborhoods to make needed repairs. FHA guarantees could, for example, be used to extend existing mortgages. And elderly or handicapped owners unable to afford repairs could borrow up to $5,000 at 3 per cent. Those in severe circumstances could get all or part of the loan interest free, with payment deferred during their lifetimes. Still others would be saved needless foreclosures for failure to make mortgage payments during temporary loss of income due to unemployment or illness with interim loans.

Senator Taft estimated that Ohio alone has some 250,000 substandard dwelling units. To save what is here while the Administration re-evaluates its national housing policy may be the most that is now possible, and the least that should be done without delay.

PROTECTION FOR THE TEXTILE INDUSTRY OF THE UNITED STATES FROM UNFAIR COMPETITION OF FOREIGN COUNTRIES

Mr. HOLLINGS. Mr. President, on behalf of Senator THURMOND and myself, I bring to the attention of the Senate a concurrent resolution passed by the General Assembly of South Carolina on February 16, 1973. The South Carolina General Assembly passed this resolution to petition the President to take action that may be necessary or desirable to protect the textile industry of the United States from unfair competition of foreign countries.

On behalf of Senator THURMOND and myself, I ask unanimous consent that the concurrent resolution be printed in the RECORD.

There being no objection, the concurrent resolution was ordered to be printed in the RECORD, as follows:

CONCURRENT RESOLUTION

To memorialize the President of the United States to take such action as may be necessary or desirable to protect the textile industry of the United States from the unfair competition of foreign countries

Whereas, representatives of the textile industry predict that the ten percent devaluation of the dollar announced by the Secretary of the Treasury, George P. Shultz, will do little if anything to curb the rising volume of textile imports; and

Whereas, it is believed that retaliatory measures such as at least a ten percent surcharge on textile imports should be put into effect immediately to combat the unfair competition of foreign countries to the textile industry of the United States. Now, therefore.

Be it resolved by the Senate, the House of Representatives concurring:

That the President of the United States is hereby memorialized to take such action as may be necessary or desirable to protect the textile industry of the United States from the unfair competition of foreign countries.

Be it further resolved that copies of this resolution be forwarded to the President of the United States, the Secretary of Commerce, and to all members of Congress from South Carolina.

PROBLEMS FACING THE FISHING INDUSTRY

Mr. HOLLINGS. Mr. President, the Christian Science Monitor of Boston, Mass., has made an outstanding contribution to understanding of the problems facing the fishing industry of the United States in a series of articles concluded Saturday, March 3. The Senate Committee on Commerce, Subcommittee on Oceans and Atmosphere, which I am privileged to chair, is genuinely concerned about these problems. A number of bills are now before the committee addressed to such problems as overfishing, limits of territorial jurisdiction over fisheries stocks, import taxes, and other matters.

Because of the critical nature of our fisheries problems, and the importance of this industry, I commend these articles to the attention of my colleagues and ask unanimous consent that they be printed in their entirety in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

OCEAN PLENTY: FACT OR FANTASY?

(By Peter Tonge)

Some of the world's most modern trawlers work out of Hull, the famed North-of-England fishing port. Watching them come in laden with cod, haddock, and halibut gives a misleading sense of abundance that masks a disturbing trend.

While you admire a ship's bounty, her captain brings out his log. This shows his crew must work ever harder for its catch. For the trawlers generally, fish harvested per man-hour has been declining in recent years. Logs of vessels of other nations working traditional Atlantic fisheries show similar trends.

Statistics such as these, recurring globally, have exploded what biologists call the "impossible dream" of the 1950's that food from the sea could wipe out world hunger. They have tarnished the more realistic dream of the 1960's that seafood, efficiently exploited and distributed to the needy, could at least meet the world's need for protein.

Instead of developing the sea's food potential in a biologically sound manner, fishing nations have intensified use of traditional fishing grounds and species to the point of diminishing returns. Now they face the choice of seeing the returns from fishing level off far below what they could be or of changing their ways to make the fullest possible use of the ocean's bounty.

NEED TO EXTEND PRIMITIVE AQUACULTURE

As this series of four articles outlines, the latter course involves using species at which many fish eaters have turned up their noses. It means extending today's primitive aquaculture, the farming of the sea, to become a major industry. It calls for cheap, effective methods of preserving seafood so it can reach needy people in hot countries where the fresh product quickly perishes.

It requires greater help from advanced fishing nations to enable developing countries to get a better share of ocean products. And it demands, above all, gaining and using the biological knowledge to conserve the sea's living abundance even while harvesting it to the fullest extent feasible.

At a quick glance, it is easy to appreciate how the myth that the sea could meet all mankind's food needs arose. The sea's plant life every year fixes 19 billion metric tons of carbon. That is the primary biological productivity. It is enormous.

A metric ton is 2,205 pounds. And those 19 billion tons of basic production support 2 billion tons of animal products of a kind men might like to harvest. Today's world catch of about 70 million tons compares rather poorly with such figures.

Making comparisons such as that is misleading. Men could not hope to harvest enough food from the sea to meet all needs, as biologists such as Bostwick H. Ketchum of the Woods Hole Oceanographic Institution have frequently pointed out. The difficulties of harvesting the vast quantities needed are too great. But, Dr. Ketchum notes, when it comes to supplying mankind's protein needs, "the sea is of tremendous importance."

"DOUBLING THE CATCH" POSSIBLE

Today's catch could very likely be more than doubled. That is to say nothing of the potential of acquaculture to add even more to the seafood basket. But, if men continue to fish only traditional species, they can probably only add another 20-to-30 million tons to the annual catch even by extending operations in the still underfished southern hemisphere waters.

"People eat fish they are familiar with, the kinds mother used to serve," says Dr. Ketchum. "They are reluctant to try new species." In fact, of the more than 20,000 species in the world's oceans, man exploits only a few dozen.

A mere seven marine families account for some 70 percent of the catch. Anchovies lead, followed closely by the herring-sardine-menhaden family. Then comes the group that includes cod, pollack, haddock, hakes, and others. Bottom-dwellers, such as plaice or flounder, are a minor part of the total haul.

Now scarcity is forcing fishermen to think again about their prejudices. They have seen the herring go into eclipse in waters between Iceland and Norway. They have watched the tasty haddock decline off North American shores. They have found the hake shoals disappearing in South Africa and South American fisheries.

A long-sustained rise of between 6-and-7-percent in the annual fish catch after World War II had encouraged fishermen to ignore biologists' warnings about over-fishing a handful of species. "Many in the industry, and more on its fringes, just could not see an end to the expansion," Dr. Ketchum says.

ANCHOVETA SWELLS WORLD TOTALS

That was before the marked decline of some species and before the 1969 harvest setback. That year the fish catch fell for the first time in a generation. It promptly jumped back to record heights in 1970 and has climbed since then but at lower rates.

In recent years, the fantastic hauls of anchoveta off the coast of Peru have been largely responsible for favorable world totals. But unfavorable climatic conditions have severely cut back on catches this past season.

Meanwhile oceanographers, relieved that the myth of superabundance has been destroyed, suggest that a doubling of the present world harvest could be reached in the next two decades.

While the traditional fishing grounds have been largely depleted of certain species, there are encouraging signs of plenty in the Indian Ocean. Other still underexploited areas include the Patagonian shelf and the coastal waters of Australia and New Zealand.

Once thought to be too tropical to be a significant fish producer, the Indian Ocean basin alone should increase the world fish catch by a further 10 million tons a year, according to United Nations estimates.

Sardinella (a type of sardine) is particularly abundant in the Arabian Sea. Mackerel and tuna are plentiful in the Bay of Bengal, indeed throughout much of the Indian Ocean.

A natural phenomenon known as upwelling, in which nutrient-rich waters from down near the seabed are brought up to the surface, accounts for the good fishing in some of these areas.

The rich deep waters feed the tiny floating plants which in turn are the foundation for the fish populations of the world. A similar occurrence accounts for the remarkable productivity, most years, off the coast of Peru. It also takes place off the west coast of Africa in both the northern and southern hemispheres, and to a considerable degree in the Antarctic.

SPECIES NOT "SOCIALLY ACCEPTABLE"

Even in the so-called overfished regions there is still an abundance of fish which for the present, anyway, are not "socially acceptable."

Coley is a case in point. It is more abundant in European waters than its close relative, the cod. But it is a black fish, even though the flesh itself is white. The consumer, it seems, is turned off by the sight of a strange color. It is the same with sebastes, another cod species, but red in color.

As a result, these perfectly good eating fish tend to be used for fish meal along with capelin, a newly tapped resource, too easily damaged to be sold as fresh fish.

It is the same in other parts of the world. The fertile George's Bank off the northeast coast of the United States may have been depleted of its haddock. But it is far from depleted of its fish. The spiny dogfish and the smooth dogfish are abundant there. Prepared correctly, they are decidedly tasty. But a fussy public tends to reject them because they are a small species of shark.

Then there are the underfished long- and short-finned squids. Americans, by and large, won't look at them. So a grateful Japanese fishing fleet moved in last year to take 30 million pounds of the delicacy back to the restaurants of Tokyo and elsewhere.

Some 500 million pounds of crabs are said to be there for the taking off the New England coast. The tanner species in Alaska is another vast and unexploited crab resource. Then there are Spanish and Jack mackerel, pollack, groupers, and croakers which the American National Fisheries Institute classifies as "alternate species" suitable as a food source.

KRILL POPULATION THRIVES

Krill, a fingernail-sized crustacean which once supported vast herds of whales before man decimated the huge mammal, thrives all along the antarctic coast, and to a slightly less degree in arctic waters, too.

One estimate suggests that the krill population alone could increase the annual marine harvest by a factor of five. The trouble is that it has to be hauled from very distant waters. Moreover, its present value to man appears questionable.

A Soviet experimental fleet hauled in some 20 tons a day during a visit to the Antarctic last summer. These were pressed into 21-pound bricks considered to have a 24-percent protein content.

Whether the krill could ever be processed economically into food for human consumption is debatable. But it could be turned into fish meal. It might well be useful as a food for other fish raised in aquaculture programs.

New varieties of fish apparently have been introduced fairly readily into the Soviet Union.

Recently, the Romanians are reported to have placed specialists in seafood preparation abroad six trawlers with instructions to try out and discover suitable methods for preparing any and every species of fish caught during an experimental run in the Mediterranean.

Then too, public taste does change of its own accord. A generation ago Scottish fishermen groaned out their displeasure whenever scampies were hauled in along with the whitefish they were seeking. All they could do was shovel "the little pests" back into the ocean.

Now, however, the scampie, or Dublin Bay prawn, is $5 a plate in many London restaurants. And the Scottish fishermen complain when fin fish are mixed in with their scampie catch.

Need Chickens Eat Better Than People?

(By Peter Tonge)

In broiler plants around the world chickens grow plump and tender on fish-filled meals that are among the most protein-rich diets available. In fact, chickens eat a whole lot better than many people.

Nutritionists want to change this. If ocean resources are to have meaningful impact on world hunger, fish must do for people what it now does for the chicken, hog, and other livestock.

For people to get fish protein second hand via the fried chicken or pork chop is an extravagant process. Growing animals consume far more protein by weight than appears at dinner.

To this end, technology is being developed to get more fish to man as fish products. Much stress is being laid on the development of a highly nutritious fish flour and on flesh-bone separating techniques. Atomic radiation in food preservation also appears very promising.

The fish flour or fish-protein concentrate (FPC) is still largely in the development stage. But once economically produced, it will "significantly aid" in getting fish to rural and otherwise underdeveloped areas where it is most needed and where the more perishable seafood products cannot be delivered in acceptable condition. Moreover, the same fish now being converted to chicken meal could go into the production of FPC for humans.

The normally prolific anchoveta haul off the coast of Peru, currently depressed by adverse weather, could supply the entire protein requirements of South America. Instead, all of this harvest goes into fish-meal production for animal feeds.

FISH-MEAL DEMAND GROWS

Before World War II fish meal accounted for no more than 10 percent of the annual fish catch. Now the process consumes 35 percent of the roughly 70 million tons of fish harvested around the globe.

According to United Nations Food and Agriculture Organization figures, fresh fish for human consumption takes the next largest slice—27 percent. Freezing, curing, and canning take up 14, 13, and 9 percent respectively.

As yet, the consumer shows a marked preference for fresh fish, though none of man's staples is more unsuited to such a preference, says Ray Pariser of the Massachusetts Institute of Technology's Sea Grant Project office.

A fish out of water is a decidedly unstable thing. It spoils so readily that the ancient Romans even saw fit to ban the sale of a fish the moment its skin was dry.

In contrast, FPC of human food quality is a tasteless, odorless product that is stable as long as it is kept dry. Its value lies in its ability to enrich foods, baking products in particular, without changing the taste or texture of the baked commodity.

Chile and Sweden are leaders among almost a dozen nations developing FPC. Chilean law already provides that the moment FPC can be produced economically in bulk it must be added to all baking flours. To a limited degree, this is already being done. Meanwhile, the Swedish firm Astra Nutrition has launched a 25,000-ton factory ship with the necessary equipment to manufacture FPC on board.

PROTEIN BREAKDOWN BY ENZYME

Solvent extraction and a biological method akin to digestion in which fish protein is broken down by an enzyme are the principal approaches to FPC production. Both mean that virtually any fish can be used, provided it contains no natural poisons. Boniness, color, or flavor would prove no drawback.

In the United States, FPC has been stored at 110 degrees F., 90 percent humidity, with little loss in nutritional value. This indicates excellent shelf life even in tropical climes. Likewise, the very high temperatures (1,200 degrees F.) used to bake Arabic bread did not noticeably reduce the additive's food value.

It takes 6.6 pounds of whole fish to make one pound of FPC, a reasonably impressive yield considering fresh fish is 72 percent water.

A study by the Massachusetts Institute of Technology's Department of Ocean Engineering suggests that FPC made from fish costing a cent a pound will cost 23 cents a pound. Fish at two cents a pound yields 29-cent FPC. At three cents a pound, fish gives 36-cent FPC, and so on.

This means FPC prices could fluctuate widely depending on the cost of the raw material. Fortunately, fish waste can be processed just as well as whole fish. Moreover, U.S. Government scientists say that 10 grams (less than half an ounce) could fill the daily animal protein needs of the average human being.

In recent tests at the University of Rhode Island, rats fed bread containing 5 percent FPC grew five times faster than those fed unfortified bread. Those fed bread with 10 percent of the additive grew eight times as fast.

WASHINGTON STATE PROGRAM ENDS

A five-year federally funded American FPC program in Washington State recently came to an end when Congress declined to extend the experimental period. Even so, the technology developed has not been wasted, says Dr. Bruce Stillings of the National Marine Fisheries Service. Federal approval may still be forthcoming at a later date, and "private industry might choose to run with the ball," he says.

Meanwhile, the National Biscuit Company of the United States has joined with Astra Nutrition to develop baking products enriched with FPC. Much of what is being done is still under wraps. But "we believe FPC can play an important role in boosting nutritional standards," says Wayne Anderson, director of nutrition for the company's new-products division.

The Japanese, too, are interested in FPC. But their major breakthrough in recent years has been the development of a fish-meat emulsion with good storing qualities. It is used extensively in the production of a fish sausage and other processed fish foods.

The production of roughly one million tons of these sausages a year has helped make the Japanese the biggest pro-rata consumers of fish in the world—between 80 and 90 pounds of fish a year against 11 pounds for Americans.

Meanwhile, irradiation promises a different type of seafood preservation. The U.S. Atomic Energy Commission's research into pasteurization and sterilization using gamma rays now is completed. Results have proved "very satisfying," says Martin Moon, a spokesman for the commission.

The radiation technique either pasturizes or sterilizes the product. A pasteurized fish would still require refrigeration as does milk but need not be frozen. A sterilized fish would need only to be wrapped to go onto the shelf.

Radiation is a form of cooking. But because it is classified as an additive, all foods treated this way require Federal Food and Drug Administration approval before being marketed. Petitions to the FDA for approval of irradiated papayas and strawberries have already been compiled. But fish, says Mr. Moon, is still some way down on the list.

Meanwhile, several machines are increasingly coming into use which automatically separate fish meat from bones and skin. Meat from the boniest of fish can be obtained for human consumption this way. Moreover, the machine extracts virtually all the meat available. A cod, for instance, when filleted the old way yields 30 to 35 percent meat. The new machines frequently extract 45 to 50 percent.

A recently patented South African invention enables twice the meat to be extracted from the spiny lobster. Previously only the tail of this lobster was marketed. Now meat in the legs, claws, head, and other small cavities of the body are extracted by the machine, which reportedly took 20 years to develop.

These and similar technological advances, then, can help make the most of seafood resources. But, says Mr. Pariser, "we in the West must become a little less fastidious. We must accept fish sausages and reconstituted fish meat more readily than we do."

BRINY FURROWS YIELD BUMPER CROPS

(By Peter Tonge)

In the attractive English resort town of Lowestoft, lab-reared turbot that would overlap the largest of dinner plates rest lazily one on top of the other in the tanks.

Some 18 months previously, they would barely have obscured an American quarter or an English two-penny piece. From less than bite-sized, each has grown into a substantial 4-to-4½ pound family dinner.

Over in Washington State's Puget Sound, the calm water erupts into a furious boiling as hundreds of fish compete for the food that is thrown in. They are year-old salmon reared in pens much as the poultry farmer raises his chickens.

The end product is plate-sized salmon, 8- to 10-ounce gourmet items now finding their way to restaurants around America.

Slowly the biological knowledge and technology which make possible such mariculture operations are accumulating. Research and development projects, few and far between prior to the 1960's, have multiplied many times as people the world over see a growing need to farm the sea.

HOW TO EXPAND PRODUCTION?

Agriculture, the largest of all food-generating systems, came into being with neolithic man around 7,000-10,000 B.C. It enabled the world to become the humanly populated planet it is. But with future population growth the need is to expand food production considerably. Most estimates suggest that it must double in the next 30 years for nutritional standards to remain as they are today, let alone improve.

For its part, agricultural productivity is expanding somewhat more slowly than the population growth. It is unlikely to improve very dramatically, agronomists point out, because most of the roughly one-third of the earth's land surface suitable for cultivation has already been put to the plow. Hence the growing awareness of the sea as an important food resource.

The annual ocean harvest, which for so long grew at double the population rate, held out a rainbow promise of plenty for decades. But evidence that the sea is a finite, if renewable, resource has become all too obvious in recent years as fisheries become overworked. Aquaculture, or mariculture when referring only to the sea, remains the one hope of significantly boosting marine productivity.

LONG-TERM POTENTIAL

It has long-term potential of meeting man's meat-protein requirements. This assumes, of course, that the offshore pollution menace can be controlled and that indiscriminate exploitation of coastal waters, the only suitable areas for mariculture, cease.

The almost startling Indonesia success with mariculture in recent years suggests that the UN hope is not misplaced. In the past four years the annual value of the Indonesian fish harvest has jumped from $500,000 to $21 million.

Increased ocean fishing is only part of the answer. The coastal ponds that now ring the northern part of Java have made a major contribution. Milk-fish, and shrimp are the prime products of these ponds. A good pond now yields around 2,000 pounds of fish a hectare (approximately 2½ acres). Scientifically managed experimental ponds have yielded four times that figure.

No fin fish, shrimp, or lobster, however, can match the productivity of the shellfish. Moreover, man has mastered the techniques of husbandry for mussel and oyster raising to a greater degree than for any other species.

RAFTS TRAIL LARVAE

In Spain's Galician bays, some 1,500 rafts trailing 20-foot ropes, to which the mussel larvae attach themselves, produce 80 million pounds of meat a year.

The Japanese, long-time masters of oyster culture, use a similar approach. They now average 46,000 pounds of oyster meat a year for every acre under production. The Australians are becoming increasingly important producers, using rafts. Several U.S. operators, too, are opting for this three-dimensional approach, modifying it slightly in the New England areas to make allowances for the harsh winters that prevail there.

It has been calculated that were Japanese success with the tasty oyster to be duplicated on just 1 percent of the world's continental-shelf areas, it would be enough to satisfy the estimated world need for animal protein in the year 2000. This assumes, of course, that methods of getting the meat quickly and cheaply to the people will be available.

Part of the fantastic success of the Spanish mussel crop lies in the fact that a natural phenomenon known as upwelling takes place. This brings to the surface nutrient-rich water which promotes rapid growth of microscopic plants on which the bivalves feed.

EXPERIMENTS UNDER WAY

Experiments to pump the deep rich waters to the surface are being undertaken in some areas. But so far, the process appears too costly to be feasible in the near future. Combining such an operation with air-conditioning needs in the tropics may prove economical, however.

On the other hand there are alternate methods of enriching seawater. Promising experiments are currently taking place at the Woods Hole Oceanographic Institute in Massachusetts, using treated sewage waste.

The program has been under way now for two years using large fish tanks. Soon the project will be upgraded with the opening of a plant capable of treating large volumes of sewage "under conditions as close as possible to those that will be encountered in a commercial operation," says biologist John H. Ryther.

In effect the system would turn a waste product—sewage—into oyster meat. Present results suggest that sewage from a town of 50,000 persons could be used to produce 900 tons of oyster meat a year. The value of such a crop would be $5 million at present prices.

In the Ryther experiments, sewage-enriched waters have been found "an excellent culture medium for marine phytoplankton (plants) comparable with, if not better than, the artifically enriched seawater used for many years at the laboratory."

Dr. Ryther says, "There are still many hurdles to cross" before the system becomes practicable. If successful, however, far more than just oyster culture will benefit.

Phytoplankton is the basis of all sea life. Besides the oysters, clams, scallops, and other bivalves, many forms of marine life, including fin fish feed directly on the tiny plants. Some of these herbivores are directly useful to man. Many more are small life forms which in turn are eaten by larger varieties and so on up the food chain to the species sought by man.

The recent success of British biologists in raising turbot from the egg stage through metamorphis to the large flat fish this writer watched clustering together in tanks at Lowestoft, begins with phytoplankton culture.

THE ABUNDANCE OF THE OCEANS IS NOT UNLIMITED

Twice a year a trim-looking stern trawler puts out to sea from Woods Hole on a special six-week cruise. Its purpose: to assess fish populations in something like a million square miles of ocean.

From its findings, the U.S. National Marine Fisheries Service estimates the maximum catch the northwest Atlantic fishing grounds can tolerate the following year without jeopardizing its ability to replenish itself.

Fishing nations and oceanographers the world over may disagree on many things. But there is almost total unanimity now on the need to limit the fish catch in many areas if the resource is to be sustained. Hence the work being done by such as the Woods Hole-based Albatross and similar vessels around the globe.

The so-called limitless abundance of the sea has been exposed as a myth in the past decade, as the catch of species after species has declined in the older fishing grounds.

The beneficial effect of two world wars on North Sea fishing is also being more frequently cited in support of establishing fishing quotas.

STOCKS RECOVERED SPEEDILY

This oldest of European fishing waters was badly depleted of fish—flat fish in particular—when World War I broke out. Hostilities prevented large-scale fishing for four years and when peace brought fishing fleets back into the area, stocks had replenished themselves remarkably. Fish size as well as quantity was up dramatically. It was the same when trawlers ventured out after almost six years of war in late 1945.

If not too depleted, fish stocks would appear to have a remarkable capacity for replenishing themselves.

Since World War II, various international commissions have sprung up to devise common policies governing fishing in a given area or for a specific species.

For instance INCAF, the International Commission for North Atlantic Fisheries, is an area commission. It deals with all fishing in the vast northwest Atlantic. It comprises 16 nations which regularly trawl the area, including the once-rich George's and Brown's Banks off the northeast coast of America.

In contrast, the International Pacific Tuna Commission is concerned only with a particular fish species. All told there are eight commissions covering fishing in the greater part of the oceans. As yet however, they represent a patchwork of national, binational, and multinational agreements, supported only by vague international accord.

UN BOOST HOPED FOR

For this reason, many look to the United Nations Law of the Sea conferences in New York in November and then in Santiago, Chile, in 1974, to lay the ground rules for improved international cooperation.

The conference has been called to write a treaty for the development of ocean resources as a common heritage for mankind. Mineral exploitation, fishing rights, freedom of navigation, and pollution control will be written into the treaty.

For several years now, ICNAF has imposed catch quotas on most Atlantic fish. The results have been marginal, slowing up the decline rather than improving fish stocks. Too little, too late has been a frequent criticism of the approach.

For one thing, incidental catches upset the effectiveness of quota rulings. A ship trawling for, say, mackerel inevitably pulls in other species at the same time. Multiply this by the number of trawlers fishing the region, and the total "additional" catch can reach impressive proportions. Frequently, biologists point out, these incidental catches push the volume of landed fish well beyond the quotas set for the year.

WHAT STEPS TO TAKE?

A major problem of conservation is getting international agreement on what steps should be taken. Biologists from all countries tend to arrive at similar conclusions. But getting political acceptance of their recommendations isn't easy. A call for a cutback in fishing efforts isn't readily accepted by, say, a nation already troubled by unemployment in its fishing industry.

As far back as 1961, Woods Hole biologists warned that a rapid decline of haddock lay ahead unless stringent rationing of the catch was introduced. The warning was ignored. Now the annual haul is a mere 10 million pounds, compared with 85 million when the warning was issued. "Everyone now knows we were right," says Dr. Robert Edwards of the U.S. National Marine Fisheries Service. "It's most frustrating."

Meanwhile, many marine biologists are pressing for limitations on the total catch. This emerged strongly at a recent UN Food and Agriculture fisheries management conference in Vancouver.

Under such a scheme, species quotas would be set, plus an overall catch limit for a given area, such as the George's Bank. When that limit was reached the knife would drop on all fishing, whether all quotas had been reached or not.

NATIONAL MANAGEMENT URGED

There is growing support, too, for coastal nations to manage fishing adjacent to their own territorial waters. Coupled with this is a call for national quotas in which each country may take only a predetermined quantity of fish from a given area. ICNAF has recently begun this form of rationing on some species, such as herring and haddock.

Those proposing extended local control do so in the belief that the coastal nation will be more concerned with conserving stocks in its own backyard than in those of distant nations.

Iceland contends this is the motivation behind its recent claim to a 50-mile territorial limit. Ecuador, Chile, Peru, and more recently Brazil have unilaterally extended their fishing boundaries 200 miles out to sea. "Patrimonial" waters is the term they use, as opposed to "territorial" waters, where full sovereignity is exercised.

Under this system the coastal nation would set all quotas but could not exclude foreign fleets from the area. When the host nation saw fit, for conservation purposes, to cut back on the fishing effort, it would be obliged to restrict its own activities, too.

A major advantage of the system: Those nations lacking modern fleets would be guaranteed an equitable share of the harvest, even if less-sophisticated equipment meant spending many more hours at sea.

Technology: New Efficiency for Fishermen

Hull, England.—In the Shetland Islands, those treeless dots of rock and pastureland off Scotland's northern coast, they know him simply as Jim Smith, sheep farmer.

On hundreds of British trawlers, however, and on many from other lands too, he is the man who gave the industry the first simple fish-gutting machine which every skipper can afford. His achievement typifies the technological progress in fishing that must accompany improved conservation if mankind is to make the most of sea-food resources.

It was four years ago when Mr. Smith, something of a mechanical genius, tinkered around in his barn and came up with a machine to speed up the process and cut down on labor for his fishermen friends.

In fact, it cut the time spent on the gutting operation by two-thirds and subsequently caused the Germans, long-time producers of a gutting machine, to rethink their design and come up with a more compact simple-to-operate version.

CONSTANTLY AWARE OF NEED

European, Soviet, and Japanese vessels are among the most modern fishing craft in the world today. They frequently carry more navigational equipment than a modern liner and almost as many sophisticated detection devices as a warship.

Even so, there is a constant awareness among these fish-conscious nations of the need to improve fish-catching and processing techniques. Growing world population demands it, they say. And only by ever-greater efficiency, they reason, can the price of this millenia-old staple be kept from skyrocketing.

U.S. fish prices, they contend, are partly as high as they are because the once-efficient American fishing fleet now is the most outdated in the world. Hence the U.S. must import fully 70 percent of its present food-fish requirements.

Most fisheries development in West European nations is carried out by a private industry. But the British, and to a lesser degree the Dutch, have state-controlled operations which assist in this research and development work.

FACTORY SYSTEM DEVELOPED

The British version is called the Industrial Development Unit of the government-run White Fish Authority. But for the IDU, it is conceivable that the efficient gutting machine might not have gone much further than Mr. Smit's barn.

On hearing of the Smith invention, the IDU did feasibility studies on it, thoroughly tested it, modified it slightly, and finally steered it into production.

Since then the machine has been incorporated into a factory layout system for trawlers in which fish are hauled aboard, gutted, cleaned, and stored all in a largely automated operation.

The fishing craft of the near future will be largely computer-run, so that crews may be cut almost in half, says Peter Hearn of IDU. Labor, apparently, remains the highest cost factor in any fish catch. The idea, says Mr. Hearn, is not to put fishermen out of a job but rather to have twice as many craft operating at the same labor costs. Computer-run systems are already in an advanced stage of testing.

Right now, too, the IDU is modifying the U.S. Navy's Transit Satellite System so it can be an effective aid during the highly erratic course taken by fishing vessels on the hunt.

NEW METHODS ADOPTED

Conversion from sail power to steam at the turn of the century is regarded as the most significant step forward taken by the industry. But not far behind that was the adaptation of submarine detection devices and bottom-sounding equipment for locating fish.

Stern trawling, the purse seine, midwater trawls, and a telemetric system enabling a skipper to monitor his trawls at all times are other recent significant advances by the industry.

In the U.S., a remote underwater assessment system has been developed and tested under the aegis of the National Oceanic Atmosphere Administration, according to Marine Science Affairs, 1971. It is a towed submersible which houses an optical system transmitting video motion pictures of marine life to the bridge.

Increased sophistication of the equipment, however, requires a greater expertise on the part of a trawling skipper. In an industry notable for its slender profit margin, improving a skipper only a few degrees helps appreciably in keeping a fishing operation in the black.

For this reason, the IDU here operates a school for skippers, teaching them to make full use of the technology now available. Recently a somewhat taciturn skipper, with some two decades of experience behind him, waxed quite eloquent after completing the course. "It's as if a veil was lifted from before my eyes," he told a group of newspapermen.

"That's what we like to hear," says IDU officials. "We know now we have another profitmaking skipper aboard and that much more fish in the holds."

OUR OCEANS—LAST FRONTIER ON EARTH

Mr. HOLLINGS. Mr. President, the United States faced a major technological challenge during the decade of the 1960's after Russia launched and orbited the first Sputnik satellite. America met that challenge, and through our space program, created the most successful and fantastic achievement of man over nature that the world has ever witnessed.

The challenge of the 1970's, however, may well be in the world's oceans. In fact, the oceans are the last frontier on this earth—and we know less about the seas which surround us than we do about the surface of the moon. We have far, far better maps of the moon's surface than we do our own Continental Shelf, a region which holds out the hope of vast treasure for the future.

The United States must provide world leadership in the oceans, even though our commitment may lack the dramatic challenge of reaching some distant planet. I can assure my colleagues that the benefits to mankind through wise utilization of the sea's resources are much greater than those to be achieved by expansion of our space program. I cite protein, minerals and petroleum—not to mention transportation—as specific examples.

Recently, Mr. Peter Bernstein, a journalist for the Newhouse News Service, researched and wrote an outstanding series of articles for the newspapers his agency serves. I have read these articles, and I consider them to be incisive and definitive on the subject of what has become of our Nation's dwindling commitment to an oceans program. I commend Mr. Bernstein. I only wish more of his colleagues would examine the situation. Today, in the United Nations headquarters in New York, the representatives of all the countries of the world are meeting in one of the preparatory gatherings to draft what will become a new constitution promulgating rules of law for three-quarters of the earth's surface—the law of the sea.

The issue is so important that each Member of the Congress ought to be aware of its consequences. It affects our national defense. It affects our transportation. It affects the livelihood of every American fisherman. And it will affect every citizen of this country in the years ahead.

Are the seas important? The very future of mankind, Mr. President, may well be determined by how we learn to understand and use the oceans. And yet today, I cannot help but believe that a government which reacts only to outside stimulus, to political pressure, has ignored the programs so necessary to achieving understanding of the oceans.

I ask unanimous consent that the articles by Mr. Bernstein be printed in their entirety in the Record, and I hope that my colleagues will read and understand the message they convey.

There being no objection, the articles were ordered to be printed in the Record, as follows:

[From the Springfield (Mass.) Sunday Republican, February 25, 1973]

A Perilous Gamble With Sea Is Beginning

(By Peter Bernstein)

Washington.—A perilous gamble with the sea is beginning on the mineral-rich Atlantic continental shelf.

Beneath thousands of square miles of windswept ocean off the coast from Maine to Florida—a region endowed with some of the world's most productive fishing grounds and rugged natural beauty—government marine geologists are accelerating the search for oil and gas in anticipation of large-scale deep-sea production.

No one, either in government or the petroleum industry, will hazard a guess on when production might begin. That decision is up to the White House. But there is certainty among those involved in offshore production that the timetable for the Interior Department's plan to lease oil and gas drilling rights by 1977 will be speeded up in an attempt to deal with the worsening energy shortage across the country.

"This involves a major decision," said Sen. Ernest F. Hollings (D-S.C.), chairman of the Senate Subcommittee on Oceanography. "It will have an impact for the rest of our lives on the ocean environment, fishing resources, and the recreation rights of all Americans."

Petroleum experts estimate that total deposits along the continental shelf are nearly as great as those off Texas and Louisiana—and potentially greater than the North Sea deposits in Western Europe.

Though much exploratory work remains to be done, official figures from the Interior Department place the untapped reserve at 30 to 42 billion barrels of oil, 5 to 6 billion barrels of liquid natural gas, and 183 to 211 trillion cubic feet of rich natural gas.

In providing fuel for the nation's apparently insatiable energy needs, however, deep-sea drilling, in the view of many ocean experts, poses problems of potentially enormous magnitude: topographic and environmental upheavals from oil spills and chemical wastes in a sea already seriously contaminated by indiscriminate dumping.

Reflecting Congressional concern over the ever-increasing ocean pollution problem, Sen. Edmund S. Muskie (D-Maine) is starting public hearings tomorrow on industry plans for a wide range of oil facilities on the verge of surfacing in dramatic fashion along the Atlantic Seaboard: offshore ports for supertankers, refineries, and storage tank farms.

The hazards of deep-sea drilling were underscored in a report by a special panel of the National Academy of Engineering.

Declaring that offshore accidents can never be completely eliminated, the panel warned that "depending on the nature of the incident, a moderate and controllable oil spill incident can develop, through cascading effects, into an uncontrollable massive intrusion into the environment."

The panel, headed by Dr. George F. Mechlin, vice president of Westinghouse Electric Corp., said further that an equipment failure during drilling operations involving flammable fluids under pressure could produce a "disastrous conflagration."

The Academy Report, which was done at the Interior Department's request, followed an earlier warning from Bostwick H. Ketchum, associate director of the Woods Hole Oceanographic Institution on Cape Cod, who cautioned that "any release of oil in the marine environment carries with it the threat of disastrous destruction of the marine ecosystem and constitutes a danger to world fisheries."

Ketchum, regarded as one of the nation's foremost marine biologists, estimated that oil pollution from all sources—tankers, offshore drilling, refineries, and waste oil runoff—has reached the point where, if evenly spread across the world's oceans, would produce a "visible slick" half a micron thick.

But he pointed out that offshore drilling accounts for only a small fraction—roughly 5 per cent—of the 2 million metric tons of oil that wind up annually in the sea.

While the amount of oil spilled from offshore drilling can sometimes be "frightening," as was made evident from the 1969 Santa Barbara spill, it can also be controlled, Ketchum said. Tougher enforcement and stiffer fines would, in his view, give oil companies the incentive to adopt better safeguards.

With carefully written standards and policing, offshore production along the Atlantic Seacoast should be permitted, he said. "It would be wrong to insist on first getting all the answers to complex environmental problems involving oil," he said. "We know enough now to insist on proper precautions."

The American Petroleum Institute, the industry lobbying group, claimed major oil companies are making rapid strides in developing safer and more efficient drilling equipment.

"We won't guarantee there will be no accidents," said Wilson Laird, director of API's Oil Exploration Division. "But we can guarantee a better job in the future than the one we've done in the past."

Laird said geological studies of the Atlantic Ocean floor indicate that the richest deposits along the continental shelf are to be found in a canyon known as the Baltimore Trough which extends from the tip of Long Island, roughly 30 miles out to sea, down to the mouth of Chesapeake Bay.

The trough, he said, is part of the same geological formation from which oil and gas are currently being drawn off Nova Scotia in the North Atlantic.

Rock-core drilling to a depth of 30 feet—the only kind of exploratory drilling currently permitted of the Atlantic Coastal states—has indicated the presence of large oil and gas deposits on the outer rim of the Georges Bank Fishing Ground, about 50 miles due east of Boston, and in the Blake Plateau some 100 miles off the South Carolina and Florida Coasts, he said.

Laird, a veteran geologist who until a year ago headed the Interior Department's office of Oil and Gas, said the projected drilling for deposits 10,000 to 12,000 feet below the ocean floor would take place in water as shallow as 18 feet and as deep as 600 feet.

The key oil policy decisions—whether or not to drill, at which location and when—are in the hands of a White House task force on energy headed by National Security Adviser Henry A. Kissinger, treasury secretary George P. Shultz, and Domestic Policy Chief John D. Ehrlichman.

In recently setting up the task/force triumvirate, President Nixon expressed concern about the nation's growing reliance on imported oil—expected to reach 30 per cent of U.S. consumption by 1980—and called for accelerated utilization of domestic fuel sources.

Given the fact that fuel imports are producing an annual deficit of $2.5 billion in international payments, administration officials are voicing alarm over what they consider a long-range threat to national security caused by the flood of dollars going to Arab countries and other oil producers. The deficit is expected to reach $10 billion by 1980, and no end to the outflow is in sight.

There is fear that some countries might be tempted to use fuel exports for political blackmail or other devious purposes.

Interior Secretary Rogers C. B. Morton declared that an interruption of the imported—oil flow for any reason "could cause great damage to our national economy and internal and external security."

The same concern was echoed by Walter Levy, a leading energy consultant, who cautioned in a recent address to petroleum industry officials that "the United States as a major world power, simply cannot afford an ever-increasing overdependence for its oil supplies on a handful of foreign countries. Otherwise, its security in a narrow sense, as well as its prosperity and its freedom of action in foreign-policy formulation, will be in jeopardy.

Short of a major fuel conservation program, the era of accelerated offshore production looms ahead.

There is no other way to keep pace with the nation's soaring energy demand. Output from the once-rich fields of Texas and Oklahoma is dwindling. U.S. gas reserves have fallen to their lowest level in 15 years. And efforts to drill on Alaska's oil-rich North Slope are stalled in court litigation over the controversial Trans-Alaska Pipeline.

As for alternative sources of oil and gas, the technology for economically producing gas from coal and oil from shale are still years away, officials said.

The new emphasis on offshore production—three oil lease sales a year instead of two in the Gulf of Mexico, and Atlantic drilling—is stirring a hornet's nest of opposition. Environmental and consumer advocates, in particular, are up in arms.

Drilling in the Atlantic would "certainly signal a major retreat for our environmental ethic," said S. David Freeman, former energy adviser to President Nixon and now head of a Ford Foundation Study on Energy.

In his view, the administration approach is a continuation of the old "drain America first" policy: speed ahead with a wasteful pattern of energy consumption, and with higher prices and more pollution.

Oceanographers maintain that a wide array of subjects should be explored over the next few years, including the geophysical structure of the ocean floor, movement of sediment, erosion, bottomlife, the physics of shoaling and breaking waves, rip currents, the origin and impact of storms, and the ocean's capacity to assimilate wastes.

An understanding of these phenomena, in their view, is essential in making long-range plans for the ocean's use. "With this knowledge," a leading government scientist said, "oceanographers will be able to say where we must slow down or stop, like a speed limit on a road."

Otherwise, in promoting offshore drilling and superports to solve the fuel crisis, the nation's oil industry might be creating problems of far greater magnitude than the ones they seek to cure.

[From the Springfield (Mass.) Union, Feb. 26, 1973]

MOST OFFSHORE OIL DRILLING HIT OR MISS, OFTEN HAZARDOUS

(By Peter J. Bernstein)

WASHINGTON.—Essentially not much has changed since offshore oil production got under way 20 years ago. Drilling is still hit or miss, largely unregulated, and often extremely hazardous.

Oil companies to this day, according to a study done for the Department of Interior, function in a world of their own, tailored to their production needs without having to bother much about safety.

For some things like the design and construction of offshore drilling platforms, there are no government standards for safety and reliability. Nor are there any regulations promulgated either by the U.S. Geological Survey or industry itself for safe drilling equipment, despite the series of massive well blowouts three years ago off Santa Barbara and the Louisiana coast.

DISASTROUS FIRE

The situation is such, a special panel of the National Academy of Engineering reported in the study, that a "disastrous conflagration" could occur from an equipment failure.

Together with earlier reports, the academy study has raised farreaching questions about offshore drilling in the Pacific and the Gulf of Mexico, and the wisdom of allowing oil companies to begin deep sea drilling off the Atlantic coast.

However, domestic oil producers, while acknowledging some shortcomings, maintain that drilling still accounts for only a small fraction of the oil that winds up in the oceans. Stepped-up production along the Atlantic coast, in their view, would pose far less of an environmental hazard than importing the oil in mammoth-sized tankers.

"Refined petroleum carried by tanker is far more toxic than crude oil," said Wipson Laird, director of exploration at the American Petroleum Institute. "We can't guarantee we won't have accidents. But those people in New England are making more noise than the situation justifies."

KENNEDY BILL

Here in Congress, Sen. Edward M. Kennedy is quietly pressing the battle against Atlantic drilling. He plans to reintroduce a bill that would delay drilling for at least 18 months while the National Academy of Sciences studies its potential impact on the coastal environment and economy. The administration opposed the measure in the last Congress on grounds that such studies were already under way.

Behind the debate over offshore drilling there lies a maze of complex public issues and private interests that the combatants on both sides agree touch on the most serious environmental questions in the country today.

On one side is the nation's seemingly unlimited demand for energy. On the other, its equally urgent desire for clean beaches and a quality environment.

So far the country has been able to get by without major difficulty but the crunch is coming. The question now is whether the oil industry can overcome the intense distrust felt toward it by a wide segment of the public, especially among those people alarmed at the prospect of oil production off the Atlantic coast.

BLUNT TERMS

Nearly a year ago, William A. Radlinski, now acting director of the U.S. Geological Survey, stated the problem in blunt terms at a meeting of oil industry leaders in Houston.

He said, "Unless we can demonstrate to the public, federal and local officials, the Congress, and ourselves, that outer continental shelf petroleum operations can be conducted safely, it seems plain that the future development of oil and gas offshore is in serious jeopardy."

Radlinski then proceeded to announce that the geological survey had rejected a series of recommendations made by a task force composed of space agency officials that it establish standards for offshore drilling equipment and pollution—control devices.

Interior Secretary Rogers C. B. Morton has said there would be no lease sales on Atlantic oil and gas deposits until interior officials complete an exhaustive environmental impact study. In so doing he postponed public hearings on possible drilling, and left the question of future sales up in the air.

In the last few months, however, support for Atlantic drilling has come from New York Gov. Nelson A. Rockefeller and former Interior Undersecretary Charles F. Luce, now chairman of the board of Consolidated Edison Company of New York.

AVOID EMOTIONALISM

Sen. James Buckley, R-C, N.Y., warned against too much "emotionalism" over the Atlantic drilling issue. He urged Morton to convene an Atlantic regional conference with participants from "All sectors of society on the technical and environmental questions involved in offshore drilling. Interior officials said his proposal is under review.

For their part, leading environmentalists involved in the offshore issue hope the government will make no hasty decisions on Atlantic drilling.

"Once offshore drilling gets under way, it will be very difficult to stop," warned Edward Stohbehn, a lawyer for the Natural Resources Defense Council. "We shouldn't jump into this before learning more about drilling. There's not adequate knowledge of what oil is doing to the environment."

Others take a much darker view.

Thomas Macres, Jr., organizer of an anti-drilling group on Long Island called the Committee on Resources Management, claims a conspiracy is afoot to promote offshore drilling.

CONTRIVED CRISIS

"The purported energy crisis has been contrived by government and industry," he said, "to create an atmosphere—a public hysteria over fuel shortages—that will allow drilling off the Atlantic coast."

He said this campaign was reflected in the "blitz" of recent oil company TV advertisements and magazine ads which he believes are designed to "soften up" resistance to offshore drilling.

The real environmental menace, according to Donald G. Comb, a Sierra Club leader in Boston, is not the offshore drilling rigs but all the auxiliary equipment that goes along with them.

"It's the related industry we're worried about," said Comb. "Rigs will require thousands of miles of pipelines, sludge pits, storage tanks, and refineries. There will be no end to the pollution of our shores."

Then there are the commercial fishermen whose catch has fallen off sharply in recent years because of "red tide" contamination and over-fishing by big, mechanized foreign factory ships from countries such as the Soviet Union, Japan, and East Germany.

Fishing industry leaders are taking a cool, wait-and-see approach.

CUTTING CORNERS

"The oil people have a way of cutting corners," said Hugh F. O'Rourke, executive director of the Massachusetts Seafood Council. "They haven't done a very good policing job, and of course we're concerned about a spill like the one in Santa Barbara hitting our fishing banks. Hell, we'd be out of business for a year."

But O'Rourke, whose council represents some 18,000 fishermen in the Massachusetts area, suggested that a compromise might be worked out. "Spills may be inevitable, but they need to be controlled," he said. "Perhaps our guys could play a cleanup role. And maybe some of the money from federal lease sales could be used for fishery research and building new boats. Obviously oil production could be an obstacle to fisheries, but our concern might be minimized if a piece of the action were turned back to our industry," he said.

From the standpoint of ocean scientists, nothing could be more disastrous than an oil spill in the Georges bank fishing ground off Cape Cod, especially during the season when fish larvae float on the surface. Georges bank, long one of the world's most productive fishing grounds, is believed to have large oil and gas deposits beneath the ocean bottom.

The Interior Department, in a recent environmental impact study, described the threat of oil spills from offshore drilling in uncharacteristically candid terms.

"There are no recovery devices capable of picking up oil in rough seas," the report said.

LIMITED EFFICIENCY

The Interior Department explained that while equipment procedures for recovering oil in inland bays and other protected waterways are well developed, their effectiveness is extremely limited in the open sea.

Citing such hazards in its report, the special panel of the National Academy of Engineering cautioned that "Drilling for petroleum in deeper waters and the Arctic offshore will require innovative extensions of current drilling practices, coupled with new technology."

The panel, for example, observed that research is under way to develop subsea drilling units of a type to be enclosed in pollution-proof plastic cones on the ocean floor.

But the eight-member panel, headed by Dr. George F. Mechlin, vice president of Westinghouse Electric Corp., also noted with some dismay that the government plays only a limited role in research and development of advanced oil drilling technology. Consequently, responsibility for building the domes and installing them is left to the oil companies.

API's Wilson Laird, asked about domes being built by Westinghouse and General Electric among other firms, said the technology is still primitive, and that oil companies do not plan to use the domes for Atlantic drilling.

NO PHILOSOPHY

In its report, the panel said the government has developed neither the "philosophy nor policy regarding the testing of present or potential offshore equipment."

The panel found further that the oil companies are under no obligation to make public the results of their research. As a result the panel said, "There is no system by which government keeps current with the results of this research so that it can be applied in the regulation and inspection of the offshore industry."

And, unlike such other industries as aviation, merchant marine, and nuclear power, where relations with government are brought out in the open to increase public understanding of safety factors, no such effort is being made by the oil industry, the report said.

To boost both safety and efficiency and instill more public confidence in the oil industry, the panel recommended the government adopt industry-wide standards for equipment, operating procedures, and inspection, and enforce them by making "adherence to such stands a consideration in the issuance of permits."

OUT OF BUSINESS

The oil companies have always claimed that the application of stringent federal safety regulations would put them at a disadvantage with foreign offshore operations, and drive them out of business.

"Such an eventuality should be considered a possibility, but not as a proven fact," the panel said. "The United States has led in the past, and still does lead, the world in the technological, productive, service, and support aspects of the offshore industry.

"There is every evidence that the (European) countries involved in the North Sea offshore fields are just as concerned with safety as the U.S. Doubtless, so too, will be the nations of the Far East, and South America. Also in the Mideast and in the so-called underdeveloped nations of Africa and the Caribbean Islands, it is to the United States' advantage to sponsor and promote first-class safety provisions in order to husband natural resources and to prevent ocean contamination."

[From the Springfield (Mass.) Union, Feb. 27, 1973]

AMERICA'S LIFEBLOOD GIVES FIRMS A BARREL OF SPLITTING HEADACHES

"As you read this, the oil is moving. It is moving in tankers across the oceans of the world and up and down the coasts of every continent." . . . From an ad of the Exxon Corp., the world's largest oil company.

(By Peter J. Bernstein)

LONG BRANCH, N.J.—Except for an occasional collision, the traffic never stops. Oil is America's lifeblood, the most valuable cargo on the seas, hauled by an armada of more than 4000 tankers from places as far away as the Persian Gulf and as near as Bermuda.

But getting the cargo from ship to shore is causing a barrel of headaches, not only for oil companies like Exxon, Mobil, and Gulf but for petroleum users across the country.

The problem simply stated is: not a single East Coast or Gulf port can accommodate any of the world's 400 supertankers and 300 more under construction. Concerned about the potential for oil spills, Atlantic Coastal states in particular regard the monster-sized tankers with almost universal dread. But oil industry officials say supertankers are fast becoming the only economically feasible means for carrying oil long distances, and with America's fuel imports growing at an astronomical rate, the question is not whether the big ships will be used but at which ports.

CRUNCH COMING

"The crunch really hasn't started," said Robert J. Blackwell, assistant secretary of commerce for maritime affairs. "But when the gasoline and fuel shortages hit hard, I see people opting to take a little more pollution."

As the administration's leading maritime official, Blackwell said now that the issue is out in the open, opposition to building offshore ports for the big ships has eased in some places. He predicted construction of the first gulf superports would begin this year off New Orleans and Galveston and that a deepwater mooring buoy for big tankers would be operating in three years off North Carolina.

But he said none of the projected superports would be of any help to the New England states, where the fuel shortage has been most severe and resistance to superports and new refineries most intense. Public opposition stopped several oil companies from building supertanker facilities in deep bays off Machiasport, Portland and Searsport, Maine.

So far no clear policy on this politically explosive subject has emerged from the White House. But government officials expect President Nixon to devote considerable attention to the superport issue in his upcoming energy message to Congress.

Congress appears deeply divided on the issue, with some influential lawmakers pressing for superports and others resisting. Sen. Henry M. Jackson (D-Wash.), whose interior committee has jurisdiction over key energy matters, is preparing to introduce an omnibus bill, reportedly with administration support, that would empower the federal government to build superports even if the coastal states don't want them.

Alarmed, Sen. Edmund S. Muskie (D-Maine) raised the matter of coastal jurisdiction before his subcommittee on air and water pollution, and invited Sen. Harrison A. Williams Jr. (D-N.J.), the leading superport critic, as leadoff witness. Williams is urging his Senate colleagues to approve legislation that would grant states the power to block superport construction in federal waters.

"States which face this type of threat should have the power to control any potential offshore development which could result in contamination of the ocean and beach-front environment," Williams said.

The immediate issue, in the view of Williams and most other New Jerseyans who have gotten embroiled in the debate, is the government's designation of two New Jersey sites for superports: a regional facility located about 13 miles off Long Branch, or two local facilities—one off Long Branch and the other off Cape May.

As conceived by the U.S. Army Corps of Engineers together with the Maritime Administration and the Council on Environmental Quality, oil from supertankers as great as 500,000 dead-weight tons would be pumped from the big offshore terminal through 48-inch pipelines to storage tanks on shore. From there the oil would go to nearby refineries owned by Chevron, Exxon, and Hess.

Virtually every major public figure in New Jersey has denounced superports, from Gov. William T. Cahill on down. Cahill, castigating the engineers at a public hearing, said the superport scheme had all the characteristics of "an environmental nightmare."

The state's Director of Marine Resources, Richard Goodenough, estimated that pollution from the superport and satellite oil facilities would generate ocean pollution "equivalent to the raw untreated sewage of 845,000 people." In a state where tourism is the biggest industry, the danger couldn't be more pronounced, Goodenough said.

The Army engineers have agreed to make their final superport site recommendations to Congress this June, and the ensuing debate may well be remembered as one of the bitterest to have been generated by the "energy crisis."

"If one of those supertankers breaks up, the damage costs may be staggering," said Leon Billings, a Muskie aide. He said some thought is being given to increasing the amount of liability for which vessel owners must compensate victims of a spill. The maximum compensation is now $14 million under the 1970 Water Pollution Act, but there is growing doubt whether $14 million would cover property damage from a supertanker spill.

In addition, a move is afoot to give the underutilized National Oceanic and Atmospheric Administration veto power over construction plans for offshore ports and nuclear power plants.

The administration, without waiting for the terminals to be built, or even the selection of their sites, awarded $382 million in contracts for the construction of six U.S. supertankers.

The tankers are part of an overall award of $660 million for 16 transport ships. They are scheduled for completion in 1975 or 1976, will have a draft or depth of 67 to 70 feet and a capacity of 225,000 to 265,000 tons. At present, only one port in the continental United States—Seattle—can accommodate the new ships. They are about six times larger than conventional tankers.

Of the supertankers already afloat, most of the 200 ships are Japanese. Some of them overshadow even the U.S. Navy's biggest aircraft carriers, which are about 1,000 feet long, are smaller than 100,000 tons, and draw—that is, project below the water's surface—about 35 feet.

Shipping advocates like the Maritime Administration's Robert Blackwell maintain that supertankers reduce environmental hazards since pollution controls can be far more rigidly enforced on a few giant ships in a contained area than hundreds of smaller vessels in a dozen ports.

Oil companies insist supertanker crews will flush their tanks at dock facilities instead of dumping their oily wastes at sea. To insure they do just that, the Coast Guard recently proposed in a formal rule-making procedure that all tankers under construction starting next January be required to have double bottoms for safety and a space for clean ballast.

[From the Springfield (Mass.) Union, Feb. 28, 1973]

NEW ENGLAND FISHING INDUSTRY NEEDS HEALTHY DOSE OF LIFE

(By Peter J. Bernstein)

BOSTON.—Plagued by the scourge of invading foreign fleets, "red tide" losses and oil-clogged nets, the New England fishing industry is almost beyond repair.

After a decade of near total neglect by government, there is talk now of federal help to stop the downward slide. Ironically, it comes at a time when petroleum interests, encouraged by key government officials in the Interior Department, are pressing for offshore drilling rights in the New England fishing banks.

In his environmental message to Congress, President Nixon proposed federal regulation for the first time of all fishing—domestic and foreign—within U.S. territorial waters extending from the states' 3-mile limit to 12 miles at sea.

LIMITS PROPOSED

Declaring that existing state controls were "inadequate" to conserve and manage the dwindling fisheries, he proposed federal limits on domestic fishing in the high seas as well.

But to the dismay of federal fishery officials who requested $4 million to carry out the proposed regulatory program, no such funds were made available in President Nixon's earlier budget message. These officials fear that even if Congress were to appropriate the money, it's unlikely the White House Office of Management and Budget would allow it to be spent.

Such ironies are not lost on the fishermen.

"If the crisis we're in now is not corrected," warned Hugh F. O'Rourke, executive director of the Massachusetts Seafood Council, "the New England fishing industry will be dead within a few years."

4.9 BILLION POUNDS

Decimated by overfishing and the "red tide" ban on New England clams, the seafood catch last year plummeted to 4.9 billion pounds, down from 5.6 billion pounds a decade ago. New England fishermen account for 60 per cent of the domestic catch, but in the last 10 years, the annual haul of boats working out of Boston fell from 115 million pounds to 31 million pounds.

Certain species like yellowtail and herring are in deep trouble from overfishing. Others like haddock, which accounted for the biggest catch a decade ago, have been virtually wiped out.

The biggest culprits, in the view of New England fishermen, are the mechanized fleets from 18 foreign countries—led by Russia, Poland and Japan—which sweep through Georges Bank and other prime fishing grounds in the North Atlantic and take almost everything.

In recent years, countries have gotten together and established catch limits on overfished species like herring and haddock, but the New Englanders insist the restrictions aren't tough enough, and are enforced only casually. Likewise, lobstermen have complained bitterly about trawlers cutting their lobster pots.

SUPPORTS 18,000 PERSONS

"It's a shame an industry that supports 18,000 people in the Boston area alone could be discounted so readily," said O'Rourke.

In his eyes, the foreign fleets have an enormous advantage over local fishermen. Their boats, nets, and gear are all subsidized. In addition, big fishing countries like Russia and Japan are using scientific methods to pinpoint the best regions for fishing, a resource unavailable to New Englanders.

To give American fishermen a better break, Sen. Edward M. Kennedy, D-Mass., introduced a package of six bills designed to revitalize the fishing industry. The measures would reimburse fishermen for damages caused by foreign vessels, provide disaster assistance in the event of storm and "red tide" losses, and establish a program of technical and research assistance for the industry. "Red tides" are proliferations of small organisms which kill fish and poison shellfish.

But some fishery officials maintain that foreign fleets are often used as a convenient scapegoat by U.S. fishermen who are frustrated by an array of seemingly unending problems.

TROUBLE FROM WASTES

Growing trouble from industrial and tanker wastes is causing economic losses. Just recently seagoing scientists from the National Oceanic and Atmospheric Administration (NOAA) found oil in clumps "like spaghetti" as well as tar and pieces of at least a dozen different types of plastic strewn over 665,000 square miles of the Atlantic Ocean, from Cape Cod to the Caribbean.

The coastal wetlands, those fragile ecosystems where 70 per cent of the commercially valuable fish begin their life cycles, are being wiped out by encroaching development, though at a slower rate in states like New York and New Jersey where steps have been taken to protect them. No federal funds are available in the administration budgets for either fiscal 1973 or fiscal 1974 to implement the newly enacted Coastal Management Act, which authorizes planning grants for wetland preservation.

Until recently, management of the fisheries by federal rather than state regulation was considered pure heresy. That's begun to change with coordinated state-federal programs on a few luxury species like lobster and oysters.

But to this day myriad state regulations on fish catches and equipment remain in effect, without any coordination or thought given to their total impact. Even then some vital matters go unregulated altogether, according to Robert Hutton, associate director of the National Marine Fisheries Service, a branch of NOAA.

"No state on the Atlantic seaboard has a limitation on the number of commercial vessels and people who can fish," Hutton said. "All that fishermen need to do is put their money on the counter for a license."

While there are state regulations on allowable size limits for particular species, no controls exist on the number of fish that can be caught, Hutton said.

"Instead of uncontrolled open access by fishermen, we need regulations to limit the number of vessels, the kinds of fishing gear, nets and mesh sizes," he said. "That's the only way we're going to protect the stocks."

SHOULD BE QUOTAS

"As time goes on," he said, "there ought to be quotas on all major commercial species. I'd like to see every species reproduce at least once before it's taken, such as herring."

This type of federal management, in his view, is the only sensible alternative to the present "hodgepodge" of state rules. "It's easier to reach agreement with foreigners, than states," he said.

Though the number of foreign fishing vessels keeps increasing in the North Atlantic—up to 30 per cent in 1971 over 1970—Hutton predicted the fleets would "back off" in two or three years when their catches begin to sharply decline. The resource-rich South Atlantic fisheries may then become increasingly attractive to both domestic and foreign fishing fleets, he said.

Hutton and a number of other experts believe the industry can benefit greatly from the controlled fish harvest yields of mariculture. On Cape Cod, marine biologists obtained federal funds for a pioneering effort to grow shellfish from algae nurtured with sewage effluent.

Dr. John Ryther, a biologist at the Woods Hole Oceanographic Institution, who conceived the shellfish project, said mariculture methods could stimulate productivity of the ocean and inland bays. In Spain, for instance, mariculture produced 300,000 pounds of mussels per acre, compared to 37 pounds of fish caught in an equivalent area of the North Atlantic, he said.

With some money, energy and perseverance, officials hope to inject some new life into the New England fishing industry.

"But we can't afford the risk of further pollution," Hutton said of offshore oil production. "The fishery resource can't withstand any additional burden that's placed upon it."

[From the Springfield (Mass.) Union, Mar. 1, 1973]

Nation's Research Program Fragmented and Without Focus

(By Peter J. Bernstein)

Miami.—After a decade of growth in marine research, moving from random exploration to careful appraisal of potential treasures locked in the sea, America's oceanography program is back where it began: fragmented and without focus.

While the Soviet Union, Japan and several other seagoing countries are surging ahead with deep sea research from well equipped laboratory ships, similar exploratory work in the United States is losing government support.

As a result, U.S. industry in a growing number of cases is turning to other countries for answers to important questions about the nature of the ocean floor and its mineral resources.

MANY DISTURBED

Many ocean experts are deeply disturbed about the implications this may have on America's prestige as a world leader in basic and applied research of the seas.

These scientists say the most immediate impact of the Nixon administration's recent impoundment of $43 million from marine programs is being felt on the Atlantic continental shelf off the coast from Maine to Florida.

Because of the withholding of funds, the National Oceanic and Atmospheric Administration (NOAA) is no longer able to conduct environmentally-related research in a region regarded as a future site for offshore oil and gas production. All of NOAA's marine life and geophysical research on the shelf has come to a halt.

The ocean agency has felt the budget cutback in other ways. It must cut 400 people from marine programs like commercial fisheries management and deep sea research, according to associate NOAA administrator David Wallace. The largest U.S. oceanographic vessel, the 3800-ton Discoverer, as well as four fishery research ships, have been laid up. And three marine research laboratories are closing, also for lack of funds.

"For all purposes, marine research in the United States is grinding to a halt," said Sen. Ernest F. Hollings, D–S.C., chairman of the Senate subcommittee on oceanography.

Hollings, who played a key role in establishing NOAA three years ago as a branch of the Commerce Department, accused President Nixon of having "reneged" on what the South Carolina senator said was a commitment made to ocean research prior to NOAA's creation. Hollings said he has tried repeatedly to speak with Nixon about the funding situation but has been turned away by White House aides.

NO DRAMA?

Some government officials believe the root of the problem lies with the fact that oceanography has suffered from the lack of a single, dramatic event to serve as a launching pad, as the Soviet Sputnik did for the space program.

"There just does not seem to be a national will to get on with the challenge of the oceans," said Dr. Harris B. Stewart, Jr., director of the Atlantic Oceanographic and Meteorological Laboratories in Miami.

"We have no policy, no goals toward the oceans," he said. "The Russians are doing the major oceanographic work today. Their vessels are roaming the world. And, in five to 10 years, I predict," Stewart said, "we're going to be faced with something worse than the Sputnik situation. Suddenly, we're going to wake up and wonder what's happened."

Stewart, who is considered one of the ablest administrators in the marine program, said the U.S. should mount a major effort to obtain basic knowledge about the continental shelf.

"We ought to know something about the deep ocean, but at a bare minimum something about our shore," he said.

For example, a program for mapping the nation's continental shelves in the Atlantic and Pacific over the next decade ought to be national policy, he said. This project, in his view, would produce valuable information about the origin of the oceans, the type of information considered essential to an orderly search for minerals and oil.

Unlike some other marine scientists, Stewart is not opposed to exploiting the Atlantic shelf for oil and gas production. But he maintained that more environmental research on ocean currents and sediment movement, among other factors, needs to be done first to safeguard marine life.

"Perhaps a bit of oil would be beneficial on the ocean bottom, but we've got to know, and we don't know," he said.

"The area of the ocean closest to our shores is so poorly understood in all its facets," he declared, "that we're kidding ourselves if we think we are anywhere near ready to make even the most primitive use of such resources as might be on our shelves."

Instead of focusing all efforts on fuel exploration, the ocean program, in his view, should be made responsive to other things as well—the need for food, safe disposal of toxic wastes, improved weather forecasts, better charts for shipping, preserving sandy beaches, predicting the waves and tides for engineers who want to build airports and nuclear plants, uncovering minerals like sand and gravel, and for military protection of the shelf and the country itself.

A similar appeal, made by a presidential commission in 1969 shortly before President Nixon took office, was ignored.

Citing the need to retain America's preeminence in ocean exploration, the Commission on Marine Sciences, headed by Julius A. Stratton, president emeritus of the Massachusetts Institute of Technology, called for a six-fold expansion of ocean research funds to $130 million annually up until 1975 and a tenfold increase to $200 million a year through 1980.

As the commission, appointed by President Lyndon B. Johnson, had envisaged it, nearly half of the money would go toward developing such technological innovations as continental shelf laboratories, pilot nuclear plants imbedded on the ocean floor, offshore harbors, deep ocean stations and undersea laboratories.

Many years ago, Sir Walter Raleigh said, "Whoever commands the seas, commands the trade; whoever commands the trade . . . commands the riches of the world."

Similar words were spoken more recently. "The nation that first learns to live under the seas will control them. And the nation that controls the seas will control the world." The speaker was G. V. Petrovich of the Soviet Union.

THE SUPPLY OF PETROLEUM PRODUCTS

Mr. STEVENS. Mr. President, one important aspect of the present energy crisis is our growing dependence upon other nations for the supply of petroleum products. Our neighbor to the North, Canada, already supplies about 1.22 million barrels of oil daily to the United States.

What we have not realized is that other nations are becoming aware that they too may shortly face critical energy shortages. The Canadians on February 22, reduced permitted exports to the United States by nearly 50,000 barrels daily for this reason.

Americans on the one hand are unable to obtain sufficient fuel for their homes and transportation needs. But on the other, Americans refuse to encourage domestic exploration, and fail to consider the squeeze they put on other oil-producing countries.

The problem becomes more critical when we consider the situation of the North Slope oil. Many people fail to realize that if Canadians were to own a pipeline carrying North Slope oil across Canada, that oil, though traveling from one state to another, would be subjected to the domestic pressures of Canada. Canadians might well require all oil carried at a given time through their pipeline go to Canadian consumers. They could conceivably even require a portion of our oil to be exported to them as a price for its transportation. This is not a hypothetical situation but a very real possibility.

Only last February 28 on page 1 of the Oil Daily an article appeared detailing the situation presently facing Canada and causing it to limit its exports to the United States. I request unanimous consent that this article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Canada Announces Cut in Oil Exports

Ottawa.—The National Energy Board announced Tuesday oil exports to the United States would be cut back by 47,598 barrels daily in March from requests for Canadian oil.

The board announced that exports in March would be authorized at the rate of 1,235 million barrels per day. This was 41,598 b/d less than American refiners had requested.

The quota was made under the Feb. 15 policy decision to curb oil exports so that Canadian refineries would be guaranteed adequate supplies.

Energy Board officials, announcing the move in a statement submitted to the House of Commons Standing Committee on National Resources, said the quota merely held exports to about the same level as January and February when exports were estimated at about 1.22 million barrels daily.

Under the licenses to be issued for March, deliveries on Interprovincial Pipeline's system were authorized at 824,770 b/d. The line had applied to export 872,368 b/d.

Other pipeline systems serving the U.S. East of the Rockies were permitted to export the amount for which they applied.

This totaled 105,900 b/d for the Aurora Pipeline System and 37,340 b/d for other pipelines and by truck.

Exports to the U.S. west coast on Trans Mountain Pipeline also were unaffected. They were permitted to export the 266,990 b/d for which they applied.

The board said its decision was based on information provided by industry on pipeline capacities, provincial producing cababilities and requirements of oil for use by Canadian refiners during March.

ARKANSAS' TOMORROW LOOKS BRIGHT

Mr. McCLELLAN. Mr. President, the phenomenal economic growth that we have made in Arkansas in recent years has greatly enhanced the well-being and quality of life of our people. Significant recognition was recently given to Arkansas' progress in an article that appeared in the Washington Post under the byline of Mr. George C. Wilson.

This article points out something that we in Arkansas already know—that life is good in our State and is getting better all the time. This is especially true with respect to our young people. Heretofore, many of them had to leave the State in order to pursue their profession or to find job opportunities. They now, however, are finding these opportunities in Arkansas and realize that our State is an ideal place in which to live, to work, and to raise their families.

During the past decade, the State's population of 20- to 24-year-olds increased by more than 43 percent—by more than 43,000 persons. Such statistics are a significant barometer to our strengthening economy and progress. Indeed, Arkansas' tomorrow looks bright, because it is building upon a solid foundation of natural resource development and clean industrial growth.

Prior to 1960, people were migrating out of the State in search of employment. During the last dozen years, however, more than 142,000 new jobs have been created for our people. Seventy-five thousand of these positions have come about as a result of new industries locating in the State. Some 754 companies—large and small—have seen the obvious advantages that Arkansas offers and have located plants in our State during the past few years. But, as Mr. Wilson points out in his article, progress and opportunity in Arkansas encompass more than industrial growth and resource development. They also embrace the quiet, simple, and unspoiled amenities—rich, untouched forests; abundant waters; and a fertile terrain on which man and wildlife can coexist harmoniously. Arkansas is endowed with an unusually clean, healthy, and invigorating environment, which, added to its material resources, means an enhanced and pleasant existence for those who choose to make our State their home.

Mr. Wilson's article has, I think, special relevance beyond any acclamation of life in the Ozarks. For much of the progress and success story now being written in Arkansas can, in large measure, be written all across our land—in rural communities which, in the recent past, have deteriorated and become depressed or deserted.

Private initiative, together with Federal assistance and cooperation among all levels of Government, has worked in Arkansas. And, it can continue to work to further improve and strengthen the economy of our State. Arkansas is proving over and over that self-help programs of rural revitalization can inspire a citizenry and stimulate their initiative and resourcefulness in moving to new levels of prosperity.

Mr. President, I am convinced that the economy of rural America can be restored and revitalized by the same processes and effort which brought progress and prosperity to Arkansas.

I commend Mr. Wilson's excellent article to my colleagues. I believe it is of public interest, and I ask unanimous consent that it be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the Washington Post, Mar. 11, 1973]

End of Ozarks' Out-Migration May Signal National Trend

(By George C. Wilson)

Timbo, Ark.—Jimmy Driftwood, the balladeer of the Ozarks, is telling about the big decision his parents had to make one summer night when he was a boy growing up in this northwest section of Arkansas.

As he talks, cows heavy with spring calves bawl in the pasture out back. A kettle hisses on the stove inside the wood-plank kitchen of the farmhouse.

"One summer, Mr. Leander Carter came over to our place and said, 'Jimmy, I' like to hire you for the summer to do everything there is to do on the farm—plow corn, cut sprouts with the hoe, whatever. If you bring your dinner, I'll give you 50 cents a day. If I feed you. I'll give you 40 cents a day."

"That night," Jimmy continues in a voice tinged with reverence, "my Momma and Dad talked a long time about what would be the most economical thing to do. They finally decided for me to eat with him. They felt like what I would take to eat would be worth more than the difference."

So Jimmy Morris—his stage name of Driftwood came much later, after his country songs had won a national following—worked for Mr. Carter in the summer of 1923. He was happy to be the only boy around with a paying job.

THINGS ARE BETTER

Today, after lots more summers with few jobs, things are much better in Arkansas. So much better, in fact, that Chairman John L. McClellan (D-Ark.) of the Senate Appropriations Committee and others argue that the Arkansas experience is the way to stem the national exodus from farm to city—a migration that continues to empty out the Great Plains as people pile up in urban areas.

McClellan and—by last year's count anyway—at least 39 other senators are pushing a bill (S–10) to give more federal aid to the countryside to hold the people there, away from the cities. That concept is at the heart of the current budget battle as President Nixon moves to eliminate several programs designed to revitalize rural areas.

Beyond the political fight, and probably more important, lies the question of whether what is happening in the Ozarks is the leading edge of a new national trend—people with a choice opting for quality of life even if it means fewer material possessions.

"There was a major reversal of former population losses in a non-metropolitan area extending over northern and western Arkansas, eastern Oklahoma and southwestern Missouri," notes Calvin L. Beale, Agriculture Department specialist in population trends, in examining what happened between 1960 and 1970.

Rural areas in the lower Tennessee Valley, West Central Kentucky, Pacific Coast of Washington, western slope of the Rockies in Colorado and the northern half of Michigan's Lower Peninsula also made comebacks in the 1960s in terms of holding people in the countryside.

Reasons for this changing tide vary by area, of course, but the Arkansas experience—to examine one dramatic example—suggests that young people will indeed stay "down on the farm" if they can find a job other than farming.

Census Bureau figures for Arkansas show that:

The state's total population dropped from 1,949,387 in 1940 to 1,909,511 in 1950 to 1,786,272 in 1960 as people went looking elsewhere for work. But in 1970 the population climbed to 1,923,295—an increase of 7.7 per cent.

Also, the biggest single jump between 1960 and 1970 was in young people, as the number of people aged 20 to 24 increased from 99,852 to 143,039—a gain of 43.3 per cent. The older population increased substantially, too, as thousands retired to Arkansas—attracted by its low-cost living and pleasant environment.

On a county-by-county basis, 46 of them gained population, 28 lost and one stayed the same between 1960 and 1970. In 1960, only six of the counties gained people over the previous census and 69 lost them.

Personal income climbed sharply, even though many people in Arkansas are still in poverty.

In 1959, 14.2 per cent of the families in the state had incomes of less than $1,000 a year. This percentage was cut by two-thirds by 1969, to 4.4 per cent.

Looked at another way, the median (halfway point between the highest and lowest) income for males in Arkansas over 14 years old was $2,159 in 1959 and $4,026 in 1969. This compares to $3,837 and $5,918 for those two years for the District of Columbia.

THE MINI-BOOM

The biggest single reason for this miniboom in Arkansas is the industries which have moved into the state, according to the specialists. Close behind is the income from tourists and retirement people. And state leaders see further economic uplift coming from the McClellan-Kerr Arkansas River Navigation System—providing a water highway from the Mississippi to Tulsa. Tonnage on the 448-mile waterway increased 45 per cent between 1971 and 1972.

Between 1960 and today, when the population flow reversed, an additional 142,492 jobs were created in Arkansas, according to the Arkansas Industrial Development Commission. Of that total, 75,138 jobs were created by new industry which located in the state since 1960 and the rest were from expansion of existing companies in Arkansas.

The Development Commission said that 754 companies were newcomers to Arkansas, with the largest in terms of employees including American Greeting Corp., Emerson Electric, Georgia-Pacific Corp., International Paper, Levi-Strauss, Singer Co., Teletype Corp., Timex, Ward Furniture and Warwick Electronics.

Arkansas' congressional delegation: former Republican Gov. Winthrop Rockefeller; Democratic Gov. Orval Faubus; the Development Agency, and the federal assistance through the Economic Development Administration, Farmers Home Administration and Ozarks Regional Council all are credited with the state's economic advancement.

The Ozarks themselves—and land of steep hills and clear rivers—provided an economic boost as a growing number of tourists came into the state. State leaders are making a concerted effort to draw in more tourists, with the Ozarks Folk Center in Mountain View a prime example.

Rep. Mills, when Mountain View was in his district, championed the folk center which opens next month with performances by the Rackensack Society fiddlers, banjo players and country singers. The $3.39 million center was built under an Economic Development administration grant which paid for 80 per cent of the cost.

LESSON FOR ALL

There is a lesson in all this for the rest of the United States, according to Arkansas' two most powerful Democratic politicians, Chairman McClellan of Senate Appropriations Committee and Wilbur Mills of House Ways and Means Committee—leaders President Nixon must heed if he hopes to get his legislative program through Congress.

The lesson, McClellan and Mills state, is that there is a relatively unexploited middleground between the jobless countryside and overcrowded cities.

"The family farms are gone," says the 77-year-old McClellan who has studied the problem for decades. "There is not going to be any more family farms."

"But," he adds, "if we get industry to locate out in these rural areas, then we can keep the people there. The man who likes the outdoors can still do a little farming for himself. He stays. He knows he's got a regular job to depend on."

"Industry, labor and government should study what has happened in Arkansas," Mills said.

"In the long run it will be better for the country if we can get industry to diversify," Mills says. He pushed for numerous small plants for Arkansas in preference to large defense industries which lay off thousands of workers once a contract runs out. Mills contends labor leaders' fears about losing their grip over workers in Arkansas' small plants have not materialized.

Both McClellan and Mills say they agree with Mr. Nixon that federal spending must be held down but that eliminating the Economic Development Administration and Farmers Home Administration is not the way to do it. They are fighting those White House recommendations. Revenue sharing cannot work as a substitute, they argue.

"These little rural communities have to put down the water lines to attract industry in the first place," McClellan says. "They just don't have the money and they can't borrow it. They can't borrow on some promise that maybe they are going to get some revenue sharing funds from the government. The communities must have these grants and loans. It's much cheaper for the government than trying to rebuild slums where there are not enough jobs for the people who live there."

While jobs are the big factor in holding native Arkansans on the land at long last, other people are coming into the state in pursuit of quality of life—of a better environment for themselves and children.

John C. Johnson is one. At age 46, he quit a well-paying white collar job and a house in the suburbs for a 290-acre farm he bought in the hills outside of Mountain Home, Ark., for about $40,000.

NO SACRIFICE

So far, he does not look upon his new life as an economic sacrifice—not when you figure it out. "I probably made a mistake by not moving here in 1965," he says during a respite from putting in fencing for the beef cattle he has ordered.

"The cost of living has been going up so much since 1965 that there was nothing left of the paychecks I used to get anyhow. You can't earn enough to keep up—at least in the business I was in."

Johnson was senior electrical engineer for the Motorola plant in Phoenix, Ariz. He made close to $20,000 a year, on that job, worked on the communications for the Apollo spaceship and lived in the suburb of Scottsdale.

As he talks of the frustrations of engineering, his wife, Dee, pours some sassafras tea she made in her new role as country wife.

"Ninety-nine per cent of my work in the last 10 years has not been intellectually stimulating," Johnson says. "You're not making big technical breakthroughs working for the electronics industry. You can easily learn all the facts you need to know."

So now Johnson plans to buy 20 pregnant cows for $400 a head, for a total of $8,000; sell the calves next year for $300 a head, or a total of $6,000, to get most of his initial investment back; then start making a profit with the next bunch of calves from the same cows.

"Back in Scottsdale," Mrs. Johnson says, "it was a big deal when my son, Danny, could fish in the little itty-bitty pond in the park. Now he fishes in our own stream out back. This is an answer to a prayer for me."

The Johnsons chose Arkansas because the land, besides being beautiful, is cheaper than in Colorado, taxes are lower and the climate is milder than that of the Great Plains where Johnson grew up.

The conversation in the Johnson living room touches on some of the drawbacks of living in the Ozarks. One of the children needs special schooling but there is none near Mountain View; ice on the roads sometimes cuts off the family from town; stores are sometimes unable to fill even such simple needs as a length of two-by-four, and social life is sparse because "when it gets dark around here, people go to bed."

But on balance, the Johnsons say they are happy they moved to Arkansas last summer. They intend to stay. As a final word on their new life, they bring out a placard presented in farewell by Johnson's fellow employees at Motorola. It concludes: "All in all, we sure envy you."

But the Ozarks certainly are not for everybody. Testifying to this is a nurse interviewed in a glistening corridor of Boone County Hospital in Harrison, Ark.—population 7,239 according to the sign on the highway.

"If I were single, I'd never come here," says Mrs. John Hangen, 25. She says she and her husband moved here from the Erie, Pa., area "because of the unpolluted lakes and country living.

NOT FOR SINGLES

"But," she adds, "this is for young marrieds and retired people—not single gals." She and her husband are looking for farm property but have found prices rising sharply. "People want the growth to stop. They want it the way it is."

Lewis W. Spencer, administrator of the 133-bed Boone County Hospital, readily admits that single nurses are not eager to come to Harrison. "She'd find darn few single young men when she came to Harrison," he says. How she would meet them if she did come is another question. There are no bars in Harrison—part of a dry county—and almost no other gathering places for young singles.

In spite of, or because of, this lowkey life in Harrison, Spencer has little trouble in recruiting doctors for his modern hospital in the Ozarks. They come for the quality of life, he says.

"Wherever he goes a doctor knows he is going to make a good living. We can offer him a fine place to raise a family." The "fine place" includes nearby rivers and lakes; a new ski slope and ice skating rink at the Dogpatch tourist complex outside of town, and mountains for hunting.

Spencer's sales pitch works. He says there are 24 doctors in Harrison now and three more on the way. With 27 doctors to serve a county population of 19,073, this works out to one physician for every 706 people. The national average is one doctor for every 612 people.

The availability of medical care in Harrison and in the Little Rock Medical Center 140 miles to the south is, of course, comforting to people moving to the Ozarks, especially the retirees. The same is true of lower hospital costs—$32 a day for a semi-private and $42 a day for a private room in Boone County Hospital. For comparison Sibley Hospital in the District of Columbia charges $61 a day for a semi-private and $70 for a private room.

Floating down the Buffalo is indeed a delight—at least in March when the water is high. The river is clear with a sand and gravel bottom, and small-mouth bass dart away from the canoe's shadow. On our trip, a flock of wild turkeys flew out of a green glade along the swift water.

The sudden growth of the Ozarks and the changes it is bringing, like turning the Buffalo River into a national park, is not universally applauded, of course. Fred Dirst, who lives in a trailer along the river at Rush, does not mind saying so.

CHANGE LAMENTED

"You from the Park Service?" he asks a visitor, who replies in the negative.

"Good, then it's not open season on you." Dirst tells of how much he hated to give up his riverside farm, but he concedes tourists will soon be coming down the Buffalo in such numbers that the land will be too crowded for his comfort anyway. How about buying another farm somewhere else?

"I'm 72," Dirst says drily, "If you got any farming to do at that age, you should of done it already."

Time after time in interviews with new arrivals in the Ozarks, one hears complaints of muggings, pollution and the general raspiness in the cities they left. Beneath these complaints lies one that is seldom volunteered right away. Lots of people are settling in the lilywhite Ozarks of northwest Arkansas to get away from blacks and the strife they associate with them.

"I'm being very honest with you," says a retired life insurance salesman who moved from Chicago with his wife to Mountain Home. "What was left for us back in Chicago? You couldn't go into the city at night without worrying about getting robbed. All that is left back there is a bunch of boos"—short for "jigaboos," a derogatory term for blacks.

A more polite expression is heard frequently in the Ozarks. "You know, we don't have that black-white problem around here."

Native Arkansans when asked about the lack of blacks in the hills from lack of jobs rather than from prejudice. "What in the world would they find to do around here?"

In the eyes of former city dwellers and suburbanites seeking a better quality of life in the Ozarks, one big fear is that growth will mean an end to the beauty they came here to find.

"We would have moved to Washington, D.C., if we could have found some place secure to live. We didn't have that kind of money," say Donald Troyer, 30, a biology major who worked at Washington's Junior Village before moving to Mountain View.

"I like the out-of-doors and the folk setting. But the more people that come here, the more diluted it all becomes."

Political leaders assert they are well aware of such fears about the Arkansas environment.

ORDERLY GROWTH

"We're trying to keep this growth orderly within the city limits of Harrison," says Mayor Hugh Ashley. "But both the counties and small towns better go on with their planning or else there will be a lapse" in controlling the growth.

"We have no county planning yet that we can enforce," says Boone County Judge James Roy Eoff, 51, whose job is really that of county manager rather than magistrate.

"Until we get our plans for the county drawn, we can't do much. We like to see this growth but we don't like to feel these growing pains. We're probably growing faster than old timers would like to see it. But there aren't many old timers.

"As a person, I got all the standing in line I wanted when I was in the service. Personally, I would like to see this growth level off.

"But many people would like to see it keep growing like it is now. . . . The money-hungry people are going to win."

Donald R. Raney, as executive director of the Northwest Arkansas Economic Development District, is charged with worrying full time about the growth problem troubling Judge Eoff and others.

The development district helps officials in nine northwest counties of Arkansas plan their future, and Republican Rep. John Paul Hammerschmidt says its operation should be a model for meshing federal assistance with local needs. The technique is to apply for all available federal and state money for the nine counties and then work up plans with local officials for spending it.

FEARS NOT SHARED

Raney, himself a native Arkansan, does not share Eoff's fears about the future. He believes planning is far enough along to preserve the woods and waters of the Ozarks even as job-providing growth continues.

Ask Raney for a one-word reason for this new prosperity in his jurisdiction and he answers, "Water." Loans and grants financed waterlines for industry, the U.S. Army Corps of Engineers built dams in his northwest district at three places on the White River—Beaver, Bull Shoals and Norfork—providing attractive recreation spots, flood control, and drinking water.

Now, says Raney, if Arkansas would just change its state constitution to allow realistic taxation to finance such improvements as roads—and if the federal government would continue to make grants for providing and cleaning up water—the new prosperity of the Ozarks will keep spreading at a rapid rate.

KEEPING BALANCE IN ECONOMY

Mr. SCOTT of Virginia. Mr. President, the president of the American Farm Bureau Federation, Mr. William J. Kuhfuss, has written a thought-provoking editorial about the need of all segments of our economy, including Government agencies for "keeping the perspective and balance needed for proper evaluation" in our ever-increasing, fast-moving world. The editorial appeared in the March 1973, issue of the American Farmer magazine.

It appears to be an editorial well worth reading and I ask unanimous consent that it be printed at this point in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

Keeping Balance

A farmer decided to take a load of finished cattle to the market. When he got to the stockyards, he saw pen after pen of cattle as good or better than his. He knew there could not possibly be enough people to eat all of that beef. He told his commission man, "If you get a bid on my cattle, sell them."

The farmer was discouraged so he decided to go home. He had to travel through the city and got caught in the congested streets flooded with people doing their Christmas shopping. He called his commission man and said, "Hold those cattle for higher prices, there can't possibly be enough beef to feed all these people."

The recent report on food prices in the single month of December and the resulting reactions appear to be somewhat similar to the logic of this story.

Many times we, as individuals or as groups, do a poor job of keeping the perspective and balance needed for proper evaluation. Some get over-enthusiastic in their concern for ecology, and laws are passed to prohibit open burning of some things that could and should be burned.

Then we get our ecology and conservation all mixed up by insisting on halitosis control in automobiles which makes for less efficient use of gasoline at a time when we have fuel shortages. It is comparable to a farmer pulling on the doubletree instead of the lines of a run-away team. Somehow we should give consideration to the number of big autos congesting the roads, carrying one person per car, if we wish to conserve fuel and avoid air pollution at the same time.

Much of the progress in the world has resulted from the control of insects, pests and weeds for more efficient and better production of food and fiber. Many are willing and ready to pass judgment based on emotion rather than the facts in the use of insecticides, pesticides, herbicides and fertilizers.

We still have some things to learn about the long time impact of many powerful substances, but it appears moderation should be the rule instead of the exception when we have the longest life span and the best food and shelter in history.

Presently we have imbalances in government. Many programs need improving and re-evaluating. Concern is prompted by run-away federal spending to the tune of the largest budget in our history. It is going higher and could wreck our total economy.

We still have some people who want to preserve enterprise and freedom. Each government department needs to take an objective look to justify its every effort. This cannot be done in equity and justice only in agriculture. If we move too fast and too far in isolated segments of our economy, we create greater imbalances. It is high time that labor, consumers and business, both here and around the world, put aside their selfish interests and help the Administration and the Secretary of Agriculture point the way toward an economic system that is market-oriented rather than submerged in government regulations.

Until this is achieved, the tools we have to attempt to politically equalize a fragmented economy should be placed in the closet and not destroyed. Governmental direction helped get us to our plight and it may be needed to help change the direction.

To get and keep a proper balance is an eternal struggle. I'm certain it is worth the effort.

TAX REFORM

Mr. HUGHES. Mr. President, the other day I received a letter from Mr. Jay Horning of Des Moines, Iowa, with which he enclosed an ad from the Executive Reports Corp. The ad is most eloquent, and, while I am sure its intent is otherwise, it presents vivid testimony in behalf of tax reform. I ask unanimous consent that the letter and enclosures be printed in the Record at this point.

There being no objection, the material was ordered to be printed in the Record, as follows:

Des Moines, Iowa, *February 26, 1973.*

Senator Harold Hughes,
Senate Office Building,
Washington, D.C.

Dear Senator Hughes: I suppose I should have felt flattered upon learning that I am considered an "up-and-coming executive" by the Executive Reports Corp. (see enclosure).

My reaction, however, was not one that these people would appreciate. I am already incensed over the many loopholes in our tax laws, and when I learn that a company such as this can feed on these loopholes like a leech, I am doubly incensed.

You, Senator Hughes, are the only person I feel I can complain to with at least the hope of a sympathetic ear.

It is not enough that we have our priorities so badly reversed in terms of spending our tax money—now this outfit wants the ever faithful and honest middle and lower income citizens to finance everything!

Anyway, keep using your voice in that Washington wilderness. Perhaps some day it will be heard.

Sincerely,

Jay H. Horning.

For the Up-and-Coming Executive Who Wants To Acquire a Fortune

A Special Report to the up-and-coming executive who wants to acquire a fortune.

This Report has been prepared for the enterprising younger man who wants to accumulate some real money—who wants something more than the $25,000 a year which most people call success.

If your financial aspirations are above the ordinary and you are thinking in terms of accumulating from $100,000 to a million dollars or more, you will of course have to use special tax methods to do it.

These methods are the foundation of virtually every fortune being built in America today. They are as different from common "tax hints" as day is from night.

We have compiled an explanation of these methods, written expressly for today's dynamic new executive—the most exciting material of its kind ever published. It will come to you in ERC's right up to date Executive's Tax Desk Manual.

Here are just seven of the fortune-building methods explained in the new Manual—

1. Arrange a tax-exempt income . . .

The most powerful method of all for accumulating a large amount of money is by tapping income sources that are tax free. No taxes to pay—you keep every such cent you earn.

There are 42 good ways to do this—up-to-date methods that are the stock in trade of the ablest wealth-builders in America. The Manual explains them in detail. These alone are worth a fortune—literally.

2. Go after tax-sheltered "shoestring fortunes". . .

This is the most exeiting area of all for the enterprising younger executive who wants to accumulate money—thirteen different kinds of spectacular tax-sheltered opportunities that have opened the way to some of our largest fortunes.

To try to accumulate wealth without them is the costliest mistake you can make. They are the best bets in our tax set-up today for risking just a little and ending up with a fortune. You are told how to make them pay off—not sometime in the future, but *now*.

3. Use your family to cut your tax bill in two.

Successful younger executives in the $15,000 and upward class can cut their tax bills almost in two by dividing income among the family (for example, a man with $21,000 taxable income can cut his tax bill from more than $6,500 to under $4,000 by this means.)

You are given nine tested methods for dividing income—methods that are now in use by many alert executives everywhere, and sure to be even more widely used in the future.

4. Greatly increase your "take" from your company.

It's almost impossible to become wealthy on a salary today—no matter how big it is. Here are the five main methods get-ahead young executives are now using under the latest Tax Law rules to get for themselves tax-sheltered remuneration. These will give you an exciting new concept of how large your "real" income can be from such company "sweeteners" as . . . executive compensation, health and medical expense payments, company paid insurance, travel and entertainment reimbursements, stock option plans.

This is where today's big money lies—and all these benefits are tax-deductible to your company. Best of all, many of them come to you completely tax-free.

5. The tax bonanza in the short term trust.

Almost everybody with money is using the short term trust. It's simple to set up—and the big advantage is that the income from the trust is not taxable to you during the life of the trust.

When the trust terminates, the income-producing property that you put into it (stocks, bonds, real estate, etc.) comes back to you. Here's a way to cut down on your tax liability for a specific period of time.

6. How to cut your tax at least in half.

The next best thing after tax exempt income is to make sure that your income is capital gain. Then the tax is only half as much, and never more than 25% on the first $50,000. Not only that, but substantial new savings are opened up to those who are over the $50,000 mark.

Here are dozens of ways to do this—in real estate . . . in securities . . . in investment programs you may never have considered. Each idea has a fabulous dollar potential—and the tax savings alone are enormous.

7. Where the profits are.

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THE REPORT OF THE NATIONAL WATER COMMISSION

Mr. FANNIN. Mr. President, the draft of the proposed report of the National Water Commission that was circulated for review last November has engendered a great deal of interest in the State of Arizona and, I understand, all over the country. The Commission recently completed 8 days of public conferences during which it received comments and discussed the draft with representatives of the States and other interests. The Commission staff advises that it is still reviewing the thousands of communications received through the mails.

The draft report is a massive document, containing over 1,100 pages, and it was not possible to print enough copies to supply the demand. The Commission is now revising the report for eventual submission to the President and the Congress in accordance with the terms of the National Water Commission Act.

For the enlightenment of my colleagues and others who read the CONGRESSIONAL RECORD and have not been able to obtain copies or read the entire report, I ask unanimous consent to have printed in the RECORD a speech, "Water Is Everybody's Business," which expresses the background and general philosophy which underlies the report of the National Water Commission. This was presented by Mr. Charles F. Luce, Chairman of the National Water Commission, as the keynote address for the Water Resources Conference of the American Society of Civil Engineers held here in Washington the week of January 29. Mr. Luce is a former resident of Walla Walla, Wash., and many of you will remember that he was Administrator of the Bonneville Power Administration, and then Under Secretary of the Interior during the Johnson administration.

Along with Mr. Luce's address, I ask unanimous consent to include a paper presented at the same meeting by Ted Schad, Executive Director of the National Water Commission, entitled "Findings of the National Water Commission," which provides more detail on the findings and recommendations in the Commission's proposed report. Many of you will recall that Mr. Schad was Deputy Director of the Congressional Research Service before taking his present assignment. He also served as Staff Director for the Senate Select Committee on National Water Resources in 1959 to 1961 under the Chairmanship of the late Senator Robert S. Kerr.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

WATER IS EVERYBODY'S BUSINESS

A little over four years ago the Congress established the National Water Commission. It is a temporary Federal agency, comprised of seven citizens appointed by the President and serving at his pleasure. None of the members can have any Federal position other than membership on the Commission. The Commission's job is to review present and anticipated national water resource problems and requirements, and to identify alternative ways of meeting these requirements. The legislation which established it asked the Commission to keep in mind three things: one, the economic and social consequences of water resource development; two, its impact on regional economic growth and on institutional arrangements; and three, the esthetic values of water affecting the quality of life of the American people.

In taking on this assignment, the Commission started from the assumption that, truly, the water business is everybody's business. Even before the staffing of the Commission was completed, we went to the people in a series of open public meetings, seeking views on the approach that should be taken in the Commission's studies. We had the advice and help of many people—experts in the disciplines of engineering, economics, ecology, political science, and the law—as we formulated a study program and discussed it in a series of seven regional conferences held during the summer and fall of 1969. Representatives of Federal, state, and local governments participated as well as those from intergovernmental units, professional societies, including your own, public interest groups, and others having an interest. We had wonderful cooperation from all. But a recurrent theme throughout the public meetings was that the participants wanted to know and have an opportunity to comment on what the Commission was going to recommend even more than they wanted to advise as to what they thought we should study.

In response to the public opinion thus expressed, the Commission scheduled its work in such a way that a draft of the report could be circulated for review prior to its completion in final form. That draft was completed last November and over 1500 copies have been distributed for review. Copies were sent to all of the people who took part in formulating the study program, and to a great many others who became interested in the work of the Commission over the years as we went along. Then, after we ran out of copies of the full report, hundreds of copies of the conclusions and recommendations were circulated. To the best of my knowledge, no other water commission has ever circulated a draft of its proposed report for public review and comment prior to completion, in this way.

Now we are in the midst of a series of public meetings to discuss the draft. When they are over, the Commission will be considering the comments and preparing for the revision and completion of the report. If we had had any doubt about water being everybody's business, it would have certainly been stripped away by now. Through page one news stories in the Sunday New York Times and coverage in dozens of other prestigious newspapers, down to editorial comments in the remotest village weeklies, the proposals in the report have been brought to be attention of the American people, and the Commission is being deluged with comments on its proposed recommendations from all segments of the public.

At the present time, therefore, we have only a draft which is subject to change, and until it is signed, sealed, and delivered to the President and the Congress, I can speak only for myself. My remarks today must not be considered as binding on the other members of the Commission.

Civil engineers have been key participants in all of the Commission's effort. Four of the eight top positions on the staff have been filled by civil engineers, all of whom are or have been members of the American Society of Civil Engineers. In addition, the Society itself has been of inestimable help through its staff and committees and technical divisions. Your Committee on National Water Policy made valuable suggestions on the study program. Even now, I am told, it is reviewing the report preparatory to making comments at our meeting here in Washington next week. We will be looking forward to receiving them. For among all the segments of our society that are involved in the "water business" the civil engineer has played a predominant role. I therefore deeply appreciate the opportunity to be with you today. It is an honor to be invited to make the keynote address at your meeting.

In coming before you today, however, to report on the work of the National Water Commission, I must cover far more than the engineering aspects of water resources conservation and development. In the balance of my remarks, I shall summarize briefly the general philosophy and approach taken in the Commission's draft report, and then give a brief rundown of the questions considered and the types of action recommended. At other sessions later on this week, several present and former members of the Commission staff will fill you in on the details.

LOOKING TO THE FUTURE

The task of recommending national water policy includes, among other things, prognostication of the future, because few human enterprises are so consistently and profoundly a part of the future as the development of water resources. Works to develop and control water, by their very nature, must be built with an eye to the future. There are parts of Roman aqueducts in use today; and irrigation works in Szechwan, China, that antedate the Roman works still are in operation. It would be fascinating to have a preview of history to see if any modern builder will equal these records.

The planner and builder of water facilities does not, of course, think of such extraordinary service lives routinely, but he must think in terms of at least one human lifetime for his works. Not a few major works take two or three decades for completion. The Commission therefore believes that the nature of the United States in the next few decades has a most important bearing on formulating water policy.

The United States from now on through the end of the century will continue to be a growing nation, although the rate of its growth cannot be determined precisely. Because the policies we adopt have an effect on the use of water, the Commission believes that "alternative futures" must be considered in designing water policy. In other words, a range of possibilities as to what the future might bring must be taken into account. Water policies must be adaptable to whatever future materializes. And we must avoid adhering to straight line projections of water use into the future that tend to become self-fulfilling.

Population is obviously one of the major determinants of future demand for water. The Commission's background studies considered a range of population in the United States in the year 2000 from 280 million to 325 million. Recent projections by the Census Bureau suggest that we should also have considered a lower rate of growth. What the people are doing and where they will choose to live are probably more important factors than the actual number. It can be expected that a larger percentage of the Americans of the year 2000 will be living in extended metropolitan areas than in 1970. Further technical progress will permit a larger proportion of these Americans to be employed in service industries than today, and fewer in agriculture and basic industries. All of these changes will be reflected in increasing demands for energy. If trends of the immediate past are assumed to continue, demand for electric power would double every ten years, resulting in a production rate by the year 2000 eight times that of 1970. This will require increasing amounts of water for cooling, unles more efficient means of dissipating waste heat from powerplants are developed, or unless new methods of generating power without waste heat are developed. Population and technological change thus will affect water demands both directly and indirectly.

Expected water demands

Even though the alternative futures considered by the Commission have a wide range, it is still necessary to estimate the effects of growth on water demand. There are three ways of measuring water demand: (1) by withdrawal, (2) by consumptive use, and (3) by on-site use. Water withdrawal in 2000 could reach as much as four times the amount of 1970, but this estimate is not considered to be alarming because a large percentage of withdrawals is returned to the watercourses and is available for reuse.

Consumptive use of water is unevenly distributed among economic activities and among regions of the United States. In 1970, evaporation and transpiration from irrigated agriculture accounted for about 83 percent of total consumptive use of water in the United States. The remaining 17 percent was divided among municipal water supply, rural domestic uses, industrial uses, and steam electric utilities. Water used in generation of electricity, primarily for cooling, took less than 2 percent of total consumptive use in 1970, but it is the most rapidly growing of all the consumptive uses. Consumptive use also is concentrated in the 17 Western States. More than half of all such use occurs in three major hydrologic areas: California, the Columbia Basin, and the Missouri Basin. Nearly four-fifths occurs west of the 100th meridian.

Irrigated agriculture and electricity generation are also important to future water planning because of their effects on water quality. Irrigation adds dissolved solids in return flow downstream through concentration of natural salts and chemicals from fertilizers and pesticides. Steam electric generating plans discharge waste heat into water bodies. Withdrawals for both of these purposes therefore have effects on the availability of water that extend beyond the disappearance caused by evaporation and transpiration.

The form of our settlement in the next 30 years and the direction being taken by our society strongly indicate a growth in demand for outdoor recreational uses of water. Although it is impossible to quantify such demands made upon water bodies and streams having favorable on-site characteristics for recreation and other social purposes—inspiration and pure delight, for example—will increase even faster than the demands for other, down-to-earth water uses. Such demands will be most intensive in the regions of the great metropolitan areas, like the Northeast, Midwest, and California, but they will be felt to some degree in all parts of the Nation.

Cultural lag in institutions for water development

The needs of the future are determined not only by economic demands and social requirements, but also by the public and private institutions through which these demands and requirements are to be met. The nature of national water policies and procedures and the institutions through which they are applied have a vital effect on demands for water. An identification of existing policies and procedures therefore is important, as an indication of one possible "future."

Most, if not all, of the water policies of the Nation have evolved from an era in American life with very different characteristics from those of today or from those that may be anticipated in the year 2000. They are policies which now show a "cultural lag," or, in more simple terms, are outdated. These ancient, once honorable, policies are becoming threadbare and now hold us back physically, socially, and regionally. For example, use of water in the United States in 1972 was downright extravagant. Our policies and institutions which govern water use were developed on the assumption that water was as free as air, or as air used to be. We didn't conceive that there would be competing demands for water which would result in practically all the water in the United States being put to some use to meet some social, economic, or environmental demand. Nothing illustrates this attitude better than the almost automatic use of United States streams as waste carriers. As another example, policies still favor the expansion of irrigated agriculture west of the 100th meridian for the purpose of creating more family farms, with the Federal Government paying most of the costs from general tax revenues. At a time when the development of the West and the creation of family farms were opening both regional and social frontiers, it was an understandable policy. This policy continues, but the "West" for which the policy was designed has been won, and the frontier has moved elsewhere.

Perhaps the most striking illustration of cultural lag in our policies is the single-purpose nature of basic legislative authority for important water and water-related programs such as navigation, flood control, and pollution abatement. We now know that nothing exists alone in nature. The "system" nature of all development and the interrelatedness of all things concerning land and water have become well understood by the public in recent years, but some important Federal agency programs are still based on single-purpose legislation. This particular cultural lag is vividly illustrated by our navigation policies. Although the inland waterways are an essential element of the national transportation system, they are not planned, evaluated, or regulated as a part of it. Single-purpose authorization is also illustrated by the weak and feeble connections—or lack of correlation—between flood prevention policy and land planning, and the independence of irrigation development policy from agricultural price support programs. Some of these programs, which appear to work at cross-purposes, suggest the policy of never letting the left hand know what the right hand is doing.

MAJOR QUESTIONS DEALT WITH IN THE COMMISSION'S REPORT

As it sought the most effective policies for development and management of the Nation's water resources during the remainder of the century, the Commission dealt with many questions. These are discussed briefly in the following paragraphs as they indicate the basis for the Commission's recommendations. The questions that the Commission believes are important in the planning and implementation of measures to assure effective use of the Nation's water are grouped for the purpose of this discussion under four major categories: (1) equity, (2) efficiency, (3) adequacy of physical supply, and (4) adequacy of investment funds. The citizens of the Nation have a right to expect their institutions for water development and management to meet sound criteria in all four of these categories.

Questions of equity

Among all of the categories of questions that must be considered in water management and development, perhaps the most difficult and complex questions are those relating to equity. Equity must be sought among the 50 States, as well as among the several major regions of the country, between beneficiaries and taxpayers, among the beneficiaries of programs managed by different agencies, between residents of rural and urban areas, and between public and private interests. In addition, balance must be sought among social, environmental, and economic purposes in development.

Equity among States and regions: The problem of equity among states and regions is, of course, old. It is characteristic of any government that is basically a federation. It has been in the background of many Federal decisions on legislation affecting water resources. Most, if not all, Rivers and Harbors Acts have been drafted with considerations of equity among the states in mind. The basic Reclamation Act and supplementary legislation was designed and supported on the basis of equity for the 17 Western States. But the times have changed. What was equitable when the policies governing these programs were established is no longer a primary consideration. We need to look to the future to see what the problems of equity will be rather than to base our programs on past equities. As population becomes more concentrated in metropolitan areas and in other localities where immediately accessible water resources are inadequate, it appears that the importation of water from distant sources in other regions will become more and more necessary. This raises the question of equitable compensation to regions of origin. Existing legislation and institutions are inadequate either to protect the areas of origin or to promote the exchange of water where transfers will yield optimum benefits from a national point of view.

Beneficiaries v. taxpayers: When Federal subsidy nurtures any local water development in its initial stages, the long-standing question of equity as between beneficiaries of that development and the taxpayers who support it has never been resolved. If the subsidy lasts for many years and appears to be indefinite in duration, the problem of achieving equity is compounded. Such is the case for the Federal navigation program, where beneficiaries do not pay any part of the cost of navigation projects. Such is the case also for the beneficiaries of flood control and irrigation projects who do not pay full costs. In the same class are those projects where municipal and industrial water supply beneficiaries do not pay full cost through their user charges. Policies governing all of these Federal programs may have been valid when they were adopted, but are they still valid today?

Equity among beneficiaries: A similar problem of equity arises among beneficiaries of different programs. For example, there are three principal development programs for water and related lands that may increase the production of agricultural products, (1) those of the Bureau of Reclamation, (2) those of the Corps of Engineers, and (3) those of the Soil Conservation Service. The conditions under which beneficiaries receive services from the three agencies are very different. For two of them, the Corps of Engineers and the Soil Conservation Service, there are not even records of what the agricultural benefits are, or who gets them, which makes it difficult indeed to analyze where equity lies. A second example occurs in the arrangement whereby revenues from electric power projects associated with reclamation projects are used to repay the irrigation investment after the power investment has been amortized. Purchasers of electricity from many Federal projects pay part of the costs of providing irrigation benefits to somebody else who is miles away.

Public interests v. private: Questions of equity also appear in relations between public and private interests, particularly as between Federal water claims and private ownership of water rights. Many conflicts have arisen in the western half of the country that have not been satisfactorily adjudicated because Federal water activities have not been properly coordinated with state water rights administration. The lack of coordination arises because: (1) the United States Government has immunity from suit in certain kinds of water litigation; (2) the United States has no obligation to pay compensation for taking certain privately owned water rights; and (3) a unique relation exists between Indian and non-Indian water uses and water rights. Until a more acceptable pattern of adjudication is established, the Commission believes that serious inequities will be continued.

Rural v. urban interests: The troubled question of rural-urban equity in water development is already a serious consideration. It will be more so as the country continues further concentration in metropolitan areas, and as the metropolitan areas expand further geographically, a phenomenon which has accelerated within the last decade. In the face of the general rural bias of many of the Federal water resources programs established in the past, this question will continue to be raised prominently and must be considered in formulating future water development policies.

A balance among social, environmental, and economic purposes: Closely related to the rural-urban question one also finds the problem of achieving a balance among social, environmental, and economic purposes in development and management. No so many years ago the overwhelmingly dominant criterion for development was economic, with all evaluations resting on economic criteria. Under the pressure of public opinion, this former imbalance has changed greatly. Indeed, a water project today must take account of its effects on soils and land use, fisheries, wildlife, vegetative cover, local climate, historic sites and archeological remains, preproject land uses and the esthetic values, such as the sheer beauty of the landscape, among other relevant natural and cultural features. However, although we know how to split the atom and we know how to put men on the moon, comparatively little is known about the complex interrelationships of the natural environment and the social environment. Achieving equity therefore is more a matter of guesswork than precision. It is even possible that enthusiastic attempts to safeguard the environment may have swung the pendulum too far away from the economic facts of life in an attempt to achieve something better than the previous domination of economic considerations. The question of equity now arises mainly because of the delay and uncertainty in development brought about by the requirements of the National Environmental Policy Act of 1969. In some instances the demands of the majority are being held up by a small minority. The Commission believes that a sound balancing of values under the Act has not yet been achieved. The social needs of the great metropolitan areas, in particular, have yet to achieve full recognition, or even full understanding, in connection with water development.

Adequacy of water supply

Although it also has regional and local dimensions, adequacy of supply is clearly a question of national concern. In its national aspect this problem may be understood best by examining the end products or services that water is intended to provide. The two most important are (1) the use of water for food and other agricultural production in the future, and (2) its use for cooling purposes in electric energy and other industrial production.

Agricultural demand for water: Because of the dominant effect that agriculture could have in additional consumptive use of water, the Commission sponsored a study of future demands for land and water under the concept of alternative futures. These futures were based on several combinations of assumptions as to population, exports, technological development, water prices, land retirement programs, fertilizer restriction, and differing mixes of vegetable proteins and animal proteins in the national diet. The studies demonstrated that under any reasonable assumptions there is adequate productive capacity in the agricultural industry of the United States to meet foreseeable demands until at least the year 2000 without further conversion of land to irrigation by publicly supported water resources development. The Commission therefore questions the need for publicly supported programs established in the past for increasing agricultural production through irrigation, drainage, and flood control programs.

Water demands for energy production and waste-carrying: On the other hand, the Commission's studies do not permit it to reach a similar conclusion with respect to the future use of water as a coolant in electric energy production and other industrial purposes.

Although the impossibility of continuing recent rates of increase indefinitely has received wide attention, a leveling-off of the still steeply ascending demand for national energy production is not yet in sight. At least for the immediate future, the Nation's reserves of energy resources—fossil fuels in particular—are likely to be far more critically short than its supply of water. A reduction in demands for cooling water is not likely, however, until an entirely new energy technology is developed—fuel cells, perhaps, or magnetohydrodynamics—based on something other than steam-electric generation. Management of the ability of streams and water bodies throughout the Nation to absorb and dissipate heat without damage to aquatic life must thus be anticipated as a serious problem.

If waste-carrying continues on the list of services provided by water, and the Commission believes that it must, contrary to the "no discharge" goal espoused in recent legislation, the question of adequacy as to future supply is most relevant. This question already has received intensive legislative attention and a slow reversal of the former rapid deterioration in water quality may be taking place. Nonetheless, even apart from the problem of absorbing and dissipating industrial heat, the problem of waste disposal in water is expected to remain serious for some years during the remainder of this century.

Where adequacy problems are located: Regional and local problems of supply adequacy will center on metropolitan and associated industrial growth. The western half of the United States may be anticipated to be the section where the majority of such problems becomes critical, although problems associated with recreational development may be considered serious for the eastern part of the country. Demands for interbasin transfers to satisfy regional supply deficiencies and to replace declining ground water supplies, are highly likely.

Provision of capital investment funds

Every recent Federal budget and congressional consideration of appropriations for water resources development has illustrated the continued inadequacy of available capital funds to meet the demands made upon them. A tradition has arisen, nevertheless, that enough dollars channeled into capital investment can solve almost any problem. This approach has been particularly well illustrated in the flood prevention program on which more than ten billion dollars of Federal funds have been expended up to 1972 for flood control structures. Yet, average annual flood damages in the United States are increasing, and reached their highest level in history in 1972. Development of flood plains unfortunately has been taking place more rapidly than the construction of flood control works. It is now very clear that capital investment alone will not solve the problems of flood damage prevention.

One result of the capital-intensive approach to water resource management has been a piecemeal financing of many projects. The consequent unevenness in the rate of construction has therefore increased costs. Another result is the piling up of a large backlog of authorized projects that cannot be financed and may be obsolete before they are started.

The provision of capital funds and their distribution among programs will face even more serious problems in the future. The water pollution control program alone raises unprecedented demands for capital funds. Our estimate of the cost of fully meeting the water quality standards approved under the 1965 Water Pollution Control Act is about $16 billion annually over the next 13 years for construction and additional operation and maintenance costs. An even greater amount would be required to achieve the goal set by the Water Pollution Control Act amendments enacted in 1972, if it is possible to achieve that goal. To place these amounts in perspective, they are about 50 percent greater than the total expenditures from all sources, Federal and non-Federal, for water development in the Nation in the average year. Clearly, the demands for capital investment funds for this one purpose alone will create massive problems of allocation, budgetary impact, and ultimate taxation.

QUESTIONS OF EFFICIENCY

The Commission believes that efficiency in meeting chosen objectives is worthy of consideration at any time and any place. In a world where there are serious questions of equity, and where the allocation of capital funds is a serious problem, efficient means of development and management should be especially prized, even where water supplies are abundant.

The Commission's studies raise many questions about efficiency in United States water development, suggesting that inefficiencies abound. In our view, it is *not* efficient to encourage excessive use of water for want of metering and full-cost pricing. It is *not* efficient to maintain legal barriers against the transfer of vested agricultural water rights to higher uses. It is *not* efficient to administer water use without permits, as some states do. It is *not* efficient to bring new agricultural land into production through irrigation while at the same time subsidies to reduce production on other lands are provided through price support and land retirement programs. It is *not* efficient to provide open-ended programs for flood control facilities at Federal expense while continued encroachment on flood plains is permitted, if not encouraged, by local governments. And still other examples could be given.

TYPES OF ACTION RECOMMENDED

The Commission believes that much can be done (1) to promote the cause of efficiency in water development and management, (2) to ensure adequacy of supply, (3) to promote equity, and (4) to further effective allocation of capital funds by timely action along several major lines. Toward this end, the Commission makes a number of recommendations looking toward Federal leadership: (1) in establishing a "systems" approach that stresses the interrelationships among water and many other activities; (2) in anticipating problems at the earliest possible time and providing efficient governmental institutions for their resolution; (3) in planning as much as possible for services to financially responsible users; (4) in maintaining an imaginative engineering and technical research and development program; and (5) in encouraging cooperative planning, development, and management responsibilities among all levels of government and private enterprise. Along with this redefinition of the Federal role in water resources, the Commission recommends that the states and local interests take on more of the responsibility for financing, constructing, and operating future water development.

The system view

The system view which underlies the Commission's recommendations would stress the interrelation of many different human activities, and should erase all evidences of restrictive single-purpose legislation, policy, and procedure. Like the poor, pollutants are always with us. Under the Commission's recommendations, water pollution control would be considered as an integral part of other aspects of water resources conservation and development. Inland navigation development would be a part of overall national transportation planning. Irrigation, drainage, and flood control of cropland for agriculture would be considered as a part of the comprehensive policy for agricultural production. Ground and surface water would be managed together. The demands made on water supply by production of energy would be considered in relation to total energy and materials policy for the Nation. All water uses would be coordinated regionally in multiple-purpose programs for planning, construction, and management.

Early anticipation of problems

Nearly all planning is directed toward a timely anticipation and resolution of problems. However, the exceptionally long time which elapses between the inception of a water project or program and its productive operation make effective anticipation of problems both difficult and important. One of the most significant opportunities for national improvement in this respect will come from better coordination between land use and water planning, which is recommended by the Commission. In the past, water planning has come first, with resultant overemphasis on structural measures. The Commission believes that more flexible and more responsive water plans can evolve from a policy of coordinated land use and water development, in which water development is adapted to land use policies.

Hand in hand with land use planning should be a flood damage prevention policy stressing a balanced application of flood forecasting, zoning, physical works for flow regulation and water containment, flood insurance, and preventive acquisition of flood plains when they can be used for purposes compatible with periodic flooding.

Advance site acquisition to prevent problems from arising is also recommended for other objectives. Among them would be electric-power generation, parks and recreational lands, and wetlands or other biological or ecological reservations.

Another way to prevent water problems from arising in the future is the institution of measures to control consumption. Examples suggested in the Commission's report are the metering of all significant withdrawals and the establishment of rate structures that discourage, rather than encourage, high consumption. Water use will also be affected indirectly by measures designed to control the rapidly rising curve of energy consumption.

Services to financially responsible users

One of the most effective ways of bringing both efficiency and equity into the national water development system is the creation of a development and management policy built upon financially responsible users. In an era when it seems certain that there will be an unprecedented demand for huge capital expenditures for water development projects, the Commission believes that continuation of expenditures for users who do not pay their appropriate share of costs is inequitable, inefficient, and wasteful of capital funds. The situation prevailing today may be illustrated by payment for pollution control. One important reason that pollution has become such a major problem lay in the national permissiveness for individuals, municipalites, and industries to dispose of inadequately treated wastes in streams and other water bodies without assuming any responibility for the ill effects and other costs imposed on others. To meet public demand for action on pollution in the Nation's waters, Federal funds have been offered in ever-increasing amounts to encourage prevention and control of pollution. Thus, an important part of the cost of pollution abatement was transferred to all taxpayers regardless of whether or not they had previously paid for treatment of their own wastes. Payment by individuals or organizations for the pollution they cause is recommended by the Commission as a practical corrective that is equitable and will produce the investment funds needed for the enormously expensive job of cleaning the Nation's streams and water bodies.

Imposition of user charges would also increase efficiency and equity for other water purposes as well. The Commission recommends the institution of user charges for navigation, additional user charges for the agricultural beneficiaries of water development, the payment of full costs by municipal and industrial beneficiaries of water development, and payments by the users of recreational features of water development projects. The actions recommended would affect mainly the programs of the Federal agencies, because a large proportion of these services has come from Federal projects or grants supported by general tax funds. Many state and local, and almost all private, water developments are already paid for through user charges, and under the Commission's recommendations an even larger share of the needed work would be handled in this way.

Emphasis on certain public purposes

Even though fair and just user charges should be sought in a greater degree than in the past for a number of water purposes, certain environmental and social needs of the years ahead require an emphasis on public action. The Commission believes that the action should take the form of both tax-supported investment and administrative or legal revisions of water development and management institutions so as to encourage nongovernmental action to meet these needs.

The examples of environmental needs that should be financially supported by the Federal Government include the reservation of wild and scenic rivers, unique wetlands, and other areas needed for the discharge of Federal responsibilities. Included among the latter are enhancement of migratory waterfowl and anadromous fish species and the preservation of endangered wildlife species.

The Commission also recommends that certain state, legislative, and administrative actions be taken toward enhancing action on social and environmental values of water use. Examples of such actions are authorization of water rights to be acquired for all social uses, including recreation, preservation of scenic and esthetic values, water quality, fisheries, and similar purposes. Administrative withdrawal or public reservation of unappropriated water needed for minimum streamflows to maintain the above values or a natural stream environment is another recommended means. Strengthening of legislation that assures public access and public use of streams and water bodies is a third type of action recommended. Included in the legislation, for example, might be authorization of the acquisition of easements to permit such public access.

Engineering and technical research and development

Engineering and technical research and development has long been one of the hallmarks of American water development and management. Federally supported programs, like those of the Department of the Interior, the Corps of Engineers, or the unique and superb Tennessee Valley Authority, and the research and development of private enterprise organizations have made especially effective contributions in this respect. The Commission believes that there are still many interesting and unplumbed opportunities, particularly for both public and private action, in continuing this tradition. All purposes in water development can respond to improved technology, which has a range extending between long-range forecasting of regional and local phenomena to the discovery and develpoment of practical substitutes for waste disposal in streams.

The list of achievements from the Federal support of such developments in the past has been impressive. It includes synoptic meteorology, the desalting program, precipitation modification, techniques of construction with reinforced concrete, innovative treatment of liquid wastes, and other technical measures for dealing with water problems. There is every reason to have faith in technology as the servant of the natural environment no less than as a creator of problems for the maintenance of the environment. The Commission recommends continued provision of leadership by the Federal Government in research and development as a vital part of a forward-looking water development and management program.

Cooperative planning, development, and management responsibilities

There is no more truly cooperative venture in the fabric of the Nation's life than the development and management of our water resources. Every level of interest and organization has some effect on the condition of water resources, from the individual citizen to the Federal Government itself. The proper role for each of these groups and for individuals has been the subject of much thought and discussion, and some action, during the last half-century. Nonetheless, we enter the final third of the twentieth century with some very evident imbalances in the responsibilities that have been accepted or abrogated by the several levels of government. For some time the Federal Government has had a dominant role, and it has been increasing substantially within recent years. The Commission believes that Federal leadership is more important, but that the major questions of equity, adequacy of supply, efficiency, and effective allocation of capital funds will never be well answered until a proper balance is achieved among Federal, state, local and private agencies for all aspects of water development and management. Recommendations are made which will result in substantial improvement in procedure and structure among the Federal agencies, in improved structure of state agencies, and in the vesting of further responsibility in state agencies. Strengthening of metropolitan, municipal, and local organizations to handle water problems as recommended by the Commission will also contribute to a better use of national water resources.

CONCLUSION

The Commission's report is addressed to every agency, organization, group, and individual whose activities influence water development and management. It is obvious that future Federal leadership must continue to have decisive effects on the patterns of development and management. But we urge that this leadership, in the interest of equity, efficiency, and timely action, do its utmost to achieve a balanced division of responsibility among state, local goverment, the Federal Government, and private enterprise.

The rapid accumulation of Federal powers in recent years, and the powerful leverage of the Federal Treasury, have often left other governments and individuals only two choices: acquiescence to the Federal plan or a belated, head-on "confrontation." Both resulted in certain frustrations. In the end, confrontation became so plainly popular that the Congress, reversing the practice of decades, decided to encourage it through the National Environmental Policy Act. But the resulting procedure and action can neither be considered equitable nor efficient. The balancing of responsibility at several levels where decision and action can be taken effectively can do much more for the Nation over the long run than officially sanctioned confrontation. A structure that encourages cooperation and acceptance of *real* responsibility is one of the best means of preventing confrontation.

In the many recommendations proposed by the Commission, we seek a revision of the very structure of water development. We seek a structure in which obsolete policy and procedure will be eliminated, costs will be fairly distributed, management decisions made as close to operations as possible, cooperation will replace confrontation, and every project will be a "best buy." We believe that our recommendations, if implemented, can greatly facilitate wise investment, regional development, more healthful cities, social *and* economic use of water, and a cleaner, more beautiful, more enjoyable countryside.

In the thirty minutes allotted to me for this morning's presentation, it is obviously impractical to give more than a very brief summary of what is in an 1100-page report. Many of you no doubt heard Mr. Luce's talk on Monday in which he outlined the work of the National Water Commission and the tentative recommendations. He pointed out, and I must reiterate the point, that the report is a draft that was circulated for review last November. The review is continuing, with further public meetings and conferences scheduled to be held in New Orleans and here in Washington next week. After the meetings are concluded, and consideration is given to the comments received, the Commission will be revising the report before it is submitted to the President and the Congress next summer. For this reason, my remarks today, based as they are on the draft report which is still under review, may not necessarily reflect what will be in the Commission's final report.

For those of you who did not hear Mr. Luce's presentation on the Commission's general philosophy, I shall cover briefly some general thrust of the Commission's tentative conclusions and recommendations before going on to the specifics of what is in the report.

First, the Commission believes it is necessary to plan for future water use in terms of alternative futures rather than to project past trends indefinitely into the future as a basis for action. This requires that future water planning take into consideration the widest practicable range of realistic alternatives, and greater flexibility must be provided in the institutions which control planning for use of water resources.

Second, the Commission has recognized what some observers have called a "cultural lag" in the Nation's water institutions. In other words, our institutions have not kept pace with the problems. The Commission believes that some of the Nation's water policies and programs that were needed when they were established 25, 50, 75, or more years ago, and that have served us well in the past, are now outmoded and not only are inadequate for meeting problems of the future, but actually hinder progress. As a result, the Commission recommends some rather basic changes in water policy. Possibly of greatest significance, at least from the viewpoint of the reaction we are receiving on the draft report, are the proposed recommendations that would, if adopted, require beneficiaries of water resources development rather than the general taxpayer to pay the costs of providing the benefits. These recommendations are proposed because the Commission believes that ever-increasing demands on the Nation's water resources will make it essential in the future to consider water as a resource that must be managed prudently, in accordance with economic guidelines similar to those that apply to the use of other resources. In other words, future water use must be considered in terms of "demand," in an economic sense, rather than "requirements," in a physical sense.

The reception accorded these recommendations of the Commission's draft report reminds me of a situation which developed in the small rural community in Maryland where I grew up. On one of the neighboring farms there was an abandoned quarry which had flooded to a depth of almost 100 feet at the conclusion of its commercial operation.

Quite naturally, the quarry and its pool of clear, cool water became a mecca for people of all ages in the surrounding area. On Sunday afternoons, hundreds of men, women, and children used the quarry as their private swimming pool. Cars were parked on both sides of the lane leading down to the quarry and overflowed into the surrounding pastureland. The overflow of trespassers spread to the neighbors' fields. Fences were knocked down, crops were trampled, and livestock was turned loose.

In an effort to control the situation, the owners of the quarry decided to close it off from public access. Barricades were put up and signs were posted, but to no avail. People continued to come from far and near to make use of the quarry.

Finally, the owners of the quarry decided to make the use of the quarry available to the public on a fee basis. They established bathhouses and hired attendants and lifeguards to supervise activities on Saturdays and Sundays when the demand was greatest. The reaction was the same as if they had put up a private toll gate on a public road. They were vilified by people who had been using the facility at no charge. They were accused of taking away the birthright of the local children who had enjoyed free use of the quarry for so many years. Eventually, the situation worked itself out, and for years the quarry was used as a commercial swimming facility. But not before vandals several times pushed over the markshift bathhouses and otherwise desecrated the property in an irrational response to their being forced to pay for something which they had been accustomed to receive free. But it was not really free. The costs were being paid by someone else.

To summarize very briefly some other general aspects of the Commission's findings and report, before going on to the specific recommendations, I would like to mention next the Commission's belief that water must be considered as part of a system in planning for the future. Water is a part of the entire economic and environmental system in which we find ourselves, and we can no longer undertake water resources planning as an end in itself. Water planning must be undertaken as an adjunct to land planning. And, in particular, water *quality* planning must be carried hand in hand with planning to provide the *quantity* of water we need in the places we need it at the time we need it.

Although the Commission believes that water is too valuable a resource to be made available to meet economic needs such as production of food and fibre, or for water transportation at less than cost, it recognizes that there are social purposes which justify expenditures for water resources at the expense of the general public. Many of these purposes, such as preservation of wild rivers for scenic and recreational purposes, provision of access to water bodies for recreation, and maintaining minimum flow in streams for wildlife conservation do not involve construction, but there are other costs. The Commission believes that it is necessary for Federal, State, and local governments to bear these costs where it is desired to place emphasis on certain public purposes for social welfare. Under such circumstances these services should be provided at public expense.

The Commission also gives considerable attention to the need for improvements in engineering and technical research and development and in the cooperative planning, development, and management of water resources.

Let me now go on to some of the more specific findings of the National Water Commission, which express these points in more detail.

The Commission's findings and tentative conclusions and recommendations are expressed in its proposed report which was released to the public last November 10. As mentioned earlier, the report is a massive document which some columnists have compared to the Bell System telephone directory for the City of Washington.

It is very difficult to summarize a telephone book. And the same is true for the Commission's report, which covers all aspects of water resources conservation, development, and utilization. There are 208 listed recommendations and some of them contain several parts. The conclusions and recommendations, taken verbatim from the text of the report, take up 84 pages.

The Commission's general findings and conclusions can be summarized as follows:

1. Water is a mobile, renewable resource, which can be used and reused for a great many purposes, but which must always be considered as a part of a complex hydrographic system which functions within the context of the total environment.

2. The United States is blessed with a supply of water that, with proper management, is more than ample to meet the fundamental needs of its people and to permit it to achieve the important national goals it sets for itself.

3. Water is an essential ingredient for economic development and population growth. However, it is but one of many such essential ingredients and, in most parts of the United States at the present time, a relatively unimportant one. Availability of adequate water supplies alone can no longer induce significant economic development or population redistribution unless a number of other more important economic conditions are present.

4. Except for nominal amounts for drinking, fire fighting in municipalities, and a few other essential social and environmental purposes, there are no water "requirements," but there are "demands" for water and water related services that are subject to the economic laws of supply and demand and affected by a whole host of governmental policy decisions, some in fields far removed from what is generally considered to be water policy.

5. It is undesirable to attempt to forecast precise levels of future water use. How much water will be used, where, and for what purposes will depend on the policies that are adopted. A range of unpredictable economic, social, and demographic development patterns, or "alternative futures" is possible based on different sets of assumptions with respect to life styles, population size and distribution, per capita energy consumption, rate of national income growth, etc. The range of possible alternative futures brackets the possibilities from one extreme to another but it is impossible to forecast which alternative future will materialize. Although the full range of possibilities should be considered in planning, development, and management of water resources, the Nation cannot afford to construct works to control water on the basis of a "crisis scenario" such as the stimultaneous occurrence of a major war, a major drought, a surge in domestic population, and a surge in civilian GNP.

6. Future development of water resources should be undertaken only when an economic demand exists for the products and services to be produced and where the social, economic, and environmental benefits of development clearly outweigh the social, economic, and environmental costs involved.

7. The planning for the development and protection of rivers, estuaries, and adjacent coastal waters should be carefully coordinated. Ground and surface waters should be controlled and managed as interrelated resources. Capacity of water bodies to assimilate organic wastes and waste heat should be recognized as a resource and prudently managed to provide valuable economic services while preventing adverse impacts on aquatic ecosystems.

8. Water should be considered to be polluted when its quality is such as to impair reasonable present and anticipated future uses. The objective of pollution control should be to protect water bodies from pollution which would impair such uses as designated by responsible public authorities for the specific water bodies over which they have jurisdiction. These uses should include recreation, preservation and propagation of fish and wildlife, and protection of scenic and esthetic values.

9. A no discharge goal or policy for water pollution is unrealistic because it does not consider impacts on other resources, such as air, land, minerals, energy, and capital. Attainment of such a goal would require the expenditure of hundreds of billions of dollars, half of which would be to remove the last one percent of the waste material, which would show up only in laboratory tests.

10. The costs of pollution abatement should be borne by those who cause the pollution, except that the costs of abating natural pollution, through measures such as diking off discharges from salt springs should be borne by those who reap the benefits.

11. Attempts to prevent flood damages through structural measures alone have not been successful, and total annual damages are rising. Development in flood plains and coastal hazard areas should be permitted only when the social benefits clearly outweigh the social costs. Flood damages should be controlled through better flood plain management, flood proofing of structures, and education of flood plain users to the hazards involved in occupying flood plains.

12. The most important water control works on the major river systems of the United States have already been built, and the need for major Federal dam construction agencies is decreasing. The Federal role should be concentrated more on planning, licensing, and regulation of development, to be undertaken by State and local governments and private enterprise.

13. The development, management, and structural protection of water resources should be the responsibility of the level of government nearest to the problem that is capable of adequately and effectively representing all interests involved. For example, because data collection, and basic research activities have widespread benefits, and the beneficiaries cannot be identified, the Federal Government should assume a predominant role in leadership and financing. The Federal Government should continue to exercise leadership in provision of water transportation facilities, however, because they affect interstate commerce, but the costs of improvements should be recovered from the beneficiaries thereof. The States, because of their role in control of water rights and related land use regulation, should assume an increasing role in the control and preservation of water resources. Small local flood protection or drainage projects should be developed by the small groups of beneficiaries involved.

14. Legal and institutional impediments to the transfer of water rights should be relaxed to permit the employment of water resources in their highest and best use. Wherever possible, transfers of water rights should be permitted through negotiation by private parties subject to state regulation to protect environmental values and the rights of others.

15. Land use is a fundamental determinant of water use. Land use regulation and water management must be closely coordinated in order to realize full values from the use of our water resources. The location of industrial sites, waste discharges, irrigation and drainage developments is basic to the values to be derived from water uses within a particular hydrographic system.

16. Effective and representative public participation in the planning and development of water resources and control of water-related activities should begin at the earliest

practicable stages of planning, development, protection, and management activities.

17. Rigorous analysis of water resource development projects and water pollution control programs should be undertaken to provide decisionmakers with information on the economic, environmental, and social consequences of proposed projects and programs. The decisionmaker must balance all factors and information available to him and should not abdicate his role by relying on technicians for balanced social judgments.

18. Direct beneficiaries of water development projects should ordinarily be obliged to pay all project costs. Systems of pricing and user charges that recover the full costs of water services directly from their users will conserve water supplies, discourage premature investments in water projects, reduce financial burdens now borne by nonusers, and make more efficient and equitable use of scarce water and financial resources.

19. Subsidies to users of water and water-related services should be provided only to advance some general social purposes. Such subsidies should be straightforward and visible so that the public and their elected representatives can be fully aware of their existence and extent.

20. As changing conditions alter the demands upon water resources (as for example reductions in emphasis on land reclamation and increasing emphasis on water-based recreation), the roles of existing water resources development and management agencies should be modified as necessary to contribute toward satisfaction of emerging demands. It would be desirable for the Federal water agencies to be flexible, with broad enough authority to shift the focus of their efforts toward objectives of greater social importance as the importance of more traditional objectives begins to decrease. Changing the development and management authorities of existing water agencies, such as the Corps and the Bureau, is preferable to creating new water resource management agencies as the Nation's needs change.

21. Much of the controversy over environmental impact of water resources development and licensing of water-related activities stems from insufficient knowledge about the prospective damages which might result from such projects and activities. Too little is known. Environmental interests are reluctant to endorse projects when there is doubt about the environmental impact. An obvious way to reduce doubts and permit all interests to proceed with greater assurance and certainty is to gain additional knowledge. This can best be done through carefully designed and adequately funded research on the long-range impact of projects and water-related activities upon environmental values.

22. Decisions on water resources development and on licensing of water-related activities should not be delayed unnecessarily by protracted litigation based on details of procedures. Decisions which do not receive unanimous approval by all interests are not necessarily wrong, and it is impossible to achieve unanimity or consensus on all proposals. Decisions must nonetheless be made. Points of difference should be isolated as early in the planning process as possible and sufficient background should be developed as a part of the planning to permit decisionmakers to take all viewpoints into consideration before decisions are made, rather than on appeal.

SALIENT RECOMMENDATIONS

The 208 recommendations obviously are not all of equal importance. There are many possible ways to categorize them. The Commission's summary, which will be issued with the final report, will set forth the Commission's priorities. In the absence of the completion of the Commission's summary, I would summarize the more significant recommendations as follows:

1. *Pollution Abatement*. The Commission recommended that the no-discharge policy goal or policy of the 1972 amendments to the Water Pollution Control Act should be abandoned in favor of enforcement of water quality standards established under the Water Quality Act of 1965. This would provide protection for all reasonable present and prospective uses of water bodies. Attainment of this more realistic goal should be scheduled for 1982, after which the Federal grant program for construction of municipal sewage treatment works should be terminated since the backlog resulting from generations of neglect will have been eliminated. The Commission believes that the knowledge that the Federal grant program is to be terminated at that time would serve as a most powerful incentive for municipalities to clean up their effluents. Thereafter, full responsibility should rest with municipalities, with regulation and enforcement by State officials, and the Federal Government becoming involved only where the States are unwilling or unable to enforce compliance with standards, and where interstate or international waters are involved.

Industry should bear the costs of clearing up its pollution to meet water quality standards, passing the costs along to its customers. Where industrial wastes are discharged into municipal sewers, the full costs of treatment should be assessed against industry, as provided by the 1972 amendments.

2. *Cost-sharing and repayment*. The Commission proposes major changes in the cost-sharing philosophy underlying Federal water development. The most important thrust of the Commission's recommendations in this category is that the beneficiaries of Federal water programs should pay the full cost of such programs, including interest on deferred obligations at the market rate for Government bonds. Under the Commission's recommendations, this policy would be extended to the inland waterways and the reclamation, flood control, and drainage programs of the Corps of Engineers, Bureau of Reclamation, and Department of Agriculture. Flood losses should be reduced primarily by better flood plain management. Where structural measures for flood control are undertaken, the costs should be reimbursed by the beneficiaries to the extent they can be identified. Users of inland waterways improved by the Federal Government should pay the full costs of operation and maintenance through user charges based on a combination of fuel taxes and lockage charges or possibly ton-mileage charges. Cost of any new improvements should likewise be reimbursed in full, with interest, unless some overriding consideration such as national defense or other social purpose justifies Federal assumption of a portion of the costs. Acreage limitations on any new Federal reclamation projects should be eliminated after the Federal subsidy is taken away. Water users on existing Federal reclamation projects should be permitted to repay their outstanding obligations in cash or with interest at prevailing market rates on the outstanding balance in order to relieve themselves of the acreage limitations. Municipal and industrial water use should be the responsibility of non-Federal interests and no Federal subsidy should be provided except to achieve some clearly defined social purpose. Except for interstate carriers, drinking water quality standards should be enforced by the States. Recreation facilities should be provided at Federal reservoirs, with costs recovered by charges for the use of facilities to the extent possible. To the extent costs cannot be covered by user charges the facilities should be provided at public expense.

3. *Flood damage reduction*. Flood plains should be managed in such a way as to minimize exposure to flood damages, through an efficient combination of structural measures (where paid for by the beneficiaries), floodproofing, and nonstructural measures.

4. *Accommodation of environmental values*. The Commission recommends a number of procedural measures to improve the accommodation or balancing of important environmental or developmental values associated both with Federal water resources projects and non-Federal projects requiring licenses or permits to utilize water. Basically, the Commission's recommendations would call for resolution of differences at an earlier stage in the procedures than at present. This requires longer-range planning and integration of the several agency and judicial reviews which are now conducted separately.

5. *More efficient utilization of water*. The Commission proposes adoption of a large number of recommendations which would improve the use of existing water supplies. These cover ground water management, pricing for the use of water, improving water rights procedures, giving increased recognition to nonmarket values such as recreation and fish and wildlife conservation, increasing the efficiency of irrigation and municipal water use, and steps to increase the reuse of wastewaters. Almost a third of the Commission's specific recommendations are contained in this section of its report and the points covered are too numerous to be included in a brief summary of the recommendations.

6. *Interbasin transfers*. Because of the legislative history underlying the National Water Commission Act, the Commission gave special attention to questions involving interbasin transfers of water. Since interbasin transfers of water between basins lying in the same State are quite common and raise no particular problems, the Commission gives primary attention to interbasin transfers where the basin of origin lies outside the State where the water is to be used. The Commission recommends repeal of the existing laws which prohibit study of interbasin transfers by Federal agencies, and suggests three economic criteria which should be considered before any interbasin transfer is recommended as follows: First, a proposed project should be the least-cost way of securing a given supply of water; second, the net benefits generated by the transfer in the receiving area should exceed those that that same water would have generated in the area of origin, plus the full cost of the transfer, and third, the net productivity of the project should be compared to that of alternative investment opportunities. Direct identifiable beneficiaries should ordinarly be obligated to pay the full reimbursable costs of interbasin transfers, including monetary compensation to areas of origin for net losses incurred as a result of the transfer.

7. *Technological innovation*. Technological innovation should be encouraged by the creation of an Office of Water Technology incorporating and patterned after the Office of Saline Water in the Department of the Interior. The new agency should have responsibility for the desalting, precipitation augmentation, geothermal water recovery, and other water research and development activities of the Federal Government.

8. *Decisionmaking*. The Commission recommends Presidential adoption of the principles and standards for evaluation of water resources development along the lines proposed by the Water Resources Council as an aid to better decisionmaking. Better cooperative arrangements for planning should be instituted among the Federal, State, and local agencies involved. Public participation in planning should be encouraged.

9. *Discount rate for planning*. The Commission recommends retention of a discount rate based on the cost of long-term money to the Government, on the grounds that money for public purposes is available at those rates.

10. *Improving organization of the Federal Agencies*. In addition to the establishment of the previously mentioned Office of Water

Technology, the Commission recommends strengthening of the Water Resources Council by giving it an independent, full-time chairman and moving it into the Executive Office of the President somewhat as a parallel to the Council on Environmental Quality. Funds for river basin planning should be appropriated directly to the Water Resources Council and the grants to the States should be increased and extended. An independent board of review to examine federally funded water development proposals, river basin plans, and grant programs should be established in the Executive Office of the President. Basic data functions of the National Oceanic and Atmospheric Administration should be incorporated into the U.S. Geological Survey. Engineering work of the Corps of Engineers, Bureau of Reclamation, and Soil Conservation Service should be restricted to those water projects which cannot be handled as efficiently by States, interstate regional commissions, municipalities, or local special purpose districts.

11. *River basin planning and management.* The Commission favors Federal-interstate compacts for water resources planning and management in multistate regions, somewhat along the lines of the Delaware River Basin Commission and the Susquehanna s uld be especially oriented toward the specific problems of the basin. A special effort should be made to work out such an organization for the Great Lakes Basin looking toward eventual cooperation with Canada. Intrastate river basin authorities and federally chartered regional corporations should be used where appropriate.

12. *Metropolitan area problems.* The Commission recognizes that each metropolitan area has its own problems, so that there are no universal solutions. A number of suggestions are made to improve water resources management in such areas.

13. *Federal-State jurisdiction.* The Commission recommends enactment of a proposed national water rights procedures act which would, to the extent practicable, conform Federal water uses to State procedures, permit the United States to be joined as a party in water rights adjudication proceedings, clarify operations under the reservation doctrine, compensate water users who have inadvertently used water subject to prior Indian water rights, eliminate the no compensation rule under the navigation servitude, improve eminent domain procedures for the acquisition of water rights, and restrict the sovereign immunity of the United States with regard to water rights.

14. *Cost-sharing.* To implement its philosophy with regard to cost-sharing, the Commission recommends enactment of comprehensive legislation to encompass all aspects of cost-sharing policy in line with the previously stated philosophy.

15. *Financing water programs.* Since the Commission recommendations would place a much heavier burden on State and local governments, the Commission recommends that unrealistic legal barriers to efficient debt acquisition and management should be removed. If Federal tax exemption on the interest on bonds sold by State and local governmental entities is repealed, alternative provisions should be enacted to assist these governments with their bond financing burden.

16. *Basic data and research.* In order to increase the availability of basic data, the Commission recommends that the Water Resources Council should establish a water resources data referral center. Better environmental data should be collected, and as discussed earlier, the data collection activities of NOAA and USGS should be merged. With respect to research, the Water Resources Council should attempt to guide water resources research programs into areas needed to provide techniques for better water management, and as indicated earlier, the various research programs on water technology should be incorporated into an agency patterned after the Office of Saline Water in the Department of the Interior.

SOCIAL SERVICES REGULATIONS AND DAY CARE

Mr. HUGHES. Mr. President, on February 16, 1973, the administration issued its new regulations for social services. The regulations are lengthy and complicated, but it is now becoming clear that their impact may well be disastrous and that, contrary to the administration's loudly proclaimed intent of getting people off welfare, the effect will only be to add to present welfare rolls.

Today I wish to comment on only one aspect of the regulations—day care for the children of working mothers.

In late January, Mr. President, less than a month before the issuance of the social services regulations, the economic report of the President was transmitted to the Congress. In recognition of one of the great changes taking place in our economy, the report devotes a special chapter to "The Economic Role of Women" and acknowledges:

> The most difficult home responsibility to find a good substitute for is child care. . . .

The report's statistics bear this out; for example, by pointing to the fact that the unemployment rate for married women with children under 3 is 11.7 percent compared to a rate of 4.5 percent for married women with no children under 18.

Citing the particular difficulties facing the 6 million female-headed families, the economic report says:

> The median income of female-headed families was $5,116 in 1971, less than half the income of male-headed families ($10,930). When women who head families were full-time, year-round workers, the family's median income was $7,916; but only 32 percent of women heading families were able to be full-time, year-round workers. And the woman who heads a family and works has additional expenses of child care and other home care expenses.

In this same chapter, in its discussion of child care, the administration reiterates:

> Provision for child care is a cost to working mothers and a major obstacle to the employment of many other mothers who would work outside the home if they could find satisfactory arrangements for taking care of their children.

Arguments are presented pro and con on governmental involvement with the problem of child care. However, we get a glimpse of the February 16 regulations by the use of 8- and 9-year-old statistics on the kind of child care used by working mothers. Since these figures indicate that only 6.4 percent of working mothers depended on school or group care centers in 1965—only 1 year after the establishment of OEO and several years prior to the enactment of the social services provisions of the Social Security Act—it becomes clear that the attempt here is to show that working mothers do not want or do not prefer day care centers for their children and that there is thus justification for what they have promulgated under the social services regulations.

I suggest, Mr. President, that the day care picture is somewhat different in 1973 than it was in 1965 when, I reiterate, OEO was in its infancy and social services were not in existence. Hundreds of day care centers have since been established, largely through the availability of Federal financial help. The message I have received from Iowa's working mothers is clear. They prefer day center care for their children. They know the service will be reliable. They know that their children will receive good food, that medical emergencies will be met, that their children will be in learning situations, that their children will have the companionship of other children their own age.

But if the February 16 regulations go into effect, they will not only halt the growth of day care centers—they may well doom existing ones. The combination of the ban on the use of voluntary funds for matching purposes and the restrictions on purchase of services are of serious concern, but the new eligibility standards are devastating. By using the public assistance payment as the guideline and by defining eligible families as those whose income is no more than one-third above such payment, the doors of day care centers may well be effectively closed to all but WIN trainees and mothers who are working at subpoverty levels. The near-poor, single-parent family may well be forced to go on welfare; the struggling young couple may well find its income cut by one-third or one-half because the mother may have to give up her job; others will return to seeking the help of neighbors or resort to the notorious "latchkey."

Instead of destroying day care centers, Mr. President, we should be fostering their growth. It is a simple fact that millions upon millions of mothers must work and want the best care available for their children at a cost they can afford. We should not build barriers to the aspirations of hard-working families—we should eliminate them.

In conclusion, Mr. President, my mail on this one aspect of the social services regulations has been extremely heavy, and I ask unanimous consent that a sampling of that mail be printed in the RECORD at the conclusion of my remarks.

In addition, I intend to send copies of all my correspondence to Mr. Philip Rutledge, the Acting Administrator of the Social and Rehabilitation Service so as to make sure that these protests are officially registered. Undoubtedly many people have written to me because of uncertainty about the proper person in the administration to be contacted, and I think it is important that these letters be part of the "comment" upon which final decision with regard to the regulations is based.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CEDAR RAPIDS, IOWA,
February 26, 1973.

Senator HAROLD HUGHES,
New Senate Office Building,
Washington, D.C.

DEAR SENATOR HUGHES: Attached is a copy of a letter I sent to Mr. Philip J. Rutledge, Acting Administrator of Social and Rehabilitation Services of HEW.

I did not rewrite and rephrase a separate letter to you because I feel I have already said it as best I could in the letter to Mr. Rutledge.

I am terribly concerned about this impending legislation. It is so emotion packed I find it difficult to narrow the problem down to impersonal facts in outline form. I just hope I have expressed myself clearly enough so as to be understood.

Yours truly,
Mrs. ELEANOR COX, MSW,
Adult Service Supervisor,
Linn County Dept. Social Services.

CEDAR RAPIDS, IOWA,
February 26, 1973.

Mr. PHILIP J. RUTLEDGE,
Acting Administrator, Social and Rehabilitation Service, Washington, D.C.

DEAR MR. RUTLEDGE: I am writing you in reference to the proposed new rules regarding Service programs for families and children and for aged, blind, or disabled as outlined in the Federal Register dated Friday, February 16, 1973.

I respectfully submit to you that you have absolutely no idea what these cutbacks will do to the near poor who are struggling to stay off the welfare roles.

What you have presented is a program of services to people presently on categorical programs and a punishment for those who have managed to avoid becoming welfare recipients. In so doing you are defeating your own and President Nixon's stated purpose and are instead inviting an unbelievable influx of people to shed the work ethic you profess to believe in and go on the welfare roles in order to receive services.

With the implementation of revenue sharing, funds have already returned to cities and states, however, you are asking them to bear full responsibility for programs which previously were jointly funded with considerably more money than was returned to the local level. No way can adequate quality service be offered with a mere pittance of what they previously cost. Whatever services are picked up by the cities and states will be spread so thin as to leave an impact that is barely perceptible in any area where they are used.

Tell me, if your income was marginally above poverty level because you worked hard and long to keep it that way, what would you do if you suddenly needed, for example, day care or homemaker service or counseling? The new rules you propose to make into law would not allow you to receive these needed services because you would qualify neither as a past, current or potential welfare recipient. You certainly wouldn't be able to pay for these services yourself. What choices are left to you?

Would you allow your family to do without the services they sorely need or would you stay home from your job and take care of them. How then do you pay rent, buy groceries, care for ailing spouse and/or children? How many jobs are kept open for an unskilled employee trapped in this kind of situation, particularly in today's job market? Have you investigated average employee benefits available to unskilled workers?

If you care for your loved ones you have only one recourse: you quit your job and go on welfare. If you are an elderly and/or disabled adult you leave your home and enter an institution and go on welfare.

Please, with an open mind, I implore you to think about these things and rewrite your rules taking these things into consideration. You are really sabotaging your own program with those proposed rules. As a social worker and a nurse, I am deeply concerned about people—all people. As a taxpayer, I have no desire to have my taxes increased because of an unnecessary increase of people on the welfare roles.

I am aware via the printed word of Mr. Ehrlichman and President Nixon's feelings regarding social workers. I can only reply by inviting any or all of you out to Linn County to spend some time in our agency to see for yourself what we do here. I think it would surprise you.

Yours truly,
MRS ELEANOR COX, MSW,
Adult Services Supervisor, Linn Co., Dept. Social Services.

DES MOINES, IOWA,
February 27, 1973.

Hon. HAROLD E. HUGHES,
U.S. Senate,
Washington, D.C.

DEAR SENATOR HUGHES: I am appealing to you to help me and many other working mothers. I refer to the President's announcement to discontinue the current HEW Program. If his decision remains, thousands of mothers like myself will be left without competent care for their children while they work. I am divorced and the mother of three boys, therefore it is essential for me to maintain full time employment. My youngest child is enrolled in Wesley Day Care Center in Des Moines. Without financial aid such as the HEW Program, Day Care Centers such as this one could not operate. It is impossible for working mothers to carry the financial burden of the full cost of child care. Many mothers will have to give up their jobs, and many of us who cannot will have to find inadequate sitters for our children. Even an unsatisfactory sitter is hard to locate. I appeal to you to consider our plight and the many other consequences that this decision could bring. I ask you to do whatever may be possible as a United States Senator to see to it that this program is not discontinued.

Yours very truly,
MRS. KAREN CARMICHAEL.

FEBRUARY 28, 1973.

DEAR SIR: Presently my child is enrolled at Wesley Center City Day Care, Des Moines, Iowa. After much investigation in the fall of 1972, I chose Wesley Center since it offered me the opportunity of reduced cost for child care. Since I am a single parent with the sole responsibility of supporting myself and child. I had to resort to cutting my expenses in any way I could in order to meet my budget. Since I am of a middle income I have found that I am not eligible for other aids such as food stamps and ADC, however my gross income of $420 does not allow me much to exist on.

Prior to enrolling my child at Wesley Center I was paying a private sitter more money for not as many opportunities. I can not see any possible way I could manage to afford any more money than what I presently am paying. I feel also that my child is receiving very good care at Wesley Center which were not available at the private sitters I've had before. These things include good meals, trained instructors, and educational experiences, rather than mere custodial care.

If the new HEW regulations are not cancelled, I may be forced to quit my place of employment and turn to welfare. With the new income guidelines I could definitely not make use of Wesley Center.

REBECCA HAMPTON.

DES MOINES, IOWA,
February 28, 1973.

DEAR SIR: I feel that cutting of child care fund is unbecoming our government to think that the government of the United States of America would think so little of the children in their own country that they would deny them the right to proper care because their parents or parent must work to see that they have food in their mouth and clothes on their backs.

When the heartsick mothers leave the homes to make a living for their children, they want their children to be taken care of, and not have to worry. We get this at our day care center. I myself can not afford $25 a week for a woman to watch my child. This is not counting the worry I'd have and the concern for his meals. If the Tiny Tots is closed I will have to quit my job! Then I will have to go on welfare!

I do hope that you will consider that my son is a person and entitled to the same thing in life that your child has (if any).

Please help us keep our Day Care Centers as they stand now for our childrens sake.

SUSAN N. RAMOS.

DES MOINES, IOWA,
February 28, 1973.

DEAR SIR: I am the director of Wesley Center City Day Care in Des Moines, Iowa and vice-chairman of the Day Care Council. I am writing concerning the proposed H.E.W. regulations of February 16.

We are presently serving 54 children of which 33 are from single parent families. Private match money under Title IV–A is our chief means of funding. Under the proposed eligibility requirements 29 children presently receiving assistance would not qualify. Parents not qualifying would then have to meet this full cost of the child care or withdraw their children. With fewer children in the center our cost will have to go up. Therefore even the parents who now do pay the full cost will probably have to withdraw their children. Our center will either be severely crippled or have to close completely.

I have discussed this with the parents to find out their reactions. Most of them have to work to support their families and they absolutely could not afford the full cost of child care ($5.11 per day.) They would be forced to find a babysitter but this is difficult and they are often undependable and ill qualified. Also many parents could not afford the cost of a babysitter. The parents prefer the day care service because we provide trained staff members, health and social services, parent education, learning experiences and dependable high quality child care.

Many parents would be forced to receive public assistance for these reasons. Day Care helps parents help themselves by allowing them to train for and fulfill productive roles thus reducing welfare rolls.

I think you would have to agree that young children are one of our nation's most valuable resources. Their attitudes and personalities are formed by age five or six. How can we disregard this most important responsibility of caring for children with developmental child care (not custodial care) aimed at fulfilling their needs and strengthening families? We need high quality child care in the United States. The proposed H.E.W. regulations and restrictive eligibility guidelines will certainly destroy it. Please ask for the elimination of these proposed regulations. I ask for your help so that as director I don't have to turn away these 54 children April 1.

Urgently,
MS. JANA JONGEWAARD,
Director, Wesley Center City Day Care.

DES MOINES, IOWA,
February 23, 1973.

President NIXON,
White House,
Washington, D.C.

DEAR MR. PRESIDENT: I as a working mother whose son attends Wesley Center Day Care in

Des Moines, Iowa, cannot understand why you plan to veto the Health, Education and Welfare Program, therefore discontinuing its services to various worthy causes, such as our Day Care, as of April 1, 1973. I cannot tell you how important it is to our family for my husband and I to be able to go to work knowing that our son is being properly cared for, fed well and is being taught various things to enable him to be more prepared and aware of things when he goes to kindergarten. This is not only important to us as well as our son, but we could not afford to pay a babysitter what they would want for these services. It is hard enough now days to even make "ends meet" without having to worry about government funds being discontinued from helping to support the Day Care Center which takes care of our children.

My son is an only child and for him to be with other children his own age means a lot in itself. The children now days are so far advanced that they really need a start such as the Day Cares provide for them to cope with life outside of their own homes.

Please do not take this assistance that the Health, Education and Welfare Program provides away from us!

Very truly yours,
Mr. and Mrs. John Laratta.

Ankeny, Iowa,
February 27, 1973.

Hon. Harold E. Hughes,
U.S. Senate,
Washington, D.C.

Dear Senator Hughes: This letter is in regard to the severe cutbacks and total curtailment of programs within Health, Education, and Welfare. I would specifically like to speak to the cut in day care provisions.

I am not on welfare, I do not use food stamps, and I did pay income tax of over $1,300.00 last year. I am a working mother, and the prime support for a family of 3. I am currently paying a cost of $5.00 per day for the care of my 4 year old daughter, and receive no direct compensation for any part of this charge. However, with less funding available to the Wesley Methodist Day Care Center, they must let some staff go and fewer children will be able to qualify for matching funds and attend the center. I am told that this will raise my per diem cost to over $7.00 a day, which places a severe financial burden on our family income. I will probably have to abandon this quality day care and seek a cheaper form of care which will ignore my childs development needs and provide only a custodial function.

Please do what you can to prevent this cut as well as the proposed cut in other Social Services areas. My hardship is financial—others will lose much more.

Respectfully yours,
Mrs. Linda Ady.

Des Moines, Iowa,
February 22, 1973.

Hon. Harold E. Hughes,
U.S. Senate,
Washington, D.C.

Dear Senator Hughes: I am writing to protest President Nixon's planned discontinuance of many current HEW programs as of April 1st. It is inconceivable to me that the President is using his power to encroach upon the powers of the legislative branch, and that Congress is seemingly willing to let this violation of our constitutional "separation of powers" principle take place. I feel that Congress is partly responsible for allowing the opportunity for a single man to exercise this frightening misuse of power.

I am equally appalled by the whole system of priorities in our country today. Programs designed to help the desperately poor, the families of working men and women whose meager incomes are supposedly adequate according to federal guidelines—these are being passed over in favor of much costlier military and defense spending. HEW is constantly criticized for wastefulness and inefficiency, but how can the waste in HEW's budget begin to compare with the incredible waste of the larger Defense Department? At least HEW is trying to devise ways to help people, not destroy them.

I am upset by many of the cuts Mr. Nixon has decreed recently, but I am especially shocked at his intention to cut funds available to day care programs—one of the most effective forms of assistance in that it enables people to "help themselves" which Mr. Nixon verbally favors. I believe that most people possess the tragic notion that welfare recipients live a life of leisure at the taxpayer's expense. Knowing how these people really live and knowing the attitudes of those who have no contact with their problems brings me to tears. Even if our country chooses to ignore the needs of adults who are caught in a situation they feel helpless to change by themselves, how can we ignore the needs of children? How can we expect to build a better life for them and a better world for us if we do not put quality care for our children high on our list of national priorities?

I implore you to do everything in your power to stop Mr. Nixon from single-handedly deciding our nation's priorities. Especially try to stop him from widening the class division in our country by ignoring the needs of the poor, the near-poor, and the minority groups for the sake of increased military expenditures and favors to big business.

In love for mankind,
Mrs. T. K. Smith.

February 27, 1973.

Dear Senator Hughes: Our two girls are enrolled at Wesley Center City Day Care here in Des Moines, Iowa. Our day care is one that is now receiving Federal funds that the President wants to take away. I'm writing this as a very concerned parent who hopes you can help us and all the other parents whose children attend day care centers.

I don't feel that my children would receive the excellent care they are receiving if we had to go back to a private sitter. The staff is trained in child care and believe me they are good with children! Our children have really developed, "come alive," since attending the day care. They can relate to both children and adults now, which they, especially our youngest, just couldn't do with a private sitter who provided nothing more than someone to be there to see that they didn't hurt themselves. They have learning experiences now; they have other children to play with; they get good, well-balanced meals; all of which they did not get with a private sitter!

We are a middle-income family, but we wouldn't be if I had to quit work. And without the peace of mind that I have with my children at the day care, I might have to quit working. It would be impossible to find the kind of care they are receiving now. If I have to quit work, my family would still be able to "survive" because I am lucky enough to have a working husband. But we wouldn't be able to pay our house payments and all the other bills we have. We couldn't qualify for welfare so we would lose our home most likely, or maybe our refrigerator, or maybe something else.

So please, help us and the others like us—all the people who are being affected by this unreasonable proposal by our President. It doesn't even make sense!

Stop the HEW cutback!

Mrs. Lonnie L. Greenfield.

Hardin County,
Department of Social Services,
Eldora, Iowa, Feb. 12, 1973.

Hon. Harold E. Hughes,
U.S. Senate,
Washington, D.C.

Dear Sir: As Day Care, Headstart, and other early childhood education programs are coming under fire of the present administration, I would like to bring to your attention the positive results and urge your continued support of these programs.

In spite of the pros and cons about mothers working, it is a fact that more and more mothers are joining the work force of our country. Single parents are working to support their families, mothers from low and middle income class homes are working to supplement the family income and more welfare mothers are working due to emphasis on work requirements. The question then is not whether mothers should work but whether children will receive quality babysitting.

Day Care Centers are designed to care for children in a warm and supportive atmosphere where they learn to interact with other children. They are exposed to elementary educational concepts such as numbers, letters, etc., and are given opportunity for creative self-expression in activities such as art and music. In Hardin County there are two Day Care Centers, one in Eldora and one in Iowa Falls. Both provide superior child care.

Since attending day care in our County, one child has had a nine point IQ increase. This is an appreciable increase especially in view of the fact that the child was originally labeled as severely retarded and is now up to the functional level of mildly retarded.

Day Care and other types of early childhood education can and do make a difference for children. The change may be in IQ, in socialization, in receiving nutritious meals and in giving the culturally disadvantaged child a background for school. The children are the future. They should receive every opportunity.

Day Care, Headstart, or pre-school will help all children but most of all, it may be the differnce that will break the cycle of poverty for some children. This is bcoming more of a reality due to the highly successful program of Follow-Through which is a follow-up program in the school systems after Head Start. Our prisons, training schools, ad welfare rolls are filled with people who did not have a chance when they entered kindergarten. Let's make the chance possible.

Funding for Day Care continues to be a problem since quality care is expensive and even working families cannot afford to pay the full price. In addition, Hardin County, does not have Headstart. The Day Care has been used as an alternative for several of the disadvantaged children. Yet, there is still not enough funding to cover all the children who do need a "headstart". Therefore, I urge you to vote for more, not less, funding for Day Care, Headstart, and other early childhood education programs.

To further know the facts, you are urged to visit Day Care Centers and Headstart classes.

Sincerely,
Sharon Willans, SW II.

Iowa Children's and Family Services,
Des Moines, Iowa, March 1, 1973.

Hon. Harold E. Hughes,
U.S. Senate,
Washington, D.C.

My Dear Senator Hughes: I am writing to let you know how much I appreciate your support of "people programs" rather than gross expenditures for the military.

Traveling over Iowa in relation to Head Start training and working with inner-city child care programs in Des Moines, I am becoming increasingly agitated and furious about the callous indifference to the effect holding back money to programs and threatening their demise has upon people at the lowest level of our economic society. Repeatedly we initiate programs in their behalf and expect that they will be delivered with one hundred percent effectiveness with absolutely no "rip-off" by the individuals involved in the delivering of the services although such behavior is commonly accepted from those in the highest level of our society.

I know very well, since I have been a part of the system all my working life, that much reform is necessary within the welfare system. I can also buy the concept of revenue sharing, although I am dubious that all state governments will be objective enough to include in the benefits of this revenue sharing all segments of their population on an equal basis. However, I am adamantly against using poor people who have to struggle against such odds as a political football.

Child care services of a comprehensive nature have given tremendous encouragement to families who are trying desperately to improve their situation. These families have learned to participate in the governmental process through taking an active role in managing their child care programs. It is sad to see how easily the old sense of helplessness and hopelessness can come to the surface when they read about restriction of service to ninety percent of those on welfare. The person who is trying to get off welfare and doing so at the marginal level where his employment does not provide enough to make life any easier, relies on the services of a comprehensive child care facility to keep going and to ease the transition. In the few years Federal money has been available to assist in the development of community-based programs, we have seen many established. Now it looks as though the same thing is going to happen as has happened in the past—just at the time they have pulled themselves up to a level of half-way adequate operation, they get threatened with extinction.

I know you are doing all that you can to confront the administration with its selected priorities and support you in this effort.

Sincerely,

Mrs. Elizabeth S. Turner,
Consultant, Community Development.

Boss Hotels Co.,
Des Moines, Iowa, March 1, 1973.

Hon. Harold E. Hughes,
U.S. Senator,
Washington, D.C.

Dear Senator Hughes: Since my semiretirement approximately five years ago I have become very interested in Social Welfare work here in Des Moines, especially the Day Care Centers.

Recently we have been working with a center which is under the direction of a Sister Lillian Chance and is located in the Chapel of the old Dowling High School. This is a very fine fireproof building. However, we need to spend some $30,000 on improvements such as: a kitchen, rest rooms, and heating and other structural items.

We have our committees all set to raise this $30,000 from the various Catholic Churches in the city of Des Moines, which we know will be no problem. The real problem now comes from HEW in that the Federal Funding of this program for children whose parents cannot afford to pay is to be discontinued by April 1st.

Of the 60 to 70 children that Sister is taking care of in this center, 90 percent are from single parent families. The mother is working to stay off relief, and of course the Day Care Center is taking care of the child or children while the mother is working or attempting to learn a trade which will permit her to stay off the relief program.

I am aware of the State Revenue Sharing Program from the Federal Government which, I understand, for the State of Iowa will amount to some 76 million dollars.

Perhaps our State Legislature will use a portion of this money to keep the Day Care service in effect. However, I am sure that no funds from the State will be available for any Social Welfare Program which was Federally financed by April 1st.

At a large gathering of concerned Des Moines citizens, held last night at the Plymouth Congregational Church, the enclosed resolution was passed after much thought and discussion. I am appealing to you to read this Resolution and then act likewise by keeping Federal Funds available until such time as the State of Iowa provides sufficient funding for this program; or the Federal Government decides to continue to provide funds for this very important aspect of our Social Service here in Des Moines.

Very truly yours,

Herbert H. Drey,
Insurance Manager.

A Resolution

Four years ago President Nixon called for a shift from welfare to workfare, with ablebodied persons in jobs and day care centers for children of working mothers or mothers training for jobs.

Existing day care agencies expanded their programs, and new centers were established to meet the increasing needs, supported in part by various federal funds. A recent survey showed Polk County had 5,000 children needing day care, but existing facilities accommodate only about 1,900.

The federal department of Health, Education and Welfare has now ruled that as of April 1 eligibility restrictions on Title 4–A day care funds will be sharply tightened, drastically reducing the number of children who can be served. Many centers in Polk County will have to dismiss a substantial portion of their children and teachers; some centers may have to close.

Federal officials have suggested that revenue sharing funds be used to offset loss of Title 4–A money. But it seems impossible for any of this money to be available for day care by April 1 or soon thereafter.

Therefore, we citizens of Polk County, assembled at Plymouth Congregational Church in Des Moines this 28th day of February, 1973, hereby ask the Department of Health, Education and Welfare to suspend implementation of the new Title 4–A day care guidelines until other sources of money can be found.

We call upon the Des Moines City Council, the Polk County Board of Supervisors, the Polk Couny Board of Social Welfare, and the Iowa State Legislature, to make similar requests of HEW.

THE DISTRICT OF COLUMBIA PENAL COMPLEX AT LORTON, VA.

Mr. SCOTT of Virginia. Mr. President, the General Assembly of Virginia has passed a joint resolution memorializing the Congress to undertake corrective action at the District of Columbia's penal complex at Lorton, Va. The action suggested by the General Assembly is that the prison complex be transferred to the U.S. Bureau of Prisons which is the purpose of S. 375, a measure I introduced. Copies of this memorial have been sent to the chairman and ranking member of our District of Columbia Committee and a request has been made that after obtaining the desired agency reports, hearings be held so that the suggested transfer can be given full attention by the Congress.

You may remember that a similar provision was included in the House version of the District of Columbia omnibus crime bill but was deleted in a conference with the Senate.

The situation at Lorton has gotten so bad that the Virginia Attorney General has filed suit suggesting that it be declared a public nuisance.

Mr. President, corrective action by the Congress is long overdue and I hope we can move soon in accordance with the wishes of the people of Virginia to have this prison complex transferred to Federal jurisdiction. I ask unanimous consent that a copy of the House joint resolution of the General Assembly of Virginia memorializing the Congress to take corrective action be included in the Record at this point for the information of my colleagues.

There being no objection, the resolution was ordered to be printed in the Record, as follows:

House Joint Resolution No. 229

Memorializing the Congress of the United States to undertake corrective actions at the Lorton Prison Complex to insure proper administration and security of that facility.

Whereas, the District of Columbia's penal institution at Lorton, Virginia is unique in that it is physically located within the confines of the Commonwealth of Virginia; and

Whereas, the administration and control of subject facility is exclusively that of the District of Columbia government with no participation by local or State governmental officials or agencies; and

Whereas, there have been one hundred thirty-seven instances of prisoner escapes during the nineteen hundred seventy-two calendar year, an increase of fifty-eight over nineteen hundred seventy-one, endangering the lives and safety of Virginia citizens; and

Whereas, the administrators of subject facility have responded to local citizen concern in an arrogant and most uncooperative manner; and

Whereas, citizens of Virginia have been captured in their homes, kidnapped and escapees of the Lorton Complex have been charged with the murder of a police officer; and

Whereas, there have been fifteen inmate assaults on prison officers and sixty-three cases of assaults by inmates upon inmates with three violent deaths; and

Whereas, the consumption of alcoholic beverages and use of hard drugs has become commonplace within the prison complex with four recorded instances of death due to drug overdose in nineteen hundred seventy-two; and

Whereas, escapes have taken place at Lorton Prison and gone unreported to Fairfax County, Prince William County, and State law enforcement agencies, for as long as an eight hour period of time, endangering the lives and safety of Virginia residents; now, therefore, be it

Resolved by the House of Delegates, the Senate of Virginia concurring, That the Congress of the United States is memorialized by the General Assembly of Virginia to give its most expeditious consideration to transferring the control of the Lorton Prison Complex to the Federal Prison Systems, and to undertake corrective actions to insure proper administration and security of subject facility.

Resolved further, That the Clerk of the House of Delegates is instructed to send copies of this resolution to the Clerk of the House of Representatives and the Senate of the United States Congress and to the Virginia delegation in the Congress.

Agreed to by the House of Delegates, February 7, 1973.

Agreed to by the Senate, February 23, 1973.

FRED A. HENRY LETTER

Mr. McCLELLAN. Mr. President, I recently received a communication from one of my constituents, Mr. Fred A. Henry, of Pine Bluff, which I would like to share with the Members of this body. It is, I believe, an eloquent expression of the views on a number of public issues which now concern a large majority of the American people.

I find Mr. Henry's condemnation of irresponsible and unrestricted Federal spending particularly pertinent at this time of fiscal crisis. As he so correctly observes, the Federal Government cannot continue to spend more money than it takes in.

I believe it is imperative that we exert every effort to restore sound fiscal policies to the operations of our Government. A balanced budget should be—and must be—our primary and ultimate objective.

I ask unanimous consent that Mr. Henry's letter be printed in the Record.

There being no objection, the letter was ordered to be printed in the Record, as follows:

Pine Bluff, Ark., *March 2, 1973.*

Hon. John L. McClellan,
Senate Building,
Washington, D.C.

Dear Sir: I'm not very good at expressing myself in any form but I am satisfied that you are a master at understanding what anyone is trying to tell you.

As a faithful voter and a true American I want you to know my thoughts on the following issues.

1. Amnesty—Anyone that flees this country to avoid the draft is not needed by us. Do not accept them back in the country. They are the type that might work with the enemy if (God forbid) this country is invaded by a foreign power.

2. Aid to North Vietnam—No—That's a job for Russia, China, etc.

3. Aid to South Vietnam, Laos, & Cambodia—Yes.

4. Government Spending—I'm always speechless when I think of the brains, knowledge, & skill that is found in the U.S. Congress. It is the greatest gathering of brains the world has ever seen, but it seems they can't handle one of their most important jobs.

I would have been bankrupt already if I had handled my personal finances the way the Congress has handled the American peoples money. The Congress should have a budget and be sure that they do not appropriate or spend more money than they receive. If more money is needed—increase taxes.

5. Welfare—Do not give anything to anyone that is mentally and physically able to help himself. I realize that others will need help from time to time. Whatever we (The American People) furnish be sure to let them work for it. This will save the self respect of the Good American and discourage the undesirable person.

6. Law and Order—When I was a boy my father got my co-operation much quicker by carrying me to the woodshed than by trying to figure out what "he" had done wrong that made me a mean little boy. This idea will work nationwide now.

7. Pollution—Let's clean up our air, lakes, and streams but don't throw our money away. Police our laws and make sure that we are getting our money's worth.

8. Inflation—This is just a way to reduce the standard of living of the elderly that has retired on a fixed income.

9. "The loud mouthed fringe"—It seems that the only thing they want to talk about is their "rights". Someone needs to demand that they live up to their responsibilities. These go hand in hand in my book.

10. National Security—Our country is too big a ripe plum for us to be anything but a first class military power.

Thank you so very much for letting me express my opinions.

Sincerely yours,

Fred A. Henry.

THE GEOTHERMAL WELL IN ARIZONA

Mr. FANNIN. Mr. President, last January 23 I informed the Senate of a privately funded project in Arizona to develop the State's first geothermal well. At that time I said I would keep my colleagues informed regarding the developments.

I am most happy to report that the drilling has struck superheated water. There still are many questions to be answered before the project can be declared a success, but the news to date certainly appears encouraging.

The well is being drilled near Chandler, Ariz., by Geothermal Kinetics Systems with financing from the Salt River project, Arizona Public Service, and Tucson Gas & Electric Co.

In less than 2 months they have created a geyser which shoots out a column of steam every 7 minutes.

Mr. President, an article describing the progress appeared in last Saturday's Arizona Republic. I request unanimous consent that it be printed in the Record at this point for the benefit of my colleagues.

There being no objection, the article was ordered to be printed in the Record, as follows:

Chandler Well Spurts Steam

(By Robert L. Thomas)

Chandler.—Arizona's first geothermal well has struck superheated water near Williams Air Force Base, causing a geyser of steam to erupt at seven-minute intervals.

Temperatures of the underground water body are not yet known, Mike O'Donnell, Geothermal Kinetics Systems vice president, said yesterday.

Surface temperatures, however, are well above the 212 degrees Fahrenheit at which water boils and the water from the well "is flashing into steam," O'Donnell said.

Surprisingly O'Donnell said, the water is sweet. Most geothermal wells, because of their depths, encounter hot, salty water.

"It's sweet; it's drinking water," he said. "I just finished a big glass of it."

Geothermal Kinetics Systems, aided financially by the Salt River Project, Arizona Public Service and Tucson Gas and Electric Co., is drilling in a former cotton field owned by Power Ranches, Inc.

The company and the utilities are hoping to demonstrate that a field of geothermal steam lies below the surface and that this steam can be harnessed to power steam-driven electrical generators.

Such a steam plant is virtually pollution free and the underground steam, propelling itself from the ground without pumping, is a long-lasting, cheap source of power.

If the water remains sweet, it will give the drillers valuable side benefits because it can be used either for drinking or for irrigating crops after turning electric turbines.

In other geothermal wells in California and Mexico the salty, often highly mineralized water must be disposed of in various ways. They include storing it in evaporation basins, turning the water into steam over and over again until the minerals and salts remain, or allowing it to drain into the sea.

According to O'Donnell, the drillers plan to continue drilling to test the size and extent of the hot water body.

He declined to say how deep the well is, other than that it is below 4,500 feet.

"We're just getting into it (the steam field) and we're going deeper," he said. "We have ordered an additional 3,000 feet of pipe."

The steam is jetting from the well at near the speed of sound, and the roar is muffled by a giant silencer. From the silencer the steam is directed through a pipe and into a drainage basin.

At intervals of seven minutes, the steam shoots out into a column 100 feet long, O'Donnell said.

"It's really something, like Old Faithful," he said. He referred to a natural steam geyser in Yellowstone National Park which erupts on a regular schedule.

O'Donnell said the drillers have a hole 9⅝ inches in diameter at the base of the well and are probing a bed of hot volcanic rock.

In an interview last month, Ward Austin, geologist at the drilling site, said highly sensitive seismic devices have detected 5 to 10 tiny earthquakes—too small to be felt by man—every day during tests prior to the drilling.

This, he said, was an indication that a subterranean intrusion of molten volcanic rock far beneath the ground was present. This hot rock, in turn, heats the underground water to far above the boiling point.

The steam cannot escape to the surface because of overhead layers of impermeable clays that contain it much the same way a pressure cooker does.

But the great pressure has caused some expansion of the surface over the years that has resulted in the formation of some large cracks in the ground near the San Tan Mountains a couple of miles south of the drilling site, Austin said.

ELECTORAL REGISTRATION BY MAIL

Mr. McGEE. Mr. President, during our examination of voter registration by mail in the Senate Post Office and Civil Service Committee, we have found that many people are concerned with the practicality of a registration-by-mail system. For this reason, it occurred to me that my colleagues might be interested in the statement of Mr. Willard A. Morris, the administrator of Maryland's board of elections, regarding his experience with registration by mail.

Mr. Morris told a committee of the Maryland State Senate:

> We in Maryland should not be alarmed by registration by mail—we already have it—and it does work. We register, by mail, members of the Armed Forces, the Merchant Marines, the Red Cross, the USO, and other organizations serving the Armed Forces outside of the United States, civilian employees of the United States serving outside the United States, all of these including their spouses and dependents. In addition, for years we have registered the ill and disabled by mail. Since the 1970 Voting Rights Act amendments, we have had mail registration for any citizen of Maryland who was away from home during the last month of registration during an election.

Mr. Morris included in his remarks a comment about the question of fraudulent registration under a registration-by-mail system. He said:

> In all of these mail registrations, there is no face-to-face oath taking. The citizen's own signature under penalty of perjury is the attestation.

Mr. Morris clarifies the question of where the responsibility of voter registration lies—with the Government or with the people. He says:

> Contrary to the opinion of many, the Constitution guarantees to the citizens the right to vote and the courts have consistently said voting is a right and not a privilege.

Before Mr. Morris was Administrator for the State Board of Elections, he had extensive experience as a local election official and can speak with considerable authority and expertise in this area. The concluding paragraph of his statement points out the monetary and other benefits local registration officials will gain by a registration-by-mail program. He said:

> The State Board supports the concept of registration by mail. The prospect of federal funding will make it possible for local boards that are neither staffed nor funded for extensive registration to provide a registration opportunity to attract the largest number of voters. In so doing, the local board will no longer be the obstacle to registration. The blame will be squarely on the perspective voter.

The statement I have quoted from was made for the purpose of encouraging the Maryland State Senate to adopt a statewide registration-by-mail system. Mr. Morris' voter registration jurisdiction stretches from the lonely rural routes of the Eastern Shore, through the streets of Baltimore, to the suburban neighborhoods of Metropolitan Washington. Experience with these diverse areas has led him to believe that the prudent course for his State is a registration-by-mail system.

Mr. Morris' foresight is to be commended and the citizens of his State will indeed be the benefactors of his wisdom.

THE U.S. BICENTENNIAL

Mr. TOWER. Mr. President, in 1976 the United States of America celebrates its bicentennial. There have been organizational problems and some lack of unity in the American Revolutionary Bicentennial Commission's efforts in the past but I now sense an impetus, a fresh outlook, and an increased motivation across the Nation to get down to work and make our 200th birthday celebration meaningful to every citizen.

I support and commend the goals of the ARBC that emphasize local celebration of the event, celebration on the grass root level which gives every locality, no matter its size, an opportunity to participate in the bicentennial. Granted, it is important that we attract foreign visitors to the celebration and that our more historic locations and large urban areas participate fully in the celebration. But I also appreciate hearing of the parks, musuems, and public school programs that are being planned on the State and community level.

In my own State of Texas, 28 cities are working on major projects. The ARBC of Texas has proposed such projects as a series of illustrated, educational pamphlets stressing the historical ties of Texas with the Revolution; a series of publications, traveling exhibits, audiovisual aids and a speakers bureau to reaquaint the Texas citizenry with its cultural and ethnic diversity. In Texas, we have an excellent opportunity to educate our citizens as to the contributions of each group to the development of our State. Each community in Texas has been asked to plan and execute a permanent improvement as a gift to the Nation on its 200th anniversary.

Individual bicentennial programs involving the environment, the arts, and the schools and universities of Texas are being developed and industry and businesses are also being encouraged to participate.

This is just a brief overview of what Texas is planning to do to celebrate our Nation's bicentennial. We hope that the other States and the Nation as a whole is as enthusiastic as we are about this celebration and will work with us toward the goal of 1976.

TAXPAYERS SUPPORT FREE DINNERS AT FORT LEE

Mr. PROXMIRE. Mr. President, the Army's "charm school" for training military servants at Fort Lee, Va., is operating a gourmet food service for civilian guests at taxpayer expense.

Several times a year when a class is about to graduate from Fort Lee, the school puts on an extravagant formal buffet at the officers' open mess or the noncommissioned officers open mess. These events are given in honor of "Founders Day," the Boy Scouts of America, the Virginia State College or any other excuse the school determines. Often there are hundreds of guests. For example, on March 2, there were 275 guests for Founders Day. March 5 brought 290 guests for the Boy Scouts. On March 7, the NCO Club and guests included 275 people. Until very recently these events were provided to guests and military personnel free, or rather at taxpayer expense. Now, in response to my investigations, a nominal charge is being levied, but one that does not include reimbursement for service as well as food.

Buffets such as this go on on an average of at least once a week.

ARMY BUDGET PROVIDES FOR CULINARY ART SHOWS

In addition to free food for guests, the Army sends its cooks across the country at taxpayer expense to demonstrate their cooking skills. In the last 6 months, Fort Lee cooks have been sent to gourmet cooking shows in Richmond, Va., for 4 days, Detroit, Mich., for 7 days, and Washington, D.C.—Epicurean Club—for 5 days. This is paid for out of training funds and requires a refrigerated van, two drivers, and certain exotic equipment. The Army representatives make beef wellington—a crown roast stuffed with wild rice dressing, pink champagne cake supported by champagne glasses, and as their specialty, lobster charioteer, which is a team of six lobster horses pulling a chariot carved from a watermelon. All at taxpayer expense, of course.

FOOD CONSULTANTS—$100 A DAY

Along with the regular chefs, Fort Lee has hired some retired military "consultants" at $100 a day to assist in food preparation and instruction.

The Fort Lee situation cannot be tolerated. What is this if not a "pocket of fat?" In no way does the Fort Lee servant program contribute to national security. Granted it does provide a plush life for our generals and admirals. But it does not make us better prepared to face our adversaries. In fact, it encourages a fat and lazy officer corps.

I have introduced a bill, S. 850, that would prohibit the use of enlisted men as personal servants. Aides for military purposes would be allowed but no more car washing and swimming pool cleaning. No more errands for family members and bartending for private parties. The program at Fort Lee would be terminated. I urge the Senate to act on this bill.

STATEMENT OF SENATOR HATFIELD BEFORE THE SENATE JUDICIARY COMMITTEE ON CONSTITUTIONAL RIGHTS

Mr. HATFIELD. Mr. President, yesterday, I testified before the Senate Judiciary Subcommittee on Constitutional Rights on behalf of my legislation to protect newsmen from forced disclosure of their confidential sources and information. I ask unanimous consent that my statement before the subcommittee be printed at this point in the Record.

There being no objection, the statement was ordered to be printed in the Record, as follows:

STATEMENT OF SENATOR MARK O. HATFIELD

Mr. Chairman, I am here this morning to testify on behalf of legislation which should never have become necessary. For nearly two hundred years, the First Amendment has guaranteed the people access to a free flow of information by preserving and protecting the press' function of gathering and disseminating news and opinion. But now that function is threatened by judicial interference and legislation is required.

At the time of its writing the First Amendment must have seemed foolish to some, even as it does to some today, for newspapers in the early days of our Republic were frequently little more than scandalous, polemical broadsides. Even Thomas Jefferson was once prompted to write, "nothing can now be believed which is seen in a newspaper." But the Founding Fathers had the wisdom to discern that the quality of the publication was not the government's business, but the people's, and in order for the people to be the judge of the press' integrity, it had to be protected from government control.

Simply put, the First Amendment means that the people, not the government, are the arbiters of truth, and this has to be so for democracy to survive. As Justice Learned Hand said, "the First Amendment presupposes that right conclusions are more likely to be gathered out of a multitude of tongues than through any kind of authoritative selection. To many this is, and always will be, folly; but we have staked upon it our all."

Apparently we have lost sight of that vision, and the crux of our free society is threatened. For since the Supreme Court's decision in the case of *Branzburg* v. *Hayes*, the courts have seen fit to issue subpoenas and harsh contempt of court rulings that threaten the people's right to know by interfering with the press' news-gathering and reporting activities.

I do not believe that I need to dwell at length on the implications of the Court's ruling. We would not be here today if this were a matter of little consequence. But I would like to refer to one episode before moving on to a discussion of my bill.

In 1966, Miss Annettee Buchanan, editor of an Oregon student newspaper, was called upon to divulge the identities of unnamed persons referred to in a story about marijuana use among students. She refused to disclose this information, pleading a protection against such disclosure under the First Amendment. But the Oregon Supreme Court found that the First Amendment did not afford such protection, and ordered Miss Buchanan to comply with the order. She did not, and was fined for contempt of court.

I have mentioned the case of Miss Buchanan to illustrate that judicial interference with the press did not originate with the case of Earl Caldwell, nor is it confined to well-known reporters working for prestigious papers. It is important to remember that what is at stake here is not just the rights of a few large newspapers or wire services, but also the rights of the small dailies and weeklies throughout the country. Indeed, the protection of these rights may be more important to small newspapers and broadcast stations, for they lack the legal and financial resources to combat a flurry of subpoenas. If they are forced out of business because of high court costs, our supply of information will be limited further.

Free from interference, the press is able to provide us with information on what is happening in all levels of government. Without that information we would have only the unchallenged assertions of public officials themselves, making it virtually impossible for us to make informed judgements placing blame where it belongs, giving credit where it is due.

Our right to know does not merely extend to the relationship between the press and the government, however. The press reports on the entire society—its truth and its sham, its beauty and its ugliness. Without such knowledge about all aspects of society, the people cannot respond in a rational and principled way. Newsmen's efforts to penetrate the hostility and suspicion of dissident groups will be impeded if these groups feel that anything newsmen learn will be subject to forced disclosure. Any disruption of the already tenuous channels of communication between alienated segments of our society is a loss we can ill afford.

I have therefore introduced Senate Bill 451, to protect newsmen from forced disclosure of their confidential sources and information, except when a newsman is the defendant in a libel action. I have made no attempt to define who is a newsman, for I do not wish to limit this protection to those who qualify under some professional standard, or those whom newsmen themselves define as newsmen. Nor should this privilege extend only to professionals, but to amateurs as well. Student reporters, like Annette Buchanan, are not professionals, but the information they supply can be as vital to our society as that of professional reporters.

I would also like to point out that this privilege extends to those "independently engaged in gathering information for publication or broadcast," so that free-lance journalists and authors will also be protected.

I have qualified an absolute privilege by prohibiting a newsman from claiming the privilege when he is the defendant in a libel action. Thus a newsman, if sued for libel, may not attribute allegedly defamatory information to a "reliable source" and then use that source in his defense without identifying him.

Sixth Amendment rights are involved in the granting of any testimonial privilege, and particularly so in this instance. We should not allow the press to escape accountability to the public for the publication of defamatory information.

It has been argued that this qualification will expose newsmen to court action from irate public officials whose record has been criticized by the press, and in that court action the newsmen's confidential sources will be disclosed. I do not believe that will happen, if my understanding of the Eighth Circuit Court of Appeals ruling in the case of *Cervantes v. Time, Inc.* is correct. In that decision, the court ruled that since the plaintiff was a public official, there had to be a concrete showing based on evidence apart from that supplied by the reporter, which indicated that the reporter had acted with malice or in reckless disregard of the truth.

Beyond this one exception to an absolute privilege, I feel further qualifications will erode the basic intent of the bill and subject the press to continued judicial interference. To rescind the privilege on the grounds of "overriding national interest," for example, makes the integrity of the privilege fluctuate along with the vagaries of partisan politics. I doubt very much that it was in the "overriding national interest" to send Earl Caldwell to jail for withholding information on the activities of the Black Panthers.

Perhaps this would not be a problem if the government, despite announced intentions to the contrary, had not lapsed into classification of great volumes of documents. The people, not just the government, have a stake in determining what constitutes the national interest. They must have information on what their government is doing for them, to them, or in their name before they can make rational judgments as voters. This was a principal reason for my support of Senator Ervin's bill to extend the time period for Congressional consideration of the proposed New Rules of Evidence. Rule 509 would protect both "secrets of state" and so-called "official information" from disclosure in judicial proceedings, and give government officials the sole power to decide what the people should know.

Even now, precious little information about government operations escapes the labyrinth of the federal bureaucracy or the Congress. Frequently, the only information we have is obtained through "leaks" by confidential sources. While we press for declassification of government documents and open Congressional committee hearings, we must protect these sources. The cases of Ernest Fitzgerald and Gordon Rule indicate what will happen if confidential sources are forced to reveal themselves as the sources of information embarassing to the government.

Nor do I believe that the privilege should be divested if the information sought is unobtainable from other sources. We should not compel the press to do what law enforcement agencies cannot or will not do for themselves. To do so would make the press an investigative arm of the government, which would, in Justice Potter Stewart's words, "harm rather than help the administration of justice."

Finally, you will note that my bill does not extend to the states. I urge the states to enact newsmen's privilege legislation, and I am pleased that the Oregon Legislature is considering a bill very similar to my own. But I do not believe that the Congress has the authority to impose what is essentially a rule of evidence on the state courts. This was another of my objections to the proposed New Rules of Evidence, and why I supported the move to prolong consideration by the Congress.

There is a sense in which I regret our being here today. Perhaps this issue would have been better resolved in the courts on a case-by-case basis, as it has been in the past. But these hearings on this issue may serve as a beginning for the examination of broad issues concerning First Amendment freedoms. Shield legislation for newsmen should serve as a catalyst for our consideration of the over-classification of documents, claims of executive privilege, Congressional procedures, accessibility to the media, monopolization of the media, control of both commercial and public broadcasting, grand jury procedures, and court "gag orders," to mention but a few.

As A. M. Rosenthal recently wrote, "we have come to the point, sorrowfully, where we really do not *expect* our Governments to tell the whole truth or even a goodly part of it." A number of citizens would level the same charge at the press. If this situation is to be favorably resolved so that the people will be able to trust those that inform them, we must first act to protect the press from the government, and then move to set our own house in order so that the people's confidence in their government can be restored.

INTERVIEW WITH FREED PRISONER OF WAR

Mr. GRAVEL. Mr. President, I am gratified to join my colleagues in the Senate and all Americans in welcoming our prisoners home. They are coming home from a tragic war to resume their lives, but it is doubtful that the memory of that conflict in Indochina will end there.

The American public's attention to the prisoners has recently been shifted from their various political roles to their now impending personal ordeals. It is inevitable that this shift of emphasis will result in much confusion and misunderstanding. It is, therefore, important that Americans understand fully how the prisoners were treated and what kind of relationship the Vietnamese and captured Americans maintained.

An interview with a released prisoner was recently brought to my attention which deserves to be noted, because of its detailed description of one man's experience as a prisoner in Hanoi. It challenges the stereotype many Americans have of prisoners being tortured and suffering and, in doing so, further helps all of us to understand the Vietnam war more objectively and accurately.

Mr. President, I ask unanimous consent that Steve Jaffe's interview with Lt. Norris A. Charles be printed in the Record.

There being no objection, the interview was ordered to be printed in the Record, as follows:

Freed POW Tells of His Life After Capture in North Vietnam

(By Lt. Norris A. Charles, as told to Steve Jaffe)

You think about getting shot down, but you really don't believe it's going to be you, so you just put it out of your mind. You think about what you have to do—your mission and then getting back to the ship. You don't think about what's there, what you are hitting and so forth—it's not your job. It's just your job to fly the mission and come back.

I got shot down on Dec. 30, 1971, just after sunrise. The sun was coming above the horizon when we launched, and it must have been about 7:30 a.m. when we got hit.

We were dodging SAMs (surface-to-air missiles). They shot five or six SAMs when they hit us. It wasn't a direct hit. I guess it was about 90 yards away.

After we took the hit, we were running along and our right engine caught fire, so we shut it down. Then we lost everything—electrical, hydraulics—and then we couldn't fly. We went through some negative G's and right after that my pilot said, "Eject."

I waited to come out of the negative G's, and then I ejected at about 14,000 feet. I went out and must have tumbled in the seat about seven times. It seemed like an eternity. I said to myself, "I guess this is it."

You think a thousand things in a split second. Fortunately, I separated from the seat and my parachute came out. I looked up and there it was. It had a little tear in it. Using the compass on my wrist, I tried to guide my parachute to the east, which would have been near water, but to no avail.

When I was about a 100 feet off the ground, there were people coming toward me. They were about 20 feet away from me when I hit the ground. These Vietnamese civilians—peasants from the village—were rushing toward me. A couple of them had guns, some had rakes, some had hoes and so forth.

After hitting the ground, I tried to run. Then I thought, "Well, no sense in this." I had my parachute and everything on. So I turned back around and gave them the peace sign. As they ran up to me, they were laughing. I could see no animosity in their faces.

I think their apparent happiness was a combination of jubilance and pride of conquest. They take pride in shooting you down, but they're not hostile, really, even though we bomb their houses every day.

The people all started taking off my gear. There were about 20 men, women and children. They wanted me to take off my boots, but I heard someone say, "Nay, nay." So I said, "Nay, nay," and they let me keep the boots on.

They marched me over to one of the villager's huts. A bunch of villagers stood around and told me to take off my flight suit, indicating that they would give me more clothes to put on. This was all in sign language. I had on red drawers, and the girls started giggling and laughing. I told an old man I wanted them to leave the room, so the women were sent out. They gave me some dry clothes and some cigarettes. I was their prize purse, and they were going to take care of me.

We had just boomed out of the sky, so there weren't any military around. My plane had fallen on a villager's hut. The owner was a woman, and she looked so hurt. All she wanted to do was to touch me and say something like, "Why, why did you do this to my house?" She didn't have any hostility, just a question that would go unanswered.

I told them I had to go to the bathroom by gesturing and saying, "make water"—they spoke a little English. One of them showed me where the outhouse was.

I HAD BEEN TRAINED TO EXPECT THE WORST

Through all this I felt no fear because I had been trained to expect the worst—to be hit and beat up. None of this happened to me.

Some North Vietnamese soldiers came to pick me up. As they put me in their jeep, I could see my flight suit hanging on the line outside the hut to dry.

We arrived at a bomb shelter outside a school, and they took me inside. The people of the village came in and looked. Some of them would feel my Afro, and the kids would come in and give me cigarets, even light them for me.

The guard who was watching me may have thought I was afraid. He was about 20 years old. We couldn't talk, we couldn't communicate, but there was a kind of feeling between the two of us. He patted me on the knee as if to say, "Don't worry, everything is going to be all right. I'll take care of you."

After about two hours there, I was put back in the jeep blindfolded, and my hands were tied, not tightly, though. The whole village was watching and taking pictures of their prize.

Someone else was put in the jeep beside me. It was my pilot, Dave Hoffman. We didn't say much, but we touched each other.

When we arrived at the next shelter, about 20 miles away, they separated Dave and myself and gave me some dry food that looked like cereal. I bit on it and they put it in my boot to save; you learn quickly to keep everything. They also brought me some rice and greens and hot water, which I later discovered was boiled so we wouldn't catch anything.

My pilot was in another room near me. I heard them come into his room. He had broken his arm on ejection and they were trying to set it. (A doctor had come in and asked me if I was hurt in any way.) They gave Dave some shots to kill the pain.

About 8 o'clock that night they led us one at a time to a house. The whole village was there—the kids, the women, the men, the village chief and the interrogator. They were all standing around very quietly. The interrogator asked me my name, my rank and serial number, which I gave. But when he asked what ship I was from, I would scream bloody-murder as if my stomach was killing me.

Evidently they had been through this before because, in broken English, the interrogator said, "We understand, we know. You're in shock, and so we will interrogate you in the morning, maybe." Then he said, "Is there anything that you need?"

That really blew my mind—him asking me if there's anything I need. I told him yes; I was cold and would need something to put on for the night.

After that they took me back to the shelter, where there was a blanket waiting for me. They had put straw on the board I was to sleep on. The straw could have been either for my comfort or so they could hear me if I made any noise.

We slept until about 5 a.m. when they came for us. As we were put back into the jeep, one guy who had an old pair of French metal handcuffs looked at me and then back at the handcuffs. He looked at me again and then I guess he thought, "Oh, forget it."

Then we began a difficult drive to a Hanoi prison camp—eight Vietnamese, Dave and myself. Dave was kind of delirious from the pain-killers, and he lay across my lap most of the way.

THEY GAVE US WATER AND WHOLE LOAF OF BREAD

They gave us water and a whole loaf of bread to eat on the way. Neither of us felt like eating. Our trip up must have taken eight hours, and we arrived in Hanoi around 3 on New Year's Eve afternoon. We had been blindfolded during the trip, again. They took each of us to separate rooms.

They pulled my blindfold off, and I saw the room for the first time. We were in an old French camp. My room was about 15x15 feet, with two desks and a wooden plank bed; it had a window which was boarded up. This fairly big room was one of several in the building.

As I look back, the quarters were beautiful compared to the way most Vietnamese live, but certainly not beautiful compared to the way most Americans live. This was where I would spend 36 days in solitary confinement.

I was immediately issued my rations, which amounted to an eight-ounce cup, toothpaste, toothbrush, two short pairs of pants, two long pairs of pants, two short shirts, one long shirt, one sweatshirt, two blankets, a big teapot for water, another pot and a mosquito net.

I soon discovered one of the most important things in the life of a POW. You get six big meals a year on holidays. They let us celebrate our New Year's, their Tet, our Easter, our 4th of July, their National Day and another I've forgotten—probably Christmas, which I wasn't there for. It was something I used to think about: that they would prepare these big meals for us to celebrate our New Year's and our Independence Day.

That night they brought in boiled eggs, a nice salad, duck and a whole bunch of other stuff. I couldn't believe it. It was like something in the movies, but hardly what I expected in an enemy prison camp.

The guards got up about 6 in the morning. At 7 you heard them come to your door, and you jumped up. Some of the guards came in and wanted you to stand at attention, but others didn't care. They brought you breakfast, which consisted of fresh sweet milk, half a loaf of bread and your ration of cigarets—everyone got six a day whether you smoked or not.

After breakfast they let you go back to bed if you wanted to. I would usually sleep until the second meal and stay up after that.

That was solitary. The time you stayed there depended upon how many new prisoners there were and if they needed the room.

That first morning, the doctor came around, gave me a blood-pressure test, and filled out a medical record. They document everything.

The second meal would come about 10 a.m. In the winter we had potato or cabbage soup, really thick. In the soup might be carrots or noodles, and you also get a side dish—soybean or fish cake, a half-can of fish, Vietnamese pork or Russian pork, or maybe some kind of vegetables mixed with meat, like squash with liver, or any number of things. They gave you a variety, and made sure you didn't get the same thing meal after meal. In fact, not one time while I was there did they serve the same thing twice in a day.

About 3 p.m. you received your third meal of the day, plus anything they might have gotten from the market. Otherwise, you're left alone in solitary, so you had to figure out what to do. I made playing cards by tearing up the coarse brown toilet paper.

I played solitaire in solitary confinement. I must have played 60 games a day.

At one point a guy came in and asked me if I wanted to go somewhere to meet some journalists, and I said, "Yes." This was shortly after my capture. They marched me off to a press conference in front of a bunch of people, and I just stood there with my head down. They wanted to know what I'd seen.

When they started snapping pictures, I thought they were trying to put something over on me, and so I gave them "the finger." They knew what it was—the Vietnamese knew all that stuff. They know more American idioms than we do.

When I got back to my room, I just knew they were going to beat the devil out of me. But a guy came in and said, "You tried to make fun of us, huh?" And I said, "I don't know what you're talking about." They didn't do anything to me.

I don't know exactly why I did it. I just felt the thing was phony, I guess, and I didn't want to be there. I had thought it would be a small meeting with some journalists and without all those cameras.

My guard and I used to talk all the time. He would walk in and want to talk. The guards are just as interested in the American people as we might be in them under different circumstances. We talked mostly about our families, our kids. They weren't interrogating, just talking to pass the time. They were average people doing their job. They talked about the seasons of the year—how cold it is or hot it is, just chit-chat.

We had "outside time" in that first camp every other day. We were let out for 20 minutes on Mondays, Wednesdays and Fridays. We would exercise, do our washing and come back.

I had an exercise program of my own. I would get up and do 30 push-ups, 15 situps, 40 jumping jacks, 20 kneebends and then run in place 200 times.

The Vietnamese have a program for prisoners that puts you through two stages. First solitary, then you are moved. After 36 days, Dave, my pilot, and I were moved to another camp and placed in the same room. That was great. We must have talked half the night.

It was here that they issued us playing cards and even a chess set to keep our minds busy. It's all part of the program.

When we first arrived, it was kind of cold, and I asked the guard if they had a heater. He just looked at me as if I was crazy. Then he told me, "No, we don't have heaters."

At this second camp, we were given more outside time: Now we were allowed out every day, 30 minutes in the morning after chow and 30 minutes in the afternoon.

Our room was big. It had four beds, but only two of us were living there. The floor was concrete, as was the whole building. The beds were wooden planks raised up off the ground with a little bamboo mat. It's pretty thin, but that's how Vietnamese people sleep.

WE USED TO MAKE JOKES WITH THE GUARDS

We weren't supposed to communicate with the guys in the room next door. Once there are enough men in one group, they put all the POWs in a building and eventually let you associate with the others in it.

We used to make jokes with the guards. They never gave their names, but we made up names for them, like "Smiley" and "Champ." There was one guard we thought was crazy, but he was a good guy and watched over us well. In fact, he even shaved one prisoner who had a broken arm and couldn't shave himself. He was always telling us we "should be thankful to Uncle Ho" for teaching them to take good care of POWs. So we called him "Thank you Uncle Ho."

There were more reading materials in this camp than the first. I had a lot of literature about the war by American authors. I read "The Sick Society," by Michael Tanza, which is about more than the war. I read "United States in Vietnam," by George M. Kahin and John W. Lewis. I read more there than I read in college, including "The Enemy" and "Vietnam, Vietnam," both by Felix Greene, and "Bitter Heritage," by Arthur M. Schlesinger, Jr. There were quite a number of articles by Tom Hayden. I read the Pentagon Papers.

There was a lot of fiction, too, mostly Russian and Vietnamese novels. One was "And Quiet Flows the Don," a beautiful book. We also had some clippings from U.S. News and World Report, Newsweek and some newspapers. We even recommended before we left that they give prisoners advertisements to read so they would see what changes were happening back home.

No cigarets went to waste here, as they had in solitary. The guys who didn't smoke would just throw them in a pot, so all the smokers like me ended up with about eight cigarets a day, which was great.

On the morning of April 16 six of us were together in our room. A bridge game was going on when the first bombing raid hit. Earlier that morning, someone had said a funny thing: "It's going to be a long day." Well, all the days were long, but that one we'll never forget.

We heard sirens and couldn't figure out what they were. All of a sudden the bombs started. It's a shocking experience that everyone needs to go through to know what it's really like. This was the first one I had been through, and it was terrifying.

When you're locked in a room and can't see outside and you hear bombing and shooting with airplanes all around, it's bad.

We stopped playing bridge when one of the guards came by and closed the shutters. "OK, now be quiet and get under the bed," he said. So we all got under the beds. We wondered what the hell was going to happen to us. But nothing happened.

It was about 10 a.m. Immediately after the bombing, the guards came in and opened the shutters.

At 2 p.m. planes came back and there was another raid. Again, when it was over, they opened the shutters and then served us chow. It really amazed us how they could be so calm. It was good chow that day—a little late, but we always got fed no matter what. Three meals a day, except on Sunday, when we got two.

The guard let a group of us stay together that Monday. We talked a lot, mostly about the war. We discussed it in detail. We figured out what was supposed to happen and what wasn't. A great many of us had faith and hope in the American people. We felt sure the war would end soon.

The old guys, who had been there for many years, called that feeling "new-guy optimism." It's hard to know why, but every time a new guy gets shot down, he comes in and says the war is going to be over in six months—but the war drags on.

They tried to keep us separated from the older guys as much as possible; we would only see them outside, from a distance. Our doors were locked with a wooden bar when we were in our rooms, but there was really no point in trying to escape. It would have been easy, but when you got over the wall everybody could tell who you were as you walked through the streets.

"Champ," as we called him, was our guard. He taught us how to play Vietnamese billiards, and he always won. He also led all of us in Ping-Pong. He and I got on very well, especially since his daughter and mine had the same birthdays.

I was interrogated about two times while I was in that camp, but it was not rough—more like an interview. If they asked you something you thought was treasonable to answer, you would just say so, and they would make you stand there.

I'd heard different stories about how it might have been in the old days, but in the time I was there there was nothing done to me. I certainly experienced no torture.

The guards watching over us were very human and very humane. They didn't just work eight hours, knock off and go home. Our guards were away from their families also. They some times spent as much as two years separated from their families, partly because of the distance.

It's not like in America, where you can jump in a car and travel 200 miles; to go 200 miles they would have had to walk. They lived at the camp like the prisoners.

We talked to them a lot. The guards were called "turnkeys." Most of them spoke English, and we were always trying to learn Vietnamese from them. There was no animosity between prisoner and guard.

One very hot day in the summer our turnkey went into town, as they did about once every two weeks. When he came back he brought some limes and made us limeade. It seemed like one of the greatest things in the world, and showed us the humanity of these particular Vietnamese.

Right after I got shot down, I remember a guy being brought in with a badly broken arm. The Vietnamese had put it in a splint. One night they operated on this guy. He was in the room next to mine. Later some of the guys in his room hollered out for his guards because he was in pain. The guard didn't walk down there, he actually ran to his room and then ran to get the medic. And the medic stayed up with him—sat by him all night with the other guys in the room.

They didn't have to do those things. In each camp they had what we called the "little doctor." He looked over your medical needs. If you had a headache, you just called your turnkey and the "little doctor" brought you aspirin. The "big doctor" came by once a week to attend the men who had been injured.

We had space available to start a little garden. It was about 15 x 15 feet. We used to grow a lot of things there—among them, peppers, mint, watercress. During our meals we would go out and get peppers for our food. We even grew pineapples and litchi nuts. I tried to grow watermelons, but the chickens got to them.

About June, the Vietnamese had brought about eight chickens into camp. They were put behind our building, so we started taking care of them. One of the prisoners was put in charge of feeding them, and we called him the "chicken man."

On National Day, we had one of our six big meals of the year. The next day the "chicken man" was running all over camp looking for the chickens to feed them. When he asked the guard what had happened to them, the guard doubled over with laughter. "You ate them," he told the ex-"chicken man."

Once we got a chance to go downtown to see the history museum—part of a program that allowed everyone to leave camp. The heavy bombing ended all that.

Packages from home were very important. I remember the first package I received. Just knowing it came from my wife made me happy. It included underwear, bouillon cubes, candy and other little stuff, and weighed about six pounds. (I was amazed that they would let us receive mail while we were bombing them.)

Visitors, like delegates from the Committee of Liaison, often carried mail to and from POWs. I was a prisoner four months before I was allowed to write a letter. After that I was allowed to write once a month, and they went to a lot of trouble trying to get them out.

WHAT I MISSED MOST WAS AMERICA ITSELF

I think what I missed most about America was America itself. My wife, my daughter, my dog, my house—the little things and the big things that America has to offer. People don't realize what's here. People don't take advantage of it, or even think about it. What a great nation this could be if it could put our force and potential to work positively. America could make a better world, not only a better America.

"Champ" was the guard who came to get me when I was to be told of my release. On the night of Sept. 4, at about 9 o'clock, he came by and asked me to put on my clothes.

I was moved to another building. Later I was able to go back and talk to my roommates. They told me some personal information to relay to their loved ones and asked me to do everything within my power to bring them home. I made this commitment—I lived with these guys and I know how they really want to come home.

They moved Mark Gartley and Ed Elias into my new room and we started talking about our release. We concluded we would leave camp the next day. What we couldn't figure out, and I still don't think anyone can, was how they chose us. Maybe they pulled our names out of a hat.

We had some mixed emotions about what was coming off. We weren't going to condemn the United States, if that was what they wanted. But it was nothing like that. All they said was, "You're going to be released to your families."

We were asked to write something to the DRV (Democratic Republic of Vietnam), thanking them for our release but we wrote exactly what we wanted to say. I said something like, "Thank you for releasing me to my family," and I made a vow to help bring my fellow POWs home.

The next day, at 2 p.m., they moved us out from the camp to a hotel. We stayed down there for two weeks, sunning ourselves and shooting the bull. We went on a few trips to collective farms and to observe some of the bomb damage.

We weren't forced to do anything; it was something to do instead of sitting around the hotel. Our release wasn't contingent on anything. The purpose of letting us go was just to show the American people that if the war is ended, the North Vietnamese will release all the POWs. Before I left Hanoi, one of the officials told me, "We don't care if you are our friend or not, just don't be our enemy."

As we walked the streets of Hanoi after our release, there was no hatred, no animosity toward us from the people. They were happy for us because we were going back to our families. To them, it wasn't so much that we were going back to America as that we were going back to our loved ones and our children. They had loved ones whom they cherished, and they knew we did, too.

The kids on the street came up to me and said, "Now you go back to America, now." And they shook my hand.

First Extensive Interview

This is the first extensive interview granted by Navy Lt. (j.g.) Norris A Charles since his release from North Vietnam nearly two months ago. The third such release of American POWs, it occurred on the day that North Vietnam celebrated the 27th anniversary of its independence. Also freed were Navy Lt. Markham Gartley and Air Force Maj. Edward K. Elias.

Taking a circuitous route home through Asia and Europe, the escort party included relatives as well as members of the Committee of Liaison of Families of U.S. Servicemen in North Vietnam.

A native of Tampa, Fla., Charles earned his B.A. degree in business administration at Morehouse College, in Georgia, and his M.A. at Atlanta University. He was employed in St. Petersburg as a cost accountant for General Electric when his draft notice came.

"I had no qualms," he says today, "about whether or not I should go." With Olga, his wife of only seven months, he moved to San Diego, where he was trained and commissioned as a Navy radar intercept operator.

Mrs. Charles recalls her joy, eight months after his capture, at the news of his imminent release: "I ran outside to my neighbors but they weren't home, so I just screamed in the air, "Norris is coming home." Now they occupy a modest house in San Diego along with their 3-year-old daughter Kirsten.

Lt. Charles, 27 is currently on convalescent leave and has one more year of Navy service. Much of his time is spent thinking about "my fellow POWs," as he still calls them. It was to bring even greater attention to their predicament that he granted this exclusive interview to Steve Jaffe, a Los Angeles-based writer-photographer.

"I can't really feel free, I can't really feel content," the former POW explains, "until those guys I left behind are also home."

NUTRITION EDUCATION

Mr. SCHWEIKER. Mr. President, this morning's Washington Post contains an editorial entitled, "The Need for Nutritional Education." This editorial refers to hearings which are being held by the Senate Select Committee on Nutrition and Human Needs on the subject of nutrition education and nutrition advertising.

The editorial points to the disturbing testimony of Dr. Abraham E. Nizel, professor of Oral Health Services at Tufts University, in which he described the almost overwhelming fight dentists face in restoring decayed teeth.

The editorial asks whether consumers truly wish to be educated nutritionally. I think that the answer is a resounding "yes." If consumers knew more about nutrition, they would be inclined to be more selective in their buying habits. The point the Nutrition Committee is trying to make in our hearings is that advertising has a tremendous effect on consumers' buying habits, and the better consumers are educated about nutrition, the better their buying and eating habits will become.

I suggest part of the answer is to provide our doctors and dentists with a sound grounding in applied nutrition at the medical and dental school level. Testimony before the Nutrition Committee has indicated time and time again that doctors and dentists know surprisingly little about the basic relationship between nutrition and health. As the result, people who would otherwise go to their doctors and dentists for advice about nutrition, turn to quacks and food faddists for help.

This is why I introduced the Nutritional Medical Education Act of 1973, S. 324, would provide $10 million a year for each of the next 5 years for grants to medical and dental schools to establish programs of nutrition education. When compared to the tremendous cost of malnutrition and improper nutrition in our society—estimated at $30 billion a year—it seems that providing better nutrition education for our doctors and dentists would be an extremely worthwhile expenditure. Their knowledge will inevitably be passed on to their patients and consumers, resulting in more faith in doctors and dentists, and better nutrition education for our citizens in general.

Mr. President, I ask unanimous consent that the Washington Post editorial of March 14, 1973, be printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

The Need for Nutritional Education

Valuable hearings have been held by the Senate Select Committee on Nutrition and Human Needs on the subject of nutritional education. In well-fed America, nutrition is not seen as a pressing national concern, surrounded as we are by the greatest abundance of food the world has ever seen; what some families and restaurants throw away as leftovers would serve as worthy meals for millions in the Third World.

Yet instead of healthy bodies resulting from our overflowing tables, the result is often far different. Just to take one example of nutritional regression, Dr. Abraham E. Nizel, professor of Oral Health Services at Tufts University, called rotting teeth "the most prevalent nutritional problem in the United States today." This disease, he said, "develops so rapidly that if all the 100,000 dentists in the United States restored decayed teeth day and night, 365 days a year, as many new cavities would have formed at the end of the year as were just restored during the previous year."

The Senate hearings have made clear—not that doubts existed—that sugar abuse is a grave health menace. Per capita consumption is about two pounds a week, and between 1963 and 1967 sweet-thinking food companies increased sugar use from 8 billion pounds to 12 billion pounds. Dentists and anyone with common sense can see the obvious relationship between sugar consumption and rotting teeth, not to mention other diseases. Testimony at the hearings suggested that some remedies are known, all of them involving nutritional education. First, the advertising of sugar should contain the bitter facts as well, about its effects on health and on teeth and that it is not a unique source of energy. Second, medical and dental schools should be teaching nutritional education so that at least the professionals will be armed against fake foods, myths and misinformation. For example, diet books proliferate but what does the general public know of their soundness? As for nutritional education in the high schools and colleges, too often this is left to "health teachers" who are probably well-meaning but have little special training.

There is still the question of whether consumers truly wish to be educated nutritionally. Sweets, junk food, snacks, and fast foods and other low nutrition items are not force-fed to people but presumably are chosen freely. The food manufacturers—excluding those who deliberately deceive the public on content—put on the shelves only what the public will buy. Thus, it is futile only to criticize the food-makers without wondering about the public apathy that allows vast amounts of worthless food to be bought and eaten.

That may be the ultimate value of nutritional education. Once the schools pass along the information and nutritional advertising becomes a reality, part of the problem may be solved because consumers will demand more from their food than mere convenience and sweetness. For now, this is one of the immediate goals of the committee's hearings.

PROTECTION OF THE NEWS MEDIA

Mr. MONDALE. Mr. President, over the course of the past 3 weeks, the Senate Subcommittee on Constitutional Rights has heard wide ranging testimony on the problem of providing newsmen with effective protection from revealing confidential sources and information.

This issue so vital to press freedom across the country has attracted a great deal of attention from the media everywhere. Many have analyzed the features of the various bills now pending before the Senate. Two recent editorials from Minnesota give what I believe are somewhat differing yet very valid views of the need for such legislation. They clearly indicate support for tough yet clearly defined qualified shield legislation, which I believe to be the most effective way to provide real protection for media personnel, while protecting the public interest as well.

Mr. President, I ask unanimous consent that these editorials from the Duluth News-Tribune and the Rochester Post-Bulletin be printed in the Record.

There being no objection, the editorials were ordered to be printed in the Record, as follows:

[From the Duluth (Minn.) News-Tribune, Feb. 22, 1973]

Qualified Press Freedom

Two U.S. senators have proposed different approaches to protecting newsmen from being required to reveal confidential sources. One proposal could be called "absolute," the other, "qualified." The "qualified" proposal would appear to be in the best interests of both the public and the media.

The proposal for absolute protection comes from Sen. Alan Cranston, D-Calif. who validly argues, "The press in America must be able to protect its sources so as to continue to expose corruption and lawlessness in high places, in and out of government."

But then he takes the extreme position that "There should be no exceptions, no loopholes in any press confidentiality bill passed by Congress."

The qualified proposal comes from Minnesota Sen. Walter Mondale, who is not at odds with Cranston on the premise that a free government needs a free press. But Mondale would qualify the protection given newsmen. The Mondale bill would give a court the right to order a newsman to testify in any state or federal proceeding only after it had been shown that all of the following conditions existed:

1) There is probable cause to believe that a newsman possesses information relevant to a specified, probable violation of law.

2) That the federal or state proceeding has clear jurisdiction over that probable violation.

3) That the information can't be obtained by alternative means.

4) That there is an imminent danger of foreign aggression, espionage, or threat to human life which cannot be prevented without forcing a newsman's disclosure.

Mondale's "qualified" proposal, obviously is highly qualified. It would leave only a small flexibility in a law designed to protect newsmen from being forced to reveal confidential sources or face jail terms or fines. But it is a flexibility that would seem necessary if any kind of newsman's protection is to be realistic.

Allowances should be made, in other words, to guard against either the most unusual newsman on the most unusual circumstances. A total protection of the media from being required to reveal confidential sources would clearly open up the possibility of fabricating sources. Most in the profession wouldn't give such an idea a second thought. But there could be that one who would, which could result in so great a public backlash as to truly jeopardize the freedom of the press.

Absolute privileges ended with the death of Henry VIII. They simply don't fit in a democratic world where power is shared and balanced. The Mondale proposal would give the protection necessary to keep the press free, with the qualifications to keep it responsible.

[From the Rochester (Minn.) Post-Bulletin, Feb. 21, 1973]

SHIELD LEGISLATION ESSENTIAL TO INSURE FREE FLOW OF NEWS

A U.S. Senate subcommittee Tuesday began hearings on some of the more than two dozen bills which have been introduced in the current session of Congress with the aim of protecting newsmen from having to divulge their confidential sources of information.

These proposed "shield laws" have cropped up in response to the U.S. Supreme Court's ruling last June that nothing in the Constitution prevented newsmen from being compelled to testify before grand juries and to the rash of jailings and contempt citations against newsmen who have refused to honor subpoenas in the months since that decision.

The current flood of proposed legislation in Congress as well as most state legislatures, including Minnesota's, comes against the background of a rather remarkable degree of public understanding of the problem and support for efforts to do something about it. A recent Gallup Poll showed that 57 per cent of the American people believed that newsmen should not be forced in court to divulge their sources of information, while only 34 per cent disagreed. One point frequently brought up by the majority in the poll was "that decisions to jail newspaper reporters could eventually deplete the confidential sources on which newsmen rely to fulfill their responsibility to the public." This puts the emphasis where it belongs, and it is the point Justice Potter Stewart stressed in his minority opinion last June, in which he criticized the Supreme Court majority for inviting "state and federal authorities to undermine the historic independence of the press by attempting to annex the journalistic profession as an investigative arm of government."

Some persons may properly question why newsmen should be treated differently from other citizens and be given an immunity from having to appear in court if, in the pursuit of their work, they obtain information which may help solve a crime. Others may feel that requiring a newsman to produce documentation for material that is published provides the public with a safeguard against biased accounts or charges stemming from unreliable sources.

Such views are understandable, but they miss the point that some of the most critically valuable news appearing in the media is obtained from persons who are willing to divulge the truth about such subjects as crime, governmental corruption and waste, the drug traffic and activities of extremist groups only if they can be sure that a journalist in whom they confide will not reveal their identity and jeopardize their jobs and possibly their physical well-being. Most government officials are honest, hard-working public servants, but people in positions of authority naturally have a stake in creating the most favorable impression they can in the eyes of the public. The control access to much information about the public's business, and they can choose to withhold it, distort it or leak it to serve their personal interests if they wish. The combination of aggressive newsmen working with honest public servants and private citizens who are willing to blow the whistle on shady practices if their identity is kept confidential provides one of the best safeguards to a decent government and society that citizens in a democracy have. And that is why, despite occasional mistakes and abuses, this confidential relationship between newsmen and their sources must be protected, in order to ensure a continued free flow of information.

In the current debate over "shield" legislation, two of the most controversial questions are whether a federal law should preempt those at the state level or apply only to federal courts and grand juries; and whether a law should give newsmen "absolute" immunity from forced testimony under any conditions, or "qualified" immunity, in which a judge could find a compelling need for a reporter's testimony.

Sen. Walter Mondale of Minnesota, who has introduced one of the bills pending in the Senate, makes a good case, we think, for a uniform federal law regulating proceedings before all federal and state agencies. It falls just short of providing the absolute immunity proposed by Sen. Alan Cranston Tuesday but would impose a heavy burden on any court of government agency before it would interfere with that protection. The bill would require a prior showing that the reporter's information is relevant to a specific crime; that the agency has a clear jurisdiction over the law violation; that the information is not available elsewhere; and that there is "an imminent danger of foreign aggression, espionage, or threat to human life, which cannot be prevented without disclosure." Mondale's bill would also protect the reporter's rights against disclosure until all avenues of appeal have been exhausted.

The Minnesota senator's interest in this problem is not new, and his latest proposal tightens the protection for newsmen to a point where only their obligations as citizens in the most serious circumstances could override it. It is the type of tough, loophole-free measure we would like to see Congress pass. And if, for constitutional reasons, federal legislation should be limited in its scope to federal courts and grand juries, Mondale's bill offers guidelines for the type of stringent legislation Minnesota should enact as soon as possible.

MEDIA RESPONSE TO POPULATION COMMISSION REPORT

Mr. PACKWOOD. Mr. President, in 1970, Congress established the Commission on Population Growth and the American Future and directed it to make a 2-year study of the probable course and consequences of population growth and distribution in the United States to the year 2000. I had the honor to serve on the Commission, which was appointed by President Nixon and presented its report to him and to the Congress last spring.

It was the Commission's view, based on its research, that this Nation has nothing to gain from further population growth, although additional growth is already inevitable, due to our age structure. In fact, we found that many of the Nation's problems could be more easily resolved if our growth slowed and eventually stopped. It is possible that this could happen if people are simply allowed to exercise their individual wishes with regard to reproduction.

It is not unusual that a document of such scope, a document which took exception to one of our most cherished notions—endless growth—should have stirred a great deal of comment by the public and the media. As an example, I want to share with the Senate a sample of the response of the Nation's newspapers to the report. Some editorials are critical. The overwhelming majority are favorable. They come from every section of the country, and I believe reflect a general acceptance of the Commission's findings and recommendations.

Too often we, in Congress, tend to shy away from issues that we feel are controversial. The problems of population growth and freedom of choice in reproduction are two issues that have been so labeled. I think the following editorials are an indication that the public has moved ahead of us in these areas.

Mr. President, I ask unanimous consent that the editorials be printed in the RECORD.

There being no objection, the editorials were ordered to be printed in the RECORD, as follows:

[From the Sault Ste. Marie (Mich.) News, Mar. 16, 1972]

In our country it has always been an article of faith that we must constantly grow—expand, increase, develop, burgeon, fulfill our great destiny as a people. Ever since the long westering began two centuries ago, the concept of growth has been a basic tenet of American nationhood . . . This attitude has pervaded all that we Americans do . . .

Now the time has come to take stock of ourselves. More specifically, the time has come to reassess the wisdom of this concept of unchecked growth. While it has in many—though decidedly not all—respects served us well since the nation's early days, we now must ask whether it remains the best guideline for the future . . .

The Rockefeller Commission soberly tells us, on the basis of the first thoroughgoing official study of this subject, that we must start adjusting to different circumstances after generations of uninhibited growth.

If we do not at once accept and act on this advice, at very least the report should be the spring board for intensive discussion. Nothing less than the future welfare of the American people and nation is at stake.

[From the Dallas Times Herald, Mar. 21, 1972]

"If an American family were contemplating the purchase of a $20,000 home, its adult members would weigh the decision carefully. If they were thinking of a $60,000 expenditure, they likely would think three times as hard.

Yet most families, make a decision of similar economic implications without much thinking at all. They bring into the world a child (sometimes planned, sometimes not) which will cost them $20,000 by the time he gets through college.

If the mother's potential income is taken into account, you can add up to another $40,000 to the "cost" of rearing a child. This sum is the amount the mother might have earned had she taken a job and not had to spend her time at home.

These statistics are part of the report issued . . . by the Commission on Population Growth and the American Future . . . recommendations are not aimed at achieving any particular level of population, but are designed to increase understanding of human reproduction and its implications for the family.

The commission also hopes that its report will help improve the quality of the setting in which children are raised and help individuals avoid unwanted childbearing.

The commission emphasizes individual freedom. It seeks no governmental controls on the population level, but it does urge that every family have sufficient education about family planning to be able to make a responsible choice.

Emphasis on individual freedom and on stronger, healthier and happier families is thus doubly welcome."

[From the Sacramento (Calif.) Union, Mar. 21, 1972]

The Rockefeller commission has satisfied itself there is no validity in the idea that a nation's population must keep growing if there is to be sufficient demand for goods that its own people are capable of producing.

Some economists will dispute this, and it is only one of the points of serious controversy raised by the population report.

The over-riding controversy, however, will surely be whether, amid the tumult of conflicting opinions on the meaning of population trends and the social and moral questions which population control raises, it is appropriate for the government to try to adopt and implement a "population policy."

If the government is to have a "policy" toward its population, suffice it to be one aimed at making our vast country hospitable to families of whatever size Americans as individuals want and can support.

[From the Salt Lake Tribune, Mar. 30, 1972]

. . . The commission . . . (also) deals with (the) equally important problem of population distribution. . . . Its findings should prove generally acceptable.

The secret of more rational distribution of population, the commission says, is to channel continuing migration out of rural areas away from larger cities and into economically healthy smaller cities. Such alternate "growth centers" are part of a two-pronged strategy for easing problems at both ends of the migration road—the depleted, small, rural towns and the increasingly congested metropolitan centers . . .

To slow and eventually end mushrooming metropolitan spread, the commission would promote alternate growth centers in towns of from 25,000 to 350,000 population.

This would be accomplished by encouraging growing job opportunities and the capacity thus to absorb new arrivals from the dying farm, coal and railroad towns in the outlands . . .

Authorities on local government have long recognized the many benefits to be derived from metropolitan government. Now the Commission on Population Growth and the American Future deems such consolidation essential to a well-ordered national future as well.

[From the Chicago Tribune, Mar. 26, 1972]

A great many people making no claim to moral leadership or personal "goodness" will find a curious insensitivity, at least, in commission recommendations for wholesale access to contraception by teen-agers . . . About this whole business there is an odor of callous efficiency in 'human engineering' that may provoke all manner of cheers from ultra-reformers but will surely never inspire a poem, a song . . .

[From the Appleton (Wis.) Post-Crescent]

The President opposes making contraceptives of any kind available to unmarried young people because it is "demeaning to family life." . . . It is all very well to proclaim righteously that no one should have sexual intercourse outside of marriage. . . . The fact is that a great many people have such intimate relations when they do not happen to be married and there is an ever-increasing percentage among teenagers. Making contraceptives readily available along with prevent unwanted births. Perhaps people ought to suffer for their sins but making an innocent child suffer for the same sins is not only an old testament perversion; it is cruelly inhuman. . . .

The President is not even right in his family life attitude. Preventing an unhappy, unwholesome, unwanted family will not demean anything. In fact, emphasizing the importance of the responsibility of having and caring for children, whatever one's own physical failing may be, should do exactly the opposite.

[From the Rochester (N.Y.) Democrat and Chronicle, Mar. 20, 1972]

People are wonderful. But too many people can constitute a terrible drain on the nation's resources.

Leisure and affluence, too, have a lot to do with the (problem), but the growing concentrations of population ought to be a primary focus of concern.

One dramatic manifestation of that concern was the report the other day of the presidential Commission on Population Growth. Said the commission; "No substantial benefits would result from continued growth of the nation's population."

Said columnist Carl Rowan of the commission: "It is a courageous group, wading in where angels—and a lot of politicians—fear to tread."

Among other things, the commission recommended that abortion laws be liberalized along the lines of the New York state statute. It gave strong backing to a program of comprehensive child care. It urged that sex education be made available to everyone.

The commission also described as 'a myth" the idea that the U.S. population increase is caused mainly by minorities and the poor. It said that the birth rate is higher in these groups, but it noted that 70 percent of the population increase is contributed by whites.

As columnist Rowan has pointed out, there's no guarantee at all that the recommendations of the population commission will be carried out.

But they're more likely to be heeded if citizens will speak up in support.

It's not enough any longer to give silent consent. Approval has to be thundered out.

[From the Washington Evening Star, Mar. 29, 1972]

One of the very real but most highly sensitive components of the population growth issue is the flow of immigrants into this country. In the . . . concluding part of its generally admirable final report, the President's Commission on Population Growth and The American Future addressed the immigration problem and left a number of questions unanswered . . .

On the question of legal immigration and its demographic consequences, the Commission's soft-pedaling no doubt reflects a split—open door vs. no growth. . . . Its final report noted the "inconsistency" of planning for population stability while admitting large numbers of immigrants each year. It recommended against raising immigrant levels. But the majority of the Commission also voted against any move to tilt immigration downward to a smaller annual total.

All that does is put off answering a very difficult question. This country, as the Commission suggested, needs to know more about its immigrant population, and its government agencies should keep abreast of immigration's demographic impact. But beyond that, if Americans are to become serious about limiting the growth of their numbers, the need will arise to fashion some kind of immigration formula dovetailing with overall population trends and policy."

[From the St. Louis Post-Dispuatch, Mar. 17 1972]

By now there can scarcely by a single American who does not have some awareness of the ecosystem, the interrelationship of all living things and the earth itself in which not even a sparrow can fall without its consequence being felt in a hundred ways. There is another "ecosystem," however, which may not be as well perceived and it is the manner in which human systems react not only with nature but with and upon each other. The unifying thread to this other ecosystem is population growth . . ."

To be sure, the United States is now in a period of a declining birth rate, the so-called "baby bust" but there is no guarantee that this trend will last forever. Moreover, even at current birth rates, the country is increasing its population yearly by about 2,500,000 (more than the population of the city of Philadelphia) . . . In any case, the commission quite correctly observed that "Slower population growth can contribute to the nation's ability to solve its problems . . . by providing opportunities to devoting resources to the quality of life rather than its quantity, and by buying time"—that is, slowing the pace at which problems accumulate."

. . . the commission . . . makes it explicit that America's population problem cannot be solved unless parents have every opportunity and freedom to avoid unwanted childbearing. This means, in addition to birth control programs and liberalized abortion laws, an easing of the historical legal, social and institutional incentives for having too many children. Such a policy may be controversial but its adoption is essential if the pressures of population are not to prevent the nation from being able to confront the rest of its problems."

[From the St. Cloud (Minn.) Times, Mar. 21, 1972]

A belief has long persisted as fact that America's population problem is largely the contribution of the poor, the black and other minorities—that if they would stop having babies, the population problem would go away.

It's true blacks and Puerto Ricans and others are not chiefly concerned about population—their worry is often where the next meal comes from or whether they have a job.

But admitting the fertility rate of minorities is higher than the rest of the population, the commission made it clear these are not mainly responsible for this country's excessive growth.

The report showed that 70 per cent of the growth is contributed by the white, non-Spanish speaking majority. If blacks and Spanish-speaking parents had had no babies during the 1960 decade, the U.S. population would be only 4 percent smaller than it is.

It also concluded that apart from race or color, the percentages of unplanned and unwanted births is highest among the least educated . . . The study did meet some touchy situations forthrightly. And laying it out in certain terms where the excess population comes from may expand the national awareness to the point where it may deal with the starting point and in time achieve what is apparently necessary.

[From the Memphis (Tenn.) Commercial Appeal, Apr. 2 1972]

Whatever the value of the commission's proposals, the basic approach is sound: Measures should be adopted so the demands on governmental services will be less than they would be under uncontrolled growth, and so the nation can focus more attention on economic and social improvements.

[From the New York Times, Mar. 25, 1972]

The Supreme Court has given a timely boost to recent controversial but constructive proposals of the President's Commission on Population Growth . . .

The Population Commission has argued in defense of its recommendations that individuals should be free to make their own decisions regarding parenthood. Justice William J. Brennan, the only Roman Catholic on the Court and author of its opinion, gave strong constitutional sanction to this argument when he wrote: If the right of privacy means anything, it is the right of the individual, married or single, to be free from unwarranted instrusion into matters so fundamentally affecting a person as the decision whether to bear or beget a child."

[From the Porterville (Calif.) Record, Mar. 21, 1972]

The Commission . . . has wisely not cut its cloth to fit the notion that the threat to too many people in the United States no longer need give us much concern. This notion is based on recent figures showing a marked decline in the U.S. birth rate. We must not allow this possibly short-term development to delude us into thinking, as there appears some inclination to do, that the problem is vanishing.

The commission adopts the premise that a problem does indeed exist. It recommends that we become the first nation to formulate a comprehensive policy with regard to population.

While advising that "neither crisis nor complacency are in order," the commission has clearly opted for putting on the brakes.

This would be strong medicine, running counter to long tradition in the United States. Instead of striving for growth on all fronts and priding ourselves on forever becoming bigger and "better," we would have to shoot for optimum goals in population use of resources . . .

As the Rockefeller commission declares, "The time has come to challenge the tradition that population growth is desirable: what was unintended may turn out to be unwanted, in the society as in the family."

[From the Fort Scott (Kans.) Tribune Monitor, Mar. 29, 1972]

They (the commission) would tell people where to live, where they must move, and presumably even what occupation they should pursue . . . They are allied with those who have been hinting that most of the nation's small farming operations should be forced out of existence because they think larger farms are more economical.

[From the Denver Post, April 2, 1972]

The presidential commission, however, is properly disturbed by the pattern (of distribution) that has ensued—which is primarily the simple expedient of small town migration to the city because that's where jobs (or welfare) are most easily found.

With large cities now growing out of hand, with attendant problems of pollution, crowding and social unrest, the commissioners are understandably concerned with reversing that trend. The curse of rural smallness becomes, at the other end, a curse of bigness.

So the panel envisions growth centers of 25,000 to 350,000—communities which then could anticipate growth up to 50,000 to 500,000 population. Not only the commissioners, but many planners, believe that 500,000 is the ultimate size in which a community can cope with its own destiny.

In allowing many small towns to wither more rapidly, the commission would emphasize government-sponsored programs informing people about job opportunities elsewhere, coordination and assistance in moving and post-relocation service for the migrant in his new home . . .

The population panels' willingness to speak frankly is admirable. Much small town mentality in the United States seems to parallel the stereotypical southern view: more inclined to indulge in nostalgia than to contribute energy toward change. If the commission wakens a few small towns—by telling them they simply are no longer needed—that may in itself be good for the national soul.

[From the Hackensack, (N.Y.) Record, Mar. 22, 1972]

Traditional attitudes toward sex in the United States are commonly hypocritical, brutal, and unworkable, and the great service of the President's Commission . . . is that it has said so with candor beyond admiration.

Our pretense has been that sex is a delicate subject to be discussed by cultivated people only in special circumstances. We can see the results in the present spread of venereal disease, the increasing incidence of illegitimate birth, the rigorous laws concerning divorce and abortion, and the plight of unwanted children and their parents. Improvements are occurring but slowly and against vigorous opposition.

The President's Commission faces the whole subject honestly, even when the going is difficult . . .

As the commission pointed out, the issue is not merely a matter of population control. Sex information, contraceptive devices, and abortion should be deemed matters of individual right. They are rights in fact now for educated, affluent persons. They should be for everyone.

[From the Los Angeles Times, Mar. 14, 1972]

A federal commission that has been studying population problems for the last two years has concluded that the country would be a lot better off if the birth rate could be slowed down and eventually stabilized so that each family would have an average of only two children. That's the "replacement" rate, when birth and death rates are equal, when in effect growth would stop . . .

How is the nation to move toward a ceiling on population growth? The commission says it is a matter of choice It seems to us that what this means most of all is understanding the options, as a nation and as individuals. For while the government has no business dictating family size, it is the government's business to encourage intelligent population goals and decisions. This means making available to those who want it information on family planning and ways to avoid unwanted children . . .

It's hard to think of many problems in contemporary society unrelated to the explosive population growth the country has experienced in this century—environmental pollution, urban congestion, the soaring cost of government services; the connection is clear. What the population commisson is saying simply is that things are going to get a lot worse unless we exercise intelligent foresight, not so much for our own sakes, though we will be affected, but most of all for posterity.

[From the Gloversville (N.Y. Leader-Herald, Mar. 23, 1972]

The actual conclusion made by the Commission . . . was, "children must be phased out."

It won't be long, if the population controllers have their way, until a truly "Silent Spring" of no children's laughter will be heard in our land. Is this what we want? Are euthanasia (mercy killings), the next step in population reduction?"

[From the Washington Post, Mar. 28, 1972]

For our part, we believe that the goal sought by the commission majority, to "enable individuals to avoid unwanted childbearing," comports alike with the ideal of individual liberty and with the greatest good of the greatest number of human community . . .

The commission report reflects so much conscientious and searching concern for essential human values as to merit the most thoughtful attention alike by those disposed to agree with it and those disposed to disagree. It would be an ideal community indeed where children were born only to parents who wanted them and were prepared to give them care and love.

[From the Dayton (Ohio) Journal-Herald, Mar. 20, 1972]

There will be predictable outrage at the commission's recommendations on abortions, and at its recommendations that contraceptive information and services be provided freely to teenagers. But . . . we hope that the Congress and the states undertake to incorporate some of the commission's recommendations into law.

[From the Twin Falls (Idaho) Times News, Mar. 19, 1972]

The report of the Commission will rattle the timbers of American family life . . . but members are knowledgeable men and they have reported the findings as they found them and as they believe they will progress in the future.

[From the Wilmington (Del.) Evening Journal, Mar. 22, 1972]

Time and again in its report the commission emphasizes the problem of unwanted pregnancies and their social and emotional cost on the unwanted child, the parent and, in the end, all of society . . .

Though the commission talks in terms of two children per family, its main thrust is not to tell people how many children they may or should have, but to provide for Americans the opportunity to bring only wanted children into this world . . .

While the commission stresses that its goal is less regimentation of reproductive behavior and enabling individuals to control their own fertility . . .

Critics have already termed the recommendations as leading to a 'valley of death.' This is unfair criticism for a report that seeks ways to increase options for every American to shape life more meaningfully for himself and for herself and for the offspring they may bear.

[From the Newport News Times-Herald, Mar. 28, 1972]

The report has considerable merit and should be given attention. Our existing immigration laws are only a few years old but already are showing major cracks . . . The handling of illegal aliens has been a joke.

[From the Kansas City (Mo.) Star]

The Commission did not recommend unrestricted abortion. It said that state laws ought to be in line with the New York law that permits an abortion if a licensed physician agrees. The commission did not recommend unrestricted distribution of contraceptives to the young. It did, however, have the sense to recognize that abortion should not be considered a substitute for birth control and that it is far more costly and something more of a trauma for the potential mother than attending to contraception in the first place . . .

The White House . . . said that passing out contraceptives to minors "would do nothing to preserve and strengthen close family relationships". Of course it hardly contributes to family harmony if the resident teen-ager unknowingly spreads syphylis in all directions or if a 15-year-old daughter discovers herself pregnant with an abortion or juvenile marriage as the alternatives. Sometimes it seems that the particular writers of the President's morality plays really do believe that all Americans live in vine-covered cottages and lead a pastoral life herding sheep when they are not thinking of ways to do good. It is a lovely, quaint picture, but it doesn't have much to do with the reality of life for most Americans.

[From the Chicago Sun Times, Mar. 18, 1972]

The report . . . has charted a hard but sane course on the highly emotional issues of abortion, birth control and sex education. The findings warrant serious study by both the President and the Congress.

On abortion, the commission takes the position endorsed by us: that abortion should be a matter between a woman and her doctor. The commission report adds that abortion should not be a primary tool of population control, but a means of allowing women to make moral choices based upon their own personal values.

The commission encourages sex education in the public schools, and we concur. Sex education helps to build mature attitudes that lead the young toward responsible and useful lives. The commission argues also that venereal disease rate and the number of teen-age pregnancies can be better confronted with contraceptive services than with rhetoric.

None of the positions taken by the commission is universally popular. Neither is any one of them far-fetched of big-brotherish. They are positions adopted in response to very real social problems, and the fact the commission went as far as it did in its recommendations is evidence that it is time for mature action to be taken.

[From the St. Paul Pioneer Press, Mar. 30, 1972]

The reports are a worthwhile effort to stimulate public interest in one of the most important aspects of America's prospects for maintaining quality of life and environment in the years to come.

[From the Philadelphia Inquirer, Mar. 26, 1972]

. . . it wasn't very long ago that any discussion of governmental action in the sensitive and emotional area of limiting population was politically taboo. The 1969 message in which Mr. Nixon proposed creating this commission was, in fact, the first time any American President had ever sent Congress a special message on the subject . . .

If (growth) was ever the way to measure progress, the commission has concluded, it no longer is. On the contrary, it believes that continued population will aggravate most of our social problems, and it urges that our society now "shift its focus from quantity to quality."

Furthermore, it makes the crucial point that as a nation we do have a choice and that we can "come to deliberate and informed decisions about population problems—their burdens, their costs, their remedies"—without infringing on personal freedom.

Surely, then, this is one commission report that cannot be filed and forgotten.

HONORING ST. PATRICK'S DAY

Mr. WILLIAMS. Mr. President, every March 17 is a time of great joy and celebration for the Irish and non-Irish alike. But it is a day that is especially significant to all Irishmen as it offers a reminder of the great religious accomplishments of the renowned Irish priest, St. Patrick.

According to historians, St. Patrick was born approximately A.D. 380 and lived his childhood in great hardship. However, even the extreme tragedy of being kidnaped and sold as a slave did not deter Patrick's love of Ireland and his deep concern for his fellow man.

Fortunate to escape from his captives and return to his homeland, Patrick began, in his very early years of manhood, to prove his religious devotion by dedicating his life to helping those physically ill and spiritually weak.

As a man who truly preached and practiced justice and love for all, St. Patrick was honored with the position of bishop in A.D. 432. No other Irishman had ever been awarded this title.

Today, approximately 15 centuries after the death of St. Patrick, his contributions to Christianity are well remembered.

The founding of over 300 churches within his lifetime demonstrated the deep personal conviction St. Patrick offered to the people of his land.

Mr. President, as we honor the enormous achievements of St. Patrick, let us continue to acknowledge the unending contributions of the Irish to the American way of life.

THE 25TH ANNIVERSARY OF THE STATE OF ISRAEL

Mr. DOMENICI. Mr. President, I have been asked by two of my colleagues to join the American Committee for Israel's 25th anniversary celebration. It gives me great pleasure to accept the invitation.

There are several reasons why I believe American support of Israel's anniversary is important. Our country is founded upon the ideals of freedom and democracy, and it seems most important that we support others who also put a high value on human freedom and human betterment. I welcome this opportunity to express my support of the continuing dedication to the ideals of democracy and freedom which are common to Israel and to the United States. Therefore, to underscore our own dedication to freedom, I believe we should support this Asian country that also espouses these principles.

I also believe our participation in this celebration is important because of the close ties between our two countries. Israel has repeatedly demonstrated its friendliness toward this Nation, and by tradition we, as a country and as individuals, have responded favorably to such expressions.

This committee will serve to call attention to Israel's notable advances in the peaceful arts, the sciences and human welfare and will endeavor to simulate suitable programs of celebration in major communities throughout the United States.

I thank Senator JAVITS and Senator RIBICOFF for this invitation.

PROFILE OF MARK O. HATFIELD

Mr. BROOKE. Mr. President, my attention has recently been called to the sensitive and thoughtful evaluation of the senior Senator from Oregon (Mr. HATFIELD) published by the Ralph Nader Congress Project. The Nader report is a most useful political analysis of this many faceted man.

Senator HATFIELD and I began our careers in the Senate together, and as both a colleague and a personal friend, I have come to respect and admire his work. He is a man who has long been challenged by the unrest of a changing world and whose motivation for action is based on a strong moral and ethical philosophy unique in politics today.

Ralph Nader's study of Senator HATFIELD gives insight into the nature and motivation of MARK HATFIELD. As a means to achieving a greater understanding and insight into a colleague and friend, I ask unanimous consent that this discerning Ralph Nader Congress Project report on MARK HATFIELD be printed in the RECORD.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

MARK O. HATFIELD—REPUBLICAN SENATOR FROM OREGON

(By Michael Cornfield)

He had seen action at Iwo Jima and at Okinawa, and when the war in the Pacific finally ended, his ship was directed to transport the Chinese troops of Chiang-Kai-Shek back to China to fight against Mao's legions.

On October 26, 1945, he wrote an ordinary letter back home:

ANCHORED DASON POINT,
Haiphong, Indochina.

DEAR FOLKS: Here we are in Indochina adding another spot on the globe to my world travels. We anchored about 1,000 in the muddy water off Dason Point. Very shortly our ship was surrounded with native boats begging for food and clothes. It was sickening to see the absolute poverty and the rags these people are in. We thought the Philippines were in a bad way, but they are wealthy compared to these exploited people . . .

Again, on the beach, we were sickened by the sight of the poverty of the natives. It is just like Wilkie said in his *One World*—you see the mansion on top of the hill with the many shacks surrounding it. I tell you, it is a crime the way we occidentals have enslaved these people in our mad desire for money. . . . I can certainly see why these people don't want us to return and continue to spit upon them. There is so much constructive work that could be done here in the Orient and sometimes I get the urge to come out here and do something.

All my love,

MARK.[1]

Mark Odom Hatfield's poignant words have turned to prophecy in the twenty-seven years since his trip to Indochina at the end of World War II. He went back numerous times as governor of Oregon, and the *Washington Star* calls him "the Senate's most prominent dove." [2] He has fought longer and harder than any other member of Wilkie Republican party against the war in Vietnam, from his first hesitant words at the 1964 Republican Convention to the numerous "end the war" amendments he has offered on the Senate floor in his six years as a member of that body. Yet Hatfield's has never asked acclamation for being "right from the start" on Vietnam. "I have never sought political popularity," he claims. "I have only sought political respect." [3] Hatfield has many enemies, and often stands in a small minority, but he has won respect by being consistently faithful to the values he has held since childhood.

"THE OLDER WOMEN ALL WENT TO MOTHER HIM AND THE YOUNG ONES WANT TO MARRY HIM"

At the age of ten Mark Hatfield was distributing campaign literature for Herbert Hoover. He was born in Dallas, Oregon, a small town along the Columbia River, on July 12, 1922. His parents, C. D. and Dovie, were a railroad construction blacksmith and a school teacher. Hatfield's Baptist upbringing has stayed with him throughout his career, as has his high regard and love for education. It was education that he chose for his first profession.

After graduation from Salem High School in 1940, young Hatfield stayed on in the state capital to enter Willamette University, an independent coeducational school with less than 5,000 students. He entered the navy in 1943, earning the rank of lieutenant while serving in the Pacific. After the war he went to Stanford University for his master's degree. Stanford, President Herbert Hoover's alma mater, has a Hoover library, and Mark Hatfield used this facility to write his master's thesis on the labor policies of the president he so admired. While at Stanford, the Oregonian became a Republican, and he credits its influences of that environment as one of the reasons for his choice.

His first job as an educator upon graduation from Stanford in 1948 was political. He became Marion County chairman for the National Citizens Committee for the Hoover Report. This report proposed sweeping reorganization of the federal executive. The job was to inform the public and gain support for passage of the reforms in Congress. That same year Hatfield became a political science instructor at Willamette, a post he held for nine years.

In 1951 the professor became the representative from Marion County (the Salem area) in the Oregon State Legislature. His move from teaching politics to simultaneous teaching and practising politics was a crucial one. Hatfield likes to describe it spatially:

"The capitol grounds are separated from the campus only by the broad thoroughfare of State Street. The move from academic life into politics was no more physically taxing than stepping across the street, and for a while, I was able to have the best of both worlds. Perhaps this fortunate geographic accident is one reason why no alienation between the academic world and the political life exists for me. Each had something to learn from the other." [5]

Hatfield thinks that the academic and political worlds both have to learn the lesson that government is "not quite so simple," the phrase he used as the title of his first book, published in 1968. Too often, "the layman and the political newcomer misjudge the degree of difficulty in legislative problems and . . . are inclined to overlook the hidden complexities and settle for the simple solutions." In particular, the academic tends to look at politics" in terms of theories, structures, dogma, doctrine, propositions," and oftentimes a real problem won't fit a theory or concept. On his side, the politician with considerable power too often finds it simple to use the vast available resources of expert opinion and classified information without listening to the "inexpert but sometimes wiser public." There is little doubt as to what prominent politicians and what particular issue Hatfield refers to.

But Lyndon Johnson was only a Senator from Texas and Vietnam just a French province back in the early fifties when Hatfield was state representative. In 1952 he got his first taste of national politics, and his first dosage of his avowed enemy, close friend, and current opponent, Wayne Morse. Morse was a prominent Republican senator, and Hatfield was a thirty-year-old professor who taught government courses at eight and nine o'clock, a.m. so that he could make the opening gavel across the street at ten, when the legislature normally convened. By this time, Hatfield had become an assistant professor and dean of students at Willamette.

1952 was, of course, a presidential election year and the Willamette professor was an early and ardent supporter of General Dwight Eisenhower. Backing the right man gave Hatfield publicity in his state, and he was selected to the Oregon delegation to the Republican National Convention, along with Morse and eight other Oregonians. The selection of the Oregon representative to the platform committee was Hatfield's first skirmish with the fiery Morse. Morse, in an early frustration of the kind that eventually led to his switch to the Democratic party, lost that platform seat. Hatfield described his victory, "The vote was 13 for Hatfield, 5 for Morse. Or as I more accurately interpreted the result, 5 votes for Morse, 1 vote for Hatfield (I voted for myself), and 12 votes against Morse." [6]

Morse vented his anger at Hatfield as well as the Republican party. As columnist Robert Sherrill reports, Morse's departure elevated Hatfield to the position of number one Republican in the state.[7] In 1955, when Morse switched parties, Hatfield was elected state senator. He quit his post at Willamette two years later to wage a successful campaign for the office of Secretary of State. He was the only Republican elected to statewide office that year. In 1958, he declared himself a candidate for governor.

Hatfield, Sherrill, and Oregon newsman A. Robert Smith all place considerable weight upon the importance of the state's voting patterns as an explanation for Hatfield's success. They all point toward the unpredictable nature, the independence, the pioneer spirit of the Oregon voter. "The party organization isn't that strong in Oregon," says Smith. "Usually people rally around a Morse or a Hatfield and the candidate forms his own organization." [8] This is personality politics.

Hatfield, again in spatial terms, describes the Oregonian as a direct descendant of the pioneer of a century ago who followed the Oregon trial. "In a country of such variety and sweep of landscape, of such natural wonders, and some natural obstacles, self-reliance is a prized quality. It is bred deeply into Oregonians." [9] The experience of the ancestors, claims Hatfield, "has bred a spirit of independence that in modern times finds expression in political terms." Oregon has produced individualists like Morse, Hatfield, ex-Senator Maureen Neuberger, and Congresswoman Edith Green. It is the only state that has ever sent a Kennedy down to defeat in a presidential primary; in 1968, Minnesota Senator Eugene McCarthy beat Robert F. Kennedy in the state Democratic primary.

Oregon politics are generally quite clean, according to Smith. Sherill offers proof by citing an occurrence of the 1958 race for governor. Morse, although not in the race, wanted to see the man who had embarrassed him six years before defeated. He discovered that, many years before, Hatfield had been driving a car that hit and killed a young child. The candidate had not been convicted on any charge but paid the child's family $5,000. Morse revived the incident by accusing Hatfield of having lied to the jury. This tactic backfired tremendously. Everybody sympathized with the young secretary of state, and even the child's parents came to his defense. Hatfield was elected to the governor's chair by a substantial margin; at 38 he was the youngest governor in the state's history.

1958 was also the year that Hatfield got married. His wife, Antoinette Kuzmanich, was an educator and counselor for women at Willamette. As governor, the handsome, vigorous Hatfield and his vivacious wife began a tradition of parties and political socializing which often brought them the attention of national magazines like the *Saturday Evening Post* and *Life*. The parties were noted for the conspicuous absence of wild women, liquor, and even wine. The Hatfields served fruit punch and had intimate gatherings that allowed Antoinette to display her extraordinary culinary skills. Hatfield became known as a pious, all-American political figure who said grace before every meal and mowed his own lawn. Oregon doesn't provide its governors with a mansion. Antoinette Hatfield has equalled her husband, in book-writing, with *ReMARKabel Recipes*, and *More ReMARKabel Recipes*. The Hatfields have four children: Elizabeth, 12; Mark O., Jr., 11; Theresa, 7; and Charles Vincent, 6.

OF MOWING LAWNS AND FEELING TREES

As governor of Oregon, Hatfield proved his "not quite so simple" theory by trying to change too much too fast. "Philosophically, optimistically, I cling to the idea that people should be mature and intelligent enough to be given the whole truth." In 1959 Hatfield and two former governors (one a Democrat, the other a Republican) made an attempt to reorganize the Oregon government. Their inspiration was the Hoover reforms of earlier years. Hatfield analyzed his failure:

"Each agency head or commission member readily conceded before the committee of inquiry that we ought to have reorganization—but his agency should be exempt. The Hoover Commission had had this same experience of the federal level. "Reorganize everyone else but leave my agency alone." We want the rounds and every agency held to its own line and we got no reorganization. Looking back, I think we asked for too big a

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Footnotes at end of article.

change all at once. For deep inside, and perhaps not so deep, people feel insecure with change . . . we did not have time to lay the groundwork of public understanding or secure the slow build-up of public interest and sympathy that would have helped carry the day before the legislature. That is what the Hoover Commission had done." [10]

Reorganization was not the primary concern of the Hatfield administration. Economic growth came first. Oregon has one major industry—timber. There are 12,595,000 acres of national forest in Oregon, more than in any other state.[11] These forest areas encompass almost half of the state's land, primarily in the coastal mountain range and the inland Cascade range. Seventy percent of the nation's plywood comes from Oregon, according to the *New York Times Encyclopedic Almanac*. The other primary industries of Oregon are agriculture (in the Willamette Valley and the rolling hills of the Columbia Plateau), fishing from the mammoth Columbia, famous for its salmon, and tourism. All of these industries are highly seasonal in nature. Hatfield reminded us that Oregon did not share in the industrial growth of border states, Washington and California, especially in defense. Many Oregonians think of the absence of defense and aerospace contracts as a blessing now that massive unemployment is hitting those industries. But ten years ago these industries were the promise of the future, and the governor did his best to bring industry of any kind to the state.[12]

Smith believes that Mark Hatfield was not an outstanding governor; he criticized him for "playing it too safe." But Hatfield was reelected in 1962 by a good margin, and he bolstered his national status in 1960 by nominating Richard Nixon for the presidency at the Republican convention.

In 1964 Mark Hatfield was selected to deliver the keynote address at the convention. In a year when Barry Goldwater was proclaiming that "extremism in the pursuit of liberty is no vice," Hatfield was allied with New York Governor Nelson A. Rockefeller in the pursuit of moderation. In his convention speech he asked, "Why, why do they fear telling the American people what our foreign policy is? Even when American boys are dying in a war without a name." [13]

As the war escalated, the Oregon Governor lost the name "moderate." In 1965 at the National Governor's Conference in Minneapolis, Governor Carl Sanders of Georgia proposed a resolution backing President Johnson's actions in Vietnam. Hatfield describes the vote: "the voice vote was taken and there was a chorus of 'ayes'. Then in a purely formal, perfunctory fashion the chairman called, 'and those opposed?' bringing down his gavel swiftly to punctuate his question and foreclose a response. I shouted my 'no' very audibly." [14] The next year, at a similar conference in Los Angeles, Hatfield was warned by his senior colleagues that another "no" vote would be political suicide, especially since the roll would be called. The resolution introduced by Governor Grant Sawyer, read:

"Be it resolved that this conference affirm to the President, the American public, the service men and women of military forces of the United States and our allies, its resolute support of our global commitments, including our support of the military defense of South Vietnam against aggression."

Hatfield questioned the term "global commitments," and the vote was 49–1 in favor of the resolution. His lone vote today stands as a "profile in courage," a position redeemed with the changing of public sentiment over time. However, at the time of the vote, Hatfield looked like a political fool. Hatfield, who had looked like a shoe-in in January, was now the man who "could lose the election on this one issue." [15]

HAWKS AND DOVES

One of the reasons Hatfield was considered a shoe-in at the beginning of the 1966 Senate campaign was that no one knew who his opponent would be. Incumbent Neuberger, a "hawk," didn't want to run, nor did Congresswoman Green. Al Ullman, now the third ranking member of the House Ways and Means Committee, did not want to run either.[16] The honor fell to Congressman Robert Duncan, a popular, vigorous campaigner who preached, "If we don't fight them in the elephant grass of Southeast Asia, we'll be fighting them in the rye grass of the Columbia River Basin!" [17] Duncan, who later tried for Morse's seat in 1968 and lost in the primary, recalls his 1966 attempt:

"We attempted to appeal to all via personal appearances and door to door campaigning. . . . I visited every county, and I was endorsed by *Life* magazine, Senator Henry Jackson (D-Wash.), Vice President Hubert Humphrey, and writer Betty Friedan . . . the latter two came to Oregon and campaigned for me." [18]

Duncan requested a debate and maintains that the governor turned him down. Hatfield's biggest strength, said the ex-congressman, was his religious appeal, his intelligence and speaking abilities, and his popularity as governor. Duncan says he could have won if not for a lack of money; he estimated his campaign debt at $30,000.

Hatfield was asked to recap the election in a humorous vein at a party in Washington in 1967. He responded with a poem that is politically astute if not properly metered or rhymed:

"Things I'd like to forget
Are things I most clearly recall
And though I'm alive
Some doubted I'd survive
Dove hunting in Oregon last fall

In Oregon things are not simple
For a while indecision tore me
And to add to the fun
Like a shot from a gun
Wayne Morse announced he was for me!

The campaign grew hotter as summer did wane
And the gap closed to a smidgeon
But to our deep dread
The Hawk was ahead
And it looked like the Dove was a pigeon

Then President Bird
Went back on his word
"No visit" and that made us gladder
And what has been done?
A Senate Seat won—because of a malfunctioning gall bladder!" [19]

PRESENCE IN OREGON, PRESENCE IN WASHINGTON

So Hatfield went off to Washington, leaving an office in Salem behind him. Located at 475 Cottage Street, NE, (phone (503) 0585–1793), its primary purpose is to perform personal casework and maintain a close working relationship with the local offices of federal agencies. The office draws 100–150 letters, 75–125 telephone calls, and 30 visits per week, and mails out about 100 letters relating to the casework. Most frequent subjects are veterans administration benefit check and social security check mixups, along with selective service and military assignment problems. Copies of all correspondence are sent on to Washington.

The presence in Salem is as more than a passive conduit, however. Hearings have been held (on the box car shortage, Russian fishing, the Day's Creek Dam Project, and the dredging of Yaquina Bay) and research done for studies by the D.C. office (on the impact of trade with Japan on the state economy).

Meanwhile, on the East Coast, the new senator learned quickly that the upper house was not the most efficient institution in the country. Hatfield can talk about the seniority system with the knowledge of experience. He has made it a campaign promise that he would serve as governor until his term expired. He was consequently the last senator sworn in in 1967 and became the 100th highest member. For several months he had virtually a one-room office that later became Robert Kennedy's mail room. His first term has seen him travel through eight different committees.

Hatfield has been on the Interior Committee since 1967, his first choice because of the forest and resources interests in the state of Oregon. He sat on the Agriculture and Aeronautics and Space Sciences Committees. Hatfield recently left his seat on the Commerce Committee because of a vacancy on the powerful Appropriations Committee, but also help adjust the purse-strings as a member of the Interior Subcommittee of the Appropriations Committee. Hatfield is satisfied with his present assignments, and if he wins reelection will retain the Appropriations and Interior seats. The senator is contemplating giving up his positions on the Select Committees on Small Business and Educational Opportunity because "Small Business now does virtually nothing and Educational Opportunity's work is almost through." The senator told us that the additional two committees provide the added burden of conference meetings.

Hatfield's major activity as a senator has been in three areas: interior and agricultural work, basically for Oregon; personal interests such as the reorganization of Congress, and Vietnam legislation—end the war amendment, the all-volunteer army, and military spending.

THE FOREST AND THE TREES

In Mark Hatfield's view, current forest and conservation policies either can't see the forest for the trees or the trees for the forest. Sometimes the bureaucratic ways of the government ignore even the simplest human need. Hatfield tells of the recent camping trip of some Oregon students who went into a wilderness area in the central part of the state. One of the party was killed in an accident, and the group requested a helicopter to retrieve the body. But the law governing national forests specifies that no helicopter can be brought into a wilderness area unless a living person is in danger. Since the youth had been killed, the helicopter service could not be provided and the camping party had to carry the body out of the forest. Another rule Hatfield described prohibits any sort of structure in a wilderness area. Thus, an area recently designated as wilderness was forced to remove all of its outhouses.

Hatfield's recent American Forestry Act deals with the more general problem of the Forest Service. The stated purpose of the bill is to authorize the Secretaries of the Interior and of Agriculture to institute programs designed to reforest and restore the quality of public and private forest land; to enhance and expand recreational opportunity of such lands; to provide financial incentives to improve management of state and private forest lands; to establish a federal forest land; to establish a federal forest lands management fund; to facilitate public participation in federal resource management and to enhance the quality of the environment and the resources of the public lands.[20] Hatfield explains the need and purpose of the bill from a historical perspective, a perspective he enjoys taking. "Much of this problem stems from the fact that as a nation, we have persisted in a frontier attitude toward forest conservation long after the frontier was passed," he states. He calls for "Conservation's Second Wave" which would relate the natural resources of our forests "to the realities of human welfare, now and in the future." [21]

The basic thrust of the bill is to decentralize national controls to the local governments across the nation. The responsibility returns to the people, according to Hatfield;

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the traditions of forestry all point toward this concept.[22]

The American Forestry Bill would help fund state-prepared programs for forest development. A forest land management fund would be set up in the U.S. Treasury, available to the Forest Service and the Bureau of Land Management. The President would appoint the members of an American Forestry Policy Board to advise the Agriculture and Interior Secretaries. Funding for the act would come from a two-year appropriation of $50 million for fiscal year 1972 and $100 million for fiscal year 1973.[23]

Hatfield has pointed out that his first draft of S 350 was circulated among conservationists, industrialists, scientists, government groups, state foresters, and the general public, all of whom contributed to its formulation. He called the response overwhelming. Three field hearings were held in the summer of 1971 in Atlanta, Portland, and Syracuse. The last hearing, in Washington, D.C., was held on March 10, 1972. Here spokesmen from the Agriculture and Interior Departments and the Office of Management and Budget expressed displeasure with the bills. John McGuire of the Forest Service illustrates the problems.

"A major concept involved in S 350 is the establishment of a special fund for the purpose of earmarking national forest revenues, to plow them back, upon appropriation, to national forest programs. Under S 350, the fund would be used for a full range of programs, including research. However, the funds would be allotted with a priority for timber cultural measures.

"The Department of Agriculture has complete authority for the full range of possible management activities on the national forests. The bill would not be necessary if Congress determined that it would be necessary to increase funding for national forest programs. Thus, the normal appropriations process can serve such an objective." [24]

Another complaint was that the bill's system of granting money would conflict with President Nixon's revenue sharing programs. Hatfield asked McGuire later in the hearings if the Forest Service would support the bill if the revenue sharing proposals did not pass the Congress. McGuire replied affirmatively, adding only that the Forest Service would ask the Administration for a little more flexibility.

Recently, the Administration impounded congressional funds appropriated for the Forest Services, cut back over 1,000 Forest Service jobs, and ordered a reduction of $11 million from the 1973 budget request. Hatfield and eleven other senators wrote a letter to the President asking for the restoration of both the funds and the personnel.[25]

Other Interior bills introduced by Hatfield in 1971 included four he co-introduced with Oregon's junior Senator Robert Packwood, designed to study water resources and maintain river projects along the Rogue and Willamette Rivers. He also introduced a bill in the Agriculture Committee that would increase funding for rural water and sewer systems, and successfully guided through the Senate a bill establishing 80,000 acres in Oregon as wilderness area.[26] It is interesting to note that Oregon has less wilderness area, 1.2 percent, than any other western state.

The Hatfield philosophy on this type of bill embraces the classic conflict of state and federal government. Hatfield recognizes the need for federal help, which has brought dams along the Columbia River and the setting aside of extensive land holding in the forest areas. He sees the proper role of the federal government as partner, not boss; stimulation, not control. And he warns that the "partnership must constantly be watched; because the federal government will rush to fill any vacuum created by the failure of local government or the laziness of private interest." [27]

DEFINITION OF A RADICAL

Hatfield is notable for the consistency and firmness of his values, which he places above party politics. There is obvious conflict between the senior senator from Oregon and the President, the titular leader of his party. Hatfield believes that Nixon has not fulfilled his promises. In June of 1970 he suggested that the Nixon-Agnew team might be dumped in 1972 if the war and the economic issues they had inherited remained unresolved. "The people elected this man because of disenchantment on the war and the economy," said Hatfield. "I don't think he has produced." Reaction to this statement was quick and sharp; Oregon Republican chairman, Irving Enna, suggested that if Hatfield didn't like the ticket, he should be the one to leave.[28] There was talk in Washington of purging Hatfield in 1972 as Charles Goodell (R-N.Y.) had been purged in 1970.

Vice President Spiro Agnew's denunciations of those who opposed the Vietnam war had been the subject of a rather sharp statement on the part of Hatfield:

"On April 26, 1967, I stated in a speech: 'What kind of men have we at the helm of government who would deliberately coerce the public into accepting their policies on the threat of being branded traitor?' My position today has not changed. It is nonpartisan and applies equally to the Johnson and Nixon Administrations." [29]

But the Hatfield-Agnew "confrontation" resulted in what amounted to a tribute to Hatfield as a man of principle. Agnew told reporters that no senator who kept his disagreements within the family and remained loyal to his convictions would ever be disowned by the administration.[30] Goodell, he added, had tried to subvert the Nixon policy stands and therefore had lost face with the party. Hatfield has no complaints.

"I have never been pressured or armtwisted, no threats have been applied, never even a facial expression indicating they were ostracizing me or disciplining me. During the Haynsworth vote I received some phone calls from Martha Mitchell and Nixon aide, Bryce Harlow, and I was grabbed several times in the office corridors, but there were no threats." [31]

Hatfield considers himself a true Republican in the historical sense. He calls himself a libertarian, and, like any good professor, is ready to define his terms:

"Libertarian comes from the classical liberalism, meaning "to liberate." It is concerned with the relationship of citizen and government and has as its purpose the freeing of men's minds. This is in contrast with the classical conservative, concerned with the values of property, possession, and the preservation of the strong state. Today, the parties have strayed from their original purpose. The Democratic party has been compromised by the values of the South. Even the supposed "liberal" New Deal was not liberal, because it was not liberal in method. (strong centralization of power)." [32]

Wesley Michaelson, Hatfield's executive assistant, has additional thoughts on the senator's Republican philosophy. "The original Radical Republicans of 1856, men like Charles Sumner and Horace Greeley, believed in many advanced concepts which we embrace today, like reducing the military involvement and spending, equal rights for women and this women's vote, and the need for human justice." [33] As for the term "radical," Hatfield, the political science professor, has a definition:

"The term 'radical' is used today to envoke fear and to brand a position as most undesirable. To be a 'radical' is to be some sort of misguided individual who has lost touch with reason and is highly suspect of treasonous thoughts. It is interesting to note that the 'radical' label did not always carry such negative connotations. Early Republicans chose the term to distinguish themselves as those who were loyal to the ideals of the founding fathers of our country. Webster defines 'radical' as 'of or from the root; going to the center.' It was with great pride that such men as Charles Sumner, Salmon Chase, and others referred to their ideas as 'radical,' and it is ironic that the term has fallen into such public disrepute today.

"All of our massive social trouble must, at least, be dealt with on the home ground of the individual citizen. The actions of government alone, while essential, are not enough. They must find their counterpart in the lives of individual men; the impersonalization of great governmental programs of support and welfare is sometimes their most pernicious and damaging feature." [34]

Mark Hatfield embodies the spirit of the "Radical Republican" in the Senate. His legislation on Interior matters takes into account the local, the individual responsibility. In the consumer area he is concerned with "providing greater protection for consumers against unwarranted invasion of privacy;" after all, the concept of privacy stems from the radical Bill of Rights. In a recent fourth of July speech, Hatfield analyzed the original democratic concepts of Adams, Jefferson, and Madison. He emphasized the dynamic quality of the democratic process, that the democracy was not formed in 1776, it was begun. Democracy, says Hatfield, continues "by inviting and depending upon each citizen to participate in the task of forming a more perfect union." [35]

The training and thoughts of a political science professor turned senator are best exemplified in Hatfield's attempt to reorganize and possibly redefine the goals and values of the world's most important governmental institution. Mark Hatfield has demonstrated as a freshman the same desire for change he had shown as Oregon governor. This time, he is trying it piecemeal style, and often limits his thoughts to just thoughts, realizing the futility for a young first termer trying to change a traditional world. Hatfield believes that the 100 members of the Senate are not continuing the process of making the democracy more perfect as fast as they should. "Trying to depict the problems of the Congress," says the member, "is like trying to summarize the problems of western civilization," such is the enormity of the "institutional mediocrity" that pervades the legislative branch. Hatfield mentioned as a start the seniority system, "a very inhibiting force" in Congress today, and the frustrating quorum system. "You can sit in committee for an hour waiting for a quorum. You are all ready to work on legislation, but if the necessary number of senators don't show up, you've just wasted your time." Hatfield joins his colleague, Bob Packwood, in requesting reform of the debate rules; he feels the hallowed skill of debate has been virtually eliminated from the chamber. One change Hatfield does not favor is a calendar divided into a certain number of weeks for committee work, a number for floor debate and some for conference. He believes this plan would divide the Senate into a small band of workers and a less inspired group who would spend the committee time back home.

The problems of the Senate are not entirely institutional, according to Hatfield; the personnel comes into play as well. Hatfield used a school analogy to illustrate his opinion of his fellow members: "I have always felt that the person at a C-level of intelligence who was working hard was worth more than the person of A-level intelligence who was working at a mediocre capacity." It becomes a question of potential-individually responsibility.

One bill Hatfield introduced tried to eliminate the seniority system by limiting the

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number of consecutive terms a senator could serve to two, or twelve years. The two-termer who wished to return to the upper house would have to take a two year sabbatical. In another sphere of government reorganization Hatfield initiated legislation pertaining to the direct election of the President and Vice-President. But the area that amplifies all of the theory, philosophy, indeed all of the conviction of Mark Hatfield, is the draft.

"THE TRUE LIBERTARIAN MIND CANNOT ACCEPT THE DRAFT" [36]

The rebirth of the volunteer army concept took place at the 1964 Republican Convention.[37] Hatfield, urging his colleagues to remember their history in a 1971 speech on the Senate floor, pointed out that when the draft was first introduced, during the Civil War, riots broke out in New York in which 1,000 people died. "Even in that day, people found it repugnant to accept a system that was characteristic of the European background from which they had fled." To the libertarian Hatfield, the draft is involuntary servitude and "the most odious form of military procurement." [38]

Hatfield has opposed the extension of the draft each time it has been up for renewal during the six years of his term. In 1969, for example, he offered an amendment to the draft extension bill calling for steps toward "the prompt termination of involuntary inductions and a transition to an effective voluntary system." President Nixon appointed Thomas Gates, an ex-Secretary of Defense under John F. Kennedy, to head a commission on the volunteer army early in his administration. The commission reported to the Chief Executive on February 21, 1970. Included in their recommendations were: an increase in basic military pay to stimulate volunteers (enlisted men from $180 to $315 per month; officers from $428 to $578 per month), improve the general quality of military life and training, establish a standby draft to be activated by joint resolution of Congress. Hatfield and colleague Barry Goldwater (R-Ariz.) incorporated these recommendations into an amendment to the 1971 fiscal year military procurement bill. The measure lost, 35–52.

Hatfield tried again in 1971, with S 393, the Voluntary Military Act of 1971. In a one-hour speech on the Senate floor, he analyzed and tried to refute the arguments used to sustain the draft.

First, there is the question of numbers; what would be the loss of men or "shortfall," in switching from the draft to an all-volunteer system. Hatfield cited the Assistant Secretary of Defense's figures to show that "if inductions were terminated June 30, 1971, and no incentives were added, the greatest shortfall experienced would be 213,000 men." But since the Senate Armed Services Committee has already recommended reductions in manpower, the shortfall would approximate only 113,000 men. With incentives such as raise in basic pay added, the Assistant Secretary's most pessimistic figure fell only 25,000 men short of the committee recommendations. "Furthermore," said Hatfield, "there is ample reason to suspect that Department of Defense (DOD) figures are inflated and overstate the manpower needs for the coming year. The accessions projected by DOD for fiscal year 1972 for a 2.505 million man end strength are roughly 200,000 above the estimates of the President's Commission on an All-Volunteer Armed Force commonly referred to as the Gates Commission." This difference of 200,000 men does not seem to be a standard deviation or a normal mistake.

Next in his argument against the draft, Hatfield took up the question of racism. He dismissed the claim of senators such as Edward Kennedy (D-Mass.) that a volunteer army would be an army of poor and black people and a discriminatory operation. In the first place, Hatfield said, even if every eligible black man enlisted, the Gates Commission estimated that they would make up only 22.4 percent of the total force. Second, the present Selective Service System is more racist than an all-volunteer system would be. Student conscientious objectors and medical deferments put the black and the poor at a tremendous disadvantage.

Most convincing to Hatfield is the fact that the blacks and the poor don't want the draft either. He challenges Senator Kennedy "to find one black spokesman that doesn't oppose the draft." The black caucus, and all the black organizations Hatfield knows of, oppose the draft. He points to a statement by David Clarke of the Southern Christian Leadership Conference, which maintains:

"Of particular concern to the Southern Christian Leadership Conference is the 'fear' that an all-volunteer Army will become an Army of the poor and the black . . . such condescending noblesse oblige is not only unappreciated, it is downright repugnant from the point of view of the black soldier who is ordered to die to preserve a freedom that he has never known." [39]

Hatfield sees the draft as a flagrant obstruction of individual rights. He is also adamantly opposed to the concept of "noblesse oblige" as he illustrated in his first book:

"In civil rights there were those who created the illusion that once we got a civil rights act our civil rights problems would be solved. I supported the Civil Rights Act nationally, in keeping with my actions and involvement in civil rights at the state level. But passing a federal law was not in itself going to solve the problem. Ultimately, private groups, nonpolitical groups, would have to involve themselves. The law can tutor us. The law can perhaps ultimately influence men's thinking. But if we are to solve this problem on a crash basis, which is the immediate need, we must mobilize the resources of men to change the minds and hearts of men." [40]

Closely interrelated with the draft issue is, of course, the war in Indochina. The moral and constitutional questions about the "war that can't be won" have been raised again and again. Hatfield warns against desensitization: "Everybody is tired of the war. We all know that . . . but being tired about a war, and wanting to forget about it, will not stop it; in fact it will make it easy for it to quietly go on." [41]

HOW DOES OUR MODERN FAITH IN SUPERIOR FIREPOWER RELATE TO OUR NATIONAL MOTTO, "IN GOD WE TRUST" [42]

Hatfield wrote his first anti-war resolution in 1967 and submitted it to the Senate in February of 1968, just after the seizure of the U.S.S. Pueblo. He was the only sponsor because he didn't want to have the bill appear to be a slap at President Johnson. Rather, he tried to keep it a question of constitutional right:

"*Resolved by the Senate*, That if the President determines that it is necessary and vital to the interests of the United States to extend the Vietnam ground war beyond the limits of South Vietnam, the President shall first obtain full participation in this decision by the United States Senate and House of Representatives."

This resolution was an attempt, in the Oregonian's words, to hang "something of a moral albatross around the neck of a President." It was an attempt to limit the war-making powers which Johnson had seized with the consent of the Senate through the Gulf of Tonkin resolution of 1964. But neither the Senate nor the nation was ready for action to limit the president.[43] The resolution was whipped.

There were other attempts to end the war. The most famous was an amendment to the Military Procurement Bill known as the McGovern-Hatfield Amendment. Wes Michaelson, executive assistant to Hatfield, recalls that Senators McGovern and Hatfield talked and came up with the idea and then "McGovern's office called us, and the two staffs worked out the details of the amendment which was subsequently approved by the two senators. We were lucky with the timing of the bill—it was introduced the week President Nixon invaded Cambodia." [44] The amendment provided that "in accordance with public statements of policy by the President," no funds could be used to maintain a troop-level of more than 280,000 in Vietnam after April 30, 1971. After that date, funds could be used "in and over Indochina" only for withdrawal by December 31, 1971, release of prisoners of war, and asylum for Vietnamese.

The amendment quickly became the rallying point for many Americans who were aghast at the Cambodia move. Buttons sprouted and ad-hoc groups were formed to lobby for the bill. Vice-President Agnew called it "a blueprint for the first defeat in the history of the United States." [45] The two sponsors and Senators Alan Cranston (D–Calif.), Charles Goodell (R–N. Y.), and Harold Hughes (D–Iowa) purchased national television time on May 12 to gain more support, but as it turned out, the vote was not even close.

One year later, Hatfield described the effect that amendment had had on the war:

"Let us begin the debate this year by remembering where it ended last year. On September 1, 1970, the Senate defeated a proposal offered by Senator McGovern and myself, by a vote of 55–39. What did the opposition say then? We were told that those who supported our amendment were not the only ones who were for peace, that all Senators were for peace, but disagreed over the means to achieve it. Of course, we agreed. But what has happened since that time? Has the policy the Senate chose to follow brought us any closer to peace? Three-quarters of a year has gone by since that time. During that time, 2,811 Americans have died in Indochina: 11,250 Americans have been wounded—16,578 South Vietnamese soldiers have died, and about 100,000 North Vietnamese soldiers, according to the Pentagon, have died. Thousands of tons of bombs have been dropped by our planes. Thousands of civilians in Indochina have been killed or wounded. And we are no closer to peace." [46]

Hatfield is dissatisfied with the President's handling of the war, even though he has reduced the number of ground troops, because American bombing goes on. A second McGovern-Hatfield amendment lost by a vote of 42-55 in June of 1971. On November 23, 1971, Hatfield marked an interesting date in Vietnam war chronology. It has been three and a half years since the first Paris peace talks had begun, an ostensible attempt to "wind down the war." He pointed out that America had been engaged in the process of winding down this war for about the same amount of tire it took this country to enter, fight, and end World War II.[47]

As of June 1972 Hatfield was still trying to end the war and halt the draft. He offered yet another amendment to the Military Procurement Bill for fiscal year 1973, requesting that the set date for the end of the draft, June 30, 1973, be moved up to six months. He cited as reason for the amendment "the mismanagement and indecisiveness" of the Department of Defense, which was "falling short of the mandate of the President to move to an all-volunteer Armed Force." The amendment was defeated 25-64, and several senators believed that Hatfield had gone about it the wrong way. Since he did not introduce his measure in committee, there were no hearings, and the absence of hearings was used as an argument against passage. Wes Michaelson says that Hatfield took the only course open to him, since Senator John Stennis, chairman of the Armed Serv-

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ices Committee, would have surely pigeonholed the amendment.

Hatfield has also pursued his efforts against the war in the group known as Members of Congress for Peace Through Law. This is the only bicameral and bipartisan congressional group in existence, and it has about 100 members. Hatfield was chairman this year, and before that headed the Military Spending Committee along with Senator William Proxmire (D-Wisc.). "We can claim some credit on the Military Spending Bill," says Hatfield, "we produced and provided the necessary data to fight defense expenditures independent of the Armed Services Committee."

To Mark Hatfield, peace does not mean the mere absence of conflict. He is now interested in what he calls "peacekeeping machinery," or some sort of "firefighting group, on an international level that would be prepared to snuff out skirmishes and prevent more wars." Hatfield places great value on the potential of the United Nations. He says that the United States should give U.N. affairs higher priority; he maintains that we haven't done all that we could in this area.[48]

Although he is against American intervention in the affairs of the Vietnamese people, Hatfield is by no means an isolationist. In the six years of his tenure, Hatfield has traveled to India, Thailand, Hong Kong, to the International Christian Conference in Bermuda, and twice to the Middle East on fact-finding tours at his own expense. He has traveled, at government expense, to New Zealand and Anarctica on a scientific research expedition. On personal trips at his own expense he has been to Canada, Spain, Costa Rica, Hong Kong and Yugoslavia.[49]

It is interesting to note that the senator, while not visiting Vietnam once during his Senate term, has gone to the Middle East twice. Hatfield has adopted an almost neutral stance on the crisis in the Middle East, which is often misinterpreted to be an anti-Israel position. Although the senator is less vociferous about the Jewish state than many of his colleagues, he is not an avid supporter of the Arab position. There are pictures of both King Hussein of Jordan and Prime Minister Golda Meir of Israel prominently displayed in Hatfield's outer office. Michaelson says that the senator believes the central issue in the Middle East (at least from an American point of view) must be the refugee problem. He added that Hatfield has supported the Nixon administration's actions on the Middle East situation consistently; the Administration has been considered a good friend to Israel.

There are other areas in which Hatfield has attempted to pass legislation. He introduced some 175 bills in 1971, of which he initiated 51. These include the American Forestry Act, the Vietnam Disengagement Act (the name for the second McGovern-Hatfield amendment), and the Voluntary Military Act. Some of his lesser bills are quite fascinating. His S. 2345 would have amended the Internal Revenue Code of 1954 to allow an income tax deduction for donations of blood. Anticipating economic arguments against the peace motions, Hatfield and McGovern sponsored a bill designed to provide assistance to defense workers whose employment had been adversely affected by the transition to a peacetime economy. There was an amendment to the Foreign Assistance Act of 1961 to provide for a United States contribution to the United Nations, earmarked for a peacekeeping force.

One bill, in keeping with Hatfield's emphasis on the rights of the individual, proposed to allow United States citizens to own gold. Hatfield told us that

"The United States Government should relieve itself of its gold, just as it does any other surplus, and let the free market determine its value and consequently the value of the dollar . . . this is an instance where the government has been operating contrary to the interests and to the detriment of the citizens it represents."

One bill even proposed to provide for a temporary increase in the membership of the House of Representatives to 437 members, adding a seat from Oregon. For the sake of speculation, the 1970 population of the state of Oregon was 2,091,385, and they have four congressional districts. This is more than West Virginia (1,744,237) which has five districts, but less than Mississippi (2,216,912) which also has five. To make matters more confusing, the state of Colorado, which has only four districts, has a greater population than Oregon (2,207,259). The bill remains in the Judiciary Committee.

THE PSYCHOLOGY OF LEGISLATION

By introducing 51 bills, the senior senator initiated more legislation than any other freshman senator. Indeed, he introduced more bills than any other Republican senator except Jacob Javits (R-N.Y.). Most, like the great majority of all bills introduced in Congress, received no action. Thirteen of the bills won cosponsorship, but only two have become law.

Hatfield's ability to get legislation passed is limited by the minority position he occupies and by his lack of seniority. As the lowest senator of the "class of 66," Hatfield cannot turn to his party. The party organization is not strong in Oregon, and Hatfield, though respected, is not popular at the White House. The lack of support he found for the Forestry Act is a case in point. Any timber or forestry bill is crucial for Hatfield, since it will most likely mean a gain or loss in votes. In general, says Smith, Hatfield respects the interests of the timber industry, but he, like Morse, picks and chooses the bills he wishes to support. He does what he thinks is best for the interests of his state. The American Forestry Act did garner considerable support with forest interests, but it was in direct conflict with the interests of the Administration, and this has prevented party support.

Perhaps Hatfield introduces so much legislation because as a libertarian Republican he occupies an almost unique philosophical spot. To be sure, there are others who often agree with his stands. The Wednesday Club, a weekly luncheon of moderate and progressive Republicans, usually attracts ten to twelve senators. Here, the members work on legislation, passing judgments and making criticisms. This is the Senate group with which Hatfield most strongly identifies.[50] Yet in many ways, Mark Hatfield stands alone.

Hatfield was described in a 1963 *New York Herald Tribune* article as a man who was "not one of the boys of the state legislature," a loner of sorts.[51] Certainly he wasn't bothered by the pressures of conformity when he was the only governor to speak out against the war back in 1965. By now, of course, says reporter A. Robert Smith, the entire Vietnam affair could only boost his self-confidence and crystallize his convictions. "Mark is not a two-fisted guy," adds Smith. His independence and firmness of convictions seem to be the most important facets of his legislation. It is evident that he doesn't mind being alone.

In 1971 Hatfield voted against President Nixon's position 55 percent of the time, more than any other Republican senator. There were many occasions on which he opposed all but a handful of his Republican senatorial colleagues. Among these were his votes to ban the use of defoliant chemicals in Vietnam, to deny military aid to Greece, to end subsidies to tobacco companies, to require the Department of Defense to file statements of the effects of their projects on the environment, to defeat the Nixon plan for compulsory arbitration of transportation strikes, to deny the President's appointment of Judge Carswell to the Supreme Court. (See Tables 3 and 5.)

The fear of change is something Mark Hatfield's "legislative psychology" must take into account. "When they (both senators and constituents) learn of some new policy they will react adversely unless they have been introduced and acquainted with the concept over a period of time. We need in Congress some procedure by which the input of new ideas and bills can be effectively increased. I am dissatisfied with the rate of change in Congress," Hatfield told us. The rate of change, the continual process of democracy, this is what Mark Hatfield believes in and what he fights for.

FINANCES

Due to loopholes in the federal law in effect over the 1966 election. Hatfield filed no significant information about campaign finance with the Secretary of the Senate. He was bound to report only those contributions and expenses of which he had personal knowledge, although nothing in the statute stops members from exercising greater candor. The Oregon campaign finance law is, in its reporting requirements, one of the best in the country. However, Congress Project researchers did not examine the files listing Hatfield's contributors. Thus, through no fault of the senator's, we have no detailed information on his backers.

"The Senate has become a business for the rich," says Hatfield about the personal wealth of his fellow-legislators. "I don't belong here economically. I have voted against salary increases because that's not where I need the money. I believe we should appropriate the money for greater and better staffs. I don't need the money for personal finance, but I do need it for the office."

The senator's expenses basically fall into these areas: travel and transportation costs for trips, both to Oregon and to foreign countries; office material and staff, and personal expenses. Michaelson says that the senator wants to pay his own bills without being dependent on any special interests or groups. He earns the money he needs by speaking.

Over the last three years Hatfield has earned over $100,000 in honoraria from speaking engagements. This is more money than any other Republican senator earns via this method; only Birch Bayh (D-Ind.) and Hubert Humphrey (D-Minn.) have made more. In 1970 the Oregonian netted his largest amount for any year—$41,956. This was earned through some 38 engagements, 27 of which were on college campuses.[52] Hatfield believes that students have always been and will continue to be his best audience. It is his way of keeping in contact with the university environment he lived in for so long; the greater proportion of his college lectures are at small independent schools like Willamette.

At the National Conference on Higher Education in 1970, Hatfield analyzed the temperament of the current collegiate scene.

"With the advent of student unrest—of 'student power'—there has been a great erosion of the image of higher education in the public mind. The result is that many colleges and universities find themselves not only confronting turmoil from within but also vicious attack from without. . . . Students are reacting to students, faculty, administration, minority rights, our nation's inequities. The public is reacting negatively to this reaction. And the politicians are reacting to the public's reaction. No one gains in this vicious circle and everybody is hurt."

Hartfield went on to back up his claim by describing several bills that were formulated "in a reactionary vein" towards the colleges and universities of America. He notes that unfortunately, the adverse reaction is in the majority, and that the politicians and the

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public have not looked at the problem of student unrest from the proper perspective.

"Student unrest today is, in many ways, a part of a quest for self-discovery, a transcendental curiosity which is finding outlets in such popular fads as yoga, astrology, gurus, the whole drug experience or culture, the trends in popular music and the interest in mysticism and eastern religions. Every one of these fads, in many respects, expresses to some degree that the external society—particularly our commercialized materialism—is all superficial, phony, and fraudulent. Beneath it all there is a search in many, many instances for a deeper reality—the quest for some other realm of experience that can give fulfillment and true meaning to life.

"Student after student has said to me that they cannot even find the professor in the classroom that can define his professional ethic, let alone a personal ethic. They cannot find an institution which they are attending which can define its institutional ethic, let alone relate to them in understanding of a personal ethic."[53]

The crux of everything that is Mark Hatfield is contained in that last statement. Although he himself is "attending" an institution which cannot define its ethic, its purpose, its spirit, he has defined his own place, his own professional ethic. But even more importantly, he has a personal ethic, a theological belief which allows him to remain true to his political convictions. For Mark Hatfield, politics is second; God is first.

"EVERYTHING MARK HATFIELD DOES IS FOR THE LORD"[54]

In his second book, *Conflict and Conscience*, Mark Hatfield has collected several of his addresses in an attempt to "call into question the legitimacy of my Christian beliefs on the basis of my political positions." He adds that his political convictions are merely the consequences of his life's orientation toward the Baptist religion, and more importantly, toward the meaning of Jesus Christ. Peace, to Hatfield, "can come only when needs—physical and spiritual—are fulfilled " The issues he deals with day to day, like war, racism, poverty and ecology, are but symptoms of a spiritual disease that exists in the United States. They are reflections of "the shallow, corrupt, and warped values we hold." And, says the senator, it is obvious that legislative action is not enough.

The relationship between theology and political science, between God and Country, have been distorted in recent years.

"We often make the mistake of starting with our own prejudices or presuppositions, and then choosing theological perspectives that suit us best . . . those who begin with a right-wing ideology . . . adopt a theology that supports their prejudices . . . theology is being used for our own purposes, and our own selfish intentions."

In other words, theology and politics are related through a process, and the process has been reversed in Hatfield's eyes. He maintains that inquiry and study must flow *from* faith.

"Our pastors are those concerned chiefly about personal salvation; they see the primary responsibility of the Christian as ministering to the personal problems of other individuals. Our prophets are those concerned chiefly with seeing God's purposes for the world being realized. They hear a call for the "Kingdom of God" to be furthered on earth, and are concerned about the problems of war, poverty, and social injustice."[55]

Which role is best? Hatfield looks to Christ's own life for the answer. The need is for "pastor-prophets," because the prophetic words about the forces destroying our society are meaningless unless there is a pastoral love behind them. "Only when one knows that he is loved and forgiven by Christ's love can he bear the full truth of God's judgment of the world."

Hatfield criticizes the organized church for its role in Washington. "I believe churchmen should not view politicians merely as someone who has to be 'lobbied.' Rather, their aim should be to build honest personal relationships with politicians, based on true concern, love and understanding."[56] And, adds Senator Hatfield, if the church does not "open its eyes to the vision of a better society," it will "by default share in the guilt for the nightmare of a secular ideological totalitarianism."[57] The prevention of such a spiritual disaster and the fulfillment of that vision supersedes all other concerns for Mark Hatfield.

FOOTNOTES

[1] Mark Hatfield, *Not Quite So Simple* (New York: Harper and Row, 1968), p. 153.

[2] *Washington Evening Star*, March 22, 1967.

[3] Mark Hatfield, *Not Quite So Simple* (New York: Harper and Row, 1968), p. 45.

[4] *The New York Times*, July 14, 1964.

[5] Mark Hatfield, *Not Quite So Simple* (New York: Harper and Row, 1968), p. 12.

[6] Ibid, p. 22.

[7] Robert Sherill, "Hatfield: The Oregon Enigma," *The Nation* (July 17, 1967), p. 38.

[8] Interview with A. Robert Smith, reporter for the *Portland Oregonian* by Congress Project researcher on August 11, 1972.

[9] Mark Hatfield, *Not Quite So Simple* (New York: Harper and Row, 1968), p. 20.

[10] Mark Hatfield, *Not Quite So Simple* (New York: Harper and Row, 1968), p. 45.

[11] "Commission Lands in National Forests," *National Journal*, III (March 27, 1971), p. 663.

[12] Interview with Senator Mark Hatfield by Congress Project researcher on August 8, 1972. (Hereafter cited as Interview with Member.)

[13] Mark Hatfield, *Not Quite So Simple* (New York: Harper and Row, 1968), p. 155; Interview with Member.

[14] Ibid, p. 159.

[15] Ibid.

[16] Interview with Representative Robert Duncan by Congress Project researcher on July 17, 1972. (Hereafter cited as Interview with Duncan.)

[17] Mark Hatfield, *Not Quite So Simple* (New York: Harper and Row, 1968), p. 163.

[18] Interview with Duncan.

[19] *Washington Evening Star*, January 15, 1967.

[20] U.S. Congress, Senate, *Subcommittee on Public Lands of the Committee on Interior and Insular Affairs: Hearings on Management Practices on Public Lands*, 92d Cong., 2d sess., March 10, 1972, p. 1.

[21] U.S. Congress, *Congressional Record*, Senator Mark Hatfield, remarks at Forestry Hearings, Atlanta, Georgia, vol. 117, pt. 28, p. 36728.

[22] Ibid.

[23] Senate, *Committee on Interior and Insular Affairs, Hearings on Management Practices on Public Lands*, 92 Cong., 2d sess., March 10, 1972, p. 1.

[24] Ibid, pp. 59, 60.

[25] Senator Mark Hatfield, Press Release, June 12, 1972, U.S. Senate, Washington, D.C.

[26] *Digest of Public General Bills & Resolutions*, 92d Cong., 1st sess., 1971. (Washington, D.C.: Library of Congress, 1971.)

[27] Mark Hatfield, *Not Quite So Simple* (New York: Harper and Row, 1968), p. 52.

[28] *Washington Evening Star*, June 30, 1970.

[29] *The New York Times*, August 18, 1970.

[30] "Politics," *National Journal*, III (March 6, 1971), p. 538.

[31] "Hatfield Confident About 172" *Washington Evening Star*, November 26, 1971.

[32] Interview with Member.

[33] Interview with Wesley Michaelson, executive assistant to Senator Mark Hatfield by Congress Project researcher on August 1, 1972. (Hereafter cited as Interview with Michaelson.)

[34] *Congressional Record*, Senator Mark Hatfield, floor remarks on behalf of S. 18150–53, October 14, 1970.

[35] Hatfield, Press Release, July 4, 1972.

[36] J. L. Moore, "Draft, Volunteer Army Proposals Head for Showdown in Congress," *National Journal*, III (March 6, 1971), p. 489–99.

[37] "On the Issues," *Congressional Quarterly Weekly Report*, XXIX (April 2, 1971), p. 752.

[38] *Congressional Record*, Senator Mark Hatfield, floor remarks on behalf of S. 804, June 2, 1971.

[39] *Congressional Record*, Senator Mark Hatfield, floor remarks on S. 804–8026, June 2, 1971.

[40] Mark Hatfield, *Not Quite So Simple* (New York: Harper and Row, 1968), p. 69.

[41] *Congressional Record*, Senator Mark Hatfield, floor remarks on S. 8760, June 10, 1971.

[42] Mark Hatfield, *Conflict and Conscience* (Waco, Texas: World Books, 1971), p. 29.

[43] Mark Hatfield, *Not Quite So Simple* (New York: Harper and Row, 1968), pp. 174–75.

[44] Interview with Michaelson.

[45] "On the Floor," *Congressional Quarterly Weekly Report*, XXVIII (August 21, 1970), p. 2087.

[46] *Congressional Record*, Senator Mark Hatfield, floor remarks on behalf of S. 8761, June 10, 1971.

[47] *Congressional Record*, Senator Mark Hatfield, floor remarks on behalf of S. 19537, November 23, 1971.

[48] Interview with Member.

[49] *Congressional Quarterly Weekly Report*, XXIX (June 21, 1971); XXX (August 1, 1972).

[50] Interview with Member; Interview with Michaelcon.

[51] *The New York Herald Tribune*, November 24, 1963.

[52] "Financial Disclosure," *Congressional Quarterly Weekly Report*, XXVIII (May 24, 1971.)

[53] *Congressional Record*, Senator Mark Hatfield, floor remarks on behalf of S. 5445–S 1, April 9, 1970.

[54] *The New York Herald Tribune*, November 4, 1963, quoting Antoinette Hatfield.

[55] Mark Hatfield, *Conflict and Conscience*, p. 40.

[56] Senator Mark Hatfield, "Pastors, Prophets and Politicians: 159th Commencement Address," Princeton Theological Seminary, Princeton, New Jersey.

[57] Mark Hatfield, *Conflict and Conscience*, p. 73.

THE RESPIRATORY DISEASE BENEFIT ACT

Mr. TAFT. Mr. President, on February 27, I introduced S. 1029, the Respiratory Disease Benefits Act. This measure is designed to extend to thousands of industrial workers, crippled with occupationally related respiratory diseases, the same benefits which we now provide to coal miners who contract black lung. I am pleased that this measure has now been cosponsored by the Senator from Rhode Island, (Mr. PASTORE) and the Senator from Idaho (Mr. CHURCH). In analyzing this matter, a verbal presentation before the American Industrial Hygiene Association has come to my attention which I wish to commend to my colleagues. Made by Joseph K. Wagoner, S.D. Hyg., William M. Johnson, M.D., and Richard Lemen, M.S. of the National Institute for Occupational Safety and Health, it is entitled "Malignant and Nonmalignant Respiratory Disease Mortality Patterns Among Asbestos Production Workers."

I ask unanimous consent that this presentation be printed at this point in the RECORD.

There being no objection, the presentation was ordered to be printed in the RECORD, as follows:

Malignant and Nonmalignant Respiratory Disease Mortality Patterns Among Asbestos Production Workers

INTRODUCTION

There is little doubt today that occupational exposure to asbestos, under a wide variety of circumstances is causally associated with lung cancer, mesothelioma and asbestosis. To date, however, only one study has evaluated these responses in relation to the interaction between duration of exposure and interval since onset of exposure. This study, by Newhouse, is limited by the multiplicity of fiber types used in production; that is, amosite, crocidolite and chrysotile asbestos. The purpose of the present epidemiological investigation was to evaluate the mortality patterns among a cohort of workers in one major asbestos manufacturing complex utilizing predominantly chrysotile asbestos in textile, friction and packing products.

METHODS

Selected for study were all individuals employed in the manufacturing of asbestos textile, friction and packing products during the period January 1, 1940 through December 31, 1962. Occupational histories were ascertained from company employment files. In an attempt to obtain a group of more manageable size, study was limited to those individuals having completed one or more years of employment.

Follow up of all study group members was attempted from the time of termination of employment to January 1, 1968, the cut-off date for analyses of these data. Vital status ascertainment was made through records maintained by Federal, state, and local government agencies including sources such as the Social Security Administration, the Internal Revenue Service and State Vital Statistics Offices. For those individuals not located through these conventional data resources, use was made of State Motor Vehicle Licensing Agencies, R. L. Polk directories, Post Office mailing correction services, and town hall voter and property tax records. As a result of this intense follow-up program, less than 6.9% of the study group were lost to observation (Table I). Death certificates were obtained for the known dead, and cause of death were interpreted according to the *Revision of the International Lists of Diseases and Causes of Death* in effect at the time of death by a qualified nosologist. Those individuals whose vital status was not ascertained were considered alive, thus making conservative any finding of increased cause-specific mortality among the study group. In addition 29 individuals who were known to have died but for whom no death certificate could be obtained were considered as deceased, cause of death undetermined.

A modified life table technique was used to obtain person-years at risk of dying by five year calendar time periods, five year age groups, number of years of employment, and number of years after start of asbestos exposure. Comparison was made between the observed risk of dying among the study cohort with that expected on the basis of age-sex-race-calendar time-cause-specific mortality rates for the general population of the United States.

RESULTS

Table 2 shows that during the period January, 1940 through December, 1967, a total of 655 deaths occurred among asbestos workers as contrasted with 526.84 expected, an excess significant at $p<.01$. The distribution of deaths is most revealing. Only one organ system complex was significantly in excess of expectation, that being the cardio-pulmonary system. This excess of deaths within the respiratory system was not specific to any one response, rather it was demonstrated both for malignancies with 46 observed versus 18.84 expected, $p<.01$ and for non-malignancies with 72 observed versus 35.02 expected, $p<.01$. Disease of the heart, which in part were secondary to pulmonary disease, i.e., cor pulmonale and congestive heart failure, were also increased among asbestos workers, with 239 deaths observed versus 202.37 expected, an excess significant at $p<.05$. Note should be made that among the 83 deaths in the all other known cause category, 16 were malignancies of the lymphatic and hematopoietic system. The etiology of these malignancies will be the subject of a separate report.

A more detailed breakdown of respiratory deaths, both malignant and non-malignant by duration of employment and time since onset of asbestos exposure is shown in Tables 3 & 4. By examination of the mortality patterns in Table 3, it may be seen that an excess of respiratory cancer occurred among asbestos workers at each duration of employment category down to and including 1–9 years. The lack of an excess respiratory cancer risk during the first nine years after onset of asbestos exposure, followed by a significant excess for each time interval beyond 10 years is not consistent with a predisposition (endogenous or exogenous) to respiratory cancer among individuals employed in the asbestos industry.

Table 4 shows that in contrast to the excessive risk demonstrated for respiratory cancer down to and including 1 to 9 years of employment, only during the period of ten or greater years of employment was non-malignant respiratory disease (pneumoconiosis) excessive. These observations do not support the speculation that excessive respiratory cancer is found only in presence of asbestosis.

Consideration must be given to the fact that some of the accumulated exposure (in this case duration of employment) is wasted or irrelevant as far as the initiation of cancer is concerned. This is so as malignant transformations do not lead to instantaneous cancer but must be transmitted over several years through the cell progeny. Analytic methods, however, used in the epidemiology of asbestos—induced cancer are unable to discriminate between the initiation dose and subsequent (wasted) exposure. In view of these concepts and the magnitude of excess risk shown in Tables 1 and 2, the prudent course of action would be to reduce asbestos exposure substantially below those levels demonstrated to be associated with malignancy.

Now that an excess of 110.73 cardio-pulmonary deaths has been observed and an association with duration of employment has been demonstrated, it seems desirable to evaluate the distribution of those malignant and non-malignant respiratory disease deaths according to interval since termination of employment. This evaluation is undertaken to shed light on the practice of respirator use in the absence of strict medical controls, during periods of excessive asbestos or other pneumoconiosis producing dust exposures.

Figure I shows the percentage of both total lung cancer and pneumoconiosis deaths according to five year intervals since termination of employment. The majority of lung cancer and of pneumoconiosis deaths occurred within five years of termination of employment. Twenty-six out of 45 lung cancer deaths and 41 out of 52 pneumoconiosis deaths occurred within this five year interval.

Table 5 shows a breakdown of those lung cancer deaths which occurred within the first five years since termination of employment. The majority (14 out of 26) of these lung cancer deaths occurred within six months following termination of employment. The average age at death of these 14 individuals was 53.4 years.

Furthermore, a breakdown of pneumoconiosis deaths which occurred within five years since termination of employment may be seen in Table 6. The majority of these respiratory deaths occurred within one year since termination of employment including 17 deaths which at an average age of 53.8 years occurred within six months of termination. Note should be made that the average age of those 41 individuals who died within five years since termination of employment was only 55.9 years.

Lung cancer and pneumoconiosis deaths which occurred within six months of the termination of employment are evaluated further according to one month intervals since termination of employment (Table 7). The majority of both lung cancer and of pneumoconiosis deaths which occurred within six months took place within three months of termination. Note that five lung cancer deaths and eight pneumoconiosis deaths occurred within one month. Cor pulmonale and congestive heart failure were noted as contributing cause of death on the death certificates of many of these individuals with pneumoconiosis whose age at death was usually less than 60 and in a few cases under 50. These data demonstrate the need for a comprehensive medical evaluation of employees who are required to wear respirators in asbestos operations with excessive exposure levels. Individuals with pulmonary function findings consistent with restrictive lung disease and with other evidence of asbestosis are at excess risk of cardio pulmonary death, and the routine use of both filter and air supplied respirators in individuals with moderate and advanced asbestosis could aggravate an already serious medical condition.

Cardio-pulmonary death within a short interval since termination of employment is not a problem limited to the past. Table 8 shows lung cancer and pneumoconiosis deaths according to time since termination of employment and decade of death. During the years 1960–67, eleven of these deaths occurred within six months since termination of employment. Asbestos-related pulmonary disease is a current problem in the asbestos products industry according to the findings of NIOSH medical surveys. A recent survey in an asbestos insulation plant demonstrated approximately a 50% prevalence of X-ray, pulmonary function, and clinical findings consistent with asbestos is among individuals with ten or more years of employment. The routine application of respirators in such an employed population is hazardous, and the need for comprehensive medical surveillance is indicated. These data provided the rationale upon which the Advisory Committee on Asbestos Standards recommended that use of respirators during periods of excessive asbestos dust be preceded by strict medical evaluation.

TABLE 1.— *Status of asbestos textile, friction and packing study cohort as of December 31, 1967*

Known to be alive	2,481
Known to be deceased	655
Death certificate obtained	626
Death certificate outstanding	29
Not known to be alive or deceased	231
Total	3,367

TABLE 2.—OBSERVED AND EXPECTED DEATHS DUE TO SELECTED CAUSES, WITH STANDARDIZED MORTALITY RATIOS AMONG WHITE ASBESTOS, TEXTILE, FRICTION AND PACKING EMPLOYEES, JANUARY 1940 THROUGH DECEMBER 1967

Cause of death	Number of deaths: Observed	Number of deaths: Expected	SMR
Tuberculosis	10	10.90	92
Malignant neoplasms	117	95.82	[1] 122
Digestive system	36	29.07	124
Respiratory system	46	18.84	[2] 244
Other and unspecified	35	47.91	73
Vascular lesions affecting CNS	41	40.14	102
Diseases of the heart	239	202.37	[1] 118
Nonmalignant respiratory diseases	72	35.02	[2] 206
Cirrhosis of liver	12	10.55	114
Accidents	29	42.40	[1] 68
Suicide and homicide	23	15.81	145
All other known causes	83	70.85	117
Unknown causes	29		
Total	655	526.84	[1] 124

[1] Significant at 5 percent level.
[2] Significant at 1 percent level.

TABLE 3.—OBSERVED AND EXPECTED RESPIRATORY CANCER DEATHS ACCORDING TO DURATION OF EMPLOYMENT AND TIME SINCE ONSET OF EMPLOYMENT AMONG WHITE ASBESTOS, TEXTILE, FRICTION AND PACKING EMPLOYEES, JANUARY 1940 THROUGH DECEMBER 1967

Time since onset of employment (years)	Duration of employment (years): 1 to 9		10 to 19		20 to 29		30 and over		Total	
	Observed	Expected	Observed	Expected	Observed	Expected	Observed	Expected	Observed	Expected
1 to 9	3	2.75							3	2.75
10 to 19	5	2.78	6	3.21					11	5 99
20 to 29	6	2.95	5	1.01	10	3.04			21	7.00
30 and over	1	.47	3	.61	3	.80	3	1.85	10	3.74
Total	15	8.96	14	4.83	13	3.83	3	1.85	45	19.47

TABLE 4.—OBSERVED AND EXPECTED NONMALIGNANT RESPIRATORY DEATHS (LESS INFLUENZA AND PNEUMONIA) ACCORDING TO DURATION OF EMPLOYMENT AND TIME SINCE ONSET OF EMPLOYMENT AMONG WHITE ASBESTOS, TEXTILE, FRICTION AND PACKING EMPLOYEES

Time since onset of employment (years)	Duration of employment (years): 1 to 9		10 to 19		20 to 29		30 and over		Total	
	Observed	Expected	Observed	Expected	Observed	Expected	Observed	Expected	Observed	Expected
1 to 9	2	4.49							2	4.49
10 to 19	3	3.45	14	4.09					17	7.54
20 to 29	1	2.51	4	1.34	13	3.05			18	6.90
30 and over	1	0.46	4	0.49	9	1.00	12	1.08	26	3.03
Total	7	10.91	22	5.92	22	4.05	12	1.08	63	21.96

TABLE 5.—LUNG CANCER (162.1 AND 163X) DEATHS AMONG ASBESTOS WORKERS

Time since termination of employment	Deaths: Number	Percent	Average age
Less than 6 months	14	53.8	53.4
6 months to 1 year	5	19.2	51.0
1 to 2 years	3	11.5	60.1
2 to 5 years	4	15.5	76.6
Total	26	100.0	60.3

Note: Male—23; female—3.

TABLE 6.—PNEUMOCONIOSIS (523X) DEATHS AMONG ASBESTOS WORKERS

Time since termination of employment	Deaths: Number	Percent	Average age
Less than 6 months	17	41.5	53.8
6 months to 1 year	8	19.5	53.7
1 to 2 years	9	21.9	58.1
2 to 5 years	7	17.1	57.8
Total	41	100.0	55.9

Note: Male—33; female—8.

TABLE 7.—LUNG CANCER AND PNEUMOCONIOSIS DEATHS AMONG ASBESTOS WORKERS

Interval since termination of employment (months)	Deaths: Lung cancer: Number	Lung cancer: Percent	Pneumoconiosis: Number	Pneumoconiosis: Percent
Less than 1	5	35.7	8	47.1
1 to 2	0	0	0	0
2 to 3	4	28.6	4	23.5
3 to 4	1	7.1	3	17.6
4 to 5	2	14.3	1	5.9
5 to 6	2	14.3	1	5.9
Total	14	100.0	17	100.0

TABLE 8.—LUNG CANCER AND PNEUMOCONIOSIS DEATHS ACCORDING TO TIME SINCE TERMINATION OF EMPLOYMENT AND DECADE OF DEATH AMONG ASBESTOS, TEXTILE, FRICTION, AND PACKING EMPLOYEES

Time since termination of employment	1940–49	1950–59	1960–67	Total number	Percent
Less than 6 months	9	11	11	31	32.0
6 months to 11 months	3	7	3	13	13.4
1 to 2 years	2	4	6	12	12.4
2 to 5 years	3	3	5	11	11.3
5 years and greater	1	17	12	30	30.9
Total number	18	42	37	97	
Percent	18.6	43.3	38.1		100.0

REMARKS OF SENATOR HUMPHREY BEFORE THE NATIONAL LEAGUE OF CITIES/CONFERENCE OF MAYORS

Mr. HUMPHREY. Mr. President, on March 6, 1973, I had the honor to address the National League of Cities/Conference of Mayors legislative meeting.

In that speech, I ask the mayors to join with me in preventing an Era of Domestic Retreat. For, to me, that is what the Nixon administration's new budget represents.

I told the mayors that I would introduce a National Priorities Resolution—to place the Congress on record favoring cutting wasteful military programs, closing tax loopholes, and devoting these resources so saved to pressing domestic needs.

Mr. President, I ask unanimous consent that my address be printed in the RECORD at this point.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

REMARKS BY SENATOR HUBERT H. HUMPHREY

Just one month ago, the President of the United States sent his budget to Congress. A budget of $268.7 billion.

A budget representing more than ¼ of the total Gross National Product of this country.

The budget of the President is a tremendously powerful tool for structuring social and economic policy.

It represents a President's priorities.

And, it embodies within it the goals of a nation's leaders for the people.

But, to the Mayors of this nation, I charge that the new budget is hard evidence of bad faith, broken promises, and vanishing fiscal support for the cities of our country.

As my Senate colleague, Walter Mondale, said last week, "The Nixon budget means more comfort for the comfortable. Its solution to domestic problems is—if we don't succeed, then quit."

Last year, the Mayors joined with a majority in the Congress and the Administration to enact General Revenue Sharing.

I strongly supported that legislation. I sponsored it in the Senate. I helped lead the battle for it.

And the President, amid all the trappings of Independence Hall in Philadelphia, signed the bill.

Little did any of us know that he was also signing the death knell for many of the critical programs so long supported and so long fought for by many of you here in this room.

I remember, as I am certain you do—the President's words well.

"Revenue sharing is new money," he said.

It does not replace money already going to the cities. It is additional dollars, without strings and without encumbrances.

Now, one election later, what do we find?

Revenue sharing is not new money.

It is not supplemental money.

It is not even the promise of new money.

It is an excuse for the Executive Branch to engage in one of the most massive assaults on domestic programs ever waged by one President.

It is an excuse for a lot of double talk about increasing funds when actually programs are being phased-out.

In short, it is an excuse for deceiving and neglecting the American people.

Look at the deception in the budget.

The budget says that funds for mental health will be doubled. But what it does not say is that the community mental health centers will be phased out—and all the money for that eight-year phase-out is included in this year's budget.

Presumably, the Mayors are supposed to fund community mental health centers by general revenue sharing funds.

Or, consider the claim that more money is going into the poverty program. But at the very moment, the Office of Economic Opportunity is being systematically—and illegally—dismantled.

Presumably, you could find that with general revenue sharing funds also.

And, the budget says that more money will go to the cities—for pollution control and water and sewer grants. Yet, billions of dollars for these projects are impounded.

Presumably, you could build sewers with general revenue sharing funds also.

And finally, buried beneath the confines of the budget is a $2.1 billion hidden emergency fund in case hostilities resume in Vietnam—a kind of insurance fund.

Just try to get this money converted to revenue sharing.

In the City of St. Paul, in my state of Minnesota, the Mayor there, Lawrence Cohen, has informed me that the city will lose more than 13 million dollars due to funding impoundments, program cancellations, and funding cutbacks.

In addition, the entire Neighborhood Development Program—over $11.2 million—is in jeopardy. The acreage for NDP has been acquired in St. Paul. The buildings have been razed. But, the money from the Feds isn't there.

I call that breaking a contract. It's illegal. And, it ought not be tolerated.

But, the Nixon Administration says: You can use the pipeline. Money in the pipeline will take care of you.

Well, let me tell you, friends, the old "pipeline dodge" of the Nixon Administration will not work.

If the pipeline is so full, why has the Nixon Administration told 147 communities participating in the model cities program that they had to absorb immediate cuts of about 45% in funding?

If the pipeline is so full, why is it that low and moderate income housing starts in fiscal year 1975 will fall to zero?

The fact is that there is no pipeline—there is only a line.

Listen to what former HUD Secretary Robert Wood said about the urban budget of the President:

"Mr. Nixon is offering local governments $6 billion in General Revenue Sharing, and phasing out or terminating over 112 social action programs costing $16.9 billion or in effect a $10 billion withdrawal."

That's deception. But it is only one side of the budget. Neglect is the other side. Not benign neglect, but malignant neglect.

How does a Mayor tell employees paid through the Public Service Employment program that they no longer have a job?

What is a Mayor to do this summer without the Neighborhood Youth Corps?

What is going to happen to cities that have urban renewal programs underway?

What about the cutbacks in medical education, medicare, hospital construction, solid waste, open space, and model cities programs?

What are we to do about increased rents? The President says the answer is to build more housing. But, he slaps on a housing moratorium. That's hardly building more housing.

And how is a Mayor of any community going to answer to his constituents when he has to ask for property or sales tax increases to replace all the federal funds he thought he was going to receive—all at the very time the President of the United States loudly proclaims his no tax increase dictum?

That's budget fakery. That's neglect. That's deception.

But, there is more than that.

At the critical moment when our economy starts to look better, and with the cessation of hostilities in Vietnam—at a time when the energies and dreams so long postponed by war should be turned to the problems at home—the Nixon budget ushers in an Era of Domestic Retreat.

We have been this route before. And we have suffered the consequences.

I will recall the mood of the national administration at the end of the Korean War.

We had opportunity then—and we lost it.

We faced a challenge then—and we sidestepped it.

As a result, many of the problems of the '60's were a product of the indifference of the '50's.

It is easy to abandon the arduous effort to help 30 million Americans in poverty or to turn away from the cities or ignore the urgent pleas of middle America.

It may even be temporarily popular to do so.

But I say to the Mayors of this country, we cannot let that happen.

We cannot let the problems of the 1980's result from the indifference of the 1970's.

We must seize the opportunity now before us.

And, no amount of sloganeering or pious moralizing will do it for us.

It takes hard work, commitment, and leadership to meet needs.

We only have to look at the President's "New Federalism" to see that talk about problems doesn't solve problems.

The President talks often about efficiency, the spectre of big government and of spending reform.

He talks decentralization of government, but with the new "Supercrats" he is actually centralizing control.

What is the "New Federalism?" What is the Nixon Administration really doing?

I tell you: Power to the people? No—no.

The power is staying in Washington.

The money is staying in Washington.

The problems are being returned to the people.

This is not how government ought to work.

Government ought to be a partnership, dedicated to improving the lot of people.

We do not have to get bogged down by fights over categorical programs versus special revenue sharing. I support the Mayors for their drive for flexible financing tools.

I favor a bloc grant approach.

But what is really important is getting the kinds of programs to meet the problems. In other words, money and resources, not words and promises.

That is why I called now for a new resolve—to do the things that must be done.

I have spoken before of a Marshall Plan for our communities—a plan to organize the resources, the energies, the talents, and the financing to rebuild neighborhoods, improve public services, and bring a new and better quality of life to the have-nots as well as the haves.

We need a Marshall plan for this nation.

If we can have a foreign aid program for Hanoi and Saigon, then we can have a domestic aid program for Detroit, New York, Cleveland, Minneapolis, or Washington, D.C.

How do we start? Where do we begin?

We must squarely face the threat to the cities posed by the 1974 budget.

And we must do so not out of blind opposition but with constructive alternatives.

This afternoon—on the floor of the Senate—I will take the first step towards providing those alternatives.

I will introduce a National Priorities Resolution that will mandate the Congress to pare the fat from a bloated, overgrown military budget; begin a program of immediate tax reform; and devote an estimated $14 billion saved and earned to the pressing domestic needs—public employment, health care, urban rehabilitation, rural economic development, housing, education, pollution control, and other constructive national and local programs.

My resolution will draw the line.

It will say what the President's budget does not.

It will challenge the President's assumption that in a time of peace we actually need a bigger and higher military budget.

It will clearly say that we favor spending reform, but we also want tax reform.

But, most of all, this resolution will allow us to seize the opportunity—to avoid the Era of Retreat—and to begin the Era of Domestic Development.

There are things to do in this country.

We have streets that need repair; we have rivers and air to be cleaned; we have poverty and racial injustice to overcome; we have massive transportation problems; we have to care for the working families of our land.

Is it wrong to do these things?

We can completely fund the water and sewer projects Nixon says he cannot afford by cutting back the Trident submarine.

We can double funds for low and moderate income housing by not building the CVN–70 aircraft carrier.

We can have a summer youth program—and put 500,000 youngsters to work—by refusing to build the B–1 bomber.

Is it so wrong to take the $2 billion in the hidden funds for Vietnam and employ 180,000 men and women in public employment—rather than force them to the welfare rolls?

Is it wrong to say that we must create a tax system that promotes justice instead of promoting special privilege?

Is it wrong to want to make urban life liveable? I say No. I will not retreat from these responsibilities.

You must not retreat from them.

Together, we must forge an America that can best be found in the words of Carl Sandburg:

"I see America, not in the setting sun of a black night of despair ahead of us. I see America in the crimson light of a rising sun fresh from the burning, creative hand of God. I see great days ahead, great days possible to men and women of will and vision . . ."

THE COURT AND ABORTION

Mr. DOMENICI. Mr. President, I would like to bring to your attention and to the attention of this body an interview published in a recent edition of the Washington Star-News. The subject of the interview is the recent Supreme Court decision concerning legalization of abortion. The interviewee is Dr. Andre Hellegers, director of the Kennedy Institute for the Study of Human Reproduction and Bio-Ethics.

Dr. Hellegers say, in part, the real question regarding abortion is, and I quote—

> Whether you are going to have a utilitarian view of man or whether you are going to have some other view. The court's decision is a utilitarian one.

Let us examine this view. If we are, as a society, to consider life as a utility, then we are well along our way with the Court's decision. Whether we morally agree or disagree with the decision is not the issue. The issue is whether we are dealing with valuable human life, whether we are dealing with dignity in that life, and whether it has to be protected under the Constitution.

Dr. Hellegers points out that it is not possible to speak of potential life just as one cannot logically talk of a potential hand or a potential foot of a fetus. The simple biological fact is that the fetus is human—because human is a category. And it is a being, because it is there. If it were not a being, a woman would not need the abortion.

So we are discussing life—not potential life—but life itself. We are discussing the dignity and value of the concept of life.

The Court has ruled simply that we may now handle certain social problems with the medical technology of killing life, Dr. Hellegers says. Life is then a utility to be used by us as we please—and to be disposed of as we wish. Once we establish the foundation that life has no value and no dignity, then where do we draw the line? The Court has said 3 months into pregnancy. Will it then be birth, then infancy, then old age? That is a mere technicality and a matter of size alone.

We know where life begins. It begins at conception. It is our duty as defenders of the Constitution which stands to preserve value and dignity of life, to preserve that life from the beginning.

I ask to have the article inserted at this point in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

The Court and Abortion—Avoiding a Question About Human Life

(An Interview with Dr. Andre Hellegers)

Q. The Supreme Court, in its recent decision on abortion, calls a pregnant, but otherwise healthy, woman a "patient," and states that abortion is "primarily and inherently a medical decision up to the end of the first trimester." Is she a patient in the traditional medical sense?

A. Well, we've traditionally taken care of pregnant women. The question is whether you consider pregnancy a disease. Within the definition of the Court, pregnancy is a disease. The Court considered the stressful factors of pregnancy and the possibilities of future stress in making its decision. So the Court very rigidly followed the World Health Organization's definition of health which says that it is not just the absence of disease but "a sense of well-being." If being pregnant does not give a woman a sense of well-being, then she's ill.

Q. The Court uses the term "potential life" when talking about the fetus. What is a "potential life?"

A. I don't understand the language of the Court myself. You can't talk of the potential hand or the potential foot of a fetus; at least I presume not. It's there or it's not there, and its obviously there. I think that people are confusing the term "life" and the term "dignity." The whole abortion debate has been very fouled up in its linguistics.

I think the simple biological fact is that the fetus is human, only because "human" is a biological category. So, first, the fetus is categorically human. Second, the fetus is a "being" because it's there. If it wasn't a being, you wouldn't need the abortion. So we're dealing with human beings; we're dealing with human life.

The issue is whether we're dealing with valuable human life, whether we're dealing with dignity in that life, whether it has to be protected under the Constitution. All of these are not biological questions.

The unfortunate part of the whole debate is that people have misused biology to create phrases like "when does life begin?" When the question should have been "when does dignity begin?" They have used terms like "potential life," trying to say that life wasn't there, when the reason for saying that life wasn't there was because they didn't attach any value to it. The abortion issue is fundamentally a value issue and not a biological one.

Q. The Court says that it is only "a theory" that human life is present from conception. You obviously think that it can be substantiated beyond mere theory.

A. Oh, it's obvious. I don't know of one biologist who would maintain that the fetus is not alive. The alternative to alive is dead. If the fetus was dead, you would never do an abortion. Today we are employing euphemisms to pretend that human life is not present. This stems from the fact that we are not quite ready yet to say, yes, there is human life but it has no dignity. We have wanted to avoid that statement at all costs.

Q. So abortion is only a euphemistic question of life?

A. That's right, because of the fear of saying what we know—yes, there is human life but we attach no value to it. And it has led, incidentally, to a very interesting phenomenon. The Court specifically says that it does not want to take a stand on whether human life is there or not. But it says, operationally, you may proceed to abort. If you are not willing to say when life starts, there are two possibilities—either it is there or it is not. If you then proceed to abort you are factually saying that you may abort even though human life may be there.

Q. What is "the point of viability?"

A. The Court divides pregnancy into three sectors. During the first three months it rules totally under the issue of privacy. Then it says, as pregnancy advances, the state may have a compelling interest in the fetus at viability which it puts at 24 or 28 weeks.

The issue, of course, is that the fetus is perfectly viable at any time during pregnancy provided you leave it in place, and it is only because of your action that it becomes not viable. To me the odd situation is that because you do something to the fetus and doing that makes it not viable you may proceed to do so.

Q. What is the "compelling point" of three months? The Court says that is the point at which the woman and her doctor are free to make a private decision about abortion, and the state may step in after three months.

A. The state may step in after three months except when the life and health of the woman are involved—and the Court clearly defines health as being economic state, stress and so forth. Now, any pregnant woman who says, "I am pregnant and it is stressful to me," is right there a candidate for abortion.

Q. What is the basis of regarding the first three months as a turning point in pregnancy?

A. It's based on the proposition that it is safer to have an abortion at that time than to go ahead and have the childbirth. The Court says that up to that time the mother's health is automatically provable to be better off not pregnant than pregnant. And that, incidentally, is just terrible use of statistics. What has happened is that one compares the statistics of undergoing an abortion procedure with the general statistics on maternal mortality as whole. Several problems arise.

First, childbirth as a whole takes nine months whereas the abortion by definition takes less than that. So, obviously, there is less risk of dying in a three-month period than in a nine-month period because you have lived less long. The second problem is that if you die of anything before you have had a chance to get an abortion, you are counted among the non-abortion deaths. The third problem is that all women who want a child regardless of their health status and who decide to go through with it, and die, automatically fall under the death statistics and not under the abortion statistics. So you are really comparing apples and oranges. It is total misuse of scientific method.

Q. Medically where does the term "the first trimester" come from?

A. The first trimester comes from the fact that up to 13 weeks the abortion procedure is rather a simple one. The first trimester has nothing to do with what a fetus is at 13 weeks compared to what it is at 26 weeks. Up to 13 weeks it is rather safe to get aborted. From 13 to 26 weeks you have to change methods; you have to do saline infusions or hysterotomies. Then the statistics don't look quite as good.

The Court maintains that up to 13 weeks it is safer to be aborted than to have a child, which is already poor statistics. After 13 weeks the Court recognizes that the abortion procedure becomes more dangerous and therefore says that the state may begin to have some regulations to protect the health of the woman. After the 27th week there may be some interest in protecting the fetus as well. But it again spells out very clearly that whenever maternal health is involved, as defined under the World Health Organization's definition of stress, the state cannot stop the woman from getting an abortion. The first trimester has nothing to do with the viability issue; it has to do with the safety of the abortion procedure.

Q. You're saying that meaningful life outside the womb could start at the 27th week?

A. Well, after the 27th week we no longer use the term "abortion" in obstetrical circles. We then talk about "premature delivery." Now the survival rate between 20 and 28 weeks is only 10 percent. The question here is how long must you have lived to be considered viable. That's an issue in its own right.

What is, of course, absurd about the situation is that it is the procedure that makes the fetus unviable. Obviously the chances of survival are greater the closer to 40 weeks you are. But viability at any time during pregnancy is only with assistance. But it is just like a newborn child which is only viable with assistance.

Q. The Court maintains that the abortion question turns on whether the existing laws violate a woman's "rights" and "privacy." Is the fetus the possession of a woman the same as an appendix?

A. In the opinion of the Court it is. Not just the decision but a great deal of things that are going around suggest that intercourse is a given. It shall be without consequence; philosophically, that is what we are saying. It is now assumed that intercourse is one action that everyone can engage in without accepting any consequences. We are now saying that the decision whether to bear a child is not a decision to be made prior to intercourse.

In the high schools we are trying to teach children that, good heavens, intercourse does things. It is very strange the way Justice Douglas puts it in his concurring opinion. He says, "The vicissitudes of life produce pregnancies that may be unwanted."

We are trying to teach in the high schools that pregnancies are produced by intercourse, and here is a Supreme Court Justice who says that pregnancies are produced by "vicissitudes of life." If he had said that rape produces pregnancies which are unwanted and over which no one has control, you might be able to agree. That is not a decision for which one must take the consequences because it was not entered into voluntarily. The philosophy now becomes all intercourse is involuntary. Or else everyone is getting raped. It really is amazing.

Q. The Court allows the state a "concern for the health of the mother," and allows the state a concern for the "potential life" of the fetus, but only after 27 weeks. Why?

A. The Court simply and flatly states that the fetus is not a person to be protected under the Constitution. If that is right, then there is no reason at all for the Court to worry about the health of the fetus. Now, very interesting things will happen as a result of this.

As I read the decision, you should now be able to experiment on the fetus *in utero*. The Food and Drug Administration has always had very strict rules about what drugs may be used in pregnancy. There has been a lot of talk about setting up primate colonies to test the effect of drugs on the unborn fetus. As a consequence of this decision it is now possible to test all drugs on pregnant women who are going to have an abortion, providing the woman agrees, of course.

Q. The Court says that it wished "a consensus" could have been reached from philosophers, theologians and doctors about the starting point of life.

A. There is a consensus on the starting point of life, without any question. There are many ways to prove when the starting point of life is. If we were going to make a test tube baby how would we do it? We would start off by putting a sperm and an egg together and if we succeeded, then we would be in business; we would have life. The fertilized egg would develop automatically unless untoward events occurred. The first definition of life, then, could be the ability to reproduce oneself and develop on one's own, and this the fertilized egg has while the individual egg and sperm do not.

The Court makes some really amazing biological errors in its decision. When it deals with the history of abortion, it talks about what people thought about conception in the past without realizing that conception was only discovered in the 19th century. The ovum wasn't discovered until 1827. The Court says that the Pythagoreans held as a matter of dogma that the embryo "was animate from the moment of conception." Well we didn't even know about conception until 150 years ago. The Pythagoreans were philosophers, not biologists, but the Court seems to regard their opinions as dissenting biological opinions. Factually, of course, they arrived at the right answer anyway, even though they knew very little about biology.

But unless you can think about an ovum as an entity, you cannot talk medically about a start of life. Before people thought the seed was planted and it either caught or it didn't, almost as if the seed itself was life. They is why we have such crazy terms as insemination, a pure agricultural term that implies that the seed is planted. One ought to talk about co-semination or something that recognizes that the woman contributes an ovum.

The American Medical Association in the 19th century took its stand against abortion when it became known what the process of conception was and what the ovum was. When they found out when life began they thought it imperative to protect it from the beginning.

Q. It seems that the 20th Century has used the same medical knowledge to draw the exact opposite conclusion.

A. That's right. Now that it is absolutely clear how the process works one begins to falsify history and blame the 19th century for having written laws which it wrote, not based on Victorianism, but based on the new knowledge about the process of conception. Unless you are aware of the fact that biologists did not discover the ovum until the 19th century you will completely misread the history of the subject.

The original idea was that the soul was attached at some time to the body but nobody knew when the process of body-building started. When that became known, doctors and the AMA began to count the start of life from conception.

It has been commonly assumed that once human—not cat or rat—life—not death—has started then the concept of soul or human dignity has started. That is where the falsity of the Supreme Court decision lies. If the Court had said that we know when life starts but the issue is when we shall protect it or when we shall attach value to it, then it would have had rational ground for its decision. In the whole debate I have resented the falsification of embryology for the purpose of avoiding the fundamental question—when shall we attach value to human life?

Q. Do you think the Court could have reached the same decision if it had put the question on the proper grounds?

A. Ah, that would have been the difficult one. The Court would have been forced to say something which the California Journal of Medicine has already said very clearly. It says that we know when life starts, let's not kid ourselves. We ought to admit that we are handling certain social problems with the medical technology of killing life that has already started. The Court didn't have the courage of its convictions. So it wound up with the principle that you may kill the fetus even though it is already alive, but the Court didn't quite dare to come out and say it.

Q. What are some further implications of the Court's decision.

A. Hellegers: I am not sure that the Court's decision will cause any further harm other than the killing of fetuses. I am not a domino-theory man. Some people predict that euthanasia, infanticide and other practices will follow hard and soon on the abortion decision. I do think that the abortion decision and other bio-ethical problems are common symptoms of an underlying question. The question is whether you are going to have a utilitarian view of man or whether you are going to have some other view. The Court's decision is a utilitarian view. This fundamental question will come up very clearly, very shortly when the issue of how we use the live fetus for experimentation comes up. In England it has already been decided; you may use the live fetus for experimentation.

There are two great issues before us now. First, does one adopt the World Health Organization's definition of health, and does it become a doctor's duty to ensure "a sense of well-being," which is, in a way, happiness. The second issue is whether we shall look at the body in a utilitarian sense or whether we shall attach some greater value to it.

MR. NEEDHAM AND COMPETITIVE PRICING IN THE SECURITIES INDUSTRY

Mr. WILLIAMS. Mr. President, February 22, 1973, was a very important day for the securities industry. On that day, James J. Needham, chairman of the New York Stock Exchange, publicly urged members of his exchange to support the prompt elimination of all fixed brokerage rates. In light of the long history of that exchange's defense of fixed rates and the continuing opposition within certain segments of the industry to any further reduction of the level above which price competition is possible, I believe Mr. Needham's statement was not only sound and foresighted but courageous as well.

I have been advocating competitive rates for the securities industry for many years. At times, apart from the company provided by the Antitrust Division of the Department of Justice, this position has been a lonely one. The tide has now begun to turn, however. The progressive elements of the industry have begun to recognize that competitive rates are not only in the interest of investors but are also in the best interest of the industry itself. Mr. Needham's statement is a signal that the battle over rates is almost at an end. Because of his forthright espousal of competitive commission rates, I believe we are witnessing the last days of price fixing in the securities industry.

Because of the importance of Mr. Needham's remarks I ask unanimous consent to include them in full in the Record.

There being no objection, the remarks were ordered to be printed in the Record, as follows:

Concluding Remarks of James J. Needham, Chairman of the New York Stock Exchange, at a Special Meeting of the Exchange Membership in New York City, February 22, 1973

The presentations that we have just seen must be labelled among the most important ever made to the membership of this Exchange in its 180 years of existence.

We have seen and heard for the first time the full picture, in all its latest detail, of the economic forces which are exerting such pressure on our industry that we cannot survive indefinitely without relief.

We have also learned, in fuller and more current detail, the basic premises and plans of both the Senate and House sub-committees, based on their study reports of the securities industry.

Putting everything together—the economic picture as well as that of Congressional intent—we no longer lack the information we need to make decisions for the future. Decisions which will affect not only the viability of member firms, but of this and other exchanges, so as to better serve the public interest in the future.

The basic issues involved are well known to every member of the brokerage community. We have lived with them too long not to know them inside and out. Our problem up to now is that we have not been able to see far enough up the road to determine our correct course of action with respect to each of them.

Our caution has brought us criticism from some people who know little or nothing about our industry and from some who are convinced they know more about it than we do ourselves. Too many simple solutions have been proposed in the past with no thought of their far-reaching consequences.

The tragedy of all this is that so many people simply do not understand the fundamental fact that the economic well being of our country depends directly on a strong and viable securities industry.

Under the circumstances, we owe it to ourselves and to the public to consider now what measures will guarantee a healthy future for the securities industry.

Let's review the facts.

Our studies show an alarming decrease in profits. This cannot be glossed over because of the cyclical nature of our business. What we are faced with is an irreversible downward trend—a trend that will decline even more sharply as costs continue to climb. What's more, the trend toward minimal or no profits is even greater for transactions subject to the fixed commission rates.

This last fact is not without its touches of irony. Individual investors want to see fixed commission rates removed entirely, because they are convinced that brokers make too much money. What they do not realize—as the statistics bear out—is that the commission rate has become an artificial ceiling which protects them—the customers—but not the broker, from inflation and the rising cost of doing business.

What can the broker do under the circumstances? He certainly does not want to go into bankruptcy as he surely will if his business is primarily retail and the present commission rates remain unchanged. He cannot, by any stretch of the imagination, hope that Congress will increase present rates—he must realize that Congress, acting on behalf of the individual investor, is absolutely determined to remove the fixed rate structure altogether.

What the broker can do to escape his financial straightjacket and remain solvent now becomes obvious. He can base his prices on the cost of the services he renders. And in so doing, assure himself a reasonable profit.

Under the circumstances, Congress's motive for eliminating fixed commission rates doesn't matter. What does matter is that the securities industry be free to assure itself of future profitability. It can do this by relating prices to the cost of doing business, and in the process better serve the public interest.

The opportunity to serve individual as well as institutional investors in an open and competitive environment will be a challenging and rewarding one.

There will be a greater incentive to provide customers with services tailored to their individual needs.

Those who require more costly services will pay a correspondingly higher price for them. Those brokerage firms which provide services of high quality will be sought out by customers who are willing to pay for such service. We all know how important it is that individual investors be attracted back into the securities markets. The years ahead will see millions more requiring the services of our industry. The outlook for the national economy as well as ourselves is correspondingly great.

The transition from fixed commission rates to competitive pricing will require, for some firms, adjustments in policy and practice. No one need be concerned that investors will pay more than a fair price for services rendered—they can evaluate service in relation to price and determine for themselves where they can get the most for their money. At the same time, brokers should not worry that they will be driven out of business by unfair competitive practices. There are laws in this country which prohibit predatory business practices. There are also laws which effectively prohibit any one company or group of companies from monopolizing an industry.

There is another aspect to the elimination of fixed commission rates. It will remove the incentive for institutions to join exchanges. As we have seen, the SEC did all they could, legally, with the so-called 80–20 test—which still provides an incentive for exchange membership so long as fixed commission rates remain in effect. This rule was issued to put a brake on institutional membership; the fact of the matter is that it didn't. So now it is up to the Congress to resolve this issue. What do they intend to do! They intend to go all the way with a 100–0 rule—to prohibit money managers from acting as stockbrokers for the funds they manage.

Institutional membership on exchanges is something we can well afford to do without. Institutions, as such, are not brokers, and they should not be permitted to threaten the viability of the securities industry by being allowed to act as brokers solely for themselves. Furthermore, there are inherent conflicts of interest involved, along with the dangers that always accompany concentration of financial power.

On the other side of the coin, brokers who manage funds will not be exempt from the 100–0 rule. The Congress has decided that it is clearly in the nation's interest to see that a permanent wall is placed between money management and brokerage functions, so as to avoid any potential conflict of interest. Otherwise, they predict continuing attempts by institutions to act as brokers for themselves—without any concern for the individual investor.

Elimination of the fixed commission rate thus has two advantages—it makes it possible to restore industry profits to reasonable levels while tailoring services to meet the public need, and it reduces the incentive for institutions to recapture commissions. But unless proper safeguards are built into the proposed legislation, elimination of fixed commission rates could have the most damaging consequences to the national economy.

To put it very simply, what will be the incentive for membership on an exchange if any registered broker-dealer can trade in listed securities anywhere and at anytime, at prices that will assure him a profit?

And if there is no incentive to belong to an exchange, it certainly follows that the exchanges themselves will disappear from the scene.

It is hard to believe, but some members of Congress appear not to appreciate this fact—or even more unbelievable—see nothing wrong with allowing the stock exchanges of this country to go out to existence.

Their inability to comprehend this is due to the fact they do not relate the auction market process to the role of the network for distributing securities—both of which are absolutely vital to raising capital for government and industry.

They have got to understand that if the exchanges were eliminated today, the capital markets of the world would be in a state of chaos overnight. And the entire economy of this nation would grind toward a standstill.

Consequently, Congress must act to preserve the exchanges of this country. It can do this by creating incentives for exchange membership. How? Simply by requiring that all listed securities be traded exclusively on exchange markets.

I have stated publicly that membership in the exchange system, together with the O–T–C system, would be open to all qualified broker-dealers. No one can claim they would be denied admittance, any more than they can claim with any justification, that they are denied admittance today.

We've covered a lot of territory in a short period of time this afternoon, but we all know what's at stake. We all have questions as to timing, but questions of timing are easy to resolve. Far more important is the willingness to face the facts and make the decisions that have to be made.

To sum up, the facts are in, the pressures at work are obvious. The economic consequences are clear. The time to start the decision making process is now.

What is the next step?

The Board has been discussing the interrelationship of incentives for exchange membership and fully competitive rates. Those discussions will continue until the Board is convinced a satisfactory solution of this dilemma has been reached.

The Board will also review the provisions of the Senate bills dealing with institutional membership.

Uppermost in their minds, however, will be the viability, the profitability, if you will, of the securities industry—because that is essential to the continuing pre-eminence of the American securities markets among the capital markets of the world.

REMOVAL OF ARCHITECTURAL BARRIERS FROM CAPITOL HILL

Mr. PERCY. Mr. President, as chief sponsor of S. 1105, a bill to provide income tax incentives for the renovation of buildings to remove architectural and transportational barriers to the handicapped and elderly, the problem of architectural barriers in the Capitol complex is of particular interest to me. The unfortunate situation that currently exists was made particularly clear to me when I sought to hire a handicapped person for the Select Committee on Nutrition and Human Needs last year, and, because of the inaccessibility of the Senate Annex, the position was automatically closed to a nonambulatory person.

I would, therefore, like to associate myself with the fine remarks of the Senator from West Virginia (Mr. RANDOLPH), the chairman of the Subcommittee on the Handicapped, about the need for removal of architectural barriers from the Capitol complex. Like Senator RANDOLPH, I feel the Nation's Capitol should be an example of total accessibility, so that all our citizens, whether young or old, handicapped or nonhandicapped, can enjoy and use its premises. Consequently, I agree that, until architectural barriers have been eliminated as completely as possible from the Capitol complex, no funds should be provided for the project of extending the West Front of the Capitol itself.

I note with pleasure and satisfaction that a ramp has already been installed at the First and C Street corner of the Dirksen Building, providing wheelchair users free access to the Dirksen Building. Also, the Architect of the Capitol, Mr. George M. White, is currently directing studies for future projects to eliminate similar barriers. I support these activities wholeheartedly and I would like to commend Senator RANDOLPH, Senator STAFFORD, and the staffs of the Special Committee on Aging and the Subcommittee on the Handicapped for initiating these worthwhile activities.

CONDEMNED TO DIE FOR SCIENCE

Mr. KENNEDY. Mr. President, America was shocked to learn of the experiments conducted on innocent syphilis victims in Tuskegee, Ala. It is alarming to learn that in our great democratic society, scientists and researchers used humans as laboratory specimens without informing them that they were being studied or without even telling them they were suffering from a serious malady. The Tuskegee experiment represents at best a callous indifference to human suffering. Of the 400 or more patients in the study, 28 men died directly as a result of syphilis, another 154 have died from side effects.

In the November 1972 edition of Ebony magazine, a clear and concise account of the Tuskegee experiment is presented by Jack Slater. Mr. Slater graphically describes the formulation, implementation, and the results of the experiment. The full extent of this experiment should be read by all.

The Tuskegee experiment was indeed tragic. The paralyzing truth is that other experiments, more inhumane, and just as inexcusable as the Tuskegee experiment are still being conducted in America. Our prisons, hospitals, and mental institutions have become stowaways for human misery. Many experiments are being conducted without the knowledge or the consent of the patients. These medical investigations continue to go unchecked by Federal authorities.

It is time for America to become aware of the full range of experiments taking place under the auspices of "medical advances." It is past time for public officials to put the stopper on experiments that may damage and destroy life.

For that reason, Mr. President, I request unanimous consent to enter in the RECORD the article, "Condemned To Die for Science," published in the November edition of Ebony magazine.

Last week the Health Subcommittee heard testimony from two of the victims involved in the Tuskegee study. I believe every Member of the Senate will profit from reading about the Tuskegee experiment.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

Condemned To Die for Science

Tuskegee syphilis experiment allows 400 Alabama black men to suffer without treatment.

Last July, during a hot, dry, sun-tormented afternoon in Montgomery, Ala., Charlie Wesley Pollard, a 66-year-old farmer from nearby Notasulga, was greeted with the news that he had a venereal disease. He was not seated in a doctor's office when he became privy to this information, and he was not anywhere near a city health clinic. He was standing inside Montgomery's Hooper Stockyards amid hundreds of cattle, some of which he had just sold, when a young white woman, whom he did not know and whose name he has since forgotten, approached him, introduced herself as a reporter from a local newspaper and proceeded to inform him that he, Charlie Pollard, had syphilis. Listening to this woman who may have seemed an unstable soothsayer or clairvoyant, Pollard simply stood there, in silence, while she went on to tell him that he had had syphilis for at least 40 years and that since the onset of a 1932 U.S. Public Health Service experiment his body had been used in the name of medical science, used as one might use a guinea pig or any of those cattle now being unloaded from his truck.

Pollard is a reserved, very patient, very polite man, a man whose most striking characteristic embodies a great gentleness, so it never occurred to him to become angry, ignore what he had just heard or perhaps usher this strange, apparently mad woman out of his way. Besides, she spoke with some knowledge, since for more years than he could remember he had indeed been undergoing medical examinations at various intervals by teams of men who called themselves "government doctors."

"You ain't got nobody's name but mine?" he finally asked her, thinking of the scores of other men, some of them his own acquaintances, who had undergone those same examinations. Did this woman want him to become a part of another medical study? Was that it?

"Yes," she answered. "Yours is the only name I've got."

"Where did you get my name?"

She hesitated only for a moment. "From Washington."

She apparently had come to get a story, to find out, among other things, if (1) the public health officials had ever told him they were conducting a syphilis experiment on him and (2) if he had ever signed an informed consent release form permitting the government to conduct its experiment on him. Pollard answered "No" to both inquiries.

They talked a little longer, still surrounded by the cattle and the Alabama dust and the heat which was reaching migraine level. Finally, however, Pollard left the young woman and drove the 40 miles to his 500-acre farm near Tuskegee. He was disturbed and frankly he still did not believe anything he had just heard—didn't believe it until he arrived home and unfolded the afternoon newspaper, which told him more than he could wish to believe:

"WASHINGTON, July 25.—For 40 years the U.S. Public Health Service has conducted a study in which human guinea pigs, denied proper medical treatment, have died of syphilis and its side effects.

"The study was conducted to determine from autopsies what the disease does to the human body. . . .

"The experiment, called the Tuskegee Study, began in 1932 with about 600 black men, mostly poor and uneducated, from Tuskegee, Ala., an area that had the highest syphilis rate in the nation at the time.

"One-third of the group was free of syphilis; two-thirds showed evidence of the disease. . . .

"The Tuskegee Study began 10 years before penicillin was discovered to be a cure for syphilis. . . . Yet even after penicillin became common, and while its use probably could have helped or saved a number of the experiment subjects, the drug was denied them. . . ."

The sun was going down by now, and a kind of Alice-in-Wonderland air of unreality arrived with the dusk. Later, much later, Charlie Pollard would tell another reporter that, at that moment with the newspaper in his hand, he could only think of the word "ridiculous." "Ridiculous. It's ridiculous," he kept repeating to himself, over and over. Then taking the newspaper with him, Pollard struggled out of his chair and went to eat supper with his wife.

They were trying to determine—or so they said—how the course of untreated syphilis affected the human body—how the disease advanced into the central nervous system to render the limbs useless or bring about insanity, exactly how it deformed the bones and teeth, attacked the heart, ears and eyes, and ultimately caused an early coronary, early deafness and premature blindness. It was to be a scientific experiment. And they, the officials in the U.S. Public Health Service, wanted, in the fall of 1932, to study the manner in which syphilis caused death.

Of course, the physicians who originated the Tuskegee Study didn't explain their purpose in such ghoulish terms, didn't say they wanted to watch death or observe for science the syphilitic decline of black men. They did mention in a 1936 progress report that "the infected Negro population . . . seemed to offer an unusual opportunity to study . . . the disease to the death of the infected person." But for the most part any tacit hints of racial callousness were banished from their published statements to give way to the neutral, objective, reasonable language of science: "Because of the lack of knowledge of the pathogenesis of syphilis," says a recent background paper by the PHS Center for Disease Control (CDC) in Atlanta, "a long-term study of untreated syphilis was considered desirable in establishing a more knowledgeable syphilis control program."

All of which, it should be stressed, may indeed have been true. Yet, it didn't seem to matter that scientists even then, in the fall of 1932, already knew how the untreated syphilis germ affected the human body, already knew the precise "pathogenesis of syphilis" from data obtained from an earlier Oslo (Norway) Study in which treatment had been withheld from 1,976 syphilitics during the 20-year period between 1891 and 1910.

"Nowhere in the world," states a 1964 report of the Medical Clinics of North America, "was there a more unique opportunity to learn what happens when early syphilis goes untreated than from the files of Professor Boeck of Oslo, Norway."

Apparently, however, the conclusions of the Oslo Study did not suit the needs of the founders of the Tuskegee project. "In the medical circles of the 1930s there was a great deal of controversy about how syphilis affected blacks and whites," says Dr. Donald Printz, assistant chief of the venereal disease branch at CDC, which supervises what remains of the Tuskegee Study. Dr. Printz was citing the controversy partly because he felt it may have been one of the justifications for initiating the Tuskegee project. "With whites there tended to be a much higher rate of syphilitic insanity," he says, "whereas that complication was very rare in blacks. On the other hand, the rate of heart disease [due to syphilis] seemed to be higher in blacks than in whites."

According to other VD specialists, however, the Printz statement has little or no basis in fact. "The presumed manner in which syphilis affects blacks and whites has been in the literature for years, and frankly I have never seen it properly documented," declares Dr. Vernal G. Cave, the black director of New York's Bureau of Venereal Disease Control. "And even if it were true, even if blacks did have a higher rate of syphilitic heart disease, what the hell difference would it make? You didn't begin that kind of study to pick up a crumb."

Whatever the real reason, whether for science or because of some unspeakable indifference to human suffering, the Tuskegee Study did begin—if only for a crumb. Whether a few medical scientists wanted sincerely to diminish the Tuskegee area's high syphilis rate or whether they wished (as one physician suggests) to outdo the Oslo Study—whatever the reason—the fact remains that 28 black men, and perhaps as many as 100 or more in the study, have died directly as a result of untreated syphilis, while 154 have died of the disease's grim side effects. The 74 known survivors, including Pollard, have a latent, non-communicable form of the disease, which is now considered "dead" and non-infectious.

The study began, ironically, during the same year Adolf Hitler, who would soon initiate his own "experiments" in the name of medical science, rose to power. In fact, it was Hitler's misuse of humans as guinea pigs which led in 1946 to the establishment of the Nuremberg Code, a series of ethical guidelines meant to be applied world-wide to all human experimentations, including those then and now being performed in the Tuskegee project.

The project got under way with recruitment drives in private homes, community stores and in various churches after Sunday morning services in Tuskegee and throughout the surrounding back country of Macon County, where the high rate of syphilis was due to the area's general lack of health care facilities.

Unemployed, poor and made poorer by a devastating Depression, the recruits were tempted by the PHS offer of free hot lunches, free medical care and free burial service. ("Often it was the 'only insurance' they could hope for," said public health nurse Eunice Rivers in a 1953 report.) And so they came, more than 1,700 of them, from the decaying plantations of the county, from the tenant farms and the economically unstable hamlets of Shorters, Hardaway, Sambo, Notasulga, Chesson, Liverpool, Millstead, Cecil—towns (some of them vanished now) in which a team of government doctors and nurses formally initiated the study by selecting blood samples from a random 1,782 black males who were 25 to 70 years old.

Of the 1,782, some 400 men who had syphilis were chosen to go untreated, while another 201 who were free of the disease were selected to be the control group.

"I wasn't briefed, even as a doctor, as to what the purpose of the study was," says Dr. J. W. Williams, 73, a black Tuskegee physician who was an intern at the local John A. Andrews Hospital when the project began. Dr. Williams, then 33, was asked by his superiors at the hospital to assist the newly arrived public health doctors "in whatever duties they would require." Those duties, he says, "consisted of selecting blood samples and later injecting some of those patients with what I thought was neo-arsphenamine (the mercury-arsenic compound used at the time to combat syphilis). Now, in retrospect, I sometimes think the injections I gave may have been a placebo (a substance administered purely for its psychological benefit). But I can't be certain," Dr. Williams admits.

Did he ever at any time become aware that the patients were not receiving treatment? "When the reports from the blood samples came back from the state laboratory in Montgomery, I never saw them," recalls Dr. Williams, who stayed with the study for only a few months. "I didn't know who was reactive and who wasn't."

Eunice Rivers, however, apparently did know. As the public health nurse for the Tuskegee Study from its inception, Miss Rivers, who is black, had broad contact with the patients and, as she also states in her article in Public Health Reports (April 1953), "was thoroughly familiar with their local ideas and customs."

Today Miss Rivers is retired, but in 1932 and during the later years of the study she served as a liaison between "the government doctor" and the "government patient," transporting recruits to and from examinations and following up the patients after the physicians returned to Washington.

Miss Rivers' article is, therefore, worth quoting at length, partly because it reveals a particularly condescending attitude the PHS physicians held toward their black patients and partly because it exposes the extent to which Miss Rivers, like her patients, was unknowingly and tragically used. Here is her account of what the project was really about:

"A most important phase of the study was to follow as many patients as possible to post-mortem examinations, in order to determine the prevalence and severity of the syphilitic disease process. Cooperation of patients with this plan was sought by offering burial assistance (through a private philanthropy, the Milbank Memorial Fund) on condition that permission be granted for autopsy. For the majority of these poor farmers, such financial aid was a real boon. . . . The Federal Government offered physical examinations and incidental medication, such as tonics and analgesics, but was unable to provide financial assistance on a continuing basis. The Milbank Memorial Fund burial assistance made it possible to obtain a higher percentage of permissions for post-modern examinations than otherwise would have been granted."

Speaking of herself in the third person, Miss Rivers now describes the men as she transports them to and from medical examination:

"Later, the nurse's small car was replaced with a large, new, government station wagon. The ride to and from the hospital in this vehicle with the government emblem on the front door, chauffeured by the nurse, was a mark of distinction for many of the men who enjoyed waving to their neighbors as they drove by. They knew that they could get their pills and "spring tonic" from the nurse whenever they needed them between surveys, but they looked forward happily to having the government doctor take their blood pressure and listen to their hearts. Those men who were advised about their diets were especially delighted even though they would not adhere to the restrictions.

"Because of the low educational status of the majority of the patients, it was impossible to appeal to them from a purely scientific approach. Therefore, various methods were used to maintain and stimulate their interest. Free medicines, burial assistance or insurance (the project being referred to as "Miss Rivers' Lodge"), free hot meals on the days of examination, transportation to and from the hospital, and an opportunity to stop in town on the return trip to shop or visit with their friends on the streets all helped. In spite of these attractions, there were some who refused their examinations because they were not sick and did not see that they were being benefited. *Nothing provoked some of the patients more than for a doctor to tell them that they were not as healthy as they felt. This attitude sometimes appeared to the examining physician as rank ingratitude for a thorough medical workup which would cost anyone else a large amount of money if sought at personal expense* [italics added]. At these times the nurse reminded the doctor of the gap between his education and health attitudes and those of the patients."

Various attempts have been made by various reporters to talk with Miss Rivers, but to most of them (as far as can be determined) she declines to say anything regarding the Tuskegee project. In Tuskegee, when EBONY telephoned Miss Rivers to request an interview, she said, "I have nothing to say."

By 1946, the Tuskegee Study had been in existence for 13 years. Penicillin, discovered three years earlier, had just become generally available to the medical profession. The Nuremberg Code, just promulgated, was being hailed as a giant step forward for the civilized world. And the Tuskegee Study, already written about in 1936, was discussed in 1946 in at least two medical journals and was being hailed, moreover, as an experiment "of great scientific interest to the medical community . . . widely discussed at medical meetings and . . . the subject of [by 1971] not less than 15 papers published in . . . American medical literature," says a recent PHS background paper. Still, in spite of the interest it generated, in spite of the Nuremberg Code and the civilized world, penicillin, the miracle drug in the mid-'40s, was not given to the Tuskegee survivors. Why?

In his Atlanta office of the Center for Disease Control, Dr. J. D. Millar, chief of the VD branch at CDC, explains that he doesn't know why. "That's what is concerning everyone," he says. "We can't tell you at this point why the decision was made, or why there was no decision at all." Then he suggested that simple indifference to the fate of the Tuskegee patients might have been involved: "It may well be that there was simply a lack of decision [to administer penicillin]. People didn't identify this group and say, 'Ah, ha! Now we have this brilliant new drug and we need to treat those people.' That process," explains Dr. Millar, who seems quite unaware of the condemnation implicit in his words, "just may not have occurred."

When he was interviewed by the Washington Post, a physician who joined the Tuskegee Study in 1950, Dr. Sidney Olansky of Atlanta's Emory University Medical School, explained it this way: "We did not know enough. We would not have been comfortable about treating this group with penicillin until the mid-1950s."

Perhaps so, but Dr. Vernal Cave disagrees. "By 1946," he declares, "standardized treatment schedules for the treatment of all stages of syphilis—primary, secondary, latent and late—had been established. Moreover, in 1946, we hadn't yet become aware of penicillin's allergy reactions. And besides, if the Public Health Service withheld treatment from the Tuskegee patients because it believed the benefits of *not* treating them were better, then it is guilty of having disseminated all over the nation information encouraging treatment of syphilis at all stages."

None of these retorts, explanations, hastily assembled justifications and charges of genocide swirling around the Tuskegee project would probably be occurring today if it hadn't been for the alertness of Associated Press correspondent Jean Heller, 30, who learned about the existence of the study in July when she was covering the Democratic National Convention in Miami.

A few weeks prior to the convention, one of Miss Heller's colleagues based in San Francisco had been told of the Tuskegee project by a former employe of the U.S. Public Health Service in that city. Since the Tuskegee area was beyond the "beat" of AP's San Francisco office, the colleague passed her information along to Miss Heller, who is based in Washington. After the convention, Miss Heller immediately began her research into the Tuskegee Study, and three weeks later, on July 25, she filed her story.

One of the persons probably most embarrassed by Miss Heller's disclosure was her namesake, a noted scientist Dr. John R. Heller, whom Dr. Millar cites as the originator of the Tuskegee Study. An assistant surgeon general at PHS in 1932 and later chief of the service's VD division during those crucial years between 1943 and 1948 when penicillin became widely available, Dr. Heller says today of the Tuskegee project: "There was absolutely no racial overtone, and this was not an attempt to exploit the Negroes. We told them what they had." Nevertheless: "It never occurred to us to ask for penicillin because the demand was so great for other people who needed it much more than they did. We were not responsible for getting it to them, so we made no effort to get it."

When Miss Heller's disclosures became public, congressional leaders and other government officials reacted with expressions of "outrage," "disbelief," "horror," "shock and "dismay." And so a month later, on August 24, the inevitable panel to investigate the Tuskegee project was appointed by Dr. Merlin K. DuVal, assistant secretary for health and scientific affairs in the U.S. Department of Health, Education and Welfare.

A prepared HEW statement quotes Dr. DuVal as saying, "The panel will review all of the available evidence and evaluate the ethical and scientific merits of the study against the backdrop of the social and scientific history of the period from 1932 to 1972."

The town of Tuskegee displayed mixed reactions to the disclosure of the syphilis experiment. During interviews with Ebony, some Tuskegee citizens indicated that they did not want to discuss the study, while others said they had no opinion about it. Others, however, were quite vocal and bitterly angry.

"The study shows that black people have been fooled once again," said Mrs. Anita Lennard, a black housewife.

Miss Sally Robinson, a white elementary school teacher, indicated that she felt the study could have only been perpetrated against powerless people. "I would assume at least that it would only happen to people who were without power," she said, "people who were unknowing and unable to protect themselves."

One white citizen, however, didn't agree with Miss Robinson's analysis. Charles Keever, mayor of Tuskegee at the time of the experiment's disclosure, put it this way: "It [the study] has certainly been blown out of proportion. It's a very small pig, and it seems that a great big hog has been made out of it. It's only small in my thinking. In Pennsylvania in the flood areas, those people are suffering up there, too. I mean, black and white, up there. You have some people up there," said the perspicacious mayor, "who don't even have a shelter over their heads."

In the meantime, Charlie Pollard and many of the other 74 survivors have asked Fred D. Gray, the prominent civil rights attorney, to represent them in efforts to secure compensation for their 40-year service as human guinea pigs. "We represent," says Gray, "a substantial number of those who are still living and also some widows and other heirs of the deceased participants in the study."

Fifteen years ago, the government made an effort to compensate Charlie Pollard and the other survivors of the project by awarding them a 25-year certificate and a few new, crisp bills amounting to $25 in appreciation of their long service to U.S. Public Health. Pollard's certificate, awarded in 1958, read:

"U.S. PUBLIC HEALTH SERVICE

This certificate is awarded to Charlie Pollard in grateful recognition of 25 years of active participation in the Tuskegee medical research study."

Pollard remembers the little ceremony during which he received the certificate quite well, remembers the warm thanks given him and the others, and the broad smiles of the PHS officials. "I been looking for that certificate," Pollard recently said, also smiling, "to give to the lawyer."

Not long ago, Dr. Millar, who has been struggling for the past several months with the implications of the Tuskegee Study, attempted to sum it up: "I think there were racial overtones, because if you were looking for a group with which to do a long-term study, what kind of group would you look for? First of all, you would look for one that is reasonably stable. Secondly, one that is compliant and will do what you tell them to do. And, thirdly, one that will not ask too many questions. Well, you can take all of those points and apply them more to the black population at that time than to the white. . . . The question I have been asking myself of late is: Would it have been conceivable to do such a study on whites? My feeling is that the study would not have been done on whites."

THE 100TH BIRTHDAY OF ENRICO CARUSO

Mr. WILLIAMS. Mr. President, on February 25, the famous and gifted Italian operatic singer, Enrico Caruso, would have celebrated his 100th birthday.

Born in Naples in 1873, Caruso also made his debut there in the Theatre Bellini at the age of 21. By the turn of the century, the talented tenor was highly acclaimed throughout Italy and was beginning to enjoy international fame. His brilliant performances in Monte Carlo and London in 1902 joined with his personal warmth and generosity, brought to him a worldwide popularity that continued throughout his career.

When he developed a serious case of pleurisy, however, Caruso returned to his native home of Naples and died at the young age of 48. Because of his enormous popularity among fellow performers and fans, his death was considered a tragic loss.

Mr. President, recently Peter Hume of the Washington Post presented a light and human story of Enrico Caruso. I believe the article typifies what was the Caruso style of talent and charm. I would like at this time to have printed into the Record, in honor of Enrico Caruso's 100th birthday, the article, "A Voice Like No Other."

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the Washington Post, Feb. 25, 1973]

A Voice Like No Other

(By Paul Hume)

Can you believe the truth of how the world came to hear the name and voice of Enrico Caruso? One hundred years ago Tuesday, on February 27, 1873 (some records say it was the 25th), a son was born to Marcellino and Anna Caruso. In Naples a century ago a son was no novelty. And Enrico was the 18th son to be born to the Carusos.

This one, however, was different. Not only because he was destined to become one of history's most famous singers. But because he lived. Seventeen boys had been born to that unlucky couple and seventeen had died. This time it was different. And the change of fortune that came with Enrico held for a bit longer, for his mother bore two more boys and—miracolo!—her 21st and last effort produced the Carusos' only girl, Assunta.

Of the last two sons, one died early. But Giovanni, No. 20, lived to watch over his world-famous brother's last days.

For his centenary the world will give special remembrance to the name of Caruso. But there has never been a time, in the more than 50 years since he died in 1921, at the age of 48, that the world has not listened to his voice.

The statistics of his career alone are astonishing. No other opera singer of the past still sells as many recordings as Caruso, whose Victor records have paid his family more than $2 million in those five decades. All told, about 50 million Caruso records have been sold. (John McCormack is second to his famous Italian friend in this category.) During his 18 seasons at New York's Metropolitan Opera, he sang 626 performances of 37 operas, adding another 235 on Metropolitan tours. These statistics leave out entirely the hundreds of performances between his debut in Naples in 1894 and the New York debut in 1903.

Nor do they take in the hundreds of times he sang opera in Buenos Aires, Mexico City, Havana, London, Barcelona, Paris, Prague, Dresden, Berlin, Boston, San Francisco and every other opera capital that could land him during time away from the Met.

His Metropolitan repertoire ranged from the most famous of his roles such as Radames in "Aida", Canio in "Pagliacci," Eleazar in "La Juive," and all the other big ones he sang in New York, to some that are never heard there any more, such as Raoul in Meyerbeer's "Huguenots," Loris in Giordano's "Fedora," and Vasco de Gama in Meyerbeer's "L'Africana." Outside the Metropolitan walls he sang a number of famous roles in operas the Met never performed with him: Don Ottavio in Mozart's "Don Giovanni," Faust in Boito's "Mefistofele," and Arturo in Bellini's "I Puritani."

Among the many records Caruso rang up during his years at the Met was a unique honor never approached by any other of its greatest stars. Caruso sang on every opening night of those 18 years with the exception of the year that Geraldine Farrar made her debut as Juliet opposite Rousseliere. The role of Romeo was one Caruso steadfastly refused to sing, though he regularly sang other French parts such as Don Jose, Samson, and Faust.

Caruso's top fee at the Met was $2,500 a performance though he frequently sang for four times that much with other companies. Even in those days of lower income taxes, Caruso paid the U.S. government $153,933.70 in 1918.

What was it about Caruso and his singing that placed him on this extraordinary pinnacle? A few years ago one of the New York writers on music commented that no tenor since Caruso had been able to approach him in the sheer volume with which, in his more heroic roles, he filled the house. That remark, while quite true, tends to mislead people who may not have known the whole range of the storied tenor's singing. And since many of his most famous recordings tend to spotlight this tremendous power, there are those who think that he was great in loud passages but perhaps somewhat less affecting in quieter moments or more lyrical roles.

It is precisely to this point that the Met's manager, Gatti-Casazza, who knew Caruso throughout his professional career, spoke when discussing his favorite tenor: "He retained to the end his facility to permit him to keep in his repertoire such roles as Lionel, Nemorino and the Duke . . . all of a purely lyric, almost light character."

My father was the first person ever to tell me flatly that the greatest beauty in Caruso's singing was the indescribable quality of his soft voice. It was not until I heard Rosa Raisa rein in her huge voice that I glimpsed the fantastic sounds that are possible when a voice capable of trumpeting is checked by the superb technical control of its owner. So it must have been with Caruso.

Rosa Ponselle, whose debut at the Metropolitan, in company with Caruso—in the company's first production of Verdi's "Forza del Destino"—was the direct result of Caruso's patronage of her, once talked about Caruso's voice at length.

"It is impossible to describe his voice," she said. "It was like no other voice you have ever heard, and there has never been another voice at all like it." Gatti-Casazza wrote, "He was a unique artist, with whom none other compared."

And he added, "I do not see how we can ever have such another." Along this same line, Ponselle continued. "There were other wonderful tenors, with beautiful voices: Martinelli and Gigli. But Caruso's was different and the recordings do not really give you any idea of the fantastic sound."

The degree to which this last comment can be understood is apparent to those who heard Flagstad live in opera or concert and then listen to her recordings. Except for the stereo discs made in her last great years, the records fail to capture the real vibrant texture and amplitude of the voice. Even more is this true of Marian Anderson whose greatness in sound no recording ever caught.

So we must believe Ponselle, who sang opposite Caruso both in "Forza" and in his last and in some ways greatest triumph, "La Juive."

There is one other interesting area of comparison that often arises with the names of Caruso and McCormack. Let any tenor of the slightest Irish persuasion appear on the horizon and he is instantly heralded as "a second John McCormack," even though not one has yet come around who was fit to shine McCormack's shoes. Much more often, if always just as foolishly, too many masters of the stentorian sound have appeared in some famous Caruso role, and sure enough, out come the banners: "A second Caruso." The bright ones among these are the ones who insist that they would rather be "a first (insert the name of any of a dozen tenors of the past 50 years) than a second Caruso."

The truth about Caruso is that his singing was the product of superb control of a great voice, in a man of whom no colleague or rival was ever known to speak with bitterness, rancor, or anything but understandable envy.

A historical note about Caruso that is rarely recalled will be of special interest to fans of Joan Sutherland who have been dismayed or puzzled by the great Australian soprano's using her sheet music in her two song recitals here. When asked about it by a nosy woman in the audience, Sutherland answered, "I use my music because I have a rotten memory. And if I don't use my music then I can't sing."

Caruso did not like to sing concerts, saying frankly that they were not his metier. When he was forced into them, he invariably used his music and said, "I feel more secure, and I always read both the words and notes. If I were to forget the text or the music, I would be lost."

There has never been a first-rate biography of Caruso, though a superior biographer would find eveything in his story as a man and artist for which such writers go around praying.

In the meantime, Vienna House, Inc., of New York City, has just republished the fine full-length study by Pierre Key which he wrote together with Bruno Zirato, the tenor's secretary in the last years of his life. It is a handsome reprint of the 1922 original, on sale at $12.50. As for the great voice, any record store can offer you a wide choice. If you reach back to the arias made in the early years of this century you will come closest to the lyrical sounds that later records rarely caught.

THE FEDERAL BUDGET

Mr. BROCK. Mr. President, I was struck by the cogency of some comments made recently by the well-known newscaster David Brinkley on the subject of the Federal budget.

In his regular radio program, Mr. Brinkley pointed out the tremendous popular support which exists for cutting back on Government expenditures.

My own feelings on this matter are well known. I believe it is of great urgency that we scale down the vast array of Government projects, both for fiscal and humanitarian reasons.

Additionally, I believe that the Congress needs new tools with which to tackle the problem, and it is to that end that I have introduced legislation, S. 40, which would create a Joint Committee on the Legislative Budget to serve as a mechanism for dealing with these complex issues.

Thus, the Congress could get into the budgetmaking business, and would not have to leave it up to the executive branch to carry the great burden of establishing national priorities and achieving fiscal responsibility alone.

Mr. Brinkley's comments on the President's program in that area, and on the support he has for his objectives, are therefore of great value to all of us, and I ask unanimous consent that they be inserted in the RECORD.

There being no objection, the comments were ordered to be printed in the RECORD, as follows:

DAVID BRINKLEY, NBC NEWS, WASHINGTON

With some rambling comments on President Nixon's program to reduce, dismantle, take apart or close down much of the so-called Great Society. He is now going ahead with it over many objections . . . and my guess is that, (to a great extent), he will do it. Because in this general plan, if not every detail, he has wide public support. On the basis of traveling around this country . . . of reading the mail . . . and of seeing the other evidence, including the primary elections last fall and the vote for George Wallace . . . it seems clear there is a deep public resentment of the tremendous government spending on what are called handouts.

Of course, people tend to see government handouts as payments going to somebody else. The other day I got a phone call from a newspaper editor in a small town in the midwest . . . in a farm area . . . saying why he thought the Rural Environment Assistance Program—called REAP, or reap, for short—should go on. He said it was paying for farmers making permanent improvements to their properties, that this was a benefit to the country. A city dweller might say if the government will pay for improving a farmer's property . . . why shouldn't it pay for improving mine? Landscape the yard and put up a new fence and plant some trees and shubbery? It would be a benefit to the country, too. A city resident is, in fact, discouraged from improving his property because the more he improves it, the more they raise his property taxes.

Anyway, a government handout usually is money going to somebody else. Those getting the money usually say it's an essential program. There are dozens—indeed, hundreds—of these. Some are useful and some do nothing but spend money . . . and they've been accumulating, one by one, for about forty years . . . in housing, health, education, agriculture, environment, the poor, the military, labor, industry . . . and others. And a colossal bureaucracy has grown up as a result.

Sooner or later, somebody had to do something about it because it has all reached such a point of absurdity as to threaten the stability of American society. One out of six people in America is now on the public payroll and that number is rising fast. No other developed country is even close to that figure.

There may be many arguments for particular programs but I don't see any argument against a generalized scaling down of the Federal establishment and its spending. Other Presidents have said in private what Mister Nixon says in public . . . but never had the time or the inclination to take on the job he's now doing. Sooner or later, somebody had to do it. He will have—(already has)—many critics. But also much support. David Brinkley, NBC News, Washington.

COMMON CAUSE SUES IRS FOR THWARTING $1 TAX CHECKOFF FOR PRESIDENTIAL CAMPAIGNS

Mr. MONDALE. Mr. President, on March 6, I introduced legislation (S. 1109) that would require the Internal Revenue Service to place the $1 checkoff for the presidential election campaign fund on the front page of the taxpayer's tax return form.

That legislation has been cosponsored by 16 Senators, including the Senators from Indiana (Mr. BAYH), Texas (Mr. BENTSEN), Iowa (Mr. CLARK), California (Mr. CRANSTON), Missouri (Mr. EAGLETON), Michigan (Mr. HART), Colorado (Mr. HASKELL), Maine (Mr. HATHAWAY), Iowa (Mr. HUGHES), Montana (Mr. MANSFIELD), Wyoming (Mr. MCGEE), South Dakota (Mr. MCGOVERN), Utah (Mr. MOSS), Maine (Mr. MUSKIE), Wisconsin (Mr. PROXMIRE), and New Jersey (Mr. WILLIAMS).

S. 1109 also requires the IRS to give "extensive publicity" to the $1 checkoff provision, something they have thus far failed notably to do.

Common Cause, the citizens' lobby, has tried over a period of many months to get the IRS to administer the $1 checkoff in the way Congress intended. The IRS has resisted their best efforts, however, and Common Cause has now filed suit in U.S. district court to force the IRS to put the checkoff on the front of the return and give it adequate publicity—exactly what S. 1109 would direct them to do.

I ask unanimous consent that a Common Cause press release describing the suit be printed in the RECORD.

There being no objection, the release was ordered to be printed in the RECORD, as follows:

COMMON CAUSE SUES IRS FOR THWARTING TAX CHECKOFF FOR PRESIDENTIAL CAMPAIGNS

Congress's first step to rid the political system of dependence on private campaign financing has been thwarted by the Treasury Department and the Internal Revenue Service, Common Cause charged today. The national citizens' organization filed suit in U.S. District Court, charging that the two Executive agencies had failed to carry out the intent of Congress.

In enacting a tax checkoff system to finance future Presidential election campaigns, Congress intended to set candidates free of "their distasteful and degrading" job of soliciting large campaign contributions from individuals and special interests, Common Cause Chairman John Gardner said.

The suit claims that the Treasury and IRS failed to include the $1.00 checkoff on the Forms 1040 and 1040A in violation of federal statutes; failed to solicit the required public comment on the proposed form; and failed to publicize the tax checkoff adequately.

The law under which Common Cause acted provides that every individual taxpayer owing $1.00 or more in Federal income tax can designate that one of his tax dollars should go into the Presidential Election Campaign Fund. A designation does not increase the amount of income tax which taxpayers are required to pay. Rather, it merely causes one of the dollars that was required to be paid anyway to go into the Fund, rather than into the U.S. Treasury. Taxpayers can send the dollar either to a particular candidate or to a nonpartisan general account that will be divided up among the various political parties. Congress intended that taxpayers be able to designate their dollars merely by making a checkmark in a space to be provided on their tax returns.

Congress anticipated that over 20 million taxpayers a year would designate their dollars to the Fund, thereby providing ample financing for Presidential elections. Treasury officials recently announced that only 4% of the first 12 million taxpayers who filed their 1972 Federal income tax returns chose to designate $1.00 of their tax into the newly created Presidential Election Campaign Fund. This reflects the Treasury's failure to follow Congressional directions.

Common Cause maintains the Treasury has completely frustrated the new law by simple means. Instead of providing space on their 1040 and 1040A forms in which taxpayers might designate their dollars for the Election Fund by a stroke of the pen, the Internal Revenue Service requires the designation to be done on a small separate Form 4875.

The taxpayer who happened to receive a packet of forms and instructions from IRS will find Form 4875 among the forms he received. His instruction booklet will inform him that he may use Form 4875 to send a dollar to the Fund, but only on the *back* of the form itself is the taxpayer told that the dollar does not come out of his pocket, but is one of the dollars that he must send to Uncle Sam anyway. Furthermore, the taxpayer cannot use the order blank contained in his tax packet to order additional Forms 4875. In addition, 4875 forms are often unavailable at banks, postoffices, and other places where taxpayers obtain their income tax forms.

Common Cause protested to the IRS when the new forms were made public last fall. When Common Cause threatened to file suit against IRS, Treasury officials offered to publicize the new checkoff system and encourage taxpayers to designate their tax dollars into the Fund. Three months have passed since then, however, and IRS has still done little or nothing. The results of the separate forms requirement and lack of publicity are clearly evident in the Administration announcement. If the same number of individuals who filed 1971 income tax returns—76 million—file returns for 1972, and only 4% designate dollars for the Election Fund, the system will raise only $3 million a year, instead of the anticipated $20 million. The vested interests, giant corporations and labor unions will still be able to make puppets of elected officials by financing their election campaigns.

Common Cause has gone to court to force IRS to permit taxpayers to make checkoffs on their Forms 1040 and 1040A in future years and to make IRS publicize and make available 4875 forms this year. It is regrettable that court action is necessary to make the Administration implement laws enacted by Congress in a manner that does not frustrate the Congressional intent in enacting the laws. Until such time as more reform legislation is enacted and put into effect, however, Americans will be governed by officials who too often serve the interests of those who financed their election campaigns, rather than the interests of the people themselves.

CONSUMER PROTECTION AGENCY

Mr. GURNEY. Mr. President, the distinguished Senator from Alabama (Mr. ALLEN) last week introduced legislation to provide for an independent Consumer Protection Agency. Senator RIBICOFF already has introduced S. 707 which similarly calls for the creation of such an agency.

I am sure that many of our colleagues join me in supporting the general concept of consumer protection, while remaining hesitant concerning just what type of agency should be created, and just what powers it should be granted.

In light of the past history of consumer protection legislation before this body, such hesitation and careful consideration is certainly justified. When the 1970 Consumer Protection Agency bill passed the Senate, before dying in the House, advocates such as Ralph Nader claimed it was perfect. Mr. Nader had helped draft the bill, on a subject on which he was supposed to be expert, and few wished to challenge his work.

When the Government Operations Committee decided to look closely at the bill in 1971 and 1972, however, its sponsors publicly admitted that a defective bill had been allowed to pass the Senate in 1970. It behooves us to make sure that we do not pass again defective legislation, in an attempt to blindly support anything with the "consumer protection" label tied to it.

During the last session of Congress, the Executive Reorganization Subcommittee, under the control of the bill's original sponsors, made hundreds of changes in the bill. These changes were followed by some 58 more changes made by the full Government Operations Committee during mark up of the bill. Seventy-seven more amendments were filed when the bill reached the floor. These amendments were by no means all proposed by so-called enemies of consumer protection. Many supporters and sponsors of the bill introduced amendments as it was processed through subcommittee, full committee, and onto the floor.

When the bill became embroiled in controversy last year, and failed to gather sufficient support for passage, one of its advocates predicted that it would be reintroduced this year and that it would be "tougher, meaner, and—a much more difficult one for American business."

The bill (S. 707) introduced this year by the distinguished Senator from Connecticut(Mr. RIBICOFF), certainly seems to fulfill that prediction. Not only does it further insulate the CPA from political or judicial control, it grants the CPA more discretionary powers than the 1972 bill in all areas of interest—consumer advocacy, information gathering and disclosure.

The bill which reached the floor last year had been significantly improved before it was reported by the Full Committee on Government Operations. A comparison of the bill as it reached the floor last year, and S. 707, as it was introduced this year, shows at least 10 major areas in which changes from the 1972 version are grave cause for concern. They are as follows:

CHANGES IN BILL

1. THREE-MAN COMMISSION ABOLISHED; POWERFUL ADMINISTRATION PROPOSED

The new bill would have the CPA headed by a single Administrator who would have more discretionary power to affect the operations of the Federal government than any existing official, except perhaps the President. The CPA Administrator would be appointed for a four year term by the President with Senate advice and consent.

In 1972 executive session, the Government Operations Committee rejected the concept of a single, powerful Administrator and amended last year's bill to replace such an Administrator with a 3-member Commission, all of whom would be appointed by the President with Senate advice and consent.

2. ADMINISTRATOR THE ONLY ACCOUNTABLE APPOINTEE

Under the 1973 Senate version, only the CPA Administrator shall be appointed by the President and confirmed by the Senate.

Unlike past Senate CPA bills (and all the House bills), the second-ranked Deputy Administrator who would take over in the absence of the Administrator would not be appointed by the President and confirmed by the Senate. This officer would be appointed by the Administrator, as would the General Counsel and five Assistant Administrators, and none of these appointments could be challenged under the new bill.

3. "INTEREST OF CONSUMERS" DEFINITION BROADENED

It must be remembered that the CPA is to intervene or participate in court and agency proceedings and activities to protect an "interest of consumers."

The new, all-inclusive definition of this term, the most important term in the bill, has been expanded. It includes concerns of consumers that, in the opinion of the CPA, "*may become* the subject of any business, trade, commercial or marketplace offer or transaction"—whether or not they ever *do* become subject to them. The 1972 definition included only present business activity, not possible future activity.

In addition, this concern of consumers need not be a "substantial concern," a qualification that appeared in last year's definition; it need merely be, in the unchallengeable opinion of the CPA, a concern.

Further, the new bill does not delete the sweepingly confusing 1972 definition of "interests of consumers," which was widely criticized last year. This definition is transplanted as a declaration of Congressional purpose, thus becoming another confusing layer in the "guidelines" covering what the CPA will be advocating.

4. AMICUS-LIKE ADVOCACY TO BE USED IN INFORMAL ACTIVITIES

In the 1972 version, the CPA would have had, as of right, an "opportunity equal to that of any person outside the agency to participate" in the informal activities of another Federal agency.

In the new version, the CPA would have a right to a "full opportunity to present orally or in writing . . . relevant information, briefs, and arguments" in such informal activities.

Although this is an improvement over last year's bill in that it avoids making the CPA a party, as of right, in informal agency activities, it could in some cases give the CPA an unfair advantage over other parties to informal activities. For example, a "full opportunity" to present arguments may very well exceed an "equal opportunity," in a case where a businessman is presenting informal views to an agency.

5. SUBPENA-LIKE POWER EXPANDED

The 1972 proposed power under which the CPA would be authorized to issue court-enforceable orders to force a person engaged in a trade, business, or industry to answer questions or file information reports has been broadened in four ways—

A. SCOPE OF USE BROADENED

Under the 1972 bill, the CPA was limited in the exercise of this extraordinary power in that it could be used only to protect the health or safety of consumers or to discover consumer frauds. To this clause, the 1973 bill adds authority for CPA to use this power to discover other unconscionable conduct detrimental to an important interest of consumers—thus widening the scope to virtually any limit desired by the CPA.

B. LACK OF SAFEGUARD CLARIFIED

The 1973 bill clarifies what critics said last year—the safeguards of the Federal Reports Act (in 44 USC) would not be applicable where the CPA asks individuals or individual companies for information. The new language says that the Federal Reports Act safeguards will only apply "where applicable," which means where identical requests for information are made of 10 or more persons.

C. BURDEN OF PROOF SWITCHED FROM CPA TO CITIZENS

Under the 1972 bill, the CPA had to prove to a court, upon complaint by a citizen subject to a CPA order, that the order was *not* unnecessarily or excessively burdensome.

Under the 1973 version, the burden of proof is shifted to the person to whom the interrogatory is addressed, making that person *prove* that compliance would be unnecessarily or excessively burdensome.

This provision will undoubtedly subject the person complained against to such heavy legal costs that only big business could afford to provide a defense. Small businessmen would have no practical protection whatsoever.

D. CAN BE USED FOR INTERVENTION PURPOSES

The 1972 bill, as reported by the Government Operations Committee, would have prohibited use of this extraordinary subpoena-like power if it were for use in connection with CPA intervention in any pending agency proceeding. During floor debate on the bill, this safeguard was severely limited by an amendment, which was passed without discussion by voice vote, making the prohibition applicable only to proceedings against the person to whom the interrogatory was addressed.

The 1973 bill apparently is intended to incorporate the limited version as adopted on the Senate floor, but what appears to be a typographical omission has made this provision totally unclear.

6. ACCESS TO VOLUNTEERED TRADE SECRETS OTHER CONFIDENTIAL INFORMATION

A new provision applies to trade secrets and commercial or financial information that is given to a federal agency with the understanding that it should be considered privileged or confidential.

The new provision would require that such an understanding be in writing after the effective date of the act, and allow CPA access to such information after certain CPA findings, subject to being enjoined under certain conditions by the person who volunteered the information.

This provision, in effect, gives the CPA a blanket right of access to trade secrets and other privileged or confidential information held by Federal agencies, unless certain exceptions apply. Even those exceptions are not to be considered in cases where access by the CPA to such information is "likely to be necessary . . . to protect against immediate or imminent substantial economic injury due to . . . unconscionable conduct."

Unquestioned access in such cases might indeed appear to be fair and necessary—unless one considers that the only judge of what is "likely" or "unconscionable" is the CPA—without even any opportunity for the original source of the privileged information to seek an injunction to prevent its disclosure.

Furthermore, the "exceptions" under which the CPA is not to be granted access, afford little real protection. One of these exceptions would be where the agency in possession of the privileged information determines that CPA access to the information might cause substantial harm or be excessively burdensome to the person providing such information. In this case, the person who originally supplied the privileged information is to be notified of the CPA request for access, and afforded an opportunity to comment and seek an unjunctive order to prevent access. The 1973 bill provides, however, that the court cannot enjoin access where it determines that the "importance of access . . . clearly outweighs . . . injury or burden to the person".

Thus not only is the burden of proof placed on the person defending his privileged information, but the court is instructed to subjugate the individual's legitimate rights to the "interests of consumers" if such rights are "outweighed" by the "importance of access."

Is this reasoning in accordance with our basic legal heritage—which bases the public good on the sanctity of individual rights?

7. GSA FUNCTIONS TRANSFERRED TO CPA

Another new feature of the 1973 bill would be to transfer the Consumer Product Information Coordinating Center, its functions and its personnel from the General Services Administration to the CPA.

This Center, pursuant to a recent Executive Order, centralizes and distributes product information derived from the Federal Government's experience as a consumer of products.

Because the GSA will continue to be the Government's major consumer product purchaser (and policeman of Government purchases), and because the CPA could have obtained the information from the GSA under the 1972 bill, this new provision may indicate lack of faith by the 1973 sponsors in GSA's integrity.

8. CPA NOT SUBJECT TO MANY RESTRICTIONS

The 1973 bill includes an amendment adopted last year by voice vote without debate that would limit the restrictions placed upon the disclosure of information by the CPA to those restrictions contained in Section 208 of the bill—no other restrictions in the bill or current law would apply.

9. CPA MAY INDIRECTLY RATE PRODUCTS

The 1972 bill, after an amendment in Committee, would have prohibited the CPA from indicating, "in any manner" that one product was a better buy than another. The 1973 bill substitutes the word "expressly" for the words "in any manner." Thus, in the new bill, by clever and subtle implication, the CPA could express preference for one product over another.

10. CONSUMER IMPACT STATEMENT DELETED

The 1972 version of the bill contained a provision which required that any public announcement by a Federal Agency of a final action which might have a significant impact upon the interests of consumers be accompanied by a public statement setting forth the consideration given to such interests of consumers in deciding upon such action. One effect of this requirement would have been to require each agency to stipulate exactly which of multiple and possibly conflicting interests of consumers were considered, and to provide some indication of how those interests were weighed in reaching a final decision.

The new bill contains no such requirement, deleting any need for agencies to account for any consideration of interests of consumers, in taking final actions of significant impact on the interests of consumers.

These changes in the bill greatly widen the CPA's intervention powers, information gathering powers and information disclosure powers, while simultaneously making it almost totally free of any restraints from the executive or legislative branches. Despite this, the bill's sponsors maintain that the bill contains adequate "safeguards," and recently inserted a list of 19 such alleged safeguards into the RECORD.

Here are the 19 "safeguards" in the CPA bill, as set forth recently in the RECORD, together with the reasons why, in most cases, the public at large is in need of being safeguarded from these safeguards.

CPA'S POWER TO OVERRULE DECISIONS OF OTHERS

The first safeguard in the Senate CPA bill is stated as follows:

> 1. The CPA will have no regulatory authority. It will not be able to overrule, veto or impair any Federal agency's final determinations. The participation rights granted to the CPA are procedural only, not substantive, such that no authority granted to the CPA shall be construed as superseding, supplanting, or replacing the jurisdiction of any agency over any subject matter, nor deprive any agency of its responsibility to exercise its authority under law. Section 3(3) Declaration of Purpose.

Senator BROCK pointed out last year that saying this was a safeguard is like saying, "Don't worry about that madman with an ax—he's too weak to do anything without the aid of the ax which I supplied him with."

Senator BROCK pointed out that no party can overrule an agency's final determination. Only a court can do that, and the CPA is given automatic standing to get a court to overrule the final determinations of other agencies. See section 204.

Thus, if the sponsors of this bill really desire such a safeguard, they would delete the proposed CPA power to seek judicial review of the actions of its sister agencies, and delete the proposed power that would enable the CPA to attack sister agencies and other parties or participants in formal proceedings.

CPA TO USE ENOUGH POWER TO WIN

The second safeguard is stated as follows:

> 2. Limitation on CPA interventions: Authority to intervene as of right as a party is granted to the CPA in formal agency proceedings, but the Administrator must exercise discretion and avoid unnecessary involvement. He is to refrain from intervening as a party unless he determines that such extent of involvement is necessary to represent adequately the interests of consumers. Where submission of written briefs or other material is sufficient, or presentation of oral argument is sufficient, he is to exercise self-restraint and limit his involvement accordingly. Section 203(a)

What the safeguard says is that the CPA should use self-restraint, and not use more of its great arsenal of powers than needed to win its case.

In other words, if CPA can win without having to take a sister agency to court, it should not take its sister agency to court. The clear implication of the entire bill, however, is that the CPA should use all of its available and abundant powers whenever needed to win a case.

It is preposterous to grant an advocate far-reaching powers and then suggest that he would not avail himself of those powers when necessary to win—no one loses intentionally.

Rather than depending upon the self-restraint of some unknown presidential appointee, it would appear far more prudent to reduce the number of powers available to the CPA until and unless experience proves that they are needed.

CPA'S POWER TO DISRUPT AND DELAY

The third safeguard is stated as follows:

> 3. Protection against disruption and delay of agency proceedings and activities: Upon intervening, or participating in formal agency proceedings, the Administrator must comply with the host agency's statutes and rules of procedure governing the timing of his participation and the conduct of such proceeding (Section 203(a)). In participating in an informal agency activity, the Administrator must do so in an orderly manner and without undue delay. Section 203(b).

At first glance, this safeguard would appear merely to protect orderly procedure—something to which no one might object.

However, what the safeguard fails to disclose is the fact that the bill would require all the rules of procedure of all agencies to be changed to accommodate the extraordinary powers of the CPA. See section 203(c).

Therefore, compliance with these new rules of procedure will not work to prevent the unfair use of extraordinary power by the CPA to stack evidentially records, use compulsory discovery devices which would be unavailable to anyone else, and a host of other unusual powers for a party or participant.

CPA'S POWER TO INTRUDE IN PRIVATE MATTERS

The fourth safeguard is stated as follows:

> 4. Protection against CPA intrusion in the private meetings and discussions between a Federal agency and a particular business firm: While the CPA may present orally or in writing relevant information and arguments (Section 203(b)(1)), it is not granted the right or authority to be present at any particular meeting or discussion, nor to monitor any phone conversations, between an agency and a company. Instead, it need only have full opportunity comparable to that of the company to present its views. CPA's participation, therefore, need not be simultaneous (and generally will not be) but need only occur within a reasonable time of any prior involvement by such company or at a time when it might reasonably have an input into a contemplated agency action. Section 203 (b)(2).

The mere characterization of such an absence of power as a safeguard—the CPA not being authorized to intrude in "private meetings and discussions" nor to "monitor any phone conversations"—shows the insensitivity to private rights that this bill has created.

The powers proposed for the CPA are so extraordinarily far-reaching that the first amendment right of petitioning the Government without undue interference had to be safeguarded specifically.

Even so, these are many who feel that this safeguard is still inadequate, because the bill would continue to grant the CPA coercive power with which to inhibit the guaranteed right of Americans to petition their Government. For example, the CPA can order a Federal official (see sec. 207(c)) to turn over copies of all documents discussed in a "private meeting" with businessmen or even Senators, and it can order the business firm (see sec. 207(b)) to answer any question whatsoever about what happened at such a "private meeting."

The proponents of this legislation implicitly recognize the legitimate need for private meetings and discussions between Federal agencies and particular business firms, by purporting to provide "protection against CPA intrusion" into such meetings. In practice, the provisions of section 207(b) would allow the CPA to seriously interfere with agency use of such meetings to gain needed information.

CPA'S POWER TO SUBPENA WITNESSES AND DOCUMENTS

The fifth safeguard is stated as follows:

> 5. Protection against misuse of a host agency's compulsory process: Where the CPA seeks to use an agency's subpoena authority for discovery purposes, the host agency retains discretion and control over such use. CPA's request must be: (1) relevant to the matter at issue; (ii) not unnecessarily burdensome to the person from whom the information is sought; and (iii) not such as would unduly interfere with the conduct of the host agency proceeding—all to be determined by the host agency, not the CPA. Section 203(e).

All these "safeguards" are presently required by the Administrative Procedure Act because due process and efficiency require them. Therefore, again, what is listed as a safeguard is the sponsors' failure to inhibit further an established right.

Discretely omitted here is any mention of the CPA's extraordinary right to demand use of subpena power when no other person representing the same interests would have such a right. For example, under the bill, the CPA could decide to appear as an amicus curiae in an agency proceeding, yet still demand that subpenas be used, thereby confounding basic ex parte rules. See section 203(e).

Also not mentioned is the fact that the bill contemplates that the CPA will be able to take advantage of another Federal agency's subpena process in an informal activity, as well as a formal proceeding. See section 203(3).

CPA'S POWER TO REQUIRE CITIZENS TO ANSWER QUESTIONS

The sixth safeguard is stated as follows:

> 6. Protection against unfair advantage to CPA in requiring information from business: The compulsory information gathering authority of the CPA (Section 207(b)) may not be exercised to obtain information which: (i) is available as a matter of public record; (ii) can be obtained from another Federal agency; or (iii) is for use in connection with his intervention in any pending agency proceeding. (Section 207(b)(2)). The Administrator's request under Section 207 must relate to consumer health or safey, frauds or unconscionable conduct and be specific as to the purpose for which the information is intended. Moreover, the request must be relevant to that purpose and not unnecessarily burdensome to the person from whom the information is sought. The scope of the Section has been limited so as not to require the production of records, books, or documents the appearance of witnesses, or the disclosure of information which would violate any relationship privileged according to law. Section 207(b)(1).

First of all, not allowing the CPA to obtain information from a businessman if it is available to the CPA elsewhere as a matter of public record or obtainable by CPA from another Federal agency can hardly be called a "safeguard against unfair advantage," by the wildest stretch of the imagination.

This leaves only one stated safeguard, according to the above: The CPA's extraordinary compulsory investigation authority cannot be used to obtain information that "(iii) is for use in connection with his (CPA Administrator's) intervention in any pending agency proceeding."

That is not what the cited section of the bill now says. This investigatory power can be used for intervention in any pending agency proceeding, as long as the interrogatory is addressed to anyone other than the person involved in the pending agency proceeding. It requires little imagination to conceive of how this interrogatory power could be used against the person involved in the agency proceeding, even though the interrogatory was not directed specifically at him.

For example, the CPA could issue a court-enforceable demand for any desired information under oath from an assembly line worker or a newspaper reporter, and use this information in a proceeding against the company that employs the worker or the source of a newsman's articles.

There is neither precedent nor reason to support the granting of such sweeping powers to an independent, nonregulatory agency which is not responsive to anyone.

CPA'S POWER TO INTRUDE VINDICTIVELY

The seventh safeguard is stated as follows:

> 7. Protection against arbitrary capricious or vindictive intervention by CPA: The determination by the CPA that a consumer interest may be substantially affected by the result of an agency proceeding will be subject to ultimate judicial review if there was prejudical error involved. (Section 201 (e) (1)(B)). The Administrator is required explicitly and concisely to set forth in a public statement the interests of consumers he is representing in a particular agency or court proceeding.

First of all, there is no provision in the CPA bill that would subject to judicial review of any kind the CPA's determination that a consumer interest might be affected substantially; the bill has been misread.

In fact, just the opposite is provided expressly—such a CPA determination shall never be subject to judicial review, because it is not to be considered as final action. See section 210(e)(2).

Second, the fact that the CPA must set forth in a statement the interests of consumers it is representing in a proceeding would appear to be of little consequence as a safeguard against arbitrary, capricious or vindictive intervention—it is doubtful that the CPA could intervene and keep such information secret.

Therefore, if this is all that stands between the administrative process and arbitrary, capricious or vindictive CPA intervention in that process, the bill presents a major danger to the public interest.

At the heart of the problem is the CPA's intervention and participation power. As proposed in the bill, this power is far too broad and practically guarantees that a CPA will prove to be a disruptive, coercive force.

CPA'S POWER TO MAKE UNWARRANTED ALLEGATIONS

The eighth safeguard is stated as follows:

> 8. Protection against unwarranted allegations in complaints from consumers against business, its products or services: Upon receipt of consumer complaints, CPA will as a matter of course promptly notify the company named, furnish it a copy of the complaint, and afford it a reasonable time in which to respond to the charge. Both the complaint and the company's response will be placed in the public file simultaneously, together with any comments or report from any Federal agency to which the complaint was referred for action. Frivolous, malicious and unsigned complaints will not be placed in the public file. Sections 206 (b) and (c).

The cited subsections 206 (b) and (c) do contain reasonable safeguards against publication of consumer complaints containing unwarranted allegations.

CPA'S POWER TO GAIN ACCESS TO CLASSIFIED DATA

The ninth safeguard is stated as follows:

> 9. Protection against access by CPA to all classified information and restricted data under the Atomic Energy Act. Section 207 (c)(1).

It should be noted that the provision cited does not prohibit the CPA from gaining access to restricted data under the AEC Act or other classified information; all that provision says is that another Federal agency may, if it wishes, deny the CPA access to such information. See section 207(c)(1).

What the safeguard fails to point out, however, is that the CPA apparently could obtain the same information in the hands of a private person—such as a nuclear reactor construction company official—merely by ordering that person to file a report on the subject. See section 207(b):

CPA'S POWER TO GAIN ACCESS TO ANOTHER AGENCY'S INTERNAL DOCUMENTS

The 10th safeguard is stated as follows:

> 10. Protection against CPA access to internal policy recommendations: The CPA will have access to factual material developed by agencies but will have no right to have access to opinions expressed by agency personnel which are not in the nature of factual data. Section 207(c)(2).

Again, the cited provision does not deny the CPA access to such material, it merely enables another Federal agency to refuse the CPA access to such documents. See section 207(c)(2).

Second, that cited provision is very limited; it alllows other Federal agencies to deny access to the CPA to "policy recommendations by agency personnel intended for internal agency use only."

If, however, the CPA should use its unchallengeable discretion to determine that such recommendations might affect substantially an important consumer interest, other provisions of the bill would allow the CPA actually to participate in the making of the internal policy of another agency—see section 203(b), 401(4)—and even to appeal the adoption of these recommendations to the courts. (See sec. 204, 5 U.S.C. secs. 702 through 706, particularly 704.)

This raises questions about the desirability of such intrusion and appeal powers.

CPA'S POWER TO INTERFERE IN ANOTHER AGENCY'S INTERNAL MANAGEMENT

The 11th safeguard is stated as follows:

> 11. Protection against CPA access to information concerning routine executive and administrative functions: Most internal agency documents dealing with the management of the agency need not be accessible to the CPA. This will protect the legitimate interests of federal agencies in managing their own affairs without interference. Section 207(c)(3).

Again, if a Federal agency wishes, it can give the CPA such information under the cited provision. More importantly, such "routine executive and administrative functions" would be open to CPA participation as of unchallengeable right if the CPA determines that they might result in a substantial effect upon an important interest of consumers. See section 203(b), 401(4).

In addition, the result of such functions could be appealed to the courts by the CPA on the same grounds. See section 204, 5 U.S.C. sections 702 through 706, particularly 704.

Again, serious questions are raised about the desirability of granting the CPA such potentially disruptive intrusion and appeal powers.

CPA'S POWER TO INVADE PRIVACY

The 12th safeguard is stated as follows:

> 12. Protection against CPA access to personnel and medical files and other files access to which would constitute an unwarranted invasion of personnel privacy: The CPA will not have a right to have access to these files, which should properly remain private in order to preserve important interests of confidentiality. Section 207(c)(4).

Once again the statement of the safeguard is misleading; the CPA is not prohibited from access to such information, the Federal agency in possession of the personal information merely is given permission to deny the CPA access to the information, if it wishes to do so. See section 207(c)(4).

And, once again, if the CPA uses its unchallengeable discretion to determine that the process of compiling such files of information might affect substantially a major interest of consumers, no one may prevent the CPA from participating in the compilation of such a file of information, and appealing to the courts what the CPA considers to be an inadequate final action as a result of such a compilation. See section 203(b), 204; 5 United States Code, sections 702 to 706, particularly 704.

CPA'S POWER TO GAIN ACCESS TO PROHIBITED INFORMATION

The 13th safeguard is stated as follows:

> 13. Protection against CPA access to information which any agency is expressly prohibited by law from disclosing to another federal agency: Where a statute of judicial decision has declared that an agency may not disclose information to another agency, this policy applies to the CPA, and denies the CPA the right to access to such information. Section 207(c)(5).

The cited provision illustrates well the dangers to the public that lie within these safeguards, and the extent to which some would go in further diminishing private rights.

The cited provision does not prohibit CPA's access to information that is prohibited from being transferred from one agency to another—such as census information—the cited provision says that all Federal agencies must give the CPA access to any information that the CPA desires, but that the agency in possession of the information may, if it wishes, deny the CPA access to certain information, including information such agency is expressly prohibited from giving to another agency. See section 207(c)(5). The cited provision has just the opposite effect of what the "safeguard" says it does. It opens up information prohibited to other agencies to the CPA.

And again, if the process of compiling such prohibited information is deemed by the CPA, in its unchallengeable opinion, to be a process that might result in a substantial impact on an important consumer interest—that is compilation of census material from manufacturers—the CPA may as of right participate in that process, and appeal the results of it to the courts. See section 203(b), 401 (4), 204; 5 United States Code, sections 702 to 706, particularly 704.

CPA'S POWER TO GAIN ACCESS TO TAX RETURNS

The 14th safeguard is stated as follows:

> 14. Protection against CPA access to income tax records: There is no authorization in this act to any federal agency to disclose the amount or source of income, profits, losses, expenditures, or any particular thereof, from any income return or to permit CPA access to any such return. This will insure that records which are now treated as confidential by the IRS with respect to access by other federal agencies will be treated in the same manner with respect to the CPA. Section 207(d).

Although one of the more tightly drawn safeguards, even this complicated provision will not prevent CPA access to income tax returns.

This safeguard merely would prevent any authority in other provisions of the bill from being construed as authorizing a Federal agency to turn over to the CPA Federal income tax returns.

It would not prevent IRS or other Federal agencies from volunteering tax returns to the CPA as a matter of intra-Government course—a common practice.

In fact, it appears that the CPA could force a citizen, himself, to give it information contained in his tax returns such as lists of income, profits, and deductions. (See section 207(b).)

CPA'S POWER TO DISCLOSE BUSINESS SECRETS

The 15th safeguard is stated as follows:

> 15. Protection against disclosure of confidential information relating to business practices in the files of another agency: The CPA has access to, and can copy agency files, but cannot disclose to the public any information which the host agency has ex-

empted from disclosure or is otherwise exempted by law. Section 208(b).

Such a safeguard may be better than none, but there are many more restrictions that can, and should, be placed upon CPA's power to disclose business secrets in the hands of the Government.

Why put the burden of prohibiting CPA disclosure of business secrets on the agency holding the information? Why is CPA able to gain access to such information without proving to the host agency, and courts if challenged, a definite need for CPA access and public release?

CPA'S POWER TO DISCLOSE MORE BUSINESS CONCEPTS

The 16th safeguard is stated as follows:

16. Protection for business trade secrets that may come into CPA's possession: Trade secrets and other confidential business information may not be disclosed under criminal penalty of law except if necessary to protect public health and safety, or to courts, committees of Congress, and other concerned federal agencies in a manner designed to preserve confidentiality. Section 208(c).

The loophole in the cited provision is the fact that the CPA may disclose to the public any trade secret or confidential business information if, in the sole discretion of the CPA, release of such information is considered necessary to protect health or safety.

CPA'S POWER TO ISSUE FALSE AND MISLEADING INFORMATION

The 17th safeguard is stated as follows:

17. Protections against disclosure to the public of false or misleading information regarding a business: CPA disclosures may not be inaccurate, misleading or incomplete. Otherwise, CPA will be required promptly to issue a retraction, to take other appropriate meaures to correct any error, or to release significant additional information affecting the accuracy of information previously released. Section 208(d).

This is no safeguard because the CPA is not required to issue a retraction where it releases false or misleading information; it is given the leeway to cover up its mistakes with "other reasonable action," or merely by releasing new data. See section 208(d).

This otherwise good safeguard should be made better by requiring an immediate retraction of all false or misleading information distributed by the CPA, in addition to any other appropriate steps.

CPA'S POWER TO INJURE GOOD-WILL

The 18th safeguard is stated as follows:

18. Protection against "surprise" disclosures to the public of information likely to injure the reputation or good will of a business: CPA is required, as a matter of course, to give prior notice to such company and afford an opportunity to comment, unless public health and safety would be imperiled by such action. Section 208(d). Injunctive relief to a company which might be damaged is provided for.

Again this otherwise good safeguard suffers from the fact that the CPA is granted absolute discretion to decide—without guidelines as to how—whether disclosure of specific information is necessary to protect the health or safety of the public, and if it so decides, it may go ahead and ruin a company.

CPA'S POWER TO MAKE UNFAIR COMPARISONS

The 19th safeguard is stated as follows:

19. Protections against unfair comparisons of the products or services of a business: In disclosing information, CPA: (i) must make clear that all products of a competitive nature have not been compared, if such is the case; (ii) must make clear that there is no intent or purpose to rate products compared over those not compared, not to imply that those compared are superior or preferable in quality to those not compared; and (iii) must not subjectively indicate that one product is a better buy than another. Section 208(e).

This final "safeguard" fails to disclose a major change in the 1973 bill compared to the bill of last year. Last year's bill provided that the CPA could not "in any manner" indicate that one product was a better buy than another. The 1973 bill merely prohibits the CPA from "expressly" indicating that one product is a better buy than another. See section 208(e).

CONCLUSION

The basic objections to the 1972 bill, which were responsible for its failure to obtain sufficient support for passage, are legitimately applicable to the 1973 bill. This bill would create a super agency which would pursue the goal of absolute product perfection at any cost—including sufficient harassment of producers and merchandisers to necessarily result in greatly increased consumer prices.

All of us want to protect the consumer where needed, and all of us realize that such protection is needed in some instances, but we must not overlook the fact that the consumers consider cost one of the most important, if not the most important consideration in choosing products.

We must not throw out the baby with the bathwater by creating an agency which will result in greatly increased costs to the consumer, in return for disproportionately small increases in product quality.

TITLE IV–A FUNDS—DAY CARE

Mr. TUNNEY. Mr. President, the proposed HEW child-care regulations are outrageous. If implemented, almost two-thirds of the children presently enrolled in child-care programs in California will be expelled and over 5,000 jobs for day-care workers will be eliminated.

These proposed regulations completely undermine efforts to make persons self-supporting and will force working parents back onto welfare rolls.

Specifically, the regulations no longer permit State facilities to use private donations as their share of matching funds and establish unrealistic maximum income levels—$253 a month for a working parent with one child, for example. In addition, revised definitions of former and potential recipients drastically reduce eligibility.

Dr. Wilson Riles, State superintendent of public instruction, has estimated that of the 19,000 children presently served by California's preschool programs, 11,000 would lose eligibility because of the new definitions of former and potential recipients. The corresponding loss of Federal matching funds would be over $3 million.

The proposals almost totally exclude migrant children from the program and mean that many campus child-care facilities would close.

Eliminating private contributions as the State's share of matching funds is in direct contrast with recent HEW policy. In a letter from former Secretary Elliot Richardson to the Honorable WILBUR MILLS, the Secretary said:

> I am convinced that this kind of partnership between private funds and public agencies should be encouraged rather than discouraged. I believe a prohibition on public-private partnership in the field would be a great mistake.

California's use of private funds has reduced greatly the strain on an overworked social service budget and has helped lift the tax burden. This has allowed California to develop innovative child care programs which have freed many parents—who otherwise would be on welfare—to enter the labor force or to continue their education.

Reducing these services will do nothing more than force many people back to the welfare rolls.

On March 6, I sent a telegram to HEW Secretary Caspar Weinberger protesting these regulations and urging an immediate withholding of implementation until at least June 30. The telegram was signed by 25 members of the California congressional delegation.

Mr. President, I ask permission to insert the text of our message at this point in the RECORD.

There being no objection, the message was ordered to be printed in the RECORD, as follows:

Hon. CASPAR WEINBERGER,
Secretary of Health, Education, and Welfare, Washington, D.C.:

We are greatly disturbed over the effects of the proposed HEW regulations regarding social services—particularly those affecting the operation under title IV A of the Social Security Act. Eleven thousand children will lose eligibility in one program alone for federally funded day care services. Migrant children will be almost totally excluded and many campus facilities will be shut down. These regulations, if implemented in their proposed form, will force many presently employed parents back onto welfare rolls. Therefore, we urge you immediately to withhold implementation until at least June 30 and hold public hearings in the interim.

Signed: Senator John V. Tunney and Congresswoman Yvonne Brathwaite Burke, Senator Alan Cranston, Congressmen Harold Johnson, John Moss, Robert Leggett, Phil Burton, Ronald Dellums, Fortney Stark, Donald Edwards, Jerome Waldie, B. F. Sisk, Pete McCloskey, Chet Holifield, Augustus Hawkins, James Corman, Charles Wiggins, Tom Rees, Alphonzo Bell, George Danielson, Edward Roybal, Charles Wilson, Richard Hanna, Glenn Anderson, William Ketchum, George Brown, Jr., Lionel Van Deerlin

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THE GENEROSITY OF A "STINGY MAN"

Mr. BROCK. Mr. President, an article in the current issue of Nation's Business tells the story of a truly remarkable man, Mr. Clayton Arnold of Thompson's Station, Tenn.

Mr. Arnold is an 81-year-old retired rural letter carrier. He lives simply in the house in which he was born, and in which he has lived all his life, except for his service in World War I.

His salary was that of any other letter carrier, but he lived frugally, saved, and invested wisely. Today, he is the largest single living benefactor of the University of Tennessee, having given over $1 million in the last 10 years.

I believe that Mr. Arnold's life should be an inspiration to all of us, and I ask unanimous consent to have the article about him entered into the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

The Generosity of a "Stingy Man"

Clayton Arnold was only a mail carrier, but investing made him rich—to the benefit of students who've gone further in school than he ever did.

What image springs to mind when you hear a man described as "the greatest living benefactor" of a big university?

Perhaps a wealthy alumnus who made it big in business and wants to thank the school that set him on that track?

Maybe the generous scion of a fine, old family who has endowed a beloved alma mater with a chunk of his inherited riches?

Or possibly a brilliant scientist who has assigned valuable patents to the temple of higher learning that tutored him?

Surely not a retired rural mail carrier who never got past high school, a lifelong bachelor who lives quietly and frugally in the simple, white frame house in which he was born.

Yet that's an accurate description of Clayton Arnold, 81, of Thompson's Station in central Tennessee, whose gifts to the University of Tennessee have a current value of more than $1 million, making him that school's greatest living benefactor.

His contributions, nearly all in securities, were made over the past 10 years. They have gone into the Clayton Arnold Teacher Training Fund.

Mr. Arnold will receive an income from the trust during his lifetime, but part of the trust's earnings are already at work helping needy students who are planning to teach.

"SIMPLE MATHEMATICS"

In explaining how he built up a fortune while working as a small carrier, and kept on building it in retirement, Mr. Arnold credits "the simple mathematics of a stingy man."

"I've been a miser, living within my income," he says and, with the money he saved that way "I made fortunate investments."

Except for combat service in France during World War I, Mr. Arnold has spent his entire life in and around Thompson's Station, about 25 miles south of Nashville.

But one of his earliest ambitions was to make a million dollars. He worked on his family's farm until he was 21, when he became his community's first postmaster at $60 a month, planning to save money to buy land and equipment to start his own farm.

He also set up his own business on the side, buying and shipping grain, and finally began to acquire some farmland. He later bought a general store, but sold it when he went into the Army. After the war, he resumed his duties as postmaster but later became a mail carrier because it paid more. He also continued in business ventures in his spare time.

While in his 40s, Mr. Arnold took enough night school law courses to pass the state bar examination, although he never earned a law degree. He practiced little law, however, commenting once that "mostly people came to me to ask if their lawyer was treating them right." His full-time job remained that of rural mail carrier until he retired in 1961.

He began investing in stocks in the late 1930s with capital from sale of some land. But concern over unsettled conditions with the onset of World War II led him to put the money back into land.

RECIPE FOR SEASONING

It wasn't until 1957 that he began a series of stock investments that enabled him to make his gifts to the university.

Some of his early efforts didn't turn out too well, but he says those mistakes enabled him to develop his successful "recipe."

He doesn't go in for speculative stocks, Mr. Arnold explains, but favors, for example, "a good corporation that is five to 10 years old; one that is a going concern." The next thing, he says, is to wait for its stock to reach a bargain level.

His formula is then reduced to the age-old goal of every investor: "Buy low and sell high."

Mr. Arnold recalls buying stock in Life of Georgia for $85 a share.

Later, the stock dropped to $60. Undaunted, Mr. Arnold borrowed money to buy more. Four years later, he sold at prices ranging from $192 to $217 a share.

In 1963, he ignored his own rule about investing only in seasoned businesses, and lost $40,000 he had put into a three-year-old insurance company. But outside of that and a "few other things" there haven't been any losses in the past decade.

His decision to turn his money over to a university has been explained by others as stemming from "a love for humanity," and even from frustration over the fact that he never got to college himself. He sternly dismisses such notions.

"I don't have affection for the human race," he says. "But I have loyalty to it. I think there's still some hope for it. I'd rather do something for people than talk about love. After all, love without loyalty is not love at all."

As for college, he says, he has no feeling of frustration—he just never wanted to attend one, though "if I had my life to live over I'd go." Mr. Arnold was educated in a two-room schoolhouse, and recalls that he was "not particular fond" of school.

"I was born and raised in what some people might call poverty," he says. "I don't want a fine car or a fine home. I have had no desire for luxury. So I took the money I had no use for and gave it to the scholarship fund for teachers."

Mr. Arnold was born in the front parlor of the home his parents built in 1887.

The room still has its Victorian-age furniture.

But there's something new there now, a gift presented to him in grateful appreciation: A chair bearing the seal of the University of Tennessee.

DR. CHARLES C. EDWARDS: A CHRONOLOGY OF ACCOMPLISHMENTS AT FDA

Mr. PERCY. Mr. President, the President is to be commended for nominating yesterday the current Commissioner of Food and Drugs, Dr. Charles C. Edwards, to the critically important position of Assistant Secretary for Health of the Department of Health, Education, and Welfare.

I have the deepest respect and admiration for Dr. Edwards and believe his record of accomplishments in promoting consumer health and safety, as well as in the area of agency management in one of the most difficult positions in the Federal structure, is singularly outstanding. Commissioner Edwards is eminently well qualified to serve as the Nation's chief health officer.

For a long time, I have been vitally interested in the activities and programs of the Food and Drug Administraton—FDA. While I have not always been in complete agreement with decisions there, one cannot help but be immensely impressed by the record of progress of the FDA under Commissioner Edwards' direction. This is particularly true where matters were referred to Dr. Edwards' personal attention. An example just a few weeks ago was his determination to promulgate mandatory comprehensive standards for infant crib safety.

Under his leadership, FDA has moved with dispatch to meet the needs of a modern and rapidly changing technological society which is making increasing demands on Government. The Agency has progressed more in the past few years than it did in the previous decade—perhaps in the previous several decades.

I ask unanimous consent to have printed in the Record an enumeration of some of the more significant accomplishments of the FDA during Commissioner Edwards' tenure. A careful review of these achievements clearly shows that FDA is now a more viable and progressive organization that is meeting legitimate demands for greater consumer protection, while at the same time encouraging consumers, for the first time, to participate in the deliberative process.

Based on his past accomplishments in one of the most sensitive and exposed posts in the Federal Government, we can anticipate Dr. Edwards bringing a new direction and sense of purpose to the health activities of the Department of Health, Education, and Welfare. I think we can look forward to real progress toward our common goal of improved health and safety and delivery of health services for all the people of this country.

I urge that the Senate Labor and Public Welfare Committee move rapidly to favorably consider the nomination of Dr. Charles C. Edwards to be Assistant Secretary for Health. I can think of no one more dedicated to the task or more qualified to serve with distinction.

There being no objection, the enumeration was ordered to be printed in the Record, as follows:

Significant Accomplishments and Initiatives of the Food and Drug Administration Under Commissioner Charles C. Edwards, M.D.

PRODUCT SAFETY

Banned the use of carbon tetrachloride in products intended for use around the home. This substance is so hazardous that no warning label can be devised that is adequate to protect the householder and his family.

Banned certain classes of fireworks from the market. These fireworks were capable of and had a history of causing injury from their explosive force.

Published a proposed Statement of General Policy or Interpretation which requires the use of impact resistant lenses in eyeglasses and sunglasses. The Society for the Prevention of Blindness and others in the optical community consider this proposal to be a significant step in the prevention of injury to the eye from shattered eyeglasses.

Published regulations under the Child Protection and Toy Safety Act banning toys with certain hazardous mechanical features.

Required special packaging for certain liquid drain cleaners by implementing P.L. 91-601, the "Poison Preventon Packaging Act of 1970," a measure that is intended to reduce the injuries when children open, handle, or ingest drugs and household chemicals.

Published a proposal to implement the "repurchase" provisions of the Child Protection and Toy Safety Act. This Act amended the Hazardous Substances Act and it requires the repurchase of banned hazardous substances from consumers.

Ordered child-resistant safety closures for use on aspirin products, certain furniture polishes containing petroleum distillates, lye products and oven and drain cleaners.

Ordered a phasing-out of lead from household paints.

Acted to close a loophole which has permitted diversion of illegal fireworks to consumer channels.

Announced a recommendation to make bicycles safer and called on manufacturers to seek corrections.

Proposed child safety packaging standards for charcoal starter and cigarette lighter fluids.

Proposed child-resistant safety closures for prescription drugs in oral dosage forms and drugs with an abuse potential.

Requested pharmaceutical companies to expand the use of child-resistant safety closures to all nonprescription drugs which pose a potential hazard to children.

Proposed a ban on garments containing asbestos fibers.

Encouraged manufacturers of vacuum bottles intended for use by children to institute "drop tests" to assure that glass liners do not break.

Proposed regulations to prohibit the marketing of a hazardous substance in a container identifiable as a food, drug, or cosmetic container.

Proposed safety standards for baby pacifiers or similar articles.

Proposed safety standards for electrically-operated tops and other electrically-operated children's articles.

Announced comprehensive mandatory standards for infant crib safety to cover minimum spacing between the slats of wooded cribs; minimum rail heights and standardized interior dimensions; specifications for release mechanisms and associated safety devices; paint and coating surfaces in conformity with F.D.A. regulations; elimination of design characteristics which provide "toe holds" for climbing out of cribs; and elimination of sharp edges and protrusions.

FOODS

Completed the removal of cyclamates from the marketplace and publicly expressed opposition to reimbursement legislation then in Congress.

Instituted a full review of evidence for safety on substances on the "generally recognized as safe" (GRAS) list and food additives on which there have been questions of safety.

Accomplished a study of saccharin and monosodium glutamate (MSG) by nongovernment experts. The findings indicated that saccharin could be safely used while pointing out that MSG served no purpose in infant foods.

Encouraged industry voluntarily to discontinue the use of MSG in prepared infant foods.

Rapidly carried out a nationwide survey of marketed tuna and swordfish to remove any fish from the market containing excessive mercury.

Published proposed criteria for determining the eligibility of substances for classification as "generally recognized as safe" in foods.

Initiated programs for the development of nutritional guidelines and nutritional labeling on classes of foods. Includes the testing of three possible approaches to nutritional labeling by surveying a sampling of consumers.

Undertook a program to develop nutritional guidelines for certain convenience foods.

Proposed regulations to limit human exposure to PCB (polychlorinated biphenyl), a toxic commercial chemical, through our food supply.

Proposed criteria for labeling packaged food with information from which consumers can determine nutritional values.

Completed an Environmental Impact Statement on the use of PCB's in food packaging.

Published regulations for the labeling of foods for special dietary uses which are hypoallergenic and/or contain sodium.

Proposed food names to include percentage of characterizing ingredients and the use of specific names of cocktails containing seafood.

Proposed limitation on the strength of vitamin A and D products available for over-the-counter sale and, thus, established safe amounts of these vitamins that can be effective as dietary supplements for use by consumers.

Published 12 interrelated regulations on food labeling. These are designed to provide the American consumer with specific and meaningful new information on the identity, quality, and nutritional value of a wide variety of general and special foods. In addition, to nutrient and vitamin-mineral labeling, they provided for identification of fats and cholesterol content, set standards for vitamin and/or mineral dietary supplements, and set new rules for the definition and labeling of imitation food products.

Published regulations governing the manufacture and processing of thermally processed low-acid foods packaged in hermetically sealed containers.

Proposed a standard of identity for bottled water which establishes quality standards.

DRUGS AND MEDICAL DEVICES

Improved the handling and review procedures for new drug applications which expedited the review and approval of such drugs as L-Dopa, a drug for Parkinson's disease, lithium carbonate, a drug for control of manic episodes of manic depressive psychosis, and a low estrogen oral contraceptive that may be safer than other formulations.

Removed some 48 fixed-dose combination antibiotic preparations from the market lacking adequate evidence of efficacy as fixed-dose combinations.

Took an important and unprecedented step in patient information by requiring the inclusion of a statement regarding side effects of oral contraceptives in each package that reaches the consumer.

Obtained a court injunction against further interstate shipment of Relaxicisor devices which were demonstrated to be potentially dangerous when used by laymen.

Published revised Good Manufacturing Practice Regulations, for the manufacture, handling, and packing of drugs.

Published, in cooperation with the Director, Bureau of Narcotics and Dangerous Drugs, a Statement of General Policy or Interpretation on the use of methadone in the maintenance treatment of narcotic addicts.

Developed the "Current Drug Information" letter, later issued as *FDA Drug Bulletin,* as a step toward better communication with the medical community. These contained information on L-Dopa, lithium carbonate, oral contraceptives, oral hypoglycemic agents, obesity drugs, methadone, hexachlorophene, and other important drugs and problem areas.

Distributed a summary list of drugs judged "ineffective" to Federal and State purchasing agents as a means of providing summary information on rational purchasing of drugs.

Moved to better regulate medical devices by undertaking a survey of the number, types, and labeling of medical devices now marketed.

Announced a massive, unprecedented program to review the efficacy of more than 100,000 over-the-counter drugs.

Proposed a four-point program to ensure consumer safety in the use of drugs and cosmetics containing antibacterial chemicals.

Established a unique form of licensing for methadone to prevent misuse of this antiheroin addiction drug.

Published notices of the review of the effectiveness of 10 different classes of over-the-counter drugs.

Proposed regulations for the registration of foreign drug firms.

Announced procedures for review of safety and efficacy of all biological products.

Initiated a far-reaching program to improve regulation of blood collection facilities and require licensing of plasmapheresis centers.

Expedited and brought to near completion initial review of the efficacy of all drugs approved between 1938 and 1962 on the basis of safety only. To date, 2,779 efficacy evaluations have been published in the *Federal Register*.

Completed an inventory of all medical devices on the market.

Developed system to classify devices for regulatory purposes, and to appoint panels of experts to carry out the classification process.

Sponsored a National Conference on Medical Device Standards to organize standard-setting groups and promote development of standards for materials and devices which will be regulated by standards.

Initiated the development of a monitoring system for medical device experience.

Provided advisory opinions and support for evaluation of the safety, efficacy, and labeling of medical devices.

Initiated a number of regulatory actions including several court cases settled in FDA's favor for products such as air purifiers, resuscitators, an electro-acupuncture, and a pulse diathermic device (diapulse).

Proposed procedures for regulation of diagnostic kits.

Initiated implementation of the Drug Listing Act.

ANIMAL DRUGS

Published the NAS/NRC evaluations for 423 pre-1962 drugs.

Established an Antibiotic Task Force to conduct an in-depth review of the use of antibiotics in food animals.

Reorganized the Bureau of Veterinary Medicine.

Implemented the Animal Drug Amendments of 1968.

Increased surveillance of animals marketed for food to assure that such animals do not contain illegal drug residues.

Evaluated a study to determine if there was correlation between antibiotic resistance patterns in animals and humans on farms where people were directly exposed to animal populations, and if there was a transference from animal to man.

Initiated action to limit products containing certifiable antibiotics for intramammary treatment for mastitis to four active ingredients.

Established closer liaison with the U.S. Department of Agriculture for monitoring drug residues.

Took action to restrict the use of antibiotics in fed animals on an effort to preserve the benefits of these drugs for humans.

Acted to eliminate cross-examination of animal foods containing DES (diethylstilbestrol), the growth-promoting chemical.

Announced a ban on use of DES in animal feed effective January 1, 1973.

Withdrew chlormadione acetate for use in cattle from the market.

Reinstituted a National Advisory Board of Veterinary Medicine which includes members from consumer groups, agriculture, human medicine, and veterinary medicine.

ORGANIZATIONAL

The Food and Drug Administration was removed from the Consumer Protection and Environmental Health Service and upgraded to full agency status within the Department of Health, Education, and Welfare.

Accomplished a reorganization of the Food and Drug Administration along product lines.

Completed the realignment of the FDA field districts to conform with DHEW regional boundaries.

Sought and obtained assignment of the Pine Bluff Arsenal facility to FDA for use as a center for toxicological testing of food additives and other substances.

Elevated the product safety function of FDA to Bureau status as the Bureau of Product Safety.

Integrated into FDA radiological health functions of the former Environmental Health Service as the Bureau of Radiological Health.

Published a proposal to ensure separation in function between the attorneys representing the Government at public hearings and the officials charged with decision-making authority, and to require that communications between these officials and affected parties in the private sector be made matters of public record.

Proposed detailed guidelines with respect to the disclosure of documents in FDA files that have not been previously available to the public.

Integrated into FDA the Bureau of Biologics from the National Institutes of Health.

FAIR PACKAGING AND LABELING ACT

Published regulations governing "cents-off," economy sizes, introductory offers, and other labeling promotions for foods, drugs, and cosmetics.

Negotiated new cost-reimbursable contracts with 10 State agencies for the conduct of retail surveys to determine the level of compliance with the Food and Drug Act, and to measure the extent of deceptive price representations.

Initiated programs to determine the nonfunctional slack-fill of food packages.

COSMETICS

Banned hexachlorophene, shown to be dangerous, as a common ingredient in numerous cosmetic products and over-the-counter drugs.

Promulgated regulations for the voluntary registration of cosmetic manufacturers and the filing of product formulations.

Announced proposed Statement of Policy to prohibit the use of mercury as a skin-bleaching agent in cosmetics or as a preservative, except in eye-area cosmetics.

Announced proposed regulations to make mandatory the listing of ingredients on labels of cosmetics.

RADIOLOGICAL HEALTH

Established standards for X-ray medical and dental diagnostic machines to reduce radiation exposure hazards to patients.

EPITAPH FOR A MODEL CITY

Mr. MUSKIE. Mr. President, a very significant article appeared in the Outlook section of the Washington Post on March 4. The article, "Gary: Epitaph for a Model City," described in clear terms what has happened to the city "that was touted as an urban laboratory" 5 short years ago. What has happened, the article states, is that, in blunt terms, "the whites are moving out of town," leaving behind a predominantly black city, deteriorating, crime laden, and without the tax base it needs to raise the revenue necessary to cope with its problems. The tragic path that Gary has followed can become the course of cities across this Nation if we fail quickly to find solutions to the problems that afflict our urban areas.

During the past weeks my Subcommittee on Intergovernmental Relations has held hearings on the impact of the President's new federalism and the 1974 budget on State and local governments. The distinguished mayor of Gary testified at those hearings. The focus of these hearings has been on the kind of commitment of Federal dollars the Federal Government must make to State and local governments for social programs and on finding an efficient system—categorical grants, special revenue sharing, bloc grants, and so forth—of delivering those funds to meet local needs. Those are important problems of intergovernmental relations. This article points out another critical, but often ignored problem that threatens to stand in the way of responsive government in nearly every city in the Nation.

That problem is the complex and often irrational structure of local and State government in America. The most efficient delivery system of Federal dollars cannot succeed if the very structure of State or local government prevents citizen participation in and examination of the governmental process. Particularly where jurisdictional boundaries and outmoded Government structures tend to divide the predominantly poor and black citizens who live in the cities from more affluent and white suburbanites, the cities must try to survive on shrinking, inadequate, and inequitable tax bases. These unrealistic jurisdictional boundaries frustrate citizen participation and obstruct the delivery of services within our federal system. While counties, cities, States, and regions battle for the Federal dollar, too few people ask which Government units are most responsive to their citizens—why governmental structures overlap and why boards and commissions which serve no significant function are allowed to exist.

Let us look at the governmental structure problem in Gary. The city shares its tax base with other townships in the county. The city and county both get shares of general revenue sharing. The county sheriff's department does not operate within the city, even though city taxpayers contribute to its support. The city depends on the property tax for most of its revenue, but property is assessed not by the city, but by an elected township official whose procedure is so secretive that hearings conducted last year by the Intergovernmental Relations Subcommittee revealed that the mayor of this city of 175,000 people could not even get the information he needed to determine whether the city's largest property taxholder was fairly assessed. These various governmental structures competing for the same limited tax dollars and all performing separate and disjointed services are not the basis for responsive local government. Rather, they are bound to result in frustration and barriers that freeze citizens out of the processes of their local governments.

A basic challenge facing American democracy must be to structure Government to be responsive to the needs and wishes of the people. I feel that government at all levels is inadequately meeting that challenge. Particularly at the State and local levels—which the President describes as closest to the people—governmental structures are too often so archaic and complex that they frustrate responsive government. While we debate the merits of reforming the Federal Government and the federal system, we must not ignore the necessity of reforming State and local governments so they can best serve their citizens.

I ask unanimous consent that the text of the article, "Gary: Epitaph for a Model City," be included in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

GARY: EPITAPH FOR A MODEL CITY

(By Godfrey Hodgson and George Crile)

GARY, IND.—The blue and gold signs at the entrances to the city proclaim in bold lettering: "WELCOME TO GARY, CITY ON THE MOVE. Richard G. Hatcher, Mayor." But the slogan has now taken on an ironic significance. For the most noticeable movement, in a city that was touted as an "urban laboratory" for the nation when Mayor Hatcher took office only five years ago, is a sad one: The whites are moving out of town.

Whites now number less than a quarter of the city's population of around 175,000. In a last-ditch attempt to stanch this exodus, the Gary city council recently passed an ordinance outlawing the posting of "For Sale" signs. It took the local real estate men only a few days to rise to this new challenge. Up went new signs on houses for sale.

The exodus of the whites is only the symptom of a whole litany of woes that now beset the city of Gary, and with the best will in the world it is not easy to see where deliverance will come from.

There is the problem of crime, and rumors of crime, encouraging the white flight. A drug war broke out in Gary last fall. It is said to be a war over the hard drugs trade between rival black street gangs with names like the "Kangaroos" and "The Family." One explanation heard in Gary is that The Family has muscled in on a vacuum left by white criminals who also left town. Whatever the reason, the war's casualties to date total more than 20 people; one of the victims was gunned down right in front of a police station.

In January, moreover, snipers from a public housing project across the street killed a black student outside Roosevelt High School, which used to be the best school for middle-class blacks in the city. Sirens now wail through Gary every night at 10, announcing the recently introduced curfew, a desperate measure enacted to cope with crisis conditions.

And there are the downtown business and building problems. A 12-story Holiday Inn, across from City Hall, was the first major commercial building constructed downtown in a decade. It was expected to lead to the revitalization of the downtown commercial district. Instead, after only a year of operation, the management has sealed off the top half-dozen floors for want of customers.

Down the street, the imposing Hotel Gary, once the lunchtime haunt of U.S. Steel executives, is boarded up. The city's auditorium, one out of three department stores and countless smaller businesses present the same sightless face to the street.

Gary's two intersecting main drags are called Broadway and Fifth Avenue, suggesting the happy boosterism in which the city was born only 67 years ago. But today they look as if a Panzer division had fought its way along them, somewhat carelessly. Some of the empty sites are the result not of commercial decay but of urban renewal projects. But with HUD funds from Washington being held up by the Nixon administration, and naught for Gary's comfort in the new budget, it will be years before even those gaping holes are filled.

And there is the unemployment problem. U.S. Steel built the town in the first place. (Local legend has it that Judge Elbert Gary was attracted by the topography of the site where the great Gary mill still stands because "three men could hold it against a mob with machine guns.") At its peak, the mill employed 32,000 workers—a far higher proportion of the total work force than in most towns because of the shortage of secondary industry.

But last year the mill laid off close to half of its work force. The unemployment rate for Gary as a whole went up to 40 per cent. Most of the steelworkers are back at work now, but U.S. Steel has been investing in automation. It must, given Japanese competition so sharp that you can sell Indiana scrap, ship it to Japan, melt it back into raw steel, and still undercut Gary-made steel in the Midwest. Right now the mill employs about 24,000. Thousands of steelworkers have lost their jobs, and thousands more must expect to lose theirs to machines over the next few years.

And there is the education crisis. Gary's schools—nationally known for their experimental curriculum in the days when Prof. Paul Samuelson, for example, was growing up in them—now face catastrophe. According to Gordon McAndrew, an innovative school superintendent attracted to Gary from North Carolina a few years ago precisely because of the opportunities for change he sensed here, the schools are now on the point of running out of funds. They could not now meet another increase in teacher's salaries. Rather than face a strike, McAndrew says, he would be inclined to close the schools down to dramatize the issue, in the hope that the state would bail Gary out. As it is, 10 per cent of Gary's teachers have quit in the last three years.

It's all a vicious cycle. Crime fears chase out whites. Businesses follow them to the suburbs. Confidence and the tax base erode a bit further. More crime is bred. More flee. More tax money goes. And Gary becomes that much more dependent on federal help—at a time when federal aid is about to be brutally cut back.

Bill Staehle, director of Gary's Model Cities program, says wistfully: "If we still had a Democratic administration in Washington Gary really would have been the urban laboratory everyone said it was. The sky would have been the limit." It sounds like an epitaph for a Model City.

Gary may not be the most alluring city in the United States. Pollution often hangs over the city like a miasma, and political corruption has often been almost as noxious and pervasive. But Gary's future has not always seemed so dark. The early days of the Hatcher administration were a time of vaulting optimism, a strange time when the city's very problems were viewed as assets rather than liabilities.

President Johnson had vowed to eradicate poverty, and he decreed that neglected cities such as Gary must join his Great Society. Even after the Vietnam war escalated and the war on poverty became a holding action, the Great Society programs had to be tested somewhere. Gary, with its intriguing multiple ailments, was seen by the urban physicians in Washington as a microcosm of all American cities and chosen as the urban laboratory.

For nearly three years after Hatcher took office as (by a few hours) the first black mayor of a major city, a stream of federal officials, consultants, urbanologists and journalists, flowed through Gary. Studies were generated, projects proposed, programs funded, and concerned reports published in the national media. One city hall official remembers that abundant era with a gleam in her eye: "Whatever program we thought up, they sent us the money for it; and if we couldn't think up a program, why they sent us the money anyway." By 1972 the federal infusion had totaled $150 million, or nearly $1,000 for every man, woman and child in the city.

At one point, the then-city controller, a former gym teacher named Jesse Bell, was reduced to telling a group of evaluators from the Office of Economic Opportunity: "Don't send us any more money until you send us someone who knows about the programs."

The federal blitz was matched by a shower of concern from the big foundations. The Ford Foundation, the National Urban Coalition and others sent their men to town. Then they provided funding to hire three "super-executives" to oversee three key areas: municipal finance, public safety, and housing and community development. (The super-police-chief, known in Gary as "Safety" Johnson, was a colorful New York cop who packed a pistol most of the time. He is back in New York now, where he earned national acclaim recently by rescuing the hostages from a Black Muslim gang in a Brooklyn sporting goods store.)

The public interest law firms weighed in, too, offering to bring suit against U.S. Steel for polluting the air. In the general spirit of goodwill, U.S. Steel itself put up the dough for one of the "super-executives."

The key broker for this flood of social investment in Gary was Jim Gibson, from the Potomac Institute in Washington. One of the tacticians of the civil rights movement in its Southern phase—he grew up around the corner from the Martin Luther Kings in Atlanta—Gibson went to Gary to look around soon after Hatcher was elected and stayed for six months. He became a kind of deputy mayor, and it was he who thought up, and sold, the idea of treating Gary as an urban laboratory for the nation. With Gibson back in Washington, Gary had a hot-line to the foundations and the federal government.

For a while people were going around saying Gary was lucky to be in such bad shape; it would get so much help that it would be a model of what could be done to regenerate cities. And for a while it looked as if the experiment might just work.

The level of administrative competence was nothing to boast of, but things did happen, and without the traditional payoffs and graft. A good deal of excellent low-income housing was built; 4,800 new units in five years. Education and health programs were started. Thousands of "hard core unemployables" were given job training, many of them by U.S. Steel. (Many of those who went on to work at the steel mill lost their jobs in the shake-out of 1971.) The open, burning city dump was safely filled in, and the sewage system began to be cleaned up. In the context of Gary's experience of city government, the reforms were dramatic.

But they were almost all targeted to benefit the Hatcher administration's black constituency. The city's new minority, the white steelworkers, was largely left out. One all-white suburb, Glen Park, tried to disannex itself from the city. The Great Society might be a new day for the city's blacks, but for the white workers, struggling along just above the poverty line, it was something else.

By the beginning of the 1970s, all over industrial America, there was a growing awareness that 25 years of high wages had not brought on the earthly paradise for the white working class. As the economy staggered under the impact of inflation, and unemployment rose, the politicians and the media became aware of a new, bitter mood of discontent and dubbed it the blue-collar blues. The white people who had moved out of Gary and other areas in the white hinterland of the Calumet region of northwestern Indiana were no exception. But at least they had institutions to look to, institutions that had helped them in the battles of the past.

There was the national Democratic Party, for one. None of the candidates for the presidential nomination in 1972, surely, could afford to ignore the plight of what had been the traditional core of the party's electoral support.

There was labor. Even if the big battalions of the AFL–CIO were not likely to be activated quickly, a militant tradition survived elsewhere: in pockets of insurgency inside conservative-led unions and in organizations like the late Saul Alinsky's Industrial Areas Foundation in Chicago.

There were the churches. In the Roman Catholic Church, particularly, there was a general awareness that a majority of the white working class in the troubled cities—Irish, Italian, Polish, Croatian or Mexican by descent—were Catholics.

There were other potential sources of help, too: the foundations, the media, the new consumer movement symbolized by Ralph Nader, and a host of liberal organizations, all anxious to justify their existence by addressing themselves to the newly perceived problems of the white working class. That, in the phrase of that year, was where it was at.

Every one of these principalities and powers was represented in force in the George Rogers Clark high school in Hammond, Ind., across the line from Gary, on Dec. 5, 1970, for the official founding session of the Calumet Community Congress. The great majority of the 1,500 people who crammed into the school's gymnasium that Saturday afternoon, of course, were local people. They represented an impressive cross-section of the life of industrial northwest Indiana.

When the CCC elected its first 20 officers, they included two union officials, two welfare workers, two truck drivers, two housewives, two students, two clergymen, a city employee, a roofer and a steelworker. The 143 groups represented included Protestant churches and Catholic sodalities, union locals and ethnic clubs, students and teachers, peace groups and anti-pollution people, as well as such purely local interest organizations as block committees and a group from a trailer park. There was a group called START and a group called STOP.

These local people could feel that they were not alone. Gary had become a focus of national concern. Sen. Kennedy and Sen. Muskie both sent telegrams of support. The first chairman was George Patterson, who symbolized labor's traditions of militancy: He had been a picket-line captain at the Memorial Day massacre during the steel strike of 1937. The Congress heard a message from Ralph Nader, read by Nader man John Esposito. It was a blistering indictment of U.S. Steel.

Monsignor Geno Baroni of the U.S. Catholic Conference's task force on urban problems was there, smoking small cigars, and trailing behind him with the smoke clouds of reporters from the big Eastern media. He took care that they should all grasp his dream of building the white, ethnic working class into a new, radical force in national politics. And, sure enough, Newsweek, The Washington Post and The New York Times all pegged to the founding of the CCC long stories about what Newsweek called "a rising cry: ethnic power."

Some of the money came from local churches. But the American Jewish Committee came through with a grant, and so did the National Urban Coalition. Just as the federal government and the foundations had seized on Gary in 1967 to show what they could do for black people, so, three years later, the national liberal institutions were rallying round to show what they could do for the white working class with the Gary oven as their laboratory.

A lot of people's work had gone into setting up the CCC. But above all it was born of the interaction of four remarkable men: Saul Alinsky, Jim Wright, Staughton Lynd, and Bishop Andrew Grutka of the Catholic diocese of Gary.

They could hardly have had more diverse origins Alinski, who died last year, was the most famous community organizer in the country, an intellectual radical from Chicago, toughened in the labor wars, pragmatic, effective, a veteran.

Jim Wright is a young steelworker, as tall and powerful as a pro football linebacker, whose father came up from Mexico to work in the Inland Steel mill in East Chicago after World War I.

Bishop Grutka is as impressive a man physically as Wright, with a large, sculpted head and a mane of white hair. He comes of Croatian immigrant stock, and was a friend of Alinsky's since the 1930s. But he is no radical churchman. His concern is pastoral, and he turned to drastic measures because he was desperately worried about what was happening to his flock.

Lynd is a historian, son of Robert and Helen Lynd, who wrote the sociology of "Middletown," and a former professor at Yale. He is a Quaker who played a leading role in the civil rights movement and the national peace movement.

After the Hatcher election, in 1968, Jim Wright had become increasingly frustrated by the indifference of his Inland Steel local to national issues, and especially to the Vietnam war and Chicanos. He met Staughton Lynd at a labor history forum at the community college in East Chicago. Lynd had become interested in the possibility of building a mass working-class movement.

At about the same time Alinsky had been contacted by two Protestant ministers who were appalled by the rapid racial polarization that was developing after the Hatcher victory. They wanted to persuade their (suburban) white working-class church members to become more conscious of their responsibility for the inner city. Alinsky in turn contacted his old friend Bishop Grutka, and the bishop, together with some Protestant churches, put up the money for Wright and two others to be trained in community organizing at the Alinsky school in Chicago.

Early in 1970 the organizing began. Wright, Lynd and several other organizers applied the Alinsky method. They began by contacting as many local groups as they could find: almost any groups, provided they had local concerns.

In August, the Lake County Democratic machine discovered that Lynd, who was involved in the organizing, had been to Hanoi. The county chairman, John Krupa, promptly denounced the CCC as "a power grab . . . motivated by the godless, atheistic forces of Communism."

In the short run, these attacks were a godsend. "When Krupa attacked us," Staughton Lynd remembers, "we were sitting around saying, 'How can we get some attention?' Never in the world would we have been able to get 1,000 people at that convention without Krupa." Bishop Grutka agrees.

In the long run, though, Krupa's attack may have been shrewd. "We just rolled brother Krupa out the window," says Lynd. Then, smiling wryly, he adds, "and it turned out we also rolled Staughton Lynd out the window." Several of the Protestant groups, nervous at the idea of being associated with radicals, withdrew their support. Wright fired Lynd. It was the first blow to the CCC, and it came right after the triumphant convention.

The row over Staughton Lynd was not the only shadow over the founding of CCC. Less than half a dozen of those 1,500 faces at the CCC convention were black.

The whole idea behind organizing in the Gary area—Alinsky's idea, but also the ministers' and Bishop Grutka's—had been to build two parallel organizations, one black, one white, which would march together to fight the good fight. When Wright went off to the Alinsky school, a black trainee, Obadiah Simms, went too.

Simms, one of the original Freedom Riders and a former pro-football player, was supposed to build his black organization simultaneously with Wright's. But as things turned out—partly because the row over Lynd made it necessary to advance the timetable for CCC—Simms didn't get his outfit, called the Federation of Community Organizations (FOCO), going for another six months. And when he did, the founding congress was a fiasco.

Simms had hired the cavernous Gary armory, which was a mistake. Only about 100 people turned up, and they looked lost in the sea of chairs. The sound system didn't work. But what was worse was that the Hatcher administration had stacked the meeting with its own people, many of them people they had put into federal manpower jobs. In private, Hatcher administration officials make no bones about the fact that they were not about to have anyone else organizing the black in Gary. "Who needed confrontation in the year of the Mayor?" one of them said with a laugh.

Simms' meeting ended up electing as president a man who wasn't even there, a crippled black from East Chicago whom nobody knew. For all practical purposes, FOCO collapsed on take-off.

Even before the FOCO fiasco, the hopes of organizing in Gary had taken a body blow when Jim Wright left, in February 1971, to work for Father Baroni in Washington. He has now moved on again to Baltimore where, he hopes, "the handles are there for doing something with young workers." While Saul Alinsky kept on at organizing in the Back of the Yards section of Chicago for 30 years, Wright, the CCC's strongest leader, departed only three months after the CCC was founded.

At the end of 1971, there was a bitterly disputed election for the CCC presidency. George Sullivan, who had helped organize a breakaway union of steel-haulers to the militant, and indeed paramilitary, displeasure of the Teamsters, won the election. Jim Wright's Alinsky-trained successor refused to accept Sullivan, and CCC split into two. Today, both halves have collapsed.

Today, less than 30 months after the high hopes and media publicity on the founding of CCC, the effort to organize the white working class in northwest Indiana is dead.

"What's been happening?" we asked the Gary planning director, Chuck Allen, a black architect who was trained professionally as a city planner. He answered laconically: "They're leaving."

"Can you stop them?"

"No. We don't control the economics of this city."

The economics of city government in Gary are simpler than in most places. The city depends for its revenue on its share of a property tax. Other public jurisdictions—the school district, for example, Calumet Township, Lake County—also get their shares. And valuation is assessed not by the city, but by an elected county official, according to formulas determined by state law. The power to tax, therefore, does not lie with the city.

Roughly 46 per cent of the property tax paid in Gary is paid by U.S. Steel. Spokesmen for the corporation point out that its tax burden increased 61 per cent from 1966 to 1971, and that, moreover, at a time of economic difficulty for the steel industry.

The corporation's critics and city officials, on the other hand, are more impressed by the fact that although U.S. Steel invested more than $1 billion in Gary during the 1960s alone, its total, multi-billion investment there was only valued for taxation in 1971 at $519 million, and, by state law, the tax assessment was based on only one-third of that, or $173 million.

Half of Gary's tax base, in other words, is assessed at a mere fraction of its replacement-cost value. The other half is steadily being eroded by white flight and the consequent decay of the city's commercial center.

That is why Gary so desperately needs outside help, on a scale which can only come in practice from the federal government. According to Jim Holland, Mayor Hatcher's administrative assistant, the fiscal 1972 budget passed by the city council came to $24.4 million. In the same year the city received $25.5 million in federal funds.

It is—as both Holland and Hatcher point out—too early to calculate precisely how much Gary would get under the new Nixon dispensation, by which categorical federal programs are to be replaced by special revenue sharing and general revenue sharing. But Holland did some disturbing figuring on the basis of what he knows to date. "We can estimate $3.5 million to $4 million in special revenue sharing. If they don't include Model Cities"—that is, if Model Cities continues to give Gary a separate $2.7 million annual grant—"that would bring our receipts up to near $7 million. But the rumor is that Model Cities *will* be included. Then from general revenue sharing we can expect $3.1 million."

That comes to a high of around $10 million and a low of $6.6 million, in place of $25.5 million. "It would really be a kick in the teeth if it happened suddenly," Holland says. He acknowledges that the cities have been promised "hold harmless" clauses in the federal legislation that would protect money already committed, but he asks, "What exactly is a commitment? In any case, 'hold harmless' clauses would only delay the day of reckoning. Add into the equation the holdback on HUD monies, and it is easy to understand why Bill Staehle, the Model Cities man, predicts that "there are going to be an awful lot of sick cities about a year from now."

'The President has been reelected by people who have no serious concern for cities," says Richard Hatcher, not bitterly but as a fact of life. He acknowledges that the concept of revenue sharing looked good to many mayors when it was first talked about, although he maintains that he personally had reservations about it from the start.

"Some mayors I know have the feeling of having been sucked in," Hatcher remarks. Indeed, about a dozen mayors said as much recently before hearings of the Senate Intergovernmental Relations Subcommittee.

"They're beginning," says Hatcher, "to realize a couple of things: that if they go on the basis of what might be the popular will, they're going to be building a lot of small boat harbors and marinas, but the festering problems of poor people are still going to be there, and they're going to be the guys that are going to have to take the brunt of the reaction. And, secondly, they now realize that if you add general revenue sharing to special revenue sharing, it's going to add up to less than what the categorical programs would have been."

For two reasons, this will be especially true for a city like Gary. First, the Great Society programs were deliberately tailored for the needs of places with a disproportionate concentration of poor people. Second, cities like Gary, with administrations responsive to the poor who elected them, were able to go after federal programs aggressively, to develop expertise in getting the most the law would allow them, and get proportionately even more money than less poverty-conscious administrations. "Our ace in the hole," Hatcher says, "was the fact that we could move to the federal level and get resources that were not available to us locally." Equitable in theory, the shift to revenue sharing thus will be regressive in effect.

In the five years he has been in office, in fact, Richard Hatcher has come to understand the limits of black power. This is not only a question of money. The Hatcher administration does not really control the economics of the city, as Chuck Allen said. But that is not the end of the problem.

"The police commission is run by an independent commission," Hatcher notes. "The fire department is run by an independent commission, the health department is run by an independent board, the park department is run by an independent board, the redevelopment commission office is run by an independent commission." Hatcher estimates that it will be seven years after he was first elected mayor before his appointment power would give him control of one vital commission.

Originally, Hatcher concedes, these citizens' commissions were brought in to eliminate corruption. "But what it makes for today is simply a mess. It means that you cannot make concise decisions as the chief executive of a city like Gary, because all those decisions are tempered by what this board or that board will do." The police civil service commission for example, was brought in back in 1939 as a reform measure. But what it means today is that, even when a policeman was found up to his neck in a stolen car ring, the mayor had no power to discipline him. The man in question reached retirement age and qualified for a pension before the commission took disciplinary action.

"Secondly," Hatcher goes on, "some very critical functions are not even handled by the city." The county sheriff's department does not operate within the city, but Gary taxpayers contribute to its support. The city ought to have power to persuade private financial institutions to cooperate, both with loans, and, for example, with bonding for minority contractors. But, under state law, the city is not even free to decide where it deposits its own funds.

At the state level, Hatcher complains, "a rural-dominated legislature has now formed an almost unbeatable alliance with the political representatives of the suburbs—to the great detriment of the central city."

Can Gary make it, then? "It's a very fair question," says Hatcher, "and a very important question. My answer would be, at this point, yes, we can make it, but not without some very significant changes in how we relate to Washington, and how we relate to U.S. Steel, and in how U.S. Steel relates to us, and how Washington relates to us."

Hatcher and the black majority in Gary are discovering, in short, that black power at the lowest tier of a federal system doesn't amount to much unless the white majorities at all the higher tiers are willing to help.

ESTONIAN INDEPENDENCE DAY

Mr. WILLIAMS. Mr. President, February 24 marked a remembrance of Estonian freedom as that day observed the 55th anniversary of Estonian Independence Day.

The years of national freedom for these brave and determined Estonian citizens brought to them years of great political advancement. Within only 2 years after their proclamation of independence, the Estonian people set up a government based on a democratic constitution. By 1921, this nation joined the League of Nations and was soon recognized by the world powers as a valuable representative of all small countries.

Estonian social and cultural advancements were also well recognized during these progressive years of independence. Through extensive industrial improvement the Estonian economy benefited substantially.

But, as it was for the other Baltic nations, these treasured years of freedom were tragically short-lived. Estonia was forced to accept the establishing of Russian military bases on its land through the years following World War II, and by 1944, suffered total Russian occupancy.

Mr. President, although the people of Estonia are still forced to accept Russian control, those determined and courageous citizens continue the struggle for freedom. It is therefore especially appropriate for all American citizens and all free citizens of the world to pause and pay tribute to Estonian Independence Day.

SENATOR DOMENICI ADDRESS BEFORE THE NATIONAL SOUNDING ROCKET CONFERENCE

Mr. DOMENICI. Mr. President, I was recently privileged to address the National Sounding Rocket Conference of the American Institute of Aeronautics and Astronautics. The Conference was held in my home State of New Mexico.

I am deeply concerned about the low priority being given to scientific research and technology in our country today. It seems clear that what our country needs is a balanced commitment, one which will support our social action programs but will also keep our technological growth vigorous.

I ask unanimous consent that the text of my remarks be printed in the RECORD.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

ADDRESS BEFORE THE NATIONAL SOUNDING ROCKET CONFERENCE OF THE AMERICAN INSTITUTE OF AERONAUTICS AND ASTRONAUTICS, MARCH 8, 1973

(By Senator Pete V. Domenici)

New Mexico's contribution to national rocket research began as far back as 1930, when Dr. Robert Goddard began firing his rockets near Roswell.

It went on to include the famous WAC Corporal in 1945, the first living things carried into space in 1951, the first tropical storm photographed from space in 1954 and the first man-made objects in space in 1957.

I consider myself fortunate to represent a state which—with 40,000 civilian, military and contractor personnel involved full time in science—can truly be said to have a great deal in common with the future of America. Because that is so, when I, as a Senator, address such a great and sustaining national concern as the advancement of science, I know that New Mexico has a vital role and a deep interest in the subject.

Today, our nation, as I see it, is dangerously reducing its research and development efforts. If we ignore this critical priority or slight it, it is my firm belief that we will repeat the historical decay of other countries, in other centuries.

It takes vision and courage to maintain a healthy economy, to keep our position in world trade and to continue the growth of our collective productive capacity. It is impossible for me to conceive that we can do these things without committing ourselves to continuous and aggressive advances in the fields of science and technology.

We are now in an era of peace. I pledge to you that I will look at everything we do in this era of peace from a historical point of view. That perspective demonstrates clearly that we have always made our greatest scientific and technological gains in our country during times of war. But if science and technology are sacrificed to peace, that peace will not bring us the abundance we desire and the solutions to our social problems.

It is a simple fact that today's pure science is tomorrow's technology; that is the day after tomorrow's position as a trader with the world and as a solver of our own national problems.

Make no mistake about this: our country's investments in science and technology have always paid off for America. In large measure it is because of them that we rose to a position of world leadership in less than 200 years of history.

But today, some people seem to think that technology has become a dirty word. They shout, "Less money for technology; more money for social purposes."

They don't understand—or they don't want to understand—that technology is not good or bad in and of itself; it is how we *use* technology that is good or bad. After all, technology simply means pursuing and applying knowledge to solve man's problems. How, under any circumstances, can that be intrinsically anti-social?

It seems clear that what our country needs is a balanced commitment, one which will support our social action programs but will also keep our technological growth vigorous. Unless we can manage to combine these two, we cannot retain our position of importance in the world. There is little need to remind scientists of how Galileo was ridiculed and imprisoned, the Wright brothers laughed at, and automobile pioneers met with cries of "Get a horse."

There have always been men who voted against new ideas. Almost all Americans would agree that Daniel Webster was one of history's greatest senators, yet the record shows that when Congress was asked to appropriate funds to explore and settle the western part of the United States, he voted against the idea. After all, as everyone knows, the West has nothing but scrub cactus, deserts, high mountains and uncivilized savages.

Actually, when Congress voted funds to open up the western frontier, it spent ten percent of the gross national product to build railroads through the West. At the present time we devote to opening up the space frontier not even one per cent of our gross national product. Actually, the figure is closer to one-third of one per cent, and it is declining.

It is easy to take positions against things, and most of us are all too comfortable when we are doing so. I would like to read you some language from a commission report on the evaluation of a proposal. I am sure that the approach will sound familiar to you. The report says:

"The committee judged the promises and offers of this mission to be impossible, vain and worthy of rejection; that it was not proper to favor an affair that rested on such weak foundations and which appeared uncertain and impossible to any educated person, however little learning he might have."

That is an excerpt from the report of the Talavera Commission. It was made in Spain in 1491 after consideration of a proposal by a fellow named Columbus, who wanted some financing for some kind of exploration he had in mind.

History is full of such examples, but it also teaches us that progressive societies have always invested part of their annual profit in their own future. It is axiomatic, it seems to me, that no first-rate country can ever be or continue to be first-rate unless it has first-rate science and technology.

It is equally true that you can't turn science and technology on and off as you do a faucet, depending on the state of our international and domestic crises. Technology's advance must be steady and constant, and the space program must continue to spearhead that progress.

When we stand at the peak of technological leadership, as our country does today, there are certain questions which we must ask ourselves. Have we learned anything from our past? Is it possible for us to stay at this peak? Are we in fact smart enough and capable enough to solve international and national problems and still advance technology?

I am sure that it is no mere accident of speech that leads us to refer to each new attack we mount on social problems as a War—the War on Poverty, the War on Hunger, the War on Disease. We use the word because we are conscious of the fact that it is a war which has led us to most scientific advances and to most scientific answers. Now it is our job to reach those advances and answers in a time of peace.

We can only do that if our forward motion in science and technology is on an all-encompassing base. It is true that we have made progress to stamp out polio, but we would not have done it unless we had previously developed microscopes which made is possible for cures to be discovered. Heart pacers, in our older citizens and even in children, came into being, not so much directly from an impetus to create them as from research which was done in our space program on totally different uses. The same is true of any future solutions to our environmental problems. They will not come solely from focusing our attention upon environment. They will come only if the whole body of scientific advances, so that we can then select from it those technological improvements which will in fact be the solution to these problems.

We are presently in a period of much soul-searching, considerable fear, doubt and trepidation. But these things merely show that we are mortal men, every doubt is excusable.

What is not excusable is a lack of vision and a lack of courage, at a time when greatness can only come from men of vision and of courage. To lack them would be unforgivable. If, at this juncture in our nation's history, we lack vision and courage, future generations will not forgive us—and they will be right to condemn.

PENSION RIGHTS

Mr. MONDALE. Mr. President, all of us in the Senate are very concerned by the plight of working men and women around the country who often find themselves without the pension rights for which they have worked so hard.

The plight of these men and women is something with which we all are familiar, and it is the reason that hopefully we will soon enact far-reaching pension reform legislation.

A striking example of the need for such reform occurred last year in my own State of Minnesota when the Minneapolis-Moline farm equipment plant closed, leaving more than 500 workers without jobs and the pension benefits they had paid for and earned.

Edward Zuckerman of Ridder Publications' Washington Bureau has spent a great deal of time investigating the shortcoming of private pension plans and the heartbreak endured by thousands of working men and women. As a result of his exhaustive investigations, Mr. Zuckerman has produced an excellent five-part series on the subject.

The series already has prompted one California State senator to call for an investigation in his State.

Because I feel that all my colleagues will derive tremendous benefits from reading Mr. Zuckerman's articles, I ask unanimous consent that they be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

PRIVATE PENSION SYSTEM NO. 1—RETIREMENT SECURITY OFTEN BASED ON FALSE PROMISES

(By Ed Zuckerman)

WASHINGTON.—"In all too many cases, the pension promise shrinks to this:

"If you remain in good health and stay with the same company until you are 65 years old, and if the company is still in business, and if your department has not been abolished, and if you haven't been laid off for too long a period, and if there is enough money in the fund, and if that money has been prudently managed, then you will get a pension."

That was how Thomas R. Donahue, an assistant secretary of labor during the Johnson administration, described the faults of some private pension programs six years ago.

"The private pension system is the great American rip-off." declared Michael Gordon, advisor to the Republican members of the senate Labor and Public Welfare committee, a few days ago.

By the end of 1970, there were about 35,000 private pension programs in existence around the country. Almost 30 million wage and salary workers were enrolled in the programs which held almost $130 billion in reserve against future demands for retirement benefits.

BENEFITS NOT PROVIDED

Despite accelerated growth in the total number of pension programs in recent decades—and an outward appearance of strong economic health—a small percentage of pension programs fail to provide benefits when they come due. For thousands of working men and women, the discovery that their dreams of retirement security was based on false promises comes too late.

Corporations continue to fall into bankruptcy—dropping out of the economy without leaving sufficient funds to finance pensions for their former employes.

Pension plans continue to bury the technical requirements for eligibility in fine print—leaving workers to satisfy a long list of hazy legalisms before collecting any retirement dollars.

Pension fund trustees continue to manipulate reserve monies for personal or corporate gain—sometimes making bad business judgment and causing a loss or reduction of benefits to pension recipients.

"The way many pension plans are set up, it's an outright bloody gamble," Gordon said. "It's unfair for a program to take advantage of tax law provisions and then fail to deliver on its promises. When a program fails, a worker feels he's been robbed. He sees the money contributed to his pension as money that would otherwise have gone into his pocket."

When the first pension plans were established at the turn of the century, they were basically initiated as a good-will gesture by corporations as a reward for loyal employes who spent a lifetime working for the company.

EASE OUT ELDERLY

Although paternalistic in concept, pensions furnished "a humane and economical way to ease out the no-longer productive older worker, improved the morale of those approaching retirement and were helpful in attracting and holding younger workers," wrote Mrs. Jozetta H. Srb in a study published in 1969 by the New York State School of Industrial and Labor Relations.

"These aims are still considered reasonable objectives for pension plans. Even at the level of business expediency, however, for many years, pensions remained gratuities—given or denied at the discretion of the employer," she continued.

The discretionary reward concept is no longer the rule in the modern development of the private pension system. Federal wage controls imposed during the post-World War II provided the impetus for growth (since monies paid by employers to pension funds were exempt from wage freeze regulations). In 1949, when the supreme court ruled that pension benefits were subject to collective bargaining, the idea that pensions were a reward rather than deferred income was no longer workable.

However, the reward-income argument continues to be fought with companies viewing the benefits as a reward and workers viewing them as deferred income. When pensions fail to deliver benefits, the differing viewpoint is oftentimes the cause.

Despite countless horror stories told over the years to congressional committees by workers who lost their pensions, congress has so far been unable to enact regulations to prevent pension failures and relax the requirements which sometimes thwart workers from satisfying a stringent list of eligibility rules.

FEW SCANT LAWS

There are scant few laws relating to pension plans on the federal statute books now, creating a vacuum-like climate in which pension programs have flourished. One law requires pension fund trustees to make an annual financial disclosure to provide compliance with Internal Revenue Service regulations which permit corporations to deduct pension contributions as a business expense. Under the law, the tax liability is ultimately shifted to the pension recipients whose rates of taxation during retirement years is likely to be less than the tax rates paid during their most productive wage-earning years.

While untaxed, the $130 billion reserve fund flows through the investment market. Comprising the largest bulk of unregulated capital in the U.S., pension fund monies underwrite scores of construction projects (the Marina Towers complex in Chicago is financed by a janitors union pension fund, for example). As well as affecting the rise and fall of the stocks and bonds markets, according to the securities and exchange commission, about half of all equity stocks traded last year were held by pension funds.

Because of its crucial economic role, congress has studied the pension failure problem with caution. Lawmakers are reticent to tamper with a system which, by and large, has served the economy and retired workers well. While its important economic virtues cannot be lightly dismissed, the slim percentage of failures which disillusion thousands of workers could produce a widespread loss of confidence and would ultimately hamper the entire pension system.

What congress seeks to produce in the way of reform, therefore, is legislation that can cure the disease without killing the patient.

In recent years, each new session of congress has brought a renewed plea for private pension regulation. With each instance of pension failure, the chorus of reform voices has increased in membership.

ROSTER OF REFORM

This year, the roster of reform seekers has reached an all-time high with 52 senate members—a majority that is expected to reach as many as 60 after new members become acquainted with the issue and choose to endorse the cause—now identified as cosponsors of a comprehensive law authored by Sens. Harrison Williams, D-N.J., and Jacob Javits, R-N.Y., who are the chairman and ranking minority member, respectively, of the Senate Labor and Public Welfare Committee.

As proposed, the Williams-Javits measures are designed to eliminate the hazards defined six years ago by Donahue. It would enable workers to collect pensions even if they left a company before reaching retirement age, even if the company went bankrupt, even if the pension reserve had been mismanaged.

Key features of the legislation would establish a 15-year period of employment to qualify for a full pension (with partial pension rights after eight years); a federal insurance program to protect pensions owed to workers by companies which have gone out of business; and, strict standards of conduct for the managers of pension funds.

President Nixon is equally interested in pension reform legislation and has sent his own proposals to congress.

The Nixon reform agenda proposes its own schedule for guaranteeing pension rights and similar rules of conduct. It further seeks to provide tax incentives so all workers can save independently for their retirement utilizing tax provisions currently available to self-employed persons.

"Three groups in our society have a tremendous direct stake in the growth and improvement of private pensions," the president said in 1970 when he sent his legislative package to congress.

NO TAX INCENTIVE

"The first is made up of that 50 per cent of American wage earners who are not in private group plans at the present time and who have no tax incentive for investing in retirement savings as individuals. The second group includes those who are enrolled in group plans which provide benefits for their retirement needs which they regard as insufficient or which do not ensure that the benefits which are accumulating while they work will actually be made available when they retire.

"If we meet the problems of these two groups today, we will also be taking a giant stride toward improving the quality of life tomorrow for an important third segment of our population to which they will eventually belong: the retired Americans whose independence and dignity depend in large measure on the adequate post-retirement income," the President said.

Writing pension legislation—whether proposed by the house, senate or the White House—is an exceedingly difficult task. In addition to the opposition of pension reform enemies (basically composed of the bulk of healthy pension programs), legislation must weave through an obstacle course created by the diverse nature of the issue and the interwoven jurisdictions of the congressional committee system.

CHANGE IN LAW

Comprehensiveness requires changes to tax and labor laws. Therefore, four congressional committees are drawn into the pension reform debate—in effect, doubling the chance for failure. Tax laws are written by the house ways and means committee and the senate finance committee. Labor laws are written by the house education and labor committee and the senate labor and public welfare committee. Then, the full memberships of the house and senate must approve the legislation.

The rocky nature of the legislative course was demonstrated last year. After lengthy hearings and numerous studies, the Senate Labor Panel sent the Williams-Javits measure to the floor for adoption. But, Sen. Russell Long, D-La., questioned the panel's authority to send tax revisions to the floor and the bill was referred to Long's Finance Committee. Meeting in closed session afterwards, the Finance Committee voted to strip all tax-related items from the bill.

"It's paradoxical," Gordon observed. "What Sen. Long and his committee did last year was so crude that it has helped us. It has aroused an enormous sense of indignation which helps explain why we have so many co-sponsoring the Williams-Javits bill this year."

As he has done in the past, Michael Gordon is predicting that 1973 will be the year for pension reform.

"I said there would be pension legislation in 1971 and I repeated it in 1972. I see no reason why I shouldn't make the same prediction this year . . . only I really mean it this time," he said.

PRIVATE PENSION SYSTEM NO. 2—EVERYONE LOSES WHEN FIRM FOLDS

(By Ed Zuckerman)

WASHINGTON.—When the Studebaker Co. announced it was closing its manufacturing plant in South Bend, Ind., after a century of business, the reaction among many of the more than 4,000 workers who were nearing retirement age was swift and bitter.

Panicked by the loss of their jobs and pension benefits, seven workers committed suicide while countless others seriously considered it in the aftermath of the 1964 announcement.

The tragic consequences of the Studebaker plant closing are neither unique nor rare in the unhappy history of pension program failures.

Testimony before congressional committees and studies compiled by the U.S. Labor Department show that the long-smouldering issue of pension program failure has reached epidemic proportions which endanger thousands of American wage-earners and, ultimately, the stability of the economically vital pension industry itself.

A study compiled several years ago by the Labor Department's Bureau of Labor Statistics counted 4,259 private pension plan failures, affecting 225,000 workers, between 1955 and 1965.

10,600 EMPLOYES

The grim fact was that of 31,000 workers affected by the 492 pension failures recorded in 1964, 10,600 were Studebaker employes.

'The only silver lining in the Studebaker disaster is the fact that it was such a bombshell that it alerted the whole world to the deep injustices of the system," commented Sen. Jacob Javits, R-N.Y., a champion of legislation to regulate the private pension industry.

Javits, in tandem with Sen. Harrison Williams, D-N.J., the chairman of the Senate Labor and Public Welfare Committee, has authored a comprehensive list of legislative measures which—among other aims—would prevent future disasters such as the one which shook the tranquility of South Bend almost nine years ago.

Among reforms outlined in the Williams-Javits Bill is one that would create a federal agency, similar in concept to the Federal Deposit Insurance Corp. which protects bank depositors from loss, to protect workers against pension plan failures.

Under the proposal, every private pension program (there are more than 35,000 in existence today) would pay an insurance premium amounting to two-tenths of one per cent of a pension fund's liabilities which aren't covered by the fund's reserve monies. While the federal insurance concept appears simple, it is actually quite complicated. This is because a fund's total liabilities are based on life expectancy and employment turnover rates which may differ from industry to industry. Equity would demand standardized methods for computing liabilities.

INSUFFICIENT RESERVES

In the Studebaker example, as in most pension failures, reserve funds were insufficient to meet sudden demands for benefits which sprang from the shutdown announcement. After 14 years of contributions by the company, the pension fund contained $25 million. Of that amount, $21.7 million was required to purchase life annuities for 3,600 employes who were already retired or were fully eligible for retirement. The remaining $2.3 million was divided among 4,080 workers who only needed to reach their 60th birthday to completely satisfy the plan's eligibility requirements. They were given lump-sum payments ranging from $197 to $1,757 depending on age and years of service.

No money was left for 2,900 other employes although the company, in accordance with its contract with the United Auto Workers Union, made contributions to the pension fund in their behalf.

For nearly 7,000 Studebaker employes, the promise of a pension simply vanished overnight. Had their union bargained strictly for cash raises—rather than a combination of cash and fringe benefits—the long-run interests of those 7,000 workers would have been better served.

HORROR STORIES

Pension failures produce a litany of horror stories, the worst told by workers who miss sharing in the benefits of a terminated fund by only a few days.

John McGrath of Bloomfield, N.J., and Clay Smith of East St. Louis, Ill., are such victims.

McGrath was just nine days short of completing a 30-year service requirement when the P. Ballantine and Sons Brewing Co. went out of business. Smith was only two days short of his 55th birthday, the age required to qualify for an early retirement pension, when the American Zinc Co. plant was closed.

McGrath, who was 53 years old when the beer plant ceased operations last year, could possibly satisfy the 30-year service requirement since his pension program is administered by a labor union which covers four other breweries. But, seniority rules and slack employment at the other breweries conspire against McGrath's making the work roster at any of them. He finds himself in a situation where his pension program wasn't terminated. What was terminated was his opportunity to continue participating in it. If able to obtain credit for nine more days of work, he will be eligible to collect—beginning when he becomes 65 years old—about $300 per month.

TEMPORARY EMPLOYMENT

McGrath has worked, on a day-to-day basis, at some of the other breweries but temporary employment doesn't count toward his pension.

"In order to make my nine days I would have to work 95 days in the industry on a roster in one barn and as of this time the rosters are closed," McGrath told a Senate hearing when the beer plant closed. "That's what they call partial termination. I don't know who thought up this thing, but to my mind it's totally unfair and should be illegal."

In the American Zinc Co. pension termination, fund assets were insufficient. According to its 1971 financial disclosure, the fund had $2.3 million in assets and $8.5 million in liabilities.

"I started to work the first day of May, 1941, and my job was terminated June 29, 1971—30 years and one month, almost to the day. I have vested rights in the pension but I had to be 55, while the plant was still in operation, to begin collecting benefits immediately. Two more days and I would have been qualified for retirement," Smith told the same Senate panel.

48-HOUR MISS

Smith has a right to retirement benefits but he can't claim them until he's 65. By that time, there won't be any money in the fund. What he missed by 48 hours, actually, was being in the category for which some money was available.

In both the Ballantine and American Zinc episodes, pension-affecting shutdown came after the companies were merged or acquired by larger firms. An 11-year study by the Bureau of Labor Statistics found that 1,276 of 4,259 pension failures—roughly one-fourth—followed merger or acquisition changes to the corporate structure.

In some instances, pension failures are the result of the conglomerate's ruthless way of life. Sometimes, acquisitions are designed to secure a tax write-off from a failing enterprise. Sometimes, the status of a failing firm's pension fund serves as the bait which attracts a conglomerate's attention.

While most pension failures are caused by underfunding, Sen. Adlai Stevenson, D-Ill., recently demonstrated the risk of overfunding in recounting the experience of Elgin National Industries which appears on the verge of terminating its pension program and keeping a $12 million fund surplus for itself after laying off all but 60 employes.

$30 MILLION

According to a former employe, the Elgin pension fund is worth more than $30 million. The company donated about $12 million before stopping its contributions upon discovering the overfunding in 1954. Employe contributions, which have continued throughout, are close to $15 million.

The watch-making company, which was founded during the Civil War, repeatedly stated in its annual reports that "under no circumstances" were the company contributions returnable to the company. But the present management, which took over during the 1960s, "completely changed the rules and regulations," said 67-year-old Gordon Howard, the former employe.

"When the termination involves an overfunded, rather than underfunded, plan, the surplus may under existing law go not to the employes but to the company," Stevenson said. "What we have, then, is a no-win proposition for the employes and a no-lose proposition for the company.

"If this company can crack this pension fund to the tune of $12 million . . . every overfunded plan will be viewed as fair game by financial manipulators and fast-buck artists."

REFORM MEASURES

Among various reforms proposed in the Williams-Javits Bill, the most important measures, the authors feel, are those which would require adequate funding of pensions and establishment of an insurance mechanism.

"There is a strong case for giving the worker the assurance that, at the end of the road, he will get what he bargained for," Javits says. "I cannot see how you can leave out any provision for funding and insurance . . . and yet expect that we are actually reforming the system."

But it is exactly on the issue of insurance where most industry opposition to the Williams-Javits Bill is found.

Opponents contend that the government cannot create an insurance agency utilizing the model of the Federal Deposit Insurance Corp. (FDIC). The FDIC, they argue, insures assets which are known and exist while, in a pension insurance scheme, what is insured are contributions which have not yet been made and liabilities that cannot be accurately determined.

LETTER ENDORSED

Among numerous statements filed with the Senate Labor and Public Welfare Committee is one written by John Cardon and Herman Biegel, both Washington lawyers. Their statement is significant because, after it was filed, letters of endorsement followed from key officers of some of the nation's largest corporate employers—including Ford Motor Co., Westinghouse, Gulf Oil, Reynolds Aluminum, Kimbrely-Clark, Litton Industries and Phillips Petroleum.

If enacted, the Williams-Javits Bill "would make far-reaching changes in the private program for providing pension and other benefits for employes of corporate employers," Cardon and Biegel said. "Some of the proposals would have only a minimum effect on the private retirement system. Other proposals, particularly the proposal for insuring pension benefits, would have a drastic effect."

They noted that pension failures affect a tiny percentage of the more than 35,000 programs and "the experience of the last 30 years demonstrates that, on the whole, the private retirement system has operated remarkably well."

A federal insurance system, they said, would bring other problems which would spur tight government regulation.

"The existence of an insurance pool to guarantee plan benefits could also lead to pressure for increasing benefits beyond the financial capability of the company to pay for them. The proposal would encourage speculative investment of plan assets . . . The fact that a federal pool would back up any losses would lead to the conclusion that such investments would be attractive to some plan administrators," they said.

Private Pension System No. 3—30 Years Going In, Nothing Coming Out Syndrome

(By Ed Zuckerman)

WASHINGTON.—Mrs. Iris Kwek of Detroit, Mich., had no idea what "vested pension rights" were when she went to work at age 18 for the Anaconda American Brass Co.

After 30 years of continuous employment, she discovered to her great disillusionment that vested pension rights are crucially important to any wage-earner who dreams of collecting retirement income after completing a long career.

Vested rights is the key that opens the padlock to the pension fund. It is bestowed on a worker after completing the requirements for pension eligibility—usually a combination of age and years of service and, more often than not, a host of other rules.

In Mrs. Kwek's case, she learned that her age—not three decades of service—was the primary factor in her company's plan. In addition to a 20-year work requirement, the plan withheld vesting until an employe had reached his 60th birthday.

Mrs. Kwek was 48 years old when she was told that her job was being eliminated as part of a company-wide economy drive spurred by the seizure of a valuable Anaconda property by Chile's Marxist President Salvador Allende. Qualifying for a pension, which would have yielded about $100 per month upon her retirement, meant remaining on the Anaconda payroll for another 12 years.

NEVER COLLECT

The Detroit woman is among millions of workers who, despite their enrollment in pension programs where contributions are made in their behalf by their employer, never collect benefits. Because of stringent vesting requirements and natural turnover rates, it is believed that only a slim percentage of the nation's 30 million pension plan enrollees will ever see a retirement dollar.

"The majority of private pension plans in this country are established and operated on the basis of three dangerously obsolete assumptions," says Sen. Jacob Javits, R-N.Y., the coauthor of legislation designed to overhaul the private pension system.

"The first is that an employe is going to work for one company all or most of his working career. The second is that the company can and should use the pension plan as a club to prevent the employe from seeking job opportunities elsewhere. The third is that the company will stay in business forever in substantially the same or expanded form as when it installed the pension plan.

"It is these outmoded and unrealistic assumptions which are at the heart of what is wrong with private pension plans today," the liberal New York Republican said.

RELAX REQUIREMENTS

Among reforms advanced by Javits, in legislation he coauthored with Sen. Harrison Williams, D-N.J., is one that would relax vesting requirements.

If enacted, it would guarantee all workers a vested right to a partial pension (30 per cent) after eight years, add 10 per cent more in each subsequent year and achieve full vesting after 15 years. If a worker chose to leave a company after securing a vested right, he would still be able to collect his pension benefit when he retires.

Such legislation would have a great impact on many workers who, like Mrs. Kwek, often thought about leaving their companies but couldn't afford to lose their pensions.

The Anaconda Company pension, she said, was completely paid for by the company "so for anybody who stayed wtih the company any length of years, this was an incentive to stay. . . . It certainly was an incentive on my part to stay, even though I had thought after working 30 years I might like to go into something else or stay home a few years. But I made up my mind that I would stay with the company because of this tremendous pension."

KEY FEATURE

A key feature of the Williams-Javits Bill, which has 52 Senate co-sponsors, is that employment would not have to be continuous to qualify an employee for a vested right.

Using the aggregate total of service—rather than continuous service—would end the types of disappointment faced by workers such as Guy H. Nichols of Cincinnati, Ohio.

Nichols worked a total of 17 years for the General Electric Co. which has steadily improved its vesting requirements over the years and now has one of the most liberal policies of any plan in the nation. When initiated in 1946, the GE pension plan vested after 20 years of service and age 50. It has been systematically reduced to now when all GE employes are fully vested after 10 years of service (more liberal than the Williams-Javits method which would provide 50 percent vesting after the same number of years).

But Nichols, an aerospace engineer, left GE after 9½ years—six months short of satisfying the vesting requirement. "I did it," he said, "because like many young engineers I wasn't really looking forward to a pension plan."

STARTED AGAIN

Nichols returned to GE several years later and started his vesting period over again. Six years later, he was laid off due to a lack of work.

"Even with over 20 years of experience in one industry, working on various programs for the government, I am still without a pension plan," Nichols said, describing a problem that is characteristic among thousands of aerospace engineers.

"In the aerospace industry," he continued, "there appears to be a need for more worker mobility. People move from location to location because of the needs of government employment. In many cases, people are hired to pick up a peakload and work for maybe two or three years."

"There is no magic in the vesting standards prescribed in the Williams-Javits Bill. In fact, it has already been compromised because an earlier version of the legislation called for vesting to begin after six years of employment with annual 10 percent increases until full vesting is reached after 15 years.

President Nixon supports the concept of enacting legislation to improve vesting standards, too. His proposal seeks a different path to resolve the problem of the unvested worker. It is called the "Rule of 50."

Under the administration-backed plan, a worker would be entitled to 50 percent of his pension right when his age and years of service total 50. Five additional years would bring full vesting. For example, a worker joining a pension plan at age 20 would satisfy the rule of 50 at age 35.

The chief drawback of the administration formula, critics quickly demonstrate, is that finding employment would be virtually impossible for a middle-aged worker who could possibly satisfy the rule of 50 within months after joining a new company.

The Nixon proposal hedges against the built-in discrimination factor by delaying for three years the time when an employe could begin participation in a pension program.

Administration officials contend the "Rule of 50" is most equitable. The short-term vesting standard proposed in the Williams-Javits measures, they say, would raise costs of pension program operations.

REDUCED PAYMENTS

"If these increased costs were excessive or ill-constructed," claimed former Labor Secretary James Hodgson, "vesting could come at the expense of reduced future benefit payments for retirees and could discourage new or improved pension plans."

The purpose of the Rule of 50, Hodgson further explains, is to impose a minimum standard "which would be moderate in cost but which would bring rapid vesting for middle-age and older workers."

While it may be discriminatory against older jobseekers, Hodgson said it would not create any additional burdens which they already endure.

"It is important to bear in mind that it costs a great deal more to include an older employe in a pension plan without any vesting than a younger employe," Hodgson said. "The basic reason for this differential is the short period over which investment income may accumulate for an older employe. Thus, even before vesting standards are considered, there is a deterrent to hiring an older employe today."

LITTLE CONTROVERSY

Of the various legislative proposals being advanced to bring private pension plans under government regulation, setting a minimum vesting standard is among the least controversial. The only disagreement, voiced by labor unions and industrial spokesmen, is which of the vesting standards being proposed is the most equitable for both employe and employer.

Douglas Hunter of the American Life Convention and the Life Insurance Association of America—the two groups have a membership of 360 insurance companies which hold 99 percent of the reserves of insured pension plans in the U.S.—argues that vesting standards would be welcomed in any form.

"We believe that a well-designed mandatory minimum vesting requirement for retirement plans would make a valuable contribution towards reducing instances in which the pension expectations of employes are not met," Hunter says.

The approach in the Williams-Javits Bill represents, in our opinion, a reasonable formula for this purpose.

"We would note, however, that there are other reasonable formulas that could be adopted. In this regard . . . the so-called Rule of 50 proposed by the Nixon administration also represents a reasonable mandatory vesting formula," he adds.

PRIVATE PENSION SYSTEM NO. 4—FIDUCIARY STANDARDS SOUGHT TO FOIL THIEVES

(By Ed Zuckerman)

WASHINGTON.—Of the more than 30 million wage and salary workers enrolled in private pension programs, it is estimated that only three million of them will ever collect pension benefits, according to studies by the Senate Labor and Public Welfare Committee.

Most lose their benefits when they find employment elsewhere. Others lose when they are laid off or are disabled in mid-career. Some lose when their companies go bankrupt forcing termination of their pension plans.

A good many others, surviving the gauntlet by maintaining good health and longevity in a financially secure company, don't learn until they are ready to retire that there are other ways to lose a pension. They are the victims of the "fine print conspiracy."

One such victim is Michael Ulichnie who first entered the coal mines when he was 17 years old and emerged from them 31 years later at age 48, a victim of black lung disease.

Ulichine, now living in retirement in Cleveland, had no reason to doubt that he would be eligible to collect a pension from the United Mine Workers Union upon reaching age 65. He knew that his 31-year record of mining work was more than sufficient to satisfy the pension plan's 20-year work requirement.

RULES ALTERED

He was wrong. During the 17 years he spent outside the coal industry, the pension requirements were altered and he was not informed about the change. The new rule required applicants to substantiate their 20 years of employment during the 30-year period preceding the date they made application for benefits.

In Ulichnie's case, the rule change meant that only his employment during the 30 years preceding his 1967 application for benefits would be counted. Using 1937 to begin tallying his pension credits meant discounting the first 19 years of his 31-year mining career and, therefore, he was denied his pension because he failed to meet the basic 20-year work requirement.

"I was denied just because the United Mine Workers' trustees had the power to go ahead and change their regulations in governing their pensions," the embittered mineworker told a Senate hearing. "I think it's a rotten shame; after putting all that time in the service and then don't get nothing for it."

The "fine print conspiracy" can affect a worker's pension in a myriad of ways. Consider the plight of some typical victims:

NEITHER UNION

A sheet metal worker who, for years, alternated between two union locals because of work availability, found when he reached age 70 he would get a pension from neither union. He did not know that he could not combine his employment under both unions to qualify for a single pension even though both unions were part of the same national labor organization.

A business executive who quit after 18 years, thinking he could draw pension benefits at age 65. He did not know his pension rights would be forfeited if he went to work for a company which competed against the company he left.

A woman who worked 37 years in New York City and was forced out of her job by a shop shutdown and was told to temporarily withdraw from her union. She did not know that she forfeited her pension right by withdrawing from the union.

A sign painter who worked 16 years and maintained his union membership until age 65 to protect his union-sponsored pension. He did not know that he was required to work at least one hour per year in the sign painting industry to prevent forfeiture.

LITTLE EXPLANATION

A common thread in these cases is that workers received pension plan descriptions that glorified the benefits but offered little explanation about the conditions which could cause forfeiture.

"I have books on the pension plan that ain't worth a quarter because I can't understand them," said Raymond Sagendorf of Irvington, N.J., who lost his pension when P. Ballantine and Sons Brewing Company closed down last year.

Sagendorf, who spent 29 years with the beer company, said, "I defy any trustee of our plan to explain it to me. They don't even know themselves."

Added another former Ballantine employe, "You show the plan to three different people and you get three different opinions."

An important provision included in legislative proposals now under consideration by Congress would require "plain language" disclosure of the intricate eligibility rules. It also requires that annual financial information be given to all plan participants, detailing all financial transactions involving the pension reserve fund, listing the names of plan trustees and disclosing all changes in the eligibility requirements.

STANDARD OF CONDUCT

Congress is also considering legislation which would require pension fund trustees to comply with strict standards of conduct in their dealings on behalf of pension enrollees—a restriction that has never been made before.

The need for putting pension trustees under a code of responsibility was highlighted several years ago when the Senate Permanent Investigations Committee uncovered a labor official who had diverted at least $4 million from his union's pension fund to corporations he controlled in Liberia and Puerto Rico.

An astounding revelation came from a Justice Department official who advised that "the manipulations in no way lend themselves to successful prosecution under the present state of the law."

Financial manipulation by pension fund trustees is under constant surveillance by the Internal Revenue Service and the U.S. Justice Department.

Just last week, the Justice Department said it was investigating allegations that agents for a $1 billion Teamsters Union pension fund were paid kickbacks for helping arrange loans.

ANOTHER INVESTIGATION

Another investigation of the Teamsters pension fund has been conducted by the IRS for the last 18 months. The transactions are so complicated, according to reports, that a chart drawn by federal agents to outline the manipulations cover a 6-by-10-foot wall.

The Teamsters pension fund has been the subject of several previous investigations. As a result of a trial stemming from one of those investigations, former Teamsters President Jimmy Hoffa was sent to federal prison on jury-tampering charges.

In a celebrated case involving the United Mine Workers several years ago, it was revealed that the union's officers (who also were trustees of the pension fund) received annual six-figure salaries from the National Bank of Washington which was 75 per cent owned by the union.

An investigation found that the union kept as much as $70 million from its pension and welfare fund in an interest-free checking account. Had the money been properly invested at simple five per cent interest, the pension fund would have been enriched by several million dollars yearly.

A deeper examination of the Mine Workers fund showed that the union purchased large blocks of electric utility stocks and then pressured the management of the utility to purchase union-mined coal.

"While there is nothing wrong with a union promoting the use of union-mined coal," commented Sen. Robert Taft, R-Ohio, "It should not do so with trust funds which must be held solely for the purpose of maximizing security for its beneficiaries. In other words, trust funds should not be used to promote the separate interest of the trustees."

Taft added that "some trustees have been over-eager to milk pension assets through exorbitant fees. In one instance, five trustees administered the pension and profit-sharing plans of a corporation. Three of the five were past or present officers of the corporation. In one year, these five trustees received more than $300,000 in trustees' fees.

"In addition, this pension and profit-sharing plan paid more than $130,000 to a separate corporation, controlled by these same trustees, which was established to administer and invest the funds," Taft said.

Perhaps the most shattering experience, involving shady financial dealings, was the one suffered by the Journeymen Barbers, Hairdressers, Cosmetologists and Proprietor's International Union.

OFFERED SERVICES

Money contributed by the union's 60,000 members, totaling $21 million, were formerly managed by the Indiana National Bank. In 1966. Thomas A. Shaheen sought out the pension fund trustees, offering his services as an investment consultant and promising to promote greater returns than the bank had accomplished. Furthermore, his services would cost the pension fund nothing since his fees would come from those borrowing from the fund, he told them.

Shaheen, who had filed for personal bankruptcy in Chicago several months earlier, took over the fund and sold 60 per cent of its common stock holdings and made $11 million worth of mortgage loans. (Among the loans he approved was $500,000 to the Winthrop Lawrence Co., of which Shaheen was the chief executive and Lamont DuPont Copeland Jr. was the board chairman. Copeland, heir to the DuPont family fortune, filed for bankruptcy in 1970 and listed debts of $60 million and assets of less than $30 million.)

Shaheen told the barbers union that the loans were guaranteed against loss by the Prudence Mutual Casualty Co. of Chicago. But, when the Shaheen-approved loans began to appear delinquent, the Chicago insurance company went into receivership.

After five years of Shaheen's counseling, the union pension had invested in 44 loans with an unpaid balance of $11.8 million. Its assets had shrunk from $21 million to $13.5 million.

In view of such experiences, Sen. Taft has called on the private pension industry to accept a code of conduct "from the standpoint of your own interest."

Responded William Greenough, chairman of the Teachers Insurance and Annuity Association—College Retirement Equities Fund: "There is little doubt that the great majority of employe benefit plans in the U.S. maintain high ethical and business standards. But, from time to time, there have been serious and harmful departures from accepted practice, of conflicts of interest and self-dealing. It is important to establish basic fiduciary standards."

Fiduciary standards have been proposed by President Nixon and in a pension reform proposal authored by Sens. Harrison Williams, D-N.J., and Jacob Javits, R-N.Y.

Private Pension System No. 5—The Nixon Approach: Keogh Tax Shelter for All

(By Ed Zuckerman)

WASHINGTON.—Part of President Nixon's solution for ending the inequities endured by millions of private pension plan enrollees springs from the self-reliance theme of his administration.

His proposal—praised by businessmen and condemned by labor officials—would encourage workers to save independently for their retirement by making it advantageous, from the standpoint of federal taxation, to do so.

Utilizing tax concepts which now provide income shelters for self-employed persons, the President's plan would allow all wage and salaries earners to save up to 20 per cent of their earnings (to a $1,500 maximum) annually and deduct the amount when computing their federal tax liabilities. Taxes on the set-aside money, along with dividends it earns during years of accumulation, would be deferred until withdrawn during retirement.

While providing relief for millions of workers who might be dissatisfied with the pension programs offered by their employers, the administration-backed plan would also provide retirement security for half of the American work force which has no pension program at all.

INCREASED AMOUNT

In conjunction with the proposal, President Nixon also seeks to increase from $2,500 to $7,500 per year the amount self-employed persons may now deduct for retirement purposes.

The tax shelter for self-employed professional persons was adopted by Congress in 1962 under legislation authored by former Rep. Eugene Keogh, D-N.Y. In his original version of the bill, Keogh sought a $7,500 annual limitation. Today, after a decade of operation, there are an estimated 542,000 Keogh Plans in existence.

President Nixon first unveiled his self-savings plan in 1971 as a major component in a legislative package to impose reforms and improvements on the private pension system. Expected to be re-introduced to the new Congress shortly, perhaps in modified form, it will take its place among numerous pension reforms bills under consideration.

One such bill, co-authored by Sens. Harrison Williams, D-N.J., and Jacob Javits, R-N.Y., attests to the popularity of the pension reform issue by virtue of having 52 Senate co-sponsors.

President Nixon, in his previous pension message, said that tax laws favor corporations which may deduct the contributions made on behalf of employes in pension programs as a business expense. But contributions made by employes to those plans are not deductible.

UNFAIR BURDEN

"This inequity discourages individual self-reliance and slows the growth of private retirement savings," President Nixon said. "It places an unfair burden on those employes—especially older workers—who want to establish a pension plan or augment an employer-financed plan."

President Nixon's reasons for increasing the deduction allowed to self-employed persons is partly designed to reduce the number of professional people who create corporations for which no limitations are imposed for deductible savings.

"This distinction in treatment is not based on any difference in reality, since self-employed persons and corporate employes often engage in substantially the same economic activities," the President said. "One result of this distinction has been to create an artificial incentive for the self-employed to incorporate."

President Nixon's formula for securing equity treatment for wage and salary workers—and to upgrade tax shelters for professional workers—faces rough sledding in Congress. The proposals come at a time when tax reform—that is, the effort to eliminate tax preferences which allow rich people and corporations to avoid taxation on certain kinds of earnings—is a priority issue.

"CLASS LEGISLATION"

At the same time, influential labor organizations such as George Meany's AFL–CIO and Leonard Woodcock's United Auto Workers have criticized the Nixon self-reliance plans as "class legislation."

Andrew J. Biemiller, former Democratic House member from Wisconsin and chief lobbyist for the AFL–CIO, labeled the Nixon proposal as "extremely regressive, benefitting all of the rich who wish to take advantage of it and none of the poor . . . The administration is making the rich richer and the poor poorer."

Biemiller, appearing before the House Ways and Means Committee, told the tax-writing panel:

"To determine who will benefit from this proposal, the committee might consider these questions: How many families with an earned income of $5,000 per year can save $1,000? How many families with a $6,000 income can save $1,200? How many families with an annual income of even $10,000 can save $1,500 in this time of sky-high living costs?

"Now ask the same questions for those with annual earnings of $15,000, $20,000, $50,000 and up. Clearly, the percentage of families which will be able to take full advantage of this deduction will rise with income."

EARNED $7,407

Nelson Jack Edwards, vice president of the United Auto Workers, said the average worker in manufacturing earned $7,407 in 1971, according to government statistics.

"Data published by the Bureau of Labor Statistics indicates that in the fall of 1971 a moderate budget for a family of four in the urban United States required at least $10,971. Bare consumption items alone: that is food, housing, transportation, clothing and medical care, cost $8,626.

"With an income of $7,407 and essential consumption of needs of $8,626, how can this worker take advantage of tax sheltered retirement savings?" Edwards asked.

Biemiller said the AFL–CIO opposed enactment of the Keogh legislation and promised to oppose the White House plan to expand it.

"The main beneficiaries of this program have been doctors and lawyers and not proprietors of 'Mom and Pop' groceries or other small businessmen," the former Wisconsin House member said.

Prof. Daniel Halperin of the University of Pennsylvania law school, a former deputy tax legislative counsel in the U.S. Treasury Department, says a personal saving deduction "will produce little in the way of additional savings for retirement and will give the wealthy an unwarranted tax benefit."

Since President Nixon, in his message, says that distinctions between self-employed persons and corporate employees is not based on reality. Halperin wonders why the administration didn't propose either scrapping the Keogh limitations or applying them across-the-board.

"The answer seems obvious," he said. "They were unwilling to further open up the unwarranted tax advantage of an unlimited set-aside for retirement by making it available to the self-employed. Yet, they were not brave enough to face the complaints of those whose tax benefits would be reduced to similar limits were placed on corporate plans."

Former Rep. Keogh, father of the retirement tax shelter concept, argues that passage of the Nixon bill would implement a "sound basic philosophy."

"It is indisputable," he said, "that an individual who devotes man years gainfully employed should be accorded the right to set up a retirement plan for himself.

"We permit machinery and equipment to have reserves set up against depreciation. The bill in effect, provides that right for the individual against his own depreciation. The bill would, in my opinion, move in that direction and would add to the economic security of the millions of those who elect to practice their professions or to go into business for themselves.

"The maintenance of self-employed professional and business people as individuals rather than as pseudo-corporations, must be encouraged. Their existence marks our country's difference from so many others in the free or other world. It would result in increased economic benefit, generally, and would accrue ultimately, if not sooner, to the long-range benefit of the country," Keogh said.

THE GENOCIDE CONVENTION AND AMERICAN CREDIBILITY

Mr. PROXMIRE. Mr. President, the Senate has failed to take a consistent position on one of the most crucial questions of the 20th century—human rights—by its refusal to take positive action on the Genocide Convention.

In 1945 the Senate overwhelmingly ratified the United Nations Charter. In doing so our Nation pledged to uphold the dignity and worth of the human person. Since then the United States has accepted numerous international accords which are intended to carry out this pledge. Among the most prominent of these treaties was the international ban on slave trading.

Yet, the United States has not followed through in its commitment to the peoples of the world. Our failure to ratify the U.N. Convention on the Prevention and Punishment of the Crime of Genocide has jeopardized the integrity of the United States. By delaying we have provided our critics in other nations with propaganda and grounds for questioning our commitment to the rights and liberties of mankind.

We must not let ourselves play into the hands of those who seek to show the United States in the worst possible light. In the eyes of our critics, by appearing to pay only lipservice to the universal principles of human rights, the credibility of the United States has been endangered.

We must ask ourselves these questions:

First. Can we continue to assume a position of leadership in the world when we fail to take positive action on such an important international accord as the Genocide Convention?

Second. Can we expect other countries to continue to respect the United States as a world leader if we do not accept this convention?

Third. Can we expect other nations to respect the principles of human rights if the most powerful nation in the world appears to waffle on this issue?

Our consideration of the Genocide Convention, however, must be based on more than the practical consideration of credibility. The principles enumerated in the convention are in concert with the States purpose and goals of the United States.

Since 1776, the United States has attempted to carry out the belief that all persons have the right to life, liberty, and the pursuit of happiness. Once again the United States has an opportunity to prove to the world that we are firmly dedicated to these important human rights and liberties.

The Genocide Convention has been approved by the Senate Foreign Relations Committee and will soon come before the full Senate for consideration.

I urge the Senate to approve this convention and restore American credibility by proving our commitment to the rights of mankind.

POLITICAL REPRESSION IN THE DOMINICAN REPUBLIC

Mr. McGOVERN. Mr. President, I have read the accounts of recent mass arrests and restriction of freedoms in the Dominican Republic with increasing concern.

Only 8 years ago, 20,000 American troops were sent to Santo Domingo to prevent what was then called a Communist threat. Today we hear Dr. Joachin Balaguer, president of the Dominican Republic, raise the same old cries that his country has been threatened by a guerrilla invasion of eight to 10 people from Cuba. It is difficult for me to understand—even if such an invasion took place—how such a small band of men justify the mass arrest of political leaders opposed to President Balaguer, the curtailing of freedom of the press and the closing of all public schools.

It appears evident that Dr. Balaguer may be using this guerrilla threat as a means to destroy the effectiveness of his political opposition—and in particular the Dominican Revolutionary Party. Despite proclamations by the leaders of this party that they have not played any part, nor intend to in guerrilla warfare, Dr. Ballaguer has jailed over 1,000 of their leaders. Of particular concern is the safety of the two principal leaders of the Dominican Revolutionary Party, Prof. Juan Bosch and Dr. Francisco Pena Gomez. Both men are now in hiding for fear of deportation or danger to their lives.

Having intervened in the internal affairs of the Dominican Republic once, we must now be alert to the long-term results of those actions. The final chapter of the 1965 revolution may be written in the next 2 years as we near new presidential elections there in 1974. It is my hope that Dr. Balaguer will guarantee the safety of Professor Bosch and Dr. Pena Gomez and will allow total freedom for all political parties.

IMPACT OF THE HOUSING FREEZE ON OLDER AMERICANS

Mr. WILLIAMS. Mr. President, on a number of occasions, I have joined with many of my colleagues in expressing my deep concern over the administration's attempts to choke off Federal funds for a wide range of valuable and much-needed social programs. A great deal has already been said on this subject, and much more will be; however, I believe the importance of it justifies continuing examination.

For reasons that I do not comprehend, the President has chosen to swing the budgetary axe heavily on the elderly. More specifically, his actions in the areas of housing and medicare directly threaten the reassuring gains that were made for older Americans last year.

By ordering a freeze on new Federal commitments to subsidize construction of low and middle-income housing, President Nixon has turned a very cold shoulder to the pressing housing needs of the Nation's poor. His action strikes me as an arbitrary and excessive response to a problem that needs careful review, not a slap in the face.

Some $990 million of funds administered by the Department of Housing and Urban Development have been impounded, including $221 million for section 235; $171.5 million for section 236; and $38.9 million for rent supplement.

I do not mean to suggest that there are not serious problems in our national approach to better housing, and I fully agree that efforts must be made by the Senate and the House to examine carefully what changes are needed. However, I am strongly opposed to an abrupt, 18-month moratorium on subsidized housing without some program to replace it.

The timing of this housing freeze has a particularly demoralizing effect on the Nation's elderly; it comes at a time when rent controls have just been lifted and at a time when housing for the elderly is making important breakthroughs in the suburban areas of our country.

Older persons who rely primarily on social security for their economic stability were much encouraged by the 20 percent increase of last year. However, many of them are now telling me that the raise is not effective if it is eaten up by big rent hikes and more costly Medicare.

For years, many areas of our country have rejected any type of subsidized housing. But, in recent months we have noticed a new acceptance of this type of housing in the suburban communities—especially welcome have been housing projects for the elderly. This trend has been very noticeable in my home State of New Jersey, which has a large number of suburban communities.

The effect of the housing freeze in New Jersey has, therefore, been particularly upsetting. The New Jersey Housing Finance Agency is swamped with applications for construction of housing projects specifically designed for the elderly. The need for this type of housing in New Jersey is tremendous, and increasing yearly. Within the past month or so alone, ground was broken for new construction of housing for the elderly in Keyport, West Orange, Wayne, and Roselle.

The 18-month freeze will, at a minimum, threaten the future of 4,000 to 5,000 units of construction for the elderly in New Jersey.

If applications that are currently pending face an 18-month minimum wait for processing, I am informed by people in the field that it would be at least 3 years before tenants can begin to move in. Such a delay, in my opinion, is intolerable and unjustifiable.

As the administration and the Congress take a new look at Federal housing policy, I strongly feel that this reappraisal should include a careful consideration of the currently frozen section 202 housing program for the elderly, a program that has enthusiastic support from all quarters.

I commend my colleague, Senator PROXMIRE, for his initial examination of housing policies last December, and I join with Senator SPARKMAN in his pledge to reverse the impact of the recently announced freeze. Wholesale suspension of such urgently needed programs is certainly not a responsible course of action.

Mr. President, as an illustration of the impact the housing moratorium will have, I ask permission for an article from the Hackensack Record to be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Hackensack (N.J.) Record, Dec. 28, 1972]

HOUSING AID BAN WOULD HIT BERGEN HARD

(By Joseph Santangelo)

Several thousand apartments planned for New Jersey senior citizens and low-income families would be scrapped if a proposed federal moratorium on public housing construction is imposed.

Some 290 of these units would be in Bergen County, where the county Housing Authority is reviewing proposals for senior-citizen projects in Palisades Park, Fairview, Little Ferry, and Bogota.

But a 143-unit low-rent project for the elderly, for which the federal government guaranteed a $2.7-million loan three years ago, apparently will be built in East Rutherford next spring as scheduled.

The National Housing Conference, a nonprofit public interest group, has quoted reliable government sources as saying that an 18-month moratorium on federal public housing subsidies may go into effect Jan. 1 as a $3.2-billion economy measure.

George Romney, soon to step down as secretary of Housing and Urban Development has said he feels the federal government should get out of the public housing field altogether and leave subsidization to the states. It is believed his position reflects feelings held elsewhere in the Administration.

The moratorium would cover all new federal commitments for public housing, interest subsidy, urban renewal, and Model Cities funds, according to the conference report.

While the Nixon Administration has made no official announcement of the moratorium state housing officials are expressing hope that the moratorium idea will be dropped.

John P. Renna Jr., director of the New Jersey Housing Finance Agency, says all low-income housing construction would come to a halt in the state if federal interest subsidies were withheld.

"The only thing we could finance," Renna said of his agency, "is some garden apartments. It would stop all building in the cities."

The so-called "236 interest subsidy program" that pays most of a project's mortgage interest is essential to low-income construction, he said yesterday.

ALMOST READY TO GO

"Without those 236 funds," Renna said, "you can't build senior citizen housing." He said rents on the apartments would be raised beyond the tenants' ability to pay.

Several thousand units for which the agency is about to provide mortgage loans, Renna said, would be jeopardized by a moratorium on interest subsidies.

William J. Malone, executive director of the Bergen County Housing Authority, said the developer for the East Rutherford senior-citizens project, James J. Leone, has only to receive HUD approval for increased construction costs due to inflation during a two-year court battle over the project. The project was too far along to be stopped, Malone said.

Malone says five other projects the county authority is considering may be affected, though officials at HUD have not given the official word yet.

The proposed projects are 107 units in Palisades Park, 100 units in Fairview, 48 units in Little Ferry, and 35 units in Bogota—all for the elderly. A low-income project for about 200 families also is being considered tentatively, Malone said, and also would be halted. No community has been chosen for that project, he added.

Rent supplements which the authority pays with federal funds to about 1,000 senior citizens living in private apartments would not be affected. But low-income families attempting to buy homes with federal subsidies would be stymied under the moratorium. Traditional FHA mortgage guarantees would not be affected.

Malone, terming recent news leaks of the proposed moratorium a trial balloon, expressed opposition to the idea.

"It's really too early to speculate, but I hope it doesn't go into effect," he said.

BRADFORD MORSE, UNITED NATIONS UNDER SECRETARY GENERAL

Mr. MATHIAS. Mr. President, my old friend and former colleague in the House of Representatives, the Wednesday Group, and Members of Congress for peace through law, Bradford Morse, has left the Congress to join the United Nations. He is doing a magnificent job there as Under Secretary General for Political and General Assembly Affairs.

Both the U.N. itself and the United States are well served by Brad Morse's presence at the Secretariat. He enjoys the trust and respect of the Secretary General and of his international colleagues. I am confident that the effectiveness of the United Nations and its capability for playing a positive role in solving international problems and increasing the peace and security of all nations will be greatly enhanced by the presence there of Bradford Morse.

On February 18, 1973, the Boston Globe carried an article, "Portrait of the Under Secretary General" which calls Brad Morse—

> That ambitious and perpetual-motion man from Lowell . . .

He is quoted as saying that:

> The General Assembly was not designed to serve as a world parliament. It serves as a place for the harmonization of conflicting points of view. There is no other place in the world where that takes place. In the years ahead I foresee an increasing emphasis on the role of the UN.

I ask unanimous consent that this article be inserted in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Boston Globe Sunday Magazine, Feb. 18, 1973]

PORTRAIT OF THE UNDER SECRETARY GENERAL

(By Nina McCain)

It was the last day of the 27th General Assembly of the United Nations and inside the vast domed assembly hall, under the great gold seal of mankind's last, best hope for peace sat Brad Morse from Lowell.

It was the same Bradford Morse who kept a tight grip for 12 years on his Fifth Congressional District seat by such ingenious devices as handing out coffee and doughnuts at the Lexington dump.

What was Brad Morse doing up on the marble podium while the delegate from the Soviet Union droned on about a trade resolution?

He was probably thinking about sneaking off the rostrum for a few quick puffs on a Bel Air. Morse is a non-stop smoker, just as he is a non-stop talker and walker and doer, and one of the penalties of his new job as UN undersecretary-general is that he may not smoke during the endless hours on the podium.

As far as it is possible to tell, it is the only thing about the job that Morse doesn't like. At a time when most of his countrymen seem to have either forgotten about or given up on the UN, Morse may be the last man in America who still believes in its promise. But then, as he says, he is "aggressively optimistic." The UN needs all the aggressive optimism it can get.

Created in 1945 in a spirit of post-war euphoria and dedicated to "save succeeding generations from the scourge of war," the UN almost immediately got caught and mangled in the Cold War crunch between the United States and Russia. Since then it has been a kind of side show to the drama of real world power being played out on other stages in Moscow and Washington and Peking. Even the major issues—Would China be seated?—have had a largely symbolic significance. On the conflicts that have brought the world to the edge of war, most notably Vietnam, the UN has been paralyzed by the decision of the Great Powers to settle them by other means.

This is not to say that the UN is valueless. With its budget of $225 million and its 5000-plus people in New York and around the world, it does good work—feeds children, teaches farmers how to grow better rice, and performs a host of useful functions in international trade and law and refugee work. UN forces and observers play a limited peacekeeping role in places where the major powers find it's useful to have a neutral buffer.

But the UN is clearly not seen as a major force in world affairs by the United States government, the public or the press which tends to bury its actions in the back pages. Recently, when a coalition of Arab, African, Asian and Communist countries blocked an attempt to frame legal action against hijackers and other international terrorists, US Ambassador W. Tappley Bennett Jr. warned that the UN was in danger of going the way of the League of Nations which "grew increasingly unwilling or unable to come to grips with the realities of its day and faded into the mists of history."

Neither the mists of history nor the black billows from Queens smokestacks have yet closed about the towering glass slab by the East River, but the place does have a decidedly Brigadoon-like flavor. There is movement and color and even a kind of international festival gaiety as delegates in brilliant native costumes swoop down the corridors or chatter in a dozen languages in the elevators. But there is a curious feeling of unreality about debates in the assembly. Delegates move up and down in the aisles and occasionally speak, but there is an unnatural hush as though everything were taking place under water or at some great distance. The delegates from the United States and Upper Volta sit side by side and listen to speeches about the Australian amendment to the Cuban resolution while decisions about war and peace and power are made in Paris or the board rooms of the United Fruit Co.

Through this world of elaborate politeness, protocol and ceremony hurtles the man from Lowell as though he were trailing in a four-way primary and had only a day left to campaign. Morse flings himself at his job as if he had never heard a murmur of disenchantment about the UN. If he has doubts about the organization, he has buried them deep within.

Morse bursts out of his office door to give orders ("Get the Indian ambassador.") or to pacify a visitor kept waiting ("Come on in, pretty girl.") He double times down the long hall to the Secretary General's office to sip champagne at a medal presenting ceremony. He rushes, he hurries, he is always behind schedule. He shakes hands and slaps backs and peppers his conversations with "God love ya's." In a world of slim, cool, well-tailored men who favor elegant black shoes with pointed toes, Morse has a bulging middle, shapeless suits and the kind of thick-soled shoes that cops wear. This genial, folksy, perpetual motion pol is not, however, to be mistaken for the compleat Brad Morse, who is also a shrewd, knowledgeable and ambitious man who found his career blocked in Congress and who, at the age of 50, moved himself and his ambitions to the UN.

Morse's life is one of those classic American political success stories. Son of a working-class Lowell family in which the father died when he was 10, Morse worked in the mills and at a variety of other jobs while he was going to public school and putting himself through Boston University and BU law school. He cut his political teeth serving as an aide to Sen. Leverett Saltonstall (like two other bright young men who went on to bigger things—Secretary of Defense Elliot Richardson and former Presidential aide Charles W. Colson.)

When Rep. Edith Rogers, who with her husband had represented the Fifth District for 46 years, died only two days before the primary in 1960, the state's Republican leaders huddled and decided to throw Morse into the breach. He did not disappoint them. Between 6 p.m. Saturday and the time the polls opened Tuesday, Morse triumphed over time and a hurricane-caused blackout to mount a sticker campaign that won the primary. After that, the Protestant Republican kept right on winning in a district that is largely Catholic and Democratic.

He was a tireless campaigner who, according to one colleague, "shakes hands with hydrants and tips his hat to telephone poles." Taking care of his district with a competent staff (including Paul Cronin who won his boss's old seat in a close contest with anti-war veteran John Kerry), Morse devoted much of his attention to national and international affairs.

Emerging early as one of the leaders of the liberal wing of the Republican party, Morse started the still-active Wednesday Group by inviting "six guys to my office to talk issues over a drink." He won a seat on the House Foreign Affairs Committee and became active in a group called Members of Congress for Peace Through Law. He was one of the first Republican Congressmen to raise questions about the Vietnam war and was the author of a de-escalation plan which, he says, President Johnson adopted without so much as a "Thank you."

In the early 1960's Morse was, he says with a chuckle, a "fairly hot commodity," always being mentioned as a possible candidate for this or that office. Morse made no secret of his yearning to run for the Senate and the chance came in 1966 when Sen. Saltonstall decided to retire. But Ed Brooke announced for the job and that effectively blocked Morse. One member of his staff in those days recalls that it was a painful but unavoidable decision.A race against Brooke, who is black, "would have attracted a lot of the undesirable elements in the party," she said.

After that, Morse had, in effect, no place to go. He was a popular, well-liked congressman but being a member of the minority wing of the minority party was a frustrating exercise for a man with his energy. "He generated more ideas than could possible get translated into action," one newsman who covered him for years remarked. Morse says he knew in 1970 that would be his last campaign for the House. "I had seen people vegetate in Congress. I decided it wouldn't happen to me."

When the late Ralph Bunche's job at the UN became vacant, Morse asked for it and his old friend Elliot Richardson persuaded President Nixon, over the opposition of State Department officials who wanted a career diplomat, to recommend him to UN Secretary-General Kurt Waldheim. Although the position had belonged to Bunche, it was understood when Morse was appointed last March that he would not try to duplicate the trouble-shooting role that the Nobel prize winner had carved out. As undersecretary for political and General Assembly affairs, Morse's job is to make sure the annual assembly runs smoothly and to accept whatever other assignments the Secretary-General entrusts to him.

UN insiders were not immediately overwhelmed by the appointment. One young man on the Secretary-General's staff told a former Morse aide that "when they first found out they were getting a congressman from Massachusetts that no one had ever heard of to take Bunche's place they were a little apprehensive." But the young man went on to say that Morse is "a breath of fresh air. We never believed anyone from the US could be as enthusiastic as he is. He still genuinely believes in the UN ideal."

After his first eight months in office, Morse gets generally good marks from UN watchers. They say he has learned fast and done a good job at overseeing the hundreds of details that go into making the Assembly run without hitches. He has also effectively handled the responsibilities given to him by Waldheim—the delicate task of getting several thousand Asians out of Uganda, the even more delicate task of getting UN medical teams into Burundi after tribal warfare and massacres and, most recently, the coordination of the UN part of the relief effort in earthquake-shattered Managua, Nicaragua.

According to one newsman who covers the UN, Morse has handled himself well in the internecine warfare that is an unofficial but very real part of life in the secretariat where big jobs are carefully divided up among the big powers. "A lot of people here are incompetent," the newsman said. "He's not one of them. He'll do well by comparison."

The only two reservations about Morse so far seem to be that his hyperactive style may put off diplomats used to a more restrained manner and that he relies too heavily on the US mission for advice. The latter problem may resolve itself as he gains more confidence and experience on his own.

One of Morse's strengths now, as in his Congressional days, is that he seems to be able to command prodigious amounts of loyalty and hard work from his staff. His chief aide, Tim Rothermel, a neatly barbered young man who came with him from Washington, describes Morse as "just about the niftiest guy I've ever known." Rothermel says the UN job is "just his cup of tea. He hasn't had an unhappy moment since he took the job."

Morse himself says about his job, "In a word, I've loved it." What about the frustrations? "I haven't found any."

Doesn't he worry about the fact that the UN seems to be unable to deal with serious conflicts?

"The General Assembly was not designed to serve as a world parliament," Morse says. "It serves as a place for the harmonization of conflicting points of view. There is no other place in the world where that takes place. In the years ahead I foresee an increasing emphasis on the role of the UN . . ."

Morse says the UN was founded during a brief period when there was essential agreement among the major powers and the fact that it survived at all when that agreement eroded is a "miracle."

"If the understanding among the major powers can be restored, the UN can play a much more significant role," Morse says.

In other words, the UN can't make peace, but in a peaceful world it can function.

"The UN can't do anything the member states don't want it to do. It is an assembly of sovereign states."

Does he harbor any lingering political ambitions, a secret desire to come home and run for the Senate if one of the state's two incumbents should feel a call to national office?

"At the moment, I don't. I've accepted a three-year contract here and if I enjoy what I'm doing a third as much as I do now, I won't change."

Morse devotes almost his entire waking life to the UN job. His wife, from whom he is "amicably separated," and their two children continue to live in Washington. His only apparent avocation is music. An amateur pianist, given to late night renditions of Irish ditties, he has completed the score for what he hopes will be a musical based on the life of Simon Bolivar. So far, he hasn't found anyone to write the words.

But mostly Morse works. As a visitor left late in the evening when most of the rest of the "UN family" had long since vanished into the mists, he bounded out of his office and rushed up to a small man who had been waiting.

"Colonel, come in. God love ya. How are ya?"

FARM CREDIT PROGRESS

Mr. BELLMON. Mr. President, earlier this month, the Committee on Agriculture and Forestry heard the Governor and officers of the Farm Credit Administration give a progress and status report on the work of the cooperative farm credit system.

There are several points worth noting in this report. Frst, it was an historic one, since it was the first made by the agency as prescribed by the Farm Credit Act of 1971. More importantly, it provided the committee with a highlight review of the implementation of this charter act designed to permit the farmer-owned farm credit system to be of greater service to the Nation's farmers and to rural America.

I was personally interested, particularly in what had been done in the area of gaining broader participation of and greater breadth of service for the U.S. farmers. These were points which I raised with the Farm Credit Administration and farm credit system officials during hearings on the act on Monday, May 17, 1971.

During consideration of that legislation, I was interested in making certain that the Government-chartered institutions—such as are the production credit associations and the Federal land bank associations—were carrying out their function of making credit available to all responsible farmers and ranchers who have a reasonably good chance of repayment.

I felt that steps should be taken that would enable farmers of every phase of agriculture to have access to credit if they were adequately qualified. I believed then and now that sufficient, dependable credit at reasonable cost is one of agriculture's greatest needs. Without it many of our best younger farmers would be faced with the prospect of having to leave agriculture with serious damage to the nation's social and economic structure.

Mr. President, I pointed out at those legislative hearings and I still contend that in the governing bodies of the credit institutions, there should be broad representation of the agriculture of the area. Also it is extremely important that more should be done to improve the democratic processes in the selection and operation of those governing bodies.

As a result of the discussion in the committee at that time when the legislation was under consideration, several amendments were incorporated in the bill to insure this fair and equal credit availability to all borrowers.

Now, in the light of this background, I was most interested in the report we received when the governor and the board's officers appeared before the committee recently. The committee utilized the opportunity to interrogate the officials of the Farm Credit Administration in order to determine how these various provisions are working. Specifically, questions were asked regarding the procedures for insuring democratic control by the owners. Are there choices in the nomination process? Are all the cooperative members allowed to vote? Is the Farm Credit Administration, and are the banks, carrying out their supervisory roles?

An effort was made to determine whether or not the changes made in the Farm Credit Act of 1971 are helping to insure that all borrowers, large and small, crop and livestock, are better able to be served by this system as a result of those changes.

Mr. President, the response to this examination, I am happy to report, was positive and hopeful. Progress has already been made in the directions that Congress had indicated when it drafted the new act. The broadened authorities and responsibilities provided in the new act are serving as the basis for more comprehensive credit assistance to all segments of the farm community.

Mr. Jonathan Davis, a farmer from Sterling Junction, Mass., and vice chairman of the Federal Farm Credit Board, described steps being taken to achieve the objectives we had set forth in connection with the new act.

He told us that the broadening of the farmer control is being carried forward on these fronts:

First, in the election of directors who play such an important part in the farmer control mechanism, it is required that nominating committees be set up to make nominations for presentation to the membership.

Second, more than one name per elective office must be nominated. This, of course, is designed to give the members a meaningful choice in picking their boards of directors.

Third, steps are being taken to insure wider participation in the elections of directors.

Fourth, the Federal Farm Credit Board has taken action to preclude individuals from serving on more than one farm credit board simultaneously. This means control rests in more hands—more farmers participate in the control of the system.

This last point, incidentally, serves also to protect the system against possible conflicts of interest as the regulatory and supervisory responsibilities are being decentralized and assigned in larger degree to district boards. This would appear to be a positive action in meeting the question: Can an individual conscientiously and objectively be at the same time both the supervisor and the supervised? Obviously, he cannot.

Mr. President, those in Congress who worked hard on the development and passage of the Farm Credit Act of 1971 can be pleased with the progress reported in meeting difficult problems. The action taken is in the right direction. The farm credit system and American agriculture will be the stronger for it. American consumers will be better served.

These are, indeed, encouraging reports of a great program that has served agriculture well for more than half a century. However the job is not finished. I feel the Congress will expect further progress in the report next year.

The future of our independent family farm structure of agriculture relies increasingly on adequate, dependable, individualized credit available at reasonable cost. As a major supplier of that credit, the farm credit institutions have a great opportunity and responsibility, not only to agriculture, but to the consumers agriculture serves. I know other members of the Committee on Agriculture and Forestry and other Senators were pleased, as I was, to receive the first annual report under the new Farm Credit Act and to note the significant progress made by this great institution.

THE RSVP IDEA KEEPS GROWING

Mr. WILLIAMS. Mr. President, several years ago I became very interested in senior service corps projects sponsored by the National Council of Jewish Women.

About 12 such projects, in cities in New Jersey and elsewhere, clearly demonstrated that elderly volunteers could perform important services on behalf of others in their communities.

With their example very much in mind, I sponsored legislation which would have established two kinds of senior service corps: One in which participants would receive a modest salary for a specified number of hours of service each week, and one in which unpaid volunteers would simply be compensated for any out-of-pocket expenses they incurred while serving.

Unfortunately the proposal for a paid senior service corps has not yet been enacted; it was part of the older American legislation pocket vetoed by the President after Congress adjourned last October. I am pleased that this measure has cleared the Senate and will be acted upon this week by the House.

My other proposal—calling for out-of-pocket expenses for unpaid volunteers—did become law as the retired senior volunteer program—RSVP—in 1969, and some progress has been made along the lines originally indicated by the National Council of Jewish Women and by another volunteer project, SERVE, which had been developed by a New Jersey resident, Mrs. Janet Sainer, for the community service society of New York City. SERVE had already been at work before RSVP became a working program; it served as a model and later conducted training for RSVP.

An article in the January 1973 RSVP-SERVE newsletter describes how the SERVE idea continues to grow, and I ask unanimous consent to have that article printed in the RECORD in hopes of encouraging similar action elsewhere. I believe that the heartwarming, effective work of the volunteers should be known to everyone.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

BROOKLYN STARTS ITS FIRST RSVP

The first RSVP program in Brooklyn was launched in December at the Brooklyn State Hospital for the mentally ill. It offers an excellent demonstration of the vital roles played by a senior adult group and by a volunteer station in initiating such a program.

The Council Center for Senior Citizens, a project of the Brooklyn Section of the National Council of Jewish Women, has taken the lead in the new venture. The staff of Brooklyn State Hospital has enthusiastically welcomed the RSVP volunteers and is doing everything possible to make the program work. The result is a program with great potential which is already benefitting all concerned.

Twenty RSVP volunteers recruited through the Council Center are now serving every Tuesday morning at Brooklyn State Hospital. Most of the women are working directly with patients—doing friendly visiting and conducting sing-alongs in the geriatric and other wards. Others assist staff in occupational therapy; sew and mend for the patients; take the magazine-book cart through the wards; sort, fold and label clothes. Three men are doing clerical work.

On their first day of service, volunteers assigned to working with patients learned that the patients went to lunch at 11:30, which left them with a spare hour till their own lunch at 12:30. They offered to help feed geriatric patients who are physically disabled as well as mentally ill and have been doing this ever since.

These volunteers, recruited through the Council Center for Senior Citizens, are an alert, intelligent, community-minded group, some with broad experience in volunteer work. They have joined RSVP because they find it fulfilling and gratifying to know that they are meeting a real unmet need.

THE HOSPITAL'S ROLE

Much of the credit for the new RSVP program goes to Jake Savage, coordinator of volunteer services at Brooklyn State Hospital, and to Dr. Morton Wallach, the director.

Both men were present at a recruitment meeting held by the Council Center for Senior Citizens in cooperation with RSVP staff and Dr. Wallach himself described the hospital's need for volunteers and the assignments open to them.

Much preparatory work was done by Mr. Savage before the volunteers were recruited. The RSVP program was discussed at several staff meetings and Mr. Savage then met individually with each of the hospital's division chiefs to work out possible volunteer assignments that would be interesting and suitable for older volunteers and valuable to the hospital.

Mr. Savage commented that all of the staff members selected were receptive to having a group of older volunteers and that he would not send volunteers into a department unless the staff there wanted them. "We tried to work out all details in advance," he said. "If this were not done, a new volunteer could easily become discouraged and feel he was not needed."

Mr. Savage himself greets the volunteers when they arrive and accompanies them to the wards where they are assigned. In time, he said, they will know their way around but initially this helps them feel welcome. He subsequently picks up each small group of volunteers and takes them via the hospital's minibus to the cafeteria for lunch. The hospital provides lunch. RSVP-in-New York City is providing bus transportation for the group from the Council Center for Senior Citizens to the hospital and back.

Mr. Savage has also arranged to have various staff members speak to the RSVP volunteers at the informal meetings which they hold after lunch. For instance, a staff psychiatrist has spoken to them about mental illness. The Business Officer has explained how a state hospital is funded and the effect of budget cuts on services.

"We could use a group of RSVP volunteers each day of the week," said Mr. Savage. "Older volunteers have a greater sense of dedication than other age groups. Usually when they decide to volunteer, they stick to it."

Dr. Wallach was equally enthusiastic about the value of older volunteers. He stated: "These are people with skills. They may or may not have employment skills, but they have lived their lives successfully and they have skills of communication. And inability to communicate is the problem of so many of our patients.

"Also the volunteers are serving without financial remuneration and this gets a message across to the patients. They realize that here are people who care and want to help them.

"All this is above and beyond the actual delivery of services. The services themselves are very important, whether they consist of feeding patients or involvement in patient activity."

Dr. Wallach said he hoped that "the senior volunteers will spread the word that mentally ill patients are patients with an illness like any other illness, that they will help remove the stigma now attached to mental illness. The community should maintain its interest in the mentally ill and not be afraid of them. Patients should feel that they still belong and are not shut out from the lives of the community. Older volunteers can help change the community attitude."

THE COUNCIL'S ROLE

Harry Berke, executive director of the Council Center for Senior Citizens, and Mrs. Henrietta Frank, a board member and chairman of senior volunteers for the Brooklyn Section of the National Council of Jewish Women, have taken the lead in developing the new RSVP and in helping to recruit volunteers for it.

Mrs. Frank spoke at the recruitment meeting held at the Center in early December. Mr. Berke has publicized the program in the Council's Newsletter, *News and Views*, which is distributed not only to members but to other persons in the community.

Mr. Berke explained that, "Basically we are interested in RSVP because it offers senior citizens a group volunteer opportunity on a permanent basis. We have done volunteer work in the past, but this work was done primarily in the center or involved temporary assignments outside. RSVP is also a means by which our senior citizens can demonstrate to the community that they are valuable and have unique skills which make them desirable volunteers."

Mrs. Frank, who is the liaison between RSVP-in-New York City and the Center, pointed out that the National Council of Jewish Women throughout the United States has had a history over the past 75 years of sponsoring programs to serve senior adults. Some ten years ago the National Council initiated the Senior Service Corps in various communities. The Brooklyn section conducted one of these pilot projects.

"We have a continuing tradition of developing and promoting centers and programs for senior adults and of finding new and innovative ways for senior citizens to reestablish themselves as active members of the community. RSVP-in-New York City represents one of these ways."

With so much going for it—a fine group of dedicated volunteers, outstanding leadership from the Council Center for Senior Citizens and from Brooklyn State Hospital—the first RSVP program in Brooklyn is sure to set a model for others to follow.

FORMER GOVERNOR McKELDIN OF MARYLAND SPEAKS ON ISRAEL'S 25TH ANNIVERSARY

Mr. MATHIAS. Mr. President, on February 25, 1973, former Maryland Gov. Theodore R. McKeldin, addressed Temple B'nai Israel in Toledo, Ohio, on the occasion of the 25th anniversary year of Israel. Governor McKeldin has visited Israel five times over the last 25 years. He has a keen historical sense of how Israel has evolved as well as a revealing insight into the future of this unique state. I highly recommend his reflections on Israel's silver anniversary and ask unanimous consent that his remarks be printed in the RECORD.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

ADDRESS OF THEODORE MCKELDIN

Twenty-five years is a meaningful period of time, the time span we call a generation, and the passage of twenty-five years means that Israel has not only come to survive as a new nation, but has come to grow and mature from one generation to another.

These twenty-five years have also provided the world with a progress and success story unparalleled in history. I have been to Israel five times since it was founded in May of 1948 and each time I arrived I found a newer, more vibrant country than before. Just contrast this with the first twenty-five years in the life of America when she was born in 1776. While America grew and expanded and came alive as a free and independent nation, her progress at her first twenty-fifth anniversary was no more impressive than Israel's. Indeed, if one speaks of proportions, if Israel had the natural resources, the land area, the population and the peace that America had in her first twenty-five years, the Israelis may very well have improved measurably on the early American success story.

But, of course, this is all hypothetical. Historians may like to conjecture across the span of centuries, but politicians deal in realities here today, and one need not look beyond today's realities to see, to be impressed by, to be emotionally moved by Israel's successes during her first twenty-five years.

Indeed, on my trips to Israel, I have been impressed by many things—especially by the sheer diversity of the country itself. There seems not to be one Israel, but many Israels.

There is, for instance, the Israel of Jerusalem—so steeped in history and religion that the mind can get intoxicated on the city and its past. There is the Israel of Eilat, the struggling frontier town where Israelis staunchly face not the past, but the future. There is the Israel of Tel Aviv, alive and bustling, but looking so much like an Americanized city that one blinks in disbelief that venerable Jerusalem is only a forty-minute drive away.

There is the Israel of Mea Shearim, where the religious zealots live, and the Israel of the Sabra, the tough, native-born Israeli who in many cases has the modern age's indifference, if not hostility, to religion. There is the Israel of the kibbutz and the Israel of the diamond exchanges. There is the Israel of the farms and the cornfields and the orange groves and the Israel of the Phantom jets and the potash works. There is the Israel of the long ago—a sycamore tree 1000 years old still flowers in Ashkelon, 2000 year old Roman markers still sit along a road to Jerusalem—and there is the Israel of the next century—a golden-domed nuclear reactor rises up out of the desert near Beersheba.

The land itself is as diverse as the people and their pursuits. Israel has three deserts within its borders. Israel has mountains, some often capped with snow, and valleys so deep that the lowest point on Earth is within Israel. Israel has two seas wholly within the country (the Dead Sea and the Sea of Galilee), touches two other seas (the Red Sea and the Mediterranean Sea), and yet has serious water problems. Lush fertile fields are only miles from the arid sands of the deserts. Rainfall within tiny Israel can run from virtually none all year (at Eilat) to over 2000 millimeters (the Upper Galilee). It is a country of 164 miles of continuous beaches (all seemingly in constant use), 300 days of sunshine a year and dozens of political parties to cloud the air.

The many Israels to be found in today's Promised Land has a productive side to it, however. For it is this diversity that permits a country somewhere between the size of Rhode Island and New Jersey to be so nearly self-sufficient. Even the modern tour buses in Israel are, except for their motors, entirely made in Israel—and this includes the giant 16-ply tires, with the brand name of Samson. Israel is rapidly approaching self-sufficiency in the weapons area, too. Not only is she making and exporting the best sub-machine gun in the world, the Uzi (the U.S. Secret Service buys them to protect the President), but she is also now selling a sea-to-sea missile—the Gabriel. The United States buys this weapon, too—the only missile the United States buys from a foreign government.

The general impression created by all this diversity and striving for self-sufficiency is that of a hard-working country. The Israelis work six days a week and their days begin at 8 a.m. Everywhere you go there are buildings going up and construction projects underway. Some of the already completed ones are fantastic displays of engineering. On the Dead Sea has been built a $260 million dollar dam to speed up the evaporation of the water and thereby the processing of the Dead Sea's chemicals and minerals. On the Upper Galilee has been built a massive water-carrying project to irrigate the Negev that dwarfs the TVA project in America. The new construction consists of apartment houses in every city; hotels everywhere you look, including Eilat and even Sodom; luxury apartments in Jerusalem that cost astronomical sums; roads; office buildings; even train tracks. But you don't see much tearing down of old buildings for the new construction. And this is mainly because there is so much land there and so much new that needs developing. While America rebuilds its old to renew itself, the Israelis are literally returning to a land that hasn't lived in modern times. You can see this by looking at the earth of Israel. Around Jerusalem especially, the land is studded with rocks. A thin strip of soil may peek through, even separate the rocky terrain at points, but the general impression is of a bonehard land whose softening, enriching graces of soil have been washed away. The ground is so rocky in many places it is as though the flesh of the earth had been ripped away and its bones of stone exposed.

Indeed, much of the land of Israel shows the signs of centuries of neglect and outright plunder. The Land of Israel over the last two thousand years has either been left unattended or consciously abused. The Turks, for instance, one of the periodic rulers who came and went since the days of the Temple, ravaged the land, cutting down much of the land's trees for wood for locomotives. Arab farmers who came to Israel (the first Arabs did not settle in Israel until the Seventh Century) knew little about crop rotation or irrigation and they planted their crops until the land was depleted and then moved on.

Today, while part of Israel is engaged in constructing buildings and homes, another part is busy restoring the land, planting it and harvesting it. If the modern Israel is writing the story of the Jew as fighter and warrior, then modern Israel is rewriting the story of the Jew as farmer. In the early 1950's, the farming picture in Israel was so weak that the population could hardly get such staples as eggs and tomatoes. Today, Israelis have more eggs and tomatoes than they can use. One of the reasons: Israel has set up 37 agriculture schools to train farmers. So successful have these schools been and so important are they to the life of Israel that many of Israel's generals have studied at these agriculture schools. Among those generals are Rabin, Bar-Lev and Moshe Dayan.

Using modern farming techniques and some new techniques they themselves are developing, the Israelis are slowly bringing the land back to life. Swamps are being drained—deserts are being irrigated with water brought hundreds of miles—trees are being planted on bare limestone mountains to break up the limestone and convert it to topsoil—elephant grass is being planted around orange groves to protect the trees from wind and sand—whole towns are being built on the Mediterranean coastline to stop, for the first time in centuries, the washing up of sand on Israel's shores by undercurrents fed by Egypt's Nile River.

Thus, if Irsael has been a success story during her first twenty-five years, it is because she has the energy, the tenacity, the will and the sheer brilliance to overcome the many problems she has faced.

Let us, for instance, take a look at one such problem—the water problem. We all know Israel's struggle with her Arab neighbors is her number one struggle, but I consider her water problem as her "other major struggle." In fact, next to war, it is water that must worry Israel the most.

If you have been to Israel, you know that the sound of modern Israel is the soft, steady sput-sput of the water sprinkler. Hundreds of thousands of these water sprinklers can be seen throughout Israel. They look like those sprinklers we use in America to water our lawns and our golf courses. But while the water sprinklers used in America are engaged in an act of luxury, the water sprinklers in Israel are that country's most important weapon in a fight for life and livable land.

With water so essential in the Mideast, the State of Israel must live with a glaring fact of life. The water available to Israel comes from only two sources—natural springs and the Jordan River. There are only sixty-five days a year when rain can fall. The heat of the Mideast evaporates the water, dries out the land, increases thereby the need for water to irrigate fields for farming. Climatically, 60 percent of Israel is desert. Thus, for Israel, water is critical for her future. The truth is—the real key to development in the Middle East is water, not oil.

The United States, too, has long realized the importance of water to this entire region. In 1953, the United States tried to work out with the Israelis and the Arabs a comprehensive Jordan Valley development plan that would have provided for the irrigation of some 225,000 acres. After two years of discussion, Arab technical experts from Jordan, Lebanon and Syria agreed with Israeli experts on every important detail. But in October, 1955, the plan was rejected at a meeting of the Arab Legion because it would have benefited Israel as well as the Arab countries. In the years that followed, a billion cubic meters of water a year continued to roll down the ancient stream into the Dead Sea, wasted.

Even without the Jordan Valley development plan, Israel was able, by the end of her first decade of existence, to produce remarkable results, mainly through modern irrigation techniques and the use of every available drop of water. By 1958, she had more than doubled her cultivated area and quadrupled irrigated land.

But if Israel was to continue with its program of agricultural expansion and especially if she was to develop the Negev, she needed to tap her share of the waters of the Jordan as called for in the original Jordan Valley development plan.

And so Israel began building a massive project called the National Water Carrier, one of the largest of its kind in the world. By using giant 60,000 horsepower engines, Israel could tap the Jordan River north of Lake Tiberias and pump 360,000,000 cubic meters of water each year hundreds of miles down to the Negev. There, a string of newly established kibbutzim could begin the work of making the desert bloom.

When Israel completed the National Water Carrier project in 1964, Syrian engineers, with the help of the Russians, began building tunnels across the mountains of the Golan Heights to divert the waters of the Jordan River away from Israel and out across Lebanon into the Mediterranean Sea. Today, the tourist of the Golan Heights can see the ugly red scar that runs across the Golan Heights where the underground tunnels were being constructed.

Ironically, it was out of this fight over water that the Six-Day War eventually exploded. Israel threatened to take action against any diversion of the Jordan River; Syria eventually claimed that Israel was massing troops on its borders for an invasion; Nasser, in a show of support, massed Egyptian troops in the Sinai Desert and then followed that with the blockade of the port of Elat. Again, water was involved: Israel needed the oil imported through Elat to run the giant engines of the National Water Carrier. Too long a stoppage of the engines and the constantly watered fields of the newly fertile Negev would have burned. And so began the Six-Day War.

Today, the National Water Carrier's main pumping station, referred to by Israelis as the "iron heart of Israel," is one of the most heavily guarded sites in Egypt. The National Water Carrier, however, provides only part of what Israel needs to solve her water problem. Although she has been able to cultivate 20 percent of her desert lands, another 40 percent of Israel is still desert. And water is needed for an ever-growing population (kibbutz youth are told by doctors to combat the loss of body water in the Mideast heat by drinking 30 glasses of water a day) and for an ever-expanding economy (paper, the product of trees and water, is still in short supply and paper goods from napkins to toilet tissue are thin and hardly usable).

Israel is therefore turning to other methods. In Dimona and Elat, treated sewage water is used to irrigate crops for animal feed. While other countries use water to make electricity, Israel uses electricity to make water—the process for desalinization.

Israel's ultimate hope is to use nuclear energy to make the process of desalinization economical enough on a broad scale. But for now, desalinization does not seem to be the most practical source of water. Israel's Agriculture Minister recently told Israeli farmers that desalinization technology has not developed as Israel had hoped and that the country would have to start purifying sewage on a large scale to meet irrigation requirements during the next ten years. Israel has already submitted plans to the World Bank for an $80 million loan to finance construction of sewage treatment plants near the country's major urban centers.

Water, then, must rank with war as among Israel's major problems. But while war is a social, human problem that could conceivably be resolved in the near future, water, a physical problem, may well defy complete solution for years to come. The Israelis, however, are working strenuously to devise solutions. Witnesses to that struggle are those hundreds of thousands of water sprinklers you can see throughout Israel.

Thus, Israel still has her problems as she enters her 25th year. She can look back, however, on a very successful first 25 years. But the most important thing now is the future, and if past performance is any judge, Israel has definitely showed the world she has the vitality and the vigor to make the next 25 years equally successful. She will continue to have her problems—all nations do, though not with the crushing consequences that Israel faces. But problems come from the very act of living. For those of us who are lovers of Israel, this is the most joyous fact of all on Israel's Silver Anniversary—the fact that Israel exists, that Israel lives!

GUY M. GILLETTE

Mr. WILLIAMS. Mr. President, I join my colleagues today in mourning the passing of former Senator Guy M. Gillette of Iowa.

Guy Gillette served a total of 18 years in the Congress, 14 of them in this body. I recall that he was still a Member of the Senate when I first was elected to the House in 1953, although he was defeated when he sought reelection the following year. It was a measure of the man that he was 75 years old when he campaigned in 1954, and that his campaign that year is remembered as a dynamic one, in which he upheld his reputation as an outstanding public speaker.

Mr. President, although Guy Gillette loved the soil and farming, he devoted most of his entire adult life to public service. He entered politics almost as soon as he graduated from law school in 1900, and won election as an Iowa State senator 12 years later, by a margin of just one vote. Although he was a Democrat in a heavily Republican area, Guy Gillette rolled up a 10,000 vote plurality when he first sought election to the House in 1932; 2 years later he was reelected by more than twice that margin.

In the House, he distinguished himself by his advocacy of legislation to protect the interests of his farmer-constituents, a record he continued when he was elected to the Senate near the end of his second term. Senator Gillette, although at first an outspoken isolationist, came to believe firmly in the need for international organization. In 1943 he sponsored a resolution supporting the principles of the Atlantic Charter, and he was subsequently selected as one of the Members of the Senate who helped draft the Charter of the United Nations.

Defeated for reelection in 1944, Guy Gillette served as Chairman of the Surplus Property Board and then as president of the American League for a Free Palestine. He regained a Senate seat in 1948, and served until 1955. During that term, Senator Gillette became well-known for his efforts to curb the rise of consumer food prices, and for his criticisms of the manner in which contributed funds were handled by the late Senator Joseph R. McCarthy.

Mr. President, I know we were all saddened to learn of Guy Gillette's death on March 3, at the age of 94. I wish to extend my sincerest condolences to his surviving family and friends.

SECRETARY MORTON ADDRESSES ANNUAL MEETING OF DOWNTOWN PROGRESS

Mr. MATHIAS. Mr. President, on February 14, the Honorable Rogers C. B. Morton, Secretary of the Interior, delivered an address before the annual meeting of Downtown Progress in Washington, D.C.

Unfortunately, a conflict in my schedule prevented me from attending this meeting. Mr. Knox Banner, executive director of the National Capital Downtown Committee, was kind enough to provide me with a copy of Secretary Morton's splendid address.

I ask unanimous consent to insert these remarks in the RECORD to inform my colleagues and the public of the achievements of civic organizations such as Downtown Progress.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

REMARKS OF HON. ROGERS C. B. MORTON

Nothing is closer to the vision and spirit of our people than our cities. And Washington more than any other city is for millions of Americans the first city of the land. It is unique, both as a world capital and as an American city. It remains today one of the most well planned and landscaped cities in America—yet it isn't without its problems.

Washington is one of the few cities in America that has a heritage of planning: Jefferson, Washington, L'Enfant, Hoban—and Boss Shepard in his way—all exercised a major role in seeking to establish bounds and dimensions of this our Federal city. It is fitting today as we approach the Bicentennial that Downtown Progress is moving with full effort to carry out the "Living City" theme by 1976. Downtown Progress is very much a part of Washington's heritage for city planning.

Your organization reflects the President's philosophy that local initiative is critical to effective local change. Your efforts have contributed immeasurably to revitalizing downtown Washington.

In the last few decades the viewpoint that the Federal Government can solve all problems and resolve all conflicts with massive programs has been widespread. I can remember Ambassador John Kenneth Galbraith's remark that New York City had no problem that another few billion dollars couldn't solve. In the few years since that statement was made New York City has been able to find another three or four billion dollars to spend each year—in spite of this its problems continue to grow.

I don't want to dismiss the importance of money in dealing with urban problems; but Washington, as much as any city in America, is proof that money alone *cannot* and *will not* solve urban problems in the absence of local initiative, sound analysis and—most important—local leadership.

There has often been a temptation on the part of Washingtonians to assume that the Federal Government will provide all funding, all planning, and management for the District's needs. I oppose this view, not only because it would be paternalistic, but because the image of a city should be a product of its residents. Civil pride cannot be legislated or dictated—for the appearance of a city, its landscaping and its planning are expression of the people who live there and reflects their pride in themselves as a community.

In the 13 years since Downtown Progress began its efforts nearly 50 commercial and residential buildings have been constructed in the downtown area. More important, however, the quality of building has resulted in a rich and broad effort to revitalize the city without destroying its historic character. We have only to walk the streets outside this building to find the evidence of good planning. Look at Jackson Square . . . look at the AIA Building near Octagon House . . . or the restoration of Ford's Theatre.

In the meantime Washington's architectural variety continues to flourish: the Martin Luther King Library designed by Ludwig Mies Van deRohe is easily one of the most graceful buildings of the decade . . . the landscaping on New York Avenue and planned improvements like the "F" Street Mall have added a dimension of charm to downtown Washington.

Your planning for the future can more than build on the promise and achievement of the last few years—it can lead us to a new sense of urban well being. The preliminary master plan for the new Federal City College north of Mt. Vernon Square has been approved . . . the future development of the Eisenhower Memorial Civic Center south of this area has been approved. And I know Mayor Washington is devoting full effort to completing this project by the Bicentennial.

In still other areas, Washington is leading the way with new transportation systems and new street planning that will make our avenues and our city more than a great roadway or parking lot. The mini-bus, the downtown midi-bus and the new Metro subway system point the way to an integrated transportation system that is dynamic and, most important, serves the needs of the people.

In the meantime there are projects underway to revitalize the Chinese community in the center city, and there is a continuing possibility of further development with international themes in other areas.

The Department of the Interior, as you know, is moving full force to develop a plan to repair the flood-ravaged C&O Canal by 1976, especially the canal banks along Georgetown.

All of these programs, all of these actions, these achievements and this planning are the result of a dynamic spirit of leadership within Washington by people who say, "Washington is my home."

At the same time, however, I believe it is the result of a unique partnership—imbued with the spirit of cooperation—between local government and the Federal Government. I believe that we at the Department of the Interior have a special share in Washington's future.

During my first year as Secretary of the Interior I named Miss Shirley Kyle as my Special Assistant for District Affairs to provide an open channel of dialogue between the District and my office. As you know Miss Kyle is the first person to serve in this capacity, and has done an absolutely magnificent job.

Over the years Interior has maintained more than 750 properties here, almost half of which are being transferred to the District. National Capital Parks provide a fabulous array of recreational, cultural, and educational opportunities to hundreds and thousands of District residents and visitors. The Park Police provides a critical portion of the law enforcement services to the District and works closely with Federal and District offices.

I know that each one of you share my personal pride in the efforts of National Capital Parks under Russ Dickenson's spirited leadership. I expect to see this operation continue at a high standard, adequately funded to carry out the task in making Washington the most beautiful city in the world.

Looking towards the Bicentennial, the National Park Service has started an ambitious program of improvements of existing facilities and activities for both out-of-town visitors and local residents. Approximately $20 million is included in the President's budget for fiscal '74 for this program. Also included are funds to supplement moneys pledged by the railroads to start construction of the long-needed National Visitors Center.

As we look at future improvement and at opportunities to enhance and preserve existing resources, it is difficult not to be optimistic.

The 92nd Congress established the Pennsylvania Development Corporation to plan and develop the 111-acre area north of Pennsylvania Avenue. One million dollars has been appropriated for initial planning and an additional $50 million in borrowing authority has been provided to implement the plan. The Department of the Interior will play a critical part in meeting those goals and we intend to open our processes up to the whole community. I frankly seek your advice and full participation to insure that this program results in a city that exists not just for itself or for the planners—but for the people.

As Chairman of the National Visitor Center Advisory Commission, the project that I'm most concerned with today it the completion of the National Visitor Center at Union Station. As you know, Downtown Progress made the initial proposal concept over a decade ago in its ACTION PLAN for downtown Washington. The leaders of Downtown Progress and the persistence of Congressman Kenneth Gray and others have contributed to bringing the Center to the brink of reality. Our goal as you know, is to have the Center in operation before the Bicentennial in 1976.

As we move towards the Bicentennial, Washington and its people are embarking on a task that is challenging as it is exciting. We are moving toward a new era . . . a new century that will combine the city's rich cultural legacy of the past, with its spirit of innovation for the future. We have the inspiration and energy of Lady Bird Johnson's beautification program to guide our hand in the years ahead.

The time has passed when we could shift the burden and accountability for Washington onto the federal government, the district government, or civic organizations like Downtown Progress. The fact remains—we are all in this together.

The next few years will be critical to Washington's future, and are filled with challenge and opportunity. Let us work together then, in a spirit of cooperation and commitment to seize the opportunities and challenge for a new era.

CAMPAIGN FINANCING REFORM

Mr. McGOVERN. Mr. President, the Senate Subcommittee on Communications of the Committee on Commerce, chaired by the distinguished Senator from Rhode Island, Mr. Pastore, opened hearings last week on an issue which bears directly and heavily on the way democracy works in this country.

The bill under consideration, S. 372, would repeal section 315 of the Communications Act to open the way for televised debates between presidential candidates. Beyond that, it makes a real effort to cope with the question of spiraling spending in presidential and congressional elections. While I have raised some concerns about the specific approach of the bill, the objective of limiting campaign outlays is one I think we can all endorse.

Mr. President, I ask unanimous consent that my testimony at the hearings be printed at this point in the Record.

There being no objection, the testimony was ordered to be printed in the Record, as follows:

Campaign Financing Reform

(Statement by Senator George McGovern)

Mr. Chairman, I welcome the opportunity to testify on your proposed legislation, S. 372, to amend the Campaign Communications Reform Act. The issues related to this bill have a great deal to do with whether democracy itself can continue to function in an age of modern communications and big money.

I support wholeheartedly the first part of the bill, which would amend the equal time requirement of Section 315 of the Communications Act. Permanent suspension of that provision with respect to presidential and vice presidential candidates, coupled with the networks' promise to provide substantial amounts of free time, would assure a much better flow of significant information to the electorate. It would help reduce the massive cost of buying broadcast time. And it would free the broadcasters from an archaic provision of communications law which has not insured fairness at all, but instead has served only to prevent intelligent election programming. I remain convinced that face to face debate is by far the best way for the American people to compare the candidates and their programs, and I consider it a tragedy that Section 315 is still used to deny them that opportunity.

I also endorse some form of comprehensive spending limitation, to hold down spiraling campaign costs. The present limitation on media spending is a step in the right direction. But we must build on that beginning least we soon reach the point where a candidate's ability to raise a big campaign war chest is more important than his capability to hold office. We are dangerously close to that point now.

At the same time, Mr. Chairman, I have some doubts about the solution provided by the legislation you are presently considering.

It is important to keep in mind that our main goal should be to reduce the political influence of money, not to retard political campaigns. I do not see the objective of this legislation as limiting the people's exposure to political candidates or vice versa; on the contrary, if they are properly used, new forms of communication can make our system work better. Yet in many cases the twenty-five cent per voter limitation in the bill as it stands now could sharply restrict the ability of candidates to make their views known.

In presidential elections, that twenty-five cent figure would work out to a limit of approximately $32 million. Certainly that is an adequate figure, particularly if the networks come through on their pledge of free time. No presidential campaign need cost more than that.

In the case of senate and congressional campaigns, however, the twenty-five cent limit could have some unhealthy effects, growing out of differences among the states. It would have little effect on states with larger populations, but a decidedly restrictive effect on states with fewer people.

Senatorial campaigns in New York and California, for example, would be limited to a figure somewhere between $3 and $4 million. That should certainly be an adequate if not overly generous figure; as far as I know it is well above what have come to be the usual expenditures in campaigns in those states.

But under the bill as drafted the limit on total spending for a Senate campaign in Wyoming, for example, would be only $50,000—the same figure the 1971 act allows as a minimum for telephone and media costs alone. The same figure would apply in Alaska. In Montana the limit would be about $117,000; in Idaho it would be $110,000; in South Dakota, $126,000. That would be the maximum permissible expenditure for all campaign activities.

All of these are states with widely scattered, rural populations and sizable geographic areas. As a result, the fixed costs of campaigning are comparatively much greater than for states where most of the population is concentrated in urban centers. For a comparable dialogue with the public, items such as travel, office expenses, organization, and mail take a much larger investment per eligible voter than in bigger states.

By way of illustration, I have seen no indication that the ten cent limitation on media has brought about any drastic reductions in what would have been spent otherwise in rural states, even though media time, too, costs more per voter when the population density is low. But in the most recent Senate campaign in South Dakota, media and telephone spending accounted for only about twelve to fifteen per cent of total spending. Candidates for both parties found it necessary to spend six or seven times as much on other expenses.

So in the case of sparsely populated states, the overall twenty-five cent limit would produce a sharp cutback from customary campaign activities, to about a third or less of what has been deemed necessary for an effective campaign in recent years. It would curtail campaigns in those states far more than in urban centers. In the process it would tend to greatly strengthen the inherent advantage of the incumbent by denying the challenger an opportunity to give his views and qualifications exposure on a par with the news coverage an incumbent receives simply by virtue of holding office.

As I have said, the twenty-five cent limit does seem reasonable in the case of presidential campaigns. But in the case of senate and congressional races, we should look for alternatives which will serve the same objective without creating vast disparities among the states.

One workable method might be to establish a base in the range of $400,000, similar to the $50,000 telephone and media base in the 1971 act, and then set twenty-five cent limitation on all spending beyond that level. I hope the Committee will consider an approach of that kind.

A solution of this kind would deal adequately with the question of campaign costs. But it would deal only indirectly with another concern which I regard as still more serious—the continuing ability of big contributors to buy favorable attention from public officials.

There have probably been enough revelations about big contributions under questionable circumstances in this last presidential campaign to convince many voters that you get exactly the kind of government you pay for—if you can afford to invest large sums through campaign treasuries. I am convinced, moreover, that existing disclosure requirements are not enough to have much effect on either the way funds are raised or the way public officials treat big donors. The policy *quo* can often escape exposure even if the campaign *quid* is disclosed. And the entire system works against the best interests of the ordinary voter and taxpayer.

Therefore, I would like to see a flat and enforceable limit of no more than $3,000 on the amount any one individual can contribute to a political campaign, whether for the White House or the Congress.

We may have left many points unproved to the voters in the presidential campaign last year, Mr. Chairman. But one thing we did demonstrate is that it is possible to finance even a campaign of that kind almost entirely from small contributions. Roughly 80 per cent of our funds were raised from direct mail solicitations, with average contributions of about $30. While we do not have the figures broken down that way, I would estimate that a far greater proportion of the total funds came from supporters who gave $3,000 or less.

Based on that experience, there is no longer the slightest question in my mind that both parties could finance their campaigns adequately under a limit of this kind, on nationwide, statewide or district levels. And I am just as sure that we would have a healthier, more responsive and more democratic government as a result.

The limit must be firm and enforceable, so that efforts to raise small contributions will not be passed over lightly because they are cushioned by backdoor romances with bigger money. If we expect the people to depend on their representatives, then it is time we required representatives to depend on the people as well.

It is also relevant in this context to raise the question of public financing of campaign costs. The best method presently available is the $1 checkoff system initiated in the last session of the Congress. However, just as our distinguished colleague, Senator Humphrey, predicted, the system has produced disappointing results this year because of the way the Internal Revenue Services separated the checkoff from the main form. The *Washington Post* recently reported that the only four per cent of the returns being processed include the checkoff. If that rate prevails for all taxpayers, the system will fall far short of expectations and even farther short of legitimate campaign needs.

Senator Mondale has sponsored legislation, S. 1109, to require that the checkoff be included on the front page of the tax return, and to require that the Internal Revenue Service publicize the advantages—including the fact that using the checkoff adds nothing whatsoever to the individual's tax bill. I have cosponsored that proposal. In the meantime, I hope all of us can draw attention to this option in the days remaining before April 15, and I hope the Internal Revenue Service will do what it can on its own motion toward that end.

Let me reiterate, Mr. Chairman, that the issues under consideration by this Committee go to the heart of our political process.

Some months ago I saw a study done under the auspices of the University of Connecticut which surveyed public confidence in various groups of people. Out of twenty groups, politicians came in nineteenth, behind professors, business leaders, dentists, doctors, judges, and a long list of others.

I am convinced that money has a great deal to do with that serious measure of cynicism and distrust toward political leaders. We can rekindle the confidence of the people only if we finally resolve, in a truly credible way, this whole question of financing campaigns.

That will not be accomplished by spending limits which have the effect of restricting contact between candidates and voters. But it can be done through face to face debates between candidates, through a flat limit on individual contributions, and through a system which will enable candidates to finance their campaigns without depending on those who seek to buy personal shares in the public trust.

A BRICK IN YOUR TANK

Mr. WILLIAMS. Mr. President, many of us are realizing that the resources we rely on for a comfortable standard of living are finite and that too frequently our use of those resources is inefficient or unnecessary.

A considerable amount of dramatic publicity which has been directed toward energy shortages has attempted to raise our consciousness on the issue of conserving energy. Fortunately, this publicity has been supplemented by the actions of a few power companies who have taken the responsible position of outlining simple steps which conserve energy or increase the efficiency of its use.

Besides energy shortages, New Jersey, the most densely populated State in the Union, has difficulties securing an adequate supply of drinking water. I was pleased to note that a woman from Cherry Hill, N.J., convinced the city council that millions of gallons of water could be saved each year by merely placing a brick in every toilet tank in the city.

In a recent article in Parade magazine, Mrs. Tilly Spetgang discussed her successful campaign and explained how Cherry Hill is now saving approximately 34 million gallons of water annually after instituting the "brick in the tank" approach to water conservation.

I commend this clever proposal to my colleagues and ask unanimous consent that the artice be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

A BRICK IN YOUR TANK

(By Tilly Spetgang)

CHERRY HILL, N.J.—A few months ago, I placed a brick in my toilet tank to help my town save water. Ever since, the idea has been making waves.

Of course, some people still think it's a goofy thing to do. When I walked into the City Council of my home town, Cherry Hill, N.J., carrying a brick, some of the councilmen ducked under their desks. They thought I was going to throw it. But all I wanted was for them to put one into every toilet tank in town.

Today Cherry Hill, which has 17,000 homes, has adopted the idea. We figure that we're saving about 34 million gallons of drinkable water a year. And all that at a cost of $2000 which the council laid out for the bricks! How's that for low-cost conservation?

MORE THAN NEEDED

The logic behind the plan is simple. The standard toilet tank holds up to 8 gallons of water—far more than is needed for flushing. True, newer models are being built with a smaller cubic capacity—some only 3½ gallons—but in the average town enough water is being wasted to float a battleship. So by putting an ordinary hard clay brick, which measures 2 by 4 by 8 inches and displaces over a quart of water, into each toilet tank, an enormous saving can be effected.

In a city like Seattle, for example, according to the Seattle Post-Intelligencer, the savings could be 1,495,428,350 gallons of water a year, from 409,679 bricks. The benefits would be felt in an enormous increase in water reserves, and an easing of the burden on overloaded water and sewer systems.

In Cherry Hill, we enlisted the whole town in our campaign. Once the Conservation Advisory Board, of which I'm a member, convinced the City Council to invest in the bricks, all sort of people lent their support.

We figured on two bricks for each of our community's households. Who has a one-toilet home these days? So that meant 34,000 bricks, which, in case you never thought about it, add up to 68 tons.

FOOD FOR WORKERS

An amazing assortment of volunteers turned out to assist in the door-to-door delivery—students and engineers, bankers and teachers, carpenters and dentists, housewives and physicians, teen-agers and senior citizens. People brought fried chicken, hamburgers, coffee and malteds to the "brick depots" where the volunteers were loading cars and trucks. One woman showed up as a driver with a two-month-old infant asleep on the front seat. An elderly couple drove up in their own pickup truck to help out. Civil Defense used its two-way radio to link up our several depots.

Most enthusiastic of all were the young people. They pinned an ecology flag on the rear of a garbage truck loaded with bricks, they wore working outfits decorated with slogans and patches dealing with conservation and pollution, they organized themselves like an army, practically saluting each other. For many, it was their first chance to work alongside adults as equals, and they made the most of it.

Soon everybody around was talking about our "Put a Brick in Your Tank" caper. My husband Irwin, who is a business manager with RCA, found it the main topic at his office. Our youngest daughter, Valeri, 13, took quite a ribbing at school. Our eldest, Wendy, who is married and lives near Princeton, called on us to say: "What's going on with these bricks? My phone hasn't stopped ringing!" We were so busy with the distribution that we'd forgotten to tell her.

But what was really amazing was the reaction—both pro and con—from people across the United States, and even abroad, who had heard about the Cherry Hill brick equipment through newspaper articles and radio and TV reports.

CAN'T PLEASE EVERYBODY

Some people astonished us by waxing indignant over the idea. One protester in Meadville, Pa., speculated that maybe my husband or somebody on the City Council was in the brick business. Alas, there wasn't a brick seller in sight. Another complaint came from a householder who tried to force a brick into his tank, pushed too hard, and broke a valve fitting. Well, we'd warned every one to be careful—bricks are bricks. More ingenious was an engineer who, when he found his brick too bulky, simply broke it in two and used the pieces separately.

Most virulent of all was a comment from Puyallup, Wash.: "The incredible ignorance and stupidity displayed by Mrs. Spetgang—if there really is such a name—and the concurring city officials, is shattering to those of us of reasonable intelligence. Is there no one there who knows that by the simple act of bending the arm of the float you can save water?"

Well, my answer to my friend in Puyallup, Wash.—if there really is such a place—is that we've all known that old trick of bending the float-rod for years. One problem is that bending the float lowers water pressure, which might cause a problem. But the main trouble is that people simply won't do it. They're afraid of damaging the mechanism. And they *will* put a brick in their tanks—that we've proved.

LONDON CALLING

Most of the reaction to our idea was favorable and even ecstatic. The British Broadcasting Corporation called me from London for a telephone interview, and the announcer said in his clipped English accent: "Oh, I understand, you put the brick in the toilet." To which I shrieked: "Lord no, you put it in the *tank*. If you put it in the toilet you're in big trouble."

Judging by the extent of the interest aroused, people are about ready to get personally involved in the job of preserving our resources. Putting a brick in the toilet tank may seem like a prosaic, even a kind of silly way to start. But when it's done on a town-wide, or city-wide scale, it really works. Any enduring structure is built brick by brick. Why not attack our conservation problems the same way?

HELP FOR THE ELDERLY

Mr. MATHIAS. Mr. President, as ranking Republican on the Subcommittee on Aging, my able colleague from Maryland, Senator BEALL, has made significant contributions to recent Senate efforts to improve and expand programs that serve the elderly. Senator BEALL has demonstrated time and again his understanding of the complex problems confronting older Americans. In that regard, I am pleased to call to the attention of my colleagues a recent editorial in the News American commending Senator BEALL for his impressive record on behalf of the elderly. I ask unanimous consent that the editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

HELP FOR THE ELDERLY

Sen. J. Glenn Beall Jr. is gradually building a solid record of legislative prominence.

As ranking Republican member of the Senate Subcommittee on Aging, Sen. Beall has introduced legislation to expand and extend the Older Americans Act. The proposal would strengthen the Administration on Aging (AOA) by upgrading it to independent status within the Office of the Secretary of Health, Education and Welfare. Besides that, the bill also significantly expands the authority and funding level of AOA.

The bill includes provisions to expand and improve senior citizen centers, to expand the volunteer programs for the elderly which are administered by the agency, to train personnel to meet the needs of older Americans, and to support various research and demonstration projects involving problems of the aging.

Increasingly, more Americans are older Americans. The problems of the aging have been brought sharply to the attention of the public and to the government. So far, many of those problems remain unresolved. We are glad to see Sen. Beall moving forward with legislation which, if passed and signed into law by President Nixon, should do much to alleviate the plight of our senior citizens.

BUDGET INFORMATION

Mr. MUSKIE. Mr. President, I would like to bring to the attention of the Senate an excellent research article prepared at my request by Mr. John Braden, an economic analyst for the Library of Congress Congressional Research Service. The article provides a most revealing background and analysis of the Budget and Accounting Act of 1921 as it pertains to executive confidentiality and its relationship to S. 676. S. 676, which I introduced on January 31, contains the same objectives as S. 1214 which Senator ERVIN and I introduced today as a substitute for S. 676.

Among numerous items of interest in the article is the statement:

> The provisions of Section 206 (Budget and Accounting Act of 1921) make it impossible to presume that any authority rests with anyone in the executive branch of the government to withhold preparatory budget information should either house of Congress wish to review such documents.

S. 676 and S. 1214 both go one step further and provide, without request, that estimates or requests for appropriations be submitted to the Congress at the same time it is submitted to the Executive. Certainly, if the Congress is going to perform its constitutional role in setting spending ceilings and determining program priorities it must have available the basic information from which the Executive determines its budget priorities.

As I stated when introducing S. 1214 without such timely and complete information the Congress will have a very difficult time in implementing the thoughtful reform proposals for a responsible legislative role in the budget making process outlined by the Joint Study Committee on Budget Control in their recent recommendations.

I ask unanimous consent that the analysis be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE BUDGET AND ACCOUNTING ACT OF 1921: BACKGROUND AND ANALYSIS OF EXECUTIVE CONFIDENTIALITY IN RELATIONSHIP TO S. 676

BACKGROUND

The Budget and Accounting Act of 1921[1] was an outgrowth of the financial problems facing the U.S. Government after World War I. The War forced the Federal budget into a position of continuing deficit imbalance as war expenditures inflated government spending far beyond Federal revenues. A sharp increase in the National debt continued for several years after the War's close as a result of accumulated government obligations. This escalation of public indebtedness caused substantial concern among Congressmen who, in times of peace, had become accustomed to a balanced or surplus budget status. Raising taxes was considered an undesirable alternative to reconciling the budget by most legislators, and as a result, the favored direction of Congressional action was toward a reduction of Federal expenditures.

The Federal budget process at this time was decentralized and disorganized. Individual proposals were submitted annually to Congress by each Federal department and agency without any centralized attempt to coordinate the requests or to compose an aggregate budget statement. Many Congressmen recognized the difficulty of reducing the level of spending without some system by which budget priorities might be set in a unified manner. In 1919, both the House and the Senate formed select committees on the budget which were charged with the task of suggesting ways in which the Federal budget procedure might be improved. The House Select Committee was more vigorous and comprehensive in its response to its charge, and in late 1919, it proposed legislation designed to institute a centralized budget bureau in the executive branch. The Committee also proposed the formulation of a separate agency to carry on the auditing and accounting of Federal finances. The report of the House Select Committee was the forerunner of the Budget and Accounting Act passed a year and a half later.

One major issue emerged as the budget reform measure made its way through Congress: The House and the Senate disagreed with respect to the proper hierarchical placement of the proposed budget bureau. The Senate preferred the bureau to be within the bailiwick of, and responsible to, the Secretary of the Treasury. The House wanted a bureau tied directly to the President. In its final form, as it was reported out of joint conference committee, the bill placed the bureau structurally beneath the Secretary of the Treasury while making its work, the formulation of a centralized budget, the responsibility of the President.

The Budget and Accounting Act was vetoed by President Wilson in 1920 because of a technicality involving the President's ability to appoint or remove the director of the proposed Government Accounting Office. The measure was again introduced into Congress in 1921, passed easily, and was signed into law by President Harding who found Congressional control over the directorship of the G.A.O. to be less objectionable.

The Budget and Accounting Act of 1921 had the following fundamental features:

The direction given to the President annually to prepare and submit to Congress a document to be know as the Budget, which should give complete information regarding the condition of the treasury, revenues, and expenditures in the past and his program in respect to the provision that should be made for expenditures in the future and the manner in which such expenditures should be financed; the prohibition of any other officer of the government to request the grant of funds except when called upon to do so by Congress; the provision of a new service to be known as the Bureau of the Budget, which should act as the agency of the President for the preparation of the budget; and the creation of the new service, the General Accounting Office, with a Comptroller General at its head, which should be an independent establishment and take over all the duties formerly vested in the Comptroller of the Treasury and the six Auditors for the departments, which offices were abolished. The character of these provisions and their significance will be fully set forth in the pages that follow.[2]

The Budget and Accounting Act represented the first effort of Congress to deal with a comprehensively formulated budget, and was considered a great improvement on the previously existing, decentralized budget procedure. One of the most significant effects of the act was to place responsibility for the establishment of budget priorities directly on the President.

THE BUREAU OF THE BUDGET[3] AND THE PRESIDENT

The hierarchical position of the Bureau of the Budget remained ambiguous until 1939, at which time it was incorporated into the Executive Office of the President. In practice, however, its position has remained consistent and identifiable: The Bureau serves as the locus at which Presidential priorities with respect to existing Federal programs and new initiatives are expressed in terms of dollars. The Bureau collects estimates from all agencies and departments in the executive branch and molds them into a comprehensive outline of Federal action for the coming fiscal year.

Because it has this function of composing an annual outline of the executive program, a close relationship between the Bureau of the Budget and the President is understandably important. Under Title II of the Budget and Accounting Act of 1921, the President is made fully responsible for the formulation of the budget:

Sec. 201. The President shall transmit to Congress on the first day of each regular session, the Budget, which shall set forth in summary and in detail:

(a) Estimates of the expenditures and appropriations necessary in his judgment for the support of the Government for the ensuing fiscal year . . .

(b) His estimates of the receipts of the Government during the ensuing fiscal year . . .

Sec. 206. No estimate or request for an appropriation and no request for an increase in an item of any such estimate or request, and no recommendation as to how the revenue needs of the Government should be met, shall be submitted to Congress or any committee thereof by any officer or employee of any department or establishment, unless at the request of either House of Congress.

Sec. 207. The Bureau [of the Budget], under such rules and regulations as the President may prescribe, shall prepare for him the Budget, the alternative Budget, and any supplemental or deficiency estimates, and to this end shall have authority to assemble, correlate, revise, reduce, or increase the estimates of the several departments or establishments.[4]

Section 207 describes a very close working relationship between the President and the Bureau of the Budget. This relationship has gone virtually unchallenged by Congress until the very recent decision on the part of the Senate to require confirmation of the Director and Assistant Director of the Office of Management and Budget. It appears that the only definite ramification on the functioning of the O.M.B. of this new development in the Senate will be to require that the Director and Assistant Director submit to questioning by the appropriate Senate committee preceding confirmation. Otherwise, the functioning of the budget bureau as an agent of the President does not appear to be altered.

CONGRESSIONAL ACCESS TO PREPARATORY BUDGET INFORMATION

The above passages, quoted from the Statutes at Large, describe a budget process in which departmental and agency needs are made known to the Bureau of the Budget, at which point they are coordinated, adjusted according to Presidential priorities, and submitted for the President's approval. After complete executive review, the refined aggregate budget is finally released for Congressional consideration. Section 206, Title II, of the Budget and Accounting Act, clearly states that preliminary facts and figures used to formulate the final comprehensive budget should not be submitted to Congress unless specifically requested to do so by either or both houses. Two reasons stand behind this provision. First, Congress believed that it would be needlessly confusing to receive preparatory data as well as final data when all Congressional decisions depended only on the final budget statement. Second, Section 206 served to emphasize the President's new role as chief budget officer, and to underscore Congress' determination that the President should make his program priorities known through his budget recommendations. The law is clearly intended to reduce the fragmentation of budget data and simplify the job which Congress faces in acting on the budget. However, the provisions of Section 206 make it impossible to presume that any authority rests with anyone in the executive branch of the government to withhold preparatory budget in-

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Footnotes at end of article.

formation should either house of Congress wish to review such documents.

The confidentiality of preliminary budget data and reports has been the subject of numerous Budget Circulars[5] since the Budget and Accounting Act came into law in 1921. Circular number A–10, issued January 18, 1964, is the currently effective statement of Bureau policy with respect to the availability of preparatory budget information:

3. *Restrictions on disclosure of agency estimates.* All budget estimates and supporting materials submitted to the Bureau of the Budget are privileged communications. Their confidential nature must be maintained, since they are the basic data and worksheets in the process by which the President resolves budget problems and arrives at conclusions with respect to his recommendations to the Congress. The head of each agency is responsible for preventing disclosure of information contained in such estimates and materials except on request in formal appropriation hearings and when requested by Members of the Congress in connection with their consideration of the budget after its transmittal.

4. *Restrictions on premature disclosure of Presidential recommendations.* The decisions of the President as to his budget recommendations and estimates are administratively confidential until made public by the President. The head of each agency is responsible for preventing premature disclosure of information as to such recommendations and estimates. This rule does not apply, however, to the presentation of data on the President's budget to the Appropriations Committees, pursuant to arrangements made in specific instances by the Bureau of the Budget, in connection with any formal hearings on the budget which may be held prior to the actual transmittal of the recommendations of the President.

5. *References to supplemental appropriation requirements.* Paragraphs 3 and 4 relating to restrictions on disclosure of agency estimates and Presidential recommendations apply to supplemental as well as to annual estimates. However, if a supplemental request is being considered but has not yet been recommended by the President, a witness may appropriately mention the fact, but should not state the amount which he thinks is needed, unless this information is explicitly requested.[6]

Paragraph 3 of the 1964 Circular appears to challenge the open-ended provisions of the Budget and Accounting Act with respect to Congress's ability to receive budget information. Confidentiality is upheld except ". . . on request in formal appropriations hearings . . . in connection with their consideration of the budget *after* its transmittal." (My emphases). This paragraph, then, imposes temporal and situational qualifications on excessive responsiveness to Congressional requests. These qualifications are extremely questionable in view of Section 206 of the Budget and Accounting Act which provides no justification for such limitations on Congress' rights to budget data. *It would appear that this assertion of administrative restraint is without statutory defense.*

Paragraph 4 is similarly confining with respect to the release of budget information to Congress. However, this paragraph applies to Presidential recommendations rather than to agency reports and estimates, and does provide for discussion about such recommendations prior to the transmittal of the budget. The section which deals with ". . . presentation of data on the President's budget to the Appropriations Committees . . ." is the one dubious restriction in paragraph 4. If it is interpreted to restrict the disclosure of information to Congressional bodies other than the Appropriations Committees, this provision would stand in violation of the Budget and Accounting Act.

Budget Circular A–10 does, therefore, appear to express an opinion, on the part of the executive, that revelation of preliminary budget documents to Congress should be liimted to specific circumstances. However, there is no statutory justification for such restrictions. The provisions of section 206 of the 1921 Act prevail over policy statements issued in Budget Circulars, and must be regarded as warranting Congressional review of preparatory budget information.

Title 5, Section 552 of the U.S. Code, regulates the issuance of information by Federal departments and agencies. Except under specific circumstances delineated by Section 552, this Federal regulation calls for the general issuance of documents and data produced by Federal agencies and departments. Part c of Section 552 states:

"This section does not authorize withholding of information or limit the availability of records to the public, except as specifically stated in this section. This section is not authority to withhold information from Congress."[7]

Part b of the same section states, in part, that among those documents which are permitted to receive confidential treatment are those "required by Executive order to be kept secret in the interest of the national defense or foreign policy."[8] This is the only provision in that public law which can be construed as permitting the withholding of preparatory budget reports. The use of this provision as justification for confidential handling of such information is clearly tenuous. However, in practice, the exceptions to public revelation of governmental documents have been extended to encompass information deemed by the President to be critical to the national welfare or to the confidential relationships existing between executive personnel. Congress has been unwilling to formally challenge the assertion of "executive privilege", when it has been invoked in deference to the national welfare or executive relationships, because of its awareness that secrecy may at times be desirable for reasons of expediency, efficiency, or timing.

Recent testimony by Roy L. Ash, current Director of the Office of Management and Budget, before the Subcommittee on Separation of Powers of the Senate Committee on the Judiciary, serves to shed additional light on the present attitude on the part of the administration toward the status accorded preparatory budget documents.[9] In response to a question by Senator Edmund Muskie as to whether Mr. Ash would assert executive privilege as the rationale for the withholding of such documents, Mr. Ash flatly responded in the negative. He also stated that, though it is the feeling of the administration that budgetary efficiency would be hindered rather than helped by the release of such information, ". . . it is not up to us [the executive] to determine how best to run the Congress."[10] Mr. Ash did mention the possibility that preliminary documents might be considered as being Presidential "working papers", but was not permitted to deduce the impact of such a designation on their status.

The conclusion to be drawn from Mr. Ash's testimony is that there is strong feeling on the part of the administration that the release of unrefined budget reports is an undesirable prospect even though there is awareness among administrators that legal precedent establishes the right of Congress to receive such information. Withholding preparatory documents by the invocation of executive privilege or the inclusion of such information in the secret "working papers" of the President would raise serious questions with respect to the ability of administrators to declare confidentiality without the consent of Congress. Such a declaration would stand in direct opposition to the stipulations of the Budget and Accounting Act of 1921.

CONFIDENTIALITY AND THE PROVISIONS OF S. 676

Briefly stated, S. 676 provides for the routine transmittal of preliminary budget information to Congress and to the public, as well as to the Office of Management and Budget. We have seen that the Budget and Accounting Act of 1921 specifically requires that this sort of information be made available to Congress upon the request of either house. We have also concluded that subsequent policy statements issued by directors of the Bureau of the Budget have been consistent in taking account of this provision, though they appear to have initiated several compromises on the Congress' access to preparatory documents. Nevertheless, the principle of Congressional authority to request budget information from the executive branch remains statutorily intact. Hesitance on the part of administrative officials to provide information dealing with original budget requests would contravene legal precedence. Nothing appears to compromise Congress' right to statutorily assert that such information should be made available to Congress by executive departments and agencies annually.

The legal justication for S. 676 seems beyond question. However, passage of S. 676 runs the risk of irritating the sensitivity existing among administrators to the confidentiality which protects their interrelationships. It is precisely this ability to function outside of the range of public scrutiny, and ability considered essential by most administrators, that is threatened most seriously by S. 676. Careful evaluation of the advantages and disadvantages of administrative confidentiality, specifically as it may have importance in budget matters, should be an important element in the discussion of that bill.

FOOTNOTES

[1] See reprint in the Appendix. For the amended version of the law, see 31 U.S.C. 1–24. No significant alterations have been made in the law with respect to Congressional access to preliminary budget data.

[2] Willoughby, W. F., *The National Budget System*, Johns Hopkins Press, Baltimore, 1927, p. 33.

[3] "Bureau of the Budget" will be used interchangeably with "Office of Management and Budget" in this report.

[4] *The Statutes at Large of the United States of America*, Volume 42, 1923, p. 20–27. Sections 201 and 207 have been amended since 1923, but there has been no change in the intent or purpose of these provisions. See 31 U.S.C. 1–24.

[5] Budget Circulars are policy directives issued by the director of the Bureau of the Budget. See the Appendix for reprints of selected previous policy statements regarding confidentiality.

[6] "Budget Circular No. A–10, Revised," Executive Office of the President, January 18, 1964, p. 1–2. See Appendix for full text.

[7] *United States Code Congressional and Administrative News*, 90th Congress 1st Session, volume 1, p. 59.

[8] Ibid, p. 58–59.

[9] "Executive Impoundment of Appropriated Funds and S. 373," testimony given by Roy L. Ash before the Subcommittee on Separation of Powers of the Senate Committee on the Judiciary, February 7, 1973.

[10] Ibid, p. 841.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Without objection, morning business is closed.

FEDERAL AID HIGHWAY ACT OF 1973

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the unfinished business be laid before the Senate.

The PRESIDING OFFICER. The bill will be read by title.

The legislative clerk read the bill (S. 502) by title, as follows:

A bill to authorize appropriations for the construction of certain highways in accordance with title 23 of the United States Code, and for other purposes.

SHORT TITLE

The Senate proceeded to consider the bill, which had been reported from the Committee on Public Works, with an amendment to strike out all after the enacting clause and insert:

SEC. 101. This Act may be cited as the "Federal-Aid Highway Act of 1973".

REVISION OF AUTHORIZATION OF APPROPRIATIONS FOR INTERSTATE SYSTEM

SEC. 102. Subsection (b) of section 108 of the Federal-Aid Highway Act of 1956, as amended, is amended by striking out "the additional sum of $4,000,000,000 for the fiscal year ending June 30, 1974, the additional sum of $4,000,000,000 for the fiscal year ending June 30, 1975, and the additional sum of $4,000,000,000 for the fiscal year ending June 30, 1976." and inserting in lieu thereof the following: "the additional sum of $3,250,000,000 for the fiscal year ending June 30, 1974, the additional sum of $3,250,000,000 for the fiscal year ending June 30, 1975, and the additional sum of $3,250,000,000 for the fiscal year ending June 30, 1976."

AUTHORIZATION OF USE OF COST ESTIMATE FOR APPORTIONMENT OF INTERSTATE FUNDS

SEC. 103. The Secretary of Transportation shall apportion for fiscal years 1974, 1975, and 1976 the sums authorized to be appropriated for such years for expenditure on the National System of Interstate and Defense Highways, using the apportionment factors contained in revised table 5, House Committee Print Numbered 92–29.

SEC. 104. Section 104(b)(5) of title 23, United States Code, is amended by striking "1974" from the sentence preceding the next to the last sentence and inserting in lieu thereof "1975", and by striking the next to the last sentence.

AUTHORIZATIONS

SEC. 105. (a) For the purpose of carrying out the provisions of title 23, United States Code, the following sums are hereby authorized to be appropriated:

(1) For the Federal-aid primary system in rural areas, out of the Highway Trust Fund, $650,000,000 for the fiscal year ending June 30, 1974, $650,000,000 for the fiscal year ending June 30, 1975, and $650,000,000 for the fiscal year ending June 30, 1976. For the Federal-aid secondary system in rural areas, out of the Highway Trust Fund, $350,000,000 for the fiscal year ending June 30, 1974, $350,000,000 for the fiscal year ending June 30, 1975, and $350,000,000 for the fiscal year ending June 30, 1976.

(2) For the Federal-aid urban system, out of the Highway Trust Fund, $850,000,000 for the fiscal year ending June 30, 1974, $850,000,000 for the fiscal year ending June 30, 1975, and $850,000,000 for the fiscal year ending June 30, 1976. For the extension of the Federal-aid primary and secondary systems in urban areas, out of the Highway Trust Fund, $350,000,000 for the fiscal year ending June 30, 1974, $350,000,000 for the fiscal year ending June 30, 1975, and $350,000,000 for fiscal year ending June 30, 1976.

(3) For forest highways out of the Highway Trust Fund, $33,000,000 for the fiscal year ending June 30, 1974, $33,000,000 for the fiscal year ending June 30, 1975, and $33,000,000 for the fiscal year ending June 30, 1976.

(4) For public lands highways, out of the Highway Trust Fund, $16,000,000 for the fiscal year ending June 30, 1974, $16,000,000 for the fiscal year ending June 30, 1975, and $16,000,000 for the fiscal year ending June 30, 1976.

(5) For forest development roads and trails, $75,000,000 for the fiscal year ending June 30, 1974, $75,000,000 for the fiscal year ending June 30, 1975, and $75,000,000 for the fiscal year ending June 30, 1976.

(6) For public lands development roads and trails, $10,000,000 for the fiscal year ending June 30, 1974, $10,000,000 for the fiscal year ending June 30, 1975, and $10,000,000 for the fiscal year ending June 30, 1976.

(7) For park roads and trails, $3,000,000 for the year ending June 30, 1974, $30,000,000 for the fiscal year ending June 30, 1975, and $30,000,000 for the fiscal year ending June 30· 1976.

(8) For parkways, out of the Highway Trust Fund, $75,000,000 for the fiscal year ending June 30, 1974, $75,000,000 for the fiscal year ending June 30, 1975, and $75,000,000 for the fiscal year ending June 30, 1976.

(9) For Indian reservation roads and bridges, out of the Highway Trust Fund, $75,000,000 for the fiscal year ending June 30, 1974, $75,000,000 for the fiscal year ending June 30, 1975, and $75,000,000 for the fiscal year ending June 30, 1976.

(10) For carrying out section 319(b) of title 23, United States Code (relating to landscaping and scenic enhancement), out of the Highway Trust Fund, $15,000,000 for the fiscal year ending June 30, 1974, $15,000,000 for the fiscal year ending June 30, 1975, and $15,000,000 for the fiscal year ending June 30, 1976.

(11) For necessary administrative expenses in carrying out section 131, section 136 and section 319(b) of title 23, United States Code, $1,500,000 for the fiscal year ending June 30, 1974, $1,500,000 for the fiscal year ending June 30, 1975, and $1,500,000 for the fiscal year ending June 30, 1976.

(12) For carrying out section 215(a) of title 23, United States Code (relating to territorial highway development program), out of the sums in the Treasury not otherwise appropriated:

(A) for the Virgin Islands not to exceed $2,500,000 for the fiscal year ending June 30, 1974, not to exceed $2,500,000 for the fiscal year ending June 30, 1975, and not to exceed $2,500,000 for the fiscal year ending June 30, 1976;

(B) for Guam not to exceed $2,000,000 for the fiscal year ending June 30, 1974, not to exceed $2,000,000 for the fiscal year ending June 30, 1975, and not to exceed $2,000,000 for the fiscal year ending June 30, 1976; and

(C) for American Samoa not to exceed $500,000 for the fiscal year ending June 30, 1974, not to exceed $500,000 for the fiscal year ending June 30, 1975, and not to exceed $500,000 for the fiscal year ending June 30, 1976.

(b) For each of the fiscal years 1974, 1975, and 1976, no State shall receive less than one-half of 1 per centum of the total apportionment for the Interstate System under paragraph (5) of subsection (b) of section 104 of title 23, United States Code. Whenever such amounts made available for the Interstate System in any State exceed the cost of completing that State's portion of the Interstate System, the excess amount shall be transferred to and added to the amounts apportioned to such State under paragraphs (1), (2), (3), and (6) of subsection (b) of section 104 of title 23, United States Code, in the ratio which these respective amounts bear to each other in that State. For the purpose of carrying out this subsection, there are authorized to be appropriated out of the Highway Trust Fund not to exceed 50,000,000 for the fiscal year ending June 30, 1974, $50,000.000 for the fiscal year ending June 30, 1975, and $50,000,000 for the fiscal year ending June 30, 1976.

DEFINITIONS

SEC. 106. (a) The definition of "construction" in subsection (a) of section 101 of title 23, United States Code, is amended to read:

"The term 'construction' means the supervising, inspecting, actual building, and all expenses incidental to the construction or reconstruction of a highway, including locating, surveying, and mapping (including the establishment of temporary and permanent geodetic markers in accordance with specifications of the National Oceanic and Atmospheric Administration in the Department of Commerce), acquisition of rights-of-way, relocation assistance, elimination of hazards of railway grade crossings, acquisition of replacement housing sites, acquisition and rehabilitation, relocation, and construction of replacement housing, and improvements which directly facilitate and control traffic flow, such as grade separation of intersections, widening of lanes, channelization of traffic, traffic control systems, and passenger loading and unloading areas."

(b) The definition of "Indian reservation roads and bridges" in subsection (a) of section 101 of title 23, United States Code, is amended to read:

"The term 'Indian reservation roads and bridges' means roads and bridges that are located within or provide access to an Indian reservation or Indian trust land or restricted Indian land which is not subject to fee title alienation without the approval of the Federal Government on which Indians reside, or Indian and Alaska native villages, groups or communities in which Indians and Alaska natives reside, whom the Secretary of the Interior has determined are eligible for services generally available to Indians under Federal laws specifically applicable to Indians."

(c) The definition of "urbanized area" in subsection (a) of section 101 of title 23, United States Code, is amended to read:

"The term 'urbanized area' means an area so designated by the Bureau of the Census, within boundaries to be fixed by responsible State and local officials in cooperation with each other, subject to approval by the Secretary. Such boundaries shall, as a minimum, encompass the entire urbanized area designated by the Bureau of the Census."

(d) The definition of "urban area" in subsection (a) of section 101 of title 23, United States Code, is amended to read:

"The term 'urban area' means an urbanized area, or an urban place as designated by the Bureau of the Census having a population of five thousand or more and not within any urbanized area, within boundaries to be fixed by responsible State and local officials in cooperation with each other, subject to approval by the Secretary. Such boundaries shall, as a minimum, encompass the entire urban place designated by the Bureau of the Census."

DECLARATION OF POLICY

SEC. 107. Subsection (b) of section 101 of title 23, United States Code, is amended by adding at the end thereof the following new paragraph:

"It is further declared to be in the national interest and to be the intent of Congress that in the administration of the Federal-aid highway program the Secretary shall carry out the program in such a manner as to give the highest priority in all instances, to highway safety and the saving of human lives."

MINIMIZATION OF REDTAPE

SEC. 108. Section 101 of title 23 of the United States Code is amended by adding at the end thereof the following new subsection:

"(e) It is the national policy that to the maximum extent possible the procedures to be utilized by the Secretary and all other affected heads of Federal departments, agencies, and instrumentalities for carrying out this title and any other provision of law relating to the Federal highway programs shall encourage the minimization of paperwork and interagency decision procedures and the best use of available manpower and funds so as to prevent needless duplication and unnecessary delays at all levels of government."

FEDERAL-AID SYSTEMS REALIGNMENT

SEC. 109. (a) Section 103(b) of title 23, United States Code, is renumbered as section 103(b)(1) and a new section 103(b)(2) is added to read as follows:

"(2) After June 30, 1975, the Federal-aid primary system shall consist of an adequate system of connected main roads important to interstate, statewide, and regional travel, consisting of rural arterial routes and their extensions into or through urban areas. The Federal-aid primary system shall be designated by each State and where appropriate, shall be in accordance with the planning process pursuant to section 134 of this title, subject to the approval of the Secretary as provided by subsection (f) of this section."

(b) Section 103(c) of title 23, United States Code, is renumbered as section 103(c)(1) and a new subsection 103(c)(2) is added to read as follows:

"(2) After June 30, 1975, the Federal-aid secondary system shall consist of rural major collector routes. The Federal-aid secondary system shall be designated by each State through its State highway department and appropriate local officials in cooperation with each other, subject to the approval of the Secretary as provided in subsection (f) of this section."

(c) Section 103(d) of title 23, United States Code, is renumbered as section 103(d)(1) and a new subsection 103(d)(2) is added to read as follows:

"(2) After June 30, 1975, the Federal-aid urban system shall be located in urban areas and shall consist of arterial routes and collector routes exclusive of urban extensions of the Federal-aid primary system. The routes on the Federal-aid urban system shall be designated by appropriate local officials, subject to the approval of the Secretary as provided in subsection (f) of this section, and in the case of urbanized areas shall be in accordance with the planning process required pursuant to the provisions of section 134 of this title."

(d) Federal-aid systems realignment shall be based upon anticipated functional usage in the year 1980 or a planned connected system.

(e) In addition to the foregoing amendments, the second sentence of section 103(c)(1) of title 23, United States Code, is amended to insert, after the words "local rural roads," the phrase, "access roads to airports,".

FEDERAL-AID URBAN SYSTEM

SEC. 110. (a) Subsection (d)(1) of section 103 of title 23, United States Code, is amended by striking the first, second, third, fourth, and fifth sentences and inserting in lieu thereof the following:

"The Federal-aid urban system shall be established in each urban area. The system shall be so located as to serve the major centers of activity, and shall include high traffic volume arterial and collector routes, including access roads to airports and other transportation terminals. No route on the Federal-aid urban system shall also be a route on any other Federal-aid system. Each route of the system to the extent feasible shall connect with another route on a Federal-aid system. Routes on the Federal-aid urban system shall be selected by the appropriate local officials so as to serve the goals and objectives of the community, after consultation with the State highway departments, and, in urbanized areas, in accordance with the planning process under section 134 of this title. Designation of the Federal-aid urban system shall be subject to the approval of the Secretary as provided in subsection (f) of this section."

(b) Subsection (d) of section 105 of title 23, United States Code, is amended to read as follows:

"(d) In approving programs for projects on the Federal-aid urban system, the Secretary shall require that such projects be selected by the appropriate local officials after consultation with the State highway department and, in urbanized areas, in accordance with the planning process required pursuant to section 134 of this title."

TRANSFER OF INTERSTATE SYSTEM MILEAGE WITHIN A STATE

SEC. 111. (a) The fourth sentence of subsection (e)(2) of section 103 of title 23, United States Code, is amended to read:

"The provisions of this title applicable to the Interstate System shall apply to all mileage designated under the third sentence of this paragraph, except that the cost to the United States of the aggregate of all mileage designated in any State under the third sentence of this paragraph shall not exceed the cost to the United States of the mileage approval for which is withdrawn under the second sentence of this paragraph; such costs shall be that as of the date of the withdrawal."

(b) Paragraph (2) of subsection (e) of section 103 of title 23 of the United States Code is amended by adding at the end thereof the following:

"The authority granted by this paragraph shall expire on the date of enactment of the Federal-Aid Highway Act of 1973. However, the amendment contained in section 111 (a) of the Federal-Aid Highway Act of 1973 shall be retroactive."

(c) Subsection (e) of section 103 of title 23, United States Code, is amended by adding the following:

"(4) In addition to the mileage authorized by the first sentence of paragraph (1) of this subsection, there is hereby authorized additional mileage for the Interstate System to be used in making modifications or revisions in the Interstate System as provided in this paragraph. Upon the joint request of a State Governor and the local governments concerned, the Secretary may withdraw his approval of any route or portion thereof on the Interstate System within that State selected and approved in accordance with this title prior to the enactment of this paragraph, if he determines that such route or portion thereof is not essential to completion of a unified and connected Interstate System or will no longer be essential by reason of the application of this paragraph and will not be constructed as a part of the Interstate System, and if he receives assurances that the State does not intend to construct a toll road in the traffic corridor which would be served by such route or portion thereof. After the Secretary has withdrawn his approval of any such route or portion thereof the mileage of such route or portion thereof and the additional mileage authorized by the first sentence of this paragraph shall be available for the designation of such interstate route or portions thereof within that State as provided in this subsection necessary to provide the essential connection of the Interstate System in such State in lieu of the route or portions thereof which were withdrawn. The provisions of this title applicable to the Interstate System shall apply to all mileage designated under the third sentence of this paragraph, except that the cost to the United States of the aggregate of all mileage designated in any State under the third sentence of this paragraph shall not exceed the cost to the United States of the mileage approval for which is withdrawn under the second sentence of this paragraph. Such costs shall be the costs of the withdrawn route. Whenever the Secretary determines that such routes or portions thereof are not essential or whenever the amounts necessary for the completion of the substitute essential routes or portions thereof are less than the cost of the withdrawn route or portions thereof, the amounts remaining or the difference shall be transferred to and added to the amounts apportioned to such State for use in accordance with paragraph (6) of subsection (b) of section 104 of title 23, United States Code, for the account of the urbanized area from which the withdrawal of the routes or portions thereof was made in such urbanized areas. In considering routes or portions thereof to be added to the Interstate System under the second and third sentences of this paragraph, the Secretary shall, in consultation with the States and local governments concerned, assure (A) that such routes or portions thereof will provide a unified and connected Interstate System, and (B) the extension of routes which terminate within municipalities served by a single interstate route, so as to provide traffic service entirely through such municipalities. Any mileage from a route or portion thereof which is withdrawn under the second sentence of this paragraph and not replaced by a substitute essential route or portion thereof may be redesignated as part of the Interstate System by the Secretary in accordance with paragraph (1) of this subsection."

REMOVAL OF DESIGNATED SEGMENTS OF THE INTERSTATE SYSTEM

SEC. 112. Section 103(g) of title 23, United States Code, is amended to read as follows:

"(g) The Secretary, on July 1, 1974, shall remove from designation as a part of the Interstate System each segment of such system for which a State has not notified the Secretary that such State intends to construct such segment, and which the Secretary finds is not necessary for continuity of traffic flows between cities. Nothing shall prohibit the consideration for substitution prior to July 1, 1975, of alternative segments of the Interstate System which will meet the requirements of this title. Any segment of the Interstate System, with respect to which a State has not submitted by July 1, 1975, a schedule for the expenditure of funds for completion of construction of such segment or alternative segment within the period of availability of funds authorized to be appropriated for completion of the Interstate System, and with respect to which the State has not provided the Secretary with assurances satisfactory to him that such schedule will be met, shall be removed from designation as a part of the Interstate System. No segment of the Interstate System removed under the authority of the preceding sentence shall thereafter be designated as a part of the Interstate System except as the Secretary finds necessary in the interest of national defense or for other reasons of national interest."

APPORTIONMENT

SEC. 113. (a) Paragraphs (1) and (2) of subsection (b) of section 104 of title 23, United States Code, is amended by striking the words "star routes" each time they appear and inserting in lieu thereof "intercity mail routes where service is performed by motor vehicles.".

(b) Paragraph (6) of subsection (b) of section 104 of title 23, United States Code, is amended by striking the word "urbanized" wherever it appears and inserting in lieu thereof "urban", and by adding at the end thereof the following: "No State shall receive less than one-half of 1 per centum of each year's apportionment."

(c) Subsection (c) of section 104 of title 23, United States Code, is amended by striking out "20 per centum" in each of the two places it appears and inserting in lieu thereof in each such place the following: "30 per centum" and by striking out "paragraph (1), (2), or (3)" and inserting in lieu thereof "paragraph (1) or (2)".

(d) Subsection (d) of section 104 of title 23, United States Code, is amended to read as follows:

"(d)(1) Not more than 30 per centum of the amount apportioned in any fiscal year to each State in accordance with paragraph

(3) of subsection (b) of this section may be transferred from that apportionment to the apportionment under paragraph (6) of subsection (b) of this section if such transfer is requested by the State highway department and is approved by the Governor of such State and the Secretary as being in the public interest. The total of such transfers shall not increase the original apportionment under such paragraph by more than 30 per centum.

"(2) In the case of a State for which the Administrator of the Environmental Protection Agency has certified or otherwise stated that one or more air quality regions within such State will fail to achieve, by July 1, 1975, levels of air quality necessary for attainment of the primary ambient air quality standard specified for carbon monoxide, oxides of nitrogen, or photochemical oxidents (hydrocarbons) in accordance with section 109 of the Clean Air Act (42 U.S.C. 1857 et seq.), the Secretary may require such State to transfer all sums apportioned to such State under paragraph (3) of subsection (b) of this section to the sums apportioned to such State under paragraph (6) of subsection (b) of this section, for the account of the urbanized area within the air quality region designated by the Secretary to receive emergency assistance for transportation system improvements."

(e) The last sentence of subsection (c) of section 104 of title 23, United States Code, is hereby repealed.

APPORTIONMENT OF PLANNING FUNDS

SEC. 114. Subsection (f) of section 104 of title 23, United States Code, is amended to read as follows:

"(f) (1) On or before January 1 next preceding the commencement of each fiscal year, the Secretary, after making the deduction authorized by subsection (a) of this section, shall set aside not to exceed one-half per centum of the remaining funds authorized to be appropriated for expenditure upon the Federal-aid systems, for the purpose of carrying out the requirements of section 134 of this title.

"(2) These funds shall be apportioned to the States in the ratio which the population in urbanized areas or parts thereof, in each State bears to the total population in such urbanized areas in all the States as shown by the latest available census, except that no State shall receive less than one-half per centum of the amount apportioned.

"(3) The funds apportioned to any State under paragraph (2) of this subsection shall be made available by the State to the metropolitan planning organizations designated by the State as being responsible for carrying out the provisions of section 134 of this title. These funds shall be matched in accordance with section 120 of this title unless the Secretary determines that the interests of the Federal-aid highway program would be best served without such matching.

"(4) The distribution within any State of the planning funds made available to agencies under paragraph (3) of this subsection shall be in accordance with a formula developed by each State and approved by the Secretary which shall consider but not necessarily be limited to, population, status of planning, and metropolitan area transportation needs."

ADVANCE ACQUISITION

SEC. 115. (a) Section 108(a) of title 23, United States Code, is amended by striking out "seven years" in the last sentence and inserting in lieu thereof "ten years".

(b) Section 108(c)(3) of title 23, United States Code, is amended by striking out "seven years" in the first sentence and inserting in lieu thereof "ten years".

STANDARDS

SEC. 116. (a) Subsection (i) of section 109 of title 23, United States Code, is amended by adding at the end thereof the following: "The Secretary, after consultation with the Administrator of the Environmental Protection Agency and appropriate Federal, State, and local officials, may promulgate standards for the control of highway noise levels for highways on any Federal-aid system for which project approval has been secured prior to July 1, 1972. The Secretary may approve any project on a Federal-aid system to which noise-level standards are made applicable under the preceding sentence for the purpose of carrying out such standards. Such project may include, but is not limited to, the acquisititon of additional rights-of-way, the construction of physical barriers, and landscaping. Sums apportioned for the Federal-aid system on which such project will be located shall be available to finance the Federal share of such project. Such project shall be deemed a highway project for all purposes of this title."

(b) Subsection (j) of section 109 of title 23, United States Code, is amended by inserting "(1)" after "(j)" and adding a new paragraph (2) as follows:

"(2) After June 30, 1973, no highway program or project submitted to the Secretary in accordance with this title shall be approved by the Secretary unless it is in conformity with guidelines established by the Secretary under this subsection and, in the case of a highway program or project proposed for an air quality control region which the Administrator of the Environmental Protection Agency has determined will require the imposition of transportation controls to attain primary ambient air quality standards, is consistent with the implementation plan approved or promulgated for such region under section 110 of the Clean Air Act (42 U.S.C. 1857 et seq.).".

SIGNS ON PROJECT SITE

SEC. 117. Subsection (a) of section 114 of title 23, United States Code, is amended by striking out the last sentence thereof and inserting in lieu thereof the following:

"After June 30, 1973, the State highway department shall not erect on any project where actual construction is in progress and visible to highway users, any informational signs other than official traffic control devices conforming with standards developed by the Secretary of Transportation."

CERTIFICATION ACCEPTANCE

SEC. 118. (a) Section 117 of title 23, United States Code, is amended to read as follows:

"§ 117. Certification acceptance

"(a) The Secretary may discharge any of his responsibilities under this title relative to projects on the Federal-aid systems, except the Interstate System, upon the request of any State, by accepting a certification of its capability to perform such responsibilities, if he finds that such projects will be carried out in accordance with State laws, regulations, directives, and standards establishing requirements at least equivalent to those contained in, or issued pursuant to, this title.

"(b) The Secretary shall make a final inspection of each such project upon its completion and shall require an adequate report of the estimated and actual cost of construction as well as such other information as he determines necessary.

"(c) The procedure authorized by this section shall be an alternative to that otherwise prescribed in this title. The Secretary shall promulgate such guidelines and regulations as may be necessary to carry out this section.

"(d) Acceptance by the Secretary of a State's certification under this section may be rescinded by the Secretary within his discretion.

"(e) Nothing in this section shall affect or discharge any responsibility or obligation of the Secretary under any Federal law, including the National Environmental Policy Act of 1969 (42 U.S.C. 4321, et seq.), section 4(f) of the Department of Transportation Act (49 U.S.C. 1653(f)), title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000(d), et seq.), title VIII of the Act of April 11, 1968 (Public Law 90-284, 42 U.S.C. 3601 et seq.), and the Uniform Relocation Assistance and Land Acquisition Policies Act of 1970 (42 U.S.C. 4601, et seq.), other than this title."

(b) The analysis of chapter 1 of title 23, United States Code, is amended by striking out

"117. Secondary road responsibilities."

and inserting in lieu thereof the following:

"117. Certification acceptance."

MATERIALS AT OFF-SITE LOCATIONS

SEC. 119. Section 121(a) of title 23, United States Code, is amended by inserting after the period of the end thereof the following: "Such payments may also be made in the case of any such materials not in the vicinity of such construction if the Secretary determines that because of required fabrication at an off-site location the materials cannot be stockpiled in such vicinity."

PAYMENT TO STATES FOR BOND RETIREMENT

SEC. 120. The first sentence of section 122 of title 23, United States Code, is amended by inserting the following after "maturity": "and in the case of the Interstate System principal and interest of such bonds,".

PUBLIC HEARINGS

SEC. 121. Subsection (a) of section 128 of title 23, United States Code, is amended by adding the following at the end thereof:

"The Secretary shall also require with the submission of plans for a Federal-aid project an assurance from the State highway department that it has taken all steps required pursuant to guidelines issued by the Secretary to insure and foster public participation in the development of such project before and after the public hearings required by this subsection."

TOLL ROADS, BRIDGES, TUNNELS, AND FERRIES

SEC. 122. After the second sentence of section 129(b) of title 23, United States Code, insert the following:

"When any such toll road which the Secretary has approved as a part of the Interstate System is made a toll-free facility, Federal-aid highway funds apportioned under section 104(b)(5) of this title may be expended for the construction, reconstruction, or improvement of that road to meet the standards adopted for the improvement of projects located on the Interstate System."

FERRY OPERATIONS

SEC. 123. The last subsection of section 129 of title 23, United States Code, is redesignated as subsection (g) and paragraph (5) of that subsection is amended to read as follows:

"(5) Such ferry may be operated only within the State (including among the islands which comprise the State of Hawaii) or between adjoining States. Except with respect to operations between the islands which comprise the State of Hawaii and operations between the States of Alaska and Washington or between any two points within the State of Alaska, no part of such a ferry operation shall be in any foreign or international waters."

CONTROL OF OUTDOOR ADVERTISING

SEC. 124. (a) The first sentence of subsection (b) of section 131 of title 23, United States Code, is amended by inserting after "main traveled way of the system," the following: "and Federal-aid highway funds apportioned on or after January 1, 1974, or after the expiration of the next regular session of the State legislature, whichever is later, to any State which the Secretary determines has not made provision for effective control of the erection and maintenance along the

Interstate System and the primary system of those additional outdoor advertising signs, displays, and devices which are more than six hundred and sixty feet off the nearest edge of the right-of-way, visible from the main traveled way of the system, and erected with the purpose of their message being read from such main traveled way,".

(b) Subsection (c) of section 131 of title 23, United States Code, is amended to read as follows:

"(c) Effective control means that such, signs, displays, or devices after January 1, 1968, if located within six hundred and sixty feet of the right-of-way and, on or after July 1, 1974, or after the expiration of the next regular session of the State legislature, whichever is later, if located beyond six hundred and sixty feet of the right-of-way, visible from the main traveled way of the system, and erected with the purpose of their message being read from such main traveled way, shall, pursuant to this section, be limited to (1) directional and official signs and notices, which signs and notices shall include, but not be limited to, signs and notices pertaining to natural wonders, scenic and historical attractions, which are required or authorized by law, which shall conform to national standards hereby authorized to be promulgated by the Secretary hereunder, which standards shall contain provisions concerning lighting, size, number, and spacing of signs, and such other requirements as may be appropriate to implement this section, (2) signs, displays, and devices advertising the sale or lease of property upon which they are located, and (3) signs, displays, and devices advertising activities conducted on the property on which they are located."

(c) Subsection (d) of section 131 of title 23, United States Code, is amended by striking out the first sentence thereof and inserting the following in lieu thereof:

"In order to promote the reasonable, orderly and effective display of outdoor advertising while remaining consistent with the purposes of this section, signs, displays, and devices whose size, lighting and spacing, consistent with customary use is to be determined by agreement between the several States and the Secretary, may be erected and maintained within areas adjacent to the Interstate and primary systems which are zoned industrial or commercial under authority of State law, or in unzoned commercial or industrial areas as may be determined by agreement between the several States and the Secretary."

(d) Subsection (e) of section 131 of title 23, United States Code, is amended to read as follows:

"(e) Any nonconforming sign under State law enacted to comply with this section shall be removed no later than the end of the fifth year after it becomes nonconforming, except as determined by the Secretary."

(e) Subsection (f) of section 131 of title 23, United States Code, is amended by inserting the following after the first sentence: "The Secretary may also, in consultation with the States, provide within the rights-of-way of the primary system for areas in which signs, displays, and devices giving specific information in the interest of the traveling public may be erected and maintained."

(f) Subsection (g) of section 131 of title 23, United States Code, is amended by striking out the first sentence and inserting the following in lieu thereof:

"Just compensation shall be paid upon the removal of any outdoor advertising sign, display, or device lawfully erected under State law prior to the date of enactment of the Federal-Aid Highway Act of 1973."

(g) Subsection (m) of section 131 of title 23, United States Code, is amended to read as follows:

"(m) There is authorized to be apportioned to carry out the provisions of this section, out of any money in the Treasury not otherwise appropriated, not to exceed $20,000,000 for each of the fiscal years 1966 and 1967, not to exceed $2,000,000 for the fiscal year 1970, not to exceed $27,000,000 for the fiscal year 1971, not to exceed $20,500,000 for the fiscal year 1972, and not to exceed $50,000,000 for the fiscal year ending June 30, 1973, and, out of the Highway Trust Fund, $50,000,000 for the fiscal year ending June 30, 1974, $50,000,000 for the fiscal year ending June 30, 1975, and $50,000,000 for the fiscal year ending June 30, 1976. The provisions of this chapter relating to the obligation, period of availability, and expenditure of Federal-aid primary highway funds shall apply to the funds authorized to be appropriated to carry out this section after June 30, 1967."

TRANSPORTATION PLANNING IN CERTAIN URBAN AREAS

SEC. 125. Subsection (a) of section 134, of title 23, United States Code, is amended by striking the next to the last sentence and inserting in lieu thereof the following:

"The Secretary shall not approve under section 105 of this title any program for projects in any urbanized area unless he finds (1) that such projects are in accordance with a continuing comprehensive transportation planning process carried on cooperatively by the State and local communities in conformance with the objectives stated in this section, and (2) that all reasonable measures to permit, encourage, and assist public participation in such continuing comprehensive transportation planning process have been taken. The Secretary, in cooperation with the States, shall develop and publish regulations specifying minimum guidelines for public participation in such processes, which shall include hearings, held at least annually, at which there would be a review of the transportation planning process, plans and programs, and opportunity provided for the consideration of alternative modes of transportation."

AVAILABILITY OF URBAN SYSTEM FUNDS

SEC. 126. (a) Section 135 of title 23, United States Code, is amended to read as follows:

"§ 135. Availability of urban system funds.

"(a) Funds apportioned to any State under paragraph (6) of subsection (b) of section 104 of this title which are attributable to urbanized areas having a population of 400,000 or more shall be allocated among such urbanized areas, or parts thereof, within any such State in the ratio that the population within each such urbanized area, or part thereof, bears to the population of all urban areas, or parts thereof, within such State.

"(b) Funds allocated in accordance with subsection (a) of this section shall be available for expenditure within any such urbanized area for projects on the urban system, including those authorized by section 142 of this title, which shall be planned in accordance with the planning process required by section 134 of this title.

"(c) Funds allocated to any urbanized area under subsection (a) of this section shall be available for expenditure in another urbanized area within such State only where the responsible public officials in both such urbanized areas agree to such availability.

"(d) Where the Secretary finds that any incorporated municipality having a population of 400,000 or more, or a combination of municipalities, at least one of which has a population of 400,000 or more, has sufficient authority under State law to develop and implement a plan for expenditure of funds attributed to such municipality or municipalities pursuant to this section and has adequate powers under State law and is suitably equipped and organized to carry out projects on the urban system, funds allocated to an urbanized area under subsection (a) of this section which are attributable to such municipality or municipalities shall be available to such municipality or municipalities for projects on the urban system, including those authorized by section 142 of this title, which shall be planned in accordance with the planning process required by section 134 of this title."

(b) The table of contents of chapter 1 of title 23 of the United States Code is amended by striking

"135. Urban area traffic operations improvement programs."

and inserting in lieu thereof:

"135. Availability of urban system funds.".

CONTROL OF JUNKYARDS

SEC. 127. (a) Subsection (j) of section 136 of title 23, United States Code, is amended by striking out the first sentence and inserting in lieu thereof the following:

"(j) Just compensation shall be paid the owner for the relocation, removal, or disposal of junkyards lawfully in existence at the effective date of State legislation enacted to comply with this section."

(b) Subsection (m) of section 136 of title 23, United States Code, is amended to read as follows:

"(m) There is authorized to be appropriated to carry out this section out of any money in the Treasury not otherwise appropriated not to exceed $20,000,000 for each of the fiscal years 1966 and 1967, not to exceed $3,000,000 for each of fiscal years 1970, 1971, and 1972, not to exceed $5,000,000 for the fiscal year ending June 30, 1973, and, out of the Highway Trust Fund, not to exceed $15,000,000 for the fiscal year ending June 30, 1974, $15,000,000 for the fiscal year ending June 30, 1975, and $15,000,000 for the fiscal year ending June 30, 1976. The provisions of this chapter relating to the obligation, period of availability, and expenditure of Federal-aid primary highway funds shall apply to the funds authorized to be appropriated to carry out this section after June 30, 1967."

FRINGE AND CORRIDOR PARKING FACILITIES

SEC. 128. Subsection (a) of section 137 of title 23, United States Code, is amended to read as follows:

"(a) The Secretary may approve as a project on the Federal-aid urban system the acquisition of land adjacent to the right-of-way inside or outside a central business district, as defined by the Secretary, and the construction of publicly owned parking facilities thereon or within such right-of-way, including the use of the air space above and below the established grade line of the highway pavement, to serve an urban area. Such parking facility to the extent feasible, suitable, and practicable, shall be located and designed in conjunction with existing or planned public transportation facilities. In the event fees are charged for the use of any such facility, the rate thereof shall not be in excess of that required for maintenance and operation (including compensation to any person for operating such facility) and liquidation of bonds or other obligations incurred in financing the local share of such facilities."

PRESERVATION OF PARKLANDS

SEC. 129. Section 138 of title 23, United States Code, is amended (1) by striking out "lands" in the first sentence and inserting in lieu thereof "areas (including water)", and (2) by striking out "lands" and "land" wherever thereafter appearing therein and inserting in lieu thereof "areas" and "area", respectively.

TRAINING PROGRAMS

SEC. 130. Subsection (b) of section 140 of title 23, United States Code, is amended by striking out in the second sentence "and 1973," and inserting in lieu thereof ", 1973, 1974, 1975, and 1976".

URBAN HIGHWAY PUBLIC TRANSPORTATION

SEC. 131. Section 142 of title 23, United States Code, is amended to read as follows:

"§ 142. Urban highway public transportation

"(a) To encourage the development, improvement, and use of public mass transportation systems operating vehicles on highways, other than on rails, for the transportation of passengers within urban areas,

"(1) sums apportioned in accordance with paragraphs (3) and (6) of subsection (b) of section 104 of this title shall be available to finance the Federal share of the costs of projects within urban areas, for the construction of exclusive or preferential bus lanes, highway traffic control devices, passenger loading areas and facilities, including shelters, fringe and transportation corridor parking facilities to serve bus and other public mass transportation passengers, and for the purchase of passenger equipment other than rolling stock for fixed rail; and

"(2) sums apportioned in accordance with paragraph (5) of subsection (b) of section 104 of this title shall be available to finance the Federal share of the cost of projects on the Interstate System, for the construction of exclusive or preferential bus lanes, highway traffic control devices, and passenger loading areas and facilities, including shelters and fringe and transportation corridor parking facilities to serve bus and other public mas transportation passengers. Projects financed under this paragraph may also include exclusive or preferential bus, truck, and emergency vehicle routes or lanes. Routes constructed under this subsection shall not be subject to the third sentence of section 109(b) of this title.

"(b) The establishment of routes and schedules of such public mass transportation systems in urbanized areas shall be based upon a continuing comprehensive transportation planning process carried on in accordance with section 134 of title 23, United States Code.

"(c) For all purposes of this title, a project authorized by subsection (a) of this section shall be deemed to be a highway project, and the Federal share payable on account of such project shall be that provided in section 120 of this title.

"(d) No project authorized by this section shall be approved unless the Secretary of Transportation is satisfied that public mass transportation systems will have adequate capability to utilize fully the proposed project and to maintain and operate properly any equipment acquired under this section.

"(e) No equipment which is acquired with financial assistance provided by this section shall be available for use in charter, leased, sightseeing, or other service in any area other than the area for which it was acquired.

"(f) In the acquisition of equipment pursuant to subsection (a) of this section, the Secretary shall require that such equipment meet the standards prescribed by the Administrator of the Environmental Protection Agency under section 202 of the Clean Air Act, as amended, and under section 6 of the Noise Control Act of 1972 (86 Stat. 1234), and shall authorize the acquisition, wherever practicable, of equipment which meets the special criteria for low-emission vehicles set forth in section 212 of the Clean Air Act, as amended, and for low-noise-emission products set forth in section 15 of the Noise Control Act of 1972 (86 Stat. 1234).

"(g) The Secretary shall assure that the provisions of subsection (a) of section 16 of the Urban Mass Transportation Act of 1964, as amended, requiring the planning and design of mass transportation facilities to meet special needs of the elderly and the handicapped (as defined in subsection (d) thereof), shall be implemented in projects under this section.

"(h) Funds available for expenditure to carry out the purposes of this section shall be supplementary to and not in substitution for funds authorized and available for obligation pursuant to the Urban Mass Transportation Act of 1964, as amended.

"(i) The provisions of the Urban Mass Transportation Act of 1964, as amended, shall apply in carrying out the provisions of this section dealing with the purchase of equipment and its use within urban areas, to the extent such provisions are not inconsistent with, or in conflict with, the provisions of chapters 1, 3, and 5, of this title.

"(j) In any case where sufficient land exists within the publicly acquired rights-of-way of any Federal-aid highway to accommodate needed rail or nonhighway public mass transit facilities and where this can be accomplished without impairing highway safety or future highway improvements, the Secretary may authorize a State to make such lands and rights-of-way available without charge to a publicly owned mass transit authority for such purposes wherever he may deem that the public interest will be served thereby."

BICYCLE TRANSPORTATION, PEDESTRIAN WALKWAYS, AND EQUESTRIAN TRAILS

SEC. 132. (a) Chapter 1 of title 23, United States Code, is amended by adding at the end thereof the following new section:

"§ 145. Bicycle transportation, pedestrian walkways, and equestrian trails

"(a) To encourage the multiple use of highway rights-of-way, including the development, improvement, and use of bicycle transportation and the development and improvement of pedestrian walkways and equestrian trails on or in conjunction with highway rights-of-way, the States may, on projects carried out with sums apportioned in accordance with subsection (b) of section 104 of this title, include to the extent practicable, suitable, and feasible, the construction of separate or preferential bicycle lanes or paths, bicycle traffic control devices, shelters and parking facilities to serve bicycles and persons using bicycles, pedestrian walkways, and equestrian trails in conjunction or connection with Federal-aid highways. Projects authorized under this section shall be located and designed pursuant to an overall plan which will provide due consideration for safety and contiguous routes.

"(b) For all purposes of this title, a project authorized by subsection (a) of this section shall be deemed to be a highway project, and the Federal share payable on account of such project shall be that provided in section 120 of this title.

"(c) Funds authorized and appropriated for forest highways, forest development roads and trails, public lands development roads and trails, park roads and trails, parkways, Indian reservation roads, and public lands highways shall be available, at the discretion of the department charged with the administration of such funds, for the construction of bicycle and pedestrian routes in conjunction wtih such trails, roads, highways, and parkways.

"(d) No motorized vehicles shall be permitted on trails and walkways authorized under this section except for maintenance purposes."

(b) The analysis of chapter 1 of title 23 of the United States Code is amended by inserting at the end thereof the following:

"145. Bicycle transportation, pedestrian walkways, and equestrian trails."

TOLL ROAD REIMBURSEMENT PROGRAM

SEC. 133. (a) Chapter 1 of title 23, United States Code, is amended by adding at the end thereof the following new section:

"§ 146. Toll road reimbursement program

"(a) Whenever a State has received its final apportionment of sums authorized to be appropriated for expenditure on the Interstate System, the Secretary may permit, notwithstanding the provisions of subsection (b) of section 129 of this title, reimbursement of the Federal share of the actual cost of construction of new toll highways or improvements to existing toll highways, construction of which highways or improvement is begun after July 1, 1973, but not including the cost of toll collection and service facilities, on the same basis and in the same manner as in the construction of free highways under this chapter upon compliance with the conditions contained in this section.

"(b) The Secretary may permit reimbursement of the Federal share of the costs of construction as applicable to a project under section 120(a) of this title from funds apportioned to such State pursuant to paragraph (1) subsection (b) of section 104 of this title whenever the State enters into an agreement with the Secretary whereby it undertakes performance of the following obligations:

"(1) to provide for the construction of such highway in accordance with standards approved by the Secretary;

"(2) all tolls received from the operation of such highway, less the actual cost of such operation and maintenance, shall be applied by the State to the repayment of the actual costs of construction, except for an amount equal to the Federal share payable of such actual costs of a project; and

"(3) no tolls shall be charged for the use of such highway after the Federal share has been paid and the highway shall be maintained and operated as a free highway.

Such agreements may be entered into between the Secretary and a State upon enactment of this section. Reimbursements shall not be made until after the State receives its final apportionment of sums authorized to be appropriated for expenditure on the Interstate System.

"(c) When such highway becomes toll free in accordance with the aforementioned agreement, such highway shall become a part of the primary system notwithstanding the mileage limitations in subsection (b) of section 103 of this title.

"(d) The Federal share payable of such actual cost of the project shall be made in not more than fifteen equal annual installments, from the funds apportioned to the State pursuant to paragraph (1) of subsection (b) of section 104 of this title, with the first installment being made one year after the project agreement has been entered into between the Secretary and the State highway departments or one year after the State receives its final apportionment of sums authorized to be appropriated for expenditure on the Interstate System, whichever is last to occur. Such payment shall be applied against the outstanding obligations of the project."

(b) The analysis of chapter 1 of title 23, United States Code, is amended by adding at the end thereof the following:

"146. Toll road reimbursement program."

SPECIAL URBAN HIGH DENSITY TRAFFIC PROGRAM

SEC. 134. (a) Chapter 1 of title 23 of the United States Code is amended by adding at the end thereof the following new section:

"§ 147. Special urban high density traffic program

"(a) There is hereby authorized to be appropriated out of the Highway Trust Fund, $50,000,000 for the fiscal year ending June 30, 1974, and $50,000,000 for the fiscal year ending June 30, 1975, for the construction of highways connected to the Interstate System in portions of urbanized areas with high traffic density. The Secretary shall develop guidelines and standards for the designation of routes and the allocation of funds for this purpose which include the following criteria:

"(1) Routes designated by the Secretary shall not be longer than ten miles.

"(2) Routes designated shall serve areas of concentrated population and heavy traffic congestion.

"(3) Routes designated shall serve the urgent needs of commercial, industrial, airport, or national defense installations.

"(4) Any routes shall connect with existing routes on the Interstate System.

"(5) Routes designated under this section shall have been approved through the planning process required under section 134 of this title and determined to be essential by responsible local officials.

"(6) A route shall be designated under this section only where the Secretary determines that no feasible or practicable alternative mode of transportation which could meet the needs of the area to be served is now available or could become available in the foreseeable future.

"(7) The designation of routes under this section shall comply with section 138 of this title, and no route shall be designated which substantially damages or infringes upon any residential area.

"(8) Routes shall be designated by the Secretary on the recommendation of the State and responsible local officials.

"(9) No more than one route in any one State shall be designated by the Secretary.

"(b) The Federal share payable on account of any project authorized pursuant to this section shall not exceed 90 per centum of the cost of construction of such project."

(b) The analysis of chapter 1 of title 23 of the United States Code is amended by adding at the end thereof the following:

"147. Special urban high density traffic program."

ACCESS HIGHWAYS, TO PUBLIC RECREATIONAL AREAS ON FEDERAL LAKES

SEC. 135. (a) Chapter 1 of tilte 23 of the United States Code is further amended by adding at the end thereof the following new section:

"§ 148. Access highways to public recreation areas on Federal lakes

"(a) There is hereby authorized to be appropriated out of any money in the Treasury not otherwise appropriated $15,000,000 for the fiscal year ending June 30, 1974, $15,000,000 for the fiscal year ending June 30, 1975, and $15,000,000 for the fiscal year ending June 30, 1976, for the construction or reconstruction of access highways to public recreation areas on Federal lakes in order to accommodate present and future high traffic density. The Secretary shall develop guidelines and standards for the designation of routes and the allocation of funds for the purpose of this section which shall include the following criteria:

"(1) Routes designated by the Secretary shall not extend beyond 35 miles from the recreation area.

"(2) Such routes shall connect with a highway in the Federal-aid system.

"(3) The designation of routes under this section shall comply with section 138 of this title.

"(4) Routes shall be designated by the Secretary on the recommendation of the State and responsible local officials.

"(b) The Federal share payable on account of any project authorized pursuant to this section shall not exceed 70 per centum of the cost of construction or reconstruction of such project.

"(c) Any highway not part of the Federal-aid system when constructed or reconstructed pursuant to this section shall thereafter be part of the Federal-aid secondary system except as otherwise provided pursuant to this section.

"(d) For the purpose of this section the term 'Federal lake' means a lake constructed by the Corps of Engineers, Department of the Army, or the Tennessee Valley Authority, or the Bureau of Reclamation, Department of the Interior, or a multipurpose lake constructed with the assistance of the Soil Conservation Service, Department of Agriculture. This section shall apply to lakes constructed or authorized for construction prior to the date of enactment of the Federal-Aid Highway Act of 1973."

(b) The analysis of chapter 1 of title 23 of the United States Code is amended by adding at the end thereof the following:

"148. Access highways to public recreation areas on Federal lakes.".

PUBLIC TRANSPORTATION IN NATIONAL FORESTS AND PARKS

SEC. 136. (a) Subsection (f) of section 204 of title 23, United States Code, is amended to read as follows:

"(f) Funds available for forest highways shall be available for adjacent vehicular parking areas, for sanitary, water, and fire control facilities, and for passenger loading areas and facilities and the purchase of buses to provide interpretive or shuttle transportation services as an alternative means of transportation."

(b) Section 206 of title 23, United States Code, is amended by adding the following new subsection:

"(c) Funds available for park roads and trails shall be available for adjacent vehicular parking areas and for passenger loading areas and facilities and the purchase of buses to provide interpretive or shuttle transportation services as an alternative means of transportation."

PARKWAYS

SEC. 137. (a) Subsection (a) of section 207 of title 23, United States Code, is amended to read as follows:

"(a) Funds available for parkways shall be used to pay for the cost of construction and improvement thereof, including the acquisition of rights-of-way and related scenic easements."

(b) Section 207 of title 23, United States Code, is further amended by adding the following subsection:

"(d) The provisions of section 106(a) of this title, relating to the obligation of funds, shall apply to funds available for parkways."

HIGHLAND SCENIC HIGHWAY

SEC. 138. (a) The Secretary of the Interior, in cooperation with the Secretary of Agriculture (acting through the Forest Service), is authorized to develop and construct as a parkway the Highland Scenic Highway from West Virginia State Route 39 to U.S. 250 near Barton Knob.

(b) The route from Richwood, West Virginia, to U.S. 250 near Barton Knob, via West Virginia State Route 39 and he parkway authorized by subsection (a) of this section, shall be designated as the Highland Scenic Highway.

(c) Such Secretaries are authorized to acquire rights-of-way, lands containing such rights-of-way, and interests in land, including scenic easements, necessary to carry out the purpose of a scenic highway.

(d) Funds available for parkways shall be available for signs on interstate highways, Appalachian highways and other appropriate highways at natural points of access to such geographic area, indicating the direction and distance to the Highland Scenic Highway and to Richwood as "Gateway to the Highland Scenic Highway".

(e) Funds available for parkways shall be available for upgrading that portion of West Virginia State Route 39 designated as the Highland Scenic Highway to appropriate standards for a scenic and recreational highway, including the construction of vistas and other scenic improvements.

(f) Upon construction of the Highland Scenic Highway as authorized by subsection (a) of this section, such road and all associated lands and rights-of-way shall be transferred to the Forest Service and managed as part of the Monongahela National Forest, solely for scenic and recreational use and passenger car travel.

(g) Any parkway authorized in the future to proceed southward in such area shall begin in the immediate vicinity of Richwood, West Virginia.

CUMBERLAND GAP NATIONAL HISTORICAL PARK

SEC. 139. (a) Notwithstanding the definition of parkways in subsection (a) of section 101, funds available for parkways shall be available to finance the cost of reconstruction and relocation of Route 25E through the Cumberland Gap National Historical Park, including construction of a tunnel and the approaches thereto, so as to permit restoration of the Gap and provide adequate traffic capacity.

(b) Upon construction, such highway and tunnel and all associated lands and rights-of-way shall be transferred to the National Park Service and managed as part of the Cumberland Gap National Historical Park.

ALASKA HIGHWAY

SEC. 140. (a)(1) Chapter 2 of title 23 of the United States Code is amended by inserting at the end thereof a new section as follows:

"§ 217. Alaska Highway

"(a) Recognizing the benefits that will accrue to the State of Alaska and to the United States from the reconstruction of the Alaska Highway from the Alaskan border to Haines Junction in Canada and the Haines Cutoff Highway from Haines Junction in Canada to the south Alaskan border, the Secretary is authorized out of the funds appropriated for the purpose of this section to provide for necessary reconstruction of such highway. Such appropriations shall remain available until expended. No expenditures shall be made for the construction of such highway until an agreement has been reached by the Government of Canada and the Government of the United States which shall provide, in part, that the Canadian Government—

"(1) will provide, without participation of funds authorized under this title all necessary right-of-way for the reconstruction of such highways, which right-of-way shall forever be held inviolate as a part of such highways for public use;

"(2) will not impose any highway toll, or permit any such toll to be charged for the use of such highways by vehicles or persons;

"(3) will not levy or assess, directly or indirectly, any fee, tax, or other charge for the use of such highways by vehicles or persons of Canada;

"(4) will continue to grant reciprocal recognition of vehicle registration and drivers' licenses in accordance with agreements between the United States and Canada; and

"(5) will maintain such highways after their completion in proper condition adequately to serve the needs of present and future traffic.

"(b) The survey and construction work undertaken pursuant to this section shall be under the general supervision of the Secretary."

(2) The analysis of chapter 2 of title 23 of the United States Code is amended by adding at the end thereof the following:

"217. Alaska Highway."

(b) For the purpose of completing necessary reconstruction of the Alaska Highway from the Alaskan border to Haines Junction in Canada and the Haines Cutoff Highway from Haines Junction in Canada to the south Alaskan border there is authorized to be appropriated the sum of $58,670,000 to be expended in accordance with the provisions of section 217 of title 23 of the United States Code.

RESEARCH AND PLANNING

SEC. 141. Subsection (c)(1) of section 307 of title 23, United States Code, is amended to read as follows:

"(c)(1) Not to exceed 1½ per centum of the sums apportioned for each fiscal year beginning with fiscal year 1974 to any State under section 104 of this title shall be available for expenditure upon request of the State highway department, with the approval of the Secretary, with or without State funds, for engineering and economic surveys and investigations; for the planning of future highway programs and local public transportation systems and for the financing thereof; for studies of the economy, safety, and convenience of highway usage and the desirable regulation and equitable taxation thereof; and for research and development, necessary in connection with the planning, design, construction, and maintenance of highways and highway systems, and the regulation and taxation of their use."

BRIDGES ON FEDERAL DAMS

SEC. 142. (a) Subsection (d) of section 320 of title 23, United States Code, is amended by striking out "$16,761,000" and inserting in lieu thereof "$25,261,000".

(b) All sums appropriated under authority of the increased authorization of $8,500,000 established by the amendment made by subsection (a) of this section shall be available for expenditure only in connection with the construction of a bridge across lock and dam numbered 13 on the Arkansas River near Fort Smith, Arkansas, in the amount of not to exceed $2,100,000 and in connection with the reconstruction of a bridge across Chickamauga Dam on the Tennessee River near Chattanooga, Tennessee, in the amount of not to exceed $6,400,000. No such sums shall be appropriated until all applicable requirements of section 320 of title 23 of the United States Code have been complied with by the appropriate Federal agency, the Secretary of Transportation, and the State of Arkansas for the Fort Smith project and the State of Tennessee for the Chattanooga project.

TECHNICAL AMENDMENTS

SEC. 143. Title 23, United States Code, is amended as follows:

(a) Section 101(a) is amended by striking out "Secretary of Commerce" and inserting in lieu thereof "Secretary of Transportation".

(b) Section 109(g) is amended by striking out "Rct" and inserting in lieu thereof "Act".

(c) Sections 126(a) and 310 are amended by striking out "Commerce" each place it appears and inserting in lieu thereof "Transportation".

(d) The heading of section 303 is amended to read:

"Administration organization."

(e) Sections 308(b), 312, and 314 are amended by striking out "Bureau of Public Roads" each place it appears and inserting in lieu thereof "Federal Highway Administration".

(f) Section 309 is amended by striking out "Bureau of Public Roads" and inserting in lieu thereof "Department of Transportation".

(g) Sections 312 and 314 are amended by striking out "Commerce" each place it appears and inserting in lieu thereof "Transportation".

ALASKAN ASSISTANCE

SEC. 144. Subsection (b) of section 7 of the Federal-Aid Highway Act of 1966 is amended by striking at the end of the last sentence "June 30, 1972, and June 30, 1973." and substituting "June 30, 1972, June 30, 1973, June 30, 1974, June 30, 1975, and June 30, 1976."

INCREASED FEDERAL SHARE—EFFECTIVE DATE

SEC. 145. Subsection (b) of section 108 of the Federal-Aid Highway Act of 1970 is amended to read as follows:

"(b) The amendments made by subsection (a) of this section shall take effect with respect to all obligations incurred after June 30, 1973, except for projects on which Federal funds were obligated on or before that date."

FEASIBILITY STUDIES

SEC. 146. The Secretary shall report to Congress by January 1, 1975, on the feasibility and necessity for constructing to appropriate standards proposed highways along the following routes for the purpose of including such highways in the National System of Interstate and Defense Highways:

(a) A route from Brunswick, Georgia, or its vicinity, to Kansas City, Missouri, or its vicinity, so aligned to serve the following intermediate locations, or vicinities thereof: Columbus, Georgia; Birmingham, Alabama; Tupelo, Mississippi; Memphis, Tennesee; Batesville or Jonesboro, Arkansas; and Springfield, Missouri.

(b) Extension of Interstate Highway 70 from Cove Fort, Utah, or its vicinity, in a westerly direction, so aligned to serve the intermediate locations of Ely and Carson City, Nevada, or their vicinities.

(c) A route from Amarillo, Texas or its vicinity, to Las Cruces, New Mexico, or its vicinity, so aligned to serve the following intermediate locations, or vicinities thereof: Herford, Texas; Clovis, New Mexico; Portales, New Mexico; Roswell, New Mexico; Ruidoso, New Mexico; Tularosa, New Mexico; and Alamogordo, New Mexico.

(d) A route from Kansas City, Missouri, or its vicinity, to Baton Rouge, Louisiana, or its vicinity so aligned to serve one or both of the following intermediate locations or vicinities thereof: Fayetteville, Fort Smith, and Texarkana, Arkansas; or Little Rock, Arkansas, or any other route through the State of Arkansas determined feasible by such State and the Secretary.

(e) A route from Interstate Highway 380 from Waterloo, Iowa, via Dubuque, Iowa, to Interstate Highway 90 at Rockford, Illinois; and an extension of Interstate Highway 74 from the Davenport, Iowa-Moline, Illinois, area through Dubuque, Iowa, to Interstate 90 at LaCrosse, Wisconsin.

(f) A route from Kansas City, Missouri, or its vicinity, to Chicago, Illinois, or its vicinity, so aligned to cross the Mississippi River in the vicinity of Hannibal, Missouri, and Quincy, Illinois.

(g) Extension of Interstate Highway 27 from Lubbock, Texas, or its vicinity in a southerly direction to intersect with Interstate 20 and, proceeding further, to intersect with Interstate 10.

STUDY OF TOLL BRIDGE AUTHORITY

SEC. 147. The Secretary of Transportation is authorized and directed to undertake a full and complete investigation and study of existing Federal statutes and regulations governing toll bridges over the navigable waters of the United States for the purpose of determining what action can and should be taken to assure just and reasonable tolls nationwide. The Secretary shall submit a report of the findings of such study and investigation to the Congress not later than July 1, 1974, together with his recommendations for modifications or additions to existing laws, regulations, and policies as will achieve a system of tolls which will best serve the public interest. During the period in which such study is being conducted, the Secretary is authorized to suspend any increases in tolls which may be proposed or imposed for toll bridges over the navigable waters of the United States.

TERMINATION OF FEDERAL-AID RELATIONSHIP

SEC. 148. (a) Notwithstanding any other provisions of Federal law or any court decision to the contrary, the contractual relationship between the Federal and State Governments shall be ended with respect to all portions of the San Antonio North Expressway between Interstate Highway 35 and Interstate Loop 410, and the expressway shall cease to be a Federal-aid project.

(b) The amount of all Federal-aid highway funds paid on account of sections of the San Antonio North Expressway in Bexar County, Texas (Federal-aid projects numbered U 244 (7), U 244(10), UG 244(9), U 244(8), and U 244(11)), shall be repaid to the Treasurer of the United States and the amount so repaid shall be deposited to the credit of the appropriation for "Federal-Aid Highways (Trust Fund)". At the time of such repayment the Federal-aid projects with respect to which funds have been repaid and any other Federal-aid projects located on such expressway and programed for expenditure on such project, if any, shall be canceled and withdrawn from the Federal-aid highway program. Any amount so repaid, together with the unpaid balance of any amount programed for expenditure on any such project shall be credited to the unprogramed balance of Federal-aid highway funds of the same class last apportioned to the States, respectively. The amount so credited shall be available for expenditure in accordance with the provisions of title 23, United States Code, as amended.

RAILROAD RELOCATION DEMONSTRATIONS

SEC. 149. (a) The Secretary of Transportation shall enter into such arrangements as may be necessary to carry out demonstration projects in Lincoln, Nebraska, and Elko, Nevada, for the relocation of railroad lines from the central area of the cities in conformance with the methodology developed under proposals submitted to the Secretary by the respective cities. The cities shall (1) have a local agency with legal authority to relocate railroad facilities, levy taxes for such purpose, and a record of prior accomplishments; and (2) have a current relocation plan for such lines which has a favorable benefit-cost ratio involving and having the unanimous approval of three or more class 1 railroads in Lincoln, Nebraska, and the two class 1 railroads in Elko, Nevada, and multicivic, local, and State agencies, and which provides for the elimination of a substantial number of the existing railway-road conflict points within the city.

(b) The Secretary of Transportation shall enter into such arrangements as may be necessary to carry out demonstration projects in Brownsville, Texas, and Matamoros, Mexico, for the relocation of railroad lines from the central area of the cities in conformance with the methodology developed under proposals submitted to the Secretary by the Brownsville Navigation District, providing for the construction of an international bridge and for the elimination of a substantial number of existing railway-road conflict points within the cities.

(c) The Federal share payable on account of such projects shall be that provided in section 120 of this title.

(d) The Secretary shall make annual reports and a final report to the President and the Congress with respect to his activities pursuant to this section.

(e) There is authorized to be appropriated not to exceed $1,000,000 in the case of Lincoln, Nebraska, $1,400,000 in the case of Elko, Nevada, and $2,150,000 in the case of Brownsville, Texas, from the Highway Trust Fund, and not to exceed $2,000,000 in the case of Lincoln, Nebraska, $2,800,000 in the case of Elko, Nevada, and $4,300,000 in the case of Brownsville, Texas, from money in the Treasury not otherwise appropriated, for carrying out the provisions of this section.

(f) The Secretary, in cooperation with State highway departments and local officials, shall conduct a full and complete investigation and study of the problem of providing increased highway safety by the relocation of railroad lines from the central area of cities on a nationwide basis, and report to the Congress his recommendations resulting from such investigation and study not later than July 1, 1975, including an estimate of the cost of such a program. Funds authorized to carry out section 307 of title 23, United States Code, are authorized to be used to carry out the investigation and study required by this subsection.

METRO ACCESSIBILITY TO THE HANDICAPPED

SEC. 150. The Secretary of Transportation is authorized to make payments to the Washington Metropolitan Area Transit Authority in amounts sufficient to finance the cost of providing such facilities for the subway and rapid rail transit system authorized in the National Capital Transportation Act of 1969 (83 Stat. 320) as may be necessary to make such subway and system accessible by the handicapped through implementation of Public Laws 90–480 and 91–205. There is authorized to be appropriated, to carry out this section, not to exceed $65,000,000.

RURAL HIGHWAY PUBLIC TRANSPORTATION DEMONSTRATION PROGRAM

SEC. 151. (a) To encourage the development, improvement, and use of public mass transportation systems operating vehicles on highways for transportation of passengers within rural areas, in order to enhance access of rural populations to employment, health care, retail centers, education, and public services, there are authorized to be appropriated $30,000,000 for the two-fiscal-year period ending June 30, 1975, of which $20,000,000 shall be out of the Highway Trust Fund, to the Secretary of Transportation to carry out demonstration projects for public mass transportation on highways in rural areas. Projects eligible for Federal funds under this section shall include highway traffic control devices, the construction of passenger loading areas and facilities, including shelters, fringe and transportation corridor parking facilities to serve bus and other public mass transportation passengers, and the purchase of passenger equipment other than rolling stock for fixed rail.

(b) In the acquisition of passenger equipment pursuant to this section, the Secretary shall require that such equipment meet the standards prescribed by the Administrator of the Environmental Protection Agency under section 202 of the Clean Air Act, as amended, and under section 6 of the Noise Control Act of 1972 (86 Stat. 1234), and shall authorize the acquisition, wherever practicable, of equipment which meets the special criteria for low-emission vehicles set forth in section 212 of the Clean Air Act, as amended, and for low-noise-emission products set forth in section 15 of the Noise Control Act of 1972 (86 Stat. 1234).

(c) The Secretary shall assure that the provisions of subsection (a) of section 16 of the Urban Mass Transportation Act of 1964, as amended, requiring the planning and design of mass transportation facilities to meet special needs of the elderly and the handicapped (as defined in subsection (d) thereof), shall be implemented in demonstration projects under this section.

INTERSTATE ROUTE NUMBERED 66

SEC. 152. The Secretary of Transportation shall—

(1) by October 1, 1973—

(A) complete the draft environmental impact statement pursuant to section 102(2)(c) of the National Environmental Policy Act, and his determination under section 4(f) of the Department of Transportation Act and section 138 of title 23 of the United States Code, on the project for Interstate Route Numbered 66 in the State of Virginia from the National Capital Beltway to the Potomac River, which project is described in the 1972 estimate of the cost of completing the National System of Interstate and Defense Highways as estimate section termini E 10.4.2 at the Beltway to E 10.11.1 in Rosslyn,

(B) circulate such statement to all interested Federal, State, and local agencies and to the public for comment within forty-five days, and

(C) insure that notice of a public hearing on the design and location of such project is issued;

(2) insure that a public hearing is held within forty-five days after issuance of the notice pursuant to paragraph (1)(C) of this section;

(3) not later than December 31, 1973, complete consideration of the information received at the hearing, review any comments on the statement received within the forty-five-day notice period referred to in paragraph (1)(B) of this section and any other information received by the end of such forty-five-day period and file the final version of such statement on the basis of such comments and information, together with any other final determination which he is required by law to make in order to permit the construction of such project to proceed. The determination of the Secretary shall be conclusive with respect to all issues of fact.

HIGH-SPEED TRANSPORTATION DEMONSTRATION

SEC. 153. The Secretary is authorized to undertake a demonstration program for high-speed bus service from collection points in the Washington, District of Columbia area to Dulles International Airport, Virginia. Such demonstration shall utilize exclusive bus transportation lanes between points of origin and termination of such service, and include, where necessary, the construction of such exclusive bus transportation lanes as well as terminal and parking facilities. Such demonstration shall also include the purchase of high-speed buses and a portion of the operating expenses, if necessary, of such buses for a period of five years following the initiation of such service. As necessary to implement this section, the Secretary shall undertake research into the development of buses designed to maintain high-speed, safe transportation. There is authorized to be appropriated, out of the Highway Trust Fund, not to exceed $10,000,000 for the purpose of carrying out this section.

HIGHWAY LITTER STUDY

SEC. 154. The Secretary is directed to undertake a study of litter accumulation within the rights-of-way of the Federal-aid highway systems, outside of urban areas, and recommend improved procedures to be used by the several States to prevent and clean up such highway litter on a regular basis. The Secretary shall report his findings and recommendations to the Congress by December 31, 1973.

For the purposes of this section, the term "litter" means beverage and food containers, food wastes, paper products, smoking materials or packaging, and any other materials which the Secretary finds are commonly used and discarded by the traveling public and which, when discarded along highway rights-of-way, cause an unsightly appearance, a danger to public health or safety, or an unreasonable expenditure of public funds. Funds authorized to carry out section 307 of title 23, United States Code, are authorized to be used to carry out the investigation and study required by this section.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

PERIOD FOR TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. MANSFIELD. Mr. President, in view of the fact that an informal agreement was reached not to start on the pending business until the hour of 2 o'clock, I ask unanimous consent that the time between now and 2 o'clock be used for the purpose of making speeches or other matters that may come before the Senate prior to that time.

The PRESIDING OFFICER. Without objection, it is so ordered.

INVITATION BY COMMITTEE ON THE JUDICIARY TO MR. JOHN W. DEAN TO ANSWER QUESTIONS

Mr. ROBERT C. BYRD. Mr. President, the Judiciary Committee voted unanimously yesterday to invite Mr. John W. Dean III, legal counsel to the President, to appear before the committee and answer questions before the committee regarding the qualifications of L. Patrick Gray III to be Director of the Federal Bureau of Investigation. The White House has today released a letter addressed by Mr. Dean to Mr. EASTLAND, chairman of the Judiciary Committee, in which Mr. Dean has declined the invitation of the committee to formally appear and testify, basing his declination upon the President's statement of March 12, 1973, on executive privilege.

Mr. Dean states that he will be pleased to respond, consistent with the President's statement, if the committee wishes to submit questions to him that have a bearing on the nomination of Mr. Gray.

Mr. President, I ask unanimous consent to insert the full text of Mr. Dean's letter to Mr. EASTLAND in the RECORD at this point.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE WHITE HOUSE,
Washington, March 14, 1973.

Hon. JAMES O. EASTLAND,
Chairman, Committee on the Judiciary,
U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: I am writing to acknowledge receipt of your letter of March 13, 1973, and the enclosed invitation to appear and testify before the Senate Committee on Judiciary on matters relating to the qualifications of L. Patrick Gray, III to be Director of the FBI. As a member of the personal staff of the President, and consistent with the President's statement of March 12, 1973, on Executive Privilege, I must respectfully decline the invitation of the Committee to formally appear and testify.

However, as the President has stated, it is the policy of this Administration to provide all necessary and relevant information to the Congress and that members of the President's personal staff will provide such information in a manner that preserves intact the Constitutional separation of the branches. Accordingly, if the Senate Committee on Judiciary believes that I can be of assistance in providing relevant information and wishes to submit questions to me that have a bearing on the nomination of Mr. Gray, I will be pleased to respond consistent with the President's statement.

Respectfully yours,
JOHN W. DEAN III,
Counsel to the President.

Mr. ROBERT C. BYRD. Mr. President, I believe that the Judiciary Committee and the Senate ought to stand by the committee's invitation of yesterday to Mr. Dean to formally appear before that committee and personally respond to questions.

Answers in writing by Mr. Dean would, of course, be consistent with the President's statement on executive privilege, but there would obviously be many areas that the Judiciary Committee feels is vital to the hearings that would not be responded to, since the President's view of executive privilege apparently differs widely from the views of many members of the committee.

Mr. Dean would also then be free to answer only those questions that he wished to answer, and only to the extent that he desired to respond. This would lead to an endless round of written questions and written answers. There is no substitute for an appearance of a witness, because written statements cannot be cross-examined. Only under live questioning can lines of questioning be developed, because it is only when the witness responds that the next question may be properly framed.

Furthermore, written responses can be drawn as narrowly as one wishes and, thus, implications of a question can be ignored in a written response.

For these reasons, Mr. Dean's offer is meaningless and should be rejected. Only his personal appearance before the committee can provide the full information needed by the committee and the Senate to reach a judgment on the nomination.

I shall cite a few of the reasons why I believe the committee was justified in inviting Mr. Dean to appear.

First. The real question as to Mr. Gray's conduct of the Watergate investigation by the FBI grew out of his reliance upon what he termed the "presumption of regularity" in dealing with the White House. Because of this presumption, leads were not followed which should have been pursued, and questions were not answered which should have been asked. The committee on the other hand, would not be inhibited by any such "presumption of regularity" in its questioning of Mr. Dean.

Second. Mr. Dean conducted the White House's own investigation of possible involvement of White House personnel in the Watergate breakin, according to Mr. Gray. This very role would appear to me to make it unwise for Mr. Dean to have been the recipient of FBI reports and raw files on the progress of the investigation. Yet, on July 21, Mr. Gray responded to Mr. Dean's request for a letterhead memorandum on the FBI's progress in the case, a copy of which I ask unanimous consent to have printed in the RECORD at the close of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr ROBERT C. BYRD. Mr. President, following the submission of the letterhead memorandum to Mr. Dean, Mr. Gray then submitted 82 investigative files to Mr. Dean.

Third. According to an affidavit given by Mr. Lawrence Young, Mr. Donald Segretti told Mr. Young that a Presidential aide had shown him the FBI interview with Segretti before he was to testify as a witness in the Watergate case. The extent of Mr. Gray's investigation of this reported leak of FBI information, was that he called Mr. Dean and asked him if he had shown the FBI reports to Segretti, whereupon Mr. Dean replied, "No, I did not have any FBI reports with me at Miami." Mr. Gray replied "all right, that is good enough for me, John." As to why Mr. Gray had called Mr. John Dean to inquire about the "leak," Mr. Gray said, "Because he is the only person over there who had custody of these reports." Mr. Gray did not ask Mr. Dean the questions that the Judiciary Committee would ask because, as I have already stated, the committee would not be straitjacketed by any so-called "presumption of regularity."

Fourth. Mr. Gray told the committee that Mr. Dean sat in on all interviews with White House personnel conducted by the FBI concerning the Watergate breakin. Mr. Gray indicated that Mr. Dean was acting in his official capacity as Counsel to the President in these interviews. Mr. Gray indicated to the committee that it would have been his preference not to have had Mr. Dean present during those interviews. But he left the impression that if Mr. Dean had not been allowed to sit in, the FBI would not have been allowed to interview White House personnel at all. Yet, Mr. Ehrlichman, in a White House press conference on March 9, was asked the following question: "Did you request that John Dean be present when you were interviewed by the FBI?" Mr. Ehrlichman answered, "Yes," and went on to state why, as follows:

> Well, as a lawyer, I have always felt it appropriate to have counsel present at an interview of that kind, and I just felt more comfortable having someone there who was an attorney, not answering the questions, but on whom I could call for advice or an opinion in the event that a question arose in my mind as to the propriety of a question.

Therefore, Mr. President, the question occurs as to whether Mr. Dean sat in on the interview with Mr. Ehrlichman as attorney for Mr. Ehrlichman or as legal counsel to the President, or both, and, if so, was there a conflict of interest?

The question also arises as to how strong a protest Mr. Gray made against the presence of Mr. Dean during the interviews of White House personnel. I think, as most people would probably agree, that Mr. Dean's presence could have had an intimidating effect upon the interviewees.

Fifth. The committee knows, from the July 21 letterhead memorandum supplied by Mr. Gray to Mr. Dean, that personnel of the Committee for the Reelection of the President also were interviewed by the FBI and that the CRP had insisted upon an attorney being present at such interviews. The July 21 memorandum sent to Mr. Dean by Mr. Gray indicated that CRP personnel had felt inhibited by the presence of the CRP attorney at the interviews, which, again, according to Mr. Gray's testimony, was the only condition under which CRP would allow the FBI to interview their personnel. The letterhead memorandum stated that some CRP personnel subsequently requested and received private FBI interviews out of the presence of CRP attorneys. It is shocking to note, however, that even these subsequent private interviews were supplied to Mr. Dean by Mr. Gray, thus destroying the sure safeguard of FBI confidentiality for any would-be future informants. Why should Mr. Gray have compromised the CRP personnel who requested private interviews by supplying reports of such interviews to Mr. Dean? Was this not a betrayal of their trust? If confidentiality can no longer be assured to persons who wish to give information to the FBI, has not the effectiveness of that law enforcement agency been seriously impaired?

The Washington Post of Tuesday, March 13, 1973, carried a newsstory stating:

> Within 48 hours of a supposedly confidential interview with the FBI in its Watergate investigation, an employee of the Committee for the Re-election of the President was summoned by Nixon's campaign officials to explain her actions according to her own sworn affidavit.
>
> The employee, who originally was interviewed by the FBI at Nixon's campaign headquarters, was one of three persons there who asked to be interviewed again in secret, away from the presence of officials of the committee.

In view of Mr. Gray's indication that interview reports were supplied to Mr. Dean, one can only surmise that Mr. Dean, in turn, compromised the confidentiality of the FBI investigation by turning over such FBI information to top campaign officials. Perhaps Mr. Dean could shed some light on this matter if he appeared before the committee.

Sixth. The very fact of Mr. Dean's relationship to one of the persons convicted in the Watergate break-in should have made Mr. Dean suspect to the FBI insofar as supplying him with FBI investigative reports was concerned. According to the testimony of Mr. Jeb McGruder, deputy campaign manager of the Committee to Reelect the President, given at the Watergate trial, John Dean brought Gordon Liddy to CRP headquarters in December 1971, in response to Mr. McGruder's request for a lawyer to do several jobs for the committee. Mr. McGruder testified that Liddy, Dean, and McGruder talked about Liddy's FBI background and the potential opportunities for CRP's use of Mr. Liddy for intelligence gathering problems. Following that meeting, Mr. Liddy was hired for the position. Mr. Liddy, as everyone knows, was one of those persons involved in the Watergate break-in.

Seventh. On the night of June 19, 1972, 2 days after the Watergate break-in, John Dean sent Bruce Kehrli, Staff Secretary to the President, to Howard Hunt's office in the Executive Office Building, where Mr. Kehrli and Mr. Dean's assistant, Fred Fielding, had Mr. Hunt's safe opened, and they removed Hunt's property, storing it that night in Mr. Kehrli's office. The next day, June 20, the property was taken to Mr. Dean's office where Mr. Dean kept it until June 26, when he turned the property over to the FBI. Mr. Hunt, Senators will recall, was one of those persons who pleaded guilty in the Watergate case. In Mr. Hunt's motion for the return of property taken by the Government, he stated that a "Hermes" notebook and a "name finder" notebook were missing.

When questioned about the propriety and the reasons for Mr. Dean's actions, Mr. Gray appeared to indicate that the FBI saw nothing unusual in either the late night break-in of Hunt's safe or in the keeping of Hunt's belongings for 6 days in Mr. Dean's office before they were turned over to the FBI—even though Mr. Dean knew the FBI was investigating the case and that Mr. Hunt was one of those involved in the Watergate break-in. The committee should be able to ask Mr. Dean the obvious questions that the FBI apparently did not ask.

Eighth. Mr. Dean should be questioned by the Judiciary Committee as to his working relationship in the White House to Mr. Charles Colson, who, at the time of the Watergate break-in, was Special Counsel to the President. It would be helpful for the committee to know this, inasmuch as it was Mr. Colson who had recommended another one of those convicted for the Watergate break-in, Mr. Howard Hunt. According to Mr. Colson's deposition in the Watergate trial, he had recommended that Hunt be brought into the White House as a consultant in 1971. It was Mr. Colson that Mr. Ehrlichman called on June 17 in an effort to find Mr. Hunt when Mr. Ehrlichman had learned that Hunt might have been involved in the Watergate break-in. And it was Mr. Dean who, as I have already stated, had Mr. Hunt's possessions forcibly removed from Mr. Hunt's office on the night of June 19 and who retained such properties in his own office for 6 days before turning them over to the FBI.

Interestingly enough, during the hearings on the nomination of Mr. Kleindienst to be Attorney General last year, the same figure emerged in a strangely coincidental pattern. When Mr. Gray was acting in an official capacity at the Justice Department for the handling of documents to and from the Judiciary Committee, the famous Dita Beard memorandum was sent down to the FBI to determine its authenticity, under orders that such memorandum was not to leave the custody of the Bureau. Yet, Mr. Dean requested, and received, the Beard memorandum from Mr. Gray on March 10, 1972, or soon thereafter. Within days, Mr. Colson dispatched Mr. Hunt, under an alias, to Denver to talk with Dita Beard about the ITT case. The authenticity of the Beard memorandum was openly challenged by Mrs. Beard's attorney and others on March 17.

The committee ought to find out from Mr. Dean what happened, since Mr. Gray was unable to inform the committee. It stretches the imagination to believe that Mr. Gray really saw no connection and did not even inquire about any connections between Mr. Dean and Mr. Colson involving the Dita Beard memorandum which Gray supplied to Mr. Dean.

Mr. President, in my opinion, Mr. Dean's testimony before the Judiciary Committee is vital to any considered collective committee judgment of the proper conduct of the FBI investigation of the Watergate breakin and Mr. Gray's fitness to be Director of the Bureau. Without the testimony of Mr. Dean relating to these and many other unresolved questions, the Judiciary Committee has before it a record that is incomplete, the missing links of which, in view of the denial of the committee's invitation to Mr. Dean to appear, can only be answered by the findings of Senator Ervin's Select Committee on Presidential Campaign Activities. The Judiciary Committee and the Senate should not act favorably on Mr. Gray's confirmation unless and until the record of hearings is complete, because full and complete hearings on the nomination are crucial to the integrity of the advice-and-consent role of the Senate.

This is the first time the Judiciary Committee and the Senate will have acted under the 1968 statute giving the Senate advice-and-consent power over the nomination of the Director of the FBI. Having now been denied the information it needs with which to reach a collective judgment based on a complete record, the Senate should not now confirm this nomination. If the President is going to invoke the doctrine of executive privilege in such a questionable area as this—and by so doing, close the door on information needed by the Senate—the Senate ought to refuse to give its consent to the nomination. To do otherwise, the Senate would be forfeiting its rights; it would be derelict in its duty; and it would seriously compromise its claim to equal status in a system of checks and balances.

The Senate cannot legislate in the dark, and it ought not act to confirm any questionable nomination in the dark. The Senate, therefore, should either reject the Gray nomination now or, failing this, the Senate should take no action on the confirmation until the results of the Ervin Select Committee's investigation are in.

Mr. Gray has impressed me in the hearings as being an honorable man. I think he has tried his utmost to be cooperative. For the most part, I think he has tried to be forthright. Yet, try as he may or as anyone else may, Mr. Gray cannot successfully avoid charges concerning political activity during the tenure of his acting directorship. Nor has he thus far been able to successfully refute the charge that the FBI did not thoroughly prosecute its investigation of the Watergate break-in. The evidence thus far would seem to indicate that his loyalty to the President has been a loyalty that bespoke subservience — a subservience that prevented him, in dealing with the people at the White House, from assuming the position of resoluteness and firmness so necessary for an objective and thorough investigation.

As a usual thing, I go along with the idea that the President should have his own man in most offices. But the director of the FBI should not be any President's man, whether the President be a Democrat or a Republican. This really is not a partisan issue. It is not a question of confirming the nominee of a Republican President. In the case of filling cabinet positions, or even in regard to nominations to Federal judgeships, I am not troubled by previous partisan political activity on the part of the nominee. But if the constitutional rights of all Americans are to be adequately protected, the head of the greatest law enforcement agency and the most effective intelligence activity in the free world cannot be a political animal, nor can he be the President's own man.

Politicization of the Bureau would make it a political arm of the party in power in the White House at any given time, and the effectiveness and proficiency and professionalism of the Bureau as the Nation's top law enforcement agency would be destroyed.

I therefore hope, Mr. President, that the Committee on the Judiciary and the Senate will stand by the committee's invitation on yesterday for Mr. Dean to formally appear before the Judiciary Committee and answer questions bearing on the nomination of L. Patrick Gray III to the office of Director of the Federal Bureau of Investigation.

Mr. President, I thank the Senate for permitting me to speak out of order.

Mr. President, I ask that the following documents be inserted in the RECORD concerning the nomination of L. Patrick Gray to be Director of the Federal Bureau of Investigation:

First. The July 21 memorandum prepared by the FBI and sent by Mr. Gray to Mr. John Dean concerning the progress of the Watergate investigation.

Second. A speech made by Mr. Gray before the Rotary Club in Butte, Mont., September 7, 1972, entitled "A Nation That Cares."

Third. The memorandum sent to Mr. Gray by Mr. Patrick O'Donnell, a White House Assistant requesting Mr. Gray to speak before the City Club in Cleveland, Ohio; an FBI memorandum from Mr. Jones to Mr. Bishop concerning Mr. Gray's appearance before the City Club; an FBI memorandum from Mr. Bishop to Mr. Felt concerning Mr. Gray's appearance before the City Club; a copy of Mr. Gray's insertion to the hearing record listing the recipients of the O'Donnell memorandum requesting their appearance to speak before the Cleveland City Club; and a copy of the speech given at the Cleveland City Club, by Mr. Gray.

Fourth. A memorandum to Mr. Patrick Gray from Ralph Erickson, Deputy Attorney General, requesting campaign support for the President, and a memorandum from Mr. Geoff Shepard, the White House, to the Deputy Attorney General requesting such support with a list of 15 States; an FBI teletype from the Acting Director to the Special Agents in charge of 21 FBI field offices.

Fifth. A speech given by Mr. Gray when he was Executive Assistant to the

Secretary of Health, Education, and Welfare on July 25, 1969.

Sixth. The March 9, 1973, White House Press Conference during which Mr. Ehrlichman stated that he requested Mr. John Dean to sit in as his attorney on the interviews by the FBI concerning the Watergate investigation.

Seventh. The opinion of the Comptroller General of the United States on February 22, 1973, in response to a request from Senator Proxmire ruling that Mr. Gray is illegally acting as Acting Director of the FBI under title V, United States Code, section 3348.

Eighth. A speech by Mr. Gray on March 24, 1972, before the Wage Price Control Workshop in Washington attacking the positions taken by Mr. George Meany, President of the AFL–CIO.

Ninth. An interview with Mr. Gray on Thursday, November 7, 1968, carried in The Day newspaper, New London, Conn., entitled "Nixon Will Create Unity in the Nation, Aide Says."

Tenth. A speech by Mr. Gray when he was Assistant Attorney General, Civil Division, delivered at a meeting of the Orange County Bar Association, Santa Ana, Calif., on April 28, 1972, entitled "The Other Side of the Coin," when Mr. Gray addressed himself to the question of freedom of the press.

The PRESIDING OFFICER. Without objection, the several requests will be granted.

FEDERAL BUREAU OF INVESTIGATION,
Washington, D.C., July 21, 1972.

James Walter McCord, Jr., and others, burglary of the Democratic party National Headquarters, Washington, D.C., June 17, 1972, interception of communications.

There follows a summary of pertinent investigation conducted of the captioned matter through July 20, 1972:

Burglary and Arrest: At approximately 2:30 a.m., June 17, 1972, officers of the Metropolitan Police Department (MPD) apprehended five individuals in an executive conference room of the Democratic Party National Headquarters located on the 6th floor of the Watergate Apartments, 2600 Virginia Avenue, N.W., Washington, D.C. At the time of arrest the subjects had in their possession burglary tools, electronic and photographic equipment and were wearing surgical-type plastic gloves.

Those arrested were identified as James Walter McCord, Jr., using the alias Edward Warren; Bernard L. Barker, using the alias Frank Carter; Eugenio Rolando Martinez y Creaga, using the alias Gene Valdes; Frank Anthony Sturgis, also known as Frank Anthony Fiorini, using the aliases Joseph Di Alberto and Edward Hamilton; and Virgirlo Gonzales, using the alias Raoul Godoy.

All subjects refused to be interviewed, refused to state for whom they were working, from where they came or their purpose for being in the building. They were all charged with Burglary, Section 1801, Title 22, District of Columbia Code, and were held on $50,000 bond except for McCord, a Rockville, Maryland, resident, whose bond was set at $30,000. All but Sturgis have since been released from District of Columbia Jail on bond.

McCord, who appears to have been the leader of this group, retired from the Central Intelligence Agency (CIA) on August 31, 1970, and at the time of his arrest he was Chief of Security for the Committee to Reelect the President. The remaining subjects are all known to have Cuban backgrounds and either worked with or participated in CIA activities against the Castro Government.

Involvement of Everette Howard Hunt, Jr.: After the arrests of the subjects in the Democratic Party National Headquarters, pursuant to an authorized search warrant, a search was made of the rooms rented by the subjects, using aliases, at the Watergate Hotel. Among the items located was an envelope containing a check of E. Howard Hunt in the amount of $6.39 in payment for a bill from Lakewood Country Club, Rockville, Maryland, to Hunt in care of a publications firm in New York City. Hunt, when contacted, admitted the check was his but refused to discuss the matter before consulting his attorney. Also located in the subjects' rooms were personal telephone directories which contained names, telephone numbers and addresses of numerous persons in Miami, New York and Washington, D.C. One of the names contained in the telephone book of subject Martinez is "Hunt (W. House)," together with the telephone number of Hunt's office at the White House.

Investigation developed that Hunt was employed by the CIA from November 8, 1949, to April 30, 1970, when he retired. On May 1, 1970, he became employed by Robert R. Mullen Company, 1700 Pennsylvania Avenue, N.W., Washington, D.C., a public relations and fund raising organization. Beginning July 6, 1971, Hunt was employed on a consultant basis by the White House staff, working with Mr. David R. Young and Mr. Charles W. Colson. He is reported to have been used as a consultant on declassification of the Pentagon Papers. His services were last utilized in this capacity on March 29, 1972. Information was developed that on the recommendation of a member of Mr. Colson's staff, Hunt was terminated as a consultant effective April 1, 1972, and was to be hired immediately thereafter by "1701" (1701 Pennsylvania Avenue, N.W., is the address of the Committee to Reelect the President).

Investigation developed that between January 1, 1972, and June 20, 1972, Hunt was in frequent and regular contact with the office and residence of Bernard L. Barker, Miami, Florida. Investigation further developed that Hunt, frequently utilizing the alias Ed J. Hamilton, together with George Gordon Liddy, who frequently used the alias George Leonard or G. Leonard, traveled extensively around the United States contacting former CIA employees for the purpose of setting up a security organization for the Republican Party dealing with "political espionage."

Involvement of Michael Douglas Caddy: Michael Douglas Caddy, also known as Douglas Caddy, is an Attorney at Law having offices at 1250 Connecticut Avenue, N.W., Washington, D.C., and is associated with the law firm Gall, Lane, Powell, and Kilcullen. Caddy gratuitously appeared at the Metropolitan Police Department where subjects were taken after being arrested and claimed to represent them. Prior to Caddy's arrival, none of the subjects made any phone calls which might have precipitated his appearance. Investigation disclosed telephone calls were made during the early morning hours of June 17, 1972, from the telephone of Everette Howard Hunt at the Robert R. Mullen and Company to the Barker residence in Miami, Florida, and from Barker's residence to the residence of Caddy.

Upon Caddy's appearance before the Federal grand jury at Washington, D.C., he was held in contempt of court for failing to answer questions on the basis he had an attorney-client relationship with Hunt. Contempt action was upheld by the U.S. Court of Appeals on July 19, 1972. Caddy subsequently testified he reecived a telephone call from Hunt at around 3:00 a.m., on June 17, 1972.

Involvement of George Gordon Liddy: As is set forth elsewhere in this memorandum, Everette Howard Hunt traveled extensively endeavoring to recruit former CIA employees for security work for the Republican Party in late 1971 and early 1972. Investigation has developed that Liddy accompanied Hunt on a number of these trips. Liddy, a former FBI Agent, was employed from April, 1969, to July, 1971, by the U.S. Treasury Department in the office of Law Enforcement. When he resigned from the Treasury Department, Liddy accepted a position on the White House staff and in December, 1971, resigned therefrom to work for the Committee for the Reelection of the President.

The telephone notebook of Martinez which was recovered when the rooms of the subject were searched at the Watergate Hotel contained a notation "George" with the telephone number of 202–333–6575. The telephone notebook of Bernard L. Barker, located in the above mentioned search, contained a notation "George" with the telephone number WDC 333–0362. Investigation developed that both of these numbers were at the office of the Committee for the Reelection of the President, 1701 Pennsylvania Avenue, N.W., Washington, D.C.

It is noted that Mr. Maurice Stans, Chairman of the Finance Committee for the Committee to Reelect the President, advising that the $25,000 cashier's check payable to Kenneth H. Dahlberg, dated April 10, 1972, was turned over to Liddy, counsel for the Finance Committee, for a legal opinion as to how it would be best to handle the receipt and recording of this check as the funds allegedly, had been contributed prior to April 7, 1972, although the check was dated April 10, 1972, after the effective date of new disclosure and reporting law. The check was cashed by subject Bernard L. Barker at his bank in Miami, Florida, but Mr. Stans had no idea how Barker obtained the check. (See write-up elsewhere in this memorandum concerning the tracing of funds and the write-up concerning the Howard Johnson Motel wherein it is shown that Liddy was observed giving a large sum of money in cash to subject McCord.) Liddy is reported to have been discharged by the Committee to Reelect the President because Liddy declined to be interviewed by FBI Agents concerning this case.

Howard Johnson Motel Lookout: Investigation developed that James Walter McCord, Jr., rented Room 419 at the Howard Johnson Motel, 2601 Virginia Avenue, N.W., Washington, D.C., from May 5, 1972, to May 28, 1972, and Room 723 from May 29, 1972, until June 17, 1972. Room 723 was found vacant by motel employees the evening of June 17, 1972. This motel is located directly across the street from the Watergate Apartments and Room 723 faces the suite occupied by the Democratic Party National Headquarters at the Watergate Apartments.

Alfred Carleton Baldwin, III, a former FBI Agent, has been identified as the individual who occupied Rooms 419 and 723 from about May 11, 1972, to June 17, 1972. Baldwin advised that during a period of this time he monitored through the use of electronic equipment set up by McCord, telephone conversations of Spencer Oliver, a Democratic Party official. McCord told Baldwin that four extensions of Oliver's were being monitored.

Baldwin stated that while he was occupying Room 723 on one occasion, the specific date which he cannot determine, George Gordon Liddy and Everette Howard Hunt came to the room and had a conversation with McCord. On this occasion Liddy took an envelope from his suit jacket and counted out about $16,000 to $18,000 in $100 bills, which he gave to McCord. McCord pocketed the money and all three individuals left the room.

On the evening of June 16, 1972, McCord came to Room 723 and requested Baldwin to purchase six batteries and some "speaker wire." Baldwin obtained the batteries but did not buy the wire and McCord subsequently departed to locate some wire. He returned about 11:00 p.m. to 11:30 p.m., carrying the wire and various other electronic components appearing to have come from Lafayette Radio.

About 12:00 a.m. to 12:30 a.m., June 17, 1972, McCord received a telephone call and told Baldwin that "we're going across the street," pointing to the Democratic Headquarters. McCord told Baldwin to watch and if anything unusual occurred to contact McCord by walkie-talkie.

About 2:15 a.m., June 17, 1972, Baldwin noticed lights going on in the Watergate Apartments and subsequently police beginning to arrive. He attempted to utilize the walkie-talkie to alert McCord and received a response in a whisper, "We hear you, they got us." About this time Baldwin noticed two men leaving the alley on the east side of the Watergate and identified them as Hunt and Liddy. Hunt came to Room 723 and used the phone to contact an attorney. Hunt told Baldwin to telephone Mrs. McCord and advise her that her husband had been arrested. He also told Baldwin to pack up the electronic gear and deliver it to Mrs. McCord in McCord's panel truck which was parked in the basement of the Howard Johnson Motel. He further told Baldwin to pack up his own belongings and go home. Baldwin delivered the electronic equipment together with McCord's wallet which had been left in the room to Mrs. McCord at about 4:00 a.m., June 17, 1972. She drove him back to his own car and he thereupon drove to his home in Connecticut.

TRAVEL MIAMI-WASHINGTON, D.C.

Travel June 16, 1972

Investigation at Tamiami Tours, Miami, Florida, identified subjects Bernard L. Barker and Eugenio R. Martinez as individuals who on June 12, 1972, purchased four round trip tickets from Miami to Washington, D.C., on Eastern Airlines flight 190 for June 16, 1972. These tickets, which were found on the subjects at the time of their arrest, were purchased in the names of G. Valdes (alias of subject Eugenio Martinez), F. Carter (alias of subject Bernard L. Barker), J. DiAlberto (alias of subject Frank Fiorini) and R. Godoy (alias of subject Virgirio Gonzales).

At time of their arrest June 17, 1972, the subjects, except for McCord were determined to be registered at the Watergate Hotel, Washington, D.C., under the aliases shown on the foregoing airline tickets.

Travel May 22–30, 1972

Subject Eugene Martinez has been identified as the individual who on May 17, 1972, bought six one-way tickets at Tamiami Tours for travel from Miami to Washington, D.C., on National Airlines flight 100 departing May 22, 1972. These tickets were purchased by Martinez in the names of Frank Carter (alias of Barker), J. Granada (believed to be Reinaldo Pico, presently in South America on business), Joseph Di Alberto (alias of Fiorini) Raoul Godoy (alias of Gonzales), Jose Piedra (alias of Felipe De Diego) and G. Valdes (alias of Martinez).

Investigation has determined that the foregoing individuals under the aliases shown were registered at the Hamilton Hotel, Washington, D.C., from May 22, 1972, to May 26, 1972, at which time they moved to the Watergate Hotel, Washington, D.C., where they stayed until May 30, 1972.

Investigation further discloses these individuals were joined at the Watergate Hotel by two additional persons using the names of George Leonard (believed to be George Gordon Liddy) from Kansas City, Kansas, and Edward Warren (believed to be Everette Howard Hunt) from New York City. Warren paid the Watergate Hotel bill for these individuals, totaling a little over $1,000 in cash.

Felipe De Diego, an employee of Barker's real estate firm, has been interviewed and admits being with the subjects during the period May 22–30, 1972, in Washington, D. C. According to De Diego, he was requested by Barker to make this trip but he does not know the purpose of the trip and during his stay in Washington, D.C., the group appeared to be waiting to hear from some unidentified individual.

It is noted that on May 28, 1972, there was a reported break-in of the Democratic Party National Headquarters, Watergate Apartments, Washington, D. C.

In addition to the foregoing the Security Guard at the Watergate Apartments reported that sometime over the Memorial Day week end (he cannot pin this down any closer) papers were found stuffed in the doorway of the 6th floor stairwell in an apparent attempt to keep the door from working. Democratic Party National Headquarters is located on the 6th floor of the Watergate Apartments.

Tracing of Funds: There follows a summary of investigation to trace funds that may have been used to finance the operation involving the burglary of the Democratic National Headquarters on June 17, 1972.

Bank Account of Bernard L. Barker: Barker as Barker Associates, a real estate firm, maintains an account at the Republic National Bank of Miami. A review of the records of this account shows that on April 21, 1972, Barker presented a cashier's check dated April 10, 1972, payable to Kenneth Dahlberg, drawn on the First Bank and Trust Company of Boca Raton, Florida, and endorsed by Dahlberg. Upon checking with the latter bank and determining that the cashier's check was "as good as gold" Barker was given $25,000 in cash by the Republic National Bank.

Barker on April 21, 1972, also presented to the Republic National Bank four checks dated April 4, 1972, totaling $89,000, drawn on the Banco Internacional, Mexico City, payable to Manuel Ogarrio and endorsed by Ogarrio. Since these checks were payable to a third party, Barker was told he would have to deposit these checks and wait for them to clear before he could receive any money for them. On May 8, 1972, Barker was given $89,000 in cash by the Republic National Bank for the foregoing checks.

Bernard L. Barker at the time of his release on $40,000 bond on July 14, 1972, said he received the four checks totaling $89,000 from two men and turned the money over to them. He took the 5th Amendment when asked to identify these individuals.

Kenneth Dahlberg—$25,000 Cashier's Check: Kenneth Dahlberg is a prominent industrialist and Regional Chairman of the Finance Committee to Reelect the President, who lives in Minneapolis and winters in Boca Raton, Florida. After several refusals to be interviewed, Dahlberg on July 6, 1972, consented to be interviewed regarding the foregoing $25,000 cashier's check cashed by subject Barker. Dahlberg stated this check represented cash contributions he had obtained while in Boca Raton and he furnished this check to Maurice H. Stans, Chairman, Finance Committee to Reelect the President on April 11, 1972, in Washington, D. C. According to Dahlberg he has no knowledge of what happened to this check after he surrendered it to Stans. Dahlberg stated he was not acquainted with subject Barker or any of the other subjects involved in this matter. It is to be noted that during the period June 23, 1972, to June 26, 1972, when we were endeavoring to interview Dahlberg concerning this check, he made three telephone calls to Washington, D. C., to the Committee to Reelect the President.

$89,000 Banco Internacional Checks: On July 10, 1972, Manuel Ogarrio, an attorney, Mexico City, advised that he purchased the four foregoing bank drafts totaling $89,000, drawn on the Banco Internacional as a favor to an American client of twenty years standing whom he refused to identify other than as a reliable American company with operations in Mexico. According to Ogarrio his client gave him a check for $100,000 which he negotiated into the foregoing four bank drafts and cash. He signed the checks making them negotiable and turned them and the remaining $11,000 cash over to his client. He received no commission for doing this and has no knowledge as to how Barker came into possession of these checks. According to Ogarrio he believed the purpose of the transaction was to convey money to the Republican Party anonymously. On July 11, 1972, Ogarrio in a reinterview stated that he learned on July 10, 1972, that the foregoing endorsed bank drafts were forwarded to Maurice Stans of the Republican Party.

Bank Accounts of James Walter McCord: McCord maintains a personal checking account and a business account in the name of McCord Associates at the Maryland National Bank, College Park, Maryland. The records of these accounts show he made a $10,000 cash deposit to his personal account on April 12, 1972; a $10,000 cash deposit to his business account on May 31, 1972; and a $10,000 cash deposit to his business account on June 12, 1972.

In addition, McCord on behalf of the Committee to Reelect the President on February 22, 1972, opened an account in the name of Dedicated Friends of a Better America, with McCord as Chairman, at the National Savings and Trust Company, Washington, D.C. This account was closed April 17, 1972, and during the period it was opened over $90,000 passed through this account.

Interview with Maurice Stans: Maurice Stans, Chairman, Finance Committee to Reelect the President, was interviewed July 14, 1972, at which time he advised that a $25,000 cashier's check was given to him by Kenneth Dahlberg in Washington, D.C., on April 11, 1972. Stans in turn gave this check to Hugh Walter Sloan, Jr., who at the time was responsible for the supervision of funds received by the Finance Committee. According to Stans, Sloan then gave this check to George Gordon Liddy who was acting as legal counsel to the Finance Committee for a determination as to how this check should be handled since it was dated April 10, 1972, but the funds which it represented had been contributed prior to April 7, 1972, the effective date of the new Federal Disclosure Act. Sloan subsequently advised Stans the money from the check had been received by the Committee. Stans could furnish no explanation as to how Barker came to be in possession of Dahlberg's $25,000 cashier's check.

Stans advised that on April 6, 1972, he learned from Sloan that the Committee to Reelect the President had received $100,000 in the form of bank drafts on Mexican banks. Stans, when informed the Mexican drafts totaled $89,000 replied that Sloan had told him $100,000 in Mexican bank drafts had been received and this is all he knew about the matter. Stans could offer no explanation as to how these bank drafts came into Barker's possession nor was he aware of the identity of the American firm which allegedly made this contribution.

When Stans was requested to make Sloan available for immediate interview, he advised that Sloan had resigned two weeks ago. Sloan was subsequently contacted on July 17, 1972, and he declined to be interviewed until he had a chance to discuss this matter with his attorney.

Interviews at White House: Everette Howard Hunt and George Gordon Liddy were known to have been employed at the White House as consultants and White House telephone numbers used by these individuals were found in subjects' possession. Accordingly, various White House staff members acquainted with Hunt and Liddy during their White House assignment were interviewed.

At the request of Mr. John W. Dean, Legal Counsel to the President, he, Dean, sat in on all interviews conducted with White House personnel. Those interviewed included Charles W. Colson, David R. Young, Alfred Wong, Bruce Kehrli, Fred Fielding and Kathleen Chnow. All stated they were unable to furnish any information concerning Hunt's or Liddy's involvement in these matters involving the burglary of the Democratic National Committee Headquarters.

According to Mr. David R. Young, both Hunt and Liddy worked for him on a project to classify and declassify Government documents.

It was determined from Mr. John Dean that the personal effects of Everette Howard Hunt had been removed on June 20, 1972, from Hunt's office in the Executive Office Building and brought to his, Dean's, office. This material which was turned over to the FBI on June 27, 1972, included ancillary equipment for the transceivers and other equipment identical to items known to have been purchased by James Walter McCord, Jr.

Interviews at Committee to Reelect the President: Numerous interviews were conducted with personnel employed at the Committee to Reelect the President and in each interview at the Committee's insistence an attorney of the Committee was present. Several persons subsequent to interviews conducted at the Committee contacted the FBI Washington Field Office and requested to be further interviewed away from Committee headquarters and without the knowledge of Committee officials. These persons advised that the presence of the attorney during the interview prevented them from being completely candid. These sources further advised that all Commitee people subpoenaed before the Federal Grand Jury were subsequently debriefed by Committee attorneys as to what occurred at the Federal Grand Jury hearing.

One of the foregoing persons confidentially advised that Hugh Walter Sloan, Jr., who supervises Committee finances reportedly maintains a brief case full of money in his office safe. During the period February-April 1972, according to this source Sloan allegedly disbursed large sums to various Committee officials for unknown reasons such as $50,000 to Jeb Magruder, $100,000 to Herbert L. Porter and $89,000 to George Gordon Liddy.

Another cooperative source at the Committee advised confidentially that Committee officials during interviews were sending FBI Agents on fishing expeditions to keep them from getting to the truth. This source advised that Mrs. McCord following her husband's arrest on June 17, 1972, told Committee official Robert Odle words to the effect "Well, it looks like your project failed." This source identified Odle as one of the individuals who was less than candid in his interview with FBI Agents.

Photographs of Democratic Party Correspondence: On June 22, 1972, Michael Richardson, Rich Photos, 1600 W. Flagler Street, Miami, Florida, advised that about noon, Saturday, June 10, 1972, one white male whom he tentatively identified from a photograph as Bernard Barker, came to this store which is located in a heavily populated Cuban area. This individual presented two rolls of exposed Kodak tri-X black and white 35 millimeter film on which he said documents had been photographed. He requested immediate development and printing of 8 by 10 prints. Richardson did a rush job and determined there were four exposed document negatives on one roll and 34 document negatives on the other roll for a total of 38 exposed negatives. Richardson made one 7 by 10 print of each of the 38 negatives.

Richardson said most of the documents had an emblem and were headed "Chairman Democratic National Committee." The documents photographed appeared to have been on onion skin paper and most were typed. A few consisted of handwritten notes. On at least one of the documents, there was the signature "Dick." Several letters had the handwritten name of Lawrence O'Brien. One or more of the documents concerned a resumé of an unrecalled woman who headed a local campaign for Senator Hubert Humphrey. Richardson said all documents were photographed with a shag carpet background and hands covered with clear-type gloves held down each corner of each document.

Richardson made no written record of the transactions and maintained no copy of the negatives or prints. Richardson tentatively identified one of the two men who accompanied Barker as being Fiorini, but was unable to identify the third man.

Investigation at the Howard Johnson Motel, 2601 Virginia Avenue, N.W., Washington, D.C., determined the carpet utilized by the motel is similar to that noticed in the photographs by Richardson.

Direction of Investigation: Investigation is being directed to developing evidence of an Interception of Communications violation against not only the subjects, but all those who may have assisted them such as who recruited them, who financed the operation, who planned the operation, etc. Section 2511, Title 18, U.S. Code, makes it a violation for anyone to willfully intercept, endeavor to intercept or procure any other person to intercept or endeavor to intercept any wire or oral communication. It is also a violation of that Section for anyone to willfully use, endeavor to use or procure any other person to use or endeavor to use any electronic, mechanical or other device to intercept any oral communication. The possession of any electronic, mechanical or other device which is primarily useful for surreptitious interception of wire or oral communications is a violation of Section 2512, Title 18, U.S. Code, provided the device or any component thereof has been sent through the mail or transported in interstate or foreign commerce. Section 371, Title 18, U.S. Code, the general Conspiracy Statute, makes it an offense if two or more persons conspire to commit any offense against the United States.

A NATION THAT CARES

(An address by the Honorable L. Patrick Gray III, to the Rotary Club, Butte, Mont., September 7, 1972)

As a fellow Rotarian, I welcome this opportunity to be your guest this evening.

We in the FBI deeply appreciate the splendid cooperation which you, as Rotarians and citizens of this great city and State, have given us over the years.

This evening I want to talk about A NATION THAT CARES, a Nation which is concerned about its citizens, their welfare, their happiness, their dignity as human beings.

In our 20th century world these are among the salient questions facing mankind:

What kind of society do we want?

What kind of country is America going to become?

Does our Government care about our people?

Does it listen?

Is it a sensitive society, wanting to make life more significant and meaningful for every man, woman, and child?

These are questions which strike to the very heart of our American way of life.

They are questions about which we must take a stand if we are to face the future with confidence and courage.

I believe that Americans know what it means to care.

We care enough to do our very best.

We care deeply about our community, our fellow man, our Nation.

We realize that unless people care—about themselves, about others, about their values and traditions—our country will die.

This is why America is today a great and respected Nation.

This is why human dignity and equality have achieved unparalleled heights under our democratic system of government.

How important the whole concept of service is to the survival of civilization is pointed out—very succinctly—in these words by a prominent educator:

"I do not believe," says this educator, "the greatest threat to our future is from bombs or guided missiles. I don't think our civilization will die that way. I think it will die when we no longer care."

Unfortunately, there are today a small minority of Americans—not many but a few—who bitterly and falsely denounce our country as cruel, sick, callous, and repressive.

They want to create the impression that our Government is an ogre, a monster which simply doesn't care.

Another prominent educator has publicly denounced our national leaders as not giving—in his words—"any clear sign of compassion or concern for the poor, the weak, the sick, the unemployed, the helpless. . . ."

Another speaks of a "selfish and oblivious ruling Establishment."

An author asks, "Is America Falling Apart?" and then categorically states, "The American Constitution is out of date."

The law enforcement profession finds itself constantly attacked by extremists. We are called "pigs." We are accused of repressing the rights of citizens. Every opportunity is seized to portray our police, our courts, our judicial system as cold, insensitive, unfair, and bigoted.

This is extremist rhetoric. This in inflammable rhetoric that does nothing to enlighten or to contribute to our society.

It is not based on facts.

It deals in overkill, emotion, and flamboyance.

It seeks to set group against group, citizen against citizen.

The objective of extremist rhetoric is to create the totally false impression that our political processes—local, state, and Federal—are insensitive and cruel, not responsive to the needs of the day.

These detractors aim not at reform of our institutions, but at their destruction.

In my opinion the vast majority of Americans are becoming tired of this quacking chorus of pessimism, cynicism, and lack of faith.

The time has come to end this strident demagoguery and look at the facts about America.

Let me ask you, what other nation in history has even come close to the level of assistance that the United States has given to enhance the economic well-being and security of its neighbors around the world?

Since World War II the taxpayers of this country have provided approximately $130 billion in loans and outright grants to other nations. This has gone not just to our strongest and closest allies, but most especially to weaker nations most in need of it. We have given this aid literally until it hurt—hurt our balance of payments and our trade position with other countries.

But the critics who claim this is a selfish Nation do not talk much about that.

Again, what other country has found a means to send people of ability and dedication to help emerging nations around the world in their efforts to elevate their way of life, without asking anything whatsoever in return?

The critics who say we are a crass and ungenerous people do not talk much about that.

What other people supports anywhere near the variety of charitable causes and contributes anywhere near the proportion of its resources for such causes? I refer to approximately $20 billion per year in private contributions to health, welfare, educational, and religious institutions. And this does not include the millions of man-hours and woman-hours contributed in the form of personal skills and service to these causes by devoted individuals.

But the doomsayers who call ours a decadent society do not talk much about that.

What other nation can and does channel resources so generously through government programs to meet human needs? I refer to programs providing security for the aged, help for disadvantaged children, support for the unemployed, and other basic requirements for human life and dignity. This is done not just at one level of government, but at the local, Federal, and State levels. To those who claim that our national priorities are distorted away from the individual, I would point out that the Federal outlays for supporting and developing human resources such as those I have described continue to increase year after year, and that in the current Fiscal Year 45 percent of the Federal Budget is for human resources and only 32 percent for national defense.

But the calamity-howlers who say that the little man is forgotten do not talk about it.

America is NOT a selfish, unconcerned society that does not care.

Perhaps no society in all of history has been more interested in the personal well-being of its citizens, in human concerns, in giving aid to the unfortunate both within and beyond its boundaries.

I like the quotation attributed to Lowell Thomas, the famous radio commentator and world traveler: "He who allows a day to pass without generosity . . . ," he said, "is like a blacksmith's bellows—he breathes but does not live."

This is the spirit of A NATION THAT CARES.

In our democratic society, however, the concept of service takes on a dimension beyond material assistance.

Its greater gift is to provide a climate of freedom in which every individual may pursue his own hopes, dreams and aspirations, and may work out his own destiny as a human being.

This means a commitment to equal treatment, equal justice, and equal opportunity for every citizen of these United States.

What other nation has devoted as large a share of its energies and resources to assuring an education for every American until he or she reaches adulthood? I refer not only to the some $40 billion provided by all levels of government for public elementary and secondary schools. I am also speaking of the vast and growing public funds for higher education and the objective, already reached in some states, of providing a higher education to every young person who wants it. And I am referring to the huge individual and corporate contribution to private education at all levels and to free public libraries throughout the country.

But those who charge that this is a society of special privilege do not talk about all of that.

What other country has made such a determined effort to combat discrimination and assure equal opportunity for all persons regardless of race, color, or religion? This crusade is succeeding because Americans and their elected officials do care about the rights of others. At the Federal level, the resources and the successes in this field continue to rise, and today there is more legal action against alleged civil rights violators than ever before.

But those who claim that Americans are full of hatred and discrimination do not talk about all that.

Finally, the gift of individual freedom and equal opportunity that we enjoy derives primarily from the free government that we have maintained for two centuries. By that I mean a government in which the individual is protected in his freedoms and his personal goals by laws that he or his representative helped to make. Contrary to the opinion of some, law is not the enemy of freedom. Law guarantees freedom against invasion by others.

We in the FBI and in the law enforcement agencies of our country are proud of the part we are playing to make more secure your rights, your lives, and your property.

Today there is every indication that the upward thrust of crime is being considerably slowed.

During the first quarter of 1972, crime registered its smallest increase—one percent—in 11 years. This gives us hope that very shortly crime will reflect an absolute decline—and that this tide of lawlessness which for so long has beset our people will recede.

Eighty of our largest cities reported actual decreases in crime for this three-month period—compared with 22 cities in 1970, and 59 in 1971.

In Fiscal Year 1972, the FBI's drive against organized crime hit an all-time high with a continuing series of major gambling raids, and the conviction of more than 750 racket figures, including some of the country's ranking syndicate leaders.

Much hard work remains ahead. Organized crime is a tenacious and costly social malady. But effective law enforcement, utilizing the latest techniques of crime detection, is making more difficult the position of the hoodlum mobs.

The tide is also turning in favor of the American people in the area of narcotics.

In 1971, Federal Agents removed five times as much heroin and equivalent opium derivatives from the world market as in the year 1968.

The United States for the first time has won the genuine cooperation of foreign countries which have been sources of narcotics, and they are clamping down on the traffic.

Your Government is doing everything possible to fight drug abuse, which President Nixon has labeled, "America's public enemy number 1."

The role of the law enforcement profession in helping create A NATION THAT CARES is absolutely vital.

My command of the English language does not enable me to express my indignation when I hear police officers called "pigs."

The vast majority of men and women in our profession are honorable people, conscientiously devoting their lives to a vital public service.

They are often underpaid and overworked.

They daily risk their lives that you—and millions of other Americans—might enjoy the liberties of this land.

To equate the law enforcement profession with repression, to sanctimoniously accuse the FBI and local police and our whole judicial system of eroding the liberties of the people, is to completely misunderstand the positive role they play in our society.

As Acting Director of the FBI, in meeting police officers of all ranks, I have been deeply impressed by their honesty, their integrity, and especially their compassion as human beings.

I always think of the picture of the police officer bending over a child who has been badly injured, blowing the breath of life from his own body into the mouth of that youngster.

Ours is a profession of service. Its members are in it because they care about their city, their state, their Nation, and they care about the people in them. They give from their own strength, knowledge, and dedication so that others might live in safety and freedom.

That is why our Rotarian motto—SERVICE—reflects the spirit of America and why it has so much to say to Americans.

"You must give some time to your fellow man," said Albert Schweitzer, the famous author, philosopher, and physician. "Even if it's a little thing, do something for those who have need of a man's help, something for which you get no pay but the privilege of doing it."

Today, more than ever, this moral imperative influences the American people. It characterizes our Nation far more than the passing shortcomings that are magnified by the professional critics. It is what continues to make the United States not only a Nation but a state of mind—a state of mind that cares about others and still lights the lamp of hope in a troubled world.

THE WHITE HOUSE,
Washington, June 13, 1972.

Memorandum for: Hon. L. Patrick Gray
From: Patrick E. O'Donnell
Subject: Freedom's Forum—The City Club, Cleveland, Ohio

The City Club has asked our assistance in attempting to secure your participation as a key speaker sometime during the period following July 1, 1972. Since its founding fifty years ago, Cleveland's City Club has been a focus and one of the bulwarks of freedom of speech in one of America's great cities. The Club maintains a deep interest in affairs of government, economics and politics, both national and international. It offers a prestigious meeting place for the open discussion of important social, political and economic problems.

They meet every Friday at noon and have a 300 maximum attendance. However, if you were inclined, they could "go public" and provide almost a crowd of any size you might desire. Both Secretaries Hodgson and Shultz have recently addressed the Club and just recently Ambassador Bush delivered a well-received speech.

With Ohio being crucially vital to our hopes in November, we would hope you will assign this forum some priority in planning your schedule. In the event you are interested, I have full background material available. Incidentally, Under Secretary of Commerce Jim Lynn is quite familiar with the Club.

Many thanks.

U.S. GOVERNMENT MEMORANDUM

To: Mr. Bishop
From: M. A. Jones
Subject: The City Club, Cleveland, Ohio, request for appearance of Acting Director Gray.

A memorandum dated June 13, 1972, from Mr. Patrick E. O'Donnell, advised Mr. Gray that his assistance had been requested to secure Mr. Gray's participation as a key speaker before The City Club of Cleveland, Ohio, sometime after July 1, 1972. He pointed out that the Club meets Friday at noon, and although they have a maximum attendance of 300, they could "go public" if Mr. Gray were so inclined. He commented that Secretary Hodgson and Shultz recently addressed the Club as well as Ambassador Bush. The Club offers a prestigious meeting place for the open discussion of important social, political, and economic problems.

The Cleveland Office has advised that The City Club has no political connections and actually the majority of the members could be classified as "liberals." The Club engages in discussing controversial subjects and it is entirely possible that some embarrassing questions could be put to Mr. Gray which might prove embarrassing to him and the Bureau. They also noted that these meetings are carried live on local radio stations.

Although Cleveland points out that this Club discusses controversial subjects, it is believed that it might be advantageous for Mr. Gray to appear before such a group. As indicated, the Club is dominated by liberals and these are the type of people we should be contacting in an effort to "convert them."

RECOMMENDATION

Mr. Gray may desire to accept this invitation and, if so, he should indicate some Friday after July 1st when he could appear. (Due to other commitments, it would appear that a Friday in August or early Fall might be the most convenient). Thereafter, additional details will be obtained from Mr. O'Donnell.

U.S. GOVERNMENT MEMORANDUM

JUNE 27, 1972.

To: Mr. Felt.
From: T. E. Bishop.
Subject: The City Club, Cleveland, Ohio, request for appearance of Acting Director Gray, August 11, 1972.

In a memorandum from Jones to Bishop date 6/16/72, there was set forth details concerning an invitation extended to Mr. Gray by The City Club of Cleveland, Ohio, for him to be a key speaker at a Friday noon meeting of the Club sometime after July 1, 1972. It was recommended and approved that Mr. Gray accept the invitation if possible. Mr. Gray noted, "I will do it but push it out ahead. Check with Mrs. Neenan."

After consulting with Mrs. Neenan, on 6/26/72 Bishop advised Patrick E. O'Donnell of The White House, through whom the invitation had been extended, that Mr. Gray could make this appearance on August 11, 1972. O'Donnell stated that he would check with Lawrence Robinson, Executive Director of The City Club of Cleveland, (telephone—area code 216, 862–1260), to ascertain if this date is satisfactory and advise Bishop of the result on 6/27/72.

On 6/27/72, Mr. O'Donnell advised Bishop that Mr. Robinson had informed him that the Club would be delighted to have Mr. Gray speak to it at its noon meeting on Friday, August 11, 1972. He advised that Mr. Robinson stated that he would furnish Mr. Gray additional details concerning the Club and the meeting in question in a letter to be forthcoming in the immediate future.

RECOMMENDATION

That Crime Records Division begin preparing an appropriate speech for use by Mr. Gray on August 11, 1972.

INSERTION OF MR. GRAY IN HEARING RECORD

Mr. GRAY. Mr. O'Donnell has advised us that he contacted the following individuals requesting that they speak before the Cleveland City Club: Senator Barry Goldwater, Herbert Stein, John Volpe, Peter Flanigan, Peter Peterson, Joseph Blatchford, George Romney, Senator Marlow Cook, Shirley Temple Black, John Eisenhower, Donald Rumsfeld, James Hodgson, George Schultz, George Bush, John Connally, William Ruckelshaus, John Scali, Earl Butz, L. Patrick Gray III.

FREEDOM UNDER LAW

(An address by the Honorable L. Patrick Gray III, to the City Club of Cleveland, August 11, 1972)

In January, 1787, our Minister to the Court of St. James—John Adams—sent to the printers a book which he thought might prove useful to his countrymen.

Shays' rebellion had recently occurred in Massachusetts, and friends there were writing that confusion and anarchy lay just over the horizon. This rebellion was viewed by some at home as the popular uprising inevitably leading to a dictatorship which would restore order and guarantee the security of life and property—at the cost of freedom.

John Adams wrote to convince his countrymen that a salutary restraint is a vital principle of liberty. He also wrote to persuade his fellow citizens that good laws and orderly government alone could protect lives, liberties, religion, property, and character.

Later in that year of 1787 when our Constitution was drafted, the framers placed the highest priority on freedom under law—not the one or the other, but both together, "one and indivisible"!

Alexander Hamilton, a delegate to the Constitutional Convention and a principal author of The Federalist Papers, put it this way:

"Government is frequently . . . classed under two descriptions—a government of force, and a government of laws; the first is the definition of despotism, (and) the last of liberty."

The blueprint for self-government created by the delegates to the Constitutional Convention came under immediate attack. There were more than a few, here and abroad, who warned that our Constitution embodied too radical a departure from conventional concepts of government. It was termed impractical, unworkable, dangerous.

Today the attack continues—for the concept of free men and women governing themselves for the common good is virtually as radical in the 20th Century as it was in the twilight of the 18th. And make no mistake—it is radical doctrine!

Our concept of freedom under law is banned, barred, forbidden and feared in vast areas of the world where might makes right—where suppression wears the uniform of the police and the robes of justice.

In our country today, there are strident voices proclaiming that the same conditions exist in our land. We are told that American society is "sick" and that law is used to repress freedom.

This is demagoguery, pure and simple. It is a slander and a lie.

But still the questions persist: Where are these United States today, and where are we going? How do we as American citizens evaluate ourselves? Do we believe in our form of government? Does our government care about people? Is our society out of control? Are the law officers of the nation the tools of an oppressive ruling establishment?

Well, what are the answers? I want to tell you what mine are.

The great American adventure born two centuries ago has grown stronger generation after generation.

We are on the threshold of the greatest growth pattern in our history—growth in the quality of life for all our citizens—growth in our total effort to eradicate the imperfections in human society (beginning, always, with our own).

Bayh says it is a strong comparison of President's assessment speech.

We occupy seven percent of the land surface of the earth. We are six percent of the world's population. We account for almost one-third of the goods and services produced on earth.

Our national economy is bulwarked by increased earnings and a rising gross national product.

Production, incomes, employment, business spending, and consumer buying are all showing sharp increases.

The rate of inflation has been slowed.

We export foodstuffs, medicines, technology, and expertise to help feed, comfort, and care for millions of men, women, and children around the world.

Material accomplishments, however, do not begin to tell our whole story.

Every citizen of the United States is guaranteed legal rights and protections of a magnitude not found anywhere else in the world.

All have the promise of individual rights and liberties.

All have an awareness of those rights and liberties.

All have a guarantee of opportunity to full realization of their rights and liberties.

All have the assurance that our Government and body of citizens will support them in the enjoyment of their rights and liberties.

Advantages such as these help make America the freest and most progressive society in the world—more than "advantages," realities.

You wouldn't choose to live in any other country. Nor would I.

No, pessimism does not yet reign supreme in these United States.

But there are those who insist that our priceless liberties are being eroded—that freedom is increasingly in jeopardy across the United States.

Two years ago, a well-known author and educator warned that repression "comes to us . . . with official sanction and is imposed upon us by officials sworn to uphold the law."

Who are these officials?

This author identified them as "the Attorney General, the FBI, state and local officials, the police, and even judges."

Biased as I may be, I reject such an attack—and so do the great majority of our citizens. The facts are otherwise, and we Americans are not about to accept myths in their place.

The people of the United States know that the law enforcement profession is dedicated to safeguarding the rights of all citizens—and that it demands of its members exacting standards of fairness, impartiality, and restraint.

I do not for a moment suggest that abuses of authority are nonexistent among law enforcement professionals.

Unfortunately, there have been abuses in the past—and as long as it's men and women involved, there will be recurrences in the future.

But no profession is more zealous in policing its own ranks. We know the risks. And we know that the confidence of those we serve must be maintained if we are to discharge the trust and responsibility placed in our care.

As a Nation, we face a crime problem that has steadily been growing since 1955. Today, there are clear signs that the upward thrust of crime is being turned back.

During the first quarter of 1972, crime registered its smallest increase—one percent—in 11 years. (And none of us can rest until even that plus one becomes zero, and then a minus.)

Eighty of our largest cities reported actual *decreases* in crime for this three-month period—compared with 22 cities in 1970, and 59 in 1971.

Important successes are also being scored in the counteroffensive which the law enforcement profession is pressing against organized crime.

These successes are being achieved *within* the provisions of our Constitution and laws—and with the cooperation and support of the citizens of the United States, who know that America's peace officers are guardians of *their* lives, *their* property, *and* their rights.

Let's look at a vital area of our freedoms—the right to a fair and impartial trial as guaranteed all Americans by the Bill of Rights.

A slogan coined some weeks ago insists that militant extremists who have been charged with crimes should be immune from prosecution in our courts of law.

"The only fair trial would be no trial at all," this slogan demands.

This is a "society-be-damned" slogan. It says, in effect, "Hide the evidence; gag the witnesses; ignore the victim; create a privileged class under law."

Citizens of the United States rose above such a lopsided system of injustice centuries ago.

We will not turn the calendar back.

One of the foremost advocates of categorical immunity is an acid-tongued lawyer who has warned of "perverted use" of our courts to "inhibit, terrorize or destroy persons who . . . have incurred . . . hatred, fear or mistrust."

The same advocate also alleges that our "judicial process" has been used "as a form of political repression."

He is wrong on all counts—unless we are ready to concede that senseless acts of violence, including murder, are legitimate forms of *political* expression.

Those who define their lawless activity as political expression seek only to exclude themselves from the legal structure established so long ago under the Constitution, and from the inevitable consequences of their own acts.

Conduct clearly in violation of the law—regardless of the brand name applied to such conduct—is still anathema to the preponderant majority of Americans.

The American still believes that the lawbreaker is to be arrested and tried as prescribed by the law.

Guilt or innocence is to be determined in accordance with Constitutional principles and not by mob rule or pressure group tactics.

Today there are those among us who appear to prefer a life style far removed from the mainstream of American society and that choice should be protected. But they demand more.

Their battle cry is, "I want no part of your system, and I intend to destroy it. But while I push for anarchy, I will continue to insist on the protection afforded me by the system that I attack—until it is so weak that it affords protection to no one."

Yet they will continue to receive protection from the system they attack—from the Congress, the Courts, the law enforcement profession—even while the same Congress, Courts, and the men and women of law enforcement agencies work to protect our legal system from these anarchists and separatists. We, at least, do believe in freedom!

But let us not think that our Government of laws is in danger only from those who openly proclaim their goal to set aside the whole of the legal structure.

There is another enemy as well, less visible perhaps but just as insidious—persons who in their own way weaken our society, damage our leadership principles, and completely ignore the responsibilities of good citizenship.

Office holders who occasionally compromise principle or a public trust in exchange for gifts and favors, businessmen who pad their expense accounts and deflate their income tax returns, would be stunned if anyone said they were not responsible and law-abiding citizens. They are—most of them.

The workingman who patronizes after-hours bars and neighborhood bookmakers, those who buy merchandise at prices and under circumstances that clearly suggest it is stolen, contribute to the survival of crime in our society—though they would be aghast at being called criminals.

The president of a corporation who conspires to break the anti-trust laws because it assures a certain profit, the procurement agent who deals in secret kickback agreements, may give the appearance of being model members of society and each undoubtedly seeks to retain that image.

Yet, each of these persons, and myriad others like them who have a cavalier attitude toward the law when it suits *their* purpose, attack the society of law from within.

If the law is to be defended and obeyed *except* when it is inconvenient, then what purpose is served? And what have we learned from the history and growth of our Constitutional democracy?

Man is said to be destroying his own physical environment—almost through careless disregard. And it should be obvious that man can destroy the social environment in the same way—by his failure to appreciate the indivisibility of freedom *and* the law. To be "law abiding" is no *sometime* thing!

Yes, there is a difference, a vast difference, between the bomber and the bettor, the conspirator and the cheater. The one blasts, the other chips away. But *each* weakens the stature of the law in our society.

The law enforcement officer—the *peace* officer—has the prime responsibility to protect society from those who break or destroy or undermine the law.

But our society can never be protected from itself if responsible citizens, by a subtle change in attitude towards the law, abandon their responsibilities as citizens *when it suits their purpose.*

It is the duty of every citizen and the prime responsibility of leading citizens to be conscious of the continual need for affirmative action to nourish our Government of laws.

Everyone realizes the danger of continual attacks upon police officers and the departments they serve. These attacks erode the capacity of the law enforcement profession to uphold the peace that law should bring.

This same kind of attack is being made upon the society of law—from within—by many who take the easy way out, who abrogate their responsibilities as citizens, who do not care enough to uphold the tradition of our Constitution and its authors.

Do not look *just* to the Congress, the Courts, or the law enforcement profession to protect society from itself.

All of us citizens have that responsibility. If we bear that responsibility lightly—and only when it suits us—we jeopardize the society of law just as do the anarchists, the separatists, the criminal neophytes, and the professional forces of organized crime.

Our pledge must be to *continue* to be worthy of our matchless heritage.

Our course as a Nation is unmistakably onward and upward. Time and again we have proven that freedom under law *does work.*

Our Government cares about our people. Our police officers are protectors, not oppressors. Our society is not out of control.

As human beings, we do not claim perfection. But it is an enormous triumph that man with all his faults dares to reach for the stars. This is his ultimate glory.

SEPTEMBER 8, 1972.

To: L. Patrick Gray, Director, FBI.

From: Ralph E. Erickson, Deputy Attorney General.

Subject: Information for Campaign Trips: *Events and Issues (Attached White House Memorandum).*

Would you undertake to evaluate the questions asked of us by John Ehrlichman in the attached memorandum and give me the benefit of your response.

Although we are beyond the due date of this memorandum already, please make your response as quickly as possible.

THE WHITE HOUSE,
Washington, D.C., September 1, 1972.

Memorandum for: The Deputy Attorney General.

Subject: Information for Campaign Trips: *Events and Issues.*

In order for John Ehrlichman to give the President maximum support during campaign trips over the next several weeks, the following information is required for *each* of the states listed at Tab A.

(1) Identification of the substantive issue problem areas in the criminal justice field for that particular state. Please limit yourself to problems of sufficient magnitude that the President or John Ehrlichman might be expected to be aware of them. Brevity is the key, and often all that is necessary is to flag a sensitive problem so it can be avoided or more extensive preparation can be undertaken should we choose to speak about it.

(2) A list of events relating to the criminal justice area that would be good for John Ehrlichman to consider doing. For each suggested event, the following items should be indicated:

(A) Purpose of the event.

(B) The nature of the group or institution involved.

(C) The content of the event.

(D) Names of specific people who can be contacted for the purpose of setting it up (together with titles, addresses, telephone numbers, etc.).

(E) All trade-off factors to be considered in scheduling the event.

I am receiving separate materials from both LEAA and DALE, so you should omit any consideration of problems in the area of Federal aid or drugs. I would expect your list of problems to be fairly brief, but there are certainly criminal justice problems (such as the Fort Worth Five) that we should flag for the President.

I know this is rushing you, but I need the information by close of business, Thursday, September 7, 1972.

Thanks, Ralph.

GEOFF SHEPARD.

California (San Francisco and Los Angeles).
Connecticut.
Florida.
Georgia (Atlanta).
Illinois (Chicago).
Massachusetts.
Michigan.
Missouri (Kansas City).
New Jersey.
New York City.
Ohio.
Pennsylvania (Philadelphia and Pittsburgh).
South Dakota.
Tennessee.
Texas (San Antonio).

SEPTEMBER 8, 1972.

To SACS: San Francisco, Los Angeles, New Haven, Miami, Tampa, Jacksonville, Atlanta, Chicago, Boston, Detroit, San Antonio, Kansas City, Newark, New York City, Cleveland, Cincinnati, Philadelphia, Pittsburgh, Minneapolis, Knoxville, and Memphis.

From acting Director, FBI.

Inquiry from White House.

Following memorandum received from White House:

"In order for John Ehrlichman to give President maximum support during campaign trips over the next several weeks, the following information is required for each of the States listed.

(One) Identification of the substantive issue problem areas in the criminal justice field for that particular State. Please limit yourself to problems of sufficient magnitude that the President or John Ehrlichman might be expected to be aware of them. Brevity is the key, and often all that is necessary is to flag a sensitive problem so it can be avoided or more extensive preparation can be undertaken should we choose to speak about it.

(Two) A list of events relating to the criminal justice area that would be good for John Ehrlichman to consider doing. For each suggested event, the following items should be indicated:

(A) Purpose of the event.

(B) The nature of the group or institution involved.

(C) The content of the event.

(D) Names of specific people who can be contacted for the purpose of setting it up (together with titles, addresses, telephone numbers, etc.).

(E) All trade-off factors to be considered in scheduling the event.

"Receiving separate materials from both LEAA and Dale, so you should omit any consideration of problems in the area of Federal aid or drugs. Would expect your list of problems to be fairly brief, but there are certainly criminal justice problems (such as the Fort Worth Five) that we should flag for the President."

In accordance with above, you should submit by immediate teletype to be received by the Bureau no later than eight a.m., Monday, September eleventh pertinent material which should include matters pertaining to gun control legislation, corruption in police departments, probation and parole, etc. Deadline must be met.

SEPTEMBER 11, 1972.

To: Mr. Bishop.
From: M. A. Jones.
Subject: Events and issues (Attached White House Memorandum).

In accordance with the request contained in referenced memorandum, there is attached material from various field divisions and offices of this Bureau for consideration. This material has been broken down by state and locality to conform with the listing submitted by the White House.

Recommendations:

(1) That the attached material be approved for transmittal to the White House through the Department.

(2) That after approval, this memorandum and attachments be returned to your (Mr. Bishop's) office for transmittal to the office of Ralph E. Erickson, Deputy Attorney General.

ADDRESS BY L. PATRICK GRAY III, EXECUTIVE ASSISTANT TO THE SECRETARY, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE, TO ALL APPOINTEES IN THE DEPARTMENT AT THE DEPUTY ASSISTANT SECRETARY LEVEL AND BELOW, JULY 25, 1969

I am going to talk to you about some lessons learned in the first six (6) months. The approach will be practical, but threaded throughout will be the lofty ideals and the great concerns we have as we join together in HEW to serve the President, the Secretary, and the people of our Nation.

At the risk of being tagged here and now as an over 30, "turned off" reactionary, let me emphasize to you the importance of the concept that we are here to serve, not to be served—that we are here to serve, not to enhance our own perfectly normal, human selfish interests. This may be out of tune with some of the thinking surrounding us today.

Each of us is possessed of our own desires, ambitions and goals. This is normal. This is commendable. At the same time, when we embark upon a career in the service of our government, whether that career is to be short term or long term, we must be quite willing to subjugate our own personal goals to a deep, personal commitment to serve our President, our Secretary, and our Nation.

This commitment must be our homing beacon throughout our career in the service of our government.

Each one of us is here in HEW because Richard Nixon was elected to the high office of President of the United States. Further we are here because Secretary Finch has seen fit to place trust and confidence in us and to approve our selection to fill a position in HEW.

In short we owe our positions to the capability of the President to come off the mat, so to speak, and drive through hard, vigorous years of campaigning to win the nomination of the Republican Party, and then go on to win the Presidency of the United States with the valiant help of hundreds of thousands of dedicated, hardworking supporters campaign workers, and contributors.

So also are we here because Secretary Finch has seen fit to ask us to serve with him and to help him move this Department forward as he and the President seek the solutions to the people problems which, if not solved, might well rupture and destroy the society which the people of our Nation have created.

Obviously, we are a chosen few, an elite group—make no mistake about it—there are thousands of Republicans who are knocking at the door and who would be pleased to be in our positions.

Appreciate this hard fact of life. Appreciate the fact that every single member of the opposite political party is working hard day and night to ensure that the President of the United States is hampered and harassed in carrying out his programs and that the President of the United States is not reelected to serve a second term.

This is a real hard political fact of life. This is in keeping with the nature of our political system. Without such a system, one party government could produce a totalitarian state. We accept this fact of life; so does the opposing party. Accordingly, do not retch or quiver when we insist that the preponderant majority of our colleagues—political appointees—be members of our own party.

Again it is plainly obvious that we must be dedicated and devoted to the concept that our Republican President will be a great President, that his programs will be successful, and that he will be reelected to a second term.

Above all other qualities of character that we hold near and dear, we must have deep, abiding, sincere loyalty to our President and to our Secretary.

Earlier I placed great emphasis on service. Now I want to drive home hard the emphasis on loyalty. I do not speak of blind, automatic loyalty. I speak of a sincere, an intelligent, a freely made decision to join President Nixon and Secretary Finch because we believe in them, trust them, understand the goals and objectives they hold, and desire to support them with the deepest sense of dedication and total commitment.

Should there be anyone of you here present today who cannot make this commitment, you must—in order to maintain your own dignity, self-respect, and integrity—examine deeply your own hearts and minds and reach a decision—to serve or not to serve.

Do not today understand me to be saying that each of you is to consider yourself as a fanatic, blind, unreasoning, partisan Republican of the brand often caricatured by Herb Block and others who are determined that an enlightened, human, understanding Republican President shall not succeed.

No, I am saying that you are here because you have made a profound commitment to support with total dedication the President of the United States; that you have made this commitment intelligently because you wish to join with him in bringing this country together again; that you have made this commitment intelligently because you wish to join with Secretary Finch in assisting him to perform the tough tasks which lie ahead—tasks which must be performed well in order that the President may accomplish his objective.

Our Nation has elected a Republican President. We have a Republican Administration. We have Republican approaches to the problems of our people. We have the knowledge of the President's goals. We have the common sense to know the desires and objectives of the President and the Secretary—we must have the loyalty, the courage, and the commitment to do their will—not our will. This means, plainly and simply, that we get on the track with the President and the Secretary and that we stay there and track with them.

You may say, "I am not political"—"I am an Independent."—"I do not care what party is involved, I vote for the man"—"Politics is a dirty business," and so on. From the vantage point of my ancient age, let me assure you that no American can afford to ignore politics, to ignore the machinery of government, to adopt an attitude of "Let George do it." This attitude is guaranteed to ensure the demise of the two party system—our form of democracy. No American can afford to avoid involvement, particularly in today's world, when the thing to do is to become involved, to participate, to take a position.

Now let's go on to other lessons learned:

Loyalty includes also a dedication to your immediate superior and to those who work with you in our cause, on our team.

Loyalty includes an avoidance of criticism of our leaders and of our colleagues. Criticism which is destructive in nature is cancerous—it will destroy us and our entire team. Snide remarks and facetious comments lightly made often come back to haunt us. Too often have I heard this form of banter engaged in innocently. Too often have I seen the results published in newspapers or made the subject of remarks by the boob-tube word mashers.

Loyalty includes having the common sense and decency to deal with others in a manner calculated to bring credit to the President and the Secretary. We are the President's people—we are the Secretary's team—and when we speak, we speak for the Secretary but we do not speak as the Secretary. We do not wear the Secretary's mantle. Therefore, while we speak from strength, we do not speak with arrogance. Courtesy is the key. Our errors here become the Secretary's errors and place him in a very delicate position. Instead of strengthening him, we weaken him.

Loyalty includes the touching of all required bases as we set out on our daily rounds to carry out the will of the Secretary. We deal directly and candidly. We deal with those who ought to know and who have a responsibility to the Secretary, too. In short, we do not "end around."

I believe that I may have placed the concept of service and loyalty in the proper perspective and I want to go now to a few more pitfalls and pratfalls that can harm us, the President, and the Secretary.

Not one problem that we handle in HEW is simple. This is the lot of a Department responsible for the problems of people at the national level. Accordingly, not one task assigned to you is of a nature such that you can give it the so-called "light touch." You have to shred the problem; look at it from every angle; learn to work in depth; learn to dig hard; learn to turn in a work product that is as thorough, as logical, and as clear as you can make it. You should be concerned with the overview, the big policy, the grand decision. But you also are in a training period, a development period—we all are. Do the tasks assigned well and you will find that your personal job satisfaction is enhanced and your responsibilities are increased. Above all do not seek out only the so-called "glamour work;" put your shoulder to the wheel and be eager to tackle the "nitty gritty" chores, too.

The President and the Secretary appreciate another hard fact of life. Simply stated it is that intelligent members of an elite group—our team—will generate a wide diversity of views and rather strong opinions regarding the highly charged issues facing our Nation today. This is great and we do not want to stifle the minds and stagnate the thought processes of the members of our team. At the same time, and although we believe in and foster the thorough airing of our views and opinions within our own family, we must present a united front in support of a decision once made by the

President or the Secretary. Our support must be total and absolute.

In conversations with others, we do not refer to RHF as "Bob." He is the Secretary to all within the Department and to outsiders. Be extremely careful at all times to maintain the dignity of his office, but do it with warmth and humility—not with arrogance. We have enough problems in HEW now without creating more by being inept or overbearing.

Even though each of us is close to the Secretary, resist at all times the temptation to enhance our own image by "puffing," or by our actions demonstrating how close we are to the Secretary. We would not be here if we were not close to the Secretary and those with whom we will come in contact know this political fact of life. You will demean yourself and the Office of the Secretary by taking "name dropping" advantage of your position.

Lobbyists—You will come in contact with them; they have a legitimate reason for existing. Be a courteous listener, but a most careful talker. Make no commitments whatsoever in the name of the Secretary: Moreover, do not even talk in such a manner to "lead on" a lobbyist—you trap yourself in a very difficult situation and you can hurt RHF badly by this sort of conduct. Again, be a courteous and attentive listener, but a most careful talker.

Telephone Conversations—The telephone is obviously an invaluable communication tool, but do not say in a telephone conversation that which you would not care to see in print the next day. Once again the concept is that of tact, courtesy, patience, understanding, care and concern—but no commitments in the name of the Secretary, and no "puffing."

Mail—The principles I have spoken of thus far apply as well to all mail leaving the Department. When preparing correspondence for the Secretary's signature, or when reviewing it, never treat it lightly, no matter how simple the subject. The reasons are obvious—every letter portrays the image of our office and of the Department; further every letter reflects the substance of our positions and policies.

Security—Recent examples should be sufficient to impress upon each of us the critical importance of the general security of our office and our official, as well as unofficial, papers. Every Department of Government is loaded with prying eyes—eyes that are prying for one reason or another. Be assured that none of this prying has as its objective the enhancement of the Nixon Administration or the enhancement of our Department. We deal with critical issues of great importance to many diverse groups in our land. Be mindful of security at all times; above all leave a clean desk when you leave for the day and be certain that critical papers are under lock.

The effective functioning of any group is related to the degree of cohesiveness and common purpose which has been established and accepted throughout the group.

Let's look to see if we have the ingredients in our make-up to generate that sense of cohesiveness and common purpose.

Why are we here?

A. Because we believe in President Nixon and Secretary Finch.

B. Because we are dedicated to them and their work.

C. Because we ask only to serve; not to be served.

D. Because we have no greed for personal aggrandizement.

E. Because we feel a deep sense of personal pride, honor and humility in being asked to serve.

How do we operate?

First, we will operate as the Secretary desires us to operate.

Second, our mission is to do just as much for the Secretary as we can to remove from his shoulders unnecessary burdens.

Third, we do our work in accordance with the guidelines laid down by the Secretary.

Fourth, we are staff assistants to the Secretary—not decision makers or policy makers, even though we may well have a strong input to him prior to the moment decisions are made and policies established. Once made, we support them to the hilt!

Fifth, we operate in such a way as to reflect credit upon the Secretary for choosing us to occupy the important positions to which he has appointed each of us.

Sixth, we do not throw around the weight of the Secretary's Office. We are courteous and considerate in all of our dealings with the people in the Department, yet we are not to be hoodwinked or misled into presenting slanted information to the Secretary.

I believe that each of us can agree that we have the ingredients required to function effectively in behalf of the President and the Secretary.

Our objective—to assist to the fullest extent, the Secretary in his objective to make this the *best* Department in the Nixon Administration; to establish this Department as a Department on the move, a Department composed of compassionate and understanding people who are determined to generate and manage plans and programs designed to enrich the lives of all Americans; to make this Department so attractive and so meaningful in its work, that members of the civil service, and others not now in government, will be eager to join HEW and assist the Secretary to achieve his objectives. Imaginative, creative, dedicated, and competent people form the heart and flesh, the bone, sinew and muscle of any organization whether it be the corner grocery stores, or a major Department of the Government of the United States. We must have them and we must work with them in such a manner that they can realize their full potential in the best interests of the people of the United States.

WHITE HOUSE PRESS CONFERENCE,
MARCH 9, 1973

Q. If I could turn to another subject, did you request that John Dean be present when you were interviewed by the FBI?

Mr. EHRLICHMAN. Yes.

Q. You did?

Mr. EHRLICHMAN. Yes.

Q. Could you tell us why?

Mr. EHRLICHMAN. Well, as a lawyer I have always felt it appropriate to have counsel present at an interview of that kind, and I just felt more comfortable having someone there who was an attorney, not answering the questions, but on whom I could call for advice or an opinion in the event that a question arose in my mind as to the propriety of a question.

Q. Throughout any of the interview, did you have to call on him?

Mr. EHRLICHMAN. No, I didn't as a matter of fact.

Q. Does any citizen have the right to have counsel present when he is being interviewed by the FBI?

Mr. EHRLICHMAN. I think that is an unquestioned right. I gather that some people don't avail themselves of that right, but I would think it is entirely proper for someone to request that that be the circumstance of the interview. I know that doesn't make the Bureau terribly happy, but from my standpoint, if I had a client who called and said, "What do you think about this?", I think my advice would be it would be a good idea to get legal advice if it is an interrogation of such a nature that justifies it.

Q. If the White House is not involved, why did you take the White House counsel to be your counsel in this case? Why not get a personal counsel?

Mr. EHRLICHMAN. I think it is entirely proper for someone in my situation to draw on the White House counsel if he is available for advice in a matter that is germane to a proceeding of that kind.

On the other hand, I guess I had two other options, neither one of which I availed myself of. One would have been to retain private counsel. Considering the fact we haven't had a raise for four years, that is probably the least desirable of all the alternatives. The other might have been to get someone from the Justice Department, but under the circumstances, that wouldn't have been terribly appropriate. So, this seems to be the best of three alternatives.

Q. The Justice Department serves the White House, they don't serve individuals who work in the White House.

Mr. EHRLICHMAN. I don't think that is correct, Miss McClendon.

Q. That is what they tell me.

Mr. EHRLICHMAN. I don't think they are telling you correctly then. This came up in the context of some previous proceeding two or three years ago and I had an opinion—it may have been oral, I can't recall—as to the propriety of an employee of the government, and I have forgotten who, someone in the Departments, being represented by the Justice Department in a proceeding where a deposition was involved and I think it was a consumer case and the fellow was a named defendant in the case—it may have been Secretary Hardin, I think it was—where he was a named defendant in the case, and the question of whether he should have private counsel or have Justice Department counsel and it is proper for an individual in a proceeding of that kind, even though he is a party to the action and a named defendant, to have the Justice Department represent him.

Q. Didn't you involve Mr. Dean as White House counsel when you called on him to be there——

Mr. EHRLICHMAN. Certainly.

Q. —and be personally interviewed by the FBI?

Mr. ERHLICHMAN. Certainly.

Q. John, were you aware that Dwight Chapin had suggested to Mr. Kalmbach that it would be a good thing to put Segretti on the payroll, that he could be of service to the Republican Party?

Mr. EHRLICHMAN. By my answer, I don't want to imply the truth of the assumption you make. I had no personal awareness of any circumstances like that; whether it happened or not, I don't know.

Let me go back to this question. I was being interrogated in this proceeding not about my personal involvement, but about the status of Hunt and Liddy as employees of the White House. They wanted to know whether they had done any work for me, what their jobs were and things of that kind. So, I didn't see anything out of the ordinary about involving White House counsel in a proceeding of that kind.

Q. Did they want to know whether you had directed them in certain things connected with the Watergate?

Mr. EHRLICHMAN. No, I was not asked that.

Q. Would you accept——

Mr. EHRLICHMAN. Let me go back and finish that.

I think probably the reason that question was not asked is that the circumstances I described in my narration of their employment here, which was the fact that they had long since, both of them, left the White House and left my area of concern, and that I had had no contact with them for many months and so on. They laid that foundation so we never got to a question of did I direct them or that sort of thing. They asked me did I ever talk to them or see them after that and I said no. That was the end of it.

COMPTROLLER GENERAL OF THE UNITED STATES,
Washington, D.C., February 22, 1973.
Hon. WILLIAM PROXMIRE,
U.S. Senate.

DEAR SENATOR PROXMIRE: Your letter of June 21, 1972, requests our report on the applicability of 5 U.S.C. 3348 to the temporary appointment of Mr. L. Patrick Gray III as Acting Director of the Federal Bureau of Investigation (FBI). We found it necessary to obtain the views of the Department of Justice in regard to Mr. Gray's appointment and have carefully considered them.

By Public Law 90–351, title VI, § 1101, June 19, 1968, 82 Stat. 236 (28 U.S.C. § 532 note), Congress provided for appointing the Director of the FBI, as follows:

Effective as of the day following the date on which the present incumbent in the office of Director ceases to serve as such, the Director of the Federal Bureau of Investigation shall be appointed by the President, by and with the advice and consent of the Senate * * *.

Prior to this, the Director had been appointed by the Attorney General.

On May 2, 1972, the incumbent, Mr. Hoover, died and on May 3, 1972, the then Acting Attorney General, by Order No. 482–72, designated Assistant Attorney General Gray to serve as Acting Director of the FBI. On May 11, 1972, Mr. Gray was reassigned by the Acting Attorney General from the position of Assistant Attorney General to the position of Associate Director of the FBI. The previous Associate Director, Mr. Clyde Tolson, had resigned effective at the close of business on May 10, 1972. Mr. Gray has continued to serve as Acting Director since his designation to that position on May 3.

Under section 3348 of title 5, United States Code, a 30-day limit is imposed on temporary appointments to fill positions which are subject to Presidential appointment and Senate confirmation. That section is worded as follows:

§ 3348. Details; Limited in time.

A vacancy caused by death or resignation may be filled temporarily under section 3345, 3346, or 3347 of this title for not more than 30 days.

The cited sections, 5 U.S.C. 3345–3347, provide:

§ 3345. Details; to office of head of Executive or military department.

When the head of an Executive department or military department dies, resigns, or is sick or absent, his first assistant, unless otherwise directed by the President under section 3347 of this title, shall perform the duties of the office until a successor is appointed or the absence or sickness stops.

§ 3346. Details; to subordinate offices.

When an officer of a bureau of an Executive department or military department, whose appointment is not vested in the head of the department, dies, resigns, or is sick or absent, his first assistant, unless otherwise directed by the President under section 3347 of this title, shall perform the duties of the office until a successor is appointed or the absence or sickness stops.

§ 3347. Details; Presidential authority.

Instead of a detail under section 3345 or 3346 of this title, the President may direct the head of another Executive department or military department, whose appointment is vested in the President, by and with the advice and consent of the Senate, to perform the duties of the office until a successor is appointed or the absence or sickness stops. This section does not apply to a vacancy in the office of Attorney General.

Also pertinent is 5 U.S.C. 3349:

§ 3349. Details: to fill vacancies; restrictions.

A temporary appointment, designation, or assignment of one officer to perform the duties of another under section 3345 or 3346 of this title may not be made otherwise than as provided by those sections, except to fill a vacancy occurring during a recess of the Senate.

All five sections are derived from the act of July 23, 1868, ch. 227, 15 Stat. 168, hereafter referred to as the Vacancies Act. The time limit now found in section 3348 was 10 days as covered in the 1868 act and was increased to 30 days by the act of February 6, 1891, ch. 113, 26 Stat. 733. Congressional intent in passing the 1868 act is indicated by debate recorded in the Congressional Globe of February 14, 1868:

Mr. TRUMBULL. The intention of the bill was to limit the time within which the President might supply a vacancy temporarily in the case of the death or resignation of the head of any of the Departments or of any officer appointed by him by and with the advice and consent of the Senate in any of the Departments. As the law now stands, he is authorized to supply those vacancies for six months without submitting the name of a person for that purpose to the Senate; and it was thought by the committee to be an unreasonable length of time, and hence they have limited it by this bill to thirty days. [Changed by floor amendment to 10 days.]

The bill also has another object. By the second section (now 5 U.S.C. 3349) it is intended to repeal all previous laws on the subject. * * * *lest there be any misapprehension about it the second section is intended to be very full and to repeal all other laws on this subject, so that the whole law in regard to supplying vacancies temporarily will be in this one act.* (Emphasis added.)

* * * * *

Mr. TRUMBULL. * * * This bill only applies to cabinet officers and the heads of bureaus—those officers appointed by the President, by and with the advice and consent of the Senate. In case of vacancy or inability to discharge the duties of the office by any of these parties the President is authorized to detail some other officer to perform the duties for ten days in case of a vacancy, and during those ten days, of course, it will be his duty to nominate to the Senate, if the Senate is in session, some person for the office * * * 39 Cong. Globe 1163, 1164.

It is clear that sections 3345 through 3349 were intended to preclude the extended filling of an office subject to Senate confirmation without submission of a nomination to the Senate.

The question then, as raised by your letter, is whether the cited sections are applicable to the appointment of Mr. Gray. It is the view of the Department of Justice, that Mr. Gray's appointment was not made pursuant to section 345, 346 or 3347 of title 5, and that therefore the 30-day limitation in 5 U.S.C. 3348 is inapplicable to his continued service. In a letter dated January 10, 1973, the Department takes the following position:

[Mr. Gray] was reassigned to the position of Associate Director, FBI, by personnel action effective May 11, 1972. Pursuant to Department of Justice regulations, the Associate Director serves as Acting Director in the event of a vacancy in that position. 28 CFR 0.132(d).

Under a provision of the organic act of the Department of Justice, 28 U.S.C. 509, virtually all functions of officers, employees, and agencies of the Department are vested in the Attorney General, including the functions of the FBI. The Attorney General, in turn, has authority to delegate the performance of these functions to "any other officer, employee, or agency of the Department." 28 U.S.C. 510. He has assigned these functions by regulation and has provided who is to perform them when the principal office to which they are assigned is vacant.

See 28 CFR, Part O. It is under these regulations, and pursuant to these statutory provisions, that Mr. Gray now serves as Acting Director of the FBI, rather than pursuant to 5 U.S.C. 3346 or 3347.

The Department also makes the following points:

5 U.S.C. 3345–47 provide for filling certain vacancies in general terms. In contrast, provisions such as 28 U.S.C. 508–510 deal with a specific Department and, read in pari materia with 5 U.S.C. 3345–47, indicate that Congress intended different provisions to govern the filling of vacancies in the Department of Justice than govern generally.

While 5 U.S.C. 3349 appears to create an exclusive method of filling vacancies temporarily, on close reading it is clear that it is applicable only to vacancies filled 'under section 3345 or 3346.'

It is noteworthy, that 5 U.S.C. 3345, for example, authorizes the President to designate the order of succession for department heads generally. 28 U.S.C. 508, however, authorizes the Attorney General to make this designation in the Department of Justice.

Comparing the general provisions of 5 U.S.C. 3345–48, originally enacted in 1868, with the provisions of 28 U.S.C. 508–10, derived from the Department of Justice Act of 1870 and Reorganization Plans No. 2 of 1950 and No. 4 of 1953, it becomes clear that the vacancies provisions governing this Department are an exception to the general vacancies provisions.

It is a settled principle of statutory construction that a specific statute prevails over a general and that a statute later in time prevails over an earlier.

Sections 508–510 of title 28, United States Code, referred to by the Department of Justice, provide as follows:

§ 508. Vacancies.

(a) In case of a vacancy in the office of Attorney General, or of his absence or disability, the Deputy Attorney General may exercise all the duties of that office, and for the purpose of section 3345 of title 5 the Deputy Attorney General is the first assistant to the Attorney General.

(b) When, by reason of absence, disability, or vacancy in office, neither the Attorney General nor the Deputy Attorney General is available to exercise the duties of the office of Attorney General, the Assistant Attorneys General and the Solicitor General, in such order of succession as the Attorney General may from time to time prescribe, shall act as Attorney General.

§ 509. Functions of the Attorney General.

All functions of other officers of the Department of Justice and all functions of agencies and employees of the Department of Justice are vested in the Attorney General except the functions—

(1) vested by subchapter II of chapter 5 of title 5 in hearing examiners employed by the Department of Justice;

(2) of the Federal Prison Industries, Inc.

(3) of the Board of Directors and officers of the Federal Prison Industries, Inc.; and

(4) of the Board of Parole.

§ 510. Delegation of authority.

The Attorney General may from time to time make such provisions as he considers appropriate authorizing the performance by any other officer, employee, or agency of the Department of Justice of any function of the Attorney General.

Section 508 is derived from Reorganization Plan No. 4 of 1953; sections 509 and 510 are derived from Reorganization Plan No. 2 of 1950. These plans were promulgated pursuant to the Reorganization Act of 1949 (Public Law 109, 81st Cong., 63 Stat. 203) which was enacted, following recommendations of the first Hoover Commission, as a means of expediting reorganizations in the executive branch. In a report by the Senate Committee on Expenditures in the Executive Departments, S. Rept. 1683, 81st Cong., 2d sess., the purpose of Reorganization Plan No. 2 is explained:

In a special message to Congress accompanying Reorganization Plans Nos. 1 to 13 of 1950, the President outlined the purpose of plans Nos. 1 to 6 inclusive, as follows:

Reorganization Plans Nos. 1 to 6, inclusive, relate to the Departments of the Treasury, Justice, the Interior, Agriculture, Commerce, and Labor. With certain exceptions, these plans transfer to the respective Department heads the functions of other officers and agencies of the Departments. They permit each Department head to authorize the functions vested in him to be performed by any officer, agency, or employee of the Department * * *

Through the years the Congress has repeatedly endorsed the policy of holding agency heads fully accountable for all the functions of their agencies. * * *

* * * * *

Plan No. 2 does not give to the Department of Justice any more powers, authority, functions, or responsibilities than it now has. (Emphasis added.)

It is clear that the primary intent of Reorganization Plan No. 2 was to establish clear and direct lines of authority and responsibility for the management of the Department of Justice and to make the Attorney General clearly responsible for the effectiveness and economy of administration of the Department of Justice. See also H.R. Doc. 503, 81st Cong., 2d sess. (1950). The wording in Reorganization Plan No. ? is similar to the wording of other reorganization plans approved in 1950, such as Reorganization Plan No. 3 concerning the Department of the Interior, Reorganization Plan No. 5 concerning the Department of Commerce, and Reorganization Plan No. 6 concerning the Department of Labor. In fact, nearly all executive agencies were subsequently reorganized under similarly worded reorganization plans and for similar reasons—to effectuate the recommendations of the Hoover Commission by establishing clear and direct lines of authority within each agency.

In our opinion since nearly all executive agencies have similarly worded statutes conferring almost identical powers on the heads of the respective agencies, the position of the Department of Justice—that from the wording in 28 U.S.C. 509–510 it is manifest Congress intended different provisions to govern the filling of vacancies in the Department of Justice than govern generally—is not tenable. Also, if the interpretation of the Department of Justice with regard to its reorganization plan were applied to the reorganization plans of all agencies, the effective result would be to render virtually null and void the statutory prohibitions contained in sections 3345–49 of title 5, United States Code. It is clear that such result was not intended.

It is worth noting that section 5(a)(5) of the Reorganization Act of 1949 prohibits any reorganization plan from having the effect of "increasing the term of any office beyond that provided by law for such office", a restriction which, to be meaningful, would have to apply to the 30-day term limit put on temporary appointments to positions requiring Senate confirmation.

With respect to the remaining arguments of the Department of Justice, it is sufficient to state that they, as well as the Department's position as discussed above, lead to the ultimate conclusion that Congress did not intend to require Senate confirmation of the new head of the FBI. For there is nowhere in the Department's logic any provision for Senate confirmation except as the President might decide to nominate someone for the position.

Therefore, our opinion is that the service of Mr. Gray as Acting Director of the Federal Bureau of Investigation is subject to the provisions of 5 U.S.C. 3346–3349, and that his continued service in that position is prohibited since he has performed the duties thereof in excess of 30 days. See 32 Op. Atty. Gen. 139 (1920).

Sincerely yours,

ELMER B. STAATS,
Comptroller General of the United States.

REMARK: BY PATRICK GRAY III, ASSISTANT ATTORNEY GENERAL, CIVIL DIVISION, DEPARTMENT OF JUSTICE

(Before the Wage-Price Control Workshop, March 24, 1972)

Nearly a hundred years ago a journalist was interviewing the railroad magnate, William Vanderbilt, about his plans for discontinuing a rail line.

"And what about the public?" asked the reporter.

"The public be damned!" answered Vanderbilt.

As you can see, this was well before the term "public relations" had been invented. And as you can imagine, this startling statement stirred a tremendous hue and cry from the enemies of American business. They said it simply expressed what everyone knew—that businessmen were running roughshod over the public interests. Among those who were loudest in their denunciations were leaders of the labor movement.

In the last three days the nation has been treated to another spectacle of the same type. When the pay board made a decision that the AFL–CIO didn't like, its President and three other labor members of the board walked out.

Public Relations has come a long way since William Vanderbilt, and George Meany did not say, "The Public Be Damned!" But that is the full and complete meaning of his action. Not since the so-called Robber Barons of the 19th Century has a special interest group demonstrated such blatant contempt for the public interest. Let's look at the record.

Our most recent inflationary spiral began in 1964. For the first five years of this raging inflation, a democratic administration was in Washington. What did it do to stop this inflation? Nothing. During that same five years, what did the leaders of organized labor demand of that Democratic Administration, in order to stop inflation? Nothing.

Just three years ago, after President Nixon took office, he applied then his existing powers to try and stop inflation. As you know, these were indirect powers—credit restrictions, the tax structure, and so forth. He also called upon business and labor for voluntary efforts in controlling inflation. What was the result?

In general, organized labor continued to make strong and inflationary demands at the bargaining table. And in too many instances, business gave in to these demands and simply passed the added costs on to the consumer, in the form of higher prices.

Lest I be accused of coming here just to blame organized labor for the inflationary spiral, let's recognize that it takes two sides to negotiate at the bargaining table and two sides to sign a contract. If labor was wrong in demanding inflationary increases, business was wrong in granting them.

The one side that wasn't represented at the bargaining table was the side of the consumer. He is the one who, in the end, had to pay the price.

Now, as you know, President Nixon preferred not to apply direct controls to the economy, if it could be avoided. He knew that such controls can stifle our free and competitive economy. He had hoped that inflation would be cured by indirect and voluntary means. And, in fact, there was some reduction in the rate of inflation. But by mid-1971 the Nixon administration realized it was not enough.

All this time the Democrats—those whose party had done nothing to stop the inflationary spiral in the first five years—were blaming the President and were calling for more drastic and direct controls.

Leaders of organized labor, led by George Meany, were calling for direct controls. They said that was the only way the President could curb inflation.

Then on August 15, President Nixon announced his wage-price freeze. Well, George Meany said that wasn't exactly what he had in mind. He was in favor of freezing prices, but not wages. And since public relations has become an important factor since the days of William Vanderbilt, Mr. Meany didn't say, "The public be damned!" No—instead he claimed that labor was being asked to bear the brunt of the fight against inflation, and he threatened to ignore the wage freeze.

Then, after the 90-day freeze the President established phase II—the economic stabilization program. It embodied the most scrupulous attempt to administer wage and price controls that would be fair to all concerned. Not since the national crisis of World War II was everybody in America so united in one cause—the need to buckle down—pull together and break the back of the psychological inflation as well as the real inflation.

Everybody, that is, except the likes of George Meany. At first he hesitated to serve on the pay board until his terms were met. Then he reluctantly agreed, saying, in effect, that he would do so only as long as it served labor's interest to do so.

While I am not here to throw bouquets at business, I must observe that the management representatives on the pay board did not come in with their fingers crossed. They did not hang onto their hats and keep one foot outside the door.

Now, let's look at the record of the Pay Board and see whether its performance justified George Meany's fears.

Out of 54 votes on major issues by the Pay Board, more than half were unanimous. The majority voted the way the labor members voted 36 times.

Let's cut it another way. The Pay Board agreed that 5.5 percent was a permissible increase, considering productivity gains, and that 7 percent was reasonable where there was some "catching up" to do. Yet in the soft coal settlement the Board agreed to 15 percent. In the aerospace settlement it agreed to 8.3 percent plus an additional 4 percent in the second year. The United Transportation Union got 10 percent.

The full Pay Board has acted upon eight major wage cases. In five of these the position of the labor members prevailed.

Does this record look like the Pay Board was stacked against organized labor?

Meanwhile, what was the Price Commission doing?

The weighted average price increase it has allowed—and bear in mind it has denied any increase at all in a number of cases—has been 3.16 percent for applicable sales, and 1.55 percent for total revenues. And whereas the Pay Board allowed the soft coal workers a 15 percent wage increase, the Price Commission established a policy that even in such cases, no more than a 5.5 percent price increase in wages would be accepted as allowable cost to be passed on as a price increase.

How has all this affected the cost of living? The President has indicated that his goal is to get the Cost of Living Index down to an annual increase of 2 to 3 percent. Since the start of phase II the Monthly Price Index has averaged increases that are well within this annual rate.

It is true that here and there you can find prices that have exceeded this goal. Mr. Meany's game is to pick and choose such exceptions—meat prices, for example—to try and build a case.

The fact is that retail food prices have risen just one-tenth of 1 percent on the average in the last six months. It is also a fact that only 16 percent of the typical family's income goes for food today compared with 23 percent in 1952.

Now comes the dock strike settlement, in which the Pay Board is asked to approve a whopping 20.6 percent increase.

As you know, this followed a strike that strangled West Coast ports and shipping for many months. This strike was terminated when the President invoked the Taft-Hartley Act on the 98th day, and a court ordered the strikers back to work 112 days after the strike began. The cooling off period expired after 80 days, and the dock workers were out again. They did not return again until 35 days had elapsed.

Reasonable observers declared that if the pay board caved in and allowed anything like the 20.6 percent increase, the whole economic stabilization program was liable to go down the drainpipe.

When it's decision of 14.9 percent was announced it created a furor—but not just on the side of labor. Those who had feared the pay board would "cave in" were just as adamant on the other side. They pointed out that the dock workers increase was comparable to the soft coal increase that had already been criticized as excessive. But Mr. Meany and three other labor leaders affiliated with the AFL–CIO walked out, hurling thunderbolts over their shoulders.

As he had warned, Mr. Meany had been willing to stay on as long as things were generally going his way, but when an important decision went the other way, he picked up his marbles and went home.

Of course, he invoked the help of public relations and put out an explanation that took nearly half a page of newspaper space. He didn't say, "the public be damned." But he did use as one of his excuses that he and his colleagues had "a deep disbelief in and distrust of the aims and purposes of this administration's economic and social policies. . ."

I would like to be charitable and believe that this, and not just pure narrow self-interest, explains Mr. Meany's problem. He doesn't trust this administration, so he pulls out of the game and goes home.

It's not really a question of trust with Mr. Meany—it's a question of power—the raw and unbridled power to pull the strings and manipulate to achieve his own objectives and the public be damned.

At the present time this is the administration in office and headed by a President elected by the people of the United States.

At the present time it is charged with the responsibility of conducting the affairs of the government, and it's the only government we have.

It is administering the only economic stabilization program that Congress has authorized.

At the present time it's the only weapon the Nation has that can win the battle against inflation.

So even if Mr. Meany isn't satisfied with this game, the fact is that it's the only game in town.

Walking out on that game is an indulgence in personal prejudice that the rest of us can't allow ourselves to enjoy.

In my opinion the American labor movement has the right to expect reasoned and responsible leadership from its chieftans. Instead it has now received a buckshot load of irrational irresponsibility.

I believe that the workingman and his family have suffered heavily under the inflationary scourge. They have seen their wages increase but their purchasing power has declined. They deserve the responsible representation that the AFL–CIO potentates may have been able to provide had they placed public interest above self-interest and raw power.

I believe that the overwhelming majority of Americans, including many members of organized labor, will applaud the fairness, the courage and the performance of the pay board.

I believe that the overwhelming majority of Americans recognize the need for the economic stabilization program, and for all Americans to put national interest ahead of special interest in supporting that program.

I believe that the overwhelming majority of Americans do not allow themselves to be ruled by suspicion and distrust. They know that if we are to continue to accomplish great things as a Nation, we must maintain confidence in each other and in the leader we elect.

I predict that, together, we Americans will beat this specter called inflation—with or without Mr. Meany.

In the process we will validate an article of faith—not "the public be damned," but "the public be served."

Nixon Will Create Unity In the Nation, Aide Says

(By James Quinn)

New London.—The presidency of Richard M. Nixon will achieve national unity by combining top-level administrators with an attitude of leadership for all, says a New London lawyer who knows him intimately.

Louis Patrick Gray 3rd, who has worked on and off for Nixon since 1960, indicated today he is completely confident the president-elect will overcome "the polarization" of the American people.

"The primary issue facing the country—and Nixon concurs without a doubt—is unity at home," Gray said.

The 52-year-old attorney, a partner in the firm of Suisman, Shapiro, Wool, Brennan & Gray, acknowledges he may get a position in Nixon's administration.

A former Navy captain, Gray has advised the former vice president on a special assignment basis in the areas of defense and economics.

Gray performed a similar role in Nixon's 1960 campaign for the presidency, briefing him then before his television debates and at other times.

This year, he has been again primarily an ideas man for the candidate, researching and preparing first drafts of position papers.

The attorney's assistance to Nixon has been in the fields covered by his educational and occupational background.

An Annapolis graduate, he also has a law degree from George Washington University, and nearly 20 years experience in the Navy, including a one-year turn as executive officer of the Submarine Tender *Fulton* in New London.

After quitting the service in June, 1960, he served in Nixon's unsuccessful campaign, then entered law practice here and set up a small business investment corporation.

Gray's background also reflects the three areas in which he says he might be called upon to work for Nixon—"somewhere in defense, somewhere in the Small Business Administration and maybe within his personal staff."

But in regard to the post of Secretary of the Navy—for which he has been mentioned most often—Gray would say only, "I think not."

He refers to Nixon as "the old man" or "the boss", and says, "I love the guy."

Gray proudly shows visitors a 1960 photograph of the Nixon family hanging in his office. Beneath the picture is a note from the former vice president thanking his adviser for "tough-minded and superbly efficient work as a key member of my campaign staff."

Even while acknowledging that the particular programs of an administration will play a large role in its ultimate success, Gray reasserted that "leadership, which must stem from the president, is the first concern."

Nixon will provide that leadership "through direct communication with all the people, making full use of all news media," he said.

The next most important criterion for success is to "get the best possible men you can to serve in a Nixon administration," according to the attorney.

In regard to establishing a rapport with the nation, Gray feels that "the boss' press relations have improved tremendously" since 1960.

Gray said that during a private luncheon with Nixon at a Washington hotel after the 1960 election he "came down hard" on this matter in assessing the defeat.

Nixon went almost directly from the luncheon into the press room for a chat, Gray said.

"I think he carried this into his campaign on a great basis—except in the last few weeks," he said.

If Nixon cannot communicate his ideas and sincerity to the press, Gray said, his administration "will wither and die in its infancy—and don't think he doesn't know it."

Gray said that Nixon's programs for domestic problems will definitely be more liberal than his critics expect.

"But it's really more a question of humanism," he added. "And don't forget, that this man was a poor boy, he came out of adversity."

Gray lives with his wife Beatrice and four sons on Finlay Way, Stonington.

The Other Side of the Coin

(Address of Hon. L. Patrick Gray III, to the Orange County Bar Association, April 28, 1972)

(Note.—This is the official text of Mr. Gray's speech. It may be fully quoted and attributed to him. Due to time limitations, however, a shorter version will be delivered.)

During the celebration of Law Day in our Nation, one of the traditional themes is the responsibility of the lawyer. You would have every reason to assume that this might be the subject of my talk today.

It is not. I am going to talk about the responsibilities of a free press and its relationship to the freedom of our Nation.

My rationale is basic twin responsibilities—that of the lawyer and that of the press—are two sides of the same coin.

Our Nation was founded on the principle that a people will respect and observe laws that they themselves, through their elected representatives, have created.

This was a radical idea two centuries ago in an age of kings. And it hinged on another radical idea—that the people are capable of governing themselves if they are informed.

Listen to the words of Thomas Jefferson in the year that our Constitution was created:

"The basis of our governments being the opinion of the people, the very first object should be to keep that right; and were it left to me to decide whether we should have a government without newspapers or newspapers without a government, I should not hesitate a moment to prefer the latter."

So it is that the law and the press are two sides of the American coin. This year, as in years past, Law Day speakers across the country will discuss one side of the coin. I would like to talk about the other.

The American press is, and has been for many years, the most productive press in the world. With its wire services, its legion of correspondents, its high-speed presses, its radio and television coverage, it brings more news to more people, faster and more frequently, than any press on this globe.

The American press enjoys more freedom than just about any other press in the world. The American press is free to seek out and publish the facts without fear or favor, and in general it has shown outstanding initiative in doing so.

Consequently, in fulfillment of Jefferson's ideal, the American citizen ought to be the best informed citizen and the best informed voter in the world.

Or is he?

Let me quote from a President of the United States:

"I really look with commiseration over the great body of my fellow citizens, who, reading newspapers, live and die in the belief, that they have known something of what has been passing in the world in their time. . . . I will add, that the man who never looks into a newspaper is better informed than he who reads them; inasmuch as he who knows nothing is nearer to the truth than he whose mind is filled with falsehoods and errors."

What President wrote that? The same Thomas Jefferson who was such an ardent supporter of the press.

He wrote in a day when journalistic standards remained to be invented; when there was no distinction between news stories and editorials; when the so-called news columns poured forth the most outrageous partisan vilification imaginable.

But beginning in the 19th Century, these shortcomings were corrected as the American press developed true journalistic standards. In the 20th Century, fairness and objectivity in reporting were promoted in schools of journalism and through professional organizations such as the American Society of Newspaper Editors, which established a code of ethics at its first meeting in 1923. I quote one representative sentence out of many in this enlightened document:

"Partisanship, in editorial comment which knowingly departs from the truth, does violence to the best spirit of American journalism; in the news columns it is subversive of a fundamental principle of the profession."

The American public learned to expect that the news columns dealt in facts, and that opinion was confined to the editorial page. The two sides of the coin were complementing each other better than in Jefferson's day. The people were able to make decisions based on fact, rather than having to see through or discount mere propaganda.

And it is true today—as it has been in the past—that the American citizen with the facts in hand can generally be counted on to make a reasonable decision.

But if the "facts" reported are not facts, and the newspapers which the public has come to trust now begin to sacrifice accuracy and objectivity to partisan bias and prejudice of whatever brand—then we may be worse off than the readers of Jefferson's day.

For, if the press retains only the forms of objectivity, and opinion masquerades as fact, then we do not even realize we are being brainwashed. And the two-sided coin which to Jefferson was the basis of democracy—an informed electorate—would be snatched away from us.

Could this happen in America? Is it happening in America?

As you know, Vice President Agnew has had something to say about this. The press responded in two ways—first, hysterical cries of "censorship!"; second, righteous denials of the criticism. Recently, in a television discussion about political reporting, one of the reporters said, "We don't make the mistakes that Vice President Agnew, for instance, says we make." I would like to respond to that by going over with you some of the press coverage of the United States Department of Justice.

On December 2, 1971, the NBC Nightly News provided its viewers with a story entitled, "Police Protection at National Political Convention."

The subject was a grant of funds by the Law Enforcement Assistance Administration, an arm of the Department of Justice, to the city of Miami Beach for improved police services at the Democratic National Convention this year.

One of the NBC reporters named some of the items that the funds would be spent for, including "armor", a "mine-detector", and "hidden microphones and television cameras to keep an eye on areas where demonstrators might get together."

And the presentation ended with the sentence: "One congressional aide who has seen the list said the Justice Department must be expecting the biggest assault since the Tet offensive."

So said NBC. Now what are the facts?

No armor and no mine-detector were ever listed or intended in the grant. The grant does list a metal detection sweeper and two metal detection friskers, but it is a far cry from these devices to detect firearms or pipe bombs, which are standard civilian police equipment, to a mine-detector, which is clearly military equipment.

As for the microphones and TV cameras, they are the usual kind of closed-circuit system that we see every day in banks and apartment lobbies, and are in no sense "hidden".

The quotation from the anonymous "congressional aide" adds nothing to the story except to provide the reporter with a means of injecting an opinion. Needless to say, the exaggeration and emphasis about armor and a mine-detector, which would be military equipment and not police equipment, and the subtle use of the word "hidden" to impute secret police tactics, lend themselves to this opinion.

The story didn't mention what most of the funds would be used for—police training and communications equipment. And NBC News never bothered to check with the agency that was the subject of their story.

I cite this example because it contains just about every device that can be used to twist the news without appearing to do so.

By use of the words "armor" and "mine-detector" it invented phony information.

Its use of the word "hidden" implies sinister motives and seems calculated to arouse suspicion.

It used an anonymous quote from someone who, since his name is not used, is not responsible for the statement.

It left out information that did not lend itself to the impression the reporter was trying to make.

And it shunned any contact with the organization that was the target of the story.

The viewer would get the impression that the Justice Department was expecting a full-scale riot in Miami Beach and was supplying the military hardware to enable local authorities to crush any rioting with police-state methods.

There is little doubt that this was clearly the result intended. What other reason could there be for this form of mangled journalism? I can only conclude that there is no other reason, and it is a deliberate attempt by a major news organization to mislead the public.

So much for news distortion. Now let's look at an example of blatant news fabrication.

In December 1969 the Attorney for the Black Panthers, Charles R. Garry, stated publicly that police across the nation had murdered 28 Panthers in "a national scheme by various agencies of the Government" to "commit genocide upon members of the Black Panther Party." With no proof whatever, the charge from this biased source was soon being repeated, not as an allegation, but as an accepted fact, by many news media, including the *New York Times* and the *Washington Post*. One national magazine, *Newsweek*, stated that the Department of Justice had joined the police and "escalated the drive" against the Panthers.

A few days after the Panther attorney's original charge, a *Chicago Tribune* reporter named Ronald Koziol exposed it as a fraud. But his story was ignored in the onrush of vilification against law enforcement agencies. More than a year after the original allegation, it was investigated by writer Edward Jay Epstein who reported his findings in the *New Yorker* magazine of February 13, 1971.

With old-fashioned thoroughness, these two reporters independently started from the same base—the rather obvious journalistic step of requesting a list of the 28 alleged murders. It turned out that 28 had just "seemed to be a safe number," according to Garry's own admission, and that the most names he could scrape together was 19. The investigators checked on each of these 19 and as Mr. Epstein reported it:

One had been killed by a shopkeeper in resisting a robbery, not by police.

One was shot in an argument with "friends," not by police.

One was shot by his wife, not by police.

Another was executed by other Black Panthers, not by police.

Four were killed in a shootout with members of a rival black militant organization, not by police.

One was shot in an unsolved case, by a pistol later found in a raid on a Black Panther Headquarters.

There were eight other cases which involved crimes or street shootouts, in which the police believed they were dealing with criminals as such and had no reason to think they were encountering Black Panthers. Six of these Panthers were shot by policemen who were already seriously wounded and were fighting for their lives. According to Epstein's report, two policemen were killed and 14 were wounded in the eight cases.

In only two Panther deaths were the police conducting a planned raid. One was killed as the police entered after he had fired a shotgun through the door, and the other appears to have been hit by a stray police bullet that went through two intervening walls.

Thus, no deaths can be attributed to what the Panther attorney called a "national scheme" of "genocide." The fraud had been laid bare, and to its credit the *Washington Post* made a full admission of error. But this is small compensation for the sorry spectacle of the press repeating the most damaging charges without the facts. And why? It is obvious that the reporters involved wanted to believe the story. It coincided with their apparent prejudice against the police and the U.S. Justice Department. For them it was a classic case of the saying, "My mind's made up—Don't confuse me with the facts."

Here is another example from the recent hearings on the confirmation of Richard Kleindienst as Attorney General.

On March 14, 1972, a United Press International photographer took a picture of former Attorney General John Mitchell conferring with Robert C. Mardian, who was then an Assistant Attorney General in the Department of Justice, before testifying to the Senate Judiciary Committee. But in identifying the second man the photographer did not check the name that someone gave him. The cutline which was sent out with the photograph mistakenly identified the second man not as Mr. Mardian, but as William Merriam, an ITT Vice President, and pointed out that the controversial Beard Memo had been addressed to Mr. Merriam.

This erroneous caption made it appear that the Justice Department and ITT were in cahoots with each other.

It went out over the UPI wire at 1:30 p.m., March 14. UPI sent out a correction at 3:30 p.m. and a second correction at 5:30 p.m. on the same day.

Despite these prompt and early corrections, the *New York Times* and some other papers ran this photo in their next morning editions with the erroneous caption. Their readers believed that Mr. Mitchell was "having a final word" with ITT's Vice President before testifying. Later the *New York Times* ran a correction.

Was the failure to correct this gross error a careless mistake, or the result of subtle bias? The fact that reputations of a lifetime were at stake did not seem to be of too much import. One honest mistake or careless error of this sort can destroy a human being in the time it takes the reader to draw the obvious inference, while at the same time further undermining the public's confidence in its Government.

Let me describe an occasion on which reporters from CBS–TV did contact the Law Enforcement Assistance Administration for its side of a story.

The programs of LEAA were the subject of the Mike Wallace "60 Minutes" show on April 9, 1972. In preparing the program, Mr. Wallace conducted a filmed interview with Jerry Leonard, Administrator of LEAA. He also conducted interviews with others who were critical of the Law Enforcement Assistance Administration.

The manner of editing these interviews is not only illuminating—it is frightening. Big Brother is here, and George Orwell is off in his prediction by some twelve years. Not facts, but thought control is the product of the editor's cut and paste efforts.

Virtually every reference Mr. Leonard made to successful programs funded by LEAA was cut out.

The answers that Mr. Leonard gave regarding the few LEAA programs that were not working well were edited so that only partial answers were used—those parts which lent themselves to Mr. Wallace's purposes, or the purposes of his editors or the network.

Even some of Mr. Wallace's questions were rephrased and substituted at a later date.

Mr. Leonard's edited answers were spliced with the statements of other people who seemed to contradict him—all this without giving him any opportunity for rebuttal or even letting him know that his interview would be altered in this manner.

All Mr. Leonard's suggestions for contacting and interviewing officials of communities with successful programs were ignored.

All his references to the fact that the problem programs had been discovered by LEAA itself were cut out.

The fact that most of the problems discussed in the interview had arisen during the term of Mr. Leonard's predecessor and had afterward been solved by Mr. Leonard was deleted.

So here again we perceive the stiletto at work behind the scenes, but the viewer is not aware of the depth and breadth of the emasculation. Only the reporters and the editors involved in this program know that they have led their audiences to believe that another one of the institutions of Government is inefficient or corrupt or both, regardless of what the facts may be.

In commenting on this gross travesty, I can do no better than to quote the distinguished Senator from Nebraska, Roman Hruska, who placed the whole revolting performance in the Congressional Record.

"Such deception," cried the Senator. "The cunning thus displayed would do credit to a burglar."

Now, suppose Mr. Leonard had refused to talk to the representatives of the news media because he feared that he would be participating in a hatchet job on himself? This, too, has its dangers.

For example, on January 24, 1972, NBC Nightly News described the beginning of court proceedings in the Berrigan Trial at Harrisburg, Pennsylvania. Among other things, an NBC newscaster stated that the original accusations against the Berrigan group "were used by the Government to launch Grand Jury investigations into anti-Administration activities all over the country."

When the Justice Department's Public Information Officer asked the newscasters why he would make such an untrue statement without seeking to ascertain the facts, the newscaster finally said, after much argument, "If you would tell us more about what you are doing, you wouldn't have this problem."

Such logic defies response, but I must say that we are hardly in a position to tell the press more about what we are doing, if we are not doing it.

It is obvious that I do not stand alone in calling attention to wide-spread abuse in the American press. Last year Edith Efron wrote a book on this subject, *The News Twisters.* Among other things she carefully studied the TV coverage of the 1968 election campaign. She showed on a quantitative basis that the news shows of the three networks had clearly slanted their coverage away from Mr. Nixon.

A new book just out, *The President and the Press,* is written by James Keough, who had left a position as Executive Editor of *Time* magazine to become head of President Nixon's writing staff. In example after example, he documents the distortion of the news in repeated attempts to portray the President and his Administration in a blatantly false manner.

Today journalists are becoming too much a part of the culture of disparagement which threatens to destroy all respect for established institutions. This was the conclusion reached by Daniel Patrick Moynihan, distinguished Harvard College academician, and former Counsellor to the President. Moynihan also concluded that the press was being more and more influenced by attitudes genuinely hostile to American society and American Government.

This trend is evidenced in part—and in a very small way—by the remarks of Walter Cronkite in 1970, "I don't think it is any of our business what the moral, political, social, or economic effect of our reporting is."

If the news media always reported facts accurately, objectively, and fairly, Mr. Cronkite's statement would be entitled to a high degree of acceptance, and I would have no quarrel with it.

But the record is clear that the reporting is often inaccurate, biased and grossly unfair. My examples today are just a meager few of the many that could be cited.

It must be said in fairness that not all of the press has conducted itself in the manner I have described. A great many reporters and editors continue to pride themselves on their professional objectivity. Some of them deplore the erosion of journalistic standards that they see among their fellows.

Theodore H. White has stated that the bias that infects the major media "subtly but profoundly influences those who sit astride the news flow in New York and Washington and thus stains the prisms of reporting through which the nation as a whole must see itself."

On a recent television talk show, Douglas Kiker of NBC News appeared to be genuinely concerned over the way the political reporter's personality was being injected into the news-making process. As he stated, "it occurs to me that today politics has become so complicated that the people who report politics are being forced to take a role beyond the old role of total objectivity, that we're, in effect, becoming a party to the action. Whether we like it or not, we're a party to the action and we might as well admit it."

This is the spectre that now looms over the American political process. Is the other side of the coin—the free press that should keep the electorate informed—now stepping into a new role—that of controlling the electorate by controlling the information it receives? Instead of the public using the press as its source of information, is the process now being reversed, so that the press will be using the public in the same way that a programmer uses a computer?

A terrible prophesy was made by Fisher Ames, one of Thomas Jefferson's political opponents: "The newspapers are an overmatch for any Government. They will first overawe and then usurp it."

Such a bitter forecast was once discounted as a product of partisan conflict, but I wonder now whether it could happen here, in our time. For as George Washington himself warned:

"If the Government and the Officers of it are to be the constant theme for News-paper abuse, and this too without condescending to investigate the motive or the facts, it will be impossible, I conceive, for any man living to manage the helm, or to keep the machine together."

There is the chance that I, in delivering a speech in this tenor, will be misquoted and misinterpreted. And if there are any headlines as the result of the delivery of this speech they may charge, "Government Official Attacks Freedom of The Press."

Something like this recently happened to Treasury Secretary John Connally, who spoke to the American Society of Newspaper Editors about his concern that this nation was undermining its self-confidence by too much self-criticism. The Washington Post ran an 18-inch story on the speech. In its very last sentence the story quoted him as follows:

"'It is absolutely critical,' in this political year, Connally concluded, 'that those in the press and politics use some restraint.'"

The headline writer seized upon this one statement at the end of the story for his five-column headline, which said, "Connally Seeks Press Restraint."

I subscribe to and support fully the Jeffersonian concept of a press free to inform the people—and like Jefferson, if I had to make the choice, I would prefer "newspapers without a Government." I am not advocating—in fact, I would abhor—any action by the Government to control the press. I believe, just as strongly as Mr. Jefferson, in the inviolability of the other side of the coin.

I am unalterably opposed to any attempt on the part of the Government to control the press—so also, I am just as opposed to the attempts of the press to control the Government. The American people do the job quite well when informed adequately of the facts by a free press observing the fairness inherent in the code of ethics of the American Society of Newspaper Editors.

I like to believe that the basic decency—the sense of fair play—in the hearts of Americans will bring a rebirth of journalistic standards in areas where they have now become only an empty shell. I believe that readers will demand it from a press which is still competitive enough to respond to reader demand.

Today there is a crisis of confidence in the press.

The record is replete with the errors of the past. There is no need to repeat them. By profiting from both the error of the honest mistake and the error of the hatchet job, the press can find the truth, can print the facts, and can keep faith with the American people.

VISIT TO THE SENATE BY A DELEGATION FROM THE BRITISH HOUSE OF COMMONS, SUBCOMMITTEE ON DEFENSE AND EXTERNAL AFFAIRS EXPENDITURES

Mr. SPARKMAN. Mr. President, I have the privilege of presenting to the Senate a distinguished delegation that is visiting us today.

Several of us have just had the pleasure of having lunch with them in the Foreign Relations Committee Room.

They are a delegation of parliamentarians from our friend, Great Britain. I will ask them to stand as I call their names.

The first is Sir Harwood Harrison, who is chairman of the delegation.

Then:

Major General D'Avigdor-Goldsmid.
Mr. Geoffrey Finsberg.
Mr. John Tilney.
Mr. James Boyden.
Dr. John Gilbert.
Dr. David Owen.

We are most happy to have them with us. I take pleasure in presenting them to the Senate.

I ask unanimous consent that I may place the list of names and a short biographical sketch about each in the RECORD.

[Applause, Senators rising.]

The PRESIDING OFFICER. Without objection, the list will be printed in the RECORD.

The list, ordered to be printed in the RECORD, is as follows:

LIST OF BRITISH DELEGATION

SIR HARWOOD HARRISON, CONSERVATIVE MP FOR THE EYE DIVISION OF SUFFOLK, CHAIRMAN OF THE HOUSE OF COMMONS SUB-COMMITTEE ON DEFENSE AND EXTERNAL AFFAIRS EXPENDITURE

Sir Harwood Harrison has been a Member of the House of Commons since 1950. He was Parliamentary Private Secretary to Mr. Harold Macmillan at the Ministry of Housing and Local Government from 1951–54. He has served as a Conservative Whip and as a Lord Commissioner of the Treasury (1956–59). He was a Comptroller of the Queen's Household (1959–61).

Sir Harwood Harrison was born in 1907 and educated at Trinity College, Oxford. During the war he served in the Army in the Far East and was a prisoner of war in Singapore. He is married.

MAJOR GENERAL D'AVIGDOR-GOLDSMID, CONSERVATIVE MP FOR LICHFIELD AND TAMWORTH

Major-General d'Avigdor-Goldsmid has been a Member of the House of Commons since 1970 having previously worked in the Ministry of Defence. He was a regular Army Officer for 35 years and is now Colonel of his former regiment, the 4th/7th Royal Dragoon Guards. His brother, Sir Henry d'Avigdor-Goldsmid is also a Member of Parliament.

Major-General d'Avigdor-Goldsmid was educated at Harrow School and Sandhurst. He is not married.

MR. JAMES BOYDEN, LABOUR MEMBER OF PARLIAMENT FOR BISHOP AUCKLAND (COUNTY DURHAM)

Mr. Boyden has been a Member of the House of Commons since 1959. He was a Parliamentary Under-Secretary of State in the Department of Education and Science between 1964 and 1965 when he became a Parliamentary Secretary at the Ministry of Public Building and Works (1965–67). He served as Parliamentary Under-Secretary in the Army Department of the Ministry of Defence from 1967–69.

Mr. Boyden was born in 1910. He was educated at Kings College, London and was thereafter called to the Bar. From 1947–59 he was Director of Extra Mural Studies at Durham Colleges.

Mr. Boyden is a Member of the Fabian Society. He is married.

MR. GEOFFREY FINSBERG, CONSERVATIVE MEMBER OF PARLIAMENT FOR HAMPSTEAD, LONDON

Mr. Finsberg has been a Member of the House of Commons since 1970. Before entering Parliament he was Chief Industrial Relations Adviser and Personnel Controller of Great Universal Stores Limited. He was active in local government in the Borough of Hampstead.

Mr. Finsberg was born in 1926. He was educated at the City of London School. He is married.

DR. JOHN GILBERT, LABOUR MEMBER OF PARLIAMENT FOR DUDLEY

Dr. John Gilbert has been a Member of the House of Commons since 1970. He is a chartered accountant having graduated with a PhD in international economics at NYU School of Business Administration.

Dr. Gilbert was born in 1927. He was educated at St. John's College, Oxford and NYU. He is a member of the Fabian Society. He is married.

MR. JOHN TILNEY, CONSERVATIVE MEMBER OF PARLIAMENT FOR WAVERTREE, LIVERPOOL

Mr. John Tilney has been a Member of the House of Commons since 1950. From 1951–55 he was Parliamentary Secretary to the Secretary of State for War (i.e. the Army) and thereafter was Postmaster General (1957–59) and from 1959–62 he was Parliamentary Private Secretary to the Minister of Transport. From 1962 he was Parliamentary Under-Secretary of State for Commonwealth Relations.

During the war, Mr. Tilney served in the Army. He is also a past Chairman of the British Group in the Inter-Parliamentary Union (IPU) and he is now a Trustee of the United Kingdom Branch of the Commonwealth Parliamentary Association.

Mr. Tilney is a member of the Northern Stock Exchange. He was born in 1907 and educated at Magdalen College, Oxford. He is married.

DR. DAVID OWEN, LABOUR MEMBER OF PARLIAMENT FOR SUTTON DIVISION OF PLYMOUTH

Dr. David Owen has been a Member of Parliament since 1966. He served as a Parliamentary Private Secretary to the Minister of Defence (Administration) in 1967 and from 1968–70 he was Parliamentary Undersecretary of State for the Royal Navy.

Dr. Owen is a physician. He was born in 1938 and was educated at Sidney Sussex College, Cambridge and St Thomas's Hospital, London. He is married.

Mr. BENTSEN. Mr. President, I ask unanimous consent that these names be put at the end of the discussion and the debate on this afternoon's bill.

Then I ask unanimous consent that the Senate stand in recess for 5 minutes, so that the Senators may greet the distinguished visitors.

The PRESIDING OFFICER. The Senate will stand in recess for 5 minutes.

(Thereupon the Senate took a recess for 5 minutes.)

FEDERAL AID HIGHWAY ACT OF 1973

The Senate continued with the consideration of the bill (S. 502) to authorize appropriations for the construction of certain highways in accordance with title 23 of the United States Code, and for other purposes.

Mr. BENTSEN. Mr. President, I ask unanimous consent that Mr. Elwin Skiles, Jr., minority counsel of the Subcommittee on Housing and Urban Affairs; Mr. Stephen Paradise of the staff of the Committee on Banking, Housing and Urban Affairs; and Mr. Victor Maerke, of the staff of the Senator from Vermont (Mr. STAFFORD), the ranking minority member of the Transportation Subcommittee; have the privilege of the floor during the debate and votes on this measure.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WEICKER. Mr. President, will the Senator from Texas yield for a similar request?

Mr. BENTSEN. I yield.

Mr. WEICKER. I ask unanimous consent that Arnold Shields and Robert Thompson of my staff be permitted to be present in the Chamber during the consideration of this measure.

Mr. BENTSEN. I have no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, will the Senator yield for a unanimous-consent request, without losing his right to the floor?

Mr. BENTSEN. I yield with that understanding.

Mr. KENNEDY. I ask unanimous consent that Mr. Mark Schneider of my staff be granted the privilege of the floor during the debate on this measure.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BENTSEN. Mr. President, today the Senate begins consideration of S. 502, the Federal-Aid Highway Act of 1973. As Members of the Senate know, this measure is before us because of the inability of the Congress to complete action on a highway bill last year. After a very difficult conference with the House of Representatives, the Senate voted on and accepted a conference report, but the House adjourned before it could take similar action on the last day of the 92d Congress.

Many provisions of S. 502, therefore, are similar, and in some cases identical to those in the legislation that was before us last year. This bill, however, is not merely a repeat of the 1972 proposal to the Senate. We have had the opportunity to consider the issues again and in greater detail. The result is that S. 502 contains what I believe to be a number of improvements over last year's bill. We have had the advantage of additional testimony in hearings and of extensive consideration by both the Subcommittee on Transportation and the Committee on Public Works. So, while some of the issues are the same as in 1972, our responses to them are, in several cases, different.

The subcommittee this year conducted 4 days of hearings on all aspects of the Federal-aid highway program. Thirty-nine witnesses appeared before us and additional statements from many other individuals and organizations were filed with the subcommittee.

A major difference from the 1972 bill is that the measure now before the Senate authorizes Federal highway activities for a 3-year period. This is a departure from the normal 2-year highway bill. Had the committee reported a 2-year bill this year, it would have meant that highway legislation would have to be considered again in 1974, almost before the present legislation was fully implemented. In addition, we felt that a 3-year bill was proper since it will carry the highway program through fiscal 1976. This is the year in which the appropriate committees of the Senate and House will have to consider the future of the highway trust fund, the mechanism by which most of the Federal-aid program is financed. By having both authorizations and financing legislation considered in the same year, more knowledgeable judgments can be made as to the future of both aspects of the highway program.

For the 3 years covered by S. 502, the authorizations total slightly more than $18 billion. This is not an excessive amount when measured against the highway transportation needs of our country or against the capacity of the highway trust fund to sustain such a program. It is a level of spending which is also consistent with the general objectives of the Federal Government to pursue fiscal policies that do not stimulate further inflation.

Mr. President, I ask unanimous consent that a table showing details of proposed expenditures for the next 3 years be printed in the Record at this point.

There being no objection, the table was ordered to be printed in the Record, as follows:

FEDERAL-AID HIGHWAY ACT OF 1973

[In millions]

Highway programs	Highway trust fund 1974	Highway trust fund 1975	Highway trust fund 1976	General fund 1974	General fund 1975	General fund 1976
Interstate	$3,250	$3,250	$3,250			
Primary—Rural	650	650	650			
Secondary—Rural	350	350	350			
Urban system	850	850	850			
Urban extensions	350	350	350			
Minimum ½ percent interstate	50	50	50			
Urban high-density traffic	50	50				
Forest highways	33	33	33			
Public lands highways	16	16	16			
Forest development roads and trails				$75	$75.0	$75.0
Public lands development roads				10	10.0	10.0
Park roads and trails				30	30.0	30.0
Parkways	75	75	75			
Indian reservation roads	75	75	75			
Landscaping and scenic	15	15	15			
Access Roads to Federal lakes				$15.0	$15.0	$15.0
Administration expenses				1.5	1.5	1.5
Guam				2.0	2.0	2.0
Virgin Islands				2.5	2.5	2.5
American Samoa				.5	.5	.5
Bridges on Federal dams				8.5		
Highway beautification and junk yards	$65	$65	$65			
Rural bus demonstration programs	20	20	20	10	10.0	10.0
Alaska assistance	20	20	20			
Alaskan highway				58.67		
Rail relocation project	4.55			9.1		
Dulles Airport	10					
Metro Accessibility				65.0		
Total	5,883.55	5,869	5,819	287.77	146.5	146.5

Mr. BENTSEN. Mr. President, the Interstate Highway System has been this country's principal highway effort since 1956. This massive program to tie our country together with a network of high-speed, limited access roads is now 81 percent completed. For a variety of reasons, the original goal of simultaneous completion in all States cannot be achieved. Several States, therefore, are on the threshold of completing their portions of the Interstate System. Others have substantial work to do and still others are involved in controversy which is, in some cases, delaying and in others making uncertain, the completion of the system.

This current statuts and future prospects for the Interstate System are recognized in several provisions of this bill. For the next 3 years, authorizations for the Interstate System would be reduced from the $4 billion in the present law. The proposed Interstate authorization level of $3.25 billion per year is adequate for orderly continuation of the program at its present stage and will not work an undue hardship on any State's highway activities.

I remind the Senate that although the existing authorization level is $4 billion annually, the administration for several years has seen fit, for reasons of its own, to withhold from obligation part of the money available. In the present fiscal year, for instance, only $2.8 billion is being released for Interstate obligation. The President's budget proposal for fiscal 1974 indicates that there will be an even greater reduction and that the administration intends to release only $2.6 billion for Interstate activities.

The committee recognizes that the Interstate System will not be completed by 1976, the year through which it is presently authorized. It is our estimate that at the present rate of construction and with the amount of work remaining, we can anticipate completion of the system in about 1982.

This date is 10 years longer than that foreseen when the program was started in 1956. While the construction time has been stretched, the cost of the system also has grown and today stands at more than $73 billion. The next cost estimate is required under present law in 1974, but the bill before us extends this date to 1975. At that time we will be in a better position to make a determination on the final cost and completion date of the system.

Because several States are near to completion of their portions of the system, S. 502 contains provisions to prevent them from being denied interstate funding while other States complete their work. Within the period covered by this bill, it is anticipated that the States of Delaware, North Dakota, and Nebraska, will finish their portion of the Interstate System and that other States will come near to completion. This bill provides that for the next 3 years all States will receive a minimum of one-half of 1 percent of authorized interstate funds.

Part of the delay in completing portions of the Interstate System is due to the nature of some segments in urban areas. While short in terms of mileage, these controversial and delayed segments are substantial in terms of money. Several of them have held up interstate work for several years. The committee includes provisions in S. 502 which are intended to help the States resolve the questions connected with both controversial interstate segments and those that are now being considered in a new light within the States.

These provisions permit States to transfer interstate roads in urban areas. Existing law permits such a transfer, but only on the basis of mileage. Thus an interstate segment now can be relocated only if the new route is no longer than that presently designated. These strict mileage limitations have made it difficult, if not impossible, to relocate portions of the Interstate System. The bill revises the statute to permit interstate transfers on the basis of cost rather than of mileage. Under this provision, interstate highways could be transferred if the relocated road is no more costly than the original segment. Since most of the disputed routes are high-cost segments in urban areas, it is anticipated that relocation will be considerably easier.

In this connection, the bill also provides that where State and local officials determine that an interstate link is no longer desirable, it can be removed from the system entirely so long as the removal does not leave a gap in the total nationwide Interstate System.

In both cases—interstate transfers or total removal of a segment—any funding remaining would be transferred to the urban system apportionment for the urban area concerned.

In response to the highway transportation needs of our country's growing urban areas, the Congress in 1970 created the Federal-Aid Urban System to help meet these needs. Since creation of the system, it has become increasingly apparent that the largest urban areas, in particular, must have some assurances that they will receive their fair share of Federal funding available for this purpose.

The consideration of this problem was the one to which both the Subcommittee on Transportation and the Committee on Public Works devoted the most time during preparation of this bill. We discussed it from all angles and considered a number of proposals to assure that our greatest concentrations of population received the funds they need.

Early in our deliberations, we realized that there was no perfect formula. The provisions of the bill in this respect, however, are a positive and workable response to the need for reliable funding. In arriving at its answer to the problem, the committee considered both direct pass-through of highway funds and earmarking of these funds. The final recommendation is a combination of each.

S. 502 provides that all urbanized areas of 400,000 population or more will have their urban system funds earmarked for expenditure in these areas. At the present time, there are 56 such urbanized areas ranging in size from the metropolitan New York to Bridgeport, Conn. These urbanized areas would be entitled to urban system funds on the basis of the relationship their population bears to the total urban population of their States.

The second portion of this section deals with what is known as the pass-through of funds. It provides that cities of 400,000 population or more—as opposed to urbanized areas—can receive urban system funds for their own expenditure. This means that the cities themselves rather than the State highway departments would carry out urban system programs if they qualify as pass-through recipients. To qualify, the cities would have to have the legal authority under their State laws, and would have to demonstrate to the Secretary of Transportation their competence to carry out an urban highway program.

Under the 1970 census there are 32 cities of more than 400,000 population that could qualify to receive pass-through urban system funds. The largest of these is New York City. No. 32 on the list is Minneapolis, Minn.

I assure Senators that there were no parochial consideration by members of the committee in arriving at the 400,000 figure for both urban area earmarking and city pass-through. I note that had we been looking out for our local interests, we would have arrived at different figures.

While urban fund availability occupied much of the committee's time, the most controversial issue before us was that relating to the use of highway funds for public transportation. The bill as reported contains the same provisions in this regard as did last year's bill. The committee is aware that there is a strong relationship between the highway program and public transportation. In recent years that relationship has been given emphasis by programs to construct preferential or exclusive bus lanes and such other facilities as fringe parking, first as demonstration programs, and later as permanently authorized activities.

S. 502 proposes to broaden this relationship by authorizing the use of urban system and urban extension funds for public transportation purposes, including the purchase of equipment. The key issue in this section, and the one which has precipitated much controversy, is the limitation on equipment purchase to that which is highway-related. Rail transit equipment is specifically excluded.

As it did last year, the subcommittee and the committee gave very careful consideration to the public transportation needs in American cities. Once again we concluded that the highway program could be used to help meet these needs by restricting its involvement to public transportation which is highway oriented.

The flexibility provided in this bill will allow our cities to utilize available urban highway funds to take advantage of the already substantal investment in highways. The great majority of American communities do not today, and are unlikely in the future, to need rail transit systems. Conversely, they already have the basic facilities in their streets and roads for a public transportation system.

This allows cities, particularly those that must institute traffic controls to reduce air pollution, to quickly provide an effective alternate means of transportation.

Rail transit already is assisted through the urban mass transit program and is a far more effective tool for this purpose than is the highway program. The limitations of apportionment formulas utilized by the highway program would prevent any city from receiving a significant amount of assistance for very expensive rail construction. On the other hand, the proposals of S. 502 would relieve some of the pressure on the urban mass transit program and consequently make more money available from this source for rail construction.

Closely related are the sections intended to help cities comply with air pollution reduction requirements. The committee adopted an amendment authorizing the transfer of urban extension funds to urban system allocations in those areas which must institute transportation controls. It also requires that in any such urban area, all highway construction projects must be consistent with the air pollution reduction plan for that area.

The committee continued to be concerned about public involvement in highway planning as we developed this bill. From our hearings and from other sources we became convinced that there still is not adequate public involvement at the local level. Therefore, this bill contains provisions to strengthen existing requirements that the public be heard and heeded. It requires the Secretary of Transportation to develop minimum guidelines for public participation in the planning process required under existing law. These minimum guidelines must include annual public hearings to review the overall transportation planning process. The Secretary could withhold approval from Federal-aid projects in any urban area where he is not convinced that all reasonable measures have been taken to encourage and assist public participation in the planning process.

While the Federal-aid highway program is mainly concerned with providing highway facilities, there has been a growing concern in recent years for the esthetic aspects of the program. The Highway Beautification Act of 1965 marked the entry of the Congress into this field. The goals of this act, however, have proven to be elusive. In 1970, the Commission on Highway Beautification was created to examine this issue in depth. Its report is due to be submitted to the Congress by December 31 of this year. In the meantime, however, the committee felt that some particularly troublesome questions should be addressed in the bill before us.

The original Beautification Act prohibited the construction of advertising signs within 660 feet of the Interstate highways. As any traveler knows, this prohibition simply stimulated the construction of the so-called Jumbo billboards just beyond the 660-foot limit. S. 502 extends prohibition to any sign built primarily to be visible from an Interstate or primary highway without regard to the distance in feet.

To help make the beautification program more workable, the committee strongly endorses its financing from the highway trust fund rather than from the most general fund appropriations.

Earlier in my remarks, I said that comprehensive review of the highway program would have to be undertaken in 1975. In anticipation of this review, S. 502 requires that a functional realinement of the Federal-aid system by June 30, 1975. In 1968, Congress directed that a study of highway functions be undertaken nationally. The 1970 act required the Secretary of Transportation to make recommendations to the Congress on the functional alinement of our highways and this report was received in 1972.

It is important that this classification be carried out so that highway designations accurately reflect the type and use of each highway. As the Federal-aid system has developed over more than 50 years, the classification of our highways no longer reflect their true status. For instance, there are instances in which heavily-used roads of the freeway type are officially classified as secondary, although they are anything but secondary roads. The opposite extreme is that some roads designated as primary, may be lightly traveled rural highways. The reclassification is intended to correct these inequities and provide us with better guides in structuring the Federal-aid program in the future.

In line with our desire to build maximum flexibility into the Federal-aid highway program, the committee included in S. 502 provisions making highway facilities accessible to forms of transportation other than motor vehicles. I personally am encouraged by the number of people who have chosen to leave their cars at home and to obtain their transportation by bicycles. Unfortunately, in many areas, particularly in cities, the streets are so crowded that bicycle riding sometimes is a hazardous activity. I believe we should encourage and facilitate bicycle riding and similar activities. To do this, the bill provides authority for the construction of bicycle paths, pedestrian walkways, and equestrian trails as a part of highway projects.

A number of States have indicated to the committee that they need and desire to build high-capacity highways, but are without the funds to do so. The States believe that these interstate-type roads are needed immediately. They believe they cannot wait until some unspecified future time when additional Federal funds conceivably could be available. These States desire to build these needed highways as toll roads and, in the future, utilize Federal aid funds to retire the bonded indebtedness. Such a provision is included in the bill. Whenever a State has received its final interstate apportionment, it would then build toll roads with indebtedness to be retired from the State's regular primary fund apportionment. This provision provides no State with any funds over and above what it might otherwise receive. It merely permits them to build needed roads now and pay for a portion of them with Federal funds in the future.

There is a provision in the bill which terminates the San Antonio North Expressway as a Federal aid project. This section approves the return of funds previously designated for this intracity expressway and removes any further Federal involvement. This action was requested by the State and local governments so that they might complete the expressway with wholly local funds if the project meets local standards.

Two sections of this bill relate directly to transportation problems in the Washington, D.C., area. One is intended to resolve questions surrounding the construction of Interstate 66 into the Nation's Capital. This highway has been delayed also by a series of procedural and court decisions. The committee in approving this section relating to I–66 intends merely to see that the steps required by the courts are followed; but followed expeditiously so that a final decision can be made on the road without undue delay. This section in no way mandates the construction or nonconstruction of Interstate 66. It merely sets a timetable by which the necessary decisions are to be made.

Dulles International Airport, located approximately 22 miles west of Washington, is generally considered as the model jet-age airport in the United States. Its relative distance from the city, however, has contributed to the fact that Dulles Airport is, today, utilized far below its capacity.

There have been a number of proposals over the years for providing public transportation facilities between the city of Washington and the airport. Such facilities undoubtedly would result in high utilization of Dulles, with a corresponding result of reduction of congestion at other airports in the Washington area. The bill authorizes a demonstration program to establish a high-speed transportation system between Dulles and Washington, D.C. This program is conceived as using exclusive or preferential bus lanes, special terminals or parking facilities, and especially designed high-speed buses. The committee believes that such a program would be valuable not only to Dulles Airport, but would produce knowledge applicable to similar situations elsewhere in the country.

Mr. President, I have discussed the major provisions of the Federal-Aid Highway Act of 1973, as reported from the Committee on Public Works. There are, of course, many other parts of the bill, each of them intended to improve the capacity of the highway program to respond effectively to modern transportation needs.

In this respect, S. 502 continues the evolution of the program that began when it was first adopted in 1916. A great part of the success of the Federal-aid program certainly is due to the continued vigilance of the Congress and to the adaptability that regular reviews of the program have fostered.

Highway transportation is essential to the continued growth and prosperity of our country. It is a basic form of transportation and will continue to be such in the foreseeable future. I anticipate that there will be considerable discussion of this bill and I welcome it, for I want Members of this body to be fully informed about the contents and intentions of S. 502 before they are called upon to vote. With this knowledge, I know that my colleagues in the Senate will approve this bill.

I am pleased to yield to the distinguished Senator from Vermont.

Mr. STAFFORD. Mr. President, I appreciate the chairman of the Transportation Subcommittee yielding to me.

I join with the distinguished Senator from Texas (Mr. BENTSEN) in urging approval of the Federal-Aid Highway Act of 1973.

Before I address myself to the merits of the legislation, as the ranking minority member of the Transportation Subcommittee, I would like to express my sincere appreciation for the leadership displayed by the Senator from Texas (Mr. BENTSEN), the chairman of the Transportation Subcommittee, and by the Senator from West Virginia (Mr. RANDOLPH), the chairman of the Public Works Committee, who, as always, guided the full committee to harmonious agreement on this bill. And to the ranking minority member (Mr. BAKER).

During the subcommittee hearings, we heard testimony on virtually every aspect of the bill from virtually every possible quarter. Administration officials from appropriate Federal agencies gave their testimony, as did Governors and mayors and other State and local officials. We heard the views of contractors and other roadbuilders, interspersed with the views of spokesmen for environmental and conservation organizations. And, in shaping this legislation, all those views were considered by the Transportation Subcommittee. At full committee markup sessions, the Senator from West Virginia (Mr. RANDOLPH), as he always does, encouraged a full range of discussion on all proposals and a thorough airing of all views regarding this legislation. This bill is the product of that kind of outstanding leadership.

You have already heard a detailed description of the bill, so I will not take up any of your time by going over that ground. But, I hope that each Member of the Senate will examine this legislation carefully.

We have tried to hold down the authorization level in the interest of fighting inflation, but this bill still deals with very large sums of money. It directs the expenditure of that money in ways that will influence the very shape of our Nation through the development of transportation methods and patterns. This is not simply a road construction bill. It is a social instrument that will have significant impact on the ways Americans will live their lives in the future.

We have tried to provide a balanced transportation system plan in this legislation. As you know, further efforts to increase the transportation alternatives will be proposed on the floor of the Senate, and I will join with one of those efforts, as I did in committee. We have also attempted to provide more flexibility to State and, particularly, to local governments in their transportation planning. The interstate transfer provision of the bill and the proposals to provide earmarking and pass-through of some highway funds to larger communities of the Nation are prime examples of that new flexibility.

This legislation represents another in the continuing effort to provide our Nation with a balanced transportation system to meet the needs of our citizens. At the same time, I am pleased to report to you that this legislation, at virtually every turn, strives to balance the need for transportation systems with the necessity to protect our environment. While S. 502 is essentially a construction bill, it also makes every effort to prevent unnecessary injury to our finite natural resources.

This legislation is national legislation. It recognizes America's need to continue to provide ways of moving cargo for commerce and of moving families for recreation. It also recognizes that different approaches may be required in our cities and in our small towns. It deals with the Interstate Highway System, a greatly expanded urban road system, and also with bicycle and hiking trails, as well as with a new proposal designed to protect our national forests and parks from becoming crisscrossed with roads. And, of course, as all omnibus highway bills do, this legislation attempts to deal with some regional and local problems that have developed during this Nation's efforts to provide improved transportation opportunities for all of us.

Some of the proposals for national, as well as regional or local, solutions are controversial and will be challenged during the debate ahead. This is not a perfect bill, but it is a good bill. I commend it to the Senate for careful consideration.

Mr. BENTSEN. I thank the distinguished Senator from Vermont. I thank him particularly for the contributions he made in the deliberations on this bill in committee. He is always most cooperative and always knows his subject well.

Mr. BAKER. Mr. President, will the Senator from Texas yield for a unanimous consent request?

Mr. BENTSEN. I am delighted to yield to the Senator from Tennessee.

Mr. BAKER. Mr. President, I ask unanimous consent that Richard Herod of the Public Works Committee staff be permitted the privilege of the floor during consideration of the pending bill, and also during votes on the bill and amendments thereto.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. I thank my colleague from Texas.

Mr. BENTSEN. Mr. President, I now yield such time as he may desire to the distinguished Chairman of the Public Works Committee, the Senator from West Virginia (Mr. RANDOLPH), who has done so much to bring this bill to the floor.

Mr. RANDOLPH. Mr. President, the able Senator from Texas, who chairs our Subcommittee on Transportation, has detailed the provisions of this legislation.

To say that this is a comprehensive bill is, of course, the truth. To say that it is an innovative bill is also the truth. To say that it is a bill that meets the challenge of our changing times is true.

There are certain basic functions built into this legislation which are absolutely necessary if we are to complete the interstate system which began 17 years ago and which, hopefully, we will be able to complete by 1982.

Mr. President, I think it is important to say that Congress, in the creation of the highway trust fund, did not approve an abstract concept. Congress brought into being a commitment, or 42,500 miles of interstate highways to be completed and open to traffic so that the mobility of America might continue to expand, so that the products of its factories could move to the cities, so that the products of its farms could move to the consumers, and that Americans generally would benefit. As the knowledgeable Senator from Texas has said, approximately 81 percent of that total mileage is now open to traffic. Approximately 10 percent more is now under contract. That means that we have today 91 percent open to traffic or under contract. In other words, we begin to see the program in its final years of construction.

No one can deny that the development of our highway system in America has strengthened every State and every community in the country, regardless of whether those communities and those States are large or small in population.

It is important for us to realize that in October 1977, the highway trust fund will cease to exist. That means that the Members of this body and those in the House of Representatives will be faced with the necessity, in 1976, to determine what course to follow with reference to the continuance, the changes, the refinements, of the highway trust fund.

As we did with the creation of the highway trust fund, we later developed a trust fund for airport development and facilities. This legislation became law, and today we are developing our airport system, and are improving the safety of our airways facilities with a trust fund, just as we did in the trust fund to develop our great highway system.

Throughout my career as a Member of both the House of Representatives and the Senate, I have been deeply involved in the development of highway legislation. During that period I have seen many changes in the highway program, and these changes have made it a Federal activity that remains abreast of the times.

Seldom, however, have I been involved in the development of highway legislation that has stimulated both the public and congressional concern as has the bill before us. The success of the highway program in recent years has solidified the American public's preference for motor vehicles as its primary form of transportation. The highway program, as a result, has been subjected to careful scrutiny concerning the role it plays in American life. I welcome the examination of any Government program, and I welcome all suggestions as to the highway program that can be improved.

The Federal-Aid Highway Act of 1973 was built with many such recommendations from many segments of American society, as well as with our own continuing experience in the Senate. It is a bill which addresses contemporary needs and does so in a responsible manner. The Senator from Texas (Mr. BENTSEN), has described the major features of this bill in detail. As chairman of our Subcommittee on Transportation, Senator BENTSEN has performed admirably in this new responsibility and has guided the preparation of this bill in a skillful and competent manner.

I will not repeat his description of this bill, but will confine my remarks instead to a few issues.

With regard to the major Federal-aid highway program activities, this bill neither maintains the status-quo, nor makes changes intended to be permanent in the future. It does, in fact, set the stage for a full reexamination of the Federal-aid program in 1975. This will be a proper time for a searching review of the program because it coincides with the period during which determinations must be made about the future of the highway trust fund by the Senate Finance Committee and the House Committee on Ways and Means. This timing will permit both the committees responsible for authorizations and those responsible for revenue raising to consider the future of the program concurrently.

Meanwhile, this bill is designed to further the orderly development of the Federal-aid program as a workable and effective tool to advance highway transportation development in the United States.

While the interstate system has been our most conspicuous and costly road-building activity over the past 17 years, it is not the only function of the program. This bill gives new emphasis to the primary, secondary, and urban systems in an attempt to strengthen their roles and to begin reducing some of the accumulated needs in these systems.

As the Senator from Texas has explained, reduction in authorizations for the interstate system will in no way impair its continued development. Increased funding for primary, secondary and urban roads will provide a badly needed acceleration of activities in these systems.

Mr. President, while the general highway activities are of importance to all Members of Congress because they relate to our transportation system on a nationwide basis, there are provisions in this bill addressed to problems of a more restricted nature. I have had a particular concern with several of these, and I am pleased that the legislation before us includes provisions addressed to these specific problems.

As a Senator from a State with a substantial amount of forest land, I have, in recent years, been alarmed at the increasing amount of clearcutting that has taken place on publicly-owned lands. I am convinced that this is an unwise forest practice and have worked to have it restricted on publicly-owned land.

It would, therefore, be inconsistent to include authority in this highway bill that might possibly be used to facilitate clear-cutting. This bill authorizes $75 million annually for forest development roads and trails. These are intended primarily for the development and utilization of national forests, including access for timbering activities. While the harvesting of timber may be a legitimate part of forest management, I am convinced that clear-cutting is not, when carried out on large tracts on closely-spaced small tracts, or as the predominant form of management.

The committee agreed to additional funding for forest roads and trails, but with the understanding that this increased financing would not be used to provide access for large-scale clear-cutting.

This provision has implications not only in West Virginia, but in many other States where clear-cutting is a major problem.

Related to the preservation and proper usage of national forests is another section of the bill which relates to the highland scenic highway in West Virginia. This road, which originates in Richwood, W. Va., has been under development for several years as a public lands highway in the Monongahela National Forest. The low level of funding has made construction of this road a slow process. This bill redesignates the highland scenic highway from the Cranberry Mountain Visitor Center to U.S. 250, as a parkway. With increased funding proposed for parkways, construction of this road should be accelerated. The concern of many people in West Virginia that this road not become a general use highway is reflected in the bill, and in the committee report. It is intended that the parkway portion of the highland scenic highway be only a scenic and recreational road, utilized by passenger vehicles only and not available to commercial or industrial vehicles.

The highland scenic highway is envisioned as strictly a pleasure route through some of America's most spectacular scenery, an area of beauty which is all too rare in the eastern part of the United States. The highland scenic highway will open this spectacular land to millions of Americans who would otherwise be unable to enjoy it.

This bill also expresses the continuing concern of the committee for public transportation in urban areas. The problems of urban transportation are well known because of their impact on life in America's cities.

A less visible, but just as serious problem, is the public transportation requirements of people who live in small towns and rural areas. Mr. President, there is at present no Federal program which seeks either to define, evaluate, or help resolve public transportation questions in these areas.

For this reason, I have sponsored the provision in this bill for a demonstration program for rural public transportation. This program is intended to determine the scope of rural public transportation needs and to explore possible methods of granting to the people who live in these areas the mobility enjoyed by people who live in cities. The lack of public transportation can have a serious, adverse impact on people in rural areas. They often must travel to towns for such routine purchases as food and medical supplies. They must go to towns to receive a wide variety of Government services, for entertainment, for education, and for religious services. Rural service is a real gap in our national public transportation system and this section of S. 502 can be the first step in correcting this serious deficiency.

In 1970, the Congress created the urban highway system to focus increased attention on highway transportation needs within urban areas. At that time, all urbanized areas of 50,000 population or more were made eligible to receive urban system funds.

This bill continues that start made in 1970, and lowers to 5,000 the population figure for urban system eligibility. There are many smaller communities in America with local traffic problems which are just as severe, although on a smaller scale, as their larger neighbors. By making urban areas of 5,000 or more eligible for urban system funds, and by increasing authorizations for this category to $850 million a year, the smaller communities can receive the assistance necessary to begin resolving their more serious internal problems.

Mr. President, the Federal-Aid Highway Act of 1973 is the product of a careful evaluation of America's highway transportation needs. When the Federal-aid program was begun 57 years ago, these needs were relatively small. In 1973, they are vastly more complex and I am convinced that this bill is the mechanism by which these needs can be met.

I yield back the remainder of my time.

Mr. BENTSEN. Mr. President, I yield to the distinguished Senator from New Jersey (Mr. Williams).

Mr. BAKER. Mr. President, will the distinguished Senator from Texas yield to me briefly, so that I may make brief remarks and insert my opening statement in the Record following that of the distinguished chairman of the committee?

Mr. BENTSEN. I am pleased to yield to the Senator from Tennessee for that purpose.

Mr. BAKER. I thank the Senator from Texas.

To begin with, Mr. President, I reiterate my praise and admiration for the distinguished chairman of the full committee, Senator Randolph, as I have stated it so many times previously. This is the first time I have had an opportunity to express publicly my admiration for him and my grateful appreciation to him for his cooperation and leadership since I became the ranking member of the Committee on Public Works. I believe that his chairmanship and his administration of the committee are exemplary and serve as the basis and model for a truly cooperative effort on the part of standing committees of the Senate, in terms of a nonpartisan effort, in most instances, in terms of the willingness to explore and consider varying and different viewpoints and ideas in the committee, in terms of allocation of staff and resources, in terms of the overall conduct of the activities of the Committee on Public Works.

I have listened very carefully to the opening statement of the distinguished chairman, much of which I agree with, as I find myself often in agreement with matters that he offers in legislative form and in camera.

In this case, in the general consideration of this measure, as he knows and as our colleagues in the Senate know, there are matters of disagreement as well, and they will be presented to the Senate in an orderly way, for this body to work its will. I think it is symbolic and significant in terms of the character of a chairman that we understand each other in this disagreement and that we respect each other's point of view.

Mr. President, we have a great deal of work before the Senate this afternoon. If we are to be able to negotiate the debate and determination of significant issues in the form of important amendments to this bill that may come up this afternoon, it is important, I believe, that I not burden the Record with an extended opening statement. I will not do that. I ask unanimous consent, therefore, to have my opening statement printed in the Record following these remarks.

There being no objection, the statement by Senator Baker was ordered to be printed in the Record, as follows:

Statement by Senator Baker

Mr. President, with what I believe to be extraordinary dispatch, the Public Works Committee has brought to the floor a comprehensive, progressive and thoroughly considered highway bill. Great credit is due the Senator from Texas (Mr. Bentsen), Chairman of the Subcommittee on Transportation, for his firm but fair stewardship of this legislation through hearings and Subcommittee consideration, to the ranking minority member of the Subcommittee, Senator Stafford, for his guidance, and to the Chairman of the full Committee for his attentive, decisive, and, as always, fair, leadership of the whole committee.

The Committee held extensive hearings this year in addition to the eight days of testimony heard last year. The issues were confronted directly, and no view advanced during the Committee's deliberations went unheeded. I am confident that S. 502 is one of the best pieces of highway legislation to be developed by the Public Works Committee and brought before this body for its consideration.

This bill authorizes $3.25 billion annually for Interstate highway construction for the next three years. It is of great concern to me, and to other members of the Committee and of the Senate, that completion of the Interstate be brought about in as expeditious and orderly manner as possible. Although the authorizations in this bill are reduced from existing, they are commensurate with the actual level of spending over the last several years and are, I believe, sufficient to insure continued progress on a system which is now 80% complete.

S. 502 provides a timetable by which States must resolve controversies over Interstate routes still to be constructed, and allows greater latitude to the States and cities in the alternatives they may employ to reach a compromise on contested routes. The so-called "Interstate Transfer" provision, which permits relocation of proposed routes where the current location is clearly unacceptable vide a connected Interstate system, permits use of the funds for other urban transportation projects, will make progress toward Interstate completion easier while assuring that the needs of cities are considered.

to the urban area to be served, or, where the proposed route is not necessary to pro-

During consideration of S. 502 the Committee reported—and the Senate passed—S. Con. Res. 6, a resolution I introduced to insure that Interstate funds would be available to States during the spring contract-letting season. As the Committee Report stated, the resolution was not a substitute for, nor would its passage impede development of, a comprehensive bill. I think our statement has been borne out. I would hope, however, that the House—which does not begin hearings on a highway bill until next week—will act on the resolution in order to prevent valuable Interstate construction time from being lost while Congress works out the remaining issues.

In connection with Interstate construction, I would like to mention that under S. 502 States which choose to move ahead to complete their portion of the System and which elect to issue bonds to finance accelerated construction, may use future Interstate apportionments to repay the Federal share of interest costs, as well as the principal. This was a proposal I made last year and which I believe will permit those States with little Interstate work remaining to move quickly toward completion.

S. 502 increases the funds for rural areas and provides more flexibility and funding for smaller urban areas—those between 5,000 and 50,000 in population. Previously, these smaller cities and towns were not eligible to receive funds for a Federal-aid Urban System and could rely on Federal assistance only for one or two main routes through town. S. 502 makes Urban System funds available for all urban areas over 5,000, thereby expanding the routes and projects in smaller towns eligible for Federal aid.

The rural bus demonstration program, created to explore ways to provide needed transportation in areas where, at present, there may be none, is the result of continuing efforts by the Chairman of the Committee to see that the needs of our rural population are not overlooked in our concern for the cities. Certainly we should not lose sight of the fact that a good deal of the future well-being of this country may depend upon making our smaller cities and our rural areas more attractive and accessible for those who live there and for others who wish to visit or settle.

The bill also contains three important provisions that are designed to improve highway access to airports and other transportation terminals. Such access would expand the inter-connections between various modes of transportation, and thus improve the overall transportation system of the United States.

The first two of these provisions are nearly identical, and would clarify the intent of the Congress affecting highway access roads that serve airports in both urban and rural areas.

Specifically, Section 109(e) adds the phrase "access roads to airports" to the description of the Federal-aid secondary road system. Section 110 amends the description of the Federal-aid urban system and includes among other changes the new phrase "access roads to airports and other transportation terminals."

I believe that current law gives to the States the flexibility to build such roads. But, it has been often neglected, lessening the opportunity for a more integrated national transportation system. The Federal

Aviation Administration, of course. also has authority to assist in the construction of airport access roads. This authority, however, has generally been restricted to single-purpose airport roads, such as the access road to Dulles International Airport in Virginia.

Many opportunities now exist to construct better roads that would serve both airports and general highway travel. Such an opportunity exists in the area of Memphis, Tennessee, where a two-mile multi-purpose access road is needed from I-240 to the Memphis airport terminal.

It is my hope that the various States will take advantage of the discretion, whether it existed before or not, to improve public access to airports, and other terminals, such as railroad stations.

The third airport-related provision appears as Section 153 of the bill. This section would authorize a high-speed transportation demonstration program that would connect points in the Washington, D.C. area with Dulles International Airport, Virginia. Such a demonstration would be intended to utilize exclusive bus lanes, including, if necessary, the construction of such exclusive lanes in certain areas. Special terminals and parking facilities could also be built under this authority.

In addition, the Secretary of Transportation would have the authority to purchase high-speed buses and pay a portion of their operating expenses, if necessary, during the initial five years of service. As necessary, the Secretary would also undertake research into the development of buses designed to maintain high-speed, safe transportation.

It is understood that any program financed under this Section 153 would also comply with terms, such as those on employee protection, that are provided under Section 131 of this bill, which establishes standards for urban highway public transportation. It is estimated that such a demonstration, to be implemented effectively, may cost as much as $10,000,000. Therefore, that sum is authorized for this demonstration work out of the Highway Trust Fund.

The Public Works Committee, which has responsibility for environmental as well as highway legislation, in developing S. 502, did not limit its concerns to highway construction. This year's bill contains measures to insure coordination between the Department of Transportation and the Environmental Protection Agency in attacking the air pollution problems in urban areas. The bill also provides the Secretary of Transportation with the authority to direct a State to spend a portion of its highway funds on public transportation projects in regions with severe air pollution problems.

S. 502 recognizes the need to encourage alternatives to auto transportation by providing that highway funds may be used to construct bicycle paths. It is logical that such a program is financed out of the Highway Trust Fund because bicycle paths will attract riders off our present highway network, making those highways more efficient for the motorists using them as well as promoting highway safety.

I would hope that States will use this authority to place bicycle paths along new roads, construct pathways in the rights-of-way of existing roads, and, whenever possible, construct bikeways that are "in conjunction" with Federal-aid highways, possibly running across country between two Federal-aid highways on its own right-of-way.

S. 502 includes provisions for enhancing the scenic value of our highways. One section extends the prohibition against billboards along Interstate and primary highways beyond its present 660 foot limit and bans all signs which are visible from the highway and which were erected for the purpose of being read from the highway. This extended prohibition will have a particularly salutary effect in removing the "jumbo" signs which have been erected in defiance of the spirit of previous legislation to beautify the nation's roads.

The bill also authorizes funds for reconstruction of route 25-E through historic Cumberland Gap, the original "Gateway to the West". so as to preserve the scenic and historic quality of the Cumberland Gap National Historical Park while providing safe passage through this natural traffic corridor.

The interest of the distinguished Chairman of the Public Works Committee is, to a great extent, responsible for those provisions in S. 502 which call for greater citizen involvement in the formulation of highway programs and plans. I believe these provisions are valuable; they are a sign of a growing concern that citizens have a voice in decisions which affect their lives, and I wish to commend the Senator from West Virginia for his leadership in this area.

Finally, I want to discuss the provisions of S. 502 which deal with transportation in urban areas, and particularly in the larger metropolitan areas. The bill authorizes $1.1 billion for each of the next three years for use on highways and highly-related projects in urban areas. This figure includes $850 million for the Urban System and $350 million for urban extension of primary and secondary routes is a very significant increase over the 1973 authorization level of $475 million.

The bill contains several provisions which increase the role local officials in urban areas play in determining how urban System funds—$850 million—be spent. A city of over 400,000—there are 32 such cities at present—(I refer Senators to page 17 of the Report for a list) if authorized by the State and found by the Secretary of Transportation to be capable of carrying out ongoing transportation program, would receive its share of the $850 million based on its population, and would plan and implement its own programs. Cities over 400,000 not suitably equipped to carry on their own programs and cities under 400,000 in that State. This simply means that for the technical skills necessary to execute their programs.

A separate provision in S. 502—the so-called "earmarking" provision—requires a State to spend a prorated share of its Urban System funds in each urbanized area of over 400,000 in that State. This simply means that large, urbanized areas will have an assured annual amount of highway funds around which to plan their transportation programs. The State would work with these areas to plan projects and would continue to do the engineering and construction work.

S. 502 requires that in all urban areas local officials select the routes and originate project proposals for the Urban System. This is to be done in consultation with the State.

S. 502 increases the funds available for urban planning and permits cities to use urban funds to purchase buses. These are major advances in adapting the highly successful Federal-aid highway program of the past to current and future needs. I was glad to join with the other members of the Public Works Committee in taking these positive steps toward flexibility.

But, frankly, such flexibility in planning only meets part of the challenge.

Buses, of course, would effectively relieve the congestion on our highways, and make existing and new roads more productive. But I do not understand the logic that says a community may meet its urban transportation needs with buses, but it cannot help to relieve the congestion by using similar funds to buy extra subway cars or to develop or improve a system of rail transit lines.

Both have the same purpose: improvement in urban transportation. To assure ourselves that a community will make the best possible choice, we must in all logic give an urban area the flexibility to make that choice, not fettered by arbitrary restrictions.

I will support the amendment to be proposed by Senator Muskie, which would provide urban areas with this added flexibility. I will support the amendment because it will benefit the cities without penalizing rural areas. The proposal would not transfer one cent of rural funds to urban projects; it would merely allow urban areas to determine how to spend the funds already allotted to them.

Although I will vote to modify this section in the bill, I believe the bill, as a whole, is a forward-looking piece of legislation. It has received the most careful and thoughtful attention by all the members of the Public Works Committee. The new members as well as the veterans have made valuable contributions at all stages of its development. The Committee and the Senate can be justifiably proud of S. 502 as an exemplary product of the legislative process.

Mr. BENTSEN. Mr. President, let me supplement some of the remarks made by the distinguished Senator from Tennessee.

When he speaks of the contributions that have been made to that committee, he is right about the distinguished chairman of the committee and his fairness and his objectivity and the depth to which he researches the problems. The contributions by the Senator from Tennessee have added much to this bill and to its coverage of the basic highway needs of this country. As chairman of the Subcommittee on Transportation, I appreciate those contributions.

Mr. CRANSTON. Mr. President, for the second time in 6 months the Senate has before it a bill to extend and amend our Federal aid highway programs. And once again, the central question we must answer as we consider this legislation is whether, in fact, we have provided a sufficient number of alternatives to meet our pressing urban transportation problems.

The Public Works Committee should be commended for reporting a bill that recognizes and to some extent responds to the very critical transportation needs of our cities. I was pleased to note, for example, that the committee bill expands the availability of Federal aid urban system funds and urban extension funds to include the purchase of buses. I was also very pleased to note that the bill provides that the 32 cities in the United States with populations greater than 400,000 may receive their proportionate share of urban system funds directly from the State's apportionment of urban funds, provided that the city is found to be empowered by State law and is equipped to manage effectively such funds.

This latter provision will assist the four major cities in California with 1970 populations in excess of 400,000: Los Angeles—2,816,061; San Francisco—715,674; San Diego—696,769; and San Jose—445,779. I was also pleased to note that the bill specifically requires the Secretary to find that any Federal aid highway project is in compliance with Federal air and noise pollution abatement standards before approval is granted.

Yet, despite these important steps forward, the committee bill falls far short of meeting the critical transportation needs of our cities. Urban and intercity transit systems are faced today with crippling financial difficulties and their plight is worsening. Since the establishment of the highway trust fund in 1956, a total of 268 city transit systems have gone out of business, and 100 of these have folded since 1963. As freeways are built to accommodate the suburban commuter, those left behind in the cities—most often the very young and the very old, the handicapped and the poor—are left without a means of transportation and must absorb the increasing social costs associated with inner city deterioration. Today, only 7.3 billion transit passengers are carried annually as opposed to the 23 billion carried in 1945.

Despite increasing authorizations out of the general revenues for the Urban Mass Transit Administration's capital grants program, essential transit needs continue to go unmet. The Department of Transportation estimates that the cost of bringing urban transit up to minimally acceptable standards by 1980 will run between $28 and $34 billion. Unfortunately, it now appears unrealistic to expect more than $1 billion annually out of general revenue funds to support mass transit.

Our highway program has long enjoyed wide public approval and financial support. Since the inception of the Urban Mass Transit Administration in 1964, for example, the ratio of Federal support for highways compared to mass transit has been about 30 to 1. In other words, for every Federal dollar spent on mass transit, we have spent $30 to build highways. Moreover, including the revenues that local and State governments spent for road construction, maintenance and safety, the total bill for our national highway system came to nearly $22 billion last year. Not only is this vastly more than was spent on public transportation, but it is also more than the total Federal, State, and local government expenditures on housing, urban renewal, parks, recreation, sanitation, and police and fire protection combined. It is clearly time that we as a nation refocus our sight, our energy, and our dollars away from the construction of more and more highways to the exclusion of any other form of transportation.

To begin to move toward the development of clean, efficient, nonpolluting, and energy conserving mass transit, we must recognize that our total surface transportation resources are finite and that we must, therefore, reallocate some of the funds currently allocated for highways to mass transit.

Today, the Senate will have three opportunities to provide more adequate funds for public transportation. These are the three amendments that I understand will be offered today: an amendment which I am cosponsoring with Senator Williams to provide the Urban Mass Transit Administration with the authority to make grants and loans to cover the operating expenditures of urban transit systems; an amendment to be offered by Senators Kennedy and Weicker that would potentially provide $2.75 billion annually for rail and bus transit at the option of State and local officials; and an amendment that will be offered by Senators Muskie and Baker, which I am also cosponsoring, that would open up the urban systems and urban extension funds to rail as well as bus transit, making some $850 million available annually.

Mr. President, these three amendments are critically important to California and to the Nation. Public hearings are currently underway in the Los Angeles metropolitan area on an EPA proposal to institute gasoline rationing and other severe measures in an effort to reduce air pollution to a level that meets the ambient air quality standards established by the Clean Air Act. The Environmental Protection Agency has estimated that the number of vehicle miles traveled in the Los Angeles area must be reduced by more than 80 percent if these standards are to be met. In the absence of an adequate public transportation system, such a proposal would wreak economic and social havoc on the Los Angeles area.

The Environmental Protection Agency has reported that, in addition to Los Angeles, some 66 metropolitan areas have auto-related air pollutants in concentrations that are believed to be hazardous to human health, and that measures to reduce automobile usage may be proposed in as many as 28 of these areas by 1975.

Moreover, in the face of what appears to be a serious energy crisis, it is important that we develop means of transportation that are more efficient users of energy than the automobile. Automobiles are energy gluttons. The Highway Action Coalition, in testimony before the Senate Public Works Committee, has made this point very well:

> The manufacture and operation [of automobiles] account for more than a fifth of all the energy consumed in the United States. Worse still, automobiles effectively use only five percent of the potential energy they burn; the rest is wasted. The average car has about 120 horsepower per passenger—roughly the amount required by a subsonic aircraft to take off. Per passenger mile, a car consumes five times as much fuel as a train, and six times as much as a bus.

Mr. President, it is clearly in the best interests of the Nation that the Federal Government begin to provide more adequate support for urban mass transit. The air and noise pollution and the congestion which the automobile inevitably brings to our cities are reaching unbearable levels. Those bearing the brunt of these problems are those left behind in the suburban exodus: the old, the poor, and the handicapped. The highway user and the city dweller alike will benefit from a vigorous Federal effort to develop viable transportation alternatives to the automobile. I, therefore, urge that the Senate vote today to provide the necessary financial assistance for those cities that opt to develop public transportation systems.

Mr. BURDICK. Mr. President, the Federal-Aid Highway Act of 1973 is a sound attempt to provide for the diverse transportation needs of a modern urban and rural society. I am particularly pleased with the attempt to hold spending to levels which will not inhibit the development of needed roadways, but which are also fiscally responsible. For this I commend the distinguished chairman of the Subcommittee on Transportation, Senator Bentsen, the esteemed chairman of the full Public Works Committee, my friend Senator Randolph, and all the committee members who worked so hard to attain a meeting of the minds on these issues.

I must especially mention the sections on highway public transportation; availability of urban system funds; control of outdoor advertising; Indian reservation roads and bridges; and control of highway litter, air pollution and noise levels as indicative of real strides toward strengthening our overall approach to highway travel.

In the debate which follows, I can say with confidence to my colleagues that all matters contained in S. 502 were fully explored during lengthy hearings this year and in the last Congress. The committee had a wealth of information before it during the executive sessions, and I believe that all points of view were fully examined. It is my hope that the House of Representatives will act promptly, utilizing the basic approaches taken by S. 502, and that we will have a strong bill on the President's desk before the present highway authorizations expire.

AMENDMENT NO. 30

Mr. WILLIAMS. Mr. President, I thank the Senator from Texas for yielding to me at this time.

I call up my amendment No. 30 and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

At the end of the bill insert the following:

TITLE II

THE EMERGENCY COMMUTER RELIEF ACT—AMENDMENTS TO THE URBAN MASS TRANSPORTATION ACT OF 1964

Section 1. The Congress finds—

(1) that over 70 per centum of the Nation's population lives in urban areas;

(2) that transportation is the lifeblood of an urbanized society and the health and welfare of that society depends upon the provision of efficient economical and convenient transportation within and between its urban areas;

(3) that for many years the mass transportation industry satisfied the transportation needs of the urban areas of the country capably and profitably;

(4) that in recent years the maintenance of even minimal mass transportation service in urban areas has become so financially burdensome as to threaten the continuation of this essential service;

(5) that the termination of such service or the continued increase in its cost to the user is undesirable, and may have a particularly serious adverse effect upon the welfare of a substantial number of lower income persons;

(6) that some urban areas are now engaged in developing preliminary plans for, or are actually carrying out, comprehensive projects to revitalize their mass transportation operations; and

(7) that immediate substantial Federal assistance is needed to enable many mass transportation systems to continue to provide vital service.

Sec. 2. (a) The fifth sentence of section 4(a) of the Urban Mass Transportation Act of 1964 is amended to read as follows: "The Federal grant for any such project to be assisted under section 3 (other than a project for payment of operating expenses) shall be in an amount equal to 90 per centum of the net project cost.".

(b) The amendment made by subsection (a) shall apply only with respect to projects which were not subject to administrative reservation on or before July 1, 1973.

SEC. 3. (a) Section 3 of the Urban Mass Transportation Act of 1964 is amended—

(1) by striking out "No" in the fifth sentence of subsection (a) and inserting in lieu thereof "Except as provided in subsection (f), no"; and

(2) by adding at the end thereof a new subsection as follows:

"(f) The Secretary is also authorized, on such terms and conditions as he may prescribe, to make grants or loans to any State or local public body to enable it to assist any mass transportation system which maintains mass transportation service in an urban area to pay operating expenses incurred as a result of providing such service. No financial assistance shall be provided under this subsection unless (1) the Secretary determines that the mass transportation services provided by the system involved are needed to carry out a program referred to in section 4(a), and (2) the applicant State or public body has submitted to the Secretary a comprehensive mass transportation service improvement plan which is approved by him and which sets forth a program, meeting criteria established by the Secretary, for capital or service improvements to be undertaken for the purpose of providing more efficient, economical, and convenient mass transportation service in an urban area, and for the placing the mass transportation operations of such system on a sound financial basis, and (3) the Secretary determines that the mass transportation services provided by each system involved is being provided by an efficient operation of such system in accordance with regulations promulgated by the Secretary.

"The amount of any grant under this subsection to a State or local public body to enable it to assist any mass transportation system to pay operating expenses shall not exceed twice the amount of financial assistance provided from State or local sources for that purpose. The Secretary shall issue such regulations as he deems necessary to administer this subsection in an equitable manner. Such regulations shall include appropriate definitions of (A) operating expenses, and (B) the sources or types of State or local financial assistance which may be considered in computing the maximum allowable Federal grant."

(b) The fourth sentence of section 4(a) of such Act is amended by striking out "section 3" and inserting in lieu thereof "section 3 (other than subsection (f))".

(c) Section 4(c) of such Act is amended—

(1) by inserting "(1)" after "(c)";

(2) by striking out "sections 3, 7(b), and 9" and inserting in lieu thereof "section 3 (except subsection (f)), and sections 7(b) and 9";

(3) by striking out "this subsection" wherever it appears and inserting in lieu thereof "this paragraph"; and

(4) by adding at the end thereof a new paragraph as follows:

"(2) To finance grants and loans under section 3(f) of this Act, the Secretary is authorized to incur obligations on behalf of the United States in the form of grant agreements or otherwise in amounts aggregating not to exceed $800,000,000. This amount shall become available for obligation upon the date of enactment of this paragraph and shall remain available until obligated. There are authorized to be appropriated for liquidation of the obligations incurred under this paragraph not to exceed $400,000,000 prior to July 1, 1974, which amount may be increased to not to exceed an aggregate of $800,000,000 prior to July 1, 1975. Sums so appropriated shall remain available until expended."

(d) Section 4(c) of such Act is amended by striking out "$3,100,000,000" in the first and third sentences and inserting in lieu thereof "$6,100,000,000".

(e)(1) Section 12(c) of such Act is amended—

(A) by striking out "and" at the end of paragraph (4);

(B) by striking out the period at the end of paragraph (5) and inserting in lieu thereof "; and";

(C) by adding after paragraph (5) a new paragraph as follows:

"(6) the term 'mass transportation system' means any private company or public authority or agency providing mass transportation service.".

(2) Section 12 of such Act is further amended by adding at the end thereof the following new subsection:

"(f) The provision of assistance for the payment of operating expenses under section 3(f) shall not be construed as bringing within the application of chapter 15 of title 5, United States Code, any nonsupervisory employee of an urban mass transportation system (or of any other agency or entity performing related functions) to whom such chapter is otherwise inapplicable."

SEC. 4. Section 9 of the Urban Mass Transportation Act of 1964 is amended as follows:

(a) insert "(a)" before the first sentence;

(b) in the first sentence, delete the words "engineering, and designing" and insert in lieu thereof the words "engineering, designing, and evaluation";

(c) in the second sentence, delete the word "and" before "(3)", delete the period at the end of the sentence, and insert "; and (4) evaluation of such projects after their implementation." at the end of the sentence;

(d) in the third sentence, change the word "section" to "subsection" and insert the words "90 per centum" in lieu of "two-thirds"; and

(e) add the following new subsection:

"(b) The Secretary is authorized to utilize not to exceed one-half of 1 per centum of the authorization provided in section 4(c) to carry out technical studies by contract without limitation on the Federal share of the cost."

Mr. WILLIAMS. Mr. President, I ask unanimous consent that the names of the Senator from Massachusetts (Mr. KENNEDY), the Senator from Delaware (Mr. BIDEN), and the Senator from Kentucky (Mr. HUDDLESTON) be added as cosponsors of this amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BENTSEN. Mr. President, will the distinguished Senator from New Jersey add the name of the Senator from Texas as a cosponsor?

Mr. WILLIAMS. Mr. President, I am honored to ask unanimous consent that the name of the distinguished Senator from Texas be added as a cosponsor of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WILLIAMS. Mr. President, this amendment, which deals with urban mass transportation, was taken up last year when the Senate considered the highway bill. As the sponsor of the mass transit measure which comes within the jurisdiction of the Committee on Banking, Housing and Urban Affairs, I am deeply indebted to the distinguished Senator from Texas, who is leading the floor debate on this year's highway bill, and the chairman of the full Public Works Committee for their consideration of the approach which I have suggested, that just as last year, this measure be considered as part of the highway bill.

I might say that in developing this mass transportation amendment and an approach which I believe is essential for the survival of mass transit in this country, I have been helped immeasurably by my friend, the distinguished chairman of the Public Works Committee, Senator RANDOLPH.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. WILLIAMS. I yield.

Mr. JAVITS. This is the measure that passed the Senate on one occasion.

Mr. WILLIAMS. On several occasions.

Mr. JAVITS. In one of them, I was the proponent.

I am delighted to see the chairman of the Committee on Labor and Public Welfare, who also is active on the Committee on Banking, Housing, and Urban Affairs, handling this amendment now. I cannot begin to emphasize the critical importance of it, for financial reasons, for ecological reasons, for traffic reasons.

As a cosponsor of this amendment I commend the Senator from New Jersey for his action in bringing this amendment to the Senate's attention. The time for responsible congressional action is now if the present picture of our mass transit systems is as it must to change from one of rising fares, increasing deficits, and declining ridership to that of a financially sound and viable transportation operation.

I am sure the issues embodied in this amendment are well understood by the Senate. We must act decisively now in the first session of the 93d Congress to see approval of the overdue Federal responsibility to improve the beleaguered financial state of this Nation's mass transit systems.

The fact that more and more citizens are traveling greater distances to and from their employment each year, and the continued deterioration of the Nation's environment, in particular the urban environment, where today 67 metropolitan areas have air quality threatening the health of their citizens due to auto-related air pollutants, one cannot overstate the urgency of the present situation.

To bring effective assistance, the responsibility for funding our mass transit systems must come from the Federal Government and from State and local governments to the extent they are able to do so. The services provided by a comprehensive urban transportation system benefit not only the riders, but additionally the economy and the social life of the region. It is only through planned and assured financial support of mass transit from Government, can urban mass transportation begin to meet the service needs of the future. This amendment would provide an equitable Federal program to accomplish this task.

The major elements of the amendment briefly stated are as follows:

It amends the Urban Mass Transportation Act of 1964 by authorizing the Secretary of Transportation to make grants or loans to State and local public bodies for payment of operating expenses incurred by a mass transportation system. These grants would be obligated on a two-third Federal, one-third local matching basis and funded by the allocation of $800 million over the next 2 fiscal years.

Also, the amendment provides an additional $3 billion in contract authority to sustain the Urban Mass Transportation Act's capital grant program through fiscal year 1977. The cost-sharing formula for this program would be changed from two-thirds, one-third to 90 percent Federal, 10 percent local. This new ratio for funding mass transit capital improvements coincides with the present Federal interstate highway financing ratio.

In the tristate metropolitan region of New York City, encompassing 19 million people in the States of New York, New Jersey, and Connecticut, the deficit problem is overwhelming. In a recent report submitted by the Tri-State Governors' Special Commission on Financing Mass Transportation, mass transit operating deficits for the region in the period, 1972 to 1985, were estimated to be $13.6 billion. This means an average of $1 billion annually will be required for operations alone. In the same period, the region will need at least $7.3 billion to finance capital outlay for an average of $560 million in annual outlay.

For localities and States to meet the operational requirements of mass transit systems, new solutions are urgently needed.

It is now up to the Congress to seize the initiative before it. The more than 70 percent of the Nation's people who live in urban areas can no longer suffer from crippling and decaying mass transit and commuter systems and cannot bear continued delay over needed Federal assistance.

Mr. President, we are subsidizing airlines, railroads, ships, housing, and numerous other programs, but I know of no subsidization more indispensable to the life and environment of the increasingly city dwelling American people than this kind of buttressing which is called for by this amendment.

Mr. WILLIAMS. This approach to bringing Federal resources to urban mass transportation has had the full partnership of the Senator from New York for more than a decade, it was first introduced in the Congress. I am grateful to the Senator from New York.

Mr. President, over the past 4 years and during as many sets of hearings, those who use, regulate, operate, and finance urban mass transportation have testified before the Committee on Banking, Housing and Urban Affairs.

On all four occasions they have made a compelling case in favor of the Emergency Commuter Relief Act—in favor of aid that only the Federal Government can give.

And three times the Senate has responded by overwhelmingly passing legislation which would not only provide for the future of mass transit, but which would also enable it to survive its present crisis.

During both the 91st and 92d Congresses the Emergency Commuter Relief Act was passed by the Senate as part of the Housing Acts—and finally last year as an amendment to the Federal-Aid Highway Act.

But each time the legislation failed short of final enactment.

Today, I am again offering this act as an amendment to the Federal-Aid Highway Act.

I am pleased that Senators RANDOLPH, CASE, CRANSTON, JAVITS, PERCY, STEVENSON, HATHAWAY, BURDICK, GRAVEL, HUDDLESTON, KENNEDY, BENTSEN, and BIDEN, are joining with me cosponsoring this amendment.

As more and more bus and rail transit lines throughout the country in cities and towns both large and small teeter on the verge of bankruptcy or public takeover, we must once again do our best to alleviate our Nation's mass transit crisis.

And make no mistake about it, today's situation is grave and is getting worse.

From Salt Lake City, Utah, to Biloxi, Miss., to Lewiston, Maine, operating deficits have become a serious handicap to providing viable mass transportation.

During the past 10 years the number of municipalities forced to initiate local programs of operating assistance has increased by nearly 400 percent with deficits running at a rate of over $400 million a year.

At our committee's hearings held just last month, Clair M. Roddewig, acting chairman of the Chicago Transit Authority, stated:

> Today, the Authority is in deep financial trouble. If 1973 operations and level of fares are continued on the same basis as those in effect during 1972, we will have a $42.1 million deficit.
>
> It is not possible for us to borrow money with which to make up this deficit. Obviously, unless we obtain some financial assistance, we will be out of money and will be required to shut down our operations . . .
>
> Our daily cash receipts from the farebox on our system today are not sufficient to meet our daily payroll obligations let alone take care of the costs of fuel, power, supplies, parts and maintenance of the various rapid transit cars and vehicles used in our system . . .
>
> Mass transit in metropolitan areas must today be regarded as a public service in the same light as schools, police and fire protection, sanitation, public welfare, highways, and many other needs.
>
> Unless it is so regarded as a public service and given public assistance over and above that realized from the farebox alone, the systems like the Chicago Transit Authority will erode and face ultimate extinction.

The committee also heard compelling testimony on the impact of transit's financial decline from a small city mayor.

The Honorable John C. Orestis of Lewiston, Maine, told our committee:

> However, if our struggling city transit service is to do more than decline, a program of operating subsidy is the key. To depend on the varying financial capacities of local areas for this ingredient is not only unfair, but is self-defeating, for once transit dies in an area, its later resurrection which will certainly come, and will double or perhaps triple demands for capital grants.

In summing up the need for operating assistance, Carmack Cochran, chairman of the American Transit Association Legislative Committee and president of the Nashville Transit Co., clearly and succinctly stated:

> There has been an acceleration of public takeover of private transit properties which cannot meet cost, pay taxes or make payments to pension programs. Consider that since 1970, when we first began making this case, there are now 53 fewer private transit systems in the country. We estimate that by the end of this fiscal year 25 to 30 more will either cease to exist or become public property.
>
> These private transit companies do not leave the business because they've made a killing and now want to retire. They get out because finances, rising costs and more dependence on the automobile have forced them out. There are now 160 public transit systems in the nation, representing all but an insignificant fraction of the total transit ridership.
>
> All of these face the same grim facts and prospects which we have detailed for you on three previous occasions. Subsidy offers hope, stability and a promise of a truly balanced urban transportation system.

Mr. President, the need to revitalize and expand our Nation's mass transit systems is persuasive and overwhelming.

And my amendment, the Emergency Commuter Relief Act, is designed to meet that need.

It is designed to halt the raising of fares to intolerable levels, and the curtailment of essential transit services.

It recognizes that mass transit is the lifeblood of an urbanized society and that a program of capital grants meshed into one of operating assistance can go a long way toward alleviating the distress of both private transit operators and the increasing number of municipalities who own and operate transit systems.

Let me now sketch briefly how the Emergency Commuter Relief Act would help to reverse the decline and fall of mass transit.

It would amend section 3 of the Urban Mass Transportation Act of 1964 to prevent reduction of essential transportation services by authorizing assistance to defray operating expenses.

Grants, on a two-third Federal, one-third local matching basis, would be provided to State or local public bodies in order to assist any mass transportation system maintaining service in an urban area and to pay operating expenses incurred as a result of providing this service.

Included within the terms of such assistance are grants for debt servicing for mass transit investments.

As a prerequisite for obtaining a grant for operating expenses, the States and localities would have to determine which systems in their jurisdiction were in need of such aid and then submit to the Secretary of Transportation a comprehensive mass transportation program to improve such service and to place mass transportation operations on a sound financial basis.

The Secretary would also be required to make a determination that the mass transit services are being efficiently provided by the system applying for the grant in accordance with regulations promulgated by the Secretary.

The operating assistance provisions are geared to fulfilling three prime objectives:

Maintenance of service to the public;

Stimulation of further ridership, especially in the commuter peak hour category; and

Assistance to communities in meeting their overall development aims.

If enacted, this program will be an immense and immediate benefit to local communities.

It will give the the option of plan and implement the mix of transportation services most responsive to their own needs and their own goals for orderly community growth and development.

It will provide local governments with the resources to determine their own transportation policy.

And, it will bring a new measure of flexibility and balance to the planning and implementation of urban transportation programs.

To fund this program, $800 million would be made available over the next 2 years.

This is a realistic figure of actual needs and is fully supported by the Committee on Banking, Housing and Urban Affairs hearing record which was made during the 92d Congress.

The Emergency Commuter Relief Act would also amend the Urban Mass Transportation Act of 1964 to provide that Federal grants under the capital assistance program shall be in an amount to 90 percent of the net project cost.

In addition, grants for technical assistance under section 9 of the act would also be authorized at the 90-percent level.

In this manner, funding for mass transit facilities and equipment would be put on a ratio which is identical to that of the interstate highway program.

This type of parity is essential if our Nation's transit investment is to become an attractive alternative to highway programs, which over the years have been funded on a 90-to-10 basis for interstate construction.

Finally, it would provide an additional $3 billion in contract authority to sustain the capital grant program through fiscal year 1977.

Under the 1970 Urban Mass Transportation Assistance Act, the Secretary of Transportation was required to submit to the Congress by February 1, 1972, his estimate of the authorizations needed to carry out that program from July 1, 1975, to July 1, 1977.

Unfortunately, the administration failed to submit such information to the Congress within the legally prescribed time limitation and we were unable to act upon their recommendation when it was finally submitted on September 7 of last year.

However, the $3 billion contained in this legislation is in accordance with the administration's recommendations.

This level of funding should satisfy the act's objectives which were to assure the continued progress and continuity of the program.

Mr. President, today there is a great national stake in expanding and modernizing our public mass transportation systems.

The Emergency Commuter Relief Act reflects this stake and authorizes a total commitment of $3.8 billion in additional Federal resources to meet the No. 1 transportation challenge of the 1970's.

During the 4 year delay in enacting this legislation, costs have risen, fares have increased, and services have been curtailed and as a result, more and more transit riders have been forced to use automobiles.

And while expenditures have been held in check, transit plans and projects that are urgently needed in urban areas have piled up and gathered dust.

As James C. Pontious, the chairman of the Committee on Public Mass Transportation of the Railway Progress Institute, who along with the National League of Cities—U.S. Conference of Mayors, the Institute for Rapid Transit, and the American Transit Association, all of whom call this legislation "transit's top priority," stated:

> Present trends in most modern urban areas reveal a degenerating financial spiral. Higher costs are leading to higher fares and reduced service resulting in fewer riders and steadily declining revenues.
>
> We must recognize that urban mass transportation is a basic public service essential to our modern cities. Certainly, the current national concern over availability of petroleum products and the urban pollution crisis emphasizes the need for better mass transportation. If not treated and financed properly much needed mass transportation will continue to deteriorate and decline. We support the concept of federal operating assistance funds.

Mr. President, the time to act is once again before us.

By adopting the Emergency Commuter Relief Act, we in the Congress will by our deeds explicitly affirm the President's pledge to make mass transit our Nation's top transportation priority for the 1970's.

Mr. STAFFORD. Mr. President, will the Senator yield?

Mr. WILLIAMS. I yield.

Mr. STAFFORD. Mr. President, I join in commending the distinguished Senator from New Jersey (Mr. Williams) for his amendment.

Those of us who believe that all forms of mass transportation should be considered for use in dealing with our urban mass transit problems are well aware, as the Senator from New Jersey has often reminded us, that the highway trust fund is not large enough to meet the extensive needs of all rail systems. It has become clear from the deliberations of our Committee on Public Works that the most significant financial contribution for mass transit must come from sources outside the highway trust fund at this time.

The administration supports the $3 billion for capital grants over the next 3 years contained in the amendment, and I am pleased to join with the administration in that view. The administration, as you are aware, opposes the $800 million in operating subsidies for mass transit companies over a 2-year period as proposed by the amendment. It is my view that the subsidy provision is vital to the effort to reverse the trend that has seen the death of so many urban mass transit companies across our Nation in the last 15 years. These subsidies will be used only where they are necessary for the public interest and they are, I believe, worthy of our support.

This proposal, of course, does not supplant the concept contained in the Muskie-Baker amendment or the Kennedy-Weicker amendment, which will come before us later today, but actually is a supplement to that necessary kind of addition to the bill.

I thank the Senator for yielding.

Mr. WILLIAMS. I appreciate the statement of the Senator from Vermont.

Mr. RANDOLPH. Mr. President, will the Senator yield?

Mr. WILLIAMS. I yield to the Senator from West Virginia.

The PRESIDING OFFICER (Mr. Scott of Virginia). The Senator is recognized.

Mr. RANDOLPH. Mr. President, I think the Record should reflect that on the three previous occasions when the able Senator from New Jersey has offered this legislation, I was a cosponsor. I have worked with him in the development of this program, not only in this instance, but also on prior occasions when he very properly brought to our attention the need for improved urban mass transit.

I disagree with my good friend from the other side of the aisle at this moment because he has indicated this is supplementary to the Kennedy-Weicker measure, or the Muskie-Baker measure. It is not supplementary; it is substantive. Does the Senator agree?

Mr. WILLIAMS. The legislation which I have introduced as an amendment is a continuation of our main legislative program of bringing national resources to urban mass transit. That is the foundation on which we are building. In order to make the capital great program meaningful. I have introduced this amendment which has the additional factor of providing operating subsidies for urban mass transit systems. It is designed to preserve and improve these systems until the capital infusion provided for in the urban mass Transit Act can take hold. But this is the foundation and any other approaches would be supplementary or complimentary to it.

Mr. RANDOLPH. I am sure the Senator from Vermont (Mr. Stafford) realizes that when I question this matter it is not to be critical but only to say that this program is what Congress has been doing about mass transit and is continuing to do and I hope will again do this afternoon.

Mr. WILLIAMS. Mr. President, I appreciate the Senator's statement. Yes, we have done this on other occasions. My amendment is in the same form in which it passed the Senate on other occasions.

It is designed to bring immediate oxygen to mass transit so that the major infusion of capital funds, also provided for by this amendment, can take hold.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from New Jersey.

Mr. BENTSEN. Mr. President, I commend the distinguished Senator from

New Jersey (Mr. WILLIAMS) for his amendment.

A similar amendment was offered by the Senator last year, and it was accepted by this committee and successfully carried through the conference.

The Senator from New Jersey is one of the Senate's outstanding spokesmen for mass transit. He knows the problem well, for many of the citizens of his State commute from their homes into New York for work. His constituents know how much the Senator's amendment means to them.

The Senator from New Jersey is the father of much of the mass transit legislation now on the books, and for that we should be profoundly grateful.

I would only quote a few of the Senator's words in last year's debate on this issue.

He said at that time—

> I understand and agree that the Highway Trust Fund is not large enough to include the extensive needs of all rail systems.
>
> This problem can only be dealt with by increasing the contract authority under the Urban Mass Transportation Act.
>
> Title III of the Federal-Aid Highway Act of 1972 meets the problem head-on by increasing the amount of contract authority funds available by $3 billion.

I am certainly in agreement with the Senator on the points he made. Although last year he did vote for the Cooper-Muskie amendment, he stated that the most important source of funds for mass transit has to come from either the Urban Mass Transportation Act or other special legislation we set up for that purpose.

I also want to commend the Senator from New Jersey for including in his measure some $800 million in operating subsidies for mass transit companies. In my view, the administration has been very shortsighted in opposing this provision. In fact, it is one of the most important provisions concerning mass transit to come before the Senate for some time.

Since 1956, some 268 urban transit systems across the country have gone out of business. The need for operating subsidies is documented, and I strongly support this section of the Senator's amendment.

I believe that with the Williams amendment we will have significantly strengthened the mass transit provisions already in S. 502.

As floor manager of the bill, I am pleased to accept the Williams amendment on behalf of the committee.

Mr. BAKER. Mr. President, I find myself in sympathy for the purpose of the amendment. I find myself clearly in support of the first provision of the amendment providing $3 billion for construction funds, and I find myself not in agreement with providing operating subsidies in the amount of $800 million. I find myself in the position, however, of feeling that our Committee on Public Works is stretching its jurisdiction to the extent that I believe we are intruding on the jurisdiction of another standing committee of the Senate in the authorization of funds to be appropriated other than from the trust fund for these purposes.

It is not my intention to prolong the debate. I am concerned with the jurisdiction problem, but since I find myself in agreement with part and in disagreement with another part, I believe the better part of expedition is to move to table the amendment. So when the debate has run its course and without running the risk of cutting off statements by other Senators I express my intention to make a motion to table.

Mr. WILLIAMS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. WILLIAMS. How much time remains?

The PRESIDING OFFICER. There is no time limitation.

Mr. WILLIAMS. Obviously, in anticipation of the motion to table, I will state my strong position in opposition. There is no problem here of committee jurisdiction. This measure was introduced and referred to the committee that has jurisdiction over most of the urban affairs, the Committee on Banking, Housing and Urban Affairs. But because of the exigencies of the situation and the doubt about a housing bill this year, or if there is to be one, when it will be brought before the Senate, it is the feeling of our committee, that it would be proper for me to bring this measure to the Senate as an amendment to the highway bill which also deals in part with mass transit, insofar as bus systems are concerned.

The part which the Senator from Tennessee disagrees with is that part of the legislation which can make our major capital program work and bring us some degree of assurance that the $3 billion in contract authority for fiscal years 1975 and 1976 will be meaningful in terms of better transportation. It will do this by keeping our operating systems alive until they can be substantially improved, and made economic, efficient, and convenient for people who wish to use the option of mass transit and get out of their automobiles.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mr. BAKER. Mr. President, if there are other remarks on the amendment, I shall be glad to yield. If there are not, I am prepared to make my motion to table.

Mr. WEICKER. Mr. President, I have just a few remarks in regard to the amendment of the Senator from New Jersey. I commend him for his amendment. I intend to support it and vote against the motion to table, but I do think it far better at this point of the entire debate to offensively anticipate what is going to take place here rather than be on the defensive. I think this was touched upon somewhat in the very short dialog between the distinguished Senator from Vermont and the distinguished Senator from West Virginia.

It is true that the substance of the amendment of the Senator from New Jersey was passed by this body last year. We are doing nothing different here than what we have done in the past. I think it is also important to point out that we in this body did adopt the Cooper-Muskie amendment last year. All this was done last year—both the Cooper-Muskie amendment was passed and what is now the amendment of the distinguished Senator from New Jersey was passed.

I do not want it said, as we get into debate and we move on from the distinguished Senator from New Jersey's amendment to the distinguished Senator from Massachusetts and the distinguished Senator from Tennessee's amendment, that we have done our bit for mass transit by passage of the amendment of the distinguished Senator from New Jersey. That is not the case.

There are two situations involved here: No. 1, the direct funding of mass transit in this Nation; and, on the other hand, the situation as it relates to the Highway Trust Fund whereby those moneys will be available for all forms of transportation—rail, highway, bus, et cetera.

So I want to make the situation quite clear that, in supporting the very fine amendment offered by the distinguished Senator from New Jersey, it will also be my intention to attack another problem, or another aspect of the problem, which would specifically relate to uses of Highway Trust Fund moneys, because we are so far behind in the task of providing mass transit that the effort that will be required will be on both grounds, the use of money from both the Highway Trust Fund and those that are directly related to mass urban transportation. We will not have done our job in behalf of mass transit merely by passage of this particular amendment.

Mr. BENTSEN. Mr. President, I yield to the distinguished assistant majority leader for the purpose of setting forth a time agreement on the various amendments.

UNANIMOUS-CONSENT AGREEMENT

Mr. ROBERT C. BYRD. Mr. President, I thank the distinguished Senator from Texas for yielding to me.

I have cleared this agreement with the assistant Republican leader and other Senators on the other side of the aisle and with appropriate parties on this side of the aisle.

I make the following unanimous-consent requests: That time on the amendment by Mr. WILLIAMS and Mr. RANDOLPH, which I understand is now pending, be limited to one-half hour, to be equally divided between the sponsor of the amendment and the distinguished Senator from Tennessee (Mr. BAKER); that time on an amendment by Mr. KENNEDY and Mr. WEICKER be limited to 1 hour, to be equally divided between the distinguished Senator from Massachusetts (Mr. KENNEDY) and the distinguished Senator from Vermont; that time on an amendment by Mr. MUSKIE and Mr. BAKER be limited to 1 hour, to be equally divided between Mr. MUSKIE and Mr. BENTSEN; that time on an amendment by Mr. BUCKLEY be limited to 2 hours, to be equally divided between the author of the amendment (Mr. BUCKLEY) and Mr. BENTSEN; that time on an amendment by Mr. HANSEN be limited to 1 hour, to be equally divided between the author of the amendment (Mr. HANSEN) and Mr. BENTSEN; that time on an amendment by Mr. COTTON be limited to

30 minutes, to be equally divided between the author of the amendment (Mr. Cotton) and the manager of the bill (Mr. Bentsen).

I add this proviso: That time on any amendment to an amendment be limited to one-half the time on the basic amendment, the time to be equally divided and controlled in accordance with the usual form.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. ROBERT C. BYRD. I thank the distinguished manager of the bill.

Mr. President, I ask unanimous consent that following the disposition of the Williams amendment, the Senate proceed to the consideration of the Kennedy-Weicker amendment, and that upon disposition of that amendment, the Senate proceed to the consideration of the Muskie-Baker amendment.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. BENTSEN. Mr. President, how much time remains on the Williams amendment?

The PRESIDING OFFICER. There has been no previous allocation of time, so time will start running from this time.

Mr. BENTSEN. Mr. President, I yield to the distinguished Senator from Delaware (Mr. Biden).

Mr. BIDEN. Mr. President, when the Secretary of Transportation testified before the Banking, Housing and Urban Affairs Committee on legislation to provide Federal operating subsidies, he agreed that the operating deficits for most of the transit authorities as now structured would not be met through the receipts from the farebox. Secretary Brinegar further expressed uncertainty as to whether the transit systems would ever reach a point where they would be only operating from the farebox receipts. It is disturbing that the administration opposes Federal operating subsidies under any circumstances and would grind our Nation's transit systems to a halt because of its unwillingness to act in response to a need which the administration itself acknowledges.

I think it is unreasonable to expect all mass transit systems to be on a pay-as-you-go basis. Like the police and fire departments, mass transit systems provide a service essential to the vitality of our communities and like those departments such systems should be subsidized, if necessary. Unlike the police and fire departments, however, which are highly localized and service a resident constituency, the mass transit systems often cross the jurisdictional lines of local governments and transport people from one constituency to another—and they should be encouraged to do so because that would facilitate the exchange of manpower and promote the ties of one community with another which are essential elements of vital urban or, for that matter, rural development. Because of the jurisdictional conflicts, such transit systems may require Federal initiatives for their construction and quite reasonably Federal subsidies for their operation.

As we consider the much-needed amendments to open up the Highway Trust Fund for mass transit capital expenditures, we also have a responsibility to see that our present systems serve their communities effectively and that future systems do not falter because of the lack of a national commitment to the constructive community development element they offer.

Many urban and even some rural areas are preoccupied with simply keeping their mass transit systems in operation. Their financial stresses have not permitted them to contemplate the innovative programs and requisite structural changes for a balanced and effective transit system. Consequently, the financial uncertainties of many systems have caused their communities to proceed hesitantly and not pursue the bold initiatives necessary to more effectively meet their immediate and long-term transportation needs. The proper Federal role in this instance is to encourage and sustain these local efforts.

The amendment the distinguished Senator from New Jersey (Mr. Williams) is offering provides for effective Federal encouragement and support. The opponents of this amendment, in particular the administration, have misrepresented this basically sound and responsible legislation as a program which would simply throw Federal funds down a bottomless pit. This interpretation misses the mark and ignores the provisions of the amendment which specify the conditions under which Federal funds would be available for operating subsidies.

First, any Federal grant would require a matching grant from the State or local public body in the ratio of 2 to 1. This local commitment would provide an incentive for limiting the size of the operating subsidies and thereby encourage efficiency.

Furthermore, the amendment specifically states:

> No financial assistance shall be provided unless (1) the Secretary determines that the mass transportation services provided by the system involved are needed to carry out a designated program, and (2) the applicant State or public body has submitted to the Secretary a comprehensive mass transportation service improvement plan which is approved by him and which sets forth a program meeting criteria established by the Secretary, for capital or service improvements to be undertaken for the purpose of providing more efficient, economical, and convenient mass transportation service in an urban area, and for placing the mass transportation operations of such system on a sound financial basis, and (3) the Secretary determines that the mass transportation services provided by each system involved is being provided by an efficient operation of such system in accordance with the regulations promulgated by the Secretary.

Thus the amendment provides for adequate discretionary judgment for the efficient and productive distribution of funds and thus meets the objections to general operating subsidies as expressed in the DOT's report.

Rather than accepting the responsibility this amendment would place upon him, however, the Secretary of Transportation in testimony before the Banking, Housing and Urban Affairs Committee emphasized the administrative burdens and strongly opposed the measure. The Secretary's only advice to the transit authorities strapped for funds is to look to revenue sharing. Mr. President, my time does not permit an extended critic of revenue sharing of which I think we all have become at least somewhat skeptical. It strikes me though that quite in contrast to the administration's position, revenue sharing not operating subsidies would simply throw money at the transit problems because without the channeling of funds necessary to reach the mass transit systems which cut across jurisdictional lines the severe financial problems our mass transit systems face will not be solved.

In that program we do not have the checks and safeguards available under the present legislation, and I think that would be throwing the money away.

Mr. BAKER. Mr. President, I yield to the Senator from New Mexico.

The PRESIDING OFFICER. The Senator from New Mexico is recognized.

Mr. DOMENICI. Mr. President, I rise in support of the expressed intention of the Senator from Tennessee to move to table the pending amendment.

Mr. President, I am privileged to serve on the Public Works Committee. I would like to call the attention of the distinguished chairman of the Public Works Committee, as well as that of the Senator from Texas (Mr. Bentsen) who chairs the subcommittee, to a few facts.

First of all, we went to some length to change the name of the committee from "Roads" to "Transportation."

It was expressed then by our chairman that the reason was that this committee should be involved in the whole matter of public transportation, so that it would not be a matter of merely roads, but also a matter of the financing program for transportation.

I understand that the $400 million subsidy for operations has been considered heretofore by the Senate. However, there are members of the Public Works Committee who have never heard anything about this proposal. And, indeed, while we are talking of fiscal responsibility and while we are critical of executive priorities, we present to the Senate today an amendment to a bill which was urged on the Public Works Committee as an expediting of the public works principles and goal of getting out a bill for the highways of America, without having brought it before the Public Works Committee or its Transportation Subcommittee, a $400 million program.

I submit that the expressed intention of the Senator from Tennessee (Mr. Baker) to move to table the matter is not a technical matter, but rather one that deals with substance.

If the Senate is going to be critical of priorities, then we should not bring to the Senate, without even going before the Transportation Subcommittee of the Public Works Committee of the Senate, a matter that is not included in the bill under discussion by the Senate.

The PRESIDING OFFICER. Who yields time?

Mr. HUDDLESTON. Mr. President, one of the major needs of this Nation is a balanced transportation system. Since coming to the Senate, I have become even more convinced of the need for a balanced transportation system because my committee work has immersed me in some of the problems of freight transportation. So we need balance not only among modes, but also between purposes—freight transportation and passenger transportation.

One of the country's greatest and most pressing transportation needs is the improvement of mass transit. But my position is that mass transit could and should be improved without in any way disturbing the Nation's commitment to continue construction of badly needed highways. Instead, I believe that we should seek to solve both problems at the same time through separate programs.

I believe the Senate has a unique opportunity to do just that: first, by passing the highway bill as reported which permits the use of urban system funds to purchase buses—a highway-related program which holds the key to the mass transit problems of the vast majority of our urban areas—but does not permit diversion of highway trust fund money to nonhighway purposes and, second, by accepting an amendment by the distinguished Senator from New Jersey (Mr. WILLIAMS) increasing funding for mass transit and making resources available for operating as well as capital improvement costs of mass transit systems.

When we talk about the highway trust fund, almost everyone thinks in terms of the Interstate System. This is natural, because the interstate program is by far the most visible and most expensive. And, while we can be thankful that the Interstate System is well along the way toward completion, I think the public may have been misled somewhat regarding the progress of this program. The Department of Transportation makes quarterly reports on the Interstate System—the last of which reported that 98 percent of the 42,500-mile system "has either been completed or started." One reading such statistics might conclude little is left to be done.

But in highway construction the difference between being "started" and "completed" is often a matter of years. Take Kentucky, for example. Only 585 of our total interstate mileage of 736 has been opened to traffic—in other words 80 percent. Some of the remaining 20 percent has been started but it is a long way from being completed. So, we still have much to do on the Interstate System.

Another misconception about the highway trust fund is that it finances only interstate highways. This fund also helps support numerous other types of highways including primary roads, secondary roads, and urban roads.

These road systems are just as important as the Interstate System, especially in a largely rural State like Kentucky. Without the highway trust fund many farm to-market roads, rural mail and delivery routes, and urban street programs would be crippled. These systems are vital to passenger transportation and commerce in less populated areas of Kentucky. And anyone who has traveled the streets of metropolitan areas knows the condition of roads there.

As long as these needs exist, I think it would be unwise to permit diversion of money from the highway trust fund—a fund financed through receipts of the excise tax on gasoline, tires, batteries, and road taxes, and a fund originally established solely for highway uses—to other purposes. But it is not necessary to change one program to help another. That is why I heartily endorse and am cosponsoring the mass transit amendment offered by the distinguished Senator from New Jersey (Mr. WILLIAMS).

At the present time, funds under the Urban Mass Transportation Act of 1964 are authorized only for capital expenditures. Senator WILLIAMS' amendment would authorize grants for operating expenses as well—$800 million in grant money over the next 2 years to be available on a two-thirds/one-third matching basis.

This amendment also provides an additional $3 billion in contract authority through 1977 for capital improvements of mass transit systems. And, it modifies the matching formula to change it from a two-thirds/one-third to a 90–10 basis.

This amendment will substantially improve mass transit systems in this country, and it has the support of the National League of Cities-U.S. Conference of Mayors, the AFL–CIO, and mass transit officials throughout the country.

In conclusion, I would reiterate my support for a balanced transportation system. I want a good highway system, but I also want a good mass transit system. We can accomplish both objectives by passing the highway bill, with the highway trust fund intact—and also adopting the Williams mass transit amendment. By attacking both problems simultaneously, we can provide the balanced transportation system we are all seeking.

Mr. BAKER. Mr. President, if there are no other remarks to be made on the pending amendment, I am prepared at this time to make my motion to table.

The PRESIDING OFFICER. The question now occurs on agreeing to the amendment of the Senator from New Jersey.

Mr. BAKER. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. BAKER. Mr. President, is it necessary prior to the making of the motion to table that all controlled time be utilized or yielded back?

The PRESIDING OFFICER. The Senator is correct.

Mr. WILLIAMS. Mr. President, I yield back the remainder of my time.

Mr. BAKER. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. All time having been yielded back, the question is on agreeing to the amendment of the Senator from New Jersey.

The Senator from Tennessee is recognized.

Mr. BAKER. Mr. President, I now move to table the pending amendment.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Tennessee (putting the question).

The motion was rejected.

Mr. RANDOLPH. Mr. President, I ask for the yeas and nays on the amendment.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from New Jersey. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Indiana (Mr. BAYH), the Senator from Missouri (Mr. EAGLETON, and the Senator from New Hampshire (Mr. MCINTYRE) are necessarily absent.

I also announce that the Senator from Mississippi (Mr. STENNIS), is absent because of illness.

I further announce that, if present and voting, the Senator from Indiana (Mr. BAYH), would vote "yea."

Mr. GRIFFIN. I announce that the Senator from Colorado (Mr. DOMINICK) is necessarily absent.

The result was announced—yeas 59, nays 36, as follows:

[No. 35 Leg.]

YEAS—59

Abourezk
Bentsen
Biden
Brooke
Burdick
Byrd,
Harry F., Jr.
Byrd, Robert C.
Case
Chiles
Clark
Cook
Cranston
Eastland
Fong
Gravel
Hart
Hartke
Hatfield
Hathaway
Hollings
Huddleston
Hughes
Humphrey
Inouye
Jackson
Javits
Johnston
Kennedy
Long
Magnuson
Mansfield
Mathias
McGee
McGovern
Metcalf
Mondale
Montoya
Moss
Muskie
Nelson
Nunn
Packwood
Pastore
Pearson
Pell
Percy
Randolph
Ribicoff
Saxbe
Schweiker
Sparkman
Stafford
Stevenson
Symington
Taft
Talmadge
Tunney
Weicker
Williams

NAYS—36

Aiken
Allen
Baker
Bartlett
Beall
Bellmon
Bennett
Bible
Brock
Buckley
Cannon
Church
Cotton
Curtis
Dole
Domenici
Ervin
Fannin
Fulbright
Goldwater
Griffin
Gurney
Hansen
Haskell
Helms
Hruska
McClellan
McClure
Proxmire
Roth
Scott, Pa.
Scott, Va.
Stevens
Thurmond
Tower
Young

NOT VOTING—5

Bayh
Dominick
Eagleton
McIntyre
Stennis

So Mr. WILLIAMS' amendment was agreed to.

Mr. RANDOLPH. I move to reconsider the vote by which the amendment was agreed to.

Mr. BENTSEN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Allen, one of its reading clerks, informed the Senate that, pursuant to the provisions of section 194 of title 14 of the United States Code, the chairman of the Committee on Merchant Marine and Fisheries had appointed Mr. Murphy of New York, Mr. Sarbanes, and Mr. Cohen as members of the Board of Visitors to the U.S. Coast Guard Academy, on the part of the House; and that Mrs. Sullivan, chairman of the committee was authorized to serve as an ex officio member of the Board.

The message announced that the House had disagreed to the amendment of the Senate to the bill (H.R. 4278) to amend the National School Lunch Act to assure that Federal financial assistance to the child nutrition programs is maintained at the level budgeted for fiscal year ending June 30, 1973; asked a conference with the Senate on the disagreeing votes of the two houses thereon, and that Mr. Perkins, Mr. Meeds, Mrs. Mink, Mr. Hawkins, Mr. Lehman, Mr. Andrews of North Carolina, Mr. Quie, Mr. Bell, Mr. Ashbrook, and Mr. Forsythe were appointed managers on the part of the House at the conference.

AMENDMENT OF NATIONAL SCHOOL LUNCH ACT

Mr. ALLEN. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on H.R. 4278.

The PRESIDING OFFICER (Mr. Scott of Virginia) laid before the Senate a message from the House of Representatives announcing its disagreement to the amendment of the Senate to the bill (H.R. 4278) to amend the National School Lunch Act to assure that Federal financial assistance to the child nutrition programs is maintained at the level budgeted for fiscal year ending June 30, 1973, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. ALLEN. I move that the Senate insist upon its amendment and agree to the request of the House for a conference on the disagreeing votes of the two Houses thereon, and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to; and Mr. Talmadge, Mr. Allen, Mr. Humphrey, Mr. Curtis, and Mr. Dole were appointed conferees on the part of the Senate.

FEDERAL AID HIGHWAY ACT OF 1973

The Senate continued with the consideration of the bill (S. 502) to authorize appropriations for the construction of certain highways in accordance with title 23 of the United States Code, and for other purposes.

AMENDMENT NO. 29

The PRESIDING OFFICER. The clerk will state the next amendment, pursuant to the unanimous-consent agreement.

The legislative clerk proceeded to read the amendment, offered by the Senator from Massachusetts (Mr. Kennedy) for himself and other Senators.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the further reading of the amendment be dispensed with. I will explain it in detail, together with the Senator from Connecticut (Mr. Weicker).

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment was ordered to be printed in the Record as follows:

On page 97, beginning wih line 4, strike out all through line 7 on page 98, and insert in lieu thereof the following:

"§ 142. Urban and rural public transportation

"(a) To encourage the development, improvement, and use of public mass transportation systems within urban areas and in such rural areas as may be designated by the State and approved by the Secretary on the basis of local transportation need, so as to increase the traffic capacity of the Federal-aid systems, sums apportioned in accordance with paragraphs (1), (2), (3), (5), (6), and (7) of subsection (b) of section 104 of this title shall be available to finance the Federal share of the costs of projects within their respective systems in urban or rural areas as authorized in such paragraphs, for the acquisition and construction of rail facilities, exclusive or preferential bus lanes, traffic control devices, passenger loading areas and facilities, including shelters, fringe and transportation corridor parking facilities to serve bus and other public mass transportation passengers, and for the purchase of equipment including rolling stock, except that funds allocated in accordance with such paragraph 5 shall not be available for the acquisition or construction of rail facilities or the purchase of rolling stock."

On page 109, line 10, after "buses" insert "and rail equipment".

On page 109, between lines 12 and 13, insert the following:

"(c) Section 208 of title 23, United States Code, is amended by adding the following new subsection:

" '(e) Funds available for Indian roads and bridges shall be available for the purchase of buses and rail equipment to provide access to employment, health care, retail centers, education, and public centers. Such buses or rail equipment shall be operated in accordance with regulations jointly approved by the Secretary and the Secretary of the Interior.' "

On page 122, lines 23 and 24, strike out "operating vehicles on highways".

On page 123, lines 6 and 7, strike out "on highways".

On page 123, line 8, strike out "highway".

On page 123, line 13, strike out "other than rolling stock for fixed rail".

Mr. KENNEDY. Mr. President, the amendment is offered on behalf of the Senator from Connecticut (Mr. Weicker) and myself, and by Senator Biden, Senator Hart, Senator Pell, Senator Pastore, Senator Ribicoff, Senator Brooke, and Senator Hathaway.

I ask unanimous consent to add the names of Senator Packwood, Senator Case, Senator Javits as cosponsors.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, this issue was considered by the Senate last year as an amendment to the Highway Trust Fund. I yield myself 5 minutes and will then yield to the Senator from Connecticut (Mr. Weicker). I hope that we will then be able to get some kind of response from those who are going to oppose the amendment.

Mr. President, let me emphasize once again, that the bill now before us contains a series of highly important and valuable reforms in the highway aid program.

First, the committee bill would make revenues previously earmarked solely for urban highways available for developing a bus mass transit system including the purchase of buses.

Second, there is an eightfold increase in existing authorizations for the urban systems program, raising this program to $850 million. I would note that if enacted, this would be the first time a highway aid bill recognized the high financing share borne by urban residents over the past 16 years.

Third, the bill also permits a consensus of city, State, and Federal officials to permit a halt to interstate route constructions and to use a portion of those funds for other urban transportation projects.

Fourth, the committee bill permits the Secretary of Transportation to earmark a portion of the $350 million allocated to the "urban extensions" system for emergency bus transit programs in areas where automobile traffic is an obstacle to compliance with the air quality standards of the Clean Air Act of 1970.

Fifth, the bill does provide some recognition of rural mass transit needs with provision for a small demonstration bus transit program.

And finally, the bill recognizes the desirability of enabling large urban areas to plan for themselves and to implement those plans by passing through urban funds to urban areas larger than 400,000.

Similar provisions were urged by Senator Weicker and me in S. 679, which was introduced earlier this session.

But this bill still falls woefully shy of its own objective, the objective of an efficient, balanced, safe and environmentally sane national transportation system.

For this bill rejects the lesson of history by denying to cities and States full flexibility in how they use the great bulk of trust fund moneys, outside the Interstate System.

Instead of seeking to remedy the past mistakes in the highway trust fund mechanism which have flawed the worthy objective of creating a national interstate highway system, this bill perpetuates those mistakes.

For it says to cities and States, you may not build rail mass transit systems, even though they may be your most urgent need. And it says to rural States, you may not build bus transit systems, with any of your rural fund moneys, even though that may be high on your list of priorities.

That is why we are presenting this amendment once more to the Senate.

To allay any fears, let me start by telling this body what it does not do.

It does not alter, shift, or change in any way whatsoever the allocations provided in the committee bill for each State. The State-by-State shares stay the same.

It does not permit rural funds to be spent in urban areas or urban funds to be spent in rural areas.

It does not touch a single dollar of the Interstate System.

It does not expand or contract or affect any of the planning requirements set forth in the committee bill.

It does not require a single cent to be spent for bus or rail transit.

But what it does do is the following: It says to every urban area which receives funding and to every State that receives funding, you are not imprisoned by an archaic concept of national transportation needs that sees highways as the only answer to the Nation's transportation needs.

It says to the mayors and the Governors, decide for yourselves whether your particular transportation need calls for bus or rail mass transit or new highway construction. You no longer have to feel threatened by the use-it-or-lose-it policy that has decreed more highways at the cost of more balance in our transportation system.

The amendment would authorize the use of urban fund moneys and urban extension funds in urban areas, and rural primary and rural secondary funds in rural areas for rail mass transit or bus mass transit along with their traditional purpose of building highways.

The amendment would also offer the same flexibility in funds for the rural mass transit demonstration program, for the national park roads program and for Indian reservation road programs.

The total amount of funds affected would be some $2.3 billion for each of the 3 years authorized by S. 502.

Passage of this amendment would shatter the practice of separate funding for separate modes of transportation. It would end a system in which the national interest has come in second best to special interests which see the highway trust fund as their private property. And it would call a halt to a Federal financing philosophy that has prevented a single city, State, or region from selecting the mix of road, bus, and rail services that it felt best to meet its transportation needs.

For we have permitted a crisis to develop, a crisis that the Department of Transportation has documented and that every rush-hour commuter has documented. In its first national policy statement, Secretary of Transportation John Volpe said:

> On the whole, the transportation system which has evolved, both consciously and unconsciously, represents an uneven fabric ill-suited to today's needs, and is, itself, a major contributor to the problems facing transportation today.

And the major penalties have been suffered by urban residents.

DOT statistics estimate that city residents have paid over 50 percent of the revenues into the trust fund but they received barely a third of noninterstate moneys. Overall, less than 10 percent of Federal-aid mileage is found in urban areas.

Cities have paid the indirect costs of the highway program as well. Each year some 55,000 persons lose their homes to the highway bulldozer. Each year, more land is given up to the auto and its accessories. Two-thirds of urban America is dedicated to repairing, parking, selling, and carrying the auto.

And each year, the invasion routes of commuters become more congested, more polluted and more frustrating. In the Boston metropolitan area—160,000 cars vie for 28,000 offstreet parking spaces. In San Francisco, 384,000 cars flood the city daily. In New York, motorists inch along at 7 miles per hour, actually slower in peak hours in the central business district than they did in 1900.

In cities across our land, the 16-year highway boom has left the worst possible debris—foul air that actually endangers the health of local citizens.

According to the Environmental Protection Agency, the highway-auto combination is identified as the chief culprit for over 40 percent of the Nation's air pollution and for over 80 percent of the air pollution in several major cities.

An EPA task force recently reported that local air pollution monitoring stations showed center city residents, particularly those living near heavily traveled streets and freeways, are exposed to levels of carbon monoxide fumes four and five times the safe levels of Government health standards. The report also concluded a major proportion of the high levels of lead in the blood of inner city children comes from swallowing quantities of lead residue expelled from automobile exhausts.

And so, as the committee report last September noted, some 67 cities will have to reduce auto traffic to meet Clean Air Act standards. These are not only the largest cities like Los Angeles and New York and Chicago, but Birmingham, Mobile, Phoenix, and Albuquerque. Cities spanning the entire continent are affected.

The failure to examine the concrete dream has produced federally financed highways that are so heavily laden with air pollution that health officials will not allow us to drive on them. EPA Director William Ruckelshaus' proposal for gasoline rationing to cut auto use in Los Angeles by 80 percent within the next 3 years demonstrates the extreme nature of the problem facing the country.

Not only would a diversion of traffic from roadways to subways reduce auto pollution in our cities, but it would reverse the rising pattern of oil consumption that already has produced a shortage of home heating oil this winter. A 25-percent switch from private automobiles to rapid transit could reduce demands for petroleum by almost a million barrels daily. Today we have some 24 million barrels less of gasoline in our stocks than we did a year ago. We face a serious gasoline shortage this summer. Yet, if we do nothing to provide options in the use of highway trust fund moneys, then we do nothing to alleviate the situation for future years.

The crucial question is whether we shall continue to promote almost total reliance on highways and private automobiles to meet transportation needs despite the environmental, social, and economic problems that follow in their wake.

Nor can we forget that more Americans were killed on our Nation's highways last year than were killed in Vietnam in a decade of war.

And when we view the Federal response, we know that it has been inadequate. Today, we have a backlog of more than $4.4 billion in urban mass transit assistance from the Nation's cities and we have additional growing needs for intercity rail transportation. Yet the administration has impounded some $300 million in urban mass transportation funds. It is scaling down its support of Amtrak. And now we learn that $20 million more for urban mass transit research is being impounded while the new budget actually proposes to increase SST research.

Nor is this solely an urban concern. In rural America, a progressively larger percentage of rural families are unable to bear the formidable costs of buying, maintaining and insuring an automobile. The Bureau of the Census reports that 22 percent of the households in the United States do not have an automobile. In many rural areas, the figure is closer to 40 percent.

And that is why the National Catholic Rural Life Conference is supporting this amendment. For they understand that too often it is the rural poor and the elderly who suffer most from their limited access to inadequate public transportation.

Thus, the Appalachian Regional Commission has reported that of the million households in rural or partly rural counties that spread across Appalachia, over 280,000 have no access to cars.

And without Federal support, systems of public mass transportation have virtually disappeared from rural America. Some 268 bus mass transit systems have disappeared and the number of passenger trains has dropped even more precipitously, from 20,000 in 1929, to 1,500 in 1960 and to 205 today.

That is why many Governors now are supporting flexibility in the use of trust fund moneys. At the recent Governor's Conference, there was a clear recognition that urban corridors are developing, many in rural States, where mass rail transit is seen as part of the answer to interstate transportation needs.

And it is the Governors who testified before the committee and urged greater flexibility in the use of trust funds. For the same reason, the representative of the National Legislative Conference indicated his belief that most State legislative leaders supported providing a full option of bus and rail mass transit in the use of trust fund moneys.

We realize the backlog of rural road projects will provide the certainty that most States will use all or a large portion of their rural road funds on the construction or improvement of highways. But there may well be situations where States will decide that an urgent transportation problem demands a mass transit answer. In those situations, we believe they should have the choice.

The same rationale argues for a similar option to be available in the use of Indian reservation road funds. We know of 10 reservations which have requested Federal assistance to provide bus service. None have been funded. We believe that the funds available to Indian reservations again should contain the flexibility to allow them to determine their transportation priorities.

The same option is made available to the National Park Service and once again, there already is a clear record in the Park Service's own words of the need to restrict the massive invasion of automobiles that threatens to turn nature's remaining retreats into a natural disaster. Already, traffic is restricted in Yosemite, McKinley, and the Everglades National Parks and the Park Service informs me that there will be a growing need for additional mass transit service. While the committee offers the flexibility for the purchase of buses, it denies any consideration of any form of cablecar, monorail, or other fixed rail system that might be desirable. For that reason, we have added a full option once again in the use of these funds.

I believe the critical issue to be decided is whether we will give the mayors and the Governors new options to enable them to meet local transportation problems or whether we will keep denying them the opportunity to use trust fund moneys to meet locally determined transportation needs.

Passage of this amendment would mean that the highway trust fund would no longer be merely a concrete conduit. It would mean that the trust fund would no longer take the form of a club over the heads of State and city decisionmakers with the slogan "use it or lose it." Instead, it would offer a new slogan, "use it in the best way possible" to solve local transportation problems.

I think we can recall the statement by the former Secretary of Transportation which sums up the reasoning behind this provision. He said:

> We must stop the thinking that because I can get 70 or 80 or 90 percent federal funding for highways and I only have to put up 30 or 20 or 10 percent, then I use those highway dollars, whether it is the best way to solve my particular transportation problem or not . . .

Some have argued that whether or not bus or rail mass transit is the best answer to an area's transportation needs, the trust fund cannot be used for that purpose. I believe we have seen enough evidence in the past that this is a phony argument. The Congress has funded a variety of programs out of the trust fund, including replacement housing under section 117 of the 1970 Highway Act, ferry facilities under the 1960 highway act, training of highway department officials and even archeological salvage. And in this bill, the committee has authorized funds from the trust for operating subsidies to rural bus companies.

If all of these various programs can be funded out of the trust fund, then surely bus and rail mass transit can be funded as well.

And it is clear from the history of the trust fund that these taxes historically have not been highway oriented. In fact, 95 percent of trust fund taxes actually came into being long before 1956 and their revenues enabled the general fund to support a host of services. To use them now for rail mass transit surely would be in keeping with the intent of congressional policy, to build a viable national transportation system. And the trucker and the commuter and the shopper would surely not object if the result of using trust funds for mass transit were to clear the roadway in front of them of traffic.

Legally, there is no question of our power to provide this option, and the GAO and the American Law Division of the Library of Congress, and the General Counsel's Office of the Department of Transportation all have indicated their agreement that Congress has the power to authorize these programs from the trust fund.

The issue is not highways or mass transit and it never has been.

This amendment does not mandate a single dime to be spent for mass transit. The issue here is not highways or mass transit and it never has been. If this amendment passes, interstate funds still will be used to complete the Interstate System and noninterstate funds will be used to build highways. But cities will have the opportunity to set their own priorities and to spend their noninterstate moneys on those priorities, whether they are highways or mass transit. And States will have the same choice, a choice that has been denied them in the past.

Passage of this amendment will place Federal transportation financing on an even keel for the first time and will enable cities and States the flexibility they have been denied in the past to meet local transportation problems. If we seek a balanced transportation system in this land, then this amendment should be approved.

Now to summarize, I ask Senators to pick up the sheet on the Kennedy-Weicker amendment and see exactly what the amendment does and does not do.

Let us first see what the amendment does not do. The amendment does not affect the allocation of trust fund moneys among the States. The allocation of trust fund moneys would be just the same, and there is nothing in the amendment which will change it.

Second, it does not affect the earmarking of money in the committee bill between urban and rural areas. Those earmarkings in this legislation for rural construction will still be preserved, and the allocation of funds for urban areas will still be preserved. There is no change in the total allocation of resources between the urban and rural communities.

Third, it does not affect in any way the interstate highway authority or authorization. There is absolutely no effect on the Interstate Highway System.

Those who believe in the Interstate Highway System and the importance of its continuation will know that by voting for this amendment, they will still be voting for the continuation and the completion of the Interstate Highway System.

Finally, the amendment does not affect a single planning requirement contained in the committee bill.

All we are trying to do with this amendment is to let the States themselves and the local communities that know more about their transportation needs, I dare say, than the Department of Transportation develop their own balanced transportation system.

Not long ago, we heard on the portico of the Capitol that we in Washington are not the receptacle of all knowledge. I would agree with regard to the highway transportation system. What we can do is to complete the Interstate Highway System. What we should do and what the amendment does is to permit the other non-interstate resources of $2.3 billion to be allocated within the States, the way the Governors, the mayors, and others deem essential to meet balanced transportation needs.

Why should those who come from heavily urbanized areas be required to lay down more concrete when the result will be greater pollution, greater devastation, and greater deterioration of the quality of life in those communities themselves?

Why should we be denied the opportunity to develop as we wish in Massachusetts and other States? Why not let the Governors decide how they want to allocate the resources? Why do we have to restrict ourselves in 1973 with a formula that was devised 20 years ago?

That is essentially the thrust of this amendment. It is supported by a wide variety of different groups representing urban concerns as well as rural concerns.

Thus, I would hope, Mr. President, that the Senate would realize the importance of providing flexibility in this bill to permit those who come from States which are urbanized, as well as those which are rural, to decide for themselves how to develop their own transportation system. Because I believe their concern is how to move people and I do not believe they want to be required to lay down more concrete.

Mr. President I yield such time to the distinguished Senator from Connecticut (Mr. WEICKER) as he may need.

A BALANCED TRANSPORTATION POLICY

Mr. WEICKER. Mr. President, I commend the distinguished Senator from Massachusetts for this legislation.

Mr. President, last year I joined with Senator KENNEDY in an attempt to amend the highway bill, to provide the option of using trust funds for mass transit—mass transit rail, mass transit bus. A similar amendment by Senators MUSKIE and COOPER was passed by the Senate at that time.

Unfortunately, what was a successful fight in the Senate came to grief in the House.

What this means, quite simply, is that the Congress will today shape one of the most important transportation policies of our time.

It took the man on the street a long time to associate the soot in his eye with the word "pollution."

It never occurred to him to relate the murkiness of his rivers and streams to the word "environment."

Until recently he would never have tied the word "ecology" to such abominations as smog, litter, heat inversions, oil spills, wildlife slaughter, and shattering noises.

How times have changed. Today the environment "c'est tout."

Unfortunately, I have long hoped to see a similar awakening with respect to the Nation's transportation problems. And yet it has not happened. Why?

Because it has been creeping rather than instantaneous catastrophe.

Transportation is a city that has lost a park to an expressway.

Transportation is the elderly dying of respiratory disease because the air is gunked "up."

Transportation is our children who become statistics—57,000 fatalities on our highways each year.

Transportation is the couple who owned the corner newsstand before it was torn down for another expressway.

Transportation is the poor without cars to get to work.

When we realize what transportation is, we understand that the fight for an intelligent, balanced transportation policy is a fight all about life.

Mr. President, highways were our first priority when the trust fund was set up in 1956. But the building of highways became a national obsession—and this obsession has caused what can only be described as "the great American motion sickness."

Our transportation system has become an indifferent, inefficient, destructive, and deadly "beast of national burden." It goes where the spirit of speculation moves it—and it is driven by the wheels of vested interest.

In 1906, traffic in downtown New York crept along behind horses at an average speed of 11.5 miles per hour. By 1966, it was creeping along at 8.5 miles per hour, behind the most powerful engines Detroit could mass produce.

I must ask, where is the concern for 57,000 killings on our highways each year? Perhaps this blood bath would be more newsworthy if the same results were accomplished by driving a bus, jammed with 156 people, into a brick wall—killing them all—once a day. We would then have to drive 35 more buses, each packed with 156 more people, into that wall everyday—to be maimed and disabled. This is not to mention the $14.3 billion annual cost of such madness.

What is the policy that causes all this?

It is a policy of superhighways, that consume open space at the rate of 40 acres per mile—100 miles take 5,640 acres out of the property tax base. It is highways that displace 50,000 families every year.

In fact, 62 percent of the land in Los Angeles is now earmarked for automobiles—in Boston it is 56 per cent, in New York it is 45 per cent.

It is a policy of inefficiency. Superhighways that require a 350-foot right-of-way get 70 percent of the national transportation budget—rail tracks that require a 30-foot right-of-way get 5 percent of the same budget. And yet one track will handle as many people as 10 to 20 lanes of highway—not to mention that passenger trains are 24 times safer than old highways, and 13 times safer than the new interstates.

It is a policy of pollution. 60 to 90 percent of the air pollution in our cities comes from automobiles—which means inner-city residents breathe air that is four to five times dirtier than suburban air. The decade of the sixties produced a 12-percent increase of carbon dioxide in the upper atmosphere of the Northern Hemisphere. There is no need to guess why.

It is the pollution of 7 million cars and trucks that are junked each year—and the 200 million tires that are discarded each year.

Mr. President, the amendment Senator KENNEDY and I have presented will bring the greatest degree of balance—and sense— to our transportation policies.

This amendment is not antihighway. It will in no way interfere with that portion of the trust fund set aside for completion of our Interstate Highway System. Our proposal would, however, give State and local governments the choice—and I emphasize the word choice—of spending noninterstate funds to the fullest advantage where buses, railroads, or subways preset a more viable solution to the transportation problem.

In the simplest terms, then, this proposal provides that an estimated $3.25 billion, allocated for completion of the Interstate System, would not be touched.

The important distinction would be the treatment of an estimated $2.3 billion allocated for noninterstate funding. While there would be no requirement that these funds be spent on mass transit, States and cities would be given an option to spend their funds on rail or bus transit.

In urban areas, this amendment would allow the option of using moneys set aside for urban projects under the noninterstate portion of the highway bill to be spent for rail or bus transit or for highways, in those same urban areas.

In rural areas, the moneys allocated for noninterstate rural projects under the highway bill could likewise be spent for bus and rail transit or for highways, in those rural areas.

Thus, the amendment assures that only those funds authorized for urban areas would be spent in urban areas. It does not, in any way, affect the urban-rural split of funds.

In addition, the amendment permits the Secretary of Transportation flexibility in the use of highway funds for national parks or Indian reservations, where other types of transportation systems may be more convenient for hoards of visitors, or more accessible to lower income populations.

The amendment does not affect the allocation of moneys between States, as allocated in the highway bill recently reported out of the Public Works Committee.

It does not affect a single planning requirement as recommended in the bill recently reported out of the Public Works Committee.

It does not, of course, affect the Interstate System.

Mr. President, the senior Senator from Massachusetts and I have offered an amendment that is not antihighway, but is only antirigidity. For the first time transportation decisions could be made by humans living in 1973, not a highway trust fund created in 1956. This proposal states that in diversity rather than sameness lies the answer to mobility in the United States.

The Kennedy-Weicker amendment is reasonable, adequately financed—and should be the law.

Highways alone are a mobility, environmental, and safety disaster—and we have now become a nation of automotive lemmings.

There is no longer any reason for a Senator to advocate a particular form of transportation—transportation is not a question of States' rights.

Mobility is a national concept. It is like the wreck on the highway just ahead which backs up traffic for miles—so when New York chokes on its automobiles it is not long before New Jersey and Connecticut will grind to a halt, and then Massachusetts, and then Delaware, and then Maryland, and then——

Let us clear this highway trust fund off the highway and get America moving again.

Mr. KENNEDY. Mr. President, I yield 3 minutes to the Senator from Delaware.

Mr. BIDEN. Mr. President, I concur with the comments made by the Senator from Massachusetts and the Senator from Connecticut.

There is little I can add that would add to the substance of the debate which has taken place in this Chamber over the past two years regarding the highway trust fund and the need to fund mass transportation.

Having only recently been an elected local county official, there are several misconceptions which I would like to attempt to clarify regarding the whole question of mass transportation. First, is the misconception that the automobile has been the friend of the suburbs. One of the most important tasks of any local official is to plan the growth and development of his community. Such planning requires controls over concentrations of development or lack of concentration.

Unfortunately, the car, because of its mobility, permits people to spread at will and virtually forces the roads to follow it as the congestion develops. This fact makes coherent development practices more difficult. The automobile, unlike mass transit, removes investment decisions from local officials and gives them to each individual, so that the local government cannot use transportation to control growth in the same way that it can use sewer or water extensions where it controls the investment. The resultant sprawl has virtually eliminated the sense of community that so many Americans used to have and which I believe they still want.

Without overdramatizing, it seems to me that many of our suburban problems, such as increased crime, greater drug use, and the dissatisfaction of our youth, can be traced in some measure to the kind of community or, really, lack of community that we have built.

But it is not too late. In New Castle County, Delaware, which has a suburban population of 350,000, we are struggling with planning and development of some of our last remaining open spaces. Our elected officials, our planners, and a great many of our citizens would like to see that development take place in clusters or village centers, each with its own community facilities and shopping centers. These community concentrations of population are admirably suited to mass transit. Mass transit is needed for this kind of living, because these new communities should not be clogged by cars as our center cities are already.

Finally, mass transit can guide the development of these communities by focusing transportation services in certain areas while diminishing the ability to just settle anywhere.

The second misconception we operate under is that fixed rail transportation is not feasible for some of our smaller urban areas.

I come from one of those areas, and we are seriously considering fixed rail systems. A fixed rail system may have viability if we can achieve village development, and at the same time we can help achieve the most desirable result. Further, we must plan ahead, bearing in mind that today's small urban areas probably will be tomorrow's large urban systems. Thus, the fixed rail system being considered in my State would take in some of the presently lightly developed, almost rural, areas.

Thus, when growth reaches these areas, there will already exist the possibility of good transportation and a coherent, planned development system.

The development of mass transit facilities in currently rural areas may be the backbone of orderly development in the future. But while discussing mass transit as a planning tool, it is important to stress that it can serve its purpose only if the funds are assured for its development when needed. It is important that we establish now the principle that funds—and ultimately adequate funds—will be available to our States and local governments to establish balanced transportation systems.

Thus, I am interested not only in the sums made available today for mass transit but also in commitments which the use of Highway Trust Fund moneys will make to the long-range concern for mass transit on the part of the Federal Government.

Without this long-range commitment to this principle, good, solid, local planning cannot take place.

In conclusion I believe that the use of all transportation funds and local planning tools is an overriding concern in developing our communities.

Transportation can and should be a good social program that will enhance the life of all our citizens. But there are many other arguments for the Federal Government to make the highway trust fund available, at the option of the local government, for mass transit purposes.

Please note that I do not wish to force any form of transportation on anyone. I simply believe that this is a matter of such overriding local concern that the decisions should be left to the local officials. The accomplishment of some of the foregoing goals will aid the remaining highway users because our highways will indeed become useable again instead of the rush-hour parking lots they are now.

Mr. KENNEDY. Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator from Massachusetts has 16 minutes.

Mr. KENNEDY. I withhold the remainder of the time.

The PRESIDING OFFICER. Who yields time?

Mr. STAFFORD. I yield myself 2 minutes.

Mr. President, I am compelled to oppose the amendment offered by the Senator from Massachusetts (Mr. KENNEDY) and the Senator from Connecticut (Mr. WEICKER). I am somewhat in sympathy with the philosophy contained in the amendment, but in my view the proposal would take us too far afield and into areas where there are few demonstrated needs and fewer demonstrated solutions.

The problems of urban mass transit are well known to us all, and the Muskie-Baker amendment, which will be before the Senate later today, seeks to extend the scope of this bill to reach that urban problem by permitting urban areas to apply effective remedies.

I am aware that there are rural transportation problems in this Nation. My own State of Vermont has such problems. The bill before the Senate contains what I believe is the most orderly and most effective way to attack the problems of rural transportation. S. 502 contains authorization for $30 million annually to finance rural bus demonstration programs that, hopefully, will develop the proper course for our Nation to move in dealing with rural transportation problems.

We are all aware of our joint effort to make the best use of Federal dollars these days. I suggest that the pending amendment carries the potential for spreading those dollars too far and too thin at this time. For that reason, I oppose the amendment.

Mr. President, I am happy to yield to the distinguished Senator from Texas (Mr. BENTSEN).

Mr. BENTSEN. Mr. President, we have just authorized some $3 billion for mass transit and, in addition, $400 million a year in subsidies for mass transit. The bill, itself, does a great deal for mass transit. So, Mr. President, I am called upon in this situation to oppose the amendment.

Last year, a similar amendment was offered by the same cosponsors and it was defeated by a substantial margin.

Senator COOPER, one of the coauthors of the Cooper-Muskie amendment said at that time:

> I believe we should limit the highway trust funds available for rail mass transit to those funds which are allocated to the urban system as defined in the highway act, that is, to systems in areas of 50,000 or more population.

The new amendment offered by the Senators from Connecticut and Massachusetts is altered in some respects from the amendment last year and from the amendment on which they testified this year before the Senate Public Works Committee. But it is still an unacceptable amendment.

In fact, Mr. President, this new amendment places before the Senate some new issues not even presented to the committee during its hearings.

Last year's Kennedy-Weicker amendment would have allowed rural funds to be spent in the cities on urban mass transportation systems. This year, the sponsors say, rural funds must be spent in rural areas, urban funds in urban areas. And it is at the option of State and local officials as to how these funds are spent—on rail mass transit, highways, buses, or otherwise.

Some $2.3 billion in funds under this amendment would be available at local option for a wide variety of transit purposes.

These alterations in the Kennedy-Weicker proposal, however, pose some new problems which this committee did not consider either in hearings or in markup.

If rural highway funds are to be generally opened to funding of rural mass transit, then I believe it is legitimate to ask if there presently exists any ongoing rural transportation program which would give the States or any level of government responsible for spending these funds an idea of the kinds of programs that will produce results. I submit that there is no such Federal program in existence.

That is why this committee determined that we should not proceed with a general rural transportation program until we have somebody of experience available, through demonstrations, which would give us some idea of what would be effective. For that reason, the committee authorized funds for rural transportation demonstration programs; we believe that is an essential first step.

If, on the other hand, we are given, as in the Kennedy-Weicker proposal, a general grant of authority to rural areas to use funds for rail or any other form of mass transit, I submit we are faced with a similar lack of experience in how it should be carried out. It should be remembered that we would not be dealing here with rail transit either within or between urban areas, as under the Urban Mass Transportation Act. That program is an ongoing program, and there is some justification in adding to its funding, as we just did in the Williams amendment.

However, rural rail transit is a different matter. It would not involve commuter traffic, but traffic of an interstate and regional character. How are the States to decide the problems of funding interstate rail activities? Who will have the responsibility? These are questions that must be asked. I for one have no idea of how much money would be involved in such operations or how funds could be distributed to private railroad operations.

These are questions not answered by the Kennedy-Weicker proposal.

There is yet another point that must be raised. The Kennedy-Weicker proposal would open up some $2.3 billion in the highway trust fund to the support of mass transit.

This year, fiscal 1974, the estimated receipts into the highway trust fund total some $6.1 billion, and S. 502 authorizes only $5.8 billion of those funds to be spent.

That means if the Kennedy-Weicker proposal carries, almost one-half of the funds collected by the highway trust fund would be open to possible funding of mass transit activities.

I would remind my colleagues that we still have considerable highway needs for upgrading and construction in this country, particularly in the rural areas. To dilute the funds by this much, as this amendment suggests, would be very unwise.

My colleagues and I have tried to hold down the expenditures in this bill because we recognized our fiscal constraints and the tendency of the executive to impound the funds we have already authorized. We have recognized that many of our highway projects may well have to be deferred. But it is quite another thing to take this reduced authorization and then to open it up as broadly as this amendment suggests to the funding of mass transit.

That would tend to cripple a highway program that we have already cut back.

Mr. President, the proposal by the Senators from Connecticut and Massachusetts contains an idea with very wide ramifications and one which should not be put into operational use without more intensive examination than a limited floor debate can give it.

It certainly contains questions far beyond the range of this bill. To attach the Kennedy-Weicker proposals to a highway measure, even a measure with some limited highway mass transit provisions, is to do a disservice both to this bill and to the measure they are advancing.

I oppose the amendment and I urge the Senate to reject it.

Mr. KENNEDY. Mr. President, I yield myself 5 minutes.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized for 5 minutes.

Mr. KENNEDY. Mr. President, I listened to my good friend and colleague from Texas explain the amount of money being authorized on mass transit. He said that $3 billion was authorized on mass transit. That is over a 5-year period. We are talking about $6 billion in this bill for highways today against $3 billion over 5 years.

One-half of the money collected under the transportation fund is collected in urban areas and yet less than one-third of the non-interstate funds are being expended there. We are asking that we be able to expend the one-third the way we want to develop an adequate urban transportaton system. More money is being collected from the urban areas than is being expended there. It is being earmarked in this bill for highways and we are being told we cannot use it for vitally needed rail mass transit.

We are asking, "You are collecting more than one-half of your money in urban areas and spending less than one-third of the non-interstate funds there. At least let us spend it for mass transit, buses and highways if we want."

What is so difficult to comprehend and what is so complex in the legislative process to be able to have that accepted on the floor of the Senate?

Mr. PASTORE. Mr. President, will the Senator yield for a question?

Mr. KENNEDY. I yield to my friend from Rhode Island.

Mr. PASTORE. It is my understanding that this is a modification of the amendment of last year. Is that correct?

Mr. KENNEDY. The Senator is correct.

Mr. PASTORE. In other words, the measure last year was much broader in range. As I understand this amendment the money allocated for rural purposes is the only money that can be used for rural transportation, and rural money cannot be used for urban transportation. Is that correct?

Mr. KENNEDY. The Senator is correct.

Mr. PASTORE. Not too long ago, as a matter of fact, only last year, the Members of the Senate fell all over one another appropriating $30 billion to the States and to the cities for revenue sharing. The argument was made at that time that we should do it because the people who live at the grassroots understand their needs better than the Central Government in Washington. The theme today seems to be that these are priorities. What are the needs of this country, how do you best serve those needs, and what is the priority schedule to do it?

I do not have too much hope that this amendment will go too far. I will tell Senators why, because of the lobbying interests that are concerned with this money in the trust fund.

But what is the Senator from Massachusetts saying? He is saying that the money that is allocated for urban needs will still remain for urban needs and the money allocated for rural needs can be used for rural needs; and let the people in the rural areas decide for mass transit or more cement.

I do not buy the argument about pollution or anyone trying to degrade or derogate the Interstate Highway System. No one is contending that. All we are saying is that it is essential to let the people themselves decide their own needs with the money that goes into this. That is all it amounts to.

We are saying here, in a very paternalistic way, that we know the needs of the urban areas better than the people who live in the urban areas. That is the argument in opposition. Let the people in Washington decide what the urban needs are and what the rural needs are and let the people in those areas keep their mouths shut and let us do the job and allocate that priority.

I voted against the amendment last year because it went too far. Last year, Mr. President, you could have taken the rural money and put it into urban needs and placed the urban money into rural needs, and I was against that. But this year we are saying, leave the rural money in the rural areas and leave the urban money in the urban areas but let the people there decide if they want a bus or more macadam and cement so they can get to work more easily and more comfortably. That is all we are talking about.

I support the amendment.

Mr. KENNEDY. Mr. President, how much time is remaining?

The PRESIDING OFFICER. Eleven minutes.

Mr. KENNEDY. I yield whatever time he may require to the Senator from Connecticut.

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

Mr. WEICKER. Mr. President, the Senator from Texas responded to a question and he cited comments made by Senator COOPER last year. Does this mean that the distinguished Senator from Texas is prepared to support what is this year the Muskie-Baker amendment?

Mr. BENTSEN. The comment was made to show that Senator COOPER did not even support this amendment.

Mr. WEICKER. Is it the intention of the Senator from Texas to support the amendment?

Mr. BENTSEN. Certainly not. The Senator from Texas did not support it in committee, as the Senator knows.

Mr. WEICKER. Well, the intimation occurred during the discourse by the Senator from Texas, was that somehow new issues were presented to the Senate by the introduction of this amendment. There is no new issue. The issue is the same, whether it is the amendment of the Senator from Maine and the Senator from Tennessee, or the Senator from Massachusetts and the Senator from Connecticut. There is nothing new here. The issue is clear. Is there to be a matter of choice or are the State and local officials going to be told how their money is to be spent?

We understand what the highway trust fund is. All of our energy, thoughts, and money have been directed solely to the area of highways. Now the time has come to find what other modes of transportation will unsnarl us from the traffic jams. The major thrust was in the urban areas. There is great need for transportation other than the automobile. This is the issue presented before the committee and this is the issue now being presented before the Senate.

I repeat, in presenting this amendment to the bill, what is involved here is mobility. Consider the arrogance of this lobby called the Highway Trust Fund Lobby. Who are they? They are the ones who sell the ingredients for a highway system. Our job is not to sell anything but mobility on the floor of the Senate. That is our job. They have the arrogance to suggest that when we pay our gasoline taxes we expect them to use it for highways. I dare say that there is not one person in 10 who knows what the gasoline tax is going to be used for. I dare say that there is not one in 10 who wants it to be used for highways only, rather than for other modes of transportation. Americans want to be able to move, and our legislative work here in the U.S. Senate ought to be geared toward that end. That ought to be the basis for our transportation policy.

So I would hope the Senate would look favorably upon this amendment. In any event, anticipating that which may come later, should we fail here by what I expect would be only a very narrow margin, I shall definitely support the amendment of the distinguished Senators from Maine and Tennessee. I hope the concept of flexibility will be established, as it was by the Senate, who last year had the courage to go ahead and establish a choice, and allow diversity in our transportation systems.

What a great moment. You talk about leading, about taking the initiative, about bringing back to the Senate the legislative branch of Government power. That is the way to do it—not by criticizing the President, but by coming up with a better alternative. We did that last year.

I hope we do it again this year.

The PRESIDING OFFICER. Who yields time?

Mr. STAFFORD. Mr. President, how much time do I have left?

The PRESIDING OFFICER. The Senator has 21 minutes remaining.

Mr. STAFFORD. I am glad to yield 4 minutes to the Senator from Alaska (Mr. GRAVEL).

Mr. GRAVEL. Mr. President, I do not want to be overly argumentative on this, but I do want to underscore the logic of what we have just done in authorizing a substantial sum of money to satisfy the needs of mass transit. I think we have this desire to crash down the trust fund as a matter of accomplishing the objective, rather than facing the needs of this Nation with respect to transportation.

I would like to throw some figures out that I think are very interesting, which were given in the testimony by Mr. John Winger before the House Foreign Relations Committee with respect to the energy crisis, when he touched upon the transportation problem. He said that less than 10 percent of the working force in the United States today is in central cities.

I think all our views respecting the need for mass transit are really based on the fact that we go to the large cities like New York, Boston, or Hartford, and find it difficult to get around. We can blame that problem on all sorts of reasons, but, of course, the leadership of those particular cities for the last 20 years must bear some part of the blame.

The fact is that less than 10 percent of growth in the United States today is in central cities between 1 million to 100,000. The major growth is in communities between 100,000 to 5,000. That is essentially where the growth in this country is taking place, with the related industrial and commercial activities along the highway networks of this country, in what we call strip cities. This has followed the industrial activities along with residential patterns that have followed along these strip cities. So you get all the money you can get for mass transit, but you are not going to serve the needs of the people of this country the way the needs are presently expanding under the plans that are now going forward.

So the committee tried to respond to the needs of this country rather than adopt a policy which would result in crashing down and distorting and destroying a program that has served this Nation well. In fact, I would say our greatest successes in this country have been in two areas. One was when our ego was put on the line in response to Sputnik. The other was with respect to the transportation system, when we tried to unsnarl the transportation needs of the country. The highway trust fund has worked well. In fact, the trust fund has worked so well that certain people want to invade the trust fund for other uses.

These are parallels in this situation. If the needs are there for mass transit, let us form a mass transit trust fund, and let this trust fund go to its completion, and when the program is completed, let us end it. I would say that in this effort to piggyback the program, we will not be addressing ourselves to the problem. I think it would be an unfortunate development as a policy of this country, and I hope we will not vote for it here.

Mr. STAFFORD. Mr. President, I yield 3 minutes to the Senator from Texas (Mr. TOWER).

Mr. TOWER. Mr. President, my distinguished colleague from Connecticut a moment ago spoke of the arrogance of the highway trust fund lobby and suggested that it consisted largely of people who sell goods and services for the construction of highways.

I wonder if it could not be charged that there is a lobby behind this mass transit movement from the people who sell rolling stock on railroads, who sell the rails or the ties, or what have you.

The fact remains that the highway user tax is probably one of the fairest taxes in this country, because the proceeds from that tax go to benefit those who pay the tax. It is fair and it is equitable. What the Senator from Connecticut proposes is totally inequitable.

We have just adopted an amendment to provide subsidies for the users of mass transit. We have just provided an operating subsidy for mass transit, and we will regret the day we did it, because we are encouraging poor management and inefficiency, and discouraging applying the cost of mass transit or passing it on to the people who use mass transit. Why cannot the people who use mass transit pay for it, instead of making the people who use the highways pay for mass transit?

I suggest that the highway user tax is probably the most fair and equitable tax in this country, and right now what is happening is that they are trying to get the camel's head in the tent, the foot in the door, and when that day finally comes, what will happen when the people who pay the gasoline tax recognize what did happen to it?

The Senator from Connecticut suggested that they did not know what was done with their tax money, but they will eventually know that they were paying taxes to subsidize somebody else to ride on a mass transit system. I submit it is not only inequitable and unfair, but it is immoral.

Mr. KENNEDY. Mr. President, I yield myself 3 minutes.

The point the Senator from Texas left out was that $4 billion was used from general revenues to lay down highways in the several States. That money was raised from general purpose taxes.

And he did not add that 95 percent of the tax funds that are raised to be put in the highway transportation funds came from taxes enacted before 1956, when they were paid into the general revenue funds. Yet, "we are robbing Peter to pay Paul" the opponents say. Just because the highway trust fund has been able to earmark their own boondoggle in the form or the highway trust fund, that does not give them a right to say that they have a right in perpetuity to use those funds for building highways. Congress authorized the program and Congress can change that authorization.

This is one of the arguments that has come out of the brochures of the lobbies, just as did the other myth, which appeared in an American Trucking Co. ad in an issue of Newsweek last week. It said, "What do highways do to the ecology?"

The answer was, "The ecological disruption is avoided by careful planning and careful building. Actually, more trees and shrubs and flowers have been planted than removed."

Whoever wrote that ought to come up to Massachusetts or Connecticut or to any other State and face the fact that they are dreaming.

I would ask how many landmarks have been razed, how many thousands of homes destroyed, how many scenic landmarks marred forever by highway construction?

Is careful planning and careful building what you call the Embarcadero Freeway in San Francisco, or I–95 in Boston, or the proposed route through New Orleans Vieux Carre that was stopped only by violent citizen opposition? And is ecological disruption avoided when we are told that 40 percent of the Nation's air pollution is caused by the auto and 80 percent of air pollution in urban areas? And that does not even mention the impact on our energy supplies, and the consequent increase in our consumption of fuel with its resulting ecological disruption.

Mr. President, when we heard the arguments made this afternoon over the concern that fewer jobs exist today in the inner city—I ask how those in the inner city are going to get to the suburbs to these jobs. Obviously, they would get the most benefit out of mass transit. Why is it not also mentioned that half of the people in this country with incomes of less than $3,000 a year do not have cars? How are they supposed to get to their jobs or go into the suburbs if they do not have cars and there is no mass transit?

Mr. President, I have heard the arguments about the rural communities. Forty percent of the people living in some rural communities do not have cars either. We could go right down the list and cover all groups, the elderly, people living in the inner cities or in the rural communities or in the hard pressed communities. They are all unable to take full advantage of the formula outlined in this program.

Mr. President, what we are interested in doing, as we have mentioned here, and as I and the Senator from Connecticut (Mr. WEICKER) have time and again mentioned before the committee and on the floor, we are merely trying to give the kind of discretion to those in the States, the governors and the mayors, so that they might be able to enter into the development of transportation systems. That makes sense in their communities. We recognize that perhaps if the people in the States of Wyoming or West Virginia want to lay down more concrete for more highways, then that is all fine and well and good. Certainly the Senator from Massachusetts wants to give every opportunity under his amendment to let the people of West Virginia or Minnesota decide whether they want to do this. That is all we are attempting to do by this amendment, provide decisionmakers with the options they need to create a balanced national transportation system.

I would hope that the amendment would be agreed to.

The PRESIDING OFFICER. Who yields time?

Mr. STAFFORD. Mr. President, I have no requests for speakers at the present time.

Mr. WEICKER. Mr. President, we have some time remaining. I have a few comments I would like to make.

Mr. KENNEDY. Mr. President, I yield the remainder of our time to the Senator from Connecticut.

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

Mr. WEICKER. Mr. President, I cannot let the point raised by the Senator go unanswered. The highway trust lobby is a very well defined group. On our side, it is the people's lobby. It is not anyone who wants to sell railroad cars or buses. It is a people's lobby and they have had it.

We can look at those who come to visit us with respect to mass transit. It is those people who have to have no viable means of transportation because of economic reasons or for reasons of disability. It is those people who want to do away with pollution. It is those people who make up a people's lobby that we are speaking for.

However, to pick up on the comments of the Senator from Alaska and the Senator from Texas that the objective was to build highways, I would point out that this is not the objective. The objective is to have transportation systems to move people. In Connecticut, for example, we have reached the objective many times over insofar as the interstate highways are concerned. We do not need any more. We need mass transit systems, and we need them desperately.

The goal was to build more highways. However, the distinguished Senator from Massachusetts and I have a goal of creating transportation systems to move people; transportation systems that have within them many modes of transportation.

As to the point raised that this is a city issue, I reply that the problem is expanding. It is no longer just an issue for the cities. For example, in my State of Connecticut, the only people initially interested in mass transit were those in the southwestern part of Connecticut. Now the whole State of Connecticut is involved in mass transit. We have had too many interstate highways cutting across the middle and upper parts of Connecticut in places where no one dreamed people would get involved in mass transportation.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. STAFFORD. Mr. President, in the interest of full debate, I would be very glad to yield 1 minute to the distinguished Senator from Connecticut.

The PRESIDING OFFICER. The Senator from Connecticut is recognized for 1 minute.

Mr. WEICKER. Mr. President, I thank the Senator from Vermont.

What is involved here is not a problem of New York or Connecticut. We are simply trying to say that we want to benefit by our experience which has been a bad one, and see to it that those States that are still rural in nature not be left without a single transportation system as its population moves out.

The time to resolve that problem is now and not when the crowds are there and when the buildings are built. If anyone does not believe that is true, he can ask the people who have watched the metro system being built in Washington, D.C.

Mr. STAFFORD. Mr. President, I yield 2 minutes to the Senator from Texas.

The PRESIDING OFFICER. The Senator from Texas is recognized for 2 minutes.

Mr. TOWER. Mr. President, it is appropriate, I think, to put things in perspective. The interstate highways and not the urban mass transportation system should be our concern.

We have to recognize that there is so much of the movement to the marketplace by highway that does not move through mass transit systems. The fact of the matter is that the urban mass transit benefits only those who live in those localities and who travel to and from the city and the outlying areas.

I have been in New York a number of times. I can understand why people who work in New York do not want to live there. I do not care much to visit there. However, if they want to live in Connecticut, New Jersey, or somewhere else, let them pay for it. For the most part the people who live in the rural areas are of sufficient affluence to pay a few extra pennies for the privilege if they prefer to work in town and live outside of town.

The fact of the matter is that these systems cannot now maintain themselves based on their current methods of operations and their current revenues.

We have already voted out of the general fund of the Government of the United States funds to subsidize these communities and contribute to their capital improvements. And by an amendment offered by the distinguished Senator from New Jersey—with whom I profoundly disagree—we have voted to subsidize as a Federal subsidy, the urban mass transit systems in the Northeast corridor. Everyone in the United States will subsidize those. However, a case cannot be made that urban mass transit systems—and particularly those in communities—are a greater national asset than the Interstate Highway System which moves not only people but almost everything else of importance in the country.

Mr. STAFFORD. Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator from Vermont has 10 minutes remaining.

Mr. STAFFORD. Mr. President, I yield so much of that time as he may wish to the distinguished chairman of the full committee, the Senator from West Virginia (Mr. RANDOLPH).

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

Mr. RANDOLPH. Mr. President, I think it is wrong to attribute the words spoken or the votes cast on an issue of this kind to any lobby—to the rapid rail transit lobby or to the highway lobby.

I think every Member of the Senate realizes that this is a subject on which there are differences. It is not valid in debate for one side of this issue to raise its hand and pat itself on the shoulder and say, "I am with the people."

I could say, by the same token, that I am for the people. I could say "I am for the people" when I voted for $3 billion in 1970 for urban mass transit, when I cosponsored the legislation with Senator WILLIAMS. I could say "I am with the people" when I voted for $3 billion again today, making an additional effort in behalf of urban mass transit in this country. Mr. President, I can say, and I do say, that when I stand and oppose the amendment offered by the Senators from the States of Massachusetts and Connecticut, I do so because I believe the equities are with those of us who oppose the amendment.

I call the attention of the able Senator from Massachusetts to these facts:

Nearly 74 percent of all automobile trips are under 10 miles in length but they account for only about 25 percent of the total mileage traveled.

Trips over 50 miles in length account for only 2 percent of the trips but constitute also about 25 percent of the total mileage traveled.

The average length of trips in cities is greatest in those over 1 million population.

And I think this is important to remember:

Although lower income groups make a somewhat smaller proportion of their trips in automobiles than do higher income groups, it is important to note that low income groups still make a great majority of their trips by automobile.

Those with incomes under $3,000 made 76 percent of their trips by automobile, 14 percent by bus, 7 percent by truck, 0.7 by train, and only 0.1 by airplane.

Those with incomes between $5,000 and $6,000 made 81.6 percent by automobile, 9.6 percent by bus, 7.1 percent by truck, 1 percent by train, and less than .1 percent by air.

Those with incomes between $10,000 and $15,000 made 87.9 percent by car, 5.9 percent by bus, 4.7 percent by truck, 0.8 percent by train, and only 0.1 percent by air.

Mr. President, I ask unanimous consent to have printed in the RECORD these and other statistics from the Department of Transportation's 1972 Highway Needs Report, having to do with motor vehicle wage.

There being no objection, the statistics were ordered to be printed in the RECORD, as follows:

STATISTICS

INTRACITY PASSENGER AND FREIGHT TRAFFIC

Highways account for nearly all transportation within cities.

Over 98% of person trips within cities are by highway modes. (93% of those on highways are by private automobile and the rest by bus.)

Nearly all freight movement within cities is by truck on highways.

Only about 2% of travel within cities is by rail (or boat).

INTERCITY PASSENGER TRAVEL

(Data for year 1969)

Travel by automobile accounted for about 87% of 1,130 billion passenger miles traveled between cities.

Travel by bus—about 2.3% of the total. This is reduction from the peak of 8.8% reached during 1943–44 in World War II.

Travel by rail—about 1%.

Travel by commercial airlines—over 9 %.

Travel by water transport—about 0.3%.

GROWTH AND DISTRIBUTION OF HIGHWAY TRAVEL

Highway vehicle miles traveled increased 145% in last two decades.

Highway vehicle mileage—about 80% by passenger vehicles and 20% by trucks.

Urban travel by motor vehicles increased somewhat faster rate than did rural.

Forecasts indicate that by 1990 more than 54% of all highway travel will be in urbanized areas.

Passenger cars account for 85% of total travel on urban streets and 75% on rural roads

Nearly 74% of all automobile trips are under 10 miles in length but they account for only about 25% of the total mileage travelled.

Trips over 50 miles in length account for only 2% of the trips but constitute also about 25% of the total mileage travelled.

The average length of trips in cities is greatest in those over 1 million population.

Although lower income groups make a somewhat smaller proportion of their trips in automobiles than do higher income groups, it is important to note that low income groups still make a great majority of their trips by automobile.

Those with incomes under $3,000 made 76% of their trips by automobile, 14% by bus, 7% by truck, 0.7 by train, and only 0.1 by airplane.

Those with incomes between $5,000 and $6,000 made 81.6% by automobile, 9.6% by bus, 7.1% by truck, 1% by train, and less than .1% by air.

Those with incomes between $10,000 and $15,000 made 87.9 by car, 5.9 by bus, 4.7 by truck, 0.8 by train, and 0.1 by air.

Those with incomes over $15,000 made 89.2% by car, 6.4% by bus, 2.3% by truck, 1.4% by train, and 0.2% by air.

Thus more than 75% of all travel by all income groups was by automobile, and a large percentage of the rest of the travel was also on highways, either by bus or by truck.

TYPE OR CHARACTER OF HIGHWAY TRAVEL BY PASSENGER CARS

Travel to and from work or to a related business to earn a living accounts for 36.7% of all trips by passenger cars and totals 42% of all motor vehicle miles travelled.

Family business trips (shopping, medical, dental) account for 31.4% of all trips by passenger cars and total about 19.6% of all vehicle miles travelled.

Educational, civic, and religious trips are about 9.4% of all trips but total only about 5% of the miles travelled.

Social and recreational trips, including vacation travel, pleasure rides, visits to friends, etc., add up to about 22% of all trips and about 33% of the total mileage travelled.

AUTOMOBILE VEHICLE OPERATORS

Over 111½ million driver's licenses were in force in 1970. This is an increase of 79% in the last 20 years. In 1950 there were only 62½ million licenses in force. It is estimated there will be 161 million driver's licenses in force in the United States by 1990.

More than 90% of the males from age 21 through 59 are licensed to drive.

More than 80% of the females between age 26 and 29 have operators' licenses.

25 to 33% of the males in age groups from 21 to 59 drive more than 15,000 miles per year.

AUTOMOBILE OWNERSHIP

About 80% of the families in the U.S. own automobiles. This percentage has remained fairly constant since 1963.

Trend toward families to own more than one automobile:

1956—14% households owned more than one car.

1969—29% households owned more than one car.

Auto ownership is highest in the suburbs—88% of households.

Auto ownership lowest in central cities—67%.

RECREATIONAL TRAVEL

(Important for Parkways, etc.)

About 12% of all automobile trips are for recreational purposes.

In 1969 an estimated 11.6 billion automobile trips for recreation, generating a total of 150.3 billion vehicle miles, or 18% of total vehicle miles travelled.

Average American travels about 130 times each year for recreation purposes.

Vacations account for only 1% of recreation trips but about 13% of the miles travelled for recreation.

Recreation travel peaks on weekends, especially Sunday afternoon.

In 1950 there were 30 million visitors to National Parks. By 1969 this had risen to more than 158 million.

Factors contributing to increased recreation travel: (1) rising income levels; (2) more leisure time; (3) improved highways (Interstate, etc.); (4) publicity campaigns—"discover America."; (5) tourist promotions; (6) visits to scenic and historic places.

Mr. PELL. Mr. President, I am in full support of the principles which are basic to both the Kennedy-Weicker and Muskie-Baker amendments to the Federal-Aid Highway Act of 1973. I have cosponsored both of these amendments.

Essentially, these amendments provide for flexibility in the use of the more than $6 billion authorized out of the highway trust fund to improve transportation programs in our Nation.

Traditionally these funds have been used to improve our highways, but I have long believed that a more balanced use of these funds is most desirable. During the 92d Congress I cosponsored legislation to make this possible. It was passed by the Senate, but did not receive full approval by the Congress.

The amendments I have now cosponsored do not affect in any way the amount of funding involved for our States. However, they do provide for flexibility, so that the States can have an option and thus best determine their particular needs.

In my own State of Rhode Island consideration is being given to improved rail service in the Narragansett Bay area. This is an example of how flexibility in planning for the future can provide balance, as we seek to make mass transit viable for all concerned. The amendments I have cosponsored permit local options for both bus and rail transit.

A balanced transportation system involves a variety of choices. I strongly believe that these choices should be made available.

If we depend wholly on highways, we run the dangerous risks of increasing traffic congestion, air pollution, and the erosion of the inherent beauties of our countryside, for which my own State is justly renowned.

Mr. RANDOLPH. Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator from Vermont has 6½ minutes.

Mr. STAFFORD. Does the chairman wish any further time?

Mr. RANDOLPH. I will take it all, if I may.

Mr. STAFFORD. Mr. President, I yield the remaining time to the distinguished chairman of the committee.

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

Mr. RANDOLPH. Mr. President, there was not a vote, last year, of 60 against this amendment and 18 for it because Senators were voting as a part of a lobby, either a rapid rail transit lobby or a highway lobby. The Members of the Senate were thinking these problems through and expressing themselves, just as they will today.

I think it is important to say to the Senator from Connecticut, "Senator, you have castigated road building; yet today in the State of Connecticut, by the action of the people of Connecticut, there are 228 highway projects now under construction."

And to the Senator from Massachusetts I say, "Senator KENNEDY, I think it is important also to remember that in the Commonwealth of Massachusetts there are 256 projects, that are now under way."

What I am saying is that rapid rail transit would be an adjunct, moving people into a city, either Hartford or Boston. Remember, my fellow Senators, that the persons who work in the buildings, the persons who provide the services in the complex of structures throughout a great metropolitan area, will never receive those items on which they work and which they use by rail transit. Those items will be brought to the front door, to the alleyway, or to the back door, and if there are those who ride by rail into the city, remember that the products and the items used in servicing the people of a great city will move by road, by highway. It cannot be any other way.

The cost, I say to the two Senators, would be astronomical, if Senators were to think of entirely reversing the mode of travel for the movement of products and people in this country.

So I say, Mr. President, that the cost of improved rail transportation is not something to be accomplished by the money available to a State through its highway allotment. For example, how much in primary and secondary funds could Rhode Island use? The Senator from Rhode Island spoke earlier. $4 million.

How much can Connecticut use? $6.5 million.

How much can Massachusetts use? $9 million.

Mr. KENNEDY. Mr. President, will the Senator yield?

Mr. RANDOLPH. Just a moment, and I shall be glad to.

What would this buy in the way of rail service, and still meet the highway needs of the States I have mentioned? I am glad to yield to the Senator from Massachusetts.

Mr. KENNEDY. The point is, why not let the people of Massachusetts decide how they are going to expend that $6 million?

Mr. RANDOLPH. Is the Senator saying that there is not a need in this country for a highway trust fund? Is he saying there is not a need in this country for an airports and airways trust fund? Why does not the Senator from Massachusetts advocate an urban mass transit trust fund?

Mr. KENNEDY. If the Senator will yield further, he asked me that question before his committee, and I indicated that I think there ought to be a single national transportation trust fund with this kind of flexibility, so that we could develop balanced transportation for communities, for States, for regions, and for the country. So we have answered that particular question.

Mr. RANDOLPH. No, the question has not been answered, because earlier today I indicated that the trust fund will die in 1977, and then is the time to evaluate its future.

Mr. KENNEDY. The Senator indicated that Massachusetts would get $6 million. All our amendment would do would be to permit the people of Massachusetts to decide how that money would be spent rather than depend on an arbitrary restriction devised in 1956—for conditions then.

Mr. RANDOLPH. Well, remember, the Senator has referred to the people. The people in those States, we know, pay user taxes. They have had highway programs, and those moneys come from bond issues on which they vote directly. Today if we adopt this amendment or another amendment, we begin to put a stop to a program which is not completed but must be completed. I wish the Senator could realize that fact.

The PRESIDING OFFICER. All time on the amendment has expired.

Mr. KENNEDY. Will the Senator yield 3 minutes on the bill?

Mr. RANDOLPH. Yes, if that can be done.

The PRESIDING OFFICER. Time cannot be taken from the bill. The time limit refers only to the amendment. There is no time limit on the bill, and all time on the amendment has expired. It will take unanimous consent to get additional time on the amendment.

Mr. BENTSEN. I ask unanimous consent that the Senator from Massachusetts be allowed 3 minutes for further debate.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, as far as completion of the Interstate System is concerned, there is no change. Our amendment does nothing that would threaten the completion of the Interstate System.

Second, if these States had gone ahead and had various bond issues or made long-term commitments or had obligations, then the States themselves can make that determination and decide, as far as they are concerned, that they are going ahead and build more highways. But if other States have a different view and if Massachusetts does not desire to make highways its number one priority, then, I still ask the Senator why he wants to mandate a formula that would require us to do so. I am glad to yield the rest of my time to the Senator. But I do ask unanimous consent that several letters of support be placed in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

[Telegram]

Washington, D.C.,
March 13, 1973.

Senator Edward M. Kennedy,
Capitol Hill, D.C.:

In behalf of 19 national environmental consumer civil rights and trade union organizations represented in the Highway Action collocation we would like to wholeheartedly endorse the Kennedy-Weicker amendment to permit the use of non interstate highway funds.

We believe that granting cities and States the option of selecting whatever nix of ground transportation modes that will best meet their particular needs is an essential and vital step we commend you and Senator Weicker for putting forward this bold and far-reaching proposal.

John D. Kramer,
The Highway Action Coalition.

Institute for Rapid Transit,
Washington, D.C., March 13, 1973.

Hon. Edward M. Kennedy,
Old Senate Office Building,
Washington, D.C.

Dear Senator Kennedy: The Institute for Rapid Transit has supported continually the use of highway funds for urban mass transit purposes. If a balanced transportation system is to be achieved in the urban areas, local officials must have the option to select the best system of transportation which meets their specific needs.

This flexible use, to be meaningful, should extend to highway funds apportioned to states and available to urban areas. Fifty percent of highway funds are generated in urban areas, an equal amount should be available to urban areas for their transportation needs, both highway and public transit. The Kennedy-Weicker amendment would achieve these objectives.

The IRT endorses your amendment and will do all we can to see its enactment.

Sincerely yours,

William J. Ronan.

[Telegram]

Washington, D.C., *March 13, 1973.*

Hon. Edward Kennedy,
Capital Hill, D.C.:

The American Transit Association supports the principle of optional uses of the highway trust fund money. Balanced transportation can only result from such optional use. The Kennedy-Weicker amendment to the highway bill provides for the optional use of highway funds from several of the categorical highway funds—interstate, primary, and the urban system funds the needs of urban transit are of sufficient magnitude to call for additional funding from general revenue sources. The highway trust fund currently can not support both transit and highways the Kennedy-Weicker bill would provide partial funding for transit in the near future. The bulk of transit support must come from general revenue.

Stanley H. Gates, Jr.,
President, American Transit Association.

National Catholic Rural
Life Conference,
Washington, D.C., March 12, 1973.

Hon. Edward M. Kennedy,
U.S. Senate,
Washington, D.C.

Dear Senator Kennedy: We understand that this week the Senate will be considering S. 502, the Federal-Aid Highway Act of 1973, and that you will present an amendment to provide to states the authority to determine whether Federal Highway Trust Fund appropriations are to be used for highway construction or mass transportation purposes. We would support such an amendment because of the possible assistance it would provide to rural communities in need of public transportation facilities.

As you may be aware, rural America has never had the benefit of government assistance in meeting its public transportation needs as have the cities through the Urban Mass Transportation Administration. This is a remarkable oversight in view of the fact that a disproportionately large percentage of the transit dependent, particularly the aged and poor, reside in rural areas and of course must traverse large distances to obtain the community and social services which may be only blocks away in the city. For this reason we are particularly enthusiastic about the Rural Highway Public Transportation Program created in S. 502, Sec. 151.

The great contribution which would be made by your amendment would be the tying together of the highway and public transportation planning functions within the States. Too often the construction of new highways has meant a decrease rather than an increase in the availability of transportation to rural communities. The recent abandonments of thousands of miles of railroad lines and the concomitant increase in shipping costs for rural producers is one example of the consequences of poor transportation planning.

Communities throughout rural America are desperately trying to meet their transportation needs on their own. In case after case they are failing because they simply lack the necessary resources. The availability of Highway Trust Fund revenues for this purpose would be a tremendous step in the right direction.

Sincerely yours,

Stephen Bossi.

Mr. RANDOLPH. The funds are distributed, of course, on the basis of highway needs. There is no formula by which we make distribution based on rail needs. One is clearly defined. The other does not exist.

The PRESIDING OFFICER. All time has elapsed. The question now is on agreeing to the amendment of the Senator from Massachusetts and the Senator from Connecticut (putting the question).

Mr. KENNEDY. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Massachusetts (Mr. Kennedy). The yeas and nays have been ordered, and the clerk will call the roll.

Mr. WILLIAMS. On this vote I have a pair with the Senator from Indiana (Mr. Bayh), who is necessarily absent. If he were here and voting, he would vote "nay." If I were permitted to vote, I would vote "yea." I withhold my vote.

Mr. FANNIN (after having voted in the negative). On this vote I have a pair with the Senator from Colorado (Mr. Dominick). If he were present, he would vote "yea." I would vote "nay." Having already voted in the negative, I withdraw my vote.

Mr. ROBERT C. BYRD. I announce that the Senator from New Hampshire (Mr. McIntyre), the Senator from Missouri (Mr. Eagleton), and the Senator from Indiana (Mr. Bayh), are necessarily absent.

I also announce that the Senator from Mississippi (Mr. Stennis), is absent because of illness.

Mr. GRIFFIN. I announce that the Senator from Colorado (Mr. Dominick) is necessarily absent, and his part has been previously announced.

The result was announced—yeas 23, nays 70, as follows:

[No. 36 Leg.]

YEAS—23

Abourezk
Biden
Brooke
Buckley
Case
Cranston
Hart
Hatfield
Hathaway
Javits
Kennedy
Mathias
Packwood
Pastore
Pell
Percy
Proxmire
Ribicoff
Roth
Scott, Pa.
Taft
Tunney
Weicker

NAYS—70

Aiken
Allen
Baker
Bartlett
Beall
Bellmon
Bennett
Bentsen
Bible
Brock
Burdick
Byrd, Harry F., Jr.
Byrd, Robert C.
Cannon
Chiles
Church
Clark
Cook
Cotton
Curtis
Dole
Domenici
Eastland
Ervin
Fong
Fulbright
Goldwater
Gravel
Griffin
Gurney
Hansen
Hartke
Haskell
Helms
Hollings
Hruska
Huddleston
Hughes
Humphrey
Inouye
Jackson
Johnston
Long
Magnuson
Mansfield
McClellan
McClure
McGee
McGovern
Metcalf
Mondale
Montoya
Moss
Muskie
Nelson
Nunn
Pearson
Randolph
Saxbe
Schweiker
Scott, Va.
Sparkman
Stafford
Stevens
Stevenson
Symington
Talmadge
Thurmond
Tower
Young

PRESENT AND GIVING LIVE PAIRS, AS PREVIOUSLY RECORDED—2

Fannin, against.
Williams, for.

NOT VOTING—5

Bayh
Dominick
Eagleton
McIntyre
Stennis

So Mr. Kennedy's amendment was rejected.

Mr. BENTSEN. Mr. President, I move that the vote by which the amendment was rejected be reconsidered.

Mr. RANDOLPH. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

EXECUTIVE SESSION

Mr. ROBERT C. BYRD. Mr. President, I move that the Senate go into executive session to consider three nominations now at the desk.

The motion was agreed to, and the Senate proceeded to the consideration of executive business.

The PRESIDING OFFICER (Mr. Scott of Virginia). The nominations on the Executive Calendar, as reported earlier today, will be stated.

FOREIGN CLAIMS SETTLEMENT COMMISSION

The assistant legislative clerk read the nomination of Lyle S. Garlock, of Virginia, to be a member of the Foreign Claims Settlement Commission, with the recommendation that the nomination be confirmed, subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

U.S. CIRCUIT JUDGE

The assistant legislative clerk read the nomination of Joseph F. Weis, Jr., of Pennsylvania, to be a U.S. circuit judge, Third Circuit.

U.S. DISTRICT JUDGE

The assistant legislative clerk read the nomination of Herbert A. Fogel, of Pennsylvania, to be a U.S. district judge for the Eastern District of Pennsylvania.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that these three nominations be considered and confirmed en bloc.

The PRESIDING OFFICER. Without objection, the nominations are considered and confirmed en bloc.

Mr. ROBERT C. BYRD. Mr. President, I ask that the President be notified of the confirmation of these nominations.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of additional nominations which are now at the desk and that they be considered en bloc, but that the clerk state each nomination.

The PRESIDING OFFICER. Without objection, the nominations will be considered en bloc, and the clerk will state the nominations.

FEDERAL MEDIATION AND CONCILIATION SERVICE

The assistant legislative clerk read the nomination of Willie J. Usery, Jr., of Georgia, to be Director of the Federal Mediation and Conciliation Service, with the recommendation that the nomination be confirmed, subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

NATIONAL CREDIT UNION BOARD

The assistant legislative clerk read the nomination of Lorena Causey Matthews, of Tennessee, to be a member of the National Credit Union Board for a term expiring December 31, 1978 (reappointment), with the recommendation that the nomination be confirmed, subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

The assistant legislative clerk read the nominations in the Department of Housing and Urban Development, as follows:

Floyd H. Hyde, of California, to be Under Secretary of Housing and Urban Development.

H. R. Crawford, of the District of Columbia, to be an Assistant Secretary.

Sol Mosher, of Missouri, to be an Assistant Secretary.

Michael H. Moskow, of New Jersey, to be an Assistant Secretary.

James L. Mitchell, of Illinois, to be General Counsel.

The PRESIDING OFFICER. Without objection, the nominations are considered and confirmed en bloc.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of these nominations.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. ROBERT C. BYRD. Mr. President, I move that the Senate resume the consideration of legislative business.

The motion was agreed to, and the Senate resumed the consideration of legislative business.

ORDER OF BUSINESS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the distinguished Senator from California (Mr. Cranston) be recognized for not to exceed 5 minutes for the purpose of calling up a message from the House which I understand has been cleared on this side of the aisle and without the time being charged against him.

Mr. BAKER. Mr. President, reserving the right to object, may I ask the nature of the request?

Mr. CRANSTON. The measure is S. 7, the rehabilitation bill, which has been worked out with the House, and we are accepting the House amendments to the Senate version.

Mr. BAKER. Mr. President, I am reluctant to object to this, but I have spent much of today trying to negotiate accommodations for Senators who canceled meetings and want to be here in order to vote on the next amendment. I believe we are making substantial progress on the highway bill, and I most earnestly request that this matter be put off for another time.

Mr. CRANSTON. We have struck $200 million from this bill, and this might be the time to strike a blow for economy.

Mr. BAKER. It would be, except that we have the mind of the Senate focused on the highway bill. I will object, if I have to.

Mr. ROBERT C. BYRD. Mr. President, this is a privileged matter, it being a message from the House; but I recognize that the Senator is on sound ground in objecting to a time limitation.

I withdraw the request, and the Senator from California will not call up the measure at this time.

Mr. BAKER. I thank the Senator.

FEDERAL AID HIGHWAY ACT OF 1973

The Senate continued with the consideration of the bill (S. 502) to authorize appropriations for the construction of certain highways in accordance with title 23 of the United States Code, and for other purposes.

AMENDMENT NO. 4

The PRESIDING OFFICER. The clerk will state the next amendment.

Mr. HUMPHREY. Mr. President, I have a privileged matter.

The PRESIDING OFFICER. There is a unanimous-consent agreement.

Mr. MUSKIE. Mr. President, what is the pending business?

The PRESIDING OFFICER. The next amendment is the amendment by the Senator from Maine, which the clerk will report.

The assistant legislative clerk proceeded to read the amendment.

Mr. MUSKIE. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered; and, without objection, the amendment will be printed in the Record.

The amendment is as follows:

On page 97:

(1) amend line 5 through 8 to read:

"(a) To encourage the development, improvement, and use of public mass transportation systems for the transportation of passengers within urban areas,".

(2) on line 19, strike "and".

(3) after line 19, insert:

"(2) sums apportioned in accordance with paragraph (6) of subsection (b) of section 104 of this title shall be available to finance the Federal share of the costs of projects within urban areas for the construction of fixed rail facilities and for the purchase of passenger equipment, including rolling stock for fixed rail; and"

(4) on line 20 strike "(2)" and insert "(3)"

(5) on lines 1 and 4, strike "highway"

Mr. MUSKIE. Mr. President, I ask for the yeas and nays on the amendment.

The yeas and nays were ordered.

Mr. HUMPHREY. Mr. President, will the Senator yield for a unanimous-consent request?

Mr. MUSKIE. I yield 5 seconds.

SCHOOL LUNCH COMMODITY DONATIONS—CONFERENCE REPORT

Mr. HUMPHREY. Mr. President, I submit a report of the committee of conference on H.R. 4278, and ask for its immediate consideration.

The PRESIDING OFFICER (Mr. Scott of Virginia). The report will be stated by title.

The assistant legislative clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 4278) to amend the National School Lunch Act to assure that Federal financial assistance to the child nutrition programs is maintained at the level budgeted for fiscal year ending June 30, 1973, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by all the conferees.

The PRESIDING OFFICER. Is there objection to the consideration of the conference report?

There being no objection, the Senate proceeded to consider the report, which reads as follows:

Conference Report

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 4278) to amend the National School Lunch Act to assure that Federal financial assistance to the child nutrition programs is maintained at the level budgeted for fiscal year ending June 30, 1973, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same.

Herman E. Talmadge,
James B. Allen,
Hubert H. Humphrey,
Carl T. Curtis,
Robert Dole,
Managers on the Part of the Senate.

Carl D. Perkins,
Augustus F. Hawkins,
Patsy T. Mink,
Lloyd Meeds,
Ike F. Andrews,
William Lehman,
Albert H. Quie,
John M. Ashbrook,
Alphonzo Bell,
Edwin B. Forsythe,
Managers on the Part of the House.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

The conference report was agreed to.

Mr. HUMPHREY. Mr. President, I ask unanimous consent that the required printing of the conference report on this bill, H.R. 4278, by the Senate as a Senate report be waived.

The PRESIDING OFFICER. Without objection it is so ordered.

FEDERAL AID HIGHWAY ACT OF 1973

The Senate resumed the consideration of the bill (S. 502) to authorize appropriations for the construction of certain highways in accordance with title 23 of the United States Code, and for other purposes.

Mr. MUSKIE. Mr. President, I yield myself 10 minutes at this time.

This amendment is cosponsored by Senators Baker, Biden, Brooke, Buckley, Case, Cranston, Hart, Hatfield, Hathaway, Humphrey, Javits, Pastore, Pell, Percy, Proxmire, Ribicoff, Stafford, Stevenson, and Tunney.

The Muskie-Baker amendment is a sensible proposal. It simply would give cities and States the flexibility to decide for themselves whether their allocations from the urban systems authorization of the highway trust fund should be spent for roads, or for alternative transportation systems.

This amendment would not provide mass transit facilities in rural areas; it would apply only to the urban systems section.

This amendment would not force cities or states to substitute mass transit facilities for highways; it merely would give the people of urban America a choice they are now denied.

This amendment would not divert trust funds from highways that ought to be built; it would allow cities to substitute alternatives for highways that should not be built.

Nor, Mr. President, is this amendment supported only by narrow interest groups; the Senate passed a similar version last year, the Nixon administration supports it, and a broad coalition of citizen groups including a majority of the Nation's Governors, the National League of Cities-U.S. Conference of Mayors, the United Auto Workers, and Common Cause has worked for its passage.

It has become clear to these and many other Americans that our current national transportation policies are badly out of step with our needs. Although we have set difficult goals for ourselves in conserving our fuel resources, protecting our environment, and improving the quality of urban life, we have preserved at the same time a closed-circle transportation policy which perpetuates highway construction as virtually the only solution to transportation problems that most cities and States can afford to choose.

Every year our metropolitan transportation problems multiply. Whether the problem involves moving workers to and from their jobs, moving goods and people around the city, or bringing essential goods and services to the urban population, more highways and more cars have become the only answer—even when they are obviously not the right answer. Before it is too late, we should take a hard look at the consequences of this policy and decide whether those consequences should be an inevitable part of our future. Before it is too late we should seek ways in which we can all move freely about our cities without endangering our health, destroying our communities, and wasting our resources in the process.

Highways and automobiles have revloutionized life in urban America; but they now threaten in several ways to destroy the urban life they helped to create.

First, highways and the cars that use them pollute the air of our cities and menace the health of the people who live there. This statement should come as no surprise to Members of this body, Mr. President. We were aware of the danger 3 years ago when we unanimously approved the Clean Air Act of 1970. We resolved then that protection of the public health was of primary and overriding importance. We explicitly excluded considerations of economic and technological feasibility in setting ambient air quality standards under that act. And for the same reasons we set a statutory deadline for the development of a clean car.

That was 3 years ago. Now the deadline for meeting the air quality standards is only 2 years away; but as of today the air quality in 67 metropolitan areas constitutes a health hazard because of one or more auto-related air pollutants.

We were also aware in 1970 what the provisions of the Clean Air Act meant in terms of urban transportation systems. The Public Works Committee report forecast the kinds of changes that the new law would require:

> As much as seventy-five percent of the traffic may have to be restricted in certain large metropolitan areas if health standards are to be achieved within the time required by this bill.

The committee report warned that—

> Construction of urban highways and freeways may be required to take second place to rapid and mass transit and other public transportation systems. Central city use of motor vehicles may have to be restricted.

If cities could make the switch from automobiles to electric rail systems, one calculation estimates that for every 100,000 passenger-miles there would be net decreases of 8,000 tons of carbon monoxide, 1,600 tons of hydrocarbons, and 320 tons of nitrogen oxides.

On one hand, Mr. President, we have told the cities they must make changes in their transportation systems to protect the public health. But on the other hand we have withheld the funding flexibility that would make those changes possible. This is not consistent policy on our part, and it is a disservice to the cities and to the national policies we ourselves established. By finally granting that long-sought flexibility, this amendment would make it possible for the cities to fulfill both their responsibilities: protection of the public health and assurance of adequate transportation facilities.

Our second concern is that highways and automobiles have had as destructive an effect on our cities themselves as they have had on the health of the people who live in them. Highway construction divides our urban areas with ribbons of concrete—separating people from their jobs and from each other, destroying the integrity of communities, and encouraging suburban sprawl and other questionable land uses. As places of urban and suburban employment have become more and more dispersed, with access to them provided only by highways, more and more workers have been forced to rely on cars to get to their jobs. The available highways have in turn become more congested, forcing us to build more and more roads. We have now devoted so much of our urban living and working space to the automobile that up to 60 percent of the land area in our major cities is required for the circulation and servicing of our cars. The New Jersey Planning Department has predicted that within 30 years, transportation will consume one-third of the State's entire land area.

The heedless construction of urban freeways has run roughshod over the real transportation needs of city residents, displacing literally hundreds of thousands of people and businesses in the process.

On one hand, Mr. President, we have expressed our concern over the fate of our cities as places where people can live and work, and we have created programs and spent money to restore the urban environment. But, on the other hand, we have forced those same cities to build highways which defeat that objective. By allowing the cities to build mass transit systems they do need instead of highways they do not need, the Muskie-Baker amendment would restore good faith and good sense to our efforts to save our cities.

Our third concern, Mr. President, is that highways and automobiles which ravage our cities are at the same time helping to lead us to an energy crisis from which there may be no road back. Automobiles are the most wasteful common means of surface transportation; they use 5 times more fuel to transport a person 1 mile than does a bus, and 10 times more than a train or subway. In fact, automobiles effectively utilize only 5 percent of the potential energy from the fuel they burn.

At the current rate, transportation from the fuel they burn could deplete the entire proven Alaskan oil reserves in 7 years. But the Highway Action Coalition has estimated that if the automobile's use in urban areas alone was reduced by merely 25 percent, we could save 1 million barrels of petroleum per day—the equivalent of the full operating capacity of the proposed Trans-Alaska Pipeline. In light of the energy and fuels crisis of which we are all aware, our present extravagance is unacceptable.

On one hand, Mr. President, we have rung the alarm concerning the energy crisis, and we are seeking ways to reduce our fuels' consumption and increase our reserves. But on the other hand, our policies have the effect of pressing upon our cities the most wasteful and inefficient form of transportation that exists. The Muskie-Baker amendment would give the cities a choice, and begin to bring our transportation policies in line with our energy concerns.

In light of all these concerns, it is clear that Americans are paying a price for urban highways that we cannot afford. And many Americans who pay the price get nothing in return. For these citizens of urban America, the highway trust fund and the transportation systems it creates rob Peter to pay Paul.

In many American cities—including Baltimore, Milwaukee, Richmond, and Columbia, S.C.—nearly one out of every four dwellings have no car. Fifty-seven percent of households with incomes below $3,000 have no cars; 14 percent of those households reporting incomes between $3,000 and $10,000 have no car. Most of the 20 percent of Americans who have no car are poor, handicapped, young, or old—people who need mobility the most to gain access to adequate education, health care, job opportunities, and other necessities of life. The unemployment of at least one-half of the 1 million jobless handicapped is attributable to a lack of adequate transportation. In five Ohio cities, 54 percent of the households whose head is over 65 have no car, and 42 percent of those households reported a need for transportation beyond any available to them.

The Muskie-Baker amendment would help correct these inequities by amending the highway trust fund to make it more flexible and more sensible, to bring it up to date, and to revitalize it as a useful funding mechanism to meet our transportation needs.

In 1956, Mr. President, the job of building the interstate defense highway system was considered to be so big and so urgent that it was decided to provide annual revenues earmarked for that job from a fund with assured revenues. Therefore, the highway trust fund was established to focus revenues raised from highway-related taxes on specific highway purposes for a 16-year period. The primary purpose of the trust fund was the construction of the Interstate System, and the trust fund was to be terminated at the same time that the Interstate System was completed.

To establish the trust fund, the Congress drew on two sources of revenues: First, receipts from then-existing highway-related taxes, such as the gasoline tax which had been on the books and contributing revenues to the General Treasury since 1932; and second, receipts from new highway-related taxes, such as the tread rubber tax. Prior to 1956, the receipts from those existing highway-related taxes—those in the first group—had been in the General Treasury and had been used to fund a broad variety of Federal activities—even including foreign aid.

The Congress directed the receipts from all of these taxes, including those which had been in the General Treasury, to the new trust fund. The importance of the contribution to the trust fund from those existing tax revenues is illustrated by the fact that 92 percent of last year's trust fund receipts were derived from tax categories which had been on the books long before 1956, and which before 1956 had provided general revenue funds.

These General Treasury revenues were diverted in 1956 primarily to serve a specific purpose—building the Interstate System. Now, 80 percent of the Interstate System has been completed. Certain portions of it planned for urban areas will never be built due to many factors—new environmental regulations, revised local determinations as to transportation needs, and citizen pressure against new highway construction. No one questions that the remainder of the system should be completed as soon as possible.

The question now before us is whether—the original purpose being nearly completed—those General Treasury revenues presently in the trust fund should be applied to a broader purpose. Our responsibility in 1973 is to determine how those revenues should be spent in the future.

One option is to build only more roads, regardless of whether they are wanted or needed. Certainly with respect to the urban portion of the fund, Mr. President, the choice of that option would perpetuate the most glaring flaw in our transportation policy. It would make us the victims of the trust fund rather than the beneficiaries.

A second option is to return some of the trust funds to the General Treasury and to create a new public transit trust fund. This option has some arguments in its favor; we have identified the need for mass transit funds for our cities, and this approach might help to provide those funds. But the arguments against this course of action are also compelling. This would be an arduous and risky approach; the competition for funds from the General Treasury is severe, and there is little likelihood that sufficient money to create a viable fund could be appropriated. Furthermore, this approach would not give the cities the kind of discretion and flexibility they need. We do not want to force the cities to build subways any more than we want to restrict them to highways. On the contrary, we want to give them the opportunity to build the transportation systems that best meet their needs.

And that, Mr. President, is our third option: Amending the highway trust fund in the manner we propose and thereby giving the cities the opportunity to build the transportation systems they think are best suited to their needs.

In 1965, Congress established this trust fund with General Treasury revenues and identified its primary purpose. The Congress never made that trust fund irrevocable, nor has the Congress ever waived the right to modify its purposes. In fact, the Congress has modified the trust fund's purposes in the past by using money from it for billboard removal and the relocation of junkyards. And this year, S. 502 would authorize trust funds for the relocation of railroad lines in Lincoln, Nebr., Elko, Nev., and Brownsville, Tex. The argument that the trust fund is sacrosanct fails in light of these precedents.

And if the trust fund were sacrosanct, Mr. President, areas of the Nation that do not need or cannot accommodate new highways—our cities, in particular—would not share in the benefits of the fund. That result would not be one that was intended by the Congress that created the trust fund in 1956.

In sum, Mr. President, Congress in 1956 brought together tax revenues from many existing sources and some new ones, and focused them through the highway trust fund on a particular problem of national proportion—building the Interstate Defense Highway System. Solving that problem, more than any other factor, was the primary purpose of the new trust fund.

Now, we are faced with another transportation problem that is national in scope. We have identified the dimensions of the urban transportation problem, and it is clear that those dimensions justify the Muskie-Baker amendment.

No trust will be violated. No money will be wasted. And no transportation project—highways or subways—will be built that does not make sense from the point of view of the people who must live with it.

This amendment will not provide automatically the ingenious new transportation systems we need for our cities, nor quick public acceptance of mass transportation as a substitute for the luxury and convenience of the private automobile. But the flexibility of funding must be our starting point, both to signify our willingness to change and to make it financially possible to do so.

In summary, Mr. President, no comments more eloquently describe the absolute need for flexibility than the statements of three of the Nation's mayors: Mayor Kenneth Gibson of Newark; Mayor Wes Uhlman of Seattle; and Mayor John Lindsay of New York.

I ask unanimous consent that their letters and accompanying material be inserted in the RECORD following my remarks.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

FEBRUARY 26, 1973.

Hon. EDMUND S. MUSKIE,
U.S. Senate,
Washington, D.C.

DEAR ED: I have read with great interest your recent letter and attached proposed amendments to the pending extension of the Federal Aid Highway Act. I enthusiastically endorse and support your efforts to open up the trust fund for public transportation and increase the Urban System funding to $1-billion.

As you may know, Manuel Carballo, my First Deputy Transportation Administrator, recently appeared before the Roads Subcommittee of the Senate Committee on Public Works. On behalf of New York City and the National League of Cities-U.S. Conference of Mayors, he urged that Urban System monies be made available for rail as well as surface transit at the discretion of the localities. I am attaching a copy of his statement which represents my position on the pending legislation.

Ideally, we would prefer the creation of a general transportation trust fund. However, if such a fund were funded inadequately and thus failed to meet the cities' total mass transit and highway needs, we would be no better off than at present. Therefore, we urge that the Congress recognize the need for localities to be able to exercise discretion in the use of funds sufficient to meet their particular needs. New York City, for example, needs $132-million in FY 1974 alone if we are to do an adequate job in maintaining and rebuilding our street system. However, the best estimate of what we would receive under S. 502 is approximately $50-million, including the State matching share.

Our mass transit needs are even more staggering. We estimate our needs through FY 1977 at $2.3-billion, while we can expect to receive, at best, only $300-million over this same period from the $3-billion increase in UMTA contract authority proposed under S. 386.

Other aspects of the pending highway bill require attention. I urge that the distribution formula be based on "urbanized" rather than "urban" areas. The appendix to Mr. Carballo's statement explains in great detail the difficulties inherent in the distribution formulas as provided under S. 502.

I also ask the Congress to provide a guaranteed pass-through of Urban System funds to municipalities over 250,000; S. 502 provides such a guarantee only to "urbanized areas" of that size.

Further, I support your proposal to authorize the Secretary of Transportation to utilize up to 10% of annual trust fund revenues to provide "emergency" assistance for alternate transportation systems where pollution from autos is certified as a threat to safety. Assuming the opening of the trust fund for mass transit, this provision would enable cities like New York to use such funds in a rational way in order to improve air quality levels. In addition, I agree with the purpose of Section 1 of this amendment which requires the Secretary to withdraw approval of routes on the Interstate, Primary and Secondary Systems in areas where federal EPA finds pollution levels unsafe after 1975 and where the Governor and local governments jointly request such withdrawal.

This section, however, raises the same problem that we found with the guaranteed pass-through to "urbanized areas." A municipality of New York's size which seeks withdrawal of certain routes that run through its jurisdiction may be subject to the determinations made by other municipalities or local areas within its urbanized area through which such routes also run. I suggest this amendment be clarified to provide that municipalities over 250,000 be empowered to request withdrawal of urban routes jointly with the Governor of the State, and not be subject to veto by other members units of its urbanized area.

In addition, I support Section 3 of this amendment which empowers the Secretary to refuse approval of any new highway construction which federal EPA certifies will make the air unsafe under the Clear Air Act.

Finally, I endorse the amendment to the Highway Safety Act which establishes State-run programs for inspection of auto emission control systems.

I think the changes you have suggested will benefit the nation's cities as well as its suburban and rural neighbors. I am pleased to be able to endorse these amendments and urge your support for our proposal for a guaranteed pass-through of Urban System funds to municipalities over 250,000.

My Administration will continue to press strongly for these changes in order to achieve a truly balanced national transportation system. Please feel free to call on me or members of my Administration if we can be of further assistance.

Sincerely,

JOHN V. LINDSAY,
Mayor.

STATEMENT BY MANUEL CARBALLO

Mr. Chairman, members of the Committee, I am Manuel Carballo, the First Deputy Transportation Administrator and Commissioner of Highways of the City of New York. I am also a member of the Transportation Steering Committee of the National League of Cities and am pleased to come before you today in behalf of the League, the United States Conference of Mayors, and Mayor Lindsay to discuss the pending extension of the Federal-Aid Highway Act, S. 502.

Consideration of this bill is of critical importance at this time, not only because of the considerable benefits that have resulted throughout the country under the 16-year-old federal Highway Trust Fund program, but also because of the distortions and imbalances that have resulted in a time of rapidly changing transportation needs.

At its best, the range of programs fostered under the Highway Trust Fund have a track record matched in impact and efficiency by few other Federal programs: high concentrations of funds, generated by a simple and equitable tax structure, and expended directly and efficiently to create a nation-wide highway system in a relatively short period of time.

But at its worst, the structure of these programs has tended to create distortions that must be corrected. Traffic congestion chokes many of our highways as mass transit needs have gone unmet. Auto exhaust fouls our air. Urban areas have received a share of the Highway Trust Fund which does not begin to reflect their population, need, or importance to the nation.

Both the mood of the country and the mood of the Congress appear to reflect the realization that this must be the year that the thrust of the federal highway program is re-examined—and rightly so. Our task, then, is to sustain the best elements of the highway program—its efficiency and high concentration of funds while re-directing its thrust to correct many of the imbalances that it has partly helped to create.

Clearly, the construction of a fast, safe and efficient Interstate System was a necessary and admirable objective and one we have essentially achieved. There is considerable doubt whether this objective would have been achieved had not a Highway Trust Fund been established to finance it. On the other hand, there is also considerable doubt whether the imbalance in our transportation system would exist to the extent it does if mass transit had gotten its fair share of the huge investment of federal dollars over the years and if the cities had had discretion over the use of such funds.

Although it is late, there is certainly time to focus our energies and our resources in bringing our transportation systems into balance. Clearly this means increased funding for mass transit.

To do otherwise threatens the very viability of urban areas. This is not a partisan issue. We can no longer afford to be highway advocates or mass transit advocates. We can only be "balanced transportation" advocates. Failure to redress the current imbalance in our transportation system benefits no one.

Today, new conditions dictate that cities must have greater flexibility with federal assistance programs than now available to enable them to address their particular conditions and priorities. It is the position of the City of New York, for example, that the best way to correct this imbalance is through the establishment of a General Transportation Fund. Our objective is to provide flexibility for localities regarding the use and distribution of such funds. Who, other than the localities, knows better what the needs are? In some cases this would mean priority for construction of highways; in others, the funds would be allocated for mass transit—subways, buses, people movers.

However, what we have before us today is not legislation to create such a fund but a highway bill.

We do, of course, strongly support the progressive step this Committee has already taken in broadening the uses of Urban System funds to include bus purchases. But the National League of Cities and United States Conference of Mayors urge you to go further and allow rail transit uses as well. Cities must have the ability to choose a mixture of highways, buses, and rail systems to meet their own local conditions. In furtherance of this policy, we most strongly urge S. 502 be amended to allow Urban System funding for rail projects, as well as for buses. This flexibility for local governments in planning and building a balanced transportation program is especially important in the face of limited availability of both highway and mass transit funds.

At the funding level proposed in this bill, however, many cities would be hard pressed to meet even their minimal highway needs, much less make a significant investment in mass transit—NYC is a case in point.

For this reason, it is essential that the urban systems authorization be raised to a level that would allow these cities to take advantage of this flexibility and meet their basic transportation needs.

The highway bill before us today, while providing more funds to urban areas than currently available falls far short of the cities' highway needs, particularly since the TOPICS program is now also to be funded from this source. In my own City, for example, our highway needs amount to $132 million in FY 1974 while the best estimate of what NYC can expect to receive under the bill is approximately $50 million (which includes the State matching share).

Similarly, urban mass transit needs are even more desperately under-funded.

As a representative of the National League of Cities and United States Conference of Mayors and the City of New York, I find it impossible to talk about a highway bill without, at least in the first instance, also discussing the Urban Mass Transportation Act and its relation to S. 502.

On February 6, testifying on behalf of the National League of Cities and United States Conference of Mayors before your colleagues on the Senate Banking, Housing and Urban Affairs Committee, I strongly endorsed S. 386 which increases UMTA contract authority by $3 billion through FY 1977, and would include an additional $800 million in operating subsidies over two years. I reiterate that support there today. But it must be observed that even that noteworthy legislation fails to provide sufficient increases in capital funds to meet the mass transit needs of our nation's cities. Nowhere is this fact more evident than in my own City of New York.

While our mass transit needs through FY 1977 are in excess of $2.3 billion, we can expect to receive at best only $360 million over this same period out of the proposed $3 billion increase in UMTA contract authority.

In the face of these kinds of shortages in funds for both urban highway and mass transit programs, it is even more essential that the authorization level for urban systems in S. 502 be increased and that the permissible uses for these funds be broadened to allow localities the option of choosing among highway and mass transit priorities. I would again stress that cities would not be choosing highways *or* mass transit, but their proper mixture of each.

Accordingly, the National League of Cities and United States Conference of Mayors call for a funding level of $1.5 billion annually for the urban transportation system. The Committee has proposed $650 million for the Urban System and $350 million for Urban Extensions. Secretary Brinegar has testified that the Administration will request $1.1 billion for the urban system in FY 74, then rising to $1.2 billion in FY 75 and to $1.35 billion in FY 76. We commend this strong commitment for urban transportation needs, particularly when the Administration's budget for FY 74 proposes only $800 million for urban system authorization in FY 74. However, we feel that this is not enough. Funds will be available as the nation's current priority, the Interstate System, is completed and the new priority of urban transportation needs is begun to be met.

Let us now look more closely at the specifics of the bill pending before us today. We of course applaud the opening of the Trust Fund for bus purchases, the increase in local control over route designation, urban transportation planning funds, Interstate transfer, the concept of a guaranteed "pass-through" and the increased funding for Urban Systems over current authorizations.

In several significant ways, however, we think that this legislation represents a retreat from the excellent bill reported favorably out of this committee last year.

You will recall that last year's bill, S. 3939, authorized $800 million for Urban Systems and an additional $50 million for a newly-created "Small Urban" System. Even that authorization level fell far short of meeting the pressing transportation needs of our urban areas—indeed we have called for *a minimum commitment of $1.5 billion this year* for the urban transportation system. But instead, we regret that the bill we are considering merges the Urban and Small Urban System and cuts the total Urban System authorization level by $200 million at a time when urban transportation systems are dangerously under-funded throughout the nation.

S. 502 would redefine the eligible recipients of Urban System money. Funds would be used for projects in any "urban" area, a municipality or place of 5,000 population or more, rather than the present "urbanized" area, an area with a central city of 50,000 or more. Senator Bentsen stated that this change was made in lieu of creating the "Small Urban System" in last year's bill and thereby adding another categorical grant.

We agree with his concern over proliferating grant-in-aid programs. But we question if expanding the Urban System at this time will be the answer. We also feel earmarking $50 million for small urban systems, of the $650 million urban system authorizations, is impossible to administer. We urge retention of the Urban System as a program for urbanized areas. Urbanized areas already have been developing their programs for Urban System projects. Many already have the institutional structures for planning and implementing a transportation program and relating it to other areawide concerns. Urbanized and metropolitan areas are the criteria for eligibility in numerous federal programs. Transportation needs are most acute in urbanized areas, having been deferred for other, non-urban priorities. To suddenly place smaller urban areas into the existing Urban System could cause major disruptions in program administration and funding of current and planned projects.

This is not to say that smaller urban areas do not have their own priority needs. Expansion of eligible uses of Primary and Secondary System funds for public transporta-apply to small urban areas, may be the preferable alternative. Or the Committee may create a "small urban system" within the existing rural Primary and Secondary programs.

We thus propose the allocation formulas and "passthrough" mechanisms provided in the bill be modified. The bill provides that states shall receive Urban Systems funds based upon their share of the national "urban" population. Within the states, the formulas for distribution become unclear. Urbanized areas over 250,000 are guaranteed a minimum "pass-through," although Sec. 125, relating to those funds "attributable" to such urbanized areas, fails to clearly define "attributable." Consequently, it is difficult to ascertain the intent of the legislation. Our assumption is that the intent is to guarantee funds to urbanized areas over 250,000 in direct proportion of its share of its state's "urban" population (a highly difficult and confusing calculation to make, since almost 15% of the nation's "urbanized" population is non-"urban." This dilemma is discussed in the appendix to this testimony.) Such funds would be dispensed by a regional transportation agency, or in its absence, the State.

We would recommend several major changes with respect to these provisions: First, as proposed in last year's bill, that funds be distributed to the states on the basis of their urbanized population; and within the states, allocations be made on the same basis. This provides a consistent distribution formula that meet transportation needs throughout the nation. (See Appendix B for more detailed analysis).

Second, I would like to reiterate that the policies of the National League of Cities and United States Conference of Mayors, although supportive of a mandatory pass-through to urbanized areas, do not allow our support for the proposed restriction of pass-through authority of Urban System funds to areas of over 250,000. The League and the Conference are on record that funds should be allocated to all urbanized areas, the only restriction being their capacity to plan and implement projects on the Urban System.

The City of New York agrees with the concept of a guaranteed pass-through. It also agrees with the National League of Cities and United States Conference of Mayors that the provisions of S. 502 creating such a guaranteed pass-through are unacceptable and unworkable. The City of New York differs, however, with the NLC and USCM as to the nature of the changes that need to be made in the bill before us. I have appended to my statement New York City's position on pass-through eligibility.

Other aspects of the bill require attention. We suggest that funds for planning under the Urban System be borne totally by the federal government, consistent with current planning funding on the Interstate System.

To limit red tape in the grant approval process, DOT should limit review of technical details of projects, and allow state and local agencies to certify that such federal standards as are necessary have been complied with. The new Chapter 1–A, Alternative Federal-Aid Highway Procedures, proposed in S. 502, addresses this red tape problem. However, it should not be a device for the states and their highway departments to by-pass the increased local control over Urban System projects that would be effected if S. 502 passed. The procedural and substantive gains and safeguards in present law, and as proposed in S. 502, must be preserved. They must be made explicitly applicable to any alternative procedures available to the states.

I would urge the members of the committee to review technical amendments and analysis submitted in the appendix.

Conclusion: Criteria for a Balanced Transportation Program.

The transportation needs of American's urban areas are indeed great. What kind of a balanced national program then do we require in order to begin to meet these needs?

We have thought a great deal about this question in the City of New York and we have consulted with officials of other cities at great length through our participation in the National League of Cities and United States Conference of Mayors.

Our position—which is supported by a great number of my colleagues across the country, through their national organizations on whose behalf we appear, and is embodied in the recommendations I have made today—is that Federal-Aid Highway legislation aimed at creation of a balanced transportation system should meet at least the following minimum criteria:

1. Increased funding for urban transportation systems, giving proper weight to the mass transit and highway needs of urban areas, thereby correcting the present severe imbalance.
2. Flexible Funding, providing state and local officials with the flexible use of Urban System funds to meet transportation needs as determined at the local level.
3. Adequate and assured levels of funding for urbanized areas. Local officials in these areas must be assured of an adequate level of funding by direct passthrough of funds attributable to the populations of these areas.

I ask the members of this Committee to consider the criteria and recommendations proposed today in making critical decisions that will affect the future of our nation's transportation system. The bill before you represents the first tentative step in this direction. Your approval of the changes we suggest would take us further toward the goal of a truly balanced national transportation system.

Appendix A—Supplemental Views, City of New York

As outlined in the accompanied testimony, and for reasons explored more fully in Appendix B, the City of New York joins the NLC/USCM in urging this committee to return to the basic structure for state allocation and "pass through" or urban system funds which was contained in the excellent highway bill (S. 3939) which passed the Senate last year. These provisions would allocate to each state its share of Urban Systems funds based on its proportion of the nation's urbanized population, and to urbanized areas within the state on the same basis. The transportation needs of small urban areas (between 5,000 and 50,000 in population) not contained within urbanized areas would be met through a separate mechanism so as to avoid the irresolvable complications which arise in any attempt to merge the "urban" and "urbanized" concepts.

Even if such a change is made in S. 502, however, the "pass-through" provision assuring each urbanized area its fair share of the state's urban system funds provides very little added protection to large cities such as New York. The New York City Urbanized Area, for example, contains about 11.4 million persons, approximately 80% of the state's urbanized population. As a result, 80% of the state's urban systems funds would be "passed through" in one huge lump sum earmarked for the urbanized area, with no assurance or indication of how these funds are to be allocated within the area. New York City, with approximately 70% of the population of the urbanized area, would have no basis with which to undertake long-range planning for the use of the funds which are eventually to be made available.

We propose, therefore, that Sec. 125 of this bill be amended to provide a guaranteed pass-through to legally-constituted municipalities over 250,000 persons, reflecting its share of the urbanized population. It is our position that municipalities of this size, which often constitute the central cities of urbanized areas, be assured of the funds otherwise guaranteed to their urban and suburban neighbors under S. 502. Clearly, if the case is made for guaranteed funds to large "urbanized areas", the arguments are even stronger for guaranteeing such funds to equally large, single municipalities. Funds would flow directly from the federal government to each such municipality in proportion to its share of the urbanized population.

To deny a guaranteed pass-through to such municipalities, which presently have the capacity to plan and implement improvements on existing street, highway, and mass transit systems, effectively robs those municipalities of the opportunity and resources to undertake rational, long-range planning. To turn this responsibility over to the States or regional authorities actually takes away functions performed capably by these cities. If "home rule" means anything, it means control of a municipality's own streets and subway systems.

Essentially, we view this as a three-staged program. First, those cities over 250,000 should be provided a guaranteed pass-through immediately. Second, cities under 250,000, within urbanized areas, should receive funds through the mechanisms provided in the legislation, that is, through a metropolitan transportation agency, or in its absence, through the state. Thirdly, we propose that when such cities develop the capacity to plan and implement programs under the Urban System, they, too, should be guaranteed a pass-through of funds in direct proportion to their share of the urbanized population of the state.

Appendix B—Analysis of State Allocations and "Pass-Through" Formulas in S. 3939 (1972) and S. 502 (1973)

Last year's highway bill, S. 3939, would have distributed Urban Systems funds to each state based on its urbanized population, and would have assured each urbanized area within a state its fair share based on population. Recognizing that 20% of the nation's "urban" population lies outside urbanized areas, the bill further sought to assist these smaller communities with a new separate "Small Urban" System, more closely tailored to the needs of these communities (i.e., municipalities between 5,000 and 50,000 in population not lying within an urbanized area).

The bill before us this year, however, S. 502, apparently seeks to merge these two systems (Urban and Small Urban) by changing the allocation formula to an *"urban"* basis, while maintaining a pass-through provision for a portion of the funds to major *urbanized* areas. A careful analysis of the distinctions between the meaning of "urban" and "urbanized" areas, as used in this bill, would appear to suggest that such a merger can not be accomplished with a single allocation and distribution formula that bears any rational resemblance to sensible federal policy. The inconsistencies which appear in S. 502 and which, in fact, are inherent in any attempt to mix the urban and urbanized criteria for allocation and pass-through are discussed in considerable detail below.

I. DEFINITIONS

A. Section 106(c) of the bill defines an "urbanized area" as "an area so designated by the Bureau of the Census, within boundaries to be fixed by the Secretary in cooperation with responsible State and Local officials" (amending the existing definition in § 101(a) of title 23, U.S.C., which now simply reads: "an area so designated by the Bureau of the Census"). While the role of the Secretary vis-a-vis the Census Bureau is not clarified precisely with respect to the setting of these boundaries, this provision would presumably enable him to assure that each "urbanized area" designated for the purpose of receiving urban systems funds would lie within the boundaries of no more than one state. Note, for example, that the "urbanized area" designated by the Census Bureau for New York City is the "New York, N.Y.—Northeastern N.J." Urbanized Area, crossing state lines and including approximately 16.2 million persons—4.8 million in Northeastern N.J., and 11.4 million in New York City and its in-state surrounding suburbs. Most likely, the N.Y.C. urbanized area will be designated as the portion of that area lying within New York State, namely: all of New York City, plus parts of Nassau, Suffolk, Westchester, Rockland and Putnam Counties, containing a population of 11,369,576 (7,894,862 of which are located in N.Y.C.). But it is difficult to determine with certainty exactly what the New York City urbanized area is for the purpose of this bill, what communities it covers and how many people it contains, unless and until either Congress or the Secretary acts to clarify it.

B. The Census Bureau's designated "urbanized areas" generally contain at least one city of 50,000 inhabitants (or "twin cities" totalling 50,000 in population), but also include surrounding territory which meets specified criteria relating to population density and proximity (regardless of size), and thus often contain nearby towns or unincorporated places with population under 5,000. As a result, the population living in "urbanized areas" (50,000+ in population, and as designated by the Census Bureau and DOT) is *not* necessarily a subset of the population living in "urban areas" (which title 23 simply defines as municipalities over 5,000 in population). In fact, the two categories simply do not mix:

All cities greater than 50,000 in population are both "urban" and "urbanized."

All cities between 5,000 and 50,000 in population are "urban", but may *or may not* be part of an "urbanized area", depending on their population density and proximity to a larger city.

No town, city or other place smaller than 5,000 is "urban", but some still may be part of an "urbanized area", again depending on their density and proximity to a 50,000+ city.

As a result, Census figures show that 4.7% of the nation's "urbanized" population resides in unincorporated places or communities smaller than 5,000 (i.e., non-"urban"); and that 19.4% of the nation's "urban" population is located outside "urbanized areas."

II. APPORTIONMENT TO STATES

Section 113(b) of the bill amends the existing apportionment formula for urban systems funds (§ 104(b)(6) of title 23 U.S.C.) by distributing funds to each state according to its proportion of the national "urban" population, rather than the national "urbanized" population. This change in the apportionment formula seriously complicates the "pass-through" provision which has been included in the legislation to assure that local communities get their fair share of each state's allotments.

III. PASS-THROUGH TO LOCAL COMMUNITIES

A. The existing law allows the State (Highway Department) complete discretion as to how to allocate its Urban Systems funds within the state. The 1972 bill, S. 3939, sought to remedy this by requiring that each urbanized area within a state be allocated its share of the state's urban systems funds in proportion to its share of the State's urbanized population. This was entirely consistent with the apportionment formula, which also distributed the funds to states according to each one's share of the national urbanized population. For example, under this formula, the New York City urbanized area, with 79.7% of the state's urbanized population, would receive 79.7% of the State's urban system funds. The other 6 urbanized areas in New York State, with a total of 20.3% of the states' urbanized population, would divide the balance—each receiving a share in proportion to its population not lying in an urbanized area would have received separate allotments under the "Small Urban System."

Section 125(a) of this year's bill (S. 502), however, attempts to keep a pass-through provision based on "urbanized areas" in spite of the change in the apportionment formula from "urbanized" to "urban." This introduces considerable confusion and it is not clear precisely what the legislation was intended to achieve. Sec. 125(a) would set aside for pass-through that portion of each state's urban systems allotment which is "attributable to urbanized areas having a population of 250,000 or more." In New York State, this would include the N.Y.C. urbanized area (population 11.37 million) and four upstate urbanized areas (with a total population of 2.55 million). The combined population of these five major urbanized areas is 13,920,255—234,107 greater than the total "urban" population of the State. One can only determine, therefore, the portion of the state's urban systems funds "attributable" to these major urbanized areas by subtracting out the approximately 1.5 million persons who are part of the "urbanized" population but do not live in cities of 5,000 or more (i.e., "urban").

The pass-through formula in Sec. 125(a) would then allocate these funds among these major urbanized areas in proportion to their *complete* population (presumably *including* the localities which were subtracted out for the purposes of determining the amount "attributable").

Note further that, as drafted, Section 125 (a) would not fully allocate all the funds set aside for pass-through as "attributable" to these major urbanized areas. The bill currently reads: the funds "which are attributable to urbanized areas having a population of 250,000 or more shall be allocated among *such* urbanized areas within any such State in the ratio that the population within any *such* urbanized area bears to the population of *all* urbanized areas within such State." (emphasis added). As drafted, the allocation fractions would include the population of all "such urbanized" areas (namely 250,-000+) in the numerators, and "all" urbanized areas (including those between 50–250,-000 in size) in the denominators, thus adding up to a total of less than one. The word "such" should be inserted before the last "urbanized" in the sentence, if the allocation is going to be complete.

Even if the word "such" is inserted as recommended above, however, this committee must still consider the over-all unworkability of an allocation mechanism within each state ("urbanized") which is inconsistent with the apportionment mechanism for funds to each state ("urban"). For as the bill is currently drafted, Urban System funds would be apportioned to states in a fashion which disregards their "urbanized" population, and then part of these funds would be allocated within the states to major urbanized areas, almost 15% of whose residents do not live in "urban" areas and thus played no part in earning Urban System funds for the state in the first place.

It is on this basis that the term "attributable", as it appears in Sec. 125(a) of the bill, becomes difficult and confusing to define. For if the non-"urban" portion of urbanized areas are subtracted out for the purposes of "attribution", it makes little sense to include them as recipients of Urban System funds. And if they are barred the use of the funds (lest the fair share of other cities in the urbanized areas be diluted), it makes little sense to allocate the funds by urbanized area.

The only solution would thus appear to be a consistent formula for both state apportionment and local pass-through. In this way, if Congress elects to retain an apportionment formula which grants urban systems funds to states according to their urban population, then funds should also be allocated to urban areas within each state (with a guaranteed pass-through to large cities and State direction regarding the balance). And if Congress prefers to allocate the funds to urbanized areas within the states, then the apportionment formula for the distribution of funds to the states should be changed accordingly.

B. Insofar as S. 502 retains a pass-through formula based on "urbanized" rather than "urban" areas, another problem develops, for cities such as New York, as noted in Appendix A. The City's population is 7,894,862, or 69.4% of the population of the urbanized area. But the proposed legislation contains no provision assuring that the City will receive an equivalent share of the funds allocated to the urbanized area. The bill does provide (as did last year's S. 3939) that where there exists a suitable metropolitan transportation agency for the urbanized area (to be created by the State), the funds would be made directly available to such an agency. No such agency currently exists for the N.Y.C. urbanized area, however, and pending its creation, all decisions regarding the dispersal of funds within the urbanized area would be made by the State Highway Department under existing law and S. 502.

This dilemma will become particularly striking when and if the Muskie-Baker provision opening up Urban Systems funds for possible mass transit use is passed into law. In such circumstances, the State Highway Department would be in the position of deciding, for example, what portion of the N.Y.C. urbanized area funds (earmarked for pass-through under § 125(a) would go for N.Y.C. subways vis-a-vis suburban highways.

For this reason, we strongly urge Congress to consider some kind of provision to assure that within an urbanized area, any municipality larger than (e.g.) 250,000 in population be assured of funds in proportion to its share of the population of the urbanized area.

Alternatively, the problem could be solved by changing the pass-through provision in § 125(a) to an "urban" basis rather than "urbanized." That is, allocate a proportional share by population to every municipality larger than (e.g.) 50,000 or 250,000 rather than to every urbanized area of that size.

In either case, a metropolitan transportation agency could still be created to distribute the balance of the funds in the urbanized area and to co-ordinate planning and construction throughout the metropolitan area. These suggested provisions would merely assure that the large central cities would receive their "fair" share based on population out of the funds made available to such an agency; and prior to the creation of such an agency, it would allow major cities to undertake rational long-range planning with some assurance of the amount of urban systems funds to be made available by the State.

In summary, then, we recommend the following specific changes in S. 502 with respect to the apportionment and allocation of Urban Systems funds.

1. Sec. 106(c)—clarify the breadth of authority being granted to the Secretary to alter the Census Bureau's designation of an "urbanized area", particularly with respect to multi-state urbanized areas, e.g. "New York, N.Y.-Northeastern N.J."

2. Adopt an allocation formula within each state (Sec. 125(a)) consistent with the apportionment formula to each state (Sec. 113(b)) preferably by returning to an "urbanized" basis for both sections, as in last year's S. 3939.

3. If Sec. 125(a) is to be retained in S. 502, clarify the definition of the term "attributable" (if this is possible!) and add the word "such" before the last "urbanized" in the first substantive paragraph.

4. Add a new provision guaranteeing a direct pass-through to cities larger than 250,000 in population.

APPENDIX C

COMPARISON OF NEW YORK STATE AND CITY URBAN SYSTEM FUNDING UNDER S. 502 AND NLC/USCM/NEW YORK CITY PROPOSAL

[In millions of dollars]

	State share	City share[1]	Total
S. 502: ($650,000,000 urban system authorization; distribution to States based on "urban" population; assumes distribution within States based on "urbanized" area's share of State's "urban" population)	66.3	35	50
NLC/USCM proposal: ($1,000,000,000 urban system authorization: distribution to States based on "urbanized" population; distribution within States also based on urbanized area's share of State's "urbanized" population)	111.07	61.4	87

[1] Excluding State matching share. Based on New York City's share of its "urbanized area's" population.

[2] Total New York City allocation, including State matching share.

APPENDIX D

NEW YORK CITY HIGHWAY NEEDS AND FUND AVAILABILITY UNDER S. 502 (DEPARTMENT OF HIGHWAYS/DEPARTMENT OF TRAFFIC)

[In millions of dollars]

Program	Fiscal years— 1974	1975	1976	1977
Interstate (3,250 million):				
NYS Federal apportionment	125.4	125.4		
NYC needs	35.0	154.0	[1] 200.0	200.0
Urban extension (350 million):				
NYS Federal apportionment	37.0	37.0		
NYS needs	19.4	26.0	19.0	55.0
Urban system (650 million):				
NYS Federal apportionment	66.3	66.3		
NYC Allocation of Federal funds (including State share)	[2] 50.0	50.0		
NYC needs:				
Highways (750 miles)	80.0	80.0	80.0	80.0
Other	20.5	20.5	20.5	20.5
Topics	31.8	19.8	12.4	8.4
Total NYC needs (urban system)	132.3	120.3	112.9	108.9
Local streets construction (100 percent city):				
NYC capital budget [3]	50.0	50.0	50.0	50.0
NYC needs	68.0	68.0	68.0	68.0

[1] WSH equals $1,000,000,000 over 5 years.

[2] Assuming urbanized distribution within State and guaranteed pass-through to city based on its share of urbanized area's population.

[3] Department engineering costs, land acquisition, maintenance and resurfacing amount to another $40,000,000 a year in capital funds.

APPENDIX E

SUMMARY: NYC HIGHWAY NEEDS AND ESTIMATED FEDERAL FUNDING SHARES UNDER S. 502 ($650,000,000 URBAN SYSTEM AUTHORIZATION)

[In millions of dollars]

	Fiscal year— 1974	1975	1976	1977
Urban system: NYC expected allocation including State matching share under S. 502 ($650 total authorization)	50	50		
NYC needs including TOPICS	132	120	112	108
Shortfall	82	70		

APPENDIX F

MASS TRANSIT: CURRENT FUNDING AND COMPARISON OF NEW YORK CITY NEEDS AND EXPECTED SHARE OF FEDERAL FUNDS UNDER UMTA EXTENSION (S. 386),[1] FISCAL YEARS 1974–77

[In millions]

NEW YORK STATE	
Current funding:	
Expected NYS share under 1970 UMTA ($3,100,000,000 contract authority)	$387
NYS obligated funds	192
NYS unobligated funds	195
Needs versus expected funding under S. 386:	
Expected NYS share	375
Total funds available for NYS fiscal years 1974–77	570
NEW YORK CITY	
Current funding:	
Expected NYC share	[2] 310
NYC share of obligated funds	128
Expected NYC share of unobligated funds	182
Needs versus expected funding under S. 386:	
Expected NYC share	300
Total funds available for NYC through fiscal year 1977	610
NYC needs fiscal years 1974–77	[3] 2,300
Shortfall	1,710

[1] S. 386 provides for $3,000,000,000 additional contracting authority. This, combined with the $1,000,000,000 of remaining contract authority under the current act, provides for a total of $4,000,000,000 in contract authority.

[2] Assuming NYC share is 80 percent of State share.

[3] Needs estimate is for fiscal years 1974–77 only and is subject to inflation (needs for 1972–73 not included).

MARCH 5, 1973.

Hon. EDMUND S. MUSKIE,
Chairman, Subcommittee on Air and Water Pollution, U.S. Senate, Washington, D.C.

DEAR SENATOR MUSKIE: I am pleased to forward, with this letter, my statement in support of the amendments which you have proposed to the Federal-Aid Highway Act. We believe that the passage of these amendments will be of invaluable assistance to urban areas such as Newark which presently suffer from disproportionate transportation funding.

I understand that your amendments, although defeated in committee, will be brought up for consideration on the Senate floor later this week. I am forwarding copies of my statement to Senators Williams and Case and hope that it will be of assistance to you in the days ahead.

Sincerely,

KENNETH A. GIBSON,
Mayor.

STATEMENT BY KENNETH A. GIBSON

The proliferating usage of the automobile within the last two decades has had a drastic effect upon urban areas. The quality of air, and the economic stability of many urban areas, has been dramatically altered. Such effects are a direct manifestation based on the funding priorities given to highways at the expense of mass transportation. This disproportionate ratio must be reversed if the basic problems resulting are to be alleviated.

The passage of the Clean Air Act in 1970 served notice of this Nation's commitment to the preservation of air quality consistent with health requirements. The Act recognized the deteriorating quality of air associated with the increased advances of technology and stipulates the need for redress with the coming decade.

Unfortunately, until additional measures are taken by Congress, the standards it has prescribed through the Clean Air Act will not be met in most urban areas throughout the country. Air pollution is presently most concentrated in cities, due, in large measure, to the significant number of automobiles entering during the daily working hours. 95% of all carbon monoxide and 67% of all hydrocarbon are generated by this excessive use of automobiles.

As outlined in the New Jersey State Implementation Plan to meet the standards of the Clean Air Act for example, the City of Newark currently has the highest carbon monoxide level in this air quality region, as well as one of the highest hydrocarbon levels. These levels are consistently in violation of standards set forth in the Clean Air Act.

During the year 1971, the standard for carbon monoxide over an eight hour maximum period was exceeded one-hundred and fifty-six times, at a level nearly three times as high as that permitted within the Clean Air Act. During this same year, the standard for hydrocarbons during the three hour period, 6:00 a.m.–9:00 a.m. was exceeded three-hundred and twenty-two times during that year.

The effect from prolonged exposure to carbon monoxide and hydrocarbons is already too well known. Long term exposure to carbon monoxide has resulted in a shortening in life span as well as permanent brain damage due to a shortage of oxygen to red blood cells. Exposure to hydrocarbons, in the presence of other chemicals, has resulted in damage to lung tissues.

Proximity to highways has also resulted in adverse health conditions for those residents who cannot afford to move away. Within fifty feet of a freeway, the air quality level is in excess of maximum standards. Within one-hundred and twenty feet of roadways, the air quality level can cause dullness of thought. Within one-hundred and fifteen feet of depressed freeways, the levels of noise present create an environment unsuitable for living.

Unfortunately, it is the urban poor, already victims of inadequate medical attention, who must be confronted by such situations daily. The realization that the effects from prolonged exposures are cumulative and synergistic in the presence of other poor sanitary and health conditions, has made the question of alleviation paramount.

The emergency of the automobile as the most viable means of transportation in recent years is due in large measure to the funding priorities of Congress towards transportation. From 1947–1970, $58 billion has been authorized towards construction, improvement, and maintenance of highways. At the same time, only $795 million have been spent for urban mass transportation.

The urban poor bear most of the costs of this disproportionate expenditure while receiving few, if any, of the benefits. Their economic stability is threatened by highway construction. Low income neighborhoods become target areas for new highways due to the low cost of land acquisition and demolition. Moreover, the homes that remain in the close proximity to the highways suffer a decrease in market value, often by as much as 25%.

The City of Newark welcomes the amendments to the Highway Trust Act as put forth by Senator Muskie. We view these amendments as potential acknowledgment by Congress of the need for a balanced transportation system to alleviate the conditions outlined above.

By permitting cities such as Newark the option of applying highway trust fund money towards mass transit, the grave problems outlined above can slowly be overcome. Without such funds, the re-ordering of transportation priorities cannot be done and air quality standards cannot be met in accordance with the law. Until this does happen, however, the problems inherent in the present transportation system will be only further exacerbated.

MARCH 2, 1973.

Hon. EDMUND S. MUSKIE,
Old Senate Office Building,
Washington, D.C.

DEAR ED: Thank you for forwarding me a copy of your remarks on introduction of Senate Bills 738 and 739. As always, you have thoughtfully addressed yourself to a problem of great concern to the City of Seattle.

We are presently in the process of attempting to devise a plan to reduce automobile-caused pollutants. I am enclosing a copy of the plan as it was initially developed for a 1977 target date. In response to the recent D.C. Circuit Court decision, we are now developing a new plan to meet the 1975 target.

Your proposed amendments are right to the point. In developing our plans, we have learned that it is not technology or will which stands in the way of achieving clean air, but rather it is a lack of dollars and unwillingness on the part of the state and the surrounding suburbs to cooperate with the central city in solving the problem.

Let me give you two examples. First, the people of King County recently voted to impose upon themselves a tax in order to finance a regional bus transportation network. The Legislature had previously committed to match bus system revenues from the state general fund. In the Governor's 1973 budget this matching fund was so severely limited that the bus system will not be able to provide an alternative to the automobile travel. Second, we find that any effort to significantly restrict automobile use in the CBD may drive businesses and retail stores into suburban areas where automobile use would not be restricted. This would only contribute to urban sprawl and a general increase in dependence on the automobile. Unless there is a general tightening down on automobile use throughout the entire Metropolitan area and alternative modes of transportatiton provided, we cannot win the battle.

Your proposals will go a long way toward providing the funds necessary to develop alternative means of transportation. They will insure that freeways which serve the suburbs will not be constructed which are destructive of the efforts to attain clean air in the central city. And, they will provide the means for reducing pollution at the source. I want to you to know that your proposals have my complete support.

Sincerely yours,

WES UHLMAN,
Mayor.

[The City Council of the City of Seattle,
1101 Seattle Municipal Building]

Notice of Hearing: Implementation of National Air Quality Standards

You are hereby notified that a joint hearing, conducted by the City Council of the City of Seattle and the State of Washington Department of Ecology, will be held on Thursday, February 8, 1973, at 7:30 p.m. in Room 1101, Seattle Municipal Building, 600 4th Avenue, Seattle, Washington, at which time there will be considered the selection of transportation control measures, which are proposed for inclusion in the Washington State plan for the implementation, maintenance and enforcement of primray and secondary ambient air quality standards, pursuant to the Federal Clean Air Act (42 U.S.C. 1856 et seq.). The measures to be discussed comprise a proposed plan for the reduction of carbon monoxide in the Seattle area.

After the City and the Department of Ecology have introduced a proposed plan, including a proposed timetable for implementation, together with evidence that supports the adoption of the plan, any person may introduce, either in person or by counsel, evidence, statements or counterproposals bearing upon the reasonableness of the proposed plan.

Written statements, maps, charts and other exhibits submitted in connection with the proposed plan or any counterproposal, as well as all statements taken down by a stenographer during the hearing, will become a permanent part of the hearing record.

Written statements, maps, charts and other exhibits regarding this matter may also be submitted to the Seattle City Council and the Department of Ecology at Room 1101, Seattle Municipal Building, prior to the close of the public hearing and will be made part of the permanent hearing record.

The proposed plan, together with all other information pertinent to the aforesaid proposal, is available for public inspection and copying at the Office of the City Engineer, Room 708, Seattle Municipal Building, Monday through Friday, 8:00 A.M. to 4:30 P.M. Questions and discussion relating to this project should be directed to Joe MacKechnie at the location and between the times stated above.

It is the purpose of this notice and of the hearing which it announces to provide for the fullest exchange of information and views, regarding the effect of this plan on the community, through full discussion and examination of the planning to date. This purpose is in consonance with the requirements for the preparation, adoption and submittal of implementation plans under Section 110 of the Federal Clean Air Act, as amended (42 U.S.C. 1856 et seq.) and as provided in the Code of Federal Regulations (40 C.F.R., Part 51).

JOHN A. BIGGS,
Director, Department of Ecology.

Foreword

This Addendum to the Washington State Air Quality Implementation Plan (transportation elements) has two objectives. First, it is designed to enable the lay reader to acquire a general understanding about air pollution in order to make a better evaluation of the strategies eventually selected and to better enable the citizen to participate in the public hearing process. Second, it presents a plan for the reduction of air pollution emissions from transportation sources in Seattle. The reader is reminded that it is his primary duty to be critical of the ability of the plan to achieve this objective.

Evaluation and critiques of the plan may be presented to the City Council and the Department of Ecology in writing prior to February 8, 1973, or in person at a public hearing on that date.

The principal authors of this document have been Joe MacKechnie of the Seattle Engineering Department and Mike Ruby of the Department of Community Development. Others making substantial contributions to the drafting of this document have been John Raymond of the Department of Ecology, Jim Pearson of the Puget Sound Air Pollution Control Agency, Bill Popp of the Puget Sound Governmental Conference, and Douglas Howell of the Seattle Engineering Department. Special assistance in the preparation of the plan was given by William van Gelder and Kirk Jones of the Engineering Department and by Mike McNamara, Ron Shoemaker, Claudia Denney, and Arne Hagen of the Department of Community Development.

A critical role in the development of the plan was played by the Seattle Chamber of Commerce Clean Air Task Force, which was chaired by James H. Todd. This committee, a mix of businessmen and environmentalists, outlined the strategies that are herein presented. Assistance in the development of the plan was also given by Mrs. Janet Chalupnik of the Air Quality Coalition, Don Hoffman of the Washington State Highway Department, B'Young Ahn of King County, Henry Soderlund (METRO), and Dan Barash of Seattle's Office of Executive Policy.

Draft Environmental Impact Statement

This Addendum to the Washington State Air Quality Implementation Plan is clearly a "major action significantly affecting the environment." Accordingly, the State Environmental Policy Act (RCW 43.21c) requires that a Draft Environmental Statement be developed and circulated to solicit comments on the proposed action.

Any such Draft Statement would only repeat the material contained herein. Therefore, this document is designated as its own Draft Environmental Impact Statement. The sections normally set forth in such a statement may be found as follows:

1. The Impact of the Proposed Action.
2. Any Adverse Environmental Effects Should The Proposal Be Implemented.
3. Alternatives to the Proposed Action.
4. The Relationship Between Local Short Term Uses of Man's Environment and the Maintenance and Enhancement for Long-Term Productivity.
5. Any Irreversible and Irretrievable Commitments of Resources.

Comments on this Draft Environmental Impact Statement should be submitted (in duplicate) to: Mr. John Raymond, Department of Ecology, Olympia, Washington 98501; and to Mr. Joe MacKechnie, Engineering Department, 708 Municipal Building, Seattle, Washington 98104, before February 8, 1973. Thank you.

SUMMARY

Pursuant to the Clean Air Act Amendments of 1970, the Director of the Environmental Protection Agency has directed the Governor of the State of Washington to submit by February 15, 1973 a plan for reducing the bon monoxide and photochemical oxidants levels of automobile-related pollutants, such as carbon monoxide and hydrocarbons.

In Seattle, excessive concentrations of car- have been recorded in the Central Business District. Even though the concentrations measured are currently not at dangerous levels they do exceed the federal standards established by the Environmental Protection Agency. In addition to the CBD, hydrocarbon problems could potentially occur in the region of Interstate 90 following the completion of that roadway in 1978.

Much of the downtown pollution problem will be eliminated over the next five years by the gradual replacement of older automobiles by newer, less-polluting automobiles. The METRO transit program will make a significant contribution by increasing the percent of bus riders from its present 17 percent to a projected 21 percent of all persons traveling into the Central Business District. A program presently under way to improve the synchronization of signal lights will reduce idling and make a small contribution to the reduction of pollutants.

Additional nostrums will be necessary to achieve the desired levels of air quality. It should be stressed, however, that draconian measures which would destroy Seattle's downtown as a regional retail and business center would be as undesirable as the present air pollution levels. In particular, it is important to avoid measures which overly discriminate against the CBD and favor suburban shopping centers and the relocation of business to rural areas.

There are essentially two ways to reduce automobile pollutants. First, by reducing the amount of emissions from each individual vehicle. Second, by reducing the amount each vehicle is driven.

The emissions from new cars are substantially less than from older cars. Cars sold before 1968 and trucks sold before 1970 did not utilize exhaust emission control. A simple device, costing less than $40, will reduce the carbon monoxide levels of an uncontrolled car by almost 60 percent. If these devices were required to be installed on all older cars, a significant improvement in air quality could be achieved. If an annual inspection of the device were also required, an additional improvement would occur.

Studies in the Los Angeles CBD have indicated that as much as 20 percent of downtown traffic is "unnecessary." Drivers shopping for a less expensive or more convenient parking space, taking a circuitous route to their destination or simply lost, release substantial pollutants and create congestion for no purpose. A program of locating directional signs to reduce downtown traffic by moving it more quickly to its destination would reduce air pollution by a significant amount. If a uniform schedule of parking charges were established, drivers would go immediately to the nearest empty lot. Under a local improvement district, a system of driver advisories to the best parking (and to various businesses) could be developed. Such a program would result in additional reduction in pollution.

The number of automobiles in downtown Seattle can be reduced both by increasing the proportion of transit riders and by increasing the number of occupants of each car. If the present average of 1.4 occupants/vehicle among persons working in the CBD could be raised to 1.7, a reduction in the number of vehicles would occur. This could be accomplished through an intensive program of computer-matching of employee home addresses and work location. If incentives were added to the program its chances of success would increase.

A major element in the solution will be the increase in bus patronage above and beyond that presently programmed by METRO. If overall patronage could be increased there would be a sufficient reduction in the number of vehicles entering the CBD to complete the mission of reducing air pollution to acceptable levels. However, the increase in bus ridership by this amount cannot be accomplished without some added incentives to an automobile driver. Increasing the cost of parking and controlling the location and amount of parking within the CBD would be critical to the success of any program to increase bus use or promote car pools.

One proposal would be to give the City the authority to regulate the development of new parking lots and to set the rates on existing privately operated lots. Transit operating subsidies should be paid from the State Motor Vehicle Fuel Tax proceeds. Constitutional prohibitions in such payments should be repealed.

Another important element in increasing bus ridership is the creation of a downtown environment which the pedestrian finds enjoyable. Specifically, pedestrian oriented circulation and land uses should be promoted. This might include sidewalk widening, shuttle systems, weather and climate protection such as arcades, colonnades and open plazas, street trees and "street furniture" and other pedestrian amenities.

PART I: INTRODUCTION

(NOTE.—Figures referred to are not reproduced in the RECORD.)

An Emergency Episode Plan provides for public notification when air pollution levels begin to present dangers to health. At the lowest level of warning voluntary cooperation in leaving automobiles at home will be asked for. At higher levels, portions of Seattle will be sealed off to all except emergency vehicles.

Surveillance of air pollution levels will be improved by the installation of additional carbon monoxide and nitrogen oxide monitors.

What is air pollution?

The restoration and preservation of environmental qualities, such as the air we breathe, has in recent years gained the interest and concern of citizens throughout our nation and the world. Increases in population, urbanization, mobility, and consumption, common elements of large cities and daily living, have created a complex problem of air pollution which is now threatening the health and well-being of all of us. Many air pollution authorities agree much still is to be learned about the adverse effects air pollution has on the environment and public health. Yet, sufficient evidence has been assembled that supports the argument that air pollution can kill, can impair health, wastes essential natural resources and threatens the delicate balance of natural systems on which all life depends.

What is air pollution? Is it as serious as it sounds? The study of air pollution problems has been gathering momentum over the last ten years. General pollutant types, their sources and their impact on man have been identified and, recently, steps begun to bring them under control.

A general classification of pollutants could be as follows:

TABLE I-1.—CLASSIFICATION OF POLLUTANTS

Major classes	Subclasses	Typical members of subclasses
Organic gases	Hydrocarbons	Methane, butane, octane, benzene acetylene, ethylene, butadiene.
	Aldehydes and ketones.	Formaldehyde, acetone.
	Other organics	Chlorinated hydrocarbons, benzopyrene, alcohols, organic acid.
Inorganic gases	Oxides of nitrogen.	Nitrogen dioxide, nitric oxide, nitrous oxide.
	Oxides of sulfur	Sulfur dioxide, sulfur trioxide.
	Oxides of carbon.	Carbon monoxide, carbon dioxide.
	Other inorganics.	Hydrogen sulfide, hydrogen fluoride, ammonia, chlorine.
Particulates	Solid particulates.	Dust, smoke.
	Liquid particulates.	Mist, spray.

Source: "A Citizen's Guide to Clean Air", the Conservation Foundation; Washington, D.C; January 1972; p. 83.

From the classification list of pollutants, six are major elements of air pollution: (1) Sulfur Oxides, (2) Particulate Matter, (3) Carbon Monoxide, (4) Hydrocarbons, (5) Nitrogen Oxides, and (6) Photochemical Oxidants. The appendix of this document provides a description of the source, nature and adverse effects on health of each pollutant.

The sources of pollution are generally divided into five categories: transportation, fuel combustion in stationary sources, industrial processes, solid waste disposal, and miscellaneous sources. The amount of pollution these five sources produce is usually given in millions of tons per year of the six major pollutants.

TABLE I-2.—NATIONAL EMISSIONS OF MAJOR AIR POLLUTANTS: 1969 (LATEST YEAR FOR WHICH FIGURES ARE AVAILABLE)

[In millions of tons per year]

Source	Sulfur oxides	Particulate matter	Carbon monoxide	Hydrocarbons	Nitrogen oxides	Total
Transportation	1.1	0.8	111.5	19.8	11.2	144.4
Fuel combustion in stationary sources	24.4	7.2	1.8	.9	10.0	44.3
Industrial processes	7.5	14.4	12.0	5.5	.2	39.6
Solid waste disposal	.2	1.4	7.9	2.0	.4	11.9
Miscellaneous	.2	11.4	18.2	9.2	2.0	41.0
Total	33.4	35.2	151.4	37.4	23.8	281.2

Note: Sulfur oxides are expressed as sulfur dioxide and nitrogen oxides as nitrogen dioxide in this table.

Source: Environmental Protection Agency.

Table I-2 is useful in that it provides insight to identifying the principal contributors to each type of air pollution problem and estimates the amount each source emits.

Statistics of this kind are impressive, but the knowledge gained has a very limited use. When the emission from the various sources have been combined with local topographies and meteorological conditions, the problem becomes far more complex and must be dealt with at the local level. The amounts of contaminating emissions that prevail and the means for controlling them are details that must be ascertained and considered for each source in each locale.

What is being done about air pollution control?

Our nation began meeting the challenge of cleaner air as early as 1955 when the first federal control act was passed. Although that act was restricted to research into the nature and extent of the nation's air pollution problem, it marked the beginning of an era where environmental qualities would soon be placed at a higher value. Since 1955, Congress has passed the 1967 Air Quality Act and the Clean Air Amendments of 1970. Together, these Acts have provided stronger legal tools for controlling air pollution and an even larger mandate for citizen participation. The central thought of the federal air pollution control program has been: ". . . the prevention and control of air pollution at its source is the primary responsibility of states and local governments."[1] However, if the states fail to meet their control responsibilities, the federal government, acting through the newly established Environmental Protection Agency (EPA) has a responsibility and authority to establish and enforce pollution controls. To date, and with the assistance of each state, EPA has designated air quality control regions, developed air quality criteria, defined national ambient[2] air quality standards, and has begun formulating state implementation plans to meet and maintain those standards.

NATIONAL AMBIENT AIR QUALITY STANDARDS

In 1971 EPA established national ambient air quality standards specifying the maximum levels to be permitted in the ambient air for the six principal and most widespread pollutants. The levels are specified as "primary standards" (required to protect public health) and "secondary standards" (further reductions in particulates and sulfur oxides required to prevent the many other undesirable effects of pollution). Table I-3 lists the current National Ambient Air Quality Standards for the six major pollutants. Also included are the standards adopted by our local air pollution control agency—Puget Sound Air Pollution Control Agency (PSAPCA):

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[1] "The Clean Air Act;" Environmental Protection Agency; Washington, D.C. December, 1970.

[2] "Ambient" as used in "ambient standard" refers to the outdoor air (atmosphere). Thus, ambient standards are limits on the total amount of pollutant permitted in a region's air.

TABLE I-3.—AMBIENT AIR QUALITY STANDARDS

	National						PSAQCR
	Primary			Secondary			
Sulfur oxides:							
Annual average	80 ug./m.^{3}	0.03 p.p.m.	a	60 ug./m.^{3}	0.02 p.p.m.	a	0.02 p.p.m
30-day average						a	0.04 p.p.m.
24-hour average	365 ug./m.^{3}	0.14 p.p.m.	b	260 ug./m.^{3}	0.10 p.p.m.	a	0.10 p.p.m.
3-hour average			b	1,300 ug./m.^{3}	0.50		
1-hour average						c	0.25 p.p.m.
1-hour average						a	0.40 p.p.m.
5-minute average						d	1.00 p.p.m.
Susp. part.:							
Ann. geometric mean	75 ug./m.^{3}		a	60 ug./m.^{3}		a	60 ug./m.^{3}
24-hour average	260 ug./m.^{3}		b	150 ug./m.^{3}		b	150 ug./m.^{3}
Carbon monoxide:							
8-hour average	10 mg./m.^{3}	9 p.p.m.	b	Same			Same.
1-hour average	40 mg./m.^{3}	35 p.p.m.	b	Same			Same.
Photochemical oxidants: 1-hour average	160 ug./m.^{3}	0.08 p.p.m.	b	Same			Same.
Nitrogen oxide: Annual average	100 ug./m.^{3}	0.05 p.p.m.	a	Same			Same.
Hydrocarbons: 3-hour average	160 ug./m.^{3}	0.24 p.p.m.	b	Same			Same.

Note: P.p.m.=parts per million; ug./m.^{3}=micrograms per cubic meter; mg./m.^{3}=milligrams per cubic meter.

a=Never to be exceeded; b=Not to be exceeded more than once per year; c=Not to be exceeded more than twice in 7 days; d=Not to be exceeded more than once in 8 hours.

To the average person, it may be difficult to grasp the meaning from the values stipulated in Table I–3. Appendix A provides some insight as to the effects the six pollutants have on health and should increase one's feel for what are good and bad levels of air pollution. It is valuable to know the amounts of pollutant emissions in proportion to the amount of air—that is, the number of parts of the pollutant for each million parts of air (abbreviated ppm) or the number of milligrams of pollutant for each cubic meter of air.

This information is necessary when effectiveness in methods of controls is being assessed or when an evaluation of the danger present at any given time is being made.

Although the maximum pollution concentrations were established by the Federal Government, states may set more stringent standards to protect against further degradation of air quality which may already be below the standards. Primary standards must be achieved by 1975 and secondary standards within a reasonable time period. The Act provides for a two-year extension where technology or alternatives will not be available soon enough to permit compliance with the standards.

Control regions

EPA has divided the nation into air quality control regions, the areas for which the standards were designed. The nation is now divided into some 250 control regions and large states often contain several regions. Control region boundaries were established based on consideration of climate, meteorology, topography, urbanization, and other factors affecting air quality. The State of Washington has been divided into six quality control regions as indicated in Figure I–1; Seattle is in the Puget Sound Intrastate Region.

State and Regional Agencies

DEPARTMENT OF ECOLOGY

Prior to 1967, authority for air pollution control activities at the state level was vested in the State Director of Health. A state air pollution control board existed but its functions were mainly advisory. The Washington Clean Air Act of 1967 established a State Air Pollution Control Board with power to adopt regulations, issue orders, hold hearings, and assume jurisdiction over certain classes of air pollution sources. The State Director of Health became the statutory chairman of the State Board; the head of the State Health Department Air Quality Control Section was appointed executive director.

The more significant legislation adopted by the State Air Pollution Control Board includes: setting air quality standards for carbon monoxide (1969) and sulfur oxides, suspended particulate, fluorides and particle fall out (1970); and assuming jurisdiction over Kraft mills and aluminum plants. In 1968, the State Board assumed jurisdiction over motor vehicles "for the purpose of controlling air contaminant emissions resulting from the operation of such motor vehicles." The regulation prohibited the removal or by-passing of any auto emission control device required by federal law.

The Washington Environmental Quality Reorganization Act of 1970 created the State Department of Ecology (DOE), and transferred from existing state agencies those powers, duties and functions with reference to air and water pollution control and disposal of solid wastes to the Director of DOE. A seven-man Ecological Commission was created, but only for advice and guidance to the Director. To date the Director of DOE has adopted regulations assuming jurisdiction over sulfite pulping mills, establishing an emergency Episode Plan for the State; amending air quality standards adopted by the now-defunct State Air Pollution Control Board; establishing new air quality standards for photochemical oxidants, hydrocarbons and nitrogen dioxide; and establishing regulations for control of stationary air pollution sources in areas of the state not covered by regulations of local air pollution control authorities. These regulations were all adopted in 1972.

Puget Sound Air Pollution Control Agency

The first municipal air pollution control regulation in King County was adopted by Seattle in 1961. In 1966, King County joined with Seattle to form a countrywide air pollution control program. The Seattle-King County Director of Public Health became the enforcing officer. The County Commissioners, sitting as a County Board of Health, adopted countywide air pollution control regulations later that year. In 1967, the Washington State Clean Air Act was passed. Among many important features of the Act was one creating a multicounty air pollution control authority for King, Pierce and Snohomish Counties, effective June 8, 1967.

By the end of June, 1967, a governing body for the new authority had been named, a budget was adopted, and the authority named "Puget Sound Air Pollution Control Agency" (PSAPCA). In July, 1967, the Board of Directors (governing body) appointed an Air Pollution Control Officer; personnel of the air pollution control division of the Seattle-King County Health Department and Tacoma-Pierce County Health Department were transferred to the new agency.

The State Clean Air Act authorized enforcement of existing municipal or county air pollution control regulations until superseded by multicounty regulations. In March, 1968, the Agency's Board of Directors adopted Regulation I which, together with the Clean Air Act, became the primary law for control of air pollution from stationary sources in the counties of King, Pierce and Snohomish. Effective January 1, 1970, the Agency's authority to control air pollution was extended to Kitsap County.

Regulation I has been amended several times to date (December, 1972). Some of the more significant amendments were: setting a 10% process weight limit on sulfur compounds emitted from a manufacturing process; setting standards for sulfur dioxide emissions from fuel burning sources; adopting air quality standards equivalent to or more stringent than national secondary air quality standards; adopting the civil penalty powers authorized by the State Clean Air Act; and implementing the "one-permit" system as directed by the state legislature for regulation of open burning.

Commencing in 1969, the Agency developed a "compliance schedule" program that is proving effective in achieving over industrial air pollution sources, open burning, and incineration practices. As of June 30, 1972, 177 compliance schedules have been completed, and 77 were on active status. The Agency keeps a cumulative record of emissions reduction estimates accomplished through compliance schedules and other remedial measures. As of December, 1972, more than 49,000 tons/year of a wide variety of pollutants that were being emitted in 1967 have been removed from the air.

Air pollution—Does Seattle have a problem?

Normal day-to-day activities, fluctuating seasons and occasional scenic glances provide the local citizens with only a casual relationship and awareness of varying levels of air quality. Degrees of air pollution in Seattle are not always obvious to the city's residents and visitors outside of an occasional hazy day. However, careful measurements of Seattle's air quality do indicate that air pollution is a problem and the federal standards are being exceeded.

The Puget Sound region is fortunate in that monitoring pollution emission has been under way since the late 1960's. Monitoring programs have been carried out jointly by the Washington State Department of Ecology (DOE), the Puget Sound Air Pollution Control Agency (PSAPCA), and just recently the Environmental Protection Agency (EPA-Region X). Consolidation and interpretation of emission measurements have been a primary task of the Puget Sound Air Pollution Control Agency (PSAPCA). PSAPCA, in their annual report, display an emission inventory for five of the six major pollutants. Emission estimates from the area-wide sources (e.g. automobiles) and approximately 200 point sources (e.g. industrial plants) within the Puget Sound region are presented in Table I–4.

TABLE I-4.—1970 EMISSIONS INVENTORY FOR PUGET SOUND REGION

[Tons per year]

Sources	Particulate	SO_2	CO	HC	NOx
Fuel combustion	15,598	23,310	8,399	4,623	27,059
Residential-area:					
Bituminous coal	54	60	245	54	9
Distillate oil	1,069	3,231	523	330	4,110
Natural gas	186	6	170	79	489
Wood	1,617	16	5,429	1,271	1,155
Residual oil, LPG	21	172	12	7	44
Commercial-industrial-institutional:					
Bituminous coal point	1,301	350	80	20	228
Distillate oil:					
Area	629	1,755	83	126	2,994
Point	141	420	19	28	679
Residual oil:					
Area	1,020	7,778	89	131	3,128
Point	1,299	9,391	100	154	3,524
Natural gas:					
Area	140	5	33	263	897
Point	316	10	61	604	2,028
Wood:					
Area	12	0	4	3	16
Point	7,783	116	1,546	1,540	7,709
LPG:					
Area	6	0	2	7	28
Point	4	0	3	6	21
Industrial processes	20,670	182,066	9,627	13,520	488
Area	608	1,804	64	3,579	14
Point	20,062	180,262	9,563	9,941	474
Solid waste disposal	4,891	59	23,782	5,100	566
Incineration:					
On-site:					
Area	349	48	476	286	80
Point	865	4	1,884	276	45
Open burning:					
On-site:					
Area	2,022	0	12,563	2,789	226
Point	270	2	758	64	31
Dumps:					
Area	6	0	42	16	3
Point	74	5	384	134	27
Slash burning: Area	1,305	0	7,675	1,535	154
Transportation	7,317	7,852	1,113,943	200,098	123,346
Motor vehicles:					
Gasoline	3,584	2,150	1,082,893	180,851	109,989
Diesel	558	1,003	7,240	1,448	7,573
Off-highway usage	35	21	10,318	1,745	1,058
Aircraft	2,211	1,177	10,995	6,152	1,383
Railroad	354	884	997	705	1,067
Vessels	574	2,617	1,460	1,077	2,257
Evaporation losses	0	0	0	8,109	0
Liquid petroleum gas	1	0	40	11	19
Miscellaneous area sources	1,475	0	8,675	23,876	174
Agricultural burning	170	0	1,000	200	20
Wild fire	1,305	0	7,675	1,536	154
Evaporation losses	0	0	0	22,140	0
Total emissions	49,951	213,287	1,164,426	247,217	151,633

Source: PSAPCA.

The most obvious conclusion derived from Table I-4 is that gasoline-powered vehicles account for the bulk of CO, HC, and NO_x emissions while fuel combustion (stationary) and industrial processes account for most of the particulate and SO_2 emissions.

Knowing the amount (tons per year) and sources of emission is not sufficient in itself to determine whether or not there are air pollution problem areas within the Puget Sound region. It is useful for determining where to direct controls once a problem has been found; however, more definitive data such as concentration measurements are required for locating air pollution problems and defining control programs.

Monitoring stations throughout the Puget Sound region have made it possible to estimate the levels of pollutant concentrations. Seven sites in the Seattle area have provided PSAPCA with concentration measurements since January, 1970. The approximate location of those stations and the time period for which data has been collected are illustrated in Figure I-2.

The assessment of the air pollution problems for Seattle is based upon the data acquired at those seven locations, other research data provided by PSAPCA, the GCA Corporation of Bedford, Massachusetts (air pollution consultants for EPA—Region X) and Mathematical Sciences Northwest (air pollution consultants to the City).

Part V of this document provides a program for increasing the existing surveillance system.

Particulates

Under the earlier implementation plan which was filed with the Environmental Protection Agency on January 31, 1972, the Puget Sound region will meet the primary particulate standards before 1975. In order to meet the secondary standards, strategies must be developed which will continue to reduce the particulate problem of that area after all point sources are in compliance and before new industry is added. Strategies are presently being developed to meet this standard; however, it is not necessary to discuss those in this document at this time.

Sulfur Dioxide

The PSAPCA's standards for SO_2 are now more stringent than the National Ambient Air Quality Standards. Assuming that the single major source of SO_2 (i.e., industrial processes) meets the variance schedule on time, no problems in controlling this pollutant are expected by 1975.

Nitrogen oxides

Measurements taken by the Environmental Protection Agency's National Air Sampling Network have recorded violations of the Nitrogen Oxide standards in the Seattle CBD However, the measurement technique which was utilized has since been acknowledged by EPA to produce high readings. Measurements taken by the Puget Sound Regional Air Pollution Control Agency since February, 1971 by another, generally accepted technique have never recorded readings anywhere in the region in excess of the federal standards. EPA has not required Washington to provide strategies to reduce Nitrogen Oxides.

Carbon monoxide [3]

For the Seattle area, carbon monoxide concentrations have been observed at the seven monitoring sites for the highest one-hour and eight-hour concentrations. The national one-hour standard of 35 ppm was reached or exceeded once at I-5 and Dearborn (October, 1970) and once at the City Municipal Building (February, 1972). At the City Municipal Building high concentrations are consistently experienced during working hours all four seasons. The concentration increases sharply to an early morning maximum at about 8 AM local time, remains at high levels throughout the middle of the day, increases to the maximum for the day at about 4 PM local time, and decreases abruptly thereafter to a fairly uniform evening level. As would be expected, the lowest concentrations are experienced between 2 AM and 5 AM local time, when traffic flow is at a minimum. The daily variations experienced at I-5 and Dearborn and at Westlake Mall are roughly similar to the daily variation at the Municipal Building, but the amplitudes of the curves are greatly reduced. Also, concentrations at I-5 and Dearborn remain relatively high throughout the evening. Concentrations at Duwamish, McMicken Heights, and Food Circus remain low at all times of the day.

Of the recent measurements, only the Municipal Building readings exceeded the federal eight-hour standards of 9 ppm. Between August, 1971 and July, 1972, the federal eight-hour standard was exceeded 726 times. The highest concentrations usually occurred between 6 AM and 6 PM; the highest eight-hour between 9 AM and 5 PM (see Figure I-3).

Table I-5 lists the highest and second highest one-hour and eight-hour average concentrations observed in Seattle between January, 1970 and July, 1972.

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[3] The interpretation of CO data contained herein was extracted from G.C.A. Corporation's draft Transportation Implementation Plan for Seattle. Additional data and findings can be found in that report being distributed by the EPA—Region X Office.

TABLE I-5.—SUMMARY DATA FOR ESTIMATING REQUIRED REDUCTIONS IN CO EMISSIONS

Station, sampling period, and averaging time	Concentration (p.p.m.)			Reduction required, percent based on—	
	Highest	2d highest	National standard [1]	Highest	2d highest
I-5 and Dearborn,[2] July 1970 to October 1970:					
1 hour	35	28	35	0	0
8 hours	21	20	9	57	55
Municipal building, July 1971 to July 1972:					
1 hour	38	31	35	8	0
8 hours	21	20	9	57	55

[1] Not to be exceeded more than once per year.

[2] Used in implementation plan.

Source: Environmental Protection Agency—Region X.

It would have been necessary to reduce the levels of carbon monoxide by 57 and 55 percent on the two worst days in order to avoid violating the primary standards. The central assumption of the plan here presented is that the levels of air pollution are directly proportional to the amount generated at the surface. Thus, a reduction of carbon monoxide generated by traffic of 57 percent is assumed to result in reducing the carbon monoxide in the air by 57 percent.

The regulations of the Environmental Protection Agency permit the calculation of maximum allowable levels of pollutant emission either by such a proportion calculation or by a more sophisticated "diffusion model" (36 F.R. 15490). The diffusion model utilizes specific information on the local topography, meteorology and the location of specific stationary and mobile (automobiles, etc.) sources to predict the actual concentration of the pollutant at a given time and place. Such models require a substantial data base to develop.

Since there is a lack of ambient air quality monitoring data available to adequately define the air pollution problem in the City of Seattle. Part V of this document recommends a surveillance and analysis program for improving the reporting, monitoring, and interpretation of air pollution data. Such a program will permit the development of a diffusion model for future revision of this plan.

However, the data that has been collected to date does indicate that a carbon monoxide problem exists in the Central Business District of Seattle. The Environmental Protection Agency has located two additional monitoring stations in the Seattle CBD to check the validity of the I-5, Westlake Mall and Municipal Building sites. The data collected over the next three months should provide the opportunity for verifying the data listed in Table I-5.

With respect to carbon monoxide sources, motor vehicles were estimated to produce approximately 93 percent of the carbon monoxide emitted in the Puget Sound Intrastate Air Quality Control Region in 1970. Any strategy to control carbon monoxide must therefore emphasize control of carbon monoxide from motor vehicles.

Photochemical oxidants and hydrocarbons

The barely understood pollution products of photochemical processes, the chemical changes due to sunlight, are commonly lumped together under a general heading of photochemical "smog" (Los Angeles type). The sun plays a major part because its energy can be absorbed by nitrogen dioxide (NO_2) in the presence of some hydrocarbons.

Photochemical oxidant production is often a function of the hydrocarbon to NO_x emission ratio, and thus a reduction in hydrocarbons will aid in reducing photochemical oxidant production. Based on the federal primary one-hour standards for carbon monoxide and photochemical oxidant which were set with health effects in mind, photochemical oxidant is approximately 250 times as potent as carbon monoxide.

The national standard for the highest one-hour concentration of total oxidants was exceeded 85 times at the I-5 and Dearborn site during a four-month period (July to October, 1970). This oxidant data was not corrected for nitrogen dioxide, however. At other sites in Seattle, the standard was exceeded six times at the Duwamish site (only a two-month sample period is available at this time), and three times at the Food Circus for the sample period beginning January, 1970 and ending May, 1972.

Table I-6 lists the highest and second highest one-hour average oxidant concentration of the day for each month at each oxidant monitoring site. Given the oxidant values and knowing the ratio of oxidants produced to hydrocarbons emitted, the percent reductions required in HC emissions were tabulated (also included in Table I-6).[4]

TABLE I-6.—SUMMARY DATA FOR ESTIMATING REQUIRED REDUCTIONS IN HYDROCARBONS EMISSIONS

Station, sampling period, and averaging time	Oxidant concentration (p.p.m.)			Reductions in hydrocarbons required percent based on	
	Highest	2d highest	National standard [2]	Highest	2d highest
1—5 and Dearborn,[1] July 1970 to October 1970: 1 hour	0.16	0.15	0.08	53	48
Food Circus, January 1970 to May 1972: 1 hour	.11	.10	.08	26	18
Duwamish, June 1972 to July 1972: 1 hour	.13	.10	.08	38	18

[1] Used in implementation plan. Only values measured between 0900 and 1600 P.s.t. were considered.

[2] Not to be exceeded more than once per year.

Source: Environmental Protection Agency—region X.

As with CO, strategies must be directed toward control of automotive hydrocarbon emissions if the federal standards are to be met. The Federal Motor Vehicle Emission Control Program has been projected by the GCA Corporation as being sufficient to reduce the hydrocarbon emissions to acceptable levels.

Can Seattle's air be cleaned up?

Regional and State programs have been developed to control most of the pollutants emitted from stationary sources; however, a clean air implementation plan for mobile sources has not been previously developed.

Following promulgation of the National Ambient Air Quality Standards by the EPA Administrator on April 30, 1971 (36 F.R. 8186) each state, within nine months, was required to adopt and submit to the Administrator, a plan which provides for the implementation, maintenance and enforcement of national ambient air quality standards within each air quality control region of the state.

The State of Washington submitted its implementation plan on January 28, 1972. At that time a request was made for a two-year extension for attainment of the standards for carbon monoxide, nitrogen dioxide, and photochemical oxidant in the Puget Sound Interstate Air Quality Control Region, and carbon monoxide in the Eastern Washington-Idaho Interstate Air Quality Control Region.

The State of Washington was advised on May 31, 1972 through publication of regulations in the Federal Register (37 F.R. 10842) that this extension was granted and that no later than February 15, 1973, a transportation control plan must be submitted:

"52.2479 Transportation and land use controls:

"(a) To complete the requirements of 51.11 (b) and 51.14 of this chapter, the Governor of Washington must submit to the Administrator:

"(1) No later than February 15, 1973, the selection of the appropriate transportation control alternative and a demonstration that said alternative, along with Washington's presently adopted source emission limitations for hydrocarbons and carbon monoxide and the Federal Motor Vehicle Control Program, will attain and maintain the national standards for photochemical oxidants hydrocarbons) in the Puget Sound Intrastate Region and for carbon monoxide in the Washington portion of the Eastern Washington-Northern Idaho Interstate Region by June, 1977. By this date (February 15, 1973), the State also must include a detailed timetable for implementing the legislative authority, regulations, and administrative policies required for carrying out the transportation control alternative by June, 1977.

"(2) No later than July 1, 1973, the legislative authority that is needed for carrying out the required transportation control alternative.

"(3) No later than December 30, 1973, the necessary adopted regulations and administrative policies needed to implement the transportation control alternative."

The subsequent parts of this document provide a plan which exhibits a potential for meeting the above requirements and improving the air quality of the Seattle area.

1977 air quality levels

The previous sections of this document have introduced to the reader known facts about air pollution and how pollution relates to Seattle's air quality. The sections that discussed carbon monoxide, photochemical oxidants and hydrocarbons—using today's air quality (1971 data) and comparing it to the 1975 federal standard—demonstrated that if the standards were imposed now, areas of Seattle would exceed the carbon monoxide standard by an estimated 57 percent and the hydrocarbon standard by 53 percent (computed from highest 1971 measurement on several occasions during the year). Because the federal standards for the State of Washington are to be met by 1977, it becomes necessary to look at air quality relative to that time. Projecting today's problems into the future enables governmental agencies and private organizations an opportunity to gauge the magnitude of the future problem and to evaluate control strategies for achieving the federal requirements by 1977.

Given the limited data base and the difficulty of making any accurate projections into the future, the only reasonable estimates of the 1977 air pollution levels in Seattle have been made by two consulting firms under contract to the Environmental Protection Agency (EPA). These firms are the G.C.A. Corporation of Bedford, Massachusetts, responsible for assessing the severity of the existing and future levels of air pollution, and A. M. Voorhees and Associates of Seattle, Washington, responsible for analyzing the relevant transportatin characteristics. These firms were retained by EPA to identify potential control strategies in the event the Administrator of EPA disapproved the State (DOE) plan or portions thereof, or should the State fail to submit a plan or portions thereof.

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[4] Ibid. 3

The methodology presented in the G.C.A. Corporation's draf report of December, 1972 and their evaluation of Seattle's 1977 air quality is representative of the current state of the art. For these reasons, their methodology and estimates of the 1977 air quality levels for Seattle have been adopted as part of this document. The following is a summary of sections two and three of the G.C.A. report. (If more definitive information is required, a copy of the report can be obtained from the EPA—Region X office located in Seattle, Washington.)

Methodology

Computation of vehicle-miles of travel (VMT) within high traffic density areas of the Puget Sound Control Region for the estimation of vehicle emissions and subsequent evaluation of air quality is the first step toward developing transportation control strategies that will achieve air quality standards for carbon monoxide and oxidants by 1977. The steps in the procedure include selection of critical areas by inspection of traffic counts, calculation of vehicle-miles of travel for 1971, and projection of vehicle-miles of travel to 1977 based on recent growth trends.

Vehicle-mile data for the Puget Sound Region were developed by the Washington State Highway Department and the Puget Sound Governmental Conference. These data, however, were either for the region as a whole or were for specific facililites within the region. Therefore, a methodology had to be developed to provide data on vehicle miles of travel for small areas within the region where air pollution emissions were high and air quality was poor.

One-square-mile grids were plotted on USGS maps at a scale of 1:24,000. Using a twenty-four hour average daily traffic (ADT) flow map produced in 1969 for the Puget Sound Region by the Puget Sound Governmental Conference, areas of greatest traffic concentration were selected for coverage with these mile-square grids. Initially, 19 square-mile grids were analyzed in the Seattle, Tacoma and Bellevue area. In taking areas of one square mile, some much smaller areas of high traffic concentration are not clearly illuminated as potential pollution problems. These areas will require a more fine-grained analysis during future studies for revisions in the implementation plan.

Data was collected from screen line and arterial traffic counts so that the hourly traffic profile could be evaluated. Figure I–4 shows the profile for the Seattle Ship Canal Crossings. For each grid square, the emissions in grams were estimated using the Environmental Protection Agency's curves that relate grams emitted per vehicle-mile to average speed. The emissions calculated for grids where air quality measurements were available were adjusted by the ratio of the measured air quality to the federal standards. The adjusted emissions total was used as a base to test other grids.

In order to ensure that calculations of vehicle-miles of travel were available for all potential "hot spots" of poor air quality, additional grids were added to the system until it appeared that coverage was achieved where the grids with high emission levels were surrounded by grids with emissions below critical level. The Seattle level total was increased to 50 grids as shown in Figure I–5.

For estimating 1977 vehicle miles of travel the following assumptions were used:

1. The distribution of vehicle miles of travel by type of vehicle is the same as 1971.

2. The daily traffic profile is the same as 1971.

3. The implementation of the METRO bus system, starting in 1973, will cause patronage to increase by 1977 more than 23 percent in Seattle, and over 600 percent in the suburbs. A copy of "A Transit Plan for the Metropolitan Area," which details the plan for the development of the METRO Transit System, adopted by the Metropolitan Council, is attached to this document.

4. The King County Domed Stadium will be open in the fall of 1975 just south of downtown Seattle. It is assumed that few events will begin or end during weekday peak hours. (A City ordinance may be necessary to insure the validity of this assumption.) Unless Saturday VMT grows excessively by 1977, it is assumed that an analysis of weekday travel under non-stadium conditions would provide a reasonable evaluation for the grid zone.

Using the above assumptions as guidelines, 1971 and 1977 total daily vehicle-miles of travel were calculated for the one-mile-square grids of Seattle and are exhibited in Figure I–6.

Estimation of Carbon Monoxide Levels

Emission densities were calculated by G.C.A. for all 50 one-mile square zones for 1971 and 1977 using:

1. The total daily vehicle-miles of travel for each square mile grid.

2. The average speeds on various streets in the grid.

3. Non-vehicular emissions accounted for 4 percent[5] of the total for King County. For the Seattle Central Business District (CBD), 2 percent of CO was estimated to be from non-vehicular sources.

4. It is assumed that the Federal Motor Vehicle Emissions Control Program will have been achieved by 1975 and 1976. This program stipulates that new motor vehicles manufactured in 1975 must emit 90 percent less carbon monoxide and hydrocarbons than 1970 models. By 1976, emissions of oxides of nitrogen must be reduced 90 percent from the 1971 model level. It is assumed that auto manufacturers will meet this requirement on time. If not, the 1977 estimates will be recalculated and additional control measures may be adopted. An estimate of the emissions from each model year of light duty and heavy duty vehicles were made by GCA.

5. The estimates of the increase in bus ridership as a result of the METRO transit plan.

Computing the kilograms of CO emitted/maximum 8-hour period/square-mile (kgm/8hr/mi^2) for each of the grids yielded the values illustrated in Figure I-7. The 1971 value of 14,301 kgm/8hr/mi^2 in the Seattle CBD is assumed to correspond (with the inclusion of 292 kgm/8hr/mi^2 due to stationary sources) to the air quality measurements of 20–21 ppm (measured at the Seattle Municipal Building). When this is reduced by 55 percent to meet the primary standard, the allowed emission level from mobile sources can be calculated.

Comparing this value to the values in Figure I-7 one finds the primary CO standards being satisfied throughout the City by 1977 with the exception of Seattle's CBD.

TABLE I–7.—*CO Data for CBD Zone (Zone 21)*

	kg/8hr/mi^2
45% of 1971 emissions (CO)	6567
Stationary sources	−292
CO standard to be met	6275
Estimated 1977 CO emitted by vehicles (using assumptions)	8032
Maximum to meet CO standard	−6275
Remaining to be reduced by additional transportation controls	1757

To achieve the 8-hour average CO standard throughout the CBD will require an additional reduction in CO emissions from motor vehicles of about 1800 kgm/8hr/mi^2. The 1-hour average CO level would be well within the primary standard throughout the city with the implementation of strategies to meet the 8-hour standard.

Estimation of Oxidant and Hydrocarbon Levels

The following basic assumptions were used by G.C.A. in estimating 1971 and 1977 hydrocarbon emission densities:

1. The assumptions used for estimating 1977 CO concentrations also apply to estimating hydrocarbon concentrations.

2. The local air mass of concern is the one having the highest hydrocarbon content. Its source is the central Seattle region defined by Zones 7 through 29, where maximum vehicular emissions occur.

3. Hydrocarbons from non-vehicular sources are uniformly distributed throughout the city of Seattle.

4. The amount of hydrocarbon emissions within Seattle is directly related by population to total emissions within King County.

Figure I–8 shows the 1971 and 1977 three-hour hydrocarbon emissions densities calculated for the Seattle area from mobile sources. For the 23 square mile area (zones 7 through 29) the following was derived:

TABLE I–8.—HC DATA FOR CENTRAL 23 ZONES

Estimated 1977 HCkg/3hr/23mi^2 emitted by vehicles (using assumptions), 3063.

National HC Standard (kg/3hr/23mil^2), 4089.

1977 National HC Standard is satisfied.

The data available at the present time indicates that photochemical oxidants and hydrocarbons in the Seattle area will fall within the national standards by 1977 without the imposition of special transportation control strategies.

In late 1978 a new Interstate freeway is expected to be completed in a corridor connecting Interstate 5 and the Lake Washington Bridge (Interstate 90). Studies conducted by Mathematical Sciences Northwest, a consultant to the City of Seattle, indicate that there is sufficient reason to believe that soon after opening, the potential for hydrocarbon levels in excess of the Federal Primary Standard will exist over a substantial portion of the valley between Mount Baker Ridge and First Hill.

The ridge system engenders stable atmospheric conditions, slow wind speeds and frequent inversions. Extensive data from nearby Boeing Field showed air stability patterns D and E 86 percent of the time with prolonged stagnation periods from 1 to 5 days 71 times in a 36-month period.

Given the calculated pollutant emission levels and the known meteorological data available, this area is sufficiently presumptive of potential violation of standards to warrant the development of a diffusion model to evaluate the air quality problems which might be anticipated in 1978 and the potential results of possible solutions. Such an investigation will be conducted by the City of Seattle and the results will be contained in the next Semi-annual Report.

PART II: CITIZEN INVOLVEMENT

The evolution of a plan

On April 30, 1971 the Environmental Protection Agency (EPA) set the "National Ambient Air Quality Standards" for the six major air pollutants. Within nine months thereafter each state was required to adopt and submit a plan which provided for implementation, maintenance and enforcement of the federal standards by 1975 within each air quality control region. Prior to the original submission of the Washington Implementation Plan on January 18, 1972, hearings were conducted in both Seattle and Spokane. The Seattle hearing was held on January 5, 1972, at which time approximately 60 persons attended (speakers and non-speakers).

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[5] An estimate of local stationary source contributions.

Following the State's submission of the plan to the federal government, EPA approved all but four parts of the plan on May 31, 1972. One of these was the control of transportation emissions. EPA requested the preparation of a more detailed transportation control plan by the State for EPA's review by February 15, 1973.

In formulating the Seattle area transportation control plan, two processes were initiated. First, EPA retained a private consulting firm to develop transportation control strategies for Spokane and Seattle areas, in the event the State did not present a plan for controlling CO, NO_x and HC. That effort began on August 20, 1972 and was completed during January, 1973. During the course of that study, several meetings were held by EPA to report the progress to various governmental agencies. A representative of the Air Quality Coalition, a Seattle organization, attended some meetings. Additionally, one of the consultant's staff met with various public officials for discussions of strategies.

The second planning effort was generated by the EPA study. The work being done by the consultants for EPA, the exposure of the general public to the requirements of the federal program through the media, and the desire by local governmental agencies to accept the responsibility for meeting the challenge of controlling air pollution spurred on the organization of two committees. The first was formed by the Seattle Chamber of Commerce with a membership including representatives from the Central Association, the Seattle Chamber and community groups. In parallel, Wes Uhlman, Mayor of Seattle, invited local, regional and State governmental agencies to participate on a technical committee. The A. M. Voorhees consulting firm was retained by the Department of Ecology to assist in evaluating strategy alternatives. Using the EPA/G.C.A. plan and the recommendations of the Chamber Committee, the technical committee prepared this implementation plan.

During the course of formulating the Seattle area plan, attempts were made to inform the public of the plan development and its content prior to its completion. An informational meeting was held with the Transportation Policy Advisory Committee of Puget Sound Governmental Conference on December 5, 1972. A similar meeting was held with the Seattle City Council Transportation Committee on December 12, 1972 and the King County Council on December 15, 1972. During the months of November and December 1972, numerous newspaper articles explained the air pollution problem in Seattle and what the requirements are of the Federal Air Quality Act for correcting the problem. During January 1973 news articles were published outlining the details of the plan being proposed for submision to the EPA.

On January 8, 1973 a one-hour "public meeting" was televised by KCTS–TV, Channel 9. This program followed the format of a public meeting with a panel of "experts" explaining the problem and proposed solutions and a studio audience asking questions and making comments. Approximately one-half hour was allotted to questions and comment by the audience. In addition to answering questions from the studio audience, a telephone number was announced for the viewing audience to call and ask questions of several engineers and technicians who were instrumental in developing the proposed plan. More than 45 calls were received. The complete program was video taped to be broadcast again on January 11, 1973. The League of Women Voters and the Air Quality Coalition played a major role in organizing the KCTS–TV program.

Public notice of the formal hearing on the transportation addendum to the State Implementation Plan was required to be given 30 days prior to the formal hearing. On January 9, 1973 the hearing for February 8, 1973 was publicly advertised as a joint hearing sponsored by Seattle's City Council and the Department of Ecology.

At this time a public meeting is scheduled on January 17, 1973 by the Seattle City Council Transportation Committee and a public seminar is scheduled for February 3, 1973 by the Air Quality Coalition. Presentations of the implementation plan have been requested by the Municipal League, the American Society of Civil Engineers and other community and professional organizations.

Continued citizen involvement

These six steps are suggested to citizens as a preparation for participating in the hearing scheduled for February 8, 1973: [6]

1. Know what is meant by air pollution,
2. Know what the air pollution problem is in the Seattle area,
3. Know who the responsible agencies are for the Seattle vicinity and the State of Washington,
4. Know the existing air pollution laws,
5. Prepare a critique of the proposed plan, and
6. Use the critique as testimony at the hearing.

Part I of this document should provide adequate insight to each of the above steps. If additional information is needed, the Environmental Protection Agency—Region X of Seattle has valuable documents for public use and study.

Following the formal hearing on February 8, 1973 and the receipt of public critiques, the plan must be submitted by the Governor to EPA by February 15, 1973. Within four months from the date of submittal, the EPA must approve or disapprove the plan or a portion thereof. Legislative authority that is required for carrying out the transportation control alternates must also be demonstrated by December 30, 1973. While the hearing of February 8, 1973 is the time for a critical look at the plan, it is apparent that continued citizen involvement is needed to ensure that the elements of the plan will be implemented. Figure II–1 further illustrates the steps for adoption of an Implementation Plan.

Revisions

The plan can be revised from time to time, as may be necessary, to take account of:

(1) Revisions of national standards,

(2) The availability of improved or more expeditious methods of attaining such standards, such as improved technology or emission charges or taxes, or

(3) A finding by the Administrator that the plan is substantially inadequate to attain or maintain the national standard which it implements.

Revisions of the rules and regulations included in the plan would be adopted after reasonable notice and public hearings. Those revisions can be described in the semi-annual report, described in the following section.

Reports

Two types of reports are required, a quarterly report and a semi-annual report:

(a) On a quarterly basis commencing with the end of the first full quarter after approval of the plan, the State will submit to the Administrator (through the appropriate Regional Office) information on air quality. The quarters of the year are January 1–March 21, April 1–June 30, July 1–September 30, and October 1–December 31.

(b) On a semi-annual basis commencing with the end of the first full semi-annual period after approval of the plan, the State will submit to the Administrator (through the appropriate Regional Office) reports on progress in carrying out the applicable plan. The semi-annual periods are January 1–June 30 and July 1–December 31.

(c) The reports required by this section will be submitted within 45 days after the end of each reporting period.

Therefore, over the next four years, there will be substantial opportunity for citizen review of the program. If the plan herein recommended proves not to be adequate, new strategies must be developed and submitted for public reaction as a part of the revision. If the plan is more than adequate to provide the desired levels of air quality, various strategies might be deleted.

PART III: TRANSPORTATION CONTROL PROGRAM

Introduction

There are a number of techniques that can be used to work toward reducing air pollution and achieving acceptable ambient air quality levels. Various strategies being tried in other parts of the world were presented in December, 1972 in a report by the 22-nation Organization for European Economic Cooperation and Development (OECD). The report stated that more than 70 cities in Western Europe have barred autos from key downtown areas among other efforts to curb growing air pollution problems. In Vienna, bus only zones have been designated in downtown areas during the hours from 10:30 AM to 7:00 PM; delivery trucks are allowed to function only in the mornings (7:00 AM to 10:30 am); and plans are being developed to provide expanded car-free zones. In Goteborg, Sweden, only trolley cars and buses are allowed to cross the downtown area with all other traffic using a "ring road" leaving and entering specific downtown precincts by special routes. In West Germany staggered work hours have been adopted by 2,000 firms. Marseilles tested a total ban on downtown parking while traffic was allowed to move freely; the net result was a 40 percent reduction in carbon monoxide emissions. The most significant finding of OECD was that in these European cities "there was firm evidence that automobiles can be kept out of limited areas without hurting retail sales downtown."

In the United States, the techniques are similar to those being used in Europe with variations according to the characteristics of the individual problems. Portland, New York, Washington, D.C. and other cities confronted with air pollution problems are adopting measures such as annual emission inspection programs and improved transit service to reduce the CO, HC and NO_x emissions. Washington, D.C. has also included a car pool locator service, downtown parking restrictions, and the installation of advanced control devices on pre-1975 autos and light duty trucks. Perhaps one of the most extreme and yet to be approved strategies is the "gas rationing" proposal being made by the Environmental Protection Agency for the South Coast Air Basin in California.

It should be stressed that draconian measures which would destroy Seattle's downtown as a regional retail and business center would be as undesirable as the present air pollution levels. In particular, it is important to avoid measures which overly discriminate against the CBD and favor suburban shopping centers and the relocation of businesses to rural areas.

The air quality and traffic data available at this time are not sufficiently refined to enable precise and accurate calculations of all the effects of various strategies advanced to correct the air quality problem. Substantial additional data must be developed in order to better evaluate future revision of this plan.

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[6] "Action for Clean Air: A Manual for Citizen Participation in State Implementation Plan Proceedings;" Natural Resources Defense Council, Inc.; September 1971; pages 9–14.

Selection of strategies

In developing this implementation plan, staff were often confronted with a bombardment of pet strategies for controlling air pollution. As a base for starting the strategy selection process, the recommended strategies of the GCA Corporation plan were reviewed and parts adopted. A sampling tool known as a "desirability matrix," was also employed for the purpose of determining which strategies had the greatest potential. In assembling the array of ideas, it became apparent that various concepts could be grouped or classified under a general strategy heading. The three basic groups formulated were: (1) Emission and Energy Controls, (2) Transportation Controls, and (3) Person Trip Controls.

When the final list was assembled, 135 ideas had been tabulated. Under *Emission and Energy Controls,* strategies listed ranged from controlling air pollution at the source (i.e., new fuels, retrofit, inspection programs, etc.) to gas rationing and processing polluted air. Under the second group, *Transportation Controls,* strategies included ideas on ways to increase transit patronage, improving traffic flow, restricting off-street parking, discouraging the use of the auto and increasing the facilititation of alernate means of travel (e.g., pedestrian walkways, bike lanes and facilities, auto-free zones. The third class, *Person Trip Controls,* addressed those strategies which focused in on land use controls such as limiting population densities, staggered work hours/days, providing better communication systems, and many others.

Based on the intuitive estimates of (1) desirability, (2) economic impact, and (3) social impact, scores were compiled for each of the 135 strategies. The population of individuals sampled included seven environmentalists, ten businessmen, eight transportation and land use planners, and three design engineers. Though this population was limited, it did constitute a varied cross-section of interests and professions. Appendix B contains the list of the 50 most desirable strategies based upon the composite score of the 28 persons sampled.

From that list, strategies were selected and evaluated relative to their effectiveness in reducing CO emissions, the cost, and the time it took to implement each. Strategies which could not be "on-line" by 1977 were eliminated. Strategies which could only affect a small number of the total person trips in the CBD were eliminated. Strategies which had only a very short-term impact were eliminated. Strategies which required either public or private expenditures which were large relative to the degree of reduction in emissions they yielded were eliminated or revised to improve the ratio. Table III-1 summarizes the strategies selected and indicates the estimated amount that carbon monoxide emissions can be expected to be reduced in the CBD when each strategy is fully implemented. The total reduction of 1800 kgm/8hr/mi^2 meets the goal calculated in Par. I. This package of strategies will enable Seattle to achieve air pollution levels which meet the federal primary standards by 1977.

TABLE III-1.—*Summary of Recommended Control Strategies*

1. Retrofit and Inspection:

(a) Installation of control device on uncontrolled vehicles (light duty and heavy duty).

(b) An annual inspection of certain vehicles. 680[*] kgm/8hr/mi^2.

2. Traffic Signal Optimization, 430 kgm/8hr/mi^2.

3. Car pool program, 80 kgm/8hr/mi^2.

4. Uniform parking rates and driver advisories, 280 kgm/8hr/mi^2.

5. Increase transit ridership, 380 kgm/8hr/mi^2.

The sections which follow define more thoroughly each of the proposals outlined in Table III-1. The actual calculations of the numerical reductions reported are contained in Appendix C.

Retrofit

Beginning with the 1968 model year, all new cars (1970 for trucks) have been required by Federal law to meet standards for the amount of pollutants in the exhaust. However, due to the nine-year average lifetime of automobiles, in 1972 uncontrolled (pre-1968 light duty, pre-1970 heavy duty) vehicles accounted for approximately 61% of the vehicle population in King County. In 1977 these uncontrolled vehicles will still account for some 18% of the vehicle population.

The emissions from uncontrolled vehicles can be reduced substantially by the installation of an "Air Bleed to Intake Manifold" device. Tests by EPA attribute a 58% reduction in carbon monoxide to this device. EPA further states that it can be expected to retain its initial effectiveness with periodic inspection (an annual inspection test of the retro-fitted vehicles is required by EPA). This device is discussed in detail in the EPA publication, "Analysis of Effectiveness and Costs of Retrofit Emission Control Systems for Used Motor Vehicles." A very similar device was on many of the early (1966-1967) emission control systems used by the manufacturers in California.

The estimated retail cost of such a device is $40. Installation costs and the cost of readjusting the engine might add another $20. This cost will be a significant fraction of the total value in 1977 of a pre-1968 vehicle, although it may be only a fraction of the total maintenance expense for that year.

The retrofitting of such older uncontrolled vehicles will bear hardest on those least able to pay. However, the State of Washington has filed suit against the principal domestic automobile manufacturers for conspiring to delay the research, development and installation of effective pollution control devices. The principal relief sought is the installation, at the expense of the auto manufacturers, of the appropriate devices on uncontrolled vehicles throughout Washington. This matter is set for trial beginning on March 13, 1973 in the United States District Court for the Central District of California, where it is consolidated with several other similar actions.

As the legal actions already initiated may not be resolved in the favor of the people, legislation will be proposed (see Appendix D) such that installation may be required by the Director of the Department of Ecology on all uncontrolled vehicles at the time of ownership transfer, or during 1976 (according to a staggered schedule). This is intended to reduce to the minimum possible the impact upon individual citizens. It is recommended that the legislature consider means to soften the economic impact of retrofit on the public by such means as a one-time bounty for older, uncontrolled vehicles which are scrapped.

Vehicle Emission Inspection

EPA regulations require that whenever an Implementation Plan proposes a retrofit program, it must also propose an inspection program. This is intended to ensure that the promised reduction in emissions will continue into the future, in order that the lower pollution levels of 1977 will be maintained. The inspection program required by EPA must meet the following criteria:

1. An annual inspection using a dynamometer to simulate actual driving conditions.

2. The inspection standards must be consistent with the reduction in pollutants claimed in the Implementation Plan.

3. All failed vehicles must be retested after correction to ensure compliance.

4. A program to ensure vehicles are not intentionally adjusted after inspection so that they would no longer comply with the inspection standard must be initiated.

Because the inspection system specified by EPA has never been used in practice, a very careful step-by-step implementation would be needed to minimize public impact. The program will begin with a required annual inspection of all vehicles owned by units of government in King County and fleets of three or more vehicles.

The experience with this initial program will serve as a basis to project the costs and benefits of such a program. At the present time, the initial cost of such a facility is estimated to be $50,000, with an annual operating cost of $25,000. Extra maintenance on the part of the vehicle operators might average $20 a year beyond normal good practice. Vehicle owner costs need to be known and perhaps limited before a general inspection begins.

Subsequently, all vehicles first registered and all used vehicles offered for sale would be required to pass an inspection. Additionally, all vehicles retrofitted pursuant to this plan would be required to pass an inspection following retrofit and annually on the anniversary month of their retrofit. No vehicles would be permitted to operate on the public roads until they pass their inspection.

These programs will bear most heavily on automobile dealers who do not now adjust or maintain vehicles for minimum emissions. With this added incentive it is assumed that they will begin to obtain the necessary equipment and train their mechanics. The public would be only minimally inconvenienced.

Conversion to gaseous fuel

In an effort to encourage the use of non-polluting gaseous fuels, the Legislature of the State of Washington has deleted the normal taxes on propane and liquid natural gas. However, the Act provided a cut-off of July 1, 1975.

In order to maintain the existing benefit beyond that date and, possibly, to expand it slightly, legislation will be proposed to eliminate the cut-off date and to eliminate the restriction on applicability to only fleet vehicles.

Traffic signal optimization program (SIGOP)

For pre-1975 controlled and pre-1968 uncontrolled vehicles, emissions are inversely related to speed.

Clearly, if unnecessary stops can be eliminated, emissions can be substantially reduced. Seattle is presently engaged in a project to revise the timing cycles in its CBD signal system to reduce the number of such stops using a traffic signal optimization computer program (SIGOP) developed by Peat, Marwick, Mitchell and Company under contract to the Bureau of Public Roads. Its purpose is to determine optimum cycle lengths, phase splits, and coordination of traffic signal displays in a grid network. Using data on traffic characteristics and network geometry, SIGOP expresses the data in terms of delays, stops, and system cost. System cost is computed by the program as weighted sum of delays and stops. A mathematical technique is applied which minimizes the combination of delays and stops specified.

Indications are that the SIGOP program will provide usable signal timing patterns which, system wide, are comparable to or better than the timing patterns developed over a long period of time by manual trial and error methods presently employed.

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[*] It should be noted that at present EPA regulations do not permit the assignment of a value to the emission reductions gained from retrofit or inspection of heavy-duty vehicles. Should such regulations change, there would be an increase in this value.

To date, approximately three-fourths of the project has been implemented. By June 15, 1973 the results will be available for evaluation. The expected performance of the system is an increase in average speeds in the Seattle Central Business District by two miles per hour through reducing stops in the CBD by approximately 33 percent[7] and reducing delays in CBD by 10 percent.[8] It is important to remember that the program is experimental, and a major product of the operation is an evaluation of what improvements actually result.

Car Pool Program

Beyond the programs previously discussed, it is necessary to eliminate approximately 40,000 vehicle trips per day from the CBD in order to achieve the federal primary standards for air quality. Since a large percent of automobile trips into the CBD carry only the driver, it is possible to significantly decrease the number of vehicles by increasing the average vehicle occupancy. If the present average occupancy of 1.4 occupants/vehicle (for CBD employees) could be increased to 1.7, then 9,000 trips could be eliminated.

A method to encourage car pool use is to develop a system through which drivers can contact potential riders. Done on a large scale, such a matching system would need to be computerized to be efficient and rapid. Geocoding would be a definite aid in a computerized matching system as it would greatly simplify the actual matching process. The availability of the Census Department's DIME file for the Seattle metropolitan area, and the ADMATCH program makes geocoding of addresses feasible.

An effective car pool matching system would have to include a collection system for gathering the necessary data from potential drivers and riders, the computer software and hardware necessary to do the matching, and a distribution system to inform drivers and riders of possible matches. The system could initially start on a small scale, e.g., dealing with all the City employees working in the Municipal Building. Thus, everyone's destination would be the same, and matching could be done on the basis of origin.

Initially only one-time matches would be made, i.e., possible drivers would be matched on the basis of origin and arrival—departure time and the working out of details would be left up to the individuals involved. The system could later be expanded to include the other city and county offices, which in Seattle are all located across the street from each other. Other common destinations, such as groups of office buildings, could be included as the system is extended. The system for collecting input data could possibly operate within these groups of buildings or common destinations.

In setting up the system, data definition would be necessary. That is, decisions would be necessary regarding what items of information would be required for input in order to effectively match drivers and riders. Before the necessary computer programs could be written, refinement of the matching process would also be required. Analysis would be necessary to determine the parameters, i.e., for a potential driver-rider match, how close destinations should be, would matching be done solely on proximity of origins, or should route of travel be considered, etc. The question of imposing a user charge or making the system a public service would also have to be considered. Some type of security measures would probably be necessary to guard against abuse of the system.

Some types of incentive to encourage people to use car pools would be necessary to achieve high levels of participation. For example, the Seattle Blue Streak Bus Rapid Transit Demonstration Project presently has exclusive use of the downtown Cherry-Columbia reversible lane on-off ramp for I-5. It might be possible to extend the exclusive use of this ramp to car pools as well as transit. Likewise, other on-off ramps of the reversible lanes or regular lanes might be closed to all except car pools and transit.

An essential incentive would be the provision of reserved parking for car pools, for example within or near the Municipal Building or in the County Parking Garage in stalls presently reserved for administrators, executives, and government vehicles.

At the heart of the problem lies the availability and cost of parking. At present, parking availability and rates encourage using automobiles for commuter work trips. If parking costs are increased (either through restricting the supply or by regulating the rates) a real incentive is created to participate in such a program. At present, some 29,700 spaces exist in the CBD with 8-hour rates in some lots in the outer edges as low as 50¢.

An approach which would remedy these problems is legislation which would give the City the authority to regulate parking, both through competition and through the setting of rates. A bill setting out such authority is being introduced into the current session of the Legislature (see Appendix D). Another is a proposal to designate parking as a "Conditional Use" in the two central CBD land use zones, and thus require City Council approval of each new parking lot, which would come before the City Planning Commission. An alternative approach might be the requirement of a special permit, similar to the Shorelines permit, for the development of parking throughout the CBD and CBD fringe. Before any regulation of parking development or rates can be implemented, a parking plan for the CBD which responds to land use, transportation and economic factors, as well as air pollution, must be developed. The Parking Plan and, hence, any regulation of parking rates would require recognition of the fact that different structures and lots have radically different amortization rates.

Some parking is provided to employees and executives as a fringe benefit. The Air Quality Planning Committee of the Metropolitan Washington Council of Governments is reported to have suggested a court test of the IRS rules which allow businesses to deduct such expenditures as a legitimate expense. Such an action should be joined by the City of Seattle.

Uniform parking rates and driver advisories to parking facilities and destinations

Little is known about the need for better informational signing to reduce the search for parking spaces or if shopping for more inexpensive parking contributes significant excess travel in the CBD. The one-way street pattern and driver unfamiliarity with Freeway access routes most likely contribute to additional travel. In 1968, Los Angeles found that 22 percent of downtown travel during peak periods was "search for parking" travel.

A system of informational signs to privately owned parking lots and businesses should be developed, which might eventually include signs indicating the nearest reservoir of unoccupied stalls. Such a system could be financed through a local improvement district. Legislative authority for the initiation of such a district currently exists.

The parking legislation discussed previously would give the City more direct authority to construct parking structures on the periphery of the Central Business District. One such structure, adjacent to I-5 is presently in the final design stage. Such structures, when coupled with proper transportation links to major destinations, would provide parking spaces easily available to drivers which would eliminate driving through the CBD.

This legislation also provides the authority for the City to establish uniform parking rates, which would reduce "searching" travel. On-street (metered) parking is currently far less expensive than off-street parking, and to suggest a signing system without consideration of this discrepancy tends to defeat the effectiveness of the advisory program. The present street meters are near the end of their economic life, so an adjustment in the short-term parking rate structure could be coordinated with the replacement of city meters.

Increase transit ridership

The METRO Transit program, approved by the voters of King County on September 19, 1972, has already resulted in a significant increase in transit ridership, especially in the suburban portions of the county. Estimates generated in the course of developing the transit plan indicate that by 1977 as much as 35 percent of the work-oriented trips into the CBD will be by transit. Non-work oriented trips are estimated to divide at 15 percent transit riders.

A substantial increase in bus ridership over and above that plan is necessary to meet the needs of this Implementation Plan. Acceptable air pollution levels can be achieved if the work-oriented trip mode-split (number who arrive by bus vs. number who arrive in automobiles) is increased to 50 percent and the mode-split for non-work oriented trips is increased to 21 percent. This would place average mode-split for CBD trips at approximately 32 percent, up from the METRO Transit plan estimate of 21 percent and the 1971 average of 17 percent. This is not wholly unrealistic; the modal split for CBD trips exceeded 40 percent in 1962.

Such an increase in transit ridership would mean approximately 8,000 additional riders in the peak hours. This would fill 200 more transit buses. However, if a program of staggered work hours can be implemented, the present 45-minute long peak travel period could be doubled, allowing the same riders to be carried on the existing transit fleet. Should transit ridership expand beyond the capacity of the present fleet, it is assumed that METRO Transit will acquire the necessary additional vehicles.

Three factors influence the choice between the automobile and transit: relative convenience, relative speed and relative costs. The METRO Transit plan estimates assume significant improvements in each of these categories. Under the Transportation Improvements Action Program (TIAP) the City of Seattle will conduct studies and develop plans for transit-related improvements as follows:

Phase I: Basic Market and Planning Data

1. Transit Patron-Origin and Destination Data.
2. Patronage Volume (Detailed Flow Map).
3. CBD Patronage and Transfer Volumes.
4. CBD and University District Total Volume Studies.

Phase II: Finding Operational Deficiencies

1. Non-user Survey.
2. Speed and Delay Studies.
3. Terminal Delays—CBD.
4. Develop Modal Split Model.

Phase III: West Seattle Freeway Bus Lanes

Phase IV: CBD Distribution System

1. Express routing—wrong way transit lanes.

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[7] Stops: Total stops of both peak-hours of one day (2 hours total).

[8] Delays: Total delays of both peak-hours of one day (2 hours total).

2. CBD shuttles and local service.
3. CBD shelters, orientation and conversion systems.
4. CBD Terminals, Modal Interface, People Movers.
5. Coordination with Personal Rapid Transit Studies.

Phase V: Express System
1. Line Haul Express Planning.
2. Park 'n Ride Lots.
3. Transfer and load point improvements.

Phase VI: Management and Finance
Phase VII: Special Services
Phase VIII: TOPICS System Improvements
Phase IX: Scheduling Improvements

The Urban Mass Transit Administration (UMTA) has recently approved a grant for the funding of Phase I of the TIAP program. It is assumed the remainder of the program will be funded in subsequent applications.

If the modal split estimated in the METRO Transit plan is to be improved, we must go beyond the TIAP efforts. Following the three factors mentioned above, programs should be implemented to improve transit patronage. First, the installation of additional Park 'n Ride lots. Some sites inside the city, such as West Seattle, could serve as terminals for local service and provide express bus service to the CBD over exclusive busways. Second, increases in service frequency on local routes in Seattle (approximately 54 percent of trips into the CBD originate in Seattle, south of 100th Street and north of Spokane Street). Classic transportation planning theory assigns a very strong interaction between improvements in frequency of service and increases in ridership.

Operating subsidies for improved transit programs should be supplied from the State Motor Vehicle Fuel Tax. A resolution seeking a vote of the people to repeal the State Constitution's prohibition on the diversion of such funds to transit operation expenses will be introduced into the current session of the Legislature (see Appendix D).

Improve pedestrian environment

One important corollary to increasing the use of car pools and transit is the creation of an urban environment which the pedestrian finds enjoyable. Specifically pedestrian-oriented circulation and land uses should be promoted. This might include sidewalk widening, shuttle systems, weather and climate protection (such as arcades and colonades), open spaces, street trees, street "furniture" and other pedestrian amenities. At the present time the City of Seattle is developing several programs which will seek to achieve these ends.

Public Education

Because these strategies will require changed behavior patterns, an extensive public education campaign should be initiated to inform the public of the nature of the problem and the need for the selected strategies and to encourage the public to participate in the program.

Maintenance of Standards

The Clean Air Act Amendments not only require that the Implementation Plan propose a means of meeting the Federal standards, but they also require that these standards be maintained in the face of growing traffic volumes.

The Puget Sound Governmental Conference has projected an increase in CBD traffic volumes of 30 percent by 1990, assuming that no significant fuel shortages (and consequent disproportionate increases in gasoline costs) occur and that the transportation control strategies contained herein, other than the METRO Transit plan, are not implemented.

By 1990, less than 5 percent of all vehicles will be pre-1975 models. This means that emissions from mobile sources will be decreased 94 percent by 1990.

If the Primary Standards are indeed met by 1977 as proposed in this Plan, the ambient air quality will remain slightly better than required by the Primary Standard in 1990.

ALTERNATIVES

Rejected alternatives were often more appealing intuitively than when subjected to analysis. The following sections discuss some of the more popular (with various groups) strategies which were subsequently discarded in developing the plan.

Construct CBD Off-Ramps from Alaska Way Viaduct

Analysis of travel patterns indicated that there would be a reduction in east-west traffic from I-5 to the Waterfront and some reduction in north-south traffic from the Aurora exit at Denny Way. Because the resultant gain in air quality was small, that benefit in itself could not justify the estimated expense of constructing additional ramps.

Convert all fleet vehicles to gaseous fuels

While it does result in significant reductions in pollutants in 1973, the gain does not carry forward into the future, as all post-1975 automobiles are required to meet emission standards which are roughly equivalent to the emission from gaseous fueled vehicles. As fleet vehicles are newer than the total automobile population, there would be no significant gain by 1977. Additionally, the benefit-cost ratio was very poor.

Build a Regional Rapid Transit System in CBD

A study of the feasibility of a PRT system in Seattle (funded by UMTA) is underway. At this time, the study has not determined the best corridor for PRT development. Should a corridor in the CBD be selected, and should such a system be capable of being in operation by 1977, then the potential positive effects on air quality should be analyzed and included in subsequent revisions of this plan.

Develop Peripheral Parking and Bus Shuttle System

The construction of the King County Domed Stadium at the south end of the CBD would permit the development of a peripheral parking-shuttle system such as has been operating from the Seattle Center for several years. This is not without merit, but it would not affect a large enough number of person trips without direct ramps from I-5 and I-90. These do not appear feasible by 1977.

Interstate 90

Although the increased traffic in the corridor due to the opening of I-90 may well result in local air quality in excess of primary standards, the exclusive bus lanes (7-year contract) will provide a significant transit service which will generally strengthen the METRO Transit program. This is essential to solving the CBD air quality problem.

Provide Free Bus Service

During the evaluation of the METRO Transit plan, a computer model test was made assuming free transit service. It was found that it did not achieve a significant increase in patronage, while losing substantial fare box revenues. METRO Transit fares are already among the lowest in the nation (as a percentage of average income). Local free service does deserve additional study.

I-5 Ramp Metering and Surveillance

Calculations made by A. M. Voorhees and Associates in the course of conducting the study for EPA indicated that such a system could be expected to improve flow on the Freeway, but could also be expected to divert substantial traffic to city arterials which would move at a slower speed and create as much pollution as was eliminated by the Freeway improvements. Development of ramp metering would permit the installation of preferential bus ramps. This alternative should be given additional study.

Extend Retrofit Program to All Pre-1975 Vehicles

The cost of a control system to bring a pre-1975 vehicle into compliance with the federal emission standard is expected to exceed $300. This is considered to be an excessive burden on the individual citizen.

Extend Annual Inspection to Include All Vehicles

While this would have some valuable side-effects if it were to include a safety and noise inspection as well, the cost of such a system, the logistic difficulty of testing and implementing such a system by 1977 and the poor experience in some other states makes this an unattractive candidate.

Establish Auto-Free Zones in CBD

Vehicle travel tables indicate that the air pollution problem is not localized in any one portion of the CBD. The establishment of an auto-free zone would benefit only those who happen to be in the zone or work in an office facing into it. The CBD is physically too large to make the entire area an auto-free zone.

Lid Interstate 5 Through the CBD

One theory holds that air pollution in the CBD rises ("urban heat island effect") but is replaced by polluted air flowing down hill from the Freeway. Thus, if Interstate 5 from, roughly Olive Way to Columbia Street were to be enclosed by the construction of a lid, the polluted air could be exhausted and dispersed through high stacks. If exhausted at a high level, it would be distributed over a large enough area that the concentration would not be harmful. This strategy was rejected because the initial engineering analysis indicated that there would be too many "holes" in the lid to make the evacuation of the gases economically feasible.

Exclusion of Certain Vehicles From the CBD

If uncontrolled vehicles were banned from the CBD, or if truck traffic were prohibited or discouraged (by not being allowed the use of loading zones during day-time hours), large reductions could be achieved. Applications of these strategies was rejected because it is too discriminatory and would have an adverse economic impact on the CBD.

Compliance schedules

The following outlines the anticipated anniversary dates for implementing the various elements of the proposed strategies:

Retrofit

July 1, 1973: Legislature provides authority to Department of Ecology for requiring retrofit.

December 30, 1973: Department of Ecology adopts regulations implementing program.

March 1, 1974: Department of Ecology certifies eligible retrofit control systems.

March 1, 1975: Retrofit required at time of ownership transfer on all uncontrolled vehicles (light duty and heavy duty) registered within defined geographic area.

March 1, 1976: All uncontrolled vehicles must retrofit according to the last number of the license plate October=0, November=1, etc.).

Vehicle Emission Inspection

July 1, 1973: Legislature provides authority to Department of Ecology for requiring inspection.

December 30, 1973: Department of Ecology adopts regulations implementing program, including motor vehicle exhaust emission standards for carbon monoxide.

March 1, 1974: All government and fleet (3 or more) vehicles in King County must pass an annual inspection at a State operated facility.

March 1, 1975: All used vehicles offered for sale and first registered within defined geographic area must pass an inspection at the State operated facilities. Initiate program of spot-checking dealers' lots to insure that vehicles are not intentionally detuned. All retrofitted vehicles must be inspected annually on anniversary of retrofit.

SIGOP

June 15, 1973: Complete project. Issue evaluation.

Car Pool Program

July 1, 1973: Legislature provides authority to City of Seattle to regulate parking.

Initiate consultant selection process for developing an experimental program to test various elements of the system.

December 30, 1973: City budget adopted with adequate funding to support first phase effort.

City adopts ordinances to regulate parking and adopts CBD parking plan.

July 1, 1974: Initiate experimental program and begin evaluating effectiveness. Begin development of expanded program. Determine manpower and resource needs to establish full-time service.

July 1, 1975: Implement full-scale program which includes most CBD employees in eligible population (assuming experimental program successful).

Uniform Parking Rates and Driver Advisories to Parking Facilities and Destinations

July 1, 1973: Legislature provides authority to City of Seattle to regulate parking.

Prepare prospectus for conducting a study to determine cause and magnitude of "search" type trips.

December 30, 1973: City adopts ordinances to regulate parking and adopts CBD parking plan.

Conclude study and evaluate findings. Initiate plan formulation and establishment of local improvement district.

July 1, 1974: Complete plan. Formally develop local improvement district.

July 1, 1975: Execute program.

Increase Transit Ridership

July 1, 1973: Legislature provides authority to City of Seattle to regulate parking and submits constitutional amendment to vote of the people.

Funding applications for TIAP submitted to UMTA.

Studies initiated to determine sites for additional Park 'n Ride lots.

December 30, 1973: City adopts ordinances to regulate parking and adopts CBD parking plan.

July 1, 1974: Additional funding applications for TIAP submitted to UMTA.

Plans for development of additional Park 'n Ride lots initiated.

July 1, 1975: Additional funding applications for TIAP submitted to UMTA.

Acquisition and construction of additional Park 'n Ride lots initiated.

Program for Long-Range Planning

Role of Agencies

Different agencies in the Puget Sound region will play a role in the long-range planning for air quality control. These agencies include local agencies such as the City of Seattle, as well as regional, state and federal agencies.

On the regional scale, the Puget Sound Governmental Conference will have a strategic planning role as the agency responsible for regional long-range transportation and land use planning in the central Puget Sound region. In addition, PSGC has the responsibility for reviewing all applications for federal funding of civil projects under the requirements of the Metropolitan Cities Development Act of 1966. Under this act, PSGC reviews projects and certifies as to compliance with regional policies, plans and programs. Further detailing of PSGC plans, policies, and programs to include air quality requirements would ensure that future federally funded studies and projects are compatible with air quality requirements of the central Puget Sound region. The Puget Sound Air Pollution Control Agency, the State Department of Ecology, and the Environmental Protection Agency would be necessarily involved with PSGC in specifying the long-range air quality requirements and in helping to define those PSGC plans, policies, and programs where these requirements would be incorporated.

Further, under the National Environmental Policy Act of 1969 and the State Environmental Policy Act of 1971, agencies are required to submit environmental impact statements with regard to all decisions, including private developments under certain conditions, which "significantly affect the environment." In the future all agencies preparing and reviewing the draft impact statements will have to develop an increased awareness and understanding of air pollution considerations.

Impact of New Transportation Technology and Planning Concepts

With the development of cleaner internal combustion engines, the reductions in air pollution per vehicle will be substantial. Offsetting this is the steady forecasted increase in vehicle travel. By 1990, for instance, vehicle miles of travel in the CBD of Seattle are estimated by the Puget Sound Governmental Conference to increase some 30 percent over 1977 levels. This estimate assumes a modest amount of growth in employment (from 70,100 in 1970 to 105,400 in 1990) and an all-bus transit system as described in the 1980 METRO Transit Plan.

Clearly, considerations other than the 1977 control strategy program are going to be necessary for long-range decision making in the City of Seattle.

The most likely future development that will significantly impact transportation systems and air quality is the emerging energy crisis. Many oil industry sources and federal studies are predicting that the world's known and anticipated oil reserves will be depleted by the end of this century, given our present consumption rate. The crisis will probably follow a classic pattern of significant increases in the cost of fuel and then radical changes to new technology. This will most probably result in sophisticated mass transportation systems and the application of many concepts now well understood in the laboratory.

Several concepts merit attention:

(1) Telecommunications (i.e., picture phones and advanced video systems using laser holograms) can impact considerably the need to travel for business trips. There is every reason to believe that this means of interaction may substitute for a measurable amount of the business travel in the Central Business District. This innovation can also result in a decrease in growth rates of high density nodes by making possible more use of one's home as an office. Decentralization will remove the inconvenience of daily peak hours commuting through highly congested corridors and thus reduce overall travel and resultant air pollution.

(2) A "Personal Rapid Transit System" for the CBD of Seattle offers a high potential for reducing vehicular travel in the core area of the CBD. A logical follow-up on development, more regional in scope, would be a fixed guide-way mass transportation system. This might even include very high-speed ground transportation through the Puget Sound-Willamette corridor from Vancouver, British Columbia to Eugene, Oregon. This offers the highest potential for reducing area wide transportation-created air pollution.

(3) Long range goods movement and passenger transportation planning will definitely need to be coordinated to develop comprehensive transportation plans for the mobility of the region. Combining the movement of freight on fixed right-of-way with mass rapid transit in the denser urban areas will result in a considerable reduction in the amount of truck traffic.

PART IV: EMERGENCY EPISODE PROGRAM

Introduction

Occurrences of excessive levels of air pollution are referred to euphemistically as "episodes" by EPA. Without some procedure being implemented to control or reduce the level of air pollution in a specific area, an episode could result in air pollution levels which would constitute "imminent and substantial endangerment to public health." The federal government through EPA requires that all states formulate a plan specifying the procedures to prevent such air pollution episodes.

EPA has divided these episodes into four stages. The first stage, "Forecast," is activated whenever an Air Stagnation Advisory is issued by the National Weather Service. This is a warning that a high air pollution potential exists due to possible climatic conditions.

The second, or "alert," stage occurs whenever adverse meteorological conditions and pollutants approach levels at which preventive action becomes necessary. At this stage voluntary action by the public to reduce unnecessary driving will be requested with encouragement to use public transportation facilities.

The third, or "warning," stage occurs when indications of further deterioration in air quality are expected and more restrictive controls are required (short-term health effects possible). Voluntary actions will continue but in those affected areas some restrictive traffic control measures must be put into effect.

The final, or "emergency," stage occurs when air quality contiues to deteriorate to a level where the most stringent control actions are necessary to protect the public health from substantial harm. The banning of all vehicles from entering the area and even the closing of businesses are possible control measures.

TABLE IV-1.—*Episode criteria*

STAGE*, POLLUTANT CONCENTRATION**, AND ACTION TO BE TAKEN

Forecast: (Receipt of NWS air stagnation advisory or indication that a high air pollu-

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*"Air Pollution Forecast": An internal watch by the Department of Air Pollution Control shall be actuated by a National Weather Service advisory that Atmospheric Stagnation Advisory is in effect or the equivalent local forecast of stagnant atmospheric condition.

"Alert": The Alert level is that concentration of pollutants at which first stage control actions is to begin.

"Warning": The Warning level indicates that air quality is continuing to degrade and that additional control actions are necessary.

"Emergency": The Emergency level indicates that air quality is continuing to degrade toward a level of significant harm to the health of persons and that the most stringent control actions are necessary.

**The Stage is established when any one of the designated concentrations is reached and meteorological conditions are such the pollutant concentrations can be expected to remain at the above levels for twelve (12) or more hours or increase unless control actions are taken, or in the case of oxidant, to recur on the following day.

Source: Environmental Protection Agency

tion potential will exist). Notify all appropriate traffic control agencies.

Alert: 15 ppm CO (8-Hr. Avg.) or 0.1 ppm Oxidant (1-Hr. Avg.) or 0.6 ppm NO_2 (1-Hr. Avg.) or 0.15 ppm NO_2 (24-Hr. Avg.) Voluntary reduction of all necessary driving and encouragement of utilization of public transportation and facilities. Preparations for warning level measures.

Warning: 30 ppm CO (8-Hr. Avg.) or 0.4 ppm Oxidant (1-Hr. Avg.) or 1.2 ppm NO_2 (1-Hr. Avg.) or 0.3 ppm NO_2 (24-Hr. Avg.). Minimizing traffic in traffic control areas through rerouting and detouring procedures. Continuing alert measures and possibly prohibiting certain motor vehicle operations.

Emergency: 40 ppm CO (8-Hr. Avg.) or 0.6 ppm Oxidant (1-Hr. Avg.) or 1.6 ppm NO_2 (1-Hr. Avg.) or 0.4 ppm NO_2 (24-Hr. Avg.). Stopping of all but emergency motor vehicle operation.

Table IV-1 outlines EPA's adopted (36 F.R. 15503) episode criteria for each stage, the standards which empirically define each stage and a brief outline of action which should be taken to control pollution concentrations from increasing to a more critical stage.

Each important pollutant has a system which is to be implemented at various stages so as to control and reduce the emission of that pollutant.

In the Puget Sound Region, detailed programs called Source Emission Reduction Plans (SERPS) have been formulated for the control of sulfur dioxide and suspended particulate matter from industrial sources. The Washington State Air Quality Implementation Plan has considerable detail on these procedures. This addendum provides the details of episode procedures for control of motor vehicle generated pollutants (i.e., carbon monoxide, oxidants, and hydrocarbons).

Emergency episode plan

Emission estimates presented in Part I indicate that of the total inventory of air pollutants approximately 95 percent of CO, 81 percent of HC, 81 percent of NO_x, 4 percent of SO_2, and 15 percent of the particulates are caused by the various transportation modes. Therefore, if an immediate reduction in CO, HC, and NO_x is required to curtail an emergency situation, then it must be made through programs emphasizing the emergency control of emissions from motor vehicles.

It is generally expected that high levels of air pollution from motor vehicle emissions will be limited to a small area. Assuming this is correct, emergency control measures might then be classified in the following manner:

(1) those which reduce emissions generated by the vehicle engine

(2) those which restrict the number or size of emission sources

(3) those which restrict or increase the mobility of the source.

One must also keep in mind that these strategies must be aimed at curtailing the advance of any progression to the next higher stage, with emphasis placed on preventive action rather than remedial action after the fact. Each strategy will then become more restrictive as air quality declines until control measures become effective.

The following sections outline proposed guidelines recommended by the Department of Ecology for instituting an Emergency Episode Program. Those guidelines are being presented at this time as potential elements of the program. Over the next few months these elements will be refined and expanded so that a more definitive system can be implemented. A presentation of the Emergency Episode Program in its final form is anticipated at the end of the first semi-annual reporting period (February 14, 1974).

Communications

The contingency plans for emergency episodes must include provisions for communications procedures for contacting public officials, major sources, and news media. A proposal for a short range program to be implemented during episodes is illustrated in Figure IV-1. Estimated costs to implement this system are included as part of the proposed system for continuous surveillance outlined in Part V: Surveillance Program.

Emergency traffic control area (ETCA)

In order to maximize the flexibility and effectiveness of emergency control measures for motor vehicle traffic, it is necessary that these controls be limited to small, well defined, areas where high pollution levels are concentrated. In other words, there would be little reason to ban the use of automobiles in West Seattle or Ballard during an "emergency" episode in the CBD. Emergency measures would be required only in those areas where hazardous pollution levels exist.

It is assumed that Seattle's Central Business District is the ETCA in which emergency emission control strategies are to be first implemented. In refining the surveillance system and establishing a clearer picture of Seattle's air pollution problems, it will perhaps be necessary to redefine and expand the ETCA zones or establish other, separate, ETCA zones. Upon receipt of more precise surveillance data, the following criteria will be used to designate what the ETCA's should be:

1. Boundaries should coincide with major streets, highways, or other geographical features generally well known to the public. Maximum attention should be given to defining boundaries that are easily communicated by the public information media.

2. Consideration should be given to the location of mass transit routes, major traffic patterns, and population concentrations.

3. Consideration should be given to this assumption in defining not only the core area ETCA, but also in designating adjoining areas. In some cases a concentric arrangement, each ETCA partially or totally surrounding the previous one, might be considered.

4. The number of ETCA should be minimized in order to make the plan as uncomplicated as possible.

Based upon the "Episode Criteria" defined in the previous table (Table IV-1), the different episode stages require varying degrees of action. The procedures recommended for each episode stage present generalized strategies and responsible agencies. These must be addressed in greater detail within the next year before they can be successfully implemented.

Forecast stage

This stage occurs upon receipt of an Air Stagnation Advisory from the Meterological Support Unit of the National Weather Service. Upon declaration of forecast conditions:

1. PSAPCA, DOE, EPA Region X are notified.

2. PSAPCA begins additional surveillance of conditions.

3. No specific actions with regard to motor vehicles will be required.

Alert stage

This stage occurs when the pollution levels detailed in Table IV-1 are reached. Upon declaration of an Alert condition:

1. The public is notified through various media of the conditions and the necessary steps to be taken. Public health officials, City engineering departments and public transportation officials will be notified of their responsibilities.

2. The public will be encouraged to utilize public transportation and curtail or eliminate the use of private motor vehicles within the designated Emergency Traffic Control Area.

3. Public transportation systems will provide additional services to encourage greater use of public transportation.

4. Preparations are initiated to take warning measures, if necessary.

5. Additional monitoring pollutant levels instituted.

Warning stage

Upon declaration of this stage:

1. The public is notified through various media of the conditions and the necessary steps to be taken. Public utilities, public health officials, City engineering departments and public transportation officials, will be notified of their responsibilities.

2. Continue Alert measures.

3. Motor vehicles carrying fewer than three persons are to be prohibited from entering or operating within the designated ETCA. Exceptions would be public transportation, emergency vehicles, commercial vehicles and through traffic remaining on Interstate or primary highways.

4. If ordered by DOE, operation of all private vehicles within the ETCA may be prohibited.

5. Maximum public transportation will be provided, possibly at no cost.

6. Prepare to take emergency measures as required.

Emergency state

Upon declaration of an emergency:

1. The public is notified through various media of the conditions and the necessary steps to be taken. Public utilities, public health officials, City engineering departments and public transportation officials will be notified of their responsibilities.

2. All non-emergency use of motor vehicles within the ETCA is prohibited.

Communications manual

A basic tool of the Emergency Episode Program will be a Communications Manual for use by those persons who must react and implement the controls of each episode stage. This manual will include, as a minimum, for each episode stage:

1. Persons and organizations to be contacted including individual names and telephone numbers.

2. Actions to be taken by each official involved in implementing the Plan.

3. Sample announcements by the media and press releases.

PART V: SURVEILLANCE PROGRAM

Introduction

At present the ambient surveillance system for carbon monoxide consists of one continuously recording instrument in the downtown area of the City of Seattle and one at 6770 East Marginal Way South, both operated by the State Department of Ecology. Short term monitoring has been performed for carbon monoxide by the Puget Sound Air Pollution Control Agency at the Westlake Mall and at I-5 and Dearborn. These sites are shown in Figure I-2.

To base a decision as to whether a problem exists on the data from a single station is, of course, open to challenge. On the other hand, no criteria have been established as to what an adequate number of stations would be or where they should be located.

It is not possible to totally monitor an entire area thought to be affected. However, computerized atmospheric diffusion modeling, as discussed in Part I, can provide a vital supplementary effect since it permits the estimation of the pollutant concentrations at points not served by monitoring instruments. With diffusion models, a more refined estimation of the severity of the problem can be made than is possible with the use of proportional formulas. It is possible that adequate air quality monitoring would show that the extent of transportation controls needed is different from that presently contemplated.

The need for real-time communications during episodes is illustrated by the following example. On October 16, 17, and 18, 1972, during a forecast stage, there were 16 occasions when the federal episode alert level for carbon monoxide was reached or exceeded at the James Street monitoring station in Seattle. The sensor used at this station is not connected to a real-time system, and it was not possible to implement the notification strategies detailed in Part IV.

Surveillance system

A minimum of seven nondispersive infrared CO monitoring stations will be operated continuously in the Seattle area, three of which would be located in the CBD. In addition, ten nitrogen oxide monitors will be established in the Puget Sound Intrastate region to provide comprehensive monitoring. At present no hydrocarbon monitors which meet EPA specifications are available.

Meteorological and air quality data must also be available to meteorologists and air pollution engineers. These data must then be interpreted and made available in usable form to the responsible control strategy authority.

PART VI: INTER-GOVERNMENT COOPERATION AND RESOURCES

Introduction

The task of controlling air pollution, because of its magnitude, cannot be expected to be carried out by a single agency. Since air pollution is an area- or region-wide problem its solution is dependent upon a multitude of responsibilities, skills and coordination. While the City of Seattle can implement various strategies, the City cannot be expected to bear the full burden of the economic impact within its own business community, nor can the City be expected to provide a surveillance system and sophisticated predictive air pollution and transportation models for evaluating strategies and air pollution. If an effective air quality improvement program is to be implemented the City and the Department of Ecology must involve other agencies in the solutions.

In developing this document, two committees and a private consultant were the resources which the City and DOE depended upon. Although such committees are essential to an on-going program and should retain their important role, the function provided by the consultant should ultimately be replaced, in kind, with staff personnel and resources equipped to implement the plan over the next five years.

Systems management provides many techniques which are useful for designing a mechanism by which many groups and elements can be coordinated and monitored. With a system defined, resource requirements can be determined and the elements of the control program implemented. Using available management tools for the air quality program, three basic systems can be identified. Those are: (1) Program formulation and initiation, (2) Program monitoring, updating and revisions, and (3) Program implementation.

Program Formulation and Initiation

Part II: Citizen Involvement has described the steps utilized in formulating this plan. Figure II–1 of Part II outlines past events and future activities. Attainment of required legislation, the formulation of regulations and administration policies and the adoption of the proposals of the plan herein by EPA are unfinished events that remain to be completed in the initiation phase. The resources depended upon during ths phase will include citizen organizations, the Inter-Government Technical Committee, and local and state legislative bodies.

Program Monitoring, Updating and Revisions

The process illustrated in Figure VI–1 provides a means by which program control and effectiveness can be monitored, evaluated, updated and revised. As is indicated in Figure VI–1, many agencies are involved in the various parts of that process.

The first element involves weather surveillance and air pollution monitoring. The Department of Ecology is presently seeking a revision of its current fund grant from EPA in order to provide the surveillance described in Part V. One output from the monitoring system will be the quarterly air quality report.

If monitoring indicates the strategies are working to improve air quality then the program will continue without revision. However, if the air quality does not appear to be responding to the plan, the City and DOE must take steps to expand the program and include other strategies.

If, and when, new strategies are developed, public hearings and EPA approval are required before this plan can be amended. Upon adoption of the new strategy, implementation, monitoring and review will continue in a cyclic manner until the air quality goals are achieved and maintained.

Program Implementation

The third system is the implementation of the control strategies recommended in *Part III: Transportation Control Program*. Table VI–1 provides a summary of work to be completed for each strategy, estimated cost for the first two years, potential funding sources and agencies responsible for implementation. EPA (36 F.R. 15493) request projections of the extent to which resources will be acquired at 1–, 3–, and 5–year intervals. Table VI–1 represents the first two years of the implementation program. To proceed with estimates for those strategies such as carpools, transit incentives, and parking controls without knowing the details and results of the first two years of study and experience would be difficult to justify. Therefore, cost estimates beyond the first two years are being deferred until more meaningful estimates can be made.

TABLE VI–1.—PRELIMINARY COST ESTIMATES TO IMPLEMENT STRATEGIES (1973 DOLLARS)

Project	Description of work to be performed	Total estimated project cost	Potential funding sources	Responsible agency
Retrofit	Obtain legislation (March 1973); adopt regulations; retrofit uncontrolled vehicles (March 1974).	Cost included as part of vehicle emission inspection.	EPA, State, general fund	DOE.
Vehicle emission inspection	Obtain legislation (March 973); adopt regulations and emission standards; governmental fleet vehicle inspection program/implementation; inspect all retrofit vehicles (March 1975).	$1,000,000	do	DOE.
Surveillance system	Acquire funding; install new monitoring stations; modify and adopt existing system; traffic data collection.	Application made to EPA to reallocate grant.	do	PSAPCA, DOE, EPA, city of Seattle.
SIGOP	⅔ implemented (January 1973); complete implementation; refine system; evaluate effectiveness (July 1973).	Funded		City of Seattle.
Car pool program	Obtain parking legislation; prepare prospectus for experimental program; apply for funding; select consultant for design of experimental program; implement and operate experimental program for 1 year; evaluate effectiveness (July 1975).	$250,000	UMTA, METRO, ing County, EPA.	City of Seattle with assistance from other governmental agencies (i.e. int Co., WSD, PSGC).
Increase transit ridership	Funding applications; transit studies; construction of new transit Park 'n Ride lots; improve in-city headways.	TIAP: Phase I and II, $320,000; METRO: Unknown at this time.	UMTA, METRO revenue sales tax, EPA, motor vehicle fuel fund.	METRO, city of Seattle.
Uniform parking rates	Obtain parking legislation (March 1973); develop parking plan; implement new rate structure; revise meter system (June 1974).	$100,000	City general fund, EPA, HUD	City of Seattle.
Driver advisory system	Prospectus and consultant selection (December 1973); prepare findings and prepare a plan for advisory systems; establish a LID; execute program (July 1975).	$150,000	EPA, LID, city general fund	City of Seattle and private business.

APPENDIX A—GENERAL FACTS ABOUT SIX MAJOR POLLUTANTS

Source: "A Citizens Guide to Clean Air"; The Conservation Foundation; Washington, D.S.; January, 1972.

WHAT WE KNOW ABOUT OXIDES OF SULFUR

Major source: fuel combustion.

Minor sources: chemical plants, metal processing, trash burning.

Nature: Sulfur is a nonmetallic element found in coal and fuel oil. When these fuels are burned, sulfur joins with oxygen in the air to form gaseous oxides of sulfur, including dioxide (SO_2) and sulfur trioxide (SO_3).

Effects: Sulfur oxides, in combination with moisture and oxygen, can yellow the leaves of plants, dissolve marble, and eat away iron and steel. They can limit visibility and cut down the light from the sun. They can affect man's breathing: at sufficiently high concentrations, sulfur dioxide irritates the upper respiratory tract; at even lower concentrations, when carried on particulates, it appears able to do still greater harm by injuring lung tissue.

Conclusions found in the federal criteria document: The criteria *Resumé* for sulfur oxides reports that increased mortality occurred when the annual geometric mean was as high as 115 micrograms per cubic meter. Adverse effects can be detected when SO_x pollution exceeds certain levels for short periods of time. These effects are especially evident in the case of sulfur dioxide. Levels of 300 micrograms per cubic meter of SO_2 for three or four days have been associated with a variety of adverse health effects.

WHAT WE KNOW ABOUT PARTICULATE MATTER

Source: Pollutants can exist as solid matter, liquid droplets, or gas. Both the solid and liquid matter are called particulates (which simply means particles in the atmosphere). Solid particulates consist of dust, smoke or fumes; liquid particulates are mists and sprays. Particulate pollution results from many kinds of industrial and agricultural operations and from combustion products, including automobile exhausts.

Effects: Particulate matter in the respiratory tract may produce injury by itself, or it may act in conjunction with gases, altering their sites or their modes of action. Particles suspended in the air scatter and absorb sunlight, reducing the amount of solar energy reaching the earth, producing hazes and reducing visibility. Particulate air pollution causes a wide range of damage to materials. It may chemically attack materials through its own intrinsic corrosivity or through the corrosivity of substances absorbed or adsorbed by it. Merely by soiling materials and thereby necessitating more frequent cleaning, particulates can accelerate deterioration.

Conclusions found in the federal criteria document: The criteria *Resumé* reports that adverse health effects were noted when the annual geometric mean for particulate matter reached 80 micrograms per cubic meter.

WHAT WE KNOW ABOUT CARBON MONOXIDE

Major source: Internal combustion engines in motor vehicles, primarily the automobile.

Minor sources: various industrial processes, solid waste disposal.

Nature: Carbon monoxide, an invisible, odorless, and tasteless gas, is formed when any carbon-containing fuel (gasoline, coal, and so on) is not completely burned to carbon dioxide (CO_2), but only half-way to carbon monoxide (CO). Because of its characteristics, the internal combustion engine, especially in cars, is responsible for by far the largest fraction of man-made emissions of carbon monoxide.

Effects: Compared to other common air pollutants, carbon monoxide has a unique mechanism of action. It does not irritate the respiratory tract but rather passes through the lungs directly into the blood stream. There it combines with the red blood cell's hemoglobin, the substance that normally carries oxygen to all the tissues of the body. Because hemoglobin binds carbon monoxide over 200 times as strongly as oxygen, a low concentration of carbon monoxide in the ambient air has a greatly magnified effect on the body. Since the heart and brain are the two tissues most sensitive to oxygen deprivation, they show the most serious effects from carbon monoxide exposure. Thus at high concentration (1000 ppm and more), carbon monoxide kills by paralyzing normal brain function. At much lower levels, effects on these two tissues are also the predominate ones (see below).

Because of its unique mode of action, carbon monoxide is not known to have adverse effects on vegetation, visibility, or material objects.

Conclusions found in the federal criteria document: The criteria *Resumé* reports that exposure to 35 mg/m^3 (30 ppm) will, after a few hours, inactivate about 5% of the blood's hemoglobin, thus lowering its oxygen content. This loss can impair performance on certain psychomotor tests, indicating a significant effect on brain function. At higher exposures, excess strain is put on patients with heart disease. Exposure to 12–17 mg/m^3 (10–15 ppm) for several hours also affects the brain by altering time interval discrimination. In addition, there is some very preliminary evidence that at even lower weekly average levels of carbon monoxide (9–16 mg/m^3 or 8–14 ppm), people hospitalized for heart attacks have increased death rates.

WHAT WE KNOW ABOUT PHOTOCHEMICAL OXIDANTS

Nature: Photochemical oxidants are several different pollutants (notably ozone and a group of chemicals called peroxyacylnitrates or PAN) which can come from several sources. All of those pollutants share three properties;

1. They are all formed by the chemical reaction of other pollutants ("-chemical").

2. The reactions forming them proceed much more rapidly in areas with intense sunlight ("photo-").

3. They are extremely reactive chemical substances, acting as oxidizing agents ("oxidants").

Among the most effective combinations for producing this class of pollutants are the oxides of nitrogen and reactive hydrocarbon (organic) vapors. Los Angeles, with its sunny climate and high number of cars, offers extremely good conditions for the production of photochemical oxidants, and in fact this pollution comprises the main part of that city's infamous smog. It is not confined to Los Angeles, however. The constituents of photochemical smog can now be readily detected in many metropolitan areas.

Effects: The various components of photochemical oxidants can have several adverse effects. First, they can directly affect the lungs and eyes of people, causing respiratory irritation and possibly changes in lung function, as well as subjective eye irritation. They are extremely toxic to many kinds of plants, affecting primarily the leaves. In addition, they can physically weaken such materials as rubber and fabrics.

Conclusions found in the federal criteria document: The criteria *Resumé* for photochemical oxidants reports impairment of the performance of student athletes occurred over a range of hourly oxidant levels from 60-590 $\mu g/m^3$ (0.03-0.3 ppm). Increased frequence of attacks in some people with asthma have been observed when hourly averages, as determined from peak measurements, were 100-120 $\mu g/m^3$ (0.05-0.06 ppm). Eye irritation occurs in people at once upon exposure to about 200$\mu g/m^3$ (0.10 ppm); this is roughly equivalent to an hourly average of 60-100 $\mu g/m^3$ (0.03-0.05).

Adverse effects on vegetation have been noted at levels of about 100 $\mu g/m^3$ (0.05 ppm) maintained for four hours. Damage to materials, while clearly observed at levels present in many cities, has not been accurately quantitated at this time.

WHAT WE KNOW ABOUT HYDROCARBONS

Major source: internal combustion engines in motor vehicles, primarily the automobile

Minor sources: evaporation of organic solvents (from painting, dry cleaning, etc.), agricultural burning, gasoline marketing

Effects: At levels of hydrocarbons currently measured in urban areas, no adverse human effects are known to be caused by the hydrocarbons in isolation. However, as discussed in the section on photochemical oxidants, hydrocarbons are an extremely important component of photochemical oxidants, whose effects have been observed. Thus the effects of photochemical oxidants can be, in part, traced back to the hydrocarbons. These, outlined earlier, include respiratory irritation, plant damage, and damage to materials.

Certain specific hydrocarbons do have other effects. Ethylene, for example, damages plants; it can inhibit growth and cause the leaves and flowers to fall.

Conclusions found in the federal criteria document: The criteria *Resumé* clearly states that damaging levels of photochemical oxidants are directly related to concentrations of hydrocarbons in the air which are, if alone, without effect. The *Resumé* states that hydrocarbon concentrations (excluding methane) of 200 ug/m^3 (0.3 ppm as carbon) for three hours may produce photochemical oxidant levels of up to 200 ug/m^3 (0.10 ppm) a few hours later. If the relationship holds true at lower levels of photochemical oxidant known to be damaging, the hydrocarbon concentration that may be associated with adverse effects is about 100 ug/m^3 (0.15 ppm).

WHAT WE KNOW ABOUT OXIDES OF NITROGEN

Major source: fuel combustion

Minor source: chemical plants

Nature: Nitrogen gas, normally a relatively inert (unreactive) substance, comprises about 80 percent of the air around us. At high temperatures (and also under certain other conditions), it can combine with the oxygen in the air to form several different gaseous compounds collectively called the oxides of nitrogen (NO_2). Nitric oxide (NO) and nitrogen dioxide (NO_2) are the two most important.

Effects: Until recently, it has been difficult to obtain equipment that can detect the oxides of nitrogen in polluted air. Therefore, less is known about these effects than is known, for example, about the effects of oxides of sulfur. Nevertheless, it is clear that the oxides of nitrogen can, at certain concentrations, cause serious injury to vegetation, including the bleaching or death of plant tissue, the loss of leaves, and a reduced growth rate. Oxides of nitrogen can also cause fabric dyes to fade and fabrics themselves to deteriorate. Nitrate salts, formed from the oxides of nitrogens, have been associated with the corrosion of metals. Finally, NO_x can reduce visibility.

Certain members of this group of pollutants are known to be highly toxic to various animals, as well as to man. High levels can kill; lower levels affect the delicate structure of lung tissue. This leads, in experimental animals, to a lung disease that resembles emphysema in man. Exposure to NO_x lowers the resistance of animals to such diseases as pneumonia and influenza; the same may possibly occur in man. Exposure to high levels causes humans to suffer lung irritations and potential damage. Exposure of people to lower levels has been associated with increased respiratory disease.

In addition, oxides of nitrogen, in the presence of sunlight, can react with hydrocarbons to form photochemical oxidants.

Conclusions found in the federal criteria document: The criteria *Résumé* states that a higher incidence of chronic bronchitis has been found in children living in areas where daily averages of NO_2 varied from 118 to 156 $\mu g/m^3$ (0.062 to 0.083 ppm) and where nitrate salts in the air were also at elevated levels. Adverse effects on plants have been observed when NO_2 levels exceed 470 $\mu g/m^3$ (0.25 ppm) for several months. Corrosion and damage to electrical equipment has occurred when elevated levels of nitrate salts and NO_x levels of 124 to 158 $\mu g/m^3$ (0.066 to 0.084 ppm) were present. Limited evidence suggests that somewhat higher levels of NO_x (roughly 214 $\mu g/m^3$ or 0.11 ppm) in the morning hours may be associated, under certain conditions, with the production later in the day of photochemical oxidant levels harmful to human health.

APPENDIX B—POTENTIAL TRANSPORTATION STRATEGIES TO REDUCE SEATTLE CBD AIR POLLUTION

This list displays the 50 most desirable strategies based upon intuitive estimation of (1) desirability (2) economic impact and (3) social impact. Work sheets listing 135 possible strategies were evaluated by:

a. Environmentalists	7
b. Businessmen	12
c. Transportation and Land Planners	6
d. Design Engineers	3

This population, though limited, constitutes a representative mix of interests and professions.

1. Provide better transit transfer information.

2. Provide a shop 'n ride transit incentive plan.

3. Build more transit shelters and information signing.

4. Better progressed signals to increase flow of all traffic (e.g. SIGOP).

5. Encourage fleet vehicles to use new power vehicles (e.g. LPG & LNG fuel).

6. Pursue means to encourage construction and use of smaller vehicles.

7. PRT through Seattle CBD between Seattle Center and stadium.

8. Experiment with new power systems and vehicles; test effectiveness on government

fleet; proceed with programs to encourage private industry and business to use new systems once they have been proven effective by governmental agencies.

9. Build more outlying park'n ride lots.
10. Reinstate electric trolley or similar low polluting vehicle as CBD shuttles.
11. Encourage auto industries to continue developing and installing air pollution control devices on new vehicles.
12. PRT between major east-west parking complexes.
13. Exclusive bus lanes (e.g. 2nd and 4th Avenue wrong way transit service).
14. Increase CBD shuttle service.
15. Reduce cost, as an incentive, to increase the use of non-leaded or low-lead fuels (e.g. reduce gas tax 2¢ a gallon on low-pollutant fuel.)
16. Construct CBD peripheral parking lots (on fringe of CBD) with shuttle system serving internal CBD.
17. Improve transit equipment for comfort, speed and privacy.
18. Provide a flexible transit transfer program.
19. I–90 implementation.
20. Improve public information signing to and from parking nodes of CBD.
21. Remove or restrict on-street parking during peak hours to improve transit flow.
22. Connecticut Street improvement (stadium).
23. Limit horsepower on vehicles.
24. Provide compatible transit service to augment staggered work hours and/or days.
25. Promote and enhance in-town living.
26. Enforce existing visible emission law.
27. For transit routes progress signals to benefit transit flow.
28. CBD transit free fare zone.
29. Increase transit advertising.
30. I–5 freeway ramp metering and surveillance and driver information.
31. New signals, intersection improvements, street widening, etc. (TOPICS program).
32. Transit Mall (e.g. 3rd Avenue and 1st Avenue).
33. Drive auto to park and ride lots, get free ride to CBD.
34. Remove on-street parking during peak periods only to increase streets' carrying capacity for all vehicles.
35. Priority lane and ramp usage for car pools on freeways and city streets during peak periods.
36. Seattle Center traffic control system improvements.
37. Reroute low usage buses to express routes to carry peak loads.
38. Increase the amount of open space in CBD (i.e. more parks).
39. Sponsor an inspection program (experimental) on government fleet vehicles only; identify problems and refine program, then apply program on a statewide level.
40. Intensify efforts on new studies to generate a better understanding where demands are and transit service can be improved.
41. Combine retro fit inspection with safety inspection.
42. A joint governmental and/or private agency program for matching up carpool partners (carpool matching program).
43. Establish governmental demonstration transit user subsidy programs in discount rate for employees who use transit and not auto. If effective, encourage private agencies to adopt program.
44. Instead of individual charges for ecah transit ride, bill users through a credit card reader system.
45. Provide student, elderly, underprivileged special transit fare program.
46. Encourage all vehicles to use new power systems and fuel sources.
47. Adopt a program to retrofit all vehicles.
48. Establish a state inspection program, but begin with a program that provides a mobile source control (moving and random inspection) and then take steps to implement fixed stations with annual (or semiannual) inspection requirements.
49. Through zoning let new developments satisfy its parking needs through sponsoring an employee transit subsidy program.
50. Increase transit only lanes on freeways.
51. Reduce existing downtown parking as transit services increase.
52. Restrict left and right turns at critical intersections to speed up traffic flow.

APPENDIX C—CALCULATIONS OF EMISSION REDUCTIONS

The CBD area used in these computations corresponds to Zone 21. It is a one-mile square with borders approximately at Denny Way on the north, Boren Avenue on the east, Yesler Way on the south and Alaskan Way on the west.

A model of the 1977 traffic in this area, developed by A. M. Voorhees Associates for the EPA study outlined in Part I, was utilized in calculating the reductions in carbon monoxide emissions that will occur with implementation of the various control strategies.

Actual vehicle count in 1971, studies conducted as a part of the METRO Plan development and estimates of traffic growth led to the assignment of vehicle counts to particular streets within the area and an estimate of the average speeds on those streets. For example, an all day average speed of 50 mph was assigned to Freeway traffic. North-south streets in the northern parts of the area are assigned an average speed of 20 mph, and east-west streets in the southern CBD are assigned an average speed of 12 mph.

Analysis of the travel on these streets gave the following distribution:

TABLE C–1.

Average speed	Vehicle miles	1977 average (gms/mile) emissions
50 m.p.h	79,700	20.5
25 m.p.h	1,300	33.8
20 m.p.h	94,100	41.6
18 m.p.h	21,600	44.8
15 m.p.h	900	52.3
12 m.p.h	22,700	62.3
Total	220,300	

The census of employment in the CBD conducted by the Puget Sound Governmental Conference leads to the estimate of 64,000 employees in the CBD in 1977.

The "Blue Streak Phase II Interim Report" indicates that the average occupancy in automobiles entering the CBD is approximately 1.4.

SIGOP

The installation of the SIGOP system is anticipated to improve average speeds in the CBD by 2 miles per hour on many streets. This redistributes the vehicle miles traveled into new strata as follows:

TABLE C–2

Average speed:	*Vehicle miles*
50 mph	79,700
25 mph	1,300
22 mph	63,200
20 mph	49,300
18 mph	3,300
15 mph	900
14 mph	19,700
12 mph	3,000
	220,300

Applying the emission factors gives a savings of approximately 430 kgms/8hr/mi^2 of CO emissions.

INCREASE TRANSIT RIDERSHIP

Improvements in the METRO program could shift 24,100 new riders (48,200 trips) to buses. This would mean a proportional reduction of 11,300 vehicle miles traveled and the elimination of approximately 380 kgm/8hr/mi^2 of CO. This assumes that 50 percent of the 64,000 employees will ride the bus.

CAR POOLS

If the remaining 32,000 employees will travel 1.7 to the vehicle, rather than the present 1.4, an additional 3,700 vehicles will be removed from the roads and 2,400 vehicle miles of travel will be eliminated. This gives a reduction of approximately 80 kgm/8hr/mi^2 of CO.

UNIFORM PARKING RATES AND DRIVER ADVISORIES

Studies in Los Angeles have estimated that as much as 20 percent of CBD traffic is unnecessary travel due to driver confusion, indirection or shopping for parking. If this 20 percent is divided equally between these three items and this program is presumed to eliminate about one-fourth the traffic in the first two categories and one-half of the latter, then 5 percent of the street traffic would disappear. This would be a reduction of 6,600 vehicle miles traveled and a reduction in emissions of about 280 kgm/8hr/mi^2.

Retrofit and Inspection

Government and fleet vehicles compose approximately 7 percent of the light duty vehicle population and 19 percent of the heavy duty vehicle population. Inspection can reduce emissions by 10 percent.

Approximately 20 percent of all vehicles are sold in any one year. If these vehicles are inspected, their emissions will be reduced by 10 percent.

Installing an "Air Bleed to Intake Manifold" control device will reduce CO emissions from that vehicle by approximately 60 percent. As these are installed on vehicles total emissions will reduce.

These programs will result in a reduction of emissions from light duty vehicles of 680 kgm/8hr/mi^2 and from heavy duty vehicles of 420 kgm/8hr/mi^2.

More complete and detailed calculations are included in the technical report from A. M. Voorhees & Associates to the Department of Ecology.

APPENDIX D—PROPOSED LEGISLATION

AN ACT RELATING TO AIR POLLUTION, ADDING NEW SECTIONS TO CHAPTER 70.94 RCW

Be it enacted by the Legislature of the State of Washington:

New section. Section 1. The legislature finds that the emission of contaminants from motor vehicles is a significant cause of air pollution in the state. The severity of the air pollution problem resulting from motor vehicles emissions varies from area to area in the state influenced by the degree of urbanization, volume of motor vehicle usage, topography, climate, metropolitan traffic pattern design and traffic flow regulation, among other factors. The legislature declares that there is a need to identify those areas where motor vehicle emissions should be reduced in order to insure that applicable ambient air quality standards are not exceeded and to reduce such emissions in the areas identified.

New section. Section 2. The purpose of this act is to provide authority to the director of the department of ecology to identify those areas where motor vehicle emissions should be reduced in order to insure that applicable ambient air quality standards are not exceeded and to adopt rules and approve programs necessary to so reduce such emissions in the areas identified.

New section. Section 3. For the purposes of this act the following meanings unless context clearly dictates otherwise:

1. "Department" shall mean department of ecology.

2. "Director" shall mean director of the department of ecology.

3. "Exhaust emissions" shall mean substances emitted to the atmosphere from any opening downstream from the exhaust port of a motor vehicle engine.

4. "Motor vehicle" shall mean every vehicle which is self-propelled and every vehicle which is propelled by electric power obtained from overhead trolley wires, and which is designed and intended primarily for use on public highways.

5. "Public highway" shall mean every way, lane, road, street, boulevard and every way or place open as a matter of right to public vehicular travel both inside and outside the limits of incorporated cities and towns.

New section. Section 4. Whenever, on the basis of acceptable monitoring data, the director shall find:

1. any ambient air quality standards are being exceeded in any area, and;

2. after consideration of emission reductions that will result from the application of Federal motor vehicle emission standards, that the degree of emission reduction necessary to obtain and maintain the standards identified in (1) cannot be achieved within four years of the effective date of this act without the application of additional measures for controlling motor vehicle emissions; the director shall by rule identify the area where such conditions exist and delimit a broader area including and surrounding the problem area to which additional measures to reduce motor vehicle emissions shall apply.

New section. Section 5. After compliance with the provisions of Section 4 above, the director shall adopt rules for the reduction of motor vehicle emissions applicable to the area identified as requiring additional measures to reduce such emissions. Such rules may include but are not limited to:

1. The establishment of exhaust emission standards for gasoline powered motor vehicles registered and operated primarily in the regulated area. Such standards may vary by motor vehicle class, model year, engine displacement, emission control system type or other pertinent variables.

2. A requirement that all gasoline powered motor vehicles or any class thereof, registered and operated primarily in the regulated area which are not equipped with an emission control system be retrofitted with such a system, certified as provided in section 6, below, by a specified date. Any such requirements shall be adopted only in conjunction with a requirement for inspection of retrofitted vehicles prior to their operation in the regulated area and at least annually thereafter.

3. The establishment of inspection requirements for all gasoline powered motor vehicles or any class thereof registered and operated primarily in the regulated area. Such requirements may provide for inspections to be conducted at time of transfer of ownership and/or annually and/or after retrofit with emission control systems. Inspection requirements established hereunder shall require that vehicles meet the exhaust emission standards established pursuant to subsection (1) hereof, under test procedures approved by the department.

New Section. Section 6. Retrofit of gasoline powered motor vehicles pursuant to any rule adopted under this chapter shall only be accomplished by the installation of an emission control system certified as to adequacy by the director. Certification shall be made on demonstration satisfactory to the director by any supplier or manufacturer of such device that use of the device will result in achievement of exhaust emission standards.

New section. Section 7. In relation any inspection system established hereunder, the inspection program shall be administered by the department of ecology. To implement such a program the director may acquire land by purchase, gift or condemnation with or without structures thereon. In the event land is acquired by condemnation the same shall be acquired in the manner provided by law for the acquisition of private property for public use. The director is empowered to erect structures and acquire and install such equipment and mechanical devices as shall from time to time be necessary and convenient for the inspection program.

New section. Section 8. In the implementation of any inspection program established hereunder, the director shall provide for the issuance of certificates of acceptability to the registered owners of vehicles passing inspection. A copy of each such certificate shall be filed with the director of the department of motor vehicles immediately upon its issuance to a registered owner. The director of the department of motor vehicles shall have authority to withhold renewal of the certificate of license registration and license plates for any motor vehicle for which he does not have on file a current and effective certificate of acceptability.

New section. Section 9. Nothing in this chapter and in any rules adopted pursuant hereto shall apply to or be construed to apply to the first sale of any motor vehicle at retail or any events prior in time to such first sale.

New section. Section 10. This chapter and any rules adopted pursuant hereto shall have no application to any vehicles not designed and intended primarily for use on public highways.

New section. Section 11. This act is necessary for the immediate preservation of the public place, health and safety, the support of state government and its existing institutions and shall take effect immediately.

New section. Section 12. If any provision of this act, its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances, is not affected.

AN ACT RELATING TO THE SPECIAL FUEL TAX, AMENDING RCW 82.38.030

Be it enacted by the Legislature of the State of Washington.

Section 1. Section 4, Chapter 175, Laws of 1971, as amended by Section 2, Chapter 135, Laws of 1972 and RCW 82.38.030 are each amended to read as follows:

(1) There is hereby levied and imposed upon special fuel users a tax of nine cents per gallon or each one hundred cubic feet of compressed natural gas measured at standard pressure and temperature on the use (within the meaning of the word use as defined herein) of special fuel in any motor vehicle: Provided, That in order to encourage experimentation with non-polluting fuels, no tax shall be imposed upon the use of natural gas or on liquefied petroleum gas, commonly called propane, [which is used in a fleet of three or more motor vehicles until July 1, 1975,] *which is used by a vehicle registered in the State of Washington before July 1, 1975.*

(2) Said tax shall be collected by the special fuel dealer and shall be paid over to the department as hereinafter provided: (a) With respect to all special fuel delivered by a special fuel dealer into supply tanks of motor vehicles or into storage facilities used for the fueling of motor vehicles at unbonded service stations in this state; or (b) in all other transactions where the purchaser indicates in writing to the special fuel dealer prior to or at the time of the delivery that the entire quantity of the special fuel covered by the delivery is for use by him for a taxable purpose as a fuel in a motor vehicle.

(3) Said tax shall be paid over to the department by the special fuel user as hereinafter provided: (a) With respect to special fuel upon which the tax has not previously been imposed which was acquired in any manner other than by a special fuel dealer into a fuel supply tank of a motor vehicle in this state; or (b) in all transactions with a special fuel dealer in this state where a written statement has not been furnished to the special fuel dealer as set forth in subsection (2)(b) of this section.

It is expressly provided that delivery of special fuel may be made without collecting the tax otherwise imposed, when such deliveries are made by a special fuel dealer to special fuel users who are authorized by the department as hereinafter provided, to purchase fuel without payment of tax to the special fuel dealer.

STATE OF WASHINGTON LEGISLATURE

Be it resolved, by the Senate and House of Representatives of the State of Washington, in legislative session assembled:

That, At the next general election to be held in this state there shall be submitted to the qualified voters of the state for their approval and ratification, or rejection, an amendment to Article 2, by repealing section 40, Amendment 18 thereof as follows:

Section 40, Article II and Amendment 18 of the Constitution of the State of Washington are each hereby repealed.

Be it further resolved, That the secretary of state shall cause notice of the foregoing constitutional amendment to be published at least four times during the four weeks next preceding the election in every legal newspaper in the state.

STATE OF WASHINGTON LEGISLATURE

An act relating to cities of the first, second and third class; amending section 35.86.040, chapter 7, Laws of 1965 as amended by section 13, chapter 204, Laws of 1969 ex. sess. and RCW 35.86.040; amending section 35.86.060, chapter 7, Laws of 1965 and RCW 35.86.060; amending section 9, chapter 204, Laws of 1969 ex. sess. and RCW 35.86A.090; amending section 7, chapter 204, Laws of 1969 ex. sess. and RCW 35.86A.070; amending section 12, chapter 204, Laws of 1969 ex. sess. and RCW 35.86A.120; and repealing section 11, chapter 204, Laws of 1969 ex. sess. and RCW 35.86A.110

Be it enacted by the Legislature of the State of Washington:

Section 1. Section 35.86.040, chapter 7, Laws of 1965 as amended by section 13, chapter 204, Laws of 1969 ex. sess. and RCW 35.86.040 are each amended to read as follows:

Such cities are authorized to establish the method of operation of off-street parking space and/or facilities by ordinance, which may include leasing or municipal operation: *Provided, however,* That ((no)) *if* a city with a population of more than one hundred thousand shall ((operate)) *lease* any such off-street parking space and/or facilities ((but)) *it* shall call for sealed bids from responsible, experienced, private operators of such facilities for the operation thereof. The call for bids shall specify the terms and conditions under which the facility will be leased for private operation. The call for bids shall specify the time and place at which the bids will be received and the time when the same will be opened, and such call shall be advertised once a week for the successive weeks before the time fixed for the filing of bids in a newspaper of general circulation in the city. The competitive bid requirements of this section shall not apply in any case where such a city shall grant a long-term negotiated lease of any such facility to a private operator on the condition that the tenant-operator shall construct a substantial portion of the facility or the improvements thereto, which construction and/or improvements shall become the property of the city on expiration of the lease. If no bid is received for the operation of such an off-street parking facility, or if none of the bids received are satisfactory, the legislative body of the city may reject all bids, in the latter case, and in both situations shall readvertise the facility for lease. In the event that no bids or no satisfactory bids shall have been received following the second advertising the city may negotiate with a private operator for the operation of the facility without competitive bidding. In the event the city shall be unable to negotiate for satisfactory private operation within a reasonable time, the city may operate the facility ((for a period not to exceed three years at which time it shall readvertise as provided above in this section)).

SEC. 2. Section 35.86.060, chapter 7, Laws of 1965 and RCW 35.86.060 are each amended to read as follows:

The lease referred to in RCW 35.86.040 shall specify a schedule of *minimum and maximum* parking fees which the operator may change. This *minimum and maximum* parking fee schedule may be modified from time to time by agreement of the city and the operator.

Sec. 3. Section 9, chapter 204, Laws of 1969 ex. sess. and RCW 35.86A.090 are each amended to read as follows:

The city may:

(1) Transfer control of off-street parking facilities under other departments to the parking commission under such conditions as deemed appropriate;

(2) Issue revenue bonds pursuant to chapter 35.41 RCW, and RCW 35.24.305, and 35.81.100 as now or hereafter amended, and such other statutes as may authorize such bonds for parking facilities authorized herein;

(3) Issue general obligation bonds pursuant to chapters 39.44, 39.52 RCW, and RCW 35.81.115 as now or hereafter amended, and such other statutes and applicable provisions of the state constitution that may authorize such bonds for parking facilities authorized herein;

(4) Appropriate funds for the parking commission; ((and))

(5) *Specify a schedule of minimum and maximum parking fees which the operator of any off-street parking facility may charge; and*

(6) Enact such ordinances as may be necessary to carry out the provisions of this chapter, notwithstanding any charter provisions to the contrary.

Sec. 4. Section 7, chapter 204, Laws of 1969 ex. sess. and RCW 35.86A.070 are each amended to read as follows:

The Parking Commission is authorized and empowered, in the name of the municipality by resolutions to:

(1) Own and acquire property and property rights by purchase, gift, device, or lease for the construction, maintenance, or operation of off-street parking facilities, or for effectuating the purpose of this chapter; and accept grants-in-aid, including compliance with conditions attached thereto;

(2) Construct, maintain, and operate parking facilities, and undertake research, and prepare plans incidental thereto subject to applicable statutes and charter provisions for municipal purchases, expenditures, and improvements: *Provided,* That the provisions of chapter 35.86 RCW as now or hereafter amended shall not apply to such construction, operation or maintenance;

(3) Establish and collect parking fees, make exception for handicapped persons, lease space for commercial, store, advertising or automobile accessory purposes, and regulate prices and service charges, for use of and within the aerial space over parking facilities under its control;

(4) Subject to applicable city civil service provisions, provide for the appointment, removal and control of officers and employees, and prescribe their duties and compensation, and to control all equipment and property under the commission's jurisdiction;

(5) Contract with private persons and organizations for the management and/or operation of parking facilities under its control, and services related thereto, including leasing of such facilities or portions thereof;

(6) Cause construction of parking facilities as a condition of an operating agreement or lease, derived through competitive bidding, or in the manner authorized by chapter 35.42 RCW;

(7) Execute and accept instruments, including deeds, necessary or convenient for the carrying on of its business; acquire rights to develop parking facilities under the jurisdiction of other city departments or divisions and of other public bodies;

(8) Determine the need for and recommend to the city council:

(a) The establishment of local improvement districts to pay the cost of parking facilities or any part thereof;

(b) The issuance of bonds or other financing by the city for construction of parking facilities;

(c) The acquisition of property and property rights by condemnation from the public, or in street areas;

(9) Transfer its control of property to the city and liquidate its affairs, so long as such transfer does not contravene any covenant or agreement made with the holders of bonds or other creditors; and

(10) ((Require payment of the excise tax hereinafter provided the city shall not have any power to regulate parking facilities not owned by the city.)) *Insure that* parking fees for parking facilities under the control of the parking commission ((shall be)) *are* maintained commensurate with and neither higher nor lower than prevailing rates for parking charged by commercial operators in the general area.

Sec. 5. Section 12, chapter 204, Laws of 1969 ex. sess. and RCW 35.86A.120 are each amended to read as follows:

((No)) *If a* city ((shall operate)) *leases* off-street parking facilities ((but)) *it* shall call for sealed bids from responsible, experienced private operators of such facilitities for the operation thereof. The call for bids shall specify the terms and conditions under which the facility will be leased for private operation. The call for bids shall specify the time and place at which the bids will be received and the time when the same will be opened, and such call shall be advertised once a week for two successive weeks before the time fixed for the filing of bids in a newspaper of general circulation in the city. The competitive bid requirements of this section shall not apply in any case where such a city shall grant a long-term negotiated lease of any such facility to a private operator on the condition that the tenant-operator shall construct a substantial portion of the facility or the improvements thereto, which construction and/or improvements shall become the property of the city on expiration of the lease. If no bid is received for the operation of such an off-street parking facility, or if the bids received are not satisfactory, the legislative body of the city may reject such bids and shall readvertise the facility for lease. In the event that no bids or no satisfactory bids shall have been received following the second advertising, the city may negotiate with a private operator for the operation of the facility without competitive bidding. In the event the city shall be unable to negotiate for satisfactory private operation within a reasonable time, the city may operate the facility ((for a period not to exceed three years, at which time it shall advertise as provided above in this section)).

New section. Sec. 6. Section 11, chapter 204, Laws of 1969 ex. sess. and RCW 35.86A.110 are each repealed.

Mr. MUSKIE. Mr. President, I urge that the Senate once again accept this amendment.

I withhold the remainder of my time.

Mr. CHURCH. Mr. President, will the Senator yield?

Mr. MUSKIE. Mr. President, I reserve my time to answer the questions of the Senator from Idaho.

Mr. CHURCH. Mr. President, I listened with great interest to the address of the distinguished Senator from Maine. I have sympathy for the needs of the large cities when it comes to solving their worsening transportation problems. We must all recognize that many large cities simply cannot solve their problem by building more highways. They must turn to rail-transit systems if people are to be moved efficiently, without bigger traffic jams and even more air pollution.

My State, however, is a rural State. We have no large cities. We need highways.

Representing Idaho, I would like to support the Senator's amendment, but first I need an answer to the determinative question, where my State is concerned. If this amendment is agreed to, would the amendment diminish, in any degree, the amount of money that Idaho would get for building highways, below the amount authorized in the bill, as reported by the committee?

Mr. MUSKIE. Not in any way.

Mr. CHURCH. Do I understand that Idaho would not lose a single cent for highway construction, if the Senator's amendment is adopted?

Mr. MUSKIE. The Senator is absolutely correct. May I say that my State is in the same situation as his except I do not think we have cities as large as even the State of Idaho, so there is no likelihood that the State of Maine will turn to rail transit under the provisions of this bill. As my people understand it, just as they do not want their transportation policy dictated by people of urban America, neither do they want to dictate to the people of urban America how their highway transportation funds shall be used.

Mr. CHURCH. The principle behind the Senator's amendment, then, is the salutory principle that people at the local level should be entitled to decide for themselves how to best solve their own transportation problems?

Mr. MUSKIE. The Senator has cited it with precision.

Mr. President, I ask unanimous consent to have printed in the RECORD a longer statement covering the point raised by the distinguished Senator from Idaho, as well as a fact sheet relating to the amendment.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

AMENDMENT

The Amendment I propose will in no way result in any decrease in highway funds allocated to rural areas or any increase to highway funds allocated to urban areas. My amendment in no way effects any of the allocation formulas under the bill. All my Amendment does is add the option of rail systems to the options for which urban funds and urban funds alone may be used.

If my Amendment is alleged to threaten a decrease in rural funds, then the Committee bill has the same fault, for the Committee bill creates the allocation formulas under which these funds will be distributed. But that is not the case. The Committee bill ably drafted under the leadership of Subcommittee Chairman, Mr. Bentsen and full Committee Chairman, Mr. Randolph will not result in any loss of funds to rural areas because of the assistance it provides for urban areas. And because the Committee bill does not result in that decrease of funds to rural areas, my Amendment cannot.

Is the Highway Trust Fund Really Sacred?

In 1971, the last year for which information is available, revenue came to the trust fund from eight tax sources. Six of these eight taxes were on the books prior to 1956 contributing money to the general treasury and financing all varieties of federal activities. During the 25 years preceding 1957, when the Trust Fund began functioning, more than 30 billion in 1971 dollars were generated by these taxes for the general treasury. Only two *new* taxes—the trend rubber tax enacted in 1956 and the parts and accessories tax enacted in 1966—have contributed solely to the Trust Fund since their inception.

In 1971, those six pre-existing tax sources accounted for 98% of the total tax revenues committed to the Trust Fund ($5.426 billion, out of $5.541 billion). The two new taxes accounted for merely 2% of the total ($115 million out of $5.541 billion). (*Note*: the remaining $184 million contributed to the Trust Fund came from interests on investments.)

To pretend that the very legitimacy or viability of these pre-existing taxes depends on their expenditure for concrete and asphalt is more an ex post rationalization than a meaningful guide to what we decide in 1973.

Neither the Trust Fund nor the federal highway program is financed only from highway-related tax revenues. Governmental units at the city, county, state and federal levels contributed $4.2 billion from general revenue sources for highway purposes in FY 1972. A large share of these outlays were for the maintenance of federally-funded highways. Many of these revenues came from non-highway users such as the aged, the poor, and others, who rely primarily on mass transit.

Non-highway users help to build and maintain highways, and they contribute to the Trust Fund. Much of the $4.2 billion from general revenue sources which is used for highway maintenance comes from the aged, the poor, and others who rely mainly on mass transit. And general taxpayers, whether or not they are Federal highway users, absorb still another substantial indirect highway cost as a result of erosion of the tax base due to highway preemption of taxable land. There are now almost 4 million miles of road in the United States which consume about 35,000 square miles (an area equal to the size of Connecticut, Massachusetts, New Hampshire, Vermont, and Rhode Island combined).

Mass transit riders have contributed more than $100 million to the Highway Trust Fund since 1957. This amounts to 10% of the *entire* Federal contribution for mass transit prior to FY 1973.

Even some highway users don't get a fair return from the Trust Fund—especially if they live in the cities. Urban areas account for more than half of all Federal gas tax revenues, yet less than 10% of Federal-aid mileage is found in urban areas. Also, all highway users, whether or not they travel on federally funded roads, pay a flat 4 cents per gallon gas tax that goes to the Highway Trust Fund.

Mr. CHURCH. I thank the Senator very much.

Mr. MUSKIE. Mr. President, I reserve the remainder of my time.

Mr. BAKER. Mr. President, will the Senator yield to me for 5 minutes?

Mr. MUSKIE. I yield 5 minutes to the Senator from Tennessee.

Mr. BAKER. Mr. President, I thank the distinguished Senator from Maine for yielding. I am honored to join him in cosponsorship of this amendment. I support the amendment. I believe it logically completes what we set out to accomplish in S. 502; that is, to allow urban areas the freedom they need to plan effectively for transportation. And it achieves this without diverting resources from rural areas where the needs, although different, are as great as in our cities.

Existing law permits highway funds to be used for exclusive bus lanes, bus shelters, and fringe parking areas for mass transit users. S. 502 goes further to allow purchase of buses and, where feasible, use of highway rights-of-way for rail transit lines. Some would ask, "Isn't this far enough?" That question misses the point of our amendment, which, as I see it, is to remove artificial barriers to rational transportation planning. Our proposal is simply to permit an urban area to use its Federal urban system funds for the combination of transportation projects—highway and nonhighway—best suited to the needs of that area.

I am convinced that the majority of urban areas will continue to spend most, if not all, of their highway funds on roads and highway-related projects. For most cities, these projects will continue to produce the greatest return on the transportation dollar. The important difference between S. 502 and the amendment before us is that under the amendment, urban areas which expend funds on roads will do so because roads are the best answer to their problems and not because the only funds available must be used to construct highways.

I could not support an amendment to improve urban transportation at the expense of transportation in rural areas. This amendment would not do that. The only funds it makes available for rail transportation are funds already earmarked for expenditure in urban areas—$850 million annually or roughly 15 percent of all highway construction funds. These moneys could not be spent for rural roads in any case.

Travel within urban areas accounts for more than half the Nation's vehicle miles and half the gasoline revenues in the highway trust fund. In this context it does not seem unreasonable to allow flexibility in the use of less than 15 percent of highway trust fund revenues, while preserving the remainder for the important tasks of completing our great Interstate System and building or upgrading needed highways throughout the country.

We cannot escape the fact that past Federal transportation financing has been weighted in favor of highway construction. There was historical justification for this policy and few would dispute the tremendous impact of the Federal-State highway partnership in developing this Nation. Circumstances have changed, however. The vehicles for which highways are built in certain areas create air pollution, draw on limited energy resources, and discourage public transportation on which the old, the poor, and the handicapped must depend. Particularly in our urban areas, highways are no longer the single answer to transportation needs.

It makes sense to me to permit that investment of funds which will return maximum benefits. I believe that in many areas these benefits will be seen not only as cleaner air or more amenable surroundings, but also in the economic form of thriving public transit systems.

Because the trust fund concept is that of a user fund, and because I believe it possible that 1 day public transportation will be a profitable enterprise, I will propose, if the pending amendment is adopted, that the Secretary of Transportation conduct a study and report to Congress within a year on means by which those mass transit systems which benefit from highway trust funds can contribute to the trust fund. I believe such a contribution, whether from a tax on energy consumption or from some other source, is important in maintaining the integrity of the trust fund as a user fund.

Finally, I wish to say that the proponents of this amendment do not intend that the highway trust fund be the major source of funds for massive investments in urban mass transit. It is imperative that adequate funding of the Urban Mass Transportation Administration be continued if we hope to make substantial improvement in urban transportation.

The significance of the amendment lies less in the amount of urban system highway funds finally expended on rail projects than on the provision's recognition of the need to encourage truly comprehensive transportation planning and rational consideration of a range of alternatives to the use of private automobiles in congested urban areas.

Mr. STAFFORD. Mr. President, will the Senator yield for a question?

Mr. BAKER. If I have any time remaining. I will be pleased to yield to the distinguished ranking member of the Transportation Subcommittee.

Mr. STAFFORD. If the Senator's amendment were adopted, would it have any effect on the funds available to the smaller States, like Vermont, New Hampshire, or Maine?

Mr. BAKER. It would not. The query of the Senator is a central and key issue. No rural area, or no small State will be deprived of one single penny from the Highway Trust Fund.

Mr. STAFFORD. I thank the Senator for that information.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. BENTSEN. Mr. President, I yield myself 12 minutes.

The issues posed by the amendment offered by the Senators from Maine and Tennessee have been very thoroughly debated both this year and last year. Therefore, I do not intend to take very long in my discussion of them.

Let me begin by saying that this bill S. 502, gives significant attention to the needs of the cities and to mass transit.

S. 502 provides for an increase of over 800 percent in urban system funds—from the present $100 million to $850 million. That increase was a recognition by this committee that the transportation problems of our urbanized areas have become increasingly severe in recent years, and that the Federal Government has a responsibility to meet them.

Mr. RANDOLPH. Mr. President, will the Senator yield?

Mr. BENTSEN. I yield.

Mr. RANDOLPH. I hesitate to interrupt the continuity of the argument, but I think it should be said, and I hope my colleague from Maine would not feel it inappropriate, that there were $650 million proposed for urban highways in the bill as it came from the subcommittee to the full committee. It was raised to $850 by an amendment offered by the Senator who now speaks, indicating, as the bill came from the committee, a realization on my part of the problems of the urban areas.

Mr. BENTSEN. I thank the distinguished chairman.

Anyone who has visited the major urban centers in my own State of Texas knows that these cities are now experiencing traffic problems as severe as those in any other part of the Nation. We know that we require a large infusion of Federal funds to help cities all over the Nation, and in this bill we have provided a dramatic increase in funding for that purpose.

One provision of S. 502 provides for a pass-through of urban system funds directly to cities of over 400,000 when the Secretary determines that these cities have the ability to administer Federal funds. We provided a pass-through because we believed that incorporated municipalities of that size were in a better position to judge their local needs. And we recognized that many urban areas have considered some State highway departments insensitive to their local needs. So we gave the cities that added responsibility and power.

Another section of S. 502, section 131, provides that funds from the highway trust fund can be used in urban areas for the construction of exclusive bus lanes, exclusive or preferential truck and emergency vehicle routes or lanes, traffic control devices, passenger loading areas and facilities, and for the purchase of passenger equipment other than fixed rail.

In short, then, urban areas can use funds under this bill for the purchase of buses and other forms of nonrail mass transit, as well as a number of highway-related purposes which can be of significant use in easing traffic congestion and reducing pollution.

I want to stress, Mr. President, that these are mass transit provisions. Too often, I believe, we think of mass transit only in terms of rail transit, but buses are also mass transit and they can provide the kinds of immediate response to the problem that rail transit systems may take years to accomplish.

In S. 502 we have also been careful to provide that buses acquired with Federal funds under this act must meet the special criteria for low-emission vehicles set forth in the Clean Air Act. We did not want to allow for the purchase of new buses not meeting these standards which would only compound the problems of pollution in our cities.

I mention these facts, Mr. President, because I believe many have received the erroneous impression that S. 502 does not address itself to the problems of the cities or the need for mass transit. In fact, it does address itself to those needs in very forceful terms.

The question then arises, why not provide for the purchase of equipment for rail mass transit as long as we have gone so far as to provide for the purchase of buses?

Let me say that I have deep concern for adequate funding for all forms of mass transit, including rail. That is why earlier this afternoon I accepted an amendment to this bill which would provide over $3 billion in contract authority for mass transit systems of all kinds—and some $800 million in operating subsidies for the same purposes. The operating subsidies are particularly significant, for they can aid the many transit systems throughout the country who find themselves in financial distress. I support that provision even though the administration opposes it.

Let me also say that I am much more interested in providing adequate funds for all forms of mass transit than I am in preserving a political issue.

One of the witnesses testifying before our subcommittee began his testimony by referring to the present debate as a debate on the question of—and I quote—"Roads Versus Mass Transit."

But I do not see it that way at all. To me the issue is not a choice between the "pro highway" advocates on the one hand and the "pro mass transit" advocates on the other. The issues at stake are far more serious and complicated than that.

If you are pro mass transit, as I am, it does not necessarily follow that you are anti highway or that you believe that the Highway Trust Fund is necessarily the proper vehicle for directing funds into mass transit.

The argument I make today is not a philosophical argument; it is a practical argument.

For example, in my own State of Texas, the Houston subway is estimated to cost some $1.4 billion; if the Muskie-Baker amendment passes, the entire State of Texas would receive only $47 million, which could be used for both urban highways and mass transit in all urban areas of the State. In San Francisco, the estimated cost of the BART system is $1.45 billion; if the Muskie-Baker amendment passes, the entire State of California would receive only $98 million for both highways and mass transit in urban areas. In Atlanta, the subway estimates for the Atlanta subway ran as high as $1.3 billion; if the Muskie-Baker amendment passes, the entire State of Georgia would receive only $14 million for urban areas, some of which would not go to Atlanta.

And here in the District of Columbia, we have a metro system which is estimated to cost $2.9 billion; if Muskie-Baker passes, the District of Columbia would receive only $5 million from that source.

Is this realistic funding for mass transit? I think not.

I ask unanimous consent to include in the RECORD at this point the distribution of urban system funds in the Muskie-Baker amendment.

There being no objection, the tabulation was ordered to be printed in the RECORD, as follows:

Distribution of $850 Million Based on Population, Municipalities and Other Urban Places of 5,000 or More Adjusted To Provide One-half Percent Minimum Share

[*In thousands of dollars*]

State:	*Amount*
Alabama	10,372
Alaska	4,144
Arizona	7,498
Arkansas	4,689
California	98,205
Colorado	9,246
Connecticut	12,642
Delaware	4,144
Florida	28,592
Georgia	14,018
Hawaii	4,144
Idaho	4,144
Illinois	49,377
Indiana	17,660
Iowa	8,066
Kansas	7,409
Kentucky	8,630
Louisiana	12,471
Maine	4,144
Maryland	16,397
Massachusetts	25,894
Michigan	34,959
Minnesota	13,155
Mississippi	4,831
Missouri	17,204
Montana	4,144
Nebraska	4,740
Nevada	4,144
New Jersey	34,771
New York	84,460
North Carolina	11,529
North Dakota	4,144
Ohio	43,137
Oklahoma	8,906
Oregon	7,196
Pennsylvania	44,509
Rhode Island	4,516
South Carolina	6,079
South Dakota	4,144
Tennessee	11,985
Texas	47,077
Utah	4,493
Vermont	4,144
Virginia	15,732
Washington	13,052
West Virginia	4,144
Wisconsin	15,210
Wyoming	4,144
District of Columbia	4,188
Puerto Rico	7,918
Total	$828,835

Administration $17,000, one-half-percent planning $4,165; total $850 million.

Mr. BENTSEN. Mr. President, with needs that vast, it is obvious to me that a move now to open the Highway Trust Fund to rail mass transit could be interpreted as little more than a symbolic gesture, which would tend to offer only token support to both highways and mass transit. In other words, we could very well harm the highway program without offering more than very minimal support for mass transit.

Mr. President, mass transit requires

more than gestures. Opening the Highway Trust Fund may be an attractive political issue, but it may also be a relatively poor source of funding for rail mass transit.

And I am ready to study any alternative which would provide realistic funding for these purposes. As I said before, I recognize the needs in my own State and throughout the country. As a member of the Finance Committee, I will have this issue before me for consideration, and I pledge my efforts to a solution.

I trust that my friends, the Senator from Maine (Mr. MUSKIE) and the Senator from Tennessee (Mr. BAKER) know of my interest in this matter. And I believe they also know that I am sympathetic to the general goals they seek.

At this time, however, I believe that the Highway Trust Fund is neither an adequate or realistic vehicle to achieve their objectives.

In that spirit, I must oppose the amendment.

The PRESIDING OFFICER (Mr. CLARK). Who yields time?

Mr. MUSKIE. Mr. President, I yield 2 minutes to the Senator from Connecticut.

The PRESIDING OFFICER. The Senator from Connecticut is recognized for 2 minutes.

Mr. WEICKER. Mr. President, I point out to my good friend, the Senator from Maine, that my sympathy does not lie on the other side.

I ask the Senator from Maine a question which touches upon the comments made by the distinguished Senator from Texas. Is there any directive in the language of his amendment and the amendment of the distinguished Senator from Tennessee that directs that any portion of the money be used for mass transit?

Mr. MUSKIE. Not at all.

Mr. WEICKER. Then I would comment that it is not a question of highway versus mass transit. The issue framed by the amendment of the Senator from Maine and the amendment of the Senator from Tennessee is highway versus a balance in our transportation policies. That is the issue. There is no issue on this side of the argument with respect to mass transit.

The issue is whether the Federal Government will back up only the building of a highway and say that that is the way we can solve the question and that is the only answer that they can support.

I thoroughly support the efforts of the distinguished Senator from Maine and the distinguished Senator from Tennessee. I commend them for their amendment. I support it wholeheartedly. I think they will win and, in doing that, I think they will set a new direction for transportation policies of this country.

Then the only persons that I feel sorry for are those in the House of Representatives who will have to be subjected to the last-ditch effort of those who feel that the answer to the problem is more highways. And, to that extent, they will be pressured by the lobbys.

Mr. BENTSEN. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator from Texas has 20 minutes remaining.

Mr. BENTSEN. Mr. President, I yield 5 minutes to the distinguished Senator from Idaho.

The PRESIDING OFFICER. The Senator from Idaho is recognized.

Mr. McCLURE. Mr. President, I rise in opposition to the proposed amendment before us.

Urban public transportation is not being ignored by Federal funding. The bill before us provides that urban areas may use as much as $850 million, annually, from the highway trust fund for the purchasing of buses. In addition, projected funding for the Urban Mass Transportation Administration in fiscal year 1974 is $1 billion, of which capital facilities grants comprise $872 million. These cannot be considered starvation levels of funding.

But, what levels of funding will be required to build and operate the transit systems which are being considered by this proposed amendment? I believe that we should carefully examine existing plans, and use them as guideposts to what proposals may be forthcoming in the future. The rail transit system now under construction in the District of Columbia, for instance, will cost about $3 billion and will have 98 miles of line. This huge capital expenditure will provide for the movement of about 5 percent of the transportation load in the metropolitan area. Also, recent statements by the Washington Metropolitan Area Transit Authority, concerning their takeover of the area's bus lines, leaves little doubt as to who they expect to subsidize any future annual losses—losses which will probably reach $12 million by 1977 for bus operations alone. The WMATA is unquestionably looking to general tax revenues, including Federal. Washington is not, of course, an exception. The Chicago Transit Authority is predicting a $42 million deficit for 1973.

Furthermore, the ultimate goal of many is expressed in Senate bill 885, which would provide financial assistance for the demonstration of fare-free mass transportation. "Fare free" means, of course, tax supported.

Even mass transit proponents admit that the highway trust fund could not meet the needs of both the highway program and urban transit systems. Mr. Robert M. Coultas, executive vice president of the Institute for Rapid Transit, expresses it well by saying:

> We believe that the highway system should be built and completed, and we believe that there has to be much more Federal support of urban transit systems. Now there is not enough money in the Highway Trust Fund for both.

What this amendment proposes, therefore, is to begin a job which the highway trust fund cannot complete. The fund can provide neither the initial capital nor ultimately, the operating subsidies which would be required. The end result of this approach would be to deprive us of a safe, efficient road system, to meet our future needs, while simultaneously failing to meet the mass transit needs of the urban areas.

It is obvious to me that a new approach is needed. The Idaho Senate and House of Representatives has recommended the establishment of a separate public transportation trust fund, an approach which I endorse. The basic beneficiaries of future transit systems should pay the costs of building and operating those systems.

Mr. President, I ask unanimous consent that the text of the Joint Memorial No. 103 of the State of Idaho Senate be printed in the RECORD at the conclusion of my remarks. It provides, I believe, a balanced and reasonable discussion of the problem before us, together with recommendations for balanced and equitable approaches to the solutions which we are seeking.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. McCLURE. Mr. President, I might add that this measure passed by a voice vote in the State senate, and passed in the house of representatives by a vote of 61 to 6. I think the expression is very positive.

In conclusion, I would like to comment on the individual views expressed in the report on this legislation, particularly the reference to the Athenians, and a certain happy flexibility of nature, which supposedly gave them lucidity of thought, freedom from prejudice and stiffness, openness of mind, and amiability of manners. I hope that the supporters of these views are not implying that anyone opposed to the amendment before us does not think lucidly, or is not free from prejudice, or does not have an open mind, or, last but not least, has bad manners. Even ignoring the historical facts surrounding the fall of Athens, it can still be argued that there is a difference between "a certain happy flexibility" and disregarding previous commitments. I believe that flexibility can be carried to the point where sound Government programs can be jeopardized by changing the basic understandings and principles upon which they are based.

I believe that we should complete the highway system which we have begun, and that we should begin finding the means to construct and operate urban public transportation systems. The highway trust fund cannot do both jobs. I urge defeat of this amendment, so that we can begin directing our attention and energies to the new solutions required for meeting all of our transportation needs.

EXHIBIT 1

IN THE SENATE—SENATE JOINT MEMORIAL NO. 103, BY TRANSPORTATION COMMITTEE

A joint memorial to the Honorable Senate and House of Representatives of the United States in Congress assembled, the Honorable Congressional Delegation of the State of Idaho, and the Secretary of Transportation of the United States

We, your Memorialists, the Senate and House of Representatives of the State of Idaho assembled in the First Regular Session of the Forty-second Idaho Legislature, do respectfully represent that:

Whereas, establishment of the Highway Trust Fund in the Treasury of the United States has provided a sound basis for financing the federal-aid highway program since 1956; and

Whereas, funds authorized to be appropriated from the Highway Trust Fund have placed heavy emphasis on the interstate highway system in recognition of the extreme importance for early completion of that system; and

Whereas, while such emphasis on the interstate highway system has been entirely appropriate, it has contributed to the accumulation of a tremendous backlog of needs on other federal-aid highway systems; and

Whereas, it is essential that these accumulating needs be financed at an early date in order to provide a balanced transportation system at all levels of government; and

Whereas, use of any revenues accruing to the Federal Highway Trust Fund for purposes other than those for which it was established would produce an even greater backlog of needs on the federal-aid highway systems; and

Whereas, the need for public transportation facilities in many of the metropolitan areas of our nation is of increasing importance to the social, economic and environmental development of these areas; and

Whereas, the use of funding from the Federal Highway Trust Fund or the Airport and Airways Trust Fund for public transportation purposes would markedly dilute transportation accomplishments for all modes of travel.

Now, therefore be it resolved by the First Regular Session of the Forty-second Idaho Legislature, the Senate and House of Representatives concurring, that we most respectfully urge the Congress of the United States to retain the Federal Highway Trust Fund now established in the Treasury of the United States to finance the highway programs for which it was established and that there be established a separate Public Transportation Trust Fund through general fund financing for the support of public transportation facilities in metropolitan areas.

Be it further resolved that the Federal Highway Trust Fund should continue to be supported by revenues at a level not less than at present with all financing provided thereby being made available for improvements to streets and highways and directly related transportation facilities.

Be it further resolved that any increase in Federal Highway Trust Fund revenues be used to advance needed improvements to the primary, secondary and urban systems; and that following completion of the interstate system the full resources of the Federal Highway Trust Fund be devoted to those same systems.

Be it further resolved that the federal administration release for immediate highway construction all impounded balances in the Federal Highway Trust Fund and continue to make such funds available to the states as required by law and in accordance with future authorizations and appropriations made by the Congress.

Be it further resolved that the Congress move with extreme dispatch to enact new federal-aid highway legislation which will authorize apportionments to the states for the interstate, primary, secondary and urban system programs for fiscal years 1974 and 1975 as a minimum. Authorizations for fiscal years 1976 and 1977 as well, would materially aid transportation planning efforts and reduce program costs.

Be it further resolved that the Secretary of the Senate be, and he is hereby authorized and directed to forward copies of this Memorial to the President and the Vice President of the United States, to the Speaker of the House of Representatives of Congress, to the Senators and Representatives representing this state in the Congress of the United States, and to the Secretary of Transportation of the United States.

The PRESIDING OFFICER (Mr. CLARK). Who yields time?

Mr. BENTSEN. Mr. President, I yield 5 minutes to the distinguished Senator from New Mexico (Mr. DOMENICI), a member of the committee.

Mr. DOMENICI. Mr. President, there is no one who disagrees that there is a desperate need for the development and construction of effective systems of public transportation for urban areas. Many of the other pressing problems of urban living are aggravated by the lack of such systems.

There is no one who disagrees that these systems should be an integral and important part of a rational transportation policy for this Nation. I know of no one who disagrees that it is a legtimate function of the Federal Government to be involved, deeply involved, in the efforts to achieve transportation systems which meet the needs of all our people, whether urban or rural, whether commuter or crosscountry traveler. But, I agree with the Public Works Committee report which states that—

> Costs of rail systems are so high that the highway trust fund would not be able to bear any sustantial share without seriously impairing its ability to meet the highway needs of the Nation.

There are those who reply to this obvious fact that, "to do something, even something marginally effective, would be better than to do nothing." To that argument I have these two responses:

First, we are not, by this bill, guilty of doing nothing to address urban mass transit problems. By this bill we are providing State and local officials with added flexibility to solve urban transportation problems by authorizing an eightfold increase in existing funding levels for urban systems and would permit the purchase of buses as well as the building of special highways and construction of special facilities for bus use. These changes were made because the committee felt that buses can be made available quickly to utilize existing urban highways, whereas rail transit, in addition to being costly, has a long development time. Even critics of this bill admit that this bill is the most progressive of recent highway acts. As such, it does not represent a do-nothing approach.

Second, it is my firm conviction that to allocate funds which are insufficent to have a substantial beneficial impact from the highway trust fund simply because it is a convenient source, will have the unintended and undesirable effect of delaying the development of a comprehensive resolution to the dilemma of urban transportation, including sufficient financial resources to do the job properly.

I submit that human nature being what it is, there will be a tendency to expect these initial modest diversions from the highway trust fund to accomplish more than is possible; that the highway trust fund and other unrelated, disjointed programs intended for interim relief will come to be seen as sufficient as an interim source of funds; that final resolution of the urban transportation problems will lose some of the urgency which its magnitude and complexity deserves and demands. All of us know from our own experience that temporary measures or emergency programs all too often become permanent, with their built-in and often unforeseen liabilities as effective final solutions.

For these reasons, I feel that any action to increase the use of highway trust funds beyond that provided in S. 502 would be a disservice to that segment of our population which so desperately needs more than a stopgap, interim solution, which even in combination with other programs, falls far short of the mark of providing a comprehensive solution, and in fact may actually delay the attainment of such a solution.

I make these further brief comments about my position:

First, I compliment the Senator from Maine and the Senator from Tennessee, because in their presentations both here and before the committee, they have not taken the position that those of us who oppose their measure are in any way motivated other than with good motives and intentions for the people of our States and our country. I compliment them for that.

Also, the Senator mentions that the mayors of this country and the National League of Cities support the amendment, and I was once among them. I regret that on this issue I cannot support them.

My reason is a very simple one. First of all, it seems obvious to me that the need for mass transit in this country is an enormous problem, and the need for the roadways that already exist and the ones that we must complete also constitutes an enormous problem.

For instance, just today in the Subcommittee on Public Works we heard testimony that we could use $1.5 billion merely to support an adequate safety program for the roadway system that now exists. That is not based upon increased traffic, but merely the traffic that is there now.

So my position is that by passing this measure I think we would be fooling the American people into thinking we have found some solution, in the meager funds available, for mass transit's huge dilemma.

I would rather support a program which would more adequately take care of the problem of mass transit and place the burden of paying for it upon those who are most, in fairplay and justice, responsible for the problem. It seems to me that to say this will add flexibility is to deny the basic needs of the roadway system, which can be solved only with additional funds from the highway user trust fund.

I am aware of the fact that we are beginning to use the trust fund for mass transit, and I support the program to this point, but I do not think we ought to be fooled into thinking that mass transit will indeed find any serious solution to its problems in the proposed amendment. Rather, it seems to me that the funds available could better be used to expand certain programs that already exist, that we know will work, and that have shown some evidence of success.

I close by saying there is no evidence that the $150 million or so which would be used by the major urban centers would have any impact upon the enormous problem, the enormous dilemma that mass transit would attempt to solve. I would also say to those who are so certain that the automobile and the roadways of America are bad that maybe we should discuss the good things they have brought to us all. I do not know, if we did not have the automobile and the roadways of America, but that the people of America would be living in skyscrapers and cubicles, never to see the out-of-doors because they could not get around. I do not think it is fair to attack the automobile and the highways of America because this country has not seen fit to take care of another and completely different problem, the problem of the central city and the need for a transit system.

The PRESIDING OFFICER. Who yields time?

Mr. MUSKIE. Mr. President, I yield 3 minutes to the Senator from New York.

Mr. BUCKLEY. Mr. President, I rise in support of the amendment now under consideration. I worked hard on it in committee, both this year and last, and I believe it injects into our thinking on the problems of transportation, the problems of moving people and goods into and out of our most concentrated areas, that element of flexibility which will have as its inevitable effect better planning.

We have heard official after official, over the years, complain of the compartmentalized thinking which has resulted too often from certain programs. With the highway program, there is the temptation offered by the Federal contribution, which causes transportation administrators at the State or local level to think only in terms of the specific purposes outlined in Federal regulations and in Federal laws.

We have reached a point of diminishing returns as we try to conceive of our transportation needs as a whole, and I believe that what is contained in the Muskie-Baker amendment will serve, if nothing else, to psychologically liberate our planners, to liberate their thinking so that they can see the pool of resources available and determine in the most intelligent manner possible how best to deploy those funds towards the completion of a system which has as its objective not rail, not highway, not one form of transportation nor the other, but the most effective way of allowing individuals to move where they need to move and allowing goods to be shipped where they need to be shipped.

I recognize the argument that to begin to cope with our remaining highway problems and needs, to begin to cope with our very real mass public transportation needs, will require sums of money far in excess of those that are the subject of this amendment. But again I revert back to the need for changing the thinking with which we approach these basic problems. I believe this amendment goes a long way toward that end, and toward educating the public, and I hope Congress, of our need to move across the line, toward a goal which will stop thinking in terms of one mode of transportation or another, but move toward comprehensive thinking about transportation not only for cities but rural areas as well.

Finally, Mr. President, I would like to touch on one aspect of the so-called sanctity of the trust fund.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. BUCKLEY. May I have 3 more minutes?

Mr. MUSKIE. Mr. President, I yield the Senator 2 additional minutes.

Mr. BUCKLEY. Mr. President, in this area I would like to point first of all to the fact that 50 percent of the contributions into that fund come from people living in urban areas, and that polls testing the sentiments of those motorists can only lead to the conclusion that they favor the kind of flexibility which we speak of, and that they recognize their own convenience as motorists is best served by relieving the congestion that too often frustrates them.

I believe also that the change that would be enacted by this legislation would put all motorists on notice that the next 10 cents they pitch into the fund will be available for that broader and better purpose. I do not believe that we should allow a fixation on this narrow issue of "sanctity" of the fund to preclude us from advancing in the direction which this country so vitally needs. I urge support of the amendment.

The PRESIDING OFFICER. Who yields time?

Mr. MUSKIE. Mr. President, I yield 2 minutes to the distinguished Senator from Illinois.

Mr. PERCY. Mr. President, I am pleased to support the Muskie-Baker amendment, which gives local and State officials the option to spend their portion of the $850-million-a-year urban system allotment for rail transit.

As has been pointed out already, the committee bill moves us one step closer to a more flexible transportation policy by permitting States to use their highway trust fund urban allotment for the purchase of buses as well as the construction of preferential bus lanes and ancillary parking facilities.

Unfortunately, however, the committee bill forbids cities like Chicago from using their allotment for rapid rail improvement.

The city of Chicago now has a public transportation system with both rail and bus elements. The rapid rail routes complement and supplement service provided by buses. Both elements are in serious disrepair, and yet the committee bill would prevent Chicago from improving its rail service.

I believe that urban areas must be given the flexibility provided by the Muskie-Baker amendment to invest in rapid rail transit.

The amendment is permissive rather than mandatory, in that it merely gives States an option to choose rapid rail transit over highways. Those States that want to continue spending every dime of their highway trust fund allotment for highways can do so.

Seventeen cities already have or are planning rail transit systems. These would all suffer from the prohibition the committee bill places on using trust fund moneys for rail. Other cities will undoubtedly want to consider developing rapid rail systems as the deadline approaches for meeting national clean air standards set by Congress.

ENVIRONMENT AND EFFICIENCY

Looking at transportation in terms of our environment and efficiency, I believe we absolutely must consider the development and improvement of rapid rail as a supplement to buses and automobiles.

The amount of land already eaten up by highways staggers the imagination, and yet the committee bill, by restricting the urban system funds to bus transportation, retains the current incentive to build even more highways. Thus it aggravates the land-use problem.

More than 60 percent of the land area in many major American cities is devoted to the movement and storage of autos and buses.

In the years between 1967 and 1970, highways caused the destruction of 147,000 residences, 17,000 businesses, and 5,000 farms. More homes, businesses, and farms have been destroyed since, and all this land was removed as a source of property tax revenues for States and cities.

EFFICIENCY

If we care about transportation efficiency, we must consider rapid rail.

Rail transit, in addition to giving off no pollutants, can move up to 50,000 people an hour compared to 4,000 per hour for the auto.

One bus can move at least as many people as six expressway lanes carrying only cars beside it. A double-tracked rail transit line can carry as many commuters as 20 lanes of freeway at existing average rates of passengers per vehicle.

NATURAL RESOURCES

If we care about conserving our increasingly limited natural resources, we must consider rapid rail.

It is estimated that, at the current rate, transportation fuel demands could deplete the entire proven Alaska oil reserves in 7 years. U.S. passenger cars alone burn 40 million barrels of oil a day, or about 30 percent of the Nation's total daily use.

Yet this winter public schools and other institutions in the East and the Midwest had to close their doors for lack of heating fuels.

The manufacture and operation of automobiles accounts for more than a fifth of all the energy consumed in the United States. But cars effectively use only 5 percent of the potential energy they burn. The rest is wasted.

The private auto consumes twice as much gasoline per passenger mile as the inner city bus. It eats up more than four times as much as a commuter bus. And it uses seven times the fuel of a commuter rail system.

Brownouts and blackouts are no longer isolated incidents, but recurring phenomena.

AIR QUALITY

If we care about the quality of our air, we must consider rapid rail.

The Environmental Protection Agency has warned 67 cities that they must restrict auto traffic to meet national clean air standards by 1975. Meeting those standards will require major shifts in travel habits in many parts of the country. And the problem is so bad in some areas that merely using buses will not solve it. We may have to alter our life styles drastically. Los Angeles recently learned that it may have to ration gasoline to comply with air quality standards.

SAFETY

If we care about our own personal safety and the growing number of auto-related deaths, we must look to rapid rail.

Trains are 1½ times safer than buses, 2½ times safer than planes, and 23 times safer than the auto.

EVERYONE, EVEN THE ROAD USER, BENEFITS FROM RAPID RAIL

The beneficiaries of mass transit—and by mass transit I mean both buses and rapid rail—include everyone, not least of all the road users themselves.

If we were to divert unnecessary auto traffic to more efficient mass transit, then those who truly must depend on highways—many people in rural areas and truckers—would have their mobility improved. The fewer the cars on the road, the faster we could move.

No one but a masochist enjoys sitting for hours in stop-and-go traffic—whether in a car or bus—on a freeway built for long-distance travel at high speeds. Yet because good, efficient, and inexpensive rapid transit is nearly nonexistent, freeways and expressways are increasingly used by commuters for short-distance travel. When commuters use these highways to get to and from work, they become intolerably congested. And no one moves anywhere very quickly.

Mr. President, it is essential that we give our States flexibility in meeting their transportation needs. The Muskie-Baker amendment provides that flexibility. I reiterate my full and unqualified support for this important initiative.

I ask unanimous consent that an article I wrote for the Chicago Sun-Times "Viewpoint" section that appeared on Sunday, March 11, 1973, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

ROAD-FUND TARGET FOR A TRANSIT TRANSFUSION

(By Senator CHARLES H. PERCY)

Chicago today faces the unhappy prospect of losing a public transportation system it desperately needs, and of possibly gaining a superfluous superhighway.

The reason for this paradox is simple: Our national transportation policy provides strong incentives to governors and mayors to build highways, while creating serious barriers to their efforts to upgrade public transportation.

In effect, what the federal government says to the states and cities is this:

"We will put up $90 for every $10 you raise for highways, but only $66 for every $33 that you raise for mass transit. Furthermore, if you will not use your state's highway allotment for roads, then you will lose it, it does not matter whether your needs might be better served by mass transit—either buses or rapid rail: 'Building more roads anyway.'"

This favoritism toward highways manifests itself in odd ways:

It takes two hours in heavy rush-hour traffic to drive the few miles from downtown Chicago to O'Hare Airport, but only an hour-and-a-half to fly 750 miles from Chicago to Washington.

Horsedrawn traffic in central New York City moved faster in 1900 than auto traffic does today.

On an expressway in San Bernardino, Calif., designed for 60-m.p.h. speeds, morning rush-hour traffic creeps along at an average speed of 17 m.p.h.

Meanwhile, cities across the nation are losing their public transportation systems. In the last 20 years 260 transit companies have folded. Public transportation is on its last legs in Chicago.

Much of the Chicago Transit Authority's equipment is falling apart and the quality of its service is suffering badly. Worse, the CTA recently threatened to raise its already high 45-cent fare to 50 cents, and to cut back on service if the state fails to provide immediate financial aid. Without this aid, the CTA cannot pay its employes, buy supplies or meet other day-to-day operating expenses.

What would the loss of public transportation in Chicago mean? In the words of Clair Roddewig, the CTA's acting chairman:

". . . at least 300,000 additional autos would enter downtown Chicago each weekday, and 166,000 would require parking spaces. To accommodate this deluge, there would have to be 148 additional lanes of expressways over and above the 48 which now only reach the edge of downtown. To park the cars would require four decks of parking over the entire Loop area."

To understand why such absurd situations exist, we should examine the history of today's national transportation policy.

It began in 1956, when our population was largelv rural. Dwight D. Eisenhower was President and Richard J. Daley was serving the first year of his first term as mayor of Chicago. Petroleum and oil supplies seemed unlimited, as did our wide open spaces. There were 63 million fewer motor vehicles on the roads than there are today, and few of us worried about pollution and smog.

Americans wanted a network of highways linking the nation's cities from coast to coast, border to border. So Congress authorized an Interstate Highway System, with a Highway Trust Fund to finance it.

It was decided that the fairest revenue-raising method would be a "highway user tax"; People who used the roads should pay for them; and conversely, those who did not should pay nothing. In keeping with this theory, Congress imposed a 4-cent-a-gallon gasoline tax, plus certain other motor-related taxes.

Under the 1956 law, highways are funded on a 90–10 basis: For every $10 raised by the states, the federal government contributes $90.

Over the years road "users" have put $53 billion into the fund, which today is enormously affluent: Its cash balance is $4.7 billion.

Compared with the Highway Trust Fund, the machinery designed in provide funding for mass transit resembles an anemic stepbrother.

Meaningful federal aid to mass transit did not begin until three years ago, when Congress enacted the Urban Mass Transportation Act. The law authorizes federal aid to mass transit systems for capital improvements. Projects are funded to a ⅔–⅓ basis: For every $33 raised by the states, the federal government contributes $66.

Unlike highways, whose financing comes from a sacrosanct trust fund that can be used only for highways, mass transit gets its money from general revenues. This means it must enter the annual appropriations competition, and vie with other programs—health, education, welfare, defense—for limited federal dollars.

During its lifetime, the urban mass transit program has received only about $2 billion in federal support. Annual trust fund expenditures for highways average $4 billion. In a real sense, therefore, our policy has been: welfare for road builders and private autos; free enterprise for mass transit, and the public bedamned.

Though the policy remains basically what it was in 1956, times have changed radically.

We now know our energy reserves are limited. Public schools in the Midwest recently closed temporarily for lack of heating fuels. And, a few weeks ago, the nation's environmental protection administrator proposed that Los Angeles ration its gasoline to cut down on air pollution.

The open spaces of the '50s are now mostly memories. Over 70 per cent of our population now lives in urban areas, and the amount of land used for rights-of-way for all roads in the United States has grown to approximately 35,000 square miles—equal to the combined areas of Connecticut, Massachusetts, New Hampshire, Vermont, Rhode Island and Delaware.

Our transportation needs differ greatly from what they were in 1956, and our policy for 1973 should reflect today's needs, not those of 17 years ago.

It is irrational to perpetuate a system whose method of financing implies that the needs of all states are the same, or even that the needs of different areas of the same state are identical. What is good for Alaska may not be for New York. And what is needed in Gridley, Ill., may not only be unneeded in Chicago, but prohibitively expensive as well.

The huge disparity between the costs of rural and urban highways makes the need for a flexible transportation policy even more compelling.

The average cost per mile of a rural highway is slightly less than $1.1 million; of an urban highway, nearly $5.2 million. The 42,500-mile Interstate System is now 80 per cent complete, with 1,547 miles more to be built in urban areas and 6,533 in rural areas.

The urban portion, which accounts for one-sixth of the uncompleted mileage, will cost about $1 billion more than the rural segment.

It is clear, then, that even if one were to ignore such factors as the air breathed by the average city dweller and the psychological well being of the average commuter, it is a very poor investment of tax funds to run endless ribbons of concrete through urban areas.

In Illinois, the situation is greatly exaggerated by the exorbitant cost of the proposed Crosstown Expressway. Based on the most conservative estimates, it would cost more than $48 million for each of the 19.9 miles that it would run through Chicago, more than nine times the national average for urban areas.

Downstate Illinois, like most rural areas, badly needs more highways to spur its economic development and bring its people closer to limited available services. And yet, when trust fund money is poured into uneconomic ventures such as the Crosstown Expressway, less remains for areas such as Downstate. Simple mathematics tells us that for each $48 million spent on one mile of the Crosstown, a road more than 40 miles long could be built in a rural area.

The projected total cost of the Crosstown is more than $965 million. Were half of that money allocated to mass transit in Chicago and the other half designated for highways downstate, the moribund CTA could be revived and rural Illinois' network of highways vastly improved.

Today's transportation policy overlooks completely the interests of those who cannot or do not wish to drive—adolescents, the elderly, the handicapped—as well as the millions of average citizens who drive not out of choice, but only for lack of a decent alternatives. It further ignores the real needs of cities, which generate over half the Highway Trust Fund's revenues.

Proponents of an inviolate trust fund say it would be unfair to use money paid by road users for any purpose other than road building, as if filling one's gas tank were a vote for more highways.

Yet, in spite of the fact all federal gas tax revenues go into the trust fund, not all roads are financed through it. In addition to the annual $4 billion federal outlay for highways, $10 billion in state highway user taxes and about $5 billion more in general revenues are spent for highways every year.

And nonhighway users also pay an indirect toll, as reflected in the elimination by highways of 147,000 homes, 17,000 businesses and 5,000 farms between 1967 and 1970, not to mention those razed since 1970.

Whatever the intent of the 1956 Federal Highway Act, it is not contributing as well as it could to our mobility and that, after all, is what transportation is all about.

Lest the CTA and public transportation generally go the way of the dinosaur and highways become a juggernaut, we must make a fundamental change in our policy.

Within the next week, the Senate will debate a bill extending the Highway Trust Fund to 1980.

A major issue when this legislation reaches the Senate floor will be whether trust fund money should be used for mass transit—both buses and rapid rail—as well as highways.

Several amendments will be proposed which would tap the fund for amounts varying between $800 million and $2.75 billion a year for mass transit.

None of the amendments would compel the states to use funds for mass transit; they would merely permit them to do so.

Nor would any of the Interstate System money be touched. States could, if they chose, continue to use their entire allotment exclusively for roads.

But states whose needs might be better served by spending a portion of their non-Interstate allotment for mass transit could do so.

If the Senate were to agree to one of these amendments, the battle would be only half won. The House of Representatives, which in the past has strongly resisted more flexible use of the trust fund, would also have to agree. If the House were to abandon its long-standing opposition to this concept, however, prospects for final enactment would be good, given the Nixon administration's support for a flexible trust fund.

The people, as represented by their mayors and governors, must be given a fair choice as to how they meet their transportation needs.

We have seen enough of bulldozers razing homes and paving over parklands to make room for more roads which quickly become so congested that no one can move.

Neighborhoods threatened by the proposed Crosstown Expressway must be preserved, as must the CTA.

It is hard to overstate the mindless callousness of a system which permits a four-, six- or even eight-lane superhighway to rip through the heart of a city, tearing up entire neighborhoods and wiping out public parks and irreplaceable historical sites, all so that thousands of additional cars can crawl along at the grand speed of 15 m.p.h., causing intolerable pollution and consuming more of our increasingly limited supply of gas and oil resources.

The system must be changed.

The PRESIDING OFFICER. Who yields time?

Mr. MUSKIE. Can the Chair indicate how much time I have left?

The PRESIDING OFFICER. The Senator has 4 minutes.

Mr. NUNN. Will the Senator yield for one question?

Mr. MUSKIE. I yield.

Mr. NUNN. This amendment, as I understand, does not in any way take any money from the Interstate Highway System?

Mr. MUSKIE. That is correct.

Mr. NUNN. This amendment in no way affects the rural areas, but affects only funds already allocated to urban areas?

Mr. MUSKIE. That is correct.

Mr. BENTSEN. Are there any other Senators who care to speak against the amendment?

Mr. JAVITS. Mr. President, I am with the Senator very strongly. I can buttress the testimony from our biggest city. I think it is a very fine and just solution. I testified in its favor. I hope very much the amendment carries.

I feel certain that Senators share a mutual goal for a more effective Federal-aid highway program, although perhaps achieved through different means.

The major issue to be confronted in this year's highway bill is whether S. 502 provides a sufficiently broad range of options necessary to solve the pressing problems of our urban transportation systems.

Urban transportation problems, highway and transit, are inextricably interrelated and must be viewed as such. Since the creation of the Highway Trust Fund in 1956, many localities and States have built highways because of available Federal funds and did not consider mass transit systems. This was true whether or not highways were the better solution to the locality's particular transportation problems. For the local officials of densely populated areas, this lack of investment choice led to more highway construction and with it the problems of congestion, social, economic, and environmental damage.

Presently this Congress has the opportunity to alter the restricted options available to our urban communities in the planning of their transportation priorities. This can be achieved by a limited opening of the Highway Trust Fund insofar as it deals with urban problems for other uses than highway oriented development. Under the Muskie-Baker amendment, which I have cosponsored, $850 million allocated to the urban systems would be made available at the option of State and local officials, for use on bus, rail, and highway systems. No rural road funds would be involved and, of course, not one single mass transit system would be mandated. Local and State officials would merely be granted greater flexibility in the use of funds already earmarked for urban "transportation" programs. This figure of $850 million represents a very reasonable sum when compared to the over $6 billion authorized in S. 502 in the same fiscal year. Of importance here is the concept of providing the option to use the money in a manner consistent with locally decided urban transportation needs and objectives.

Financing mass transit is an expensive proposition when confronted with the spiraling operating deficits and large capital outlay needed to maintain mass transit systems. This view was clearly expressed by witnesses testifying on S. 502 before the Senate Roads Subcommittee. There was definite accord toward the goal of securing long-term funding for mass transit though little agreement as to the methods of accomplishing that goal. One alternative proposed consisted of increased taxes in support of a separate Mass Transit Trust Fund. The interrelationship between mass transit and highways I believe prohibits separate revenue bases for each mode if our urban areas are to transport people and goods with maximum efficiency. I know of no single proposition more contrary to the administration view at this time than new taxes, which would be required to support a separate Mass Transit Trust Fund.

Because there is no single solution to urban transportation problems throughout the country, a viable policy would be the consolidation, not the proliferation of existing Federal programs. Efforts must be taken in making the revenues currently allocated to urban transportation programs go much further. This can be initiated by granting State and local officials greater flexibility in the use of their shares of the Highway Trust Fund. For this reason I strongly support the Muskie-Baker amendment before the Senate today.

I ask unanimous consent that my testimony on this bill before the committee be placed in the RECORD.

There being no objection, the testimony was ordered to be printed in the RECORD, as follows:

TESTIMONY OF SENATOR JACOB K. JAVITS

Thank you, Mr. Chairman, for allowing me the opportunity to testify before the Subcommittee on a matter of timely importance to the American people, the Federal-Aid Highway Act of 1973, S. 502. I know this Subcommittee, under your leadership, will work hard at reporting to the Committee on Public Works, a comprehensive bill that will respond to the present and future challenges this Nation faces in meeting its transportation needs.

Mr. Chairman, your action in calling these hearings at this time underlines the magnitude of the situation which faces the 93rd Congress. Traditionally, highway legislation is considered in even numbered years. However, we are well aware the Senate and House were unable to reach agreement on critical elements of the 1972 Federal-Aid Highway Bill last October. These elements principally pertained to allocating monies from the urban systems funds of the Highway Trust Fund for rail transit operations and providing operating subsidies and capital grants for mass transit systems as provided by the Urban Mass Transportation Act of 1964 and amendments thereto. Both of these programs I strongly endorsed and will continue to support in this session of Congress. In fact, at the time of the conference of the 1972 highway bill, I sent a letter to the distinguished Chairman of the Senate conferees, Mr. Randolph, urging that they uphold the Senate's position of increased assistance to mass transit contained within S. 3939. This letter was signed by 11 other Senators. I was pleased to see my colleagues hold steadfast to that position.

However, today we find the issues of last year's highway bill again in the midst of Senate hearings and Congressional debate before the existing highway expenditure authorizations expire on June 30th of this year. I believe, Mr. Chairman, that the Senate will show the way to find the solutions to the interrelated problems experienced in our ground transportation systems.

Accordingly, I would like to discuss these critical issues of the 1973 Federal-Aid Highway Bill. In order fully to consider this year's bill, it is necessary to examine the different ground transportation resources available to the traveling public.

HIGHWAYS

This country possesses the most modern system of highways of any nation, a fact I believe America should be proud of. Since 1957, the Highway Trust Fund, established by the Highway Revenue Act of 1956, has provided the Federal portion of the major highway programs including the interstate system, Federal aid to primary and secondary systems and their urban extensions, Urban Area Traffic Operations and Improvement Programs, urban systems, and highway planning and research. In the period, 1957 to 1970, the Federal Government in building and maintaining this modern network has spent $47 billion or about 71% on the Nation's total expenditures for domestic Transportation. Most of this amount ($31 billion) has been spent on the Interstate Highway Program. The present total mileage of roads and highways in this United States is 700,000 miles.

Certainly the highway program has been significant in the enormous growth of our economy and society. However, as in most economic programs, there is a point of diminishing returns whereby the continued pursuit of a particular idea will eventually obscure and void the benefits of the program. I believe we have reached that point in the Federal Highway Program. By Congress' continued support of the Highway Trust Fund in its present form, new, wider and longer roads are constructed which become obsolete within a short period of time. The unavoidable by-products—congestion, pollution, and death—are the unfortunate results of the relentless laying of concrete and asphalt across the country.

Statistics provided in the Department of Transportation's 1972 National Transportation Report reveal that of the total 58,794 transportation fatalities in 1970, 90% or 53,360 were highway fatalities. Highway deaths have increased since then to number 57,000 last year. Apart from the cost and suffering in the loss of human lives, there is additional cost to the economy through highway accidents. It is estimated that the cost of highway accidents amounts to $18.5 billion in 1970, 84.1% of the total dollars spent on transportation accidents.

As for the cause and effect relationship between motor vehicles and air pollution, there can be no dispute. The Environmental Protection Agency recently reported that 28 cities in 18 states will be unable by 1977 to meet Federal air quality standards primarily because of their reliance on private automobiles. Additionally, there are 39 cities, including New York City and Buffalo, whose air quality is a threat to health because of one or more pollutants from auto exhausts. The realities of these statements call for immediate re-evaluation of gasoline-powered motor vehicles and a possible reduction of their use within large metropolitan areas. The pollutants from motor vehicles—carbon monoxide, hydrocarbons and nitrous oxide—not only threaten the public's health, but also deteriorate land values and vegetation. To begin to answer these problems, I am pleased to note two bills recently introduced by Senator Muskie and now before the Public Works Committee, S. 738 and S. 739, which I have co-sponsored. S. 738 would establish and support State inspection programs for auto emission control systems, and S. 739 would allow use of highway funds for any transportation improvement necessary to avoid air pollution dangerous to public health.

America's dependence on the automobile also bears upon the growing energy crisis in this country. Last week, oil industry officials in hearings before the Cost of Living Council, told of the definite possibility that there will be a severe shortage of gasoline in the summer months when the demand is greatest. Not only will localities have to ration gasoline to curtail automobile pollution, as has been proposed in Los Angeles, but possibly also because of the scarcity of petroleum resources. Motor vehicles account for 40% of all petroleum currently consumed in the the United States with 55% of that share consumed by private automobiles.

Finally, it is shocking to find that of the $176 billion spent on total domestic transportation in the United States, 82.5% or $150 billion is spent on highway related transportation.

MASS TRANSIT

As we fast approach what has been labeled, the "post-Interstate era", new thought must be given to the operation of the highway trust fund. No longer can we assume that a highway is the cure for our growing population's transportation need. Since 1956, with the establishment of the highway trust fund, major improvements have come about in its design and operation. Over this 16 year period, the highway trust fund has spent more than $53 billion toward the improvement of our highways, through the use of revenue from highway user taxes. The operating statement from the trust fund for fiscal 1971 shows receipts of $5.7 billion and expenditures of $4.6 billion with a balance of $3.6 billion. When you consider this vast carryover available for expenditures and fiscal 1973's Federal Transportation budget, allocating 62.9% on highways as opposed to 3.4% on mass transit and intercity rail, the current distortion of Federal assistance to transportation is abundantly clear.

The picture presented by this country's mass transit system is terrible. They are plagued by continued rising fares, increasing deficits and declining ridership. It is only through planned and assured financial support from government that mass transit systems can change their present position to one of financially sound and viable transportation operations. This financial assistance must come from the Federal government and from State and local governments to the extent they are able to do so.

The Senate Committee on Banking, Housing and Urban Affairs stated in its report on the 1972 Federal-Aid Highway Bill, that in the decade from 1961–1971, the number of municipalities which were forced to initiate programs of operating assistance to transit systems because of large deficits increased by nearly 400%. Further these deficits are nationwide with 35 cities facing the task of initiating local subsidies for transit operations.

In the tri-state metropolitan region of New York City, encompassing 19 million people in the states of New York, New Jersey and Connecticut, the deficit problem is overwhelming. In a recent report submitted by the Tri-State Governors' Special Commission on Financing Mass Transportation, mass transit operating deficits for the region in the period, 1972 to 1985, were estimated to be $13.6 billion. This means an average of $1 billion annually will be required for operations alone. In the same period, the region will need at least $7.3 billion to finance capital outlay for an average of $560 million in annual outlay.

For localities and States to meet the operational requirments of mass transit systems, new solutions are urgently needed.

I believe some of the answers to the present state of affairs of mass transit can be found in the Emergency Commuter Relief Act, S. 386, which I have co-sponsored and which provides new money for capital grants and for operating subsidies. However, this bill addresses itself to the immediate remedies needed for mass transit and only indirectly seeks to correct the fundamental imbalances in our transportation system. Last year the Senate took the first crucial step towards recognizing past inadequate transportation funding practices by passage of the Cooper-Muskie amendment to the 1972 Federal-Aid Highway Act. The Senate approval of the Cooper-Muskie amendment demonstrated that Congress is capable of objectively appraising the transportation problems that challenge our Nation today and to start us on the way to a balanced transportation system.

RECOMMENDATIONS

In order to provide this Nation with the means adequately to address itself to future transportation needs in total, greater flexibility must be granted to States and localities in determining Federal highway and transportation programs. While S. 502, the bill before this committee, provides that overall responsibility for coordinating transportation within the State is given to State transportation agencies and allows increased latitude to metropolitan authorities for the planning of transportation systems, it does not provide for the development of alternate transportation systems, perhaps better suited to the particular needs of the locality, other than highway-oriented modes. I am a firm believer in the proposition that we can improve our highway system, maintenance and safety by diverting travellers off the congestion plagued freeways of our urban regions to efficient mass transit systems. The automobile commuter in the densely populated areas receives only marginal return of his highway tax dollar, where bigger highways have always meant more motor vehicles.

To halt this self-perpetuating growth of air pollution, highway carnage and traffic congestion, I have co-sponsored Senator Muskie's amendment to S. 502 and the Kennedy-Weiker Bill, S. 679, both of which allow urbanized areas to use highway funds for transportation projects which will best serve the needs of those areas. This approach allows our cities maximum flexibility to meet transportation requirements, including use of rail transit.

I would like to point out that these bills mandate responsive transportation systems with a range of choices by state and local governments and not the end of the Federal highway program. Equity must be afforded to all modes of transportation if they are to perform their proper function in our growing urban areas.

Senator Muskie's amendment would allocate in each of the fiscal years, 1974 and 1975, $1 billion of the urban highway sysstems fund to urban areas for construction of alternate modes of transportation, to include bus purchase, fringe parking lot construction, *and* rail transit. Under this proposal the separate funds for interstate, intercity and rural road programs would retain their integrity and would not be available for mass transit development. The figure of $1 billion represents a very reasonable sum when compared to the authorizations of over $10 billion for highways in each of the same 2 years as contained in S. 502.

I disagree with those who argue for the sanctity of the Highway Trust Fund against any funding other than highway oriented programs for the reason that the fund is made up exclusively of highway user tax receipts. For example, indirect costs attributable to highway use such as law enforcement and safety programs are funded by sources outside the Highway Trust Fund. Additionally, over the years there have been many types of Federal excise taxes with revenues going to the general treasury. A special trust fund for a limited purpose is the exception rather than the rule in our tax system.

The implementation of a comprehensive plan to fund multiple modes of transportation must be undertaken now through highway user taxes. I know there is discussion about the idea of a separate trust fund for

mass transit, but I do not think this is a practical alternative. At this time, it is most important to draw on the highway user taxes for mass transit and computer purposes. This would be a long overdue beginning for balanced Federal transportation assistance. Thus I will continue to support measures that provide more efficient use of transportation tax dollars along with the development of better, safer, and more balanced transportation programs.

CONCLUSION

In reviewing S. 502, I have noticed improvements over the 1972 Federal-Aid Highway Act. Some of these are: providing for the adjustment and the relocation of interstate routes in controversial urban areas on a dollar-for-dollar basis; the elimination of the provision for the two year moratorium on the removal of bill boards giving specific information to the traveling public; and the demonstration program to explore ways in which public transportation can be provided at reasonable costs in rural areas.

Mr. Chairman, we read and hear much in the press about the alienation the people of this country feel towards the government's lack of response to their needs. There are few pieces of legislation before Congress today which afford greater opportunity for both house of Congress to meet this challenge than the Federal-Aid Highway Act of 1973, S. 502. As responsible legislators we must answer this Nation's vital need for a balanced transportation system capable of responding to a dynamic and changing society. It is essential that the Congress reverse the imbalance in transportation financing, define new priorities and provide new sources of revenue for financing mass transportation service. By making available monies from the Highway Trust Fund for urban mass transit to state and local authorities, we will have accomplished an historic step towards better transportation, a cleaner environment and a more efficient use of our energy resources. Only in this way can we start to relieve the transportation crisis that now exists and threatens to strangle the country.

Mr. MUSKIE. I thank the Senator from New York.

Mr. President, I will use just a couple of minutes to sum up.

First of all, I make the point again that the purpose of the Muskie-Baker amendment is to give the citizens of rural America the option of using rail transit to solve their transportation problems. It does not change in any way the impact of this highway bill on States which do not choose to use rail transit or on communities which do not choose to use them.

I make a second point: that the revenues now flowing into the highway trust fund prior to 1956 flowed into the General Treasury. They constitute 98 percent of the revenues now accruing to the trust fund.

Congress decided to divert those funds from the General Treasury into the highway trust fund for the specific purpose of building the Interstate Highway System.

It is now time to consider whether to make those funds available in part to serve another national transportation need, having to do with the need for mass transportation in our cities.

It has been argued by the distinguished Senator from Texas (Mr. Bentsen) and other Senators that one reason we ought not to adopt this amendment is that it does not ask for enough money. It is said that the amounts involved in the Muskie-Baker amendment would not make a dent on the mass transit problems.

I make two points in response. First, the highway trust fund when this bill is enacted will have undertaken to finance $87 billion of highway construction in this country since 1956.

Resources of this magnitude surely, if applied to our needs in the next 21 years, are sufficient to build us a balanced transportation system. I am not proposing that at this point we divert these funds entirely to mass transit. We are not ready for it.

What I am saying is that we ought to make a beginning with those revenues which originated in the general Treasury, to begin to deal with the problems of our cities in the transportation field.

Really, the argument of the distinguished Senator from Texas and other Senators ought to be for the Kennedy amendment. If those Senators think I ask for too little, then they should have supported the Kennedy amendment this year or, even better, the Kennedy amendment of last year.

The Muskie amendment is a first step, a beginning step, not a total step in giving the people of our cities a choice as to the transportation system that makes the most sense to them, the people that delivered it. As such, I urge the Senate to adopt it.

The PRESIDING OFFICER. All time of the Senator from Maine has expired.

Mr. BENTSEN. I yield 6 minutes to the distinguished chairman of the Public Works Committee.

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

Mr. RANDOLPH. Mr. President, the question asked by the able Senator from Georgia (Mr. Nunn), I think, should be answered in this way. It is not a matter of diverting funds. It is a matter of whether we have the funds to meet highway needs in the Atlanta area or any other area of this country.

This is the important consideration to which the committee addressed itself in the bill as reported to the Senate.

I give as an illustration something that in which he and other Senators, perhaps, may be interested. I use the example of the city of New York, which will receive $50 million under the apportionment of urban highway funds. Representatives of that city, testifying before our committee, said that for the fiscal years of 1974, 1975, and 1976, they needed major highway construction in New York City amounting to almost $350 million. This would be needed for urban highway construction.

Mr. President, I ask unanimous consent to include at the appropriate place in my remarks copies of three letters that I have addressed to Senators in reference to the provisions of this bill.

There being no objection, the letters were ordered to be printed in the Record, as follows:

Committee on Public Works,
Washington, D.C., March 12, 1973.

Dear Senator: The Senate will consider on Thursday, March 15, the Federal-Aid Highway Act of 1973 (S. 502). As you know, one of the most controversial aspects in the development of this bill was the proposed authority for highway trust funds to be used for rail mass transit construction. The Committee on Public Works rejected such a proposal, but amendments to this effect will be offered. The bill, as reported, broadens the use of urban highway funds to include the purchase of buses, as well as construction of bus lanes, parking facilities, shelters, and other associated activities.

I believe that the Senate should endorse the position of the Committee and reject amendments to permit the use of Highway funds for rail transit. Rail transit systems are needed in only a limited number of communities which have the size and population concentrations to make them a viable response to public transportation needs. The vast majority relies on buses for their public transportation. Rail systems are extremely expensive and the formulas under which highway funds are apportioned would provide relatively insignificant amounts for rail construction in those communities which choose to use their urban funds for this purpose. It is important too, to remember that the highway trust fund expires on October 1, 1977, and that prior to that time the Congress must decide whether it will be extended. Commitments from the Trust Fund to long-term rail construction projects could conceivably not be fulfilled.

The bill authorizes annual expenditures of $850 million for the urban system. When apportioned nationally, individual communities could achieve the greatest immediate impact on their public transportation systems by using these funds to improve the equipment and operations of their bus systems. While I believe that it would be unwise to use the resources of the Highway Trust Fund for rail transit construction, this position in no way diminishes my belief that a strong and well-financed rail transit program should be carried out by the Federal government to assist those cities where rail transit is the proper answer to their urban transportation needs.

I hope you will study these points when S. 502 is considered.

Truly,

Jennings Randolph,
Chairman.

Committee on Public Works,
Washington, D.C., March 13, 1973.

Dear Senator: During the hearings and Committee Executive Sessions on the Federal-Aid Highway Act of 1973 (S. 502), considerable attention was given to urban air pollution that results from motor vehicle usage. Environmental Protection Administrator, William D. Ruckelshaus, testified that 26 urban regions will be required to institute transportation controls by 1977 in order to reduce air pollution. Since the highway program clearly influences the use of motor vehicles, and therefore the levels of air pollution, it was obvious to the Committee that the highway program should be an instrument in alleviating conditions of pollution. This relationship was one factor that led the Committee to endorse the use of highway funds for the purchase of buses for urban public transportation systems.

If traffic is to be restricted to reduce pollution, it is essential that alternative forms of transportation be provided. The expansion and modernization of bus transit systems is the most expeditious and effective way to meet this need. Rail transit systems require many years to design and construct and could not possibly be in service in time to alleviate the hardships imposed by transportation controls. Furthermore, the use of highway funds for rail transit construction would diminish their availability to improve the bus systems on which the vast majority of American communities will continue to rely for their public transportation.

I hope you will consider these points when the Senate considers S. 502.

Truly,

Jennings Randolph,
Chairman.

COMMITTEE ON PUBLIC WORKS,
Washington, D.C., March 14, 1973.

DEAR SENATOR: I have written you outlining some of the major issues related to the use of Highway Trust Funds for public transportation. This is an extremely important question relating to the future of the highway program and one that should have the thoughtful and fully informed consideration of every Member.

In an earlier letter I reviewed the need to reduce air pollution levels in urban areas and how the provisions of S. 502 as reported might be effectively implemented to facilitate this reduction.

Those who advocate the use of highway funds for rail transit construction stress that flexibility is needed in the highway program. I believe however that the greatest amount of flexibility is afforded by the provisions of Section 131 of S. 502 which will permit the optional use of urban highway funds for either roadbuilding or improvement of highway-related public transportation, including the purchase of buses. It is important to remember that every American community already possesses the basic framework of a public transportation system in its streets and roads. There has been a heavy public investment in these facilities and Section 131 is the logical next step in encouraging the maximum and most efficient utilization of our streets and roads for the movement of people.

The number of urban areas where rail mass transit is feasible is limited. The estimates are that these areas contain only twenty-five percent of our country's urban population. Their needs, in this regard, are relatively limited measured against national transportation needs and, therefore, should be met through a program especially designed for this purpose.

Amendments will be offered in the Senate to authorize the use of highway funds for rail transit construction. Similar proposals were rejected by the Committee on Public Works. In this regard, there is a very practical consideration for Senators. If such amendments were to be adopted, the stage would be set for another long and acrimonious conference with the House of Representatives. Such a conference would threaten many of the desirable and non-controversial features of S. 502. It also would pose the very real threat of a complete halt in all highway activities. A protracted conference could extend beyond June 30, the expiration date of existing highway authorization.

The issues raised in the bill are not those of highways versus mass transit, as the sole answer to urban transportation needs. I believe the provisions of S. 502 provide the proper balance to effectively respond to these needs, and I solicit your support for the provisions of the bill as reported.

Truly,
JENNINGS RANDOLPH,
Chairman.

Mr. RANDOLPH. Mr. President, I have said repeatedly that I would favor an urban mass transit fund. I said it again in the subcommittee and in the full committee.

I ask the Senator from Louisiana (Mr. LONG), the chairman of the Finance Committee, how he would feel about a trust fund for an urban mass transit program.

Mr. LONG. Mr. President, the Senate saw fit to agree to the proposal suggested by the committee that there should be a fund for an authorization for funds for urban transit, and if the Senate showed a disposition to have certain revenues earmarked for that purpose, I personally would be happy to vote for such a proposal.

I would be glad to support it, particularly if we could understand that those who are interested in this item are helping those who are interested in highways to get a highway bill and that they expect us in return to cooperate with them to have an urban transit program.

As the Senator knows, we can, of course, earmark the gasoline tax, which is paid for by highway users; but there is nothing sacred about any particular source of revenue. We could earmark any one of many sources of revenue for any particular purpose.

We could levy additional taxes or earmark existing taxes for that purpose, and it would not upset me at all to vote for such a proposal.

As the Senator knows, we will have a bill of that sort before us when we vote to continue the tax on gasoline. At that point it would be appropriate either to levy a new tax or to earmark an existing tax.

Frankly, I think it would be well to consult with the administration, if they think it is important enough to do this, and to use the highway trust fund to do it. I should think that the administration ought to be willing to cooperate with us in earmarking revenues for that particular purpose.

Mr. RANDOLPH. Mr. President, I appreciate that response to my inquiry.

How much time have I remaining?

The PRESIDING OFFICER. The Senator has 1 minute.

Mr. RANDOLPH. Earlier today, the Senate by an overwhelming vote committed itself to an additional $3 billion over the next 3 years for urban mass transit. At the same time, it also determined by a vote of 70 to 23, that the equities of the Kennedy-Weicker proposal were not proved.

The PRESIDING OFFICER (Mr. CLARK). The time of the Senator has expired.

Mr. RANDOLPH. Mr. President, the Senate is being asked to act on an amendment which will broaden the use of highway trust funds to include purposes unrelated to the highway program. I do not oppose this proposal because of any belief on my part that the transportation objectives it seeks are improper. To the contrary, I have always supported the creation and extension of programs designed to meet our urban mass transit needs—but not at the expense of the highway program.

My argument with the proposed amendment of Senators MUSKIE and BAKER—and my opposition to it—is based on the fact that it will not accomplish their objective, if their objective is to improve our ability to respond to demonstrated need. I do not pose these arguments as a matter of philosophy or concept. As a practical matter, what we are asked to approve will not result in a real response. The proposal is a charade. If it is not being offered as an effort to meet urban transit needs, but as a means to "bust the trust," it is without genuine purpose, for it is ill-timed and arises in the wrong context.

Mr. President, I remind my colleagues that the Federal-Aid Highway Act, which S. 502 would amend and supplement, has evolved over the years as a pragmatic response to our Nation's need for improved and safe highways. The distribution formulas by which the highway trust funds are apportioned among the States are for the purpose of solving highway problems where they exist. They will not put funds in any appreciable amounts in urban areas to meet nonhighway related mass transit needs. If this proposal is for the purpose of putting the camel's nose under the tent, I would say that we are talking about the wrong tent.

Let us discuss the question of need. In 1972, in response to the urging of the Congress, the Department of Transportation filed with us a report on the transportation needs of the United States between 1970 and 1990. As with any catalog of needs, the total figures are astronomical and, in some respects, beyond comprehension in terms of ability to meet them. For all highways, the needs estimate for the 20-year 1970–1990 period is approximately $600 billion. This amount is divided equally between rural and urban areas. For mass transit of all types, the report assesses a $62 billion cost—$40 billion of which would be for nonhighway related rail oriented mass transit in not more than 18 metropolitan areas.

How can we discuss in any real sense the use of a portion of urban highway funds for meeting this need? We would be talking of approximately $300 million a year for the next 3 years if all of the funds attributed to these major metropolitan areas representing approximately 25 percent of the Nation's population, were committed to this type of transit. This $300 million per year does not amount to a serious gesture. It is the offering of a false promise.

The urban highway program, funds from which the sponsors of the amendment would make available for nonhighway related mass transit, was first created in the Federal-Aid Highway Act of 1970. It was created—based on the assessment by the Congress, the administration, the States and the ciites involved—with the knowledge that over a long period we had done nothing to assist urban affairs in meeting a wide range of highway needs. We began the urban highway program in the 1970 Highway Act on a very small scale. We approached the highway legislation last year, and again in the legislation before us now, as the means for expanding and substantially increasing our commitment. At the same time that we originated this program, the Congress, in other legislation, took a substantial step forward in meeting urban transit needs through the Urban Mass Transportation Act of 1970. That program is fashioned to put money where the need exists in the matter of mass transit.

We are not involved in an "either or" discussion. We need both highway development and transit, and we need programs which are targeted and focused on meeting these different kinds of needs. The city of New York, which I mentioned earlier will receive approximately $50 million under the apportionment of urban highway funds.

Its mass transit needs, exclusive of $350 million in major highway construction needed in the same period, are only slightly less, approximately $315 million. New York City, to meet its transportation problems, will need every penny it receives under the urban highway program for making essential highway improvements, and it will need every penny it can get under the Urban Mass Transportation Act to meet its needs in that category. I am genuinely interested in assuring that the Congress will fund both a highway program and a mass transit now and I am prepared to work to that end.

I am also concerned that the proposals before us represent an indirect amendment of the Highway Revenue Act of 1956. That act restricts the use of highway trust fund revenues to the construction of highway as defined in title 23, United States Code. I believe that authority, broadly interpreted, allows us to use these funds for highway related public transportation.

The committee bill authorizes and encourages such uses because it will enable us to take advantage of the substantial investment in highway facilities that exist now. It will enable us to meet the very real problems of those areas with automobile related air pollution problems immediately so that we can effectively spend relatively small sums to achieve meaningful results.

Twenty-six air quality regions will require substantial transportation controls if they are to meet the requirements of the Clean Air Act of 1970 by mid-1977. It will not be possible for those cities where rapid rail systems do not now exist to begin and complete construction by that deadline. We will accomplish all that can be accomplished by providing substitute bus transportation. This, William Ruckelshaus, Administrator of the Environmental Protection Agency, confirmed before the committee in testimony.

I take strenuous issue with those who blame the highway for pollution. The problem of automobile pollution is the automobile and that problem is being worked on now under the Clean Air Act and will have to be addressed in the same time frame.

If we were to stop building highways today, automotive use would probably continue to rise as it has in the past. It is not the highways which pollute but the automobiles which use them. In many instances we find ourselves in the situation where we are carrying out a highway program designed to serve far fewer vehicles than actually use those highways.

The requirements of the Clean Air Act are directed toward problems of automotive pollution. These requirements, together with proper land use controls, will probably require substantial modification of our urban road and street systems. In far too many places automobiles are using residential streets as thoroughfares, intruding not only on the environmental health of neighborhoods, but destroying privacy and their quiet.

Some people have argued that we are letting the dead hand of the past control our ability to respond to the problems of the present. I remind my colleagues that the trust fund was created in 1956; it was reviewed by the Congress in 1961; it was extended by the Congress in 1970. The issue of the use of the fund has thus been before the Senate twice since the highway trust fund was established.

The issue of the use of these funds will once again be properly before the Congress and the Senate during the 94th Congress. The issue of extending the fund, modifying it, or letting it pass from existence will be squarely met then. I believe that fashioning an effective funding mechanism for mass transit will be the result of the deliberations in the next Congress.

It will be argued that all this amendment will do is place flexibility in the States and affected local governments. I believe that our recent experiences with revenue sharing, and the headquarters account procedures which have been used by the Federal Highway Administration in recent years, make the reality of flexibility questionable.

How do we meet the real road and street needs of urban areas and the real needs for improved roads in rural areas if, in the event of the adoption of this amendment, the program administrators decide that the only projects they will approve are those which place these funds in transit projects. I am more concerned with the ability of States and communities to meet problems through an adequately funded highway program and an adequately funded urban mass transit program than I am with providing meaningless "flexibility" that really is not flexibility in fact.

Mr. President, the bill before us provides a wide range of choices to States and local governments in meeting highway and highway-related problems. It is an effective step forward in the expansion of the ability of the Federal-aid highway program to assist States and local governments in meeting a multiplicity of important needs. Loading upon it at this time the responsibility for a tremendous additional investment will serve only to make it unable to respond to the needs for which it was designed.

By the action we took in approving the Williams amendment and will take in approving S. 502 as reported from the committee, we will have in fact provided the tools for an interim solution to the urban transportation needs. During the 94th Congress we will be able to consider the best long-term response to our total transportation problems.

Mr. STAFFORD. Mr. President, I support the amendment proposed by the Senator from Tennessee (Mr. BAKER) and the Senator from Maine (Mr. MUSKIE).

They have presented the case for the amendment eloquently, in great detail and with great accuracy, and there is no need for me to take up the time of this Chamber in going over that ground.

Let me say simply that I am satisfied that this proposal does not mandate the expenditure of a single dollar for any nonhighway purpose. Nor does it change any allocation of any of the money authorized in this bill as the Senator from Tennessee has said. It simply permits urban officials to make their own decisions on the best way to spend the Federal urban system funds that will come to them for transportation purposes.

The Senate approved this amendment last year, and I hope it will again today. Thank you.

Mr. BIBLE. Mr. President, I rise in opposition to this amendment.

I am strongly opposed to this and any other proposal that would permit inroads into the highway trust fund for mass transit and transit-related purposes or mandate the expenditure of highway dollars for transit-related purposes irrespective of local priorities.

I want to make it absolutely clear that I am not insensitive to the problems and needs of mass transportation in our urban areas. On the contrary, I recognize that urban transit systems—bus or rail—are no longer able to meet their capital investment requirements, in most places, from the farebox.

I favor, and have favored, the Congress acting in the public interest, making Federal funds available to help relieve this problem and enable the public to enjoy the convenience of modern public transportation which is so badly needed in our urban centers. My interest in and support for the Urban Mass Transportation Act, and the part I played in formulating the rail transit program for the National Capital area demonstrate my concern for mass transit. My position is that money for urban transit should not come from the highway trust fund.

The interstate construction program is already far behind its originally targeted completion date—1972—and many thousands of miles of our other highways require badly needed modernization.

In my judgment, it is highly unwise to authorize major diversions of highway trust funds for nonhighway purposes when the urgent job of completing the Interstate System and bringing our other roads up to modern standards is only partly done.

Despite numerous misleading reports, there is no huge surplus in the highway trust fund. There are periodic balances of receipts over expenditures, but there is no surplus.

The so-called Muskie-Baker amendment would allow urban areas to divert up to $850 million away from the trust fund for mass transit projects.

The so-called Kennedy-Weicker amendment would broaden the bill to allow more than $2 billion in highway funds to be used for mass transit.

The committee bill itself would permit very substantial diversions of trust fund dollars for the purchase of buses and bus transit facilities.

Mr. President, entirely aside from the fact that such proposals are contrary to the Congress original and continuing dedication of trust fund dollars to highway purposes, this would be robbing Peter to pay Paul.

I say again—there is no huge surplus in the trust fund. And what there is is vitally needed for the essential national highway program.

The rail rapid transit program for the National Capital region alone now bears a price tag in the realm of some $3 billion.

Transit development programs elsewhere will be similarly expensive.

I do not question the need for such improvements. I do question the capacity of the highway trust fund to bear the financial burden.

The task of the Congress is to honor

the original commitment of the trust fund to highway purposes. If we do not, if we approve the massive diversions of funds being sought now, we run the risk of seriously impairing the highway program without achieving any significant gains in high-capacity rail rapid transit.

The further task before the Congress is to identify and cultivate new sources of financial assistance for mass transit.

Since fiscal year 1962, the Congress has authorized and made available some $4.2 billion for public mass transportation programs under the Urban Mass Transportation Act of 1964. In my judgment, that is the proper Federal vehicle for such programs.

The Congress should develop new revenue sources for transit. We should not divert the highway trust fund.

If we do, if we open the door to the massive diversions now being proposed, we will run the further risk of creating a condition where the Urban Mass Transportation Administration may itself become dependent on the highway fund.

We will run the risk of tempering the effort that should be made to generate alternative revenue sources to meet those requirements.

To permit this kind of diversion to take place would be a disservice not only to our national highway needs but to our urban transit needs as well.

I urge that the amendment be rejected.

Mr. HATFIELD. Mr. President, I am pleased to support the amendment offered today to the Federal-aid highway legislation by Senator BAKER and Senator MUSKIE, as well as that offered by by Senator WEICKER and Senator KENNEDY.

In many urban areas of this country our automobile transportation system cannot be improved simply by building more and more freeways. On the contrary, more highways would simply add to the already severe congestion of the city centers. Therefore, I believe that urban centers should have the option of spending a portion of the highway trust fund on the development of mass transit systems. It is for this reason that I cast my vote in favor of the Baker-Muskie amendment.

I also feel that rural areas should have the option of utilizing their share of the highway trust fund for bus and rail transit systems. The Kennedy-Weicker amendment does not mandate this use of funds for mass transit purposes by rural areas; it merely gives such areas another tool to consider in developing transportation systems. These are decisions which should be made by the communities involved.

Mr. President, these amendments do not affect the interstate highway funds, nor do they disturb the balance provided by the Public Works Committee in the allocation of funds between States or between urban and rural areas. They simply provide flexibility and more decisionmaking by the communities as to the types of transportation systems they wish to develop.

Use of the highway trust fund moneys for mass transit purposes does not mean that our highway system needs no further improvement. I believe that our highway system should be expanded and made safer, and I do not believe these goals are in conflict with the development of mass transit where further freeways do not help.

Mr. TUNNEY. Mr. President, I would like to voice my strong support for the Muskie-Baker amendment to the Federal Aid-Highway Act of 1973 which I have joined in sponsoring. A similar amendment was adopted by the Senate last year.

This amendment would open up the highway trust fund to allow local areas to earmark up to $850 million for public transportation systems. These funds are crucial if we hope to come to grips with our pollution and transportation problems.

Year after year we spend billions of dollars to build new highways and thereby slab many big city neighborhoods under gravestones of solid cement.

Our cities must be liberated to use money from the Highway Trust Fund for public transit.

The State of California offers a prime example of the desperate need for these funds. On January 15, the Environmental Protection Agency proposed a drastic gas-rationing scheme which, if it were to be put into effect, would shut down the Los Angeles area. The EPA has stated that gas rationing is necessary to combat the pollution caused by the 6 million cars in the area. A severe curtailment of automobile use in southern California would be disastrous—indeed, outrageously impossible—if there is not a vast increase in mass transit. Presently, there are only 1,500 buses to accommodate the 10 million people in the basin. The Los Angeles traffic department estimates that while the average car in the downtown area carries only 1.5 persons, the average bus carries 40 to 50 people.

The concentration of funds on highway construction has led to a curtailment of public transit. In Los Angeles, the use of public transit has declined by more than 67 percent in the past 50 years, a drop of more than 500,000 riders per day.

Nor is the problem confined to Los Angeles. It has been reported that the EPA is considering gas rationing for 27 other metropolitan areas in 18 States. Yet, we continue to build highways, and pollute our air, jam our highways, and deplete our precious energy resources.

We are traveling a one-way road to disaster unless we quickly develop mass transportation which is cheap, efficient, and convenient for those who daily travel to work, school, or other vital destinations.

The amendment does not require that all cities have to conform to a single plan for providing transportation. But this amendment will allow urban areas which do need to implement mass transit systems to do so without losing money which otherwise go into highway construction. I think that this approach is vital in three ways:

First. It avoids building more highways where this is inconsistent with local needs; second, it provides much needed funding for local mass transit systems; third, it signals a break with our past by diversifying our approach to solutions of our transit problems.

The $850 million from the highway trust fund will not be a panacea for the multiple problems which our cities face, nor will it be the sole answer to our environmental and transportation needs. However, it will be a step in the right direction.

Using the highway trust fund to provide alternative transit systems for our cities is not a betrayal of our commitment to build and maintain decent highways for our citizens. Instead, it is a commitment toward building a rational, comprehensive, balanced transit system. Therefore, I strongly urge adoption of the Muskie-Baker amendment to the Federal-Aid Highway Act of 1973.

Mr. KENNEDY. Mr. President, I rise to speak in favor of the amendment offered by the distinguished Senator from Maine and the distingiushed Senator from Tennessee.

I believe that this amendment which would permit flexibility in the use of urban funds for rail mass transit in addition to bus transit or highways is critically needed by the Nation's cities.

My amendment would have accomplished this purpose as well as doing the same for rural areas. I am sorry that the Senate did not accept that amendment.

However, for the reasons that I offered in my amendment, I believe this amendment is absolutely necessary to restore some balance to the Federal financing of transportation. Earlier today, we approved operating expenses for Urban Mass Transit. I concur with that action and was a cosponsor.

But the basic element that continues to be lacking in this bill, is the ability for the local officials on the spot to decide how they will meet their transportation needs.

For today, we find then. being told, you may use Federal trust fund dollars only for building highways. Yet there is overwhelming documentation of the need for further rail mass transit expenditures.

There is a backlog of more than $4 billion from the Nation's cities for urban mass transit. There are as well stacks and stacks of studies showing more highways alone to be the wrong way for urban areas to solve their transportation problems.

Boston is a case in point. After a 33-month study of the interstate and urban highway program the Governor accepted the conclusions of the study and ordered a halt to further construction of those urban routes. And instead, and wisely, I believe, he recommended a massive transit as the foremost transportation priority.

In doing so, he did not decree an end to highway construction, in fact, he called for specific new highway construction. But the overall results was a reversal of the 3-to-1 ratio of highway expenditures to mass transit expenditures. For it was clear that the first priority was meeting mass transit needs and relieving the congestion on our streets and highways by providing travelers with adequate mass transit alternatives.

And I believe that all cities and all States should have the ability to decide for themselves on their transportation priorities, to develop a plan to meet those priorities and to find Federal funds available to implement those plans.

Passage of this amendment will provide that flexibility to urban areas.

Mr BENTSEN. Mr. President, I yield back the remainder of my time.

Mr. MUSKIE. Mr. President, I believe I have used up all my time.

The PRESIDING OFFICER. All time on this amendment has now been yielded back.

The question is on agreeing to the amendment of the Senator from Maine (Mr. Muskie).

On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. WILLIAMS (when his name was called). On this vote I have a pair with the distinguished Senator from Indiana (Mr. Bayh). If he were present and voting, he would vote "nay"; if I were at liberty to vote, I would vote "yea." I withhold my vote.

Mr. MAGNUSON (when his name was called). On this vote I have a pair with the distinguished junior Senator from Mississippi (Mr. Stennis). If he were present and voting, he would vote "nay"; if I were at liberty to vote, I would vote "yea." I withhold my vote.

Mr. ROBERT C. BYRD. I announce that the Senator from New Hampshire (Mr. McIntyre), the Senator from Missouri (Mr. Eagleton), and the Senator from Indiana (Mr. Bayh) are necessarily absent.

I also announce that the Senator from Mississippi (Mr. Stennis) is absent because of illness.

Mr. GRIFFIN. I announce that the Senator from Ohio (Mr. Saxbe) is necessarily absent.

The result was announced—yeas 49, nays 44, as follows:

[No. 37 Leg.]

YEAS—49

Abourezk
Aiken
Baker
Beall
Bennett
Biden
Brock
Brooke
Buckley
Case
Chiles
Church
Clark
Cranston
Dominick
Fong
Griffin
Hart
Haskell
Hatfield
Hathaway
Inouye
Jackson
Javits
Kennedy
Mathias
McGovern
Metcalf
Mondale
Moss
Muskie
Nelson
Nunn
Packwood
Pastore
Pearson
Pell
Percy
Proxmire
Ribicoff
Roth
Schweiker
Scott, Pa.
Stafford
Stevenson
Symington
Taft
Tunney
Weicker

NAYS—44

Allen
Bartlett
Bellmon
Bentsen
Bible
Burdick
Byrd, Harry F., Jr.
Byrd, Robert C.
Cannon
Cook
Cotton
Curtis
Dole
Domenici
Eastland
Ervin
Fannin
Fulbright
Goldwater
Gravel
Gurney
Hansen
Hartke
Helms
Hollings
Hruska
Huddleston
Hughes
Humphrey
Johnston
Long
Mansfield
McClellan
McClure
McGee
Montoya
Randolph
Scott, Va.
Sparkman
Stevens
Talmadge
Thurmond
Tower
Young

PRESENT AND GIVING LIVE PAIRS, AS PREVIOUSLY RECORDED—2

Williams, for
Magnuson, for.

NOT VOTING—5

Bayh
Eagleton
McIntyre
Saxbe
Stennis

So Mr. Muskie's amendment was agreed to.

Mr. MUSKIE. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. BAKER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 26

Mr. BELLMON. Mr. President, I send an amendment to the desk and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The second assistant legislative clerk proceeded to read the amendment.

Mr. BELLMON. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered; and, without objection, the amendment will be printed in the Record.

The amendment is as follows:

At the end of the bill add a new section as follows:

PROHIBITION OF IMPOUNDMENT

Sec. . No part of any sums authorized to be apportioned by the provisions of section 104 of title 23, United States Code, which have been appropriated by Congress for expenditure shall be impounded or withheld from obligation, for the purposes and projects as provided in that title, by an officer or employee of any department, agency, or instrumentality of the executive branch of the Federal Government, except such specific sums as may be determined by the Secretary of the Treasury, after consultation with the Secretary of Transportation, are necessary to be withheld from obligation for specific periods of time to assure that sufficient amounts will be available in the highway trust fund to defray the expenditures which will be required to be made from such fund.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. BELLMON. I yield.

Mr. MANSFIELD. Mr. President, I find myself in a somewhat embarrassing position, because I have indicated to some Senators on this side that the last vote would have been the last vote this evening. However, circumstances make it almost mandatory—if I may use the word advisedly—to consider this amendment at this time. It is an amendment which has been before us several times in past years.

I have discussed the matter with the distinguished Senator from Oklahoma, the distinguished Senator from West Virginia (Mr. Randolph), the distinguished Senator from Texas (Mr. Bentsen), who is managing the bill, and the distinguished Republican leader. So I hope the Senate will consider the circumstances and indulge me in making this request.

Mr. President, I ask unanimous consent that there be a time limitation of 10 minutes on the pending amendment—this is 5 minutes more than the distinguished Senator from Oklahoma asked for; and 20 minutes, 10 minutes to a side, the time to be equally divided between the manager of the bill and the sponsor of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BELLMON. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. The yeas and nays are ordered.

Mr. MANSFIELD. Mr. President, this will be the last vote tonight.

Mr. BELLMON. Mr. President, I yield to the distinguished Senator from West Virginia.

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

Mr. RANDOLPH. Mr. President, I appreciate the Senator from Oklahoma yielding to me.

I want the Record to disclose that last year the Cooper-Muskie amendment carried by 22 votes. The Muskie-Baker amendment today was carried by 5 votes. I do not disparage those who voted for the amendment, but I do commend those who voted against it. A number of Members obviously felt, on reconsideration, that the contents of the Muskie-Baker amendment did not constitute a meaningful response to the needs of urban rail mass transit. I am only sorry that more Members did not share this feeling. The reconsideration of this issue, however, provided the opportunity for a valuable debate and a thorough consideration of the questions raised.

It is important to remember, however, that it was the issue of utilizing highway funds for rail mass transit that led to an impasse in our conference last year with the House of Representatives. It was the inability to reach agreement last year that has brought us again to consideration of this matter today. It is my intention this year to work for the final enactment of a new highway law in adequate time to prevent the disruption of highway programs throughout the country.

The PRESIDING OFFICER. Who yields time?

Mr. BELLMON. Mr. President, I yield myself 3 minutes.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. BELLMON. Mr. President, this amendment, as the majority leader has said, has been before the Senate many times. I do not intend to delay this body unduly this evening. I simply would like to say that this amendment would end impounding of highway trust funds.

Many Senators who are Members of this body now were Members of this body when the trust fund was established, and I believe it was not the intent of Congress when it set up the trust fund that this President or any President could impound these funds and interrupt the highway system.

My information is that at the present time there are $2.5 billion of highway trust funds impounded, and this measure would have the effect of releasing those funds and starting the orderly flow of this fund back to the States, so the States could build the system in an orderly fashion.

I hope the amendment will receive the approval of the Senate today.

The purpose of this amendment is to prohibit the executive branch from further frustrating the legislative purpose of the Federal Highway Act by impounding money from the highway trust fund. Its language is simple and direct. The amendment basically provides that:

> No highway trust funds which have been appropriated by Congress for expenditure shall be impounded or withheld from obligation . . . by an officer or employee of any department, agency, or instrumentality of the Executive Branch of the Federal Government.

This amendment has an interesting history. This is not the first time the Senate has undertaken to stop this impoundment practice. My distinguished colleague from West Virginia and chairman of the Public Works Committee, Senator Randolph, and I first proposed as cosponsors almost identical language as an amendment to the temporary debt ceiling bill on June 30, 1972. Many Senators joined then in urging its enactment. After considerable discussion in support of this amendment, it was withdrawn due to the urgent demand for enactment of the debt ceiling bill. It was reintroduced as a bill in August 1972, and again this session on January 31, 1973. On both occasions over 20 Senators, representing both parties and all sections of the country, joined as cosponsors of this measure.

Today, I am pleased that my distinguished colleagues Senators Bartlett, Ervin, Fulbright, Hartke, Humphrey, McGee, Metcalf, Mondale, Schweiker, and Thurmond have joined as cosponsors of this amendment, which will, in effect, alter the language of section 103(c) of title 23, which states that it is the "sense of Congress" that highway trust funds not be impounded or withheld from obligation. The Senate will, by adopting this amendment, go beyond simply expressing the "sense of Congress" by literally mandating that no funds shall be impounded. Judging from prior executive conduct, I am firmly convinced that such a change is absolutely essential in order to secure orderly and effective administration of the trust fund.

Some may ask: What is the need for this amendment, and why should the Senate act now to clarify the legislative intent of the Federal Highway Act? Let me explain by briefly reviewing the record. The practice of refusing to permit States to enter into highway construction contracts to the extent authorized by Congress was initiated in fiscal year 1967. The Director of the Bureau of the Budget ordered the reduction of obligational authority under the Federal highway program by $700 million, with an additional reduction of $600 million ordered on January 23, 1968, for calendar year 1968. Another withholding occurred in fiscal year 1971, when the $5.4 billion congressional authorization was reduced to $4.6 billion.

Although this reduction was partially in response to a congressional spending ceiling, it was also the direct result of fiscal policies announced by the President on July 18, 1970. Finally, for fiscal year 1972 and fiscal year 1973, further reductions in obligational authority were made until today there are 2.5 billion impounded Federal aid funds for highway construction. It is apparent that this is a long standing impoundment practice, not unique or confined to the present administration.

One thing is certain—this executive intrusion has had a devastating impact. First and foremost, such an impoundment practice represents a direct violation of the "separation of powers" doctrine. Congress has been given by the Constitution the legislative power, including the power under article 1, section 9, to appropriate funds. The executive branch is given no role to play in the legislative process other than to recommend legislation and a limited veto power. In addition, the President is required by article II, section 3 of the Constitution "to take care that the Laws be faithfully executed." In my view, it would be extremely difficult to formulate a constitutional theory to justify a refusal by the President to comply with the congressional directive to apportion money from the highway trust fund as enumerated in the Federal Highway Act.

Second, such a practice contributes significantly to the rapidly increasing cost of highway construction. And now that the Senate Public Works Committee has expanded the availability of trust funds for other forms of transit, it too will be faced with this inflationary spiral. Let me illustrate: from 1956, when the act was originally initiated, through 1970, highway construction costs rose by more than 41 percent. Certainly any further delay in full funding for either our interstate, primary and secondary roads or urban programs will only mean that additional expenditures must eventually be made.

In addition, completion of our interstate highways, the building of better primary and secondary roads, and improvement of our urban system is imperative if we are to reduce the slaughter which is presently taking place on our Nation's highways. The fatality rate on the Interstate System now stands at 2.9 for every 100 million miles of vehicle travel, while the rate on older, more congested roads is 5.7. The U.S. Department of Transportation estimates that when completed the 42,500-mile Interstate System will save 8,300 lives each year. It is a national disgrace that more than 55,000 persons lose their lives each year on our Nation's highways. Proper and orderly funding of our transportation program is essential if we are to reduce the number of lives presently being lost on our Nation's highways.

In addition, highway trust fund impoundment has meant construction delays resulting in periodic unemployment for literally thousands of highway workers. Not only Oklahoma, but almost every State has felt at some time the severe economic consequences of this practice.

Senator Metcalf illustrated the problems well in his Senate statement on August 3, 1972, when he stated:

> Due to the 35 percent reduction of highway construction in Montana over the past two years there has been extensive and wide ranging unemployment.

In one county the unemployment rate increased from 4 to 9 percent in 1 month. Senator Metcalf stated that failure of the executive to "use funds duly apportioned and appropriated has caused economic chaos in Montana."

What possible authority or legal justification does the executive branch have to indulge in the withholding of obligational authority from the States? Certainly none as far as I am concerned. The administration apparently believes this practice is necessary in order to prevent further inflation. In search of its goal, the executive branch, by using its power of the purse to thwart the will of Congress, must have forgotten the rapidly increasing cost of construction, the disruptive economic impact of unemployment, and the literally thousands who lose their lives due to poor and inadequate roads.

The Congress has gone on record on several different occasions to express the sense of this body that this practice be stopped. Up to now the executive branch has ignored the will of the Senate and continues to impound the funds.

Members of the Senate must be aware that a Federal district court in Missouri recently held that the executive branch has unlawfully impounded that part of the highway trust fund which should be apportioned to the State of Missouri. The U.S. District Court for the Western District of Missouri ruled on June 12, 1972, in the case of Missouri Highway Commission against Volpe that the Secretary of Transportation and the Director of the Office of Management and Budget do not have discretion under the Federal Aid Highway Act of 1956 to impound trust monies except for very specific reasons. The case was argued on appeal on January 10, 1973, before the U.S. Court of Appeals for the Eighth Circuit in St. Louis and a decision is currently pending.

Judge Becker, in the lower court's opinion, found that the withholding of funds from obligational authority was not "within the lawful discretion of the Secretary." He further stated that:

> The reasons advanced by the Secretary for the current and past withholding of obligational authority are foreign to the standards and purposes of the Act and Fund.

It may be argued that the Senate should await the ultimate outcome of this case. In my view, this would be a mistake, due to the many possible variables. Regardless of the circuit court's decision, this case will undoubtedly be appealed to the Supreme Court. The Court may refuse to hear the case on the basis that it represents a "political question:" not to be decided by the court.

If it does accept the case, it may take months for a decision and even then we are not certain of the results. There is just too much uncertainty, too many factors which could go wrong, for the Congress to sit this one out, and refuse to act. Let the Senate act now to finally set the record straight, upon the enactment of this new highway program. Let us insure that the expanded transportation program provided by S. 502 is properly funded. Let the Senate assert its will to end stop-and-go financing, which not only thwarts the will of Congress but has caused economic disruption in every State.

It is time that the Congress required that funds appropriated be expended in an orderly way for the purpose intended. It is time that Congress reasserted its proper role in the appropriations process. It is time that Congress acted to regain its rightful place as a coequal partner in Government.

Mr. AIKEN. Mr. President, will the Senator yield?

Mr. BELLMON. I yield.

Mr. AIKEN. Does the Senator's amendment mean that the full amount should be expended promptly, or would it depend on such a situation as President Johnson found himself in? The operators of road machines might be demanding $20 an hour. Of course, in President Johnson's time many operators were demanding $10 an hour which was rather excessive at that time, and the work was slowed up for 3 or 4 months, to have an orderly construction program.

Mr. HANSEN. Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will be in order.

Mr. AIKEN. Would the Senator's amendment prevent a slowdown as President Johnson put into effect to keep the program from going hog wild?

Mr. BELLMON. All this amendment would do would be to require that these funds be apportioned to the States in an orderly manner. They are not spent directly by the Federal highway authority, in any event. They are turned over to the States and they decide when to spend them, and I am sure they will not allow the program to be conducted in a wasteful manner.

Mr. AIKEN. I was pointing out the problem that President Johnson ran into and it could easily happen again at any time. I realize that even though the funds are all allocated to the States yet the construction contracts have to have Federal approval.

By withholding approval the executive branch could still hold up expenditures for a long, long time. Requiring that all funds be allocated without delay simply means that these funds would just be tied up.

Mr. BELLMON. Mr. President, I reserve the remainder of my time.

Mr. BENTSEN. Mr. President, I yield myself 5 minutes.

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mr. BENTSEN. Mr. President, it is with great reluctance that I oppose the amendment introduced by the Senator from Oklahoma. All of the members of the Committee on Public Works are deeply concerned with the practice of this administration and its predecessor of withholding of highway funds.

Members of the Senate have on many occasions expressed their deep concern and firm opposition to this practice. But under the circumstances that now exist with a case having been argued in the court of appeals in Kansas City this past January, where the chairmen of 15 committees of the Senate are on a brief as friends of the court, I think any action which we take today would cloud the clarity of our legal position in opposition to impounding.

If we adopt the amendment as proposed by Senator BELLMON, we run the risk of having the court find that Congress was so unsure of the President's lack of authority to impound in the past that it has for the future removed any question; or if in order to protect our position as litigants, we reject the amendment, then it could be argued that in rejecting the amendment, the Senate was upholding the President's authority to impound. I believe we are left with an impossible situation if the Senate pursues this amendment. I request that he withdraw it so that the court can reach its decision on the merits of the case without any clouding by our subsequent action. If the Senator feels he must pursue his amendment, then I must ask the Senate to join with me in opposing it with the understanding that our opposition is not a confirmation of Presidential authority to impound, but rather that under existing law, the President clearly has no authority to impound funds as long as there are sufficient sums in the highway trust fund to liquidate those obligations.

Mr. President, in effect we are in the position of saying, if we pass this amendment, "Mr. President, we really meant it when we passed amendments and appropriated these funds." He says, "Yes, I really meant it when I impounded."

The matter is now before the court and we should leave it to them.

Mr. BELLMON. Mr. President, I understand and appreciate the argument of the distinguished Senator from Texas. But the fact is that nothing we are about to do here today is going to confuse the court. The language in the law already states that:

> It is the sense of Congress that under existing law no part of any sums authorized to be appropriated for expenditure under any Federal-aid system which has been apportioned pursuant to the provisions of this title shall be impounded or withheld from obligation.

The law says "It is the sense of Congress." We are now taking out the "sense of Congress" language and saying it shall be unlawful for the President to impound these funds.

The fact is, as the Senate knows, the matter is before the circuit court and regardless of what they find, it will in all likelihood go to the Supreme Court and it will be tied up for months, if not years. I would like to see the matter cleared up.

Mr. BAKER. Mr. President, will the Senator yield?

Mr. BENTSEN. I yield.

Mr. BAKER. Mr. President, I confess at the outset that I am reluctant to support the Bellmon amendment, but I intend to do so.

One of the first colloquies I engaged in after coming to the Senate was in opposition to the impoundment of highway trust funds by President Johnson. I have contended all along that the generic nature of the trust fund and the statute make it clear that this is one of the few cases of cash and carry we have left in Government. The matter is in the courts and I am encouraged that the District Court for the Western District of Missouri rendered a decision favorable to the Bellmon contention.

I do not want to vote against the Bellmon amendment and create the impression that Congress does not agree with the amendment's point of view. The reason I am reluctant to support the proposal, even though I am going to do so, is that Congress has not faced up to its fiscal responsibilities until we have a congressional coordinating agency similar to OMB to perform a review of the fiscal impact of our appropriations, not unlike the environmental impact review required by the National Environmental Policy Act, under NEPA I feel we will not get out of the economic thicket we are in.

I hope we will supply the fiscal restraint and the discipline we must have if we are to relieve the President of the fiscal burdens we have placed on him in the last several years, burdens which have given rise to the impoundment controversy.

I am going to support the amendment because I want to keep intact the cash-and-carry nature of the highway trust fund. I am going to support the amendment with reluctance, because I do not think we have faced our own fiscal responsibility.

Mr. BELLMON. Mr. President, I am ready to yield back the balance of my time.

Mr. BENTSEN. Mr. President, if the Senator from Oklahoma is ready to yield back his time, I yield back my time.

The PRESIDING OFFICER. All time on the amendment is yielded back.

Mr. BENTSEN. Mr. President, I move to lay the amendment on the table.

I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to lay on the table the amendment of the Senator from Oklahoma. The yeas and nays have been ordered, and the clerk will call the roll.

Mr. BAKER. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. BAKER. We are voting now on the motion to table the Bellmon amendment. Is that correct?

The PRESIDING OFFICER. That is correct; the vote is on the motion to table the Bellmon amendment.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. MANSFIELD (when his name was called). On this vote I have a pair with the distinguished senior Senator from Rhode Island (Mr. PASTORE). If he were present and voting, he would vote "yea." If I were permitted to vote, I would vote "nay." Therefore, I withhold my vote.

The rollcall was concluded.

Mr. ROBERT C. BYRD. I announce that the Senator from Indiana (Mr. BAYH), the Senator from Missouri (Mr. EAGLETON), the Senator from New Hampshire (Mr. MCINTYRE), the Senator from Arkansas (Mr. FULBRIGHT), the Senator from Rhode Island (Mr. PASTORE), the Senator from Connecticut (Mr. RIBICOFF), and the Senator from Georgia (Mr. TALMADGE) are necessarily absent.

I also announce that the Senator from

Mississippi (Mr. Stennis) is absent because of illness.

Mr. GRIFFIN. I announce that the Senator from New York (Mr. Buckley), the Senator from Ohio (Mr. Saxbe), and the Senator from Virginia (Mr. Scott) are necessarily absent.

The result was announced—yeas 29, nays 59, as follows:

[No. 38 Leg.]

YEAS—29

Aiken
Allen
Bennett
Bentsen
Brock
Byrd, Harry F., Jr.
Byrd, Robert C.
Cotton
Curtis
Domenici
Dominick
Eastland
Fannin
Fong
Goldwater
Gravel
Griffin
Hansen
Helms
Hruska
Johnston
Long
Pell
Proxmire
Roth
Scott, Pa.
Stafford
Taft
Tower

NAYS—59

Abourezk
Baker
Bartlett
Beall
Bellmon
Bible
Biden
Brooke
Burdick
Cannon
Case
Chiles
Church
Clark
Cook
Cranston
Dole
Ervin
Gurney
Hart
Hartke
Haskell
Hatfield
Hathaway
Hollings
Huddleston
Hughes
Humphrey
Inouye
Jackson
Javits
Kennedy
Magnuson
Mathias
McClellan
McClure
McGee
McGovern
Metcalf
Mondale
Montoya
Moss
Muskie
Nelson
Nunn
Packwood
Pearson
Percy
Randolph
Schweiker
Sparkman
Stevens
Stevenson
Symington
Thurmond
Tunney
Weicker
Williams
Young

PRESENT AND GIVING A LIVE PAIR, AS PREVIOUSLY RECORDED—1

Mansfield, against.

NOT VOTING—11

Bayh
Buckley
Eagleton
Fulbright
McIntyre
Pastore
Ribicoff
Saxbe
Scott, Va.
Stennis
Talmadge

So the motion to lay on the table the Bellmon amendment was rejected.

Mr. MANSFIELD (after having voted in the affirmative). On this vote I have a pair with the Senator from Rhode Island (Mr. Pastore). If he were present and voting he would vote "yea." If I were at liberty to vote, I would vote "nay," even though I have already voted in the affirmative.

Mr. ROBERT C. BYRD. I announce that the Senator from Indiana (Mr. Bayh), the Senator from Missouri (Mr. Eagleton), the Senator from Arkansas (Mr. Fulbright), the Senator from Alaska (Mr. Gravel), the Senator from New Hampshire (Mr. McIntyre), the Senator from Rhode Island (Mr. Pastore), the Senator from Connecticut (Mr. Ribicoff), and the Senator from Georgia (Mr. Talmadge) are necessarily absent.

I also announce that the Senator from Mississippi (Mr. Stennis) is absent because of illness.

Mr. GRIFFIN. I announce that the Senator from New York (Mr. Buckley), the Senator from Nebraska (Mr. Curtis), the Senator from Arizona (Mr. Goldwater), the Senator from Ohio (Mr. Saxbe), and the Senator from Virginia (Mr. Scott) are necessarily absent.

The result was announced—yeas 64, nays 21, as follows:

[No. 39 Leg.]

YEAS—64

Abourezk
Baker
Bartlett
Beall
Bellmon
Bible
Biden
Brooke
Burdick
Byrd, Harry F., Jr.
Byrd, Robert C.
Cannon
Case
Chiles
Church
Clark
Cook
Cranston
Dole
Eastland
Ervin
Gurney
Hart
Hartke
Haskell
Hatfield
Hathaway
Hollings
Huddleston
Hughes
Humphrey
Inouye
Jackson
Javits
Johnston
Kennedy
Long
Magnuson
Mathias
McClellan
McClure
McGee
McGovern
Metcalf
Mondale
Montoya
Moss
Muskie
Nelson
Nunn
Packwood
Pearson
Pell
Randolph
Schweiker
Sparkman
Stevens
Stevenson
Symington
Thurmond
Tunney
Weicker
Williams
Young

NAYS—21

Aiken
Allen
Bennett
Bentsen
Brock
Cotton
Domenici
Dominick
Fannin
Fong
Griffin
Hansen
Helms
Hruska
Percy
Proxmire
Roth
Scott, Pa.
Stafford
Taft
Tower

PRESENT AND GIVING A LIVE PAIR, AS PREVIOUSLY RECORDED—1

Mansfield, against.

NOT VOTING—14

Bayh
Buckley
Curtis
Eagleton
Fulbright
Goldwater
Gravel
McIntyre
Pastore
Ribicoff
Saxbe
Scott, Va.
Stennis
Talmadge

So Mr. Bellmon's amendment was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment.

Mr. BELLMON. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. BAKER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. ROBERT C. BYRD. Mr. President, there will be no further action on this bill tonight.

BOARD OF VISITORS OF THE U.S. AIR FORCE ACADEMY—APPOINTMENTS BY THE VICE PRESIDENT

The PRESIDING OFFICER. The Chair, on behalf of the Vice President, pursuant to Public Law 84–1028, appoints the following Senators to the Board of Visitors to the U.S. Air Force Academy: The Senator from Colorado (Mr. Dominick), the Senator from Nevada (Mr. Bible), the Senator from Oklahoma (Mr. Bellmon), and the Senator from Colorado (Mr. Haskell).

BOARD OF VISITORS OF THE U.S. NAVAL ACADEMY—APPOINTMENTS BY THE VICE PRESIDENT

The PRESIDING OFFICER. The Chair, on behalf of the Vice President, pursuant to Public Law 80–816, appoints the following Senators to the Board of Visitors to the U.S. Naval Academy: The Senator from Georgia (Mr. Nunn), the Senator from New Mexico (Mr. Montoya), the Senator from Maryland (Mr. Mathias), and the Senator from Oklahoma (Mr. Bartlett).

BOARD OF VISITORS OF THE U.S. MILITARY ACADEMY—APPOINTMENTS BY THE VICE PRESIDENT

The PRESIDING OFFICER. The Chair, on behalf of the Vice President, pursuant to Public Law 84–1028, announces the appointment of the following Senators to the Board of Visitors to the U.S. Military Academy: The Senator from Arizona (Mr. Goldwater), the Senator from Wyoming (Mr. McGee), the Senator from Alaska (Mr. Stevens), and the Senator from Delaware (Mr. Biden).

ORDER FOR RECOGNITION OF SENATORS ERVIN AND HELMS TOMORROW

Mr. ROBERT C. BYRD. I ask unanimous consent that on tomorrow following the orders previously entered, the distinguished senior Senator from North Carolina (Mr. Ervin) be recognized for not to exceed 10 minutes, and that he be followed by the distinguished junior Senator from North Carolina (Mr. Helms) for not to exceed 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR TRANSACTION OF ROUTINE MORNING BUSINESS TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that at the conclusion of all orders for the recognition of Senators tomorrow there be a period for the transaction of routine morning business for not to exceed 30 minutes, with statements limited therein to 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR CONSIDERATION OF UNFINISHED BUSINESS TOMORROW

Mr. ROBERT C. BYRD. I ask unanimous consent that at the conclusion of routine morning business tomorrow the Senate proceed to the consideration of the unfinished business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SPARKMAN. Mr. President, will the Senator yield?

Mr. ROBERT C. BYRD. Yes; I yield.

Mr. SPARKMAN. Is there any estimate as to how long this bill will require tomorrow?

Mr. ROBERT C. BYRD. Mr. President, I cannot answer the distinguished Senator, except to say there are at least four more amendments that I know about, on one of which there is a 2-hour limitation; on another one there is a 1-hour limitation; on the other two, there is no limitation.

Mr. SPARKMAN. Is it contemplated that following the conclusion of the pending business, the economic stabilization bill will be called up?

Mr. ROBERT C. BYRD. That is the present intention of the leadership.

Mr. SPARKMAN. Would the Senator suggest whether or not we can complete that bill tomorrow?

Mr. ROBERT C. BYRD. I should think it would be pretty late if we got to it tomorrow.

Mr. SPARKMAN. If we do not get to it tomorrow, is it contemplated it will be called up Friday?

Mr. ROBERT C. BYRD. That is the present intention of the leadership.

Mr. GRIFFIN. Will the distinguished assistant majority leader yield?

Mr. ROBERT C. BYRD. I yield.

Mr. GRIFFIN. May I ask the distinguished chairman of the Banking and Currency Committee when the bill and the report on that legislation will be available?

Mr. SPARKMAN. It was filed today.

Mr. GRIFFIN. I thank the Senator very much.

Mr. SPARKMAN. They should be on our desks in the morning. We hope that by Tuesday we can have the gold devaluation bill reported. That bill was cleared in our committee, but we referred it to the Foreign Relations Committee because, as the Senator knows, of the obligation to make payments to the various international organizations to make up for the lost amounts. The Foreign Relations Committee, as the Senator knows, voted that bill out today with the understanding that one Senator, Senator SYMINGTON, wants to file separate views.

After talking with the majority leader, it was suggested we have that bill reported by Monday. Therefore, it should be ready for action by the Senate on Tuesday.

Mr. GRIFFIN. I thank the distinguished Senator.

ORDER FOR ADJOURNMENT TO 11 A.M., THURSDAY

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 11 o'clock tomorrow morning.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR ADJOURNMENT FROM THURSDAY UNTIL FRIDAY, MARCH 16, 1973

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business tomorrow, it stand in adjournment until 12 o'clock noon on Friday.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR TALMADGE ON FRIDAY

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that following the recognition of the two leaders or their designees on Friday, the distinguished Senator from Georgia (Mr. TALMADGE) be recognized for not to exceed 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR THURMOND TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that tomorrow, following the remarks of the distinguished junior Senator from North Carolina (Mr. HELMS), the distinguished senior Senator from South Carolina (Mr. THURMOND) be recognized for not to exceed 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER WITH RESPECT TO CONSIDERATION OF UNFINISHED BUSINESS TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that tomorrow the unfinished business not be laid before the Senate until the completion of all the orders previously entered into for the recognition of Senators.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. ROBERT C. BYRD. Mr. President, the Senate will convene tomorrow at 11 a.m.

After the two leaders or their designees have been recognized under the standing order, the following Senators will be recognized for not to exceed 15 minutes each and in the following order: Mr. MANSFIELD, Mr. ROBERT C. BYRD, Mr. JACKSON, Mr. RIBICOFF, Mr. JAVITS, Mr. GURNEY, and Mr. HARRY F. BYRD, JR.

Then Mr. ERVIN will be recognized for 10 minutes.

Mr. HELMS will then be recognized for 5 minutes. Then Mr. THURMOND will be recognized for 15 minutes.

There will then be a period for the transaction of routine morning business, not to exceed 30 minutes, with statements therein limited to 5 minutes each, after which the Senate will resume its consideration of the unfinished business, S. 502, the Federal highway bill.

Yea-and-nay votes are expected on amendments.

It is hoped that final action will occur on the highway bill tomorrow.

ADJOURNMENT TO 11 A.M.

Mr. ROBERT C. BYRD. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 11 a.m. tomorrow.

The motion was agreed to; and at 6:57 p.m., the Senate adjourned until tomorrow, Thursday, March 15, 1973, at 11 a.m.

NOMINATIONS

Executive nominations received by the Senate, March 14, 1973:

DEPARTMENT OF COMMERCE

Betsy Ancker-Johnson, of Washington, to be an Assistant Secretary of Commerce, vice James H. Wakelin, Jr., resigned.

IN THE ARMY

The following-named officer to be placed on the retired list in grade indicated under the provisions of title 10, United States Code, section 3962:

To be lieutenant general

Lt. Gen. William Joseph McCaffrey, [redacted] Army of the United States (major general, U.S. Army).

The following-named officer under the provisions of title 10, United States Code, section 3066, to be assigned to a position of importance and responsibility designated by the President under subsection (a) of section 3066, in grade as follows:

To be lieutenant general

Maj. Gen. Gilbert Hume Woodward, [redacted] Army of the United States (major general, U.S. Army).

IN THE MARINE CORPS

The following-named officers of the Marine Corps for temporary appointment to the grade of brigadier general:

Nolan J. Beat
Edward A. Parnell
Thurman Owens
Edward B. Meyer
William J. White
Noah C New
Harold L. Coffman
Maurice C. Ashley, Jr.

CONFIRMATION

Executive nomination confirmed by the Senate, March 14, 1973:

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Floyd H. Hyde, of California, to be Under secretary of Housing and Urban Development.

H. R. Crawford, of the District of Columbia, to be an Assistant Secretary of Housing and Urban Development.

Sol Mosher, of Missouri, to be an Assistant Secretary of Housing and Urban Development.

Michael H. Moskow, of New Jersey, to be an Assistant Secretary of Housing and Urban Development.

James L. Mitchell, of Illinois, to be General Counsel of the Department of Housing and Urban Development.

NATIONAL CREDIT UNION BOARD

Lorena Causey Matthews, of Tennessee, to be a Member of the National Credit Union Board for a term expiring December 31, 1978.

FOREIGN CLAIMS SETTLEMENT COMMISSION OF THE UNITED STATES

Lyle S. Garlock, of Virginia, to be a member of the Foreign Claims Settlement Commission of the United States for the term of 3 years from October 22, 1972.

FEDERAL MEDIATION AND CONCILIATION SERVICE

Willie J. Usery, Jr., of Georgia, to be Federal Mediation and Conciliation Director.

(The above nominations were approved subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

U.S. CIRCUIT COURTS

Joseph F. Weis, Jr., of Pennsylvania, to be a U.S. circuit judge, Third Circuit.

U.S. DISTRICT COURTS

Herbert A. Fogel, of Pennsylvania, to be a U.S. district judge for the Eastern District of Pennsylvania.